

[Mr. Speaker]

As Shri Bhadauria has refused to furnish the security, he has been ordered to be detained in prison until the period of three months expires or until within such period he gives the security to the court of City Magistrate, Etawah, for keeping the peace. He is at present lodged in the District Jail, Etawah."

Shri Nath Pai (Rajapur): Sir, if he is detained like that, I think it should be made possible for him to attend the House. Of late, Sir, we are hearing about too many Members of Parliament being whisked away and kept in prison, and we should not readily acquiesce in it.

Shri Braj Raj Singh (Ferozabad): If majority of the Members of Parliament are detained like that, there would be no quorum even in the House.

Shri Nath Pai: Not the majority but all of us.

Shri Braj Raj Singh: When a Member is in detention the people whom he represents are prevented from representing their case in this House. The Member might have done anything, but the people have committed no offence.

Mr. Speaker: I have nothing to say in the matter.

12.08 hrs.

DELHI LAND HOLDINGS (CEILING) BILL—Contd.

Mr. Speaker: The House will now proceed with further clause-by-clause consideration of the Bill to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matter connected therewith, as reported by the Joint Committee. We shall now take up clause 11. Are there any amendments?

The Minister of State in the Ministry of Home Affairs (Shri Datar): Sir, we may fix some time for this. We are already behind time by three hours even so far as the first Bill is concerned.

Mr. Speaker: There is already some time-limit for this.

Shri Datar: That we have exceeded already. I think we must finish this at least by 1.00.

Mr. Speaker: All right, we will try to finish it by 1.00. What are the amendments to this clause?

Pandit Thakur Das Bhargava (Hisar): I beg to move:

Page 7, line 32,—

for "may" substitute "shall". (24)

Page 7, line 33,—

omit "or in instalments, or in bonds". (25)

Pages 7 and 8,—

omit lines 39 and 40, and 1 and 2, respectively. (26)

Page 7, lines 39 and 40,—

omit "or where the compensation is paid either in instalments or in bonds". (27)

Page 8, line 1,—

for "two and a half per cent." substitute—"six per cent." (28).

In regard to these amendments, Sir, my humble submission is that as that amount of compensation is very small it ought to be given in cash. There should be no instalments. It should not also be given in bonds. We know what happened to bonds in the case of the refugees. They were sold at half the price. There was speculation and big gol-mal in regard to instalments. Those persons who are entitled to get compensation will not get any compensation at all. If the bonds are there they will be sold at half the

price. The amount of compensation being very small, very nominal, I am sure it will not exceed the estimates given by the hon. Minister himself. I think the usual rate is more than five per cent. Therefore, there is no reason why it should be given in instalments or in bonds.

With regard to the rate of interest, when the compensation given is so small,—it is very insignificant—there is no reason why it should be only 2½ per cent. Ordinarily, in all such cases six per cent is the interest and that is the usual rate, and there is no reason why the rate should be reduced from six per cent 2½ per cent. So, I submit that the rate of interest should be six per cent. Then, I gave some reasons yesterday why it should be given all at once, before taking possession of the land. I do not want to repeat those arguments. I expect that the hon. Minister will be pleased to accept these amendments.

Shri Tyagi (Dehra Dun): I beg to move:

Page 7, omit lines 34 to 38. (55).

This relates to sub-clause (2) of clause 11. I want to omit this sub-clause. This clause prohibits any transfer of bonds, and says that where the compensation is payable in bonds, the bonds may be made not transferable. My amendment is that this clause should be omitted.

I do not want to take much time of the House. I only say that the compensation will be only too small a sum in most cases, and if bonds are issued, let those bonds be transferable so that if one is a needy person, he can get half the price if he contends. Why should you make these bonds of Rs. 100 or Rs. 200 payable after ten years, if the person can get Rs. 50 straight-away? Let the bonds be made transferable. It will not do any harm. I therefore suggest that there should be no ban on the transfer of these bonds or on the transfer by endorsement. So, I plead that this sub-clause may be withdrawn.

Shri Datar: This clause relates to the payment of money by bonds and in such instalments as may be considered proper. In this connection, I may invite your attention to paragraph 14 of the Joint Committee's report. They have stated therein that the "Committee desire that where compensation payable to a Bhumidhar or Asami is a small amount, it should be paid in a lump sum". The Government have made a note of this and will consider this matter as sympathetically as possible.

So far as the amendments of Pandit Thakur Das Bhargava are concerned, he wants that the interest should be six per cent. That is not the rate of interest at which money is paid by any Government concern in respect of anything. 2½ per cent is the usual rate. In all such cases, as I have pointed out, the Government will try to see that very small amounts are paid forthwith.

So far as the amendment of Shri Tyagi is concerned, I may say that it is in the interest of the parties themselves that the bonds should not be transferable or transferable by endorsement. It is only in their interest that this sub-clause has been put in.

Shri Tyagi: Leave it to them to care for their interest. Why make it compulsory?

Mr. Speaker: The hon. Member wants to say that the bonds may be made transferable. Sub-clause (2) refers to bonds, where the compensation is payable in bonds. The hon. Member wants that that sub-clause may be deleted and says that the bonds may be made transferable by endorsement.

Shri Datar: It is already there. It is only in the interest of the parties themselves that the bonds should not be transferable. Otherwise as you are aware, oftentimes, when the money is received by the agriculturists they spend the money almost immediately

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on purposes other than those for which they money is taken. What we have put in is the usual condition.

Mr. Speaker: If the Government is so very particular about not giving money lest it should be spent, it need not impose a ceiling and take away the land.

Pandit Thakur Das Bhargava: They are not allowed to spend it.

Shri Tyagi: It is little use pressing our amendments. When they have finally decided it, and if the Government are not prepared to see reason, it is no use having a discussion.

Mr. Speaker: Very well. I shall put the amendments to the vote of the House.

Amendments Nos. 24 to 28 and 55 were put and negatived.

Mr. Speaker: The question is:

"That clause 11 stands part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12—(Limit of future acquisition of land)

Pandit Thakur Das Bhargava: I beg to move:

Page 8,—for clause 12, substitute—

"12. In case any person, family or family with children acquires any land by transfer or succession of land in excess of the ceiling prescribed, such excess shall vest in Government subject to the payment of compensation by the Government for such excess land. Such compensation shall be determined in accordance with the provisions of the Act relating to compensation." (29).

Clause 12 is the most curious clause of the Bill. It says:

"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."

So, it means that no further land will be acquired by any person and for all time to come this order giving him 30 acres or more will be the final thing. No future acquisition will be available to him. First of all, I beg to call your kind attention to article 19 of the Constitution, wherein clause (f) says: "All citizens shall have the right to acquire, hold and dispose of property;"

Mr. Speaker: Then this Bill itself is *ultra vires*. If a person is entitled to hold, under article 19, all the land in excess of the ceiling that is now sought to be put in, the Bill seeking to impose a ceiling is itself wrong and it is *ultra vires*!

Pandit Thakur Das Bhargava: The present position is that the person cannot get this much land. Supposing there are three or four new mouths to be fed, . . .

Mr. Speaker: That means he shall not hold any more; to put it in a legal way, over and above the ceiling, the person now in possession of the land shall not hold the land

Pandit Thakur Das Bhargava: It is quite unreasonable.

Mr. Speaker: If this is opposed to article 19,—that hereafter he shall not acquire more than the ceiling—then, putting a ceiling itself is opposed to article 19, and is wrong. The person is entitled to hold all the land that he likes. Then there is no purpose!

Pandit Thakur Das Bhargava: But then the circumstances change. My complaint is that this Bill violates the natural law in so far as it makes a person almost static for all time to come. Supposing three more mouths come in to be fed; supposing in one year three of the wives of his sons give birth to children, then the total number of members may become nine or so. What is the reason that he should not be able to acquire more land? Supposing after five years, the condition of the family is changed, and instead of five or nine, there are 15 members, why should this condition be there?

Mr. Speaker: I believe that if the number of members exceeds five, for each member five more acres can be acquired. That is also within the limit. All that it means is, it is not only the original ceiling but also the augmented ceiling in proportion to the number of members.

Pandit Thakur Das Bhargava: That is my complaint. There is no provision for augmentation of ceiling. If after 15 years, the whole family situation changes and there are more members, there is no provision for more land.

Mr. Speaker: It is provided in clause 3 that for a family consisting of more than 5 members, for each additional member, 5 acres are allowed.

Pandit Thakur Das Bhargava: To start with, this may be done. But what will happen in future? There should be a provision here that as soon as a person increases his family, he ought to be allowed to have more land. In the first instance, all the land will be taken away, but afterwards purchase is prohibited in any manner whatsoever. This means for all times to come, the whole family must remain content with only 30 acres. This is unreasonable and so I say this is the most curious provision in the Bill.

Mr. Speaker: I am afraid the language has been misunderstood. The ceiling limit in clause 12 includes not only the original ceiling, but also 5 additional acres for each additional member.

Pandit Thakur Das Bhargava: Where is the provision in the Bill for improvement in the ceiling as there is improvement in the family? If it is there, this argument will not follow. The clause starts with the words "No person representing a family....." This Bill has been drafted probably by a bachelor. The bachelor can acquire anything he likes. Clause 12 does not apply to a bachelor. It applies to a person representing a family. If a person who is a bachelor gets 30 acres, he can add on to that by inheritance and in any way he likes, but a man with a family cannot do that. I cannot understand this peculiar provision.

The hon. Minister will kindly enlighten me on this point. A person representing a family cannot acquire, but his sons, daughters and grandsons will be able to acquire, because there is no provision against them. A grandson is entitled to the property of his grandfather even if the father is not entitled, because by virtue of his birth, he is a member of the Hindu joint family.

Mr. Speaker: If the hon. Member feels that the ceiling mentioned in clause 12 will be confined only to the first portion in clause 3 and not to the proviso, we can make this clear by saying that it refers to the ceiling as set out in clause 3 with the proviso.

Shri Datar: Is it capable of this doubt?

Pandit Thakur Das Bhargava: Even if the proviso is there, to start with, there may be 7 members in the family and the ceiling will be 30 plus 10, i.e. 40 acres. But after that, if 10 members are born . . .

Mr. Speaker: He will get additional 50 acres, i.e. 10 multiplied by 5.

Pandit Thakur Das Bhargava: There is no provision for that. Am I to understand that the ceiling limit will fluctuate from year to year and from man to man? There is no provision for that. This difficulty is likely to arise.

Mr. Speaker: It is one thing to differ on the substance and another thing to differ on the language. The language can be improved and made clear. All that Pandit Thakur Das Bhargava wants is the ceiling must fluctuate as and when members increase in number. The proviso in clause 3 must apply and there must be augmentation of ceiling, provided, of course that it does not exceed 60 acres, which is the upper limit, whatever the number of children.

Pandit Thakur Das Bhargava: If there are 20 persons in a joint Hindu family, only 60 acres will be given. But for future increases, there will be no provision.

Mr. Speaker: Once the limit of 60 is reached, he ought not to exceed the limit in his family. He should adopt proper methods not to increase his family.

Pandit Thakur Das Bhargava: To start with it is 30 acres. If 7 or 8 persons are born, what happens?

Mr. Speaker: They must divide or they ought not to be born.

Shri Tyagi: The House has already agreed yesterday to the passing of clause 3, whose proviso says:

"Provided that where the number of members of the family of such persons 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."

Therefore, it is 60 acres and not more.

Pandit Thakur Das Bhargava: My friend has not understood me. In 1960, on a particular date, a list is published saying, in the family of Shri Tyagi there are so many children and suppose he gets 50 acres. If there are more children born afterwards, he will not get anything.

Shri Tyagi: I shall have to marry again for that.

Pandit Thakur Das Bhargava: Even illegitimate children are included.

Shri Tyagi: On a point of order. No.

Pandit Thakur Das Bhargava: This is a very serious question. Suppose there is a father and 2 adult sons. They acquire property by the dint of their labour or they earn in Government service and they can purchase property. There is no prohibition and every person has the fundamental right to acquire property, except the "person representing a family"—the opening words in clause 12—which is against the Constitution. Even if it is passed, it will be decided by some other court that it is against the Constitution. An adult son, who is a member of the family, can certainly acquire property and add to that. Your ceiling will go to the winds. He will acquire property and keep it in spite of clause 12. I want to know why there should be difference between a person who is a bachelor and others who represent a family. There should be no difference, because article 14 will come in. There should be no difference at all. I can understand the argument that is given by you that if you fix a ceiling you have to see that the ceiling is not increased by virtue of further purchases or inheritance. You have to see that for his life he does not increase the ceiling. But now for his son there is no ceiling. A Hindu grand child can succeed to the estate of his grand father without being hit by this provision.

Mr. Speaker: We are saying the same thing which we have already decided. There is no meaning in

going on like this. If he acquires more land he shall sell it away. Now if we take away his property there is no meaning in allowing him to acquire further. I am afraid enough has already been said on this. The House has already taken a decision. If we want to re-open it on some other ground . . .

Pandit Thakur Das Bhargava: The House may be pleased to accept it or not but when the hon. Minister insists on something the House is helpless. The House passes what he wants. We pass whatever he says like a grand Moghul. Out of 30 acres of land after alienation of 25 acres only 5 acres remain for the family. What will happen?

Mr. Speaker: It is less than the ceiling. Up to the ceiling he can go on acquiring.

Pandit Thakur Das Bhargava: How can he acquire in the face of this?

Mr. Speaker: Anybody can acquire. A ceiling has been put on a family of 30 or 60 acres according to the number. Then nobody prevents him from selling it away. He sells it away. After the ceiling is imposed if he has less than the ceiling, he can go on acquiring up to the extent of the ceiling.

Shri Datar: And he will be a unit by himself.

Mr. Speaker: As children are being born others will become majors. They can go on acquiring. I do not see any difficulty.

Pandit Thakur Das Bhargava: Is there any provision in this Bill that once the list has been completed there will be another list coming in, another enquiry coming in and so on?

Mr. Speaker: What is the need for the enquiry?

Pandit Thakur Das Bhargava: Suppose a son out of a family separates.

Will there be a separate ceiling for that son after separation?

Mr. Speaker: The Act will apply.

Pandit Thakur Das Bhargava: But where is the provision in the Act? There is no provision in the Act which says that that person will constitute a separate entity and will hold 30 or 50 or 100 acres in the family.

Mr. Speaker: Let us see the working of the Act. All that the Minister says is that if a man goes out he forms a separate entity. If the hon. Member has any doubt that the Act does not express it properly, the hon. Minister says: let us wait, let the courts knock their heads, something will come out of it.

Pandit Thakur Das Bhargava: If there is a lacuna here, should we wait till another amending Bill comes to rectify it? What is the use of our sitting here and making suggestions to him?

Shri Sinhasan Singh (Gorakhpur): You have been suggesting that the ceiling up to 60 acres should go to the family in the ordinary course. There should be some provision for that.

Mr. Speaker: The House has accepted the ceiling as 60 acres in section 3.

Shri Sinhasan Singh: But it would not go up to that ceiling because of sub-clause (4) of clause 9. Suppose on the date of publication of the list in the Official Gazette he had three minor sons. His family consisting of himself, his wife and three children will have a ceiling of 30. Now, after the publication of the list in the Gazette according to section 9(4), a son is born to him. That son will not get five acres.

Mr. Speaker: Why not?

Shri Sinhasan Singh: He cannot acquire five more acres unless his son becomes a major. If he becomes a

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major then he may acquire 30 acres. So long as he has only dependent sons he cannot acquire more.

Mr. Speaker: Let him read the proviso to clause (3).

Shri Sinhasan Singh: It reads:

"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."

The word "family" has been defined in sub-clause 2(d) as:

"the person, the wife or husband, as the case may be, and the dependent children and grand children, of such person".

Mr. Speaker: The definition is in the definition clause. The number is given in the proviso. They have to be read together.

Shri Sinhasan Singh: Then the family includes dependent children.

Mr. Speaker: Therefore, the major, children can acquire.

Shri Sinhasan Singh: They can acquire, but when a dependent child is born no further acquisition will be allowed, in the ceiling fixed in clause 9(4). That fixes the final ceiling. With effect from the date of the publication of the list, the excess land shall stand transferred to, and vest in, the Government free of all encumbrances.

Mr. Speaker: If the child is born before the transfer he can get it. If it is after the transfer he cannot get it.

Shri Sinhasan Singh: He must be permitted to acquire when the family can acquire to that extent. That is

debarred under section 12. Some provision should be made in section 12, providing that a family may acquire . . .

Mr. Speaker: The hon. Minister feels that there is no bar up to the ceiling. The ceiling includes the ceiling in the proviso also.

Shri P. S. Daulta (Jhajjar): I oppose this amendment because, if it is accepted, the purport of this scheme will go. If there is a family of one, if we allow the expression that way, there is no ceiling.

Pandit Thakur Das Bhargava: But can a bachelor be treated as a family. He cannot acquire more than 30 acres.

Mr. Speaker: I am really surprised at this argument. There can be only one member in a family. There can be one joint family consisting of one surviving member of the Hindu family.

Shri C. K. Nair (Outer Delhi): After this law is passed every family holds the prescribed acre of land. After 5 or 10 years there will be a division of the family. In that case, I feel any member of the family or any one of the sons can assume headship. In that case, if he possesses less than the ceiling, he is certainly entitled to acquire more land up to that ceiling. What is the difficulty about this? Under the definition of "family" any man can assume the headship of a family at any time.

Pandit Thakur Das Bhargava: If the land is vested in the Government, where is the land to be acquired?

Mr. Speaker: Government is not going to eat away the land. We can acquire it.

Shri Sonavane (Sholapur—Reserved—Sch. Castes): Sir, if there is a ceiling on land and if a family consists of a certain number of persons, that family has got to transfer the excess

land. Then after this transfer, Government would hand over that land to some landless people or someone. Now if a person was unfortunate in that he did not get a son till that transfer but was able to have a son after that then he will not be able to get any land for that son. That means that the family will have to be content with whatever little they have.

Besides this, there is no classification of land. This 30 acres may mean either wet land or dry land. If it is dry land then that family which gets additions to it will not be able to support itself with whatever income it gets from the land. That would mean that this would introduce more poverty in the rural areas. Therefore some provision should be made to have this ceiling relaxable.

Mr. Speaker: Many people have no land at all.

Shri Sonavane: This goes to the root of the question and is agitating the minds of persons who are residing in the rural area. To those who are residing in the cities this question is very light. It is essential from the point of view of people in the rural areas....

Mr. Speaker: There is no good in trying to reopen clause 3 which has already been accepted by the House. Hon. Members may or may not like it, but clause 3 has been passed and adopted by the House. The ceiling has been fixed at 30 acres. The maximum is 60 acres. In families where there are more children, even the major children can acquire land. But there is a limit. So, the point is clear.

Shri Tyagi: Let that be made quite clear.

Shri A. K. Gopalan (Kasergod): Whatever is the principle that is accepted as far as the ceiling is concerned there must be a limit on it. As you have already said, there are so many others who have no property. It is not land alone that solves the

problem of unemployment. If land is the only question involved, the whole purpose of putting a ceiling on land is gone.

Shri Datar: Sir, I explained this position yesterday a number of times, but I would like to add one or two things to what I said in order to satisfy my hon. friend. What has been done in this case should be carefully seen. 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. These dependent children or grand children are either married, if they are females, or they earn. If they earn, they begin to form a new unit by themselves. This is exactly what I read yesterday from the Report of the Committee on Panel for Land Reforms, which I would like to read again.

Mr. Speaker: Are boys above 18 years of age also dependent children?

Shri Datar: Dependent children would be those who take part in the cultivation and who would not consider themselves as separate units.

I am pointing out to you that the meaning has been made pretty clear. I am reading from a book—

"For this purpose a family should be deemed to consist of husband, wife and dependent sons or daughters and grand children."

The next sentence is very important.

"Land held by married daughters and earning sons should be excluded."

Pandit Thakur Das Bhargava: This is not in the Act. He is reading from some book.

Shri Datar: Let the hon. Member wait for some time. I have never interrupted him. He is repeating the same argument.... (Interruption). It says further:

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"Where the property is already devolved on two or more heirs after the death of the parent but the property has been held in common by them undivided, the share of each heir should be regarded as a separate holding."

Therefore I am pointing out that here the words "dependent" and "children" have been purposely used. They exclude earning children. They exclude married children. Here, in clause 12, we have got the words "No person representing a family". If he does not represent a family, it is a different case. This prohibition will not apply to him. But if he represents a family as defined in this Bill, naturally he will be governed by clause 3. As you have rightly pointed out, the proviso would apply when there are certain changes. When, for example, the property that has been held becomes less or when the property becomes more, the higher limit is 60 acres. Therefore the objection that my hon. friend has conceived has no scope at all, because here the wording is very clear in the proviso to clause 3, namely:

"Provided that where the number of members of the family of such person exceeds five....."

If it exceeds five then with regard to each person five standard acres more are to be added subject to a maximum limit of 60 acres. This has already been accepted by the House.

If, for example, as my hon. friend suggests clause 12 has to go then naturally the very purpose of ceiling will be completely frustrated. Therefore I submit that in all such cases the ceiling limit has to be respected not only regarding present acquisitions but regarding future acquisitions as well up to 60 acres. I again repeat that a man representing a family is entitled to have 60 acres, but under no circumstances can a man representing a family or one unit have more than 60 acres.

Shri Tyagi: Will my hon. friend kindly explain one thing? I am a layman and I want to follow this. I have followed the trend of his argument, but he read something from some book.

Shri Datar: I read from the report of the Committee on the Panel of land Reforms of the Planning Commission.

Shri Tyagi: But Planning Commission's word is not law.

Shri Datar: No.

Shri Tyagi: It will be law only when it is included in this Bill. A Judge of the High Court will not go by it. Do you recognise the Planning Commission as the master mind?

Shri Datar: That is why the words "dependent" and "children" have been purposely put in.

Shri Tyagi: Therefore I say that the explanation given in that book of the Planning Commission might either be incorporated here or be referred to here saying that for this purpose the Planning Commission's wisdom will be borrowed. I can understand that. Unless you connect the Planning Commission's version here....

Shri Datar: With due deference to my hon. friend I may say that the word "dependent" has to be taken as contradistinguishing a case of an earning member and the word "children" as contradistinguishing the case of an adult. When a man or a woman is an adult, when he or she is earning or in the case of a woman when she is married, it is perfectly open to them to form a new unit.

Shri Tyagi: But does the law recognise the distinction?

Shri Datar: That is exactly the meaning of the word "dependent".

Mr. Speaker: The only thing is that both Pandit Thakur Dasji and Shri Tyagi have raised an objection to what the hon. Minister has read. They say that whatever is there in the report is not a matter which ought to be referred to for the purpose of enacting legislation. The preamble ought not to guide the specific provisions of the Act. Here, as to who is dependent has not been described. Now, a man may be 25 years of age. He may not be able to earn. His father may be a rich man or he may get thousands of rupees. But the son may not be equally capable of earning. That son can come, squat and eat with his father. Can you not hold his land which is his due? Nobody will say that he is dependent because he is eating in his father's house. Therefore there is a lacuna in this. Nobody ought to give an interpretation other than what the Act gives. Then there is no specific provision here whether dependent means married or unmarried. A married woman is not a dependent.

Pandit Thakur Das Bhargava: A married woman may also be a dependent.

Shri Datar: An unmarried girl will be a dependent. A married girl will be dependent on her husband.

Pandit Thakur Das Bhargava: A married girl also be a dependent.

Shri Datar: No.

Shri Tyagi: I can well understand Government subordinating itself to the verdict of the Planning Commission, but the judiciary will not submit itself to the Planning Commission.

Mr. Speaker: Dependent children must be defined here. Without the definition, I am afraid it will lead to a lot of complications. Who are dependent children? Let it be definitely said that a person above 18 is not a dependent child, that whoever is married even below 18 or a woman who is married is not dependent. Let

it be made clear without any controversy so far as this matter is concerned.

Shri P. S. Daulta: I may supplement your observations by giving a clear instance. 'A' holds 62 acres of land. He has got two major sons. These two major sons cannot constitute a family even if they are married and they have got children because this Act pre-supposes two things: one, head of the family holding land. The land is being held by his father. In this set up, the two major sons cannot constitute a separate family and cannot claim a ceiling of their own of 30 standard acres. There is confusion. The hon. Minister is under the impression that the major sons having children can constitute a family or they can have a ceiling of 30 standard acres. They cannot because they do not hold land and he did not allow land which the father gifted after a particular date. The net result is, the major sons cannot constitute a family and cannot claim a ceiling of their own unless they hold land today.

Mr. Speaker: Who are dependent must be clearly defined. Otherwise it will lead to complications.

Shri Jaganatha Rao (Koraput): If you look at the other two Bills, the Tripura Land Revenue and Land Reforms Bill and the Manipur Land Revenue and Land Reforms Bills, the word dependent is not there. The definition of family is given there family except in Chapter XIII means....

Shri Datar: There are two definitions.

Shri Jaganatha Rao: The word dependent is not there. The words children, grand-children are there.

Shri Datar: The definition is common so far as ceiling is concerned. Dependent is there. So far as personal cultivation is concerned, more

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persons or dependents have been added. You will please make a distinction.

Mr. Speaker: If 'dependent' is omitted, it is worse. There are children. A man is fifty. His father is alive. He is eighty. He will be the child of his father.

Shri Jaganatha Rao: He is a member of the joint family.

Mr. Speaker: There is no wording joint family. It is family: not joint family. This will be opposed in Bengal where there is no joint Hindu family.

Shrimati Renu Chakravartty (Basirhat): If I understand aright, the idea is mooted that each grown up son constitutes a separate unit and as such can have a ceiling. That is exactly the point against which we had argued all these years. For instance, take the case of Bengal. Our land ceiling is 75 bighas, that is about 30 acres. What is happening? We have no such thing a family ceiling. We have only individual ceilings. A man has 300 bighas or 400 bighas. He has got seven children. He has divided each and every one of his sons as individual units. As a result of that, there is absolutely no excess land. This is one of the biggest ways in which they are evading. The idea, as Shri A. K. Gopalan pointed out, is that at a particular given moment of time, there must be a reasonable ceiling which will cater to the needs of a family. In future, if the family grows and there are larger numbers, they will have to find out new ways of earning. This ceiling cannot come into being if we accept that principle that in future all land will be taken by these individual units. That is why the Planning Commission specifically stated that we should have family ceilings and not individual ceilings.

Pandit Thakur Das Bhargava: One thing has not been considered. A joint Hindu family might consist of 25 persons. There may be several units there. If they divide, the other person says it is malafide. These persons do not get their right by birth. They are excluded. Does it not need an explanation? All joint Hindu families are included and all companies are included and they get 30 acres if there are 25 members even. That is the absurdity.

Mr. Speaker: Does the hon. Minister feel it necessary to explain 'dependent'?

Shri Datar: I have consulted the Law Ministry. They say that it would be better to leave the word 'dependent' as it is, because it is a question of fact. As has been pointed out, it is quite likely that a person after he becomes an adult may like to be a member of a particular family in which his father is the head. My hon. friends opposite have pointed out certain other considerations. Here, I would say that the word 'dependent' has been purposely used. It will be a question of fact whether in addition to the person representing the family, others are dependent upon him or are not dependent upon him. The Law Ministry has advised that it is better not to put in any particular definition with a view to create complication.

Shri Tyagi: Does the Law Ministry advise to keep it vague?

Shri Datar: No. It is not vague. It depends on the facts of each case. My hon. friend has not understood me.

Shri Mulchand Dube (Farrukhabad): It appears to me that the word 'child' or 'children' has to be defined, because a child in ordinary language means an infant or a boy or girl of tender age. The question is when a

child will become an adult and whether the word 'children' used in the Bill is equally applicable to sons and daughters because sons and daughters will continue to be sons and daughters till they are old. Children will cease to be children after a certain age. This should be clearly defined. Unless it is clearly defined, the possibility is that there may be difficulties. The definition of family will have to be further clarified so that the difficulties that are being raised may not arise.

Mr. Speaker: I will put it to the vote of the House.

The question is:

"Page 8, for clause 12 substitute:—

"12. In any case any person, family or family with children acquires any land by transfer or succession of land in excess of the ceiling prescribed, such excess shall vest in Government subject to the payment of compensation by the Government for such excess land. Such compensation shall be determined in accordance with the provisions of the Act relating to compensation." (29)

The motion was negatived

Mr. Speaker: The question is:

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13— (*Excess land not to be surrendered in certain cases*)

Pandit Thakur Das Bhargava: I beg to move:

Page 8, lines 15 to 17,—

for "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" *substitute*—

"where such excess is due to a decrease in the number of members of family or to any other cause whatever". (30)

It must be quite definite. I have said that there must be security. Whatever the reason, you cannot take it back.

Mr. Speaker: I do not think it is necessary. The question is:

"Page 8, lines 15 to 17,—

for "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" *substitute*—

"where such excess is due to a decrease in the number of members of family or to any other cause whatever" (30).

The motion was negatived

Mr. Speaker: The question is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14— (*Power of Deputy Commissioner to take possession of excess land*)

Pandit Thakur Das Bhargava: I beg to move:

"Page 8, lines 18 and 19,—

for "After the publication of the list of excess land under subsection (3) of section 9" *substitute*—

"After the payment of compensation to the persons entitled thereto." (31)

[Pandit Thakur Das Bhargava]

I have already stated my arguments. No more argument is necessary. It is obvious by itself. I want two things: (i) payment of compensation must be there, and (ii) also payment must be made to the person entitled. Now, there is no provision here. It is not proposed to pay the wife or the children of the person representing the family. I want payment to be made to the person entitled, and that compensation should precede taking or vesting of possession.

13. hrs.

Mr. Speaker: He wants to put off taking possession until compensation is paid. That is the main purpose of the amendment. Evidently, the authors of the Bill want the excess to be taken over immediately, compensation to be paid later on.

The question is:

Page 8, lines 18 and 19,—

for "After the publication of the list of excess land under sub-section (3) of section 9" substitute—

"After the payment of compensation to the persons entitled thereto." (30)

The motion was negatived

Mr. Speaker: The question is:

"That clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 was added to the Bill.

Mr. Speaker: The question is:

"That Clause 15 stand part of the Bill".

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16—(Allotment of excess land)

Shri Tyagi: I beg to move:

Page 8, after line 34, add—

"Provided that such allotments do not create any uneconomic holdings." (56)

The Clause deals with the distribution of surplus land which vests in Government after the ceiling is applied. This is to be distributed to landless people or others. I want to put in a proviso here to the effect that uneconomic holdings should not be created. This is a restriction which I thought the Planning Commission would suggest, but it seems to me that we are guided by various types of popular slogans. Land may be allotted to the landless, whether they can cultivate it or not.

Mr. Speaker: Cannot all this be regulated by the rules?

Shri Tyagi: I do not want to leave it to the Government. I want to make sure that the land is distributed in such a manner that uneconomic holdings are not created. There is already enough number of uneconomic holdings. If a person cannot afford to keep a pair of bullocks, it is no use giving him land. He may be landless or anything. Let him go and get some other job. A person must be given such a chunk of land which may be self-sufficient for the family, so that he can maintain a pair of bullocks and carry on operations successfully. It is most important that the distribution is made on such a basis that uneconomic holdings are not created. It is apparent.

Pandit Thakur Das Bhargava: I beg to move:

Page 8, line 34, add at the end—

"by utilising it for making up deficiencies in the ceilings of land of landless in the same or neighbouring villages;

Provided that Government shall not charge any price higher than the amount of compensation per acre from the transferee." (32).

I also support the amendment of Shri Tyagi.

As I submitted yesterday, Clause 16 gives very great rights to the Government, and so far as subordinate legislation is concerned, it certainly trespasses upon the rights of this legislature by giving too much scope to the executive.

The hon. Minister has said times without number that the land will be utilised in a particular way, and he emphasized it, I think, rather too much. I do not agree with him that for the purpose of giving land to the landless we should not give the right compensation to those whose lands we take, but suppose we agree with his view, what is there in this law to show that the land will be given to landless people, except a bare conjecture and a vague statement or assurance.

Secondly, I submitted yesterday that if you give land of less than 15 acres to a person it is useless. If you give five acres, you are not serving that man really; on the contrary, you are putting him in a very bad position. He will not look to his own hands for labour, but think that he is a land-owner. He will not do the work and he will not be able to get a living out of five acres. I therefore insist that the Government give us an assurance that 15 acres would be the lowest to be given to landless persons. If you give less and if you do not provide the resources, what is the use of giving the land?

Therefore, he must give us the assurance that most of the excess land of about 1700 acres will be given to landless people, so that the persons to whom he does not want to give compensation will feel satisfied at least that after all the land taken away

from them has been given to those to whom the hon. Minister wanted to give. But then when the Bill is passed, it will be out of his hands. It will go to the Chief Commissioner who will decide to whom to give. Clause 15 is already there, and some other purpose may be served.

It is a bait to say that the excess land will be given to the landless, but there is no provision for that here, or to the effect that no uneconomic holdings will be created. Unless these two assurances are given, I do not think we will be justified in giving the rule-making power to the executive, because it is Parliament's function to see that land is properly used.

श्री ० रणवीर सिंह (रोहतक) : अध्यक्ष महोदय, जहाँ तक सीलिंग से बची हुई जमीन को देने का सवाल है, इस पर बड़ी गम्भीरता से विचार करना चाहिये, और इस के बारे में मैं समझता हूँ, जैसा कि पंडित ठाकुर दास भागव और श्री त्यागी ने भी कहा, बहुत जरूरी है कि हम आगे जो भूमिधर बनायें या जिन को जमीन दें वे देश के लिये ज्यादा से ज्यादा पैदा कर सकें। और वह तभी हो सकता है कि जब कि जिन के पास जमीन है, तजुर्बा है, लेकिन जमीन इतनी थोड़ी है कि उस पर वह अच्छे ढंग से खेती नहीं कर सकते, उन को जमीन दी जाये। जहाँ तक सरप्लस जमीन को देने का सवाल है, उस वक्त हमें रूल्स के अन्दर इस बात का खयाल रखना चाहिये कि जिन को खेती का तजुर्बा है लेकिन जिनके पास अनेकानामिक होल्डिंग है, उन को प्रायरीटी दी जाये।

Shri A. K. Gopalan: I oppose the amendment because if it is accepted the very object of the ceiling and the principle of planning will be defeated. According to the figures given by the Government, 35 to 40 per cent. of the population in our country is landless agricultural labour, which gets employment only for four to five months in the year. If even half an

[Shri A. K. Gopalan]

acre of land is given to such a person, with the help of the Government and by using good seeds etc., he will be able to improve his standard of living somewhat and also increase food production. It is to help such people that the service co-operatives have been formed. To say that uneconomic holdings should not be created is only another way of defeating the object of the ceiling and the object of planning which is to see that the agricultural labourers and landless peasants get a better standard of living. So, this should not be accepted.

Shri Tyagi: Suppose the landless peasant gets ten acres, what is the harm?

Shri A. K. Gopalan: Instead of one man getting ten acres, let ten people get one acre each. If it is only to improve food production, why not give 1,000 acres to a zamindar?

Mr. Speaker: We can go on speaking like this. Each hon. Member has got his opportunity. He must be satisfied with it.

Shri P. S. Daulta: Either way the arguments are irrelevant for Clause 14. Here the question is only of taking possession; distribution will come next. Why should Government take possession at all? First, it should be determined to whom the land should be given, and the land should be handed over to the third person at once. Otherwise, I am afraid Government will use this as a substitute for the Land Acquisition Act, and the land taken over under this will be utilised for other purposes.

Pandit Thakur Das Bhargava: We are on Clause 16 now and not 14.

Shri P. S. Daulta: I have to make just one more submission in this connection, and that was what I made during the general discussion. That will answer the arguments on both sides. Land acquired under this Bill should be given first to that small cultivator from whose relation the

land is taken, and whose common ancestor held that land. First, the deficiency with regard to the 30 standard acres should be made up in that very family, for, that cultivator has got bullocks, has love for developing that land, and in fact, it was his land under the Hindu law. If you distribute that land, then priority should be given to that cultivator who is without land in that very family. I am for uplifting the Harijans and other backward classes, but that should be the responsibility of the Government, and the rich men and the urban people, and not only of the peasant proprietors. There are families in which there are cultivators who do not hold land. So, I would say that Government should not take possession of the land. They should give the land first to that peasant who has not got up to 30 standard acres in that very family, and if this is done, I might tell you that there would not be any land left after that.

Shri Datar: I have answered this question already.

Shri C. R. Pattabhi Raman (Kumbakonam): If possession is not taken, it will lead to endless troubles. The possession must be in somebody's hands.

Shri P. S. Daulta: Under the PEPSU law, the land is given direct.

Shri C. R. Pattabhi Raman: If possession is not taken, then, apart from possession being nine points in law, the person who gets the benefits of this allotment will have no title. So, there must be taking of possession first, and then the title can be conferred on the new person.

Shri P. S. Daulta: Under the PEPSU law, they have given it direct.

Shri Datar: My hon. friend was rather unfair to Government in saying that Government would take possession of the land and use it for any

other purpose that they like, as if the acquisition was under the Land Acquisition Act. That is not correct at all. Under this clause, Government are taking possession of the land only for the purpose of benefiting a class of persons like the landless labour and also like the co-operatives, and also for the two purposes that have been mentioned in clause 15. Under these circumstances, a number of priorities will have to be duly considered. That would be more properly laid down only in the rules.

I might point out to my hon. friend that in all such cases, whenever rules are made, they are placed before both Houses of Parliament, and Parliament has the fullest opportunity of considering these rules, and if necessary, of making any changes. So, it is not a matter of leaving it only to the Deputy Commissioner or the Chief Commissioner, as the case may be. The whole category of purposes, in pursuance of the provisions and the principles of this Bill will have to be laid down, and I would assure the House that naturally, the interests of landless labour will have to be protected to the extent that it is possible to do, consistently with the other purposes which I have mentioned. This has nothing to do with the Land Acquisition Act at all.

Shri Tyagi: May I request the hon. Minister to clarify one thing? Is it the intention of this Bill to distribute the surplus land to all the landless labourers, in the villages, irrespective of the fact that the person gets only half an acre or only a quarter of an acre of each family, or will there be any consideration for any economic chunk of land?

Shrimati Renu Chakravartty: What is the use of service co-operatives then?

Shri Datar: Government consider all these circumstances.

Shri Tyagi: What is the meaning of this? Is it only a vote-catching device, or does it mean something?

Mr. Speaker: I shall now put amendments Nos. 32 and 56 to the vote of the House.

Amendments Nos. 32 and 56 were put and negatived.

Mr. Speaker: The question is:

"That clause 16 stand part of the Bill".

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17— (Act to override other laws).

Pandit Thakur Das Bhargava: I beg to move:

Page 8, lines 39 and 40, omit "or decree or order of a court". (33)

It would so appear from the whole scheme of the Bill that the courts are treated in such a way as if they were not the courts of this country or the courts were not subordinate to this Government. I can understand the British Government usurping the powers of the court and giving it to the revenue officers etc. At that time also, we always had a word against it. But, now, in a democracy, the court's word is the last word. The decree or order of a court should not be subject to the jurisdiction or the orders of the executive officers. On a previous clause also, I submitted that so far as the question of correction of entries is concerned, even now, several courts have the jurisdiction to decide and arbitrate so far as the rights of the individuals are concerned.

Mr. Speaker: The point is only this. After the ceiling is fixed, suppose somebody lends money to another man, and attaches his property, and there is a decree for that, and that property also comes to him, then the ceiling may be exceeded. Thus, a person who wants to purchase property

[Mr. Speaker]

from some other man in excess of the ceiling will enter into a transaction with the other man, obtain a decree, spend some money for that, and then increase his holding. Therefore, easily, the object of the Bill may be frustrated.

Pandit Thakur Das Bhargava: Then, it only means that the courts would be committing a fraud. I humbly submit that the court will see to it that any order or decree issued by it is not against the provisions of this Bill. If you take away from the courts the powers that they should be given in a democracy, then it means that we are not having the rule of law.

Mr. Speaker: The court must always act subject to the law passed by Parliament. The court has no jurisdiction independently.

Pandit Thakur Das Bhargava: Therefore, in the law of Parliament, I want to make this innovation that the decree or order of the court shall be realistic, and the court shall be bound to abide by the law, and the court cannot pass a decree which will be against the provisions of any law, because the matter will be appealable to the Supreme Court.

Mr. Speaker: Has not legislation been passed that beyond 6 per cent no interest shall be decreed by any court of law? If the court has no extraordinary powers, then what is the power asked for?

Pandit Thakur Das Bhargava: If it is suggested that the courts can commit a fraud, then what is the guarantee that the executive officers cannot commit a fraud? They can also do anything. Once you make a law, no court shall pass a decree which will violate the provisions of any particular law. If any court passes such a decree, then it will go to the Supreme Court, and it will be set aside. But, to say that the decree of a

court will be subject to the commands of the executive officers is hardly justified. You should not take away the jurisdiction of the court in this manner. On the contrary, I want that the power should remain with the court, so far as the correction of entries is concerned. Even now, in Punjab and other States, there is provision that after an entry is once made, if a person wants to have the entry made by the mutation officer corrected, he can go to a civil court and get his rights decided there, I, therefore, submit that the decree of the court shall be the last word, and the court should be given powers to even sit in judgment on the acts of the executive in so far as these provisions are concerned. But, now we are taking away those powers.

Shri Datar: What my hon. friend wants is astounding. What is the most important thing or what is most sovereign is the will of this House as it is embodied in law.

So far as the decrees and orders of courts are concerned, they are passed according to the law then in force. If, for example, certain principles of land reform including ceiling have to be accepted or embodied in an Act of Parliament, then, naturally, whatever has to be done or has been done by a decree or order of a court will have to be displaced to the extent necessary. There would ordinarily be a sanctity, so far as a decree or order of a court is concerned, but when such important pieces of legislation like land reforms etc. are going to be passed, then, naturally, the most important purpose of those Acts will have an overriding influence not only over other laws but also over the decrees and orders of the courts.

Mr. Speaker: I shall now put amendment No. 38 to the vote of the House.

Amendment No. 33 was put and negatived.

Mr. Speaker: The question is:

"That clause 17 stand part of the Bill".

The motion was adopted.

Clause 17 was added to the Bill.

Clause 18— (Mode of recovery of any amount due under the Act)

Pandit Thakur Das Bhargava: I beg to move:

Page 9, lines 2 and 3, for "as an arrear of land revenue" substitute "as it is recovered by a private person under the law of the land". (34).

Mr. Speaker: But that is always so.

Pandit Das Bhargava: That is so, but if we have once made a mistake, is it necessary that we should repeat the mistake? After all, the law of the land should be the same for all persons. If the Government is a plaintiff and there is a defendant, then they are both on an equal level. If a private person can find his way to a court to recover arrears, why should Government not do the same? Why should there be one law for Government and another for a private person? The rule of law means that there should be one and the same law for all. We are making a mistake here by leaving the clause as it is. So far as the recovery of arrears of land revenue is concerned, you know the law much better than I do, and you know how rigorous it is. Government can do anything they like and they can recover the money. Why should they not recover it in the ordinary way? That is my submission.

Mr. Speaker: Even taxes may be collected by going to a court of law.

Pandit Thakur Das Bhargava: Taxes are not collected at all. A private person would have collected it much better. You know the arrears under the Income-tax Act,

Mr. Speaker: I shall now put amendment No. 34 to vote.

The amendment was put and negatived.

Mr. Speaker: The question is:

"That clause 18 stand part of the Bill".

The motion was adopted.

Clause 18 was added to the Bill.

Clause 19— (Appeal)

Pandit Thakur Das Bhargava: I beg to move:

Page 9, line 5,

for "thirty" substitute "sixty". (35)

By this amendment, I want the period of limitation to be increased from thirty days to sixty days.

Mr. Speaker: The clause says:

"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".

The service is not necessary. In these cases, the court is bound to pronounce its judgment in open court and, therefore, it need not give notice. Even with respect to a judgment reserved, unless it is pronounced there, notice is given to the parties.

Shri Datar: Notice is given; intimation is also given.

Mr. Speaker: The order is pronounced here by the authority—a revenue officer. A man may be a district away. So how can it be? If the hon. Minister says that rules will be framed, then it is all right.

Shri Datar: That will be noted. What you have stated is perfectly correct. We shall consider that question.

Shri C. R. Pattabhi Raman: They may not have knowledge of it.

Shri Datar: We shall make a note of that. We shall make that clear.

Mr. Speaker: The hon. Member wants extension of the period. I shall put his amendment No. 35 to vote.

The amendment was put and negatived.

Mr. Speaker: The question is: "That clause 19 stand part of the Bill".

The motion was adopted.

Clause 19 was added to the Bill.

Clause 20— (Revision)

Shri Datar: I beg to move:

Page 9,—

for line 14, substitute—

"Deputy Commissioner or any officer authorised by the Chief Commissioner under sub-section (2) of section 9". (60).

This is a formal amendment.

Mr. Speaker: Amendment No 60 is before the House.

Shri Sonavane: The officer will deal with cases in any manner he likes. If he is a Judge, he will do it with reasonable care. But if it is any officer, he may be lower than the Commissioner. Suppose he is a

Mamlatdar. You know how Mamlatdars deal with cases.

Mr. Speaker: Then why not say that every case should be decided by the Chief Justice of the Supreme Court? There must be some latitude allowed.

The question is:

"Page 9,—

for line 14, substitute—

"Deputy Commissioner or any officer authorised by the Chief Commissioner under sub-section (2) of section 9". (60).

The motion was adopted.

Mr. Speaker: The question is:

"That clause 20, as amended, stand part of the Bill".

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Clauses 21 to 23 were added to the Bill.

Clause 24— (Finality of order and bar of jurisdiction).

Pandit Thakur Das Bhargava: I beg to move:

Page 10,—

omit lines 7 to 10. (36)

By this amendment, I want the omission of sub-clause (2), because I want the civil courts to be given full powers so far as correction of entries etc. are concerned.

Mr. Speaker: Amendment No. 36 is before the House. He wants to vest jurisdiction in the civil courts.

I shall put this amendment to vote.

The amendment was put and negatived.

Mr. Speaker: I shall now put clauses 24 and 25 together to the vote of the House.

The question is:

"That clauses 24 and 25 stand part of the Bill".

The motion was adopted.

Clauses 24 and 25 were aded to the Bill.

Clause 26—(Power to exempt etc.)

Pandit Thakur Das Bhargava: I beg to move:

Page 10, line 16,—

for "Three months" substitute
"one year". (37).

Page 10, line 20,—

after "used" insert—

"or is designed or promised to be used within six months". (38).

Page 10, line 22,—

for "heavy" substitute "fair".
(39).

Page 10, line 23,—

omit "permanent". (40).

Page 10, line 25,—

after "managed" insert "or
mechanically cultivated"
(41)

Page 10, line 32,—

after "used" insert "or designed
or promised to be used". (42).

Page 10, line 33,—

add at the end—

"or housing". (43)

Page 10, line 42,—

for "three months" substitute "one
year". (44)

These amendments relate to the power of exemption. In this House, strong exception has been taken by several hon. Members to the giving of exemptions. They have said that these exemptions should not be made. I am not of that opinion, that no exemption should be made; at the same time, I am of this opinion, that

as a matter of fact, the exemptions should be as few as possible and the real purpose which the hon. Minister has in view would be served better if these exemptions are curtailed to an extent. Times out of number the hon. Minister has emphasised, and we agree with him, that the main purpose of this ceiling is to make available land to landless people. Therefore, if the exemptions are too many, he will himself see that the real purpose of this will be frustrated to that extent. Hence, our idea was to curtail these exemptions as far as possible. To that end, some of these amendments have been moved.

Further, I would have rather liked that we added this in the very body of the Bill itself, that the main purpose is to give land to the landless people. That would have served us all better. But now that cannot be done because we have already passed clause 16.

Mr. Speaker: He wants gardens and orchards to be kept out.

Pandit Thakur Das Bhargava: I have got a definite purpose. It is said that on a particular date, if land is used as an orchard, it will be exempted. I beg to say that a person has as much right to live by agriculture as by gardening. So far as orchard is concerned, we should see that we encourage it. So there is no harm if we say that if a person has already planted some trees and they have not grown into an orchard—they are, in the process of growing into a garden, say, in two or three years—it will be regarded as part of the ceiling and exempted. In future, if a person has, out of 30 acres, utilised 5 or 10 acres for orchard and he wants to have an orchard and encourage it to that extent there should be exemption and his ceiling can be added to. We should allow a person who has promised or has designed to use the land as an orchard—to be ripened into an orchard—to have exemption. Some of my amendments are to that effect.

[Pandit Thakur Das Bhargava]

Similarly, so far as the question of heavy investment or permanent structural improvement is concerned, all this relates to mechanised farming. If we want to increase the production of cereals in this country and there is mechanised farming, we should encourage mechanised farming. If there are blocks of land in which tractors are used and tube-wells are dug, they should also be exempted—if we want to increase the production of food. I do not understand the meaning of breaking up all the old plots on the one hand and saying on the other hand, that all the blocks should be amalgamated for corporate cultivation into co-operatives etc. Therefore, cases of mechanised farming should be also exempted.

My scheme is that whatever goes to increase production should be conserved and whatever has the aim of not enabling Government to give land to the landless should be fought against. Therefore, my submission is that these amendments which have been put in for the purpose of securing these objectives should be accepted.

At the same time, I want to extend the period of three months to one year so that a person may be able to decide for himself. During that one year, the person can be satisfied that the garden is growing into an orchard. Again, even those which in the process of growing and will develop into an orchard, say, in three years, should also be exempted; otherwise 'infant' gardens will come within the mischief of this provision and will not be exempted.

Mr. Speaker: These amendments are before the House.

Shri Kadiyan (Quilon—Reserved—Sch. Castes): Sir, I oppose this amendment. If it is accepted, those people who have an intention to defeat the

very purpose of this Bill will get all the opportunities for doing so. If the position is accepted that a plot of land which is intended to be a garden or which, in the course of two or three years, may be considered a garden, is to be exempted, then everyone who intends to defeat the purpose of this Bill will say that such and such a plot is reserved for gardening. Therefore, I very strongly oppose this amendment.

Shri P. S. Daulta: I oppose not only this amendment but I also suggest that the entire clause 26 be taken away because it takes away what this Bill wants to do. I cannot understand why a man who has developed capital relations with the land, a rich man, should be allowed to go free and why a poor man who has got 3 sons cultivating 40 or 50 acres of land shall have to surrender the land though his sons will have no land at all. When I suggested to the hon. Minister that the land should be given to one who has not got land in that family, his answer was that they have to benefit the landless. I say, benefit them at the cost of these farms also. These farms can be handed over to the co-operative societies of the landless. I cannot understand rich *banias* who have developed farms being exempted. If the Bill is to benefit the landless, then, let all the gardens and big farms be taken away and be handed over to the landless. If the purpose is to develop the land, then, for God's sake, spare the peasant-proprietor also and allow his own sons to hold that land which their father has got. That land is not the stolen property. I was surprised to hear from a lady Member an argument that if a landholder holds this land he cannot give it to his sons and daughters. It is not stolen property. If an urbanite can inherit from a rich father or a rich uncle, I cannot understand why a poor landholder holding 80 or 85 acres of land cannot distribute his land to his sons and daughters.

My humble submission is this. Please come out with your intention. If you want to benefit the landless, well, do it even at the cost of these mechanised farms also. If you want to improve the land then allow the peasant proprietors to have it. I know of hard cases. I have known it in courts. I know the particular man who fell into the well in Ch. Ranbir Singh's constituency. He had 4 sons. The land ceiling was applied. The land was in the name of the grandfather; out of respect for the old man it remained so. When the ceiling was applied the land went out of their hands. It has gone to the Government and his children and grandchildren are helpless. So, if you want to do a bad thing let it be done at the cost of all. These people who have big farms, gardens etc. should be asked to hand them over to the co-operative societies of the landless Harijans. Otherwise, spare the peasant proprietors also.

Shri Sinhasan Singh: Sir, I have been voicing my poor protest against the provisions of clause 26 and similar other provisions which make a differentiation between the agriculturists themselves. The common complaint is that this Government has been treating the rural and the urban people differently. All laws pertaining to income are being applied to the rural areas whereas on urban money no ceiling is coming forward, not even from the Planning Commission.

I know this will find opposition but we must voice our feelings against this clause which is wiping out clause 3. The definition says that the 'ceiling' means the 'ceiling' as given in clause 3. And, here the power is given to the Chief Commissioner to exempt all those persons who come under some descriptions that is those who hold orchards or mechanised farms and so on and so forth. So, all big capitalists will come under this clause. So long as these capitalists hold their property in the cities, nobody touches them.

They are allowed to enjoy as much as they like, to have as many factories as they like. without any consideration whatsoever as to the wealth in their hands. The object of the Planning Commission has been, from the very beginning that we must try to lessen the conservation of wealth in the hands of a few, and make an equalised distribution.

Excuse me. I am member of the party which at the Nagpur Congress passed a resolution saying that the ceiling legislation would be brought in by the end of December 1959, and that all States should pass such legislation. 1959 has passed and 1960 is also passing away. This is the model law that is coming to us. No State has, as yet, enacted the law. Every State has framed a Bill and, probably, sent it to the Select Committee. But no State has passed a law. Some State might have done it. But this seems to be a model legislation.

In our State there is a Bill in which no such exemption is given. But, if this model law is accepted by Parliament and if we put our seal of approval on this, this will be followed in all the States and the Deputy Commissioners and Collectors will be given the power to recognise the mechanised farms and big orchards. In our State no exemption is given. Therefore, my submission is that we should think twice before giving this exemption to the privileged classes. I do not know how long this will go on. But I know there is a feeling in the villages that they are being differentiated by this Government who talk in the name of socialism and the socialist State. Here rich people who own rich farms are being exempted on the ground of mechanisation.

When all land is to vest in Government the mechanised farm would also vest in Government; and where is the question of loss of production? If Government is efficient they can run the farm efficiently. Why should



[Shri Sinhasan Singh]

they fear any breaking? The words used are:

"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."

Clause 9 says that from the date of the publication of the list the extra land will vest in Government. Why not this also vest in Government? Is Government less efficient than the owner of the mechanised farm not to manage the farm efficiently? Why then fear the breaking up and the loss or fall in production?

Shri Daulta suggested cooperative farming. Let Government hold it and not give it to anybody and run it efficiently. Government is holding on behalf of the nation; why leave it in the hands of the man? There is a provision in the U. P. Bill according to which the Government will take it up. It will have possession. But if Government feels so, it might hand over the management to that very man from whom it has taken it. That is also wrong. But it is better than this.

Therefore, I would say that if we are making a law we should make it alike for all. If Birla holds land in the rural areas he should not have a big farm and his land should not be exempted. If he holds big farms they will be exempted; but, if I hold land my land will not be exempted.

Mr. Speaker: Hon. Members should, as far as possible, avoid using particular names.

Shri Sinhasan Singh: Shri Birla owns about 22,000 acres of land in U.P.

Shri P. S. Daulta: Birla is not a name but an institution.

Mr. Speaker: What I say is that: it is unnecessary to bring in the name of any individual.

Shri Sinhasan Singh: I am sorry, Sir, but he is a man who is very often being talked about.

Mr. Speaker: Any rich man, for the matter of that, may have a lot of land. (Interruptions).

Shri Sadhan Gupta (Calcutta—East): Birla means a rich man.

Shri Sinhasan Singh: Birla and Tata have come to be talked about like the Dighambars and Swetambaras. So this reference to Birla means a reference to rich men; and a reference to Tatas is also a reference to rich men. I submit they have big farms attached to sugar factories. And, these big farms are being exempted. I will request to hon. Minister to consider this point. Let not this whole Bill become nugatory by enacting this provision. The whole thing goes away. Then, it is left to the sweet will of the Commissioner to do whatever he likes. The Act is there. Parliament becomes defunct and the Commissioner becomes all powerful. Why should we delegate our power to the Commissioner? While enacting a law, we must enact a full-fledged law applicable to all the people alike without any differentiation. That is what I want to submit.

Shri Radha Raman (Chandni Chowk): Apparently, the arguments that are advanced about clause 26 are quite weighty and strong and I could feel that there was sufficient ground for the hon. Members to think seriously about this differentiation. But this clause has been put in looking to the special conditions that are prevailing nearabout Delhi for which the land ceiling is under consideration. When we recently discussed the question of compensation, there was a lot of argument from

several sections of the House that in paying compensation we should be rather liberal. The suggestion was made to give market value of the land but ultimately it was fixed at twenty times the net income from the land. There are certain specific cases here for which exemption is contemplated such as there is a piece of land, for instance, in which some structural improvements have been made. According to the law of compensation that we have adopted, it would mean that Government will have to pay quite a handsome amount in order to buy that land... (An Hon. Member: Why pay more compensation?) That land cannot also be used for the purpose visualised in the Bill. It cannot be given to a landless labourer or used for cultivation purposes. If the Government wants to acquire such lands it can certainly do so under the Land Acquisition Act. We already know that there is a notification and the Delhi administration is acquiring lands in various parts. This Bill has special reference to cultivable lands. It was thought that such lands as had some structural improvements may be more costly and might create certain complications and might also delay the effective implementation of the law and therefore, these provisions were made. I have no quarrel with my hon. friends. I fully appreciate their point of view and I am only expressing my own doubts and difficulties that if these exemptions are taken away, there will be other complications. That is my submission.

Shri Datar: I weighed very carefully the arguments advanced by the hon. Member. As Shri Radha Raman said, these exemptions should be viewed in relation to the special circumstances obtaining in Delhi territory. Secondly, most of the exemptions are hedged in by a number of restrictions. It is not that exemption is granted as a matter of course. The exemptions would be granted only in exceptional cases where these conditions exist. It would not also be proper to increase the period of three months because the sooner we give

effect to the provisions of this law, the better. That is why the period of three months has been put in from the commencement of the Act. Exemptions are given to persons who hold a compact block of land.....

Shri Sinhasan Singh: There is also this clause:

"Provided that the Chief Commissioner may entertain the application after the expiry of the said period of three months...."

Shri Datar: The hon. Member is a lawyer and he ought to know that in all such cases there are saving or enabling clauses, especially when there are reasonable grounds for delay. Applications should be normally made within three months but if there are sufficient grounds for delay, the Chief Commissioner may entertain the application after the expiry of the said period.

I was saying that if a land is to be exempted, it should be firstly, a 'compact block'. Secondly, it should be used as an orchard—not as an orchard just thrown up with a view to defeat the provisions of this law. It should have been an orchard from before the 10th day of February, 1959, when an announcement was made in this House that this Government was going to bring forward this legislation. So, this provision does not allow any new orchards to be brought within the purview of this exemption. Or, the land should be used as a farm in which heavy investment or permanent structural improvements have been made. Assuming for the sake of argument that the owners of land had invested money heavily on some permanent structural improvements, that also should be taken into account.

Shri C. K. Nair: What are structural improvements in an agricultural land?

Shri Datar: In respect of agricultural lands also, structures may have to be put up and they may be necessary. I was saying that if it was

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felt that by the breaking up of such farms there was likely to be a fall in the production, that circumstance should also be taken into consideration. So, these are concessions to those who had acted *bona fide*. Let us not bring in catch words like the capitalists and others. The question here is this. Before this Bill was thought of, certain persons were owners of certain lands and they invested certain moneys not by way of defeating the provisions of the law because they had no knowledge that any law was going to be passed. If the break-up is likely to lead to a fall in production, you would agree that they are morally entitled to exemption.... (Interruption.)

Mr. Speaker: Order, order. Hon. Members had their say.

Shri Datar: It goes on to say:

"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."

So, that also has been taken into account.

Now, in sub-clause (b) it is said:

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

These are all objects which are bound to be of great interest to those who follow agriculture round about Delhi. Therefore, these are allied industries, industries which are associated with the main work. That is the reason why this has been brought in.

About sub-clause (c) I think there can be no objection. It is said: "any land which is being held by a co-operative society" and "any land held by a body notified by the Chief Commissioner under section 33 of the Delhi Land Reforms Act".

So you will find that in all these cases a power of exemption is not given as a matter of course. The Chief Commissioner will go into the facts of the case and if he finds that giving such exemptions would be better he will do so.

And, the last sentence here, to which the attention of hon. Members has not been drawn, reads like this:

"(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."

Therefore, you will find, as I have said, exemption is an exception not a rule. Ultimately, in all such cases we have to take into account the justice of the particular action in the interest of the country. That is the reason why a few exemptions—not many, and exemptions will not be granted as a matter of course—have been provided for under clause 26 after full consideration.

Shri Sinhasan Singh: The Government will grant exemption only when there is the question of break-up. What I say is, let there be no break-up. Let the Government take up the whole thing.

Mr. Speaker: Then the ceiling would disappear—it cuts both ways.

Shri P. S. Daulta: If you are giving exemptions, I think it ought to be given to those military men who got lands in return for gallantry services. In Rajasthan, Punjab and PEPSU there is such exemption for gallantry awards.

Mr. Speaker: There is no amendment to that effect. I shall now put

the amendments moved by Pandit Thakur Das Bhargava to this clause No. 26.

Amendments Nos. 37 to 44 were put and negatived.

Mr. Speaker: The question is:

"That clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

Clauses 27 and 28 were added to the Bill.

Clause 1— (Short title, extent and commencement.)

Mr. Speaker: Now we come to Clause 1.

Pandit Thakur Das Bhargava: I beg to move:

Page 1,—

omit line; 9 to 13 (1).

Page 1,—

omit lines 14 and 15 (2)

Page 1,—

after line 19, add—

"(d) areas owned, held or occupied by Goshalas, Gosadans, common pasture grounds, cremation grounds, charitable or religious institutions or for common purposes of the village." (3)

Page 2, line 2,—

add at the end "but not earlier than the 1st April, 1961."

While speaking on these amendments, Sir, I want to draw your attention to a very bold principle which has been enunciated by the hon. Minister. I would not have referred to it, but I feel in my heart of hearts that if that principle is accepted we would be departing from a very salutary principle which has been taught to us by the Father of the Nation. It is argued that so far

as the betterment of these landless agriculturists is concerned it is the sole business of those who are peasant proprietors. I take strong exception to this. If you want to do a good thing your means must also be good. The end never justifies the means. You ought not to rob some people to benefit others. This is a wrong principle. Is it said that the Government has got no responsibility in the matter? When the Government gives compensation from the Treasury, why not help the landless people with the land that belongs to Government? There are large areas to be reclaimed. How much land has been given to these landless people from the land reclaimed by the Government? I wish that these landless people are given lands which belong to the Government and these peasant proprietors are not forced to make such onerous sacrifices as are now sought to be imposed on them and they must be given full or reasonable compensation for the lands taken away from them.

What happens is this. So far as these villages are concerned all the land is taken away, but the lands belonging to municipalities, cantonments etc. are not included. Do they not come within the definition of "land", land which can be used, which can be utilised for agriculture? They are not included. Why? Because there is no responsibility on the part of municipalities, cantonment boards, local governments or the Central Government to help these landless people. Is that the argument? If those lands come within the definition of "arable land", land which can certainly be cultivated, they should as well go to the landless labourers. But in clause 1 we find that those lands are excluded. I fail to understand the reason for this. I do submit that it is the greater responsibility of the Central Government and the local Governments to help these landless labourers. The idea is very good. By all means, help the landless labourers, but not at the cost of ordinary people. Lands owned by the Central Government or any local authority

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are exempted. Why? Are they not arable lands? Is Government sacrosanct? Has not the Government any responsibility in this matter? Is it the responsibility only of the peasant proprietors? Therefore, I feel there is no justification for the provisions made here in (a) and (b) of clause 1. I can understand the provisions made in clause 26. They may or may not be very good, as the hon. Minister himself argued. But so far as sub-clauses (a) and (b) of clause 1 are concerned, if those lands come within the definition of "land" there is absolutely no reason why they should not be included, and they should not be exempted from the operation of this Act.

In sub-clause (c), again, we find a very wrong principle. I have therefore given an amendment seeking to add "areas owned, held or occupied by Goshalas, Gosadans, common pasture grounds, cremation grounds, charitable or religious institutions or for common purposes of the village". These are places which ought to have been exempted. These places are for public utility. They are as important for the community in general as other lands are. Therefore, I can understand exemption in the case of these lands, but there should be no exemption at all for lands belonging to local governments, Central Government, municipalities or cantonment boards.

In regard to religious institutions and charitable premises, when I consider the amount of compensation which is to be given to them it will not exceed, according to the computation on the basis of what has fallen from the hon. Minister, 5 per cent of the market value. I fail to understand what will annuity mean in this case. The annuity will be very small, it will be Rs. 5 or Rs. 10 per institution.

Shri Datar: I never said that it will be 5 per cent. Let not the hon. Member say something which I have never said.

Pandit Thakur Das Bhargava: I never said that the Minister said so. I claim that it will not be more than 5 per cent. If you divide Rs. 1,10,000 by 1,700 acres it comes to about 3 per cent of the market value. The hon. Minister said that what he is accepting now is a bit more than that. I requested the hon. Member of the amendment to tell me what exactly it would come to. He said that it will be about Rs. 200 to Rs. 300 per acre. When the amount is Rs. 1,10,000 and 1,700 acres are to be acquired, if it is Rs. 200 to 300 it will come to 6 per cent or a bit more. Either he has not satisfied himself or he has made a command performance in bringing forward that amendment. It is only Rs. 200 per acre. If that is so there is only 5 per cent or 6 per cent. Am I wrong? The hon. Minister gave some figures yesterday. I do not know how far those figures are correct, he did not give the basis of his calculation.

Shri Datar: What has that to do with this? Sir, we are dealing with the exemptions. The hon. Member has brought in the question of compensation which is absolutely unwarranted here.

14.00 hrs.

Pandit Thakur Das Bhargava: I am not to be guided by the opinion of the hon. Minister himself. It is perfectly warranted and I give my reasons. When I say that religious institutions, etc., are to be exempted, I say that the annuity is meaningless. Is it not relevant to say that the amount is very small? What is the meaning of giving an annuity to religious institutions? Why do you not exempt land which may be used for the original purpose for which a person who founded a trust wanted it to be used for all time? Why take one bigha to 20 or 30 bighas from mosques, temples, etc., and other religious institutions, and what for do you give an annuity of Rs. 5 to Rs. 10? Either give them compensation if you have

got the means to do it, or, if you do not have the means to do it, say that the Government is unable to pay them. I therefore say that my plea for exempting them is quite relevant.

So far as the municipalities and the cantonment boards are concerned, I know the extent of their lands. There also, the lands will be worth thousands of rupees. But why should there be any difference? They should all be treated in the same way. I do not see any reason why it should be different. The one principle accepted in regard to the agriculturist is a vicious principle which the agriculturist cannot accept, and if that is accepted, then the difficulty will be that in all other walks of life there will be greater dangers and difficulties.

Take, for example the demands of the railwaymen and the other employees of Government,—the demands of Government servants. They have to be paid only out of what is paid to the Ministers! What is the reason? They are not to be paid from the treasury. It is said that the National Development Council has told the Government that treasury money should not be used for such purposes. I take exception to such things. I said yesterday that we did not accept that principle. We accept the principle that Government should provide the land and pay the difference to the peasant proprietor and pay it from the treasury. The Government spend crores of rupees for beneficent purposes for scheduled castes. But will the Government argue that the Scheduled Caste people should be helped by the Scheduled Caste people and by no others? Then they say that the agriculturists should be helped by the agriculturists alone. I am fighting against this principle, which has been proclaimed by the Minister. I oppose all this argument. I say that the basis and the principle are wrong. In the circumstances, I submit that the hon. Minister should reconsider these principles before he applies them to this case.

431(Ai) LSD—6.

Shri Datar: May I point out that my hon. friend needlessly brought in the question of compensation? While arguing on his further amendments he tried to reply to what I said with regard to the previous amendments. That is not proper.

So far as this particular argument is concerned, may I point out that certain lands or certain areas have to be exempted on legitimate grounds? Here, we are dealing with agricultural land in the rural areas of the territory of Delhi. Therefore, when we deal with the question of municipal limits and cantonment limits, you would agree that this particular Bill ought not to be applied to such areas because the land in such areas is to be used for certain specified purposes either laid down in the Cantonments Act or in the Municipal Acts. That is the reason why here, in this case, it would be entirely wrong if not irrelevant to bring in all such areas under a Bill which applies only to agricultural land. That is a point which should not be missed.

So far as the Government are concerned, when the Government are holding any land, they do not hold it for any private purpose; they hold it only for the benefit of the nation. That should be clearly understood, and therefore, those lands cannot be included in the Bill that is now before this hon. House.

Sub-clause (c) says:

“the areas held and occupied for a public purpose or for a work of public utility and declared as such by the Chief Commissioner....” etc.

Even if it has been held, it has to be duly declared after this Bill becomes law. So far as the other matters are concerned, it is perfectly open for us to proceed. We have made it clear in the relevant provisions. I would here invite your attention to clause 28 which substitutes section 33

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of the Delhi Land Reforms Act, 1954. It is stated in this clause thus:

"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 Bhoodan movement, as the Chief Commissioner may, by notification in the Official Gazette, specify...."

This is subject to the individual limit that has been laid down. Under these circumstances, I would submit that what has been done is proper.

Shri C. K. Nair: May I seek one clarification? Section 33 says at the end:

"where, as a result of the transfer, the transferor shall be left with less than eight standard acres in the Union territory of Delhi".

What I ask is, what about those who hold already, now, much less than the minimum acreage? For example, a man holds three acres. It is not a minimum holding, a minimum economic holding. He wants to sell part of it, and start some business, or run a dairy farm, etc. He is not allowed. He cannot hold the land if it is less than eight acres.

Shri Datar: I pointed out that provisions have already been made in this Bill itself for enabling certain persons to give their land to Bhoodan or charitable institutions or religious institutions if they think fit. That is all that the new clause 28, which is in substitution of section 33 of the Delhi Land Reforms Act proposes to do.

Mr. Speaker: What the hon. Member suggests is beyond the scope of this Bill. There must be an independent Bill for that purpose. We have stated here that the gift ought to be such that at least eight acres are left. The

hon. Member wants to take those cases where a man holds less than eight acres, and asks, "what is it that you are doing if he sells the land and what will happen to it?" That must be done by a different piece of legislation altogether. It does not come under this ceiling.

Shri C. K. Nair: We accepted eight acres to be an economic holding.

Mr. Speaker: There is no meaning in allowing a discussion beyond the scope of this Bill. The scope of the Bill is to put in a ceiling. If there is no question of ceiling, a man who has got less than two acres does not come in. For those things, there must be another piece of legislation saying that if a man has got less than eight acres or so, he cannot sell, etc.

Shri Datar: To what you have just now stated, an exception has been provided. Normally one man should not have less than eight acres. If a man desires to sell a part of even the minimum extent of land, then he can do so only to a charitable or a religious institution.

Mr. Speaker: That is another matter. There must be a general law, another piece of legislation, which may say that. For instance, in Maharashtra, there was the Deccan Agricultural Relief Act. No property of an agriculturist below a particular extent could be sold. An amendment made to the Civil Procedure Code was to the effect that less than a certain minimum holding could not be sold.

Now, I shall put the amendments of Pandit Thakur Das Bhargava to the vote.

Amendments Nos. 1 to 4 were put and negatived.

Mr. Speaker: The question is:

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill".

The motion was adopted.

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

Shri Datar: I beg to move:

"That the Bill, as amended, be passed"

Mr. Speaker: The question is:

"That the Bill, as amended, be passed".

The motion was adopted.

14.09 hrs.

MANIPUR LAND REVENUE AND LAND REFORMS BILL

Mr. Speaker: I shall allow those who could not participate in the discussion of the previous Bill to speak on this Bill.

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to move:

"That the Bill to consolidate and amend the law relating to land revenue in the Union Territory of Manipur and to provide for certain measures of land reform, as reported by the Joint Committee, be taken into consideration."

14.10 hrs.

[**SHRI MULCHAND DUBE** in the Chair]

This Bill has to be of a more comprehensive nature than the earlier Bill relating to Delhi. In the case of Delhi, already the then legislature of the Delhi Part C State had passed an Act known as the Land Reforms Act. There all these questions relating to land reforms were dealt with and after it became Union Territory, Parliament also had made certain changes in the provisions of the Act.

In the case of Manipur, the matters are entirely different. Here we have to deal with the whole land revenue administration itself. It is true that certain other Acts from Assam, etc.

had been in use, but it was found that Manipur ought to have a detailed and more comprehensive land revenue administration law as such. So, for a number of purposes, this particular Bill had to be brought forward and it has to be as comprehensive as possible.

The objects with which this Bill has been framed are regulation of the rights of owners and tenants, fixation of ceiling on existing holdings and inter-acquisitions, prevention of fragmentation and consolidation and codification of the law governing the land revenue administration in the territory. So far as Manipur is concerned, happily larger questions do not arise. There were *jagirdars*, *zamindars*, *inamdars* and others in different parts of India. There are no such intermediaries in Manipur at all. It is more or less what may be called peasant proprietorship. We are dealing only with lands in the valley. This Bill will not apply to the hills at all, because there different conditions obtain and people are having certain forms of cultivation of their own. So, that has to be considered independently. That is why this particular Bill will apply in the first instance to the Manipur valley.

The Manipur valley is a fairly good valley and the most important crop is paddy. As the House is aware, formerly this was part of an Indian State. After it became integrated with India, certain steps were taken by Government, but even now the land revenue administration is in a very elementary condition. That is why a number of provisions had to be introduced in this Bill for the purpose of settling land revenue and having a survey and settlement. In this respect, I may point out that Government have already taken the question of having all land duly surveyed and having a record of rights and tenancies properly introduced, for the purpose of leaving out of consideration all uncertainties in this behalf. The survey was started