

ANNUAL REPORT (1960) OF THE REGISTRAR OF NEWSPAPERS FOR INDIA

THE MINISTER OF INFORMATION AND BROADCASTING (DR. B. V. KESKAR): Sir, I beg to lay on *the* Table a copy of the Annual Report of the Registrar of Newspapers for India for the year 1960 (Parts I and II). [Placed in Library. See No. LT-2266/ 60.]

CONCLUSIONS OF THE SEVENTH SESSION (1960) OF THE INDUSTRIAL COMMITTEE ON COAL MINING

THE DEPUTY MINISTER OF LABOUR (SHRI AMD ALI): Sir, I beg to lay on the Table a statement of the main conclusions of the Seventh Session of the Industrial Committee on Coal Mining, held in New Delhi in April, 1960. [Placed in Library. See No. LT-2257/ 60.]

LEAVE OF ABSENCE TO SHRI T. D. PUSTAKE AND SHRIMATI RUK-MANI BAI

MR. CHAIRMAN: I have to inform Members that the following letter dated the 30th July, 1960, has been received from Shri T. D. Pustake:—

"I am laid up with fever for the last two months due to sluggish liver. I am now slightly improving, but I shall not be able to attend the forthcoming session of the Rajya Sabha.

I therefore earnestly request you to kindly grant me leave of absence."

Is it the pleasure of the House that permission be granted to Shri T. D. Pustake for remaining absent from all meetings of the House during the ■current session?

(No hon. Member dissented.)

MR. CHAIRMAN: Permission to remain absent is granted. I have also to inform Members that the following letter dated the 24th July, 1960, has been received from Shrimati Ruk-mani Bai:—

"As you know, I have been seriously ill for quite a long time. During the last session too, I remained in the Willingdon Nursing Home, New Delhi, for a long time. Now I am here in the Government Hospital, Indore. Both of my feet are inactive and I cannot walk even. Otherwise too I have become very weak. I, therefore, request you to grant me leave of absence from the House during the session starting in the month of August, on account of my illness."

Is it the pleasure of the House that permission be granted to Shrimati Rukmani Bai for remaining absent from all meetings of the House during the current session?

(No hon. Member dissented.)

MR. CHAIRMAN: Permiss'on to remain absent is granted.

THE DELHI LAND HOLDINGS (CEILING) BILL, 1960—continued

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N DATAR) : Mr. Chairman, I dealt with the main features of the improved Bill yesterday and only a few points remain to which I shall make a very brief reference. I have pointed out how after the Bill was improved in certain particulars by the Joint Select Committee, the question about the compensation was again taken up as it was complained by a number of hon. Members that the amount of compensation offered by the Bill was very low. That was the reason why the criterion was changed from a multiple of the land tax or the land revenue to that of a multiple of the actual rent. Twenty times the net

rent was considered as a reasonable amount for the purpose of compensation. I also described yesterday how the ceilings had been laid down, the lowest as well as the highest. Thirty standard acres is the lowest and sixty standard acres is the highest.

Then, the Joint Select Committee has made one change by substituting the entire section in the Delhi Land Reforms Act. They stated:—

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

This was laid down as the minimum individual unit but this unit need not necessarily be followed if, for example, a man desires to make a transfer of a portion of his property to either a religious or a charitable institution or to Bhoodan. This is the change that was made by the Joint Select Committee and that has not been incorporated in this Bill.

For these reasons, I commend this Bill to the approval of this House. It has undergone improvements made by the Joint Select Committee as well as by the other House.

The question was proposed

SHRI BISWANATH DAS (Orissa): Sir, I expected that this Bill would have come a little earlier. It has been stated in the papers that the Planning Commission is not at all happy at the way land reforms have been going on in this country. I agree with them because now very few people take an interest in the land. The ryot does not know his

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interest and the extent of his interest. So is the under-tenant. Therefore, there is no desire, no incentive, for him in the land. I expected that the Government of India, especially their administrations in Delhi, Manipur, Tripura and the rest, would give a lead to the country in this direction. Sir, unfortunately, they were the first to delay the-matter. And I do not know why the Planning Commission is so anxious about it and is finding fault with the States when the Planning Commission, as a limb of the Central executive, is not able to see that this is done. Having stated so much about the Bill, I come to certain questions about it. I expect that my friend would throw some light on them. Clause 3 describes the person who cannot hold land in excess of thirty standard acres. I think I am correct. Sir, such of us who have anything to do with land know the difficulties of taking acreage as the means for fixing ceilings. Why? Because income of the land differs according to the fertility of the soil, according to the irrigation facilities and then according to other natural advantages. Now let me take Delhi. It has got all the conveniences and all the good finances of the Union Government and therefore State aid is forthcoming to this biggest industry in an ample measure. It has also got all the marketing facilities, and probably most of the lands get water from the Harike canal. Therefore, the conditions prevailing in Delhi territory are peculiar.

Now, Sir, fixation of a ceiling of thirty-three standard acres was considered high by the Planning Commission, the intelligentsia of India, whereas for Delhi I find it has almost been allowed. Then I do not see why the Planning Commission found fault with States like Orissa or Andhra, and they may have found fault with other States also for originally fixing a ceiling of thirty-three standard acres. So, though the Orissa Legislature started with thirty-three, it reduced it to twenty-three, and I think

[Shri Biswanath Das.] Andhra also might have made some like changes. I do not know the reason for the differential treatment in Delhi and I would have expected my friend to explain the difference. A small territory like Delhi derives more benefits. The agriculturists here receive all the benefits of the Union finances and then all the marketing facilities, transport facilities, etc. All these facilities are being enjoyed by the ryots of Delhi. Therefore, I would have expected, Sir, a smaller ceiling than what has been fixed here. But that is by the way.

Now, I should like to know why, under the circumstances, my friend thought and the Select Committee thought it necessary and desirable to fix ceilings on the basis of acreage. The right thing should have been to fix ceilings on the basis of income.

SHRI JASWANT SINGH (Rajasthan): In fixing a standard acre the basis is income.

SHRI BISWANATH DAS: I am alive to that fact. I have read the Bill with as close a scrutiny as my hon. friend has done. I am myself a ryot; I am myself an agriculturist and therefore I understand it as keenly as my hon. friend does. Sir, then how could my friend say three acres? I will give him ten acres for one standard acre if it is good land. I can give him fifteen acres also in ex-change for a standard acre as is defined. Therefore, standard acre carries us nowhere. There are lands and lands and the lands in the hilly parts of Delhi put to cultivation are of little use. You get very little from them, but if you get irrigated lands, lands irrigated by the Harike canal, ten or fifteen acres are nothing compared to one standard acre.

SHRI JASWANT SINGH: I think there is a little confusion of thought in understanding the scheme of the Bill. Standard acre has deliberately been brought in to standardise the whole thing. The idea underlying it is that an ordinary family holding

should fetch an income of Rs. 300 per month or Rs. 3600 per year. So thirty acres at some places may be equivalent to sixty acres at other places or a hundred acres at some other places or five acres at still other places, but the sum total of the income derived in a year should be Rs. 3600, and that is why standard acre has been brought in.

SHRI BISWANATH DAS: I understand all that.

MR. CHAIRMAN: He is answering on behalf of the Minister.

SHRI BISWANATH DAS: Having said so much about the need for taking the income of land for purpose* of ceilings, I go to the question of the treatment accorded in the Bill to joint Hindu families. It applies to joint Muslim families or joint Sikh families and the like also. I think Sir, that legislation should not aim at disrupting joint families. To me, Sir, a joint Hindu family is the nursery of democracy and you should not kill the goose that lays golden eggs by disrupting the joint Hindu family. If there are three or five brothers in a Hindu family each one is entitled to his share, but if they are joined together they get very little in the matter of ceilings and they cannot get more than five or six acres over the ceiling of thirty acres that you have provided. That is the position as I find it in the proviso to clause 3. I think a grave injustice has been done. Statutory provisions have been made to fight against an age-old institution. I cannot appreciate the way it has been proposed to be done.

Then, Sir, I come to clause 4 where you have shifted the responsibility on to the ryots. If you want ceilings, if you want to determine the ceiling from the point of view of the quantum of land, you have got your pat-waris, you have got your huge army of revenue officials. Why should you make the ryot himself or the under-ryot himself responsible to furnish

you with returns? As if that was not enough the Bill also lays down this that where the land is held jointly by several ryots they have to put in the return jointly. Is it possible? You have got village factions; you have got village groups and so is it so easy? Is it convenient? Is it desirable? Then what else have your revenue officials to do? In a small territory like Delhi—it is less than a subdivision elsewhere, if it is the desire of Government to constitute it into a State and have an army of officials, is it fair to saddle the ryot himself, especially a group of ryots, where they are in groups, to jointly furnish you with a return containing a lot of particulars regarding the land held, etc.? I think this responsibility should have been of the Government and not of the ryots. Sir, then I come to the question of the persons who have been disabled to whom the Act will not apply. I must heartily congratulate the hon. Home Minister for having accepted these proposals. They are very desirable. The people exempted are a widow, a minor, an unmarried woman or, if married, deserted or judicially separated from her husband, a member of the Armed Forces of the Union, a physically or mentally disabled person and so on. I think justice has been done and there is nothing to complain of.

Then, Sir. I come to the question of the penalty for transfer of land. Is it fair to penalise people under certain circumstances? It will be very

[MR. DEPUTY CHAIRMAN in the Chair]

unfair to penalise for such transfer in certain cases. Let me quote an instance. Sir, consolidation is an important item of reconstitution and reconstruction of land policy in the country. The Government towards that end has done very little. Barring few States, others have done practically nothing. Suppose I have transferred my land to the neighbouring ryot. He consolidates the land. The process of consolidation is being done by him

without your help and without all the preaching that has been done so far. In such a case, are you going to penalise him for the very work which you yourself desired but were not able to do? That would be very unfair and unfortunate.

I come to another class of cases, viz., the uneconomic holdings. Barring the State of Bombay, you have got in this country 60 to 70 per cent, of ryots who are small holders. When I say Bombay, I am talking of the old State of Bombay, because figures in respect of the new States of Maharashtra and Gujarat are not yet available. Suppose, I have sold a plot of land to a small holder whose holding was till now uneconomic. With the new plot he increases the extent of his holding. It becomes economic. Such a person should not be penalised for this action, an action which you yourself should have done. Therefore, I think that my hon. friend, with all his sympathy for the ryots, has failed to appreciate these difficulties.

Then, Sir, I come to the question of vesting surplus lands. Now, the Select Committee has decided that all surplus lands should vest in Government. For what purpose should the surplus land vest in the Government? Why? What is that prescription? Is not the Government of India able to come to a decision for the small area, the so-called State of Delhi, as to what should be done to the few thousand acres of land, that will be left? Why should they be left? Sir, it has been always professed, and the Prime Minister, in one of his speeches, stated that he would go from place to place to preach in favour of co-operative farming. Why can't you start co-operative farms and allot these surplus lands to these cooperatives? If you have really a feeling for what has been stated by the Planning Commission and the hon. Prime Minister, why should there not be a distinct provision that any surplus lands that accrue from any village should be allotted only to co-

[Shri Biswanath Das.] operative farming societies? That should be the idea. There is no reason why it should not be done. For what purpose are you going to vest it in the Chief Commissioner?

Sir, in clause 15, I believe, the purpose of reservation of land for allotment for certain purposes has been stated. All this excess land will be allotted by the Chief Commissioner for the benefit of the village community or for any work of public utility or to be used by the Gaon Panchayat for such purposes as the Chief Commissioner may direct. Why should you allow the allotment of land for any unspecified and unknown purposes to be left to the discretion of an executive officer? I would not agree though the Select Committee has agreed. I join issue with the Select Committee and I feel that they have gone the way of reaction, not the way of action.

Sir, I feel that time has come when provisions have to be translated into action. It is no use preaching cooperative farming and finding fault with the critics of co-operative farming. You have been preaching co-operative farming since October, 1947, ■when the First Conference of Agriculture Ministers was held after independence. Sir, the performance is precious little. Only thirteen years have passed and very little has been done in the way of co-operative cultivation. If co-operative farming is the *summum bonum*, is the goal towards which we have to work and spin our land policy, then where is the beginning? I see reports. I have read the reports, but they contain strange things. I get reports of co-operative farming in my State and I know what they are. There is nothing co-operative and even less of farming though money is being spent. Therefore, I beg of you, Sir, to take this up seriously. I appeal to you because you have a practical sense of stating facts openly and without reservations. It should be seen that all surplus lands secured from the

holders go only to co-operative farming societies, or at least for that specific purpose, without any discretion to be used by the Chief Commissioner. Sir, I have known the exercise of discretionary powers by persons, especially by these heads of offices and heads of departments. Therefore, I would not touch this section with a pair of tongs. Under these circumstances, Sir, I must frankly confess that I am not at all happy with the report of the Select Committee on the Delhi Land Holdings (Ceiling) Bill. I think I will be very happy if the points of view that I have placed before the House are considered and remedies found.

SHRI DAYALDAS KURRE (Madhya Pradesh): Mr. Deputy Chairman, Sir, I rise to support the Delhi Land Holdings (Ceiling) Bill, 1960. I would draw your kind attention to clause 15 according to which after the completion of the whole procedure regarding ceiling, the excess land comes into the possession of the Government and it goes under the charge of the Chief Commissioner. I see that when it comes into the Chief Commissioner's possession, he will arrange to utilise these excess lands. The next clause says:

"....Subject to any rules that may be made in this behalf, the Chief Commissioner or any officer authorised by him may allot any excess land vesting in the Government. ... to such persons and on such terms and conditions as he thinks fit."

As I see it, the excess land that comes to the Government will again be distributed among private persons under certain conditions. I feel that a particular person is being in charge of the lands. These days our attention goes towards increasing the land under cultivation. When this land goes to a particular person, the production cannot be increased. If from a village some land is going to the Government, in my opinion, why

should not that be utilised by a co-operative society of landless persons, who are tillers of the soil and who have in their possession 5 acres of land and they should be taken into co-operatives.' The excess land which comes from a village generally is of the order of 20 to 40 acres. So a cooperative society can be formed and the landless tillers can get a sufficient quantity of land and with the help and co-operation of the Government, good cultivation can take place in these lands. Government help will be necessary in the form of supply of fertilisers, seeds, bullocks and irrigation facilities as well as guide from experts. We can get sufficient production out of these lands also.

This ceiling legislation has also been introduced in Madhya Pradesh and it is one of their ideas that the land coming to the Government should not be distributed to individuals and the landless. They are thinking of forming co-operative societies, say, one for each village or one for 2 or 3 villages, and this type of land can be utilised very well that way. So it is my humble suggestion that the formation of co-operative societies will be very useful instead of following the ideas contained in clause 16, of giving these lands to private individuals on certain conditions. This will also be a new procedure and as we are of the opinion that production should be increased, it being our fundamental scheme, I suggest that we should adopt this procedure.

شری فریدالحق انصاری (انر

پردہ ہاں) : جناب ذہنی چیمبرمین

صاحب - یہ بل جو آج ہمارے سامنے

اس ہمارے سامنے پیش ہوا ہے اس کا

میں اپنی پارٹی کی طرف سے سواکت

کرتا ہوں اس لئے کہ میں ایمانداری

سے یہ بات ماننا ہوں کہ اگر ہندوستان

میں شوشلٹک پیئرن آف

سوسائٹی قائم کرنا ہے اگر ہندوستان

میں سماج وار کو قائم ہونا ہے تو اس

بل کے پیچھے جو اصول ہیں اس اصول

کو ہر اس آدمی کو ماننا پوینا جو

سوشلسٹ پیئرن آف سوسائٹی میں

یقین رکھتا ہے اور جو یہ سمجھتا ہے کہ

ہندوستان میں جو غربت فاتہ کشی

بدحالی ہے وہ صرف سوشلزم کے ذریعہ

سے دور ہو سکتی ہے - ورنہ اس کو

دور کرنے کا اور کوئی طریقہ نہیں ہے -

اس لئے میں اس بل کے پیچھے جو

بیمادی اصول ہے اس کو سپورٹ کرنا

ہوں - مگر اس کے ساتھ ساتھ جناب

ذہنی چیمبرمین صاحب میں یہ بھی

مانتا ہوں کہ سماج وادی سوسائٹی

میں رہا یہی قائم کرنے کے لئے صرف یہ

ہی نہیں ضروری کہ لینڈ کے اوپر

سینلنگ ہو بلکہ برابری اسی وقت

قائم ہو سکتی ہے جب آپ لینڈ کے اوپر

سینلنگ لگائیں اور اس کے ساتھ ہی

ساتھ لوگوں کی آمدنی کے اوپر بھی

سینلنگ لگائی جائے تاکہ ایک حد سے

زیادہ کوئی شخص اپنے پاس دولت نہ

رکھ سکے یا اس سے زیادہ آمدنی کسی

کی نہیں ہونی چاہئے -

श्री ज. न. सिंह : वरवरी साम्यवाद

में होती है या समाजवाद में ।

شری فریدالحق انصاری : - سوشلزم

میں - کمیونزم میں جو کچھ ہوتا ہے

وہ آپ روس اور چین میں دیکھ

سکتے ہیں اس سے پتہ چل جائے گا کہ وہاں

[شی فریدالصحی انصاری]

برابری ہے کہ نہیں - تو میں یہ عرض کر رہا تھا کہ سوشلزم میں جو ایکویٹائی ہے وہ متخص لینڈ کے سلسلہ میں سیلنگ لگا کر ایکویٹائی نہیں ہو سکتی ہے - میری پارٹی یہ کہتی ہے کہ یہ ایکویٹائی ون ٹو ٹن ہونی چاہئے یعنی کم سے کم ایک اور زیادہ سے زیادہ دس کسی کی آمدنی ہونی چاہئے - بہر حال اس بل میں جو کچھ بھی ہے اس کو میں سپورٹ کرتا ہوں -

اس کے ساتھ ہی ساتھ مجھے چند اور باتیں متحسوس ہو رہی ہیں جو ٹھیک نہیں ہیں - اس بل کے چیپٹر ۱ کلاز (۲) کے سب کلاز (اے) میں یہ لکھا ہوا ہے —

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

یہ حقیقت کسی سے چھپی ہوئی نہیں ہے کہ آج کی دلی آج سے دس یا بارہ برس پہلے گی دلی نہیں اس کے اطراف میں جتنی لینڈ تھی وہ لینڈ آج کالونائزیشن کے لئے استعمال ہو رہی ہیں - اس کالونائزیشن کی وجہ سے وہ لینڈ کسانوں کے ہاتھ سے نکل کر ایسے لوگوں کے پاس چلی گئی ہے جو اس سے دس گنا بیس گنا اور پچیس گنا اور پچاس گنا تک فائدہ اٹھا رہے ہیں - تین ہفتہ ہوئے ایک اخبار

میں نکلا تھا کہ گورنمنٹ کی تمام کوششوں کے باوجود کہ کالونائزرز جو زمینیں ایکڑ ہزار ہیگٹلڈ بہت زیادہ ریٹس پر بیچ رہے ہیں ان کی قیمتیں گھٹائی جائیں گورنمنٹ کامیاب نہیں ہو سکتی ہے اور لوگ پچاس گنا تک فائدہ اٹھا رہے ہیں - تو اس بنیاد پر اگر یہ کلاز ہٹایا جائے تو اس سے گورنمنٹ کو بہت زیادہ فائدہ ہوگا -

دوسرے مجھے گھیلنیشن کے بارے میں کچھ کہنا ہے - کلاز (۱۰) میرے یہ ایکسپلینیشن دیا ہوا ہے —

"For the purposes of sub-section (1), the net income from any land shall be deemed to be one-fifth of the value of the average yearly gross produce of the land, calculated in such manner as may be prescribed."

میرے خیال میں یہ تو بہت کم ہے - یہاں دلی کی لینڈ کی پیداوار اتنی کم نہیں ہے جتنی کہ اس حصہ کی کم ہے جس حصہ سے میں آ رہا ہوں یعنی ایسٹرن یو - پی - وہاں کی پیداوار فی ایکڑ شاید چار من یا پانچ من ہے - یہاں کچھ اس سے زیادہ پیداوار ہوگی پھر بھی اتنی زیادہ نہیں ہوگی جتنی کہ غازی آباد یا دھتک کے علاقہ میں ہوتی ہے - اس لئے میں یہ سمجھتا ہوں کہ یہ جو ون تھہ — ۱th — انکم اس میں لکھی ہوئی ہے یہ بہت کم ہے ۱۰ دوسرے اس میں جو باؤنڈز دیئے جائیلکے ان کے اوپر قہائی پرسیلٹ

انٹریسٹ ہوگا۔ پہلے تو میں یہی عرض کروں گا کہ جہاں تک ہو سکے گورنمنٹ کو چاہئے کہ ان کسانوں کو نقد کمپینڈیشن دے تو زیادہ بہتر ہوگا۔ مجھے جو تجربہ بہار یا یوپی کا ہوا ہے اس سے میں یہ کہہ سکتا ہوں کہ جن لوگوں کا پانچ ہزار تک سالانہ منافع تھا اور جنکو بانڈ ملے ہوئے ہیں آج ان کی حالت بہت خراب ہے اور وہ بہت ہی بدحالی کی زندگی بسر کر رہے ہیں۔ اس لئے میں انہیں ادب کے ساتھ ہوم منسٹر صاحب سے درخواست کروں گا کہ وہ کمپینڈیشن کمیشن — نقد — میں دیدیں اور اگر کسی صورت میں ایسا نہ کر سکیں تو یہ جو قہائی پرسنٹ کا انٹریسٹ — منافع — ہے اسے بڑھا دیں۔

ایک چیز میں یہ دیکھ رہا ہوں کہ اس بل میں کہیں یہ نہیں لکھا ہے کہ سیلنگس کے اوپر جو لینڈ ہوگی۔ اس لینڈ کو گورنمنٹ کیا کریگی۔ میں یہ مان کر چلتا ہوں کہ گورنمنٹ اس لینڈ کو قسٹری بیوٹ کریگی۔

SHRI JASWANT SINGH: It is there.

SHRI FARIDUL HAQ ANSARI: It is not there. I have not seen it in the Bill. (Interruption.) They will, they should.

شری فریدالحق انصاری: ابھی

ایک صاحب اس بل کے اوپر بول رہے تھے اور انہوں نے یہ اعتراض کیا کہ

لوور لینڈ ایوو سیلنگ جو لینڈ ہو وہ گورنمنٹ میں کیوں ویسٹ کرے۔ میری سمجھ میں نہیں آیا کہ گورنمنٹ میں ویسٹ نہیں کریگی تو کس میں ویسٹ کریگی۔ کیا کسی پرائیویٹ اتھارٹی میں ویسٹ کریگی۔ معاف کیجئے اگر میں عرض کروں کہ ہم نے دیکھا ہے کہ بھودان مورو ملٹ ہندوستان میں بہت اچھی طرح چلا اور کہا جاتا ہے کہ وہ بہت کامیاب رہا۔ گو اس نے چلانے والے کہہ رہے ہیں کہ وہ اتنا کامیاب نہیں رہا جتنی کہ وہ امید کرتے تھے لیکن جتنا لینڈ اس سلسلے میں بھودان کمیٹی کے ہاتھ میں آیا وہ آج تک قسٹری بیوٹ نہیں ہو سکا ہے۔ تو بجائے اس کے کہ پرائیویٹ ایسوسی ایشن کے ہاتھ میں وہ لینڈ دیا جائے اور پھر وہ اس طرح بڑا رہے یا اس سے کوئی ناچائیز فائدہ اٹھائے یہ بہتر ہے کہ وہ لینڈ گورنمنٹ کے ہاتھ میں آجائے اس لئے کہ ہم گورنمنٹ کو دبا سکتے ہیں۔ گورنمنٹ کے خلاف پروپیگنڈا کر سکتے ہیں، قیعامتویشن کر سکتے ہیں اور صحیح کام کرنے کیلئے گورنمنٹ کو مجبور کر سکتے ہیں۔ لیکن پرائیویٹ لوگ ہمارے قبضہ کے ہیں نہیں۔ اس لئے یہ بہتر ہے کہ یہ لینڈ گورنمنٹ میں جائے۔

ان دو ایک تکہ چیلیوں کے ساتھ میں اس بل کو سپورٹ کرتا ہوں

اور امید کرتا ہوں کہ جو درخواست
میں نے ہوم منسٹر صاحب سے
دی ہے اس کو وہ منظور
کریں گے۔

†[श्री फरीदुल हक अन्सारी (उत्तर प्रदेश) : जनाब डिप्टी चैयरमैन साहब ! यह बिल जो आज हमारे सामने इस हाउस में पेश हुआ है उसका मैं अपनी पार्टी की तरफ से स्वागत करता हूँ, इसलिये कि मैं ईमानदारी से यह बात मानता हूँ कि अगर हिन्दुस्तान में सोशलिस्टिक पैटर्न आफ सोसायटी कायम करना है, अगर हिन्दुस्तान में समाजवाद कायम होना है, तो इस बिल के पीछे जो उसूल हैं उस उसूल को हर उस आदमी को मानना पड़ेगा, जो सोशलिस्टिक पैटर्न आफ सोसायटी में यकीन रखता है और जो यह समझता है कि हिन्दुस्तान में जो गुरुबत, फाकाकशी, बदहाली है, वह सिर्फ सोशलिज्म के जरिये से ही दूर हो सकती है। वरना इसको दूर करने का और कोई तरीका नहीं है। इसलिये मैं इस बिल के पीछे जो बुनियादी उसूल है उसको सपोर्ट करता हूँ। मगर इसके साथ साथ जनाब डिप्टी चैयरमैन साहब, मैं यह भी मानता हूँ कि समाजवादी सोसायटी में बराबरी कायम करने के लिये सिर्फ यही नहीं जरूरी है कि लैंड के ऊपर सीलिंग हो बल्कि बराबरी उसी वक्त कायम हो सकती है, जब आप लैंड के ऊपर सीलिंग लगायें और उसके साथ ही साथ लोगों की आमदनी के ऊपर भी सीलिंग लगाई जाये, ताकि एक हद से ज्यादा कोई शख्स अपने पास दौलत न रख सके या इससे ज्यादा आमदनी किसी की नहीं होनी चाहिये।

श्री जसवन्तसिंह : बराबरी साम्यवाद में होती है या समाजवाद में ?

श्री फरीदुल हक अन्सारी : सोशलिज्म । कम्युनिज्म में जो कुछ होता है वह, आप रूस और चीन में देख सकते हैं। उससे पता

†Hindi transliteration.

चल जायेगा कि वहाँ बराबरी है कि नहीं। तो मैं यह अर्ज कर रहा था कि सोशलिज्म में जो इक्वेलिटी है वह महज लैंड के सिलसिले में सीलिंग लगा कर इक्वेलिटी नहीं हो सकती है। मेरी पार्टी यह कहती है कि यह इक्वेलिटी बन टूटने होनी चाहिये, यानी कम से कम एक और ज्यादा से ज्यादा दस किती की आमदनी होनी चाहिये। बहरहाल इस बिल में जो कुछ भी है उसको मैं सपोर्ट करता हूँ।

इसके साथ ही साथ मुझे चन्द और बातें महसूस हो रही हैं जो ठीक नहीं हैं। इस बिल के सैक्टर १, क्लॉज (२) के सब क्लॉज (ए) में यह लिखा हुआ है :

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

यह हकीकत किसी से छिपी हुई नहीं है कि आज की दिल्ली आज से दस या बारह बरस पहले की दिल्ली नहीं। उसके अतराफ में जितनी लैंड थी वह लैंड आज कॉन्जोनाइजेशन के लिये इस्तेमाल हो रही है। इस कॉन्जोनाइजेशन की वजह से वह लैंड किसानों के हाथ से निकल कर ऐसे लोगों के हाथ में चली गई है जो उससे दस गुना, बीस गुना, पच्चीस गुना और पचास गुना तक फायदा उठा रहे हैं। तीन हफ्ते हुए एक अठ्ठवार में निकला था कि गवर्नमेंट की तमाम कोशिशों के बावजूद कॉन्जोनाइजेशन जो जमीनें एक्जामिनेट बहुत ज्यादा रेट्स पर बेच रहे हैं उनकी कीमतें घटाई जायें, गवर्नमेंट कामयाब नहीं हो सकती है और लोग पचास गुना तक फायदा उठा रहे हैं। तो इस बुनियाद पर अगर एक क्लॉज बनाया जाये तो उससे गवर्नमेंट को बहुत फायदा होगा।

दूसरे मुझे कम्पेंसेशन के बारे में कुछ कहना है। क्लॉज (१०) में यह एक्स्प्लेनेशन दिया हुआ है :

"For the purposes of sub-section (1), the net income from any land shall be deemed to be one-fifth of the value of the average yearly gross produce of the land, calculated in such manner as may be prescribed."

मेरे खयाल में यह तो बहुत कम है। यहां दिल्ली की लैण्ड की पैदावार इतनी कम नहीं है, जितनी कि उस हिस्से की कम है, जिस हिस्से से मैं आ रहा हूँ यानी ईस्टर्न यू० पी०। वहाँ की पैदावार फी एकड़ शायद चार मन या पांच मन है। यहां कुछ इससे ज्यादा पैदावार होगी, फिर भी इतनी ज्यादा नहीं होगी जितनी कि गाज़ियाबाद या रोहतक के इलाके में होती है। इसलिए मैं यह समझता हूँ कि यह जो वन-फिफ्थ— $\frac{1}{5}$ —सालाना इनकम इसमें लिखी हुई है, यह बहुत कम है।

तीसरे, इसमें जो बॉण्ड्स दिये जायेंगे उनके ऊपर डार्ई परसेंट इंटररेस्ट होगा। पहले तो मैं यही अर्ज कलंगा कि जहां तक हो सके गवर्नमेंट को चाहिये कि इन किसानों को नक़द कम्पेंसेशन दे, तो ज्यादा बेहतर होगा। मुझे तो तजुर्वा बिहार या यू० पी० का हुआ है। उससे मैं यह कह सकता हूँ कि जिन लोगों का पांच हजार तक सालाना मुनाफ़ा था और जिनको बॉण्ड मिले हुये हैं, आज उनकी हालत बहुत खराब है और वह बहुत ही बदहाली की जिन्दगी बसर कर रहे हैं। इसलिये मैं निहायत अदब के साथ होम मिनिस्टर साहब से दरख्वास्त कलंगा कि वह कम्पेंसेशन नक़द में दे दें और अगर किसी सूत में ऐसा न कर सकें, तो यह जो डार्ई परसेंट इंटररेस्ट है, उसे बढ़ा दें।

एक चीज़ मैं यह देख रहा हूँ कि इस बिल में कहीं यह नहीं लिखा है कि सीलिंग के ऊपर जो लैण्ड होगा, उस लैण्ड को गवर्नमेंट क्या करेगी। मैं यह मान कर चलता हूँ कि गवर्नमेंट इस लैण्ड को डिस्ट्रीब्यूट करेगी।

SHRI JASWANT SINGH: It is there.

SHRI FARIDUL HAQ ANSARI: It is not there. I have not seen it in the Bill. (Interruption). They wiH, they should.

श्री फरीदुल हाक़ अन्सारी : श्री एक साहब इस बिल के ऊपर बोल रहे थे और उन्होंने यह ऐतराज़ किया कि ओवर एण्ड एबव सीलिंग जो लैण्ड हो वह गवर्नमेंट में क्यों बँट करे। मेरी समझ में नहीं आया कि गवर्नमेंट में बँट नहीं करेगी, तो किस में बँट करेगी। क्या किसी प्राइवेट अर्गॉरिटी में बँट करेगी? माफ़ कीजिएगा कि अगर मैं अर्ज कलं कि हमने देखा है कि भू-दान भूवर्गमेंट हिन्दुस्तान में बहुत अच्छी तरह चला और कहा जाता है कि वह बहुत कामयाब रहा। गो, इसके चलाने वाले कह रहे हैं कि वह इतना कामयाब नहीं रहा, जितनी कि वे उम्मीद करते थे। लेकिन जितना लैण्ड इस सिलिल में भू-दान कमेटी के हाथ में आया वह आज तक डिस्ट्रीब्यूट नहीं हो सका है। तो बजाय इसके कि प्राइवेट एंजोसियेशन्स के हाथ में वह लैण्ड दिया जाये और फिर वह उसी तरह पड़ा रहे या उससे कोई नाजायज़ फायदा उठये, यह बेहतर है कि वह लैण्ड गवर्नमेंट के हाथ में आ जाये, इसलिये कि हम गवर्नमेंट को दबा सकते हैं, गवर्नमेंट के बिना फे प्रोपेगेंडा कर सकते हैं, डिमॉन्स्ट्रेशन कर सकते हैं और सही काम करने के लिये गवर्नमेंट को मजबूर कर सकते हैं। लेकिन प्राइवेट लोग हमारे कब्जे के हैं ही, इसलिये कि यह बेहतर है कि यह लैण्ड गवर्नमेंट में जाये।

इन दो एक नुक्ताचीनियों के साथ मैं इस बिल को सपोर्ट करता हूँ और उम्मीद करता हूँ कि जो दरख्वास्त मैंने होम मिनिस्टर साहब से की है उसे वे मंज़ूर करेग।]

श्री पा० ना० राजभोज (महाराष्ट्र) : उपसभापति महोदय, यह जो बिल यहां आया है इससे मुझे बहुत सन्तोष होता है और मैं इसका समर्थन करने के लिए आपके सामने खड़ा हुआ हूँ। हम पार्लियामेंट में यह बिल दिल्ली के लिए पास कर रहे हैं और यह बात

[श्री पा० ना० राजमोज]

ठीक ही है कि यह बिल अन्य राज्यों के लिए माडेल हो। इसका कारण यह है कि कई राज्यों ने अभी तक पूरी तरह से इस बात पर ध्यान दिया नहीं है। तीसरी पंचवार्षिक योजना की पूर्व तैयारी हो रही है और जमीन धारण करने पर मर्यादा डालना जरूरी है, क्योंकि उस से ही अधिक जमीन का बांटना गरीब किसानों में, काश्तकारों में होगा। किन्तु यह जमीन धारण की मर्यादा सब जगह एक नहीं है। महाराष्ट्र में ३,६०० रुपया से अधिक आवक वाली जमीन मालिक के पास से लेकर बांटने का कानून है, आंध्र में यह मर्यादा ५,६०० रुपया की तथा मैसूर में ४,२०० रुपया की है। बिहार, उड़ीसा, केरल और राजस्थान में यह मर्यादा एकड़ के रूप में है, किन्तु यह परिमाण भी सब जगह एक नहीं है। उसमें ३० एकड़ से ६६ एकड़ तक तफावत है। तो जब आयोजन मंडल की उपसमिति ने इस बात पर विचार किया, तब उन्होंने कहा कि इस कानून में एकसूत्रता होनी चाहिए और वह मर्यादा ३० स्टैंडर्ड एकड़ की रखी और जिस कुटुंब में ५ से ज्यादा आदमी हों उसको और पांच एकड़ दी गई। आयोजन मंडल ने यह भी कहा कि जो राज्य इसका अवलंबन नहीं करेगा, उससे ऐसा करने के लिए कहा जाय। तो यह बात देखते हुये यह बिल माडेल बिल बना है।

लेकिन इस बिल में दो तीन बातें ऐसी हैं जो पूर्ण नहीं हैं और वह तरतुदियां न होने से इस बिल की आदर्शियता को कलंक लगा है। सब से पहली बात है, ३० एकड़ की मर्यादा की। उसका समर्थन मैं कर चुका हूं। लेकिन इस ३० की संख्या से आप आकर्षित मत हो जाइये। दिल्ली में जमीन कम है और जो जमीन फालतू है वह खराब है। तो जिसके पास यह जमीन ज्यादा है उसको ३० एकड़ का परिमाण बढ़ाना चाहिये। इससे हम सीलिंग को कुछ बक्का नहीं पहुंचा रहे हैं, क्योंकि आखिरी हमारा उद्देश्य अनाज की पैदाइश

बढ़ाना है और जमीन सुधारण करने का ढंग ऐसा होना चाहिये, जिससे हरेक आदमी के पास ३० एकड़ से ज्यादा जमीन न हो। लेकिन वह ३० एकड़ इकोनामिक होटलिंग के रूप में रहे, क्योंकि यहां नुनियादी बात यह है कि बांटने के लिए जमीन ज्यादा नहीं है। सारे भारत में कुल पहाड़, नदियां मिल कर ८१ करोड़ एकड़ क्षेत्र हैं जिसमें जमीन ५० करोड़ एकड़ है और उसमें भी ३० करोड़ एकड़ जमीन ऐसी है जिस पर मशवकत की जा सकती है, जिस पर कुछ न कुछ बन सकता है, और उसमें से सीलिंग डाल कर सरप्लस जमीन हमको ६० लाख भूमिहीन किसान मजदूरों में बांटना होगा। तो हमें दरिद्रता का बंटवारा नहीं करना है।

सीलिंग के बाद जो जमीन होगी जिस को बिल में "एक्सेस जमीन" कहा है, उसकी मालिक सरकार बनेगी और उसकी तरतुद दफा ८ में की गई है। कौन कौन से सोरों से यह एक्सेस जमीन आवेगी, उसका निवेदन बिल के ८वें क्लॉज में किया है और इस जमीन का बंटवारा कैसे होगा, यह दफा १६ में बताया है और सब से अपूर्ण क्लॉज और जो बिल की आदर्शियता के खिलाफ काम कर रहा है, वह क्लॉज १६वां है। उसके मुताबिक चीफ कमिशनर को अधिकार दिये गये हैं। अभी हमारे एक भाई साहब ने भी कहा था लेकिन मैं भी आपके सामने कहना चाहता, हूं। उसमें यह लिखा है:

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

तो यह बात बिल के उद्देश्य के खिलाफ है। यदि आपका उद्देश्य इस जमीन को काश्तकारों को, भूमिहीन हरिजनों को देना है, तो

में प्रार्थना करना चाहता हूँ कि आप इस बात को बिल में क्यों नहीं लिखते हैं। जब तक कि आप इस बात को बिल में बता नहीं रहे हैं कि यह जमीन किसको देने की है तब तक यह सारा प्रोविजन निरूपयोगी है। मेरे स्थान से बिल की मालिक जो पार्लियामेंट है, उसको बाई-पास कर के इस उद्देश्य को पूरा करने की पावर, डेलिगेटेड पावर के तौर पर, कमिशनर को दी जा रही है। मेरे स्थान से क्लॉज १५ और १६ में यह पावर ज्यादा दी गई है। तो इस बिल का मालिक कमिशनर रहेगा। आप कुछ न कुछ सीलिंग इस बात पर भी लगाइये कि कम से कम ५-१० एकड़ जमीन तो जरूर ही एक्सेस लैंड में से भूमिहीन हरिजनों को दी जायगी। जो बैंकवर्ड क्लास के लोग हैं, जो आदिवासी हैं, हरिजन हैं और भूमिहीन हैं उनको सरकार ने अभी तक अपने मालिकी-हक की जमीन नहीं दी है। महाराष्ट्र में २५ जून तक करीब ४,५०० भूमिहीन कुटुम्बों को ५५ हजार ५०० एकड़ जमीन मशवकत करने के लिये दी गई है।

श्री उपसभापति : यह बिल दिल्ली के लिये है, यहां के बारे में बोलिये।

श्री पा० ना० राजभोज : मैं महाराष्ट्र की फिंगर्स बता रहा हूँ। महाराष्ट्र में ऐसी जमीनें दी गई हैं। यहां भी ऐसा हो सकता है। तो मेरी प्रार्थना है कि जैसा कि महाराष्ट्र में (Time bell rings.) दो मिनट में खत्म करता हूँ।

श्री उपसभापति : आप दो मिनट ज्यादा ले चुके हैं।

श्री पा० ना० राजभोज : सिर्फ दो मिनट और बोलूंगा।

दिल्ली में भूमिहीन हरिजनों की भूमि की भूख बुझाने का सरकार ने एक सुवर्ण मौका गुमा दिया है। महाराष्ट्र गवर्नमेंट ने जमीन देने के

बारे में जो रूल्स बनाये हैं, वह गवर्नमेंट का एक पब्लिकेशन है, उसमें दिये गये हैं। उसमें लिखा है कि यह जमीन महाराष्ट्र के उन लोगों को मिलनी चाहिये, जिनके पास जमीन नहीं है, जो बैंकवर्ड क्लास के लोग हैं, पिछड़े हुए लोग हैं उनको ही जमीन मिलेगी और जो सहकारी संस्थायें हैं उनको मिलेगी। हमारे श्री मधुकर राव चौधरी डिप्टी रेवेन्यू मिनिस्टर और श्री नाइक रेवेन्यू मिनिस्टर ने यह फर्मान निकाला है और हमारे चाह्वान साहब ने जमीन का बंटवारा बहुत अच्छा किया है। तो मेरी मिनिस्टर महोदय से यह प्रार्थना है कि उस बात को यहां भी अमल में लाने की कोशिश करें और जो लोग सब प्रकार से पिछड़े हुए हैं, कुचले हुए हैं, उन लोगों की एकानामिक कंडीशन, आर्थिक परिस्थिति सुधारने के लिये उनको यह जमीन देनी चाहिये।

दफा २६ में मुक्ति देने का अधिकार है। ये मुक्तियां ज्यादा हैं और उससे एक्सेस जमीन की संख्या घट गई है। वह नयायपूर्ण नहीं है। आप हमारे चाय में से दूध निकाल ले रहे हैं, ऐसा मालूम होता है। वितरण के लिये आपको अधिक से अधिक जमीन मिलनी चाहिये, लेकिन इस क्लॉज की वजह से कम से कम जमीन मिल रही है। जिसके पास अधिक जमीन है, उसको अधिक मुक्तियां मिली हैं।

इसके अलावा मैं आपसे यह प्रार्थना करना चाहता हूँ कि मैकेनाइज्ड फार्मिंग कब से शुरू होनी चाहिये, वगैरा बातों पर आप ध्यान दें। अगर इन बातों पर पूरी तरह से ध्यान से नहीं देते हैं तो इतना महत्वपूर्ण बिल “खोदा पहाड़ और निकली चुहिया” की जो बात है उस हिसाब से निकम्मा हो जायगा।

[श्री पा० ना० राजभोज]

मुझे आशा है कि हमारे मंत्री महोदय भा० हरिजनों और आदिवासी भाइयों के ऊपर ध्यान देंगे। मेरे एक भाई ने कोआपरेटिव सोसाइटी के बारे में कहा है, उनको तो जरूर ही जमीन मिलनी चाहिये और जो बैक्वर्ड क्लास और शेल्ड कास्ट के लोगों की संसाइटियां हैं उनको जरूर ज्यादा से ज्यादा जमीन मिलनी चाहिये। इसके अलावा मेरी यह प्रार्थना है कि जैसा कि दूसरी रिपोर्टों में हुआ है उसी तरह से यहां भी इस मामले में अमल होना चाहिये। मुझे आशा है कि मेरी बात मिनिस्टर साहब अपने ध्यान में रखेंगे।

SHRI JASWANT SINGH: Mr. Deputy Chairman, Sir, this is the second instalment of land reforms after independence has come to this country. The first was in regard to the abolition of Jagirdari and zamindari system because it was stated that the land should belong to the tillers of the soil and on that slogan the enactment was made. The second slogan which was started was that in socialistic pattern of society the land should not vest in the hands of a few people but it should be distributed and that the landless labour should also get land. Now, the question is whether this land is to be distributed from the property of the land owners or landed proprietors or whether it is the responsibility of the Government to give land to the landless labour. Now, ceilings have been recommended by the Planning Commission and approved by the Government. The Congress in its session at Nagpur also adopted a resolution that by December, 1959 the ceilings legislation should be passed in all the States and in pursuance of that resolution many of the States have already passed ceilings legislation. Some of them are waiting and in some of the States even

though the legislations have been passed the implementation has not been done so far. In my own State of Rajasthan the law has been passed but so far it has not been implemented. Now, the Central Government has brought this law for the Union Territory and as such it is likely to be taken as a model for those States which have not so far enacted any ceilings legislation and also those which have enacted legislation but have not implemented them. Probably they would like to take advantage of the Central legislation which probably is going to be more perfect than the legislations passed in the various States. Coming as I do from an agriculturist family the maintenance of which for generations has depended on land, naturally I am very much interested in legislations of this kind and therefore I have taken some pains to go into this Bill very thoroughly. I have also some experience of the legislation that has been passed in my own State and that is now awaiting implementation. I would frankly admit that though the popular idea these days is for a socialistic pattern of society—that is the system which has been accepted by the Government and we are all for it—I sincerely believe that this legislation will not go far in that direction of helping the landless labour out of their troubles. On the other hand, this might bring in more troubles and complications. How much time I have got, Sir?

MR. DEPUTY CHAIRMAN: Ten minutes.

SHRI JASWANT SINGH: In ten minutes I really cannot deal with even one point fully.

So while going into this question I wanted to table certain amendments I but I felt that on practically every clause amendments may have to be tabled and it will not be accepted by the Government. So I did not want to waste the time of the House and I would content myself by dealing

with three or four important issues in my speech. In the time that is given to me, I do not really know what I can say.

First of all, I would refer to clause 3 which refers to ceiling on holdings. The ceiling is fixed at 30 standard acres for a family of five which in terms of money value would mean Rs. 300 per month or Rs. 3,600 per year. For every additional member in the family above five, they can have five acres extra the maximum allowed for a family being 60 acres. Now, here is an anomaly. A single bachelor can have 30 standard acres while a family of five members will also be entitled only to 30 acres. I do not know whether this will be the socialist pattern of society where one single person would have the same as a family of five members. Moreover what can a family of five members do with an income of Rs. 3 600 per year in these days of high prices and higher cost of living all round" They can't educate their children, they can't provide them with the necessary amenities.

MR. DEPUTY CHAIRMAN: You can continue after lunch. The House stands adjourned till 2-30 P.M.

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

SHRI JASWANT SINGH: Mr. Deputy Chairman, I was speaking about ceiling on holdings and I was trying to show that thirty standard acres to be given to a family are far too inadequate to meet the needs of the present time. I also beg to submit that in this way we will be uprooting the whole agricultural class and families who contribute to the food supplies of the country. This

slogan of land being given to landless labour, etc. will not solve the problem and it is not going to help them in anyway whatsoever. In the same clause 3, there is an Explanation which says:

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

I do not find any provision whatever in the Bill in regard to Hindu joint family. My hon. friend, Shri Biswanath Das, also referred to this point in brief. I want to emphasise that thirty acres for an ordinary family is a different thing. In a Hindu joint family, where many people have a share, as soon as a child is born, he automatically gets a share and if thirty standard acres is the maximum that is prescribed, then the fragmented land will be so small that it will be an uneconomic holding in course of time. It will be an absolutely useless chunk of land which will yield no produce at all. I would like to know from the hon. Home Minister why a provision for the Hindu joint family has been left out altogether in this Bill. If there is any reference anywhere, I have not been able to find it. In clause 4 there is a proviso, which says:

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

Co-sharers of a joint family may have their separate thirty acres, but so far as the Hindu joint family is concerned, there is no reference whatsoever.

Then, Sir, I come to another important point. Clause 8 refers to excess land vesting in Government. We have no objection to excess land vesting in Government. But I would submit that before excess land of a family vests in Government, if in that particular family there are major

[Shri Jaswant Singh.] sons who are entitled to have their own share, or there are other members in the family who are entitled to have land, then the excess land from that family should first go to the landless in that family. Only after having satisfied their claim, it should vest in Government—not automatically. Otherwise, the family land will be distributed to some other people, while the descendents in that particular family will become landless. So, I hope that this point of view will be kept in mind by the hon. Minister.

Then, I come to the next very important clause, clause 10, which deals with compensation. This is more or less the crux of the whole problem. After the ceiling has been fixed and implemented and after the excess land vests in the Government, the next most important question is in regard to compensation, namely, after the excess land is taken away whether those persons will be fully compensated or not. What is the position? What is the compensation which is supposed to be given under this Bill? It is equal to twenty times the net income from such land. What is the net income? The net income shall be deemed to be one-fifth of the value of the average yearly gross produce of the land. In other words, it will mean that if the excess land is worth Rs. 100, the maximum compensation that would be given to a family would be double the amount, about Rs. 200 according to my calculation. If it is something else, I would like to be enlightened. If on a land worth a gross income of Rs. 100 the compensation to be given is Rs. 200, I may be excused if I use the expression that it is nothing but expropriation and it would be like our Communist friends here. They have a certain ideology and in following that ideology they do not mind even expropriation. Here our Government who are wedded to democracy do not believe in expropriation, but they employ indirect methods which amount to expropriation. Here the

compensation that is proposed to be given is so small and so little that I do not see that justice and fairplay will be done to the parties concerned. When the hon. Minister was making his speech, I was not present here, as I had to go to other official business, to the Public Accounts Committee. So, I do not know whether he mentioned what percentage it will amount to. But according to my calculation, the compensation will not go beyond three per cent. here. If I understand it rightly, in Punjab it goes up to 75 per cent, of the gross income. Here it is such a small thing which will come to double the gross income. The net income that has been calculated has been calculated in such a manner that it will be one-fifth of the gross income. In all fairness I would submit that here the Government has not been fair to those from whom excess land will be taken away and which would vest in the Government.

Then, Sir, another thing, which I am sorry to say, is again not fair and that is this. The very Bill makes differentiation between urban and rural population. I need not go into that question. Here in this very clause what is the compensation proposed to be given in respect of the structure or building on this land? Here it is stated:—

"...in respect of any structure or building, including wells, tubewells and embankments constructed on such excess land and any trees planted thereon and such compensation shall be determined by the competent authority having regard to the market value of such structure or building or the value of such trees and shall be paid to the person who has constructed the structure or building or planted the trees."

I do not know why this differentiation in respect of the same land has been made. I feel that those who are agriculturists and who have their deep-rooted attachment to land should

get more compensation for their land, than in the case of the structure that stands on the land. Here for the land itself the compensation that is proposed to be given is negligible. It is hardly any compensation and it is more or less expropriation. But as far as the structures on the particular land are concerned, their market value will have to be taken into consideration and they will get a little more. I would, therefore, submit that it is not fair at all. Then, Sir, I will come to clause 10(5). Here in regard to the excess lands of religious or charitable institutions, in the first instance I have got an objection that these lands belonging to such institutions have not been exempted from the scope of this Bill. They should have been exempted as has been done in regard to certain types of lands in clause 1(2) of the Bill. These charitable institutions find it very hard to maintain themselves. It is only through their properties that they can run. Also, the donations and subscriptions coming to the institutions now, because of the economic condition in the country, will not be as much as they used to be in the past, and they have only to depend on these properties. Here also any land with these institutions in excess of 30 acres will vest in the Government. Now what is the compensation that has been proposed? If the Government would come out in the open and say that they want to abolish these institutions, religious institutions and charitable institutions, then we have no grievance against the Government. But if they want to come through the backdoor and kill these institutions, then certainly we have got objection and we doubt the motives of the Government in regard to these institutions. Sir, what has been done here? They say that for any excess land of a religious or charitable institution vesting in the Government, the compensation payable would be an annuity equal to the net annual income of the excess land and such net income will be determined by the competent authority. With all respect to the hon. Minister I would like to know

what the annuity of an institution under this clause will be whose income is about Rs. 1,000. I will say that it will not get more than Rs. 20 or Rs. 50 at the most when it has got its valuable land vesting in the Government, and it will be very hard hit. I do not think that fairness or justice has been shown not only to the Bhumidhars or to the landowner? but to these religious or charitable institutions.

Then, Sir, the manner of payment of compensation is dealt with in clause 11. Here also they say that it may be in cash or in a lump sum or in instalments or in bonds. I have got experience of bonds. I for my jagir have got bonds, and I know that these valuable bonds have been sold for paltry sums. Therefore, I am not in favour of bonds. Here it has been stated that bonds are non-transferable. If so, of what use they will be? The small amounts in instalments will be frittered away in no time. They will be useless. So cash payment should be given in a lump sum. Those who have received bonds find that they have to sell the bonds to get more interest.

In regard to clause 12, limiting future acquisition of land, with all respect I would submit that this clause according to me is *ultra vires* of the Constitution.

SHRI B. N. DATAR: Which clause?

SHRI JASWANT SINGH: Clause 12.

MR. DEPUTY CHAIRMAN: Limit on future acquisition.

SHRI JASWANT SINGH: The family will be growing. They will have no other land to get and they will have to inherit whatever there is already. Article 19(f) of the Constitution says that all citizens shall have the right to acquire, hold and dispose of properties. Here it means that the Constitution has been subordinated to this Bill, which is all

TShri Jaswant Singh.] wrong. It is our fundamental right. The people in the urban areas can acquire as much property as possible. There is no ban whatsoever, because they hold the right under the Constitution. Similarly I do not know why differentiation has been made between urban and rural population. Sir, according to me this is an encroachment on the Constitution, and the Constitution has been subordinated to this Bill, whereas this Bill should have been subordinated to the Constitution. And all other laws should be so framed that the Constitution is honoured.

DR W. S. BARLINGAY (Maharashtra) : Do you suggest that these provisions are unconstitutional?

SHRI JASWANT SINGH: They are *ultra vires* of the Constitution. Therefore, I submit that I am opposed to the provisions of this Bill because they are unfair, and justice has not been done to the parties concerned and certainly they go contrary to the provisions of the Constitution.

SHRI N. S. RAMA REDDY (Mysore): Mr. Deputy Chairman. I rise to welcome this Bill, the Delhi Land Holdings (Ceiling) Bill, 1960. In so doing I would like to refer to clause 3, which lays down the basis for fixing the limit. The limit has been fixed as 30 standard acres. Of course for any member of a family exceeding five additional five acres are given but the maximum limit for the whole family has been fixed as 60 acres. I feel, Sir, that here is an element of injustice. As hon. Members know India has been very famous for what are called joint-family institutions. These joint-family institutions were no other than the land co-operatives that we are now talking of. I myself belong to a family, rather I belonged a year before to a family of 75 members. The threat of these land ceilings came like a bolt from the blue to the members who were so closely knit to each other. As I talk like this, I am overwhelmed with

emotion. Every member of the family was prepared to sacrifice for the good of the other members of the family. When I went to the bathroom and found that the bathroom was occupied by another member of the family. I felt of course horribly inconvenienced, but then I thought that of course in the interests of the other members of the family I should sacrifice. Every time such an inconvenience was caused to me in the family, the nobler instincts in me rose up and then I said "Yes, his good shall be my good". Such a feeling was there, but the moment ceilings were talked of in the public platform, what happened was that the same set of people—I do not know how—became changed overnight and they were telling "Now is the end of the joint family system". Sir, I felt mortified. I felt very unhappy. I did not know what to do. Then I said "All right, there is no way out of this situation created by this development". Such families are there in that part of the country where I live. For instance, there was a family in Madhugiri Taluk in Tumkur District consisting of 150 members. I may not be making a great revelation here if I say that what we know of their way of preparation . . .

SHRI B. D. KHORARAGADE (Maharashtra): How many such families are there in this country?

SHRI N. S. RAMA REDDY: I do not know the number, but I know that there are plenty of such families.

SHRI B. D. KHOBARGADE: How many?

SHRI N. S. RAMA REDDY: I am not a statistician to know that. It was for the Government to have found it out. Certainly they would have done better if they had done it.

Anyway, you have thought of breaking up these institutions. I do not know whether it is for good or whether it is for bad. The future alone

will say. Now at least some equity and justice should have been meted out to such families. After all they are all our countrymen. I do not know why our hon. Minister did not see reason in allotting on the basis of equity land for every person, even member of the family. If there were 25 people in a family, why should the family be broken up? If he had any consideration for the joint family system, he would have said "All right, every member of the family shall have five acres up to the limit of the entire number". That would have been a fair proposal. I appeal to the Home Minister to kindly look into this matter and amend this Bill suitably so as to provide at the rate of five acres. He or she will grow up tomorrow if not immediately. He may not have a claim for five acres. And that problem will have to be faced by the Government. Who else will face it? Anyway, for the sake of preserving the small number of joint families that are still left here and there, I appeal to you to allow five acres to each member of the family.

SHRI B. D. KHOBARAGADE: in that case it would amount to ,*even hundred acres per family.

SHRI N. SRI RAMA REDDY: They are members of the family. They are Indian citizens. What right have you to say that they shall not have any claim? (*Interruption*).

MR. DEPUTY CHAIRMAN: Order, order.

SHRI N. SRI RAMA REDDY: It is good. What else is your co-operative farm? What else is your co-operative way of life or co-operative commonwealth? I would like to ask.

Anyway, I come to clause 6(2) which says:

"For the purpose of determining the excess land under this section, any land transferred at any time during the period between the 10th day of February, 1959 and the commencement of this Act shall, notwithstanding such transfer, be

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deemed to be held by the transferor."

This, I should think, is not a very justifiable clause. Even our great Prime Minister, when we were discussing things with him the other day, said, "All right. You complain that people are transferring their lands." Why should they not? That is exactly the result of this imposition of ceilings. If they transfer, it is well and good. It will go to X, Y or Z. After all, on the day of the commencement of this Act, the whole effect should have been given to it. You should fix a period for valid reasons. If a transfer has to take place, what right have you to say that it shall not be given effect to?

I come to clause 7(5). Even the poor homestead is not kept intact. If he has three acres, he shall not have any claim. Even in Russia, I am told, three or four acres have been allotted as private land. Why should not our Home Minister think of giving them at least a maximum of three acres for a homestead, I do not know. I want to know how many acres of compound our Home Minister has for himself in Delhi city and why should not a villager have three acres? Please fix that limit at three acres, not at one acre. What is one acre after all? There are gardens in the city; valuable lands are there. (*Interruption*). Whatever it is, land is land. He will also use it for some trees and other purposes.

With regard to compensation, I say that something is lacking in this Bill. Why should we not pay at the market value? Suppose I go to the bazar to purchase a coat, I have to pay the market price. But here why do you want it to be at twenty times the net income. He was referring to the rent or to the income or to one-fifth of the gross yield. What all these are, I do not know myself. If rent is the same thing as net profit, all right, well and good. If it is required for public purposes, you shall have to pay adequate compensation. Suppose in the urban area my land is

[Shri N. Sri Rama Reddy.] wanted for some public purpose. You collect all the documents I am having for the last three or four years and say that this shall be the compensation. Even High Courts have passed judgment and you say arbitrarily that twenty times the net profit shall be the compensation. I do not know how you arrived at that profit. Sugarcane is probably grown once a year; at other times, grass is grown on the land. It may end in endless complications if we do not fix the price for the surplus land to be acquired by the Government for the purpose of allotment or whatever it is, on the market value. I should feel that this again is a matter of equity and justice. Having said this much, I feel that something is lacking in this Bill. What is that? Delhi is a very small State. A number of people are now expressing doubts with regard to the surplus land that will be available either for distribution or for whatever purpose the Government wants them. A number of doubts are being expressed today. Delhi is a very small State, and moreover, this has got to be a model for so many other States that have not yet enacted legislation in this respect. I would have welcomed it very much if the hon. Minister had taken the trouble to find out how much surplus land would really be available for distribution and how many people could have been resettled on the surplus land. After all, the purpose is to acquire it from a certain set of people who have it in plenty and to reallocate it to those that have no land. The question of the landless population is not solved in this way. It is like digging a whole mountain to catch a wonderful mouse. Why are we attempting this? If there was earnestness, certainly things would have been done in a better way. It was quite possible, and it was within the competence of this Ministry, to have collected enough statistics and produced them before this House so that we could have known how far and how much good we could have done to the public by a legislation of this kind.

DR. A. SUBBA RAO (Kerala): Mr. Deputy Chairman, I rise to support this Bill even though I do not agree with some of its clauses. Sir, I was not surprised to hear Mr. Jaswant Singh as he belongs to a party which does not believe in any reforms, but believes that free enterprise should be our mode of future life and so on and so forth. But I am really surprised and pained also to hear my predecessor Shri Sri Rama Reddy, who I think belongs to the Congress party. We all know that when the freedom struggle was waged, many of the landless peasants, the tenants and others, all supported the movement because they thought that immediately after freedom, they would get a better lot. And the process of comprehensive land reforms has been stressed by the Congress party after our independence, and even in the First Five Year Plan, it has been repeated. So we must feel ashamed that even after nearly a decade of freedom, we had not thought of introducing this Bill a long time back. I came to the freedom movement. I come from a rural area and from a family, as my predecessor said, which owned a little bit of land also. We came and joined the freedom movement when 3 P.M. Congress gave a definite undertaking or promise to the peasants that they would introduce comprehensive land reforms. Now what do we find in the States? This Bill for Delhi claims to be a model for other State Legislatures to pass a similar Bill. But we are very sorry that the other State Legislatures, even though they profess that they will also bring-forward this type of land ceiling legislation, have not yet thought fit that the time has come for such a type of comprehensive legislation. Even in this Bill, Sir, there are so many clauses the provisions of which will actually circumvent the main purpose of this legislation—I mean in the legislation in other States. Even though this Bill might be slightly better than all other State legislations barring Kerala of course, I feel that the ceiling prescribed in this legislation is a bit too high inasmuch as

thirty standard acres have been allowed to a family of five. In India we have very huge families and a joint family will consist of a number of members entitling them to a number of units of land. If they get it, it might actually circumvent the very purpose of this legislation. For example, Sir, if there is a joint family consisting of an old man and his wife having six adult children and the adult children having a number of children, then the land that they will get will be 6 or 7 or 8 units. Each member's family in that large family will be construed a separate family and they can claim, I think, 180 standard acres. I think this limit is too high.

So is the case with compensation, and we heard a previous speaker say that the compensation was no compensation and that it was expropriation of land-owners. But if we actually go into the cost of land, I mean the amount of money invested by the landlord in land or the amount of money with which he purchased the land and if we also take into account the return he had from the land so far, I do not think the compensation fixed is too low. On the other hand I feel that it is too high. And in the original Bill as introduced the compensation that was proposed to give was forty times the land revenue and it was on a slab system. But then, later on, the Select Committee recommended that universally forty times the land revenue should be given, but just because some of the Members who are also here clamoured that the compensation was too low it was revised. Why is it that the Government succumbed to the pressure of these landlords and changed even the recommendations of the Select Committee? You should have faced these people and you could have enlisted the co-operation of all peasantry in this regard, who have been exploited by the landlords for a long time. And the compensation payable by Government after all is got from the ordinary masses, who are to be taxed. It is a legitimate right

of the people to demand that only minimum compensation should be paid, a compensation based on justice *only* is to be paid to the landlords and not high compensation. I feel that the compensation provided in the Bill now is too high, and the original recommendation of the Select Committee should have been stuck to.

SHRI SONUSING DHANSING PATIL (Maharashtra): What do you exactly mean by 'landlords'?

DR. A. SUBBA RAO: Land-owners, whoever are the persons owning land, and I am sure, Sir . . .

SHRI B. D. KHOBAR AG ADE: Persons who are holding excess land.

DR. A. SUBBA RAO: Even today a family unit cannot cultivate these thirty standard acres personally or under personal supervision, and with my limited experience I am sure that if it is more than twenty acres, it is difficult to manage, to have personal supervision over them. Anyway that has been fixed, but to demand more compensation or to allege that Government is coming with a heavy hand on the landlords or landowners is too much. The compensation is too high. And I for one would expect that Government would revoke the present provision in the Bill for compensation and revert to the recommendation of the Select Committee.

Thank you.

SHRI B. D. KHOBARAGADE: Mr. Deputy Chairman, Sir, I welcome this Delhi Land Holdings (Ceiling) Bill as it is a step in furtherance of socialism and in establishing a socialistic pattern of society in this country. No doubt, it was greatly felt that the monopoly of a few landlords should be broken and social and economic inequality, so far as ownership of land and so far as inequalities in agricultural incomes are concerned, should be reduced to a minimum. This Bill seeks to achieve these aims. But I think the Bill, as it has been presented and as we have

[Shri B. D. Khobaragade.] discussing it now, does not fulfil these objects fully. I have said that it is a step in the furtherance of socialism, but it is not a full step; it is only a half step, because there are certain provisions in this Bill which do not fully implement all the aspects of a socialistic policy. Firstly the question of the level of the ceiling is there; secondly the question of compensation is there and thirdly the question of exemption. So taking into consideration all these provisions one cannot say that this Bill is a model Bill as claimed by the hon. Minister.

So far as the ceiling is concerned, my own view is that the ceiling fixed by this Bill is rather very high. I support the hon. Member, Dr. Subba Rao, who said that the ceiling should be lowered. There are various reasons for it. Firstly, we want to solve the problem of tenants and landless labourers who are

in a great number. If we take into consideration the figures for the whole country, we find that 22 per cent, of agricultural families do not own or possess any land. Fifty three per cent, families own and possess less than five acres each. So 75 per cent, agricultural families own less than five acres each of no land at all. So if you want to rehabilitate all those landless labourers and all those persons owning and possessing uneconomic holdings, then a ceiling should be fixed at lower level so that a large number of acres of land is released for distribution among landless labourers. Of course, while we are considering the question of fixing the ceiling, we must take into consideration whether a particular holding is sufficient to maintain a family or not, whether it will be economic or not. That should be the criterion in fixing the ceiling. If we take into consideration that criterion, what would be the land required to maintain a family of five members?

It has been pointed out by research scholars that 7.5 acres of land are quite sufficient to maintain a family

of five members. It has also to be seen that it is an economic holding. Criterion is whether a farmer ploughing a land with the help of a pair of bullocks, with his own labour, can cultivate that farm efficiently and maintain his family. Therefore, if we want to release more land to be distributed among the landless labourers, the level of the ceiling should be low. In my opinion it should be 20 acres per holding and not 30 acres.

Secondly, Sir, it might be argued that if we fix the ceiling at such a lower level, the income derived from such a holding would not be sufficient i.e., for a family. I want to suggest that agricultural production per acre in this country is very low. But as we are adopting new scientific methods, as we are using manures and fertilisers, as we are providing irrigation facilities, the production per acre will increase every year. Therefore, the income that we are getting from 20 acres today, will be doubled, trebled and even quadrupled within a period of four or five years. So, whatever ceiling we are fixing today, the income that can be derived from this particular holding can be increased within a short time.

Then, Sir, we want to increase our production per acre. Our country is suffering from shortage of foodgrains. The experience not only in India but in the whole world is that the smaller the holding the greater the production per acre. The production per acre decreases if the holdings are larger. In India we have got a large number of landless labourers. Therefore, here we should have labour-intensive agriculture and not capital-intensive agriculture, and if we want to raise the production per acre more holdings are essential.

To substantiate my argument, viz. with smaller holdings the production increases, I give the table taken from the report 'Studies in Economics of Farm Management in Uttar Pradesh (1957)' relating to Uttar Pradesh

where the districts of Meerut and Muzaffarnagar had been selected for study:—

Size-Group (In acres)	Output (Per acre)
	Rs.
Below 5	313·51
5 to 10	300·56
10 to 15	253·84
15 to 20	238·90
20 and above	252·12

From this table it will be seen that while the production per acre in a holding below 5 acres is worth Rs. 313·51, in a holding above 20 acres it is only Rs. 252·12, resulting in a decrease of 20 to 24 per cent.

At another place, on page 88 of his book 'The Peasant and Co-operative Farming', Prof. Ranga has quoted certain figures on the basis of a survey conducted by the Indian Peasants Institute in Krishna District in Andhra Pradesh. The table is given below;—

Class of holding (acres)	Value of the gross produce per acre.
	Rs.
A (3-5)	391·50
B (8-10)	382·50
C (13-15)	380·25
D (28-30)	355·50
E (42-45)	326·25
F (55-60)	317·25
G (70-75)	279·00
H (90-100)	243·00

Here also we find that from a holding beyond 30 acres the income derived from the agriculture produce per acre is reduced by 25 per cent. That is the case not only in India, but in England, in Denmark and in Sweden

also we find the same thing. As we increase the size of the holding, the output per acre decreases. Taking into consideration all these factors, if we want to increase the food production in this country, if we want to solve our food problem, if we want to stop the import of foodgrains from foreign countries, the first and foremost thing is to lower the ceiling on land holdings and to have small-size holdings. In no case it should be more than 20 acres per family.

The next point that I want to make in favour of small holdings is that smaller holdings would increase the cattle wealth and provide organic manures. Sir, organic manure is very essential for agriculture. Because of the use of inorganic fertiliser, nitrogen and phosphate, it has been established after long experience that with the use of chemical fertilisers, the soil deteriorates. About ten days back I read in the papers that in certain development blocks in my district the area under the Japanese method of cultivation had been reduced. Why? The agriculturist has found that by using these fertilisers the fertility of land has deteriorated and, therefore, the number of agriculturists who were cultivating land under the Japanese method of cultivation has been reduced.

Apart from that, on the basis of the experiments carried out at the Shah-jahanpur Research Station with the sugarcane crop, it has been proved that with the use of nitrogen phosphate and other fertilisers, the production dropped from 887 lbs. per acre in 1935-36 to 266 lbs. per acre in 1951-52. Therefore, if we want to produce more manure, we must increase the number of cattle. And if we want to increase the number of cattle, we must have small holdings. I give another table from the book 'Studies in Economics of Farm Management in Uttar Pradesh (1957)'.

Mr. Shri B. D. Khobaragade.

Size-group (acres)	Crop	Milk and Milk Products
Below 5	77.2	22.8
5 to 10	83.5	16.5
10 to 15	88.1	11.9
15 to 20	89.6	10.4
Above 20	91.1	8.9

It shows how with the increase in acreage, production of milk decreases. From 22-8 it has come down to 8-9. Therefore, if we want to increase dairy products or cattle wealth of this country, small holdings are essential.

Taking into consideration all these factors, if we want to increase agricultural production, cattle wealth and dairy products and if we want to release more land for being distributed among landless labourers, the ceiling to be imposed on land holdings should be lowered to 20 acres.

So far as the question of compensation is concerned, this Bill mentions that it should be 20 times the net income of the land. Now, Sir, what is net income? Now, net income is denned here in the Explanation:

"For the purposes of sub-section (1), the net income from any land shall be deemed to be one-fifth of the value of the average yearly gross produce of the land, calculated in such manner as may be prescribed".

It is one-fifth of the gross production. The land surrounding Delhi is fertile and rich. The gross production per acre can be easily more than Rs. 300. One-fifth of it comes to Rs. 60 and twenty times comes to Rs. 1200 per acre. I do not know whether the land around Delhi can be sold at Rs. 1200 per acre in the open market.

DR. A. SUBBA RAO: Plus interest, etc.

SHRI B. D. KHOBARAGADE: Yes.

What is the opinion of the Committee of the Panel on Land Reforms appointed by the Planning Commission? The report, published in 1959, states:

"The amount of compensation should in no case be more than 25 per cent, of the market value and should not exceed (inclusive of interest charges) the aggregate of the increase in land revenues for 20 years."

This Committee recommends that it should in no case exceed 25 per cent, and today we are paying more than the market price, if not, it is nearly the market price. In my opinion, if not 25 per cent, as recommended by the Planning Commission, let the compensation be 50 per cent. Therefore, as was originally mentioned in the Bill or as was recommended by the Joint Select Committee, the criterion to be fixed for deciding compensation should be 40 times the revenue and not 20 times the net income derived from that holding.

Coming to exemptions, this Bill exempts orchards. I would read from the report to show what is being done in the Punjab which is adjacent to Delhi.

"27 garden colonies have been set up in various districts on the evacuee lands. Their total area is 19,038 standard acres, allotted to 1,143 persons. This works out at 16-66 standard acres per allottee."

Even in orchards the Government has allotted only 17 acres per family. Why should there be any difficulty in putting a ceiling on orchards in this area? If any particular individual holds more acres of land in orchards that should be taken away from him and distributed to other landless holders.

So far as distribution of the excess land is concerned, I would urge that we should not give any wide discretion to the Commissioner as is done in the Bill. We must specifically

mention the order of priorities in which the excess land should be distributed and for that purpose, I suggest that top priority should be given to the landless Scheduled Castes and Scheduled Tribes persons. Some friends have suggested that land should be allotted to the co-operative societies. Of course, I welcome that but I doubt whether we can organise Co-operative Societies, as we will be getting these lands in lots of 5 to 15 acres, there will not be any compact block of 100 to 200 acres. How can we organise co-operative societies when we get scattered lands? In that case I do not think we shall be able to establish co-operative societies. If we can form them, give priority to them, particularly to such co-operatives that have scheduled castes as members. Secondly, preference should be given to scheduled caste and scheduled tribe landless labourers and the landless people among the backward classes, who have been exploited for centuries.

With these remarks I welcome this Bill and I would urge on the Minister to make every effort to reduce the level of ceiling and the amount of compensation and see that provision is made in the Bill itself for distribution of the excess land to the landless scheduled castes and scheduled tribes.

SHRI B. N. DATAR: Mr. Deputy Chairman, Sir, while almost all the hon. Members who took part in the debate on this Bill have, on the whole, welcomed its provisions, there are a number of hon. Members who wanted that it should be taken up in the other way than the one proposed in the Bill. On the one hand we are told by two hon. Members opposite that the compensation now being fixed in the Bill is very high and that we should go back to the scheme that was approved of by the Joint Select Committee. On the other hand, there are Members who say that in spite of the compensation being fixed at 20 times the net income, they consider that this is a piece of expropriatory legislation. I am afraid that when we have such

criticisms to the extreme in each case, we have to follow the middle course and so far as the middle course is concerned, we have to take into account what the Constitution has laid down in this respect. On the one hand the Constitution has recognized private property to a certain extent. On the other hand, there are attached to the holding of the private property certain social obligations as well and therefore both considerations have to be fully taken into account. Here in this case when we deal with the fixation of ceiling we have to take into account to a limited extent the interests of those agriculturists who want to cultivate the land personally and that has to be taken into account for leaving them a reasonable margin of profit or earnings for their own livelihood. My friend Shri Jaswant Singh rightly pointed out that Rs. 3600 ought to be roughly the annual income of a unit. That is absolutely essential if that family is to carry on its livelihood in a fairly satisfactory manner. That is one consideration we have to take into account. Therefore, when we fixed the ceiling of 30 standard acres, as I have pointed out, on the one hand we took into account the reasonable interests and the proper economic aspects of leaving a quantity of land with the family. That is why a ceiling was fixed in Delhi. The whole question was considered from all points of view and then the Government came to the conclusion that it would be proper to fix such a ceiling that the family, as a unit, will have something as a result of their labour to fall back upon for their maintenance of the family, for their livelihood.

DR. A. SUBBA RAO: What is the gross income of one acre in Delhi?

SHRI B. N. DATAR: I was coming to that. He need not have anticipated me. In Delhi there are different types of land and therefore on the basis of those types of land, the Government had to fix in the first instance the acreage and secondly the value of the land also. If, for ex-

[Shri B. N. Datar.] ample, 40 times the assessment is to be taken into account, then the value of the land in Delhi would vary between Rs. 70 to Rs. 130 in one case, Rs. 30 to Rs. 168 in another, Rs. 37 to Rs. 138 in the third and Rs. 24 to Rs. 130 and Rs. 42 to Rs. 139 in the others. In other words as there are different categories of land and as they are of different and varying qualities, therefore if the original proposal of the Joint Committee is to be accepted, it will be found that for an acre of land between Rs. 30 and Rs. 139 would be the highest compensation that any particular person whose land over the ceiling has been taken would get. On the other hand, my hon. friend was not correct in saying that when we give twenty times the net rent we are giving him more than what is the actual market price. That is an entirely incorrect statement. On the basis of mutations or changes, that is by private transfers, in each of these five categories the actual value or the price of land is between Rs. 1470—roughly Rs. 1400 — and Rs. 1800. Let this also be noted very carefully. On the one hand by following the forty times the assessment formula a person whose land has been taken over would be getting on the basis of Rs. 30 to Rs. 139 whereas on the other hand, on the basis of actual market price he would be getting at the rate of between Rs. 1400 to Rs. 1800 or Rs. 1900. I do not want to go into the various awards under the Land Acquisition Act because they would be much larger but I want to point out that what has been proposed in this Bill is a reasonable one. Instead of giving at the rate of Rs. 30 to Rs. 139 under the forty times the land revenue formula or even instead of giving at the rate of Rs. 1400 to Rs. 1800 under the formula of ordinary sales or market values, what we propose to give by way of twenty times the net rent would work out at the rate of Rs. 340 to Rs. 920. The House will thus see that we have not gone to the extremes of taking the market value as the

basis because that would not be proper—market value does not necessarily depend upon the quality of the land put upon other extraneous considerations, for example, nearness to the capital and so on. We are holding the scales even and what has been¹ done has been done in a proper manner. So long as we accept the sanctity of private property to a certain extent then naturally what has to be given has got to be reasonable. In this connection, I would like hon. Members to remember what we did by way of amendment to the Constitution when we were dealing with the question of compensation. There was a lot of controversy and people wanted that compensation should be allowed to be fixed by the courts more or less on the basis of the existing market value. I pointed out that this would not be the proper criterion. The Constitution said that compensation should be paid—it is not that the property is to be expropriated in the sense that a man was to be deprived of his property without being given any compensation—but that the principles of compensation should be laid down by the sovereign body of the land, namely, Parliament. That is the reason why we have come here with a proposal which is reasonable and which does not go to extremes on either side but gives what could be called not necessarily a very high amount but a reasonable amount under present conditions.

One hon. Member wanted to know as to how a standard acre was fixed. In the Bill itself it has been pointed out that the definition of the standard acre would be the one that has been given in connection with the Delhi Land Reforms Act passed by the then legislature in the Part C State of Delhi. The definition has already been given in the rules and that would continue to be the definition for the present purposes also. May I generally point out in this connection, Sir, that a standard acre in Delhi means a measure convertible ordinary acres of any class of land..

with reference to the quantity of the yield and shall be equivalent to one ordinary acre of any class of land in any assessment circle as determined by dividing by sixteen. I explained at great length yesterday. Sixteen annas would be the full yielding capacity and if any acre yields that much then that would be a standard acre; if it falls short then naturally the number of ordinary acres will have to be increased to make it possible for the additional quantity and the original quantity together to give that minimum yield.

Another hon. Member raised the question of a family unit. My hon. friend, Shri Sri Rama Reddy, raised the question of the joint family. I was rather amused when he stated that he once belonged to a joint family but that he was no longer a member of the joint family now. It is entirely in his discretion but the present general notion is that the joint family might be maintained; there is no objection. The idea, however, is to have such units, if any, as call for the fullest self-expression and fullest self-development and that is the reason why we are not going in the other direction, though to the extent that it is possible or permissible joint families might be kept on. May I also point out in this connection that we have not touched the joint family at all? We have taken the family here as a unit consisting of persons who are likely to take part in cultivation. We do not want to deal with or touch any rights under the Hindu Law or any other law. My hon. friend made reference to the Report of the Committee or Panel on Land Reforms. There the level of the ceiling was indicated in terms of the multiple of the family or the economic holding. The question whether this basic norm should be determined by reference to acreage or to income was discussed and the view that was ultimately accepted was that the determining criterion should be what is termed as the plough unit, that is, the area of

land which an average family could cultivate with a pair of bullocks. It was also said that the holding should ensure a minimum income necessary for supporting a family. Then as regards income Rs. 1,200 was taken into consideration. Assuming 2 to 2-5 earners in the family of an agriculturist, the annual income of an average agricultural family should come to Rs. 1,200 and they said that three times Rs. 1,200 would be the family unit. There is a lot of misunderstanding about the term "family unit" that has been used in this Bill. After examining the question whether in applying the ceiling the aggregate area held by all the members of the family should be taken into account or whether the land held by an individual member of a family should be regarded as constituting a separate holding for purposes of ceiling, the Panel has said that the family is the real operative unit in land ownership as in land management, and it has, therefore, recommended that the aggregate area held by all the members of a family should be taken into account. It has also said that the family should be deemed to consist of a husband or wife, as the case may be, and dependent sons and daughters and grandchildren. So the word 'dependant' has been purposely put in. If a particular close relative specified here ceases to be dependant and he has his own lands then a provision has been made. The land held by married daughters and earning sons should be excluded. They are entitled to have their own family unit. Where the property has devolved on two or more heirs after the death of the parent and the property has been held in common by them, when divided the share of each heir should be regarded as a separate unit. If this position is understood then there will be no difficulty and the criticism that has been levelled . . .

SHRI BISWANATH DAS: My hon. friend just now stated that he has

[Shri Biswanath Das.] not offended, he has not interfere with, any law regarding landed pro perty rights. Sir, I join issue with him. I shall present an actual cast of my family which lived for flew generations. When we partitioned after 1946 we were 14 sharers with a total of 90 members. Now, in term; of clause 3 my hon. friend will giv* such a fami'y 30 acres. I do not know who will take those 30 acre; and for each additional membei another five acres, the total not exceeding 60 standard acres. That means he will give double the ceiling for the entire family of 90 members I am citing the case of one family; there are many such families. For a family of 90 members he gives . . .

MR. DEPUTY CHAIRMAN: He won't give anything. He only says that that is the maximum limit.

SHRI BISWANATH DAS: Therefore I say that you are interfering with the Hindu law of . . .

SHRI B. N. DATAR: I would maintain that it is not correct at all. We have purposely put in the expression 'dependant.' If, for example, any members do not like to be dependant, as 'has been pointed out in the Report they can form an independent unit. Therefore, I would submit to my hon. friend that so far as the general idea of the Hindu joint family is concerned, it might continue and we do not interfere with their rights. What we desire is, we want to have this not necessarily for Hindus only but for all Indians. What we have taken into account is the actual cultivator and instead of taking him as the unit, we have taken the family as the unit. There might be cases where the man may be alone; he may have no children, no wife, no daughter and no grandchildren. Still he may be entitled to have a family unit. So that aspect of the matter should also

have to be understood. What I say is this. It is open to the earning members to form their own units if they so desire and this aspect should in no way be confused with the joint Hindu family.

One objection was raised by certain hon. Members regarding the distribution of land. What we have done is this. In each case we have laid down categories and you have to And out which are the classes that require the allotment of such land. A general principle has also been laid down which will have to be followed in Delhi. That is given in the Second Five Year Plan on page 197:

"In the settlement of lands acquired in consequence of the application of ceilings, tenants displaced as a result of resumption of land for personal cultivation, farmers with uneconomic holdings and landless workers should receive preference."

I know that the scheduled caste people—a very large percentage of them, larger than others—are landless people and therefore I would assure my friend, Mr. Rajabhoj that they would come within this expression. We generally desire that they should be given land. That is the policy of Government and wherever it is possible, that policy is being followed to a large extent in all the States. Inasmuch as the number of landless persons among the Harijans is very large, naturally their interests will have to be looked after and may I assure my friend that they would come under the expression 'landless persons' and they would receive preference.

RAJKUMARI AMRIT KAUR (Punjab): I want to know whether the Government have satisfied themselves that 30 standard acres which they are giving to one family constitute an economic holding.

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.
DATAH) : 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