

papers which are not genuine So if a news item has . . .

SHRI NIREN GHOSH : Let her come and deny it.

(Interruptions)

SHRI OM MEHTA : You have said whatever you wanted to say. Now let me have my say.

DR. K. MATHEW KURIAN : Mr. D. D. Puri has confirmed that the Prime Minister has pulled up the Minister.

SHRI OM MEHTA : I have said that they should not go by something which is fictitious. In any case Prime Minister has every right to call us and if my work is not up to the standard to pull me up and say that I have done this thing wrong or I have not done this thing rightly.

SHRI NIREN GHOSH : Let her come here and say.

SHRI OM MEHTA : Well, I am saying that . . .

DR. K. MATHEW KURIAN : How do we know that you will not be pulled up tomorrow for saying this?

SHRI OM MEHTA : She has every right to pull me up. At least I can say that.

SHRI NIREN GHOSH : Mr. Mehta, have you asked the Prime Minister whether it is a fictitious news?

SHRI OM MEHTA : I have already said that we should not discuss anything that is fictitious.

MR. DEPUTY CHAIRMAN: Now, the Constitution Amendment Bill.

#### THE CONSTITUTION (THIRTY-FOURTH AMENDMENT) BILL, 1974

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ANNASAHEB P. SHINDE) : Sir, I beg to move :

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

This House is fully aware of the important changes brought about in the land reform legislations passed by most of the States in the country during the past two years, and earlier too. Frequent references to the courts of law have interrupted the process of implementation of whatever legislations were passed. The present series of legislations which are being incorporated in the Bill have made some important changes in the land ceilings prevalent hitherto. The level of ceiling has been reduced; the family with husband, wife and minor children constituting it has been made the unit of application of the ceiling; exemptions from the ceiling hitherto given to many categories have been dispensed with and only a very few categories of land exempted. One of the most important features of the current series of legislations is the provision that the surplus land that will be available will be distributed mostly to landless agricultural labourers, particularly those belonging to the Scheduled Castes and the Scheduled Tribes. The rate of compensation, that is, the amount that is to be paid to the land-owners for acquisition of surplus land have been kept far below the market value of such land. I must, however, add that the present Bill does not in any way seek to alter or modify any of the principles enshrined in the Constitution. It merely gives concrete expression to what has already been enjoined upon us by the Constitution.

As hon. Members are aware, the implementation of such important measures of land reform will by no means be easy; vested interests affected by such measures are already marshalling their strength to resist them through various means not excluding recourse to the court of law. While the legislations themselves provide for barring the jurisdiction of the civil courts in respect of disputes arising from their implementation, concern has been expressed all over the country during the past two years or so that as soon as the implementation of the new laws gets

[Shri Annasaheb P. Shinde]

under way, affected parties will rush to the court of law seeking its intervention, demanding stay orders against the implementation of the law and thereby interrupting the whole process of social changes in the agrarian sector which are long overdue. This concern found concrete expression in the recommendations of the Chief Ministers who assembled here in July, 1972 to lay down the broad framework of the national guidelines which were eventually issued by the Government of India for legislation in their light. Hon. Members know that recently the High Court of Punjab and Haryana has struck down certain provisions of the Punjab Land Reforms Act, 1972 (Act 10 of 1973). Certain provisions of the West Bengal land reforms law have been challenged in the Calcutta High Court. There are reports from other States too to the effect that a large number of writ petitions have been filed in the High Courts seeking their intervention and the stay of proceedings for implementation of the ceiling legislations. I need hardly emphasise the particular relevance land reforms and specifically the land ceiling legislations have in our present context of agrarian crisis. Government does not consider land reform measures only as an instrument for the achievement of social justice. Even if it were so, Government would have been entirely justified in trying to take all necessary steps to see that the implementation of such social justice measures gets the necessary constitutional protection. This argument is further reinforced today by the very sound economic justification that there exists for implementation of the ceiling legislations and land reform measures in general without which no solid foundation can be laid for a more productive agriculture in the country.

This House has given its generous support to similar measures in the past when Government came forward with the Constitution (Seventeenth Amendment) Bill and the Constitution (Thirty-second Amendment) Bill. And I earnestly hope that this House will again lend its unanimous

support to this Bill which is the logical successor to those I have just mentioned.

In addition to the land ceiling legislations referred to above, the Bill also seeks to include in the Ninth Schedule three more enactments, namely the Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Act, 1969, the Bihar Land Reforms (Amendment) Act, 1972 and the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1972. Even though they do not deal with land ceiling, these are part of a series of legislations which together seek to bring about land reforms in Tamil Nadu, Bihar and Gujarat respectively. The Tamil Nadu Act provides for the acquisition of Janmi rights in Janmam estates in the Gudalur taluk of the Nilgiris districts and for the introduction of ryotwari settlement in such estates. The Bihar Law makes the Bihar Land Reforms Act, fully applicable with retrospective effect to lands which had been acquired under the Land Acquisition Act, 1894 and made over to industrial undertakings. The result of this will be to bring all such laws under the overall purview of the land reforms policy incorporated in the Bihar Land Reforms Act, 1960. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1972 brings the tenancy law of Gujarat broadly in conformity with the national policy on tenancy. Its implementation has been affected as a result of its being challenged in the High Court of Gujarat.

We have not included some of the land ceiling legislations which have been revised or freshly enacted as these laws need further amendment. I earnestly hope that it should be possible for us to come forward with another Constitution (Amendment) Bill in the near future covering all the remaining land ceiling legislations which could not be included in the current bill.

I am sure the Honourable Members share fully my concern to ensure that the process of implementation of the land ceiling legislations, which have already creat-

ed a great deal of enthusiasm among the down-trodden landless agricultural labourers and share-croppers, will not be allowed to be interrupted or halted by vested interests. It is not the intention of the Government of India to curb any group of individuals' fundamental rights, but it is the bounden duty of the Government to see that these weaker sections of the society who have for ages been exploited and have been denied their rightful dues, are given a measure of protection whereby atleast a small beginning towards giving them their rightful dues is made. While the present Bill seeks to provide protection to the legal framework of this policy, the Government of India will not be blind to the findings of the judiciary in regard to such flaws as may be found in any of these laws in the process of their implementation. The fact that we are including these laws in the Ninth Schedule will not preclude us from respectfully examining the observations of the courts of law, and it will be our endeavour to meet the objections of the courts of law to the extent possible by amending some of these laws further, without in any way affecting the principles underlying these legislations. I earnestly hope that this House will give its approval to the Bill and help Government carry forward the task which was undertaken right at the beginning of independence in bringing about certain fundamental changes in our agrarian structure.

*The question was proposed.*

**MR. DEPUTY CHAIRMAN :** Mr. Mariswamy.

**SHRI S. S. MARISWAMY** (Tamil Nadu): Sir, I really welcome the Bill and appreciate all the sentiments expressed by the hon. Minister. But while doing so, I am reminded of a story. In a small village in Tamil Nadu there was a Panchayat Board. They met on a particular day to pass a resolution to renovate their building. The first resolution ran that the Council decided to demolish the present building and put up a new one. The second resolution was that while doing so, whatever

materials could be used for the new building might be preserved and used for the proposed building. The third resolution said that we must call for a tender for the construction of the new building and give the contract to the lowest tender. And the fourth resolution was that till all these things were done, the Panchayat Board would remain in the same building itself. So, Sir, we pass Resolutions. But when we come to implement them, we are where we were for a very long time.

If we look at the number of resolutions passed all over the country and the performance of the Government we find that nothing has been taking place. If we go by the resolutions passed in the various Assemblies by the ruling and other parties in India, India would have gone through not less than hundred revolutions by now and there would have been no trouble and the people would not clamour for a kilogram of wheat or rice or other things. But I am very sorry to say that all our statutes have remained only on paper. Nothing has percolated into action.

So, Sir, like that Panchayat passed a resolution to continue to remain in the same building, similarly, our people here are trying to enlarge the ninth Schedule by adding legislations passed by the various legislatures in order to plug the loopholes so that nobody can go to the court to nullify the object of the Bill.

Sir, I would like the honourable House, through you, to know how things are happening in the country. This is what your own mouthpiece, National Herald, dated the 24th June, 1974 has to say. It says :

"Political leaders, former Rajas and zamindars and sugar mill owners have adopted various methods to circumvent the provisions of land ceiling enactments in Uttar Pradesh."

The Mangaldeo Visharad Committee report on land reforms tabled in the U.P. Assembly says that concessions for groves, roads, dairies, distilleries, trusts and

[Shri S. S. Mariswamy]

co-operative farms, have been contrived to save land from being declared surplus.

"The Committee has mentioned the following specific cases in its report:

(1) There is a 4,532 acre farm in Gopalpur village in the Mirzapur district. According to land records, the land stood in the name of 14 persons, majority of whom belong to Varanasi. The committee learnt from the district-office that ceiling was not fixed on the tenure-holders under the Ceilings Act, 1969, although each of them had surplus land in this farm."

It gives a very interesting reading. I would like the honourable House and Mr. Shinde to have a glance at this article. This article appeared in their own paper, the mouthpiece of this Government under the caption of "Big Land Holdings in U.P." written by the Lucknow correspondent of the National Herald. There is another important piece of information in the same article.

"Mr. Chandra Shekhar Prasad Singh of Allahabad had 4,522 bighas, 9 biswas and 17 biswansi of land out of which 4,522 bighas, 9 biswa and 17 biswansi were declared surplus. The Government took possession of the surplus land on November 27, 1964. But the Dayva Charitable Trust, Ramgarh, filed an objection on July 14, 1966 saying that 3,205 bighas and 16 biswa out of the surplus land had been transferred in its favour on June 19, 1959."

Only 71.43 acres of land was distributed to the landless poor. The third incident is equally interesting. Sardar Jogender Singh of Bhabhangha (Bahrich) had 2,260.60 acres of land out of 2,180.26 acres were declared surplus. About 1,095 acres of the surplus were distributed to 525 persons, and 205.05 acres were found unfit for cultivation. The remaining 880 acres of surplus land were said to be in unauthorised possession of Mr. Singh's men. This is a sad commentary on the working of our land reform legislations.

In Madras a number of Congress Ministries brought in land reforms. The ceiling was 30 acres per family, and now we have reduced it to 15 acres. Before the 30 acre ceiling was brought in important Ministers went round the country and told the people that they were bringing in legislation. This motivated people to sell their land. On the advice of some of the Congress leaders—I do not want to name them because one of them has already left this world for the heavenly abode and some others are alive but politically dead. A thousand acres was converted as share of a particular sugar factory by a Congressman at the instance of the then Congress Ministers.

The gentleman gave 1,000 acres as his share to a sugar factory in that area, and this went on for a very long time. Very recently we have taken it back saying that this was a very fictitious transfer, and we have nationalised that factory.

After we brought this ceiling of 15 acres we have taken into our possession nearly two lakh acres of land, out of which, I am proud to say, we have distributed almost 75 to 80 per cent. And to whom have we distributed? We had prepared a list of priorities. Top priority is given to landless Harijans; secondly, the landless poor, irrespective of the community to which they belong; thirdly, those people who have served in the army, in the war and who are now in a helpless condition; and fourthly, if there is any land, to the backward community people, who are in the lowest rung of the ladder. So this is the *modus operandi* that we are having in Tamil Nadu. I am sorry I could not lay my hands on a paper—I was preserving it for a very long time—which carried an article by one Jagannathan; it was the *Economic Times* or some other paper. It was about how the Zamindari Abolition Act had been implemented in Bihar and other areas on the eastern side. It said that no Zamindar had gone out of existence in that area. Of course, he had removed the name of Raja or Zamindar, but whatever land he had in his possession before the

Act is still intact with him even to-day. So, they have passed legislation, but they have never implemented it. That is the sorry state of affairs all over the country and, more so, in all the Congress-ruled States. Wherever there was a non-Congress Ministry, they had the courage and they have brought about some reform. But in the Congress ridden States, I find that nothing has happened. I do not know about Mr. Shinde's own experience about it. I will be very glad if he gives a picture that is different from what I have painted just now.

I am glad that he is enlarging the Ninth Schedule so that there may be less litigation.

**SHRI U. K. LAKSHMANA GOWDA** (Karnataka) : One point for clarification. You have said that the Tamil Nadu Land Reforms Act could not be brought in here because the definition of 'family' in your Act differs. Can you enlighten us about it?

**SHRI S. S. MARISWAMY** : In the definition of family . . .

**MR. DEPUTY CHAIRMAN** : If you have to ask another Member, you should do so through the Chair. That is the procedure.

**SHRI S. S. MARISWAMY** : Sir, I am answering him through you. There are some grounds for difference of opinion between the Central Government and our Government in the matter of definition of "family", "orchards", "gardens" and this and that. But let me assure our hon. Minister through you, Sir, that whatever is the national guideline, we will follow it. We will examine what the national guideline is and we will try to come on the same lines to join the mainstream. But if there are certain justifiable differences, I would request the hon. Minister to take them seriously into consideration, and if they are acceptable, he should try to change the mind of the rest of the States. But one thing that I assure you is that our Government does not stand for any landlord. Our Government stands for the landless poor.

I may tell you another important thing. When the Congress was in power, in spite of all intensive drive for more production, etc., they could not produce more than 36 lakh tonnes of rice and about 8 lakh tonnes of coarse grains. But after our land reforms, we have not only doubled our production of rice and coarse grains, but we have also done a number of other things. But very unfortunately, because of the policy of this Government, now we are in a mess. That is because they have removed this inter-State barrier on coarse grain movement. As a result of that whatever coarse grain we have has gone to Bombay and other places with the result there is a spurt in its price and people who are accustomed to eating coarse grain have switched over to rice which is in scarcity. I do not know how the Central Government is going to help us. When the Central Government asked us to give paddy to a number of States we supplied it even to far-flung States like Bengal and other places. We never said 'no'. But now as regards to their new policy they had not consulted us and if they had consulted us, we would have put levy and spared a little coarse grain and later we would have fallen in line with the Central Government's policy. All of a sudden they removed the inter-State ban and the price of coarse grain which was in the neighbourhood of Rs. 75 Rs. 80, shot up to Rs. 130; its price in other places has come down not that I want to live in isolation, not that I want my State to live in isolation, from the rest of India. But before taking any such drastic measure, in all propriety the Centre should have consulted State Governments, should have taken them into confidence. But in that they awfully failed and they have put us in a bad mess. But luckily because of the dynamic drive of our Madras Government, we are able to turn the corner and the prices are coming down. (*Time bell rings*) I would have liked our Government to be more liberal. But it should not be that generosity is only one-way traffic from our side. There should be some flow from your side also when we are in difficulty. Whenever you wanted, we did send things to Gujarat and other places. Now when

[Shri S. S. Mariswamy]  
 we are in difficulty, you should also come to our rescue. With these words, I support the amendment and I hope that whatever the Minister has stated in his speech will be taken seriously and put into practice. I would request the Minister to see to the discrepancies which I have pointed out. They should speak only what they mean. Sir, I am quite sure, if they do so, in the whole country we will have a good time.

**SHRI HARSH DEO MALAVIYA** (Uttar Pradesh): Sir, while I warmly welcome this Bill I cannot help saying that this Bill is late by at least more than two decades. If I may further say, this Bill is a supreme example of how our whole administration has neglected the problem of land reforms. The very origin of our national movement came from the poverty of peasants. Gandhi, when he launched the Movement in 1921, talked of the *daridranarayan*. Nehru always in his life referred to the peasants, the poverty of the peasants. He said: "The wind is blowing to the villages." But what actually happened? There was a professor, Prof. Daniel Thorner, an American Professor, who was very sympathetic to India. He died recently in Paris. He was a great student of Indian land reforms. He said that no country has passed as many land laws as have been passed in India but nowhere have the land laws been parcelled in so much default as in India. Land reforms come in human history at a particular stage. When human society changes from the feudal era to a bourgeois democratic era, at that time the basic purpose of land reforms is to put an end to unearned incomes from land. The basic purpose is that he who does not toil, shall not get anything from the land. But in our country while in the initial years of our independence we went in for land reforms or abolition of zamindari and all that, in actual fact the object was to achieve what we call in our ancient literature *kishaanaah priththvipatih*, land to the tiller. That object we have failed to achieve. With all our legislations abolishing many things, we could not abolish parasites from land. Unearned income from land continues to be there and in fact it has increased.

We have been talking of land reforms as early as 1949. There was the U.P. Zamindari Abolition Committee presided over by the late Pandit Govind Ballabh Pant. In their very ponderous, able and voluminous report they pointed out that there should be ceiling upon land. Then there was the Kumarappa Agrarian Reforms Committee appointed by Dr. Rajendra Prasad when he was the President of the Congress in 1948. Shri Kumarappa, who was a great Gandhian economist, was the Chairman and this report of the Congress Agrarian Reforms Committee also suggested imposition of ceiling upon holdings.

But we have as yet failed. From 1950 to 1974 our ceiling legislations have not been fully implemented. We delayed and delayed our ceiling legislations and the landlords who would be affected by the ceiling laws began to distribute their land to their relatives, brothers, sisters, mothers, and maternal uncles. An extreme case of this type was in Bengal where a landlord distributed his land even to his horse whose name was Fatik. This was mentioned in the Bengal Assembly in February 1961. A Congress MLA pointed out that a landlord had given some land in the name of his horse. This way the land ceiling laws were completely circumvented and even today, to our utter shame, bonded slavery continues. There is the Saunkhya system of Chotta Nagpur Division in Bihar and in Surguja district in Madhya Pradesh. This is bonded slavery. The man who takes a loan of Rs. 40 or Rs. 50 from a moneylender is bonded from father to son and son to grandson. This continues. Punjab, we are told, is very prosperous and progressive from the point of view of agriculture. There was a survey conducted by the Punjab Planning Board. I have got it here, but I will not take the time of the House. According to this report millions in Punjab are living below poverty line. The land survey conducted in six districts under the auspices of the National Agricultural Commission points out that more than 90 per cent of the peasants in the villages are indebted to money-lenders.

About the landless there was a survey in 1961. After that there has been no survey. There was a survey conducted by the National Sample Survey between July 1960 and June 1961. It pointed out that 12.98 per cent of rural households, are landless. Further more, we have problem villages. According to a reply in this House given in December 1973, we have 1,52,475, what are called, problem villages. According to the definition of this term, these are difficult villages having scarcity and health problems. Thus, at least 30 per cent of our villages are problem villages.

What has been the effect of our land reforms? Here is the figure. Our ceiling laws have utterly failed. Here is a report from a Planning Commission survey which says that in Andhra Pradesh we could secure only 74,000 acres; in Assam 68,000 acres; in Bihar NIL, in Gujrat 50,000 acres and in Jammu and Kashmir 4,50,000 acres. Here is a small State where they started and seriously tried to implement the land legislation and they could secure about 4,50,000 acres for redistribution. But, in a big State like Bihar, the result was nil and the land reforms went by default. In U.P., Sir, they could secure about 2,41,000 acres. But their expectations were that they could secure about eight or nine lakh acres.

**SHRI NAGESHWAR PRASAD SHAHI** (Uttar Pradesh): Your figures with regard to U.P. are faulty. There was no proper land reform there.

**SHRI S. S. MARISWAMY:** The target for U.P. was 1½ million acres.

**श्री बनारसी दास** (उत्तर प्रदेश) : लेकिन उसका पजेशन नहीं मिला आपको ।

**SHRI HARSH DEO MALAVIYA:** I have got lots of figures with me now. But I do not want to take the valuable time of the House in quoting those figures. But I agree with my friends here that whatever lands have been secured by putting ceilings have largely not been distributed or distributed to wrong people.

Furthermore, Sir, there is utter callousness on the part of the administration towards land reforms. In the Fourth Plan, the Planning Commission approved a total outlay for land reforms of Rs. 42.34 crores. But, Sir, during the entire Fourth Plan, period, the States could spend only about Rs. 19.90 crores, that is, less than 50 of what was allotted for the implementation of the land reforms by the Planning Commission.

Then, Sir, there was a census operation in 1971 and I would like the honourable Members to keep in mind the figures that I am going to quote. This census points out that the number of land-owning cultivators decreased from 52.78 per cent of the total population in 1961 to 43.34 per cent in 1971 ! At the same time, the landless population increased from 16.76 in 1961 to 26.33 in 1971. Now, there is a rough or broad estimate of the landless in our country today. The landless people number about 15 crores. Coming to the number of people having uneconomic holdings, the concept of uneconomic holding varies from State to State and if we put it at 5 acres, then at least 85 per cent of our cultivators are cultivating lands which are less than 5 acres which are uneconomic holdings and 50 per cent of our cultivators are cultivating about 2 acres and less. So, if we take into account the landless 15 crores and those who are cultivating less than two acres, that is, about 16 crores, then it can be seen that more than 50 of our cultivating population is either landless or cultivating lands which are uneconomic holdings.

Sir, the result is very obvious. I am now referring to the other problems. There is underemployment. There are about 36 crores of people who are illiterate. In about 96,000 villages there is no drinking water. It has been estimated that about 13,000 crores of rupees have been spent since our independence in our country side through the Community Development and other schemes. But the benefits have not reached or trickled down or percolated to the lowest ranks, but much of this money

[Shri Harsh Deo Malaviya]

has been eaten up by the officers and the bureaucrats and the rich peasants.

श्री बनारसी दास : आपके दल के कितने लोगो ने सीलिंग से ऊपर की सरप्लस लैंड डिक्लेयर की है ? दूसरे मैं आपको इतला देना चाहता हूँ कि सेंट्रल कैबिनेट में ऐसे मिनिस्टर्स हैं जिनके पास एक हजार एकड़ जमीन मेरी पर्सनल नालेज में है।

श्री हर्षदेव मातवीय : आप की बात सही हो सकती है लेकिन चार साल पहले आप भी इधर ही थे। उस वक्त की भी सोचिये कि जब आप के हाथ में यू० पी० की लीडरी थी, 1947 से 1969 तक, तब आपने क्या किया।

श्री बनारसी दास : हमारा जो ऐक्ट था उस को हमने इम्प्लीमेंट किया।

SHRI HARSH DEO MALAVIYA: I do not remember the exact date. But perhaps in 1961 or 1962 there was a committee presided over by Shri Jayaprakash Narain. It was a high level committee, and its Report on the Weaker Sections of the community went into the question how the various community development programmes, agricultural development programmes, etc., affected the real villagers, the weaker sections of the society. The finding of the Committee was that 90 per cent of the funds which were pumped into the villages were taken up by rich peasants or bureaucrats and all that..... (Interruptions.). Here is a press report of the 26th Conference of the Indian Society of Agricultural Economics. There was Mr. B. Sivaraman, Vice-Chairman of the National Agriculture Commission. He said "very few small farmers were benefited by the Green Revolution, because big farmers are too powerful and more influential." He went on to say... (Time bell rings) "agricultural technology is only helping the rich farmers". The whole point is this ... (Time bell rings.) Give me a few minutes more..

MR. DEPUTY CHAIRMAN: Two minutes more...

SHRI HARSH DEO MALAVIYA:

Sir, there was an American expert, Mr. Wolf I. Ladijinsky, a well-known name in the field of land reforms the world over. He was responsible for land reforms in Japan under General Mc Arther and abolished samurai. He was invited by the Planning Commission here. He conducted some survey in South India. He has stated:

"In fact, perhaps as many tenants have lost their tenancies as have been secured on the land through deliberate rather than accidentally faulty legislation.... where anti-land reform sentiment prevails, as it often does, in Indian legislatures, vague and complicated legislations generally seeded with loopholes, delays in legislative enactments, failure to inform the peasants what the law is about, enforcement officers who behave as if reforms are not meant to be enforced and refusal to enlist the support of the farmer in helping to carry out the programme, all these become the rule rather than the exception...."

He has pointed out that there are loopholes and lacunae. The faulty implementation of land reforms has led to the creation of what you call rich peasants, the *Kulaks*. They constitute only 7 per cent of the rural population. They are cultivators of ten acres, fifteen acres and above. These rich peasants have become the base of reaction; they are the base of Jan Sangh; they are the base of Swantantra Party; and in the present day it is they who resist the wheat take over drive. They are linked with arhtiyas of village *mandis*, with big merchants in the cities and monopolies like the Birlas and Tatas. They constitute the social pyramid of Right Reaction from the village root to the metropolis. It is the biggest danger to our development, the biggest danger to our progress towards a just, egalitarian social order. Therefore, I welcome this Bill. I would appeal to the hon. Minister, to the Government and everybody concerned to keep these defects in our land legislation in mind. In future, they have to be implemented with a strong political will. If it



is not done so, our whole economy will be in danger, our whole independence will be in danger. It has not to be taken very lightly. Therefore, Sir, I welcome this Bill, in so far as it prevents interference by the courts in the implementation of land reforms. But this is not enough. There should be a political will. There should be political decision. These land reforms must be implemented. Those who are having unearned income from land must be ended, and the principle that 'He who tills must own the land' must be made a reality. Unless this is done, we shall not be in a position to overcome the problems of our economic development.

MR. DEPUTY CHAIRMAN : The House stands adjourned till 2 p.m.

The House then adjourned for lunch at five minutes past one of the clock.

The House reassembled after lunch at one minute past two of the clock, the Vice-Chairman, (Shri Bipinpal Das) in the Chair.

श्री राजनारायण (उत्तर प्रदेश) : सभापति जी, यह जो विधेयक माननीय मंत्री जी ने प्रस्तुत किया है मैं इसको देख कर इस नतीजे पर पहुँच रहा हूँ कि यह सरकार इस आवश्यकता को अवश्य महसूस करे कि देश में एक कंस्टीट्यूशनल असेम्बली अवश्य बुलाई जाए, विधान निर्मात्री परिषद। आप देख रहे हैं कि कांस्टीट्यूशन में अमैण्डमेंट इतने जल्दी जल्दी हो रहे हैं कि इतने थोड़े समय में यह 34वाँ अमैण्डमेंट हो रहा है। जब सरकार खुद इस बात को महसूस कर रही है कि इस कंस्टीट्यूशन में इतनी गड़बड़ी है कि बिना इसको संशोधित किए हुए इस देश की प्रगति रुकी हुई है तो मैं समझता हूँ कि अब काफी समय बीत गया, अतः सरकार इससे कुछ नसीहत ले और एक कंस्टीट्यूशनल असेम्बली का निर्माण करे, संविधान निर्मात्री परिषद बनाए और इसमें इस देश के वे अच्छे लोग चुन कर आएँ जो कंस्टीट्यूशनल एक्सपर्ट

40RSS/74—6

हों और संविधान का फिर से एक नया स्वरूप खड़ा कर सके। इसमें जितनी कमियाँ और खामियाँ हैं सब का समावेश हो और इस बात का भी समावेश हो कि कौन कितनी हैसियत रख सकता है जमीन के बारे में, आमदनी के बारे में। इसके साथ साथ और जितनी गड़बड़ियाँ हैं वह सब उसमें दूर कर दी जाएँ।

इसके पहले भी मैंने कई बार कोशिश की जबकि फंडामेंटल राइट्स को छीनने का संशोधन पेश हुआ था कि संविधान के फंडामेंटल राइट्स को छीनने की कृपा सरकार न करे। हिटलर का भी इसी तरह से जर्मनी में पतन हुआ था जबकि उसने वह वाइमर कंस्टीट्यूशन को बता करके यह कहा था कि सरकार बाध्य होगी। हिटलर का जो आदेश होगा वह कानून माना जाएगा। हिटलर के प्रति हर नागरिक को शपथ लेनी होगी। वह हिटलर के प्रति वफादार होगा। अगर हमारे चलने-फिरने बोलने और फ्रीडम आफ एक्सप्रेशन पर पाबन्दी लग जाएगी तो हमारे देश में ताना-शाही की व्यवस्था हो जाएगी।

मगर इस सरकार ने, चूँकि इसको अपने अस्तित्व की ज्यादा फिक्र है, न कि देश के नव-निर्माण की, इसलिए उस मुझाव को नहीं माना। आज जो संशोधन हमारे सामने आया है यह कितना अधूरा है और इस संशोधन से इस देश का कितना कल्याण होगा, मैं चाहता हूँ कि हमारे सदन के सम्मानित सदस्य इसको अच्छी तरह से देखें। पहले तो माननीय मंत्री जी से मैं यह निवेदन करूँगा और आपसे विशेष तौर से कहूँगा कि इसका देखा जाये कि करीब एक दर्जन एक्ट इसमें हैं। आन्ध्र प्रदेश लैण्ड रिफार्म एक्ट, बिहार लैण्ड रिफार्म एक्ट, फिर बिहार लैण्ड रिफार्म एक्ट, फिर बिहार लैण्ड रिफार्म एक्ट, गुजरात एग्रीकल्चरल लैण्ड सीलिंग एक्ट, हरियाणा सीलिंग आन लैण्ड होल्डिंग एक्ट. हिमाचल प्रदेश सीलिंग आन लैण्ड होल्डिंग एक्ट, केरल लैण्ड रिफार्म एक्ट, मध्य प्रदेश, फिर मध्य प्रदेश, मैसूर लैण्ड रिफार्म एक्ट, पंजाब, राजस्थान, गुडालूर, वेस्ट बंगाल, फिर वेस्ट बंगाल और फिर वेस्ट बंगाल। इसके

[श्री राजनारायण]

अलावा बम्बई उड़ीसा, और त्रिपुरा भी है। इतने सारे एक्ट हैं। यह सरकार कहती है कि अब संविधान में संशोधन कर दो ताकि इन एक्टों के बारे में कोई बात कहने के लिए कोई भी अदालतों में न जा पाये। मैं पूछना चाहता हूँ कि क्या किसी ने इन सारे एक्टों को पढ़ा है? ईमानदारी से कहिये। इस सदन में इतने सम्मानित सदस्य बैठे हैं क्या किसी ने इन सारे एक्टों को पढ़ा है? मैं समझता हूँ कि कोई भी इतने एक्टों को नहीं पढ़े हैं। ऐसी हालत में यह सरकार कहती है कि संविधान में इतना बड़ा संशोधन कर दो ताकि इन एक्टों के संबंध में अदालत में कभी कोई बात जान पाये। मैं चाहता हूँ कि अगर सरकार सदस्यों के सही भाव जानना चाहती है तो आज इस पर विचार करना स्थगित कर दे। इसके बाद हर जगह के एक्टों को पढ़ा जाय और उनका विवेचन किया जाय और यह देखा जाय कि उनसे जन-कल्याण कितनी दूर तक हो सकता है।

श्रीमन् आप देख रहे हैं कि राजस्थान और मध्य प्रदेश में जोशी की और सेठी की सरकारें भी हिल गई। सेठी में यह हिम्मत नहीं पड़ी कि जो लेजिस्लेशन वह लाना चाहते थे वह लेजिस्लेशन ला पाये क्योंकि कांग्रेस पार्टी के बहुमत सदस्यों ने उस लेजिस्लेशन के बारे में अपनी असहमति व्यक्त कर दी। यहां पर भी मंत्री जी जो यह काम कर रहे हैं जिस के बारे में सदन के सम्मानित सदस्य अंधकार में हैं, मैं चाहता हूँ कि उसको आज स्थगित कर दिया जाय। कुछ लोग कुछ एक्टों को पढ़ें होंगे और ज्यादातर ने अपने प्रदेशों से संबंधित एक्ट पढ़ें होंगे। मैं उत्तर प्रदेश से आता हूँ और इस बात का हमें जरूर गर्व है कि उत्तर प्रदेश में सबसे पहले जमींदारी एबोलिशन एक्ट बना। उस समय वहां पर आचार्य नरेन्द्र देव, डा० लोहिया तथा कांग्रेस के श्री सम्पूर्णानन्द आदि थे तमाम लोग थे। उत्तर प्रदेश में लैंड एबोल्यूशन एक्ट सबसे पहले बना और वहां पर यह एक्ट कामयाब भी अवश्य हुआ, मगर सीलिंग एक्ट में बहुत दूर तक हम नहीं जा पाये। अभी उत्तर प्रदेश के सीलिंग एक्ट में कितनी गड़बड़ियां

हुई हैं उसके बारे में श्री मंगल देव विशारद जो पहले हमारे ही दल में थे और जिनको आगामी तरफ से हमने मंत्री-परिषद में स्थान दिलवाया था, मगर वे बाद में सरक गये, उनकी कमेटी की एक रपट आई। उनकी रपट के कुछ हिस्से जो नेशनल हेराल्ड जोकि कांग्रेस का पेपर है, विशेष-तौर पर प्रधान मंत्री का अखबार है, उसमें आई थी, उस रपट के कुछ खास खास हिस्से मैं पढ़ूंगा—

“Shri Mangal Dev Visharad Committee Report on Land Reforms, tabled in the U.P. Assembly says that concessions for grass-raising, dairies, distilleries and co-operative farms have been contrived to save land from being declared surplus.”

...यह कांग्रेस की है, यह कांग्रेस के कमेटी की रपट है कि सीलिंग से जो जमीन बचती, वह क्यों नहीं बची? एक तो छोड़ गया बाप के नाम पर, एक छोड़ गया ट्रस्ट के नाम पर, एक छोड़ गया कोआपरेटिव के नाम पर, एक छोड़ गया कुक्कुट पालन के नाम पर, मेकेनाइज्ड फार्म के नाम पर—कुछ किसी नाम पर, कुछ किसी नाम पर। तो इस तरह से किसी के नाम पर छोड़ दिया तो बचेगा क्या? जिस लैंड सीलिंग एक्ट के अन्दर इतनी गुंजायश है कि कहीं से कहीं लैंड उठा कर फेंक दिया जाए तो उसका बनेगा क्या मेरी अपनी जानकारी है, श्रीमन्, आज से 20 साल पहले बड़े-बड़े ताल्लुकेदार, बड़े-बड़े पुराने जमींदार जो जमीन काशत करते थे। जब सीलिंग एक्ट आया, रात के रात 100 एकड़ जमीन में बाग लग गया है। उन्हें कैसे निकालोगे?

श्री चक्रपाणि शुक्ल (उत्तर प्रदेश): रात भर में लग भी गए?

श्री राजनारायण: हां, कहीं से पेड़ ले आए, लगा दिया, वह बाग हो गया। आप ईमानदारी के साथ शिन्दे साहब बताएं कि क्या इस बेहूदा ढंग से जो कानून हुआ है उसको संविधान में संशोधन करके उसको पुष्ट कर दें कि उसके बारे में कोई मामला अदालत में जाएगा ही नहीं? मैं तो इन

एक्टों को पढ़ा ही नहीं हूँ। मैं चाहता हूँ कि हमारी भावी पीढ़ी यह न कहे कि तुम भी उस समय राज्य सभा में थे तुमने विरोध क्यों नहीं किया ? इसलिए मैं सजेशन देता हूँ कि आज इसपर सदस्यों को मजबूर करके बहस न करायी जाए, हर राज्य के हर ऐक्ट को, जिसको यह सरकार चाहती है कि संविधान में संशोधन करके उसकी पुष्टि कर दी जाए, उसको पढ़ने का लोगो को मौका दिया जाए क्योंकि जब इतने दिनों तक सन् 1946 से जब से कांग्रेस की सरकारें राज्यों में बनी है तब से लेकर आज 1974—करीब 28 माल हो गए—जब इतना समय व्यतीत हो गया, जो आज इस तरह का कानून पास करने से पहले सदस्यों को ममझ लेने दें, ऐक्टों की वारीकियों को, खूबियों को, खामियों को अच्छी तरह से सोच लेने दें। जैसा हमारे मित्र हर्ष देव मानवीय जी ने कहा, यह बहुत ही महत्वपूर्ण संशोधन होगा ; तो अगर महत्वपूर्ण संशोधन होना है तो इसको इतने हल्के तरीके से पास कराने की कोशिश सरकार न करे।

श्रीमन्: अब मैं इस पर आ रहा हूँ :

The Committee has mentioned the following specific cases in its Report. There is a 4,532 acre farm in Gopalpur village in Mirzapur District.

अब इस फार्म की जानकारी हमको भी है। इस फार्म की जानकारी जो उत्तर प्रदेश के होंगे, कांग्रेस पार्टी में, उन सबों को होगी। हमारे मित्र बनारसी दास जी यहां से चले गए, जब इस फार्म के बारे में हमने सबसे पहले सवाल उठाया था तब बनारसी दास जी कोआपरेटिव के मिनिस्टर थे मगर बीच में बनारसी दास जी और जिनके संबंधियों के ये फार्म हैं, उस मिनिस्टर से यह गठबंधन हो गया तो बनारसी दास जी ने हमारी सही रिपोर्ट को दबवा दिया। उन्होंने, जो डाइरेक्टर थे कोआपरेटिव के, उनसे उचित कार्यवाही नहीं कराने दिया जब कि तमाम लोगों ने, तमाम कोआपरेटिव के अफसरों ने कहा था कि खेती के लिए जो यह फार्म बनवाया गया है इस फार्म पर खेती हुई ही नहीं।

श्री महावीर त्यागी (उत्तरप्रदेश) : किसका फार्म है ?

श्री राजनारायण : अरे फार्म है कमलापति जी के लड़कों का। आगे देखा जाए :

According to the Committee it seems that the farm was one unit benefiting only one family. Apparently, names of persons in many districts of U.P., Bihar and Nepal had been registered as co-tenure holders to circumvent the sale. Mr. Surjeet Singh, Mr. Surrinder Singh, Mr. Dileep Singh are the main members of the Majithia family, the notorious Majithia family.

हमारे साथी और हमारे मित्र हैं श्री नागेश्वर शाही जो अब वहां कांग्रेस में, चूंकि समाजवादी समाज की स्थापना हो गई, चले गए। वे इसके बारे में जानते हैं। 1857 में जब इस देश में प्रथम क्रान्ति हुई थी, तो इन्होंने वहां की जनता पर अंग्रेजों के साथ मिलकर गोली चलाई थी। उस फार्म के किसानों ने कई बार संघर्ष किया। हमारे साथ श्री नागेश्वर शाही भी थे, लेकिन समय बदलते देर नहीं लगती है। मजीठिया ने हमारे कितने ही साथियों को कत्ल करवा दिया, वहां की जनता को कत्ल करवा दिया और आज इस इन्दिरा गान्धी की सरकार की छत्रछाया में मजीठिया का फार्म फलफूल रहा है और जो चारों तरफ कुकर्म फैला रहे हैं। अगर इस सदन के माननीय सदस्य दूसरे राज्य के बारे में न जानते होंगे, तो वे गोरखपुर चले जायें और वहां पर इस फार्म के और उसमें जो किसान रहते हैं उनकी दुर्दशा को

श्रीमन् इसके साथ-साथ आगे नाम आता है श्री दिनेश सिंह का, जो प्रतापगढ़ में कालाकाकर के रहने वाले हैं।

Shri Dinesh Singh of Pratapgarh had a holding of 700 acres out of which 500 acres were exempted mostly for groves.

[श्री राजनारायण]

Mr. Chandra Shekher Prasad Sinha of Allahabad had 4,522 bighas, 9 biswa and 17 biswansi of land out of which 4,522 bighas, 9 biswa and 17 biswansi were declared surplus. Government took possession of the surplus land on November 27, 1964. But the Dayya Charitable Trust filed an objection on July 14, 1966 saying that 3,205 bighas, 16 biswa out of the surplus land had been transferred in its favour on June 1959.

अब वह जमीन उनको मिल गई है।

उप-सभाध्यक्ष (श्री विपिन पाल दास) : अब आप समाप्त कीजिये।

श्री राजनारायण : श्रीमन्, हम दोहरा नहीं रहे हैं। यह तो विधेयक है और हमने पहिले ही निवेदन कर दिया था कि यह कोई रिजोल्यूशन नहीं है जिसमें 15 मिनट में अपना भाषण खत्म करना होता है।

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS) : But you will be late for your meeting.

श्री राजनारायण : हमारी जो सीटिंग है, वह 3 बजे से है। सरदार जोगेन्द्र सिंह जो गवर्नर हैं वे कभी उड़ीसा जाते हैं, कभी राजस्थान जाते हैं और अब उसके बाद कहीं और जायेंगे। Sardar Joginder Singh of Bahraich had 2,260.60 acres of land out of which 2,180.26 acres were declared surplus. About 1,095 acres of the surplus land were distributed to 525 persons and the remaining 880 acres of surplus land were said to be in unauthorised possession of Mr. Singh's men.

उन्होंने तमाम जमीन अपने मामा, नाना, ससुर, दामाद, इन तमाम नामों से ले ली है और आज यही आपके राज्यपाल बने बैठे हैं। यही आपके नेता हैं। जब वे गोरखपुर में जायेंगे तो उनके लिए सरकारी कर्मचारी और दूसरे लोग स्टेशन पर खड़े होंगे। क्या इस सरकार की इज्जत है? मंत्री जी बतलायें कि यह बात आगे कैसे चलेगी?

श्री उदय सिंह भदरी, ये भी राज्यपाल थे, और इनके पास 994 एकड़ जमीन थी। आज वे इस सप्ताह में नहीं हैं। इनका खानदान कांग्रेसी था और आज भी कांग्रेसी है।

इसी तरह से श्री राघवेंद्र प्रताप सिंह जी थे जो अब मर चुके हैं।

(Interruptions)

श्री यादवेंद्र सिंह कांग्रेस के मिनिस्टर रह चुके हैं और अब वे कांग्रेस में ए० आई० सी० सी० के मेम्बर हैं।

उप-सभाध्यक्ष (श्री विपिनपाल दास) : अब आप समाप्त कीजिये।

श्री राजनारायण : हम चाहते हैं कि यह सरकार ही समाप्त हो जो इस देश की शोभा को समाप्त कर रही है। हम मंत्री जी से पूछना चाहते हैं कि हम उत्तर प्रदेश से आते हैं और हम आपको जो उत्तर प्रदेश की स्थिति है, वह बतलाते हैं।

संसदीय कार्य विभाग तथा निर्माण और आवास मंत्रालय में राज्य मंत्री (श्री श्रीम मेहता) : श्री यादवेंद्र सिंह तो महाराजा पटियाला थे, वे तो मर चुके हैं।

श्री राजनारायण : तुलसीदास जी कह गए हैं—

“मूरख हृदय न चेत जो गुरु मिलें विरति सम,  
फूलें-फलहि न बैत जबि सुधा बरसे सलिल।”  
भाई श्रीम मेहता की मैं इज्जत करता हूँ, मगर उनकी बुद्धि का कायल नहीं हूँ, उनकी शकल का कायल हूँ, बुद्धि का कायल नहीं हूँ।

श्री श्रीम मेहता : किसी के तो कायल हो ।

श्री राजनारायण : मैं चाहूंगा कि माननीय मंत्री जी उत्तर प्रदेश की जो दयनीय स्थिति है उससे अवगत हो जाएं। श्रीमन्, आज उत्तर प्रदेश में आबादी की क्या स्थिति है। चूँकि माननीय मंत्री जी महाराष्ट्र से आते हैं, वे महाराष्ट्र के मुख्य मंत्री की स्थिति तो जानते ही होंगे कि उनकी स्थिति क्या है, उनके पास कितनी जमीन है,

उनका कितना फार्म है, उनके पास इतनी जमीन कैसे गई। उत्तर प्रदेश में जनसंख्या का घनत्व 300 व्यक्ति प्रति वर्ग किलोमीटर है जब भारत का औसत 82 व्यक्ति प्रति वर्ग किलोमीटर है इससे भी आगे अगर उत्तर प्रदेश के केवल पूर्वी जिलों को लें, बस्ती में, गोरखपुर में, देवरिया में, आजमगढ़ में आबादी का घनत्व 700 व्यक्ति प्रति वर्ग किलोमीटर हो जायगा, मगर सारे सूबे का औसत 300 के करीब है। उनके पास जमीन की स्थिति क्या है, वे क्या खाएंगे, कहा रहेंगे, कैसे उनकी स्थिति सुधरेगी, यह मैं थोड़े में आपको बताना चाहता हूँ। ढाई एकड़ से कम 51.3 प्रतिशत जोते हैं और उनके पास कुल जमीन है, 13 प्रतिशत। ढाई से लेकर साढ़े 7 एकड़ वाली 33.6 प्रतिशत जोतें हैं और उनके पास जमीन है 33.5 परसेंट। बड़ी जोतें कुल 15 फीसदी हैं और उनके पास जमीन है 51.5 प्रतिशत।

इससे स्पष्ट है कि 15 फीसदी किसानों के पास 51 फीसदी जमीन है और 51 फीसदी किसान के पास 13 परसेंट जमीन है। अभी भी ये जो मगरमच्छ हैं, घड़ियाल हैं ये चार-चार हजार, पांच-पांच हजार एकड़ जमीन रखे हुए हैं। क्या इस विधेयक के बन जाने से इस स्थिति में कोई तबदीली आएगी। मैं जानना चाहता हूँ आज श्री शिन्डे साहब से कि अगर संविधान में यह संशोधन हो जाता है तो इस संशोधन के हो जाने मात्र से उत्तर प्रदेश की दयनीय स्थिति वाले और घनाभाव की अवस्था में जीवन व्यतीत करने वाले किसानों की जिन्दगी में क्या उत्थान होगा? यह हमें समझाया जाय। मैं इस विधेयक का विरोध तो नहीं करूँगा, मगर मैं माननीय मंत्री जी को सुझाव जरूर दूँगा। माननीय मंत्री जी अपने भाषण में कह गए "नेशनल पोलिसी"। मैं जानना चाहूँगा कि जमीन के बारे में सरकार की क्या राष्ट्रीय नीति है। आज तक यह कोई बता नहीं पाया है, न जान पाया है। अपने भाषण में जब इन्होंने कहा कि राष्ट्रीय पोलिसी हमने तय कर ली तब हमारे लिए जरूरी हो गया कि इस

प्रकार से से संविधान में संशोधन लाया जाय राष्ट्रीय पोलिसी क्या है? यह सरकार पूंजीपति की गोद में मो रही है, यह सरकार धन-कुबेरों की चेरी है। जब सरकार धन-पशुओं की चेरी बनेगी, पूंजीपतियों के पालने में सोएगी। और धन-पशुओं का चारा बनेगी तो छोटे-छोटे किसानों का उत्थान नहीं कर सकती। आप जब तक बे जमीन वाले को जमीन नहीं दे सकते, बे-घर वाले को घर नहीं दे सकते—महोदय, उस समय आप हमारी पार्टी के जनरल सेक्रेटरी थे—हम लोग, आप जानते हैं, नारे लगाते थे 20 बीघा जमीन और एक गाय। बीस बीघा, एक गाय, हर आदमी को जोत की जमीन दी जाय, यह नारा कितने दिनों तक हम लोगो ने लगाया। मैं जानना चाहता हूँ कि क्या सरकार की कोई ऐसी पोलिसी है कि जो खेती करता हो उन सबके लिए ऐसी व्यवस्था की जाए कि बीस बीघा और एक गाय उन सब को मिल जाय। ऐसी उसके पास कोई व्यवस्था नहीं है। तो फिर सरकार की राष्ट्रीय पोलिसी क्या है?

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS) : I am calling the next speaker.

श्री राजनारायण : मैं फौरन ही खत्म कर रहा हूँ। तो मैं इतना ही चाहता हूँ कि सरकार इस बात को अच्छी तरह से सोचे, समझे और विचारे और जो यह प्राविजो है, जो ये एक्सेप्लान्स हैं, जो ये अपवाद हैं जिनके तहत आज तमाम सरप्लस जमीन को पहले के मानिकों ने अपने लोगों में बांट रखा है, छिपा रखा है, और ऐसा कर के जिन्होंने जनता के साथ धोखा किया है, जनता के साथ गद्दारी की है, चाहे वह राजा रामगढ़ हों या राजा दिनेश सिंह कालाकांकर के हों और चाहे वह मुरजीत सिंह मजीठिया हों और चाहे वह टामस डिक हैनरी हों, हम को उस से मतलब नहीं, लेकिन मैं चाहता हूँ कि अगर सरकार ईमानदार है तो पहले कांग्रेस पार्टी के अंदर जो बड़े-बड़े भूमिपति हैं उनकी भूमि को लेकर वहां के भूमि-

[श्री राजनारायण]

हीनों में, हरिजनों में, गरीबों में बांटे जिससे कि देश का निर्माण हो। चूँकि हम को जल्दी जाना है इस लिए आप से छुट्टी लेकर जा रहा हूँ।

श्री बनारसी दास : श्रीमान्, मैं मौजूद नहीं था, लेकिन आपने यह आरोप लगाया कि जब मैं कोआपरेटिव मिनिस्टर था तो मिर्जापुर में श्री लोकपति त्रिपाठी जो श्री कमलापति त्रिपाठी के पुत्र हैं वह एक बड़ी फार्म के मैनेजिंग डाइरेक्टर थे और मैंने उस कोआपरेटिव फार्म की जांच को दबा दिया। यह बात गलत है। मैंने तो उसकी जांच का आर्डर दिया, लेकिन पहली अप्रैल, 1967 को जब श्री राजनारायण जी की एस०बी०डी० सरकार श्री चरण सिंह जी के नेतृत्व में आ गयी और उनके सहयोगी श्री गंगाभगत सिंह जो कोआपरेटिव मिनिस्टर थे, तब आप ने उसको दबाया। मैंने तो उस की जांच का आर्डर दिया था।

श्री राज नारायण : मैं बनारसी दास जी का बड़ा आभारी हूँ कि उन्होंने अपना स्पष्टीकरण कर दिया। मैं चाहूँगा कि आप उनके स्पष्टीकरण को सब लोगों को विदित करा दें, मगर यह बात सही है कि...

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS) : That will come in the proceedings.

श्री राजनारायण : बनारसी दास जी जो कहते हैं कि उन्होंने जांच का आर्डर दिया तो हमने किसानों को लेकर जबरदस्ती उस पर कब्जा कर लिया और हम ने किसानों से उस जमीन को जुतवा दिया, बुवा दिया। मगर वहाँ के जो जिले के अफसर थे वह वहाँ आये और डाइरेक्टर जो थे कोआपरेटिव के, उन्होंने हम को बताया कि मिनिस्टर साहब इसको नहीं मान रहे हैं। वह तो हमारी मदद करना चाहते थे। उन्होंने कहा कि मिनिस्टर साहब नहीं चाहते हैं कि यह फार्म तोड़ा जाय। (Interruptions) जिस परपत्र के लिए जमीन ली गयी है वह पूरा नहीं हो रहा है तो

उस कोआपरेटिव को तोड़ दिया जाना चाहिए था। बनारसी दास जी चाहते होते तो एक मिनट में वह फार्म टूट गया होता। बनारसी दास जी चाहेंगे तो मैं वह फाइल सदन में पेश कर दूँगा।

SHRI D. P. SINGH (Bihar) : Mr. Vice-Chairman, Sir, I rise to welcome this Bill which is a long-awaited measure, long long overdue. When the Constitution came in 1950 it was the intention of the Constitution-makers that the land reform legislations in the various States shall be kept out of the purview of Chapter III of the Constitution. That was the intention and that was how the Constitution-makers understood it that once it enjoyed immunity from article 31 then no other article shall be able to hit the provisions and it is to that effect that article 31(4) and article 31(6) were directly made a part of the Constitution and in terms it was said that if a legislation has been pending at the time of the commencement of the Constitution then nothing in Part III shall be deemed to abrogate the rights vested therein. Sir, in spite of it when the matter came up for examination before the courts it was found that the immunity given by article 31 was of no avail and the courts came in to strike down the various legislations on the ground of article 14.

This was the legal ingenuity that was evolved. The worst sinners, of course, have been the ingenious people from my own State and the State of U.P. There it was said. All right. Even if it is not hit under article 31 on the ground of compensation, because you are giving a graded compensation the right of equality before the courts in getting compensation is affected. Those Acts were struck down with the aid of article 14. It was to reiterate the intention of the Constitution-makers that the first amendment of the Constitution was made and for the first time articles 31A and 31B were introduced. It is that very thing that we are doing today by including the various measures under the Schedules of articles 31A and 31B. We found that even though the first

amendment was made, when the matter went before courts, again difficulties arose. This time it was not only on the ground of article 14, but in the bank's case the aid of article 19 was also invoked. The famous judgment in the Kochunni case came and it said that it is not enough that it has the immunity of the Constitution under one part. It has to be tested on the ground of various provisions of the Constitution. Therefore, with the aid of that judgment article 14 was again applied. Not only that, Article 19 was also invoked. Now, Sir, with the aid of those judgments a variety of problems arose in the southern States particularly. In the courts it was found possible to strike down a legislation on the ground of the interpretation that the particular legislation in question is not an agrarian reform. Not only this. For instance, the plantation law in Kerala was struck down on the ground that this was not an agrarian reform. The Forest Act case in Kerala, now happily settled by the Supreme Court, had the same vicissitude. It was struck down as not being a land reform. The logic of the argument was later on extended to the definition of 'family'. That has been a burning problem in the courts. It is all right for Mr. Rajnarain or any hon. Members to accuse this party of delay in the implementation of the various laws, but a party which is sensitive to the rights of the people, a party which believes in the democratic framework, which likes to respect the rights of the people cannot ride rough shod over them. The problems that are arising are matters of significance. Now, in the matter of definition of the family, for instance, it is very pertinent to ask in the case of people governed by the Mitakshara law, what about a minor child? When you define a family, what do you mean by it? Is the right of a minor going to be excluded? Now, the Mitakshara law goes so far as to give the right to a child in the womb. Now, a child which is not a major is capable of partitioning the family property and getting his own share. Does he constitute a family by himself and, by legislation, can his rights be entirely taken away? Now, what are the

rights of the widows? Suppose a person has left two widows, what kind of family do they constitute? Are they independent families? Are they independent members? Problems of this type arose. For instance, suppose a man has two wives. Now, suppose there is a man, his wife and three children. But what about the second wife? These are some of the problems, thorny problems, which have been engaging the attention of the courts, and ingenious minds have been trying to evolve ways and means so that the rights of the people are not put in jeopardy and so on and so forth. And that accounts for the delay all these years. It is only now—if the hon. Members and this House are pleased to pass this legislation by putting it in article 31A and in the Schedule to article 31B—that a genuine attempt can henceforth be made. It is easy to forget the whole history of the past. I know, hon. Members here in the House or outside have been voicing their opinions about the problems of food production. Many a time views have been aired in this House itself and also outside that production is likely to go down if these laws are implemented, and powerful opinion at that. Now that this legislation is coming up, it is possible—and it is expected—that the various controversies will be set at rest, and whatever little problems do arise, they will be taken care of in the process of implementation. I am not sure that this legislation is the last word. Problems will creep up, problems will come up touching the fundamental rights of the individuals, born or in the womb. It depends upon what view the court takes. I agree with the hon. Member that this is not the final thing, that problems are likely to arise because the human mind is a thinking mind. And if problems do come probably the hon. Minister will have to come and seek the sanction of this House once more. But at the moment, whatever problems are arising broadly—the difficulties in the way of lowering the land ceilings and the difficulties in the way of making more lands available so that an adequate distribution can be made—this legislation goes a long way in solving them.

[Shri D. P. Singh]

And there are numerous examples. Mr. Rajnarain has said about them. But he has only aired his views in this House about the specific and particular persons who have evaded the land reform law. He knows very well the addresses of those people, he knows exactly the people who have tried to evade the laws, who have tried to contravene the law. But in the various laws of UP, there are agencies specified. There are agencies in a particular district and in a particular sub-division which are assigned and earmarked to look into the problems. And if Mr. Rajnarain were so good as to bring them to the attention of the particular authorities concerned, I have every reason to expect that these things will be taken care of and the little anomalies and the difficulties that obtain at the moment will be solved.

As it is, this legislation goes a long way in trying to solve the various problems that are obtaining today and also the constitutional difficulty. It is up to the implementing machinery; and with the cooperation of the hon. Members it should be possible to make a dent and go forward towards land reforms and bring about the cherished goal, which all of us want and desire.

Thank you.

श्री भरो सिंह शेखावत (मध्य प्रदेश) : उप सभाध्यक्ष महोदय, इस संशोधन विधेयक के संबंध में मैं सबसे पहले यह निवेदन करना चाहूंगा कि सरकार ने इस विधेयक के द्वारा इस बात को स्वीकार कर लिया है कि अब तक जितने भी लैण्ड लैजिस्लेशन विभिन्न राज्य सरकारों द्वारा पारित किये गये हैं, उनमें इस प्रकार की खामियां हैं जिनको न्यायालय में चुनौती दी जा सकती है। सबसे ज्यादा दुःख इस बात का है कि इस प्रकार के जो संशोधन किये गये थे वे चीफ मिनिस्टर्स काफ़ेस में जो गाइड लाइन्स निश्चित की गई थीं उन गाइड लाइन्स के आधार पर किये गये थे। इन कानूनों में किसी प्रकार का संशोधन करने के लिए भारत सरकार का विधि विभाग

और राज्य सरकारों के विधि विभाग, इन दोनों ने मिल कर राय दी है और इस प्रकार से संशोधन करने के उपरान्त भी यदि भारत सरकार यह महसूस कर के चलती है कि इस में फिर भी खामियां रह गई हैं तो इस विधि व्यवस्था की निश्चित रूप से मैं निन्दा किये बिना नहीं रह सकता हूं। यह किन्ते आश्चर्य की बात है कि स्वतंत्रता के इतने वर्ष बाद भी आज तक हम हर प्रकार से सन्नत विधि व्यवस्था नहीं बना पाये हैं, जिसमें कि कोई कानूनी त्रुटियां न हों।

उपसभाध्यक्ष महोदय, इस कानून के इम्प्लीमेंटेशन का जहां तक सवाल है, मंत्री महोदय स्वयं स्वीकार करेंगे कि इस कानून का ईमानदारी से इम्प्लीमेंटेशन नहीं हुआ है। पंचवर्षीय योजना का जो ड्राफ्ट हम लोगों के सामने आया है उसमें भी लिख कर सरकार ने स्वीकार किया है। मैं उसको कोट करता हूँ—

“A broad assessment of the programme of land reforms adopted since independence is that the laws for the abolition of intermediary tenancies have been implemented fairly efficiently whilst in the field of tenancy reforms and ceiling on holding legislation has fallen short of the desired objectives and the implementation of enacted laws has been inadequate.”

यह सरकार स्वयं स्वीकार करती है। इसके अलावा प्लानिंग कमीशन के टास्कम फोर्स ने जो प्रतिवेदन दिया है, उस प्रतिवेदन में यहां तक लिखा है कि इस देश में पोलिटिकल बिल की कमी है जिसके कारण इस कानून का ईमानदारी से इम्प्लीमेंटेशन नहीं किया जा सका। अब आप जानते हैं कि कानून का ईमानदारी से इम्प्लीमेंटेशन करने का काम जनता के हाथ में नहीं है। यह सरकार के हाथ में है। अगर सरकार ईमानदारी से पालन करती तो देश में उत्पादन बढ़ता, लैण्ड लैस टेनैंट्स की संख्या घटती, ग्राम इकोनॉमिक जमीन की हालत सुधरती, रूरल



पापुलेशन की पर कैपिटा इनकम बढ़ती और साथ ही देश में जो गरीबी का विस्तार हो रहा है, वह विस्तार भी रुकता। लेकिन दुर्भाग्य से इस कानून के लागू करने के पश्चात् जैसा मैंने कहा, यह डिजायर्ड आब्रजेक्टिव पूरा नहीं हुआ। बल्कि स्थिति यह है कि लैण्डलैस टैनेन्ट्स की संख्या बढ़ी, पर कैपिटा इनकम रूरल पापुलेशन की घटी, मिनिमम लेवल आफ कंजम्प्शन जो है रूरल पापुलेशन का, उसकी संख्या भी बढ़ी और यह संख्या बढ़ने के साथ-साथ इस कानून ने सबसे बड़ा कन्स्यूजन एग्रीकल्चर क्लास के लिए पैदा कर दिया और वह यह पैदा कर दिया कि भविष्य में फिर कोई संशोधन आएंगे और उन संशोधनों के कारण न मालूम कितनी जमीन रहेगी और कितनी जमीन नहीं रहेगी। इसके अलावा यह भी कन्स्यूजन था कि उस कानून में किस प्रकार की इम्प्रूवमेंट या डेवलपमेंट करनी चाहिए या नहीं करनी चाहिए। आप जानते हैं कि सन् 1952 से लेकर 1960 तक विभिन्न राज्य सरकारों ने कानून बनाये और सन् 1972 तक इस प्रकार के कानून बनते रहे। इन कानूनों में एग्जम्पशन की भी व्यवस्था रखी गई। इनमें प्लान्टेशन की एग्जम्पशन थी। इसके अलावा एफिशिएन्ट मैनेज्ड फार्म, कैटल ब्रिडिंग एण्ड सैंड फार्म, फार्म विद चैरिटेबुल एण्ड एजुकेशनल इंस्टिट्यूशन्स, आरचर्च्स, गौशाला, गुगर केन फार्म आदि प्रकार के कई फार्मों को, एग्जम्पशन दी गई। सन् 1972 के बाद इन सारी एग्जम्पशन को विदड़ा कर लिया गया। परन्तु अब प्रश्न सामने आया कि एग्जम्पशन होनी चाहिए या नहीं होनी चाहिए। यह बड़ा पैचीदा सवाल है। सन् 1952 से लेकर 1960 तक जितने कानून बने हैं, किसी भी विधान सभा की प्रोसीडिंग निकाल कर देख लीजिए, उनमें सरकारी पक्ष की ओर से यह कहा गया कि सीलिंग इज वन फोर आल। अब जो कोई भी डेवलपमेंट करेगा, उस डेवलपमेंट की बेसिस के ऊपर यदि भूमि की उपजाऊ शक्ति बढ़ती है, भूमि से आय बढ़ती है, तो दोबारा किसी प्रकार की सीलिंग नहीं आए। अब जब दोबारा सीलिंग आई है

तो एग्जम्पशन सारे विदड़ा कर लिए, कम्पेंसेशन के प्राविजन को काफ़ी करटेल कर दिया, किसी राज्य सरकार ने 50 प्रतिशत मार्केट वैल्यू से कम्पेंसेशन देने का प्रावधान रखा, किसी ने 10 परसेंट का किया, किसी ने 500 रु० तक की सीमा निर्धारित कर दी। किसी ने 1,000 रु० तक की सीमा रख दी, कम्पेंसेशन दिया जाए या नहीं दिया जाए, यह अलग प्रश्न है। लेकिन सबसे मोटा प्रश्न यह है कि हमारे कृषि-कार के दिमाग में फर्दर डेवलपमेंट और इम्प्रूवमेंट के लिए कान्फिडेंस क्रिएट करना चाहते हैं या नहीं करना चाहते हैं? और कान्फिडेंस क्रिएट नहीं कर रहे हैं इसका परिणाम क्या निकल रहा है कि आज जहा माइनर इरिगेशन है और खास कर वैल्स और ट्यूब वैल्स से इरिगेशन होना है, 1965 से पहले लोगों में एक प्रवृत्ति थी कुआँ खोदने की, ट्यूबवैल्स लगाने की, वह प्रवृत्ति धीरे-धीरे कम हुई है। आज या तो बैकम के ऊपर डिपेंड करके चलने लगे हैं या सरकार के ऊपर सरकार के इरिगेशन सिस्टम का इंतजार करने के अंदर बैठे रहते हैं। अपना पैसा लगा कर एग्रिकल्चर का डेवलपमेंट करें इस प्रकार की स्थिति में नहीं हैं। उसका परिणाम निकल रहा है कि माइनर इरिगेशन का डेवलपमेंट नहीं हो रहा है। जब तक माइनर इरिगेशन का डेवलपमेंट नहीं होगा, तब तक आप कितना ही मान कर चलिए कि सरकारी सोर्सिंग से आप हिन्दुस्तान की सारी धरती को पानी पहुंचा सकेंगे, यह संभव नहीं है। हमारे पास जितना भी जल स्रोत है और हिन्दुस्तान में जितनी खेती होती है उस सारी खेती को मिचाई देने की सुविधा नहीं है, उसके आधे प्रतिशत तक में है। उस आधे में हम कोई नहरों से और बाधों से मिचाई कर सकें, यह संभव नहीं है। लेकिन अंडरग्राउंड वाटर को ऊपर लाने की कोशिश हमको करनी चाहिए और वह सरकार नहीं करती। सरकार को इन्सेंटिव देना पड़ेगा, किसानों को इकानामिकली हैल्प करनी पड़ेगी। लेकिन सरकार ने इस प्रकार की कोई व्यवस्था नहीं की।

[श्री श्री सिंह शंखावत]

अब दूसरा प्रश्न आता है—इस सारे कानून को मरकार चाहती है मोहर लगाई जाए। लेकिन मैंने कल अलग-अलग राज्य सरकारों के कानून देखे। सबसे बड़ी विचित्र बात उड़ीसा लैण्ड रिफार्म्स ऐक्ट 1960 में देखी। उसमें इरिगेटेड लैण्ड की डेफिनिशन क्या थी, उसको मैं सदन के सामने उदाहरण के रूप में रखना चाहता हूँ :

“Irrigated land” means either perennially irrigated land or seasonally irrigated land, but shall not include water-logged or sand-cast land.”

अब, दूसरा 1973 में जो कानून बना, उस कानून में इरिगेटेड लैण्ड की डेफिनिशन बदली :—

“Irrigated land” means land which is assured of irrigation from an irrigation project constructed or maintained or improved or controlled by the Central Government or the State Government or by a body corporate established under any law for the time being in force, and includes land which is assured of irrigation from any private source by means of tubewells or lift irrigation from any perennial water source operated by diesel or electric power but does not include . . . etc.”

इसका मतलब यह हुआ कि आज उड़ीसा में—और यह उड़ीसा ही में स्थिति नहीं है, कई राज्यों में है—वह किसान जिसकी सीलिंग की सीमा से नीचे भूमि है अगर उस नीचे की भूमि में वह कुआँ खोदता है, कुएँ से बैल्यू बढ़ती है, तो सीलिंग लाँ उस पर लागू हो जाएगी और इसका मतलब यह होगा कि किसान या तो कुआँ नहीं खोदे और कुआँ खोदेगा तो 30 एकड़ जमीन उसके पास है तो 20 एकड़ सरकार को सीलिंग लाँ के अंतर्गत देनी पड़ेगी। इस प्रकार की विचित्र स्थिति यदि सारे हिन्दुस्तान में उत्पन्न करने हैं, तो मैं समझता हूँ बड़े दुर्भाग्य की बात है।

SHRI BRAHMANANDA PANDA (Orissa) : You said that if an agriculturist digs a well inside his land, even that will be considered a perennial source of irrigation. I agree with you. But for digging that well also, he can take money from the land mortgage banks and repay in 20 instalments. By that he will be not only improving his lot, but he will be helping irrigation facilities also. What is wrong in that ?

श्री श्री सिंह शंखावत मैं आप से निवेदन करना चाहता हूँ कि एक काश्तकार जो भूमि जोतता है, उसकी जॉत आपने 30 एकड़ निश्चित कर दी है। अगर 30 एकड़ बेतामी जमीन पर उसने कुआँ खोद लिया तो वह भूमि सिंचित हो गई और आपका उड़ीसा का कानून सिंचित भूमि पर लगेगा और इस तरह में 30 एकड़ से उसकी भूमि रिड्यूस कर दी जायेगी।

इसका मतलब यह हुआ कि अगर उसने कुआँ खोद लिया तो उसे जमीन छोड़नी पड़ेगी। इसलिए मैं कहना चाहता हूँ कि कानून में लिखा हुआ है और आपके हत्वा करने से कुछ नहीं होगा और इसलिए मैं निवेदन करना चाहता हूँ कि सरकार ने जिस प्रकार की व्यवस्था की है, वह बहुत घातक है। इसलिए कानून के साथ मुहर लगाना मैं समझता हूँ किसी प्रकार से भी समझदारी का काम नहीं होगा।

दूसरा प्रश्न जो उठाना चाहता हूँ वह यह है कि सरकार ने जो सरपलस लैंड ली है, वह फ्री ग्रॉफ ग्राल इक्मबैरेंस होगी, लेकिन इस सारे कानून में इस प्रकार की व्यवस्था है कि 1962 तक जिन लोगों ने भूमि के नाम पर कर्जा ले लिया है, चाहे वह कर्जा किसी प्राइवेट आदमी से न लिया हो, वह कर्जा किसी बैंक से ले लिया हो या फिर सरकार से ले लिया हो, तो उसे पूरे जमीन के टुकड़ों को सरकार के बैंक या मनी लैंडिंग करने वाले बिजनेसमैन के पास मोरटेज करना होगा। लेकिन अब सरकार ने यह व्यवस्था कर दी है कि जो कुछ जमीन वचेगी वह फ्री ग्रॉफ ग्राल कम्बैरेंस होगी यानी जो भी सारा बर्डन होगा वह उस बची हुई जमीन पर पड़ेगा। अब आप अन्दाजा लगा लें कि उस बची हुई जमीन से उनके ऊपर कितना

बडेंन पड़ेगा और वह काश्तकार उस भूमि का कर्जा नहीं चुका पायेगा। इसका नतीजा यह होगा कि काश्तकार की इकोनोमिक हालत निश्चित रूप से खराब होगी। अगर सरकार निश्चित रूप से उसकी आर्थिक स्थिति को खराब करने का निर्णय ले लेती है, तो मैं इस संबंध में कुछ नहीं कहना चाहता हूँ; क्योंकि आज हम इस चीज का नतीजा देख रहे हैं। आज हमारे देश में इसकी वजह से उत्पादन गिरता जा रहा है और सरकार अनाज इम्पोर्ट कर रही है। आज सरकार की वितरण व्यवस्था में भी गड़बड़ी है और इसी चीज से मैं समझता हूँ कि सरकार को इस बारे में नसीहत लेनी चाहिये। यदि सरकार नसीहत नहीं लेती है, तो निश्चित रूप से आगे चल कर कई प्रकार की खराबियाँ पैदा हो जायेंगी।

उपसभापति जी, मैं यह निवेदन करना चाहता हूँ कि कई माननीय सदस्यों ने जो अपने को प्रगतिशील कहते हैं, जो अभी यहाँ से चले गये हैं उनमें श्री हर्षदेव मालवीय भी हैं, जिन्होंने जनसंघ का नाम लिया और वे भी इस समय चले गये हैं। इस समय वे लोग नहीं हैं, लेकिन मैं पूरी कांग्रेस पार्टी को चुनौती देता हूँ कि जनसंघ के जितने भी सदस्य यहाँ पर बैठे हैं उनमें कोई भी सदस्य यदि चाहे तो अपनी जमीन की मिल्कियत ट्रान्सफर कर सकता है। इस चीज से पता लग जायेगा कि कुलक्स कहाँ पर बैठे हैं, रिफार्मर्स कहाँ पर बैठे हैं, ब्लैकमनी वाले कहाँ पर बैठे हैं और दूसरे रिसोर्सिंग वाले कहाँ बैठे हैं, पुंजीपति वाले कहाँ बैठे हैं, यह सब पता चल जायेगा। अगर कांग्रेस पार्टी के किसी मेम्बर में हिम्मत हो तो वह इस चुनौती को स्वीकार करे और मेरी सम्पत्ति में मुकाबला कर ले और आडवाणी साहब के नाम पर जो सम्पत्ति है, वह अपनी सम्पत्ति का तबादला करने के लिए तैयार है।

डा० बी० बी० सिंह (उत्तर प्रदेश) : मैं तैयार हूँ।

एक माननीय सदस्य महारानी ग्वालियर की सम्पत्ति से तबादला करने के लिए तैयार हों।

(Interruptions)

श्री भैरों सिंह शेखावत : आप इन्दिरा गान्धी और महारानी ग्वालियर की सम्पत्ति का मुकाबला कर लें।

(Interruptions)

SHRI OM MEHTA : Sir, from our party three Members have already accepted the challenge.

श्री भैरों सिंह शेखावत : उपसभापति जी, अगर ग्वालियर के महारानी या राजा का मुकाबला करना है तो काश्मीर के महाराजा और इन्दिरा गान्धी जो हिन्दुस्तान की महारानी हैं, इन दोनों की सम्पत्ति का एकत्रित कर लिया जाय तो सारी स्थिति का अपने आप फैसला हो जायेगा।

श्री कल्पनाथ (उत्तर प्रदेश) : आपकी तो राजा महाराजा की पार्टी है और यह दुनिया जानती है।

(Interruptions)

श्री भैरों सिंह शेखावत : यह बराबर कहा जाता है कि यह राजा महाराजाओं की पार्टी है। अभी श्री राजनारायण जी ने जिस बात का उल्लेख किया है, वह उन्होंने भूमि व्यवस्था की जाच समिति की रिपोर्ट से किया है, जिसको कांग्रेस पार्टी ने नियुक्त किया था। यह तो उनकी ही बनाई हुई समिति की रिपोर्ट है और उसी में से मैं उद्धरण देना चाहता हूँ, क्योंकि बाकी लोगों ने तो समाचारपत्रों से दिये हैं। मैं आपको अमली लोगों के नाम बतला देना चाहता हूँ जो कांग्रेस के अंदर रहे हैं। इनके नाम मैं आपको पता चल जायेगा कि जिन लोगों को आप राजा महाराजा कहते हैं, वे कहाँ बैठे हैं, ये जनता का जोषण करने वाले कहाँ बैठे हैं, जिनके नाम से आज आप इन्कार कर रहे हैं। यह रिपोर्ट मेरी नहीं है। (Interruptions) मजीठिया जी गोरखपुर के हैं और पी० सी० सी० के मेम्बर हैं।

श्री कल्पनाथ : श्री मजीठिया जनसंघ के हैं। उन्होंने राष्ट्रीय स्वयं सेवक की रैली की अध्यक्षता की है।

(Interruptions)

श्री भैरों सिंह शेखावत : यह सही है कि अगर कोई कांग्रेस वाला पाप करने के बाद शुद्धिकरण के लिए आता है, तो हम उसका स्वागत करते हैं। यह बात सही है और इसमें मैं कोई आपत्ति की बात नहीं समझता हूँ। पाँच मिनट भी कोई पाठ-पूजा करे तो उसकी प्रशंसा ही करनी चाहिए। इसमें सब कांग्रेस के ही लोग हैं। बहेड़ी शुगर वर्क्स, बरेली—इसके मालिक डिस्ट्रिक्ट कांग्रेस के प्रेसिडेंट हैं। अरपर गैन्जेज शुगर मिल्स, शिथोहारा, जिला बिजनौर—यह कांग्रेस पार्टी के सेक्रेटरी की है।

श्री नत्थी सिंह (राजस्थान) : पौइन्ट आफ आर्डर । माननीय सदस्य कांग्रेस पार्टी की रिपोर्ट से उद्धरण दे रहे हैं । अभी उन्होंने कहा कि जनसंघ वाले अदला-बदली करने को तैयार हैं । मैं उनसे पूछना चाहता हूँ कि क्या जनसंघ के ...

उपसभाध्यक्ष (श्री बिपिनपाल दास) : यह पौइन्ट आफ आर्डर कैसे है ?

श्री नत्थी सिंह : उनकी पार्टी में जो पूंजीपति हैं, उनकी जांच कराएं । कांग्रेस में हिम्मत है, इसलिए उसने जांच कराई । आपके अन्दर कोई हिम्मत हो तो जो राजा-महाराजे हैं उनकी जांच कराइये । यह तो कांग्रेस पार्टी की बहादुरी का सबूत है ...

श्री भैरों सिंह शेखावत : सभापति महोदय, कांग्रेस के माननीय सदस्यों को चिढ़ इस बात से हो रही है कि उन सबने मिल कर सीनिंग कानून का उल्लंघन किया है । मैं इतना ही कहना चाहता हूँ कि आप दूसरों पर आरोप लगाने के पहले अपने घर को देख लिया करिए । आगे देखिए सर्वश्री मोहनलाल, बृजभूषण लाल, जितेन्द्रलाल, सनेन्द्रलाल इसके बाद है एग्जीक्यूटिव फार्म ...

श्री लाल आडवाणी (दिल्ली) : वे मान रहे हैं कि ठीक है ।

श्री भैरों सिंह शेखावत : इसमें मित्राय कांग्रेस पार्टी के सदस्यों के किसी का नाम नहीं है । यह जनसंघ की रिपोर्ट नहीं है । नत्थी सिंह जी बिलकुल सही कह रहे हैं, यह कांग्रेस पार्टी की रिपोर्ट है । इसमें ही कमलापति त्रिपाठी जी के फार्म का जिक्र है । मैं ज्यादा नहीं कहना चाहता । इसमें लिखा है कि जो सीलिंग से ऊपर की जमीन ली गई वह लैंडलैस लेबर को देने के बजाय उन्हीं बड़े लोगों को वितरित कर दी गई । एक से लेकर दूसरे को दे दी गई ।

श्री लाल आडवाणी : अन्धा बांटे रेवड़ी ...  
(Time bell rings)

श्री भैरों सिंह शेखावत : मैंने ज्यादा समय नहीं लिया ।

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS) : I am doing full justice to

you. You have taken your time. Please finish in another one minute.

श्री भैरों सिंह शेखावत : सभापति महोदय, दूसरे जो अपने आपको प्रगतिशील कहते हैं, वे कम्युनिस्ट पार्टी वाले कहते हैं कि जमीन का पूरा बंटवारा कर दो, हालांकि हिन्दुस्तान में जमीन की होल्डिंग बाकी देशों के मुकाबले बहुत कम है । इंडोनेशिया और कुछ और मुल्कों को छोड़ कर हिन्दुस्तान में सबसे कम होल्डिंग है और हिन्दुस्तान में सबसे ज्यादा लोग कृषि में लगे हुए हैं । आज जितने प्रगतिशील देश हैं, जिनमें उत्पादन बहुत होता है उनमें बहुत कम परसन्टेज खेती में लगी हुई है, लेकिन हिन्दुस्तान में खेती में काम करने वालों की परसन्टेज लगातार बढ़ती जा रही है और उत्पादन घटता जा रहा है । मैं उन प्रगतिशील तत्वों से निवेदन करना चाहता हूँ कि वे जमीन का बंटवारा करना चाहते हैं, वे चाहते हैं कि कम्पेनसेशन न दिया जाये, केरल में उनकी सरकार थी, '63 में कानून बना था, '63 के कानून में कम्युनिस्ट सरकार ने '69 में संशोधन किया और संशोधन इसलिए किया कि अपने लोगों को प्रोटेक्शन कैसे दिया जाय । वह इस धारा से आप समझ लेंगे । इसमें लिखा है—

Certain voluntary transfers to be null and void. Notwithstanding anything contained in law for the time being in force, all voluntary transfers effected after the date of publication of the Kerala Land Reforms Bill in the Gazette, otherwise . . . by way of partition.

मैं मानता हूँ कि बाड वे आफ पार्टीशन होता है, ऐसे ट्रांसफर को वैलिड माना जाय, लेकिन on account of natural love and affection मैं समझता हूँ कि हिन्दुस्तान के किसी भी कानून में ऐसी व्यवस्था नहीं होगी । मैं यह भी कहता हूँ कि "लव गंड एफेक्शन" की बात आम जनता के हित में नहीं की गई है । मैं जिक्र नहीं करना चाहता हूँ, लेकिन पार्टी में जो इस प्रकार की मिचुएशन थी उसको प्रोटेक्ट करने के लिए कानून में इस प्रकार का संशोधन किया गया । इस कानून में उन्होंने कम्पेनसेशन का प्रोविजन रखा है, इस कानून में उन्होंने एम्पेक्शन का

प्रोवीजन रखा है। पति पत्नी में जमीन का बंटवारा करने का कानून को किस प्रकार से डिफाई किया जाय इसके लिए "लव एंड एफ़ेक्शन" का प्रोवीजन रखा है। 3 p.m. तो मैं उनसे निवेदन करना चाहता हूँ कि...

**श्री लाल अडवाणी :** मिनिस्टर्स कौन थे ?

**श्री भैरों सिंह शेखावत :** गोरी थामस थे। तो मैं निवेदन करना चाहता हूँ कि इस कानून में जिस प्रकार की व्यवस्था की जा रही है उसे ले कर आज हिन्दुस्तान के किसानों में आप को विश्वास पैदा करना पड़ेगा। पहला विश्वास इस बात का पैदा करना पड़ेगा कि भविष्य में कोई सीलिंग नहीं होगी। मैं मंत्री महोदय से निवेदन करना चाहता हूँ कि हमारे आप दस से लेकर 18 एकड़ तक की व्यवस्था कर दें कि इस में उस को इप्रोवमेंट करने की गुंजाइश रहेगी। उस को इप्रोवमेंट के लिए आप प्रोत्साहन दें और कह दें कि अगले दस बारह वर्षों में कोई लैंड सीलिंग में चेज नहीं होगा।

मैं एक प्रश्न और रखना चाहता हूँ कि आज सब लोग कहते हैं कि लैंडलेस लेबर को जमीन दी जाय। माननीय नत्थी सिंह जी जानते हैं कि राजस्थान में और सारे हिन्दुस्तान के दूसरे स्टेट्स के कानून मैंने यहां लाबी में बैठ कर देखे हैं, उससे मुझे पता लगा कि वहां किस प्रकार जमीन का इन्क्रोचमेंट किया गया है। यह 1956 से शुरू हुआ और 1958 से कोशिश की गयी कि इन्क्रोचमेंट से जमीन को मुक्त करा लिया जाय और फिर रूल्स बना दिये गये कि जिन्होंने जमीन पर इन्क्रोचमेंट कर लिया है वह अब तक सब रेगुलराइज किया जाता है और भविष्य में कोई इन्क्रोचमेंट नहीं किया जाएगा। यह राजस्थान में ही नहीं, सारे देश में चला है और आज कांग्रेस पार्टी के सदस्य माग करते हैं कि गरीबों में जमीन को बांटना चाहिए तो मैं निवेदन करूंगा कि जिन लोगों ने इन्क्रोचमेंट किया है, जो नान-एग्रीकल्चरिस्ट थे, जो नेता टाइप लोग थे, जिन को दूसरी तरह से आमदनी थी और उन्होंने जमीन इन्क्रोच की हुई है, एक कमीशन नियुक्त किया जाय कि 1952 से आज तक ऐसे कितने लोगों ने जमीन इन्क्रोच की हुई है, जमीन को अपने कब्जे में कर लिया है और उन से उस जमीन को वापस लिया जाय और जो हिन्दुस्तान

के भूमिहीन हैं, जो मजदूर हैं उस भूमि जमीन को बांटा जाय तब तो मैं समझूंगा कि सरकार ने कोई व्यवस्था की है वरना मैं समझूंगा कि यह जो कानून बनाया जा रहा है, जिन लोगों ने जमीन को लूट कर अपने कब्जे में कर लिया है उन को प्रोटेक्शन मिल सके इस के लिए है और जिन के पास जमीन नहीं है वह जमीन से महकम रह जायेंगे और हिन्दुस्तान में हरल पापुलेशन की इंकम बराबर गिरती जायेगी और उन की आर्थिक स्थिति खराब होती जायेगी। इन शब्दों के साथ मैं अपना भाषण समाप्त करता हूँ।

**श्री देवराव पाटिल (महाराष्ट्र) :** उपसभाध्यक्ष महोदय, इस विधेयक का उद्देश्य विभिन्न राज्यों के भूमि सुधार कानूनों को संविधान की नवी सूची में शामिल करना है जिस से कि भूमि सुधार कानूनों को अदालत में चुनौती न दी जा सके। इस वक्त जो कानून बने हैं और जो नवी सूची में दाखिल हो रहे हैं उनके बारे में चर्चा हो रही है। हो सकता है कि यहां जो चर्चा होगी उसके अनुसार राज्य सरकारें अपने कानूनों में संशोधन करें। लेकिन एक दिक्कत है। यह सारे कानून आप संविधान की नवी सूची में शामिल कर रहे हैं। उस के किसी क्लॉज में अगर राज्य सरकार को संशोधन करना हो तो फिर आप को कांस्टीट्यूशन अमेंडमेंट बिल को यहां लाना पड़ेगा। मेरे कहने का मतलब यह है कि जो कुछ कानून बने हैं स्टेट्स में उन का इम्प्लीमेंटेशन कैसे हो ? यह महत्व की बात है। बात यही नहीं है कि यह कानून कैसे है, बल्कि आज यह बात महत्व की है कि उन कानूनों का इम्प्लीमेंटेशन कैसे हो, और उन में जो खामियां हुई हैं उन को कैसे ठीक किया जाये। इस तरह की चर्चा हो जाती तो अधिक उपयुक्त होता।

उपसभापति जी, हमारा देश एक कृषि प्रधान देश है और हमारे अधिकांश लोग खेती बाड़ी का धंधा करते हैं। भारत का आर्थिक आधार कृषि है इसलिए भारत के आर्थिक विकास में भूमि सुधार योजनाओं का बड़ा महत्व है। मैं मानता हूँ कि पहली, दूसरी और तीसरी योजना के दौरान जो भूमि सुधार कानून बने हैं उन में कई त्रुटियां भी हैं। इतना ही नहीं, जिस उद्देश्य से हम ने बड़े कानून बनाये थे कि जो खेतों पर

[श्री देवराव पाटिल]

काम करते हैं, जो खेतिहर मजदूर हैं जो छोटे किसान हैं उन को जीविका का एक साधन मिले, उन को भूमि मिले, उस में हम सफल नहीं हुए। भूमि सीमा कानूनों में कई त्रुटियाँ थी। सीलिंग के कानून थे उनमें परिवार की परिभाषा में त्रुटियाँ थीं। आप लोगों को पता होगा कि परिवार में जितने सदस्य रहते थे हर एक सदस्य सीलिंग इतनी जमीन रख सकता था। एक परिवार के पास जो भूमि थी उसको सीलिंग का कानून लागू नहीं होता था। भूमि की विभिन्न श्रेणियाँ हैं, जैसे इरिगेटेड लैंड, नान इरिगेटेड लैंड, वर्ष में एक फसल दो फसल देने योग्य भूमि, लेकिन उसमें कोई फर्क नहीं किया जाता था। कानून से दो हुई छूट हर भूमि की श्रेणियों को मिलती थी। छूट की कोई सीमा नहीं थी। और इन पुराने कानूनों में सीमा, भूमि की श्रेणियाँ कानून से छूट के बारे में कोई राष्ट्रीय नीति नहीं थी।

उप-सभाध्यक्ष जी, यह पहला समय है कि इंदिरा सरकार ने भूमि की अधिकतम सीमा कानून से संबंधित सभी समस्याओं पर प्रभावी विचार और आचरण किया। सब समस्याओं के लिए राष्ट्रीय नीति बनाई। केन्द्रीय भूमि सुधार समिति की सिफारिशों के अनुसार भूमि सीमा बंदी से संबंधित राज्य के कानूनों में अधिकतर एक समता लाई है। समता लाने की कोशिश की गई है। कानूनों में एक रूपता लाने के लिए मुख्य रूप से परिवार एक इकाई माना गया है। भूमि की अधिकतम सीमा के जो पहले कानून थे उसके अनुसार यूनिट आफ सीलिंग व्यक्ति था, नये कानून में व्यक्ति की जगह फैमिली का शब्द लाया गया है। परिवार के पास जो जमीन थी उस पर पहले सीमा कानून लागू नहीं होते थे। अब जो कानून बने हैं उसमें समस्त परिवार पर भूमि सीमा कानून लागू हुए हैं। 5 सदस्यों के लिए एक परिवार माना गया है परिवार की परिभाषा के अंतरगत पति, पत्नी और तीन नाबालिग बच्चे आते हैं।

महत्वपूर्ण बात यह है कि परिवार की परिभाषा सोच-समझकर की गई है। पति-पत्नी की आय को मिलाकर आय-कर लागू करने का सिद्धान्त इससे जुड़ा हुआ है इसके अतिरिक्त एक महत्वपूर्ण पहलू यह है

कि 'इक्वेलिटी अमंग आल सेक्शंस आफ सोसायटी'। व्यक्तिगत कानून के आधार पर सीमाबन्दी में कोई फर्क नहीं किया गया है। मिताक्षरो, दयाभागो, मुसलमानों, ईसाइयों आदि सब पर समान सीमा कानून लागू है। "लेबिल आफ सीलिंग" यह दूसरी महत्व की बात है। कोई भी स्टेट हो, चाहे उसमें इरिगेटेड लैंड हो या अन-इरिगेटेड उन सब के लिए कुछ प्रिंसिपल्स रखे हैं। जो इरिगेशन की भूमि है, नान-इरिगेशन की भूमि है सब राज्यों के लिए एक समान सिद्धान्त रखे हैं। वर्ष में दो फसलें देने योग्य तथा निश्चित सिंचाई वाली जोत की सीमा 17 एकड़ और आम जमीन के लिए 54 एकड़ है। छूट के बारे में भी इसमें प्रवधान किया गया है। कई ऐसी छूट थी, जैसा अभी कई लोगों ने कहा, सुप्रबंधित फार्मों, यंत्रिकृत फार्मों, चीनी मिलों द्वारा गन्ने की खेती के लिए रखी गई भूमि, भूतपूर्व राजाओं की भूमि की छूट। इस प्रकार कई छूटें पुराने कानूनों में थी। अब उसको निकाल दिया है। इस तरह से अब जो कानून बने हैं उनमें ज्यादातर एक राष्ट्रीय नीति लाई गई है और हर एक स्टेट का कानून इस सिद्धान्त पर बने, इसकी भरसक कोशिश की गई है।

उप-सभाध्यक्ष जी, यह जो सूची है, इसका देखकर मुझे खेदानंद होता है आनन्द इस बात का है कि कई राज्यों के कानून सूची में लाये गये हैं और अदालतों में चुनौती से उनको रोका गया है। लेकिन दुःख इस बात का है कि कई ऐसे स्टेट्स हैं जैसे महाराष्ट्र, उत्तर प्रदेश, आसाम, तमिलनाडु राज्यों में यह कानून अब तक नहीं बने। इन चार राज्यों के सीलिंग कानून इस सूची में नहीं हैं। उत्तर प्रदेश कितना बड़ा स्टेट है और उत्तर प्रदेश भूमि सुधार कानून के बारे में आप सब लोग कहते हैं, कि ये कानून पास हुए हैं। मुझे समझ में नहीं आया कि चार जो बड़े राज्य हैं उनमें जो भूमि सुधार कानून बने हैं वह सूची में क्यों नहीं समन्वित किये गये ?

क्या भूमि सुधार समिति की सिफारिश के मुताबिक चार राज्यों में कानून नहीं बने हैं। फैमिली की डेफिनेशन याने परिवार की परिभाषा जो हमने दी थी उन्होंने वह मानी नहीं है ? क्या कारण है मुझे मालूम नहीं है। मुझे उत्सुकता इस बात की है कि यह सब कानून

जल्दी से जल्दी नवी सूची में लाये जाएं। यह कानून फिर से सूची में लाना चाहेंगे तो कंस्टीट्यूशन अमेंडमेंट बिल यहां पर फिर से लाना होगा। मैं यह जानना चाहता हू कि संविधान की नवी सूची में यह सीमाबंदी कानून क्यों नहीं शामिल किये? नो सदस्यों की जो समिति बनी थी उसमें कृषि मंत्री श्री सुब्रह्मण्यम् भी सदस्य थे, उनकी यह सिफारिश थी, उन्होंने कहा था, उसकी सिफारिश थी कि सीमाबंदी कानूनों को संविधान की नवी सूची में तुरंत शामिल किये जाएं। सीमाबंदी कानून को सितम्बर, 1970 से लागू करने की भी सिफारिश की थी परन्तु ऐसा नहीं किया गया है। भूमि के घोखा पूरा हस्तांतरण रोकने के लिए विशेष पंच अदालतें स्थापित करने की सिफारिश की गई थी। अभी तक कौन से राज्यों में यह चीज लागू हुई है? मिनिस्टर साहब ने स्टेटमेंट दिया, उसमें इस बारे में कुछ नहीं कहा गया है। पिछले भूमि सुधार कानून जो असफल हुए उसका मुख्य कारण हस्तांतरण ही है। समिति ने यह भी सिफारिश की थी कि सभी राज्यों में सीमाबंदी कानून 31 दिसम्बर, 1972 तक बना दिए जाएं लेकिन चार राज्यों में यह कानून अभी तक नहीं बने।

समिति ने एक और महत्वपूर्ण सिफारिश की थी कि जिन लोगों को गैर कृषि स्रोतों से एक निश्चित राशि से अधिक आय प्राप्त है उन्हें भूमि के स्वामित्व के मामलों में अन्य लोगों के साथ स्पर्धा करने में से रोकना चाहिए। गैर कृषि साधनों से प्रतिवर्ष 12000 रु० से ज्यादा की स्थायी आमदनी वाले लोगों को महज संपत्ति के रूप में भूमि रखने के अयोग्य समझा जाए। खुद खेती करना भूमि के स्वामित्व की पूर्व शर्त हो। लेकिन इसका अमल राज्यों के कानूनों में नहीं किया गया है। सबसे महत्वपूर्ण बात यह है कि इन कानूनों का इम्प्लीमेंटेशन कैसे होगा? अगर उसको इम्प्लीमेंट करना है तो मेरा एक सुझाव है। केन्द्रीय सरकार को कई स्पोनसर्ड स्कीम थी। उसको स्टेट गवर्नमेंट ने इम्प्लीमेंट नहीं किया, कई कानून हैं जो स्टेट को इम्प्लीमेंट शीघ्र से शीघ्र करने चाहिए थे। कई भूमि सुधार कानून हैं जिनका इम्प्लीमेंट नहीं किया गया। एग्रीकल्चरल लेबरर्स के वेजिस के बारे में उन्होंने कुछ नहीं किया, खेतीहर मजदूरों को

हार्जिसिंग के बारे में साइट देने की बात थी उसमें कुछ नहीं किया। 25 साल हो गए रहने के लिये गांवों में मजदूरों को जगह देने का काम राज्य सरकारों ने पूरा नहीं किया। इस लिए मैं चाहूंगा कि भूमि सुधार कानूनों को शीघ्रता एवं प्रभावशाली ढंग से कार्यान्वित किया जाये। राज्यों के भूमि सुधार कानूनों के कार्यान्वयन की निगरानी के लिए केन्द्रीय व्यवस्था होनी चाहिए। दूसरा महत्वपूर्ण भाग है सरप्लस लैंड के वितरण का। हमारी यह नीति है कि अतिरिक्त भूमि का, खेती पर काम करने वाले भूमिहीन किसानों, विशेषकर पिछड़े वर्गों, शैड्यूल्ड कास्ट्स और शैड्यूल्ड ट्राइब्स में वितरित किया जाये। हमारी पालिसी अच्छी है, स्कीम अच्छी है, लेकिन उसका इम्प्लीमेंटेशन नहीं होता है। इसलिए हर एक स्टेट में सब पार्टियों की जिसका सीमाबंदी पर विश्वास है, जिला लेवल पर एक समिति बननी चाहिए जिससे वह लोग देख सकें कि सरप्लस लैंड जो मिली है, वह अच्छी प्रकार से इन वर्गों में वितरित हो। यह भी जरूरी है कि उन लोगों को आपकों क्रेडिट देना होगा और अन्य फेसिलिटिज भी देनी पड़ेगी।

जहां तक भूमि के रिकार्ड की बात है, इस बारे में क्या बताऊं आप बिहार, उत्तर प्रदेश की हालत देख लीजिए। आज वहां भूमि के कोई पूरे रिकार्ड नहीं हैं। पांच हजार एकड़ जमीन एक-एक आदमी के नाम पर है। अधिकांश राज्यों में भूमि के रिकार्ड पूरी तरह उपलब्ध नहीं हैं। इसलिए मेरा कहना यह है कि इस हालत में नये विरे से रिकार्ड तैयार करने की जरूरत है। इसके बगैर सरप्लस लैंड गरीब लोगों में कैसे वितरित की जायेगी और हमारे देश में भूमि में सुधार कैसे होगा। भूमि की जीत के बारे में यदि रिकार्ड तैयार नहीं हैं तो सीमा कानून लागू किये जायेंगे। लैण्ड सीलिंग से जमीन संबंधी जो विवाद उत्पन्न होते हैं उसके लिये चल अदालतें स्थापित की जायें। कमजोर किसानों को मुफ्त में सलाह देनी चाहिए और इसका इंतजाम होना चाहिए।

एक महत्वपूर्ण बात मैं यह भी कहना चाहता हूँ, कि सरकार ग्रामीण क्षेत्रों में निजी सम्पत्ति याने जमीन के लिए तो कानून ला रही है, लेकिन यह बात मेरी समझ में नहीं आती है कि आजादी के 25 साल के बाद

[श्री वेवराव पाटिल]

भी राज्य सरकारों के पास कितनी कृषि योग्य भूमि है, सरकार यह तय नहीं कर सकी है और उसका डिस्ट्रिब्यूशन नहीं कर सकी है। हर जगह आन्दोलन चल रहे हैं कि फोरेस्ट की या दूसरी जो कृषि योग्य भूमि है उसकी डिस्ट्रिब्यूट किया जाये। मैं मंत्री महोदय से यह कहूंगा कि वे राज्य सरकारों का ध्यान इस तरफ दिलाये और एक निश्चित डेट मुकर्रर की जाये कि उस तारीख तक जितनी भी सरकार की कृषि योग्य भूमि है उसका वितरण कृषि करने वाले भूमिहीनों में कर दिया जाए।

कृषि भी एक उद्योग है, इसलिए भूमि सीमाबंदी की अनिश्चितता है उसको समाप्त किया जाना चाहिए। जोत की सीमा की अनिश्चितता समाप्त होने के लिए और उत्पादन बढ़ाने के लिए पूजी लगाने हेतु किसान प्रोत्साहित होने के लिए, जोत की अधिकतम सीमा कानूनों में हेरफेर बार बार नहीं किया जाना चाहिए।

राष्ट्र के आर्थिक विकास के हित में मैं यह भी कहना चाहता हूँ कि शहरी जनता और ग्रामीण जनता में भेदभाव नहीं किया जाना चाहिए। शहरी जनता को तो सुविधाएं दे दी जाती हैं, लेकिन गांव वालों की तरफ ध्यान नहीं दिया जाता है। मैं इस पर ज्यादा बहस नहीं करना चाहता, लेकिन यह कहना चाहता हूँ कि ग्रामीण जनता को यह शिकायत नहीं होनी चाहिए कि उनसे भेदभाव और शहरी जनता से पक्षपात किया जा रहा है। अरबन सीलिंग की बात की जाती है, लेकिन वह अभी तक नहीं हुआ है। वास्तविक सीलिंग आन लैंड होल्डींग का माने सीलिंग आन इंकम है। शहरों में बड़े बड़े लोग और बड़े बड़े कर्मचारी हैं, कारखाने हैं, मकान बनाते जा रहे हैं। उनकी इंकम पर कोई सीलिंग नहीं है। इसलिए मेरा यह कहना है कि शहरी सम्पत्ति पर भी कोई सीमा लगाने की कोशिश करनी चाहिए।

SHRI VEERENDRA PATIL (Karnataka) : Sir, I rise to welcome this Bill. While doing so, I would like to make a few observations for the kind consideration of the Minister concerned. Sir, I hope that the hon. Minister in charge of the Bill would agree with me when I say that land

reforms do not mean mere distribution of surplus land. It is something more than that. Sir, since 1947, or even before that, we have been making exercises in land reforms; we have been talking in season and out of season about land reforms and we have been making frequent changes in the land legislations. What is the net result of the efforts that we have put in during the last 26 or 27 years? The result is negligible. By talking too much about land reforms, I may tell this House very frankly that we have created an atmosphere in the country that every landless person is going to get land and we have been giving hopes after hopes particularly during election period that our objective is that the tiller of the land should be the owner of the land, and all the land-less should get land, cultivable land. What is the exact position? I do not know whether many of the Members of this House have gone into the figures to know the exact position. Sir, according to the figures that are with me, 20 per cent of our rural population is landless. They do not have even an inch of land. They are landless labourers. 60 per cent of the rural population own land less than 2.5 acres in size. I do not know if the hon. Minister is having some other figures to contradict the figures that I am giving to this House. Sir, 60 per cent of the population, which is entirely depending upon agriculture, is owning land less than 2.5 acres and the remaining 20 per cent of the population has got land of more than 2.5 acres. This is the position. 20 per cent absolutely landless, they do not have any land at all. 60 per cent are such who own only 2.5 acres or less than 2.5 acres and the remaining 20 per cent own land more than 2.5 acres. They may be owning 5 acres, 10 acres, 100 acres, 400 acres or 500 acres, but that is different.

SHRI P. K. KUNJACHEN (Kerala) : What about the top five per cent ?

SHRI VEERENDRA PATIL : There is no top five per cent. They have already made sufficient arrangements. My hon. friend wants to know: What about the top



5 per cent? There is no top at all. Everybody is at the bottom now because we have been tom-tomming about land reforms for the last 25 years. Do you mean to say that the land-holder is a foolish person to keep all the land with him intact? He has already made sufficient arrangements to distribute the land. I am coming to that point. He has already made sufficient arrangements to distribute that land.

I was mentioning about the efforts that we have made so far; I am not talking about the recent lowering of the ceiling or the Acts that we are going to protect by amending the Constitution. But so far, from 1947 to 1970, the result is, we have been able to acquire 2.4 million acres as surplus land. Out of these 2.4 million acres, how much land we have been able to distribute among the landless? We are talking so much about distribution of the surplus land among the landless. Out of the 2.4 million acres that we have acquired from the land owners who had more than the ceiling, so far we have been able to distribute only 1.2 million acres and I want to know from the hon. Minister what has happened to the 1.2 million acres, whether it is still with the landless persons. It is not with the landless persons. I can make that statement authoritatively. I can throw a challenge to anybody that that land is not with the landless persons. And what has happened to the remaining 1.2 million acres? Nobody knows what has happened to that land. I am quoting figures and these are all authoritative figures.

Sir, we have distributed land to the landless persons—I agree. I am in full sympathy with those who have no land at all. Let us give first preference to the landless and let us distribute all the land that is going to be available but is the land given to the landless with them? I want to know whether you have got figures to prove that the land is still with the poor man. No; it has passed hands and it has gone back to the same land owner or somebody else, some rich people who are holding that land as *benamidars*. I do not think anybody will be in a position to contradict this statement.

SHRI B. RACHAIAH (Karnataka) : Do you mean to say all have done that?

SHRI VEERENDRA PATIL : I never said that. If I have said "all the land", then I stand corrected. But most of it.

(*Interruption by Shri B. Rachaiiah*)

Sir, the hon. Member was my colleague; he was in charge of Agriculture also. He knows... (*Interruption*) ...I am bringing to the notice of the Government of India, to the notice of the authorities, the point that mere distribution of land is not going to solve the problem.

SHRI M. R. KRISHNA (Andhra Pradesh) : They must get money also.

SHRI VEERENDRA PATIL : That is the point I am making out. You have only distributed the land; you never bothered as to what had happened to that land; you never bothered what finances, what resources that poor man requires. Have you made any scheme to provide resources to that poor man so that he could cultivate that land? Nothing has been done. On the record we have the figure to show that we have distributed so much land and we are satisfied with that. That is why I say, whatever land we have distributed, that land is not with him because he is a poorman. He thought that he could make some money and so he disposed of that land; it has passed hands and it has gone back to rich people. It may not be the case hundred per cent, but it is definitely the case 70 to 80 per cent.

Sir, after 1969—I think in 1970—the ruling party decided to lower the ceiling. I have nothing to say against it. The legislation came in 1972 but the declaration was made in Bombay in 1970. I have nothing to say about the proposal of lowering the ceiling. But I want to know how much surplus land is going to be available for distribution by lowering the ceiling. Is there anybody, any Government including the Central Government, in a position to tell us that by lowering the ceiling so

[Shri Veerendra Patil.]

much surplus area is going to be available for distribution among the landless people or people owning uneconomic holdings? Nobody is in a position to say because there are no land records at all.

AN HON. MEMBER : At all?

SHRI VEERENDRA PATIL : Whatever there is, they are all outmoded records; they are not up to date. I know; I have got some experience of Administration. They are all outmoded land records. And do you know what is happening? Whatever outmoded land records are available in tehsil offices, they are being tampered with; they are being destroyed and new land records are being created just to escape from the clutches of the Ceilings Act and I think every Government including the Government of India is a silent spectator. The problem is so colossal that sitting in Delhi or in any State capital you cannot control the situation. You have not been able to check tax evasion which is confined only to urban areas whereas this is a problem which takes you to the remote villages. Nobody knows what the patwari or the village accountant in some remote village is doing and what is going on there. I may tell this House that we may pass any number of laws regarding land reforms but ultimately it is the village accountant who has to implement it. The entire legislation will be at the mercy of the village accountant. Therefore we have to make special arrangements to prevent the village land records from being tampered with. It is going on everywhere. I can say authoritatively about my State. I cannot say about the other States but it cannot be different there also human nature being what it is.

SHRI JAGANNATH BHARDWAJ (Himachal Pradesh) : What is the special arrangement that has to be made? You spell out that also.

SHRI VEERENDRA PATIL : In my State we recruited a number of persons. We gave them special training. We had put high-ranking officers and we wanted

them to make these land records up to date district by district. You will have to have a programme like that in every State. If you take up such a programme and cover every district and if you fix a target that the land records should be brought up-to-date within such and such a time then I think the purpose of this legislation could be achieved; otherwise the purpose would be defeated because nobody knows what is going to be the surplus, how much surplus land is there and whether that land is there or not.

SHRI JAGANNATH BHARDWAJ : But they may do the same thing again.

SHRI VEERENDRA PATIL : Now you are creating a machinery. All these days you have been depending upon the records that have been built up since long by the village accountant. They are all outmoded and unreliable. They had all been tampered with. That is why I created a separate organisation in our State to see that the records are made up to date within a prescribed time. It is possible to get that done but who is doing that? Everybody is only raising slogans. Everybody says that land reforms should be implemented but we have not been bestowing our thought on creating the machinery that is required for implementing land reforms. Sir, I do not know about the figures that are with the Government of India but I read somewhere that after all this exercise we are not going to get more than 1 million acres throughout the country for distribution. Even after distributing this we will not be in a position to satisfy more than one lakh families. This so-called giant step towards socialism is not going to answer the problem of even one out of 270 families in our country.

Now, I come to the question of distribution. The hon. Minister was pleased to say in his introductory remarks that they have decided to distribute the surplus land among landless people.

If I am correct, the first preference will go to landless persons. Then, I come to the same point. How much land are you going to allot to every landless person? Already

60 per cent farmers are in possession of uneconomic holdings. If you want to distribute uneconomic holdings to these landless persons, I think they cannot survive and thrive as agriculturists. I want to know what is working in the mind of the Government of India so far as the allotment of surplus land is concerned. At what rate do they want to distribute it? What is an economic holding, according to the definition of the Government of India? Do they want to distribute at the rate of 7 acres, 8 acres or 10 acres? I am talking only of dry land. In our country unfortunately only 25 per cent is under irrigation and 75 per cent is dry land. If you give them surplus land and you do not provide them with resources, then what is the point in giving them land? It will again pass on to somebody. It will not remain with them. Whatever surplus land you are going to get—I would like to caution the Minister—you are going to get third rate land. Nobody is prepared to surrender fertile land. (*Time bell rings*). I will take one or two minutes. Nobody will surrender fertile land. If I have got 40 acres and if the ceiling is 30 acres, then which are the ten acres which is surplus has to be determined by me. So, I will naturally give unfertile land. It is unfit for cultivation.

SHRI BRAHMANANDA PANDA : Bhoodan land.

SHRI VEERENDRA PATIL : You are correct. It is Bhoodan land. It is this Bhoodan land which you want to give to the poor landless person who has been all these days hoping that he is going to get land. He was hoping that he is going to have a decent living and all that. If you do not provide any finance, then what is it that he will do? He will think that the land is a liability. He will say : I do not want to keep it. It is better that I dispose of it and make some money. I want to know from the Government of India whether they have made any provision. Nowadays, they have stopped talking in terms of the Fifth Plan. There is no Fifth Plan at all. There is a Plan holiday. I want to know whether there is any provision.

SHRI SASANKASEKHAR SANYAL : (West Bengal) : It is all planting.

SHRI VEERENDRA PATIL : In the Fifth Plan, in order to provide finance to these landless persons, to whom you are going to allot land, have you got any scheme ready? I do not think you have any scheme with you. Sir, 15 million acres of land in our country are lying fallow, affected by waterlogging and salinity. Half of it lies in the Indo-Gangetic plain. That could be easily reclaimed and distributed. I do not know whether any serious attempts have been made, so far, to reclaim that land. When we have got already land which has been rendered unfit for cultivation, it is very easy for us to reclaim it and distribute it among the landless persons. Why not you think of a special programme for the reclamation of that land? Sir, 75 per cent of land, as I have already said, is dry land, depending upon rain. Agriculture is not remunerative today in our country. If it is remunerative, it is only in pockets and in places where there are irrigation facilities. That is hardly 25 per cent. So far as my State is concerned, it is ten per cent or not even ten per cent. Because we want to distribute land and satisfy more people more population in the rural area, by allotting land, our effort should be to convert more and more dry land into irrigated land.

That is possible only when we provide more funds for the early completion of the irrigation works that are under progress and also for taking up and harnessing the waters that are flowing today as wastage into the sea, by taking up new irrigation projects.

Agricultural production is falling every year. Nobody can deny that fact. There are so many factors which are responsible for that. I do not say that it is only the land reforms that are responsible for that. What I want to emphasise on this occasion is that we have deliberately created a climate of uncertainty in the country. Nobody knows, because we have been talking about land reforms and land reforms. This uncertainty must go and we must put a

[Shri Veerendra Patil]

stop to this. And I would be very happy and grateful—and the entire nation would be grateful—to the Minister if he makes a statement here and now that this is the ceiling and we are not going to disturb that ceiling for another 20 or 25 years. If uncertainty is there, the agriculturists will not invest money because they have to take so many risks. Unfortunately, many of us are not agriculturists, we do not have any practical experience of it.

DR. VIDYA PRAKASH DUTT (Nominated): There is no uncertainty. The entire landlords rich peasant class, knows that nothing is going to happen.

SHRI K. S. MALLE GOWDA (Karnataka): They want your urban shares, not land.

SHRI VEERENDRA PATIL: Coming to my own State, I would say that though we are prepared to cooperate with the Government, whether it is the Government of India or the State Government, in implementing the land reforms. I want to know whether your party is prepared to take our cooperation. But they are not prepared to take our cooperation. They are making it a party issue, not a national issue. It is a national issue. I do not think there is any dissenting voice in this House today; everybody says that he is supporting this Bill. When you bring such a legislation, we are bound to support it because we are in agreement so far as this policy of land reforms is concerned. But what is happening in our State? I am very sorry to state that the ruling party, the Chief Minister, the entire Cabinet, has no mind to implement the Land Reforms Act. They had fixed a period of one month in the initial stages for filing the declaration, and then they extended it by another one month. And very recently, four or five days back, they have extended it by another two months. In the meanwhile, hundreds of people have gone to the High Court and filed writ petitions and got stay orders. If my information is correct, till to this date, the State Government has not moved the High Court to vacate the

stay order because after one year or so, elections are going to come. They want to throw the entire blame on the High Court.

They can say, what can we do? We tried our best to implement the land reforms. But the High Court came in the way. They issued a stay order. Why are they not getting the stay order vacated? Why are they keeping silent? I cannot understand it. The delay is going to kill the entire legislation; it is going to be defeated because papers and records are being created every day deliberately. They have been deliberately extending the time-limit, and for implementing the land reforms, they have created tribunals. But what sort of tribunals are they? They consist only of their party people. Nobody from the Opposition comes, except some MLAs who are representing certain constituencies. And the tribunal, according to our Act, has got wide powers, judicial powers also. Should you not take other parties also into confidence and take their cooperation? But in my State, unfortunately, all the tribunals are flooded only with their party-men. That is the position. I do not wish to take much of your time. I believe I have made some constructive suggestions and that they will receive serious constructive suggestions and that they will receive serious consideration at the hands of the Minister.

श्री सुनतार सिंह (हरियाणा): उपस्थित महोदय सविधान मे ग्रामी संशोधन वित्त मंत्री जी लाए हैं मैं इसका समर्थन करता हूँ और समझता हूँ कि लैंड सीलिंग को इम्प्लीमेंट करने में यह संशोधन बड़ा मददगार साबित होगा।

[The Vice-Chairman (Shri Jagdish Prashad Mathur in the Chair].

लेकिन इसके साथ-साथ मेरी यह प्रबल इच्छा है कि लैंड सीलिंग के बजाए अगर प्रोपर्टी सीलिंग बिल आता तो मुझे बहुत खुशी होती। लैंड और प्रोपर्टी में अभी तक भारत सरकार पूरा फर्क नहीं समझ पाई है। मुझे खुशी है कि कम से कम सरकार ने देहात में समाजवाद लाने की कोशिश की। गांव के गरीब आदमी को कुछ जमीन

मिलेगी और उस जमीन से पैदावार होगी या नहीं यह बात छोड़िए लेकिन जिस किसी के पास भी बीघा या आधा बीघा जमीन जाएगी उसका सोशल स्टेटस थोड़ा बहुत ऊंचा होगा।

उपाध्यक्ष महोदय मैं आपकी माफ़त सरकार से इतनी प्रार्थना करना चाहता हूँ कि वह गांव की अर्थ-व्यवस्था को सुधारने की कोशिश करें। हालत बड़ी अजीब है। दुनिया के अर्थ शास्त्री लिखते हैं— मैं बहुत पढ़ा-लिखा तो हूँ नहीं और न ही मैं अर्थ-शास्त्री हूँ—और मैंने भी ऐसा सुना है कि दुनिया के अंदर कुछ देश ऐसे हैं जो जमीन से लोगों को हटा-हटा कर इंडस्ट्री की तरफ लगा रहे हैं लेकिन हमारा देश एक ऐसा है जहाँ पूंजीपति और ब्यूरो-क्रेट दोनों मिल कर एक नया तरीका देश में अपना रहे हैं। वह तरीका हमारे सबके सामने है। गांव का मोची जो चमड़ा रंगने का काम करता था जूते बनाने का काम करता था उसका काम आज पूंजीपतियों को दे दिया गया है—बाप सलूजा बालूजा कंपनियों को दे दिया गया है और उस मोची को लैंडलैस लेबर का नाम दे दिया गया है। सब पोलिटिकल पार्टियों ने बड़े-बड़े माइक्रोफोन लगा लगा कर कहा कि आप को जमीन दी जाएगी—चाहे वह हमारी पार्टी हो या शेखावत जी की पार्टी हो। इसी प्रकार से जो जुलाहा कपड़ा बुनने का काम करता था उसका काम टैम्सटाइन इंडस्ट्री ने ले लिया और बेचारा जुलाहा बेकार हो गया। उसको डाइवर्ट कर दिया लैंड की तरफ। उपाध्यक्ष जी गांव की 80 प्रतिशत पापुलेशन की रोजी-रोटी का साधन लैंड बनती जा रही है। गांव के अंदर बढ़ई होता था लोहार होता था तो जब से मेक्कनाइज्ड फार्मिंग हुई वे सब गांव से उठकर शहर की तरफ आ गए। नतीजा यह हो रहा है कि इस देश की जितनी लैंड है वह सब देहांत में है और उस लैंड के ऊपर देहांत की जितनी पापुलेशन है उसका गुजारा उस लैंड के ऊपर ही चलने वाला है। आज की हालत इतनी खतरनाक है कि हमारी अर्थ-व्यवस्था को देखते हुए वह जमीन इतनी बड़ी पापुलेशन को बर्दाश्त नहीं कर सकेगी। यह सवाल कोई कांग्रेस पार्टी का नहीं है, कम्युनिस्ट पार्टी का ही नहीं है और न ही जनसंघ पार्टी का

है। यह इस देश के अर्थ शास्त्री के सोचने का है कि वे इस देश को किस तरफ ले जा रहे हैं। हमारा बड़ा अच्छा स्लोगन है लैंड सीलिंग का। लेकिन इसका बटवारा करते हुए एक बीघा पर ले जाए और जिनका प्रोफेशन कुछ और है उनको वहां से हटा कर लैंड की तरफ ले जाए तो इससे देहांत की अर्थ व्यवस्था कमी सुधरेगी नहीं। आज हरिजनों की क्या हालत है। दिल्ली शहर के अंदर एक एक पेट्रोल पम्प की आमदनी 10-10 हजार रुपये महीना है। मैं पूछना चाहता हूँ कि कितने हरिजनों के पास इस प्रकार के पेट्रोल पम्प हैं? जितने भी टैंकरो, फ़ायट कारो और गैम डिस्ट्रिब्यूशन बगैरह के एजेंट हैं, उनमें कोई भी हरिजन नहीं है। हमारे देश में आज जितने भी लैण्डलैस लेबरर्स हैं, वे पूंजीपतियों ने बनाये हैं, कारखानेदारों ने बनाये हैं। उन्होंने हरिजनों और दूसरे लोगों के धन्धे छीन लिये और वे लोग लैण्डलैस बन गये। आज सब लोग हरिजनों के प्रति हमदर्दी दिखाते हैं, लेकिन क्या किसी बाटा वाले की दुकान पर किसी हरिजन या चमड़े का काम करने वाले को सैल्समैन का पद भी दिया गया है? मेरा कहना है कि ऐसी कम्पनियों के अंदर हरिजनों को रोजगार मिलना चाहिए। आज आप जाकर देखिये, इन दुकानों में खूबसूरत लड़के बड़े-बड़े बाल रखे हुए मिलेंगे और जिनके बाप-दादाओं ने यह काम किया है उनको इस धन्धे से अलग कर दिया गया है। ब्राह्मणों और अग्रवालों के लड़के चमड़ा का काम करते हैं। मैं समझता हूँ कि इस तरफ आज तक किसी का ध्यान ही नहीं गया है। मैं चाहता हूँ कि इस देश में अर्थ-व्यवस्था का ईमानदारी के साथ बंटवारा हो। हम यह भी सोच लें कि लैण्ड बांटने से ही इस देश की समस्याओं का हल नहीं हो जाएगा। 25 साल हमको लैण्ड बांटने में लग गये हैं। सन् 1952 में एक्ट बनाया गया, 1958 में एक्ट बनाया गया, लेकिन यह समस्या आज तक हल नहीं हो पाई है। इसका कारण यह है कि इस देश में पूंजीपतियों की एक लीबी है, वह लोगों को लैण्ड की तरफ डाईवर्ट कर देती है। इसके अलावा इस देश में जो ब्यूरोक्रेसी है वह भी पूंजीपतियों का साथ देती

**[श्री सुस्तान सिंह]**

है और परिणाम यह होता है कि पोलिटिकल लेबल पर भी प्रेशर बढ़ता जाता है कि हमको लैण्ड दो। जमीन बांटने से यह समस्या हल होने वाली नहीं है। श्री शंखावत जी कह रहे थे कि लैण्ड सीलिंग को पक्का कीजिए और उसके बाद कोई सीलिंग नहीं आना चाहिए। मैं कहता हूँ कि जब तक एक एक फूट जमीन नहीं बट जाएगी, तब तक यह माँग पूरी होने वाली नहीं है। हमारे देश में जो पूँजीपति हैं, जो ब्यूरोक्रैट्स हैं और उनके साथ सहयोग करने वाले अखबार हैं और जब तक इनकी लौबी बनी रहेगी तब तक यह लैण्ड की समस्या चलती रहेगी। आज जरूरत इस बात की है कि इस देश में सम्पत्ति का बटवारा हो, दौलत का बटवारा हो। आज अगर ईमानदारी से देखा जाय तो पता चलेगा कि सारे देश की दौलत अरबन पोपुलेशन के पास है। आप अगर गिनती कर लें, स्कूटरों की गिनती कर लें, इम्पोर्टेड कारों की गिनती कर लें, रेफ्रिजरेटरों की गिनती कर लें, बड़े-बड़े मकानों की गिनती कर लें, टी० वी० सैटों की गिनती कर लें, फाइन कपड़े की गिनती कर लें तो आप मानेंगे कि 80 परसेन्ट पोपुलेशन जो गांवों में है वह 10 परसेन्ट भी मुश्किल से इन लक्जरी आइटम का इस्तेमाल करती है। 90 प्रतिशत दौलत का इस्तेमाल शहरी लोगों द्वारा किया जाता है। गांव का आदमी अपनी अंगीठी जलाने के लिए कोयला नहीं मांगता, गैस नहीं मांगता और उसको अपने घर के दरवाजे के लिए ट्यूब लाइट नहीं चाहिए और गांव का आदमी अगर उसको बस नहीं मिलती है तो चार मील पैदल चला जाता है, लेकिन शहर के आदमी को बस नहीं मिलती है तो बसों के शीशे तोड़ दिये जाते हैं। उसके लिए पब्लिक स्कूल चाहिए, उसके लिए कालेज चाहिए उस पापुलेशन के वास्ते सोशलिज्म की बात सोची नहीं जाती और उस 80 प्रतिशत को यह नज़ीर दी जा रही है सोशलिज्म में। मैं इसको बेलकम करता हूँ लेकिन यह चलने वाला नहीं है—आप शहरों को तो अमरीका बनाते चले जाएँ और गांवों को चीन बनाते जाएँ। एक देश में एक नीति होनी चाहिए।

**डा० जेड० ए० अहमद (उत्तर प्रदेश) :** कौन सी चाहते हैं—अमरीका वाली या चीन वाली ?

**श्री सुस्तान सिंह :** मैं तो अपनी देश वाली कहता हूँ। उपसभाध्यक्ष जी, मैं तो न अमरीका की नीति की बात करता हूँ न चीन की नीति की बात करता हूँ। मैं कहता हूँ, हमारे देश में इन्दिरा गांधी की नीति है, कांग्रेस की नीति है, जिस नीति में समाजवाद लाने का वचन दिया है, जिसके अंदर पूँजीपति लावी स्कावट है, ब्यूरोक्रेट स्कावट है। उन तमाम स्कावटों को दूर करें। यह तो वसंत विहार के अंदर 10-10 हजार रु० कोठियों का किराया लेते हैं, उसकी एक कोठी हरिजन को जरूर मिलनी चाहिए। जब लैण्ड के ऊपर उसका अधिकार हो जाता है तो हर्ष देव मालवीय जी इस बात के ऊपर भी तबज्जह दें। कृष्ण कान्त जी का तो काम बन लिया, वे तो जब तक लैण्ड सीलिंग नहीं हुआ तब तक उनको नींद नहीं आती थी और जिस दिन से लैण्ड सीलिंग बिल पास हो गया और अर्बन प्रापर्टी का बिल रेफरीजरेटर में रख दिया उस दिन से कृष्ण कान्त जी ठंडे हो गए। मैं तो इतनी बात कहता हूँ कि जेड० ए० अहमद साहब बैठे हुए हैं उधर, वे तो बड़े भारी इकानामिस्ट हैं, एक आध बात लेमन की भी मान लीजिए, चार-पांच मुख्तलिफ पार्टीयों के लोगों, कुछ गांवों के अंदर जाओ, गांवों की इकानामी को देखो, गांवों की अर्थ-व्यवस्था कितनी बुरी होती जा रही है, सारा वजन लैण्ड पर आ गया, जूती बनाने वाला लैण्ड की तरफ, दस्तकारी वाला लैण्ड की तरफ, कपड़ा बनाने वाला लैण्ड की तरफ जा रहा है, सारी पापुलेशन पूँजीपति ने बेकार कर दी और पूँजीपति की लावी ने और सो-काल्ड प्रोप्रेसिव ने उस सारे को डाइवर्ट कर दिया लैण्ड की तरफ और मजाक बना कर रख दिया गांवों के लैण्ड की व्यवस्था को। मैं कहता हूँ, हरिजनों को बसों का पर्मिट मिलना चाहिए, मिनी बसेज के कितने पर्मिट उनको मिले हैं इसको देखना चाहिए, डी० डी० ए० के प्लाट्स हरिजनों को कितने मिले इसको देखना चाहिए, उन सारी चीजों को देखना चाहिए जिससे हरिजनों की आर्थिक अवस्था में

सुझाए हो सकता है। जब तक अर्बन प्रोपर्टी के सीलिंग का बिल नहीं आएगा, आप कुछ कहते रहो, गांव के किसान की तसल्ली नहीं, गांव के मजदूर की तसल्ली नहीं और वे यह समझते हैं हम तो शहरियों के लिए बेकार पैदा करने वाले बन गए। किसान 105 रु० क्वंटल गेहूं देता है और नई दिल्ली के बाजार में वह 300 रु० बिकता है, उसका कलेजा कटता है देख कर। वह कपास पैदा करता है, खुद कोस कपड़ा पहनता है और यहा टेरीलीन के बिना कोई नजर नहीं आता है। टेलिविजन उसके घर में नहीं, सिनेमा उसके इर्द-गिर्द नहीं, उसके पाम मनोरंजन का कोई साधन नहीं। यहां पर वंसत बिहार में देखो क्या कोठियां खड़ी हैं, सारी चीजें उनके घर में हैं—सारे देश का कोयला, सारे देश की बिजली, सारे देश का पेट्रोल उनके लिए खपत होता है। ये 20 परसेन्ट पापुलेशन क्या भगवान ने और तरह की भेजो है? कम से कम इसको भी समाजवाद के दायरे में ले आओ ताकि यहां के गरीब को भी राहत मिले। इतनी मेरी प्रार्थना है। मैं माननीय सजी जी जो सशोधन लायें हैं उसका पूरा समर्थन करता हूँ और आशा करता हूँ एक दिन भगवान ऐसा वक्त देगा कि अर्बन प्रोपर्टी के बारे में भी ऐसा बिल आप ले आएंगे।

4 P. M.

DR. Z. A. AHMAD: Sir, I need not say that I and my Party stand fully and firmly in support of this amendment. We will not support this amendment with our tongues in our cheek, as has been done by Choudhri Sultan Singh. I do not know how he supported this amendment after all that he said about this amendment. I do not support this amendment either in the manner in which our friend Shri Veerendra Patil supported it. I support it in the proper spirit of bringing about a radical redistribution of land in the rural areas and giving the maximum relief to the landless poor. You cannot give full relief because the land-man ratio is so difficult. Therefore I say you should give the maximum relief, as much as possible, to the rural poor, because there is a considerable amount of concentration of land ownership in India. I will give

you the figures later on. There is open concentration and there is concealed concentration; there is real concentration and there is fictitious concentration. Land has to be redistributed because India lives in its villages. Vast mass of landless population amounting to 47 millions were classified as landless agricultural labourers by the census of 1971. There are no opportunities of life for them, there is no outlet for them . . .

SHRI K. S. MALLE GOWDA: What about workers in the cities?

DR. Z. A. AHMAD: That is a bigger question. I am not debating the issue. I am putting forward my point of view. I stand for a radical redistribution of land in the rural areas and villages.

This amendment has come much too late in the day. That is my suggestion. It should have been brought before the Parliament much earlier. In the meantime lot of mischief has been done. I belong to Uttar Pradesh. I know what happened at the time of the first Zamindari Abolition Act. Millions of tenants were thrown out of their holdings because there were very poor and bad land records. Under section 71 of that Act millions were kicked out and the landlords went to the courts and got judgements of the courts in their favour because no receipt was given. The tenants had nothing to show that they were really the occupants. Therefore, millions were thrown out. And this has happened everywhere. In the State of Maharashtra from where the hon. Minister comes and whose Tenancy Act is talked about so much, what has happened? I am sure I am not making a mistake when I say that out of 24 lakhs of tenants who could claim land legally, only 8 lakhs got the land and 16 lakhs could not get and invariably they were thrown out. They were asked to give voluntary surrenders. For several reasons they went out and one reason was judgement from the court. It is a well known fact that the main obstructive line adopted by the big landlord class, right from the beginning of the days

[Dr. Z. A. Ahmad.]

of agrarian legislation, has been to take resort to courts, civil courts, revenue courts, high courts and Supreme Court in order to delay the implementation of these Acts; and these Acts provided big loopholes for these people to go to the courts and get verdicts against these poor people. In fact the whole history of land legislation in India is the history of protracted and prolonged litigation. And, Sir, this is the offensive launched by the landlords in which, obviously, the poor have suffered. The ruthless logic, I submit, Sir, of class domination in a capitalist-cum-semi-feudal society has worked itself up and the domination of the rich over the poor, the domination of the propertied class over the propertyless class, has made millions suffer and millions have been reduced to absolute beggary and this propertied class, Sir, has been well, obliged abundantly by the institutions of justice and justice has not come to the rescue of the poor and the propertyless, but it has come only to the rich and the propertied class and this is the fact. Can it be denied? Take all the judgments given by the courts, from the smallest court to the topmost. You will see that it is always the poor who are at a terrific disadvantage and it is always the rich who have their own way.

SHRI VEERENDRA PATIL: You do not want to pay the legislators to keep loopholes in the laws?

DR. Z. A. AHMAD: I say that there are abundant loopholes. I blame the class as a whole, whether it is in the legislature or in the judiciary.

SHRI P. K. KUNJACHEN: Who makes the legislation and who is responsible for the loopholes?

DR. Z. A. AHMAD: The dominating propertied class is responsible both in the legislature and in the courts, for making loopholes and for giving interpretation in the courts.

Now, Sir, I would not go into the details. The fact of the matter is that the ceiling laws which have been passed from 1960 onwards up to 1970 have hardly given any land to the States for

distribution. Take the figures now. What is the total cultivated area? It is about 125 million hectares. I think I am correct. It is about 125 million hectares or about 30 crore acres. I think it is about 30 crore acres. Now, Mr. Brahmananda Reddy who is there just now is responsible for the ceiling legislation in Andhra Pradesh and there very high ceilings were fixed.

SHRI KALI MUKHERJEE (West Bengal): Behind you there is one more former Minister.

DR. Z. A. AHMAD: Now, what is the total area available as a result of the implementation of the ceiling laws throughout the country over the past ten years? Just one million acres only or one million acres out of 125 million hectares which means 24 lakh acres out of a total of 30 crores acres of cultivated land. This is all the total that it has created. Why? It is because everything was parcelled out. Now it is less than even 1 per cent. Now, Sir, I do not know how much land is going to be declared surplus after the implementation of these Acts, these new enactments.

SHRI KALI MUKHERJEE: Please do not be under any illusion.

DR. Z. A. AHMAD: Well, I am not. Mr. Patil criticised this from a different angle and he has a different understanding. But I agree with him in one respect that though these laws are an improvement on the earlier ones—they are a definite improvement on the earlier ones—the implementation of these laws will be such that, I am afraid, not even a million or two million acres will be available.

SHRI KALI MUKHERJEE. You are suffering from an illusion. Not even an inch of land will be declared surplus.

DR. Z. A. AHMAD: Well, you are a forthright person and you are a very courageous man and you can say that. Now, I do think that even if these laws are properly implemented, even then hardly a million or, at the most, two million acres will be available and not more than that and that would not touch even the fringe of the problem.



Now, Sir, we should have a look at the concentration of land. Mr. Patil was saying that this scare of ceiling laws has disrupted production? Where is the question of disrupted production?

Green Revolution had its hey day. Big farmers got money from the Government, got money from banks, and developed their estates. A whole class of big mechanized farms, modern farms, a sort of monopolist farmers, came into existence. There is no danger to these farmers. They have already split up their lands. They have transferred all the land freely. Large-scale transfers have taken place. The magnitude of these transfers is such that you cannot get hold of these fictitious or wrong transfers when you go to apply it retrospectively from 24th January, 1971. Lakhs and lakhs of registrations have taken place—lakhs and lakhs.

SHRI O. P. TYAGI (Uttar Pradesh): Even Ministers . . .

DR. Z. A. AHMAD : I am not obsessed with Ministers. You are. When you become a Minister, then I will see what you do. I am not obsessed with Ministers. I am obsessed with facts of life. Fictitious transfers and sales have taken place on such a big scale that nobody can find out what is correct and what is wrong. There have been *mala fide* transfers. There have been *bona fide* transfers. You can say that it is a *bona fide* transfer. Even at the time when a declaration was made that retrospective effect will be given to these Acts, registration was going on. Since the Registration Act is a Central Act, the provincial Government cannot ask the Sub-Registrar to stop registration.

He cannot, unless he closes down the office . . . (Interruptions).

AN HON. MEMBER : For two years, transfers in UP were stopped . . . (Interruptions).

DR. Z. A. AHMAD : I do not know the legal position . . . (Interruptions). That is all right . . .

SHRI BANARSI DAS : Two years time was given to them . . .

DR. Z. A. AHMAD : I do not know what the legal position is. But the fact of the matter is it is a big phenomenon that we have to tackle—the phenomenon of large-scale, millions and millions of fictitious transfers. Where is the land. What is the implementation machinery?

I have gone through all the Acts—from Kashmir down to Madras and Kerala. In Kerala they have some provision. But actually no new administrative machinery has been set up or created in order to implement in order to enforce this complicated legislation, extremely complicated and controversial legislation. There are some old revenue officials, the Collector or the Commissioner, the Tehsildar, the Patwaris, and you know what it is. With this implementation machinery, you cannot possibly get these Acts implemented. This entire machinery is class oriented. The entire machinery is against the potential beneficiaries of this Act. Therefore, unless you create a machinery strong enough to implement these land reforms in the spirit in which they have been conceived, you will not be able to get much surplus land in your possession . . . (Time bell rings) . . . will take a few minutes more.

I want to point out to Mr. Shinde, because he will be dealing with this problem and we will be asking him again and again . . .

SHRI KALI MUKHERJEE : Voh bechara . . . (Interruptions)

DR. Z. A. AHMAD : I consider him to be a very important person and a very knowledgeable person in the Ministry, and he will be doing it . . .

SHRI KALI MUKHERJEE : Effective-ly? . . . (*Interruptions*).

DR. Z. A. AHMAD : I would only say that the history of land reforms in Asia, Africa and South America has administ-ratively proved the fact that unless there is popular participation, popular participa-tion of the potential beneficiaries of these Acts in the process of implementation, these Acts do not get proper implementa-tion.

That is the experience of other coun-tries. Either you enforce it from above with authority. The land reforms were enforced by the American soldiers of oc-cupation and General Mc Carthy in Japan. They gave  $3\frac{1}{2}$  acres or  $2\frac{1}{2}$  acres at the point of bayonet. We are not going to do that. But if you want to do it in a democratic manner, then the real demo-cratic forms of participation of the poten-tial beneficiaries have to be followed and there is no provision in any Act for the establishment of popular committees. I want popular committees to be formed for the implementation. In those committees, proper representation should be given to landless agricultural mass and poor peas-ants. (*Interruptions*) apart from the rep-resentatives of these classes, mass organi-sations which are committed to this policy of implementing land reforms should also be represented. Mr. Veerendra Patil said, "Opposition". No, I do not accept that. If the opposition does not accept the prin-ciple of land reforms and the principle of ceiling, then it is a curse on India. Why is he there on the committee? Is it only to scuttle these land reforms? The orga-nisations which stand for the implementa-tion of these reforms should be represent-ed in these popular committees. We have a long way to go.

श्री बनारसी दास : 1 लाख एकड़ भूमि पर कम्युनिस्टों ने नाजायज कब्जा कर रखा है।

डा० जेड० ए० अहमद : सब जायज हो जाएगा।

Sir, we have a long way to go after these reforms. Fictitious returns from the landlords have to be examined and check-ed. We have to find out whether the land has been sold or partitioned. It is only the people on the spot in the villages who can find it out. (*Interruptions*) He is very much afraid that some land has been taken by somebody. (*Interruptions*) Sir, I want those popular committees to discharge the functions of getting down to the real job of finding out how the land has been sold and partition-ed. They should also participate in the work of distribution. Therefore, Mr. Shinde, I look forward to your participa-tion in this thing. (*Time bell rings*). We seek his help in this. Please advise the State Governments to evolve a machinery of popular participation on the basis of popular committees in which the potential beneficiaries are properly represented along with those groups or parties or organisa-tions which stand firmly for the real imp-lementation of land reforms. Without that, it will be only on paper. Without that, everything will get frittered. Even if you withdraw these cases from the courts, they will pass into the hands of the bureaucrats and the bureaucrats will play with it and they will give their own judgment. The poor man will again remain empty-handed. We should have in our minds a clear line of action for the implementation of these measures. There should be a proper, cor-rect and democratic implementation of these measures with the co-operation and active intervention of the people who are the potential beneficiaries and who want these land reforms to be carried out. These land reforms are not just economic measures. They have an economic aspect. These land reforms are directed at break-ing the domination of the reactionary and conservative class which is behind reac-tionary politics in the rural areas.

And it is, today, raising the level of reaction in the rural areas, it is talking of partyless democracy, and it is talking of breaking up of legislatures. And we have to break the economic power of this class whether in Bihar or in any other part. And whatever land we may get, a proper implementation of this will break the backbone of this class, it will weaken them politically, and it will strengthen the democratic forces.

With these words, Sir, I commend that this Amendment should be accepted un-animously.

**श्री नवल किशोर (उत्तर प्रदेश):** उपसभापति जी, मैं इस संशोधन विधेयक का उतने ही जोह-खगेश के साथ समर्थन करता हूँ जितने जॉर के साथ डा० जैड० ए० अहमद ने किया। थीमन् यह जो विधेयक है इसका जो उद्देश्य है वह बहुत सीमित है मगर हमने इसको बहुत व्यापक बनाने की कोशिश की है इसकी मशा यह है कि भिन्न-भिन्न राज्यों ने—दो राज्यों को छोड़ कर दो साल के अंदर जो लैंड रिफार्म कानून पास किया है या टेनन्सी कानून पास किये हैं उसका अनुभव यह हुआ कि अब भी कोई लैंड रिफार्म ऐक्ट पास हुआ या टेनन्सी कानून पास हुआ तो सैकड़ों पैटीशन हार्डकोर्ट में पहुँच गए जिसकी वजह से कानून के इम्प्लीमेंटेशन में सालों की देरी हो गयी। इस चीज की रोकथाम करने के लिए इस विधेयक को लाया गया है। यहाँ तक तो यह अपनी जगह बहुत सही है और इसका इस सदन में बैठे हुए सभी सदस्यों ने—चाहे इधर का हो या चाहे उधर का हो—स्वागत किया है। लेकिन मेरी मशा यह है कि इस विधेयक के पास होने के बाद भी जमीन के बंटवारे की समस्या जहाँ है वहाँ पर रहेगी, इसमें सुधार नहीं होगा। इससे एक फायदा जरूर हो जाएगा कि किसी भी स्टेट में कोई आदमी इन कानूनों को चैलेंज नहीं कर पाएगा मगर इसकी परिधि में या इनके जो प्रावीजन्स हैं अगर उनमें उसको नुकसान पहुँचेगा या उस पर इसका असर पड़ेगा वह ट्रिस्टिबल कोर्ट में या एस०डी० एम० के पास जाएगा और मुकदमाबाजी होगी। यह जो ख्याल है कि इससे

मुकदमाबाजी खत्म हो जाएगी या कम हो जाएगी मैं यह समझता हूँ कि जो एफैक्टिव इंडिविजुअल है उनकी मुकदमाबाजी कम होगी इसमें मुझे शक है। इन कानूनों से पोलिटिकल परपज जो हमारा है वह सब होगा इसमें भी मुझे सदेह नहीं है। मगर इकोनामिक यानी आर्थिक समस्या के समाधान के लिए जो हमने यह कानून बनाए मैं समझता हूँ उनका समाधान अभी तक नहीं हो पाया है।

जितने मेरे दोस्तों ने भाषण दिए, सब ने इस बात पर जोर दिया कि अभी तक जो कानून बने हैं उनका इम्प्लीमेंटेशन एक माछौल बन कर रह गया है। उत्तर प्रदेश की बात कही गई। उत्तर प्रदेश श्रीमन्, इस देश का सबसे बड़ा राज्य है। मेरे दोस्त चौधरी चरण सिंह का कहना है कि भूमि सुधार कानूनों में यह सबसे आगे है। उत्तर प्रदेश में सबसे पहले जिस वर्ष भूमि-सीमा कानून लागू थे उस समय 40 एकड़ की सीमा लगाई थी। उस समय उम्मीद यह थी कि 10 या 12 लाख एकड़ जमीन सरप्लस हम को मिल जाएगी लेकिन हमारा तर्ज़ा यह है कि शायद 2 या सवा 2 लाख भी नहीं मिली है। और जो मिली भी और उसका जो डिस्ट्रीब्यूशन किया गया मुझे यकीन है 20 परसेंट भी हरिजनों का या श्रेष्ठुल ट्राइब्स को नसीब नहीं हुई। अगर नसीब हो भी गई कागज पर तब भी उनमें से 20 परसेंट को भी कच्चा नसीब नहीं हुआ। अगर बाकई हम यह चाहते हैं कि इसका डिस्ट्रीब्यूशन ठीक हो तो हमें दूसरा कानून लाना होगा क्योंकि जो कानून हमारे सामने है उसका उसमें कोई वास्ता नहीं है। शेखावत साहब ने भी कहा और अन्य लोगों ने भी कहा कि जमीनों का ममनूई ट्रांसफर कर दिया गया। यह बात सही है और उन्होंने हवाला दिया मंगलदेव विशारद कमेटी का। इसी तरह से पंजाब की हरचरण सिंह कमेटी का भी जिक्र आया जिसने यह बताया था कि इतने लोगों के पास नाजायज ढंग से जमीन गई है। मैंने उस कमेटी की रिपोर्ट को पूरी नहीं पढ़ा है। मैं यह बात साफ कहना चाहता हूँ कि जिन लोगों के पास जमीन थी, चाहे वे लोग कांग्रेस के हों, सगठन कांग्रेस के

[श्री नवल किशोर]

हों, सी०पी०आई० के हों, जनसंघ के हों या स्वतंत्र पार्टी के हों, जिसको भी मौका मिला उसने किसी और व्यक्ति के नाम पर जमीन का ट्रांसफर कर दिया। इस मामले में सभी इक्वैली हिपोक्रैट्स हैं, इक्वैली फ्राड है। बिजनेस मैन चाहें कहीं भी चाहें वह जनसंघ का हो या अन्य किसी भी दल का हो, वह चोरबाजारी करेगा। इसलिए यह बात कहना कि जमींदार लोग कांग्रेस पार्टी में है और उन्होंने ही इसी बारे में पाप किया है, यह बिल्कुल गलत बात है... (Interruption) अभी शेखावत जी ने चैलेन्ज किया कि हमारे जनसंघ के जो सदस्य हैं वह दूसरी पार्टी के किसी के साथ भी अपनी प्रॉपर्टी एक्सचेंज करने को तैयार हैं। मैं नहीं जानता हूँ कि वे मुझे कौन-सी कैटेगरी में रखते हैं। वम से कम मैं तो इसके लिए तैयार हूँ।

एक पाइन्ट में और कहना चाहता हूँ। मैं किसी का नाम नहीं लेना चाहता। सी०पी०आई० के ऐसे लोगों को मैं जानता हूँ जिन्होंने जमीन का ट्रांसफर किया है।

श्री भैरों सिंह शेखावत : उनका नाम बता दीजिए।

श्री नवल किशोर : मैं नाम नहीं लेना चाहता। मैं यह बात कहना चाहता हूँ कि डा० जैड० ए० ग्रहमद ने बड़े सुन्दर शब्द अपने भाषण में इस्तेमाल किये और रेडिकल रिडिस्ट्रिब्यूशन करने के लिए कहा। यह क्या चीज है, इसको उन्होंने एक्सप्लेन नहीं किया। यहां पर यह भी कहा गया कि हिन्दुस्तान में 125 मिलियन एकड़ जमीन सरप्लस थी और उसमें से सिर्फ 1 मिलियन एकड़ जमीन लोगों को मिलने वाली है। अगर यह सही है तब भी सिर्फ एक मिलियन एकड़ जमीन रेडिकली डिस्ट्रिब्यूट कैसे होगी? श्रीमन्, कुछ शब्द ऐसे होते हैं जो सुनने में अच्छे लगते हैं। मैं यह भी कहना चाहता हूँ कि सरकारी आंकड़े भी सही नहीं होते हैं। सन् 1971 में सरकार ने 40 मिलियन एकड़ जमीन को सरप्लस बताया और 1972 में यह संख्या घटकर 32 मिलियन एकड़ रह गई और अब 1974 में हमारे पास इस बारे में कोई

आंकड़े नहीं हैं। यह हालत हमारे सरकारी आंकड़ों की है। मैं आपको उत्तर प्रदेश की बात बताता हूँ उत्तर प्रदेश में जो कानून बना उसमें सीलिंग 18 एकड़ की मितित भूमि की लगाई गई है और असिचित भूमि की सीलिंग 27 एकड़ रखी गई और इसके अलावा उममे जमीन के बारे में यह भी है कि यदि वह कैपबुल आफ प्रोड्यूसिंग टू क्रोप है तब उसकी सीमा भी 18 एकड़ रखी गई। अब इसका इन्टरप्रिटेशन कौन करेगा? जिले में जो पटवारी या तहसीलदार बैठा है, वह इसका फैसला करेगा। आज भी लोगों के जेबो में पाच सात या दस माल पुराने स्टाम्प पेपर पड़े हैं और वे जिसके नाम चाहें आज भी उन पर अपनी भूमि को ट्रांसफर कर देते हैं। इसलिए असली पाइन्ट यह है कि कानून बनाते समय इस बात का ध्यान रखा जाये कि इसका इम्प्लीमेंटेशन किस तरह से होगा।

उपसभाध्यक्ष : आपने दस मिनट ले लिये हैं अब आप समाप्त करिये।

श्री नवल किशोर : मैं 5-6 मिनट और लेकर खत्म करूंगा। मैं यह कहना चाहता था कि केवल जमीन का कानून बना देने से, और जैसा कि डा० ग्रहमद ने कहा रेडिकलिज्म से, खेती का उत्पादन बढ़ने वाला नहीं है। शिन्दे साहब नहीं हैं, मैं उनकी खिदमत में दो-चार बातें पेश करना चाहता था। एक तो यह कि मैं इस बात के हक में हूँ कि राष्ट्रीय नीति एक दफा तय हो कि हम कितनी जमीन को इकानामिक होल्डिंग मानते हैं। मुल्तान सिंह जी की वान फो, डा० जैड० ए० ग्रहमद ने कहा कि मैं नहीं मानता लेकिन मैं उनसे इतिफाक नहीं करता हूँ। गूलतान सिंह की बातों में भी बहुत कुछ वजन था और मैं भी इस बात से सहमत हूँ कि हिन्दुस्तान में समाजवाद एक ही तबके में नहीं आना है। चौधरी चरण सिंह के हिसाब से, जब हमने 40 एकड़ की सीलिंग की थी, तो एक करोड़ खातों में 14,000 खाते ऐसे थे यू०पी० में जिनमें 30 एकड़ से ज्यादा जमीन थी—0.14 परसेन्ट। तो श्रीमन्, चाहे जो भी सीलिंग ऐक्ट हों, एक मर्तबा यह तय हो

जाए, कि कम से कम 10-15 साल तक उसमें एक फाइनेलिटि हो ताकि सटेंटी संभव हो और उसका फंडर फ्रीगमेंटेशन न हो। (Interruptions) जिन लोगों के पास जमीनें आलरेडी हैं और जिनको जमीनें नहीं दी जाएगी, जब तक उनको क्रेडिट फैमिलिटीज न हों, उनके लिए अग्रिकलचरल इन्पुट्स न हों तब तक फायदा होने वाला नहीं है—आज हालत यह है कि बिजली नहीं, खाद नहीं, अच्छे बीज नहीं, पानी नहीं और उनके बाद हम उम्मीद करते हैं खेती का उत्पादन बढ़ जाएगा तो श्रीमन्, लैंड रिफार्म्स से ही उत्पादन नहीं बढ़ेगा—जिसके पास जितनी जमीन है उसको उतने इन्पुट्स और साथ ही क्रेडिट फैमिलिटीज नहीं होंगी तब तक देश में खाद्य का उत्पादन नहीं बढ़ेगा।

दूसरी बात, इकानामिक प्राइस की है यह भी एक अजीब तमाशा है। हम गेहूं इम्पोर्ट करते हैं, जो फारेन किसान है उसको ज्यादा कीमत देने को तैयार हैं, मगर हिन्दुस्तान का जो काला किसान है उसको वह कीमत भी देने को तैयार नहीं है। जिस भाव पर हमने विदेशों से खरीदा बन्नी यहां भी दें उसमें दूसरे खर्चों को आप छोड़ दीजिए। तो जब तक इकानामिक प्राइस आप काश्तकारों को नहीं देगे तब तक खेती में उत्पादन नहीं बढ़ेगा।

तीसरी बात मैं यह कहना चाहता हूँ कि जो अग्रिकलचर वेस्ट इन्डीस्ट्रीज हैं उनका भी डेवलपमेंट होना चाहिए। एक माननीय सदस्य ने बिलकुल ठीक कहा कि जमीन पर प्रेशर बढ़ाने से, जमीन पर प्रावादी का बोझ बढ़ाने से कोई देश उन्नति नहीं कर सकता, प्रगति नहीं कर सकता। लिहाजा मैं चाहता हूँ, अग्रिकलचरल प्रोडक्ट्स पर आधारित उद्योगों को आगे बढ़ाया जाए। हमारे यहां कोऑपरेटिव सोसाइटीज बहुत हैं—हमारे दोस्त इस समय नहीं हैं, कुलकर्णी जी, उनके महाराष्ट्र में शालदे उनका काम अच्छा हो रहा है—लेकिन मैं कम से कम उत्तर प्रदेश की बात जानता हूँ कि वट्टा पर कोऑपरेटिव सोसाइटी इज अ बिग फाउंड। लिहाजा अच्छी कोऑपरेटिव सोसाइटीज बनायी जाए तब कहीं उत्पादन अच्छा होगा

वरना मुझे इस कानून के पास होने के बाद भी संदेह है कि उत्पादन अच्छा होने वाला नहीं है।

चौथी बात इन कानूनों के पास होने के बाद एक चीज है जिनको कहते हैं अप्टाचार। इस अप्टाचार के अंदर आज अगर पटवारी यह बात लिख दे कि आपकी जमीन ड्राई लैंड है, चाहे उसमें हजार आबपाशी का इतजाम हो, तो आपकी जमीन ड्राई लैंड मानी जाएगी और 27 एकड़ आपको मिल जाएगा। जमीन की सीलिंग जिन आफीसरो के हाथ में है, उसमें हमारे यहां जो एस०डी० एम० है 90 परसेन्ट उसका निर्णय फाइनल है।

इसके बाद डा० अहमद ने कहा पापुलर पार्टिसिपेशन आफ द बेनिफिशरीज—बहुत अच्छा सेन्टेन्स है, मैं भी इससे हन्ड्रेड परसेन्ट इतिफाक करता हूँ। मगर इसकी शकल क्या होगी? एक गांव के अंदर मान लीजिए अगर 100 लैन्डलेस वर्क्स है.....

डा० जेड० ए० अहमद: उसको तो सोचा जा सकता है—शकल क्या हो ?

श्री नवल किशोर : मैंने खुद आपके पीछे कहा कि आपने बड़े खूबसूरत शब्दों का इस्तेमाल किया है।

डा० जेड० ए० अहमद : खयाल भी खूबसूरत है।

श्री नवल किशोर : हा, खयाल भी है। मगर क्या खूबसूरत तरीका निकाला जाए इम्प्लीमेंटेशन का, वह ज्यादा जरूरी है। कानून अच्छे हो, बुरे हो, कानून तो सब में जगह अच्छे हैं। यह बात सही है कि सारे देश में इस बारे में यूनिफार्म लाज नहीं है—कहीं 300 एकड़ जमीन, कहीं 60 एकड़ जमीन, कहीं 80 एकड़ जमीन की सीमा है। तो मैं सिर्फ यह कहना चाहता हूँ कि जहां तक इस विधेयक का सम्बन्ध है, इसका परपज यह है कि कानूनों को कोर्ट में चैलन्ज नहीं किया जा सकता है। यह जो चीज है वह स्वागत योग्य है। लेकिन मैं शिन्डे माहब से कहना चाहता हूँ कि अगर कृषि उत्पादन बढ़ाना है तो जितने भी लैंड रिफार्म्स हैं, उनको सही तरीके से इम्प्लीमेंट

[श्री नवल किशोर]

किया जाना चाहिये। इस सम्बन्ध में स्टेट गवर्नमेंट्स की जो जिम्मेदारी है उसके सम्बन्ध में डाइरेक्टिव दिये जाने चाहिये। जिनके पास लैंड का कंसेन्ट्रेशन है, उसके बारे में अगर इन्क्वायरी हो सकती है तो वह अवश्य कराई जानी चाहिये।

SHRI P. K. KUNJACHEN : Sir, I support this Bill because this Thirty-fourth Amendment intends to include land legislations of various types in the Ninth Schedule of the Constitution. Sir, this is for giving protection from the interference of the courts when implementation of land legislation takes place. While introducing the Bill, the Minister has stated : (1) that the ceiling has been reduced; (2) family with husband, wife and minor children constituting the family unit has been accepted ; and (3) exemption from ceiling has almost been dispensed with. He has also claimed such important features as the distribution of the excess land to the landless agricultural labourers, particularly to Scheduled Castes and Scheduled tribes and also that the land will be given to them at nominal price. He has also stated that compensation amount has been reduced.

In this connection I wish to bring certain facts to the notice of the House. First of all, I wish to state that by passing of a legislation or by mere inclusion of it in the Ninth Schedule, the land problem in our country will not be solved. During the last 25 years, after independence, the Congress has practised the art of deceiving the people by raising slogans after slogans, sometimes most revolutionary slogans, from house tops. This is very clear from the examples. What is the agrarian policy of the Congress Government ? 27 years of Congress rule have proved beyond the shadow of doubt that its agrarian policy has not smashed the feudal and semi-feudal fetters on land relations nor has it liberated the peasantry from the age-old bondage. They want to transform the feudal landlords into capitalist landlords and to develop a stratum of landlords and big peasants, and the Government also depended on this section to pro-

duce agricultural products to meet the requirements of the capitalist development. But now the economy is in the crisis. The agrarian front also is in the crisis and the production is also in the crisis.

Sir, what are the steps they have taken? The abolition of princely States was carried out with the assurance of paying to the ex-princes and their families, privy purses to the tune of several crores of rupees and also leaving in their hand all their wealth and vast tracts of agricultural land and also the forest land. Now the privy purse has been abolished giving them huge compensation.

Sir, the legislation regarding the abolition of the intermediaries, such as zamindars, jagirdars and inamdars, etc., deliberately permitted these intermediaries also to retain large tracts of land and also forest land. On the other hand, Sir, the millions of tenants who had been evicted, both legally and illegally, are also forced to purchase lands by paying huge amounts. Sir, the tenancy laws enacted provide for the right of resumption under the legislation for self-cultivation, depriving all these tenants of their legitimate right over the land. Then, coming to the legislation, regarding the ceiling on land holdings, those acts have been so framed which in fact enable the big landholders to preserve their holdings by splitting them in the name of family members in such a manner to make the ceiling law inapplicable to them.

There are innumerable cases where land has been divided and partitioned in the name of dogs, in the name of cattle, in the name of cats etc. This is the practice that has been adopted by the landlords. And what is the ceiling that has been fixed by the Congress Ministries previously ? In the Andhra Act the ceiling fixed was 27 to 324 acres; in the Gujarat Act it was 19 to 137 acres ; in Karnataka Act it was 27 to 216 acres; in the Rajasthan Act it was 22 to 336 acres; in Tamil Nadu it was 24 to 120 acres. After this some improvement has been effected. After the Chief Ministers' Conference in 1972 some broad guidelines have been evolved and according to the guidelines it has been fixed that 10 to 54 acres shall be the

ceiling. Now the Congress people always claim land should be given to the tiller. Land to the tiller is the slogan which they shout while at the same time the guideline speaks of 10 to 54 acres as the ceiling. When this is the case what is the meaning of the Congress slogan of land to the tiller? The Planning Commission has clearly stated that land legislation has completely failed in our country and they have given five reasons for it. It is not the Marxist reason or the CPI reason or the reason of anybody else. These are the five reasons stated by the Planning Commission after they have studied the problem :

(1) Lack of clear political direction and will on the part of the Government.

The Congress is ruling the country and they say that there is lack of clear political direction and will on the part of the Government.

(2) Loopholes in the legislation.

(3) Lack of agitation by peasants and workers' organisations.

(4) Lack of records of rights of the tenants or the cultivating peasants.

(5) Failure of the bureaucratic machinery to implement the land legislation.

This work was entrusted to the bureaucratic machinery for implementation and they have not implemented it. Even after these reasons have come to light the Government have not taken any steps to see that the and legislations are implemented. Sir, has the Government at least tried to distribute the surplus land which is under the control of the Government till now? The Government has miserably failed in this also. In 1970 the Government stated that 40 million acres of surplus land is available to Government and in 1972 they stated that 32 million acres would be available with the Government for distribution. Now in 1974 when we ask about the figure the Government are saying that they are not in a position to give any figures at all. Has the Government distributed the surplus land till now? It has not been distributed. When the Government is not prepared to distribute the surplus land

that is already available with the Government why talk of getting excess land and distributing it? The actual position is the Government really does not want to implement land legislation. They will only pass certain legislations and they will then throw them in the dustbins. I can say this from the example of Kerala. I am not telling the old story. Lately, Land Legislation was passed in Kerala in 1969 and the Government stated that the legislation will come into effect from 1st January 1970. According to the Kerala Legislation the limit fixed is 12 standard acres.

The Government stated that all the excess land would be taken over, but after declaring it, the Congress President there, Mr. Vishwanathan—he is the Gujarat Governor nor now—said : No, it is not possible to get an inch of excess land in Kerala. There is no excess land in Kerala. That was the slogan adopted by Mr. Viswanathan and the Congress Party there. Then, we challenged it. The agricultural labour union and the Kisan Sabha challenged the statement of Mr. Viswanathan. (*Time Bellings*). We entered the land and told them here is the excess land. We asked them whether they were prepared to take it over. We showed them 1,86,000 acres of excess land. We submitted to the Government with survey numbers, these are the excess lands. We asked : Is the Government prepared to take over the excess land? But the Government is not prepared to take over the excess land. Then, we again entered the land and began to cultivate the land. At that time the Government let loose repression on the people. They arrested the persons, beat them up and molested women. They were taken to the lock-up and put there. After negotiations again the Government said that they would distribute it to the poor peasants, agricultural labourers, the Scheduled Castes, etc. They were bringing into being some machinery. They said that they were going to bring in some land boards at the taluk level, district level, the State level, etc. What has happened after that? After four years you will wonder at what has happened in Kerala. Only 1,972.67 acres of land has been taken over and distributed by

[Shri P. K. Kunjachen.] the Kerala Government. We in Kerala know that about 3 lakh acres of excess land are there, but only less than 2,000 acres of land have been taken over. There is another provision in the legislation for giving proprietary right to the cultivating tenant. More than 8 lakh tenants have filed petitions before the land tribunals, but what is their fate? Only in 4 lakh cases it has been decided and for four years and more these cases are pending before the land tribunals. There is another clause giving the *Kudikittappukars* ownership the right to the land, say, for 3 cents, 5 cents and 10 cents. There also 5 lakh petitions have been filed before the tribunals. Only in 3 lakh cases decision has been taken. In more than 1,500 cases orders have been issued evicting the poor *Kudikittappukars*, i.e., hutment dwellers. When there is excess land, forest land, Inam land, Government land and when the Scheduled Caste and Scheduled Tribe people enter the land and cultivate the land, the Government lets loose repression on them. They are being evicted, they are being beaten up, their crops are being destroyed. This is the case in Kerala. It is not only the case in Kerala, but it is the case throughout India

THE VICE-CHAIRMAN (SHRI JAGDISH PRASAD MATHUR) : Please conclude.

SHRI P. K. KUNJACHEN : Yes. Then, they are talking of legislation. Now, we have started another struggle. We know clearly that there is excess land above the ceiling. We are surrounding the land. We tell them, this is the excess land. Take over this land and distribute it. Otherwise, we will take the yield from the land. We will not allow the landlord to cultivate it. We will not allow the landlord to enter the land and take the yield. We are preventing them and we are trying to take the land. We are trying to take the yield. Here also the police is let loose. In Cannanore the police lathi-charged the persons who surrounded the excess land and entered there. The landlord has no right to hold the land, no right to cultivate the land, but even then the Government is arresting our people. So, under this system, by bringing

forward this kind of legislation, excess land cannot be taken over and excess land cannot be distributed to the poor people. Only by people's participation it can be done. People's committees should be formed at the lowest level. My friend here asked: Where is the excess land? In the villages people know who are the people residing. They know and they can see the land. They understand it. By forming committees they will be able to find out the excess land and distribute it to the poor peasants.

Is the Government prepared to do like that? If the Government wants to do it, it is very easy. The machinery can be created in every village, in every taluk. But the Government is only depending upon this bureaucratic machinery, the village officer, the tehsildar, the collector and others for distributing the land. Actually, the Government does not want to distribute the land. That is the reason. And they want to create capitalist landlords. Otherwise, the machinery can be created, and the land can be distributed. I say once again: if the Government is interested, it must see that such a machinery is created, that repression is stopped and that land is given to the Scheduled Castes and the Scheduled Tribes and the poor agricultural labourers.

SHRI K. CHANDRASEKHARAN (Kerala) : There has been a lot of politics in the implementation of land reforms in this country, a sector where politics ought not to have played any part at all. Sir, so far as my State of Kerala is concerned, I can say with a lot of confidence that whatever be the inter-party disputes, since the formation of Kerala in 1957, it has been the consistent, continuous and deliberate attempt on the part of all the parties, political and otherwise, in Kerala to see that land reforms are implemented. To a large extent, the implementation of land reforms has shown a great progress in that State. It is not on account of any particular party or any particular government that this welcome situation has arisen there. It is on account of the fact that the politician in the State, to whatever political complexion he may belong, has been honest and sincere in the matter of the implementation



of the land reforms. Sir, that is not the case with many of the other states in our country. There has been, as the Planning Commission has rightly put it, no political direction in the matter of correct and speedy implementation of land reforms. Courts have been made the scapegoats for the failure of the Government. I am not forgetting the fact that many of the State High Courts—and in some cases, the Supreme Court—had struck down the provisions of the land reform laws. But the fact remains that whenever there has been a striking down by the courts, whenever there was an apprehension that the courts might strike down the provisions of the Act, Parliament has always come to the rescue. Take for instance the history of article 31B of the Constitution as per which the Ninth Schedule has been appended to the Constitution. It was as early as 1950 that the Zamindari was abolished in Bihar by the Bihar Land Reforms Act of 1950. And when the Supreme Court struck down certain vital provisions of that Act, Parliament came to the rescue, and the Ninth Schedule was adopted in pursuance of the new article 31B. And the first amendment of the Constitution—it is well to remember on this occasion—was an amendment for the purpose of the speedy and progressive implementation of land reforms in this country.

The Fourth Amendment to the Constitution was another such venture. The Seventeenth Amendment to the Constitution was another such step. The Twenty-ninth Amendment to the Constitution was yet another step and today, Sir, we are on the Constitution Thirty-fourth (Amendment) Bill and 86 enactments that now will be included in the Ninth Schedule to the Constitution would be absolutely protected from courts and the courts will have no authority or competence to examine or strike down any of the provisions of the enactments scheduled in the Ninth Schedule further in futherance of this legislation also. If that be the position, Sir, who is at fault? Are the courts at fault? The courts have absolutely no power to examine the validity or otherwise of these legislations. These legislations could, therefore, be absolutely freely

implemented by the Governments in the country. The various State Governments under the control and guidance of the Planning Commission and the Government of India have failed to implement land reforms. That is the truth and that is the fact.

Sir, it is surprising and shocking to know that some of the States in this country, in various cases, even fixity of the tenure which is the first step that ought to be taken in the matter of implementation of land reforms, even that step has not been taken in some of the States in this country in regard to certain tenancies. So far as the State of Kerala was concerned, as early as 1957 the fixity of tenancy was conferred on all tenants including the sharecroppers. In fact, a fourpronged attack is necessary so far as this problem of land is concerned. The tenant has to be made the proprietor of the land. The tenant would include the sharecropper also. The hutment dweller should get fixity in regard to his house sites. The record of rights must be prepared by the Government. The ceiling provisions are to be implemented for the very sacred purpose of providing land to the landless agricultural labourers belonging in the various States to the Scheduled Castes and Scheduled Tribes.

Sir, so far as the fixity of tenure is concerned, or the tenant proprietorship is concerned, whatever little progress that might have been made in the country it is a dismal commentary that the States after 27 years of independence have not been able to implement the ceiling rules in any one of the States in this country; we have not been able to get any appreciable land in any of the States of the country and provide the Scheduled Castes and Scheduled Tribes that constitute the mass of landless workers in this country with any land whatsoever.

Sir, the First Amendment, the Fourth Amendment, the Seventeenth Amendment and the Twenty-ninth Amendment to the Constitution have been only on paper so far as land reforms are concerned. There-

[Shri K. Chandrasekharan.]

fore, it is necessary at least for me to warn the Government that the fate that the previous Constitution Amendment Acts met should not be repeated to this legislation that is now sought to be done is really in support of all sections of this House.

Sir, a doubt has been expressed by no less a person than hon'ble Mr. Patil that agricultural production in this country might fall if land reforms in the manner that is now sought to be done is really in practice implemented in this country.

Sir, that is an absolute untruth, that is a false propaganda, that is a misleading type of propaganda against land reforms legislation being implemented. In my state of Kerala, progressive implementation of land reforms, particularly in regard to three or four aspects, even though the implementation has failed in regard to the ceiling rule, has not made agricultural production any the less. Ten years ago, the State produced between 10 and 11 lakh tonnes of rice. Today on the implementation of full land reforms so far as tenancy proprietorship is concerned from 1970, every tenant, every sharecropper in the State has become the owner of the land and in four or five years of implementation of that aspect of land reform, agricultural production so far as rice is concerned, has risen in Kerala to 14 lakh tonnes. Therefore, Sir, agricultural production in the State of Kerala has increased by about 33 1/3 per cent during a period of five or six years. That would show that it is absolutely wrong propaganda, misleading propaganda against the implementation of land reforms to say that if land reforms are implemented, agricultural production would come down. If India is to be saved, if the country is to have greater agricultural production, if the Punjab tiller and the Haryana tiller and the U. P. tiller and the Bihar tiller are to produce more rice and more wheat, land reforms have to be implemented. It is the implementation of land reforms in states like Andhra Pradesh and Tamil Nadu that will probably save agricultural production in the country and enhance

agricultural production in the country rather than any other aspect of the matter.

THE VICE-CHAIRMAN (SHRI JAGDISH PRASAD MATHUR) : Please conclude.

SHRI K. CHANDRASEKHARAN: I am concluding. Going through the discussion in the other House, I found that a certain apprehension was expressed in regard to certain laws that had been enacted in the State of Tamil Nadu. It was stated then that some of the enactments that have been passed in Tamil Nadu had not been brought into the Ninth Schedule and within the purview of this legislation. I would ask the hon. Minister how this has happened. The Chief Ministers' Conference of July, 1972 had reached a broad agreement on this matter and it is up to the Central Government to see that in every state, whatever be the political complexion of the Ministry in that State, the guidelines that have been adopted at the national level are implemented.

In regard to the implementation of land reforms, even so far as willing States, sincere Governments are concerned, it has been found that finance has been a bottleneck. I was going through the scrappy lines contained in the Reports of the Food and Agriculture Ministry, Department of Agriculture, for 1972-73 and 1973-74, and these Reports admit the fact that the finances that have been provided are totally inadequate to the needs and requirements of the situation, for the various items of expenditure by the State Governments. Sir, we are today without a Fifth Year Plan. We are today in the first year of the Fifth Plan without a Fifth Plan in the offing. We do not know what sort of provisions are going to be made for 1975-76 and the subsequent years. If Parliament passes legislation of this nature, it must have powers of supervision and direction. I suggest that the Central Government do constitute a parliamentary committee to go into the whole matter, visit the various States and commend to the various States what has been done in one State or the

other, so that there will be some uniformity in regard to guidelines and their implementation. Thank you.

**SHRI K. S. MALLE GOWDA** (Karnataka) : Mr. Vice-Chairman, Sir, I rise to oppose this Bill on behalf of the farmers of India, on behalf of the Rural India Peoples' Party. Whom does this Bill adversely affect? To whom does this Bill deny justice? This Bill denies justice to 37 crores of farmers from seeking justice in a court of law when injustice is done to them. Why did not the Government think of setting up special courts to dispose of land disputes within a specific period of nine to twelve months if the Government felt that the speedy implementation of land laws was not possible if the aggrieved farmers were allowed to seek justice in the courts of the land?

(Mr. Deputy Chairman in the Chair)

Sir, I want to emphasise here that I am not opposed to socialism; but I must say that I am opposed to the Indian brand of socialism and that I am opposed to the hypocritical application of double standards in the neo-Indian socialism. In this enlightened epoch, the democrats of a country like ours with its overpopulation, with a very large proportion of it being poor, and given adult franchise, have to accept socialism for the country. Many of the justice-loving urban brothers, a good many of the democrats of this country evidently have not realised yet that the farming community of India have been more sinned against than sinning and have been subjected to tyranny almost in the name of progressivism and radicalism, resulting in loss of faith for the rural people in agriculture and village life—making rural uplift, modernisation of villages nearly not possible under the prevailing attitude and with the misconceived economic policies of the Government. Perhaps a modern world citizen outside India cannot believe that in some Indian States a plot of 10 acres of land which may yield about Rs. 8,000 per annum is fixed as the maximum size of land of family of five persons can hold. And what value

has the State Governments' proposal for taking over the surplus land held even under personal cultivation? I will give the example of my own State of Karnataka. What is the ingenious and inglorious definition of the Government for value to be fixed for land under 'tenancy'? The value per acre would be fifteen times the rent. So far it is perfectly all right. But what is the callous definition of 'rent'? It is defined as ten times the land revenue. Thus an acre of land under channel costing about Rs. 15,000 is given a nonsensical value of about Rs. 1,200 per acre. A maximum value is fixed at Rs. 3,000 per acre even for land held under personal cultivation which is declared as surplus land, while the wet land and arecanut lands in some areas fetch between 15 and 20 thousand rupees per acre. Our urban-oriented and urban-directed political parties do not consider that a rural citizen should be given at least half the market value for the land taken away from him so that he could invest the same in the cities to better his living standard. I want to put this simple question to the Government. Is the Government bringing also a similar Constitution Amendment Bill to prevent the aggrieved urban citizens from seeking justice in court when surplus urban property is taken over when the urban property ceiling Bill is passed, or when the urban industries are nationalised or taken over? I am sure that the opportunistic leftists in the Congress Party and our Communist friends will urge for bringing a similar Constitution Amendment Bill which will empower the Government to give nonsensical value for the urban properties taken over, for they know that they would be sealing the fate of free democracy in this country by taking away the incentive to investment and hard work thus. Whatever injustice has been done to us the rural people by the invidious, iniquitous, sinister economic policies of the ruling party, especially during the last five years, the true democrats in rural India will not urge for bringing a similar Bill in a spirit of vengeance for they realise that to eradicate poverty and alleviate human suffering in our country we should base our economic policies on

[Shri K. S. Malle Gowda.]

modernism, pragmatism and realism and not on negative obscurantism and hollow radicalism.

As nearly 360 million people are living below the poverty line even at the end of four national Plans, it is imperative for the nation to raise the level of living of those masses substantially and to provide the basic necessities of life to every family in the country. When our minimal task is so gigantic, redistribution of what poor wealth we have in rural India and weakening of rural economy with the increase of pressure on land, is only a negative achievement, and not a worthy achievement to be proud of. The farm policies of the Government have failed to produce enough food for the masses even after the completion of Four Plans and we have already imported foodgrains every year since independence costing over Rs. 5,000 crores in foreign exchange. The reason is that self-reliance and generation of surpluses for reinvestment in agriculture have been sacrificed for political ends instead of being made the basis of development of rural economy.

There was a possibility of handing over this ancient nation in a golden platter to Communism or some other kind of dictatorship, though ostensibly by democratic means, with the plan of the Government to impose co-operative village management of agriculture on the country in pursuance of the Nagpur Resolution of the undivided Congress on co-operative farming.

The nation, alerted by the vigilant free press and some of our great statesmen who held the freedom of the people supreme, promptly nipped this sinister plan in the bud and prevented that awesome possibility.

One can see how some of the basic farm-policies and dual, invidious economic policies of the Government are in the process of demolishing the rural middle class, thus making it nearly not possible to modernise our agriculture and rural society. It is for all to see how those

Government policies are stunting and stifling the growth of the rural sector and creating two distinct, easily distinguishable, separate socio-economic zones—urban and rural—in our country. If the Government's economic policies continue to widen further that gap between the urban and rural societies it can only result in a great social upheaval in the country-side.

The people's rebellion in East Pakistan caused by the double dealing rule of Pakistan rulers in a short period of 23 years, which culminated in the creation of independent Bangladesh should give a great lesson to our rulers.

The economic and political supremacy of West Pakistan, economic exploitation of East Pakistan and growing disparity between income and opportunities of the people in the two wings of Pakistan was the main cause of the great rebellion in the neglected eastern wing.

Now a days, in the Parliament the divisive Russian word 'Kulak' used for destruction, section by section of the Russian peasants who become owners of the tenancy land, is being used in the same spirit to describe the better placed section of our farmers. If a ten-acre wet land owning lordship's family here is isolated as rich and public prejudice is created against it, our good people have to judge whether it cannot be rightly said that every member of Parliament and legislative Assemblies, every employee and every other citizen earning about Rs. 700 per month is now two and half 'kulaks' put in one, that is, two and half times as rich as the so subbed 'kulak'. You must understand that mostly there are two working adults and a working son or daughter in a farmer's family of five. Do we want to bring down or peg the national living standards of the Indian people and stunt the economic growth in the country in a modern era by classifying the families which earn about Rs. 8,000 per annum as rich?

With these few words, I oppose this Bill.

**SHRI ANNASAHAB P. SHINDE :** Sir, I am thankful to the hon. House for the very wide support it has given to this Constitutional Amendment Bill from all sections. If we look through the previous debates when similar Constitutional Amendment Bills were discussed and when land reform legislations were sought to be put in the Ninth Schedule, the views expressed were so divergent and the House was sharply divided. Today I am really happy, and a general consensus seems to be emerging in this country in regard to land reforms. To my mind, the implementation of land reforms to which many of the hon. Members from all sides of the House referred, should receive our attention. I think it is very important. It is true that Administration has a very heavy responsibility in this. But it is not only Administration, but what is required is the general awareness in the country, a general consciousness and a vigilant public. From that point of view, today's debate has contributed a lot.

I have been very attentively listening to the speeches of the hon. Members and I must say very frankly that I have today heard on the floor of the House some of the very fine speeches made by the hon. Members. Some interludes were also there. That is inevitable because naturally some of our friends have some different views on this matter. On the whole, it has been a very serious debate. I am, therefore, thankful to the hon. Members who have participated in this debate.

Shri Rajnarain, as usual, spoke and went away. He asked what is the national policy of the Government of India in regard to land reforms. He was challenging as if we have no national policy. I would like to make a very humble submission to which, in fact, one of the hon. Members—Shri Deorao Patil—has made a reference. Today for the first time in this country, land reforms are attempted to be brought into the broad framework. If you look into the previous legislations you will find what diversities and divergence

were there in between one State and another. There was no common approach to the national guidelines. For the first time in the last three or four years, some broad national guidelines have been evolved at the initiative of the Government of India and as a result of the co-operation we got from the Chief Ministers. Sir, the national ceiling laws were such that there was no proper definition of the word "family" and there were a very large number of exemptions and because of these things, anybody could take protection under these exemptions and circumvent the law. Now, many of the honourable Members, while making their speeches, drew our attention to the way in which many of the land reform laws have been evaded in the country. For instance, some of the honourable Members drew our attention to the Report of the U.P. Committee and this showed that there were many loopholes and that there was a great need to plug all these loopholes. Now, Sir, I am not making any claim that all these have been plugged. I think that a very serious attempt has been made for the first time to work out a broad frame work of these legislations and I must say that most of the legislations in the country, which have been approved by the Legislatures, fall within this broad framework. Now, a question was raised: "why has not the Tamil Nadu Bill been included in this?" Now, the Tamil Nadu Government wanted that this Bill should be included in the Ninth Schedule. But we scrutinised that Bill and we found that it was not consistent with the national guidelines. For example, in the Bill, "stridan" is treated as a separate property while our definition says that husband, wife and three minor children constitute a family. Then, there are other departures also. For example, orchards are totally exempted under the present ceiling laws of the Tamil Nadu and, therefore, we have drawn the attention of the Tamil Nadu Government to this and I am glad that a spokesman who spoke here said that they would be prepared to fall in line with the thinking of the Government of India. I would only appeal to him on the floor of this

[Shri Annasaheb P. Shinde.]

House: "Please persuade your Government to amend their law as early as possible and we will not hesitate to come forward again before this august House for putting the Bill in the Ninth Schedule so that it gets the necessary constitutional protection".

Then, there are three other laws which have not been included in this: One is the Maharashtra law, the other is the Assam law and the third is the U.P. law. Now, with regard to the U.P. law, there were some departures from the national guidelines and we took up the matter with the U.P. Government and I am glad to inform the House that the U.P. Government has broadly accepted our suggestions and they have passed the legislation, but since certain formalities had to be completed, and hence it could not be included.

As far as the Assam law is concerned, by and large, the Assam law falls within the broad purview of the national guidelines. But what has happened with regard to the Assam law is that there was some technical mistake on their part. When the law was enacted, they took the assent of the Governor and not of the President. Now, when we examined it with the help of the Law Ministry, we found that the assent of the Governor is not adequate to bring it under the Ninth Schedule and, therefore, they will have to put it before the Legislature and the President's assent will have to be given to that Act.

SHRI SASANKASEKHAR SANYAL : The assent of the President could be given or obtained later.

SHRI ANNASAHAB P. SHINDE: No, that cannot be done. We have consulted the Law Ministry and the Law Ministry has advised us that unless the law is properly enacted, that is, it is approved by the Legislature and has received the assent of the President it cannot be put in the Ninth Schedule. So unless there is a properly enacted law, it cannot be done like this . . .

DR. Z. A. AHMAD : What is the problem in Maharashtra?

SHRI ANNASAHAB P. SHINDE : There is some difference of opinion between the Government of India and the Maharashtra Government in regard to properties which have been partitioned before 1970. Their contention is if the Government of India has no objection for transfer to third parties, which took place before 1970—because they gave retrospective effect to their law one year earlier to the national guidelines. They say that this will be really challenged in a court of law. There will be a spate of litigation. According to their view, Government of India's position is not correct. There is difference of view in regard to the legal position. We are trying to persuade them and I do hope they will agree, and that law will also come within the purview of the 9th Schedule, so that that law also gets the necessary protection.

Then, Sir, a number of other aspects have been raised. One of the important issues that has been raised is by Shri Veerendra Patil. He is not here. He challenged the *bona fides* of the Karnataka Government, and he says that the implementation machinery is not really very effective. Now, there I have no two opinions. In fact, Dr. Z. A. Ahmad very effectively argued this point, because what is important now is the effective implementation of the law. He drew our attention to some of the very positive aspects of implementation. He made valuable suggestions as to how this can be implemented by setting up popular movements and involvement of the beneficiaries. Shri Veerendra Patil also stated that the record should not be left in the hands of Patwaris. That is all right. But when he challenged the *bona fides* have just to put one question to him. He was the Chief Minister of that State for many, many years. What did he do to reduce the ceiling? Now, when he was the Chief Minister, the level of ceiling in Karnataka was 216 acres. But I do not want to enter into any controversy. New law has come . . .

**SHRI K. CHANDRASEKHARAN :** What is the present ceiling?

**SHRI ANNASAHEB P. SHINDE :** The present ceiling is 10 to 54 acres uniform throughout the country. There is no departure, except in two areas. Departure has been made in the case of western Rajasthan, desert area. Then, there are two or three districts of Himachal Pradesh where a departure has been allowed—Lahaul and Spiti. It is 70 acres there instead of 54 acres. We have not allowed the departure to any State Government, excepting these two. We have given President's approval only on this basis and on the clear understanding that they will fall within the purview of national guidelines.

Now, it is a question of implementation. For implementation, one of our hon. Members suggested that there should be a Parliamentary Committee. Now, I do not know whether a Parliamentary Committee will serve the purpose. But I appreciate the intention of the hon. Member because all along Members have been saying, and we know, and it is even our own, Government of India's, assessment, that it is only implementation which is important. As my senior colleague mentioned in the other House, we require some machinery of some type and we will go into this. Machinery is necessary at the district level, at the State level and even at the all-India level. If we have evolved national guidelines, it is the duty of the Government of India to see that those guidelines are being implemented in practice. That would be the endeavour of the Government of India . . .

**SHRI SASANKASEKHAR SANYAL :** May I ask you one question? Are you going in for popular participation?

**SHRI ANNASAHEB P. SHINDE :** That has been there. We have written to the State Governments. The suggestion of Dr. Ahmad has been accepted by us. We have written to the State Governments that proper popular committees should be there and there should be participation by the beneficiaries. That has been communicated by us.

Then, Sir, another point has been made by Shri Shekhawat. He interpreted the inclusion of land legislation in the Ninth Schedule in a different way.

He said that the Government was conceding the position that there are some weaknesses in the legislation and that is why this attempt is being made to include this in the 9th Schedule. I must submit that I entirely differ from him because our experience is that endless litigations are carried on or false excuses are made by interested parties and vested interests. Therefore, it is not out of our weakness that we are putting it in the 9th Schedule. The interested parties carry on endless litigation and the poor people are not in a position to face it. Even the State Governments are burdened with thousands and thousands of cases of litigation. Therefore, I very humbly submit that I do not agree with the hon. Member.

श्री श्रीरों सिंह शेखावत : आप जो इस समय नैजिलेशन ला रहे हैं इसमें भी लूपसहोला है। मारी गेट ऐसेम्बलीज ने जो कानून पास किया है उसमें एक प्राविजन है कि नये कानून से यदि पुराने कानूनों के मुकाबले में जमीन कम मरेन्डर की जाती है तो पुराना कानून लागू होगा। ऐसी हालत में जब पुराना कानून लागू हो गया तो आप चाहे कितना ही कंस्टीट्यूशन प्रोटेक्शन दें, लोग पुराने कानून के मातहत प्रोटेक्शन ले लेंगे ?

**SHRI ANNASAHEB P. SHINDE :** I have said and covered important points. I have one more point and that would be the end of my speech. A point has been made that the beneficiaries did not get benefit out of even the limited lands which have been distributed over a number of years. Either these were uneconomic holdings or the necessary infra-structure support was not given to them. I concede this point. When we formulated a few guidelines, one of the conclusions was that there was no use in indiscriminately distributing the land unless all support was given to the poorer sections of the society. You know that our approach is very clear

[Shri Annasaheb P. Shinde]

We would like to give preference to the Scheduled Castes, Scheduled Tribes and other categories of landless people. But unless you give the necessary credit and their holdings are made economic, the benefits may not really accrue to them. The Government has realised this position. We have given the necessary instructions to all the nationalised banks. It is at the implementation level. We are trying to co-ordinate our efforts with the State Governments in regard to these matters.

Then, Sir, a point has been made as to whether we would be giving or distributing uneconomic holdings. Our advice to the State Governments would be to see that, to the extent possible, at least 5 acres or 7 acres which would possibly constitute economic holding should be given to individual farmers. If uneconomic holding is given, it is really very very difficult. Of course, in the case of irrigated land, even if a little less is given, it would do. It is a question of what would be an economic holding in the different areas.

DR. Z. A. AHMAD : You can tell in terms of acres.

SHRI ANNASAHAB P. SHINDE : If it is a very fertile land, then even 3 acres would possibly make it an economic holding. If it is unirrigated land, then 5 to 7 or 7½ acres will be an economic holding.

SHRI INDRADEEP SINHA (Bihar) : Is it not the policy of the Government to make the holding economic by persuading the small farmers to join hands in co-operative farming because individual farms cannot be made economic so far as the poor peasants are concerned ?

SHRI ANNASAHAB P. SHINDE : I have had occasion to go into this problem. My own feeling is that we have not succeeded in providing the necessary incentives for co-operative farming. I think that whatever may have been the previous feeling and past mistakes, this will have to be done. I entirely agree that in our agriculture, very small farms are there. Some hon. Members mentioned that 60

per cent of the farms are of less than 2½ acres. We will have to see that some effort is made to see that the individual interest is protected and the necessary infra-structure is provided. I would not take much time of the House. I am thankful to all the Members of the House. There was a solitary dissenting voice in this House. I am very sorry for the speech which was made by the last speaker.

I must tell him that his thinking is completely out of tune with the national thinking of today. And what he spoke is not acceptable to the country. I wish he had not been spoken like that. Of course, since he is an hon. Member of this House, he has a right to speak. But nobody in the country is going to accept this. The direction in which the country wants to go whatever be our present weaknesses, is altogether different. And, therefore, I would suggest to him, though he has made a speech, not to oppose this Bill and either support it or abstain from the voting.

Sir, I would seek a unanimous support of this House for this very valuable and historic measure.

MR. DEPUTY CHAIRMAN : The question is :

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

*The House divided.*

MR. DEPUTY CHAIRMAN : Ayes—170, Noes—Nil.

AYES—170

Abid, Shri Qasim Ali.  
Abu Abraham, Shri.  
Adivarekar, Shrimati Sushila Shankar.  
Ahmad, Dr. Z. A.  
Alva, Shrimati Margaret.  
Amla, Shri Tirath Ram.  
Anand, Shri J. S.  
Anandam, Shri M.  
Anandan, Shri T. V.  
Arif, Shri Mohammed Usman.



Avernoankar, Shri R. D. J.  
 Banarasi Das, Shri.  
 Barman, Shri B. D.  
 Basai, Shri Todak.  
 Berwa, Shri Jamna Lal.  
 Bhagwati, Shri B. C.  
 Bhardwaj, Shri Jagan Nath.  
 Bhatt, Shri Nand Kishore.  
 Bisi, Shri P. N.  
 Bobdey, Shri S. B.  
 Borooah, Shri D. K.  
 Buragohain, Shri Nabin Chandra.  
 Chakrabarti, Dr. R. K.  
 Chandra Shekhar, Shri.  
 Chandrasekhar, Shrimati Maragatham.  
 Chandrasekharan, Shri K.  
 Chaturvedi, Shrimati Vidyawati.  
 Chaudhari, Shri N. P.  
 Chaurasia, Shri S. D. S.  
 Chettri, Shri K. B.  
 Choudhury, Shri N. R.  
 Chowdhary, Shri C. L.  
 Choudhri, Shri A. S.  
 Chundawat, Shrimati Lakshmi Kumari  
 Das, Shri Balram.  
 Das, Shri Bipinpal.  
 Dhabe, Shri S. W.  
 Dhar, Shri D. P.  
 Dikshit, Shri Umashankar.  
 Dutt, Dr. Vidya Prakash.  
 Dwivedi, Shri D. N.  
 Gadgil, Shri Vithal.  
 Goray, Shri N. G.  
 Goswami, Shri S. P.  
 Gowda, Shri U. K. Lakshmana.  
 Gujral, Shri I. K.  
 Gupta, Shri Shyamlal.  
 Hashmi, Shri S. A.  
 Himmat Singh, Shri.  
 Inam, Shrimati Aziza.  
 Jain, Shri Dharamchand.  
 Jaitamdas Daulatram, Shri.  
 Jha, Shri Kamalnath.  
 Joshi, Shri Jagdish.  
 Joshi, Shrimati Kumudben Manishankar.  
 Joshi, Shri Umashankar.  
 Kalaniya, Shri Ibrahim.  
 Kalp Nath, Shri.  
 Kalyan Chand, Shri.  
 Kamble, Prof. N. M.  
 Kapur, Shri Yashpal.  
 Kesri, Shri Sitaram.  
 Khan, Shri Khurshed Alam

Khan, Shri Maqsood Ali.  
 Khan, Prof. Rasheeduddin.  
 Kollur, Shri M. L.  
 Kripalani, Shri Krishna.  
 Krishan Kant, Shri.  
 Krishna, Shri M. R.  
 Kulkarni, Shri A. G.  
 Kulkarni, Shrimati Sumitra G.  
 Kumaran, Shri S.  
 Kunjachen, Shri P. K.  
 Lakshmanan, Shri G.  
 Lalbuaia, Shri  
 Lokesh Chandra, Dr.  
 Mahanti, Shri B. K.  
 Majhi, Shri C. P.  
 Makwana, Shri Yogendra.  
 Malaviya, Shri Harsh Deo.  
 Mali, Shri Ganesh Lal.  
 Mariswamy, Shri S. S.  
 Mathew Kurian, Dr. K.  
 Mathur, Shri Jagdish Prasad.  
 Mehta, Shri Om.  
 Menon, Shrimati Leela Damodara.  
 Mirdha, Shri Ram Niwas.  
 Mishra, Shri R. K.  
 Mukherjee, Shri Pranab.  
 Mukhopadhyay, Shrimati Purabi.  
 Mulla, Shri A. N.  
 Munda, Shri B. R.  
 Murthy, Shri B. P. Nagaraja.  
 Musafir, Shri Gurmukh Singh.  
 Narasiah, Shri H. S.  
 Nawal Kishore, Shri.  
 Nizam-ud-Din, Shri Syed.  
 Nurul Hasan, Prof. S.  
 Panda, Shri Brahmananda.  
 Parashar, Shri V. R.  
 Patil, Shri Deorao.  
 Patil, Shri Gulabrao.  
 Patil, Shri Veerendra.  
 Poddar, Shri R. K.  
 Pradhan, Shrimati Saraswati.  
 Prasad, Shri K. L. N.  
 Punnaiah, Shri Kota.  
 Puri, Shri D. D.  
 Rachaiiah, Shri B.  
 Raha, Shri Sanat Kumar.  
 Raju, Shri V. B.  
 Ranganathan, Shri S.  
 Rao, Shrimati Rathnabai Sreenivasa.  
 Rao, Shri V. C. Kesava.  
 Reddi, Shri K. Brahmananda.  
 Reddy, Shri Gaddam Narayana.

Reddy, Shri Janardhana.  
 Reddy, Shri K. V. Raghunatha.  
 Reddy, Shri Mulka Govinda.  
 Reddy, Shri R. N.  
 Roshan Lal, Shri.  
 Saleem, Shri Mohammad Yunus.  
 Sangma, Shri E. M.  
 Sanyal, Shri Sasankasekhar.  
 Sardar Amjad Ali, Shri.  
 Savita Behen, Shrimati.  
 Seyid Muhammad, Dr. V. A.  
 Shah, Shri Manubhai.  
 Shahi, Shri Nageshwar Prasad.  
 Sharma, Shri K. L.  
 Shastri, Shri Bhola Paswan.  
 Shekhawat, Shri B. S.  
 Shilla, Shri Showalees K.  
 Shishir Kumar, Shri.  
 Shukla, Shri Chakrapani.  
 Shukla, Shri M. P.  
 Shyamkumari Devi, Shrimati.  
 Singh, Shri D. P.  
 Singh, Shri I. T.  
 Singh, Shri Kameshwar.  
 Singh, Shri Mahendra Bahadur  
 Singh, Shri Mohan.  
 Singh, Shri Nathi.  
 Singh, Shri Niranjan.  
 Singh, Shri Parbhu.  
 Singh, Shrimati Pratibha.  
 Singh, Shri Ranbir.  
 Singh, Shri Sultan.  
 Singh, Shri T. N.  
 Singh, Shri Triloki.  
 Singh, Dr. V. B.  
 Sinha, Shri Awadheshwar Prasad.  
 Sisodia, Shri Sawaisingh.  
 Sivaprakasam, Shri S.  
 Sukhdev Prasad, Shri.  
 Sultan, Shrimati Maimoona.  
 Swu, Shri Scato.  
 Tanvir, Shri Habib.  
 Thakur, Shri Gunanand.  
 Tilak, Shri J. S.  
 Tiwari, Shri Shankarlal.  
 Tiwary, Pt. Bhawaniprasad.  
 Totu, Shri G. C.  
 Tripathi, Shri Kamlapati.  
 Trivedi, Shri H. M.  
 Varma, Shrimati Narayani Devi Manak-  
 lal.  
 Venigalla Satyanarayana, Shri.

Wajd, Shri Sikander Ali.  
 Yadav, Shri Shyam Lal.

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

MR. DEPUTY CHAIRMAN : Now, we shall take up clause by clause consideration of the Bill. There is one amendment on clause 2. But the hon. Member is not there.

The question is :

"That Clause 2 stand part of the Bill".

*The House divided.*

Ayes—171, Nos—Nil

AYES—171

Abid, Shri Qasim Ali.  
 Abu Abraham, Shri.  
 Adivarekar, Shrimati Sushila Shankar.  
 Ahmad, Dr. Z. A.  
 Alva, Shrimati Margaret.  
 Amla, Shri Tirath Ram.  
 Anand, Shri J. S.  
 Anandam, Shri M.  
 Anandan, Shri T. V.  
 Arif, Shri Mohammed Usman.  
 Avernoankar, Shri R. D. J.  
 Banarsi Das, Shri.  
 Barman, Shri B. D.  
 Basar, Shri Todak.  
 Berwa, Shri Jamna Lal.  
 Bhagwati, Shri B. C.  
 Bhardwaj, Shri Jagan Nath.  
 Bhatt, Shri Nand Kishore.  
 Bisi, Shri P. N.  
 Bobdey, Shri S. B.  
 Borooah, Shri D. K.  
 Buragohain, Shri Nabin Chandra.  
 Chakrabarti, Dr. R. K.  
 Chandra Shekhar, Shri.  
 Chandrasekhar, Shrimati Maragatham.  
 Chandrasekharan, Shri K.  
 Chaturvedi, Shrimati Vidyawati.  
 Chaudhari, Shri N. P.  
 Chaurasia, Shri S. D. S.  
 Chettri, Shri K. B.  
 Choudhury, Shri N. R.  
 Chowdhary, Shri C. L.  
 Chowdhri, Shri A. S.

Chundawat, Shrimati Lakshmi Kumarl.  
 Das, Shri Balram.  
 Das, Shri Bipinpal.  
 Dhabe, Shri S. W.  
 Dhar, Shri D. P.  
 Dikshit, Shri Umashankar.  
 Dutt, Dr. Vidya Prakash.  
 Dwivedi, Shri D. N.  
 Gadgil, Shri Vithal.  
 Goray, Shri N. G.  
 Goswami, Shri S. P.  
 Gowda, Shri U. K. Lakshmana.  
 Gajral, Shri I. K.  
 Gupta, Shri Bhupesh.  
 Hashmi, Shri S. A.  
 Himmat Singh, Shri  
 Imam, Shrimati Aziza.  
 Jain, Shri Dharamchand.  
 Jairamdas Daulatram, Shri.  
 Jha, Shri Kamalpath.  
 Joshi, Shri Jagdish.  
 Joshi, Shrimati Kumudben Manishankar.  
 Joshi, Shri Umashankar.  
 Kafaniya, Shri Ibrahim.  
 Kalp Nath, Shri.  
 Kalyan Chand, Shri.  
 Kamble. Prof. N. M.  
 Kapur, Shri Yashpal.  
 Kesri, Shri Sitaram.  
 Khan, Shri Khurshed Alam.  
 Khan, Shri Maqsood Ali.  
 Khan, Prof. Rasheeduddin.  
 Kollur, Shri M. L.  
 Kripalani, Shri Krishna.  
 Krishan Kant, Shri  
 Krishna, Shri M. R.  
 Kulkarni, Shri A. G.  
 Kulkarni, Shrimati Sumitra G.  
 Kumaran, Shri S.  
 Kunjachen, Shri P. K.  
 Lakshmanan, Shri G.  
 Laibuaia, Shri.  
 Lokesh Chandra, Dr.  
 Mahanti, Shri B. C.  
 Mahanti, Shri B. K.  
 Majhi, Shri C. P.  
 Makwana, Shri Yogendra.  
 Malaviya, Shri Harsh Deo.  
 Mali, Shri Ganesh Lal.  
 Mariswamy, Shri S. S.  
 Mathew Kurian, Dr. K.  
 Mathur, Shri Jagdish Prasad.  
 Mehta, Shri Om.  
 Menon, Shrimati Leela Damodara.

Mirdha, Shri Ram Niwas.  
 Mishra, Shri R. K.  
 Mukherjee, Shri Pranab.  
 Mukhopadhyay, Shrimati Purabi.  
 Mulla, Shri A. N.  
 Munda, Shri B. R.  
 Murthy, Shri B. P. Nagaraja.  
 Musafir, Shri Gurmukh Singh.  
 Narasiah, Shri H. S.  
 Nawal Kishore, Shri.  
 Nizam-ud-Din, Shri Syed.  
 Nurul Hasan, Prof. S.  
 Panda, Shri Brahmananda.  
 Parashar, Shri V. R.  
 Patil, Shri Deorao.  
 Patil, Shri Gulabrao.  
 Patil, Shri Veerendra.  
 Poddar, Shri R. K.  
 Pradhan, Shrimati Saraswati.  
 Prasad, Shri K. L. N.  
 Puri, Shri D. D.  
 Punnaiah Shri Kota.  
 Rachaiah, Shri B.  
 Raha, Shri Sarat Kumar.  
 Raju, Shri V. B.  
 Ranganathan, Shri S.  
 Rao, Shrimati Rathnabai Sreenivasa.  
 Rao, Shri V. C. Kesava.  
 Reddy Shri K. Brahmananda.  
 Reddy Shri Gaddam Narayana.  
 Reddy, Shri Janardhana.  
 Reddy, Shri K. V. Raghunatha.  
 Reddy, Shri Mulka Govinda.  
 Reddy, Shri R. N.  
 Roshan Lal, Shri  
 Saleem, Shri Mohammad Yunus.  
 Sangma, Shri E. M.  
 Sanyal, Shri Sasankasekhar.  
 Sardar Amjad Ali, Shri.  
 Savita Behen, Shrimati.  
 Seyid Muhammad, Dr. V. A.  
 Shah, Shri Manubhai.  
 Shahi, Shri Nageshwar Prasad.  
 Sharma, Shri K. L.  
 Shastri, Shri Bhola Paswan.  
 Shekhawat, Shri B. S.  
 Shilla, Shri Showaleess K.  
 Shishir Kumar, Shri.  
 Shukla, Shri Chakrapani.  
 Shukla, Shri M. P.  
 Shyamkumari Devi, Shrimati.  
 Singh, Shri D. P.  
 Sinha, Shri Indradeep.  
 Singh, Shri I. T.

Singh, Shri Kameshwar  
 Singh, Shri Mahendra Bahadur.  
 Singh, Shri Mohan.  
 Singh, Shri Nathi.  
 Singh, Shri Niranjana.  
 Singh, Shri Prabhu.  
 Singh, Shrimati Pratibha.  
 Singh, Shri Ranbir.  
 Singh, Shri Sultan.  
 Singh, Shri T. N.  
 Singh, Shri Triloki.  
 Singh, Dr. V. B.  
 Sinha, Shri Awadheshwar Prasad.  
 Sisodia, Shri Sawaisingh.  
 Sivaprakasam, Shri S.  
 Sukhdev Prasad, Shri  
 Sultan, Shrimati Maimoona.  
 Swu, Shri Scato.  
 Tanvir, Shri Habib.  
 Thakur, Shri Gunanand.  
 Tilak, Shri J. S.  
 Tiwari, Shri Shankarlal.  
 Tiwary, Pt. Bhawaniprasad.  
 Totu, Shri G. C.  
 Tripathi, Shri Kamalapati.  
 Trivedi, Shri H. M.  
 Varma, Shrimati Narayani Devi Manak-  
 lal.  
 Venigalla Satyanarayana, Shri.  
 Wajd, Shri Sikander Ali.  
 Yadav, Shri Shyam Lal.

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

*Clause 2 was added to the Bill.*

MR. DEPUTY CHAIRMAN : The question is :

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

*The House divided.*

MR. DEPUTY CHAIRMAN :  
 Ayes—171 ;  
 Noes—Nil.

AYES—171

Abid, Shri Qasim Ali.  
 Abu Abraham, Shri.  
 Advarekar, Shrimati Sushila Shankar.  
 Ahmad, Dr. Z. A.

Alva, Shrimati Margaret.  
 Amla, Shri Tirath Ram.  
 Anand, Shri J. S.  
 Anandam, Shri M.  
 Anandan, Shri T. V.  
 Arif, Shri Mohammed Usman.  
 Avernoankar, Shri R. D. J.  
 Banarsi Das, Shri.  
 Barman, Shri B. D.  
 Basar, Shri Todak.  
 Berwa, Shri Jamna Lal.  
 Bhagwati, Shri B. C.  
 Bhardwaj, Shri Jagan Nath.  
 Bhatt, Shri Nand Kishore.  
 Bisi, Shri P. N.  
 Bobdey, Shri S. B.  
 Borooah, Shri D. K.  
 Borooah, Shri Nabin Chandra.  
 Chakrabarti, Dr. R. K.  
 Chandra Sekhar, Shri.  
 Candrasekharan, Shri K.  
 Chandrasekhar, Shrimati Maragatham.  
 Chaturvedi, Shrimati Vidyawanti.  
 Chaudhari, Shri N. P.  
 Chaurasia, Shri S. D. S.  
 Chettri, Shri K. B.  
 Choudhury, Shri N. R.  
 Chowdhary, Shri C. L.  
 Chowdhri, Shri A. S.  
 Chundawat, Shrimati Lakshmi Kumari.  
 Das, Shri Balram.  
 Das, Shri Bipinpal.  
 Dhabe, Shri S. W.  
 Dhar, Shri D. P.  
 Dikshit, Shri Umashankar.  
 Dutt, Dr. Vidya Prakash.  
 Dwivedi, Shri D. N.  
 Gadgil, Shri Vithal.  
 Goray, Shri N. G.  
 Goswami, Shri S. P.  
 Gowda, Shri U. K. Lakshmana.  
 Gujral, Shri I. K.  
 Gupta, Shri Bhupesh.  
 Hashmi, Shri S. A.  
 Himmat Sing, Shri.  
 Imam, Shrimati Aziza.  
 Jain, Shri Dharamchand.  
 Jairamdas Daulatram, Shri.  
 Jha, Shri Kamalnath  
 Joshi, Shri Jagdish  
 Joshi, Shrimati Kumudleen Manishankar.  
 Joshi, Shri Umashankar  
 Kalaniya, Shri Ibrahim.

Kalp Nath, Shri  
 Kalyan Chand, Shri  
 Kamble, Prof. N. M.  
 Kapur, Shri Yashpal  
 Kesri, Shri Sitaram  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khan, Prof. Rasheeduddin  
 Kollur, Shri M. L.  
 Kripalani, Shri Krishna  
 Krishna Kant, Shri  
 Krishna, Shri M. R.  
 Kulkarni, Shri A. G.  
 Kulkarni, Shrimati Sumitra G.  
 Kumaran, Shri S.  
 Kumbhen, Shri P. K.  
 Lakshamanan, Shri G.  
 Lalbaala, Shri  
 Lokesh Chandra, Dr.  
 Mahanti, Shri B. C.  
 Mahanti, Shri B. K.  
 Majla, Shri C. P.  
 Makwana, Shri Yogendra  
 Malaviya, Shri Harsh Deo  
 Mali, Shri Ganesh Lal  
 Manawamy, Shri S. S.  
 Mathew Kurian, Dr. K.  
 Mathur, Shri Jagdish Prasad.  
 Mehta, Shri Om  
 Mehta, Shrimati Leela Damodara  
 Mirdha, Shri Ram Niwas  
 Mishra, Shri R. K.  
 Mukherjee, Shri Pranab  
 Mukhopadhyay, Shrimati Purabi  
 Mulla, Shri A. N.  
 Munda, Shri B. R.  
 Murthy, Shri B. P. Nagaraja  
 Musafir, Shri Gurmukh Singh  
 Narasiah, Shri H. S.  
 Nawal Kishore, Shri  
 Nizam-ud-Din, Shri Syed  
 Nurul Hasan, Prof. S  
 Pandey, Shri Brahmananda  
 Parashar, Shri V. R.  
 Patil, Shri Deorao.  
 Patil, Shri Gulabrao  
 Patil, Shri Veerendra  
 Poddar, Shri R. K.  
 Pradhan, Shrimati Saraswati  
 Prasad, Shri K. L. N.  
 Punnaiah, Shri Kota  
 Puri, Shri D. D.  
 Rachaiab, Shri B.  
 Raha, Shri Sanat Kumar

Raju, Shri V. B.  
 Ranganathan, Shri S.  
 Rao, Shrimati Rathnabai Sreenivasa  
 Rao, Shri V. C. Kesava  
 Reddi, Shri K. Brahmananda  
 Reddy, Shri Gaddam Narayana  
 Reddy, Shri Janardhana  
 Reddy, Shri K. V. Raghunatha  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri R. N.  
 Roshan Lal, Shri  
 Saleem, Shri Mohammad Yunus  
 Sangma, Shri E. M.  
 Sanyal, Shri Sasankasekhar  
 Sardar Amjad Ali, Shri  
 Savita Behen, Shrimati  
 Seyid Muhammad, Dr. V. A.  
 Shah, Shri Manubhai  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri K. L.  
 Shastri, Shri Bhola Paswan  
 Shekhawat, Shri B. S.  
 Shilla, Shri Showale K.  
 Shishir Kumar, Shri  
 Shukla, Shri Chakrapani  
 Shukla, Shri M. P.  
 Shyamkumari Devi, Shrimati  
 Singh, Shri D. P.  
 Singh, Shri I. T.  
 Singh, Shri Kameshwar  
 Singh, Shri Mahendra Bahadur  
 Singh, Shri Mohan  
 Singh, Shri Nathi  
 Singh, Shri Niranjana  
 Singh, Shri Parbhu  
 Singh, Shrimati Pratibha  
 Singh, Shri Ranbir  
 Singh, Shri Sultan  
 Singh, Shri T. N.  
 Singh, Shri Triloki  
 Singh, Dr. V. B.  
 Sinha, Shri Awadheshwar Prasad  
 Sinha, Shri Indradeep  
 Sisodia, Shri Sawaisingh  
 Sivaprakasam, Shri S.  
 Sukhdev Prasad, Shri  
 Sultan, Shrimati Maimoona  
 Swu, Shri Scato  
 Tanvir, Shri Habib  
 Thakur, Shri Gunanand  
 Tilak, Shri J. S.  
 Tiwari, Shri Shankarlal  
 Tiwary, Pt. Bhawaniprasad  
 Totu, Shri G. C.

Tripathi, Shri Kamalapati  
Trivedi, Shri H. M.  
Varma, Shrimati Narayani Devi Manaklal  
Venigalia Satyanarayana, Shri  
Wajd, Shri Sikander Ali  
Yadav, Shri Shyam Lal.

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

*Clause I, the Enacting Formula and the Title were added to the Bill.*

SHRI ANNASAHEB P. SHINDE: Sir, I move:

"That the Bill be passed."

*The question was proposed.*

SHRI N. G. GORAY (Maharashtra): Sir, I am sure that all the Members in this House are happy that this amendment to the Constitution will soon be inscribed in the Constitution. Sir, some of us might think that this has been a very long process; it has taken nearly 28 years to come to this point where all the land legislation has been consolidated and it stands protected now according to this amendment.

Sir, now all the hurdles have been removed and all the suspicion and divided voices have gone. There is no hurdle in the way. I would only express the hope that when all the hurdles are removed, it will be possible for the Government, for this country and the people of this country to march forward to a social order which is based on equality and justice. Thank you.

DR. K. MATHEW KURIAN (Kerala): Sir, I am a little perturbed by the statement made by the hon. Minister in his concluding speech. He referred to, what he called, economic holding. I am not sure what he really means and how he

has defined it. But I would like to refer to one criticism made by the other side against radical land reforms, namely, that free distribution of land with radically low ceiling will adversely affect agricultural production. But I wish to point out that in all farm management studies and in the studies on agrarian structure in this country, it has been proved beyond any doubt that small farms are more productive: In terms of per acre productivity, the productivity of small farms is higher when compared to large farms though it is true that productivity per person is higher in the larger farms compared to the smaller farms. Again in terms of savings rate, the small farm is not unfavourable compared to the large farm. Sir, the main point I would like to make is only this: If there is one single lesson that we have to draw from the last 27 years of history after Indian independence it is this, that the loopholes in the land reforms passed by the Congress Governments in the various States can be plugged and the land reforms properly implemented only by relying on the organised struggle of the people. Land reforms cannot be successfully implemented legally and bureaucratically. Land reforms can be successful only when they are implemented extra-legally and non-bureaucratically, that is, only if they are implemented by the organised struggle of the working people, the agricultural labourers and the poor peasants for the complete eradication of landlordism in all forms—both capitalist and feudal landlordism and also the remnants of feudalism. Only with the organised struggles of the people really land reforms can be implemented.

SHRI VEERENDRA PATIL: Sir, I do not wish to make any speech. Unfortunately I was not here when the hon. Minister was replying to the debate. But when I came here I was told that the hon. Minister has made a reference to me and said that during my time, the ceiling in Karnataka was 207 acres. Sir, it is not a fact and I do not think he has made a correct statement. By way of explanation I want to make it clear that the land legislation in Karnataka—then Mysore—was

passed long before I assumed office as Chief Minister; I did not make any changes. It was done during the undivided Congress period and the land legislation as passed was sent to the Planning Commission and the Government of India and the Planning Commission approved it. Subsequently there was a directive from the Government of India to reduce the ceiling. That is why in the beginning I said that I was not opposed to the reduction of the ceiling. If at that time I had received any such directive from the Government of India or the Planning Commission, I would have been too glad to reduce the ceiling. So, it was not fair on the part of the hon. Minister to say that I was responsible for fixing a high ceiling during my time.

**SHRI INDRADEEP SINHA:** Mr. Deputy Chairman, we are all very glad that this Constitution (Amendment) Bill has now been passed. The passing of the Bill will remove the legal hurdle; but legal hurdles are not the only hurdles in the path of the successful implementation of the Act. You know that the implementation of land reforms in this country has had a long and chequered history and the more time passes before its implementation the more and more benami transactions are taking place. And now the battle will shift to the field of implementation. With the little experience that I have had both as a Minister as well as a Member of the Bihar Land Reforms Committee for a number of years I can say that the landlords have immense capacity to indulge in all manner of benami transfers. I know of landlords owning thousands of acres of land who have transferred their lands in the name of Lota Sah, Kursi Khan, Chappal Sahib and so on. All sorts of people are there. Now the crucial question is how are we going to implement the ceiling Acts? Sir, my submission is that there is only one State Government, that is, the Government of Kerala headed by Achuta Menon, which has evolved a popular machinery for implementation by forming Land Boards at the Block and Taluk level consisting of representatives of various political parties which are interested in the implementation

of the ceiling laws. Similar Boards should be set up in all the States of the country, and at the Central level a Committee should be set up by the Government composed of representatives of political parties which are interested in and not opposed to the implementation of the land ceiling laws. With such Boards and with a powerful mass movement we can certainly implement the legislation and if it is implemented I can assure you that the long and dismal story of chronic food deficits and high prices in the country will be a thing of the past and we will become self-sufficient in foodgrains.

**SHRI ANNASAHAB P. SHINDE:** As far as the various suggestions for effective implementation of the land reform laws are concerned, I have already said that we welcome suggestions and I have made my submission that the Government of India has already taken a decision that we would like very much to associate popular committees in the implementation of land reforms. So our thinking is very clear on this.

So far as Mr. Veerendra Patil is concerned, I have no intention of entering into a controversy with him. In fact he was not there at that time—I thanked all sections of the House for supporting the Bill including him. Naturally when I was arguing a point I said that when he was the Chief Minister the ceiling was 216 acres per family in Karnataka and similarly in many other States. One of the reasons was the framing of the law was such that there were many exemptions, many loopholes and it was perfectly within the right of the hon. Mr. Patil to have amended the law and plugged the loopholes. But whatever may be the past, I welcome his co-operation because he has unreservedly said that he would like to co-operate in the implementation of the land reforms. I very much like his approach to the problem.

**MR. DEPUTY CHAIRMAN:** The question is:

“That the Bill be passed”.

*The House divided.*

MR. DEPUTY CHAIRMAN: Ayes—  
171. Noes—Nil.

AYES—171

Abid, Shri Qasim Ali  
Abu Abraham, Shri  
Adivarekar, Shrimati Sushila Shankar  
Ahmad, Dr. Z. A.  
Alva, Shrimati Margaret  
Amla, Shri Tirath Ram  
Anand, Shri J. S.  
Anandam, Shri M.  
Anandan, Shri T. V.  
Arif, Shri Mohammed Usman  
Avergoankar, Shri R. D. J.  
Banarsi Das, Shri  
Barman, Shri B. D.  
Basar, Shri Todak  
Berwa, Shri Jamna Lal  
Bhagwati, Shri B. C.  
Bhardwaj, Shri Jagan Nath  
Bhatt, Shri Nand Kishore  
Bisi, Shri P. N.  
Bobdey, Shri S. B.  
Borooah, Shri D. K.  
Buragohain, Shri Nabin Chandra  
Chakrabarti, Dr. R. K.  
Chandra Shekhar, Shri  
Chandrasekhar, Shrimati Maragatham  
Chandrasekharan, Shri K.  
Chaturvedi, Shrimati Vidyawati  
Chaudhari, Shri N. P.  
Chaurasia, Shri S. D. S.  
Chettri, Shri K. B.  
Choudhury, Shri N. R.  
Chowdhary, Shri C. L.  
Chowdhri, Shri A. S.  
Chundawat, Shrimati Lakshmi Kumari  
Das, Shri Balram  
Das, Shri Bipinpal  
Dhabe, Shri S. W.  
Dhar Shri D. P.  
Dikshit, Shri Umashankar  
Dutt, Dr. Vidya Prakash  
Dwivedi, Shri D. N.  
Gadgil, Shri Vithal  
Goray, Shri N. G.  
Goswami, Shri S. P.  
Gowda, Shri U. K. Lakshmana  
Gujral, Shri I. K.

Gupta, Shri Bhupesh  
Hashmi, Shri S. A.  
Himmat Singh, Shri  
Imam, Shrimati Aziza  
Jain, Shri Dharamchand  
Jaitamdas Daulatram, Shri  
Jha, Shri Kamalnath  
Joshi, Shri Jagdish  
Joshi, Shrimati Kumudben Manishankar  
Joshi, Shri Umashankar  
Kalaniya, Shri Ibrahim  
Kalp Nath, Shri  
Kalyan Chand, Shri  
Kamalanathan, Shri M.  
Kamble, Prof. N. M.  
Kapur, Shri Yashpal  
Kesri, Shri Sitaram  
Khan, Shri Khurshed Alam  
Khan, Shri Maqsood Ali  
Khan, Prof. Rasheeduddin  
Kollur, Shri M. L.  
Kripalani, Shri Krishna  
Krishan Kant, Shri  
Krishna, Shri M. R.  
Kulkarni, Shri A. G.  
Kulkarni, Shrimati Sumitra  
Kumaran, Shri S.  
Kunjachen, Shri P. K.  
Lakshmanan, Shri G.  
Lalbuai, Shri  
Lokesh Chandra, Dr.  
Lotha, Shri Khyom  
Mahanti, Shri B. C.  
Mahanti, Shri B. K.  
Majhi, Shri C. P.  
Makwana, Shri Yogendra  
Malaviya, Shri Harsh Deo  
Mali, Shri Ganesh Lal  
Mariswamy, Shri S. S.  
Mathew Kurian, Dr. K.  
Mathur, Shri Jagdish Prasad  
Mehta, Shri Om  
Menon, Shrimati Leela Damodara  
Mirdha, Shri Ram Niwas  
Mishra, Shri R. K.  
Mukherjee, Shri Pranab  
Mukhopadhyay, Shrimati Purabi  
Mulla, Shri A. N.  
Munda, Shri B. R.  
Murthy, Shri B. P. Nagaraja  
Musafir, Shri Gurmukh Singh  
Narasiah, Shri H. S.  
Nawal Kishore, Shri



Nizam-ud-Din, Shri Syed  
 Nurul Hasan, Prof. S.  
 Panda, Shri Brahmananda  
 Parashar, Shri V. R.  
 Patil, Shri Deorao  
 Patil, Shri Gulabrao  
 Patil, Shri Veerendra  
 Poddar, Shri R. K.  
 Pradhan, Shrimati Saraswati  
**Prasad, Shri K. L. N.**  
 Punnaiah, Shri Kota  
 Puri, Shri D. D.  
 Rachaiah, Shri B.  
**Raha, Shri Sanat Kumar**  
 Raju, Shri V. B.  
 Ranganathan, Shri S.  
**Rao, Shrimati Rathnabai Sreenivasa**  
 Rao, Shri V. C. Kesava  
 Reddi, Shri K. Brahmananda  
 Reddy, Shri Gaddam Narayana  
 Reddy, Shri Janardhana  
 Reddy, Shri K. V. Raghunatha  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri R. N.  
 Roshan Lal, Shri  
 Saleem, Shri Mohammad Yunus  
 Sangma, Shri E. M.  
 Sanyal, Shri Sasankasekhar  
 Sardar Amjad Ali, Shri  
 Savita Behen, Shrimati  
 Seyid Muhammad, Dr. V. A.  
 Shah, Shri Manubhai  
 Shahi, Shri Nageshwar Prasad  
 Sharma, Shri K. L.  
 Shastri, Shri Bhoja Paswan  
 Shekhawat, Shri B. S.  
 Shilla, Shri Showaleess K.  
 Shishir Kumar, Shri  
 Shukla, Shri Chakrapani  
 Shukla, Shri M. P.  
 Shyamkumari Devi, Shrimati  
 Singh, Shri D. P.  
 Singh, Shri I. T.  
 Singh, Shri Kameshwar  
 Singh, Shri Mahendra Bahadur  
 Singh, Shri Mohan  
 Singh, Shri Nathi  
 Singh Shri Niranjana  
 Singh, Shri Parbhu  
 Singh, Shrimati Pratibha  
 Singh, Shri Ranbir  
 Singh, Shri Sultan  
 Singh Shri T. N.

Singh, Shri Triloki  
 Singh, Dr. V. B.  
 Sinha, Shri Awadheshwar Prasad  
 Sinha, Shri Indradeep  
 Sisodia, Shri Sawaisingh  
 Sivaprakasam, Shri S.  
 Sukhdev Prasad, Shri  
 Sultan, Shrimati Maimoona  
 Swu, Shri Scato  
 Tanvir, Shri Habib  
 Thakur, Shri Gunanand  
 Tilak, Shri J. S.  
 Tiwari, Shri Shankarlal  
 Tiwary, Pt. Bhawaniprasad  
 Totu, Shri G. C.  
 Tripathi, Shri Kamalapati  
 Trivedi, Shri H. M.  
 Varma, Shrimati Narayani Devi Manak-  
 lal  
 Venigalla Satyanarayana, Shri  
 Wajid, Shri Sikander Ali  
 Yadav, Shri Shyam Lal

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

#### MESSAGE FROM THE LOK SABHA

**The Constitution (Thirty-second Amendment) Bill, 1973.**

**SECRETARY-GENERAL:** Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

"I am directed to inform Rajya Sabha that Lok Sabha at its sitting held on Wednesday, the 28th August, 1974 adopted the following motion in regard to the Constitution (Thirty-second Amendment) Bill, 1973:

"That the House do recommend to Rajya Sabha that Rajya Sabha do appoint a Member of Rajya Sabha to the Joint Committee on the Bill further to amend the Constitution of India in the vacancy caused by the retirement of Shri Sultan Singh from Rajya Sabha and do communicate to this