

میں چاہوں - تو میری سمجھ میں نہیں آتا کہ پرائم منسٹر صاحب نے انکوائری کرنے سے پہلے اپنی رائے کیسے دے دی اور وہ بھی ہاؤس کے باہر - اس لئے میری درخواست ہے کہ آپ اس معاملہ میں ہماری مدد کریں اور اس ہاؤس کا پروٹیکشن دیں -

† [श्री अब्दुल गनी : मेरी अर्ज यह है कि जब यह बात सामने आई कि जुड़ी शिपल इन्क्वायरी हो क्योंकि वह भी कहते हैं और हम भी कहते हैं या हम जेल में जाएँ या वह जेल में जाएँ, तो मेरी समझ में नहीं आता कि प्राइम मिनिस्टर साहिब ने इन्क्वायरी करने से पहले अपनी राय कैसे दे दी और वह भी हाउस के बाहर। इस लिये मेरी दरखवास्त है कि आप इस मुआमला में हमारी मदद करें और इस हाउस को प्रोटेक्शन दें।]

श्री सभापति : मैं समझता हूँ कि इसमें कोई कंटेम्प्ट हाउस की नहीं हुई है। और जो राय उन्होंने दी है वह राय पहले भी दे चुके हैं, हाउस में भी दी है। उन्होंने यह भी कहा कि कोई इन्क्वायरी कर रहे हैं और वह कर रहे हैं।

SHRI DAHYABHAI V. PATEL (Gujarat): Sir, I think there is a good deal of substance in what Mr. Ghani is urging. If there is going to be an enquiry, a fair enquiry, and if any judgment is pronounced by a person like the Prime Minister himself, what are we going to get out of that enquiry? How can there be an independent judgment?

MR. CHAIRMAN: There is no question of judgment in matters of enquiry. Anything that he has said does not refer to matters of enquiry.

THE CONSTITUTION (SEVENTEENTH AMENDMENT) BILL, 1963

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI BIBU-DHENDRA MISRA): Sir, I beg to move:

"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 M. N. Govindan Nair
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."

Sir, this Bill has two clauses. It seeks to amend article 31A of the Constitution as well as to put certain State Acts in the Ninth Schedule. Sir, apprehension has been expressed that probably by this Bill certain new principles of expropriation of land are going to be introduced. I only want to assure the House that this is an enabling Bill in which no new policies have been enunciated. It merely seeks to empower the State Legislatures to implement the policies that have been accepted not only in the Constitution of India but also accepted by the Government as also in this House with regard to land reforms.

Sir, experience has shown that it has not been possible on the part of the State Governments to implement the various land laws that have been

[Shri Bibudhendra Misra.]
enacted by the State Legislatures for the simple reason that they have been attacked by the courts. Therefore the policy that has been accepted by Parliament has been set at naught due to some legal quibbles or legal difficulties. That has been stated in the Statement of Objects and Reasons.

Now, I will refer to article 31A which empowers the States to acquire any estate or any rights therein or the extinguishment or modification of any such rights. But this power is given to the State Legislatures. So far as any estate is concerned, Sir, 'estate' has been defined in the same article which reads:

"The expression 'estate' shall, in relation to any local area have the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area, and shall also include . . ."

Sir, it has been seen that so far as the land policy of the Government is concerned, we have travelled fast. The first step with regard to land reforms was the abolition of intermediaries. Now we have contemplated estates where the tiller of the soil should be the actual owner of the land. These are the steps that we have contemplated in the land reforms laws. They have been formulated by the Planning Commission and also accepted by this House. As I have pointed out, it has been laid down in article 31A that the acquisition of any estate by the State will be protected so far as article 14, 19 and 31 of the Constitution are concerned only if it is in relation to an estate. What the courts see first of all is whether the legislation is in regard to estate as defined in the Constitution. If they hold that the legislation is in regard to estate as defined in the Constitution, then they do not go into the question of article 14, 19 and 31. But once they hold that the legislation is not covered by the word 'estate' as

given in the Constitution but goes beyond it, it is open for the courts to see whether the provisions of articles 14, 19 and 31 are affected and whether the law is discriminatory or not. Sir, as I have already stated, we have travelled fast so far as the land policy of the Government is concerned. It was thought that the definition of 'estate' should be widened so as to practically include every land which is used for the purposes of agriculture.

In this connection, Sir, I may state the definition of 'land' which we now propose to incorporate in article 31A. I am referring to it because during the debate in the Lok Sabha objections were raised. It says:

"(iii) any land held or let for purposes of agriculture or for purposes ancillary thereto, including waste land, forest land, land for pasture and sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans."

There seems to be some misapprehension as if the structures occupied by cultivators of land, agricultural labourers and village artisans will be taken over under the law, as if the village workers and artisans will be deprived of their property.

The point is different. It is not to deprive the agricultural artisans or village labourers of their structures that this is being envisaged. On the contrary, they are only occupiers without any right to the land and if any acquisition becomes necessary or any modification of the right of the landlord becomes necessary, the land has to be acquired not for purposes of evicting the village artisans or the cultivators of land but for the purpose of conferring certain rights on them. Therefore, Sir, whole scheme is, as I have already said, to give benefit to the tiller of the soil, to see that the actual tiller of the soil becomes owner of the land as has been the accepted land reform policy

of the Government and there need not be any apprehension that the structure or the dwelling house occupied by the village artisan or the labourer will be taken away and they would be left on the streets.

Then, Sir, so far as the second amendment is concerned, it seeks to incorporate in article 31 certain other land laws which have been passed by different State Legislatures. The whole purpose of doing it is to put it beyond the pale of judicial conflict so that the land laws may be implemented soon, so that the parties, on some pretext or the other, whose interests come into clash with the proposed legislation, do not come to a court of law and in the process the implementation of the land policy that has been accepted by the Government is delayed. That is the purpose, Sir, for which these 124 enactments of different State Legislatures are proposed to be incorporated in the IX Schedule of the Constitution.

Objection has been raised, Sir, that it is a blanket legislation which at one stroke puts into Schedule IX of the Constitution 124 Acts of the State Legislatures and puts them beyond the pale of the courts to go into the provisions of those Acts that were sought to be put in the IX Schedule of the Constitution. In this connection, Sir, I can only point out, firstly, I do not say that a thorough examination has been made of these 124 Acts that are now proposed to be put into the Schedule, but I can only say that these Acts have been looked into by the Planning Commission, by the Ministry of Agriculture and sometimes also—I am not very sure, how many cases—by the Ministry of Law because article 31 envisages that any law made under this article has to receive the assent of the President in order to become a law, in order to have the force of law. Therefore, whenever these Acts have received the assent of the President they have been examined by the Government at some stage or the other. And now it is pro-

posed that this should be sent to a Select Committee. The Joint Committee will also have an opportunity of looking into the various provisions of the different Acts that are now sought to be incorporated in the IX Schedule of the Constitution.

Sir, I want to make it clear that there need not be any fear as if any expropriation is going to be made by this amendment. This is an amendment of the Constitution. This amending Bill, if it is passed, does not mean that expropriation of land is made, or that without any notice, by a mere executive order the land of X, Y or Z, or anybody can be taken away. This is an enabling provision. As I have said, it empowers the State Legislature to give effect to and to implement the land policy they would have adopted. And once this is passed it will come within the jurisdiction of the State Legislature; land reform being in the State List of the Constitution they are the competent authority to consider what laws should be passed by them, of course, within the direction given by the Government of India. So far as planning is concerned, it will be for the State Legislature to determine what the laws would be. **Here only** we enable them by widening the definition of "estate" in article 31A of the Constitution. We only enable them to speedily implement the land policy that has been accepted by Parliament.

This is all that I want to say now. If any point is raised or if any doubt is raised, I will try to answer it to the best of my ability while I reply. With these words I commend the motion.

The question was proposed.

SHRI K. V. RAGHUNATHA REDDY (Andhra Pradesh): Mr. Chairman, Sir, this amending Bill, for the purpose of seeking the amendment of the Constitution, though it has come rather late in the day, should be welcomed by all parties in this House. I had listened with very

[Shri K. V. Raghunatha Reddy.] careful attention to the speech delivered by my hon. friend, the Deputy Minister of Law. He has made a very clear, cogent and fervent appeal about the necessity of commending this Bill to the Joint Committee and also passing this Bill into an enactment as early as possible.

As he has stated, Sir, this amendment has become a necessary part of the Constitutional law now by way of an amendment in view of the judgment of the Supreme Court, dealing with the interpretation of the word "estate" in the Kerala Land Relations Bill, in the Karimbil Kunhikoman case, wherein all the three Judges who constituted the Bench of the Supreme Court were faced with the problem of construing the word "estate" as it was found in the Kerala Land Relations Bill. And in trying to construe the expression "estate" it had been argued before the Supreme Court that the meaning sought to be attributed to the word "estate" in the Kerala Land Relations Bill is something different from that of the meaning that is to be attributed to the word "estate" as it is to be found in the "Estate Land Act" which has been passed by the composite State of Madras. And if there was a difference between the two, it violated article 14 which guaranteed equality before the law and hence it became *ultra vires* the Constitution.

Sir, having accepted a Parliamentary democracy and having also laid down in the Constitution and found a machinery which would enable us to have a judicial review of the legislation under the Constitution, we are bound by the judgment of the Supreme Court. Apart from the general principles of Parliamentary democracy, the Constitution itself lays down that under article 141 of the Constitution the judgments regarding the laws decided by the Supreme Court are binding on all courts. In other words, the law stated by the Supreme Court becomes a part of the law of the land. Whatever might

be the intentions of Parliament or the legislature of a State, we here, as Members of Parliament, may pass laws, but ultimately all laws passed are subject to a judicial review. And even if it amounts to judge-made laws, even if the Judges decide something other than what is stated in the Act and pass a judgment, still it is law of the land under article 141. It may amount to judge-made law, still we are bound by it. Due to these circumstances, Sir, the Government is faced with the difficulty of solving this enigma of interpreting the word "estate" and bringing it in conformity with the modern notions so that the land legislations, that have been passed by the various States and the land reforms which were considered necessary and passed by the State Governments and also approved by the Planning Commission, have to be protected legally. In other words, we will have to give the sanctity of the rule of law to the land reforms which we wanted to bring forward. In order to give it the sanctity of the rule of law, unless there is a proper legislation which is valid, which can stand the test of judicial review, the rule of law cannot be there. That is the purpose, I presume, for which the hon. Deputy Minister has come forward with this Constitution (Amendment) Bill.

Now apart from the question of law, one or two matters of social ethics are involved here. A question can be asked: "Why are you in such a hurry to bring forward an amendment to the Constitution and is it proper to rush with legislation and amendments to the Constitution so many times?" It has been argued, very pertinently sometimes, that the Constitution is being amended more number of times than any other piece of subordinate legislation but it is to be remembered that when the Constitution-makers have laid down the principles of the Constitution, the Constitution was not meant to be a static document. The Constitution of a country, as it is framed, has to be adopted to the changing needs of the

times. The law and reform, it is said, are two elemental principles of a social process and as a part of the social process, the law is for man and not man for the law. In other words, I do not mean that man is not bound by the law, but all laws, its institutions and all legislations, are meant for the happiness of man and to regulate human conduct and when the man feels that there must be a change in the legal system, or wants to support or give the sanction of the rule of law to the notions which he develops later, then the law has to be changed. If that is the view, the two amendments which are being introduced by the Minister are very much welcome.

Before I close my speech I would only like to express one doubt which I have in my mind. While I agree that it is absolutely necessary to bring in land reforms, the land reforms alone are not going to solve the problem. For this purpose we will have to understand the question why we are bringing these land reforms. For the purpose of creating a socialist society, as one of the first steps we thought of bringing land reforms in order to stabilise the land relations for the purpose of removing the inequalities of wealth as far as agricultural land is concerned. To appreciate this argument I want to develop a little further. The entire concept of land, private property or socialism, is considered to be valuable in relation to insecurity of to-morrow. Being afraid of various social and economic forces or what might happen tomorrow, we have amassed our wealth, conserved some institutions like private property for the purpose of protecting ourselves for tomorrow when we may be in need. But is this land reform alone going to help us? Even as a minimum step the mere changing of land relations or proprietorial rights, however good-intentioned it may be, however necessary it is for the present, one thing which the Government ought to realise is, the mere fact that you are going to give the land to the tiller—at least I agree with the criticism of some Hon. Members here—

is not going to increase the production. The mere fact that you are going to give the tiller the land—it alone will not help. You must not only give the land to the tiller but you should give him sufficient economic aid to till the land. For this purpose probably it will be very much better if we change the slogan to 'Land to the co-operatives and tillers to the co-operatives'. Instead of 'land to the tiller' if you give the slogan 'All land which can be saved or which is surplus should go to the co-operatives and all tillers to the co-operatives', if this transformation takes place in economic thinking, I think that would be a further step in the first stage of land reforms. The second stage of co-operatives will lead us to a further transition to socialism. If these are the views, as the law stands today it needs to be amended and I welcome this Bill and I wish all good luck to the Joint Committee who are going to deliberate on this.

SHRI G. S. PATHAK (Uttar Pradesh): Mr. Chairman, I congratulate the Deputy Law Minister on his able exposition of the objects of this Bill. I support the motion and in principle I accept the Bill. Now this is one of the most important Bills which we have had to deal with. It is recognised and must be recognised on all hands that increase in agricultural production is a matter of top priority. It is also universally recognised that you cannot increase the production without introducing land reforms. The intermediaries must go, the tenants' rents must be reduced and the tenant must become the owner of the cultivated land. All this has to be done speedily if we want to reach the goal in the matter of increased production. The work that was started in about 1950 must be completed as expeditiously as possible and our Plan in this respect must be implemented. Impetus must be given to the production and that can be given only if we speedily accomplish the objects delineated in our Plan with reference to land reforms. For the sake of uniformity, it is necessary, as the Deputy Law

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Minister said that the definition of 'Estate' should be changed and some Acts must be protected on the lines envisaged in article 31 (B). But Mr. Chairman, these are 123 Acts. We have had no familiarity with either the text of the Acts or their working. They were not passed by the Parliament. We are at a disadvantage and we have to take the responsibility of validating 123 Acts and immunising them from all attacks on grounds contained in Part III without having examined them in detail. I am feeling handicapped and am sure, hon. Members who have to consider this Bill, must also be feeling handicapped. I would suggest to the Government that they should circulate copies of all these Acts so that we may become fully acquainted with what is contained in them and we may be able to place such considerations before the House as may be relevant and appropriate. This examination is essential because we find by experience that it is necessary to ascertain whether the object sought to be achieved, namely, the object of land reform, has in fact been achieved, and further whether this amendment of the Constitution will succeed in achieving that object. It will be also necessary to ascertain what provisions of these Acts are not related to the subject of land reform, what are the provisions which may be defective, either from the constitutional point of view or otherwise, and which, therefore, might cause injustice and result in hardship. These are all matters which it is necessary to ascertain in order to find out whether the defects can be remedied and if so, whether after the defects are remedied, they should be put in article 31B and the Schedule annexed to it.

Mr. Chairman, it is necessary also to examine whether, when the defects are discovered, they should be first rectified by the State Legislatures which alone are competent to rectify them, before they are put in the Constitution, because once they are put in the Constitution, they will be immune from all attacks as described

in article 31B and there will be perpetuation of that injustice which may flow from those defective provisions. Of course, the Joint Select Committee will examine the judicial decisions in order to find out what are the defects pointed out by the courts and in what respects the courts have stated that the provisions of certain Acts are unconstitutional and void. Ultimately, the responsibility is that of Parliament and as I have submitted, Parliament cannot discharge that responsibility unless it is enabled to examine all those Acts, 123 in number.

To illustrate what I am submitting for the consideration of Parliament, and for the consideration of the Government, and to illustrate the necessity for a very sifting investigation into the contents of those Acts and into the validity thereof, I may, with your leave, Sir, mention two Acts. The first Act that I will mention is Bombay Act No. 57 of 1958. That is given in No. 68, page 4. The Supreme Court has decided that this Act was beyond the competence of the State Legislature. The very serious question for consideration would be whether the putting in of this Act in the Ninth Schedule would validate this Act or would protect this Act against the plea that the State Legislature was not competent to enact it. I submit that the language of article 31B protects it against an attack based upon the Fundamental Rights only. I am reading article 31B:

"Without prejudice to the generality of the provisions contained in article 31A, none of the Acts and Regulations specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void, or ever to have become void, on the ground that such Act, Regulation or provision is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this Part, notwithstanding any judgment, decree or order of any court or tribunal to the contrary, each of the said Acts and Regulations shall subject to the power of any competent Legisla-

ture to repeal or amend it, continue in force."

I shall show in a minute that this Act was held to be void by the Supreme Court on the ground that the State Legislature had adopted a device by which the State Legislature assumed competence and the Supreme Court said it was a colourable action on the part of the State, and the State was not competent to make this enactment.

In this Act, what happened was that taluqdars tenures were abolished by an Act of 1949. On what is known as the Tiller's Day, which was the 1st of April, 1957, the rights of the taluqdars were taken away and in lieu thereof, the taluqdars became entitled to receive compensation from those permanent tenants and other tenants who were entitled to step into their shoes, at certain fixed rates. The Bombay Legislature made a law amending their Revenue Law by which the definition of 'permanent tenant' was altered, the result of which was—certain definitions were altered—that what belonged to the ex-taluqdars who had become occupants was taken away in part from them. That is how the question arose. Without going into any further detail, I will place before the House what the Supreme Court has said: With this decision, it will be an exercise in futility to put these Acts in the Ninth Schedule, unless some other parts of the Constitution are also amended. What the Supreme Court said about this Act is this:

"The relation between tenure-holder and the tenant had changed from that of landlord and tenant to that of creditor and debtor. When, therefore, the impugned Act of 1958 affected the right of the petitioner as creditor to get a certain sum of money from the debtors, it did not provide for the acquisition by the State of any estate or of any rights therein, nor did it provide for

the extinguishment or modification of any such rights. Therefore, article 31A has no application and cannot save the impugned Act of 1958."

"The true scope and effect of the provisions in sections 3, 4 and 6 of the impugned Act, 1958 is to considerably reduce the purchase price payable to the petitioner and this has been secured by the device of defining permanent tenant in such a way that the tenure-holder has no real opportunity of contesting the claim of the tenants. In that view of the matter, the impugned Act, 1958 does not fall within any entry of List II or List III of the Seventh Schedule to the Constitution and is a piece of colourable legislation."

They said:

"We are of the view that this is what has happened in the present case. Under the guise of defining a permanent tenant or changing the rule of evidence, what has been done is to reduce purchase price, . . ."

Even if you put this Act in the Ninth Schedule, it may be safe from an attack based on article 14 or other Fundamental Rights but the question will still be whether the Act was void on the ground of lack of competence on the part of the legislature. The Supreme Court pointed out that the Legislature had no power to enact that Act, as the matter did not fall either in List II or List III and therefore the State Legislature was not given the power to enact it. Thus it will not be immune from attack even if we put it under article 31B. This is a matter which deserves consideration of the Government as well as of the Joint Committee which is going to be formed.

SHRI AKBAR ALI KHAN (Andhra Pradesh): In such a serious matter, why did they fix the 1st of April?

SHRI G. S. PATHAK: That is for you to check. The other matter is that if it is a matter relating to purchase money to be reduced, that is not

[Shri G. S. Pathak.]

land; and however much you may alter the definition of an estate, it must be 'land' before it can be a subject for inclusion in the Ninth Schedule and it has to be competently passed by the Legislature.

I will give you another example, that of the Kerala Agrarian Relations Act. I agree that the definition of the word 'estate' should be changed. Certain territories were taken over from Madras to Kerala and the definition in Madras was quite different from the definition in Kerala. There was no protection to that law. I agree that the definition of 'Estate' should be changed. But there are three more respects in which the Supreme Court has said that discrimination has been created by this law. Now, I wish to understand—and I have not been able to understand so far—how it can be said that in all those matters in respect of which, according to the decision of the Supreme Court, there has been discrimination created and, therefore, injustice, the law can be said to be in relation to land reforms. I will give you three instances in which the Supreme Court has said that the law is bad, particularly the manner of doing it. Take, for example, the question of the definition of 'family.' The Supreme Court has said that there are three classes of persons living there, the joint family and two other classes governed by the matriarchal law. Now, they say that the definition given in the Statute would create discrimination among people of each class and consequently, this is bad. Now is it permissible for the Legislature to create discrimination among persons of the same class for purposes of effecting land reforms? Now, if there are such defects, constitutional or otherwise, which have been noticed by the Courts and which, according to the views of the courts, are invalid, then for the purpose of carrying out these reforms, it is not necessary to perpetuate those discriminations which necessarily would

result in injustice. There are two others. I will give you the third one. I am giving this by way of example.

SHRI M. N. GOVINDAN NAIR
(Kerala): Give the other case also.

SHRI G. S. PATHAK: You want that also? Very good. There are certain classes of plantations and the Supreme Court has said that the Legislature has created discriminations between those different classes like arecanut, tea, coffee, etc. Why has the Legislature created this distinction? The Supreme Court has said that this is wrong and, therefore, this should be upset. The third case is where they have created discrimination in the matter of compensation. Those who have got a higher income will get less compensation than those who have got less income. Now, the Supreme Court says we can have slabs in the matter of taxation, take away larger amount of money from people who are rich but in the matter of taking away property, compensation should be paid in accordance with the amount of property. That is the view expressed. Whatever may be the view which we may hold politically on these matters, according to this decision of the Supreme Court, there is discrimination created in respect of certain matters which have got no relation to land reforms. What relation has the question of 'family' got with land reforms? All the families should be covered by the law equally and without any discrimination. This is another illustration of an Act which, without affecting the policy of land reforms has created discrimination. Now, it appears—if I am correct—that the Kerala Government wanted to remove these defects. The Central Government said that it would validate these laws without first removing the defects. The Deputy Law Minister will correct me, if I am wrong. The result of such an action would be that these discriminations which naturally hurt people, which create injustice, which create a

feeling of injustice in the minds of the people, will continue when they are put under article 31B and in the Ninth Schedule, while they can be rectified without impairing the object of land reforms which is the sole object of this Bill. There may be other illustrations which you may find on an examination of these various Acts—this is Act No. 94 in the list—and I would, therefore, request the Government to consider all these Acts individually, examine them and see whether they can be brought under the Ninth Schedule as they stand. So far as the question of land reforms is concerned, it is not open to anybody to say that land reforms result in injustice because it is a question of the interest of the community and the rights of individuals must be sacrificed to the interests of the community but so far as other matters are concerned, matters which are not connected with land reforms, it would be sad if those injustices continue.

SHRI M. N. GOVINDAN NAIR
With your permission, Sir, I may be allowed to withdraw my name from the Joint Committee. I would suggest that Shri P. Ramamurti's name may be included instead.

SHRI BIBUDHENDRA MISRA: I have no objection.

MR. CHAIRMAN: All right.

SHRI MULKA GOVINDA REDDY (Mysore): Mr. Chairman, in the preamble to our Constitution we have stated that we, the people of India, have solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all its citizens justice—social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and of opportunity; and to promote among them all fraternity assuring the dignity of the individual and the unity of the nation. It is nearly sixteen years since we became independent and more than thirteen years since we

passed this Constitution. I regret to say that in this sovereign Parliament of ours we are still working under the shadow of two foreign rulers one of George V at the India Gate and another of Lord Irwin here. It is very humiliating to have these statues; instead we should have the statue of Mahatma Gandhi at the India Gate and that of Subash Chandra Bose at the other end.

Mr. Chairman, in the Directive Principles of State Policy we have stated that the State shall in particular direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means of livelihood; that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment, and so on. All these and many other articles that are included in Chapter IV, we have not been able to achieve, though to a certain extent some of them may have been implemented. And for that we have now before us the Constitution (Seventeenth Amendment) Bill. Within a short space of thirteen years the Constitution has been amended sixteen times and this is the seventeenth amendment that we have before us. When this Constitution was adopted the concept of socialism was not included in it. In fact the Constitution was not based on the concept of socialism. We have now accepted socialist society as the objective and . . .

MR. CHAIRMAN: I am sorry to interrupt you but I may have to interrupt you at 12 o'clock because I have asked the Finance Minister to come and make a statement here. Of course you still have five minutes.

SHRI MULKA GOVINDA REDDY: All right, Sir, I shall stop then and continue after his statement.

[Shri Mulka Govinda Reddy.]

Now, we must remember, Mr. Chairman, that this Constitution was passed by the Constituent Assembly elected on a limited franchise and not on adult franchise and when this was passed we had not accepted socialist society as our goal. Sixteen times we have amended this Constitution and many a time rightly and this seventeenth amendment is absolutely necessary. I lend my full support to this amendment. What I am striving to point out is that many of the fundamental principles which we have included in this Constitution have not been achieved and from the pace at which we are moving to achieve these objectives it looks that it will be a long-drawn-out process. I therefore earnestly plead that the time has come for setting up, if not another Constituent Assembly, at least a Constitution Committee to review and revise on the basis of the objective of socialist society that we have set before us. Mr. Chairman, the necessity for bringing forward this seventeenth amendment to the Constitution has already been stated by the Deputy Minister for Law. The Supreme Court struck down the land reform legislation of a State and the High Court of Kerala also struck down the land reform legislation of that State. When we have accepted certain basic principles to guide our country and when we have placed socialist society as our goal it is but necessary that we should give adequate protection to the proper sections of the population. Asia is the home of hungry millions and India is no exception. In India we have stark hunger facing us; poverty is very deep-rooted and unless this poverty is eliminated we will not have men growing to their full height and this amendment of the Constitution helps us partially to achieve that goal. Many States have passed land reform enactments but most of them have not been implemented because of certain judgements of the courts. So we should not allow the land legislation that has been passed by some of the States to remain as an idle ornament in the Statute Book. They should be

implemented. There are too many disparities in the agricultural community in the rural parts. We have about twenty-seven crores of people living on three annas a day and if ten per cent of the agricultural population is excluded from this calculation they live on two annas a day whereas we have millionaires and *crorepathies* whose income per day is more than Rs. 3 lakhs. Such wide disparity of incomes and living standards will not find a parallel anywhere in the world. So it is but right that we should have a very drastic remedy to solve these ills. The disparities that obtain in the country between the landless labourer and the big agriculturist are so wide that we should do something to narrow down this gap. The agriculturists are leading a very miserable life. All these years they have been the hewers of wood and drawers of water for the agricultural gentry. They should not be allowed to continue as sappers and miners for these exploiters. We should do something to safeguard their interests, to make them have the fruits of their own labour. The tiller of the soil should be made the owner of the soil. Unless that is achieved we will neither have prosperity nor enough agricultural produce to feed the millions of our people.

12 Noon

MR. CHAIRMAN: You may continue later on. The Finance Minister.

STATEMENT RE GOLD CONTROL AND COMPULSORY DEPOSIT SCHEMES

THE MINISTER OF FINANCE (SHRI T. T. KRISHNAMACHARI): Mr. Chairman, I had indicated in reply to questions in this House that I would make a statement before the House rose on gold control and the compulsory deposit schemes.

My distinguished predecessor had on more than one occasion outlined in this