

- (v) *Need to Introduce a direct express train between Dehradun and Delhi Via Moradabad*

[Translation]

DR. LAL BAHADUR RAWAL (Hathras): Mr. Chairman, Sir, there is a passenger train running between Dehradun and Delhi via Luxar and Saharanpur but there is no direct rail link from Dehradun to Delhi via Nazibabad-Nagina-Dhampur and Moradabad. As a result, the people of Nazibabad, Nagina, Dhampur and Bijnore face a lot of inconvenience. The passengers have either to catch train at Luxar at late night or have to go to Saharanpur which is quite far off. The passengers of Ambala and Dehradun travelling by Howrah and Lucknow bound trains via Moradabad have no direct rail link from Moradabad to Delhi. I, therefore, request the hon. Railway Minister to start a direct Mail train from these places to Delhi via Moradabad for the convenience of thousands of passengers.

- (vi) *Need to set up a Central University in Manipur*

[English]

SHRI YAIMA SINGH YUMNAM (Inner Manipur) : Sir, there is a pressing necessity for the establishment of a Central University in the State of Manipur. In view of the increase in the number of students for higher studies, the Manipur University which is a State University, cannot provide admission to the aspiring candidates. In the present circumstances faced by the Manipur University, new disciplines and faculties could not be introduced.

Hence, I request the Union Government to take necessary action to set up a Central University in Manipur.

15.48 hrs.

CONSTITUTION (EIGHTY-FIRST AMENDMENT) BILL
(AMENDMENT OF THE NINTH SCHEDULE)

[Translation]

THE MINISTER OF RURAL AREAS AND EMPLOYMENT (SHRI JAGANNATH MISHRA):

Sir, I beg to move : 'That the Constitution (Eighty-first Amendment) Bill (Amendment of Ninth Schedule) be taken into consideration'.

Mr. Chairman, Sir, I feel privileged to introduce this Bill for consideration of this August House.

As you are aware that Article 31'B' of the Constitution provides safeguards to the Acts and Regulations included in the 9th Schedule from being challenged in the Court of Law on the ground that, they infringe the Fundamental Rights included in Part III of the Constitution. The 9th Schedule includes the list of laws, Acts of various State Governments and Central Government which are, inter alia, prejudicial to rights and interests in acquisition of estates including land.

Article 31-A provides safeguards to land reform laws from being declared void on the ground that they take away or abridge any of the Fundamental Rights conferred under Articles 14 and 16. Article 31C of the Constitution provides safeguards to land reform laws which says that no law giving effect to the policy of the State (towards securing principles laid down in Part IV) shall be deemed to be void on the grounds that it is inconsistent with or takes away or abridge, any of the rights conferred by Article 14 or Article 19. These safeguards have been re-enforced by Article 31(B) which provides for full safeguard to the land reform Acts and Regulation specified in the 9th Schedule from the entire Part III of the Constitution.

In the past, if any progressive law made in public interest was found in the danger of being declared void in a litigation, the same was included in the 9th Schedule. In the beginning, 13 land reforms laws were included in the 9th Schedule by enacting Constitution (First Amendment) Act, 1951 and since then, the 9th Schedule has been amended from time to time and so far, 255 Acts have been included in it, of which 222 laws pertain to land reforms.

Besides, prominent Acts, several Amendment Acts have also been included in the 9th Schedule. It became inevitable because the laws did not automatically get safeguards of 9th Schedule, and the amending laws had to be included. The 9th Schedule was amended last in 1980 when 55 land reform laws were included. Thereafter, some more proposals were received from State Governments which were examined and ultimately, it was decided to include 27 land reform laws in the 9th Schedule, of which the Acts namely the Bihar Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1956, Bihar Visheshadhikrit Lok Vas Bhoomi Kashtkari Act, 1947 and West Bengal Land Reforms Tribunal Act, 1961 were main Acts and the remaining 24 were amendment Acts. These laws mainly related to ceiling on Agricultural landholdings, safeguards against transfer of tribal lands, consolidation of holdings, improvement in tilling etc. which ever legal provisions in this regard.

Sir, as you are already aware, the Government is according top priority to various rural development programmes and since land reform laws are an important part of these programmes, it has been decided to include these laws in the 9th Schedule so that the implementation of these Acts is not adversely affected due to litigations.

I move this Bill in this August House and request that it may be adopted unanimously.

[English]

MR. CHAIRMAN : The time allotted to this Bill is one hour. For the Congress Party, it is 27 minutes; for the BJP, it is 12 minutes; for the CPI, it is 4 minutes; for the

Janata Dal, it is 3 minutes and for others one minute each.

Yes, Maj. Gan. (Retd.) Bhuwan Chandra Khanduri.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI (Garhwal) : Mr. Chairman, Sir, I am constrained to say that this is a typical case of how...

[Translation]

The Hon. Minister should listen to me.

Shri Jagannath Mishra what do you want to say.

MAJ. GENERAL (RTD.) BHUWAN CHANDRA KHANDURI : You please listen to me what I want to say.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI P. CHIDAMBARAM): Are you supporting it or not?

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI : I am supporting it, Sir. But you must listen to what I have to say.

Sir, this is a typical case when an inefficient and indifferent manipulative Government can bungle up even a good case, even a good issue. We all want that the landless should get land. We all have been wanting it for the last 47 or 48 years. But what is the actual result? After 48 years of our Independence and talk of this land for landless — while this Government which has been in power for most of the time — 42 years or so — and now 43 years — what is the result on the ground?

You have passed a number of Bills. You have talked about the laws. But on the ground, has the landless really got the land? You have talked of justification. Though you have given the land, we get involved in litigations. Even in those litigations, what is happening? The land mafias and the big landlords manipulate the litigations, they do not allow the litigation to come to the conclusion, and therefore, the Government becomes a deliberate party.

[Translation]

You deliberately complicate those cases. Big landlords are involved in it.

[English]

Therefore, the intention of the Government by introducing such a thing itself comes into doubt. It appears that you have been holding this. The last amendment to this Bill was brought in 1990. I do not know, when you received all these 20 odd cases. Why is this delay? It now looks as if it is just an election manipulation that is going on.

You want to pass everything in hurry. Now you want

to rush through this Bill also. You are saying, 'what is the idea behind discussing this Bill'. So many things are happening and so many people want to say so many things, but this Bill has to be rushed through because time allotted for discussion on it is just one hour. Therefore, it looks more like an election gimmick than any sincere attempt on the part of the Government. It is the number of litigations that has forced the Government to bring in this Amendment Bill. That is the reason you have given for bringing forward this Amendment Bill. You do it. This is justified. I accept it. But how are such litigations handled? Nobody takes interest in resolving them. Therefore, it does not appear that you are sincere about it.

Sir, my next point is about passing this Bill. It is fine, you pass it. But what about the implementation part? As I have said earlier, this law has been passed in many States. But what is the state of implementation of this law in those States who have passed it? In how many places have the landless people got land? In how many places are people getting involved right litigations? What is the duration of those litigations? Has the Central Government ever tried to find out these things? Have the Central Government tried to effectively advice, cajole and coax the State Governments, even if required, used their authority to direct the State Governments to get going with it? It is just a question of passing the Bill and making big announcements here and there. I am sorry to say that implementation of the laws is very poor. Why is it poor? It is because there are landlords who do not want to part with their land. They are land mafias; they are rich people; and along with them, in very good company are the politicians who have got big jagirs. How do they manage to do it? They acquire benami lands on fictitious names. They acquire it in the name of their servants, in the name of their cats and dogs and later on, the land is transferred in their own name. Physically, it is not with the poor people; it is not with the landless people. What have you done about it sincerely? Passing of the Bill is all right but what about its implementation on the ground? I am sorry to say that the Central Government has not played its role in this regard. If you want sincerely, this Bill would be passed. But please evolve a methodology whereby implementation would become effective on the ground and the real landless people would get the land. If you have got the statistics you would see that the real landless people are not getting the land.

Sir, my last point is about the state of such legislations. The Central Government should try, in consultation and with the advice of the State Governments, to evolve a policy whereby, whatever past pending litigations are there, should be promptly disposed of and the land is transferred to the landless people. If the present system

is not working, let us have a separate legal arrangement where such cases pertaining to the landless people could be disposed of within a reasonable period of time. The rich and the monied people should not continuously be allowed to delay and frustrate the attempts of the Government on this score.

Sir, I welcome the Bill. As the time is very short, with these few observations I support as well as welcome this Bill. But I doubt the sincerity of this Government in really implementing this and giving land to the landless people.

SHRI CHITTA BASU (Barasat) : Sir, I rise to support the Bill. I not only support the Bill, but I also extend my congratulations to the Minister for bringing forward this Bill. (*Interruptions*)

Sir, I would like to request the Minister to go through the report prepared by his Ministry for the year 1994-95. Time is very short and Mr. Chairman would not allow me to read it out for him here. But herein the Government have admitted that there is concentration of land in the hands of a few. The Government have been very kind to admit—the persons who have drafted this report—that there has been a grip of ownership of a very few people over a vast majority of people. You please go through the report or otherwise, I would have to read just one paragraph, which says :

"In India it is good where agriculture including allied activities provides livelihood to around 68 per cent of the Indian population, land reforms is considered to be a very basic programme in the whole range of rural development activities."

16.00 hrs.

This is what I want to emphasise. It is good that your Department has accepted that the land reform is a key to bring about rural development. But I would like to say that the Ministry has not acted in the spirit in which the draft has been made. As for example, in 1967 Dr. Mahalanobis Committee estimated that there would be about 630 lakh acres of land as surplus land if the highest ceiling is fixed at 20 acres of land. What is the figure as per your latest Report available with me? In your Report you have admitted that the area declared surplus as on 30.9.94 is 72.94 lakh acres, area taken in possession is 64.82 lakh acres and area distributed is 51.03 lakh acres. While Mahalanobis Committee estimated that about 632 lakh acres of land is available as surplus land, now the available surplus land as per your Report is only 73 lakh acres. This gap means that there has been shrinkage of estimated amount of land.

You know that there are many loopholes in the existing Land Reforms Act and unless those loopholes are plugged and plugged properly not only the surplus land will not be available, but you cannot distribute the land and you

cannot bring about decentralisation of the main units of production among the men. Therefore, I would suggest that there should be an Agriculture Commission to work and to find out the loopholes in the existing State laws, to make proper estimate over the available surplus and also to find out what have been the main grounds of shrinkage of available surplus land.

A number of laws are there. Mr. Mishra is aware of it. There is a Gift Act in Bihar. You can gift any quantity of land even to your animal, to your pet dog. Even today there are many laws.

DR. JAGANNATH MISHRA : It is not a law. We will pass such a law.

SHRI CHITTA BASU : It is not a law, it is an illegal fact. I accept it.

Your main objective is to have land reforms. Land Reform means dispersal of ownership among many. You cannot disperse ownership among many unless you can acquire the ownership of the land and this ownership you cannot get unless these loopholes are removed. The difficulty is that it is a State subject. You can very well take the stand that agriculture and the Land Reform are the State subjects. But you can have an Agriculture Commission to find out the reasons as to why there has been shrinkage of the available estimates.

Sir, there is an ominous threat to the land reforms measure as such. I think the hon. Minister is aware of the fact that there are certain moves in some States. Maharashtra has already gone in that direction. In Punjab(*interruptions*)..... No, not in my state. Rather we have taken a different position. Under the third amendment of the Land Reforms Act, the concept of family was going to be changed. No land is to be changed in its character. Land means land and it is not to be qualified. As a matter of fact, you did not allow that Act passed by the legislature to be assented to by the President. What do we want? We want that land should remain as land. Some lands in West Bengal were being kept by the *jotdars* and *zamindars* in the name of tank fisheries, under orchards, under tea gardens, under companies and under cooperatives.

The aim of this third amendment of the Land Reforms Act is to declare land as land. Surplus land should be distributed on per-head basis and not on the basis of family. What about the members of the family?(*Interruptions*)..... This is good, Sir, the dispersal of the ownership of the primary means of livelihood and the primary means of production to the many instead of being concentrated in the hands of a few. That objective has not been fulfilled in many States.

I find, Mr. Minister, an ominous sign here. Under the liberalisation, some would invite foreign multinational

companies into it. Some State Governments are going to revise the existing Land Ceiling Act, saying that "there is no necessity, there is no need of putting any ceiling on the agricultural land", thereby allowing the companies to possess any amount of land and thereby depriving the peasantry and the poor of their land.

Sir, this attempt is really a challenge to the very basic idea of land reforms. As per my report, the Maharashtra Government has already initiated such measures. Such measures are being initiated by the Haryana Government and such measures are being contemplated by other State Governments under the name of liberalised economic policy, which we oppose.

Therefore, Sir, not taking much of your time, I would like to say that I support the Bill because it is a step in the right direction. But it is not a firm step, it is not a full-fledged step. I really want the Government and particularly the Minister to take necessary action, as he knows the land problem in his State and he was the Chief Minister of the State. Everybody knows as to what is happening in the villages of Bihar. Bihar cannot remain in its position if there are no land reforms. Since you have got the authority bring about new laws, new policies, and change the old ones, do it. It is for the millions of our agricultural workers. India's salvation lies in that.

[Translation]

SHRI VIJAY KUMAR YADAV (Nalanda) : Mr. Chairman, Sir, I am happy that Mishra ji is here in the House with this Bill.

As far as Bihar is concerned, it has nine laws which are proposed to be included in the Ninth Schedule. I am keen to speak on Bihar Land Reforms (Fixation of Ceiling and Acquisition of Surplus land Act) and Bihar Land Reforms (Amendment) Act. I want to speak on them. The big landlords and farmers have been taking advantage of loop-holes in the existing laws and moving High Court and other courts. Thus the surplus land is shown as distributed among the tillers only on papers. In fact, the big landlords continue to possess land holding because of court cases and litigations involved therein. The present Chief Minister of Bihar has proposed amendments in the provisions which are tilted in favour of landlords, whether it is the question of curtailing the land ceiling or altering the definition of the family so that maximum surplus land is available. The Bihar government has given an assurance in this regard and the people belonging to Communist Party of India have welcomed assurance. The State Government should have powers of land settlement. We in Bihar are formulating land reform laws and we want that wherever we have surplus land it should be distributed among landless people in conformity with the legal provisions.

However there is one doubt, *i.e.* if the ceiling laws are

included in the Ninth Schedule it may restrict the powers of the State Government which wants to reduce the ceiling in the interest of the poor and landless people. Under such circumstances, some solution will have to be found. With this reservation in mind, I support this Amendment Bill.

SHRI NITISH KUMAR (Barh) : Sir, I support this Bill. The List of Business says that the Minister will also beg for leave to pass this bill. It has been allotted one hour and it is also to be passed. This is a Constitution Amendment Bill and I do not know whether all the parties have been sounded for ensuring special majority.

SHRI JAGANNATH MISHRA: All the parties have been consulted.

SHRI NITISH KUMAR : This is a Constitution Amendment Bill and if we are unable to muster special majority, the Bill will fall. I do not know how much seriousness he has shown. I have had talks with the members of other Parties and they have expressed their ignorance in this regard. Moreover, no whip has been issued. We want that this Bill should be passed and the Members who are here should be present for the passage of this Bill; but this exposes the seriousness of the Government.

Shri Jagannath Mishra deserve our thanks for bringing forward this Bill after becoming the Union Minister. He has got an opportunity to introduce this revolutionary Bill. Bihar and other States already have land reform laws, but their implementation is stalled though litigations. In order to implement these laws strictly, these Acts are being included in the 9th Schedule. I, therefore, support this Bill.

But, I fail to understand as to what his intention is. He is bringing a Land Reform law, which will be supported by all, because general elections are near. Some laws were included in the 9th Schedule in 1990 also. There is great demand for this from all over the country. The laws made by some States were left out and they are being included now. But, I am still doubtful whether the Government is really interested in land reforms. On the one hand, they are talking of inclusion of these laws in the 9th Schedule and on the other, they have lost interest in land reforms. During the debate on agriculture policy, I had asked two questions. Many members had also wanted to know whether the ceiling in respect of horticulture land was being abolished under land reform laws or not? Whether the Corporate Sector will be permitted to have captive farms in the name of setting up of food processing units and thus, possessing thousands of acres of land? If so, what is the meaning of these land reform laws? In the name of liberalisation, globalization and inviting foreign investments, they are trying to dilute land reforms. We have been raising this question time and again for the last two years, but we are always told that nothing of this sort

is being done. But the process has started in Maharashtra and it is being talked about in other States also. The NRIs, Multinationals who are invited here put conditions and accordingly, they are promised that they would be given the required land. I want a clarification from the Government.

Whether the Government propose to relax the land reform laws or allow them to die their own death in order to appease and meet the conditionalities of horticulture sector or corporate sector or in the name of setting up a unit? We have raised another question and asked the government to view the land reforms in wider perspective. There are absentee landlords. They should be made first target. Dr. Sahib, we know how much land you have, people here have no knowledge of it. People belonging to Bihar know how much land you have. You have thousands of acres of land. Balua Bazaar family is well known and you are talking of land reforms. I don't know how honest you are. You are very eloquent and it's very difficult to gauge your mind. Some members and we, here on this side had demanded that the absentee landlord system should be abolished. You can see the records. You are sitting here. It is not possible to acquire your land. There are different ideologies confronting of your Government. These things are brought here just to befool the people. We have been hearing the slogan for long that land belongs to the tiller, except the land holdings owned by Mishraji. There are talks that Prime Minister Narsimha Raoji also owns a lot of surplus land. They adopt all the tactics to conceal their landholdings. It is known to all. Shrimati Krishna Sahi is smiling. She also owns large landholdings. Almost all congressmen have surplus land. They are big farmers and these are the people who are sitting here and say that these laws should be included in the 9th Schedule. They have in fact no interest in the poor and land reforms. If they are really interested in land reforms, then they should declare that nobody will be allowed to hold land in excess of land ceiling. You send clear instructions to the States and make an announcement here itself that land owned by absentee landlords will be acquired first. If you really want to do something, make a law in this regard. Only then we will be convinced that you are serious in this matter, otherwise it will be just an eye wash. The elections are approaching. Schemes are announced from the rampart of the Red Fort. Some schemes were announced before that only to overcome the infighting in the party. You are bringing this land reform law at the last moment only to show that you are revolutionary and believe in progressive measures. Your policy of economic liberalisation and globalisation will result in eviction of small landholders, marginal farmers. We sincerely want land reforms and implementation of laws framed therefor.

If you honestly take steps towards giving ownership to the tiller, we will certainly support you. But you are not expected to do this. Save few years, you have been ruling at the Centre and in States. The Congress remained in power all along. They promised that surplus land would be distributed among landless and poor people, but it was only a day-dream. Lok Nayak Jai Prakash Narayan and Vinoba Bhave started 'Bhoodan' movement. Influenced by this movement, people in Bihar and other parts of the country donated large landholdings. This movement gained momentum after the communist movement in Telangana had reached its peak and was showing good results. There was some tension in some areas at that time. The Bhoodan movement was launched to ensure that people voluntarily gifted their surplus land. Lakhs of acres of surplus land was acquired, but the same has not been distributed among the landless people. The donors followed the foot prints of the people like you, and occupied the donated land again. If you are interested, in land reforms, please implement them sincerely. Charity begins at home. The leaders associated with socialist and communist movement donated their land and distributed among the people. You congress people pose to be progressive but there will be hardly any example of distribution of land by them among the people. We have wasteland, we have surplus land. Our hon. Minister Col. Ram Singh ji seems to be worried how to give land to the people. We have 9-10 crore acre wasteland which can be reclaimed and distributed among the landless people. We want your views on this. The wasteland comes under your department, as well as Col. Ram Singh's department. I would like to know about the arrangements you would make for its reclamation, development and distribution will you distribute it to corporate sector or to Multinationals. How would you like to distribute the same in the name of food processing units? If you are really interested in land reforms, then the reclaimed wasteland and surplus land should be distributed first among SCs/STs and then among backward classes as per the recommendations of the Standing Committee on Agriculture. It will be a real and genuine distribution and the landless people will be able to stand on their feet. Our ancestors had seen a dream and made great sacrifices for land reforms. Only land reforms can bring revolution in rural areas, in agricultural sector and thereby we can not only feed our population but even the vast population of the world.

We want to implement land reforms in our villages, in agriculture sector but at the same time, we must ensure collective responsibility in our Parliamentary democracy. You would say that the Bill you are bringing in has limited scope, but we would say that the situation in cities is not different than that is obtaining in the rural areas. On the

one hand, there are sky-scrapers and on the other, the people do not have even huts to live in. This imbalance will not last long and the country cannot rest in peace till this disparity continues. The tides of social upheaval will not die down. If you really want to cool this erupting social volcano, you will have to implement the provisions of this proposed Bill and distribute the surplus and reclaimed wasteland among poor people. The land ceiling laws should also be implemented in urban areas. You can not bring a social change in the country without bridging the gap in the income and our dream of achieving the aims of socialistic republic can not be realised. I support the Bill but would like clarification on the points raised by me. I would also like to appeal to you to be sensitive to this issue and not only talk about the land reforms but implement them in reality. You Congress people should go two steps forward to implement land reforms and distribute crores of acres of surplus land they are owning. With these words, I conclude.

SHRIMATI GIRIJA DEVI (Maharajanj) : Mr. Chairman, Sir, this Land Reforms Bill has been brought forward by a person who himself is one of the big landlords of Bihar and who have lands far in excess of the ceiling. I am really surprised to see this.

AN HON. MEMBER: Who is he?

SHRIMATI GIRIJA DEVI: He is the person who has brought forward this Bill.

SHRI JAGANNATH MISHRA: She should not make such sweeping remarks. I became the Chief Minister first time in 1975 and land reforms were given priority in the 20-point programme of late Smt. Indira Gandhi. We were the first to fix land ceilings. Then, the Janata Party came to power in 1977 and the then Chief Minister Shri Karpoori Thakur got all the cases reopened for inquiry and the matter went on hanging fire. Again, when Shri Laloo Prasad came to power, he also once again got the whole matter enquired into. Thus, the two opposition Governments got the matter probed and closed the case. Therefore, this matter should not be raised again.

SHRIMATI GIRIJA DEVI: Sir, I was expecting that after the passage of this Bill, some land will be found surplus and the same would be given to landless persons like me, but I feel, what I want to say will not have any impact.

Sir, the intent of this written piece of Bill is landable. Shri Nitish has talked of statistics. We both have worked together in the University but it is providence that two babies are born at the same movement, one in a palace and the other in a hut.

Sir, I support the object of the Bill, but this has been brought forward at a time when elections are around the corner and I am afraid, the Bill may prove a populist measure.

Sir, the economic disparity between haves and have-nots is increasing in Bihar, Andhra Pradesh, West Bengal, Karnataka and other States. There have been bloody revolutions. Land was donated under Bhoodan movement led by leaders like Lok Nayak Jaya Prakash Narayan. Land Ceiling Act also came into effect, but most of the land (surplus) cases went into litigation and still continue to be so. Therefore, I have a doubt about the effectiveness of the Bill, which has been brought very late. Farmers, who get land in donation do not have enough money to enter into litigation for retrieving their land and earn their livelihood.

Sir, the legal aspect of these reforms needs further clarification. Landlords adopt many tactics to save their land. They transfer the surplus land in the name of their relatives, friend etc. so that ceilings act is not attracted. They also convert the same into fish ponds etc. Thus, they do not part with their surplus land.

Shri Nitish Kumar has said that the land ceiling laws should be implemented in urban areas also. In Delhi, certain families have hundreds of acres of benami surplus land where one can feel fresh air, fragrance of flowers, greenness of trees and grass and yell, "Oh God, I had a place of land here to put my hut."

Sir, this bill also intends to plug the loopholes in the existing laws, which help landlords in litigation. The land declared surplus so far and distributed among landless people is involved in litigation. So, steps should be taken to distribute bulk land by plugging the loopholes which favour landlords.

Sir, we go by the concept that those who produce food and cloth will make laws, India belongs to them, and they will rule the country now. So, one who tills the land should be its owner. There is no provision for acquisition of benami lands. Therefore, the process of selling land to dogs, cats, daties, etc. will continue. The hon. Minister is competent enough to go into this aspect. He should make public the details in respect of benami land and should clarify how the surplus land is retained by the landlord. It is proposed to exempt the foreign food processing unit from the provision of Land Ceiling Act. But the tillers do not have land to till, to cultivate. The Pepsi industry is not making use of hundreds of acres of land allotted to it for the prescribed purpose. They are processing tomatoes produced by local farmers. The farmers are not getting fair prices of their produce. The hon. Minister should be sincere in its implementation, otherwise people will adopt the same tactics of showing the surplus land as river bed, horticulture land, etc. and will never part with it.

Sir, I support this Bill with the expectation that all loopholes which prevent distribution of surplus land among landless people will be plugged honestly and that

this issue will not be made only an election issue.

SHRISUBRATAMUKHERJEE (Raiganj): Sir, I support this Bill, because land reforms have been implemented in my State. There, surplus land was acquired and distributed among landless people, which was cancelled in the name of orchards, ponds and bamboo fields. This has improved rural economy considerably. This should be viewed not from economic angle but political angle also. Efforts are being made by landlords to stall distribution of surplus land by taking recourse to litigation and this Bill will definitely help in aborting those efforts. I, therefore, support this Bill. 40 years ago, in Telangana, farmers had started bloody agitations against land reforms and the Land Ceiling Act was enforced. But land reforms were implemented in small States and in West Bengal. What we learnt from the statistics collected by Shri Chitta Basu is that whenever the question of land reforms comes up, it is said that it is a State subject and the Centre does not come in the picture. I want to know what action has been taken since 1967. Except Kerala, Congress was in power in all other States. Have they implemented land reforms in those States. Sometimes ago, Shri Balam Jakhur, the hon. Minister of Agriculture, while speaking on Agriculture Policy was making a plea that agriculture is our mainstay, but no word was said about land reforms. When we raised this issue, he said that land reforms have no bearings on Agriculture Policy. It was very categorically stated by him in both the Houses of Parliament. Does it not indicate your intention of misleading the people because the elections are approaching? Are you bringing this law to mislead the people in the coming election, in the same manner in which you had brought Land Ceiling Act to crush farmers' agitation in Telangana?

My second apprehension is that you may be bringing this Bill for the protection of foreign investors, whom you are inviting, by allotting wasteland to them, and ensuring land settlement in their favour. If this is so, our support or this Bill will have no meaning. If you are sincere, then you will have to implement land reforms. You will have to formulate an All India policy in this regard and cover all the States. You will have to conduct a survey on all India basis to ascertain the area of wasteland, the area of surplus land. You have constituted Wasteland Development Board and you are spending crores of rupees on it but, so far not a single acre of land has been reclaimed and made cultivable. If the reclaimed land is not distributed properly, it will be usurped by big landlords. If the land so developed by spending crores of rupees of the people goes into the possession of landlords, it will not be proper.

I would like to add that wasteland should be developed and in land so developed should be allotted to the tillers. I hope you will consider these aspects seriously and take necessary steps to clear the doubts raised by me.

With these words, I thank you and conclude my speech.

[English]

SHRI P.G. NARAYANAN (Gobichettipalayam): Mr. Chairman. Sir, the Government, after a lapse of nearly 18 years, is committed to give importance to land reforms and has come before this august body with a Constitution (Amendment) Bill to include the land reform laws in the Ninth Schedule so as to see that these laws are not challenged before the courts. The Government has come forward only on the basis of the letters written by the State Governments of Bihar, Karnataka, Kerala, Orissa, Rajasthan, Tamil Nadu and West Bengal, who have gained experience through the implementation of Land Reforms Act.

In my State of Tamil Nadu, where the land reforms have been implemented effectively, the poverty ratio has come down. The transferring of assets in favour of the landless and the poor definitely enabled them to strengthen panchayats which, in turn, strengthened agrarian reforms.

Sir as regards the present Amendment Bill, in fact, the Bill was drafted in 1994, it has come for consideration in 1995 and the Bill deals with the land reforms legislations which were passed many years ago in many States. Sir, land owners and the vested interests have already gone to courts in many cases. You have not allowed the laws to be properly implemented and, therefore, the damage has already been done. I am sure that you are not serious about the land reforms.

Coming to the land ceiling, the Planning Commission came out with a document revealing the performance of the different State Governments in the land ceiling legislations. But there is no review of the performance of land ceiling legislations. As far as my State, Tamil Nadu is concerned, apart from anything else, we have implemented the land ceiling laws. There are some loopholes in the land ceiling legislation. There are benami land holdings. We should find some way to abolish the benami land holdings.

Sir, I remember, there was a court order in 1977 that unless the Amendment Acts were included in the Ninth Schedule, they would not have any validity. Till then there were so many amendments and you have not included them. You were sleeping for nearly 18 years. At least, now this Bill has come.

With these words, I conclude and support this amendment.

[Translation]

SHRI BHOGENDRA JHA (Madhubani) : Sir, I, on my behalf and on behalf of my party support this Bill. It is true

that inclusion of land reform laws in the 9th Schedule will help those States dealing with litigation cases and which want to implement land reforms. The agriculture policy was debated here a few days ago. Some of my hon. colleagues have said that there is a mention of land ceiling in it, but mere reference will not help. The question is what will be the policy? Whether India will adopt extensive farming on the pattern of America and Australia or South East Asia. India is still in two minds. Recently, the Punjab Chief Minister said that he will fix higher ceiling of consolidation. Some other States are also thinking in the same direction. The inclusion of land reforms in the 9th Schedule will help them. Some policy should be framed for taking up ceiling and consolidation together, because we have small farmers. Farmers having two to four-five acres of agricultural land and that too divided into 10-12 pieces are unable to apply modern agricultural techniques. Therefore, consolidation should be enforced by law and small farmers be allowed to select the land of their choice to ensure that their costly land is not usurped by big landlords. The new economic policy is being thrust upon us and Government's intention is limited to that policy..

The production of foodgrains has increased in the country from 5 crore tonnes in 1950 to 19 crore tonnes today. Some land reforms were implemented, some ceilings were applied, some landholding laws were enforced, the landlordism was brought down to some extent but nothing was implemented fully and therefore, there has been only a little progress. If land reform laws are implemented fully we can increase our production further. It will also help strengthening our democracy in rural areas. Our social structure is like a pyramid. The big landlords are influential. They perpetuate economic and social atrocities on small farmers and full implementation of land reforms will help mitigate these atrocities. The incident of booth-capturing etc. will also come down. Therefore, there is a need of these measures for enduring social justice and democratic development. The Mandal Commission Report has stressed the need of implementation of land reforms, although many of our friends consider that only reservation in services will dispense social justice, they do not understand or do not say anything about land disparity in the society. These aspects enjoin upon Central Government to implement land reforms scrupulously. They can say that it is a State subject but what is the objection in implementing them in centrally administered territories? The Government is doing the job half-heartedly or half political will.

As far as land ceilings are concerned, the farmers, of course, launched agitations in Telangana, but at the same time Bhoodan Movement also became a success. I shall quote an instance. Darbhanga princely State was the biggest land holder and it donated 125 lakh acres land to Vinobaji. This land was in the possession of that

State. It had been auctioned but not purchased by anyone. Most of it was possessed by farmers. We followed the policy of acquiring land from big holders and distributed the same among poor landless people. We have forest wasteland in Bihar, West Bangal, Madhya Pradesh, Rajasthan, Maharashtra, etc. where not even a single tree grows. It has been leased out by forest officials for one or two years on illegal gratification. Such land can be brought under land reforms and distributed among local tribals and other economically backward people.

My other point is that the social lands which are under occupation of Mahants should also be brought under land ceilings because most of these Mahants have got married and have sons. Similarly, the land possessed by Wakf Boards should also brought under this law because the land belong to the society. It is a social property..... (Interruptions) That is what. I am saying. Two and a half years ago, a law was made that only community land will be exempted. Mahants have got married, they have children but still they talk of ceiling. They have now no legal right to own that land. The Hon. Minister has also been a Chief Minister. He knows the intricacies of land laws. The married Mahants and wakfs should be dispossessed of community lands.

Similarly, there was community land called 'garamjau' in a village during the Mughal period. There are about 10,000 ponds on it. We have been fighting for its release for the last 30 years. Many of our comrades have sacrificed their lives. It has also to be protected in social interest. I wish, the Government implements these laws with open heart. Consolidation of land should be completed and these reforms should be implemented fully in Union Territories, The Urban Land Ceiling Act should also be enforced strictly. They should be brought under 9th Schedule because there are bigger landlords in urban areas. With these words, I support the Bill and conclude.

[English]

SHRI SOBHANADREESWARA RAO VADDE (Vijay-Yawada): Mr. Chairman, Sir, I rise to support the Constitution (Eighty-first Amendment) Bill, particularly the proposals regarding adding certain legislations relating to land in the Ninth Schedule of the Constitution, some of which belong to the State of Bihar. I hope that this adding of the legislation relating to the land connected to the State of Bihar may cause certain agrarian problems in Bihar. It is common knowledge that private land-owners are having private armies and similar is the case with the landless poor people belonging to the weaker sections, farmers themselves. They form into groups and many a time it is leading to clashes, brutal killings which I feel very bad. In this connection, I would like to make a few

observations. One such observation is that by and large in several States the agricultural land ceiling regulations have been implemented. I am not going into details because already information was given to the queries raised by hon. Members. By and large, it varies from 70 per cent to 80 per cent. Sometimes, it is even 100 per cent. In this connection, I would like to say one thing. The Government of Maharashtra has very recently proposed one measure to permit big companies to acquire hundreds of acres of land in the name of export promotion to raise horticultural crops or agricultural crops. I wonder why this type of facilities should be given to companies. You are aware that by 1950s, zamindars and rajas had gone. Most of their land was taken away. By 1960s, another legislation was brought forward by which 50 to 100 acres of land or something like that was there with the so-called big landlords. By 1972, another Land Ceiling Act was brought forward. You know very well in the case of bank nationalisation or acquisition of property in any other sector, due compensation was paid. Only in respect of agriculture land ceiling, 20 to 25 times of the land revenue was computed as land compensation. Most of the farmers, their grand-fathers, their fathers, and have spent a lot of their energies for the development of the land, levelling the land and in bring the land under cultivation, in producing agricultural products for the people in this country.

17.00 hrs.

It is because the compensation was not only meagre but sometime they will try to evade through some loopholes or through certain weaknesses in the administrative machinery. It happened like that.

My point is that by introducing ceiling on the area or on the land, you are also imposing ceiling on incomes. While it is a fact that all the big capitalists like Tatas, Birlas, Goenkas, Dalmias, Singhania whose assets were Rs. 20 crore or Rs. 15 crore at the point of independence, today they have earned Rs. 6,000 crore assets. A person who was just a clerk, today he is almost having Rs. 6,000 crore or Rs. 8,000 crore assets under his control and he is going to become number one in this country. They are not satisfied with that. This very Government is handling over Panna Mukta Oil Fields to these big capitalists and similar is the case of K.G. Basin where the Government has already invested thousands of crores. Production of oil has been given to the private companies. Why have they so much love and affection towards big companies? Still, you want the big companies to have hundreds of acres of land to grow necessary to liberalise, to bring some change in this clause, to produce more horticultural products for earning foreign exchange, you must consider the case of the farmer also. Do not discriminate him, that is what I want to say in this connection.

Unfortunately, the consolidation of holdings is very important in making the full energies of the farmers to be

spent on the land and to increase the productivity. To some extent, they have taken place in Northern States like Uttar Pradesh, Haryana. But in Southern States, it is yet to make a good beginning. Karnataka has done something in this regard, whereas Andhra Pradesh and other States are lagging far behind. The Government must take necessary steps to see that the progress of the consolidation of holdings takes place at a much faster pace.

I once again suggest to the Government that this is not the only way to protect the rural poverty. You must understand and see that more funds are provided to encourage rural industries, small scale industries and cottage industries which go a long way in providing employment and in generating income to the rural poor. This basic attitudinal change has to take place.

With these words, I conclude and support the proposals to include these measures in the Ninth Schedule of the Constitution so that more landless poor people get more land for their tilling and to become owners of the land.

SHRI HANNAN MOLLAH (Uluberia): Sir, firstly, I like to support the Eighty-first Constitution (Amendment) Bill to include the land laws, passed by various Assemblies, into the Ninth Schedule of the Constitution so that it can be protected from being justiciable. The land reforms, as already been said by many colleagues, was the slogan since independence, but is implemented more by violation than by execution. We thought we would get about six crore acres of surplus land but we did not get the same. Lakhs of acres of land are also involved in litigation and crores of Indian rural poor remained landless. We could not fulfill their dreams; we could not take the surplus ceiling lands, wasteland and other lands for distribution among the landless. The main theme of the land reforms is that surplus land should be distributed to the landless so that the property is distributed and that they enjoy the fruits of the land and that of production.

In that way, they get purchasing power and the market base is expanded; and this way, the industrialisation of the country also takes place. Land reform is the basis for industrialisation, expansion and development of the country. This is the theme of the land reform. But due to lack of political will by the Central Government of the Congress it was not done. It was not done because most of the Congress Ministers from the Centre and 90 per cent of the State Ministers of the Congress Party are landlords. Since they are landlords, they did not have the interest to implement the land laws and because of this, the land laws failed in most parts of the country except in West Bengal and Kerala..... (*Interruptions*) This is the situation; and I do not want to go into that controversy. But in the wake of the elections, they want to bring all these Acts in the Ninth Schedule of the Constitution.

I support this Bill and at the same time, I want to raise one question. There are so many laws. If they are pro-people, they are not being implemented till the people fight for their implementation. This is our experience. We have to fight first for a law; and after that also we have to fight for its implementation; and this is our experience of life. Wherever there is a strong *Kisan* movement, land laws are implemented and where there is no *Kisan* movement, they are not implemented. This is the fate of these laws all over the country..

I was mentioning in the morning that ex-Kasi Maharaja had 10,000 acres of Benami or ceiling surplus land in four or five districts. Just last week I have visited the place. The Scheduled Castes and the Scheduled Tribes people are cultivating in some 1,500 acres of land illegally owned by him in *Bairath* farm. Now, he is evicting them. There is no record of land to that King and he is now enjoying the fruit. When I went there, I found that the Rapid Action Force and PAC have covered the land to protect the land in favour of the landlord and against the poor people. In this way, the Governments protect the landlords and spoil the chance of implementation of the Land Reform Act. This is the situation. I think that we have to fight and mobilise the people to implement those laws. Otherwise, they cannot be implemented. This is our experience.

One last point I want to mention. When we passed the Land Reform Acts, at that time, most of the land was 'single crop land.' So, we had 15 acres or 20 acres of ceiling on land according to the situation in various States. We now know that the land has become 'three crop land' or 'four crop land.' Twenty acres of land now is actually like eighty acres of land of those days. So, I demand that the land records should be reviewed and the ceiling should be further reduced. Now, the production in the land has been increased, from single crop to two or three or four crops. So, the land ceiling should be reduced so that more land is available and can be distributed among the crores of landless and poor agricultural labourers most of whom are Scheduled Castes and Scheduled Tribes.

With these demands, I support the Bill and I hope that this Government will show their political will to implement those Acts properly..... (*Interruptions*).

MR. CHAIRMAN : I will now ask the hon. Minister to reply because the hon. Members from every party have taken more time than what is allotted.

.....(*Interruptions*)

MR. CHAIRMAN : From your party, two or three Members have spoken.

...(*Interruptions*)

SHRI B.N. REDDY (Miryalguda): Sir, please allow me to speak for just five minutes.....(*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE. (Dumdum): Sir, you may please allow Shri B.N. Reddy to speak. He has participated in the historic and famous Telangana movement.....(*Interruptions*)

MR. CHAIRMAN: I will give time for those Members on the condition that each will take only two minutes. Now, Shri B. N. Reddy.

SHRI B.N. REDDY : Sir, I thank you for giving me this opportunity to speak. I am a person from the Communist Party of India (Marxist) from Telangana, where for the first time the United Communist Party started a land reform movement and where for the first time, ten lakh acres of land has been distributed among the landless poor. Only after that, the slogan about land has spread throughout India.

As a result of this, Vinobha Bhawe came and started the Bhoodan Movement. But, at that time, the landlords were not willing to give their lands with the result that the Bhoodan Movement failed. Once, I was hearing the Prime Minister. He said that in Telangana, they were matchless ahead because they had occupied the lands voluntarily. But the credit for land distribution should go to the people and not to the Congress Party. As a matter of fact, the programme of land reforms became disgraceful bogus drama especially by the Congress rulers. The people were asking why had this Amendment come so late. We said that it was because the Congress people who ruled the country had no political will to distribute the lands. That is why, we also said that it was the fundamental and basic duty of all of us to abolish landlordism. Only then the lands can be distributed to the agrarian sector and the productive forces will feel released and production will increase. Hence, I would like to bring this point to your notice.

[*Translation*]

SHRI RAMASHRAY PRASAD SINGH (Jahanabad) : Mr. Chairman, Sir, I rise to support this Constitution Amendment Bill wholeheartedly. It appears to be revolutionary step but the truth is otherwise. We raise the issue of land reforms time and again and every time we are told that it is a State subject. I have been in politics for a long time and whenever this issue was raised, some or the other alibi was given each time.

In 1969, when Shri Vinodanand Jha was the Chief Minister, the poor landless people launched an agitation. A new scheme was evolved that orchard land will not be acquired. I would like Mishra ji to stick to his commitment because he cannot keep people in the dark for long. The Congress has been in power for the last 50 years—there is no other party in capitalist countries which has been in

power for such a long period still the land reforms were not implemented. He has been Chief Minister of Bihar for four years. What was the difficulty in implementing these laws? I would plead that the loopholes in these laws should be removed by sitting together. Our party launched a movement in 1970 all over the country and acquired the land owned by big Mahants. That land is in possession of poor people today but they have not got the ownership right thereof so far, although you had been there the Chief Minister. It is a matter for enquiry as to what is the result thereof. The poverty was alleviated when some of the poor people got land and they are now getting three-four crops out of it. It removed their unemployment and poverty and also helped increase production. You simply pretend. You may recollect that you were the Chief Minister and I was an MLA and it was publicised over the radio that you would introduce minimum wages, but what effect it had in Jahanabad? Naxalism emerged there but it was not implemented. Extremism spread so rapidly that today people are in a troubled state. If you are really interested in implementing these laws, then please plug the loopholes in the laws.

SHRI TEJ NARAYAN SINGH (Buxar) : Mr. Chairman, Sir, I rise to support this Bill and thank the hon. Minister for bringing forward this Bill, though belatedly. He knows that land reforms have not been implemented and unless they are implemented, we cannot run the country's administration properly. He has been the Chief Minister of Bihar and knows that thousands of acres of surplus land could not be distributed because of litigations pending in the High Court. Amendment in Rule 259 will not help. Articles 226 and 227 of the Constitution will have to be amended to ensure that no person is able to take land cases to the court and that land cases do not remain pending. So, amendment in these Articles is necessary. Otherwise, whatever amendments he may make in the land reforms will continue to be taken to court.

Sir, it will not be possible to acquire the land of the Mahants of Dharampura, Basarwa, Boxa and Sahapur unless these Articles are amended because they will file a writ in the High Court and the land will become disputed. He is talking of inclusion of land reforms in the 9th Schedule. But it is not going to help in acquiring surplus land.

I have had a talk with Shri Somnath Chatterjee about this amendment and asked him as to how much land is going to become surplus and how many pending cases are likely to be disposed of as a result of this. He told me that nothing was going to happen because landlord would take recourse to Articles 226 and 227 and conceal their land. Although I support this bill, yet I will request you to take legal advice on amendment of these two Articles. It will provide relief to the poor. With these words, I support the Bill.

SHRI JAGANNATH MISHRA: Mr. Chairman, Sir, I am grateful to hon. Members for taking part in the discussion on the Constitution (21st Amendment) Bill which seeks amendment in the 9th Schedule pertaining to land reforms. All of them have given their support. Only two-three points have emerged which I would like to clarify. (Interruptions)

DR. RAM KRISHNA KUSMARIA (Damoh) : Mr. Chairman, Sir I want to raise a very important issue.

MR. CHAIRMAN : No please.

SHRI JAGANNATH MISHRA : The Government is committed to enforcement of land ceiling and reform laws and there is no change in Government's policy in this respect, nor is there any possibility of any change. The economic liberalisation policy is not going to affect land ceiling aspect in any way.

The policy, we are following today, is the national policy laid down in 1972 by late Smt. Indira Gandhi and all State Governments are being asked to follow that policy. We have recently written separate letters to the State Chief Ministers and asked them to distribute immediately the surplus land among landless people and that 10.64 lakh acre surplus land which is under litigation should be got released immediately. We have also asked them to constitute special tribunals under Article 323-B of the Constitution in respect of the cases pending in the courts and to get these cases disposed of. The West Bengal Government has in its Act of 1991 acquired power for adjudication and we are providing protection to it. In Bihar, a Tribunal was constituted under 1987 Amendment but the same was declared ultra-vires by the High Court. Today, we are going to provide Constitutional safeguard to that Act also. Thus, Government's intention is very clear about speedy implementation of land reforms. Land reforms were speeded up throughout the country during the last 49 years of Congress rule. The Zamindari System was abolished and 1.12 crore land holders were given ownership rights and 51 lakh acre surplus land was distributed among 49 lakh families which include 17 lakh scheduled castes, 7 lakh scheduled tribe families and 26 lakh other backward poor families. Therefore, it is not proper to question the sincerity of the Government or that of the Congress. Congress is fully committed to its promises. It had laid down land reforms policy during the days of freedom struggle and took up the implementation of these programmes immediately after attaining independence. The Zamindari Abolition Act which was the first Amendment of Bihar, was passed in 1991 when Dr. Sinha and Shri K.B. Sahay were the Chief Minister but the same was declared ultra-vires by the Supreme Court. The Amendment of 1991 was the first Amendment and the Amendment Act No. 13 was given Constitutional

safeguard. Later, 255 laws were included in the 9th Schedule of which 222 pertained to land reforms. In May 1990, 55 laws were given Constitutional safeguards. The remaining Bills of the State Government which were pending with us are being included in the 9th Schedule. So, the intention of the Government of India is very clear. We have also asked the State Governments not to use 456 thousand acre land reserved with the State Governments for community purpose except for distribution among the landless people. We have asked them to release this land immediately and distribute the same among people. The Maharashtra Government has sent a proposal for amendment in the Act requesting that exemption should not be granted for leasing out the land for other purposes and the Government of India has not, so far, given its consent for the same. But, I am sorry(Interruptions)

SHRI BHOGENDRA JHA : Have you not given the consent or they have rejected it?

SHRI JAGANNATH MISHRA : It is still under consideration. The West Bengal Government has also submitted a similar Act which seeks power for the State Governments to allow an individual to retain the land in excess of land ceiling. It is also pending consideration. It is not in conformity with the guidelines of 1972 which we had laid down for the entire country. We have told the State Governments that no amendment should be made in the ceiling laws which go against national policy and the industrialists and others should not be allowed to retain land in excess of land ceiling. We do not have any proposal under consideration regarding granting exemption except the exemption provision included in the 1972 guidelines. Therefore, our economic liberalisation policy is not going to have any effect on land reforms. I also want to discuss Bihar.

SHRI BHOGENDRA JHA : I would like to know as to what sort of exemption has been sought by the West Bengal Government.

SHRI JAGANNATH MISHRA : The West Bengal Government's proposal provides for granting permission for acquisition and right of ownership of land by any religious trust, company, individual, Association or Body with the prior approval of the State Government and under the conditions laid down by the State Government; granting of permission to tenants or lease-holders for retaining the area of land as considered adequate by the State Government; dealing with and disposal of cases of the land in excess of the ceiling with an individual or a firm or a Company or individuals or institutions or bodies for purposes of setting up factories, industries, tree-plantation, tea-gardens live-stock, breeding, poultry, horticulture, aqua-culture, floriculture, sericulture and such other activities.

SHRI BHOGENDRA JHA : This is over and above the ceiling.

SHRI JAGANNATH MISHRA : It is over and above ceiling.

(Interruptions)

[English]

SHRI SAIFUDDIN CHOUDHURY (Katwa) : I would like to know whether it is for industry or not.

[Translation]

SHRI JAGANNATH MISHRA : This is for industry also. I have already said it is for different purposes. It includes individual, firm, company, factory etc. You have asked for exemption for all of them but it goes against our 1972 guidelines and therefore, it is under our consideration.

[English]

SHRI SAIFUDDIN CHOUDHURY : It is not a demand for general exemption, it is a demand for specific cases.

[Translation]

SHRI JAGANNATH MISHRA : As I have said, we have received exemption proposals from two State Governments only and no other State has sought exemption over and above land ceiling. I would like to make it clear on behalf of the Government of India that there is no scope for affecting any increase or decrease in granting any exemption in the ceiling so that there is no uncertainty about rural land reforms. We have laid a policy for the entire country and all the State Governments should scrupulously follow that. We have asked them to implement fully the Ceiling Act by the end of March next year.

Our Prime Minister is fully committed to these reforms. A meeting of Revenue Minister and Chief Ministers was called and a movement was launched during 1971-74 whereunder 14,000 acre surplus land was acquired. Therefore, the Prime Minister has clearly said that we want to carry out all the land reforms. The land disputes should be resolved whether they are going on in Andhra Pradesh or Bihar. The land disputes are related to naxalism. We have told the Bihar Chief Minister that most of the killings of poor people, dalits and community killing are linked to land disputes in Central Bihar. The Bihar Government remained very complacent during the last five years about land reforms and we have exhorted the Bihar Chief Minister not to show any slackness in this regard and asked him to complete the land reform process. Only then can peace be obtained in Bihar. This

is not the question of Biju system. (*Interruptions*)

SHRI VIJOY KUMAR YADAV : Why are you imposing restriction on reduction of ceiling.

SHRI JAGANNATH MISHRA : These are the question connected with land and thus will naturally tend to create uncertainty. We have so far retrieved 50 lakh acres of land in the country, 10.64 lakh of land is involved in litigation. 95000 acre land of Bihar and 75000 acre land of West Bengal are involved in litigation. We have asked West Bengal Chief Minister specifically to try to release the land under litigation, under dispute with the Board of Revenue, he can use his good offices to get these lands released. The land which is under litigations in High Courts can be got released by setting up special courts, Tribunals. We have proposals in this regard and we are going to include in the 9th Schedule. We are including the laws of West Bengal in the 9th Schedule whereunder they want to set up tribunals. The State Government should set up Tribunals under Article 327(B) and resolve all the disputes. This is what we can demand of State Governments in order to do away with the uncertainty.

A second point has been raised that land records are not up-to-date. For this also, the Central Government had formulated a scheme in 1987-88 that land records should be brought upto date and expenditure involved therein should be shared on 50:50 basis. The Government of India had also proposed a computerisation scheme in 1988-89 the entire expenditure of which was born by Government of India. So far, State Governments have been released a sum of Rs. 104 crore for creating land records and Rs. 24 crore for completion of records. These are the steps we are taking to resolve finally the land disputes. Complaints have also been made about Benami land deals. This subject belongs to State Governments. The State Governments can and should make stringent laws in this regard. As for a Panchayati Raj institution, we have in our Ministry taken a decision that the land management, revenue administration and land reform subjects should be transferred to panchayats. The people in the villages can indicate where the Benami land lies and provision should be made for getting the same released.

In the Land Ceiling Act of Bihar we have made an amendment to provide for an award on behalf of the Government to those who furnish information about benami land. It had some effect and we got some information. But during the last 5 years, the process has slowed down. The slogan of Social Justice has remained a mere slogan. As Shri Bhogendra Jha said, the poor should be given land and the work of extending social justice to them be accelerated. The Government of India has made up its mind to speed up the distribution of

surplus land and to resolve the land disputes. The State Government should also follow the suit. I thank you for the suggestions you have made an appeal to you to adopt this Bill unanimously.

SHRI NITISH KUMAR : Not a single question has been replied to.

SHRI JAGANNATH MISHRA : All the points have been replied.

[English]

SHRI SOMNATH CHATTERJEE (Bolpur) : I had suggested it to the Minister of Parliamentary Affairs. There does not seem to be any seriousness on the part of the Government. The Minister said that they will come. When they will come and wherefrom?

[Translation]

SHRI NITISH KUMAR : What about voting ? Do you think this Bill will get be passed? How many members are present here. I had in the beginning of my speech had said that it would need a special majority. Will it be adopted in this way? You have brought forward this Constitutional Amendment Bill in a routine manner and if it falls who will be responsible for it?

SHRI HANNAN MOLLAH (Uluberia) : If 273 Members are not present, then we can postpone it for tomorrow but it should not fall out.

[English]

MR. CHAIRMAN : Where is the Minister of Parliamentary Affairs? Shall I proceed further?

....(*Interruptions*)

SHRI SOMNATH CHATTERJEE : The House is taken for a ride. Where is the Minister of Parliamentary Affairs?

[Translation]

THE MINISTER OF RURAL AREAS AND EMPLOYMENT (SHRI JAGANNATH MISHRA) : It was decided in the meeting of the leaders of all parties that this Bill will be passed.

SHRI SOMNATH CHATTERJEE : Our Members are sitting. Where are your Members? Even the Ministers are not present here.

SHRI NITISH KUMAR : The entire debate was conducted to make speeches on this Bill. No clarification has been given. The Maruti Udyog is in possession of thousands of acres of land without any valid reason therefor.

[English]

MR. CHAIRMAN : Before I put the motion for consideration of the Bill to vote, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

Let the Lobbies be cleared-

17.35 hrs.

MR. SPEAKER : The lobbies have been cleared.

SHRI SOMNATH CHATTERJEE : Sir, I request you, let the vote be taken tomorrow at 11 o'clock so that every Party can organise its Members. Everybody wants the Bill to be passed.

MR. SPEAKER : If nobody is objecting to it and if we have more than 50 per cent of votes...

SHRI SOMNATH CHATTERJEE : If we have it, it is all right.

MR. SPEAKER : I think we would be able to pass it.

SHRI BHOGENDRA JHA (Madhubani) : It must not be allowed to fail. If it succeeds, it is okay.

SHRI BASUDEB ACHARIA (Bankura) : They have not contacted us. They have not informed us. The Government is not at all serious.

[Translation]

SHRI NITISH KUMAR : Mr. Speaker, Sir, this should be taken up tomorrow and the Government should be reprimanded because the Government's way of disputing Parliamentary business is improper. We had expressed our doubt at the very start of the debate that the Bill would need a special majority and asked whether the matter had been discussed with all the parties and they responded it in affirmative. But now if you look at the presence of Members, I think we don't have that special majority.

(Interruptions)

[English]

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA) : Sir, may I make a submission?

MR. SPEAKER : Yes.

SHRI VIDYACHARAN SHUKLA : Sir, originally voting for this Constitution (Amendment) Bill was fixed at 12 o'clock but for various reasons, which I do not want to go into, the time has been shifted and now it is quarter to six. At this point of time, for this important Constitution (Amendment) Bill, for which there is a unanimous support of the entire House, the requisite number did not seem to be present. I would, therefore, make a request that, since the debate on this Bill is already over, the time for Division may be fixed for tomorrow at 11.30 a.m. or any other so

that we can have the Division and pass this Bill.

SEVERAL HON. MEMBERS: Yes.

[Translation]

SHRI NITISH KUMAR: The Chair should also comment as to how indifferent the Government is in dealing with Parliamentary business.

[English]

SHRI SOMNATH CHATTERJEE: This is too important a Bill for us to take any chance. There is no dispute about it. Let us have Division either at 11.00 a.m. or 12 noon or whatever time you fix. As I had suggested earlier, let us not take a risk on a Bill of this nature. You fix any time that suits you so that even the hon. Prime Minister can also come. We want his vote.

SHRI BHOGENDRA JHA: Mr. Speaker, Sir, let it be tomorrow at 11.30 a.m. or 12 noon or whatever time you fix. Let us not take the risk. We will support.

SHRI JASWANT SINGH (Chittorgarh): Mr. Speaker, Sir, I am not on the merits of the requirement of such a Constitutional Amendment. I am also not on the practical move for shifting it from now to some other time when hon. Members are actually present.

Firstly, I request you to please consider that having assembled here, having concluded the debate, what is the responsibility of the Treasury Benches in respect of Constitutional Amendment which they are themselves piloting and they have themselves listed.

Secondly, thereafter — notwithstanding what the responsibility of the Government or the Treasury Benches is or is not — please examine carefully this point. We have finished the debate and then we want to shift it tomorrow. I do not know what message we are sending. Is it proper?

SHRI UMRAO SINGH (Jalandhar) : You yourself were absent. Where were you?

SHRI JASWANT SINGH : You are right. I accept that.

(Interruptions)

[Translation]

SHRI NITISH KUMAR: It should be allotted one hour more tomorrow. So let it be taken at 12 noon tomorrow.

SHRI SOMNATH CHATTERJEE: I am not exonerating the Treasury Benches. But I say that there are some issue on which we should act in a manner which shows responsibility here. That is only the message that I wanted to convey.

My exoneration is not there. You are as bad as anything. Sometimes, they do something good, let that not be

spoiled.

(Interruptions)

[Translation]

SHRI NITISH KUMAR: We propose that this should be taken up tomorrow.

[English]

SHRI SOMNATH CHATTERJEE: The House is unanimous. Even if it is a little halting, I think, Shri Jaswant Singh has agreed to our proposal. Therefore, let it be granted.

[Translation]

SHRI NITISH KUMAR: Sir, Government can be charged of lack of seriousness. I have said at the start of the debate that if the time has been allocated for discussion and passing of Constitutional Amendment Bill, talks should be held with the opposition and whips should be issued for ensuring special majority. Then he had said that talks have been held with the opposition. But now we see that we don't have special majority.

SHRI VIDYACHARAN SHUKLA: It was discussed in the meeting of leaders.

SHRI NITISH KUMAR : Whatever Shri Shukla has said that carried no meaning at all because he entered the House only after quorum bell rang.

SHRI VIDYACHARAN SHUKLA: Shri Nitish Kumar does not attend the meeting of leaders so he is not aware of it.

SHRI NITISH KUMAR : The leaders of our party attended the meeting.

SHRI VIDYACHARAN SHUKLA : All the leaders were apprised of it.

SHRI NITISH KUMAR : I have asked from the whips of all the parties but none of them is aware of it.

SHRI VIDYACHARAN SHUKLA : It was discussed in the leaders' meeting in the BAC and everybody was sounded about it and all of them had said that they would be present. It was decided unanimously. Many of our Members are present here and therefore we cannot be charged with lack of seriousness.

(Interruptions)

[English]

SHRI SOMNATH CHATTERJEE : Let us not enter

into any controversy. Sir, you may recall that even in today's meeting I made a suggestion. *(Interruptions)*

SHRI BASUDEB ACHARIA : Why have you not taken up this Bill at 12 o'clock? *(Interruptions)*

[Translation]

SHRI VIDYACHARAN SHUKLA : I do not want to affront anybody by entering into controversy. I will submit that as per consensus we should have voting tomorrow and now the listed business should be taken up. The division which is necessary for a constitution amendment should be completed tomorrow at 11.30 or 12.00 hours.

[English]

MR. SPEAKER : Are you sure that there would be Members in adequate number tomorrow at 11.30 hours?

(Interruptions)

SHRI SOMNATH CHATTERJEE : Sir, I suggested 11 o'clock.

(Interruptions)

[Translation]

SHRI NITISH KUMAR : Mr. Speaker, Sir, please listen to my submission. The Minister of Parliamentary Affairs has taken words out of my mouth and put them in your ears. We had decided that voting would take place at 17.00 or 18.00 hours. Whether the House was informed of this.

SHRI VIDYACHARAN SHUKLA: The House was informed Three-four times.

SHRI NITISH KUMAR : It was not in the knowledge of any Member that voting will take place at 17.00-18.00 hours.

MR. SPEAKER : It will be done as per the wish of the House. But I would like to say that today we have taken up Government business in place of private members business and I don't know whether the Members will be present tomorrow in requisite number because we will have Private Members' Business tomorrow and many members do not remain present. Secondly this has to go to other House after being passed here. So it may not be adopted there also.

SHRI VIDYACHARAN SHUKLA : It has already been passed by Rajya Sabha.

MR. SPEAKER : Yes, it has been passed by Rajya Sabha.

THE MINISTER OF WELFARE (SHRI SITA RAM KESRI): Sir, I have to introduce Wakf Amendment Bill also tomorrow.

MR. SPEAKER : I am very sorry. You want to do everything in the manner the Presiding Officer sitting here does.

SHRI SITA RAM KESRI : I have made a submission.

MR. SPEAKER : You want to get all the Bills passed and nobody has time to remain present here. Everybody wants to make a long speech and then schedule has also to be changed. How all things can be done? I am not fixing 12 hours tomorrow because I will assess the situation tomorrow morning. If you people want to set the business taken up, then you will have to be here for the whole day. You should not allow a feeling to come that people might feel that we have been doing what we wanted to do. I am really very sorry that we have to do all this at the fag end of the session.

If you all agree, we will take it up tomorrow but we should not do anything which might dilute our dignity.

[English]

So let us now take up the demands of excess grant (general).

17.50 hrs.

*DEMANDS FOR EXCESS GRANTS (GENERAL)
— 1992-93 and

*SUPPLEMENTARY DEMANDS FOR GRANTS
(GENERAL) — 1995-96

MR. SPEAKER : Will you please take your seats? The House will take up now Discussion and Voting on the Demands for Excess Grants (General) for 1992-93 and Supplementary Demands for Grants (General) for 1995-96, for which some time has been allotted. Would the Members like to speak on the Demands for Excess and Supplementary Grants?

SEVERAL HON. MEMBERS : Yes.

MR. SPEAKER : Motions moved :

"That the respective excess sums not exceeding the amounts shown in the third column of the Order Paper be granted to the President out of the Consolidated Fund of India to make good following demands entered in the second column thereof - Demand Nos. 14, 15, 18, 22, 25, 33, 75, 95 and 97."

"That the respective supplementary sums not exceeding the amounts on Revenue Account and Capital Account shown in the third column of the Order Paper be granted to the President out of the Consolidated Fund of India to defray the charges that will come in course of payment during the year ending

31st day of March, 1996 in respect of the following demands entered in the second column thereof - Demand Nos. 1, 5, 6, 9, 14, 15, 26, 35, 39, 40, 46, 48, 50, 51, 53, 56, 61, 70, 72, 73, 75, to 81 and 83".

Demands for Excess Grants (General) for 1992-93 submitted to the Vote of the Lok Sabha

No. of Demand	Name of Demand	Amount of Demand submitted to the vote of the House
1	2	3
I. EXPENDITURE MET FROM REVENUE		
14.	Postal Services	21,46,46,092
18.	Defence Services-Army	53,23,42,445
25.	Department of Economic Affairs	4,77,09,052
33.	Pensions	15,87,71,514
97.	Chandigarh	1,11,77,128
II. EXPENDITURE MET FROM CAPITAL		
15.	Telecommunication Services	25,53,86,487
22.	Capital Outlay on Defence Services	21,29,09,329

*with the recommendation of the President Moved