

Members should be present at the proper time.

The House stands adjourned till 2.30 P. M.

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

The House reassembled after lunch at half past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: We now take up the Constitution (Twenty-ninth Amendment) Bill, 1972.

# THE CONSTITUTION (TWENTY-NINTH AMENDMENT) BILL, 1972

THE MINISTER OF LAW AND JUSTICE AND PETROLEUM AND CHEMICALS (SHRI H. R. GOKHALE): Mr. Deputy Chairman, Sir, with your permission I beg to move :

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

SHRI MAHAVIR TYAGI (Uttar Pradesh): On a point of order, Sir. Since the establishment of this Parliament it has been a convention that an extract of whatever is proposed to be amended is always given in the Statement of Objects and Reasons, and whatever is to be added is also quoted. In this Bill we are blindfoldedly expected to pass the Bill to change the Constitution and include certain Bills passed by the Kerala State Government without knowing what that Bill is. Sir, the copies of the Bill ought to have been circulated to members so that with our conscience we could go through and see that this Bill deserves to be included in the Schedule.

Sir, in the Statement of Objects and Reasons there are certain points which have struck me. It is mentioned that :

“Certain crucial provisions of the principal Acts as amended were challenged in the High Court of Kerala and in the Supreme Court, creating a climate of uncertainty in the effective implementation of land reforms.”

We are in favour of protecting the recommendations of the Kerala High Court.

MR. DEPUTY CHAIRMAN: What is the point of order ?

SHRI MAHAVIR TYAGI: It is not that we are opposed to the Bill. We support the Bill. But let at least our conscience be clear. Let us know what we are doing about the Schedule. These are important issues. Naturally, we are interested to know what were the points on which the High Court gave the ruling. What are the exact words of that ruling ?

Further it says :

“Although the High Court of Kerala has generally upheld the scheme of land reforms envisaged in the principal Act as amended, a few vital provisions have been struck down by the High Court.”

What are those vital provisions which have been struck down ? We should know that. They ought to have been given to us, if not the original Bill. The hon'ble Minister could give us a number of important rulings so that we could understand whatever we are passing is fully justified.

There is another mention. It says:—

“It is also apprehended that certain observations of the Supreme Court in the judgements might open the floodgates of litigation much to the detriment of thousands of Kudi-kidappukars in the State. . .”

So many cultivators will be involved. Naturally, our sympathy goes with this Bill which the hon'ble Minister is proposing. So it is not that we are in the least opposed to the Bill. The idea is good. But can we pass a Bill only because it has good idea. We must weigh. We must know the words and understand what actually we are doing. We are amending the Constitution. The Constitution is not such an ordinary matter to which any word can be added. So it is not that we are opposed to the Bill, I must again repeat. But because they have got a majority, the crude majority should not make the Government attitude rude. The Government must abide by the old conventions which are established not only in this House but also in other Parliaments.

I can well understand there is another point. The elected representatives of the people have in the people's House approved this Bill. Therefore, I am sure there should be nothing objectionable for us to agree because they have agreed to it. This is no plea. We must also understand what actually it is.

I had a talk with my hon'ble friend, Mr. Gokhale. He told me that the copies are in the Library. But that is not enough. Even if it is in the Library in the Statement of Objects and Reasons those points ought to have been emphasised so that we could understand it and then pass it. Sir, I will suggest that is not yet late. Let us take up another issue today and this can be postponed for tomorrow or day after tomorrow. We shall all agree and pass it. Let us have a precise type of note so that we can go through it and satisfy our conscience.

**SHRI PITAMBER DAS** (Uttar Pradesh) : I want to make a small submission. I quite agree with my friend, Mr. Tyagi, that the copies of the Act, which is sought to be inserted, ought to have been provided to us. But I do not agree with him when he says that he is not

opposed to this Bill. Only after seeing that Act, we will be able to make up our mind whether we are opposed to it or not.

**SHRI MAHAVIR TYAGI** : Not the Bill. I am not opposed to the spirit of it. This is the spirit, but the spirit alone cannot be enough. We have to see what the Act is.

**SHRI PITAMBER DAS** : I also feel that copies of the Act concerned should have been provided to the Members so that they could make up their minds.

**SHRI K. CHANDRASEKHARAN** (Kerala) : Sir, even though I would not say that the hon. Member, Mr. Mahavir Tyagi, is trying to stall this Bill, certainly the effect of his objections, if accepted, would be to delay the passing of this Bill. He said that he is not opposed to the provisions of the Bill, although the leader of the Jan Sangh Party has said that he is opposed to this Bill.

**SHRI PITAMBER DAS** : No, I have not said that. I only said that I will be able to make up my mind after I have seen that Act.

**SHRI K. CHANDRASEKHARAN** : I thought that the result of that would be that there would be some objection in his mind with regard to the provisions of this Bill. Sir, the hon. Member Mr. Tyagi himself stated that it is only a matter of procedure. There is nothing, as you will find, in the Rules of this House compelling the Government to give any extracts of this. Further, when the Constitution is being amended, copies of the Constitution are not circulated. If a Central Act of Parliament is being amended, copies of the Central Act are not circulated. I also find—I say it on authority after verification—that copies of the Kerala Act are freely made available in the Library of the Parliament House. And this Bill having been circulated far in advance, it was upto the hon. Members to go to the Library and see the provisions of this Act. I do not

[Shri K. Chandrasekharan]  
find that there is any valid objection. I submit, Sir, that the point of order may be overruled.

MR. DEPUTY CHAIRMAN: Mr. Balachandra Menon.

SHRI BALACHANDRA MENON (Kerala): I have nothing to add. I stand by what Mr. Chandrasekharan has said.

MR. DEPUTY CHAIRMAN: I have to say this that our practice has been that whenever there is an amending Bill, the Act itself is made available in the Library and the amending Bill, as passed by the Lok Sabha and is introduced in the Lok Sabha, is circulated to the Members. So, that has been circulated to the hon. Members of this House. The hon. Members were free to go to and see the original Act in the Library. In addition to that, if any hon. Member wanted a copy of this original Act, he could have asked the Secretariat and a copy would have been supplied.

SHRI MAHAVIR TYAGI: It is not only the Act; I also said that the Supreme Court has given a ruling and we should know that ruling also to see on which points the Supreme Court . . .

MR. DEPUTY CHAIRMAN: All these materials are available in the Library.

SHRI MAHAVIR TYAGI: Then everything is always available in the Library.

MR. DEPUTY CHAIRMAN: All right Mr. Minister.

SHRI H. R. GOKHALE: Sir, the Kerala Land Reforms Act, 1963, which is the parent Act is already included in the Ninth Schedule. In the course of implementation of that Act, the State Government faced serious practical difficulties and to overcome them, that Act was extensively amended by two amending Acts, the Kerala Land Reforms (Amendment) Act, 1969, and the Kerala Land Reforms

(Amendment) Act, 1971. Certain crucial provisions of the principal Act as amended were challenged in the Kerala High Court, creating a certain climate of uncertainty in the effective implementation of land reforms in the State. Although the High Court of Kerala has generally upheld the scheme of land reforms as envisaged in the principal Act as amended, a few crucial provisions like section 29A (bar of proceeding under Chapter XII under the Code of Criminal Procedure, 1898 in certain cases), section 32 (bar of suits for eviction, etc., during the pendency of application for determination of fair rent), section 45A (adjustment of rent appropriated) section 50A(2) (conformity of fishing rights on a tenant being a Varamdar), section 73 (scaling down of arrears of rent) and Explanation to section 85(1) (computation of ceiling area in certain cases) have been struck down by the High Court. Even with regard to the provisions upheld by the High Court, the affected parties have moved the Supreme Court in appeal. Some persons also moved the Supreme Court in original petitions challenging certain provisions of the principal Act as amended. The Supreme Court in its judgments delivered on 26th and 28th April, 1972 have generally upheld the scheme of land reforms as envisaged in the principal Act as amended but agreed with the High Court invalidating certain crucial provisions. The Supreme Court agreeing with the High Court struck down Section 73 and the Explanation to Section 85(1). The Supreme Court did not pronounce anything with respect to the validity of the other Sections struck down by the High Court—Section 29A—for the reason that the validity of these Sections was not pressed before the Supreme Court. These are, as I said, some of the crucial provisions which have made it practically difficult to implement the provisions of the main Act. Therefore to protect the amendment carried out by the two amending Acts, namely of 1969 and 1971, it is now proposed to include the two amending Acts, along with the original

Act which is already included in the Ninth Schedule from the beginning, in the Ninth Schedule for protecting the land reforms legislation. In view of the judgments pronounced by the High Court and the Supreme Court it is felt that there will be far-reaching adverse effects on the implementation of the programme of land reforms in the State of Kerala and thousands of tenants and Kudikidappukars will be adversely affected by the provisions of the Act which have been either struck down or rendered ineffective. It is also apprehended that certain observations of the Supreme Court in the judgments might open the floodgates of litigation much to the detriment of thousands of Kudikidappukars who will not be able to defend themselves in protected legal proceedings. In order that the implementation of land reforms in the State of Kerala may not be jeopardised it is considered necessary to give protection under Article 31B of the Constitution to the amending Act of 1969 and the amending Act of 1971. For this purpose it is proposed to include these Acts in the Ninth Schedule.

I commend the Bill for the consideration of the House.

**SHRI MAHAVIR TYAGI :** On what actual points did the Supreme Court strike it down? What is its judgment? Just to say that certain Sections have been struck down is not enough. We want to know on what grounds they were struck down.

**MR. DEPUTY CHAIRMAN :** He will reply after the debate and if you are still not satisfied you can ask him then.

**SHRI MAHAVIR TYAGI :** Does any Member in the House know what the judgment was?

**MR. DEPUTY CHAIRMAN :** A copy of the judgment is there in the Library for everybody.

**DR. K. MATHEW KURIAN :** With your permission, Mr. Deputy Chairman, may I submit one thing? While agreeing with the hon. Member that he is correct in criticising the Government that they have not circulated at least an extract of the Act—it would have helped Members of Parliament if an extract of the original Act was circulated—I differ from the honourable Shri Tyagi and submit that if this Bill is delayed beyond another day, it will have serious repercussions in Kerala because the courts are opening on 1st June. This Bill must be included in the Ninth Schedule. This Bill should be passed today; otherwise it will have serious repercussions. Therefore, I would request all honourable Members that the passing of the Bill should not be delayed.

**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.”

**SHRI K. A. KRISHNASWAMY (Tamil Nadu) :** Mr. Deputy Chairman, I am happy to support the Bill moved by the Government to include the impugned land reforms amending Acts of 1969 and 1971 in the Ninth Schedule to this Constitution of India. While supporting the Constitution Amendment Bill I would like to say a few words. Land to the tiller is no longer the slogan of any particular political party. Everyone interested in the toiling community strives for the implementation of this laudable slogan. The advent of political independence makes it a reality in our age. There is a silent revolution going on around us that eliminates the intermediaries in land ownership all over the Indian sub-continent. This remarkable change has been brought about by progressive forces not by force but through law passed by the elected representatives of the various Legislatures. Although there has been a substantial progress in implement-

[Shri K. A. Krishnaswamy]  
ing land reforms, the dilatory tactics adopted by the vested interests, landlords and by the judgment of courts striking down certain vital sections of the Kerala Land Reforms Acts have somewhat slowed down the pace in the Kerala State.

The Kerala Land Reforms Act of 1963, the principal land reforms Act in the Kerala State, has been included in the 9th Schedule to the Constitution of India. Therefore, it is excluded from the jurisdiction of the court of law. But the parent law passed in 1963 could not achieve the very object of giving ownership to the tiller of the soil in the Kerala State. So, the Amendment Acts, namely, Kerala Land Reforms (Amendment) Act, 1969 and Kerala Land Reforms (Amendment) Act, 1971, were passed to meet the challenge of the landlords and vested interests and to rectify some lapses found in the parent Act. But the Supreme Court judgment of April 26, 1972 upholding the decision of the High Court in striking down some of the provisions of the Act, prevents a speedy implementation of the land reforms there. Thousands and thousands of poor tenants and hut-dwellers enjoy the benefits of the impugned Land Reforms Acts. The main provision declared void by the Supreme Court gave relief to the poor tenants by writing off a substantial portion of arrears of rent due to landlords. The impugned section provided that arrears would be cleared, if a year's rent was paid by those possessing not more than five acre of land, two years' rent by those possessing five to ten acres and three years' rent by those having more than ten acres. The above fact clearly discloses how the poor peasants in Kerala have been adversely affected by the decision of the Supreme Court recently. Lakhs and lakhs of hut-dwellers are living in cocoanut grooves and on canal embankment bordering the paddy fields. Farm labourers and the village artisans are the bulk of the hut-dwellers. They built huts on the land not owned by them; but owned by the landlords. The

hut-dwellers work for them and act as the watchmen, but they can be evicted without prior notice or intimation. The law on 'Kudikkidappukars' is really a boon to the working class and therefore it may be rightly called the Charter of Rights of the farm labourers and village artisans in Kerala State. Customary rights, so far enjoyed by this bulk of the working class have now become statutory rights by the passing of the Land Reforms (Amendment) Act. Thus we can see the implementation of these Kerala Land Reforms Amendment Acts have helped in a large measure to change the socio-economic life in the country side of Kerala in a very substantial manner.

Those landlords who have been adversely affected by these progressive measures have challenged the validity of these Acts and the courts have invalidated certain vital provisions. That would really adversely affect thousands of poor peasants and tenants and hut-dwellers in Kerala. There was a universal demand from all political parties as well as the people of Kerala that the impugned Land Reforms Acts should be included in the Ninth Schedule to the Constitution so that they have the protection under article 31 B and any uncertainty and doubt that may arise in regard to the invalidity of those Acts are removed. Having conceded the reasonable demand of the Kerala Government, the Central Government has now come forward to move a Bill to include those impugned Land Reform Acts in the Ninth Schedule to the Constitution of India. Though it is a belated measure, we have to congratulate the Government for bringing this Bill. With these words, I support the Bill.

**SHRI HARSH DEO MALAVIYA**  
(Uttar Pradesh): Sir, I rise to support and warmly welcome this Constitution (Amendment) Bill relating to Kerala land reforms.

Sir, the object of the Bill is to include in the Ninth Schedule of our Constitution

the Kerala Land Reforms (Amendment) Act, 1969 and the Kerala Land Reforms (Amendment) Act, 1971. Sir, there is a story behind this Ninth Schedule. After the inauguration of our Constitution, as early as 1951, it was found that certain provisions in the Fundamental Rights Chapter of our Constitution were so interpreted by the judiciary that they prevented the toiling peasants from attaining their rights on the land which they cultivated. Inheriting as we do a judicial system from a colonial, imperialist regime, it was found—and it is even now considerably true—that the judiciary generally acts in favour of the vested interests and so, under the influence of Shri Jawaharlal Nehru, it was considered necessary to amend the Constitution in 1951 to safeguard agrarian legislation.

Article 31 B was inserted, making the principal land reform Acts and regulations enacted and included in the Ninth Schedule immune from attack on grounds of infringement of Fundamental Rights. With a view to making the agrarian legislation which might be enacted by the State Governments subsequently, Article 31 A was inserted, giving immunity to any agrarian legislation from attack on grounds of infringement of Article 14, that is, Equality before law, Article 19, that is, Right to hold and acquire property, and Article 31, that is, compensation for compulsory acquisition of property. So, the Bill before the House now, which seeks to put the Kerala Acts in the Ninth Schedule is meant to protect the rights which have been given to the Kerala peasantry by the new Ministry.

Sir, as early as 1957, the Namboodiripad Ministry enacted the Kerala Land Reforms Act. Later, it was struck down by the Supreme Court. Then, in 1963, under the Shankar Ministry, another Land Reforms Act was enacted. Under that Act, the ceiling was placed from 15 to 36 acres and this Act was placed in the Ninth Schedule and, therefore, it was prevented from appeals made against it in

the law courts. In 1969, under the Namboodiripad Ministry, and again in 1971 under the Achutha Menon Ministry, this 1964 Act was further amended and it reduced the ceiling from 12 to 15 acres and some categories of cultivators were deemed to have become tenants and they came in direct contact with the State. This Act also safeguarded the position of the *Kudikidappukars*, to whom our friend just now referred. Further, arrears of rent were scaled down drastically and there were some drafting changes also and it, barred the jurisdiction of civil courts over these laws. But, Sir, the Supreme Court, on April 26, 1972, as has been pointed out by the hon. Minister, objected to the scaling down of arrears of rent on the ground that it is not an agrarian measure. They also raised doubts about the provisions relating to the *kudikidappukars*. The drafting changes which are referred to gave retrospective effect to transfers made between December 1957 and December 1963, before the introduction of the Shankar Ministry Bill of 1963. Now, what is sought to be done by amending the Constitution is to give an authority to this Act so that once it is in the Ninth Schedule it will not be subject to judgments, adverse or otherwise, of the Supreme Court.

But, Sir, I would like to point out that in clauses 31A and 31B of the 1957 amending Act of the Constitution there are two provisos.

Proviso (2) in the Constitutional (Amendment) Act stands as follows :

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

[Shri Harsh Deo Malaviya]

thereto unless the law relating to the acquisition of such land, building or structure provides for payment of compensation charge which shall not be less than the market value thereof."

Sir, I would like to humbly submit that apart from the amendment we are going to introduce today by passing this Bill, we have also to take care in the near future about the second proviso. It is necessary that in the second proviso to Article 31A, the words "compensation which is not less than the market value" should be replaced by the words "the amount which may be fixed by law providing for acquisition of such land or which may be determined in accordance with such principles and in such manner as may be specified in such law". Sir, I seek to point out this because it would not be proper for us every time to come to this House and amend the Constitution to provide safety for land reforms legislations which are now on the anvil, and are being discussed by the whole nation. New laws are coming up. I may submit. Sir, that today the great debate going on in the country about ceilings and land reforms is very vital for the future of our country and for the objectives which we have before us of creating a just society in India... (*Time bell rings.*)

Sir, in the State of Punjab, for example according to the 17th round of the National Sample Survey, 62% of the households in the Punjab State having either no land or less than 2.5 acres, accounted for only 4 per cent of the total land. But at the other end of the spectrum, 3.7 per cent of the households controlled 30% of the total land... (*Time bell rings*)... A few minutes more.

MR. DEPUTY CHAIRMAN : Actually we have only one hour for the discussion on this Bill.

SHRI A. G. KULKARNI (Maharashtra) : For discussion and voting.

SHRI HARSH DEO MALAVIYA :

Well, Sir, this maldistribution of land is adversely affecting our agrarian society today. Today the nation as a whole, excepting certain lobbies which are variously called the kulak lobbies and all the rest, is determined to impose a ceiling on holdings and to bring about a just and equitable distribution of land which is a pre-condition for the creation of a just social order. The very fact that this Bill has been brought by our Government headed by the Prime Minister, Shrimati Indira Gandhi, is proof positive of the fact that the Government of today is determined to carry through legislations which are in the interests of the peasantry to impose a ceiling on holdings. Therefore, I strongly commend this Bill. The passing of this Bill will be a guarantee that in the days to come the new legislations which will be passed in the various State Assemblies will have the requisite sanction behind them, and will do the needful for the peasants of this country. Thank you.

\*SHRI S. KUMARAN (Kerala) :

Sir, I welcome this Bill. Though it is a belated measure, the Kerala Land Reforms Amendment Acts are now proposed to be included in the Ninth Schedule of the Constitution and for that I congratulate the Government of India and the hon'ble Law Minister. These Acts have already been implemented there and thousands of agricultural labourers and tenants are already enjoying the benefits of these measures. If this Bill was not brought forward now, tens of thousands of peasants and tenants would have been adversely affected. Similarly, tens of thousands of hutment-dwellers living in towns are going to be evicted. Tens of thousands of poor people would have to go to the courts daily and experience lot of difficulties when the courts reopen. As a result of this, the people of Kerala will have to face a very serious situation. Therefore, this Bill should be got passed

\*Original speech in Malayalam.

during the current Session itself and implemented without delay.

Sir, the ruling party and all the oppositional parties in the Kerala Legislature had passed a unanimous Resolution which was sent to the Central Government to the effect that the Acts should be included in the Ninth Schedule of the Constitution. Therefore, I hope that this Bill will be passed by this House unanimously without any opposition whatsoever.

Sir, as a result of the implementation of the Acts, about 25 lakhs of landless tenants have now become owners of land. Similarly, about 5 lakhs of landless agricultural labourers who had no land nor any shelter of their own are now enjoying the benefits of the ownership of 5 or 10 per cents of land.

Now, by this measure the landlords as a class have ceased to exist in Kerala. By the process that is in progress there now, the surplus lands are being taken over and distributed to the landless tillers. Thousands of acres of land have already been distributed to landless peasants and agricultural labourers. But for some technical reasons, the Kerala Government has not been able to do it fully. But, as far as I know, the Kerala Government is now making concerted efforts to take over all surplus lands and to distribute them among the landless tillers. I am proud of the fact that the Land Reforms Acts of Kerala which are now being implemented there have become a model to other parts of the country. I am also happy to note that the Government of India has accepted the stand that similar measures should be brought forward in other States also. Land reform has become a major question in the economic development of the country today. Therefore, it is absolutely an inescapable factor that such land reform measures should be passed and implemented. It is simply not a question of distributing land to the landless people.

Actually, what is meant by land reforms is to bring about a fundamental change in the economic system of the country. Without land reform measures, we cannot bring about any radical change in the economic set-up of the country. The present set-up, where land is basically considered as a property, is some thing which should be immediately removed. Land belongs to the tiller and the tiller should be the owner of land; that should be the criterion. It is not that one should earn some property or land as a security for the family for the future; that concept should be basically changed. Otherwise, we cannot bring about any fundamental changes. The economic system which is at present very much linked to ownership of land should be thoroughly changed; that should be our aim. What I understand is that after imposition of ceiling when the surplus land is distributed, lot of money will be required to be given by way of compensation, to the landlords. If these big amounts of compensation can be diverted as capital for industrial purposes, then that will considerably help the process of industrialisation when the landlordism is abolished and the land belongs to the tiller, production will be increased considerably. Some people say that if the land is fragmented then the production will be reduced, but Sir, that is not our experience there. As a result of giving land to the tillers, they are making sincere and earnest effort to increase production. That is what we are seeing all around. Thus, there is no sense in arguing that if land is distributed the production would come down. That is not what our experience in Kerala has taught us. The implementation of land reforms will naturally improve the conditions of the agricultural labourers and the peasants and that would quicken the pace of progress of our country. It will enhance the purchasing power of the peasants and agricultural workers and this increasing purchasing power of the people in the rural areas will naturally influence the progress of the industrialisation. Thus,



[Shri S. Kumaran]

these land reforms measures will have far reaching effects. As a matter of fact, ceiling has been fixed as 9 acres for certain kinds of lands in Kerala. Even if the ceiling is fixed between 12 and 18 acres, and the surplus land is taken over, we will be able to transfer lakhs of acres of land to the landless tillers. Thus, after giving land to the tillers they can be organised on co-operative basis and if the Government takes measures to supply fertilisers, seeds etc., and provide financial assistance that will have far-reaching effect as far as the future of the country is concerned. Our planning itself will have to be reoriented on these lines. Sir, I will finish by mentioning one or two more points.

Now, the introduction of land reforms measures is being opposed by people from various quarters. There may be tremendous opposition from vested interests, there may be intervention from the courts, there may be manipulations also to render these measures ineffective.

Therefore, we will have to overcome all these difficulties. The best guarantee for removing these difficulties and for effective implementation of the Act is the active participation of people in every stage of implementation in order to make them effective. Popular committees with statutory powers should be organised at the Panchayat, Taluk, District and State levels. Sir, on this occasion, when land reform has become a popular slogan and when everybody says that he is in favour of it, I feel that it is very easy to preach socialism, but the true colour of such people is revealed the moment when they realise that they have to surrender their excess land to Government. There are moves in the ruling party to torpedo these land reform measures and the proposal for imposition of lower ceilings. Sir, this is something which must be taken very seriously. What I have to ask the ruling party is whether they will be able to

move forward with the sincere and clear intention of bringing about land reform measures in spite of the stiff opposition by the vested interests. Are they prepared to do it? Or, are they going to surrender flatly before the vested interests in the country? In that case I would like to warn them that the people would not forgive them.

Thank you.

**SHRI K. P. SUBRAMANIA MENON** (Kerala): Mr. Deputy Chairman, Sir, I stand here to support this Thirty-second Amending Bill to the Constitution. These are days when everyone is talking about land reforms. Every party in the country supports land reforms but hardly in any State any land reform of any meaningful proportion is taking place. Therefore the story of land reforms in Kerala and the Bill that is now before us are an object lesson in how land reforms have been brought about in Kerala. Sir, as you know, Marx remarked that the masses are the creators of history and therefore it is only the masses who can make things happen. This Kerala Land Reforms Act is an illustration of this Marxian thesis

The first faltering step in land reforms was taken in Kerala in the year 1929 under the Malabar District Tenancy legislation of the old Madras Presidency. You will be surprised to know that the old British-ruled Madras Presidency was a far-flung province comprising Tamil Nadu, Andhra Pradesh, parts of Karnataka and the old Malabar District of the present Kerala. But why is it that only in Malabar this tenancy legislation was brought? It was because of the Moplah Rebellion and the forces which were let loose. The tenants of Malabar led the revolt against the landlords who happened to be Namboodiris at that time, but it is immaterial to which caste the landlord belongs or to which caste the tenant belongs. The point is, the Malabar Tenancy legislation of 1929 of the Madras

Presidency was the result of the Moplah Rebellion. It was precisely because in other parts of the Madras Presidency there was no such rebellion that such a legislation was not there in the other parts. Again in the old Cochin part of the present Kerala there was the Verumpatta Kudiyan Act of 1118 (Malayalam Era) which was about 1942. Here again there was a massive movement of tenants against the landlords. Then independence came, and the Congress went on talking about land reforms. In fact, the Congress has been talking about land reforms since long time back. In 1936 Jawaharlal Nehru declared that the only panacea for the ills of the country is socialism and socialism means progressive agrarian reforms. Even after 36 years now his daughter is going on talking about agrarian reforms and progressive agrarian reforms. However nothing happened. After independence in 1954 the Pattom Thanu Pillay Government supported by the Congress brought forward seven Bills which contained a number of provisions which went a long way in restoring some sort of fixity of tenure for the tenants. But no sooner had three of these legislations been enacted with the support of the Communist Party—even though the Pattom Thanu Pillay Government was supported by the Congress when the question of land legislation came the Congress withdrew its support—than the Government was brought down. Three Bills were passed with the support of the Communist Party of India and as soon as those three Bills were passed the Congress met in a special convention in Alleppey and decided to withdraw support and overthrow the Pattom Thanu Pillay Government. The point is after independence the Congress has been riddled with landlord interest; it has always been a strong supporter and defender of the landlord interests. After independence whenever the question of land reforms came the Congress stood in the way. Again in 1957 the

first Communist Ministry in Kerala enacted a far-reaching land reforms measure which was called the Kerala Agrarian Relations Act. That Act contained all the provisions which were recommended by the Second Planning Commission. Sir, the Kerala Agrarian Relations Act did not contain anything more than what was recommended by the Second Planning Commission and for that purpose on 28th June 1959 the Kerala Agrarian Relations Act was passed and two days after, the Congress under the Presidency of Mrs. Indira Gandhi declared a liberation war on Kerala and mind you within six weeks that Government was overthrown. The story does not end there. Again in...

SHRI A. G. KULKARNI: You come to land ceilings; why all this? We know all this.

SHRI K. P. SUBRAMANIA MENON: You don't claim too much.

Again in 1969 the question came to the forefront, and after a good deal of goading the Kerala Land Reforms Act, the Act now under discussion, came into being. On 19th October 1969 this Act was passed and on 24th October 1969 Mr. Namboodiripad was forced to resign by the machinations of the Congress. (*Interruptions*) Yes; everyone knows it. Why do you take my time? I am only giving you some lessons in history.

SHRI A. G. KULKARNI: I do not want any lessons in history from you.

SHRI S. KUMARAN: That was because there was corruption charge.

SHRI K. P. SUBRAMANIA MENON: We all know what happened. Last time, in 1959, it was insecurity and now corruption charge. Anyway I am after the Congress; why are you upset?

MR. DEPUTY CHAIRMAN : Mr. Menon, you will have to wind up now.

DR. K. MATHEW KURIAN : Sir, there are two types of opposition in this House. One is the left opposition and the other is the Kept opposition. These are the two types of opposition here.

SHRI K.P. SUBRAMANIAM MENON : In the meantime, Sir, the militant *Kisan* movement of Kerala was pressing forward, and five lakh of militant *Kisans* gathered on the 15th of December, 1969 in Alleppey in order to demand and to enforce the Act. And it was only when they declared that, whether the President gave his assent or not, the people of Kerala were going to enforce this Act, it was only then that the President gave his assent. Mind you, 19th of October, 1969, the Act, was passed by the Assembly, but until the 20th of December, 1969, the President did not give his assent.

These are some of the facts which we have to remember when we now give assent to this question. Therefore, Sir, my main argument was that no Agrarian Relations Act, no such measure, is going to be enacted in this country, much less implemented, unless it is backed by a militant self-sacrificing movement of the peasants. And as long as you don't have it, whatever may be the declaration of Mrs. Indira Gandhi, or whatever may be the discussions within this Chamber, or in seminars at other places, nothing will take place, and even if some sort of a measure is enacted, it will remain a dead letter as long as there is no militant peasants' movement in the country. Now, Sir, this is the result of a militant peasants' movement and this is the result of the fruits of the labour and sacrifice of hundreds of our *kisans* in Kerala. Therefore, Sir, at this moment when it is going to be protected by a Constitutional amendment, I am the first man to support it, and I am happy about it.

SHRI K. CHANDRASEKHARAN : Mr. Deputy Chairman, Sir, I shall be very brief, for my only purpose in standing at present is to extend my support to the provisions of this Constitution (Amendment) Bill. While doing so, Sir, I cannot but criticise the Government for the very great delay in bringing forward the provisions of this Bill, and this Bill itself, before the two Houses of Parliament.

It has been more than a year, Sir, since the Kerala Legislative Assembly had passed a unanimous Resolution requesting the Central Government to put Kerala Act 35 of 1969 in the Ninth Schedule to the Constitution. By virtue of the powers under Article 31B discussions of a large extent were held between the State Government and the Central Government, I understand, and probably it was thought at one stage by the Central Government that the amendment to the Constitution and the incorporation of Article 31C would suffice. The State Government and the political parties in Kerala had always taken the stand, Sir, that an amendment of the Constitution by incorporation of Article 31C would be absolutely inadequate so far as the working and implementation of the two amending Acts that are now proposed to be included are concerned. And that was why Kerala had always been insisting that these should be included in the Ninth Schedule. It is more than a month now, Sir, that the matter was raised in the Question Hour before this hon. House, and the hon. Minister for Agriculture, Mr. Shinde at that time, had stated before this House that the Ministry of Agriculture and Food had strongly supported the Kerala Government's stand for making and amendment of the Constitution in the manner done now. And yet, Sir, a month has since passed and this delay had its repercussions, very bad repercussions if I may say so, in the implementation of land reforms in my State. A lot of difficulty has always arisen on account

of delay. It may not be delay designedly, but the effect of it has always been there in the implementation of any progressive measure. May I give one illustration? So far as the country now is concerned, we have been talking for some months passed about the imposition of a ceiling on urban property. We have been suggesting Central legislation. The Centre has been trying to formulate principles for State legislations and yet nothing serious has happened in regard to legislation about a ceiling on urban property. The other day I was passing through Hyderabad. I understand that in the twin cities of Secunderabad and Hyderabad about Rs. 33 lakh worth stamp papers have been sold in regard to sales and alienations within city of Secunderabad and Hyderabad during the week ending on the 27th May. I understand that it is three to four times more than the normal sales of stamps in these twin cities. I am only suggesting that delay brings about rather atrocious results. So far as land reforms are concerned, speedy and effective implementation go together. So far as this Bill is concerned, my suggestion to the hon. Minister of Law and Justice is that he should see to it that the power to initiate legislation in this regard should be vested in Parliament or the State Legislatures, as the case may be, without recourse to a further amendment of the constitution. I would suggest a purposeful amendment of article 31B. Such power of delegated legislation is already contained in various articles of the constitution. In articles 124, 138, 230, 231, 248 and 315 (2) delegated legislation power has been given to Parliament. So far as article 321 of the Constitution is concerned, such power of delegated legislation has been given not only to Parliament, but also to the various State Assemblies. The functions of the Public Service Commission enumerated in article 320 of the Constitution can be enlarged either by the State Assemblies or by Parliament by a simple Act. I have no doubt that

in the months to come and in the years to come Kerala will have to make quite a lot of amendments to the Kerala Land Reforms Act. In its working and implementation difficulties are bound to arise and these difficulties can be resolved only by amendments at the appropriate stages. These amendments would not be straight way included in the Ninth Schedule. These amending Acts would then again be impugned in the High Court or the Supreme Court and difficulties would arise. So, the power under article 31B, I suggest, should be delegated to the State Assemblies also, so that they would be able to take effective steps so far as the implementation of the Acts is concerned.

I conclude by stating that the Kerala Land Reforms Act is not the baby of a particular political party. It is not the baby of this Government. None of the parties in this Government would suggest that it is the baby of any particular political party. There are only leftist and progressive parties in Kerala. There are no rightist parties in Kerala. There are no centrist parties in Kerala. That is the reason why since 1-11-1956, when the Kerala State was formed, Kerala has made remarkable progress, if I may say so, under the various Ministries, whatever be the type of Ministry it had, whatever be the type of coalition it had. There has been remarkable progress in the implementation of land reforms in Kerala. Among the various State enactments, Kerala is having the lowest ceiling. Kerala gives the lowest compensation. Kerala contains the least items of exemption. The Kerala Act is an example to the other States in the country. I was a little amused when I heard an hon. Member from the Congress Party suggesting that the Congress is out for land reforms. I say if the Congress is out for land reforms, but why these bickerings amongst the Chief Ministers? Why are there bickerings during the discussions in the National Agricultural Commission

[Shri K. Chandrasekharan]  
in regard to ceiling? Unless we are able to reduce the ceiling, unless we are able to reduce the compensation land reforms will not work in India. As the hon. Shri S. Kumaran rightly pointed out, production is not going to be decreased on account of land reforms, production would be only enhanced by virtue of the land reforms. The example of Kerala over the years has shown that rice production has very effectively increased. In 1956 the production of rice in my State was just ten lakh tonnes; today it is reaching the figure of about 14 lakh tonnes. Rice production therefore has very much increased; production has been enhanced on account of the effective implementation of the land reforms.

I commend this Bill for the unanimous acceptance of this honourable House.

Thank you.

SHRI HAMID ALI SCHAMNAD (Kerala) : I am very glade to support this Constitution (Amendment) Bill. My esteemed friend, Mr. Chandrasekharan, has very rightly pointed out that if land reforms have been implemented in Kerala successfully it is because of the support given by the political parties in Kerala irrespective of the ideologies that they have with regard to the progressive land reforms. And they did stand behind the Government in Kerala. Whichever Ministry came to power, whichever coalition come to power, in Kerala they all wanted that the land reforms should be implemented in right earnest. As you all know perhaps, Kerala was the first State in India to bring about land reforms so that the Land Reforms Act was implemented in right earnest to see that the land was given to the tiller who tilled the soil. It was in 1957 that the Land Reforms Bill was introduced for the first time by Mr. E. M. S. Namboodiripad when he formed his Ministry. And in 1959 again a coalition Ministry

came to power with Mr. Pattom Thanu Pillai as the Chief Minister of Kerala; the Muslim league and PSP and the Congress combined, they formed a Ministry with a Muslim League member as the Speaker of Kerala Assembly. And my learned friend who is sitting here, who was then the Revenue Minister there, it was he who piloted the Kerala Agrarian Relations Bill in 1964. Unfortunately, that was struck down by the Supreme Court. Again, Sir, a coalition Ministry was formed in Kerala with Mr. Shankar as the Chief Minister and it was Mr. P. T. Chacko. as Revenue Minister, who again brought forward the Land Reforms Bill in 1964. And we know that the Congress could not implement the Bill. Again in 1969, Mr. Namboodiripad formed the Ministry not by himself, but with the support of the CPI, the Muslim League and the RSP; he came to power. But, unfortunately again, Mr. Namboodiripad could not implement the Land Reforms Bill. Whose fault was it? He resigned and went out when a corruption charge was levelled against a colleague of Mr. Namboodiripad, Mr. Wellington, who was the Health Minister. It was as a protest against this charge that Mr. Namboodiripad resigned and went out without implementing the Land Reforms Bill. He was not asked to go out; no no-confidence motion was introduced in the House against him, it was only that the Kerala Assembly wanted that a Tribunal should be appointed to go into the charges levelled against Mr. Wellington...

AN HON. MEMBER : It was a camouflage.

SHRI HAMID ALI SCHAMNAD : Instead of responding to the wishes of the Kerala Assembly, as a protest Mr. Namboodiripad resigned and went away. Again, a coalition Ministry came to power with Mr. Achutha Menon as the Chief Minister; with the Muslim League, the PSP and the RSP supporting the Government. In 1969 again this Land

Bill was amended ; in 1971 it was amended again and it was implemented with all sincerity; entire sections of the Kerala Land Reform Act are being put into force and as a result, hundreds and thousands of peasants and tenants have become the owners of the soil. The people of Kudikidappukars became the owners of the huts in which they lived. Also, Sir, landlordism has been wiped away from Kerala. That was one of the finest things that Kerala implemented. When I say this I also appeal to the Government of India to give financial help to the Government of Kerala for its implementation. Financial commitments are there. They will have to give, not the market value, at least some compensation to the landholders who have been deprived of their land. Also the land-owners of Kudikidappukars have to be given some compensation. So also a fund has been created because the financial commitment is there for the Government of Kerala. If the Government of India is serious and sincere in implementing the Kerala Land Reform Act, I appeal to the Government of India to assist the Government of Kerala with whatever finances they can provide so that they implement their Act fully. There are small landholders who have been deprived of their land and there are widows who have been deprived of their holdings. They should be given something to carry on their livelihood. For that some compensation should be given, not the actual market value as such, so that they may also pull on. For that financial assistance is definitely required from the Government of India if they are serious and sincere about implementing this land reform Act.

MR. DEPUTY CHAIRMAN : Two minutes, Mr. Balachandra Menon.

SHRI BALACHANDRA MENON : Mr. Deputy Chairman, Sir, it was in 1963 that the first Act was passed and then in 1969 it was amended. It was again amended in 1970. Now we are

before the Government of India requesting them to see that this matter is brought under the Ninth Schedule. It has been prolonging for long. Now it has been done.

The main difficulty is this. The Supreme Court upheld the main scheme of the land legislation. But on three issues they had differences. One was regarding Kudikidappukars. In Kerala whether it is town or village there are agricultural labourers all over. I think in most of our townships it is like that. The Supreme Court held that these hutment dwellers getting land should not be treated as agricultural labourers and given the right of the land. This has upset us because most of the hutment dwellers are in towns. Lands have already been given to them. And if the Act is not brought under the Schedule, it means lakhs and lakhs of Kudikidappukars or hutment dwellers will lose the land. That is why we are insisting that it should be immediately done. After all, you are doing it for the agriculture labour and nothing more than that, and they should get it. It is on that that the Supreme Court said that they cannot be treated as agricultural labour ; they must be treated separately. That is why we have come to you.

The other question is regarding the rights of the Civil courts. We have stated that this matter is before the land tribunal. Now the Supreme Court has said that it should be prohibited from going into it. It said that it cannot be done. That also has upset us a good deal. That will upset the entire scheme. That is why we brought in that legislation. The Supreme Court does not not want to accept that.

I would, therefore, request that without much discussion we accept this and we say that it is implemented. All parties in Kerala are anxious that it is implemented. There is absolutely no party which is against it. Even the Opposition are serious

[Shri Balachandra Menon]  
about it. This is no exaggeration. All are today to get it implemented. I would, therefore, request that this Bill be accepted and these Acts be included in the Ninth Schedule so that we hasten the process of transformation that is taking place in Kerala which, I think, will be followed up all over India. That is the only way to get out of our present crisis.

MR DEPUTY CHAIRMAN Dr  
Mathew Kurian Two minutes

DR. K. MATHEW KURIAN Sir I would request you to give me two extra minutes.

Sir, the *Times of India*, dated May 27, reported this

"The complaint against the Achutha Menon Ministry is that he has failed to implement the ceiling provision of the Kerala Land Reforms (Amendment) Act, 1970, which prescribes a ceiling of 10 standard acres"

Then it says,

"The main difficulty in speeding up enforcement of the ceiling provisions is that actual identification of persons holding excess lands involves long field enquiry"

It is very clear from the entire history of land reforms in India that land reforms can be implemented effectively only if the masses of peasantry and agricultural labour take their destiny in their own hands and implement the reforms extra-legally and non-bureaucratically. This is the great lesson which the peasants of Kerala and the agricultural labourers of Kerala have learnt. Recently in a convention at Cochin, the Kisan Movement in Kerala passed a resolution that starting from May 25, they will implement the Land Reforms Act, particularly the ceiling provision, by identifying the surplus lands and enabling the Government to take them over and distribute.

But what has happened in the process? The Leader of the Communist Party of India (Marxist) in the Lok Sabha, Comrade A. K. Gopalan, has been arrested and he has been put in jail. Even on the day when this Constitution Amendment Bill came up in the Lok Sabha, he was prevented from exercising his vote in the Lok Sabha. Sir, if this is the "Sincerity of purpose" with which the powers that be treat this Constitution Amendment, I am afraid that despite this Constitutional protection, actual implementation might still be on paper only.

Sir, I would like to mention for your information that a lot of things happened in the green-room of the Central Government and in the State Government. In November 1970 the Kerala Government sent a communication to the Central Government that in order that the Kerala Land Reforms can be implemented effectively, it should be included in the Ninth Schedule. For almost two years, the Central Government has been sleeping over the whole matter. Even after the Constitutional Amendment arising from the difficulties posed by the Golak Nath case, the Central Government has been sleeping over the matter.

Three important things happened, apart from the mounting struggle of the peasants and agricultural labourers to which I have already referred. The three additional factors are: first, in the Lok Sabha there was pressure for inclusion of the Kerala Acts in the Ninth Schedule and Mr. A. K. Gopalan threatened a dharna within the Lok Sabha. Secondly, a member of the Communist Party of India (CPI), talked about a blood bath in Kerala if it was not included in the Ninth Schedule. Thirdly, a member of the ruling Congress Party talked about a civil war in Kerala if it was not included in the Ninth Schedule. I submit, Sir, that these are the factors which, along with the mounting pressure of the peasants and agricultural labourers through the Kisan Movement

in Kerala, forced the hands of the Central Government to include this in the Ninth Schedule. And even on the eve of the introduction of this Bill, the central Government—Mr. Gokhale knows about this—insisted that two amendments should be brought to the Kerala Land Reforms Act before it could be included in the Ninth Schedule. Firstly in the original amendment Act, there was a provision that 50 per cent of the surplus land should be reserved for distribution to the Scheduled Castes and Scheduled Tribes and those who have been converted to Christianity. Sir, the Central Government insisted—I know for certain—that the last part, *i.e.* “those who have been converted into Christianity” should be excluded. Secondly, they insisted that the invalidation of land transfers from 1957 to 1963 should be excluded. Now only land transfers after 1963 are covered. These two amendments, which we oppose, were brought surreptitiously through an Ordinance by the Kerala Government. The Kerala Government was forced to bring these amendments by an Ordinance on May 17 because Mr. Gokhale and the Central Government insisted that the Kerala Acts will get protection only if those two amendments are brought. It is unfortunate that the amending Bill—which got the assent of the President; the President had given his assent to the original Act which was approved by the law Ministry and the Central Government—has been delayed so much. Even after so many years have passed, on the eve of this move, in the green room of the Central Government there was a collusion between both the Central and State Governments to mutilate the original Act. This move is opposed by the peasant movement in Kerala. Against the background of callousness on the part of the Central Government regarding this matter since November 1970, and in view of the type of discussions which took place in the green room of the Central Government...

SHRI U. K. LAKSHMANA GOWDA (Mysore): Where is that green room?

DR. K. MATHEW KURIAN: ... We are very doubtful whether land reform will really be implemented. Therefore, I conclude by saying that the only guarantee that the Kerala Land Reforms Bill will be implemented is the combined, organised, struggle of the peasants and the agricultural labour.

SHRI MAHAVIR TYAGI: I would like to have a clarification from the Minister. As the honourable Member has said, is there any provision in the Act that preference will be given to those who are converted Christians? Is there a provision that converted Christians will be preferred and they will be rewarded by this?

SHRI H. R. GOKHALE: You please wait for my answer. I have heard the comments.

Mr. Deputy Chairman, Sir, all the eight speakers who participated in the debate have supported the Bill. Therefore, there is hardly any reason for a long and elaborate reply, but I think it is only fair to the House that I deal only with some of the important comments which were made while supporting the Bill. It was said by my friend, Mr. Malaviya, while referring to the second proviso to Article 31A that a provision must be made under which there will be no obligation to pay market value compensation in the event of reduction of the ceiling. The Member must be knowing that there is another Bill pending which will be brought before the House; it seeks to set at rest the doubt which has been created on the interpretation of the second proviso to Article 31A. When and if that amendment is passed, the apprehensions expressed by the honourable Member will no longer exist. After we introduced that Bill in the Lok Sabha, some development has taken place which those of us



[Shri H. R. Gokhale]

who have read the three Supreme Court judgments should be aware of, and the doubt which we were entertaining in our minds has been cleared by the Supreme Court itself. . .

SHRI K. CHANDRASEKHARAN :  
Then this Bill is unnecessary.

SHRI H. R. GOKHALE : . . because the Supreme Court itself said that even under the existing proviso it is not necessary to pay market value compensation. That is why the urgency behind the introduction of the Bill was for the time being taken away and we did not insist on moving the 29th Amendment Bill. Now this becomes the 29th amendment Bill. When the other Bill is moved, it will be renumbered and will be given its proper place in the series of Constitution Amendments that are coming. Therefore, it is, I think, an apprehension which is now misplaced. It has also been stated that there has been a lot of delay on the part of the Government of India in bringing this measure before the House. It was stated that the Assembly passed a resolution a year ago and now we are bringing this Bill at the fag end of the Session. I would only point out one thing as to how on account of our being cautious and careful we have saved ourselves from including in the Ninth Schedule the Act which is now established and which we would have unnecessarily introduced. The Kerala Government was insisting on one more Act also to be introduced in the Ninth Schedule and, that is, the Kannan Devan Act. If we had rushed with the amendment at that time at the mere passing of the resolution, we would have included that Act also in the Ninth Schedule. We were waiting for the judgment of the Supreme Court; right now as justified by the circumstances which have transpired since then we wanted to examine the Supreme Court judgment and to find out to what extent protection is necessary. The honourable Member knows that that very Act, Kannan Devan Act, has now been fully upheld by the Supreme

Court; otherwise, we would have included it in the Ninth Schedule on the mere apprehension that the Supreme Court would set aside that and it would need protection. Therefore, we were justified in waiting to see what the implications and repercussions of the Supreme Court judgment would be. The Supreme Court judgment, as the honourable Member knows, came only on the 29th April. We examined the judgment and we realised that although the substantial part of the land reform measure was upheld by the Supreme Court even in these two judgments, some of the provisions where we had provided for the mechanism for the operation of this measure were struck down. While the substance of the measure was upheld if the mechanism was not available for the operation of the measure, then it was as good as saying that the land reform measure is incapable of enforcement. When we saw that we decided that we should include it in the Ninth Schedule and we brought forward this Bill within one month after the Supreme Court judgment. Therefore you cannot reasonably and legitimately say that the Government has been dilly-dallying or delaying the implementation of the Act.

Coming to the point Shri Tyagi raised at the end of the debate, I want to say that we did not discuss at great length the various provisions of the Act with the representatives of the Kerala Government. The Revenue Minister was here and I had prolonged discussions with him on the various sections which they were pressing should be brought within the purview of the Ninth Schedule. In the course of our examination,—I hope the hon. Member know it—it was the Union Government which pointed out to the Kerala Government where the defect in the implementation of the Act was. For example there is a provision in the Act that all transfers by way of partition to brothers and sisters on account of love and affection will be protected. Our experience of implementation of land reform measure

is that these transfers, which are inter-family or inter-relation transfers, are really the source of mischief and this provision can defeat the very purpose of the Act. The Kerala Government has not asked us to protect these. We pointed out to them that unless they amend this provision, whatever they may do and howsoever they want to protect this Act by including it in the Ninth Schedule, their main purpose of bringing forward the Bill would be frustrated. I hope the hon. Members will realise that it was the Central Government which brought it to the notice of the Kerala Government. . .

**DR. K. MATHEW KURIAN :** Excuse me. What was the Law Ministry doing when they approved the Kerala Act with the President's Assent ?

**SHRI H. R. GOKHALE :** Have a little patience. I am going to deal with that point also. Even when the matter was brought up for President's assent, the Central Government had pointed out the defects. But in order that the passing out of the Act should not be delayed and substantial part of the land reform should not be delayed, we agreed to the Presidential assent being given. It is not as if we were sleeping. We had pointed out to the Kerala Government that this provision required further consideration. It is no use saying that we did one thing at one time and did a different thing at another time. When the discussions took place with the Revenue Minister, we did point out with reference to all the items in the new legislation that in order to make the whole provision just and equitable, certain amendments were necessary and that the Kerala Government should undertake these amendments if necessary, by means of an Ordinance.

Shri Tyagi referred to another point. The original Act provided that transfer in respect of surplus land which will be available for distribution might take place on a certain percentage basis and it should be reserved to converts to Christianity from

the Scheduled Castes. Basically there were two reasons for objecting to this. We said first of all it is discriminatory and it was not proper to make difference between converts to Christianity and converts to other religions.

**SHRI AWADHESHWAR PRASAD SINHA (Bihar) :** After this is passed, will that part remain?

**SHRI H. R. GOKHALE :** I will deal with that. That is why we suggested that the Ordinance should be promulgated first and it is being promulgated. After all we and the Kerala Government want genuinely to implement the Land Reforms Act. What was wrong if we insisted that this discriminatory provision should be removed? We did insist on that.

**DR. K. MATHEW KURIAN :** What was the second reason?

**SHRI H. R. GOKHALE :** I am coming to the second reason also. It is not as if we have done anything to suggest that the retrospective effect which was proposed in the Act should be taken away or anything like that. It has been the consistent policy of the Central Government, as has been mentioned even in our Plan documents, so far, where it has been said that once we make an enactment for the purpose of land reform measures, subsequent amendments should be in the nature of removing the loopholes. This has been the basic tenet of our policy. Now, what was done was, before this Act was brought on to the Statute Book, the other Act provided for a ceiling—I am only giving an illustration now—of, say, 18 acres. The present Act, for a corresponding quality of land, provides for a ceiling of 12 acres. At the time when the ceiling was 18 acres, the difference was only three acres. Now, some peasants might have sold their lands, may be for a marriage in the family, may be to pay debts of the family, may be for the purpose of a funeral or may be for the reasons of dire necessity and the result was that these transfers could not be said to be

[Shri H. R. Gokhale]

*mala fide* like other transfers which are not for genuine purposes, but which are merely for the purpose of defeating the provisions of the Act. But, what was even more objectionable was that the transferees are protected under this Act. It was said that to the extent to which a certain area was transferred, that area should be deducted from the existing ceiling, namely, 12 acres. Now, this is something which we thought was grossly unjust. Therefore, we did not say even then, "we will not accept your provisions". We said, "Make your own provisions somewhere where an authority, such authority as you would like to create"—we did not stipulate what the authority should be—"should be in a position to determine the character of the transfer, whether it is *mala fide* or *bona fide*", and the authority we suggested should be precisely a judicial authority—we did not insist on a particular category of authority—and that authority should be able to determine whether the transfer is with a view to circumventing the provisions of the Act or it is really a *bona fide* one carried out within the difference of three acres by a *bona fide* tenant. In any case, he was not entitled to have more than 18 acres at a time. Therefore, I am not at all carrying with me any sense of hesitancy in saying that we did it before agreeing to include this Act in the Ninth Schedule, because once we are including an Act in the Ninth Schedule, I think it is hardly necessary to remind the House that we are not taking a step which is normal, because we are now excluding the operation of the entire Chapter, Chapter III of the Constitution so far as the Acts which are included in the Ninth Schedule are concerned.

Sir, nobody can accuse us of acting with undue haste. We had prolonged discussions with the Chief Minister of Kerala, with the Revenue Minister of Kerala and with their representatives also and we persuaded them and they are, in fact, issuing the Ordinance. How can the blame lie on the Central Government? I do not think

it is necessary to go into greater details. Some points were raised in order to show that in spite of what the Union Government has done, the Union Government was acting or was going into it willy-nilly and it had no real intention of protecting the Act. Sir, the whole thing has been put before the House now.

Sir, I, therefore, recommend to the House that the Bill be taken into consideration.

4 P. M.

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—167. Noes—Nil.

AYES—167

Abid, Shri Qasim Ali  
 Abu Abraham, Shri  
 Ahmad, Shri Syed  
 Ahmad, Dr. Z. A  
 Alva, Shri Joachim  
 Amjad Ali, Sardar  
 Amla, Shri Tirath Ram  
 Anandam, Shri M.  
 Anandan, Shri T. V.  
 Arif, Shri Mohammed Usman  
 Balan, Shri M. C.  
 Banarsi Das, Shri  
 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.

Chakrabarti, Dr. R. K.  
 Chandra Shekhar, Shri  
 Chandrasekharan, Shri K.  
 Chattopadhyaya, Dr. Debiprasad  
 Chettri, Shri K. B.  
 Chinai, Shri Babubhai M.  
 Choudhury, Shri N. R.  
 Choudhury, Shri Suhrid Mullick  
 Das, Shri Balram  
 Das, Shri Bipinpal  
 Dass, Shri Mahabir  
 Deshmukh, Shri T. G.  
 Dikshit, Shri Umashankar  
 Dutt, Dr. Vidya Prakash  
 Gadgil, Shri Vithal  
 Ganguli, Shri Salil Kumar  
 Ghosh, Shri Niren.  
 Gowda, Shri U. K. Lakshmana  
 Gujral, Shri I. K.  
 Gupta, Shri Bhupesh  
 Hathi, Shri Jaisukhlal  
 Himmat Singh, Shri  
 Hussain, Shri Syed  
 Jahanara Jaipal Singh, Shrimati  
 Jain, Shri A. P.  
 Jain, Shri Dharam Chand  
 Jairamdas Daulatram, Shri  
 Joseph, Shri N.  
 Joshi, Shri Umashanker  
 Kalania, Shri I. K.  
 Kalyan Chand, Shri  
 Kapur, Shri Yashpal  
 Kemparaj, Shri B. T.  
 Kesri, Shri Sitaram  
 Khan, Shri Maqsood Ali  
 Koya, Shri B. V. Abdulla  
 Krishan Kant, Shri  
 Krishnan, Shri N. K.  
 Krishnaswamy, Shri K. A.  
 Kulkarni, Shri A. G.  
 Kulkarni, Shri B. T.

Kumaran, Shri S.  
 Kumbhare, Shri N. H.  
 Lakshmi Kumari Chundawat, Shrimati  
 Madani, Shri M. Asad  
 Mahanti, Shri B. K.  
 Mahavir, Dr. Bhai  
 Mahida, Shri U. N.  
 Majhi, Shri C. P.  
 Malaviya, Shri Harsh Deo  
 Mali, Shri Ganesh Lal  
 Maragatham Chandrasekhar, Shrimati  
 Mathew Kurian, Dr. K.  
 Mehta, Shri Om  
 Menon, Shri Balachandra  
 Menon, Shri K. P. Subramanian  
 Mirdha, Shri Ram Niwas  
 Mohammad, Chaudhary A.  
 Mohan, Shri V. R.  
 Mohideen, Shri S. A. Khaja  
 Mukherjee, Shri Kali  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri A. N.  
 Munda, Shri B. R.  
 Musafir, Shri Gurumukh Singh  
 Nair, Shri G. Gopinathan  
 Nandini Satpathy, Shrimati  
 Narasiah, Shri H. S.  
 Narayanappa, Shri Sanda  
 Narayani Devi Manaklal Varma, Shrimati  
 Nawal Kishore, Shri  
 Nurul Hasan, Prof. S.  
 Oberoi, Shri M. S.  
 Pai, Shri T. A.  
 Panda, Shri Brahmananda  
 Parashar, Shri V. R.  
 Patil, Shri G. R.  
 Patil, Shri P. S.  
 Pitamber Das, Shri  
 Poddar, Shri R. K.  
 Prasad, Shri Bhola.  
 Prasad, Shri K. L. N.

Pratibha Singh, Shrimati  
 Purabi Mukhopadhyay, Shrimati  
 Puri, Shri Dev Datt  
 Raha, Shri Sanat Kumar  
 Raju, Shri V. B.  
 Ramaswamy, Shri K. S.  
 Ramiah, Dr. K.  
 Rao, Shri Katragadda Srinivas  
 Rathnabai Sreenivasa Rao, Shrimati  
 Reddy, Shri Janardhana  
 Reddy, Shri M. Srinivasa  
 Reddy, Shri Mulka Govinda  
 Refaye, Shri A. K.  
 Roshan Lal, Shri  
 Roy, Shri Kalyan  
 Roy, Shri Monoranjan  
 Sangma, Shri E. M.  
 Sanyal, Shri Sasankasekhar  
 Sardesai, Shri S. G.  
 Saroj Purushottam Khaparde, Miss  
 Satyavati Dang, Shrimati  
 Savita Behen, Shrimati  
 Schamnad, Shri Hamid Ali  
 Sen, Dr. Triguna  
 Shah, Shri Manubhai  
 Sharma, Shri Yogendra  
 Shilla, Shri Showales K.  
 Shishir Kumar, Shri  
 Shukla, Shri Chakrapani  
 Shukla, Shri M. P.  
 Shyamkumari Devi, Shrimati  
 Singh, Shri Bhupinder  
 Singh, Shri Bindeshwari Pd.  
 Singh, Shri D. P.  
 Singh, Shri M. B.  
 Singh, Shri Mohan  
 Singh, Shri Ranbir  
 Singh, Shri Sultan  
 Singh, Shri Triloki  
 Singh, Dr. V. B.

Sinha, Shri Awadheshwar Prasad  
 Sinha, Shri Ganga Sharan  
 Sisodia, Shri Swaisingh  
 Sita Devi, Shrimati  
 Sivaprakasam, Shri S.  
 Srinivasan, Shri T. K.  
 Sukhdev Prasad, Shri  
 Sumitra Gandhi Kulkarni, Shrimati  
 Suraj Prasad, Shri  
 Sushila Mansukhlal Desai, Miss  
 Swaminathan, Shri V. V.  
 Tanvir, Shri Habib.  
 Thakur, Shri Gunanand  
 Tilak, Shri J. S.  
 Tiwari, Shri Shankarlal  
 Tiwary, Pt. Bhawaniprasad  
 Tombi, Shri Salam  
 Trivedi, Shri H. M.  
 Tyagi, Shri Mahavir  
 Untoo, Shri Gulam Nabi  
 Venigalla Satyanarayana, Shri  
 Venkataraman, Shri M. R.  
 Vero, Shri M.  
 Villalan, Shri Thillai  
 Vyas, Dr. M. R.  
 Wajd, Shri Sikandar Ali

NOES—Nil

*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: We shall now take up clause by clause consideration of the Bill.

*Clause 2—Amendment of Ninth Schedule*

MR. DEPUTY CHAIRMAN: The question is :

"That clause 2 stands part of the Bill."

*The House divided.*

MR. DEPUTY CHAIRMAN : Ayes—

167. Noes—Nil.

## AYES—167

Abid, Shri Qasim Ali  
 Abu Abraham, Shri  
 Ahmad, Shri Syed  
 Ahmad, Dr. Z. A.  
 Alva, Shri Joachim  
 Amjad Ali, Sardar  
 Amla, Shri Tirath Ram  
 Anandam, Shri M.  
 Anandam, Shri T. V.  
 Arif, Shri Mohammed Usman  
 Balan, Shri M. C.  
 Banarsi Das, Shri  
 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.  
 Chakrabarti, Dr. R. K.  
 Chandra Shekhar, Shri  
 Chandrasekharan, Shri K.  
 Chattopadhyaya, Dr. Debiprasad  
 Chettri, Shri K. B.  
 Chinai, Shri Babubhai M.  
 Choudhury, Shri N. R.  
 Choudhury, Shri Suhrid Mullick  
 Das, Shri Balram  
 Das, Shri Bipinpal  
 Dass, Shri Mahabir  
 Deshmukh, Shri T. G.  
 Dikshit, Shri Umashankar  
 Dutt, Dr. Vidya Prakash  
 Gadgil, Shri Vithal  
 Ganguli, Shri Salil Kumar  
 Ghosh, Shri Niren

Gowda, Shri U. K. Lakshmana  
 Gujral, Shri I. K.  
 Gupta, Shri Bhupesh  
 Hathi, Shri Jaisukhlal  
 Himmat Singh, Shri  
 Hussain, Shri Syed  
 Jahanara Jaipal Singh, Shrimati  
 Jain, Shri A. P.  
 Jain, Shri Dharam Chand  
 Jairamdas Daulatram, Shri  
 Joseph, Shri N.  
 Joshi, Shri Umashanker  
 Kalania, Shri I. K.  
 Kalyan Chand, Shri  
 Kapur, Shri Yashpal  
 Kemparaj, Shri B. T.  
 Kesri, Shri Sitaram  
 Khan, Shri Maqsood Ali  
 Koya, Shri B. V. Abdulla  
 Krishan Kant, Shri  
 Krishnan, Shri N. K.  
 Krishnaswamy, Shri K. A.  
 Kulkarni, Shri A. G.  
 Kulkarni, Shri B. T.  
 Kumaran, Shri S.  
 Kumbhare, Shri N. H.  
 Lakshmi Kumari Chundawat, Shrimati  
 Madani, Shri M. Asad  
 Mahanti, Shri B. K.  
 Mahavir, Dr. Bhai  
 Mahida, Shri U. N.  
 Majhi, Shri C. P.  
 Malaviya, Shri Harsh Deo  
 Mali, Shri Ganesh Lal  
 Maragatham Chandrasekhar, Shrimati  
 Mathew Kurian, Dr. K.  
 Mehta, Shri Om  
 Menon, Shri Balachandra  
 Menon, Shri K. P. Subramania  
 Mirdha, Shri Ram Niwas  
 Mohammad, Chaudhary A.

Mohan, Shri V. R.  
 Mohideen, Shri S. A. Khaja  
 Mukherjee, Shri Kali  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri A. N.  
 Munda, Shri B. R.  
 Musafir, Shri Gurumukh Singh  
 Nair, Shri G. Gopinathan  
 Nandini Satpathy, Shrimati  
 Narasiah, Shri H. S.  
 Narayanappa, Shri Sanda  
 Narayani Devi Manaklal Varma,  
 Shrimati  
 Nawal Kishore, Shri  
 Nurul Hasan, Prof. S.  
 Oberoi, Shri M. S.  
 Pai, Shri T. A.  
 Panda, Shri Brahmananda  
 Parashar, Shri V. R.  
 Patel, Shri G. R.  
 Patil, Shri P. S.  
 Pitamber Das, Shri  
 Poddar, Shri R. K.  
 Prasad, Shri Bhola  
 Prasad, Shri K. L. N.  
 Pratibha Singh, Shrimati  
 Purabi Mukhopadhyay, Shrimati  
 Puri, Shri Dev Datt  
 Raha, Shri Sanat Kumar  
 Raju, Shri V. B.  
 Ramaswamy, Shri K. S.  
 Ramiah, Dr. K.  
 Rao, Shri Katragadda Srinivas  
 Rathnabai Sreenivasa Rao, Shrimati  
 Reddy, Shri Janardhana  
 Reddy, Shri M. Srinivasa  
 Reddy, Shri Mulka Govinda  
 Refaye, Shri A. K.  
 Roshan Lal, Shri  
 Roy, Shri Kalyan  
 Roy, Shri Monoranjan

Sangma, Shri E. M.  
 Sanyal, Shri Sasankasekhar  
 Sardesai, Shri S. G.  
 Saroj Purushottani Khaparde, Miss  
 Satyavati Dang, Shrimati  
 Savita Behen, Shrimati  
 Schamnad, Shri Hamid Ali  
 Sen, Dr. Triguna.  
 Shah, Shri Manubhai  
 Sharma, Shri Yogendra  
 Shilla, Shri Showalees K.  
 Shishir Kumar, Shri  
 Shukla, Shri Chakrapani  
 Shukla, Shri M. P.  
 Shyamkumari Devi, Shrimati  
 Singh, Shri Bhupinder  
 Singh, Shri Bindeshwari Pd.  
 Singh, Shri D. P.  
 Singh, Shri M. B.  
 Singh, Shri Mohan  
 Singh, Shri Ranbir  
 Singh, Shri Sultan  
 Singh, Shri Triloki  
 Singh, Dr. V. B.  
 Sinha, Shri Awadheshwar Prasad  
 Sinha, Shri Ganga Sharan  
 Sisodia, Shri Swaisingh  
 Sita Devi, Shrimati  
 Sivaprakasam, Shri S.  
 Srinivasan, Shri T. K.  
 Sukhdev Prasad, Shri  
 Sumitra Gandhi Kulkarni, Shrimati  
 Suraj Prasad, Shri  
 Sushila Mansukhlal Desai, Miss  
 Swaminathan, Shri V. V.  
 Tanvir, Shri Habib  
 Thakur, Shri Gunanand  
 Tilak, Shri J. S.  
 Tiwari, Shri Shankarlal  
 Tiwary, Pt. Bhawaniprasad

Tombi, Shri Salam  
 Trivedi, Shri H. M.  
 Tyagi, Shri Mahavir  
 Untoo, Shri Gulam Nabi  
 Venigalla Satyanarayana, Shri  
 Venkataraman, Shri M. R.  
 Vero, Shri M.  
 Villalan, Shri Thillai  
 Vyas, Dr. M. R.  
 Wajd, Shri Sikandar Ali

NOES—Nil.

*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 1, the Enacting Formula and the Title stand part of the Bill.”

*The House divided.*

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

AYES—170

Abid, Shri Qasim Ali  
 Abu Abraham, Shri  
 Ahmad, Shri Syed  
 Ahmad, Dr. Z. A.  
 Alva, Shri Joachim  
 Amjad Ali, Sardar  
 Amla, Shri Tirath Ram  
 Anandam, Shri M.  
 Anandan, Shri T. V.  
 Arif, Shri Mohammed Usman  
 Balan, Shri M. C.  
 Banarsi Das, Shri  
 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.  
 Chakrabarti, Dr. R. K.  
 Chandra Shekhar, Shri  
 Chandrasekharan, Shri K.  
 Chattopadhyaya, Dr. Debiprasad  
 Chettri, Shri K. B.  
 Chinai, Shri Babubhai M.  
 Choudhury, Shri N. R.  
 Choudhury, Shri Suhrid Mullick  
 Das, Shri Balram  
 Das, Shri Bipinpal  
 Dass, Shri Mahabir  
 Deshmukh, Shri T. G.  
 Dikshit, Shri Umashankar  
 Dutt, Dr. Vidya Prakash  
 Gadgil, Shri Vithal  
 Ganguli, Shri Salil Kumar  
 Ghosh, Shri Niren  
 Gowda, Shri U. K. Lakshmana  
 Gujral, Shri I. K.  
 Gupta, Shri Bhupesh  
 Hathi, Shri Jaisukhlal  
 Himmat Singh, Shri  
 Hussain, Shri Syed  
 Jahanara Jaipal Singh, Shrimati  
 Jain, Shri A. P.  
 Jain, Shri Dharam Chand  
 Jairamdas Daulatram, Shri  
 Joseph, Shri N.  
 Joshi, Shri Umashanker  
 Kalania, Shri I. K.  
 Kalyan Chand, Shri  
 Kapur, Shri Yashpal  
 Kemparaj, Shri B. T.  
 Kesri, Shri Sitaram  
 Khan, Shri Maqsood Ali



Kollur, Shri M. L.  
Koya, Shri B. V. Abdulla  
Krishan Kant, Shri  
Krishnan, Shri N. K.  
Krishnaswamy, Shri K. A.  
Kulkarni, Shri A. G.  
Kulkarni, Shri B. T.  
Kumaran, Shri S.  
Kumbhare, Shri N. H.  
Lakshmi Kumari Chundawat, Shrimati  
Madani, Shri M. Asad  
Mahanti, Shri B. K.  
Mahavir, Dr. Bhai  
Mahida, Shri U. N.  
Majhi, Shri C. P.  
Malaviya, Shri Harsh Deo  
Mali, Shri Ganesh Lal  
Maragatham Chandrasekhar, Shrimati  
Mathew Kurian, Dr. K.  
Mehta, Shri Om  
Menon, Shri Balachandra  
Menon, Shri K. P. Subramania  
Mirdha, Shri Ram Niwas  
Mohammad, Chaudhary A.  
Mohan, Shri V. R.  
Mohideen, Shri S. A. Khaja  
Mukherjee, Shri Kali  
Mukherjee, Shri Pranab Kumar  
Mulla, Shri A. N.  
Munda, Shri B. R.  
Musafir, Shri Gurumukh Singh  
Nair, Shri G. Gopinathan  
Nandini Satpathy, Shrimati  
Narasiah, Shri H. S.  
Narayanappa, Shri Sanda  
Narayani Devi Manaklal Varma, Shrimati  
Nawal Kishore, Shri  
Nurul Hasan, Prof. S.  
Oberoi, Shri M. S.  
Pai, Shri T. A.

Panda, Shri Brahmananda  
Parashar, Shri V. R.  
Patel, Shri D. K.  
Patil, Shri G. R.  
Patil, Shri P. S.  
Pitamber Das, Shri  
Poddar, Shri R. K.  
Prasad, Shri Bhola  
Prasad, Shri K. L. N.  
Pratibha Singh, Shrimati  
Purabi Mukhopadhyay, Shrimati  
Puri, Shri Dev Datt  
Raha, Shri Sanat Kumar  
Raju, Shri V. B.  
Ramaswamy, Shri K. S.  
Ramiah, Dr. K.  
Rao, Shri Katragadda Srinivas  
Rathnabai Sreenivasa Rao, Shrimati  
Reddy, Shri Janardhana  
Reddy, Shri M. Srinivasa  
Reddy, Shri Mulka Govinda  
Refaye, Shri A. K.  
Roshan Lal, Shri  
Roy, Shri Kalyan  
Roy, Shri Monoranjan  
Sangma, Shri E. M.  
Sanyal, Shri Basankasekhar  
Sardesai, Shri. S. G.  
Saroj Purushottam Khaparde, Miss  
Satyavati Dang, Shrimati  
Savita Behen, Shrimati  
Schamnad, Shri Hamid Ali  
Sen, Dr. Triguna  
Shah, Shri Manubhai  
Sharma, Shri Yogendra  
Shilla, Shri Showaless K.  
Shishir Kumar, Shri  
Shukla, Shri Chakrapani  
Shukla, Shri M. P.  
Shyamkumari Devi, Shrimati

Singh, Shri Bhupinder  
 Singh, Shri Bindeshwari Pd.  
 Singh, Shri D. P.  
 Singh, Shri M. B.  
 Singh, Shri Mohan  
 Singh, Shri Ranbir  
 Singh, Shri Sultan  
 Singh, Shri Triloki  
 Singh, Dr. V. B.  
 Sinha, Shri Awadheshwar Prasad  
 Sinha, Shri Ganga Sharan  
 Sisodia, Shri Swaisingh  
 Sita Devi, Shrimati  
 Sivaprakasam, Shri S.  
 Srinivasan, Shri T. K.  
 Sukhdev Prasad, Shri  
 Sumira Gandhi Kulkarni, Shrimati  
 Suraj Prasad, Shri  
 Sushila Mansukhlal Desai, Miss  
 Swaminathan, Shri V. V.  
 Tanvir, Shri Habib  
 Thakur, Shri Gunanand  
 Tilak, Shri J. S.  
 Tiwari, Shri Shankarlal  
 Tiwary, Pt. Bhawaniprasad  
 Tombi, Shri Salam  
 Trivedi, Shri H. M.  
 Tyagi, Shri Mahavir  
 Untoo, Shri Gulam Nabi  
 Varma, Shri Man Singh  
 Venigalla Satyanarayana, Shri  
 Venkataraman, Shri M. R.  
 Vero, Shri M.  
 Villalan, Shri Thillai  
 Vyas, Dr. M. R.  
 Wajd, Shri Sikandar Ali

NOES—NIL

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

SHRI H. R. GOKHALE : Sir, I beg to move :

"That the Bill be passed."

MR. DEPUTY CHAIRMAN : The question is :

"That the Bill be passed."

*The House divided.*

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

AYES—170

Abid, Shri Qasim Ali  
 Abu Abraham, Shri  
 Ahmad, Shri Syed  
 Ahmad, Dr. Z. A.  
 Alva, Shri Joachim  
 Amjad Ali, Sardar  
 Amla, Shri Tirath Ram  
 Anandam, Shri M.  
 Anandan, Shri T. V.  
 Arif, Shri Mohammed Usman  
 Balan, Shri M. C.  
 Banarsi Das, Shri  
 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.  
 Chakrabarti, Dr. R. K.  
 Chandra Shekhar, Shri  
 Chandrasekharan, Shri K.  
 Chattopadhyaya, Dr. Debiprasad  
 Chettri, Shri K. B.

Chinai, Shri Babubhai M.  
 Choudhury, Shri N. R.  
 Choudhury, Shri Suhrid Mullick  
 Das, Shri Balram  
 Das, Shri Bipinpal  
 Dass, Shri Mahabir  
 Deshmukh, Shri T. G.  
 Dikshit, Shri Umashankar  
 Dutt, Dr. Vidya Prakash  
 Gadgil, Shri Vithal  
 Ganguli, Shri Salil Kumar  
 Ghosh, Shri Niren  
 Gowda, Shri U. K. Lakshmana  
 Gujral, Shri I. K.  
 Gupta, Shri Bhupesh  
 Hathi, Shri Jaisukhlal  
 Himmat Singh, Shri  
 Hussain, Shri Syed  
 Jahanara Jaipal Singh, Shrimati  
 Jam, Shri A. P.  
 Jain, Shri Dharam Chand  
 Jairamdas Daulatram, Shri  
 Joseph, Shri N.  
 Joshi, Shri Umashanker  
 Kalania, Shri I. K.  
 Kalyan Chand, Shri  
 Kapur, Shri Yashpal  
 Kemparaj, Shri B. T.  
 Kesri, Shri Sitaram  
 Khan, Shri Maqsood Ali  
 Kollur, Shri M. L.  
 Koya, Shri B. V. Abdulla  
 Krishan Kant, Shri  
 Krishnan, Shri N. K.  
 Krishnaswamy, Shri K. A.  
 Kulkarni, Shri A. G.  
 Kulkarni, Shri B. T.  
 Kumaran, Shri S.  
 Kumbhare, Shri N. H.  
 Lakshmi Kumari Chundawat, Shrimati

Madani, Shri M. Asad  
 Mahanti, Shri B. K.  
 Mahavir, Dr. Bhai  
 Mahida, Shri U. N.  
 Majhi, Shri C. P.  
 Malaviya, Shri Harsh Deo  
 Mali, Shri Ganesh Lal  
 Maragatham Chandrasekhar, Shrimati  
 Mathew Kurian, Dr. K.  
 Mehta, Shri Om  
 Menon, Shri Balachandra  
 Menon, Shri K. P. Subramania  
 Mirdha, Shri Ram Niwas  
 Mohammad, Chaudhary A.  
 Mohan, Shri V. R.  
 Mohideen, Shri S. A. Khaja  
 Mukherjee, Shri Kali  
 Mukherjee, Shri Pranab Kumar  
 Mulla, Shri A. N.  
 Munda, Shri B. R.  
 Musafir, Shri Gurumukh Singh  
 Nair, Shri G. Gopinathan  
 Nandini Satpathy, Shrimati  
 Narasiah, Shri H. S.  
 Narayanappa, Shri Sanda  
 Narayani Devi Manaklal Varma, Shrimati  
 Nawal Kishore, Shri  
 Nurul Hasan, Prof. S.  
 Oberoi, Shri M. S.  
 Pai, Shri T. A.  
 Panda, Shri Brahmananda  
 Parashar, Shri V. R.  
 Patel, Shri D. K.  
 Patil, Shri G. R.  
 Patil, Shri P. S.  
 Pitamber Das, Shri  
 Poddar, Shri R. K.  
 Prasad, Shri Bhola  
 Prasad, Shri K. L. N.  
 Pratibha Singh, Shrimati

Purabi Mukhopadhyay, Shrimati  
 Puri, Shri Dev Datt  
 Raha, Shri Sanat Kumar  
 Raju, Shri V. B.  
 Ramaswamy, Shri K. S.  
 Ramiah, Dr. K.  
 Rao, Shri Katragadda Srinivas  
 Rathnabai Sreenivasa Rao, Shrimati  
 Reddy, Shri Janardhana  
 Reddy, Shri M. Srinivasa  
 Reddy, Shri Mulka Govinda  
 Refaye, Shri A. K.  
 Roshan Lal, Shri  
 Roy, Shri Kalyan  
 Roy, Shri Monoranjan  
 Sangma, Shri E. M.  
 Sanyal, Shri Sasankasekhar  
 Sardesai, Shri S. G.  
 Saroj Purushottam Khaparde, Miss  
 Satyavati Dang, Shrimati  
 Savita Behen, Shrimati  
 Schamnad, Shri Hamid Ali  
 Sen, Dr. Triguna  
 Shah, Shri Manubhai  
 Sharma, Shri Yogendra  
 Shilla, Shri Showaless K.  
 Shishir Kumar, Shri  
 Shukla, Shri Chakrapani  
 Shukla, Shri M. P.  
 Shyamkumari Devi, Shrimati  
 Singh, Shri Bhupinder  
 Singh, Shri Bindeshwari Pd.  
 Singh, Shri D. P.  
 Singh, Shri M. B.  
 Singh, Shri Mohan  
 Singh, Shri Ranbir  
 Singh, Shri Sultan  
 Singh Shri Triloki  
 Singh, Dr. V. B.  
 Sinha, Shri Awadheshwar Prasad

Sinha, Shri Ganga Sharan  
 Sisodia, Shri Swaisingh  
 Sita Devi, Shrimati  
 Sivaprakasam, Shri S.  
 Srinivasan, Shri T. K.  
 Sukhdev Prasad, Shri  
 Sumitra Gandhi Kulkarni, Shrimati  
 Suraj Prasad, Shri  
 Sushila Mansukhlal Desai, Miss  
 Swaminathan, Shri V. V.  
 Tanvir, Shri Habib  
 Thakur, Shri Gunanand  
 Tilak, Shri J. S.  
 Tiwari, Shri Shankarlal  
 Tiwary, Pt. Bhawaniprasad  
 Tombi, Shri Salam  
 Trivedi, Shri H. M.  
 Tyagi, Shri Mahavir  
 Untoo, Shri Gulam Nabi  
 Varma, Shri Man Singh  
 Venigalla Satyanarayana, Shri  
 Venkataraman, Shri M. R.  
 Vero, Shri M.  
 Villalan, Shri Thillai  
 Vyas, Dr. M. R.  
 Wajid, Shri Sikandar Ali

NOES—Nil

*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.*

# **THE TAXATION LAWS (EXTENSION TO JAMMU AND KASHMIR) BILL, 1972**

THE MINISTER OF STATE IN THE  
 MINISTRY OF FINANCE (SHRI K. R.  
 GANESH) . I beg to move :

"That the Bill to provide for the  
 extension of certain Taxation Laws