

[Shri V. Gopalsamy]

district. And, Sir, there is a code of conduct that new schemes should not be announced by the Government and there should not be any new scheme undertaken in the constituency where the by-elections are to take place. But, Sir, this code of conduct has been blatantly violated by the Tamil Nadu Government and many schemes have been announced. Not only that. Sir. Just to bribe the electorate, they are distributing dhotis and sarees in all the four constituencies. So, I would like to bring this to the notice of this House. I would like to know from the Government what steps have been taken by (hem to empower the Election Commission with legal sanctions. Of course, Election Commission has called for ie-port; they have got only the moral sanctions but not the legal sanctions, and- unless the Election Commission is empowered with legal sanctions, there is no meaning of the code of conduct or the guidelines given by the Election Commission. Now, the Government of Tamil Nadu which is notorious for anti-democratic policies. . . *(Interruptions)*

SHRI R. MOHANARANGAM (Tamil Nadu); Sir, he should not be allowed to use such language. . . *(Interruptions)*.

MR. DEPUTY CHAIRMAN: Don't use that word.

SHRI V. GOPALSAMY: Alright; I wouldn't say 'notorious' but which is famous for anti-democratic policies, when . . . *(Interruptions)*

SHRI R. MOHANARANGAM: It is not the duty of the Government to transfer officers? *(Interruptions)*

SHRI V. GOPALSAMY; Let my friends say whether any new policies have been announced. . . *(Interruptions)*.

SHRI R. RAMAKRISHNAN (Tamil Nadu); Transfer of officers has been go-

ing on for thj last several months. What is new in it?

SHRI R. MOHANARANGAM: Transfer of officers is not a new thing. It has been going ou for the last one year. . . *(Interruptions)*

SHRI V. GOPALSAMY: The Election Commission must be empowered with legal sanctions... *(Interruptions)*. Thi: Government in Tamil Nadu is totalU against all norms of democracy. So. the Central Government—it is high time— must take step, to empower Election Commission with legal sanctions; otherwise this will go on throughout the country. I would request the Govern ment, through you, Sir, to tak, imme diate steps.

REFERENCE TO THE PLIGHT OF FARMERS WHOSE LANDS ARE COMING UNDER THE URBAN LAND (CEILING AND REGULATION) ACT, 1976

SHRI SHANKARRAO NARAYANRAO DESHMUKH (Maharashtra): I would like to draw the attention of the Government and of this august House to a very important point concerning the farmers.

Sir, the Urban Land Regulation an*.' Ceiling Act has been made applicable throughout the country since 1976. The farmers whose lands are within the urban area are in great difficulty, regarding the use of the land, regarding the price of the land and all other ancillary matters.

[The Vice-Chairman (Shri Syed Rahmat Ali)in the Chair]

If a farmer's land falls within the agglomeration area and if the land is ^{US* < J} for any purpose other than agriculture, then his right to the land is circumscribed. There are four Cateories, A, B, C and D. Category A is 500 sq. metres; category B is 1000 sq. metres category C is 1500 sq. metre, and category D is of 2000 sq. metres. Suppose a farmer has got two major sons. Then he is entitled to got only 3 bighas, tfeat means, 1-1|2 acres.

Therefore, the rest of the land is declared, as surplus land, and if the land is declared surplus land, and is fixed under the Act at Ks. 5 per sq. metre, and his sons can only have a share in the property if they are major. Daughters have no share. This position is very precarious as far as the farmers are concerned.

I would just bring to the notice of the Government section 2 of the Urban Land Ceiling Act, clause (o) Explanation (c), and I quote:

"Notwithstanding anything contained in clause (b) of this Explanation, land shall not be deemed to be mainly used for the purpose of agriculture if the land has been specified in the Master Plan for a purpose other than agriculture. The result is that, if the land is shown

to be used, in future, for any purpose other than agriculture, say, for residential purpose, or for industrial purpose or for any other purpose then, the farmer is circumscribed in regard to the price of land, his income, his vocoction in life. Now, the Government will give at a specific rate: this means, 5 Rupees per sq. metre. The funny part of it, even here, he would not get the whole price. Only 25 per cent of the price will be given to the farmer and the remaining 75 per cent will be given in 20 instalments. Whether the farmer will be alive or his children will be alive, is a different matter. Therefore, I say, this is not a simple question. I would like to draw the attention of this august House to this very precarious position in law. This difficulty once arose in 1964, when the Constitution was required to be amended. The amendment to the Constitution, which was made in 1964, the second proviso to article 31A says;

"Provided further that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to

him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto unless the law relating to the acquisition of such land, building or structure, provides for payment of compensation at a rate which shall not be less than the market value thereof."

This is included in Part III, which comes under 'Fundamental Rights'.

Therefore, all these provisions in the Urban Land Ceiling and Regulation Act, 1976, in regard to the fixation of price and circumscribing the farmers' land in a particular way are absolutely contradictory to the Fundamental Rights. Therefore, I would submit to the hon. Minister concerned, I would urge upon him, that he should go deep into this problem. Otherwise, thousands of farmers will be in grave difficulty and they will be ruined. On the one hand, you say, you encourage agriculture. On the other, you take away all this. Sir, the law should be a workable law. Law must punish a man equally and law must also protect a person equally. You cannot do charity at the cost of the farmer*. Therefore, I hope, the hon. Minister concerned will go deep into this problem and relieve thousands of farmers throughout the country from this grave difficulty which they are facing.

REFERENCE TO THE NEED FOR ISSUING OF A COMMEMORATIVE POSTAL STAMP IN HONOUR OF SWAMI A.S. SAHAJANAND—A HARIJAN LEADER OF TAMIL NADU

SHRI N. RAJANGAM (Tamil Nadu): Hon. Mr. Vice-Chairman, Sir, with great respect and reverence to the Chair and to this hoary and august House, I rise to make my maiden speech. This House has seen many giants. First of all, I would like to pay my humble homage to the hundreds and thousands of freedom fighters.