Mr. Deputy-Speaker: The hon. Member was not present here. In fact, the Minister was replying to a short discussion that we had.

Shri Sinhasan Singh (Gorakhpur): In this connection, Sir, may I submit.....

Mr. Deputy-Speaker: No. The hon. Minister has already replied. Do you want me to put to vote the amendment moved by Shri Kakkar?

Some Hon. Members: Yes.

Mr. Deputy-Speaker: The question is:

> "That the time allotted for discussion on the motion to refer the Constitution (Seventeenth Amendment) Bill, 1963, to a Joint Committee of the Houses, be enhanced to ten hours."

Those in favour may say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Deputy-Speaker: Those against may say 'No'.

Several hon. Members: No.

Mr. Deputy-Speaker: The 'Noes' have it.

Some hon. Members: The 'Ayes' have it.

Mr. Deputy-Speaker: Do you want a division?

Some hon. Members: Yes.

Shri Bade: It is not fair on the part of the hon. Minister to force us to have a division on this point.

Mr. Deputy-Speaker: I think we may agree to six hours.

Shri Hari Vishnu Kamath (Hoshangabad): It should be 8 hours plus the Minister's reply.

Shri Lahri Singh: Let it be 8 hours then.

Mr. Deputy-Speaker: Let it be 6 hours and I shall see as the discussion goes on. It is in the discretion of the Chair to extend the time if necessary.

Shri Satya Narayan Sinha: I do not like such things to be put to a vote of the House. I am prepared to accept 7 hours for this discussion.

Shri Ranga (Chittoor): I do not agree. You may put it to vote.

Mr. Deputy-Speaker: I shall now put the motion to the vote of the House. The question is:

> "That this House agrees to an allotment of 7 hours for discussion on the motion to refer the Constitution (Seventeenth Amendment) Bill, 1963, to a Joint Committee of the Houses."

The motion was adopted.

Shri Hari Vishnu Kamath: Plus time for the Minister's reply.

The Minister of Law (Shri A. K. Sen): No, no; I shall not take much time for my reply.

An Hon. Member: Take some time.

14.05 hrs.

THE CONSTITUTION (SEVENTEENTH AMENDMENT) BILL

The Minister of Law (Shri A. K. Sen): Mr. Deputy-Speaker, Sir, I beg to move:

> "That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely:—
>
> Shri S. V. Krishnamoorthy Rao, Shri Bibhuti Mishra, Shri Sachindra Chaudhuri, Shri Surendranath Dwivedy, Shri A. K. Gopalan, Shri Kashi Ram

[Shri A. K. Sen]

Gupta, Shri Ansar Harvani, Shri Harish Chandra Heda, Shri Hem Raj, Shri Ajit Prasad Jain, Shri S. Kandappan, Shri Cherian J. Kappen, Shri L. D. Kotoki, Shri Lalit Sen, Shri Harekrushna Mahatab, Shri Jaswantraj Mehta, Shri Bibudhendra Misra, Shri Purushottamdas R. Patel, Shri T. A. Patil, Shri A. V. Raghavan, Shri Raghunath Singh, Chowdhry Ram Sewak, Shri Bhola Raut, Dr. L. M. Singhvi, Shri M. P. Swamy, Shri U. M. Trivedi, Shri Radhelal Vyas, Shri Balkrishna Wasnik, Shri Ram Sewak Yadav, and Shri Asoke K. Sen

and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

Sir, the object of this Bill has been set out in the object clause fairly precisely, and I have no doubt that it is quite clear to the hon. Members why it has been thought necessary to bring in this Bill. Two recent decisions of the Kerala High Court and the recent decision of the Supreme Court have emphasised the necessity of changing the definition of the expression "estate" as occurs after article 31A of the Constitution. When the amendment was made to article 31A it was not thought that the expression "estate" as defined in 31A(2) could lead to any equivocation in the matter and that many important proprietary interests, though technically or legally they may be ryotwari interests, would not be covered by land acquisition laws or reform laws whose object was to extinguish proprietary interests or ryotwari interests in the nature of proprietary interests and also to impose ceilings in holdings in the matter of holdings of land.

The recent decision of the Supreme Court in the cases mentioned in the object clause as also the two Kerala cases have shown that in the State of Kerala alone there may be doubts as to the validity of land reform laws which would apply to the entire State or intended to apply to the entire State appears to be difficult to apply because of the peculiar nature of tenures there, so that in some parts of Kerala many of the inamdhari rights would appear to be immune from acquisition under article 31A and yet would not be protected by the 9th Schedule. The same difficulty arises also under certain Bombay laws relating to land reforms. The purpose is quite clear.

It is a basic principle of our land policy that we shall not allow any large proprietary interest to continue. In fact, most of the ryotwari interests which are in the nature of proprietary interests have been extinguished in the rest of India, and then it is to be further followed by imposition of ceiling on holding, the object being to see that almost every peasant who tills the land owns the land he tills. Because, it is felt that unless the peasant has a sense of ownership he cannot be an effective tiller he cannot be an effective producer; and agriculture cannot possibly achieve

the improvement or increase in productivity which we want so much to bring about, unless the tiller is given the ownership of the land he tills. The vast changes in agriculture which Japan has witnessed since the war, its vast productivity and efficiency and techniques and other improvements, notwithstanding the fact that Japanese land is fragmented and subdivided as much as ours, is mainly due to the sense of ownership of the peasant. I think the minimum holding which was imposed under the occupation regime in Japan was seven acres per head. That is the first great change that the Japanese peasant experienced first after the war, namely, that no one had the right to own more than seven acres. As a result of that, I think nearly 90 per cent. of the Japanese peasantry today own lands which they cultivate. And the record of Japanese agriculture, following that great event is a great testimony to the fact which we have been trying to reach, and which we have been trying to produce, by bringing about these revolutionary changes in our land holdings. And that revolutionary change is this, that the same tiller becomes the great producer if he has a feeling and an assurance that the land is his.

In a country where land is scarce, where the pressure of the population is extremely heavy and it is not possible to distribute land to every tiller or permit every tiller to keep his present ownership it is absolutely essential that we accept the same pattern of land holdings and tenure holdings all over the country by extinguishing vast interests in land ownership and in rent-receiving interests and allow a ceiling to be imposed on the holding of land, depending upon the availability of the land, population to be catered and other factors peculiar to every locality and State.

This pattern has been successfully followed, though undoubtedly there have been evasions, particularly in the matter of ceilings, but we have now encountered the difficulty, not only in the matter of the acquisition of these interests, but on the very pattern which we have been following, for the purpose of imposing ceiling in holdings appears to be very much under legal question, because of the interpretation which the courts are seeking to put with regard to the question of "family", the reasonableness which follows from the pattern of distribution which particular State laws seem to follow etc. For instance, in the Keral Act itself, the whole pattern of holding and the imposition of ceilings has been completely thrown overboard by the recent decisions on the ground that the "family" has been defined arbitrarily and, therefore, the system of ceiling which has been imposed was inconsistent with both articles 14 and 19, apart from the larger question of not being protected by either articles 31A or 31.

We have tried to cure this position, as we must, because it is a fundamental question. I know, Professor Ranga questions the very fundamental principle which we have accepted for our system of land-owning and land ceiling. He does not accept this idea of abolishing the vast proprietary interests in land and imposing ceilings on land holdings and, naturally, he has his reasons for that. But, these two things, taken together form the very core and essence of our land policy. If we accept that, as invariably we must, then we must change the law because of these decisions which have come into existence since the last amendment of the Constitution, of articles 31A and 31B.

We have sought to do it in two ways; first of all, by changing the definition of "estate" so as to cover those larger interests which have not been held as estates under the recent Kerala Act and also under the last judgment of the Supreme Court. Secondly, the mere alteration of the definition of the expression "estate" in article 31A would not cure the questions which have arisen, chal-

[Shri A. K. Sen]

lenging the validity of the provisions of our land reform laws concerning ceilings imopsed on the holdings by individual tillers or owners. That is a sepaerate question altogether and very serious questions have been raised, and doubts have been expressed, which have made us cautious as to our competence constitutionally of imposing ceilings in the way in which we have sought to do it. Because of the rather rigid views on the question taken by some courts, we cannot afford to take risks on such fundamental questions of economic and social planning, which form the very basis of our planning. Therefore, we cannot afford to keep this uncertain, so that each single legislation may be challenged, each single acquisition may be challenged, each single ceiling challenged and, later on, the whole thing is thrown over-board Therefore, we have put 143 laws in the Ninth Schedule. The purpose is not for the purpose of making acquisition possible—that would have been possible by changing the definition of the term "estate"—but for the purpose of enabling those provisions which allow ceilings to be imposed to vest the right for that and the rent receiving interests in the States. That is an important question, concerning the distrubution of land, taking away the surplus land from those who have land and vesting them in those who have none or who have very little land. That is the purpose.

I agree that it is a serious problem. The seriousness is not because we are introducing any new principle, but the seriousness is because we find that the laws which we though were going to be completely immune from challenge, possibly not clearly foreseen at that time, were challenged and challenged successfully. In fact, many thnigs cannot be foreseen either by Parliament, or by others however astute they may be, legally or otherwise. New problem often arise. For instance, the whole redistribution of States under the Reorganisation of States had created new difficulties for Kerala, for Bombay and for Gujerat, difficulties which were not foreseen when the last amendments on this question were made by this Parliament. Therefore, it is a serious question, not because we are seeking to introduce a new principle in our economic and social planning, but because we find that what we have done in the past to give effect to what we accepted as the very basis of our planning, is not going to be achieved with the laws which we had devised for ourselves, and that further changes are necessary in the Constitution. To that extent, it may be called a serious matter, but I certainly do not accept the suggestion, if such a suggestion is forthcoming, that we are seeking to introduce any new principle. This principle was accepted before the Constitution, after the Constitution and after the amendment of article 31A and 31B. It is an established, invariable, fixed and inflexible principle of our economic and social planning that land shall be distributed fairly so as to achieve the result which will enable almost every tiller to possess the land which he tills for himself, according to the ceiling imposed.

Shri Hari Vishnu Kamath (Hoshangabad): Has that been done so far?

Shri A. K. Sen: We are in the process of doing it. It has been done in many places. But, as I have said, there have been evasions. Ceilings have been imposed almost in all the States and now and they are proceeding fairly vigorously except in places where they have been challenged. Again, we have to meet the challenge. But after these laws are put on the Ninth Schedule it will be safe completely because they cover all the States and both these matters of acquisition and distribution by imposition of ceilings. I, therefore, do not want to take up any more of the time of this House to elaborate the principles which are so well known to the House.

We may differ as to the method by which we want to achieve it. These are questions which the Joint Committee has to consider whetner we may not shorten the list which we have put in; but if there is a scope we might. If there is the slightest doubt, we are not going to do it just to make it look nice. We are not going to take even an iota of risk in this vital matter.

Shri Bade (Khargone): As you have just now said, because the ceiling Act is chal enged, it is included in the Ninth Schedule. But why are other Acts, for example, relating to land revenue in Madhya Pradesh, also included? That is our difficulty.

Shri A. K. Sen: If it is proved in the Joint Committee—we cannot discuss it here; as you know, that is the purpose of the Joint Committee—that any Act has been put in just as a matter of decoration, we shall certainly not insist on its inclusion. But it has to be proved that any particular piece of legislation has been introduced in the proposed Ninth Schedule only as a piece of decoration.

श्री क० ना० तिवारी (बगहा) : म एक क्लेरीफिकेशन चाहता हूं । जो सीलिंग के बाद जमीन लेंगे उसका कम्पेन्सेशन देने की क्या रेट होगी ?

Mr. Deputy-Speaker: Order, order.

An Hon. Member: Let him understand it.

Mr. Deputy-Speaker: I will first place the motion before the House.

Shri Bade: It is included in his speech. Let us understand it.

Shri K. N. Tiwary: What will be the rate of compensation for the land which the Government will take from persons who hold land beyond a particular ceiling?

श्री अ० कु० सेन : इसका फैसला होगा विभिन्न आइनों द्वारा जो कि विभिन्न राज्यों में लाए जाएं या पास किए जाएं ।

Shri Lahri Singh (Rohtak): May I ask one question?

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely Shri Bibhuti Mishra, Shri Sachindra Chaudhuri, Shri Surendranath Dwivedy, Shri A. K. Gopalan, Shri Kashi Ram Gupta, Shri Ansar Harvani, Shri Harish Chandra Heda, Shri Hem Raj, Shri Ajit Prasad Jain, Shri S. Kandappan, Shri Cherian J. Kappen, Shri L. D. Kotoki, Shri Lalit Sen, Shri Harekrushna Mahatab, Shri Jaswantraj Mehta, Shri Bibudhendra Misra, Shri Purushottamdas R. Patel, Shri T. A. Patil, Shri A. V. Raghavan, Shri Raghunath Singh, Chowdhry Ram Sewak, Shri S. V. Krishnamoorthy Rao, Shri Bhola Raut, Dr. L. M. Singhvi, Shri M. P. Swamy, Shri U. M. Trivedi, Shri Radhelal Vyas, Shri Balkrishna Wasnik, Shri Ram Sewak Yadav, and Shri Asoke K. Sen and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in ohter respects the Rules of Procedure of this House relating to Parliamentary Committes shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee

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and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

Shri Ranga (Chittoor): I have my own motion. I move:

Mr. Deputy-Speaker: I shall take it as moved.

Shri Hari Vishnu Kamath: Let it be moved formally.

Shri Ranga: I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th February, 1964."

Mr. Deputy-Speaker: There are two other motions. Shri Lahri Singh's motion is the same as Professor Ranga's. So, it is barred.

Shri Lahri Singh: I move it.

Mr. Deputy-Speaker: It is the same as Professor Ranga's; so it is barred. Then there is one by Shri Sreekantan Nair.

Shri N. Sreekantan Nair (Quilon): I do not move it.

Mr. Deputy-Speaker: Both the motions are now before the House. Shri Ranga.

Shri Ranga: Sir, I consider this day to be the beginning of the long, dreary, black day for the Indian peasants in this country. I am sorry, the Government has thought it fit to draft this Bill, get it introduced and now proceed to rush it to the Joint Committee. It is typical of the non-chalant attitude of the Government that the hon. Law Minister should not have helped his colleague, the hon. Minister of Parliamentary Affairs, to agree even to the very moderate motion moved by one of our hon. friends from the Opposition in regard to the hours for discussion of this. It is also typical of this Government's anxiety to liquidate the peasantry in this country.

Shri Nambiar (Tiruchirapalli): Liquidate the peasantry?

Shri Kapur Singh (Ludhiana): Yes, liquidate the peasantry.

Shri Narasimha Reddy (Rajampet): Absolutely.

An Hon. Member: Peasantry or landlords?

Shri Ranga: The hon. Law Minister did not think it necessary to refer.....

Shri Nambiar: Where are they to go?

Shri Ranga:....even in this very short Bill, as it is, with only three clauses, to the very important item here, that is, item (ii) of sub-clause (a) of clause 2, which says:—

"any land held under ryotwari settlement"

nor did he refer to item (iii) which reads:

"any land held or let for purposes of agriculture or for purposes ancillary thereto, including waste land, forest land, land for pasture and sites of biuldings and other structures occupied by cultivators of land, agricultural labourers and village artisans".

This Bill comprehends within its mischief all classes of people, all cadres of people who live in our rural areas not to speak of a section of the urban masses also who happen to own some land in villages allround the cities. The hon. Law Minister had no justification to offer for these two very important clauses in this Bill. Supposing, he drops

these two clauses and confines himself only to that particular proposition of ceiling, the attitude of the House might have been different. But ceiling is only one of the many things that the Government seeks to bring within the mischief of this Bill.

My hon. friend said that the Supreme Court has raised several objections and has created so many doubts in the minds of many lawgivers, like himself and others, who are in the Government.

Shri A. K. Sen: You are the lawgiver.

Shri Ranga: You are the giver and I am only the receiver. What can I do? Then, there are the other Ministers and Ministries all over the country. Look at these words he used in regard to fixed, inflexible, invariable and some other principle of their land policy. Therefore they are anxious to push this Bill through this Parliament.

What is it that this Bill seeks to do? It is not an ordinary Bill. It is a Constitution (Amendment) Bill. Already on another occasion my hon. friend, Shri P. K. Deo, has created an opportunity for this House to express itself as to the unholy manner in which this Government has been amending the Constitution so frequently and so often during the past 16 years and has dealt with the Constitution as if it is only an ordinary law. Indeed many of the ordinary laws have fared much better than the poor Constitution. When we take our oath in this House as Members of this House we swear by and to remain loyal to this Constitution. And who is more disployal to this Constitution than the Government themselves? It is only through a kind of legal fiction that they choose to change the character of their own mother so that she continues to be the mother; only she does not happen to be the original mother that had given birth to these babies. This is the way in which they have been dealing with our Constitution in such an unceremonious and contemptuous manner. We have been protesting against it—a number of Members from different parties. My hon. friend, Shri P. K. Deo, has brought that motion before this House.

It is wrong for the Government to consider their land policy which they have conceived with the aid of the Planning Commission to be of greater sacredness, of greater inflexibility and of greater fixity than the Constitution itself. They will have to answer before the bar of public opinion in this country in regard to this particular matter.

Secondly, this Constitution in regard to this particular group of clauses 30, 31, 31A has had a very chequered career. Every time the Supreme Court found any of these laws to be defective, to be violative of the Constitution and its spirit the Goveriment did not hesitate to come forward to this House with an amendment Bill in order to change the Constitution and in that way answered the Supreme Court, as it were. They may not say straightway "this is what we are doing, you may do whatever you like"; they have not said that; but it amounts to that. And therefore they do not want to benefit themselves from the wisdom of the Supreme Court, nor do they want to benefit themselves from the wisdom of the fathers of the Constitution or even from the principles that are already enshrined in this Constitution.

And what is it they are doing, Sir? They think they have a policy. That policy, they think, comes within the four corners of the Directive Principles. And the Directive Principles cannot be enforced in the courts. They themselves have stated it so in the Constitution in article 37. Surely more important than the Directive Principles are the Fundamental Rights of the people. They are enshrined there in a separate chapter, 3 and there is a separate clause there, article 32, which empowers any citi-

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zen in this country anywhere to raise the question of the legality, the constitutionality of any one of the laws that are passed either here or there in the States and seek the protection of the Supreme Court. And those Fundamental Rights are being set at nought in preference to what they consider to be the principles which they think, in their own judgment, flow from the Directive Principles of the Constitution. This, I think, is a very unfair way of dealing with the Constitution, and also a very reactionary approach towards the Constitution.

Now, coming to the question about the reason why they want these amendments—I question the very necessity for this Bill—they have themselves published the report about the working of the Third Five Year Plan only this year, March 1963, placed in our hands much later. And they have a chapter, Chapter XVIII, on Land Reforms. They have given copious information for State after State, for all the States. Except in the case of Kerala, in all other cases they have themselves stated that the Ceiling Acts are being enforced, are being implemented. Statistics are being collected in certain areas as to how much is available, to whom it is to be granted and so on. In certain other areas even distribution is taking place. If they are keen only about ceilings and have no other ulterior motives in regard to this particular Bill, surely, Sir, there is not that urgency, there is not that need to come forward with this Bill.

True, I have been opposed to ceilings. Why? I have many reasons, but I need not go into all that, because I cannot afford the time. One thing I will tell you, they themselves, the Prime Minister himself was not willing to extend the principle of the ceiling even to salaried employees of the Government, not to speak of other classes of people in the country. He said: how would it ever be possible to get experts and experienced people for less than Rs. 2,500 a month? Whereas, in the case of agriculturists the utmost, the maximum they have been good enough and liberal enough to agree to be the ceiling income for those very few people who are fortunate enough to have that much land which could yield that income, is Rs. 500 and not more. It is Rs. 500 per mensem for agriculturist, but in the case of the salaried employees they thought that Rs. 2,500 was not enough. They were not prepared to impose any ceiling on the government employees on the salaried employees, not to speak of all other non-agricultural classes. That alone is enough, Sir, to condemn this Government as being a discriminatory government, and a government which is opposed to the agricultural interests. For such reasons we have opposed this.

Nevertheless we have passed all this legislation all over India. Is it not their duty to have the patience and the legal conscience to re-examine their own ceiling legislation in all these various States and to so reshape it wherever it is necessary as to bring it within the four courners of this Constitution? Instead of that, as lazy people, as revolutionaries and reactionaries are, as people who are absolutely irresponsible and bureaucratic-minded, they do not want to give any other consideration to any of this legislation but simply put it in the wardrobe, lock it up with double lock, and then say, "It is part of the Constitution, therefore you who are Members of Parliament who took the oath here and all other people who join in these representatives institutions have no right whatsoever to question it because it is part of the Constitution". Now, this is an extraordinary thing. It is something like the old grandmother putting whatever money that belongs to her son in some kind of a locker and then saying "this belongs to God, nobody should touch it". And what does she do with it? She goes on using it and giving it away to whomsoever she likes, in a partial way, just

as this Government wants to do with the landed properties.

Then I come to the other question, how did they use this power that has been given to them, that they themselves have taken, in regard to ceilings. Did they have a uniform rule? No. Did they fix it in any sensible way? No. Did they even accept the suggestions made by the Planning Commission in regard to certain classes of people? No. They did it in whichever way they liked, in such an arbitrary manner that in certain areas temple lands have been included while in certain other areas they have been exempted, in certain places lands owned by factories have been exempted while in other places they have been included, in certain areas they have calculated on an individual basis while in certain other areas they have calculated on the basis of families. There is no principle at all. They talk of principles. They have just this principle of behaving and acting in an unprincipled manner.

I think—I speak subject to correction—the Supreme Court has not raised any objection to the principle of ceiling. On how that particular ceiling is to be implemented they seem to have raised an objection. On the question how much of compensation is to be paid, on the quantum of compensation they have raised an objection. And why did they raise it? Because, the principle which they had adopted earlier in clause 31A in regard to estates is not fair, cannot be applied, cannot be extended to the ceiling legislation also. For a very good reason. There it was intended for all intermediaries, functionless people who were created by the earlier Governments and whose function has lapsed or whose function has been terminated by this Government. They were rent collectors. Therefore they had to be sent out of their function and they did not have, it was felt by the Government, the same kind of right, the same magnitude of right for compensation as the ordinary people who own properties, landed as well as other types of properties. Therefore, they took for themselves the power to fix a tapering scale of compensation for them. The Supreme Court raised objection even in regard to that when the Bihar and other legislation came before them. Then Parliament took the opportunity of amending the Constitution and brought in clause 31A, and in that way they saved that particular policy of the Government. But when it comes to ceiling, these peasants are not estatedars, these are not zamidars or talukdars or jagirdars they are mere tenants, also peasant proprietors.

Now, you might say—Sir, I hope I will be allowed to take sufficient time to cover my points.

Mr. Deputy-Speaker: Normally twenty to twentyfive minutes.

Shri Ranga: I wanted two and a half hours for myself, and you fixed the time for this discussion at seven hours at your own pleasure. I do not know how I can accommodate myself within that time.

Mr. Deputy-Speaker: Seven hours for all parties.

Shri Ranga: I will try my best.

Now, these peasants are not *talukdars;* they are not intermediaries They own their lands. In regard to them, the Government wanted to fix the ceiling which I should consider to be disoriminatory, one-sided. The Supreme Court did not raise any objection in regard to that. But Government wanted to take away their surplus land over and above the ceiling. Therefore, they said that the quantum of compensation that they are fixing was not reasonable. It should be just; it should be reasonable; it should be as good as a market price and, surely, they should not be treated in any way worse than those others whose lands would be taken compulsorily by the Government under the Land Acquisition Act

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where they have got to be paid an average of market price over a particular period of years, specified period of years, plus a solatium amounting 15 per cent. Surely, it should be within the power of the Government, within the capacity of the Government to so amend their own ceiling legislation as to accommodate this particular principle which has been reiterated by the Supreme Court. I am saying 'reiterated' because it has been there since 1890 ever since the other legislation was passed and it has been enshrined in our own national tradition that nobody's property should be taken away without paying proper compensation, just compensation And therefore they have done it. Why is it that the Government does not want to do this much of justice to themselves, as well as to the people of this country?

Now, I come to the question of the ryotwari holdings. I wrote a letter to the Prime Minister drawing his attention to the injustice of bringing the ryotwari peasants within the mischief of his Bill. He was good enough to send to me, after two weeks time that he gave to his advisers, a note prepared by his advisers with the authority of the Deputy Chairman of the Planning Commission. And what do they say? They say that already in Gujarat and Maharashtra and also in Punjab, ryotwari holdings also had been brought within the definition of the estate; therefore, there is nothing wrong in bringing all the ryotwari peasants all over India within the mischief of that particular definition. Now, this is a very arbitrary and bureaucratic way of looking at things and an irresponsible way also. It is befitting only a dictator, not a democratic Government.

First of all, my friends who are in Gujarat have advised me that it is not applicable to Gujarat ryotwari land holdings. Their holdings are treated, recognised, by the Government as well as the public as their property just as the hodings of our ryotwari system in the whole of South India and other places also. Similarly, in the parts of Orissa and in the whole of Maharashtra, everywhere, ryotwari landholder has been recognised by the High Courts, by the Supreme Court as well as the Government themselves till now to be the owners of their lands. They have the right to bequeath. . . .

An Hon. Member: He is sleeping.

Shri Ranga: It does not matter. They have the right to bequeath, to sell, to inherit and to pass on to. . . .

Shri Kapur Singh: He is not interested.

Shri Ranga: It does not matter. They are perfectly the owners of the land.

Shri Hari Vishnu Kamath: The Minister is sleeping or meditating?

Shri Ranga: It does not matter. It will all go into the records. Why bother about his listening to us. Even if he listens to us, he is not going to be a free man to do what we want him to do. Don't disturb him.

Shri Kapur Singh: It is a discourtesy that the Minister should go on sleeping when points are being made here against the Bill which he has introduced.

An Hon. Member: He is not sleeping.

Shri A. K. Sen: When I reply, I shall convince the hon. Members that I have heard every word of it.

Shri Hari Vishnu Kamath: He was meditating, not sleeping!

Shri Ranga: I hope he will pay me the courtesy of recognising that I have not complained about his way of sitting. Whether he is sleeping or listening to me, I do not bother. I

told you, Sir. But the only thing is, your presence is there. That is more than enough.

Shri Hari Vishnu Kamath: He can hear better with eyes shut.

Shri A. K. Sen: I aways listen to the Hon. Member with eyes shut so that I can hear him better.

Mr. Deputy Speaker: So that he can hear him with greater concentration.

Shri Ranga: Greater concentration? Whatever it is, whether he has gone into *Siahopasana* or *Shirshopasana,* it is not my concern. I am concerned with this Bill. I am concerned with the Government which is behind this Bill and the evil forces that are behind this Bill. Therefore, it is my duty to appeal to these forces to be a little more sensible than they have shown themselves by introducing this Bill.

So far as the ryotwari holders are concerned, they are the owners of their lands and they have been recognised as such. They are cultivators themselves; they are their own employees; they are their own employers; they are self-employed people. The land belongs to them. And how many of them are very rich people? Government have the information in regard to the ceiling legislation as to what percentage of these ryotwari land-holders are *pattadars* and have been found to be possessing more than the ceiling. They have the statistics. It is not more than 3 per cent, anyway, in any State and those people are being dealt with by the ceiling legislation. As compared to other people they are smaller people. Their income is not to more than Rs. 500 per month and even those people are to be harmed by this legislation. How are they going to be dealt with? They are to be treated as *estatedars.* What is the consequence? Once a person comes to be treated as an *estatedar.* the moment he is declared to be an *estatedar* or the owner of the estate, all penalties that have visited the zamindars, talukdars, jagirdars, all those people, will come to visit these unfortunate people also. Their land can be acquired and they want to take that power by this Bill. Their land can be acquired compulsorily by the Government either for the use of the Government or for the use of cooperative farms or for the use of any other class of people, even individuals, according to the wishes of not only this Government but also the State Government and all its agents right down to the zila parishads and the village panchayats also. Their lands can be acquired compulsorily which means the peasants need not have to agree. The peasants will have to be helpless spectators. All that the Government has got to do or what it may propose to do is simply to pass an order that in such and such an area so much of such land is going to be acquired. And how do they acquire it? For what purpose? For public purpose, they say. What is that public purpose? They have themselves defined it here in article 31(2). But that definition does not hold good for them. The Supreme Court also came to their rescue and the Law Commission also wants to come to their rescue ar their planners are anxious to see th this definition of 'public purpose' is widened as much as possible so that even the head of the panchyat board or zila parishad would be able to say that such and such land is necessary for such and such a purpose or even a managing director of a factory who is able to convince the local collector or the local secretary of the land revenue department would be able to say that such and such land should be acquired. And that becomes the 'public purpose'. Why? Because it subserves their plan purposes. Everything that is contained in their Plan is supposed to be the public purpose and that is expected to be an inflexible thing, a fixed thing, an invariable thing. Therefore it must take precedence over everything. That is their public purpose. Can the Government say that cooperative farming will not

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come within that purpose, the land being given to any factory will not come within that purpose and the land being given to any particular favourite of their own will not come within that for some particular purpose or other? Because the Plan purpose is, as wide as the width of this country and as long as the length of this country, because its arms spread all over like those of *Kartaveeryarjuna*, therefore 'public purpose' becomes a nebulous thing. It becomes the sweet will and pleasure of the local Minister and the revenue board and all the other officers and also these so-called non-official agents who are now being brought into power at the head of all these various organisations to decide for what purpose do they want to acquire the land compulsorily? Having acquired it, what is it that they want to pay to them? They do not want to pay according to the Land Acquisition Act at all. They want to be free to pay whatever they like—yes, according to law. The local laws are there. They have given us a precis of the 123 Acts that have been already passed in so many places. It is only twice as much as the land revenue for what they call waste land. Nevertheless, that land is there, to be developed by the owner. Then, it comes to four times, six times and from that the maximum sometimes runs upto 20 times, sometimes upto 30 times. Therefore, what would be paid to the peasants will depend upon the sweet will of the local land revenue commissioner whom they will appoint, or a tribunal, and the tribunal will decide according to the manner in which his pockets are lined and his palm is oiled. If he is satisfied then it will be ten times; otherwise, it will be only twice. And in how many years' time would the amount be given? Not straightway on the spot: no, not at all, but only in instalments, and the instalments also in bonds. Then, there is this wonderful inflation which will convert Rs. 100 of today to something worthless or only Rs. 10 in another ten years' time; and for ten years or twenty years, the man has got to go on waiting. Again, in how many instalments? That also depends upon the bribe that the man would be giving or the good-will of the officer who is concerned. And this is the power that they want to take, in order to take away the lands belonging to the ryotwari peasants.

Now, how has this Bill arisen? It has arisen from the genius of our friends the Communists in Kerala. Of course, they said they wanted to do a good thing, and that was in regard to the zamindari tenants; there, they are called the *jenmam* tenants or something like that. For them, they wanted the land in the same way as we wanted the land for all the other zamindari tenants all over India. Therefore, they were passing that legislation. But whether they knew it or not—I am inclined to think that they knew it—they included in it those ryotwari peasants also who happened to go, unfortunately for them, into the Kerala State because of the merger of a small portion of Kasergode; only about 2500 persons or so were there. My hon. friend Shri A. K. Gopalan would give the details later on. In order to help those *jenmam* tenants, they brought those ryotwari peasants also into that legislation, and they got that Bill passed there. It was held up here by the President. In the meanwhile, they went out of power. Then, the Congress people came into power, and they passed the very same Bill, out of repentance, I should think, because they had sent out the Communist Government there by non-violent violence, and so, they wanted to save their conscience by accepting their Bill. So, they fathered their baby; that baby was later on struck down by the Supreme Court. The Supreme Court did not raise objection over so many other things, in that Bill, but they certainly raised objection over this, thanks to the genius and splendid pleading of Mr. Nambiar, a namesake of my hon. friend Shri Nambiar here in this

House; I am referring to Mr. Nambiar who is an eminent jurist and who pleaded for peasants and then, the Supreme Court was able to see reason there that these ryotwari people had been brought in wrongly, and, therefore, they said that the measure should be struck down.

Instead of amending that Bill suitably, what has this Government done? They wanted to oblige our Communist friends over there. And in fact, but they are themselves going that communist way, and they think that this is an excellent way. They think, 'why have all this bother?' as the Law Minister himself has said, of having to go and wait and see whether the Supreme Court would accept this or would not accept that Act. And they further thought 'Let us put the whole lot of these 123 Acts passed by all these legislatures' either when they were asleep or when they were awake or when they were half-awake, in the Ninth Schedule as the Law Minister has been awake during this debate. Thus they passed those Acts, and our Government want to put the whole lot into the safe custody of the Constitution and make them a part and parcel of the Constitution.

That does not redound to the legal acumen or the legal conscience or the political commonsense or the sense of responsibility of this Government. And yet they have done this. This is a communist way of approach and nothing else.

Now, what would be the consequences of this legislation? About 65 million peasant families are going to be affected. There will be insecurity in their minds, and for years and years they will suffer from this insecurity, because they will not know when their lands are likely to be taken away at the dictates of the village panchayats or parishads or State legislatures.

Or course, it may be said that the State legislatures are also representative, and, therefore, they are not going to be so irresponsible and so they would not pass any such laws. But I ask: Have they not passed all these irresponsible laws and have they not passed so many of these lawless laws? In the same way, they would do also in the future. Have they not done it in such a manner in Bengal? In Bengal, whereas the market price was Rs. 200, the price that was to be fixed for the peasant was only a small sum, and even the small figure was not being paid to the peasants. And when an appeal was made to the Prime Minister, he appealed to the local Chief Minister, and the local Chief Minister said 'We are completely safeguarded by article 31A; so, you need not bother at all. Why do you worry at all unnecessarily?'. This is the fate of the Bengali landowners and the land-owning tenants there. And the same is the position of all other people also; I have given you just one instance only. Therefore, we cannot trust ourselves to the tender mercies of the State legislatures.

Now, why are the Government so very keen, and so very persistent with this Bill, in spite of my plea that they should not go ahead with it during this emergency? They themselves have stated that during this emergency everything that we do should have a defence slant. Is it a defence slant to sow insecurity in the minds and hearts of crores of people? Is this the manner in which you want to train our people in order to offer a united front against the Chinese, by threatening the security of their land-holdings? And what are these land-holdings? They are not mere houses. If you do not have a house, you can go and take shelter under a tree or in a choultry. But this is land which provides them employment, which saves them from social degradation, which assures them of economic independence, which has saved them and their forefathers, and which also assures their children of continuity of their employment as well as their freedom and indepenence. It is in this sphere that Govern-

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ment want to create this atmosphere of insecurity. And I charge them with irresponsibility in their duty towards our Motherland in this emergency.

And here was a Minister speaking only the other day. And he said:

> "Our approach to agriculture must always be predominantly farmer-oriented. The crux of agriculture is the farmer everywhere and in all cases, and the crux of prosperous agriculture is the persuaded and contented farmer.".

Is this the manner that you are going to persuade him by objecting to our having a ten-hour debate here and by coming down only to seven hours? Is this the manner in which my hon. friend wants to persuade them, by not referring to the two most important, the two most dangerously important, clauses here in this Bill, and by not agreeing to my proposition that it should be sent out for circulation, and by not agreeing to my appeal that they should not proceed with this during this emergency? I am aghast at the manner in which this Government want to deal with the single largest interest, socially, politically and economically, and I wish to warn Government that the peasants are not going to take this thing lying down in the same docile manner in which they had been accepting things all this time.

All over India, in some States, more, and in some States, fewer, peasants have begun to awaken themselves, and nearly 68,000 of these peasants have sent their petitions to the Secretary to the Lok Sabha, protesting against this Bill and asking that this Bill should be dropped. It would not have any affection, and it might not make any appeal to these friends opposite. Sir, 1967 is coming, and I wish to remind them that in 1967 they have got to go with this Bill and with this Act, and indeed, this unholy addition to the Constitution. I shall leave it at that.

On an important thing like this, should they not be able to see from their own election manifesto whether really the people have given them a mandate in regard to this matter when last time they had gone to the polls? You have gone to the polls, I have gone to the polls, and all of us have gone to the polls. Did you or did anyone of us give any kind of an inkling to the ordinary masses in the country that this kind of an insecurity was likely to be created as to the security and stability of their property? We have not done that. If we are to be a democracy, then, is it not our duty, and the duty of this Government to wait until after next elections, before they possibly can rush through this legislation? Give an opportunity to those people, explain things to them, and tell them all about the Bill and get their consent. By all means, if they agree, if they want to commit political suicide or social or economic suicide, then that is another matter.

In conclusion, I wish to refer to one or two points that may be raised by some of our friends. In fact, it has become fashionable for some of these friends to say that we of the Swatantra party are a reactionary party. I wish to say that whoever wish to support this measure and the threat that is implied in it and the threat that is going to be hurled at the crores and crores of these peasants, the self-employed peasants of this country, are not only reactionaries but fascists and communist-minded people.

15 hrs.

What has happened? My hon. friend himself said that it is necessary that peasants should be assured of their ownership of land, if they are to be encouraged to produce more and more. He gave the excellent example of small holders and their achievements in Japan. I wonder whether he was really aware of the clauses of this Bill. He was making out a case for myself and my peasant proprietors. Peasant pro-

prietors he certainly wanted to have. Let him know what the peasant proprietors want in this country. Let him have the courage, let the Government have the courage to go with this Bill and face our peasant proprietors as voters and then let him come back, let the Government come back, and then we shall see what happens.

Therefore, it is time that here in this country we realised one thing. Whoever opposes peasant proprietorship, and those who own their own lands, who are cultivating their own lands, who are producing all this wealth that we want in this country—nearly 50 per cent of the total wealth of the community—more and more production in all spheres, those who oppose these people would themselves be fascist and communist-minded, not others.

China has made experiments with what are called communes. Our friend and comrade, Khrushehev, called it ultra-leftism, deviationism and adventurism, because they in Russia had made their experiments and then gave them up. Only the other day, the erstwhile Food Minister was giving information as to how in Poland, in Czechoslovakia, in Yugoslavia, Rumania, Bulgaria and all the other communist and satellite countries as well as in Russia, the communist were obliged to yield to the sacred passion of peasants for owning land. They did not give it as ownership, but they cartainly yielded from half an acre to two acres. I have myself seen those kitchen farms in Soviet Russia. This Government is publishing small pamphlets encouraging these educated ladies, fashionable ladies—I have seen their pictures also —they are fashionable—to take to kitchen gardening. While they want kitchen gardens in towns, they want to destroy the holdings there. That is what Soviet Russia has done. That is her own bitter experience. Today the agricultural production in Russia is lagging behind because of these wrong experiments that they have been carrying on, due to the hopelessly anti-peasant attitude and policies that they have pursued during the last 45 years. Is our country also to be forced to go through the same fire of suffering and struggle and scarifice? And sacrifice at whose cost? At the cost of the peasant masses.

Therefore, I wish to warn this Government that if they are really keen on this, and if their intention is that this Bill should be passed as it is now, let them agree to go to the people, to make an appeal to them. Let us go and face the people, both of us, both sides, and then we shall see how they will fare.

In conclusion, I wish to say that our party dissociates itself entirely from this Bill. That is why we have refused to go into the Joint Committee. That is why we are asking for circulation of the Bill. It is not at all fair that the Bill should be proceeded with in the way it is sought to be. Even parliamentary convention demands that a Bill like this, to which 124 other Acts have been tagged on, should be circullated among lawyers, peasant organisations, of which I am the head, and some other organisations that the other friends also have developed, other organisations and forums that Dr. Deshmukh has developed all over the country. This Bill should have been given the widest publicity among these people. They have not done that.

Under the circumstances, they have no moral right to go ahead with this Bill. If they were to do so, it is my duty, it is our duty, to resist it. It is the duty of our party and the Kisan Sammelan of which I happen to be the head, it will be our sacred duty, out of devotion to this Constitution itself, to resist this measure through all parliamentary means in this House and through every other legitimate means which would be open to us in this country.

Shri A. K. Gopalan (Kasergod): I thank you for giving me an opportunity to support this Bill. Though I support this Bill and welcome it and I

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also say that the Government showed some boldness, in spite of opposition from the vested interests and the landlords, to bring forward this Bill, I have very strong criticism to offer about certain aspects, not of the Bill, but of the way in which certain other things had been done to nullify and scuttle the very purpose of this Bill—which I will deal with afterwards.

As far as this Bill is concerned, it has nothing to do with communism and socialism.

Shri Ranga: Oh, oh.

Shri A. K. Gopalan: Even before I begin my speech, Shi Ranga has started saying 'Oh, oh'.

Shri Ranga: Excuse me; I am not interrupting him.

Shri A. K. Gopalan: It has nothing to do with communism or socialism, but it has something to do with feudalism and landlordism. That is the reason for the Swantantra Party's attitude towards this Bill. I can understand Shri Ranga's feelings. If I had been in the Swatantra Party, I would also have supported him and okayed what he has said. A party of Maharajas and Maharanis, landlords and zamindars, will certainly oppose a Bill of this character, because they have a class interest. As I have also a class interest they have a class interest and I am not all opposed to Shri Ranga opposing this Bill.

As far as the object of the Bill is concerned, and why it should be implemented, I am only sorry that it came very late. We have already got the First Five Year Plan, the Second Five Year Plan and the Third Five Year Plan; we have also certain directive principles of State policy accepted by the Constitution. It has been said first of all by Shri Ranga that we are changing the Constitution. He asked why we should change the Constitution now and then. If the Constitution is for the welfare of the people, and if anything comes in the way of that welfare, certainly the Constitution has to be changed. The Constitution was framed at a time when we had not accepted the concept of socialism. That being so, certainly many changes will have to be made in the Constitution or else there will be nothing between the Constitution and the concept of socialism that we have accepted and the legislation that we are going to enact to implement that.

I want to point out that certain directive principles of State policy have been accepted by the Constitution and this Bill is only implementing those principles, especially those concerning the ownership and control of the material resources of the community which have to be so distributed as best to subserve the common good. If anybody who is the owner of land has got less than the ceiling fixed, his land will never be touched. He may be an artisan, he may be a poor peasant. What is contemplated here? There is a ceiling fixed. If in a State they say that the ceiling is 100 acres, holdings below that ceiling will never be taken. When I heard Shri Ranga, I thought that if this Bill is passed, the man who has got 2 acres will have that land snatched away from him, that ownership of land will absolutely not be there and the poor people will suffer. But that is not so. There are three principles accepted by the Planning Commission, with which I will deal later. They are ceiling, security of tenure and reduction of rent. So this Bill is not against the Constitution; it is implementing the directive principles of the Constitution which say that the ownership and control of the material resources of the community should be so distributed as best to subserve the common good, and that the operation of the economic system should not result in concentration of the means of production to the common detriment. If there is no land reform, if the landlords and others are allowed to have concentration of land, lakhs and lakhs of acres in the country will come under their ownership and con-

trol and then 80 per cent, the peasant population and agricultural labourers, will have no land and their purchasing power will not increase.

As far as industrialisation is concerned, it is very important that when we are going to develop industries in the country, the purchasing power of 80 per cent of the people must be increased. So here we are only implementing certain directive principles, namely, that wealth should not be concentrated in the hands of a few and that the material resources of the community are so distributed as to subserve the common good of the people. It is on the basis of the directive principles of State policy enshrined in the Constitution that the Planning Commission has proposed land reforms which Government are trying to implement. The reforms proposed, the ceiling and the implementation of the ceiling are not to our satisfaction. There are defects and loopholes in them, but I shall not go into them now. In spite of all that, it is good that Government have passed certain legislations and they want to implement them.

The second important point that I want to stress is that when we have accepted the concept of socialism, certainly changes will have to be made not only in the shape of land reforms. We have seen that in respect of labour legislation also, we have had to change the Constitution in order to achieve the desired end. The only qustion is whether the change is for the welfare of the people.

In the case of the present Bill, I may point out that the Supreme Court in their judgment have very clearly stated that it is a technical thing. So, some changes have to be made. Their judgment reads as under:

> "Therefore, when the Constitution came into force, the ryotwari pattadars of South Canara were in the same position as the ryotwari pattadars of the rest of the State of Madras. Further, as the Act of 1908 was in force in South Canara also, though there may not be many estates as defined in that Act in this area, it follows that in this area also the word "estate" would have the same meaning as in the Actof 1908 and therefore ryotwari pattadars and their lands would not be covered by the word "estate". Further, there can be no question of seeking for a local equivalent so far as this part of the State of Kerala which has come to it from the former State of Madras is concerned. We are therefore of opinion that lands held by ryotwari pattadars in this part which has come to the State of Kerala by virtue of the States Recorganisation Act from the State of Madras are not estates within the meaning of Art. 31A(2) (a) of the Constitution and therefore the Act is not protected under Art 31A(1) from attack under Arts. 14, 19 and 31 of the Constitution.

There are several kinds of land tenures in India. In Kerala, for example, there are the Paravaga and the Pandaravaga lands. The Supreme Court has held that they do not come under Article 31A. So, if the definition of the word "estate" excludes so many kinds of land in the country, certainly that has to be changed.

Shri Ranga objected to the proposed sub-clause (a) (iii) in clause (2) of article 31A of the Constitution, which reads:

> "(iii) any land held or let for purposes of agriculture or for purposes ancillary thereto, including waste land, forest land, land for pasture and sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans."

I do not know about the other parts of India, but in Kerala even today there are thousands and lakhs of acres of forest lands and waste lands in the hands of the landlords. If these lands do not come within the definition of

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the word "estate", the purpose of having a ceiling will not be achieved.

So, since certain land tenures in the country do not come within the present definition of the word "estate", it is necessary to change it. For instance, the Kerala High Court held that the ryotwari pattadars of Kasergod would not come under Article 31A. In the case of both Malabar and Travancore portions of Kerala, the court held the lands in question did not come under Article 31A. It is only in the Cochin part this applies because no landlord from there has gone to court as in the case of Malabar and Travancore. Because of this, the Kerala Agarian Act could not be implemented.

The main question is: do you stand for a reconstruction of the landlord-tenant structure so as to create peasant proprietorships, or do you want to hold up the progressive land policy of the Government? Do you stand for freedom to litigate and maintain landlordism, or do you stand for insurance against judicial interdicts on land legislation, without which a socialist society is impossible?

It is necesary that all the Acts mentioned in the schedule should remain there. For want of that, in Kerala, for example, the Act that was passed in 1957 could not be implemented even in 1963, because so many landlords went to the court and prevented its implementation. Government might have passed the legislation with very good intentions, but if it can be questioned by the landed interests once on the basis of certain provisions of the Constitution, and again on the basis of certain other provisions of the Constitution, the land reform legislation can never be implemented.

Therefore, those who are for the reconstruction of the landlord-tenant structure so as to create peasant proprietorships will support this Bill; those who are opposed to it will naturally oppose this Bill. Those who want an insurance against judicial interdicts on land legislation will support his Bill, while those who stand for freedom to litigate and maintain landlordism will oppose this Bill.

The thrid important thing to which Shri Ranga referred is the fundamental right of the individual. In the name of the fundamental right of the individual, are we to permit the blocking of fundamental changes in the land ownership system without which all land reform will be a futility? We want a change in the land system, and naturally we have to impose a ceiling. I would like to know what Shri Ranga means by the fundamental right of the people. What does "people" mean? Do landlords come within the purview of this term? The fundamental right of the landlord is that he must continue to own all the land in his possession. The fundamental right of an agricultural labourer is that he must have at least an acre of land in his possession which he can cultivate and improve. So, when you say fundamental rights of the people, you really refer to the right of certain sections of the people to own all the lands in their possession, which is against the directive principles of the Constitution, against the policy that has been accepted by all the Five Year Plans. Such a fundamental right cannot be allowed as it is to the detriment of the country as a whole. Those who oppose planning and the Directive Principles of our Constitution will question the principles of this Bill. It is of great importance that there is a sense of certainty in legislative enactments. After the Judgment of the Supreme Court and the High Courts, this certainty was not there and the peasant will say that even if you pass a legislation, where is the guarantee that it will be implemented and even if it is implemented, if a landlord or some vested interests take the case to the court, there is no question of safety or implementation of the land reforms. That happened in Kerala when they accepted the principles of the Planning Commission about land reform legislation. From 1957 to 1963 they have waited and in 1963 they find out that whatever legis-

lation had been passed had been struck off and new legislations have to come. Now, what are these land reform policies? We have the First Plan, the Second Plan and the Third Plan. In every one of them, they say that certain policies must be implemented. This policy has been accepted by the Government. It says here:

> "The future of land ownership and cultivation constitutes perhaps the most fundamental issue in national development. To a large extent the pattern of economic and social organisation will depend upon the manner in which the land problem is resolved. Sooner or later, the principles and objectives of policy for land cannot but influence policy in other sectors as well . . . From the social aspect, which is not less important than the economic, a policy for land may be considered adequate in the measure in which, now and in the coming years, it reduces disparities in wealth and income, eliminates exploitation, provides security for tenant and worker and, finally promises equality of status and opportunity to different sections of the rural population."

If one does not want equality and if land is deprived from certain sections of the people, they will say: we do not agree to this.

The land policy has been accepted by the Planning Commission. That has to be implemented. There has to be a wider social and economic outplay. It has to be applied in some measure to every part of the economy. From the social aspect it is not less important.

One of the principles of land policy is ceiling: a man should not have land more than a certain number of acres. It is decided by the State and there are disparities in the ceilings fixed by different States. If you say there is ceiling, there will not be a single piece of land. In 1957 when the Kerala Bill was passed, it was said: any transfer of land after the passing of the Bill will not be recognised. But when the President returned the Bill, lands sold even after six months of the passing of the Bill were excluded. A chance was given for people to give *dhan* or do things like that. So that, now there is no question of getting land above the ceiling in many places. When you pass legislation you give notice to the landlord: next year we are passing legislation that you cannot have more than 50 acres. With such a clear notice, the landlord who still keeps his thousands of acres of lands is only mad. Certainly he will sell his land or transfer, he will see that his lands are not taken away by Government. At a meeting of the land reform panel of the Planning Commission during the period of the Second Plan the difficulties and loopholes in this matter were gone into fully and I do not want to go into that question.

The next question asked is: why are there so many changes? The Statement of Objects and Reasons of the Constitution (Fourth Amendment) Bill shows why again and again you will have to change the Constitution if you want to implement land reform policy. Article 31A has been amended by the Constitution (Fourth Amendment) Act, 1955. The object of this amendment is to take out not only laws relating to abolition of Zamindari but also other items of agrarian and social welfare legislation, which affect proprietary rights, altogether from the purview of articles 14, 19 and 31. The object is thus explained in the Statement of Objects and Reasons:

> "It will be recalled that the zamindari abolition laws which came first in our programme of social welfare legislation were attacked by the interests affected mainly with reference to articles 14, 19 and 31, and that in order to put an end to the dilatory and wasteful litigation and place these laws above challenge in the courts, articles 31A and 31B and the Ninth Schedule were enacted by the

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Constitution (First Amendment) Act. Subsequent judicial decisions interpreting artcles 14, 19 and 31 have raised serious difficulties in the way of the Union and the States putting through other and equally important social welfare legislation on the desired lines, e.g., the following:"

There had been certain difficulties. It says:

> "While the abolition of zamindars and the numerous intermediaries between the State and the tiller of the soil has been achieved for the most part, our next objectives in land reform are the fixing of limits to the extent of limits to agricultural land that may be owned or occupied by any person, the disposal of any land held in excess of the prescribed maximum and the modification of the rights of land owners and tenants in agricultural holdings."

If these changes had to be made, then some amendments were necessary; that was why the Fourth Amendment Bill was brought forward.

So, as far this Bill is concerned, the definition of the 'Estate' as well as the inclusion in the Ninth Schedule of all those Acts, not only the Kerala Agrarian Relations Act but all the other Acts, is perfectly correct. If that is not done like that, what will happen? There is the example of what happened in Kerala and other places. It can never be implemented because those who were affected by this will go to the court and there will be litigation.

I now come to the next point, which is a very important one. The object of this Bill is mainly to see that the definition of the word 'estate' is made to cover other lands also. The Kerala Agrarian Relations Act was struck down by the Supreme Court and the High Court also restricted its scope. The object was to see that the definition of the word 'estate' included ryotwari and other lands that were not then included, and also to include the Kerala Agrarian Relations Act in the Ninth Schedule. We are discussing this Bill which wants to include both these items. Then the Central Government has given permission for the Kerala Government to discuss a new Bill. Why should there be a new Bill? When we are discussing in this Bill that the Kerala Agrarian Relations Act should be included, why should there be a new Bill there?

There is a certain principle accepted by the Planning Commission, that is, once legislation had been enacted, any amendments should aim primarily in eliminating deficiencies and facilitating the implementation rather than introducing fundamental changes in the principles underlying the legislation. In this context, the most important issue for consideration is the transfers of land on the part of landowners subject to a ceiling. On the whole, it would be correct to say that in recent years transfers of land have tended to defeat the aims of the legislation for ceiling and to reduce its impact on the rural economy. I very strongly object to one thing. I can understand the amendment to the Act, but what I cannot understand is this: while we are discussing her the inclusion of the Kerala Agrarian Relations Act in the Ninth Schedule and the removal of the obstructions that had been there, at the same time, in the gazette a new Bill is published by the Kerala Government, and it is said that they are going to discuss it. What is the object of that? Is there any difference? You can have a new Bill if there are fundamental changes as far as policies are concerned. Is there a fundamental change as far as policies are concerned? The argument given is that there are certain deficiencies and that there are certain defects in the Kerala Agrarian Relations Act. If there are defects you can have an amendment if the Kerala Agrarian Relations Act is put in the Schedule, and then, if any State Government

wants either to repeal it or to amend it, they have got the right to do it.

As far as the Kerala Agrarian Relations Act is concerned, certain things had been implemented. In answer to a question on the floor of this House, it was answered that by the end of August 1962, 1,02,768 applications were filed under these provisions to the land tribunals, out of which 23,227 applications were disposed of and fair rent determined in respect of 2,589 applications under section 16. So, there had been a certain implementation. More than a lakh of people went to the land tribunals and sought a reduction of rent. About 27,000 people got a reduction. They spent from Rs. 500 to Rs. 1,000 or more to get it implemented and to go to the land tribunals. All these things had been done. I want the Law Minister to tell us what will happen to all this. I want to know whether it will be affected by the new Act; If the implementation according to the Kerala Agrarian Relations Act will be affected by the new Bill, then certainly hereafter, even if a new Bill is passed, the peasant will say, "There is no question of implementing it, because even after implementation other things may happen. It may be changed and again we will have to go to the court." So, I want an answer from the Law Minister. If the new Bill affects the people who have spent large sums of money and who have got some relief as far as the implementation of the Act is concerned, then certainly we will have to object very strongly and fight against it.

Secondly, what is the harm, if there is some amendment, if we wait? Why this hurry of legislation? That means there is a conspiracy between the Centre and the State Government. 'I will go on with the inclusion of the Kerala Agrarian Relations Act in the Schedule and you go on with the new Bill and then we can have a compromise. We can say a new Bill is passed and the Kerala Act should not be there." That is hypocricy. That is not correct. If the Kerala Government wants an amendment to the Act, it can be done and every State has got a right to do it. The State Government has to say we are discussing it so that the impediments in its way can be removed and the Kerala Agrarian Relations Act can be put in the Schedule, and then they can ask for a change. I am not a lawyer, but I do not know what will happen if that is done simultaneously. Simultaneously, we say that the Kerala Agrarian Relations Act should be struck down; and the Kerala Agrarian Relations Act which the Parliament is discussing should not be there, because a new Bill is passed. We are bringing a new child, as Shri Ranga said, instead of the old one, there may be a new child. So, when the new Bill is passed the Kerala Agrarian Relations Act should not be there.

We are not against any amendment If any State Government wants an amendment, it can amend any legislation. But I want to know whether that is a new Bill or an amending Bill. If it is not an amending Bill, then certainly whatever has been done under the Kerala Agrarian Relations Act will go and lakhs of peasants will suffer. I say this is very bad. I do not know. As I understand it, I know that it is a new Bill. I want to know why this new Bill was hurriedly permitted. What is the object? I do not want to mention names, but I know that some Ministers have said, "What can we do, when the State does something like this? How can the State have a new Bill?" According to the accepted principle of the Planning Commision, there may be amendments, but there cannot be a new Bill, and by having a new Bill, it takes away not only those benefits which the peasants have obtained but also sets a new tradition, so to say, namely, whenever Parliament wants to do something, then the State can also proceed. There may be only one reason: the Communist Government had passed the Kerala Agrarian Relations Act and so that should not be there, though the same clause may be there.

[Shri A. K. Gopalan]

I was supporting this Bill, to bring the amendment to the Constitution. But, at the same time, I want to know one thing from the Law Minister. The Kerala Agrarian Relations Act was passed. It is not their fault. They are not responsible for passing the legislation. Once the legislation was passed, the peasants went to the tribunal and they got some relief. They spent some money. Do you want them again to go to the tribunals and spend money? They will never go for implementation of it; that will be the result. And the State has brought in a new Bill. I do not know whether the Centre has given its blessing to it. In the papers we read that the Revenue Minister from the State came here and got the Centre's blessing and that of the Planning Commission and others to have this new Bill. It is very bad. It is a very bad precedent, when they bring in the new Bill in order to support the land reform legislation. I never thought that the Central Government and the Planning Commission would have done this. If they have done this, I protest against it very strongly.... With that protest, I also request the Law Minister to realise the difficulty: lakhs of peasants who have spent whatever they had got had secured some relief. That should not be washed away. If that is washed away, this amendment of the Constitution will be nothing except to save the face and help the State Government.

Shri Karuthiruman (Gobichettipalayam): Mr. Deputy-Speaker, Sir, before the Constitution (Seventeenth) Amendment Bill is referred to the Joint Committee, we are here to offer certain suggestions to be considered by the Joint Committee. The definition of the word 'estate' covers all the lands held by inams, jagirs and ryotwari. The ryotwari system is quite different from that of inam lands or jagirdari lands. Peasant proprietorship is like that of an assessee. The inamdars and jagirdars pay quit rent and they enjoy the land. There is no personal responsibility. They can spend anything on the land, inam or jagirs. But as far as ryotwari system is concerned, it is one of the best forms of peasant proprietorship in our country. The peasant spends a lot, and the peasants are directly responsible for the Government to pay the kist. This has been there from time immemorial since the ryotwari system came into existence.

Here, the aim of the Constitution is to establish a welfare State. The establishment of a welfare State means that all the categories of people and all types of welfare should be looked into. So far as this is concerned, our agricultural peasant proprietorship should be taken into consideration and it should be seen that they do not suffer by this. In every State, they have got land laws and tenancy legislation.

Here my concern is to see that proper compensation is given to a tenant, landlord or land-owner. I am afraid there are chances of this Constitution (Seventeenth Amendment) Bill being misused. In a ryotwari system, the small land-owner purchases his land at a very high price. It varies from Rs. 2000 to Rs. 10,000 per acre. Supposing by our land ceiling or tenancy legislation, compensation has to be given. If it is based on the *kist* or tax that they are paying, it is most unreasonable and unjustifiable. So, my suggestion to the Joint Committee is to see that proper compensation is given to even an ordinary ryot.

I may give an instance. In my constituency, when the Lower Bhawani project was constructed, ryots have been given compensation for the land they have lost due to the construction of that dam. Government have fixed the compensation at about Rs. 300 per acre for that dry land, taking into consideration that ordinary dry land will cost only about Rs. 200. But the rich people who have gone to the courts have got compensation of Rs. 1500 to Rs. 2000 per acre. The poor people who could not go to the courts

and who were at the mercy of the Government got only about Rs. 300, but the rich people who are court-birds got Rs. 2000. It is most unreasonable. So, according to this Bill, suppose it is construed that "estate" covers *inamdars, jagirdars* or *ryotwari*. I submit a clear distinction should be made between them, because in the ryotwari system, the peasant proprietorship is the best proprietorship. I can understand the Law Minister's argument that land should be with the tiller. It is true that only the tiller knows the value of the land and unless he is secure with his land, he cannot produce more.

As far as land ceiling is concerned, we have put a ceiling of Rs. 3600, according to the Planning Commission. Having fixed this ceiling, if any land is to be taken away from a landlord or tenant, reasonable compensation should be paid. The main part of it is that we should see that proper compensation is paid to the poor and middle-class people or the landlord, whoever he may be, because we have not fixed any ceiling on urban income. We have fixed a ceiling only on agricultural income. In a Welfare State, we should see that ordinary agriculturists are given due compensation. A small land-owner looks after his land properly. If he does not till his land properly, the land is not the loser, but the poor peasant is the loser. So, also, if he does not care for the welfare of the people, the people are not the losers; only the king is the loser. I may quote Kamban here:

> *"Vaiyagam muzhuvadhum ore vari nan ombum, ore chaiyena katthu inidhu arasu chaigiran."*

"*Chai*" means a land, less than an acre in extent. A poor peasant who owns a little land, less than an acre, is so careful in tilling that land that he observes proper agricultural practices and by giving his maximum attention to the land, he is benefited most. So also, if our administration is to be very successful, the welfare of the ordinary peasants should be looked into properly.

I would request the hon. Law Minister and the Joint Committee to see that proper compensation is paid. Proper compensation means that the market price of the land should be given. Whether it is peasant proprietorship or tenancy or any other thing which is going to be taken away, it is only the market price which should be given as compensation. It has been guaranteed in the Constitution that property can be taken only after giving due compensation. This point should be considered by the Joint Committee. So, compensation at the market price should be paid to any land that is taken over in any form.

Shri Man Sinh P. Patel (Mehsana): Mr. Deputy-Speaker, I am surprised to hear the arguments of my learned friend, my predecessor, giving a further explanation of the word "estate" wherein the ryotwari system also is being included. A fear is being created that a small holder, holding below a particular acreage of land, will also be indirectly hit either by the amending legislation or by the new enactment by including these 124 Acts in the Ninth Schedule or in future, by different types of legislation, their lands will be acquired, and proper compensation may not be given. As I understand, in four or five States, the existing land tenure Acts had already defined the word "estate" wherein they have included ryotwari system. But as the remaining States have a different definition of the word "estate", it has become necessary for the Government to see that, if the land reforms are to be carried ahead and implemented scrupulously according to our policy and if the cultivators and peasants who own the land and till the land are to be really benefited, the definition needs to be revised, as given in the amending Bill.

Prof. Ranga said he was speaking in the name of 65 millions of agricul-

[Shri Man Sinh P. Patel]

turists in the country. Really it was shocking to me. I can understand him speaking as Leader of the Swatantra Party, because they represent a class of feudal landlords with vested interests and this amending Bill will indirectly hurt them. But he said he was speaking in the name of peasants who are likely to be hurt by this amending Bill, according to him.

There were previously two amendments of the Constitution in 1951 and 1955 wherein all the existing Acts in different States were being covered. Now, a doubt was created that wherever the word "estate" was not properly defined in the existing land revenue Acts of certain States, if there was a legislation either on ceiling or rationalising the existing tenure system, then it was declared to be unconstitutional and avoid, as it happened in the case of the Kerala Agrarian Relations Act. As a precautionary measure, all existing Acts up-to-date are being included in the Ninth Schedule. If any other enactment which should be included in this has not been included by the mistake of the State Governments, or if any enactment which does not deserve to be included has been included. that should be set right by the Joint Select Committee. I have no objection to that. But simply because the word "estate" is to be further amplified or it is to be extended to the ryotwari system, it cannot be presumed that it is going to create hardship to the peasantry.

15.50 hrs.

[MR. SPEAKER *in the Chair*]

Now, Sir, we are concerned with the land policy of the country as a whole. It has to be implemented according to the directive principles. The Planning Commission has given the directive that whoever may be holding land beyond a particular acreage or earn an income of more than Rs. 3,600, then the price of that land to be handed over to the tenants will be rationalised. It is argued by my hon. friend, Shri Ranga, that this rationalisation of price beyond a certain acreage will hurt the poor peasants. It may be 12 acres, 16 acres or any number of acres, but in any case the rationalisation of price does not start up to a minimum and that minimum is not likely to hurt the country as a whole. That minimum is an income of Rs. 3,600 to an individual. As we know, according to the census of agricultural holdings in this country, 82 per cent of the agriculturists hold below 5 acres of land, and at the rate of income that is derived in this country from land it can never be contemplated that there will be a clear income of Rs. 3,600 from any land below 12 acres or 16 acres. So the question of acquiring the land of a person who owns below 12 acres or 16 acres and having an income of above Rs. 3,600 will never arise and I do not think the price to be paid will be ever less than the market price.

It cannot be contemplated that there will be a legislation in one State or another which will indirectly acquire by a special legislation on land reform two acres or 5 acres of land. Therefore, all these arguments and the fears raised about the word "estate" being further amplified by this amending Bill whereby it includes "any land held or let for purposes of agriculture or for purposes ancillary thereto, including waste land, forest land, land for pasture and sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans", are not correct.

It has been, Sir, further argued that if these Acts are not included in the Ninth Schedule at this time the implementation of certain Acts will be delayed for a number of years. My hon. friend Shri Gopalan has explained about the implementation of the Agrarian Relations Act for nearly four years from 1960 and how a new

Act is coming there. If any doubt is left out, the people who are owning large lands and who are landlords will never allow the implementation of the land policy of this country. Therefore, if there is any lacuna in the amending Bill whereby an existing Act is not included simply because of the mistake of the State Government not to pursue it or to insist on it, or if there is any lacuna, as it has been said about the Kerala Act that it has got to be included in the Ninth Schedule and a new Act is likely to come up, or any other Act which due to some mistake or otherwise has been struck down by the Supreme Court or some other court and deserves to be included or deleted, it could be done by the Select Committee.

With these remarks, I say that the further explanation that is contemplated in this Bill for the word "estate" is in no way a hardship to the peasantry and, therefore, I recommend this Bill to the Joint Committee.

Shri A. S. Alva (Mangalore): Mr. Speaker, Sir, as far as this amending Bill is concerned, on principle there cannot be any objection. What Professor Ranga said, that this will be a blow to the peasant proprietorship, is not at all correct. On the other hand, this protects the peasants, whether they are proprietor cultivators or only cultivators.

But there are certain things which have to be looked into, especially the persons who are owning lands under the *ryotwari* system. The previous speaker was not justified in saying that these *ryotwari* owners or proprietors will not be hit by this amendment. What has actually happened in the Kerala Agrarian Relations Act which was struck down by the Supreme Court is this: A portion of South Kanara which was in Madras, a particular taluk, has gone to Kerala. There the system is the same as in the other part of South Kanara district which has merged in Mysore State, and is governed by the *ryotwari* system. The Supreme Court held that as far as lands under the *ryotwari* system are concerned they will not come under the definition of "estate" and as such for those lands compensation to be paid must be the market value. So that Act was struck down for that reason and was followed by the Full Bench decision of the Kerala High Court.

As far as the Schedule is concerned, we have got a number of Acts which have been included. Here I would just point out the difficulty of *ryotwari* owners of lands especially in the portion of Mysore State, the district of South Kanara. That is a peculiar system—of course, it is there in some other districts also—whereby the people who are actually owning but not cultivating even one acre, two acres or even three acres of land are also affected by this Act. Their lands also will be acquired and given to the tenants. Generally, when we consider land reforms it is certainly to see that zamindars, inamdars and other big landlords who actually did not pay for the lands but who happen to be there on account of certain circumstances are liquidated. When the British were conquering, they gave portions of lands to certain persons out of which they asked them to pay a certain annual amount for the upkeep of the land, for keeping certain soldiers and similar services. So the zamindars were liquidated and they were given only compensation which was determined by the legislature itself without going to any court of law. But as far as *ryotwari* landlords are concerned they are practically small tenants themselves formerly and who have thereafter acquired proprietorship. The inequity will be made clear when I say that people in the *ryotwari* areas have actually paid very high prices for acquiring proprietorship of their lands. If one had acquired some property in some town with his small saving that will not be hit by this Act whereas if he has put his money in two or three acres of culti-

[Shri A. S. Alva]

vable land he will be hit by this definition, and he will be asked to take the amount which is to be determined by the legislature and which is much below the market value and the actual price which he has paid.

Now, in matters like this he must be paid a fair compensation like the compensation under the Land Acquisition Act. As I said, the particular area that I am referring to, the district of South Kanara, was a part of Madras State. One of the Acts which applies to it is item 103 as now been sought to be included in the Ninth Schedule. In 103 there is protection given to the tenants and a fair rent is also fixed under item 104 so much so the rent has been very much reduced than formerly. Now because it has been included in the Mysore State it comes under the Mysore Land Reforms Act of 1961—item 118—whereby the compensation payable is a multiple of the reduced rent which practically comes to one-third or one-fourth of the price they have paid for the land. To this extent, it is absolutely necessary that the Select Committee should go into these matters because, after all, the application of land reforms in different States should be on different lines without causing undue hardship and need must be uniform in all States.

Then, there is another difficulty from which the people of this particular district and also the people of Kasargode in Kerala suffer. Because, till recently, they were governed by the Marumakkattayam and Aliyasanthana systems of law which have been confided some years back. As a matter of fact, the Aliyasanthana Act, which relates to the matriarchal system, came into force only in 1949. Before that, there was no division or partition in a family, so much so that these families consisting of 100 or 200 members were owning these lands jointly. Actually, if there is partition of such lands, each member of the family would get only one or two acres, and even they would be hit by this Bill. So, my submission is that the Select Committee should go into these things and see that all the Acts are not included in the Schedule. I know about this particular Act in force in my State. There may be other similar Acts in other States which affect small proprietors. So, those matters should be looked into and exemptions made in suitable cases by the Select Committee.

16 hrs.

As far as the amendment as such is concerned, nobody can take exception to it. There is no point in saying that there is some sanctity attached to the Constitution and it should not be changed. It is true that some guarantees are given by the Constitution, but they should be understood in changed circumstances whenever found necessary. As such, there cannot be any objection to the Bill on that score. I would request the Law Minister to see that poor proprietors of small lands are not deprived of their lands without being paid adequate compensation. With these words, I support the Bill.

श्री लहरी सिंह : साहबे सदर, यह जो अमेंडमेंट लाया गया है इससे यह जाहिर होता है कि इसमें छोटे पीजेंट प्रोपराइटर्स और बड़े प्रोपराइटर्स में कोई तमीज नहीं की गई है। इसका असर छोटे मजारों पर और आर्टिजन्स तक पर होगा क्योंकि इसमें मकानों की साइट्स को और उन जमीनों को जिन पर कल्टीवेटर काबिज हैं भी शामिल किया गया है। मैं नहीं समझ पाया कि इसका मकसद क्या है। इसमें एस्टेट की एक अलग से डफीनीशन की गई है, हालांकि सिवाय कुछ स्टेट्स के सब में एस्टेट की डफीनीशन कर दी गई है और इस डेफीनीशन में सब तरह की जमीन को शामिल कर लिया गया है, यहां तक कि पास्चर लैण्ड को शामिल कर दिया गया

है। ऐसा करने से तो देहात की सारी इकानमी खत्म हो जाएगी। इसमें वेस्ट लैंड, फारेस्ट लैंड सब कुछ शामिल किया जा रहा है। मेरी समझ में इसका मकसद नहीं आया कि ऐसा किस तरह की सोसाइटी बनाने के लिये किया जा रहा है।

जो इस के बारे में सोरिश की गई उससे जाहिर है कि कहते कुछ है और अमल कुछ और करते हैं। इसमें साइट्स फार बिल्डिंग्स ऐंड अदर स्ट्रक्चर्स आकुपाईड बाई कल्टीवेटर्स तक शामिल हैं। यानी जो कल्टीवेटर्स की मकानात की साइट्स हैं और जो जमीन एग्रीकल्चरल लेबरर्स के पास है उसको भी इसमें शामिल किया गया है। इससे मालूम होता है कि इसको लाने का असली मकसद कुछ और ही है। यह बात नहीं है कि इसको सुप्रीम कोर्ट के जजमेंट की वजह से लाया गया है जिसमें रयतवारी वगैरह आ जाती है। इसका मकसद यह मालूम होता है कि पीजेंट प्रोपराइटर को आहिस्ता आहिस्ता खत्म कर दिया जाए इसके बारे में गोल्ड स्मिथ ने कहा है :

When bold peasantry their country's pride, When once destroyed can never be supplied.

मैं आपको पंजाब की मिसाल दूं। वहां कोई बड़े जमींदार नहीं थे। लोगों ने हिम्मत करके जमीनों को तोड़ा और खुद काश्त की। वे पीजेंट प्रोपराइटर थे। लेकिन इन सोशलिस्ट पटर्न की सोसाइटी बनाने वालों ने हम लोगों पर भी जिनके पास अपनी खुद काश्त के कुछ एकड़ थे उन पर भी सीलिंग लगा दी। और हमारे यहां कोई इंटरमीजियरी भी नहीं है फिर भी आप विधान के खिलाफ यह कानून हमारे लिए ला रहे हैं। एक तरफ तो आप दुनिया में नारा लगाते हैं कि हम अपने विधान के पाबन्द हैं, विधान में हमारी बेसिक पालिसी दी हुई है, लेकिन दूसरी तरफ उसको ठुकराते हैं। विधान के मुताबिक एस्टेट के मुताल्लिक जो १४४ कानून स्टेट गवर्नमेंट्स ने बनाए हैं उनके खिलाफ सुप्रीम कोर्ट भी कोई फैसला नहीं दे सकती। विधान की दफात १३, १४, १६ और ३१ में हमको हमारे अधिकारों की गारंटी दी गई है।

मैं यह अर्ज करना चाहता हूं कि जिस रोज अंग्रेज यहां से गया तो उसके जाने के बाद लोगों को कहा गया और कांस्टीट्यूएंट असेम्बली ने करार दिया कि हमारे देश में सावरिन डिमाक्रैटिक रिपबलिक कायम की जाएगी। लोग यह सुन कर बहुत खुश हुए कि देश में सावरिन डिमाक्रैटिक रिपब्लिक कायम होगी। लेकिन सावरिन डिमाक्रेटिक रिपबलिक के मानी क्या हैं। डिमाक्रेसी के मानी हैं कि परसन और प्रापर्टी को गारंटी दी जाए। विधान में धारा १३, १४, १६ और ३१ में हमारे फंडामेंटल राइट्स की गारंटी दी गई है। विधान में कहा गया है कि कोई अदालत इन राइट्स के खिलाफ फैसला नहीं दे सकती। धारा १४ में ईक्वालिटी बिफोर ला है, धारा १६ में प्रापर्टी एक्वायर करने का और डिसपोज आफ करने का अधिकार दिया गया है। जिस वक्त विधान बनाया गया था तो उसमें यह रखा गया था कि अगर शिड्यूल्ड ट्राइब्स के लिये या ऐसे ही किसी काम के लिये जरूरत हो तो जमीन ली जा सकेगी, लेकिन धारा ३१ में यह दिया गया था कि उसका वाजिब मुआवजा देना होगा। जब ये चीजें डिक्लेयर की गयीं तो लोग खुश हुए क्योंकि उनका खयाल था कि इसी तरह से डिमाक्रेसी चलायी जाएगी।

हमारा विधान बनाने के पीछे बड़े बड़े दिमाग थे जैसे स्वर्गीय सरदार पटेल डा० राजेन्द्र प्रसाद और डाक्टर अम्बेडकर। उस वक्त सारे जरिस्ट्स ने मिल कर कहा था कि हम कम्युनिस्ट फार्म आफ

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गवर्नमेंट या डिक्टेटरशिप नहीं लाना चाहते । हम तो डिमाक्रेसी चलायेंगे । उस वक्त कहा गया था कि हमारी डिमाक्रेसी में राइट्स आफ प्रापर्टी की और फंडामेंटल राइट्स की हिफाजत की जाएगी । हमको यह सारी गारंटी दी गई थी । आपका विधान २६ नवम्बर, १९४९ को बना और इस १३ साल में उसके आप १६ अमेंडमेंट कर चुके हैं और यह १७वां अमेंडमेंट करने जा रहे हैं । किसी एक्ट में भी इतनी जल्दी जल्दी अमेंडमेंट नहीं किए जाते । लेकिन यह बहाना यहां बनाया गया है कि साहब सोशलिस्ट पैटर्न की सोसाइटी कायम की जाएगी । यह सोसाइटी किसके लिये कायम की जाएगी ? कैपीटलिस्ट के लिये नहीं क्योंकि उस के पास तो प्रेस है, उसके पास गवर्नमेंट को खुश करने के लिये पैसा है और भी चीजें हैं । मरे कौन ? एक जमीन का मालिक जिस के ऊपर सोशलिस्ट सोसाइटी को तेज कर दिया गया है । एक कारखाने वाला चाहे जितनी मिलें खोल सकता है, उसके लिए कोई रुकावट नहीं है । लेकिन हमारे पास अगर ३० स्टेंडर्ड एकड़ से फालतू जमीन हो तो हम से ले ली जाएगी चाहे हमारे दस लड़के हों तो यह है सोशलिस्ट पैटर्न आफ सोसाइटी । मैं अर्ज करना चाहता हूं कि जिन पीजेंट प्रोपराइटर्स पर इस कानून का असर पड़ेगा उन्हीं के लड़कों ने हमेशा देश की रक्षा की है । आप हिन्दुस्तान की तारीख उठा कर देख लें कैपीटलिस्ट लोगों के लड़के इस काम के लिये आगे नहीं आते, और आते भी हैं तो करनल, जनरल बनने के लिए लेकिन वास्तव में देश की रक्षा इन पीजेंट प्रोपराइटर्स के लड़के ही करते हैं । ये कड़ी धूप में और बारिश में खेती में काम करके अनाज पैदा करते हैं । हमारे मंत्री साहब बहस करते हैं कि जापान में यह होता है, वह होता है, तो मुझे हंसी आती है । मैंने यहां उन काश्तकारों के बारे में सवाल किया था जिनके पास अनइकानमिक होल्डिंग हैं उनको गवर्नमेंट मदद नहीं करती पर अमरीका को अनाज मंगाने के लिये रुपया देती है । हमारे लिए डीप ट्यूब वैल्स का इन्तिजाम नहीं किया जाता, हमें सस्ते भाव पर पानी देने का इन्तिजाम नहीं किया जाता, हमें जिबह किया जा रहा है । आज एग्रीकल्चरिस्ट और कैपीटलिस्ट के बीच में डिस्टिंक्शन किया जा रहा है । आज कैपीटलिस्ट्स के पास जो कारखाने हैं, जो चीजें हैं उनको टच नहीं किया जाता क्योंकि उनके पास जबान हैं, उनके पास प्रेस हैं, लेकिन बेचारा किसान बेजबान है, उसमें इत्तिफाक नहीं है और वह तकरीबन इल्लिटरेट और इगनोरेंट है । इसीलिए उसकी गरदन आज काटी जा रही है ।

साहबे सदर, मैं अर्ज करूं कि जब यह कानून बनाये यह सारे १९, १४ वगैरह, उस वक्त यह ठीक है कि वह बड़े पीजेंट प्रोपराइटर्स हैं जो बड़े लैंडलार्ड्स हैं जो गभी काश्त नहीं करते थे अंग्रेजों के जमाने में गदर के वक्त में अंग्रेजों के प्रति वफ़ादार रहने के लिये बतौर इनाम के उनको जमीनें और गांव मिले थे, ऐसे बड़े लैंडलार्ड्स के बारे में आप जस्टीफ़ाइड हो सकते हैं लेकिन जो खुद काश्त करने वाले थे उन के लिये आप ने क्या किया; आप ने १९ (५) क्लाज में यह दिया कि शैड्यूल्ड ट्राइब्स के लिये या पबलिक इंटैरस्ट के लिये ले लो । लेकिन साथ में ३१ के अन्दर दिया कि कम्पेंसेशन देना पड़ेगा बगैर कम्पेंसेशन के आपने बहुत से कानून बनवा दिये । जब उन के खिलाफ़ सुप्रीम कोर्ट में सुनवाई हुई तो सुप्रीम कोर्ट ने वहां यह फैसला दे दिया कि बगैर मुआविजा दिये जमीनें वगैरह नहीं ली जा सकती हैं । इसके लिये सरकार ने ३१-ए दफ़ा बना दी

कि १३, १४, १६ और ३१ दफ़ा को अगर कोई वायड कहे तो ३१-ए की रू से वह वायड नहीं हो सकेंगे। ३१ ए में एक दूसरा अमेंडमेंट कर दिया गया और वह यह कि कोई भी अदालत मुआविजे के सवाल को टच नहीं कर सकती है। मुआविजे के मैयड्स को कोई कोर्ट टच नहीं कर सकता है। जो भी गवर्नमेंट मुआविजा मुकर्रर कर देगी वह फ़ाइनल होगा। इसका नतीजा यह हुआ कि गवर्नमेंट ने सन् १९४९ में जनता को जो फंडामेंटल राइट्स की ताक़त दी थी उन बुनियादी अधिकारों को ३१-ए ला कर पैर के नीचे पामाल कर दिया। यह साफ़ कह दिया गया कि मैनर्स आफ कम्पेंसेसन के बारे में कोई कोर्ट अथवा सुप्रीम कोर्ट टच नहीं कर सकता है। मुआविजा सम्बन्धी सवाल अदालत की पावर के बाहर कर दिया गया। इसके लिए ३१-ए दफ़ा पास कर दी। चाहे १३ हो, १४ हो, १६ हो कोई भी हो, अगर वह विधान के खिलाफ़ होगी तो भी इस ३१-ए की रू से वायड नहीं मानी जायेगी। एक तरफ तो आप संविधान में फंडामेंटल राइट्स रखते हैं और दूसरी तरफ़ यह चीज़ रखते हैं कि भले ही उन कानूनों में चाहे कोई खराबी हो लेकिन ३१-ए के कारण किसी कोर्ट को इसका हक़ हासिल नहीं है कि वह उनको ग़ैरकानूनी घोषित कर दे। अब आप ही बतलाइये कि वह गवर्नमेंट जो सोशलिस्टिक पैट्रन का ढांचा कायम करने का दावा करती हो वह एक तरफ तो जैसा कि डा० लोहिया ने कहा कैपटेलिस्ट क्लास को पैदा कर रही है, लोहिया साहब ने जैसा बतलाया कि पूंजीपति ५० लाख बन चुके हैं और दूसरी तरफ गरीब और गरीब हो रहे हों और उनको भूखों मरने की नौबत पेश आ रही हो, उनका वह दावा कहां तक सही है? एक तरफ़ तो आप संविधान में मूलभूत और बुनियादी अधिकारों की बात करते हैं लेकिन दूसरी तरफ ३१-ए से यह प्रोवाइड कर देते हैं कि चाहे १४, १६, ३१ वगैरह में कितनी ही ख़राबी हो, लेकिन उस क्लाज को टच नहीं किया जायेगा। अब भला यह कैसा इंसाफ है? यह क्या डेमोक्रेसी हुई जिसका कि आप आये रोज दम भरते रहते हैं? यह तो डेमोक्रेसी नहीं बल्कि डिक्टेटरशिप हुई। काम तानाशाही का करेंगे और दम भरेंगे डेमोक्रेसी का। डेमोक्रेसी कहीं इस तरह से चला करती है?

आप सोशलिस्टिक पैट्रन क़ायम करने का जो दावा करते हैं वह महज़ एक धोखा है और बहानेबाजी है। दरअसल आप कम्युनिस्ट टेंडेंसी की शक्ल में चल रहे हैं। इस तरह से आप एक गरीब काश्तकार को, आर्टिज़न लेबरर को मारना चाहते हैं यह बहाना करके कि हम सीलिंग रख कर सोशलिस्टक पैट्रन क़ायम करने जा रहे हैं।

मैं इस बारे में पंजाब की एक मिसाल हाउस के सामने रखना चाहता हूं। पंजाब में एक किसान के पास ५० स्टेंडर्ड एकड़ जमीन है। उसके पांच लड़के हैं। १०, १० एकड़ पर पांचों लड़के अलहदा अलहदा काश्त कर रहे हैं। उनसे आप ३० स्टेंडर्ड एकड़ के नाम पर कहते हैं कि ३० स्टैण्डर्ड एकड़ ले लो, तो क्या होगा? उन पांचों लड़कों से सब से दो, दो एकड़ लिया जायेगा। अब वह कहां अपनी फरियाद ले कर जायेंगे? उनकी क्या हालत बनेगी और वह किस तरह से उस हालत में जिंदा रह सकेंगे? बात आप प्रजातंत्र और डेमोक्रेसी की करते हैं लेकिन आपने शैड्यूल नम्बर ९ को अमेंड करके जो १४४ एक्ट्स थे और जो कि प्लानिंग के इशारे पर और सोशलिस्टक पैटर्न का बहाना ले कर ग़लत तरीके पर बनाये गये थे और जो कि कोर्ट की नज़र में वोयड होते थे, उन सब को आपने शैड्यूल अमेंड करके वोयड होने से

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बचा लिया है और उन पर मुहर लगा दी कि उन के बारे में सुप्रीम कोर्ट या कोई भी कोर्ट टच नहीं कर सकेगा। यह आपका इंसाफ है ? कांस्टीट्यूशन में आपने जो फंडामेंटल राइट्स इस देश के नागरिकों को प्रदान किये थे उनको इस तरह से कानून में संशोधन करके आप डिफाई कर रहे हैं। गरीब आदमियों की जमीनें खोंस ली हैं, मुजारे खराब हो रहे हैं और वह अदालत में उसके विरुद्ध चाराजोई नहीं कर सकते क्योंकि आपने ९ शैडयूल को अमेंड करके देश भर में जो १४४ कानून बन चुके हैं, आफ्टर इंडिपेंडेंस स्टेट्स में जो १४४ कानून बनाये हैं, उनको कोई भी अदालत टच नहीं कर सकेगी। यह फंडामेंटल राइट्स की आप काश्तकारों के लिये गारन्टी कर रहे हैं ? पंजाब जैसे राज्य में जहां से कि आपको फौज वगैरह में लम्बे तगड़े जवान मिलते हैं उनको इस तरह से खत्म कर रहे हैं। लोग परेशान हो कर मुझसे पूछते हैं कि चौधरी साहब आखिर यह हो क्या रहा है ? पंजाब गवर्नमेंट जो इस तरह से हमारी जमीनें खोंसे ले रही है तो क्या सेंट्रल गवर्नमेंट सो रही है ? मैंने कहा कि सेंट्रल गवर्नमेंट एक आइडिएलिस्टक टौक में चल रही है। उसको इसकी पर्वाह नहीं है कि हमारे लड़के और मुजारे किस तरह से मर रहे हैं और परेशान हो रहे हैं। सुप्रीम कोर्ट ने हालांकि साफ़ कह दिया कि यह क़ानून वोयड हैं, खराब हैं तो हमारी प्रजातंत्र का दम भरने वाली सरकार ने सोशलिस्टिक पैटर्न और प्लानिंग का बहाना लेकर कानून में ऐसा संशोधन कर दिया कि यह मामला अदालत के दखल का ही नहीं रह गया है और इस तरह से मुजारों को खत्म किया जा रहा है। आज हालत यह हो रही है कि गरीब और भी ज्यादा गरीब होता जा रहा है। अब लोग कम्युनिस्ट नहीं बनेंगे तो क्या बनेंगे ? अब हम ने कोई टाटा या बिड़ला को पालना है ? हम ने क्या किसी पूंजीपति को पालना है कि हम आपको सलाम करें और आपकी राय लें ? आपकी हिफ़ाजत करने वाले ज्यादातर वह लड़के और मुजारे ही हैं। अब यह क्या इंसाफ़ है कि हमारे गरीब लोग दिल्ली बाजार में मारे मारे फिरें, भूखों मरें और पूंजीपति लोग मजे से आलीशान इमारतों में बैठ कर मौज उड़ायें ? यह भी कोई इंसाफ़ है कि हम गरीब काश्तकार और मुजारों को इस तरह से तबाह किया जाय, मारा जाय ? हमारे भाई भतीजे और घर वाले लद्दाख में बर्फ में मोर्चा जमाए पड़े हैं और उन के बच्चे और आश्रित लोग जो कि पीछे यहां पर हों उनसे इस तरह से उनकी जमीनें खोंसी जा रही हैं। आज वह रोते हैं और आप सोच सकते हैं कि जब उन के घरवालों की चिट्ठी उन जवानों के पास जाती होगी कि हमें पीछे यहां इस तरह से तबाह कर दिया गया है तो उनके दिल पर क्या बीतती होगी ?

अब जमीन की जो सीलिंग हम करने चले हैं तो उन के पास है ही कितनी ? ३० स्टैन्डर्ड एकड़ की सीलिंग आपने फिक्स की है अब उस के पांच छः लड़के हैं तो उनका क्या बनेगा ? आज वह बेजार रोते हैं। मेरा कहना है कि सरकार अपनी इस आइडियेलिस्टक टौक को छोड़े। अगर आपका इरादा हमें सात या आठ आने देने का है तो सब के साथ वही बर्ताव आपको करना चाहिये। लैट देयर बी फेयर ट्रायल टु एबीवडी। यह क्या कि एक क्लास ऊंचे जा रही है और दूसरे को आप इतने कुचले डाल रहे हैं? मुझे मालूम है कि एक बड़े कैपिटैलिस्ट हैं जो कि आये साल मिलें खड़ी कर रहे हैं। उन के पास इतना धन हो गया है कि आये साल वह नई मिलें खड़ी करते जा रहे हैं। क्या आप हमें उनका पल्लेदार बनाना चाह रहे हैं? या यह चाहते हैं कि हम उनके कारखाने में लेबरर्स की शक्ल में जाकर उनके हाथ

जोड़ें ? इस तरह का बर्ताव कर के हम से आप यह उम्मीद करते हैं कि हम तलवार धारण करें । आजकल के हालत में क्या हम इतने ताक़तवर हो सकते हैं कि तलवार उठा सकें ? मेरा कहना है कि हम उतने ताक़तबर नहीं हो सकते हैं । पंजाब का आदमी इसलिय नहीं कि वह कोई बड़े ज़मींदार होते थे, बल्कि इसलिए कि वह खुद खेती करता था, मशक्कत करता था अपनी ज़मीन से पैदा करता था और वह आपको बैस्ट बफैलोज, बैस्ट गायें और बैस्ट नौजवान फौज के लिये दे रहा था, इस तरह से सीलिंग कर देने से उसकी हालत बड़ी अबतर होने वाली है और उन का वह हिस्सा और पार्ट जो कि आज वह प्ले कर रहे हैं, कायम नहीं रह सकेगा । इतिहास इस बात का गवाह है कि हुमायूं कामरान और अपने दूसरे भाइयों से इसलिए हारा कि क्योंकि उसके भाइयों ने पंजाब से अपने जवान फौज में इकट्ठे किये थ । आज पंजाब स्टेट को आप इस तरह से खत्म कर रहे हैं ।

आज यह कांस्टीट्यूशन का सत्तरहवां अमेंडमेंट बिल लाकर फंडामेंटल राइट्स को आप ख़त्म कर रहे हैं । जिन क़ानूनों को सुप्रीम कोर्ट ने वौयड क़रार दे दिया है उन को आप नवें शैडयूल को अमेंड करके यह प्रोवाइड कर रहे हैं कि जितने भी स्टट्स ने १४४ क़ानून बनाये वह सब ठीक माने जायेंगे और अदालत में उनको चुनौती नहीं नहीं दी जा सकेगी । अब स्पीकरसाहब. यह बात कैसी चलेगी ? यह पोज़ीशन कैसे बनेगी ? इस तरह का अमेंडमेंट लाकर संविधान के साथ मखौल किया जा रहा है और उसको रद्दी की टोकरी में फेंका जा रहा है । एक तरफ यह विधान कहता है कि नागरिकों को फंडामेंटल राइट्स मिलेंगे और दूसरी तरफ उनको आप इस तरह से अमेंडमेंट लाकर नलिफ़ाई कर देते हैं । दरअसल मालूम यह होता है कि कांस्टीट्यूशन में हमने जो फंडामेंट्ल राइटस रक्खे थे वे महज़ हाथी के दांत दिखाने के थे । वह अमल में लाने के लिए हमने नहीं रक्खे थे । अमल में लाने यह जा रहे हैं कि ९ शैडयूल में उन तमाम १४४ एक्ट्स को जिनको कि तमाम स्टेट्स ने पास किया था उनको वौयड होने से रोक दिया है और उन के विरुद्ध सुनवाई के लिए सुप्रीम कोर्ट या किसी भी अदालत का दरवाज़ा बंद कर दिया गया है । यह डेमोक्रेसी नहीं चल रही है बल्कि दरहक़ीक़त डिक्टेटरशिप चल रही है । डेमोक्रेसी को जिंदा रखने के लिए कोर्टस आवश्यक होते हैं जो कि गवर्नमेंट और ऐग्ज़ीक्यूटिव ऐक्शन अगर बेजा हो तो उस पर चैक रखते हैं। लेकिन आप ने इस को पास कर के कोर्टस को पावर बिलकुल ख़त्म कर दी है । उसके अंदर आपने यह प्रोवाइड कर दिया है कि मुआवजे के बारे में कोर्ट बोल नहीं सकते । उसके बारे में सुप्रीम कोर्ट डिसाइड नहीं कर सकता । अब ग़रीब जनता के पास सिविल लिटिगेशन ही एक रास्ता रहता है जहां कि वह ऐग्जीक्यूटिव ऐक्शन के विरूद्ध अदालत का दरवाज़ा खटखटा सकती है और इंसाफ़ की पुकार कर सकती है लेकिन वह दरवाज़ा भी आपने इस तौर पर बंद कर दिया है । अब वह जायें तो कहां जाय । अब जैसा कि मुग़लों के ज़माने में होता था कि लोग बाग दरबारे मुगलिया में अपनी फरियाद लेकर पहुंचते थे और अपनी रोते गाते थे और होता यह था कि किसी की सुन ली जाती थी तो किसी की नहीं सुनी जाती थी, ठीक वही हालत आप हमारी कर रहे हैं ।

यह ठीक है कि ज़मीन पबलिक इंटरैस्ट में है ऐसा कह कर आप उसे एक्वायर कर सकते हैं लेकिन क़ानून में यह भी तो साफ़ दिया हुआ है कि उसका जायज़ मुआविज़ा मिलना चाहिये । अब कोर्ट डिसाइड कर सकता है कि मुआविज़ा ठीक दिया गया या नहीं, फरियादी मुआवजे के सवाल को लेकर कोर्ट में जा सकता था लेकिन आपने सन् ५५

[श्री लहरी सिंह]

के अन्दर अमेंडमेंट ला कर इस कोर्ट के परव्यू के बाहर कर दिया । आपने यह प्रोवाइड कर दिया कि मुआविज़ा तो हम देंगे लेकिन उस को डिटरमिन करने का जो प्रोसैस होगा, उसको देने का जो एक उसूल होगा वह हम बनायेंगे लेकिन कोई भी अदालत उसको टच नहीं कर सकेगी । अब सरकार क्या उनको मुआविज़ा देगी इस बारे में एक अल्फ़ाज़ भी उस में नहीं लिखा है । मुआविज़ा क्या दिया जायेगा ? ज़ीरो दिया जायगा । उस में फकत यह कह दिया है कि हां हम तुम्हें बटाई दे देंगे । ६ महीने के बाद तुम आकर ले लेना । उस एक्ट के बारे में कानून बन रहा है पंजाब सिक्योरिटी लैंड टैन्योर ऐक्ट । मैं और स्टेट्स के ऐक्ट्स से तो ज्यादा वाक़िफ नहीं और उनको ज्यादा नहीं पढ़ सका । इस पर मोहर लगा दी है हम ने, चाहे यह कितना ही भी ख़रोब हो. कितना भी संविधान के ख़िलाफ़ हो . कोई कम्पेन्सेशन हो या न हो, तुम बोल नहीं सकते, तुम को हक हासिल नहीं है। क्या यह इन्साफ़ है? क्या ये डेमोक्रेसी के प्रिंसिपल्ज हैं? यहां पर बड़े जोर से कहा जा रहा है कि हम डेमोक्रेसी को कायम करना चाहते हैं । मैं नहीं समझता कि ये डेमोक्रेसी के तरीके हैं ।

सोशलिस्ट पैटर्न के मानी ये हैं कि धन-दौलत की डिस्ट्रिब्यूशन को ठीक कराया जाये । बड़े बड़े बैंक्स को नैशनलाइज़ करो । मैं इस बारे में कोई कम्यूनिस्ट व्यूज़ का नहीं हूं, लेकिन मैं कहना चाहता हूं कि लाइफ़ इन्शोरेंस का जो रुपया था. उस में कुछ आदमियों का हिस्सा था । उस को नैशनलाइज़ कर दिया गया । लेकिन बैंकों में तो आम पब्लिक का रुपया डिपाज़िट होता है । आप उन बैंकों को क्यों न नैशनलाइज़ करो, जिस से आप को अस्सी करोड़ रुपया सालाना मिल सकता है ? लेकिन आप उन को टच करने के लिए तैयार नहीं है, क्योंकि वहां पर सोशलिस्ट पैटर्न के माने और हो जाते हैं । आप उनको टच नहीं करना चाहते । लेकिन आप एक ग़रीब आदमी, दो चार एकड़ के मालिक, की नाक रगड़ना चाहते हो । उस को कहते हो कि तुम को ख़त्म करेंगे । मैं फिर गोल्डस्मिथ की इस बात को रिपीट करना चाहता हूं कि अगर बोल्ड पैज़न्ट्री को ख़त्म कर दिया जायेगा, तो फिर इस मुल्क का काम नहीं चलेगा । आख़िर बहादुर आदमी भी वही होते हैं, जो रात-दिन मुशक्कत करते हैं जो रात के वक्त जागते हैं जो लाठी लेकर जंगल में घूमते हैं जो डरते नहीं हैं । कोई पैदाइशी बहादुर घर में पैदा नहीं होते हैं । मां के पेट से नहीं होते हैं । इस में प्रोफेशन बड़ा पार्ट प्ले करता है । जिसका प्रोफशन सख़्त होगा, वह आदमी भी तगड़ा होगा ।

जैसा कि मैंने पहले कहा है बैंकों को नैशनलाइज़ करो जिन के पास डयूज़ एमाउंट है। बैंक वाले रुपया कहां ले जाते हैं ? आप ने डालमिया केस के बारे में पढ़ा कि वे लोग उस रुपये को कारखानों में लगाते हैं यह नहीं कि पब्लिक के लिए दे दें । किसानों, क्लर्कों और दूसरे छोटे और गरीब लोगों पर कम्पलसरी डिपाज़िट स्कीम लागू की जाती है. जो कि भूखे मर रहे है । हालांकि बैंकों का रुपया, जो कि डिपाज़िट की शक्ल में हम लोग देते हैं कुछ फैमिलीज़ के पास रहता है, लेकिन फिर भी बैंकों को नैशनलाइज़ नहीं किया जाता है । आप के पड़ोस में बर्मा ने बैंकों को नैशनलाइज़ किया । कोई जुल्म नहीं किया । सोशलिस्ट पैटर्न के मानी ये हैं कि धन-दौलत को इस तरह तक्सीम करो कि सब के हिस्से बराबर बराबर आ जाये । यह न हो कि एक तो बड़ा लखपति

हो, एक को आमदनी तीन लाख रुपये महीना हो और एक के पास सात या पंद्रह आने आते हों ।

इसी तरह से कारखानों को भी रेगुलेट करो और आयल फ़ैक्टरीज़ और पैट्रोल के काम को भी रेगुलेट करो । लेकिन उन को तो टच नहीं करना है, क्योंकि—हालांकि मेरे मुख से यह कहना शोभा नहीं देता—वे बहुत बड़े हैं, उन का रुसूख़ बड़ा है, उन की ताकत बड़ी है, उन का प्रैस बड़ा है, उन के आदमी बड़े हैं । आप उन को टच नहीं कर सकते । एम्बैसेडर कार को पार्टीशन से पहले दो हज़ार में ख़रीदने वाला कोई नहीं था, लेकिन आज उस मोटर का सोलह हज़ार रुपया दिया जाता है । कौन देता है ? पब्लिक दे रही है और वह सब रुपया बड़े बड़े कैपिटलिस्ट्स के पास जा रहा है ।

हम इस हाउस के लीडर को वैलकम करेंगे, हम खुश होंगे, अगर वह इतने बोल्ड होंगे कि बैंकों का नैशनलाइज़ कर दें, लेकिन वह इतने बोल्ड नहीं होते हैं और हम को मार रहे हैं । या तो उन का ख़याल है कि ये खेती करने वाले अड़ियल हैं, इलैक्शन में हैंकी-पैंकी कर लेते हैं और हमारी बहुत सी बातें नहीं मानते हैं । कोई न कोई बात तह में है । सोशलिस्ट पैटर्न का तो सिर्फ़ बहाना है । अगर साशलिस्ट पैटर्न लाना है, तो लॉ मिनिस्टर और प्राइम मिनिस्टर बोल्डली कहें कि हमने इस मुल्क में इन्क्लाब लाना है और हम ने धन-दौलत का ठीक तरह से तक्सीम करना है । एक तो यहां पर ऐश करे चार-मंज़िला मकान में और एक बेचारा ग़रीब मरता रहे, क्या यह सोशलिस्ट पैटर्न है ? इस बहाने से तुम पैज़ेन्ट प्रोप्राइटर्ज़ को भी ख़त्म कर रहे हो, यह एमेंडमेंट ला कर एग्रीकल्चरल लेबरर्ज़ और आर्टिसन्ज़ को भी ख़त्म कर रहे हो ।

अध्यक्ष महोदय : माननीय दस्य बहुत पुराने पार्लियामेंटेरियन हैं और मिनिस्टर भी रहे हैं । वह जानते हैं कि .

श्री लहरी सिंह : मैं मिनिस्टर ज्यादा रहा । तब बोलने की ज़रूरत नहीं पड़ी । यहां आ कर बोलने की ज़रूरत पड़ी ।

अध्यक्ष महोदय : . . . यह कायदा नहीं है कि पार्लियामेंट में मिनिस्टर को सीधे एड्रेस कर के "तुम" कहा जाये ।

Shri Lahri Singh: I am extremely sorry. I shall address you hereafter.

मैं जनाब के ग्रू मिनिस्टर साहब को पूछना चाहता हूं कि इस एमेंडमेंट में जो यह कहा गया है: 'sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans', यह क्या चीज है । पंजाब में और हर एक जगह "एस्टेट" की डेफिनीशन है । यह क्या चीज है इस की तह में । आप पब्लिक को किस तरह सेटिसफाई करोगे ।

मैं ज्यादा वक्त न लेते हुए यह अर्ज करना चाहता हूं कि सरकार जरा सीधा हो कर चलना सीखे । इन टेढ़ी-मेढ़ी बातों में पब्लिक नहीं आने आने वाली है । आप सोशलिस्ट पैटर्न करो, हम राजी हैं । सब के साथ बराबरी का बर्ताव करो । आप ने बड़ों बड़ों की जमीनें ले लीं । कह दिया कि जो बड़े लोग काश्त नहीं कर सकते, उन की जमीनें ले लीं । लेकिन जितने बड़े जमींदार थे, उन के बराबर ही कैपिटलिस्ट्स भी थे । उन को छुआ कहां गया ।

मैं कहना चाहता हूं कि यह विधान बनाया है बड़े बड़े लर्निड आदमियों और बड़े बड़े जूरिस्ट्स ने । क्या जरूरत पड़ी कि इस विधान में फंडामेंटल राइट्स के जरिये प्रापर्टी के लिए जो गारण्टी दी गई थी, उस को खत्म किया जा रहा है, उस को वैस्ट-पेपर वास्केट में फेंका जा

[श्री लहरी सिंह]

रहा है और उन फंडामेंटल राइट्स को इग्नौर किया जा रहा है। बहाना रिफार्म्ज का किया जा रहा है। कहा जा रहा है कि हम जापान की तरह बनाना चाहते हैं। अगर हिम्मत है, तो जापान की तरह बनाओ। हम खुश होंगे। लेकिन साथ ही दूसरे पहलुओं को भी देखो, सब के साथ एक सा बर्ताव करो, ऐसा न करो कि एक के साथ एक बर्ताव और दूसरे के साथ दूसरा बर्ताव किया जाये। मिनिस्टर साहब फरमाते हैं कि हम लार्ज प्रोप्राइटर्ज को खत्म करना चाहते हैं। कहां हैं लार्ज प्रोप्राइटर्ज ? सीलिंग क्या है ? अगर आपने वहां पर ट्यूबवैल सिस्टम दे रखा हो, कदम कदम पर पानी दे रखा हो, तब तो आप कह सकते हो। कौन दे सकता है ४४ हजार, ५० हजार, ६० हजार रुपया ?

एक अमरीकन से मेरी बात हुई। मैंने उस से पूछा कि तुम्हारी जमीन ब्रैकिश थी, तुम ने उस का क्या इन्तजाम किया। उस ने कहा कि हम ने डीप ट्यूबवैल खोदे एक एक लाख फीट पर और आज पानी ही पानी है। आप जमींदार को लैक्चर देते हो कि जापान की तरह चलो, लेकिन वहां पर पानी नहीं है। जहां पानी है, वहां आप के इरिगेशन सिस्टम के डिफेक्ट से, ड्रेंज की वजह से, इतना पानी आ चुका है कि वह खत्म हो रहा है। आप ड्रेंज का इन्तजाम न करायें, वैरन लैंड्ज को पानी आप न दें और लैक्चर यह पिलायें कि हम बड़ा सोशलिस्ट पैटर्न कायम करने जा रहे हैं।

मैं चाहता हूं कि गवर्नमेंट इन बहानों को छोड़ कर स्ट्रेट वे में चले, ताकि पब्लिक भी समझे और छोटे छोटे आदमी भी समझें कि सोशलिस्ट पैटर्न के मानी ये हैं कि डिस्ट्रिब्यूशन आफ वैल्थ किस शक्ल में होना चाहिए और यह धोखा नहीं होना चाहिए।

श्री सुमत प्रसाद (मुज्जफरनगर) : अध्यक्ष महोदय, इस बिल पर एक बड़ा एतराज यह किया गया है कि हमारा जो कांस्टीट्यूशन बहुत बड़े जूरिस्ट्स ने बनाया था, उस को सोलह मर्तबा तरमीम किया जा चुका है और अब सत्रहवीं मर्तबा तरमीम किया जा रहा है। यह कांस्टीट्यूशन एक आबजेक्टिव हासिल करने के लिए बनाया गया था, इस मुल्क में डेमोक्रेसी चलाने के लिए बनाया गया था। कोई डेमोक्रेसी उस हालत में नहीं चल सकती है, जब एक तरफ बहुत अमीर आदमी हों और दूसरी तरफ बहुत गरीब आदमी हों। यहां ८५ परसेंट के करीब ऐसे किसान हैं, जिन के पास पांच एकड़ से कम जमीन है। यह कहना बिल्कुल गलत है कि विधान में यह संशोधन करने से किसानों का नुक्सान होगा। हां, उन आदमियों का जरूर नुक्सान होगा, जिन के पास बड़ी जमींदारी है, जिन के पास काश्त की बहुत बड़ी जमीन है।

अगर इस मुल्क में खुशहाली न हो, तो यहां डेमोक्रेसी नहीं चल सकती है। यह भी कहा गया कि सरदार पटेल और डा० राजेन्द्र प्रसाद के सामने यह कांस्टीट्यूशन बना। ठीक है। लेकिन उन्हीं के नेतृत्व में १९३१ में कांग्रेस ने एक तहरीक चलाई थी कि लगान कम किये जायें और उन्हीं के नेतृत्व में यू० पी० में लैंड रिफार्म्ज क एक बुनियाद कायम की गई थी, जब कि जमींदारी एबालिशन के विषय में एक कमेटी बनाई गई थी। उस समय यह सिद्धांत मान लिया गया कि काश्तकार और सरकार के दरमियान में इन्टरम डियरीज नहीं रहगे और काश्तकार अपनी जमीन का खुद मालिक होगा। अगर कांस्टीट्यूशन इस बात में बाधक है, अगर सुप्रीम कोर्ट या हाई कोर्ट का कोई फैसला होता है जो कि हमारा जो मुद्दा है, हमारा जो मकसद है, उसको पूरा नहीं होने देता है तो हमारी सरकार उस सूरत में बिल्कुल हक जानिब है कि वह संविधान में तरमीम करे और इस गर्ज से करे कि इस मुल्क में खुशहाली हो, बड़ी तादाद में जो लैंडलैस लैबरर्ज हैं, उन के

पास भी जमीन हो, जो बहुत छोटे किसान हैं, उनके पास भी जमीन हो ।

इस बिल को पेश करते हुए, सिलैक्ट कमेटी के सुपुर्द करने की तहरीक पेश करते हुए अटार्नी जनरल ला मिनिस्टर ने दो कारण बतलाये हैं । पहला यह बतलाया है कि कुछ सूबों में कुछ जमीनें ऐसी हैं जो कि स्टेट की डेफीनीशन में नहीं आती हैं, इसलिए स्टेट की डेफीनीशन को वह तबदील करना चाहते हैं ताकि जो जमींदारों की, ऐबसेंटी लैंडलार्डस जमीनें हैं, जो किसानों की जमीनें हैं, वे उस डेफीनीशन में आ जायें । दूसरे उन्होंने यह बताया है कि सीलिंग जब लगाई जाए तो उस सीलिंग को कहीं चैलेंज न किया जा सके ।

मैं पूछना चाहता हूं कि कितने आदमी हैं जिन के पास ५०–५० या १००–१०० या ५००–५०० एकड़ जमीनें हैं और जिन का वे ठीक तरीके से इंतजाम भी नहीं कर सकते हैं ? थोड़ी देर के लिए अगर मान लिया जाए कि वे मुनासिब तरीके से इंतजाम भी कर सकते हैं तो भी क्या यह उचित होगा कि ८५ परसेंट तो ऐसे आदमी हों जिनके पास पांच एकड़ से भी कम जमीनें हों और १५ परसेंट ऐसे हों जिन के पास बड़ी जबर्दस्त जमींदारियां हों । मैं समझता हूं कि जो हमारी कांस्टीट्यूशन की डायरेक्टिव पालिसी है और साथ ही साथ अपने प्लान में हम ने जो लैंड रिफार्म की पालिसी बनाई है, उसको पूरा करने के लिये यह बहुत जरूरी है कि इस तरह का संशोधन किया जाए जो आज प्रस्तावित किया गया है ।

एक बात गौर तलब है । इस में १२१ के करीब एक्टस को नवें शैड्यूल में शामिल करने का सुझाव दिया गया है । जो कारण है वह तो यह है कि इंटरमीडियरीज न रहें और दूसरा यह है कि लैंड सीलिंग हो । लेकिन उन एक्टस में ऐसे प्राविजन भी हो सकते हैं जो किसी कानून की किसी धारा के खिलाफ हों या जस्टिस के खिलाफ हों । इसलिए मेरा सुझा सिलैक्ट कमेटी से यह है कि वह हर एक को गौर से देखे और बताये कि फिलहाका जो दो आब्जैक्ट्स हमारे सामने हैं, उनको पूरा करने के लिए कितने कानूनों को इस में नवें शैड्यूल में शामिल करना जरूरी है । केवल उन्हीं कानूनों को इस में शामिल किया जाना चाहिये ।

श्री बड़े : यह रयोतबारी कानून भी इस में ले लिया है ।

श्री सुमत प्रसाद : सिलैक्ट कमेटी इसको एग्जेमिन करेगी कि कौन से कानून ऐसे हैं, जिन को सीलिंग लगाने की गर्ज से शामिल करना जरूरी है या इंटरमिडिअरीज को खत्म करने की गर्ज से शामिल करना जरूरी है ।

इस सदन में कम्पैसेशन को ले कर काफी चर्चा की गई है । जहां तक कम्पसेशन का ताल्लुक है, उस पर चर्चा करना यहां बेमानी है । यह चीज तो जब स्टेट्स में बिल पेश होंगे, उनमें होगी । यह तो एनेबलिंग मेयर है ताकि सीलिंग लगाई जा सके और इंटरमिडिअरीज को खत्म किया जा सके और एस्टेट्स को ले कर, उनका मुआवजा दे कर, छोटे किसानों को, जमीनें दी जा सकें या उन लोगों को दी जा सकें, जिन के पास जमीनें बिल्कुल नहीं हैं ।

जहां तक मार्किट रेट की बात है, अगर उस हिसाब से जमीनें ली जायें तो कभी भी जमींदारी एबालिशन नहीं हो सकता है । हिस्ट्री को अगर ट्रेस किया जाए तो पता चलेगा कि एग्रिकलचरल लैंड्ज की जो कीमतें बढ़ी हैं, वे कई कारणों से बढ़ी हैं, सोशल कारणों से बढ़ी हैं, पोलिटिकल कारणों से बढ़ी हैं, या दूसरे कंसिड्रेशन इस में आ जाते हैं । हर ऐसी बात नहीं है कि जो जमीन के मालिक थे, उन्होंन पुरुषार्थ से, पैसा लगा कर जमीनों का डिवेलेपमेंट किया है . . . .

श्री रामेश्वरानन्द (करनाल) : ऐसे ही हो जाता है क्या ?

श्री सुमत प्रसाद : पचास वर्ष पहले जो जमीन की कीमत थी वह आज . . . .

अध्यक्ष महोदय : कुछ खड़े हो कर और कुछ बैठ कर बात नहीं की जाती है ।

श्री रामेश्वरानन्द : खड़े हो कर कह देता हूं । वैसे ही अनुकूल हो जाती है क्या ? इवैसे ही अगर हो जाती है तो उन्होंने भी कर रखी होगी ।

श्री सुमत प्रसाद : जिस जमीन की पचास बरस पहले जो कीमत थी उसका मुकाबला आप करें उस सूरत में कि उसके मालिक ने कोई डिवेलेपमेंट नहीं किया है, कोई पुरूषार्थ नहीं किया है और अब कितनी उसकी कीमत बढ़ गई है . . .

श्री रामेश्वरानन्द : खेती बाड़ी जो करते हैं, वे वैसे नहीं रहे जैसे पहले थे । दुनिया भी पहले जैसी नहीं रही । किसान बहुत मेहनत करता है ।

श्री सुमत प्रसाद : यह जो बिल है, यह उनके हित में है । इस में कोई बात ऐसी नहीं है जो कांस्टीट्यूशन की स्पिरिट के खिलाफ जाती हो या जो हम ने लेंड रिफार्म पालिसी बनाई है, उसके खिलाफ जाती हो । उस पालिसी को पूरा करने के लिए और गरीब किसानों की हालत को बेहतर बनाने के लिए, उनको खुशहाल बनाने के लिये यह जरूरी है कि केरल हाई कोर्ट तथा सुप्रीम कोर्ट के फैसलों की वजह से जो अड़चन पैदा हो गई है उसको दूर किया जाए । हमारा जो मकसद है, वह पूरा होना चाहिए । हमारी जो पालिसी है, उसको कार्यान्वित करने के लिए अगर किसी कानून में संशोधन करने की आवश्यकता महसूस होती है, तो वह किया जाना चाहिये ।

Shri Maniyangadan (Kottayam): Sir, much was said about the sanctity of the Constitution and also of the Fundamental Rights. I am not very happy and I am sure the Government also will not be very happy in bringing amendments to the Constitution very often. But the fundamental principles of our Constitution have been laid down in the Directive Principles. Reference was made to article 39(c) of the Constitution; I do not want to repeat that. Now, if these principles of the Constitution could not be implemented, it is necessary that the Constitution has to be amended. It is not because this Parliament has declared that we have in view the socialist pattern of society but because our Constitution has laid down certain fundamental principles. Land reform is an important problem as India is an agricultural country. It has both social and economic aspects. Even before attaining Independence Congress Party had declared what its agrarian policy will be. There is the Karachi Resolution of the Congress. Again in 1947, an agrarian reforms committee was set up by Congress with late Mr. Kumarappa as Chairman; Prof. Ranga was its member. I do not want to go into the report of that committee but that lays down the principles of agrarian reform that should be adopted. I submit that there is no deviation hitherto made by the Central or the State Governments from the principles laid down in that report.

Shri Ranga has of course changed his views and we have only to be sorry for him. As regards the principles laid down by the Planning Commission, it was stated here that the Supreme Court judgment and the high court judgment have said much against these various Governments or the Kerala Government or the land reform policies of the Government. That is not a fact. They have accepted the basic principles of land reform laid down by the Planning Commission.

I may be permitted to read a certain portion of the judgment of the Supreme Court in the case of Puru-

shothaman Namboodiri *versus* the State of Kerala:

"It is well known that the Constitution (First Amendment) Act of 1951 was made in order to validate the acquisition of zamindari estates and the abolition of permanent settlement. The acquisition of zamindari rights and the abolition of permanent settlement, however, was only the first step in the matter of agrarian reform which the Constitution-makers had in mind....After the zamindari abolition legislation was thus passed, the Constitution-makers thought of enabling the State legislatures to take the next step in the matter of agrarian reform. As subsequent legislation passed by several States shows, the next step which was intended to be taken in the matter of agrarian reform was to put a ceiling on the extent of individual holding of agricultural land. The inevitable consequence of putting a ceilling on individual occupation or ownership of such agricultural land was to provide for the acquisition of land held in excess of the prescribed maximum for distribution among the tillers of the soil."

This is said by the Supreme Court as a salutary principle. In this judgment, they considered certain lands in the erstwhile Cochin State of Kerala, called *puravaka and pandaravaka*, and they held that those lands come within the definition of the term 'estate'. But in another judgment by the same Bench of the Supreme Court, in the case of Kunhikoman *versus* the State of Kerala, they found on technical grounds that ryotwari lands do not come within the definition of the term 'estate' as defined in article 31A (2) (a) of the Constitution, because the protection provided for legislation under that article was not applicable to those lands. They went to the question of fundamental rights under the Constitution and said there are certain points of discrimination and other things.

Now, the question is whether these fundamental rights guaranteed in the Constitution are for perpetuating the feudal system or whether they are for perpetuating absentee-landlordism. My submission is, the Supreme Court does not hold that view, but the law has to be interpreted as it is, and though not directly, there is a hint that it has to be amended. It is in this background that we have to look to the present amending Bill. My submission is, nothing can be said against the amendment now proposed.

Subsequently, the Kerala High Court also on the same ground declared that certain lands in the Travancore area do not come within the term 'estate'. So, my submission is there is no escape from amending the Constitution. The mere fact that certain lands come under a particular system of tenures is no reason that the agrarian reforms should not be made applicable to these lands. All agricultural lands must come within the reforms that are attempted to be implemented by the Government. It must also be done according to the declared policies of the Planning Commission. So, I whole-heartedly support the amendment of article 31A.

Prof. Ranga said something about the ceiling on income of other sections of the people. My submission is that land reform legislations are not intended for putting a ceiling on income. It is only a social and economic measure. Lands which could not be expanded and which are the means of production must be distributed equitably amongst the people. That is the only object.

Mr. Gopalan was referring to the Kerala Agrarian Reforms Act. Prof. Ranga said that this amendment proposed by the Government is because of the communists. That is not a fact. The Kerala Government also —the Government which came after the communist government—wanted its scope to be widened. I do not know what are the provisions that are

[Shri Maniyangadan]

contained in the present Bill that the Kerala Legislature is going to discuss. I have not found that Bill. Mr. Gopalan referred to certain difficulties that may arise. I think provision will be made to get over them. I agree that if the judgments or findings of land tribunals under the Agrarian Relations Act of 1961 are of no use and the process is to be gone through again by the tenants, that would really be a hard thing. I think some provision could be made in the Bill that is under discussion. I do not know what provisions are going to be made

Regarding the tenants' rights also, I do not think there is any right which and vested in them and which is being taken away. Of course, these are the main objections. But he said that the Act could be amended. What I am afraid of is, after the passing of this Bill by which this Act of 1961 is included in the Ninth Schedule, if an amending Act is subsequently passed, I do not know whether it will have that protection which the Constitution gives to the present Act. That would be a later Act. I do not know.

Shri N. Sreekantan Nair (Quilon): Why not amend it instead of bringing a new Act?

Shri Maniyangadan: I would come to that. This leads me to the question of the Kerala Agrarian Relations Act now in force in Kerala. I may submit that that is the most unscientific Act that one can conceive of. That Act was passed when the communist party was in power. Then it was sent to the President for his assent. While it was pending before the President, the Government had to go and when the next Government came, the President sent back the Act with certain suggestions of amendment. The then Government wanted to make certain amendments.

Shri N. Sreekantan Nair: It was the present Government.

Mr. Speaker: Order, order.

Shri N. Sreekantan Nair: I am trying to elucidate the facts, so that the House may not be misled.

Mr. Speaker: He may be just following him; he shall have ample opportunity.

Shri Maniyangadan: For the information of my friend, it was not the present Government. It was a coalition government at that time. Now it is Congress Government. That Government wanted to make certain amendments more. But unfortunately the position of law was that the then legislature could not consider any other amendment other than those suggested by the President. So, it was passed. When the question of implementation came hundreds of cases were filed in the courts and because of that, the ceiling provisions of that Act could not be implemented. That is how this happened.

My friend asked why the Act could not be amended. In the Agrarian Relations Act in Kerala, the ceiling fixed is 15 acres of double crop *nilam* or cocoanut garden. I may submit that in Kerala due to the fertility of the land and due to the terrain and for various other reasons, 1 acre of cocoanut garden in one particular area will fetch an income which even 5 or 6 acres of cocoanut garden in another part of the State will not fetch. Similarly with regard to paddy lands and other plantations. So if a ceiling is to be put as 15 acres that will create a lot of confusion. Therefore, this was very seriously objected to at that time, but they were not prepared to accept that proposition. I do not think my hon. friend Shri Srikantan Nair will take exception to this statement which I am making.

Then again, Sir, exception from ceiling was sought for certain other varieties of land also. Now they have exempted only coffee, rubber, tea and cardamom. Pepper, arecanut and coconut plantations were also sought

to be exempted from the provisions of the ceiling. Here again, I may refer to the judgment of the Supreme Court which deal *in extenso* the principles laid down by the Planning Commission. There it is said:

> "This brings us to a consideration of the reasons which may have impelled the legislature to treat plantations as a class differently from other lands. The objective of land reform including the imposition of ceiling on land holdings is to remove all impediments which arise from the agrarian structure inherited from the past in order to increase agricultural production, and to create conditions for evolving as speedily as possible an agrarian economy with a high level of efficiency and productivity. It is with this object in view that ceiling on land holdings has been imposed in various States. Even so, it is recognised that some exemptions will have to be granted from the ceiling in order that production may not suffer. This was considered in the Second Five Year Plan at page 196 and three main factors were taken into account in deciding upon exemptions from the ceiling, namely—"

I will read only one of them—

> "(5) efficiently managed farms which consist of compact blocks, on which heavy investment of permanent structural improvements have been made and whose break-up is likely to lead to a fall in production."

Based on this principle they deal with pepper and arecanut in this judgment. Since cocoanut plantation was not a question at issue before them they have not dealt with that. They refer to the Central Cocoanut Committee's decision. They refer to several other authorities. They have referred to Farm Bulletin No. 55 relating to pepper cultivation in India issued by the Farm Information Unit, Directorate of Extension, Ministry of Food and Agriculture. They have referred to so many authorities on agriculture, and they have come to the conclusion that efficiently managed pepper and arecanut estates where large investments have been made if broken up would definitely lessen production and that will affect the economy of the country. Since my time is limited I am not going to read this judgment. I only refer the House to the majority judgment in Qunhikoman *vs* State of Kerala of the Supreme Court. So this was another objection.

Then again, *kayal* land was said to be exempted—the *kayal* land of Kuttanad area. There is a peculiar sort of cultivation which does not exist anywhere else in India. In the backwaters where the water is 5 feet to 8 feet deep is the place where cultivation of paddy is done. There, bunds are put up, water is pumped out and cultivation goes on. Extensive areas are brought within these bunds. If that land is parcelled out, I submit, it would mean the death-knell of paddy production in Kerala State. So many grounds were given as objection to this legislation but they would not agree.

Shri Nambiar: This problem will crop up in Kerala at any time a land legislation is brought forward. It is not something transitional which will be removed after some time.

Shri Maniyangadan: My information is that the view of the present Kerala Government is that the present Act of 1961 could not be amended to suit the purposes of Kerala and only a new Bill could be drafted and passed. I also understand that they are trying to get it passed as early as possible. Then, the Planning Commission and the Government of India can go into it. I do not know whether the Select Committee will get an opportunity to do that.

Mr. Speaker: He should conclude now.

Shri Maniyangadan: Sir, I will require two or three minutes more.

As I was pointing out, these principles which I have mentioned have been incorporated in the land reforms in almost all the other States. For example, in the enactments of Madras, Mysore, Tripura and other States the ceiling fixed is in terms of standard acres. So, my submission is, if these reforms are necessary and the present Act could not be amended and a new legislation is necessary, I believe it will come in time before the Joint Committee, or at least before the report of the Joint Committee comes before the Parliament

Here I may refer to another Act for the information of the Government. There was one Act for the abolition of Jenmikaram and that was also struck down by the court on the ground of violation of fundamental rights guaranteed by the Constitution I would suggest that the reasons for that also may be looked into and, if necessary, that Act may also be included in the Schedule.

One word about the exemptions. Both this Act and, maybe, the proposed new Act also exempts Governments lands. I have no objection to the exclusion of Government lands. But, in Kerala, even now there are vast areas of land occupied by people which come under the category of Government lands. These lands were allowed to be occupied by peasants. In fact, peasants were encouraged to occupy these lands. I am specially referring to the lands in the eastern region of that State. Thousands of persons are in occupation of that land. In 1956 or 1957 Government ordered that their occupation may be regularised and the lands may be registered in their names. Subsequently, that order was cancelled, and I do not know why these lands are not allowed to be owned by these people. My information is that Government wants to evict these people who come within these project areas. I think this is a dubious method. I most humbly submit that crores and crores of rupees have been spent by these peasants on these lands. So, if they are to be evicted from that area, adequate compensation has to be given to them, even though they are occupying only Government land. If that is not done, I submit, the people will lose their faith in the *bona fides* of the Government, in so far as its land reform policies are concerned. So, this aspect of the matter must be taken into consideration both by the Planning Commission and the Government before they come to a decision.

One more word about compensation.

17 hrs.

Mr. Speaker: Now he should conclude.

Shri Maniyangadan: Much was said about compensation but I would like to draw a distinction between land and investment on land. I refer to this because in Kerala it is not ordinary land where annual cultivations are done and crops taken. It is mostly hilly areas or other areas where permanent plantations have been put up. Clearing of the land was done, terracing was done and the plants were put up. Then, for a coconut plant to come into yielding stage it will take 10 to 15 years; similarly, arecanut and other plantations. Most of the land there is in the shape of gardens with mixed plantation. I am not pleading for land where paddy is cultivated or where millet is cultivated.

Mr. Speaker: He must conclude now.

Shri Maniyangadan: With this sentence, I will conclude. For that compensation may be given as decided by Government. But as regards plantations, they must be considered as investment just like in an industry and whole compensation paid for that.