

[Sh. Ram Vilas Paswan]

Thus we have left no scope or loopholes. This is my assurance to the House.

17.39 hrs.

# CONSTITUTION (SIXTY-SIXTH AMENDMENT) BILL

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF RURAL DEVELOPMENT IN THE MINISTRY OF AGRICULTURE (SHRI UPENDRA NATH VERMA):  
On behalf of Shri Devi Lal, I beg to move:

"That the Bill further to amend the Constitution of India, be taken into consideration."

[Translation]

Mr. Deputy Speaker, Sir, land reform has been a matter of discussion since independence. The bill is being moved for consideration of the hon. Members of the House.

[English]

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration."

[Translation]

SHRI GUMAN MAL LODHA (Pali): Mr. Deputy Speaker, Sir, this constitution (Amendment) Bill will be written in the golden letters in the history of land reforms. Agriculture is the mainstay of the people of our country. Unfortunately, farmers have been exploited from the very beginning. When our constitution came into being, many land reform laws were made to abolish Zamindari and Jagirdari systems in the country. Unfortunately,

court struck many land reform laws on ground of violation of fundamental rights granted to the citizens under the constitution. This Bill has been brought with an intention to nullify the courts' orders. A provision was made under Article 31A of the constitution that no law can be declared void simply on the ground that adequate compensation has not been paid.

Mr. Deputy Speaker, Sir, in order to save the people from exploitation of the vested interests, our constitution was amended a number of times. 25th and 42nd constitutional amendments were made for this purpose. But the most important amendment was 31B and 31C in the 9th Schedule. Under this amendment, courts were debarred to nullify any progressive laws on technical grounds.

Sir, it is most unfortunate that our farmers and tillers have not got any benefit from the laws. A number of land reforms laws to be included in the 9th Schedule have either been declared null and void by the High Courts and the Supreme Court or pending decision thereon. This amending bill has been brought for purpose of including all those land reforms laws in the 9th Schedule of the Constitution so as to provide protection under Article 31 B of the constitution and Article 39 (b) of the Directive Principle of the constitution which provides that the ownership and control of the material resources of the community are so distributed as best to subserve the common good. Sir, this amendment in the 9th Schedule is a welcome step. Therefore, I would like to say that while dealing with many cases including that of Vamanrao, Keshavbharati, Bhim Singh etc., the Supreme Court has said every now and then that whenever laws are enacted for the prosperity and well-being of the poor, to accelerate the developmental process and to usher in social justice, the courts should see to it that they are declared constitutionally valid, as far as possible. Mr. Deputy-Speaker, Sir, an unfortunate situation has developed in the country, although several judgements, including landmark ones like the one in Keshavananda Bharati case were

passed by the courts, in those judgements, the learned judges had observed that Constitutional validity would not be granted to any law, how so ever important it is, if it is found to be violative of the basic features of the Constitution. There has been a lot of debate here on the basic features. Justice Krishna Iyer and other legal luminaries have even gone to the extent of saying that Keshavananda Bharati case is like a ghost which haunts the Supreme Court even today in the form of petitions challenging the validity of that judgement, yet, I am not demanding any review of the judgement here. However, I would certainly like to say one thing here that now the time has come for the thinkers, intellectuals and the elected representative of the people, who believe in some or the other political philosophy to stop thinking on the lines that prevailed 40-45 years back and which was in tune with the needs and necessities of that time. Although, forty years have passed since we attained independence, yet we have not been able to alleviate poverty from the soil of this country. Even today, there are millions of landless people in this country. A poet, Shri Mahipal Bhandari has written a beautiful poem about the farmers. In that poem, he says that the farmer tills the soil, sows the seeds, puts in his sweat and blood, bears the brunt of the weather and thus dedicates his whole life to produce crops, yet when he goes to the market to sell his produce, he does not get his due return from it. This results in the starvation and the resultant death of his own and his family members. The poem reads as follows:

"Oonchi dhoti, adhkhule paon, Kandhe par gaj bhar tukda Sar par pagdi, kar mein lakdi, tankakapdachithdachithda Khane ko muththi bhar dane, thukrata maal khaz anon ko, Uski maati me hans kar ke, hansata jag ke diwanon ko, Khai khadd nal nalon ko, Sookhe talon ko seench-seench, Aage jaata, peeche aata, Dheete bailon ko kheench kheench, Jo jag ko ann pradan kare, jag usko hai thukrata, Uski haddi ko nonch-nonch, jag Vaibhav bhawan banata, Jag ki joathan ke thall

bhare, bekaar bhale hi yon jaati, Rote ke khaatir rig rig kar, uske bachche hain mar jaate."

Mr. Deputy-Speaker, Sir, this pain and agony, this anguish, this pathetic and touching story is that of the Indian farmer. While welcoming the proposal to make an amendment in the ninth schedule of the Constitution, I would like to submit that just making an amendment would not serve any purpose. It is also essential to examine the results of the earlier amendments. The land Ceiling Law was passed in this country to provide land to the landless people but who were the actual beneficiaries of that surplus land? Here, I would like to tell you a story from Rajasthan but unfortunately those people for whom I wanted to tell it have left the House. However, considering the fact that farmers and the Scheduled Castes and Scheduled Tribes have always been exploited and used as a vote bank ever since independence, it is no wonder that today those exploiters do not have the courage to come to the House and support this Amendment Bill. Now, coming to the story, I would say that there was a Minister from Rajasthan, who after the passage of the Land Ceiling Act, posed as a landless person and in order to circumvent the provisions of the Act, he got his entire land transferred in the names of his cattle and domestic animals, as the owners of his land. In this manner, he continued to occupy his land as a result of which no landless person could get even an inch of his land. Even today, the condition of the landless people continues to be the same. Mr. Deputy-Speaker, Sir, I was the Chairman of the committee on Petitions of the Rajasthan Legislative Assembly and in that capacity, once I visited Kota. The 'Sahariyas' live in Kota and I myself observed during my visit that although the land records showed the 'Sahariyas' as the owners of the land, but actually they were not in possession of that land. Their land was occupied by some big landlords of the Punjab. When in my capacity as the Chairman of the Committee on Petitions, I asked a person who did not have adequate clothes and food to keep his baby and soul together, about the position of the

[Sh. Guman Mal Lodha]

land allotted to him. He replied that the land was, no doubt, written in his name in the record but he was unable to speak further and remained dumb like a dove thereafter. Mr. Deputy-Speaker, Sir, I asked the District Magistrate about the reason for the sudden silence on the part of that person. He said that Sardar Swaran Singh who has forcibly occupied the land of the 'Sahariyas' enjoys the blessings of big shots and he gets recommendations from the Central Government and various Ministers as a result of which he is able to forcibly occupy the land of the Sahariyas and deny them their rights. Therefore, it was but natural that in the face of such a powerful person, the poor landless fellow had no option but to remain silent and even suppress his anger and anguish. At that moment, he could just tremble and even his tears had gone beyond melting point.

Mr. Deputy Speaker, Sir, the factual position is that most of the land ceiling laws passed in the country, have not been strictly implemented. I would like to congratulate the West Bengal Government for their splendid performance in this regard because in that State, most of these laws have been implemented in right earnest, but unfortunately in other States, a large number of land disputes are still pending in the courts. Number of such cases runs into ten to twenty thousand in many States and in Karnataka, it has touched the mark of even seventy thousand. In such cases, stay orders are a regular feature. As a result of all this, the same land is allotted and re-allotted not only once or twice but ten times and even after the land has been allotted to the landless farmers, the farmers are unable to get the possession, as writ petitions are filed before their occupying it. The filthy rich and moneyed people file writ petitions and on the basis of arguments advanced by the eminent lawyers engaged by these people, they easily obtain stay orders from the courts and as a result thereof, the landless farmers continue to remain landless. The landless farmers do not have adequate resources to fight their cases filed either under section 145 or their writ peti-

tions. Procrastination has always been the hallmark of the working style of the Public Prosecutors as a result of which stay orders continue to remain in force upto ten, twenty and even twenty-five years. Then from the blue, an amendment comes into effect and the cases start moving from the S.D.M's court to the Tehsildar's court and it takes twenty five years for such cases to reach the Supreme Court.

Mr. Deputy Speaker, Sir, in the presence of Chaudhary Sahib and other hon. Ministers, I would like to tell the Government that they should strengthen their political will to ensure that land is properly distributed to the landless farmers, who toil hard to feed the nation, and that they get the actual possession of land. In the preamble to our Constitution, we have laid down that "WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a..... and to secure to all its citizens: JUSTICE, social, economic and political..... do hereby adopt, enact and give to ourselves this Constitution." and swearing by the names of Mahatma Gandhi, Pandit Nehru, Sardar Patel, Netaji Bose and Chaudhary Charan Singh, we proclaim aloud to other countries of the world that ours is a country of farmers, but hon. Mr. Speaker, Sir, please tell us if it is true in this case. Mr. Deputy-Speaker, Sir, if you go to our villages, you will find that in this country, the greatest frauds have taken place under the cover of Land Ceiling Laws. If any law has been grossly violated in this country, it is the land ceiling law. Despite the existence of land ceiling laws, even today you will find mechanised farmers in this country, they exist in gross and unscrupulous violation of law and it is on that account that benami transactions take place. Their judicial process also takes place in a wrong manner. Mr. Deputy-Speaker, Sir, I will give here an example. Landless farmers who are given land are not permitted to sell it according to the rules. This provision is there to ensure that they do not dispose it off for money again to become landless, but in fact these people enter into an agreement with the farmers and are somehow able to have their consent

before the courts. Then these farmers are dispossessed of their land by the vested interests and once again, that farmer becomes landless with no option, but to bemoan and cry hoarse.

Mr. Deputy Speaker, Sir, when I was a judge, I had observed in my judgement on *Mirdha versus Bhondhu* case that if any landless person or anybody belonging to the Scheduled Caste or Scheduled Tribe is deprived of his or her land through some illegal transactions or persuasions then that person need not obtain any decree from the court to reclaim his land. Moreover, even the provision of time bar would not be applicable in his case, even after fifty years and that it is the bounden duty of this Socialist Government to get back his land to him.

Mr. Deputy-Speaker, Sir, unless and until, we earnestly implement the land reform laws in the country, further enactment of laws would not serve any purpose as they would prove to be nothing, but mere paper tigers. Therefore, before concluding, I would

like to make a submission which is a matter of national resolve. Mr. Justice Krishna Iyer, while giving his judgement in *Bhimsingh versus Union of India* case in 1981 had raised this issue and said that the founding fathers of our Constitution, had observed at the time of drafting the Constitution that.....  
(Interruptions).....

MR. DEPUTY SPEAKER: Mr. Lodha, you may continue tomorrow.

[English]

SHRI GUMAN MAL LODHA: Sir, I will continue tomorrow.

MR. DEPUTY SPEAKER: The House stands adjourned to reassemble tomorrow at 11.00 A.M.

18.00 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, May 30, 1990/Jyaistha 9, 1912 (Saka)*