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that it would be better to have a detailed land revenue administration also provided for in this case. You will see that in chapter IV of the Bill we are dealing with revenue, survey and settlement and the question of land revenue which, perhaps, will have to be altered if it becomes necessary. It has also to be considered. Then, we have got certain provisions relating to agrarian reforms, revenue administration and the question of compensation also.

These are a number of matters which would be in the interests of all of us to have these provisions considered very carefully by a Joint Committee. That is the reason why I am moving that that this particular proviso might be suspended and the House enabled to have this particular Bill referred to a Joint Committee so that we shall have the advantage of the views of the hon. Members of the Joint Committee, because this Bill, as I have stated, lays down or consolidates the whole law regarding land revenue administration.

Secondly, it also deals with a number of land reforms. So far as this part of the Bill is concerned, it is likely to be a model Bill to the extent that other States might take advantage of it. For this purpose I move that this particular proviso (1) to Rule 4 be suspended.

Shri Khushwaqt Rai (Kheri): One a point of order, Sir. This proviso is always sought to be suspended whenever a motion for a Select Committee is made like that.

An Hon. Member: Joint Committee.

Shri Khushwaqt Rai: So I request that a reference be made to the Rules Committee to change this Rule.

Mr. Deputy-Speaker: That would be a different affair altogether. Now, for the present we shall decide; and if the hon. Member puts in a motion we will see whether that can be done.

The question is:

"That the first proviso to Rule 74 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for reference of the Tripura Land Revenue and Land Reforms Bill, 1959, to a Joint Committee of the Houses be suspended."

The motion was adopted.

12.50 hrs.

TRIPURA LAND REVENUE AND LAND REFORMS BILL

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

"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 Ghanshyamlal 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 Prodhan and the mover

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."

This is a comprehensive and perhaps a model Bill dealing with two important categories of subjects. One is the land revenue administration and the other is the much needed land reforms. So far as the first part is concerned, from the number of Acts and regulations to be repealed you will find that there were different laws in the territory of Tripura and we consider it would be better to have more or less uniform set of principles on which the land revenue administration will be carried on. We have got land revenue codes or Acts in various parts of the States. There are a number of common principles which are accepted by most of these States. Secondly, the land revenue administration should not only be uniform but also progressive and expeditious as well. It is on account of all these circumstances that for the first time on a consolidated basis an attempt is made in part II of this Bill to deal with all questions relating to land revenue administration. The administrative machinery that has to carry on the land revenue work as also the assessment, survey and settlement of lands has been dealt with in this Part. It is natural that land revenue has to be assessed and from time to time it will also have to be revised. Provision will have to be made for a proper survey of the land.

After all lands are surveyed and they are duly brought under settlement. Then it would be easy to know both for the Government and the people as to what are the principles on which the lands have been surveyed and who is the owner or the person in possession or occupation of the various lands. The House is aware that there are some provisions of this nature in other State Acts dealing with what are commonly known as the record of rights. They give to us, at a glance a picture of the title as also the question of occupation of various lands, how the title has accrued from one person to the other and how the record of rights would give to us at any time a picture of the title and possession as also the other particulars that are needed not only by the Government but by the common people also. These are the various provisions that have been made in Part II for the purpose of having, as I have said, a proper land revenue administration. It is not necessary for me at this stage to go into details because most of these provisions are akin to those in other States. A few are there which are of a peculiar nature as land tenure here has certain specialities of its own. All the same, for the first time a systematic attempt is made to have a uniform law and a proper procedure for the purpose of land revenue administration. Here and there you will find provision has been made for correcting the records or for the aggrieved party to approach higher authorities in appeal or revision whenever any particular point is found against him.

I would then pass on to the more important problems, so far as the rights over the lands are concerned. There are certain peculiar features in the territory of Tripura and I shall give a brief history of them. In Tripura 3626 villages cover an area of 4116 square miles. The total area comes to 26 lakhs of acres of which the area sown is about 3.9 lakhs. The main crops are rice and jute. A five year programme has already been settled by the Government for co-ordinating and completing an accu-

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rate survey of all these lands and the work has already been going on in two sub-divisions out of ten. It is expected that by 1964 there would be a complete survey of all the lands in this territory at a cost of about Rs. 1.33 crores. That work is already proceeding.

There are about four categories of lands in Tripura territory. The first is what are known as *kayami* taluks which are permanently settled estates comprising an area of about 1.45 lakh acres. With regard to this you will find that very substantial revisions are being proposed in this Bill. The second category is *takshichi* which comprised of estates settled for stated purposes mostly for 20 years with rights of renewal. They comprise an area of 63507 acres out of which 54630 acres are under tea cultivation. The third category—*Niskar* lands—is revenue free lands held by religious or charitable institutions and ex-Government servants or others for past services and they cover an area of about 2956 acres. A great bulk of this area is cultivated by tenants or crop sharers. So far as these are concerned, they are heritable but not transferable, so far as the tenants are concerned. Lastly, we have *khasmahals* tenure which is more or less prevalent elsewhere also. They are ryotwari holdings, comprising an area of about 201,900 acres. These holdings are generally small but in a few cases ryotwari holders called *Jotedars* hold comparatively larger areas. The rights of ryotwari holdings are not defined in any statute but they generally enjoy by custom permanent, heritable and transferable rights. In these lands too the tenants are crop sharers. There are sub tenants also.

When the question of land reforms was taken in hand, Government had to consider in particular certain reforms so far as what are known as the intermediaries are concerned—that is, those who derive some benefits from the persons who are in actual occupation of the land. They give a small fraction by way of land

revenue to the Government. Thus they are between the actual cultivator and the Government. It was considered that so far as this class of intermediaries is concerned, they ought to be abolished as a class. Therefore, the first reform that has been effected in this respect is that all these persons, the intermediaries, will have to disappear and the lands will have to be given to the persons who are in actual occupation of the lands with ownership rights. But whenever there are certain intermediaries who are prepared to carry on the actual cultivation of the lands—personal cultivation—then their case will be considered. I shall further point out that we have laid down certain limits and within those limits—family basis, primary basis e.c.—they will be entitled to retain a portion of the land provided they are prepared to cultivate it on a personal basis. Subject to this, naturally all the rights of the intermediaries will have to be taken away and those who are in actual occupation of the lands will have to be made owners of these lands. Therefore, ownership rights have to be vested in these persons whose number is fairly large. That is the first most important scheme of reforms that has been brought into this present Bill.

13 hrs.

Then, according to the present Bill the idea is that the persons who will become the owners, either those who were formerly intermediaries but who propose to keep the minimum extent of land for their personal cultivation or the large number of actual occupants who are clothed with the rights of ownership, this big class, will be known as the "*raiya*ts". They are "*raiya*ts" not only in the sense that they actually cultivate the land but they are owners of the land as well. That is the reason why this particular expression has been used in this Bill.

Thereafter, naturally, certain rights of intermediaries will have to be abolished, in the sense that they will

have to be taken over by Government. These rights, as I shall be pointing out in the course of my speech, will have to be acquired by giving them compensation. The question of compensation, naturally, as you are aware, is a very difficult question. We have to take into consideration the various principles that today we accept so far as they constitute the vital and fundamental principles on which land revenue is to be based.

I shall be pointing out how the principles of compensation have been laid down. As the House is aware, it is for this hon. House and the other House to lay down the principles of compensation. That also has been provided. The lands will be vesting in Government and compensation according to a certain category, according to certain principles or graded principles will be paid to the various intermediaries and thereafter the intermediaries as a class will disappear. Those of them who can keep with them a certain minimum acreage of land will also become, what we call, "raiyaats"; they will not be intermediaries at all. As "raiyaats", landholders or owners certain rights are given to them, which have been discussed in great detail in this Bill and to which I would be very briefly making a reference.

The next question is whether it would be open to a "raiyaat" to lease his land to tenants. These tenants are known as "under-raiyaats". It has been made possible. In the cases that have been specified it would be open to a "raiyaat" to lease his land to an "under-raiyaat" subject to certain conditions. Those conditions also have been specified. One of the conditions is that there ought not to be, what you call, uncertainty or suspense of tenure. Therefore, it has been laid down that whenever any such lands are to be let out or leased to a tenant, who will be called an "under-raiyaat", the minimum period would be five years. The period of five years can, however, be renewed from time to time. Conditions have been laid down

under which if the tenant does not carry on his work properly, if the tenant is guilty of active waste or he does not fulfil certain other conditions which have been laid down, then he will have to be evicted from the land. The question of eviction is a very important one. While, on the one hand, we ought to avoid unfair evictions, on the other hand, it might be necessary to enforce evictions when the persons in occupation do not carry on the work properly. After all, above the interests of an individual in his cultivation there is naturally the interest of the society or the State and, therefore, there ought to be a proper attention to the lands and the crops will have to be properly reaped. If the lands are allowed to go waste or are not attended to, to that extent you will find that it is a loss to the State as well. Therefore suitable provisions have been made.

Then, one of the most important points that have been dealt with in this section is the fixation of rent. How the rent is to be fixed has been dealt with by pointing out how gross revenue has to be taken into account, how the actual revenue has to be taken into account and what are the principles on which the actual rent that a tenant has to pay is to be fixed. That point has also fully discussed. Whenever a question arises, naturally, the question of compensation has also to be taken into account.

These are some of the important points so far as the main purpose is concerned. I might also point out here that the Bill deals with certain other very important points which have to be noted. It deals with the question of ceilings. So far as the question of ceiling is concerned, it was a matter which had been agitating the minds of the public for a number of years. At public meetings also this question has often been raised. There have been different opinions on this. Sometimes it is stated that there should be no ceiling at all, at some other time it is stated that ceilings should be fixed at a particular number of acres, and there

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are others who say that it should be fixed either at a lower figure or a higher figure. All these points will have to be considered, as far as possible, from an all-India point of view to the extent that a uniform principle regarding ceiling is accepted. This question was considered in all its details and after a thorough consideration by the Government of India in consultation with the Planning Commission we have arrived at certain principles.

All these principles have been noted in the three Bills that this House will have to deal—the Tripura Bill, the Manipur Bill which is of a similar nature though there are certain departures because of the local conditions, and the question of ceiling is also common to Delhi. There has been a slight change so far as the number of acres is concerned but, all the same, you will find that for the first time the Government of India have come to certain definite principles so far as land reforms are concerned. All these principles, especially those with regard to the ceilings, have been noted in all the three Bills with which this hon. House will have to deal—as I have already said, one is the Tripura Land Reforms Bill which I am placing before the House, and other is the Manipur Bill and the third is a shorter Bill dealing mostly with the question of ceilings in the Delhi territory. You will find that, subject to a small variation in the actual extent of ceiling, certain common principles have been laid down and they are generally followed.

I may also make a mention here about what is known as “basic holding”. “Basic holding” is the most minimum extent of land that a man can have. It has another bearing also which should be taken into account, namely, that in India there are a number of States, especially hilly areas, where the evil of fragmentation has been going apace. That is an evil which has to be checked. Therefore, in the two Bills relating to Tripura

and Manipur provision has been made for the prevention of fragmentation. For that purpose the “basic holding” has also to be clearly laid down. In this case we have laid down two standard acres—there are different types of measurements and a standard type will be arrived at—as the “basic holding”.

Then we have defined also a family holding. A family holding is one in which there are ordinarily five members. The House will see that according to the definition, a family would consist of the husband, the wife, their children and their grand-children also. They would constitute a family. If the number of family members is five, then, they would be entitled to have a land which is equal to a family holding. But, if it is found that there are more members, something more will have to be given, but the maximum limit of a basic holding, however large a family may be, has been laid down at 50 in the present case and in Delhi, if I mistake not, it is laid down at 60. So, you will find that the family holding has also to be taken into account.

Then, as far as the question of what is known as the fixation of a ceiling is concerned, certain procedures will have to be gone through. The man's total extent of land will have to be found out, wherever the land is. Then, he will be entitled to keep a minimum for his own cultivation, and a minimum when there is a family. In excess of this, whatever remains, or, in excess of the prescribed ceiling, whatever remains will have to go either to Government or to such of the tenants as are not in possession of such holdings. That is how the question is very important. You will find that a large measure of the acreage of such territories would be thus made available for distribution amongst those who would make better use of the land. For example, if there is a co-operative society or if there are other institutions of public interest,—the words “public benefit”

have also been defined—after the Government takes all these lands, they will keep to themselves the power of distributing these lands for proper purposes. The details will be worked out and the advantage will be that all the excess or surplus land will be available for distribution to proper persons.

Then the words "personal cultivation" have also been properly described. The maximum rent has been provided for. I have already pointed out, the ceilings. Compensation rates have also been mentioned. Fragmentation has been provided against.

There is one more point which is of interest to persons who belong to the Scheduled Tribes. The lot of Scheduled Tribes is far from satisfactory. If, for example, a free sale or transfer of lands from them is allowed, the poor and helpless people will be completely deprived of their lands. Therefore, certain restrictions on alienations have been laid down. There can be no opposition to their transferring lands to the members of Scheduled Tribes, but a transfer to a non-Scheduled Tribe member could be effected when it has been consented to by the Government authorities. Government authorities will consider all the questions as to whether there is any such need of a transfer to a non-Scheduled Tribe member from a Scheduled Tribe member. I know that such restrictions against alienations have been highly beneficial to the member of the Scheduled Tribes because, thereby, they will not lose lands. If moneylenders and others take advantage of the general law, than these poor people will, as I have stated, be completely deprived of their lands. So, in their interests, certain restrictions on their right of free transfer have to be laid down. This has been duly provided for.

Now, I shall very briefly pass over certain provisions in this Bill. So far as Part I is concerned, as I have stated, it deals with certain definitions. I would request the House to note the

definition of the expression "family holding". It means the land used for agricultural purposes which is equal to 6·4 standard acres in area. There are persons under disability where they can keep certain lands with them or they can lease them to others. These persons under disability are: a widow, a minor, "a woman who is unmarried or who, if married, is divorced or separated from her husband or whose husband is a person falling under item (iv) or (v)". The persons falling under these items are: a member of the Armed Forces and persons who are incapable of cultivating land by reason of some physical or mental disability.

Then I would request the House to note the definition of "personal cultivation". Personal cultivation means:

- "(i) by his own labour, or
- (ii) by the labour of any member of his family, or
- (iii) by servants or by hired labour on wages, payable in cash or in kind but not as a share of produce,"... etc

"But not as a share of produce" has been purposely put in because, otherwise, what will happen is, personal cultivation would become only a subterfuge. The explanation under this definition is very important. It says:

"Land shall not be deemed to be cultivated under the personal supervision of a person or a member of his family unless..."

This is very important—

"such person or member resides in the village in which the land is situated or in a nearby village situated within a distance to be prescribed, during the major part of the agricultural season;"

This explanation has been put in so that advantage of any defect in the definition of personal cultivation

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should not be taken as to mean that there is an absentee landlord. The words "personal cultivation" has to be understood in the specified and limited sense that has been employed here.

Then "public purpose" has been specifically mentioned in the Bill, because there should be no doubt as to the disposal of the land. Whenever land has to be taken or vested with Government, and when the land has again to be given to others, there should be no defect in the procedure at all. "Public purpose" includes:

"a purpose connected with allotment of land to cultivators, under-raiyats ejected as a result of resumption, landless agricultural workers or co-operative farming societies;"

Then, the House will kindly note the definitions of "raiya" and "under-raiya". Further, a standard acre means one acre of 'lunga' or 'nal' or two acres of 'tilla' land. These are the peculiar terms which are in use in Tripura.

I would not like to go through Part II of the Bill except to point out that the usual provisions regarding the land revenue administration have been elaborately dealt with here, because, as I have stated, this is going to be a consolidated piece of legislation so far as land revenue administration in Tripura is concerned. All these provisions will be found, in effect, either in the land revenue Acts or codes of other States.

Then I would invite the attention of the House to Part III where the rights of raiyats in land are dealt with. Rights of the raiyats, in the sense that I have already explained, would mean that the land shall be permanent, heritable and transferable. This is mentioned in clause 102. The basic holding has also been referred to. 25 standard acres is the "permissible limit" for a person under disability,

and this has been laid down in clause 105. The maximum rent has also been provided for.

I would here mention one important point. We have laid down the date as 10th August, 1957, in clause 103. It was the date when, for the first time, it was announced that Government were undertaking a detailed measure for the purpose of land revenue administration in Tripura. Therefore, whatever has been done after 10th August, 1957 will have to be disregarded.

The rights of under-raiyats have been defined in Chapter X. So far as reasonable rent is concerned, I invite the attention of the House to clause 116, especially sub-clause (3). To determine the reasonable rent, the competent authority shall have regard to a number of circumstances, which have to be fully considered. If, for example, there is an under-raiya who does not pay, he will have to be evicted. That is made clear in clause 121.

If any improvements are effected in the land, the advantages will continue to subsist in the person who has improved the land. There are provisions about surrender and an under-raiya shall be liable to pay to Government in respect of that land compensation as determined under article 3.

A list of raiyats has to be prepared and something like a right of pre-emption has been given. If a raiya proposes to sell his land, he will have to give the first opportunity of purchase to an under-raiya. That is provided in clause 134. The procedure that is to be followed has also been dealt with.

Then, I would invite attention to Part IV, which deals with the question of acquisition of estates and rights of intermediaries. An intermediary has been defined as,

"a person who holds in an estate the right, title or interest of a talukdar and includes—

- (i) a person who holds land either revenue-free or at a concessional rate, and
- (ii) a tenure holder."

The whole procedure has been dealt with and how the compensation has to be found out has been discussed in subsequent clauses, starting from clause 138. Rights of intermediaries to certain lands provided they are prepared to cultivate them are dealt with in clause 139.

Assessment and payment of compensation has been discussed in Chapter XII. I would not at this stage deal with it, except to invite attention to clause 148, where it is laid down how for the purpose of assessment of compensation payable in respect of an estate, the gross income has to be found out as also the net income and also how the final form has to be worked out. Clause 149 says:

"The compensation payable to an intermediary shall be a multiple of his net income..."

This multiple is being gradually reduced. When the net income does not exceed Rs. 1,000, it is 15 times; between Rs. 1,000 and Rs. 2,500, it is 12 times. Then it goes down to all times, 10 times and finally 2 times. So, you will find that it depends on the extent of the net income.

One very salutary principle has been followed so far as religious and charitable institutions are concerned. I would request the House to note clause 149(2) which says:

"(2) where the net income or any portion of the net income from an estate is dedicated exclusively to charitable or religious purposes, the compensation payable in respect of such net income

or portion shall, instead of being assessed under sub-section (1), be assessed as a perpetual annuity equal to such net income or portion, as the case may be..."

This has been made an exception to the general rule, because it is desirable that such religious and charitable institutions should be carried on well and their income should not be depleted as far as possible.

Part V deals with the ceilings on land holdings. Here we have given the definition of the word 'family', as I have pointed out and 25 standard acres in the aggregate has been fixed as the ceiling. They are not to exceed 50 standard acres in any case. What is to be done with regard to the excess land and how it is to be distributed are also laid down here.

Clause 172(1) says:

"Where any excess land of a raiyat is in his actual possession, the excess land shall vest in the Government".

Where any excess land of a raiyat vests in the Government, Government shall pay compensation to the raiyat in the first instance. That is a welcome departure made in this case and Government will recover it from such persons as are liable, thereto. When it is found that the amount is not paid, it carries interest at 2½ per cent.

Prevention of fragmentation is a matter which has to be duly attended to. You will find it in Chapter XIV Fragment means a holding of less than two standard acres in area. In all cases where a land has to be settled on a person, this has to be taken into account, viz., that a holding should not go below two standard acres.

Lastly, I invite attention to clause 190:

"No transfer of a land by a person who is a member of the

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Scheduled Tribes shall be valid unless—

- (a) the transfer is to another member of the Scheduled Tribes; or
- (b) where the transfer is to a person who is not a member of any such tribe, it is made with the previous permission in writing of the Collector; or
- (c) the transfer is by way of mortgage to a co-operative society."

Clause 192 says that this Act overrides all other Acts and the Schedule lays down the enactments which have been repealed.

Sir, for the first time this Bill consolidates the whole law relating to the land revenue administration and it incorporates a large number of very welcome provisions so far as the question of land reform is concerned. I am confident that the provisions of this Bill will commend themselves to the approval of the House.

Before I conclude, I should like to make a reference to our desire to have the provisions of this Bill duly scrutinised and improved, where improvement is necessary, by a Joint Committee. As I said, this is a very important Bill dealing with land reforms in particular and so, I am confident that this Bill will emerge from the Joint Committee in such a manner that it will be useful and progressive and it will not only be in the interests of Tripura, but will serve as a model to other States also.

Mr. Deputy-Speaker: Motion moved;

"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 re-

form be referred to a Joint Committee of the Houses consisting of 30 members; 20 from this House, namely:—

Shri Bangshi Thakur, Shri Rung-sing Suisa, Shri Dharanidhar Basumatari, Shri Etikala Madhusudan Rao, Shri Ghanshyamlal 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 Lalsram Achaw Singh, Shri Pramathanath Banerjee, Shri Tridib Kumar Choudhury, Shri Ram Chandra Majhi, Shri Bijaya Chandrasingh Prodhan 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."

Ordinarily those Members who are the Joint Committee are not allowed to take part in the discussion. But in this case that rule cannot be enforced because there would be no other Members to participate.

Shri Dasaratha Deb (Tripura): Sir, I welcome this type of Bills, because the Tripura Land Revenue and Land Reforms Bill provides for certain benefits to the people of Tripura. I am glad that after a long delay at least now our Home Ministry have now made up their mind to bring such a Bill. Because, I have been urging for such a Bill since 1952 in this very House. This provides certain good things like ceiling limits, and also certain rights to under-riayats and safeguards to people belonging to Scheduled Tribes. But, at the same time, it cannot be said that this Bill is without limitation; it has certain very serious limitations.

13.31 hrs.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Section 15 of the Bill deals with unauthorised occupation of land. This section provides that any person who occupies, or continues to occupy Government land unlawfully could be summarily evicted and punished. Here we must not forget one factor which prevails in Tripura. As you know, in the past there was not much pressure of land in Tripura. A lot of land remained uncultivated in our State from time immemorial, even though the then ruler of Tripura State had been inviting and encouraging people to reclaim and cultivate land. The practice then was that after they had reclaimed the land they had to submit their application for settlement on such land. That practice has been going on in Tripura State for a long time. The people of Tripura, particularly the Tribal people who are accustomed to shifting cultivation—which is called *zum* cultivation—generally they were reluctant in the past to go to settle in the plains. They always preferred shifting cultivation. This system prevailed until they were encouraged to go to the plains and settle themselves there. Even now our people cannot forget this practice completely. It is only recently that the Tripura Administration has started requesting the people not to occupy land illegally. So, at the present moment, illegal occupation is not taking place.

304 (A) LSD—5.

But, in the past, a large number of tribal people—some non-tribal people also,—some refugees, some ex-tea garden labourers, some Hindustani-speaking people, some Manipuris and Muslims, they reclaimed a large part of the land in Tripura State, and they are cultivating them even now. They have submitted to the administration to settle them in those lands but they are no getting those lands at present.

Now section 15 says that people who occupy, or continue to occupy Government land illegally or unlawfully would be summarily evicted. If you apply this provision immediately the effect would be that quite a large number of tribal people, landless peasants, Muslims and other people, they would be evicted from their lands. Therefore, I would suggest that when the Select Committee considers this Bill they should see to it that some provision is made whereby those people who are otherwise landless and are holding less than a family holding, whether legally or illegally, their possession is recognized, provided they possessed that land till 1958. From now on that practice should not be permitted. I am only suggesting that certain historical backgrounds and certain factors should not be ruled out by this Bill. So, I would request the Home Minister to consider this point when the Bill is considered in the Select Committee.

Then I come to the provision relating to uncultivated land. Section 109 provides that if any land has remained uncultivated for a period of not less than two consecutive years, the Collector can, if he thinks it fit, lease the land. We must give careful consideration to this clause. Quite a large number of people, who may have land in their possession, may not be able to utilize or cultivate the land fully because they are very poor. Now merely because these people could not, because of financial difficulties, afford to cultivate their land for two years, they should not be evicted and their lands leased out to other people. In stead of a provision like this, I expect—

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ed that Government would make a provision in the Bill itself to provide agricultural loans to poor peasants in order to enable these people to utilize their lands properly. In that case, they can utilize their land fully. Instead of providing that, the Government here says that in the case of any person who fails to cultivate his land for two consecutive years, the Collector may, if he thinks fit, lease out the land to other people. It is not fair to the poor people to have a provision like this. If you keep this provision as it is, I am afraid, a large number of people will be evicted or displaced from their land, because they have kept their land uncultivated.

Then I come to clause 121, which relates to the eviction of under-riyat. Here some of the provisions seem to be good. The riyat has been given certain rights in the case of eviction of under-riyats. There can be no objection to the riyat asking for the land for personal cultivation. But here I would suggest that at least for default in payment of rent the under-riyat should not be evicted. If necessary, his produce or movable property may be seized and auctioned so that rent may be realised. But, for that, he should not be evicted from his land.

Another sub-clause says that if the under-riyat intentionally or wilfully commits such acts of waste as are calculated to impair materially or permanently the value or utility of the land for agricultural purposes, he can be evicted. In that case, my suggestion is that some other action may be taken. If you evict the under-riyat from his land, then he will have no income and his family will more or less be extinguished. So, his movable property and produce of the land may be auctioned, if necessary, and other measures may be taken to recover the money. But you should allow him to cultivate the land or repay the loss suffered by the riyat. So, I am unable to accept this sub-section as it is. I suggest that it should be amended accordingly.

Then I come to restoration of possession of land in certain other cases. Here the section says that if the under-riyat was displaced, either by voluntary surrender or by force by the riyat, he may be able to restore his land, provided such eviction has taken place on or after the 10th August 1957.

Here, I want to draw the attention of the House to the fact that this draft Bill was discussed in the Advisory Committee for the Union Territory of Tripura. This draft Bill was also published in the Tripura State Gazette of the 15th August, 1957. It was suggested in the Advisory Committee that an under-riyat in whose case eviction took place on or after the first day of January, 1954, should have the right to restore his land. That provision was there. But now I see that this date, namely, the first day of January 1954, has been shifted to the 10th August, 1957, that is, you have shifted it by four years. I do not know why this change has been made. Possibly it may be because of heavy pressure from the vested interests in Tripura State.

I had made representation in a number of cases to the Home Ministry and to the Tripura Administration. From 1954 to 1957 heavy eviction had already taken place in Tripura State. If you collect facts, you will find that major eviction had taken place during this period because big jotedars and zamindars apprehended that such type of a Bill was coming before the House and that when that Act would come into force in Tripura State they might not be able to evict all these under-riyats etc. That is why this thing has taken place.

Take for instance Baisnapur area in the Subroom sub-division. There are 25 to 30 tribal people there. They were under-riyats of a certain big jotedar who happened to be a Pak national. Now he has transferred that property to certain relatives of his there. These tribal people had

been cultivating that land for the last 40 years. They possessed the receipts also. Ultimately what happened is that this *jotedar* sold his land to the Relief Department and the Relief Department by arrangement gave that land to certain refugees. Then the cases arose and ultimately with the help of the Police this big *jotedar* was successful in evicting these tribal people. It happened in 1955, if I remember correctly. These people were put under Police custody and were forced to sign a surrender bond under Police custody. These tribal people have now become absolutely pauperised and physically evicted from that land. Whenever I approached the Tripura Administrator he said, "You may advise your people to take the legal course. We cannot do anything from the administrative side. They must approach the civil court." They say like that. If you provide this first day of January, 1954, these people can also restore that land.

Another case is of Mohan Bhog area which is Sonamura sub-division. There also for the last 25 years a section of the tribal people had been occupying that land. They were also paying regularly rent to the raiyat and that raiyat also was not willing to evict them. But ultimately the land was taken away from them. It was acquired by the Relief Department. These tribal people were ultimately evicted from that land. Regarding that also I made representations to the Tripura Government and here to the Home Ministry also. But every time I received some sort of an assurance. At one time I was very much surprised to see the Revenue Secretary of Tripura advise me saying "You better advise your people to find out certain other places and first priority would be given to them to rehabilitate them in certain other places, because the land had already been settled in 1955. Why should the already settled people be evicted from that land?" I fully appreciate that we must rehabilitate other people also

but that should not be done at the cost of the poor people who were already settled on that land. That should be done by acquiring land from those who have got sufficient land and by reclaiming the khas land. That must be done that way and for any type of rehabilitation these poor people should not be affected.

Not only here but in Teliamura and Dharmanagar and in so many other places this type of eviction has already taken place between 1950 and 1957. That is why I request the hon. Home Minister that he should keep to the original proposal published in the Tripura State Gazette where the date was mentioned as 'on or after the first day of January 1954'. That should be retained. If you retain that then at least you will be able to protect a good number of the evicted under-raiyats. If you put it as 'on or after the 10th August, 1957' then a very small number of people may be benefited and a large number of people who have already been evicted would not be in a position to restore their lands.

I also welcome the provision regarding the safeguards to the tribal people because these people are very backward economically, politically and also socially. They should be given certain safeguards in relation to land. Our Commissioner for Backward Classes, Shri Shrikant, has also suggested that certain measures should be taken so that these Scheduled Castes and Scheduled Tribes people may have certain safeguards regarding land also. But to me it is not a new thing in Tripura. I should remind this House that in Tripura during the Maharaja's time also some sort of safeguards of land these tribal people enjoyed. But they were not this type of safeguards. They were other type of safeguards. At that time the Maharaja reserved certain portions of land completely for the tribal people to which only the

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tribal people were accessible. Only they were allowed to settle on that land and others were not allowed to settle in that particular area. In that area this transfer of land from tribal to non-tribal people is absolutely prohibited. But due to certain other reasons we should not maintain that position because the situation now is not suited to that. So I welcome this suggestion. But at the same time I do not agree with one proposition namely transfer of land to a co-operative society can be validated. I do not agree with that. If you allow these co-operative societies to take their land, what would happen? On the one hand by clause 180 you are giving certain guarantee to the tribal people so that individual non-tribals may not snatch away their land, but on the other hand you allow a group of individuals, who can form into a co-operative society, to take away the land of the tribal people in the name of the co-operative society. The effect is the same. These tribal people cannot retain their land. Because they are backward, under pressure, they may be forced to leave their land. That is why we want certain types of guarantees. If you at all want to allow co-operative societies, they must be co-operative societies which are for the interests of the tribal people. The membership of the co-operative societies must be restricted to tribal people only: not to any other. If you accept this position, I am prepared to accept these co-operative societies. If you allow all people generally, I cannot accept this proposition. Because, at the outset, I say, instead of allowing individual non-tribals to encroach upon tribal land, you will be allowing a group of individuals who can form a co-operative society. That provision must be there.

I would like to draw your attention to another point. In the Bill which was published in the Tripura State Gazette in 1957, that is the Draft

Land Revenue Bill, there was one provision, which said that a holding or part of a holding of a raiyat belonging to a Scheduled Tribe which is transferred in contravention of the provision relating to safeguarding the interest of the Scheduled Tribes shall be forfeited to the Government and the Collector may settle it on any person belonging to Scheduled Tribes within the permissible limit. In the present Bill, that provision is not there. You say that the transfer is invalid. But, you do not say what would happen if that transfer is considered invalid. There must be a certain clause by which that land should be forfeited to the Government and the Government or the prescribed authority should settle that land to a member of the Tribal family only: not to any other member. That provision must be there. In the present Bill, it is not there. It is missing.

Then, I come to distribution of land. When this Bill comes into force, at least some land may come under the disposal of the Government, due to resumption after the ceiling is imposed. One thing is seriously missing here, as to how these Government khas land or the surplus land would be distributed. When the draft of this Bill appeared in the Tripura Gazette, it was there. Who will get first? How will the land be distributed? It was there. In the present Bill, I do not find that. Therefore, I suggest that in the distribution of the surplus land, the priorities must be fixed. Priority should be the first to the under-ryats who have been ejected from the land on the ground that it is required for personal cultivation. Because, we have provided the right to resume certain lands for personal cultivation and on account of that, certain under-ryats may be evicted. When such surplus land is distributed, we must give the first priority to the under-ryats who have been already ejected from the land. We must

exhaust this first. Because, these people had already their land and now they have become landless. Secondly, we must give land to those raiyats who possess less than a basic holding. I do not say family holding; I say those who possess less than a basic holding. We should give them that land at least up to basic extent. Then, we come to the landless workers. The landless peasants must be given that land. After exhausting these things, then, we can consider the case of co-operative farming. Co-operative farming is only an idea; I support it. That does not exist in our State now. Our main task is to give land to those who actually now plough it. That is why priorities must be fixed like that. Otherwise, if there is no such direction in the Bill itself, it may happen that, when distribution is taking place, the deserving persons may not be able to get land.

Regarding rent, of course, the existing rent is very low, in our State. Because our State is very backward even now, the existing rent rate, that is the land revenue, should be retained as far as practicable. I do not say wholly, but as far as practicable, it should be retained. If you raise it suddenly without giving them other facilities, irrigation facilities, water facilities, communications, marketing facilities,—so many factors are there—it will be difficult for them. This thing should be borne in mind.

The Bill does not provide any limit regarding realisation of arrears of rent. There should be some limitation. I suggest that this limit must be three years. The present Bill does not provide that. Regarding determination of rent and other things, absolute power is given in the hands of the administrator or officers. But, some procedure for a tribunal, taking representatives of these raiyats, under-raiyats and other government officials must be prescribed. Otherwise, they will be completely dependent on the officials. Too much of official interference and power will

not result in good. I suggest that this type of procedure should be there.

This is my criticism of the Bill. When the Bill will be discussed in the Joint Committee, I will make my concrete suggestions. I request the Home Minister to bear in mind the points that I have already raised.

Shri Aurobindo Ghosal (Uluberia): Mr. Chairman, though I welcome the Bill, I cannot be so much enthusiastic like Shri Dasaratha Deb, because we have had experience of such legislation in our State. In the implementation of this legislation, we have been hopelessly disillusioned.

First of all, I would like to speak about the character of this Bill. The hon. Minister in his opening remarks said that this was a model Bill. Of course, it is a model Bill in one respect that it is an admixture of three types of legislations—civil, criminal and revenue. Besides industrial law, there are three types of procedures and legislation in this country. The civil law is administered by the judiciary, the criminal law by the executive, and the revenue law, though civil in nature, is administered by the executive, that is by Collectors and others. But here there is a synthesis of all these, and they have been tagged together in different sections. So, I doubt whether in the implementation of the Bill there will be satisfactory results.

14 hrs.

The second feature of this Bill is the ceiling. It is difficult to know what is the ceiling aimed at by the Government. There are four types of holdings: basic holding which comprises two acres of land; the family holding which consists of 6·4 standard acres of land; a ceiling of 25 acres; and the family ceiling which can be increased up to 50 acres,—that is families which have more than five members can, for each additional

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member, have five acres, subject to a maximum of 50 acres. Therefore, it is very difficult to know what really is the ceiling fixed in this Bill.

The third feature is the abolition of intermediaries. Though the interests of the intermediaries have been abolished in law, still, if we go through the clauses we find that sufficient scope has been left to retain their existence in other ways. I shall point out the different clauses of the Bill in order to draw the attention of the Joint Committee to them.

Clauses 11(1), 12(1) and 12(2) seem peculiar to me. These contain the declaration by the Government that they are the owners of all lands which are not claimed by anybody. But that is based on rational principle and does not require any declaration in any Bill, and we have not come across any such declaration in any other Bill. It should be considered whether such a declaration is at all necessary.

Under Clause 11(3) the Collector's opinion is said to be final even in cases which relate to matters of title. I do not understand how the Collector or the executive can be given the powers of the judiciary in the settlement, despite of titles to lands. Of course, an alternative has been provided under clause 11(4) that after exhausting the procedure under this Bill, if any person wants, he can go to the civil court for determining his title. In that case, instead of a speedy trial, it will take about ten years for a final decision on any title. Naturally, the purpose of the Bill will be defeated. The three-tier pattern that we find in the West Bengal Land Acquisition Act and the West Bengal Land Reforms Act is a better and speedier procedure,—i.e., the Kanungo the settlement officer and the District Judge. In the first two stages the procedure is adapted for speedy dis-

posal and in the last stage the judiciary has been called in to give a final decision at least in the matter of titles etc. That sort of procedure should have been accepted in this Bill.

Clause 14 deals with allotment of lands. Both the Collector and the Administrator have been authorised to allot lands to different persons, even to the same persons, but if there is a conflict between their decisions what would happen? So, some sort of appeal should have been introduced here.

Clause 15 is in regard to unauthorised occupation of land. This will certainly affect a large number of refugees who have settled in Tripura. We know that some of the land belonging to some previous landlords and the Maharaja of Tripura has been occupied by these refugees, and they have built their residences on it at their own cost and also with Government help. So, instead of evicting them by means of this clause, some safeguard should be provided so that they cannot be evicted from the lands on which they have settled themselves. I would request the Joint Committee to consider this also. I submit that the present position should be presumed to be legal unless the contrary is proved.

I do not know why under clause 16 the Administrator should be given the blanket power to exempt persons from payment of land revenue, when there is a provision to fix land revenue under law. I suggest that such powers should not be given to the Administrator.

Clause 17 provides that if alluvial land exceeds one acre, rent should be reduced, but no such corresponding provision has been made in the case of land lost by diluvium. Reduction in rent should be provided for in such cases.

Clause 88 provides that the rent once fixed is not liable to alteration for 30 years, but it is negatived by the next sub-clause by which the Administrator can revise it at any time he likes. If fundamental things like the fixation of land revenue and fixation of periods can be altered by the Administrator according to his sweet will, then the force of the clause goes.

Clause 82 is in regard to arrears of rent. It has been said that statement of account certified by the circle officer shall be considered as final. When there is a dispute regarding the quantum of rent or as to whether the person is liable to pay rent, then, if the question of title crops up, it may be sent to the civil court. But, as regards the computation of the arrears of rent, it should have been provided in this Bill that the administrator or the collector who has been authorised to settle this matter would be authorised also to settle the matter of arrears of rent. The parties should not have been asked to go to the civil court, and pay the arrears of rent first and then raise the dispute. That will cause too much of hardship for these poor people. Therefore, a provision must be made to the effect that even before the payment of the arrears, they can raise the dispute regarding the arrears of rent, and this should also be settled by the officer authorised to settle this dispute, without the party having to take recourse to a civil court or to any other separate procedure.

As regards clauses 83 to 79, these clauses provide execution proceedings like sale, auction, setting aside of sale etc. These provisions have been copied from the Civil Procedure Code. It should be seriously considered whether these important rights of title should be left to be decided by the executive, by taking them away from the purview of the judiciary. That is a fundamental point which is involved here, and I would request the Joint Committee to consider this point.

Regarding clause 89, as I have already stated, this raises an important problem. The provisions in this clause are like those of the orders and rules of the Civil Procedure Code; they are also in the nature of execution proceedings. But, all of a sudden, a provision from the Criminal Procedure Code has been inserted here, namely that if any person refuses to give evidence, he will be penalised; he will be liable to some fine. While the other provisions in this clause have been copied out from the Civil Procedure Code, yet, as regards refusal to give evidence, the provision has been inserted here on the basis of what is contained in the Criminal Procedure Code. This sort of anomalous procedure should be done away with. I would request the Joint Committee to look into this problem also.

As regards clause 94, I do not understand and the significance of this clause at all. In the lower courts, the parties should not have been allowed to be represented by lawyers. Under the West Bengal land acquisition Act or land reforms Act, in the lower courts, that is, the courts of the settlement officer or the kanungos, the parties are not allowed to be represented by lawyers, in order to make justice cheap and speedy. I could also understand the provision in industrial legislations that unless both the parties agree, no lawyer can be engaged. I could also understand the position that everything must be done by the lawyer, or that at no stage should any lawyer be allowed to appear. But I do not understand why the revenue officer should decide whether the dispute should be represented by lawyers or not. Either representation by lawyers should be banned by statute altogether, or it should be left to the parties concerned. Why should the revenue officer be authorised to determine whether the dispute should be represented by lawyers or not? I would like to draw the attention of the Joint Committee to this clause also.

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In clauses 96 to 99, there are elaborate arrangements for first appeals and second appeals. If this provision for first appeals and second appeals is going to be retained, I do not know why the civil courts should not be given the jurisdiction. It is with a view to give speedier justice to the people that we are seeking to enact this kind of provisions; but if so many appeals are going to be provided, then, the same delay would occur again, and, therefore, the purpose of this type of legislation would be defeated.

I now come to clause 101. Under this clause, the rule-making powers are delegated to the administrator. If we minutely go through this clause, we find that wide powers have given to the administrator, in the name of rule-making powers. Some important items which should have been incorporated in the body of the legislation have been left to the sweet discretion of a single person, namely the administrator. I would request the Joint Committee to see which of the various items mentioned in clause 101 should be incorporated in the body of the Bill instead of leaving the same to the mercy of the administrator.

As regards clause 103, I would like to point out that this is a clause which will encourage eviction of under-riyats, in the name of the requirements of the lands for personal cultivation. I would request the Joint Committee to look into the matter and provide suitable safeguards so that in the name of personal cultivation, the riyats may not take away the lands from the under-riyats who are safeguarded less in this Bill.

Clause 105 is an important clause, which fixes the ceiling in the name of 'Permissible limit'. Here, the normal principle has not been followed. Those persons who will be under disability and who may not be the actual tillers of the land, and who may not be able to look after their land properly, have been allowed to retain 25 standard acres of land, whereas

those persons who are the actual tillers of the land and who will be able to look after the lands have been allowed to retain less. Further, complexities have been created by introducing two classes of holding, namely the basic holding and the family holding. I would like that this clause must be clarified further, so that there can be an easy conception of the holdings and there may not be any lacuna under which the under-riyats may suffer ultimately.

Clause 106 is another clause which will help in the eviction of the under-riyats and share-croppers. I would like to draw the attention of the Joint Committee to this clause also.

As for clause 121, I would like to submit that this clause is also derogatory to the interests of the under-riyats. Here, a provision has been made to evict them on two grounds; firstly, if the lands which are in the possession of the under-riyats are required for the personal cultivation of the riyats, then, those lands can be taken away from the under-riyats; secondly, if they fail to pay the arrears of rent within three months from the date on which the rent falls due, then also they are liable to be evicted. These two points will cause hardship on the under-riyats, and there would be large-scale evictions under the cover of this clause. I would request the Joint Committee to look into this clause also.

Now I come to clause 139. In Chapter XI, an attempt is made to abolish the interest of all intermediaries. But if we read clause 139, it will be quite evident that instead of abolishing intermediary rights, they are being retained. The abolition is only in name. Otherwise, their status will be maintained. Let us see how many exemptions have been given under this clause. Besides the 25 acres, they will be entitled to hold the following lands also:

"Notwithstanding anything contained in sections 137 and 138, an

intermediary shall, subject to the provisions of sub-section (2) be entitled to retain with effect from the vesting date—

“(a) homesteads, buildings and structures together with the lands appurtenant thereto in the occupation of the intermediary other than buildings vested in the Government under section 138;

“(b) lands under the personal cultivation of the intermediary;

“(c) lands in which permanent rights have not already accrued to a tenant under any custom, agreement or law and which have been leased by an intermediary who, both at the commencement of the lease and on the vesting date, was a person under disability;

“(d) lands held by the intermediary as mortgagor . . .

“(e) lands comprised in orchards or used for the purpose of livestock breeding, poultry farming or dairy farming which are in the occupation of the intermediary;

“(f) so much of the lands comprised in a tea garden, mill, factory or workshop as in the opinion of the Administrator is required for such a tea garden, mill, factory or workshop . . .”

If we exempt them in respect of the above categories of lands, what is taken away from them? This is a point that has to be considered by the Joint Committee.

Next I come to clause 149. In this clause it has been provided which particular class of intermediaries would be excluded from resumption. Special mention should be regarding the devottar properties. We have got bitter experience of these properties. Specially in Tripura, the Maharaja of

Tripura has huge properties dedicated to deities. Regarding these devattor and wakf properties, who are the real beneficiaries? The Mutawallis and Shebaita are the real beneficiaries. Not one-hundredth of the income from these properties is spent for the deities or for charitable purposes. Naturally, this is a point which the Joint Committee should consider, as to why such huge properties should be left over in the name of wakf and deity.

I would also like to submit that the rate of compensation is high. This may be considered by the Joint Committee.

Regarding clause 167,—ceiling on holdings—it is an important clause to which I have already made a reference. I am at a loss to understand what is the real ceiling. If the ceiling is fixed at 50 acres and if we calculate the real profit or income from these 50 acres, in a place like Tripura it will come to about Rs. 15,000 per year. Naturally, this is not very low and this cannot be called a ceiling.

Regarding clause 182, the hon. Minister has said—and I also agree with him—that it is a good provision to see that fragmentation of land should be prevented. We have not been able to cultivate our land properly and improvement of our agriculture is lagging behind because of too much fragmentation. But I want to know one thing. Why should land donated to the Bhoodan movement be exempted? If anybody gives a portion of his land to be Bhoodan movement, will it not be fragmented. If we accept a principle, we must follow it and not make exemptions like this which will nullify the spirit of the provision. So I would request the Joint Committee to consider this matter.

I also doubt whether the hon. Minister can prevent fragmentation without amending the Partition Act and the law of inheritance of Hindus and Muslims. If they are prevented from splitting up land under this law,

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people can go to the civil court and bring suits under the partition Act or under the laws of inheritance of Hindus and Muslims. In that case, how can their lands be prevented from fragmentation? This has to be considered. Otherwise, this clause will remain ineffective. Everybody will automatically got to the civil court to have the land split up and will laugh at this legislation.

Lastly, I would ask Government what they would do with the lands which will be resumed by them. Will these be distributed to those persons who possess less than the basic holding or to those persons who have got no land at all or will these lands be managed by setting up co-operatives? I would request Government to set up experimental co-operative to manage the lands resumed from the intermediaries and other persons and to see how they work.

With these words, I would again request the Joint Committee to look into the specific issues I have placed before the House and the suggestions I have made.

श्री यादव (बाराबंकी) : यह जो त्रिपुरा विधेयक प्रस्तुत किया गया है, माननीय गृह मंत्री द्वारा, मैं इसका स्वागत करता हूँ। मैं इसका इसलिए स्वागत नहीं करता कि यह विधेयक अपने में पूर्ण है बल्कि इसलिए कि किसी भी विधेयक द्वारा या किसी भी कानून द्वारा यदि थोड़ा सा भी छोटे लोगों का, किसानों का हित होने जा रहा हो तो उसका स्वागत ही होना चाहिए।

मुझ से पूर्व बोलने वाले माननीय सदस्यों ने विधेयक की बहुत सी बातों की ओर इस सदन का ध्यान खींचा है और मैं उन चीजों की तरफ ध्यान दिलाना नहीं चाहूंगा जो कि यहाँ कह दी गई हैं। इसका कारण यह भी है कि जब यह विधेयक प्रवर समिति से वापिस आयेगा इस सदन में तब फिर एक एक

बारा पर अलग अलग तरीक़ों पेश की जाएंगी और जो बातें हम इस समय इस विधेयक पर कह रहे हैं उन पर प्रवर समिति विचार भी करेगी और उनका इस विधेयक में समावेश भी करेगी।

लेकिन मैं कुछ बुनियादी बातों की तरफ आप का ध्यान दिलाना चाहूंगा। माननीय मंत्री महोदय जब इस विधेयक पर बोल रहे थे तब उन्होंने फरमाया कि यह विधेयक एक नमूने की तरह का विधेयक है और सारे देश के लोगों के लिए अनुकरणीय है और सारा देश इसकी नकल करेगा। मैं उनसे पूछना चाहता हूँ कि जब कभी भी भूमि सुधार सम्बन्धी कोई कानून पेश हो, चाहे इस सदन में हो या राज्यों की विधान सभाओं में या विधान परिषदों में हो, सर्व-प्रथम जो प्रश्न उठता है वह यह है कि आखिर ज़मीन किस की होनी चाहिए, खेती किस को मिलनी चाहिए। मैं जब इस विधेयक की ओर देखता हूँ और जहाँ तक इसमें जो रेफ़रेंशेंस की धार्य हैं कि कौन लोग खुद काशा होल्डर कहलायेंगे, किसकी खेती होगी इत्यादि, तो मैं पाता हूँ कि यहाँ पर इंग चीज़ का जवाब देने की कोई कोशिश नहीं की गई है। खेती करने वाले चाहे वे अपने हाथ से खेती करते हों, चाहे मजदूरों द्वारा कराते हों, चाहे मशीनों के जरिये करते हों, सभी के सभी लोग खेती में आ जाते हैं और जब तक इस बात का जवाब नहीं दिया जाता कि खेती किस की होगी, यह उसी की होगी जोकि अपने हाथ से स्वयं खेती करता है, तब तक भूमि-सुधारों का कोई मतलब नहीं होगा। मैं माननीय सदन का ध्यान इस ओर आकर्षित करना चाहूंगा और निवेदन करना चाहूंगा कि अगर ज़मीन सम्बन्धी कोई सुधार आप चाहते हैं और चाहते हैं कि किसानों का हित हो, देश का हित हो, तो सब से पहले आपको इस ओर ध्यान देना चाहिए कि ज़मीन उसी की हो जोकि वास्तव में ज़मीन पर खेती करता हो, ज़मीन को तोड़ता हो,

उप पैदा करता हो। आज हम क्या देखते हैं ? जो वास्तव में खेती करता है, जो जमीन पर मेहनत करता है, उस के पास जमीन नहीं है, और जिन को गेहूँ और जो के पीछे की पहचान नहीं है, उन के पास हजारों बीघा जमीन है।

जो बार नौकी (बुलन्दशहर—रसित—अनुसूचित जातियाँ) : काफी पहचान है।

श्री यादव : इस में इस बात का जवाब देने की कोशिश नहीं की गई है कि

Mr. Chairman: Let us take up the next item. Shri Supakar.

14.31 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FIFTY-THIRD REPORT

Shri Supakar (Sambalpur): Sir, I beg to move:

"That this House agrees with the Fifty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 9th December, 1959."

Mr. Chairman: The question is:

"That this House agrees with the Fifty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 9th December, 1959."

The motion was adopted.

14.32 hrs.

LEGAL PRACTITIONERS (AMENDMENT) BILL*

(Insertion of new section 14A and amendment of section 41) by Shri Ajit Singh Sarhadi

Shri Ajit Singh Sarhadi (Ludhiana): Sir, I beg to move for leave to intro-

duce a Bill further to amend the Legal Practitioners Act, 1879.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill further to amend the Legal Practitioners Act, 1879."

The motion was adopted.

Shri Ajit Singh Sarhadi: Sir, I introduce the Bill.

14.32½ hrs.

INDIAN BAR COUNCILS (AMENDMENT) BILL*

(Amendment of sections 12 and 15) by Shri Ajit Singh Sarhadi

Shri Ajit Singh Sarhadi (Ludhiana): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Bar Councils Act, 1926.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Bar Councils Act, 1926."

The motion was adopted.

Shri Ajit Singh Sarhadi: Sir, I introduce the Bill.

14.33 hrs.

POPULATION CONTROL BILL*

Shri Balkrishna Wasnik (Bhandara—Reserved—Sch. Castes): Sir, I beg to move for leave to introduce a Bill to provide for controlling the rapidly increasing population of India and for matters incidental thereto.