

Starrea Question  
No. 760—Ministers'  
Accounts in  
Foreign Banks

than £ 50. The moneys are drawn from time to time, accounts are rendered to the Reserve Bank and the Reserve Bank keeps a close watch on the operation of the accounts. I am sure the House will acknowledge from all sides that the Prime Minister has nothing to conceal, because all these are received only by way of royalties on the books.

**Shri Hari Vishnu Kamath (Hoshangabad):** Sir, on a point of clarification, may I ask whether it is a fact that certain Swiss banks maintain accounts, not merely of Indians but of other foreigners too, which are absolutely dead secret, and the accounts of some German Nazis came to light only after the defeat of Germany in the second world war? Is it possible for the Government to enquire whether any accounts, of any persons, Ministers or otherwise, Indians, are maintained in Swiss banks, and are dead secret?

**Shri T. T. Krishnamachari:** So far as we know, no Minister has any accounts with the Swiss banks. So far as finding out these accounts in the Swiss banks is concerned, as the hon. Member knows, they are called "Number Accounts". There is no means of finding it out except by correspondence. Sir, if you will permit me to digress, in Spain they made some Government officials, who were in their confidence, to maintain accounts and, thereafter, they got from time to time intimation of the officer concerned who will come and dispose of the accounts in Spain. So, when he came, they caught him. Since then, I am told, the Swiss banks do not even correspond. Therefore these accounts must be known only to the Swiss banks and the party. I also hear, as the hon. Member has heard, that there are several persons in this country who have accounts with Swiss banks I do not know. I have not yet been able to find the method by which I can get my claws over those accounts.

13.11 hrs.

CONSTITUTION (SEVENTEENTH  
AMENDMENT) BILL—contd.

**Mr. Speaker:** The House will resume further consideration of the motion to refer the Constitution (Seventeenth Amendment) Bill to the Joint Committee.

**Shri N. Sreekantam Nair (Quilon):** Sir, I am one of those who support this Bill without much reservation. Of course, there is a certain difficulty which has been pointed out by Shri Kamath, that is, the definition of the word 'estate' is so wide that it may be utilised by some State Governments against pitty landholders. Some of the genuine friends of landholders and peasants are anxious about it. Therefore I would request the Government to consider as to how best it can be avoided.

Sir, I am proud that I support the Bill in spite of the fact that my hon. friend, Shri Ranga, would condemn me as a reactionary if I support it. But I am also ashamed of the way the Bill has been brought here and is being tackled here because I fear that there is a certain amount of conspiracy behind the Bill. The Bill was presented in this House in May. Four and a half months elapsed and now this Bill is taken up towards the very fag-end of this Session. We all know through the press and other reports that another Bill is being mooted and moved in the Kerala Legislature.

The statement of objects and reasons of this Bill very definitely points out that the immediate provocation for bringing forward this Bill as has been pointed out by my hon. friend, Shri Tyagi, also, was the Supreme Court and the Kerala High Court rulings regarding the Kerala Agrarian Relations Act, 1950. When that was struck down by the Supreme Court and the High Court of Kerala, naturally, this Bill was contemplated and all the other State legislations were tagged on to it because it was thought

[Shri N. Sreekantan Nair]

better to give them the protection of the Ninth Schedule because the Kerala Act had to be given that protection. I would like to know from the hon. Minister whether there had been any definite understanding between him and the Kerala Ministry with regard to the introduction of the new Bill in the Kerala legislature. I would also like to know from you, Sir, whether it is not a breach of privilege of this House to move a new Bill in the State legislature when we are discussing a Constitution Amendment Bill at the very request of the Government which is moving a Bill to rescind the existing Act. This Bill has been mooted because the Kerala Government wanted us to give them the protection of the Ninth Schedule of the Constitution and now the Kerala Government is making the Parliament the laughing stock of the entire world by just rescinding the Act, by bringing in another Bill in which a provision to rescind the Act is also incorporated.

In this connection I am reminded of a story of a famous British engineer who had given his name to a bridge in Madras. The bridge is called Barber's Bridge because the name of the engineer was Mr. Barber. But that bridge is now generally known as "Amnattan Palam" because the people naturally translated the name 'Barber' and ascribed to the great engineer the ability of shaving and hair-dressing. The fate of this Bill would be just like that. I find that this Bill which is intended to give protection to the Kerala Agrarian Relations Act of 1960 will be bye-pasted. When it is brought back to the House from the Joint Committee, we will have to drop item 94 of this Bill which deals with the Kerala Act because by that time the Kerala legislature would have passed the new Bill and rescinded the existing Act. So, naturally we will not be in a position to include the existing Act in the Schedule; but at the same time the new Bill will not have gone through the whole

gamut of the legal procedure and got the assent of the President. So, we cannot introduce that also in the Schedule. Thus a vacuum is created. This is the attitude and the approach of the Government of Kerala.

Yesterday the hon. Member, Shri Maniyangadan, advanced some argument for the necessity of bringing forward such a Bill. Though the Government of Kerala in 1961 was called a coalition government, we know that, as a matter of fact, the Congress Party had a clear majority in this Government. The present Chief Minister of Kerala was then the Deputy Chief Minister and Shri Chacko who is now the sponsor of the new Bill was even then the Home Minister of Kerala State. What prevented them from bringing forward any amendment which they deemed to be absolutely necessary? Nothing. No legal or constitutional obstacle was there. But there was one thing. If at that time they had brought in the amendment suggested by Shri Maniyangadan here—I do not think it will be openly suggested even now in Kerala—they would have been kicked out of office from Kerala.

Shri Maniyangadan and some other people want to exclude the entire coconut gardens from the preview of the Act. You know, Sir, Kerala is a land of coconut growers. It is a continuous garden of coconuts interspersed with coir lands. Then there are the backwaters and canals. If coconut and cashew lands are taken away what remains? Only a long stretch of barren and sand-beach and the turbulent waters of the Arabian Sea. Of course, they are willing and generous to offer that to the peasants. But how can the Arabian Sea be divided and utilised for cultivation purpose? So, the Bill, as suggested by Shri Maniyangadan, cannot even be brought to the Kerala legislature and cannot be accepted by the Government of India nor can it be accepted under the standards laid down by the Planning Commission.

I believe that the scheme of the Kerala Government is much more complex than what has been presented before us. You may know, Sir, that in Kerala there are two very strong groups within the Congress one of which supports the agrarian reforms and the other opposes them. You might have heard of the redoubtable leader, Mannath Padmanabhan, the leader of the landed and vested interests in the Nair community. He put up a consistent fight against all land legislation because the Nair community still holds a vast majority of the landed estates in the State. He also represents the Hindu society the temples of which have vast areas of forests and other lands. On the other side there is a very strong Christian community which is the backbone of the Congress movement in Kerala. As a matter of fact, for years together, for the last 15 years or so, the Kerala Congress has been known as the Christian Congress. These people are very wonderful cultivators. They are very hard and strenuous people but they are also a bit riotous, rebellious and rowdyish. They just take illegal possession of land, whether it belongs to the Nair community or to the Temples. They do not care, who the owner is. Hundreds of thousands of acres of land have been taken possession of, by force by the Christian cultivators. A Christian priest, Father Vadakkan, is their leader. These forcible possessions are to be legalised; so, he is supporting Act IV of 1961 in spite of the fact that it was initially started and set in motion by the Communists. The Christians, who are inveterate and regorous enemies of the Communists, want Act IV of 1961 to be promulgated but with certain amendments. The main amendment they propose, is that the illegal possession of land belonging to private undivided families and to temples should be legalised. Their contention is that this Act IV of 1961 should be brought in the Schedule after passing this amendment. On the other hand, Mannath Padmanabhan is against all these reforms and he wants

all these illegal occupants to be driven out. Between the Scylla of the Christian demand and the Charybdis of the Hindu rights, the Congress Ministry in Kerala has decided to scuttle the boat of the Agrarian Relations Act and flow down the current for the limited duration of the mid-term elections. Within a year, they are facing the elections. They want to take both the sections along with them. And at the same time they want to tell the common people, "we are not against the land reforms." So, what does the Kerala Government do? They just ask the Central Government to hold their baby. They just throw the blame on the Central Government and say, "Look here, the Central Government has included this defective Act in the Ninth Schedule. We are bringing in a progressive Bill." They also want to throw the blame on the Central Government for the non-inclusion of that Bill in the IX Schedule. This is what they will tell the common people in order to keep both the warring sections supporting of them till the mid-term elections are over. And they have brought in and introduced this new Bill in the Kerala Assembly.

Sir, the attitude of the Kerala Government is quite evident from the statement of Shri P. T. Chacko on 30th July, 1963 which is published in the Kerala Chronicle of 31st July. I am quoting from that.

"Mr. Chacko said that State Government was of the view that the Act either amended or totally recast should not be included in the Ninth Schedule of the Constitution."

It is a categorical statement made by the hon. Minister who is bringing in the new Bill in Kerala. Further he makes another statement which reads like this:

[Shri N. Sreekantan Nair]

"Mr. Chacko pointed out that the demand of the Karshaka Thozhilali Party

That is the party of the Christian cultivators led by Father Vadakkan.

"...for the amendment of the present Act with provisions for protecting tenants of private forests and Devaswoms and to include the old Act in the Ninth Schedule of the Constitution was contradictory."

He says, it is contradictory. I for one do not understand where in lies the contradiction because amending the Act in time and just bringing it up before this Parliament and including it in the Ninth Schedule is quite feasible and possible. They ought to do it. Because there are two very strong warring sections on both the sides, they want to curry favour with both. So, they want to scuttle this measure and just pass over the difficult phase of the oncoming elections.

My hon. friend, Mr. Maniyangadan said that the Kerala Act was not very practical and all that. I will place before the House the main provisions of all the agrarian laws passed by the various States and I will leave it to the hon. Member to judge whether there is anything obnoxious in the Kerala Act.

**Assam:**

The Assam Fixation of Ceiling on Land Holdings Act, 1956 (Assam Act 1 of 1957).

It lays down:

- (1) ceiling at 50 acres per family;
- (2) compensation at 25 to 60 times land revenue.

**Bihar:**

The Bihar Land Reforms Fixation of Ceiling Area and Acquisition of

Surplus Land Act, 1961 (Bihar Act 12 of 1962).

It provides:

- (1) ceiling at 20 to 60 acres;
- (2) compensation at Rs. 50 to Rs. 900 per acre.

**Gujarat:**

The Gujarat Agricultural Land Ceiling Act, 1960 (Gujarat Act 27 of 1961).

It fixes:

- (1) ceiling (of family) 19 to 132 acres;
- (2) compensation at 80 to 100 times of assessment.

**Maharashtra:**

The Maharashtra Agricultural Land (Ceiling on Holdings) Act, 1961 (The Maharashtra Act 27 of 1961).

It lays down:

- (1) ceiling at 80 to 126 acres;
- (2) compensation at 35 to 90 times of assessment.

12.25 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

**Kerala:**

The Kerala Agrarian Relations Act, 1960 (The Kerala Act 4 of 1961).

It provides:

- (1) ceiling (family) 15 to 37½ acres;
- (2) compensation at 12 times present rent or 16 times fair rent.

(N.B. Calculating Land revenue or assessment at 1/8th of fair rent, Kerala compensation at 96 times the land revenue).

The assessment is on par with almost all the enactments in the field. The price of surplus land is assessed at 25 to 60 per cent. of the market value.

#### Madras:

The Madras Land Reforms (Fixation of Ceiling on Land Act, 1961 (Madras Act 58 of 1961).

It provides:

- (1) ceiling at 24 to 120 acres with family limit two ceilings
- (2) compensation at 9 to 12 times net income.

#### Mysore:

The Mysore Land Reforms Act, 1961 (The Mysore Act 10 of 1962).

It provides:

- (1) ceiling (a) Present holding—27 to 216 acres; (b) Future holding—18 to 144 acres.
- (2) compensation at 10 times annual net income.

#### Orissa:

The Orissa Land Reforms Act, 1960 (The Orissa Act 16 of 1960).

It lays down:

- (1) ceiling at 25 to 100 acres with 2 ceilings as family limit;
- (2) compensation (a) Non-resumable land—provision for transfer of ownership.

Here is a very important provision in the Orissa Act. You will find this provision only in the Orissa Act for non-resumable land there is a provision for transfer of ownership without compensation. They, the compensation of surplus land is at market price. This is the unique piece of legislation.

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

Shri N. Sreekantan Nair: I have put in some labour. I request I may kindly be given some more time.

Mr. Deputy-Speaker: You can take two or three minutes more.

Shri N. Sreekantan Nair: Then I come to Punjab.

#### Punjab:

The Punjab Security of Land Tenures Act, 1963 (Punjab Act 10 of 1963).

It provides:

- (1) ceiling at 30 standard acres;
- (2) compensation—graded.

#### U.P.:

The Uttar Pradesh Institution of Ceiling on Land Holdings Act, 1960 (U.P. Act 1 of 1961). It fixes the ceiling at 40 to 80 acres.

#### West Bengal:

The West Bengal Estate Acquisition Act, 1953 (West Bengal Act 1 of 1954)

It provides:

- (1) ceiling at 25 acres irrespective of the class of land or the size of the family;
- (2) compensation for intermediaries and owners ranging from 2 to 20 times the net income of the intermediaries on a graded scale basis.

#### Delhi:

The Delhi Land Holdings (Ceiling) Act, 1960 (Central Act 24 of 1960).

It lays down:

- (1) ceiling at 24 to 60 acres;
- (2) compensation at 20 times net annual income.

Sir, a prominent feature of all these enactments is that Plantations and Properties of Religious and Charitable Institutions are all exempted from the provisions of this Act. In West Bengal and Kerala, because of the heavy density of the agricultural population and the fragmentation of holdings, no provision has been made

[Shri N. Sreekantan Nair]

for varying the ceiling on the quality of the land. From the facts marshalled above, it is very clear that there is no inequity in the Kerala Act IV of 1961. It is also very clear that unlike what has been contended by Prof. Ranga, there is a system and laudable principles underlying the entire legislations. Their provisions are almost the same with slight variations here and there to suit the particular demands and the agrarian relations in the various States. Therefore when the Kerala Government are bringing forward a new Bill to work for the benefit of the Kerala peasants, I say, it is Poothana in the guise of Mohini and seeks to murder the peasant child by giving the poisonous milk from its breast.

**An Hon. Member:** Yes; that is good.

**Shri N. Sreekantan Nair:** My hon. friend is supporting me without understanding what I am saying.

I want an assurance from the hon. Minister that the Kerala Act 4 of 1961 will not be taken away until and unless the new measure is ready at hand to be substituted in its place. I am insisting on it because, if the Kerala Act is left out, we will look very small if it is done, it will take away the whole purpose for which this legislation was brought in. My hon. friend Shri Ranga says that the property rights of individuals are sought to be curtailed by this legislation. But I would like to draw the attention of the House to the fact that while it is true that the rights are being curtailed to a certain extent in the case of vested interests and landholders, a new series of rights are being enforced for nearly 80 per cent of the vast millions of peasants in our country. For the first time in their lives, they are getting certain rights to property, and their human rights are being recognised for the first time in India. Therefore, I wholeheartedly support this Bill.

In conclusion, I would once again submit that the aspect that definition of the term 'estate' may be utilised by some State Governments at some future time to injure even the smallest peasant whose holding is far below the ceiling, for political or other purpose, may be taken into consideration, and some protective measures adopted so that this Bill will not be used to cause hardship to them.

**Dr. P. S. Deshmukh (Amravati):** This Bill has been brought before the House in order that certain legislations passed by the Government of Kerala and the Government of Maharashtra should not be declared void and inoperative, and that the intentions of Government in bringing about certain land reforms should not be obstructed. I do not think that many people can quarrel with this intention of Government. So long as they are committed to certain land reforms promulgated or propounded by the Planning Commission, and so long as they have gained general acceptance in the country, nobody can quarrel with Government trying to remove the obstacles in the way of their intentions being given effect to. That does not, however, mean that the kind of Bill that we have before us was the only remedy or that it was necessary to put under blanket, as has been pointed out by Shri Kamath, 144 legislative enactments, and to put in a clause which has created a lot of doubts and suspicions in the minds of the people.

I, for one, know, and I am glad that Shri Kamath has pointed them out, that all our land reforms are actuated by two considerations or two ideals; one is more agricultural production and the other is social justice. I accept both these ideals, but it is my considered opinion that in the course of the last fourteen years of our land legislation, we have achieved neither. We have done, in fact, in the shape of this land legislation everything to affect more production

It has also been concretely proved that all our attempts so far have not resulted in any social welfare or social justice or any benefit to the people. This was quite apparent from the fact that the other day, I saw a Communist Member very angrily questioning Government whether there was even one single acre of land which had been obtained as a result of the imposition of ceilings. So, I think what I am saying is more or less a fact.

We wanted to do social justice, by taking away the lands of people who had excess of land, and by giving it to those unfortunate people who had never had any land. I go a step further and I value social aspect of it more than many other people, because unfortunately, we live in a country where the possessions of even the smallest piece of land raises a person's social status in this country, and every individual is conscious of this.

**Shri D. C. Sharma** (Gurdaspur): Not now.

**Dr. P. S. Deshmukh:** I differ from my hon. friend Shri D. C. Sharma on this point. Whatever wealth a person may have, the possession of land even today is supposed to raise the social status of that person. Even to day, there is this so-called land hunger attributable to this reason. Why is this land hunger there? Of course, it is not there for better living, because anybody who indiscriminately gets land does not have better living necessarily. I am prepared to challenge if it is said that merely because a certain piece of land is given to somebody he can improve his living standard. He can improve himself socially but not economically. It is a punishment to have inadequate pieces of land for being tilled and to live on the produce from those lands. It is the foolishness of our peasantry that they aspire to do so. I would not mind advising them hereafter that they are damned fools to strive to produce and feed the urban population; instead

of doing that, they should much rather come and knock at our doors and get at least Rs. 100 p.m. by becoming a peon in Delhi under the Central Government; that would give them a better reward than the exertion of themselves, and their family including wife and children and everybody working day and night in the sun and in the rain and ultimately the whole thing becoming completely a losing concern.

So, these are the facts of farmers' life which, I am afraid, none of these Planning Commission people have much sympathy for or even knowledge about. That is why they are pursuing such policies. Of course, the communists, are also saying the same, because they do not believe in orderly progress. They are people who believe in chaos, and that is their only means of securing power in this country. They cannot get power by orderly progress or by consistently doing certain things for people's benefit. That is not their idea at all. I am afraid that this Government also is very often pressed into taking certain measures which the Communists favour. At least, the degree is changed. It may be that to a certain extent we believe in certain things and therefore desire that they should be done; but as a result of the pressure that they exercise, we go much farther than our wisdom should permit.

So, naturally, the Communists are wholeheartedly in favour of this legislation and everything that we do to dislocate production. They are also interested in seeing that no social justice will accrue to anybody.

So far as land reforms are concerned, I like land reforms, and there should be land reforms, and where there is any large concentration of land in few hands it should be taken away. There is no doubt about it. But where is the concentration of land? And how many people have got it? So, what we have done by these land reforms is that we have disturbed the ordinary decent middle-class farmers. We have forced them to resort to partition their

[Dr. P. S. Deshmukh]

lands overnight. In spite of the view of the Planning Commission to condemn these people as if they are thieves and dacoits, and in spite of the fact that they have looked at these people who have got a little more land than the ceiling as if they had stolen it from somebody....

**Shri Hari Vishnu Kamath:** We are glad to have these very weighty observations coming as they do from the former Minister of Agriculture.

**Dr. P. S. Deshmukh:** Thank you. As if they are criminals, and, therefore, even a legal act of partition was looked upon with suspicion, and provisions were sought to be made for those partitions to be set aside retrospectively, I am glad to say that this has not been possible on any big scale. But the long and short of these land reforms is that we have merely disturbed the mentality of the peasants. I hope my hon. friend Dr. Ram Subhag Singh will stick to what he said one day here, probably unguardedly. My hon. friend who is my successor in the Department of Agriculture admitted that people were reluctant to invest in cultivation. What does this mean? It means less production because without investment, you cannot have better production.

Our biggest problem today is fragmentation of lands. And what are we doing in order to minimise fragmentation? I should like to give the right to property to the daughters, to women and so on. But let us look at it from the point of view of agricultural production. All this talk about land legislation has disturbed the mentality of the farmers and many things that we have done have led to direct fragmentation of lands. What is worse, this is bound to grow in the future.

A few years back, the Prime Minister and the Congress Party also thought that by co-operative farming, we could cure this defect, and that in three or four years' time there would

be so many co-operative farming societies that we would be able to cover a large portion of this country. Now, what is it that the Ministry of Community Development and Co-operation has to show us? They have, quite differently from what the view was of everybody in the country, started treating cooperative farming as a mere experiment. And what is going to be the extent of the experiment? During the whole period of the Five Year Plan, they will probably have about 3000 co-operative societies in the whole of India and each society according to their own dictum must not have more than 100 to 150 acres each.

Now, what will be the acreage that we will cover as a result of these co-operative farming societies with all the gusto with which we talked about it and shouted about it and created a row about it? How many acres of land are going to come under that—hardly 4 lakhs of acres. Considering the total amount of land we have, 340 million acres under cultivation, it is not even a drop in the ocean. So the cure for fragmentation has gone by the board. We have not been able to think of any other remedy so far to stop fragmentation, and the consequent reduction of production.

Taking this opportunity of referring this Bill to a Joint Committee, all that I appeal to Government is that they should either by appointing a Commission or constituting a sub-committee of the Joint Committee itself consider how far either of these two ideals of ours have been accomplished. Because this is an extraordinary piece of legislation. By this one enactment, although it is very short and sweet, you are going to....

**An Hon. Member:** Why sweet?

**Shri Hari Vishnu Kamath:** Not so sweet.

**Dr. P. S. Deshmukh:** . . . . put behind iron curtain or a steel curtain, all these legislations irrespective of their



virtues or defects and you are not going to permit any court of justice to interfere. This is too much. I think the Government is going too far. I would have preferred if it had restricted the operation of this legislation to Maharashtra and Kerala and not gone further. But I cannot permit Government to include the Kerala Act within this because the Kerala Government itself is against it. I can understand from the speech of my hon. friend who spoke before me why the Kerala Government does not like this being brought under the Ninth Schedule. They have found certain defects in that Act and therefore they want to cure and amend it. My hon. friend likes the Act as it is; therefore, he wants it to be blanketed so that no court of law will be able to interfere with it. On the other hand, the Kerala legislature which passed the enactment are entitled to amend it in the light of their experience. I think it is absolutely wrong for the Central Government to deprive the Kerala legislature of their right and discretion to amend the law according to their wishes, and put it behind this iron curtain thus depriving them of their legitimate right of amending the Act.

The same thing is likely to happen in the case of other laws. That is my strongest objection. Every law in the country is liable to be scrutinised, if somebody goes to the court, by the law courts and they are entitled to take a judicial view of it. Here we are trying to amend article 31A by which we are going to compromise the fundamental rights involved. It will be much better to give a clear go-bye to articles 13, 14 and 19 of the Constitution rather than circumscribe them in this way, in a very underhand manner. I think that is not right, it is not honest. So far as the Constitution is concerned, we should deal with it in a straightforward manner and not in the way in which this is being done.

I therefore suggest that while the Joint Committee may consider all that I have said, they should not give their consent to include all these enactments

in the schedule at least so long as they have not examined every legislation from the point of view of whether it is discriminatory or not. There are many such laws. Take the Maharashtra legislation itself. Some people have circulated pamphlets and so on showing how discriminatory it is. One of the chief grounds on which the Supreme Court has struck down the legislation is that it is discriminatory. I think every one of the enactments included in Schedule IX can, on some ground or the other, be definitely proved to be discriminatory. That is the reason why Government wants to lump the whole thing together, bundle 144 Acts so as to prevent all these enactments from being judicially scrutinised and declare that they are definitely discriminatory. I do not like this method of doing it. Secondly, as I have urged, let us take stock of the situation now, because this is not a simple matter. If we are mere slogan mongers, wanting some kind of socialism at any cost, even at the cost of the people, I do not mind. But if we want socialism for the benefit of the people, I think this kind of thing should not be done.

Shri A. C. Guha made a very learned speech. I do not agree with many things he said. He said this was an enabling legislation. I do not know where he got it from. He then said it is very necessary to do it; social justice and the best way and probably the only way is to distribute land. Why land? Why not take away or freeze the bank balances of all those Johnnies who have lakhs and lakhs and give 3 annas per day immediately to everyone, whose case has been made out by Dr. Ram Manohar Lohia? These starving people can, in that case, have cash right now. In the other case, I do not know how long he will have to wait. He will have to wait at least for a year. And then there may be crop failure and he might get nothing. But here is cash available to him. If he was really anxious to help the poor people and, if Government is really serious and feels for the poor and starving people, let Government freeze all the

[Dr. P. S. Deshmukh]

bank balances of these people (An hon. Member: Many of them have deficit balances or their own bank balances. Let them in this way feed the people not by taking somebody's land and giving it to somebody else. Let them carry food to the starving people at once who are not able to get two square meals a day. That would be proof of our real sympathy; that would be proof of social justice. This is not social justice. If we are not careful in this, the nation will have to pay very dearly. This is not a joke. We are disturbing 65 million families and making them really apprehensive. Why is the farmer not producing more? Because he has lost faith. I do not say he has lost faith in the Government but at least in his calling. He does not believe that he or his children can prosper only on land. So he runs away from the village and goes to urban areas, leaving the land with anybody who can look after it.

So I think this must be viewed in a very serious fashion, because anything that we do is going ultimately to affect people. Of course, this Government or the few Ministers are not going to suffer much. It is the people who are going to suffer. If agricultural production fails, if our ceilings are not in a position to give sufficient land to anybody, what is the good of this fashionable thing that we do under the name of land reform?

Therefore, I would urge upon the Joint Committee to consider how far these objectives have been served and only if they are convinced should they go ahead in this fashion; otherwise, they should not allow this Bill to be passed.

श्री व० प्र० सिंह (मुंगेर) : उपाध्यक्ष महोदय, संविधान में संशोधन करते सम्बन्धी यह बिल सिलेक्ट कमेटी के सुपुर्द किया जा रहा है। संविधान की इस धारा का संशोधन पहले दो बार हो चुका है—१९५१ और १९५५ में। इस संशोधन का भाव यह है कि किसानों से ली हुई जमीन का उचित मूल्य

न दिया जाये। इस के लिए यह तर्क दिया जाता है कि यह टिलर्ज आफ़ दि सायल की सुविधा के लिए किया जा रहा है। मैं आज तक यह नहीं जान सका हूँ कि टिलर्ज आफ़ दि सायल की परिभाषा क्या है। स्वराज्य से पहले एक कमेटी कायम हुई थी, जिस के प्रैजिडेंट श्री जे० सी० कुमारप्पा थे। उस कमेटी ने कहा था कि किसानों को रीजनेवल स्टैंडर्ड्स आफ़ लिविंग की सहूलियत दी जायेगी। दस बरसों से योजना यंत्री के साथ हमारा पत्र-व्यवहार चल रहा है। मैंने उन से यह निवेदन किया है कि आप सोशललिस्ट पैटर्न की बात करते हैं, तो आप यह भी बतायें कि एक साधारण नागरिक का जीवन-मान क्या पिस्थर किया गया है और न्यूनतम जीवन-मान और उच्चतम जीवन मान में क्या अन्तर होगा, लेकिन आज तक उस का कोई फ़ैतला नहीं हो सका है। मैंने उन से अर्बुं किया है जब तक एक साधारण नागरिक का जीवन-मान स्थिर नहीं किया जायगा, तक देश की आर्थिक उन्नति और अन-एमपलायमेंट का मसला तय नहीं किया जा सकता है।

आज यह कहा जाता है कि सोशल जस्टिस के नाते संविधान में यह संशोधन किया जा रहा है। मैं कहना चाहता हूँ कि सोशल जस्टिस के नाते सभी वर्गों के साथ एक सा व्यवहार होना चाहिए। यदि सभी वर्गों के साथ एक सा व्यवहार नहीं होता है, तो उन लोगों में ईर्ष्या और जलन पैदा होती है।

आज लगान का आधार क्या है? आज लगान का आधार ५० प्रतिशत है, जब कि मनु के समय में लगान १२वां हिस्सा और गौतम के समय में १०वां हिस्सा था, जिसे कौटिल्य ने छठा हिस्सा किया था। आप नहीं चाहते हैं कि इसको आप आधा कर दें। हरिपुर और फ़ेज़पुर कांग्रेस में आपने किसानों को विश्वास दिलाया था कि स्वाराज्य मिलने

के बाद किसानों को जो लगान देना पड़ता है, उसमें काफी कमी कर दी जायेगी। लेकिन आपने इस दिशा में कुछ भी नहीं किया है। इसके विपरीत आप लगान की दर में वृद्धि ही करते जा रहे हैं। यह सोशल जस्टिस नहीं है। इस सोशल जस्टिस के नाम पर आप पैदावार बढ़ाने के बजाय, पैदावार को ही कम कर रहे हैं। आज आवश्यकता देश में पैदावार अधिक करने की है। किस तरह से पैदावार बढ़ सकती है, इस पर आप विचार करें। आपको चाहिये कि स्टैंडर्ड आफ कल्टिवेशन आप फिक्स कर दें। जो किसान स्टैंडर्ड आफ कल्टिवेशन पर खरा नहीं उत्तरता है, उसकी ज़मीन को जब्त कर लिया जाए और उसे दूसरों को दे दिया जाए। इंग्लैंड में स्टैंडर्ड आफ कल्टिवेशन फिक्स किया जा चुका है। इंग्लैंड के तरीके पर आप यहां भी कर सकते हैं।

आप भूमि ले कर भूमिहीनों में वितरण करना चाहते हैं। लेकिन मैं आपको बतलाना चाहता हूँ कि आज ३७ करोड़ एकड़ ज़मीन में गल्ला पैदा आप करते हैं। इसके बाद भी १६ करोड़ एकड़ ज़मीन ऐसी पड़ी हुई है जिसका सुधार करके उपयोग में लाया जा सकता है और उसको आप गरीबों को दे सकते हैं। इस तरह से देश के अन्दर पैदावार बढ़ सकती है। इस और आपकी दृष्टि नहीं गई है। आप जो कुछ भी करना चाहते हैं, उसका परिणाम क्या निकलता है, इसको भी आपको देखना चाहिये। आप देखें कि आपकी नीति क्या है, आपका सिद्धान्त क्या है, संविधान में आपने क्या प्रतिज्ञा की है। संविधान हर देश के लिए बहुत पवित्र होता है और उसमें कम से कम परिवर्तन होने चाहिये। अगर बार बार उसमें आप परिवर्तन करते रहेंगे तो जन साधारण का विश्वास उस पर से उठ जायेगा। आप देखें कि दूसरे देशों में जो संविधान हैं, उनमें कितनी बार परिवर्तन हुए हैं। अमरीका का ही उदाहरण मैं आपके सामने रखना चाहता हूँ। वहाँ पर संविधान १७८७ में लागू

हुआ था और आज तक उस संविधान में केवल २२ बार ही परिवर्तन हुए हैं। इसके विपरीत आप अपने संविधान को लें। हमने पन्द्रह वर्ष के भीतर सोलह संशोधन उसमें कर दिये हैं और सत्तरहवीं बार संशोधन करने जा रहे हैं। इस तरह की बातों से जनसाधारण का, आम जनता का विश्वास सत्कार पर से तथा संविधान पर से उठ जाता है। इस वास्ते आप कम से कम संविधान में संशोधन करें। आप चाहते हैं कि किसान की उन्नति हो, उसका फायदा हो। किस तरह से यह हो सकता है, इस पर आप गम्भीरता से विचार करें। सरकार को इस तरह के संशोधन लाने चाहियें जो संविधान में उल्लिखित मौलिक अधिकारों के आधार पर हों तथा जो संविधान की प्रतिष्ठा में वृद्धि करने वाले हों। इसलिए मैं कहना चाहता हूँ कि धारा ३१ जिस तरह से है, उसको वैसे ही रहने दिया जाए। जब कभी भी मौका आता है आप इसमें परिवर्तन कर देते हैं। ऐसा करके जनता का विश्वास आप खो रहे हैं। आप समझते हैं कि आप इस तरह से किसान का हित कर रहे हैं, लेकिन वास्तव में आप हित नहीं कर रहे हैं।

किसान की जो ज़मीन है, उस पर आप सीलिंग लगाना चाहते हैं। एक निश्चित सीमा से अधिक जो उसके पास ज़मीन है, उसको आप लेना चाहते हैं। अगर किसान की सम्पत्ति पर आप सीलिंग लगाते हैं तो क्या बजह है कि जो दूसरे वर्ग हैं, उनकी सम्पत्ति पर सीलिंग नहीं लगाते हैं। उनके पास एक निश्चित सीमा से अधिक जो सम्पत्ति हो, उसको भी इसी आधार पर आपको अपने कब्जे में ले लेना चाहिये। आप किसान की जब ज़मीन लेने का बक्त आता है तो मार्केट वैल्यू को आधार मान कर चलते हैं लेकिन जब देने का समय आता है तो कोई और ही आधार लागू करते हैं, बहुत महंगी लोगों को देते हैं। १९४७ में अंग्रेज सरकार ने जब डैप व्हाईट बिल प्रिण्ट किया था, उस बक्त उन्होंने उस बिल में एग्जिक्यूशन बिल

[श्री ब० प्र० सिंह]

का समावेश नहीं किया था। लेकिन हमारी सरकार ने जा बिल बनाया था उसमें उसने उस ज़मीन का भी समावेश कर दिया। उस समय हमने कहा था कि ज़मीन का मूल्य लगान के आधार पर आप आंके, लगान के कुछ गुना पर रखें। लेकिन हमारे फाइनेंस मिनिस्टर साहब ने मार्किट वैल्यू के आधार पर उसके दाम रखे। आपकी नीति यह है कि किसान की ज़मीन जब लेने का वक्त आता है तो मार्किट वैल्यू के नाम पर कौड़ियों के मूल्य आप उसको लेना चाहते हैं और जब और जब देने की बात होती है, तब संविधान की धारा ३१ का संशोधन आप कर देते हैं। आप कहते हैं कि किसान की ज़मीन जब आप लेंगे तो उसकी जो वाजिब कीमत है, वह आप नहीं दे सकेंगे, इसलिए आप इस धारा में परिवर्तन करना चाहते हैं। यह उचित नहीं है, यह न्यायसंगत नहीं है। आप किसान की ज़मीन ले लें और उसकी कीमत अदा न करें और इस हेतु संविधान में संशोधन कर दें, यह अच्छा नहीं है, यह ठीक नहीं है। इस तरह से किसी की सम्पत्ति का अपहरण करना उसके प्रति अन्याय करना है।

आज भी आप देखें कि जो खेत मजदूर है, उनकी आय क्या है। उसकी आय धार धाने के लगभग पड़ती है। आमदनी किसान की ४३७ रुपये है और खर्चा ६७१ रुपये। यह जो बड़ा हुआ खर्चा है, इसको वे लोग कर्ज ले कर जुटाते हैं। इस हिसाब से किसान की जो आय है वह साढ़े सात धाने के नीचे ही हो सकती है, इसके ऊपर नहीं हो सकती है। ऐसी हालत में आप देखें कि आपने किसान के साथ कहां तक न्याय किया है और कहां तक न्याय करने आप जा रहे हैं।

समय समय पर आपने किसानों के साथ जो वादे किये हैं, उन सभी वादों का आप धीरे धीरे भूलते जा रहे हैं। संविधान में आपने कहा था कि दस वर्ष के अन्दर

अन्दर छः से १४ वर्ष तक के बच्चों को मुफ्त शिक्षा देने की व्यवस्था आप कर देंगे। लेकिन आज आप कहते हैं कि तृतीय योजना के अन्त में जा कर आप छः से ग्यारह वर्ष के बच्चों की शिक्षा का ही आप प्रबन्ध कर सकेंगे। वह इस कारण से कि पैसे की कमी है। अगर वास्तव में पैसे की कमी है, तो जहां कहीं से पैसा बचाया जा सकता है, क्या वहां से पैसा बचाने की कोशिश आपकी तरफ से की जा रही है? शासन का जो बढ़ता हुआ खर्चा है, उस पर आप रोक नहीं लगा सके हैं। नशाबन्दी आप लागू नहीं कर सके हैं। ये जो सब चीजें हैं, इनका असर खेत मजदूर पर काफी पड़ता है। आप देखें कि दूसरे पेशे करने वाले जो लोग हैं, उनकी आमदनी क्या है और किसान की क्या है। आपका सबसे कम आमदनी किसान की ही मालूम होगी। इसके बावजूद भी आप किसान के ऊपर कर भार लादते जा रहे हैं। जो छोटे से छोटा किसान है, जिसके पास दस बिसया ज़मीन भी है, उसको भी आज सरकार को लगान देना पड़ता है। जहां तक दूसरे वर्गों का सम्बन्ध है, यदि कोई पंद्रह सौ रुपया वार्षिक पैदा करता है, तो उसको कुछ देना पड़ता है। किसान को सूखा से बाढ़ से जो हानि उठानी पड़ती है और जो एक समस्या बन कर उसके सामने प्रतिवर्ष खड़ी हो जाती है, उसका भी ख्याल नहीं रखा जाता है। इसके बावजूद भी उसको लगान देना पड़ता है। यह सोशल जस्टिस नहीं है। रोशल जस्टिस के नाम पर आपने किसान की जो अवस्था है, उसको खिन्न भिन्न कर दिया है। आप आंकड़ों के आधार पर आज भले ही यह सिद्ध कर दें कि पैदावार बढ़ रही है, उसकी हालत अच्छी हो रही है, लेकिन वास्तव में बात ऐसी नहीं है।

आज हम चाहते हैं कि गरीबों को हम ज़मीन देंगे मैं कहना चाहता हूँ कि गरीबों को ज़मीन आप दे नहीं सकते हैं इसका कारण यह है कि आपके पास अब कच्चा

इतनी जमीन नहीं है जो आप उनको दे सकें। मैंने आपको बताया है कि ३७ करोड़ एकड़ आपके पास ऐसी जमीन है, जिसमें पैदावार होती है। इसके अलावा १९ करोड़ एकड़ जमीन जो है, उसका सुधार करके आप गरीबों को दे सकते हैं। पहले मैं २३ करोड़ एकड़ कहा करता था। लेकिन चूंकि चार सौ करोड़ एकड़ दूसरे कामों में आ गई है, इस वास्ते यह घट कर १९ करोड़ एकड़ रह गई है। प्लानिंग कमिशन के श्री श्रीमन्न नारायण जी ने मुझ से पूछा था कि यह १९ करोड़ का आंकड़ा मुझे कहां से मिला है यह मैंने आपकी ही किताबों से निकाला है। आप किताबों को देखिये, आपको पता चल जाएगा कि इतनी जमीन आपके पास है जिस को सुधार कर आप गरीबों को दे सकते हैं। यदि आपने ऐसा किया तो देश की पैदावार भी बढ़ सकती है और गरीबों को जिन के पास जमीन नहीं है, जमीन भी दी जा सकती है आप को चाहिये कि आप स्टैंडर्ड आफ कल्टिवेशन इनक्रीज करें। यदि आप यह नहीं कर सकते हैं तो जीवन मान निश्चित कर दीजिये, स्टैंडर्ड आफ लिविंग फिक्स कर दीजिये, नीचे से नीचा और ऊंचे से ऊंचा फिक्स कर दीजिये। मैं पूछना चाहता हूं कि जिस देश की जनता की आमदनी साढ़े सात आने रोज है, वहां पर मंत्रियों की, क्या होनी चाहिये, बड़े बड़े अफसर जो हैं, उनकी क्या होनी चाहिये, जो उद्योगपति हैं, उनकी आमदनी क्या होनी चाहिये। सबको आप एक दृष्टि से देखें और एक आधार पर सब को लायें। केवल किसान के नाम पर इस तरह का बिल बना कर आप भ्रामे नहीं बढ़ सकते हैं, जो ख़ाई है, उसको भर नहीं सकते हैं। ख़ाई अगर आप भरना चाहते हैं तो जो ऊंचे ऊंचे पहाड़ हैं, उनको तोड़ कर आपको उसे भरना होगा। अगर ऐसा नहीं किया जाता है, तो कुछ भी नहीं हो सकता है।

आप देखें कि अराबखोरी में गरीबों का कितना पैसा जाता है। अराबखोरी में

गरीब किसानों की, गरीब मजदूरों की धाम का बीस सेंकड़ा चला जाता है। आप देश में नशाबंदी लागू नहीं कर सकें हैं। आप किसानों के वच्चों की पढ़ाई की व्यवस्था नहीं कर सकते हैं, आप जीवन मान स्थिर नहीं कर सकते हैं। जब आप इनमें से कुछ भी नहीं कर सकते हैं तो संविधान में इस तरह से परिवर्तन करके आप किसानों में अविश्वास पैदा करेंगे और ऐसा करके आप देश को भ्रामे नहीं बढ़ा सकते हैं

अन्त में इतना ही कहना चाहता हूं कि सरकार इस बिल को वापिस ले ले और मौलिक अधिकारों के आधार पर दूसरा बिल पेश करे जिसमें संविधान का आदर करते हुए, उसकी प्रतिष्ठा को बनाये रखते हुए, संविधान को उसकी पूर्ववत् व्यवस्था में लाने की चेष्टा हो

**Shri Muthu Gounder (Tiruppattur):** Having accepted democratic socialism as our cherished objective, it is inevitable that land reforms, nationalisation of banks and industries etc., should follow. Some States have enacted legislations of land reform, but there are some loopholes and lacunae in them, and that is why the State Governments are finding it difficult to implement them. We take it this Bill has come here to patch up the loopholes in those laws and to implement the land reform and land ceiling Acts. We take this Bill in that light and we approve and support this Bill.

14 hrs.

At the time of enacting the land ceiling legislation in Madras State, we demanded that there should be a ceiling on incomes from other sources also. The Government gave an assurance that after fixing the ceiling for land holdings, they would also fix ceilings for other incomes. Government has not so far fixed any ceiling and has not come forward with any Bill to fix ceiling on non-agricultural income. (An Hon. Member: They have no intention) if you compare the income of agriculturist who has 30—50 acres with that of an ordinary automobile

[Shri Muthu Gounder]

spare parts dealer, the latter gets ten times more than the agriculturist. Then again, they have helped intentionally; they have given enough time and enough loopholes to the very big landlords to escape the ceiling. Some big landlords in Madras State have diverted their lands—thousands of acres to sugar mills; some are holding thousands of acres in the name of cattle breeders, temples, mutts, plantations, etc. Now, after giving enough time to these big wigs, for these elephants to escape, you try to find out the rats and mules by this Bill. If Government's objective is socialist pattern of society, what is the harm in enacting legislation to fix a ceiling on the income of industrialists who earn lakhs and lakhs of rupees, when you fix a ceiling for the agriculturist at Rs. 3600 per year, what about the hundreds and lakhs of people in business and in industry who earn Rs. 3600 monthly. We accept the ceiling on land. It is DMK's policy to have land reforms. But we will not keep silent if Government does not fix ceilings on urban income. Now, Sir, as a result of the ceiling Acts not even 100 ryots were given lands from out of the lands given by the landlords. 149 Acts have been passed in various States. Have 149 landless labourers been given lands? The biggest landlords hold their lands in the name of somebody else or some trust or some factory. They were given enough warning and enough advice perhaps by these Benches and enough opportunity to save themselves. Only the middle class ryots are afraid now whether the ownership of these lands even within those ceiling limits will be there for ever or not. Unless there is security of ownership, he will not have incentive to produce. We see Russia and America also. Russia is purchasing wheat valued at Rs. 150 crores, I think, from Australia and other countries. We should have courage enough to take good things from the United States or any other capitalist country. After having collective farms and co-operative farms for 35 years, Russia is not able to pro-

duce sufficient food for its own people. It does not mean I am in any way criticising communist policies or supporting capitalist countries.... (Interruptions.) We should be wise enough to know things from them. Collective farms are not producing enough food. So, even in Russia there is a change; they want to give to the ryots some acres of land so that there will be the incentive. Unless ownership of land is secure, there will be no incentive. By the word 'estate', we are afraid that the lands falling within the ceiling limits may be taken away in one way or the other. We want an assurance from the Government—but Government is clever enough to give assurances and to go back upon them that they will make the necessary safeguards at least in the Joint Committee so that land owners who are having less, within the ceiling limits would not at all be affected by this word 'estate'. Estate means a zamindari or a whole village. By making land-owner an estate owner, you cannot deceive people. Let his land be called patta land or owner-land. There should be security. By such Bills government wants to interfere with the affairs of the agriculturists. When Government is wedded to socialist pattern, why do they not nationalise the big business concerns, the banks and industries of Tata and Birlas. Perhaps they do not want to interfere in their affairs because they are the spinal cord of the Congress Party and if it is touched, that will be a spinal-chord-shake. That is why they are making reforms only about land without thinking of urban incomes. We want Government to be courageous enough to bring forward such enactments in the near future to fix ceiling on incomes of big-businessmen and industrialists and bankers. Even here they exempt lands owned by temples, madathipathis, mutts etc. what is the idea? You say that land should go to the tiller. Why do you leave all this then? Then there may be a tiller and he may be owning hundred acres of land. There is no harm in a tiller *cum* landlord owning hun-

dred acres of land and cultivating them efficiently and progressively. If you go in disintegrating lands, you could not get good harvests and good produce. We see in papers what is happening in Russia and in America. In America and Russia more or less the population is equal. They have got enough lands fit for cultivation. In Russia there are more lands. But whereas America is producing more than is sufficient and selling its foodgrains to other countries, in Russia and other communist countries, where collective farms are in operation, they are not able to have even self-sufficiency in regard to food products. Because, the only defect there is that the incentive is not with the agriculturist, since he is not given the ownership of land. Therefore, whatever land reform we may be making, wherever the land reforms will take us, though we are ready to go, we should not go up to the extent of collectivisation or collective farms or even co-operative farms which nowadays are a failure. Unless the agriculturist thinks that what he is getting by his hard work will come to his pocket, there will not be any real incentive, and there will not be good produce. So, by supporting this Bill, I think I am not committing myself to the idea that the word 'estate' is meant to deprive the small landholders who are having land within the ceiling limits from their right on that land now or ten years afterwards or in the future. (*Interruption*). So, while supporting this, we expect the Government to behave in such a manner, namely, that they will give assurance to the small landowners who are just within the ceiling limits that this interpretation of the word 'estate' or the would-be interpretation of this word or any play on this word will not tamper with their right on their land, as far as the agriculturists or the landowners are concerned. With these words, I resume my seat.

**Shri D. C. Sharma:** Mr. Deputy-Speaker, Sir, I welcome this Bill, but I want to ask the hon. Minister one question. The Joint Committee will

consist of 45 Members. There are 144 Acts passed by several States which will come under their scrutiny. Now, I want to know how these Acts are going to be scrutinised by the Joint Committee: whether separate sub-committees will be formed to scrutinise the Acts relating to particular States or whether the Joint Committee as a whole will scrutinise or review what these States have done; or, just as we are taking these Acts for granted, will the Joint Committee also take these Acts for granted? I submit that these Acts are of a very far-reaching nature; they touch millions of people. They are very broad in their scope. I feel that as we are not scrutinising each one of these Acts because we do not have them with us, the Joint Committee also should not give its blanket approval of all these Acts which are mentioned here.

I feel that when the Joint Committee's report comes to us, in all fairness to the Members of this House, whether they support this Bill or oppose this Bill, we should have all these Acts as an appendix to the Joint Committee report, so that we can deal with these things in a more intelligible way and in a more expert manner. I have never seen a Bill coming up before this House where an approval has been asked for such a large number of enactments of which I think most of the hon. Members know nothing. I think this is asking too much of human nature. This is putting too much of premium upon the knowledge and upon the ability of the Members of this House. I would, therefore, submit very respectfully that all these Acts, in the first place, should be scrutinised by the Joint Committee or any sub-committee that may be formed, and, in the second place, they should be given to us, when we get the Joint Committee report, in the form of an appendix so that if we want to speak at that time our speeches would have some substratum of knowledge about these Acts. That is one thing which I wanted to submit.

[Shri D. C. Sharma]

The second suggestion that I want to make is this. Land reform is very necessary. There is no doubt about it. There are some Members who have said that this land reform has been done in a very haphazard manner, that it has hit agricultural production, that it has not brought about socio-economic justice. I do not subscribe to that view. I come from the State of Punjab. When it emerged after partition, the State of Punjab was a deficit State. Of course, land reforms came into being there also. After sometime, the sturdy, hard-working, efficient peasants of the Punjab turned that deficit State into a surplus State. I do not think production was in anyway jeopardised, so far as Punjab was concerned, by the land reform measures. I therefore think that the land reform measures do not come between the peasants and their production. On the other hand, I think that these measures are in a way an incentive to them to produce more. For instance, if a man was getting one maund of wheat formerly, from say one piece of land, he will now be getting more wheat from a similar plot of land.

**Shri Kapur Singh (Ludhiana):** One maund from one acre of land?

**Shri D. C. Sharma:** Of course, it is not a correct example. I know that the hon. Member there knows these things much better than I do, and he has got a habit of interrupting hon. Members when they speak. I was giving an example, though not a correct one, from my own knowledge. Land reform measures have given a new sense of confidence to the peasants. Of course, one hon. friend asked me, "Has any land been distributed to those who do not have any land?" I think as much of land has not been distributed as it should have been. There are, however, people who have not been very straightforward so far as land is concerned. There is no doubt about that. But some lands have passed on to tenants, some to occupancy-tenants and some to others. Something has

happened, and that thing has happened for the good of the people who were not big peasant proprietors at one time. Therefore, land reforms have benefited to some extent the small land-owners and the small proprietors.

The question is this. Does agricultural production depend only on the extent of your land? It does to some extent, but mostly it depends upon the initiative of the farmer, the resources of the farmer, the skill of the farmer. I am speaking subject to correction because I am not as knowledgeable as some of my hon. friends over there are.

**Shri Narasimha Reddy (Rajampet):** The hon. Member is not a farmer.

**Shri D. C. Sharma:** I am a farmer, but I am not a farmer like that who has written the word "farmer" on his forehead and always goes on shouting "I am a farmer". I am afraid the hon. Member is not a farmer; he is a big, big man in terms of lands and everything. I am a small man. (*Interruption*).

**Shri Kapur Singh:** He claims he is a farmer and he does not know the difference between a hoe and a plough!

**Shri D. C. Sharma:** You do not know the difference between a fat man and a small man. You do not know the difference between what is relevant and what is not relevant, between what is essential and what is not essential.

I was submitting very respectfully that the production of land depends upon, of course, on the extent of land, but also upon the hard work of the man and the resources which he has. It also depends upon the help which the Government gives him. In my State, the farmers get all kinds of loans from Government for fertilisers and other requirements. Therefore, they have not suffered on account of the land reform.



The question is being asked, is there any socio-economic justice done by passing such measures? I think socio-economic justice is such an elastic proposition; it is a phrase capable of so many interpretations that it is not possible to satisfy anyone. But the fact remains that our land reform legislation has been of a progressive kind and has tried to do socio-economic justice. I know there were some persons formerly who used to have so many acres of land; Shri Kapur Singh belongs to that class. We have tried to dispossess those big landlords of their big lands and therefore they are angry with us. But I can assure you that the ends of socio-economic justice are met more by this land reform movement, because it touches the big proprietors, the small proprietors, landless labourers, peasant proprietors, tenancy occupants, etc.; it touches all of them. Therefore there is distribution of the benefits, whatever they are, though they may not be as many as we want them to be. Therefore, I think some of the ends of social justice have been met by this land reform.

I want to ask, is there any progressive country in the world—I am not talking of communist countries—where they do not have land reform measures? Ceylon, Burma, etc. are not communist countries and they are having land reforms. Every developing country, for its life, for its existence, for its development and progress, must have these land reform measures. Therefore, I do not see any harm if this Bill has been brought by the Law Minister.

I agree with some of my friends that we always bring in here Bills which touch the proprietors of land, landlords and land-holders, but we do not bring in Bills which touch urban property-holders and those who have investments in banks, in various industrial establishments and all those things.

**Shri Kapur Singh:** It is a very pertinent question.

**Shri D. C. Sharma:** It is a very pertinent question. I think the ends of justice will be met only when we try to rope in those persons also in the same way in which we have roped in land-holders in this measure.

**Shri Kapur Singh:** Not in the same way, but simultaneously.

**Shri D. C. Sharma:** I think it will be done simultaneously when you become somebody. But for the present, I would say that it is imperative—we should see the writing on the wall—that we should not try to bring in Bills which touch only the peasants, but we should also bring in Bills which touch holders of urban property and other spheres. We do want some guarantee from the hon. Minister in this regard.

A fear has been expressed by many friends not only on these benches, but on Congress Benches also—I also share their fear—that the smaller man should not in any way be injured or harmed on account of the provisions of this Bill. Of course, we know the small man is very vigilant. We saw the small men who came here from Gaziabad. Of course, there is no small man now; we are all equal. But suppose there are some small men; they should not be hurt.

I would say that the ends of justice would be met only if we do not work this Bill in a spirit which will harm the interests of the small man. I hope nothing will be done in that way, and I have every hope that this Bill will be worked in a judicious and admirable way, so that it does not hinder prouction and does not also stand in the way of socio-economic justice, which should cover all grades of society, all grades of land-holders and all sections of people.

**Mr. Deputy-Speaker:** Shri Himatsingka.

**Shri Krishnapal Singh:** (Jalesar): May I put a question to the hon. Member?

**Mr. Deputy-Speaker:** Not now.

**Shri Kapur Singh:** Let him ask the question, Sir.

**Mr. Deputy-Speaker:** I have already called Mr. Himatsingka.

**Shri Himatsingka** (Godda): Sir, I have been trying to follow the speeches that have been delivered this morning in this House and I feel very much amused because I found the Members who have supported the Bill have spoken throughout against the purport of the Bill and the intention of the Bill. Hon. Members Shri Muthu and Shri Sharma, both of them, have gone on condemning what has been done so far.

**Shri D. C. Sharma:** Where have I condemned?

**Shri Himatsingka:** The hon. Member, Shri Muthu, said that big people have been allowed to transfer their land and nothing has been done about it; some property has been held in the name of temples and so on. At the same time, he supports the Bill. This only shows how we have not applied our mind to this Bill.

This Bill has to be examined from the point of view whether it is going to do social justice or not and whether it is going to help anybody. So far as Zamindari abolition was concerned, we all knew they were big people who were making profits without doing anything. The scope of the present Bill, as has been explained by some Members, is very wide and it ropes in the ryotwari settlement....

**Shri Kapur Singh:** Please speak a bit louder, if you can.

**Shri Himatsingka:** It includes land held under ryotwari settlement and also any land held for purpose

of agriculture, including wasteland, etc. As a matter of fact, the definition is so wide that it covers every bit of land; whether it is one-eighth or one-tenth of an acre or any decimal, that also comes within the scope of the Bill.

Therefore, it cannot be said that the Bill is intended to take away or to mop up the excess over the ceilings that might be fixed from State to State. But it covers every bit of land that can be possessed by anybody, big or small, tenant or landlord, towns people or villager or anybody. And in fact, it also includes sites of buildings also. It does not confine itself to agricultural land; it also covers sites of buildings and other structures occupied by cultivators of land, agricultural labourers. Even they are being roped in.

The question that has to be examined is, suppose this Bill becomes law, can or cannot land belonging to a large number of small people be taken over and given to, say, a society, call it a co-operative society, formed by some other persons, a set of ten or more persons. Can that land belonging to hundreds of persons be made over to a society formed as a co-operative society?

I think this will enable Government to acquire land from a large number of small people and give it over to co-operative societies formed by any seven persons. Will it be social justice; will it be something that everybody has in mind; will it be equal distribution of land to everybody?

The question is, the laws are all right, but it has to be examined how far they can be properly applied and how far they are being properly applied. Many laws have been passed. If they are properly applied or implemented I think they should

do good to the country. But what happens? Most of the speakers have said that it will give power in the hands of ordinary members of the executive service. And what happens? If they want to help somebody improperly they can do so within the powers, the very wide powers which will be vested in them if this becomes law. Because, then, no legislation that will be passed, and no land that will be acquired under any of these laws, can be questioned, compensation or no compensation. If they fix the principle on which the compensation is to be paid, or fix even an insignificant amount to be paid as compensation, that also will have to be accepted by the owner. He cannot question it; it is not justiciable and therefore it will be final.

Sir, you will remember that in August-September, 1962, when the Land Acquisition (Amendment) Bill was being considered, my friends of the Communist Party and others vehemently opposed it because that Bill provided only for compensation at the market value plus 15 per cent. They said it should be more and they complained that it would enable taking away of lands from the poor people and give them to the big people. Under the Land Acquisition Act there are only very rare occasions when land is acquired and when acquired it is generally small quantities say about five acres of land or so will be acquired for the purpose of an industry, and full compensation has to be paid there. But here you can acquire any extent of land for any purpose from anybody, even for an industry whether he is a big man or an ordinary person, and then without practically any compensation. Will it be for the good of those people who own small areas of land? It has to be examined from that point of view.

Therefore, I feel that these questions ought to be carefully examined by the Joint Committee before they recommend the provisions of the Bill

to be incorporated in the Constitution.

It is another matter also that our Constitution is being amended so quickly. After all, if you look to the Constitution of America and other countries you will find that there have been very few occasions on which they have changed or amended their Constitution. Here within the course of thirteen years we have changed it seventeen times. Some of the amendments were, of course, very necessary like articles 31A and 31B. Because, certain provisions as incorporated in the Constitution were standing in the way of zamindaries being acquired. But we should not try to change the Constitution very often simply because the courts, the Supreme Court or the High Courts, have struck down some provision of law which is contrary to the provisions of some of the articles, articles 14, 19 and 21. After all, these articles were very deliberately put in by the combined intelligence of the nation and therefore it is no justification, simply because some law that has been passed by some State is hit on account of its violating any of these provisions in the Constitution, to change the Constitution itself and take away the fundamental rights that have been enshrined in the Constitution.

Therefore, these things have to be taken into consideration, and particularly whether it will really be of any benefit to anybody or whether it will not enable or whether it will not give some sort of a handle to somebody in power to do a lot of harm to some person whom he may not like. It may be used as an engine of oppression. Some persons may be deprived of their lands, their lands may be taken away and given to somebody else—it may be called by some name, co-operative society or something like that.

What is happening in many places in the name of procurement of

\* [Shri Himatsingka]

paddy? The producers are suffering. I know of a State where procurement has been given to a co-operative society. They have no arrangement for paying money, for weighing or for taking delivery, and as a result the primary producers of paddy are not getting sufficient price. And the procurement has fallen. The mills are not functioning. And the price of rice which ought to have been Rs. 20 or so, because it is a surplus State, has risen to Rs. 30 or 32. That is the price at which it is selling, simply because somebody in power has taken it into his head that it must be procured by some co-operative society in which he is interested or which he wants to push up or which he thinks will be approved of in the higher circles.

Therefore, unless we proceed on some rational basis with the honest intention of doing real good to the persons in the different States, I think it will do more harm than good. And the trouble here is, the moment you suggest something which may not be liked you will be branded as a reactionary. The question is whether a law that is intended to be passed is going to do any benefit or can be used for the purpose of doing immense harm. I will therefore appeal to the Members of the Joint Committee to very carefully scrutinise all the provisions and see that the provisions that are there do not enable the authorities, wherever they are, in this or that State or anywhere, to be used for the purpose of doing harm. I won't say a deliberate intention can be there, but if the law enables that to be done there is no protection. And we must look at it from the possibility of what the law can do and how far it can do. So I feel that it is a Bill which has to be carefully examined, and I am sure that the forty-five Members of the Joint Committee, thirty from this House and fifteen from the other, will apply themselves to this, especially because

a large number of provisions of 144 Acts are intended to be given protection under articles 31A and 31B. Because, the moment they go into the Ninth Schedule no one can question.

**Shri Kashi Ram Gupta (Alwar):** It is better you give your own suggestions here.

**Shri Himatsingka:** My suggestion is that the Bill has to be examined, has to be very carefully examined. If it is going to do good to the general masses of the people, the larger number of people, certainly it should be supported. But, according to me it is not going to help anybody; it is likely to injure rather than help. That is my reading.

Therefore, I feel that it has got to be examined carefully. I may not be a correct judge. That is why I appeal to the 45 Members on the Joint Committee to examine it carefully. Here there is no compensation. Under the Land Acquisition Act proper compensation has to be given. Under this, if I hold a plot of land it can be acquired and even if no compensation or rather nominal compensation is paid I cannot do anything. That applies to everybody. If the property of bigger people is taken away they will be able to manage things and fight, but if the land of a small man is taken away it will not be possible for him to get any relief. He will not have any approach anywhere. Therefore, it is very necessary that the thing is examined very carefully and acted upon carefully, and not in a huff saying that we are doing social justice, we are passing a social legislation. Merely calling it a social legislation of a small man is taken away will not do. We must go into the merits of the thing and examine it carefully.

**श्री ह० च० सौय (सिंहभूम) :** उपाध्यक्ष महोदय, हमारे शर्मा जी ने जो एक मांग पेश की है, उसका मैं समर्थन करता हूँ। उनका कहना है कि ये जो सारे १४५ के करीब

एक्ट्स हैं, इन सब पर ४५ सदस्यों की समिति द्वारा विचार किया जाना सम्भव नहीं है और वह ठीक रीति से इन सब पर विचार नहीं कर सकती है। इसलिए उनका मुझाव है कि हर एक स्टेट के एक्ट्स के लिए सब-कमेटीज बना दी जाएं जो शैड्यूल की जांच कर सकें। यह बहुत ही अच्छा मुझाव है और इसको स्वीकार कर लिया जाना चाहिये।

जब भूमि सुधार सम्बन्धी कानून बनाये जा रहे थे या जब लैंड पर सीलिंग लगाने के सम्बन्ध में कानून बनाये जा रहे थे, तब यह भाशा की जा रही थी कि उससे जो सरपलस जमीन निकलेगी, वह उन को दे दी जाएगी जिन के पास जमीन नहीं है, जो बेजमीन हैं और इसमें खेती की पैदावार में वृद्धि होगी लेकिन हम जानते हैं कि भूमि सुधार सम्बन्धी कानूनों के बावजूद भी खेती की पैदावार इतनी अच्छी नहीं हो सकी है, जितनी अच्छी होनी चाहिये थी, और न ही जिस किसान की आर्थिक स्थिति हम अच्छी करना चाहते थे उसकी स्थिति ही अच्छी हो पाई है हमारा कहना यह था कि जो छंटे किसान हैं और जिन के पास जमीन कम है, वे ऐसी स्थिति में नहीं हैं कि उन्नत तरीकों से खेती कर सकें, उन्नत खेती के साधनों को अपना सकें इस वास्ते तजवीज यह रखी गई थी कि कोओपरेटिव फार्मिंग को बढ़ावा दिया जाए यह जो कोओपरेटिव फार्मिंग का हम ने प्रयोग किया है इस से भी निराशा ही हमारे हाथ लगी है।

अब इस कानून के जरिए जितने भी जमीन सम्बन्धी या सीलिंग सम्बन्धी कानून हैं, उन को जायज करार हम देने जा रहे हैं और इस हेतु कांस्टिट्यूशन में एमेंडमेंट करने जा रहे हैं। मैं चाहता हूँ कि इस पर बहुत ही अच्छी तरह से विचार किया जाय। मैं आप के सामने बिहार स्टेट का एक उदाहरण रखना चाहता हूँ वहाँ पर लैंड सीलिंग सम्बन्धी जो कानून बना, उस में बड़ी खामी

रह गई है। जमीन के दाम फिक्स कैसे हों और कितने हों, इस के बारे में उस में यह कहा गया है कि सब से निचले स्टैंडर्ड की जमीन के लिए ४५ रुपये फी एकड़ के हिसाब से मुआवजा दिया जाय जबकि ऐसी जो जमीनें हैं, उन की मार्किट वैल्यू बहुत बढ़ी चढ़ी हुई हैं, बहुत जबर्दस्त हैं। मेरा मंकेट इंडस्ट्रियल इलाकों से है, रांची, हतिया वगैरह से है बिहार के कानून के अन्दर उस जमीन का जो मुआवजा फिक्स किया गया है वह ७५ रुपये फी एकड़ फिक्स किया गया है। वास्तव में अगर उस जमीन को लैंड सीलिंग के अन्दर नहीं दिया जाता है और दूसरे लोगों के साथ बन्दोबस्त किया जाता है तो फी एकड़ तीन हजार से चार हजार तक दाम मिलते हैं। इस तरह से मैं समझता हूँ कि रैयत से जो जमीन ली जाती है, इतना कम मुआवजा दे कर उस के साथ बड़ा भारी अन्याय किया जाता है, लैंड सीलिंग कानून के अन्दर जो जमीन ली जाती है, उस का मुआवजा देते वक्त बड़ी भारी बेइंसाफी की जाती है। इसलिए मेरा मुझाव है कि इस बिल पर विचार करते समय ज्वायंट कमेटी बिहार के लैंड सीलिंग एक्ट की फिर से जांच करे और जिन रैयतों की जमीनें हम लें, इस कानून के अन्दर ऐसी व्यवस्था हो कि उन का उचित दाम उन को मिले। दो तरफा बरताव उन के साथ नहीं होना चाहिये।

बिहार असैम्बली में हम लोगों ने इस का विरोध भी किया था। लेकिन फिर भी उस वक्त बिहार गवर्नमेंट ने हमारी कोई मुनवाई नहीं की। अब एक दूसरा मौका मिल रहा है जबकि उसकी स्मृति हो सकती है। मेरा मुझाव है कि ज्वायंट कमेटी इस की जांच करे और अगर वह पाये कि लैंड सीलिंग एक्ट में जो रेट फिक्स किया गया है, वह सही नहीं है, उस के अन्दर अन्याय की गुंजाइश है, तो उस को दूर करे।

इंडस्ट्रियल इलाकों में जो प्रोजेक्ट्स शुरू किए गए हैं, जैसे दामोदर वैली कार-

[श्री ह० च० सौय]

पोरेशन, मार्शिन प्रोजेक्ट्स, इरिगेशन प्रा-  
जैक्ट्स बगैरह या एफोरेस्टेशन सम्बन्धी हमारी  
जो नीति है, उस के तथा इन प्राजैक्ट्स के  
फलस्वरूप खेती के लायक जितनी जमीन  
हमें चाहिये, वह कम होती जा रही है और  
उन इलाकों की जो पापुलेशन है वह बढ़ती  
जा रही है। जनसंख्या के हिसाब से जितनी  
खेती की पैदावार होनी चाहिये, जितनी जमीन  
खेती के काम में आनी चाहिये, वह नहीं आ  
रही है और एक जवर्दस्त इन्वैलेंस तैयार हो  
गया है। इसलिये मैं चाहता हूँ कि यह जो  
कांस्टीट्यूशन एमेंडमेंट बिल है, इस पर इस  
दृष्टि से भी विचार किया जाय कि जितने  
भी भूमि सुधार कानून हैं, जितने भी लैंड  
सीलिंग के बारे में कानून हैं, उन के कारण  
या दूसरे कारण से भी खेती की पैदावार को  
कोई धक्का तो नहीं लगता है। जिस किसी  
कानून की वजह से, इंडस्ट्रीज के कानूनों की  
वजह से भी खेती की जमीन कम होती है  
और पैदावार में फर्क पड़ता है, उस को एमेंड  
किया जाय और जो कमी है, उस को दूर  
किया जाय।

हर एक स्टेट के जितने भी कानून इस  
में हैं, उन के लिए अलग अलग सब-कमेटीज  
होनी चाहियें ताकि हर एक स्टेट के कानूनों  
की अच्छी तरह से, उचित रीति से जांच  
की जा सके, यही मेरा निवेदन है।

**श्री क० ना० तिवारी (बगहा) :** उपा-  
ध्यक्ष महोदय, यह जो बिल आया है, यह बहुत  
खतरनाक है। क्यों यह खतरनाक है, इस की  
वजह है। आग ने गोल्ड कंट्रोल आर्डर लागू  
किया है, सी० डी० एम० स्कीम को लागू  
किया है और इन दोनों को ले कर जो वावेला  
मचा है, उस से कहीं ज्यादा वावेला इस कानून  
के पास होने के दाद मच सकता है। इस  
वास्ते सिलैक्ट कमेटी के जो माननीय सदस्य  
हैं, उन को बड़े गौर से इस बिल पर विचार  
करना होगा।

खुशी की बात है कि जितने भी माननीय  
सदस्य हैं, कम्पनिस्टों को छोड़ कर के, सभी  
ने इस बात को माना है, कि काफी तरमीमें  
इस में होनी चाहियें। मैं राइट और लैफ्ट का  
जो झगड़ा है, उस में जाना नहीं चाहता हूँ।  
एक्शन और रिएक्शन जो है, उस में भी नहीं  
जाना चाहता हूँ क्योंकि यह कहना बड़ा  
कठिन है कि कौन रिएक्शनरी है और कौन  
रेवोल्यूशनरी। कभी स्टालिन रेवोल्यूशनरी  
हुआ करता था, आज उस को रिएक्शनरी की  
सजा दी जाती है। रूस कहता है कि चीन  
रिएक्शनरी है और चीन कहता है रूस  
रिएक्शनरी है। इस वास्ते इस पचड़े में पड़ना  
मैं नहीं चाहता हूँ।

जो विधेयक आया है, इस में लिखा  
हुआ है :—

"land for pasture and sites of  
buildings and other structures  
occupied by cultivators of land,  
agricultural labourers and vil-  
lage artisans."

इस में सभी आ जाते हैं। हमारे हिम्मतसिंहका  
जी ने ठीक ही कहा है कि सीलिंग के बाहर की  
जो जमीनें हैं, वे ही एफेक्टिव होती हैं, ऐसी  
बात नहीं है। इस बात में मैं उन का समर्थन  
करता हूँ। उन्होंने एक और बात कही है  
जिस का मैं समर्थन करता हूँ। गांव के रहने  
वाले जो लोग हैं वे जानते हैं कि जो जवर्दस्त  
आदमी होता है, वह अगर चाहता है किसी की  
जमीन को लेना तो अफसरों या दूसरे लोगों को  
इस तरह से इन्फ्लुएंस कर लेता है कि गरीब  
आदमी की जमीन उसको मिल जाती है। इस  
तरह से जो कम जमीन वाले हैं, वे मारे जायेंगे।  
इसलिए यह प्राविजन जो है उसमें खास कर  
वे लोग जो देहात के हरिजन हैं या लैंडलेस  
लेबरर हैं, जो आज भी सताये जाते हैं, वे  
आगे भी सताये जायेंगे। हम लोगों को इस  
बात का तजुर्बा है कि सीड मल्टिप्लिकेशन  
फार्म जिस जिस ब्लाक में बनाये गये वहां

घनिकों की जमीनों नहीं ली गई, गरीबों की जमीनों ली गई। इसलिए इस खतरे को हम लोग देख चुके हैं और इस बात की आर में ज्वॉयंट कमेटी का ध्यान आकर्षित करूंगा कि वह बड़े और के साथ इस पर विचार करे।

मैं एक बात और कहना चाहता हूँ। सोशियो एकानमिक सर्वे में हाई एनडेडेडनेस इन रूरल एरियाज के बारे में भी दिया गया है। उस की रिपोर्ट है :

“About 50 per cent of the families surveyed were found to be perpetually in debt. In one village, Hansana, Jangipur, with a population of 857, the average indebtedness works out to Rs. 800 per family. Of the 147 families in the village, only one had an income of more than Rs. 500 per month. 40 families earned more than Rs. 100 per mensem and of the rest 20 had an income of less than Rs. 25 per mensem.”

यह हालत है। ऐसी हालत में अगर गरीबों की जमीन ले ली जायेगी तो उन के पास कमाने का और फैमिली के भरण पोषण का कोई साधन नहीं रह जायेगा।

इस के बाद मैं कम्पेनसेशन के मामले की ओर भी सदन का ध्यान आकर्षित करना चाहता हूँ, खास कर अपने ला मिनिस्टर साहब का। मान लीजिये कि हमारे पास एक जमीन का एक एकड़ या आधा एकड़ है। हम गरीब आदमी हैं। हम ने किसी प्रकार से १०० रु० में या ५० रु० में जमीन ले ली। उस की मालगुजारी ४ आ, ८ आ० या १ रु० है। हम ने चाहे गवर्नमेंट से या साहूकार से २००, ४००, ५०० या ७०० रु० कर्जा ले कर उस जमीन को अच्छी बनाया। आप अब कहते हैं कि आप ६ गुना या १० गुना कम्पेनसेशन देंगे मालगुजारी का जबकि उस की मार्केट वैल्यू यानी बाजार की दर २,००० 1269 (A) LSD—6.

रु० है। इस कानून के मुताबिक उस का जो ६ गुना या १० गुना कम्पेनसेशन होगा उस से क्या लाभ होगा? मान लीजिये कि मेरी मालगुजारी १ रु० है तो हम को ६ रु० या १० रु० मिलेगा। जिस जमीन पर हम ने ५०० या ७०० रु० लगा कर ठीक किया उस की कीमत आज २,००० रु० है मगर हम को सिर्फ ६ या १० रु० मिलेगा। यह कहां तक सोशलज्म की बात होगी और इस से गरीबों का कितना फायदा होगा इस पर मंत्री महोदय को खुद विचार करना चाहिये।

दूसरी बात जिस की ओर मैं ध्यान आकर्षित करना चाहता हूँ वह यह है। हर जगह, हर प्रदेश में जमीन की सीलिंग है। लेकिन सब जगह जमीन एक सी नहीं है। इस सम्बन्ध में सब से बड़ी दिक्कत यह है कि जो कानून बनाने वाले होते हैं वे आम तौर से ऐसे होते हैं जिनका देहात के जीवन से कोई संबंध नहीं होता, जो गृहस्थी के कामों को समझते नहीं हैं और न उन की डिफिकल्टीज को ही समझते हैं। सीलिंग के लिये हर जगह पर कानून बनाये गये हैं, जहां पर जमीन की सीलिंग १० एकड़ से ले कर ५० एकड़ तक है। मैं बीकानेर गया था। अगर वहां की जमीन का एक हजार एकड़ भी किसी के पास हो तो उस से कोई विशेष लाभ नहीं है क्योंकि वह जमीन बलुही है। सारा बालू है वहां पर। वहां पर जो सीलिंग होगी वह बंगाल की जमीन या नैपाल की तराई के पास जो चम्पारन है बिहार में, वहां की जमीन के बराबर नहीं हो सकती। इसी तरह से छोटा नागपुर है। हर प्रदेश में अलग अलग सीलिंग है। आन्ध्र में एक एकड़ जमीन की ६,००० रु०, ४,००० रु० या ३,००० रु० कीमत है।

श्रीमती लक्ष्मीबाई (बिकाराबाद)  
होल आफ आन्ध्र में नहीं है।

14.56 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

श्री क० ना० तिवाड़ी : होल आफ्रान्द्र में न सही, कुछ जगहों में है। जब यह कानून बन जायेगा तो हम को आप रेवेन्यू का तीनगुना कम्पेन्सेशन ही दे सकते हैं। मार्केट वैल्यू नहीं देंगे। और यह कानून सारे प्रान्तों में लागू हो जायेगा। हमारे यहां १०० बीघा, २०० बीघा या ४०० बीघा जोतने वाले लोग नहीं हैं। छोटी छोटी जमीनों वाले हैं। फिर हमारे यहां एक एकड़ जमीन की कीमत १,००० रु० से कम नहीं है। आप कही पर भी जा कर देख लें, जिस जमीन की मालगुजारी पहले ४ आ० थी वह अब १० रु० होगी, ज्यादा से ज्यादा। आप ने १० गुना भी दे दिया तो वह बहुत कम होगा। मैं ने कर्जा ले कर जमीन का इम्प्रूवमेंट किया है। इन सारी बातों का खयाल न कर के अगर आप ने हम से जमीन ले ली तो वह एक लीगल डकैती हो जायेगी। अगर कोई डकैती करने जाता है तो उसे आप जेल में डाल देते हैं, लेकिन आप इस कानून को बना कर पूरी तरह से लीगल डकैती की बात कर रहे हैं। आप ने सीलिंग का कानून पास किया और रिफार्म किया। उस से जो जमीन मिली उसे ले कर आप ने गरीबों को और हरिजनों को बांटा। लेकिन इस कानून के मुताबिक आप उसी हरिजन की जमीन को छीन रहे हैं। मान लीजिये मैं ने एक झोंपड़ी बनाई। पचास एकड़ में से २ एकड़ में वह घर बना हुआ है। वहां आप को छोटी सी इंडस्ट्री लगानी है। उस के लिए आप जमीन मांग रहे हैं। इस कानून के मुताबिक आप उस जमीन को ले लेंगे। इस में कोई रुकावट आपके लिये नहीं है। ऐसी हालत में यह जरूरी है कि जो ज्वारेंट कमेटी बन रही है वह इस बात के ऊपर अच्छी तरह से विचार करे। चाहिये तो यह था कि इस बिल का पब्लिक ओपीनियन के लिये भेजा जाता और काफी पब्लिक ओपीनियन आ जाने पर फिर इस बिल का यहां पर लाया जाता।

एक बड़ी दिक्कत हम लोग यह महसूस

कर रहे हैं कि गवर्नमेंट की एक आदत है कि पहले तो वह कानून पास करती है फिर कही से कोई प्रेशर किसी का आ जाता है तो उस के नतीजे को सरकार नहीं सोचती है कि क्या होगा, लेकिन अपने कानूनों को बदलने की कोशिश करने लगती है। जैसेकि गोल्ड कंट्रोल का मामला है, सी० डी० एस० का मामला है, ठीक उसी तरह से जो लोग आज इस बिल का समर्थन कर रहे हैं वे पब्लिक में जा कर लोगों को समझायेंगे कि यह सरकार गरीबों की जमीन छीनने के लिए इस कानून को बना रही है आप इस खतरे को समझिये। इसलिये आप इस खतरे को भी ध्यान में रखें कि वही समर्थन करने वाले लोग जा कर आप के खिलाफ प्रचार करेंगे।

इस के बाद मनीलेन्डर्स ग्रान टाप और रूरल क्रेडिट की बात आती है। यह फिगरस दिये गये हैं जयपुर के :

"Moneylenders account for 57.55 per cent of the money borrowed by the people of Rajasthan Government agencies account for 18.57 per cent and the co-operatives for 13.96 per cent."

हम लोगों के पास जो जमीन है, गृहस्थों के पास जो जमीन है उस से वे कर्ज लेते हैं शादी के लिये, विवाह के लिये, लड़के की पढ़ाई के लिये, श्राद्ध के लिये। इन सारे कामों के लिये वे कर्ज लेते हैं। जितने गृहस्थ होते हैं उन को कर्जा मिलता है जमीन के ऊपर। आज मान लीजिये कि मेरे पास पांच एकड़ जमीन है और उस पर मैं ने १,००० रु० कर्जा लिया है। उस जमीन के कम्पेन्सेशन के रूप में अगर आप हम को १०० रु० देते हैं तो आप ही बतलायें कि चाहे सरकार का कर्जा हो, चाहे मनीलेन्डर का कर्जा हो, चाहे कोऑपरेटिव का कर्जा हो, वह मैं कहां से अदा करूंगा ? मैं एक निवेदन करना चाहूंगा कि अगर आप मेरे असेट्स लेना चाहते हैं तो सारे असेट्स ले लीजिये, जो चाहें रिफार्म कीजिये, लेकिन जितनी हमारी लायबिलिटीज हैं उन्हें भी



ले लीजिये । आखिर जमीन किस लिये होती है ? जैसे कोई रोजगार करता है, कोई सविस करता है और उस से जीवन के सारे साधनों को मुहैया करता है, जमीन का भी वही हालत है । यह भी हमारी एक इंडस्ट्री है । इस को आप बिट बाई बिट लें, इस से तो यह अच्छा है कि आप इस को एक मर्तबा में ले लीजिए । हम तो इस पक्ष में हैं कि जैसे विनोबा जी कहते हैं—“सकल भूमि गोपाल की”—तो यह सकल भूमि गोपाल की हो जाय, लेकिन उस के साथ हमारी जितनी लाएबिलिटीज हैं, जैसे कर्जा, बालबच्चों की पढ़ाई, शादी विवाह, नौकरी चाकरी आदि, इनका भी भार सरकार ले ले । ऐसा हो तो मैं इस पक्ष में हूँ कि सारे लैंड का नेशनलाइजेशन हो जाय ।

15 hrs.

**एक माननीय सदस्य :** गोपाल की नहीं सरकार की कहिए ।

**श्री क० ना० तिवाड़ी :** चूंकि समय कम है, इसलिये मैं आप से यही निवेदन करना चाहूंगा कि सिलेक्ट कमेटी को इस पर बड़ी गम्भीरता के साथ, बड़े इत्मीनान के साथ विचार करना चाहिए और इस के जितने इम्प्लीकेशन्स हैं उन पर अच्छी तरह विचार करना चाहिए । जहां तक लोगों को मैं ने इस हाउस में सुना है, उन सब का मत यही है कि इस बिल पर ठंडे दिल से विचार किया जाय क्योंकि इस में जो प्राबिजन है उन के अन्तर्गत कम भूमि वाले लोग भी आ जाते हैं, कल्टीवेटर और आर्टिजन तक आ जाते हैं । तो इस का सारे गरीब लोगों पर बड़ा प्रहार होगा, इस बात का खयाल रखना चाहिये । इसलिये मेरा निवेदन है कि इस पर अच्छी तरह ध्यान देना चाहिये और इस में जल्दबाजी न होनी चाहिये ।

**डा० राम मनोहर लोहिया (फर्रुखाबाद) :** अध्यक्ष महोदय, इस बहस में मैं हिस्सा लूंगा मुख्य तौर पर संविधान और

संविधान के संशोधन पर अपनी राय रखने के लिए । संविधान की बहुत हद तक मैं इज्जत करता हूँ और मैं चाहता हूँ कि जो कुछ रुकावट रहती है इस इज्जत को पूरा करने के लिए वह दूर की जाय । इसीलिए मैं ने संविधान की कसम लेते वक्त कुछ आप के सामने अर्ज करना चाहा था, और अब सवा महीने के बाद मुझ को वह मौका मिल रहा है ।

पहली बात तो यह कि कुछ कमियां जो संविधान के बनाते वक्त रहीं उनके दूर करने का मेरे पास कोई इलाज नहीं है । लेकिन अगर वह कमियां हम में से हर एक के दिमाग में रहें तो शायद अपने रुख से किसी हद तक उन कमियों को दूर करें । यह संविधान बनाया था गुलाम भारत के प्रतिनिधियों ने । जो संविधान को बनाने की सभा बैठी थी उस को चुना था उन विधान सभाओं ने जो अंग्रेजी जमाने में चुनी गयी थी, और उसी तरह से दूसरी कमी रही कि जिन लोगों ने इन विधान सभाओं और संविधान बनाने वाली सभा को चुना वे सारे के सारे बालिग नहीं थे । इसलिये यह संविधान बालिग मत पर बना हुआ नहीं है । ये दो कमियां तो मैं ने आप के सामने जो पुराना इतिहास है उस के आधार पर रखीं । अगर सरकारी पार्टी उन को और किसी तरह से दूर कर सके तो अच्छा है, लेकिन कम से कम हम अपने दिमाग में रखें कि आजाद हिन्दुस्तान के सभी बालिगों का बनाया हुआ यह संविधान नहीं है ।

अब मैं यहां पर संविधान पर जो अधूरा अमल होता है उस की दौड़ती हुई कुछ मिसालें देता हूँ । धारा ४० है इस संविधान की, जिस में स्वराज्य की छोटी इकाइयों का जिक्र है । लेकिन मुझे बड़े अफसोस के साथ कहना पड़ता है कि नगरपालिकाएं, जिला परिषदें और गांव पंचायतें, बजाय इस के कि वह खुद मुक्तार हों, ताकत वाली हों, अपने मन पर रहें, वे इस तरह रहती हैं कि या तो प्रदेश सरकार या और कोई संस्था उन को भ्रष्ट मान ले तो वे भंग कर दी जाती हैं ।

[डा० राम मनोहर लोहिया]

इसी तरह से मान लो कि प्रदेशीय और केन्द्रीय सरकारें ध्रष्ट हों तो फिर उन को क्यों न भंग कर दिया जाय। वे भी स्वराज्य की इकाइयां हैं चाहे वे बड़ी हों या छोटी हों।

इसी तरह से मैं धारा ३४४ के बारे में कहना चाहता हूँ, और मैं आप के सामने बहुत अदब के साथ अर्ज करना चाहता हूँ कि जब तक वह धारा इस संविधान में है तब तक किसी भी आदमी का इस सदन में अंग्रेजी बोलना संविधान को तोड़ना है, उसे भंग करना है। इसलिए या तो वह धारा खत्म कर दी जाय वरना इस सदन में अंग्रेजी का इस्तेमाल बन्द किया जाय। मैं यह नहीं कहता कि उस की जगह हिन्दी आ जाय। बल्कि मेरा कहना है कि उस की जगह हिन्दुस्तान की सभी मातृभाषायें आ जायें और लागू हो जायें और उन के तरजुमा का भी इंतजाम हो जाय।

इसी तरह से मैं आप के सामने वोटों की जब्ती की बात रखना चाहता हूँ। जो उम्मीदवार लोग पैसा जमा करते हैं उस की जब्ती की बात तो किसी हद तक समझ में आती है लेकिन वोट गिनते वक्त जिन पार्टियों को मान्यता दी जाती है उन के उन उम्मीदवारों के वोट नहीं गिने जाते जिन की जमानत जब्त हो जाती है। वे वोट जब्त कर लिए जाते हैं। सिर्फ उन उम्मीदवारों के ही वोट गिने जाते हैं जिन की जमानत जब्त नहीं होती। जमानत का जब्त होना तो समझ में आता है लेकिन हमारे देश में वोट जब्त हो रहे हैं . . . .

**अध्यक्ष महोदय :** अब आप सारे विधान पर जहाँ तहाँ से . . . .

**डा० राम मनोहर लोहिया :** मैं बहुत सरसरी तौर पर कहना चाहता हूँ। मेरा मकसद संविधान और संविधान के संशोधन की महत्ता पर बोलने का है और मैं आपका ज्यादा वक्त नहीं लूंगा चार पांच मिनट में अपनी बात खत्म कर दूंगा। लेकिन अगर

टोका टाकी हुई तो वक्त बढ़ जायगा। इस से अच्छा है कि मुझे चलने दिया जाय। इस सदन में जो बैठे हैं वे संविधान पर और संविधान के संशोधनों पर विचार करते हैं, इसलिये यह बात उन के दिमाग में रहनी चाहिए।

अब मैं एक और चीज आपके सामने लाना चाहता हूँ और वह है मूर्तियों का सवाल। अक्सर लोग इस सवाल को यह कह कर टाल देते हैं कि अगर इंडिया गेट पर पंजुम जार्ज की मूर्ति लगी है या लोक सभा के सामने लार्ड इरविन की मूर्ति लगी है तो इस से क्या आता जाता है, और कम से कम हिन्दुस्तान में किसी को ऐसा नहीं कहना चाहिये, क्योंकि यहाँ तो सारा हिन्दू धर्म ही मूर्ति पूजा पर टिका हुआ है। लेकिन मैं कहना चाहता हूँ कि अब समय आ गया है कि अगली २६ जनवरी तक ये दो मूर्तियाँ हट जानी चाहिए, और जार्ज पंजुम की मूर्ति की जगह महात्मा गांधी की मूर्ति लगायी जाए और . . .

**अध्यक्ष महोदय :** मगर यह तो विधान में नहीं है।

**डा० राम मनोहर लोहिया :** यह विधान में है, मैं आप को बता दूँ किस तरह। एक गुलाम भारत था और आज एक आजाद भारत है। गुलाम भारत और आजाद भारत के बीच में धारावाहिकता नहीं रहनी चाहिये, वह टूटनी चाहिए।

**Shri K. C. Sharma (Sardana):** It is hardly relevant to the question. He may as well discuss the evolution of man.

**अध्यक्ष महोदय :** मुझे पांच मिनट देने में कोई उग्र नहीं लेकिन जो मामला सदन के सामने है उससे कुछ संबंध तो होना चाहिए।

**डा० राम मनोहर लोहिया :** गुलाम भारत के हम को अवगुण खत्म करने हैं और इसका सब से अच्छा तरीका यह है कि जार्ज पंजुम की मूर्ति की जगह महात्मा गांधी की

मूर्ति लगाई जाय और लाई इरविन की मूर्ति की जगह नेताजी सुभाष चन्द्र बोस की मूर्ति लगाई जाय। ये दो चीजें हो जायें। अभी तो सारा जितना काम होता है, स्वाधीनता दिवस होता है, उस की परेड होती है, या लोक सभा का काम होता है, वह सब इन दो साम्राज्य-शाही मूर्तियों की नजर के नीचे होता है। (Interruptions).

**अध्यक्ष महोदय :** लोग ऐतराज कर रहे हैं, आप के भाषण का कुछ संबंध उस मामले से होना चाहिए जोकि हाउस के सामने है।

**डा० राम मनोहर लोहिया :** जो लोग ऐतराज कर रहे हैं उन की तरफ में मुखातिब होऊंगा तो आप कहेंगे . . .

**अध्यक्ष महोदय :** उन की तरफ तो मैं आप को मुखातिब नहीं होने दूंगा, मगर मेरी तरफ मुखातिब होते हुए भी आप कुछ तो उस बारे में बोलें जो चीज कि इस हाउस के सामने है। अब तो आप संविधान से भी बाहर चले गए।

**डा० राम मनोहर लोहिया :** हमारे संविधान में सब से पहला जुमला है कि हम एक सार्वभौम गणतंत्र हैं। सार्वभौम यानी जिस की सब से ऊपर ताकत है, और हम गणतंत्र हैं यह पहला वाक्य है। और अगर इस सार्वभौम गणतंत्र का जो भी काम होता हो वह इन दो साम्राज्यशाही मूर्तियों की नजरो के नीचे होता हो तो उससे संविधान तो टूटता ही है (Interruptions)

**अध्यक्ष महोदय :** आगे चलिए। लोग ऐतराज कर रहे हैं।

**डा० राम मनोहर लोहिया :** अध्यक्ष महोदय, मैं आप के हुक्म से बंधा हुआ हूँ, नहीं तो इन लोगों को मैं ने पहले भी देखा है और आगे भी देख लूंगा। लेकिन मुश्किल यह है कि मैं आपके हुक्म से दबा हूँ।

**अध्यक्ष महोदय :** आप आगे बढ़िए।

**डा० राम मनोहर लोहिया :** तो मेरा

कहना यह है कि यह काम २६ जनवरी १९६४ तक खत्म हो जाना जरूरी है। मैं यह भी कहता हूँ कि यह जो तजवीज मैं ने रखी है इस पर कांग्रेस वालों ने भी दस्तखत किए थे। मैं ने अध्यक्ष महोदय का हुक्म माना है, वरना मैं वह तजवीज यहां पर लाता। उस पर कांग्रेस वालों ने दस्तखत किए हैं, उस पर कम्युनिस्ट लोगों ने दस्तखत किए हैं और सभी की यह इच्छा है कि यह काम जितनी जल्दी हो जाय अच्छा है कि लाई इरविन की मूर्ति की जगह नेता जी सुभाष चन्द्र बोस की मूर्ति लगायी जाय और जार्ज पंजुम की मूर्ति की जगह महात्मा गांधी की मूर्ति लगायी जाय।

आप कहते हैं कि हमारी पल्टनों ने उर्वशीयम में अच्छा काम नहीं किया। क्यों अच्छा काम नहीं किया इस का कारण यह है कि अंग्रेजों वाली पल्टन में और आज जो मौजदा हिन्दुस्तान की पल्टन है उस में धारावाहिकता का सम्बन्ध कायम है, और मैं कहता हूँ कि हम को किसी न किसी वक्त इन-कलाबी तौर पर इस संबंध को तोड़ना होगा। वह मुझे आप के सामने अर्ज करना है। यह संविधान से बिल्कुल जुड़ो हुई चोज है। इस तरीके से जब हम यहां बैठे रहते हैं लोक-सभा के रहते हुए तो लोक-सभा के सामने . . .

**अध्यक्ष महोदय :** अब आप बिल पर आ जायें। आपने कहा कि आप यही कहना चाहते थे इसलिए अब आप बिल पर आ जायें।

**डा० राम मनोहर लोहिया :** मैंने तो आपसे अर्ज किया कि मैं मुख्य रूप से संशोधन और संविधान पर बोलना चाहता हूँ। जहां तक बिल का सवाल है वह एक मिनट में मैं अपनी बात खत्म कर दूंगा। मैं आपका ज्यादा वक्त नहीं लूंगा। बिल से मुझको क्या मतलब क्योंकि सारी जमीन की नीति बदलनी है। यह एक तरीके से छुटपुट नीतियों से नहीं चलेगा। यह तो एक ही थैली के दो मिले जुले चट्टे बट्टे हैं जो कि अपनी छोटी मोटी चीजें रख रहे हैं।

**अध्यक्ष महोदय :** मैं डा० साहव से कहूंगा कि मैं उनको २० या २५ मिनट दे भी दूँ लेकिन उसमें अगर वह बिल पर तो एक मिनट बोलना चाहें और २४ मिनट बाकी और चीजों पर बोलें तो मैं उनको कैसे समय दे सकता हूँ। अब जैसा उन्होंने कहा कि जो बातें उनको कहनी हैं उनको वह ४, ५ मिनट में खत्म कर देंगे तो बाकी १५ मिनट अगर वह बिल को दें तब तो ठीक है। आखिर कुछ निस्बन्ध तो होनी ही चाहिए।

**डा० राम मनोहर लोहिया :** अब बिल के लिये मुझे जमीन की नीति पर बोलना है लेकिन चूंकि वह ज्यादा लम्बी चीज है इसलिए मैं उसमें नहीं पड़ना चाहता। इस समय मैं संशोधन और संविधान पर ही बोलना चाहता हूँ और बिल को मैं छोड़ता हूँ। जहाँ तक जमीन का सवाल है जमीन के बारे में हमारा नैतिक बिलकुल माफ है कि एक खेतिएर खानदान बिना मशीनों लगाये जितनी जमीन पर खेत कर सके, उसकी तीन गुना तक जमीन उसके पास रहनी चाहिए। यह जमीन के बारे में हम लोगों की नीति है और उसके अनुसार सारा काम होना चाहिए।

शहरों में भी जो जमीनें हैं जिनके कि ऊपर बड़े बड़े लोगों ने कब्जा कर रखा है, खास तौर से जो सरकारी और अन्य लोगों के कब्जे में चली गई है, एक-एक सरकारी अफसर के पास ५-५ और १०-१० एकड़ का बगीचा रहता है, जैसे कि कलकत्ते वगैरह के मकान के साथ बगीचे होते हैं, उनका भी तो बटवारा होना चाहिए क्योंकि यह सारी जमीन का सवाल जुड़ा हुआ है इस बात से कि आज हमारे देश में बम्बई, कलकत्ते, और दिल्ली जैसे शहरों में एक रद्दी से रद्दी कमरे का किराया लगता है ५० रुपये, ७० रुपये और ८० रुपये जब कि उस ढंग के नहीं

बल्कि उससे पांच गुना और दस गुना ज्यादा अच्छे कमरों का किराया मासबवा शहर में २५ रुपया महीना पड़ता है। आखिर इसका क्या सबब है? यह एक दफे सवाल आपके सामने भी आया कि किसानों से जो जमीन सरकार २ रुपये = आने या ३ रुपये गज में खरीदती है, उसी जमीन की कीमत ५-१० वर्ष के अन्दर ५० रुपये और १०० रुपये गज हो जाया करती है। अब इन चीजों के ऊपर हम लोगों को पूरी तरह से विचार करना चाहिए भले ही ज्यादा दिन क्यों न लग जायें कि क्या बात है कि रुपये दो रुपये की चीज १०० रुपये और १५० रुपये में विकने लग जा सकती है। उस वक्त मैंने यह सवाल छोड़ा था तो सरकार की तरफ से खाली एक ही जवाब मिला कि ठीक है हम कोशिश करेंगे कि किसानों को भी उसी कीमत में से कुछ हिस्सा मिल जाया करे लेकिन मेरा यह मकसद खाली नहीं था, मैं यह चाहता था कि जमीनों की कीमत हमेशा इतनी नीची रहे कि उन जमीनों पर बने हुए मकानों में जो लोग रहें उनको सस्ते किराये में अपने अपने कमरे मिल सकें। तो यह सारा जो जमीन का सवाल है वह एक नीति वाला लम्बा सवाल है और उस पर कभी अच्छे तरीके से बहस हो तो उसमें जरूर मैं लम्बा हिस्सा लूंगा। लेकिन जैसा मैंने कहा संविधान और संविधान के संशोधन की बात को हमें अपने दिमाग में बहुत महत्ता के साथ अहमियत के साथ रखना चाहिए। हमारा संविधान कदम कदम पर टूटता रहता है। अभी इस लोक सभा के सामने कुछ दिन हुए ३०-४० मुनार गिरफ्तार हुए थे, साढ़े बारह बजे गिरफ्तार हुए थे और ६ बजे तक वह मोटरगाड़ी में बैठाये रक्खे गये। यह बिल्कुल संविधान के खिलाफ है। जब कोई आदमी गिरफ्तार हो जाये तो घंटों, आध घंटे के अन्दर उसको जेल में रख देना चाहिए। ऐमा तो नहीं होना चाहिए कि वह जहाँ तहाँ मारा मारा फिरे।

मैं आपको धन्यवाद देता हूँ कि आपने मुझे यह मौका दिया कि किसी क्रूर संविधान और संविधान के संशोधन के बारे में अपना विचार रखूँ। लेकिन मैं देबता हूँ कि जरा उधर वाले लोग बड़े नाशुक दिल के हैं और जरा में घबड़ा जाया करते हैं इसलिए मैं अपनी इस बात को आगे बढ़ाने से छोड़ता हूँ।

**Shri Muthiah (Tirunelveli):** Mr. Speaker, Sir, the Constitution (Seventeenth Amendment) Bill has become the most controversial Bill today like the Gold Control Order and the Compulsory Deposit Scheme. It gives vast powers to Government to take away any land from any person, for a nominal and non-justifiable compensation. It includes all agricultural lands, pasture lands, forest lands, waste lands and even house sites occupied by cultivators of land, of agricultural labourers and village artisans in the definition of 'estate' in article 31A. The inclusion of sites occupied by cultivators of land, agricultural labourers and village artisans in the definition of 'estate' may prove a hardship to these poor classes, if an unsympathetic government in future takes over these lands for a nominal compensation.

Land reform legislation is necessary for setting up a socialistic society. The Congress Party and the Government are wedded to socialism. But it is democratic socialism and not Marxist socialism or doctrinaire socialism. It is Gandhian socialism in spirit, which is non-violent and which is implemented with the willing consent of the people.

The Five Year Plans have stressed socialist planning and have stressed land reforms including land ceiling. The directive principles of the Constitution, articles 38 and 39, lay down socialist objectives and urge the need to reduce concentration of wealth. The land ceiling Acts are intended to

reduce the concentration of landed wealth and to secure a fair and equitable distribution of this landed wealth. If it is necessary to reduce concentration of landed wealth, it is equally necessary to reduce concentration of wealth in other spheres also, to reduce concentration of wealth in the hands of big industrialists and big businessmen and big plantation owners and big property owners in urban areas. The ceiling on urban income is as necessary as the ceiling on agricultural income.

The immediate cause of this Bill, as we all know, is the judgment of the Supreme Court striking down the Kerala Agrarian Relations Act in its application to ryotwari lands. The ryotwari land-owners are on a different footing from zamindars or jagirdars or inamdars. They are not intermediaries or rent collectors as the zamindars are. They have full proprietary rights over their lands, and in most cases, hard-earned life earnings have been invested in the lands and some of the land-owner have got lands at very high prices. Therefore, the case of the ryotwari land-owners has to be viewed sympathetically by our Government.

I come to compensation. The rates of compensation vary from State to State. I plead that the compensation should be as near the market value as possible, if not the exact market price prevailing. It should be at least 80 per cent of the market value. We know that even the Kerala Agrarian Relations Act, passed by a Communist Government lays down that 60 per cent of the market value should be given for surplus lands upto an annual income of Rs. 15,000. The Land Acquisition Act gives full compensation plus 15 per cent solatium for lands taken over by the Government. These benefits are denied to the ryotwari landowners under the ceiling Act.

Under the Madras Ceiling Act, the compensation fixed is 9 to 12 times the net annual income minus land revenue. This comes to less

[Shri Muthiah]

than 50 per cent of the market value. The present rate of compensation as is provided in the Madras Ceiling Act, I plead, should be raised to at least 80 per cent of the market value.

With regard to the disposal of surplus lands, say there are differences in the various Ceiling Acts. There is no clear policy laid down. The Orissa and the Madhya Pradesh Ceiling Acts allow the land-owners to sell all the surplus lands within a specified time to specified categories of persons. States like Madras take over the surplus lands, and I submit that such lands taken over by the States should be distributed to poor landless agricultural labourers, and not to small land-owners or to tenants who have already got lands to cultivate.

I want to say a word about the *stridhanam* lands. Under the Madras Land Ceilings Act, a married woman is allowed only ten standard acres of *Stridhanam* land, whereas an unmarried adult is allowed 30 standard acres, and as such I find that there is some discrimination against women. Men and women are equal before the law, and so, a married woman should have at least 15 standard acres of *Stridhanam* land, if not the entire acreage of 30 standard acres which is allowed to an unmarried adult person in the Madras Land Ceilings Act.

I would like to point out some of the arbitrary and discriminatory procedures in the various ceiling Acts including the Madras Act, which have been pointed out by the Supreme Court in respect of the Kerala Act, and they are as follows, namely, the adoption of the concept of family for purposes of ceiling and not individual, the arbitrary and discriminatory definition of the term 'family' as husband, wife and three unmarried minor children, as a ceiling unit, the adoption of graded

rates of compensation, with progressive cuts, (which principle is applicable only to income-tax, as the Supreme Court has pointed out), the exemption of big plantations, big gardens, big sugarcane farms etc. from the ceiling. All these are arbitrary and discriminatory. So, I would appeal to the Joint Committee to go into all these matters and do justice to the ryotwari land-owners.

श्री सि.सन सिंह (गोरखपुर): अध्यक्ष महोदय, यह विधेयक संविधान का संशोधन है और उसका स्वागत करते हुए मैं संविधान के सम्बन्ध में कुछ अर्ज करना चाहता हूँ।

आर्टिकल ३१ए में दिये गये शब्द "एस्टेट" को लेकर यह संशोधन का प्रस्ताव किया गया है। मेरा इस सदन से खास तौर पर यह अनुरोध है कि जब संविधान बना, उस समय प्रापर्टी, जायदाद, सम्पत्ति के बारे में केवल आर्टिकल ३१ में व्यवस्था की गई थी। आर्टिकल ३१ के अनुसार सरकार को यह अधिकार दिया गया है कि वह कानूनों के द्वारा हर प्रकार की सम्पत्तियों को हासिल कर सकती है, लेकिन उन सम्पत्तियों के लिए कुछ मुआवजा देना पड़ेगा, जो कि कानून के द्वारा निर्णीत होगा और यह मुआवजा किसी अदालत में चैलेंज नहीं किया जा सकता, उस पर कोई आपत्ति नहीं उठाई जा सकती। प्रापर्टी की उस परिभाषा में शहर की प्रापर्टी और देहात की प्रापर्टी, चल सम्पत्ति और अचल सम्पत्ति, दोनों शामिल हैं। लेकिन बाद में कुछ ऐसी सूरत आई कि उस प्रापर्टी को हमने दो हिस्सों में बांट दिया—एक शहरी प्रापर्टी और दूसरी देहाती प्रापर्टी।

देहाती प्रापर्टी के लिये संविधान में हमने आर्टिकल ३१ए रखा। आर्टिकल ३१ए प्रथम बार १९५१ में आया। उसके बाद उसमें १९५५ में संशोधन हुआ और आज १९६३ में हम फिर उसमें संशोधन कर रहे हैं। इसका तात्पर्य यह है कि आर्टिकल ३१ए में तीन

बार संशोधन हो चुका है और यह आखिरी संशोधन "एस्टेट" की परिभाषा को लेकर किया जा रहा है। "एस्टेट" की परिभाषा पहले भी है आर्टिकल ३१ए में। उस परिभाषा में कहीं कोई खामी रही, जिसको दूर करने के लिए यह संविधान का संशोधन आज सदन के सामने पेश है।

इस सदन से मेरा केवल इतना कहना है कि हमको बार-बार एक ही आर्टिकल को संशोधित करने की नीबत आती है और संशोधित किये गये संविधान के अनुसार जब भी हम कानून बनाते हैं, तो हर बार सुप्रीम कोर्ट और हाई कोर्ट कह देते हैं कि वह संविधान के विरुद्ध है, इसलिए वह जायज नहीं है और फिर उसको जायज करने के लिए हमें आना पड़ता है। इसका अर्थ है कि कहीं कुछ खामी है हमारे संविधान के बनाने वालों में। माननीय सदस्य, डा० लोहिया, की और बातों से हम एग्नी नहीं करते हैं। उन्होंने कहा कि नाबालिगों ने यह संविधान बनाया है। यह बात नहीं है। संविधान बनाने वाले बालिग थे।

**अध्यक्ष महोदय :** उनमें से एक मैं भी था।

**श्री सिंहासन सिंह :** जैसा कि मैंने कहा है, संविधान बनाने वाले बालिग थे और हमारे सदन साहब भी उनमें रहे।

लेकिन डा० लोहिया की एक बात जरूर ठीक है कि संविधान बनाने के लिए गुलाम भारत के प्रतिनिधि चुन कर आये थे और उन्होंने स्वतन्त्र भारत का संविधान बनाया।

मेरे मन में बहुत दिनों से यह भावना है कि संविधान बनाने वालों के मन में शायद यह आशंका रही हो कि देश में समाजवाद की रचना हो, लेकिन संविधान बनाया गया पूंजीवाद का। उनकी भावना रही समाजवाद की, लेकिन पूंजीवाद का संविधान बना और इसलिये हमारा देश समाजवाद की तरफ जाये, इसके लिये बार-बार संविधान में

तरमीम और तब्दीली करने की नीबत आती है लेकिन मुझे दुख के साथ कहना पड़ता है कि यद्यपि समाजवाद की तरफ हम बढ़े, लेकिन उस बढ़ने में भी हमारे दो दृष्टिकोण हो गये हैं। आज समाजवाद चल रहा है देहातों में, लेकिन वह शहरों में नहीं चल रहा है। इस बात पर इस सदन को विचार करना पड़ेगा।

माननीय सदस्य, श्री तिवारी और श्री हिम्मत्सिंहका, ने कहा कि जो संशोधन हम कर रहे हैं, उसका दुरुपयोग होगा और कौन दल करेगा? जो आज इसका विरोध कर रहा है, अर्थात् स्वतन्त्र पार्टी के लोग। अभी कह गया कि इसके जरिये जमीन ले ली जायेगी और गरीब लोग जमीनों से महरूम हो जायेंगे और वह जमीन और काम में लाई जायेगी। संविधान की तरफ भी से जमीन नहीं ली जायेंगी। जमीन लेने-कलिये अलग कानून बनाना पड़ेगा। वह कानून जो बनेगा, वह संविधान के अन्तर्गत ब है लेकिन या नहीं, वह झगड़े की चीज बनती है, जमीन लेने का कानून अलग बनेगा।

इस बारे में मेरा दृष्टिकोण यह है कि आर्टिकल ३१ प्रापर्टी के सम्बन्ध में है। उस आर्टिकल के साथ आर्टिकल ३१ए जोड़ कर "एस्टेट" की परिभाषा में हम उलझे हैं, और उस में हमारी गाड़ी उलझी हुई है, ठीक चल नहीं पाती है। इसलिए हम अपने कानून मंत्री से कहेंगे कि वह आर्टिकल ३१, ३१ए, और ३१बी, इन तीनों को साथ लेकर यह संशोधन करने की व्यवस्था क्यों नहीं करते कि जितनी भी प्रापर्टीज हैं, वे एक तरह से चलें।

हमने इम्पीरियल बैंक का राष्ट्रीयकरण किया, लाइफ इन्शोरेंस कम्पनियों का राष्ट्रीयकरण किया। जैसा कि मैंने पहले भी कहा है, मुझे दुख के साथ कहना पड़ता है कि उनको जो मुआवजा हमने दिया, वह आर्टिकल ३१ की रू से नहीं दिया। उनको मार्किट वैल्यू से अधिक मुआवजा दिया गया। अभी

[श्री: सिंहासन सिंह]

केरल के माननीय सदस्य ने कहा कि मुआवजे की जो परिभाषा की गई है, वह २५ परसेंट लैंस इन मार्केट वैल्यू है। अर्थात् अगर मेरी जमीन की मार्केट वैल्यू १० रुपये है, तो मुझे सिर्फ पच्चीस रुपये मुआवजा दिया जायेगा, या जो मालगुजारी हम सरकार को देने हैं, उसका कुछ अनुपात, दस, बीस या पचास गुना दिया जायगा। लेकिन जहाँ तक पूँजीपतियों की सम्पत्तियों का सम्बन्ध है, अगर हमने कोई कल-कारखाने लिये, अगर हमने एयरवेज को लिया, तो उनके सड़े-गले पुर्जों की कीमत बाजार-भाव के हिसाब से दो। हमने इम्पॉरियल बैंक का राष्ट्रीयकरण किया, तो यदि १० रुपये के शेयर का बाजार-भाव १० रुपये या उससे अधिक था, तो मुआवजा उस भाव के हिसाब से दिया। लाइफ इन्शोरेंस कम्पनियों का राष्ट्रीयकरण करते हुए भी हमने मुआवजा मार्केट वैल्यू से कई गुना दिया। लेकिन जमीन का जब सवाल आता है तो हमारा व्यवहार कुछ अलग ही किस्म का होता है। तब समाजवादी ढाँचे पर चलने वाली सरकार दूसरी तरह का मार्केट वैल्यू लगाये, यह बात कुछ समय में नहीं आती है। इस तरह का दोनरफा व्यवहार, देहातों के लिए अलग मार्केट वैल्यू और शहरों के लिए अलग मार्केट वैल्यू, देहातों के लिए अलग कानून, शहरों के लिए अलग कानून, देहातों के लिए अलग व्यवहार और शहरों के लिए अलग व्यवहार, इसको शायद देश बहुत दिनों तक वर्दाशत नहीं करेगा।

दुःख की बात है कि कानून बनाने वाले अधिकतर शहर के ही लोग हैं और मंत्री-मंडल में भी ज्यादातर नम्बर उन लोगों का ही है और उनकी नजर देहातों पर नहीं गई है। यह जो कानून बनने जा रहा है, यह तो बने लेकिन आमूल परिवर्तन इसमें हो। परिवर्तन से मैं नहीं डरता हूँ। लेकिन परिवर्तन हो तो उसमें कुछ हमारी नेकनीयती हो। केरल के कानून को लेकर आज यह

नौबत आई है। सीलिंग का कानून हमने बनाया, जमीन की सीमा बाँधी और वह सीमा देहातों में बाँची। लेकिन दुःख यह है कि उस जमीन के कानून में भी दो तरह के कानून बन गये हैं, देहात को जमीन के बारे में भी दो तरह के कानून बन गये हैं। आप देखें कि काफी एस्टेट्स और टी एस्टेट्स जो हैं, वे जमीन के कानून में नहीं आते हैं, वे स्टेट्स की परिभाषा में नहीं आते हैं। जब हम स्टेट्स की परिभाषा करते हैं, तो उस परिभाषा में से इसको निकाल देते हैं और कह देते हैं कि यह तो इंडस्ट्री है। टी गार्डन और काफी गार्डन को हम इंडस्ट्री मान कर चलते हैं और उन पर कोई सीलिंग लागू नहीं होती है, कोई ला लागू नहीं होता है। वे भी तो एस्टेट में जाते हैं, वे भी तो एस्टेट्स कहलाते हैं। इतना होने पर भी उनको हम इसकी परिभाषा से बरी कर देते हैं। जहाँ कहीं कानून बनते हैं, उनको इंडस्ट्री डिक्लेयर करके, सरकार उनको अलग कर देती है। देहातों में भी दो तरह के भाव चल रहे हैं। टी गार्डन और काफी गार्डन वाले शहरों के रहने वाले हैं, मालदार आदमी हैं और गावों में जाकर जमीन ल करके टी एस्टेट और काफी एस्टेट बना लेते हैं। मैं चाहता हूँ कि जो विशिष्ट समिति बन रही है वह इस पर विचार करे कि इन टी गार्डन को और काफी कार्डन को क्यों निकाल दिया गया है।

आपने देखा होगा कि दूसरी योजना जब बनी थी तो देहातों के अन्दर भी कुछ किस्म की जमीनें थीं जिनको सीलिंग से अलग रख दिया गया था। कैटल फार्म, ट्रैक्टर फार्म तथा इसी तरह के जो बड़े बड़े फार्म थे, उनको बरी कर दिया गया था। उसमें यह भी लिख दिया गया था कि शूगर फॅक्टरीज के साथ जो शूगर केन फार्मज हैं, वे भी सीलिंग में नहीं आ सकेंगे। हर्ष की बात है कि हमारे प्रदेश की सरकार ने और



महाराष्ट्र की सरकार ने भी इनको सीलिंग के कानून में शामिल किया। लेकिन दिल्ली में जो नमूने का कानून बना था और जिसे इस सभा ने बनाया था, उसमें शूगर फैक्ट्रीज के जो शूगर फार्मर्ज हैं, उनको सीलिंग में शामिल नहीं किया गया था। यहां भी दुहरा व्यवहार किया गया इस तरह की बातें करना समाजवादी सरकार को शोभा नहीं देता है। जमीन के बारे में दो तरह का व्यवहार नहीं होना चाहिये।

अभी हमारे तिवारी जी ने कहा "सभ भूमि गोपाल की"। सभ भूमि गोपाल का तो है ही। लेकिन गोपाल का नाम न लेकर मैं यह बिनती करता हूं कि यह लोगों में भ्रम पैदा करेगा।

इस बिल का समर्पण करते हुए विशिष्ट समिति के जो माननीय सदस्य हैं उन से मैं प्रार्थना करता हूं कि वे देखें कि दो तरह का व्यवहार क्या उचित है? इस दल के और उस दल के माननीय सदस्यों ने भी यह कहा है कि जहां तक मुआवजे का प्रश्न है जमीन के लिए तथा दूसरी किसी प्रकार की सम्पत्ति के लिए, चाहे वह कहीं भी लगी हुई हो, लोहे में लगी हुई हो, मशीन में लगी हुई ई हो या जमीन की खरीद में लगी हुई हो, उसका मूल्य एक ही सिद्धान्त से निर्धारित होना चाहिये, दोनों के साथ एक सा व्यवहार होना चाहिये। जब ऐसा होगा तभी सही रूप में समाजवाद की ओर हम अग्रसर हो सकेंगे वरना समाजवादी ढांचे वाली जो बात है, वह ढांचा तो रह जाएगा और समाजवाद शायद देश में नहीं आ पायेगा।

मैं आपको धन्यवाद देता हूं। मैं समझता हूं कि और भी कानून हम बनायेंगे, संविधान में परिवर्तन करेंगे और ऐसा करते वक्त कहीं न कहीं उनके अन्दर गलती रह जाएगी। ऐसी सूरत में क्या यह उचित नहीं होगा कि संविधान पर हम फिर से विचार करें। संविधान में एक आर्टिकल ३१४ और दूसरा ३११ है। जब तक ये दो आर्टिकल बने

रहेंगे, जब तक आर्टिकल ३१४ बना रहेगा, हमारे देश से जो बुराई है, वह नहीं निकल पाएगी . . . . .

श्री कपूर सिंह : तब तक पोस्टपोन रखें इस बिल को ?

श्री सिंहासन सिंह : पोस्टपोन रखें या जो भी करें, लेकिन इन चीजों पर आपको विचार करना होगा। ३११ और ३१४ आर्टिकल को तो वैसे ही संविधान में से निकालना चाहिये। ३१४ में हमने पुरानी सविसेज को प्रोटेक्शन दे रखा है। ब्रिटिश सर्विसिस को प्रोटेक्शन दे रखा है, जो हम पर हुकूमत करती थी। वे हमारे रास्ते में बाधक हैं, ईमानदारी से मैं कह सकता हूं।

मैं समिति के सदस्यों से अनुरोध करूंगा कि संविधान में वे ऐसा परिवर्तन करे कि देहाती जमीन के बारे में और लोहे, लकड़ी, मशीनी कारखानों आदि के बारे में दो तरह का भाव काम न करे, एक ही भाव से व्यवहार हो ताकि देश की जनता समझ सके कि सही मानों में समाजवाद की तरफ हम कदम बढ़ा रहे हैं।

Shri Vasudevan Nair: I have great pleasure in welcoming this Bill. At the same time, I would like to express our apprehension also about what is going to happen to this Bill. There is already a history and a background to the very introduction of the Bill and the stages it has passed through already. I do not have time to go into all that. All the same, you will remember that this Bill was introduced four months ago and even at that time, there was persistent demand in the country and in this House that time should not be lost in putting this enactment on the statute book.

15.38 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

But mysterious forces might have worked behind the scenes as we have come to know later. It is very strange

[Shri Vasudevan Nair]

and surprising that even people in the ruling party and their own State Governments had been putting pressure on the Planning Commission and the Central Government not to go ahead with this Bill. I am sorry to hear speeches made by members belonging to the ruling party running quite contrary to the spirit of this Bill and the spirit of the previous decisions and declarations of their own party and their own Government. This is our problem. This Government had been declaring from the housetops for the last so many years their intention to bring about fundamental agrarian reforms in this country. But we have made it very clear that this declaration is not followed up by action that there is a wide gap between declaration and implementation.

I heard some Members speaking about the difficulties of the small landholder. My hon. friend, Shri Kamath, in his speech emphasised the necessity of protecting the small landholder. We hear so much about the small landholder. So many people are shedding crocodile tears over his plight. As far as we are concerned, we know in our State there is a movement led by the so-called small landholders to scuttle the present Agrarian Relations Act in our State.

They are practically against any kind of land legislation, they are even against the proposed new Bill of the Kerala Government, but since they succeeded in getting a lot of concessions from the Government, they are now partly agreeable to it.

It is very interesting to see who these small landholders are. I will give you certain figures, about the income and the rent received by a few of the representatives of these small landholders in our State. They are the leaders of this organisation, of this movement. Some of them had been to Bangalore recently to attend a conference convened by our learned professor and his colleagues and his party

to denounce this Constitution (Amendment) Bill. I do not wish to mention names. There are five gentlemen who are leaders of the so-called small landholders' association. One of them is getting 3,000 bags of paddy per year and Rs. 42,000 as rent. He is a self-styled small landholder. Another gentleman is getting only 30,000 bags of paddy as rent. Another is getting 9,400 bags of paddy.

**Shri Ranga:** Is Shri Prabhat Kar a bank employee? Is it necessary for him to be that?

**Shri Vasudevan Nair:** Yet another gentleman again gets 3,000 bags of paddy. These are some of the samples, some of the representatives of the small landholders.

We would like to make our position very clear as far as the small landholders are concerned. The Kerala Agrarian Relations Act is a very controversial Act. Even in this House we heard different views on it, but I would like to inform the hon. Members that there is special consideration shown to small landholders in that legislation. The small landholders are defined as people who have land up to ten acres. Although fair rent has been fixed in that Act, it does not apply to these small landholders, and they will get 75 per cent of the contract rent. Even in this Act which is considered to be dangerous as it has been produced by the Communists, sufficient provision is made, sufficient consideration is shown to the real small landholders. But in the name of the small landholders some people to escape the provisions of the land legislation, in the name of the small landholders they want to preserve all that they have got today. It will be quite wrong and unprincipled to rally behind them, to plead their cause, or threaten struggles and agitations in the name of such so-called small landholders. I am sorry that people like Shri Ranga are really and essentially pleading the cause of such elements in our country.

He always speaks about the proprietors, the self-employed peasants, the small landholders, but I want to ask him whether he has really taken the trouble to go into the income, status and other things of the people who are really leading this struggle against land reforms at least in our State. His own leader, Shri Rajagopalachari, had been to our State to preside over a convention of these small landholders, and a person who gets Rs. 42,000 as rent and a person who gets 30,000 bags of paddy per year as rent welcome the great leader of the Swatantra Party in the name of the small landholders. I would like to ask my hon. friends whether this is anything other than hypocrisy.

**Shri Ranga:** What about Namboodripad? (*Interruptions*).

**Shri Vasudevan Nair:** He had his own time, I am not yielding. Let them do anything they like, but I would appeal to the Members of this House at least not to spread panic and scare unnecessarily in this country.

**Shri Ranga:** What is the family property of Shrimati Renu Chakravartty, your own leader?

**Shri Vasudevan Nair:** Yesterday he was speaking about creating confusion in the minds of people at a time when we have to defend our country. I would say that by carrying on unfounded propaganda, by spreading panic and scare in the country by speaking about communication, expropriation and such other things, these friends are really creating panic, confusion and demoralisation among our people. Actually, what we have to do in the country today is to give confidence to the real tiller that he will not be evicted, that he will be the owner of the land that he tills. Then only can we really enthuse him to put all his energy into the land and hope to achieve the targets of our agricultural production. That is the essence of the matter.

I would like to put one or two questions to the Minister and request him to answer them. It was mentioned by my leader as well as Shri Sreekantan Nair in their speeches that quite contrary to the spirit of introducing such a piece of legislation, the Central Government and the Planning Commission have allowed the Kerala Government to proceed with an entirely new Bill. They would perhaps claim that this new Bill is essentially the old Bill, that there is practically no difference between the new Bill and the old Bill. Then we would like to ask why the new Bill was necessary, why the old Bill could not be amended. The Revenue Minister of Kerala has claimed that the new Bill is essentially the same as the old one, and perhaps the Minister here will also make the same claim, in which case we would like to get an assurance from this Government that nothing will be done, nothing will be allowed to be done by the State Government, which will take away the real rights of the tillers of the soil, and that all the decisions that the tenants have got from the tribunals during the last few months and years after spending a lot of money would be protected and that they would have cent per cent security. Unless the Central Government gives that guarantee and takes upon itself the responsibility of protecting the rights of the real tillers of the soil, all the speeches and declarations made here will not be taken seriously by the people of this country.

**Shri Krishnapal Singh:** I am a newcomer to this House comparatively. I have been here only for a year and a half. But in this short period I have been able to make one or two discoveries. One of them is that so long as one can raise a few slogans, say that other people are exploiting and have vested interests and a few things like that, one can get away as a socialist or a communist, even though one may own any amount of property or may have any amount of balances in the bank. This is exactly what we

[Shri Krishnapal Singh]

have been seeing. Those very people who want to teach socialism to us have been suspected of having accumulated and some of them have actually been proved to be, accumulating large balances in banks.

The other point which strikes one when one hears the speeches of champions of labour and champions of peasants is that probably these champions have not done a day's work anywhere, and worse still, they are incapable of doing any physical work or any hard work anywhere. So, Sir, these theoretical communists or socialists can preach to us the benefits of socialism and communism and may say that we should be very happy when India becomes a country with a socialist pattern. I will not say very much on that; so many of the hon. Members have proved beyond doubt that the socialist pattern which has been introduced by the present Government is nothing but a method of destroying the traditional rural economy in this country, this is what it aims at. This socialist pattern of society which comes in the name of land reform is nothing but a method by which they could convert ninety per cent of the population—it is not 60 or 70 per cent as people say—into serfs. More than half the population of every city comes from the village. They may be drawing rickshaws or working in factories but they come from the villages and settle permanently in cities or migrate temporarily and when they have no work they go back and work on their fields. So this socialist pattern and the land reforms are intended to convert ninety per cent of the population into serfs and into hewers of wood and drawers of water for the remaining ten per cent who want to live in luxury and comfort at the expense of others. Unfortunately we have no statistics from other parts or provinces than Maharashtra. A gentleman from Maharashtra has gone into this subject in great detail and has produced this pamphlet...

**Dr. M. S. Aney** (Nagpur): What is his name?

**Shri Krishnapal Singh**: Bhamurkar. This is what he says on page 14:

"The present Ceiling Act is neither an attempt to nationalise the land resource in the State nor to rationalise it. It is a hotchpotch arrangement and we think it has been arrived at without giving proper thought to the rural problems. Thus, this has made one section of community and particularly the section which is coming up by dint of its own merits and labour and which has contributed substantially to the national development, better too. It is feared in some sections that this Act is a Governmental device to destroy a community which is coming up as the likely rival for power."

So that is the real motive behind this legislation. By means of these land reforms, 90 per cent of the people are being converted into serfs and are deprived of their freedom and are made to draw water and hew wood and met the wishes of the remaining ten per cent people, whether they call themselves communists or socialists. The very backbone of the country, the peasantry would for ever have been destroyed. I say that if you want to have a good soldier or a good labourer or a good artisan, you cannot find him unless you draw him from the peasantry and that very peasantry is threatened with extinction.

The hon. Member just now quoted a person producing 20,000 or more maunds of paddy. What does it matter if he has developed his lands so well? I thought that he would receive credit and he would be given credit. (Interruptions.)

**Shri Vasudevan Nair**: That is rent.

**Shri Krishnapal Singh**: The hon. gentleman will have to prove it. Any-

way, the vast majority of the ryotwari tenants are peasants who cultivate their own land. There may be a few exceptions. I must say that I am not fully conversant with the ryotwari system as my friend here is, but I know that most of them, like most of the peasants here, cultivate lands themselves.

**An Hon. Member:** What is the definition of personal cultivation?

**Shri Krishnapal Singh:** It is very difficult to say what personal cultivation is. If you do not let out to a tenant that should be considered personal cultivation. I do not agree with the hon. Member that he should cultivate it only with bullocks. If you can cultivate it with a tractor, well and good, instead of 100 maunds you can produce 500 maunds; then you deserve all the greater credit for it. So, the ryotwari cultivators of the South and the bhoomidari peasants here cannot by any stretch of imagination be considered as proprietors of estates. Most of them are famished. Most of them, as my hon. friend mentioned, are heavily indebted. They cannot make both ends meet. To define their little patches of land as estates is something absolutely ridiculous. If you take the accounts of co-operative societies which advance money you will find that fifty per cent of the people who take short term advances are unable to repay the loans in time. They have to borrow money at exorbitant rates of interest in order to get new documents prepared in their favour to allow that loan to stand in their names.

So, that is the position of these bhoomidars and the ryotwari tenants whom you want to define as estate-owners.

16 hrs.

Now, an hon. Member said that the real intention of the Government appears to be to take these little parcels of land and convert them into co-operative farms. Well and good. It

may be good. I do not wish to enter into the merits of co-operative farming. But it has been proved by agricultural economists that in places where it has already been practised it is not a profitable proposition. One thing I would like to suggest: if the present Government and our communist friends have great faith in co-operative farming, why should they not form co-operative farming societies of their own? I would suggest that instead of here and their advisers drawing perhaps bigger salaries, they should go out to the village, farm a co-operative society, take some land and prove to the cultivators and to the country that co-operative farming is very profitable. That will be the better way. After all, practice is better than precept, and if they have great faith, let them go out to the land; take some land in the Terai or banjar land. There is a lot of good culturable waste available. Let them form co-operative farming societies and prove to the people what are the benefits. But they will not do it. The people who want to introduce land reforms have never been near the land. They do not know what land is; they do not know what is grown on it; they do not know how it is grown; they do not know what is the method to be adopted for cultivation. By some theories, and by means of propaganda they want to introduce reform which is not reform, in fact, but which are only intended to ruin the largest and the best section of the community in this country.

**The Minister of Law (Shri A. K. Sen):** Mr. Deputy-Speaker, Sir, I am deeply obliged for the assistance which we have received in arriving at our decision which we shall be arriving at very soon by referring this matter to a Joint Committee. I must say that I was amazed to listen to some of the speeches, particularly, the last speech, in the course of which we were attacked that we have no knowledge of what land was, what peasantry was what holding of land meant and what agriculture implied, as if all those who stood for

[Shri A. K. Sen]

the big landed interests are the only ones who knew what agriculture meant and what peasant proprietorship involved.

Now, I shall only read out a few figures from the Planning Commission's report on land reform—paragraph 20,—perhaps it is forgotten—for the purpose of elucidating how we want to bring about this ideal of peasant proprietorship. Shri Ranga equates peasant proprietorship with big proprietors who pass off as peasants.

**Shri Ranga:** No. For those who are not below a ceiling, you yourself have accepted peasant proprietorship. (*Interruption*).

**Shri A. K. Sen:** I still say so, but when I say that, the whole purpose is to bring it about also in the other areas where they have unfortunately not been extended yet. I know it has not been extended to Andhra Pradesh yet, where holdings above the ceiling have not been distributed to peasant proprietorship.

**Shri Ranga:** The Act in respect of ceiling was passed in Andhra Pradesh.

**Shri A. K. Sen:** It has not been applied yet; it has not been worked out.

**Shri Ranga:** That is your fault. It was passed there.

**Shri A. K. Sen:** If it was passed, the hon. Member need not feel anyway aggrieved by saying as if we are doing something which is very strange. (*Interruption*). Anyway, the whole purpose is to see that those who till land either as tenants of land which could be resumed or of land which could not be resumed, were given the ownership of the land which they till. Secondly, those who own land in excess of the ceilings,—the ceilings which we prescribed after a good deal of deliberation and thought, as I said,—were really dep-

rived of the excess and the excess was given and transferred to those who actually till the land as tenants or share-croppers. That is the whole purpose.

The hon. Member, I think, quoted the ex-Food Minister to make the peasant prosperous and content. How can it be, unless he felt secure in his holding, unless he felt that the land he tilled belonged to him—the sense of ownership and the sense of possession?

**Shri Ranga:** But why put restraint on him?

**Shri A. K. Sen:** When the hon. Member spoke, I did not interject him even for a second, and I hope the hon. Member would extend the same courtesy to me.

**Shri Ranga:** You were sleeping. (*Interruption*).

**Shri A. K. Sen:** I did not interfere when he was speaking.

**Shri Ranga:** The Chair could not wake you up!

**Shri A. K. Sen:** I am very sorry that the hon. Member turns a deaf ear when I am appealing to him to keep quiet when I am explaining the point.

**Shri Sham Lal Saraf** (Jammu and Kashmir): We want to listen to the reply of the hon. Minister. Let him not be disturbed.

**Shri A. K. Sen:** I would again appeal to him as one of the senior Members who has been here much longer than I have been.

**Shri Ranga:** Is that not much better than your earlier manner? (*Interruption*). Now he is coming round.

**Shri Thirumala Rao** (Kakinada). What is this running commentary?

**Shri A. K. Sen:** Anyway, since I am advancing, what I think are cogent, rather convincing arguments, the hon. Member seems to be more angry with me. I cannot help it if I have to advance cogent arguments in answer, and which I consider as highly relevant, with due respect to the hon. Member.

**Shri Ranga:** Of course.

**Shri A. K. Sen:** The argument of the hon. Member was that we are seeking to take the ryotwari interests and seeking to dispossess the peasants, throw them into the winds and make them completely dependent upon the vagaries of the Governmental machinery. That in short was his argument. I fail to see how he can read all these mischievous indications in the proposed amendment. He forgets that in the name of the ryotwari tenancies, in areas particularly to which he belongs, large holdings were owned by proprietors who never cultivated those lands themselves but let them out to tenants or under-tenants or to share-croppers. In the rest of the country, excepting Andhra Pradesh, Madras and some parts of Kerala, all the ryotwari interests in excess of the ceilings imposed have been taken over. And the process has been this: if I may read out, this is the process:

“The first of the courses has been followed in Gujarat, Maharashtra, Madhya Pradesh and Rajasthan, namely, by declaring the tenants as owners and requiring them to pay compensation to owners in suitable instalments, the responsibility for recovering the arrears being accepted by the Government. The second in Delhi, that is, through acquisition by the Government of the rights of ownership and payment of compensation.”

and then transferring the ownership to the tenants—

“and the third in Kerala and Uttar Pradesh, namely, the acquisition by the Government of the landlords’ rights and bringing the tenants into direct relationship with the State, option being given to the tenants to continue on such payment of fair rent or to acquire the full ownership on payment of the prescribed compensation.”

In other words, the whole purpose is to make anything in excess of the ceiling non-resumable and then to give the element of ownership to the tenant in one of these three ways, namely, either by transferring the right to the tenants directly on payment of compensation, or by acquisition by the Government of the rights of ownership and then transferring it to the tenants or thirdly, as in U.P. and West Bengal, bringing the tenants directly in relationship with the State and then allowing the tenants two options, either to continue as tenants on payment of fair rent or to become proprietors themselves on payment of compensation.

In U.P., as hon. Members coming from U.P. know, large numbers of tenants have exercised their option in favour of becoming proprietors. Others are continuing as tenants. But on tenancies which are not resumable and which are not subject to resumption by the landlord, the relationship between the State and the tenants is direct. Then,

“It is understood that in Gujarat and Maharashtra under legislations enacted by the former Bombay State rights of ownership accrued to 1.3 million tenants over an area of 2.4 million acres.”

This is also for the information of Dr Deshmukh, because he was rather critical in his attitude towards the amendment. 1.3 million tenants have now been given 2.4 million acres. How could these 2.3 million acres be distributed if they were not taken by

[Shri A. K. Sen]

acquisition as excess holdings vested in proprietors either ryotwari or otherwise, who were getting them cultivated by under-tenants and others under them. These 2.4 million acres now remain vested in tenants numbering 1.3 million, which means each gets nearly 2 acres per head and they have the sense of ownership with regard to this. How these peasants are going to be thrown to the winds or thrown before the House, with all respect to Prof. Ranga and others, I cannot follow for my life. Then,

"Even in Uttar Pradesh, about 1.5 million sub-tenants and tenants of home farm lands holding about 2 million acres were brought into direct relationship with the State, with the option either to become owners or to continue on payment of fair rent."

That also works out at about 2 acres per head.

In the Union Territory of Delhi, ownership of about 25,000 acres was transferred to about 18,000 tenants and sub-tenants. Here I found they got less than 2 acres per head.

**Dr. P. S. Deshmukh:** Most people here did not speak about tenancy and the tenants getting ownership. The question was about the surplus land obtained after the imposition of the ceiling.

**Shri A. K. Sen:** In my submission, the whole point was that we are not going to allow this peasant proprietorship system to continue. What does it mean—that we are not allowing those who till the land to become owners of the land? What does peasant proprietorship mean? In my submission, it means that the man who tills the land is the proprietor of the land. Therefore, what I am saying is, this is exactly what we are seeking to achieve.

**Shri Narasimha Reddy:** Why are you taking away all ryotwari lands? (*Interruptions*).

**Shri A. K. Sen:** Now, because of the peculiar significance of the word "estate", it was rather applicable only to certain areas in the south, in Kerala and in certain other parts, whereas in the rest of the country, all ryotwari interests were considered "estates" and anything in excess of the ceiling was distributed to the tenants. In certain areas, with which we are connected now, because of the two recent judgments of the Kerala High Court and one judgment of the Punjab High Court, this excess of holdings belonging to ryotwari holdings, would not be called "estate". (*Interruptions*) Well, it seems Professor Ranga does not want to listen.

**Shri Ranga:** I am listening. But how much can I listen to the irrelevant nonsense?

**Shri Khadilkar (Khed):** May I submit, Sir, that this is not parliamentary language to be used here.

**Shri Narasimha Reddy:** The Speaker has ruled that the word "nonsense" is quite parliamentary.

**Mr. Deputy-Speaker:** Though it is not unparliamentary, it is not dignified.

**Shri K. C. Sharma:** Sitting and passing commentary is very bad.

**Shri Narasimha Reddy:** The Prime Minister uses the word "nonsense".

**Shri A. K. Sen:** It is very difficult to provoke me into similar language.

**Shri Tyagi (Dohra Dun):** I suggest, Sir, that the word "nonsense" may henceforward be declared unparliamentary.

**Shri Ranga:** No, certainly not. Who is going to declare it unparliamentary?



tary? Will it be with retrospective effect?

**Mr. Deputy-Speaker:** The word "nonsense" is not unparliamentary.

**Shri Khadilkar:** Sir, I would like to point out that it is just a little honour or courtesy to the House that is expected of a senior Member of the House, that when he wants to interrupt at least he should stand up in his seat and then do it instead of sitting and passing comments.

**Shri Ranga:** All right, Sir; I bow to you.

**Shri A. K. Sen:** Sir, we extend all the indulgence we are capable of to Prof. Ranga even at the cost of our comfort.

**Shri Ranga:** Thank you.

**Shri A. K. Sen:** Nevertheless, it is our duty to demolish his arguments one by one.

**Shri Narasimha Reddy:** Why not all of them together?

**Shri A. K. Sen:** I am seeking to perform that duty to the best of my ability.

According to me, if we do not change the definition of the word "estate", all these ryotwari interests which allow individuals, for whom possibly Professor Ranga has a special sympathetic attitude, who own all these huge landed interests, who farm them out to tenants and subtenants or to share-croppers who till the land and earn for those on whom the law has vested proprietorship, will continue and we shall not be able to touch their interests because the Supreme Court says they are not estates in those areas because of the peculiar definition in the Constitution as we have adopted and because of the peculiar historical circumstances which obtain with regard to land tenures and land holdings and

their terminologies in the south in certain areas. Are we to be told, because the Constitution failed to notice this loophole once that we shall not cure it even if it has come to our notice and we shall allow in certain areas these huge ryotwari interests to continue, completely contrary to the pattern we have chosen for ourselves and, in a way, quite different from the other parts of India where ryotwari interests have been subject to land reform already?

**Shri Krishnapal Singh:** Is it not better to apply it to the urban areas?

**Shri A. K. Sen:** We are not now dealing with urban areas.

**Mr. Deputy-Speaker:** Let there be no running commentary. I request hon. Members to allow the hon. Minister to continue his speech.

**Shri A. K. Sen:** Therefore, in my submission, the argument of Professor Ranga that we are paying lip-service to the Constitution, that we are changing the Constitution every now and then and that, like the old mother whom everybody forgets, we are completely neglectful of the Constitution and in every day we are heretics—according to him—has no ground. If I have understood anything as a student of constitutional law and of constitutional history, constitutions are made for men and not men for constitutions, and no constitution is worth its name however grand it may be in its phraseology unless it subserves the great interests and welfare of the people from which alone a constitution derives some importance. If it fails in that basic purpose of subserving to the basic needs of the people for whom the Constitution is meant, that Constitution has to be changed. If it is to be changed a hundred times, it has to be changed a hundred times. And in this particular case we referred to these cases only to show that the courts have found certain deficiencies in our definition clause, of which deficiencies advantage is sought to

[Shri A. K. Sen]

be taken in the name of the Constitution to perpetuate the antiquated system of land tenure obtaining in certain areas, where ryotwari interests allow individuals to own much more than the ceilings we have prescribed for ourselves and allow the rest of the tillers no interests whatsoever in the land that they till, no proprietary interests. We intend, and categorically intend, to bring all these landed interests into the ambit of the expression "estate" within the meaning of article 31A. That is quite clear, and we have no apology for making this quite clear.

Professor Ranga threatens that we should answer for it in the next elections, because we have not put it forward in the last elections. I personally think, and my senior colleagues will correct me if I am wrong, in the Congress election manifesto land reform was the most important item, and it is one of the points on which Professor Ranga disagreed and left us, and we are sorry he left us. But it is quite clear that after the Nagpur Congress, we have accepted it as a matter of basic policy, the policy of land reform, as a part of our general economic planning, divesting land above the ceiling from those in whom they vested for generations. I do not see how he says that we have not put it before the electorate and so we have to answer for it in the next general elections.

And if we have to answer for it in the elections, well, that is one of the risks everybody runs in a democracy, and if we are wrong, I have no doubt that Professor Ranga will set us right. But, as I said, there is no mistake in what we are seeking to do. We intend to divest these big landlords, who may be possessing what may be technically called ryotwari interests, in the particular areas of their excess holdings which we want to give to those who have been tilling these lands, paying larger portion of the produce either as rent or share of crop produced. Therefore,

I do not think there is any equivocation is what we are seeking to do.

There is nothing in the point that the Constitution is sacrosanct. The Constitution itself has the incidence of alteration. The Constitution itself provides for amendments and it is only according to the Constitutional provision that we are seeking to amend the Constitution again.

Then, Professor Ranga says that it is a controversial measure and we should avoid such measures during the emergency. I do not see how the emergency has got anything to do with it. According to him, possibly these big proprietors would not be wholly with us if they were divested of a part of their proprietary interests. Well, what can be done? If they are to be divested of their excessive holdings, they will be divested, and I do not think the emergency has anything to do with it.

Then Professor Ranga says that the amendment of the Constitution enables the Government to acquire lands of peasant proprietors by a mere order. That is what I object to. This, in my submission, is calculated to mislead people about the real objective which we have before us. What is sought to be done is to divest people, who are not tillers themselves, who own these lands, of the excess land and let them out either to tenants or other people, after allowing them to keep up to the ceiling which is allowed for everyone, for cultivation by themselves.

Then, any constitutional provision will not, *ipso facto*, bring about any land reform. It will be left to the States to bring about land reform; land being a State subject.

Then, I think, Dr. Aney put forward two questions for me to answer—the first an assurance that the peasant proprietors will remain and will not be affected.

**Dr. M. S. Aney:** I am sorry, I did not speak at all.

**Mr. Deputy-Speaker:** Dr. Aney has not spoken.

**Shri A. K. Sen:** The hon. Deputy Law Minister brought me a note with two points. I never said that Dr. Aney spoke. I said that he wanted an assurance on two points. But if I am wrong in my information, I am very sorry.

**Shri Nath Pai:** You are very wrong.

**Dr. P. S. Deshmukh:** Even if they have not come from him, they are bound to be good questions.

**Shri Hari Vishnu Kamath:** We wish Dr. Aney had spoken.

**Shri A. K. Sen:** The whole attack of the Opposition was on the supposition that this amendment is going to destroy the peasant proprietors whereas the sole objective of the amendment is to enable legislation by way of land reform in the State which will make the peasant the essence and the core of our agricultural life and not the vested interest passing off as peasant.

The other points raised by Shri Gopalan mainly centred on purely local interests. He expressed with regard to some report that he has received concerning some Bill which the Kerala Government is seeking to introduce and is trying to affect the provisions of the previous Act which we are validating. All we can do here is either to validate an Act which suffers from a constitutional infirmity or remove a constitutional difficulty for the purpose of enabling the State legislature to undertake particular types of legislation. We cannot do anything more. The actual pattern of land reform is for the State to choose.

**Shri A. K. Gopalan (Kasergod):** May I have an explanation? Suppose, in the course of passing this Bill the

State Government requests the Planning Commission to remove from the Schedule the Kerala Agrarian Relations Act. Will you do it?

**An Hon. Member:** Yes; they ought to do it.

**Shri A. K. Sen:** It is for the Joint Committee to accept any representation. I suppose, the Kerala Government like any other organisation can make its own representation before the Joint Committee and it will be ultimately for this House to accept either the deletion or not accept the deletion. So far as the Government is concerned, they have brought forward the inclusion of the old Act in the Ninth Schedule.

**Shri Tyagi:** May I know from the hon. Minister if the Kerala Government which is in power today has been consulted with regard to this Bill? If they are already going ahead with a new Bill, that means to say that they are fully conscious of the fact that the old one was declared *ultra vires*. Therefore, they are enacting a new one. If we are regularising the old one, they should be stopped from enacting another one; or we should drop this from the beginning itself and let them have the freedom. Are we, sort of imposing an Act on them against their wishes?

**Shri A. K. Sen:** The whole purpose is to validate an Act which has been passed and assented to by the President.

**Shri Tyagi:** Despite the fact that they are enacting another in its place?

**Shri A. K. Sen:** They can, just as Parliament can, change a law that it has passed some time back. The State legislature alone has competence to enact a land reform law because land is a subject exclusively assigned in the State List. Therefore, what they will do in the old Act,

[Shri A. K. Sen]

even after validation, would have been changed by Shri Gopalan's own party government itself.

**Shri A. K. Gopalan:** What I want to know is whether it is an amending Bill or a new Bill. If it is an amending Bill, certainly the State can amend any Act that is there.

**Shri A. K. Sen:** I have not seen that.

**Shri Tyagi:** Has the State been consulted?

**Shri A. K. Sen:** Of course.

**Shri Tyagi:** If they have been consulted, what are their views? We are passing it, after all, against the State's wish.

**Mr. Deputy-Speaker:** The Joint Committee can look into it.

**Shri Tyagi:** I want to have the information as to what the views of the State Government are.

**Dr. P. S. Deshmukh:** They are against it.

**Shri U. M. Trivedi (Mandsaur):** A pertinent question is being asked.... (Interruptions).

**Mr. Deputy-Speaker:** Order, order. Shri Trivedi is on his feet.

**Shri U. M. Trivedi:** The simple question that I would like to ask is this. Some of the Acts, at least one particular Act which I know of, apart from the Kerala Act, which is shown as item No. 68 in this Bill has been struck down as a piece of colourable legislation by the Supreme Court.

**Mr. Deputy-Speaker:** He is a member of the Joint Committee. He can raise it there.

**Shri U. M. Trivedi:** The Joint Committee cannot do anything about that. The only question to be considered

is this: Is the Government by the back-door going to validate the Act which has been declared invalid by the Supreme Court? How can that process be put into? Is it by ignorance that it is being put or is it being put deliberately?

**Mr. Deputy-Speaker:** I say, it can be considered by the Joint Committee.

**Shri Ranga:** It can't be.

**Shri Bade (Khargone):** It can't be.

**Dr. M. S. Aney:** I want to know whether the State Governments were consulted before the Acts were put in the Ninth Schedule. I want to know whether the Government of India had their permission to put them in the Ninth Schedule.

**Shri A. K. Sen:** All the State Governments were consulted and all the Acts which are in the Ninth Schedule were put in, excepting the Kerala Act, at the instance of the State Governments themselves. It is true that with regard to the Kerala Act, the Kerala Government had informed the Central Government that they were thinking of another Act which would be different in regard to some of the important provisions from the old Act. But then we said that it is entirely the concern of the State Legislature....

**Shri Bade:** I want to raise a point of order (Interruptions).

**Mr. Deputy Speaker:** Order, order. He is not yielding to you.

**Shri Bade:** I rise on a point of order.

**Mr. Deputy-Speaker:** What is your point of order?

**Shri Bade:** My point of order is this. The Hon. Minister may throw light on this point whether the new Act is a repealing Act—I am talking about the Kerala Act—or it is a new Act which

is being introduced in the Vidhan Sabha. If they are going to repeal it—you have just given a ruling that the Joint Committee will consider it—then the Joint Committee cannot consider those things which are repealed by the Vidhan Sabha.

**Mr. Deputy-Speaker:** That is not a point of order.

**Shri A. K. Sen:** That is not a point of order, if I may say so. With regard to the Kerala matter, all that the Kerala Government informed us was that they had no objection in regard to the putting of the Act in the Ninth Schedule. But they did inform us that. . . .

**Dr. P. S. Deshmukh:** It is not correct. I am in a position to say so. I have seen the documentary proof of it. The Government of Kerala is not willing to put it in the Ninth Schedule.

**Mr. Deputy-Speaker:** You have to take the information of the Minister.

**Shri A. K. Sen:** I am very sorry that Dr. Deshmukh contradicts me saying that he has got a documentary proof of it. I am reading from the minutes of the meeting of the Central Committee for Land Reforms in which the Home Minister of Kerala was present. He said this:

“He made clear that his Government had no objection to retaining the Kerala Agrarian Relations Act in the Ninth Schedule in case the present Bill was not passed into law before the passing of the Constitution Amendment Bill.”

That is, if their Bill was not passed into law, they had no objection to the old Act being put in the Ninth Schedule.

**Dr. P. S. Deshmukh:** There is a note available in the Library of the Lok Sabha. In this note by the Planning Commission, it is said: the Kerala Government is not in favour of its in-

clusion in the Ninth Schedule. I would request him to bring back the file and see.

**Shri Tyagi:** This information must be given to us before we pass the Bill (*Interruptions*).

**Shri A. K. Sen:** Nobody has ever said that all relevant information is not being supplied. Mr. Tyagi was informed of it. . . .

**Dr. P. S. Deshmukh:** It was opposed.

**Shri A. K. Sen:** . . . personally or otherwise about this Kerala Act. But the question is: the Hon. Member who raised this point of order forgets that the putting of these Acts in the Ninth Schedule does not prevent the State Legislatures from repealing them or amending them, because this is a matter over which the State Legislature is completely competent to pass the Bill. Therefore, the point is that the whole purpose of the Bill is to achieve validation of certain patterns of land holdings and land reforms by two processes, namely, by changing the definition of ‘estate’ and, secondly, by putting all the Acts, about which questions have arisen about their validity mainly with regard to the ceilings imposed, distribution and so on, in the Ninth Schedule so that they will be immune from all attack until the State Legislatures themselves think that they can either change them or repeal them. That is a different matter.

So far as the constitutional inhibition is concerned, we are lifting it. So far as the constitutional impropriety with regard to the competence of the State legislatures is concerned, we are seeking to confer competence on the legislatures. That is the whole purpose of the constitutional amendment.

About the actual details of particular Acts, it is for the hon. Members to address their respective State legislatures, if they have any grievance with regard to particular provisions there. Here, we are concerned with the power of the State legislatures to

[Shri A. K. Sen]

pass certain laws to give effect to certain patterns which we have accepted for ourselves. This is my submission.

Therefore, in my submission, there is no valid objection which could be accepted with regard to this motion.

16.37 hrs.

[MR. SPEAKER in the Chair]

Mr. Speaker: I shall now put Shri Ranga's amendment to vote.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th February, 1964."

The Lok Sabha divided.

Mr. Speaker: Any corrections?

The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran): One 'No' has to be added to the 'Noes'.

The Parliamentary Secretary to the Minister of Education (Shri M. R. Krishna): Another 'No' has to be added to the 'Noes'. Last time I had reported that this machine was not working.

Mr. Speaker: Is he in his seat?

Shri M. R. Krishna: Yes, Sir, very much in the seat from where I have to vote.

Division No. 10]

AYES

[16.40 hrs.

Bado, Shri  
Badrudduja, Shri  
Berwa, Shri Onkar Lal  
Bheel, Shri P. H.  
Buta Singh, Shri  
Deo, Shri P. K.  
Gayatri Devi, Shrimati  
Ghosh, Shri P. K.  
Gokaran Prasad, Shri  
Gounder, Shri Muthu

Kakkar Shri Gauri Shankar  
Kapur Singh, Shri  
Koya, Shri  
KrishnaPal Singh, Shri  
Muhammad Ismail, Shri  
Ram Singh, Shri  
Ranga, Shri  
Reddy, Shri Narasimhan  
Shastri, Shri Prakash Vir  
Singh, Dr. B. N.

Singh, Shri Y. D.  
Singha, Shi Y. N.  
Sivasankaran, Shri  
Solanki, Shri  
Swamy, Shri Sivamurthi  
Swell, Shri  
Trivedi, Shri U. M.  
Vijaya Rajee, Shrimati  
Yashpal Singh, Shri

NOES

Abdul Wahid, Shri T.  
Akkamma Devi, Shrimati  
Alva, Shri A. S.  
Alva, Shri Joachim  
Aney, Dr. M. S.  
Azad, Shri Bhagwat Jha  
Bajaj, Shri Kamalnayan  
Balakrishnan, Shri  
Banerjee, Shri S. M.  
Banerjee, Dr. R.  
Barkataki, Shrimati Renuka  
Barua, Shri Hem  
Barupal, Shri P. L.  
Basappa, Shri  
Basumatari, Shri  
Basant, Shri  
Bhagat, Shri B. R.  
Bhakt Darshan, Shri  
Bhatkar, Shri  
Bhattacharyya, Shi C. K.  
Boroobah, Shri P. G.

Brajeshwar Prasad, Shri  
Brij Rai Singh, Shri  
Chakravartty, Shrimati Renu  
Chakraverti, Shri P. R.  
Chandrasekhar, Shrimati  
Chaudhuri, Shri D. S.  
Chaudhuri, Shrimati Kamala  
Chavan, Shri D. R.  
Chuni Lal, Shri  
Daji, Shri  
Das, Shri B. K.  
Das, Shri N. T.  
Dasappa, Shri  
Dass, Shri G.  
Deshmukh, Dr. P. S.  
Deshmukh, Shri B. D.  
Deshmukh, Shri Shivajirao S.  
Dhuleshwar Meena, Shri  
Dighe, Shri  
Dinesh Singh, Shri  
Dubey, Shri R. G.

Dwivedy, Shri Surendranath  
Elayaperumal, Shri  
Gahmari, Shri  
Ganapati Ram, Shri  
Gandhi, Shri V. B.  
Ganga Devi, Shrimati  
Gopalan, Shri A. K.  
Guha, Shri A. C.  
Gupta, Shri Indrajit  
Hansda, Shri Subodh  
Hanumanthaiya, Shri  
Hazarika, Shri J. N.  
Heda, Shri  
Hem Rai, Shri  
Himatsingka, Shri  
Imbichibava, Shri  
Iqbal Singh, Shri  
Jadhav, Shri Tulshidas  
Jamunadevi, Shrimati  
Joshi, Shrimati Subhadra  
Jyotishi, Shri J. P.

Kabir, Shri Humayun	Mukerjee, Shri H. N.	Sarma, Shri A. T.
Kamath, Shri Hari Vishnu	Mukerjee, Shrimati Sarda	Satyahama Devi, Shrimati
Kamble, Shri	Munzri, Shri David	Scindia, Shrimati Vinaya Raie
Kanungo, Shri	Murti, Shri M. S.	Sen, Shri A. K.
Kar, Shri Prabhat	Musafir, Shri G. S.	Sen, Shri P. G.
Karuthiruman, Shri	Muthiah, Shri	Shakuntala Devi, Shrimati
Kedaria, Shri C. M.	Naidu, Shri V. G.	Sharma, Shri D. C.
Khadilkar, Shri	Naik, Shri Maheswar	Sharma, Shri K. C.
Khan, Shri Osman Ali	Nair, Shri N. Sreekantan	Shashi Ranjan, Shri
Khanna, Shri Mehr Chand	Nair, Shri Vasudevan	Sheo Narain, Shri
Kisan Veer, Shri	Nal'akova, Shri	Shree Narayan Das, Shri
Kotoki, Shri Liladhar	Nath Pai, Shri	Shyam Kumari Devi, Shrimati
Koujalgi, Shri H. V.	Nehru, Shri Jawaharlal	Siddaniappa, Shri
Kripa Shankar, Shri	Nigam, Shrimati Savitri	Siddiah, Shri
Krishna, Shri M. R.	Paliwal, Shri	Sidheshwar Prasad, Shri
Krishnamachari, Shri T. T.	Pande, Shri K. N.	Singh, Shri R. P.
Lakhan Das, Shri	Pandev, Shri Vishwa Nath	Singha, Shri G. K.
Lakshmikanthamma, Shrimati	Pant, Shri K. C.	Sinha, Shri Satya Narayan
Lalit Sen, Shri	Paramasivan, Shri	Sinhasan Singh, Shri
Laxmi Bai, Shrimati	Patel, Shri Chhotubhai	Sonavane, Shri
Mahadeva Prasad, Dr.	Patil, Shri D. S.	Soundaram Ramchandran, Shrimati
Mahtab, Shri	Patil, Shri I. S.	Subramanyam, Shri T.
Mahishi, Shrimati Sarojini	Patil, Shri M. R.	Sumat Prasad, Shri
Malaichami, Shri	Pattabhi Raman, Shri C. R.	Surendra Pal Singh, Shri
Mallick, Shri Rama Chandra	Raphuramaiah, Shri	Swamy, Shri M. P.
Mandal, Dr. P.	Rai, Shrimati Sahodrabai	Swaran Singh, Shri
Mandal, Shri J.	Rai Bahadur, Shri	Tantia, Shri Rameshwar
Mandal, Shri Yamuna Prasad	Rau, Shri D. B.	Thunnaiah, Shri
Manivangilan, Shri	Ram, Shri T.	Tiwary, Shri K. N.
Marandi, Shri	Ram Swarup, Shri	Tyagi, Shri
Maruthiah, Shri	Rane, Shri	Ulaka, Shri
Mate, Shri	Ranga Rao, Shri	Upadhyaya, Shri Shiva Dutt
Mehli, Shri S. A.	Rao, Shri Krishnamoorthy	Vaishya, Shri M. B.
Mehrotra, Shri Braj Bihari	Rao, Shri Muthyal	Varma, Shri Ravindra
Mehta, Shri Jashvant	Rao, Shri Ramanathi	Veerabasaappa, Shri
Minimata, Shri	Rao, Shri Rameshwar	Verma, Shri Balgovind
Mirza, Shri Bakar Ali	Rao, Shri Thirumala	Verma, Shri K. K.
Mishra, Shri Bibudhendra	Reddy, Shri Yallamanda	Vidyalankar, Shri A. N.
Misra, Dr. U.	Sadhu Ram, Shri	Vishram Prasad, Shri
Mohanty, Shri G.	Saha, Dr. S. K.	Wasnik, Shri Balkrishna
Mohsin, Shri	Samanta, Shri S. C.	Yadav, Shri Ram Harsh
More, Shri K. L.	Saraf, Shri Sham Lal	Yadava, Shri B. P.

**Mr. Speaker:** The result of the division is: Ayes 29; Noes 189. The 'Noes' have it; the 'Noes' have it.

*The motion was negatived.*

**Shri Ranga:** We walk out as a protest against the decision that has just been taken.

*Shri Ranga and some other hon.*

*Members then left the House.*

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

श्री बृटा सिंह . . . . .

**Mr. Speaker:** Whatever the hon. Member has said shall not be recorded.

*Shri Buta Singh then left the House.*

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

"That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely:—

Shri S. V. Krishnamoorthy Rao,  
Shri Bibhuti Mishra, Shri Sachin-

[Mr. Speaker]

dra Chaudhuri, Shri Surendranath Dwivedy, Shri A. K. Gopalan, Shri Kashi Ram Gupta, Shri Ansar Harvani, Shri Harish Chandra Heda, Shri Hem Raj, Shri Ajit Prasad Jain, Shri S. Kandappan, Shri Cherian J. Kappen, Shri L. D. Kotoki, Shri Lalit Sen, Shri Harekrushna Mahatab, Shri Jashwantraj Mehta, Shri Bibudhendra Misra, Shri Purushottamdas R. Patel, Shri T. A. Patil, Shri A. V. Raghavan, Shri Raghunath Singh, Chowdhry Ram Sewak, Shri Bho!a Raut, Dr. L. M. Singhvi, Shri M. P. Swamy, Shri U. M. Trivedi, Shri Radhelal Vyas, Shri Balkrishna Wasnik, Shri Ram Sewak Yadav, and Shri Asoke K. Sen,

and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

*The motion was adopted.*

**Mr. Speaker:** The Bill is referred to the Joint Committee.

**Shri Hari Vishnu Kamath:** This is a Constitution Amendment Bill. The voting must be by division.

**Shri Tyagi:** It is not an amendment yet.

16.44 hrs.

DISCUSSION RE: NEFA ENQUIRY

श्री प्रकाशजीर शास्त्री (बिजनौर) :  
अध्यक्ष महोदय, नेफा की घटनाओं ने भारत के मस्तक पर एक ऐसा कलंक का टीका लग या है, जिसे धोने में अभी न जाने कितनी शक्ति और समय लगेगा और कितने बलिदान और दने होंगे ?

मेरा अग्रपना अनुमान है कि यदि इस सारे घटना चक्र को देश के किसी कोने में बैठकर कोई निष्पक्ष इतिहास लेखक लिख रहा होगा तो उस ने इस नाटक के प्रमुख सूत्रधार तत्कालीन प्रतिरक्षा मंत्री और उन की पीठ थपथपाने वाले देश के प्रधान मंत्री को इस के लिये क्षमा नहीं किया होगा ।

भारत की गौरवशाली सैनिक परम्पराओं पर इस का बड़ा प्रतिकूल प्रभाव पड़ा है । जिस सेना की बहादुरी का विश्व में सिक्का माना जाता था, जिस सेना ने न जाने कितने विक्टोरियाक्रास, परमवीर और महावीर चक्र प्राप्त किये, जिस सेना ने काश्मीर, हैदराबाद और गोआ में शत्रु के दांत खट्टे किये, दुर्भाग्य से नेफा की इस घटना से उस सेना को भी बदनाम होना पड़ा ।

नेफा में हुई भगदड़ की जांच रिपोर्ट पर संरक्षण मंत्री श्री चह्वाण ने जो बक्तव्य दिया है उस के आघार पर जिन निष्कर्षों पर मैं पहुंचा हूं उस की प्रमुख बातें यह हैं:—

१. सरकार युद्ध के लिये बिल्कुल तैयार नहीं थी ।
२. नेताओं को व्यवहारिकता के घरातल से ऊपर उठ कर आदर्शवाद की हवाओं में उड़ने की आदत अधिक हो गयी थी ।
३. कुछ गिनेचुने असैनिक नेता सेना पर छा गये थे और स्वतन्त्र