

SHRIMATI JAYANTI PATNAIK :
I introduce the Bill.

CONSTITUTION AMENDMENT BILL*

(Substitution of new article for
article 263)

SHRI CHITTA BASU (Barasat) :
I beg to move for leave to introduce a
Bill further to amend the Constitution of
India.

MR. DEPUTY SPEAKER : The
question is :

“That leave be granted to introduce
a Bill further to amend the Consti-
tution of India ”

The motion was adopted.

SHRI CHITTA BASU : I introduce
the Bill.

15.51 hrs.

CONSTITUTION (AMEND-
MENT) BILL—(CONTD)

(Amendment of article 31B)

MR. DEPUTY-SPEAKER : The
House will now take up further consi-
deration of the following motion move
by Shri M.M. Lawrence on 26th August,
1983, namely,

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

Three hours were allotted for this
Bill and we have already taken about 2
hours and 31 minutes ; we have got only
30 minutes now. Mr. Harish Rawat was
on his legs. He will continue now.

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Extraordinary, Part II, Section 2 dated
9-12-83.

श्री हरीश रावत (अल्मोड़ा) : उपाध्यक्ष महोदय, मैं कह रहा था कि स्वाधीनता के पहले के दिनों में ही कांग्रेस का यह दृष्टिकोण रहा है कि भूमिसुधार किया जाए। स्व० नेहरू जी ने कहा था कि जब तक भूमिसुधार नहीं किए जायेंगे, तब तक इस देश की पावर्टी को, इस देश की आर्थिक स्थिति को मात्र औद्योगीकरण के द्वारा नहीं सुधारा जा सकता है। कांग्रेस का दृष्टिकोण शुरू से रहा है और उसी के आधार पर प्रथम पंचवर्षीय योजना से लेकर आज तक भूमिसुधार हमारी सरकार का मुख्य उद्देश्य रहा है। लेकिन भूमिसुधार के संबंध में हमने जितने भी लक्ष्य निर्धारित किए, उसका लाभ जिस मात्रा में भूमिहीनों को मिलना चाहिए था, उस मात्रा में नहीं मिल पाया। इस देश के अन्दर जितनी कृषि योग्य भूमि

15.52 hrs.

[SHRI R.S. SPARROW in the
Chair]

है, उसका मात्र 20 प्रतिशत ही कृषि करने वाले लोगों के पास है। शेष 80 प्रतिशत बड़े लोगों के पास है। इस प्रकार से एक असंतुलन टीलस के बीच में कायम है। इस स्थिति को देखते हुए कृषि उत्पादन के बढ़ने की बात नहीं की जा सकती है।

साथ-साथ इनके बीच में जो असमानता है, उसको घटाने के विषय में भी सरकार को कोशिश करनी चाहिए। हमारा जो एक नारा लैंड-टू-द्वि-टीलर— रहा है, आपको हम वास्तविकता में नहीं बदल पाए हैं। आज स्थिति यह है कि जो शहरी कुलक्स हैं, वे बहुत बड़ी लैंड-होल्डिंग के मालिक हैं। जो खुद कभी खेती नहीं करता है, उसके पास सबसे अधिक भूमि है। उत्तर प्रदेश के तराई क्षेत्र में विड़ला का एक बहुत बड़ा फार्म है। जिन्होंने कभी

खेती नहीं की, जो खेती के बारे में जानता तक नहीं, वह खेती की कमाई की आड़ में इनकम टैक्स और दूसरे टैक्सों को बचाने की कोशिश कर रहा है। इस स्थिति में हम समझते हैं कि हमारा जो लक्ष्य है, यदि इस प्रकार लोग इसका मजाक उड़ायेंगे, तो हम कभी भी सफल नहीं हो सकते हैं। ऐसी स्थिति में हम एक सार्थक योगदान अपने प्लान डाक्यूमेंट और प्लान डिक्लरेशन के साथ नहीं कर पायेंगे। यहां पर माननीय कानून मंत्री जी और ग्रामीण विकास मंत्री जी भी बैठे हुए हैं। मैं उनका ध्यान इस ओर आकर्षित करना चाहता हूं। आज स्थिति यह होती जा रही है कि आज जो एग्रीकल्चर लैंड हैं, उनकी होल्डिंग भी छोटी होती जा रही है। लैंड होल्डिंग छोटी होने से रोकने के लिए सरकार कोई कदम नहीं उठा रही है। प्लानिंग कमीशन और एग्रीकल्चर कमीशन ने एक सुझाव दिया था कि 20 परसेंट जनसंख्या जो एग्रीकल्चर पर निर्भर करती है, उसको उद्योगों की तरफ डाइवर्ट किया जाए। लेकिन हम अभी तक एक प्रतिशत भी लोग उद्योगों की तरफ डाइवर्ट नहीं कर पाए हैं।

इस समय हमारे देश में करीब 71 मिलियन होल्डिंग है। जितनी होल्डिंग इस समय हमारे देश में हैं, यदि हम उसमें डिवीजन करेंगे तो प्रोफिटेबिल नहीं रहेंगे। इसलिए जो एलायड एग्रीकल्चरल सेक्टर हो सकता है, उसके डेवलपमेंट की तरफ सरकार को ध्यान देना चाहिए।

अभी दो-तीन प्रोग्राम सरकार ने बनाए हैं। एक प्रोग्राम है एन.आर.ई.पी. का और दूसरा है रूरल एरियाज में एम्प्लायमेंट गारंटी स्कीम का। इसी तरह से अर्बन एरियाज के लिए भी एम्प्लायमेंट गारंटी स्कीम के प्रोग्राम हैं मगर इनका उतना लाभ एक

सामान्य आदमी को नहीं मिल पा रहा है, जितना मिलना चाहिए और स्थिति यह है कि एन.आर.ई.पी. या आई.आर.डी.पी. और दूसरी जो दो नई स्कीमें हैं, उनका सदुपयोग नहीं हो रहा है और इनके बारे में कई प्रकार की शिकायतें राज्यों में हैं। ऐसा कोई राज्य होगा जिसमें बेतहासा इन प्रोग्रामों के दुरुपयोग की शिकायतें न मिली हों। मैं माननीय हरिनाथ मिश्र जी से निवेदन करना चाहूंगा कि इन शिकायतों को दूर करने के विषय में उनका मंत्रालय कोई प्रभावी कार्यवाही करे। उनका मंत्रालय इन प्रोग्रामों के लिए कुछ फंड देने का काम कर रहा है लेकिन उस पैसे की मानीट्रिंग के लिए उनके पास कोई रूल्स नहीं हैं। जिस प्रकार से राज्यों में जो इन प्रोग्रामों के लिए फंड दिए जाते हैं, खर्च किए जाते हैं, इनको देखने की कोई व्यवस्था आपने नहीं की है। इसलिए मैं यह चाहूंगा कि एन.आर.ई.पी. और आई.आर.डी.पी. में और फंडिंग न की जाए। इसके अलावा जो नई स्कीमों के अन्दर 100 करोड़ रुपये ग्रामीण क्षेत्रों में खर्च करने की व्यवस्था है और अगले साल के लिए 500 करोड़ रुपये का टार्गेट रखा है, यह देने के पहले मैं यह चाहूंगा कि पहले आप यह देख लें कि जो रुपया अभी तक इन स्कीमों के लिए दिया गया है, उसका फायदा लोगों को पहुंचा है या नहीं। इसका आपको मूल्यांकन करना चाहिए।

अब मैं बैंकों से ऋण देने के बारे में कुछ कहना चाहता हूं। बैंकों से छोटे किसानों को ऋण देने का आपका लक्ष्य है लेकिन मैं यह बताना चाहता हूं कि जहाँ 1970 में इनको बैंक से 8 प्रतिशत ऋण दिया जाता है, एग्रीकल्चर सेक्टर में वह अब घटकर चार या साढ़े चार प्रतिशत हो गया है। इसके अलावा यह जो चार और साढ़े चार प्रतिशत ऋण दिया जाता है, यह भी 80 प्रतिशत बड़े

(श्री हरीश रावत)
किसान ही ले जाते हैं क्योंकि उनके पास रिपेमेंट की 100 परसेंट गारेंटी है। इस तरह से यह उनको मिल जाता है जो कि इस स्थिति में हैं कि एग्रीकल्चर सेक्टर में अपने पास से इन्वेस्ट कर सकें और जो गरीब किसान हैं उनको कुछ भी पैसा नहीं मिलता है। मेरा कानून मंत्री जी और ग्रामीण विकास मंत्री जी, दोनों से निवेदन है कि वे इस बारे में एक ठोस कानून बनाएं। हम बहुधा इस बात को कहते जा रहे हैं कि भूमि सुधारों को नवीं शैड्यूल में रखा जाए। भूमि सुधारों के विषय में विभिन्न सरकारों ने कानूनी कार्यवाही की है। माहलनवीस कमेटी मुकरंर की गई थी और उत्तर प्रदेश में भी एक मंगल देव विशा-रद कमेटी बनी थी और इन दोनों ने अपनी सिफारिशें दी हैं। उत्तर प्रदेश के अन्दर कितने हेक्टेयर सरप्लस लैंड हैं, इस विषय में कमेटी ने बताया था लेकिन सरप्लस लैंड के बारे में जो आंकड़े हैं, उनमें बहुत अन्तर है। प्लानिंग कमीशन कुछ कहता है और एग्रीकल्चर मिनिस्ट्री कुछ कहती है और मैं तो यह कहूंगा कि एग्रीकल्चर मिनिस्ट्री ने जो आंकड़े दिए हैं उनमें भी सामंजस्य नहीं है। कितनी सरप्लस लैंड डिस्ट्रीब्यूट होनी है, इसके सही आंकड़े हमें नहीं मालूम हैं। इसके अलावा एक और खतरनाक बात है और वह यह है कि जितनी भी लैंड डिस्ट्रीब्यूट की गई है, वह किसानों को नहीं मिल पाई है। इनके बीच में कोर्ट आ जती है। इस तरह से अधिकांश सरप्लस लैंड बांटी नहीं गई है और कमेटी के सामने विवाद खड़े हुए हैं।

एक बात मैं यह भी कहना चाहता हूँ कि बड़े-बड़े जमींदारों ने जितनी उनकी लैंड होल्डिंग होनी चाहिए थी, उससे ज्यादा जमीन अपने पास फर्जी नामों से रखी हुई है। कोई जमीन टोनी के नाम से तो कोई किसी और नाम से। अब टोनी लड़के का नाम भी

हो सकता है और एक कुत्ते का नाम भी हो सकता है। इसी तरह से कावेरी के नाम से जमीन रखी हुई है। अब कावेरी गाय का नाम भी हो सकता है और लड़की का नाम भी हो सकता है। इस तरह से सरप्लस जमीन को लेने का कानून तो बना हुआ है, लेकिन उसका सही ढंग से पालन नहीं हो पा रहा है। जमींदारों ने अपनी जमीन इधर-उधर डाइवर्ट कर दी है। इसके अलावा अगर गरीब के नाम पट्टा लिख भी दिया जाता है, तो वह केस कोर्ट में चला जाता है और जब गरीब जमीन का पजेशन लेने के लिए जाता है, तो बड़ा जमींदार उसको पजेशन नहीं देता है।

एक बात मैं यह भी कहना चाहता हूँ कि अगर कहीं पर लैंड सरप्लस डेकलेयर कर भी दी गयी है, तो वह वाहियात जमीन है। अगर 20 एकड़ सरप्लस जमीन है, तो वह 20 एकड़ जमीन एक कम्पेक्ट जमीन नहीं है। कहीं पर आधा एकड़ है और कहीं पर पौना एकड़ है। इस तरह से जो लैंड सरप्लस हो रही है, वह व्यर्थ की जमीन है और उस जमीन पर काश्तकार काश्त नहीं कर सकता। ये सारी कठिनाइयाँ हैं, जिनका जिक्र कई बार सदन में किया जा चुका है और मैं समझता हूँ कि जितना हम इसके बारे में समझते हैं, उससे बेहतर सरकार इन कठिनाइयों को जानती है। हमारा मंशा भी साफ है, हमारा

16.00 hrs.

उद्देश्य भी साफ है। हमने छठी पंचवर्षीय योजना में यह लक्ष्य घोषित किया है कि कानून के विषय में जो ढिलाई है, उसको हम दूर करेंगे। हमने छठी पंचवर्षीय योजना के शुरुआत में यह कहा है कि हम दो साल के अन्दर जितनी बकाया जमीन है, उसका बंटवारा कर देंगे। मगर इन सारे लक्ष्यों के बावजूद हमको यह देखना चाहिए कि हम कितनी जमीन को बांट पाए हैं, और जितनी जमीन देनी चाहिए थी, उसको हम जमीन दे पाये हैं या नहीं। हमें यह भी देखना चाहिए

कि जो हमारे कानून हैं उनके तहत हम जमीन को दे सकते हैं या नहीं। इस पर हमें विचार करना चाहिए कि जमीन पर सामंतशाही के और बड़े-बड़े लोगों के हावी रहते हुए क्या हम भूमिहीनों को जमीन दे सकते हैं।

हमारी जो लैंडलेस की परिभाषा है यह भी स्पष्ट नहीं है। मकान बनाने के लिए जिसको हम जमीन दे रहे हैं उसके बारे में हम कहते हैं कि जिसके पास एक नाली भी जमीन न हो, उसको हम जमीन देते हैं। अब गांव में गरीब से गरीब आदमी के पास एक या दो नाली जमीन तो हो सकती है। हमें लैंडलेस की परिभाषा में उन लोगों को लाना चाहिए जिनके पास कोई आर्थिक श्रोत न हो। ऐसे लोगों को ही हमें आर्थिक मदद और लैंड देनी चाहिए।

मैं इन शब्दों के साथ कहना चाहता हूँ कि भाई लारेंस जी ने जो बिल रखा है, उसकी मंशा से तो मैं सहमत हूँ लेकिन उन्होंने शुरू-आत में जो आब्जेक्शनल बात उन्होंने हमारे दृष्टिकोण के बारे में कही है, उस विषय में मैं उनसे कहना चाहता हूँ कि वे लोग, उनकी पार्टी के लोग बैस्ट बंगाल और केरल में शासन में रहे हैं, आज बंगाल में लेण्ड एन्फोर्समेंट की जो स्थिति है वह मैं समझता हूँ कि उत्तर प्रदेश या किसी दूसरे राज्य से बेहतर नहीं है। बैस्ट बंगाल में 27 हजार या 34 हजार हेक्टेयर जमीन ऐसी है जो कि कोर्टों में विवाद में पड़ी है। उसका हल सरकार नहीं निकाल पा रही है। वास्तव में केरल की कांग्रेसी सरकार ने कुछ काम किया है, वह काम कम्युनिस्ट गवर्नमेंट के समय में नहीं हुआ, बल्कि कांग्रेस सरकार के समय में हुआ है। इससे स्पष्ट हो जाता है कि कांग्रेस की गरीबों को जमीने देने के बारे में क्या मंशा है। हम चाहते हैं कि गरीब आदमियों को

उनका हक मिलना चाहिए, लेण्डलेस को हक मिलना चाहिए।

अन्त में मैं सरकार से यही कहता हूँ कि इन सारी बातों को ध्यान में रखते हुए इस बारे में एक कम्प्रीहेंसिव आना चाहिए जिसमें कि सारी बातों का समावेश हो सके।

श्री जगपाल सिंह (हरिद्वार) : कांस्टीट्यूशन अमेंडमेंट बिल पर इस सदन में चर्चा हो रही है। मैं सदन का ज्यादा समय नहीं लूंगा। लेकिन जिस अमेंडमेंट बिल पर चर्चा हो रही है वह वास्तव में इतना सीरियस मामला है कि सरकार को जितना जल्दी हो इस पर कदम उठाना चाहिए वरना इस मुल्क के देहातों में रिबोल्युशनरी परिस्थितियाँ पैदा हो रही हैं और अमीर और गरीब के बीच खाई बढ़ती जा रही है। यह इस देश के लिए खतरनाक साबित हो सकता है।

लेण्ड रिफार्म्स के बारे में मैं नहीं कहता कि कभी कांग्रेस ने या कांग्रेस वालों ने इसका विरोध किया है। पंडित जवाहर लाल नेहरू से लेकर आज तक सभी ने इसकी वकालत की है। लेकिन जो सबसे फण्डामेंटल बात होनी चाहिए थी कि कांस्टीट्यूशन का अमेंडमेंट करके इसके बारे में एक्ट को नाइन्थ शेड्यूल में डाला जाना चाहिए था, उसको कांग्रेस वाले करने के लिए तैयार नहीं हैं। सरकारी पक्ष के सभी लोगों ने, रावत जी ने भी इसका पूरा समर्थन किया है लेकिन कुछ फिर वे स्पष्ट बात नहीं कर पाये।

श्री हरीश रावत : चौधरी चरण सिंह इसके सबसे बड़े दुश्मन हैं।

श्री जगपाल सिंह : चौधरी चरण सिंह उन व्यक्तियों में से हैं जिन्होंने कांग्रेस के सेशन में सबसे पहले यह कहा था कि लेण्ड

(श्री जगपाल सिंह)

रिफार्म्स होने चाहिए, लेण्ड का कांसोलिडेशन होना चाहिए। इसको कांग्रेस पार्टी के लोग अच्छी तरह से जानते हैं। आज भी चौधरी चरण सिंह इस बात की वकालत करते हैं। उनकी जो इकोनोमिक थ्योरी है वह भी इसी पर आधारित है। इसलिए आप इस बात को मत छेड़िए।

सभापति जी, जब तक इसको नाइन्थ शेड्यूल में नहीं डाला जाता तब तक आप चाहे कितने ही कानून विधान सभा में पास कीजिए या पार्लियामेंट में पास कीजिए, कुछ नहीं होने वाला है। लेण्ड रिफार्म को इंप्लीमेंट करना ब्यूरोक्रेसी के बस की बात नहीं है। आपकी सरकार इनको नहीं कर सकती है। जिस गरीब आदमी को सीलिंग एक्ट के तहत जमीन देते हैं उनको आप मौत के मुँह में धकेलते हैं। गरीब आदमी किसी भी कम्युनिटी का हो वह उसी जमात के लिए अदालतों में केस नहीं लड़ सकता। वह उसके बस की बात नहीं है। ला मिनिस्टर यहां पर बैठे हैं। मैं उनसे निवेदन करना चाहता हूँ कि अगर आप प्राइवेट मेंबर बिल को एक्सेप्ट नहीं करना चाहते, इलर्जी है तो यहां पर घोषणा करें और अपनी तरफ से कोई इस तरीके का कंप्रीहेंसिव बिल लेकर आएँ।

आप पूरे देश में देख लीजिए, यू० पी०, बिहार, उड़ीसा, साउथ स्टेट्स जहां पर लोगों के पास जमीन नहीं है और दिन में 12-12 घंटे खेतों में काम करते हैं। कटाई होने के बाद उनको मजदूरी नहीं मिलती। जड़ें और घास-फूस खाकर ये लोग अपना जीवन यापन कर रहे हैं। पिछले दिनों पार्लियामेंट की एस० सी० टी० सी० कमेटी में हम लोगों ने देखा कि लोग तालाब से कीड़े-मकोड़े मारकर खा रहे हैं। मछलियां 5-10 दिन तक तो मिल

सकती हैं लेकिन उसके बाद कीड़ों को मार कर वे लोग अपना पेट भरने पर मजबूर हैं।

आज देश के 52 प्रतिशत लोग बिलो पावर्टीलाइन हैं। आज बड़े-बड़े फिल्म स्टारों ने और कंपेटिलिस्टों ने सारी तराई में जमीनों पर कब्जा कर लिया है। जंगल तोड़ दिए हैं और वहां पर कोठियां बनाकर बिलासिता का सारा सामान इकट्ठा किया है। बलेक मनी को व्हाइट करने का तरीका बना लिया गया है। इसको खत्म करिए और गरीब लोगों में उस जमीन को बांटिए।

आज इस कानून के तहत देहातों में किसान और भूमिहीन के बीच दुश्मनी बढ़ती जा रही है। यह इस सरकार की साजिश है। आज बड़े लेण्ड लार्ड की तरफ गरीब आदमी को सोचने का मौका नहीं दिया जाता। 50-100 बीघे वाले किसान के लिए सरकार ने ऐसे-ऐसे कानून बना दिए हैं और वह दिखाना चाहती है कि सरकार तुम्हारी दोस्त है और किसान तुम्हारा दुश्मन है। उस किसान की जमीन लेकर आपस में लड़ाई पैदा की जा रही है। देहात के हमारे रिश्तों को समाप्त किया जा रहा है। आज ये लोग एक दूसरे की जान के दुश्मन हो गए हैं।

सहारनपुर के बारे में मैं आपको बताना चाहता हूँ कि वहाँ पर सीलिंग एक्ट के तहत ली गई जमीन को रजिस्ट्रार और व्यापारियों से मिलकर, जो कालोनी बनाते हैं, फर्जी बेनामी करके प्रति गज के हिसाब से पैसा बनाया जा रहा है। उसमें तय किया जाता है कि इतना हिस्सा रजिस्ट्रार का होगा, इतना हिस्सा ए० डी० एम० सीलिंग का होगा, इतना हिस्सा पटवारी का होगा। किसान से छीनी गई जमीन गरीब लोगों में नहीं बांटी जा रही बल्कि बड़े लोग फर्जी बेनामी करके

उसको ले रहे हैं। सहारनपुर में उसकी रजिस्ट्री नहीं हो सकती लेकिन दिल्ली में, दिल्ली से लगे हुए स्टेट्स में तो मुझे पता नहीं कि किस तरीके से होता है लेकिन दिल्ली में, दिल्ली कोर्ट में आकर ये लोग रजिस्ट्री करा लेते हैं। मुझे बताया गया है कि दिल्ली के कोर्ट में जो चाहे जिस स्टेट का आदमी आए और जमीन की रजिस्ट्री कराकर चला जाए। कोई कोर्ट यह नहीं कह सकता कि हम इसको नहीं मानते। आप इसको रोकने का प्रयत्न कीजिए। आपकी सरकार ने 52 लाख 18 हजार एकड़ जमीन को सरप्लस बताया था। संसद में चर्चा होने और कानून बन जाने के बाद भी आप 18 लाख एकड़ से ज्यादा जमीन नहीं बांट पाए। प्रदेशों के अन्दर डी० एम० से लेकर तहसीलदार तक क्या करते हैं? आप ऐसे जिलाधिकारियों और रेवेन्यु आफिसर्स के खिलाफ एक्शन लीजिए जो प्रापरली जमीन नहीं बांटते। उत्तर प्रदेश में पट्टे काटे गए और पट्टे काटने के बाद जो किताब है वह भी दे दी गई। लेकिन आज तक गरीब लोगों को जमीनों पर पजेशन नहीं मिल पाया। आप कहते हैं कि 18 लाख एकड़ का डिस्ट्रीब्यूशन नहीं हुआ। यह सिर्फ कागज पर है। गरीब आदमी चार-पाँच बीघा में अनाज बोकर पेट पाल सके, इस हालत में भी नहीं छोड़ा है। पहले, हरिजन जमींदारों के यहाँ काम करता था और ब्याह-शादियों तथा मौत के अवसरों पर उधार ले सकता था। लेकिन आपने यह व्यवस्था नहीं की कि हरिजनों का कर्जा माफ हो सके। आपने यह व्यवस्था भी नहीं की कि वह फाइनेशियल इंस्टीट्यूशन्स से भी पैसा ले सके। किसान भी भूमिहीन लोगों की सहायता करने के लिए तैयार नहीं है। पहले जो हालत थी कि गाय-भैंसों को घास फूस डालकर दूध मिलता था और

भूमिहीन अपनी रोजी-रोटी कमाता था, उसको खत्म कर दिया। आज हरिजन कच-हरियों, पटवारियों और वकीलों के चक्कर काटता है और गाय-भैंस बेचकर के मुकदमे लड़ता है या फिर जेल में जाकर सड़ता है। आपने लैंड रिफार्म नहीं किया जिसकी वजह से आज सब कांग्रेसपार्टी के दुश्मन हो रहे हैं। मैं कहना चाहता हूँ कि कैपिटलिस्ट, इम्पीरियलिस्ट और फ्यूडल सिस्टम के खिलाफ क्रांति का झन्डा उठाया जायेगा। इस प्रकार के बहुत ही सीरियस डबलपमेंट इस देश के अन्दर हो गए हैं।

बोर्ड आफ रेवेन्यू या किसी उच्च अधिकारी के पास आज हरिजन को जाने की हिम्मत नहीं है। 1982-83 में आपने जमीन बांटने का टारगेट ग्यारह लाख एकड़ से भी ज्यादा का रखा था। एक सवाल पूछने पर इस सदन में जवाब दिया गया कि दो लाख एकड़ से ज्यादा जमीन नहीं बांट पाए। मैं पूछना चाहता हूँ कि यह नौ लाख क्यों नहीं बंटी? इस देश की व्यवस्था करने के लिए आपने 20 प्वाइंट प्रोग्राम चालू किया। लेकिन खेती की प्राथमिकता नहीं दी गई और खेत पर निर्भर रहने वालों की संख्या बढ़ती चली गई। मेरी पार्टी और मेरी पार्टी के नेता हमेशा इस बात को कहते हैं कि हम कभी भी भूमि पर काम करने वाले लोगों की संख्या नहीं बढ़ाना चाहते। हमारा प्रोग्राम है कि भूमि पर काम करने वाले डिपेन्डेंट लोगों की तादाद कम हो। यूरोप का इतिहास बताता है कि जिन मुल्कों में खेती का काम करने वालों की तादाद घटती गयी, उनका पर-हेड प्रोडक्शन बढ़ता गया। हमारे मुल्क में खेती पर निर्भर रहने वाले लोगों की तादाद बढ़ती गई है और हमारा एग्रीकल्चरल प्रोडक्शन भी कम हुआ है। मैं श्री रावत का समर्थन करता हूँ कि लैंड रिफार्म के साथ-साथ एग्रीकल्चरल प्रोडक्शन

(श्री जगपाल सिंह)

के साथ जुड़ी हुई इंडस्ट्रीज को प्रायर्टी दी जाए और उन्हें शहरों में न लगा कर देहात में लगाया जाए। लिप-स्टिक और नेल पालिश जैसी विलासिता की चीजों के उद्योग हम न लगाएं। आज स्थिति यह है कि टाफी, साबुन, सुई, घागे जैसी चीजों को बनाने के लिए करोड़पतियों, टाटा, बिड़ला और मोदी को लाइसेंस दिए जाते हैं। छोटे उद्योग-धन्धों में जो छोटी-छोटी चीजें हाथ से बन सकती हैं, उनका उत्पादन देहात में किया जाए। इससे एग्रीकल्चरल प्रोडक्शन भी बढ़ेगा और देहात के लोगों की स्थिति में सुधार भी होगा।

आज देहात का आदमी दिल्ली, बम्बई, कलकत्ता और मद्रास जैसे बड़े शहरों में आता है और स्लमज में रह कर सड़कों पर मेहनत-मजदूरी करता है, क्योंकि देहात में उसके लिए मजदूरी नहीं है। लैंड रिफार्मज करने से गाँवों के लोगों के पास थोड़ी जमीन होगी और साथ ही वे कोई दूसरा धंधा भी करेंगे। लेकिन सरकार की योजना यह बिल्कुल नहीं है।

जब 1947 में अंग्रेज यहां से गए, तो हिन्दुस्तान में जमीन पर निर्भर रहने वालों का परसेंटेज 40, 42 था। 37 साल की आजादी में इस सरकार ने छोटे किसानों और मार्जिनल किसानों का परसेंटेज बढ़ाकर 72 कर दिया है। यह एक भयानक स्थिति है।

अगर सरकार बड़े लैंडलाइजर्स से जमीन लेकर भूमिहीनों को देना चाहती है, तो उसे लैंड रिफार्मज के कानूनों को 9वें शिड्यूल में डाल देना चाहिए, वरना लोग समझेंगे कि वह लैंड रिफार्मज के नाम पर जनता को धोखा दे रही है, वह बड़े जमींदारों और बड़े किसानों की ताबाद बढ़ा रही है।

मैं उम्मीद करता हूँ कि अगर मंत्री महोदय इस बिल को स्वीकार नहीं करते, तो वह सरकार की तरफ से बिल लाकर आर्टिकल 31वीं में संशोधन करके लैंड रिफार्मज तथा लैंड एक्वीजीशन सम्बन्धी कानूनों को 9वें शिड्यूल में डालें। तभी हिन्दुस्तान का भला होगा।

MR. CHAIRMAN : Now, the time allotted for this Amendment Bill is already over. Now, I want to know whether the house would like to extend the time for this Bill, say upto 5 O' clock.

SOME HON. MEMBERS : Yes.

MR. CHAIRMAN : Now, I call upon Mr. A.T. Patil to speak.

SHRI A.T. PATIL (Kulaba) : Mr. Chairman, Sir, I should thank the mover of this Bill, Mr. M.M. Lawrence. He is a very nice friend of mine although he belongs to the other party, Opposition Party. The intention in bringing this Bill is quite appreciable because the legislation which is dealing with land reforms or acquisition of land for imparting social and economic justice to the weaker sections of the society including agriculturists should be included in the Nineth Schedule. There is no doubt. But, unfortunately, in this country, in our Constitution, as it is existing in this country, the judiciary assumes to itself the role of protecting the rights, so-called, guaranteed as they call it under the Constitution, and under that assumed role this judiciary takes upon itself the responsibility of dispensing the social justice correctly according to the legislation. Even today, in the Constitution, there are certain provisions which remain in the Constitution, although they were declared unconstitutional by the Supreme Court.

There are provisions and they have not been deleted. That is the position of the organisation known as the judiciary

in this country which professes itself to be a country having a Parliamentary system of Government. It has not got any other type of Government ; it has Parliamentary system of Government. Parliament is supposed to be supreme for the simple reason, that the Parliament voices the will of the people through the specially elected representatives of the people. It is unthinkable to imagine a position where the will of the people can be sought to be expressed by a few nominees who might be radical at the time of their nomination, but may become extremely conservative at the time when they profess to pronounce or declare the will of the people. It is most unthinkable to have such a position, but still this unthinkable position exists in this country. And unfortunately, the clauses introduced by the Constitutional Amendment Bill by the Congress Government then were sought to be opposed and deleted by the then Government of non-Congress party. We should visualise the position very clearly.

When we talk of the land reforms or acquisition of land for imparting social and economic justice to the weaker sections of the society, we will have to go to the past to see what actions had been taken by Government from time to time and what actions were sought to be defeated and by whom. There is no doubt in anybody's mind that such legislation which is nothing but the expression of the will of the people must be necessarily protected. Or at least, why should we talk of the protection ? It is the right of the people to express their will and that should prevail. There should be no power in this country which can override the will of the people expressed through the Parliament. In this august House, we represent the people of this country, but there are unfortunately other forces also. For instance, I will refer to Article 39 of the Constitution. It is a simple article, which is reproduced in this House quite often, by some of our friends, who are fond of that provision. I would, however, refer to a few sub-clauses of that Article,

“Article 39 says :

“The State shall, in particular, direct its policy towards securing—

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood ;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good ;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

And together with this Article, 39, kindly refer to Article 31C. All these Articles were enacted when Congress was in power, not when the Congress was not in power. Article 31C says :

“Notwithstanding anything contained in Article 13...”

And Article 13 says :

- (1) “All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.
- (2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.”

So, it declares the position so far as laws are concerned. If laws are inconsistent with the provisions of the Constitution, then they are void.

Now, in spite of these provisions in Article, 13, Article 31 (C) says :

“Notwithstanding anything contained in Article 13, no law giving effect to the policy of the State towards securing all or any of the principles laid down in Part IV—i.e. the Directive Principles of State Policy and (Article 39 is covered thereby)—“shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by Article 14 or Article 19.”

The intention underlying this Bill is totally covered by this.

“and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy.”

Now, this later portion of this Article 31(C) is declared unconstitutional or void by the Supreme Court in the case of Kesavananda Bharati. It is still there in the Statute Book. That means it is in the Constitution itself.

My respectful submission is that there is no dearth of intention or lack of purpose or want of objective in the mind of the people in this country or the representatives of the people in this country to whatever party they may belong.

Now, in spite of the fact that non-Congress Government was in power, they had no intention to delete any of the provisions of the Article 39. But let me remind this house very respectfully that those who supported the 44th Amendment of the Constitution, should appreciate well that they have either committed a fraud on the people or they were so gullible at that time that they were led astray by those who wanted to

perpetrate a fraud on the people by bringing about the 44th Amendment of the Constitution. I will let you know why.

Now, I will just refer you to Article 31 of the Constitution which then existed. It was there since the beginning. Its Sub-Clause (I) said :

“No person shall be deprived of his property save by authority of law.”

This is all right. This is a Right to Property under Part III i.e. the Fundamental Rights.

Now, Clause (2) of Article 31 said :

“No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of law, which provide for acquisition or requisitioning of the property an amount which may be fixed by such law or which may be determined in accordance with such principles and given in such manner as it may be specified in such law ; and no such law shall be called in question in any court on the ground that the amount so fixed or determined is not adequate or that the whole or any part of that amount is to be given otherwise or in cash.”

Now, there were other provisions of this Article also.

Clause 2 (B) said :

“Nothing in sub-clause (f) or Clause (1) of Article 19 shall affect any such law, as is referred to Clause 2.”

Now, Clause 2 provided that a valid law can be made, which cannot be challenged in any court on the ground of compensation least. But such a law

can be made for the purpose of acquiring or requisitioning land for the public purpose, because the land reform or acquisition of land for importing social and economic justice to the weaker sections of society, including the agriculturists is a public purpose.

There is also another purpose covered by sub-clauses (a), (b) and (c) to Article 39. So, all these legislations for giving effect to these provisions were protected initially. However, by the 44th Amendment, an attempt was made to show to the public that they were so advanced, so socialistic, so pro-common people that they would delete this Article altogether, which says ;

“No person shall be deprived of his property save by authority of law.”

They said : “We shall remove this,” to show that they were so progressive. They said : “We have removed the constitutional provision which protects the right to property.” But while removing clause (1) of Article 31, they removed all these clauses which were giving protection to the legislations which were intended for bringing about land reforms and also acquisition or requisition of land for the purpose of dispensing social and economic justice to the weaker sections of the society, including agriculturists.

I can understand their removing them. But what did they achieve by removing them ? They removed the provisions from part III, and they inserted Article 300A which says :

“No person shall be deprived of his property save by authority of law.”

Article 31 was saying : “No person shall be deprived of his property save by authority of law.” Article 300A says : “No person shall be deprived of his property save by authority of law.” Let us try to understand the difference bet-

ween the two. The difference between the two is Nil, except the placement of these two provisions. Originally this was placed in Article 31 which was falling under Part III which formed part of the Fundamental Rights in the Constitution. It has been removed from that place and placed in the position of Article 300A. So, this is a question of cheating people, and committing a fraud on them, to show that they were so progressive and socialistic, that they removed the right to property. At the same time, they inserted the same provisions with the same wording at another place, and rescinded the very right.

Not only that. They have done one more thing which is more embarrassing. While removing this, they removed the provisions of the Constitution contained in sub-clause (2) of Article 31, clause 2(b) of Article 31 and other provisions which were made for the protection of the legislations meant to bring about land reforms or doing social and economic justice to the weaker sections. These provisions were removed altogether. So, I repeat that in the name of amending the Constitution under the 44th Amendment, they did this, I know some people did not support this 44th Amendment, especially this portion of repealing Article 31 altogether and replacing it by nothing, even though they were siding with the then Government. Article 31 was giving some protection. They removed the protection, and substituted nothing therefor. They retained the naked right to property, under Article 300A. That is the way the fraud was committed. So, I repeat that those who supported that Constitutional Amendment were parties to the fraud committed on the people ; if not direct parties, they may be said to have been so gullible, that they were led astray to give support to their Constitutional Amendment Bill.

Ninth Schedule was introduced some time in 1951; Then from time to time 188 pieces of legislations from different States were sought to be protected. It is not that they came only from the

[Shri A.T. Patil]

States ruled by Congress; they came from all States. So long as they were serving the purpose of dispensing justice, social justice, economic justice to the poor section, they were put in the Ninth Schedule.

Now, what this Bill proposes to do is to give the authority to the State of Legislature also to enact laws which in their sense of justice are legislations or the laws of land reforms and laws of acquisition of land for imparting social justice to the weaker sections. Now, we are removing the power of judicial review. So far as this bill is concerned, it is necessary that the power of judicial review must be removed. But, in that case whether there can be a blanket provision in the Constitution saying that whatever Bill has been passed or the Acts have been promulgated or made by the State Legislatures should be immune from the so-called power of judicial review or whether only those laws which have been found to be proper for judicial immunity by the central authority, namely, the President should be permitted to be immune from judicial review. Because under the existing provisions of the Constitution also there is a provision that if a State Legislature passes an Act and if it is reserved for the Consideration of the President and in case the President's assent is given it is protected as if it is sent to the Ninth Schedule, and no question will arise. There are provisions to this effect. I only say that there are provisions in the Constitution which say that if the Bill has been reserved for the Consideration of the President and if the President gives his assent, it will come into force; and then in that case, you can protect that legislation. The question will be only this whether authority,—blanket authority—should be given also to a State Legislature, that is a State; I am not talking about a Legislature; it is only a State because ultimately Legislature voices the voice of the people of that State. The reason is that the concept of the land reforms may change, may

vary from State to state, may vary from time to time.

You may very well appreciate a legislation, for instance, regarding ceiling on agricultural land or removal of the intermediaries or removal of the land altogether, that is what we have done in the past. Now, to what extent, this injunction should go is a point. Now, on this point, there may be a variation from State to State in order to bring about a sort of uniformity. It is necessary that there should be some central authority to see that justice is done with uniformity. It is with that intention that the provision was made that let the President examine it and dispose of the matter according to a definite principle regarding social justice.

Therefore, I will suggest one thing. In the light of the discussions held, I request that Government to examine all social legislations, pending at the moment for the Consideration of the President, as early as possible, with all speed, and if necessary they must be considered for inclusion in the Ninth Schedule.

I will submit one more thing. Let all the Central Government legislations on different public interests which are at present out side the Ninth Schedule and which likely to be challenged in the courts of law be thoroughly examined and all the laws to which the challenge is likely to be thrown, should be put in in the Ninth Schedule. These are the two suggestions I will make so far as this position is concerned.

And thirdly, let the Government think over this issue in all its aspects; let the Government think of the provisions of the Constitution which were repealed by the Fortyfourth Amendment. If you go through the Objects and Reasons of that Fortyfourth Amendment you will boil with some sort of outrage, because there was the greatest disrespect shown to this Parliament. I do not have that Fortyfourth Amendment with me now, but I have read the Objects and

Reasons. I want the Government to examine those provisions which were repealed, and consider, if they can be introduced by way of amending the Constitution, and to restore them.

With these words I again thank Mr. Lawrence for the opportunity that he has given us to express our views on these vital issues.

MR. CHAIRMAN : Shri P.K. Kodyan.

SHRI P.K. KODIYAN (Adoor) : I extend my support to the Bill introduced by my Hon. friend, Mr. Lawrence. Now, I do not think that there are two opinions in this House regarding the objective of land reforms in our country. It has been a national policy to bring about the necessary changes in the land relations and to free the tenants, the cultivators, share-croppers and others from the clutches of the feudal or semi-feudal exploiters. It has been in the national interest and in the interests of accelerating the economic development of our country that out-moded relations existing in our agriculture should be put an end to and an atmosphere should be created for rapid development in the economic as a whole and also to break the concentration of land and to provide social justice to millions of cultivating peasants and agricultural workers and other sections of the toilers in the countryside.

It was with this objective that the very idea of land reforms was mooted and land reform laws were enacted by various States in the country. But unfortunately, these land reform laws could not achieve the objective particularly the objective of breaking land concentration and distribution of surplus land among landless peasants, agricultural workers and other toilers in village areas. That was why there was a very strong movement in the country in the beginning of seventies to revise the then existing land reform laws in various States. You might be recalling how this movement for revision of the earlier land reform

laws got momentum in the country, how the Central Government was compelled to appoint a land reforms committee at the Centre and also how the National Commission on Agriculture went into the question of revision of land reforms by appointing a sub-committee of that Commission to go into this particular question. More or less, it was on the recommendations of this central land reforms committee that a series of revisions were made in various land reforms laws in the States. That is how we have got these revised land reforms now. But as a result of the old land reform laws and also implementation of the revised land reforms laws the real objective has not been achieved. Though there has been progress, we have not achieved the real object of breaking concentration of land and distributing land among the landless poor.

16.47 hrs.

[SHRI N.K. SHEJWALKAR in the Chair]

The land reforms laws were implemented in a haphazard manner. The result is that by and large land concentration still remains a big problem in the Indian agrarian relations and it acts as a break for further development of the economy, particularly our agrarian economy. That is why, those who are very much interested in the welfare of the toiling peasants, agricultural workers, landless workers share-croppers and other rural workers in the countryside are very much agitated over the failure of the Government in implementing the land reforms laws. Now, it is in this context that Mr. Lawrence has brought forward this Bill, to ensure that whatever laws have been enacted in the State to bring about reform in the agrarian relations, land relations should be implemented without any interference from the judiciary or without landlords being able to create obstacles towards this implementation by resorting to legal methods and that is why he demands that

[Shri P.K. Kodyan]

these laws should be included in the Ninth Schedule of the Constitution.

Some laws have been included but all the laws have not been included in the Ninth Schedule. Therefore, it is imperative on the part of the Government which of course stands for land reforms and which talks in favour of speedy implementation of land ceiling laws—to see that no further interference is allowed in the way of implementation of the various land reform laws in our country. I need not go into the details of how big landlords in various States are still retaining thousands of acres of land. One example I can give you of Andhra Pradesh. There is the land of the Chellapalli Raja, amounting to about 3,000 acres. For the last several years the Chellapalli Raja was arguing that the land ceiling laws were not applicable to this land because it was a part of the sugar factory that he was having there. This litigation went on and finally it was cleared by the High Court itself that this land could not be protected against the land reform laws. So, the land reform laws are applicable this particular piece of land also. The legal procedure has come to an end but even then for the last two years this land is still under the possession of this big landlord. The agricultural workers and landless people of that area are carrying on agitation for the last several months for distribution of this land and hundreds of them, including women, have been arrested and put in jail. This is only one example. If you go to Bihar, there are any number of Mahants there—for example, the Mahant of Bodh Gaya who is having more than 3,000 acres of land. So many other mahants are there in Bihar and all of them have been able to retain vast tracts of land under one guise or the other, making use of various loopholes in the laws and making use of the legal lacunae in the laws.

Therefore, my Hon. friend, Shri Lawrence, has brought forward this Bill at the proper time, and all of us should extend our full support to the Bill.

Another aspect of the question of land reform is that the landless people in this country for the last so many years have been agitating for a piece of land of their own. The distribution of surplus land, in some cases even the distribution of Government land, *poramboke* land, has taken place. But, by and large, the land hunger of millions and millions of workers, the share croppers and toiling masses of the country side is still very acute. Unless the surplus and other forms of land that are available with the Government are distributed among the landless people and unless they are provided with financial and other assistance to cultivate the land, the lives of the millions of poor people cannot undergo any substantial improvement. Therefore, it is in the interest of social justice that these laws are very speedily implemented and the legal and other obstructions removed. That is why we say that the inclusion of these laws in the Ninth Schedule will facilitate their speedy implementation.

MR. CHAIRMAN : Since the Minister has to intervene and the Hon. Member, Shri Lawrence, has to reply, we will extend the time by another 25 minutes.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGAN NATH KAUSHAL) : Sir, first of all, I must express my sense of thankfulness to all the members who have participated in this debate. A number of Hon'ble Members have spoken from both sides and they have made their contribution. But I say with all humility that most of the speeches were confined to one aspect viz. that although laws have been passed, they have not been fully implemented. This particular Bill does not in fact touch that aspect. This Bill is very limited in scope.

But, before I decide to accept this Bill, I will have to cross a number of constitutional infirmities, from which this Bill is suffering. According to the law laid down by the Supreme Court, it

will not be possible for me to cross those hurdles. In order to appreciate what I am saying, I will only mention that, according to the Keshavanand Bharati case, the Supreme Court has laid down that the power of Parliament to amend any article of the Constitution, even though exercised according to the provisions of article 368, with all the procedural safeguards, that power will not be validly exercised, if it violates the basic structure of the Constitution, and this enunciation has been reiterated in *Minerva Mills* case.

17.00 hrs.

The Government is seeking a review of these two decisions. But unless these two decisions are reviewed, they occupy the field and they are binding on the Government.

With regard to Article 31B, a specific case which is known as 'Vamanrao's case', went to the Supreme Court and the Supreme Court said that all the laws which are included in the Ninth Schedule will be getting full protection if they have been included before the date of judgment on Keshavananda Bharati's case, but if they are included after that date, then they will not get the full protection if they violate the basic structure of the Constitution. This is the situation according to the present position of law.

Let us examine whether the proposed Bill which we are now debating militates in any case against these decisions. The Scheme underlying Article 31B is this. If a particular Bill is examined by the Parliament and the Parliament feels that this Bill is of such a nature that this should be put in the Ninth Schedule of the Constitution, then Parliament will have to amend that Schedule. This will be an amendment of the Constitution and that is why the honourable mover has sought in this Bill also the Amendment of the Constitution. But the honourable mover has gone to an extreme limit. He says that all laws will

be automatically included in the Schedule. It is almost a proposition which we just cannot think of and I would, with respect, say, although I am not subscribing to the doctrine of the basic structure of the Constitution, but I have my doubts that if we adopt this Bill, it might, in a way, violate the basic structure of the Constitution meaning thereby that whenever we want to amend the Schedule, we have to examine *qua* every Act, *qua* every Bill, but if we say we need not amend the Constitution at all, all the laws which are passed by any State Legislatures or any laws which are passed by Parliament will automatically form part of the Ninth Schedule provided they relate to land reforms. I, with respect to the honourable mover, beg to submit for the consideration of the House that this Bill obviously cannot be accepted. That is why Members from our side who supported the underlying idea of the Bill did say, some of them quite rightly, that the honourable mover wants to achieve a laudable object, but I remember somebody saying '*lekin dhang galat hai*'. He said, you cannot achieve that object in this manner.

The other difficulty which we will again have to scrutinise or get over is that you will not examine the Bill. Any Bill which is passed by the State Legislature will not be examined. It may not be of such importance that it should go into the Schedule. Therefore, what I am submitting for the consideration of the House is that the Government finds it absolutely difficult to accept the Bill although I am prepared to confess that the mover has a laudable object. The object of the mover is that if the sovereign Legislatures representing the will of the people pass certain laws and their object is to benefit the down-trodden, the tillers of the soil, then obviously those Bills should not be struck down in the courts. But again, kindly examine. Article 31B does not again give a complete immunity. It only gives an immunity to one extent—'if the Bill infringes some fundamental right, the courts will not come in'. But supposing a Bill is passed which is not within the competence of the legislature,—it is

[Shri Jagan Nath Kaushal]
not covered by any entry of the legislature, any entry of the Constitution, no protection is envisaged by Article 31B. One statement which is given by the hon'ble mover, in the Statement of Objects and Reasons is that he wants a complete immunity from judicial scrutiny for all types of legislation which concern with the land reforms. My submission would be that that statement is not correct. Therefore, the object which all the Members have in view is this. Laws have been passed but laws are not being implemented. We also share that anguish. We have also that regret. But the machinery is with the States. The machinery for implementing the laws are with the States. In spite of the Prime Minister's directive again and again, in spite of the plan, in spite of 20 point programme speaking, telling all the States to give top priority for seeing that land reforms which have been enacted, they should be translated at the grass root, not on paper, because a number of hon'ble Members have stated that even when the record shows that land has been given to the tiller for whose benefit the legislation was passed, the experience of the hon'ble Members is that land, in fact, has not passed on to him. Land is still in possession of somebody and only the record shows that land has passed on. This is an unfortunate situation. Undoubtedly, we are drawing the attention...

PROF. N.G. RANGA : That is why the satyagraha...

SHRI JAGAN NATH KAUSHAL : The real remedy is, if I understand it, the social minded people, the social workers have to lend their support to that unfortunate person who is not in a position to either fight a legal battle or to fight a battle of the muscles. Mere laws will not be able to provide, but Society has to provide muscles to him and the society will have to see that those laws are implemented on the spot.

PROF. N.G. RANGA : Therefore, all the parties should combine.

SHRI JAGAN NATH KAUSHAL :

All Parties should combine and cooperate. Prof. Ranga is very right because he is the Kisan leader as he has been fighting battle of kisan all his life. He knows the difficulty. The laws have been passed. The benefit of laws is not flowing to those people. By merely adding those laws you may be able to avoid some legal battle, but the real battle is in the field.

I would not take much time of the House because as I have said with regard to the law of the land as it stands today, as enunciated by the Supreme Court, we have a difficulty. We are persuading the Supreme Court to Our review petition pending there. We are challenging the decision of Keshvanand Bharti's case. Unless that decision is reversed by the Supreme Court, there is a real difficulty in our way. I would, therefore, beg of the mover, in spite of his good intentions, that it will not be possible to give effect or accept this Bill, to kindly withdraw it. We appreciate his sentiment. In fact the whole House is one on this. But you cannot achieve what you want to achieve through this measure.

श्री राम विलास पासवान (हाजीपुर) :

जब दोनों तरफ के लोग चाहते हैं, तो आप तो गवर्नमेंट हैं, आप ही कोई रास्ता निकालो। जब लोगों को न्याय नहीं मिल रहा है, तो आप ही कोई रास्ता बताइए।

PROF. N.G. RANGA : Let us all work together at the grass root level to support the agricultural workers in order to see that the land remains with them and is given to them.

श्री राम विलास पासवान : सबसे पहले तो आप हमें यह बता दीजिए कि जो बड़े-बड़े लोग कोर्ट में चले जाते हैं और कोर्टों के द्वारा जो कुछ होता है उसके लिए गरीब लोगों के पास क्या हथियार है ?

एक बार जब आप जमीन गरीब को दे देते हैं तो उसके बाद उस जमीन के मालिकों को कोर्ट में जाने का अधिकार नहीं होना चाहिए। अगर उन्हें कोर्ट में जाने का अधिकार होगा तो गरीब सात जन्म तक जमीन नहीं पा सकेगा।

श्री वृद्धि चन्द्र जैन : मैं यह कहता हूँ कि जब कोर्टों में केसिज चलते हैं तो उन्हें लीगल एड देनी चाहिए।

PROF. N.G. RANGA : You can do it only through *satyagraha*.

श्री जगपाल सिंह : यह कांस्टीच्युशनल प्राब्लम है। जब गवर्नमेंट जमीन को क्लीयर कर देती है तो यह उसकी जिम्मेदारी है कि कोई भी केस अगर कोर्ट में चलता है तो वह लेण्डलेस की तरफ से लड़ेगी, न कि जमींदार की तरफ से। होता यह है कि जमीन आप देते हैं और मालिक लोग लड़ते हैं और आप गरीब की मदद नहीं करते।

श्री राम विलास पासवान : आप तो बिहार के गवर्नर रह चुके हैं। बिहार गवर्नमेंट ने तो यह मांग की है कि इसको नाइन्थ शेड्यूल में डाला जाना चाहिए।

श्री जन्नाथ कौशल : मैं जरूर डालूंगा। लेकिन मैं ब्लैकेटली कैसे कह दूँ।

श्री राम विलास पासवान : तीन दिन तक बहस चली है, कुछ तो उसका नतीजा निकलना चाहिए कि कब तक आप इसको करेंगे।

SHRI P. K. KODIYAN : Poor people are prosecuted in many cases. Prof. Ranga says that we should support the agricultural workers. We are organising their agitations. But we are

arrested and the workers are also arrested.

SHRI RAM VILAS PASWAN : They are being killed in the name of Naxalites.

PROF. N.G. RANGA : We are arrested only when we take to violence. (In eruptions)

MR. CHAIRMAN : Mr. Kodyan, you had your view.

श्री जगन्नाथ कौशल : मैं सिर्फ एक बात कह कर अपनी बात समाप्त करूंगा। अगर आप नाइन्थ शेड्यूल में जितने मामले हैं, उनको गिन लें तो आपको मालूम हो जायेगा कि 188 में से 150 लेण्डरिफार्म के हैं। आप कहते हैं कि हमने कोई कानून डाले ही नहीं हैं। 188 में से 150 कानून लेण्ड लाइज के मुतल्लिक हैं। हम तो खुद यह नहीं चाहते कि जो बिल यहां से पास हो वह अदालतों में अटक जाए। लेकिन नाइन्थ शेड्यूल में डालने की पावर हम ओटोमेटिक नहीं लेंगे कि आटोमेटिकली वह नाइन्थ शेड्यूल में चला जाएगा। यह 31-बी आर्टिकल की मंशा नहीं है।

MR. CHAIRMAN : Even then, there is a limitation. Even after taking 188 Acts in the Ninth Schedule, that is not a perfect solution.

श्री जन्नाथ कौशल : इसलिए मैं दर-खास्त करूंगा कि लॉरेंस साहब के जो जजबात हैं, जो भावनाएं हैं, उनकी मैं कद्र करता हूँ। लेकिन मेरी मजबूरी है। आप इसको वापस ले लीजिए, नहीं तो इसको मुझे oppose करना पड़ेगा।

SHRI M.M. LAWRENCE (Idukki) : Mr. Chairman, Sir, first of all I thank all the Hon. Members who have participated in this discussion.

AN HON MEMBER : ...including the Minister.

SHRI M.M. LAWRENCE : I am coming to that. Especially, I thank the Minister because he has lauded my aims and objectives provided in the Bill and he has accepted the spirit of the Bill. For that also, I again thank the Hon. Minister.

I also thank all those Hon. Members who even while opposing the Bill, yet accepted the basic spirit behind this amendment.

In his reply, the Hon. Minister said that the aim of this amendment is to include all the Bills passed by the sovereign legislative Assembly envisaging land reforms. But it is not so. In the amendment, it is clearly stated "All laws made by Parliament or a legislature of a State relating to land reforms for acquisition of land, for imparting social and economic justice to the weaker sections of the society." Laws imparting social and economic justice to the weaker sections of the society are only envisaged by this amendment. Not all land legislators. That is the main point.

Land reforms can be made to help the landlords. For example, an amendment was made in Kerala Legislative Assembly, the notorious '60'. That amendment was made to help the landlords. That did that to legalise then illegal transactions surplus land by flouting the ceiling provisions of the Land Reforms Act. Subsequently that amendment was nullified by the left democratic Government and amended and it was sent for the assent of the Central Government. So far, assent has not been given.

Who has to be blamed? The sovereign legislative assembly which has passed the "bill or, the people, the down-trodden the landless who have elected the representatives to the Assembly? Or the Central Govt. is to be blamed for not giving assent and keeping the amending Bill pending at the Centre for these two and a half years, thus helping the landlord?

Likewise, West Bengal Assembly passed another land amendment Bill on 9th April, 1982, to plug the loopholes in the existing ceiling law, and to help the poor. But that Bill was also not assented to by the Centre. For that also whom to be blamed?

My intention of moving this amendment is to help the poor peasantry, the landless, but not to help the people who exploit the poor farmers and landless.

As has been pointed out by some of the Hon. Members, even though the Zamindari Abolition Act, the Land Ceiling Act and all these Acts have been passed by many of the State Governments, but those Acts have not been implemented sincerely. Why? Because those who have taken the initiative to pass those enactments were not sincere and they passed those Acts with loopholes.

PROF. N.G. RANGA : They made bad laws. That is all.

SHRI M. M. LAWRENCE : So, landlords were able to go to the court and get injunctions and bring impediments in the way of implementation of those Acts, and this has led, as my Hon. friend Mr. Kodyan pointed out, to clashes and to killings.

What Prof. N.G. Ranga and the Hon. Minister are advising us now? To give fiscal support to the poor and the agricultural workers and see the land remains with them, see the laws are implemented on the spot.

We are prepared for that; we are doing that; we have done that. But what has the Government done? You are helping the landlords. The landlords were organizing goondas against agricultural labourers. I do not have much time to elaborate on that. For example, in Tamil Nadu, some years back, in Kilvenmani—Prof. Ranga may know that place very well—the landlords had burnt to death about 40 agricultural labourers. For the protection of the agricultural labourers, union leaders as well as other social workers came forward, but they were arrested, they were tortured.

This has been done in so many places in the country. The police were supporting the land-lords and the goondas. I may say that this is done with the connivance of the authorities concerned in Congress-I-ruled States; this is being done in Bihar, in U.P., in Gujarat, in Rajasthan; in almost all the Congress-I-ruled States this is happening. Who is to be blamed?

My intention is to include these Bills passed by the State-Assemblies and Parliament which are intended to safeguard the weaker sections of the society, not the affluent sections of the society. But unfortunately the Government is looking after the interests of the affluent sections of the society. That is the main lacuna, that is the main impediment. If you were sincere in bringing about radical land reforms in this country, in these 36 years you could have done that. You have passed so many Constitutional Amendments and you are implementing various laws in this country. But if we go through the history of implementation, one can see that all these things were done to help the vested interests in the country. To those people, you have very sincere, you had time and you will do things expeditiously. But what have you done for the downtrodden people, the poor people? You will make tall talks, but nothing happens.

Now you have brought this 20-point programme. Very good. We will see how far you are going to implement this. So many good things are included in the 20-point Programme. But I may say that if you implement the radical land reforms in this country, it will be manifold more beneficial for the poorer sections of the people than implementing the 20-Point Programme.

Here one Hon. Member from the ruling Party has stated that only through industrialisation we cannot develop our country. That is true. I would say that without land reforms, we are not going to industrialise this country to the extent we need. That is the real fact. What is the state of our industry today, well all know. I do not want to elaborate on that. So, what is required is

political will on the part of the Government, on the part of the authorities concerned as my Hon. Colleague, Mr. Daga, has stated in his speech while supporting the spirit of this Bill. *(Interruptions)*

MR. CHAIRMAN: He says that Mr. Daga always comes to your rescue.

SHRI M.M. LAWRENCE: It is better for him to come to this side.

MR. CHAIRMAN: Have you anything to say regarding that point—whether this type of sweeping legislation can be enacted?.....you want to include all laws.

SHRI M.M. LAWRENCE: I have already stated—not all laws.

If you want to interpret the intention of this Bill, what can I do? The Hon. Minister was saying that there should be some kind of a scrutiny—that the Bills passed by the legislatures should be scrutinised. My opinion is that there should be a sovereign power for the State Legislative Assemblies to pass and implement. But under the present circumstances, if it is only included in the Ninth Schedule: that power will be vested with the State Government. That is why I am bringing forward this amendment to include in the 9th Schedule those enactments passed by the State Assemblies as well as Parliament which have the aim of safeguarding the interests of the weaker sections of the society and doing social justice to the poor farmers and the landless.

Sir, the number of agricultural labourers is on the increase in our country. Why is it happening? So also the number of cultivators is declining. The number of cultivators has also come down from 40.59 lakhs to 39.55 lakhs. This shows that even after two decades a large number of cultivators got alienated from their lands which they used to cultivate and they inflated the army of agricultural labourers. Why I am pointing this out is that throughout these 36 years of our independence, the ruling Party was helping the landlords. They were helping to

[Shri M. M. Laurence] ruin the small land-holders and the marginal land-holders. That is the reality.

In the Bhoothalingam Committee report, on page 19, para 1.7, it is pointed out :

"The distribution of this land among owners and cultivators is, despite laws regarding ceilings on holdings, extremely uneven. According to the latest agricultural census, that of 1970-71, the number of operational holdings of less than one hectare (called marginal holdings) was 35.68 million which is a little more than half the total number of 70.49 million operational holdings. Yet the former embraced only 9% of the total area under cultivation. The average size of the marginal holdings is less than half an hectare and, therefore, a considerable number of them must be even smaller. At the end of the spectrum the number of large holdings over ten hectares was only 2.6 million, but they accounted for 30.9% of the total area under cultivation.

You are showing inability to tide over this situation. I may be pardoned for saying that, it is deception. If you had a will, certainly within these 36 years, you could have brought forward proper legislation for radical land reforms.

Now, almost all the members have pointed out that the judiciary is intervening. The Supreme Court had earlier taken the view that when the present Acts get Parliamentary immunity, then, the notifications will also get that protection. But, in 1978, in Praga Oil case, a larger Bench of the Supreme Court has given a judgment that because the Parliament does not have opportunity to go through the Notifications and since in more cases than one, they affect the fundamental rights, the derivative immunity should not be given to the Notifications, which should stand the scrutiny of the Court.

In this background, constitutional protection given to 188 State Acts under Article 31B and 9th Schedule is

not being given to Notifications issued under these Acts. If a notification is struck down by the Court, it is as good as the parent Act being struck down. So, there is no meaning in shouting from housetops that the Central Government has edured constitutional protection for State Acts.

So, my humble request is this. Several small holding peasantries will be saved from the clutches of the landlords and also from the clutches of the Courts, if only these enactments passed by the State Assemblies envisaging as I have already explained here to safeguard the interests of the downtrodden weaker sections of the society will be included in the Ninth Schedule. This can be done. So my request is that this amendment be accepted by the Hon. Members as well as by the Hon. Minister.

With these words, I conclude my speech.

MR. CHAIRMAN : You know this is a Constitutional amendment. Under the rules, the voting has to be recorded after getting the lobbies cleared.

Mr. Lawrence, do you want to withdraw the Bill? What do you propose to do? Do you press it?

SHRI M.M. LAWRENCE : I am not withdrawing it. I want to present.

MR. CHAIRMAN : I have no option but to get the lobbies cleared. Let the lobbies be cleared.

17.35 hrs.

[MR. DEPUTY SPEAKER in the Chair.]

MR. DEPUTY SPEAKER : The Lobbies have been cleared. Hon. Members, I find that there is no quorum in the House.

(Interruptions)**

MR. DEPUTY SPEAKER : These things are not recorded. There is no quorum.

The House stands adjourned.

17.48 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, December 12, 1983/Agrahayana 21, 1905 (Saka)