

Need for coordination between Block Development authorities and co-operative Developments of the States

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Community Development Projects, National Extension Service and Co-operation' be reduced by Rs. 100." (860).

Mal-administration of the co-operative societies

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Community Development Projects, National Extension Service and Co-operation' be reduced by Rs. 100." (861).

Need for strict audit of the co-operative societies

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Community Development Projects, National Extension Service and Co-operation' be reduced by Rs. 100." (862)

Need to run in efficient co-operative societies by Government agencies

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Community Development Projects, National Extension Service and Co-operation' be reduced by Rs. 100." (863)

Need to appoint permanent industrial organisers for the co-operatives

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Community Development Projects, National Extension Service and Co-operation' be reduced by Rs. 100." (864).

*Half-an-hour Discussion.

Need to stop the recruitment of women as social organisers in West Bengal

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Community Development Projects, National Extension Service and Co-operation' be reduced by Rs. 100." (899).

Discrimination in granting scholarship by B.D.Os.

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Community Development Projects, National Extension Service and Co-operation' be reduced by Rs. 100." (900).

Failure in the implementation of Ideal Village Schemes in Block areas

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Community Development Projects, National Extension Service and Co-operation' be reduced by Rs. 100." (901).

Mr. Deputy-Speaker: All the cut motions are now before the House.

18.04 hrs.

ORISSA LAND REFORMS ACT*

Mr. Speaker: The House will now take up the half-an-hour discussion Shri Panigrahi may raise the discussion. Sitting till 6 O'clock is sufficiently tiresome. I am not going to allow any half-an-hour discussion hereafter till the Session is over.

Shri D. C. Sharma: I request Shri Panigrahi not to move his half-an-hour discussion today ... (Interruptions.)

An. Hon. Member: It can be taken up after the 18th.

Mr. Speaker: We have met today and let us finish.

Shri D. C. Sharma: We shall request Shri Panigrahi to have this discussion some other day because we are already having a feeling of tiredness today; we heard so many speeches.

Shri Panigrahi: Mr. Speaker, Sir, I am very grateful to you for allowing this discussion today. This discussion relates to some aspects of the land reform measures in Orissa in recent months which have been made into an Act by the previous coalition Government....

Mr. Speaker: There must at least be a few hon. Members in the House.

Shri Panigrahi: The question refers to the disposal of the surplus land which will be made available after the fixation of ceilings. The hon. Deputy Minister replied that the provisions of the Orissa Land Reforms Bill were considered in the Central Committee for land reform and some suggestions were made by the committee which are now under consideration by the State Government. But I think the land reforms Bill has been made into an Act and therefore there is no question of the suggestions of the Planning Commission still being considered by the Government. The Government which passed that Act has already gone into oblivion. Therefore, there is no question of considering the suggestions now which were made by the Planning Commission and including them in the Act.

With regard to the surplus land, it had been mentioned in the Act that the Government would not itself find out who owned how much surplus land from the land owners and landlords. The landlords themselves should report the extent of surplus land which they hold to the Government. And the landlord will dispose of all the surplus lands if there remains any surplus at all with him. The price of the surplus land

which will be distributed would be fixed not by the Government but according to the prevailing market price and therefore, the landlord has been given the power to sell the land in the market at the prevalent prices, that is, whichever price he can fix for the purchaser and the tenant.

It had been said in the Act itself that if the excess or any part thereof is held in the capacity of the tenant, that is to say, if there is any excess land with the tenant, it reverts to the landlord and it does not go to the tenant. Again, if the excess or any part thereof is held by a person with rights to transfer by way of sale or gift, he can transfer the same by way of sale or gift to any person as he likes. Therefore, whatever principles have been laid down by the Planning Commission in connection with the land reforms in the different States, if we go through the present Act, you will find that almost all the substantive directives of the Planning Commission have not been conformed to. We were told that the Planning Commission took into consideration all these shortcomings in the Bill and they advised the State Governments to incorporate their suggestions. But whenever we have asked the Government or the Planning Minister here as to what were the suggestions they gave to the State Governments in this respect, we have been told that this is a matter of secret correspondence between the State Governments and the Centre and therefore they cannot disclose it. Now, since the ghost that was haunting the Congress Government has gone.—owing to the pressure of the Ganatantra Parishad, the Government and the Congress Party was forced to pass such an Act—the suggestions made may be let known to us. The Act was passed then, and it went against the previous measures which the Congress Government had enacted in that State, before the coming of the coalition Government there. When that position has changed, when the ghost has been removed from the shoulders of the Congress we would like to know at least now

(Shri Panigrahi)

what were the suggestions or advice, keeping in view the short comings in the Bill, which the Planning Commission had given to the State Government in this case and whether actually these suggestions have been incorporated in the Act.

More than 30,000 to 40,000 peasants submitted a written memorandum to the President. That memorandum bore the signature of over 30,000 peasants, and it was submitted to the President when the Bill was waiting for his assent. When the President gave assent to the Bill, and when the Bill became an Act, it was with the understanding that the directions given by the Planning Commission would be incorporated while enacting the legislation. But we find that those directions are not there.

During the course of this half-an-hour discussion, I am not in a position to give the details of the provisions of this Bill, because there is no scope for doing so. In this connection, I wish to mention only one point with regard to which I want to have an elucidation. That is about the fixation of ceiling. The Planning Commission has definitely and very clearly said that the object of ceiling is to get the surplus land from the landlords and make them available to the landless peasants. But we find in this Act that the definition of the standard acre has been modified to such an extent that there will be very little land left which can be called surplus. You will find that a standard acre has been defined as two acres of partially irrigated land, three acres of rain-fed land or four acres of dry land. In Orissa, the majority of the land is rain-fed land. So, the fixation of the ceiling with the present definition of standard acre does not help the lands. Does it adhere to the directives of the Planning Commission with regard to the fixation of ceiling? I think the Planning Commission will throw some light on this aspect.

With regard to the definition of family, the definition has also been

modified. With regard to the resumption of cultivated land from the tenants, the definition of personal cultivation has been modified in respect of the Devottar land. It has been so modified that it goes against the very directive principles of the Planning Commission. All those lands which are under the rajas or ex-rulers are called as their own private or Devottar lands. The ceiling will not apply to those lands called Devottar lands. The definition of homestead land has also been changed. Previously, it was one acre of homestead land. But now the limitation of one acre is not there. The definition of homestead land has been extended, and it is without any limitation.

With regard to the ceiling, though nominally it has been fixed at 25 standard acres per family, the definition of the word 'family' and 'the standard acre' has been so extended that if you actually work it out, it comes to more than 100 acres. Beyond five, every additional member will have five acres more. So, if we work it out—there is no time to do it here—it comes to more than 100 acres, according to my calculation. I think all these go against the directive of the Planning Commission.

Mr. Speaker: What is it that the hon. Member is trying to do? There is a Bill that has been passed—the Orissa Land Reforms Bill. What is the object of this half-an-hour discussion?

Shri Chintamoni Panigrahi: The Planning Commission directed the State Government of Orissa.

Mr. Speaker: But that Bill has been passed in the Assembly. They are competent to pass a Bill. What is this half-an-hour discussion about?

Shri Chintamoni Panigrahi: Though the Bill has been passed it has not been implemented.

Mr. Speaker: He wants it to be implemented?

Shri Chintamani Panigrahi: When it has not been implemented and when the recommendations of the Planning Commission have not been incorporated in that Bill contrary to the understanding given by the Ministry that they will be carried out, I am trying to impress on the Government.....

Mr. Speaker: Order, order. I am afraid we are going far beyond the scope of this discussion. There is a Bill passed by the Orissa Legislative Assembly. This House is the inheritor or successor of the Assembly. This can only implement that Bill as early as possible. If the hon. Member wants to have a repeal of that Bill he may introduce a Bill seeking to repeal it, as it could have been done in the Orissa Assembly. Then these points will be relevant. This half-an-hour discussion is meant only to clarify some of the other matters for which there might have been no time during the Question Hour. Now only some questions may be put for further clarification. This ought not to be used for the purpose of impressing upon the Government what they should do. It is not a resolution, not even a Bill which we are discussing. The hon. Member is going far beyond the scope of the discussion.

Shri Chintamani Panigrahi: I am not going beyond the scope of the discussion.

Mr. Speaker: What is the question about?

Shri Chintamani Panigrahi: Sir, I shall read out the question and the answer given:

"Will the Minister of Planning be pleased to state:

- (a) whether the Planning Commission had requested the Orissa Government to fix the prices of the surplus lands to be disposed of after the fixation of the land ceilings;

(b) whether the Planning Commission also suggested that reasonable number of instalments should be fixed for payment of the same; and

(c) whether the Orissa Government has accepted and implemented these suggestions?"

The answer given was:

"(a), (b) and (c). The provisions of the Orissa Land Reform Bill were considered in the Central Committee for Land Reform and some suggestions were made by the Committee which are now under the consideration of the State Government. The consultations between the State Governments and the Central Committee for Land Reform are of an informal and confidential nature and it will not be in public interest to disclose the nature of these discussions."

Shri D. C. Sharma (Gurdaspur): May I know, Sir, whether the replies given were vague. Specific answers were given; they could not have been vague.

Mr. Speaker: Does not this question relate to a period after the passing of the Bill?

Shri Chintamani Panigrahi: Yes.

Mr. Speaker: Then what is this half-an-hour discussion for? Sometimes hon. Members do not understand the full scope of it. I am trying to be a little liberal. Half-an-hour discussions ought not to be used for the purpose of repealing an Act which has been passed.

Shri Chintamani Panigrahi: My submission is this. The question of secrecy does not arise now as already this Bill has been made into an Act. Therefore, I would like to know from the hon. Minister whether these recommendations have been incorporated or carried out.

Mr. Speaker: All that he wants is a clarification from the hon. Minister.

[Mr. Speaker]

While replying to the original question the hon. Minister stated that the Central Committee for Land Reform has made some suggestions and they are now under the consideration of the State Government. He wants to know at what stage it is. He is giving some suggestions. This Government has inherited the Bill. A committee was appointed to make recommendations regarding the implementation. That committee has made recommendations and they are under the consideration of Government. Government have stated:

"The consultations between the State Governments and the Central Committee for Land Reform are of an informal and confidential nature and it will not be in public interest to disclose the nature of these discussions."

I take it that the consultations of this Government with the Committee are of a confidential nature. Anyhow, it is this Government which has to implement the recommendations of the Committee or take further steps in relation to the Land Reform Bill. Shri Panigrahi wants to know what has been done in the matter. But if he makes a suggestion that you must override the provisions of the Bill, then I am not going to allow it.

Shri Chintamani Panigrahi: I am not asking for that at all.

Shri Supakar: May I know if in any other State this process of disposal of surplus land has begun or ended? Secondly, now that the Government of Orissa is under the control of Parliament, may I know if there is any proposal to amend this Act?

Mr. Speaker: That is too much.

The Minister of Labour and Employment and Planning (Shri Nanda): Mr. Speaker, normally this type of discussion would not have occurred in Parliament. Land is a State subject and any legislation dealing with land

reforms is entirely the responsibility of the State Government.

Mr. Speaker: But today we are both the Centre and the States.

Shri Nanda: Some special circumstances have arisen and, therefore, the matter has come within the purview of Parliament. The question which led to this half-an-hour discussion specifically wanted information on three points. It was our view that it would not be in the public interest to give this information. I might explain that on these land reforms we have made certain recommendations in our plans.

Shri D. C. Sharma: The simple point is this. Is the hon. Minister in a position to disclose the proceedings of that secret meeting now? If he is not...

Shri Chintamani Panigrahi: That is not a secret meeting.

Shri D. C. Sharma: Secret consultations. What light can he throw on the problem without referring to the secret consultations unless there are minutes?

Mr. Supakar: Whatever the secret meetings might be, what are the decisions taken to implement the provisions of the Bill?

Shri Nanda: I shall explain the position. It would not take a very long time. In the Plan we have made certain recommendations about the land reforms. Now, these recommendations are of a kind of broad approach. The word "directive" was used by the Hon. Member. They were not directives. The relationship of the Planning Commission with the States is not of that kind that they would issue directives to the States. They are recommendations. These recommendations are not of a rigid character. They are varied according to local conditions and they are adapted to different situations in the various States. This was what was written in the Plan document and if the State

has done something different, well, I do not think any kind of justification has to be given for this because, as I said, variations and departures do occur. But the Planning Commission has been making efforts all the time to bring to the notice of the States the nature of the approach and the kind of provision they think should be made in the legislation that any States bring forward. Our effort is to see that, as far as possible, there is as near an approach to that as it can be. The variation that occurs sometimes goes farther than what we have suggested; sometimes they fall short of this. In the case of the Orissa Government, there were certain departures.

We made certain suggestions. That is true. These suggestions were made in an informal manner as was pointed out. Prolonged discussions took place and there was better understanding on both sides. The Planning Commission came to the realisation of the local special and peculiar conditions and they came to a better view of what our objectives were and some kind of an understanding was reached. All these things happened in the course of a few months. To disclose all that here would really be detrimental to the whole process. Then there will be rigid stands taken. Therefore that was our answer to the question also.

But there are queries made in specific terms. In view of the fact that the Chief Minister of Orissa then accepted our suggestions, I have no difficulty in this particular case in giving a specific answer. After the Bill was passed by the Assembly and before assent was given by the President we had discussions with the Chief Minister. We tried to bring to his notice what was our view of the deficiencies of this legislation. The agreement was that clause 46 will be amended to provide as follows:—

“Government will on the advice of the Land Commission classify lands into broad categories and fix the sale values for each such category of land. The

sale values so fixed would be notified. The principles for the fixation of sale values will have to be laid down in the law. It was agreed that the sale value will be fixed at about ten times the maximum rate of rent provided in the law. Secondly, the sale value would be payable in seven equal instalments with interest at $4\frac{1}{2}$ per cent per annum on the unpaid amount. Thirdly, in order to avoid *benami* transaction, every sale shall be subject to confirmation by the revenue officer.”

Therefore at the request of the Chief Minister the Planning Commission agreed to recommend the Bill for the President's assent. It was expected that later on they would bring in some amending legislation in order to carry out this understanding. Then this change occurred and therefore the question now is as to how this understanding is to be implemented. In view of the fact that there are going to be elections there very soon, the best course will be to let the Government that comes in there to do this. They may also be able to do something else also. It is, of course, left to them. This was an understanding which I hope would be.....

Shri S. M. Banerjee (Kanpur): So, it will not be implemented till the new Assembly comes into being?

Shri Nanda: It would be and should be implemented.

Mr. Speaker: If modification of the Act is necessary for its implementation on the lines suggested by the Planning Commission and if this is left over to the coming Assembly, it means that till then this would not be implemented.

Shri Nanda: The intention is in the first place to enforce certain chapters which do not cover those parts and the enforcement of those provisions will be taken up later on. There will be sufficient time for that. I do not think any harm will be done by that.

Shri T. B. Vittal Rao: (Khammam): What is the difficulty in bringing an amending Bill here itself?

Shri Nanda: It may be that they will be able to enact even a better legislation than just bringing forward these amendments.

The hon. Member there made a reference to some of the defects in the provisions of the legislation. Maybe, that there may be some other things requiring improvement, but this particular thing that the landholder is free to report and then there is nothing further to be done if he does not report is not correct. If any person is required to submit any return—the landholder is required to submit a return under the previous section—and fails to do so, the revenue officer may obtain the necessary information through such agency as may be prescribed. Therefore it is not simply a matter of his goodwill and discretion that he should have excess reported. If he fails to do it other consequences follow. Further, the person who fails to submit returns under section 43 shall forfeit all his claims to any of the exemptions etc. That is already there.

Regarding homesteads, the provision is that:

"Provided that in respect of any homestead, the land comprised therein covered by kitchen garden in excess of one acre in extent and lands other than those aforesaid comprised..... shall be included in computing the ceiling limit...."

My hon. friend may not agree with some of the provisions. It is quite true that in certain matters, in this

case, there is more liberal treatment under some heads, but I may also point out to the hon. Member that there are certain provisions which go much farther than is the case in any other State. For example, whatever area is left to the tenant becomes a non-resumable area; in other cases, the tenant has to make payment for them. In this case, that amount of land goes to the tenant, absolutely without any kind of a payment having to be made. This is a provision which goes much farther than anywhere else. So, everything is not on a par with what is being done in every other place. Here are variations. Some are in the direction of being more liberal to the landlords, and some are more liberal to the tenants.

So, we have given the information specifically asked for. This is the understanding. Under these three heads, the Chief Minister had agreed, and the intention was that in course of time, an amendment would be made to the legislation in order to incorporate in it these provisions.

Shri Supakar: My question has not been answered. May I know whether this process of distribution of surplus land has been in operation in other States, and if so, what those States are?

Shri Nanda: This goes very much beyond the particular question. In some States, it has started and not yet been completed. I am informed that in one or two States, it has already been carried through.

18.28 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, April 13, 1961/Chaitra 23, 1883 (Saka).