(Sh.i H. Hanumanthappa)

lowing you. lease sit down. (Interruptions)... No, no. (Interruptions)...

SHRI S. VIDUTHALAI VIRUMBI: *

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Your own Member was disturbing you. Please sit down. (Interruptions)... I am not allowing you. (Interruptions)...

SHRI S.K. T RAMACHANDRAN:*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Mr. Ramachandran, please sit down. (Interruptions)... Nothing is going on record. am not allowing anything to go on record. (Interruptions)... No, no. Please sit down. When I am standing you should sit down. (Interruptions)... Please sit down. (Interruptions)...

SHRI S. VIDUTHALAI VIRUMBI: *

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Mr. Ganesan, please sit down. (Interruptions)...
Mr. Ramachandran, please sit down. (Interruptions)... No cross-talks. Please sit down. (Interruptions)....

SHRI S. VIDUTHALAI VIRUMBI; •

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA). I am not allowing you. Please sit down. (Interruptions)... Nothing is going on record. No Enough. Please.

We will now take up the Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 1992 Yes, Minister. No cross-talk. Mr. Virumbi, please sit down. (Interruptions). I have called the Minister. (Interruptions) Please sit down. Mr. Virumbi, you can't disturb the House like this. Please sit down. You can't disturb the proceedings of the House, (Interruptions). It is over Mr. Virumbi, you came and approached the Chair that you wanted

to say something. I have permitted and you have made your point. But your colleagues are indulging in cross-talks. (Interruptions). Please sit down. Will you please sit down? I have already called the Minister. Mr. Ramachandran, please sit down Please keep quiet (Interruptions). Will you listen to the Chair? You are not allowed. What you wanted to go on record, that is recorded, but not this. Please don't disturb proceedings. Mr. Ramachandran. please sit down Don't force the Chair. (Interruptions). Please \mathbf{sit} down.

THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT BILL, 1992.

THE MINISTER OF URBAN DEVE. LOPMENT (SHRIMATI SHEILA KAUL): Sir, I beg to move:

"That the Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, be taken into consideration."

Sir, I rise to move in this August House amendments to the Public Premises Act, 1971, for consideration and passing.

The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 was enacted to provide for the eviction of unauthorised occupants from public premises including the premises of Government companies and those of corporations established by Central Acts and organisations specified in the Act.

Various State Governments have approached the Government of India for bringing their premises situated within Delhi and other Union Territory limits also within the purview of this Act since they have been finding it difficult to evict unauthorised occupants from their premises. The available legal provisions have been found to be very dilatory and time-

^{*}Not recorded.

consuming. It is proposed to accede to these requests and include the premises of State Governments situated in Delhi and other Union Territories within the definition of "Public Premises" by amending Section 2(e) of the Act.

The Government of India have also experienced difficulties in evicting temporary allottees in quest houses, hostels, tourist homes and various other premises coming under the purview of the Central Government, Union Territories and statutory authorities including hostel accommodation under the control of the two House Committees in Delhi.

The Government of India, therefore, after carefully examining various aspects, have proposed that summary procedure for eviction of such unauthorised occupants with a shorter notice than the existing one has to be provided to enable the Government to ensure continuous availability of such hostel accommodation and to prevent their being unauthorisedly converted into long-term occupancy. A new Section (Section 3A) has, therefore, been proposed in the Bill to achieve this objective. Enabling amendments consegment to these smendments have also been proposed in Section 2 and Section 18.

I rewegst that the Bill may be passed since the objectives are unexceptionable and the amendments intento provide for better enforcement of the Act.

I now move the Bill for consideration and passing by the House

The quesion was proposed.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Now the motions is moved. We will continue discussion on this BiH after lunch. The House is adjourned for lunch till 2.30 p.m.

The House then adjorned for lunch at thirty minutes past one of the clock.

The House reassembled after lunch at thirty-three minutes past two of the clock, The Vice-Chairman (Shrimati Jayanthi Natarajan) in the Chair.

THE PUBLIC PREMISES (EVICTION OF UNAUHORISED OCCU-PAN'S) AMENDMENT BILL. 1992 —Contd.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN):
We shall now take up the Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 1992.

श्री महेश्वर सिंह: (हिमाचल प्रदेश): उपसभाध्यक्ष महोदया, जो पब्लिक प्रेमिसेज ग्रमेंडमेंट बिल 1992 मंत्री महोदया ने इस माननीय सदन में चर्चा ग्रीर पारित करने हेतु प्रस्तुत किया है, उस गर बोलने के लिये मैं खड़ा हुआ हू । इस विधयक के उद्देश्यों में मंत्री महोदया ने कहा है कि आज जो प्रादेशिक सरकारें हैं, उन्होंने सरकार से आग्रह किया है कि उनकी जो सम्पत्ति ग्राज दिल्ली ग्रौर केंद्र शासित प्रदेशों में है, वह इस विधेयक की परिभाषा में नहीं माती, इसलिये उनको इस विधेयक की परिभाषा में लाने के लिये यह संशोधन ग्रनिवाय है । ग्रनुच्छेद 3 में उन्होने यह भी कहा है कि आज दिल्ली में स्थित जो सरकार के गेस्ट हाउस हैं श्रोर जो विभिन्न सासदों की ग्रनुशंशा पर उनके त्रितिस्थियों को कुछ समय के लिये दिये गये थ ग्राज उनको खाली करवाना भी सरकार के लिये एक टेढी खीर बन गया है । इसलिये भी यह संशोधन ग्रावश्यक है। उन्होंने यह भी कहा है कि ग्राज जो ऐसे भवनों को खाली करवाने की प्रकिया है, उसको छोटा करने की ग्राविश्यकदा वै भीए इस समय जो इसे प्रक्रिया में स्वेतीस का प्रावधान है उसकी भी समाप्त करने की बात की गयी है।

श्री महत्रवर सिंह जहां तक इस विधेयक को लाने के उद्देश्य का संबंध है, मैं इसका समर्थन करता हुं। लेकिन साथ ही मैं नम्र निवेदन करना चाहंगा कि 1971 सेले कर **भा**पके पास यह विधेयक पड़ा था, क्या इसका कभी कडाई से पालन किया गया? म्राज यह विधेयक पारित हो जाएगा उस पर सरकार कडाई से पालन करने में सक्षम है या नहीं, इस पर मुझे शंका है। ग्राज दिल्ली में सांसदों के लिए लगभग 800 बंगले स्रौर फ्लेटस ईयरमारकड हैं भ्रौर दोनों सदन के सदस्यों की संख्या कुल मिल कर के 790 से ऊपर नहीं जाती है । तो मैं यह जानना चाहंगा कि क्या कारण है कि ग्राज भी कई संसद सदस्य ऐसे हैं जिनको समय पर बंगला ग्रलाट नहीं होता, फ्लैट ग्रलाट नहीं होता । मै श्रापसे माध्यम से मंत्री महोदया से यह जानना चाहुंगा कि क्या भृतपूर्व संसद सदस्य ग्रीर मंत्री भी इस विधेयक की परिध में ग्राएंगे या नहीं ग्राएंगे ग्राज ग्रार इस विधेयक का कहीं उल्लंघन हुम्रा है, स्राज म्रगर किसी ने नियमों का सब से ज्यादा उल्लंघन किया है तो मैं श्रापंते माध्यम से नम्य निवेदन करना चाहूंगः कि वह उन्हीं के दल के लोग हैं । शाज जो सरकारी बंगले विभिन्न राजनी कि दलों ने जनरल पूल से कराये पर लिये हैं उनकी स्थिति भी 1990 के आंकड़े जो मेरे पास है, वह इस प्रवार है। लगभग 11 बंगले कांग्रेस दल के पास हैं। इन सरकारी बंगलों का जो किराया विभिन्न राजनीतक दलों से देय था वह 8 लाख रुपये बनता था ग्रीर इस ग्राठ लाख की राशि में से केवल कांग्रेस के जिम्मे उस समय 5,85,530 रुपये बनते थे । सब से कम भारतीय जनता पार्टी के जिम्मे बनता था, केवलमात 185 ध्पये । श्राज मैं समझता हं कि शायद भारतीय जनता पार्टी के जिम्मे एक भी पैसा देय नहीं होगा। इसका श्रेय हमारी पार्टी के नेताओं को जाता है क्योंकि भारतीय जनता पार्टी एक अनुशासित दल है। इसलिए नियमों का पूरा पूरा तरीके से पालन किया जाता है। 1992 के सर्वेक्षण के अनुसार इस समय 450 ऐसे केसेज हैं जो

सबलेटिंग के सरकार के ध्यान में ब्राए से मैं यह भी जानना चाहंगा कि ऐ सबलेटिंग के केसेज में सरकार ने आज तक क्या कार्यवाही की है ? जैसे मैं कह रहा था कि इस समय 800 बंगले ग्रौर फ्लैट सांसदों के लिए ग्रीर मंत्रियों के लिए जब ईयरमारक्ड हैं तो यह समस्या क्यों? यहां एक प्रश्न पूछा गया था, उस प्रश्न के उत्तर में मंत्री महोदया ने कहा था कि 46 पूर्व सांसद भौर मंत्री ऐसे हैं जिन्होंने अवैध रूप से आज भी बंगलों पर कब्जा कर रखा है । उस लिस्ट को जब मैंने देखा तो उस में कई ऐसे नाम हैं जिनको हम भलीभांति जानतेहैं। वह भी ग्राज ग्रवैध रूप से बैठे हैं। मुझे लगता है कि सरकार ने किसी न किसी बहाने से उनका वहां रहना रेगुलराइज कर दिया है । इसलिए यह सूची जो है केवल मात्र 46 नामों की हैं। हैरानी होती है कि इस सूची में ऐसे ऐसे लोग हैं जो दो वर्ष पहले भगवान को प्यारेही गये लेकिन ग्राज भी बंगले में रह रहे हैं । मैं जानना चाहूंगा कि क्या उनकी ग्रात्मा उस बंगले में रह रही है या कौन लोग ग्राज भी इन बंगलों में रह रहे हैं? (व्यवधान)

SHRI VISHVJIT P. SINGH (Maharashtra): I take strong objection to this. He is referring to Members who have expired. And as you know, Madam, certain Members of our party have expired and their families on compassionate grounds have been allowed to stay in their houses. This is highly unfair to level allegations against the families of Members who have expired. I take strong objection to this and suggest to the hon. Member, who is a responsible Member, to withdraw this remark

श्री महेश्वर सिंह मेने किसी व्यक्ति विशेष के बारे में कोई रिमार्क नहीं किया है उपसभाध्यक्ष महोदया, मैंने यह कहा है कि जब वे लोग इस संसार में नहीं हैं ग्रीर जब ये बंगल सांसदों के लिए इयरमार्क्ड हैं, ग्रगर कम्पैशनेट ग्राउंड पर सरकार उनको कोई ग्रौर जगह एलाट करना चाहे

तो उसका स्वागत है मझे उस पर कोई ग्रापत्ति नहीं है लेकिन["] जो बंगले, जो फ्लैट सांसदों के लिए इयरमार्क्ड हैं उनमें सांसद ही रहने चाहिए ।

SHRI VISHVJIT P. SINGH: Madam, the hon. Member is going further. He is poking fun at members who are deceased that they are deceased and some other people have occupied. This is very wrong. This is highly incorrect. Purely on compassionate grounds their families have been allowed to live in. Do you want to throw the widows out? Do you want to throw the little children out? Do you want to throw the families out? Till they make their alternative accommodations they won't go from there. This is very wrong.

श्रा महेश्वर तिह मैं उन लोगों की बात कर रहा हूं जो ग्राज भी ग्रवैध रूप से रह रहे हैं, घीर यह मंत्री महोदय के जवाब में है । उन्होंने रेगुलराइज नहीं करवाया है। ग्रवैध रूप से रह रहे हैं। मैं इस माननीय सदन में नाम नहीं लेना चाहता हुं लेकिन वे सूची में सम्मितित हैं।

VICE-CHAIRMAN (SHRI-THE NATARAJAN): JAYANTI ITAM Let hm speak.

श्री महेरदर सिंह : इसके ग्रतिरिक्त कुछ बंगलों के लिए यह कहा गया है कि कुछ लोग दिल के मरीज हैं, कोई फीडम फाइटर है । फ्रीडम फाइटर को सरकार एकोमोडेशन दे, मझे कोई म्रापत्ति नहीं है। सरकार भूतपूर्व संसदों को कहीं एकोमोडेट करना चाहे, हमें कोई स्रापत्ति नहीं है लेकिन जब ये 800 के 800 बंगले सांसदों के लिए इयरमार्क्ड हैं, मंत्रियों के लिए इयरमार्क्ड हैं तो ऐसे लोगों को ग्रगर सरकार ग्राव।स स्विधा देना चाहती है तो बड़ी उदारता से कहीं श्रौर जगह दे लेकिन यह उचित नहीं है कि हम लोग जो इस सदन में बैटकर कानून बनाते है, इस सदन से बाहर हो जाने के बाद इन क।नुनों का उल्लंघन करें। इससे हम लोगों के भी उपहास का पान बनेंगे। ग्राज जो इस माननीय सदन की ग्रावास समिति है उसके सामने भी एक समस्या खडी है...(समय को घंटी)

THE VICE-CHAIRMAN (SHRI-ITAM JAYANTI NATARAJAN): You have to conclude now.

भी महेक्बर सिंह : में यह भी एक सुमाव देना चाहना हूं कि केवल माझ यह विघेषक पारित करने से यह समस्या हल होने वासो नहीं है । इसके लिए जो विभिन्न राजनैतिक दलों के नेता हैं उनको भपनी भाचार संहित। में यह बात लिख देनी चाहिए कि जो सांसद, सांसद न रहने के बाद भी इस प्रकार के बंगलों में प्रगर अवैध कब्जा करता है तो उसके खिलाफ ग्रनुशासनात्मक कार्यवाही होगी । इन्हीं शब्दों के साथ में इस विधेयक का समर्थन करता हूं।

SHRI VISHVJIT P. SINGH: Madam, this is a very long overdue Bill and yet, as the hon. Minister has made it clear in the Statement of Objects and Reasons, there are two very valid reasons for bringing this Bill. The first reason is the demand by the State Governments. The State Governments have lots of buildings outside the State which unfortunately get occupied over a period of time allotment and are never through vacated. It is impossible for the States under the present purview of the Public Premises Act to get those premises vacated. They have tried. The State Governments have been trying for countless years. In fact, some of the State Governments have been fighting it out right since 1948 or 1949-since the amalgamation of the princely States. Various accommodations which were within the control of the princely States were transferred to the States and those accommodations are still not vacated. They are fighting in the Courts. They have tried the Public Premises Act.

Yet, they have failed it is only after all that, as a last resort, that they approached the Ministry of Urban Development and asked for these special powers to be given so that they can get their properties wherever they are, vacated. This is a highly laudable objective and for this I want the whole House to be one—as we are the Council of States. This Bill is primarily meant for the States to get vacated that accommodation which is outside the respective States. It is for that reason that this House ought to pass this Bill unanimously—just purely on this very basis. The second part is the one which refers to the guest accommodation and the honourable Member has referred only to the second part and not to the first part.

The second part refers to the guest accommodation. We are all aware, and some of us. I am sure, are guilty of it. People from our constituencies come and ask for accommodation and we allow them the accommodation and we allow them to stay on and many of us have never even checked as to whether they have vacated those premises or not. And, Madam, I find that over the years, many units of accommodation are still people who are not authorised. They stay there without paying any fees or rent and without any authorisation. I was shocked to see that in Western Court, certain units been sealed and some people have locked certain units and people have got even their cards printed as permanent residents of Western Court and also of the V. P. House! They originally got them as guest accommodation, but they have refused to leave. Therefore, I think, the Government has no other way but take recourse to this drastic action of taking it out of the purview of the courts in order not to allow these people to misuse this accommodation which was given to them as guest accommodation.

This is so far as the Bill is concerned. It is a very laudable Bill and, as I said, the objects are very clear. But that is not enough. I would like to sound a note of caution: This is not enough.

Madam, the previous speaker referred to the question of accommodation I would like to give the House certain statistics.

Out of the total accommodation available with the CPWD, under Type I, there are 13,768 units which are available and the waiting list is for 6,239 units; in Type II, 20,512 units are available and the waiting list is for 11,994; in Type III 21,522 units are available and the waiting list is for 10,291; in Type IV, 5,114 units are available and the waiting list is for 2,586; in Type IV Special 128 units are available and the waiting list is for 300; in Type V, 1,938 units are available and the waiting list is 1,857; in Type V-B, there are no units available. A special category been created but not even one unit is available and the waiting list is for 475; in Type VI, 503 units are available and the waiting list is for 537; in Type VII, 116 units are available and the waiting list is for 282; and in Type VIII, 97 units are available and they are occupied.

In Hostels, 1,424 double suites are available and the waiting list is for 644.

In the case of single suites with kitchen, 224 units are available and the waiting list is for 799.

In respect of single suits without kitchen, 129 units are available and the waiting list is for 138.

In the Working Girls' Hostel, 137 units are available and the waiting list is for 65.

These are the figures. It is time that the Ministry of Urban Development made some efforts to try and create some extra accommodation. This extra accommodation is highly

essential. It is not enough merely to say that the premises are not available, that there is a long waiting list, and so on. I know that, today people who are entitled to a particular type of accommodation, have to take-I am talking about Government servantstwo types below their entitled type, if at all it is available, and even that is not available. Why can't you change the entitlement? If no person who is entitled to a particular type, ever gets that type of accommodation why don't you then reflect on the realities of the situation on the ground rather than go on some other basis and say that this will never be avail-If it is not available, then able? change the entitlement.

The Government should make more accommodation available. Though the list looks very large, it is not that difficult. I am sure we can provide some kind of units for all. The second point that I would like to make is that it is not enough merely to put particular categories out of the purview of the courts. According to me, all public premises should be taken out of the purview of the courts. This is the only way to make this legislation effective. I would like to quote an example. I am talking about my My grand-aunt personal example. had donated one house to a local hospital in Kapurthala. The house was donated to a hospital. It is a large property. The Punjab Government has been fighting that case since 1962. We are now in 1992. 30 years have passed. It has gone under the Public Premises Act. It has under every other Act. Let me tell you that the house is still not vacated. It is for charitable purposes, to set up a TB hospital. And the Punjab Government is making all the efforts. And till today that house is not vacated in spite of the best efforts of the Gov-All Government premises ernment. which come within the purview of the Public Premises Act should taken out of the purview of the court. It is only then that you will be able

to make this Act really effective. Otherwise, this Act, through dilution, will not work. Thank you, Madam.

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh): Then, what about that appeal under Section 9 of the original Act? That appeal has two stages, stay and delay. What will happen then to the summary trial?

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN):
Dr. Bapu Kaldate.

SHRI VISHVJIT P. SINGH: That is exactly what I am saying. You need to amend the Act to take it out of the purview of the court.

SHRI SANGH PRIYA GAUTAM: That is why I say that there is no amendment in the present Bill....

श्री विश्वजित पृथ्योजित सिहं : जो ग्रापने कहा है वही मैंने कहा है । वही नो मैं कहे रहा है ।

SHRI SANGH PRIYA GAUTAM: Therefore, I suggest that they should bring another Bill. Otherwise, it will have to be amended further.

SHRI VISHVJIT P. SINGH: At the juncture for the limited present objectives which are laid down, this present Bill is absolutely sufficient. At least, get this Bill through so that something can be done. Or, you want that nothing should be done? something be done. We are the representatives of the States. States have represented. It is for that that this Bill is being brought. That is the primary objective of this Bill to get those accommodations which belong to the States vacated. It is our responsibility as Members represent the States. This is the Council of States. Let us be alive to yoù. responsibility. Thank Madam.

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डा॰ बाप कालदाते (महाराष्ट्र) : उपसभाध्यक्ष जी, मैं सीमित दायरे की ही बात करूंगा । माननीय विश्वजित पथ्वीजित सिंह जी उन्होंने काफी इसक। परिप्रेक्ष्य बढ़ाने का सुझाव दिया, मैं उनके साथ हुँ। लेकिन जहां तक इस विधेयक का सीमित दायरा है इस हद तक, मैं उद्देश्यों के हद तक इस बिल का पुरा समर्थन करता हूं ग्रौर मेरे स्थाल से[ं]यह सारा सदन जिस सीमित दायरे में इस विधेयक को पेश किया है उसका समर्थन करेगा, जहां तक उद्देश्य का सवाल है, क्योंकि मैं खद ग्रावास समिति का ग्रध्यक्ष रहा ह तथा मैंने खुद ग्रावास देखे हैं। यह वटर्न कोर्ट देखा है, नार्थ एवेन्यू देखा सरप्राईज चैक जिसको कहते हैं श्रीर जो मझे दिखाई दिया उससे मुझे भी लग। कि कोई एक व्यवस्था करने की ग्रावश्यकता है। जैसा कि मेरा ग्रनुभव यह है कि पार्लिया-मेंट के मेंबर्ज़ टैपोरेरी होते हैं, लेकिन उनके जो म्रतिथि होते हैं वे परमानेंट होते हैं । यह बात सही है। (ध्यवधान) पर देखा जगहों

Members change but the guests remain लेकिन the same. जिम्मेद शि लोगों हम Let me tell you very frankly. ।में ह इसके लिए जिम्मेवार, ग्रांप हैं लिए जिम्मेवार । ध्रगर हम इन लोगों को कोई न कोई मिल कर उसको ग्रतिथि बनाने के लिए ग्रगर उनकी मदद करते हैं तो इसकी जिम्मेवारी सदन के सदस्यों की है भ्रीर यह मैं नहीं चाहता कि हम उससे परे हैं। मैं हूं या नहीं, मैं नहीं हूं, यह भी मैं जलता हूं ग्रीर मैं उपदेश के तौर पर नहीं कहना चाहता हूं। लेकिन सदन की गरिमा को ग्रगर स्वस्थ रखना हो तो यह बात बिल्कुल साफ है कि सदन के सदस्य भी अपने-अपने दायरे में और नार्मस में काम करें नहीं तो ऐसा होगा कि हम यहां भाषण करके चले जाएंगे और हम ही दो-चार गेस्टों को एक्सटेंड करने का प्रयास करेंगे। मुझे लगता है कि यह बात कभी नहीं होगी क्योंकि ग्रावास समिति का प्रमुख ग्रापकाही मिल या सहयोगी

रहता है । ग्राप चार लोग जाकर उस^{के} पास बैठेंगे और कहेंगे--नहीं, नहीं, रहने दीजिए, क्या फर्क पड़ता है। मेरे ख्याल से शीला जी की हालत तो हमसे भी बुरी हो सकती है क्योंकि यहां तो राज्यसभा के लोग ही ब्राएंगे, उनके पास तो सारे देश भर के लोग ग्राते होंगे । मैं यह कहता हं कि यह एक ग्रजब स्थिति

महोदय, हम वहां गए थे, हमारा फर्नीचर वहां पड़ा हुम्रा है। हम चाहते थे उसको बेचने की कुछ व्यवस्था करें ताकि लोग देखें ग्रीर खरीद लें।तो गए नार्थ एवेन्यू । स्राप जाइए जरा नार्थ एवेन्य प्रखबार वाले जब लिखते कभी-कभी हम लोगों को गस्सा ग्रातः है। लेकिन, लिखते सही हैं। ग्राप जाइए नार्थ एवेन्यू । क्या वहां पीछे गैराज में टेंट हाऊस वाले नहीं रहते हैं । मैं देखकर श्राया हूं। बहुत लोग रहते हैं, टेण्ट हाऊस वाले रहते हैं, धोबी तो शायद किसी के सर्वेण्ट क्वार्टर वाला हो सकता है, लेकिन टेण्ट हाऊस वाले, फनींचर की दूकान, होटल, रेस्टोरेण्ट है । ये लोग स्नापके दस्तखत से ही रहते होंगे । म्राप बताइए, किसने दस्तखत किए हैं? कैसे रह सकते हैं वहां ? कोई न कोई मेम्बर जरूर दस्तखत करते होंगे । क्या यह हमारी जिम्मेदारी नहीं है? क्या इस सदन की गरिमा, इस संसद के सदस्यों के बारे में अखबारों मैं इस तरह छपकर ग्रा जाए कि वहां रेस्टोरेंट चलता है, वहां टेंट हाऊस चलता है? वहां ग्रौर भी कुछ चलता होगा. मुझे मालूम नहीं । लेकिन, इतना तो मैंने जरूर देखा है। तो इसके लिए भले ही ग्रगर भ्रापको मधिकार देभी दें तो क्या इसमें हम लोगकुछ मदद करने वाले हैं या नहीं करने वाले हैं ? ग्रगर हम लोग मदद नहीं करेंगे तो इस विधेयक से कुछ होने वाला नहीं है । सिंह जी, मैं ग्रापको यह बात तो कह देता हूं कि यह विधेयक तो ठीक है, कानुनी तौर पर ठीक है, लेकिन करेग। कौन इसको ? यहां तक हम।रे लोगों का सवाल है, हम लोगों को ही करना होगा । ग्रगर हम लोग इस जिम्मेदारी को नहीं उठाएंगे तो स्रापके विधेयक का कोई समर नहीं

होगा । यह बात में विनम्द्रता के साथ, लेकिन स्पष्टता के साथ कहना चाहता है।

दूसरी बात यह है कि मुझे इसमें जो डर है वह ग्रलग है ग्रीर मैंने कहा कि मैं ग्राशंका के साथ इसका समर्थन कर रहा हूं, उद्देश्यों का करता हूं क्योंकि यह जरूरी है। एक नई फिजा अब सदनों के बीचों में, चल रही है कोर्ट में जाना। मैं सन, 1977 से इसी सदनों में रहा हूं। मैंने कभी नहीं सुना था कि लोग कोर्ट में जाते हैं, लेकिन आज म्राप एकमडेशन कमेटी के चेयरमैन से पुछ लीजिए कि कितने मसले कोर्ट में गए हैं। कोर्ट बैचारा क्या करेगा? स्टे देगा । ग्राप भले निकालने का प्रयास करें, लेकिन छह महीने तो कम से कम वह रहेगा क्योंकि जब नंबर ग्राएगा उसके मकदमे का तभी जाएगा। कभी कोर्ट में यह नहीं हुन्ना कि उनकी बात मान ली गई हो, जो भी कोर्ट में गए हैं कभी फैसला उनके पक्ष में नहीं हुन्ना, फैसला ग्रपने ही पक्ष में हुग्रा है, लेकिन जाते हैं भीर छह-छह महीने उसमें लगते हैं। तो यह स्रावश्यक है कि समरी-पावर हो। यहां तक इस विधेयक का दायरा है उद्देश्यों की हद तक ठीक है, लेकिन मुझे इसमें पक्षपात का बहुत डर है क्योंकि वास्तबिकता जो है वह कांग्रेस की बृष्टि से देखी जाए या सरकार की दृष्टि से देखी जाए तो में यह कहता हं कि बिल्कुल ग्रापकी पक्षपाती है । मैं जानता हूं गेस्ट-एकमडेशन क्या है ? नाम लेता ग्रच्छा नहीं है क्यों कि हमारे मित्र लोग हैं, हमारे बहुत परम मिल्र लोग हैं, मैं किसी का नाम नहीं लेता। श्राप देखिए जरा । स्राप जरा इसकी फेहरिशत देखिए कि कौन-कौन लोग, कहा-कहा, कितने-कतने सालों से हैं? इसमें मुझे डर यह है कि आपको तो हम पावर दे चके ग्रौर ग्रगर ग्राप इसमें पक्षपात करने लगेतो हो सकता है कि इस दिल्ली में सिर्फ कांग्रेस वालों के रहेंगे, ग्रीर किसी के नहीं रहेंगे।

श्री मातंग सिंह (श्रसम) : सिर्फ कांग्रेस वालों के नहीं रहेंगे।

Amdt. Bill, 1992-.Passed डा० बाप कल्दाते ग्रन्छा, वे

rised Occupants)

भी जा सकते हैं। ग्रन्छा गेस्ट उनके रहेंगे । प्रतिथि ही रहेंगे हमारे लिए कुछ नहीं रहेगा। लेकिन, इसमें बहुत जिम्मे-दारी हम लोगों के ऊपर है। ग्राप भले ही सरकारी पक्ष में बैठे हैं, लेकिन में कहता हूं कि धगर इसकी दृष्टि इस बात को देखा जाए ग्रौर सांसदों के वेतन के की दृष्टि से देखा जाए तो हमारे ऊपर एक विशेष जिम्मेदारी इस कानून से प्राती है ग्रीर हमारे जो लोग हैं, जो समितियां चलाते हैं, उदके ऊपर

3.00 P.M. भी ग्राती है। ग्रब में ग्राखिर में एक दो बनतें कहना चाहता हं। मरे यह सुझाव है। एक तो यह है कि ग्रापके जो बंगले हैं वह बहुत पुराने हैं। मुझे मालूम है कि बरसात में क्या होता है। बह सब लोग डर गये होंगे जो पुराने बंगलों में रहते हैं। क्योंकि कब क्या निरेगा उसका कोई भरोसा नहीं। कुमारी ग्रालिया जी श्रपने सदन को मेबर थीं। बरसात में मैं उनके घर गया। एक भी कमरा नहीं था जहां वह कैठ सकती थीं। सारे कमरे पानी से भरे हुए थे।

श्री हंश दत्त य। दत्र (उत्तर प्रदेश) : ऐसा मकान क्यों दिया श्रापने?

डा० बाप कालवाते : मैंने नहीं दिया था। मैंने जायसवाल जी को दिया है। मुझे इसलिए मालुम है कि वह क्या है।

श्री संख प्रिय गौतमः पक्षपात कर दिया ग्रापने।

डा० बायुकाल्याते : बाबा खड्क सिंह मार्ग वाले जो फ्लेट्स हैं वह बहुत अच्छे हैं और में मानता हूं कि **बज**ाय कि वह पुराने बंगले उनमें से कुछ बंगले तोड दोजिए ग्रीर जैसे कि बाबा खडक सिंह मार्ग पर जो धापने फ्लेट्स बनाये हैं वह ग्रगर फ्लेट बना दें तो बहुत ही ग्रच्छा रहेगा । इसका एक प्लान बना दीजिए कि इतने सालों में हमको यह करना है । सिर्फ नाम के वास्ते ठीक है कि बंगले में रहते हैं, स्टेट्स भी हो, सकता है, शायद मुझे मोलूम नहीं लेकिन आयेगा कोई तो उसको पता सकता है,

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लगेगा कि इसका कोई स्टेटस नहीं इसलिए इसको बंगला दे दिया है । ऐसी हालत सब बंगलों की है। मैं यह कह रहा ह कि ऐसा कोई स्कीम बनानी चाहिए ताकि श्रायन्दा कुछ सालों में यह मकान ऐसे फ्लेट्स बन जायें और यह भी लोग सोजेंगे, मैं भी सोजंगा कि ब्रगर यह फ्लंट्स प्रच्छे हैं तो उसमें जाने का हम सब लोग प्रयास करेंगे।

मैं एक मिसाल देता हूं। 1985 में केबिनेट ने हक फैसला किया कि पार्टियों के लोगों को मकान देना चाहिए। फैसला यह याकि छः तक देनाचाहिए । श्रव कांग्रेस के पदाधिकारियों स्रौर पार्टियों के पास कितने बंगले हैं, जरा देख लीजिए, कम से कम 14 हैं। कोई पार्टी यहाँ हैं, मैं रिकागनाइज्ड पार्टी बात कर रहा हूं। ग्रगर ग्राप ही ग्रपने नियमों को तोड़ने लगेंगे तो शायद नियम चलेंगे नहीं।

ध्री प्रजीत जीगी : (मध्य प्रदेश) कांग्रेस ग्रीर दूसरी पार्टी में फर्क तो बहुत है।

डा॰ बापुकालकाते: वह तो हो सकता है। नियम प्रापने बनाये, इसलिए मैं कह रहा हूं। जो आपने नियम बनाए उसके ऊपर तो अनुपालन करो, आपसे मेरी यही मांग है। पक्षपात न हो, नहीं तो यह विधेयक बाकी लोगों के लिए एक खतरनाक विधेयक साबित हो सकता है । यह बात आप ध्यान रखकर इस विधेयक का हम समर्थन कर रहे हैं। इसके साथ भी हमारे मन में जो ग्राशंकाएं हैं उसकी ध्यान में रखते हुए अपने काम को चलाएँ, इतनी ही मेरी श्रापसे प्रार्थना है।

श्री संघ प्रिय गौतम : जोगी जी की बात का समर्थन करते हए कि जितनी ज्यादा बड़ी पार्टी है उतनी खराबी ज्यादा है ।

SANTOSH KUMAR SAHU SHRI Vice-Chairman, (Orissa): Madam

keeping in view the laudable objectives of the Bill, I rise to support the Public Premises (Eviction of Unauthorised Occupants) Amendment Bill This Bill has been brought forward, as has been pointed out by the previous speakers, following the demand from the States that this legislation which is now in vogue in relation to the Central Government properties should be extended to cover the State Government's properties also to ensure eviction of unauthorised persons. It is very good that such a bold step has been taken.

While supporting this Bill, I would like to point out to the hon. Minister that we have, till now touched only the fringe of the problem, Madam. Dehli is not just any other city. It is the Capital of India, People from all corners of the country, from far-off places, come to Delhi for various persons for administrative reasons, for health reasons etc. We have not paid sufficient attention to the fact that no cheap accommodation is available in Delhi. People find it difficult to get cheap accommodation when they come here from different places of the country. For example, many people come to the All India Institute of Medical Sciences, which is the best in the country. If a person has to undergo bypass surgery he may have to stay in Delhi for months together because he does not know when the doctor will give the date for the operation. Similarly there are other reasons, administrative and other, for which one has to run to Delhi. There are not two opinions that unauthorised occupation must go. All the Members from different parties have said this but we must realise that Delhi is the capital of India. People from far off distances come here for various reasons. They are in search of a cheap accommodation. They cannot afford luxury of 5star hotels which is meant for tourists and for those who can pay lavishly. No common man can afford such a costly accommodation. Therefore, it is necessary that cheaper accommodation must be available those who are coming to Delhi to get some medical treatment, to settle their administrative matters in head offices. This aspect has to be taken into consideration by the Government.

Madam, in this connection I would like to know two things. very soon Delhi is going to have State Legislature. The Bill has already been passed. I would like to know whether the Central Government would continue to be the evictor even after Delhi got its Statehood or whether the Delhi Administration will play the role of the evictor. It is necessary to consider this point.

Secondly, most of the hon. Members have suggested that it should be out of the purview of the court. This was necessary for expeditious action. But in the Statement of Objects and Reasons it has been said that "no appeal should be allowed against the order of eviction. ". This is no good. It may tend to give arbitrary powers to the State Officer who is the sanctioning authority and who would also be the evicting authority. Nowhere in the world is there such a law. There is a possibility of the officials of the Estate Office colluding with the vested interests. We may ourselves be the victims because without knowledge they may be allowed stay in the guest house accommodation. So, this aspect of beneath thetable may also be considered.

Let me again assert that there is a terrible population explosion in our country. People from various corners of the country are coming to Delhi. They are on the look out for a cheaper accommodation. They come here to get justice from Supreme Court, to get treatment in modern hospitals. Also, as Shri Vishvjit Singhji saying, there is no proper accommodation for Government employees. Housing Development Scheme Delhi has also not been successful. In view of this, there will be pressure for unauthorised occupation. will be pressure for getting accommodation in guest houses. Therefore. we have to go deeper into the problem. It is a burning problem to provide cheaper accommodation in Delhi. Therefore, I would like to appeal to the hon. Minister to consider this. You may keep it out of the purview of the court, but you must give the right to appeal. You must create some authority. Otherwise, the sonctioning authority, that is the Estate Officer, would be the evicting authority. It will become a quasi judicial body. From jurisprudence point of view, the executing body cannot be a judicial authority. It can never be a good law which creates all the authorities in one body. Hon. Minister may consider this aspect. It may problems. It may pressurise persons. Also, some persons may get favours and some persons may harassed by the officers of the Estate Office. You may fix a limit of 7 days. The judgement must come within 15 days. It should not take 20 years. You may not give a long rope to the unauthorised occupants, who have proper authority to continue. I seeing the other provisions of the Bill and I will now try only to say now you are trying to expedite eviction by providing for only hours' notice in clause 3 of the Bill. I say that at least seven days' should **b**e given and that should have been the proper time-frame. If people have remained for 29 years, can you not afford to give them seven days' time? Let us be very able and rational when we pass Bill like this. There is no that within 24 hours we are going to solve the problem of housing Delhi and it is not as if we are going to solve the problem of eviction within 24 hours. So, why should we create such provisions in the law which become arbitrary under the principles of legal jurisprudence? So. let have all the regard for them. It might be only a temporary arrangement.

[Shri Santosh Kumar Sahu] The fundamental point is, when Delhi is going to become State, it will have another law. So what is the hurry for that? Therefore, I would like fundamental point also to be considered.

The Public Premises

(Eviction of Unautho-

Then, when we consider that Delhi is the capital of the country, development must take place here. There must be cheap and proper accommodation for people coming from far corners of the country for justice. for administration and for treatment, because all these facilities are centred round here. Nobody can deny that.

· With these few words, Madam, think, in future the Urban Development Minister will kindly these points and see that a bold and ambitious plan is taken up for building new guest houses and cheap and proper accommodation because there will be pressure of people coming from different places. Thank Madam.

SHRI ASHIS SEN (West Bengal): Madam Vice-Chairperson, to me it appears that this is a Bill which, on the face of it, is supportable there is not much objection to be raised. But there are certain points which need to brought before House it self. To the purpose which it is intended, we do not have any objection.

It is true that various State Government premises are under the occupation of people in an unauthorized manner in the Union territories. support the idea that instead of keeping it only to the Central Government premises, Sate Government premises clso are being brought within th purview of this Bill. But then, here do support the proposals given by Shri Santosh Kumar Sahu about provision of cheap accommodation here. That will come later.

But what I find here is that besides the office premises-which is the primary concern of this Bill-I that residential premises of the Government like flats, bungalows hostels—I think Dr. Bapu Kaldatii has also menioned about it with his experience as Chairman of the House Committee of this House-are maining occupied in an unauthorized manner. The surprising part of it is this, Dr. Bapu Kaldateji has also mentioned it. What we find is that ex-MPs and ex-Ministers are also retaining some of these accommodations under their thumb. At the time when they were holding offices they must have requested and got some allotment, but years and years have passed by but these ex-MPs and ex-Ministers are still keeping these accommodations under their control. I am not going to mention about it. Bapu Kaldateji is quite experienced and he has given a clear picture of it -and I fully endorse it becase I also happened to be associated with for quite some time on the Committee. The problem today is, I do not find that there is any difficulty so far as the new Ministers are concerned. It is the Government's responsibility and Mantriji will be trying to go out of her way to provide accommodation for them, justifiably so. But what about the MPs?

DR. BAPU KALDATE: Old people are there.

SHRI ASHIS SEN: That is why Mr. Vishvjit Singh has given agures about how many are thus occupied and how many the claimants are. I am not going into those figures, to avoid repetition. But the question which comes here is, new MPs are coming, I don't think Mantriji is taking as much care about the accommodation of the new MPs who are coming. For months together they move about and they don't get accommodation. It cannot be provided to them Flats and hostel accommodation in the name of having guest accommodation for a few days only, are kept under the control of the allottees for weeks and months. Even we have the expe-

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rience that for two-and-a-half years in the Western Court in the name of this 'MP or that Minister or some other person like that somebody was kept there, with the result that new MPs could not get accommodation, and Ministers and MPs also who want to accommodation for get an guests, could not get it. This is the state of affairs which perhaps cannot be reconciled with. That is why I do support certain proposals of this Bill. There are umpteen cases like this. Dr. Kaldate has already mentioned about it.

The surprising part of it is this. I happend to be an allottee in the V.P. House. There are a number of one-room flats, two-room flats allotted to certain individuals guests of MPs. We find that other MPs are not getting accommodation. When nominees of MPs come for their medical attention or for admission for any other purposes, they are not being given accommodation which can possibly be given. These rooms and flats are being used by certain people for the weak-ends or as a rendezvous. Even today this is going on. On the other side we find the other aspect. I am not going to use any other word for that. I am confining myself only to the world "rendezvous." You interpret it.

Certain rooms are lying locked for more than a year and a half. Still such rooms are there, flats are there It is not a question of Western Court alone. The V.P. House also has hostel accommodation. I am bringing in the question of the V.P. House. Hostel-type accommodation is there, and the position in that respect is not different.

One thing comes in here that if public premises are under the occupation of unauthorised persons, it has been said that they should be taken out of the court. It is one way of saying that if they are taken out of the

court, there will be a speedy disposal of the disputes and removal of persons who are unauthorisedly occupying the premises for a long period. I am not a technical man. I do not know the law about these things. What I say is that an opportunity should be given to the person to whom notice is given so that he can represent or appeal against what has been demanded. Though, on the basis of experience in the House Committee, I find that perhaps that is not needed, natural justice demands that there should be an opportunity given to the person to represent or appeal.

Here is section 3A is given the procedure to be followed by the estate officer if he is of the opinion that any persons who were allotted temporary occupation of any public premises, are in unauthorised occupation of the said premises. We are giving to the executive tee much power. I would like to put amendment in this form:

"If the estate officer finds on the basis of facts and documents, not because of his opinion alone...."

I may be prejudiced, I may be vindictive as an estate officer. That is why I say that on the basis of facts documents if he feels that any person is in unauthorised occupation of some premises, then, he should be evicted under the procedure that has been laid down therein, Right. Why I feel so is that there is another point also. The Bill may be put through. But the power has to be given to the estate officer to evict such occupants by use of force. I do not know what Minister has in her mind about this. On page 3 of the Bill it is stated that the estate officer can use such force as may be necessary. If this is not clearly explained here, estate officer can take the responsibility of doing the job of a Police officer Police officers use several types of degrees for getting certain things

Bill

on

other things

[Shri Ashish Sen]

done. Such an event may develop here. We should take care that does not happen. (Time bell rings). Another Member of the House Committee, Sahu Ji, has also spoken about it. People are coming here. Why should the Minister not please consider providing cheap accommodation in Delhi? People will be coming here for medical aid or for other purposes If some modernised Dharmshalas are provided, the people coming to Delhi will not become a victim of big hotels. Why do we need many five-star hotels? For Olympics it was done. It was quite all right. I am not disputing that point. But there is a need for construction very many cheap accommodation and improved varieties of Dharmshalas in large numbers. If it is done, the Minister will be doing a good service to the people and they will be blessing her for this facility. I do not want to talk much about it any further, but what I want to say is this. Mr. Vizol, the ex-Chief Minister of Nagaland has been here for the past three months. I enquired where he was staying. I came to know that for the past three months he has been here, but he has not yet been allotted any bunglow. He is roaming about in the city of Delhi, but he does not have an accommodation. He is an ex Chief Minister of a State. I think the hon. Minister will kindly look into it Incidentally, though it may not be directly relevant here, yet I would like to refer to a case of the State I come from In the city of Calcutta, I find very many Central Government offices are located. I am not saying some people should be evicted from there. What I say is that the Calcutta Municipal Corporation has repeately made appeals to the Central Government that at least taxes due from these buildings for occupaion by them should be paid. If the Minister takes care of that, the Calcutta Municipal Corporation Mayor will be happy for getting crores and crores of rupees of out-

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standing dues. Because it is the Council of the States and I am a Member from that State, I feel some problem of my State I should bring to the notice of the House, apart from the

under the

which I have already spoken. श्री ईश बत्त यादव: मैंडम सरकारी स्थान (ग्रप्राधिकृत ग्रधिभोगियों की बेदख-ली) संशोधन विधेयक 1992 जो प्रस्तृत किया गया है मैं उसके विरोध में नहीं हूं बल्कि में इसका समर्थन करता ह। लेकिन यह कानुन बहुत पुराना है। सन् 1971 में यह पास किया गया था ऋौर कानन बना था। थोडा सा परिभाषात्रों में और कुछ प्रावधानों में संशोधन कियां जा रहा हैं कि राज्य सरकारों के दिल्ली में ग्रीर केन्द्र शासित प्रदेशों में जो भवन हैं उनमें ग्रनधिकृत रूप से जो लोग रहते हैं उनको बेदखली के लिए सरसरीतौर से कारवाई की जायेगी, इस तरह का संशोधन किया जा रहा**ंहै। लेकिन यह** जो संशोधन किया जा रहा है इसमें कोई सख्ती नहीं है, कोई फींस नहीं है,ऐसी मेरी मान्यता है। क्योंकि यह पूराना कान्न 1971 का है ग्रौर ग्रंब जो संशोधन किया जा रहा है ये दोनों भले ब्रादमी के लिए है, शरीफ आदमी के लिए है, कमजोर ग्रादमी के लिए है। जो बड़ा ग्रादमी है, जो प्रभावशाली है, जनबल में मजबूत है उसके लिए यह कानून कुछ नहीं कर सकता। दूसरे इस संबंध में िवेदन यह है कि जो ग्रधिकारी है या मंत्री है, माननीय शीला कौल जी से मेरा मतलब नहीं दू उनके स्थान पर जो भी मंत्री रहेहों या जो रहेगा, चाई जिस दल का हों, उसकी नियत पर निभार करता ! मैं बहुत विस्तार में नहीं जाना चाहता।

श्री सघ प्रिय गौतमः एक मन्नी बेस्टन कोट में भी रहा था।

श्री ईश दत्त यादव मती के विपक्ष के लोगों के लिए श्रादेश होते हैं कि श्राप तीन दिन में भवन खाली कर दीजिए श्रौर जो सरकारी पक्ष के हैं उनके लिए एक साल तक। उसके पीछे कभी पत्नी वीमार है तो कभी बच्चे की शिक्षा है, इस तरह के श्रनेक कारण हैं। मैं निवेदन

कर रहा श्रा कि इस कानुन का न कभी गहराई से पालन हुआ यौर न मझे सम्भावना है कि इसका गहराई से पालन हो सकेगा। ग्रगर माननीय मंत्री जी या इनके बाद जो भी मंत्री रहे जिस भी दल का हो, अगर इस कानून का गहराई से पालन करें तब तो इसका कोई लाभ हो सकता है। महोदया दूसरी चीज मैं यह कहना चाहता हूं कि पूरा सदन जानता है कानुन के जानकार लोग हैं, ग्राप भी हाई कोट की ग्रधिवक्ता है ग्रौर मैंने सूना है कि योग्य ग्रधिवक्ता है. इस कानन से लाभ क्या होगा? संविधान का जो अपनच्छेद 226 है बेदम्बली की कार्यवाही करने से पहले ही जो ग्रादमी **ग्रनधिक**ा रूप से रह रहा है वह हाई कोर्ट में चला जाता है और स्टेले लेता है, सिविल कोर्ट में पहले चला जाता है ग्रौर स्यगन ग्रादेश ले लेता है तो फिर क्या होगा? यह पूरा बिल में देखा नहीं पाया है लेकिन जो कुछ देख पाया ह उसमें मैंने कहीं भी यह नहीं पाया है कि सिविल कोर्ट का जरिश्डिकंशन बार करेगा। हाई कोर्ट का तो संविधान संशोधन श्राप कर नहीं सकते हैं श्राटिकल 226 में रोक नहीं लगा सकते हैं। इसलिए इस कानन का कोई लाभ होने बाला नहीं है। इसलिए मैं ग्रापके माध्यम से मंद्री जी से ग्रौर सरकार से ग्राग्रह कहना कि सरकार इस पर गम्भीरतापर्वक विचार करे श्रौर जो कानुनी श्रहेंगे श्राने वाले हैं काननी बाधायें स्नाने वाली हैं. उन बाधाओं का निराकरण करके सरसरी तौर पर म्राप किस तरीके से बेदखरी की कार्यवाही कर सकेंगे। भ्रगर श्राप गम्भीरता से नहीं सोजेंगे ग्रीर कानन में फिर संशोधन नहीं करेंगे तो इस संशोधन स मेरी राय में कोई लाभ होते वालः नहीं है।

दुसरी बात मैं यह निवेदन करना चाहता था कि हमारे माननीय पूर्व वक्ताओं ने कहा कि हमारे गेस्टस रहते हैं। यह ठीक है कि <mark>मान</mark>नीय सदस्यों के गेस्ट**स** रहते हैं। <mark>प्रोवलम्सं</mark> हैं। इसके लिए माननीय मंत्री जी से मेरा अनुरोध है कि साप कुछ भवनों का विस्तार कराइये कुछ राज्य सरकारों को भी

प्रोत्साहित कीजिये कि वे दिल्ली में कुछ ग्रपने भवन बना सकें। मैं उत्तर प्रदेश से स्राता हं। उत्तर प्रदेश के दो भवन यहां पर हैं ग्रीर तीसरा भवन बन रहा है। लेकिन हमारे उत्तर प्रदेश के जो एम० एल०एज० है, इमारे श्रधिकारी हैं या नव-निर्वाचित संसद सदस्य हैं उनको स्वान नहीं मिलता है। उसका कारण यह है कि कमरों की कमी है। दूसरी बात यह है कि ग्राज ही माननीय मंत्री जी अपने ब्रादेश से जांच करवायें या प्रदेश सरकारों से जांच करवायें तो उन्हें पता चलेगा कि उत्तर प्रदेश भवन में अनिधकृत रूप से सालों से लोग पड़े हुए हैं। <mark>वे न</mark> तो **ए**म० एल० ए हैं और न ही एम. पी. हैं और न ही आई, ए. एस. या आई० षी**ं एस. ग्रधिकारी हैं। उनको कोई** वेदखल करने वाला नहीं है। इसलिए मैंने शह में कहा कि यह सरकार के और अधिकारियों की नियत पर निर्भर . करता है कि **कौन श्रादमी श्रनधिकृ**त ब्यक्ति है और किसको निकाला जाय ग्रौर किस को नहीं निकाला जाय। इस मामले पर <mark>ग्रापको गम्भीरता स</mark> विचार करना **चाहिए ग्रीर जैसा मैं**ने निवेदन किया माननीया मंत्री जी कछ भवनों का विस्तार करायें। श्रापके पास बेस्टन को**र्ट ग्रौ**र वी० पी० **हाउसेज** हैं। लेकिन फिर भी जगह नहीं है। मेरे जनपद से माननीय सदस्य श्री मोहम्मद मसुद साहब इस सदन में निर्वाचित होकर ग्राये हैं। हफ्तों तक हमने प्रयास किया, उनको यु०पी० भवन में जगह नहीं मिली। बहुत प्रयास करने के बाद में हाउस कमेटी के चेयरमैन महोदय को धन्यवाद देता है उनको 12 नस्बर का कमरा मिला। लेकिन वह कमरा ऐसा है कि **उसमें ग्रादमी** तो क्या जातबर भी <mark>नहीं रह सकता</mark> है। य<mark>ह</mark> कमरा उनको एलाट किया गया है। बह सदन के सम्मानित सदस्य है। उनको वेस्टर्न कोर्ट में 12 नम्बर कमरा मिला है...(व्य⊲धान)। महोदया जब स्राप बहा रहती थीं तो तब उसकी रौनक दुसरी थी। दो साल के बाद उसकी रौनक खत्म हो गई है। वह कमरा

[श्री ईश दत्त यादव]

रहने लायक नहीं रह गया है। म्राज भी मैं उनके साथ हाउस कमेटी के चेयरमैन साहब के पास गये। हमने प्रयास किया कि उत्तर प्रदेश में उनको एक कमरा दिलवा दिया जाय। उन्होंने ग्राश्वासन दिया ग्रीए ग्रपने ग्रधिकारी को निर्देश भी दिया । मझे विश्वास है कि उनके प्रयास से उत्तर प्रदेश भवन में शायद — मैं शायद कह रहा हूं — उनको कमरा मिल जाये, वरना उनकों उसी में रहना पड़ेगा । इसीलिए मैंने निवदन किया कि ग्राप विस्तार करवाये । मैं ग्राप के माध्यम से माननीय मंत्री महोदया सरकार से भारत करता हं कि इस तरह की समस्यायें, जिनका जिक्र हमारे माननीय वक्ताओं ने किया है तो ऐसी समस्यायें किस वजह से पैदा होती है ? एक तो यह समस्या पैदा होती है भ्त-पूर्व सासदों के कारण . . . (समय की घंटी) ...

मैं भ्रपनी बात दो मिनट में समाप्त कर रहा हूं।

एक तो भतपूर्व सांसदों की वजह से यह समस्या पैदा हो जाती है । मैं ग्रापके माह्यम से माननीय मंत्री महोदया श्रीर सरकार से मांग करूंगा कि श्राप इस तरह को ब्यवस्था करें जो वर्तमान सासद हैं ग्रौर जो दिल्ली में मकान लेना चाहें उसके लिए दिल्ली में एक छोटा सा भ्-खंड ग्रौर कोई छोटा सा मकान, ग्रापके फैल्टस जो बनते हैं, वे, उनको ग्रासान किस्तों पर ग्रलाट करवाइये ताकि वे उको पांच सालों में, दा लालों में परचेज कर दें, इसी प्रकार की बादस्य। आप पत्नकारों के िए भी कर दे, भूतपूर्वसै निकों के लिए कर दे स्वतंत्रता संग्रंम सेनानियों के लिए कर दें। भ्रौर भी बहुत लोग हैं, दिल्ली बहुत बड़ी हो गयी है ग्रौर ग्रब इसकी करोड़ की जनसंख्या होने जा रही है। सब के लिये तो ग्राप व्यवस्था नहीं कर सकते हैं। लेकित जो विशिष्ठ लोग हैं , जिनकी वजह से दल्ली में श्राप को बेदखल की कार्यवाही की नौबत ग्राती है, लिए ऐसी त्यवस्था कीजिए । साधारण श्रादमी को तो श्रापका सिपाही जब चाहे उसका सामान बाहर फेंक देगा । लेकिन भृतपूर्व सांसद भृतपूर्व सैनिक स्वतंत्रता संग्राम सैनानी श्रौर पत्रकार, ग्रगर इनके साथ ऐसा होगा तो ग्रखबार में छाप देगें । हम भ्रगर भृतपूर्व हो गए तो क्योंकि हमें लड़ाई लड़ने का ग्रनभव हो गया है इसलिए लड़ाई लड़ेंगे । इसलिए मेरी सरकार से प्रार्थना है कि सरकार दिल्ली में सांसदों के लिए, पत्न-कारों के लिए, भूतपूर्व सैनिकों के लिए भीर स्वतंत्रता संग्राम के सैनानियों लिए छोटे ग्रावंटित भृखंड फलैट । ब्राबटित करें ब्रीर उनको यह श्रासान किस्तों पर दे। ग्रगर श्राप ऐसा करेंगे तो इस समस्या का निराकरण हो सकेगा ग्रौर यह समस्या गंभीर नहीं हो सकेगी ।

Passed

इन शब्दों के साथ इस बिल का समर्थन करते हुए मैं ग्राप से ग्रन्रोध करना चाहता हूं ग्रीर मुझे विश्वास है कि आप इस पर कड़ाई से पालन करेंगीं। मैं ग्राप को कोई शिकायत नहीं करना चाहता लेकिन मेरी जानकारी में श्राया है कि सत्ता पक्ष के लिए ग्राप का दिल जो है वह बड़ा नरम है लेकिन विरोधियों के लिए थोड़ा कड़ा है । उनको ग्राप तीन दिन में हटा देती हैं। लेकिन जो सत्ता पक्ष के हैं उनकी ग्रौरत की बीमारी ग्रौर बच्चों के स्कल के कारण पर रियायत कर देती हैं। मैं एक छोटा सा ग्रापसे ग्रन्रोध करूंगा । शायद ग्रापको म्रांकड़ें मिल जाये। म्राप म्रपने उत्तर में बतलायेगा कि कितने लोग ऐसे हैं जिन्होंने खाली नहीं किया है ग्रौर उनमें किस-किस दल के लोग कितने दिन से वहां पड़े हैं ?

इन शब्दों के साथ मैं श्राप को बहुत बहुत धन्यवाद देता हूं जो श्राप ने मुझे इस पर बोलने का समय दिया ।

SHRI G. SWAMINATHAN (Tamil Nadu): Madam Vice-Chairman, I rise to support the Bill. I appreciate

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the intention of the Government in bringing this Bill, firstly, to help tne State Governments to evict the tenants from their allotments in Delhi and secondly, to amend the existing provisions so as to evict persons from unlawful possession of Government buildings.

Madam, there are provisions exist. ing to evict persons from unlawful possession of Government buildings. It has been noted in certain cases that it is not only the law which is standing against evictions but the will of the Government to evict such persons is also not there. And sometimes. when there are two similar cases. against one person action is taken and against the other action taken. is not for varous Wtahever sons. may be provisions available under the Act, the Government should also see to it that they are implemented properly. Without proper implementation, making the Act more and more stringent will not be of any 1180

Regarding guest accommodation, I happened to read a House Committee report. The House Committee investigated the whole matter as to how many people were living in the Western Court and other places. And I hope, this Bill, after it is passed, will be able to help the Government to see that these people are evicted.

One point which I want to mention is regarding the allotment of vant quarters. Many of these public buildings are given to Members of Parliament and Government Officers and then servant quarters are also attached to these buildings. In a bungalow, there may be two, three, four or sometimes five servant quarters. When an M. P. or an officer is allotted a particular building, he gets in some servants for the work to be done in his bungalow and when servant comes there-a house-maid or a servant-to work in the house, they do work in the house for some time. There are a certain set of people who are always hankering for getting the accommodation M. Ps quarters especially, and also government officers quarters. they come there and stay there for some time, they cease to work. They occupy the house, continue to be there but cease to work in the bungalow and when we want them to go out of the bungalow, they refuse to go out also. Now, what happens is that an M.P. remains in the bungalow for a period of five years or six years, depending upon the tenure of the Member. The servant is there and from one house of the M. P. he goes to another house of the M. P. This is what is happening here and no action could be taken. A similar case has also happened with me. A maid-servant was put in the servant quarter, She worked for some time. Later on, she married for a second time and refused to work in the House. When I asked her to go out of the servant quarter, she refused to go and got in more and more people there and created a lot of problem for us. I took up the matter at the Rajva Sabha Secretariat level. They say that no action can be taken because I as an M. P., got a servant in my servant quarter and before I get a servant, I should have carefully analysed whether that servant will be all right or not. Sometimes, it may not be possible for an M.P. from Tamil Nadu or from Kerala to verify all these things. When they get a servant, they may not know how the servant will behave afterwards, pecially after getting a second husband, most probably, all the people are coming and we may not know that she will get herself married again. This kind of situations come and no action can be taken by M.Ps. Still, it is continuing.

Then, another course of action was suggested that this matter can be reported to the police that they are unauthorised persons and since they are unauthorised persons, they can be evicted by the police. When such a move is made to the police, the

[Shri G. Swaminathan] police say, it is a matter of civil nature and theywill not interfere in getting the servant out and should make some arrangements of our own. Now, an M.P. is not a legal owner of the house and when he lets out a servant quarter, he cannot legally move in the matter because he himself is a tenant and he has given that portion of the servant quarters to somebody else. When we report to the police they feel, it is between the landlord and the tenant even though we are not the regular landlord. They say this matter is of a civil nature and they will not interfere and take any suitable action in this matter. This seems to be a regular lacuna which many of the MPs have told me and for the servants to go away you have to use muscle power and then you have to see that they go out of the house. This is the position. I would request the hon. Minister to find a way out for this thing.

Before I conclude, I wish to make only one or two points. One thing ic about the old bungalows. I living in one such old bungalow in Canning Lane. Most probably, it must have been 100 years old or 150 years old and is in a dilapidated condition. It has got about half acre area, it has a big garden. Everything is there. But these bungalows on some of the roads like Canning Lane are so old that they have become dilapidated. Recently when I got re-elected to Rajya Sabha, my wife asked me, "why can't you see and try to find out some other good house?" Yesterday I went about seeing many houses to find out whether I could request the hon. Chairman of the House Committee to get another house for me. When I went out to so many places, I am now convinced that my present place better and it is not worse than most of the bungalows I have seen.

Almost all the bungalows which I was able to see except the Ministers bungalows or the bungalow of the Chairman of the House Committee—

these bungalows are done up wehare in a bad shape and I would quest the hon. Minister to a Committee of Members of Parliament-for Rajya Sabha Pool, a Committee consisting of Members of Rajya Sabha and for Lok Sabha, Committee consisting of Members of Lok Sabha-to find out the facts, to go about and see all the bungalows, now bad a condition they are in And they have to be rectified. At least some urgent action has to be taken. Ordinary repairs will not do. Urgent action has to be taken to see that trese bungalows are properly I may also incidentally mention that the service of the CPWD is very bad, they are not timely, they are also not doing their work propertly. This matter has also to be looked into.

And only one word regarding Baba Kharag Singh Marg. Member has said-1 don't know if it ic Bapu Kaldate or somebody elsethat these Baba Kharag Singh Marg flats were built recently. Yesterday I happened to go there and I saw the flats. Some of my relatives are living in flats in Madras, constructed by private builders. Those flats are so nicely built that you don't that you are living in a flat. I don't know who gave you the plans these Baba Kharag Singh Marg flats. It is all something like a vestibule. Some of our hon. Members had been there. . . (Interruption) . . . I want to tell their names. Some These the hon. Members told me. flats were built six years ago when I came. Some hon. Members of the House immediately got some accommodation and went there and many of these Members who were allotted the Baba Kaharag Singh Marg flats vacated the flats and went to some other place... I don't know whether they got better houses and went or they could not live in Baba Kharag Singh Marg flats.

Another thing, the structure and architectural construction of the flats

is no good. There is no washing area for utensils and clothes. We went yesterday—I just wanted to my wife also came with me-to see where the washing area is for utensils, the person who was living in flat said, "You have to wash your utensils only in the wash-basin.' Madam, in Indian conditions we don't have place where we can wash our utensus Our wash-basing are small. They are not so big as we see in other countries. There is no washing area for clothes also. is the condition of these Baba Kharag Singh Marg flats... (Interruption) ... No, I don't want to mention names-Perhaps, she got a better house and went or she didn't like the palce; I don't know what the reason is. would only request the hon. Minister, "If you go in for flat construction, better consult god architects and see that you construct according to the needs of the people who live there. It should be constructed in such manner. It has got big rooms; four bedrooms are there. Everything is there, but the construction is not useful. I would request the hon. Minister to take this into consideration when she goes in for further construction of flats instead of houses for Members of Parliament. Thank you.

श्री मोहम्मद खलील र रहमान (ग्रान्ध प्रदेश) : मैडम वाइस चेयरमैन, द पब्लिक प्रेमिसेज (इविक्शन ग्राफ ग्रनग्रथराइज्ड ग्राक्यभैटस) ग्रमेंडमेंट बिल, 1992 की मै ताईदे करता हं कि इस वजह से यह कानूनी जरूरत है और मौजदा हालत में बहुत जरूरी है कि यह बिल पास किया जाए मगर मैं ग्रानरेबुल मिनिस्टर से पूछना चाहुंगा कि पानी सिर से ऊंचा होने के बाद ग्राप यह बिल लाई हैं।

1971 में यह एक्ट बना था, गोया श्राज से 21 साल पहले । इस श्रर्से में कई ऐसे नजायज कब्जाहार इन विल्डिग में श्रा गये। मगर इसके बावजद 21 साल तक आप बैठे रहे । अब जब कि

मसला इतहाई टेढा और पेचीदा हो गया है तो यह बिल लाया गया है । खैर दे_र श्राये दुरुस्त ग्राये । एक श्रच्छा ब्रि है श्रौर इसलिए मैं इस बिल की ताहिद करता ह

rised Occupants),

Amdt. Bill, 1992-

Passed

यह जो बिल लाया गया है खास तौर से स्टेट गवर्नमेंट के ऐसे प्रेमिसेज जो कि दिल्ली या यनियन टेरीटरीज में है ग्रीर स्टेट गवर्नमेंट का कानून यहा पर लागू नहीं होता, लि**हाजा स्टेट** गवर्नमेंट्स का एक जमाने से मतालबा था कि इस कानुत में इस एक्ट में भ्रमेंडमेंट लाया जाए ग्रौर फिर स्टेट गवर्नमेंटस को भी इस बात का अस्तियार दिया जाए कि यहां पर उनके जो प्रेमिसेज है वो उन प्रेमिसेज को खाली करा सकें।

इतिहाई कीमती जायदादे यहां पर स्टेट गवर्नमेंट्स की है। मिसाल के तौर पर में प्रान्ध प्रदेश की ही बात करूगा। जो यहां का हैदराबाद हाउस है बह इस वक्त मिनिस्ट्री ऋष्फ एक्सट्रर्नेस ऋफेयर का न बर एक गेस्ट हाउस है **बल्कि** में यह कहुंगा कि राष्ट्रपति भवन पालियामेट हाउस की विल्डिंग के बाद जो सबस बेहतरीन बिल्डिंग इस वक्त दिल्ली में है वह हैदराबाद हाउस की है। स्टेट गवर्नमेंट की प्रापर्टी में है मगर इसके बाबजूद सेंट्रल गवर्नमेंट भन-भ्र^{श्र}राइज्ड तरीके से उस बिल्डिंग पर काबिज है। मैं ग्राप से दरखास्त करूंगा कि जिल्ली जल्दी हो सके फौरन हैदराबाद हाउस को आप स्टंट गर्वनमेंट के हवाले कर बीजिए ।

खैर तोल्लक अलिटिंगेशन चल रहे हैं। मगर कानून बनाने के बाद में समझता हं कि स्टेंट गवनमेंट को यह **ह**क मिल जीएगा कि वह हैदराबाद हाऊस को तुष्टिलया करा सके । यह बहुत अंच्छा कोन्न है।

फिर दूसरी बात, जैसा कि **गैस्ट** श्रकामोडेशन के ताल्लुक से कही गई है, यह जनरल शिकायत है और यह बिल्कुल सही है कि बाज ऐसे लोग किसी न किसी वहजह से जीमारी की कजह से बज्जों

[श्रीमोहम्मद खलिलुर रहमान]

को तालीम की बजह से, यह एम०पीजिं से वैस्ट प्रकामोडेशन एक-दी महीने के लिए हासिल कर लेते हैं, या ज्यादा से ज्यादा तीन महीने के लिए प्रकामोडेशन ले लेते हैं। मगर इन्तहाई प्रफसोस की बात है कि बीन महीने तो छोड दीजिए डेंड -दो साज गुजरने के बावजूद भी वह विश्वित्य खाली नहीं करते। तो उसके लिए कुछ एम० पीजिं की पीजीशन भी बड़ी प्राक्षकर्ड होती है भीर साथ ही साय गुक्तमें की पीजीशन भी बड़ी प्राक्षकर्ड होती है।

🥌 महोदग्रा, जिसने भी क्कायाजात रहेंगे, **इन्ह** उसी एम०पी० के नाम पर श्वायेंगे. जिस एम०पी० ने इस्तख्त करके गेस्ट ग्रकामोडेशन दिया है मगर भाखिर उसको खाली करवाने भी तो कोई जरिया होना चाहिए ग्रब सिवाय इसके कि सिविल कोर्ट में और सूट फाईल करें, झौर जैसा कि ध्राप भुच्छी तरह से जानते हैं कि अगर एक दफा सिविल कोर्ट में जाएँ, तो छह साल लग जाते हैं ब्रीर जिस मकसद के लिए मुकदमा दायर किया जाता बह मकसद ही फीत हो, जाता है।

लिहाजा इसके लिए जरूरी है कि इस प्रोवीजन के तहत जब कि यह प्रमेंड-मेंट पास हो जाएगा, जोतो खूद हुकूमत की इस बात का प्रक्रियार होगा कि वह समरी ट्रायल के बाद उसकी खाली करवा सके । मगर गेरी व्हां एक सजेशन प्रामपेरेबल मिनिस्टर से यह है—में प्रान-रेबल मिनिस्टर की त्वज्जह चाहूंगा, मैंडम चर्म में बापकी त्वज्जह चाहूंगा—श्रापने यह

"As a corallary to the summary eviction procedure, it is proposed that no appeal should be allowed against the order of eviction passed after summary procedure."

मेरी दरक्वास्त यह है कि घयर प्राप श्रमील का हक नहीं देंगे, तो यह नेषुरल श्रह्मित के ब्रिज़ाफ कात काएगी। निहाजा, मैं श्रापसे दर्खास्त कक्तंगा कि श्राप श्रपीन का इस जरूर दीजिए।

rised Occupants)

Amdt. Bill. 1992-

Passed

दूसरी बात यह है कि जीबीस घंटे के नोटिस का जो बात कही गई है, यह भी बेक्चुरल बस्टिस के खिलाफ है में भ्रापसे दर्खास्त करूंगा कि बजाए चौबीस घंटे के सात दिनों का टाइम दिया जाए।

इन चंद्र सर्जेश स के साथ में फिर एक दफा इस बिख की ताईद करता हूं श्रीर को मुझे टाईम दिया गया है, उसके लिए में श्रीपका शुक्रिया श्रदा करता हूं।

ىشرى محدخلىيل الرحيل بم ندهم ايرديش، مطع والنس حيئزمين " رمي بداكب برميسينر اكوشين دورال اعقادا كراكرة أكبوديث امن طیمه طریز را 199*سی میس تابید* پول. اس وجرس<u>یس</u> کرسرکالونی هنرور اُونچا ہونیے کے لعد آسیابیر مل لاق ہم ۔ درست آنتے ایک ایجابل ہے اوراس ينيس اس بل كي تايئد كرتا بون .

†[] Transliteration in Arabic Script.

The Public Premises

(Eviction of Unautho-

بيرجوبل لاباكياب يخاص طوريس استرط كوركمنط كميداليسي ميميزين سوكىردى ما لومن مي**رو طرينه مين بن.** اوراسطهط كورنمرط كاقانون بهال بمد لاكونيس ببوتا لبذا استيط كورتمندف كا اكب دمان سع مطالبه مقاكمه اس قالك مرى اس الحط مي المنظمنيط لاما طائع اور معراسل طري كوري في اس مات کا فتمار دیاجائے کہ بیا*ل بی*ان کے بورميسيري وهان يميسيزكوخالى كراسكيس رانتبال قيمتى حاس اوس ميان براسطه طی کورنمنط ک بی مثال کے ىجەسىل كاھىدرا كاد كاۋىس يىپى وە 1 وقت منظري آمن الكيطرنل افتيرس كالمميم أك كيسط الألاس يتصر ملكم ميس ليجوف كا ر دانسط بتی کھیون اور بادلیمنبط بارقیس الوس كى بدر ربراستيك كوريمندف كى برايرتى بيد منكراس سحدما وحود سنطرل كودنندي ان اتفا لأنزخ طريقه سيداس بلانگ مرقالبن ہے۔ ہیں آپ سے فعظم کرو*ں گا ک*رمتنی حلدی ہوسیکے فور آ بدراباد طاؤس كوآب استيث كالمخنف

کے تواسے کر دیک<u>تہ</u> نوٹعلق لٹینگٹ حیل رسیے ہیں منگر قانون سنے کے میں سمجت سوں کراسٹی طے گورکمنط کو ریم حق مل خاشے کا کہ وہ حید راکاد ہا وس موتخلسير كراسيحے بير بہت احتيا فالون ہے رى مات مصساكر كيسيط بيرحنرل سكاست بيحا ورسرمانه كدعين البييے لوگ كسبى ينركسى وين ہماری کی درحبرسے بجوں کی علیم کی وہم سے۔وہ ایم ہریسے گیسے اکلمیڈنیش ایک دومہینے کے لٹے ماصل کرلیتے ہی با زما ده <u>سے ز</u>یارہ تیم*ین مہینے کے لکتے وہ* ا کامیڈنٹ<u>ن سے لیتے</u> ہیں میگرانتہائی فسو *ی بات بے کہ تین مہینے آڈو تھیوڈر دیجیتے۔* در هیچه دومسال گزرینے سے ما وحرد تھی وہ ملط بھے کوخالی نہیں کرتھے تواس بھے بولى بداورساته سي ساتھ كورىمنىكى يوزلشين بھي طري ايکور طريبوتي سيئے -مہود بیرصنے بھی بقایات ایس کے وہ اس ایم لی کے نام پر آئیں گئے میس المم في نسه دستخط محركه كيسط اكاميدنين ديلبع منكران واس كوخالى كرولسه كاهي توكوني ذريعير مهذاحا بينينه اب سواشته

The Public Premises

(Eviction of Unautho-

"As a corollary to the summary eviction procedure, it is proposed that no appeal should be allowed against the order of eviction passed after summary procedure."

میری دخواست برسید کداگداپ ایبل کامی بہیں دیں گئے۔ تومیر نیجرل صف کے خلاف بات جائے گی لہذا ہیں آپ سے درخوامست کروں گا کر آپ ایبل کا منت خرور در سیجیتے۔

موسری بات ہے۔ کرچر بیں گھنے کے نوٹس کی جو بات کہی گئی ہے۔ سے تعبی نیچرل جسٹس کے خلاف ہے۔ میں آپ سے در خواست کروں کا کہ بجائے ہے میں گفنطے
کے سات دنوں کا گائم دیا جائے۔
ان جیند سے ساتھ میں ہے ر ایک دفعراس بل کی تائی کرتا ہوں اور
جر مجھ طائم دیا سکیا ہے۔ اس سے لئے ہیں
ائے کا شکر سے ادا کرتا ہوں ۔
ان خم مشکر "خم میں ادا کرتا ہوں ۔
"خم مشکر"

SHRI JAGMOHAN (Nominated): Madam Vice-Chairman, thank very much. I will mention briefly a few points. The need for the Bill is obviously there, and I support it. But one thing I would like to mention from my experience that passing of a law is one thing and its implementation is totally another thing. So, many laws have been passed in regard to the land encroachments, unauthorised occupation, etc., but no law has been effectively implemented and we see lakhs and lakhs of places in unauthorised and illegal occupation. Why is it so? It is because of lack of respect for the law that has developed in the country. If you occupy illegally something then the feeling is that you will get it regularised. It will be all If the executive is very firm then you can always get relief from the judiciary. You may pass laws but the jurisdictio of the civil though restricted, is there. The jurisdiction of the civil court is civil matters in ali like proceedings. prosecution and in But will find the always interfering, issuing stay orders, whether you go in writ petition or in some other manner, and for years together the cases will not get settled. My suggestion in this regard is that, apart from showing a firm will, you will have to take a decision to introduce a judicial audit. There should be a commission compriging retired Chief Justices.

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our Comptroller and Auditor General, we can have a Comptroller and Auditor General for the judiciary. Why don't you do that so that judiciary acts in a responsible way? It is not an interference in the judiciary. pose, I am the controller, I can go and see a file of the court, whether the court has interfered in a proper and just way. I know, in Delhi, thousands of stay orders have given without even asking whether you have got the plan sanctioned from the Corporation, without even asking whether you have applied for it The stay order is given and it stays for years together and in the meanwhile manipulation goes on, pressure develop but nothing is done. Why should the jurisdiction of the civil court, facilitate these types of things?

Every organ of the Government, every organ of the society must function in a responsible way, if you really want to have the results. If you come with me in the courts, I can show you hundreds of files which are being dealt with in an improper manner where the maturity and responsibility that is expected of the judiciary is not being shown. Therefore, this is the crux of the problem. Let us not sidetrack this issue. Another suggestion which I would like to make is, when a person is occupying unauthorisedly-supposing 'X' or some high official-it should made clear that, irrespective of the stay order, irrespective of whatever reason he may have for continuing, penal rent will have to be paid. After every week rent should be doubled. Even if you are able to get a stay order and the house is vacated after six months, you will have to pay that much extra rent. So this will act as a disincentive. These are the practical ways by which you can really solve the problem of getting your premises vacated and seeing that the right person gets the allotment. Nowa-days the issue is, somehow or other, you put pressure and get a stay order and get so many things and nothing will happen.

PROF. SAURIN BHATTACHA-RYA (West Bengal); I was at first unable to believe my eyes that this lady was able to bring such a harsh law for eviction of people. Now, from the discussion, the enormity of the problem has very much been appreciated; Servants' quarters, MPs' quarters, ex-MPs' quarters, ex-Ministers' quarters, everything has come. As I could see, the amendment relates to temporary occupation for a period not beyond one month-somethink like that-for which eviction process has been laid down. This is an amendment Bill. Therefore, other provisions are definitely there. But the previous speaker, Mr. Jagmohan, was, of course very correct. He repeated an old saying in a different language. Foreign Economists remarked that India is a country where there is no dearth of law, where there are all types of social legislation, but no implementation. unauthorised occupants are comfortable in the belief that even such an amendment Bill, such epochmaking amendment, the situation will more or less continue to be the same. Just today I heard something which practically struk me dumifounded. Someone had come yesterday to ask for subscription for some Pooja. I was told that he was threatening. Earlier he was satisfied with Rs. 10. I remained alone in the house, therefore, I used to pay him Rs. 10. Now, he is demanding Rs. 101. Who these people? They live in Jhuggijhompris around the MP's quarters on Ferozshah Road and there is nothing to prevent them. This is not the only problem. There are servant's quarters and the problem was related by Mr. Swaminathan. MPs are sometimes completely unaware that there are so many servants. somehow or the other they occupy them. The House Committee Says that it is not possible for them hand over the servants' quarters. These are all very peculiar problems which are related to this question. So far as the limited purpose of the

[Prof. Soumen Bhattacharya]

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Bill is concerned Mr. Santosh Kumar Sahu has very rightly raised—the question of cheap accommodation for the bulging population of the capital. There are other related problems which require urgent attention—and my only expectation would be—that our soft-hearted Didi would deal with these problems also. Thank you.

SHRIMATI SHEILA KAUL: Madam, I am grateful to the hon, Members who have participated in discussion this afternoon. Some the hon. Members have given very good suggestions. I am obliged to them that they have all agreed principle with the Bill which been brought. The Bill is going to facilitate the Members and guests because now if they have one guest staying in one premises or in the Western Court for 5,6 or 10 days, the next guest can also come 7-8 days. If there is a permanent guest staying there for months and months, then the hon. Member will have only one guest staying there in that room. Now, more friends more number of hon. Members, guests, can come to Delhi for treatment or for whatever purpose want. This Bill which has been brought here is for General and MPs' houses are not included in It only covers guest-houses and temporary allotments. This has to be borne in mind that this is only for temporary allotments and not for permanent residence of over 5 years. It does not include the houses where hon. Members or Ministers live. So, in respect of this we have to find out ways and means in the case of houses that are found to be subinspections let. Occasionally conducted and if it is found that the house has been sub-let-then eviction takes place and the allottee concerned, for the rest of the term will not be allowed to live in that house.

And there are penalties for people.

SHRI SIKANDER BAKHT
(Madhya Pradesh): Doesn't this Bill

cover those houses where the MPs have overstayed?

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN):

SHRIMATI SHEILA KAUL: No; I will come to that also And for this summary procedure, there is no appeal to civil courts. Only High Court has jurisdiction in this. Now, Kaldateji has gone.

The Vice-Chairman (Shri Jagesh Desai, in the Chair).

The State Government premises including the Delhi Union Territory premises will be adminisetred by Estate Officers appointed by the Central Government on the recommendation of the respective State Governments. The amendment will help to evict unauthorised guests of MPs also and relieve them of payment of charges. Then the amendment covers only temporary accommodation, as I said before, and for regular allotment, there is no charge proposed.

My other friends have given some good suggestions. I would like to thank Mr. Vishvjit P. Singh—he has also gone—for giving us a very useful information which, I must say, I did not possess myself. My office must have had it. But he has got it. He is quite right when he says that we should have more houses and other Members have also suggested that.

SHRI VISHVJIT P. SINGH: I am very sorry The TV monitors were showing the result. They were not showing as to who was speaking. That is why I got late.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): She was saying that you have given a very good suggestion.

SHRIMATI SHEILA KAUL: Actually, we did construct Type IV flats numbering 256 at Andrews Ganj. But as soon as they were ready, so

many of them demanded and they were taken away like hot cakes. So, to say that we are not constructing is not correct. We are doing the job. But it is difficult to get finance and other things. And constructing of more houses is not covered in this Bill. But it is in our mind.

Some Members said that we must have more bhawans and that the State Governments must construct more bhawans here. Some are doing this and some have asked for more land and we are providing them with land. If they come forward and ask for it we shall try to help them.

A mention was made about the flats on Baba Kharak Singh Marg I also went round to see them. I found them very satisfactory. There are three bed rooms, one guest room, a combined drawing and dining room. They are very nice and very comfortable. Well, if you want to scrub your utensils sitting down, then it is a different thing. There, I think, we can have a small suggestion. One tap can be fixed at the top and another tap can be down so that anybody washing the utensils can sit down and do the job. This suggestion can be considered at the time of future construction We have our own way of living and we do not want to impose our way of living on others.

This amendment will help us to evict unauthorised guests of MPs also and relieve them to payment of charges, as I said before. Do you want me t_0 reply to any other question?

SHRI V. NARAYANASAMY (Pondicherry): What about unauthorised constructions?

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SHRIMATI SHEILA KAUL: नहीं यह तो द्सरी चीज है।

This is a different thing. You have not studied the Bill.

SHRI V. NARAYANASAMY: Madam, I went through the Bill. You know that in Delhi, in many areas, a lot of unauthorised and illegal constructions and encroachments are going on. That aspect also comes under your Ministry and you are answerable for that.

SHRIMATI SHEILA KAUL: Sir, many honourable Members have spoken on this Bill and have given their suggestions. His suggestion can be considered when I place the National Housing Policy before the House.

SHRI V. NARAYANASAMY: That is right.

SHRIMATI SHEILA KAUL: Sir, I am grateful to the honourable Members for having given me their thoughts and ideas and I hope that we would be able to do our job with their kind help. Mr. Kaldate said that it was no use doing this unless we all got together to implement the whole thing We must have the desires and the will to do this and only then we can have it done.

With these words, Sir, I commend the Bill for the consideration of the House.

SHRI ASHIS SEN: Sir, I wanted to have a clarification. Even after her reply, one point remains. Sir, I have tabled an amendment. I do not want to give unbridled power to the Estate Officer because there is always the likelihood of its being missed. That is why I have tried to persuade the Minister to have the four words "is of the opinion" replaced by the words "finds on the basis of facts and documents". I would request the honourable Minister to give a favourable response to this

I also have mentioned incidentally—it has nothing to do with this Bill—about the payment of dues for buildings in Calcutta. Of course, that is a separate matter.

, e. 146.

SHRIMATI SHEILA KAUL: Really I cannot eatch his point.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): You can consider it at the time of moving the amendments. Now, I will put the motion to vote.

The question is:

"That the Bill further to amend the Public Premises (Eviction of Unauthorised Occupation) Act, 1971, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): We shall now take up clause-by-clause consideration of the Bill

Clause 2 was added to the Bill.

Clause 3—Insertion of new section 3A.

SHRI KRISHAN LAL SHARMA (Himachal Pradesh): Sir, I beg to move:

That at page 3, after line 9, the following proviso be inserted, namely:—

"Provided that the entire process of eviction from temporary occupation of any public premises shall not exceed thirty days from the date of expiry of the period of allotment, including the extended period, if any."

The question was proposed.

श्रो हु ण लाल गर्मा : उपसभाक्ष्यथ्य महोदय, मैं एक छोटा संशोधन रखना चाहता हूं ! कई पित्रों ने कहा भी है कि वैसे तो हमने धारा-3ए में यह प्रावधान क्या है कि बौबीस घंटे का पहले नोटिन दिया जाएगा ! जब उमका समय खत्म हो जाएगा या उसका जो एक्सटेंडेड टाइम है वह भी घरम हो जाएगा, लेकिन बीच में कुछ ऐसी बातें हैं, जो इस्टेट प्रापितर

है वह उनके घर जाए। वह कब जाएगा, कितना समय लेंगा, कीन सा टाइम फिक्स होगा इसके लिए कोई प्रोविजन नहीं है? फिर उसके सेटिसफेक्सन का सावल है। इसमें वह कितना टाईम लेता है, इसके बारे में यद्यपि दोनों बार हमने यह कहा है कि हम चौवीस घंटे के घंदन निरीक्षण का ब्राईर पास करेंगे। लेकिन वीच में ऐसा अकूना है कि जब तक हम उसको दूर नहीं करेंगे तब तक उसका लाभ नहीं होंगा और इसलिए मैंने अपना समेंडमेंट पंथा किया है। मैं मंती जी से अनुरोध करूगा कि वे इस पर विचार करें।

SHRIMATI SHEILA KAUL: Well, he has given his viewpoint. I do not think I have to say anything now.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Sharma, she will consider it in future. You are insisting on your amendment?

SHRI KRISHAN LAL SHARMA: At least some assurance from the Minister is necessary because we take so much time and there is no provision to see that we try to finish all the processes within thirty days or so.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): She has assured that she will look into it. I think, you should be satisfied with that.

SHRI KRISHAN LAL SHARMA: Okay I am not insisting on my amendment.

The amendment was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): I shall now put Clause 3 to vote. The question is:

"That clause 3 stand part if the Bill"

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

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

SHRIMATI SHEILA KAUL: Sir, I beg to move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): We shall now take up the Indo-Tibetan Border Police Force Bill, 1992.

THE INDO-TIBETAN BORDER POLICE FORCE BILL, 1992.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): Sir, I beg to move;

"That the Bill to provide for the constitution and regulation of an armed force of the Union for ensuring the securities of the borders of India and matters connected therewith, be taken into consideration."

Sir, as the House is aware, Indo-Tibetan Border Police was raised in October 1962 in the wake of Chinese aggression on our Northern borders. The Force was conceived as an integrated unconventional Guerilla cum-intelligence-cum-fighting Force meant to operate primarily in the inhospitable, wild and vertical world of the Himalayas. Since its inception, it has been mainly deployed ahead of Army defences in the remote areas of Northern borders at altitudes of 9,000 to 19,000 ft, above the sea level in the States of Jammu and Kashmir. Himachal Pradesh Uttar Pradesh. It has been discharging it's role, including border surveillance, effectively Moreover, during the past three decades, it has also acquired a rich experience in the fields of high risk VVIP security duties, banks security duties and in antiterrorist operations in States like Jammu & Kashmir and Punjab. The specialisation acquired by ITBP has accorded it a recognisable identity of its own.

The ITBP, since its raising, is being governed by the provisions of the CRPF Act. 1949 and the CRPF Rules. 1955 as amended from time to time. However, the role of ITBP is distinct from that of CRPF, as it includes providing a sense of security to the population living on the borders, controlling trans-border traffic, ensuring effective border surveillance functioning under the operational control of the Army as may be required in senstive areas. This role demands legal provisions of a nature somewhat different from those required by the CRPF. This is the background in which the Indo-Tibetan Borer Police Bill, 1992 has been introduced. A separate Act would also impart a sense of pride and recognition to the ITBP personnel. With these words I commend Bill to this august House for approval

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): There is one amendment by Shri Krishan Lal Sharma for reference of the Bill to the Joint Committee of Parliament.

भी करण लाल शर्मा (हिमाचल प्रदेग):
उपसभाध्यक्ष महोदय, में प्रस्ताव करना
है कि इम बिल को दोनों सदनों की संयुक्त
समिति को रेफर किया जाए । जैमा कि
अभी बनाया गया यह बहुत बड़ा निल है
157 कलाजें ज हैं, 30 साल के बाद बहु
बिल लावा जा रहा है और मुझे लगता
है कि इस पर और विस्तृत विचार होना
चाहिए और जल्दी बाजी में इसको पाम
नहीं करना चाहिए । नीस साल के बाद
यह बिल लाया जा रहा है और फिर
अध्रा रह जाए यह उचिन नहीं है ।
इस लिए मैं अपना संगोधन दे रहा ह