

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill further to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954."

*The motion was adopted.*

**Shri Mehr Chand Khanna:** I introduce the Bill.

12-24 hrs.

#### APPROPRIATION (NO. 8) BILL

**The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha):** On behalf of Shri Morarji Desai, I beg to move:\*

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1959-60 be taken into consideration."

**Mr. Speaker:** The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1959-60 be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** The question is:

"That clauses 1 to 3, the Schedule, the Enacting Formula and the Long Title stand part of the Bill".

*The motion was adopted.*

*Clauses 1 to 3, the Schedule, the Enacting Formula and the Long Title were added to the Bill.*

**Shrimati Tarkeshwari Sinha:** I beg to move:

"That the Bill be passed".

**Mr. Speaker:** The question is:

"That the Bill be passed".

*The motion was adopted.*

12-25 hrs.

#### TRIPURA LAND REVENUE AND LAND REFORMS BILL—contd.

**Mr. Speaker:** The House will now take up further consideration of the following motion moved by Shri Datar on the 11th December, 1959 namely:—

"That the Bill to consolidate and amend the law relating to land revenue in the Union Territory of Tripura and to provide for the acquisition of estates and for certain other measures of land reform be referred to a Joint Committee of the Houses consisting of 30 Members; 20 from this House, namely, Shri Bangshi Thakur, Shri Rungsung Suisa, Shri Dharanidhar Basumatari, Shri Etikala Madhusudan Rao, Shri Ghan-shyamjal Oza, Shri Bibhuti Mishra, Major Raja Bahadur Birendra Bahadur Singh, Shri M. Gulam Mohideen, Shri Shobha Ram, Shri Raja Ram Misra, Shri J. B. S. Bist, Shri N. B. Maiti, Shri H. Siddananjappa, Shri Dasaratha Deb, Shri Laisram Achaw Singh, Shri Pramathanath Banerjee, Shri Tridib Kumar Chaudhuri, Shri Ram Chandra Majhi, Shri Bijaya Chandrasingh Prodhon and Shri B. N. Datar, and 10 members from Rajya Sabha;

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

\*Mover with the recommendation of the President.

[Mr. Speaker]

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

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

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

Shri Radhelal Vyas, who was in possession of the House, may continue his speech now.

**An Hon. Member:** What is the time allotted for this Bill?

**Mr. Speaker:** The time originally allotted was 3 hours; the time taken so far is 2 hours and 45 minutes. Only 15 minutes now remain. The time taken by the hon. Member Shri Radhelal Vyas already is 17 minutes. Does he want to take the rest of the fifteen minutes himself?

**Shri Radhelal Vyas (Ujjain):** I have a few suggestions to make.

**Mr. Speaker:** All right; he may take three more minutes.

**Shri Radhelal Vyas:** If necessary, you may be kindly pleased to extend the time by a few minutes.

**Mr. Speaker:** Is it so necessary? Anyhow, we shall see.

**Shri Radhelal Vyas:** I have dealt up to clause 62 already; now, I come to clause 63 which provides for three processes for the recovery of arrears of land revenue. I would like to suggest for the consideration of the Joint Committee.....

**Mr. Speaker:** At this stage, we do not go into the clause-by-clause consideration.

**Shri Radhelal Vyas:** But some suggestions will have to be given for the consideration of the Joint Committee.

**Mr. Speaker:** That is all right, but the suggestions need not be made clause-by-clause. The hon. Member may state only the general points at this stage, and say whether this Bill is one which has to be considered or not. Or, he may generally say that these are the main points, these are the weak points and so on. He ought not to deal with it clause-by-clause and say that this clause requires some amendment in this manner and so on.

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** That is what he has been doing.

**Mr. Speaker:** If there is an enormous question of principle involved in it, then I have no objection if a reference to the clause is made. Otherwise, to say that the composition of a committee should be five members, or the period of two years may be reduced to one year or increased to three years, the rate of compensation may be something else, and so on, would mean going into details. There may be different views on these things, but these are all details which will have to be looked into by the Joint Committee. Hon. Members who want to make suggestions can send those suggestions to the Members of the Committee, and they will all be placed before the Joint Committee and circulated to the Members thereof; I shall certainly do so. And if the hon. Members have time to attend the meetings of the Joint Committee they can all attend, without any restriction; they can place their viewpoints before the Joint Committee, though they cannot vote. That is already there in the rules.

**Shri Radhelal Vyas:** For recovery of arrears, one of the processes should be to hand over the land to some receiver or to give it in lease to some other person. This can also be one of the ways of recovering the arrears, so that the landowner may be saved from parting with his land.

As regards appeal, that is a very important question. In clause 96, it has been stated that 'an appeal shall lie against every original order passed under this Act'. If every order is to be appealed against, then it will prolong the litigation, and the decision will be very much delayed. Either the appeal should be against the final order of the competent authority, or in particular cases, against interim orders against which an appeal should be specially provided for in the Bill itself, as has been done in the Civil Procedure Code. Every order should not be made appealable. I hope the Joint Committee will consider this point and would recommend that an appeal shall lie against the final order or such interim orders against which appeal would be provided for in the Act itself.

As regards limitation for appeals, it has been provided in the Bill that the time taken for obtaining a certified copy shall be excluded. But there might be cases where it would be very necessary to extend the limitation as it has been provided in the law of limitation. So the general provision for extension of time as is made in the law of limitation should be made applicable to appeals against this Bill also.

Wherever there is a question of a right between two private persons, it has been provided that the aggrieved person can go to a civil court to question any order of the competent authority, but where there is a dispute between a private person and Government, the jurisdiction of the civil court has been barred. You will kindly refer to clause 99. In such cases also, even in review cases, where a competent authority or any revenue officer comes to know that

some mistake has occurred, if he wants to review the order, he should have the power to do so even if it be a dispute between Government and a private person.

As regards rules, the Administrator has been given power to frame and issue rules. I would like to submit that the rule-making power should be with the Administrator, but he should exercise it only with the previous approval and sanction of Government. As regards surrender of the land, it has been said that if the raiyat wants to surrender his holding, he must do so by giving three months notice. This should not be necessary. He should be able to surrender his land at any time and Government should take possession of it. Why should there be a time-limit or notice necessary for this? As regards rent received by the raiyat, if no receipt is issued for the same, it is not made punishable. There should be a provision to the effect that if the landholder fails to issue a receipt for rent received, it is an offence liable to punishment.

Regarding eviction of a tenant of a landholder under disability, a period of five years has been mentioned. He will not be evicted after a lapse of five years from the date the disabled person ceases to be under disability. The period of five years is too long; it should not be more than three years. If he had been under disability for a number of years and if the disability is removed, within the next three years the person who ceases to be under disability must have the right to evict the person concerned. So the period of five years should be reduced to three years.

Similarly, a person taking possession for personal cultivation under the order of a court and failing to cultivate within four years will surrender his land to the original tenant. But I would like to submit that four years are a very short period. If he fails to cultivate within the next twelve years, then he should be made liable to return the land to the tenant from whom it was given over to him.

[Shri Radhelal Vyas]

As regards option to purchase a land which is disposed of by a raiyat under clause 134, a reasonable price is to be determined, if there is a dispute with regard to it, by the competent authority. The basis for such determination is the average price prevailing during the ten years preceding the sale of the land. The price of land varies from year to year and to fix the reasonable price on the basis of the prices that prevailed during the previous ten years is not equitable.

**Shri Ranga (Tenali):** It is too long a period.

**Shri Radhelal Vyas:** It is too long. I would, therefore, submit that the fair price or reasonable price prevailing at the time the land is sought to be transferred....

**Shri Ranga:** That is right.

**Shri Radhelal Vyas:** ...or, at the most, the average of the prices prevailing during the preceding three years, should form the basis of the transaction. In no case should it go beyond three years. Lastly, I would invite attention to clause 185.

"Any transfer, partition or lease of land made in contravention of the provisions of this Chapter shall be void".

This is all right. I have nothing to say about it. But I am opposed to sub-clauses (2) and (3). These relate to the registration of deeds. If the transfer etc. is void, even if it is registered, it will have no effect. But to make a provision in the law that the Registrar shall not register if the transaction has been effected in contravention of the provisions of the Chapter is not proper. How is the Registrar to go into all these things and make an inquiry? As soon as a document is presented to him for registration, he has to register it. It is not his duty or within the scope of his duty to go behind it, to record evidence and find out whether the

transfer is contrary to or in contravention of the provisions of this Chapter. It is unnecessary. It is enough that the transfer, partition or lease is presented; the competent court or the competent authority shall declare it void, if it is void, even if the document is registered. So I would submit that sub-clauses (2) and (3) should be deleted.

**Shri Datar:** I am obliged to hon. Members of this House because they have welcomed a number of proposals. Even my hon. friend, Shri Ranga, had to concede that there were a number of salutary provisions in this Bill. May I also add that a number of suggestions have been made by hon. Members so far as the different clauses are concerned? I would assure them that the Joint Committee would go into all these provisions and make such improvements, if any, as they consider necessary. I would only reply in a general way to certain points raised by hon. Members.

Shri Radhelal Vyas and a number of other hon. Members made a reference to the earlier part of this Bill in which have been laid down provisions regarding the land revenue administration. Possibly they are not aware that there are exactly similar provisions in some of the land revenue codes which have stood the test of time. May I point out in this connection that we have the Bombay Land Revenue Code which has been in use for, I believe, a very large number of years and the provisions of which have, on the whole, been found very satisfactory? Similarly, we have a Land Revenue Code in Madhya Pradesh. A large number of provisions in this Bill concerning the land revenue administration is taken from these two codes amongst others. Under the circumstances, I would submit to this House that when these provisions have been found by experience to be satisfactory, we ought to apply them to Tripura also. Had the hon. Members seen that there are similar provisions in these land revenue codes about sales, about re-

cord of rights, correction of boundaries, preparation of maps etc., they would not have made the comments that they did. I believe that they thought that these were new provisions. They are exactly the same provisions. Under the Land Revenue Codes a number of matters have to be decided by the land revenue authorities.

One hon. Member was struck by a provision that all the property not owned by an owner vests in Government. That is one of the fundamental principles on which the right to land is based. If any particular land is owned by a private person then different considerations arise. Otherwise, as under section 37 of the Bombay Land Revenue Code some provisions have to be made because you cannot think of any property without any owner. And, here, you will agree that Government, on behalf of the people have to hold all these lands. That is the reason why such a provision has been made.

Execution sales under the Land Revenue Act have also to be provided for. Appeals have to be provided for; and it would not be correct to say that these provisions have to be taken over from the Code of Civil Procedure or from some other legislation. The Land Revenue Code has to be complete in itself. In this territory of Tripura it was found that there were a number of Acts; but they were not up to date; they were not complete. That is why in this Bill we have introduced in the earlier part all the provisions regarding land revenue administration.

Then, certain objections were raised regarding the principles that we have followed in making certain land reform proposals. In this connection I may add that we have got the Second Five Year Plan where the whole question has been discussed in all its aspects and general lines have been laid down on which every State Government is expected to proceed.

In this connection I would like to invite the attention of the House to Chapter IX where the whole question has been considered in all details. If hon. Members will go through the provisions of this Chapter they will find that in the Bill we have generally followed all those principles. That is why I stated that the present Bill was a model Bill. To a large extent, wherever there was any need, any State Government may follow it provided they find that it is necessary.

In respect of land reforms this Second Five Year Plan has suggested that immediate steps ought to be taken. For example, they point out that there ought to be, as early as possible, the abolition of intermediaries. They refer to some of the States where such intermediaries have been abolished and they have pointed out that it ought to be done so far as Tripura was concerned. The State of Tripura was specifically mentioned and that is the reason why we have, to a large extent, naturally borrowed from the principles laid down in the Second Five Year Plan.

If these two items are taken into account, namely, the Land Revenue Codes in the various States for land revenue administration and the principles laid down in the Second Five Year Plan for introducing reforms on a number of points, then, possibly a large volume of the criticism which has been made here will have disappeared.

I would not like to go very deeply into the various provisions. A number of hon. Members have pointed them out. I would also point out that these questions will be considered. But, when certain general questions are raised, then, one has to reply at least to a certain extent.

A point was made out that unauthorised occupation should be regularised by bringing it down almost to the date of the Bill itself. That would not be a proper matter. So far as unauthorised occupation is concerned, it is to be provided against except where

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in the interests of the people it can be regularised. That point also has to be taken into account.

Another point was made that if a tenant or a person in possession did not cultivate the land properly he ought not to be evicted immediately. I was surprised at my hon. friend Shri Vyas contending that even if the land was not cultivated for 12 years no action should be taken within 12 years. That is not the correct attitude to take. In this connection we shall also understand that while the interests of the agriculturists have to be fully provided for, we have also to take into account the larger public interests of the country; and the larger interests of the country require that no land should remain uncultivated because, as you are aware, the question of foodgrains is a very important one. Therefore, the larger question of the interests of the people at large and the question of safeguarding the rights of the cultivators have to go together. That is the reason why it has been pointed out that a land shall not be allowed to remain uncultivated for long in the interests of society.

An objection was raised that the tenant should not be evicted at all. May I point out that it is a very wide assertion? Whenever land is not properly looked after, and especially the land becomes the subject-matter of what is known in the Law of Torts as active waste—I can understand hon. Members contending that if there is passive waste the tenant or the occupant should be held liable—whenever acts of positive waste are committed, naturally, that ought to constitute a ground for eviction.

It is open to him to cultivate the land properly, to reap its advantages and to satisfy the obligations that will be thrown upon him by the law. But to go further and damage the land, to use it in an improper way so as to make it almost permanently unfit for cultivation is an act which cannot be

tolerated in the interests of society. That is the reason why it has been laid down that whenever there is an act of active waste it ought to be provided against.

A number of hon. Members contended that even if the rent is not paid the tenant ought not to be evicted. That again, you will find, is not a proper assertion. A period has been given to him. After the rent becomes due, within 3 months he has to pay. Even after that a certain further concession has been given. But a tenant has to know that he has to reap the fruits of his cultivation subject to his obligation to pay rent. As you will have seen, we have taken all proper steps to see that the rent that is fixed is a reasonable rent, not arbitrary rent, not extortionate rent. Secondly, in such cases you will have seen that whenever a tenant is allowed to be in possession he will continue for a period of five years together unless the land owner or the raiyat requires the land to the extent of his personal cultivation.

A number of hon. Members have complained about the definition of 'personal cultivation'. The Second Five Year Plan has pointed out that personal cultivation includes his being resident on or as near the land as possible because unless the man is there he cannot carry on either that kind of cultivation or that kind of supervision. These are the points which require that whenever a man purports to cultivate land personally he ought to reside on or near the land or as near as possible. What would be 'as near as possible' would be considered and described by the rules. Sometimes it may be within a mile; sometimes it may be more. It all depends upon the particular terrain where the land is situate. That is the reason why a rule will be made regarding the place where a man can reside without going against the provisions and principle of personal cultivation. We have laid down a certain date. That was the date on

which this Bill was originally published. It was considered and then it was found that some changes were necessary in the Bill that was published. That was the reason why that particular date has been put down here. My friend Shri Ranga complained that no restriction should be placed on the right of alienation. I wish he had known the conditions in Delhi, how attempts are being made to by-pass a law that the Government are going to make and how the prices are rising. It is of great inconvenience to the people if the prices are allowed to go beyond reasonable levels and people are allowed to take advantage of the intentions of the Government, after the intentions are made known.

**Shri Ranga:** My point is whether the Government's intentions in regard to the fixation of ceiling and their ejection to the transfer of lands even among the members of their families were made known by tom tom in the villages in Tripura State in 1957. It was not so. Is the Government contemplating to put any restriction on the people's right to transfer their houses if they possess a large number of houses in the towns or other places, merely because the prices are rising?

**Shri Datar:** The Bill was published according to the usual procedures. Copies of the Bills were available everywhere, even in the village offices.

**Shri Ranga:** Was it done in 1957?

**Shri Datar:** In these circumstances, may I point out that it would not be open to any person to claim ignorance of law? Here in this case the Bill was published for public information and therefore, it should be taken that every man understood that such a Bill was published.

**Shri Ranga:** Was it published in 1957 in this form?

**Shri Datar:** The hon. Member has not understood me. This Bill was first published in 1957. It was given wide publicity according to the usual rules. Thereafter it was found that

certain changes ought to be made. They are not very material changes. That is the reason why the date of the publication of the Bill has been considered as an important and critical date. Whatever is being done after that date will be disregarded, provided they are against the principles of this Bill. Otherwise, it will continue as it is. That is the reason why this date has been purposely fixed. Otherwise, immediately the Government makes a declaration of their proposals, people will not be wanting to take recourse to certain bogus transactions and give it the colour of proper and *bona fide* transaction for the purpose of defeating the provisions of the Bill itself. That is why in all such cases a previous date has to be mentioned. Even in the case of Delhi that has got to be mentioned. Otherwise you will find that the price will rise and the purpose of the Act will be defeated.

When the Government takes over the land, how is it to be distributed? That question was asked rightly. That question will be fully considered and to the extent it is possible, priorities will also be laid down. Another hon. Member suggested that importance should not be given to co-operative societies. To the extent possible, it would be better to encourage co-operation among the cultivators and among the others as well. A contention was put forward against the provision restricting the transfer of lands of the Scheduled Tribe peoples among themselves but allowing such transfers in favour of a co-operative society. If something by way of further restriction were to be laid down, it would be inconvenient to the members of the tribal communities themselves because sometimes they would like to raise money for the purpose of developing the land or for certain other purposes and in such cases it ought to be open to them to mortgage or pledge the said properties to a *bona fide* co-operative society. In the interest of the tribal people themselves this provision by way of exemption from the rule has

[Shri Datar]

been laid down there. Great care has also been taken to see that the rent is neither very high nor very low. Provisions have been made regarding permissible limits, ceilings, etc. My hon. friend, Shri Ranga, raised the general question of ceiling. This has been considered for a number of years and the broad principles have been laid down. It is not necessary at this stage for me to reply to the general question as to why no ceiling has been laid down in respect of the other incomes. In respect of the ceiling on lands, there are some special considerations. On account of the historical circumstances, the persons who cultivated the lands were not unfortunately in possession thereof and we have a large class of persons who are agriculturists but landless. We are also anxious that the position of the agriculturist is improved as much as the hon. Member wants it. . . . (Interruptions.) The criterion the hon. Member laid down yesterday was that they ought to come to the standard of the higher middle class. These are all the objects that we have kept in view. But we have to rise gradually to the objectives. It is in this connection that there ought to be a ceiling on lands as I have stated for a variety of reasons so that from these lands more foodgrains should be available and secondly more persons could have at least some land to grow crops upon.

**Shri Ranga:** What about the homeless people?

**Shri Datar:** It is difficult to answer his running commentary which I could not even follow. I would submit to my hon. friend that it would not be proper to raise the general question here because there are special circumstances so far as the agriculturists are concerned. Their need is the most pressing. It is naturally for this reason that lands have to be singled out for a proper ceiling.

We have made certain gradations so far as the family is concerned. A fairly large and wide definition of the word 'family' has been given and it

consists of the father and mother. Children are also included and I may add that even grand-children are included. If all the heirs on this or that side, however distant they may be, are put in, it would defeat the purpose we have in view ultimately. 25 acres have been laid down as a family unit for a family of about five persons. If there are more, they are entitled to more but we have also to lay down a maximum of 50 acres for a family. These are the principles that have been laid down. Something has got to be done because the agriculturists are the class that need the greatest measure of help in this respect by way of legislation, especially on the social side, on land reforms, etc. Otherwise, he is aware of the great hardship under which the landless labourers have cultivated their lands. They give all their labour but get very little. They do not get ownership rights at all. These things have continued for centuries together, and the earliest we go to their aid the better. By the earliest time possible we should give them substantial rights, rights of ownership wherever that is possible. If they are tenants under the new Bill they must have, what is called, security of tenure, security of rent. There should not be any racket, any extortion as far as rent is concerned. That also has been provided for.

13 hrs.

A question was raised about intermediaries. Intermediaries, as a class will disappear. But if, for example, the intermediaries are anxious to have some land for their cultivation, according to the limit laid down, why should not their cases be considered? They will also become "raiya'ts", nothing more. They will also be placed on the same footing as others who are getting lands. There also we have laid down a number of limits. There is the basic unit, the family unit and the permissible limit which have all been fixed. So far as these intermediaries are concerned, they were in possession of lands for a number of years.



they did very little but they reaped most the benefit of the land. They, as a class, the intermediaries, have to be abolished. If, for example, they are prepared to have some land according to our rules for the purpose of personal cultivation—that ought to be noted—they should not be excluded. That is the reason why this principle also has been laid down, and I would request the hon. Member to note what has been done in this respect.

Other points were raised including the question of surrender. Unfortunately, we know that the agriculturists as a class are still highly illiterate and to a large extent they are helpless. Oftentimes, whenever there are such surrenders they are found to be bogus; in any case, they are far from voluntary. That is the reason why a certain restriction has been laid down, that a surrender to be considered *bona fide* has to satisfy certain conditions. The Government authority has to be satisfied that it was a *bona fide* and voluntary surrender; otherwise it would not be called a surrender at all. A surrender would be losing of one's own right by one's own act, what you call self-denial. Therefore, the questions to be considered would be whether it is a case of self-denial and the party concerned is really surrendering the lands. To that extent, provisions have been laid down for testing the form, the voluntary nature of such surrenders whenever they come to the notice of the authorities. That is the reason why a special provision had to be made about surrender.

I think, Sir, I have dealt with most of the points. Lastly, I assure the hon. Members that the Joint Committee will be considering all these matters, and I am confident they will give us a report which will be fully acceptable to the hon. Members.

Mr. Speaker: The question is:

"That the Bill to consolidate and amend the law relating to land revenue in the Union Territory of Tripura and to provide for the acquisition of estates and for certain other measures of land reform be referred to a Joint Com-

mittee of the Houses consisting of 30 members; 20 from this House, namely:—

Shri Bangshi Thakur, Shri Rungshung Suisa, Shri Dharanidhar Basumatari, Shri Etikala Madhusudan Rao, Shri Ghan-shyamal Oza, Shri Bibhuti Mishra, Major Raja Bahadur Birendra Bahadur Singh, Shri M. Gulam Mohideen, Shri Shobha Ram, Shri Raja Ram Misra, Shri J. B. S. Bist, Shri N. B. Maiti, Shri H. Siddananjappa, Shri Dasaratha Deb, Shri Laisram Achaw Singh, Shri Pramathanath Banerjee, Shri Tridib Kumar Chaudhuri, Shri Ram Chandra Majhi, Shri Bijaya Chandrasingh Prodhana and Shri B. N. Datar and 10 Members from Rajya Sabha;

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

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

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

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

The motion was adopted.

13.05 hrs.

MOTION RE: SUSPENSION OF RULE

Mr. Speaker: Shri Datar may now move his motion regarding suspension of rule.

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

"That the first proviso to Rule 74 of the Rules of Procedure and