

28

***ON SMALL HOLDERS' RELIEF BILL : 2 (Minute of Dissent)**

Proceedings of the Council of the Governor of Bombay
BY THE SECRETARY TO THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF BOMBAY
LEGISLATIVE COUNCIL OFFICE
Council Hall, Poona, 10th July 1928

No. 894.—With reference to the footnote to the Report of the Select Committee on Bill No. XVI of 1927 (An Act to prevent the excessive subdivision of agricultural land and to promote the consolidation of such land) published at pages 34-49 of the *Bombay Government Gazette*, Part V, dated the 30th June 1928, it is notified that Dr. B. R. Ambedkar, M.L.C. has signed the report of the Select Committee subject to a minute of dissent shown below :

(Minute of dissent by Dr. B. R. Ambedkar, M.L.C.)

1. Part I of this bill starts with the assumption that for the purposes of profitable cultivation it is necessary to have bigger farms than what we have now. I am not at all satisfied that this assumption is correct. But assuming that it is correct the main question every one shall be required to satisfy himself about before giving his assent to this part of the bill is “does the bill solve the problem of creating large farms out of the existing small farms in such manner that no serious objection can be raised to it?”

2. The mechanism employed by the bill to maintain the standard unit once it is laid down in two-fold. First it severely penalises the owners of farms smaller than the standard so that ownership of a small farm shall to him become a burden instead of a benefit. Secondly it prohibits the ownership of small farms in that it provides that in future small farms shall not come into existence at all. As an instance of the latter one may refer to the restrictions on partitions. It is therefore obvious that in the mechanism adopted by the bill the rights of ownership of people are at stake.

3. I object to this mechanism on three grounds. Firstly because it affects the rights of property. If the arrangement was state ownership and

**The Bombay Government Gazette*, Part V pp. 64-65, dated July 12, 1928.

state management of lands the invasion of rights of property would not be a matter of such anxious concern. But the arrangement is such that there will be the aggrandisement of some landlords at the cost of the rest. There is no doubt in my mind that the effect of the mechanism adopted in the bill will be to reduce some landowning farmers into landless labourers. Just how many will find themselves in this predicament it is difficult to imagine. Everything will depend upon how large the standard farm will be. If the standard be much above the actual it will affect a large class than will be the case if the standard approximated the actual. The magnitude of displacement that will take place is an unknown quantity and will become known only when the standard becomes defined. But as majority of farmers are owners of small farms the fear is general. The opposition to the bill mainly arises from this fear and I am not prepared to say that the opposition is groundless. I cannot view with equanimity a prospect of such a revolutionary change in the economic basis of society.

4. The second ground of my objection to the mechanism of the bill is that it will be infructuous and will largely leave things as they are. The neighbouring owners of a small farm are given the right of pre-emption the object of which is to bring about a combination of contiguous small farms. But this right of pre-emption will come into operation only when the owner wants to sell and only when the neighbour is willing to accept the terms of the owner. The occasion for pre-emption may not arise ; for owner of small farm (I am referring to old fragments) may continue to hold it. On the other hand the occasion for pre-emption may arise but it may fail because no neighbour is able to accept the terms of the owner. In either case the existing small farms will continue indefinitely in spite of the desire to bring about the combination of small farms at an early date.

5. Apart from all this I think that the mechanism of Part-I of the Bill overshoots the purpose which the bill has in view. The purpose of the bill is to have larger farms under single cultivation than is the case now. Now I feel that if we can combine small farms owned by different owners for cultivation we ought to stop there and not attempt to bring them under the ownership of a single individual unless it was proved that single ownership was necessary for combine cultivation. I am certain that the establishment of co-operative farms of standard size will give us all that we want under the bill and will save from destruction the small farm-owners. Under this scheme the ownership of a farmer will remain intact, except to the extent that he shall not be at liberty to cultivate it unless he agrees to combine it with a contiguous farm or farms so that the total area so cultivated shall be equal to or exceed the standard unit. Such a covenant if it were made to run with the land will do away entirely with the necessity for the restrictions which the bill seeks to impose on transfers and partitions. For, whoever acquires the fragment he will not be able to disturb the arrangement for the cultivation of the co-operative farm. By reason of the covenant the transferee

will be obliged to cultivate the farm in common. The co-operative farm will be like a shareholders' company in which the company remains even though the shareholders change. The scheme is simple in its operation and avoids the evils of the present bill.

6. I do not see what objection there can be to such a plan. As a matter of fact such a system is actually working in many European countries and particularly in Italy. But it is unnecessary to go so far afield to seek support for the scheme I have outlined above. I am fortunate enough to be able to say that the bill itself in part accept the plan I have sketched above. A reference to clause 19 of the original bill which corresponds to clause 21 of the bill as amended by the Select Committee will show that no new fragment shall be cultivated unless it is combined with another contiguous farm. This I submit is nothing but the co-operative plan which I have suggested above. The only difference between myself and the Select Committee is that it restricts the co-operative plan to the new fragments; while I propose to apply it to all fragments. As between us I think I am right, when I say that it is for the Select Committee to justify why the plan satisfies the case of the one and not of that of the other. I see nothing to justify this distinction between the old and the new fragments.

7. For the reasons given above I cannot support Part I of the bill although I am not opposed to its aims and objects. Regarding Part II, I have no objection to raise, now that it is confined purely to consolidation. I may however say this that under my scheme separate provision for consolidation would be unnecessary. A co-operative farm would be both a large and a consolidated holding.

●●