

17.23 hrs.

CONSTITUTION (AMENDMENT) BILL
(Amendment of Ninth Schedule) by Shri
C. K. Chandrappan

SHRI C. K. CHANDRAPPAN (Telli-cherry): Sir, although I wanted to move this Bill to amend the Constitution but now, Sir, I am not pressing this amendment due to some reasons. This Bill was to include the Kerala Private Forests (Vesting and Assignment) Act, 1971 in the Ninth Schedule of the Constitution to give protection to that Act from being questioned in courts of law. I presented this Bill when that Act was questioned by the Kerala High Court. Later, an appeal was filed in the Supreme Court and the Supreme Court had upheld that legislation. So, there is no reason now that it should be included or protected in the Ninth Schedule. But by withdrawing I would like the House to note certain very important things in connection with this legislation because I feel that this legislation is linked in character and a pace-setter in the field of land reform legislation in the country.

Seven lakh acres of private forest land in Kerala has been brought under Government control. It has been vested with Government without paying a single pie as compensation to any kulaka or to any landlord or to anybody. I do not think in the entire country there is such a legislation where the landlordism could be put an end to without paying a single pie as compensation. This was one of the very important features of this Bill. And this Act was brought forward as a part of the implementation of Kerala Land Reforms Legislation in that State. Perhaps, it may not be very irrelevant for me to mention here that in November, 1970 the new Kerala Government which is a coalition Government of Congress, Communist Party, Muslim League, RSP and various other parties, put into operation all the provisions of the Kerala Land Reforms Act. There were many, including my friends of the Marxist Party, who thought that the Congress Party would not support the implementation of this legislation. I should inform you that Kerala has again gained the unique distinction of abolishing

landlordism in Kerala through the enactment and implementation of the Kerala Land Reforms Act. Landlordism in Kerala is a thing of the past. It is no more there. The Marxist Party wanted the people to go and encroach upon the lands as they thought that the Government would not implement this Act, but in a peaceful manner the Act has been implemented.

I only want to point out one or two salient features of that Act. About 4,30,000 tenants have been made owners of land. "Land to the tiller", the slogan of the kisan movement in the country, has been put into practice in Kerala. About 3,50,000 families who were hutment dwellers, who never had a single inch of land, not even six square feet for burial after their death, have been given hutment rights. Ten cents of land has been given to everybody. Thus, the Act has been implemented very successfully in Kerala.

The Government has framed the rules under the Act, and the cultivable area of the forests will be taken over by co-operative societies. Co-operative farms, State farms and collective farms will be organised. Forest preservation will also be assured. So, I thought it would do a great deal to promote the cause of land reforms if this legislation was included in the Ninth Schedule. However, today I seek the permission of the House to withdraw my Bill as the Supreme Court decided in favour of the Kerala Government and for the implementation of this Act.

MR. CHAIRMAN: The question is:

"That leave be granted to Shri C. K. Chandrappan to withdraw the Bill further to amend the Constitution of India".

The motion was adopted.

SHRI C. K. CHANDRAPPAN: I withdraw the Bill.

18.28 hrs.

COMPANIES (AMENDMENT) BILL
(Omission of section 90) by Shri Madhu
Limaye