

before that. The second part of the question relates to two districts...

SHRI N. K. SHEJWALKAR: The report was to be sent before October and now it is the middle of December.

SHRI SIKANDAR BAKHT: The report of October is with regard to the progress of the work and not with regard to the completion of the work.

SHRI N. K. SHEJWALKAR: My second question has not been answered.

MR. SPEAKER: He says for district-wise, he requires notice.

श्री लखन लाल कपूर : मध्य प्रदेश के विभिन्न जिलों के लिए जो एलाटमेंट किया गया है उस के बारे में मैं जानना चाहता हूँ कि क्या स्टेट गवर्नमेंट को कोई टाइम बाउंड प्रोग्राम दिया है कि इस टाइम के अन्दर इसे पूरा कर दिया जाएगा या इस चीज को अनिश्चित छोड़ दिया गया है ?

श्री सिकन्दर बख्त : जो थपया एलाट किया जाता है वह स्पेसिफिक स्कीम के

अग्रेस्ट किया जाता है और यकीनन टाइम बाउंड होता है ।

Central Directive on Amendment to Orissa Land Reforms Act

*305. **SHRI DEVENDRA SAT-PATHY:** Will the Minister of AGRICULTURE AND IRRIGATION be pleased to refer to the reply given to Unstarred Question No. 3980 dated the 14th August, 1978 regarding proposal for amendment of Orissa Land Reforms Act and state whether the Central Government after scrutiny, have given any advice to the State Government of Orissa in this regard?

THE MINISTER OF AGRICULTURE AND IRRIGATION (SHRI SURJIT SINGH BARNALA): Yes, Sir. A summary of the amendment proposals and the advice of the Government of India thereon is given in the statement laid on the Table of the Sabha. The State Government's proposals were, it may be noted, tentative.

Statement

Sl. No.	Summary of the State Government's proposal	Summary of the advice given by Government of India
1	2	3
1	The definition of 'Classes of land' in section 2(5-a) of the Act should be so amended that Class I land should mean land assured of irrigation for at least 8 months and Class II land should mean land assured of irrigation for at least 4 months.	The criterion laid down in the National Guidelines is reasonable. Irrigated land capable of growing two crops is treated as the best category of land and irrigated land capable of growing only one crop falls under the next lower category. The Orissa Land Reforms Act already incorporates this criterion, and no change, accordingly, is necessary. Specifying the duration of irrigation will introduce a totally foreign concept and this concept will go against the National Guidelines since, in some cases irrigation for less than 8 months can also sustain two crops.

1

2

3

- 2 The definition of 'family' in section 37(b) of the Act should be modified to exclude major sons, as suggested in the National Guidelines.
- While this definition in the Orissa law is more rigorous than what the National Guidelines suggested, State Governments were free to make their laws even more stringent if, in their judgement, local conditions warranted this. The National Guidelines merely set the outer limits of legislation. If the State Government now feel that the law should correspond to the National Guidelines, they may formulate an amendment proposal to govern future cases. As far as pending cases are concerned, The suggested amendments would result in discrimination in that the benefit of the revised definition will be available only to those landowners whose cases are pending.
- 3 The period of limitation for claims for recovery of rent (one year at present) should be enhanced to permit filing of claims which have not become time-barred under the relevant tenancy laws.
- The provisions of different tenancy laws on the subject were modified by section 15 of the Orissa Land Reforms Act which prescribed a period of one year for all such claims. The State Government had earlier made a separate legislation to validate the action taken by some revenue courts which had passed orders in ignorance of the Land Reforms Act's provision but if a further relaxation is given now a number of claims would be revived and the interests of tenants some of whom may have acquired riyati rights in the meantime would be in jeopardy.
- 4 The Act may be amended to permit Revenue Officers to appoint Receivers where there is *prima facie* evidence of a dispute regarding existence of land-lord-tenant relationship and the circumstances demand such a course of action.
- The law, as it stands at present, does not seem to prohibit this. Section 15(7) of the Act permits Revenue Officers to appoint Receivers.
- 5 The law should clearly permit the recovery of dues of Co-operatives from the compensation payable for ceiling surplus land.
- An amendment may not be necessary since Co-operatives can file claims under section 48 of the Act. They enjoy a right of appeal and can also move the Civil Court. It may be that they do not come forward to file the claims in time. This difficulty can be got over by making a provision in the Rules that the Revenue Officer should send copies of the draft Assessment Roll to primary Co-operatives and Land Development Banks in whose jurisdiction the property is situated.
- 6 The time limit for appeal under section 60(2) should be reduced from 2 years to 3 months.
- There is no objection to this amendment

1

2

3

7 At present, religious and charitable trusts of a public nature can file an application for being declared 'privileged raiyats' only if they were created before 26-9-70 and the application was filed before 25-4-77. These trusts may be given a further time to file applications within six months of the coming in to force of the proposed amendment.

This is likely to result in the filing of applications by trusts which were created after 26-9-70. They will make an effort to prove that they were created earlier. The time allowed for such claims has been sufficient and may not be extended further.

SHRI DEVENDRA SATPATHY: According to the State Government, the definition of "Family" is more rigorous than the present guidelines. Will the Minister kindly state whether this was incorporated in the Act during Emergency?

SHRI SURJIT SINGH BARNALA: It was incorporated in the Orissa Land Reforms Act in 1973.

SHRI DEVENDRA SATPATHY: What was the total extent of surplus land that has been distributed in Orissa and how much was distributed after 1977?

MR. SPEAKER: That does not arise.

SHRI K. LAKKAPPA: Mr. Speaker, Sir, although it is pertaining to Orissa, I would say that today it has been reported in the press that 8 M.Ps., 41 M.L.As. and 7 Ministers of the Orissa Government have met in a conclave and assailed that the decision on land reforms has not been implemented. I would like to know whether the hon. Minister is aware that such a conclave has met and reprimanded the Chief Minister of Orissa for not taking the guidelines given at the national level for the implementation of land reforms. Today this has been reported in the press. If so, what is the action that the Government of India is taking to see that the land reforms are fully implemented on the basis of those guidelines.

SHRI SURJIT SINGH BARNALA: I have also seen only the report in the

papers today and I can't say anything on that. It does not contain the whole discussion that has taken place.

SHRI PRADYUMNA BAL: The Orissa Land Reforms Act and the subsequent amendment proposed by the present State Government has aroused a lot of controversy as to what should be the nature of the amendment. And it has been proposed...

MR. SPEAKER: Written answer is given for that.

SHRI PRADYUMNA BAL: I am asking a supplementary to the Minister's reply. Some time back the Revenue Minister of Orissa along with some Members of the Orissa Legislative Assembly and Members of Parliament met the Agriculture and Irrigation Minister and it has been reported in the press that whatever the amendment the present Government of Orissa is proposing has been accepted by the Centre. This has been reported in the press which has been contradicted so far. I want to know whether the Minister is aware of this. Secondly, the Orissa Land Reforms Act as amended in 1973 has gone in favour of the poorer classes, the tiller class, the tenants who have been toiling on the land. Perhaps the proposed amendment, we are afraid, will upset the existing progressive legislation. Will the hon. Minister assure the House that nothing will be done in this respect which will show that the Janata Government, in the case of land reforms, is acting against the interests of the poorer and weaker

sections and helping the richer class of the society? Will the Minister assure that nothing will be done to the Orissa Land Reforms Act?

(Interruptions).

SHRI SURJIT SINGH BARNALA: Sir, some Members of Parliament had met me in one group asking for amendment and another group of almost similar number had met me saying that that amendment should not be allowed. And I do not know how it has come in the press and in what press it has come that we have agreed to the amendment. I do not know that and it is not one of our functions to contradict all the statement given in the press or the press reports. So far as the question of Janata Government doing anything or not doing anything is concerned, as the Janata Government is here, the Orissa State has got the Janata Government there.

SHRI K. LAKKAPPA: We are divided on this issue. Please answer properly.

SHRI SURJIT SINGH BARNALA: It is mainly being done by the Orissa Government. They have proposed certain amendments and we have given our reactions to those amendments. All that I have given in my answer to the question.

SHRI PABITRA MOHAN PRADHAN: Sir, throughout India all the major sons have been given a ceiling. But in Orissa, major sons have not been given a ceiling. Even persons who are aged 80 or 90 years, if they are two or three brothers, they have not been given ceiling. Their grandsons numbering 20 or 30 are all major. I would like to know whether the Orissa Government has followed the Central guidelines in regard to the definition of "family". If not, why? If the State Government had not followed the Central guidelines, why did they accept this?

MR. SPEAKER: The answer is in the written statement.

SHRI SURJIT SINGH BARNALA: It is not in every State that a major son has been given a separate share. For example, in States like UP and

Assam, the major sons have not been given a whole share. It is upto the State Government. The Central Government had only given the guidelines and the State Governments have to make their own legislation on that. Some States have passed legislation in a stricter form and some in liberal form and the Orissa Government has defined "family" in a stricter form. I would not like to say anything more.

(Interruptions).

MR. SPEAKER: If you want, you can raise a half-an-hour discussion.

Setting up of Community Polytechnics

*307. **SHRI A. ASOKARAJ:** Will the Minister of EDUCATION, SOCIAL WELFARE AND CULTURE be pleased to state:

(a) whether the Working Group of his Ministry has suggested the setting up of Community Polytechnics;

(b) if so, objects of these polytechnics; and

(c) the reaction of the State governments to it?

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUNDER): (a) to (c). A statement is laid on the Table of the House.

Statement

The Working Group on Technical Education has recommended that selected Polytechnics act as focal points to promote transfer of technology to the rural community and that such Polytechnics be designated as Community Polytechnics and adequate support provided. The All India Council for Technical Education, which has representations of all the States on it, have endorsed this recommendation of the Working Group. In consultation with the Directors of Technical Education, 28 Polytechnics have been selected for this purpose, to which financial support will be provided by the Central Government.