

Tiwary, Shri K. N.

Tula Ram, Shri

Tulsiram, Shri V.

Uikey, Shri M. G.

Ulaganambi, Shri R. P.

Unnikrishnan, Shri K. P.

Vekaria, Shri

Venkatasubbasah, Shri P

Verma, Shri Balgovind

Vrema, Shri Sukhdeo Prasad

Vijay Pal Singh, Shri

Vikal, Shri Ram Chandra

Viswanathan Shri G.

Yadav, Shri Chandrajit

Yadav, Shri Karan Singh

Yadav, Shri R P

Zulfiqar Ali Khan, Shri

NOES

Ialji Bhai, Shri

Mody, Shri Piloo

Nayak, Shri Bakshi

Patel, Shri H M

MR. SPEAKER : The result* of the division is : Ayes—286; Noes— 4.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

MR. SPEAKER : The Constitution Amendment Bill, as amended, is passed.

11.28 hrs.

CONSTITUTION (THIRTY-SECOND
AMENDMENT) BILL

MR. SPEAKER : Legislative Business
No. 10.

THE MINISTER OF LAW AND
JUSTICE AND PETROLEUM AND
CHEMICALS (SHRI H. R. GOKHALE):
I beg to move :

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

The Kerala Land Reforms Act, 1963 is the principal land reform law in the State of Kerala and was included in the Ninth Schedule to the Constitution by the Constitution (Seventeenth Amendment) Act, 1964. In the Course of implementation, the State Government faced serious practical difficulties and to overcome them, that Act was extensively amended by the Kerala Land Reforms (Amendment) Act, 1969 and the Kerala Land Reforms (Amendment) Act, 1971.

Certain crucial provisions of the principal Act as amended were challenged in the High Court of Kerala creating a climate of uncertainty in the effective implementation of land reforms in the State. Although the High Court of Kerala has generally upheld the scheme of land reforms envisaged in the principal Act as amended, a few vital provisions thereof, like sections 29A (bar of proceedings under Chapter XII of the Code of Criminal Procedure in certain cases), 32 (bar of suits for eviction, etc., pending application for determination of fair rent), 45A (adjustment of rent appropriated), 50A (2) (conferment of fishing rights on a tenant being a Varamdar), 73 (scaling down of arrears of rent) and Explanation

*The following Members also recorded their votes for AYES :

Sarvshri M. Ankincedu, Y. S. Mahajan, Dinesh Bhattacharyya and Shrimati Subhadra Joshi.

[Shri H. R. Gokhale]
to Section 85 (1) (commutation of ceiling area in certain cases), have been struck down by the High Court.

The judgement of the Kerala High Court has substantially been upheld by the Supreme Court also with the result that most of those provisions which were struck down by the Kerala High Court also remain struck down by the Supreme Court. Now, the striking down of these provisions has, as I have already mentioned, created serious difficulties in the implementation of the Act and, that is why, to validate these provisions, it was found necessary to propose this amendment to the Constitution so as to include these two Acts in the Ninth Schedule of the Constitution.

In view of the judgments pronounced by the Kerala High Court and the Supreme Court, it is feared that there will be far reaching adverse effects on the implementation of the programme of land reforms in the State of Kerala and thousands of tenants and Kudikidappukars will be adversely effected by the provisions of the Act which have been either struck down or rendered ineffective.

It is also apprehended that certain observations of the Supreme Court made in its judgment may open the flood-gates of litigation much to the detriment of thousands Kudikidappukars who will not be able to defend themselves in protracted legal proceedings. In order that the implementation of land reforms in the State of Kerala may not be jeopardised, it is considered necessary to give protection under article 31B of the Constitution to the Kerala Land Reforms (Amendment) Act, 1969 and the Kerala Land Reforms (Amendment) Act, 1971. For this purpose it is proposed to include these Acts in the Ninth Schedule to the Constitution, so that they may have the protection under article 31B and any uncertainty or doubt that may arise in regard to the validity of those Acts is removed.

With these words, I commend the Bill for the consideration of the House.

MR. SPEAKER : Motion moved :

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

SHRI DINEN BHATTACHARYYA (Serampore) : Mr. Speaker, Sir, while supporting the Bill, I want to make a few comments on it.

The Bill has been brought when the Members from Kerala transcending party differences warned the Centre against the possible militant form of mass struggle if the Kerala Land Reforms Act was not accorded a constitutional protection against the inroads of judiciary. Even our leader, Shri A. K. Gopalan, had to come here and to take your permission, Sir to make a *dharna* here on the demand for the inclusion of the Kerala Land Reforms Act in the Ninth Schedule.

After all, the Government has come forward with the Constitution Amendment Bill for the inclusion of the Kerala Land Reforms Act in the Ninth Schedule. In this respect, I would like to say that the Government had to bow down to the will of the Kerala people for which a movement is continuously being carried on since the very passing of the Kerala Land Reforms Act.

In this connection, I may refer to the letter written by Shri A. K. Gopalan to you, Sir. On 12th of this month, before making a *dharna* on this demand, Mr. A. K. Gopalan wrote to you that almost all the political parties in the Kerala, including the coalition, had been demanding with one voice the inclusion of the Kerala Land Reforms Act in the Ninth Schedule. That is why the Kerala Assembly passed a unanimous Resolution asking the Central Government to include the Kerala Land

Reforms Act, 1969 in the Ninth Schedule of the Constitution.

In the same letter, he also referred that on 9th May a memorandum signed by almost all the M.Ps. from Kerala present in Delhi was submitted to the Prime Minister by a delegation of M.Ps. demanding immediate action to restore the validity of sections of the Act struck down by the Supreme Court, that is, to include the Act in the Ninth Schedule of the Constitution. Why was there so much of hesitation on the part of the Government? At least to me, the only explanation as I can see or any reasonably thinking person can see is that the Congress Party today is torn between two conflicting aims and two groups of people. One group thinks that in their own interest and in the interest of consolidation of power, radical reforms must be implemented. But the old dead weight of landlords and rich peasants represented in the ruling Party would not like that. The Prime Minister is a shrewd politician and understands the power structure. Therefore, she does not want to upset the power structure. In Kerala, a very serious situation has arisen because the High Court has struck down a number of important provisions of the Land Reforms Amendment Act of 1969, and the Supreme Court recently upheld the High Court's decision. As a result of this, the whole situation in Kerala was facing a serious crisis. The development of the situation in Kerala is also a lesson in respect of land reforms.

Many people have the idea that only by bringing legislation and by the bureaucratic machinery land reforms can be implemented. But here is an example in Kerala which you have to take. Simply by bringing legal provisions and through the existing bureaucratic machinery, you cannot implement unless organised and united movement of peasants and landless labourers is behind the implementation. That is why, in spite of the Kerala Land Reforms Act, we find the state of

affairs that is prevailing there now. It was estimated by the Government that there would be at least 2½ lakh acres of surplus land for distribution. Now the Government itself says that the surplus may be to the maximum of 8,000 acres. But the landlords have declared only 28½ acres as surplus. So, even now a strong movement is going on for which Shri A. K. Gopalan is in jail. All the parties who are for the early implementation of these land reforms are united and are carrying on a struggle for the declaration of the rights of the landless peasants on the surplus land.

The police from Trivandrum informed you that Shri A. K. Gopalan was taken into custody because of trespass. What is trespass, Sir? It was surplus land, and Shri Gopalan and the other volunteers entered that land only to help the Government so that the landlords may be forced to declare it as surplus. That is why the movement is going on. Even the Coalition Government, our Right friends,—the Chief Minister, Shri Achutha Menon—have termed it as land grabbing movement. What is land grabbing, Sir? The landlords were grabbing the land for times immemorial! . . . (Interruption) My hon. friend, Mr. Stephen, thinks that by this movement all the landless peasants are combining together and that is why he is worried. The poorer sections have understood by this time that inclusion of this in the Ninth Schedule is a step forward, but merely including it will not do. But only inclusion of the Land Reforms Act in the Ninth Schedule will not do. Implementation is the main thing and during the 2½ years what is your experience? Your Government was there and still it is there.

It is not a fact that all the clauses were struck down by the High Court or the Supreme Court. Even the little scope that was there was not implemented. That is why the Achutha Menon Ministry came forward stating that it is a land-grabbing movement. We say that it is not

[Shri Dinen Bhattacharyya]

a land-grabbing movement. It is only to establish the rights of the landless peasants on the surplus lands of the big landholders that the movement is going on and also against the high prices of certain commodities. Mr. Stephen made a strong plea only the other day in regard to the coconut prices which are going down, but the prices of other things which are used by the common poor peasants and the poor people have gone up. So, against this situation there is a movement and lakhs of people have gathered before launching this movement. There was a convention in Cochin just after Shrimati Indira Gandhi visited there. It was a convention of the peasantry to force, to pressurise the Government and to force the landlords to declare their surplus. This convention was held wherein lakhs of people assembled and after that, from the 25th of this month the movement has started and for that Shri A. K. Gopalan is in jail.

My point is this that by this time the people have learnt this thing that without united pressure and a movement, a militant form of movement, the land reforms Act, whatever it may be, in spite of all pious wishes of the Government and the ruling Party, will only remain a dead letter and unless and until the peasantry unite and start a movement to seize the surplus land, no real land reforms can be effected.

With these words, I fully support this Bill.

SHRI C. M. STEPHEN (Muvattupuzha) : Before I proceed to deal with the merits, I would like to bring to the notice of the Minister an important fact which, I am afraid, might not have been noted by him.

Now, Entry 39 of the Ninth Schedule is the Land Reforms Act 1964. The present Act which we are trying to include in the Ninth Schedule are certain amendments to that Act. The old Act was in the Ninth Schedule. The amendments are now

sought to be included in the Ninth Schedule. It has so happened in the meanwhile that two sections, in the old Act which are not covered by the amendments have been struck down by the Supreme Court. In spite of the fact that the old Act is part of the Ninth Schedule, two sections, viz., Sec. 32 and Sec. 85 have been struck down by the Supreme Court. I would like to know what exactly the legal position would be. Now the present amendment will not cure the position the Supreme Court judgment makes in spite of the amendment to the Constitution that we have accepted. The Golak Nath case decision seems to have prevailed. I am only mentioning it so that I may get a clarification from him. The two sections which have been struck down are preventing the civil court from interfering and preventing the Magistrate from interfering during the pendency of any land reform case before the Land Tribunal. Whether it can be restored, that is all I wanted to ask.

Now, my friend, Mr. Bhattacharyya, was speaking about somebody compelling the Government of India to bring forward these amendments. I have absolutely no quarrel with him in entertaining the illusion that it is by the compulsion of some body exercised on the Government that this amendment has been brought.

But the facts are really clear; the congress policy has all along been clear. It is a very inspiring thing to remember that the very first amendment to the Constitution, the first Constitution Amendment, was specifically for the purpose of incorporating the ninth schedule in the Constitution and for incorporating land laws in that ninth schedule. That took place as far back as in June, 1951 and there was no pressurisation from anybody. Subsequently two more amendments have come for that purpose and the fourth amendment was there on 24-4-1955 incorporating 14 to 20 new agrarian reforms. Then there was another amendment on 20-8-64 incorporating 21 to 64 land laws. All these laws were put in

the ninth schedule. All that shows that it was again the Congress Government which had been pursuing all their effort to carry out land reforms in this country.

Somebody now jumps into the bandwagon and claims that they have done it. All right, let them say so. I have no quarrel about that; let them carry on like this. May I remind Mr. Bhattacharyya and other friends of the Marxist communist party what really happened in Kerala. In 1963 the Congress Government enacted a law. That has come to be part of the ninth schedule. Subsequently in 1967 EMS Government came to power they brought forward certain amendments; that became an Act in the year 1969. But they did not remain to implement that Act at all. They went away because the Legislative Assembly passed a resolution demanding enquiry against a Minister who was under the wing of the Marxist Communist party. They resigned and went away. They left those land laws for somebody else to implement. And what happened about the enquiry? The enquiry was conducted against the Minister. The finding has now come. The charges were well-founded, it has now come out. To protest against that Resolution that enquiry be conducted against the Minister, with respect to which finding has now come out saying that charges were well-founded, this Marxist Community Party, which although was in power, and although had the opportunity to implement these land laws, they scuttled the whole thing and they went out and handed over these land laws to the other Government. Achutha Menon Ministry came, a Congress-supported Ministry. With the Congress's support they made an attempt to implement the laws. That implementation is going on. It is not as though the Kerala Government is sleeping over the whole matter. There are now 201 land tribunals for the purpose of implementing the provisions of the Act. Quite a large number of cases are disposed of. Large number of *kudikidappukars* have been given holdings. These things are

taking place. New decisions are being taken. Compulsory imprisonment will be there for those who do not declare their excess which they are to give. Statutory Committees are appointed to go into this matter and decide on the excess and the excess will be taken over. Mr. A. K. Gopalan of the Marxist Communist Party has jumped into the bandwagon and has started the agitation. On the first day 600 people were arrested; on the second day 400 and on the third day 200 people were arrested. This sort of farcical demonstration was conducted. Let us understand who are the forces which are behind. Let us understand who are the masters behind. Does anybody imagine that without the leadership of the Indian National Congress all over the country, this land reform can be accomplished? My hon. friend Shri Dinen Bhattacharyya has said that without a popular movement land reform cannot be accomplished. I would like to ask him whether he can by himself run that popular movement. Can the people be mustered without the concurrence and leadership of the Indian National Congress? Is not the Indian National Congress right in the vanguard, and is it not an evidence of the fact that the Indian National Congress means what it says that it has brought forward this Bill? To stand by and show grimaces at them is not serving any purpose at all.

The hon. Minister has described in detail the sections of the Kerala Act which were struck down, and so, I do not want to go into them. Most of the sections were struck down on the basis that they violated article 14. A similar position obtained in the case of some other Acts also way back in 1951, and I would like to remind the House on this occasion of the words of Shri Jawahar Lal Nehru when he moved the Constitution (First Amendment) Bill. Moving the First Constitution Amendment Bill, Pandit Jawaharlal Nehru addressed this House and said.

[Shri C. M. Stephen]

"If there is one thing in which we as a party have been committed in the past generation or so, it is the agrarian reform."

And he goes on to say :

"Therefore, we have to think of changes, in terms of these big changes, land changes and the like; Therefore, we thought of amending article 31. Ultimately we thought it best to propose additional articles, 31A and 31B, and in addition to that, there is a schedule containing a number of Acts passed by the State Legislatures, some of which have been challenged or might be challenged, and we thought it best to save them from long delays and difficulties so that this process of change which has been initiated by the States could go ahead."

The spirit behind this enactment is this. This land reform is a State subject. Conditions vary from State to State. Each State launches upon this land reform enactment. Whenever that is done, the courts must not be allowed to stand in the way. In order that the States may go ahead, whenever the courts strike down the provisions of any of their Acts, the Parliament intervenes and puts those enactments in the Ninth Schedule. That is the major step that we are now taking.

I am not under any illusion as to the validity of the enactment that we are passing today. There is one danger still remaining. The Golaknath's case is still there, and [what we are now passing will not be binding on the High Courts so long as this case remains. Therefore, in spite of the enactment that we are making, somebody may challenge it again in the High Court of Kerala and the High Court of Kerala will be bound by the decision in the Golaknath case, and the result will be that there will again be a striking down. But the confronting fact of the matter is that the sections which

have been struck down are not such that the courts could stand in the way of the onward march in the matter of implementation of the land reform measures. Ultimately this may be a test case to decide whether the amendment of the Constitution which we have made will stand the scrutiny of the courts,

Therefore, it is a momentous decision which we are now taking, and I am sure the people of Kerala and the people who are thirsting for land reforms will feel inspired by this gesture that the Parliament of India is standing unflinching in its decision and its determination to give encouragement to this great agrarian reform which alone can bring equality to the country which we are all craving for.

I am extremely happy to be able to stand in this Parliament and to support this momentous legislation in the line of the legislation which started as far back as June, 1951. Inspired by this, we shall go ahead, and I hope the people who are accustomed to gimmicks and acrobats would stand by so that the people who really want these measures will go ahead with these measures for the solace of the thirsting peasantry of this country.

With these words, I support this Bill.

MR. SPEAKER : There are four or five more Members who want to speak on this. I had declared that the discussion on land ceilings will . . .

SHRI H. R. GOKHALE : This matter was discussed at great length when the Private Member's Bill came up for discussion in the House the other day. So, in a way, a number of Members have already participated in the debate on this.

MR. SPEAKER : It is already on the agenda. How can we postpone it now ?

SHRI H. R. GOKHALE : Not postpone; a longer discussion is not necessary.

MR. SPEAKER: What I meant was that after four speeches—I think it will take another half an hour—I will put the motion to the vote at 3.30, so that all the Members will know that the voting will be at 3.30. After that we will take up this item on land ceiling which is already there and which was fixed for 2 p. m. Now, we will take it up at 3.30 or nearabout till the list is exhausted. After that, if time permits, we will take the half-hour discussion. Instead of adjourning at 6.30, we might continue for another hour or so if need be. Shri Chandrappan.

SHRI C. K. CHANDRAPPAN (Telli-cherry): Mr Speaker, Sir, I am very happy to support this Constitution (Amendment) Bill moved by the Government. While supporting this Bill, I would like to say a few words—not a very long speech—about certain things mentioned by my friend, Shri Bhattacharyya from the Marxist party and also by my friend, Shri Stephen, from the ruling Congress party. It was not a story of a long past. In this Parliament, a few weeks ago, a private Member's Bill was discussed, and just on the eve of the discussion, we have seen very clearly what a hesitancy was there on the other side in taking a decision. The hon. Home Minister was trying to find excuses. While Mr. Stephen was arguing that the Bill to amend the Constitution should be brought before this House, the hon. Minister from that side said it is not necessary and that there is already some ordinance there which can protect the interests of the Kerala kisans or the poor peasants there. It is something which happened only two weeks before. Now, Mr. A. K. Gopalan is in jail. He is trying to get the land reform measures implemented quickly. But what I say is, as Mr Stephen just now mentioned, the Marxists were responsible for bringing this legislation and getting it passed in the Kerala legislature in 1969. Soon after that, they resigned and went away. The new political combi-

nation which came to power in Kerala tried to implement the land reforms. The first support we got was from the Marxist party, but I do not know whether it can be described as support, because, just now Mr. Bhattacharyya said that merely by enacting a certain legislation no serious land reform measures can be brought about. It may be so, because of the influence of that theory. When the Kerala Government decided to implement the land reforms and decided to implement the reform quickly, my friends from the Marxist Party decided to launch a massive movement, as we was described by them, to grab the 10 cents of land which were given legally, which were offered to the poor hutment dwellers. Of course, even the Marxists sympathisers were not responding that call. It was very poorly responded, and that movement, as they described, fizzled out. Now, it is the Kerala Government who are distributing to tens of thousands of people in the hutment areas. Ten cents of land each to more than four lakhs of people were given by the Kerala Government. While that step was taken, the Marxist party again gave a call, "Do not accept this 10 cents of land which is given by the Kerala Government." "It is rather revisionist to accept land offered by a bourgeoisie government; so, grab the land and exercise your right." But nobody responded to that, and the implementation of the land reforms measures was going on quite smoothly. Then came the high court judgment. Before the judgement of the Kerala High Court came almost three years ago, there was also history. But Mr. Stephen traces history only from 1963 when Congress Ministers in Kerala enacted Kerala land reforms. What happened in 1959? In 1959, the first comprehensive land reform measures were introduced in the Kerala legislature by the then communists Ministry and it was the old Congress which opposed it clause by clause. When it was sent for Presidential assent, it was taken to the Supreme Court.

[Shri C. K. Chandrappan]

That was the Congress in those days. Maybe one should not find fault with Mr. Stephen for that but then he should not say that history began only from 1963. That past had its effect on the Congress party whose position was reduced to near zero in 1967 elections, with nine seats. Today the Congress has changed, the ruling Congress is a partner in the coalition and they are supporting the land reform measures. Here in the Congress hierarchy, I say there is a lobby of kulaks sitting with them which Mr. Stephen is opposing. Radical land reforms in the States are not opposed by all of the Members sitting on that side, I am saying that there are some Members who do so. (Interruptions.) I am not accusing all of them of that. I have all admiration for Mr. Stephen and people like him who are today supporting radical land reform measures. But there was some hesitation for the ruling party to bring forward a constitutional amendment three years ago. It was not the fault of the opposition parties that measures were not taken. I am happy that they have overcome that hesitation and decided to amend the Constitution.

Shri A. K. Gopalan is not here. He says he wants to get the land reforms implemented quickly, he has gone to jail. But I should make it clear that this movement was described by my friend Shri Bhattacharyya as being accused as the land grab movement. I do not accuse so. A few years before there was a movement led by the kisan sabha and khet mazdoor union and the CPI all over the country asking for radical land reform. Peasants and landless people came forward in tens of thousands and occupied the lands of the landlords. It was at that time in this House that Mr. Umanath, a member of the Marxist Party, accused that it was revisionist action and along with him these the rightist forces said it was a land grab movement. Today Mr. A. K. Gopalan is doing the same kind of thing. There is a difference

Kerala is a State where of feudalism has been abolished. Government is serious in implementing land reform, in fact more serious than Mr. Gopalan's party in implementing land reform as quickly as possible. Measures are taken. This step by the Marxist party will help only the reactionaries and landlords and those who are against the implementation of the land reforms. Merely by courting arrest and merely by going and occupying a certain portion of a land, you cannot pretend yourself and you cannot arrogate yourself to that position. You are not the angel to implement the land reforms and you have not descended from heaven. You cannot take that position.

The reality in Kerala today is something different. The Government and the large majority of the population there, irrespective of their party affiliations, are supporting the implementation of land reforms. It is already being implemented in a big way. I do not say every thing is perfect. Something may be lagging this way or that way. But, to a great extent, land reform has been implemented. The Constitution is being amended to give constitutional protection to the land legislation in Kerala which was challenged in Supreme Court as well as in Kerala High Court. It was an attempt to stage a counter revolution with the help of the judiciary. I am very happy that the Government is moving a Constitutional Amendment Bill by which that attempt of counter revolution will be forestalled.

I support this Bill.

MR. SPEAKER: Shri Vayalar Ravi.

SHRI VAYALAR RAVI (Chiravinkil):
I am very happy to support this Bill.

MR. SPEAKER: Mr. Ravi, is it all by surprise?

SHRI VAYALAR RAVI: Sir, I am talking about Kerala land reforms only.

MR. SPEAKER: You can come forward and make your speech.

SHRI VAYALAR RAVI: I have great pleasure in extending my support to the Bill.

It is true, during the last few weeks, the House witnessed uproarious scenes regarding the inclusion of the Kerala Land Reforms Act into the Ninth Schedule. I do not want to take more time in argument with my friends—either with Mr. Chandrappan or with Mr. Bhattacharyya, as to whom the credit must go. It is true, all the progressive movements in the country, including the Congress, were always in the fore-front to introduce or implement land reforms in the country. It is true I hope my friends on the other side may not disagree with me—that the Congress has always taken a radical approach to land reforms. But I have to concede that many States, or majority of States, could not implement land reforms. Even in the Five Year Plans, they have not given any importance to this. I can also assert that in most States lands remained with rich people. But, only after the Third Plan onwards, the Government has given serious thought over the matter of land reforms.

Also, when we look into the figures for implementation of land legislation—I am afraid I cannot say it is land implementation because only a few States have implemented land reforms—in many States, the surplus land made available was not much. For example in Madhya Pradesh, where land legislation was brought forward a few years ago, the surplus land came only to 50,000 hectares. One of the biggest States in the country could provide only 50,000 hectares of surplus land. This shows how the land legislation is defective and how the States have failed to implement land reforms. The Chief Ministers' conference was held in 1969, 1970, 1971 and even in 1972. In 1969, 1970 and 1971, the Chief Ministers could not come to a conclusion and take up the responsi-

bility for land reforms. Now it has become an issue throughout the country as to how far we can go. We could not get more of surplus land because of the many exceptions that are made. It is true that in the Kerala land legislation there were some loopholes. The Kerala Government came forward to plug the loopholes. That was the provocation for the Government of India to suggest some changes. Now the Kerala Government has agreed to the suggestions made from here. So, I welcome the stand taken by the Central Government to include this in the Ninth Schedule.

SHRI N. SREEKANTAN NAIR (Quilon): Sir, I want to congratulate the Minister for Law without any reservations. The saying goes "Better late than never." I do not want to go back on what prompted the minister or induced him to demur or hesitate in bringing the Bill earlier. Now that it has come, I do not want to monopolise the credit for it, as has been attempted by Mr. Bhattacharyya on the one side, by Mr. Stephen on the other side and by Mr. Chandrappan the third side.

SHRI DINEN BHATTACHARYYA: There must be a movement first.

SHRI N. SREEKANTAN NAIR: It is an open fact that in the old Congress of the earlier days all of us—whether it is Mr. A. K. Gopalan or Mr. E. M. S. Namboodiripad or myself—all of us were there. We built it up. We built up the kisan and labour movements. So, it is not for me to be touchy when they say that the Congress imitated the peasant revolt in those days because I was in the Congress and most of the leftist leaders present in the House and outside in the country were in the Congress. So, it is not a question of claiming credit. What about the Mopla rebellion? That was the first concerted attempt to fight the land hierarchy brought in by the British raj on the lines of the feudal laws in Britain and other European countries. From that time onwards, our people have been agitating. So, he need

[Shri N. Sreekantan Nair]

not be afraid that there was no agitation Kerala had the first bloody agitation and several agitations after that during the century. As a result of all that, that enactment was brought in. It had some defects and it had to be cured. But when he says that the land has to be grabbed and apportioned, I beg to differ from Mr. Bhattacharyya. The experience of West Bengal, where my party was also a participant, is there. They did not think of bringing any legislation or any amendment so that land reforms could be properly implemented. They thought they could grab the land. The result was, the land was grabbed and divided between various leftist parties. But when that government fell, all that land was taken away from them and they were beaten up and driven away. So, the temporary power which the left parties get must be utilised for bringing in suitable and proper legislation. There must be proper utilisation of that power. Then only you can raise the standards of the common man. Therefore, I welcome the provisions of this Bill. Though some of the amendments have been forced on us against our will, it gave us an opportunity of bringing in at least one amendment which takes away a lacuna which was there, i.e. legally allowing persons to make gifts and escape the ceiling limit. That was the defect which we could discover only when it was pointed out by the Centre. So, when they wanted a change, we brought in this provision also. We gained in some respects and we have lost in some other respects. (*Interruptions*).

I am referring to the Ordinance. It is not brought in this Ninth Schedule. So, while the Bill may get protection the Ordinance would not get any protection. Therefore, I am humbly stating where the government stand, where the people stand and what we have trying to do. If the courts challenge this ordinance, then naturally there should be another amendment to bring this also into the Ninth Schedule.

As I said, better late than never. If there is any delay in the implementation of land legislation lakhs of people stand to lose what they are entitled to get and more blood will flow. With these words, I welcome this Bill.

SHRI G. VISWANATHAN (Wandiwash) : Sir, I rise to support the Constitution (Thirty-second Amendment) Bill. The credit should go to Shri Chandrasekhar for pressurising this government to bring this Bill so soon before this House. It is the duty of this Government and Parliament to see that the Acts of the State Legislatures are protected. Though it is a belated measure, we have to congratulate the Government for bringing this Bill.

I think most of the governments are now getting ready for the Land Ceiling Act. But the real test of land ceiling is not in passing legislation. I think all the legislatures are going to pass land ceiling legislation. The test is in implementation. I am told that in most of the States they do not have land records. Without those records I do not know how they are going to implement the land ceiling legislation.

Again, Shri Ravi was speaking of how much land the State will get for distribution and how they will be distributed. They are crucial questions. Whenever any State passes any land ceiling legislation, binami transfers take place, lands are transferred to others and the State does not get anything. When we discuss land reforms we have to consider that aspect also.

When the Kerala Act was amended in 1970-71, a number of landlords and kulaks went to the High Court and the Supreme Court. The High Court struck down certain provisions. They went in appeal to the the Supreme Court. There were also certain original petitions before the Supreme Court. That court also struck down some other provisions. Now we have to save the kulaks, and it

is this going to save them. Even though we are bringing the Kerala Land Reforms Act under the Ninth Schedule, the Centre have asked the State Government to make certain amendments now. They are going to be amendments to the present Bill. Suppose after we have placed this enactment in the Ninth Schedule, this legislation is amended, will it also get the protection of the Ninth Schedule? I am afraid, it will have to come to Parliament again to be brought under the Ninth Schedule. The Minister will have to clarify this point.

My hon. friend, Shri Balakrishna Pillai has given notice of an amendment, which I think is a very important one. He has asked Parliament to include the Kerala Private Forests (Vesting and Assigning) Act, 1971 in the Ninth Schedule. I understand that the Kerala Government have also asked the Centre to include this in the Ninth Schedule. Sir, without waiting for another amendment and then to bring forward Constitution Amendment Bill, I think the Government should accept this amendment and include Kerala Private Forests Act in this measure.

श्री जयललिता बाबाजी (मालि-
यर) : अध्यक्ष जी, मैं इस विषयक का समर्थन करने के लिये सड़ा हुआ हूँ। इस विधेयक के अनुसार केरल के दो कानूनों को संविधान की नवम अनुसूची में संरक्षण प्रदान किया जा रहा है। ऐसा संरक्षण हम पहले भी विभिन्न प्रवेशों के 64 कानूनों को प्रदान कर चुके हैं। कोई कारण नहीं है कि केरल के भूमिपुत्र सम्बन्धी कानून भी संविधान द्वारा संरक्षण न पायें।

मैं इस बात से पूरी तरह से सहमत हूँ कि जब भूमिपुत्र सम्बन्धी कानूनों को संविधान में सुकीर्ति देने की इच्छा रखी जाती है तो उसे संविधान में शामिल होना ही चाहिए। वे संविधान की अविरोध प्रक्रिया में से नहीं

जा सकते। उनकी रक्षा के लिए आवश्यक है कि कानूनों को संरक्षण प्रदान किया जाय। वेर से सही, सरकार यह ठीक कदम उठा रही है और मैं इसका पूरी तरह से समर्थन करता हूँ।

MR. SPEAKER : Shri Ebrahim Sulaiman Sait.

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode) : Mr. Speaker, Sir, I am very happy to support the Constitution (Thirty-second Amendment) Bill for which the two Acts of Kerala Legislature—the Kerala Land Reforms Act 1969 and 1971—I have been brought under Ninth Schedule. I am happy that actually my State of Kerala has set a very good example for the other States to follow as far as enactment of this progressive agrarian reform is concerned. It goes a long way to help the poor. By enactment of those laws by the Kerala Assembly and also by inclusion in Ninth Schedule by this Parliament to-day thousands and thousands of poor tenants have become land-owners to-day and also lakhs and lakhs hut dwellers have become the owners of their huts in Kerala. Therefore, I consider to be a very progressive measure and this Act was passed in the Kerala Assembly with the support of my party. When all the parties here adopted this progressive measure, Muslim League also deserve equal credit together with our colleagues and the Kerala Indian National Congress, C. P. I., R. S. P. and the rest. Therefore, I say, actually not only Muslim League now but in the past days, it was the Muslims who fought the rebellious against British domination and also for agrarian reforms in this country.

Sir, before concluding I would request the Central Government to give financial aid to the Government of Kerala for the implementation of land reforms so that the proper compensation may be paid to the poor land-owners. It is the poor land-owners having small piece of land who

[Shri Ebrahim Sulaiman Sait]
are suffering the most. Therefore, they need all the support of the Government as far as the financial aid is concerned.

I am happy, although this provision had been objected to by the Supreme Court—progressive in the agrarian field, in the field of land reform, the Government of India has come forward to remedy this defect by including this Act in the Ninth Schedule.

I welcome this and I hope other States will follow suit and then there will be some kind of land reform in other States. That will go a long way to help the masses of the country.

MR. SPEAKER : Mr. Balakrishna Pillai, will you like to speak now or at a later stage ?

SHRI BALAKRISHNA PILLAI (Mavelikara) . I shall speak now and then I shall formally move an amendment.

Sir, I am supporting this amendment to the Constitution to include two Acts related to land reforms passed by the Kerala Legislature—in 1969 and 1971 respectively.

I congratulate the Government for showing such a goodwill even though it is belated. I do not know why the Government was reluctant to include this Act in the Ninth Schedule of the Constitution even after repeated requests from all political parties who were in the Opposition and also who were controlling the Government from 1969 upto this time. I do not know why that attitude was taken by the Government. The Kerala Assembly has already unanimously passed a Resolution to include these two Acts in the Ninth Schedule of the Constitution. But it had not been done.

I would like to mention one thing more. In 1969, our Prime Minister, Shrimati Indira Gandhi, asked all the Chief Ministers to begin with land reform measures by adopting the Kerala Land

Reforms Act of 1969 as a model Act. But that was not done. The Tamil Nadu Government have taken this Act as a model Act and have begun with the implementation of land reforms. But many of the Chief Ministers have not done it. In spite of the repeated acceptance and recognition of the Government of India, the Government of India were reluctant to include this in the Ninth Schedule of the Constitution.

I am not going to make a political speech here for giving the credit as to who is responsible for bringing forward this Bill. By representing the Kerala Congress Party I am sure of one thing and that is that without Congress party and without the Central administration, nobody can implement it. So, the credit at least goes to the Central Government which is controlled by the Indian National Congress to include this Act in the Ninth Schedule of the Constitution. That is to be accepted by all.

Again, I may point out that this was included in the Ninth Schedule in 1964. In this connection, I would like to remind the House that the then revenue Minister, Mr. P. T. Chacko, was responsible for bringing forward this legislation and getting it passed and he persuaded the Central Government to include it then in the Ninth Schedule i.e. in 1964. I want to remind you about Mr. Chacko's adventure for having brought this legislation. He was responsible for including this in the Ninth Schedule of the Constitution in 1964.

Now, coming to certain Sections in the Act—I am not going into details—for example, the High Court and the Supreme Court have struck down certain provisions in relation to Kudikidappukara, i.e. the hut-dwellers. All the municipality areas have been exempted by the Supreme Court. That means thousands and lakhs of Kudikidappukara may not get the right of ownership of their huts and also the

land on which they are residing and which were given to them by the Government through the Act of 1969. So, this Kudikidappukars is one of the biggest problem. These municipalities and panchayats are very much inter-connected. There is not much of difference between the two in our State. Kerala is a village altogether. But certain portions are declared as municipalities. That is all. So, these Kudikidappukars, the hut dwellers, may not get their right of ownership. So, that particular Section will cause damage to thousands and lakhs of Kudikidappukars if that is not included in the Ninth Schedule.

Then, there is another amendment motivated by the Central Government to promulgate an Ordinance. I think, that might have been promulgated at this time by the Kerala State Government. What is that Ordinance? Section 16, sub-section (1) is about the distribution of surplus land to Harijans. They were given the right to get 50 per cent of the surplus land. They were included in the category of persons to whom the surplus land was to be distributed. They are all agricultural labourers. But, here, the Central Government is insisting to take away that right given to the courts to the Christian Community. They are also socially and economically backward people. The only thing is that they owe their allegiance to a particular religion. They have converted themselves to Christianity. That is a fact. But their economic and social backwardness is there. The only thing is that on Sundays, they go to a Church and not to a temple. But they are there. Their right was unanimously accepted by the State Legislature. That is now being taken away by the Central Government. Our Government also, due to the pressure of the Central Government, is promulgating an Ordinance to this effect.

I would request the hon. Minister, Shri Gokhale, not to interfere with this and that these Christian converts also may be given the right of taking 50 per cent of the

land, as it was intended in the original Act. (Interruption) Some other backwards sections may also come in and the priority will not be there. That is the difficulty. If it has a wide range, then the poor landless agricultural labourers may not get the land. That is the problem.

Then I want to say a few words about my amendment. Some vested interests are against the nationalisation of private forest in our State and the question is before the High Court and the Supreme Court. Sooner and later, we will have to amend the Constitution to include the Kerala Private Forests Nationalisation Act also. I would, therefore, request the hon. Minister not to give any impetus to the vested interests; he may kindly accept my amendment and include this Act also in the Ninth Schedule now so that there may not be any difficulty after the verdict of the Supreme Court.

With these words, I support the Bill.

श्री एम० रामगोपाल रेड्डी (निजामाबाद): अध्यक्ष महोदय, मैं इस पर बोलना नहीं चाहता था लेकिन सी० पी० (एम०) के एक मेम्बर श्री भट्टाचार्य ने यहाँ पर कहा कि उनकी पार्टी के लीडर के जेल जाने से यह एमेन्डमेंट बिल यहाँ पर लाया गया है, मैं उनको बताना चाहता हूँ कि यह बिल्कुल गलत है। हमारे गांव में एक पुजारी थे। बारिश के मौसम में जब काले बादल प्राप्तमान पर घा जाते थे, ठंडी हवा चलने लगती थी और बारिश होने का समय घा जाता था तो वे मन्दिर में हनुमान जी के सामने जाकर बैठते थे। जब बारिश हो जाती तो वे बाहर आकर बोलते थे कि मेरे पूजा करने की वजह से यह बारिश हुई है इसलिए अब मुझे दान बिदा जावे। वैसे ही यहाँ पर चूँकि यह कांग्रेस एमेन्डमेंट की तरफ के किता जा रहा है इसलिये दान मांगने के लिए वह भी घा गए हैं।

[श्री एम० रामगोपाल रेड्डी]

इसी प्रकार से सी० पी० आई० की तरफ से कहा जा रहा है कि कांग्रेस में कुलकवादी और विप्लववादी हैं। उनको समझना चाहिए कि कांग्रेस में सिर्फ कांग्रेसी ही हैं। हमारे यहां पर सब्जेक्ट पर डिस्कशन जरूर होता है लेकिन उसका मतलब यह नहीं है कि कांग्रेस में पार्टीज है। कांग्रेस पार्टी एक है और उसकी लीडर श्रीमती इन्दिरा गान्धी हैं।

यह बक्वचन किया जा रहा है कि यह जो ऐक्शन अब लिया जा रहा वह इससे पहले क्यों नहीं लिया गया तो मैं उनको बताना चाहता हूं कि आम पक जाता है तभी उसको तोड़ा जाता है, कच्चे आम को तोड़ा नहीं जाता है।

THE MINISTER OF LAW AND JUSTICE AND PETROLEUM AND CHEMICALS (SHRI H. R. GOKHALE): All the hon. members who have spoken in this debate have supported this measure without exception, and I am very grateful to all the members for supporting this Bill. In view of this, a very long and elaborate reply, I believe, is hardly necessary. But there are a few points which, I think, need clarification—the points which have been raised in the course of the debate. I will very briefly deal with those points and finish my reply.

Before I go to anything else, I would refer to the comments made by my hon. friend, Shri Stephen, who expressed some doubt with regard to the amendment of section 85 and 32 of the Act. What he seems to think is that these sections were there in the Ninth Schedule already because of the original Act of 1963; therefore, in spite of the protection which was available, these Acts were struck down, and how far was this going to afford any protection to the amendments which were being sought to be brought in the Ninth Schedule. I must say with respect to my

hon. friend that he has missed the main point in raising the argument. Section 85 (1) was amended by the 1969 Amendment Act; only the explanation was not amended. The result was that, when section 85 (1) was amended, the explanation which was there to section 85 (1) also fell along with section 85. The whole thing has been included. There is no fear of section 85 being struck down, either the main section 85 (1) or the explanation. The same argument applies to section 32. I would only assure my hon. friend that this apprehension on his part is misplaced...

SHRI C. M. STEPHEN: By the amendments, section 32 has not been touched.

SHRI H. R. GOKHALE: Section 32 has been touched. Section 32 was amended by the 1969 Act. I am quite sure about it.

The other thing that was raised was this. I would refer to the comment which has been made that we were forced into taking this action. This is not quite fair. Some reference was made to the remarks made by my colleague, Shri Pant, in the course of discussion when it was raised in the House last time. And I remember that even he pointed out in this House that it is the policy of the Government to see that no land reform measure is struck down by the courts and all steps which are necessary for protecting a land reform measure must be taken. He then pointed out that after all the Supreme Court judgment which struck down these Acts came on the 28th or 29th April. The Supreme Court judgment had to be studied. We were examining the impact of the Supreme Court judgment. In addition to that, it was also stated that both he and I were having long discussions with the Ministers of the Kerala Government. The Kerala Revenue Minister was here for quite a number of days and extensive discussions took place to understand the position taken by the Kerala Government and see the implications of the Supreme Court's judgment. Can it be said that we were cautious and, therefore, now were forced to take these decisions? We were cautious that there was

no further defect left in the amendment which we are trying to bring. Therefore, I think, the criticism that we have now undertaken this after a lot of pressure and we were forced to do this and that otherwise we are unwilling to do this is absolutely without foundation.

Some reference was made by some members to the amendments which the Central Government has suggested to the Kerala Government. I may say that there has been an absolute misapprehension with regard to what we have proposed to the Kerala Government for their consideration and on which, after a lot of discussion, they were also persuaded to accept our point of view and they have accepted it and are on the point of issuing an ordinance if an ordinance was not already issued today.

A reference was made to special protection being given to converts to Christianity from Scheduled Castes. What I felt was that, apart from the fact that it is discriminatory between converts to Christianity and converts to other religions, there is no reason for making a special protection only to converts to Christianity when there have been converts to other religions also. What was pointed out was that this was not in consonance with the usual understanding of the Scheduled Castes' position. That has been the position taken so far and that has been the policy of the Government and, in any case, this has been the position and we actually pointed out to them a way out. *(Interruptions)* We said that if you wanted to achieve the purpose which you want to achieve, then we will allow you to make an amendment by saying that you will be able to treat socially and economically backward classes and that amendment, we suggested and on our suggestion, they have accepted that amendment.

One thing I would like the hon. Members to appreciate is the most dangerous part of their Act which has not been struck down by the Supreme Court which we suggested ought to be amended, was the provision which was really the cause of all mischief and that provision expressly permitted transfers by way of partition on account of love and affection. If there was a partition on the ground that we are brothers or on the ground that we are relatives, that transfer was expressly protected under their Act. We pointed out that in the implementation of the land reforms measure these partitions are really the source of mischief. Why do the hon. Members while criticising the Government not point out this? While making concrete suggestions, be also pointed out to them where the source of mischief lay.

SHRI N. SREEKANTAN NAIR : I have pointed it out.

SHRI H. R. GOKHALE : This was not pointed out that this was really the source of mischief and it was at our instance that the Kerala Government has accepted the position that there was really a defect in their Act.

Now according to them, they did not bring it to us for including it in the Ninth Schedule and we pointed out that if you really want to give effect to this measure as a genuine land reform measure, you should also amend this. Therefore, the attitude taken by the Central Government has all along been constructive, not to come in the way of the implementation of the Land Reforms Act. There has been no delay in the sense that there was any hesitation on the part of the Government to include this Act. As I said, the judgment itself striking down the Act came on the 28th or 29th April. Now it is hardly possible to say that there was delay on our part in bringing this measure before this House.

[Shri H. R. Gokhale]

Most of the points have been dealt with. Now that the hon. Member has also referred to an amendment which he has proposed. I must point out that I am not in a position to accept this amendment. First of all, the Act which he wants to bring in, the Act dealing with the forests, has not been struck down by the court. It is true that it is an Act, litigation with regard to which is pending in the High Court and Supreme Court. But I think it will be appropriate if I give an analogy to show as to what happens if we act only on apprehensions. When the two Acts which we are now bringing in the Ninth Schedule were proposed to be brought in the Ninth Schedule, the Kerala Government were pressing that a Third Act, the Kannan Deven (Resumption of Land) Act, 1971 also should be included. The position which we took was this. We said, let us wait for the Supreme Court judgment; as far as we can see it, the Supreme Court may not strike down that Act. When the judgment came we said, that Act was not struck down. Our position became clear that we should not rush into bringing an Act in the ninth schedule and we were proved to be justified in saying that we will not bring that Act unless there is reasonable ground for bringing it in the Ninth Schedule. Now, 'reasonable ground' did not exist because the Supreme Court has now upheld that Act even though that Act provided for no compensation. The same might be the position with regard to the Act which my friends wish to bring in by way of an amendment. After all the Government's policy is that if there is a genuine land reform measure, it will be protected. Therefore, what is the obstacle in dealing with the situation as and when it arises? As we deal with it now, we can deal with it at that time; it is premature not to accept this amendment and I am afraid I am not in a position to accept it.

Once again. I thank the hon. Member for supporting this Bill.

MR. SPEAKER : Before I put the motion to the vote of the House, I wish to say, this being a Constitution Amendment Bill, the voting by the House has to be by Division.

Let the lobbies be cleared—

The lobbies have been cleared.

The question is :

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

The Lok Sabha divided :

Division No. 14]

[15.46 hrs.

AYES

Achal Singh, Shri
Afzalpurkar, Shri Dharamrao
Agarwal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Ahmed, Shri F. A.
Alagesan, Shri O. V
Ambesh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bahuguna, Shri H. N.
Balakrishnaiah, Shri T.
Banerji, Shrimati Mukul
Barua, Shri Bedabrata
Basappa, Shri K.

Basumatari, Shri D.
 Beera, Shri S. C.
 Bhagat, Shri B. R.
 Bhagat, Shri H. K. L.
 Bhagirath Bhanwar, Shri
 Bhandare, Shri R. D.
 Bhargavi Thankappan, Shrimati
 Bhatia, Shri Raghunandan Lai
 Bhattacharyya, Shri Dinen
 Bhattacharyya, Shri S. P.
 Bhattacharyya, Shri Chapalendu
 Bharua, Shri B. S.
 Bhuvarahan, Shri G.
 Bisht, Shri Narendra Singh
 Bosu, Shri Jyotirmoy
 Brahmanandji, Shri Swami
 Buta Singh, Shri
 Chakleshwar Singh, Shri
 Chanda, Shrimati Jyotsna
 Chandra Gowda, Shri D. B.
 Chandrappan, Shri C. K.
 Chatterjee, Shri Somnath
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chaudhary, Shri Nitiraj Singh
 Chaudhary, Shri Ishwar
 Chavan, Shri D. R.
 Chavan, Shri Yeshwantrao
 Chawla, Shri Amar Nath
 Chellachemi, Shri A. M.
 Chhotey Lal, Shri
 Choudhury, Shri Moinul Haque
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Darbara Singh, Shri
 Dasappa, Shri Tulsidas
 Daschowdhury, Shri B. K.
 Deb, Shri Dasaratha
 Deo, Shri S. N. Singh

Dhamankar, Shri
 Dharla, Shri Mohan
 Dhusja, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Doda, Shri Hiralal
 Dutta, Shri Biren
 Dwivedi, Shri Nageshwar
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Gautam, Shri C. D.
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gamango, Shri Giridhar
 Gopal, Shri K.
 Govind Das, Dr.
 Gowda, Shri Pampan
 Gowder, Shri J. M.
 Guha, Shri Samar
 Gupta, Shri Indrajit
 Halder, Shri Madhuryya
 Halder, Shri Krishna Chandra
 Hansda, Shri Subodh
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Ishaque, Shri A. K. M.
 Jagjiwan Ram, Shri
 Jamilurrahman, Shri Md.
 Janardhanan, Shri C.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Joseph, Shri M. M.
 Joshi, Shri Jagannathrao
 Joshi, Shrimati Subhadra

Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kalingarayar, Shri Mohauraj
 Kamakshiah, Shri D.
 Kamala Kumari, Kumari
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kathamuthu, Shri M.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotaki, Shri Liladhar
 Kotrashetti Shri A. K.
 Krishnan, Shri G. Y.
 Kulkarni, Shri Raja
 Kumaramangalam, Shri S. Mohan
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lakshmikanthamma, Shrimati T.
 Lakshminarayana, Shri M. R.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfai Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.

Maihotra, Shri Inder J.
 Malik, Shri Mukhtiar Singh
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandai, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Marandi, Shri Iswar
 Mehta, Dr. Jivraj
 Mehta, Dr. Mahipatray
 Mehta, Shri P. M.
 Minmata Agandas, Shrimati
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri L. N.
 Misra, Shri S. N.
 Modak, Shri Bijoy
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammad Khuda Buksh, Shri
 Mukherjee, Shri Saroj
 Murthy, Shri B. S.
 Nahata, Shri Amrit
 Nair, Shri N. Sreekantan
 Nayar, Shrimati Shakuntala
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Orson, Shri Tuna
 Painuli, Shri Paripoornanand
 Panda, Shri D. K.
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sarjoo
 Pandey, Shri Tarkeshwar
 Pandeya, Dr. Laxminarain

Pandit, Shri S. I.
Panigrahi, Shri Chintamani
Paokai Haokip, Shri
Parashur, Prof. Narain Chand
Partap Singh, Shri
Patel, Shri Prabhudas
Patil, Shri Ramubhai
Patil, Shri Anantrao
Patil, Shri E. V. Vikhe
Patil, Shri S. B.
Pillai, Shri R. Balakrishna
Pradhan, Shri Dhan Shah
Purty, Shri M. S.
Qureshi, Shri Mohd. Shah
Radhakrishnan, Shri S.
Raghu Ramanna, Shri K.
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Raju, Shri P. V. G.
Ram Dhan, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Surat Prasad, Shri
Ram Swarup, Shri
Rana, Shri M. B.
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Parasada
Rao, Shri Pattabhi Rama
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh,
Raut, Shri Bhola
Ravi, Shri Vayalar
Reddi, Shri P. Antony
Reddy, Shri B. N.

Reddy, Shri K. Kodanda Rama
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Y. Eswara
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Shri
Sadhu Ram, Shri
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Saini, Shri Mulki Raj
Sait, Shri Ibrahim Sulaiman
Samanta, Shri S. C.
Sambhali, Shri Ishaq
Sinkata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Shakti Kumar
Sathe, Shri Vasant
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Sen, Dr. Rinan
Sethi, Shri Arjun
Sha'quat Jung, Shri
Shahnawaz Khan, Shri
Shulani, Shri Chandra
Shakya, Shri Maha Deepak Singh
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankar Dev, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Sharma, Dr. Shankar Dayal
Shashi Bhushan, Shri

Shastri, Shri Ramanand
 Shastri, Shri Ramavatar
 Sher Singh, Shri
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shiva Chandika, Shri
 Shivanath Singh, Shri
 Shukla, Shri Vidya Charan
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri
 Singh, Shri V. N. P.
 Sinha, Shri Dbaran Bir
 Sinha, Shri R. K.
 Sohan Lai, Shri T.
 Sokhi, Shri Swaran Singh
 Somasundaram, Shri S. D.
 Stephen, Shri C. M.
 Subramaniam, Shri C
 Subravelu, Shri
 Sunder Lai, Shri
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Swatantra, Shri Teja Singh
 Tayyab Hussain Khan, Shri
 Tiwary, Shri K. N.
 Tula Ram, Shri
 Tulsiaram, Shri V.
 Ukey, Shri M. G.
 Ulaganambi, Shri R. P.
 Unnikrishnan, Shri K. P.
 Vajpayee, Shri Atal Bihari
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.

Verma, Shri Balgovind
 Verma, Shri Phool Chand
 Verma, Shri Sukhdeo Prasad
 Vidyalankar, Shri Amarnath
 Vijay Pat Singh, Shri
 Vikal, Shri Ram Chandra
 Vishwanathan, Shri G.
 Yadav, Shri Chandrajit
 Yadav, Shri G. P.
 Yadav, Shri Karan Singh
 Yadav, Shri R. P.
 Zulfiqar Ali Khan, Shri

NOES

*Mishra, Shri Shyamnandan

MR. SPEAKER. The result* of the division is : Ayes 308 ; Noes 1

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 2. (Amendment of ninth schedule)

SHRI R. BALAKRISHNA PILLAI : In view of the hon. Minister's assurance, I am not moving my amendment to this clause

MR. SPEAKER : The question is :

"That clause 2 stand part of the Bill."

The Lok Sabha divided.

Division No. 15]

[15.48 hrs.

AYES

Achal Singh, Shri
 Afzalpurkar, Shri Dharmarao
 Agrawal, Shri Shrikrishna

*Wrongly voted for NOES.

*The following Members also recorded their votes for AYES :

Sarvaashri Sheopujan Shastri, Rasiklal Parikh, N. Shivappa and Shyamnandan Mishra.

Ahirwar, Shri Nathu Ram
Ahmed, Shri F. A.
Alagesan, Shri O. V.
Ambesh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bahuguna, Shri H. N.
Balakrishniah, Shri T.
*Banerjee, Shri S. M.
Banerji, Shrimati Mukul
Barua, Shri Bedabrata
Basappa, Shri K.
Basumatari, Shri D.
Bera, Shri S. C.
Bhagat, Shri B. R.
Bhagat, Shri H. K. I.
Bhandare, Shri R. D.
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri Jagadish
Bhattacharyya, Shri S. P.
Bhattacharyya, Shri Chapalendu
Bhaura, Shri B. S.
Bhuvarahan, Shri G.
Bisht, Shri Narendra Singh
Bosu, Shri Jyotirmoy
Brahmanandji, Shri Swami
Buta Singh, Shri
Chakleswar Singh, Shri
Chanda, Shrimati Jyotsna
Chandra Gowda, Shri D. B.
Chandrappan, Shri C. K.
Chatterjee, Shri Somanth
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh

Chaudhary, Shri Nitiraj Singh
Chaudhary, Shri Iahwar
Chavan, Shri D. R.
Chavan, Shri Yeshwantrao
Chawla, Shri Amar Nath
Chellachemi, Shri A. M.
Chhorey Lal, Shri
Choudhury, Shri Moinul Haque
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Dasappa, Shri Tulsidas
Deb, Shri Dasaratha
Deo, Shri S. N. Singh
Dhamankar, Shri
Dharla, Shri Mohan
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Doda, Shri Hiralal
Dutta, Shri Bilen
Dwivedi, Shri Nageshwar
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Godara, Shri Mani Ram
Gogoi, Shri Tarun
Gohain, Shri C. C.
Gokhale, Shri H. R.
Gumango, Shri Giridhar
Gopal, Shri K.
Govind Das, Dr.
Gowda, Shri Pampan
Gowder, Shri J. M.
Guba, Shri Samar
Gupta, Shri Indrajit
Halder, Shri Madhuryya

*He voted by mistake from a wrong seat, and later informed the Speaker accordingly.

Halder, Shri Krishna Chandra
 Hansda, Shri Subodh
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Ishaque, Shri A. K. M.
 Jagjiwan Ram, Shri
 Jamilurrahman, Shri Md.
 Janardhanan, Shri C.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Joseph, Shri M. M.
 Joshi, Shri Jagannathrao
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kaulan, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kamakshaiah, Shri D.
 Kamala Kumari, Kumari
 Kamala Prasad, Shri
 Kambie, Shri T. D.
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kathamuthu, Shri M.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Koteki, Shri Liladbar
 Kotrasbetti, Shri A. K.
 Krishnan, Shri G. Y.
 Kulkarni, Shri Raja
 Kumaramangalam, Shri S. Mohan

Kurcel, Shri B. N.
 Lakkappa, Shri K.
 Lakshmanan, Shri T. S.
 Lakshmikantamma, Shrimati T
 Lakshminarayanan, Shri M. R.
 Lambodar Balyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kuniar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J
 Malik, Shri Mukhtiar Singh
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Marandi, Shri Iswar
 Mehta, Dr. Jivraj
 Mehta, Dr. Mahipatray
 Mehta, Shri P. M.
 Minimata, Agamdas, Shrimati
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri L. N.
 Mishra, Shri Shyamnandan
 Miara, Shri S. N.
 Modak, Shri Bijoy
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammad Khuda Buksh, Shri

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Mukherjee, Shri Saroj
 Murthy, Shri B. S.
 Nahata, Shri Amrit
 Nair, Shri N. Sreekantan
 Nayar, Shrimati Shakuntla
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Tuna
 Pamul, Shri Paripoornanand
 Panda, Shri D. K.
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Naram
 Pandey, Shri R. S.
 Pandey, Shri Tarkeshwar
 Pandeya, Dr. Laxminarain
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Parikh, Shri Rasiklal
 Partap Singh, Shri
 Patel, Shri Prabhudas
 Patel, Shri Ramubhai
 Patil, Shri Anant Rao
 Patil, Shri E. V. Vikhe
 Patil, Shri S. B.
 Pillai, Shri R. Balakrishna
 Pradhan, Shri Dhan Shah
 Purty, Shri M. S.
 Qureshi, Shri Mohd. Shah
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Raj Bahadur, Shri
 Raideo Singh, Shri
 Raju, Shri M. T.
 Raju, Shri P. V. G.
 Ram Dhan, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Surat Prasad, Shri

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(32nd Amendment.) Bill 390

Ram Swarup, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhaba; A.
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Parasada
 Rao, Shri Patabhi Rama
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Ravi, Shri Vayalar
 Reddy, Shri P. Antony
 Reddy, Shri B. N.
 Reddy, Shri K. Kodanda Rami
 Reddy, Shri M. Ram Gopal
 Repdy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Y. Eswara
 Richhariya, Dr. Govmd Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saha, Shri Ajit Kumar
 Saha, Shri Gadadhar
 Saini, Shri Mukti Raj
 Sait, Shri Ebrahim Sulaiman
 Samanta, Shri S. C.
 Sambhali, Shri Ishaq
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarker, Shri Sakti Kumar
 Sathe, Shri Vasant
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen

Sethi, Shri Arjun
 Shafquat Jung, Shri
 Shah Nawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Sankar Dayal Singh, Shri
 Sankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sherma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Ramanand
 Shastri, Shri Ramavatar
 Shastri, Shri Sheopujan
 Sher Singh, Shri
 Shetty, Shri K. K.
 Shinde, Shri Annasabeh P.
 Shiva Chandika, Shri
 Shivappa, Shri N.
 Shivanath Singh, Shri
 Shukla, Shri Vidya Charan
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri
 Singh, Shri V. N. P.
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sinha, Shri Satyendra Narain
 Soban Lal, Shri T.
 Sokhi, Shri Swaran Singh
 Somasundaram, Shri S. D.
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Subravelu, Shri

Sunder Lal, Shri
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Swatantra, Shri Teja Singh
 Tayyab Hussain Khan, Shri
 Tiwary, Shri K. N.
 Tula Ram, Shri
 Tulsiram, Shri V.
 Ukey, Shri M. G.
 Ulaganambi, Shri R. P.
 Unnikrishnan, Shri K. P.
 Vajpayee, Shri Atal Bihari
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Phool Chand
 Verma, Shri Sukhdeo Prasad
 Vidyalankar, Shri Amarnath
 Vijay Pal Singh, Shri
 Vikal, Shri Ram Chandra
 Vishwanathan, Shri G.
 Yadav, Shri Chandrajit
 Yadav, Shri G. P.
 Yadav, Shri Karan Singh
 Yadav, Shri R. P.
 Zulfiqar Ali Khan, Shri

NOES

Nil.

MR. SPEAKER : The result* of the division is : Ayes 311; Noes Nil.

The motion is carried by a majority of the total membership of the House and by

*The following Members also recorded their votes for AYES :

Sarvashri B. K. Daschowdhury and S. M. Banerjee.

a majority of not less than two-thirds of the members present and voting.

Division No 16]

[15.30 hrs.

Clause 2 stands part of the Bill

The motion was adopted.

Clause 2 was added to the Bill

Clause —1(Short Title)

SHRI H R GOKHALE : I beg to move .

Page 1, lines 3 and 4,

for "(Thirty second Amend-
ment)" substitute—

"(Twenty-ninth Amendment)" (1)

MR SPEAKER The question is

Page 1, lines 3 and 4,

for "(Thirty-second Amend-
ment)" substitute—

"(Twenty ninth Amendment)" (1)

The motion was adopted.

MR SPEAKER I shall now put clause 1, as amended, to the vote of the House. I am told that we can have this passed by voice vote and by simple majority

SHRI VIKRAM MAHAJAN (Kangra) : As a measure of abundant caution, we may have it by division

AN HON. MEMBER . Since the Supreme Court is there, let us have it by division.

MR SPEAKER : The question is

"That clause 1, as amended, stand part of the Bill "

The Lok Sabha divided:

AYES

Achal Singh, Shri
Afzalpurkar, Shri Dharamrao
Agrawal, Shri Shrikrishna
Ahrwar, Shri Nathu Ram
Ahmed, Shri F A
Alagesan, Shri O V
Ambesh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bahuguna, Shri H. N
Balakrishnaiah, Shri T
Banerjee, Shri S M
Banerji, Shrimati Mukul
Barua, Shri Badabrata
Basappa, Shri K.
Basumatari, Shri D.
Beera, Shri S. C
Bhagat, Shri B. R.
Bhagat, Shri H K L
Bhagirath Bhanwar, Shri
Bhandare, Shri R. D
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Dinan
Bhattacharyya, Shri Jagadish
Bhattacharyya, Shri S. P.
Bhattacharyya, Shri Chapalendu
Bhaura, Shri B. S.
Bhuvrahan, Shri G
Bisht, Shri Narendra Singh
Bosui, Shri Jyotirmoy
Brahmanandji, Shri Swami
Buta Singh, Shri
Chakreshwar Singh, Shri

Chanda, Shrimati Jyotsna
 Chandra Gowda, Shri D. B.
 Chandrappan, Shri C. K.
 Chatterjee, Shri Somnath
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chaudhary, Shri Nitiraj Singh
 Chaudhary, Shri Ishwar
 Chavan, Shri D. R.
 Chavan, Shri Yeshwantrao
 Chawla, Shri Amar Nath
 Chellachemi, Shri A. M.
 Chhotey Lal, Shri
 Choudhury, Shri Moinul Haque
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Darbara Singh, Shri
 Dasappa, Shri Tulcidas
 Daschowdhury, Shri B. K.
 Deb, Shri Dasaratha
 Deo, Shri S. N. Singh
 Dhamankar, Shri
 Dharis, Shri Mohan
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Doda, Shri Hiralal
 Dutta, Shri Biren
 Dwivedi, Shri Nageshwar
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Gautam, Shri C. D.
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar

Gopal, Shri K.
 Govind Das, Dr.
 Gowda, Shri Pampan
 Gowder, Shri J. M.
 Guha, Shri Samar
 Gupta, Shri Indrajit
 Halder, Shri Madhuryya
 Halder, Shri Kishna Chandra
 Hansda, Shri Subodh
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Ishaque, Shri A. K. M.
 Jagiwan Ram, Shri
 Jamilurrahman, Shri Md.
 Janardhanan, Shri G.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Joseph, Shri M. M.
 Joshi, Shri Jagannathrao
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kalingarayar, Shri Mohanraj
 Kamakshiah, Shri D.
 Kamala Kumari, Kumari
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kathemuthu, Shri M.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar Shri B.K.

Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotraschetti, Shri A. K.
Krishnan, Shri G. Y.
Kulkarni, Shri Raja
Kumaramangalam, Shri S. Mohan
Kureel, Shri B. N.
Lakkappa, Shri K.
LakshmiKanthamma, Shrimati T.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Malik, Shri Mukhtiar Singh
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Marandi, Shri Iswar
Mehta, Dr. Jivraj
Mehta, Dr. Mahipatray
Mehta, Shri P. M.
Minimata Agamdas, Shrimati
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Mishra, Shri L. N.
Mishra, Shri Shyamnandan
Misra, Shri S. N.
Modak, Shri Bijoy

Modi, Shri Shrikishan
Mohammad Tahir, Shri
Mohammad Yusuf, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammad Khuda Buksh, Shri
Mukherjee, Shri Saroj
Murthy, Shri B. S.
Nahata, Shri Amrit
Nair, Shri N. Sreekantan
Nayar, Shrimati Shakuntala
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Tuna
Painuli, Shri Paripoornanand
Panda Shri D. K.
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Tarkeshwar
Pandeya, Dr. Laxminarain
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasikisai
Partap Singh, Shri
Patel, Shri Prabhudas
Patel, Shri Ramubhai
Patil, Shri Anantrao
Patil, Shri E. V. Vikhe
Patil, Shri S. B.
Pillai, Shri R. Bajakrishna
Pradhan, Shri Dhan Shek
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raddakrishnan, Shri S.
Raghu Ramaiah, Shri K.
Raj Bahadur, Shri
Rajdeo Singh, Shri

Raju, Shri M. T.
Raju, Shri P. V. G.
Ram Dhan, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Surat Prasad, Shri
Ram Swarup, Shri
Rana, Shri M. B.
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanaryan
Rao, Shri Nagewara
Rao, Shri P. Ankineedu Parasada
Rao, Shri Pattabhi Rama
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Reddi, Shri P. Antony
Reddy, Shri B. N.
Reddy, Shri K. Kodanda Ram
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Y. Ewara
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Shri
Sadhu Ram, Shri
Saha, Shri Ajit Kumar
Saini, Shri Mulki Raj
Sait, Shri Ebrahim Sulaiman
Samanta, Shri S. C.
Sambhali, Shri Ishaq
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar

Sahe, Shri Vasant
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Sen, Dr. Rason
Sethi, Shri Arjun
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shallani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankar Dev, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Sharma, Dr. Shankar Dayal
Shashi Bhushan, Shri
Shastri, Shri Ramanand
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Sher Singh, Shri
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shiva Chandika, Shri
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Shri
Singh, Shri V. N. P.
Sinha, Shri Dharam Bir
Sinha, Shri R. K.
Sinha, Shri Satyendra Narain
Sohan Lal, Shri T.
Sokhi, Shri Swaran Singh
Somasundaram, Shri S. D.
Stephen, Shri C. M.
Subramaniam, Shri C.
Subravatu, Shri

Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Swatantra, Shri Teja Singh
Tayyab Hussain Khan, Shri
Tiwary, Shri K. N.

Tula Ram, Shri

Tulsiram, Shri V.

Uikey, Shri M. G.

Ulaganambi, Shri R. P.

Unnikrishnan, Shri K. P.

Vajpayee, Shri Atal Bihari

Vekaria, Shri

Venkatasubbaiah, Shri P.

Venkatswamy, Shri G.

Verma, Shri Balgovind

Verma, Shri Phool Chand

Verma, Shri Sukhdeo Prasad

Vidyalankar, Shri Amarnath

Vijay Pal Singh, Shri

Vikal, Shri Ram Chandra

Viswanathan, Shri G.

Yadav, Shri Chandrajit

Yadav, Shri G. P.

Yadav, Shri Karan Singh

Yadav, Shri R. P.

Zulfikar Ali Khan, Shri

NOES

Nil

MR. SPEAKER : The result* of the division is : *Ayes* : 310; *Noes Nil*.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 1, as amended, was added to the Bill.

MR. SPEAKER : The question is :

"That the Enacting Formula and the Title stand part of the Bill."

The motion was adopted

The Enacting Formula and the Title were added to the Bill.

SHRI H. R. GOKHALE : I beg to move :

"That the Bill, as amended, be passed."

MR. SPEAKER : The question is :

"That the Bill, as amended, be passed."

The Lok Sabha divided :

Division No. 17]

[15. 52 hrs.

AYES

Achal Singh, Shri

Afzalpurkar, Shri Dharamrao

Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram

Ahmed, Shri F. A.

Alagesan, Shri O. V.

Ambesh, Shri

Ankineedu, Shri Maganti

Ansari, Shri Ziaur Rahman

Appalanaidu, Shri

Austin, Dr. Henry

Awdhesh Chandra Singh, Shri

Azad, Shri Bhagwat Jha

Babunath Singh, Shri

Bahuguna, Shri H. N.

Banerjee, Shri S. M.

*Shrimati Bhargavi Thankappan also recorded her vote for AYES.

Banerji, Shrimati Mukul
 Barua, Shri Bedabrata
 Basappa, Shri K.
 Basumatari, Shri D.
 Besra, Shri S. C.
 Bhagat, Shri B. R.
 Bhagat, Shri H. K. L.
 Bhagirath Bhanwar, Shri
 Bhandare, Shri R. D.
 Bhargavi Thankappan, Shrimati
 Bhatia, Shri Raghunandan Lal
 Bhattacharyya, Shri Dinan
 Bhattacharyya, Shri Jagadish
 Bhattacharyya, Shri S. P.
 Bhattacharyya, Shri Chapalendu
 Bhaura, Shri B. S.
 Bhuvarahan, Shri G.
 Bisht, Shri Narendra Singh
 Bosu, Shri Jyotirmoy
 Brahmanandji, Shri Swami
 Buta Singh, Shri
 Chakleshwar Singh, Shri
 Chanda, Shrimati Jyotsna
 Chandra Gowda, Shri D. B.
 Chandrappan, Shri C. K.
 Chatterjee, Shri Somnath
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chaudhary, Shri Nitiraj Singh
 Chaudhary, Shri Ishwar
 Chavan, Shri D. R.
 Chavan, Shri Yeshwantreo
 Chawla, Shri Amar Nath
 Chellachemi, Shri A. M.
 Chhotey Lal, Shri
 Choudhury, Shri Moinal Haque
 Chowhan, Shri Bharat Singh
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Datt Singh, Shri

Darbara Singh, Shri
 Dasappa, Shri Tejadas
 Daschowdhury, Shri B. K.
 Deb, Shri Dasaratha
 Deo, Shri S. N. Singh
 Dharmankar, Shri
 Dharia, Shri Mohan
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Doda, Shri Hiralal
 Dutta, Shri Biren
 Dwivedi, Shri Nageshwar
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Gautam, Shri C. D.
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Govind Das, Dr.
 Gowda, Shri Pampan
 Gowder, Shri J. M.
 Guha, Shri Samar
 Gupta, Shri Indrajit
 Halder, Shri Madhuryya
 Haider, Shri Krishna Chandra
 Hansda, Shri Subodh
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Ishaque, Shri A. K. M.
 Jagtiwan Ram, Shri
 Jamilurrahman, Shri Md.
 Janardhanan, Shri C.
 Jeyalakshmi, Shrimati V.

Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Joseph, Shri M. M.
 Joshi, Shri Jagannathrao
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailes, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kamakshaiah, Shri D.
 Kamala Kumari, Kumari
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kathamuthu, Shri M.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadiikar, Shri R. K.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotoki, Shri Ljladhar
 Kotrashetti, Shri A. K.
 Krishnan, Shri G. Y.
 Kulkarni, Shri Raja
 Kumeramangalam, Shri S. Mohan
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lakshmanan, Shri T. S.
 Lakshmikanthamma, Shrimati T.
 Lakshminarayanan, Shri M. R.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfai Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.

Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Malik, Shri Mukhtiar Singh
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Marandi, Shri Iswar
 Mehta, Dr. Jivraj
 Mehta, Dr. Mahipatray
 Mehta, Shri P. M.
 Mmimata Agamdas, Shrimati
 Mirdha, Shri Naibu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri L. N.
 Mishra, Shri Shyamnandan
 Misra, S. N.
 Modak, Shri Bijoy
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammad Khuda Buksh, Shri
 Mukherjee, Shri Saroj
 Murthy, Shri B. S.
 Nahata, Shri Amrit
 Nair, Shri N. Sreekantan
 Nayar, Shrimati Shakuntala
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Tuna
 Painuli, Shri Paripoornamand
 Pandey, Shri Krishna Chandra

Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Tarkeshwar
 Pandeya, Dr. Laxminarain
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Parikh, Shri Rasiklal
 Partap Singh, Shri
 Patel, Shri Prabhudas
 Patel, Shri Ramubhai
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri S. B.
 Pillai, Shri R. Balakrishna
 Pradhan, Shri Dhan Shah
 Purty, Shri M. S.
 Qureshi, Shri Mohd. Shafi
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri M. T.
 Raju, Shri P. V. G.
 Ram Dhan, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhabaj A.
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Parasada
 Rao, Shri Pattabhi Rama
 Rao, Dr. V. K. R. Varadaraja

Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Ravi, Shri Vayalar
 Reddi, Shri P. Antony
 Reddy, Shri B. N.
 Reddy, Shri K. Kodanda Ram
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Y. Eswara
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saha, Shri Ajit Kumar
 Saha, Shri Gadadhar
 Saini, Shri Mulki Raj
 Sait, Shri Ebrahim Sulaiman
 Samanta, Shri S. C.
 Sambhali, Shri Ishaq
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sethi, Shri Arjun
 Shafquat Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shambu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram

Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Ramanand
 Shastri, Shri Ramavatar
 Shastri, Shri Sheopujan
 Sher Singh, Shri
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P
 Shiva Chandika, Shri
 Shivappa, Shri N.
 Shivanath Singh, Shri
 Shukla, Shri Vidya Charan
 Siddayya, Shri S. M
 Siddheshwar Prasad, Shri
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sinha, Shri Satyendra Narain
 Soban Lal, Shri T.
 Sokhi, Shri Swaran Singh
 Somasundaram, Shri S. D.
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Subravelu, Shri
 Sunder Lal, Shri
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Swatantra, Shri Teja Singh
 Tayyab Hussain Khan, Shri
 Tiwary, Shri K. N.
 Tula Ram, Shri
 Tulai Ram, Shri
 Ulkey, Shri M. G
 Ulaganambi, Shri R. P.
 Unnikrishnan, Shri K. P.

Vajpayee, Shri Atal Bihari
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Phool Chand
 Verma, Shri Sukhdeo Prasad
 Vidyalankar, Shri Amarnath
 Vijay Pal Singh, Shri
 Vikal, Shri Ram Chandra
 Viswanathan, Shri G.
 Yadav, Shri Chandrajit
 Yadav, Shri G. P.
 Yadav, Shri Karan Singh
 Yadav, Shri R. P.
 Zulfiquar Ali Khan, Shri

NOES

Nil

MR. SPEAKER : The result* of the division is : Ayes 311; Noes Nil.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted

MR. SPEAKER : The Bill, as amended, is passed.

15 53 hrs

DISCUSSION RE CEILING ON AGRICULTURAL HOLDINGS

MR. SPEAKER : We will now take up the discussion on the land ceiling. We had actually fixed it for 2 p. m. We will continue with it up to 6.30 p. m.

SHRI SHYAMNANDAN MISHRA
 (Begusarai) : No, Sir. We have got some engagements. *(Interruptions)*

*Shri V. N. P. Singh also recorded his vote for AYES.