

SHRI T. T. KRISHNAMACHARI: I am grateful to the hon. Member who has drawn my attention to this possible variation. Rules will be so framed that the licence will pertain to the person and not to the premises.

SHRIMATI TARA RAMCHANDRA SATHE (Maharashtra): May I know whether there will be any authority to whom people can go and test whether it is 14 carat or less or more? Formerly, in the olden days, we used to call it *dharma kanta* where we used to go and weigh the gold and test it as to whether it is one hundred per cent pure or what it is. May I know whether there will be such an arrangement made by the Government or we will have to rely only on the goldsmiths to know whether it is 14 or 16 or 12 carat?

SHRI T. T. KRISHNAMACHARI: I am afraid I cannot commit the Government to render this kind of, service because as a rule we do not want to encourage the use of gold except in industry.

SHRI P. L. KUREEL URF TALIB: When are the proposed changes in the Compulsory Deposit Scheme going to become effective? Will it be forthwith or will it take some time?

SHRI T. T. KRISHNAMACHARI: We will try to make these changes as soon as possible. But I would assure the House that probably in a couple of months' time we shall have before this House a Bill, and I think hon. Members will have full opportunity to discuss the pros and cons at that time.

SHRI KRISHNA CHANDRA: May I know whether there will be any change in the procedure" or policy regarding the sale Or supply of gold for industry?

SHRI T. T. KRISHNAMACHARI: I do not think that so far as the sale of gold to industry is concerned there will be any change, but hon. Members

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have to recognise that the Government are not getting an inflow or supply of gold all the time.

It is mainly a question of rationing the existing gold and naturally, there might be a certain amount of restriction with regard to the people who want gold as such.

### THE CONSTITUTION (SEVENTEENTH AMENDMENT) BILL, 1963—continued

MR. CHAIRMAN: Shri Mulka Govinda Reddy may now continue his speech.

SHRI MULKA GOVINDA REDDY: I wanted to ask a question.

MR. CHAIRMAN: Please continue your speech.

SHRI MULKA GOVINDA REDDY: We have all accepted that land reforms are absolutely necessary for improving the lot of the agriculturists in the rural areas. In 1931, if I remember correctly, the All India Congress at Karachi passed a resolution to that effect. Almost all the political parties in India have accepted that land reforms should be undertaken and should be implemented forthwith. It is only the Swatantra Party which is opposed to land reforms as such.

This Constitutional amendment has been necessitated by the judgment of the courts. There are 144 enactments in different States. Twenty have already been included in the Ninth Schedule to the Constitution and another 124 are going to be included in the Ninth Schedule if we accept this amendment. Thirty-four per cent, of the agricultural families owned, on an average, holdings of less than one acre; as against that, 14 per cent, of the land belonged to one per cent, of the families. *Troza* that it could be deduced that ten to

[Shri Mulka Govinda Reddy.] fifteen crores of Indians lived on a meagre income of two annas a day. When we have accepted a socialist society as our goal, is it not our bounden duty to bring down the disparities of income and is it not our duty to provide more opportunities for the down-trodden? It is not only a constitutional problem, it is also a human problem, it is a moral problem. It is our bounden duty to see that the people who are down-trodden are given all opportunities to improve their lot, to have a good home, to give education to their children and to have medical facilities when they are sick. It is the duty of any State, whether it is a socialist State or a capitalist State, to provide these elementary necessities. It is much more the duty and obligation of a State which is pledged to a socialist society as its objective, which we have accepted in 1954 as the goal that we will have to endeavour to achieve. So, it is all the more necessary that we should see that these disparities are reduced to the minimum.

While I lend my support to this Bill, I would say that we should also see that the disparities in income that are now prevailing in the urban areas should also be brought down. We should bring forward a legislation on ceiling on holdings that a particular family should have only so many acres of land under their cultivation and that the remaining should be distributed to the landless or to those who have got land which is below the ceiling imposed in a particular State or area. We should also see that industrialists and others who control any number of industries and banks should not be allowed to continue to have possession of the means of production in their hands to the detriment of the mass of the people of India. This abnormal disparity should be done away with. The ratio of income between the lowest level and the highest level should not range more than one to ten.

and there should be a proper way of implementing it or of giving a concrete form to the objective that we have placed before ourselves.

Sir, this Bill is no doubt agitating the minds of many. It has also been said that a propaganda has been carried on that it is going to affect the poorer agriculturists, that even the one or two acres of land that they now possess will be taken away by the State. This propaganda has been carried on not by the Swatantra Party alone, but even some Swatantra elements in the Congress are carrying on this propaganda.

SHRI LOKANATH MISRA (Orissa): Because they have understood it already.

SHRI MULKA GOVINDA REDDY: In my own election when I contested to the Constituent Assembly in Mysore State, a prominent Congressman who contested against me was carrying on this propaganda, saying that the land that a poor peasant owned would be distributed if the Socialist Party was elected to the Constituent Assembly. This Bill does not provide any such power to the Government. All that it says is that land being a State subject, the State should have the power to legislate to bring in land reforms so that the tiller of the soil is put in possession of the land and when the producer produces, he should have the benefit of his produce and he should not be any more exploited for the benefit of the landlord either in the village or in the town.

Mr. Chairman, by clause 3 we are amending the Ninth Schedule to the Constitution, that is—

" \_\_ after entry 20 the following entries shall be added, namely:—"

and another 124 enactments are to be included in the Ninth Schedule. The legislation that was enacted in Kerala was struck down by the

Supreme Court and by the High Court of Kerala. The landreform Acts that have been passed by the different States should not be struck down for any reason. That appears to be the purpose of this clause 3. I agree that it is a very laudable proposition. I agree that the land reform enactments that have been passed by the different States should not be struck down for some reason or the other, and the purpose for which these land legislations were enacted should not be deterred. So I agree that this enabling clause is necessary to see that these Acts are not struck down and they are implemented immediately. We should also see that this matter goes to the Select Committee and these enactments are properly scrutinised. It should have been the duty of the Law Minister, while moving this amending Bill for acceptance, to give a gist of some of the Acts that are now going to be included in the IX Schedule. As was ably pointed out by Mr. Pathak, the Bombay legislation under entry 68 was struck down by the High Court of Bombay. It also stated that the State legislature had exceeded its competent limits.

SHRI G. S. PATHAK: Struck down by the Supreme Court.

SHRI MULKA GOVINDA REDDY: Yes, struck down by the Supreme Court. It also stated that the State legislature had exceeded its legislative competence. When the Supreme Court, the highest court of the land, struck down a legislation of a State legislature and said that it had exceeded the limit, the question is whether it would be proper for us, by this amendment, to validate the illegal law. I could have understood if they struck down a legislation which was in the competence of the State legislature and it would have been necessary for us to validate such laws. But here is a case where they had exceeded their legislative competence. So this is a matter which requires proper scrutiny. I have no

doubt that when this question goes before the Select Committee, they will properly scrutinise all the State legislations and, if they feel some amendment is desirable, they would advise the State Governments to amend their Acts accordingly.

MR. CHAIRMAN: Are you likely to take much more time?

SHRI MULKA GOVINDA REDDY: I will take another five minutes.

Mr. Chairman, under article 39(c) it is stated:

"that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;".

After having established our independence for the last sixteen or seventeen years, this particular article is implemented more in the breach than in its acceptance. Concentration of wealth is now going on in fewer and fewer hands. The rich are becoming richer and the vast masses of the people are becoming impoverished. It does not bring credit to any country if more than 75 per cent, of its population live on a meagre sub-standard income whereas a few rich people roll in luxuries. Should we, when we have accepted a socialist society as our goal, allow such a situation to continue and flourish? Is it not our duty to see that the economic system, which works as an oppressive force on the poorer sections of the people, should be done away with. I, therefore, plead, while I agree that this amendment is necessary, to make the tiller of the soil owner of the soil and give content to him, content to the freedom that he got, otherwise freedom means nothing.

Sir, while we are fixing a ceiling on the land holdings, in effect it becomes fixing a ceiling on the income of peasants in the different States in the rural areas. Why should he be

[Shri Mulka Govinda Reddy.] discriminated against a person who lives in the urban areas, the big industrialist, the big banker and the big financier? It is absolutely necessary, without any loss of time, that this discrimination should be done away with and the ceiling on income of every person, whether he is in a village or in a town or in a metropolitan city like Bombay or Calcutta, should also be fixed. Otherwise it will be a mockery. The socialist society that we want to achieve will have no meaning and no content. It will be befooling the public. I, therefore, conclude my speech with a quotation from the "Democratic Socialism" by Shri Asoka Mehta: —

"The social order around us is thoroughly unjust, is morally reprehensible. That there should be conditions that produce a few rich and many poor, wherein the few are permitted to live a life of luxury while the millions are denied the elementary needs of life; that workers should be unemployed while factories remain idle, \*where wealth accumulates and men decay'—these are aspects of a situation that throw up a moral challenge to all men of conscience. Surely, that a man of property should exploit his fellowmen, though tout of their sweat and blood and tears he should mint his profits and live the life of slothful ease, is a situation that sears the conscience of man."

Thank you.

SHRI A. D. MANI (Madhya Pradesh): Mr. Chairman, Sir, I rise to give, what I may call, very qualified and very limited support to the main provisions of the Bill. The previous speaker, Mr. Mulka Govinda Reddy, referred to the socialist goal which Mr. Asoka Mehta has placed before the country. I do not believe, Sir, in concentration of wealth either in urban or in rural areas. But I felt that a complicated Bill of this character,

dealing with 124 enactments should have been sent for circulation.

My hon. friend, Mr. Pathak, in his speech, which was a very valuable contribution to the debate, pointed out that some of these Acts which are sought to be included in the IX Schedule of the Constitution as brought forward in clause 3 of this Bill have been struck down by the Supreme Court as *ultra vires*. The Deputy Minister when he piloted the Bill did not mention the Bombay Act of 1958, entry 68 of the Schedule, as is proposed to be enacted in this Bill. The Supreme Court has held that the Bombay legislation was a colourable piece of legislation which sought to deprive the person concerned of the legitimate compensation which was due to him. Sir, personally I feel, therefore, that the Bill should have been sent for circulation and public opinion elicited thereon.

[THE DEPUTY-CHAIRMAN in the Chair.]

Personally, I do not like individual Acts of State Legislatures to be included as a part of our Constitution. If some of these Acts have been defective and have been pointed out to be defective by the Supreme Court and other courts of judiciary in the country, they should be sent back to the State legislatures for amendment, if necessary. I would like to raise some broad issues in regard to the question of land reforms and the fixation of ceilings. I may recall here that the Congress Party has been almost the first among the political parties in this country to give its attention to the need for land reforms; though individual writers and thinkers had been pointing out the need for these reforms much earlier to the Congress, but it was the Congress, as a party, which in its Agrarian Reforms Committee, went into the question of land reforms. The Congress Agrarian Reforms Committee recommended that an economic holding should be determined regionally by an appropriate authority according to the following

principles: The first principle was that it must afford a reasonable standard of living. The second principle was that it must provide full employment to a family of normal size and at least a pair of good bullocks. The third principle enunciated by the Committee was that it must have a bearing on other relevant factors peculiar to the agrarian economy of the region.

The Planning Commission in the First Five Year Plan, at page 184, laid stress on one point, namely, that cultivation and management holding held by an individual should conform to the standards 'of efficiency determined by law. Madam, in all these Acts which have been sought to be validated under clause 3 of the Bill, I am certain that the principle enunciated by the Planning Commission in regard to the determination of the efficiency of the production has not been followed. When that is the case, I think the Select Committee should call all persons affected by these 108 Acts to give their evidence before the Select Committee because all these Acts are sought to be validated by a Constitution Amendment.

The second point I would like to mention is that in all these matters of land legislation, we have to go by what I may call 'considered legal opinion'. A Sub-Committee was appointed by the Supreme Court Bar Association to go into the whole matter and the Sub-Committee made the following recommendations—I quote some of those recommendations:—

"The Committee takes the view that the power under Article 31B is to be exercised sparingly as it prevents a challenge on the ground of infringement of fundamental rights. The Committee takes the view that the inclusion of Bombay Land Tenure Abolition Laws (Amendment) Act, 1958 being Bombay Act LVII of 1958 under entry 68 is particularly open to objection on the score of propriety in that the Supreme Court has pronounced

upon the Act as a piece of colourable legislation."

The Sub-Committee goes on to point out:

"The Committee has therefore reached the following conclusion\* namely, (a) that it is not appropriate to change the Constitution so often, (b) that it is improper to put beyond challenge such a large number of Acts even to secure agrarian reform and (c) that the inclusion of the Bombay Act under entry 68 is particularly objectionable in view of the judgment of the Supreme Court".

I have quoted therefore the opinion of persons who are qualified to pronounce a judicial opinion on the subject. The Supreme Court Bar Association feels gravely disturbed about the implications of the Bill. I would suggest to the Select Committee that apart from examining all those who are going to be affected by this Bill, they should also go into the question of efficiency of production of all these areas which means that economists will have to be called into consultation, to give their opinion on what is an efficient holding, apart from the question of regional holding.

In this connection, I would like to say that there is widespread apprehension that the ryotwari system should not be lightly disturbed at the present stage. I may recall here that it was Sir Thomas Monroe who sponsored the ryotwari system in our country and who felt that the peasant form of proprietorship which was obtaining in France at that time and later on should be introduced in this country. The ryotwari system has done fairly well and when we seek to disturb the ryotwari system, we should also seek to ensure that agricultural production will not suffer by legislation. I know that those who look at it from an ideological point of view might say that a fair and even distribution of land is necessary and that

[Shri A. D. Mani.] steps should be taken to see that there is no concentration of land holdings. The Madras Act in particular has gone to the extent of prohibiting even the acquisition of land by will or inheritance. How far all these changes are going to affect the agricultural production we have to see. I have another apprehension, namely, that because of the exemption which has been given to the sugar plantations under the various Acts which are sought to be validated under clause 3 of the Bill—the sugar plantations and the tobacco plantations are sought to be exempted from land ceilings—will there be a diversion of the lands now used for crops to sugar and tobacco cultivation? If there is such a diversion, it will affect the agricultural production. I therefore feel that this Bill has to be scrutinised very carefully and in regard to clause 2 of the Bill I feel that a case exists for exempting ryotwari lands altogether from the definition which means that the substance and the basis of clause 2 of the Bill is knocked off.

I also feel that when the emergency is in force in this country, the Government should not bring forward any constitutional amendment of a controversial character. There has not been, so far as I can see, any constructive thinking, about what is an economic agricultural holding in our country. It varies from State to State and we would not like to have these divergencies of opinion in regard to economic holdings. I therefore feel that the Select Committee should examine all matters connected with this Bill very carefully. Personally I would have welcomed such a legislation to be brought in after the next General Elections. After it has been placed as part of the election programme of the Party concerned which seeks to sponsor it, this Bill should have been brought forward. I hope therefore that the Select Committee - taking into view that the elector has not been fully consulted, would ascertain competent legal opinion on the subject before enacting this Bill.

SHRI GOPIKRISHNA VUAIVAR-G.IYA (Madhya Pradesh): I rise to support the main principle of the Bill and also support that it be referred to a Joint Select Committee. A great propaganda is being made and some of the Opposition Parties want to make it into a great agitation also that in this Bill something new is being enacted and that the small peasant is being liquidated. This propaganda is entirely wrong and a great fraud on the small peasant. I do not say that this Bill cannot be improved. Keeping in tact its main purpose it can be and should be improved and that is why it is being sent to the Joint Select Committee. Therefore some persons who may criticise a little here and there are welcome to criticise it but the motive of outright critics is nothing except their reactionary outlook to safeguard the vested interests of big landlords under the garb of small peasant proprietors. Madam, the Swatantra Party, I think stands for all big interests and the leader of that party has said that this is going to be a black day for the Indian peasants.

SHRI LOKANATH MISRA: Will the hon. Member please give me the definition of ryotwari?

SHRI GOPIKRISHNA VUAIVAR-GIYA: Let me proceed with this point now, I will come to that later. He said the Government was rushing with this new law which would make this the black day for the Indian peasants. Madam, this is not any new law, for the Congress Party had already laid it down in its election manifestos and other declarations that we in that party want land reforms and the State Legislatures have been legislating for land reform for the last many many years. Now due to two decisions of the Kerala High Court and one decision of the Supreme Court, some loopholes in law and in articles 31A and 31B have been found out in the matter of the definition of the word "estate." Therefore, naturally, the loophole or the definition of the word should be rectified. This is the only

purpose of this Bill. It is not as if some poisonous idea had crept into the mind of the Congress Government that it is rushing with legislation and conspiring against the small peasants. I would say the critics are the enemies of the small tenants and the tillers, for they want to deprive them of the advantages of this new era of land reforms.

SHRI LOKANATH MISRA: That will be seen later.

SHRI GOPIKRISHNA VIJAIVAR-GIYA: Sometimes these critics say that the Congress Government is carrying the country to communism. I would rather like to say that these very critics by their opposition to land reforms and their advocacy of the cause of the big landlords as against the ceiling laws, are really bringing communism nearer by their selfish and narrow outlook. Madam, I remember having read many years back an article by some great American who had toured Southeast Asian countries and China and other countries for studying the reasons why communism was growing in those areas and he wrote that the new Indian Government should take up redistribution of land by parliamentary legislative methods and not allow big landlords to keep large holdings. That was that American's view. Only that way can social justice and democracy survive and the threat of communism disappear. It seems all these critics are like blind people and are not reading the writing on the wall or the call of modern times for social justice in the matter of landed property.

Madam, the purpose of this Bill is to correct some loopholes, to correct the definition of the word "estate" and thus secure the validation of all the land reform enactments of all these States. If there is any defect still left in the Acts of the States, then it will be the duty of the State Legislatures to further amend their enactments.

Madam, some critics have said that this blanket validation of a large list of some 123 Acts which is now being done is not proper. They

should not be surprised by this long list. The very fact that this list is long shows that on account of this interpretation of one single word, so many useful laws of the States are likely to be affected. There was the fear of a blanket invalidation of all these laws. Therefore, this blanket validation of all these laws has got to be done. The purpose is only one, namely, to save these land reforms, in the interest of the small peasants and the tillers. Although the Ust may appear a big one, this is the only purpose of the Bill.

Madam, critics like those of the Swatantra Party here, and others, had once espoused the cause of the small peasants for whom the Congress had always stood. Actually these friends rose to prominence because of the small kisans, but now they have become the enemies of the small kisans, of the small peasants. They remind us that the Congress will have to face the elections in 1967. But we people have never concealed our desire to have land reforms. It was there in our election manifesto. Our Party had faced the electorate with that manifesto. When these critics go to the electorate with their fraudulent propaganda, we shall face the electorates with truth and social justice as our main principles.

The critics are harping on the sanctity of the Constitution. But I submit that the Constitution is made in order to serve the people; the people are not made to serve the Constitution. Moreover, we have to amend the Constitution because we cannot allow all our efforts at land reform of the last fifteen years, and our efforts for social justice to go waste, on account of a single defect in the definition of a word. This is in no way any disrespect of the courts or of the judiciary, or even of our Constitution itself. I fully support clause 2 of the Bill and say that it should be applicable to ryotwari lands or any land held or let for purposes of agriculture or for purposes ancillary thereto. With these words, Madam, I support the motion.

**श्री शीलभद्र याजी (बिहार) :** महोदया, संविधान १७वां संशोधन विधेयक जो हमारे साथी विधि उप मंत्री श्री विबुधेन्द्र मिश्र जी ने संयुक्त प्रवर समिति में रखने के लिए आज उपस्थित किया है मैं उसका स्वागत करता हूँ और उसकी तारीफ करता हूँ। हमारे कुछ पूर्व वक्ताओं ने बतलाया कि इस तरह की परिस्थिति क्यों आई कि इस तरह का विधेयक सरकार को लाना पड़ा। बहुत से लोग, खासकर जो प्रतिगामी लोग हैं, राजा-महाराजा या पूजापतियों के जो एजेंट हैं, उनकी तरफ से यह दुहाई दी जाती है कि बारबार संविधान में संशोधन लाने की आवश्यकता नहीं है। यह संविधान जो हमारे संविधान विचारदों ने बनाया है, कोई मनुस्मृति नहीं है, गीता नहीं है, कुरानशरीफ नहीं है...

**श्री विमलकुमार मन्नालालजी चौरङ्गिया (मध्य प्रदेश) :** हम तो वही मानते हैं।

**श्री शीलभद्र याजी :** आप मानते होंगे। जिस वक्त इस संविधान की रचना हो रही थी, उस वक्त जो हमारी मौजूदा गवर्नमेंट है, उसकी कांग्रेस पार्टी ने कराची कांग्रेस अधिवेशन के बाद स्वर्गीय श्री कुमारप्पा के नेतृत्व में एक अग्रेसरियन रिफार्म कमेटी बनाई थी। उस वक्त कांग्रेस पावर में नहीं आई थी, शक्ति में नहीं आई थी, और उसमें यह तय हुआ कि हम किस तरह से भूमि सुधार करें, कानून बनायें और बनाने के बाद जो जमींदार है, सामन्तशाह हैं, जो बड़े बड़े किसान हैं और जो हजारों एकड़ के मालिक बन बैठे हैं, जिन्होंने कभी जमीन नहीं देखी, जमीन नहीं जोती, जो जमीन के मालिक बन बैठे हैं, उनसे कैसे जमीन लेकर उन किसानों को दिलाई जा सके जो जमीन तो जोतते हैं मगर जमीन के मालिक नहीं हैं। आज हम देखते हैं कि भिन्न भिन्न प्रान्तों में जमीन के मालिकों को अलग अलग नाम से पुकारा जाता है; जो इस तरह से बोगस जमीन के मालिक बन गये हैं, उन्हें महाराष्ट्र में खेत कहते हैं, कहीं इन्हें माल-

गुजार कहा जाता है, कहीं उन्हें इनामीदार कहा जाता है, कहीं इन्हें रयतवार कहते हैं, कहीं इन्हें जागीरदार कहते हैं और बिहार में इन्हें बकात कहते हैं। इस तरह से ये लोग तरह तरह के नामों से पुकारे जाते हैं। हमारी सरकार ने समय के मुताबिक यह घोषित किया है कि देश में एक समाजवादी सरकार की स्थापना होगी और जब समाजवादी सरकार बनती है, तो जनता की जो पैदावश और वितरण की चीज है, जो मेन प्रोडक्शन है, उस पर समाज का अधिकार होता है। आज थोड़ी सी जमीन निकलती है, तो चिल्लाते मचने लगती है। हमने देश से जमींदारी प्रथा को खत्म कर दिया और बड़े बड़े उद्योगों का राष्ट्रीयकरण कर दिया है और एक ऐसा भी समय आ रहा है, जब हमें अपने मौजूदा संविधान में मौलिक परिवर्तन करने पड़ेंगे। आज देखने में यह आता है कि जो निहित स्वार्थ के लोग हैं, वे १७वें संशोधन से ही घबड़ा रहे हैं और यह नहीं समझ रहे हैं कि समय का प्रवाह ही ऐसा है कि जब समाजवाद की गाड़ी चलेगी तो संविधान में तरह तरह के मौलिक परिवर्तन करने पड़ेंगे, उस संविधान में रेडिकल चेन्जेंज करने पड़ेंगे। हम यह समझते हैं कि हमारे सर्वोच्च न्यायालय ने, उच्च न्यायालय ने, हमारे कुछ कानूनों में खामियां बतलाई हैं और कहा है कि वे संविधान के मुताबिक नहीं हैं और फिर हमको पार्लियामेंट में आना पड़ता है। यह उनका कार्य है कि वह हमें बतलायें कि इस कानून में यह कमी रह गई है, यह गलती रह गई है। लेकिन इसके साथ ही हमारे पूर्व वक्ता ने यह कहा कि शिड्यूल में इतने कानून दे दिये गये हैं, ला-विशारद श्री पाठक साहब भी भ्रांति में आ गये हैं। मगर वे भी समय के मुताबिक नहीं चल रहे हैं और उन्हें भी शिकायत हो रही है कि इस बिल के बारे में सुप्रीम कोर्ट क्या बोलेगा। इस तरह से उनके दिमाग में तरह तरह की भ्रान्ति पैदा हो रही है। कुछ विरोधी लोग हैं, स्वतंत्र पार्टी के लोग हैं और कुछ रिप्रेजेंटेरी लोग हैं, जो इस विधेयक का

विरोध कर रहे हैं। लेकिन इसके साथ कुछ कानूनी विशारद लोग भी हैं, जो कानून की बाल की खाल खींचते हैं, मगर समझते नहीं हैं कि समय के मुताबिक कैसे चलना चाहिये। इससे पहले सभी राज्यों में जितने काश्तकारी कानून थे, उनमें संशोधन हो गये हैं, सीलिंग आदि के और जो जमीन जोतने वाले हैं वह उनके मालिक बन गये हैं, इसमें उनको कुछ आपत्ति हो गई है कि यह कानून की दृष्टि में रहेगा या नहीं रहेगा।

**श्री लोकनाथ मिश्र :** क्या ज्यादा विद्या ही उनको रिएक्शनरी बनाती है ?

**श्री शीलभद्र याजी :** मैडम डिप्टी चेयरमैन, एक बार लेनिन ने कहा था कि इंटेलेक्चुअल लोग बड़े खतरनाक होते हैं। तो जो इंटेलेक्चुअल होते हैं, वे बड़े खतरनाक होते हैं और कोई अच्छा काम करने में जितना ये रुकावट डालने वाले हैं, उतना कोई नहीं है।

SHRI LOKANATH MISRA: "Now you have come out with the truth. That is the truth."

**श्री विमलकुमार मन्नालालजी चौरड़िया :** उससे आपका कोई वास्ता है या नहीं ?

THE DEPUTY CHAIRMAN: It is one o'clock now. The House stand\* adjourned till 2.30 P.M.~

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

The House reassembled at half-past two of the clock, [THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair.]

**श्री शीलभद्र याजी :** माननीय वाइस चेयरमैन महोदय, संविधान का जो १७ वां संशोधन है उसकी उपयोगिता और आवश्यकता पर बोलते हुये मैंने यह कहा था कि हमारे श्रद्धेय साथी पाठक जी को जो एक आशंका हुई कि नवे शैड्यूल में, जितने काश्तकारी

और भूमि सुधार के कानून बने हैं, उनका जो समावेश है और उन्होंने जो यह कहा था कि जितने ये काश्तकारी कानून या भूमि सुधार कानून हैं, सब का अध्ययन होना चाहिये और जो हमारी संयुक्त समिति बैठेगी उसमें सभी बातों पर बात करनी चाहिये, तो उनकी यह मांग सही है, लेकिन उनकी जो आशंका थी और जिस तरह से वे कानून के विशारद हैं, उस तरह से सभी राज्यों में ऐडवोकेट जनरल हैं, कानून मंत्री हैं, जिन्होंने स्वयं को देखते हुये और डाइरेक्टिव प्रिंसिपल आफ स्टेट पालिसी जो है, उसको देखते हुये और उसको विचारते हुये जितने काश्तकारी और भूमि सुधार के कानून बने हैं, उनको देखा है और यह बात सही है कि जो खामियां हुईं, जो त्रुटियां हुईं, उसमें हमारे जो सुप्रीम कोर्ट और हाई कोर्ट के जजेज हैं, उनको मदद देने के लिये और फिर इस तरह की ऐसी परिस्थिति संविधान के जरिये से न आ जाय, तो उनको मदद देने के लिये जितने हमारे भूमि सुधार के कानून हैं उनको ६वें शैड्यूल में रख दिया है जिससे जो हमारी भूमि सुधार की नीति है वह चलती रहे। इसलिये इसमें किसी को आशंका करने की आवश्यकता नहीं है। "इस्टेट" शब्द की डेफिनीशन के चलते हमारी सुप्रीम कोर्ट और केरल हाई कोर्ट को जो आर्टिकल १४, १६ और ३१ का उल्लंघन मालूम पड़ा और उन्होंने जो फैसला किया और उन तमाम चीजों को रद्द किया, तब यह महसूस करना पड़ा हमारी सरकार को कि इसमें इस तरह की व्यवस्था कर दी जाय और उसके साथ साथ चूंकि रोज संविधान में बराबर तस्मीम न करनी पड़े, इसलिये उन्होंने उसकी व्याख्या करते हुये, उसकी डेफिनीशन को समझाते हुये, ऐसा किया है। जहां रीयतवारी सिस्टम है और उसके साथ जो जमीन परती पड़ी हुई है, वेस्ट लैंड है या जो हमारे जंगलों में बहुत सी जमीन परती है और खेती के लायक है, या जैसे बहुत लोग मकान बनाते हैं, तो उसके आगे

[श्री शैलमद्र यार्जो]

पीछे २५ बीघा जमीन गार्डन के लिये छोड़ देने हैं और कहते हैं कि किचन गार्डन करेगे और वह किचन गार्डन होती नहीं, तो इन सब का समावेश कर देने से हम समझते हैं कि हम जो संविधान में संशोधन कर रहे हैं उससे हाई कोर्ट और सुप्रीम कोर्ट के जजों को सहायता मिलेगी। जिस तरह मे हमारे कानूनों की बाल की खाल खींची जाती है और सुप्रीम कोर्ट में और हाई कोर्ट में जो बड़े बड़े कानून के विशारद हैं, वे जिस तरह से कानून की व्याख्या करते हैं उसके मुताबिक हमारे जज लोग उसका फैसला करते हैं। इसलिये भविष्य में इस तरह की कोई गड़बड़ी नहीं, उसके लिये यह उचित समझा गया कि अब तक हमने जितने भूमि सुधार के कानून बनाये हैं, काश्तकारी के कानून बनाये हैं, उनका समावेश नवें शैड्यूल में कर दिया जाये। इसलिये यह बहुत मौजू है और इस तरह का संविधान में संशोधन होना चाहिए।

अब सवाल यह उठता है कि बाहर इसके लिये बड़े बड़े प्रदर्शन हुये हैं। मुखालिफ पार्टी के कुछ लोग ऐसे हैं जिनको हमारे भूमि सुधार कानूनों में विश्वास नहीं है। वे समझते हैं कि हम राजा महाराजाओं के यहां से आये हैं। जिनके पास सम्पत्ति भी नहीं है, वे भी समझते हैं कि हमें इस तरह का अधिकार है। वैसे जैसा मैंने शुरू में कहा था, हजारों एकड़ जमीन रखने वाले लोग हैं जिन्होंने कभी जमीन की सूरत नहीं देखी है, कभी हल नहीं चलाया है, लेकिन वे जमीन के मालिक बने बैठे हुए हैं और उनका इस तरह का प्रचार हो रहा है कि भारतीय सरकार साम्यवाद के रास्ते पर चल रही है, कम्युनिज्म के रास्ते पर जा रही है। मैं समझता हूं कि वे कम्युनिज्म और साम्यवाद की परिभाषा भी नहीं जानते हैं। हमारी सरकार को जो फुल फ्लेज्ड समाजवादी

सरकार बनना चाहिये, अभी उस ओर हम चल रहे हैं और उसकी भी स्थापना नहीं हुई है। मैं यह भी समझता हूं कि २०० क्या ५०० वर्ष में भी सोवियट रूस कम्युनिस्ट स्टेट नहीं बन सकेगा, क्योंकि यह कहा गया है कि जो राष्ट्र कम्युनिस्ट स्टेट बनता है, वह खत्म हो जाता है। "The State shall wither away" यह मार्क्स की भविष्यवाणी थी। आज हमारे कामरेड स्टुडेंट भी कहते हैं कि वे कम्युनिज्म ला रहे हैं, लेकिन कम्युनिज्म आने वाला नहीं है। यह मार्क्स की भविष्यवाणी थी कि जब सारी दुनिया में समाजवादी सरकार बन जायेंगी, सोशलिस्ट गवर्नमेंट बना जायेंगी, उस वक्त हो सकता है कि स्टेट की जरूरत न पड़े, पुलिस की जरूरत न पड़े, फौज की जरूरत न पड़े, लेकिन उस परिभाषा को न समझते हुए वे कहने लगते हैं कि वह सब जमीन ली जायेगी और सरकार को अधिकार नहीं है। यदि हम समाजवादी सरकार भी बनायेंगे तो जो समाजवाद की पूरी परिभाषा समझते हैं, उनको यह पता है कि यह जमीन और जायदाद और जितने कल-कारखाने हैं, उन पर समाज का नियंत्रण होगा और सम्पत्ति का उचित वितरण होगा, लेकिन अभी वह फेज नहीं आया है। वह फेज भी आने वाला है और उसमें कम्युनिज्म का हुवाला देने की जरूरत नहीं है। अभी तो हम लोकतंत्र पद्धति के द्वारा समाजवाद के रास्ते पर जा रहे हैं, लेकिन यह खूबो है, हमारी सरकार की उसने पहले ही सोच लिया था और विचार लिया था कि जो जमीन के जोतने वाले हैं, वह आज जमीन के मालिक बने नहीं हैं। इसलिये इस तरह की भूमि सुधार और काश्तकारी कानूनों में तरमीम ला करके हमने सभी राज्यों में यह कोशिश की है कि जो दस दस बीस बीस हजार एकड़ जमीन रखने वाले थे, जो जमीन बकाशत बना कर रखे हुए थे, जो खेती नहीं करते थे, उनसे फालतू जमीन ली जाय। एग्रीकल्चरल

प्रोडक्शन बढ़ाने के लिए, समाज में आर्थिक नियंत्रण करने के लिये और जो जमीन जोतने वाले लोग हैं, जो भूमिहीन किसान हैं जो एग्रीकल्चरल लेबरर हैं, उनकी भलाई की दृष्टि से यह संशोधन लाया गया है। मैं समझता हूँ कि हमारे देश में जो यह चाहते हैं कि जल्दी से जल्दी हमारी खेती में पैदावार बढ़े और जो जमीन जोतने वाले हैं उनके साथ न्याय हो, वे चाहे किसी पार्टी के हों इसका समर्थन करेंगे। हमें ताज्जुब होता है कि स्वतन्त्र पार्टी में बहुत से ऐसे लोग हैं जो न राजा हैं और न महाराजा हैं, फिर भी वे इसका विरोध करते हैं। उनको मैं यह बनाना चाहता हूँ कि अमरीका, इंग्लैंड और यूरोपियन कंट्रीज में जो बड़े बड़े पूंजीपति थे, उन्होंने ही भूमि सुधार का कानून बनाया और फ्यूडलिज्म और सामन्तशाही को खत्म करने में वहाँ पूंजीपतियों ने सब से पहले हाथ बढ़ाया। इसलिये मैं समझता हूँ कि उनको भी सोचने की जरूरत है कि यह कम्युनिज्म का हीआ समझ कर, यह समाजवाद का हीआ समझ कर वे जा हमारे भूमि सुधार के कानून आये, उनकी मुखालिफत न करें। जो हमारी जनता है, जो गरीब लोग हैं, जिनको हम जमीन देने जा रहे हैं, उनके बीच में उनको भी जानना है, यदि उनको अपनी राजनैतिक पार्टी चलाना है। इसलिये यदि यहाँ वे कुछ बात करें और वहाँ कुछ बात करें, यह उचित नहीं है, और उनकी अगल बगल में जो एक दो राजे महाराजे बैठते हैं, उनको सहानुभूति न दिखला करके जो यह संविधान में संशोधन आया है, इसको उन्हें मानना चाहिये। अभी यह सवाल आया और पहले हमारे प्लानिंग कमिशन ने इस तरह की बात की थी कि बहुत सी जमीन इस्टेट के नाम पर पड़ी हुई है, इस्टेट के नाम पर टी गाडन हैं, गन्ने की खेती होती है, और इसी तरह से जंगलों में जो वेस्ट लैंड पड़ी है, वह इंडस्ट्रियल प्लांट लगाने के नाम पर लोगों के कब्जे में है। सारे हिन्दुस्तान में जमींदारी खत्म हो गई, लेकिन हमारे टाटा

की ऐसी जमीन सारे देश में बेकार पड़ी हुई है। उन जमीनों में न कोई इंडस्ट्रियल प्लांट बनता है और न कोई मकान बनता है, लेकिन वे उसको अपने पास रखे हुए हैं। यदि वे उसको अपने पास रखे ही रहते तो ठीक था, लेकिन वे उसको लाखों रुपये में बेच कर दूसरों को दे देते हैं। इस तरह की जितनी वेस्ट लैंड थी या इंडस्ट्री के लिये जो जमीन अपने पास रखे हुए है या मकान बनाने के नाम पर फालतू जमीन रखे हुए हैं, उन जमीन से वे जो खेती करने वाले लोग हैं, उनका कुछ कल्याण नहीं होता है। इसलिये आर्टिकल ३१ में जो नन्द-क्लाज हमने जोड़ा है, उस क्लाज को जोड़ करके ऐसी भारी जमीन का समावेश किया गया है, चाहे वह जंगल के नाम पर हो चाहे एग्रीकल्चरल लेबरर के नाम पर हो। जो इसमें व्यवस्था की गई है वह सही है, वह बाजब है और मैं समझता हूँ कि हमारे कुछ सदस्य लोग जो अभी समाजवाद के नाम से घबड़ाते हैं, उनको घबड़ाना नहीं चाहिये। अगर हम सही मानों में समाजवाद की गाड़ी चलायेंगे तो फिर उनको और आगे के लिये भी तैयार होना चाहिये। सवाल आया कि देहातों में तो हम सीलिंग फिक्स करते हैं लेकिन अरबन एरिया में ऐसा नहीं करते हैं; लेकिन जो बड़े बड़े पूंजीपति हैं, जो बड़े बड़े कल-कारखाने के मालिक हैं, उनसे १०० ६० के पीछे करीब ६० ६० टैक्स के रूप में लेते हैं और इस तरह से हम यह भी कर रहे हैं। यह भी जरूर है कि हम बराबर अपनी सरकार को कहते हैं कि जो बैंक्स हैं और जो बेसिक इंडस्ट्रीज हैं, उन सब का राष्ट्रीयकरण होना चाहिये, लेकिन वह धीरे धीरे होगा। चूँकि हम लोकतंत्रीय पद्धति से चल रहे हैं, डंडे के जोर पर नहीं चल रहे हैं—और सारी दुनिया में जो समाजवाद के प्रेमी हैं, उनको इसी पद्धति पर चलना होगा जिससे कि किसी को तकलीफ नहीं हो—इसलिये यह सब धीरे धीरे होगा और उनको घबड़ाने की जरूरत नहीं है

[श्री शीलभद्र याजी]  
जो स्वतन्त्र पार्टी के लोग हैं और हमारी पार्टी में भी, हमारे ग्रुप में भी कुछ लोग हैं, जो कि ऐसा नहीं चाहते हैं, लेकिन जिस तरह से हमारे माननीय सदस्य विरोध कर रहे हैं उस तरह की बात कांग्रेस में नहीं है, जो कुछ भी हम लाते हैं, उसका हम पालन करते हैं, फिर भी उन्हें इसके लिये तैयार होना चाहिये कि एक इंच जमीन भी किसी की नहीं रहेगी, सारी जमीन समाज की होगी, सरकार की होगी और हमें उस दिन की प्रतीक्षा करनी चाहिये ।

यह तो मामूली सा संशोधन है और मैं समझता हूँ कि हमारे मौजूदा संविधान में मौलिक परिवर्तन करके—कम्पेनसेशन के एक एक क्लॉज को ले करके देखना है और समाजवाद के रास्ते में जो रुकावटें हैं उनको दूर करना है—हमें समाजवाद को आगे चलाना है । तो इसमें मौलिक परिवर्तन करने की आवश्यकता है और तभी, जैसाकि हमारे माननीय गोविन्द रेड्डी जी कहते हैं कि इस तरह से समाजवाद सौ वर्ष में होगा, वह बात नहीं रहेगी और दस वर्ष में समाजवाद की स्थापना होगी । यह मेरा निवेदन है । इन शब्दों के साथ जो संशोधन आया है, उसकी मैं तहेदिल से तारीफ़ करता हूँ ।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : I have got the names of seven hon. Members who still want to take part in this discussion. I would therefore appeal to them to limit their remarks to fifteen minutes.

SHRI M. N. GOVINDAN NAIR; Mr. Vice-Chairman, Sir, I welcome this Bill. This is meant to plug certain loopholes to enable the implementation of land legislation passed in various State Assemblies. Now, Sir, there are 123 Bills to be included. I was very much shocked to hear certain remarks of some hon. Members. I was reminding you of the number of Bills just to show that in the various State legislatures the question of land

reforms was discussed. It was discussed in the Planning Commission and for the last ten or twelve years there was no other subject which was so widely discussed as the land re-forms. Still like Rip Van Winkle one of our hon. Members, Mr. Man^ was coming up with arguments that now we should consider what an economic unit is, how production will be affected and he wanted the Select Committee to go into all the fundamentals of land reforms. I believe that is not the purpose of this Bill. The purpose of this Bill is to plug certain loopholes. This is the second time Parliament is approached to enable the implementation of land legislation. That is why I said that when we are discussing this Bill what we have to bear in mind is to see how the technical and legal difficulties that have been posed before us can be overcome. We must only see if this Bill will serve that purpose or to serve that purpose if this Bill has to be amended this way or that way, that has to be done. The Select Committee should not undertake a discussion on the fundamentals of the land reforms; that is not what is expected of it. That is my first point.

Secondly I want to bring to the notice of the House that in the last ten or twelve years we have been urging for land reforms. I need not go into the earlier period but it would suffice for me to say that some attempts were being made for the last ten or twelve years for bringing land legislation. Unfortunately with the discussions hitherto we have not been able to implement these legislations. So the Select Committee should feel the urge of overcoming the difficulties as quickly as possible so that the benefit of the land reforms may go to the peasants.

Now, Sir, apart from these legal technicalities there are people both in the ruling party and outside who want to defeat this land legislation, who want to prevent the implementation of the land legislation. Their own State, in Kerala, a land

tion was enacted in 1961. The preparation for enacting this legislation was started in 1957. There was discussion in the State Assembly and then there was discussion in the Planning Commission and before the President gave his assent it was again discussed. Then when the Communist Ministry fell and another Assembly was formed, again the Bill was reintroduced and finally in 1961 it was passed. So all the clauses in the Bill have been scrutinised several times and the Bill in its present form was moved and adopted by the Congress Ministry.

SHRI JOSEPH MATHEN (Kerala): May I ask a question please?

SHRI M. N. GOVINDAN NAIR: I have no time to yield.

SHRI LOKANATH MISRA (Orissa): You agree with him; he agrees with you. What is there to question?

SHRI JOSEPH MATHEN: The hon. Member was stating that we should not go into the merits of the land legislation but that we should think of plugging the loopholes that may be there. But is he going into the merits of the legislation in the various States?

SHRI M. N. GOVINDAN NAIR: I was not going into the merits. I was just pointing out that no agrarian Bill was so much scrutinised as the agrarian Bill of Kerala. After that tribunals were established and 1,02,768 applications were placed before it. In 23,227 cases fair rent was fixed and in 2,589 cases the purchase price was also fixed. Now, suddenly in the Kerala Assembly repealing this Act a new Bill is being introduced. All the botheration, all the expenses, all the trouble which the peasant has undergone to get the benefit of this Act are gone. Not only that. If the new Bill is accepted, for the next ten years or more, however quickly you may pass this present Bill here, you will

not be able to implement land legislation in Kerala. For example, in the original Act the ceiling was fixed as 15 acres and in the present Bill, which they have moved, they have brought in a new clause, whereby the ceiling seems to be 12 standard acres. It looks very attractive. From 15 they have reduced it to 12. And how do they measure a standard acre? The income should be Rs. 400. This means that before fixing a ceiling, there should be a survey made about the income from each area and each acre. I remember at the time of Maharajas there was an attempt at settlement in one district in Kerala and it took ten years for them to complete that work. Finally they had to give it up for the whole State. "For all outward appearances, to create an impression that the ceiling has been reduced from 15 to 12 acres an amendment is moved whereby the implementation of the ceiling will become impossible in the States."

SHRI JOSEPH MATHEN: What is the suggestion of the Planning Commission?

SHRI SHEEL BHADRA YEJEE: Your Kerala has been shown in the Ninth Schedule.

SHRI M. N. GOVINDAN NAIR: You can speak later on. Then, again, about plantations, coffee plantations, rubber plantations, tea plantations were exempted in the earlier Act. Now they are exempting the pepper plantation and areeanut plantation. That means what? Anybody who knows anything about Kerala will know that there is rarely a place where there is not either pepper or areeanut. That means you are exempting them. In a place where there are cocoanuts, there will be arecanuts also. So, indirectly through the backdoor, a new Bill has been brought forward to sabotage the entire Kerala Agrarian Relations Act.

Then, with regard to evictions, they are changing the clause whereby it would be very easy for them to evict

[Shri M. N. Govindan Nair.] the tenants from their present holdings. I am placing these points before you so that if it is your earnest desire to speedily implement land legislation, then your attempt should be to see that the Kerala Legislature does not proceed with the Bill which they have already moved. I do not say that Parliament should intervene in the activities of any Legislature. There is a ruling Party here at the Centre and I think it is the same Party that is controlling the administration there. On policy matters it is the Party that decides and I want the Congress Parliamentary Party to take up this issue and check any further move on that Bill.

Then, during the discussion one learned Member pointed out certain legal flaws in the agrarian Act of Kerala. There may be legal flaws. But when you bring forward certain legislation with a social objective, which everyone accepts, then you cannot give tip the social objectives on the ground that there are legal flaws. What you have to do is to see how these legal flaws can be overcome without prejudice to your social objectives. If that is your approach it is all right. He said something about the royal families in connection with the definition of families. Whatever be the legal flaw in it, certain joint families were there. For example, we do not think the Cochin royal family or the Travancore royal family is a joint family. Take some other big landlord family like that. We do not treat that family in the same way as a divided family,

SHRI JOSEPH MATHEN: Mr. Vice-Chairman, we are not discussing the Kerala Agrarian Relations Bill here.

SHRI M. N. GOVINDAN NAIR: You are interested in interrupting. You kindly sit there. So, I was saying that when we brought in this Bill it was with a social objective. Looking at the Bill from that angle, this distinction, this difference between certain joint royal families and others have had to be made.

Again, with regard to compensation-it is true that a man with a small holding of 30 acres or 40 acres or 50 acres or 100 acres and a man owning lakhs of acres, for the purpose of payment of compensation, should not be treated in the same way. Legally there may be a flaw. But looking at it from the angle of social justice that differentiation was necessary. So, my point is that in order to suit the legal aspect of the matter you should not surrender the social objective.

Another point he raised was about plantations. He said that rubber plantations and arecahut plantations or pepper plantations are not treated in the same way. That is why there is discrimination. Well, none of the arecanut groves or pepper groves are treated as plantations by anybody. Do the plantation laws apply there? No. So, simply because areca-nuts are grown on a larger acreage or pepper is grown on a larger acreage, it does not mean that they should get the benefits applicable to the rubber plantations or tea plantations. So, the-discrimination pointed out by the Supreme Court has to be viewed from the angle of social objectives for which all of us are striving. It can be amended in any way so that without changing the Act it may be implemented. That should be the way in 3 P.M. which the matter should be looked at, and the changes which unfortunately the present Kerala Government is trying to bring forward have upset all the peasants in Kerala, and there is a strong movement against the present Agrarian Bill which they are introducing. And this comes at a time when a large section of another group of peasants are very seriously affected. For example, for the sake of the projects the Government have to evict large sections of people from the forest region. There also their approach is not to give an equitable deal to the peasants, and when it comes to "the question of compensation, all the principles are overlooked. The Govern-

ment is trying to evict them demolishing their cultivation, demolishing their establishment, and all that. We are not against evicting people from the forest regions especially where the land is needed for project purposes. But when we evict them, proper compensation should be paid to them so that they may re-establish themselves elsewhere, and land has to be given for that. So on the one side there is large-scale attack on the peasants who are in these forest regions, and on the other side there is large-scale attack on the other sections of the peasants by changing the present Agrarian Act. But these two methods, instead of helping the peasants to produce more, they are putting hurdles in the way of agricultural production. This is something which we cannot afford in the present context. I hope the Government will take the necessary steps to see that, firstly, all the loopholes including even the loopholes pointed out by the learned Member. Mr. Pathak, are plugged; secondly, Government should take appropriate steps to see that the Kerala Government does not proceed with the present Agrarian Bill which it is introducing repealing the one already accepted by the Assembly there. Thank you.

SHRI KRISHNA CHANDRA (Uttar Pradesh): Mr. Vice-Chairman, I give my support to this Constitution (Amendment) Bill. As has been pointed out by others, it is simply one of series of measures for putting land reforms on a sound basis. The Congress is committed to agrarian reforms. From time to time the Congress Government has been passing legislations to bring that into effect. But also from time to time difficulties have come in the way of their being implemented. The Supreme Court and the High Courts have pointed out certain defects and raised certain legal objections, and in order to plug all the loopholes and to remove all those difficulties, this amendment to the Constitution has been brought in.

This is an amendment to article 31A and the Ninth Schedule of the

Constitution. Now article 31A(2) has been amended. That has been amended to bring the definition of "estate" into such a form that every nomenclature in the various States can be brought under it, and in the end "land" has been defined in the amended article as any land held or let for purposes of agriculture. So the definition in this clause has been made as much as possible fool-proof. As has been pointed out by our learned Member, Shri Pathak, in the Ninth Schedule a number of other State legislations have been added. The number at present stands at 20. Now after these additions of 124 or so of other legislations, the number will stand at 144. So many State legislations have been included in the Ninth Schedule. As Mr. Pathak has pointed out, there might be loopholes and flaws in them which cannot be removed by this amendment, and they have got to be looked into. I think the Select Committee will certainly go into these different Acts and find out if there are any flaws.

Another point I have got to put before you is that some hon. Member has mentioned that this is not a socialistic legislation, that this legislation would not bring in completely a socialist pattern of life. We have only taken up by this amendment socialisation of land in the rural areas. The urban area has been left out. That objection is quite right. But this amendment of the Constitution never lays claim to it. It never lays claim that it is a legislation which will bring about complete socialisation of land in the whole country. It is a legislation intended to bring to the fool-proof level the agrarian reforms legislation which is at present undertaken by the various States and the Centre. The question of nationalising land in the urban area is a different question entirely; it will be taken up at the proper time. If we take it up at present, we might impede the progress of construction of houses which are so much in demand in every town and in every city in the country. We find that there is difficulty in getting

[Shri Krishna Chandra.] houses, there is lack of accommodation in every city, and in Delhi we find so much lack of accommodation that people coming to Delhi, officials and others, do not find any house to live in. So this is a question which is connected with it, and if we are hasty in bringing in legislation to regulate the land in the city and to socialise it, then we will stop all this construction of houses that is going on. Of course, we should take some measures so that these people who construct houses in the cities do not make abnormal profits by way of rent or do not raise the rent to a level which cannot be borne by ordinary people. So, Rent legislation has been passed in almost all the States to control and regulate the rents of these houses. In this connection, I would like to say that in certain State legislations there are some flaws. There in the rent control legislations, they have exempted all the houses for ever, houses which will come up after a certain date. In Delhi, I find that there is a moratorium for five or six years. If you construct a house now, for five or six years you can charge any amount of rent but after that it will come under control. But many States do not restrict this period. They allow that owners of houses constructed after such and such year will be able to charge any rent and they will not be regulated or controlled. So, this thing has got to be stopped. We have to curb profiteering in regard to houses in cities also.

Now, Sir, for the consideration of the Joint Select Committee and of the learned members of that Committee, I would like to submit that the Committee, while scrutinising the various Acts that have been included in the Ninth Schedule, should also see whether every State in its law has really socialised land. What I find is that in some of the States the legislation has got many flaws. In my own State there is a ceiling on agricultural land; a ceiling has been prescribed but horticulture has been left out. So, under this cover, every land-

lord, every land-owner who has got land beyond the ceiling converts it into horticultural land. He plants certain plants here and there and then it is called a garden or a grove. So, it is saved from the legislation, it is free from the claws of the legislation. So, the Select Committee, while going into all these Acts, should see that this flaw is not left uncorrected in any of them. We find that small people who are not resourceful enough to change their holdings into horticultural lands come under the claw of the Acts and they have to part with their lands, while people who are resourceful enough to convert their agricultural lands into horticultural lands are free from it. This should be stopped.

Another hon. Member has mentioned here that this amendment of the Constitution should not be brought by the Congress Government at present, that they should bring it forward after the general elections because at the last general elections they did not take the mandate from the people to bring in this legislation. I would humbly state for the information of that hon. Member that in the election manifesto which the Congress issued at the time of the last general election, agrarian reform was expressly mentioned and socialisation of land was included in it. So, it is nothing new. We have put before the electors what we would like to do in connection with the socialisation of land, and everybody knows that the objective of the Congress Government is to make the tiller the owner of the soil that he cultivates and we have been bringing in legislations in order to achieve that end and this is one of them which is to amend the Constitution.

With these words, I support this Bill.

SHRI LOKANATH MISRA: Mr. Vice-Chairman, since I have been allotted 15 minutes, I do not know how far I shall be able to . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): DO not waste your time in prefacing. Start off.

SHRI DAHYABHAI V. PATEL (Gujarat): Learn to take more time like Shri Bhupesh Gupta.

AN HON. MEMBER: You are given more time.

SHRI LOKANATH MISRA: I was happy to listen to the hon. Shri Pathak's speech. It is really a very good indication that there are some people who are conscientious and thoughtful even in the ruling party. Previously I had the impression that any measure, whether good or bad, had to be rushed through; that was the approach of the Congress Party. But now there are conscientious and thoughtful persons to indicate to their party that these things should not be rushed through, that there should be a cautious approach to these problems, intricate as they are. I will be very happy if the Government learns something from those hon. Members.

Now, Sir, it is a curious coincidence that there have been two Yamaraj Plans. One was the Yamaraj Plan for the Ministers. Now, another has come for the peasants. The first was for the rulers and the second one is for the ruled. This 17th amendment to the Constitution has been aimed at the liquidation of the peasantry. Particularly during the Emergency, this Bill should not have been brought forward. It is a controversial issue. Government knows it pretty well that it is controversial. It is not that only the Swatantra Party says that it is controversial but a lot of people who do not belong to the Swatantra Party also oppose this measure. So, during this Emergency this Bill should not have been brought forward at all. And now after it has been brought forward, It should not only be sent to a Select Committee but it should be sent for circulation for eliciting the opinion of the people as a whole.

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Sir, the Constitution was first amended in this context in 1951. That was in connection with the abolition of the zamindari. Then the second amendment in this connection came in 1955. That was for the abolition of the intermediaries and it was not objected to generally because no party in India wanted that the zamindari should continue. But now we object to this—and vehemently object to it—only because it affects the peasants, directly. After the Communist Government in Kerala saw that there was an expropriatory trend in the Government of India, they took encouragement and they brought forward the Agrarian Relations Bill which was very fortunately vetoed by the President. To compete with them, it seems, the present Kerala Government has also brought forward another Bill almost on the same pattern.

DR. A. SUBBA RAO (Kerala): Was it vetoed by the President? It was assented to by the President when it came up to him.

SHRI SHEEL BHADRA YAJEE. But the pattern is the same.

SHRI LOKANATH MISRA: Now, the Congress Government there had also brought forward a similar Bill on almost the same pattern. But it was struck down by the Supreme Court That is why as the Deputy Minister said, this Bill has been brought forward.

Now, Sir, this is a matter of principle whether we should tamper with the Constitution or not. If Mahatma Gandhi had been there, when Sardar Vallabhbhai Patel, the iron man, was there, they would not have dared to tamper with the Constitution even once, unnecessarily. After that this tampering business with the Constitution has started and endlessly continues. Within the last thirteen years they have amended the Constitution sixteen times. People feel if this Party remains in power for another thirteen years, probably there would be

[Shri Lokanath Misra.] little of the original Constitution left in it.

SHRI SHEEL BHADRA YAJEE: It is being done for the good of the society.

SHRI LOKANATH MISRA: Do not say that. You are doing everything in the name of the society. Everything you do is for the people. When you shield a Chief Minister, it is in the name of the people. When a Chief Minister, who did not have anything ten years back, now owns Rs. 10 crores, it is also in the name of the people. It is all for the good of the people that you are doing.

Sir, the Constitution is a charter propounded by the people of the country. It must be the paramount law. It must be something sacred, and to tamper with it for anything, any difficulty that comes in the way, is very wrong. That is very wrong in principle. We must know how to defend the sanctity of the Constitution in whose name we have taken our oath here. And what is even worse is that fundamental rights are now being curtailed. For "fundamental rights" I would give similar words. They are "essential", "primary", "original", "basic", "getting into the root of the matter". That is what fundamental rights mean. Therefore on no occasion a fundamental right should be curtailed.

It now reminds me of the old story of the Mahabharata when the old king Dhritrashtra, the blind man, asked for a fond embrace of Bhima. For fundamental rights I give the simile of Bhima. King Dhritrashtra did not want Bhima just for an affectionate embrace. He wanted Bhima for a fatal clasp. And that is what the fundamental rights have come to. If the rulers go on curtailing these fundamental rights, it will not be a fond embrace; it will be going into their fatal clasp.

SHRI SHEEL BHADRA YAJEE: You want fundamental rights to loot.

SHRI LOKANATH MISRA: You have been looting all these days. We do not want to take that responsibility. That is what you have been doing all these thirteen years.

Now, Sir, the Congress Party was the first party to give all sorts of assurances, alluring promises to the agriculturists. But I have found that the latter have been always kept under illusion. Sir, for unproductive land a man gets a concession from tax up to Rs. 3,000; he does not have to pay even a pie. Even if he is a broker who does not produce anything, he is free from income-tax to the tune of Rs. 3,000. But in the case of an agriculturist his first rupee is being taxed. He pays rent for the first rupee he gets out of his land. So, how has social justice been meted out to the agriculturist after thirteen years of this independence? Has the ruling party done anything for the agriculturist? Coming here to Parliament and making brilliant speeches does not ameliorate the condition of the agriculturist. They must do something genuine about it.

SHRI SHEEL BHADRA YAJEE: Mr. Vice-Chairman, what is the average rate of rent per acre?

SHRI LOKANATH MISRA: It is for you to find that out. I do not hold here a class on political lessons. Sir, both the previous amendments were done under the pretext of helping the agriculturist. That is why we were not opposing it. We were not opposing even the Bhoodan because that was apparently doing something for the agriculturist. Even when the Government spent thousands of rupees on Bhoodan workers per day we did not object to it only because we wanted that something should be done for the agriculturist. But nothing has been done yet for them. The slogan "socialist pattern of society" is being repeated many times. Sir, socialistic pattern of society may be the means. It is not an end in itself. I must add for the information of the hon. Member who interrupts me so often that it

cannot be an end in itself. It is all meant for the welfare of the people. And if it has not served the welfare of the people, we have to throw away the socialistic pattern because it does not help in their welfare.

(Interruption by Shri Sheel Bhadra Yajee).

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Yajee, let him continue.

SHRI LOKANATH MISRA: Though he has had his say he will go on with his running commentary.

Sir, for this welfare what we need most is higher production in agriculture. And if higher production in agriculture has to come from the people, we must first give them the sense of security. The peasant must know that he owns his land, that he can do something for his land, that he can invest some money in his land, or else he is not going to put in the labour that is required for the land. It is a question of relationship between the farmer and the soil. It is not a relationship between Mr. Yajee and his government. Naturally, the farmer must be given all the assurance that is needed to develop his land. And in this context, Sir, I would give some references.

Let us take acreage into consideration. My friends, who interrupt me so often, are mistaken because in Japan and Formosa, probably the acreage per head is the minimum. The normal acreage that any family holds there is about 2, and the entire world knows that the production in Japan and Formosa is the highest.

DR. A. SUBBA RAO: That defeats your own argument.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Subba Rao, let him continue. Time is running out.

SHRI LOKANATH MISRA: So, Sir, it is not the acreage that yields. It is the sense of assurance that yields results. With the enormous acreage of land brought together in Russia and China, there is starvation, there is

famine. With all the co-operative farming brought about in these two countries, till today there is starvation and famine. And we would not like famine to come in here because of this land legislation and the socialistic pattern of society that is envisaged.

DR. A. SUBBA RAO: Does this legislation bring about socialisation of land or does it bring about collectivisation of land or anything of that sort?

SHRI LOKANATH MISRA: It aims at collectivisation. It is the Communists who are working behind the scene and it is all to their advantage, to the advantage naturally of both to the extreme right—I do not mean rightists—and to my left in this House, and they have come together. They are closer now than they had ever been.

Sir, in this country we have 52 per cent, of people who own land. They are self-employed people. They employ themselves. They do not beg of the Government for jobs. And we are going now to oust this 52 per cent, of the population of their land. And ultimately what is going to happen? If what my friend suggested, it is cooperative farming that is coming . . .

DR. A. SUBBA RAO: No, it does not.

SHRI LOKANATH MISRA: . . . or the co-operatives, then what are we going to do? These self-employed people would be brought into employment by the States. And these self-employed people would be converted into political slaves. Would you like to have 52 per cent, of the people to become political slaves? It is the Communists who want it because the agriculturists as a whole, the peasants as a whole, are a bulwark of stability and so the Communists do not want them. Once they can destroy them, they can come into power and play their tricks. The Government, the ruling party, should not play into their hands. Nepotism and favouritism are rampant as it is. But once these 52 per cent, of the people become political slaves, we can easily imagine their

[Shri Lokanath Misra.] future. So in the interests of these 52 per cent, of the people, we have to resist and object to this piece of legislation.

There has been an argument on behalf of the Government that they are going to distribute the surplus land once this Bill comes into operation. Almost each State in India has the ceiling legislation. What has stood in the way of implementing that legislation and distributing the lands to poor landless peasants? I do not think there has been any difficulty in their way. If they had genuine interests in distributing the surplus land to the landless, they could have long ago done that. Only because their intention is lacking, it has not been done and this is brought to affect the ryotwaris who have little bits of land.

What is even worse is, this Bill is given retrospective effect from 1950. That complicates matters. There may have been so many transfers in the meantime. What would happen in those cases? It would only develop litigation to a very large extent.

SHRI AKBAR ALI KHAN: This is a matter which the Select Committee would look into.

SHRI LOKANATH MISRA: I hope so. I hope they would not be as rash as my friend Shri Yajee.

Then 'public purpose' should be defined and the compensation should be justiciable. Unless compensation is made justiciable, nobody is going to get a reasonable compensation for the loss. I can cite one instance from West Bengal where the attention of the Prime Minister was drawn and when the Prime Minister wrote to the Chief Minister of West Bengal, he wrote back 'I take shelter under article 31 (2) (a) of the Constitution and I can pay as much as I like'. If that comes to be true in all cases, then people would be going on losing lands without fair compensation and they cannot go to the court. So this is a very important issue. If you are taking away lands from somebody, he

must get adequate compensation for it. Otherwise, it would amount to robbery. The present co-operative farming is shown as a glorious achievement. These are only parasitical bodies\* spoon-fed wherein money is being siphoned from all sources where money is available. So we cannot show these as glorious examples of our achievements in the matter of farming and agriculture. Once this comes up in the entire country, probably the entire agricultural sector would fail, because it would not be possible to pump money into the entire country on that scale.

Lastly, I would like to dissociate and on behalf of my Party I make this statement that I would like to dissociate myself and my Party from this Bill. That is why we have not gone into the Joint Select Committee.

SHRI AKBAR ALI KHAN: That is a mistake. If you will permit me, you should go and try to convince others.

SHRI LOKANATH MISRA: We are trying it here. I think many of my friends would have got persuaded by now.

THE VICE-CHAIRMAN (SHRI M. P. BHARCAVA): It seems they are not sure of their arguments.

SHRI LOKANATH MISRA: We are. That is why as a matter of principle we differ from it and that is why we have not gone into the Joint Select Committee. This 52 per cent, of the population who are farmers in this country were able to rid themselves of the British tyranny. They sent away the Britishers out of India and as to-day fortunately I found, a much lesser number has made the Government yield in regard to their Gold Scheme, I hope this 52 per cent, who form the majority of this country would be in a position to bring enough pressure on the Government to make them yield and to do away with this Bill.

**श्री विमलकुमार मन्नालालजी चौरङ्गिया :**  
उपसभाध्यक्ष महोदय, संविधान में संशोधन करने का जो विधेयक प्रस्तुत किया गया है और उसके बारे में माननीय पाठक जी ने जो भाषण दिया, उसमें खास तौर से उन्होंने इस बात के लिये ध्यान दिलाया कि जो खत कमाने वाला है, उसको मालिक बनाया जाना चाहिये और इसमें दो मत नहीं हो सकते। इसके आगे उन्होंने कहा कि इसके लिये स्पीडी लेजिसलेशन होना चाहिये। मैं जरा यहां प्रार्थना करूंगा कि हमारे कांग्रेस की मोटर बहुत पुरानी हो गई है, ब्रेक की हालत मजबूत नहीं है और अगर ब्रेक का खयाल नहीं करते तो कहीं जरा ज्यादा स्पीड हो गई . . .

**श्री शीलभद्र याजो :** जन संघ की तो बैलगाड़ी है।

**श्री विमलकुमार मन्नालालजी चौरङ्गिया :**  
बैठ जाइये आपको मौका नहीं देता हूं। तो ब्रेक की हालत इतनी खराब है कि अगर कहीं स्पीड ले लेगी तो कहां जाकर क्या खतरा होगा यह कांग्रेस वाले कल्पना करें, हमको तो खाली इसकी चेतावनी दे देनी है . . .

**परिवहन मंत्रालय में नौवहन मंत्री (श्री राज बहादुर) :** मैं यह जानना चाहता हूं माननीय सदस्य से कि जब गाड़ी में वे बैठे ही नहीं, तो ब्रेक का हाल उन्हें क्योंकिर मालूम है ?

**श्री विमलकुमार मन्नालालजी चौरङ्गिया :**  
मैं इस गाड़ी में बैठ कर उतरा हूं, १९५० तक बठा था। उसी समय इतनी खराब हो गई थी कि आज गिरें, कल गिरें, परसों गिरें, ऐसी हालत हो रही थी।

**श्री राज बहादुर :** तभी तो वह गाड़ी बदल दी गई है।

**श्री विमलकुमार मन्नालालजी चौरङ्गिया :**  
तो उपसभाध्यक्ष महोदय, जहां तक इस विधेयक के संशोधन का सवाल है, इसमें दो मत नहीं हो सकते कि जो खेती करने वाला है उसको उसके प्रोप्राइटरी राइट्स दिये जायें। अब चूंकि केरल के विधान के अन्तर्गत जो मुकदमा लड़ा गया था, कुन्हीकोनम वर्सेज केरल स्टेट, उसमें हमारी केरल सरकार को उल्टे मुंह की खानी पड़ी। तो उनके एक अवैध और गैर कानूनी काम को, वैध करने की दृष्टि से हम यहां पर कानून ला रहे हैं।

जहां तक संविधान का सवाल है, माननीय उपसभाध्यक्ष महोदय, उसका कितना महत्व है, उसके प्रति लोगों की कितनी श्रद्धा होनी चाहिये उसको हम सब चाहते हैं कि गीता और कुरान के हिसाब से माना जाये; क्योंकि हमारे समाज के आचरण का निर्धारण करने के लिए संविधान ही एक ऐसी पुस्तक है जो हम लोगों का मार्गदर्शन करती है कि आप अपना जीवनयापन इस प्रकार से करिये, आप सेक्यूलर बनें, समाजवादी परम्परा के हिसाब से या सोशलिस्ट पैटर्न के हिसाब से या सोशल वेलफेयर के हिसाब से, रामराज के हिसाब से या कामराज के हिसाब से, जो कुछ भी व्यवस्था हो, उसके हिसाब से अलग अलग वह हमारी आदर्श पुस्तिका है, उसे हमें श्रद्धा से देखना चाहिये, उसी हिसाब से आचरण करना चाहिये। हम हमेशा २६ जनवरी को इसकी कसम भी खाते हैं और भी कसमें खाई हैं कि संविधान के अनुच्छेदों के अनुसार हम सारी कार्य-वाही करेंगे, वगैरह वगैरह। लेकिन अगर हम उस श्रद्धा के केन्द्र में बार बार परिवर्तन करें तो कुछ ठीक नहीं लगता और कभी भी हमें उस श्रद्धा के केन्द्र से अलग नहीं होना चाहिये, जैसे कि वह मिट्टी का गणपति बनाया जाये वड़ी श्रद्धा से और उसमें हम यह परिवर्तन करने को तुलें कि सूंड को सामने से हटा करके पीठ पर लगा दिया। तो जो काम हम करने

[श्री विमलकुमार मन्नालालजी चौरडिया]  
जा रहे हैं उसमें गलती भी हो सकती है। मैं  
चाहता हूँ कि स्पीडी लेजिसलेशन की जगह  
हम जरा सतर्क हो कर काम करेंगे और  
अपनी पुरानी आदत में परिवर्तन करके  
चलेंगे तो ज्यादा अच्छा होगा।

अब इस संशोधन के द्वारा यह चाहा  
जा रहा है कि रयतवारी सेटलमेंट में जो  
भूमि अधिकार हैं, वे स्टेट की परिभाषा में  
आते नहीं, इसलिये उनको भी एस्टेट की  
परिभाषा में शामिल करके :  
ryotwari holdings which are not  
included at present in any estate defi-  
nition will be included in estate defi-  
nition now and will be considered as  
an 'estate'. तो उस हिसाब से वह स्टेट बने और  
एस्टेट की परिभाषा में आ जायें, उस परि-  
भाषा में आने के पश्चात्, एस्टेट के पक्ष में  
या विपक्ष में संविधान के अन्तर्गत जो कार्यवाही  
करने का अधिकार है वह रयतवारी होल्डिंग  
के लिये भी की जायेगी। वैसे तो जहाँ तक  
रयतवारी होल्डिंग का सवाल है, हमारे देश  
का बहुत कुछ हिस्सा रयतवारी होल्डिंग  
से प्रभावित है और जब हम ऐसा कानून बना  
रहे हैं जो रयतवारी क्षेत्र के काश्तकारों पर  
असर करने वाला है तो क्या कारण है  
कि हम लोगों ने उनका मत जानने  
का प्रयास नहीं किया। वैसे अगर हमारे ला  
मिनिस्टर साहब को एटारनी जनरल बनाया  
जाये अथवा नहीं बनाया जाये इसके लिये  
बार एसोसिएशन को भी लिखेंगे, जुडिशियरी  
से भी राय मांगेंगे, सब कुछ करेंगे मगर जो  
हमारे देश के बहुसंख्यक लोगों से सम्बन्धित  
विषयक है उसके बारे में हम जानने का प्रयत्न  
नहीं करते तो यह समझ में आने सरीखी बात  
नहीं। प्रवर समिति ने जो कदम उठाया है वह  
ठीक है, मगर इसके बारे में जनमत जानना

बहुत आवश्यक है। आश्चर्य तो इस बात का  
होता है कि यह बिल २६ अप्रैल, १९६३ को  
तैयार हो गया था और हमारे मंत्री जी ने इस  
बिल को बहुत ही महत्वपूर्ण बिल कहा था।  
६ मई, १९६३ को यह बिल लोकसभा में  
प्रस्तुत किया गया और उस समय यह पास  
नहीं हो सका और इस सत्र में लाया गया।  
क्या हमारे मंत्री जी इतने समय में जनमत  
जानने का प्रयास नहीं कर सकते थे? क्या  
वे जुडिशियरी या बार एसोसिएशन को  
लिख कर उनकी राय नहीं मांग सकते थे?  
जैसा सरकार ने अटार्नी जनरल के बारे में  
राय मंगवायी थी? अगर वे यह बात करते  
तो वह उचित होती, मगर उन्होंने उनकी राय  
नहीं ली।

जहाँ तक संशोधन का सवाल है, अगर  
हमारा उद्देश्य केवल यह हो कि भूमि जोतने  
वाले को भूमि मिले तब तो यह एक सही बात  
हो सकती है। मगर किसी बन्दर के हाथ में  
उस्तरा मिल जाये और वह हजामत करने के  
बजाय अपनी ही नाक काट डाले, वैसे ही  
अगर संशोधन के पश्चात् हो, टिलर के पास  
भूमि आने के पश्चात् पहले हमारी सरकार  
ने जो जागीरदार थे, उनको खत्म कर दिया,  
इण्डिविजुअल्स को प्रोप्राइटी राइट्स दिया—  
इण्डिविजुअल्स और रयतवारी इसमें हैं—  
इस संशोधन के पश्चात्, हमारी सरकार चाहे  
तो उनके वह राइट्स खत्म करके सारी  
जमीन के लिए नौमिनल कम्पैन्सेशन देने की  
व्यवस्था करे और सहकारी समितियाँ बना  
कर नये जागीरदार बनाये तो अगर वह यह  
चाहती है कि जो पहले जागीरदार थे, उनके  
स्थान पर को-ऑपरेटिव सोसाइटीज कायम  
कर दी जाये और इस तरह से उसका इस  
तरह की व्यवस्था चलाने का लक्ष्य है, तो मैं  
इसका विरोध करता हूँ और जहाँ तक जोतने  
वाले कृषक को देने का सवाल है, उसका मैं  
समर्थन करता हूँ। अगर माननीय मंत्री जी  
यहाँ पर विश्वास के साथ कह सकते हैं कि  
हम इस आशय के लिए जमीन काम में नहीं

लायेंगे, जो भूमि जोतने वाले हैं, उनसे भूमि छीन कर सहकारी समितियां नहीं बनायेंगे या सामूहिक कम्पून फार्मिंग नहीं करेंगे, तो हम इस संशोधन का समर्थन कर सकते हैं। परन्तु मैं माननीय मंत्री जी को याद दिलाना चाहता हूँ कि १२ वर्ष पहले जब डा० अम्बेडकर साहब विधि मंत्री थे, तो उन्होंने भी इसी तरह का आश्वासन दिया था कि जहाँ पर रयतवारी बिलेज हैं, जहाँ पर रयतवारी सेटलमेंट होते हैं, उनके लिए हमारा कोई अग्रेसरियन लेजिस्लेशन नहीं बनेगा और अगर बनेगा तो प्रेजीडेण्ट, स्वीकृति नहीं देंगे, यह बार्डिंग नहीं होगा उन पर, ये उनके शब्द हैं :

"I hope the Prime Minister in his speech in reply to this debate will also make it clear that there is no such intention on the part of the Government and I believe that whenever any such measure comes before the President for consideration the undertaking given in this House would be binding up the President in giving his sanction so far as any such measure is concerned. Therefore, I submit that there is no ground for any fear of any such thing happening and I believe there is also no justification for any kind of propaganda that may be carried on by interested parties that this Bill proposes to give power to Government to expropriate everybody excluding the ryotwari tenants. I hope that this will satisfy my friend."

तो इस तरह से उस समय उन्होंने आश्वासन दिया था कि यह जो रयतवारी सेटलमेंट है उसको लेने के लिये कानून बनने वाला नहीं है। एस्टेट्स में और रयतवारी सेटलमेंट में बहुत फर्क है। एस्टेट्स में तो कल्टीवेटर और जो मालिक है उस भूमि का, मालिक इण्टरमिडियरी अथवा मिडलमैन की हैसियत से काम करता है। मगर रयतवारी सेटलमेंट में अपवादस्वरूप छोड़ कर अधिकतर जो खुद काशत करते हैं उन का सीधा एग्जीमेण्ट गवर्नमेंट से होता है और

उसके हिसाब से लगान दिया जाता है। वैसे मैं उस क्षेत्र से आ रहा हूँ जिसे पुराने जमाने में इन्दौर स्टेट कहा जाता था और वहाँ पर १९२७ में इस सेटलमेंट के अन्तर्गत कानून की ऐसी व्यवस्था थी कि कोई भी व्यक्ति अगर किसी उप-कृषक को जमीन देगा, तो उसकी जमीन छीन ली जायेगी और वह उप-कृषक उस जमीन का मालिक बन जायेगा। आज इस तरह का कानून सरकार बनाने जा रही है और यह कानून रयतवारी पर लगने वाला है। तो मैं निवेदन करूँगा कि इससे आगे बढ़ कर आप कृपा करके यह बतलायें कि क्या आप उनकी सारी जमीन छीन कर को-ऑपरेटिव फार्मिंग या कम्पून बनने से रोकने के लिए किसी तरह का प्रतिबन्ध या प्रविधान करने की व्यवस्था कर रहे हैं या नहीं ?

दूसरा मुझे यह निवेदन करना है कि जब आप इसको रिट्रोस्पेक्टिव इफेक्ट से बना रहे हैं, यह अनुचित है। आप गलती करते हैं और दूसरे लोगों को उसका दंड भुगतना पड़ता है। जो संविधान के रचयिता थे उन्होंने तीन साल बड़े इतिमिनान से बैठ कर तथा शान्तिपूर्वक सारी धारायें बनाई। उसके बाद डा० अम्बेडकर जी ने अपने भाषण में कहा कि रयतवारी क्षेत्र को लेने के बारे में कानून नहीं बनेगा। केरल सरकार ने अपना कानून बनाया और केरल में रिआर्गनाइजेशन होने की वजह से मद्रास का जो क्षेत्र आया उसमें रयतवारी व्यवस्था थी और उस क्षेत्र के ऊपर उनका बनाया हुआ कानून लागू नहीं हो सका, इसलिये यह संशोधन लाये। संविधान निर्माताओं की यही इच्छा थी, हमारे ला मिनिस्टर की भी यही इच्छा थी कि रयतवारी क्षेत्र के लिये इस प्रकार का कानून न बने, चूँकि सुप्रीम कोर्ट ने आपके उस कानून को नाजायज़ करार दे दिया इसलिये आप ठीक कर रहे हैं। आपने इतना व्यय किया, पक्षकार ने खर्च किया, सब कुछ किया और उसके बाद आप एक पैन की स्ट्रोक में

[श्री विमलकुमार मन्नालालजी चौरड़िया] वह सारी की सारी मेहनत जो संविधान के अंतर्गत उन्हें प्राप्त थी, उस अधिकार को आप समाप्त करना चाहते हैं, वह परम्परा ठीक लगती नहीं। अभी थोड़े दिन पहले उत्तर प्रदेश में जिला परिषद् कानून जिसको हाई कोर्ट ने गलत करार दे दिया, उसके डिमिशन को आपने नल एंड वायड करने की कोशिश की। आप खुद गलत काम करते हैं और जब आपकी गलती बतलाई जाती है तो फिर भी आप सही रास्ते पर काम नहीं करते। इस तरह से एक नहीं कई प्रयास शासन ने लगातार किये और इस तरह की चीज़ प्रान्तीय स्तर पर और केन्द्रीय स्तर पर चलती आ रही है। उनके जो कानून अवैध हो जाते हैं उन्हें वे अपने बहुमत तथा बूट मेजोरिटी के आधार पर वैध बना लेते हैं और उन कानूनों को संशोधित करते चले जाते हैं। इसका परिणाम अप्रत्यक्ष रूप से यह होता चला जा रहा है कि जो विश्वास न्यायालयों के प्रति, शासन के प्रति, लोगों में होना चाहिये था, जनता यह चाहती है कि यह शासन रूल आफ ला द्वारा काम करे, लेकिन वह रूल के स्थान पर रूलर्स और डिक्टेटरशिप का रूप धारण करती चली जा रही है जो कि कभी भी न्यायसंगत नहीं कहा जा सकता है। वैसे तो शासन जनतंत्र का बहुत नाम लेती है और काम इस तरह का करती है जो जनतंत्र के विल्कुल विरुद्ध होता है। अगर किसी कानून में कोई त्रुटि रह जाती है तो उसके लिए अगला कदम उठाया जा सकता है मगर हमारे यहां शासन द्वारा ऐसे कानून रिट्रोस्पेक्टिव अफेक्ट से लागू हो जाते हैं जिनके बारे में कुछ कहा नहीं जा सकता है कि वे जनतंत्र के अनुकूल हैं या नहीं। यह कानून १९५० से लागू हो जायेगा और इसके अन्तर्गत चाहे जिस ने कितने ही अधिकार प्राप्त कर लिये हों वे सब अवैध हो सकते हैं। ऐसी स्थिति में एक समय में उस कानून के अनुसार किसी को लाभ देते हैं और फिर उस को बदल देते हैं, तो यह उचित नहीं कहा जा सकता है।

हमारे सामने एक और समस्या आती है। इस कानून के अन्तर्गत रैयतवारी विलेज, रैयतवारी क्षेत्र को लेने के कारण जो भूमि वह अधिग्रहण करेंगे उसका मुआवजा लैंड एक्विजिशन के अन्तर्गत नहीं दिया जायेगा और संविधान की धारा ३१ 'अ' के अन्तर्गत दिया जायेगा। माननीय उपसभाध्यक्ष महोदय, मैं यह निवेदन करना चाहूंगा कि जहां राजा-महाराजाओं का सवाल था, जहां जागीरदारों का सवाल था, जहां जमींदारों का सवाल था, वहां हम उन्हें सीमित मुआवजा देने में जस्टीफाइड थे। हमारे जो सीलिंग के कानून हैं, लगभग सभी प्रान्तों में सीलिंग के कानून के अन्तर्गत कहीं २८ एकड़ का स्टैण्डर्ड है, कहीं ३० एकड़ का है, कहीं २५ एकड़ का स्टैण्डर्ड है। इस तरह से अलग अलग प्रान्तों में अलग अलग सीलिंग के स्टैण्डर्ड हैं। ऐसी स्थिति में यह कल्पना करना कि कृषकों के पास ज्यादा आमदनी है यह ठीक नहीं है। जो कृषकों से खेती कराते हैं अगर हम उनकी भूमि छीन लेते हैं तो यह न्यायसंगत है और हम इसको बुरा नहीं मानते हैं। मगर उस आदमी को मुआवजा किस स्तर पर दिया जाना चाहिये, इसका फैसला ठीक नहीं किया जा रहा है। अगर उसे भी उसी डंडे से हांकने का विचार है जिस डंडे से जमींदारों को हांका गया था, जिस डंडे से जागीरदारों को हांका गया था, जिस डंडे से राजा-महाराजाओं को हांका गया था, तो यह बात न्याय संगत नहीं है। वे ऐसे मध्यम श्रेणी के लोग हैं जो छोटी छोटी खेती करते हैं, जिनके पास २८ एकड़, २० एकड़ या इसके आसपास ही जमीन होगी और जो छोटे छोटे खेतों से अपना पालन करते हैं। अगर हम इस तरह के लोगों की भूमि छीनना चाहते हैं, तो यह हमारा कर्तव्य हो जाता है कि उनको उचित मुआवजा दें और उचित मुआवजा देने के साथ साथ हमारा यह भी कर्तव्य होता है कि वे लाइफ में अच्छी तरह से सेटल भी हो जायें। इस बात के लिए हमारी सरकार को कदम उठाना चाहिये, नहीं तो हमारी सरकार वैसे

तो प्रचार करती है कि हम बेकारों को बसाने की योजना करते जा रहे हैं, कई योजना चलती जाती हैं, मगर हर योजना में एक एक योजना ऐसी आ जाती है, जैसे मुनारों को बेकार कर दिया, कभी काश्तकारों को बेकार कर दिया और इसका परिणाम यह होने वाला है कि जो अभी तक खुद काश्त नहीं करते थे वे भी टेनेंट्स से जमीन छीन कर खुद काश्त करने वाले हैं। इसका नतीजा यह होगा कि जो टेनेंट्स हैं, वे इस कानून के लागू होने से पहले ही निकाल दिये जायेंगे और उनकी बेरोजगारी की समस्या का हल करने का प्रयत्न आप करेंगे। इस बारे में हमारे याजी साहब हर तरह का प्रयत्न करते ही रहते हैं। जहां हम ऐसे कानून के अन्तर्गत एग्जीक्यूटिव को विशेष अधिकार देते जा रहे हैं वहां हम लोगों में न्यायालय के प्रति अश्रद्धा भी पैदा करते जा रहे हैं और इस तरह से जनता की जायदाद और उसकी जमीन के साथ एक खिलवाड़ कर रहे हैं। वैसे हमारे याजी साहब अक्सर नाराज हो जाते हैं, मगर वे भी विवेक से काम लेंगे तो उनको भी थोड़ी समझ आ जायेगी। हमारा पब्लिक गुड किस में अच्छा है, वैसे तो हमारे याजी जी कहेंगे कि जो हम तय कर दें वही पब्लिक गुड है, मगर पब्लिक गुड के बारे में जो हमारे भूतपूर्व चीफ़ जस्टिस पातंजलि शास्त्री थे उन्होंने बहुत अच्छा कोटेशन दिया है और वह मैं पढ़ कर मुना दूँ :

A.I.R.54, S.C.92

"The public good is in nothing more essentially interested than in protection to every individual's private right as modelled by municipal law."

आप क्या हमारे यहां के कानूनों में ऐसी व्यवस्था कर रहे हैं ? उनके जो प्राइवेट राइट्स हैं, जोकि हमारे कानूनों के अन्तर्गत दिये गये हैं, उनका क्या हम रक्षण कर

रहे हैं ? हम उन का रक्षण नहीं कर रहे हैं। हम आज उनका भक्षण कर रहे हैं। हमको जो उनकी रक्षा करनी चाहिये, उनकी जगह हम भक्षक बन कर उन्हें जो अधिकार प्राप्त हैं, उन का हनन कर रहे हैं, यह हमारी पार्लियामेंट की प्रतिष्ठा के अनुकूल हो ऐसा मैं नहीं मानता। यह हमारी प्रतिष्ठा के प्रतिकूल है और रिट्रास्पेक्टिव इफेक्ट दे कर के और भी प्रतिकूल हो जाता है। हम ने जो उन को अधिकार दिये हैं उन का हमें पालन करना चाहिये।

*Time bell rings.*)

हमारे मित्र ने कहा कि लूपहोल्स दूर करने के लिए हम यह कर रहे हैं। लूपहोल्स नहीं रखे गये थे, जानबूझ कर वैसी व्यवस्था की गई थी कि हम रैयतवारी विलेज में यह कानून लागू नहीं करेंगे। इसलिये ये लूपहोल्स नहीं थे। वह एक व्यवस्था थी और उसी के अन्तर्गत सारी कार्यवाही की गई थी।

घंटी बज गई है, इसलिये अन्त में में केवल कुछ प्रश्न मंत्री जी से पूछना चाहता हूँ। वे कम से कम अपने भाषण में इस बात का स्पष्टीकरण करें कि क्या कारण था कि हमको केरल के कानून के अवैध ठहर जाने की वजह से यहां कानून लाना पड़ा ? क्या हम यह केरल के कानून में संशोधन करवा के इसकी व्यवस्था नहीं कर सकते थे ?

क्या कारण है कि सारे प्रांतों के कानूनों की लम्बी सूची इसके साथ हमने लगा दी ? क्या हमने सारे कानूनों की, संविधान के विरुद्ध कौन कौन है, इसकी वैधता या अवैधता जान ली, या भरा भरने की दृष्टि से ही केवल एक साथ सबको ले लिया, चाहे उसमें गलती हो या न हो ? तो किस इरादे से यह लिया, इसका भी स्पष्टीकरण कर दें।

**श्री अकबर अली खान :** यह सिलेक्ट कमेटी कंसीडर करेगी ।

**श्री विमलकुमार मन्नालालजी चौरङ्गिया :** मंत्री जी खुलासा कर दें कि उन्होंने ने ऐसा क्यों किया ? गुनाह तो उन्होंने ने किया, क्या सिलेक्ट कमेटी उस का जवाब देगी ?

तीसरे जो प्लाटेशन वगैरह लेने की दृष्टि से, और रयतवारी, इस में काली मिर्च के बड़े बड़े खेत हैं, उन को लेने की दृष्टि से यह है, तो मैं यह पूछना चाहता हूँ कि क्या कारण था कि हमारी सरकार ने, जब सीलिंग के कानून प्रान्तों में पास किये गये तो उन में जानबूझ कर यह व्यवस्था क्यों की गई कि बागीचे छोड़े जायेंगे या शरा जहाँ पैदा होगा वह जमीन छोड़ी जायगी आदि आदि और आज उन को लेने के लिये हम यह विशेष संशोधन क्यों ला रहे हैं ? इन तीन चार बातों का स्पष्टीकरण मंत्री जी अपने भाषण में दे देंगे तो ज्यादा अच्छा होगा । धन्यवाद ।

SHRI DAHYABHAI V. PATEL: Madam, I am grateful to you for having given me a few minutes at the fag end of the debate today.

SHRI AKBAR ALI KHAN: Because the last stroke is always important.

SHRI DAHYABHAI V. PATEL: We have decided not to go into the Select Committee. I am speaking on behalf of myself and on behalf of my Party because it is well known that going into the Select Committee or accepting the Motion for Select Committee means accepting the principle of the Bill. Madam, we are opposed to the principle of the Bill. Why are we opposed to the principle of the Bill? It is because this is the right royal road to Communism. We have had the experience of land legislation and land reforms in Gujarat from where I come and I have given the illustration of how that land legislation is being applied

ment) Bill, 1963

in the name of giving land to the tiller. Land that has been taken away from the tiller has not been given to the other tillers but the surplus land is retained by Government. In the law in Gujarat, there is a provision that if a piece of land comes in between two pieces of land given to Government under the land legislation, the former piece of land, even if it cannot be taken over under that legislation, can be taken over by Government if Government wants to introduce co-operatives. Is that voluntary? In that law, it is also provided that if a certain percentage of the agriculturists of one village want to form a co-operative, the others will be compelled. This is the type of intentions of the Congress Party which they call voluntary and see how it works in practice. Therefore, Madam, we are opposed to the principle of this Bill and, therefore, we cannot go into the Select Committee.

The learned Member, a distinguished lawyer, has given a warning to this House as to how far this law goes. I do not know whether this can be discussed at length in the Select Committee after the House has committed itself to this measure. The place to consider it is here, whether we accept the principle of the Bill or not. Madam, I also know that the Government of Maharashtra has not accepted this Bill. It is opposed to it and yet Government is trying to force it on everybody. Why does not Government agree to circulate this

Bill for public opinion? Ask your own State Governments and find out what they think about it. That would be the proper way of doing it. Madam, I am glad to see Rajkumariji in this House, after a long time. The last time she spoke, she reminded us of Gandhiji and what happened when they do not heed his advice. We heard a Finance Minister taking back his words. We repeated the warnings again and again. We said, when this Budget was introduced, that they were putting at naught the promise that they gave under the Constitution, that these measures were

going be oppressive and that they were driving the country to Communism. The new Finance Minister has had to take back his words. Let me warn the Government that if they go ahead with these measures which would oppress the poor peasants, what happened after the Gold Control Order in front of Parliament House will happen everyday and the Government will have to take back this oppressive measure. Madam, we have tried in deep humility to persuade the people in the House and outside. I have personally gone round to several Members of the Congress Party, their Executive, their important Members and pleaded with them: Why do you want to rush with this? Circulate the Bill for opinion. Ask your own State Governments. There may be many other Governments like Maharashtra opposed to this but under the dictatorship of the unique dictator that we have, nothing can happen. What he says is right and what he does not like is wrong. What he says is just and what he does not like is unjust. If he likes a man, he is honest, he is incorruptible and he is everything. If he does not like a man, then he falls from grace, and what happens to him afterwards? Let those who are saying 'Yes', remember the words of Cardinal Wolsey, as perhaps some of the Ministers who have gone out under the Kamaraj plan are remembering.

SHRI A. D. MANI: Which Minister?

SHRI DAHYABHAI V. PATEL:  
Madam . . .

THE DEPUTY CHAIRMAN: What did cardinal Wolsey say?

SHRI DAHYABHAI V. PATEL: "Had I but served my God as I had served my King ....". Madam, this is what he said. I hope some of the Ministers who have ceased to be Ministers will remember these words in their rooms; at the fag end of their career in their life, after having served the country for so many years, after having sacrificed, they have come to a position when they have got to say

these words, "Had I but served my God as I had served my King . . ."

SHRI AKBAR ALI KHAN: They have sacrificed for the country and they will be remembered.

SHRI DAHYABHAI V. PATEL: What Mr. Akbar Ali Khan was and what he is here for, we all know.

Madam, the most objectionable part of this Bill is the taking away of the rights of the ryotwari peasants. It is confusing the issue by saying that these people are taking away the rights of the big landlords. What about the ryotwari rights? We have held the rights of the peasant! as sacred.

*(Interruptions from Shri Sheel  
Bhadra Yajee)*

This is too much for your orain, Mr. Yajee. You keep quiet. It is too thick for you.

The ryotwari land, the ryotwari right and the peasant proprietor have all been held sacred in this country for all these years. And that is the strength on which this country has survived so many invasions, so much suffering. If that goes, the only thing that remains is collectivisation and the next step is what my friends here want. They staged a demonstration two days ago. The Government would not yield to repeated entreaties and requests from people who were their friends, who were their comrades in arms during the days of the freedom struggle because they want to take the country the wrong way. When we say that the Gold Control Orders and the Compulsory Deposit Scheme are oppressive, when we say, 'Please do not rush with them', when an old Gandhian like Rajkumariji appealed, they would not listen, but when the Communists staged a big demonstration, when they took charge of Delhi— and there was no Home Minister, there was no police and they controlled even Government property— the Prime Minister or the new Finance Minister is yielding.

4 P.M.

SHRI P. K. KUMARAN (Andhra Pradesh): Correctly, as they should.

SHRI DAHYABHAI V. PATEL: I am inclined to think that the Prime Minister wants to take us to Communism. He is giving the Communists an opportunity to have a demonstration, to have a trial to have a / drill, of how they will take over Delhi when they want to.

AN HON. MEMBER: Question.

SHRI DAHYABHAI V. PATEL: They have done so in Czechoslovakia; they have done so in many other places. So the Prime Minister in this way is making the ground ready for them. Whenever he is in trouble, when the Chinese invasion comes, he tells us one thing but he calls Mr. Dange and sends him to Moscow. Now Mr. Nambodiripad has gone to Moscow and he has gone to Peking. When we ask why he has gone there the Prime Minister refuses to answer.

SHRI RAJ BAHADUR: How is it relevant?

SHRI DAHYABHAI V. PATEL: It is very relevant because I am trying to point out that the Prime Minister is taking us towards communistic policies.

SHRI P. K. KUMARAN: It is a good thing.

SHRI DAHYABHAI V. PATEL: According to my friends here it is good but according to others who believe in the Gandhian ideology, this is wrong. Therefore we protest against this measure. I appeal to friends on the opposite side, who have been with Gandhiji, who have been in the struggle for freedom, to desist from this, to listen to reason. Otherwise if a small community like the goldsmiths could make this mighty Government yield, remember the peasantry forms more than 8/ per cent, of the country and they will make you yield.

شری عبدالغنی (پنجاب) :

میدم ڈپٹی چیئرمین - میں سیکر کو مبارکباد دیتا ہوں کہ جہاں انہیں اپنے دوبارہ ساتھیوں کو تو خوش کرنا ہی تھا وہاں کمیونسٹ بھائیوں کو بھی، سوشلسٹ بھائیوں کو بھی اور پرچا سوشلسٹ بھائیوں کو بھی انہوں نے جیت لیا - اگر مجھے معاف کیا جائے تو میں کمیونسٹ بھائیوں سے بھی، سوشلسٹ بھائیوں سے بھی اور پرچا سوشلسٹ بھائیوں سے بھی اور اکبر اعظم کے دوباروں سے بھی چاہے وہ پاجی جی ہوں، اکبر علی خاں صاحب ہوں یا اور کوئی ہوں . . .

श्री ए० बी० बाजपेयी (उत्तर प्रदेश) :  
मूल्य आज़म ।

شری عبدالغنی : . . . میں ان سے

عرض کرنا چاہتا ہوں کہ آج مسئلہ جو ہے وہ یہ بھی کہ زمین کو آپ کس طرح سے تقسیم کریں - آج مسئلہ یہ ہے کہ انلا برا دیس بھوک مری سے مرے گا تو نہیں - مسئلہ یہ ہے کہ یہ زمین جو رہز کی طرح کھینچتی نہیں جا سکتی، جو تھوس ہے، اس زمین سے کیا ہم اتنی پیداوار کر سکتے ہیں کہ ہم دوسرے دیسوں کے ادھین نہ ہوں - نلدہ جی کے کہنے کے مطابق ساڑھے سات آنہ پر کھیتہ آمدنی ہے اور لوہیا صاحب نے کہنے کے مطابق ۳ آنہ پر کھیتہ آمدنی ہے

لیکن سوال یہ ہے کہ جو ۶۰ فی صدی کسانوں کی آبادی ایسی ہے جن کے پاس ۵ ایکڑ سے بھی کم زمین ہے اور جب کہ ہمارے دیس کی آج جو حالت ہے جس میں کہ ۱۲ ایکڑ سے کم زمین جس کے پاس ہے اس نے بچے نہ تعلیم پا سکتے ہیں اور نہ ان کو درائیں حاصل ہو سکتی ہیں، ان کے لئے کیا سوچا ہے؟

آپ کے پاس بڑے بڑے اختیارات ہیں اور ابھی ہمارے معزز اور شان دار ساتھی اور معزز ڈاٹھیا بھائی پٹیل نے کہا۔

کی مہرے قتل نے بعد اس نے جفا سے تو بہ ہائے اس زور پشیمان کا پشیمان ہونا

اگر سو دن کاروں کو آپ نے یہ آسانی دیلی ہی تھی ان کو آباد رکھنا ہی تھا، تو پھر ان ۲۰۰ آدمیوں کو ہراکاری کرنے پر آپ نے کیوں آمادہ کیا اور اگر آپ نے آمادہ نہیں کیا تو وہ مجبور ہوئے کہ وہ ہراکاری کریں۔

اے سکندر نہ دھی تیری بھی عالم گہری کتنے دن آپ جہا کس لئے دارا مارا

اب آپ اس بات پر آئے ہیں کہ کہتے ہیں کہ مظلوم کو دینا چاہتے ہیں تاکہ وہ کھیتی کو چلائے اور زمین کا مالک ہو اس کے لئے میں آپ کو مبارک باد دوں گا۔ لیکن اس کو

بھی ہمیں ایک قہقہہ سے دیکھتا ہے اور وہ یہ ہے کہ جس نے پاس آج آڈھا ایکڑ ہے یا ایک بیگھہ زمین ہے تو وہ اس کا کیا کرے گا۔ وہ زمین اس کو آپ دیں گے تو اسے وہ بیچ دے گا کیوں کہ وہ اکانامک ہولڈنگ نہیں ہے۔ آپ اگر دیس کو بنانا چاہتے ہیں تو کھلونوں سے بچوں کو کو نہ کھلائیے اور تھونس طریقہ سے سوچئے چاہے وہ سلیکٹ کمیٹی کے معزز ممبران ہوں یا سرکار ہو جس کی بدھی نشست ہو گئی ہے وہ دیکھے کہ زمین کا معاملہ کس طرح سے چل سکتا ہے۔ اگر آپ ایسا چاہتے ہیں کہ جو آج تک زمین دار نہیں تھے وہ بے چاروں کی زمین چلی گئی تھی اور وہ زمین دار یا بیہوشی دھر نہیں تھے ان کو ایسا بنایا جائے اور ان کو زمین دی جائے تو یہ میری سمجھ میں بھی آئے کہ نیچے سے اوپر ہو گئے اور اوپر سے نیچے ہو گئے، ایسا آپ کرنے جا رہے ہیں، لیکن آپ ایسا کرنے نہیں جا رہے ہیں۔ آپ بغیر سوچے سمجھے کر رہے ہیں، اس وقت ایک دیوانگی کے عالم میں ہیں، کوآپریتھیو کا نام لیا تو راتوں رات سیکڑوں کوآپریتھیو سوسائٹیاں بنا دیں لیکن میڈم ڈپٹی چیرمین۔ ان کا نتیجہ کیا ہوا؟ فیلپور ہوا اور روپیہ برباد ہوا۔

[ شری عبدالغلی ]

اب آپ نے ۱۴۴ یا ۱۴۵ قانون مختلف اسمتھن میں بنائے ہیں، مختلف ناموں سے بنائے ہیں، اور ابھی ایک اور بنانے جا رہے ہیں اور اس کو آپ سوشلزم کا نام دیتے ہیں، آپ کہتے ہیں کہ سوشلزم لائیں گے اور اس سے سماج واد ہوگا لیکن میں آپ کو یقین دلاتا ہوں کہ اس سے تباہی ہوگی، اس سے بربادی ہوگی۔ اگر ہم چاہتے ہیں کہ پیداوار زیادہ ہو تو میں کمونسٹ بھائیوں سے بھی یہ عرض کروں گا کہ وہ یہ دماغ سے نکال دیں، اگر اکابر ملک ہولڈنگ نہیں ہے تو اس سے پیداوار بڑھے گی۔ ہاں یہ میں مانتا ہوں کہ جن کو ذلیل سمجھا جاتا ہے صرف اس لئے کہ وہ زمین کے یا کھیت کے مالک نہیں ہیں۔ جن کے دماغ میں ایک جہالت اور ایک نکمپن آ گیا تھا وہ اوپر اٹھ جائیں گے۔ بڑے شک ان کو آپ اٹھائیے اور گھر بنانے کے لئے اور دوسرے کاموں کے لئے تھوڑی تھوڑی زمین دیکھئے تاکہ وہ اپنے گاؤں میں مالک کہلا سکیں لیکن اگر آپ کو پیداوار بڑھانی ہے تو اس کے لئے آپ کو سوچنا ہوگا۔ سلیکٹ کمیٹی کے ممبروں سے میں ہاتھ جوڑ کر نمرتا کے ساتھ کہنا چاہتا ہوں کہ ان کو دیکھنا ہوگا کہ یہ جو قانون بنانا چاہتے ہیں وہ کیا بیماری کا علاج ہے۔ کیا یہ بیماری کا علاج ہے اور کہا اس سے سبکار اس میں

کسی طرح سے کامیاب ہو جائے گی کہ وہ جو چاہتی ہے کہ پیداوار اتنی بڑھانی جائے کہ بڑھے اور وہ جو چاہتی ہے کہ بھوک کم ہو اور وہ جو یہ چاہتی ہے کہ لوگ اوپر آئیں اور اس زمین کا پورا پورا فائدہ اٹھائیں وہ مقصد حاصل ہوگا یہاں ہزاروں برس مسلمان رہے اور انہوں نے بڑے بڑے زمیندار اور جاگیردار بنائے اور دیکھ سو سال تک انگریز رہے تو انہوں نے بھی غداروں کو دیس دروہیوں کو اور جو ملک کی آزادی میں درڑے اٹکاتے تھے ان کو بڑے بڑے مربعے دئے اور نہ جانے کیا کیا دیا۔ تو اس طرح سے راجہ مہاراجہ بلے اور ہمارے سردار واجہہ بوائی پٹیل نے کسی جتن سے پانچ سو راجاؤں کو ختم کر دیا نوابوں کو ختم کر دیا لیکن راجا جی۔ آپ کی سرکار نے ان سولہ ورشو میں جتلے نواب جتلے راجہ اور جتلے جاگیردار پیدا کئے میں اتنے ساڑھے گیارہ سو برس میں بھی پیدا نہیں ہوئے۔ آپ نے قلم کی ایک نوک سے نہ معلوم کس کو کیا کیا بدلا دیا۔ آپ کہتے ہیں کہ سماج واد لانا ہے مگر آپ سوچئے تو کہ ساری دنیا میں کیا کوئی بھی نہیں دیکھ جس میں ایک غریب چراسی اور وزیر اعظم کو چھوڑے ایک معمولی وزیر کے پیچ میں آئے گنا فرق ہو۔ کیا کوئی دیکھ ہے جس میں انڈیا زیادہ فرق ہو۔ جو بڑے بڑے امپریلسٹ اور سرمایہ دار دیکھ میں

ان سے مقابلہ کیجئے کیا وہاں کے  
بھنگی میں اور وزیر اعظم میں اتنا  
فرق ہے جتنا کہ آپ کے یہاں ہے۔ تو اگر  
آپ سماج واد بدانا چاہتے ہیں آپ دل  
سے چاہتے ہیں کہ سماج واد آئے آپ  
دل سے چاہتے ہیں کہ کسان کا بھلا  
ہو۔ آپ دل سے چاہتے ہیں کہ پیداوار  
بڑھے تو یوں نہ کیجئے۔

تمناؤں میں الجھایا گیا ہوں  
کھانوں دیکے بھلایا گیا ہوں  
گاندھی جی کو ہم یاد کرتے ہیں  
اس لئے کہ وہ امن کے میدان میں  
تھے یہاں یہ حال ہے کہ -

مسجد تو بدلتی شب بھر میں  
ایمان کی حرارت والوں نے  
دل اپنا پرانا پائی تھا  
برسوں میں نمازی بن نہ سکا  
سماج واد کا نام لیتے ہیں اور دیہوں کو  
برباد کئے چلے جا رہے ہیں۔ کیوں نہیں  
کہتے یہ پیلاک سیکٹر نہیں نہرو سیکٹر  
ہے یہ کانگریس سیکٹر ہے اور کیوں نہیں  
کہتے نیشنلائزیشن نہیں ہے یہ نہرو  
نیشنلائزیشن ہو رہا ہے - اگر آپ چاہتے  
ہیں ...

श्री शील भद्र याजी : कैंरों ।

شری عبدالغنی : کیڑوں کیا ہے  
پسوہ ہے جس کو یوں مسل دیں - یہ  
تو آپ پیچھے بیٹھے ہوئے ہیں - اس  
کی کوئی قیمت نہیں ہے؛ مادی نظر  
میں، میں سمجھتا ہوں کہ دیہوں

بہت بڑا ہے - ایسے کئی آئیں گے -  
کئی کھروں آئے اور دیکھتے دیکھتے چلے  
گئے - یہ تو ہے ہی کیا جس کی دو  
کوڑی کی پوزیشن نہیں ہے - آج کوڑی  
پتی ہونے سے کوئی طاقت تھوڑی ہی  
آ جاتی ہے - آپ ایسے ہی، یا جی جی  
چھوڑتے ہیں لیکن آپ کو دیکھنا چاہئے  
کہ جو بل ہم لا رہے ہیں -

(Interruption.)

SHRI LOKANATH MISRA: But you are  
instigating him to say it.

THE DEPUTY CHAIRMAN: Order,  
order.

شری عبدالغنی : جس بل کو  
آپ کہتے ہیں یہ سوشلزم لئے گا -  
ہمارے کمیونسٹ [بھائی بھی اسی  
جال میں پھنسے ہوئے ہیں - اس سے  
کمیونزم کو تقویت ملے گی - میڈم ڈپٹی  
چیرمین - ایسا ہونے والا نہیں ہے - اگر  
کمیونسٹ پارٹی والے بھی پارور میں  
آجائیں تو ان کو دیکھنا ہوگا کہ اکانامک  
ہولڈنگس ہونی چاہئیں یا نہیں  
ہونی چاہئیں - وہ بھی نہیں کہتے  
ہیں کہ آدھے بیگھے کا مالک آدھے  
بیگھے میں گذر کر لے گا -

میں مانتا ہوں آج جو پہلے ہی  
سے لوگ بے کار ہیں ان کی تعداد  
بہت زیادہ ہے لیکن میڈم ڈپٹی چیر  
مین - میں ان کو یاد دلاؤں کہ جو  
مزدور ہیں، ٹیڈنٹس ہیں، ان کی  
حالت خستہ ہے ہی لیکن جن کی  
نیچ ایکڑ سے کم زمین ہے ان کی

[شری عبدالغنی]

حالت بھی خستہ ہے - تو آپ یہ دیکھئے کہ یہ ساری زمینیں جو ہے وہ دیہیں کی زمین ہیں وہ سب بھارت واسیوں کی زمین ہے - وہ ہماری سرکار سمجھتی ہے اس کی زمین ہے اور اس کو کس طرح سے ہمیں تقسیم کرنا ہے - اگانامک ہولڈنگ ہو جائے نمبر - ۱ کبھتی باڑی میں ترقی ہو - نمبر - ۲ اور نمبر ۳ یہ ہے کہ جو پھر باقی رہ جاتے ہیں، جن کے پاس زمین نہیں رہتی وہ کیا کریں - بجائے اس کے آپ اپنے ہی آدمیوں پر نوازش کریں اس کو نیشنلائزیشن نہیں کہتے ہیں - زمین ساری ان کو دے دیجئے، ان کو بلڈے مالک، یا زمینوں کے ساتھ ساتھ مکانات میں بھی حصہ دار بنائے، زمینوں میں حصہ دار بنائے - اس کا یاچی جی کوئی جواب نہیں دے پائیں گے - آپ دیکھتے ہیں کہ زمین داروں کی یہ جو ۷۵ فی صدی آبادی ہے وہ اپنے بچوں کو پورے طور پر تعلیم نہیں دے پاتی، وہ اپنے بچوں کو پورے طور پر لباس نہیں پہنا پاتی، وہ اپنے بچوں کو بڑے بڑے عہدوں پر نہیں پہنچا پاتی - اگر ان کی حالت کو اور کمزور کر دیا جائے تو میرا یقین ہے کہ ماسٹر صاحب اور ماسٹر صاحب کی پارٹی کے جو باقی بزرگ ہیں، جو آج دیہیں میں راج کر رہے ہیں، وہ جب ایسا بل ہاوس میں لائیں

تو اس بات کو سوچیں کہ اگر وہ اس کو صحیح سمجھتے ہیں کہ حق دار کو حق ملے گا تو بڑی خوشی سے دے دیجئے - لیکن ایسا ہونے والا نہیں ہے کہوں کہ جنتا کا آج تک جو تجربہ رہا ہے وہ بالکل صاف ہے اور اس میں کسی کو شک نہیں کہ -

اعضاں کہیں جاوے ہر متحراب و ملہر میکند  
چوں بخلوت میروندان کار دیگر میکند  
یہ کہنے کو کہتے ہیں کہ ہم سناچ وار لا رہے ہیں یہ کہنے کو کہتے ہیں کہ ہم زمین کو آباد کرنے جا رہے ہیں جو اپنے سیلہ کی طاقت سے زمین کو چیرتا ہے : ہ اپنی زمین کا مالک ہو - میں مبارک باد دیتا ہوں ایسا ہو - لیکن اس کے ساتھ ہی یہ دیہی کو بلڈے والے ہیں نہ دیہی کو سنبھالنے والے ہیں اور آپ دیہی کو تباہ کرنے والے، دیہی کا ایمان کرنے والے ...

श्री शील भद्र याजी : गलत बात है ।

شوی عبد الغنی : ... دیہی کو برباد کرنے والے ہیں - اگر آپ اپنی ذمہ داریوں کو محسوس نہیں کرتے ہیں تو ایک دن آئے گا جس دن چلتا کے دربار میں آپ کی پیشی ہونے لگے گی - آپ ان کھلونوں سے ان کے دلوں کو بھلائیں، روز تسلیاں دلاتے جائیں کہ تم مالک ہوتے جا رہے ہو

تو ایسا کہہ کر آپ دیس کو ہلا  
نہیں دے دیس دیس کو بہاد کر  
دے دیس -

†[श्री अब्दुल सनी (पंजाब) : मैडम डिप्टी चेयरमैन, मैं सरकार को मुबारकबाद देता हूँ कि जहाँ उन्हें अपने दरबारी साथियों को तो खुश करता ही था वहाँ कम्युनिस्ट भाईयों को भी, सोशलिस्ट भाईयों को भी और प्रजा सोशलिस्ट भाईयों को भी उन्होंने जीत लिया। अगर मुझे माफ़ किया जाये तो मैं कम्युनिस्ट भाईयों से भी, सोशलिस्ट भाईयों से भी, प्रजा सोशलिस्ट भाईयों से भी और अकबरे आजम के दरबारियों से भी, चाहे वो याजी जी हों, अकबर अली खां साहब हों, या और कोई हों . . . ]

श्री ए० बी० बाजपेयी (उत्तर प्रदेश) :  
मुशलेआजम ।

†[श्री अब्दुल सनी : . . . मैं उनसे अज़ करने चाहता हूँ कि आज मसला जो है वो यह भी है कि जमीन को आप किस तरह से तकसीम करें। आज मसला यह है कि इतना बड़ा देश भुखमरी से भरेंगे तो नहीं। मसला यह है कि यह जो जमीन जो खड़ की तरह खींची नहीं जा सकती, जो ठोस है, उस जमीन से क्या हम इतनी पैदावार कर सकते हैं कि हम दूसरे देशों के अधीन न हों। नन्दा जी के कहने के मुताबिक साढ़े सात आने पर-कैपिटल आमदनी है और लोहिया साहब के कहने के मुताबिक तीन आने पर-कैपिटल आमदनी है लेकिन सवाल यह है कि जो साठ फीसदी किसानों की आवादी ऐसी है जिन के पास ५ एकड़ से भी कम जमीन है और जबकि हमारे देश की आज जो हालत है जिस में कि साढ़े बारह एकड़ से कम जमीन जिस के पास है उस के बच्चे

न तालीम पा सकते हैं और उनको दवायें हासिल हो सकती हैं, उन के लिए क्या सोचा है।

आप के पास बड़े बड़े अख्तियारात हैं और अभी हमारे मोअज्जिज़ और शानदार साथी और मित्र डा. ह्याभाई पटेल ने कहा—

की मेरे कल के बाद उसने जफा से तोबा हाय उस जूब पशेमां का पशेमां होना

अगर स्वर्णकारों को आपने यह आसानी देनी ही थी, उनको आबाद रखना ही था, तो फिर उन दो सौ आदमियों को हाराकीरी करने पर आपने क्यों आमादा किया और अगर आपने आमादा नहीं किया तो वो मजबूर हुए कि वो हाराकीरी करे।

ए सिकन्दर न रही तेरी भी आलमगीरी कितने दिन आप जिया किस लिये दारा मारा अब आप इस बात पर आये हैं कि कहते हैं कि मजलूम को देना चाहते हैं ताकि वो खेती को चलाये और जमीन का मालिक हो, इसके लिये मैं आपको मुबारकबाद दूंगा। लेकिन इसको भी हमें एक ढंग से देखना है और वह यह है कि जिसके पास आज आधा एकड़ है या एक बीघा जमीन है तो वो उसका क्या करेगा। वो जमीन उसको आप देंगे तो उसे वो बेच देगा क्यों कि वो एकनॉमिक होल्डिंग नहीं है। आप अगर देश को बनाना चाहते हैं तो खिलौनों से बच्चों को न खिलाइये और ठोस तरीके सोचिये, चाहे वो सेलेक्ट कमेटी के मोअज्जिज़ मेम्बरान हों या सरकार हो जिसकी बुद्धि नष्ट हो गई है, वो देखें जमीन का मामला किस तरह से चल सकता है। अगर आप ऐसा चाहते हैं कि जो आज तक जमींदार नहीं थे, जिन बेचारों की जमीन चली गई थी और वो जमींदार या भूमिधर नहीं थे उनको ऐसा बनाया जाय और उनको जमीन दी जाय तो यह मेरी समझ में भी आये कि नीचे से ऊपर हो गये और ऊपर से नीचे हो गये, ऐसा आप करने जा रहे हैं

tt ] Hindi transliteration.

[श्री अब्दुल गनी]

लेकिन आप ऐसा करने नहीं जा रहे हैं। आप वगैरह सोचे समझे कर रहे हैं, इस वक्त एक दोबानगी के आलम में हैं। कोआपरेटिव का नाम लिया तो रातों-रात सैकड़ों को-आपरेटिव सोसाइटियां बना दीं, लेकिन मैडम डिप्टी चैयरमैन, इनका नतीजा क्या हुआ ? फेल्योर हुआ और रुपया बरबाद हुआ।

अब आपने १४४ या १४० कानून मुख्तलिफ स्टेटों में बनाये हैं, मुख्तलिफ नामों से बनाये हैं और अभी एक और बनाने जा रहे हैं और इसको आप सोशलिज्म का नाम देते हैं। आप कहते हैं कि सोशलिज्म लायेंगे और इससे समाजवाद होगा लेकिन मैं आपको बकीन दिलाता हूँ कि इससे तबाही होगी, इससे बरबादी होगी। अगर हम चाहते हैं कि पैदावार ज्यादा हो तो मैं कम्युनिस्ट भाईयों से भी यह अर्ज करूँगा कि वो यह दिमाग से निकाल दें कि अगर एकोनोमिक होल्डिंग्स नहीं हैं तो इससे पैदावार बढ़ेगी। हाँ, यह मैं मानता हूँ कि जिनको जलील समझा जाता है सिर्फ इसलिये कि वे जमीन के या खेत के मालिक नहीं हैं, जिनके दिमाग में एक जहालत और एक निकम्मापन आ गया था वो ऊपर उठ जायेंगे, बेशक उनको आप उठायें और घर बनाने के लिये और दूसरे कामों के लिये थोड़ी थोड़ी जमीन दीजिये ताकि वो अपने गांव में मालिक बहला सकें लेकिन अगर आपको पैदावार बढ़ानी है तो उसके लिए आपको सोचना होगा। सेलेक्ट कमेटी के मेम्बरो से मैं हाथ जोड़कर नमूना के साथ कहना चाहता हूँ कि उनको देखना होगा कि ये जो कानून बनाना चाहते हैं वो क्या बीमारी का इलाज है। क्या यह बीमारी का इलाज है और क्या इससे सरकार किसी तरह से कामयाब हो जायेगी कि वो जो चाहती है कि पैदावार इतनी बढ़ाई जाये वह बढ़े और वो जो चाहती है कि भूख कम हो और वो जो यह चाहती है कि लोग ऊपर आयें और इस जमीन का पूरा पूरा फायदा उठायें

वो भकसद हासिल होगा। यहां हजारों वर्ष मुसलमान रहे और उन्होंने बड़े बड़े जमींदार और जागीरदार बनाये और डेढ़ सौ साल तक अंग्रेज रहे तो उन्होंने भी गद्दारों को, देशद्रोहियों को और जो मुल्क की आजादी में रोड़े अटकाते थे, उनको बड़े बड़े मुरब्बे दिये और न जाने क्या क्या दिया। तो इस तरह से राजा महाराजा बने और हमारे सरदार बल्लभभाई पटेल ने किसी यत्न से पांच सौ राजाओं को खत्म कर दिया, नवाबों को खत्म कर दिया, लेकिन याजी जी आपकी सरकार ने इन सोलह वर्षों में जितने नवाब, जितने राजा और जितने जागीरदार पैदा किये हैं उतने साढ़े ग्यारह सौ वर्ष में भी पैदा नहीं हुए। आप ने कलम की एक नोक से न मालूम किस को क्या क्या बना दिया। आप कहते हैं कि समाजवाद लाना है मगर आप सोचिये तो कि सारी दुनिया में क्या कोई भी ऐसा देश है जिसमें एक गरीब चपरासी और बजीरे आजम को छोड़िये—एक मामूली बजीर के बीच में इतने गुना फर्क हो। क्या कोई देश है जिसमें इतना ज्यादा फर्क हो। जो बड़े बड़े इम्पीयरलिस्ट और सरमायादार देश हैं उनसे मुकाबला कीजिये, क्या वहां के भंगी में और वहां के बजीरे आजम में इतना फर्क है जितना कि आपके यहां है ? तो अगर आप समाजवाद बनाना चाहते हैं, आप दिल से चाहते हैं कि समाजवाद आये, आप दिल से चाहते हैं कि किसान का भला हो, आप दिल से चाहते हैं कि पैदावार बढ़े तो यों न कीजिये —

तमन्नाओं में उलझाया गया हूँ

खिलौने देक बहलाया गया हूँ

गांधी जी को हम याद करते हैं इस लिये कि ओ अमन के मैदान में थे। यहां यह हाल है कि —

मसजिद तो बना ली शब भर में

ईमान की हुरारत बालों ने

दिल अपना पुराना पापी था,

बरसों में नमाजी बन न सका

समाजवाद का नाम लेते हैं और देश को बरबाद किये चले जा रहे हैं। क्यों नहीं कहते यह पब्लिक सेक्टर नहीं नेहरू सेक्टर है, ये कांग्रेस सेक्टर है, और क्यों नहीं कहते नेशनलाइजेशन नहीं है, यह नेहरू नेशनलाइजेशन हो रहा है। अगर आप चाहते हैं...

श्री शीलभद्र याजी : कैंरों।

श्री अब्दुल गनी : कैंरों क्या है पिप्पू है, जिसको यूं मसल दें। यह तो आप पीछे बैठे हुए हैं उसकी कोई कीमत नहीं है मेरी नजर में, मैं समझता हूं कि देश बहुत बड़ा है। ऐसे कई आयेंगे, कई कैंरों आये और देखते देखते चले गये। यह तो है ही क्या जिसकी दो कौड़ी की पोजीशन नहीं है। आज करोड़पती होने से कोई ताकत थोड़े ही आ जाती है। आप ऐसे हैं याजी जी छेड़ते हैं लेकिन आपको देखना चाहिये कि जो बिल हम ला रहे हैं।

(Interruptions.)

SHRI LOKANATH MISRA: But you are instigating him to say it.

THE DEPUTY CHAIRMAN: Order, order.

श्री अब्दुल गनी : जिस बिल को आप कहते हैं यह सोशलिज्म लायेगा—हमारे कम्युनिस्ट भाई भी इसी जाल में फसे हुए हैं—इससे कम्युनिज्म को तकवीयत मिलेगी, मैडम डिप्टी चेयरमैन, ऐसा होने वाला नहीं है। अगर कम्युनिस्ट पार्टी वाले भी पावर में आ जायें तो उनको देखना होगा कि एकनॉमिक होलिडिंग्स होनी चाहियें या नहीं होनी चाहियें। वो भी नहीं कहते हैं कि आधे बीघे का मालिक आधे बीघे में गुजर कर लेगा।

मैं मानता हूं कि आज जो पहले ही से लोग बेकार हैं उनकी तादाद बहुत ज्यादा है लेकिन मैडम डिप्टी चेयरमैन, मैं उनको याद दिलाऊं कि जो मजदूर हैं, टैनेन्ट्स हैं उनकी हालत खस्ता है ही, लेकिन जिनकी पांच एकड़ से कम जमीन है उनकी हालत भी खस्ता है। तो आप यह देखिये कि यह सारी जमीन जो

है वो देश की जमीन है, वो सब भारतवासियों की जमीन है, वो हमारी सरकार समझती है उसकी जमीन है और इसको किस तरह से हमें तकसीम करना है? वो एकनॉमिक होलिडिंग हो जाये नम्बर एक, खेती बाड़ी में तरक्की हो, पैदावार में तरक्की हो नम्बर दो और नम्बर तीन यह है कि जो फिर बाकी रह जाते हैं, जिनके पास जमीन नहीं रहती वो क्या करें। बजाय इसके आप अपने ही आदमियों पर नवाजिश करें इसको नेशनलाइजेशन नहीं कहते हैं। जमीन सारी उनको दे दीजिये, उनको बनाइये मालिक, या जमीनों के साथ साथ मकानात में भी हिस्सेदार बनाइये, सिनेमाओं में भी हिस्सेदार बनाइये। इसका याजी जी कोई जवाब नहीं दे पायेंगे। आप देखते हैं कि जमींदारों की यह जो ७५ फी सदी आवादी है वो अपने बच्चों को पूरे तौर पर तालीम नहीं दे पाती, वो अपने बच्चों को पूरे तौर पर लिबास नहीं पहना पाती, वो अपने बच्चों को बड़े बड़े ओहदों पर नहीं पहुंचा पाती। अगर उनकी हालत को और कमजोर कर दिया जाये तो मेरा यकीन है कि मिनिस्टर साहब और मिनिस्टर साहब की पार्टी के बाकी जो बुजुर्ग हैं जो आज देश में राज कर रहे हैं वो जब ऐसा बिल हाउस में लायें तो तब बात को सोचें कि अगर वो इसको सही समझते हैं कि हुकदार को हुक मिलेगा तो बड़ी खुशी से दे दीजिये, लेकिन ऐसा होने वाला नहीं है क्योंकि जनता का आज तक जो तजुर्बा रहा है वो बिल्कुल साफ है और इस में किसी को शक नहीं कि :—

वाइजान की जलबह बर

मिहराबो मिम्बर मी कुन्द।

चूं बखिलवत मी खंद

आन कारे दीगर मी कुन्द ॥

यह कहने को कहते हैं कि हम समाजवाद ला रहे हैं, यह कहने को कहते हैं कि हम जमीन को आबाद करने जा रहे हैं जो अपने सीने की ताकत से जमीन को चीरता है वो अपनी जमीन का मालिक हो। मैं मुबारिकवाद देता हू

[श्री अब्दुल गनी]

हूँ ऐसा हो। लेकिन इसके साथ ही ये देश को बनाने वाले हैं न देश को सम्हालने वाले हैं और आप देश को तबाह करने वाले, देश का अपमान करने वाले . . .

श्री शीलभद्र याजी : गलत बात है।

श्री अब्दुल गनी . . . देश को बरबाद करने वाले हैं। अगर आप अपनी जिम्मेदारियों को महसूस नहीं करते हैं तो एक दिन आयेगा जिस दिन जनता के दरबार में आपकी पेशी होने लगेगी। आप इन खिलौनों से उनके दिलों को बहलायें रोज़ तमन्नायें दिलाते जायें कि तुम मालिक होने जा रहे हो, तो ऐसा कहकर देश को बना नहीं रहे हैं। देश को बरबाद कर रहे हैं। ]

SHRI BIBUDHENDRA MISRA: Madam Deputy Chairman, it is a happy thing that the Bill, in a large measure, has got support from most sections of the House. Mr. Pathak, who is an eminent lawyer in this country and whom I always hear with great respect, has been very happy with the definition of "estate" as has been put in the amending Bill. His only fear is that it may not be desirable to put all these 124 Acts in the Schedule without properly examining them. For example, he has raised the question of the Bombay Act, Entry 68 in the Schedule. I heard him very closely. I may be wrong, but I think his interpretation of article 31B is correct. If you put any Act in the Schedule under the provisions of article 31B it cannot be challenged only if the attack is on grounds of articles 14, 19 or 31. He says that if the attack is on some other ground and that attack is upheld by the Supreme Court, as has been done in this case because they have held that it is beyond the competence of any Legislature to pass this law—then, even if it is put in the Ninth Schedule, it will not get the protection. So far as I am concerned, I entirely agree with his interpretation and I hope that the Joint Select

Committee, which is going into this, will consider that. I am also sure that they would give due thought to all the Acts that we have put in the Schedule. All the thought that is necessary would be given to them. As a matter of fact, all these Acts have been put there in the Schedule, as recommended by the Governments concerned. There is no case where any Act has been put in the Schedule which has not been recommended by the Government. I can assure the House about it. Therefore, Mr. Patel's statement that the Maharashtra Government is opposed to this Bill is entirely wrong. As a matter of fact, the Maharashtra Government has recommended as many as 34 Acts to be included in the Schedule.

SHRI AKBAR ALI KHAN: Mr. Dahyabhai Patel always gives wrong information.

SHRI BIBUDHENDRA MISRA: Then, Madam, so far as article 31B is concerned, the second amendment is concerned, and as far as the provision in the Bill is concerned, the position is this. I am not concerned with the abuses that have been hurled at us, because in particular some Members of the Opposition go beyond the point and they satisfy themselves by abusing the Government. If they derive satisfaction from that, let them have that satisfaction. I am not concerned with it. The second objection is why ryotwari lands have been included. That has been the backbone of the freedom struggle and the unity of this country. That is the language in which Mr. Patel has put it. May I ask him whether he has tried to explain how this ryotwari system is different? Maybe, it is different historically. It is different historically so far as its origin is concerned. But how is it different, so far as the incidence of the ryotwari tenure is concerned? How is it different from any other intermediary tenure? Surely, if I am correct—my friends from Andhra Pradesh will bear me out—in Andhra Pradesh and other States also, thousands and thousands of acres are there under the ryotwari system of tenure.

where the owner does not cultivate. It has been settled with the share croppers or tenants. Their position is that of an intermediary. Let me also make another point clear. Mr. Chordia said that 'ryotwan' is not in the definition of "estate" in the Constitution. Now, we want to bring it under the definition. That is not the correct position. As a matter of fact all that the Constitution says is that the definition of "estate" on the day the Constitution comes into force shall be the same definition as has been given in particular land tenure laws of the particular State. Therefore, the position is, whatever the definition of land tenure is in a particular State, you have to take that into consideration as the definition in the Constitution. Therefore, you will find that, except Madras, Andhra Pradesh, parts of Kerala and Orissa, excepting these four, practically in the rest of India ryotwari tenures are included in the definition "estate". They are already there. Therefore, it is not a new conception altogether that we are getting the ryotwari tenure into the definition of "estate". It is already there in most of the States. It leads to an anomalous position also as happened after the States Reorganisation Act, for example, a portion coming from one State to another State; as a matter of fact a portion came from Madras State to Kerala State. (*Interruption.*) So, what will happen is, suddenly they find that they are governed by different laws. You have to provide for it. A situation may arise when the same State has to enact different laws for different areas in the State, taking the backwardness or otherwise of the area into consideration. Therefore, it was thought necessary that all the land connected with agriculture, by whatever name it was called, must be brought together under the definition of "estate". The purpose of land reform is to settle the tenant on the land itself as the full owner. We will not be deceived by whatever name you give to a particular intermediary. We will abolish all intermediaries. Any land that is in excess of the ceiling will be non-resumable and will be distributed to

the tenants. They will become full owners and the State will have direct relationship with them. That is the plan which Parliament has accepted, and it is proposed to do it. I will do no better than quote the objectives of the Third Plan as set out in paragraph 20 on page 227, where they say that the tenants of non-presumable lands will be brought into direct relationship with the Government. How? We put a ceiling first of all, we take away the excess land, and then we settle the tenant on it. It can be done in one of the following three ways; the whole purpose is to make the tenant who is actually cultivating the land the full owner of the land:

- (1) by declaring tenants as owners and requiring them to pay compensation to owners in suitable instalments, responsibility for recovering unpaid instalments as arrears of land revenue being accepted by Government;
- (2) through the acquisition by Government of the rights of ownership on payment of compensation and transfer of ownership to tenants, compensation being recovered from them in suitable instalments; and
- (3) through the acquisition by Government of the landlords' rights and bringing tenants into a direct relationship with the State, option being given to tenants to continue as such on payment of fair rent to the Government or to acquire full ownership on payment of the prescribed compensation."

The whole idea is to take away the excess land and bring the tenant into direct relationship, into direct contact with the State, abolishing all types of intermediary by whatever name they are called.

I think it was Mr. A. D. Mani who said that the Congress Governments should postpone this Bill now because 'it was not in their election manifesto,

[Shri Bibudhendra' Misra.] and that they should come forward with it only at the time of the next general election. I expected better information from Mr. Mani, Madam, who happens to be the editor of a daily paper. Being a senior journalist, I expected better information from him. Let me only remind the House— I will not waste the time of the House by reading the election manifesto of the Congress—that the election manifesto of the Congress had the agrarian reforms programme. I think it was as early as 1931 that the Congress had chalked out its economic programme for the country. It was in 1936 that the first agrarian reforms programme was chalked out. It was in 1938, long before our independence, that a Planning Committee was set up under the Congress for agrarian reforms and other things also. In the last general elections also we said that we would carry out land reforms and before the end of the Third Plan the fixation of a ceiling on lands in the different States would be completed. It is not correct to say that we are going on with some programme as if it is something new, as if it was not before the electorate. I would rather put it the other way that the electorate have accepted the programme and they want us to implement it in the Third Plan, and that is why this Bill is necessary.

SHRI AKBAR AUI KHAN: At that time I think it was supported by the great Sardar Patel.

SHRI DAHYABHAI V. PATEL: He registered his protest to amendment of article 31 right to the last days of his death. You are forgetting history. Look at your records.

SHRI AKBAR ALI KHAN: I am say. mg that with knowledge. (*Interruption.*)

SHRI RAJ BAHADUR: I think the hon. Member is not quite correct there.

SHRI DAHYABHAI V. PATEL: in the Congress Party he resisted that. That day he got his second heart attack for resisting that amendment He said: "You can change it on my

dead body. I will not allow you to do it." Will you look up your records and refresh your memory?

THE DEPUTY CHAIRMAN: You continue, Mr. Misra.

SHRI BIBUDHENDRA MISRA: Then, he has asked what has happened in those States where a ceiling has already been fixed. Has it been distributed amongst the tillers, amongst the landless labourers? Madam, I would only like to point out to him that he better go through the reports published by the Planning Commission and the report on the working of the Third Plan and he will find how much land has been taken over by the different States as a result of the ceiling, how much has been distributed amongst tenants, the number of tenants, and all that. As the time at my disposal is short and I do not want to waste the time of the House, I would tell him that these are printed materials which are available which give in detail as to what has been done in each and every State.

Then it has been stated by the spokesman of the Swatantra Party and also by Mr. Mani that the Constitution should not be amended lightly, that it is a sacred document, and that fundamental rights should not be infringed. It is a good thing to say that the Constitution should not be amended lightly, we also believe that the Constitution should not be amended lightly. Reference is made that within ten years or twelve years, we have amended the Constitution sixteen times and that this is the seventeenth amendment. May I ask the hon. Members of the House whether the Constitution has been framed for men or men have been born for the Constitution. The Constitution has been framed for the good governance of the country, to carry the country forward in its socialist path, and anything that stands in the way of that will be removed. It is not ten times or twelve times or fifty times but, if necessary, we will amend the Constitution one hundred times to improve

the condition of the toiling millions of India, to improve their standard of life. The individual rights are necessary, the fundamental rights are necessary, nobody denies that. We are trying to blend them as far as possible to bring about a cohesion amongst the two. But no individual rights can dominate or go above the common good. If anything stands in the way of the common good, we will certainly scrap it, there is no doubt about it. Then again in the very article 31A and B itself the seed has already been sown, and nothing new is being done. It already says that if the legislation is with regard to an estate, no question of article 14 or 19 or 31 will arise. That principle has already been accepted by Parliament ten years back. They have already said it there is nothing new about it. To those people who make a hue and cry that the Constitution has been amended fifteen times or seventeen times in the course of the last ten or twelve years, I would only put this question: what after all are the amendments that have been got through? Would you not amend the Constitution for the acquisition of new areas? The Constitution has been amended for that. Then regarding Dadra, Nagar Haveli and Pondicherry, Nagaland, Goa, Daman, Diu we had to amend the Constitution because they were to be incorporated as a part of India. We amended the Constitution so far as article 81 was concerned which first of all provided for not less than one member in Parliament for every 7,50,000 people. Subsequently we found with the growth of population in the country that it was impossible to have one member for every 7,50,000 people. The Constitution was amended for national integration. And there have been occasions—take, for instance, the 16th Amendment where the Constitution was amended without a single demurring voice; it was unanimous. Look to the record to know the purposes for which the Constitution has been amended from time to time and the number of votes in its favour.

It is not only the Congress Party that has voted for the amendments but the other parties as well because they have also been satisfied that it is for common good that the Constitution is being amended. You can take the number and see. I do not want to waste the time of the House. I have got all the figures here. Therefore, to say that the Constitution should not be lightly amended—and again to be said by those hon. Members of the Swatantra Party who do not believe in the Constitution itself, who believe in the concentration of wealth in a few hands, who do not believe in taking away the excess in the hands of a few individuals for common good—is not right. They wail that the Constitution which is a sacred document is being amended. That is something which I cannot understand.

SHRI DAHYABHAI V. PATEL: We object to wealth being taken away for corrupt Ministers.

SHRI BIBUDHENDRA MISRA: I know that corruption has a definition.

SHRI DAHYABHAI V. PATEL: Wealth is being taken away for corrupt Ministers. That is what I object to.

SHRI BIBUDHENDRA MISRA: A\* I have already said, it is not only in our election manifesto that the land reforms, the programme for making the tiller of the soil its owner . . .

SHRI RAJ BAHADUR: Sardar Vallabhbhai Patel was also a Minister.

SHRI DAHYABHAI V. PATEL: You see the difference in the quality of the son.

THE DEPUTY CHAIRMAN: Yoa have had your say, Mr. Patel. You must listen to the Minister.

SHRI BIBUDHENDRA MISRA: I never knew, Madam, that this was the forum to show the loyalty of the son to the father. Anyway I am not concerned with it. We have in the election manifesto taken up the cause of the agrarian reforms. ^We have, by

[Shri Bibudhendra Misra.] way of the Five Year Plans, set our goal that we will not rest content so long as we do not take over the excess lands in the form of savings and get them distributed, not only get them distributed but till the tillers are made the owners of the soil, we will carry forward all the plans. It does not matter whether some people believe in it or not. When the mass of the people, the large electorate, has voted for it and when they want us to carry it out, when the different political parties of the country also have given us support, that land reform must be carried out. We have got; the support of the Communist Party, the P.S.P. and others as well. It does not matter whether a few individuals agree with us or not. We will carry out the programme. And we have got a warning from Shri Patel—in the name of 50 per cent, of the peasants. He talks in the name of the peasants. He says, 50 per cent, of the peasants are there and you get their verdict at the election. We have got their verdict, Madam, not only once, but thrice. And if by this we give any opportunity to Shri Patel to discountenance us at the election and to swell his number, we are prepared to give him the opportunity, and we are not afraid of facing the electorate.

Thank you.

THE DEPUTY CHAIRMAN: The question is:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Constitution of India, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:

1. Shri T. M. Dasgupta
2. Shri Rohit M. Dave
3. Shri Khandubhai K. Desai
4. Shri N. C. Kasliwal
5. Shri D. C. Mallik

6. Shri Joseph Mathen
7. Shri Nafisul Hasan
8. Shri P. Ramamurti
9. Sardar Raghbir Singh Panj-hazari
10. Shri Sonusing Dhansing Patil
11. Shri Kota Punnaiah
12. Shri G. Rajagopalan
13. Thakur Bhanu Pratap Singh
14. Shri A. B. Vajpayee
15. Shri J. Venkatappa".

*The motion was adopted.*

#### THE MAJOR PORT TRUSTS BILL, 1963.

THE MINISTER OF SHIPPING IN THE MINISTRY OF TRANSPORT (SHRI RAJ BAHADUR) : Madam, I move:

"That the Bill to make provision for the constitution of port authorities for certain major ports in India and to vest the administration, control and management of such ports in such authorities and for matters connected therewith as reported by the Select Committee, be taken into consideration."

At this juncture, I only desire to express my grateful thanks to the Chairman and members of the Select Committee who finished their examination and their very difficult task within the time allotted by this House. I would like to reserve my other observations for the reply.

*The question was proposed.*

SHRI M. P. BHARGAVA: (Uttar Pradesh): Madam, I take this opportunity of thanking the House for agreeing to my amendment for referring the Bill to a Select Committee of this House. In my amendment I had said that the Committee be asked to report by the first day of the next session. The hon. Minister moved an amendment that the Committee be asked to report by the 19th of this month. The Minister, as he explained in the Select Committee,