

**Mr. Speaker:** Now we shall take up clause-by-clause consideration of the Bill. The question is:

"That clauses 1 to 3, the Schedule, the Enacting Formula and the Title stand part of the Bill".

*The motion was adopted.*

*Clauses 1 to 3, the Schedule, the Enacting Formula and the Title were added to the Bill.*

**Shrimati Tarkeshwari Sinha:** Sir, I beg to move:

"That the Bill be passed".

**Mr. Speaker:** The question is:

"That the Bill be passed".

*The motion was adopted.*

12.17 hrs.

**CONSTITUTION (SEVENTEENTH AMENDMENT) BILL—Contd.**

**Mr. Speaker:** The House will now take up further consideration of the following motion moved by Shri Bibudhendra Misra on the 25th April, 1964, namely :—

"That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration".

Shri Kashi Ram Gupta may continue his speech.

**Shri Hari Vishnu Kamath** (Hoshangabad): How much time is left?

**Mr. Speaker:** Out of 8 hours for general discussion, 2 hours and 35 minutes have been taken away and 5 hours and 25 minutes remain.

**Shri Hari Vishnu Kamath:** The whole day.

**Mr. Speaker:** A query has been made whether voting would take place today.

**Shri Hari Vishnu Kamath:** Tomorrow.

**Mr. Speaker:** I cannot give any undertaking. If it collapses, how can I postpone it? If there are hon. Members to speak, certainly it will take place tomorrow; but if there are no Members to speak on the Bill then certainly they ought to remain ready for that.

**Shri Nambiar** (Tiruchirapalli): It is not likely to collapse. There are so many speakers.

**Mr. Speaker:** Very well; then, I am not curtailing the time.

श्री काशी राम गुप्त (अलवर) : अध्यक्ष महोदय, मैं परसों बता रहा था कि आसाम का अधिकतम भूमि-सीमा निर्धारण अधिनियम एक ऐसा अधिनियम है, जिस को सुप्रीम कोर्ट ने भी ठीक माना है। प्रदेश सरकारों को चाहिये था कि वे अपने अपने अधिनियम उनके अनुकूल बनाती और इस प्रकार से नवें शिड्यूल में उन कानूनों को लाने का प्रयत्न न किया जाता। माननीय सदस्य जिस जिस प्रदेश से आये हैं— और जो कांग्रेस दल से सम्बन्धित हैं — उन का यह कर्त्तव्य था कि वह की सरकारों पर इस बारे में जोर डालते। किन्तु वे लोग ऐसा करते नहीं हैं और यहां आ कर प्रलाप करते हैं।

कांग्रेस दल से सम्बन्धित माननीय सदस्यों ने बार-बार इस बात को कहा है कि भूमि की जो कीमत मिले, वह बाजार-दर पर मिलनी चाहिये। मैं निवेदन करूंगा कि भूमि-सुधार कानून का मतलब ही यह है कि फालतू जमीन शरीकों को दी जायेगी और इस लिये ऐसी जमीन के लिये बाजार दर का प्रश्न पैदा नहीं होता है। उन माननीय सदस्यों को यह चाहिये था कि योजना आयोग ने जो यह नीति अपनाई है कि किसी व्यक्ति के पास केवल उतनी जमीन रहे, जिस से ३६०० या ४००० रुपये की आमदनी हो सके, उस में वे संशोधन कराते और अपनी अपनी प्रदेश-सरकारों पर दबाव डालते कि यह सीमा-निर्धारण उचित और ठीक होना चाहिये।

उसके बाद जो ज़मान बचे उसको किन आधाराओं पर आप ले सकते हैं, क्या कीमत मिल सकती है और किन लोगों को दी जाए, इसके बारे में वह चर्चा कर सकते हैं। किन्तु ऐसा कुछ नहीं किया जाता है। मुझे एक गांव की कहावत, एक गांव का उदाहरण याद आता है। हमारे गांव में कहते हैं "अबसर चूको डूमनो गावे आस पाताल।" वहाँ दशा इस कांग्रेस दल के लोगों को है। वास्तविकता को आज ये देखते नहीं हैं। यदि मार्केट प्राइस लेने का हो प्रश्न है, बाजार दर लेने का हो प्रश्न है तो मैं नहीं समझता कि इन संशोधनों को कोई भी किसी प्रकार की आवश्यकता है। इनकी आवश्यकता है ही नहीं। वह सब कुछ तो लैंड एक्विजिशन एक्ट के तहत हो सकता है। फिर तो भूमिहीनों को जमीन देने का प्रश्न भी पैदा नहीं होगा।

यह भी कहा जाता है कि शहर और गांवों के फर्क को मिटाया जाए। लेकिन गरीब गांवों में भी रहते हैं और शहरों में भी रहते हैं। जो इस तरह की बात कहते हैं मेरा उनसे मतभेद है। मैं चाहता हूँ कि फर्क मिटाया जाए, उद्योगपतियों में, व्यापारियों में अथवा जो किराये की आमदनी करने वाले लोग हैं उनमें और खेतिहर लोगों में। इनमें जो फर्क है उसको मिटाया जाए। उस फर्क को मिटाने के लिए कांग्रेस सरकार ने अब तक जो कुछ किया है, उसको मेरे साथी शायद नाकाफी मानते हैं और इसलिए शायद वे इसकी चर्चा भी करते हैं। यदि वास्तव में हमारे साथी इसको नाकाफी मानते हैं तो उनको जरूर सरकार पर दबाव डालना चाहिये।

कांग्रेस दल की नीति है और उसने घोषणा भी की है कि एक और तीस का अनुपात होना चाहिये आमदनियों का। इसका अर्थ यह होता है कि कम से कम आमदनी

यदि साढ़े सात आने रोज है तो अधिक से अधिक चौदह रुपये किसी व्यक्ति की हो सकता है। इसका अर्थ होता है कि एक महीने में ४२० रुपये से अधिक किसी एक व्यक्ति को आमदना नहीं हो सकता है। यदि एक कुटुम्ब में पांच आदमी हैं तो उस कुटुम्ब को आमदनी २१०० रुपये के करीब हो सकती है, एक महीने में, इससे अधिक नहीं। यदि कांग्रेस को इस ध्येय को पूरा करना था तो उसको चाहिये था कि बहुत संघा सादा कानून बना देती कि किसी के पास भी शहरी सम्पत्ति जो है वह तीन लाख से अधिक की न रहे। यदि ऐसा कर दिया जाए तो डैथ इप्टी, गिफ्ट टैक्स, वैल्य टैक्स, इत्यादि के जितने झगड़े हैं वे सब समाप्त हो जायेंगे। उत्पादन कैसे बढ़ेगा, यह देखना इनका काम है।

किन्तु वे कदम कहां से उठायें? उनकी जिन्दगी, उनका चुनाव, उनका सारा दारो-मदार ही रुपये वालों के उपर है। कम्पनी एक्ट जब आया था तो उस वक्त इन्होंने उसमें यह रखवाया कि राजनीतिक पार्टियों को कम्पनियों चन्दे दे सकती हैं और करोड़ों के चन्दों से चुनाव आज लड़े जाते हैं। इस पर कुछ माननीय सदस्यों ने एतराज उठाया है। संतानम कमेटी जो बनी थी कर्रेशन को दूर करने के लिए उसकी रिपोर्ट की भी चर्चा हुई है। उसमें यह कहा गया है कि ये चन्दे बन्द होने चाहियें। मैं चाहता हूँ कि वह दिन आए जब ये बन्द हों। ये यदि बन्द हो गए तो भ्रष्टाचार भी बन्द हो जाएगा और जब भ्रष्टाचार बन्द हो जाएगा तो दूसरी अच्छी-अच्छी बातें भी पैदा होंगी। कांग्रेस जन जवानी जमा खन करने में ही ये विश्वास करते हैं। इनका काम है करो कुछ और कहीं कुछ और ही। इसी की वजह से सारे झगड़े देश में मचे हुए हैं। यदि जो कुछ कहा जाता है उसके उपर ईमानदारी से अमल किया जाए तो फिर कोई झगड़ा ही बाकी नहीं रह जायेगा। उसके करने के लिए सारे जीवन

[श्री काशी राम गुप्त]

में इसे परिवर्तन लाना होगा। आज तो यह लॉग बड़े आराम के साथ पैसे के बल पर विरोधी दलों का मुकाबला कर लेते हैं लेकिन फिर शायद ऐसा सम्भव न हो। बड़े बड़े लोगों से जब तक चन्दा मिलता रहेगा तब तक आप उन लोगों को सन्तान करने के लिए कोई कदम नहीं उठा सकते हैं।

अध्यक्ष महोदय, इनको स्पष्ट अपने दिमाग में यह बात बिठानी है कि उत्पादन बढ़ाने के हेतु कैसे लोगों की जरूरत है। एक तरफ कहा जाता है कि उत्पादन बढ़ाने के लिए प्राइवेट सेक्टर को जरूरत है और बहुत बड़े अंशों में जरूरत है और दूसरी तरफ कहा जाता है कि हमें शहरी लोगों के बारे में सोचना चाहिये। पहला कदम भी इसके बारे में नहीं आज ज्ञाया जाता है। यदि हम चाहते हैं कि शहरों में लोगों को रहने के लिए भूकान मिले, गरोबों को भूकान मिलें तो हमें यह सोचना चाहिये कि किराये को आमदनी पर लोग जिन्दा न रहें। इसको करने के लिये सरकार को निश्चित रूप से यह जो जमीनों को खरोद और फरोब्ज है इसको अपने हाथ में ले लेना चाहिये। और व्यक्तिगत रूप में इसको करने की इजाजत नहीं दी जानी चाहिए। लोगों को सरकार की ओर से भूकान बनाने के लिए उचित मूल्य पर जमीन दी जानी चाहिये। यदि ऐसा किया जाता है तो कम से कम इतना तो निश्चित हो जाता है कि एक बामारी शहरों से आप मिटाने जा रहे हैं। यदि आप किराये की आमदनी पर अक्रुश लगाना चाहते हैं तो लोगों को आपको साफ बतला देना चाहिये कि आमदनी करने के लिए वे इस में रुझान न लगायें। लेकिन हर वर्ष सरकार की नीति बदलती रहती है और फिर से वह अपनी पुरानी नीति को लाना चाहती है। वही पुरानी नीति इस में लाना चाहती है। इन संशोधनों में मैं नहीं समझता की नीतियों का कोई

सीधा मतलब है। यदि मेरे साथी समझते हैं और यदि वे हिम्मत करके सही काम करना चाहते हैं तो इस बिल में जो संशोधन मैंने दिये हैं उनकी तरफ ध्यान दें। वैसे तो इन संशोधनों पर जब समय आएगा मैं बोलूंगा। लेकिन उनको इन्हें पढ़ लेना चाहिये। मैं आशा करता हूँ कि उन्होंने इनको भी पढ़ लिया होगा। मेरे संशोधन बहुत साफ हैं। जो भूमि दी जाए वह उन लोगों को दी जानी चाहिए जो लॉग उस भूमि पर खेती करें और उनको ही उन जमीनों का मालिक बनाया जाना चाहिये। ये शब्द जब तक नहीं होंगे तब तक स्वतंत्र पार्टी का जो प्रदेशा है वह बना रहेगा और कम्युनिस्ट पार्टी की जो विचारधारा है कि १२४ के १२४ एक्ट इस में शामिल कर लिये जायें। चाहे उनका जमीन के सुधार से कोई सम्बंध हो या नहीं, वह बनी रहेगी। तब तक यह जो घपला है यह चलता ही रहेगा। बात स्पष्ट होनी चाहिये। हमें क्या करना है यह हमें मालूम होना चाहिये। सतरहवें संशोधन का सीधा सादा तात्पर्य यह होना चाहिये कि जिस किसी जमीन को भी एस्टेट की परिभाषा में लेने की बात हो वह उन लोगों को देने के लिए हो जिनके पास जमीन नहीं है और उन लोगों को जमीन का मालिक बना दिया जाए। न इसमें कोई कोऑपरेटिव सोसाइटी का प्रश्न पैदा होता है और न ही कोई और प्रश्न पैदा होता है। इस प्रकार यदि सरकार नहीं करती है तो शंकाओं का पैदा होना स्वाभाविक है। मैंने एक प्रयत्न प्रवर समिति में किया है जिस में मैं नाकामयाब रहा। वह प्रयत्न मैं दुबारा करना चाहता हूँ। मेरा निवेदन है कि आप इस ओर ध्यान दें। नौवें शेड्यूल में जो भी प्रतिबंध लगाये जा रहे हैं और सरकार जो कुछ भी यहाँ रखवा रही है, वह केवल थोड़े समय के लिए हो और इस थोड़े समय में राज्य अपने कानूनों को सही बना लें। मैं नहीं चाहता हूँ कि राजनीतिक रूप में इस बिल को कोई देखे। हमें इस बिल को इस दृष्टि से देखना

चाहिये कि जो जमीन ली जाएगी उसको किस प्रकार से दिया जाएगा और जिन से जमीन ली जाएगी उनको किसी प्रकार का नुकसान न हो, उनके साथ न्याय हो। अगर ऐसा नहीं होता है तो फिर जो उद्देश्य है वह सफल नहीं होगा, वह विफल ही होगा।

मैं नहीं चाहता हूँ कि इस संशोधन का राजनीतिक हथियार बनाया जाए और जो कमी है ईमानदारी से उसको मान करके उसको ठीक कर दिया जाए। इससे देश का हित होगा अन्यथा अहित ही होगा।

कांग्रेस दल वालों से मैं कहना चाहता हूँ कि इसमें जो ४४ एक्ट जा रहे हैं उनको वे पढ़ें, समझें और देखें कि कहां कहां खराबी है। केवल यह न मान लें कि चूकि प्रवर समिति ने इसका यहां रख दिया है, चूकि विधि मंत्री इसका यहां रख रहे हैं और चूकि सारे के सारे नहीं रखे गये हैं, कुछ निकाल दिये गये हैं इस वास्ते ये सब ठीक हैं। उनको जहां जहां गलतियां मालूम दें, जहां जहां शंकायें मालूम दें, निर्भीक हो कर सदन के सामने रखें और जो जो कमियां मालूम पड़ती हैं, उनको ठीक करवाने की कोशिश करें। अगर मार्किट प्राइस की ही मांग करते हैं तो उनको इसका कतई विरोध करना चाहिये क्योंकि उसकी मांग तो वे लैंड एक्वीजिशन एक्ट के तहत कर सकते हैं जो मेरी दृष्टि से बाजिब बात होगी। जो भी विचार विमर्श हो इसी दृष्टि से हों, यह मेरा निवेदन है।

**Shri Daji (Indore):** Mr. Speaker, Sir, we have before us this Bill, to amend the Constitution further. We support the Bill in its entirety. The first thing which I would like to submit before the House is this that in amending the Constitution, as we are doing under this Bill, no new principle is being enunciated. The principles have already been enunciated and accepted by this House and by the State Assemblies and have been embodied in the Constitution. It was

when those principles were being implemented that certain difficulties cropped up. Now, therefore, when we consider this Bill the only question germane to the discussion is whether we would like to correct the Constitution and the lacunae that were left or whether in the garb of correction we are smuggling some new principles. I say categorically that no new principle is being introduced. The principle which has been accepted is the principle of land reforms. There has been a controversy raging on that principle. It may be different that works from this may not agree with the philosophy of land reforms. That may be there. But I submit that this particular Bill does not introduce even a new philosophy of land reforms but it only wants to plug loopholes that were discovered as a result of some rulings of the Supreme Court and the High Courts. I heard with great attention the eloquent speech of my hon. friend from Chittoor. Despite his eloquence, I am constrained to remark that one cannot either agree with his arguments or with the general tenor of his speech. If I am permitted to say so, I would say that Mr. Ranga was labouring under what is called in logic a fallacy of argumentum ad absurdum. The fallacy consists of first reducing the arguments to an absurd limit and then attacking that absurd limit, leaving aside the main argument. Mr. Ranga argued that if a Government came to power which prescribed only 1 acre as the ceiling what will happen? For that matter, he became eloquent and asked 'if only half an acre is fixed as the ceiling, such a legislation would be valid, and then what would happen?' My submission is that we cannot reduce the philosophy of the legislation for land reform to its absurd limit and say 'What will happen if only half an acre is laid down as the ceiling?' No sane Government and no sane party and no person with a sane philosophy would impose a limit of half an acre as land ceiling. Therefore, my hon. friend was ranting his vehemence on that sort of possibility that in course of time in free India the peasant pro-

[Shri Daji]

prietorship would be abolished altogether. And he pointed out that a free peasant was the pride of the country and he should be defended at all costs. We all agree to that proposition. No one is going to legislate for a ceiling of half an acre. So, my hon. friend Shri Ranga was ranting his anger only on a ghost of his own creation. Such a possibility does not exist. I do not know where from he got this absurd opinion on which he could base his entire opposition to the Constitution Amendment Bill. Even the Communist Party has not got a programme of prescribing half an acre as the ceiling. No sane man would prescribe any such ceiling, because the ceiling is not to be prescribed vindictively.

When we talk of land ceilings, we do not want to punish certain persons. It is only a question of social engineering. You may agree with that or you may not agree with that. But let not the argument be reduced to its absurd limit and let it not be said that a calamity will befall if half an acre is prescribed as the land ceiling, on that basis, and, therefore, this Bill is to be opposed. Such an argument does not hold water.

What then is the main point? The main point is that there is a trend of opinion in this country, unfortunately still strongly entrenched, and more unfortunately even entrenched in the ruling party itself, despite the Avadi resolution, despite the Nagpur resolution and despite their avowal of socialism, that social engineering is bad.

My hon. friend Shri Ranga raised the question of productivity. He said that as a result of this kind of legislation, the productivity in agriculture would suffer. May I remind him that his very good friend, whom he and the Members of his party often quote, Mr. Chester Bowles, who has no sympathy for communism and who has no sympathy for socialism, has recently written a book, which has been sent

to all the Members of Parliament— it is a good book as far as it goes—in which he says that in Japan while it was under military occupation, it was only when the landed estates were broken up and divided and parcelled out to the peasantry, that the Japanese agricultural production could look up? Even a man like Mr. Chester Bowles, who cannot even remotely be considered to be a socialist, advocates that in all backward and under-developed countries where vestiges of feudalism still exist and where the feudal system of land tenure with landlords in different forms still persists, a bold programme of land reform is the *sine qua non* for increase in agricultural production. We may have our differences of opinion in regard to the ceiling that he would like, in regard to the methods that he might advocate and so on, and we may not like them. But this concept is outmoded and it has been blown up that as a result of land reforms, the productivity of land will fall; that is not so.

In fact, I would submit that we in this House are very anxious to give a fair deal to the peasant. We have often spoken from this side as well as from the other side of the House that we want to guarantee prices, we want to guarantee better marketing facilities to the agriculturists and so on. All this could have very little value to a peasant who has no land, to a peasant who tills another's land and who remains unemployed for almost one-third of the year. The biggest problem in agriculture today is the problem of under-employment. About 40 to 50 per cent of the peasantry have no stake in the land which they are made to till. Even according to the philosophy to which Shri Ranga subscribes and by which he stands, I must have some stake in my land in order that I can be made to till my land better. Does my hon. friend want in the garb of free peasant-holders some big estate-holders, while the rest of the agricultural workers would work as labourers? Is that

an ideal system of land revenue according to my hon. friend? If that be so, certainly, this Bill will not accommodate that thought, and on that score, of course, he has right in criticising the Bill.

The Joint Committee has done good work and has given a great volume of evidence to us, which shows how badly we have treated our agricultural tenants. For example, the Khedut Sangh of Gujarat had given a very painful evidence, in which they had pointed out that even though the Act had been passed in 1950, and we were now in 1964, yet, as many as 24,000 applications of tenant proprietors were still pending in the courts of revenue officials for consideration and disposal. The Act had been passed by the erstwhile Bombay State in 1950, and yet, the benefits have not accrued to the tenants even as late as 1964. This is how we have treated our agricultural workers, our small peasants! We pass legislation, but we have not benefited them. Again and again, vested interests run to the courts, pick up some hole, get a stay order, get the whole Act confused and then the whole process is set at naught.

Therefore, it is very necessary that we amend the Constitution to see that the land reform programme is not impeded or hindered, because I make bold to say that the land reform programme and its speedy implementation is the first condition for the ushering in of a prosperous agricultural India. 80 per cent of our people live in villages. If we cannot give them a decent deal, all talk of introducing socialism in the economic sphere and bringing about a socialist pattern of society is only moonshine. It is against this background that we have to consider the amendment before us as well as the list of Acts which have been sought to be appended to the schedule.

My submission is that it is not sufficient that we take over only the old taluqdari and zamindari estates. If under a ryotwari settlement, large

tracts of land are owned by a proprietor, it is quite just that we break them up and distribute them to those who have lesser land or no land whatsoever. If the definition of 'estate' as given in the statute hinders this process, as has now been held by the Supreme Court—we do not quarrel with it; we respect the judgment—if that is so, we have to amend it so that this principle which we have enshrine in a series of social legislation measures throughout the country is implemented without hindrance. Therefore, I say this Bill does not introduce any new principle. It only wants to plug a loophole discovered as a result of some judicial pronouncements.

Now, the main point, as I submitted, is that there is in the country a trend of opinion which is against land reform. They want only to use this amendment as a plank to attack the entire programme of land reform, the entire programme of land ceilings, the entire concept of peasant proprietorship. Peasant proprietorship does not consist merely in some big peasants holding large tracts of land. Peasant proprietorship should be equitable and to the extent this amendment helps to have a network of peasant proprietors, raising the agricultural labourers to the level of peasant proprietors, it is a step in the right direction and brings into fruition and guarantees the rights of the farmers. The question is: who is a farmer? Do we consider as farmers only those who own large tracts of land already under their proprietorship? Or do we want to raise the status of the peasants, persons who are working as labourers on land, to that of small peasants owning the land on which they labour? If that is the principle, then this amendment will only further protect the rights of the farmers and not take away any right whatsoever, particularly with the amendment incorporated by the Joint Committee that upto the ceiling land will not be taken away without paying compensation at market value. If in spite of this any

[Shri Daji]

baseless fear which might have existed, still persists, it is because agricultural reforms are being sought to be negatived.

I have no inhibitions about touching the Constitution. I agree the Constitution is sacred. But it has been given to us by the people of India with a particular objective and if a particular article thereon requires to be amended for furthering that objective, for furthering the objective of progress, such an amendment should be welcomed and we should not make a fetish of constitutional amendments. I make bold to say that if India is to march forward to its goal of socialism, some more amendments may be required so that we may move without hindrance towards the new social engineering that we want to bring into effect in India.

I may point out that when this clause was debated in the Constituent Assembly, all these aspects were presented. It was drafted three times, by a sub-committee, then by the committee. All aspects were considered and it was the opinion of Shri Munshi even then that this particular clause of the constitution was not properly framed. But, may I remind the hon. Member from Chittoor that at that time, Shri Rajagopalachari, his present leader, is on record as having said that even this protection to proprietorship should not be given, because with this protection it would be difficult to have any reforms in the country? It is now different. Now, Shri Rajagopalachari has completely changed his philosophy. It may be because of experience and the passing of age, or it may be that age has something to do with bringing conservation into thought, but at that time it was very clear to the Constituent Assembly that the draft as approved by them would help the process of reforms and would not hinder it. Let us see if in practice we find that the constitutional provision is interpreted by

the courts to mean that it is a hindrance to possible reform. We are not going against the wishes of the Constituent Assembly. By this amendment we are only fulfilling the intention of the framers of the Constitution at that time.

One difficulty, however, arises, and that difficulty is this, that howsoever we may agree with the programme of land reform, howsoever we may agree with the concepts of ceiling and land distribution, we cannot forgive nor forget the acts of omission and commission which the various Congress Governments are committing to shelve the issue of land reform. Merely passing of an Act or law is not sufficient. As I just now pointed out, the Bombay Khedut Sangh says that 24,000 applications are still pending, though the Act was passed in 1950. If one goes and examines the implementation of the land reform programme in various States, the slow, tardy way in which it is implemented, one is forced to doubt the *bona fides* of the Congress Party in implementing the whole programme of land reforms. It seems either that the party is wedded too much to feudal vested interests and is not interested in implementing speedily the land reform programme, or they are only giving lip service to the principle with no intention of implementing it. What is the result?—and this I want to point to my hon. friends of the Congress Party and the Treasury Benches. You alienate the interests from whom you declare you are going to take away the land, without winning over the interests to whom you purpose to distribute, because you do not distribute; you create a situation in which you do not even reap the benefit of your land legislation, because the agricultural labour is not won over because it does not receive any concrete benefit, and you alienate the proprietary interests who are going to be deprived of their age-old proprietary rights. The result is that in the present social set-up—and I know something of what I am talk-

ing about—the rich peasantry has a social control over the entire community, and it is able to create illusions, wrong notions and make false propaganda and run away with the entire agricultural labour also who are supposed to be benefited by such law, and a sort of movement, agitation, propaganda is built up. All this because you are not speedy enough in implementing your land legislation.

I will not go into the details because I am not well versed in them, but let us take the example of Kerala. The Bill was discussed and passed after one year's consideration, and the President gave his consent. It was screened by the Planning Commission. All these stages were gone through. As soon as the Congress Government comes to power, all the benefits that accrued to the agricultural labourers and to the very small peasantry from that Bill are scrapped, and a new measure is sought to be introduced and rushed through the Assembly, and the President's sanction is obtained, and the applications of thousands of agricultural labourers who had applied for getting peasant proprietorship under the old Act are still pending and washed away. This does not show a burning, genuine desire to implement land reforms. Merely, therefore, talking of land reforms will not help, will not distinguish the Congress Party and its programme from the Swatantra Party and its programme, because you do not implement. People are tired of hearing lip homage paid to socialism and land reforms without implementation.

The Joint Committee in its evidence amply proves that the implementation of land reforms has been extremely halting, faltering and blundering. So many loopholes are left, for example, that of transfer. Even the Planning Commission has stated that past transfers should be invalidated. We know actually speaking, that so much is tom-tommed about land reforms, that before the Bill is passed, the interests that be arrange to distribute the land that they own to their brothers, nephews, nieces, to so many persons, and ultimately when it comes

to actually acquiring land, very little land is actually left. That is the experience. That is why even the Planning Commission has pointed out that these are the causes of the failure of land reforms, and has demanded that past transfers should be open to re-examination.

Similarly, there are loopholes, the exemptions that you allow. It is fantastic. I come from the old State of Madhya Pradesh. So many exemptions have been allowed that a Congress Member, who ultimately rose to become the Chairman of the *Ad hoc* committee of the entire province, speaking on the Bill in the Assembly said, that under the Bill even 1,000 acres could be exempted under different heads. If there are such loopholes, what is the use of talking about land reforms? Loopholes, the question of transfer and the question of implementation—unless these three are tackled, merely amending the Constitution, showing your earnestness about it, will not solve the basic problem. The basic problem, therefore, is: how are we going to reconstruct our agricultural economy and our agricultural peasant household, so that the question of under-employment of agricultural labour, the question of interest in land, is immediately solved. Continuous talk without implementation creates a bad climate which dampens the enthusiasm of the proprietor, without inspiring agricultural labour to work for more production.

Therefore, it is in this context that, while I support this Bill, I request the Government not only to rest on the ores of passing this Bill, but to see that the spirit which has motivated this amendment to go ahead with land reforms, is translated into action by speedy implementation of land reform legislation in all the States, and that the loopholes are plugged.

As I submitted, not only this, but even if any further amendment of the Constitution is required for the social progress and economic betterment of the common people, I am sure the people of the country would support any such measures.



**Shri Oza (Surendranagar):** Since this Bill was introduced in this House, opportunity has been seized by the Swatantra Party to exploit it not only within the four corners of this Chamber, but also outside the House. In so many by-elections held since the introduction of the Bill, they have made agitation against this Bill their main plank. I am very happy to note that particularly in my State, the people who, they fear, are vitally affected, have given a very clear verdict, and the candidate whom they sponsored, and who made agitation against this Bill his main plank, lost his deposit. So, I was going to request Shri Ranga and his colleagues not to talk in the name of the peasantry.

We all know that land reforms have been given a special place of significance in all the Plans that we have adopted, the First, Second and the Third Plan. We are wedded to certain policies. The House has adopted from time to time all these Plans, and now it is too late for Members to agitate against certain points which have been already accepted by all the three successive Parliaments.

We know why these land reforms are to be adopted. We want to remove all impediments to agricultural production. That is one objective. The second objective is to remove all exploitation so far as land relations are concerned. But, after all these years, when we look back, can we take satisfaction about what has happened? So many Members who have participated in this debate, have taken the opportunity to air their views on land reforms. I found the reasons why land reforms had not been successfully implemented in this country. Being a member of the ruling party, I see around me so many speakers from this side who have attacked the very basis of land reforms. I was not only surprised, but very much pained. It showed lack of earnestness and faith about land reform policies which this House had accepted through so many Plans. Land

reforms disturb the agrarian relations prevailing for centuries in this country. There was exploitation. But certain relations are established between the proprietors and the tenants. When you want to disturb these relations, doing things in a half-hearted and tardy fashion will, I am afraid, do more harm to the community than good that is supposed to accrue to them. We should be very quick in the implementation of these reforms. That is the first condition. Otherwise, we saw that they do much harm than good to the community which was to benefit under the land reforms.

Merely putting land reforms on the statute book is not sufficient. Those who are to profit by these land reforms are illiterate and ignorant persons, spread in interior parts all over our country. So, we must also see that they are made conscious of their rights and that they become courageous enough to enforce the rights given to them by the legislatures. In many States those who sponsored land reforms rested with the idea of putting the whole thing on the statute book. But I know of a State in which I was staying where we were directly interested in the question of land reforms; we moved from village to village—I mean the political party interested in the land reforms—and explained to the cultivators what were their rights and how they can exercise them and helped them to protect their rights properly. Only if that could be done we could push the whole land reform policy to a successful stage. When Kamal Pasha took over the administration of Turkey, he moved with a blackboard and chalk. He went from village to village and explained the reforms that were promulgated and thus created social consciousness. In the same way, if land reforms are to be implemented successfully we have got to see that vast illiterate peasantry spread in interior parts of our country—the political party which sponsors the land reforms has got this responsibility—know their rights and are

encouraged to exercise their rights. This has not been done and we have heard of so many cases of large-scale eviction in many parts of the country. The administrative machinery has also got to be geared up; the records of the ryots are to be properly taken care of. We know in the villages these records are tampered with by small revenue clerks, patwaris and kulkarnis who are put in charge of these land records. There are a lot of genuine complaints in this respect that land records are tampered with. With the result that the land reforms that we propose to carry out successfully could not be done and the poor peasants are deprived of their rights. The administrative machinery has also got to be geared up so that nothing wrong can take place out of the tampering of the records.

When this Bill was introduced so many Acts were included. I am happy to note that many redundant Acts of many States have been taken out and only those which must be included are kept in the Schedule. But there is a somewhat invidious distinction in the proviso that has been adopted by the Joint Committee. When we abolished zamindari we have acquired land for those who were actually tilling on payment of reasonable compensation. Even when a zamindar's total holding was below the ceiling, we did not give him the market rate. We gave him only reasonable compensation. But when the question comes of acquiring any land from a ryot or from an occupant under the land reform scheme, we give him the market value. I think this is not a happy distinction. If the land reforms adopted by the State or by the Governments concerned are found to be necessary for stepping up production, to do away with exploitation, I do not think we should maintain this invidious distinction we have in this proviso. However, I will not have any quarrel with it because all the Members of the Joint Committee except those who come from the Swatantra Party have endorsed it on the whole. With these remarks, I

welcome this Bill and I request the Government to impress upon the State Governments to immediately implement whatever land reforms are yet to be implemented so that their total impact may be realised by the community; production may go up and those who are directly affected may feel a sense of security so that the relations which are till now in a disturbed condition may be stabilised and people may till their lands effectively to the benefit of the community.

**Shri Gajraj Singh Rao (Gurgaon):**

Sir, I thank you for giving me time. As a matter of fact I have gone through this Bill as well as the other views recorded. I have very grave doubts if this Bill would solve the difficulties that have arisen because of certain ruling about a certain State in the Supreme Court about the land reforms. In communist countries they say that all land belongs to the State and they can dispose of it in any manner they like; if it is so it is another affair. But in the present context in India, if a land-owner has some property, it is common notion that it is his property and it cannot be taken away from him without compensation, without the requisite conditions being fulfilled, namely, that the land is required for the State for opening an essential and basic industry, etc. mainly for the benefit of agriculturists. I submit that this definition of estate would create more confusion and more difficulties than are expected to be solved. It is provided that all the States may have a ceiling on the basis of some standard acreage on the basis of production. That may solve some difficulty. Now what has been done is, as hon. Members are aware, any surplus land whatever it was called was distributed among the sons and relations and others before any ceiling came into effect and to avoid it. Nothing was done which was meant to benefit the tenants or the landlords in that manner. I would certainly submit that in the State of Punjab to which I belong, we have a very good set of laws, not from today, but since a very

[Shrli Gajraj Singh Rao]

long time, from the very start. A complaint was just now made that patwaris and other officers make such and such mistakes or something like that. But I may point out that in the Punjab Land Revenue Act there is a presumption under section 44 of that Act, in regard to the correctness of the land records. If anybody is aggrieved, or if anybody feels aggrieved, he can bring a regular suit and can get the record rectified. Then, in section 5 of that Act, there is a provision to the effect that if the tenants are in the possession of the land for 30 years or more, they become occupancy tenants and also under section 8. There is a provision that they become proprietors on paying the nominal compensation. If the other States follow this example, there would not be confusion. Now, the definition of "estate" would be exploited in every State, and different meanings would be given in different ways and it would be interpreted in different ways. It would serve only this purpose: I can say it from my practical experience; it would provide for litigation for the benefit of the lawyers'. It would be a paradise for the lawyers and the litigant public which would be going on for sometime. If any land can be taken without compensation, at any time, as is suggested for co-operative farming, then, clearly they should come out that they want co-operative farming. For that purpose, the peasant proprietor, out of pride and sense of security or something like that, having only two bighas or half an acre of land, can say, "I am a landlord".

13.00 hrs.

Now, the words "landlord" and "zamindari" as existing in the States of Uttar Pradesh, Bihar, Kerala, etc., have absolutely different meanings than what they are meant, in Punjab. In respect of the 90 per cent of peasant proprietors in Punjab, there has been no difficulty. Unless there is a sense of security that this measure is

not going to put up permanent handicaps in respect of land, it would always be in jeopardy; nothing else.

Can it be said, taking into account the whole co-operative movement as such, that the co-operative farming has been successful, if all the cost is taken into consideration? It has been a big loss and failure, and if this is experimented in this manner, as is suggested, it would be a still bigger loss. There would be loss in production. What is aimed at would result in a loss altogether.

I would certainly submit that at least if the Government want this Bill to be considered and passed into an Act, they should clearly say that the peasant proprietors, whatever ceiling is fixed by the States or by the direction of the Centre, would not be touched and that their land would not be taken without compensation or without any reasonable amount by way of compensation.

Take this question of army men. They are serving the nation abroad and they may be absent for five to eight years. It would be interpreted that they are not self-cultivating the land and that their land should therefore be taken away. Is it fair? Take for instance this aspect of the matter. There are five brothers and two or three of them are away. They cannot afford to live on the income of the land of two or three bighas. The authorities would say that the lands are not in self-cultivation and therefore the land can be taken. Would it be fair? So, this definition of "estate" as has been contemplated, would serve neither the purpose of bettering the cultivation or production nor the purpose of having good relations between tenant and landlord nor the purpose of giving away the surplus land, as it is called, to the landless tenant. I would like to point out to the hon. Members the system of Shartwajabulwarz,—the record of village custom—as it existed in Punjab. It was more than a codified law, and under it,

every landless proprietor who helped in cultivation was given a certain share, say, one maund per plough or one maund per bullock for cultivation, and that was a better thing for him, and he got more land produce by helping in the operation. It is a combined operation; it is not a question of ploughing and sowing all alone. Many persons in the village combine together and engage themselves in the agricultural operations at various stages.

So, I would submit that at least the Government should give an assurance that this measure would not be exploited in the sense that the peasant proprietors having land below the ceiling would not be affected. The land of the serving men, those who are in the army even for a temporary period or for a certain definite period and the land of those who are in the essential services,—when the men are absent for a temporary period—should not be affected and compensation paid in this manner. Even today what has happened in Faridabad, 16 miles or thereabouts from Delhi? Hon. Members can go there and find what the position is. The people there got land at three annas or four annas per square yard. Now, they are selling the land at Rs. 35 or Rs. 40 per square yard. They took the average of five or ten years and compensation was paid like that. That is so, because the price of land, especially in the factory areas, has risen very high, and the rate was computed on that basis and the land was taken and it is now being exploited like that.

With your permission, I shall make one point. "Land" as defined in any law means land with buildings and structures. That is the definition of the land. Why should it not apply to the lands in Delhi, where lakhs and lakhs of people who have built this big Delhi are lying or living in these sirkis and thatched huts, without adequate shelter? Cannot those lands on which the palatial buildings stand be considered as lands? Should it apply only to the small peasant

proprietors and their lands? Why should the definition not apply to these big people so that those who live in the huts could get some accommodation?

I beg to submit that the basic law should be this. If once it is conceded that he is the owner or the proprietor of the land—I do not mean surplus land and a ceiling may be fixed—then, for land revenue there should be the basis of income-tax which should be applied. A man living in a castle would pay a certain tax on his income, but if a man's income is below a certain standard, he would not pay any tax to the Government. Similarly, if a peasant proprietor has only half an acre or a quarter of an acre of land, why should he pay? Why should the law be of such a nature that he is asked to pay? Why not income-tax be the basis for assessing the land revenue?

So, with these suggestions, I submit that the Government should assure us that the peasant proprietors would not be exploited. These theories would only create confusion, and favour the communist-minded people who want confusion all over India and in every walk of life and destroy the social and civic life of the country. This should be avoided and the Government should give us this assurance.

**श्री बड़े (खारगोन) :** १७वां एम्बेड-  
मेंट जो कांस्टीट्यूशन का है, यह किसानों के ऊपर एक बहुत बड़ा कुठाराघात है। किसानों को राजा-महाराजाओं से पट्टे पर जमीन मिली हुई थी। जब किसान मर जाता है तो उसके लड़के को वह जमीन जाती है। प्रान्तों में सीलिंग एक्ट लागू कर दिये गये हैं। सीलिंग से ऊपर जो जमीन थी उसको लेने का अगर सवाल पैदा होता था उसके ऊपर लैंड अगर एक्वायर की जाती थी तो किसान कोर्ट में जा सकता था और कह सकता था कि उसको पूरा उसका कम्पेंसेशन नहीं मिला है, ज्यादा मुआवजा उसको मिलना चाहिये। लेकिन अब जो संशोधन किया जा

[श्री बड़े]

रहा है, उसमें उसके इस अधिकार को छीना जा रहा है। उसको अब इस प्रकार का कोई हक नहीं रह जाएगा। इस डेमोक्रेसी में कोर्ट के दरवाजे उसके लिए हमेशा के लिए बन्द हो जायेंगे। इसी कारण से मेरा इस बिल से मुख्यतः विरोध है। आप इन एक्ट्स को नौवें शैड्यूल में रखें या किसी भी शैड्यूल में रखें, लेकिन कम से कम कोर्ट का जो दरवाजा है वह तो आप उसके लिए बन्द न करें। कोर्ट का दरवाजा तो सब के लिए खुला रहना चाहिये। उसको अपने राइट्स को कोर्ट में जा कर सुरक्षित करवाने का हक होना चाहिये। यदि ऐसा किया जाता है तो किसान को कोई आपत्ति नहीं हो सकती है और न है।

लैंड रिफार्म्स करने का आपका जो उद्देश्य है, जो आखिरी उद्देश्य है, वह उद्देश्य आप इस में हस्तगत कर रहे हैं। ऐसी धारणा किसान के मन में निश्चित रूप में समा गई है। हमारे एक गुजरात के मित्र ने श्रीमती कहा कि स्वतंत्र पार्टी हर एक जगह जा कर कहेगी कि देखो तुम्हारी जमीन जाने वाली है। इस में कोई संशय की गुंजाइश नहीं है। आपका उद्देश्य आखिर में यह है कि यहां पर कोओपरेटिव फार्मिंग हो। यह उद्देश्य केवल इस बिल से पूरा नहीं होता। एक और भी कारण से पूरा होता है। आपने अपना उद्देश्य थर्ड फाइव यीअर प्लान में दिया हुआ है। उसमें आपने क्या कहा है, यह मैं आपको बतलाना चाहता हूँ।

A perusal of Chapter XIV of the third Five Year Plan will show that the ulterior object of these land reforms is to impose co-operative farming: I am quoting from there:

"It was realised that with the existing pattern of distribution of agricultural holdings and the predominance of small farms, redistribution of land in excess of any

given level of ceiling was not likely to make available any large results in the shape of surplus land for distribution. It was considered however that such a reduction in disparities was a necessary condition for building up a progressive co-operative rural economy."

इससे स्पष्ट हो जाता है कि आप कोओपरेटिव फार्मिंग करने जा रहे हैं। यह धारणा किसान के मन में, काश्तकार के मन में घर कर गई है कि उसके पूर्वजों को जो जमीन पट्टे पर मिली थी, जो उस वक्त के राजा महाराजा थे उन्होंने उसके पूर्वजों को जो जमीन दी थी उसको छीन कर आप वहां पर कोओपरेटिव फार्मिंग करवाना चाहते हैं। यह शंका उस ठहराव के कारण उस प्रस्ताव के कारण और भी पक्की हो जाती है जो प्रस्ताव कांग्रेस ने अपने नागपुर के अधिवेशन में पास किया था। उस में यह कहा था कि जो अल्टीमेट आब्जेक्ट है वह कोओपरेटिव फार्मिंग करने का है। इस १७वें संशोधन से, नागपुर वाले प्रस्ताव से तथा थर्ड प्लान के उद्देश्य से किसान के मन की धारणा पक्की हो गई है। कोर्ट का दरवाजा जो आप किसान के लिए बन्द कर रहे हैं उससे उसके मन में यह शंका पैदा हो गई है कि आप स्टालिन बनना चाहते हैं, भारतीय रहना नहीं चाहते हैं, आप स्टालिन हैं, भारतीय नहीं हैं।

"The opposite method may be termed as Stalinist method. Stalin destroyed 20 million peasants to enforce the co-operative farms in Russia."

स्टालिन ने बीस मिलियन किसानों को डेस्ट्रॉय किया था। यदि आप स्टालिन होना चाहते हैं और कोओपरेटिव फार्मिंग करना चाहते हैं तो यहां का जो शासन है, उस में उलटफेर हो जाएगा, इसको लोग बरदाश्त करने के लिए तैयार नहीं होंगे। किसान से जा कर आप पूछिये, कांग्रेस

में ही जो किसान हैं, उन से आप पूछिये कि अगर उनकी खेती को हाथ लगाया जाएगा, अगर कोओप्रेटिव फार्मिंग करने की कोशिश की जाएगी तो क्या किसान उसको बरदास्त करेगा ? कभी नहीं करेगा ।

आपने यह नारा लगाया था कि लैंड टू दी टिल्लर । बहुत सी जगह पर यह हुआ भी है । मध्य प्रदेश में रायतवारी टैनेंसी शुरू से ही चल रही है । वहां पर लैंड रेवेन्यू कोड शुरू से ही लागू रहा है । उस रायतवारी टैनेंसी को वास्तव में इस नौवें शैड्यूल में लाने की कोई आवश्यकता नहीं थी । सीलिंग एक्ट जो वहां है उसको भी इस में डालने की कोई आवश्यकता नहीं थी । वहां पर रायतवारी पद्धति होते हुए भी इसको इस में डाल दिया है, इससे शंका पैदा होता है कि आप एक शस्त्र अपने हाथ में लेना चाहते हैं, संहारकारी शस्त्र अपने हाथ में लेना चाहते हैं, लोगों से उनकी जमीनें ले कर कोओप्रेटिव फार्मिंग करवाना चाहते हैं ।

मध्य प्रदेश का जो लैंड होल्डिंग एक्ट है, रेवेन्यू कोड है, उस में लिखा हुआ है कि जो सीलिंग से ऊपर की जमीनें होंगी वे पहले तो जो पोलिटिकल सफरज हैं, उनको मिलेंगी । पोलिटिकल सफरज कौन है, इसकी परिभाषा भी कर दी गई है । जिन लोगों ने स्वतंत्रता संग्राम में या सत्याग्रह में हिस्सा लिया था, जो जेल गये थे, उनको पोलिटिकल सफरज माना गया है । अब आप देखें कि जल जाने वालों में बड़े बड़े नेता भी हैं, वे लोग भी हैं जो उच्च पदों पर आज लगे हुए हैं, कोई खादी और ग्रामाञ्चोग बोर्ड का चेयरमैन है और कोई दूसरी जो संस्थायें हैं, उनमें पदाधिकारी है या अध्यक्ष है । इन लोगों ने काफी पैसा कमा लिया है । वे भी एप्लीकेशन देते हैं कि हम भी पोलिटिकल सफरज हैं, हमें भी जमीन मिलनी चाहिये । अगर वे एप्लाई करें तो पहला प्रेफ्रेंस उनका हो जाता है । दूसरे नम्बर पर कोओप्रेटिव सोसाइटीज आती हैं जिनको जमीन दी

जाएगी । तीसरे नम्बर पर आदिवासी आते हैं और चौथे पर हरिजन आते हैं । मध्य प्रदेश लैंड रेवेन्यू कोड का जो रूल १६२ है उसके अनुसार अगर आप पोलिटिकल सफरज को जमीन देते हैं जिसके पास जमीन नहीं थी, जो किसान नहीं है, उसको जमीन देते हैं तो लैंड टू दी टिल्लर का जो आपका नारा है, वह कहां चला जाता है, टिल्लर को आप कहां से जमीन देंगे ? चूंकि एक बार कोई जेल चला गया और उसने कुछ तकलीफ सहन की, इस वास्ते उसको पहले जमीन दी जाए और यही उसकी क्वालिफिकेशन हो गई जमीन पाने की तो यह बात संभव में नहीं आती है । यह तो उसी तरह से हो गया जैसे कोई बी० ए० पास करने के बाद एम० ए० पास कर लेता है या आई० ए० एस० पास कर लेता है और यह उसकी क्वालिफिकेशन हो जाती है । जेल जाना आपने एक क्वालिफिकेशन मान लिया । दूसरे आप कहते हैं कि आप कोओप्रेटिव को जमीनें देंगे । तो फिर आदिवासियों और हरिजन लोगों के लिए जमीन आप कहां से देंगे । उनके दिमाग में आता है कि उनकी जमीनें भी आप कोओप्रेटिव फार्मिंग में लेना चाहते हैं, इसलिये वे इसके विरुद्ध हैं ।

सिलैक्ट कमेटी में लैंड की जो डेफीनीशन दी गई है उसको भी आप देखें । उस में एग्रिकलचरल लैंड भी आती है और बिडिंग भी आ जाती है । बिडिंग की बात आप क्यों रख रहे हैं ? केवल एग्रिकलचरल लैंड आप रखते तो शायद आब्जेक्शन न होता । हमारे माननीय सदस्य श्री काशीराम गुप्त जी ने जो एक एमेंडमेंट दी है, मैं उससे सहमत हूँ और मैं चाहता हूँ कि उसको स्वीकार कर लिया जाए ।

सीलिंग लैजिस्लेशन में कहा गया है कि जहां फ्रूट गार्डन हैं वहां यह लागू नहीं होगा । हमारे साथ लगता हुआ महाराष्ट्र का इलाका

## [श्री बड़े]

है। वहाँ पर लोग गन्ना उगाते हैं। गन्ने की खेती फ्रूट गार्डन में नहीं आती है। इसलिए उस पर सीलिंग एक्ट लागू होता है। वहाँ पर जितने भी काश्तकार हैं उन्होंने इस वास्ते दाख की खेती, केले की खेती करना शुरू कर दिया है जिस का नतीजा यह निकला है कि गन्ने का उत्पादन कम हो गया है। बम्बई में मैं एक मंत्री महोदय से जो उच्च कांग्रेसी नेता भी है, मिला था और उन को बताया था कि इस से गन्ने का उत्पादन कम हो गया है और आगे भी कम होता जा रहा है। चूँकि फ्रूट गार्डन पर सीलिंग एक्ट लागू नहीं होता है इस वास्ते इस एक्ट से बचने के लिए लोगों ने गन्ना बोना बन्द कर दिया है। इस तरह से आप जो डिफेक्टिव कानून बनाते हैं, उन से कोई लाभ नहीं होता है। दो बातें आप को करनी चाहियें। एक तो लैंड टू दि टिल्लर की बात आप करें और दूसरे जो मैकेनाइज्ड फार्म हैं, उनके लिए आप कोई प्राविजन रखें। जब तक आप इस तरह की चीजें नहीं करेंगे तब तक जो आप का उद्देश्य है वह पूरा नहीं होगा। इन के बगैर लैंड रिफार्म नहीं हो सकती है।

हमारे दाजी साहब ने अभी कहा कि लैंड रिफार्म और तेजी से होनी चाहियें। वह तो यह चाहते हैं कि हिन्दुस्तान का किसी तरह से विघटन हो। जब राजे महाराजे थे तो कहा जाता था कि जमीन स्टेट की है और किसानों को पट्टे पर जमीनें मिल गई थीं और उन पर किसान बड़े आराम से खेती कर के अपना पेट भर लिया करते थे। आपने कहा है कि कोओप्रेटिव फार्मिंग करेंगे, कलक्टिव फार्मिंग करेंगे, जिससे किसान के मन में शंका पैदा हो गई है। इस तरह की बातों से ही इन्वेक्शन में आप को हार खानी पड़ी है स्वतंत्र पार्टी के हाथों या दूसरी विरोधी पार्टियों के हाथों। दरअसल किसान को इंस्टिट्यूट मिलना चाहिये, उस को मालूम होना चाहिये, उस को बताया जाना चाहिये कि

लैंड रिफार्म के नाम पर आप उस की जमीन लेने वाले नहीं हैं, वह अपनी जमीन का आप मालिक है। उस को विश्वास होना चाहिये कि अगर वह अपनी जमीन में कृषि खोदता है तो उस कुएं का पानी उसके बच्चों को पीने को मिलेगा, अगर कोई और काम करता है तो उसका लाभ उसके बच्चों को मिलेगा। जब तक ऐसा नहीं होगा तब तक खेती में सुधार नहीं हो सकेगा। आप रिफार्मेशन नहीं, डिफार्मेशन ही करेंगे। रशिया और चाइना में इस प्रकार का कलैक्टिव फार्मिंग हुआ है। वहाँ पर वह फेल हो गया है और उन को अमरीका से व्हीट मंगानी पड़ रही है। अगर आप इस विधेयक के उद्देश्य की तरफ जायेंगे तो जो आप का संबिधान का १७वां अमेंडमेंट है मैं उस का विरोध करता हूँ, और वह केवल इसलिये कि आप का कॉर्ट का दरवाजा बन्द नहीं करना चाहिये। इस में कम्पेंसेशन देने का प्राविजन रक्खा गया है और ज्वारियंट कमेटी ने उस में एक सुधार भी कर दिया है कि जब किसी की जमीन आप लेंगे तो उसको मार्केट वैल्यू कम्पेंसेशन के तौर पर देंगे। यह बहुत अच्छा संशोधन है और हम को इस को जरूर मानना चाहिये। लेकिन मार्केट वैल्यू देने के सम्बन्ध में जो आधार होता है उस के बारे में एक जगह पर इस एक्ट में आया है कि :

"In Sherawati, with which I am a bit conversant, Government gave a direction 'you shall not award more than Rs. 6,000'."

यह जाहिर कर दिया कि मार्केट वैल्यू ६,००० रु० से ऊपर नहीं मिलनी चाहिये।

"Accordingly, the Land Acquisition Officer gave Rs. 6,000 as his award. When the matter went to the courts, they gave Rs. 18,000 and the High Court has recently confirmed it."

इस प्रकार से हर एक गवर्नमेंट ने अपना अपना आर्डर निकाला है कि कितना कम्पेंसे-

शन प्रति एकड़ मिलना चाहिये । सीलिंग ऐक्ट में यह दिया हुआ है कि कितना कितना प्रति एकड़ ठहराना चाहिये । जिनके खेत आप लेते हैं उन के लिये आप ने निश्चित कर दिया है कि कम्पेन्सेशन ६,००० रु० होना चाहिये लेकिन हाई कोर्ट में जा कर इम रकम को तिगुना और चौगुना कर दिया गया । इसलिये मैं समझता हूँ कि कोर्ट का दरवाजा आप को बन्द नहीं करना चाहिये ।

दूसरी बात मैं यह कहना चाहता हूँ कि सीलिंग के मामले में बहुत डिस्ट्रिक्शन रक्खा गया है । मध्य प्रदेश में तो एक मिक्स्चर सा है । वहां पर "कहीं का इंट और कहीं का रोड़ा, भानमती ने कुनबा जोड़ा" वाली बात है । वहां पर महाकौशल हिन्दी स्पीकिंग है, उस में पहले मध्य भारत का हिस्सा था, ग्वालियर स्टेट का हिस्सा था, होलकर स्टेट का हिस्सा था । वहां पर अलग अलग सेटल-मेन्ट हुए हैं और अलग अलग जमीन के स्टैन्डर्ड्स ठहराये गये हैं । किसी ने आधार इनकम टैक्स का ठहराया है, किसी ने यह सोच कर कि उन के यहां अफीम की खेती होती है, और फिर जो काली जमीन होती है वहां अफीम ज्यादा होती है, इसलिये उस को आधार मान लिया है, होलकर स्टेट में ज्यादा सीलिंग रक्खी गई है । आप ने अपने ऐक्ट के पूरे प्रिंसिपल को स्टडी किये बगैर सीलिंग लगा दिया है । मैं कहना चाहता हूँ कि हमारे यहां जो कौंसिल आफ मिनिस्टर्स है वह स्टडी करते नहीं हैं किस किस जगह पर क्या क्या प्रिंसिपल रक्खे गये थे और उन का ओरिजन क्या था । वे सोचते नहीं हैं कि सीलिंग रखने से क्या दिक्कत पैदा हो जायेगी । नतीजा यह हुआ कि एक जगह पर एक प्रिंसिपल रक्खा गया है दूसरी जगह पर दूसरा प्रिंसिपल रक्खा गया है । आप ने मध्य प्रदेश के सीलिंग ऐक्ट को शामिल किया है । उस को शामिल करने की जरूरत नहीं थी रैयतवाड़ी हमारे यहां थी । लेकिन उस पर विचार करने के बाद ज्वायेंट

कमेटी ने इन इट्स थ्रोन विज्डम सात ऐक्ट्स और जोड़ दिये । यह हाउस में कभी नहीं आया । इस के वास्ते डिसेंटिंग नोट भी है कि इन सात ऐक्ट्स को जोड़ने के वास्ते किसी की तरफ से भी बात नहीं उठाई गई थी, किसी का आब्जेक्शन नहीं आया था, किसी का प्रार्थना पत्र नहीं आया था लेकिन गायद गवर्नमेंट ने इन को जोड़ने के लिये कहा होगा । इस तरह एक जगह पर लिखा गया है । मैं समझता हूँ कि इन सात ऐक्ट्स को जोड़ने के सम्बन्ध में इस सदन में कोई बात नहीं आई । इसलिये उन को ६वें शेड्यूल में रखना ठीक नहीं है ।

अन्त में मेरा यह कहना है कि आप का कम से कम यह देखना चाहिये कि सीलिंग के वास्ते दरअसल सारे देश में एक स्टैन्डर्ड ठहराया जाये । आप का तय करना चाहिये कि स्टैन्डर्ड क्या होगा अर्थात् वह इनकम पर होना चाहिये, लैंड रेवेन्यू पर होना चाहिये या जमीन की क्वालिटी पर होना चाहिये । आप ने इस विधेयक में बहुत सी जगहों को छोड़ दिया है । आरचर्ड्स को छोड़ दिया है । प्लैनिंग कमिशन ने साफ कहा है कि किन किन को सीलिंग से अलग रखना चाहिये । उस ने कहा :

"(1) tea, coffee and rubber plantations;

(2) orchards where they constitute reasonably compact areas;

(3) specialised farms engaged in cattle breeding, dairying, wool-raising, etc.;

(4) sugarcane farms operated by sugar factories; and

(5) efficiently managed farms which consist of compact blocks on which heavy investment or permanent structural improvements have been made and whose break-up is likely to lead to a fall in production."



[श्री बड़े]

प्लानिंग कमिशन ने आप को इन्स्ट्रक्शन्स दिये थे कि शुगर केन फार्म्स को जिन को फेक्ट्रीज आपरेट करती हैं, छोड़ दिया जाना चाहिये। आप को शुगर केन फार्म्स को बढ़ाना होगा क्योंकि इस में जो लिस्ट दी हुई है उस में सीलिंग ऐक्ट पर कोई ध्यान नहीं दिया गया है ज्वायेंट कमेटी की रिपोर्ट में। ज्वायेंट कमेटी यह भी व्यवस्था चाहती है कि प्लैन्टेन और शुगरकेन फार्म्स या बागीचे जो हैं उन को जोड़ देना चाहिये। लेकिन उस को सरकार ने जोड़ा नहीं है। इस प्रकार से करने की बात यदि हाउस के सामने आये तो मैं माननीय सदस्यों से अपील करूंगा कि उन को उसे देखना चाहिये। मैं कहना चाहता हूँ कि आप चाहे जितनी जमीन दीजिये, लेकिन कोर्ट में जा सकने के लिए उस को खुला रखिये। अगर ऐसा नहीं करेंगे तो भारत के किसानों की स्थिति बदल जायेगी, भारत के किसानों की एकानमी बदल जायेगी। कहावत है कि जब खराब दशा आती है तो बुद्धि पहले चली जाती है। "विनाशकाले विपरीत बुद्धि"। विनाश काल में सरकार की बुद्धि खराब हो गई है।

**अध्यक्ष महोदय :** यह तो आप के फायदे के लिये है।

**श्री बड़े :** मेरे फायदे के लिए जरूर है लेकिन साथ साथ श्री होमी दाजी का भी फायदा हो जायेगा। इस को देखना चाहिये।

**अध्यक्ष महोदय :** आप अपना फायदा छोड़ने के लिये तैयार हैं।

**श्री बड़े :** इस प्रकार के ऐक्टस ला कर आप कम्यूनिस्टों का फायदा करेंगे। आप कहते हैं कि आगे के लिये बहुत अच्छा कर रहे हैं, लेकिन आप ऐसी चीजें लाते हैं जिन से आप इस बिल के उद्देश्य की हत्या कर देते हैं। मैं आप से यही कहना चाहता हूँ कि

कोर्ट के दरवाजा इस के अन्दर बन्द करना ठीक नहीं है, उस को खुला रखना चाहिये।

**Shri D. C. Sharma (Gurdaspur):**  
Sir, I welcome this Bill and I feel that the Joint Committee has done its job very thoroughly and very circum-spectly. It has gone through a large number of memoranda and examined witnesses of varying political complexions. It has cross-examined them and it has tried to arrive at the truth of their assertions. All this process has been undergone, and the Bill as it has emerged from the Joint Committee is before us.

13.27 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

In the first place, I am very happy that the definition of the word "estate" has been given in a very expressive way and an attempt has been made to remove as much of vagueness as possible. I do not think in this world we can arrive at an all-inclusive definition of anything. What human beings can do is to make an approximation to truth in these matters. I believe, in this definition of the word "estate" hardly anything has been left out, and if anything has been left out I think it can be covered again. But my feeling is that the definition has been made as fool-proof as possible.

I also feel that the legal sanction which has been given to this process of land reform is very heartening. Unfortunately, in this country we have vested interests. Of course, they are to be found in every country of the world. These interests are to be found not only in all the institutions which can be called representative in this country but also, all along the line, they can be found in the administrative services of our country. They can be spotted in other services of the country also. But it has been seen that the vested interests have as little a hand in playing with this

reform as possible. I feel that this Bill will make it impossible, if not impossible at least very very difficult, for vested interests in the Parliament, in the Assemblies, in the Zilla Parishads, in the administrative services and other places to sacrifice the spirit of this reform. I think, this is a step in the right direction.

I also think that the principle of compensation which has been enunciated in this Bill will meet with the objectives which have been voiced by some of my hon. friends—I do not want to mention the names of their parties. People have been talking about Stalin and they think that it is a Stalinist measure. I would say that a Stalinist measure is a measure which does not think in terms of compensation but which thinks in terms of root and branch expropriation and of liquidation of those who stand in the way of any reform. I think, this is a democratic measure, conceived in the spirit of democracy and to be implemented in the spirit of democracy because the proprietor or the landlord, if I can use that word though that word stinks in my nostrils, is going to have his proper due and that nothing is going to be done by means of which he will be smarting under a sense of grievance that his land has been taken away and his land has been taken away without his having been paid adequately for it. These are the three things in this Bill which, I think, are steps in the right direction.

But I ask myself one question. What is the purpose of this Bill? What is the objective underlying all our land reforms? Why are we tinkering with.....

**Dr. L. M. Singhvi (Jodhpur):** God alone knows.

**Shri D. C. Sharma:** Why are we tinkering with these land reforms all these days? Why have we been doing so all these days? So far as I know, there are three objectives. In the first place, there is the objective of

agricultural productivity. I want to ask: How far have these land reforms of ours promoted this objective? 17 years have passed and we are still in the land of scarcity and not in the land of plenty or the land of sufficiency; but we are still in the land of scarcity. I think, the Government should ask itself one question.

**Shri Hari Vishnu Kamath:** Even the Punjab?

**Shri D. C. Sharma:** I come from the Punjab, but I have to think of you also. That is my misfortune. My misfortune is that I do not think only about myself but I think about persons like you who are always skeletons.

**Shri Hari Vishnu Kamath:** Madhya Pradesh is very backward.

**Shri D. C. Sharma:** Madhya Pradesh is very backward but it is represented by the very forward member. That is the misfortune of Madhya Pradesh.

I was submitting very respectfully that agricultural production is the *sine qua non* of these reforms, but have we been able to do that? No. We are still floundering in the mire of scarcity and we have to go to this country and that country in order to have enough to feed our citizens. Why is it so?

People talk of co-operative farming. Co-operative farming is very good if we are able to put it into practice rightly. But the difficulty is that these reforms have not given the people that kind of an incentive for production which they should have given. I am not one of those who say that they are destroying the incentive for production and that they have not given that quantum of stimulus for production which they should have given. We want co-operative farming. There is no doubt about it. We want other things also. But we should not think of USSR, Rumania, China and USA when we think of production. If we want to improve our production, we have to think of countries, like, the UAR or Japan. In

[Shri D. C. Sharma]

Japan the per acre paddy yield is much higher than in my country; in the UAR the yield per acre was much higher than in my country. What is it that makes those peasants produce so much? This is what has not been done. Of course, you will say that this is not within the purview of this Bill, but certainly we have to see to the overall objectives of this Bill.

Again, take development. I think, industrial development is there. There was a time when I represented Hoshiarpur. There we built the Bhakra Dam and also the Nangal Fertiliser Factory. We took away the lands of people for those projects. What happened? They were struggling for compensation for a long time. Ultimately, they were given compensation which, I should say, was not very adequate. Take the case of the UAR. They are building the Aswan Dam. What have they done? They have uprooted persons from certain villages, but they have built new villages for them which bear their old names; they have given them those very amenities which they used to enjoy in those places where Aswan Dam is now being built. Are we doing that? No. We uproot the people for the sake of industrial development in our country which is very necessary but we do not give them the same kind of compensation and amenities which they were enjoying before.

I have said just now that compensation is a good thing, but I may tell you that land cannot be equated with money. Land cannot be measured in terms of money. There is no compensation which anybody can give for land. Even if you were to give Rs. 1 lakh to a peasant for one acre of land, it may be a monetary transaction but it will not be a psychological transaction; it will not be an emotional transaction. With land are bound up our emotions, our psychology, our heritage, our traditions and so many things. So, industrial development is all right, but we are not to sacrifice the welfare of our people to advance

industrially. I am saying all this because this Bill is going to place power in our hands which cannot be questioned in any court of law. Therefore I am striking a note of warning to my Government in these matters.

The fundamental basis of our land reforms was distribution. Where is this distribution? I ask the Chief Ministers of States and the Minister of Agriculture in India to place their hands on their chests and tell me whether there has been any distribution worth the name in this country. I may tell you that a deputation of landless persons—a big deputation—waited on a Chief Minister of a State. I do not want to give the name of the State. They said, "We are ruined; our lands have been taken away. What can we do? We are starving. How shall we educate our children? How shall we be able to perform our social duties"? The Chief Minister knew much more than they thought he knew. He asked them: "Tell me honestly and truthfully whether any one of you has parted even with an inch of your land". Nobody had parted with an inch of his land. He gave away his land to his sons, daughters, brothers and other relations and there was no surplus land to be distributed to the *harijans*, the landless labourers and the occupancy tenants. All those persons did not get anything.

Only some days back some *harijans* from my State had a demonstration put up near Rajghat, the place where Mahatma Gandhi's sacred remains are. What did they want? They wanted that the surplus land should be distributed among them. If the surplus land had been distributed among the *harijans*, they would have had no need for that kind of a demonstration. But the fact of the matter is that the land remains with the persons who possess it and the *harijans*, the landless labourers and other persons do not get any land. You are taking away from these persons the right to sue somebody in the court. Therefore, I say, the implementation of this

Bill has to be taken in hand very thoroughly and very conscientiously so that those objectives which we have in the matter of land reforms are fulfilled very thoroughly.

The question has been raised about urban and agricultural income. I support my hon. friend Mr. P. R. Patel. I support him in saying that you cannot have two nations in this country, one the nation of industrialists and other, the nation of agriculturists. I believe that there should be only one nation and that should comprise of both industrialists and agriculturists. The rules applied to agriculturists should also apply to industrialists. You are taking away so many things from agriculturists. But you are having monopoly in newspaper industry, monopoly in industrial development and monopolies all along the line. You are taking away the land from the land-holder but you are not thinking of those persons who are building up the industrial empires. I think there should be one rule which should apply to all persons.

In the end, I would say that this Bill is good as far as it goes but I do not know what machinery in the Government will evolve to see to it that this Bill fulfils the objectives for which it is going to be enacted.

**Shri P. G. Menon** (Mukundapuram): Mr. Deputy-Speaker, Sir, I have great pleasure in supporting this Bill. Criticisms against this Bill have been based on many grounds, one of them being that the fundamental rights enshrined in our Constitution are being meddled with too often. Sixteen times the Constitution has been amended and this is the seventeenth amendment. I agree with those who think that the fundamental rights enshrined in our Constitution constitute a noble and very exalted element in the Constitution of our country. One of those articles in that Chapter, namely, article 19, guarantees to citizens the right to hold property and to acquire property. That is, no doubt, a valuable right and a very important right. These are rights guaranteed to

individual citizens. It is the duty of the courts to see that those rights are not interfered with either by executive action or by legislation. But at the same time, it is necessary to remember that the same document, namely, the Constitution, enacted by the Constituent Assembly, in the next chapter refers to certain other matters. I refer to the Directive Principles. So far as the Government is concerned, so far as this Parliament is concerned, I hold that the Directive Principles are as important as Fundamental Rights themselves. I heard on the floor of this House arguments in support of the necessity for land reforms, the statement that successive Parliaments and the Planning Commission have been advocating. But we need not go into that point because the Directive Principles themselves provide for land reforms. The economic equities and equalities provided for in the Directive Principles require that there should be land reforms in this country so that as regards the tenants who are subject to rack-renting, tenants who have no fixity regarding their tenures, agricultural labourers who although tenants are not given this status of tenants—large and extensive holdings in the possession of individual persons—something has to be done with respect to this matter if we attach any importance, apart from other considerations, to the Directive Principles contained in the Constitution.

May I, with your leave, draw the attention of the House to the article which says:

“ . . . but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.”

So, so far as the Government is concerned, so far as we in the Parliament and the members of the Legislatures in the State are concerned, the Directive Principles in the Constitution are very fundamental and a Government and a Parliament which ignores in its trans-

[Shri P. G. Menon].

actions the directions contained in the Directive Principles are ignoring the fundamental directions made by the Constitution. This is the reason why land reforms become necessary and it has been found by experience that unless there are some amendments removing the fetters regarding acquisition contained in article 31, it would be impossible to have land reforms in this country. In that situation, what is the duty of this Parliament? Is it the duty of the Parliament to see that the Constitution is there, the fundamental rights are there—let us not touch them—or is it not our duty to see that these are equally fundamental and the amendment should be there? Look at the fate of the land reforms legislation which was passed in Kerala and which was an immediate occasion for bringing in this amendment. There was the Land Tax Act and there was the Agrarian Relations Act which was passed in 1960 or 1961. These Acts were found to be invalid both by the High Court of Kerala and by the Supreme Court. Therefore, the attempts of the Government and the Legislatures to bring about land reform failed and that occasioned this amendment. I think, therefore, it is the duty of all concerned to give whole-hearted support to this amendment. This is not the occasion nor this is the forum wherefrom to speak about the merits and demerits or the different land reforms Acts of the various States of India. I think I will be going out of my subject if I attempt to do so. But at the same time, it should be remembered that the object of this constitutional amendment is to give constitutional backing to these various land reform legislations. It was stated by one of my friends the other day—Mr. Ranga, I believe—that unless we put some fetters on future Governments and legislatures from dealing freely with ceilings and other things, there may be ruin in this country. Is it possible to put fetters like that? Can't the Constitution be amended by future Parliaments? Apart from those things, can't extra-constitutional efforts come into play

if social urges are not properly satisfied? Therefore, I do not think that there is much in that argument.

I heard from one or two friends some reference to what happened in Kerala with respect to the Land Reforms Act of Kerala. The charge was that the Act which was passed in 1959 by the legislature which was then in existence had been substituted later on by an Act which was passed in 1962 or 1963. A claim was made that the former Act was more liberal and more progressive than the later one. On this matter also, I do not want to enter into any controversy. But what happened was this. I do not want to make any reflections on anybody. The communists were in power in 1959. I do not want to make any attack against them. But early in that year there was an agitation in the State to remove them from office, and ultimately, I think in July that year they were removed. When that agitation reached high proportions and intelligently they felt that they would have to quit office, it was their desire to see that before they did so they placed on the statute-book the Kerala Agrarian Relations Act. With that desire, that Act was passed hastily, without bestowing sufficient forethought on the various provisions of the legislation, and in July, 1959, that was passed, and the Communist Ministry there went out of office in July, 1959, a few days after the passage of that Bill, and the legislature was dissolved. I am submitting that the Bill was passed hastily. I could understand their anxiety to see that the Act was placed on the statute-book.

The result was that every provision of that Act was found to be defective from a constitutional point of view. The Act was struck down by the High Court and by the Supreme Court. Apart from the unconstitutionality of the provisions, it is my submission that it was very difficult to work out the provisions of the Bill. When the Act was found to be unconstitutional, it

was the duty of the legislature in Kerala to enact a new law, because they were anxious that land reforms should be implemented. In enacting the new law, some of the obvious defects in the previous legislation were sought to be removed. If I had the time and the opportunity, I could, by making an analysis of the provisions of the two Bills, demonstrate that the claim made here that the second Bill was not progressive etc. is a claim made without any basis, and that it is only a political attack.

The only important change effected in the new Act is with respect to small holders of property, persons holding one acre or two acres or half an acre of land. If they happen to have leased out their property to others, they would come under the definition of a landlord in that Bill; they are landlords, under the definition, because it is a classification of different kinds of persons who have anything to do with property. What engaged the attention of the legislature on the second occasion was to see that these small holders of property or these small landlords were given some better protection than what was given to the bigger ones. The tenants, in some of these cases, may be very rich people holding large extent of property. That is the only change which has been made. So, I think it was absolutely without any grace that such an attack should have been made on the floor of this House on this score. It is the anxiety of the Congress Party, and I believe, of all Congress Governments, to see that the socialist and egalitarian principles enshrined in the Directive Principles in the Constitution, and later on consciously adopted on different occasions by the party, should be implemented. I do agree that there have been some delays here and some delays there, but the complexity of the question has occasioned the delay in some cases, and hasty legislation may lead to difficulties as we have seen.

For instance, look at the long Schedule, and the large number of items mentioned in the Ninth Schedule. It

is a difficult question. Take, for example, the case of Kerala itself. The Kerala Agrarian Relations Act which was passed in 1959 was found to be valid in some portions of the Kerala State and invalid in other portions of the State; also, certain sections were valid in certain areas, and certain others were invalid in certain other areas. This is an index of the complexity of the matter.

One of the reasons why Government decided to bring forward this seventeenth amendment to the Constitution is to see that these anomalies do not happen.

With these words, I support the Bill.

**श्री किसान पटनायक (सम्बलपुर) :**

उपाध्यक्ष महोदय, इस विधेयक को गिराना या कानून न बनने देना मेरी इच्छा नहीं है और न ही यह मेरे दल की इच्छा है। लेकिन इस के साथ ही मैं यह अर्ज करना चाहता हूँ कि पिछले १७ सालों में कृषि के मामले में और किसानों के सम्बन्ध में जो सरकारी नीति रही है, उस को देखते हुए यह भी इच्छा नहीं होती है कि हम लोग मत-दान के समय इस विधेयक के समर्थन में मत-दान करें, क्योंकि अगर इस विधेयक की पृष्ठभूमि को दृष्टि में रखते हुए इस विधेयक को देखा जाये, तो यह विधेयक देश के किसानों के साथ एक मजाक है।

पिछले १७ सालों की इस की पृष्ठभूमि क्या है? आज़ादी मिलने से पहले देश की जनता के मन में क्रान्ति की आशा थी। क्रान्ति का रूप क्या होगा, उस के सम्बन्ध में सब की धारणा साफ नहीं थी, लेकिन देहाती जनता के मन में, और खास कर के खेतिहर मजदूर और छोटे किसान के मन में, यह आशा ज़रूर थी कि आज़ादी के बाद, ज़मीन में जो बीच वाले होते हैं, वे खत्म हो जायगे और जो सही कामकार है, जो अपने हाथ से, अपने शरीर से, ज़मीन पर काम करता

[श्री किशन पटनायक]

है, जमीन पर उस का ही स्वामित्व होगा। लेकिन यह जो क्रान्ति की आशा जनता के मन में थी, वह १७ सालों के अन्दर खत्म हो गई।

आजादी के बाद दस बारह साल तक तो स्वतंत्र दल जैसे दल बनने की कोई सम्भावना भी नहीं थी, इसलिए कि क्रान्ति की आशा तब भी जनता के मन में थी। लेकिन इन दस बारह सालों के अन्दर जब सरकार की कृषि-नीति और किसानों संबंधी नीति से कृषि-अर्थ-नीति में भी बर्बादी आई और किसानों के जीवन में भी बर्बादी आई और जनता के मन में क्रान्ति की आशा कमजोर होने लगी, तब जा कर इस देश में स्वतंत्र दल जैसे दल बनने की भी संभावना हुई।

आज जब संविधान के सत्रहवें संशोधन के बारे में चर्चा होती है और स्वतंत्र दल की तरफ से उसका विरोध किया जाता है और उस विरोध के समर्थन में प्रदर्शन लाए जाते हैं, तो उसका जवाब देने के लिए आज हिन्दुस्तान के खेतिहर मजदूरों या छोटे किसानों के पास ताकत नहीं रह गई है, या मन नहीं रह गया है। इन १७ सालों में भूमि सुधार करने के लिए, किसान का सुधार करने के लिए सरकार ने क्या क्या किया है, इसको आप देखें। अभी तक तीन प्रकार के किसानों के बारे में कानून सारे देश में बने हैं। एक कानून के जरिये तो जमींदारों को, जागीरदारों को खत्म किया गया है, उनको खत्म करने के लिए कानून बनाये गये हैं, दूसरे जो बटाईदार वगैरह हैं, उनके अधिकारों के संरक्षण के लिए, बेदखली से रोकने के लिए कुछ कानून बने हैं अधिकतर प्रान्तों में और तीसरे हदबन्दी कानून बनने लगा है। इस कानून के फलस्वरूप हिन्दुस्तान की कृषि अर्थ नीति में हर किसान के जीवन में क्या परिवर्तन

आया? जब सारी नीतियों को इकट्ठा करके हम देखते हैं तो हमें लगता है कि कोई फायदा नहीं हुआ है। न कृषि अर्थ नीति में कोई तबदीली हुई है जिससे उत्पादन बढ़ सका हो और न ही किसान के जीवन में कोई परिवर्तन हुआ है।

14.00 hrs.

जहां तक पहले कानून का सम्बन्ध है जिसके द्वारा जमींदारी और जागीरदारी को खत्म किया गया है, बीच वालों को खत्म किया गया है उसके सम्बन्ध में मैं कहना चाहता हूँ कि एक किस्म के बीच वाले को तो खत्म किया गया है लेकिन एक नई किस्म का बीच वाला आ गया है, एबसेंटी लैंडलाइजिंग तो खत्म कर दिया गया है, दूरवासी जमींदारी तो चला गया है लेकिन काश्तकार की परिभाषा ऐसी कर दी गई कि दूरवासी जमींदार के बदले दूरवासी काश्तकार आ गया। अब आप एस्टेट की परिभाषा को साफ करना चाहते हैं। इसके साथ साथ जब तक काश्तकार की परिभाषा को भी आप साफ नहीं करेंगे तब तक कोई लाभ नहीं होगा। वह काश्तकार नहीं हो सकता है और जो जमीन के पास नहीं रहता है और जमीन के ऊपर जो अपना शारीरिक श्रम नहीं करता है। परिभाषा में ऐसी कोई चीज होनी चाहिये जिससे अंग्रेजी पढ़े लिखे लोगों को काश्तकार न माना जाए।

एक माननीय सदस्य : वह कैसे ?

श्री किशन पटनायक : कृषि के ऊपर लगे लोगों को हिन्दुस्तान में हमको घटाना है, जो भूमि पर भार है, उसको कम करना है। उन लोगों को कृषि क्षेत्र से दूर चले जाना चाहिये जिनके पास साधन हैं, जो दूसरे क्षेत्रों में प्रतियोगिता कर सकते हैं, जो व्यापार में, नौकरियों में या इसी प्रकार के दूसरे क्षेत्रों में प्रतियोगिता कर सकते हैं। ये अंग्रेजी पढ़े

लिखे लोग ही हैं। इन लोगों को तो कम से कम कृषि क्षेत्र से हटा दिया जाना चाहिये।

दूसरे ढंग का जो कानून था उसका मकसद यह था कि जो खेतीहर मजदूर है, जो बटाईदार है, उसके अधिकारों का संरक्षण हो। यह जो कानून था इसका फल क्या हुआ इसकी जांच करने के लिए योजना आयोग ने एक विशेषज्ञ समिति बिठाई थी और उस कमेटी का निष्कर्ष यह था कि बेदखली बन्द करने के लिए, बटाईदारों के अधिकारों की रक्षा करने के लिए, उनको संरक्षण प्रदान करने के लिए जहाँ जहाँ कानून बनाये गये वहाँ वहाँ लाखों की संख्या में लोगों को बेदखल किया गया, कुछ छिपे ढंग से, कुछ कानून के सहारे और कुछ खुलेआम। उससे बड़ी विषम स्थिति बंगाल और बिहार में पैदा हुई। एक विशेषज्ञ का कहना है कि इन कानूनों के फलस्वरूप करीब तीन प्रतिशत बटाईदार किसानों को कानूनी तौर पर बेदखल किया गया, १६ प्रतिशत लोगों को खुले आम बेदखल किया गया कानून का विरोध करते हुए और करीब २२ प्रतिशत लोगों को स्वीच्छिक सम्पण यानी वालेंटरी सरेंडर के नाम पर डरा धमका कर, हटने के लिए बाध्य किया गया। किसान के जीवन में सुधार लाने के लिए, भूमि सुधार करने के लिए जितने भी आज तक कानून बने हैं, उनका यही नतीजा निकला है। हाल में जो कानून बने हैं हदबन्दी के उनका क्या नतीजा हो रहा है? हदबन्दी सिर्फ नाम के वास्ते हो रही है। कहीं पर किसी राज्य में भी अभी तक पर्याप्त मात्रा में अतिरिक्त जमीन नहीं मिली है। तीसरी योजना की मध्यावधि रिपोर्ट में लिखा हुआ है कि उत्तर प्रदेश जो कि सबसे ज्यादा लम्बा चौड़ा प्रान्त है देश में जनसंख्या के लिहाज से वहाँ पर इस कानून के फलस्वरूप सरकार को अभी तक सिर्फ २४ या २५ हजार एकड़ जमीन

ऐसी मिली है जिसको सरकार वांट सकी है खेतीहर मजदूरों में या भूमिहीन किसानों में। महाराष्ट्र में केवल ३० या ४० हजार एकड़ भूमि ही मिली है। इससे कहीं ज्यादा जमीन श्री विनोबा भावे ने मांग मांग कर इकट्ठी की है। २४ या २५ हजार एकड़ जमीन एक एक प्रान्त में अतिरिक्त भूमि के रूप में पाने के लिए गवर्नमेंट यदि कानून बनाती है, इतने अधिक कानून बनाती है, इतना मुआवजा देती है, इतना लम्बा चौड़ा संविधान का संशोधन करती है तो इसका मतलब क्या होता है, इसको आप देखें। मुआवजा देना होता है तो बजट पर बोझा बढ़ जाता है और कानून को चलाने के लिए अलग से प्रशासनिक व्यवस्था करनी पड़ती है लेकिन अखरो नतीजा कुछ नहीं होता है, वितरण के लिए बिल्कुल जमीन मिलती ही नहीं है। जितना पैसा कानून बनाने के लिए, कानून के प्रशासन को चलाने के लिए या मुआवजा देने के लिए खर्च हो जाता है उतना पैसा अगर समुचित ढंग से खर्च किया जाए, उसका समुचित विनियोग किया जाए तो करोड़ों एकड़ जमीन जो अभी बिना कृषि के पड़ी हुई है, उसको कृषि योग्य बनाया जा सकता है, उपजाऊ बनाया जा सकता है। मैं यह नहीं कहता कि उन जमीनों को कृषि योग्य बनाना ही पर्याप्त था और हदबन्दी की जरूरत नहीं थी। लेकिन मैं इतना अवश्य कहना चाहता हूँ कि हदबन्दी कानून से अभी तक कोई लाभ नहीं हुआ है, कोई नतीजा नहीं निकला है और मौजूदा सरकार की जो नीति है, उससे कोई नतीजा नहीं होने वाला है। अगर सरकार संविधान संशोधन के बारे में सही तौर से सोचती है तो जहाँ अब तक उसकी कृषि नीति रही है किसान वाली नीति रही है, उसमें उसको मौलिक परिवर्तन जल्दी से जल्दी लाना होगा। हदबन्दी कानून को इस ढंग से बनाया जाना चाहिये जिससे सरकार को वितरण के लिए, भूमिहीन किसानों को देने के लिए जमीन मिल सके। पहले तो इसके लिए यह जरूरी



[श्री किशन पटनायक]

है कि हृदबन्दी के लिए कोई अपवाद न हों। चाहे कोई चाय का बागान हो या बड़ा मैकेनाइज्ड फार्म हो किसी के लिए भी कोई किसी किस्म का अपवाद नहीं होना चाहिये। यदि ऐसा होगा तब आकर कहीं सरकार को वितरण के लिए ज़मीन मिल सकेगी।

अच्छे कामों के लिए सरकार इस सदन से ताकत तो ले लेती है लेकिन उस ताकत का इस्तेमाल वह बुरे कामों के लिए करती है। मुझे डर है कि यह हृदबन्दी कानून जिस ढंग से बनाया जा रहा है उससे यह भी एक नतीजा निकलेगा कि जहाँ बाग बगीचों के लिए अपवाद है, फार्म्स के लिये अपवाद हैं वहाँ पक्षपात भी हो जाएगा। ऐसे काश्तकार जो कि सरकारी दल के समर्थक हैं उनके लिए अपवाद मान लिये जायेंगे। अगर पहले वह बाग बगीचा नहीं भी था और कानून बनने के दो महीने पहले से बन गया है तो उसको सही बाग बगीचा मान लिया जायेगा, लेकिन किसी ऐसे मनुष्य का बाग बगीचा जो सरकार विरोधी हो, कांग्रेस दल का विरोधी हो, चाहे वह कितना ही पुराना क्यों न हो, उसे अपवाद नहीं माना जायेगा। तो सरकार एक हाथ से काम करने के लिए ताकत ले लेती है लेकिन उस ताकत को बुरे काम के लिए इस्तेमाल करती है। कृषि और किसानों के मामले में गत १७ सालों का इतिहास यही रहा है। इसलिये मैं यह नहीं चाहता हूँ कि विधेयक गिर जाये, लेकिन फिर भी मैं नहीं चाहता हूँ कि इसके पक्ष में मतदान करूँ।

श्री सिंहासन सिंह (गोरखपुर) : उपाध्यक्ष महोदय, यह जो संविधान का १७वाँ संशोधन है, उसके मूलाधार को, जैसा कि वह है, स्वीकार करते हुए मैं गवर्नमेंट के रवैये के बारे में कुछ कहना चाहता हूँ।

आर्टिकल ३६ जो है वह एक डाइरेक्टिव आर्टिकल है। उसमें (बी) के अन्दर प्रावि-

जन है :

“that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;”

अर्थात् जो रिसोर्सिज मुल्क के अन्दर हैं उनका वितरण इस तरह से हो कि उनसे समाज की अधिक से अधिक सेवा हो सके। अब आर्टिकल ३१ जो है वह यह प्रोवाइड करता है कि :

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

अपनी जगह वह बिल्कुल दुस्त है। इसके सब क्लॉज (२) में कम्पेन्सेशन की बात कही गई है। मुझे दुःख यह है कि अपने देश में आर्टिकल ३६ और ३१ का जो मूलभूत आधार है उसका पालन सही रूप से नहीं हो रहा है। जहाँ तक प्रापर्टी का सवाल है, है, हमने ३१(ए) का एक नया आर्टिकल जोड़ कर लैंडेड प्रापर्टी को अलग करके उसके साथ दूसरा व्यवहार किया है। ३१(ए) में स्टेट ऐक्विजिशन का प्राविजन किया और यह लिख दिया कि आर्टिकल १३ की कोई रूकावट उसपर लागू नहीं होगी, लेकिन केवल स्टेट पर। यानी हमारे देश में माइन्स भी हैं, वह भी किसी स्टेट के अन्दर हैं, और भी चीजें हैं लेकिन उनके लिये यह लागू नहीं होगा। उनको हम खेने लगते हैं, उनका राष्ट्रीयकरण करने लगते हैं तो हमारा व्यवहार दूसरा होता है और ज़मीन के बारे में हमारा व्यवहार भिन्न होता है। अब भूमि के सम्बन्ध में हम ने जो रिफॉर्म किये हैं उनके सम्बन्ध में यह जो अमेंडमेंट है उसमें प्रथम बार यह व्यवस्था की जा रही है कि सीलिंग के अन्दर किसी के पास जो ज़मीन होगी अगर उसको सरकार किसी

कानून से प्राप्त करना चाहेगी तो उसका बाजार भाव देगी। अब "सीलिंग के अन्दर" जो शब्द हैं उनमें लिखा है कि "उस समय पर" यानी जो समय आज नियत किया गया है, जिसका व्यौरा शूड्यूल्ड ६ में हमने दिया है— उसमें सब राज्यों का व्यौरा दिया है, उत्तर प्रदेश का भी है—उसमें दिया हुआ है कि जो सीलिंग का कानून पास हुआ है, वही रहेगा सब जगह पर, लेकिन उसके अन्दर की जो जमीन ली जायेगी उसके लिये बाजार भाव से मूल्य मिलेगा। फिर आगे चल कर अगर सीलिंग ला परिवर्तित हो जाये, अर्थात् आज जहां ४० एकड़ का औसत माना गया है जमीन का तो कल वह ३५ हो सकता है, ३० हो सकता है, १५ हो सकता है, तो भी यह "फार दि टाइम बींग" के बड़े लिख कर दिखाने को तो जमीन के मालिकों की जमीन को घटाते हुए भी धीरे धीरे कहा जा रहा है कि हां, तुम्हारी जमीन की कीमत तो हम बाजार भाव पर देंगे, लेकिन यह माफ नहीं है कि वह जमीन क्या होगी। इस लिये मैं विधि मंत्री से कहना चाहूंगा कि वे बतलायें कि "फार दि टाइम बींग" के क्या अर्थ होंगे। जिस वक्त जमीन लेने का कानून बनेगा वह वक्त लागू होगा या जो आज बन रहा है वह लागू होगा। किसी बात की निश्चिन्ता तो होनी चाहिये। हम ने संशोधन किया संविधान का उस में लिखा गया है कि जो सीलिंग ऐक्ट लागू है उस के अन्दर जिस की जमीन बची है वह उसकी मानी जायेगी, लेकिन अगर कभी सरकार उस को लेने का दावा करेगी तो उस की कीमत बाजार भाव से दी जायेगी। लेकिन साथ साथ यह भी परिस्थिति आज है जो कि देहात के रहने वाले हैं, जो भूमि के स्वामी हैं, उस को जोतने वाल हैं वे चाहते हैं कि उन की रक्षा हो मगर उस में रक्षा की बात नहीं आती।

जैसा मैंने प्रारम्भ में कहा, इस संविधान में भी आज दो तरह का व्यवहार हो रहा है।

यह व्यवहार किस न्यायिक दृष्टि से अपने लिये अच्छा है। अभी बड़े बड़े पूंजी पति हमारे देश में हैं, शहर में रहते हैं। तो शहर और देहात के क्षेत्रों का संतुलन नहीं है। आज जमींदारी गांवों में तोड़ी गई, उत्तर प्रदेश में भी तोड़ी गई, लेकिन आप को जान कर हैरत होगी कि सिर्फ देहात की जमींदारी तोड़ी गई, शहर की जमींदारी आज भी बनी हुई है : हालांकि जमींदारी तोड़ने का कानून पास हो चुका है और बहुत देर हुई जब पास हुआ था, लेकिन उसे शहरों पर लागू, नहीं किया गया। अभी लखनऊ शहर की जमींदारी ज्यों की त्यों बनी है, आगरे की जमींदारी ज्यों की त्यों बनी है, कानपुर इलहाबाद बनारस की जमींदारी ज्यों की त्यों बनी हुई है, गोरखपुर शहर की जमींदारी ज्यों की त्यों बनी हुई है। केवल उन में जो नोटिफाइड एरिया और टाउन एरिया की जमींदारिया हैं वे शहरी जमींदारियों में नहीं आती हैं। हम ने कानून बनाया भूमि सुधार करने के लिये लेकिन आज शहर वालों के साथ पक्षपात हो रहा है। शहर के रहने वालों की तरफ और ध्यान है सरकार का और देहात के रहने वालों की तरफ और ध्यान है। देहात की जनता मूक है, वह बर्दाश्त करती है, लेकिन समय आ सकता है कि वह इस चीज को देखकर उठ पड़े और कहे कि जमींदारी तोड़ी तो फिर शहर और देहात की जमींदारियों के अन्दर भेदभाव क्यों हुआ। वास्तव में सम्पत्ति सब एक है। उदाहरण के लिये आप देखिये कि मैंने १० हजार ६० का शेअर कैपिटल ले लिया किसी बैंक का, अगर उस बैंक का राष्ट्रियकरण हो गया, जैसे कि बीमा कम्पनियों का राष्ट्रीयकरण हो गया, हवाई जहाजों का राष्ट्रीयकरण हुआ, इम्पीरियल बैंक का राष्ट्रीयकरण हुआ, और उस के शेअर वैल्यू की जो माकट प्राइस उस वक्त थी उस की पांचगुनी

[श्री सिंहासन सिंह]

छ:गुनी अधिक कीमत दी गई, तो उन १०,००० ६० की तात्कालिक शेअर वैल्यू अगर २०,००० ६० हुई तो मेरे जैसे शेअरहोल्डर को १ लाख ६० के करीब दिया गया। लेकिन अगर किसी को १०,००० ६० की जमीन ले ली, दस बीघे जमीन ले ली तो उस का बाजार भाव नहीं दिया जाता। उस को २ ६० मालगुजारी फी बीघे के हिसाब से चालिसगुना तीसगुना, बीसागुना, कुछ दे दिया जाता है। जो १० हजार का कैपिटल लगाया वह भी स्वाह द्रुआ, वह भी उसे नहीं मिलता। इस को क्यों नहीं द बाजार भाव से होना चाहिये। सम्पत्ति एक है, चाहे वह शहर में हो, चाहे फीक्टरी में हो, चाहे जमीन में हो, किसी भी प्रकार की सम्पत्ति हो, उस सम्पत्ति को लेने में सरकार की नीति एक सी होनी चाहिये। लेकिन आज दो नीतियां हैं। इस संविधान संशोधन में मेरा विरोध केवल इस से है।

इसी तरह से आप देश के हित में आर्टिकल ३६ के उद्देश्य की पूर्ति करने के लिये और समाज के धन को ठीक से वितरित करने के लिये जो कदम उठाये उन में सब आप के साथ हैं, लेकिन कदम उठाने में दो तरह का व्यवहार हो यह ठीक नहीं है। जिन का धन कम्पनियों में लगा हुआ है, जो अधिक से अधिक कमाने वाले व्यवसायी लोग हैं वे सरकार के रूपयों से लाभ उठाते हैं और कम्पनियों के मालिक बने हैं, उस में सरकार कुछ रूपया नहीं लेगी। वे लोग कुछ रूपया लगा कर सरकार से ही रूपया लेने की व्यवस्था कर रहे हैं। हमारे विधि मंत्री कलकत्ते से आते हैं। अगर वे पता लगायें तो जितने भी इंडस्ट्रियलिस्ट्स हैं उन के ऊपर सरकार का करोंडों रूपया बाकी है। लेकिन जब उन के व्यवसाय के राष्ट्रीयकरण की बात आयेगी तो आप उन को दाम देगे उन के शेअरों की वैल्यू के हिसाब से और बाजार के भाव से। आर्टिकल ३१ जो उस में कहा गया है कि सब की प्रापटी

लेने में कानून के द्वारा जो मुआवजा प्रति एकड़ नियत किया जायेगा वह लागू होगा। आर्टिकल ३१ में स्टेट को अलग कर दिया और प्रापटी को अलग कर दिया। अब आप देखिये कि यह ३१ (ए) क्या है। अगर खाली आर्टिकल ३१ होता तो वह सब भूमि पर लागू होता, लेकिन ऐसा नहीं किया गया। आखिर यह कब तक चलेगा। मैं जानना चाहता हूँ कि आर्टिकल ३६ का जो उद्देश्य है उस को पूरा करने के लिये गवर्नमेंट कब कदम उठायेगी। मैं चाहूंगा कि जब मंत्री महोदय जवाब दें तो बतलायें कि क्या कभी यह आशा हो सकती है।

अभी यह हुआ कि कंसेट्रेशन आफ वैल्यू के सम्बन्ध में एक कमेटी बनाई गई। महालोनीविस कमेटी बनी बड़े शोर मूल से यह जानने के लिये कि देश में जो धन पैदा हुआ वह किधर गया। उस कमेटी की रिपोर्ट सरकार को मिली या नहीं मैं नहीं जानता। अखबारों में तो यह निकला कि आ गई लेकिन अभी कमेटी की रिपोर्ट सदन में नहीं आई। न मुझे पता है और न आप को पता है कि वह अरबों रूपया जो खर्च किया गया वह कहाँ गया। यह कमेटी तो यहीं रही, पर अब एक दूसरी कमेटी का निर्माण होने जा रहा है यह देखन के लिए कि छोटे और बड़े में अन्तर क्या है। अगर कमेटियों के निर्माण से ही संतोष करना है तो कर लें। कमेटी की रिपोर्ट आने पर उस पर कोई कार्रवाई नहीं की जाती। इस प्रकार कमेटियां बनाते चले जाने से काम चलने वाला नहीं है और पूंजी कुछ जगहों पर इकट्ठी होती चली जायेगी।

सदन में आगे भी चर्चा हुई थी और अभी भी कहा गया कि इंडस्ट्रीज के लिए लाइसेंस कुछ व्यक्तियों ने ही ले लिये। वे व्यक्ति कौन हैं जिन्होंने अधिकांश लाइसेंस ले लिये? आपने कम्पनी कानून में संशोधन किया कि किसी के पास दस से ज्यादा मैनेजिंग

एजेंसियां नहीं रहेंगी। इसका नतीजा यह हुआ कि घर भर में सब के नाम दस दस मैनैजिंग एजेंसियां हो गयीं, लेकिन किसान का पांच आदमियों का परिवार चालीस एकड़ से अधिक जमीन नहीं रख सकता। कम्पनी कानून के अनुसार बाप दस मैनैजिंग एजेंसियां अलग रख सकता है, पत्नी दस अलग रख सकती है, लड़का और लड़की दस दस मैनैजिंग एजेंसियां अलग अलग रख सकते हैं, लेकिन जहां भूमि का सवाल है, स्त्री, पुरुष और उनके बच्चे सब मिला कर चालीस एकड़ से अधिक भूमि नहीं रख सकता आपने ऐसी व्यवस्था की है कि सब के साथ समान व्यवहार नहीं हो रहा है। विरोधी दल के लोग इसका विशेष कारण बताते हैं। मैं उसमें नहीं जाना चाहता, लेकिन मैं देखता हूँ कि हम पर पूंजीपतियों का काफी प्रभाव है। वह प्रभाव चुनाव के रूप में हो या किसी और रूप में हो, लेकिन प्रभाव है। वे लोग शहरों में बड़े लोगों को दावतें देते हैं पर किसानों के पास ऐसे साधन नहीं हैं। हमारे डा० देशमुख साहब ने काश्तकारों का एक फोरम बनाया था किसानों के हित की चर्चा करने के लिए। जब तक वह मंत्री रहे वह फोरम चला, लेकिन अब उस फोरम की अवस्था क्या है? कारण यह है कि काश्तकारों के पास पूंजीपतियों की तरह लोगों को चैम्स-फोर्ड क्लब में दावत देने के साधन नहीं हैं जहां वे सचिवों को बुलाकर उन से परामर्श कर लेते हैं। यह चीज आज है। इस और सरकार को ध्यान देना चाहिए। मैं मंत्री जी से जानना चाहता हूँ कि संविधान की धारा ३६ पर अमल कब तक होगा, कब तक धन का संग्रह कुछ व्यक्तियों के पास होता जायेगा? अगर आप किसानों के लिए यह करते हैं कि एक परिवार चालीस एकड़ से अधिक जमीन नहीं रख सकेगा, तो सेठों के लिए भी कर दीजिये कि एक परिवार चालीस लाख से ज्यादा रुपया नहीं रख सकेगा या चालीस लाख से अधिक की जायदाद नहीं रख सकेगा लेकिन उनके लिए कोई रोक नहीं है। वे

करोड़ों अरबों की जायदाद रख सकते हैं। इसे रोकना पड़ेगा। अगर आपको आर्टिकल ३६ का पालन करना है तो ईमानदारी से कहिये कि सब की सम्पत्ति एक समान है, सब प्रकार की सम्पत्ति के लिए एक तुला है। ऐसा नहीं होना चाहिए कि एक प्रकार की सम्पत्ति के लिए तो एक तुला रहे और दूसरी प्रकार की सम्पत्ति के लिए दूसरी तुला रहे।

कहा जाता है कि जमीन के बारे में खास नीति इसलिए अपनायी जा रही है कि खेती की उन्नति हो। इसके लिए जापान का उदाहरण दिया जाता है कि जापान में जमींदारी प्रथा के समाप्त होने के बाद खेती में बहुत उन्नति हुई। यह ठीक है। मैंने जापान में देखा है कि जमींदारी प्रथा की समाप्ति के बाद खेती में काफी उन्नति हुई है। हमारे यहां भी जमींदारी प्रथा समाप्त होने के बाद जब किसान जमीन का मालिक बन कर खेती करने लगा तो खेती में उन्नति हुई। लेकिन मैं गवर्नमेंट का ध्यान कुछ बातों की ओर दिलाना चाहता हूँ। दुर्भाग्य से हमारे कम्युनिटी डेवलपमेंट के मंत्री इस समय सदन में नहीं हैं।

यहां कोआपरेटिव खेती का नारा लगाया गया और कहा गया कि अगर कोआपरेटिव खेती हो तो देश की बहुत तरक्की होगी। इसके आंकड़े भी कागजों में दिये गये। लेकिन इस का परिणाम यह हुआ कि कोआपरेटिव खेती के सवाल को लेकर स्वतंत्र पार्टी चुनाव में सफल हुई। उन्होंने काश्तकारों को यह कह कर बहकाया कि इस कोआपरेटिव खेती की बात कर के सरकार उन से उनकी जमीन छीन लेना चाहती है। इधर सरकारी अधिकारी, जो कोआपरेटिव खेती के लिए जिम्मेवार हैं, वे अपने महलों से, अपने आफिसों से, बाहर नहीं निकलते। मैं आप से गोरखपुर की बात कहता हूँ: मैंने अपने यहां के कोआपरेटिव अधिकारियों से कहा कि तुम काम नहीं करते इसलिए हमारी आज क्षति हो रही

[श्री सिंहासन सिंह]

है। तुम्हारे काम न करने के कारण बहुत से लोग चुनाव में आ गये वोटों का यह कह कर कि कोआपरेटिव के नाम पर सरकार किसानों की जमीन लेना चाहती है। आज तुम कुछ कर के दिखाओ। लेकिन वह कुछ करते नहीं हैं। और न इधर से कोई प्रोत्साहन मिलता है। कोआपरेटिव का वही सन् १९१२ का पुराना कानून चालू है जिसमें अधिकारियों को बहुत पावर मिली हुई है। आज अवस्था यह है कि अगर दो चार आदमी मिल कर खेती करना चाहें तो उनको कोई सुविधा नहीं है। दस आदमियों से मिलना कठिन है और मिल भी जायें तो फिर हम को रजिस्ट्री करानी होगी, और उसके लिये दो महीने तक दौड़ना पड़ेगा। उसके बाद सरकारी सहायता मिलेगी। ऐसा कानून क्यों नहीं बना दिया जाता कि जो दो चार पांच दस आदमी मिल कर खेती करना चाहें उनको सरकार सहायता दे। लेकिन इस दिशा में कुछ नहीं होता। अगर इस बारे में सवाल किया जाये तो डे साहब खड़े हो कर कह देंगे कि दस लाख कोआपरेटिव बन गये हैं। लेकिन कहां बब गयी हैं। वे केवल कागजों में हैं। हम तो देहात में रहने वाले हैं, हम देखते हैं कि वे कहीं नहीं हैं।

एक बार एक हल्ला हुआ कि एक मजदूरों की सेना बनायी जायगी, एक लेबर का बैंक बनाया जायेगा जिससे खेती की तरक्की होगी। यह काम भी कागज पर बहुत हो गया लेकिन देहात में यह सेना कहीं दिखाई नहीं देती। इस तरह की कागजी कार्रवाई कब तक चलेगी ?

मैं सेन साहब से अनुरोध करूंगा कि वह संविधान की धारा ३६ पर ध्यान दें और अगर जरूरत हो तो ऐसा संशोधन लावें कि सारी जायदाद, चाहे वह जमीन में निहित हो या रुपये में निहित हो या मकानों में निहित हो, समान समझी जाये और सब के साथ

समान व्यवहार हो। तभी हम देश में वैंलफेयर स्टेट की अवस्था ला सकेंगे। तभी हर आदमी समझेगा कि हमारे सब के समान हित हैं।

इन शब्दों के साथ मैं कहना चाहता हूँ कि आपने किसानों को उनकी जमीन की मारकेट वैंल्यू देने की व्यवस्था की है और एक बार तो उनको यह कहने का मौका मिलेगा कि हमारी जमीन का भी बाजार भाव होने जा रहा है।

**Shri P. N. Kayal (Joynagar):** Sir, our Law Minister Mr. Sen was drawing Rs. 30,000 in his profession. He has sacrificed all that for this country and we are very happy that today he is here. But I do not know whether this Bill has come from his mind or from somebody else. I have also heard Mr. Menon who happens to be the ex-Chief Minister of Travancore State. What does he mean by the phrase 'land reform'? Do you want to get more production? If so, what are you going to do? To give the lands to the tillers—that means to make the tillers owners or to give the land to the co-operatives or to give it to the landlords or to give it to the ryots? You must tell me. Is it merely for the sake of land reform? We are all anxious to get more production. I come from an agricultural family and from a village too. From my childhood I lived with those poor people of those hamlets in those broken villages of India. I do not know what is the intention of this Bill. It depends upon the intention actually; it is those intentions on which I propose to support the Bill. Otherwise from the core of my heart I oppose this Bill, if the intention is otherwise... (Interruptions.) Let me analyse it. Government comes forward with the Bill to give power to the State Governments to acquire any land that falls even within the ceiling level for any purpose. It will not be for public purpose. They say, "in pursuance of the land reforms policy of the Government that has already been en-

dorsed by this Parliament, we are going to introduce this measure". Now, this Parliament may very well ask the Government, so far from what reforms have already been brought in, what have the Government done for its implementation and also for growing more food from all that. This House has every right to demand a reasonable explanation from the Government for its performance on that count.

Let us make a survey. The estates of intermediaries were acquired. How have those lands been settled with the tillers? What have those land reforms officers done with those lands? Have those lands really been settled with the actual tillers of the soil or your officers have taken bribes and settled those lands in the hands of wrong people? (An Hon. Member: For themselves). And after doing all that, what production have you got out of it? The new tenant-owners were given most uneconomic holdings. After the abolition of the zamindari system the tillers of the land were given uneconomic holdings. Government gave them seeds, manures, cattle purchase loans etc. The amount that has been given to the tillers cannot even buy a tail of a cow. Are the planners making a farce of it? I do not know what is in the minds of the planners. Have they any connection with land? हिन्दी में इसको यों कहा जा सकता है। "जिसके हाथ में हल होगा जमीन उसकी होगी तो उस तरह से पालकी जिसके हाथ में होगी, बहु उसी की होगी।

Is it democracy, is that logic? (An Hon. Member: Please translate it). It means this. If you make the tiller the owner of the land then could the man who carries the bride in a palanquin be the owner of the bride?

The case of supplying seeds and manure also has met with the same fate.

Then the Government impoverish- ed the big landholders by putting up a ceiling. Actually these holders were playing the role of bankers in the villages. As a result of the ceiling imposed on their holdings they refused or were incapacitated to help the tillers in the matter of investment for cultivation. And that was true not only for investment in cultivation but also for the purpose of sradhs, marriages and other ceremonies. Thus the villagers at last lost their bankers, but the Government failed to give any proper substitute for that. The result is disastrous. The backbone of the village community was broken, and today the relation between the landholders and the rest of the agricultural community has been embittered badly. As a result, village squabbles and litigation have increased, and fire has been set on the peaceful homes of the innocent village community.

The intermediaries, that means the zamindars, having been pushed out, a direct relationship between the Government and the tiller has been established. No doubt that is good. But unfortunately there is none to look after these poor tillers in time of need, and the land reform officers and tehsildars have turned out to be more dreadful and oppressive than those zamindars. These officers and officials go to collect the rent, well-armed with all the Government weapons, in villages, irrespective of any failure of crop in any particular season. Everybody's business is nobody's business. Who cares whether there is any crop failure or not? The tiller must have to pay the rent at the cost of his cattle, household articles or utensils, or by all possible means.

But this was not so during the time of the intermediaries. They used to help their tenants in every possible way, and in case of crop failure the rents were invariably being remitted. Therefore today they are often heard to say that the zamindari system was far better than the oppressive Government officers and officials. So gra-

[Shri P. N. Kayal]

dually the tillers are getting themselves indebted more and more, and production is coming down and down, and the life of every villager has become miserable and most miserable indeed. Such is the picture of rural India today. Things have reached the bursting point.

Here I must say a few words about these intermediaries. When this system was abolished the zamindars were only too glad to hand over their estates in lieu of a compensation. Because, after independence the rent-payers were developing resistance in paying their rents. The zamindars also were all along making an unearned income. So it was found by them as gainful to give up their estates in lieu of compensation. So they gave their consent to the zamindari abolition.

But that is not the case with the ryotwari landholders today. They are not making any unearned income. They had to supervise their land by themselves. They had to handle their labourers and had to keep their eyes on their work in rain and knee-deep mud. They were very sympathetic towards the villagers and with the rest of the village society in their joy and sorrow from day to day. They built tanks of drinking water in the villages, schools and hospitals for the benefit of the village community. They also played invariably the role of bankers, and in times of need they would come forward to spread out their helping hands to the village community. They produced good children in the villages who brought light in darkness, who fought for every cause of the village.

So the holdings of such people cannot be called estates, as they never behaved like estate-owners or zamindars making an unearned income.

Today we must admit that the villages are very fast losing life and it is going to be a desert.

It seems by this Bill the Government are misled, if it is one to bring down ceiling, to take away from the landholders whatever little comfort still remains for the village community.

It is not only that. It seems today the town has waged a war against the village to destroy it. You put up a ceiling and now again you propose to bring down that ceiling, if I am correct, for no valid or sound reason, and without caring for what happens to them and their children after they are pushed out from their land. At the same time, you are not in anyway curbing the incomes of those city people who own the tea and coffee gardens, fisheries, etc., and who own several palatial buildings in the cities. You are going to commit a terrible social injustice. You are discriminating against the village. That is why I say the town perhaps has waged a war against the villages. It is simply unfortunate.

May I ask, who lives in a lower standard of life, who does the dirty work, who produces food for the nation, who are deprived of the amenities of city life? It is the villagers. These landholders put in physical labour on their land as much as the labourers themselves and they wait on their labours in rain and knee-deep mud as a friend of labourers and live a humble standard of life. They work more but get less; whereas the people in the town do clean work on tables and chairs from 10 to 5, and riding in buses and trams, with all the facilities of electricity and water supply, walking on metalled roads and producing nothing. They work less, but get more. Who deserves more incentives, more remuneration, may I ask? Who gets more the man who does the dirty work or the man who does clean work?

Today, wherever you go in the villages, you will find the enlightened section of the village community are

gradually deserting the villages, leaving behind a helpless, forlorn and unkind hamlet in the villages. The number of crimes has increased and poverty and misery have aggravated. You will find the tattered clothed mother in a fallen hut crying in vain with a baby in her arms also crying, finding no milk in the dried-up breast of the starving mother. You will also find the father moving about with empty beggar's bowl from morning till night, from door to door. So, today is the day we will have to steer our wheels on agricultural reform in a reversed gear. Only when the House is satisfied that a satisfactory result has been already achieved out of all the land reforms that have already been gone through, then only this House should agree to bring down the ceiling of the ryots' landholdings. That is my humble contention.

Sir, this measure may make the communists of this country dancing. As we know, their goal today is only to bring in discontent and a feeling of frustration within the country. Their idea is: एलो मेलो कोरे दे मा, लूटे फूटे खाये । That is to say, the more you create disorder, the more you gain. उल्टा-सीधा कर दो, बस नफ़ा हो जायेगा ।

श्री हरि विष्णु कामत : खूब भालो बोले छे ।

Shri P. N. Kayal: Sir, are we here today to welcome that? Shall we have to live in a situation where human value is trampled with foot? We want to breathe a free and fresh air. Let not the ryot's ceiling be touched just now. Give proper price for their produce, balancing it with the price of other consumer goods.

Mr. Deputy Speaker: The hon. Member's time is up.

Shri P. N. Kayal: I shall end in a minute, Sir. You will get more production then. In the name of reforms, do not deform the land. Allow the villagers to live in peace and

to work with more energy and with a sense of security. They will do the job for the nation. Bring back the old good relationship in the village community. Sense of security is the question today.

Now, I want to finish with one last word of importance. If the purpose of the Bill is to acquire the uneconomic holdings, say, one acre or half an acre of land, with the idea of bringing homogeneity and not to bring down the ceiling, then and then only I fully agree with this Bill.

Dr. L. M. Singhvi: Mr. Deputy-Speaker, Sir, I often wondered what persuaded the hon. Member who spoke before me to make an eloquent speech and then to water it down by agreeing with the Bill which he opposed all through his speech. The hon. Member who preceded me delivered a powerful speech, making a plea against the very principle of the Bill which is before the House, and yet he felt persuaded to finish his speech by saying that he supports the Bill because of its underlying intentions. Must I remind him of what has been said very often in this House that the way to hell is paved with good intentions.

*Hitopadesha* gives us the history of a prince and a bear, who was his friend. While the bear was guarding the prince in sleep, he found an offending fly. What he did was to take a sword in hand and strike the prince himself in order to put an end to the offending fly. It appears that the good intentions, of which the hon. Member who spoke before me and under which he took a refuse in supporting the Bill, are the good intentions of the bear, the friend of the prince, who in order to put an end to the offending fly, took the sword in hand to kill the prince.

Sir, I cannot but express my great disappointment that this Bill was brought forth in this House in a very casual, cavalier manner. I sympathise



[Dr. L. M. Singhvi]

with the lot of the hon. Minister of Law who happens to be an eminent lawyer and who, often in season and out of season has to support Bills of all kinds, good, bad and indifferent. I suppose that is one of the occupational hazards of being a Minister. I feel all the more sorry for him because during his tenure of office, he has had to bring forth Bills of a highly questionable character. He had to father legislation which could not give him the happiness and the pride of a progenitor. I am sorry to say that this Bill which was introduced before this House discloses a completely insensitive casualness of approach to legislation. When the Law Minister introduced the Bill, at the time of making a reference to the Joint Committee, he sought to append as many as 124 enactments in the Ninth Schedule, and in a few months the Law Minister was in a position to come before the Joint Committee and—and this I think was an act of open mindedness though a belated act of open-mindedness—ask that 8 out of the 124 enactments may be omitted. Certainly the Law Minister owes an explanation to this House as to how it transpired that as many as 124 enactments were first sought to be appended to the Ninth Schedule and later on it was realised by the Government and the Planning Commission that 88 out of the 124 enactments were unnecessary. Is this the way this House should be treated? As a matter of fact, this is tantamount to being indifferent to the House and showing disrespect to the House, which I hope the Law Minister and the Government would not countenance in future.

I would also like to give expression to the sense of dismay which every scholar who wishes to analyse this Bill has to encounter. There is no reliable economic data on which this is based. There is no sustained analysis of economic data in relation to our land problems from which this Bill originates. There is not even a pro-

per legislative analysis of the various enactments which are sought to be protected now. Indeed, there is not even a satisfactory answer to the queries in respect of the various legislative enactments which had been struck down by courts of law in this country and which are now sought to be revived through this Constitutional amendment. I think the lack of data is so pervasive that it would behove the Government much better to wait for sometime more to make a deep study of the problems and then to bring forth a comprehensive legislation based on some economic data. I am not sure that the Law Minister would be able to tell this House as to what is the economic rationale of this Bill, beyond making a platitudinous generalisation that it has been necessitated because some problems had not been anticipated and because we wish to ensure security of tenure and undertake a programme of land re-distribution. These are mere cliches. We must know what the programme of the Government is in a precise way. We must know how far Government has already made use of the existing legislation.

I should like in this connection to refer to three reports briefly, which are available to us on some of these problems of land reform. The first report is *Consolidation of Holdings—Methods and Problems* which was published by the Planning Commission in 1957. Another report is that of the committee of the Panel on Land Reforms which was published in 1959 and the third is the *Progress of Land Reform* published in 1963 by the Planning Commission. I should like, in this connection, to draw the attention of the House to what the report on *Progress of Land Reform* has to say in para 54:

"It is difficult to make an estimate of the extent of culturable waste lands that may be available

for distribution. The total geographical area of India is about 811 million acres. Land-use statistics are available for about 721 million acres (1956-57) which are classified as follows:

	Million acres
Forest	126
Not available for cultivation	116
Other uncultivated lands excluding fallow lands	98
Fallow lands	59
Net area shown	322
	<hr/>
Total	721

I would like to know whether the Government can go no further except stating what is the total area of the country or what land use statistics were available in 1956-57, according to which 721 million acres in all have been accounted for. Even in that accounting, you will find that there are categories which are overlapping. There is the category of land which is not available for cultivation; there is the category "other uncultivated lands excluding fallow lands" and there is the category of fallow lands. These three categories, as a matter of fact, make up the total of land which is available today for cultivation. Nothing of any noteworthy dimension has been done so far by the Government to utilise these culturable wastelands in this country. This is a record of which no Government can be proud and for which any self-respecting administration should be sorry. In view of such a record, is it necessary really, is it really plausible that the Government wants to undertake this constitutional amendment merely to redistribute the land or to bring lands under cultivation by the common tiller? These, I think, are misleading assurances to the House. These are cliches and platitudes by which the House cannot be convinced.

I would like to draw the attention of the House to the fact that the Law

Minister has time and again tried to assure the House that what this constitutional amendment seeks to do is not to incorporate in the Constitution a new principle. All that he is prepared to admit is that this is merely a readjustment of certain things, but the constitutional principle had already been accepted. I challenge this statement, with great respect to the Law Minister. I would submit that this is not based on a proper appreciation of our Constitution or how it came to be made. I should like, in this connection, to refer to the fact that the controversy relating to what eventually came to be article 31 was so intense that it was recalled at a later stage in the Constituent Assembly that the differences could even break up the whole Constitution and cause our ship to founder on the rocks.

At the stage of Constitution-making, it was clearly put before the Constituent Assembly that there were two alternatives: the alternative of not allowing any resort to courts of law, of leaving all this matter to ordinary legislation and the alternative of constitutional protection to the rights of property. The Sub-Committee, after extensive consideration of this problem on this matter, formulated a proposal which appeared as clause 27 in its first report. It was as follows:

"No property, movable or immovable, of any person or corporation, including any interest in any commercial or industrial undertaking, shall be taken or acquired for public use unless the law provides for the payment of just compensation for the property taken or acquired and specifies the principles on which and the manner in which the compensation is to be determined."

When this clause came up for discussion, it was pointed out that like the Fifth Amendment of the U.S. Constitution, this would bring into existence a spate of litigation and may stand in the way of beneficent land

[Dr. L. M. Singhvi]

legislation. In particular, Pandit G. B. Pant expressed the apprehension that the U.P., Zamindari Abolition Act may be actually defeated as a result of such a clause being adopted in the Constitution. At that time, Sardar Vallabhai Patel observed in the Constituent Assembly that it was wrong to assume that the object of the clause was to provide for the acquisition of zamindaris, because he thought that by the time the clause became law, almost all the zamindaris would have been liquidated. Of course, such a sanguine hope was to be belied because land reforms in this country could not be expeditiously implemented.

The clause was further revised and what was eventually accepted was a compromise. This compromise was based on the acceptance of the assumption that courts of law would be available to aggrieved persons and on the assumption that compensation would be paid. Therefore, it is wrong and entirely misleading to say that this constitutional amendment does not seek to bring about any new legal principle in the Constitution of our country. I do not have the time at my disposal, but the Constituent Assembly debates and the reports of various committees are replete with material which would prove that the position taken by the Law Minister is not correct.

**The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra):** Is he referring to the history of article 31A or 31B?

**Dr. L. M. Singhvi:** That is a well-known fact. I am not speaking of the amendments. I am speaking of the original provision in the Constitution which was originally brought into existence. I am not speaking of the various amendments which have watered down the principle which was initially accepted by the Constitution. The claim that the Law Minister has made is that this is in consonance with the Constitution as it was origi-

nally framed and that this constitutional amendment is only a readjustment and not a departure from any of the principles adopted in the Constitution. That is why I was impelled to bring these materials before the House.

Be that as it may, I would like to refer in the first instance to the legal principle involved in this case. The principle is that if it is wrong, it is an anathema to all legal conception to retrospectively validate a legislation which has either been struck down or which has been in operation for some time. Retrospectivity is repugnant to the norms of jurisprudence. It is true that this House has in its wisdom in the past enacted certain legislative enactments with retrospective effect. But I think that if this habit became chronic and is repeated too frequently because the Government happens to have a large majority, it would be setting up wrong conventions. I would like to show what the result of such retrospective operation of the constitutional amendment would be. According to the report of the Joint Committee, this Bill now seeks to append 44 legislative enactment to the Ninth Schedule.

Now, Sir, it appears to me that even these enactments which are now sought to be included in the Constitution have not been properly considered, the necessity has not been properly shown not even to this House. I do not know whether the Minister proposes to go into each legislation and show to the House as to why such an extraordinary step has been necessitated. But I am sure that he has neither the time nor the inclination nor perhaps the necessary supporting material to substantiate any such claim regarding these 44 enactments which are sought to be protected by the Constitutional amendment.

15.00 hrs.

**The Minister of Law (Shri A. K. Sen):** Sir, we circulated the reasons

to every member of the Joint Committee. I took the personal trouble—not trouble, but discharged a pleasant duty—of explaining the reasons to all members of the Joint Committee. You were presiding over it, Sir, and you know it.

**Dr. L. M. Singhvi:** I am glad that the Law Minister has referred to this matter. I am also thankful to him for accepting many of our suggestions in a spirit of open-mindedness in the Joint Committee. I am grateful to him that he did not tenaciously cling to any proposition, except this that the Joint Committee itself, as I have pointed out in my minute of dissent, was greatly restricted because of lack of time. There was pressure of time and it was not possible to consider this whole group of legislation, hundreds of legislative enactments, in great detail and to scrutinise the rationale of each and every legislative enactment.

I would, for example, like to inform the House that the Supreme Court handed down a judgment in Writ Petition 1 of 1963 in the Madras Land Reforms Act case. This is a case of Naidu *versus* the State of Madras along with various other connected cases. This legislative enactment was struck down by the Supreme Court because of the definition of "family" adopted in this enactment. I would like the Law Minister to tell us why it is necessary to insist on the definition of "family" which the Supreme Court has in its wisdom rightly pointed out has nothing to do with the fulfilment of the objects which are in view and which pursue or promote the discrimination which is not the objective of the Constitution. We are doing something which is repugnant to the Constitution, which is contrary to the spirit of the Constitution and, if I may be permitted to say so, it is a fraud on the Constitution. Are not rights against discrimination as valuable as the various socio-economic objects which are sought to be achieved by this legislation? Are we to say that the rights of the Constitution

have always to remain subservient to certain changing and shifting economic policies of the Government? I will point out to you only a portion of this judgment wherein the Supreme Court says:

"The provision of s. 5(1) results in discrimination between persons equally circumstanced and is thus violative of Art. 14 of the Constitution. This will be clear from a simple example of an undivided Hindu family, which we may give. Take the case of Joint Hindu family consisting of a father, two major sons and two minor sons, and assume that the mother is dead. Assume further that this natural family has 300 standard acres of land. Clearly according to the personal law, if there is a division in the family, the father and each of the four sons will get 60 standard acres per head. Now apply s. 5(1) to this family. The two major sons being not members of the family because of the artificial definition given to "family" in s.3(14) of the Act will be entitled to 30 standard acres each as individuals and the rest of their holdings i.e. 30 standard acres in the case of each will be surplus land. But the father and the two minor sons being an artificial family as defined in s. 3(14) will be entitled to 30 standard acres between them and will thus lose 150 standard acres, which will become surplus land. This shows clearly how this double standard in the matter of ceiling read with the artificial definition of "family" will result in complete discrimination between these five members of a natural family. Under the Hindu law each member would be entitled to one-fifth share in the 300 standard acres belonging to the family. Under the Act however the two major sons will keep 30 standard acres each while the father and the two minor sons together will keep 30 standard acres which work out to 10 stan-

[Dr. L. M. Singhvi]

dard acres each. The two major sons will thus lose 30 standard acres each while the father and the two minor sons will lose fifty standard acres each."

Then it goes on further to explain how this discrimination will work. But it is clear that there can be no legitimate objective of land reform which would be fulfilled by discriminating between two major sons, who will get 30 acres each in the given illustration, and between the father and his two minor sons, who all told will get only 30 standard acres for the three of them. What kind of objective are we seeking to fulfil through legislative enactments such as these. If I had the time, Sir, I would have shown to the House that, by and large, the whole approach of including enactments as a whole, *enmasse*, is an approach which is based on short-circuiting, of taking the path of least resistance and assuming the widest amplitude of powers which the executive has no right, in a limited constitutional government, to do.

Before I conclude, Sir, I have a point to make which I think is very important. Clause 2 of this Bill uses a legal euphemism which, I think, is also misleading and which may actually operate as a fraud on the Constitution. Clause 2 says:

"Provided further that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto...."

Now, Sir, what is the meaning of this expression "for the time being in force." What it means really is that

the Constitution is being thrown to the winds. What it really means is this that every State legislature will be able to enact amendments to this ceiling legislation which is presently in force and even those amendments will not be subject to this Constitutional amendment. This is a travesty of the constitutional process. It is a travesty of justice and fairplay. I am sure the Law Minister, who is an eminent jurist himself, will at least consider this, and even if such a constitutional amendment has to be enacted by this Parliament, even if the Planning Commission considers it absolutely essential that such a blanket constitutional amendment, such an ill-conceived measure, has to be passed by the Parliament at the behest of the Planning Commission because they say that economic progress otherwise is not possible, this House would not be stalked into this erring piece of legislation which protects ceiling legislation in force today but exempts ceiling legislation as may be enacted from time to time in any manner in which the State legislatures may choose from the operation of clause 2 of the Amendment. This is a blanket delegation of power and it is in derogation of the Constitution.

Sir, I rise to oppose this Bill which is before us, on account of this ground and many other grounds which I have had occasion to state in my minute of dissent. I hope the hon. Minister will show at least a measure of open-mindedness on this matter and rise above partisan considerations in accepting at least an amendment for not exempting future ceiling legislations from the provisions of the Constitution.

श्री दे० शि० पाटिल (यवतमाल) :  
उपाध्यक्ष महोदय, स्वाधीनता के १७वें वर्ष में संविधान में १७वां संशोधन प्रस्तुत है। संयुक्त प्रवर समिति ने इसके बारे में कुछ सुझाव दिये हैं। इस भू-सुधार विधेयक को लाने का उद्देश्य देहात की गरीबी को दूर

करना है। प्रवर समिति ने जो सुझाव दिये हैं उन पर मैं अपने विचार आपके साम रखना चाहता हूँ।

प्रवर समिति का एक सुझाव यह है कि यदि निर्धारित उच्चतम सीमा के भीतर किसी व्यक्ति की ऐसी भूमि, जिस पर कि वह खुद काश्त करता हो, सरकार अपने अधिकार में ले ले तो उसे बाजार दर पर उस जमीन का मुआवजा देना होगा। जैसा कि मैंने पहले बताया इस भू-सुधार विधेयक को लाने का उद्देश्य देहात के लोगों की गरीबी को दूर करना है। काश्तकार के पास जो जमीन होती है उसी पर उस के खाने पीने आदि की व्यवस्था निर्भर है। इसलिए पैसा देने का जो सवाल है और बाजार दर का जो सवाल है उसमें बहुत कठिनाई आती है। कोर्ट में जब सवाल जाता है तब हर एक काश्तकार वहाँ जो बिक्री होती है जमीन की, उस तमाम रकम को पूल करके जब दर मुकर्रर करता है तो उससे काश्तकार को काफी नुकसान होता है। मेरा सुझाव यह है कि जो उपज का साधन है, ५ एकड़, १० एकड़ काश्तकार के पास जमीन है, उस पर वह खुद काश्त करता है और उसके औरत, बच्चे यह सब उस पर काम करते हैं और वहाँ उनकी आजीविका का साधन है तो बजाय पैसा देने के उनको जमीन देनी चाहिए।

बहुत से प्रोजेक्ट्स हमारे देश में बने हैं, इलेक्ट्रिसिटी वहाँ पैदा हुई है लेकिन वह प्रोजेक्ट्स इस प्रकार बने हैं कि हजारों और लाखों किसान जो कि वहाँ रहते हैं उनकी जमीनें प्रोजेक्ट्स के बनने में आ जाती हैं। मेरा कहना यह है कि उनकी जमीन जो एक्वायर कर ली जाती है उसके बदले में उन्हें जमीन ही दी जानी चाहिए, पैसा देने से काम नहीं होगा। इसलिए यहाँ बाजार दर से जो पैसा देने का सुझाव है उस के बजाय जमीन देने का सुझाव होना चाहिए। जब तक यह चीज नहीं होती है तब तक किसान अपनी

आर्थिक स्थिति को सुधार नहीं सकता है।

एक दूसरा कारण यह भी है कि उच्चतम सीमा जिसको कि सीलिंग कहते हैं वह हमने निर्धारित की है। ज्यादा से ज्यादा इनकम एक किसान कितनी कर सकता है उसकी भी एक सीमा आपने निर्धारित की है। इसलिये जब उनसे वह जमीन लेने का सवाल आता है तो बदले में उतनी जमीन उनको मिलनी चाहिए। दूसरा सुझाव इसमें यह दिया है कि खुद काश्त अगर है तो उसको पैसा दिया जायगा और बाजार की दर से दिया जायगा लेकिन जो लोग खुद काश्त नहीं करते हैं उनको उस दर से नहीं दिया जायगा। इस बारे में मेरा सुझाव यह है कि मालिक खुद काश्त नहीं भी करता है लेकिन अगर वहाँ टेनेंट है तो उसको पैसा देना चाहिये। जैसा मैंने पहले सुझाव दिया उस की जमीन अगर ली जाय तो बदले में उस जमीन ही देनी चाहिए। यह जमीन कैसे दी जायगी? सीलिंग लगाने के बाद जो सरप्लस जमीन मिलेगी उसमें उसका पहला अधिकार होना चाहिए। वह जमीन टेनेंट्स को देनी चाहिए।

जैसाकि कई वक्ताओं ने बतलाया एक दूसरा प्रपोजल यहाँ पर कोआपरेटिव फार्मिंग के बारे में है। कोआपरेटिव फार्मिंग के बारे में प्लानिंग कमिशन ने यहाँ पर भी कई सुझाव रखे हैं। मेरा कहना यह है कि ५-१० साल के अनुभव को ध्यान में रखते हुए कोआपरेटिव फार्मिंग को हमें एक षयार्थवादी और व्यावहारिक दृष्टिकोण से देखना चाहिये। यह ठीक है कि जापान में यह किया गया है कि एकोनामिक होल्डिंग्स जो हैं, थोड़े थोड़े जमीन के जो टुकड़े हैं, उनकी कोआपरेटिव फार्मिंग उन्होंने वहाँ पर की लेकिन हिन्दुस्तान की परिस्थिति वैसी नहीं है। अन एकोनामिक होल्डिंग वह भी एक एकड़, दो एकड़, ४ एकड़ और ५ एकड़ की वह अलग अलग रहती हैं। एक, एक और दो, दो फर्लांग का अन्तर उनमें रहता है इसलिए छोटी जमीनों को भी कोआपरेटिव फार्मिंग

[श्री दे० शि० पाटिल]

नहीं हो सकती है। लैंडलैस लेबरर्स को जो ज़मीन दी गई है उनमें भी कोऑपरेटिव फार्मिंग की गई है लेकिन उनमें भी जिसे कामयाबी कहते हैं, वह कामयाबी नहीं हुई है। इस का एक कारण यह है कि वह ज़मीन एकत्र नहीं है, अलग अलग टुकड़े पड़े रहते हैं। दूसरा कारण यह है कि उसको जो सहुलियत और मदद मिलनी चाहिये वह मदद और सहुलियत वक्त पर नहीं मिलती है। सही बात यह है कि अगर छोटे छोटे काश्तकार एकत्र हो जायें और मिल कर कोऑपरेटिव फार्मिंग करें तो उनको सुभीता हो जाएगा लेकिन जब तक एक जगह आ नहीं सकते तब तक उनको पैसा नहीं मिल सकता और जब तक वह मिल कर काम नहीं करते तब तक वह सुविधायें उनको नहीं मिलती हैं। इस बारे में मेरा अनुभव यह है कि कोऑपरेटिव फार्मिंग प्रैक्टिकल वर्किंग में बहुत कम है, बहुत करके कागज़ों पर ही सीमित है, वह प्रैक्टिकल वर्किंग में मौजूद नहीं है।

दूसरी एक शिकायत इसमें की गई थी। महाराष्ट्र का जो सीलिंग का कानून है, उसमें प्लानिंग कमिशन ने अधिकतम सीमा से छूट देने का जो सुझाव रखा था उसमें यह कहा गया था कि ईख के फार्म, जो कि चीनी कारखानों द्वारा चलाये जा रहे हैं, उनको इस अधिकतम सीमा की व्यवस्था से छूट दी जानी चाहिए। प्लानिंग कमिशन ने जो यह सिफारिश की थी वह तीन मुख्य बातों को ध्यान में रख कर की थी। प्रथम तो यह कि भाग जो हैं उन पर यह सीलिंग न लगाई जाय। दूसरी बात यह है कि ऐसे फार्म्स जिन पर दोषकालीन आधार पर पूंजी लगाई जाती रही है उन पर सीलिंग न लगानी चाहिए। तीसरी बात यह है कि जो उत्पादन घटने की जोखिम लेते हैं जैसे चीनी कारखानों के लिये चलाये जा रहे फार्म्स पर भी यह सीलिंग का कानून अमल में न लाया जाय क्योंकि इस तरह से उत्पादन घटने की जोखिम

से बचा जा सकेगा। एक बात तो इसमें यह है कि फार्मों की अखंडता बनी है और फार्म की कार्यकुशलता का स्तर गिरने न पाए। उसी भाँति चीनी कारखानों के फार्मों का जहाँ तक सम्बन्ध है यह पक्का भरोसा हो जाना चाहिए कि सम्बन्धित कारखानों का स्तर अच्छा रहे, वहाँ का उत्पादन संतोषजनक रहे और कच्चा माल उनको मिले। महाराष्ट्र में जो कानून बनाया है उसमें चीनी कारखानों से जो फार्म्स चलने हैं उन पर सीलिंग का कानून लगाया है। उनको अधिकतम सीमा की शर्त से छूट नहीं मिली एक सिद्धान्त महाराष्ट्र कानून में यह है कि जो भी काश्तकार है, चाहे वह बड़ा काश्तकार हो या छोटा काश्तकार हो, या कोई चीनी कारखाना चलाने वाला हो, सब के लिए एक कानून होना चाहिए और इसी दृष्टि से वहाँ पर यह सीलिंग लगाई गई है। उसमें एक बात निश्चित की गई है कि उनको गन्ना बराबर मिलता रहे। जो टेनेंट्स हैं उन टेनेंट्स को कारखानेदार बराबर गन्ना देते रहते हैं। उस पर यह बंधन रखा गया है कि वह चाहे ज़मीन के छोटे छोटे टुकड़े हों जिनमें कि गन्ना बोया जाता है, वह तमाम गन्ना उन फेक्टरीज को दिया जाता है। इस तरह से उनको यह भरोसा दिलाया गया है कि उनको गन्ना बराबर मिलता रहेगा। यह तो ठीक है कि महाराष्ट्र में चीनी कारखानों के ईख फार्मों को अधिकतम सीमा की शर्त से छूट नहीं मिली है। एक या दो सठे हुए फार्मों के रूप में फार्मों की अखंडता बनाये रखने की व्यवस्था की गई है ताकि चीनी कारखानों को मुनासिब दाम पर कच्चा माल पूरी मात्रा में बराबर मिलता रहे। उसमें संयुक्त कृषि समितियों का प्राविजन किया है। इसके अलावा जो छोटे छोटे काश्तकार हैं वह अलग फार्मिंग सोसाइटी स्थापित करना चाहें तो वह भी वहाँ संयुक्त कृषि समिति की व्यवस्था कर सकते हैं। इसलिए कोई ऐसी शर्त नहीं है। ६० हजार

एकड़ जमीन सीलिंग में आई है लेकिन उसमें से ४० हजार एकड़ जमीन उन्होंने दे दी है। एक दो कारखाने ऐसे हैं जिन्होंने कि यह आपत्ति उठाई है। इसलिए मेरा यह सुझाव है कि सीलिंग कानून चीनी कारखानों के फार्मर्स में लगाया जाय और ऐसा करने में कोई दिक्कत है या अड़चन है ऐसा मैं नहीं समझता हूँ।

उपाध्यक्ष महोदय, मैं दूसरी महत्वपूर्ण बातों पर आता हूँ। बात यह है कि यह जो भूमि सुधार का कानून है उसमें पहले तो कुछ वक्ताओं ने बतलाया कि टेनेंट का जो मामला था वह टेनेंसी एकट करके उसे दुस्त करने के लिए उन्होंने एक कदम उठाया लेकिन आध टेनेंट्स का जहां तक सवाल है उनके लिये आज तक कोई ऐसा अच्छा तरीका नहीं हुआ। प्रोटैक्शन जिसे कहते हैं वह टेनेंट्स को नहीं मिला। जब कानून बनाया गया था तो उसमें देख लिया जाता कि इतने टेनेंट्स हो जायेंगे लेकिन बाद में देखा गया तो बहुत से टेनेंट्स या उसके ऊपर जो बालते हैं वे इविकट हो गये। उसका कारण यह है कि उसमें सरेंडर का प्राविजन था। सरेंडर जो दिया है वह मानना चाहिए। अब मैं नहीं समझता कि वह काश्तकार जो कि किसी जमीन पर कई साल से अपनी काश्त करता है, उस जमीन पर ही वह निर्भर है वह खुद कैसे अपनी जमीन को सरेंडर कर सकता है? वह कभी वालिपें-टैरेन्सी सरेंडर नहीं हो सकती है। लेकिन कानून में यह अड़चन रहेगी जिसके कि अन्दर काश्तकारों को टेनेंट्स को इविकट कर दिया है। टेनेंट्स को आज तक कोई सुविधा नहीं मिली है। १० एकड़ से कम वाले जो लोग हैं उन टेनेंट्स के पास आधी से लेकर तीन चौथाई फार्मर्स उनके पास है, आधी से ज्यादा जमीन पर वे काश्त करते हैं लेकिन, उन की तरफ प्लानिंग कमीशन और गवर्नमेंट ने कभी देखा नहीं है। जहां तक क्रेडिट का प्रश्न है, उन की कोई क्रेडिटवर्दीनिस नहीं है। उन के पास अपनी खुद की जमीन न होने से

उन को कोई भी सहूलियत नहीं मिलती है अर्थात् न उनको कर्ज मिलता है और न सुधरे हुए बीज आदि मिलते हैं। इस कारण काश्तकार, टिनाट, बहुत परेशान और तंग हो जाते हैं और अपनी जमीन सरेंडर कर देते हैं।

मैं यह भी सुझाव देना चाहता हूँ कि सरकार को इस बारे में भी विचार करना चाहिए कि छोटे फार्मर्स से लैंड रेवेन्यू न लिया जाये।

आखिर में मैं एक महत्वपूर्ण सुझाव देना चाहता हूँ कि गृहमेवाजी को जल्दी से जल्दी बन्द करना चाहिए, क्योंकि कोई टिनाट हाई कोर्ट या सुप्रीम कोर्ट तक नहीं जा सकता है। यह सब बड़े लोगों की बात है।

आज आवश्यकता इस बात की है कि सरकार को भूमि के बारे में एक सुनिश्चित नीति निर्धारित कर के उस पर अमल करे। आज काश्तकारों के दिलों में एक सन्देह पैदा हो गया है कि जो जमीन कानून से हम को मिली है, जो कि सीलिंग के अन्दर है, वह हमारे पास रहती है या नहीं। विनोबा जी कहते हैं कि सभी भूमि गोपाल की। सरकार और प्लानिंग कमीशन कहते हैं कि को-आप-रेटिव फार्मिंग किया जायेगा। अभी एक कानून आया है, जिस के अनुसार जो जमीन हमारे पास है, अगर कोई कारखाना, सिनेमा या थियेटर बनाना चाहता है, या बंगला बनाना चाहता है, तो उसके लिए भी उस जमीन का एक्वीजीशन हो सकेगा। इन बातों से काश्तकारों के दिलों में सन्देह और शंका पैदा होती है।

सरकार को एक सुनिश्चित नीति निर्धारित करनी चाहिए कि आज काश्तकार के पास जो जमीन है, अगर वह उस पर खुद काश्त करता है, तो वह जमीन उस के पास रहेगी और वह नहीं ली जायेगी।



**Shri Bakar Ali Mirza** (Warrangal) Mr. Deputy-Speaker, Sir, frequent amendment of the Constitution is not surely desirable. But occasions arise when it becomes absolutely necessary and it is only in the earlier period, after the Constitution was framed—especially the written Constitution—that the need arises for changes. That was the case in the United States also. It is only a new shoe that pinches and you know where it pinches and if you do not make any alterations, then, I think, it will not be a correct thing to do. In this particular amendment, the Law Minister has included, as Dr. Singhvi just now said, 126 Acts in the Ninth Schedule and that has been reduced to 44 Acts. It would not have required any great legal ingenuity on the part of the Law Minister to frame a clause which would cover all these without making this cumbersome arrangement. Sir, recently, we find that the Law Minister had to withdraw the Advocates Bill and some of the legislations that we passed have been contested and their validity has been successfully contested in courts. Why is all this? Is it because the eminent lawyers and draftsmen get so much outside that they do not find it tempting and worthwhile to enter the Law Ministry excepting as Ministers? That is perhaps the reason and in a big country like ours, legislation of this standard, I think is something to be deplored. I suggest perhaps it may be useful if he associate a few retired Supreme Court Judges as advisers to our Law Ministry. That might perhaps help in getting over this difficulty.

**Shri A. K. Sen:** One of the first things done by Mr. Justice Bhagwati, as Vice-Chancellor, has been declared invalid by the Supreme Court.

15.26 hrs.

[**SRI SONAVANE** in the Chair]

**Shri Bakar Ali Mirza:** Maybe. But they are not so many and it is not so often.

Sir, the need for this amendment, as has been stated by previous speakers, is the need for land reforms. The land reforms is not just an idea or a fancy of one political party or the other. It is a well-known economic fact that no country which has got an agricultural base can really be a first-class power if its agriculture is not modernised to the highest extent. If you see the mediterranean belt, you will find they are last on the scale; then, France and Germany are higher up and England and Scandinavia are still higher up. If the agricultural base is weak, the country is weak. We have seen that the existing agricultural patterns in the country have not helped us. After 17 years, we are no better. We have abolished zamindari system and all that. But we are no better. So, the change is required and the land reforms are essential for the country's progress. You might argue that probably the other method of Prof. Ranga of having free enterprise is perhaps the better way. You can argue like that. But supposing if some people who form the Government feel that this is the only way, there should not be any hindrance constitutionally for seeing that is done. Therefore, this amendment is absolutely essential.

**Mr. Chairman:** The hon. Member should conclude now.

**Shri Bakar Ali Mirza:** I have just started. I just started when you took the Chair.

The land reforms is not just cutting off the tall poppies and distributing the land amongst the landless people. You have also to raise the low level of holdings. That is also the function of the land reforms. If 50 or 60 per cent of our cultivators have half an acre or one acre of land, no amount of fertiliser, no amount of better seeds, no amount of irrigation, can really make that an economic unit. Unless these peasants have an economic holding, they cannot contribute materially to the progress of the country. So, it is not only to reduce the upper limit

but at the same time to add to these very small holdings so that these become economic holdings. It will be a fundamental mistake if all this land, whatever is available, is distributed amongst the landless labour as just a sort of charity. That will not be the economic way of doing it. Mr. Ranga pleaded for the sacredness of property, that a man has got some property and he must be compensated exactly at the market price. Some people say, "What about the urban people? You are only dealing with the agricultural holdings and leaving the urban people alone and that you are biased." The property is now no longer sacred in the twentieth century. When you make a lakh of rupees, the Finance Minister comes and says, "you shall out Rs. 75,000 and you pay it. In the reign of Elizabeth it would have been called a banditary, in the reign of Elizabeth II it is moral and a justifiable act. Take the case of Bank of England. The Bank of England issued notes promising to pay in gold to whoever presents that document to the Bank of England. Then, one fine morning, they announced that they will not be paid in gold. And what was the reason? The reason was because the country had gone off the gold standard. If an individual had done it, it would have been considered as a fraud but on the national scale it is considered to be quite proper. Larceny on a petty scale and by an individual, is considered as a theft, but if it is done on a national scale, it is considered as economics. So, that property is sacred is an outmoded idea. For a social good, for a social objective, it is justified to take property not paying exactly at the market price but less than the market price if you want the country to develop.

As regards ceilings, my hon. friend Dr. L. M. Singhvi has said that the ceiling even for the future is protected. This very amendment seeking to give protection to the small holders is itself a concession. I do not see why it should be there. I feel that it will be quite proper if we remove it

altogether. Why should this discrimination be there? In the case of a person who is holding land below the ceiling, protection is given, but a person holding land above the ceiling has to get rid of his land without getting proper compensation. I am against this addition that has been made, and I think that that will also answer my hon. friend Dr. L. M. Singhvi's argument.

I am glad that the Hyderabad Tenancy Act etc. has been included in the Schedule. The States have been trying very hard to have land reforms for the last fifteen years, but unfortunately, there is a lot of vested interest in land in our legislatures, and there is a block and there is a resistance for all kinds of land reforms. At least one resistance namely constitutional resistance is now being removed, and I welcome that.

**Mr. Chairman:** Now, Shri Vasudevan Nair.

**Shri Sheo Narain (Bansi):** Is there a list before you? In the morning, the Hon. Speaker had said that there was no list, and, therefore, we have been sitting in the House from morning till now, waiting to be called. But we are not being called. Instead, only other Members are being called.

**Mr. Chairman:** Order, order. I have called Shri Vasudevan Nair now.

**Shri Vasudevan Nair (Ambalapuzha):** It has already been made clear that in principle we are supporting this Bill. Perhaps, our only complaint may be that Government were too late in coming forward with such a legislation. But the difficulty is that as in all other things, on this question also, we see the apparent contradictions between the words and deeds of this Government. I should not, therefore, be surprised if Government say one thing but do quite another thing, for after all, Government are influenced by friends like the one that spoke just a little earlier.

[Shri Vasudevan Nair]

I was really shocked and surprised to hear a speech like that from any Member of this Parliament, leaving alone a Member belonging to the Congress Party. I was surprised that in 1964 there were Members of Parliament who were courageous and bold enough to come out and defend the intermediaries, and speak about the good old days when the tenants and cultivators were under the protection of the intermediaries and zamindars. It was shocking, or rather I should say that it was really painful to see that there were representatives of people who wanted to go back to the previous centuries. But I should like to tell such friends that they are trying to swim across the current, and they are not going to succeed.

It is not as if some party in this country or some sections of people in this country want to bestow some benefits on peasants and cultivators. The basic question is this. If at all this country wants to move forward step in step with the other countries of the world then we shall have to implement radical land reforms. There is no escape from it.

**Dr. M. S. Aney (Nagpur):** Which are those other countries?

**Shri Vasudevan Nair:** Every country has had to pass through this phase. I would like to tell my hon. friend that even in the classically capitalist countries, they had to pass through this particular phase of implementing radical land reforms. There is no escape from it, and there is no getting away from it.

Really, the problem is that we have hesitated, and we have said something but we have acted in quite a different manner. Let us take this particular legislation itself. You may remember that this was introduced in this House over a year ago. It was

mentioned in the Statement of Objects and Reasons that this Bill was necessitated by the judgment of the Supreme Court against certain provisions of the Kerala Agrarian Relations Act. That was the immediate provocation for Government to come forward with such a Bill. Then they thought it wise to make it as comprehensive as possible and to include as many land reform Acts as possible in the Ninth Schedule so that they were not encroached upon or challenged leaving the peasants in the lurch.

When we speak of litigation in the courts etc., let us not forget that the poor cultivator in the dark corners of this vast country is not on a par with the zamindars, landlords and others who are materially placed in a much more favourable position to go to court and to spend money over litigation, and to engage advocates to do whatever is possible. So, it is the bounden duty of this Government and this Parliament to come to the help of such helpless millions of people in this country.

**Shri K. N. Tiwary (Bagaha):** After the imposition of the ceiling, where are the landlords now?

**Shri Vasudevan Nair:** I am sorry that my hon. friend is concerned only with ceiling. We are dealing with comprehensive land reform legislation, concerning not only ceiling but also fixation of fair rent, giving right to cultivators to purchase the land and have ownership right, protecting the people who are without homes and who are occupying home-steads and so on which are contained in these various Acts. So, such constitutional amendments are welcome and are necessary, and they have to be stoutly defended by this Parliament. I should say that we are here to defend such legislation, and we want Government to stand firm on such questions and not vacillate and run away from reality.

As I said earlier, even this Bill was introduced a year ago. As I said earlier, the immediate provocation was the Supreme Court judgment against certain provisions of the Kerala Agrarian Relations Act. That Act had to be defended and protected. But then what did this Government do? Of course, they may say that they were not the party and they were not directly concerned. But we know that this Government was approached by the Kerala State Government to proceed with another Bill. My hon. friend Shri P. G. Menon had stated a little while ago that in 1959, the communist Ministry wanted somehow or other, before it went out of office, to pass the Kerala Agrarian Relations Bill and place it on the statute-book. It is true that what Government was very earnest in bringing forward a Bill like that and in getting it passed, because right from 1947 upto 1959, during the twelve years of popular government after freedom, twelve long years, the ruling party, that is the Congress, would not bring forth such a legislation—in spite of their resolutions, declarations and so-called talk of socialism and what not. For twelve long years it went by default.

Our Government was wedded to it. They had made a promise to the electorate. This was one of the main items in the election manifesto of the party running that Government. We are not used to professing one thing and practising another thing. (*Interruption*). Yes, we are not used to that. We may be doing some wrong things. That is a different matter. But when once we put our faith in radical revolutionary land reforms, we stand by them and we proceed in that direction.

I should like to remind my hon. friend, Shri Govinda Menon that the so-called liberation struggle was started against that Government among other things with the intention of throwing it out before the Kerala Agrarian Relations bill was passed. It was declared by the leaders of the liberation movement. We want

to throw this Government out before this Bill is passed. We do not 'want this Bill is passed'. We do not want this Bill'. It was declared by them. In spite of that, the Bill was passed. But now my hon. friend was saying that they passed it in haste, in a hurry and because of that haste and hurry, it could not stand the judicial scrutiny. But I should like to correct his memory a little, to tell him that it was his party's government that really gave the final seal to that Bill, because even after the Kerala Legislative Assembly had passed the Bill in 1959, for full one year the President of India sat upon it,—his Secretariat sat upon it. They refused to give assent to it and the Bill was returned for amendments—after one year. At that time, the Government was not the communist Government; it was run by the Congress and the PSP, a coalition government. I should like to ask Shri Menon whether they also acted in a hurry, whether they did not have legal advice in the matter. Why was it that even after amending the Bill by that Government, it was tested in the courts and the courts came down upon it? So there is no use finding fault with the particular party or government that it acted in haste. It acted in earnestness, it acted in good faith. The bona fides of that Government cannot be questioned.

My hon. friend again said that the new Kerala Agrarian Land Reform Act passed very recently is a very good piece of legislation, that there is practically no difference between the old Act and the new Act. Then why did they go in for the new Act—if there is no basic difference between the two? The two Acts are quite different. Actually, in the new Act, every privilege that was conferred upon the tenant cultivator and the *kudikidappukars* has been betrayed, taken away—on the question of fair rent, on the question of ceiling, on the question of giving security to the *kudikidappukars*, on the question conferring right of ownership, of title on

[Shri Vasudevan Nair]

the tenant cultivator. On all basic and major questions, the new Act has nothing in common with the old one. Under the new Act, large concessions are given to the land-owning classes. Today it looks very strange that the tenant cultivator is given the right in principle and on paper to purchase ownership. But then who is to decide that? It is a very strange piece of legislation. The landlord, if he wills, if he wishes, if he agrees—if the landlord agrees, then the tenant cultivator can purchase ownership! In the previous Act, if the tenant cultivator thinks that he is in a position to purchase the ownership right by paying the necessary compensation, he can purchase it. He was the person to decide. But now that right is given to the landlord. How strange this Act is? Then a clause is inserted in the new Act and under cover of that exemptions from ceilings are there. I tell you practically no land will be left. I read in the papers two years ago that in Maharashtra, the Minister for Revenue and Agriculture stated that by making use of the loopholes in the Maharashtra Act, so many people had really escaped and a few million acres of land were really transferred, partitioned, and given over. All these methods were adopted. Here in under the exemptions clause, pepper, arecanut, cashew and all sorts of cultivated land are included. It was not in the original Act. What will be left in the new Act?

In the previous Act, the *kudikidappukars*, persons without homesteads—there are millions of them in my state—if they were to be removed from a place, evicted from a place, they were bound to get 10 cents of land. In the new Act, which my hon. friend characterises as the same as the old one, the 10 cents is reduced to 3. I do not have time to go into details; it is not also very relevant in this discussion. But I want to make it very clear that the Central Government, even though it they wanted to to protect the Kerala Agrarian Rela-

tions Act when they introduced this Bill, really allowed sabotage of the same by permitting the Kerala Government to go ahead with an entirely different Bill. So even though in principle, we welcome this Bill, at least on behalf of the lakhs of people from my State, I should say that they are thoroughly disappointed by the way this Bill was piloted in this House.

Dr. Sarojini Mahishi (Dharwar North): The Constitution (17th amendment) Bill is before the House. I listened to many of the hon. Members who have ventilated their grievances against the lack of encouragement available to agriculture. I do appreciate that as trustees of the people's confidence, they have got every right to ventilate grievances of the people. But here we are dealing with amendment of the Constitution. The Law Minister has brought before the House the 17th amendment. Whether the Constitution can be amended so many times, whether it is desirable to amend it so frequently—that is a different thing. But as far as the Law Minister is concerned, I hope he won't give this answer that he is not concerned only with the law and not with the other things, that the Food and Agriculture Ministry is concerned with those questions, that the Irrigation and Power Ministry is concerned with providing better irrigation facilities in the country etc. It should be an integrated and consolidated policy of land reforms. All these land reforms legislation passed in different States should go to give better facilities to agriculturists for producing more food in the country. But, with the help of this particular policy, we are leading towards a particular target. That we have completely forgotten, and many of the land reform legislations passed in different States are not being implemented.

Now, we have again come with another amendment, namely the Seventeenth Amendment, before the House. Herein, the particular lacuna that was there in article 31A, as a

result of which property could not be acquired under the definition of "estate" which was available in article 31A, is being corrected, so to say. If any High Court or the Supreme Court challenges or declares a particular law as void, then naturally, the legislature tries to amend the Constitution and make a revision for the law which was considered and declared as invalid and void by the Supreme Court. Is it a running race between the sovereignty of Parliament and the independence of the judiciary that the moment the judiciary declares any particular thing as void or invalid or *ultra vires*, the legislature runs to amend the Constitution and correct those things which are considered incorrect? I do not know how long this race can continue, and whether it would be desirable in the interests of pursuing land reforms policy itself in the country, in the interests of giving better service to the agriculturists and also in the interests of promoting the cause for which the Government stands.

Article 13 of the Constitution says that any law in force prior to the commencement of the Constitution which was inconsistent with any of the provisions of the Constitution, could be void to the extent of such inconsistency. The second clause of the same article says that the State shall not pass any law as would take away or abridge the rights given by the Constitution, and if such legislation is inconsistent with or contrary to any of the provisions of the Constitution, it would be void to the extent of such inconsistency.

Article 31A was introduced into the Constitution in order to counteract article 13, and article 31 states that irrespective of what is mentioned in article 13, any property can be acquired if it is for a public purpose, but that no person shall be deprived of his property save by authority of law. So many things followed. A person can be deprived of his property provided certain conditions are fulfilled and if it is for a public purpose.

Article 31A(2)(a) is amended here in order to make the definition of "estate" wider, and the Law Minister has given the reasons. But I was rather surprised to find the reason that because eight enactments were declared void and 14 others were challenged in the Supreme Court and the High Courts, this amendment of the Constitution has been necessitated. That is not a good defence at all, not a good ground at all.

By the present amendment, the definition of "estate" is enlarged to include the following also:

- "(ii) any land held under ryot-wari settlement;
- (iii) any land held or let for purposes of agriculture or for purposes ancillary thereto, including waste land, forest land, land for pasture or sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans;"

The whole country was agitated because even holders of very small properties, agriculturists and even any other persons having some proprietary rights were afraid that their property might come under this definition of "estate", and they might be deprived of it, without having recourse to any constitutional remedy, also, that irrespective of the fundamental rights mentioned in articles 14, 19 and 31 of the Constitution, they might be deprived of their property.

Under your chairmanship, the Joint Committee has made certain amendments to this clause and this definition. A little amendment is being introduced in clause 1. It reads as follows:

(i) in clause (1) after the existing proviso, the following proviso shall be inserted, namely:—

"Provided further that where any law makes any provision for

[Shri Sarojini Mahishi]

the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto unless the law relating to the acquisition of such land, building or structure, provides for payment of compensation at a rate which shall not be less than the market value thereof.”;

There are three main things: if the land is within the ceiling limit; if the land is under the personal cultivation of the person—these are two things; thirdly, adequate compensation, market price should be given to the person in case that is acquired for some public purpose.

There are different processes by which land automatically goes to the tenant in certain cases. According to the Bombay tenancy law, if on 1st April 1957, a tenant is holding a particular land as a tenant and if he is a protected tenant, holding that property as a tenant since prior to 1948, automatically he becomes the owner, so to say, of the property. Automatic lapse is there; that cannot be called acquisition also; that may not be brought under the purview of this particular clause. Here the owner of the property may be deprived of his land if he has got surplus land. But supposing there is a person who has got some land within the ceiling and whose property is being acquired for certain purposes: he should be given proper compensation, that is, market price. There are certain cases also brought out by some friends in the Opposition and in the Congress Benches also. Supposing there are disabled people who are not able to personally cultivate themselves, what

about those people? Is any relief given to those people? According to the Hindu Code, daughters are also getting property . . . (Interruptions.)

**Shri Ranga:** There are old people. What happens to them?

**Dr. Sarojini Mahishi:** The definition of personal cultivation? must be widened. What is meant by personal cultivation? Should it only mean manual labour by the person in whose name the land stands? If it is the case it is very difficult to have the lands under one's own personal cultivation. India is a vast country and 80 per cent. of our people live on agriculture. According to 1961 census, the people who own land in the country are very few. There are people who cultivate their own lands, who cultivate the land of others, who have small holdings and therefore cultivate the land of others in addition to their land, who work in the field of others, and there are again landless labourers and other labourers who do not even get labour in the land. All categories of people are in the country. We should take into consideration all these people. I am not interested in defending the cause of a particular person who holds surplus land or who once upon a time was an absentee landlord. All the jagirdars and zamindars have been abolished and that question is there no more. I am not very much dealing with those people who are not willing to work and who live upon others. Anyway there are people who actually want to till their land but for whom it may not be possible to do the work or work for themselves. This particular definition of personal cultivation should be widened . . . (An Hon. Member: Minors and widows are there). That is why I have said that many of my hon. friends from the Opposition and many hon. friends from the Congress have advocated this.

**Shri Ranga:** It is nobody's monopoly except the Communists'.

**Dr. Sarojini Mahishi:** When there is restriction upon agricultural hold-

ings and the income of that property and that property can be acquired at any time, what about the other types of property? Does article 31A provide for the other types of property also, say, for instance, industry, etc.?

There should be some restriction put upon that particular property also so that the distinction between urban property and rural property, between industrial estate and agricultural property, should be reduced to a very low percentage. Unless this is done, you cannot guarantee the socialist pattern of society. After the Bhubaneswar session of the Congress, wherein the Congress advocated this socialism many of the friends in the Opposition intended to join the Congress party saying that there is not much difference between their own policy and the policy of the Congress. Now, I am afraid that another group also may join the Congress saying that there is not much difference between the policy advocated by the Congress party and their party (*Interruption*). I know and that is why I make that remark. There is always an unfortunate coincidence—whether it is the acceptance of the Colombo proposals or it is the acceptance of the Seventeenth amendment to the Constitution—that there is a concurrence of opinion between the Congress and the communists; it has agitated many people in the country also as to what mainly is the essential outlook towards land reform, or the proper implementation of the land reform enactment that should be passed in the country. No doubt, the Law Minister was actuated to bring this particular Bill before the House on account of the fact that after reorganisation, many parts which had got land reform legislation went into another State and the other State could not bring certain properties under this definition of the word “estate” coming within the purview of article 31A.

16.00 hrs

Therefore, the necessity arose for bringing in this Bill. But in imple-

menting this legislation, as far as possible, there should be uniform legislation and implementation. There can be a little difference, taking into consideration the irrigation facilities or otherwise available in the country. But there should be an integrated policy on land reforms that has to be followed in the country. This want of co-ordination on the part of the different Ministries is no answer for saying that agricultural production has not been adequate in the country.

**Shri M. L. Jadhav (Melegaon):** Mr. Chairman, Sir, I support the measure that is before this House. I know that thousands of representations have been made and received on the measure that is now under consideration. I also know that a number of vested interests and people who are landowners have opposed this measure. But it is going to affect only five to 10 per cent of the landholders and not more. I know that the majority of the landholders are small in number and the tiller of the soil is not going to be affected by the measure which is before the House. I know that this country does not believe in community farms nor does it believe in zamindari. It believes in the socialistic pattern of society, and this measure is an effort towards socialism. It is for Parliament to enact legislation which may achieve this goal. Courts are there to interpret the law, but it is for the legislature to enact and make changes in the law which may suit the needs of the present-day society.

I know that the tiller of the soil, unless and until he is made the owner, cannot be expected to produce more. Only when he feels that he can derive the maximum possible benefit from his own labour, he may be attempting to produce more. Therefore, there is a need of such a type of legislation that is before the House.

Then, it may be that an individual may suffer in his own interests, but if the individual interest is going to



[Shri M. L. Jadhav]

suffer in the interests of the community, and if fair and equitable compensation is being given to him, then, in that case, the question is whether individual interests should over-ride the community interests or the community interests should over-ride the individual interests. In that case, I feel that a measure like this which is of a socialistic nature is all the more necessary, because individual interest is subject to regulations and claims of the community interest. So, I feel that private property should not be allowed to stay to the detriment of the community interest. In that respect this measure is a progress in that direction.

It is not possible in all cases to pay compensation at market value. Partial compensation is a *via media*. It is not the policy of this State to acquire property without paying any compensation, as has been done in some other countries. It is our policy to pay compensation. But when we have to effect social changes and to meet the prevailing conditions, it is not possible to pay full compensation. Under these circumstances, I feel that this partial compensation, which may satisfy the big landholders is enough to meet the needs of the present day conditions.

Let me turn my attention to the legislation that we have with regard to the land problems. In my State of Maharashtra, the old Bombay Tenancy Act was there and a number of changes were made therein. Still I find that the number of persons benefited by the Bombay or Maharashtra Tenancy Act is very small. I know that a lot of litigation was there and this litigation together with the inefficient administration of the Bombay or Maharashtra Tenancy Act resulted in only 1 per cent of the cultivators or tenants getting the benefits that could be derived from that Act. When the Act itself is clumsy and it has got many sections which are capable of different interpretations, it is very

difficult for the ordinary and poor tenants to make out a case and preserve the land that he is actually cultivating, the administration of legislations of this type which are social ones is left to the *mamlatdars* and *karkuns* or even to the *patwaris*. The administration of such legislation should be clean and capable of giving fair justice to the tiller of the soil. It should be free from corruption. So, I appeal that whatever social legislation that we are going to have should be put in the hands of clean administration, so that the actual tiller of the soil for whom it is meant may get the actual benefit from the measure. The measure should be a simple one, so that the villager may understand the same and utilise it for his own benefit. I know cases where even the village *patwaris* and *karkuns* played mischief and valuable rights and interests in the property have been either newly created in favour of wrong persons or those rights have been tried to be taken away by wrong entries. Such type of things are not going to help the nation. So, I feel that legislation of this type should be simple and effective check should be there to stop the mischief.

If you want to have more production, it is very necessary that the cultivators are given certain incentives. I know that the State produces the major fertilisers in its own factories. But what do you find? Fertilisers are being sold to the cultivators at double the price. The profit that the State makes is nearly two hundred times the cost of production. When we import large quantities of foodgrains worth crores of rupees, from the United States of America and other countries, the cultivator who produces for us should be given fertilisers at the proper rate. He should be supplied good seed at the proper rate. More energy should be devoted towards the production of tractors. If he is given fertilisers, seeds and implements at proper rates, and if along with this

he is also given proper credit at the proper juncture, I am sure we can hope to have more production by enacting a law like the one that is before the House. Simply by enacting a law we cannot have more production. We cannot have socialism unless and until we give the cultivators, the tillers of the soil, more incentives to have more production, and then alone we can succeed in achieving our object.

With these words, Sir, I support the measure that is before the House.

**श्री शिव नारायण :** सभापति महोदय, स कांग्रेस की गवर्नमेंट ने ऐलान किया है कि हम सोशलिस्ट स्टेट बनायें, सोशलिज्म की पालिसी इस गवर्नमेंट की है। हम नै कर्ड स्टेट्स में लैंड रिफॉर्म कानून बनाये और उन पर आब्जेक्शन भी हूँ हार्ड कोर्टों में और सुप्रीम कोर्ट में। इसी लिये गवर्नमेंट ने यह प्रमोडमेंट ला कर कोशिश की है कि हम एक सही कानून दें और पब्लिक को प्रोटेक्शन दें। कम्पेन्सेशन की जो बात सरकार ने कही है वह ठीक है। लेकिन ठीक समय से कम्पेन्सेशन मिलना चाहिये और किस जमीन को लेना चाहिये, यह भी सोचना चाहिये, यह आज गांवों में बड़ी प्रम्ब्लिंग है। मैं गांवों से लौट कर आया हूँ और जानता हूँ कि शहरों और गांवों में क्या डिफरेंस है। आज गांव का आदमी ममझता है कि सारा इन्तजाम, सारी व्यवस्था शहर वालों के लिये है, सारी आसाइज उन के लिये है। उन की फेक्ट्रीज बन रही हैं, मिल मालिकों की संख्या बढ़ रही है और गरीब किसान पिसा जा रहा है जिस के ऊपर सब कुछ निभर करता है। मैं गवर्नमेंट से पूछना चाहता हूँ कि पांच एकड़ से ऊपर जितनी जमीन लोगों के पास है उस से कितना लगान सरकार को मिल रहा है। कैपिटलिस्टों को करोड़ों रुपये दिये गये हैं। करीब २०० करोड़ रुपये उन लोगों के ऊपर बचता है जिस का टैक्स बाकी है। उसे सरकार वसूल नहीं करती है। यह सरकार किस की है। किसानों की, गरीबों की, किसानों ने सरकार को बोट दिया था जिस से आप

ने बहुत से बादे किये थे। लेकिन "कहता [बहुता मिला, गहुता मिला न कोय"। अगर आप ने अपनी बातों पर भ्रमल नहीं किया तो मैं साफ बतलाता हूँ, क्यों कि मैं गांवों से लौट रहा हूँ, कि इस समय का समाज और देश का वायुमंडल बहुत बिगड़ा हुआ है, वह टेढ़ी चाल जा रहा है। आज देश की परिस्थिति बहुत गभीर है। कम से कम ८० प्रतिशत लोग, जो गांवों में रहते हैं, किसान वे आज नंगे हैं, भूखे हैं। आज बाजार भर में फ्रेंच रेवोल्यूशन की सी स्थिति नजर आ रही है। आज १२ छटाक की अरहर की दाल नहीं मिल रही है, किसानों के यहां लोग भूखों मर रहे हैं। आज आप मछली, गोश्त भंडा दूध की बात छोड़ दीजिये, साधारण दाल उन लोगों को नहीं मिल रही है, बाजार में आज किसानों की हालत यह है। मैं अपने गांव की एग्जाम्पल आप को बतलाता हूँ। वहां एक लैंड लार्ड है जिस के पास डेढ़ सौ बीघे की ज़िदारी है, लेकिन दो वक्त खाने को नहीं मिलता। दो वक्त खाना नहीं बनता, दो वक्त सब्जी नहीं बनती। यह है मुल्क की तरक्की और मुल्क की उन्नति।

**डा० भा० श्री अणु :** कौन सा गांव है।

**श्री शिव नारायण :** है एक गांव हमारे यहां। यह नक्शा है। आज गांव के किसान का बेटा यूनिवर्सिटी नहीं जा सकता। मेरा बेटा यूनिवर्सिटी नहीं जा सकता। कारण यह है कि मैं किसान हूँ। खेती में इतनी पैदावार नहीं होती है कि हम खा लें और पैसा बचा कर बच्चे को हास्पिटल भेजें या स्कूल भेजें और अच्छी ट्रेनिंग दें, अच्छी शिक्षा दें। मेरा बेटा इंजीनियर नहीं हो सकता जिस के यहां २५ बीघे की खेती है। आज क्लास वार चल रही है इस मुल्क में। मैं पार्लियामेंट में आपनली कहना चाहता हूँ कि अगर इस पार्लियामेंट ने मुल्क को ठीक नहीं किया तो आप स्ट्रीट में ठीक हो जायेंगे। बड़ी भयंकर स्थिति इस समय उत्पन्न हो रही है। आज गरीबी का हाहाकार मचा हुआ

## [श्री शिव नारायण]

है। आज जो क्लास लड़ रहे हैं। आज लड़ाई ब्राह्मण और चमार की नहीं है। आज लड़ाई किस की है। जिन के घरों में पैसा है, जो कैपिटलिस्टों और आफिशियल क्लास के लोग हैं जिन पर सरकारी बजट का दो तिहाई पैसा खर्च होता है, जिन के बच्चे इंगलिश स्कूलों में जाते हैं, उन की और हमारी लड़ाई है जिन के बच्चे प्राइमरी स्कूलों में पढ़ते हैं और जिन के लिये कोई ठिकाना नहीं है। मैं पूछना चाहता हूँ कि आखिर यह सरकार क्या कर रही है। बड़े खतरे की घंटी आप के सामने है।

मैं आप से बड़ा विनम्र निवेदन करना चाहता हूँ कि जो कांस्टिट्यूशन आप ला दें, जो ला आप बनायें, उस को आप पफेक्ट बनायें। आप कंस्ट्रक्टिव ला बना दें और मुल्क भर में उस को एक साथ लागू करें। यह नहीं होना चाहिये कि केरल में कुछ हो, बंगाल में कुछ हो, उत्तर प्रदेश में कुछ हो और दूसरी जगह कुछ हो। आप डिटरमिनेशन से ला बना दें कि पांच एकड़ से नीचे वालों की जमीनों को आप टच नहीं करेंगे। आप ने चालिस वर्ष का ऐश्वोरेन्स दिया है। उत्तर प्रदेश असेम्बली ने लैंड रिफार्म कानून बनाया है। मैं उस समय असेम्बली का मन्बर था। वहाँ पर सन् १९५२ में गवर्नमेंट ने जमींदारी ऐबोलिशन किया और चालिस वर्ष का ऐश्वोरेन्स दिया, लेकिन आप ने उस को फिर बदल दिया। आखिर आप कोई पक्की स्कीम भी देंगे जनता को या देश को जिस से कि देश के अन्दर आप के ऊपर विश्वास हो, जिस दिन जनता का विश्वास आप से के ऊपर से हट जायेगा आप का कल्याण नहीं है। मैं फ्रेंचली बतलाना चाहता हूँ कि झांसी की रानी कहती थी कि जनता जागृत रहती है। जनता कभी मरती नहीं है। यह सरकार, यह मिनिस्ट्र बड़े बड़े किंग फेल हो सकते हैं, लेकिन जनता जाग्रत रहती है, वह फेल नहीं हो सकती।

वह ऐट एनी मूवमेंट खत्म कर सकती है आप को यह आप के लिये अल्टिमेटम है। इस लिये आप को बहुत फर्म हो कर इस चीज को बनाना चाहिये। यहाँ पर न किसी कम्युनिस्ट की बात है न जन संघ की बात है अगर कोई भी हुकूमत अच्छी है तो उस के अन्दर न्याय, सत्य और त्याग चाहिये। तब राज्य चलेगा। जनता जनार्दन ही देश की मालिक है, उस की विल का पालन आप नहीं करेंगे तो सरकार का कल्याण नहीं हो सकता।

मैं बहुत साफ कहना चाहता हूँ कि जो अगेंडमेंट आप लाये हैं उस से आप को किसानों को प्रोटेक्शन देना चाहिये। आज गांवों के अन्दर यह फीलिंग है कि जो कुछ हो रहा है वह शहर के लोगों के लिये हो रहा है। मैं ने घूम कर देखा है। मैं कांग्रेस सेशन में गया था। वहाँ पर मैं ने उड़ीसा और बिहार का जो चित्र देखा उस से मेरी आंखों में आंसू भर आये। आज पूर्वी हिन्दुस्तान और पूर्वी उत्तर प्रदेश में इतनी गरीबी क्यों है। वहाँ पर बड़े बड़े लैंड लार्ड्स हैं। जिन्होंने अपनी बड़ी बड़ी जमीनों को भाई, भतीजों, भाजों में बांट दिया है। वह जमीन गरीब किसान को नहीं मिली है। विनोबा भावे को भी जो जमीन मिली है, ला मिनिस्टर साहब कान खोल कर सुन लें, वह भी अच्छी जमीन नहीं मिली है, बंजर और रूढ़ी जमीन मिली है। और वह भी हरिजनों को नहीं मिली। वह उन्हीं जमींदारों के भाइयों और भतीजों को मिली। गांव के सभापति जिसको चाहें उसे दें। यह नक्शा है।

मैं आप से कहना चाहता हूँ कि आप की जो सरकारी मशीनरी है वह बिल्कुल राटन है। उस को चेन्ज करना आवश्यक है। जैसे अमरीका में होता है कि जो गवर्नमेंट आती है उस के आफिशियल भी आते हैं। अगर आप वैसा नहीं करेंगे तो आप खतरे से खाली नहीं हैं। मैं देश की परिस्थिति देख कर आया हूँ। बड़ी गम्भीर परिस्थिति है। आप एक

डंडे से सब को हांकिये, सब के लिये एक बिल रखिये । जो डंडा गरीब पर पड़े वह गरीब पर पड़े । अगर आप एक स्टैंडर्ड कानून बनायेंगे तो पब्लिक आप के साथ आपापरेट करेगी ।

“मुखे दुःखे समवेता”

यह सिद्धान्त है । अगर आप चाहते हैं कि आप मिल जुल कर इस देश को पनपायें, अगर आप चाहते हैं कि डिमाक्रेसी को पनपायें तो आप को इन्साफ की तराजू को बहुत ऊंचा रखना होगा । किसी ने कहा है :

“खूब इन्साफ है तेरे अजुमने नाज में, शोशा शुकता है मंह बूमने को पैमाने का ।”

इन्साफ की तराजू बड़ी कठिन चीज है । बड़े बड़े बादशाहों और राजाओं के नाम इतिहास में मौजूद हैं । इस गवर्नमेंट को उन पत्थों को उलट कर देखना चाहिये । जो पीठे पलट कर देखता है वह कभी फेन नहीं होता । बड़े बड़े ऐडमिनिस्ट्रेटर इस मुल्क में रहे हैं । लैंड रिफॉर्म के सिलसिले में टोडरमल का हिसाब हमारे सामने है, अकबर ने जो इन्तजाम किया उस को आप देखें, जो जहांगीर ने किया, जो शाहजहां के जमाने में हुआ उस को आप देखें, जो हिन्दू राज में हुआ, शिवाजी के राज में हुआ, उस को आप देखें । उस नक्शे पर अमल करने की कोशिश सरकार को करनी चाहिये । अगर जनता जनार्दन नाराज हो गई तो हमारा और आप का कल्याण होने वाला नहीं है । आज देश के अन्दर परिस्थिति टेढ़ी है । गरीबी का हाहाकार मचा हुआ है । आज देश में फ्रेंच रिवोल्यूशन का नक्शा बनता जा रहा है । आप खतरे से खाली नहीं हैं । हम खाली नहीं हैं । अभी आप बचे हुए हैं । मैं आपेनली कहना चाहता हूँ कि आप को सही ढंग से काम करना चाहिये ताकि जनता आप के साथ रहे । कांग्रेस से काम किया है इस देश के अन्दर यह छिपी बात नहीं है ।

आज भी जनता कहती है कि हम करें तो क्या करें । जो अपोजीशन वाले बैठे हैं वे भी कमजोर हैं, वे भी केवल गाल बजाते हैं, खाली हम को गालियाँ देते हैं । पब्लिक क्या कहती है, आप सुन लें । पब्लिक कहती है कि कांग्रेस वाले ऐसे हैं वैसे हैं, लेकिन औरों से बहुत अच्छे हैं । मैं इतना ही कह कर छोड़ता हूँ और आगे चलता हूँ ।

मैं इस संसोधन का समर्थन करता हूँ । लेकिन सरकार से अदब के साथ कहना चाहता हूँ कि आप जो भी कानून बनाएं उस पर आप और आप के अफसरान सही सही तरीके से अमल करें । ताकि किसान को लाभ पहुंचे । आप गरीबों का प्रोटेक्शन करेंगे तो गरीब आप का प्रोटेक्शन करेंगे । इन चन्द शब्दों के साथ मैं इस का समर्थन करता हूँ ।

**Shri P. R. Chakraverti (Dhanbad):** Land reforms demand reorientation and re-thinking. I would start my remarks with the statement made by Shri Jawaharlal Nehru in the Constituent Assembly, while moving for the consideration of the finally amended draft, Shri Jawaharlal Nehru felt that it would balance seemingly conflicting considerations of individual's right to property and the community's interest in the property. He made three broad, salient propositions which were implied in the article, namely (i) that there would be no expropriation without compensation, and (ii) that a distinction had to be made between petty acquisitions and large schemes of social reform and social engineering, and (iii) that the balancing authority ultimately could only be the legislature which had to keep before it all the relevant factors.

When the hon. Law Minister comes forward with a definite proposal, which has been considered by the Joint Committee under your chairmanship, Sir, it poses before the country very important questions affecting the entire social economic fabric. What does the picture portray when we

[Shri P. R. Chakraverti]

view the panorama of the development of India, a country with a population of 450 millions and with the heavy pressure on land to the extent of 72 per cent of people living on agriculture? In this revolutionary process, the factors which come to the fore have to be analysed, and we have to find out a positive programme of action that can get all the forces into workable state and thereby the integrated process of development can take place.

Undoubtedly, the question of pressure on the land comes to the fore. We recall that the Planning Commission in their earlier report had given an indication that there would be a stage when, after a particular period of development in the country, the pressure on the land would be less because of the employment opportunities which would be forthcoming as a result of industrial development. But what does the picture portray before us? If this growing population and the equally intense pressure on the land go on, there is no chance whatsoever of shifting even a sizable percentage of the population to sectors outside agriculture. Naturally, agriculture becomes the shock-absorber, and it becomes the sheet-anchor, and the main pressure has to be borne by it at any time of development of the country. Questions relating to rural sector have been posed by some Members on this side and on the other side of the House, because we find ourselves in a difficult situation, confronted with those practical problems which are the concomitant results and necessary accompaniments of changes occurring in a country in the process of development.

So in the developing economy which is based absolutely on agriculture-cum industry, the main question that comes before a man in his everyday life is the question of his earnings, of his income, of the yield of the land which will give him a chance of educating his children, of finding certain sources of employment, gainful employment,

whether as a self-employed person or in industrial development or in some occupation. When the comparative factors are placed before us, it is indeed a sad picture of deprivation, of destitution. We find that the income level of the majority is abnormally low. The landless labour, the weaker section of the community, in their distress throw the figures before us and tell us: 'Here we stand bearing all the pressure. Where do we go?' These destitute millions of our country and the backward or weaker section, the scheduled castes, scheduled tribes and other equally economically undeveloped people, come forth with this vital question. Are we tackling this bigger question when we bring in such amendment to the Constitution?

So today if the Law Minister has brought forward this amendment, which has been so much carefully gone through and examined by many Members under your chairmanship, we must realise first of all how we are going to solve the bigger question, the question of giving the entire community a sense of participation in the development process, where everyone can say, 'Yes, here do I stand and I am in a position to say that nobody can deprive me of my legitimate rights and the fruits of my labour'. The agriculturist finds himself handicapped to this extent that all the pressure is now sought to be placed on him. Naturally, the question urban vs. rural also comes to the front. Some Members very carefully and cogently also put forth the argument, why this ceiling is being imposed only on the agricultural sector, leaving the urban sector untouched.

In 1956, I had the chance to go to a great country, China, which has the largest population in the world and is trying to grapple with its problems in its own way. I asked this very question of the professors of economics there, 'Have you ever thought of this problem—the heavy pressure on your land which is very scanty?' Their

land reforms had started before I went there. They had divided the land was given 3 *mous* per capita—six *mous* make an acre. That means, each person had been given roughly half an acre of land. Of course, the question of compensation does not come in China. But how far those small plots of land could help them to achieve a self-supporting economy and at the same time leave scope for development? That was the question I put to them. They said 'We are now grappling with the question by introducing agricultural co-operatives'. They have got different names for that. These were called primary co-operatives. Later on they went in for communes where all the lands are collected together and people have their joint cultivation and sharing of the yields. They call it by different names as it is called *kolkhoz* in Russia.

The difficulty cropped up in India in connection with co-operative farming, specially when the Congress accepted in Nagpur a resolution in 1959 in that regard. We definitely posed this question before the country: here are the practical difficulties in carrying the country forward to a higher level of living. The agricultural sector cannot be left to its own fate. There is the question of distribution of land. Within the determined ceilings, when the family divides, the children come forward as shares. They are all co-sharers; as a result, the question of uneconomic holdings disturbs our minds. So, let us think of any other system wherein you retain your ownership, nobody disturbs it, but you better collect yourselves together. This is the positive concept of joint farming, which never allows anybody to be expropriated. We were assured that the landless man also would have a place here. If all the lands are joined together, the people skilled and unskilled will have their physical and intellectual labour, their implements and assets added together, so that it would bring forward added agricultural yield, and in that process the country will achieve progress. Agri-

culture would be wedded to industry, the small scale and medium scale industry also. This was an attempt to present a picture of a society where everybody has a role to play, whether he is landless or landed.

Naturally, this question was a fundamental, basic question, that could convert this economy into a better form of economy provided the people were acquainted with the problems as well as their solutions.

Unfortunately, Prof. Ranga, who happened to be the Secretary of the Congress Party, came forward immediately with the complaint, "here is an attempt to introduce the communes as in China or Russia", and naturally the farmers—they are of different types and different grades—were excited to the extent of refusing to have anything to do with joint co-operative farming. It was declared by the Prime Minister and other national leaders that there was no idea of compelling people to come together against their will. If they came in, they had every right also to withdraw whenever they wanted, provided they fulfilled certain conditions. If they joined, it would increase the yield, the production, and thereby the country's income would be increased, and they would be also participants in the proceeds of the income.

That was the definite idea. So, if joint co-operative farming has not been successful, or we could not carry the people with us, it is up to us again to think whether we can allow the present economy to bear this burden. Whatever ceiling we impose does not bring about a solution. It is only an attempt by the Law Minister to bypass those intricacies of the law which have been made manifest because of the proceedings in the law courts. These proceedings went on for years and years together, and the purpose of land reforms was reduced to a nullity.

So, today if we analyse these factors and go deep down into the social

[Shri P. R. Chakraverti]

and economic problems, we can find a solution. The Joint Committee, under your chairmanship, went into the Acts mentioned in the Schedule, and decided that some of them could be left out because sufficient sense of security had been generated that some of them had not been challenged in the courts, nor were they likely to be challenged. But one does not know. Again, some intelligent or shrewd lawyer might advise them, and they might go to the court. It creates complications. To find a way out of this complicated process, this constitutional amendment is an urgent necessity, an inescapable must. We cannot be carried away by the slogan that it is a transgression of the fundamental rights. You have to adjust yourself to the changes, the forces growing apace, and in that process, the Law Minister had to bring this amendment. The amendment is only one factor that can deal with the fundamental issues before the country, and we have to consider them. In that context we shall be able to understand the full significance of this amendment and so I endorse the amendment which has been now placed before the House.

**Shri Basappa (Tiptur):** On the problem of land reforms, the main question that has been asked is whether the objects with which these reforms were brought in this country have been fulfilled. The object of these land reforms was to bring about more production, and also to bring about social justice and economic stability. Judged by these standards, I must say that land reforms have contributed very little in this respect. These land reforms performed in a piecemeal way with very ineffective implementation, instead of proving beneficial have harmed the country. What were the difficulties in the way of implementing these land reforms? What exactly should be these reforms will have to be gone into in a thorough manner.

We are talking of social justice. What kind of social justice we have

in this country now? There is a student. He is a peon's son; he gets 62 per cent marks but he does not get a scholarship whereas another boy, a superintendent's son getting a big salary, gets 64 per cent and gets a scholarship. Is this socialism? Socialism for whom? The Government of India send circulars to the State Governments that family pension should be given to big officers' family. What about the peon's family? No such family pensions are given to them. We do not want this kind of socialism. Socialism must see that the lower strata of society is uplifted. It is very difficult to bring social reforms into effect. There are administrative and legal difficulties. The Supreme Court strikes down these laws and therefore this Bill has been brought in. There are administrative difficulties also. Land records are not brought uptodate and so it is very difficult to implement these land reforms. Urgent steps will have to be taken.

While examining the mid-term appraisal the Chief Ministers of various States and the NDC came to the conclusion that land legislation had not been implemented fully and unless they were speedily implemented the vital objectives of more production and economic stability could not be brought about. They are now setting up committees after committees with the Home Minister and the Chief Ministers as Members. The Planning Commission is setting up another committee of its own with probably Jayaprakash Narain and others. We set up committees rather than implement them. They have not realised the full implications of these land reforms; the attitude of the State Government or the Planning Commission or the Central Ministers should change; they must resist all pulls which are against bringing of these reforms into effect.

Besides land reforms, there are other big problems connected with land. To what extent have we achieved results in the consolidation of

holdings? Small petty acreage is not proving beneficial. The number of landless class is very big. It has not been tackled at all. We are still grouping in the dark whether social interest should prevail or individual interest should prevail. A final solution must be evolved and given effect to. Whether the land belongs to the ryotwari or zamindari, whenever there is surplus land, it has to be seized. It has to be distributed in a proper way. To that extent I agree with the Bill and I give my support to it. So far as the market value to be given for the personally-cultivated land is concerned, it is quite all right. But in regard to lands which are within the ceiling limit, greater care should be taken to see that those people are not dispossessed because you will be upsetting the whole system here, since, in every town and every village, there are people whose economic background will be upset if this is given effect to. So, greater care should be taken to see that those who are dispossessed of their land get certain compensation which will be a very reasonable one.

This is particularly true when we think of all that has been stated just now on the floor of the House about urban income: why should a man who has the agricultural income as the only source of income suffer so much when the man in the urban area with urban income can go on accumulating his wealth to any extent? This is one thing which is heart-rending, and I think people in this country will not tolerate or put up with this kind of thing which is discriminatory. If we are bent upon having a sort of democratic socialism, let it be a proper one which is applicable to all the people.

So far as the exemptions to land ceilings are concerned, they are a necessary evil. The big tea plantations or coffee plantations have to be exempted in the name of greater production. But if this thing goes on for a long time, I think we will not

be able to establish any socialism in this country at all. So, it can be tolerated only for some time to come. Shri Ranga may not agree with me here, but he seems to entertain unnecessary fears on so many matters, not one or two, but many. Let him not entertain so much fear about absentee landlordism. I do not know why he is so much afraid about this big absentee landlordism.

**Shri Ranga (Chittoor):** Who said so?

**Shri Basappa:** At least I understood him like that. After all, there are people who have got plenty of land: thousands of acres of land, and they live in cities like Bombay etc. (*Interruption*). That is what I understand. I do not know. Now, I understand him correctly. He is not for absentee landlordism.

**Shri Ranga:** That is exactly the point.

**Shri Basappa:** It is quite correct. But anyhow, we should not attribute any motive to anybody. After all, the main idea of land reform is to have agrarian reform brought about in this country so that the well-being of the peasant for which Shri Ranga is fighting so hard is realised. With these few words, I wish that the Bill should go through, and that greater land reforms are brought up, not in a piecemeal way but in an effective, comprehensive manner and that they should be implemented to the greater benefit of the country as a whole.

**Shri Muthiah (Tirunelveli):** Mr. Deputy-Speaker, Sir, I thank you heartily for giving me this opportunity to speak on this Bill. Since the time at my disposal is very short, I shall only touch upon two or three points and finish my speech.

I appreciate the circumstances that led to the introduction of this Constitution (Seventeenth Amendment) Bill. The Supreme Court, as we



[Shri Muthiah]

know, struck down the Kerala Agrarian Relations Act in its application to the ryotwari lands. It struck down the Act on many valid grounds such as arbitrariness and discrimination in regard to many of the provisions in the Kerala Act and these discriminatory and arbitrary provisions are also found in several other Acts passed by the various State Governments. Naturally, the Government feared that the other land reform measures passed by the other State Governments also might be struck down by the Supreme Court and they wanted to give protection to the various State land reform Acts passed by the various State Governments. Hence arose the necessity for introducing this Bill.

I want to say a few words about the Madras ceiling Act. I want to say that there is some sort of misconception about ryotwari land-owners. The ryotwari land-owners stand on a different footing from zamindars or jagirdars or inamdars. They are not rent-collectors or intermediaries like the zamindars. They have full proprietary right over their lands. They have every right to acquire or to sell and this is proved by the *patta* that is granted by Government to every individual land-owner. *Patta* means Government accepting full ownership and occupation of the land concerned by the individual. So, ryotwari land-owners stand on a different footing from zamindars and their case should be viewed in a different manner.

Ceilings have been imposed on agricultural holdings and various ceiling Acts have been passed by the various State Governments. Ceiling on land is in keeping with the policy of our Government and of the Congress Party. We all know that the Congress Party is wedded to democratic socialism. Only recently in January 1964 at Bhuvaneshwar the Congress Party passed unanimously a resolution on democratic socialism.

Ceiling on landed property is in keeping with the spirit of that resolution. But ceiling on agricultural property alone is not quite fair inasmuch as ceiling on non-agricultural property is not introduced. In that case the Government cannot claim that they are ushering in a really democratic socialist society. So, inasmuch as ceiling is imposed on agricultural property, similar ceiling should necessarily be imposed on all kinds of non-agricultural property, particularly the huge house properties in urban areas, the huge industrial or commercial properties in the possession and enjoyment of big industrialists and big businessmen and big plantation owners. That would be absolutely fair. If we are to be fair to the agriculturists, we must introduce ceilings on urban incomes also, as we have done in the case of agricultural income.

I find that whereas ceiling on food-crop lands has been introduced various categories of agricultural land like tea, rubber and coffee plantations and huge gradens and huge sugarcane farms are exempted. Ceiling is imposed only on agricultural land that produces foodgrains which are more and more necessary for our growing population. This looks discriminatory.

Inasmuch as various State Governments have passed ceiling Acts and inasmuch as the Central Government is bringing this amendment in order to give protection to the various ceiling Acts, I do plead that full and adequate compensation should be paid for the lands that are being acquired by Government. If full compensation is not possible, then the compensation should be as near as possible to the market value. I plead that at least 80 per cent of the market value should be paid as compensation for the surplus lands that are being acquired by the Government under the ceiling Acts. Even under the Kerala Agrarian Relations Act passed by the communist government in Kerala, the

compensation laid down was 60 per cent. of the actual value to surplus lands up to an annual income of Rs. 15,000. Therefore, our Congress Government should see that fair, full and adequate compensation is paid for surplus lands up to an annual income of Rs. 15,000 as was stipulated in the original Kerala Agrarian Relations Act. The Land Acquisition Act passed by the Central Government gives full compensation plus 15 per cent solatium for lands acquired by the Government. But these benefits are denied to the ryotwari land owners under the various ceiling Acts. This should be looked into. Even though this amending Bill is going to be passed the Government should sympathetically view the cases of affected ryotwari land owners.

In this connection, I want to say that Dr. Munshi and Alladi Krishnaswami Iyer pleaded most strongly in the Constituent Assembly for giving full compensation for any land to be taken over by the Government. Dr. Ambedkar, when he moved the first amendment in 1951 with regard to zamindari estates gave an assurance to the House that in future all lands other than zamindari estates would be taken over after payment of full and adequate compensation. This should be borne in mind by the Government while giving compensation for surplus lands when they are taken over.

Coming to the Madras Ceiling Act, I find that the compensation given under the Act is 9 to 12 times the net annual income minus land revenue. This comes to less than 50 per cent of the market value. I plead once again to you, Sir, and through you to the House, that at least 80 per cent of the market value should be given in fairness to the ryotwari land owners who have full rights over their properties.

Another thing that I find is, there is no uniformity in the various Ceiling Acts passed by different State Governments. The ceiling limits and the provisions of compensation vary

from State to State. Orissa and Madhya Pradesh Ceiling Acts allow the land owners to sell all the surplus lands within a specified time to specified categories of persons. In these two Acts, the Orissa Ceiling Act and the Madhya Pradesh Ceiling Act; allow the land owners to sell the land to certain people within a certain time, I feel that the Madras Government should also allow the land owners, the pattadars, to sell surplus lands within one year and if they fail to do it, the Government is at liberty to take over the surplus lands and give compensation.

Coming to stridhan lands, under the Madras Ceiling Act a married woman is allowed only 10 standard acres out of her stridhan property however much it may be, while an unmarried male adult is allowed 30 standard acres. This is clearly a discrimination against women on the ground of sex. It is clearly a violation of Article 14. A married woman should have stridhan land up to 30 acres which is allowed to an unmarried male adult.

Now, I would just point out a few arbitrary and discriminatory features in the Madras Ceiling Act which were pointed out by the Supreme Court in their judgment as recently as March, 1964. The first one they have pointed out is the adoption of the concept of 'family' for purpose of ceiling and not the individual. The family should not be taken as the unit for purposes of ceiling. The individual should be taken as the unit. In democracy, it is the individual that should be taken as the basis for fixation of ceiling and not the family. Therefore, this is arbitrary and discriminatory. The second one they have pointed out is the definition of the word "family" as consisting of a husband, his wife and three minor children. This also is clearly arbitrary and discriminatory. Thirdly, there is the exemption given to huge plantations getting lakhs of rupees as income. There are plantations of rubber, tea, coffee etc., and huge gardens earning lakhs of rupees. They have

[Shri Muthiah]

been exempted. Huge sugarcane farms have also been exempted. All these exemptions allow the owners of these properties to earn lakhs of rupees, whereas the middle-income ryotwari pattadars are not exempted. Of course, in the name of social reform, in the name of democratic socialism, in the name of reduction of concentration of wealth, ceiling has to be imposed. But when these exemptions are made, my plea is that at least adequate compensation should be paid in all fairness and justice to all the ryotwari *patadars* who are affected by the ceiling Acts.

Lastly, I appreciate the new amendment that has been adopted by the Joint Committee, namely, the amendment which allows full compensation for lands within the ceiling limit and which are under personal cultivation.

**Shri A. K. Sen:** Mr. Deputy-Speaker, Sir, as I expected, the Bill has naturally evinced considerable interest both in the House and outside. We would have been surprised if it had not because it concerns vital problems on which our entire agricultural economy depends and on which the welfare of our agricultural population to a very large extent depends. Prof. Ranga has done us a service in reminding us that long before we had started thinking in terms of land reforms, he had been moving in the same direction and that his grievance possibly is that others had not moved as much as he did in those days and others are showing greater enthusiasm only now. Well, instead of trying to find out who was more energetic than others in the matter of land reforms, I think, it would be better, if I may say so with respect to Prof. Ranga, if he could now concentrate on the essentials and find out what possibly would be to the best interests of each State because conditions differ from State to State and, therefore naturally ceilings will have to be different from State to State

having regard to the population of each State, the amount of land available and various other factors and also having regard to particular types of tenures which may be existing in respective States.

Sir, what we are trying to do here is not to discharge the functions of the State Legislatures. In fact, most State Legislatures have passed land reform laws and, if I may say so, with almost unanimous consent. The purpose for which the present Bill has been introduced is quite different and, if I may say so with respect to many hon. Members who have tried to underline deficiencies in the matter of land reform, vices which have appeared in the course of working out different schemes of land reforms, deficiencies in laws, deficiencies in their workings and various other matters, these are completely outside the scope of this Bill. They are matters which have to be considered in the State Legislatures. Parliament is not concerned with legislation on land which is exclusively a State subject. All that we are concerned here is to remove those limitations from which, as a result of some recent decisions of the Supreme Court, our State laws appear to be suffering. Our State Legislatures appear to be suffering from certain incompetencies in the matter of legislation on land reforms, particularly touching on certain tenures and also in imposing ceilings in the States as a result of certain decisions which have been recently passed in the Supreme Court and also in several other High Courts. What the shape of laws would be . . .

**Mr. Deputy-Speaker:** He may continue tomorrow. The House stands adjourned till 11.00 A.M. tomorrow.

17.00 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday April 28, 1964/Vaisakha 8, 1886 (Saka).*