

LOK SABHA  
THE DELHI LAND HOLDINGS (CEILING)  
BILL, 1959

**(Report of the Joint Committee)**

PRESENTED ON THE 8TH FEBRUARY, 1960



LOK SABHA SECRETARIAT  
NEW DELHI

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**THE DELHI LAND HOLDINGS (CEILING) BILL, 1959**

**Composition of the Joint Committee**

**Shri Govind Ballabh Pant—*Chairman***

**MEMBERS**

***Lok Sabha***

2. Shrimati Sucheta Kripalani
3. Shri Radha Raman
4. Choudhry Brahm Perakash |
5. Shri C. Krishnan Nair |
6. Shri Naval Prabhakar
7. Shri Shivram Rango Rane |
8. Shri K. V. Ramakrishna Reddy
9. Shri Bhola Nath Biswas
10. Shri Ramappa Balappa Bidari
11. Shri Surti Kistaiya |
12. Shri K. Periaswami Gounder
13. Shri Daljit Singh
14. Shri Bhakt Darshan
15. Swami Ramanand Shastri
16. Chaudhary Pratap Singh Daulta
17. Shri Mohan Swarup
18. Shri N. P. Shanmuga Gounder
19. Shri Atal Bihari Vajpayee
20. Shri N. G. Ranga
21. Shri B. N. Datar

***Rajya Sabha***

22. Shri Onkar Nath
23. Shri R. M. Deshmukh
24. Shrimati Anis Kidwai |
25. Shri N. Ramakrishna Iyer

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26. Shri Kishori Ram
27. Shri S. Panigrahi
28. Shri Abdur Rezzak Khan
29. Mirza Ahmed Ali
- \*30. Shri Niranjan Singh.

DRAFTSMEN

Shri R. C. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

Shri G. R. Bal, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri S. L. Shakhder—*Joint Secretary*

Shri A. L. Rai—*Deputy Secretary.* }

## Report of the Joint Committee

I, the Chairman of the Joint Committee to which the \*Bill to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matters connected therewith, was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 25th November, 1959. The motion for reference of the Bill to a Joint Committee of the Houses was moved by Shri B. N. Datar, the Minister of State in the Ministry of Home Affairs on the 15th December, 1959 and was discussed in the Lok Sabha on the 15th and 16th December, 1959 and was adopted on the 16th December, 1959. (*Appendix I*).

3. The Rajya Sabha discussed and concurred in the said motion on the 22nd December, 1959. (*Appendix II*).

4. The message from Rajya Sabha was published in the Lok Sabha Bulletin Part II dated the 23rd December, 1959.

5. The Committee held four sittings in all.

6. The first sitting of the Committee was held on the 24th December, 1959 to draw up a programme of work.

7. The Committee considered the Bill clause by clause at their sittings held on the 23rd and 24th January, 1960.

8. The Committee considered and adopted the Report on the 6th February, 1960.

9. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

10. *Enacting Formula and Clause 1.*—The changes are of consequential nature.

11. *Clause 5.*—The Committee feel that when a person fails to submit a return in accordance with the provisions of section 4, a statutory obligation should be imposed on the competent authority to collect the necessary information. The clause has been amended accordingly.

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\*Published in Part II—Section 2 of the Gazette of India, Extraordinary, dated the 25th November, 1959.

12. *Clause 9.*—Under Sub-clause (1), a person aggrieved by an entry in the list published by the competent authority has to file objections within thirty days from the date of the publication of the list. The Committee are of opinion that there should be an enabling provision empowering the Deputy Commissioner to receive objections even after the expiry of the said period of thirty days, if such person is prevented by sufficient cause from filing objections within the prescribed period.

The clause has been amended accordingly.

13. *Clause 10.*—Sub-clause (1) provides for payment of compensation in respect of excess land at varying rates on a slab basis and the rates vary from 40 times to 20 times the land revenue in respect of the excess land. The Committee are of the view that the compensation in respect of excess land should be paid at an uniform rate of 40 times the land revenue in respect of the excess land.

The clause has been amended accordingly. Other changes made in this clause are of a consequential nature.

14. *Clause 11.*—The Committee desire that where compensation payable to a Bhumidhar or Asami is a small amount, it should be paid in a lump sum.

15. *Clause 13.*—The clause has been re-drafted to make the intention clear.

16. *Clause 28.*—The Committee feel that transfers of land by a Bhumidhar for religious and charitable purposes and Bhoodan should be exempted from restrictions on transfer of land imposed under this clause.

The clause has been amended accordingly.

17. The Joint Committee recommend that the Bill as amended be passed.

GOVIND BALLABH PANT,  
*Chairman,*  
*Joint Committee.*

NEW DELHI;  
*The 7th February, 1960.*

## Minutes of Dissent

### I

At the very outset, I have to express my dissent from this one-sided (unilateral) effort of the Government to impose ceilings on agricultural holdings, without agreeing and attempting to impose similar ceilings on other properties. It is true that even the Central Government and Parliament have already imposed such ceiling on all future acquisitions of landed property (No. VIII of 1954) but there was some hope, at that time, a similar effort would be made to limit the acquisitions of non-agricultural properties. Now that there is no longer any doubt as to the unwillingness of the Government to touch other (non-agricultural) properties, there is much less justification for this discrimination against agriculturists.

However since Parliament has been persuaded to accept this principle of ceilings on agricultural holdings, however discriminatory, I was obliged to press for a higher limit for this proposed ceiling to mitigate its evil effects. It is unfortunate that it was decided not to raise the proposed ceiling limit of 30 standard acres.

I am convinced that the highest income to be derived from the best yield achieved in the best agricultural seasons cannot yield maximum income to the few agricultural families who can alone be found at present to reach that acumen of their ambitions and permissible highest income which can be compared to the regular and assured monthly income of a junior officer in the service of Government of India, nor can it enable such families to send one or two of their sons or daughters to any technical college or to encourage any of them to hope to stand as a candidate for the State or Central legislature. Therefore the effect of this ceiling legislation is to permanently condemn agriculturists alone to a comparatively depressed condition and disable them from attaining higher education or political status, as compared with all other classes. The Constitution has charged Parliament and Government to devise ways and means to remove the disabilities of the existing traditionally depressed classes (article 46) but the fathers of our Constitution never dreamt that Government would advise Parliament to convert in this manner the majority of our masses into a new depressed class.

It was argued that only a few people would come within the mischief of this proposed legislation on land ceilings. But greater

issues are implicit in this proposal. It means that hereafter no one would be allowed to raise and obtain an opportunity to demonstrate his initiative, enterprise and organising ability, business acumen and agricultural leadership so well and to such an extent with so much land as is needed, that he could hope to gain an income comparable even to the middle-tiers of incomes now derived by industrial entrepreneurs and commercial and other professional magnates. It also means that all such enterprising educated and competent people who are justifiably ambitious and keen on making their best contribution to our national development would be encouraged to drift into non-agricultural activities, leaving agricultural enterprise to become the monopoly of under-developed and non-enterprising people.

It is said that this discriminatory legislation is being undertaken to obtain land for the landless who had been the 'have nots' till now. But is it not the duty of Parliament to examine whether the advantages to be derived from such a re-distribution of land are commensurate with the consequential disadvantages of imposing such a ceiling? Are there not other ways of placing lands belonging to Government and estimated to be eight to ten crores of acres at the disposal of the landless, while taking all such developmental steps as are being adopted in the case of the Dandakaranya.

What canon of social justice is being observed in discriminating against those landholders—not landlords—who are also actual cultivators and who do not have to exploit any tenants or rentiers?

Coming to the question of imposition of these ceilings as from a stated date, Government proposes to fix a date (10-2-59) on which it has announced in Parliament that a ceiling would come to be fixed by a Bill to be introduced. But it did not mention the exact area of that limit. No one could be expected to know at what exact limit it would be fixed. Therefore some of us pleaded, but in vain, that the date of such a vague announcement could be untenable and to declare as null and void all transactions of sales, transfers of land after that date would be giving undue and unjust retrospective effect of a vague announcement of the intention of the Government would be stretching the provisions of the Constitution too far. I am strongly of the opinion that the date on which the Bill was introduced in Parliament (25-11-1959) should alone be taken into consideration. And all transactions in land which had taken place upto that date (25-11-59) should not at all be questioned.

Coming to the question of payment of compensation, I feel that the quantum suggested by the Bill and accepted by the Joint Committee is much too meagre and unjust.



I am convinced that when the Constitution was being amended to overcome the decisions of the Courts on the question of payment of compensation to the erstwhile Talukdars and Zamindars (rent-receiving landlords) who had been recognised by the British and Moghuls for the purpose of land revenue by keeping it beyond the purview of the Courts, Parliament did not realise that the properties obtained by ownership, heredity and savings and managed by the owners themselves for their own benefit without in any way directly impinging upon the equal freedom to obtain, own or save and enjoy similar properties or sources of incomes would also come to be dealt with in the same summary fashion and be denied the right to claim and obtain the market value as compensation.

Anyhow on Parliament and Assemblies have been cast by that constitutional amendment, the high and onerous responsibility of using this power, only after giving due consideration to its all-round effects upon the national economy as a whole and the particular sector of property concerned. Now that this Bill proposes to offer only a modicum of the market value prevailing today for the excess lands over and above the ceiling of the actual land-holding agriculturists, it sets such a bad precedent that all the holders of all other properties are thus being given due notice that on any day when it pleases Government and Parliament, any part or portion or use of their properties is likely to be taken over by Government by the so called due processes of law on the payment of nominal compensation. This notice given in such a glaring and arbitrary manner and in defiance of the statesman-like restraints which the Constitution-makers expected to be observed by Parliament, is sure to discourage in the long run all initiative, enterprise and incentive to earn and save and develop one's own properties and other sources of income, employment and security. Therefore I do plead with Parliament that it should not accept this unwise proposal of the Government *i.e.*, the payment of only a nominal compensation.

Moreover, the last Parliament had paid market rates to the shareholders of the Imperial Bank of India and to set at naught that reasonable precedent and to go headlong with this unjust proposal of the Bill is to declare to all our agriculturists that they must be and would be discriminated against. Parliament ought not commit such an act of class discrimination.

The whole approach to property as is indicated by this and such other Bills needs to be reconsidered. Even Soviet Russia is coming to realise the need for allowing people to own, accumulate and enjoy private property. No democracy can continue to be liberal and loyal

to the Fundamental Rights which is not prepared to respect people's rights to private property, savings and means of income, livelihood and socio-economic freedom. Now that we find Government is so ready to advise Parliament and Assemblies to entertain such unwise and one-sided proposals calculated to create wide and deep sense of insecurity of property and savings, we are obliged to appeal to Parliament and Assemblies, to repeal the amendment made to the Constitution and restore the Constitution to its original form, as it was passed in 1950.

I therefore dissent from the whole approach of this Bill.

N. G. RANGA.\*

*(Received on the 6th February, 1960).*

## II

We welcome the Bill and its measures mostly. To limit the ceiling on the basis of family as suggested in the Bill and also to fix it on the basis of standard acre, make the Bill a model one.

But in our humble opinion the ceiling of 30 standard acres in a State like Delhi, where lands are very much limited and more and more in demand, it is a bit high one. "Because Punjab and Rajasthan have done so Delhi lands being similar to them must follow suit"—is not a convincing argument. The Delhi lands cannot be so equated with Punjab and Rajasthan lands.

As regards the suggestion of 30 standard acres by the Planning Commission as ceiling, it should be regarded as a general formula and should not be put in practice mechanically as was done in the present case.

As regards the payment of compensation for excess lands—forty times of land Revenue as suggested in the Bill it looks very low, as the land Revenue for Delhi lands is less than Re. 1/- per acre on the average.

But the ceiling as fixed in the Bill is high enough to make excess lands available for the payment of compensation. So, the low rate of compensation in effect is a harmless measure.

We commend the Bill to the House.

A. R. KHAN.  
P. S. DAULTA.

NEW DELHI;

*Dated the 6th February, 1960.*

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\*Certificate required under Direction 87 of the "Directions by the Speaker under the Rules of Procedure of Lok Sabha" not received.

## III

I am sorry, I cannot agree with all the provisions laid down in the Bill. Herewith I am giving the points of my disagreement:—

In Delhi, which is centrally administered, we expected a model legislation on this problem of the day, throughout the country. But we are disappointed to a great extent. The definition of family as enumerated in the Bill is not at all comprehensive. It is silent on the rights, of widows—such as widow sisters of the 'Husband' or the 'wife' or widow daughters, who are supported by the family. The Bill also throws no light on the rights of married brothers and sons of the joint family. I venture to suggest that these widows should be given some facility (ies) when the question of land ceiling is considered. So is the case of married brothers and sons. Though they form part of the same joint family; but as a matter of fact each comes under the purview of the definition and each has formed a separate family. Hence they too are entitled for some concessions. The widows particularly deserve consideration and are entitled for 5 acres of land each. †

Then in clause 3 on page 3 no difference is mentioned between Bhumidhari and Sirdari lands. Bhumidhars have greater proprietary rights than the Sirdars, as the former can dispose of the land and can execute sale deeds in favour of any purchaser, while the Sirdars cannot do so. Hence it is expedient that some line of demarcation should be established between these two types of tenure holders.

There are so many types of lands in Delhi State—some are sandy; some alluvial and some stony and full of rocks. In U.P. and other States while considering the question of land ceiling the framers of the Bill have taken into account the quantum of fertility and given more weightage to the land holders who are in possession of less fertile land. In U.P. the cultivators of 'Bhoor' land are allowed some more land according to the valuation of such land. This principle has been recognised even under the consolidation of Holding Scheme. It was, therefore, advisable that in Delhi too, such cultivators, who possess sandy or rocky land, they should be given more weightage and as such allowed some extra land in comparison to those who possess first class 'Doomat' land.

Then again in U.P. and other States they have considered the rate of land revenue, paid by the cultivators. Those who pay less than Rs. 5|- per acre are allowed more land in comparison to those who pay Rs. 10|- to Rs. 12|- per acre. The difference between the rates of the land revenue is due to the fact that those who pay

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lesser land revenue, possess inferior land. But in the present Bill no such provision is made and the Bill is silent on such a vital point.

Chief Commissioner and Deputy Commissioner are no doubt the pillars of the administration and they are the pivot round which the whole machinery revolves; but it is not wise to allow them wider discretionary powers. There should be specific provisions, under which the law should be governed, so that the purpose of a piece of legislation may not be jeopardised.

The present land ceiling Bill is meant only for a few cultivators in Delhi State. It has been represented to me that only about 33 persons will be affected by these new arrangements. Delhi, being the cosmopolitan city, will have the tendency of increasing in size, to cope with the increasing demand and will have share from the rural Delhi. Consequently the adjoining villages are frequently taken to implement the Scheme of Greater Delhi every year. Under the circumstances this Bill has got little importance.

NEW DELHI;  
Dated the 7th February, 1960.

MOHAN SWARUP.

**THE DELHI LAND HOLDINGS (CEILING) BILL, 1959**

[As reported by the Joint Committee]

**ARRANGEMENT OF CLAUSES**

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**CLAUSES**

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Bill No. 82B of 1959

THE DELHI LAND HOLDINGS (CEILING) BILL, 1959

(AS REPORTED BY THE JOINT COMMITTEE)

(Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions)

A

BILL

to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matters connected therewith.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 1. (1) This Act may be called the Delhi Land Holdings (Ceiling) Act, 1960. Short title, extent and commencement.

(2) It extends to the whole of the Union territory of Delhi, but shall not apply to—

10 (a) the areas which, immediately before the 1st day of November, 1956, were included in a municipality or in a notified area under the provisions of the Punjab Municipal Act, 1911, or in a cantonment under the provisions of the Cantonments Act, 1924;

Punjab Act  
3 of 1911.  
2 of 1924.

15 (b) the areas owned by the Central Government or any local authority; and

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