

to move for leave to introduce a Bill to amend the Mineral Oils (Additional Duties of Excise and Customs) Act, 1958.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Mineral Oils (Additional Duties of Excise and Customs) Act, 1958."

The motion was adopted.

Shrimati Tarkeshwari Sinha: introduce the Bill.

12:18 hrs.

DELHI LAND HOLDINGS (CEILING) BILL—contd.

Mr. Speaker: The House will now take up further consideration of the motion moved by Shri B. N. Datar on the 15th December, 1959 that the Bill to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matters connected therewith be referred to a Joint Committee.

Shri Mahanty (Dhenkanal): Today was allotted for the food debate.

Mr. Speaker: The time so far taken for this is 1 hour 18 minutes. This is partly over. When this is over, the food debate will be taken up. There is nothing sacrosanct about the food debate, and no time will be curtailed.

Shri S. M. Banerjee (Kanpur): What about the time for food debate?

Mr. Speaker: It will have five hours.

Shri Surendranath Dwivedy (Kendrapara): May I know how long we will continue with this?

Mr. Speaker: We will have two hours at the most.

Shri Amjad Ali (Dhubri): Originally five hours were allotted, and I understand the time has not been changed.

Mr. Speaker: When we wanted to discuss and pass it here we allotted five hours. Now it is a motion for reference to the Joint Committee. Now, it stands on the same footing as the other two, with some variations here and there. We can have two hours or, at the most, two and a half hours. If more hon. Members want to speak and there are more points, I will allot more time.

Shrimati Renu Chakravarty (Basirhat): These three land reform Bills which have come before this House one after the other in the course of the last few days raise some very important points. In the course of the debate Shri Ranga has raised certain fundamental concepts which go against the entire idea as formulated by the Planning Commission. The aim, of course, has been the shaping of a new pattern of land ownership and cultivation that will have in it the germs of future development and that is why the question of ceilings has been put forward with so much emphasis and it has also been fought bitterly by those who oppose land ceiling.

There is, of course, also the question of ends of social justice. If we want co-operation and if we want the development of co-operatives, there must be a lessening of the wide disparities which have developed in our rural economy, because without a narrowing down of the big disparities that are there in the villages, it is not possible to have effective co-operatives which we are to develop as a future pattern of community life. That is why that question is being debated on a very wide scale.

The question of distribution of land to the landless is now being combated

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with the argument that this will immediately bring about a fall in production. But this much has to be understood that the end of land reforms is not distribution of land alone. The distribution of land is a pre-requisite for the evolving of the future land relations and the pattern of community life. Therefore, if it is not an end, distribution has to be ensured to the landless and the poor. But with it the development of co-operatives, making available to the peasantry with small holdings the instruments of production, seeds, fertilisers and all other improved methods of cultivation, credit which is a very important thing and all these things have also to be brought about. Without these two things going side by side there can be no question of new land patterns evolving. That is why the question of production has to be looked at from this point of view.

It is important in this connection to quote what the panel on land reforms of the Planning Commission has very categorically stated. They say:

"In our view the fall in agricultural production is likely to result not so much from the small size of the land of the newly created landowners as from the lack of other instruments of production besides land, such as, bullocks, seeds, manure etc. If land is distributed and these people are expected to look after themselves then certainly there will be fall in production. The risk of fall in production can only be for a temporary period until these arrangements have been made and thereafter production is likely to increase progressively and substantially."

Therefore the question is as to how we can integrate the two so that there will not be such a dislocation. That is the question that we have to take up.

Having made these general observations I go on to the question as to what is going to be the first question which will arise as soon as you impose a land ceiling. But before I go on to that point, I would like to ask the hon. Minister as to why in contravention of the recommendations of the Planning Commission, which recommended that the ceiling should be three times the family holding, a ceiling of 60 standard acres has been made in the case of Delhi. As far as I could make out from the clauses, we have no such thing as a 'basic holding' in this Bill as there is in the Tripura Bill. There is no such thing as a "family holding" defined clearly although this 30 standard acres clause is there. Then the ceiling, I suppose, is 60 standard acres. Therefore I recommend that this matter be gone into in greater detail by the Joint Committee. I would like that these three categories of holdings be clearly stated and also that the ceiling should conform to three times the family holding as has been laid down in the report of the land reforms panel of the Planning Commission.

Now I come to this question of ceilings. Under the Delhi Act there is one thing, as far as I could make out from the Delhi Land Reforms Act, and that is that there is no specific clause for resumption. But the eight acre holding which is stated in this, I presume, is the basic holding. Now these eight acres obviously have to be resumed. I would like that some such clause should be interpolated in this Bill as there is, I believe, in the Bombay Act, namely, that this land should be allowed to be resumed by people whose income in the main is derived from land.

What is the position in Delhi State? In Delhi State, as far as I could get the figures of Delhi State, the majority of the people live in Delhi City itself. Of the total population of Delhi, by far the majority of people live in Delhi City and the rural population is very little. If that is so, their

source of income will also be largely urban. Yet, a very large number of them have land also. If we really want to see the ends of social justice and also if we want to see that food production should increase by the tillers themselves actually producing and cultivating then some such proviso should be included that if the owners of the land draw their income in the main from land, the question of resumption or eviction or taking into their own purview and handing of the land should be allowed. Otherwise I think this will not be very fair.

Another point which I would like to raise is that the Delhi Land Holdings (Ceiling) Bill has to be viewed in the background of the particular conditions of Delhi and with the idea of giving land to the landless and keeping that in the forefront. Now what are the special features of Delhi which are not so in the case of either Tripura or Manipur? Delhi is the tiniest State in India and the growth of Delhi subordinates every interest of the rural people to the urban needs of the Capital. That is my feeling. What have we seen in the last few days? 30,000 acres of land is being acquired for the purpose of the green belt. Also, today I find that 900 or 500 acres—I forget the exact figure—is going to be acquired for the industrial estate. A few years ago I found during the course of my work in connection with the West Pakistan refugees' rehabilitation that a large number of people in the villages living right roundabout Delhi actually brought to our notice as to how land was being acquired in the name of refugee rehabilitation. I would read out for the hon. Minister this memorandum submitted on behalf of the inhabitants of the villages of Munirka, Mohammedpur, Humayunpur and Hauz Khas. These are the villages roundabout Delhi. It says:

"By four separate notifications dated 8-3-57 issued under Section 4 of the Land Acquisition Act, 1894, the Chief Commissioner of Delhi, made an order acquiring practically the entire land of all

the four villages for the alleged purpose of a housing scheme."

I want the Joint Committee to keep this point in view. This whole question of housing schemes for Delhi is going to be a very major thing which will eat into the excess lands because I find that there is an omnibus clause in the Bill, clause 1(2) (c) which says that this Act shall not apply to

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

This is a point which I would like the Joint Committee as well as the Ministry to take into consideration.

What happened in the case quoted earlier? They say:

"Thousands of Bighas of barren land are available in the neighbourhood of these villages. Our request that consideration be given to the suggestion that this alternative side offered by the villagers may be utilised for the purpose, which has been vaguely given out as the building of housing accommodation under some housing scheme, has gone unheeded."

All right. Then they say:

"... no further cultivable land should be acquired until and unless the tens of thousands of bighas of land acquired decades back, is actually built upon, . . ."

that is, this land is acquired and is left unused for years on end. Nobody knows as to how many years hence they will actually be built upon.

They even say that—

"At the very outskirts of the five villages lies a vast tract of barren land measuring several thousands bighas which was acquired by the Government over thirty years back, but which has not been built upon or even levelled for that purpose, till this day.

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Such land is lying unutilised alround the city.....thousands of highas of privately owned land acquired by a handful of influential and rich colonisers from ignorant and needy villagers at dirt cheap rates, often as low as annas four per square yard, is lying alround the city. Some of this land has been levelled and divided into plots which are being sold at fabulously high rates, going upto Rs. 40 or even Rs. 60 per square yard. Large areas, however, can still be found in the same condition in which they were acquired from the original owners. The colonizers are deliberately keeping this land idle since they find that with the expansion of the city the value of the land is appreciating every day and every month."

This raises very fundamental points. Firstly, there must certainly be planned development of a city. I do not at all say that there should not be some growing space. But, in a small tiny State like Delhi, if you allow acquisition of land helter skelter, without any planning in the sense that there is no time limit, put to execute the plans of acquisition be allowed to run amok, it will be difficult. You are taking away land from so many villagers who depend entirely on agriculture. You give them a very small compensation in comparison to the market rates today. On top of that, you allow that land to lie fallow without being utilised for building purposes. So, you have to be very careful in giving these full powers to the Chief Commissioner for declaring anything a public purpose.

Secondly, as regards the question of housing, I would say that you must put up a time limit. Even if there is acquisition, that acquisition will be for a three year period and after that, if it is not built upon, those who were the original owners have the right to ask you to give back that land to them provided they pay back the compensation. Some such clause must

be there. Now, we find so many co-operatives are there. We do not know everything. We have heard so much of corruption in which even the names of many leading figures in Delhi are bandied about. I do not know how far it is correct, but this much is ture that the co-operatives, in the name of co-operatives, have been taking away land from the villagers at very low rates. Those who are cultivators are lured by some money. Then, these are used for land speculation. We must guard against this question of land speculation, keeping in view that the excess lands must be available for the poor peasantry and the landless and the maximum land should be brought within the purview of this Bill.

After having said this, I come to the question of definition of family. This question has been gone into also in greater detail in the Planning Commission level and also by the Kisan Sabhas and other peasant organisations. Here, the definition includes dependent children and grand children. There is much to be said, regarding the definition as it has been put in many other Acts. Where the family is limited to minor children. My feeling is that it should not be left as dependent children. If it is kept as dependent children, in the joint family system as it is, in a city like Delhi, it may lead to evasions to avoid ceiling. I would say that the entire question should be viewed from this point of view that in a joint family system, only to make the definition as including dependent children, may be liable to be mis-used. Rather I would say that it should be "minor children".

I welcome the provision to calculate the ceiling from a date 10 months back, that is with retrospective effect. Of course, this is a much greater advance from the ceilings imposed in the West Bengal Act. The West Bengal Act has a ceiling. But, that objective of nullified ceiling is completely by-passed, because individual ceilings have been

prescribed there. Each man, his wife, his children, his grand children, his daughters-in-law have the land subdivided among them and there are *malafide* transfers. You can hardly get any excess land for distribution. Here at least you have got a family holding. Also you are calculating the ceiling on land retrospectively, ten months back. But, I do not know the conditions in Delhi. I would request the Joint Committee to go into the whole question whether even within this particular date that has been suggested, it covers the bulk of transfers which have already been made. I do not know the history of this. I have heard in Rajasthan and other States, wherein expectation of ceilings being imposed transfers have already started. Therefore, this matter has to be gone into.

Mr. Speaker: In the amendment that the hon. Member is suggesting, is she not giving opportunities for them to have more land? If it is restricted to minors, the other persons, each one of them, in his or her right would be entitled to have 25 acres. The dependent children also have to be content with the maximum that is allowed to a family. If they are thrown out of the family definition, each one, in his or her own right, will be entitled to an additional 25 acres. Is it not so?

Shrimati Renu Chakravartty: I think at the time of the passing of this Bill, the ceiling would be imposed.

Mr. Speaker: Whatever may be the ceiling.

Shrimati Renu Chakravartty: If it is 25 acres . . .

Mr. Speaker: The ceiling is five acres. This five acres is now restricted to the husband, wife and all the dependent children whether majors or minors. But, if the dependent children who are majors are excluded from the category of family, each one of them, in his or her right will be entitled to land and this will lead to division of property as she fears, and the condi-

tion of no land being available to outsiders will occur.

Shrimati Renu Chakravartty: I do see some logic in what you have stated. I agree that the matter should be gone into very carefully. My suggestion may not be valid. But, my idea is that we should plug any loop-hole, by which that *malafide* transfers will be lessened.

Pandit Thakur Das Bhargava (Hisar): Why *malafide* transfers?

Shrimati Renu Chakravartty: I do not know what the legal terminology means. I say *malafide* in the sense that they want to avoid the ceiling.

Pandit Thakur Das Bhargava: They should.

Shrimati Renu Chakravartty: This is a matter on which we differ. We do not think that the ceiling should be avoided. Ceilings are something that are being put forward as an instrument of social good and therefore we should not try to avoid it.

The main weakness of this Bill is the absence of a satisfactory machinery for determining the exact land possessed by an individual or to find out the exact excess of land, to prevent illegal transfers to prevent *malafide* eviction. All this is being left to the powers of the Chief Commissioner. By this Bill, the Chief Commissioner is being given over-riding powers. Through the rule-making powers, he will do all these things. Everything more or less depends on him. Our experience in West Bengal has been that this leaving it entirely to the executive has led to certain bad results. That is why I would like to propose for the consideration of the Joint Committee the constitution of Land tribunals as they have been suggested in the Kerala Land Reforms Act. We have found that even when *malafide* transfers have taken place in West Bengal, illegal evictions have been taken place yet it has been very difficult for us to

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get the executive to change it. Therefore, some sort of quasi-judicial or fully judicial body should be constituted which will have powers of the court to examine documents, to call for evidence. Both the parties should be in a position to be able to put their case before the land tribunal. The reason why we suggest a Land tribunal is, if we were to do this in the ordinary civil courts, or the judiciary as it exists today, it takes a long time. Therefore, I strongly feel there should be special Land tribunals as suggested by the Kerala Bill. I would like the Joint Committee to go into this question.

For example, here in the Kerala Bill is a whole chapter on the constitution and powers of Land tribunals. Firstly, the constitution of the Land tribunal itself gives an idea. "The tribunal shall consist of three members for the purpose of performing the functions of the Land tribunal. Of the three members, one shall be a person nominated by the Government from advocates with not less than three years' standing at the Bar or from persons who are or had been judicial or revenue officers. He will be the President. The other two will be elected from among themselves by the members of the local authority or the local authorities of the area for which the Land tribunal is to be constituted". Whether this particular constitution could be changed here or there or not, that is another matter but by and large such tribunals should be constituted. There are many things that that Land tribunal can do. I feel the question of fair rent will be a very important thing to which these tribunals can apply their mind. The question of compensation itself is very important. The question of evictions, restorations, resumptions which land is to be taken and which land is not to taken is important. All that is left to the rule-making powers. Everything has been left to the rule-making powers. That is very danger-

ous. Since the hon. Minister stated that these three Bills are model Bills, I should say that you must take into consideration the experience which we have gained from the Acts that are in force in the other States and, therefore, the Land Tribunal is very important. There is also the question of right of appeal. I feel some such thing should also be there.

An Hon. Member: To the magistrate?

Shrimati Renu Chakravartty: You may consider the pros and cons of the right of appeal.

There is the question of the deposit to be made by the tenant of the purchase price. This is another point which I would like the Joint Committee to take into consideration. It is said that an Asami can have the right to become the *bhumidar* or owner or tenant on payment of so much money. One of the big problems which we have found is that the poor tenants are unable to utilise this right to become *bhumidar* because they do not have the money to deposit as the law lays down. They must pay that money, otherwise they cannot become owner of the land. But if they are not able to do so, they should be allowed to continue on the land by the payment of the rent which they were paying earlier. I do not know whether that is covered, but I would like this to be clarified that they should not be ejected just because they are not able to pay the money within the time-limit, but if they continue to pay the rent—and that rent should also be determined as fair rent—they should not be evicted.

There is a good provision in clause 7 which attempts to regulate illegal transfers, but there is an expression "to the extent possible", and that

has to be read in conjunction with sub-clause 4 where it is said:

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

That, of course, clears the position, but the formulation in clause 7(1) is that "no land shall be selected out of the land transferred". Here I should like it to be categorically stated by the use of the words "except as specified in sub-clause (4)" or something like that. This is a question of clarification since, obviously, the intention is to try to stop illegal transfers. If there have been transfers, the computation of the excess land will be taken from the transferee of this land.

Clause 7(5), I believe, is dangerous in the context of Delhi. It may not be dangerous in a place where there is a lot of land, where there is no such affluent urban population as there is in Delhi. Clause 7(5) says:

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

The homestead of a person should not be taken away, that is quite all right, but the Explanation says:

"For the purposes of this subsection, 'homestead land' means the land on which the homestead (whether used by the owner or let out on rent) stands together with any courtyard, compound and attached garden, not exceeding one acre in the aggregate."

If it is only one house for residential purpose and part of it is rented out, that is all right, but I would like to be made very clear that it will only apply to the residential house alone and will not include housing colonies built up and let out on rent. I want to be clear on the point that this

will not be used as a way of circumventing the aim of this Bill by building three or four houses on the excess land. That should also be looked into.

I do not know whether the question of forced land surrenders which have taken place is within the purview of this Bill or not. It is the finding of the Land Reforms Panel also that out of fear or out of lure of money, tenants and sub-tenants have surrendered their lands. In the Kerala Bill they have made a provision for that in clause 5 which reads:

"Where on or after the 11th day of April, 1957, a tenant holding land less in extent than the ceiling area has executed a deed surrendering his leasehold right to the landlord, but has not actually transferred possession of the land to the landlord, such deed shall be deemed to be invalid and the tenant shall continue as tenant."

Fixity of tenure, has, of course, to a certain extent, been granted by this Bill.

I do not know how far share-cropping is a problem in Delhi, but that has also to be taken into consideration. If it is share cropper's land, at least a portion of the land should be left so that that man is not completely driven out and thrown to the wolves.

Lastly, I would like to say that the question of distribution has been left completely to the executive. This is a very big lacuna in the Bill. At least the principles of distribution must be laid down. That is one of the main aims of a ceiling; otherwise, what is the use of a ceiling? Shall we leave it to the executive to decide it? Surely, it should be decided on some principles being laid down as to whom it should be given etc. A clause for assignment of land should also be in the Bill. If particularly knotty cases come up, they can be referred to Land

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Tribunal. The Kerala Bill has provided:

- (a) fifty per cent. shall be assigned to the landless agricultural labourers of which one half shall be assigned to the landless agricultural labourers belonging to Scheduled Castes or Scheduled Tribes residing in the same village or adjacent villages;
- (b) thirty-five per cent. shall be assigned to small holders and other landlords who are not entitled to resume any land;
- (c) the remaining fifteen per cent. shall be assigned to the cultivators who do not possess more than 5 acres of double crop nilam or its equivalent:

Provided that where the excess land that is available for assignment in either keyal or kole nilam, such land shall be assigned only to co-operative societies formed by landless agricultural labourers."

Some such thing should be there regarding distribution. Without that ceilings will not achieve the social objective for which we have undertaken them.

That is why I say I object to the wide powers which have been given to the executive. This is my main objection. Here is a small compact State, with the city of Delhi growing and growing and grasping the entire State almost. If we want to look after the interests of the rural people, especially the rural poor whose main income is from land, then we should not leave these things entirely to the Chief Commissioner, who, after all, is an official, an urban person, a person who is liable to be influenced by the City of Delhi. I feel that these large rule-making powers should not be left

to the executive, but the principles should be actually incorporated in the Bill and the social objective of having ceilings, i.e. land distribution for the landless and poor peasants is brought about.

12.47 hrs.

STATEMENT RE. COMMONWEALTH PRIME MINISTERS' CONFERENCE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): with your permission, I want to make a short statement.

The Government of the United Kingdom have been in communication with the Government of India and other Commonwealth Governments about a meeting of the Commonwealth Prime Ministers in London. It has now been arranged to hold a meeting of the Commonwealth Prime Ministers in London beginning on 3rd May, 1960. The Prime Minister of India hopes to attend this meeting of Commonwealth Prime Ministers.

12.48 Hrs.

DELHI LAND HOLDINGS (CEILING) BILL—contd.

पंडित ठाकुर दास भार्गव : जनाब स्पीकर साहब, जो बिल यहां पर पेश किया गया है उससे ऐसा मासूम नहीं देता है कि दिल्ली के मामले को किसी खास उसूल पर तय करने की कोशिश की गई है। जहां तक मैं समझ पाया हूं इस बिल को तैयार करने का आपका असली मकसद यह मासूम देता है कि यह एक माडल बिल हो ताकि 11 स्टेट्स के अन्दर भी इसी पैटर्न पर और बिल बनाये जा सकें। दिल्ली की जो स्टेट है, जैसा कि श्रीमती रणु चक्रवर्ती ने बताया है, दरमसल एक छोटी सी स्टेट है