

PROF. D. P. YADAV : Sir, by the next session we can expect it.

MR. CHAIRMAN : All right. Mr. Pranab Kumar Mukherjee.

SHRI PRANAB KUMAR MUKHERJEE : Sir, the hon. Minister has stated that the Government will bring forward very soon fresh legislation for the Central Universities. Pending such legislation, may I know from the hon. Minister whether the Government will issue any guidelines to all the Central Universities in regard to one of the important recommendations of the Gajendragadkar Committee, that is, about the student's participation in the University administration. That was assured also by the hon. Education Minister when we passed the Viswa-Bharati Bill during the winter session.

PROF. D. P. YADAV : Sir, the Committee has gone in detail into many questions in which students' participation is one of the items and the Government has more or less accepted in principle the recommendation. So, Sir, the honourable Member need not worry.

SHRI PRANAB KUMAR MUKHERJEE : Sir, I am putting the question whether they are issuing any general guidelines.

PROF. D. P. YADAV : Sir, for all the five Universities, the Acts will have to be amended and we are issuing guidelines to them separately.

MR. CHAIRMAN : All right. Yes, Dr. Bhai Mahavir. This is the last question.

डा० भाई महावीर : श्रीमन्, सरकार जो नया कानून बनाने का विचार कर रही है क्या उसमें यह ध्यान भी रखा जायगा कि दिल्ली यूनीवर्सिटी की सबसे बड़ी समस्या उसके विद्यार्थियों की बढ़ती हुई तादाद है और दिल्ली यूनिवर्सिटी के अधिकारियों को ऐसा लगता है कि 90 हजार विद्यार्थियों को एक यूनिवर्सिटी के अन्तर्गत रखकर चलाना, उनका ध्यान रखना कठिन हो रहा है और दूसरी यूनिवर्सिटी बनाने की बात एक तरह से खटाई में पड़ गई है, जवाहरलाल नेहरू यूनीवर्सिटी का स्वरूप दूसरा बना दिए जाने के कारण तो क्या आपके कानून में इस समस्या का विचार किया जा रहा है या जो कानून आप बनाएंगे उसमें

इस कठिनाई को भी आप हल करेंगे और हल करेंगे तो किस तरह ?

प्रो० डी० पी० यादव : माननीय सदस्य का जो सुझाव है और दिल्ली की बढ़ती हुई आबादी को देखते हुए . . .

डा० भाई महावीर : यूनीवर्सिटी की ।

प्रो० डी० पी० यादव : आबादी बढ़ेगी तो यूनीवर्सिटी के छात्र भी बढ़ेंगे । तो सरकार इस पर विचार करेगी ।

BILL ON CEILING ON URBAN PROPERTY

*209. DR. Z. A. AHMAD : †
SHRI KRISHAN KANT :
SHRI D. P. SINGH :
SHRI CHANDRA SHEKHAR :
SHRI SWAISINGH SISODIA :
SHRI M. K. MOHTA :
SHRI GULAM NABI UNTOO :
SARDAR GURCHARAN SINGH
TOHRA :

Will the Minister of WORKS AND HOUSING be pleased to state :

(a) whether Government have finalised the Bill to impose ceiling on Urban Property ;

(b) if so, what are the main features thereof ; and

(c) when the Bill is proposed to be introduced in Parliament ?

THE MINISTER OF STATE IN THE MINISTRY OF WORKS AND HOUSING (SHRI I. K. GUJRAL) : (a) Government have decided that there should be a ceiling on urban property.

(b) Details are being worked out.

(c) Although date for introduction has not been fixed, it is proposed to take an expeditious action in this direction.

DR. Z. A. AHMAD : What are the main features of the proposed Bill ? Would you give us an idea ?

SHRI I. K. GUJRAL : It is very difficult for me to give the main features of the proposed Bill. A thinking has been going on

† The question was actually asked on the floor of the House by Dr. Z. A. Ahmad.

that there should be some sort of a limitation placed on the holding of urban property. Various States have approached this problem differently. As you all know, for instance U. P. has thought of Rs. 3 lakhs, Madhya Pradesh wants it to go upto Rs. 3 lakhs, Punjab has been thinking in terms of Rs. 2½ lakhs, Mysore wants it to be Rs. 2 lakhs...

SHRI BHUPESH GUPTA : Another is thinking of evasion...

SHRI I. K. GUJRAL : That is not in the State sector... (Interruptions)

DR. Z. A. AHMAD : In view of the fact that the big property owning class in the States are trying to circumvent the new proposed legislation by selling off the property or by transferring it, partitioning it or in the same manner in which big landlords have done it in the villages, will the Government take any steps to prevent such *benami* transfers and illegal transfers in this intervening period? Are the Government prepared in that connection to advise the State Governments either to pass laws or to move through ordinances in order to stop this forthwith, and then also advise the State Governments to apply this new legislation retrospectively?

SHRI I. K. GUJRAL : The hon. Member would please keep in mind that this is a State subject in our Constitution, and naturally the legislative part of it rests with the States unless they authorise the Centre...

DR. Z. A. AHMAD : But you are the main adviser...

SHRI I. K. GUJRAL : I have not yet resumed that role. The authority in the Centre is only a delegated authority on this subject. So far only four States have asked us to pass legislation. Others have tried to do it themselves...

SHRI BHUPESH GUPTA : What did you say? Authority is the Centre?

SHRI I. K. GUJRAL : They have authorised the Parliament...

SHRI BHUPESH GUPTA : Ask Mr. Dikshit. What is the authority?

MR. CHAIRMAN : No, no...

SHRI BHUPESH GUPTA : He is giving a wrong answer...

MR. CHAIRMAN : It may be a wrong

answer. But you have to sit down... (Interruptions)

SHRI I. K. GUJRAL : The States which have asked the Parliament to enact are Haryana, Himachal Pradesh, Mysore and Andhra. Punjab had passed a resolution authorising the Centre, but now they are thinking of doing it themselves. Therefore, whether the States want it retrospectively or whether they want it for the future, naturally it is a subject on which the States will have to take a decision.

MR. CHAIRMAN : Mr. Krishan Kant.

SHRI KRISHAN KANT : May I know whether the hon. Minister does not consider the wording "Bill on Ceiling on Property" as a misnomer? Actually, it is a ceiling on houses and house sites. Urban property means industrial property and commercial property also. So it should be a Bill on Ceiling on Urban Houses and Houses Sites. Will the hon. Minister remove this misnomer? Secondly,...

MR. CHAIRMAN : No secondly.

SHRI KRISHAN KANT : That was just about the heading of the Bill...

MR. CHAIRMAN : "Urban" is your nomenclature...

SHRI KRISHAN KANT : But that was not a question on the Bill, Sir...

MR. CHAIRMAN : All right. Put your question.

SHRI KRISHAN KANT : What is the concept of "family"? Is it as it is in the land ceiling legislation, or they are proposing to include some other concept in this proposed Bill?

SHRI I. K. GUJRAL : So far as the heading of the proposed enactment is concerned, the headings are generally decided by what there is in practice, and even when they are as thorough-covering as my hon. friend may be thinking. Now, one State which has already passed the law and some States which have already introduced the legislation have chosen to use the words "Urban Property". Even in those cases the coverage includes sheds, factory buildings, etc. In the case of Punjab it includes urban property but excludes this land within urban areas. Therefore, the concept also is varying from State to State.

So far as the concept of family is concerned, by and large, the concept of family which the various States intend it to be is husband and wife and minor children.

SHRI D. P. SINGH : Will the hon. Minister tell us whether in the working of the ceiling legislation—since it is a State subject—it is possible for people with ramifications in more than one State to have property up to the ceiling in each State and thereby frustrate the entire purpose of the ceiling legislation? Therefore the question is, is the hon. Minister thinking of obtaining the views of the consenting States so that a legislation can be made to frustrate such efforts on the part of people to frustrate the ceiling legislation in respect of urban property?

SHRI I. K. GUJRAL : The fact is, from the very beginning that precisely has been our idea. We have been telling the States that it would be better if resolutions are passed by the respective Assemblies authorising Parliament to make laws in this respect. But naturally in these things, since the power is vested in the States, our capacity can only be advisory; we can only suggest to them. This is exactly one of the points which we have made in our advice to them—that since property can be in more than one State and if they want a real, correct coverage of this a Central legislation is necessary.

SHRI BABUBHAI M. CHINAI : May I know from the hon. Minister whether a draft Bill has been circulated to all States for their opinion and, if so, what is their reaction to it? Another point is, what are the salient features of that draft Bill which has been circulated to the States?

SHRI I. K. GUJRAL : The draft Bill was circulated, I think, either in late 1970 or in early 1970. Since then in the Centre also we have been examining the various implications of it. When we sent the draft Bill our idea was to seek opinions. Some States did send their opinions and some passed resolution some, unfortunately or fortunately, also chose to treat that Bill even as a model Bill which it was not intended to be; it was intended only to elicit opinion. Therefore, other factors also come up for examination. If my hon. friend wants I can send him a copy of that because that is not a secret any more; at the moment we are not calling it a model Bill or any such thing.

SHRI BABUBHAI M. CHINAI : Thank you, Sir. I would like to have it.

SHRI T. V. ANANDAN : From the reply of the hon. Minister it is learnt that different States have got different ideas on the ceiling on urban property. Urban property is nothing but buildings and houses. May I suggest that it is not possible to share wealth but poverty can be shared in this country very easily and quickly too? Therefore, if one person in an urban area possesses a property worth a lakh or fifty thousand rupees and from other houses he earns a rental income of about Rs. 3,600, will he make the tenants who are occupying those houses as owners of those houses giving credit to the period of tenancy, namely, twenty years and over?

SHRI I. K. GUJRAL : Bringing about property ceiling has many implications and one such implication is the post-birth implication: What do we do with the property after we take it over?—whether we should give it to the tenants or the Government itself has to run it for renting purposes or re-selling purposes. This is one of the points which the Government has to go into detail.

SHRI V. B. RAJU : Sir, according to the scheme of things, it seems that one can hold actually a rural property in agricultural land up to a certain ceiling and also an urban property up to the ceiling proposed. If it is so, I would like to know if there is any thinking that immovable property as such, whether urban or rural, should also have a ceiling. Is the Government thinking of an integrated and combined approach in this respect?

SHRI I. K. GUJRAL : Sir, there is a variety of thinking on this because there are many schools of thought. For instance, one of the points made by my hon. learned friend is whether the property, both in agricultural and rural areas should be clubbed and there is another school of thought which says, "Why ceiling on immovable property and why not on wealth as a whole"? There are various shades of discussions that are going on and the hon. Member must have noticed that in our own Ministry we are going in to the details of this issue to make up our mind as to what kind of approach should be suitable to our social conditions.

SHRI HARSH DEO MALAVIYA : May I expect from the Minister that he will ensure that the legislation on urban ceiling will not

be put in the same doledrums as the legislation on land ceiling ?

SHRI I. K. GUJRAL : Sir, I can assure the hon. Member that there can be no doledrum. That I can assure him.

SHRI U. K. LAXMANA GOWDA : Sir, in the case of ceiling in rural areas, the ceiling seems to be on the means of production, i.e. 10 acres or 15 acres. In the case of urban areas, it is limited on the dwelling houses and not on the means of production. Has the Government taken into consideration this aspect or has the Government taken note of it ?

SHRI I. K. GUJRAL : Sir, as I said, in the discussion that is going on in the country this is one of the points being raade, because some people also have made a point that ultimately if 'houses' represent savings then people have put in their savings in housing as well as elsewhere also and, therefore, if a ceiling is going to be put on urban property, why not on other aspects of totalised savings as a whole ?

SHRI JOACHIM ALVA : In your survey, have you taken note of ICS people constructing very large houses in Delhi with very unfair advantages ? Especially, have you taken note of one gentleman, one ICS person, to whom I referred in the Defence Debate also ? That gentleman had been the Secretary in the Defence Ministry. He has let out his house on Rs. 8,000 as rent and he has gone over to another Ministry now. Have you taken note of that unfair privilege ?

SHRI I. K. GUJRAL : Sir, at the moment I am thinking of ceiling on urban property and not ceiling on privileges.

SHRI BHUPESH GUPTA : Sir, on the one hand, for the last three years the Government has been talking about ceiling on urban property and on the other ICS and other officials are being given special facilities in land and ways to build big houses, palatial houses and make money, make thousands and thousands of rupees. May I know whether the Government has decided to put a stop to it and see that this is not done ? In this connection, I would also like to know whether the Government is considering the advisability of taking over the urban land under the possession and ownership of rich people and landlords in urban areas so that when the ceiling is effected, they are not in a position to carry

out all kinds of malpractices to which they have been accustomed in the past ?

SHRI I. K. GUJRAL : I think I have already replied to that question.

SHRI BHUPESH GUPTA : He has not. Has he replied about the ICS ...

MR. CHAIRMAN : Mr. Bhupesh Gupta, you have made your point.

SHRI I. K. GUJRAL : So far as the senior Government servants are concerned, we have already discussed various cases about them and naturally any law which comes into force will apply to them also.

डा० भाई महावीर : मंत्री जी ने बताया कि अलग-अलग राज्यों ने अलग-अलग सीमा मुझाई है दो लाख से लेकर चार लाख तक और शायद कुछ राज्य पांच लाख तक की सीमा तय करने का भी विचार करते हैं। तो क्या सरकार, पार्लियामेंट, जिन राज्यों के लिये कानून बनायेगी, उनके लिये भी अलग-अलग सीमा रखेगी ? इस तरह से देश में जो एक गड़बड़ी मच रही है, क्या उसमें बड़ावा होने देगी ? क्या सरकार इस बात को समझती है कि अलग-अलग सीमा के कारण अलग-अलग जगहों में अलग-अलग भूमि की कीमत है और इसलिए ठीक सीलिंग लागू करने के लिये भूमि के रकबे को अलग रखकर, उसके ऊपर के कंस्ट्रक्शन को अलग रखकर, इस तरह की सीमा लागू करने पर विचार कर रही है ? यदि नहीं, तो क्यों नहीं ?

SHRI I. K. GUJRAL : One thing I might clarify. My hon. friend is under a wrong impression. It is not the Government which makes laws ; it is the Parliament which makes laws. Therefore whenever I come with a Bill Parliament can consider all these details and decide whatever they wish to.

DR. BHAI MAHAVIR : Are we listening to a lesson in civics ?

(Interruptions)

SHRI I. K. GUJRAL : I am replying to your question because you asked the question.

SHRI BHUPESH GUPTA : Perhaps this is the biggest contribution he has made to tell us that it is the Parliament that makes laws.

SHRI I. K. GUJRAL : Because my hon. friend does not seem to be knowing it. He said Government makes the laws ; Government does not make laws.

The second point my hon. friend has made is whether there should be a separate consideration for urban land and for urban construction. This point also we will consider when we examine the details.

DR. BHAI MAHAVIR : My question was whether with the diverse ceilings the Government does not want a uniform law.

SHRI I. K. GUJRAL : The Government does want a uniform law. That is why the Government of India has been requesting the States to empower Parliament to make the law.

SHRIMATI SUMITRA G. KULKARNI : Will the hon. Minister explain what steps are being taken for plugging the loopholes and the malpractices that are envisaged in enforcing the law ? To illustrate one malpractice which I have in mind, is that anyone is free to mortgage his land over and above the ceiling to a bank and get loan against the land. Once the land is mortgaged to a bank, Ceiling Act cannot touch it. In effect this will be the easiest way of defeating the Ceiling Act.

SHRI I. K. GUJRAL : About mortgages also there are many implications. It is correct that some sort of fictitious mortgages may be done. We are also aware that in this country through public institutions like LIC, through the Government of India, through the State Governments, substantial amounts of money have been given as advances to various house builders and those houses are also mortgaged. Therefore when we examine the issue in detail all these aspects have to be examined carefully.

SHRIMATI SUMITRA G. KULKARNI : I am talking of mortgages which may have been honourably done, very correctly and legally done and which does not violate any regulation.

MR. CHAIRMAN : Madam, your question has been answered.

PROCUREMENT PRICE OF WHEAT

*210. SHRIMATI PRATIBHA SINGH †
SHRI LAL K. ADVANI :
SHRI GULAM NABI UNTOO :
SHRI CHANDRA SHEKHAR :
SHRI D. P. SINGH :
DR. Z. A. AHMAD :
SHRI SITARAM JAIPURIA :
SHRI CHANDRAMOULI
JAGARLAMUDI :
SHRI LOKANATH MISRA :
SHRI K. C. PANDA :
SHRI SUNDAR MANI PATEL :
SHRI SITARAM KESRI :
SHRI N. G. GORAY :

Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government have decided not to accept the recommendations of the Agricultural Prices Commission to reduce the procurement price of wheat ; and

(b) the reaction of each State Government towards these recommendations and to the Central Government's decision in the matter ?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ANNASAHAB SHINDE) : (a) and (b) Yes, Sir. The recommendations made by the Agricultural Prices Commission in its Report on Price Policy for Rabi Foodgrains for the 1972-73 Marketing Season were considered at the Conference of Chief Ministers held on the 13th April, 1972. Excepting West Bengal and Mysore, the State Governments disagreed with the recommendation of the Commission that the procurement price of wheat for the ensuing season be reduced. After careful consideration, taking into account all relevant factors, the Central Government decided that the procurement price of wheat for the marketing season 1972-73 be continued at the last year's level.

SHRIMATI PRATIBHA SINGH : Will the hon. Minister say what has been the last price ?

SHRI ANNASAHAB SHINDE : Last year's price has been Rs. 76 for ordinary Mexican and between Rs. 71 to Rs. 74 for the indigenous red.

†The question was actually asked on the floor of the House by Shrimati Pratibha Singh.