

THE DELHI (URBAN AREAS)
TENANTS' RELIEF BILL, 1961—
continued

SHRI JASWANT SINGH (Rajasthan) Mr Deputy Chairman, Sir, we are discussing today the Delhi (Urban Areas) Tenants Relief Bill, 1961 Sir, this Bill is a sort of land reforms Bill, and as far as the contents of this Bill are concerned, I am in general agreement with the objects of the Bill Sir, such a kind of legislation has been passed in this House in regard to the tenants of Delhi State, and matters of this kind have come to this House twice before, and on both these occasions I had the privilege of expressing my views, and I then stated that in such matters I had been directly interested. Such matters have come before the State Assemblies also, and in my State as well, namely, in the State of Rajasthan, where this question of land reforms has been dealt with and I had expressed my views on this subject there also. Sir, as I stated I am in general agreement so far as this Bill is concerned. It is one of the Bills in which the Government has made a realistic approach to the subject. They have not approached it from a purely rural point of view. It is a measure of limited application and, therefore, it was quite correct on the part of the Government that they had made some distinction in the matter of tenancy between the rural area and the urban area. This Bill with a limited purpose has come to the front because of the development of Delhi city, and, as explained by the Minister while moving the Bill, certain cases happened where eviction of the tenants had taken place and, therefore, even as a temporary measure, some relief has to be given. Sir, in this connection I was reading the proceedings of the other House on this subject, and there the trend of opinion was all in favour of the tenants. This is because, ever since independence, there had been a bias in favour of the tenants and against the landholders, but in this particular case I am glad, as I stated a little while ago,

that the Government has made a realistic approach and it has been fair both to the small landholders and to the tenants. In the other House also mostly this Bill was very strongly criticised, because they felt that the Government was not giving sufficient relief to the tenants and that they were showing favour to the landholders. But it is not at all the case. As explained by the hon Home Minister, this measure is of limited application. As mentioned in the Notification some 52 villages and parts of some 20 villages have to be urbanised. They have come in the urbanisation scheme of the city of Delhi and some 4,000 acres of land are involved, and according to this Bill they are agricultural lands and on them there are some 1,700 tenants, and out of the 1,700 tenants there are some 1,200 tenants who are non-agriculturists; I mean out of the 1,700 tenants there are 1,200 tenants who do not enjoy occupancy rights, and as such there have been cases instituted against them and also over 500 of them have been ejected from their possession through courts, and even privately. Therefore, it has become necessary that some relief should be given. Sir, the Government have taken a practical view of the thing and they have given some relief to the tenants. During the intervening period relief has been given from eviction under clause 3, and also under clause 6 rent payable shall not exceed one-fifth of the produce of the land or the money equivalent thereof, or an agreed lower rent. Thus a substantial relief has been given to the tenants who have been assured both of security of tenure as well as a reasonable scale of rent.

Sir, in all cases of land reforms provision has been made for ejection of tenants in certain circumstances and clause 3 of the Bill indicates conditions under which alone a tenant may be ejected so far as this Bill is concerned. Here I need not refer to all the conditions under which a tenant may be ejected because it will be seen that in all land reform cases

ejection has been provided for. In this connection there are one or two matters on which I would like to say one or two things.

Sir, in regard to clause 3(1)(a) there is a provision that a tenant can be ejected in respect of a decretal amount. Here, Sir, I would like to ask why the decretal amount in respect of arrears of rent not be collected from the other assets of the tenant and only for the balance, which cannot be recovered from his assets an attempt should be made to recover it from the land. Clause 3(1)(a) says —

“that a decree for arrear of rent due in respect of the land remains unsatisfied after the expiry of the period allowed therefor,”

The hon Minister took the trouble to explain the provision at great length and, of course, there is no fundamental difference but even though that may be his intention, it is not very clear. It should have been made clear that from the other assets of the tenant first the decree will be satisfied, and if it remains unsatisfied, for the balance an attempt will be made to recover it from the land. But if there is no other asset except the land only then he is to be ejected. It would have satisfied me if the position were made clear. I do not know what are the intentions. If the hon Minister explains the position further in his reply, it will be a good thing. As the clause now stands it is objectionable to a certain extent. But if there is a provision to mean that a tenant would be ejected after attempt has been made to recover the decretal amount from his other assets then, of course, I am satisfied.

Coming to clause 3(2), ordinarily, of course, no exception can be made to the provisions. While going through the proceedings of the other House I found that great exception was taken to this as a result of which, towards the end, the Minister was pleased to bring in an amendment. Even then some hon Members in that House were not satisfied. But

with that amendment my objection has been more or less met. These provisions are necessary and with the acceptance of that amendment by the House, the interests of the tenants as well as small land-holders and other institutions have been properly safeguarded and the Government have been fair to all concerned.

Now, sub-clause (2) of clause 3 seeks to provide for various disabilities. By the amendment brought forward by the hon Minister in the other House the defects have been removed, the objections have been completely met. Thus all the provisions are satisfactory both from the point of view of the tenant as well as the land holder who are under disability.

Now, there comes the question of compensation. Sir, this legislation is only with regard to urban areas where land values are going up by leaps and bounds. There all categories of people come in. There is the small land holder, there is the tenant having both occupancy right and non-occupancy right. Then there is the coloniser and so on and so forth. Prices, naturally, are going up by leaps and bounds. Especially after the notification of the Chief Commissioner prices have shot up. The Minister in his opening remarks said that the interests of all the parties had been safeguarded. Now, the land of the tenants who would be ejected under the provisions of this measure will revert either to the charitable institutions or the land-holders. And when that land is acquired by the Government they will undoubtedly get compensation according to rules. Similarly, I note that the tenants who have occupancy rights and who are in possession of the land will get proper share. Now, what their share will be between the tenants having occupancy right and the landlords has not been made clear and I will be happy to know from the hon Minister on what basis the compensation will be divided between the tenants having occupancy rights and the landlords whose land, in due course, will be acquired by the Government. Similarly,

[Shri Jaswant Singh.]

what will happen to lands which, according to a fresh notification, will not be acquired in future and that will not come into the development of Delhi? I presume that all those lands will revert to the original owners. But the question will remain unsolved in regard to the tenants having non-occupancy rights. Some tenants having non-occupancy rights may continue to be in possession of the land till the land is acquired. What sort of compensation will they receive vis-a-vis the land-holders, because they have hardly any right on the land except that they are temporary tenants and they can be ejected by the land-holders according to the provisions of this Act? Would they be able to get some sort of compensation or would they not? Similarly, what will happen in regard to the tenants who have been evicted now or just before the land is acquired? Would they be able to get any compensation at all when the land-holders get their compensation at the time of acquirement? These are questions which are not quite clear to me and they need some explanation.

Sir, as far as the provisions of this Bill are concerned, as I stated in the beginning, it is one of the legislations to which the Government have made a realistic approach. They have done their duty in making a distinction in regard to tenancies between rural areas and urban areas and have not just been carried away by the slogans of being fair only to the tenants and getting prejudiced against the land-holders. In this they have been fair and they deserve full compliment and congratulations from those who are concerned with this problem from the very beginning. With these remarks I whole-heartedly support the Bill.

SHRI P. RAMAMURTI (Madras): Mr. Deputy-Chairman, Sir, as the Minister concerned, while introducing the Bill, stated, this Bill has a very limited purpose, namely, that of protecting the tenants who are tilling the land in certain areas which are termed

urban areas of the former Delhi State and the Minister has been good enough to give the number of people involved. He stated that 1700 tenants are involved out of whom 1200 are people without any rights whatsoever and out of whom 477 have been evicted and against the rest eviction proceedings are pending. It is quite true that there must be a distinction made in regard to laws enacted in respect of lands in the urban areas where the process of urbanisation is taking place at a very rapid rate, particularly in Delhi but just because a person happens to be a tenant in an urban area, he does not cease to be a tenant. He is still a human being, whether he is a tenant in the urban area or in the rural area. Therefore, we have to look at the whole problem from this angle, namely, whether it is not necessary to provide for measures which will not retard the process of urbanisation and at the same time we also have got to make provisions which will not extinguish the rights of the tenant as a tenant. It is from these two angles that this whole Bill should be looked at and I submit that it has been a short-sighted Bill. All that is stated here is that pending the finalisation, for the interim period, we will protect the tenant against eviction. For the present he will not be evicted. That is all that is made. Of course, I am glad that that is recognised but is that all that should come out of it? The last point that the previous speaker raised was a very important question. It was, whether he is a tenant who tills the land in a rural area or in an urban area, the moment you take away that right, you extinguish that right. What is the compensation you are providing for? That is the crucial question and as far as this Bill is concerned, nothing is provided for, no compensation is provided for extinguishing the right of a tenant. It is this lacuna that is very very important and this has to be made up. For example, about 500 people have been evicted and it is stated that under instructions from the Delhi Development Authority, the Chief Commissioner has already re-

quisitioned a large area of land and they are under notification. When an actual requisition proceeding takes place, it is obviously taking place against the owner or the landlord and it is the landlord that is generally compensated. As far as the 500 people, that have been evicted, are concerned, they have not been compensated in any way whatsoever. Their right to till the soil has been taken away. That amounts to capital punishment. When a tenant is deprived of the right to continue to till the land, it means capital punishment to him because his means of livelihood has been forcibly taken away from him. When that has been done, we do not to-day provide for any kind of compensation. That is the biggest lacuna in this Bill. So I would ask the Minister to consider even now whether it will not be correct to provide for compensation and the quantum of compensation to be given to the tenant. I know, for example, that when the Delhi Development Authority acquired these lands, the cost that was paid to the owners of the lands was Re. 1 per square yard and in some cases it was Rs. 2 per square yard in Delhi. After developing it, I know, as a matter of fact they have actually sold it for about Rs. 40 to Rs. 50 per square yard. When actually the Delhi Development Authority is making a profit out of the whole transaction, it is reasonable to expect that the tenant must be compensated for the loss of the livelihood that has taken place. That is why I say that this must be made absolutely clear.

There is another question also. It is stated in the Bill in clause 5 as follows:

"(2) Where, on or after the 1st July, 1958 and before the commencement of this Act, any tenant of land has been ejected from the land and the ejection could not have taken place if this Act had been in force on the date of such ejection, the officer specified in this behalf by the Chief Commissioner may, either on his own motion or on application made by the tenant, res-

tore him to possession of the land from which he has been ejected, on the same terms on which he held it at the time of ejection."

It is a very good sub-clause and on principle I welcome it. I would however ask the Minister whether the Government has studied the actual problem as it exists to day. What has happened is, in the last 2 or 3 years, many of these landlords have evicted the tenants and later on they had divided the lands into small plots and sold them and in many cases, small artisans have bought about 100 square yards and on them they have put up small huts. Now 5,000 huts have been put up in the land from which these tenants have been evicted. These huts have been put up by small artisans and by the industrial workers of Delhi. They have paid money for it. If this clause is to be enforced, against whom will that be enforced? The possession of land has passed from the hands of the landlord to hundreds of people. One acre has been divided into 50 plots of land and they have been sold. How will this be operated? Therefore, studying this problem in all its aspects, I say that the tenant has to be protected and given some compensation in such cases. How the compensation has to be paid is to be gone into. Obviously you cannot ask the poor artisan who has got 100 square yards from some landlord who has evicted the tenants and sold the land. You cannot ask him obviously to pay compensation to the tenants. Whether it is possible for you to realise the compensation from the landlord I do not know. Probably he may not be available in Delhi. Whether it is possible for you to realise it is a question I do not know because I have not conducted an investigation in such cases but obviously such cases are bound to occur. In all these cases, what is going to happen? Will it be open to the Minister to direct that those purchases made by small artisans are null and void and, therefore, the houses are to be demolished and the land restored to that old per-

[Shri P. Ramamurti.]

son? What is going to happen? So I say that on principle it is quite true and I feel that some compensation has to be provided for all those tenants who have been evicted and it may be necessary. After taking into consideration the fact that the number of tenants is hardly 500, it may be possible that the Delhi Development Authority may come forward to pay even if it means some loss. Therefore, I would ask the Minister to consider all these aspects. On principle it is good that the tenants are provided for but I want that the provision made for protection must be really available to the tenants and must not prove to be a paper provision. My fear is that it is going to lead to that. Against whom will you enforce it? Suppose I possessed in 1958 about 2 acres of land somewhere in Najafgarh and I sold that. I evicted my tenants and then divided the land into 50 plots and sold it to 50 artisans and they have put up some small houses there. Against whom will the Court take proceedings? This is a very serious problem. Have I to go against all those 50 people who are in possession of the land? This is a serious problem that is going to arise. After all you have to take into account the real fact that during the last 2 years, many things have happened. How concretely this protection can be given must be gone into by the Government before enacting a clause like this. After all it may not be available in practice. Therefore, these are the two main things which I would like the Minister to bear in mind and it may be that it may not be possible to bring in amendments immediately but if the Minister gives an assurance to protect the tenants that have been evicted and those that will be evicted, I will be satisfied. After all the tenants are going to be affected. Even if a provision has been made that the tenants will not be evicted for any purposes other than what has been mentioned here, it is a fact that during the next few years Delhi is going to develop and then these lands are bound to be acquired by the State

Government or by the Central Government or by the Delhi Development Authority. They are inevitably going to face eviction. Therefore, under those circumstances, when they are going to face eviction, what is the compensation we are going to provide for? This is a question on which I would like an assurance from the Minister on the floor of the House and if necessary, later on, an amendment could be brought forward and a small provision made in order that the tenants are protected. That is all that I would say on this.

KUMARI SHANTA VASISHT (Delhi): Mr. Deputy-Chairman, this Bill that has been brought forward by the hon. Minister of State in the Ministry of Home Affairs is a very good Bill, because it covers all the tenants in the urban areas which unfortunately were left out because of the limit put on the operation or extent of the Land Reforms Bill passed in 1954 and later amended in 1960. That particular Bill covered only the rural areas of Delhi. The areas which have been included in the urban city were left out and the tenants there did not have the security or protection which the Land Reforms Bill gave to the others. Therefore, this Bill has been brought forward now to cover the tenants living in the urban areas.

I submit, however, that this Bill has come a little late, in the sense that the Land Reforms Act came into force in 1956 and now five years have gone by and the Corporation of Delhi also has come into existence and has been there for the last three years or more. Therefore, most of these areas have been urbanised for a long period now and a large number of ejectments have taken place and a great number of proceedings have been pending in the courts, causing a lot of harassment to the tenants. I do not know if this measure will have retrospective effect. I doubt very much, because that does not seem to be provided for here. Those who are already ejected have had to face hardship and they will not be able to benefit from this Bill.

As we know, the Land Reforms Bill had to go back and forth between the Delhi State Assembly and the Government of India. Even after being approved by the Government of India and then presented to the State Assembly and after it had been passed by the State Assembly, when it came up to the President for his assent, the Government of India came forward with some objections and some reasons why it should be amended again. So it was sent back to the State Assembly a second time and according to the suggestions of the Government of India the provision in the Bill regarding ceiling on land was deleted from the Bill and then according to the desire and suggestion of the Government of India it was passed without providing for a ceiling. It took a long time because the Bill was going backwards and forwards, and in 1960 the Government of India wanted a ceiling to be provided for the land and they said that the land should not be in the hands of the landlord unless there was a certain ceiling. What I want to point out in this connection is that while the Delhi Assembly provided for a ceiling in the first draft sent by the State Assembly, the Government of India did not raise any objection. But when the Bill came to the President for his assent it was sent back and, therefore, a lot of time and money were wasted in these procedural objections and amendments. While it was the known and clear policy of the Government and also of the ruling party that there should be land reform and that there should be a ceiling on land, when it really came to making the reform or to implementing the policy or to the passing of the necessary legislation then I think various hitches came up and the thing was not done. A lot of time and money were wasted. This I think, should be avoided in future. Certainly the Bill was passed and the Act was enforced but a lot of land had already been distributed or sold for colonisation for housing colonies and other types of uses so that the people concerned were really able to evade the provi-

sion of the Act, as it was passed then. When the ceiling came in 1960, again the purpose of the Bill was almost defeated, because by that time in 1960, there was no sense in putting a ceiling because the land had already been disposed of. We have gone through a lengthy process in passing the Bill. We feel very happy to have passed Land Reforms Bills. Of course, it is an occasion for happiness, since we are tackling the land reforms problem and passing a Bill for land reform. But we are passing it too late and by the time the Bill comes into effect, its purpose is at least partly already defeated by those who would have been affected by its provisions, because they have already disposed of their lands. This Bill we have brought forward after three or five years when people have already ejected the tenants whom they did not want to have and so again we are passing a Bill though the object of it is largely defeated even before it is passed. Three Bills have come before Parliament or the State Assembly one after another when at least more than half or most of the purpose of these is defeated by the time these are passed and put into effect. This, I think, is a very serious flaw in our legislation and unless we hurry up with our various measures of legislation, they will not be useful to the people at large. They will not benefit the people at large. We must take certain steps very quickly and do that at once without much delay, because by the time the steps are taken, it becomes too late and the measure does not benefit the people whom we want to benefit.

Another thing that has come up in connection with this Bill is this. As the hon. Minister has pointed out, land may be acquired by the Government. I may further point out that large areas of land have been acquired by the Government for various purposes, but I am very sorry to add, no compensation has been paid to the land owners in some cases, for 5 or 8 or even 10 years. Years have gone

[Kumari Shanta Vasisht]

by and yet no compensation has been paid to them. This makes it really very hard for these people, because it is the only land that they have and that is their only means of livelihood. If the Government takes away that land, is it not the duty of the Government to pay compensation at once? In no other class of goods does the Government buy anything from a businessman or any other person and not pay him at the time of delivery. But this has not been done in the case of these land owners or peasants. Delhi has mostly petty peasants. Delhi cannot boast of very big landlords. Fortunately we have no big landlords. We have peasant proprietors, so to say. And when that land is taken away by the Government, it is absolutely essential that compensation should be paid to them soon so that they can start some other work, some small scale industry or something of that nature so that they may have a means of livelihood. It is very unfair and unkind that their land should be taken away without compensation being paid for 6 or 8 or even 10 years, and nobody even listens to them, though they are supposed to be paid compensation, leave aside negotiating for a compensation or setting a limit or date. Government does not seem to feel it necessary to pay them compensation. This causes a tremendous amount of hardship to the peasants and though this has been emphasised and impressed upon the Government many times, that compensation should be paid soon, unfortunately it has not been done in a large number of cases. I hope that the Government will look into it and do something about it at once, because it has been very hard on those people.

Another thing that comes up in the case of compensation is this. When a coloniser has a housing colony or even when industrial units are proposed in an industrial area, by converting agricultural land into industrial areas, or into a housing colony, or

even when the Government acquires land for other purposes like giving it to a co-operative society for using the agricultural land for housing etc., the rates that the societies or the other people or the industrial colonisers charge are anything from Rs. 30 to Rs. 150 per square yard, when the compensation paid to the villager or peasant, whoever he may be, is only about Re. 1/- per square yard or Rs. 1/2/- or Rs. 1/6/- per sq. yd. or so. I think this is a very grave disparity. These people who really buy these lands for housing purposes and so on, and then sell them off, are only middlemen in this bargain and they make a profit of anything from Rs. 30/- per square yard to Rs. 100/- or Rs. 150/- per square yard. But the villager who has always been owning it from generation to generation, who has been tilling it and to whom this is the only means of livelihood, he is given compensation to the tune of only Re. 1/- per square yard or sometimes even 12 annas or so. This is very very unfair and it causes a lot of dissatisfaction among the people. The poor villagers do not get a fair share while others in the neighbourhood, hardly ten yards away, for example, a businessman who divides the land into plots and sells them, without having to incur anything by way of development make as much as fifty, sixty or even hundred times as the poor farmers. I do not mean, to say that the prices should be raised. Unfortunately, Government has not been able to control speculation in land though there has been freezing of land for some months at least, and land which used to be available for Rs. 2 or Rs. 3 or Rs. 4 has gone up to Rs. 150 so that conditions in Delhi have become very difficult. One of the results of this is the rise in the cost of living because price of land has gone up and as a consequence rent has gone up. All these things have affected and disrupted the economy of Delhi because the prices have gone up very disproportionately. My submission is that for the land that has been acquired or will be acquired in future, compensation should be paid at once

and it should have relevance and relation to the compensation paid to the others or to the market price prevailing in that particular locality wherever it may be

Secondly, and it is even more important than this question, that is, whenever these tenants are going to be evicted under this Bill or when they will be divested of their lands which they have, I think Government should plan for their rehabilitation in some way or the other. I am not thinking in terms of giving them houses and all that or even land because even if you want to give, there is no land. You should find out some ways of providing for employment in small industries, or by giving them technical training or by providing some large industries where a large number of these people can be absorbed. This would encourage absorption of this population in other work. There is already a shift from the rural to the urban areas. I think more employment should be created so that these people can be absorbed in industries without any trouble being caused to them.

Another point that I want to make is this. The first land reforms measure and the second one provided for land being taken away for public purpose or utility, but under this Bill, no provision has been made for institutions which may be working for public purposes or public utility like the various educational or such other institutions. If such institutions have land in Delhi and if they want to use them for further construction of educational institutions like an engineering college or some such institutions, then that should be provided for. Even though the first two enactments mentioned such purposes, there is no such mention in this Bill with the result that there is a possibility of such institutions not being allowed to use such land.

SHRI AKBAR ALI KHAN (Andhra Pradesh) They had used the phrase "charitable and religious" instead of

public purposes and this does give rise to the doubts mentioned by the hon Member.

KUMARI SHANTA VASISHT This was specifically provided for in the first two enactments but has not been so provided in this Bill. This may hit hard certain institutions in Delhi and I would request the Government to kindly look into this matter.

On the whole, I support the Bill very much, and I am glad that it has come. I wish it had been brought forth earlier. I would request the Government always in future to bring these Bills and measures in time so that the people can benefit from such measures. If they are delayed then they do not serve as much purpose as we hope they would serve.

SHRI AKBAR ALI KHAN Mr Deputy Chairman, I want to refer to the last point which the hon Member who just preceded me referred to. In both the previous enactments, the words 'for public utility or public purpose' were used but in this measure they have said "religious or charitable". For instance, at Okhla we have got a Missionary hospital and at Okhla we have got the Jamia Millia. If these institutions want to acquire land, will it be possible for them and will they be treated as charitable institutions?

The second point is this. It has been mentioned that they can acquire land only for non-agricultural purposes. If there is a Rural Agricultural Institute and if they further want to acquire land for agricultural purposes, for the purpose of teaching the student, there, will it be open to them to acquire land? The provision here is that land can be acquired only for non-agricultural purposes.

I would like my hon friend either to clarify these points or to see that the legitimate objects of such institutions are not deterred and the ban on the use for non-agricultural purposes is not pursued as to limit the activities of the public utility institutions.

श्री नवाबसिंह चौहान (उत्तर प्रदेश) : श्रीमन्, यह जो बिल हमारे सामने पेश किया गया है इसके सम्बन्ध में बहुत दिन हुए मैंने कई पत्रों के द्वारा माननीय मंत्री जी का ध्यान आकर्षित किया था कि कुछ ऐसी जमीनों हैं, जो कि न तो कारपोरेशन का जो एक्ट बना है उसमें आती हैं, न दिल्ली के जो भूमि सुधार सम्बन्धी कानून और नियम बने थे उनके अन्तर्गत आते हैं। मैंने उनको कुछ गांवों की सूची भी दी थी कि इन गांवों के अन्दर ये जमीन है। साथ ही साथ यह भी कहा था कि बहुत से ऐसे स्थान हैं, जहां बहुत समय से, कम से कम डेढ़ सौ वर्ष से, कुछ बागात चने आते हैं; दरख्त तगे हुए हैं और बागों के अन्दर खेती भी होती है। सब्जियां और तरकारिया पैदा की जाती हैं, लेकिन उन खेतों के काश्तकारों को कोई कानून बेदखल होने में नहीं बचाता है। इसलिये जमींदारान वगैर कायदे उनको बेदखल कर देते हैं। मैं नहीं समझता हूं कि यह कानून जो आप लाए हैं, इसमें जहां आपने "लैंड" और "टेनेंट" की व्याख्या की है, उससे काश्तकारों को क्या राहत मिल सकेगी। ऐसे बागात जिनमें सौ, सौ वर्ष से खेती होती है, और काश्तकार दरख्त वगैर लगाता है, किन्तु जमींदार हर साल अपने पट्टे को बदलवाते रहते हैं और उसमें लिखवा देते हैं कि दरख्त लगाने का अधिकार जमींदार को होगा। इसलिये इस कानून द्वारा उन लोगों को राहत नहीं मिलेगी, जिनके लिये मैंने माननीय मंत्री जी का ध्यान आकर्षित किया था और यह भी कहा था कि जब तक आप कोई कानून लायेंगे, तब तक उन लोगों को अपनी अपनी जमीनों से निकाल दिया जायेगा, क्योंकि आजकल जमीनों की बहुत ज्यादा कीमत हो गई है। जहां दस, बीस लाख का किसी जमींदार को फायदा हो सकता है, वह वह लाख, दो लाख रुपया खर्च भी कर सकता है और उस खर्च के सहारे से उनकी बेदखली कर सकता है। इसलिये इस कानून से जमींदारों को तो फायदा होगा,

लेकिन काश्तकारों को उसी तरीके से फायदा नहीं होगा। आप इस चीज को तो देखें और इस बात का पूरा सबूत है कि साठ, साठ साल से काश्तकार खेती करते आ रहे हैं, तो हर साल लगातार उनके पट्टे को तब्दील क्यों कराया जाता रहा है। मैंने उसी समय कहा था कि जब तक आप कोई आडिनेन्स निकाल कर उन लोगों की बेदखलिया बन्द न कर दे तब तक कोई चीज कारामद नहीं हो सकती। लेकिन मेरी आशाओं के ऊपर बिल्कुल पानी फिर गया, जब मैं देखता हूं कि लैंड-हॉल्डर और टेनेंट की आपने इस तरीके से तारीफ की है।

मैं एक और बात कह कर अपनी बात समाप्त करूंगा। रिलीजस इन्स्टीट्यूशन और दूसरे इन्स्टीट्यूशन के नाम पर, महज नान-एग्रिकलचरल परपोजेज के लिए जो लैंड एक्वायर करने का प्राविजन आपने रखा है, इसका बहुत मिसयूज होगा, इसका गलत तरीके से इस्तेमाल होगा और कोई भी कह सकता है कि इसका बॉनाफाइड परपोज है और इसलिये किसान से वह जमीन छड़ा ली जाये, किसी इन्स्टीट्यूशन के नाम पर, या किसी और चीज के नाम पर। जहां आप किसानों को राहत देते हैं, वहां इस बात को भी जरूर देखियेगा कि किस तरीके से किसानों का तग किया जाता है और उनकी जमीने छीन ली जाती हैं। उनमें उनकी जमीने नहीं छिनायी जानी चाहियें, क्योंकि किसानों को अपनी जमीन से प्यारी कोई चीज नहीं हांती है। जमीन पुश्त दर पुश्त उनके साथ जाती है। शहर के लोग अपने तरीके से यह समझते हैं कि किसानों को बिल्कुल वहां से हटा कर बर्बाद कर दिया जाये और उनको इस तरह हटा कर अपने लिये अच्छे-अच्छे मकान बना लिये जाये। किमो न किसी तरीके में वे चारों तरफ से घूम-फिर कर उनको निकाल सकते हैं। इसलिये माननीय मंत्री जी से मेरी प्रार्थना है कि वे इस तरीके की चीज

करे कि जिससे किसान किसी तरह बेदखल न हो सकें अपनी जमोन में, जिस जमोन से वह अपना और आने वाली पीढ़ियों का पेट पालेगा ।

इसलिए इन्हीं दो बातों की ओर मंत्री महोदय का ध्यान आकर्षित करते हुए मैं समाप्त करता हूँ ।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B N DATAR) Mr Deputy Chairman, Sir, I am obliged to the hon Members who, while supporting the Bill, made certain suggestions of a constructive nature. I should like to clear the ground so far especially as the question of compensation is concerned. Some hon Members on the other side suggested that the compensation will be available only to the landlords. That is not the correct position to take. So far as Delhi territory is concerned, already rules have been made for proper allotment of compensation or its distribution between the landlord on the one hand and tenants on the other. Even amongst tenants occupancy tenants are entitled to ten annas in a rupee so far as compensation is concerned and the owners are entitled only to six annas. This is so far as the Delhi Municipal area is concerned. In the Shahdara municipal area it is a little less but the question of period of possession is already taken into account in the remaining municipal areas. The Collector can grant suitable compensation to non-occupancy tenants according to their duration of possession. Thus you will find that we have got already rules according to which compensation has to be properly apportioned between the landlord and the tenant. So far as the tenant is concerned it depends, as I have stated, on two circumstances. If he is an occupancy tenant, he is entitled to a larger amount, if he is a non-occupancy tenant, then the period of his actual possession of the property is taken into account. Therefore, so far as that objection is concerned, it has been more than substantially met.

Then two hon Members raised the question as to whether the expression "charitable" included educational, medical or any work which is done without any idea of profit. Now, in the other House also this question had been put to me and I should rather like to read what I stated in the other House. "All the same we have to look after these religious institutions." An objection was raised there that religious institutions should not be looked after at all, in fact, it was contended that religious institutions were not entitled to any benefit at our hands. I met that objection and I stated that to the extent it was possible they had also to be allowed to be maintained in a proper manner. I might tell my hon friend, Mr Sharma, that the word 'charitable' includes educational, medical or any work which is done without any idea of profit. Therefore, Sir, this meets the objection which my hon friends had in view.

Another question was raised as to whether for non-agricultural purposes the land could be taken. Now, an objection has been naturally raised by my friend, Shri Chauhan, who contended that these people should not be allowed to be evicted at all so far as non-agricultural purposes are concerned. Naturally some provision has to be made because these are religious or charitable institutions and it is quite likely that they would require the land *bona fide*. My hon friend will kindly note the expression *bona fide*. If there is lack of *bona fides*, then the land cannot be taken possession of. Therefore, we have purposely made it possible for such educational or religious institutions to take possession of the land from a tenant only when it is required for a *bona fide* purpose. This is a special provision so far as this area is concerned. I might also point out to my hon friend that—had he been present day before yesterday I made the whole position quite clear—we have religious or charitable institutions that require some help from us to the extent those institutions have to be carried on but for carrying on the institutions they

[Shri B. N. Datar.]

do not require possession of the land. So far as possession of the land is concerned, it ought to go to the cultivator of the land. Therefore what was done was that the land was to be given over or was to be retained with the agriculturist, but if and when for a *bona fide* purpose such an educational or religious institution requires the land, then the land could be acquired. Thus you will find that we have tried to maintain a balance between different considerations.

My hon. friend, Shri Jaswant Singh, stated that the rent that was being given ought to have been only four times the land revenue. So far as that question is concerned, in the rural areas a similar provision had been made but so far as these urban areas are concerned where we have to give what may be called an equitable rent, in such cases four times the land revenue was likely to be extremely unfair, especially when on account of a variety of circumstances we have allowed these persons to recover, as I stated two days ago, as much as half the produce of the land. That is the reason why we considered that the better course, a more equitable course, even in the interests of the tenants would be to allow one-fifth of the produce as the highest, not as the least.

SHRI JASWANT SINGH: I agree with the provision. I did not say so. Probably some other Member might have said that.

SHRI B. N. DATAR: That is all right. So you will find that I have answered all the important points and again I express my gratitude to all the hon. Members who have taken part in the debate. My hon. friend, Shri Ramamurti, also appreciated the fact that we have taken up the cudgels on behalf of these agriculturists even in the urban areas because they require some protection, some measure of security of tenure, some measure of regulation of land and that is the reason why we came forward with this Bill.

SHRI P. RAMAMURTI: I raised a very important point that under sub-clause (2) of clause 5 a tenant was entitled to possession of the land from which he had been evicted. Supposing that land had passed from the hands of the landlord to a number of small people who had built houses there, what is going to happen? How are you going to protect the tenant? That particular clause makes no meaning whatsoever unless . . .

SHRI B. N. DATAR: It is a purely academic question.

SHRI P. RAMAMURTI: It is not academic, it is a reality today.

SHRI B. N. DATAR: In all such cases where there are such transfers under the ordinary law of the land it is possible to proceed with the object of acquiring the land unless a *bona fide* person comes in.

SHRI JASWANT SINGH: One small point which I raised but which has not been cleared is there. I raised the point that a decree for arrears of rent not having been satisfied, money should be recovered from the other assets.

SHRI B. N. DATAR: That can be recovered from other resources. There is no difficulty.

MR. DEPUTY CHAIRMAN: The question is—

“That the Bill to provide relief to the tenants of land in the urban areas of the Union territory of Delhi, 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 to 9 were added to the Bill.

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

SHRI B N DATAR Sir, I move —

“That the Bill be passed”

The question was put and the motion was adopted

MR DEPUTY CHAIRMAN The House stands adjourned till 2-30 P M

The House then adjourned for lunch at one of the clock

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

SHRI BHUPESH GUPTA (West Bengal) What did they write—the Ministry of Home Affairs?

MR. DEPUTY CHAIRMAN You want to speak on this Bill

SHRI BHUPESH GUPTA That I will do, but you said that you have received some letter from the Ministry about this

MR DEPUTY CHAIRMAN We will consider it

THE CONSTITUTION (TENTH AMENDMENT) BILL, 1961

THE MINISTER OF LAW (SHRI A K SEN) Mr Deputy Chairman, on behalf of the Prime Minister, I beg to move

“That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration”

I have no doubt that this Bill will be welcomed and supported unanimously by this House, as the other House has done, and I may make bold

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to say that that will be only reflecting the unanimous view of the entire country The remnants of Portuguese possessions in India are not only a source of irritation but, if I may say so, a constant reminder of the humiliation through which the entire colonial world has passed and from which fortunately most of the colonial world has emerged This is the first nail in the coffin of Portuguese possessions in India and let us hope . .

SHRI BHUPESH GUPTA (West Bengal) When will the other nails come?

SHRI A K SEN that the other nails will come sooner than the hon Member may expect The only thing is that they do not come simply because one wants them to come or says that they should come So many things have to precede their coming

SHRI BHUPESH GUPTA Certainly they will come, but because .

SHRI A K SEN There is no doubt in my mind and in the mind of our House that all the nails will come and will be fixed as firmly as this last blot on our soil deserves It is not necessary to say anything further It is a very short Bill The Bill seeks to give effect to the unanimous request of the free people of Dadra and Nagar Haveli ever since they won their freedom from Portugal They have run their territory very well, as will appear from the Financial Memorandum Not only have they kept peace in that territory, but they have also saved nearly Rs 30 lakhs in the course of the last few years during which they have been governing themselves. This will be a very good lesson for the Portuguese to learn because some of these colonial empires seem to think that there is no alternative for the colonial people other than the perpetration and the continuance of their own rule I remember that even in this country the diehard Britishers used to think that this country would