

a judgement, final order or sentence of such court under the provisions of article 134:

Provided that an appeal may be preferred within ninety days from the date of passing of this Act from a judgement, decree, final order or sentence passed or made by the Judicial Commissioner's Court before that date." (4)

(Shrimati Lakshmi Menon)

Mr. Deputy-Speaker: The question is:

"That clause 5, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 5, as amended, was added to the Bill.

Clauses 6 to 8 were added to the Bill.

Clause 1—(Short title and commencement)

Amendment made:

Page 1, line 4, for "1963" substitute "1964".

(Shrimati Lakshmi Menon)

Mr. Deputy-Speaker: The question is:

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

*The motion was adopted.*

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

#### Enacting Formula

Amendment made:

Page 1, line 1, for "Fourteenth" substitute "Fifteenth"

(Shrimati Lakshmi Menon)

Mr. Deputy-Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill".

*The motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill. The Title was added to the Bill.*

Shrimati Lakshmi Menon: I beg to move:

"That the Bill, as amended, be passed"

Mr. Deputy-Speaker: The question is:

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

*The motion was adopted.*

14-23 hrs.

#### CONSTITUTION (SEVENTEENTH AMENDMENT) BILL

The Deputy Minister of the Ministry of Law (Shri Bibudhendra Misra): On behalf of Shri A. K. Sen, I beg to move:

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

This Bill seeks to incorporate two changes in the Constitution. One is in article 31A of the Constitution by defining the term "estate" and the other is to put in the Ninth Schedule of the Constitution as many as 44 State Acts. There is no new principle that is being enunciated by the provisions of this Bill. It only seeks to implement the land reform policy that has been accepted by the Parliament from time to time.

Criticism has been made of this Bill mainly on two grounds, firstly that it introduces a dangerous and new principle, namely, the principle of expropriation and secondly that it violates the Constitution. I would later on point out that it neither introduces a new principle nor violates the Constitution. On the contrary, the

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amendments are according to the Constitution itself.

If you turn to article 31A, it reads like this:

“(a) Notwithstanding anything contained in article 13, no law providing for—

(a) the acquisition by the State of any estate or of any rights therein or the extinguishment or modification of any such rights”.

This article gives the power to the State to acquire any estate or have any right in any estate or to modify or extinguish any such right in any such estate. “Estate” has been defined in the same article:

“the expression “estate” shall, in relation to any local area, have the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area, and shall also include any *jagir*, *inam* or *muafi* or other similar grant and in the States of Madras and Kerala any *janmam* right.”

If you read the definition of “existing law” given in article 366 and the definition of “estate” in this article construed in the background of the definition of the “existing law” in article 366, it will come to this—the definition of “estate” in a State Act as it stood on the 26th January, 1950, when the Constitution came into force.

Therefore, the difficulty that has been experienced is first of all that the expression “estate” has assumed different definitions in different State Acts. As a result of the reorganisation of States, it has so happened that in one portion of a State whereas one law is applicable, in another part of the State another law is applicable. On transfer from one State to another, we found that those who were governed by one law because the expression “estate” meant a particular thing they were not governed by that law

on transfer to another State, because the expression “estate” had a different meaning there.

All these things were mentioned here when the Bill was referred to a Joint Committee. I need not go into the details of how it was struck down by the Supreme Court and High Court only on the ground that Acts of the Legislatures did not come within the definition of the word “estate” and therefore, they went into the question of articles 14, 19 and 31.

Once it is held that any land reform law is in relation to an “estate” then there is no question of violation of articles 14, 19 and 31 coming into operation because article 31A bars it. But once it is held that it is not an estate according to the definition, then of course articles 14, 19 and 31 come into play and the courts are competent to go into the question whether any of these articles are violated. As a result of the difficulties experienced by us, it was found that the land reform policy, to which this Parliament has been committed from time to time and since a long time was being delayed. Therefore, now it is proposed to define the term “estate” in the Constitution itself.

As I have said, the States will not be competent to amend their Acts so as to change the definition now, because whatever was the definition on 26th January, 1950, that would come into play. There is no other alternative than for Parliament to come forward with an amendment to define “estate” so that there will be a uniform all-India policy and all agricultural land, by whatever name it is called, is now included in the definition to set all doubts at rest and to accelerate the speed of the land reforms.

Coming to article 31B, you will find that 44 State Acts are now being included in the Ninth Schedule. That is the recommendation of the Joint Committee of both the House consist-

ing of 45 Members. I would recall that when the Bill was introduced, as many as 124 Acts were put there. When the motion for reference to the Joint Committee was discussed in this House, many Members very strongly reacted to the inclusion of as many as 124 Acts in the 9th schedule itself. Therefore, on a closer scrutiny it was found that only those Acts should be included which the State Governments feel are likely to be challenged in a court of law or have been struck down by a court of law or as a matter of fact are under challenge in a court of law. Out of these 44 Acts which are now being sought to be included in the 9th schedule, the number of Acts held to be invalid is 8; the number of Acts under challenge is 14; similar Acts which have become invalid are 4 and Acts that were again struck down are 7.

Therefore, what has been introduced now in the Ninth Schedule itself is either Acts that have been struck down, or Acts that are under challenge, or Acts that are not yet challenged but similar to those Acts that have been challenged, and also some new Acts which have been passed after the introduction of the Constitution (Seventeenth Amendment) Bill in this House.

A feeling has been expressed, why should any Act be included in this once you have decided to extend the definition of 'estate', if the definition of 'estate' covers everything why should it be included in 31B at all. I can only say it has been done only as a matter of abundant caution, so that disputes do not arise about it, the courts are precluded from going into the question and there is no delay in implementing the land reform policy.

On the one hand there is objection that some Acts are being included in the Ninth Schedule, on the other there have been objections by Members that we have narrowed down the scope of the Ninth Schedule of the Constitution and that all the Acts that found a place in the Ninth Schedule

When the Bill was introduced should have been there. That is in the Minute of Dissent to the Report of the Joint Committee. I need not go into that question now.

Then, as I have already said, it is in pursuance of the policy of land reform that Parliament was compelled, having no other alternative, to take recourse to this mode namely amendment of the Constitution.

As I said, so far as the principle is concerned there is nothing new in it, because the land reform policy which ultimately aims at taking away surplus land, making it non-leasable and settling the tillers on it as full owners has been accepted from time to time by this Parliament. And it is not today but it was even in those days when the Fourth Amendment to the Constitution was passed that this principle has been accepted by this House. I will do no better than to read the Statement of Objects and Reasons to the Constitution (Fourth Amendment) Bill which runs as follows:

"While the abolition of zamindari and the numerous intermediaries between the State and the tiller of the soil has been achieved for the most part our objectives in land reforms are the fixing of limits to the extent of agricultural land that may be owned or occupied by any person, the disposal of any land held in excess of the prescribed maximum and the further modifications of the rights of land-owners and tenants in agricultural holdings".

This was the Statement of Objects and Reasons of the Constitution (Fourth Amendment) Bill which was not only passed by this House but passed, as the voting shows, with 302 for and 5 against. Therefore, the voting itself clearly indicates that this is the policy of land reform to which this House has been committed fully, and it is only to implement that policy which was set out in the Constitution (Fourth Amendment) Bill that Gov-

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ernment has now come forward with this amendment to articles 31A and 31B.

Sir, ten hours have been granted for this Bill. The Joint Committee gave anxious deliberation to it. About forty-five Members from both Houses held about eighteen sittings in all. If there is any other point about any particular Act and all that—because I have stated only the principles—I will try my best to meet it.

With these words I move, Sir, that the Bill be taken into consideration.

**Mr. Deputy-Speaker:** Motion moved.

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

**Shri Ranga (Chittoor):** Mr. Deputy-Speaker, Sir, when the Bill was introduced at first, I said that the dark day has been begun for our peasants by this Government. (*An Hon. Member:* Black day). I find that it has not in any way lightened in its darkness at all, nor in its gloom, in the gloomy prospects for our peasants. My hon. friend is Deputy Minister, and I do not know why the Minister himself has not chosen to come and sponsor this Bill as reported upon by the Joint Committee.

**Shri Bibudhendra Misra:** It does not matter. Deputy Minister is included in the definition of 'Minister'.

**Shri Ranga:** It shows how indifferent they have become about their own duties and also how indifferent they have grown regarding their responsibilities to our pasantry in this country.

Sir, my hon. friend has made much play with the idea of land reforms. The whole burden of his song is based upon this that this Parliament has accepted land reform, therefore this is based on the basis of land reform,

this is intended in order to implement land reform, and therefore it should be accepted by this House.

Now, what is meant by land reform? What is it that was comprehended by that idea, by that phrase? Throughout history, during the Nineteenth Century as well as this century, in the west as also in the east, by land reform people had understood that there should be no intermediaries between the actual cultivators of the land, the actual owners of the land, and the Government; and whoever may be an intermediary that intermediary if he happens to be functionless should be removed, and he should be removed by paying compensation. But it so happened that our Parliament has in its own judgment decided that this compensation need not be based upon market value but it should be something which would be within the competence of the social economy of our country. That is so far as the intermediaries are concerned.

When the movement for the abolition of the intermediaries was inaugurated in this country on a nationwide scale from a political platform. I had the honour of being one of its initiators, and the movement was led by so many of us. And at that time—that was in 1931, Sir—when this question came up for discussion in the then Congress which at that time happened to be our national platform for all national revolutionaries, I found myself in a minority. Pandit Jawaharlal Nehru, as he then was, was sponsoring what was known as the Charter of Fundamental Rights on behalf of the Congress Working Committee. And it fell to my lot to suggest that the zamindari system should be abolished. It was his lot to oppose it. I said that the forests, the rivers, riverine rights and wastelands, all those which were then under the possession of the zamindars, should be nationalised, should be taken over by the State. It fell to his lot to oppose me and defeat me. And then I wanted that

what had come to be known as tenants under the zamindars, who actually had been for generations the real owners and real tillers of the land, should be accepted as the real owners of the land and the zamindari system should be abolished and the Congress should commit itself to that statement. My amendment was defeated by an overwhelming majority of the Congress Committee. That is how I understood land reform and how he reacted to it then. It was not then suggested by the Congress Working Committee or by Pandit Jawaharlal Nehru at that time that all land should belong to the State, the State should come to have the right to acquire anybody's land at any time at any price that it would choose. They never made any such proposal at all.

Then, Sir, again in 1947 when we were becoming free and we wanted a Constitution for ourselves, we had the Constituent Assembly, and all these questions were discussed. Some of our friends from the then socialist party were really keen at that time that no compensation should be paid to the zamindars. The Constituent Assembly took two very important decisions, and one decision is incorporated here. And that decision is that compensation should be paid, it should be reasonable, it should also be just. But the zamindari system should go. That was common ground between the then socialist and the then Congress people. The dispute arose only in regard to compensation.

Afterwards the Fourth Amendment to the Constitution was brought in, as my hon. friend referred to. According to the Fourth Amendment compensation was to be decided by the various Legislatures, at the State level, and it should not be questioned by the Supreme Court, it should not be justiciable. Why? Because, it came to be questioned in courts and the courts held that the compensation should be just and reasonable, and therefore it should be more or less at market rates and so on. In our social economy, it was felt by our legislators

and Parliament, our country would not be capable of affording so much of compensation to those intermediaries and at same time giving necessary protection to the peasants. Indeed, the Supreme Court did not question the right of Parliament to confer ownership of land upon the zamindari tenants. That was not in dispute at all. The only point that came in dispute was the compensation. It was over that that the Fourth Amendment was passed. So, that was the land reform.

Then the question also arose whether this kind of legislation would also be made applicable to ryotwari landholdings, because the ryotwari system, the ryotwari tenure, came to be there in a number of States—parts of Punjab, large parts of Gujarat and Maharashtra, the whole of South including parts of Karnataka, parts of present Malabar, Andhra and Madras and also in a portion of Orissa. The question was whether in these areas also this kind of legislation would be applied. This question was specifically raised in the Constituent Assembly. Dr. Ambedkar, speaking on behalf of not only the Government but also the whole of the Constituent Assembly, gave the assurance that so far as ryotwari system was concerned every holder of the land was treated and accepted as the pattadar or owner of the land and there was no intermediary, no zamindar or any estate-dar. He did not get his ownership only by virtue of the fact that he happened to be a rent collector. He was the actual cultivator. Therefore, this legislation would not be made applicable to them and if by any chance at any time Parliament or the State legislatures were to take it into their head to try to extend the mischief or protection of this 31A to the ryotwari pattadars then, he said, it would be the duty of the President to withhold his assent and it would also be the duty of the President to take note of that particular assurance that he was then giving in the Constituent Assembly. That was the position then. Therefore, the ryotwari

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pattadars were not taken to be intermediaries at that stage.

Now, what is the position of these tenants in the rest of India who have, fortunately, come to be the owners as a result of the abolition of the zamindari system? Once the zamindari system was gone, these people also came to assume the same status as the ryotwari pattadars. They have become the bhoomidars in Uttar Pradesh. They are the owners. In Uttar Pradesh they were made to pay the compensation themselves over a number of instalments. They have paid it. It is as if they have paid for it and got it. It has come to them as their property not only because of the legislation that was passed by which zamindari was abolished, but also because they paid the compensation. These people as well as the ryotwari pattadars, all of them, all over India, have come to be placed on a uniform status, on a uniform basis, as being the owners of the land.

Therefore, how does this land reform come to affect them? Yes, it does affect them in one direction. Land reform is expected to give complete rights to the owners of the land to be the cultivators, to be self-employed peasants. At the same time, some of them may be such big people having such large holdings that they would have to invoke the aid of tenants in order to cultivate their lands. What should be the relationship between these landholders who have the ownership of the land and the tenants who would not have the ownership rights? This is the only point that was left to be decided after the abolition of the landlord system in our country.

So far as that is concerned, what are the precedents before us? There was the tenancy system in Ireland. Even now it is there in England and over the whole of the European con-

tinents. Their tenants are assured of a minimum tenure of five or ten years. They are also protected from being rack-rented, so that it would be one-third, one-fifth or one-fourth of the gross yield that would be obtained from the land. Subject to these two conditions, the rights of the owners or landholders are not in any way impinged upon. In the rest of the world, in the rest of the non-Communist world, anywhere you may go, in Japan and other places, these two rights have to be conferred upon the tenants. Have these rights come to be conferred or not upon the tenants in our country? That is for the Government to examine.

In Madras State it fell to the lot of my leader—at present my leader and accepted as the leader of almost everyone of us till recently—Rajaji, when he was the Chief Minister on behalf of the Congress, to introduce tenancy legislation and give the lead so far as the south was concerned, to protect the tenants of the mirasidars and the ryotwari pattadars in Tanjore District. That legislation was later on extended to the whole of Madras State and then to Andhra also. Today we have got this protective legislation to protect our tenants under the ryotwari pattadars. Is it contended—I want the Government to make it very clear—by this Government that the ryotwari tenants should be made now the owners and these ryotwari pattadars are to be treated as landlords in the same way as zamindars were treated? Should the whole of their group and all their rights be abolished in the same way as the rights of the zamindars were abolished? Let them make up their mind. We would like to know what they would like to do.

Somebody might say, why should their rights be protected at all? Somebody might ask, why do they want to lease out their lands to other people? In some cases it is because some of

their able bodied people have gone to the army. In some other cases it is because they have entered service. There may be some cases where they are ill, they are widows or they are little children. For these reasons they are obliged to lease out their lands. Are we going to deprive these people of their rights over their lands just because they are obliged for a temporary period to lease out their lands to others? We must make up our mind in regard to that.

If you look into the tenancy legislation of some of the States like Gujarat, Maharashtra, Uttar Pradesh you will find that it is stated there very clearly that so far as these people are concerned, they should be free to lease out land to others and they should not be treated as absentee landlords. When they have leased out their lands to other people, why should their ownership rights be affected? They do not want to lease out their land for ever and ever. They do not want to be like absentee landlords. They want to be self-employed peasants. They would like to continue as peasants. But, at the same time, for various praiseworthy reasons, for reasons relating to nation-building purposes, to get their children educated etc., they want to take leave from their cultivation for three or four years. It may be that they are not well and they would like to take leave. Therefore, they would like to lease out their land to others for a temporary period. Are we going to prevent these people from exercising this much of right? Then, in that case, what are you going to do with the landlords here who own houses, who own a number of houses? Are you going to deprive them of their houses because they have rented out their houses? Because they have rented out their houses do you mean to say that immediately those tenants should become the owners and the owners should be thrown out in the bazar? I hope that is not the policy of the Government. If that is not the

policy of the Government in regard to them, why should it be different here. I have given only one instance. Why should these ordinary peasants be prevented from taking recourse to this liberty of leasing out their land to a few other peasants for a temporary period, provided, of course, there is tenancy legislation and their basic rights are protected? I would like to have an answer to this from the Government.

Who are these people? It may be said that they are all very rich people owning hundreds of acres, ten or twelve people belonging to the same home owning a number of shares, having so much of social power, prestige and status and thus exploiting other people. And they are using political power. But that cannot be said now, that the ceiling has come to be imposed in all the States in the country. Is it contended by anybody that the Supreme Court has questioned the very basis of the ceilings? It is not questioned. Now, whether some people liked the ceilings or not, when they were being imposed—I did not like them; that is a different matter—but they came to be imposed in this country. After the ceilings came to be imposed, what is the position in different parts of the country? In Kerala, I am told—I speak subject to correction—it is 3½ acres or 4 acres. How much is it?

**Shri Vasudevan Nair** (Ambalazhuzha): It is much more.

**Shri Ranga**: All right. However much more it is, it cannot be more than 40 standard acres. You go anywhere you like and it cannot be more than 40 standard acres. In many places it is 5 acres or it may be 10 or 12 acres. That is all. If that is so, on what basis have they fixed it. On that also, there were many questions, doubts and criticisms made just as I questioned the right of the Government to put ceilings only on agriculturists and not on others, to discriminate against peasants in favour

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of all other classes of people, to prevent peasants alone from having the opportunity of sending their children to high schools and colleges and getting their opportunity of making their own contribution to the public services as well as the corporate sector. Many people have questioned the manner in which these ceiling limits were being fixed. Nevertheless, the Planning Commission had imposed its will and almost all the States have accepted it. And they have agreed that so far as agriculturists are concerned, no agricultural family should have an income of more than Rs. 500 per month. Just look at this year's income-tax rates—the exemption level is Rs. 3,600, besides the various concessions that have been made by the Finance Minister. All those people who get an income of less than Rs. 500 per month are specially favoured. Is it not so? The House also welcomed it. We all liked it. They are considered to be only middle-class people and they are being favoured by everybody and they are in a large number. We want their number to increase. Yet what do we find when we turn to agriculturists, we say, the ceiling is only Rs. 500 per month and not more. It was under that notion that they fixed this ceiling on standard acres. Now, is it fair to think of these people as land monopolists? How many such people would there be in any village? Out of a hundred people in a particular village, there may not be even one person whose holding can be said to reach upto the ceiling limit. In some places, there may be two; in some places, there may be three but never more than five. Out of a hundred people in any particular village, not more than 5 people are capable of getting this much. These are the top-most people. All the rest are much lower people, much poorer people, much weaker people and their holdings are much smaller. Are you going to consider all these poor people as intermediaries, as functionless

people, as anti-social people not needed at all by society and, therefore, they should not be given the freedom to lease out their lands if and when on occasions they find it necessary to lease them out to somebody or the other? Just because they have the right to lease them out, must you consider them as landlords and treat them beyond the pale of constitutional protection? These are the questions which my hon. friends have to answer not only in this House but all over the country. As I said the other day, after all 1967 is coming—thank God, we are not yet a complete dictatorship—and this Government, this Parliament, all these parties, have to go and approach the people and they have got to answer these questions when they go to them. What answer would they give to these people? Is it that they are treated as estatedars and, therefore, when this Bill is passed, it gives the power to this Government to acquire anybody's land at any time, whether it is forest land or grazing land or house site or any land for cultivation? They can acquire it any time they like. Somebody might ask: Have they not that power? True, there is the Compulsory Land Acquisition Act. They can acquire anybody's land, my land or your land, subject to conditions which are already set there and those purposes must subserve, what is known to be, the public purpose. But now they have changed that idea of public purpose. They have made it as wide and broad as the Planning Commission's own notions. Therefore, for any public purpose, they can hereafter claim to acquire any land. What is the distinction between the earlier power and the present power? According to the earlier power under the Compulsory Land Acquisition Act, the peasant is treated, is known, is accepted, as the absolute owner of the land. Therefore, he must be shown good enough grounds as to why his land should be taken. That particular purpose is justiciable. Sir, supposing for constructing a school building, a site is needed and you



happen to be the acquiring authority and you are subject to certain influences and you are angry with me, you would take my land instead of somebody else's; and his land is quite close by and it can be acquired as well as that of mine. But you have got a choice and you would make that choice against me. Then, I go to the court under the Compulsory Land Acquisition Act and prove to the satisfaction of the court that somebody else's land is more suitable. If I am fortunate enough to get such an eminent jurist, as Mr. N. C. Chatterjee, to stand for me, he will be able to plead for me: "Mr. A's land is more suitable for the school. Mr. Ranga's land need not be taken at all. This is being taken for *mala fide* purposes or even for wrong purposes or because of wrong judgment. Therefore, Mr. A's land ought to be acquired, not Mr. Ranga's land." It can be argued like that. Now, if this Bill were to be passed, there is no scope for that because it has come under 'estate'. Once it comes under 'estate', then they cannot go and plead before the court. Even the purpose for which they want to take way my land will not be justiciable. I speak subject to correction. I am not a lawyer. I only look at it as a self-employed peasant does and I look at it from their point of view. It is for the Government to say I am wrong. I will be certainly glad if they come and tell me I am wrong, saying, "Yes, the interpretation of this public purpose is justiciable. We accept it. Therefore, we will not acquire anybody's land at any time by merely saying that it is for public purpose and our word is to be accepted by the court." Are they prepared to say that? I would like them to give us that assurance.

They say that they have made an amendment here. What is that amendment? For all those lands which are below the ceiling, if they were to be acquired at any time for any purpose chosen by the Government, compen-

sation at the market rate is to be paid. So far as it goes, they think it is good and, therefore, our peasants ought to be satisfied. How can they be satisfied? What is meant by the ceiling? Is it a fixed thing in any particular State? Is it not a fact that in several States, some of the Chief Ministers so managed as to—what should I say?—quietly defray or get round the recommendation of the Planning Commission and they fixed the ceiling as they wanted it? At the same time, the Planning Commission protested against that kind of deviation. Where is the guarantee that tomorrow or day after tomorrow the same Planning Commission would not take objection to some of the ceilings and would not impose them with the help of the Prime Minister under this Government. Suppose this Government goes and some other Government, more left to this Government, were to come into power and their Planning Commission as well as their Ministry give the order to the State Governments saying, "You bring down the ceiling from 25 acres to 20 acres. No. Even 20 acres is too much; bring it down to 10 acres or 5 acres or even 2 acres. If Kerala could have put it at 3½ acres...."

**Shri Vasudevan Nair:** It is not correct.

**Shri Ranga:** How much is it? Please tell me.

**Shri Vasudevan Nair:** It can be even 100 acres. It is according to the quality of the land.

**Shri Ranga:** It is not the mere extent then. It is a matter of standard acre.

15 hrs.

**Shri Surendranath Dwivedi** (Kendrapara): It is 12½ acres there.

**Shri Ranga:** Supposing it is 12½ acres there in Kerala, where is the guarantee that another Government or the same Government with another mind would not begin to tell the other States also that if it is good enough for Kerala to have 12½ acres, it would be good enough for the other States also, and

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there should be uniformity in this matter! My hon. friend the Deputy Minister was talking about uniformity and the need for it. So, they may very well say 'Why should you not also agree to this uniformity and, therefore, bring it down to 12½ acres?'. Thereafter, if my hon. friends from the Communist Party were to have also their chance of capturing the government in Kerala, would they not like to bring it own to 3½ acres in order to satisfy their friends either in Soviet Russia or in Soviet China? They will certainly do that. When the ceiling comes down, what would happen to all these poor folk? And how many of them are there? There are millions and millions of them; there are tens of millions of peasants all over the country. As Shri S. K. Patil has already told us, we have got more than 60 million peasant families in this country who are cultivating their own lands. They are self-employed people. They have either purchased their lands or they have inherited them and they have found their own employment. They do not depend upon this Government.

Some people might say that this Government is depending upon their votes. If so, why is it so very angry and so very malicious and so very much opposed to these people? They want to liberate themselves from their control even in these elections by converting them all into agricultural workers, and once they become landless people without any hold over anything and they become rootless, then this Government can exploit them as much as they like as is being done in Soviet Russia and Soviet China.

It is said that in 1954, the proportion of those who owned less than 40 acres of land was 60 per cent. What will happen when the ceiling of all their lands would come down? All these people are small people. Their income cannot be more than Rs. 500 per month. Why should they be deprived of their

rights? Why should you raise your Damocles's sword over their heads? What public purpose are you going to serve? Probably, you want to bring in co-operative farming. You know the results of co-operative farming not only in this country but in Soviet Russia and in Soviet China. You want to bring in large-scale farming. How can you bring in large-scale farming unless you deprive these people of their holdings? Once you deprive them of their own holdings, what will be their fate as well as the Government's fate?

What is the position of the 5 million goldsmiths today? Have Government been able to find any employment for them? I make this challenge to them. Will they be able to find employment for these 5 million people? Already, the number of the unemployed educated people in our country whose names are registered with the employment exchanges runs to 6 millions. So, we have already got on our hands 11 million unemployed people. Then, there is the case of the under-employed people also. And on top of it there would be 60 million agricultural workers. Once Government bring in their tractors and other things, more than half of them would be unemployed.

**Mr. Deputy-Speaker:** The hon. Member should try to conclude now.

**Shri Ranga:** How much time have I taken?

**Mr. Deputy-Speaker:** The hon. Member has taken half an hour.

**Shri Narasimha Reddy (Rajampet):** We are entitled to have 38 minutes for our party.

**Shri Ranga:** I was submitting that Government would not be able to provide employment for them. Then, what will happen to them? And why do they want to bring about unemployment? They say that they do it

because they want to improve agriculture. Has the productivity gone up in Soviet Russia per acre? Is it not a fact that today Soviet Russia has found it necessary to concede some small holdings to the extent of about 2 acres to the peasants and also allow them to own cattle in order to improve their agricultural production? Is it not because of the large-scale farming and collectivisation and co-operatisation that Soviet Russia is obliged to import, as we are importing into our country, as much as 5 million tons of wheat from other countries? Therefore, I submit that co-operative farming is not going to improve production. On the other hand, it will dwarf it, and it will destroy it, and it will increase unemployment, and it will create social unrest and chaos. Then, who will be benefited by all this? Surely not these friends opposite (Congress); I am sure of that because then they will be thrown out of power. It would be the Communist friends who would reap the harvest and it is for them that my hon. friends opposite are preparing the ground. Just like the hawks and eagles which go on waiting for a patient to die so that they can pounce upon the corpse, my communist friends are waiting for that opportunity.

**Shri Raghunath Singh** (Varanasi): What will the Swatantra Party do then?

**Shri Ranga:** If we come into power, my hon. friend will be protected, and there will be democracy here in this country. He will have greater strength to control us and to see that we remain democrats . . .

**Shri P. R. Patel** (Patan): May I know when my hon. friend's party will come to power?

**Shri Ranga:** We do not know. We must live in hope. I am not like many or some of these friends who did not associate themselves at that time with Mahatma Gandhi; forty years ago, when Swaraj appeared to be nowhere there on the horizon, so many of us

had thrown away all we could claim as our prospects in life, and then joined Mahatma Gandhi. Then, we lived in hope, and our hopes were fulfilled and we have now achieved freedom. Similarly we live in hope now also, not merely for the sake of power for the Swatantra Party, but for power in order to protect the peasants.

**Shri P. G. Menon** (Mukundapuram): When did my hon. friend join Mahatma Gandhi?

**Shri Ranga:** Was it not in 1930? Or rather, was it not in 1917? I do not know whether my hon. friend had emerged from his high school at that time, because I was in my high school at that time.

**Shri P. G. Menon:** At that time, my hon. friend was in the Justice Party.

**Shri Ranga:** No, certainly not.

**Shri Narasimha Reddy:** I was in the Justice Party.

**Shri Ranga:** Let not my hon. friend indulge in calumny and defame himself, because he will be defaming history. What is the use of saying such things to me? Let my hon. friend please remember that I am his elder, and he has certain duties towards his elder, also. We have not yet given up our idea of *dharma* in our country.

Therefore, it is wrong for this Government to think of passing this measure. It is wrong for Government to weaken the rights of these peasants and throw away the basis on which our social economy has been built up. They are the very salt of our earth. It is because of these people and their support to Mahatma Gandhi that we have been able to achieve our freedom in this country. It is because of the support that these people had given that the Congress Party has been in power during all these sixteen years. But we find that they are raising their battle axe against these peasants. Till today, they had not raised it against these peasants. Why are they raising it today? My fear is that they have a

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kind of a Soviet devil which has come to possess them and possess their leaders; it has not come to possess all of them, but it has come to possess a few of their leaders. I am prepared to make an exception even in your case, Sir. If all of you were to search your own hearts, you would certainly feel that you are suffering from this qualm of conscience, namely, 'What is this? Are we doing the right thing or not?'

**Mr. Deputy-Speaker:** Let the hon. Member please leave me alone.

**Shri Ranga:** In Bhubaneshwar, you have taken to a new *mantra*, and under that *mantra* and under that *namasmarana* you are mesmerising yourselves to such an extent that you are prepared to get into this deluge.

Therefore, I wish to warn our friends that please for God's sake. Let them retrace their steps, even now. But I find that it is too late. Therefore, what are the prospects for our peasants?

I can assure you that even under this enactment, the State Governments have got the right to change these Acts and to amend these Acts which are going to be placed in such an infamous manner in that infamous Schedule. When we get an opportunity, we would like first of all to amend that schedule suitably in order to reinstate the peasants in their own proper rights.

Then, as regards the ceiling itself, have my hon. friends opposite got the moral courage to say this? If they are really keen and sincere about the provisions that they have placed before the House, let them say that this is the final ceiling, and it is not going to be reduced further. Otherwise, what would happen?

**Shri Bibudhendra Misra:** May I point out that we are not concerned with ceiling at all under this Bill? That is a matter for the State Governments. We cannot take away the

right of the State Governments to have their own way of land reforms.

**Shri Ranga:** Unfortunately, my hon. friend seems to have forgotten what has been written here in this Bill. In my hon. friend's own Bill, what does he read?

**Shri Bibudhendra Misra:** Let my hon. friend read it out.

**Shri Ranga:** Just as Government were remiss in their duty of looking into all those Acts at the time they put them in the Schedule, and, therefore, they put all the 124 Acts in the Schedule, and afterwards, under your chairmanship in the Joint Committee, they were made to give some thought to the matter and they had to give up 50 or 60 Acts out of the Schedule, likewise, my hon. friend seems to be again ignorant of this.

It has been provided in the proposed proviso to article 31A of the Constitution that:

"...it shall not be lawful for the State to acquire any portion of such land as is within ceiling limit applicable to him under any law for the time being in force."

Now, what does this mean?

**Shri Bibudhendra Misra:** First of all, it is very clear that so far as land reform legislation is concerned, the power lies with the State Governments. An apprehension was expressed in the Joint Committee as to what would happen to the small landholders if you take away land below ceiling. Therefore, it was provided there as part of 31A that whenever land below ceiling is taken by a new law there must be paid compensation at the market price. That is only to give an assurance to the House that it is not the intention of Government to harm the small landholders. It is their intention to protect them. But that does not vest with Parliament the power to

direct the States as to what ceilings they should have.

**Shri Ranga:** I cannot congratulate the Government on having this advocate to give away their own secrets.

It means this: that Government wants to have complete powers to fix ceiling anywhere they like, to give instructions to the States, to fix ceiling limit at any level they like. That is exactly my contention. They have got that right.

**Mr. Deputy-Speaker:** That right vests with the State legislatures.

**Shri Ranga:** That is why I say it is necessary for Government to assure the peasants that wherever ceiling is to be fixed in any State it would stop there and it would not be further reduced; it would be the final thing. Are they prepared to say that? No. I want them to have the moral courage to give that assurance to our peasants.

**Shri Surendranath Dwivedy:** Who are they to say that?

**Shri Ranga:** There you are. They would like to bring it down further until it becomes one acre or two acres—as in Soviet Russia.

**Shri Vasudevan Nair:** You are raising an unnecessary scare.

**Shri Ranga:** I want them to give an answer. They want to reduce it. Let them give the assurance. The Deputy Minister or this Government may not be able to do it. But this ruling party has got to give that assurance to our peasants otherwise when they go to them for their votes next time, they know their fate. We also know what would be the fate of this Government.

**Shri Bibudhendra Misra:** That we shall see later.

**Shri Ranga:** For the time being—that is what is stated. Therefore, they

want to go to the peasants and tell them: 'Look here, you are all below ceiling. You are not going to be affected. Ranga is only rising a scare,—as these communist friends are saying. You are all going to be protected'. But we know that that ceiling is not going to be the final thing. It is capable of being reduced. The socialists and communists also agree with it. It will go on being reduced until it satisfies first the socialists, then the communists.

Here and now I have to deal with these Bhubaneswar socialists. In this country, there is scope only for one kind of socialism, and that is Nehru socialism. Willy-nilly the various other parties will be making their peace either with them, or they will be finding us to be their comrades.

Finally I give this warning to Government, that if they persist in these methods of keeping the peasants on tenter-hooks, making them feel insecure about the ownership of their land and not give them any kind of assurance at all that they are not likely to be treated as intermediaries, that they are not likely to be treated or dealt with in the same unceremonious way as the zamindars had been treated, and if they do not give them that assurance to the peasants, then the peasants would be justified in treating this ruling party and the framers of this legislation as well as all those people who will be voting with them as the enemies of the self-employed peasantry in this country.

Lastly, we stand for tenants' protection. We stand also for minimum wages for agricultural workers. We also stand for all the government land,—80 million acres are still in the possession of Government, or much more than what they can possibly get by this ceilings legislation—being distributed freely and on patta to agricultural workers so that they can also become self-employed peasants, if not for 365 days in the year, at least for a part of it, for 60 days and then for as

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many more days as possible. Let them also become self-employed peasants. Let there be the largest number of self-employed peasants and people in the country. That country which stands for self-employed peasants and people to the largest possible extent, that country which helps self-employed peasants, that country which would stand by them and encourage them, that country alone will have a future which would be worthy of great men like Buddha, Mahatma Gandhi and Rajaji.

**Mr. Deputy-Speaker:** We have 10 hours for this Bill. How shall we divide it between the stages?

**Shri Surendranath Dwivedy:** 8 hours for the first reading. There are only a few amendments.

**Mr. Deputy-Speaker:** Yes, 8 hours and 2 hours.

**Shri P. R. Patel:** My hon. friend, Shri Ranga, spoke at length as if the Swatantra Party alone is the only advocate of the peasantry of the country. I may tell him that all the members of the Joint Committee tried their level best to see that the small landholders are in no way put to any disadvantage. That was the unanimous view; Government also came forward, and we unanimously put in a suggestion that if any land is acquired below ceiling, the full market price should be paid. Once this proposition is there, I do not think there is any fear for the agriculturists that they would not be paid.

But I do not understand one thing. I do not understand the reform policy of Government. What should be that policy? The aim of the reform policy should be more production and creation of stability in the mind of the agriculturists. To me, it seems these two elementary things are wanting. The agriculturists are always living in the fear of what would happen tomorrow, what legislation would

come tomorrow which would affect their lands they till. I would request Government to put an end to this and let stability in the mind of the agriculturists be created. Let them feel that they are the masters of what they have today.

Another thing is that production is going down. Every year there is an increase in land brought under cultivation. But the increase in production is not proportionate to that. Our population is increasing. So the problem before the country today is more production. I would say that unless we double our agricultural production, the country would not be able to face the future. We look to industries much more than to agriculture. So in any land reforms undertaken Government should see that production is thereby increased.

Coming to evidence tendered before us, it was stated that the yield per acre of sugar cultivation in corporate bodies came to 54 tons; one manager who appeared before us said that in his company the yield per acre was 75 tons. In the co-operative sector, the per acre yield is 42 tons, and in the case of individual farmers, much less than that. So if at all we want more production, then our policy should be oriented towards that. Now, what is happening today? Some States go against our land reform policy. In our five year plans we see sugarcane farms and other farms being exempted from the ceiling. That is the advice and recommendation. That is the policy and all the States have carried out that policy. It is only U.P. and Maharashtra that have gone against it. Should land reform policy be uniform or differ from State to State and district to district. I would request the Government to consider this.

One thing troubles my mind. We have given fundamental rights to the

15.25 hrs.

[SHRI THIRUMALA RAO in the Chair]

citizens of the country and we proudly say so; we say that nobody can disturb it. But with regard to land legislation, I find that there are two types of fundamental rights. One is for non-agriculturist and the other is for agriculturist. If a mill or a factory worth a crore of rupees has to be acquired full market price is to be paid; that big factory is not an 'estate' even though it may be worth a crore but if a poor farmer owns half an acre or has some interest in half an acre, his interest becomes an estate which could be acquired under the specific law! I do not understand this meaning of estate even though it has been put in the land revenue code. I have read Gandhiji's speeches on the land revenue code while he was fighting in Khere district: he said at that time that the land revenue code should be done away with as early as possible. After seventeen years of Independence the land revenue code is on the statute book; the same thing is there; there has been no change absolutely. These codes were drafted at a time when cultivators were no better than beasts; you must excuse me for saying so but they were illiterate, just like slaves. Those people in power, the middle-class and the upper middle-class or the capitalists enacted these codes at that time for protecting their interests caring little for the agriculturists. Today it pains me to say that even in Parliament or anywhere in the country the middle-class and the upper middle-class rule the country and they are influenced by the capitalists. Socialism is for the agriculturist and the poor cultivators and not for the capitalists. Fundamental rights are given to those persons who own big buildings who exact a lakh of rupees as rent but it is a fundamental right which protects them but that fundamental right is denied to an agriculturist who is owning half an acre of land. I request that fundamental rights should be the same and uniform for capitalist mill-owners and poor agriculturists.

If you deny them to the agriculturists, deny them to the others also. I do not plead for big zamindars or big landlords. Even a person who owns one acre or two acres is termed a landlord. Suppose I have one acre of land and Birla or Kastur Bhai or Amba Lal Sethi happens to have his lands round about my one acre of land and if he gets his land cultivated by servants and managers, then that becomes a land personally cultivated by that multi-millionaire and if my one acre of land is leased out because it comes in the way and if I get Rs. 3 or Rs. 2 a year, I am a landlord and Kastur Bhai becomes my tenant. That is the present law and I am opposed to this present law. This is not land reform. This is also opposed to fundamental rights. So far as ceiling is concerned, you can have ceiling on the holding of properties, any type of properties worth Rs. 100 or 500 or five lakhs. I do not mind. But let the ceiling be common, uniform for one and all. If Mr. Sharma owns a bungalow worth one lakh of rupees, he may be protected but a poor cultivator would not be allowed to own lands under the ceiling law beyond a ceiling, which may be worth Rs. 2,000 or Rs. 3,000. That is the ceiling today and it is a discrimination. We discriminate against land owners, land-holders. My objection is to this.

**Shri Koya (Kozhikode):** Even in agriculture, big plantations can have any number of acres.

**Shri P. R. Patel:** There is a class in our country who are pleading for the landless labourers and landless persons and this class of people in our society come from the classes I mentioned; socially, economically and politically they hail from that class. They have no sympathy for the

[Shri P. R. Patel]

landless classes or landless labourers. Have sympathy for them. I have no objection. If there is land, it should be given. But if there is sympathy for landless persons, why should they not have sympathy for homeless persons? If some people have no houses, and a man has a bungalow having 30-40 rooms, why should not one or two rooms be allotted to him and the remaining rooms given to homeless persons? Take, again, the case of jobless persons. Some persons are jobless; they have no means even of livelihood. But some persons are not happy even with Rs. 2000 or Rs. 3000 a month. What are they going to do with them? This is something done in our society to create class war among the agriculturists. These intelligent persons create rift among the agriculturists, often talking of landless labour and so on.

In the end I would say that there are organisations of different persons following different occupations. Even *bhangis* have their own organisation. The Government servants also have their own organisation; even the ICS and the IAS officers have their own organisations. Every group has an organisation according to the profession it follows. It is only the poor agriculturists of this country who have no organisation. Nobody can speak for them, on their behalf, even though they constitute 80 per cent of the population.

I would say that a great responsibility lies on us to protect their interests, and if we fail to protect the interests of the agriculturists, I think it would be a bad day for us. Today, we find that in towns, among the labour also, 60 per cent of the people do not vote for us. And if the agriculturists go out of our purview, if we lose the sympathy of the agriculturists, where shall we be? That is a problem I would request the Government to consider.

श्री ब० प्र० सिंह (मुंगेर) : सभापति महोदय, आज भूमि सुधार के नाम से जितने काम किये जाते हैं मैं समझता हूँ कि उनमें भूमि सुधार का तत्व नहीं है। आज हमारे सामने मुख्य समस्या यह नहीं है कि अन्न पैदा कौन करता है ? हमारे सामने समस्या यह है कि अधिक से अधिक अन्न देश में पैदा होना चाहिए। भूमि सुधार की बातों से पैदावार कम हो रही है। लेकिन उसके ऊपर आज किसी का ध्यान नहीं है। जब से स्वराज्य प्राप्त हुआ उसके पहले कांग्रेस के प्लेटफार्म से जितनी बातें किसानों के सम्बन्ध में कही गईं, आज उन सारी बातों को लोग भूल रहे हैं।

हरिपुरा कांग्रेस में कहा गया था कि स्वराज्य स्थापित होने पर जमीन का लगान आधा कर दिया जायगा लेकिन आज जब कभी सरकार को पैसे की कमी होती है तो लगान में बढ़ातरी की बात आती है। किसानों के सम्बन्ध में जो, जो वायदे किये गये थे उनमें से एक भी वायदे की पूर्ति आज नहीं हो रही है। थोड़े दिन के बीच में जब कि जमींदार लोग थे उस समय किसानों के सुधार का कुछ काम हुआ लेकिन जब सरकार स्वयं जमींदार हो गईं तो सारे सुधार बन्द हो गये। उसका मैं एक उदाहरण आपको देता हूँ। बिहार में लगान के बकाये में पार्ट होल्डिंग ही उतने ही मूल्य की नीलाम होती थी लेकिन जब सरकार की जमींदारी हो गयी तो पार्ट होल्डिंग का नीलाम होना खत्म हो गया और अब जिस किसान के पास अन-एकोनामिक होल्डिंग भी है, किसान के बकाया लगान के लिए किसान की जो चल सम्पत्ति होती है उसको कुर्क कर लिया जाता है और किसान को गिरफ्तार कर लेते हैं। इसलिए पहले की अपेक्षा किसानों के साथ अधिक सख्ती बरती जा रही है।



इसके साथ ही साथ मैं एक बात नहीं समझ सका कि आज भूमि सुधार के नाम पर कौन कौन से काम हो रहे हैं। फंडामेंटल राइट्स के अनुसार आपने वायदा किया था कि किसी की जमीन अथवा सम्पत्ति उसको उचित मुआविजा दिये बगैर सरकार द्वारा नहीं ली जायगी लेकिन आज हम देख रहे हैं कि एक के बाद एक सम्बन्धित धारा को संशोधित करते जा रहे हैं। धारा ३१ को संशोधन किया और उसे और भी संशोधन करने जा रहे हैं। यदि आप किसानों की जमीनों को लेना चाहते हैं तो उनको आपको उचित मुआविजा देना चाहिए। जब कि संविधान का पहले संशोधन हुआ था उस समय माननीय नेहरू जी ने कहा था कि क्या आप समझते हैं कि हम मुआविजा नहीं देने जा रहे हैं ? हमने जवाब दिया था कि यदि आप मुआविजा देने जा रहे हैं तो फिर इस बिल की कोई जरूरत नहीं है। आज हम नहीं समझ सकते हैं कि किसानों की क्या परिस्थिति है ? आज आप भ्रष्टाचार दूर करने की बात करते हैं। जिस देश के एक व्यक्ति की आमदनी साढ़े सात आने हो उस देश का मिनिस्टर ६५०० रुपये पाता हो, उसके ऊपर ६५०० रुपये माहवार खर्च होता हो तो यह भ्रष्टाचार है या नहीं ? मैं भ्रष्टाचार की परिभाषा चाहता हूँ। आज बहुत सी बातें की जाती हैं। गरीबी दूर करने की बात कही जाती है लेकिन यह सारी बातें हमारी समझ में नहीं आतीं। अगर आज आप जमीन की पैदावार बढ़ाना चाहते हैं तो आप इंग्लैंड की तरह एक स्टैंडर्ड आफ कल्टीवेशन फिक्स कर दीजिये और उसके मूलाबिक जो लागान अदा न करे उसकी जमीन आप ले लीजिये। अगर आप यह समझते हैं कि इतनी उर्वरक खाद देकर आप किसानों की जमीन की पैदावार बढ़ायेंगे तो यह संभव नहीं है। उर्वरक की व्यवस्था करने से पैदावार बढ़ सकती है लेकिन उसके साथ ही किसानों की भूमि की भी आपको जांच करनी होगी। किसानों को बतलाना

पड़ेगा कि उसमें किस तरीके की खाद देनी चाहिए। जब तक जमीन की मिट्टी की जांच नहीं करते हैं कोई लाभ नहीं हो सकता है।

आज आप कहते हैं कि जमीन किसकी है, टिलस आफ दी सुवायेल की जमीन होगी। इंटरमीडिएरीज को हटा कर खुद सरकार जमींदार बनती है। उचित तो यह होता कि किसानों का भूमि लगान माफ़ होना चाहिए, या कम से कम ३००० या ३६०० तक शहरी लोगों की जिनकी सालाना आमदनी होती है और जिस तरह से उन पर सरकार द्वारा कोई टैक्स नहीं लिया जाता है उसी तरह से ऐसे किसान जिनकी कि जमीन से ३००० या ३६०० रुपये की वार्षिक आमदनी होती है उन पर कोई लगान नहीं होना चाहिए।

मैं लगान के सम्बन्ध में इस पार्लियामेंट में बहुत बार पहले भी निवेदन कर चुका हूँ। यह लगान की पद्धति अमरीका के समय से शुद्ध हुई। मनु के समय में लगान पैदावार का बारहवां हिस्सा होता था, गौतम के समय में में दसवां हिस्सा हुआ, चाणक्य के समय में छठवां हिस्सा था और आज आपके शासन काल में यह हाफ एंड हाफ की बेसिस पर है। किसानों के साथ कांग्रेस प्लेटफार्म से जो वायदे किये गये थे आप उनकी पूर्ति नहीं कर सके। जैसा कि हमारे श्री पी० आर० पटेल ने कहा कि सभी वर्गों के संगठन हैं और वे लोग अपने अपने संगठनों के जरिये से अपनी बात करते हैं लेकिन किसानों का कोई ऐसा जबरदस्त संगठन नहीं है। आज आप देखें कि १९४७ में जितना आपके शासन का खर्च था उससे आज आपका दस गुना खर्च बढ़ गया है। अगर आप अपने प्रशासन का खर्च कम करना चाहते हैं तो आप एक परसेंटेज फिक्स करें जिस तरह कि लोकल बाडीज में होता है। आप ऐडमिनिस्ट्रेशन की एक परसेंटेज फिक्स कीजिये। लोकल बाडीज में ऐसा है कि जहां १०० रुपये खर्च होते हैं वहां पर २० रुपये से अधिक

[श्री व० प्र० सिंह]

एकजीक्यूटिव में खर्च नहीं हो सकता है। आप शासन में खर्च की एक परसेंटेज फिक्स कर दें।

आज अगर राज्य कर्मचारी महंगाई के कारण अपने वेतन और भत्तों में वृद्धि के लिए मांग करते हैं और आन्दोलन व सत्याग्रह तक की नौबत आ जाती है और यदि आप उन के भत्तों और वेतन आदि में बढ़ोतरी करते हैं तो हमें उसमें कोई ऐतराज नहीं है। छोटे कर्मचारियों को आप अवश्य राहत दें। लेकिन उस के साथ ही सरकार को यह भी ध्यान रखना चाहिये कि किसान के ऊपर लगान का भार अधिक न पड़े। अभी हाल में हम ने देखा कि बिहार में सरकारी कर्मचारियों को दिक्कत हुई, उन की तनख्वाहों व भत्तों में वृद्धि हुई और परिणामस्वरूप उन को ढाई करोड़ रुपये की वृद्धि दी गई है। आज बिहार सरकार चाहती है कि ५ करोड़ रुपया हो जाय। ढाई करोड़ रुपये का खर्च बढ़ गया, उन छोटे कर्मचारियों को भत्तों आदि में राहत देना जरूरी समझा गया लेकिन मेरा कहना है कि जब आप के पास में पैसे की कमी है तो जो मिनिस्टर्स लोग हैं अथवा बड़े बड़े सरकारी अफसरान हैं वे अपने मोटे मोटे भत्ते और लम्बी लम्बी तनख्वाहें कम कर के कर्मचारियों के सामने एक आदर्श उपस्थित करते। आज हम महात्मा गांधी का नाम लेते हैं लेकिन महात्मा गांधी के कहे अनुसार काम एक भी नहीं करना चाहते हैं। जरूरत आज इस बात की है कि हर एक प्रशासक को हर एक व्यवस्थापक को किसान की तरह सादा व सस्ता जीवन व्यतीत करना चाहिये। किसान का सा जीवन आप लोग बिताइये, जिस तरीके से किसान रहते हैं, खाते हैं, पीते हैं उसी तरह से आप भी करिये और देशवासियों के सामने एक आदर्श उपस्थित कीजिये और ऐसा यदि आप ने किया तो आप काफ़ी रुपया अपना बचा सकेंगे। आज आप जो लोन ले कर और किसानों पर टैक्स बढ़ा कर

देश को आगे बढ़ाने की कोशिश कर रहे हैं यह सही नहीं है और इस तरह आप अपने उद्देश्य में कदापि सफल नहीं होने वाले हैं। देहात में कहावत है कि डर किस का, जिस का धारते हैं और जिसके राज में बसते हैं। सभी देशों से आप ने कर्ज में रुपया लिया है उसके बदले आप जीवन में यदि सादगी लायें तो इस कर्ज लेने को बन्द कर सकते थे। यदि आप देश की पैदावार बढ़ाना चाहते हैं तो आप इंग्लैंड का इस बारे में अनुकरण कीजिये। उनके स्टैंडर्ड ऑफ कलटीवेशन का अनुकरण करें। अगर प्रोडक्शन कौस्ट अधिक हो गई तो किसानों को सबसिडी दी जाती है और दूसरी ओर जनता को मुनासिब और कम मूल्य पर गल्ला दिया जाता है। यही चीज आप अपने देश में भी करें। किसानों को उन की उपज के मुनासिब दाम दें, कौस्ट आफ प्रोडक्शन को ध्यान में रख कर सही दाम उन को पैदावार के दें। प्रोडक्शन कौस्ट का आधार भी ठीक तरीके से बनाना चाहिये। सरकारी कर्मचारी प्रोडक्शन कौस्ट गलत आधार पर बनाते हैं। जो सरकारी फार्म पर काम करते हैं उस के आधार पर प्रोडक्शन कौस्ट बनाइये उसके आधार पर किसानों को पैसा दिया जाय। किसानों को अगर जरूरत समझी जाय तो सबसिडी दी जाय और दूसरी ओर सर्वसाधारण जनता को सस्ती दर पर सरकार सबसिडी दे कर गल्ला मुहैया कराये। इन तरीकों से आप देश में पैदावार बढ़ा सकते हैं।

आज देश में क्या स्थिति है? यहां पर ७० प्रतिशत आदमी खेत में काम करते हैं, इंग्लैंड में ४ प्रतिशत काम करते हैं, अमरीका में ७ प्रतिशत काम करते हैं, उन देशों में हमारी अपेक्षा कोई जमीन ज्यादा नहीं है, जितनी जमीन उन के पास है उतनी जमीन हमारे पास भी है लेकिन उतनी पैदावार हम अपने यहां नहीं करते हैं। ३७ करोड़ एकड़ जमीन में हम खेती करते हैं, २३ करोड़

एकड़ जमीन बेकार पड़ी हुई है जिस में कि आप पैदावार नहीं करते हैं और उस २३ करोड़ एकड़ जमीन में खेती अनाज और फल की खेती करके पैदावार बढ़ाई जा सकती है। आप जानते नहीं हैं कि कैसे पैदावार करनी चाहिए। एक बार जब मैंने प्लानिंग कमिशन के मॅम्बर्स से कहा कि २३ करोड़ एकड़ जमीन हमारी बेकार पड़ी हुई है जिस को कि हम खेती के लायक बना सकते हैं और इस तरह से अपनी पैदावार को बढ़ा सकते हैं तो उस के एक बड़े अधिकारी ने मुझ से पूछा कि यह फीगर आप कहां से लाये हैं तो मैंने उन को जवाब दिया कि धाढ़ फीगर मैं ने आप की किताब में से ही ली है। फर्क मुझ में और आप में इतना है कि आप में किताबी ज्ञान तो है लेकिन व्यावहारिक ज्ञान आप को नहीं है। खाली किताबी ज्ञान ही इस में पर्याप्त सिद्ध नहीं होता है। किताबी ज्ञान और व्यावहारिक ज्ञान दोनों का समन्वय करने से ही देश में अनाज की पैदावार बढ़ाई जा सकती है अन्यथा वह बढ़ने वाली नहीं है। पैदावार बढ़ाने के बहुत से तरीके हैं। भूमि सुधार करने की बात तो हम लोग बहुत करते हैं लेकिन खेती की पैदावार किस तरीके से बढ़ सकती है वह व्यावहारिक तरीके हम नहीं जानते हैं और उन को नहीं अपनाते हैं। चीन में किसान अपनी जमीन का ५० परसेंट तक सबलैट कर सकता है जबकि आप सबलैटिंग को गलत समझते हैं और सबलैटिंग को आप कहते हैं कि यह एक्सप्लायटेशन है। लेकिन हम कहते हैं कि सबलैटिंग एक्सप्लायटेशन भी है और सबलैटिंग का अपरेशन भी है। वह एक्सप्लायटेशन किस हालत में है?—वह एक्सप्लायटेशन उस हालत में है कि शहर के रहने वाले किसी आदमी की देहात में खेतों होती हैं, लेकिन वह वहां पर जाता नहीं है। लेकिन अगर देहात का कोई आदमी अपनी जमीन दूसरे किसानों को देता है और उनके साथ मिल कर काम करता है, तो उस अवस्था में वह को-अपरेशन है।

सरकार कुछ जाती नहीं है और इस-

लिए वह कहती है कि सबलैटिंग एक्सप्लायटेशन है। मैं कहना चाहता हूं कि सबलैटिंग न करने की वजह से आज देश में पैदावार में कमी हो रही है। मैं यह नहीं कहना हूं कि बहुत बड़ी मात्रा में सबलैटिंग करने दी जाये, लेकिन जैसाकि चाइना में होता है, कम से कम पचास परसेंट तक सबलैटिंग की इजाजत दी जानी चाहिये।

सरकार की ओर से को-अपरेटिव फार्मिन्ग की बात की जाती है। को-अपरेटिव फार्मिन्ग चार तरह की हो सकती है। सरकार का उद्देश्य है कि ज्वायंट को-अपरेटिव फार्मिन्ग करेंगे, लेकिन उन में कर के संबंध में कोई विधान या कायदा नहीं है।

सरकार जिम तरीके से काम कर रही है उस से पैदावार नहीं बढ़ सकती है। सरकार संविधान में इसलिए संशोधन कर रही है कि वह किसानों की जमीन ले सके। परन्तु क्या इस बारे में साधारण कानून से काम चलने वाला नहीं है? उस से काम चल सकता है। अगर सरकार किसानों की कोई जमीन पब्लिक परपज के लिए लेना चाहती है, तो वह उनको मुआविजा दे कर ले। यह एक साधारण सी बात है। सरकार जितने भी सुधार करना चाहती है, वे सब किसानों के बारे में करना चाहती है। आज किसानों की क्या आमदनी है? इन देश में प्रति-व्यक्ति आमदनी साढ़े गत आने है, परन्तु किसान की आमदनी केवल चार आने है। फिर भी सरकार कहती है कि किसान बहुत बड़ा है, उसकी जमीन लेकर दूसरों को दे दो। मैं कहना चाहता हूं कि गड्डा खोद कर गड्डा नहीं भरा जा सकता है। गड्डा भरने के लिए पहाड़ खोदना पड़ेगा। जो बड़ीबड़ी आमदनी वाले हैं, उन को सरकार छूना भी नहीं चाहती है।

जैसाकि एक मित्र ने कहा है, सरकार को इस बात की बहुत फिक्र है कि सब लोगों के पास जमीन नहीं है। लेकिन क्या उस को कमी इस बात की भी फिक्र होती है कि सब लोगों के पास घर नहीं है। दिल्ली में एक

(श्री ब० प्र० सिंह)

तरफ तो बड़े बड़े भवनों और बिल्डिंगों के मालिक हैं और दूसरी तरफ बहुत से लोगों को सिर छिपाने के लिए जगह नहीं है। क्या सरकार इस तरह से समता ला सकती है ?

हम लोगों ने भुवनेश्वर में जो प्रस्ताव पास किया, उस से बहुत लोगों को आशा हुई। परन्तु उस को कार्यान्वित करने के सम्बन्ध में कोई समय निर्दिष्ट नहीं किया गया है। सरकार को समय निर्दिष्ट कर देना चाहिये कि हम इन्ने बरसों में इस सिद्धान्त को लागू कर देंगे। सरकार की ओर से सोशललिस्टिक पैटर्न की बात की जाती है, लेकिन उस में न्यूनतम और उच्चतम आय में क्या अन्तर होगा, यह बताने के लिए वह तैयार नहीं है। अगर न्यूनतम और उच्चतम आय में १ और ६ का अन्तर रखा जाये, तो यदि एक चपरासी की आमदनी ३० रुपये है, तो मिनिस्टर की आय १८० रुपये से ब्रेगी नहीं होनी चाहिये। ऐसी बात सरकार नहीं कहना चाहती है।

सरकार इस बात को चाहे कानून के रूप में लागू न करे, लेकिन सिद्धान्त रूप से इस बात को कुबूल किया जाना चाहिये। कहा जाता है कि श्री श्रीमन्नारायण जी कहते हैं कि १ और २० का अन्तर होना चाहिये। मैं कहना हूँ कि १ और २० का अन्तर ही मान लिया जाये, लेकिन जो प्रस्ताव पास किया जाये, उस को पूरी तरह से कार्यान्वित किया जाना चाहिये, उस के पीछे काम करने की पद्धति होनी चाहिये और उन आदर्श को हमेशा सामने रखना चाहिये। केवल प्रस्ताव पास करने और उन की चर्चा करते रहने से काम नहीं चलेगा।

इसराइल को छोड़ कर को-आपरेटिव फार्मिंग दुनिया में किसी भी देश में सबसे-फुल नहीं हुआ है। अगर सरकार क्लेक्टिव फार्मिंग करना चाहती है, तो करे। रूस और चीन में उस का प्रयोग किया गया है और वह वहाँ पर बिल्कुल फ़ैल हुआ है।

सरकार कांस्टीट्यूशन (सेवेंटीन्थ एमेंड-मेंट) बिल के जरिये से किसानों की कोई भी

जमीन कुछ भी मुआवजा दे कर लेना चाहती है। मैं कहना चाहता हूँ कि इस बारे में पहले ही कानून बना हुआ है। उस के अन्तर्गत सरकार मुआवजा दे कर किसानों को कोई भी सम्पत्ति ले सकती है। हम को अपने संविधान की प्रतिष्ठा करनी चाहिये। अगर सरकार इस तरीके से संविधान में परिवर्तन करती रहेगी, तो लोगों का विश्वास सरकार और संविधान से उठ जायेगा और वे समझेंगे कि सरकार अपने मन की मर्जी के मुताबिक जो चाहे, वह कर लेती है।

इन बारे में यह भी कहा जाता है कि संविधान में यह संशोधन इसलिए किया जा रहा है कि किसानों को जमीन ले कर उनको कोई मुआवजा न देना पड़े। मैं कहना चाहता हूँ कि यह तो दिन-दहाड़े लूट की बात है। आज बड़े बड़े मिल-अनिर्ज और पूंजीपतियों के पास जो धन एकत्र हो रहा है, उन की पूंजी में जो दिन-प्रति-दिन वृद्धि हो रही है, उस पर प्रतिबन्ध लगाने के लिये सरकार कोई कदम नहीं उठा रही है।

मेरा निवेदन है कि इस कानून को स्वयंजित किया जाये और इन के सम्बन्ध में जनता की राय जानने के लिए इस को सारे देश में प्रचारित किया जाये। इस के बारे में मत-संग्रह किया जाये और इस बात का पता लगाया जाये कि देश की जनता की इस बिल के बारे में क्या राय है। थोड़े से आदमी यहाँ बैठ कर किसानों के सम्बन्ध में जो कुछ भी चाहें पास कर सकते हैं, लेकिन मैं कहना चाहता हूँ कि आज किसानों की अवस्था सभी वर्गों से गई गुजरी है। आज किसान की आमदनी ११० रुपये मानिक है, जबकि देश की पर कॅपिटल आय २६४ रुपये है।

मैं यह भी मुझाव देना चाहता हूँ कि किसानों की समस्या को जानने के लिए एक कमीशन कायम किया जाये, जो कि उन की आर्थिक स्थिति की जांच करे। सरकार को ऐसा कोई भी काम नहीं करना चाहिये,

जोकि किसानों के हित के प्रतिकूल हो । सरकार ने जो साधारण सी प्रतिज्ञायें की हैं, वह उन की पूर्ति नहीं कर रही है । इस कारण किसानों में सरकार के प्रति अविश्वास पैदा हो रहा है । सरकार को समझना चाहिये कि किसान उस का साथ क्यों देते हैं । किसान उस का साथ इसलिए नहीं देते हैं कि वह बड़ी ईमानदार है । किसान समझता है कि जितने श्राद्धमी उस के सामने हैं, उन में से यह सरकार सब से अच्छी है । इस लिए किसान सरकार का साथ देता है । सरकार को किसानों की दशा की तरफ विशेष ध्यान देना चाहिये ।

**Shri Surendranath Dwivedy:** Sir, I am glad that in the Joint Committee an amendment was accepted because of which it is possible for me today to stand here and extend my support to this Bill. You may remember, Sir, that when this Bill was first discussed in this House for reference to the Joint Committee, all that we urged was this: Although in principle there should be no objection to amend the Constitution for the purpose in view, we must see to it that the small peasants are protected—not only their lands, but also their buildings and other structures. The Joint Committee, after a great deal of deliberation accepted that so far as the lands of the small peasants are concerned, if they come under the ceiling of any State, then the ordinary processes of law would be applicable to them when land is acquired for any public purpose. I think that would have greatly satisfied my hon. friend, Prof. Ranga, who was so vehemently opposed to this Bill from the very beginning.

I heard him very carefully. If I may be pardoned for saying so, it is not the Bill that he is opposing. He is opposed to the very principle of land reforms as visualised by the country as a whole. He wants to protect the peasant proprietors. I might say I am one with him. We do not accept this theory that land should be nationalised in this country. I do not

think in any democracy, anybody would accept this policy of expropriating peasant proprietors. But his fear is that once this sort of principle is introduced and the State is vested with more and more powers, then it will have unlimited authority to go to any extent it likes and ultimately if the State comes into the hands of persons who believe in expropriation, then probably there is no remedy. I think he will agree that if a State has to play a part, the individual citizen in this country has to forego certain of his rights and place them in the hands of the State for public good. That every citizen in this country has to accept. Therefore, in the present state of affairs, where we have a written Constitution, a judiciary and all the processes of law in operation and, above all, the Parliament which has the supreme right to safeguard the interests of the people, we should not have any fear on that account.

He was pleading about the ceiling. He was pleading very much, saying, let this Government at the Centre issue instructions that the present ceiling as it exists in different States should not be disturbed. Actually I interrupted him because my own view is that in some of the States, from social justice point of view and also from the point of view of the policy enunciated by the Planning Commission, the ceiling law is unfair and more favourable to the landed interests than to the peasantry. There is a need today for the change of ceiling laws in the different States of the country. If no protection should be given and if this is not to be supported, it is not to be supported because this Government has not taken any steps to see that such ceiling laws are changed. It is because this Government has not taken any steps to see that the ceiling laws as they exist in different States today are changed. My recommendation would be that this should be done.

If we have not enough agricultural production, it is because the peasant

[Shri Surendranath Dwivedy]

in the country today does not know where he stands. The land tenure laws have not yet been codified. The ceiling laws, as I stated, in most of the States have not been changed. Because of the landed interests who dominate the State Governments and State politics, they have an upper hand and therefore the peasants do not get a fair deal. We are giving protection to certain laws. You will find that there are enactments which have been made as early as 1960 and 1958. Yet they have not been implemented in those particular States till now. What has happened is, taking advantage of this Bill the actual transfer of lands has already taken place and partition deeds have been executed. The result is, when as a result of this Bill those particular Acts are going to be implemented in those States, there would be practically no surplus left for the landless or the small peasantry amongst whom this land was proposed to be distributed. The very purpose of the land reform is defeated by taking recourse to these dilatory tactics. This Government has never moved in that matter. It has never asked the respective State Governments, not even the Congress Party at the Centre—it may not be the Congress Parliamentary Party but the Congress High Command which comes forward with such high sounding slogans about socialism—has ever bothered its head to know how it is that this very question which affects millions of our countrymen and which actually hampers agricultural production—this very primary factor—has not been taken into consideration and the State Governments have been so slow in the implementation of the agrarian laws.

I am not happy the way the Constitution is being amended. When the original Bill was introduced in this House they gave a list of as many as 124 Acts. I am giving out no secret. When it was being discussed, without the Joint Committee itself scrutinising those Acts, from the Government's

side they themselves came forward and said that certain Acts were not necessary to be included and those Acts could be omitted. What does that mean? It means they have not applied their mind to the existing laws as they are prevalent in different States. They have not cared to examine what their character is, how they are functioning, for how long they have been in existence and so on. They have never bothered their heads about it. On any recommendation coming from the State they thought it proper, in order to satisfy them, to embody it in the Act. When they did not find any valid reason in support of the inclusion of those Acts, ultimately it was agreed that they should be dropped.

They also manoeuvred to do things for political reasons. I would agree to a certain extent with Shri Ranga, that the motive behind such amendments and such Bills is not always agrarian but political also. I will take, for instance, the Kerala Land Reforms Bill, the very purpose for which this Constitution (Amendment) Bill was introduced, the Bill that was passed and that was challenged in the Supreme Court. You will be surprised to learn that that particular Act was okayed by the Planning Commission, by the then Central Government and by the State legislature. There was no occasion to amend that Act again.

15.56 hrs.

[MR. SPEAKER in the Chair]

As soon as there was a change of Government, without any valid reason they changed it. For what purpose did they change it? They changed it to suit the purposes of large landowners who are the main support of the present Congress Party in Kerala. How was it brought about? We, some of us, objected to it. Now, luckily for them and unluckily for us, the deliberations of the Joint Committee were not over before the Act was passed

in Kerala. That very Act was not included in the list that was given to us in this House. Then, that very Act which was passed after this Bill was introduced was brought for discussion in the Joint Committee and was ultimately included in the Schedule. I do not think this is fair. Why was that Act, which was repealed by the State legislature, brought in. Had the Planning Commission no duty in this matter? The Planning Commission which is the main element, the main institution behind this legislation know their responsibility well. They should have asked the Central Government to issue instructions to the State Government saying that when we were in the midst of a discussion to amend the Constitution for that very purpose and when that particular Act was in conformity with the policy laid down by the Planning Commission and the Central Government, they should not change that very Act. If even after that they had done so and if that was going to be challenged in the Supreme Court, I think we should not have given protection to that sort of a measure.

The argument that I am advancing is this. Although the principles are quite good, there is the question of implementation. The whole idea is not really that but to release forces or to make laws which will make our agrarian reform an easier process and make the agrarian sector somewhat satisfied to go forward. Sometimes that purpose is defeated because of political considerations. There lies the real danger. It is not that we are giving more powers to the Government for such purposes. That is my real grievance against this Government, that they are not dealing with this matter only for agrarian reform purposes.

Then, the question of rural and urban ceiling is a very important issue before us. When we are going to enact such laws and from the social justice point of view we are going to upset the entire rural society and their economy—more or less by enact-

ment of ceiling laws we are putting a limit on the income of the peasants—if at the same time Government does not take steps to put a ceiling on the urban income, then we are deliberately making an imbalance in the society. With the growth of industrialisation, it is likely that in this country, at the cost of the peasantry, the entire urban and industrial sector will be dominant and the poorer sections of this country will suffer. It will not lead to an egalitarian society nor is it possible under the circumstances to get the support of the large bulk of the peasants, millions of them, to work enthusiastically for the success of the society as a whole. There will be resistance. There may be a great tussle between these urban interests and the rural interests. That is bound to come unless, when more and more we are going to introduce these laws which are very necessary, we also pay attention to this aspect of our development which is very necessary, according to me, at this stage of our economic development.

16 hrs.

I would now refer to one or two things more. It is not also very proper for the Parliament here to give protection to Acts which were challenged by courts and which may be said to be impugned Acts. We supported these things will-nilly because we thought that even the little relief that is given under the Act should be implemented and should not be delayed by challenges in the courts, etc. But I was surprised to find that as regards some of the Acts which were invalidated by the Supreme Court, even two or three years back, the State Legislatures and the State Governments have not thought it proper to amend them and make them okayed. This is not a happy precedent. It is not a good precedent for the Parliament to give protection to laws which have been declared invalid by the courts.

**Shri Bibudhendra Misra:** In the First Constitution Amendment also you did it. You gave protection there.

**Shri Surendranath Dwivedy:** That is what I say. No proper thinking is given to these questions. Because you had done once, you must do it now. Because one wrong you committed, you must commit it as many times as possible. That is not a very good precedent that you are creating. We cannot thank ourselves that we are doing a very good job by giving protection to laws which have been declared invalid by the Supreme Court. There are some Acts which have been given protection under the Schedule because of a very definite purpose. I would like to have an assurance from the Government, if it is possible for this Government to give us, as to whether they have enquired from the State Governments why the Acts which were passed long ago, have not been implemented, in how many States actually the ceiling on land has been fixed and what is the surplus land available today and how much of it has been distributed to how many peasants and all that. If you have that account, if the Government comes forward with a statement like that, then probably even opponents of this Bill will realise that really by these laws small peasants have been benefited. But in actual practice it is all rather a paper legislation which is not working anywhere and if anything is done it is giving more benefits to the big land owners. I would like Mr. Ranga to appreciate that the smaller the landowner, the greater the production. That is why he is opposed to cooperative and collective farming. As you know, Sir, in other countries, collective farming has not been a success and that is because of different reasons. If that is so, it is all the more reason why the lands should be distributed and given to small landowners. As we have abolished zamindari, we should also have abolished these big landowners as much as possible. Cooperative farm-

ing—of course, it has nothing to do with this Bill—has to come in this country and that will come on a voluntary basis. Everywhere small land-owners have mutual aid teams as existing, in actual practice, in villages today. There are small land-owners who have 1 acre or 1½ acres who cannot afford to have ploughs and other necessities for agricultural purpose. They voluntarily exchange their labour and other things and that is how they carry on. If we want cooperative farming in this country to be a success, we want such a co-operation which exists even now unofficially on a voluntary basis amongst the villagers. That should be organised in a proper manner so that we get more production for our country, and that can only be done when you put a limit on the intermediaries and the big land-owners and the surplus is distributed. Whether we can provide it or not—this is a difficult proposition—but it should be our aim to see that every small peasant and landless peasant is provided with land so that he can join these cooperatives to work for the common good. That should be our purpose. In that way only, cooperative farming can develop in this country. By giving protection to the small peasants, by introducing laws to put a limit on the big land-owners, by distributing surplus lands amongst the peasantry, we can create an atmosphere in the country in which, given other necessities for the peasants to prosper, this country can make a great headway in agricultural production.

With these few words, I extend my support to the present Bill. At the same time I would urge upon the Government and request them that before they amend the Constitution, let either the Planning Commission or the Central Government take a comprehensive view and reassess and review the entire land reforms as they are existing now and what is the plan before them. Once they do that, then probably they should not come



forward with so many amendments. There should be one comprehensive legislation which will give protection to all the principles that we want to introduce in this country. There will then be a systematic growth and a systematic increase in agricultural production.

With these words I support the present Bill.

**Shri Bibudhendra Misra:** Sir, before you call upon some other hon. Members to speak, would you please permit me to explain the accusation made by Mr. Dwivedy that the Government had political manoeuvring in the Joint Committee.....

**Shri Surendranath Dwivedy:** I did not say, it was in the Joint Committee. I only said there was political manoeuvring.

**Shri Bibudhendra Misra:** Political manoeuvring. That will clear up certain impressions. He said that the Kerala Agrarian Relation Act found a place in the Bill that was introduced in the House and he wanted to know why it was not retained in this Bill and why is it that the Kerala Land Reforms Act.....

**Shri Surendranath Dwivedy:** My objection was to the inclusion of the new Act.

**Shri Bibudhendra Misra:** Yes, and why that was not included here. So far as the Kerala Agrarian Relations Act is concerned, it was certainly there in the Bill itself. But then, Sir, that does not take away the power of the State Legislature under article 31B either to amend it or repeal it. What is the purpose of putting a statute in the 9th Schedule if it remains a dead letter? It will have no force at all.

It is for the State Government to decide. So, they repealed it and in its place they had the Kerala Land Reforms Act, and they wanted up to include that Act. This was discussed in the Joint Committee and then

included. We have absolutely no power on the State Government to ask them not to repeal it. That is beyond our competence.

**Shri Surendranath Dwivedy:** My objection was to the new Act being included in the Schedule. I know that the earlier one was repealed.

**Mr. Speaker:** That is what the hon. Deputy Minister has said.

**Shri Surendranath Dwivedy:** In the Schedule, originally it was not there, but later on it was included.

**Shri Karuthiraman (Gobichetipalayam):** The present Constitution Amendment Bill has been necessitated because of an interpretation put up on the word 'estate' by the Supreme Court.

Many hon. Members have objected to our amending the Constitution. I would submit that we have framed the Constitution for the benefit of the people. So, whenever it is necessary to amend it for the benefit of the people, we should do so, and that is a reasonable thing that we should amend it for the benefit of the people.

So far as the present amending Bill is concerned it is confined only to land and land reforms. Of course, land reform is necessary, and under the land reform legislation, a ceiling is laid down, and everybody is confined only to that ceiling. But what is required is a real change or reform in the heart of the people. We may pass any amount of land reform legislations, but they would be of no avail unless there is a real change in the heart of the people. If we think that we may pass land legislation, and people will have only lands up to the ceilings, and then everything will be all right, and people will be very happy and they will produce more and productivity will increase, that is a wrong notion and that is a wrong policy. Unless there is security for the peasants, and unless there is security in the proprietorship of

[Shri Karuthiruman]

land, it will not in any way help to increase the productivity of the land.

As I have already mentioned on over so many occasions, there is a confusion going on in regard to the ceilings. It is said that there should be land reforms and ceiling on the incomes, but then they start with imposing a ceiling only on the unfortunate rural people, and there is no ceiling on urban incomes and urban earnings. If in this Constitution Amendment Bill, it had been stated that there will be a ceiling for each and every type of property, I would have been very happy to receive this Bill. But here, Government have only provided that any land can be acquired for a public purpose, and they will fix the value, and once that is done, the owners of the land cannot go to the court. That is the provision in the Bill, if I understand it correctly.

Here, I would refer to what has happened in my own constituency, for the information of the hon. Minister. The law-abiding people have not at all benefited. It is only those who had gone to the courts who had benefited enormously. In the construction of the Lower Bhavani project in my constituency in 1952, many lands were acquired by Government, both dry lands and also wet lands. The authorities approached the people for their lands, and they told them that they would give the maximum compensation possible. The result was that they were given only Rs. 300 to Rs. 400 per acre. The law-abiding people took that compensation at that rate. But those people who did not get the compensation to their satisfaction went to court and got compensation to the tune of Rs. 2000 per acre. The law-abiding people, the people who obeyed the authorities and who thought that Government would render justice to them got only Rs. 300 to Rs. 400 per acre, whereas those who were not so law-abiding went to court and got what they wanted; they knew how to go to court and get things done

and they got compensation at the rate of Rs. 2000 to Rs. 7000 per acre. Is it not a reasonable thing to expect that in our country where more than 50 per cent of the people are illiterate and do not know how to go to courts and get all the things done for themselves, we should be their protectors and the guarantors of their property, and we should give them reasonable compensation ourselves, and not allow a situation in which the people who go to courts get more compensation while those who are law-abiding get lesser compensation?

Therefore, I am afraid that under the present Bill, the Government authorities should not have the final say in regard to the fixation of the compensation, but it should be left open to the people to go to courts of law and get justice from them.

A distinction is also made between property owned by one self and property owned by a peasant by tenancy. Apparently, the Planning Commission and even the Ministers probably do not understand the rural people and the leadership in the rural areas of the country. Suppose a landlord has got 100 acres of land, or even supposing that the ceiling is only 30 acres, and he has got 30 acres of land; still, he cannot be happy in the village unless he depends upon certain other people, unless he has certain peasants under him.

It has been said that many enactments have been brought forward for protection of tenants against eviction. Some political parties, such as the Communist Party say that all evictions should be stopped, and they say that they are here to guarantee against the eviction of these tenants. I would submit that the Congress also is wedded to this idea that the lands belong to the peasants. But, as Gandhiji has said, if anything is to be done, it should be done in a peaceful and non-violent way and not in a violent way. The Madras Bill for the protection of tenants against eviction was necessitated because some landlord in the

Tanjore District, because of some political motives, evicted some tenants. In the Coimbatore and Salem districts, we are having peasants for generations together, and have never evicted a tenant; unless and until he himself gets away and he himself feels that he is not able to produce more and give according to the contract, we do not evict any tenant. So, what is required is reform in the heart.

As I was saying, a discrimination has been made between land owned by oneself and land owned by a peasant. Suppose a man has leased out his land because of certain difficult circumstances, what is the compensation that he would get? The rate fixed by the authorities is that he would get ten times the *kist*. Rs. 10 to Rs. 15 is the *kist* per acre; ten times that would come to about Rs. 100 or Rs. 150. But the value of the land is Rs. 10,000 or Rs. 9000. Thus, while a man who is having personal cultivation is able to get market value, a man who because of certain difficult circumstances has leased out his land would get only a few hundreds of rupees. In the case of a big landlord, that would not matter much, and that would be all right. But supposing there is a widow who has only two or three acres, how could she resort to personal cultivation? Even here, I am sorry they do not understand who the real tiller of the soil is. In agriculture, the operations are such that nobody can claim that all the work could be done by one person. Sometimes, even an agriculturist and even a tenant does not know tilling properly, whereas I, who am a landlord, know tilling much better than a tenant, because I am so much interested in the land and in the production from the land; and I do more physical work, and I can do more physical work than the tenant himself. Because a person engaged some tenant who engaged labourers, can it be said that the agricultural tenant is the tiller of the soil? There are, for instance, women labourers engaged in transplantation in the fields, and in this way, there are so many other categories of

labourers. Can they all claim that a certain percentage of the land belongs to them? It is very necessary that we should understand properly who the real tiller of the soil is. A man who goes to the field, and who attends to the field, and who engages himself day and night in the field is the tiller of the soil. Even the great Saint Thiruvalluvar has said who the tiller of the soil is. He says:

*"Sellan kizhavan iruppin nilampulandu illain liodividum."*

If a man does not go to the field and look after it properly, then that land would behave towards him like an unwanted wife who is not cared properly. If a wife is not given proper care, she would not look after her husband properly. Similarly, if a land-owner does not go to his lands and properly look after it, the land would not give proper yields. That is how the great Thiruvalluvar has defined a real tiller of the soil. A tiller of the soil is one who attends to the field, and who goes to the field and who does the supervision work etc. himself.

**Shri P. R. Patel:** Land is the mother, not the wife.

**Shri Karuthiruman:** It is necessary that this definition of the real tiller of the soil should be borne in mind, and there should be a proper interpretation of the same.

Then, there is talk of co-operative farming. I might submit that even an agriculturist is a real co-operator, because he has to have the support of all sorts of people in the village. Starting from the *dhobi* and the barber and going up to everybody else, everyone is living upon the land, and they all have to be given something out of the produce of the land.

So far as land reforms are concerned, I welcome them. But the point is whether they are going to help in increasing productivity, because there is a sense of insecurity created as a result of our land reforms. Suppose

[Shri Karuthiruman]

60 per cent of the produce is to be given to the peasants under the enactment. What is actually happening in practice? I can narrate my own practical experience in this matter. I own about 30 acres of land for my personal cultivation, and I have leased out about 30 acres to some of the peasants. Even if I give them proper seeds, proper manure and even money for them to cultivate the land they never rise to the level of production which I have been able to reach. They think that they are assured of 60 per cent share of the produce, and therefore, they do not care whether manure should be applied or not. Even the groundnut cake that I used to give them for manure used to be taken away by them and used in some other way, probably feed to their cattle or some such thing, and they did not apply it to the field. Therefore, I have now adopted the practice of mixing it with some sand so that it may not be used for the cattle but it can be directly taken to the field itself. That is the actual tendency of the people when we assure them of a certain percentage. It is all right to go on saying on the platform that they will have a share in these things and so on. But the question is whether it has achieved successful results. I would submit the answer to this question is 'No'. To narrate my personal experience, I have been able to get 50 maunds of paddy per acre because of my personal attention, but in spite of the credit facilities that I have given to my farmers, and in spite of the seeds and manure etc. that I have given to the farmers, they have been able to produce only 30 maunds of paddy. A real tiller of the soil is one who has got the own proprietorship with security of the land; it is only that person who will be able to increase the yield.

Even in these land reforms, sugarcane cultivation has been exempted; plantations have been exempted. There is gross discrimination between land and land. Like that, there is discrimi-

mination between the agricultural sector and the industrial sector. So we are afraid of what is going to happen. As regards this land to the tiller slogan, I would suggest to Government that when land is taken away the market value should be paid, in whatever capacity it is taken. Then only the peasants will feel that they get their due.

Then again the ryotwari is one of the best systems in the country. We had the jagirdaris and zamindaris. We enacted legislation abolishing them. It is a welcome step because they had inherited lands not by right means but by some other means. They had got them by way of so many charities and other things. But the ryotwari system is different. It is one of the best systems, because the ryot has invested his money and brought up the land. But under this amendment, I am afraid that even the ryotwari system will be abolished. We should see that the ryotwari system is protected. That is a good system in which the ryot can own his land as proprietor and also see that the maximum yield is obtained out of it.

So I would make two requests to Government. For lands taken over either for public purpose or for any other purpose, there should be provision to challenge such action in a court of law. For lands taken over, compensation at market value should be paid, irrespective of whether it is a case of personal cultivation or tenancy. The landowner should have equal rights as the tenants.

I hope the suggestions I have made will be incorporated into the Bill during the clause by clause consideration stage.

श्री क० ना० तिवारी (बगहा) : अध्यक्ष महोदय, संविधान का जो यह १७वां संशोधन विधेयक आया है मैं उस का स्वागत करते हुए अपने कुछ सुझाव देना चाहता हूँ ।

आज तक दुनिया में चाहे वह कम्युनिस्ट स्टेट हो या कैपिटलिस्ट स्टेट हो, कहीं यह बात आज तक तय नहीं हो पाई है कि लैंड का क्या सिस्टम होना चाहिये और लैंड का कम्युनिस्ट स्टेट में जो सिस्टम है और कैपिटलिस्ट स्टेट में जो सिस्टम है उन में कौन सा अच्छा है यह विषय आज तक विवादप्रस्त बना हुआ है ।

लैंड रिफार्म्स के मुख्य उद्देश्य दो होते हैं । एक तो यह कि देश के लोगों को एम्प्लायमेंट मिले और दूसरे वहां की उपज बढ़े । इसीलिये जितने भी लैंड रिफार्म्स होते हैं, चाहे वे किसी देश में हों, चाहे वह रूस में हों या चीन में हों या जापान में हों, या हिन्दुस्तान में हों या किसी भी देश में क्यों न हों, उस का ध्येय एक ही है । अभी तक यह बात मानी जाती है कि हिन्दुस्तान में जमीन के ऊपर ७५ से ले कर ८५ फीसदी लोग अपनी जीविका चलाते हैं और उस का कारण यह है कि इंडस्ट्रियली अभी यह मुल्क बढ़ा नहीं है । उस की इंडस्ट्रीज अभी इतनी नहीं बढ़ी हैं जिस में यहां के लोग जा कर अपनी जीविकायापन के लिये कमाई कर सकें ।

अभी रूस के अन्दर दो सिस्टम हैं । एक स्टेट फार्म्स हैं और दूसरे कोआपरेटिव फार्म्स हैं और चूंकि कोआपरेटिव में वहां के ग्रहस्थों का इंटेरेस्ट ज्यादा रहता है इसलिये कोआपरेटिव फार्म्स का प्रोडक्शन बराबर ज्यादा रहता है । इसी तरह अमरीका को आप ले लीजिये । अमरीका एक कैपिटलिस्ट स्टेट कहा जाता है । वहां के लोकल सिस्टम से इतनी अधिक पैदावार होती है कि वहां से रूस ६४ करोड़ से ले कर ६६ करोड़ रुपये का गेहूं मंगा रहा है और अरबों रुपयों का गेहूं चीन अमरीका से मंगा रहा है । जाहिर है कि अगर जमीन का सिस्टम जोकि दोनों जगह घलग है, कैपिटलिस्ट स्टेट में दूसरा है और कम्युनिस्ट स्टेट में दूसरा अगर कैपिटलिस्ट स्टेट का लैंड सिस्टम खराब होता

तो वहां की पैदावार कम होती और कम्युनिस्ट स्टेट की पैदावार ज्यादा होती लेकिन बाकी ऐसी नहीं है बल्कि इस के बिल्कुल उलटी है ।

करीब चालीस वर्ष से ज्यादा हुआ कि रूस में रेवोल्यूशन हुआ और लैंड रिफार्म्स होने के बाद भी वहां का प्रोडक्शन नहीं बढ़ सका है । वहां की आवादी खेती के ऊपर आज भी कम है, इंडस्ट्रीज के ऊपर ज्यादा है । इसलिये हमारे देश को यह नहीं समझ लेना चाहिये कि लैंड रिफार्म्स कर देने से देश में अनाज आदि की पैदावार अधिक हो जायेगी । किसानों की जमीन पर सीलिंग कर दी जाय, छोटे छोटे टुकड़ों में खेतों को बांट देने । पैदावार बढ़ जायेगी इस में भी सन्देह है से ऐसा ख्याल इस लिये होता है कि अगर छोटे छोटे किसानों को देने से पैदावार बढ़ सकती तो रूस में भी जहां कि लैंड रिफार्म्स किये गये छोटे छोटे किसानों को थोड़े-थोड़े जमीन के टुकड़े दे दिये जाते और यह बड़े-बड़े क्लैक्टिव फार्म्स और कोआपरेटिव फार्म्स न बनाये जाते । चीन में भी यही हालत हुई होती । उनकी हालत यह है कि जितना फ्रिंगमेंटेशन आफ होल्डिंग्स हों गा उतनी ही पैदावार कम होगी क्योंकि उतनी ही दिक्कत छोटे किसानों को फर्टिलाइजर्स और पानी वगैरह देने में पड़ेगी । सब जरूरी सामान व सुविधा मुहैया कर लना उन की ताकत के बाहर होता है । मैं सीलिंग के खिलाफ नहीं हूं लेकिन मैं यह चाहता हूं कि सीलिंग उतनी जमीन की की जाय जिस में कि किसानों अपनी खेती अच्छे तरीके से कर सके और इतनी छोटी उसकी हद बंदी नहो जाय जिस से कि उपज बढ़ाने में कठिनाई पड़े ।

आज अन्य देशों में अपने देश में भी और कम्युनिस्ट मुल्कों में भी दो बातों के ऊपर जोर दिया जाता है । अमरीका में भी और रूस में भी यह चीज कही जा रही है कि फर्टिलाइजर्स, ट्रैक्टर्स और मिकैनाइजेशन से जो खेती होती है उस से उपज ज्यादा बढ़

[श्री क० ना० तिवारी]

रही है। जाहिर है कि जब छोटी होल्डिंग्स हो जायेंगी तो उन में ट्रैक्टर नहीं चल सकेंगे। हमारे देश में जानवरों की कमी है, बैलों और भैंसों की कमी है, जिन से कि खेती होती है। यहां भी लोगों का ख्याल है कि छोटे छोटे ट्रैक्टर के जरिये खेती की जानी चाहिये और उस के लिये आये दिन प्रश्न पूछे जाते हैं कि छोटे छोटे ट्रैक्टर देश में बन हैं या नहीं और हम को वे मिलेंगे या नहीं। यह स्पष्ट ही है कि अगर एकोनामिक होल्डिंग किसानों के पास नहीं होगी तो वह ट्रैक्टर से काम नहीं ले सकेंगे। मैं बतलाना चाहता हूँ कि खेती के बारे में जो अपने को प्राप्रैसिव कहते हैं और दूसरों को रीएक्शनरी कहते हैं, वे इस बारे में क्या कहते हैं :—

#### USE WESTERN FARM METHODS URGES K.

*Moscow, April 24 (DPA)*—“We must borrow in our agriculture everything progressive that has been created in the capitalist countries”. Soviet Premier Nikita Khrushchev demanded yesterday.

“There is nothing shameful in this.” he added, according to the Soviet News Agency Tass in a note “on some questions connected with the implementations of the party's course to intesely agriculture.”

इस से भी यह मालूम होता है कि अभी भी सोवियट रूस और कम्युनिस्ट पार्टी यह चीज अनुभव करते हैं कि उन्हें एग्रीकल्चर के बारे में कैप्टलिस्ट कंट्री से प्राप्रैसिव तरीके बारी करने हैं। रूस में अमरीका के मुकाबले एग्रीकल्चर का आउटपुट नहीं होता है और इसी कारण समय समय पर बहुत बातें अखबारों में आती हैं कि ज्यादा फर्टिलाइजर्स इस्तेमाल करने के लिये और

ट्रैक्टर का इस्तेमाल करने के लिए बड़ी लैंड होल्डिंग्स होनी चाहिए तभी उन के वहां प्रोडक्शन बढ़ेगा। यही राज है जिस से अमरीका में प्रोडक्शन ज्यादा होता है।

एक दूसरी बात की तरफ मैं इस सरकार का ध्यान दिलाना चाहता हूँ कि जमीन की कीमत एक जैसी बराबर नहीं रहती है। जिस जमीन की कीमत आज एक कौड़ी भी नहीं है उस की कीमत दो वर्ष के बाद २०० रुपया, ४०० रुपया या १००० रुपया हो सकती है। दिल्ली को ही ले लीजिये। जिस जमीन की कीमत पहले ४ आने या ८ आने वर्ग फीट थी उस की कीमत आज १०० रुपये और २०० रुपये प्रति वर्ग फीट हो गयी है। उसी तरीके से एग्रीकल्चर की जमीन की भी बात है। मान लीजिये कि हम ने एक जमीन १०० रुपये में खरीदी, उस जमीन के ऊपर हम ने २००० रुपया लगा कर इम्प्रूवमेंट किया तो वह सीलिंग प्राप की २० एकड़ की हुई वह २१ एकड़ पर आती है। उस की कीमत सरकार मार्केट रेट पर नहीं देने जा रही है। उस की कीमत देगी जो उस की मालगुजारी होगी। मान लीजिये कि एक रुपया उस की मालगुजारी है तो ६ गुना हम को वह देगी। इस का अर्थ है कि सरकार चार, पांच या छः रुपये देगी। इस का नतीजा यह होगा कि जिस गृहस्थ ने दूसरों से रुपया कर्ज लेकर अपनी जमीन की इम्प्रूवमेंट की है, उस का बहुत नुकसान होगा और वह कभी कर्ज से नहीं निकल सकेगा।

आज के समाचारपत्र में प्रकाशित एक रिपोर्ट में कहा गया है :

“भारत में ग्रामीणों पर ३० अरब रुपया का ऋण है ? रिजर्व बैंक ने अभी हाल में ग्रामीण-ऋण का सर्वे किया था, उस से ही यह रहस्योद्घाटन हुआ है।

सात करोड़ ४० लाख ग्रामीण परिवारों में से, औसतन हर परिवार पर चार सौ छः रुपये का ऋण है।

यह सर्वे १९६१-६२ के वर्ष के लिये किया गया था। सर्वे से पता चलता है कि केवल १९६१-६२ के वर्ष में ही ग्रामीणजनता ने १३ अरब ३२ करोड़ ४० ऋण लिया, जो औसतन १८० रुपये प्रति परिवार है।”

अगर किसान ऋण ले कर जमीन ले और उस पर रुपये लगाए और इस बिल के अनुसार यदि उस को कम्पेन्सेशन मार्केट वैल्यू के हिसाब से न दिया जायेगा, तो उस की क्या हालत होगी? सरकार और किसी क्षेत्र में तो आय की लिमिटेशन या सीलिंग लागू नहीं कर रही है, जो लोग शहरों में रह कर अपने मकानों से दो हजार रुपये की आमदनी प्राप्त करते हैं, उन की आमदनी पर कोई सीलिंग नहीं है। बड़े बड़े पूंजीपतियों पर कोई सीलिंग नहीं है। दो तीन हजार रुपये पाने वाले नौकरी-पेशा लोगों पर कोई सीलिंग नहीं है। सरकार केवल किसानों की आय पर सीलिंग लगाना चाहती है, जब कि उन की स्थिति यह है कि खेती से उन की जो आमदनी होती है, उस से वे अपने बच्चों को उचित शिक्षा नहीं दे सकते हैं।

किसानों की आय पर सीलिंग लगाने का नतीजा यह होगा कि यद्यपि सरकार देश में समता और समाजवाद लाना चाहती है, लेकिन देहातों में रहने वाले देश के ८५ फी सदी लोगों की कमाई बहुत कम होने के कारण उन के बच्चे ऊंचे पदों पर नहीं जा सकेंगे, क्योंकि सरकारी नौकरों, बड़े बड़े पूंजीपतियों और ऊपरी मध्यम वर्ग के लोगों के बच्चों के समान वे उच्च शिक्षा प्राप्त नहीं कर सकेंगे।

इस के अतिरिक्त सरकार टी एस्टेट्स, एबर एस्टेट्स और महाराष्ट्र और दूसरी जगहों के शूगरकेन एस्टेट्स पर कोई सीलिंग

नहीं लगाना चाहती है। वह केवल उन लोगों पर सीलिंग लगा रही है, जो कि गेहूं, जौ, मक्की, बाजरा आदि खाने के पदार्थ पैदा करते हैं। अगर सरकार उन से जमीन ले लेती है, तो वह उन को मार्केट वैल्यू के हिसाब से मुआवजा नहीं देती है। मैं बड़े जोर के साथ कहना चाहता हूँ कि सरकार जो भी जमीन ले, मार्केट वैल्यू के हिसाब से उस का मुआवजा दिया जाय। यह दूसरी बात है कि अगर किसी के पास दो, चार, दस हजार एकड़ जमीन है, तो सरकार के लिए उस का मुआवजा देना मुश्किल होगा। मैं कहना चाहता हूँ कि सरकार ने जब लाइफ इन्शुरेंस का नेशनलाइजेशन किया, तो उस ने उस का कम्पेन्सेशन दिया और काफी मात्रा में दिया। फिर क्या बजह है कि जो जमीन वाले हैं, उन को कम्पेन्सेशन न दिया जाये?

मैं बड़े जोर से कहना चाहता हूँ कि जिस व्यक्ति की जमीन ली जाये, उस को मार्केट वैल्यू के हिसाब से कम्पेन्सेशन जरूर दिया जाये।

[Mr. DEPUTY-SPEAKER in the Chair]

जिस जमीन पर लोगों ने रुपये खर्च किया है, जिस जमीन को इम्प्रूव करने के लिये जितना खर्च किया गया है, उस को दृष्टि में रखते हुए मार्केट वैल्यू के हिसाब से उस जमीन का कम्पेन्सेशन मिलना चाहिए।

Shri A. S. Alva (Mangalore): Mr. Deputy-Speaker, Sir, as far as this amendment is concerned, this only enables the State Governments to come forward with tenancy legislation; it does not legislate on any of the sections of the legislation Acts. As far as Zamindaries are concerned, they came under the definition of the 'estate' after the Constitution was amended and so the Government or the legislature took powers to determine the compensation and it was not justiciable and people affected by

[Shri A. S. Alva]

these orders could not go to the court. It was found that subsequently some of these lands were excluded from the definition of "Estate" and the Act of Kerala which came in for scrutiny by the Supreme Court in respect of the land held on ryotwari tenure and which was formerly part of the Madras State, it was held that compensation is justiciable and market value should be given and that is why this amendment is now sought to enlarge the definition of "estate" so that it may include ryotwari, jenmam and all the other rights which have been mentioned in the amending Bill.

Now, Sir, in the Joint Committee stage, exception has been made in respect of the land within the ceiling, that is to say, if the Government wants to acquire the land within the ceiling, then market value must be given provided the owner is in possession. This change is more or less illusory because it will not benefit anyone. I am not familiar with the tenancy legislation of many States. But as far as some of the legislation is concerned, especially in the South if an owner is in possession of the property within the ceiling limits, he can retain it. No land within that ceiling limit which is in the possession of land-owner could be acquired by the legislation. So much so, this amendment which has been proposed by the Joint Committee which says that if the person is in possession of the land within the ceiling limits, then alone he must be paid actual market value as compensation will not change his position as he can retain possession of the property within the ceiling limit. Government will not acquire that land. Most of the land reform Acts did not contemplate acquisition of lands within the ceiling if the owner is in possession. It has been said that as far as ceiling is concerned, it must be uniform; but that cannot be because land varies from place to place and the yield varies with different kinds of land in different

places. As a matter of fact in Mysore, it varies from place to place. Mysore Act fixes 27 standard acres as the ceiling limit but it depends on the rainfall. Sometimes it becomes 54 acres or 108 acres or even 216 acres. So, it depends upon the kind of land, soil that would be possessed by a person.

Now, I full agree with Shri Ranga and Shri Karuthiruman who have stated that as far as the agriculturists are concerned they are discriminated against. If a person could hold property in a town, in the urban areas, absolutely there is nothing against it. He can own any amount of land and let that land and get as much income as possible, subject only to certain income-tax other taxes. But as far as the agriculturist is concerned, his income is sought to be limited. For this purpose, I would certainly make an exception, and the exception should be in respect of persons or landowners who come within the ceiling. I am speaking in respects of lands in South India. The Madras State, a portion of Andhra, a portion of Mysore and a portion of Kerala were included before the reorganisation of States in the old Madras State. At that time, ever since 1953, first, there was an ordinance which prevented the landlord from taking possession of lands from the tenant as long he pays his fair rent. Then an Act also came to be passed for fixing the fair rent, saying that the landlord would be entitled to 40 per cent of the gross yield and the tenant would be getting 60 per cent. Then, by a series of Acts, it so happened that it was not at all possible for a landlord to go to the ordinary civil courts and get possession of the land. There was a limitation placed on him. If a person knew that there would be tenancy legislation, that would have been different. But, at the same time, they could not take possession of the land even within the ceiling limit. So, practically from 1952



or 1953 onwards.—I am speaking for for my district of South Kanara which was part of the Madras State—that Act is still in force. The lands there are held under the ryotwaries settlement, under which even if the tenant does not pay rent, it is not at all possible for the landlord to go to a civil court or even to the revenue court and take possession of the land as the law stand, today. So, a landlord, even if he wants to cultivate the land for himself, is deprived of that cultivation.

But as far as compensation is concerned,—I am referring to the Mysore Land Reforms Act of 1961 which is No. 51 in the Ninth Schedule to the Constitution as is now included in the Bill—if a landlord is not in possession of any land, he cannot take possession of that land from the tenants even though it is within the ceiling limits and he is not paid the market value. So, the ceiling limit is merely illusory as far as the landlord who is not in possession is concerned. If there are people in other occupations, like doctors, lawyers or Government servants, who are away from the village and who have no idea of going to the village, their position is different, but other people who had let their lands to the tenants and where the tenants are actually cultivating, are deprived of their land and they could not take possession of the land through the ordinary law of the land, either through the civil court or the revenue court, and as such they get only the rental. It so happens that they have to part with the land by the Tanancy Act of Mysore. If the tenants are in possession, or if somebody else is in possession, the land is acquired for them by the Government and the Government will be paying the landlords some compensation which is not the market value and is not justiciable.

I am only referring to small owners who are within the ceiling limits, and who have purchased lands at the market value. Whatever savings they have got, whatever money they have

earned and whatever inheritance they have got, instead of investing them in the bank, they put them on land, thinking it is a very good investment. The big landowners are having more property than the ceiling itself, and above the ceiling there is no objection for their being paid compensation which the legislature may give. But as far as the people who come within the ceiling, limits are concerned, even if they are people having more lands but upto the extent of the ceiling, they must be given compensation according to the market value. So, the amendment that has now been proposed by the Joint Committee, namely, "...and where any land comprised there in is held by a person under his personal cultivation" should go. There should not be that clause at all. I submit that it is but fair and proper that a person who is having lands within that ceiling limit should be given the market value and it must be made justiciable. Otherwise, there will be a lot of imbalance and a lot of people in the village parts or the rural areas will be thrown out of gear, and they will be driven to the position which is worse than that of tenants.

**Shri Nambiar** (Tiruchirapali): Who can afford to pay compensation at market value? The Government?

**Shri A. S. Alva**: Why should they alone be discriminated against? Nobody is bothered about the people who hold bungalows in big cities and getting so much rental. My hon. friend wants to get up and say, "Who is to pay?" After all, the land was not got for nothing. It is good that my hon friend interjected, because, if his own party comes to power—

**An Hon. Member**: Never.

**Shri A. S. Alva**: I wish they never come to power, but let us take it that by some misadventure, as it happened in Kerala, they come to power again, and tomorrow they pass a legislation, and the Central Government will have no power, that the

[Shri A. S. Alva]

owner should be given one year's rental which is enough, then the tenant becomes the owner. Does my hon. friend seriously think of it? Nobody could object because under the Bill as it exists, the legislature has got full power; they have to determine in what manner compensation is to be paid; if the State Legislature says that if a tenant pays one year's rental as compensation, he will become the owner of the land. Government acquires the land; the tenant becomes the owner; the owner has to be content with one year's rental as compensation. Is it fair?

**Shri Nambiar:** 12 years; not one year.

**Shri A. S. Alva:** I know it is 12 years. What I am saying is, can anybody prevent the legislature from doing it? The owner is helpless. He cannot go to the court; he cannot come and say compensation is not adequate and agitate in a court. I really understand the position of the Government; they do not want that there should be an intermediary between the actual cultivator and the Government. I do concede, it because the very idea of land legislation is, if a man becomes the owner of the land which he is cultivating naturally he will have the best incentive to produce more; there will be more production. As far as this theory is concerned, let us admit it, but, at the same time, let us give justice to the landlord also. If a man has got half an acre and if he is not in possession, he will also get compensation which the legislature may decide; maybe 12 years' rental or something less. On the other hand, suppose there is a tenant who is actually in possession within the ceiling, he can retain the entire property for himself and he becomes a big landlord by himself. As far as Mysore is concerned—take my own district of South Kanara—a standard acre there comes to 54 acres. If there is a tenant who is

having 54 acres of land, he automatically becomes a landlord by himself, and up to 54 acres he could cultivate. As far as the landlord is concerned, he will be getting compensation which the legislature is prescribing. That is not fair, because, some people expecting some legislation sold the property and for very good prices. They are in a better position now, because they anticipated certain things, while an ordinary man who did not know all these things has to suffer. So, my submission is that as far as this aspect is concerned, the Government must look into it. Government should see that proper compensation is given.

Surely Shri Ranga is not speaking for the peasant proprietors. Peasant proprietors will not be hit by this change of definition at all, because a peasant proprietor is a person who owns and cultivates. As far as he is concerned, up to the ceiling limit, nobody can touch him. So, it will not affect them. But it is only the poor landlords who are not in possession will be the worst hit and who will be driven to the streets. Therefore, I hope Government will see that this definition is extended to the extent of seeing that people within the ceiling limits, whether they are in possession or not, will be paid fair compensation i.e. the market value.

**श्री काशी राम गुप्त (अलवर):** उपाध्यक्ष महोदय, मैं इस संयुक्त समिति का सदस्य रहा हूँ और मुझे बहुत गहराई से इन सब समस्याओं पर सोचने का मौका भी मिला है। मैं जानता हूँ कि दक्षिण के मेरे बहुत से भाई मेरी हिन्दी को सम्भवतया न समझें, वह तो जब संशोधन आयेंगे इस विधेयक पर उस समय मुझे अंग्रेजी में बोलना होगा और उस समय वे मेरी मूल बात को समझ सकेंगे इस समय तो मुझे हिन्दी में ही बोलना है।

पहली बात मैं यह निवेदन करना चाहता हूँ कि १७ वर्षों में इस सरकार ने जो कुछ

किया है उस से मैं एक ही नतीजे पर पहुंचता हूँ कि यह सरकार कभी भी इन समस्याओं पर गहराई से संचिने वाली नहीं रही है। कोई एक कानून उन्होंने बनाया, जब उस में अड़चने आईं तब उन की आंखें खुलीं। इस का एक प्रमाण वर्तमान संविधान संशोधन लाने का जो तरीका है वह है, और उस का एक ताजा उदाहरण यह है कि जब संयुक्त समिति में यह प्रश्न आया तो प्रत्येक सदस्य के दिनाग में एक ही बात थी कि यदि यह बिल ज्यों का त्यों लौट जाता है तो उस का अर्थ यह होगा कि चाहे किसान छोटे से छोटा भी हो, उस की जमीन कौड़ियों के मूल में ली जा सकती है किसी भी काम के लिये। इसी लिए हम सब को यह फिक्र हुई कि किसी प्रकार से कम से कम उस किसान की रक्षा की जाय। कुछ लोगों के प्रयत्न से सरकार के बड़े लोगों के पास पहुंचने के बाद जो संशोधन इस समय आया है वह लाया गया। उस से भी बहुत से साथी सन्तुष्ट नहीं थे, और न सन्तुष्ट हैं। इसी कारण से मुझे एक और संशोधन यहां लाना पड़ा, क्योंकि जो संशोधन मैं वहां लाया था उस रूप में उस को स्वीकार करने में विधि मंत्री को बहुत कठिनाइयां थीं।

इस सदन में अथवा संयुक्त समिति में, यदि हम देखें तो चार प्रकार की विचार धाराएं चल रही हैं। एक इस प्रकार की विचार धारा है जिस का मतलब यह है कि चाहे हम कितने ही गलत शब्दों को रख दें, चाहे उस के कितने ही गलत अर्थ निकलते हों, चाहे १२४ ऐक्टों को लाने का किन्हीं कारणों से प्रयत्न किया जाता हो, सब बातों को ज्यों का त्यों मान लो। दूसरे वे लोग हैं, चाहे वे कांग्रेस में हों या दूसरे दल में हों, जो भूमि सुधार के पक्षपाती हैं, किन्तु जो चाहते हैं कि संविधान की मूल धाराओं की रक्षा करते हुए, उचित रूप से किसानों के हितों की रक्षा करते हुए और जमीन के मालिकों के हितों की रक्षा करते हुए भी कानून बनाये

जायें। मैं समझता हूँ कि उस संयुक्त समिति में अधिकतर इसी विचार के पक्षपाती लोग थे, और आज भी हैं। अभी तक जो कुछ भी विचार प्रकट किए गये हैं मेरे कांग्रेस के साथियों द्वारा उन से यह प्रमाणित होता है कि यह लोग एक ही बात चाहते हैं कि जो मुआवजा मिले वह बहुत सही मिले और इस से यह प्रमाणित होगा कि प्रदेशों में जितनी कांग्रेस की सरकारें हैं उन के मुआवजा देने के तरीके से सम्बन्धित कानूनों से वे लोग सन्तुष्ट नहीं हैं। यदि वे लोग सन्तुष्ट होते तो कोई ऐत-राज करने का प्रश्न पैदा नहीं होता। इस लिये जो मूल दाँष है वह प्रदेश सरकारों में है, और प्रदेश सरकारों के दाँष को छिपाने के लिये अगर यह सरकार काम करती है तो यह भी दाँषी है। अभी तक तो यही हुआ है और इस संशोधन के जरिये भी उन का तरीका ऐसा नजर आता है कि वह उन सब कमजोरियों को छिपाना चाहते हैं।

वास्तव में जहां तक भूमि सुधार का सम्बन्ध है, उस का सही तरीका यह था कि प्रत्येक सरकार अपना सर्वे करती कि किस प्रकार की भूमि वहां कितनी है और कितनी उस को मिल सकेगी। यह सब आंकड़े उन्होंने अटकल पच्चू दिये हैं। वास्तव में इस के भीतर वे नहीं गए। इस का नतीजा यह हो रहा है कि जब वे कानून बना चुकते हैं तो देखते हैं कि जमीन बांटने के लिये नहीं रही। मैं निवेदन करूँ कि इस सरकार ने सारा तरीका नीचे से लेकर ऊपर तक गलत बना रखा है और उस गलत तरीके का परिणाम है कि इनकी हलचल मच रही है, अन्यथा हलचल मचने का प्रश्न पैदा नहीं होता। जब यह सरकार यह कहती है कि हमें यह संशोधन इस लिये लाने है कि हम को भूमि सुधार कानून बनाने हैं तो क्यों नहीं स्पष्ट कहती कि यह केवल भूमि सुधार के लिये है, यह उन लोगों के लिये है जिन को हन जमीन देंगे, जिन को हन जमीन का मालिक बनायेंगे। यह शब्द रखते हुए वह क्यों डरते हैं।

[श्री काशी राम गुप्त]

इस के साथ साथ मैं एक उदाहरण दूँ। जहाँ तक मुआवजे का प्रश्न है, यह बड़ा पेचीदा और जटिल प्रश्न है। अलग अलग स्थानों में अलग अलग दशा है, और कुछ जटिलता यह सरकार स्वयं पैदा करती है। मैं अपने जिले अलवर का उदाहरण देना चाहता हूँ। वहाँ जिस को हम इक्वी लैंड कहते हैं, जिस पर पुरुषार्थी लोग बसे हैं अथवा पट्टेदारों को जमीन दी गई है, उस के लिये इसी सदन में कानून बनाया कि हम ४५० रुपया प्रति स्टैन्डर्ड एकड़ लेंगे, किन्तु आज जिन के पास सीलिंग से कुछ ऊंची जमीन बची है उस के लिये हम जो कानून बनायगे वह ४० या ५० रु० एकड़ का बनायेंगे। इस लिये एक ही जगह पर अगर एक ही सरकार ने कुछ लोगों के लिये एक तरह का कानून बनाया और दूसरे के साथ दूसरे तरह का व्यवहार किया तो बेवैनी नहीं फलेगी तो क्या होगा। यह सब बात जाहिर करती है कि इस सरकार के पास कोई व्यवस्थित तरीका नहीं है सोचने का, और यह भी निश्चित है जैसा कि हमारे माननीय श्री द्विवेदी जी ने कहा, कि यह सरकार राजनीतिक रूप से अधिक सोचती है इन सब बातों के बारे में। इस का ताजा उदाहरण महाराष्ट्र का वह कानून है जिस के लिये मैं संशोधन लाया हूँ, जिस में उन्होंने योजना आयोग की नीतियों के विरुद्ध कार्य किया। योजना आयोग ने सब प्रदेश सरकारों को लिखा कि यह भूमि सीमा निर्धारण कानून गन्ने की खेती पर लागू नहीं होगा, फार्मस पर लागू नहीं होगा। और सब सरकारों ने अपने कानून में इस को स्थान दिया किन्तु महाराष्ट्र सरकार ने इस से बिल्कुल उल्टा किया। उस जमीन को ले कर के यही नहीं कि किसानों को बांट दिया है बल्कि अपने कब्जे में कम्पनी बनाई और कम्पनी के जरिये से खेती करवा कर गन्ना मिलों को दिया जायेगा। जब हाई कोर्ट ने इस को अवैधानिक करार दे दिया तो फिर उन्होंने कोशिश

की उस को ९वें प्रोइयुल्ड में रख दिया जाय। आप देखिये कि इस प्रकार से राजनीतिक दृष्टि से काम करने से कोई नतीजा हासिल नहीं होता। जब यह उदाहरण दिये जायेंगे कि एक एक ऐक्ट को किस प्रकार से हम ने रक्खा है तो यह बातें स्पष्ट होंगी।

मैं यह निवेदन करना चाहता हूँ कि अगर हम को इस संविधान संशोधन का पाम करना है तो हमारे दिमाग में कोई उलझन नहीं रहनी चाहिये इस के बारे में, और वह उलझन तभी दूर हो सकती है जब हम इस राजनीतिक आधार को छोड़ कर चले और सही दिशा में काम करने की दिशा में चले। किन्तु आज क्या स्थिति है। आज स्थिति यह है कि भूमि सुधार के कानून की जब बात आती है, और जब कोई साथी यह कहते हैं कि शहरी इलाके में जो कुछ हो रहा है वह गलत हो रहा है, तो यह प्रश्न उठता है कि यह जो विचार मतभेद चल रहे हैं उस के क्या कारण हैं और उस को दूर करने के लिये हम क्यों नहीं सही तौर से बैठ कर सोच सकते हैं। इस का कारण यह है कि जमीन की समस्या किस प्रकार से गांवों में होती है, उस की क्या कठिनाइयाँ होती हैं, उस का आर्थिक ढांचा क्या होता है इस के बारे में यह सरकार बिना राजनीति के सोचती ही नहीं है। यह एक ऐतिहासिक तथ्य है जिस को हमारे साथियों को नहीं भूलना चाहिये। इस लिये मेरा यह निवेदन है कि इस विषय पर जो भी साथी विचार कर रहे हैं और आगे करेंगे वे इस मूल तथ्य को न भूलें कि हमारी प्रदेश सरकारों ने जो भी कानून बनाये हैं वे आंकड़ों के आधार पर नहीं, नीतियों के आधार पर नहीं बल्कि अटकल पच्चू बनाये हैं। इस का नतीजा मैं आप को बतलाऊँ। असम सरकार ने एक सीलिंग ऐक्ट बनाया है।

**Mr. Deputy-Speaker:** The hon. Member may continue the next day.

We shall now take up the half-an-hour discussion.

17.00 hrs.

\*INDIAN AMBASSADOR IN U.A.R.

**Shri Hem Barua** (Gauhati) Mr. Speaker, Sir, it is needless to say that a nation's policies get reflected in the way that its missions abroad conduct themselves, for, they not only give a perspective to national policies, but also try to preserve and promote the nation's honour, prestige and self-respect in the eyes of the world.

But, Sir, can we credit our missions abroad with such an inspiring record, in spite of the full-throated praises given to them by our Prime Minister repeated *ad nauseam*? Apart from the financial irregularities, a colossal disgrace, in which some of these missions have indulged, they have let down this country *vis-a-vis* the Chinese on more occasions than one. They have brought down India in the eyes of the world.

I, Sir, do not want to hold them entirely responsible for this because their disgraceful conduct flows out of the disgraceful attitude of our Government *vis-a-vis* the Chinese. What policy are the Government following towards China, if not a policy of naked appeasement? I can catalogue the acts of appeasement on the part of the Government, one by one, but since it is not a discussion on Government's China policy, if they have a policy at all like that, I refrain from doing so.

But I would say that this Government do not have the basic sense of self-respect and that is an open, crystal-clear fact. China committed aggression on this country during October-November, 1962, a fact that constitutes the darkest landmark in the annals of our freedom. In spite of the Colombo proposals that we have accepted in disgraceful haste, China has been intransigent, China has been

piling humiliations on humiliations on a nation of 440 million. Yet, have we learnt any lesson in self-respect.

We are defeated not only in battle by China, but also diplomatically and psychologically. The greatest impact of his psychological defeat is unfortunately on our Prime Minister. It pains me to say that all his actions and attitudes towards China flow from this basic psychology of appeasement, a psychology of defeat and retreat.

In February, 1963, within less than six months of our humiliation at Chinese hands, our charge d'affaires in Peking wanted to attend the banquet given by Mr. Chou En-lai in honour of Mr. Bhutto, Foreign Minister of Pakistan, on a brief visit then to Peking. What did our Government do? Our Government readily obliged him with the necessary permission to attend this banquet. They did it: (a) in violation of the ethics of national self-respect, and (b) in violation of Government's instructions issued to different missions abroad not to attend reception given by the Chinese.

Sir, you might ask me, when were these instructions originally issued by Government to our different missions abroad? Was it before the charge d'affaires in Peking was allowed to attend Mr. Chou En-lai's banquet or after? On Government's own admission on the floor of the House, these directions were issued by Government in December, 1962, to all the members, of diplomatic and non-diplomatic, of the missions abroad, not to offer hospitality or accept any hospitality of the Chinese. These were the directions,

But what happened? Before the ink on the December 1962 directions could be dry, Government themselves violated their own directions and asked our charge d'affaires in Peking to attend Mr. Chou En-lai's banquet given in honour of Mr. Bhutto.

**Mr. Deputy-Speaker:** This is about U.A.R.

\*Half-An-Hour Discussion.