

The House reassembled after lunch at two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) BILL, 1970 180151

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI B. S. MURTHY): Mr. Deputy Chairman, Sir, I beg to move:

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

Sir, before I proceed to explain the salient features of the Bill. I would like briefly to recall the background of this legislation for the information of this august House.

You are aware that normal powers of the Government for acquisition of land for a public purpose are contained in the Land Acquisition Act of 1894. The procedure laid down in that Act is, however, lengthy and dilatory. Amendment of that Act is being considered by the Government separately and for this purpose a committee has been appointed under the chairmanship of Shri Justice Mulla. The Land Acquisition Act does not deal with requisitioning of buildings. I may recall here that one of the recommendations of the Law Commission in their Tenth Report was that the provisions of the Requisitioning and Acquisition of Immovable Property Act of 1952 be incorporated in the Land Acquisition Act when the latter is amended. It has, however, been decided that the provisions regarding the requisitioning and acquisition of immovable property should continue to remain a separate enactment.

Sir, we are all aware of the well known maxims that regard for the public welfare is the highest law, and that public necessity is greater

than private necessity, and they do not need any comment. Looking back to the history of the Act which we propose to amend, it may be recalled that the power of the Government to requisition and acquire immovable property has been in existence now for over three decades continuously. This power was first conferred on the Government under the Defence of India Act, 1939. On the lapsing of that Act in September 1946, after the end of the Second World War, the properties requisitioned under the Defence of India Act continued to remain under requisition in view of the enactment of the Requisitioned Land (Continuance of Powers) Act, 1947. Subsequently, Parliament enacted the Requisitioning and Acquisition of Immovable Property Act, 1952. While conferring powers for the requisitioning and acquisition of immovable property on the Government, the act also provided that properties requisitioned under the Defence of India Act, 1939, shall be deemed to be requisitioned under the Act of 1952. The Act of 1952 was to remain initially in force for six years only. But its life has been extended twice by Parliament and it will now remain in force up to the 13th March, 1970. Provision for requisitioning and acquisition of immovable property also existed in the Defence of India Act, 1962, which ceased to have effect from the 10th July, 1968, that is, six months after the Proclamation of Emergency was revoked. It was not found possible, Sir, before that date to release or acquire the properties requisitioned under the Defence of India Act, 1962. The bulk of such properties were requisitioned for national defence and permanent structures or installations had been built on a substantial portion of the requisitioned land. Outright acquisition of the properties involved very large expenditure. We, therefore, considered it essential to retain the properties under requisition. For this purpose, the Requisitioning and Acquisition of Immovable Property Act, 1952, was amended in 1968, to provide that the properties requisitioned under the Defence of India Act, 1962 shall be

deemed to have been requisitioned under the Requisitioning and Acquisition of Immovable Property Act, 1952.

Sir, as I stated earlier, the Act of 1952 which we propose to amend through the Bill now before the House will remain in force up to the 13th March 1970. A large number of immovable properties have been requisitioned under the above Act. The Ministry of Defence alone hold approximately 86,658.02 acres of land and 179 flats or buildings under requisition. Other Ministries also hold some properties under requisition. Although the Ministry of Defence and the other Ministries are expeditiously pursuing the policy of acquiring or de-requisitioning the requisitioned land and properties, a large number is expected to be in Government's possession after 13th March 1970. Sanctions for acquisition of the properties for the Ministry of Defence have been expedited and the expenditure is being steadily stepped up to Rs. 5 crores per year in respect of acquisition of requisitioned lands and properties. Even so, it is clear that it will not be possible to acquire or release all the properties before the 14th March 1970. In the circumstances, it is considered necessary that the law of requisitioning should be embodied in a permanent code. For this purpose, a Bill was introduced in the Lok Sabha with the recommendation of the President. The Bill as passed by the Lok Sabha on the 24th February 1970 with certain amendments is now with the hon. Members. The main change made in the Lok Sabha is regarding the maximum period for which the properties could be retained under requisition. This has been reduced from ten years to three years.

Sir, I might state that clause 2 of the Bill seeks to make the principal Act a permanent one. This by itself would not necessarily involve any additional expenditure from the Consolidated Fund of India. The number of properties under requisition vary from time to time and as re-requisitioned properties can be acquired, it is difficult to estimate the actual expenditure for any future period. At

the moment the annual expenditure towards payment of compensation, etc. under the Act is about Rs. 97 lakhs.

Clause 3 of the Bill provides that the maximum period of requisitioning should be three years from the date of enactment of the Bill in the case of properties already under requisition, and three years from the date on which possession is taken in the case of properties which may be requisitioned after that date unless that property is acquired under section 7 within the period of three years aforesaid.

The acquisition of immovable properties within the prescribed period will involve a non-recurring expenditure from the Consolidated Fund of India. In case all the properties now under requisition are to be acquired under section 7 of the principal Act, the total non-recurring expenditure will be approximately Rs. 33 crores. This expenditure will be spread over the next three years. Moreover, it is not intended to acquire all the requisitioned properties and some of the properties will be de-requisitioned as and when possible.

Sir, with these words I commend the amending Bill for the consideration of this august House.

*The question was proposed.*

KUMARI SHANTA VASISHT (Dehi): Mr. Deputy Chairman, this Act of 1952 has gone through a large number of amendments. The enactment has been pretty defective and the Government has continuously been amending it every now and then. There has also been a good deal of controversy about it. There had been a lot of uproar in the Lok Sabha particularly when a Sub-Committee was appointed for amending the Acquisition and Requisition Act. So, my first point is that all these legislations should be exhaustively dealt with and a very comprehensive, very correct and proper Bill should be brought before the House so that there would be no necessity for continuously amending it because it takes a lot of time of the two Houses of Parliament and still it remains defective; so many loopholes are found by the courts and the enactment is amended from time to time.

[Kumari Shanta Vasisht.]

Why this Act was passed in the beginning was, during the great war, as the honourable Minister has pointed out just now, some properties had to be acquired by the Government for defence purposes and therefore this was brought in as a very emergency measure to meet the war conditions. Even at that time when it was started in England—later on such Bills were brought forth in this country also—there was a strong feeling there that the executive should not interfere with this thing and that it should not be able to acquire and requisition the properties of the private citizens as and when it likes. But it was a war situation and though there was some murmuring and many eyebrows were raised, the measure was accepted with the reservation that it was because of the war situation that the properties were being acquired. And it was meant only for a small period. But now we have been extending the period of this Act continuously and according to the present amendment we are going to delete section 1, subsection (3) so that it will not be operative only till the 13th March, 1970, but when this section is deleted, it will be operative for ever. This is a blanket coverage being given to a measure which was meant only for emergency purposes. Now this will remain on the Statute Book for ever. This is not a very satisfactory affair. Situations are changing and they are changing even with regard to our fundamental rights and so many other things. But my objection is that so many times land has been acquired for what is known as public purpose. What is the public purpose for which it is being acquired? Very often a private industrialist makes a demand that he wants to set up a certain project or a certain industry in a certain area and that the Government should acquire that land for onward transference to him to enable him to set up that industry. And the Government acquires the land under the provisions of this Act and makes it available to the industrialist for his industry. And the industry can be anything. It can be textile industry, rayon industry or a consumer industry or any other industry of that

type. And that becomes a public purpose. The definition of public purpose has been extensively used, misused and abused. For any purpose and every purpose the Government says it is for public purpose. Anything is considered public purpose by this Government which has been crying hoarse about socialistic programmes. And on hundreds of occasions it acquires the properties of poor farmers giving them only a few annas as compensation. Actually the Government is acquiring these lands for a few annas and is giving them over to the industrialists for their purposes. There are concrete cases before us. Those industrialists set up their factories on those lands, sometimes only on a part of the land given to them. Later on the surplus land given to them is sold back to the Government at Rs. 10, Rs. 15 or Rs. 20 per square yard. There are instances where our Government has taken such lands back and paid very high prices. In this way it is the industrialists who make a lot of money from the land which the Government had acquired for them for a few annas from the poor farmers and which they are selling back to the Government at 20 or 30 times the original price. Sometimes they sell them back to other private industrialists also. Therefore, the Government has become an instrument in depriving the poor farmers of their lands and in making them available to the rich industrialists in order to make them richer. Those industrialists sell back those lands at 20 or 30 times the price originally paid to the poor farmers, either to the Government itself or to some private industrialists, the lands they had acquired through the instrumentality of the Government. This is a very unsatisfactory state of affairs. I think the Government should think ten times before it deprives the poor farmers of their lands and makes them available to one and all industrialists who have their influence over the Government, who can pull a few wires, whom the Government is willing to oblige, for some consideration or the other. After all, there must be some consideration for that. The Government publicly puts up a posture of socialism, but in its dealings and actions, it always goes out of its way to help private industrialists and make

all facilities available to them for becoming richer and richer at the cost of the poor farmers. This is the objection which I have. I can understand a land or property being taken over by the Government for public purposes; by public purpose I mean the purpose which the Government itself undertakes. I can appreciate its wanting land for being used by public sector undertakings, the undertakings which are run by the Government itself—I hope the Government will run these public undertakings efficiently and remove the loopholes that are there. But its acquiring lands from poor farmers at a very low rate and handing them over to rich industrialists is not a very good argument. In a very blind manner the Government has been continuously doing it, not only in the Centre but in the States also. Quite a few industrialists just make a demand on the Government for some hundred acres or 500 acres and the Government tries to accommodate them to suit their convenience. This creates a lot of resentment and hardship to the farmers; they are very small farmers, small peasants, having very small holdings. Therefore it becomes even more difficult for them because they are not qualified for any job; they do not have any other profession on which they can fall back. They have taken their lands and paid no compensation to them. I would like to know what compensation has been paid to those farmers whose lands have been taken by the Government. They have taken their lands in Delhi but for years and years together they have not paid them any compensation. I would not like to say here which Ministry has done it because I know that the purpose is good and it was necessary to acquire those lands. But the point is that they have not been paid any compensation. Quite a few people were such that they were seriously handicapped because of their lands having been taken by the Government and no compensation having been paid to them. So the Government is extremely negligent; it simply issues some orders under certain provisions of the Act and acquires the land and technically the land becomes that of the Government. The farmers and peasants also raise objections but the Governments takes

years and years to decide about those objections. The worst thing is that the Government really does not have any anxiety to pay the compensation to the poor farmers and the farmers suffer a lot. Many a time it was represented to the Ministry and also to the Minister but nothing was done; the land has been acquired without paying any compensation to the poor farmers who are really in very difficult circumstances. This is very bad that the Government becomes very neglectful to their reasonable representations; it never bothers about that part of it.

I am glad that they have now put this limit of three years to acquisition of property. I am glad that the Lok Sabha was able to pressurise . . . (*Interruption*). But when land is acquired and when it is not found useful or necessary for the Government's purposes, it should be returned to the poor farmers, as much as possible and as quickly as possible. There is another instance which I would like to mention here. The land was acquired by some authorities in Delhi and for years and years that land was not at all utilised. Then the farmers represented to the Government that because the land was not being put to any use whatsoever, they might be given the right to cultivate that land and grow some crops over it and when the Government intended to put that land to some use by way of construction or otherwise, it could be taken back from them. After all the crops can be grown within six months or so. So the Government agreed to that and they allowed the land to be cultivated by the farmers. Although the land had been acquired by the Government, it was given back to the farmers for cultivation till such time as the Government wanted to put it to some immediate use. That was allowed for some years. But again some difficulties arose and the Delhi Government decided that the farmers should not be allowed to cultivate that land and they took away that land from the farmers. So they should be very clear about it. I think there is no harm in giving it for cultivation purposes so that food is grown. After all when food is grown, it becomes the wealth of the country; foodgrains are useful for the people

[Kumari Shanta Vasisht.]

of the country. But the Government is very much undecided and contradictory in its behaviour which again has caused some hardship to these farmers and poor peasants. The trouble is that even compensation is not paid to them.

There is one more thing that I would like to point out. Land is mostly taken from the farmers; it is not acquired in the cities because there very many people have to be disturbed and so on. So very often the Government fails to acquire any land in the cities even for broadening the roads where there is serious congestion, even the planners and so on will not think about it because they cannot disturb so many people living in those congested areas. So generally the farmers become the victims of this legislation. Therefore what I would suggest is that when these lands are acquired from the farmers, they should be given some money etc. and the Government should also make a parallel programme to rehabilitate those people by giving them some technical training or some other training in crafts. There should be some special parallel programmes or industries in those very areas which the Government is acquiring; it should set up small or medium industries and the first preference should be given to these people to be absorbed in those industries; they should also start some training classes for them, because many of them are not able to have professions or any other means of livelihood; most of them are illiterate. The Government had promised me at that time—the hon. Minister—that they would make a provision for such schemes so that the people who are disturbed from those lands are rehabilitated by getting some kind of training for absorption in those industries. They should not only be given the labourers' jobs, because the landlord in his village is a respectable person and he commands some respect and dignity in his village but after his land is taken away, he is thrown to the winds as an unskilled labourer. The labourers in the villages do not have any dignity or self-respect. If we turn such landlords into mere labourers, we will be doing great injustice to them; they will be thrown literally on the roads. The

Minister at that time had promised me that he would do something about it and make some programme. I hope that assurance of the Minister would be fulfilled and the Report of the Assurances Committee would also be placed before us so that we can see what has been done about it. We would like to see what are the concrete proposals, how many people have been absorbed not only as labourers, because the labourer's job is no good; he remains a labourer for ever; he cannot be elevated to any managerial post or some other technical post. I am suggesting these programmes for the sake of the poorer sections and the smaller farmers or peasants, not for big landlords who can always manoeuvre for themselves and the Government would also oblige them. But the Government has an obligation towards the poor farmers and peasants whom they should absorb in reasonably good positions. We would like that the Government should formulate some concrete programmes about it and the land in future should always be acquired for purely good purposes, not only to oblige big industrialists and other people. So I would conclude by saying that the suggestions I have made should be taken care of. Thank you.

श्री सुन्दर सिंह भंडारी (राजस्थान) : उप-सभापति जी, इस बिल का मैं विरोध करता हूँ। इस बिल की जो मूल रचना है वह युद्धकालीन परिस्थिति का सामना करने के लिये थी। यह बात समझ में आ सकती है कि युद्ध के समय या कोई इमरजेंसी के समय इस तरह से सरकार को अधिकार होना चाहिये किसी मकान या किसी ऐसी इम्यूनेबिल प्रापर्टी पर अधिकार करने का, उसको अपने उपयोग में लाने का। इसीलिये ला कमीशन की रिपोर्ट में भी इस बात का उल्लेख है कि इस प्रकार की कोई परमानेंट व्यवस्था न की जाय। मैं समझता हूँ कि जब ला कमीशन को हम कोट करने हैं तो हमें गलत तरीके से नहीं करना चाहिये। ला कमीशन ने इसकी एक परमानेंट मेजर के रूप में कल्पना नहीं की। मैं समझता हूँ कि एक्वायर करने का अधिकार सरकार का एक इनहेरेंट अधिकार है, सरकार किसी भी चीज को पब्लिक परपज के लिये एक्वायर कर

सकती है मगर एक्वायर करने की पद्धतियों का पालन करने के बाद ही उसे एक्वायर करना पड़ता है। डिफेंस की बातें यहां पर अधिकतर उठाई गईं—अगर मैं गलत होऊ तो मंत्री महोदय मुझे सुधार दें—केवल 180 मकानात या इम्पूवे-बिल प्रापर्टी की चीजें डिफेंस परपोजेज के काम में आ रही हैं और मालाना 6.86 लाख रुपये डिफेंस के काम के लिये देना पड़ता है। टोटल एनुअल रिसपासिविलिटी इन्होंने बताई है वह 97 लाख रुपये की बताई है। इसका मतलब यह है कि 7 लाख रुपया डिफेंस परपोजेज के लिये और 90 लाख रुपया नान-डिफेंस परपोजेज के लिये रिक्वीजीशन प्रापर्टी का हमें किराया देना पड़ता है। इस कानून के पीछे, रिक्वीजीशन का अधिकार देने के पीछे जो मूल भावना रही उसका घोर दुरुपयोग किया जा रहा है क्योंकि इसमें डिफेंस मिनिस्ट्री के अतिरिक्त बाकी मिनिस्ट्रियों का ही ख्याल अधिक होता हुआ दिखाई देता है।

मैं चाहूंगा कि यहां पर सरकार इस बात को कंटेगारिकली स्वीकार करे कि रिक्वीजीशन का अधिकार केवल डिफेंस मिनिस्ट्री को दिया जायगा, दूसरों को नहीं। क्योंकि उसमें जो खतरा है वह अभी माननीय सदस्या ने बताया कि प्रापर्टी का रिक्वीजीशन कर के और दूसरे परपोजेज के लिये इस माध्यम का उपयोग कर के, सस्ते दामों पर लोगों से अधिकार कर लेने की इसमें से बहुत गुंजाइश है। मैं इसलिये भी यह बात कहना चाहता हूं क्योंकि सरकार की प्रारम्भिक मंशा इस प्रकार के अधिकार को दस साल तक रखने की थी। रिक्वीजीशन से सम्बन्धित कोई भी कारण नहीं था 10 साल से 3 साल कर देने का और यह सदन की मजबूरियों में, सरकार की उस परिस्थिति का मुकाबला कर सकने की वस्तुस्थिति हाउस में नहीं थी और उसकी वजह से 10 साल के समय को 3 साल में घटा दिया। रिक्वीजीशन और एक्वीजीशन के प्रोसीजर के कारण 10 साल का 3 साल नहीं हुआ है, पोलिटिकल कंसीडरेशंस और सरकार की इज्जत बचाने के लिये 10 साल के बजाय 3 साल किया गया

है। मैं इसलिये अब कहना चाहूंगा कि क्या यह तीन साल इम परमानेंट मेजर की स्ट्रिट के साथ किसी भी तरीके से मूट करता है। अगर 10 साल से 3 साल राजनैतिक मजबूरियों के कारण घटाने के लिये सरकार तैयार हो गई तो इस मेजर को विदड़ा करने को वह क्यों नहीं सोचनी क्योंकि इस तीन साल की मियाद का कोई विशेष महत्व नहीं है।

नान-डिफेंस परपोजेज के लिये इम अधिकार का उपयोग सरकार की सर्वोच्च सत्ता के दुरुपयोग के अतिरिक्त और दूसरा नहीं कहा जा सकता सरकार को अधिकार है एक्वायर करने का—मैं प्रापर्टी के एक्वायर करने के अधिकार को हेट नहीं कर रहा हूँ—एक्वायर करने की एक पद्धति है, उसका कम्पेनमेंशन डिटरमिन करने की पद्धति है, उस आधार पर जिम व्यक्ति से वह हम एक्वायर करते हैं उसको पता रहता है कि सरकार इसको ले रही है और देश के नियमों के आधार पर उसका उचित मुआवजा प्राप्त करने का जो उसको अधिकार है वह मिलेगा। लेकिन यह रिक्वीजीशन उस प्रापर्टी का सत्यानाश करने का एक रास्ता है। एक बार रिक्वीजीशन करने समय आपने उसका कोई भी रेट तय कर दिया—अब तीन साल की मजबूरी में एक्वायर करने का प्रोसेस कम्प्लीट कर लेना पड़ेगा इतना जरूर हुआ है परन्तु तीन साल के बाद उसकी हालत बिगाड़ कर उसकी मरम्मत न कर, उसकी देखभाल न कर के, अगर आप तीन साल के बाद वह प्रापर्टी रही कूड़ा करकट बना कर उसको मजबूर करना चाहेंगे तो उसके पास कोई इलाज नहीं है। जब वह झगड़ता रहे। सरकार के साथ किसी इंडिविजुअल का रिपेयर्स और मेनटेनेन्स के सावालों को लेकर झगड़ना तो गूल रकम में बढ़ कर ब्याज के लिये झगड़ने के समान हो जायगा और यह किसी प्रकार से भी जस्टीफायबिल नहीं माना जा सकता है। इसलिये मेरा यह कहना है कि इस सारे अधिकार को लेने समय सरकार दो एक बात का आश्वासन दे। एक यह कि केवल डिफेंस परपोजेज के लिये ही यह सीमित

[ श्री सुन्दर सिंह भंडारी ]

किया जायगा। डिफेंस परपजेज के लिये उपयोग करते समय भी सुरक्षा के नाम पर कुछ भी किया जा सकता है, किसी के भी खेत को उजाड़ा जा सकता है, किसी के मकान पर भी कब्जा किया जा सकता है . . .

श्री शीलभद्र याजी (बिहार) : आपका भी कांस्क्रिप्शन हो सकता है।

श्री सुन्दर सिंह भंडारी : जी हां, मैं तैयार हूं, मेरा कांस्क्रिप्शन किया जाय। अगर यह नीति इस सरकार से बनवा देंगे तो मैं बहुत बहुत आप को बधाई दूंगा लेकिन मेरा कांस्क्रिप्शन करने के बजाय उस गरीब की झोंपड़ी में कांस्क्रिप्शन करने के लिये आप जाते हैं तो आपकी बहादुरी का यह एक प्रत्यक्ष प्रमाण है, आप कुछ इससे ज्यादा नहीं कर सकते, सिवाय एक भक्खी मारने की बहादुरी के अतिरिक्त और कोई दूसरा काम आपसे अपेक्षित नहीं है।

डिफेंस परपजेज के लिये भी आप एक्वायर करते हैं तो मिसाल के तौर पर एक उदाहरण देना चाहूंगा। जैसलमेर के इलाके में फील्ड फायरिंग रेंज के लिये जमीन एक्वायर करने की मिलिटरी की आवश्यकता के अनुसार आपने सोचा है। अब जैसलमेर के रेगिस्तानी इलाके में साकारी से ले कर वाला तक 40 मील लम्बा और 35 मील चौड़ा इलाका पाली घास का एक बहुत बड़ा जंगल है। वह भवेशियों के लिये जीने मरने का साधन है। आपको फील्ड फायरिंग के लिये कोई जगह चाहिये, डिफेंस के नाम पर चाहिये, आप क्या इतने डिसक्रिप्शन या इतनी वृद्धि का उपयोग नहीं कर सकते कि उस घास के मैदान को ही ले कर के, वहां के सब गांव वालों को अप्रहूट कर के, उनके घर उजाड़ कर के भवेशियों के लिये घास का इंतजाम समाप्त कर के, आप उस जमीन को ही डिफेंस परपज के लिये रिक्वीजीशन करें। तो कुछ तो मानवीय आधार पर विचार करना है, उसकी बहुत चर्चा होती है यू.नैनेटेरियन ग्राउंड्स की, तो आप इसमें

भी इसका उपयोग कीजिये। डिफेंस परपजेज के नाम पर भी जब आप प्रापर्टी एक्वायर करना चाहते हैं, रिक्वीजीशन करना चाहते हैं, तो क्या कोई दूसरी जगह नहीं कर सकते? कोटा में बहुत सी पबलिक इंडस्ट्रीज के लिये जमीन एक्वायर करने की, रिक्वीजीशन करने की बात आई। वहां पर बहुत चट्टीली, पथरीली जगहें हैं, आप मकान उन पर बना सकते हैं, फैक्ट्रीज के लिये वह जगहें ले सकते हैं लेकिन जहां खेती हो सकती है जो एग्रीकल्चरल परपजेज के लिये काम में आ सकती है उसको न लें। इसके बारे में भी देखना है कि कौन सी चीज ली जाए, कौन सी न ली जाय, इसका कोई न कोई विचार करना चाहिये और खास कर के मैं फिर से सरकार से इस बात के लिये प्रार्थना करूंगा कि जैसलमेर के उस इलाके में जहां घास के लिये जानवर तृपित हैं, जहां का भवेशी घास के लिये दो दो हजार मील दूर जाता है, वहां अगर घास का मैदान उपलब्ध है, वहां जंगल मौजूद है, तो कम से कम डिफेंस परपजेज के नाम पर भी ऐसी जमीनों को रिक्वीजीशन करने का आपको विचार छोड़ देना चाहिये। आपको दूसरी जमीनें मिल सकती हैं पड़ोस में, बहुत बड़ा रेगिस्तानी इलाका है, कोई सीमा नहीं, आप हजारों मील जमीन वहां से प्राप्त कर सकते हैं। तो उन पर आप अपनी निगाह मत दौड़ाइये।

अब पबलिक परपज के लिये एक बार रिक्वीजीशन करने के समय, जब रिक्वीजीशन आप करते हैं उस समय तो आन दि फेंस आफ इट जिस परपज के लिये आप लेना चाहते हैं किसी न किसी प्रकार से खींचातानी कर के उसकी रीजनेबिलिटी जस्टीफाई कर देते हैं परन्तु बहुत जल्दी ही जिस परपज के लिये आपने वह रिक्वीजीशन किया है उसको दूसरी जगह हट देते हैं और लेस इम्पाटेंट पबलिक परपज को उसकी जगह सक्स्टीट्यूट कर देते हैं। वह आपके अधिकार में है, रिक्वीजीशन प्रापर्टी है, आप उसका सरकारी काम के लिये इस्तेमाल कर सकते हैं मगर यह मनुअल ट्रांसफर है। कुमारी वशिष्ठ ने तो इसको रिट्रांसफर

कहा है, इसके लिये रि-एक्वायर की बात कही है, मेरा कहना है कि सरप्टीशस वे में अधिक इम्पार्टेंट डिपार्टमेंट के लिये आप रिक्वीजिशन करते हैं। उसके नाम पर रिक्वीजिशन करने के बाद लेस इम्पार्टेंट परपज के लिये, चाहे वह सरकारी काम ही क्यों न हो उसके लिये इस्तेमाल करना शुरू करते हैं। इस ट्रांसफर पर भी चेक होना चाहिये, आलदो ओनरशिप डज नाट चेज, क्योंकि वह सरकार का ही महकमा है, वह सरकार के ही डिपार्टमेंट के काम में आती है, परन्तु इस तरह के रटबदल के लिये भी कही न कही कोई चेक होना चाहिये, कही न कही कोई इस बात की जांच होनी चाहिये कि जिस महत्वपूर्ण विषय के लिये आपने इस प्रोपर्टी को रिक्वीजिशन करना चाहा था वह परपज जब सर्व हो गया, आपका वह काम जब समाप्त हो गया तो फिर उसको डिरेक्विजिशन क्यों न कर दिया जाय। . . .

इसका हम रेक्विजिशन बनाए रखें, यह अब हमारे कब्जे में एक चीज आ गई है, अब किसी न किसी काम में सरकार के तो आ ही जायेगी इस लिये इसको अब एक्वायर क्यों न कर लिया जाय। फिर इस तरह से सरकार कब्जा करती चली जाये, यह मनोवृत्ति इस कानून के अधिकार में सरकार को नहीं मिलनी चाहिये।

आजकल एक पद्धति बन गई है, आज लाखों एकड़ जमीन सरकारी कामों के लिये या पबलिक यूटिलिटी परपजेज के लिये अग्रिकलचर के क्षेत्र में से छीनी जा रही है प्रापर्टी, निर्माण के लिये या कन्स्ट्रक्शन परपजेज के लिये। हमें इस सवाल का भी विचार करना पड़ेगा। अग्रिकलचरल लैन्ड पर पहले ही वर्डन ज्यादा है। मैं इस बात को स्वीकार करता हूँ कि हमारी बढ़ती हुई डेवलपिंग इकानामी की रिक्वायरमेंट्स में जमीन और परपजेज के लिये चाहिये लेकिन इसको इस संदर्भ में देखना पड़ेगा कि जो आज कांसेन्ट्रेशन आफ पापुलेशन हो गया है या इंडस्ट्रियल कम्प्लेक्सेज जो निर्माण होती जा रही है उसी पद्धति के कारण आज हमें जमीन को मजबूरी तौर पर रेक्विजिशन

करना पड़ रहा है। इसका सारे देश की नेशनल इकानामी पर, अग्रिकलचर लैन्ड की अवैलिबिलिटी पर और वहां से हटाये जाने वाले लोगों की हालत पर क्या परिणाम होगा इस संदर्भ में भी इसको देखना चाहिये।

इसलिये मेरा यह निवेदन है कि सरकार एक तो प्राइमरिली इस सिद्धांत पर विचार करे कि जब तीन साल का ही अधिकार है, तीन साल के इस अधिकार में रेक्विजिशन का कोई वास्तविक अर्थ नहीं है, तो बाइज्जत इस कानून को वापस, विदड्रा, क्यों नहीं कर लेना चाहिये। दूसरे यह कि इसकी सारी जस्टिसिएबिलिटी डिफेन्स रिक्वायरमेंट पर है। सरकार यहां कटेगोरिकली एश्योर करे कि रेक्विजिशन का अधिकार डिफेन्स परपजेज के लिये ही होगा, बाकी सब कामों के लिये केवल एक्वायर करने की बात होगी, रेक्विजिशन करने की बात नहीं रहेगी और एक्वायर करने की जो प्रोसेसेज है उनको जल्द से जल्द तय करें। उसके लिये इन्विटेबल कम्प्लेन्सेशन की जो चीजें हमने कांस्टीट्यूशन में स्वीकार कर रखी हैं, उसके आधार पर प्रापर्टी लेनी चाहिये, उसको अधर में झुलाने की जरूरत नहीं है, और जिस बेसिक परपज के लिये प्रापर्टी रेक्विजिशन की गई है, अगर हमने उस बेसिक परपज के लिये और कोई रास्ता ढूँढ लिया है, उसके लिये कोई दूसरी बिल्डिंग बना दी गई है, अगर उसकी जरूरत उस मतलब के लिये समाप्त हो गई है, तो लेस इम्पौटेंट परपज के लिये ट्रांसफर करने के पहले चाहे "विदिन द गवर्मेंट इन्टेवलिशमेंट" इस पर एक चेक होना चाहिये कि क्या रेक्विजिशन की हुई प्रापर्टी उसके लिये जरूरी है और अगर हम डिरेक्विजिशन करें तो फिर सरकार को इस बात की बहुत बड़ी सावधानी लेनी पड़ेगी कि जिन लोगों से रेक्विजिशन किया गया, अगर लैन्ड फार लैन्ड हाऊस फार हाऊस के प्रिन्सिपल पर हुआ है, तब तो मैं इस सिद्धांत को लागू करना नहीं चाहता, लेकिन अगर हमने उनको उस प्रापर्टी को रेक्विजिशन करके कैंश कम्प्लेन्सेशन की बात की या करने की जरूरत



[ श्री सुन्दर सिंह भंडारी ]

समझी, और फिर अगर ट्रांसफर करने की बात आई, तो जो उसके पहले के ओरिजिनल क्लेमैंट्स थे, उनका पहला क्लेम उस प्रापर्टी को लेने का होना चाहिये। महज सरकारी अधिकार को अथवा पबलिक परपज को बीच में लाकर उन लोगो को नक्शे से बिल्कुल हटा दें, यह उनके प्रति एक घोर अन्याय है। इस संदर्भ में मंत्री महोदय इस कानून का विचार करें और मेरा इस बात पर आग्रह है कि अब यह कानून गैर जरूरी हो गया है, इस कानून को रखने की आवश्यकता नहीं है, और सरकार को बाइज्जत इसको वापस ले लेना चाहिये।

श्री शीलभद्र याजी : माननीय डिप्टी चेयरमैन महोदय, यह बिल तो बहुत सीधासादा है लेकिन हमारी कुमारी शान्ता बहिन जी ने कहा कि इसको वापस लिया जाये, इसकी आवश्यकता नहीं है। मैं इस विधेयक की तार्ईद करते हुए भंडारी जी को और बहिन शांता वशिष्ठ जी को समझाने की कोशिश करूंगा कि इस विधेयक की आवश्यकता क्यों है। पबलिक परपज और सुरक्षा, दोनों को अलग करके देखना है। टाटा, बिड़ला जी को इन्डस्ट्री चलाने के लिये या लोहे की फैक्टरी बनाने के लिये यदि सरकार की ओर से जमीन ली जाये तो वह भी पबलिक परपज होता है। इसके पहले भी लैन्ड रेक्विजिशनस हुए हैं जहां जहां हिन्दुस्तान में जितनी कंपनियां हैं या कल कारखाने हैं, सरकार की ओर से जमीन एक्वायर की जाती रही है। पबलिक परपज में यदि कहीं स्कूल भी चलाना है, होम्टल चलाना है, सड़क बनानी है, रेल बनानी है, नहर का इंतजाम करना है, सिचाई के लिये इंतजाम करना है—बहुत से ऐसे काम हैं और सिर्फ बड़ी बड़ी प्लानिंग, बड़े बड़े स्टील के कारखाने नहीं हैं बल्कि छोटे छोटे कलकारखाने भी हैं। लेकिन जो हमारी मौजूदा सरकार की पालिसी है वह मिक्स्ड इकानामी की है, जिसमें दोनों हैं प्राइवेट सेक्टर भी पबलिक सेक्टर भी। इसलिये चाहे पबलिक सेक्टर हो या प्राइवेट सेक्टर हो, यदि उसमें किसी चीज की आवश्यकता पड़ती है—कोई स्कूल ही खोलना है, कालेज या होम्टल

खोलना है और इसके अलावा और भी कल कारखाने लगाने हैं—तो उसके लिये सरकार जमीन मोहैया करती है एक्वायर करके। बहिन जी का यह कहना है कि विधेयक में यह बात नहीं है। वह तो लैन्ड रेक्विजिशन की बात श्रीमती जी ने बतायी है। वह तो एक भारी कमेटी है कृषि मंत्रालय की तरफ से, उसमें पार्लियामेंट के सदस्य हैं सरकार के नुमायंदे हैं, 2 वर्ष से कमेटी घूम रही है, अभी रिपोर्ट भी नहीं निकली है। अभी मालूम नहीं उसमें कितना वर्ष लगेगा। वह बिल बाद में आयेगा। यह बिल तो पहले सुरक्षा के नाम पर है। पबलिक परपज के नाम से ही जमीन ली जा रही है। उसी की तसदीक करने के लिये यह बिल है। हमारे मित्र भंडारी जी ने कहा कि अभी सुरक्षा के लिये, डिफेन्स के लिये लागू नहीं होता अब तो इसकी आवश्यकता नहीं रही है, यह इन्टरजन्सी में लाया गया था। लेकिन वह यह जानते हैं कि पहले हमारी सुरक्षा का क्या बजट था अब क्या हो गया और आजादी होने के बाद में भी कितनी चढ़ाई हुई हिन्दुस्तान में, पहले चाइनीज की चढ़ाई हुई फिर पाकिस्तान की हुई और यदि हम सुरक्षा का इंतजाम नहीं करें तो यही जन संघ वाले सबसे आगे मैदान में आकर चिल्लाते हैं कि यह सरकार निरक्ष्मी है, यह सरकार भारत की रक्षा नहीं कर सकती, चाइना इतना हिस्सा मार कर चला गया, पाकिस्तान ने इतना हिस्सा ले लिया, गाली गलौज और ताना देते हैं लेकिन आज उसे सुरक्षा को मजबूत करने की तरफ देखना पड़ेगा। तेजपुर से लेकर दिल्ली में जो सुरक्षा का डिक्वार्टर है, अब पहले से कितना फर्क पड़ गया। पहले कितना था और अब कितना ज्यादा बढ़ गया है डिफेन्स का प्रबन्ध, एयर के लिये हो, नैवी के लिये हो, ग्राउन्ड फोर्स के लिये हो। (Interruption) आप पुरानी बात कह रहे हैं बाबा आदम के जमाने की बात कह रहे हैं। अभी आप देखिये, इस साल की बात पहले ही में कहा था कि अभी तो हमारी मिक्स्ड इकानामी चलती है। गांधी जी ने कहा था जमीन क्या है, यह सारी जमीन गोपाल की है, गोपाल का मतलब ईश्वर और ईश्वर का मतलब

समाज । आपको आज उस जमीन से मोह छोड़ना पड़ेगा इस देश की सुरक्षा के लिये । हिन्दुस्तान का ही समाजवाद ऐसा है कि इन्डस्ट्री भी रखिये, 1000 बीघा खेत भी रखिये और समाजवादी भी बन जाइये । लेकिन असली समाजवाद जो होगा उसमें प्राइवेट प्रापर्टी किसी की रहने वाली नहीं है । जैसा प्रिन्स प्रधों ने कहा था : Private property is itself theft, समाज में एक भी प्राइवेट प्रापर्टी नहीं रहेगी । अभी आपको इंतजार करना पड़ेगा । अभी तो सरकार धीरे धीरे, कच्छप गति से, चल रही है । जब हमारा समाजवाद आयेगा तो उसमें लैंड सीलिंग हो जायेगी और क्या क्या रहेगा हमारी सरकार का यह तो इरादा है कि भविष्य में समाजवाद काम हो ।

**श्री सुन्दर सिंह भंडारी :** आपको भी नहीं मालूम है ।

**श्री शीलभद्र याजी :** हमको तो मालूम है यद्यपि कभी कभी मैं उसके साथ मुत्तफिक नहीं होता, अपनी सरकार को भी रगड़ता हूँ । उस समय आप भाग जायेंगे । आप बैंक भी रखें, इतनी जमीन भी रखना चाहें बदकिस्मती यह है कि शांता बर्द्धन भी चली गई आपके साथ, वह भी रोने लगी, घड़ियाल के आंसू बहाने लगीं । आज मैं अगर जनसंघ को प्रतिक्रियागामी मानता हूँ लेकिन साथ ही यह समझता हूँ कि वह देशभक्त तो है, नेशनलिस्ट तो है । इसलिये सुरक्षा के नाम पर जो यह बिल आया है इससे आपको सहमत होना चाहिये । ऐसा नहीं है जैसा कि सुरक्षा के साथ साथ आप पब्लिक परपज कहते हैं । दिल्ली शहर किनना महान हो गया है । जहां पर कितने ही मजदूर और कल कारखाने हो गये हैं । यहां पर स्लम्स को दूर करने के लिये जमीन की आवश्यकता है, यहां पर सचिवालय बन रहा है और दूसरे तरह तरह के काम हो रहे हैं । यहां पर कितने लाखों मजदूर हैं जो कि ऑपड़ियों और स्लम्स में रहते हैं और इन लोगों के लिए शकान बनाने के लिए जमीन की आवश्यकता

है । इसी तरह से हरिजन और शिड्यूलड-कास्ट के लोगों को बसने के लिए जमीन की आवश्यकता है और यह सब पब्लिक परपज के अन्तर्गत आते हैं । पब्लिक परपज का मतलब यह है कि जो लैंड एक्वीजिशन ऐक्ट पास होने जा रहा है उसमें हम देश की तरक्की के लिए, कल कारखाने लगाने के लिए, सिंचाई की व्यवस्था करने के लिए, स्कूल, कालेज, अस्पताल, सड़क तथा दूसरी जनता की भलाई के कामों के लिए जमीन को ले सकें और उसमें निर्माण का काम कर सकें ।

इसके साथ ही साथ मैं यह भी निवेदन करता चाहता हूँ कि हमारे देश में सेना का विस्तार हो रहा है । अभी हमारे मित्र ने कहा कि इस समय तो लड़ाई नहीं हो रही है, लेकिन मैं उनसे यह निवेदन करना चाहता हूँ कि चीन ने हमारी 17 हजार वर्ग मील जमीन अपने कब्जे में कर रखी है । पाकिस्तान ने भी इसी तरह से हमारी कश्मीर की जमीन अपने कब्जे में कर रखी है । इस तरह से लड़ाई तो हमारे सामने अभी भी है । यह बात जरूर है कि इस समय आपतकाल नहीं है लेकिन लड़ाई एक तरह से अभी भी है । इसलिये मैं आप से यह कहना चाहता हूँ कि आप अपने मस्तिष्क में यह बात रखिये कि हम अभी भी लड़ाई में हैं और सरकार इस संबंध में जो भी कदम उठाती है उसका आपको समर्थन करना पड़ेगा । कम से कम जनसंघ को तो मैं ऐसा मानता हूँ और यह आशा करता हूँ कि वह सरकार के इस तरह के कदमों का समर्थन करेगी क्योंकि वह लैफ्ट कम्युनिस्टों और दूसरी लैफ्ट पार्टियों की तरह नहीं है जो कि इधर उधर की बातें करते हैं । आप रिएक्शनरी होते हुए कम से कम पैट्रियट तो हैं, नेशनलिस्ट हैं और इसीलिए मैं आप से कहना चाहता हूँ कि आप इस तरह के बिल का विरोध मत कीजिये । मैं आपसे कहना चाहता हूँ कि पब्लिक परपज दो ही चीजों के लिए होती है और इसी लिये सरकार ने इस तरह का कदम उठाया है जिसको आपको समर्थन करना चाहिये ।

[ श्री शीलभद्र याजी ]

अभी हमारे मित्र ने कहा कि यह बिल पोलिटिकल रीजन्स की वजह से केवल 3 वर्ष के लिए ही लाया गया है। लेकिन मैं यह कहना चाहता हूँ कि अगर राइट रिएक्शनरी आ गये तो वे 3 वर्ष के लिये भी इस तरह का बिल नहीं लायेंगे और न किसी तरह की योजना ही चला सकते हैं।

श्री सुन्दर सिंह भंडारी : लैफ्ट प्रोप्रेसिविज्म के कारण ही तो यह लाया गया है।

श्री शीलभद्र याजी : तो मैं यह निवेदन करना चाहता हूँ कि आप इस सरकार को अधिकार दीजिए कि पब्लिक परपज में सब चीज आती हैं और उसमें सुरक्षा भी आ जाती है। आज हमें सुरक्षा के लिए बहुत से काम करने हैं और जिन्हें जल्द पूरा करना होता है।

जहां तक मुआवजा देने का सवाल है, इसके संबंध में मैं यह निवेदन करना चाहता हूँ कि जो बड़े बड़े धनाढ्य लोग हैं, बड़े बड़े कृषक हैं, उन्हें ज्यादा मुआवजा देने की क्या आवश्यकता है। अब तो लैंड सीलिंग फिक्स हो गई है और जो जमीन किसान की है उसके मार्केट वैल्यू के मुताबिक मुआवजा मिलना चाहिये। लेकिन ऐसी जमीन जिसमें उपज नहीं होती है और जो स्लम्स दूर करने, अस्पताल बनाने और डिफेंस के काम के लिये जरूरी है, उसमें माकट रेट पर मुआवजा देने की क्या जरूरत है। ऐसी जमीन के लिये मुआवजा नहीं दिया जाना चाहिये और इसके लिए तो थोड़ा सा मुआवजा नाममात्र के लिये दिया जाना चाहिये क्योंकि वह जमीन तो पब्लिक परपज और राष्ट्र की सुरक्षा के काम के लिए ली जा रही है।

अंत में मैं इस विधेयक का समर्थन करता हूँ और जो इसकी मुखालिफत कर रहे हैं उन से प्रार्थना करूंगा कि वे इसकी मुखालिफत न करें। जय हिन्द।

SHRI BALACHANDRA MENON (Kerala): Mr. Deputy Chairman, Sir, this Bill is a very inadequate Bill. This Bill does not in any way help

you to achieve what you want, to have the public purposes which you want. Why is it that it is bad? It is bad, because it continues the very attitude that the British Government had when it was acquiring or requisitioning properties of private individuals. You are continuing to have that attitude. What is the history of this? From 1939 onwards you enjoy or you take possession of other peoples' lands. You will not decide whether you want it but you will continue to keep it. This is what you have done. You should have decided and you should have acquired it but you will not do it. Why don't you do it? You know fully well that the land value is increasing. These poor people who have given their lands to you, since you would not give the land back to them, would not get the benefit of the increase in the price of the land. You will not allow them that. The poor fellow who handed over the land to you has to continue not having it or not enjoying it. I fully understand that for public purposes you should have such rights but why did you not decide from 1939 onwards? You see the whole history. In 1939 there was the Defence of India which gave you those powers. When you found that the war ended you got the powers under the 1952 Act and then again in 1962 you took the same rights. After six years you now find that the Act does not exist and therefore you may have to give up all those things. So you come forward with a new legislation. Finally the Law Commission tells you that you can get only for five years, that no property should be kept under requisition for a period longer than five years. Then you come with a request that it should be ten years. It was thrown out and rightly thrown out and I am happy it was thrown out. What is it that you want? Why don't you decide? I would request that in such cases you decide that within a period of one year whether you want the land or not, whether you want the building or not. Let that be first decided and then within two years you take possession of it. That will be much better than this trick which you are playing. You again will come forward with another amendment; who knows what you will not do? This cannot be done like

that. I would also request that in the case of lands which you take from small people, even if it is for any public purpose, land which will be almost of the same size should be given to that man somewhere else. If you want that land so much, that man also requires it for himself. It is absolutely necessary for him. A house may be there. So why can't you give him another piece of land and some money to construct a house of the same type if you want his land? That is necessary to be done. So I would request you to bring forward such a Bill which will certainly not inflict unnecessary hardship on small and poor people who may be forced to surrender their land or their buildings for public purposes. It will have to be done. They cannot be thrown out on the streets. A house is an important thing for him; it may be in a slum but he has to live. In such cases what you have to do is to provide him a place; that you don't do. I would have been happy if this Government which speaks so much about socialist objectives had come forward and said that in such cases alternate arrangements will be made. That also is not being done. Sometimes you will not even acquire the land. You will requisition the land; that means you get sufficient time and the man will be left without any money which can keep him on even for a short period. I therefore request that a more comprehensive Bill should be thought of by the Government. We can give you permission for a period of three years. It is good that the other House managed to oppose and did not allow you the ten year period. Now, while supporting you and giving you this help for a period of three years I would request you that in such cases within a certain period you should decide that you will either take possession of the land or you will not and if you do not want it you will give it up. If you want further time you do one thing that in the case of smaller people you will make some arrangement so that they get their compensation immediately. Some such arrangement must be there and there should be somebody to advise you also because I am afraid that often for public purposes you get land and then hand it over to an

industrialist who will not so easily get it. You say it is also public purpose. What is public purpose you should decide. Industry is necessary. A beedi factory could also be a public purpose under today's conditions because so many smoke. But such things should not be allowed. In the case of defence we are agreed; in the case of hospitals and such other things as schools, etc. it can be done but not in the case of industries where they can very well purchase it from the owners. Government should not in any way help in this. If the Government goes on helping them in this way throwing out poor people from their homesteads it will do a great injustice. Please think of these people also. Up till now we have never thought in such terms. We have thought only in terms of the necessity of an industry or an establishment, but not the difficulties of the man who has been thrown out. Now, you will have to think in such terms. I know when the question of building a big dam comes up, there will be so many houses which will have to go. So many areas will be submerged, but then where will they go? The moment you declare that a certain area should be requisitioned, you will have to shift them immediately to some other suitable area and you should pay them compensation or relief immediately, so that they can set up their new houses. Such an attitude should be there, but that is what is not seen. It is only the continuation of the British Government's attitude during a very critical period when they had to do it. Even now that attitude continues. This is not correct. I, therefore, request you to understand the implications and change your approach. This is all that I would like to say.

SHRI CHITTA BASU (West Bengal): Mr. Deputy Chairman, I rise to oppose this particular legislative measure, not because I oppose the very principle of taking possession of certain property by the Government for some public purpose. This piece of legislation is not new. Rather we have had very sad experience of the consequences of this particular piece of legislation. As you, Mr. Deputy Chairman, have heard, houses and

[Shri Chitta Basu]

lands were requisitioned under the Defence of India Act a few decades ago and those properties are still under the possession of the Government. What surprises most is this that the properties are not absolutely and wholly being utilised for the specific purpose for which these properties were requisitioned. For example, I know from my own experience that certain vast tracts of land were requisitioned several decades ago from the poor peasants for the purpose of building a military installation to meet the defence requirements of our country, but to my great surprise I find that those vast tracts of land which have been snatched away from the peasants are not being utilised for the purpose of defence. Only some small sheds have been erected on the land which was taken away from the poor peasants of the locality. This is one example. from the statement which was given some time ago I find that about 218 houses in Bombay, Calcutta and Delhi are still under the possession of the Government under the provisions of this Act. Now, 266 houses are on lease. If the entire property which has been requisitioned by the Government has to be acquired, a sum of Rs. 33 or Rs. 34 crores will be required. These properties are under the possession of the Government since the past ten, twelve, fifteen and sometimes twenty years, but the Government would not even decide as to which part of the property has to be finally acquired and for what public purpose. Some houses have been requisitioned. I know, for example, that one of the big palatial buildings, which were requisitioned for some naval officer, was given to some son-in-law or son of some State Chief Minister. The house was requisitioned for giving accommodation to a naval officer or some high military official, but subsequently when he left the house it was given to somebody high up in the hierarchy. Is it the way how this particular law is to be applied for requisitioning the properties of the citizens of this country? What I am objecting to is this. If the Government really feel the necessity of acquiring certain property, they must have the right to do so in the public interest, but for

that there are other laws and those laws should be applied. For example, you, Sir, know—you are also an important lawyer—that land can be acquired under the Land Acquisition Act. Why is the Land Acquisition Act not being applied for acquiring land? Not only that. It is common experience that land has been acquired by the Government both at the Central level and at the State level indiscriminately. There was some demand and Parliament has been pleased to set up a committee for the purpose of going into the problem of acquiring land in an indiscriminate manner. I think the committee is headed by Mr. Mulla, an hon. Member of the other House. They are going round the country. Naturally this kind of committee is very useful for the better utilisation of the land. There is paucity of land. It should be used in the best manner possible. Since the Government has set up a committee for going into this particular aspect of the problem, what was the necessity of coming before Parliament with such a piece of legislation? My friend says that the report has already been submitted. Without examining the report of the committee, without taking appropriate action on the recommendations of the committee, what is the necessity of coming to the House and hustling through this piece of legislation? Therefore, what I suggest is this. If the Government wants to acquire property, there are other laws which can be applied for acquiring property for a public purpose. So far as requisitioning is concerned, it can be done in an emergency. I think you will agree with me no law, which is contingent on an emergency, can become a permanent statute. The law which was enacted for a particular purpose and to meet an emergency is now being permanently put on the Statute Book.

Reference has been made to the recommendation of the Law Commission. I think the hon. Minister has not read the entire report. I may also read out a certain portion from it. It says:

"We are of the view that the power to requisition is an extraordinary power and it can be justifiably invoked only when an emergency arises."

Now, even the Law Commission says that this kind of legislation should not find a permanent place on our Statute Book, but the Minister says that it should find a permanent place on our Statute Book. This is not a very desirable piece of legislation. It unnecessarily creates harassment to the poor peasant. It unnecessarily creates harassment to the small propertied-man. Therefore, the Government should decide once for all which of the properties the Government propose to acquire and they can be acquired under the provisions of the different laws. There is no need for this kind of legislation. In the meantime, I may refer to a case for his personal enquiry. I know there are 300 acres of land in the district of Nadia, which was requisitioned some twenty years ago for a military installation. That is still being occupied and the cultivators are not even allowed to cultivate on the plots of land. The matter should be enquired into. At least the owner cultivators from whom those plots of land were taken should be allowed to cultivate those lands and harvest.

Another instance . . .

MR. DEPUTY CHAIRMAN: Don't quote instances now. Wind up.

SHRI CHITTA BASU: In my own area some huge plots of land have been requisitioned, I think, for the expansion of the Dum Dum aerodrome, but the land is not being utilised for the expansion of the Dum Dum airport; it may be required in the future. But why the peasants are not being allowed to cultivate even on the basis of share-cropping? I think you will agree with me that this kind of land should be forcibly occupied by the people because they have been deprived of that right, and I appeal to the Government . . .

AN HON. MEMBER: Then there will be a law and order question.

(Interruptions)

MR. DEPUTY CHAIRMAN: You should wind up now. There is a large number of speakers.

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SHRI CHITTA BASU: These specific cases should be enquired into, and I would request the Government that these lands are to be allowed to be cultivated by them.

MR. DEPUTY CHAIRMAN: Please wind up.

SHRI CHITTA BASU: This kind of legislation should not be made permanent on the Statute Book. I oppose the Bill.

MR. DEPUTY CHAIRMAN: There are a large number of speakers. I would like to request the hon. Members to restrict their observations to five or six minutes.

SHRI A. D. MANI (Madhya Pradesh): Make it eight minutes.

SHRI A. P. CHATTERJEE (West Bengal): I think we are not here to merely pass the legislation.

MR. DEPUTY CHAIRMAN: The time that was allotted for this Bill has been decided by the Business Advisory Committee and we have to stick to the time schedule if we have to finish the legislative business. Mr. Lakshmana Gowda.

SHRI U.K. LAKSHMANA GOWDA (Mysore): Mr. Deputy Chairman, I would like to share the views and criticisms expressed by my friends, Mr. Bhandari, Mr. Balachandra Menon and Mr. Chitta Basu.

SHRI SHEEL BHADRA YAJEE: He claims himself to be a socialist.

SHRI U.K. LAKSHMANA GOWDA: How does it matter if a person claims himself to be a socialist? It does not mean he should pass and accept anything, all and sundry, which is brought forward here. I also sit as an associate member of the Praja Socialist Party. What I would like to say here is that the acquisition of land is not one which has been started now or lately or recently after the Requisitioning and Acquisition Act has come into force. This has been in force ever since the Land Acquisition Act of 1894 was there and subsequently the Defence of India Rules of 1939. Lands have been acquired for public purposes,

[Shri U. K. Lakshmana Gowda]

either for defence or for other purposes, under these Acts. Whenever that was done, there was sufficient enquiry into the matter and the process took reasonable time and the people were entitled to proper compensation. No doubt when an emergency arose—and I do agree that during an emergency we cannot go on with these processes which take a longer time. So this Requisitioning and Acquisition of Immovable Property Act of 1952 came. But that was necessary in a time of emergency and that is a matter which should not be carried along for any length of time and permanently. As my friend, Mr. Chitta Basu, has stated, even the Law Commission which went into this matter has categorically stated that the powers of requisitioning are extraordinary powers and can be justifiably invoked only when an emergency arises Sir, after the proclamation of emergency was revoked in 1968, I do not find the necessity of continuing this as a permanent measure. When they had such a length of time ever since 1952 when they said that all the acquisitions prior to it also came under that Act, at least the provisions of derequisitioning the properties which were taken, which they did not need, should have been given effect to, or where it was necessary for them to continue with the acquired or requisitioned properties adequate compensation should have been paid. I do not want to go into the instances many of which have already been advanced in this House, concrete examples have been given from different States, and my friend Mr. Chitta Basu has given a wonderful example of how agricultural lands of smaller people were taken and they were not utilised, neither was compensation paid nor was derequisitioning given effect to. This is a malpractice which is inherent in a Bill of this sort which gives power to acquire or requisition properties even during a time when there is no emergency. I would like to join my friends here in expressing even satisfaction that under this Bill the time limit for derequisitioning has been fortunately reduced from ten years to three years by amendment in the other House, by pressure of the Opposition in the Lok Sabha;

the purport of the Bill as originally brought out was to continue the power of requisitioning permanently and also to see that derequisitioning and releasing of property could have a limit up to ten years: I am glad it has been brought down to three years. Along with Mr. Balachandra Menon I am prepared to support the continuance of this Act for the next three years. By that time a permanent legislation has to be found bearing in mind that apart from acquiring properties requisitioning should be done only for defence purposes and purposes of such important nature, and any other acquisition of properties for other normal purposes should be done under the Land Acquisition Acts only.

Also I would like to mention here again that the whole matter must be studied further. Mr. Chatterjee has said, the report of the Mulla Committee is already available and the Government should take advantage of that, look into the matter and come forward with a comprehensive Bill. It should be noted also that there have been earlier suggestions that even the taking over of buildings which are now not possible under the Land Acquisition Act could be done by an amendment of that Act; then we do not have the need for an Act of this type.

So far as compensation is concerned, it is regrettable that even for buildings taken over as far back as 1952 or so no decision has been taken either to derequisition them or to clear them off by paying proper compensation. I am glad here in the Bill at least there is a provision that the compensation will be reviewed on a quinquennial basis. As the original Bill stood, the compensation would be the compensation which would be payable on the basis of the value of the property at the time the property was acquired; I am glad they have at least said that it is a matter which is to be reviewed frequently because, as everybody knows, the values of properties are going up like anything, and when this very same Government has accepted to pay compensation up to Rs. 92 crores to the banks which have been taken over, I do not see any reason why

they should not say that any land or buildings taken over under this Act should be paid compensation at the market rate, because most of the areas which would be taken will be from smaller peasants, smaller people, and they certainly need such a fair compensation if they have to rehabilitate themselves elsewhere.

MR. DEPUTY CHAIRMAN: Your last point.

SHRI U.K. LAKSHMANA GOWDA: I have almost finished, I am not going to take much time. Sir, I would like to say here that there was no necessity to bring this Bill at this stage and it would well have been done after the Mulla Committee's recommendation was studied. Thank you.

SHRI THILLAI VILLALAN (Tamil Nadu): Mr. Deputy Chairman, I will not take much time, I would be very brief. Nobody has any quarrel with the legal maxims namely, 'the public welfare is the highest law' and 'public necessity is the greater necessity than private necessity', mentioned by the hon. Minister. But I want to make three or four observations in this connection. First is this, Sir. Our hon. Minister has come forward with this amending Bill which contains three clauses. The first is the short title. By the second clause he wants to make this Act a permanent code and kept it on the Statute Book. Other hon. friends have stated that this is a piece of legislation which has been brought forward during the time of emergency and so there is no justification in making that piece of legislation into a permanent one. My submission would be this. Before making a code permanent we must find out whether it is a perfect one. If it is a perfect one, there should be no hesitation, there should be no dispute, in making that code into a permanent one. In the opening speech, the hon. Minister has stated that this has been a law for three decades and that they want to make it a permanent code. Before making it a permanent code, we must consider this Bill in the light of the following facts. One is that there is another Act which is intended to confer powers on this

Government for the compulsory acquisition of lands. That is the Land Acquisition Act. It is already there. Then there is a Committee appointed by this Government to go into the question of compulsory acquisition of land under the Chairmanship of Mr. Mulla. They have also submitted the Report. The Report is going to be discussed in Parliament and the recommendations are going to be implemented by the Government. Then, there is no necessity for extending this Bill in a hurried way like this. When there is a Committee constituted by the Government for the very purpose of compulsory acquisition, when there is another Act for compulsory acquisition of public lands for public purposes, a comprehensive Bill may be brought forward in this Parliament after having discussed the recommendations of the Committee. By another provision here, they want to make the period of requisitioning three years. And then about the compensation, there is the quinquennial revision or calculation of compensation. My submission would be, for making this code into a permanent one, there is no necessity now. I will suggest that the life of this Act may be extended by three years and let us make the slate clean first. We can find out what are the houses requisitioned now and what are the lands now under the control of the Government taken under this Act. We can catalogue all these requisitioned houses and lands and if necessary we can acquire those houses and lands within the three-year period and then, even after that, if the slate cannot be cleaned, we can extend this Act to a further period. But there is no necessity of making this piece of legislation into a permanent one now. Further . . . (Time bell rings) I will take one or two minutes more.

SHRI A. D. MANI: He has made useful suggestions.

SHRI THILLAI VILLALAN: My next point would be, in the name of public purpose or public interest, we must be clear in our definition . . .

SHRI A. D. MANI: It is going to be defined in the Land Acquisition Act.



MR. DEPUTY CHAIRMAN: Mr. Mani, do not interrupt him. He is going to finish.

SHRI THILLAI VILLALAN: We must be very careful in defining public purpose and public necessity. We should not use those definitions for any surreptitious way of helping the individual rich industrialists. We should not use the definition of public purpose and public necessity in such a way.

Then my next point would be that there must be one method of calculating the compensation. Under the Land Acquisition Act there is a provision for questioning the decision of the Deputy Collector who fixes the compensation amount in the Sub-Court. Then we can appeal against that decision in the District Court and then we can go to the High Court. But here if a piece of land is fixed at Rs. 15 or Rs. 20, if a peasant has been asked to get the compensation of Rs. 100, if there is any dispute, he cannot go to the Sub-Court or the District Court; he must go to the High Court. He has to spend more than what he is claiming. That is the difficulty. There must be one method for getting the compensation for the land and other immovable property taken by the Government.

Then my last point would be this, Sir. The procedure in the Land Acquisition Act or in the present Act must be made very easy for getting the compensation. It should not be cumbersome. Now, the present procedure of getting compensation is very cumbersome. That is why the poor people whose lands are taken by the Government do not get the amount for years together. For example, I can quote, like my other friends. In my place, the Government has acquired lands for the Neyveli Lignite Corporation. For ten years, the people who lost their lands are not able to get the compensation. They are going from one court to another but the money is not given to them. The difficulty is there. So it is due to the cumbersome procedure adopted by this Act. This procedure must be changed. With these words, I conclude.

SHRI A. P. CHATTERJEE: Sir, while going through the Bill, I was struck by the one fact of discrimination and I will merely draw the attention of the Minister to it. Clause 3 reads:

"In section 6 of the principal Act—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—"

And it is stated that any property which was requisitioned before the commencement of this Act would be de-requisitioned on or before the expiry of three years of such commencement. And clause (b) says that if any property is requisitioned after the commencement of this Act, then also the property will be released from requisition, three years after the commencement of this Act. I think there is an element of discrimination because in regard to the property which was re-acquisitioned before the commencement of this Act, it may quite well be that it was requisitioned as early as 1952, because the Act started from 1952. In fact, in West Bengal, I know of certain instances where properties have been requisitioned for about 12 or 13 years. Therefore what is happening is this that the property which has been requisitioned before the commencement of this Act, even though it has been under effective acquisition for 12 years, for that also it is said that it can be released from requisitioning three years after the commencement of this Act. That is to say that they will be kept requisitioned for 15 years. For argument's sake, let us assume that there may be some such requisition which started 12 years earlier, before the commencement of this Act, whereas some are requisitioned after the commencement of this Act, they will be released from acquisition only three years after the commencement of this Act. That requires some touching up, some adjustment, and I think the hon. Minister will look into it. Sir, I do not want to repeat what others have said. But I will touch in passing on one thing. The Land Acquisition Committee has submitted its report. But the fact that is very

much galling to the ordinary citizen is this. I do not mind the power of requisitioning being kept by the Government. Sometimes this power has to be kept by the Government in all welfare States. There are two kinds of powers; one power in the legal language, as you know, Mr. Deputy Chairman, is called 'eminent domain', and the other power is the police power. No welfare State can continue unless these powers are reserved to the State. But the question is of the application of these powers. In the application of the power of eminent domain, we have found that often properties of persons who are of impecunious means, who may not have much pull with the higher authorities, who may not have much influence in higher quarters and circles, are requisitioned and kept under requisition for years and years. As far as they are concerned, there is nobody to lament the loss of their property. Sometimes the requisition is made for the purpose of accommodating an officer. But even though Mr. so and so relinquishes the office, the requisitioning goes on even for the successive incumbents of that office. The property is acquired under the colour of requisitioning without giving any compensation that should have been available to the person under the law. Therefore, it is good that this amendment is sought to be made by saying that no requisitioned property shall be kept under requisition after three years. But as I just now said, there is some discrimination between the properties requisitioned before the Act and after the Act.

Finally, I will end on a note of caution. As far as the Requisitioning and Acquisition of Immovable Property Act is concerned, so long it was not touched by the courts because the Supreme Court in the famous Bhanji Munji case in 1955 held that as far as the Requisitioning and Acquisition of Immovable Property Act was concerned, article 19 would not apply, and that only article 31 would apply. If the question of "public purpose" and the question of "compensation" are satisfied it will pass the list of permissible legislation. Now the Supreme Court has gone back on its previous decisions.

In its famous judgment—I am using the word "famous" though some people would like to give it another name—they have gone back on their previous decisions and have now begun to say that article 19 also will apply to the requisitioning and acquisition of property. If that is so, then many of these Acts may be struck down even though the Government would very much like to have these Acts in their quiver for use wherever necessary. Therefore, the question is a very important one that unless the Constitution is amended and adopted immediately by both the Houses of Parliament we do not know what terrible depredations into our legislation may be done by Supreme Court judgments. I think the question of compensation for property and all that has to be discussed by the House. We have to take upon ourselves the power of taking away property without compensation or with compensation which cannot be gone into by courts. We have to amend the fundamental right in regard to property. And unless we can do that we will continue to live in an uncertain world. That is the note of caution on which I will end. I hope the Government will take a note of it and will act accordingly.

**SHRI HAMID ALI SCHAMNAD** (Kerala): Mr. Deputy Chairman, may I support this Bill with the hope that the Government will bring forward in the near future a comprehensive legislation as has been pointed out by a good number of Members here? The Law Commission has rightly pointed out that the law of requisitioning should be introduced in a permanent code. The Requisitioning and Acquisition of Immovable Property Act, 1952 should be a permanent piece of legislation. Mere amendment would not serve our purpose.

Further, Sir, in acquiring property for any public purpose the Government should guard against the acquisition of properties of common men and farmers in the disguise of emergency or under the Defence of India Rules. I may submit, Sir, in this connection one or two instances where

[Shri Hamid Ali Schamnadi]

lands of the meanest poor people were acquired in Kasargod. The Central Coconut Research Station is being run by the Government of India. For the expansion of this coconut farm some of the lands of the fishermen, living in small huts, were acquired. These poor fishermen were shifted to some other place. This expansion reached that place also after two years and these fishermen were again asked to vacate. Again, in the name of the Hassan-Mangalore railway line a lot of poor fishermen in the coastal areas were vacated and their lands were acquired. When they represented their case they were told that they were going to get the Hassan-Mangalore railway line. But should it be done at the cost of these poor people? A hut for them is life and death for them. May be that hut may be very small. But he is born in that hut. His forefathers were born in that hut. Therefore, when he is evicted for public purposes he should be given an alternative site to live in. When their Union leaders represented to the Government of India they were told that it was being requisitioned for a public purpose and they were asked to find out a better site. This approach is against the spirit of a welfare State. What I submit is that in the disguise of emergency or "public purpose" the lands of the poor people may not be acquired. If at all they are to be acquired for some real purpose, then definitely alternative sites should be found out and they should be settled thereon. Then only those lands should be acquired.

Then the definition of "public purpose" should be made precise. "Public Purpose" should be defined precisely; otherwise everything would be public purpose. Running a hotel would be a public purpose. Even running a foreign liquor shop would be public purpose. Therefore, public purpose should be definitely defined. It should be defined as to what are the public purposes for which lands can be acquired. I hope the Government will bring forward a comprehensive legislation defining "public purpose" and giving the ways and means of how lands could be acquired. With these words I conclude.

**SHRI B. T. KEMPARAJ (Mysore):** Mr. Deputy Chairman, Sir, the slackness of the Government in bringing a comprehensive Bill clearly shows the necessity of this amendment. A series of amendments will never help in establishing a socialist pattern of society or socialism. The simple fact that several lakhs of acres of land were acquired and requisitioned about three decades ago, as stated by the hon. Minister, shows what an amount of suffering these people should be having. Sir, around Bangalore, several thousands of acres of land have been requisitioned. This is wholly to avoid payment of compensation as contemplated in the Land Acquisition Act. This Act was passed by the previous Government during the time of war only to see that payment of compensation is avoided. Why should this Government take shelter behind this and try to amend it? Sir, I know of plenty of instances where though the land was not required for any purpose, as contemplated under the Defence of India Act or under this Act, it was requisitioned and kept vacant. And when repeated applications have been made to the concerned authorities, they neither pay the rent, as contemplated under this Act, nor do they come forward to release the land to the concerned persons. And so persons who are owners of limited acres of land suffer. Either they should have an alternative way of eking out their livelihood or they should get back the land for cultivation purposes.

Sir, I will read the amended clause as it is.

**MR. DEPUTY CHAIRMAN:** You need not read it. Why do you want to read it? You can make another point in the same time.

**SHRI B. T. KEMPARAJ:** It says:

"... any property requisitioned or deemed to be requisitioned under this Act..."

Why should you put this "... deemed to be requisitioned under this Act?" This Act was given effect to in 1952. Now under this phrase the Government wants to take shelter wherever it is convenient for them.

Sir, the next point I want to bring to your notice is that the Government wanted to extend the period of this Act for 10 years. But by an amendment of an Opposition party, it was reduced to three years. Accepting an amendment of a party from the Opposition implies clearly that this amending Bill itself is invalidated. In spite of the defeat of their proposal to extend the Act for 10 years, the Government has ratified it subsequently by accepting, as an adjustment of conveniences, the amendment of the Opposition.

Another question which is very important is that there is no tribunal contemplated under this Act. If any person does not get any compensation or lease amount, as stipulated by the agreement between the parties, i.e. the Assistant Commissioner or Assistant Collector and the party concerned, there is no tribunal. As some of our friends have pointed out, the parties must go direct to the High Court. Therefore, it is necessary that at least proper rules are framed so as to enable the suffering parties to seek proper remedy to get their amounts in time. With these words, I conclude my observations.

SHRI B. S. MURTHY: Mr. Deputy Chairman, Sir, I am grateful to all the participants in this discussion. I am quite sure they were all frank and tried to throw new light on the subject. But I am constrained to say that much of the criticism is due to not understanding the purpose of this amendment. For instance, the last speaker has said "where is the clause for this, where is the rule for that?" This is only an amending Bill. The parent Act is already there with all the other things that are necessary.

Now, Sir, as the name itself shows it is Requisitioning and Acquisition of Immovable Property (Amendment) Bill. We first begin with requisition and go to acquisition. If we begin with acquisition, for emergency purposes, for public purposes, the courts will take such a long time that the very purpose will be defeated. That is the fundamental thing that I would like to urge on the Members.

SHRI B. T. KEMPARAJ: Where is the emergency now, Sir?

SHRI B. S. MURTHY: Patience please; I shall come to that.

Then again some hon. Members have said that requisitioning is made for other purposes as well and that if an industrialist or someone else wants some land, then this Act is being misused. It cannot be done for that purpose. Sir, according to the Law Commission's Report;

"The power of requisition can be exercised under the law as it now stands only for the purposes of the Union, and in most of the States, for the purposes of the State . . ."

Once a land or building or house is requisitioned, they cannot be given to others for any other use. That is explicitly said.

Then again some hon. Member said, "The Mulla Committee report is coming. Why are you in such a hurry? That is also another wrong conception because the Mulla Committee was set up by the Department of Agriculture to examine, *inter alia* the schemes of acquisition of land for public purposes and companies in the public and private sectors under the Land Acquisition Act of 1894. That Committee is not concerned with requisitioning. Therefore, that report has nothing to do with this.

SHRI A. P. CHATTERJEE: On a point of order, Sir. As a Member of the Land Acquisition Committee . . .

SHRI A. D. MANI: I never saw you at any meeting. I am also one of its members.

MR. DEPUTY CHAIRMAN: Order, please.

SHRI A. P. CHATTERJEE: As far as that Committee is concerned, they went into the question of entire acquisition and requisition of immovable property and they have, for example laid down clear guidelines as to what should be a public purpose. And yet the hon. Minister says that it has nothing to do with requisitioning.

MR. DEPUTY CHAIRMAN: Is it a parliamentary committee? If so . . .

SHRI A. P. CHATTERJEE: No.

MR. DEPUTY CHAIRMAN: . . . till its report is laid on the Table of the House, how can you refer to it? That is a sort of confidential thing.

SHRI A. P. CHATTERJEE: The hon. Minister is not correct.

SHRI CHITTA BASU: He has referred to a certain thing about a particular committee. Therefore, he is entitled to say . . .

MR. DEPUTY CHAIRMAN: All right.

SHRI CHITTA BASU: . . . so that he may not mislead the House.

MR. DEPUTY CHAIRMAN: No-body is trying to mislead.

SHRI A. P. CHATTERJEE: The hon. Minister, without knowing it may mislead the House, I do not say that he deliberately does it.

SHRI B. S. MURTHY: I stand corrected. I was informed that the Mulla Committee had gone extensively into the question of acquisition.

SHRI A. P. CHATTERJEE: For public purpose.

SHRI B. S. MURTHY: I said public purpose.

So, I stand corrected. When a Member of the Committee himself says certain things, I accept them without any question. This Act was for the first time passed in both the Houses in 1952 and at that time its life was for six years. And twice the Government had to come before both the Houses for extending it. We do not want to come before the two Houses again for another six years. The Law Commission, as early as 1958, stated that there must be a permanent code on the statute Book for requisitioning . . .

SHRI SUNDAR SINGH BHANDARI: Then always apply it after issuing a notification,

SHRI B. S. MURTHY: Whenever an acquisition or requisition is made, a notification/notice is always issued and without issuing a notice/notification no requisition or acquisition can be made . . .

SHRI SUNDAR SINGH BHANDARI: You must also mention in that notification the specific purpose, the area, etc.

SHRI B. S. MURTHY: Yes, yes, all those details will be there. Therefore, I would request honourable Members, let this be a permanent Act to be notified as and when an emergency arises and as and when there is need for a notification . . .

SHRI SUNDAR SINGH BHANDARI: Do not mix up the two.

SHRI B. S. MURTHY: Therefore, instead of coming to Parliament every six years or every three years, we are taking power, we are requesting the honourable House, to see that it is made a permanent legislation.

The second thing is: formerly, any property acquired, remained so until and unless a change is made. We wanted to make a change for ten years only. You may ask: why do you want for ten years?

SHRI SUNDAR SINGH BHANDARI: You have already lost your case for ten years. So now you speak only for three years.

SHRI B. S. MURTHY: As a matter of fact I wanted to explain to honourable Members why we wanted ten years. The Law Commission said—and the State Governments and the Ministries also said—that the period of five years may not be sufficient. Therefore, we wanted to make it ten years . . .

SHRI A. P. CHATTERJEE: On a point of order, Mr. Deputy Chairman. When the Lok Sabha has already passed an amendment that ten years should be reduced to three years, should the honourable Minister now justify his original plea for ten years? That is out of order. He is not going to make any amendment here.

MR. DEPUTY CHAIRMAN: Your objection is not necessary here. The Minister is only trying to explain the background of the amendment as proposed earlier and the decision of the Lok Sabha.

SHRI B. S. MURTHY: I was only telling you that all the Members in the Lok Sabha said, "Take it only for three years", and we accepted the amendment. (Interruptions). This is the only thing.

Therefore, Sir, I would request all honourable Members to give their consent to this innocuous and helpful motion which will be used as carefully as Members would desire. Thank you, Sir.

MR. DEPUTY CHAIRMAN: The question is:

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

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

*Clauses 2 and 3 were added to the Bill.*

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

SHRI B. S. MURTHY: Sir, I beg to move:

"That the Bill be passed."

*The question was proposed.*

श्रीसुन्दर सिंह भंडारी: उप मन्त्रालय जी, तीसरे वाचन के समय मेरा निवेदन है कि इस बिल की मंशा इमरजेंसी के लिए और सुरक्षा की आवश्यकताओं के लिए है। अभी तक इसका व्यवहार सुरक्षा मंत्रालय के अतिरिक्त अन्य मंत्रालयों की आवश्यकताओं के लिए अधिक हुआ है। मैं इस बात को फिर से रखना चाहता हूँ कि सुरक्षा की आवश्यकताओं को अन्य मंत्रालयों की आवश्यकता के समक्ष मानना

कदापि स्वीकार नहीं किया जा सकता और इसलिये मैं फिर से निवेदन करूँगा कि इस बिल का उपयोग सुरक्षा की आवश्यकताओं के लिए हो। और सुरक्षा की आवश्यकताएँ समाप्त होते ही उसे प्रापर्टी का डिरिक्वीजीशन करके जहाँ तक हो सके उन्हीं लोगों को फिर से दिया जाय जिनमें उस सुरक्षा की आवश्यकताओं के लिए रिक्वीजीशन किया गया था।

SHRI CHITTA BASU: Sir, I would simply once again request the honourable Minister to look into the two examples I have cited. One is in the district of Nadia and the other is in the district of 24 Parganas where the cultivators should be allowed to cultivate the land and harvest the crop. The Minister should look into the matter and take necessary steps.

SHRI B. S. MURTHY: It has already been taken note of.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: Now, the next item of the business is the Press Council (Amendment) Bill, 1970.

## REFERENCE TO NOTICE OF MOTION ON HARYANA

SHRI M. P. BHARGAVA (Uttar Pradesh): Mr Deputy Chairman, before you take up the next item I have to bring to the notice of this House that a motion on Haryana has been admitted in the Lok Sabha and the debate will take place at 4 p.m. tomorrow. My submission is that a simultaneous discussion should take place here also at 4 p.m.