

SHRI B. N. DATAR: Yes.

RAJKUMARI AMRIT KAUR: Has that been looked into carefully?

SHRI B. N. DATAR: That has been looked into and it has been fixed with an eye upon its being an economic unit so far as the family unit is concerned. That has been fully looked into.

SHRI B. D. KHOBARAGADE: The Bombay Government has framed rules giving priority to the Scheduled Caste and Scheduled Tribe landless labourers. Is there any difficulty in incorporating those provisions in this Bill itself as the Bombay Government has done?

SHRI B. N. DATAR: There is no need for such a provision at all. As the hon. Member will have seen, there are certain Harijan families I which have built their own huts on certain lands. We have made provision for them; it is not necessary to mention 'Harijans' because they would all come under the expression 'landless persons'. Therefore, I would submit that what has been done is quite sufficient.

SHRI B. D. KHOBARAGADE: The difficulty is that the officers do not care to enforce the laws.

SHRI B. N. DATAR: Let me now finish. I would not go through the statement that I have before me regarding the various States. So far as Orissa is concerned, already a Bill has been passed by them and it is awaiting the assent of the President. An hon. Member said something about Punjab. So far as Punjab is concerned, in the PEPSU area for the first 25 standard acres we have given 12 times the fair rent; for the next 25 acres, nine times the fair rent. Further on they say 90 times the land revenue. That is what they have stated. In respect of *banjar* land it is 45 times the land revenue. Therefore, Sir, you will find that what has

been done is reasonable taking into account the limited needs of the persons who cultivate and from whom lands have to be taken and the larger interests of the society and the necessity of seeing to it that landless persons, co-operative societies etc. are provided with land.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the imposition of a ceiling on land holdings in the Union Territory of Delhi and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

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

Clauses 2 to 28 were added to the Bill.

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

SHRI B. N. DATAR: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE MANIPUR LAND REVENUE AND LAND REFORMS BILL, 1960

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI B. N.
DATAR): Sir, 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 passed by the Lok Sabha, be taken into consideration."

Sir, here we come across a larger Bill, more or less a consolidatory Bill to a certain extent. Manipur, as the

[Shri B. N. Datar:] House is aware, is one of the territories of India and formerly it was part of a native State and conditions even regarding normal revenue administration were far from satisfactory. After integration some attempts were made to apply certain other Acts from Assam or from other States of India but it was considered that the peculiar conditions of Manipur required an Act or legislation by itself. That is why after considering to what extent the other Bills were useful, after considering the peculiar needs of Manipur, Government have now come forward with a Bill which, as I have stated, deals with the question of land revenue administration, with the question of land reforms to the extent necessary and two other matters, namely, the question of ceiling and the question of avoiding fragmentation of land. These are the various provisions which have been included in the present Bill.

Now, may I also point out that so far as land revenue administration is concerned, though the Bill by itself appears to be rather bulky, most of the provisions are taken from the other State Acts or Revenue Codes. An attempt has been made to place on the Statute Book an Act which can deal with land revenue administration in all its aspects. A survey of the land, the rights of private land owners, the record of rights and mutations, all these things will have to be provided for. The land was not properly surveyed and settled. That is the reason why the Government have already at considerable cost started the process of a cadastral survey of all the lands and in the course of the next few years, the whole thing will be complete. There is a seven-year programme in this connection. If, for example, the land reforms have to be effective and ceiling and other things have to duly come into force, what is essential is that there ought to be proper legislation dealing with the modern system of land revenue administration. That

is the reason why a number of clauses have had to be introduced in this Bill solely for the purpose, as I have stated, of having a consolidated Act dealing with the various aspects of land revenue.

Then, Sir, I may also point out certain peculiar conditions in Manipur. So far as Manipur is concerned, it consists of a valley where we have got agricultural land. There are also hilly areas. Now, it had been made clear in the amendment that was introduced and accepted by the other House that this applied only to the valley, because the lands were mostly in the valley. Then, Sir, the lands are fairly of a good quality and here unlike Delhi or unlike even Tripura, there are no fundamental differences between land and land. The land generally is paddy land or jute land to a certain extent. Therefore, in this territory it is not necessary to fix what may be called a standard acre, inasmuch as I have stated that the land is fairly good. We have fixed a ceiling of 25 acres for a family and double of 25 acres is the highest so far as a bigger family is concerned.

Then, we have also taken into account the question of rent. There are two classes. Those who are actually in possession of land are known as raiyats or *pattadars*. There are also others who are working under them as tenants. They are called under-tenants or under-raiyats. The usual principles that we have followed either in the case of the Delhi Land Revenue Act or to a certain extent in the case of the Delhi Land Holdings (Ceiling) Bill, which has just been passed, have also been introduced here, with certain changes required by the local conditions. Here also may I point out that ejection by landlords, in anticipation of land reform legislation, was stopped as early as 1956 and in that case first the South Canara Act of the then Madras State had been introduced. It was found that it was not suitable in all respects. Therefore, a Bombay Act, passed after reorganisation, the

Bombay Vidarbha Region Agricultural Tenants Act was also introduced there. As I have stated, this new Act also was not of great use. That is the reason why the present Bill has been brought forward and here the rights of owners or *pattadars* have been fully assured in all respects. They have become full owners. Here, permanent, heritable and transferable rights also are given to them. Then naturally as in other cases, for personal cultivation certain categories of persons can recover land, for example, disabled persons and others also, as I have pointed out, after this transfer on or after the particular date when, for the first time, ejectments were stayed. That is the most important date. Here also, as in the case of Delhi, we had to use a certain earlier date. Some objection was raised. When the Government's intention or proposal to bring in legislation on this subject was first known, in the case of Delhi it was announced in Parliament. In other cases it was announced either in the Gazette or to the public. Those dates are materially important. That is the reason why this date 6th March, 1956 in the case of Manipur has been considered as an important date. An hon. Member suggested that the transfers might take place at any time but he forgets, human nature being what it is, especially when certain legislation is likely to be brought forward, people in anticipation of that event, with a view to defeating that particular legislation make certain transfers. All the transfers cannot necessarily be called *bona fide* transfers. It is under these circumstances that Government had to fix certain dates. If any transfer took place after that date, we did not say that the transfer was to be completely invalid. But certain equitable considerations have to be taken into account. That is the reason why in all these three Bills, the expression that has been used is "disregarded" with regard to the object that such Bills have in view. If the transfer offends against the proper

operation of such Bills, then naturally it will have to be disregarded. But we have laid down equitable principles as to how a proper division can be made between the interests of the transferer and the transferee in such cases. The overriding consideration is naturally the fixation of ceilings and, therefore, to the extent it becomes necessary, it will have to be avoided.

Then, Sir, about personal cultivation also, it is not necessary for me to deal with it. But I would point out one circumstance that is of a peculiar type so far as Manipur is concerned. On the one hand it is essential that raiyats who desire to cultivate their land, who desire to possess land for personal cultivation ought to be in a position to take land from the person who is actually occupying it. Now, if this principle were to be given full effect to, a very large number of occupants of these lands would have been affected. My impression is that about sixty thousand people would have been affected. That is the reason why we have introduced in the present Bill a provision to the effect that in considering the question of personal cultivation, though it is true that they are entitled to have land, the persons in actual possession should not be immediately evicted, unless *some* alternative arrangement has been made for them. Thus you will find that proper care has been taken to see that the person in actual possession is not evicted, unless suitable alternative arrangements have

been made for him. Then the 4 P.M. question of rent also arose in

certain cases. We were of the view that in view of the peculiar conditions in Manipur, one-third should be the rent, but the Joint Select Committee considered that we should follow the same principle that we followed in other cases; for example, one-fifth should be considered as constituting the net rent of a particular land. That also we have accepted, and we have done so.

Then, as far as the ceiling is concerned, as I have stated, it is 25 acres

[Shri B. N. Datar.] for a family of 5. We have increased it to 50, which is the highest.

Then, Sir, we have also made a proper provision on the same lines as the De?hi Bill so far as compensation is concerned. Thereafter we have stated that the land should be taken possession of and should be used only for the purpose of helping those who are not in possession thereof.

Other provisions are of an usual nature, and therefore they need not be taken into account, excepting this that I would invite your attention to clause 119(3), -which says:

"Where any order for eviction has been made against a tenant on the ground specified in clause (a) of sub-section (1), then, notwithstanding such order, the tenant shall, until he is provided with alternative land in accordance with the rules made in this behalf be entitled to retain possession of the entire land held by him as a tenant . . ."

the individual unit has been taken into account—

"in any case where the area of tenancy together with any other land held by him does not exceed 1-25 acres in area."

That has been purposely introduced.

Then, in respect of compensation also we have followed the same principle of giving 20 times the net annual income from the land as the quantum of compensation.

Other provisions are of a more or less usual nature. They may be found in similar Acts. Therefore, I submit that so far as this Bill is concerned, it constitutes a great improvement upon, firstly, the land revenue administration law, and secondly, upon the tenancy law. So far as the ceiling is concerned, taking into account the conditions obtaining there, we have fixed it at 25 acres as the minimum for a family of 5 and 50 acres as the highest.

The question was proposed.

SHRI BHUPESH GUPTA (West Bengal): Sir, I would like to make only a few observations. I do not wish to speak much on this Bill because the matter had also been discussed earlier in this House. I think one of the suggestions we made was that the Minister should consult the local people and make improvements on the measure which is intended, as far as the Government is concerned, to bring some relief to the peasantry and set right the agrarian system to some extent in that particular State. Unfortunately, I find from the various papers that the work of the Select Committee has not been productive of such positive results.

Now, Sir, the idea of the Bill is good, that is quite clear, and we would have liked it to be better so far as these provisions went. First of all, I would like to point out that the ceiling here appears to be too high.

SHRI P. D. HIMATSINGKA (West Bengal): Too high or too low?

SHRI BHUPESH GUPTA: Still high. I do not say that everybody would consider it too high, but considering the need for distribution of land and the paucity of land and considering the large number of people who are land-hungry, I think it is necessary to go into this question somewhat differently and bring the ceiling down a little so that more land could be made available to the tillers of the soil.

As you know, Sir, Manipur has its own distinct culture, and they are a very proud people that way, but they are extremely poor. They are an industrious people, specially their womenfolk, and naturally if we can utilise this labour force in the countryside by proper reorganisation of agriculture, it would be good for Manipur.

In this connection I might point out that Manipur which had been a 5th, plus State—not surplus that way, but

it was self-sufficient in the matter of food—has nowadays due to the policies of the Central Government become a deficit State. Recently, I think it was in May lasi, I was there myself. I went to Manipur and stayed there in some other connection, and I had occasion to discuss this land question with some people, though I could not devote much time to this as an agitation was on. I found that there *was* very great complaint about the food situation there, and during the Chief Commissioner's regime no steps tuive been taken to improve the food situation. Here was an opportunity at leatt to reorganise agriculture in such a manner that the problem of food could be taken in hand. The Government has missed this opportunity. Now it is a very bad thing for Manipur to become a deficit State. They are starved. They say "In the days of the Rajah we were not deficit in the matter of food. We had very limited requirements. We used to produce certain handicrafts. They were excellent things, as you know, and we sold them, and at the same time we could have just enough food for us, for the State". Today they say that they have been rendered a deficit area and they have to be dependent on certain other people. It is an artificially created scarcity, to some extent, I know, but at the same time unless the land question is gone into, I do not think that we can .solve the problem, although I do concede that if we take vigorous and effective measures against the profiteers and hoarders, probably the situation will improve somewhat.

Then, Sir, with regard to the question of the under-raiyats they should have the same rights. They should be treated for all practical purposes as raiyats, occupancy raiyats and so on. I understand that a large number of them may be adversely affected if this particular measure is not properly implemented and if the provisions remain what they are today. I thought that the Select Committee would go Into this question and study this thing.

Evidently the Select Committee has not done it that way.

Then, Sir, the question of resumption comes. Here again, the right of resumption is very very important. As a result of the operation of these particular provisions, immediately after the enforcement of the Act, a number of under-raiyats are liable to be evicted from land. People tell us and we also find that on the face of it it is likely to happen. I wish that this matter also was gone into. We have not given amendments here because we know that within the short time available there is not much point in giving amendments, but at the same time I would like the Government to consider this thing so that ihey can bring amendments themselves before the House. It is important that these under-raiyats are protected. Then the right of the under-raiyat is to be acquired by paying "najrana", premium, etc., to the landowner according to the customs and conventions of the locality. Such under-raiyats are raiyats and so far as their rights on the land are concerned, there rould not be any threat to their land and the land must be retained. I do not get a clear assurance from the Bill that the operation of the Bill would be such as to protect the under-raivats and that their rights would be retained m their hands.

Then there is another category of people who have been in occupation of their lands for ten years OT- SO. Now, such people, whatever their status is—some of them ai-e un'er-raiyats again—should not be evicted" from the land on technical or legal grounds. That is another question which should have been taken into account from the point of view of the realities that exist in Manipur. I nesd not go into these things very much because these are very well-known facts there. Anybody going there would be at once confronted with the problems that those people are facing.

Then the question of revenue and other things comes. Here again the

[Shri Bhupesh Gupta.] matter should be approached from the point of view of the poorer sections of the community. If you go to Imphal or Manipur, you will find that there are large sections of people who are extremely poor but they can contribute to the building up of that underdeveloped area provided they are given additional incentive and inspiration in this matter. That is not being done. In this connection, too much power has been reposed, under this Act, in the hands of the officials, those people who would be administering these measures, officials, bureaucrats. Now I have a very strong complaint against the administration in Manipur. Personally, after coming from there, I wrote a number of letters—I think at least one long letter—to the Home Minister, pointing out the drawbacks in the administration. It is a kind of thoughtless, unimaginative, cruel, inhuman and corrupt administration that goes on there. Now, I know that our Treasury Benches will be somewhat shocked when I say these things. But if you go there to Manipur, you will find that the people who have been entrusted with ample powers under this Act are the very people who have roused almost the entire people against themselves, a distinction which is very difficult to achieve for a man with ordinary common sense or ordinary virtues or vices. It requires a very high calibre in the field of vice or virtue to rouse the entire people against oneself. That is what has happened. I do not bring in any personal thing. For instance, when I went there, I wrote to the Home Minister. Five jeeps were following a very innocent person like me. I do not know wherefrom

SHRI P. D. HIMATSINGKA: Jeep?

SHRI BHUPESH GUPTA: Police in jeeps, one with a wireless set and all that. I wrote to the Home Minister saying that these were your officers. He said, they were going to some procession. Of course, not. In order to make sure whether they were following me, I stepped suddenly, turned

right, left, gave them way, and I was absolutely convinced; they were dogging. This is the kind of officialdom that you have got there. Five Chief Commissioners have come to Manipur, four have left and the fifth is there. Every one of them has let down Manipur; every one of them has hit the peasant; every one of them has struck the people of Manipur in a very cruel manner. And they ask us, "Did you abolish the monarchy as they call the Rajah's regime in order to present us in a platter to the tyranny and the limitless oppression of the regime of the Chief Commissioner?" To that I do not find any answer. Let him go there and see things for himself.

SHRI B. N. DATAR: Sir, how all these are relevant, I cannot understand. If he is making some general suggestions, it is all right but how can he make all those charges and insinuations?

SHRI BHUPESH GUPTA: Yes, I do make them because these are the very people to whom you have given power under this Act. You do not get excited about the charges. You can countercharge me if you like. These are the very people who have been invested with ample powers of administration. Every part of the Manipur administration permeates with limitless corruption, take it from me, and I would ask hon. Members opposite, any twenty, ten or five of them, to go there—the Congress party can go there unilaterally—and make investigations there, and they would find out because I believe that there are many honourable men, and women too. That is the position. Therefore, in this context this kind of thing will not do. Demands have come forward for a responsible Government, for a legislature and a ministry responsible to the legislature. Such an institution should be created so that halting measures such as these can be implemented. But unfortunately this Government is trying to suppress this demand, letting loose a reign of terror and violence directed against the people. And he gets bouquets and I

get charges. You pass some good measures; though limited, they are good in a way; there are some good features. I do not deny that but they will be put into polluted, corrupt hands and they will make nonsense of this measure and continue to tyrannise and oppress the people of Manipur.

I do not want to say anything more. I would only say that there are . . .

MR. DEPUTY CHAIRMAN: There are five more speakers. Mr. Lokanath Misra.

SHRI BHUPESH GUPTA: Yes, I know.

MR. DEPUTY CHAIRMAN: I have called the next speaker.

SHRI BHUPESH GUPTA: I do not want to speak, but that is not right.

MR. DEPUTY CHAIRMAN: What is not right?

SHRI BHUPESH GUPTA: You have given one hour and thirty minutes, and you have finished the other Bill earlier.

MR. DEPUTY CHAIRMAN: We have exceeded the time for each of the Bills by about an hour or so.

SHRI BHUPESH GUPTA: There is no need for you to think that on this Bill you will have one and . . .

MR. DEPUTY CHAIRMAN: I have got six names before me.

SHRI BHUPESH GUPTA: You have names. Anyway, I will be very sorry if you take longer time. But I think you wanted it.

SHRI LOKANATH MISRA (Orissa): Mr Deputy Chairman, I have the pleasure of welcoming this Bill even though it has been presented quite late. It should have been done much j

412 R.S.—6.

earlier, but all the same, something has come u us and it is definitely better than nothing. The spirit in which this Bill has been brought forward is definitely to be welcomed. But I cannot say that the pattern is quite satisfactory. The pattern somehow seems to me to be somewhat arbitrary. It should have been done on an economic basis. Now, the pattern has been that while in the case of Delhi, the ceiling has been put at a different figure, in the case of Manipur, it has been something else and in the case of a third Centrally administered area, probably it will be something else. The area of the land should not have been taken into consideration. That is my point. The consideration should have been the yield from the land and according to the yield from the land, the ceiling should have been fixed. But somehow, since it has come in some shape, I definitely appreciate the spirit and welcome it.

Regarding taxation, I am going to give my own suggestions. There are canons of taxation. The different points are that there must be a certainty, there must be convenience of payment and thirdly, there must be economy of collection. We are now going to introduce some reforms in an area which was not being administered like this, and when we start a new thing, we should try our best to make it a model one so that the other States of India can also follow it up. Now, while considering land revenue these canons should, as far as practicable, be adhered to. Of course, the people of India are law-abiding, and once it is in black and white in the Gazette of India, they will abide by the law. Therefore, the certainty is there and Government is definitely getting the land revenue. But what I am saying is about the convenience of payment. We are now making each person who owns land, whether it is half acre or one acre or two acres or three acres

[Shri Lokanath Misra.]

or a thousand acres, to pay something. We are making them to pay. Thirdly, comes the question of economy of collection. Since everyone has to pay, the staff has definitely to be more than if there would have been some restrictions on the number of rent-payers. My suggestion is this. I do not know how far that will be appreciated. There are jurists in this House; there are economists in this House; there are agriculturists in this House. I only put forward my suggestion so that they might consider it in its proper perspective. The suggestion is that up to a certain limit of yield the land should be free of any rent. It was the expectation of the peasants during the war of independence and it was the commitment then of the party now in power that they would make peasants' land rent-free. They did not commit themselves as to the extent of it but their general commitment was that when India got independence, many of the peasants would be enjoying rent-free land. So, if up to a certain limit of yield Government would think of taking no rent and if beyond a certain limit progressive taxation would be resorted to, then, even in that case there would be no deficit. The deficit would be met all the same and the poorer people would enjoy a benefit which they have up till now not been assured. I am sorry that now the ceiling has been fixed at 25 acres. There may be hilly lands, there may be lands which do not yield as much as lands in the valley. All the same it has been arbitrarily fixed at a certain limit. It should be according to yield. A family having an income of Rs. 1,500 from land should not have to pay any rent but somebody who has an income of Rs. 15,000 from land would have to pay according to the system of progressive taxation, and the progressive rate would be such that it would be uneconomic for him to keep such an enormous amount of land. Now, Bhoodan has become almost a failure. I say it has

almost become a failure, because Bhoodan has got lands which have been waste lands mainly. We have been trying socially, we have been trying legislatively somehow to make it a socialistic pattern of society, and it not in the first, in the third or fourth time the attempt has been somehow to socialise land. But even then it is going to create only confusion. Bhoodan has not been able to serve the purpose. The legislations in different States have not been able to decide the issue. But I think, if this measure would be resorted to, there would be some kind of decision, because it would not be economic for some people who now own some land to keep more land. There would be a certain limit. Beyond that it would be uneconomic for them to keep lands, and at the same time the peasantry would enjoy a benefit. The peasantry, as has been reported and as is known to the hon. Members of this House, constitute about 75 per cent, of India, and if they get a benefit like this, probably they would be very happy with this Government. At the same time Government will not have to lose anything. By this progressive taxation they would make up whatever they lose otherwise. Even if they lose something in spite of progressive taxation, they should not mind it, because they are giving a benefit to the maximum number of people, and democracy means maximum benefit to the maximum number.

DR. W. S. BARLINGAY (Maharashtra) : You mean we need not have any ceiling.

SHRI LOKANATH MISRA: No ceiling is necessary because beyond a certain limit it would be uneconomic to keep more land. Government have experts and they can find it out.

SHRI JASWANT SINGH (Rajasthan): Like too much money.

SHRI LOKANATH MISRA: I have a grievance in this connection. In the case of other people whose professions are less productive they are enjoying their first Rs. 3,000 income free of income-tax. I mean to say that incomes up to a limit of Rs. 3,000 are free from any tax, but the first rupee of the agriculturist is being taxed. It may be one-hundredth of a naya paisa per rupee; all the same the first rupee of the agriculturist is being taxed. There should be some consideration for the agriculturist who produces, who toils in his own land to feed others. And on that consideration if the hon. Minister and the hon. Members will view the matter, I think they will agree with me in my suggestion that there should be some limit of yield which should be rent-free. And since we are going to make reforms in Manipur for the first time, it should be an exemplary measure, and if such an exemplary measure is brought into being in Manipur, I hope it would be an eye-opener to all the other States. Centrally administered areas should always have exemplary or model measures so that the States could take it up, the measures that suit them. With all this I again humbly submit that this should be given at least some amount of care and consideration so that the agriculturists do not go without a benefit to which they are entitled. Thank you, Sir.

SHRI P. D. HIMATSINGKA: Sir, this Manipur Land Revenue and Land Reforms Bill is a comprehensive measure and it attempts to settle all the matters connected therewith in a reasonable manner. All possible provisions have been made to see that equitable arrangement is made, proper settlement of land and land revenue made and the rent fixed is also reasonable and that it works out equitably in the interests of everyone.

Sir, Chapter II provides for the different revenue officers who may be appointed for the purpose and the

powers given to them. Lands have also been divided for different purposes, and rent will be fixed according to the purpose to which the land will be put. That is only reasonable; if the land is put to agricultural use, it will pay a particular rate of rent. Similarly if it is used for commercial purposes or building purposes, the payment that is to be made will be different. Similarly, Sir, I find that an attempt has been made to provide for all possible contingencies, and a proper survey has also been provided. Power has also been given to entertain claims of persons, who are entitled to be recorded as owners, and to correct *bona fide* mistakes, if there are any.

Then, Sir, there is provision for appeal and revisions also. All these provisions have been very appropriately made and I think it is a step in the right direction to provide for all that is necessary for a place where revenue and land reforms are being introduced for the first time in a comprehensive manner, and I welcome the Bill.

Sir, ceilings on land holdings have also been provided. I do not agree with my hon. friend, Mr. Bhupesh Gupta, that the ceiling provided here is on the higher side. As a matter of fact, as you know, Manipur has been, as it used to be called, a surplus area which has been supplying lot of rice to other areas in Assam and it is only proper that things should not be very much upset which will affect the production. Power has also been given for giving exemption in certain cases where it might be necessary.

Also, arrangement has been made that fragmentation may be prevented. For that purpose transfers and partition of holdings have been restricted in the manner provided in the Bill. I generally approve all the provisions in the Bill.

श्री निरंजन सिंह : (मध्य प्रदेश) :
उपसभापति महोदय, जैसा कि माननीय
मंत्री जी ने कहा कि बहुत से रेवेन्यू

[श्री निरंजन सिंह]

एकट्स को देख कर के, समेट कर के, सैक्ट को बनाया गया है इसलिये में उन्हीं चीजों को लेना चाहता हूँ जो हमने नकल तो की परन्तु नकल ठीक नहीं उतरी ।

सबसे पहले उपसभापति महोदय, मैं बेसिक होलिंग और फेमिली होलिंग के सम्बन्ध में कहना चाहता हूँ—फेमिली होलिंग, इकानामिक होलिंग जिसको हम कह सकते हैं । लेकिन यह बेसिक होलिंग एक नयी चीज यहां पर डाल दी गई है । दूसरे प्रांतों में भी, खास तौर पर दिल्ली प्रान्त में इकानामिक होलिंग कह कर कहीं आठ एकड़ और कहीं दस एकड़ रखी गई है और उसका पार्टीशन नहीं हुआ । लेकिन वहां पर फ्रैगमेंटेशन के नाम पर एक बेसिक होलिंग ढाई एकड़ कर दी गई है । यह क्यों किया गया, समझ में नहीं आता । मैं जब पार्टीशन के संबंध में बोलूंगा तब उसके बारे में विस्तृत रूप से कहूंगा ।

उपसभापति महोदय, पेज ३ पर "एक्जलेशन" में नीयरबाई विलेज लिखा हुआ है । जो आदमी उस गांव में रहता है या उस के पास रहता है वही जमीन का मालिक हो सकता है, यह कहने की जरूरत ही नहीं है । जो एक्सेन्टी लैन्डलार्ड है वह कल्टिवेट नहीं कर सकता । नीयरबाई का मतलब एक मील हुआ, चार मील हुआ, छः मील हुआ, इसकी डेफिनीशन कौन करेगा ? उस डेफिनीशन को करने में कितनी अड़चन आयगी इसको सरकार नहीं समझ रही है । तो नीयरबाई का कोई अर्थ नहीं होता । एक पास में गांव भी होता है, एक पास में गांव के भीतर एक घर भी होता है जो नीयरबाई हो सकता है । एक दूसरे

गांव में दस मील भी घर होता है जहां से वह जेज जा कर अपनी खेती कर सकता है । वह भी नीयरबाई होगा । तो यह जो "नीयरबाई" शब्द डाला है वह निरर्थक है और उसका कोई उपयोग नहीं है ।

फिर रेमिशन का सवाल आता है और असल में मैं उसी के ऊपर कहना चाहता हूँ । सारे हिन्दुस्तान में रेमिशन एंड सस्पेंशन के ऊपर बहुत गड़बड़ी है और वही क्लोज पूरा का पूरा उठाकर यहां रख दिया गया है । रेमिशन उस समय तक नहीं दिया जाता जब तक दो साल की क्राप नहीं फेल हो जाती है और जब कोई इमरजेंसी आ जाती है तब सस्पेंशन करते हैं । हर जगह मैंने यही देखा है । यहां भी यही उपयोग होगा कि जब दूसरे साल की भी क्राप फेल हो जाय तो उसके लिये रेमिशन मिलेगा । दूसरे साल अगर फसल अच्छी आ गई तो सस्पेंशन पूरा वसूल किया जाता है । दोनों साल की फसल जो स्टैंडर्ड से रुपये में छः या सात आना फसल होता है उसके अंदर यदि आपकी क्राप आ गई तो उस समय आपका सस्पेंशन पूरे का पूरा वसूल कर लिया जाता है । उस समय किसान के लिये भी तकलीफ होती है और वसूल करने वाले को भी तकलीफ होती है । जिन लोगों ने रेवेन्यू वर्क किया है उन्हें मालूम है कि कितनी तकलीफ रियलाइजेशन करने में होती है । इसलिये जब आप नया एक्ट ला रहें हैं तो फिर क्यों यह क्लोज २१ डाल रहे हैं इसको मैं खास तौर से समझना चाहता हूँ । आपने इसमें क्या खूबी समझी ?

जब सेटलमेंट के संबंध में जो परिपाटी भयेंजों के जमाने से चली

आ रही है वह कुछ भी हो, मैं नहीं जानता। होता यह है कि सेटलमेंट में रेंट और प्रोडक्टिविटी के ऊपर आप सेटलमेंट कर सकते हैं। आपने एक नया क्लॉज यहां पर जोड़ दिया और उसमें बतला दिया है :

physical features, agricultural and economic conditions and trade facilities and communications;

तो सेटलमेंट करते वक्त कितना इन चीजों को देखा जाता है? क्वालिटी आफ साइल क्या है, और उसकी प्रोडक्टिविटी क्या है यह सारी बात सेटलमेंट के पेपर में आप को देखने को मिलेगी। क्वालिटी आफ साइल भी देखते हैं और प्रोडक्टिविटी भी देखते हैं। अगर किसी के पास एक जमीन है और उसमें एक बगीचा है तो उस के ऊपर आप रेंट बढ़ा दें लेकिन जो कम्यूनिकेशन है या फिजिकल कंडीशन है इसके ऊपर सेटलमेंट होता है यह कभी नहीं देखा गया। सेटलमेंट के लिये जो कंडीशन्स पहले प्रिविलेज थीं वे आज भी प्रिविलेज हैं और उसको मानकर चलना चाहिये। इसमें खास कर यह क्लॉज क्यों जोड़ दिया गया है मेरी समझ में नहीं आया। फिर, इसके बाद यह दिया हुआ कि जो आज एक बार सेटलमेंट होगा उसके बारे में एडमिनिस्ट्रेटर को कभी भी राइट है कि वह इसको कभी भी रीअोपन कर सकता है। मैं मानता हूँ यह कह दिया गया है कि ३० साल के या १० साल के भीतर नहीं हो सकता—तीस साल का पीरियड सेटलमेंट का है और दस साल का पीरियड ऐसा है जो रीवाइज हो सकता है। लेकिन इसमें यह जो क्लॉज डाल दिया कि गवर्नमेंट से कंसल्टेशन करके कभी भी एडमिनिस्ट्रेटर फिर से सेटलमेंट

कर सकता है, यह तो बांधली की चीज होगी, यह दवाव की चीज होगी, यह सेटलमेंट की चीज नहीं होगी। जिसको सेटलमेंट के रिकार्ड के अनुसार उसका राइट मिला हो वह राइट इस क्लॉज के द्वारा जिसमें आपने ३० साल का पीरियड दिया है, आप छीन रहे हैं। एक तरफ राइट देकर और दूसरी तरफ राइट छीनकर आप उसको फेसिलिटी नहीं दे रहे, यह भी अनुचित है।

दूसरी बात है to preserve the record of rights इस के बारे में लिखा गया है कि इसको सर्वे आफिसर करेगा। तो एक बार सेटलमेंट होने के बाद रिकार्ड आफ राइट्स बन जाता है और एक जगह प्रिजर्व करके रख दिया जाता है और जो विलेज आफिसर रहता है उसके पास उसकी अपनी एक कापी रहती है। रिकार्ड आफ राइट्स प्रिजर्व करना सर्वे आफिसर का काम नहीं होता है, यह किसी लैंड रेवेन्यू आफिसर का काम होता है जो आन दि स्पॉट जाता है और देखता है कि कहाँ कितना चेन्ज कर दिया गया है, कितनी जगह क्या हो गई। सेटलमेंट के चैप्टर के बाद एकदम से जो रिकार्ड आफ राइट्स का चैप्टर ले लिया गया है, उसमें यह कन्फ्यूजन है कि ये सर्वे आफिसर सेटलमेंट करता है।

(Time bell rings)

अभी तो दो ही मिनट हुए हैं, और मैंने अभी कुछ कहा ही नहीं है।

MR. DEPUTY CHAIRMAN: You will take three minutes more.

श्री निरंजन सिंह : यह तो इतना बड़ा एक्ट है और बोलने के लिये समय कुछ भी नहीं दिया है।

MR. DEPUTY CHAIRMAN: One and half hour is allotted to this Bill. We have got three more speakers.

श्री निरंजन सिंह : तो एक ही बात कह कर मैं खत्म करना चाहता हूँ ।

श्री उपसभापति : दो तीन मिनट और ले लीजिये ।

श्री निरंजन सिंह : एक बात मैं यह कहना चाहता हूँ कि आप ने क्लस बनाने की ताकत एडमिनिस्ट्रेटर को दे रखी है । जब पार्लियामेंट इस कानून को पास कर रही है तो यह उचित मालूम नहीं देता कि इस एक्ट के संबंध में क्लस एडमिनिस्ट्रेटर बनाये । असल बात यह है कि सेन्ट्रल गवर्नमेन्ट यह बिल लाई है और क्लस बनाने की भी जिम्मेदारी इसी की होनी चाहिये । क्लस बनाने का राइट सेन्ट्रल गवर्नमेन्ट के पास ही रहना चाहिये । जब गवर्नमेन्ट इस चीज से कंसर्ड है तो एडमिनिस्ट्रेटर की जरूरत नहीं होनी चाहिये ।

इसके साथ ही साथ मैं यह भी कहना चाहता हूँ जहां फ्रेगमेंटेशन होल्डिंग के ट्रांसफर का सवाल है, वहाँ हमको आज यह परेशानी हो रही है कि आपने जगह जगह रोक कर दी है परन्तु फिर भी फ्रेगमेंटेशन को रोक नहीं पाते । इस बिल में आपने इस चीज को रोकने के लिये प्राविजन नहीं रखा है । होगा क्या कि अगर आपके पास २ १/२ एकड़ जमीन है, उसमें भी यदि एक यूनिट खसरा या सर्वे नम्बर का है तो उसका फ्रेगमेंटेशन होता है । तो यह बात समझ में नहीं आती कि आप इस तरह से कैसे फ्रेगमेंटेशन रोकेंगे क्योंकि कहीं पर दो एकड़ फ्रेगमेंटेशन होगा, कहीं पर ३ एकड़ और कहीं पर पांच एकड़ होगा । यह कहना

कि हम फ्रेगमेंटेशन रोकने के लिए २ १/२ एकड़ का प्राविजन करना चाहते हैं, गलत बात है । उदाहरण के लिये मैं कहता हूँ कि यदि किसी के पास चार एकड़ जमीन है और उसको आप दो आदमियों में बांटना चाहते हैं, उन दो आदमियों के पास सात सात या आठ आठ एकड़ जमीन है तो वे किस तरह से अपनी खेती में मिलायेंगे । इसका नतीजा यह होगा कि जो राइटफुल टैनेन्ट हैं उनको इससे तकलीफ पहुंचेगी । इस तरह से जितने फ्रेगमेंटेशन के कैंसेज हैं वे सब निरर्थक हैं और इससे आपका इम्प्रूवमेंट होने वाला नहीं है ।

श्री एल० ललित भावव शर्मा (मनीपुर) : उपसभापति महोदय, सदन के सामने मनीपुर के संबंध में जो भूमि सुधार विधेयक आया है उसका मैं पूर्ण समर्थन करता हूँ । हमारे मनीपुर राज्य की जो भौगोलिक अवस्था है वह देश के अन्य राज्यों से भिन्न है । हमारे राज्य में २५ एकड़ की जो सीलिंग रखी गई वह हमारे लिये बहुत यथेष्ट है, ऐसा मैं समझता हूँ । इसका कारण यह है कि मनीपुर चारों ओर पहाड़ से घिरा हुआ है और बीच में यह बसा हुआ है ७०० वर्गमील का ऐसा इलाका है जिसके तीन भाग के एक में खेती नहीं की जा सकती है । हमारे यहां चार लाख से ऊपर आदिवासी लोग हैं जो अपनी सुविधा के लिये थोड़ी बहुत खेती करते हैं । हमारे ये लोग हिल एरिया में रहते हैं और वहां पर ज्यादा खेती करने लायक जमीन नहीं है । आठ हजार वर्ग मील का ऐसा हिल एरिया है, उसकी भौगोलिक अवस्था ऐसी है कि उसका मैदान से किसी तरह का संबंध नहीं है । वह क्षेत्र चारों ओर से पहाड़ से घिरा हुआ है और जमीन बढ़ाने को नहीं है । हमारे बहुत से भाई इस तरह की समालोचना करते हैं कि जो यह सीलिंग रखी गई है वह यथेष्ट है लेकिन जहां मैदान हैं वहां ज्यादा होनी चाहिये । जब हमारे यहां जमीन नहीं है तो हम किस तरह से ज्यादा सीलिंग

रख सकते हैं। दूसरे राज्यों से जमीन मांगने पर हमें नहीं मिलेगी, इन सब बातों को देखते हुए २५ एकड़ की जो सीलिंग रखी गई है वह उचित है।

ब्रिटिश काल से हमारे यहां कोई जमींदारी प्रथा नहीं थी। प्राचीन काल से हमारा देश चीन बर्मा और दूसरे प्रदेश से लड़ता रहा हमारे यहां जिस घर में चार लड़के होते थे उनमें से एक घर का काम करता था और तीन लड़के देश की रक्षा करने के लिये चले जाते थे। राजा साहब उन्हें जो फी जमीन दे देते थे उसे ही वह खेती के काम में लाते थे। इस तरह की जो जमीन होती थी वह केवल जंगली होती थी। उसे साफ करके ही खेती करने लायक बनाया जाता था और लोग अपने खाने का निर्वाह करते थे। यही कारण था कि उस समय यह मांग की गई थी कि पांच साल के लिये ओनरशिप ट्रांसफर नहीं होना चाहिये इसका असली कारण यह भी था कि एक आदमी के पास एक एकड़ जमीन एक तहसील में थी तो दूसरे तहसील में दो या चार एकड़ जमीन थी। हिन्दुस्तान के दूसरे प्रांतों में जमींदारी प्रथा थी और किसान जमींदार के नीचे खेती करता था और वह जमीन को ट्रांसफर भी करवा लेता था। लेकिन हमारे यहां किसानों की हालत अन्य राज्यों के किसानों से भिन्न है। उनकी जमीन एक जगह नहीं है, अलग अलग तहसीलों में फैली हुई है जिससे वह खेती अच्छी तरह से नहीं कर सकता है। हमारे यहां किसान को अपनी जमीन जोतने के लिये अलग अलग जगह दौड़ना पड़ता है। इस तरह से हमारे यहां की जो परिस्थिति है वह अन्य राज्यों से भिन्न है। हमारे प्रांत में जमींदार नहीं हैं, किसान जमीन के मालिक है। अगर आप देश के अन्य राज्यों में यानी उत्तर प्रदेश, पंजाब तथा और जगहों के किसानों को देखें तो आप जल्दी से पहिचान जायेंगे कि ये किसान हैं। आप किसी भी गांव में चले जायें आपको किसान और दूसरे लोगों को

पहिचान में कष्ट नहीं होगा। लेकिन मनीपुर में किसान और दूसरे लोगों के रहन सहन में किसी तरह का कोई अन्तर नहीं है। जिस तरह एक किसान का रहन सहन है उसी तरह से दूसरे लोगों का पहिनावा और रहन सहन है। हमारे यहां के शहर और गांव के रहने वाले लोग साफ सुथरे कपड़े पहिनते हैं और बराबर का खाना खाते हैं। लेकिन देश के अन्य राज्यों में हालत दूसरी है। यहां पर जमींदार करोड़-पति हो जाते हैं लेकिन किसान को खाने और पहिनने के लिये कपड़ा भी नहीं मिलता है। यहां के किसान को देखने से मालूम हो जाता है कि यह किसान है क्योंकि वह मैले और फटे हुए कपड़े पहिनता है और उनका शरीर पूरी तरह से ढक्का भी नहीं रहता है। इन लोगों के घर मिट्टी के बने हुए होते हैं और घरों में किसी तरह की सफाई नहीं रहती है। लेकिन मनीपुर में आप किसी भी गांव में चले जायें आपको किसानों के घर साफ सुथरे मिलेंगे। जिस तरह से शहर में लोग कपड़ा पहिनते हैं उसी तरह से आपको ये लोग कपड़े पहिने हुए मिलेंगे। अगर आप हमारे गांव में चले जायें तो आपको यह पता नहीं चलेगा कि कौन किसान है और कौन साधारण आदमी है। हमारे यहां के लोग स्वावलम्बी होते हैं और किसी से मांगते नहीं हैं। ऐसा हम लोगों का धर्म हो गया है कि चार लड़के हैं और पति गुजर गया तो चार बच्चों के पालन के लिये मां किसी से कुछ मांगेगी नहीं वह हमारे घर से धान कूटने का या और कोई काम मांगेगी और काम करके अपने बच्चों का पालन करेगी। हमारे यहां हाथ पसार कर मांगने वाला कोई नहीं है। जो हिन्दुस्तान की प्रजा है उसका जमींदारों ने बहुत शोषण किया है और यही कारण है कि यहां के किसान अभी तक भूखे हैं। इसलिये ईल्ड लगाने के लिये जो पांच साल का समय मांगा गया है उसके न देने से हमारे दो लाख आदमी भूखे मर जायेंगे। हमारे यहां छः लाख में से कम से कम चार लाख लैंड ओनर होंगे जिनके पास तीन एकड़, चार एकड़, छः एकड़ या दस एकड़ जमीन होगी। २०, २५ एकड़ जमीन वाले ज्यादा से ज्यादा

[श्री एल० ललित माधव शर्मा]

तीन चार सौ घर मिलेंगे। यहां २५ एकड़ की सीलिंग रखी गयी है, लेकिन २५ एकड़ वाले मनीपुर में ढाई सौ आदमी नहीं हैं क्योंकि हमारा समान स्तर है। जैसा भारत सरकार चाहती है कि सबको बराबर खाना मिले, बराबर घर मिले, बराबर पहनने का कपड़ा मिले, वही परिस्थिति मनीपुर में है। मनीपुर में कोई भूखा देखने में नहीं आयेगा, कोई बेघर देखने में नहीं आयेगा, बिना सफाई का कोई देखने में नहीं आयेगा। ऐसी वहां परिस्थिति है कि चारों ओर पहाड़ होने से जमीन बढ़ाने के लिये कोई जगह नहीं है। इसलिये हमारे यहां २५ एकड़ की सीलिंग रखी गई है। जो हमारा बिल है उसका मैं आगे से पीछे तक सम्पूर्ण समर्थन करता हूं। क्योंकि वहां की भौगोलिक परिस्थिति के अनुसार परामर्श करके सिलेक्ट कमेटी में यह पास किया गया है और अभी भी मैं हाउस में इसका समर्थन करता हूं।

एक निवेदन मैं और करना चाहता हूं। दो तीन साल से जो बिक्री की हुई जमीन है उसको फिर लौटाना पड़ेगा। इससे बड़ा भारी क्षगड़ा हमारे यहां चलेगा, किसी के घर में विवाह है, किसी के घर में कोई मर गया है, तो वह जमीन बन्धक कर देता है या जमीन की बिक्री कर देता है। अब भारत सरकार ने इस बिल में यह रखा है कि दो तीन साल आगे से जो जमीन बिक्री की गई है उसको फिर लौटाना पड़ेगा, लेकिन यह हमारे यहां लागू नहीं होना चाहिये। ठीक नहीं होगा। यहां पर गरीब की जमीन है उसको जमींदार लोग छीन लेते हैं, इस कारण ऐसा रखा गया है। यह दिल्ली के लिये और दूसरी स्टेटों के लिये तो ठीक है, लेकिन मनीपुर में इससे बड़ा भारी क्षगड़ा होगा। इसलिये मैं होम मिनिस्टर महोदय से निवेदन करूंगा कि इसमें जो उप-बन्ध १०३, १३७, १३६, १४० हैं इनके संबंध में मनीपुर के लिये विशेष रूप से सोचा जाय।

जो बिल है उसका मैं आगे से पीछे तक पूर्ण हार्दिक समर्थन करता हूं और आशा करता हूं कि हाउस का मेम्बर भी इसका समर्थन करेंगे। हमारे यहां जमीन खरीदने वाला कोई लखपति नहीं है। यदि कोई लखपति होगा भी तो वह रायल फॅमिली का होगा और रायल फॅमिली का कोई आदमी सौ डेढ़ सौ रुपये को जमीन का खरीददार नहीं होगा। इसलिये इतना मैं फिर निवेदन करूंगा कि जिस जमीन की बिक्री पहले से हो गई है उसका लिये हमारे यहां की परिस्थिति देख कर सोचा जाय।

SHRI SONUSING DHANSING PATIL (Maharashtra): Mr. Deputy Chairman, this omnibus Bill dealg with various aspects as far as the land problem is concerned. It seems that even the preliminary work of land survey, settlement, etc., has not been undertaken in that area. Even though it is claimed to be a ryotwari tenure the formalities are not fully complied with. Now, the Government wants the land revenue code to be applied here as also the provisions relating to fragmentation and tenancy. In one way, it is a combination of three or four measures put together. The previous speaker has very aptly described the conditions of this former Princely hill State where they have got shifting cultivation. A cultivator does not stick to land but he changes place according to convenience or according to the availability of land. What is called the jhuming process is undertaken in Manipur. Of course, the land-man ratio is also very small here and the pressure of man on land is too big and this measure tries to give security of tenure to the tenants, have fair rents and some sort of right to purchas

e land, fixation of rent in terms of some multiple of crop sharing and ceiling on lands. If we take into consideration the statistics as regards size of holdings we will find that the range between five acres to ten acres is 9-7 and the percentage of area covered is 22 per cent; between ten acres

and twenty-five acres the number is eight and the percentage of area is 3·4. That shows that the land holders are not big; they are what you might call medium-sized holdings where the area though big comprises of hills and rocks and only the valley portion is worth cultivating. The norms that we apply in regard to landlords and tenants in other areas do not hold good here and from that point of view—as also from the case put up by the previous speaker with his intimate knowledge of the tract—there is a proper case for reducing

the ceiling. That is necessary. I am not one of those who upholds the idea of putting a ceiling on a rather uneconomic holding whereby . . .

MR. DEPUTY CHAIRMAN: You can continue on Tuesday.

The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Friday, the 12th August 1960.