

## THE URBAN LAND (CEILING AND REGULATION) BILL, 1976

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAHGU RAMAIAH): Sir, with your permission, I beg to move :

"That the Bill to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good, as passed by the Lok Sabha, be taken into consideration."

At the very first instance I would like to draw the attention of the House to the fact that this has a big history behind it. The House will no doubt recapitulate the election manifestos of the Congress Party in 1971 and 1972 and also the resolution on economic policy passed by the All India Congress Committee in 1973.

Sir, with your indulgence, I shall quote from that resolution.

"A positive urbanisation policy is urgently needed. All urbanisable land should be socialised and a ceiling on the size of new houses to be built by the State authorities and private interests should be fixed. This will eliminate unearned profits, assure planned growth of our cities and provide capital for social housing programmes. Such programmes need massive investment which may not be otherwise available."

I would also like to draw the attention of the House to the twenty-point economic programme announced by our Prime Minister. I would like to quote from that

"Fortunes have been made out of urban land at the nation's expense. Speculation in land and the concentration of urban property have led to glaring inequalities and to a great deal of haphazard urban growth. Legislation is being initiated to impose ceilings on the ownership and possession of vacant land, to acquire excess land, to restrict the plinth area of new dwelling units and socialise urban and urbanisable land."

In a word, Sir, this Bill is intended to implement this important item in the twenty-point programme announced by the Prime Minister bearing in mind the earlier commitments of the Congress.

Before I go into the salient features of this Bill, I would like to point out one or two cardinal factors underlying this Bill. One is that this is confined to vacant land. A question may legitimately be raised and I am sure it will be raised, why are we confining it only to vacant land and why does it not embrace buildings and all other types of immovable property in urban areas? A number of committees have gone into it at the ministerial level and the matter having been gone into in depth, Government has come to the conclusion that imposition of a physical ceiling of the nature we have now incorporated in this Bill in respect of buildings or imposition of a ceiling on the basis of the valuation of a building or other immovable property would create so many problems. Take for instance, the concept that we should have a ceiling on all urban property on the basis of valuation. It may be Rs. 2 lakhs or Rs. 3 lakhs or Rs. 5 lakhs. It may be prescribed that a man can own property, a person or a family can own property worth only so much. To that extent it was thought that we may value the building, the land and so on and then put a ceiling on it. Sir, there is one great difficulty in that. Value differ not only from place to place, but even within the same town, from area to area as well. Values also fluctuate; the valuation of 1971 is not the valuation of

[Shri K. Raghu Ramaiah]  
1972 and the valuation of 1972 is not the valuation of 1973. There is also another factor. If we say Rs. 5 lakhs is the limit, a person or a family in a less important city may buy up a whole chunk of land which at that time might be heap, depriving the community of a large area which would have otherwise been available for construction purposes for the benefit of the low-income groups and the economically weaker sections of the community. Therefore, we had to give up the idea of putting a ceiling on the basis of valuation of property. Then, the question arose, why not we put a ceiling on the basis of physical measurements of a property? It was suggested that a unit should consist of three or four rooms, that the requirements of an average family in regard to accommodation should be worked out and then a ceiling put on it. There are problems here again. Is every building capable of such sub-division? Is every building capable of being divided in such a way that a family can have a self-contained unit within that sub-divided unit? Sir, I hope hon. Members would appreciate that if we were to divide and sub-divide houses in this way, make the State Governments owners of such houses and if they were to impose some strangers and outsiders into a small compound, what heart pangs it would cause, what difficulties it would create and what troubles it would generate.

Therefore, the Government decided that so far as physical limitation—imposition of a ceiling on the basis of physical factors—is concerned, we shall confine it only to land. But I want to make it very clear that it does not mean that other forms of urban property like buildings, etc., will go untouched. It is the intention of the Government, Sir, to issue guidelines which will enable the State Governments to impose a measure of taxation on these large built-up houses which will discourage such luxurious houses and which will encourage sub-divisions so that more people can have tenements. The House can ask me why

the Government is not doing it, Sir, the Central Government is not capable of doing it. That is why we propose to issue the guidelines. Even this Bill is not within the jurisdiction of this House except for the fact that a resolution to that effect—requesting us to do so—has been passed by ten or eleven State Governments, the number and details of which are given in the Bill. They have authorised us. Otherwise, land being one of the State subjects—I think it is item No. 17 or 18 of the State List—we cannot do it. We are now proceeding under article 252. Article 252 authorises Parliament to pass a law of that nature at the request of the State Governments concerned and we are doing it now because the State Governments have passed a resolution. But the wording of that resolution becomes important in answering the question as to why we cannot undertake legislation. With your indulgence, Sir, I shall read out the resolution :

“Whereas this Assembly/Council considers that there should be ceiling on urban immovable property.

And whereas the imposition of such a ceiling and acquisition of urban immovable property in excess of that ceiling or matters with respect to which Parliament has no powers to make laws for the States except as provided in articles 249 and 250,

And whereas it appears to this Assembly/Council desirable that the aforesaid matter should be regulated by State, by Parliament, by law,

Now, therefore, in pursuance of clause (1) of article 252 of the Constitution, this Assembly/Council hereby resolves :

That the imposition of a ceiling on urban immovable property and acquisition of such property in excess of the ceiling and all matters connected there-

with, ancillary and incidental thereto, shall be regulated by Parliament, by law."

So, the authority given to us does not extend beyond the imposition of a ceiling on urban immovable property and acquisition of such property.

Now the legal opinion is that the words "ancillary and incidental thereto" do not cover a matter which is outside the scope of the imposition of a ceiling. Taxation is something outside the scope and, therefore, as the resolution now stands, the Centre has no power. Therefore, Sir, Government have decided to issue guidelines to the States somewhat on the following lines. It will be a kind of package of measures. I shall read out what we propose to do. We will instruct them, in our guidelines to take the following steps:—

**"Imposition of a ceiling on vacant land.**

Imposition of urban land tax on vacant land.

Imposition of urban land tax on land and buildings whereas such land is in excess of the specified limits.

Imposition of tax on built-up area in excess of the specified limits.

Imposition of conversion charge where the land is proposed to be used for a purpose different from that for which it is being used.

Imposition of restriction on transfer of agricultural land within the urban agglomerations without permission.

Removal of certain types of restrictions imposed by Master Plans, zonal regulations, municipal by-laws which militate against the concept of urban ceiling."

So, Sir, it would be wrong to think that we have given up the idea of any control of built-up property. We propose to pursue it, in the manner I have indicated, by

the guidelines to the States and I am sure the States would keep in mind the spirit animating the Bill when they deal with the built-up property.

Sir, I would now like to deal with the salient features of this Bill. The Bill defines urban and urbanisable areas, which we call 'urban agglomerations', and divide the various agglomerations into four types in respect of the various States which are given in the Schedule. There are four categories: category A, category B, category C and category D. Category A is confined to the metropolitan cities of Delhi, Calcutta, Madras and Bombay; category B is confined to towns with a population of 10 lakhs and above, excluding the above metropolitan cities; category C is confined to a population ranging between 3 lakhs and category D. Category A is confined to a population ranging between 2 lakhs and 3 lakhs. So far as the towns with lesser population than 2 lakhs but one lakh and above are concerned, it is proposed to leave it to the State Governments to impose or not to impose such a ceiling on them and if they decide to do so, a provision is made in the Act to put them in category D. In category A towns, that is the metropolitan cities, the ceiling proposed is 500 square metres. In category B it is 1000 square metres, in category C it is 1500 and in category D it is 2000. But in allowing this vacant land for a family we take into account, as far as the Bill goes, also the land occupied by a building which they already have. Suppose, a person has a building. Now, that land occupied by the building and the land appurtenant thereto and whatever other space he has in that area, will be taken into account. So, if a land occupied by the building is already 500 square metres in category A, he will not be permitted to retain any other vacant land. That has been taken care of.

Coming to other important features, so far as compensation is concerned, if it is capable of a rental assessment, it will

[Shri K. Raghu Ramaiah]

be eight and one-third times the annual rental value. It can be assessed on the basis of taking the average of the last five years. If it is not so capable of assessment . . .

SHRI MAHAVIR TYAGI (Uttar Pradesh): I would like you to please clarify whether this law of ceiling will apply to Government properties, like the secretariat office buildings and also whether the land and buildings occupied by Government officers will be included or not.

SHRI K. RAGHU RAMAIAH: Government servants are treated like all other citizens but Government is treated differently. There are certain categories where exemptions have been given, for instance, banks, charitable and religious institutions, associations registered under the Societies Registration Act, cooperative housing societies and so on. There are a whole series of exemptions and in fact I will explain to you why these exemptions have been made when I come to that point.

I was explaining before this intervention that compensation would be calculated where feasible on the basis of rental value. Otherwise, it will be decided on such basis as the State Government concerned may deem fit, taking all the relevant circumstances into account but not exceeding a sum of Rs. 10 per square metre, that is the maximum. They are not bound to give in every case but the maximum will be Rs. 10 per square metre in the case of category A and category B and Rs. 5 in the case of categories C and D. This compensation will be paid up to 25 per cent, not exceeding Rs. 25,000 in any case in cash. The rest of it will be by bonds bearing an interest of 5 per cent, payable after 20 years.

But one other clause which I must bring to your notice is this that for the land that will vest in the State Government, the compensation will become payable by the State Government only when they issue the relevant notification. So, the liability

of the State Government will start only after that final notification is issued.

Now that is about compensation. And we have made some exemptions. As I have explained, these exemptions have become necessary.

SHRI N. G. GORAY (Maharashtra): Sir, you said that the compensation will be paid of the rate of Rs. 10 per sq. ft. (maximum), which will work out to about Re. 1 per sq. ft. Now, I would like to point out that in metropolitan cities like Delhi and Bombay, certain purchases have been made recently even by middle-class people at the rate of about Rs. 10 per sq. ft.

SHRI K. RAGHU RAMAIAH: That is why the ceiling law has become necessary. We want to give land at cheap rates to the needy, poor and economically backward classes.

SHRI N. G. GORAY: I am not talking of rich people; I am talking of middle-class families.

SHRI K. RAGHU RAMAIAH: Sir, the ceiling law is a ceiling law. It applies equally to all people, whether rich people or middle-class people. Propertied man is a propertied man and he is looked upon as such. Property-less man is a property-less man and he is looked upon as such. The poor man does not buy anything. The State will buy land and sell to him at cheap rates. That is the whole concept of the Bill. And I thought that is one aspect which Mr. Goray will appreciate.

SHRI N. G. GORAY: What I say is that quite a few middle-class people, not rich people at all, say, for example, those who are employed and who are getting a salary of Rs. 500 per month, they form societies and buy house-sites at the rate of Rs. 5 per sq. ft.—that is the rate in Poona; I am not talking of Bombay.

**SHRI K. RAGHU RAMAIAH :** Sir, we are allowing them such extent of land as we think is necessary and equitable. It is only the land which is considered to be in excess that will be vested in the State. After all, the growth of population in urban areas is at a tremendous rate; and also migration from the rural areas to the urban areas is growing so much that unless we take some measure like this, the entire urban land will be cornered by a large number of monopolists, black-marketeers who are grabbing land for speculation. That is the whole basis of the need for socialisation of urban land; and that is what we have at the back of our mind in bringing forward this Bill.

We had to make certain exemptions. First of all, we have given a blanket authority in certain cases to the State Government because the matter is so complicated. In fact, even now, as I was coming here, I was told that there are one or two loopholes which I was asked to examine. The matter is really so complicated, as you will see on going through the Bill itself. Therefore, we have to give to the State Government a certain authority. We have given two types of authority. One is that, in the interest of public good, they can give exemption. They can also in certain cases give exemption on the ground of hardship.

**SHRI G. LAKSHMANAN (Tamil Nadu):** Sir, there is vast urban land occupied by Raj Bhavans and Ministerial residences. Does it apply to them also?

**MR. CHAIRMAN :** He has already replied to this point.

**SHRI K. RAGHU RAMAIAH :** Sir, exemption in such places serves two purposes. It enables the public to enjoy those premises; and, secondly, it leaves some green land somewhere in the middle of the town, which is very necessary. And, after all, dignitaries have certain functions to perform. There may be a hundred dignitaries coming to Raj Bhawan. Where will they

for example park their cars if the area occupied by Raj Bhawan is only 500 sq. Metres?

Sir, as I was explaining, we have given two types of authority to exempt. One is, for the public good. Suppose they are satisfied that an institution must have particular land, they can exempt the provision in the public interest. They can also exempt in cases of individual hardship. Suppose X has a land, built-up land, and land appurtenant thereto, and an extra about 100 sq. metres, is left in a corner. Are we to vest it in the State Government and the State Government to give it to a man who builds a slum or *Jhuggi Jhopri* there?

Therefore, we have rightly left it to the State Government to give exemption in such cases of hardship. We have also given certain other exemptions about State Government properties, Central Government properties, banks, land mortgage banks who have invested, who got land by way of return on investment, which is their business, cooperative housing societies, charitable and religious institutions and clubs also—*bona fide* clubs which the State Government recognises. But if a club has some land which is not necessary for it, then the State Government can take it over.

**SHRI MOHAN SINGH OBEROI (Uttar Pradesh) :** Hotels?

**SHRI K. RAGHU RAMAIAH :** Hotels? They will come under the general exemption. If you can satisfy the State Government that you need more land for expansion, that you need this much for parking space, I am sure the State Government will look into it. There is no intention to interfere with the normal tenor of life.

**SHRI VEERENDRA PATIL (Karnataka):** '17th February, 1975'—what is the significance of that date?

**DR. K. MATHEW KURIAN (Kerala) :** The astrologer has given that date.

**SHRI VEERENDRA PATIL :** In the Bill it is stated 'all the transactions from 17th February, 1975 up to the appointed day'. I wanted to know the significance of that date. What will happen to the sales of those vacant lands which have taken place after the 17th February, 1975 up to the issue of an ordinance by a particular State Government because in the case of Karnataka, the Ordinance was issued in the month of June, 1975. Before that, there was absolutely no prohibition with regard to alienation of land; there was absolutely nothing. The Ordinance was issued only in June, 1975. So, what will happen to the *bona fide* sales between 17th February 1975 and June, 1975 when the Ordinance was promulgated ?

**SHRI K. RAGHU RAMAIAH :** First of all, why we fixed the month of February, 1975 ? That is the main point. Well, somebody will say January; somebody will say February. Some will say, why not 1971 ? Somebody will ask, why not 1973 ? These are all legitimate questions. Somebody must choose some day, and we have chosen the date on which the President of India, in his Address to the Joint Session had intimated that there shall be a ceiling on urban land. You have to start somewhere; we thought that it was the most appropriate date. Regarding the validity about anything done after February, 1975, *bona fide* sales are exempted; they are not affected.

You please read it. Of course, there in addition a ban on sale of urban property for 10 years. But it is not a complete ban. If anybody wants to sell urban property within a period of ten years, then he must inform the Government or the Controller as the case may be, and if the Government does not want to acquire it, then he will be free to sell. The idea is to see that whatever surplus land is available to the community does not go to pugree-payers and black marketeers but should be made available to the State Governments so that they may distribute it to the community in a rational manner. These are some

of the salient features of the Bill and I commend the motion for the consideration of the House.

*The question was proposed.*

**श्री योगेन्द्र शर्मा (बिहार) :** सभापति महोदय, अभी-अभी मंत्री महोदय ने हम लोगों को बतलाया, कि यह बिल बहुत ही जटिल और टेढ़ा है। सवाल उठता है कि यह बिल जटिल और टेढ़ा क्यों हो गया है ? हमारा विचार है कि इस जटिलता और टेढ़ेपन के पीछे जितना सराहनीय उद्देश्य है उतना ही यह असंतोषजनक है। मैं समझता हूँ कि इस बिल के उद्देश्य और बिल के प्रावधानों में जो अन्तर विरोध है उसके कारण यह भी बिल बहुत ही टेढ़ा और जटिल हो गया है। मैं वह भी मानता हूँ कि इस बिल का उद्देश्य बहुत ही सराहनीय है। हमारे देश में शहरों के अन्दर जिस प्रकार से जमीन का केन्द्रीयकरण हो गया है और जिस तरीके से शहरी भूमि कुछ मुठ्ठी भर लोगों के हाथों में चली गई है, उसकी चर्चा मंत्री महोदय ने भी अपने वक्तव्य में की है। अभी हमारे देश में स्थिति यह हो गई है कि कुछ मुठ्ठी भर लोगों के हाथ में तमाम गैर-सरकारी जमीन और मकान संचित हो गये हैं। एक तरफ तो शहरों के अन्दर यह स्थिति है, लेकिन दूसरी तरफ यह स्थिति है कि लाखों-लाख लोग झोपड़ियों में रहते हैं या शहरों की पग-डंडियों में अपनी जिन्दगी बिताकर अपना दम तोड़ रहे हैं। ऐसी हालत में इन झोपड़ियों में रहने वालों और पग-डंडियों में जिन्दगी बिताने वालों को कम से कम जिन्दगी की न्यूनतम आवश्यकता—आवास की पूर्ति हो। इसके लिए आवश्यक है कि जमीन की हदबंदी की जाय। हम समझते हैं कि जैसा मंत्री महोदय ने कहा कि कांग्रेस पार्टी ने जब मई 1971 में चुनाव लड़ा था तो उस वक़्त उन्होंने अपने मैनुफेस्टो में इस बात का उल्लेख किया था कि जनता यदि उन्हें विजयी बनाएगी तो वे शहरी सम्पत्ति की हदबंदी करेंगे। उसके बाद कांग्रेस पार्टी इसी आधार पर जीत कर आई। लेकिन मेरा कहना यह है कि शहरी

सम्पत्ति की हदबंदी के नाम पर आज यहां पर खाली जमीन की हदबंदी का बिल पेश किया गया है। इससे यह प्रकट होना है कि उद्देश्य और आचरण में जो अन्तरविरोध है उसने इस बिल को टेढ़ा बना दिया है। इतना ही नहीं, अभी-अभी माननीय मंत्री महोदय ने राज्य सरकारों द्वारा की गई सिफारिशों को हम लोगों के सामने पढ़कर सुनाया। मंत्री महोदय ने यह भी बताया है कि राज्यों की विधान सभाओं को संविधान की धारा 250 और 252 के अन्तर्गत जो अधिकार प्रदान किये गये हैं उन्हीं के अनुसार इस बिल को यहाँ पेश किया जा रहा है। लेकिन जो बातें उन्होंने पढ़कर सुनाई उनसे प्रतीत होता है कि विभिन्न राज्यों की 11 विधान सभाओं ने सिर्फ खाली जमीन की हदबंदी के बारे में ही अपनी सिफारिशें नहीं भेजी हैं बल्कि अचल सम्पत्ति के बारे में उचित प्रावधान करने के संबंध में केन्द्रीय सरकार को अधिकार दिया है। जब इस प्रकार की स्थिति है तो यह बात समझ में नहीं आती है कि सिर्फ खाली जमीन की हदबंदी के बारे में ही यह बिल क्यों पेश किया जा रहा है? मैं समझता हूँ कि इसके अन्दर जो अन्तर-विरोध है, इसी अन्तर-विरोध के कारण यह बिल कुछ टेढ़ा हो गया है और इसके अन्दर कुछ जटिलताएँ आ गई हैं। यदि मंत्री महोदय चाहते और सरकार चाहती तो इस टेढ़ापन की कोई आवश्यकता नहीं थी। राज्यों की विधान सभाओं ने अपने अधिकार आपको दिये हैं और आपने खुद अपने इलेक्शन मैनिफेस्टो में जनता से जो वायदे किये हैं, उनको पूरा करने का वक्त आ गया था और इस दृष्टि से आप शहरी सम्पत्ति के संबंध में भी कोई बिल पेश करते। अगर आप माथ-माथ में शहरी सम्पत्ति की सीलिंग के संबंध में भी कोई हदबंदी कानून बनाने तो मैं समझता हूँ कि यह टेढ़ापन उत्पन्न नहीं होता इसलिए हमारी जिकायत सिर्फ यह है कि अपने उद्देश्य के अनुकूल आपने आचरण नहीं किया। उद्देश्य आपका मराहनीय है। हम इसका समर्थन करते हैं। लेकिन हमें इतनी निराशा अवश्य होती है कि जब आप शहरी भूमि की हदबंदी का कानून

ला रहे हैं तो आप शहरी सम्पत्ति के संबंध में बिल क्यों नहीं लाये? मैं समझता हूँ कि इसी कारण से बिल के अन्दर कठिनाइयाँ पैदा हुई हैं और इन कठिनाइयों के बारे में खुद मंत्री महोदय ने अपने भाषण में जिक्र किया है।

बिल में इस हद तक कबूल किया है कि यदि कठिनाइयाँ पैदा होंगी तो उन कठिनाइयों को दूर करने का अधिकार आप में है। यह अधिकार भी आपने बिल में ले लिया है। किर्मी भी सामाजिक सुधार के काम में आपको कठिनाइयों में पड़ना पड़ेगा; कठिनाइयों में भागना आप चाहेंगे तो आप कुछ नहीं कर सकते हैं। इसलिए कठिनाइयों के नाम पर भूमि-भवनों की हदबंदी के मैनेजेंट में मुकदमे का कोई तुक नहीं है। इस संबंध में कोई तर्कसंगत व न्यायमग्न बातें मंत्री महोदय से सुनने को हमें अभी तक नहीं मिली हैं।

श्रीमान्, शहरों में कुछ मुट्ठीभर लोगों के पास बड़े-बड़े मकान, बीसियों मकान जो जमा हो गए हैं—कहाँ से जमा हो गए हैं? क्या यह सच नहीं है कि यह कर-बंचना और काले-धन वाले पापों की कमायी है? सरकार की विभिन्न कमेटियों ने जिस हद तक भी जांच की है उसका यही परिणाम निकला है कि यह उन पापों की कमायी है; उनको आप नहीं छू रहे हैं। वह पापों की कमायी क्या है? हमारे पास कहने का समय नहीं है। लेकिन यह जग जाहिर बान हो चुकी है कि उनको आप नहीं छू रहे हैं। किनको आप छू रहे हैं? झुग्गी-झोंपड़ी वालों को तो उजाड़ें और उन पापों की कमायी वालों को छुओ मत—उसको अभयदान दे दो, बिल में यही बात है, क्योंकि उन्हें अक्षुण्ण छोड़ दिया है। इतनी ही बात नहीं है। उनको छोड़ देने का एक जो बहुत ही बुरा तरीका होगा वह यह होगा कि देहातों और शहरों की जो विपमना है वह और भी बढ़ेगी। यूँ, जिस पूँजीवादी रगने पर सरकार चल रही है उसका लाजिमी तरीका यह है....

श्री कल्याण (उत्तर प्रदेश) . समाजवादी ।

**श्री योगेन्द्र शर्मा :** यही तो हमारी शिकायत है कि नहीं हो रहा है। यदि समाजवादी रास्ते पर आप चलने तो शहरों और देहातों की विषमता बढ़ती नहीं, घटती। इस बिल में आप दो माप-दण्ड नहीं कर सकते।

**डा० राम कृपाल सिंह (बिहार) :** पूँजीवादी रास्ते पर चल रहे हैं इसीलिए आप समर्थन कर रहे हैं।

**श्री योगेन्द्र शर्मा :** आप एक प्रोफेसर आदमी हैं, आपका समझना चाहिए। यही तो हमारा रोना है कि इस बिल के जरिए से वह विषमता और बढ़ेगी। गांवों में लगानखोरी पर जीने वाले मुपतखोरों पर आपने हदबंदी लगाई, बहुत सही है, लेकिन शहर में लगानखोरी पर जीने वाले मुपतखोरों के ऊपर हदबंदी आप नहीं लगा रहे हैं। यह दोहरा माप-दण्ड है जिसके कारण शहरों और गांवों की विषमता और बढ़ेगी और हम समझते हैं कि उधर से जो माननीय सदस्य कह रहे थे, उनको इस बात का समर्थन करना चाहिए कि इस विषमता को नहीं बढ़ाना चाहिए; इस विषमता को घटाने के लिए शहरों की भी गैर-मरकागी भूमि और भवनों पर हदबंदी होनी चाहिए, उसी तरह से जिस तरह से देहातों में आपने जमीनों की हदबंदी की है।

**श्रीमन्,** आपके आदेश के अनुसार हम बहुत ही संक्षेप में और निरंतर समय के भीतर अपनी बातों का समाप्त करेंगे। बिल में जो प्रावधान किए गए हैं उनके मुताबिक जो फटेहाल जमीन मालिक हैं शहरों के, उन पर तो हदबंदी लगेगी और जो मालो-माल जमीन के मालिक हैं उन पर हदबंदी नहीं लगेगी क्योंकि खाली जमीन शहरों में है किन्तों के पास? हम समझते हैं वही काहिल और फटेहाल जमीन के मालिक हैं जिनके पास पैसा नहीं जिससे वे मकान बना सकें, और जो चलते-पूरजे लोग थे उन्होंने तो मकान बना लिए और मालोमाल हो गए। तो मालोमाल जो जमीन के मालिक हैं उनको हदबंदी से निकाल देने है और बेचारे जो फटे-

हाल हैं उन पर हदबंदी लगाते हैं। यह कौन सा समाजवाद का रास्ता है? हम समझते हैं, मंत्री महोदय भी हमसे सहमत होंगे कि यह विषमता को दूर करने का रास्ता नहीं है, यह विषमता को और भी बढ़ाने का तरीका है। इसलिये हमारे मुझाब पर वह गौर करेंगे। अभी भी वह गौर कर सकते हैं। इतना ही नहीं, इस बिल में मुझाबजे की दर क्या है? आठ और एक बटा तीन गुना। यह मुझाबजे की दर जिन के पास शहर में 5 करोड़ रुपये की सम्पत्ति है उनके लिये भी है और जिनके पास शहर में एक लाख रुपये की सम्पत्ति है उन के लिये भी मुझाबजे की यही दर है।

**श्री श्रीम प्रकाश व्यासी (उत्तर प्रदेश) :** यह बेचारे किस भाव से ?

**श्री योगेन्द्र शर्मा :** यह आप पूछ लीजियेगा। हमारा तो कहना यह है कि आप 5 करोड़ की सम्पत्ति रखने वाले को और 5 हजार की सम्पत्ति रखने वाले को, दोनों को ही एक अंधी लाठी से पीट रहे हैं। यह समाजवाद का रास्ता नहीं है। यह पूँजीवाद का अंधा रास्ता है। समाजवाद के उज्ज्वल रास्ते पर आप चलने तो जो छोटे जमीन मालिक हैं उनके लिये मुझाबजे की दर ज्यादा होती और जो बड़ी जमीनों के मालिक हैं उनके लिये मुझाबजे की दर कम होती। यह समाजवाद से दूर रहने का रास्ता है और मैं समझता हूँ कि गांव की जमींदारी उन्मूलन के मिलमिले में जो मुझाबजे की दर का सिद्धान्त माना गया, लागू किया गया वह यही था कि बड़े-बड़े जमीन मालिकों को कम मुझाबजे दिया गया था और छोटे जमीन मालिकों को ज्यादा मुझाबजा दिया गया था। यहाँ पर आप इस सिद्धान्त को क्यों लागू नहीं करते। मैं नहीं समझ पाता कि यह दूसरा सिद्धान्त शहर के लिये क्यों है। इतना ही नहीं, हदबंदी क्या होनी चाहिए। पाँच सौ से दो हजार वर्ग मीटर की हदबंदी है शहरों की जनसंख्या के मुताबिक यहाँ भी वही अधा नियम है। बड़े-बड़े जमीन मालिकों के लिये भी वही हदबंदी और छोटे जमीन मालिकों



के लिये भी वही हदबंदी। जिन के पास बीस मकान हैं, गगनचुम्बी अट्टालिका है उन की भी वही हदबंदी। और जिनके पास एक रिहायशी मकान है उनके लिए भी वही हदबंदी। यह अंधा नियम आप चलाने जा रहे हैं। यह अंधा नियम आप का सिद्धांत नहीं है, यह अंधा नियम आप का रास्ता नहीं है। तो इस सिद्धांत और रास्ते के विपरीत आप इस बिल में आचरण कर रहे हैं और इस लिये आपके सामने जटिलता है, आप के सामने टेढ़ापन है।

श्रीमन्, अब हम जो खाली जमीन का सीमित दायरा है उस पर विचार करेंगे। उसके प्राविधान में भी इतने दोष हैं कि हम को शक है कि कोई भी जमीन निकल सकेगी। जिनहोंने बिल के टेढ़ेपन के जरिये से ऐसा वातावरण पैदा किया है कि शायद कुछ समझ में न आये, उनकी बात को समझने के प्रयास में और उस टेढ़ेपन को सीधा करने-करते हम यहां पर पहुंच सके हैं उस से यह निकलता है कि इस बिल के जरिये हमें कोई जमीन नहीं मिलेगी। क्यों नहीं मिलेगी? यह सवाल है। पहली बात यह कि यह 11 राज्यों में लागू होगा और बाकी 11 राज्यों में यह लागू क्यों नहीं होगा। इसका मतलब यह हुआ कि बाकी 11 राज्यों में अभी जो लोग हैं वह गोरख-अंधा शुरू करेंगे और हम को तजुर्बा है कि गांवों में जमीन की हदबन्दी को लोगों ने किस तरह से, बेनामी के जरिये, बदलने के जरिये, बेनामी के जरिये जमीन को कहाँ से कहा कर दिया है। तो बाकी 11 राज्यों में आप नोटिस दे रहे हैं कि लोग बड़ा जमीन के बेनामी, बदलने वगैरह कर के हदबन्दी से छूट जाएं। अभी-अभी वहम हुई और उसमें एक माननीय सदस्य ने पूछा कि आप इस को 1975 में क्यों लागू कर रहे हैं। उन्होंने कहा कि राष्ट्रपति के अभिभाषण में जब इस बात को कहा गया तब से हम इसको लागू करने जा रहे हैं। लेकिन 1971 में जब आप ने अपना एन्क्वशन मैनिफेस्टो दिया था तो उस समय आप ने एलान किया था और तभी से शहर के जमीन मालिकों ने शहर की जमीन का गोरख-अंधा करना शुरू कर दिया था। सभी कोई इस बात को जानते हैं कि तब से शहर में जमीन मालिकों ने

बेनामी, बदलने आदि के जरिये जमीन के टाइल बदल दिये। तो इसलिए यदि आप एक सीमित उद्देश्य को प्राप्त करना चाहते हैं तो आप को इस बिल को 1971 से ही लागू करना चाहिए, जब से कि आपने अपना एन्क्वशन मैनिफेस्टो इश्यु किया। फिर कहा गया कि हम कुछ ही शहरों तक इसको सीमित रखेंगे। बाकी शहरों में लागू करने का अधिकार राज्य सरकारों को दे दिया। राज्य सरकारों ने तो तमाम अधिकार आप को दे दिये। इसलिये दे दिये कि खाली जमीन के सीमित दायरे में भी इस को आप करना चाहते हैं तो एक लाख से या उस से अधिक की आबादी वाले तमाम शहरों में आप इस बिल को लागू कीजिए। हदबन्दी की बात मैं कह चुका हूँ कि इतनी ऊंची हदबन्दी की आवश्यकता नहीं। हदबन्दी को भी ऐसा करना चाहिए कि अधिक से अधिक खाली जमीन निकल सके। कोई कारण नहीं है कि आप हदबन्दी को ऊँचाई को आधा न कर दें। कम से कम उन के मामले में तो आप आधा कर ही दीजिए कि जिन के पास बहुत से मकानात हैं। उन को इतनी छूट आप क्यों दे रहे हैं। और सब में बड़ी चीज यह है कि इस बिल में श्रीमन् दोहरी अपील की बात रखी गयी है। हमारे अपील हाईकोर्ट में जमीन का मालिक कर सकता है। हम को और आप को, सभी को तजुर्बा है कि बीस साल से हदबन्दी का सवाल अदालतों में पेश है और उन में फैसले नहीं हुए। यह इमरजेसी के नाम पर नुरस्त लागू करना चाहते हैं। कहा गया है कि हम इन्तजार नहीं कर सकते, लेकिन इस में दूसरी अपील करने का जमीन के मालिकों का अधिकार देकर क्या आप ऐसी हालात नहीं पैदा करना चाहते हैं कि जिस में बरमो बरम लग जायेंगे और खाली जमीन एक इंच भी आप को नहीं मिलेगी। यह हम सब का तजुर्बा है। तो कम से कम दूसरी अपील का जो प्राविधान है उसे आप समाप्त कीजिए और फिर इसमें जो छूट दे दी है सोमाइटीज को, क्लब्स को, और किस किस को, उस के बाद जमीन कहा रह जायेगी। हम सभी को इस बात का तजुर्बा है और यह

[श्री योगेन्द्र शर्मा]

बात जग जाहिर है और इस में वहम की गुजायश नहीं है कि हमारे देश में रिलीजस ट्रस्ट के नाम पर, चेरिटेबिल ट्रस्ट के नाम पर लोगों का करों से बचना, हदबन्दी से बचना एक आम बात है और इसके बावजूद आप ने उन सब को छूट दे दी है। क्या माननीय मंत्री जी बतायेंगे कि लक्ष्मी नारायण ट्रस्ट के नाम से—रघुरमैया माहब मुन रहे है या नहीं, शायद उनका ध्यान दूसरी तरफ है।

SHRI K. RAGHU RAMAIAH : I can assure him, Sir, that I am 'over hearing' him....

(Interruptions)

श्री योगेन्द्र शर्मा : तो क्या जब आप जवाब देंगे तो बतायेंगे कि इस देश में लक्ष्मी नारायण ट्रस्ट के नाम से कितनी संपत्ति, कितने मकान और कितनी जमीन है और ऐसे ट्रस्टों को आप छूट दे रहे हैं। तो ऐसा कर के आप छूट दे रहे हैं मगरमच्छों को और छोटी-छोटी मछलियों को आप निगल जाना चाहते हैं। और इतना ही नहीं, उस के बाद यदि कुछ खाली जमीन बच जायेंगी तो उस के लिये भी आप ने जमीन मालिकों को छूट दे रखी है कि यदि वे उस खाली जमीन पर मकान बना लें तो उनको छूट मिल सकेगी। उस के बाद खाली जमीन कहा रहेगी। तो यह पूरा बिल ऊंचे उद्देश्यों के प्रति एक ढकोमला है और यही कारण है कि बिल के आने के बावजूद बाजार पर कोई फर्क नहीं पड़ा। यदि बिल के उद्देश्य ऐसे होंते, यदि इस के प्राविजन्म ऐसे होंते कि इस से जमीन निकलती तो जमीन के बाजार भाव कम हो जाते। लेकिन इस बिल के आने के बाद बाजार भाव पर क्या प्रतिक्रिया है। जो भाव थे सो है। वह जानते हैं कि इस बिल से जमीन निकलने वाली नहीं है। इस लिये मैं माननीय मंत्री जी से निवेदन करूंगा कि आप का उद्देश्य अच्छा है, ऊंचा है, मराहतीय है, लेकिन आप उस ऊंचे और मराहतीय उद्देश्य के अनुसार इस बिल के प्राविजन्म को भी मराहतीय बनावें।

उसके दांपो को दूर कीजिए। अन्यथा आपका उद्देश्य पूरा नहीं होगा, जनता के प्रति दिये गये आपके आश्वासन तुरे नहीं होंगे।

MR. CHAIRMAN : Mr. Anandam, you should not take more than 15 minutes.

SHRI M. ANANDAM (Andhra Pradesh) : Mr. Chairman, Sir, I congratulate the hon. Minister for having brought this Bill for consideration in this House. As you are very well aware, this is one of the measures which is intended to curb the concentration of wealth and also to fulfil the promise that we have made in our election manifesto at the time of the previous elections.

Mr. Chairman, Sir, what exactly we wanted to do was to impose a ceiling on the entire urban property. But as the Minister has explained, it was brought with various complications. Therefore, he has brought in this Bill for imposition of a ceiling on the possession of vacant land. I congratulate him for this. But my fear is that the Bill which has been placed before the House is very vague in a number of respects. He has created a number of anomalies. I feel that at the time of implementation, it would be difficult for the authorities to go through the Bill speedily and hastily.

All of us have the experience of ceiling on agricultural land. Though it is more than 10 years since individual declarations have been filed by the agriculturists, we find that we have not been able to determine what exactly is the excess land available and to whom it should go. I am afraid that this Bill may meet the same fate so far as this vacant land is concerned. I want that the hon. Minister should give the guidelines to the States immediately so that they may implement this Act as speedily as possible.

Mr. Chairman, this Bill defines what a vacant land is. While defining the vacant land, it has also defined another term "land appurtenant to a building." Regarding the

land appurtenant to a building, the Bill says that if there is a land which you have got to leave vacant on the basis of the municipal laws around the building, then this space and another 500 square metres of land will be the land appurtenant to the building. Mr. Chairman, I fail to understand this. A person with a building can have 500 square metres of additional land, whereas another person who is having only vacant land of 500 square metres is not allowed to enjoy this facility. I am not saying that he should increase the exemption limit to more than 500 square metres. What I want to say is that in respect of land appurtenant to a building, the total land including the vacant land around the building should be limited to only 500 square metres and beyond that there should not be any type of discrimination between a person who has a house and who does not have a house for the purpose of calculation of land that he is entitled to possess.

There is another anomaly which I find with regard to clause 4(9) which reads like this:

"Where a person holds vacant land and also holds any other land on which there is a building with a dwelling unit therein, the extent of such other land occupied by the building and the land appurtenant thereto shall also be taken into account in calculating the extent of vacant land held by such person."

Mr. Chairman, you will find that if a person owns a building and has land appurtenant thereto and also owns a vacant land, this building and the land is taken into consideration for the total extent of land he is entitled to possess as a vacant land. But, suppose he possesses 700 square metres of land around the building, what will happen to the other vacant land? This definitely is going to lead to some sort of litigation, and I am sure, the hon. Minister will appreciate that instead of this provision, the definition of 'appurtenant thereto' could have been

so defined as not to include any land over and above 500 square metres. That would have been really appropriate. Mr. Chairman, Sir, the other thing which struck me was, it is true that the intention of this Bill is to curb concentration of wealth, but we have seen that for the last few years, many middle-class families have purchased lands with a view to constructing houses not immediately but at the time of their retirement. There is no correlation between the land that one possesses and the wealth one possesses. A man may have only land and no wealth, and another person may have a land and a lot of wealth. But both are treated equal. That is one anomaly. The second thing is, even in the same agglomeration, the values are not the same. Take, for instance, in the Nariman Point of Bombay, the value of 500 square metres is Rs. 50 lakhs whereas the value of 600 square metres in Ville Parle or some other place is only Rs. 50,000. And both are ranked equal. A man with Rs. 50 lakhs worth of property is allowed to have that property with him whereas the other man with Rs. 50,000 worth of property, if he has even some vacant land above it, he is made to suffer. This is not the way of curbing concentration of wealth. I suggest that when you take this into consideration along with the ceiling that has been placed with regard to the building constructions, that he cannot construct a building on more than 300 square metres, a man with Rs. 50 lakhs value of land in a place like the Nariman Point, if you want him to construct only on 300 square metres, he does not do it because it does not pay him to let it out, and because he does not get proper return out of it. I suggest that in all cases where there are lands in commercial complexes, no ceiling limit should be placed. The entire land should be acquired by the Government for public purposes. That is my suggestion which, I am sure, the hon. Minister will take notice of.

Sir, the other thing which I wanted to say is that we know that as per this Bill, the compensation that is paid is a maximum of

[Shri M. Anandam]

Rs. 10 per square metre. I want to have an assurance from the Minister that when they give this land to the housing boards, and when the housing boards construct group housings and give them out to the poor, weaker sections of people or even middle-class people, they would ensure that the value of these houses is calculated only at Rs. 10 or Rs. 8 per square metre and not the market rate of Rs. 30 or Rs. 40 or Rs. 50 as the case may be. This is one aspect which I wanted to mention to the Minister to consider.

Then, Sir, regarding the definition of 'periphery', I find from this Bill that 'periphery' has been defined differently for different places. In certain places, it is 5 Kms. beyond the municipal limits, in some places it is 3 Kms. and in some places 2 Kms. or even 1 Km. I do not know the criteria on which they have decided this. But my feeling is that 5 kms periphery uniformly in every place would have justified the position instead of putting in different areas at different places. I would like to know why the Minister has chosen different peripheries for different areas.

Mr. Chairman, Sir, there is another thing which I wanted to say. This is with regard to the transfer of lands and buildings below the ceiling limits. Sir, we know that we are now placing all these enactments in the hands of bureaucrats who are not above suspicion. And even persons with land below the ceiling limits, and even persons with buildings which they want to speedily sell away to make money for some contingency or for their own personal purposes and other things, they should now go to the competent authority, as the Bill now says, to get prior permission for doing

12 NOON it. Does it not lead to corruption? Does it not lead to delay?

And, if it leads to delays the damage would have been done in the case of a person who wants to dispose of his land or building for any emergent purpose. How much difficult will it be for him to

get the money and meet his requirements? So, my suggestion is that in the case of transfer of land or buildings which are well within the ceiling limits there should not be any necessity for any person to go to the competent authority and seek permission. They must be allowed to sell their land or buildings without any permission.

Mr. Chairman, in conclusion I would like to say only one thing. We all know that with the passing of this Bill the value of vast pieces of land, larger pieces of land and buildings, will fall. It means that consequently there will be a loss on account of wealth-tax, gift-tax and other taxes. There will be loss even in respect of tax on vacant lands. As you know, in some cases there is a tax on vacant lands imposed on the basis of the value of the land. There is thus going to be considerable loss of revenue on this account. I would like to know from the hon. Minister how he proposes to meet this loss. Will it be met by imposing any new fiscal measures? With these few words, Sir, I commend this Bill for the consideration of the House.

Thank you, Mr. Chairman.

डा० रामकृपाल सिंह : सभापति महोदय, हम विधेयक को प्रस्तावित करते हुए माननीय मंत्री महोदय ने कहा है कि सन् 1971 में कांग्रेस के चुनाव घोषणा-पत्र में इसका उल्लेख था और देश की जनता ने कांग्रेस को चुनावों में बहुमत दिया ताकि कांग्रेस सरकार इसको लागू करे। मैं जाहूँगा कि माननीय मंत्री महोदय कांग्रेस के चुनाव घोषणा-पत्र को फिर से पढ़ें। उस समय कांग्रेस ने शहरों में सम्पत्ति की हदबन्दी करने का प्रस्ताव जनता के सामने रखा था और शहरों की सम्पत्ति की हदबन्दी करने के लिए अधिकार मांगे थे। ऐसी स्थिति में जहाँ तक शहरी संपत्ति का सवाल है, इस देश में शायद ही कोई राज-नैतिक दल है जिसने शहरी सम्पत्ति की हदबन्दी की मांग नहीं की है और उसको अपने चुनाव घोषणा-पत्र में नहीं घोषित किया है। जहाँ तक

मेरे दल का सवाल है, मेरे दल ने भी इस पर गहराई से विचार किया और गाजियाबाद के अधिवेशन में भारतीय जनसंघ की तरफ से यह प्रस्ताव हुआ कि शहरी सम्पत्ति की हदबन्दी होनी चाहिए और किसी भी स्थिति में किसी व्यक्ति के पास एक हजार वर्ग गज से अधिक की जमीन और दो से पांच लाख की सम्पत्ति से अधिक का मकान नहीं होना चाहिए यानी एक परिवार के पास पांच लाख का मकान और एक हजार वर्गगज से अधिक जमीन नहीं होनी चाहिए। यह जनसंघ का गाजियाबाद का प्रस्ताव है और अब तक इस देश में सभी राजनैतिक दलों ने शहरी सम्पत्ति की हदबन्दी की ही चर्चा की है। अब मंत्री महोदय जब इस विधेयक को लाये तो इससे जनता का ध्यान बंट गया। शहरी सम्पत्ति पर से ध्यान हटाकर शहरी क्षेत्र में जो अतिरिक्त खाली जमीन है उस पर हदबन्दी करके इस तरफ किया है। इसका परिणाम यह होगा कि यदि कल हम जनता के पास जाते हैं तो यह कहेंगे कि हमने शहरी जमीन को हदबन्दी कर दी। इसका अखबारों से, भाषणों से और रेडियों से इतना प्रचार होगा कि आम गरीब जनता को यह बात शायद समझ में आ जाएगी कि हाँ, शहरी सम्पत्ति की हदबन्दी हो गयी। इससे एक प्रकार का मति भ्रम फैलेगा। ऐसा करने से लाभ क्या होगा? आज भी दिल्ली जैसे बड़े बड़े नगरों में जहाँ खाली जमीन है नगर की परिमीमाओं पर, वहाँ हम आवासीय निकाय बनाकर, जैसे हाउसिंह बोर्ड इत्यादि,—जमीन का अधिग्रहण करते हैं और उस अधिग्रहण में कोई विशेष कठिनाई नहीं होती। अधिग्रहण करके जैसे दिल्ली डेवेलपमेन्ट अथॉरिटी है, इसी प्रकार की अनेक को-ऑपरेटिव हाउसिंग कालोनियों के माध्यम से हम ने जमीन का अधिग्रहण किया और अधिग्रहण करके उस पर मकानात बनाये। उसमें कोई दिक्कत नहीं हो रही है। सरकार जहाँ भी चाहती है जमीन ले सकती है।

जो राज्य सरकारें हैं वे जो खाली पड़ी हुई जमीन है, जो खेती की जमीन है और उसमें सिंचाई की सुविधाएँ भी उपलब्ध हैं, को लेकर और जहाँ गांव भी बसे हुए हैं, इन सबों को

हटा हटा कर वहाँ पर कालोनियाँ बना रही हैं। तो इसके लिये किसी नये कानून की आवश्यकता थी, ऐसी बात समझ में नहीं आती है। इसलिये मैं यह कहना चाहूँगा कि चुनाव घोषणा-पत्र और 20-भूमी कार्यक्रम, जिसकी बड़ी चर्चा है, और मैं समझना हूँ कि ये कार्यक्रम अच्छे हैं, इन कार्यक्रमों की मंशा अच्छी है, यदि इसको किसी व्यक्ति विशेष के लिये राजनैतिक मर्मण के प्रतीक स्वरूप न मान लिया जाए।

तो मैं यह जानना चाहूँगा कि आखिर इस बिल का उद्देश्य इसकी मंशा क्या है क्योंकि खाली जमीन का अधिग्रहण करने की शक्ति राज्य सरकारों को है और वे अधिग्रहण करके हाउसिंग कालोनिया, बोर्ड या को-ऑपरेटिव बनाकर मकानात बना रहे हैं। अमली मंशा होनी चाहिए शहरी सम्पत्ति की हदबन्दी और वह नहीं हुई। मैं माननीय मध्य श्री योगेन्द्र शर्मा से सहमत हूँ कि सरकार की मंशा पवित्र होते हुए भी सरकार का आचरण उस मंशा के उपयुक्त नहीं है और यही पर मुझे लगता है कि मंशा क्या है? मंशा केवल प्रचार है। मंशा केवल प्रचार है जनता के बीच में खड़े होने की कि हमने शहरी सम्पत्ति की हदबन्दी कर दी और सम्पत्ति में जमीन भी आती है, मकानात भी आते हैं, जो किया भी नहीं और प्रचार का एक शस्त्र भी मिल गया कि हमने कर दिया।

इसी में से जमीन कितनी निकलेगी, इसका एक सब करके कम से कम एक रफ एस्टीमेट भी मंत्री महोदय को रखना चाहिए था तथा वे रफ एस्टीमेट में बतलाते कि कितनी जमीन इस विधेयक के लागू होने के बाद कितने राज्यों में, कितने शहरों में निकलने का अनुमान है, तब भी बात समझ में आती। लेकिन ऐसा कोई अनुमान भी इस विधेयक को पेश करते हुए मंत्री महोदय ने नहीं दिया।

[Mr. Deputy Chairman in the Chair.]

इससे भी यह स्पष्ट होता है कि सरकार के सामने कोई साफ चित्र नहीं है। मंत्री महोदय ने बतलाया कि शहरी सम्पत्ति के बारे में और शहरी

[डा० राम कृपाल मिह]

अतिरिक्त भूमि, खाली भूमि के बारे में अलग अलग कानून बनाने से कई विसंगतिया उत्पन्न हो जायेंगी। इसलिए मैं सुझाव दूंगा कि शहरी सम्पत्ति के बारे में जो आप बिल बनाना चाहते हैं वह और यह जो शहरी अतिरिक्त खाली जमीन के बारे में है, दोनों को एक साथ मिला करके तब एक बिल लाये और इस विधेयक को दोनों सदनों की एक संयुक्त समिति बनाकर, प्रवर समिति बनाकर उसको दे देना चाहिए।

अब मंत्री महोदय कहेंगे कि बहुत शीघ्र इसको पास करना है। आखिर शीघ्र पास करने से क्या फायदा होने जा रहा है, यह मैं जानना चाहूंगा। यदि हमने इसको इस मंजूर में नहीं किया और अगले बजट सत्र में पास कर लिया तो क्या हानि हो जाएगी, यह बात मंत्री महोदय ने नहीं बतलाई क्योंकि शहरी सम्पत्ति और शहरी जमीन (खाली जमीन) दोनों की अलग अलग विधेयकों में लाने में कोई लाभ नहीं होगा। इसलिए मेरा एक सुझाव होगा कि आप गहराई में उस पर विचार करें और एक प्रवर समिति को इसे सुपुर्द करे और वहां इस विधेयक में संशोधन द्वारा परिवर्तन करके, और शहरी सम्पत्ति की सीमा के बारे में भी प्रावधान का समावेश करके, फिर से विधेयक को सदन में उपस्थित किया जाए।

आज कांग्रेस बेंच से बोलते हुए एक माननीय सदस्य ने जो बात रखी कि जो जमीन अधिग्रहण की जाएगी उस जमीन की कीमत—यानी, जो मूल्य चुकाया जाएगा जमीन के मालिक को उसको विकसित करके और अलग अलग भू-खण्डों में बांट कर निम्न आय वर्ग या मध्यम आय वर्ग के लोगों को जब वितरित की जाएगी तो उसका मूल्य क्या होना चाहिए? इसमें कोई एक सिद्धांत तय होना चाहिए और सरकार ने जो जमीन अधिग्रहण की है उस जमीन के मूल्य में और उस जमीन को जब किसी को हस्तांतरित की जाएगी तो उसके मूल्य में—दोनों के मूल्य में—एक अनुपात बाधना चाहिए, एक या डेढ़ का अनुपात। यदि एक रुपए में खरीदी तो डेढ़ २० में बेचेगे क्योंकि मैं

समझता हूं उसको विकसित करना पड़ेगा, यानी यदि कोई कालोनी बनानी पड़ेगी, उसमें मड़क निकालनी पड़ेगी, बिजली लगानी पड़ेगी, सीवरेज का इंतजाम करना पड़ेगा, पानी का इंतजाम करना पड़ेगा। यदि इस तरह से उस क्षेत्र को विकसित करके, तब उस भूमि खण्ड को आबंटित किया जाता है तो उसकी कीमत बढ़ेगी क्योंकि उन सब कामों में एक पूजी लगेगी, परन्तु फिर भी तय होना चाहिए, और सरकार को सिद्धांत रूप में बताना चाहिए कि सरकार द्वारा भूमि अधिग्रहण कीमत में और भूमि आबंटन के समय जो बिक्री की कीमत होगी उसमें क्या रेशियो रहेगा, क्या अनुपात रहेगा, इसको वह स्पष्ट करें।

आज सारे देश में, खास कर शहरी क्षेत्र में आवासीय संकट बहुत बढ़ा है। इस समय जितनी छूटे दी गई है बैंक को, कोऑपरेटिव्स को, ट्रस्ट्स को, सरकारी निकायों को, तो असलियत यह है कि शहरी क्षेत्रों में आधी से अधिक जमीन इस प्रकार की मस्याओं के द्वारा ही हड़प ली गई है। पटना में मैंने देखा है पूरे का पूरा बाकी पूल जो है सरकारी ही सरकारी है। एक एक मकान में जो बड़े बड़े अफसरों के रहने के लिए हैं 3-3 बीघे जमीन लगी हुई है, 2 एकड़ से कम नहीं है और इतनी बड़ी जमीन में बंगला बना हुआ है...

श्री श्याम लाल गुप्त (बिहार) : मिनिस्टर्स के ?

डा० रामकृपाल सिंह : मिनिस्टर्स के जो मकान हैं वे 8-8 बीघे तक जमीन में बने हुए हैं। तो इस पर विचार करें कि हर बड़े शहर में या जिले में कहिए—वहां जो जिला मजिस्ट्रेट का बंगला है या अन्य जो सरकारी बंगले हैं, उनमें भी 4 एकड़ के लगभग जमीन है। और बीच में एक बंगला है। जब इस देश में अंग्रेज राज करते थे तो उनको शानशीलक दिखानी पड़ती थी, वे सोचते थे कि हम बहुत ठाठबाट से रहेंगे तो इसका असर यहां के नेटिव लोगों पर पड़ेगा लेकिन आज मंत्री हों या सरकारी अफसर हों उनकी सेवा भाव से काम करना है, वे जनता के खून के हैं, जनता के साथ के हैं। उनके रहन-सहन के ढंग में और आम जनता के रहन-सहन

के ढंग में बहुत ज्यादा अन्तर हो यह एक कोलो-नियल एटीट्यूड का ब्योतक ही हो सकता है। इसलिए मैं कहूंगा कि सरकार भी यह स्पेसीफाइ करे कि जो सरकारी मकानात बनेंगे या जो बंगले बनेंगे सरकारी कर्मचारियों के लिए या उदमें जो फालतू जमीन है उसका सरकार उपयोग करेगी। आज देहातों से लोग शहरों में भाग रहे हैं; शहरों में तरह-तरह की सुविधाएं हैं, शिक्षा पाने की सुविधाएं हैं, औद्योगिक और तकनीकी ज्ञान प्राप्त करने की सुविधाएं हैं, रोजगार की सुविधाएं हैं, नौकरी मिलने की सुविधाएं हैं। इन सब सुविधाओं के कारण गांवों से लोग शहरों की ओर भाग रहे हैं। हम नये-नये मिल-कारखाने सब खोल रहे हैं, किन्तु हमें इस पर विचार करना चाहिए कि जिन ढंग से हम शहरों का विस्तार कर रहे हैं और खेती-लायक जमीन को जिस तरह से हम रिहायशी मकानों के लिए अधिग्रहण कर रहे हैं मिल, फैक्ट्री और कारखानों के लिए वह अन्ततोगत्वा हमारी खेती के लिए, अनाज के उत्पादन के लिए हानिकारक होगा। इसका अर्थ यह नहीं है कि हम नये मकानात नहीं बनायेंगे या कल-कारखाने नहीं चलायेंगे, लेकिन कल-कारखाने बनाने के समय या मकानात बनाने के समय इस बात पर हमें प्रथम ध्यान देना चाहिए कि जहां अनाज उत्पादन नहीं किया जा सकता उसी जमीन पर रिहायशी मकान बनाने की छूट या कल-कारखाने बनाने की छूट देनी चाहिए।

MR. DEPUTY CHAIRMAN : Yes, you will have to wind up.

डा० राम कृपाल सिंह : इन्हीं शब्दों के साथ मैं सरकार से कहूंगा कि आप इस बिल को अकेले न ला कर इसके साथ सारी सम्पत्ति के बारे में विधेयक लावे। तब तक इस बिल को एक सेलेक्ट कमेटी के पास भेज दें जिससे उस पर सांगोपाग विचार हो सके।

MR. DEPUTY CHAIRMAN : Before I call the next speaker, let me make it very clear that there are a number of names and so, today, the speakers should impose some kind of self-restraint on themselves,

50 RSS/75—2

I suppose, to see that they finish their speeches in time because, we cannot be lax like yesterday or the day before.

SHRIMATI SUSHILA SHANKAR ADVAREKAR (Maharashtra) : Mr. Deputy Chairman, Sir, I would like to congratulate the hon. Minister for moving this long-awaited Urban Land (Ceiling and Regulation) Bill, 1976 because, since a pretty long time we have been contemplating that some Government measures were very essential to impose a ceiling on urban land and property, and since 1969 we have been continuously talking about it.

Sir, the haphazard growth of practically all towns and cities is due to the lack of interest in formulating any systematic planning with the result that the cities have grown so rapidly beyond recognition since the last few years that we are now facing serious and acute problems. This proves how necessary it has become that some check in this direction should be immediately applied without losing any further time. Sir, any person living in any urban place can say that this is the pressing need of today and by introducing this Bill in this session, the hon. Minister has shown very clearly the fact that the Government is equally conscious of the pressing problem and shares the concern for taking some immediate steps for solving it.

Sir, any further delay in bringing forth any legislation would have accentuated the urban problems only and would have defeated the purpose that the legislation would have liked to serve. Sir, the mistake, if any, that we feel might be there in the legislation, could be corrected and rectified but the delay in tackling the problem would have resulted in disappearance of whatever vacant land that is still available today for social purposes. So, I say that irrespective of what the criticism might be against the Bill, one thing is very clear that it is definitely going to serve a great purpose, viz. to regulate the urban land and property transactions and dealings and restrict the future construction of buildings. Sir, it might be a

[Shrimati Sushila Shankar Adivarekar] modest measure, as it is said by many, but it is indeed a very well worked out scheme which has taken a number of points into consideration while drawing up the Bill.

Sir, it is a well-known fact how rapidly and fast the population in these towns and cities is increasing. In Bombay city alone it is said that every day on an average about 5 to 7 hundred people are coming and the housing for them is becoming a difficult problem which cannot be effectively dealt with. The result is obvious, on one side the slums grow at an enormous speed and on other side every bit, every inch of land is becoming precious—its price soaring up every day to the extent that it reaches beyond the budget or the limits of an ordinary middle-class person, leave alone the low-income and weaker section of the society who could never dream to have a decent roof over their head. Sir, in Bombay alone there are nearly 850 slum colonies with a population of nearly 3 lakhs of people and almost equal number of people staying on footpaths, pavements, railway platforms and on any open space that is available. Sir, with the introduction of this Bill, a ray of hope has come to this class of people. Sir, in Bombay alone the State Housing Board cooperatives, public sector and many other such agencies were trying to get more land for construction of houses, but it was impossible to secure a piece of land at even runaway price. Now with the introduction of this Bill, in Bombay alone it is envisaged, nearly 3,000 acres of excess vacant land will be available at a cheaper rate for mass housing schemes, for housing those who never expected that they can ever have a chance.

Sir, this Bill will not only check all wild speculation in land which has reached such heights that a handful of speculators had a stronghold on the entire urban land, demanding fantastic prices, but it will also help in securing land for housing programmes. If this could be linked significantly with urban slum-improvements projects and housing schemes for low in-

come group people, it alone will serve as a boon and will bring relief to millions of homeless in the country, who have modest means at their disposal. The co-operative housing sector also expects a considerable relief. The unregulated land prices have been the main hurdle in high cost of building which resulted in acute distress for the majority of urban population in search of a decent shelter within their limits. It is said that out of the total cost of the housing colony 60 to 65 per cent of the cost used to be for the purchase of the land at fantastic rate and sometimes at even premium and, Sir, this is the best heartening feature of the Bill that with this measure this speculative concentration in a few hands will be very effectively prevented, specially when the population pressure is ever growing on urban areas. Sir, the urban population has been one of the important and basic factor in fixing the ceiling on urban land in different towns, on a graduated scale from 500 square metres in cities like Delhi, Bombay etc. to 2000 sq. metres in cities like Poona, Dehradun etc., mainly with the view that it may help to reduce the pressure on big cities and develop smaller cities. Another welcome feature of the Bill is the eye on the future by limiting the plinth area for construction of new houses. It will have a considerable effect on the concept of architect of the building. Instead of demand or extravagant construction of costly and labour intensive sky scraper building, the emphasis will be on modest and plain designed building at a considerably reduced cost—which indirectly will help in bringing about the concept of egalitarian society that we are aiming at.

Sir, this Bill will bring forward a number of other good effects, specially on economic front. The first is that black money which was freely used in land transaction and building operations will now be effectively blocked, as activities in real estate will not permit persons to carry on their profiteering designs in the way they like it while evading to pay the taxes. The private savings will now have another



channel to utilise the savings in productive sector rather than keep them locked up in land and buildings. Secondly, there is also a clause in the Bill which requires prior approval of the Government for property transfer. This also will serve as a check on those who are evading to pay the normal stamp duties by undervaluing the cost of the property. And equally important clause of the Bill is that no piece of urban land can be sold, mortgaged, transferred or leased without the prior permission of the Government for a period of 10 years. Sir, with the insertion of this clause, I think the Bill has taken the winds away from the sail of all those underground property dealings.

Another noticeable feature of the Bill is that compensation stipulated for payment of vacant land is quite rational and reasonable, as it is not related to the present market value which is really the artificially raised value brought in through speculation. And this exaggerated price is not taken into account. The maximum price that the Government will pay in any case will not be more than Rs. 2 lakhs.

Sir, the use of vacant land for housing purposes for the low-income and weaker sections is extremely necessary. But I would like to draw the attention of the hon'ble Minister to the fact that equally important is to maintain some open lands. Sir, in Bombay city we hardly have open space as per the required standard. I do not know how the Government or Municipality is ever going to find open space in the city of Bombay. Sir, some housing colonies or cooperative housing schemes have provided open lands for children's parks, small gardens for old, retired persons, etc. for the residents of the housing schemes. It is not clear whether such open lands will be exempted or counted as part of the prescribed limits. Sir, it would be really beneficial to exempt these small open areas which are so necessary for the general health of people, rather than exempt such charitable and religious endowments which make no use of land for any good purpose.

Sir, the Bill which has taken a number of points into consideration can easily be called equitable and pragmatic. It has made a beginning to formulate a policy for the problems of the cities which are ever increasing with the increase of population. It may not resolve all the problems, but it will definitely help in the effort to regulate the growth of urban population and look after its one basic need. The meaningful use of the land so acquired by the Government will play a significant role as part of the development process of the nation.

So, Sir, with these words, I not only welcome this Bill but also I strongly support this Bill.

DR. K. MATHEW KURIAN (Kerala):  
Mr. Deputy Chairman, Sir, the Minister's statement introducing this Bill is an apology for not imposing ceiling or ban on urban property as a whole. All the statement that he read out regarding intentions of the Congress Party, resolutions of the AICC, and so on, refer to ceiling on urban property. But today we have a Bill which is an apology for the original intentions of the Bill and hence it is a hoax played on the people. I do stand for ceiling on urban property. But this Bill does not really provide for a ban or ceiling on urban property; it only tries to have certain types of restrictions on vacant land. Sir, that Bill for the imposition of ceiling on urban vacant land only, as I said, falls far short of what is required, particularly in view of the Statement of Objects and Reasons mentioned by the Minister, namely, increasing concentration, and so on. I would also like to ask the hon. Minister whether it is a fact that the total number of people who will be affected by this Bill will come in hundreds and not more than one thousand in all? May be, a few thousands of people may be affected by this provision. In fact, the loopholes and the exemptions given in this Bill will further dilute the Bill, and it will not be very effective.

[Dr. K. Mathew Kurian]

The Bill has two major objectives—(1) preventing concentration of urban land in the hands of a few persons and speculation and profiteering therein, and (2) bringing about an equitable distribution of land in urban areas to subserve the common good. My contention is that there are glaring divergences between the objectives of the Bill and the actual provisions in the Bill. These two objectives—however laudable they may be—cannot be achieved with the particular provisions of the Bill. I would like to ask: Will the speculators in land in big cities like Bombay, Delhi, Calcutta and Madras be completely set at nought by the provisions of this Bill? The answer is clearly, no. Those who have taken advantage of shortage of land in the urban areas will continue their nefarious activities uninterruptedly by this Bill because the Bill covers only vacant land in a very diluted form.

There are a number of limitations in this Bill. This Bill cannot check the concentration of urban property. The main object is to put a ceiling on the ownership of urban vacant land. And as defined in the Bill, a vacant land does not include any land which has a building on it or where construction of a building has started—clause 2(q). The effect of ceiling is therefore only temporary, and once construction starts the land will go out of the purview of the Act, and the same person will be entitled to hold further land up to 500 square metres in the case of Delhi or any other ceiling as may be applicable in other metropolitan towns. But such a thing can go on. And so long as there is a good rental income from the urban properties, the attraction to own buildings will persist. As it is, nothing prevents anybody from adding to what one holds and concentration of urban property will continue unabated in the country. This is undesirable when there is hardly any vacant land. Something has to be devised in the Act to make the right of holding land above the ceiling inoperative in favour of persons who have a number of other properties in urban centres.

Therefore, I suggest that an exploit provision should be made in the Bill to prevent any person from holding property or land above the ceiling, particularly when he holds other urban property.

There has to be a ceiling on urban property. There will be difficulty in its actual implementation. Difficulties about valuation, about comparison of value between one urban centre and another and so on—all these will remain as excuses because we find similar difficulties in other Bills. In the Land Reform Bill we have got this problem—may be in a slightly different form. But these problems are soluble if the Government has the political will. My charge is that the Government has brought a Bill in the name of the 20-point programme as if this is going to avoid concentration of urban property. In fact, despite the provisions of this Bill, urban concentration will increase, not decrease. No doubt, there are difficulties—may be legitimate ones—about a law regarding ceiling on urban property, particularly on the basis of valuation—I admit. But some endeavour could be made to check further concentration. In fact, the Government has not taken this seriously. Sir, I would like to have the attention of the hon. Minister.

MR. DEPUTY CHAIRMAN : The Ministers, I think, are giving their ear to you.

DR. K. MATHEW KURIAN : I can wait. I can sit down.

MR. DEPUTY CHAIRMAN : No, no. You continue. They have given their ear to you. They may not be looking at you.

DR. K. MATHEW KURIAN : My main point is that despite the difficulties of having a Bill based on valuation, certain attempts could have been made at least to reduce further concentration of urban property. Sir, I shall give concrete examples in this connection. There are Apartment Ownership Acts passed by various States like Maharashtra, Uttar Pradesh, Madhya Pradesh and West Bengal. There

are certain provisions in these Acts which have relevance to this particular Bill. The Metropolitan Council of Delhi also recommended the adoption of the Maharashtra Apartment Ownership Act for Delhi, and this is pending for the last 1-1/2 years. Delhi, which is under the Central Government's own supervision, has not been able even to consider and enact a provision which already exists in Maharashtra. At least some limited progress could have been made. Even that limited progress is not being made. That is my charge Sir, it is time that this Act was extended to Delhi. The Act would encourage construction of private buildings with divisible apartments, to facilitate sale of portions of buildings. And though a ceiling has not been imposed on urban property, it will possibly gradually help achieve some equitable distribution of urban ownership. Therefore, I suggest that pending the reconsideration of a ceiling on urban property based on valuation, the provisions already available in the Acts in Maharashtra, particularly the Maharashtra Apartment Ownership Act, may be considered for implementation in other States, including Delhi.

Sir, I am afraid that positive effects cannot accrue to the weaker sections of the population from this particular Bill unless some follow-up actions are taken. No real benefit will accrue to the poor automatically by the imposition of a ceiling on urban vacant lands or even of a ceiling on urban property. Benefits cannot automatically follow unless certain follow-up actions are taken. Positive efforts are, therefore, required to provide facilities and incentives for middle and lower income groups to invest on housing. Therefore, it is essential to increase the housing stock of the masses besides checking speculation. My specific suggestion is that in addition to checking speculation by having a new Bill on the basis of valuation for a ceiling on the entire urban property and extending, as a temporary measure, the Maharashtra Apartment Ownership Act to other States, certain positive efforts should be made to increase the

total stock of buildings which may be available to the lower and middle income groups. Sir, in this connection, I would like to point out that despite the Delhi Development Authority's aggressive campaigns and sales and advertisements, the fact remains that the DDA is fleecing the low and middle income group people. I have got evidence from answers to questions in Parliament given by the hon. Ministers. We have tabulated the whole answers and found out that, contrary to the claim of the Delhi Development Authority, which is expected to be working on a "no profit, no loss" basis, it is, in fact, making profits, and the profit has been the highest in 1971-72.

**SHRI C. K. DAPHTARY (Nominated):** Rs. 200 to Rs. 300 per sq. metre.

**DR. K. MATHEW KURIAN :** The main complaint of residents of DDA colonies is that the DDA has made huge profits from sale of flats in spite of the fact that the prospectus offering flats claimed that the flats were offered on a "no profit, no loss" basis. On behalf of the DDA, it is contended that no element of profit as such is included while calculating the price of flats and that if there is any surplus, the DDA has decided that it should be utilised for reduction or exemption of departmental charges in the case of Janata flats and for the community service and so on. The allottees actually complain. . .

**MR. DEPUTY CHAIRMAN :** How is it relevant to this Bill ?

**DR. K. MATHEW KURIAN :** Every time when I make a relevant point, you try to see irrelevance in it.

**MR. DEPUTY CHAIRMAN :** I want to know the relevance.

**DR. K. MATHEW KURIAN :** If you give me five more minutes, I will explain how it is relevant. My earlier statement, if you remember, was that no Act on urban ceiling can be effective in achieving its objectives unless the total stock of buildings

[Dr. K. Matbaw Kurian]

available for the ordinary people is increased. I was talking about this follow up action. Therefore I say that there should be some necessary changes in the existing Act. In order that the objectives of the Bill are achieved, the total stock of buildings for Janta and Middle Income Group should be increased. This is the point I am trying to make.

Most of the allottees have brought flats either with borrowed funds or under hire purchase system. They have to meet heavy liabilities in the form of huge monthly instalments and heavy interest on their loans. The DDA which is expected to work on a no-profit and no-loss basis is making huge profits. Their contention that they are spending money for providing amenities is totally wrong. My main suggestion in this connection is that the charges particularly for lower income groups and Janta groups should be reduced. Or, conversely more community benefits should be provided to them. The surpluses should be used to provide necessary capital for maintenance and repair of the building blocks, and community facilities such as creches, first-aid centres, and so on. In the absence of these, the allottees naturally complain. They also complain that—may be through contract system—inferior materials have been used in many of the buildings. I do not want to go into the details. The point I am making is that along with the changes in the Act, the total stock of buildings available for the masses, particularly lower income groups and middle-income groups, should be increased.

The original concept of ceiling based on valuation of property has been given a go by. Shri Raghu Ramaiah made a statement in the Lok Sabha on the 2nd February, 1976 that on further consideration “we have come to the conclusion that it is not either so feasible or so advisable”. I would like to know, apart from the excuses that they have given, what is the difficulty in making certain standard calculation. In the Land-reform Bill we have uneven land and there are various types of problems of valu-

ation in terms of yield and so on. But certainly a standard calculation can be made so that a serious attempt to standardise values of urban property is made in terms of region or cities. At least a beginning could be made in this direction.

My last point is that this Bill does not stop speculation on urban property. It is true that sale of urban property is banned for a certain period. The Government has the right of pre-emption and even if the people want to sell within the ceiling limit, they have to get the permission of the Government. The Government, of course, can exercise its option for the first purchase of the said property. The question still remains as to how this surplus land will be utilised by the Government. For what purposes will they use it? Will they use it for purposes of building houses or flats on an apartment basis to be sold through easy instalments to lower income groups and middle-income groups? What is the concrete measure which the Government propose to take to increase the stock of buildings and make them available to the lower income groups and middle-income groups? I would like to have an explanation from the Government on this point.

Sir, the exemptions given in this Bill are unnecessary in many cases. The compensation is too high and as a result the very purpose of the Bill has been reduced to nullity.

I suggest that unless this Bill is completely revamped on the lines suggested by me, at least to make a beginning to impose really a ban or ceiling on urban property and unless new concepts of valuation are evolved, I am afraid, Sir, this Bill will not satisfy the great expectations raised by the AICC resolutions or the 20-point programme or the expectations generated in this country by the tall talk on the imposition of a ceiling on urban property.

SHRIMATI SUMITRA G KULKARNI (Gujarat) : Mr. Deputy Chairman, Sir, let me take this opportunity of congratulating the honourable Minister Shri K. Raghu

Ramaiah for presenting this Bill before this House in such a simple and lucid and clear way.

Sir, as he himself has admitted, this is a highly complicated subject and this Bill has numerous aspects to it and yet, Sir, it was his deft handling and exposition which helped in this Bill being brought forward here. And, Sir, while presenting the Bill, he explained many aspects of it which were not very clear to us so far and we feel that very few persons could have done this task better than what he has done.

Sir, just as water, air, sky and the sunshine are the free properties the world over, so should land also really be like that. After all, all these beautiful things of life are freely available and I am also sure that it was intended by the God Almighty that land also should be free to be used by all the people. But, somehow the idea of property rights came in and the idea of private ownership of property also emerged which brought in its wake so much of unhappiness and misery. History is full of instances of quarrels over the possession of land and of quarrels between brothers and sisters and between the members of the family and between sons and fathers and fathers and sons have quarrelled and have committed murders and other crimes in the name of land. But, Sir, here is the Bill coming for the first time which is trying to straighten out the problems involved in the ownership of land particularly in the urban areas.

Sir, I felt a little sad when Dr. Kurian described this piece of legislation as a mere apology. It is for the first time that the Government is bringing forward some legislation for imposing a ceiling on urban land. There could be some things left out. But still this is an attempt and a very laudable attempt which, I think, our friends on the side of the Opposition also would appreciate. After all, we are trying to improve the situation and this is the first attempt in that direction. Now, as we go on implementing the provisions of the Bill and as we go on discovering difficulties in the process, we in this Government and we in

this party will try to improve the situation and remove the difficulties and try to bring forward further piece of legislation as and when necessary. But I would like to tell this House, particularly my friends on the other side, that nobody should feel that this party or this Government can be stopped by anyone from progressing towards the goal of having no private property ownership. Our objective is that. Just as the four elements of nature are free, so also, Sir, the fifth element of nature, should be equally freely available for the benefit of mankind and, therefore, let me tell this honourable House that this is the first attempt in that direction and one of the finest attempts that we have made so far.

The objective of the Bill is to prevent the concentration of urban land in the hands of a few persons and speculations and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good. Sir, there can never be any debate on or any objection or any contradiction to these stated objectives. However laudable these objectives may be, a few things occur to me which are not necessarily any criticism of the Bill, but these are some suggestions which the honourable Minister may consider while trying to implement the provisions of his Bill.

The Bill, as we are considering it in this House now, applies only to the vacant lands and not to any construction or to any buildings which are in the urban areas. This means that if a person holds ten buildings, it is allowed. As we all have seen, in the city of Delhi, the buildings in the Connaught Place area are probably owned by one person. Similarly, Sujana Singh Park is owned by another one person. But this Bill will not touch them. It relates only to vacant land. In addition to ten houses in a 'A' Class city like Delhi or New Delhi, a man can have another 500 metres still available for him for further profiteering, for further concentration of wealth in one person's hands. So, Sir, it is my submission that this is self-defeating. . .

SHRI K. RAGHURAMAIAH : I am sorry to interrupt. There is no mis-apprehension about it. I want to make it clear at this stage. The totality of land held by a person is according to the ceiling limit; he will not get anymore by way of vacant land.

SHRIMATI SUMITRA G. KULKARNI: That is a different thing. I am stating about the totality of constructed area, constructed building. I know, in his explanation the hon. Minister was saying that it is very complicated, it will be very difficult to implement it. My submission is that . . .

DR. K. MATHEW KURIAN : Urban property. . .

(Interruptions)

SHRIMATI SUMITRA G. KULKARNI : Please let me have my say, Dr. Kurian. I did not disturb you at all.

We will have to consider bringing restriction on the actual constructed property also. Of course, I have no desire to cause inconvenience to such people. But they may be asked to pay some extra taxation on the area occupied by them. This will bring further revenue to the Government, and this will also not cause so much hardship or heart-burning to the people at large. This is one suggestion that I have to make in this matter. Why I am saying this is because of this thing. In 1947, when the native states were merged with the Government of India, this Government had asked them that every Maharaja could retain two palaces anywhere in the country—may be one in Delhi and one in another state or in his own state. Similarly, Sir, we can consider that one residential unit can be retained and the rest could be surrendered. This is one guideline, which the Government had also adopted earlier. This is my suggestion which could be considered by the Government.

Now, Sir, clause 29 of the Bill says :

"No person shall construct any building with a dwelling unit having a plinth area,—

(a) where the building proposed to be constructed is situated in an urban agglomeration falling within category A or category B specified in Schedule I, in excess of three hundred square metres. . .".

Now, Sir, what happens to the houses which are already under construction? There are innumerable persons whose houses are under construction. Now, under clause 30 it is stated that construction can be demolished. This will be unfair. I request that this should not be done because it is not in keeping with the law which is being enacted today. They started the construction in good faith. It is, therefore, incumbent upon the Legislature to ensure that their rights are properly protected. So it will be unfair if we ask them that these half-constructed buildings be demolished. It is my . . .

AN HON. MEMBER : Private property ownership. . .

SHRIMATI SUMITRA G. KULKARNI : That concept is different.

This difficulty should be envisaged. This is another suggestion of mine. Sir, there is another suggestion which comes to my mind. There is a lot of land today when this Act is not in existence which is being acquired for public purposes like Government buildings, post offices, hospitals, schools, etc. Now, that land is being acquired under the Land Acquisition Act. When this Act comes into force, I would like to enquire from the hon. Minister as to what will happen to those cases which are pending today. Are we going to drop these proceedings and bring all this vacant land under the operation of this Act or are we going to leave that land? There is a monetary aspect to this thing. This aspect has not been dealt with anywhere in this particular Bill. This will be a very relevant point for consideration because the Government will be losing a very large amount of money if the Land Acquisition Act is applied and this Act does not operate on that land. This is one of the points which, I think, the Government has to consider.

Similarly, at page 4 of this Act, agriculture has been defined and it is said that the land which is under agriculture will not be acquired or will not be subjected to the ceiling laws of this particular Act. Now, while defining agriculture, the Act says that dairy and poultry will not be included. I fail to understand how agriculture can exclude dairy activity or poultry activity. Every city is in need of milk and every city has to have poultry supplies made. If we do not exempt them from the ceiling limits, it will create tremendous hardship on the people of urban areas. They have to have milk and poultry products. Therefore, I would submit that agriculture as defined in the present Act should include dairy and poultry.

Today there are a number of plots in this city. The owner might have mortgaged his plot under financial strain and stress. When the Government takes over that land, the Bill says that the land will be free of all mortgage debts. But the debt continues. The debt is an honourable pledge of a citizen to another citizen. He holds himself responsible to make good the payment. What happens to the debt? When the Abolition of Zamindari Act was passed, it was decided by this Government and all the State Governments that there would be a reduction in the debts. There should also be a similar provision under this Act. Otherwise, it is likely to cause tremendous hardship to people who have mortgaged the land, taken the money, their debts not returned and their land taken away.

Another point is that the Government companies are exempted from the operation of this Act. What about the private companies? Of course, I am not pleading the cause of the private companies as such. When a person starts a private industry, the Government helps him to acquire the land, helps him by giving licences and also helps him in other things. If this private company, under the programme of its own expansion, leaves certain land in the urban area without any construction, it will come under the operation of this Act. Before

this Act, the Government went out of the way in order to acquire land for this private company and now comes this Act and all private companies will have to surrender their extra land which they have not constructed upon. This will affect the production rate of the company. It will not come up to our expectations, nor will it measure up to the requirements of production that is expected of it. This will adversely affect the production of the country. Where the companies have been started under the guidance of the Government, the Government should consider ways and means of handling this kind of a situation. (*Time bell rings*).

I have got only two small points to make. Then I will finish. Under the Order of 1900, buildings were constructed under the Land Improvement Trust in Delhi, Calcutta and Bombay. Similarly, till 1945, such schemes were there. Now the Bill says that those lands which were there and regulated by such schemes will be exempted. But under those schemes, Sir, you can see privately-owned buildings in Tilak Marg, etc. with 2,000, 3,000, 4,000 metres of land lying vacant because that was the Improvement Trust scheme. They could not have helped it. At Tilak Marg, Shahjahan Road, Aurangzeb Road and all over Delhi, we see private bungalows like that. But that was regulated then. Now, under this ceiling Bill, they are exempt because we cannot touch these schemes. But this will amount to a discrimination, discrimination against the poor people who did not have money and therefore they did not construct and left their plots without construction. Now the Bill operates against them which will be an unfair thing. So, this discrimination should also be considered.

Sir, my last suggestion is about the old in the cantonment area, and land appurtenants to a number of urban areas in this country. Sir, in the 19th century, when urban development was slow, the Government had planned that they should give free land in the cantonment area without charging any lease rent or any rent or any money for it, and they had asked that you can go

[Shrimati Sumitra G. Kulkarni]

ahead with construction and take as much land as you want. Under that scheme, there are a number of people who took land and occupied it. In the Defence Ministry records, there are cases where 32 acres of land has been in possession of one person since the year 1848. These are old grants. But there was a restrictive clause that the rights of this land do not vest with the individual but with the Government. Since the beginning of this century, time and again, the Defence Ministry and the Government have been trying to take back this land which is classified as 'old grant'. Now, in this particular case, no compensation will be paid. And all these individuals who have occupied the cantonment area are refusing to vacate and they are raising a number of difficulties, and the Government has not been successful in taking that land back. Now, this is the opportunity for them to take back those lands. (*Time bell rings*). This is my last point, Sir. We have got this urban ceiling Act and we should become bold and take back all those lands without paying a penny of compensation because these persons did not pay any money to the Government then nor did they have any vested rights to the land. And, therefore, the Government has all the right of taking back this cantonment area without paying any compensation. This is the finest opportunity available to the Government for taking back the old grant land in the cantonment areas. Sir, there could be certain urban areas where this Bill may not be applicable because it is only for A, B, C and D categories and not E and F categories. But there also, without paying any compensation we can still take back the lands because all the rights are vested in it. There are some cases where these individuals have mortgaged or sold off such lands even though they did not have any right in the land. Those also should be rendered null and void, and the Government should pick up enough courage to take back those lands which were given free of cost in the last century and which has been, as we find, difficult to take back.

Sir, with these few suggestions of mine, particularly with regard to the old grant areas, I would recommend that this House pass this Bill, and we should strengthen the hands of the Government in implementing this particular Bill. Thank you, Sir.

SHRI K. S. MALLE GOWDA (Karnataka) : Mr. Deputy Chairman, Sir, I would begin by quoting here the saying, 'Sow the wind and reap the whirlwind'. In the case of putting a ceiling on economic opportunities, we may put it as, "Sow the wind of class-antagonism and reap the whirlwind of class-conflict economic crises, chaos and Communism". Sir, particularly the urban democrats and urban intellectuals did not care to understand what it was to impose a ceiling at a very low level virtually on the income of farmers who contributed 70 per cent of the population because it did not affect them; because it did not pinch them; because it did not hit them below the belt; because it did not curtail their opportunities and hopes for a better future. And good many representatives of the people failed to act according to their conscience which urged them as Confucius said, "What you do not want others to do to you, do not do to others."

Today at long last the ruling party has been forced to bring this piece of legislation because the politically conscious rural people began to take their Members of Parliament to task for adopting double standards in the matter of provision of opportunities to the rural people on the one hand and the urban people on the other which in effect would perpetuate poverty in rural India while providing for higher incomes, sizable savings, high investments in education of their children and great employment opportunities and would provide for high investments in business and industries for the urban citizens.

In the name of socialism, in the name of the poor rural people a new brand of Indian socialism adopted two standards, one equal at the bottom for the people living in the villages and another more equal at the top for the urban citizens. This fooling,



this deception could not be tolerated by some of the rural voters and I think this piece of Urban Land Ceiling Bill willy-nilly had to be brought to appease or hoodwink those rural voters who were embittered and were crying for 'eye for eye' and 'tooth for tooth'.

Sir, I want to make it clear to this House and to the Government that we the rural people accept socialism for our country. In this enlightened epoch the democrats of a country like ours with its over-population, with a large proportion of the people being poor and given adult franchise have to accept socialism for the country.

Talking of the Urban Land Ceiling Bill in comparison to the ceiling on agricultural land held by a rural family, I want to point out to the good Indian people how some of our politicians would hoodwink them and brain-wash them not in the medieval ages but in the modern age. On the rural side, it is a ceiling on their means of production and therefore on their income, whereas the Urban Land Ceiling Bill applies only to vacant sites and in no way can it be said to be similar to the rural land ceiling.

In comparison to the severity of the ceiling imposed virtually on the income, *i.e.*, on the holding of a farming family, the ceiling on the urban land now proposed is trick and a joke of the century against the rural people. Such is our politics of deception.

Sir, I want to make it clear on behalf of the thinking rural people that even if we, the rural families have to suffer, we would rather suffer alone in national interests than advocate and urge in vengeance and bitterness and in a shortsighted way for the imposition of a like ceiling on urban property and income as we would, thereby, severely impede the economic growth of the country and perpetuate poverty, malnutrition, disease, unemployment and finally strife; instead of ushering in an egalitarian society in which poor people are provided with their basic needs.

We would also be doing the very things which our Communist friends are very much hoping for from the embittered and wronged rural people.

Sir, Indians throughout the world are known for their intelligence. We have before us the world history, enough political systems of the world for study and evaluation and for our decision as to which of the political systems, which of the theories in practice can bring the greatest good to our people with their great cultural and spiritual heritage, in terms of not only material prosperity but also development of human spirit and humanism : and which system and which type of economy ensures human freedoms, human rights and the basic needs of people.

I appeal to the Prime Minister and the Members of Parliament to choose Pandit Nehru's socialism which calls for hard work, more production of wealth in the country first and fair distribution next. When they think of ushering in socialism through a policy of imposition of ceiling on property and income. I quote what Nehru had said. Intervening during a debate in the Rajya Sabha on a non-official resolution urging steps for fixation of a ceiling for individual incomes at Rs. 25,000 a year, he said :

"Socialism is not something which can be defined as a dead level of poverty. I don't think socialism can be equated with poverty. You may call it a dead level of poor people in the country. That is not an ideal to be aimed at. Socialism becomes socialism only when there is something worthwhile to socialise, when there is wealth to socialise, when the productive apparatus is functioning so that it produces wealth which does not concentrate in the hands of a few. Therefore, it becomes quite essential for a country like ours where the level of living is low, to produce more wealth and to see that wealth is properly distributed. The most important thing is production of wealth. Everything else is secondary."

[Shri K. S. Malle Gowda]

"The question of reducing disparities" Nehru said, "could be looked at from two points of view—raising the people from the bottom up and reducing the incomes or standards of a few people at the top." Both processes had to continue. The major process was raising the people from below, because 'lowering the people at the top is psychologically satisfying, but it does not make any difference financially. Essentially you have to increase the level of the people below. You can do it by much greater production of wealth.

Sir, hereafter, let no ceiling Bill affecting the growth of national economy be brought forward before Parliament. It is a crime against the poor people in India to put the slightest obstacle to the growth of our national economy. I would quote here Edmund Burke :

"Magnanimity in politics is not seldom the truest wisdom;

And a great empire and little minds go ill together :"

When we plan for our lives, our schools, hospitals and our cities and our houses, we must plan in a reasonably big way, always aiming at expansion, betterment and beautification. Could the wondrous New Delhi areas planned by the Britishers and the Chanakyapuri area planned and built in Nehru's time been enchanting and exhilarating as they are today if such an urban land ceiling law was in force then ? Let not the future generations condemn the present Indian Government for their petty-minded approach to the requirements of the new age we are living in.

I, therefore, appeal to the Prime Minister to raise the ceiling on the urban land by at least 300 sq. metres more for each category of the urban land, I would also strongly urge for paying a fair compensation for the surplus land to be taken over and not just a nominal or confiscatory value as is now proposed. It should not be less than 75 per cent of the market value of the

land. It is possible that Uganda President may not have agreed to pay as much compensation as he has given now for the property of the Indian citizens who have left Uganda if he had the foreknowledge of the mode of value fixed for the property taken over by the Indian Government from its own citizens.

A city has no fixed boundaries. It extends and grows. It is a growing entity. In a city, the land value increases abnormally if with foresight and proper planning new extensions are not formed and there are not enough sites to meet the demands of the needy. So it is the inefficiency of the administration which, to a good extent, causes abnormal rise in the value of urban land. We must also remember that there is a great exodus of the rural population to the cities especially during the last fifteen years as opportunities for bettering their lives in rural India have been slashed. Urbanisation of villages, affording proper opportunities to the rural people to raise their incomes and generate sufficient savings in rural India is the right answer to prevent, to a good extent, this relentless, haphazard, precipitate exodus to the cities.

With these few words, Sir, I conclude. Thank you.

SHRI HAMID ALI SCHAMNAD (Kerala) : Mr. Deputy Chairman, Sir, ceiling has been already fixed for the agricultural property and some people who thought they were wiser and had farsightedness, have sold away their agricultural properties before this Act came into force and invested in urban property. Now this ceiling is hunting after them. Anyhow, from the speeches one can make out that the people who live in rural areas want a ceiling to be fixed for the urban property and people living in urban areas and who have urban wealth, want ceiling to be fixed for agricultural property. We do not quarrel with the principle and the ideology. On the other hand, my submission is that there should be a ceiling on the income of a family so that we may have a sense of economic equality in this country. Every-

body thought that there would be a ceiling on urban property. But the Bill relates to ceiling on vacant land only. I know that there are some practical difficulties in fixing a ceiling on urban property. As far as land is concerned, we can say that it should be given to the tiller of the soil. But we cannot say that a person who is occupying a house on rent should become the owner of that house. You cannot adopt that principle here, as we do in regard to land, where we say that whoever owns or occupies the land is the owner. There are practical difficulties here.

MR. DEPUTY CHAIRMAN : It is not that whoever occupies can become the owner.

SHRI HAMID ALI SCHAMNAD : I was saying the same thing. There is another difficulty in regard to the smaller towns where the housing problem is acute. In such towns, middle-class people used to construct houses for renting them out afterwards at Rs. 50 or Rs. 60 per month. Such people will be discouraged from investing money in the construction of small houses for the benefit of their fellow-citizens. The best way to solve this problem is not to bring in ceiling on urban property, but impose a ceiling on the income of a person or a family. Let the maximum limit be Rs. 5,000 and the minimum be Rs. 1,000. This would be the best way of bringing in socialism to our country.

Sir, I would like to draw the attention of the hon. Minister to another aspect of the matter. When you impose a ceiling on urban vacant land, the people who have money and who have already put up buildings will not be affected. On the other hand, some poor people who might not have been able to construct houses for want of funds, people like Government officials and so on who might have purchased some land and waiting for better days to come so that they could have the money and construct houses, will be affected. The vacant land from such poor people will be taken away. For example, in a city like Bombay or Delhi or Calcutta, if a

person has got 50 cents of vacant land and nothing more than that, the surplus land would be taken away from him because of this ceiling law as he had not been able to construct a house there. In such cases, adequate compensation should be paid. This is my submission.

Another thing is that a ceiling has been fixed in regard to the future construction of buildings especially in regard to the basement and the foundation ceiling. But what about the multi-storeyed buildings ? Can he have a four-storeyed building in future ? I think he can go up to sky; there is no limit.

SHRI K. RAGHURAMAIAH : Subject to the regulations in regard to building and foundation.

SHRI HAMID ALI SCHAMNAD : The main idea is to discourage a person from constructing a palatial house. Only the ground area is being restricted. My submission is that this should be considered. I would also suggest that wakf property may kindly be exempted, if it is not already provided for.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATION REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA) : Dr. Kurian supports you in this.

SHRI HAMID ALI SCHAMNAD : Sir, Government should see that a ceiling is fixed on the income of a person. They should bring it as early as possible so that there may not be disparities among capitalists, industrialists, big house owners and people who have got properties. Otherwise there would be jealousy because one may think that he alone is affected. Therefore, the best way is to see that economic equality is maintained by imposing a ceiling on the incomes. Thank you.

MR. DEPUTY CHAIRMAN : Shri Khurshed Alam Khan. Ten minutes please.

**SHRI U. K. LAKSHMANA GOWDA** (Karnataka) : Is there no lunch ?

**MR. DEPUTY CHAIRMAN** : At 1.30 we shall break for lunch.

**SHRI KHURSHED ALAM KHAN** (Delhi) : Mr. Deputy Chairman, Sir, I support the Urban Land (Ceiling and Regulation) Bill, 1976. This is a long-awaited Bill, seeking to impose ceiling on urban land holdings and regulation of construction of buildings on such land.

The Bill is really overdue but, Sir, it is really surprising how you are going to piece together the strips and bits of land which will be acquired and utilise them gainfully. We have, however, received this Bill with mixed feelings of satisfaction and a little disappointment also. The Bill is welcome because this is the first definite step to check profiteering, ownership and possession of urban land in a few hands because now the land ownership will be on a graded basis, making equitable distribution possible. It is disappointing in the sense that the original idea of ceiling on urban property will not materialise and the requirements of social justice will not be wholly met. In view of the dimensions of the problem involved, it is however, better that a cautious step should be taken.

In regard to future construction of residential buildings, a limit on the plinth area has been stipulated, which will naturally discourage and prevent luxury housing and enable less affluent persons to obtain the scarce building material for the construction of their houses.

Sir, it will certainly help in bringing down the prohibitive land prices, particularly in Delhi and other metropolitan cities, and other metropolitan cities and also concentration of land only in a few hands will be stopped.

While defining "ownership of land"—*vide* clause 2(1)—hire purchase agreement has also been covered. Here, Sir, I would like to mention that this needs some consideration as it may benefit colonisers only

at the cost of the people who have paid the money but have not been able to take possession of the land.

The main urban problem today is the rapid increase in population. Such measures will not solve the problem wholly. Really speaking, formulation of a comprehensive policy to regulate urban growth cannot be avoided any longer.

Sir, in the absence of any reliable statistics, it is difficult to guess as to how much excess land will be available under this proposed graded ceiling—categories (a), (b), (c) and (d). Particularly in Delhi it may not be a fruitful exercise as Delhi is mainly a built-up area, as we know, and very little vacant land is available. The rest of the land has been acquired either by the Delhi Administration or by the various other authorities.

Sir, since there will be a limit on the plinth area applicable to new housing which will be generally appreciated, it will be possible for a larger number of people to have a roof over their heads. But this will be possible only if the Housing Boards or the DDA, particularly in Delhi, go in for the Janata Group Housing schemes in a really big way. Not only the DDA but I suppose, the Life Insurance Corporation will also have to finance such schemes so that all the people who need a roof over their head would get a roof over their head in the shortest possible time.

Another advantage that is likely to flow from this piece of legislation is that in future less private savings are likely to be invested in real estates and this will make some funds available for channeling into other gainful enterprises.

Sir, clauses 26 and 27 of the Bill imposing restriction of prior approval of property transfers, will exercise a check on under-valuation, evasion of stamp duty and *benami* transfers to a certain extent. It will also help to check soaring prices of land in Delhi and the colonisers will not be able to exploit the situation to their advantage

But in this connection, I would certainly like to point out that the houses which are built on less than 500 square metres should not be covered by these restrictions and there should be no restriction on their transfer. Otherwise, there will be a lot of harassment to poor people and once they are also brought under this restriction, you know what complications and implications will arise.

Sir, the exemption allowed *vide* clause 19 appears to be well justified but the authorities will have to be rather vigilant and see that the real purpose is not defeated. In this regard, particularly I would like to mention that although the Wakf lands have been exempted, many of the Wakf lands are under dispute with the DDA and unless those disputes are settled it would not be possible to safeguard the interest of the Wakf Board and the Wakf lands in Delhi.

Sir, it is a known fact that bigger and congested cities are growing and expanding faster than the smaller towns. For instance, in Delhi about two and a half lakh of people are added to the population annually. Therefore, speedy implementation of plans to reduce the congestion and pressure on the city is very necessary. In this connection, I suppose the National Capital Region plan needs the priority and once the priority is given to this scheme and the ring towns are developed, surely we will be able to give greater benefit to the people of Delhi who are today suffering for lack of living accommodation, particularly in old Delhi, which is known as Shahjehanabad.

Sir, according to Schedule 1 of the Bill, Delhi is in category A but here I would like to point out that Delhi's case is slightly different to other metropolitan cities. In the first instance, the Union Territory of Delhi's total area of 570 sq. miles is covered by the Municipal Corporation of Delhi. Normally, the urban land is considered that land which is covered by the jurisdiction of a Municipal Corporation or a Municipality. But here in Delhi there is no definite demarcation between the rural

land and the urban land. So, this will have to be examined rather carefully before we take the decision.

Sir, the master plan covers some urban and some extended areas of Delhi. Now, apart from this, in Delhi there is another problem of what we call the urban villages. They will have to be given special consideration. Besides the urban villages there are 300 rural villages in Delhi and the rural villages have the traditional problem of *lal dora* which the hon. Minister Mr. Bhagat knows very well. I suppose that *lal dora* problem also needs special consideration and something has to be done about it. Sir, in the union Territory of Delhi, apart from the main Delhi, there are two other towns which the Town Planning Organisation take separately for town planning, i. e. Najafgarh and Narela. Narela, incidentally, also happens to be one of the ring towns and its development is very much in the offing. Therefore, whatever is there today as the rural area will be converted into the urban area very shortly and this matter has to be considered.

Sir, the Delhi Development Authority will perhaps be the agency for allotment of surplus land. But here I entirely agree with other friends that the DDA should not make it a profiteering venture, because up to now the DDA has been making lots of profits, which is indicated from the fact that the DDA in 1957 started with a revolving fund of Rs. 5 crores which today it has multiplied up to Rs. 100 crores. Sir, the object of the Bill is to prevent concentration of urban land in the hands of a few persons, and this should not be defeated in any way by either wrong implementation or by allotting land to the wrong people.

Sir, in the end, I would like to say that such owners who have already built houses according to the building plans in force of the Delhi Municipal Corporation of Delhi should not suffer as a result of this Act in any way—because they have constructed their buildings according to the bye-laws in force, their interests should be protected.

[Shri Khurshed Alam Khan]

Sir, to Delhi we need to give special consideration because unlike other metropolitan cities Delhi has got its own specific problems and specific character.

Thank you, Sir.

### MESSAGES FROM THE LOK SABHA

#### I. The House of the People (Extension of Duration) Bill, 1976.

#### II. Extension of the term of office of the present members of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes

SECRETARY-GENERAL : Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha :—

##### (I)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the House of the People (Extension of Duration) Bill, 1976, as passed by Lok Sabha at its sitting held on the 4th February, 1976."

##### (II)

"I am directed to inform Rajya Sabha that Lok Sabha, at its sitting held on Thursday, the 5th February, 1976, adopted the following motion:

That this House do intimate to Rajya Sabha that the term of office of the present members of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes from Lok Sabha, has been further extended upto the 31st March, 1976 and do recommended to Rajya Sabha that they do take such action as they may deem fit in regard to the association of the members of the Rajya Sabha with the said Committee."

Sir, I lay the Bill on the Table.

MR. DEPUTY CHAIRMAN : The House stands adjourned till 2.30 P.M. today.

The House then adjourned for lunch at thirty-three minutes past one of the clock.

The House reassembled after lunch at thirty-two minutes past two of the clock, Mr. Deputy Chairman in the Chair.

### THE URBAN LAND (CEILING AND REGULATION) BILL, 1976—contd.

SHRI U. K. LAKSHMANA GOWDA : Mr. Deputy Chairman, Sir, we have been discussing this Urban Land (Ceiling and Regulation) Bill, 1976. Going through the Bill, it is very difficult to decide whether to support it or to oppose it. So far as the history of this Bill is concerned, I have made some remarks earlier on this. This is a Bill which was thought of in 1970-71 when the ceiling on agricultural property came and just to satisfy the agricultural community the Government wanted to bring some ceiling on urban property and this was thought of. It was conceived, carried by so many Ministers including my hon. friend Mr. Om Mehta. Then eventually it was passed on for delivery to my friend, Mr. Raghu Ramaiah. This is a case where a mountain in labour has produced finally a mouse, and it is a very complicated mouse. So, I must congratulate Mr. Raghu Ramaiah. As Mrs. Sumitra Kulkarni was saying, he has done the best of a bad job; it was a very difficult one and the birth pangs have been heard session after session. Any way, I must congratulate him that to some extent, a beginning has been made.

Sir, looking at the Bill, I find that there is a complete deviation from what the Government had in view when they brought the ceiling on agricultural property here. At that time, my friends here should know that in the case of Agricultural sector the means of production itself was limited to either 10 or 18 standard acres, on the basis of an income at that time a gross income of Rs. 7000 for a rural family. It would reduce itself by 50 per cent, to provide Rs. 3500 only as a net income which was supposed to provide a decent enough life for a family of five or what ever it is.