

thereunder during 1958-59 and 1959-60.

2. Again, in reply to Shri Prakash Vir Shastri's Supplementary (in Hindi) regarding compulsory teaching of Sanskrit in Hindi-speaking States, the reply given was that the question of making Sanskrit compulsory in the Hindi-speaking States would be fully considered on receipt of the comments of the State Governments etc. The actual position is that the question of compulsory teaching of Sanskrit in the Secondary Education stage has already been fully considered by the Central Advisory Board of Education and the Central Sanskrit Board and it has been finally decided not to disturb the Three-Language Formula, which provides for teaching of Sanskrit as part of the composite course (*viz.* classical language with mother tongue/regional language).

3. In reply to another supplementary question asked by Shri Yadav Narain Jadhav regarding the scheme of publication of standard/modern primers etc., it was replied that at present only a board scheme was being prepared and only when all the comments of the State Governments were received, the question would be taken up more definitely. The position is that the scheme has been finalised and has since been announced through the Press.

Shri Braj Raj Singh (Firozabad):
The whole answer was wrong!

Dr. K. L. Shrimall: Sir, on that day I had suddenly to leave to go to the other House and I gave the pad to my colleague who was not fully aware of the position, and therefore these mistakes occurred.

12.10 hrs.

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

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri B. N.

Datar on the 2nd August, 1960, namely:—

"That the Bill to consolidate and amend the law relating to land revenue in the Union territory of Tripura and to provide for the acquisition of estates and for certain other measures of land reform, as reported by the Joint Committee, be taken into consideration."

Ch. Ranbir Singh.

श्री० गवर्नर सिंह (रोहतक) : अध्यक्ष महोदय, त्रिपुरा का एक बहुत छोटासा इलाका है जिसके अन्दर छोटे छोटे गांव कोई ३६२६ के करीब हैं, और वहां पर कोई २६ लाख एकड़ के करीब भूमि है। उसमें से मुश्किल से तीन लाख ९० हजार एकड़ भूमि के अन्दर चावल पैदा होता है। वैसे तो एक छोटा इलाका होने के नाते इस सदन का उसके लिये बहुत ज्यादा समय लेना सही नहीं है। लेकिन इसमें कई एक नीति के सवाल पैदा होते हैं। जहां तक लैंड रिवेन्यू का वास्ता है इस सदन में कई दफा ग्राम तोर पर कोई ग्राममी कोई राय नहीं रख सकता। क्योंकि यहां पर कर की नीति दूसरे सेक्टर पर आधारित है, उसका वास्ता तनख्वाह पाने वालों से रहता है या उनसे रहता है जो इंडस्ट्रियल सेक्टर में पैदावार करते हैं।

इस सिलसिले में कल मैं कह रहा था कि जो सेंट्रली एडमिनिस्टर्ड एरियाज हैं उनके ऊपर जो खर्च होता है वह ग्राम इलाकों के मुकाबले में बहुत ज्यादा होता है। अगर मेरे आंकड़े सही नहीं हैं तो मैं चाहूंगा कि मंत्री महोदय उनको सही कर दें। मुझे पता लगा है कि वहां पर सर्वे हो रहा है जो कि सन् १९६४ तक खत्म हो जायेगा और वहां पर इस सर्वे में ही एक करोड़ ३३ लाख रुपया खर्च होगा। इस छोटे से इलाके के सर्वे पर इतना खर्च होगा। मेरा दावा है कि और राज्यों में तो कंसालीडेशन के ऊपर भी इतना खर्च नहीं आता है।

[श्री० रणवीर सिंह]

इसके साथ साथ वहाँ पर जो इंटर-मीजियरी, जमींदारी, इमानदार या जागीरदार, खत्म किये जा रहे हैं उनको जो मुआवजा दिया जायगा वह एक करोड़ १८ लाख के करीब होगा। वह भी खासा बड़ा मुआवजा है। और इस प्रदेश के लिये जो नीति अपनायी जा रही है उसका पता नहीं क्या कारण है। उत्तर प्रदेश में जो नीति अपनायी गयी थी उससे यहां भेद किया गया है। उत्तर प्रदेश में अगर किसी जागीरदार या जमींदार की जमीन पर कोई दूसरा काश्त करता था तो उस काश्त करने वाले को भूमिधरी का हक दे दिया गया था और उन के लिये कोई जमीन रिज्यूम करने का अधिकार नहीं रखा गया था। लेकिन इस कानून के तहत—गी कि यह बहुत देर बाद आया है—उत्तर प्रदेश से कुछ उलटा तरीका रखा गया है। सरकार अब उन जागीरदारों या जमींदारों पर कुछ मेजरबान हो गयी है और उनको हक देना चाहती है कि अगर वह खुद काश्त करना चाहें तो उनको जमीन दी जायगी हालांकि इतने सालों से उनके पास जमीन थी और उन्होंने खुद काश्त नहीं की। मुझे मालूम नहीं कि क्यों इस मंत्रालय को ऐसा खयाल है कि अब वह खुद खेती करने लगेंगे।

जहां तक सीलिंग का वास्ता है, इसमें कुछ भाइयों के खयाल के बमूजिब, और हमारे में ने बहुत ज्यादा भाइयों के खयाल के मुताबिक शायद सीलिंग लगाना देश के अन्दर जरूरी था, खास तौर से जमीन के ऊपर। यद्यपि हमारे साथियों में से बहुत यह सोचते हैं कि प्लानिंग कमीशन के जो अधिकारी साइलीन और चार हजार तनख्वाह पा रहे हैं उनके ऊपर भी सीलिंग लगनी चाहिये थी। इसी तरह से इंडस्ट्रियल सेक्टर में भी जिनकी लाखों और करोड़ों रुपये के सालाना आमदनी है उनके ऊपर भी कोई सीलिंग लगनी चाहिये थी। इस भेद को जो कि सीलिंग के सिलसिले है, जो कि जमीन और कारखानों और

तनख्वाहों के बारे में किया जाता है, उसको तो शायद कोई बरदास्त कर भी ले लेकिन देश के अन्दर कर नीति के भेद को बरदास्त नहीं किया जा सकता खास कर जब कि देश में हर एक को हमारा संविधान, जिसको कि कांग्रेस पार्टी ने और हमारे प्रधान मंत्री ने बनाया था, बराबर का राय का हक देता है।

इस बात की तरफ देश का ध्यान दिलाया था आंध्र प्रदेश की असेम्बली ने। वहां एक प्रस्ताव पास किया गया था कि दस एकड़ से कम भूमि का जो मालिक है उससे कोई लैंड रेवेन्यू न लिया जाय। इसी तरह से पंजाब असेम्बली ने भी एक प्रस्ताव पास किया था कि पांच एकड़ से जिसके पास कम भूमि हो उसके ऊपर लैंड रेवेन्यू न हो।

श्री टागो : (देहरादून) : उनकी जमीन वापिस ले लेनी चाहिये।

श्री० रणवीर सिंह : त्यागी जी कहते हैं कि उनकी जमीन वापिस ले ली जाय। मैं पूछता हूं कि आप और मैं जो सदस्य हैं इस सदन के, हमारी ३६०० की आमदनी पर कोई कर नहीं लग सकता, तो हमारी तनख्वाह भी क्यों न वापिस ले ली जाय। तो यह तो सवाल है नीति का। हमारे देश ने एक नीति निर्धारित की है कि ३६०० तक की आमदनी पर कोई टैक्स नहीं होगा। लेकिन दुःख की बात है कि यहां पर भी काश्तकार के साथ भेदभाव की नीति पर चला जा रहा है। मुझे उम्मीद थी कि त्रिपुरा का बिल और जो दूसरे बिल लैंड रेवेन्यू के बारे में आय हैं, उनमें हिन्दुस्तान की सरकार दूसरी सरकारों को रास्ता दिखायेगी। आंध्र और पंजाब की सरकारों अपनी नीति पर नहीं चल सकी क्योंकि प्लानिंग कमीशन के मुकाबले में वे बहुत छोटी चीज हैं लेकिन केन्द्रीय सरकार तो प्लानिंग कमीशन को बनाती है। इसलिये मुझे उम्मीद थी कि केन्द्रीय सरकार इस मामले में देश को रास्ता दिखायेगी और दूसरी राज्यों के लिये आसानी पैदा करेगी।

इस सिलसिले में मैं कुछ आंकड़े रखना चाहता हूँ। टैन्क्मेशन एन्क्वायरी कमिशन की रिपोर्ट के वाल्यूम तन के पेज २१६ पर एक खाता पेश किया गया है जिसमें बताया गया है कि केन्द्रिय सरकार और राज्य सरकारों को आमदनी में लैंड रेवेन्यू का क्या औसत था। उसमें बतलाया गया है कि सन् १९५३-५४ में भूमि कर से जो आमदनी होती थी उसका केन्द्र की और राज्य सरकारों की टोटल आमदनी में ६९ पर सेंट का औसत था। सन् १९३९-४० में यह ज्यादा से ज्यादा गया जब कि यह ७०.६ फीसदी हो गयी। लेकिन १९३८-३९ में यह ६१.१ फीसदी था और सन् १९५३-५४ में यह घट कर सिर्फ ८-६ फीसदी हो गया था। यह तो केन्द्रिय सरकार और राज्य सरकार की तमाम आमदनी में हिसाब लगाया गया था। अगर आप यह देखना चाहें कि राज्य सरकारों की आमदनी के अन्दर लैंड रेवेन्यू का क्या हिस्सा था तो आपको उसके आंकड़े पेज २२७ पर मिलेंगे। उनमें दिया गया है कि सन् १९२२ में तमाम राज्य सरकारों की आमदनी में भूमि कर का औसत था ५९-८, जो कि सन् १९४७ में २३-७ फीसदी हो गया और १९५२ २०-३ फीसदी हो गया, पर न मालूम किस वजह से सन् १९५४ में वह २६-६ फीसदी हो गया।

इसी तरह से जो हमारे देश में फाइनेंस कमिशन बने हैं उन्होंने भी इस का अन्दाजा लगाया है। और १९५२ के फाइनेंस कमिशन की रिपोर्ट के मुताबिक केन्द्रिय और राज्य सरकारों की जो आमदनी थी उसके अन्दर भूमि कर का हिस्सा सन् १९३७-३८ में १०-२ था और १९४४-४५ के अन्दर वह हिस्सा ५-९ है। सन् १९४६-४७ में ५-५ फीसदी है जो केन्द्रिय और राज्य सरकारों की आमदनी के अन्दर लैंड रेवेन्यू का हिस्सा बनना है। इसी तरीके से आगे चल कर उसी रिपोर्ट के अन्दर जो सारी राज्य

सरकारों की आमदनी है उस के अन्दर हिस्सा जो दिलाया गया है वह इस तरह से है। सन् १९५०-५१ के अन्दर यह १३ फीसदी था और १९५१-५२ से यह १२-५ फीसदी था और १९५२-५३ के जो बजट एस्टिमेट्स हैं उनके अन्दर यह १४-६ फीसदी था। इस के कुछ आंकड़े फाइनेंस कमिशन सन् १९५७ ने दिये हैं। उस में १९५५-५६ के आंकड़ों के हिसाब से मुस्ताबिक रियासतों की और प्रदेशों की उन्होंने आमदनी दा है और उस का उन के लैंड रेवेन्यू से और भूमि कर से क्या औसत है वह भी दिया है। आंध्र में तकराबन वह सब से ऊँचा तो नहीं लेकिन १, २ को छोड़ कर बाकी सब से ऊपर तिसरे नम्बर पर है। वह २१-९ फीसदी है लेकिन इस के बावजूद भी उसके मुकाबले में आसाम में जायें तो इसका औसत आसाम का एक स्टेट की आमदनी के मुकाबले में ९-३ फीसदी है। बिहार में १४ फीसदी है। बम्बई के अन्दर ९-३ फीसदी है। हैदराबाद में १९-२ फीसदी है। मध्य भारत में २५-४ फीसदी है। मध्य प्रदेश में १६ फीसदी है, मद्रास में ८-४, मैसूर में ९, उड़ीसा में ७-७, पँपू में १०-१, पंजाब में ७-५ और राजस्थान में २१-४ फीसदी है। उत्तर प्रदेश के अन्दर वह जरूर कुछ ज्यादा है। इसके अलावा जो आंकड़े हमें पंजाब सरकार के मिले हैं जो लैटस्ट हो सकते हैं, १९५८-५९ के आंकड़ों के हिसाब से हमारे स्टेट के जो कुल रेवेन्यू रैसिट्स थीं वह ५० करोड़ और २१ लाख रुपये की थीं और उस में से जो लैंड रेवेन्यू से भूमि कर से जो नैट आमदनी हुई जो नैट रैसिट्स मिलीं वह २-९ करोड़ की हैं और जो कि हमारी सारी आमदनी का पाँच बटा सात फीसदी है। लेकिन यह तो सारे भूमि कर का हिसाब है। पंजाब सरकार ने जो अन्दाजा लगाया था उसके हिसाब से ३६ या ४० करोड़ का कुल खससारा बनता था और उसके लिये उसने यह सिफारिश की थी कि हम इसको दूसरे तरीके से पूरा करेंगे लेकिन

[श्री० रणवीर सिंह]

पता नहीं किस वजह से प्लानिंग कमिशन ने उन दोनों सरकारों की सिफारिशों को नहीं माना और उन को मजबूर किया कि वह जो पहली नीति हैं कि किसान का चाहे घाटा क्यों न हो उस के ऊपर भी टैक्स लगेगा, माने । दूसरे भाई जो तनख्वाह लेते हैं या इंडस्ट्रीज से आमदनी कमाते हैं, चाहे वह कितना बड़े से बड़ा आमदमी क्यों न हो, चाहे बिड़ला हो अथवा टाटा, उसकी ३६०० रुपये की इनकम पर कोई टैक्स नहीं होगा ।

इसके अलावा मैं कुछ आंकड़े गवर्नमेंट की रिपोर्ट में से सदन के सामने पेश करना चाहता हूँ । पंजाब के अन्दर जो एक बोर्ड आफ एकोनामिक एनक्वायरी बँठा था और उसने अपनी रिपोर्ट में २२ किसानों का खाता दिखाया है कि कितनी उनकी आमदनी होती है और इसका उस रिपोर्ट में अंदाज लगाया गया है । उसके अन्दर जो २२ कुनबे हैं और उन २२ कुनबों में से ज्यादा से ज्यादा जिसके पास जमीन थी वह ५५ एकड़ जमीन थी जो कि आज सीलिंग के तहत खत्म हो जायेगी और कम से कम जो जमीन थी वह ४-६३ एकड़ थी । उस खाते से जो एंज्रेज आमदनी आई वह १७०२ रुपये है और ज्यादा से ज्यादा जो आमदनी आई है वह २६७१ रुपये और ८७ नये पैसे बनती है । अब अध्यक्ष महोदय, इससे आप बखूबी अन्दाजा लगा सकते हैं कि किसानों की क्या हालत है और किन हालात में वे टैक्स देते हैं । उसकी खाते और दूसरे जरायों से होने वाली आमदमी भले ही ३६०० रुपये से कम हो वह सीलिंग वाला काश्तकार हो और चाहे उसके पास ५५ एकड़ भी हो, मैं उसी पंजाब की बोर्ड आफ एकोनामिक एनक्वायरी की जो रिपोर्ट है उसके बारे में कुछ आंकड़े मैं देना चाहता हूँ । एक किसान को अगर जिस तरीके से एक व्यापारी हिसाब लगाता है, अगर वह हिसाब लगाया जाये तो फी एकड़ कितनी नेट इनकम

होती है इसका अन्दाजा उन्होंने ३२ रुपये के ऊपर दिया है और उन्होंने हर एक इलाके का अलग अलग हिसाब लगाया है । पहाड़ी इलाके के बारे में लिखा है कि उन्हें फी एकड़ के ऊपर घाटा रहता है और वह ७८ रुपये का घाटा है । इस तरीके से जो पहाड़ से नीचे के इलाके हैं उनमें १३२ रुपये फी एकड़ के हिसाब से घाटा रहता है अगर बनिये वाला हिसाब लगाया जाय । जो सेंट्रल पंजाब है उसके अन्दर ५५ रुपये फी एकड़ घाटा रहता है

Mr. Speaker: How is all that relevant?

श्री० रणवीर सिंह : मैं यह सिद्ध करना चाहता था कि जो लैंड रेवेन्यू इस कानून के द्वारा किसानों से लिया जायेगा वह कितना गलत है और देश की कर नीति में कितना भेदभाव विद्यमान है । एक तरफ तो वे भाई हैं जिनको कि जमीन पर काश्त करने से व्यापारी हिसाब की हैसियत से घाटा रहता है लेकिन इस के बावजूद भी उनके ऊपर कर लगाया जा रहा है और दूसरी तरफ हम देखते हैं कि यह सदन जब कानून बनाता है तो जो आमदमी तनख्वाह लेते हैं या इंडस्ट्रीज चलाते हैं और उससे आमदनी करते हैं उनको सरकार ३६०० रुपये तक की होने वाली आमदनी पर टैक्स से छूट देती है । अध्यक्ष महोदय, मेरा निवेदन है कि यह जो भेदभाव बरतने की नीति है यह ज्यादा दिनों तक बर्दाश्त नहीं की जा सकेगी । मैं चाहता हूँ कि मंत्री महोदय या तो अभी इस कानून में ही आवश्यक तबदीली करें और अगर इसमें वह तबदीली नहीं कर सकते तो इस देश के तमाम प्रदेशों के रेवेन्यू मिनिस्टर्स की एक कान्फ्रेंस बुलायें और वहाँ इस कर निर्धारण नीति के बारे में कोई उचित फैसला कर लें । अभी कल जब मनीपुर बिल के ऊपर बहस हो रही थी तो उसका जवाब देते हुए उन्होंने कहा था कि यह जो बहुत बड़ा सवाल है और मैं निवेदन करना चाहता हूँ कि बड़े

सवाल को हल करना केन्द्रीय सरकार की जिम्मेदारी है और यह कोई अपोजीशन के मेम्बर की या कांग्रेस पार्टी के मेम्बर की जिम्मेदारी नहीं हो सकती है। हम या अपोजीशन का कोई साथी अपनी तौर पर कानून को बदल नहीं सकता है। उचित यह था कि अब से पहले उनको इस लैंड रेवेन्यू के बारे में क्या सिस्टम और पालिसी रखी जाय इस सवाल को हल करने के लिये एक कांफ्रेंस बुलानी चाहिए थी। जहां तक सेंट्रली एडमिनिस्टर्ड एरियाज का ताल्लुक है उनके लिये तो सीधी जिम्मेदारी गृह मंत्रालय पर ही है और इस पर विचार करना चाहिये या कि उसके बारे में क्या सिद्धान्त निश्चित किय जायें और खास तौर पर जब हम एक कानून बनाने जा रहे हैं तो हमें इसके लिये विशेष सावधानी बलनी चाहिए थी और इस किस्म को एक कांफ्रेंस पहले होनी चाहिए थी। अब अगर एसी कांफ्रेंस पहले नहीं हुई और उस कांफ्रेंस के बगैर मंत्री महोदय इस बिल के अन्दर कोई फर्क नहीं डाल सकते हैं तो मैं कहूंगा कि मंत्री महोदय तमाम राज्यों के रेवेन्यू मिनिस्टर्स की एक कांफ्रेंस बलायें ताकि हिन्दुस्तान के किसानों के साथ न्याय का सलूक हो और राज जो कर नीति के सम्बन्ध में भेदभाव बता जाता है और किसानों के साथ अन्याय हो रहा है वह समाप्त हो।

Mr. Speaker: Shri Bangshi Thakur. Any other hon. Member who comes from Tripura wants to speak? Shri Dasaratha Deb is not here.

Shri Bangshi Thakur (Tripura—Reserved—Sch. Tribes): This is the third time this Bill is being discussed. Generally I support the Bill in its amended form, but I have to say something about some clauses of the Bill.

Regarding Explanation I of sub-clause (p) of clause 2 at page 3 re-

lating to personal cultivation, which denies the privilege given by sub-clause (o) of clause 2 at the same page, relating to person under disability, it has been said that at the time of framing of rules, this would be taken into account, and I hope the hon. Minister will bear this in mind at the time of framing of rules.

Again, regarding clause 15(1) at page 7, relating to unauthorised occupation of lands, it has been said that clause 14 will give shelter to those who will fall victims to clause 15(1), according to merits, and I hope this will also be borne in mind at the time of the application of clause 15(1).

Now, I would say something about the fixing of the maximum amount of land revenue. It has been decided that the maximum amount of the land revenue will be one-eighth of the gross produce. In Tripura, one *kanni* of paddy land produces about 8 maunds of paddy on an average.

Mr. Speaker: What is the extent of one *kanni* in terms of acres?

Shri Bangshi Thakur: 2½ *kannis* make one acre. Eight maunds of paddy will be valued at about Rs. 80, and one-eighth of that will be Rs. 10. Up till now, that is, up to the present time, the land revenue of Tripura has varied from eight annas to three rupees. When this Bill will come into force, the land revenue of Tripura will be raised abruptly to about Rs. 10 per *kanni*. That will be telling upon the consumers and the producers very seriously. So, I would request the hon. Minister to look into this aspect at the time of framing of rules.

I now come to clause 186(2) at page 68 of the Bill. This provision does not permit the transfer of land by way of buying or selling or mortgaging and so on, on or after the 10th August, 1957 and before the commencement of this Act. During this long gap, after 10th August, 1957, many changes have

[Shri Bangshi Thakur]

taken place, and there has been transfer of land by way of selling, buying or mortgaging and so on. I am not saying anything against this provision, but the point is whether proper notification has been made in respect of this provision or not. If not, when this provision is applied, it will be challenged in court. That is what I would like to point out.

My last point is this. All the Acts and rules of Tripura relating to land were made by feudal rulers, in the past, taking into account the conditions prevalent in those olden days. When this new Bill will come into force, all those Acts and rules etc. will be repealed. In this regard also, I would request the hon. Minister to see that as far as possible, the usages, manners, customs and traditions are adhered to and are not very seriously affected by this new Bill when it becomes an Act. That is all that I would like to submit.

Shri Halder (Diamond Harbour—Reserved—Sch. Castes): After twelve years of great deliberation, the Tripura Land Revenue and Land Reforms Bill, 1959 has at last been brought forward before this House. Most of the provisions regarding abolition of intermediaries, tenancy reforms, fixation of ceilings, and permissible limit for personal cultivation and so on are based on the directives of the Planning Commission. The Joint Committee have tried to accommodate local requirements, but there are some provisions which are irrelevant and detrimental to the interests of the people.

For instance, there is ample scope for eviction in the name of personal cultivation. I shall mention the clauses one by one, which, in my opinion, should be amended by this House.

At the time of introducing the Bill for consideration, the hon. Minister stated that in West Bengal and Assam and other States such kinds of legislation had been passed. But if we

had examined the results after the passing of those Bills, particularly in West Bengal, for instance, then we might have changed the clauses relating to ceiling, evictions, personal cultivation etc. After the Estate Acquisition Act has been passed in West Bengal, a large number of people have been evicted from the lands. Therefore, I would request the hon. Minister to change the definition of personal cultivation in clause 2 (p). The present definition of 'personal cultivation' is all-pervasive. It is identical with 'personal supervision'. It includes cultivation by servants or hired labour. So, this sub-clause should be deleted. Otherwise, the tillers of the soil will be deprived of their lands on the plea of personal cultivation. Except in the cases of persons under disability, cultivation by servants or hired labour should be ruled out, and land should belong to the actual tillers only.

Again, there is clause 15(1) relating to unauthorised occupation of land. This clause should be deleted from the Bill. Even the hon. Member from Tripura, Shri Dasaratha Deb, in his minute of dissent has remarked:

"In Tripura, as there was not much pressure on lands in the past, people, from time immemorial, were accustomed to reclaim land first and then applied for settlement on it. Even today, that practice does exist in several places of Tripura, more particularly in the tribal areas. If this so-called unauthorised occupation of lands is not legally settled with them, and if they are summarily evicted, then, I am afraid that a very large number of people—both tribals and non-tribals—shall immediately face eviction."

Then as regards ceiling, there has been much discussion already in this House. I only want to add one more point. In West Bengal, taking the clue of ceiling, some landlords transferred their lands to their sons, daughters and other relatives and even to persons who are not born. So

if the same provision about ceiling is there in this case, the same will happen in Tripura also.

I would also request the hon. Minister to consider clause 47 under which the Collector is empowered to impose penalties upto Rs. 25 on a person who fails to make the report to the village accountant within three months from the date of his acquisition of any landed property. This clause should be deleted.

Then under clause 135(d), the maximum amount of land revenue which a raiyat shall be liable to pay to the Government has been fixed. But in a State with hilly tracts like Tripura where plain lands are not abundant, the rate of one-eighth of the gross produce of the land as land revenue is very high; it should be reduced to at least one-tenth of the production.

These are the points which I would like the hon. Minister to consider and modify the Bill accordingly.

Shri Kalika Singh (Azamgarh): The Government have decided to abolish intermediaries and as a result of that, several States have come out with measures of land reform. This Bill has also been named the Tripura Land Revenue and Land Reforms Bill. It also purports to reform the land tenure laws in Tripura.

Legislation in other States has specifically provided that in future tenancies will not be created, and it has been the aim of all the Bills which have been passed in other States to see that tenancies are not created in future and that the law does not allow the coming into being of landlords again. But in this Bill we find in the very beginning definitions of 'raiyat' and 'under-raiyat'. A raiyat is defined as a person who owns land for purposes of agriculture paying land revenue to the Government, and an under-raiyat is

defined as a person who cultivates or holds the land of a raiyat, and who cultivates or holds land of a raiyat under the system generally known as 'bhag', adhi' or 'barga'. This means that a class of under-raiyats is being created in Tripura and they will become a permanent feature if in the future a piece of legislation to abolish them is not brought in Parliament.

As regards the rights of raiyats and under-raiyats, the raiyats' rights have been specified in Part II. Clause 99 of the Bill says that the rights of a raiyat in his land shall be permanent, heritable and transferable. Now, in other States, the substitute for raiyat is bhumidhar which is a translation of the word 'zamindar'. We were abolishing zamindari, but in effect the result was that we abolish the tenancies. We have created zamindars. The aim of the legislation was to give freedom to the people who are now coming into being; they should have permanent, heritable and transferable rights on land. They should be added on to the list of zamindars or in Hindi, Bhumidhars. We have called the legislation abolition of zamindari, but really we have finished with the tenancies. But here a raiyat who is given the permanent, heritable and transferable right has also his right restricted, because clause 99(1)(b) says:

"the raiyat shall be entitled by himself, his servants, under-raiyats, agents or other representatives to erect farm buildings, construct wells or tanks or make other improvements thereon for the better cultivation of the land or its convenient or profitable use".

Therefore, there is a restriction on the right of the raiyat which these words indicate, 'for the better cultivation of the land or its convenient or profitable use'. That is, if a raiyat does not use the land for the better

[Shri Kalika Singh]

cultivation of the land or its convenient or profitable use, he might forfeit his right of permanency, heritability and transferability. As for the under-raiyat, there is a clause which says that he shall be evicted from his land by the raiyat if the under-raiyat contravenes these provisions of the legislation. Therefore, in my opinion, this is not a land reform legislation formulated under the programme laid down by the Five Year Plan and the policy of the Government of India.

Then Government have taken over all the right in land by a provision in clause 11 which says that all lands, public roads, lanes and paths and bridges, ditches, dykes, fences, beds of rivers etc. now become the property of Government as declared therein. Then in clause 44, it is said:

"The civil courts shall have jurisdiction to decide any dispute to which the Government is not a party relating to any right or entry which is recorded in the record of rights".

I ask, why this discrimination? If there are two parties, the dispute can be taken to a civil court; but if the Government are a party, then under this clause the dispute will not be taken to a civil court. This means that revenue officers will be deciding those cases. Therefore, it will be discriminatory legislation and it might be challenged in the Supreme Court and might be declared *ultra vires* the Constitution. So in my opinion, in any dispute, whether it is between private parties or between a private party and Government, the jurisdiction of the civil courts should remain, and they should have the right to go into such a dispute.

The third thing I want to point out is about land revenue. Land revenue has been here for a very long time, from the Moghul times. Land revenue is not a tax. It is a demand by the Government for services rendered by the State, to the cultivator. In

Moghul times, it was sometimes one fourth. It was called *chouth*.—In British period it was at a flat rate per acre, Re. 1 or Rs. 2 or something like that.

In other countries where land tax has been levied, it is on a graduated scale. A person who earns from his land an income which is below subsistence level is exempt from land tax and a person who earns more than subsistence level has to pay the land tax. That is the law in other countries.

Here, in India, even if a person is very poor—and that is what we find in almost all the States where there are persons who hold less than even one acre—in U.P., Bihar, Madras and so many other States—he has to pay land revenue. In Tripura also the position has been stated to be that if a ceiling is applied there will be no excess land because there are not big landlords there.

Therefore, if Government now comes with a new policy about land reforms and instead of levying land revenue it levies land tax, in that case, it would give relief to the poor people, that is, to persons who are not capable of paying, and they will get exemption. Land revenue in the whole of India comes to about Rs. 100 crores or something like that. Now, we have got the Third Plan and we are going to spend about Rs. 10,000 crores over the Third Plan; and Rs. 100 crores is not too much. Therefore, if we are really going to give relief to the peasants, including peasants in Tripura, Government should bring in such legislation that there is relief for the peasants in the form of exemption from land revenue. I propose that instead of having land revenue, in future, we should have land tax and it should be graduated on the basis of the subsistence level.

As I pointed out in the case of the Delhi Land Holdings (Ceiling) Bill, here also at page 43, these words 'free from all encumbrances' occur. It is stated:

[Shri Datar]

"all estates situated in any area or areas and all rights, title and interest of every intermediary in such estates shall vest in the Government free from all encumbrances."

As I pointed out the other day, in U. P. also in the Zamindari Abolition and Land Reforms Act there was a provision that when the Government notified all land shall vest in the State "free from all encumbrances. The difficulty arose in the High Court of Allahabad when a case was argued that 'free from all encumbrances' does not only mean free from all charges and mortgages but also from all easement rights. The easements are also encumbrances on property and once Government declares that the land is taken 'free from all encumbrances' all rights of easements are destroyed automatically. They come to an end. Every piece of land has got some burden of easement on it—it may be in the form of an irrigation channel or in the form of a right of way. Now, if Government destroys this easement by taking over the land without making any exception, then, difficulty might arise.

In the U.P. Zamindari Abolition and Land Reforms Act, when this difficulty arose, Government proposed an amendment by adding clause (aa) of section 7. This amendment was just put in to remove that difficulty, whereby it was declared that if the bhumidars, the sirdars or others had any right of easement before the coming into force of the Act they will continue to enjoy them in future also. So, that was the remedy they suggested when the difficulty arose about the words 'free from all encumbrances'. So, I propose that it may be corrected here even at this stage when we are passing this Bill.

On page 31, there is a provision for lease which says:

"subject to the provisions of this Act, a raiyat may lease out his

land to another person on such rent not exceeding the maximum rent referred to in section 111....."

When we provide that there could be a lease, it means that a new form of zamindari will come into being because all the raiyats who will be leasing out lands to under-raiyats will become intermediaries; and, in future, they will have to be abolished, under the policy formulated by the Government of India. Therefore, even from now we should see that only one tenure comes into being and that should be something equal to *bhumidhari*. They should be free to dispose of the property; they should have the right to transfer and have permanent rights to build without any restriction by Government.

Government is all-powerful; and if somebody just wastes his land, it can come out with legislation and acquire the whole property, because that is the law under article 31 of the Constitution. But just now to restrict the rights of the people—in the very beginning—and to call them raiyats or under-raiyats is very bad policy.

I should say that the words 'raiyat' and 'under-raiyat' should not be there in any piece of legislation after we have become free; because a raiyat means somebody's servant or a '*riyaya*' of somebody. '*Riyaya*' is a word which is being avoided in legislation in U.P., Bihar and elsewhere. We do not find the word '*riyaya*'. But here we find it. The provision might exist there in the Bill but the word ought to have been avoided. Instead of '*riyaya*' we might easily have put in '*bhumidhari*' as we have put in it the Manipur Bill.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Mr. Speaker, Sir, a number of hon. Members have either raised general questions or some questions relating to the provisions of this Bill. So far as the general questions are concerned, it would not be proper for me to enter into any of them for the simple reason

[Shri Datar]

that they are not quite relevant to the matter now before the House.

So far as land revenues is concerned, a number of suggestions were made by hon. Members, that certain lands, lands up to a certain acreage, ought to be exempted from land revenue altogether. So far as that is concerned, a novel principles is sought to be considered. My hon. friend from the Punjab pointed out that resolution had been passed in the Punjab Legislature but that when the matter came to the Planning Commission they could not find it possible to agree to the request of the Punjab Legislature for a variety of reasons.

Another hon. Member has pointed out that the total land revenue in all the States together is likely to be about Rs. 100 crores. Under these circumstances, the question is a large one. The question involves large moneys. Therefore, it is more or less for the State Governments to take the initiative in the matter. Because, here, the Government of India are concerned with land revenue only so far as their own territories go. Naturally, it is not so large as in the rest of the States.

Therefore, if at all this question has to be agitated, it can better be agitated in the local legislature and then the question can be mooted in higher quarters. Otherwise, any action that we take here for the purpose of granting the exemptions the hon. Members have sought for, is likely to have an adverse influence upon the financial considerations of the State Governments. That is the reason why we have to proceed very cautiously in this respect. Subject to what might be done by the State Governments, the present position is that all cultivated or cultivable land is liable to land revenue. That is what is being done in this Bill also. Clause 16 says that all lands to whatever purpose applied, are liable to payment of land revenue. I pointed out yesterday that

in all such cases the incidence of land revenue is very low. The hon. Member from Tripura pointed out that it varies between eight annas per acre to Rs. 3 per acre.

13 hrs.

Mr. Speaker: It had been increased to Rs. 10 now. That is what he said.

Shri Datar: It has not yet been increased. What he believes is that as a result of the survey that the Government are going to have it is likely to increase. That is what he means. In the case of Tripura there was no proper land survey or cadastral survey. Unless land has been properly surveyed and settled and the rights of various owners or occupants are properly decided, it becomes very difficult to carry on the work of administration and settle the rights of parties also. So, the Government of India considered it necessary to have a complete cadastral survey. It will take some years and considerable money will be spent but that is inevitable and it will also be beneficial. So, the quality of the land will be taken into account and the usual principles of criteria will be followed. But even here, clause 16(2) says that the Administrator may exempt any land from the liability to such payment by means of a special grant or contract, etc. So, it is open to the Administrator in his discretion to grant exemptions. Yesterday, I have pointed out that in the lean years the land revenue would either be suspended or proper remedies would be given. So, it would not be proper to say that the incidence of land revenue is very high and that the poor are hit. Here the incidence is very low and it should not be considered low and it should not be considered as one which requires any substantial or fundamental change in the revenue structure.

Another hon. Member had some difficulty about the definition of personal cultivation. The principle of land reform that is being followed everywhere is that the land ought to

be in the possession of the person who is actually cultivating the land or he is personally supervising it. The latter is a concession because there may be some difficulties. A minor might be the owner. There may be other difficulties. In such cases it ought to be open for such a person to exercise personal supervision. Personal supervision can be effective provided the man who carries on personal supervision resides in the immediate neighbourhood. So, these words have been purposely introduced in this case.

My hon. friend objected to having any leases at all. There may be cases where land will have to be leased. So, the provision that has been made is of a beneficial nature to the person who actually cultivates. It is not that leases are bad as such. What is bad is the precariousness of such leases. Rent may not be fixed properly. There may be insecurity of tenure. So, when leases are allowed at all, clause 105 makes it clear that they ought to be subject to the provisions of this Act. When a land lord wants to lease his land to another, he does it subject to certain obligations.

Shri Kalika Singh (Azamgarh): But do we retain the land lord? That is the question.

Shri Datar: We do not completely rule him out. We hedge them with restrictions. There may be some class of persons who could not personally cultivate or supervise and so it ought to be open to them to lease the lands. Take the instance of a minor. A minor cannot himself cultivate. On grounds of equity we should make provision for lease in such cases. What is more important is that the person to whom the lease has been given or the lessee should not, depend upon the arbitrary wishes of his land lord. Clause 105 says that the lease shall be for a period of five years and it should be continued even after that period, unless the lessee loses that right or forfeits that right to his continuance. I feel that what

we have done is according to the usual principles that are followed everywhere. In the case of Tripura also, as in the case of Manipur, the Government of India are anxious to develop this far-flung part of India. That is why we have brought forward this legislation with a view to improve the conditions of the people there. The Government of India are spending far more moneys on Tripura and Manipur than their actual revenue receipts and that circumstance should also be taken into account. I am confident that after the passage of this Bill the land revenue administration and the conditions of cultivators will be regulated properly according to the progressive principles of land reform that have been accepted not only by us but also by most of the States.

The question of ceiling was considered in all its aspects and it was found that 25 standard acres would be better so far as the lower limit is concerned. The higher limit would be 50 standard acres. I have explained yesterday why we had recourse to the fixation of the standard acre here. Land in Tripura is not all of the same quality; it varies. That is why this particular distinction has been made. In these circumstances, I am sure the House will agree that the provisions of this Bill are perfectly sound and they are meant to improve the lot of the people by implementing the land reforms.

Mr. Speaker: The question is:

"That the Bill to consolidate and amend the law relating to land revenue in the Union Territory of Tripura and to provide for the acquisition of estates and for certain other measures of land reform, as reported by the Joint Committee, be taken into consideration."

The motion was adopted.

Mr. Speaker: We shall now take up the Bill clause by clause. There are no amendments to clauses 2 to

[Mr. Speaker]

170. I shall put them all together. The question is:

"That clauses 2 to 170 stand part of the Bill".

The motion was adopted.

Clauses 2 to 170 were added to the Bill

Mr. Speaker: There is one amendment to clause 171.

Shri Datar: Sir, as far as clause 171 is concerned, it relates to compensation, and as the House has already accepted similar principles so far as the Delhi territory and also Manipur territory are concerned the same principle is being sought to be introduced here through an amendment. I beg to move:

Page 61,—

for lines 9 to 24, substitute—

"equal to twenty times the net annual income from such land.

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

Mr. Speaker: The question is:

Page 61,—

for lines 9 to 24, substitute—

"equal to twenty times the net annual income from such land.

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

The motion was adopted.

Mr. Speaker: The question is:

"That clause 171, as amended, stand part of the Bill."

The motion was adopted.

Clause 171, as amended, was added to the Bill.

Clauses 172 to 183 were added to the Bill.

Mr. Speaker: There is a Government amendment to clause 184.

Shri Datar: It is only a formal amendment. I beg to move:

Page 67,—

for line 21, substitute—

"under" (2)

Mr. Speaker: The question is:

Page 67,—

for line 21, substitute—

"under" (2)

The motion was adopted.

Mr. Speaker: The question is:

"That clause 184, as amended, stand part of the Bill."

The motion was adopted.

Clause 184 as amended, was added to the Bill.

Clauses 185 to 199 were added to the Bill.

The Schedule was added to the Bill.

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

Shri Datar: Sir, I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.