

LOK SABHA

THE DELHI LAND HOLDINGS (CEILING)
BILL, 1959

(Report of the Joint Committee)

PRESENTED ON THE 8TH FEBRUARY, 1960



LOK SABHA SECRETARIAT
NEW DELHI

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and 12th Sessions of Second Lok S

<u>S.No.</u>	<u>Name of the Report</u>	<u>Date of Pre- sentation</u>
1.	Select Committee on the Preference Shares (Regulation of Dividends) Bill, 1960.	5.12.1960.
2.	Joint Committee on the Delhi Land Holdings (Ceiling) Bill, 1960.	8.2.1960.
3.	Joint Committee on the Tripura Land Revenue and Land Reforms Bill, 1959.	-do-
4.	Joint Committee on the Manipur Land Revenue and Land Reforms Bill, 1959.	-do-
5.	Joint Committee on the Legal Practi- tioners Bill, 1960.	23.3.1960.
6.	Joint Committee on the Bombay Reorganisation Bill, 1960.	14.4.1960.
7.	Joint Committee on the Companies (Amendment) Bill, 1960 with Evidence.	15.8.1960.
8.	Joint Committee on the Motor Transport Workers Bill, 1960 with Evidence.	5.12.1960.

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THE DELHI LAND HOLDINGS (CEILING) BILL, 1959

Composition of the Joint Committee

- Shri Govind Ballabh Pant—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Sucheta Kripalani
3. Shri Radha Raman
4. Choudhry Brahm Perkash
5. Shri C. Krishnan Nair
6. Shri Naval Prabhakar
7. Shri Shivram Rango Rane
8. Shri K. V. Ramakrishna Reddy
9. Shri Bhola Nath Biswas
10. Shri Ramappa Balappa Bidari
11. Shri Surti Kistaiya
12. Shri K. Periaswami Gounder
13. Shri Daljit Singh
14. Shri Bhakt Darshan
15. Swami Ramanand Shastri
16. Chaudhary Pratap Singh Daulta
17. Shri Mohan Swarup
18. Shri N. P. Shanmuga Gounder
19. Shri Atal Bihari Vajpayee
20. Shri N. G. Ranga
21. Shri B. N. Datar

Rajya Sabha

22. Shri Onkar Nath
23. Shri R. M. Deshmukh
24. Shrimati Anis Kidwai
25. Shri N. Ramakrishna Iyer

(ii)

26. Shri Kishori Ram
27. Shri S. Panigrahi
28. Shri Abdur Rezzak Khan
29. Mirza Ahmed Ali
- *30. Shri Niranjan Singh.

DRAFTSMEN

Shri R. C. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

Shri G. R. Bal, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri S. L. Shakdher—*Joint Secretary*

Shri A. L. Rai—*Deputy Secretary.*

*Resigned with effect from the 24th December, 1959.

Report of the Joint Committee

I, the Chairman of the Joint Committee to which the *Bill to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matters connected therewith, was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 25th November, 1959. The motion for reference of the Bill to a Joint Committee of the Houses was moved by Shri B. N. Datar, the Minister of State in the Ministry of Home Affairs on the 15th December, 1959 and was discussed in the Lok Sabha on the 15th and 16th December, 1959 and was adopted on the 16th December, 1959. (Appendix I).

3. The Rajya Sabha discussed and concurred in the said motion on the 22nd December, 1959. (Appendix II).

4. The message from Rajya Sabha was published in the Lok Sabha Bulletin Part II dated the 23rd December, 1959.

5. The Committee held four sittings in all.

6. The first sitting of the Committee was held on the 24th December, 1959 to draw up a programme of work.

7. The Committee considered the Bill clause by clause at their sittings held on the 23rd and 24th January, 1960.

8. The Committee considered and adopted the Report on the 6th February, 1960.

9. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

10. *Enacting Formula and Clause 1.*—The changes are of consequential nature.

11. *Clause 5.*—The Committee feel that when a person fails to submit a return in accordance with the provisions of section 4, a statutory obligation should be imposed on the competent authority to collect the necessary information. The clause has been amended accordingly.

*Published in Part II—Section 2 of the Gazette of India, Extraordinary, dated the 25th November, 1959.

12. *Clause 9.*—Under Sub-clause (1), a person aggrieved by an entry in the list published by the competent authority has to file objections within thirty days from the date of the publication of the list. The Committee are of opinion that there should be an enabling provision empowering the Deputy Commissioner to receive objections even after the expiry of the said period of thirty days, if such person is prevented by sufficient cause from filing objections within the prescribed period.

The clause has been amended accordingly.

13. *Clause 10.*—Sub-clause (1) provides for payment of compensation in respect of excess land at varying rates on a slab basis and the rates vary from 40 times to 20 times the land revenue in respect of the excess land. The Committee are of the view that the compensation in respect of excess land should be paid at an uniform rate of 40 times the land revenue in respect of the excess land.

The clause has been amended accordingly. Other changes made in this clause are of a consequential nature.

14. *Clause 11.*—The Committee desire that where compensation payable to a Bhumidhar or Asami is a small amount, it should be paid in a lump sum.

15. *Clause 13.*—The clause has been re-drafted to make the intention clear.

16. *Clause 28.*—The Committee feel that transfers of land by a Bhumidhar for religious and charitable purposes and Bhoojan should be exempted from restrictions on transfer of land imposed under this clause.

The clause has been amended accordingly.

17. The Joint Committee recommend that the Bill as amended be passed.

GOVIND BALLABH PANT,
Chairman,
Joint Committee.

NEW DELHI;
The 7th February, 1960.

Minutes of Dissent

I

At the very outset, I have to express my dissent from this one-sided (unilateral) effort of the Government to impose ceilings on agricultural holdings, without agreeing and attempting to impose similar ceilings on other properties. It is true that even the Central Government and Parliament have already imposed such ceiling on all future acquisitions of landed property (No. VIII of 1954) but there was some hope, at that time, a similar effort would be made to limit the acquisitions of non-agricultural properties. Now that there is no longer any doubt as to the unwillingness of the Government to touch other (non-agricultural) properties, there is much less justification for this discrimination against agriculturists.

However since Parliament has been persuaded to accept this principle of ceilings on agricultural holdings, however discriminatory, I was obliged to press for a higher limit for this proposed ceiling to mitigate its evil effects. It is unfortunate that it was decided not to raise the proposed ceiling limit of 30 standard acres.

I am convinced that the highest income to be derived from the best yield achieved in the best agricultural seasons cannot yield maximum income to the few agricultural families who can alone be found at present to reach that acumen of their ambitions and permissible highest income which can be compared to the regular and assured monthly income of a junior officer in the service of Government of India, nor can it enable such families to send one or two of their sons or daughters to any technical college or to encourage any of them to hope to stand as a candidate for the State or Central legislature. Therefore the effect of this ceiling legislation is to permanently condemn agriculturists alone to a comparatively depressed condition and disable them from attaining higher education or political status, as compared with all other classes. The Constitution has charged Parliament and Government to devise ways and means to remove the disabilities of the existing traditionally depressed classes (article 46) but the fathers of our Constitution never dreamt that Government would advise Parliament to convert in this manner the majority of our masses into a new depressed class.

It was argued that only a few people would come within the mischief of this proposed legislation on land ceilings. But greater

issues are implicit in this proposal. It means that hereafter no one would be allowed to raise and obtain an opportunity to demonstrate his initiative, enterprise and organising ability, business acumen and agricultural leadership so well and to such an extent with so much land as is needed, that he could hope to gain an income comparable even to the middle-tiers of incomes now derived by industrial entrepreneurs and commercial and other professional magnates. It also means that all such enterprising educated and competent people who are justifiably ambitious and keen on making their best contribution to our national development would be encouraged to drift into non-agricultural activities, leaving agricultural enterprise to become the monopoly of under-developed and non-enterprising people.

It is said that this discriminatory legislation is being undertaken to obtain land for the landless who had been the 'have nots' till now. But is it not the duty of Parliament to examine whether the advantages to be derived from such a re-distribution of land are commensurate with the consequential disadvantages of imposing such a ceiling? Are there not other ways of placing lands belonging to Government and estimated to be eight to ten crores of acres at the disposal of the landless, while taking all such developmental steps as are being adopted in the case of the Dandakaranya.

What canon of social justice is being observed in discriminating against those landholders—not landlords—who are also actual cultivators and who do not have to exploit any tenants or rentiers?

Coming to the question of imposition of these ceilings as from a stated date, Government proposes to fix a date (10-2-59) on which it has announced in Parliament that a ceiling would come to be fixed by a Bill to be introduced. But it did not mention the exact area of that limit. No one could be expected to know at what exact limit it would be fixed. Therefore some of us pleaded, but in vain, that the date of such a vague announcement could be untenable and to declare as null and void all transactions of sales, transfers of land after that date would be giving undue and unjust retrospective effect of a vague announcement of the intention of the Government would be stretching the provisions of the Constitution too far. I am strongly of the opinion that the date on which the Bill was introduced in Parliament (25-11-1959) should alone be taken into consideration. And all transactions in land which had taken place upto that date (25-11-59) should not at all be questioned.

Coming to the question of payment of compensation, I feel that the quantum suggested by the Bill and accepted by the Joint Committee is much too meagre and unjust.

I am convinced that when the Constitution was being amended to overcome the decisions of the Courts on the question of payment of compensation to the erstwhile Talukdars and Zamindars (rent-receiving landlords) who had been recognised by the British and Moghuls for the purpose of land revenue by keeping it beyond the purview of the Courts, Parliament did not realise that the properties obtained by ownership, heredity and savings and managed by the owners themselves for their own benefit without in any way directly impinging upon the equal freedom to obtain, own or save and enjoy similar properties or sources of incomes would also come to be dealt with in the same summary fashion and be denied the right to claim and obtain the market value as compensation.

Anyhow on Parliament and Assemblies have been cast by that constitutional amendment, the high and onerous responsibility of using this power, only after giving due consideration to its all-round effects upon the national economy as a whole and the particular sector of property concerned. Now that this Bill proposes to offer only a modicum of the market value prevailing today for the excess lands over and above the ceiling of the actual land-holding agriculturists, it sets such a bad precedent that all the holders of all other properties are thus being given due notice that on any day when it pleases Government and Parliament, any part or portion or use of their properties is likely to be taken over by Government by the so called due processes of law on the payment of nominal compensation. This notice given in such a glaring and arbitrary manner and in defiance of the statesman-like restraints which the Constitution-makers expected to be observed by Parliament, is sure to discourage in the long run all initiative, enterprise and incentive to earn and save and develop one's own properties and other sources of income, employment and security. Therefore I do plead with Parliament that it should not accept this unwise proposal of the Government i.e., the payment of only a nominal compensation.

Moreover, the last Parliament had paid market rates to the shareholders of the Imperial Bank of India and to set at naught that reasonable precedent and to go headlong with this unjust proposal of the Bill is to declare to all our agriculturists that they must be and would be discriminated against. Parliament ought not commit such an act of class discrimination.

The whole approach to property as is indicated by this and such other Bills needs to be reconsidered. Even Soviet Russia is coming to realise the need for allowing people to own, accumulate and enjoy private property. No democracy can continue to be liberal and loyal

to the Fundamental Rights which is not prepared to respect people's rights to private property, savings and means of income, livelihood and socio-economic freedom. Now that we find Government is so ready to advise Parliament and Assemblies to entertain such unwise and one-sided proposals calculated to create wide and deep sense of insecurity of property and savings, we are obliged to appeal to Parliament and Assemblies, to repeal the amendment made to the Constitution and restore the Constitution to its original form, as it was passed in 1950.

I therefore dissent from the whole approach of this Bill.

N. G. RANGA.*

(Received on the 6th February, 1960).

II

We welcome the Bill and its measures mostly. To limit the ceiling on the basis of family as suggested in the Bill and also to fix it on the basis of standard acre, make the Bill a model one.

But in our humble opinion the ceiling of 30 standard acres in a State like Delhi, where lands are very much limited and more and more in demand, it is a bit high one. "Because Punjab and Rajasthan have done so Delhi lands being similar to them must follow suit"—is not a convincing argument. The Delhi lands cannot be so equated with Punjab and Rajasthan lands.

As regards the suggestion of 30 standard acres by the Planning Commission as ceiling, it should be regarded as a general formula and should not be put in practice mechanically as was done in the present case.

As regards the payment of compensation for excess lands—forty times of land Revenue as suggested in the Bill it looks very low, as the land Revenue for Delhi lands is less than Re. 1/- per acre on the average.

But the ceiling as fixed in the Bill is high enough to make excess lands available for the payment of compensation. So, the low rate of compensation in effect is a harmless measure.

We commend the Bill to the House.

A. R. KHAN.
P. S. DAULTA.

NEW DELHI;

Dated the 6th February, 1960.

*Certificate required under Section 87 of the "Directions by the Speaker under the Rules of Procedure of Lok Sabha" not received.

III

I am sorry, I cannot agree with all the provisions laid down in the Bill. Herewith I am giving the points of my disagreement:—

In Delhi, which is centrally administered, we expected a model legislation on this problem of the day, throughout the country. But we are disappointed to a great extent. The definition of family as enumerated in the Bill is not at all comprehensive. It is silent on the rights, of widows—such as widow sisters of the 'Husband' or the 'wife' or widow daughters, who are supported by the family. The Bill also throws no light on the rights of married brothers and sons of the joint family. I venture to suggest that these widows should be given some facility (ies) when the question of land ceiling is considered. So is the case of married brothers and sons. Though they form part of the same joint family; but as a matter of fact each comes under the purview of the definition and each has formed a separate family. Hence they too are entitled for some concessions. The widows particularly deserve consideration and are entitled for 5 acres of land each.

Then in clause 3 on page 3 no difference is mentioned between Bhumidhari and Sirdari lands. Bhumidhars have greater proprietary rights than the Sirdars, as the former can dispose of the land and can execute sale deeds in favour of any purchaser, while the Sirdars cannot do so. Hence it is expedient that some line of demarcation should be established between these two types of tenure holders.

There are so many types of lands in Delhi State—some are sandy; some alluvial and some stony and full of rocks. In U.P. and other States while considering the question of land ceiling the framers of the Bill have taken into account the quantum of fertility and given more weightage to the land holders who are in possession of less fertile land. In U.P. the cultivators of 'Bhoor' land are allowed some more land according to the valuation of such land. This principle has been recognised even under the consolidation of Holding Scheme. It was, therefore, advisable that in Delhi too, such cultivators, who possess sandy or rocky land, they should be given more weightage and as such allowed some extra land in comparison to those who possess first class 'Doomat' land.

Then again in U.P. and other States they have considered the rate of land revenue, paid by the cultivators. Those who pay less than Rs. 5/- per acre are allowed more land in comparison to those who pay Rs. 10/- to Rs. 12/- per acre. The difference between the rates of the land revenue is due to the fact that those who pay

lesser land revenue, possess inferior land. But in the present Bill no such provision is made and the Bill is silent on such a vital point.

Chief Commissioner and Deputy Commissioner are no doubt the pillars of the administration and they are the pivot round which the whole machinery revolves; but it is not wise to allow them wider discretionary powers. There should be specific provisions, under which the law should be governed, so that the purpose of a piece of legislation may not be jeopardised.

The present land ceiling Bill is meant only for a few cultivators in Delhi State. It has been represented to me that only about 33 persons will be affected by these new arrangements. Delhi, being the cosmopolitan city, will have the tendency of increasing in size, to cope with the increasing demand and will have share from the rural Delhi. Consequently the adjoining villages are frequently taken to implement the Scheme of Greater Delhi every year. Under the circumstances this Bill has got little importance.

NEW DELHI;
Dated the 7th February, 1960.

MOHAN SWARUP.

THE DELHI LAND HOLDINGS (CEILING) BILL, 1959

[As reported by the Joint Committee]

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THE DELHI LAND HOLDINGS (CEILING) BILL, 1959

(AS REPORTED BY THE JOINT COMMITTEE)

(Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions)

A
BILL

to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matters connected therewith.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

5 1. (1) This Act may be called the Delhi Land Holdings (Ceiling) Short title, extent and commencement. Act, 1960.

(2) It extends to the whole of the Union territory of Delhi, but shall not apply to—

10 (a) the areas which, immediately before the 1st day of November, 1956, were included in a municipality or in a notified area under the provisions of the Punjab Municipal Act, 1911, or in a cantonment under the provisions of the Cantonments Act, 1924;

15 (b) the areas owned by the Central Government or any local authority; and

(c) the areas held and occupied for a public purpose or for a work of public utility and declared as such by the Chief Commissioner or the areas acquired under any enactment relating to the acquisition of land for a public purpose.

Punjab Act
3 of 1911.
2 of 1924.

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “ceiling limit”, in relation to land, means the limit fixed under section 3;

(b) “Chief Commissioner” means the Chief Commissioner of Delhi;

(c) “competent authority” means any person or authority authorised by the Chief Commissioner by notification in the Official Gazette to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

(d) “family”, in relation to a person, means the person, the wife or husband, as the case may be, and the dependent children and grand children, of such person;

(e) “minor” means a person who is deemed not to have attained majority under the Indian Majority Act, 1875;

(f) “person under disability” means—

(i) a widow;

(ii) a minor;

(iii) a woman unmarried or, if married, divorced or judicially separated from her husband or whose husband is a person falling under sub-clause (iv) or sub-clause (v);

(iv) a member of the Armed Forces of the Union;

(v) a person incapable of cultivating land by reason of some physical or mental disability;

(g) “prescribed” means prescribed by rules made under this Act;

(h) the words and expressions “Asami”, “Bhumidhar”, “Deputy Commissioner”, “Gaon Panchayat”, “improvement”, “land”, “standard acre” and “village” shall have the meanings respectively assigned to them in the Delhi Land Reforms Act, 1954.

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15

9 of 1875.

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Delhi Act
of 1954.

CHAPTER II

CEILING ON HOLDINGS AND VESTING AND ALLOTMENT OF EXCESS LAND 33

Ceiling on
holdings.

3. No person either by himself or, if he has a family, together with any other member of his family (hereinafter referred to as the person

representing the family) shall, whether as a Bhumidhar or an Asami or partly in one capacity and partly in another, hold land in excess of thirty standard acres in the aggregate:

Provided that where the number of members of the family of such person exceeds five, he may hold five additional standard acres for each member in excess of five, so however, as not to exceed sixty standard acres in the aggregate.

Explanation.—In the case of a company, an association or any other body of individuals, the ceiling limit shall be thirty standard acres.

4. Every person representing a family who at the commencement of this Act holds, or has at any time during the period between the 10th day of February, 1959, and such commencement held, land in excess of the ceiling limit shall submit to the competent authority, in such form and within such time as may be prescribed, a return giving the particulars of all land held by him and indicating therein the parcels of land, not exceeding the ceiling limit, which he desires to retain:

Provided that in the case of a joint holding, all co-sharers may submit the return jointly indicating the parcels of land, not exceeding the aggregate of their individual ceiling limits, which they desire to retain.

Explanation.—In the case of a person under disability, the return shall be furnished by his guardian or authorised agent, as the case may be.

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5. If any person, who under section 4 is required to submit a return, fails to do so in accordance with the provisions of that section, the competent authority shall collect the necessary information through such agency as may be prescribed.

6. (1) On receipt of any return under section 4 or information under section 5 or otherwise, the competent authority shall, after giving the persons affected an opportunity of being heard, hold an inquiry in such manner as may be prescribed, and having regard to the provisions of section 7 and section 8 or of any rules that may be made in this behalf, it shall determine—

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- (a) the total area of land held by each person representing the family;
- (b) the specific parcels of land which he may retain;
- (c) the land held by him in excess of the ceiling limit;

(d) whether such excess land is held by him as a Bhumidhar or as an Asami;

(e) the excess land in respect of which Bhumidhari rights may be acquired by an Asami;

(f) the excess land which may be restored to a Bhumidhar; 5

(g) the excess land which shall vest in the Government; and

(h) such other matters as may be prescribed.

(2) For the purpose of determining the excess land under this section, any land transferred at any time during the period between 10 the 10th day of February, 1959 and the commencement of this Act shall, notwithstanding such transfer, be deemed to be held by the transferor.

(3) The competent authority shall prepare a list in the prescribed form containing the particulars determined by him under sub- 15 section (1) and shall cause every such list to be published in the Official Gazette and also in such other manner as may be prescribed.

Selection of excess land in cases of certain transfers. 7. (1) Where any person holding land in excess of the ceiling limit at any time during the period between the 10th day of February, 1959 and the 25th day of November, 1959, has transferred 20 during such period any part of his land to any other person under a registered deed for valuable consideration, the excess land to be determined under section 6 shall, to the extent possible, be selected out of the land held at the commencement of this Act by the transferor in excess of eight standard acres and no land shall be selected 25 out of the land transferred.

(2) Where any person holding land in excess of the ceiling limit at any time—

(a) during the period between 10th day of February, 1959 and the 25th day of November, 1959, has transferred dur- 30 ing such period any part of his land to any other person in any manner other than under a registered deed for valuable consideration, or

(b) during the period between the 25th day of November, 1959 and the commencement of this Act has transferred during 35 such period any part of his land to any other person in any manner whatsoever,

the excess land to be determined under section 6 shall be selected out of the lands held at the commencement of this Act by the

transferor and the transferee in the same proportion as the land held by the transferor bears to the land transferred and where no land is held by the transferor, out of the land transferred.

(3) Where excess land is to be selected out of the lands of more than one transferee, such land shall be selected out of the lands held by each of the transferees in the same proportion as the area of the land transferred to him bears to the total area of the lands transferred to all the transferees.

(4) Where any excess land is selected out of the land transferred, the transfer of such land shall be void.

(5) Notwithstanding anything hereinbefore contained, the excess land to be selected shall in no case include the homestead land of a person.

Explanation.—For the purposes of this sub-section, “homestead land” means the land on which the homestead (whether used by the owner or let out on rent) stands together with any courtyard, compound and attached garden, not exceeding one acre in the aggregate.

8. (1) Where any excess land of a Bhumidhar is in his actual possession, the excess land shall vest in the Government. Excess land to vest in Government.

(2) Where any excess land of a Bhumidhar is in the possession of a person holding the same as an Asami and the excess land together with any other land held by such person exceeds his ceiling limit, the land in excess of the ceiling limit shall vest in the Government.

(3) Where any excess land of a Bhumidhar is in the possession of a person holding the same as an Asami and such person is allowed to retain the excess land or a part thereof as being within his ceiling limit, that person shall acquire Bhumidhari rights in respect of such excess land or part thereof on payment of compensation as hereinafter provided, but if that person refuses to pay such compensation, the excess land or part thereof shall vest in the Government.

(4) Where there is any excess land of an Asami, the excess land shall vest in the Government:

Provided that in any case where the excess land or any part thereof held by a Bhumidhar together with any other land held by such person does not exceed the ceiling limit, the excess land or such part thereof as does not exceed the ceiling limit shall be restored to the Bhumidhar on an application made by him in this behalf to the competent authority within such time as may be prescribed.

Publication
of the final
list and con-
sequences
thereof.

9. (1) Any person aggrieved by an entry in the list published under sub-section (3) of section 6 may, within thirty days from the date of publication thereof in the Official Gazette, file objections thereto before the Deputy Commissioner:

Provided that the Deputy Commissioner may entertain the objection after the expiry of the said period of thirty days, if he is satisfied that the objector was prevented by sufficient cause from filing the objection in time. 5

(2) The Deputy Commissioner or any other officer authorised in this behalf by the Chief Commissioner may, after considering the 10 objections and after giving the objector or his representatives an opportunity of being heard in the matter, approve or modify the list.

(3) The list as approved or modified under sub-section (2) shall then be published in the Official Gazette and also in such other manner as may be prescribed and, subject to the provisions of this Act, 15 the list shall be final.

(4) With effect from the date of the publication of the list in the Official Gazette under sub-section (3), the excess land shall stand transferred to, and vest in, the Government free of all encumbrances or, as the case may be, the excess land shall stand restored to 20 the Bhumidhar or the Bhumidhari rights in respect of the excess land shall stand transferred to the Asami free of all encumbrances.

Compensa-
tion.

10. (1) Where any excess land of a Bhumidhar vests in the Government, there shall be paid by the Government to the Bhumidhar compensation the amount of which shall be equal to * forty times 25 the land revenue in respect of the * * * * excess land:

* * * *

Provided that where such excess land or any part thereof is in the possession of an Asami, the compensation in respect of the land shall be apportioned between the Bhumidhar and the Asami in such 30 proportion as may be determined by the competent authority in the prescribed manner, having regard to their respective shares in the net income from such land.

(2) In addition to the compensation payable in respect of any excess land under sub-section (1), there shall also be paid compensation in respect of any structure or building, including wells, tube-wells and embankments constructed on such excess land and any trees planted thereon and such compensation shall be determined by the competent authority having regard to the market value of such structure or building or the value of such trees and shall be paid to 40

the person who has constructed the structure or building or planted the trees.

(3) Where any excess land in respect of which compensation is payable is subject to any mortgage or other encumbrance, the amount due under the mortgage or other encumbrance in respect of such excess land, or where a transfer in respect of excess land is void by virtue of sub-section (4) of section 7, the consideration money paid by the transferee in respect of such excess land, shall be a charge on the compensation payable in respect of the excess land to the person who has created the mortgage or encumbrance or, as the case may be, to the transferor.

(4) Where an Asami acquires Bhumidhari rights in respect of any excess land, the compensation payable by him in respect of that land shall be equal to the amount which the Bhumidhar would have been paid as compensation under the proviso to sub-section (1) or sub-section (2), if the land had vested in the Government; and the amount shall, in the first instance, be paid to the Bhumidhar by the Government and shall be recovered from the Asami in such manner as may be prescribed.

20 (5) Where any excess land of a religious or charitable institution vests in the Government, such institution shall, in lieu of compensation payable under sub-section (1) or sub-section (2), be paid an annuity equal to the net annual income of the excess land and such net annual income shall be determined by the competent authority 25 in the prescribed manner.

(6) The competent authority shall, after holding an inquiry in the prescribed manner, make an order determining the amount of compensation payable to any person under this section. * * *

* * * *

30 11. (1) The compensation payable under section 10 shall be due on the date of the publication of the list in the Official Gazette under sub-section (3) of section 9 and may be paid in cash, in a lump sum or in instalments, or in bonds.

(2) Where the compensation is payable in bonds, the bonds may 35 be made not transferable or transferable by endorsement or in any other manner but all such bonds shall be redeemed within such period, not exceeding ten years from the date of issue, as may be prescribed.

(3) Where there is any delay in the payment of compensation or 40 where the compensation is paid either in instalments or in bonds, it

shall carry interest at the rate of two and a half per cent. per annum from the date on which it falls due.

Limit of future acquisition of land.

12. No person representing a family shall acquire in any manner whatsoever whether by transfer, exchange, lease, agreement or succession any land where such acquisition has the effect of making the total area of the land held by him exceed the ceiling limit; and any such land in excess of the ceiling limit shall, subject to the provisions of the Delhi Land Reforms Act, 1954, be treated as excess land of the transferee and the provisions of sections 6 to 11 shall, as far as may be, apply to such excess land.

Delhi Act 8 of 1954.

10

Excess land not to be surrendered in certain cases.

13. Where a person representing a family holds land not exceeding the ceiling limit, but subsequently the land held exceeds the ceiling limit, then, notwithstanding anything contained in this Chapter, such person shall not be required to surrender any part of the land on the ground that it is excess land, if such excess is due to any improvements effected in the land by the efforts of the family or to a decrease in the number of its members.

Power of Deputy Commissioner to take possession of excess land.

14. After the publication of the list of excess land under sub-section (3) of section 9, and after demarcation in the prescribed manner of such land where necessary, the Deputy Commissioner may take possession of any excess land and may use or cause to be used such force as may be necessary for the purpose.

Reservation of land for certain purposes.

15. The Chief Commissioner may reserve any excess land vesting in the Government under the provisions of this Act for the benefit of the village community or for any work of public utility or for such other purposes as may be prescribed.

Provided that where such land is not being used for the aforesaid purposes, it may be used by the Gaon Panchayat for such purposes as the Chief Commissioner may direct.

Allotment of excess land.

16. Subject to any rules that may be made in this behalf, the Chief Commissioner or any officer authorised by him may allot any excess land vesting in the Government (other than land reserved under section 15) to such persons and on such terms and conditions as he thinks fit.

CHAPTER III

MISCELLANEOUS

35

Act to override other laws.

17. Save as otherwise expressly provided, the provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, custom or usage or agreement or decree or order of a court.

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18. Any sum payable to the Government under the provisions of this Act may be recovered in the same manner as an arrear of land revenue.

Mode of recovery of any amount due under the Act.
Appeal.

19. Any person aggrieved by an order made by the competent authority under section 10, may, within a period of thirty days from the date of the order, prefer an appeal to the Deputy Commissioner:

Provided that the Deputy Commissioner may entertain the appeal after the expiry of the said period, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

20. (1) The Chief Commissioner may, on an application for revision made to him or otherwise, call for the record of any proceeding pending before, or disposed of by, the competent authority or the Deputy Commissioner.

15 (2) No order varying the decision of the competent authority or the Deputy Commissioner or revising the list published under section 9 which prejudicially affects any person shall be made without giving him an opportunity of being heard.

21. Any officer or authority while holding an inquiry or hearing an appeal or exercising powers of revision under this Act shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:—

25 (a) enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents and material objects;

(c) receiving evidence on affidavit; and

(d) such other matters as may be prescribed.

30 22. Subject to any conditions and restrictions that may be prescribed, any officer entrusted with the performance of any duty under this Act may, in the discharge of such duty, enter upon and survey and take measurement of any land and do all other acts necessary for carrying out his duties under this Act.

35 23. (1) Whoever being bound to submit a return under section 4 fails without reasonable cause to do so, within the prescribed time, or submits a return which he knows or has reason to believe to be false, shall be punishable with fine which may extend to one thousand rupees.

Power of officers while holding inquiries, etc., under the Act.

of 1908.

Offences and penalties.

(2) Whoever contravenes any lawful order made under this Act or otherwise obstructs any person from lawfully taking possession of any land shall be punishable with fine which may extend to one thousand rupees.

Finality of orders and bar of jurisdiction. 24. (1) Subject to the provisions of this Act, every order made under this Act shall be final.

(2) No civil court shall have jurisdiction to entertain any suit or proceeding in so far as it relates to any matter which the competent authority or the Deputy Commissioner is empowered by or under this Act to decide.

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Protection of action taken under the Act. 25. No suit or other legal proceeding shall lie against the Government or any authority or officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

Power to exempt, etc. 26. (1) The Chief Commissioner may, on an application made to him in this behalf within three months from the commencement of this Act, exempt from the operation of section 3,—

(a) any person who holds a compact block of land exceeding the ceiling limit which—

(i) is being used as an orchard from before the 10th day of February, 1959; or

(ii) is being used as a farm in which heavy investment or permanent structural improvements have been made and which, in the opinion of the Chief Commissioner, is being so efficiently managed that its break up is likely to result in a fall in production:

Provided that, where such person holds the compact block of land together with any other land, he shall be permitted to elect to retain either the compact block of land, notwithstanding that it exceeds the ceiling limit or the other land not exceeding the ceiling limit;

(b) any specialised farm which is being used for cattle breeding, dairy or wool raising;

(c) any land which is being held by a co-operative society, provided that where a member of any such society holds a share in such land, his share shall be taken into account in determining his ceiling limit;

(d) any land held by a body notified by the Chief Commissioner under section 33 of the Delhi Land Reforms Act, 1954, as in force before such commencement:

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Delhi Act 8 of 1954.

Provided that the Chief Commissioner may entertain the application after the expiry of the said period of three months, if he is

satisfied that the applicant was prevented by sufficient cause from making the application in time.

5 (2) Where any land in respect of which exemption has been granted to a person under clause (a) of sub-section (1) is transferred to another person, the Chief Commissioner may, on an application made to him within three months from the date of the transfer, exempt the transferee from the operation of section 3 and section 12 and the provisions of the said clause shall, as far as may be, apply to the grant of such exemption.

10 10 (3) Where the Chief Commissioner is of opinion that the use of land for any specified purpose is expedient or necessary in the public interest, he may, by notification in the Official Gazette, make a declaration to that effect and on the issue of such notification, any person may, notwithstanding anything contained in section 12, 15 acquire land in excess of the ceiling limit for being used for such specified purpose and such person shall, within one month from the date of such acquisition, send intimation thereof to the competent authority.

20 (4) Where any land in respect of which exemption has been granted under sub-section (1) or sub-section (2) or sub-section (3) ceases to be used, or is not within the prescribed time used, for the purpose for which exemption had been granted, the Chief Commissioner may, after giving the persons affected an opportunity of being heard, withdraw such exemption.

25 27. (1) The Chief Commissioner may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

30 (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form in which and the period within which a return under section 4 may be submitted;

(b) the agency through which information under section 5 may be collected;

35 (c) the manner of holding inquiries under this Act;

(d) the matters which may be determined by the competent authority under sub-section (1) of section 6 and the manner of determination of excess land under the Act;

(e) the form in which a list under sub-section (3) of section 6 or sub-section (3) of section 9 may be prepared and the manner of publication of such list;

(f) the period within which an application for restoration of excess land of an Asami may be made by the Bhumidhar; 5

(g) the manner of apportionment of compensation between the Bhumidhar and the Asami in respect of any excess land in the possession of the Asami;

(h) the manner of determination of the net annual income of any excess land for the purposes of payment of compensation;

(i) the manner of assessment of market value of structures and buildings and the value of trees for the purpose of payment of compensation;

* * * *

(j) the number of instalments in which compensation under this Act may be paid or recovered; and the period within which bonds may be redeemed;

(k) the manner of demarcation of excess land;

(l) the purposes for which land may be reserved under 20 section 15;

(m) the categories of persons to whom excess land may be allotted and the terms and conditions on which such allotment may be made;

(n) the powers of a civil court which may be vested in 25 any officer or authority holding an inquiry;

(o) the conditions and restrictions subject to which an officer may enter upon any land for the purpose of survey and taking measurement;

(p) the levy of fees in respect of any matter under this Act; 30

(q) any other matter which has to be, or may be prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the 35

expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be 5 of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Delhi Act 8
of 1954.

28. In the Delhi Land Reforms Act, 1954, for section 33, the following section shall be substituted, namely:—

Amendment
of the
Delhi Land
Reforms
Act, 1954.

10 "33. * No Bhumidhar shall have the right to transfer by sale or gift or otherwise any land to any person, other than a religious or charitable institution or any person in charge of any such Bhoojan movement, as the Chief Commissioner may, by notification in the Official Gazette, specify, where as a result of the transfer, the transferor shall be left with less than 15 eight standard acres in the Union territory of Delhi:

Provided that the Chief Commissioner may exempt from the operation of this section, the transfer of any land made before the 1st day of December, 1958, if the land covered by such transfer does not exceed one acre in area and is used or intended to be used for purposes other than those mentioned in clause 20 (13) of section 3.".

Restrictions
on transfers
by
Bhumidhar.

APPENDIX I

(Vide para 2 of the Report)

Motion in the Lok Sabha for reference of the Bill to a Joint Committee

"That the Bill to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matters connected therewith be referred to a Joint Committee of the Houses consisting of 30 members; 20 from this House, namely:—

1. Shrimati Sucheta Kripalani
2. Shri Radha Raman
3. Choudhury Brahm Perkash
4. Shri C. Krishnan Nair
5. Shri Naval Prabhakar
6. Shri Shivram Rango Rane
7. Shri K. V. Ramakrishna Reddy
8. Shri Bhola Nath Biswas |
9. Shri Ramappa Balappa Bidari
10. Shri Surti Kistaiya
11. Shri K. Periaswami Gounder
12. Shri Daljit Singh |
13. Shri Bhakt Darshan
14. Swami Ramanand Shastri
15. Chaudhary Pratap Singh Daulta
16. Shri Mohan Swarup
17. Shri N. P. Shanmuga Gounder
18. Shri Atal Bihari Vajpayee
19. Shri N. G. Ranga; and
20. Shri B. N. Datar

and 10 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

APPENDIX II

(Vide para 3 of the Report)

Motion in the Rajya Sabha

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matters connected therewith, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shri Onkar Nath |
2. Shri R. M. Deshmukh
3. Shrimati Anis Kidwai
4. Shri N. Ramakrishnan Iyer
5. Shri Kishori Ram
6. Shri S. Panigrahi
7. Shri Abdur Rezzak Khan
8. Mirza Ahmed Ali
9. Shri Niranjan Singh
10. Shri Govind Ballabh Pant."

APPENDIX III

MINUTES OF THE SITTINGS OF THE JOINT COMMITTEE

I

First Sitting

The Committee met from 11-30 hours to 11.45 hours on Thursday, the 24th December, 1959.

PRESENT

MEMBERS

Lok Sabha

1. Shrimati Sucheta Kripalani
2. Shri C. Krishnan Nair
3. Shri Naval Prabhakar
4. Shri Shivram Rango Rane
5. Shri Bhola Nath Biswas
6. Shri Daljit Singh
7. Shri Bhakt Darshan
8. Shri Mohan Swarup
9. Shri Atal Bihari Vajpayee
10. Shri B. N. Datar (*in the Chair*).

Rajya Sabha

11. Shri N. Ramakrishna Iyer
12. Shri Kishori Ram
13. Shri S. Panigrahi
14. Shri Abdur Rezzak Khan
15. Mirza Ahmed Ali
16. Shri Niranjan Singh

DRAFTSMAN

Shri R. C. S. Sarkar—*Joint Secretary and Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri Hari Sharma—*Additional Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. In the absence of the Chairman, Shri B. N. Datar was elected to the Chair.
3. The Committee after discussing their future programme of sittings decided to meet on the 23rd and 24th January, 1960, for clause by clause consideration of the Bill.
4. The Chairman suggested that notices of amendments to the clauses of the Bill might be sent to the Lok Sabha Secretariat by the 15th January, 1960, for circulation to the Members of the Committee.
5. The Committee then adjourned to meet again at 10.00 hours on Saturday, the 23rd January, 1960.

II

Second Sitting

The Committee met from 11.22 hours to 13.14 hours on Saturday, the 23rd January, 1960.

PRESENT

Shri Govind Ballabh Pant—*Chairman*

MEMBERS

Lok Sabha

2. Shri Radha Raman
3. Shri C. Krishnan Nair
4. Shri Naval Prabhakar
5. Shri Shivram Rango Rane
6. Shri K. V. Ramakrishna Reddy
7. Shri Bhola Nath Biswas
8. Shri Ramappa Balappa Bidari
9. Shri K. Periaswami Gounder
10. Shri Daljit Singh
11. Shri Bhakt Darshan
12. Swami Ramanand Shastri
13. Chaudhary Pratap Singh Daulta
14. Shri Mohan Swarup
15. Shri N. P. Shanmuga Gounder
16. Shri N. G. Ranga
17. Shri B. N. Datar

Rajya Sabha

18. Shrimati Anis Kidwai
19. Shri N. Ramakrishna Iyer
20. Shri Kishori Ram
21. Shri S. Panigrahi
22. Shri Abdur Rezzak Khan
23. Mirza Ahmed Ali.

DRAFTSMEN

Shri R. C. S. Sarkar—*Joint Secretary and Draftsman, Ministry of Law.*

Shri G. R. Bal—*Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri Hari Sharma—*Additional Secretary, Ministry of Home Affairs.*

Shri T. C. A. Ramanujachary—*Deputy Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee took up clause by clause consideration of the Bill.

3. *Enacting Formula.*—The following amendment was accepted:—

In page 1, line 1,
for “Tenth” substitute “Eleventh”.

The Enacting Formula, as amended, was adopted.

4. *Clause 1.*—The following amendment was accepted:—

In page 1, line 6,
for “1959” substitute “1960”.

The clause, as amended, was adopted.

5. *Clauses 2—4.*—The clauses were adopted without any amendment.

6. *Clause 5.*—The following amendment was accepted:—

In page 3, line 28,
for “may” substitute “shall”.

The clause, as amended, was adopted.

7. *Clause 6.*—(1) Sub-clauses (1) and (3) were adopted. The Committee decided that sub-clause (2) might be considered after taking decision on clause 7.

8. *Clause 7.*—Consideration of the clause was taken up but not concluded.

9. The Committee then adjourned to meet again at 11.00 hours on Sunday, the 24th January, 1960.

III

Third Sitting

The Committee met from 11.12 hours to 13.35 hours on Sunday, the 24th January, 1960.

PRESENT

MEMBERS

Lok Sabha

1. Shri Radha Raman
2. Shri C. Krishnan Nair
3. Shri Naval Prabhakar
4. Shri Shivram Rango Rane
5. Shri K. V. Ramakrishna Reddy
6. Shri Bhola Nath Biswas
7. Shri Ramappa Balappa Bidari
8. Shri K. Periaswami Gounder
9. Shri Daljit Singh
10. Shri Bhakt Darshan
11. Shri Ramanand Shastri
12. Chaudhary Pratap Singh Daulta
13. Shri Mohan Swarup
14. Shri N. P. Shanmuga Gounder
15. Shri N. G. Ranga
16. Shri B. N. Datar (*in the Chair*)

Rajya Sabha

17. Shri Onkar Nath
18. Shrimati Anis Kidwai
19. Shri N. Ramakrishna Iyer
20. Shri Kishori Ram
21. Shri S. Panigrahi
22. Shri Abdur Rezzak Khan

DRAFTSMEN

Shri R. C. S. Sarkar—*Joint Secretary and Draftsman, Ministry of Law.*

Shri G. R. Bal—*Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF THE MINISTRIES AND OTHER OFFICERS

Shri Hari Sharma—*Additional Secretary, Ministry of Home Affairs.*

Shri T. C. A. Ramanujachary—*Deputy Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. In the absence of the Chairman, Shri B. N. Datar was elected to the Chair.

3. The Committee resumed clause by clause consideration of the Bill.

4. *Clause 7.*—The clause was adopted without any amendment.

5. *Clause 6(2).*—(Vide para 7 of the minutes of the Second Sitting, dated the 23rd January, 1960).

The sub-clause (2) was adopted without any amendment.

6. *Clause 8.*—The clause was adopted without any amendment.

7. *Clause 9.*—The Committee desired that the Deputy Commissioner might be authorised to extend the period for further 30 days for receipt of objections where reasons to his satisfaction are advanced.

The draftsman was directed to amend the clause accordingly.

Subject to the above, the clause was adopted.

8. *Clause 10.*—The Committee decided that the compensation payable under the clause for excess land should be at a uniform rate of forty times the land revenue.

The draftsman was directed to amend the clause accordingly.

Subject to the above, the clause was adopted.

9. *Clause 11.*—The Committee desired that Government might provide in the rules to be made under the Act for payment of compensation of small amounts in lumpsums.

The clause was adopted without any amendment.

10. *Clause 12.*—The clause was adopted without any amendment.

11. *Clause 13.*—The following revised clause was adopted:—

“Excess land not to be surrendered in certain cases.

“13. Where a person representing a family holds land not exceeding the ceiling limit but subsequently the land exceeds the ceiling limit, then, notwithstanding anything contained in this Chapter, such person shall not be required to surrender any part of the land on the ground that it is excess land, if such excess is due to any improvements effected in the land by the efforts of the family or to a decrease in the number of its members.”

12. *Clauses 14—27.*—The clauses were adopted without any amendment.

13. *Clause 28.*—The Committee desired that exemption might be provided for religious and charitable purposes and Bhoodan.

Subject to the above, the clause was adopted.

13. The draftsman was authorised to carry out amendments of drafting and consequential nature.

14. The Committee then adjourned to meet again at 12.00 hours on Saturday, the 6th February, 1960.

Fourth Sitting

The Committee met from 12.00 hours to 12.25 hours on Saturday, the 6th February, 1960.

PRESENT

Shri Govind Ballabh Pant—Chairman.

MEMBERS***Lok Sabha***

2. Shri Radha Raman
3. Shri C. Krishnan Nair
4. Shri Naval Prabhakar
5. Shri Shivram Rango Rane
6. Shri K. V. Ramakrishna Reddy
7. Shri Bhola Nath Biswas
8. Shri Ramappa Balappa Bidari
9. Shri Surti Kistaiya
10. Shri Daljit Singh
11. Shri Bhakt Darshan
12. Swami Ramanand Shastri
13. Chaudhary Pratap Singh Daulta
14. Shri Mohan Swarup
15. Shri N. P. Shanmuga Gounder
16. Shri B. N. Datar

Rajya Sabha

17. Shri Onkar Nath
18. Shri R. M. Deshmukh
19. Shrimati Anis Kidwai
20. Shri N. Ramakrishna Iyer
21. Shri Kishori Ram
22. Shri S. Panigrahi
23. Shri Abdur Rezzak Khan
24. Mirza Ahmed Ali

DRAFTSMEN

Shri R. C. S. Sarkar—Joint Secretary and Draftsman, Ministry of Law.

Shri G. R. Bal—Deputy Draftsman, Ministry of Law.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri T. C. A. Ramanujachary—Deputy Secretary, Ministry of Home Affairs.

SECRETARIAT

Shri A. L. Rai—Deputy Secretary.

2. The Committee considered and adopted the Bill as amended.
3. The Committee then considered the draft Report and adopted the same.
4. The Committee authorised the Chairman and in his absence Shri Radha Raman to present the Report on their behalf.
5. The Committee also authorised the Chairman and in his absence Shri Onkarnath or Shrimati Anis Kidwai to lay the Report on the Table of the Rajya Sabha.
6. The Committee decided that Minutes of Dissent, if any, should be sent to the Lok Sabha Secretariat so as to reach them by 15.00 hours on Sunday the 7th February, 1960.
7. The Chairman announced that the Report would be presented to the Lok Sabha on the 8th February, 1960 and laid on the Table of the Rajya Sabha on the same day.
8. The Committee then adjourned.
