

- (8) No. 1/9/55-F.I. dated the 7th ' February, 1955 (10 Declarations)
- (9) No. 1/10/55-F.I. dated the 15th. February, 1955 (3 Declarations)
- (10) No. 1/11/55-F.I. dated the 5th February, 1955 (1 Declaration)
- (11) No. 1/13/55-F.I. dated the 15th February 1955 (2 Declarations)
- (12) No. 1/18/55-F.I. dated the 1st March, 1955 (1 Declaration)
- (13) No. 1/21/54-F.I. dated the 1st March, 1955 (1 Declaration)

[Placed in the Library, See No. S-146/55 for (1) to (13).]

**THE CONSTITUTION (FOURTH AMENDMENT) BILL, 1955— *continued***

MR. CHAIRMAN: Yes, Mr. Pant.

SHRI BHUPESH GUPTA (West Bengal): Sir, before you take up the discussion on the Constitution (Fourth Amendment) Bill, I would like to submit that the time for the discussion— be extended a little. Yesterday, we had a very unhappy experience at a certain stage of the debate when many of us felt that we did not have an opportunity of having our say in the matter. Therefore, I request you to dispense with the lunch hour so that we may avail of that time and extend the discussion over this matter. I hope the Government will be agreeable to the proposition that I have made.

THE MINISTER FOR HOME AFFAIRS (SHRI GOVIND BALLABH PANT): Do I answer that?

MR. CHAIRMAN: If you want to answer that also, you may.

SHRI GOVIND BALLABH PANT: Sir, in fact, more time is being taken by this House over the consideration of this measure than was allowed to it in the Lok Sabha; because the whole of yesterday was taken up by this discussion, the period was extended. And the whole of today is perhaps going again to be allotted to this very Bill.

So Mr. Bhupesh Gupta will have his say and I think there will be no difficulty in making his weight felt by others.

MR. CHAIRMAN: All right.

SHRI LALCHAND HIRACHAND\* DOSHI (Bombay): Sir, I would submit that the time-limit given to the Lok Sabha need not be considered here as.....

MR. CHAIRMAN: Of course, we are not bothered by that. What he meant was that the Business Advisory Committee allotted a particular period for the discussion of this Bill. We have taken more time already than was allotted yesterday and today. So I do not think people who have anything relevant to say will be precluded from saying it at some stage or other.

SHRI GOVIND BALLABH PANT: Sir, I listened to the speeches that were delivered yesterday, with **rapt** attention. Only I am sorry I was not present here when Shri Bhupesh Gupta spoke.

SHRI BHUPESH GUPTA: Most of the time.

SHRI GOVIND BALLABH PANT: Most of the time I was here. I am all the same, glad to know that he likes my being here.

SHRI BHUPESH GUPTA: Very-much.

SHRI GOVIND BALLABH PANT: That I regard as a compliment, and I should like him to use a better instrument so that he may be able to catch every word that falls from the lips of the Members of this House.

Sir, I am glad that this measure has been generally hailed with gratification by the Members of this House. But for one or two hon. Members, all the others have welcomed the Bill in the form in which I presented it yesterday. One or two were rather not enthusiastic and they had their doubts and I shall still try to dispel them.

It has been said that we should not tamper with the Constitution lightly.

[Shri Govindi Ballabh Pant.] That principle has been accepted and it is not denied. But what we are doing by means of this amending Bill today is to rehabilitate the Constitution and not to tamper with it.

12 NOOH

The spirit of the Constitution, the intentions of the authors should prevail and where the language had been found defective or ambiguous it should be adjusted and revised so that the actual purpose for which the Constitution was framed and the intentions of the authors and the motives which actuated them may be fully borne out. There is no intention of tampering with the Constitution. The instrument that was framed for the purpose has been found defective and we are trying to remove the deficiencies. It has also been said that we are interfering with the fundamental rights. As I said yesterday, I do not see how any clause which lays down that no property shall be acquired or requisitioned except on payment of compensation can be regarded as an encroachment on the fundamental principles or on the rights of private property. If it had said that property will be acquired without payment of any compensation, one could have blamed the Government for it but what the Bill lays down is to the contrary. To that extent it further emphasises the acceptance of the right of private property. I should like to mention that the concept of private property is not a static one; it has been changing from time to time. In the good or bad old days, slaves were regarded as private property. Some time ago even women were treated as such. But the concept of private property has been changing and now property consists mostly not of money or of any material values but of credit and paper currencies. So, one can easily say that private property is a creature of the State. If there is to be disorder there will be no credit; if the State does not endow certain rights on the subjects -then the right of private property is extinguished altogether or is not created at all. So, whatever rights

there are, they are the creatures of the State and, if I may say so, of the Parliament which is the supreme authority in a democratic country. We have no desire to interfere with the rights of private property. I personally do not think that it will be consistent with our accepted canons of nonviolence and democracy to wipe out the right of private property. We may regulate it; we may control it or we may deal with it in a manner which will just conduce to the welfare of the community but we need not efface it completely. That has never been the intention. I personally think that there will be no malice against any class, whether a small owner or whether a big landlord or a big industrialist. We have no prejudice against any one class. The principle of non-violence is not consistent with the inevitability of class war in which some people believe. I personally think that a man like Jamshedji Nas-serwanji Tata is entitled to the gratitude of his countrymen now and we will ever remain thankful to him. So, let there be no prejudice and let there be no malice. What we have to do is that our resources should be expended in the just manner possible so that the establishment of the welfare State of our dreams may be speeded up and expedited. That is the only purpose which this Bill has before it.

Some Members have suggested that it will interfere with the jurisdiction of the courts. Well, in so far as the ambiguous language of the former clause (2) of article 31 compelled the courts to exercise the jurisdiction which the authors of the Constitution never imagined the courts possessed, that power the courts will cease to have but to the extent the courts were actually given any jurisdiction by the authors of the Constitution, the courts will continue to exercise. The need for this amendment arose out of the interpretations placed on this clause by the highest tribunal in this land in a series of cases which arose on this particular clause. There were differences between the Judges and there were inconsistencies between judgments till the last case when judgment

was pronounced in *Bela Banerjee's* case. There it was unequivocally held that the compensation that will be paid under this clause should be the full equivalent of the property. It is impossible to carry out any measure of social legislation if the market value for the property acquired is to be paid especially when large schemes of social reforms are to be launched, which we hope to, in the course of the next few years. No State can afford to pay the money equivalent of the property that will be acquired for the benefit of the poorer sections of the community in this land. So, that is conceded by all; even the protagonist of the other view, *Shri N. C. Chatterjee*, has also accepted, in his note of dissent, that in view of the decision given by the Supreme Court in *Bela Banerjee's* case, it had become absolutely necessary to amend clause (2) of article 31. No one else could espouse a case with greater force; he has done so but he has admitted that wherever schemes of social reform are taken up in right earnest, it is not possible to pay the market value of the property. It has, therefore, to be accepted that an amendment of article 31(2) had become unavoidable. That being conceded and it also being accepted that full market value cannot possibly be paid, I think the least intelligent will concede that no other formula could have been devised than the one which has found place in this amending Bill. It does not say that compensation will not be paid. In fact, we have paid compensation—the Congress Governments have paid compensation—even in cases where no compensation was payable under the law. Under the *Zamindari Abolition Act*, compensation has been prescribed. So far as the small landholders are concerned, it has been prescribed on a generous scale. All over, the system of graded and progressive compensation has been adopted. Even recently, we have the case of the acquisition of the shares of the *Imperial Bank*. There again, full compensation in a way is being paid.

So there need be no apprehensions. The only thing that we want is that

the compensation should be appropriate to the circumstances and should be determined with due regard to all factors some of which at least must necessarily fall beyond the field over which the courts can possibly exercise any power of review or survey. So in the light of these facts there need be no doubt about the purpose of this amendment. We don't want the big schemes to be held up because of any subtle cobwebs or any prolonged arguments in courts. We want a straight forward method of dealing with really big things and that is what this amendment purports to do. Then, really, can anybody override the wishes of the Parliament? Even if you were to provide that market value should be paid, the market value can be manoeuvred in many ways. I can give an instance, just a real one.

In *Uttar Pradesh* zamindaries were acquired. Well, the zamindars who owned large estates and paid Rs. 20,000, Rs. 40,000, a lakh and so on as land revenue—big incomes—would have received a very heavy amount as compensation. So agricultural income-tax was introduced and more than half of their income was taken away in the form of agricultural income-tax with the result that their net income was reduced by more than 50 per cent. So, though the formula was prescribed that eight times the net income would be payable by way of compensation, in fact they were receiving only four times of what they would have received if the agricultural income-tax had not been introduced a year earlier. The agricultural income-tax was at the rate of about 50 or 60 per cent., but it could well have been at the rate of 95 per cent, or even 99 per cent. You can always impose taxes according to your will, if you so like in an arbitrary manner. You can prescribe the rents of buildings at a rate which will not even cover the cost of their repairs and the owners may be forced to part with them as they would be converted from an asset into a liability. So let us accept the real truth that the Parliament is the sovereign authority. Whatever rights are possessed, they are

[Shri Govind Ballabh Pant.] really cared for, sustained, accepted and maintained by the Parliament. If you accept this, then let us also accept that the ultimate authority in these matters must vest in the Parliament. But those who say that justiciability has been eliminated are not quite correct. If, as I said yesterday, the compensation is only illusory or if it comes to a fraud on the Constitution, then the courts will have every right to intervene.

Then it was said that the executive has done many outrages. If any outrages have been committed, these were committed before this amendment was thought of. We have not yet passed this amending Bill. So at least this Bill is not responsible for them. It must be due to other causes for which this Bill cannot be held responsible. Those other causes must be remedied and set right. But so far as this Bill goes, it gives no authority to the executive. It gives the authority only to the Parliament and to the legislatures. It will be for them to frame the laws according to their likes, and I am certain that they will be guided by the basic principles of justice and equity in reaching their decisions and in giving them the sanction of law. If we have no faith and confidence in ourselves then we cannot run the affairs of this country. If we have faith in ourselves, then we must be wedded to the principles of justice, equity and good conscience because it is only these which can sustain a State. Ultimately every State is on the pillars of righteousness and so long as we adhere to that basic principle there is no danger to anybody. If we depart from that, then, whatever be the law, there is hardly any safety or security.

Some hon. Members also spoke about the sense of security being impaired or disturbed. Where does the sense of security lie? If you resist the demands of the times, then the false sense of security will receive a shock which will upset everything. In order that the sense of security may be maintained in a really secure way it

is desirable that we must adjust our programmes to the requirements of the times. We are living in a dynamic age. We cannot allow ourselves to be lost in the backwaters considering the changes that the times demand. Our laws have to take note of the upsurges which are today noticeable in the country and to see that they satisfy the hunger and the thirst of the soul of India and the hankerings of the people of this land. If we fail to do that we will fail miserably. So we must take stock of the situation and do what is right.

I do not consider it necessary to take much time of the House. The amendments almost cover the same ground. But before I close I would refer to the story to which Mr. Wadia adverted yesterday. He spoke of a windmill at Potsdam which he saw nearly fifty years ago. He could not find anything nearer home or nearer these times to quote or to cite. I would remind him of another windmill and it was seen by Don Quixote and Sancho Panza, and there the notable knight tried to fight with the windmill with the result that he and his ass were both badly maimed and mangled.

PROF. A. R. WADIA (Nominated): That is much older, Sir.

SHRI GOVIND BALLABH PANT: Well, the windmill of those times did not carry any lesson to Frederick. He was deluded by his own windmill with the result that many evils followed in Germany and Germany had to suffer more than any country in the world. So let us take a lesson from that and learn to be wiser than the Germans under Frederick or thereafter the Prussians have proved themselves to be.

MR. CHAIRMAN: The question is:

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

Under article 368 of the Constitution the motion has to be adopted by

the majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

SHRI BHUPESH GUPTA: I think there is none in the House who is opposing. In that case we can avoid this procedure of voting.

MR. CHAIRMAN: Still we have to do it.

SHRI GOVIND BALLABH PANT: We will have the privilege of voting with you. For that at least we should have it.

*(The House then divided.)*

AYES—131

Adityendra, Shri.

Agnibhoj, Shri R. U.

Agrawal, Shri J. P.

Ahmad Hussain, Kazi.

Ahmed, Shri Fakhruddin Ali.

Aizaz, Rasul Begam.

Akhtar H'usain, Shri.

Amolakh Chand, Shri.

Bed&vati Buragohain, Shrimati,

Beed, Shri I. B.

Bharathi, Shrimati K.

Bisht, Shri J. S.

Cham an Lall, Diwan.

Ghandravati Lakhanpal, Shrimati.

Chaturvedi, Shri B. D.

Chauhan, Shri Nawab Singh.

Daga, Shri Narayandas.

Dangre, Shri R. V.

Dasappa, Shri H. C.

Das, Shri Jagannath.

Deogirikar, Shri T. R.

Deshmukh, Shri R. M.

Dhage, Shri V. K.

Dharam Das, Shri A.

Doogar, Shri R. S.

Dube, Shri Bodh Ram.

Dube, Dr. R. P.

Faruqi, Moulana M.

Galib, Shaik.

Ghose, Shri B. C.

Gilder, Dr. M. D. D.

Gour, Dr. R. B.

Gupta, Shri Bhupesh.

Gupta, Shri R. C.

Hardiker, Dr. N. S.

Hathi, Shri J. S. L.

Hegde, Shri K. S.

Hemrom, Shri S. M.

Indra Vidyavachaspati, Shri.

Italia, Shri D. D.

Jafar Imam, Shri.

Jalali, Aga S. M.

Kalelkar, Kakasaheb.

Kamalaswamy, Shri T. V.

Kapoor, Shri Jaspat Roy.

Karayalar, Shri S. C.

Karumbaya, Shri K. C.

Khan, Shri Abdur Rezzak.

Khan, Shri Akbar Ali.

Khan, Shri Ahmad Said.

Khan, Shri Barkatullah.

Kishen Chand, Shri.

Krishna Kumari, Shrimati.

Lakshmi Menon, Shrimati.

Lall, Shri Kailash Bihari.

Leuva, Shri P. T.

Lilavati Munshi, Shrimati.

Mahanty, Shri S.

Mahesh Saran, Shri.

Mahtha, Shri S. N.

Malviya, Shri Ratanlal Kishorilal.

Mathur, Shri H. C.

Maya Devi Chetty, Shrimati.

Mazhar Imam, Syed.

Menon, Shri K. Madhava.

Misra, Shri S. D.

Mitra, Dr. P. C.

Mona Hensman, Shrimati.

Mookerji, Dr. Radha Kumud.

Mujumdar, Shri M. R.

Mukerjee, Shri B. K.

Murari Lai, Dr.  
 Nagoke, Jathedar U. S.  
 Naidu, Shri P. S. Rajagopal.  
 Narendra Deva, Shri.  
 Obaidullah, Shri.  
 Pande, Shri T.  
 Pant, Shri Govind Ballabh.  
 Parikh, Shri C. P.  
 Parvathi Krishnan, Shrimati.  
 Pattabiraman, Shri T. S.  
 Pawar, Shri D. Y.  
 Pheruman, Sardar D. S.  
 Prasad, Shri Bheron.  
 Pushpalata Das, Shrimati.  
 Pustake, Shri T. D.  
 Raghavendrarao, Shri.  
 Raghubir Sinh, Dr.  
 Rajagopalan, Shri G.  
 Raju. Shri A. S.  
 Rao, Shri Krishnamoorthy.  
 Reddy, Shri A. B.  
 Reddy, Shri M. Govinda.  
 Saksena, Shri H. P.  
 Sambhu Prasad, Shri.  
 Sarwate, Shri V. S.  
 Satyanarayana, Shri M.  
 Savitry Nigam, Shrimati.  
 Seeta Parmanand, Dr. Shrimati.  
 Shah, Shri B. M.  
 Sharda Bhargava, Shrimati.  
 Sharma, Shri B. B.  
 Shetty, Shri Basappa.  
 Shrimali, Dr. K. L.  
 Singh, Dr. Anup.  
 Singh, Sardar Budh.  
 Singh, Sardar Swaran.  
 Singh, Thakur Bhanu Pratap.  
 Singh, Shri Ngangom Tompok.  
 Singh, Shri Nihal.  
 Singh, Shri Ram Kripal.  
 Singh, Shri Vijay.  
 Sinha, Shri Rajendra Pratap.  
 Sinha, Shri R. P. N.  
 Sokhey, Ma].-General S. S.

Subbarayan, Dr. P.  
 Sur, Shri M. M.  
 Tamta, Shri R. P.  
 Tankha, Pandit S. S. N.  
 Tayyebulla, Maulana M.  
 Vaidya, Shri Kanhaiyalal D.  
 Valiulla, Shri M.  
 Vallabharao, Shri J. V. K.  
 Variava, Dr. D. H.  
 Varma, Shri C. L.  
 Venkataraman, Shri S.  
 Venkataramana, Shri V.  
 Vijaivargiya, Shri Gopikrishna.  
 Violet Alva, Shrimati.  
 Vyas, Shri Krishnakant.  
 Zakir Hussain, Dr.

NOES—Nil.

MR. CHAIRMAN: Ayes—131, Noes—Nil.

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

MR. CHAIRMAN: Now, we take up clause by clause consideration of the Bill. Clause 2. There are 16 amendments.

[MR. DEPUTY CHAIRMAN in the Chair.] PROF.

A. R. WADIA: Sir, I move:

1. "That at page 1, lines 12 to 14, the words 'and no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate' be deleted."

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): Sir, I move:

2. "That at page 1, line 9, for the word 'compensation' the words 'equitable compensation' be substituted."

6. "That at page 1, lines 16-17, the words 'to the State or to a corpora-

tion owned or controlled by the State' be deleted."

7. "That at page 1, line 17, after the word 'State' the words 'or to any other institution or person' be inserted."

8. "That at page 1, after line 20, the following be inserted, namely: —

'and to clause (3) of the said article, the following proviso shall be added, namely: —

"Provided that such law shall be placed before both Houses of Parliament and their recommendations thereon shall be considered by the President before giving assent". "

24. "That at page 1, at the end of line 14, after the word 'adequate' the words 'nor shall the propriety of the principles on which, and the manner in which, the compensation is to be determined and given, shall be so called in question' be inserted."

SHRI LALCHAND HIRACHAND  
DOSHI: Sir, I move:

3. "That at page 1, lines 13-14, the words 'and no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate' be deleted."

5. "That at page 1, for lines 15 to 20, the following be substituted, namely: —

'(2A) where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a corporation owned or controlled by the State, but extinguishes, modifies or alters other rights of property in the manner specified in article 31 A, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property'."

2SRSD—3

22. "That at page 1, line 10, after the word 'compensation' the words 'which shall be real and not illusory' be inserted."

23. "That at page 1, line 12, after the word 'compensation' the words 'which shall be real and not illusory' be inserted."

SHRI BHUPESH GUPTA: Sir, I move:

19. "That at page 1, for the existing clause 2, the following be substituted, namely: —

"I. Amendment of article 31.—. In article 31 of the Constitution, clauses (2) to (6) shall be omitted'."

20. "That at page 1, line 9, for the word 'provides' the words 'may provide' be substituted."

21. "That at page 1, line 13, after the words 'in any court' the words 'by any person whose total income exceeds five thousand rupees, in case the property acquired or intended to be acquired is situate in a rural area and ten thousand rupees, in the case of any other property' be inserted."

25. "That at page 1, at the end of line 20, after the word 'property', the following be added, namely: —

'and nothing contained in article 14, article 19 or article 31 shall be deemed to prevent the State from making any such law'."

SHRI H. C. DASAPPA (Mysore): Sir, I move:

26. "That at page 1, after line 20, the following proviso be added namely: —

'provided that where such law is a law made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserv-

[Shri H. C. Dasappa.] ed for the consideration of the President, has received his assent'."

MR. DEPUTY CHAIRMAN: The clause and the amendments are open for discussion.

SHRI BHUPESH GUPTA: Sir, I have to ask the House to take up amendment No. 19 first, in which it is stated that in article 31 of the Constitution, clauses (2) to (6) shall be omitted. Now, if you look at article 31, you will find in the very first clause of that article it is provided: "No person shall be deprived of his property save by authority of law." I think if we retain only this part of the article, it is enough. We need not have the remaining few clauses which make things complicated, as has been demonstrated already in courts. It may be suggested by the hon. Minister sponsoring this Bill that after the amendment of clause (2) of article 31, it would not be possible for the courts to interpret the Constitution in a manner which would go against what they call the intentions of the framers. Sir, I think that we can avoid any such situation by simplifying the constitutional provisions. Here, as you will see, no person shall be deprived of his property save by authority of law. I think that is enough. Why do I say this? Because it would enable the State Legislatures or the Central Parliament to deprive any person or company of his property provided it is done so under the authority of law, that is to say, under competent enactments of the Legislature, whether it is the Central Legislature or the State Legislature. The question may arise as to what would happen in that case to compensations. We have been told in this House in a number of speeches and especially by the hon. Home Minister that their Government is committed to paying compensation, and we have also been told how great and generous they are in deciding to pay heavy compensation to the shareholders of the Imperial Bank. Now, he seems to suggest that if we leave it at this, it may be that the State Legis-

lature would not toe their line and pay heavy compensation to the vested interests. Now, Sir, such interpretation should not be made of this particular clause. Why? Because it will be for the State Legislatures to decide the question of compensation, not only as to how much should be paid, but also as to whether any compensation in any particular case should be paid. That is to say both the quantum of compensation and the question of the payment of compensation itself would be left to the Parliament and the State Legislature. I think that is in the fitness of things. The hon. Home Minister must refer to what happens in Great Britain, in the British Parliament. There is no such written Constitution or provision. It is for Parliament to say as to whether the country should pay compensation when certain properties are acquired. It is for Parliament to decide as to what amount of compensation—if compensation is at all to be paid—should be paid in cases of such acquisition. That is to say, Parliament and Legislatures are left absolutely sovereign in this matter, the will of Parliament is supreme and there is no constitutional bar, no judicial precedent, to come in the way of the exercise of the supreme will of the Parliament of the United Kingdom. I think we should follow the same principle here. Now, if you have all these amendments that you have proposed to clause 2, first of all you are interfering with the jurisdiction of Parliament. You are doing something which does not fit in with the sovereign rights of Parliament and Legislature. That is to say you are making it obligatory for them to pay compensation even when they think that such compensation should not be paid. Now, do not say that you are respecting the sovereign will of the Parliament, because you are curtailing it in the very first instance.

SHRI J. S. BISHT (Uttar Pradesh): Mr. Deputy Chairman, is this amendment No. 19 in order? It does not propose an amendment to the Bill before the House.



MR. DEPUTY CHAIRMAN: It does.

SHRI BHUPESH GUPTA: It is very much in order and I think the hon. Member would be in order for a while when I am developing my point. Now, here you are not giving the absolute right to the Legislature or Parliament. You are telling them: you can deal with property, you can acquire or requisition property and deprive any person of his property.

But you, under the provisions of this Constitution, are under an obligation to pay compensation. As far as the amount of compensation is concerned, we leave it to you to decide. Now, certainly this is something which cuts across what we understand to be the sovereign rights of Parliament and the Legislatures. Therefore, I say that this should not be included here. Now, Sir, I understand their point of view. They want to make it known to the country that here is a Government which will never expropriate any property, and it is so respectful to the property that in season and out of season it has been giving assurances to the vested interests that no property shall be expropriated without compensation, and in order to back up such assurances, they are enacting these provisions; they are making these qualifications in the amendment, so that the gentlemen of the big money have the fullest assurance in the form of this constitutional enactment. I think that that goes against the spirit of the times. I listened to the speech of the hon. Home Minister with rapt attention also, and I was present when he spoke. And when he was saying that there were the demands of time, I felt that he was not working out the logic of it, because the demands of time, if anything, are that there should not be such an obligation placed on the part of Parliament and Legislatures of our country, that while acquiring certain properties—of a questionable nature—they should pay compensation. I am asking as to why they are afraid of these things when they are enjoying the majority. They have got the majority here, and similarly, in most of the

States they have got the majority. It will be open for them to consult public opinion and to decide as to what should or should not be done. Now, Sir, somebody suggested that assuming that some other Government comes into power in Travancore-Cochin, or for that matter in any other State, and if it passes a law which is contrary to your professions or which is contrary to your assurance, what will happen? I say that if the people of a particular State return to power a Government which can take away the property of certain vested interests without compensation, such a Government and such a Legislature should be respected by the Central Government and not vetoed by the Central Government. Now let us not take into account all these contingencies, because at the moment the situation does not arise that way at all. They are perfectly self-assured, as far as their position is concerned. Therefore, I say that they can make all these things easier.

MR. DEPUTY CHAIRMAN: Mr. Gupta, you must be brief. There are other speakers also.

SHRI BHUPESH GUPTA: Sir, this is a very important amendment.

MR. DEPUTY CHAIRMAN: But the time is limited.

SHRI BHUPESH GUPTA: The moment you introduce all these clauses, all these wordings, you are making yourself liable to judicial interpretation of all kinds, and there is no knowing as to how the Judges will reflect their mind on the subject. We do not know anything about that. We know that very innocuous things pass from this House, about which we have the fullest assurance when we pass them here. But when they go out to the courts of law, there they are pounced upon by lawyers from both sides, and all types of judicial minds are brought to bear upon them in a manner which is at times not very helpful to the progress of the country. Therefore I say, Sir, make it very, very simple. If you want to make it

[Shri Bhupesh Gupta.] complex, you are taking a risk, a risk which should not be taken if you want to go ahead with the plans of progress and advancement.

Sir, the hon. Home Minister, in the other House, said that "Suppose we delete this thing, then what would happen? And what would it mean? It would mean that the smaller men would not get any compensation; they may not get any compensation." Sir, I do not accept that thing at all, because I think that all the Legislatures in the country would look to the interests of the smaller men, and certainly we in Parliament would look to their interests, when we deal with the question of acquisition of property from them. In any case, Sir, the past experience has shown that the present Government is not particularly interested in looking after the interests of the smaller men, when it takes over their properties. On the contrary, even in his own State, where he was at one time the presiding deity in the Government, even there, Sir, you find that in Babina Thana, 23 villages have been served with a notice in order to get those areas free for their field firing. About 15,000 people and 2,182 families will be affected by this notice. And what is more? They have been asked to vacate these places within 24 hours, and they have not been given any time. Where were all those assurances to the property-holders? Where were all those considerations for the smaller men? The military went there with...

MR. DEPUTY CHAIRMAN: Mr. Gupta, you are not speaking on the amendment.

SHRI BHUPESH GUPTA: I am speaking on the amendment. I am giving the grounds.....

MR. DEPUTY CHAIRMAN: Be brief, because there are other speakers also. You are saying something about the land for the military. It has nothing to do with this amendment.

SHRI BHUPESH GUPTA: Yes, if you start.. ..

MR. DEPUTY CHAIRMAN: We have to close this Bill by 5 O'clock, and this clause I am putting to vote at 2-30. And there are several speakers—seven or eight of them....

SHRI BHUPESH GUPTA: Yes, Sir. We will sit longer, if necessary. In any case, we will pass it today. And you have the fullest co-operation, as far as I am concerned.

Now, Sir, what do these villagers say? They say as follows:

"We were then given compensation at a very nominal rate annually for the loss of our crops from which normal revenue charges were deducted, and compensation at similar nominal rates for our homesteads, etc.

No alternative arrangements were made for us even on that occasion.

Now our own Government seeks to meet out to us a similar treatment."

This is what the villagers of Uttar Pradesh said when we were discussing these things. Let him not therefore say that the rights of the smaller men are protected. The rights of the smaller men have not been guaranteed at all. Therefore, in their name this law should not be passed here or this whole thing should not be passed. What I say is, make the law absolutely simple, keep the powers in the hands of Parliament and the Legislatures and outside the jurisdiction of the courts not merely in regard to the amount of compensation, but also in regard to the question as to whether compensation should at all be paid. On the one hand, you respect the sovereign will of Parliament and of the Legislatures; and on the other hand you make it possible for the Government to take certain measures in the public interest for development and reconstruction of

our country. And such measures will naturally require, in the context of our economy, certain very deliberate and well-thought-out terms against the vested interests which come in the way of all progress and development in this country. This is my first point with regard to this particular amendment.

Now, Sir, the other things that I want to say.....

MR. DEPUTY CHAIRMAN: They are all minor things.

SHRI BHUPESH GUPTA: I do not want to say anything with regard to my amendment No. 21, because some other colleague of mine will speak on it. But I would like only to suggest that the word 'may' be added here. Even if you want to retain this thing here, add the word 'may', i.e., for the word 'provides' the words 'may provide' should be substituted. Don't say 'provided'. It becomes mandatory. If you use the word 'may', it would be left to the discretion of the Parliament and the State Legislatures to decide the question of compensation. You must leave it open to the discretion of the Legislatures. Therefore, I think that the word 'may' should be accepted.

Then I come to my amendment No. 25. I say that at page 1 at the end of line 20, the following should be added: "and nothing contained in article 14, article 19 or article 31 shall be deemed to prevent the State from making any such law." That would make the position absolutely clear, would put the whole thing beyond all shadow of doubt. Whenever there has been certain compulsory acquisition of property, article 14 and article 19 have been time and again invoked to frustrate whatever little powers the Government might assume under the altered article 31. Therefore it should be made clear in the article itself, by giving it constitutional authority, that just as compensation will not be justiciable in a court of law, so will

these two articles and the rights thereunder not be involved in order to frustrate the steps that may be taken under the new amended Constitutional provision. That is my suggestion.

Sir, when I make these suggestions, I do not forget that the hon. the Prime Minister is not here and that it will be difficult in his absence to get anything accepted. That I had in mind, but even so, I think that we have now got a Home Minister who can take decision on his own, and that is why he has travelled all the way to Delhi, from the head of the Treasury Bench in a State to the Leadership of this House. We are glad to have him here, and I hope that he would consider our amendments, take courage in both hands and would accept our reasonable and legitimate amendments even in the absence of the Prime Minister. By doing this he will be doing a good service to the country and also to the Prime Minister.

PROF. A. R. WADIA: I have to add nothing more to what I have already said. I would only just remind the Leader of the House that there is a world of difference between fiction and history.

SHRI LALCHAND HIRACHAND DOSHI: Sir, I attentively heard the speech of the Home Minister in which he explained to us very lucidly how the State can reduce the value of property through taxation, and with that authority in the State, he did not think that the present amendment would really hurt anybody much. My feeling is that, when the State has got all this authority to reduce the values of property to such an extent, the little right that any person retains after giving so much power to the State should be left to him without grudge. My submission to the Home Minister, to the Government and to this House would be that whatever little right has been given to the individual through the fundamental rights ought to be retained and should not be curtailed in any manner.

[Shri Lalchand Hirachand Doshi.] Sir, it has been provided that compensation should be given in case of compulsory acquisition of property, but that the quantum of compensation is to be judged by the Legislature, and there has been an assurance that this compensation will not be illusory. I have before me one case where a certain compensation has been offered. In one of the papers it has been mentioned that the Port Canning and Land Improvement Company whose assets amounted to Rs. 80 lakhs have been given only Rs. 4 to Rs. 5 lakhs as compensation. It may be argued that this company is a rich company or a rich man's property, and therefore, there is no justification for paying any reasonable compensation to such a person. I am afraid that is not the case. This company has two thousand shareholders and in most cases each shareholder has got less than Rs. 1,000 worth of shares, and if the total compensation for a property worth Rs. 80 lakhs is only Rs. 4 or Rs. 5 lakhs, one can understand what the logical consequence would be of such a legislation. My submission therefore is that this would not be a fair thing either for the poor man or for the rich man, whomsoever you may protect or not protect; the fair thing would be in such cases to lay down certain principles for compensation. If you wish, they can be incorporated in the Constitution itself. If a certain idea is established so that an individual who is living in this country and carrying on his functions according to the law, will know what he can get and what he can retain whenever any legislation is passed, that will be a good criterion. My objection in principle to the amendment made by this clause is that it creates doubts in the minds of the people. No doubt a share may be worth Rs. 100 today and, even though the State does not intervene, it may be worth only Rs. 50 tomorrow, but there the man is taking the risk, but when that share is taken away from him compulsorily for certain purposes, he ought to get a reasonable

fair and adequate compensation to determine which the party who is taking it away should have no right but only a third party, or an arbitrator, if I may say so. For this reason, I would submit that the quantum of compensation should not be left only to the legislature. I may here quote the case already mentioned here of Delhi, where property has been taken away under a certain law but yet fair compensation has not been paid. That is the grouse of the people. The Government may say, "We are investigating. Probably after investigation, we will pay fair compensation." But my contention is that there should be a right for the man concerned to go to certain organisations and claim fair and adequate compensation, and he should not be at the mercy of X, Y or Z. This is the main issue of principle.

SHRI BHUPESH GUPTA: Not X, Y or Z, but the Parliament and the State Legislatures.

SHRI LALCHAND HIRACHAND DOSHI: Once this is passed, Parliament does not come into the picture. It is the executive who comes into the picture. My friend over there has not evidently studied that case. Lands have been taken away but the compensation has been illusory and the people are dissatisfied. What they want is that they should be given an opportunity to go to an established authority and claim a fair and adequate compensation. Are we going to give that right or not or are we going to say, "Yes, the legislature has got the right to deprive him of his property and therefore whether he is deprived of his property by this law or by some other law, makes little difference to him."?

SHRI BHUPESH GUPTA: (*rose to intervene*)

SHRI LALCHAND HIRACHAND DOSHI: I would not yield. Sir, there ought to be some authority established under a Statute or the Constitution to which every individual should have the right to go and demand justice.

MR. DEPUTY CHAIRMAN: Do you want some more time?

SHRI LALCHAND HIRACHAND DOSHI: Yes, please.

SHRI BHUPESH GUPTA: No, we should continue. I suggest that we should continue during lunch hour and in the Lobbies some hon. Members of that side also made the suggestion to me. I don't know whether they will speak out now. But I think it is the desire of the House and I am expressing it that we would like to continue during lunch.

MR. DEPUTY CHAIRMAN: We will meet at two, instead of at 2-30 and no votes will be taken between 2 to 2-30.

SHRI BHUPESH GUPTA: Let us meet at 1-45.

SHRI LALCHAND HIRACHAND DOSHI: I was told that sufficient time will be given.

MR. DEPUTY CHAIRMAN: Within the time that is available. The House will meet again at two.

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

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

SHRI LALCHAND HIRACHAND DOSHI: Mr. Deputy Chairman, now I come to the other amendment, *i.e.*, the one regarding (2A) where it is laid down:

"Where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a corporation owned or controlled by the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property,".

Sir, we have not been able to understand the implications of this clause, for the Government may not acquire certain property for itself or for any corporation. For example as is happening at present, you take property for the benefit of some university or some such charitable institution. Government has got the right to take it. I will not say that it will use that right, but they have got the right to say that this property will pass to the charitable institution without any compensation being paid.

THE MINISTER IN THE MINISTRY OF LAW (SHRI H. V. PATASKAR) : But (2A) refers only to the law to be passed and not to the Government.

SHRI LALCHAND HIRACHAND DOSHI: Yes, the law has been passed for the use of this property and you acquire it for the purpose of a hospital or a university. The law can be passed now without even providing for compensation, because it does not say that compensation will have to be paid, for compensation is not provided for in the clause and if that is not there, it will be difficult to protect the property right of people.

SHRI J. S. BISHT: That will come under clause (2).

SHRI LALCHAND HIRACHAND DOSHI: But it is put separately from clause (2) and they will be acting separately. Therefore .....

SHRI K. S. HEGDE: (Madias): The interpretation that the hon. Member gives to the matter will bring it within the mischief of clause (2) and take it out of clause (2A).

SHRI LALCHAND HIRACHAND DOSHI: But the Government is not acquiring the property. It is a building and Government acquires it at the expense of somebody else, for the purpose of a university and say that the university will pay Rs. 1,000 for a property which is really worth a lot of money.

SHRI K. S. HEGDE: If Government I acquires it, then clause (2) comes in

SHRI J. S. BISHT: Clause (2A) is to be read with (1) for it is only a police power.

SHRI LALCHAND HIRACHAND DOSHI: I shall refer to my amendment. No. 22 where I have suggested the insertion of the words "which shall be x-eal and not illusory" after the word "compensation". This I am sure the hon. Home Minister would like to accept for he has been assuring the House that the Government have no intention of taking anything on payment of a compensation that is illusory. My amendment only expresses that very idea properly and so I have suggested that after the word "compensation" the words "which shall be real and not illusory" be inserted. So it shall be real and not illusory. In the same way, I have also suggested that:

"At page 1, line 12, after the word 'compensation' the wrdcs 'which shall be real and not illusory' be inserted.

The whole idea is to put the idea of the Government in this way so that when compensation is paid it may not be illusory. Some compensation may be paid and the courts will say, "A kind of compensation has been provided in the law and as long as that compensation has been provided, whether it is inadequate or whatever it is, the court will have no right to go into that question." Therefore, even though inadequate compensation has been provided, or some compensation has been provided, if it is illusory, the courts should have the right to go into that question, whether it is real compensation or whether it is unreal or illusory. Therefore, I have put it specifically in these amendments so as to bring . out the idea of the hon. Home Minister who assured us so nicely that the compensation will not be illusory or unreal, and I have every hope that the Government will accept these amendments.

MR. DEPUTY CHAIRMAN: Mr. Dasappa, have you got anything to say about your amendment?

SHRI H. C. DASAPPA: I thought Mr. Kapoor could speak first and \_\_\_\_\_

MR. DEPUTY CHAIRMAN: But he has got a number of amendments and you have only one. So please say one or two sentences on your amendment, I mean if you want to.

SHRI H. C. DASAPPA: Sir, the purpose of my amendment I will explain. I need not go into other matters.

SHRI BHUPESH GUPTA: Will it be ultimately moved?

SHRI H. C. D A S A P P A: It has already been moved.

SHRI BHUPESH GUPTA: I mean finally.

SHRI H. C. DASAPPA: As I said yesterday, one has to exactly understand the scope of clause (2A). It comes in article 31 as a new clause. Let me read it out. Mr. Kapoor's amendments also show that the scope of this clause is not very clear. He has got an alternative amendment and that is why I thought I could speak after him. Anyway, it looks to me that this clause as it stands, lends itself to more than one interpretation. Let me read it; it is worthwhile:

"(2A) Where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a corporation owned or controlled by the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property,"

and then comes this other part which starts with the word "notwithstanding":

"notwithstanding that it deprives any person of his property."

Between this last portion, that is to say, "notwithstanding that it deprives any person of his property." and the earlier portion where it refers to the "transfer of the ownership or right of possession of any property" I find a certain amount of inconsistency. How can a man be deprived of

his property without losing his right of possession? That is rather difficult to understand.

SHRI K. 9. HEGDE: It is deprivation other than transfer.

SHRI H. C. DASAPPA: It does not say that. You have got to interpret it like that, that it is deprivation of property other than transfer of ownership or right to possession, to a State or corporation. There is that additional qualification. Again it is qualified by the condition that such transfer should be to a State or to a corporation owned or controlled by the State. Supposing it is a transfer of ownership or right to possession of any property to any one other than the State or corporation owned or controlled by the State.....

SHRI K. 9. HEGDE: Who transfers it?

SHRI H. C. DASAPPA: Whoever it be. The question is whether before transfer, it must be acquired or it need not be.

SHRI K. S. HEGDE: But the.....

SHRI H. C. DASAPPA: Sir, we can not.....

MR. DEPUTY CHAIRMAN: Let him go on. We have not much time to lose.

SHRI JASPAT ROY KAPOOR: I do not want to interrupt the hon. Member for I entirely agree with his remarks. But does not the existing clause (3) of article 31 cover this amendment?

SHRI H. C. DASAPPA: Yes, and I will come to it. I was going to raise that question myself, apart from the amendment itself. I have thought of providing a safeguard through my amendment. Let me answer Mr. Kapoor. Clause (3) of article 31 does not include (2A).

SHRI K. S. HEGDE: Clause (2A) is an independent clause.

SHRI H. C. DASAPPA: Exactly. If clause (2A) of article 31 had begun with the word "Provided" or some thing like that.....

SHRI JASPAT ROY KAPOOR: We do not do anything under (2A). It is merely explanatory. All legislation will have to be under clause (2) of article 31.

SHRI H. C. DASAPPA: I understand such a pleading. I have also discussed this matter and this very argument was put before me but I want to know why it begins with the words "Where a law does not provide for the transfer of the ownership.....". It should have said, "Provided....." or you should have called it as an explanation as in some other enactments such as the Indian Penal Code or in many other enactments. There is no explanation herein that such and such a specific thing does not mean acquisition or requisition of property but no such thing is here. I will illustrate this point, Sir. Now, there is a road transport system in a State. Government have issued licences. If the Government chooses to nationalise the road transport, I want my friend Mr. Kapoor and others to consider whether it comes under clause (2) or clause (2A).

SHRI J. S. BISHT: (2A).

SHRI H. C. DASAPPA: Therefore, it is not merely an explanation of clause (2) but is an independent clause. That is what I am trying to make out. I am sorry, Sir, I cannot state all the various possible instances which may be covered by clause (2A). I am only putting forward what strikes me. Supposing there is an institution like Road Transport and some men have built up the industry and we want to acquire it. My point is whether there can be legislation for the purpose? Should the legislation come under clause (2) or should we have an independent legislation for the purpose of nationalising transport under clause (2A)? If there can be a law, all that I say is that clause (3) to which my hon. friend Mr.

[Shri H. C. Dasappa.] Kapoor refers does not cover such a case and the assent of the President will not be necessary. So, there would be nothing wrong in my amendment to necessitate such an assent even in the case of clause (2A). I do not say my big amendment to be accepted as it is. If the hon. Minister can say "(2) or (2A)" in clause (3), my purpose would be served.

SHRI H. V. PATASKAR: I would only appeal to the hon. Member to read it in this context. Article 31 (1) is there which refers to deprivation of property. Clause (2) provides for acquisition and clause (2A) says as to what will not amount to what is mentioned in clause (2), namely, acquisition or requisition. If it is read that way, much of the difficulty will be solved.

SHRI H. C. DASAPPA: It would be far better if we take a specific case and explain the scope and extent of it. I know that this has been told for the umpteenth time but what I say is, a piece of legislation such as I have referred to now, can it or can it not be possible under clause (2A)? I want a specific answer.

SHRI H. V. PATASKAR: It is possible.

SHRI H. C. DASAPPA: If that is so, then let the House decide whether it should be done independently of the President's assent or with the President's assent.

MR. DEPUTY CHAIRMAN: Clause (3) of article 31 covers clause (2A) also.

SHRI H. C. DASAPPA: Very respectfully not, Sir. It is such a simple thing and I say it would be good if my hon. friend accepts this simple thing. I do not say it is a vital thing; it is more or less verbal, consequential, and I hope he will accept it.

I have got another case also, Sir. Let him answer this. The wording here is, "..... transfer of the ownership or right to possession of any property to the State or to a corpora-

tion owned or controlled by the State....." You may say that I am now trespassing on the amendments of Mr. Kapoor, but I am inclined to agree with Mr. Kapoor. Supposing it is not a transfer to the State or to any corporation owned or controlled by the State but it is for a choultry or a serai or a rest house and my property is to be taken over for the use of the rest house. I want my friend to answer me as to whether in a case like that where the State does not come in at all it should be possible for them to deprive me of my property for the sake of that institution. I want to get a specific answer and then I can proceed.

MR. DEPUTY CHAIRMAN: He will reply at the end.

SHRI H. C. DASAPPA: Anyway, Sir, I have posed that question and I hope it will find some reply. In any case, I think it is safe for us to mention clause (2A) also in clause (3).

SHRI BHUPESH GUPTA: I have a submission to make, Sir, in order to save time. Ultimately we may not press all the amendments to the vote; I think the Congress Party will also be faced with the same situation. I would, therefore, like the House to take up only such amendments—no matter from which side they come—on which we would ask for a voting so that we can concentrate on them. Certain amendments are bound to be withdrawn; as a matter of fact, many of the Congress amendments will also be withdrawn. In order to save time, let us adopt that procedure.

Sum K. S. HEGDE: We know our job.

SHRI J. ASPAT ROY KAPOOR: After expressing my gratitude to you, Sir, for calling upon me to speak, I would submit that we should readily admit with great pleasure and satisfaction that clause 2 of the Bill now stands in a much better and improved form than it was originally and I am happy over it, but though 'trim-



med and polished' as the hon. Home Minister said yesterday, some of its clumsiness still remains and it is not as graceful and beautiful as a creation of the hon. Shri Govind Ballabh Pant should be. Some of its old thinness at places and obesity at others still continues and I hope and trust that the hon. Shri Govind Ballabh Pant with his high aesthetic sense would appreciate my efforts to chisel this clause into a fine shape and would accept the amendments that I have moved, at least some of them which appear to be essential and necessary.

Sir, the great improvement that has been effected in clause 2 of the Bill is to the effect that the question of compensation is no more going to be the subject matter of litigation in a court of law. It is a great improvement and it is now going to be finally decided and settled that whatever compensation is prescribed by the Legislature shall be the final decision on the subject. I am entirely opposed to the amendment moved by my hon. friends Professor, Wadia and Mr. Doshi that the new clause that has been added taking away the jurisdiction of the law courts should be deleted. On the other hand, Sir, I would like that its scope should be extended a little as I have suggested in my amendment number 24. I am of the view, Sir, that it will still be open to the Supreme Court to consider the question as to whether the principle enunciated in a legislation on the basis of which compensation should be determined as also the manner in which the compensation should be paid is correct or not. I am, therefore, of the view that these two questions should also be taken away from the purview of the law courts. It will hardly serve any useful purpose to have an amendment in the present form of proposed clause (2) to article 31 in clause 2 of the Bill, if we do not take away from the purview of the law courts the questions of the manner of payment of the compensation as also the propriety of the principle on which compen-

sation is to be paid. I am sure, Sir, that in 99 per cent of the cases, the legislation on the subject will not specify the quantum of compensation. The legislation would generally simply mention the principles on which compensation should be calculated and it would also mention the manner in which the compensation would be paid. If all these things are still going to be the subject matter of consideration by the Supreme Court, hardly any purpose is going to be served by amending the Constitution in the form in which we propose to amend it.

My submission therefore is that the Home Minister or the Minister officiating for him for the present should seriously consider this question whether they should not incorporate my amendment in the present amendment suggested in the Bill itself.

Sir, I would say one word with regard to the question of compensation being taken away out of the jurisdiction of the law courts and it is this. The question of compensation is one which is to be considered with reference to the social order and economic order of the society. The question of compensation is not a legal question. It is not a question for the consideration of any law court. It is a question which is based on the social or economic theories that may be acceptable to the society at any particular time and it is always for the legislature as representative of the society to decide the question as to what form of social order we should have in the society and what form of economic order we should have. Therefore it is on this basis that I support the view that these questions should be taken out of the purview of the law courts.

My another amendment is to the effect that the word 'equitable' should be inserted before the word 'compensation'. The object of this is that we must specifically state herein as to what really our intention is and we must give a clear direction to the future Parliament or to the present

[Shri Jaspat Roy Kapoor.] Parliament even hereafter and to the Legislatures in the States as to what form of compensation do we really want to be provided in the legislation. Certainly we do not want that it should be obligatory on the Legislature to give full compensation. Nor do we want that no compensation or illusory compensation should be given. What we want is that equitable compensation should always be given and equitable compensation is neither full compensation nor illusory compensation but a compensation which may be considered to be fair taking into consideration the existing circumstances at the time.

DR. W. S. BARLING AY (Madhya Pradesh): Will that not lead to litigation?

SHRI JASPAT ROY KAPOOR: No, it would not lead to litigation for the simple reason that we are going to provide herein for the question of compensation being made non-justiciable, and if my amendment is also to be accepted, then even the principles on which the compensation is to be determined shall not be the subject matter of litigation. So with that specific provision we must put it down here that that compensation should be equitable. Otherwise compensation means, as it has been interpreted so far, full compensation. So it would mean that we are giving a direction to the Legislature hereafter that they should provide full compensation which of course is not our intention. All that we want is that compensation which may appear to be equitable from time to time should only be given.

SHRI A. DHARAM DAS (Uttar Pradesh): Certainly 'equitable' has been interpreted as fair, which means compensation equivalent to market value.

SHRI JASPAT ROY KAPOOR: No, certainly not. 'Equitable' would simply mean what is considered to be so taking all the circumstances that obtain at a particular time, into consideration. What is 'equitable'? Com-

pensation of a thousand rupees may appear to be equitable today, but ten years after, compensation of a thousand rupees may not appear to be equitable. Compensation of only Rs. 500 may appear to be equitable according to the circumstances as they obtain then, according to the social theories that obtain then and the economic theories as they prevail then. So it will change from time to time.

DR. W. S. BARLINGAY: All these will have to be decided by the court.

SHRI JASPAT ROY KAPOOR: It is not by the courts but by the Legislature itself. My submission is that we must give some definite direction to the Legislature as to what sort of compensation we want to be provided by them. It is not full compensation, neither illusory, but compensation which may appear to them to be equitable in their discretion at that particular moment, they being the sole judge of the subject.

SHRI J. S. BISHT: The quantum has been removed from their jurisdiction.

SHRI JASPAT ROY KAPOOR: Then, Sir, my other amendment with regard to this clause 2 is that we should either delete the words "to the State or to a corporation owned or controlled by the State" or, if we do not want to delete these words, then we should add the words "Or to any other institution or person" after the word "State"

Sir, argument on this point has already been advanced by my hon. friend Mr. Dasappa. I only want to add to that to meet the point and objection raised by the interruption of my hon friend Mr. Hegde over there. It is suggested, Sir, that property must first be acquired by the State and then it is to be transferred either to a third party or even if it is to be transferred over to some other public institution. True, Sir, that is the position so far as the present law is concerned. But after we adopt the present amendment it will be open to any Legislature to enact a

law like this that the Legislature may say in a law that the University of Agra is hereby authorised under this law to acquire 200 bighas of land belonging to such and such a person. It will certainly be open to the Legislature to enact a law like that and that property can then straightaway be acquired by the University on the basis of the legislation passed by the Legislature of Uttar Pradesh. The property will be transferred from the owner of the property. The ownership and possession of the property will straightaway pass on to Agra University and that legislation need not necessarily provide for compensation.

I am prepared to admit, Sir, as the hon. the Leader of the House said that the Legislature would not be so foolish, would not be so uncharitable as to enact a legislation like that. But that argument is neither here nor there. We are not concerned with the intention either of the present Government or the possible intention of the subsequent Government. While enacting a legislation we have to be definite. We have to provide for things under a definite policy. We have to see whether the enactment is in an appropriate form or not. We do not want to leave anything to the charitable disposition or the goodwill of any Government, however good it might be. And then let us remember, Sir, we are not enacting these things for the present Government. We are enacting these things for all good time to come. We do not know what sort of Government we may have at some future date. But even the form of Government is neither here nor there. As I have submitted, Sir, we must see to it that our legislation should be in a perfect form. According to the existing clause it will certainly be open to a legislature to enact a law providing that a property might be acquired for a charitable purpose, for a hospital or for a university, and no compensation need necessarily be provided in that legislation. So in order to meet the objection on that score it is necessary that my amendment, one of these **two**

alternative amendments, should be accepted.

Lastly, Sir, my amendment is to the effect that it.....

MR. DEPUTY CHAIRMAN: It is time.

SHRI JASPAT ROY KAPOOR: All right, Sir. Only a couple of minutes and I shall finish.

My last amendment to this clause 2 is that we should provide here specifically.....

MR. DEPUTY CHAIRMAN: Same as Mr. Dasappa's?

SHRI JASPAT ROY KAPOOR: No, Sir, it is entirely different. I do not think it is necessary to accept Mr. Dasappa's amendment because my view is that clause (3) of article 31 covers that point. The legislation will be enacted by legislatures only under clause (2) of article 31. The new clause (2A) according to my view is merely an explanatory clause and no law will be enacted under (2A) because the law will be enacted under clause (2) .....

SHRI J. S. BISHT: And not (1)?

SHRI JASPAT ROY KAPOOR: That is an entirely different thing.

SHRI J. S. BISHT: Why different?

MR. DEPUTY CHAIRMAN: Order, Order.

SHRI JASPAT ROY KAPOOR: Law, there will be under clause (1); and clause (2) provides that compensation must be paid and clause (2A) means that compensation need not be provided for if the transfer of property is not to the State or a corporation owned or controlled by the State. Clause (2A) is merely explanatory but I would not object if the alternative suggestion by Mr. Dasappa is accepted by the hon. the Home Minister that in clause (3) of article 31 after the figure (2) we may have also the figure (2A). It may be unnecessary but nothing is lost if we add even an unnecessary tiling if by

[Shri Jaspat Roy Kapoor.]

so doing we can remove any possible ambiguity. That would only make the position clearer still. Even after accepting this suggestion to add the figures (2A), it is necessary that my amendment should be accepted because that deals entirely with a different point. My amendment suggests that if any legislation under (2) or (2A) is passed by any State Legislature, it should, before it receives either the assent or the dissent of the President, be placed on the Table of both Houses of Parliament and both the Houses should have an opportunity to express their views on it. It was said here yesterday, as also in the other House by the Prime Minister, that we must respect the supremacy of Parliament. We would be content—even if we are not given supremacy in the matter of such legislation—if we are at least simply given an opportunity to express our views. We do not want that we should have the final say in this. Let it be passed by any Legislature and let them have what they want but both the Houses here should have one little opportunity of having a humble say in the matter before it is considered by the President. Let the President have this advantage of having our views on the matter. That will also make it easy for the President to take a decision. If he is of the view that the legislation as enacted by the Legislature is not proper, he will find it very difficult and delicate to say 'No'. But if prior to his saying 'No', if he is so inclined, if he has also our views on the subject and if we have also expressed that we do not agree with it, then the hand of the President will be strengthened and he will more easily say 'No' to it. If he says 'Yes', after the expression of approval by Parliament to the legislation that would find greater favour with the public at large because of the fact that Parliament consisting of Members from all over India has approved of this legislation. Even if the public of that State were otherwise opposed to it, it would reconcile itself to it when it finds that the whole of India

as represented in Parliament is in agreement with that legislation. In view of these submissions, I submit that these amendments should be accepted.

SHRI KANHAIYALAL D. VAIDYA (Madhya Bharat): Sir, I wish to oppose the amendments moved by.....

MR. DEPUTY CHAIRMAN: It is already time. The hon. Minister will do it for you.

SHRI H. V. PATASKAR: Sir, there has been a good amount of misconception in spite of the fact that the matter has been so much elucidated. The amendments moved fall into two or three categories. Before I turn to the amendments themselves, not individually but in groups, I would like the hon. Members to realise what the scheme of the present Bill is. Clause (1) of article 31 says that no person shall be deprived of his property save by authority of law. That is a provision which is well known and is inherent in all States and Governments. Then the proposed clause (2) says: "No property shall be compulsorily acquired or requisitioned save for a public purpose...." etc. Therefore whenever property is acquired or requisitioned by the Government the Government shall determine either the quantum or the principles on which the compensation shall be paid. All that has been done is to make it very clear that we want to keep it beyond the purview of the courts to determine either the principles or the quantum of the compensation. So whenever compensation is provided for, the adequacy or inadequacy of the compensation shall not be called into question in any court of law. This point has been discussed at length and I need not dilate on that any more.

Now, clause (2A) has to be read with article 31 (1) and 31 (2). There seems to have been some confusion as to whether 31 (1) is something different or the same thing as 31 (2). 31 (1) only refers to deprivation of property while 31 (2) refers to acqui-

sition or requisition of property, i There have been cases in which there has been difference of opinion among the most eminent judges as to whether 31 (1) and 31 (2) were distinct or they were same. In order to clear such doubts and to explain what is referred to in 31 (1) and 31 (2) we are laying down in (2A) as to what shall not amount to acquisition or requisition. That is a negative provision. It says: "Where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a corporation owned or controlled by the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property, notwithstanding that it deprives any person of his property."

SHRI K. S. HEGDE: On a point of information, is it or is it not correct that (2A) is provided just to meet the case that has arisen recently in connection with the Sholapur Mills?

SHRI H. V. PATASKAR: I would not like to refer to individual cases. There has been some sort of confusion and in order to make clear of our intention we have mentioned in (2A) that where a law does not provide for the transfer of the ownership or right to possession of any property to the State or.....

SHRI K. S. HEGDE: Are you not enlarging the contents of 31 (1)?

SHRI H. V. PATASKAR: Even from the beginning that was our intention. I will not go into the details but at the time when the Constituent Assembly made this provision, their idea was that 31 (1) was to be different from 31 (2). In order to obviate any misunderstanding that may arise (2A) negatively provides what shall not amount to acquisition or requisition.

SHRI JASPAT ROY KAPOOR: Our point is not that we oppose the necessity of (2A) but it covers.....

MR. DEPUTY CHAIRMAN: Order, order. You have had your say, Mr. Kapoor.

SHRI K. S. HEGDE: Sir, the hon. Minister has said.....

MR. DEPUTY CHAIRMAN: Order, order. The hon. Minister is not yielding to you.

SHRI H. V. PATASKAR: I am afraid I will not be able to deal with all the points within time, but if at the end there is time I will try to convince my hon. friend.

As far as the amendments are concerned, my hon. friend Mr. Bhupesh Gupta's suggestion that all the clauses in article 31 except clause (1) should be dropped runs counter to our intentions.

SHRI BHUPESH GUPTA: These are alternative suggestions.

SHRI H. V. PATASKAR: His second amendment also will probably lead to the same result. The Government's intention in this case is clear that whenever they want to acquire or requisition property, they desire that compensation should be paid. Here therefore it is a matter of ideas which are entirely different. So if those provisions are dropped, we will be left where we were. The very object of this Bill is that we want to place this beyond the jurisdiction of the courts to decide as to whether the compensation is adequate or not.

Then my hon. friend Mr. Lalchand Doshi was saying that it should not be illusory. We have made it clear that we bar the courts from having any jurisdiction in this matter of adequacy of the compensation.

Whether it is illusory or whether it is a fraud on the Constitution, all those things are open to the court to decide. Nobody has taken away that right by the wording in the Bill and I do not see any reason why he should think that those words should be put here. Probably it shows a mind which does not much trust. I think the words are clear enough because only the question of 'adequacy' of the compensation is beyond the jurisdiction of the court, and not the illusory character of it. Therefore, I think,

[Shri H. V. Pataskar.]

Sir, that the amendment is entirely unnecessary.

Then, with regard to the amendments which have been moved by my friend, Mr. Jaspal Roy Kapoor, he wants to insert the words "such law shall be placed before both Houses of Parliament and their recommendations thereon shall be considered by the President before giving his assent." So far as the law passed by this Parliament is concerned, naturally it will have been considered by Parliament and I do not understand why that law should be placed again before this House. If at all it applies to a law passed by a State Legislature, in that case I think it would be wrong constitutionally to say that Parliament should approve it. To say that a law passed by a State Legislature, which is as much sovereign as our Parliament, should be subjected either to the consideration or approval of Parliament, I think goes counter to the spirit of the Constitution and we shall be exactly doing the thing which will not be conducive to the smooth working or proper working in co-operation with the States. But it would lead to results which would be undesirable. I think, Sir, we should not support any such venture. The State Legislatures are as much elected on adult franchise as we in the Lok Sabha are.

SHRI JASPAT ROY KAPOOR: It has to be submitted for the approval of the President.

SHRI H. V. PATASKAR: Under the Constitution the President is kept above all. But so far as the State Legislatures and Parliament are concerned, there is a distinct allocation of power between the two.

SHRI JASPAT ROY KAPOOR: But will not the President be acting on the advice of the Government?

SHRI H. V. PATASKAR: Under the Constitution he has to act on the advice of the Government. After all, the President is to be guided by sev-

eral things. I am not entering into any discussion, but as the hon. Member was also with me a Member of the Constituent Assembly, he knows that for a certain definite purpose we have kept the President above all these things. I do not think that because the President is given those powers it follows that the Central Legislature should also examine or sit in judgment over the State Legislature. I do not think it is right or it is according to the spirit of the Constitution. In view of these, none of the amendments are acceptable. I think the clause as it stands serves the purpose and it should be accepted.

SHRI JASPAT ROY KAPOOR: Will the hon. Minister say something about my amendment No. 24?

SHRI K. S. HEGDE: Sir, on a point of elucidation. Now, as the law originally stood, the Government thought that it was necessary to pass a Central Ordinance or a Central Act—as in the case of the Sholapur Mills—for (2A). You are enlarging the contents of clause (1). As such is it not necessary, as Mr. Dasappa has suggested, that in clause (3) you should add (2A) along with (2)?

MR. DEPUTY CHAIRMAN: Mr. Pataskar, now clause (3) mentions only (2). Now you are adding (2A). What Mr. Dasappa wants is that clause (3) should cover (2A) also.

SHRI K. S. HEGDE: Because it confers new powers on the Legislatures.

SHRI H. V. PATASKAR: I do not think it is necessary. Clause (2A) is merely a negative provision. (*Interruption.*)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI S. N. MAHTHA (Bihar): Sir, I wanted to raise a point about properties of Hindu joint families.

MR. DEPUTY CHAIRMAN: You have not moved any amendment.

SHRI H. V. PATASKAR: Sir, I shall say one word about what he wanted

to say. He wanted to say something about what should be provided in laws of acquisition regarding property belonging to Hindu joint families. That is a matter more or less for the State Governments to decide and I think the State Legislatures when passing such laws naturally will take that into consideration. It was taken into consideration by the U.P. Legislature. And the other State Legislatures when they pass such laws will look into the matter in the same way.

(*Shri Jaspat Roy Kapoor rose to speak*)

MR. DEPUTY CHAIRMAN: I am not going to allow any discussion.

SHRI H. C. DASAPPA: May I make a humble submission and a last desperate attempt, that clause (2) and (2A) may be re-numbered as 2 (a) and 2 (b). There is nothing lost by that.

SHRI AKBAR ALI KHAN (Hyderabad) Sir, I would join with my hon. friend.....

MR. DEPUTY CHAIRMAN: Order, order.

SHRI GOVIND BALLABH PANT: I do not know whether any real change of substance would be there by renumbering those clauses in that manner. In fact, the next clause (3) is of an entirely different character, and (2A) is meant only to clarify the doubts and misgivings that had been aroused by certain decisions. With regard to (1) and (2) it is to indicate that (1) which relates to deprivation of property is not in any way linked with (2) of article 31. That is all. So I can assure the hon. Member that the purpose that he has in view will be equally served by the present order and language.

SHRI JASPAT ROY KAPOOR: Sir, I want to say one word.....

MR. DEPUTY CHAIRMAN: No. Order, order.

SHRI JASPAT ROY KAPOOR: Sir, «m I not entitled to have the views .29RSD—i

I of the hon. Minister on my amendment?

MR. DEPUTY CHAIRMAN: The I question is: —

1. "That at page 1, lines 12 to 14, the words 'and no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate' be deleted."

The motion was negatived.

SHRI JASPAT ROY KAPOOR: Sir, I beg leave of the House to withdraw all my amendments, except my amendment No. 24, on which the hon. Minister has said not one word and I suppose that silence on this point is equivalent to his assent. If it is otherwise he would have said so.

MR. DEPUTY CHAIRMAN: That is all right. Has he the leave of the House to withdraw all his amendments except amendment No. 24?

SHRI S. MAHANTY (Orissa): No.

MR. DEPUTY CHAIRMAN: I will put all of them to the House.

MR. DEPUTY CHAIRMAN: What about your amendment, Mr. Doshi? You want to withdraw your amendments?

SHRI LALCHAND HIRACHAND DOSHI: Yes, Sir.

♦Amendments Nos. 3, 5, 22 and 23 were, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: What about your amendments, do you press them. Mr. Bhupesh Gupta?

SHRI BHUPESH GUPTA: Yes, Sir, I do, except amendment No. 21.

♦Amendment No. 21 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: Do you withdraw your amendment, Mr. Dasappa?

\*For text of amendments, vide cols. 5309 5310. supra respectively.

SHRI H. C. DASAPPA: Yes, Sir.

\* Amendment No. 26 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: I will now put the amendments that are not withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

2. "That at page 1, line 9, for the word 'compensation' the words 'equitable compensation' be substituted."

SHRI JASPAT ROY KAPOOR: Sir, I have withdrawn my amendments.

MR. DEPUTY CHAIRMAN: But it has been objected to by Mr. Mahanty. So, I have to put these to the House.

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

6. "That at page 1, lines 16-17, the words 'to the State or to a corporation owned or controlled by the State' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

7. "That at paece 1, lines 17, after the word 'State' the words 'or to any other institution or person' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

8. "That at page 1, after line 20, the following be inserted, namely: —  
'and to clause (3) of the said article, the following proviso shall be added, namely: —

"Provided that such law shall be placed before both Houses of Parliament and their recommendations thereon shall

♦For text of amendment, *vide* col. 5310 *supra*.

be considered by the President before giving assent". "

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"19. That at page 1, for the existing clause 2, the following be substituted namely: —

'2. *Amendment of article 31.*— In article 31 of the Constitution^ clauses (2) to (6) shall be omitted'."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

20. "That at page 1, line 9, for the word 'provides' the words 'major provide' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

24. "That at page 1, at the end of line 14, after the word 'adequate' the words 'nor shall the propriety of the principles on which, and the manner in which, the compensation is to be determined and given, shall, be so called in question' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

25. "That at page 1, at the end of line 20, after the word 'property', the following be added, namely: —

'and nothing contained in article 14, article 19 or article 31 shall be deemed to prevent the State from making any such law'."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The House divided-



AYES

Abid Ali, Shri.  
 Adityendra, Shri.  
 Agarwala, Shri R. G.  
 Agnibhoj, Shri R. U.  
 Agrawal, Shri J. P.  
 Ahmad Hussain, Kazi.  
 Ahmed, Shri Fakhruddin Ali.  
 Aizaz Rasul, Begam.  
 Akntar Husain, Shri  
 Amolakh Chand, Shri.  
 Barlingay, Dr. W. S.  
 Bedavati Buragohain, Shrimati.  
 Beed, Shri I. B.  
 Bharathi, Shrimati K.  
 Bisht, Shri J. S.  
 Chandravati Lakhanpal, Shrimati.  
 Chaturvedi, Shri B. D.  
 Chauhan, Shri Nawab Singh.  
 Daga, Shri Naryandas.  
 Dangre, Shri ft. V.  
 Dasappa, Shri H. C.  
 Das, Shri Jagannath.  
 Deogirikar, Shri T. R.  
 Deshmukh, Shri R. M.  
 Dhage, Shri V. K.  
 Dharam Das, Shri A.  
 Doogar, Shri R. S.  
 Dube, Shri Bodh Ram.  
 Dube, Dr. R. P.  
 Dutta, Shri Trilochan.  
 Faruqi Moulana M.  
 Galib, Shaik.  
 Ghose, Shri B. C.  
 Gilder, Dr. M. D. Li.  
 Gour, Dr. R. B.  
 Gupta, Shri Bhupesh.  
 Gupta, Shri R. C.  
 Gupte, Shri B. M.  
 Hans Raj, Shri.  
 Hardiker, Dr. N. S.  
 Hathi, Shri J. S. L.  
 Heede, Shri K. S.  
 Hemrom, Shri S. M.

Indra Vidyavachaspati, Shri.  
 Italia, Shri D. D.  
 Jafar Imam, Shri.  
 Jalali, Aga S. M.  
 Kalelkar, Kakasaheb.  
 Kamalaswamy, Shri T. V.  
 Kapoor, Shri Jaspat Roy.  
 Karayalar, Shri S. C.  
 Karumbaya, Shri K. C.  
 Khan, Shri Abdur Rezzak.  
 Khan, Shri Akbar Ali.  
 Khan, Shri Ahmad Said.  
 Khan, Shri Barkatullah.  
 Khan, Shri Pir Mohammed.  
 Kishen Chand, Shri.  
 Krishna Kumari Shrimati.  
 Lakshmi Menon, Shrimati.  
 Lai Bahadur, Shri.  
 Lall, Shri Kailash Bihari.  
 Leuva, Shri P. T.  
 Lilavati Munshi, Shrimati.  
 Mahanty, Shri S.  
 Mahesh Saran, Shri.  
 Mahtha, Shri S. N.  
 Malkani, Prof. N. R.  
 Malviya, Shri Ratanlal Kishorilal.  
 Mann, Lt.-Col. J. S.  
 Mathur, Shri H. C.  
 Maya Devi Chettry, Shrimati.  
 Mazhar Imam, Syed.  
 Menon, Shri K. Madhava.  
 Misra, Shri S. D.  
 Mitra, Dr. P. C.  
 Mona Hensman, Shrimati.  
 Mookerji, Dr. Radha Kumud.  
 Majumdar, Shri M. R.  
 Mukerjee, Shri B. K.  
 Murari Lai, Dr.  
 Nagoke, Jathedar U. S.  
 Naidu, Shri P. S. Rajagopal.  
 Narasimham, Shri K. L.  
 Obaidullah, Shri.  
 Pande, Shri T.  
 Pant, Shri Govind Vallabh.

Parikh, Shri C. P.  
 Parvathi Khishnan, Shrimati.  
 Pattabiraman, Shri T. S.  
 Pawar, Shri D. Y.  
 Pheruman, Sardar D. S.  
 Prasad, Shri Bheron.  
 Pushpalata Das, Shrimati.  
 Pustake, Shri T. D.  
 Raghavendrarao, Shri.  
 Raghur Singh, Dr.  
 Rajagopalan, Shri G.  
 Raju, Shri A. 9.  
 Reddy, Shri A. B.  
 Reddy, Shri M. Govinda.  
 Roufique, Shri M.  
 Saksena, Shri H. P.  
 Sambhu Prasad, Shri.  
 Sarwate, -Shri V. S.  
 Satyanarayana, Shri M.  
 Savitry Nigam, Shrimati.  
 Seeta Parmanand, Dr. Shrimati.  
 Shah, Shri B. M.  
 Sharda Bhargava, Shrimati.  
 Sharma, Shri B. B.  
 Shetty, Shri Basappa.  
 Shrimali, Dr. K. L.  
 Singh, Babu Anup.  
 Singh, Babu Gopinath.  
 Singh, Sardar Budh.  
 Singh, Sardar Swaran.  
 Singh, Thakur Bhanu Pratap.  
 S'ng, Shri Ngangom Tompok.  
 thigh, Shri Nihal.  
 Singh, Shri Ram Kripal.  
 Singh, Shri Vijay.  
 Sinha, Shri Rajendra Pratap.  
 Sinha, Shri R. P. N.  
 Sokhey, Maj.-General 9. S.  
 Subbharayan, Dr. P.  
 Sumat Prasad, Shri.  
 Tamta, Shri R. P.  
 Tankha, Pandit 9. S. N.  
 Tayyebulla, Maulana M.  
 Vaidya, Shri Kanhaiyalal D.

Valiulla, Shri M.  
 Vallabharao Shri J. V. K.  
 Variava, Dr. D. H.  
 Varma, Shri C. L.  
 Venkata Narayana, Shri Pydah.  
 Venkataraman, Shri S.  
 Venkataramana, Shri V.  
 Vijaivargiya, Shri Gopikrishna.  
 Violet Alva, Shrimati.  
 Vyas, Shri Krishnakant.  
 Zakir Hussain, Dr.

NOES—Nil.

3P.M

MR. DEPUTY CHAIRMAN: Ayei  
 — 142; Noes—Nil.

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

Clause 2 was added to the Bill.

MR. DEPUTY CHAIRMAN: We come to clause 3.

There are a number of amendments.

SHRI BHUPESH GUPTA: Sir, I move:

27. "That at page 2, for the exist ing clause 3, the following be substituted, namely: —

'3. *Omission of the articles 31A and 31 B.*—Articles 31 A and 31 B of the Constitution shall be omitted\*."

28. "That at page 2, for lines e to SI, the following be substituted, namely: —

'(a) the acquisition by the State of any estate or of any rights therein, or

(b) the extinguishment or modification of any rights in estates or agricultural holdings, or

(c) the maximum extent of agricultural land that may be

owned or occupied by any person or the disposal of any agricultural land held in excess of such maximum, whether by transfer to the State or otherwise, or

(d) acquisition or requisitioning of any immovable property for the relief or rehabilitation of persons displaced from their original place of residence in Pakistan, or

(e) the acquisition or requisitioning for a public purpose of any land declared in pursuance of law to constitute a slum or of any buildings or huts standing on and belonging to the owner of such land or of any vacant or waste land, or

(f) the taking over of the management of any property by the State for a limited period, either in the public interest or to secure the proper management of the property, or

(g) the transfer of any undertaking, wholly or in part from one company or corporation to another or the amalgamation of two or more companies or corporations, either in the public interest or in order to secure the proper management of the undertaking or of any of the companies or corporations, or

(h) the extinguishment or modification of any rights of managing agents, secretaries, treasurers, managing directors, directors, managers or shareholders of companies or corporations,

(i) the extinguishment or modification of any rights accruing by virtue of any agreement, lease or licence, for the purpose of searching for, or winning any mineral or mineral oil, or for the purpose of supplying power, light or water to the public or the premature termination or cancellation of any such agreement, lease or licence,'

shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14, article 19 or article 31."

29. "That at page 2, line 6, after the word 'estate' the words 'or of any plantation' be inserted."

30. "That at page 2, after line 8, the following be inserted, namely:—

' (aa) the acquisition or requisitioning for a public purpose of any land, buildings or huts declared in pursuance of law to constitute a slum or of any vacant or waste land, provided that full market value as compensation for the loss suffered shall be paid to the actual hut dweller, or'."

31. "That at page 2,—

(i) in lines 18-19, after the word 'corporations' the words 'of shareholders other than Indian and Pakistani nationals' be inserted; and

(ii) in line 19, after the words 'rights of the word 'Indian' be inserted."

32. "That at page 2, line 23, after the words 'mineral oil' the words 'or for the purpose of supplying power or light to the public' be inserted."

34. "That at page 2, for lines 33 to 40, the following be substituted, namely: —

'(b) in sub-clause (b) of clause (2) —

(i) after the words "an estate" the words "or agricultural holdings" shall be, and shall be deemed always to have been inserted; and

(ii) after the word "tenure-holder" the words "raiyat, under-raiyat" shall be, and shall be deemed always to have been inserted'."

SHRI LALCHAND HIRACHAND -  
JOSHI: Sir, I move:

10. "That at page 2, line 10, after the words 'a limited period' the words 'not exceeding three years' be inserted."

11. "That at page 2, lines 11-12, after the words 'proper management' the words 'in case of mismanagement' be inserted."

12. "That at page 2, line 19, the words 'or of any voting rights of shareholders thereof' be deleted."

16. "That at page 2, at the end of the line 24, after the word 'licence' the words 'for a public purpose' be inserted."

17. "That at page 2, line 27, the word and figure 'article 14' be deleted."

SHRI KANHAIYALAL D. VAIDYA: Sir, I move:

33. "That at page 2, after line 31, the following be added namely: —

"provided further that every such law made by the Legislature of a State shall be placed before Parliament and the President, before giving his assent, will consider the recommendations of the Parliament, if any'."

SHRI T. V. KAP4ALASWAMY  
(Madras): Sir, I move:

35. "That at page 2, lines 34 to 37 be deleted."

SHRI JASPAT ROY KAPOOR: Sir, I move:

9. "That at page 2, line 6, after the words 'the acquisition by the State' the words 'in the public interest' be inserted."

13. "That at page 2, line 19, after the word<sup>1</sup> thereof the words 'either in the public interest or in order to secure the proper management thereof

or on the ground that the said rights are inequitable' be inserted."

14. "That at page 2, line 20, after the word 'modification' the words 'in the public interest' be inserted."

15. "That at page 2, line 21, after the word 'licence' the words 'made or given by the State' be inserted."

18. "That at page 2, after line 31, the following be inserted namely: —

'Provided further that such law shall be placed before both Houses of Parliament and<sup>1</sup> their recommendations thereon shall be considered by the President before giving his assent.'"

MR. DEPUTY CHAIRMAN: Clause 3 and the amendments are now open for discussion.

SHRI J. V. K. VALLABHARAO: (Andhra): Sir, we have suggested certain amendments to clause 3 because we find it faulty as it does not make any mention of some very important items. I refer to the exclusion of land from the scope of this. This is very important in the sense that the clause as it stands, stands in the way of getting speedy agrarian reforms. The Home Minister said in his speech that he did not want to take agricultural lands into consideration. He forgets that what is needed today in certain provinces is urgent agrarian reform. The charges suggested by us are necessary with a view to bringing about these agrarian reforms. I do not think there is any need for the Government to ponder too much on the question of compensation payable to big landholders. We can understand compensation being paid only to the small holders. Even after paying compensation to the zamin-dars. I don't see why in certain provinces large tracts of thousands of acres are still left in the hands of these zamindars. The Government says that there should be ceilings on land holdings. So, why should they feel shy trf confiscating all lands from zamindars above the ceiling fixed and ffhy phouW

they think in terms of paying compensation and even in terms of leaving lands out of their consideration at all? Sir, the House is aware that the Congress Governments and the Congress Party, in their election campaigns, have been promising many agrarian reforms •and especially the Prime Minister has made it clear in his speeches that he is against evictions and for land distribution. But now, when an opportunity has arisen for dealing with this subject in this Bill, they have left it outside its purview. Why we are so particular about this clause is this: In many provinces, for example in Bengal, there were land reforms. The Chief Minister of Bengal has stated that their land reforms could cover only 3.9 lakhs of acres of land, though actually nearly 111 lakhs of acres are there which can be covered by these land reforms, but they have gone out of the purview of these reforms by dubious means. These amendments, if accepted *in toto*, will "help the Government to bring about land reforms, if they are really anxious about it and about helping the poor peasants. In my own province, for example, even after zamindari abolition there are thousands of acres still in the possession of these zamindars. There is a zamindar who has got still 15000 acres of land in his hands, and there are minor zamindars having thousands of acres. Sometimes they evict their tenants. It is only with a view to seeing that agrarian reforms are speedily carried out without any constitutional difficulty standing in the way, we are moving these amendments, and I hope the Government will accept them in view of the fact that they too are anxious to bring about such reforms and help the poor peasants. Sir, I move my amendments.

SHRI JASPAT ROY KAPOOR: I will be very brief consistent with the importance of the subject. While dealing with clause 3 of the Bill I submit that we should be very careful and cautious —more cautious than we were while we were dealing with clause 2 because under clause 3 we are going to vest the

with the right of acquiring property without necessarily paying any compensation whatsoever. Therefore we must scrutinise it very carefully and deal with the whole subject very cautiously. We should accept one fundamental principle that if we want to acquire property or any right without paying compensation, it should be in the public interest. I think there cannot be two opinions on this subject, that if we want to expropriate any property or right, it must necessarily be in the public interest and this principle has been accepted for the most part in clause 3. But then so far its sub-clauses (a), (d) and (e) are concerned, this safeguard has not been provided. So far as sub-clause (b) is concerned the Government has provided that if the State acquires the management of any property, it must be in public interest or in order to secure the proper management thereof. This is as it should be. Similarly they have very rightly provided in sub-clause

(c) that whatever is done thereunder must necessarily be in the public interest or in order to secure the proper management of any of the Corporations. I want that this principle which has been accepted and incorporated in sub-clauses (b) and (c) must be incorporated in sub-clauses (a), (d) and (e) also, namely, that whatever is done under these sub-clauses must also be in public interest.

In addition to that, with regard to (d) my amendment is that if the rights of the managing agents, secretaries and treasurers are to be extinguished or any voting rights of the shareholders are to be extinguished, this should be only done firstly in the public interest and secondly, if these rights are of an unconscionable nature, if the manager's remuneration is much too high or if the Secretary's remuneration is unconscionable, then all those rights may be modified or if necessary may be even extinguished. My next amendment relates to sub-clause (e). Firstly, whatever is done under that must be in the public interest and

[Shri Jaspal Roy Kapoor.] secondly, the agreements and leases must have been granted or given by the State. This appears to me to be very necessary as I don't think that it is the intention of Government that they should ever interfere "with any agreement entered into between any two private parties or lease granted by private party. They would like to extinguish and modify only agreements, leases or licences given or made by them and I am sure they would never like and it is not their intention that an agreement entered into between two private parties—A and B—may be modified by any legislation enacted by the State Legislature or Parliament. That should be made very clear here, otherwise it will be open to the Legislature to have a legislation to the effect that a particular agreement between two private parties may also be modified or annulled. I have in view many such cases. It is not merely an imaginary thing that I am suggesting but I know that there are many cases of important agreements between one industrialist and another, one set of persons and an industrialist which are of very important nature and representations may be made by those private parties to the Government requesting them to have legislations cancelling such agreements. I don't want that the Government should be burdened with such representations. Lastly, my amendment is of the same nature as the amendment which I suggested with reference to clause 2 to the effect that any legislation made by a State must be put before both Houses of Parliament. It was said by hon. Mr. Pataskar that if we accept this amendment we would be riding over the rights of State Legislatures. Nothing like that. My amendment is of a very humble nature. It does not suggest that we should have the right of veto. We only suggest that we should have the humble right of having our say in the matter which may be considered by the President. Now according to the present Constitution my view is, and I am sure this will be shared by the Home Minister also that the President

before giving his assent or refusing his assent, would be guided by the advice of the Government. I don't think it is open to the President, though it has not been expressly mentioned in the Constitution but the democratic convention always is and I suppose it will continue to be, that the President will always act according to the advice of the Government. If the Government says.....

MR. DEPUTY CHAIRMAN: You have already spoken on this point, Mr. Kapoor.

SHRI JASPAT ROY KAPOOR: Not on this point but with regard to Government.....

MR. DEPUTY CHAIRMAN: On the same point on the previous occasion—Please close.

SHRI JASPAT ROY KAPOOR: My submission is that it is not only the Government which should have the final say on the subject but even Parliament should have the humble say on the subject. It should have an opportunity of expressing its view on the subject.

SHRI LALCHAND HIRACHAND DOSHI: Sir, I would refer you to my amendment No. 10 wherein I have suggested that a limited period should mean not exceeding three years. The object of this is obvious. I am advised by legal people that if a limited period is not properly defined, it may go to as much as 999 years.

AN HON. MEMBER: May be unlimited.

SHRI LALCHAND HIRACHAND DOSHI: Practically it may be unlimited but 999 years are a limited period and therefore it would vitiate the objective. Therefore I would request the Government to accept this amendment which limits the period to three years or if they don't like three years, some reasonable period may be mentioned so that in the case of the property thus taken for management,

because the Government have not paid for it, they should not be tempted to continue its management for a longer period.

In my amendment No. 11 I have suggested the addition of the words 'in case of mismanagement' after the words 'proper management'. The object is clear that it should be clearly understood that whenever any property is to be taken over, a case should be established that there is mismanagement and then after that, it should be taken over for proper, or I would rather put the word 'better', management.

MR. DEPUTY CHAIRMAN: To secure proper management' is the wording. That means there is mismanagement. Does it not mean that?

SHRI LALCHAND HIRACHAND DOSHI: The amendment does clarify the idea. The whole object of this amending Bill is to clarify the intentions and my amendment's idea is to clarify what Government really wants to do.

MR. DEPUTY CHAIRMAN: What is the meaning of 'to secure proper management'? It means there is mismanagement; otherwise Government may not step in.

SHRI LALCHAND HIRACHAND DOSHI: That is what I was going to mention. When Government, took over the Sholapur Mills presumably for proper management, was it really clone for proper management?—that is the whole point. If they have not done or proper management of that, then the idea really vitiates and the whole object of proper management is not achieved. Therefore the Government must assure the shareholders or the property holders that there will definitely be better management, better than what had existed hitherto. That should be the objective.

In my amendment No. 12, I have asked for the deletion of the words "or of any voting rights of shareholders thereof". This is very necessary, because if we take away the voting right of the shareholders, we really will be

taking away the whole of their rights. After all in the management of a company, the shareholders get their right through their right of voting and that is a very important right. So if we take away this voting right of the shareholders, it would not be fair. So these words occurring in the clause should be deleted.

I have also moved amendments Nos. 16 and 17 and their object is clear. When there is any cancellation of any agreement or lease or licence, it should be for a public purpose and that is what I have suggested, namely, that the words "for a public purpose" should be added. And in my amendment No. 17, I have suggested that the words "article 14" be deleted, because article 14 gives very important rights and we should not abridge any of those rights by this change. Sir, with these words, I commend my amendments to the House.

श्री कन्हैयालाल दाँ० बैद्य (मध्य भारत) :  
उपसभापति महोदय, मैंने जो संशोधन दिया है वह बहुत ही सरल है। अभी माननीय कानून मंत्री ने बताया था कि हमें प्रेसीडेंट के जो विशेष अधिकार संविधान के अन्तर्गत निश्चित किए गये हैं उनके रहते हुए इस प्रकार की मांग इस विधान में नहीं रखनी चाहिए कि पार्लियामेंट को भी बीच में उसी प्रकार का अधिकार हो कि राज्य सरकार के बनाये गये कानून के बारे में अपना सुझाव दे। लेकिन मैं बड़ी नम्रतापूर्वक निवेदन करना चाहूँगा कि आखिर इस विधान के अन्तर्गत जो कानून प्रान्तों की धारा सभाएं बनाएंगी, यदि उनको स्वीकृति देने से पूर्व पार्लियामेंट उन पर सुधार के लिए कोई सुझाव या राय देना चाहे तो उसमें किसी को आपत्ति नहीं होनी चाहिए।

मैं यह भी सुझाव रखना चाहूँगा कि जब इस प्रकार के एक्ट राज्यों की धारा सभाएं पास करती हैं तो संविधान के अन्तर्गत उसको लागू किचे जाने की स्वीकृति राष्ट्रपति से मांगी जाती है। इसलिए यह उचित है कि पार्लियामेंट को इस बात का मौका मिलना चाहिए कि जब वह किसी कानून को बनाने की स्वीकृति देती है तो वह

[श्री कन्हैयालाल दाँ० बँद्य]

यह देखें कि जो कानून बनता है उसके विषय में अपनी राय या सुझाव प्रकट करने के बाद ही उसको लागू होने की अपनी अनुमति दें । आखिर राष्ट्रपति के सामने जो चीजें जाती हैं वह अगर हमारे कुछ सुझावों के साथ जायें तो उससे राष्ट्रपति को या देश को कुछ हानि नहीं होने वाली है और न उसके द्वारा राष्ट्रपति के अधिकारों का हम हनन करना चाहते हैं । पार्लियामेंट का जो अधिकार है वह अधिकार सर्वोच्च है और उसके द्वारा हम ऐसे सुझाव दे सकते हैं जिनसे कि मान लीजिए प्रान्तों में ऐसी बात हुई हो जिसके द्वारा देश को हानि होती हो या कोई गलत बातें उनके कानून के अंदर हों तो उनको रोका जा सके । इसीलिये मैं यह आवश्यक मानता हूँ कि संविधान में जब कि हम इस विधेयक द्वारा संशोधन कर रहे हैं तो मरें इस संशोधन को भी स्थान देना चाहिए ।

श्री एच० पी० सबसेना (उत्तर प्रदेश) : उनकी आटोनामी आप छीन लेंगे ?

श्री कन्हैयालाल दाँ० बँद्य : नहीं, नहीं, छीनने का सवाल नहीं है ।

SHRI T. V. KAMALASWAMY: Mr. Deputy Chairman, at the very outset I want to make it absolutely clear that I am fully in support of the provisions and principles embodied in this Bill. My purpose in coming forward with my amendment is to record my protest against the manner in which lines 34 to 37 on page 2, dealing with the *janmam* right have been introduced in the body of the Bill. Probably many people in other parts of the country are not aware what kind of a thing this *janmam* right is. Sir, the land tenure system under the *janmam* right is a very complicated one and it only exists in the West coast of the country. Broadly speaking, this *janmam* right holder is not to be confused with an estate holder. *Janmis* generally in the present day do not hold vast areas of land, nor are they very rich people, more than 100,000 of them pay land

revenue of only Rs. 10 per year. Therefore, the House should not be under the impression that they are a class of people allied to zamindars or jagirdars. Under the system of land tenure prevalent in Malabar, South Kanara and the West coast, *Janmis* lease or mortgage the land to a set of intermediaries called the *Kannamdars* and those people either cultivate the land themselves or they sublet it to the actual tillers. The relationship between the actual tillers and these *Kannamdars* and the *Janmis* has been regulated by the Madras Tenancy Act, the original Act and also by two subsequent Acts in 1952 and 1954, the two amending Acts of the Madras Government. Some of the provisions of these Acts have been challenged in the Madras High court, because these amending Acts sought to give fixity of tenure not only to the tiller of the soil, but also to the intermediary who merely invests on the land as a business proposition. Under the amending Acts, the *Kannamdars* actually get more benefits than even the actual tillers. In this amending Bill that we are considering here, only the *janmam* right has been singled out, not the rights of the *Kannamdar*. When the Bill was introduced in the Lok Sabha and also when it was before the Select Committee, this item relating to *janmam* right was not even considered by the Committee. I would like to know why. when the report of the Select Committee was discussed in the Lok Sabha, this amendment was ushered in by the hon. Minister himself. What is the necessity to rush in at this stage? Was it not even considered at the time of the discussions in the Select Committee? Did the Government consult the State Government of Madras? What was their original point of view? And what was the reason for this *volte-face*, this change of attitude on the part of the hon. Minister during this short time? I would like to get an answer to this. Was the hon. Home Minister himself opposed to the inclusion of this amendment earlier? Have the Government of Madras also shared his views? I should be



thankful to the hon. Minister if he could explain why he was compelled to retrace his original decision.

Sir, I will not go into the merits of the case. The hon. Home Minister will please explain why *janmam* right alone was singled out and incorporated in this Bill, and why the allied right of the *Kannamdars* also has not been considered and brought within the scope of this Bill. Sir, justice requires that a person should be heard before being condemned. This sudden hustling and busting of this legislation, at least the portion relating to *janmam* right, has not given the public full opportunity to go into the question, more so as it is a very complicated question, I mean this relationship between *Kannamdars* and *janmis* which is still pending before the High Court of Madras. They have not come to a conclusion as to whether the relationship between the *Kannamdars* and *janmis* is one of mortgage or of lease. At this juncture it is not wise for the Government to single out the *janmis* alone to be considered here and omit the other allied proprietary holders. Hence, I submit that the Government should go into the question very thoroughly and look into the representation made by the *Janmis* of the West coast and allay their apprehensions, or at least not discriminate against them in this measure, but bring all the other allied proprietary holders also within the ambit of this Bill.

DR. R. B. GOUR (Hyderabad): Mr. Deputy Chairman, I shall confine my remarks only to amendment No. 32.

The only thing that we propose under this amendment is the inclusion of power, light and water. As you will observe from the Report of the Joint Select Committee, we have been pressing for this. I do not want to take much time of the House and I would only like to refer to power and electricity which, Sir, we have been rightly emphasising in our Five Year Plan and in the second Five Year Plan that we are going to have, there is going to be added emphasis on power and electricity, hydro-electric schemes and all that. The distribution of power

and even the generation of power is in the hands of certain private monopolists and when I say monopolists, it does not only refer to Indians but to foreign monopolists also and they control the distribution of electricity to the various major centres and towns in our country. I am not going to speak about the various examples but shall only deal with only two examples. One is about Calcutta. The Calcutta Electric Supply Corporation is a mainly British corporation even though certain Indians may find themselves in some important posts in the Corporation or in the management. During the last few years, this Corporation has accumulated at least three or four times the capital as profit. Not only that; it has got the monopoly and no other concern can supply electricity to either Calcutta or round about Calcutta because this Corporation enjoys the monopoly. Now, Sir, even a hydro-electric system built up in the State sector will not be able to give cheaper electricity to Calcutta.

We see that one-fourth of the population of the city of Calcutta dwells in *bustees* where light is not supplied to them. If the State takes over that Corporation, it can supply cheaper electricity to the people of Calcutta and, at the same time, substantial profits will be accruing to the State through the nationalisation of such a Corporation and the profits may be utilised for expansion of electric services. The industrialists will also get cheaper power for running their industries.

Another case that I would like to bring to your notice in this connection is the case of the home State of the Home Minister, Uttar Pradesh. Biren Mookerjee—Martin Burns combine—controls the U.P. Electric Supply Corporation, if I remember correctly. I can only give you one example of one town, Firozabad. The electricity generated is that of the Government but this company was given a fifteen years' lease in 1935 for distributing that power. That lease has been extended for a further period of fifteen years. This company charges at the rate of eight annas per unit

[Dr. R. B. Gour.] from the people of Firozabad. If this could be nationalised, then you can give cheaper electricity to the people and the money so saved by either the people of Firozabad or the Firozabad Municipality can be used for extending social services in Firozabad. Today the problem is this: The Government of Uttar Pradesh has agreed to give a loan of Rs. 15 lakhs for water supply and another Rs. 15 lakhs for drainage schemes. If that loan were to be taken advantage of, then every year the Municipality will have to repay at the rate of Rs. 1,80,000. That body cannot And this amount from its own resources and the people are already taxed in some other form particularly electricity charges weigh heavily on the citizens. That is what I know from personal experience and I think, every other city in Uttar Pradesh will reveal the same experience. Therefore, light and power is an important thing. We do not know why Government agreed to delete these things from the original Bill. We press that these things should be included.

SHRI K. MADHAVA MENON (Madras): Sir, I rise to oppose the amendment moved by Mr. Kamalaswamy for the deletion of lines 34 to 37 in page 2 of the Bill. As Mr. Kamalaswamy himself has said, he does not oppose the principles but he does not know how this happened to come in and he wants to know how this amendment including a *janmam* right in the definition of the estate has come in at this stage. He wants to know whether the Madras Government had recommended this or not and he says that there is discriminatory treatment in that the *janmam* right has been included whereas the *Kannamdars* have not been included. I am afraid that Mr. Kamalaswamy has no conception; he does not belong to that place but that does not mean that a person who does not belong to a place does not know the conditions there but from the speech that he made, it is absolutely clear that he has not understood the *tenure*. His main argument is that there

is discrimination in that the *janmam* rights are included in the definition of estates whereas the *Kannamdari* rights are not included. The point is that the *Kannamdar* is only a sub-tenant under the *Janmi* and sub-tenures are included in this provision. Article 31A (2) (b) says that rights include any rights vesting in a proprietor, sub-proprietor, under-proprietor, tenure-holder, or other intermediary. *Kannamdar* is nothing but a tenure holder. He is a tenant under the *janmi* and that is how this thing came to be added in the Bill. As I said yesterday, the entire land in Malabar belongs to the *Janmi*. Property ownership is in the hands of certain individuals who are called *Janmis*; they are rich and they are poor also but the fact remains that unlike other parts of the country, the entire land is in the hands of what are called *Janmis* whose right is called the *Janmam* right. If this was not included here, article 31A will not apply to them at all. Why should they be put in an advantageous position that article 31A will not apply to them but will only apply to the rest of India? It was only with that idea that we pressed this point on the Government. We do not want an unfair advantage to be taken by the Malabar landholder. The landholder in Malabar and in Kerala—Travancore and Cochin, should get the same advantage or disadvantage that is given to the landholders in the rest of India. That is the idea. The other things are irrelevant. There is a case pending in the Madras High Court. Certain people have filed a suit for declaring the Malabar Tenancy Act *ultra vires* of the Constitution because of articles 14, 19 and 31. Under the Malabar Tenancy Act, there is fixity of tenure; fair rent has been fixed and certain exactions have been removed. This is being questioned as being against the Fundamental Rights. We are not concerned with that primarily. The only point is that the landholder in Malabar need not be in an advantageous position than the other landholders in India.

MR. DEPUTY CHAIRMAN: The hon. Minister.

SHRI BHUPESH GUPTA: Sir, [ have not moved any amendments but we have divided them amongst ourselves and. therefore, I will not touch upon the points that have been covered.

MR. DEPUTY CHAIRMAN: Two Members of your Party have spoken. I have called on the Minister to reply.

SHRI BHUPESH GUPTA: You have called him; that is all right but I want to speak.

MY. DEPUTY CHAIRMAN: You did not stand up earlier. I am not going to allow you to speak.

SHRI BHUPESH GUPTA: Kindly lis ten to the submission. The submission is this: We decided to give the amendments collectively in our names and we said that in order to save time we would divide the points amongst us and we communicated this thing to the Chair this morning.

MR. DEPUTY CHAIRMAN: I have no knowledge of it.

SHRI BHUPESH GUPTA: Now, naturally you also know that ill the points have not been covered.

MR. DEPUTY CHAIRMAN: You cannot make a long speech now. The time is limited and I cannot help it.

SHRI BHUPESH GUPTA: I know, Sir, but you hear me first. I know you will not give me time but at least kindly hear me.

MR. DEPUTY CHAIRMAN: I am prepared to listen.

SHRI BHUPESH GUPTA: A number >of amendments consisting of certain points which may be inter-relaled but which may also stand on their own independently were given and we decided amongst ourselves that we would not speak on all the points but lhat we would concentrate on some points, each •taking a certain specific point.

MR. DEPUTY CHAIRMAN: You cannot make a long speech.

SHRI BHUPESH GUPTA: We did that in order to save the time of the House. I do not wish to make a long speech, Sir, but I want to know.....

MR. DEPUTY CHAIRMAN: Order, order. I have to close this clause by 4 P.M. and there are hardly twenty minutes left.

SHRI BHUPESH GUPTA: Even the Chairman told me that I should be given twenty minutes in the third reading. I do not know how you have not been seeing me. I have been standing up and I know that when I stand up it looks as if you do not see me.

M,R. DEPUTY CHAIRMAN: I am bound by the Business Advisory Committee's decisions.

SHRI BHUPESH GUPTA: I do not know what the Advisory Committee did. Our Member was not called.

MR. DEPUTY C H A I R M A N : A motion was moved and adopted in the House.

SHRI BHUPESH GUPTA: I think it is very unfair. It is absolutely unfair, this stifling of discussion. You can certainly have your way but. at the same time, we shall certainly record our protest against certain procedures.

MR. DEPUTY CHAIRMAN: Ordei. order. Mr. Pant.

SHRI GOVIND BALLABH PANT: I am sorry. Sir. t^etf. Mr. Bhupesh Gupta has not beenTto offer any comments. I think his colleagues who have spoken have expressed his Party's point of view.

SHRI BHUPESH GUPTA: Many points have not been covered by them because we thought that we would speak on separate points.

ME. DEPUTY CHAIRMAN: Order, order.

SHRI GOVIND BALLABH PANT: I shall try to cover them for Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA: We do not want Congress Ministers to convey our points. We can do it for ourselves very well.

MR. DEPUTY CHAIRMAN: Please do not disturb.

SHRI GOVIND BALLABH PANT: So far as the amendments are concerned, the first amendment that has been moved really suggests the re-introduction of all the clauses that were included in the original Bill. They were omitted or modified because of the change made in article 31 (2). The attitude of the movers of the main amendment seems to me to be altogether inconsistent. On the one hand they say that full compensation should be paid to small owners of property. On the other hand, wherever any attempt is made to safeguard the rights of the small owners they suggest amendments which will deprive them of such protection. For example in (b) we had formerly the words "or in agricultural holdings". The effect of reintroducing these words would be that agricultural holdings could be acquired without any payment being made as compensation. They say that they want small holders to get sufficient compensation. Then I do not at all understand why they want the words "agricultural holdings" to be reintroduced. It goes against their declarations.

Then again if you take (c) there is the amendment where they want a ceiling to be fixed and the land above the ceiling to be acquired. Suppose a cultivator or a *raivat* has 25 acres of land and the ceiling is fixed at 20 acres, if the excess 5 acres are taken away from him, then they surges, that no compensation need be paid.

SHRI BHUPESH GUPTA: It is not our suggestion. We have not said so. The hon. Minister is taking upon himself what we have not said.

MR. DEPUTY CHAIRMAN: Please do not disturb him, Mr. Gupta. He is retrying on behalf of the Government. I

SHRI BHUPESH GUPTA: How can we go on like that? He is interpreting our things in the way we do not interpret such things. I think it is our duty to explain to the House what we mean.

MR. DEPUTY CHAIRMAN: Order, order, please do not disturb.

SHRI BHUPESH GUPTA: You can call me to order. That is the only thing left, but we are entitled to make our position clear.

SHRI GOVIND BALLABH PANT: I am prepared to let Mr. Bhupesh Gupta.....

SHRI H. C. MATHUR (Rajasthan): I must say, Sir, that if a point is being interpreted and is put in the mouth of a certain Member, I think he has certainly a right to clarify it and in such an important matter, if such things go without clarification.....

MR. DEPUTY CHAIRMAN: I cannot allow such disturbance, Mr. Mathur.

SHRI BHUPESH GUPTA: You must take the opposition a little more seriously. Sir, when a thing is being put into anybody's mouth.

SHRI GOVIND BALLABH PANT: It is the natural interpretation of the words to which any rational man would agree. What is stated here is this that "the maximum extent of agricultural land that may be owned or occupied by any person or the disposal of any agricultural land held in excess of such maximum, whether by transfer to the State or otherwise" should be brought within the purview of the exception so that the protection that is available now to the acquisition of such excess lands may be denied to the owners of such lands. If any other interpretation is possible, it is open to any person to give it. But I do not see why there should be any heat or excitement over it.

SHRI BHUPESH GUPTA: It is not a question of heat. If you think, Sir, if the hon. Minister thinks that it means that, we are prepared to alter

the wording. Let him say whether he will consider our suggestions.

SHRI GOVIND BALLABH PANT: We are not carrying on a dialogue here, unfortunately. The point is simple enough.

Then the other question is about (d) and there too they want to introduce their amendment. There have been a number of complaints here and it has been said that property has been acquired for the relief of the displaced persons and reasonable compensation has not been paid. The Delhi case has been quoted again and again. Now they want to introduce their (d) again which will deprive the persons, whose land may be acquired for such purposes, of the opportunity of receiving any compensation whatsoever. That is altogether inconsistent and incompatible with the attitude that they have adopted in the earlier part of the discussion.

Similarly about slums and buildings and so on. So I do not at all understand this approach of the Members, who want the small owners to get reasonable compensation. What we have done is this. On the one hand by amending article 31 (2) we have laid it down that the compensation paid need not necessarily be adequate and the question whether it is adequate or inadequate will not be justiciable. On the other hand we have, by taking out this clause, made it possible for the persons whose property will be so acquired to receive equitable and reasonable compensation. I think there need not be any objection to it especially on the part of the hon. Members who want the rights and interests of the smaller owners to be safeguarded.

The other objection relates to the introduction of the words "in the public interest" in (a). Well, as hon. Members may be knowing, it has been taken bodily from the existing article in the Constitution. It is not an innovation. It has not caused any

trouble or difficulty so far. So there is no point in inserting words which will create difficulties hereafter. This clause has been interpreted in a particular way and nobody has felt aggrieved on that account. Now if we disturb the language of this clause there will be difficulties created by us for the future. So this amendment is unnecessary and may prove somewhat harmful.

The other amendment relates to the period being fixed at three years. Well-three years seems to me quite a reasonable period. Ordinarily I think when property is taken for management, three years should prove adequate. But if we introduce the words "three years", ordinarily it will become the minimum period, that is, even if the management can be set right in the course of a year, the tendency will be to have it for three years. On the other hand there may be cases in which three years may not be adequate enough. So it is better to leave it at that. What hon. Members have to remember again is this that we are not giving any authority to the executive but only to the legislatures or the Parliament to make laws regarding these matters. So it is not a writ that the executive can issue. The matter will come before the legislature, before the Parliament and they can determine the period which I hope will be reasonable. So there is no risk whatsoever involved in using the words "for a limited period".

SHRI BHUPESH GUPTA: What about other points? Plantation was mentioned. There are various other points that were raised.

SHRI GOVIND BALLABH PANT: As far as other points are concerned, all those were considered in the Select Committee. The representatives of the various parties were there and after giving due consideration to all that they had to say, the Bill was given this form in which it went to the Lok Sabha from where with some slight modifications it has come here. So hon. Members should not be under the impression that their viewpoint

[Shri Govind Ballabh Pant.] has not received due consideration and weight. As to plantations and other things, the simple point is this. When we have provided that whatever compensation we pay will be determined by the circumstances of the case, there is no need for any panic regarding anything. It will be open to the legislature to take everything into account and then to prescribe such compensation as it may consider reasonable in the circumstances of the case. It may be very small. It may be part of the market value. So there is no trouble. That is why we amended clause (2) itself and when that has been done, there is no need to have these included.

SHRI BHUPESH GUPTA: We wanted plantation to be included within the category of estate.

SHRI GOVIND BALLABH PANT: I know that some hon. Members wanted plantation to be included. That suggestion was also made in the Select Committee. We considered the suggestion. It was given due thought and after giving due consideration to it, it was felt that when we had amended article (2) there was no point in having such an amendment. So that was not accepted and I still feel that it would not be proper, it would not be wise and no useful purpose would be served by introducing plantation and other things. Again I may repeat that it is not the intention that even in the case of properties included in this clause no compensation need be paid. It will depend on the discretion of the legislature as to what compensation they would like to pay but all controversies are shut out. Even the question of adequacy or inadequacy will not arise with respect to matters which are included in clause (3). So I do not see why there should be so much of excitement over it. It is a very simple clause. After having passed clause (2) there need be no misunderstanding or misgivings and no misapprehension in any quarter.

A suggestion has been made that the Bills passed by local legislatures

should be placed before Parliament. That would be adding to the burdens of Parliament. Parliament even now cannot get through its business easily and to have Bills received from 21 States and again considered in Parliament is almost to drive it to an impossible position. It will lead almost to a breakdown in our work here. Besides, the local legislatures consist of responsible representatives of the people. We here have been elected by the members of the local legislatures and so we should not distrust our electorate. It would not be very fair to them and I think we may be said to be in a way the offspring of the local legislatures who can claim the right of parentage and guardianship over us.

SHRI JASPAT ROY KAPOOR: We might be helping them by saying 'yes' to what they have said.

SHRI GOVIND BALLABH PANT: If that is the case they may assume 'yes' is always there so far as you are concerned. The President as the Head having considered it may say 'yes' or suggest modifications and ask them to reconsider the position. Ultimately we must realise that the brunt of the burden has to be borne by the local legislatures. They have to maintain law and order and they have to implement all the schemes for development and to deal with various other matters which are of an embarrassing and awkward character. In the circumstances to treat their proposals with an unnecessary amount of distrust would not be fair to them. I agree that the President will always have the advice of the Government at his disposal. He will be told what the Government feels about it and he will give his own decision. The Government will, I think, ordinarily reflect the opinion of Parliament. So the Parliament without having to devote time to this work, which will otherwise take up much of their time, will have the benefit of their views being reflected through their accredited representatives in the Executive. I think I have covered all the amendments that had been moved.

SHRI JASPAT ROY KAPOOK: What about No. 15, Sir, that only agreements and leases made or given by the Government need be covered by this clause and that private agreements and leases should not be covered by it?

SHRI GOVIND BALLABH PANT: I do not see what is meant by private agreement or public agreement. If it means any agreement which comes in the way of nationalisation of the mines in case the Government wants to nationalise them or take them under its control, here again a law will have to be introduced in Parliament. It will not be a hole-and-corner business. When it comes up here, the Bill can be scrutinised and it can either be rejected or amended in any way considered proper. So why should there be any idea that any danger to equity and justice is involved in these proposals? All that is being done is that the Parliament and the legislatures are being authorised to deal with certain matters. If that is realised, there is no ground for any sort of apprehension or for any misapprehension whatsoever.

MR. DEPUTY CHAIRMAN: Mr. Kapoor, what about your amendments?

SHRI JASPAT ROY KAPOOR: Well Sir, guided by the superior wisdom of the Minister I beg leave of the House to withdraw my amendments Nos. 9, 13, 14, 15 and 18.

♦Amendments Nos. 9, 13, 14, 15 and 18 were, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: What about your amendments, Mr. Doshi?

SHRI LALCHAND HIRACHAND DOSHI: Sir, I beg leave of the House to withdraw them.

♦Amendments Nos. 10, 11, 12, 16 and 17 were, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

\*For text of the amendments *vide* cols. 5351-52 *Supra*, respectively.

29RSD—5

27. "That at page 2, for the existing clause 3, the following be substituted, namely: —

'3. *Omission of articles 31A and 31B.*—Articles 31A and 31B of the Constitution shall be omitted'."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

28. "That at page 2, for lines 6 to 31 the following be substituted, namely: —

'(a) the acquisition by the State of any estate or of any rights therein, or

(b) the extinguishment or modification of any rights in estates or agricultural holdings, or

(c) the maximum extent of agricultural land that may be owned or occupied by any person or the disposal of any agricultural land held in excess of such maximum, whether by transfer to the State or otherwise, or

(d) acquisition or requisitioning of any immovable property for the relief or rehabilitation of persons displaced from their original place of residence in Pakistan, or

(e) the acquisition or requisitioning for a public purpose of any land declared in pursuance of law to constitute a slum or of any buildings or huts standing on and belonging to the owner of such land or of any vacant or waste land, or

(f) the taking over of the management of any property by the State for a limited period, either in the public interest or to secure the proper management of the property, or

(3) the transfer of any y taking, wholly or in Dart^

[Mr. Deputy Chairman.] company or corporation to another or the amalgamation of two or more companies or corporations, either in the public interest or in order to secure the proper management of the undertaking or of any of the companies or corporations, or

(h) the extinguishment or modification of any rights of managing agents, secretaries, treasurers, managing directors, directors, managers or shareholders of companies or corporations, or

(i) the extinguishment or modification of any rights accruing by virtue of any agreement, lease or licence, for the purpose of searching for, or winning any mineral or mineral oil, or for the purpose of supplying power, light or water to the public or the premature termination or cancellation of any such agreement, lease or licence,'

shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14, article 19 or article 31." The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

29. "That at page 2, line 6, after the word 'estate' the words 'or of any plantation' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

30. "That at page 2, after line 8, the following be inserted namely: —

'(aa) the acquisition or requisitioning for a public purpose of any land, buildings or huts declared in pursuance of law to constitute a slum or of any vacant or waste land, provided that full market value as compensation for the loss suffered shall be paid to the actual hut dweller, or'."

The motion was negatived.

4 P.M.

MR. DEPUTY CHAIRMAN: The question is:

31. "That at page 2,—

'(i) in lines 18-19, after the word "corporations", the words "of shareholders other than Indian and Pakistani nationals" be inserted; and

(ii) in line 19. after the words "rights of" the word "Indian" be inserted'."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

32. "That at page 2, line 23, after the words 'mineral oil' the words 'or for the purpose of supplying power or light to the public' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: What about your amendment, Mr. Vaidya? Do you withdraw it?

SHRI KANHAIYALAL D. VAIDYA: Yes, Sir.

fAmendment No. 33 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

34. "That at page 2, for lines 33 to 40, the following be substituted, namely: —

'(b) in sub-clause (b) of clause (2),—

(i) after the words "an estate" the words "or agricultural holding" shall be, and shall be deemed always to have been inserted: and

(ii) after the word "tenure-holder" the words "raiyat, under-raiyat" shall be, and shall be

f For text of the amendment *vide* col. 5351 *supra*.



seemed always to have been inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

35. "That at page 2, lines 34 to 37 be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The House divided:

AYES

Abid Ali, Shri.

Adityendra, Shri.

Agarwala, Shri R. G.

Agnibhoj, Shri R. U.

Agrawal, Shri J. P.

Ahmad Hussain, Kazi.

Ahmed, Shri Fakhruddin Ali.

Aizaz Rasul, Begam.

Akhtar Husain, Shri.

Amolakh Chand, Shri.

Barlingay, Dr. W. S.

Bedavati Buragohain, Shrimati.

Beed, Shri I. B.

Bharathi, Shrimati K.

Bisht, Shri J. S.

Chaturvedi, Shri B. D.

Chauhan, Shri Nawab Singh.

Daga, Shri Narayanda\*

Dangre, Shri R. V.

Dasappa, Shri H. C.

Das, Shri Jagannath.

Deogirikar, Shri T. R.

Deshmukh, Shri R. M.

Dhage, Shri V. K.

Dharam Das, Shri A.

Doogar, Shri R. S.

Dube, Shri Bodh Ram.

Dube, Dr. R. P.

Dutta, Shri Trilochan.

Faruqi, Moulana M.

Galib, Shaik.

Ghose, Shri B. C.

Gilder, Dr. M. D. D.

Gour, Dr. R. B.

Gupta, Shri R. C.

Gupte, Shri B. M.

Hans Raj, Shri.

Hardiker, Dr. N. S.

Hathi, Shri J. S. L.

Hegde, Shri K. S.

Hemrom, Shri S. M.

Indra Vidyavachaspati, Shri.

Italia, Shri D. D.

Jafar Imam, Shri.

Jalali, Aga S. M.

Kalelkar, Kakasaheb.

Kamalaswamy, Shri T. V.

Kapoor, Shri Jaspat Roy.

Karayalar, Shri S. C.

Khan, Shri Abdur Rezzak.

Khan, Shri Akbar Ali.

Khan, Shri Ahmad Said.

Khan, Shri Barkatullah.

Khan, Shri Pir Mohammed.

Kishen Chand, Shri.

Krishna Kumari, Shrimati.

Lakshmi Menon, Shrimati.

Lai Bahadur, Shri.

Lall, Shri Kailash Bihari.

Leuva, Shri P. T.

Lilavati Munshi, Shrimati.

Mahanty, Shri S.

Mahesh Saran, Shri

Mahtha, Shri S. N.

Malkani, Prof. N. R.

Malviya, Shri Ratanlali Kishorilal

Mann, Lt.-Col. J. S.

Mathur, Shri H. C.

Maya Devi Chettry, Shrimati.

Mazhar Imam, Syed.

Menon, Shri K. Madhava.

Misra, Shri S. D.  
 Mitra, Dr. P. C.  
 Mona Hensman, Shrimati.  
 Mookerji, Dr. Radha Kumud.  
 Mujumdar, Shri M. R.  
 Mukerjee, Shri B. K.  
 Murari Lai, Dr.  
 Nagoke, Jathedar U. S.  
 Naidu, Shri P. S. Rajagopal.  
 Na<sup>^</sup>asimham, Shri K. L.  
 Obaidullah, Shri.  
 Pande, Shri T.  
 Pant, Shri Govind Ballabh.  
 Parikh, Shri C. P.  
 Parvathi Krishnan, Shrimati.  
 Pattabiraman, Shri T. S.  
 Pawar, Shri D. Y.  
 Pheruman, Sardar D. S.  
 Prasad, Shri Bheron.  
 Pushpalata Das, Shrimati.  
 Pustake, Shri T. D.  
 Raghavendraraao, Shri.  
 Raghubir Sinh, Dr.  
 Rajagopalan, Shri G.  
 Raju, Shri A. S.  
 Reddy, Shri A. B.  
 Reddy, Shri M. Govinda.  
 Roufique, Shri M.  
 Saksena, Shri H. P.  
 Sambhu Prasad, Shri.  
 Sarwate, Shri V. S.  
 Satyanarayana, Shri M.  
 Savitry Nigam, Shrimati.  
 Seeta Parmanand, Dr. Shrimati.  
 Shah, Shri B. M.  
 Sharda Bhargava, Shrimati.  
 Sharma, Shri B. B.  
 She'.ty, Shri Basappa.  
 Shrimali, Dr. K. L.  
 Singh, Dr. Anup.  
 Singh, Babu Gopinath.  
 Singh, Sardar Budh.  
 Singh, Thakur Bhanu Pratap.  
 Singh, Shri Ngangom Tompok.

Singh, Shri Nihal.  
 Singh, Shri Ram Kripal.  
 Singh, Shri Vijay.  
 Sinha, Shri Rajendra Pratap.  
 Sinha, Shri R. P. N.  
 Sokhey, Maj.-General S. S.  
 Subbarayan, Dr. P.  
 Sumat Prasad, Shri.  
 Sur, Shri M. M.  
 Tamta, Shri R. P.  
 Tankha, Pandit S. S. N.  
 Tayyebulla, Maulana M.  
 Vaidya, Shri Kanhaiyalal D.  
 Valiulla, Shri M.  
 Vallabharao, Shri J. V. K.  
 Variava, Dr. D. H.  
 Varma, Shri C. L.  
 Venkata Narayana, Shri Pydah.  
 Venkataraman, Shri S.  
 Venkataramana, Shri V.  
 Vijaivargiya, Shri Gopikrishna.  
 Violet Alva, Shrimati.  
 Vyas, Shri Krishnakant.  
 Zakir Hussain, Dr.

NOES—Nil.

Mr.. DEPUTY CHAIRMAN: Ayes—  
 139; Noes—Nil.

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

Clause 3 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now we take up clauses 4 and 5 of the Bill

SHRI S. MAHANTY: Sir, I wish to speak.....

MR. DEPUTY CHAIRMAN: But there are no amendments.

SHRI S. MAHANTY: That does not take away my right to speak, Sir.

MR. DEPUTY CHAIRMAN: All right, be brief.

SHRI S. MAHANTY: Sir, I have got only a few remarks to make. I refer to item No. 16 in clause 5 which relates to the Resettlement of Displaced Persons (Land Acquisition) Act, 1948. Sir, I will merely repeat what I said earlier during the first reading stage. The fact that the hon. Minister did not give any reply to my point in the course of his reply—he never touched that point—has compelled me to take the time of the House and make a few observations for what they are worth.

Sir, this amending Bill is seeking to validate certain Acts which were passed by the State Legislatures and which were held *ultra vires* of the Constitution by competent courts. One among those Acts is the Resettlement of Displaced Persons (Land Acquisition) Act, 1948. Now what I want to know from the Government is this when this Parliament is going to validate certain Acts which have been invalidated by the High Courts, is the Government going to have any moral responsibility to see that justice is done or not? That is my straight question. Sir, in the nearby villages of Basai Darapur and the other villages, lands have been acquired at the rate of one to two annas per square yard, even though the lands of the same quality and of the same kind in the neighbouring villages have been paid compensation at the rate of Rs. 5 per square yard. I do not wish to draw any inference from this. It is for the hon. Minister to draw his own inference and find out as to why the lands have been acquired at the rate of one to two annas per square yard, while the rate of Rs. 5 was being paid for the same kind of land which had been acquired, of course, from different owners. Now, Sir, this land, after having been acquired for the resettlement of refugees, has been leased out to two corporations which are leasing out that land at the rate of Rs. 10 to Rs. 15 per square yard. I would like to know from the Government if they are going to stop this kind of racketeering or not. Otherwise, in effect, it will mean that the Constitution is being amended in order to make the

citizens refugees and the refugees citizens, and in the bargain, make persons like.....

MR. DEPUTY CHAIRMAN: No names, Mr. Mahanty.

SHRI S. MAHANTY: But he happens to be the.....

MR. DEPUTY CHAIRMAN: Please don't mention any names.

SHRI S. MAHANTY: All right, thank you, Sir. So, Sir, are we going to make those rich persons richer and these poor persons refugees? I would be very grateful to the hon. Home Minister if he gives a very categorical assurance on this occasion that the Government is going to have a full enquiry into this matter and give justice to the people who have been denied this.

SHRI GOVIND BALLABH PANT: Sir, I think Mr. Mahanty is referring to the Delhi case again that seems to be in his mind. Well, I have received a report about that case. I will show it to him, although it is a confidential document, and if he suggests any further course of action, I shall give every thought to his proposal. It is just possible that after seeing the report he may revise his opinion and may feel that what has been brought to his notice is not the whole of the truth and does not cover the entire ground. But in any case, I do want justice to be done to every single individual. This should also be remembered that although the law that we are making today will make the question of adequacy and inadequacy non-justiciable, under the law, whatever compensation is allowed will be justiciable, so far as the individuals are concerned. It will always be open to them to go to court and to claim the compensation to which they are entitled under the law framed by Parliament or by the legislatures. So, there is no question of any injustice being done to individuals. The question whether the law itself is fair or not is for the legislature to determine. But where the individuals' rights are

[Shri Govind Ballabh Pant.]  
concerned, they will certainly be  
justiciable, and an appeal will lie to the  
courts, and it will be open to the person  
aggrieved to approach the authority  
concerned, which will, in all cases,  
ordinarily be some judicial tribunal for  
adequate redress. But so far as the  
particular case is concerned, I shall be  
glad to show the report to Mr. Mahanty.

MR. DEPUTY CHAIRMAN: The  
question is:

"That clauses 4 and 5 stand part of  
the Bill."

The House divided:

AYES

Abid Ali, Shri.  
Adityendra, Shri.  
Agarwala, Shri R. Q.  
Agnibhoj, Shri R. U.  
Agrawal, Shri J. P.  
Ahmad Hussain, Kazi.  
Ahmed, Shri Fakhruddin Ali.  
Aizaz Rasul, Begum.  
Akhtar Husaln, Shri.  
Amolakh Chand, Shri.  
Barlingay, Dr. W. S.  
Bedavati Buragohain, Shrimati.  
Beed, Shri I. B.  
Bharathi, Shrimati K.  
Bisht, Shri J. S.  
Chandravati Lakhanpal, Shrimati.  
Chaturvedi, Shri B. D.  
Chauhan, Shri Nawab Singh.  
Daga, Shri Narayandas.  
Dangre, Shri R. V.  
Dasappa, Shri H. C.  
Das, Shri Jagannath.  
Deogirikar, Shri T. R.  
Deshmukh, Shri R. M.  
Dhage, Shri V. K.  
Dharam Das, Shri A.  
Doogar, Shri R. S.

Dube, Shri Bodh Ram.  
Dube, Dr. R. P.  
Dutta, Shri Trilochan.  
Faruqi, Moulana M.  
Galib, Shaik.  
Ghose, Shri B. C.  
Gilder, Dr. M. D. D.  
Gupta, Shri Bhupesh.  
Gupta, Shri R. C.  
Gupte, Shri B. M.  
Hans Raj, Shri.  
Hardiker, Dr. N. S.  
Hathi, Shri J. S. L.  
Hegde, Shri K. S.  
Hemrom, Shri S. M.  
Indra Vidyavachaspati, Shri.  
Italia, Shri D. D.  
Jafar Imam, Shri.  
Jalali, Aga S. M.  
Kalelkar, Kakasaheb.  
Kamalaswamy, Shri T. V.  
Kapoor, Shri Jaspat Roy.  
Karayalar, Shri S. C.  
Khan, Shri Abdur Rezzak.  
Khan, Shri Akbar Ali.  
Khan, Shri Ahmad Said.  
Khan, Shri Barkatullah.  
Khan, Shri Pir Mohammed.  
Kishen Chand, Shri.  
Krishna Kumari, Shrimati.  
Lakshmi Menon, Shrimati.  
Lai Bahadur, Shri.  
Lall, Shri Kailash Bihari.  
Leuva, Shri P. T.  
Liiavati Munshi, Shrimati.  
Mahanty, Shri S.  
Mahesh Saran, Shri.  
Mahtha, Shri S. N.  
Malkani, Prof. N. R.  
Malviya, Shri Ratanlal Kishorilal.  
Mann, Lt.-Col. J. S.  
Mathur, Shri H. C.  
Maya Devi Chetty, Shrimati.  
Mazhar Imam, Syed.

Menon, Shri K. Madhava.  
 Misra, Shri S. D.  
 Mitra, Dr. P. C.  
 Mona Hensman, Shrimati.  
 Mookerji, Dr. Radha Kumud.  
 Mujumdar, Shri M. R.  
 Mukerjee, Shri B. K.  
 Murari Lai, Dr.  
 Nagoke, Jathedar U. S.  
 Naidu, Shri P. S. Rajagopal.  
 Narasimham, Shri K. L.  
 Obaidullah, Shri.  
 Pande, Shri T.  
 Pant, Shri Govind Ballabh.  
 Parikh, Shri C. P.  
 Parvathi Krishnan, Shrimati.  
 Pattabiraman, Shri T. S.  
 Pawar, Shri D. Y.  
 Pheruman, Sardar D. S.  
 Prasad, Shri Bheron.  
 Pushpalata Das, Shrimati.  
 Pustake, Shri T. D.  
 Raghavendrarao, Shri.  
 Raghuraj Singh, Dr.  
 Rajagopalan, Shri G.  
 Raju, Shri A. S.  
 Reddy, Shri A. B.  
 Reddy, Shri M. Govinda.  
 Roufique, Shri M.  
 Saksena, Shri H. P.  
 Sambhu Prasad, Shri.  
 Sarwate, Shri V. S.  
 Satyanarayana, Shri M.  
 Savitry Nigam, Shrimati.  
 Seeta Parmanand, Dr. Shrimati.  
 Shah, Shri B. M.  
 Sharda Bhargava, Shrimati.  
 Sharma, Shri B. B.  
 Shetty, Shri Basappa  
 Shrimali, Dr. K. L.  
 Singh, Dr. Anup.  
 Singh, Babu Gopinath.  
 Singh, Sardar Budh.  
 Singh, Thakur Bhanu Pratap.

Singh, Shri Ngangom Tompok.  
 Singh, Shri Nihal.  
 Singh, Shri Ram Kripal.  
 Singh, Shri Vijay.  
 Sinha, Shri B. K. P.  
 Sinha, Shri Rajendra Pratap.  
 Sinha, Shri R. P. N.  
 Sokhey, Maj.-General S. S.  
 Subbarayan, Dr. P.  
 Sumat Prasad, Shri.  
 Sur, Shri M. M.  
 Tamta, Shri R. P.  
 Tankha, Pandit S. S. N.  
 Tayyebulla, Maulana M.  
 Vaidya, Shri Kanhaiyalal D.  
 Valiulla, Shri M.  
 Vallabharao, Shri J. V. K.  
 Variava, Dr. D. H.  
 Varma, Shri C. L.  
 Venkata Narayana, Shri Pydah.  
 Venkataraman, Shri S.  
 Venkataramana, Shri V.  
 Vijaivargiya, Shri Gopikrishna.  
 Violet Alva, Shrimati.  
 Vyas, Shri Krishnakant.  
 Zakir Hussain, Dr.

NOES Nil.

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

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

Clauses 4 and 5 were added to the Bill.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 1, the Title and the Enacting Formula stand part of the Bill."

The House divided:

AYES

Abid Ali, Shri.  
 Adityendra, Shri.  
 Agarwala, Shri R. G.  
 Agnibhoj, Shri R. U.  
 Agrawal, Shri J. P.  
 Ahmad Hussain, Kazi.  
 Ahmed, Shri Fakhruddin Ali.  
 Aizaz Rasul, Begam.  
 Akhtar Husain, Shri.  
 Amolakh Chand, Shri.  
 Barlingay, Dr. W. S.  
 Bedavati Buragohain, Shrimati.  
 Beed, Shri I. B.  
 Bharathi, Shrimati K.  
 Bisht, Shri J. S.  
 Chandravati Lakhanpal, Shrimati.  
 Chaturvedi, Shri B. D.  
 Chauhan, Shri Nawab Singh.  
 Daga, Shri Narayandas.  
 Dangre, Shri R. V.  
 Dasappa, Shri H. C.  
 Das, Shri Jagannath.  
 Deogirikar, Shri T. R.  
 Deshmukh, Shri R. M.  
 Dhage, Shri V. K.  
 Dharam Das, Shri A.  
 Doogar, Shri R. S.  
 Dube, Shri Bodh Ram.  
 Dube, Dr. R. P.  
 Dutta, Shri Trilochan.  
 Faruqi, Moulana M.  
 Galib, Shaik.  
 Ghose, Shri B. C.  
 Uilder, Dr. M. D. D.  
 Gour, Dr. R. B.  
 Gupta, Shri Bhupesh.  
 Gupta, Shri R. C.  
 Gupte, Shri B. M.  
 Hans Raj, Shri.  
 Hardiker, Dr. N. S.  
 Hathi, Shri J. S. L.

Hegde, Shri K. S.  
 Hemrom, Shri S. M.  
 Indra Vidyavachaspati, Shri.  
 Italia, Shri D. D.  
 Jafar Imam, Shri.  
 Jalali, Aga S. N.  
 Kalelkar, Kakasaheb.  
 Kamalaswamy, Shri T. V.  
 Kapoor, Shri Jaspat Roy.  
 Karayalar, Shri S. C.  
 Khan, Shri Abdur Rezzak.  
 Khan, Shri Akbar AH.  
 Khan, Shri Ahmad Said.  
 Khan, Shri Barkatullah.  
 Khan, Shri Pir Mohammed.  
 Kishen Chand, Shri.  
 Krishna Kumari, Shrimati.  
 Lakshmi Menon, Shrimati.  
 Lai Bahadur, Shri.  
 Lall, Shri Kailash Bihari.  
 Leuva, Shri P. T.  
 Lilavati Munshi, Shrimati.  
 Mahanty, Shri S.  
 Mahesh Saran, Shri.  
 Mahtha, Shri S. N.  
 Malkani, Prof. N. R.  
 Malviya, Shri Ratanlal Kishorilal.  
 Mann, Lt.-Col. J. S.  
 Mathur, Shri H. C.  
 Maya Devi Chettry, Shrimati.  
 Mazhar Imam, Syed.  
 Menon, Shri K. Madhava.  
 Misra, Shri S. D.  
 Mitra, Dr. P. C.  
 Mona Hensman, Shrimati.  
 Mookerji, Dr. Radha Kumud.  
 Mujumdar, Shri M. R.  
 Mukerjee, Shri B. K.  
 Murari Lai, Dr.  
 Nagoke, Jathedar U. S.  
 Naidu, Shri P. S. Rajagopu.  
 Narasimham, Shri K. L.  
 Obaidullah, Shri.  
 Pande, Shri T.

Pant, Shri Govind Ballabh.  
 Parikh, Shri C. P.  
 Parvathi Krishnan, Shrimati.  
 Pattabiraman, Shri T. S.  
 Pawar, Shri D. Y.  
 Pheruman, Sardar D. S.  
 Prasad, Shri Bheron.  
 Pushpalata Das, Shrimati.  
 Pustake, Shri T. D.  
 Raghavendrarao, Shri.  
 Raghubir Sinh, Dr.  
 Rajagopalan, Shri G.  
 Raju, Shri A. S.  
 Reddy, Shri A. B.  
 Reddy, Shri M. Govinda.  
 Roufique, Shri M.  
 Saksena, Shri H. P.  
 Sambhu Prasad, Shri.  
 Sarwate, Shri V. S.  
 Satyanarayana, Shri M.  
 Savitry Nigam, Shrimati.  
 Seeta Parmanand, Dr. Shrimati.  
 Shah, Shri B. M.  
 Sharda Bhargava, Shrimati.  
 Sharma, Shri B. B.  
 Shetty, Shri Basappa.  
 Shrimali, Dr. K. L.  
 Singh, Dr. Anup.  
 Singh, Babu Gopinath.  
 Singh, Sardar Budh.  
 Singh, Thakur Bhanu Pratap.  
 Singh, Shri Ngangom Tompok.  
 Singh, Shri Nihal.  
 Singh, Shri Ram Kripal.  
 Singh, Shri Vijay.  
 Sinha, Shri B. K. P.  
 Sinha, Shri Rajendra Pratap.  
 Sinha, Shri R. P. N.  
 Sokhey, Maj.-General S. S.  
 Subbarayan, Dr. P.  
 Sumat Prasad, Shri.  
 Sur, Shri M. M.  
 Tamta, Shri R. P.  
 Tankha, Pandit S. S. N.

Tayyebulla, Maulana M.  
 Vaidya, Shri Kanhaiyalal D.  
 Valiulla, Shri M.  
 Vallabharao, Shri J. V. K.  
 Variava, Dr. D. H.  
 Varma, Shri C. L.  
 Venkata Narayana, Shri Pydah.  
 Venkataraman, Shri S.  
 Venkataramana, Shri V.  
 Vijaivargiya, Shri Gopikrishna.  
 Violet Alva, Shrimati.  
 Vyas, Shri Krishnakant.  
 Zakir Hussain, Dr.

NOES

Nil. MR. DEPUTY

CHAIRMAN: Ayes—142; Noes—Nil.

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

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

SHRI GOVIND BALLABH PANT:

Sir, I move:

"That the Bill be passed."

Sir, I don't propose to inflict any speech on the House. I would however, be failing in my duty if I refrain from thanking them for their co-operative spirit. It is a unique achievement. All the clauses of the Bill have been passed unanimously without a single dissentient vote. The amendment of the Constitution is always a ticklish affair and can give rise to very sharp controversies. We have however been able to achieve what is rare and I think remarkable in a very good spirit in this Rajya Sabha. I hope this achievement will be enshrined in the annals of the Sabha and will serve to guide us in the future. It indicates in a way that in spite of diversity of approaches, there is an underlying unity of purpose. Let us hope that we will, here-^ after, concentrate on things which

[Shri Govind Ballabh Pant.] matter and not get ourselves deflected by petty things from discharging our duty to the great country to which we have the honour to belong. Let us work for the uplift of the downtrodden and the poor and see that everyone here has the opportunity of living a happy and comfortable life.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRI BHUPESH GUPTA: Mr. Deputy Chairman, when we discuss the Constitution of the country in Parliament, the attention of the country, the anxious attention of the whole country and the thoughts of the people are turned towards this House; and later on, when the Bill amending the Constitution is passed, when the Constitution is amended, present and future generations will look back in order to find out the intentions of the Constitution makers and of those who amended the Constitution. It is this that makes it necessary for Members on both sides of the House to speak on the Constitution amendment Bills and give expressions to their thoughts, for the generation of today and those that will come hereafter, will then know what the intention was, what the perspective was before those that passed the provisions of the Bill amending the Constitution. But it is a most regrettable experience of ours that we had not been given full opportunity to express all our intentions on this matter. Nonetheless, I welcome this Bill on behalf of our Party, because it expresses certain urges of the people of our country. It gives expression to some of their longstanding, but long delayed thoughts.

I do not view this amending Bill as one for the rehabilitation of the Constitution as if these amendments have been brought forward for rehabilitating the Constitution, as our very eloquent Home Minister has put it. I view it as a redemption of certain principles which at the time of the framing of the original Constitution were cast aside under the exigencies

of the situation of that time, when there was the honeymoon between the ruling Party and the rampant reaction on the other side. But today, life has shown that it is not possible to proceed very far in that mutual accommodation, by making concessions to them to protect their vested interests and their ill-gotten wealth. On the contrary, the experience of the past few years has shown that if you want to advance along the path promised, if you want to see India flower into a happy and prosperous nation, it would become necessary on the part of the Government, as indeed on the part of every man of goodwill to make departures from the reactionary provisions of the Constitution and to carry forward the attacks into the citadels of vested interests. It is indeed, heartening that the Congress Government has recognised the truth under the lead of the Prime Minister and they have thought it wise to carry through this Constitution (Fourth Amendment) Bill. I know that on many points our point of view has not been accepted by them, but for that I would not blame them at this stage. On the contrary I would support them and wish them all luck as far as this measure is concerned, and I would look forward to the time when the good counsel would dawn upon them and they would see the imperative necessity of making even certain other alterations in order to make these provisions better and accordingly make the other provisions of the Constitution also.

Sir, the hon. the Home Minister spoke lucidly. Lucidity is one of his characteristics which I like. While he was speaking, I thought that he need not have bothered to give such assurances to the big vested interests. If today anyone in this country is looking for assurances from Parliament and especially from Government, it is the down-trodden people, the millions of our people who are crushed beneath the chariot-wheels of unbridled exploitation and oppression. It is these people, the peasants, the workers, the middle-class people who require assurances for they look forward with eager eyes to the activities of this



Parliament and to things emanating from this quarter. Instead of giving them these assurances, that this measure will be utilised forthwith in order to make them less unhappy, to make their life a little less unbearable, in order to put the promise of a new life into them, the hon. Minister has thought it fit to give assurance to the vested interests in order to silence the screeching voice from that quarter. But that is not necessary today, for in such measures, you have the support of the entire people.

But this thing is only on paper, it is an enactment which is an enabling one and much will depend on how we behave after the amendment of the Constitution becomes part of the Constitution of the country. Here are the opportunities that would open the door to take away the properties that have been handled or administered against the interests of the country and turn them to the use of the nation so that the nation may live, so that the country may prosper. It will be possible for you to scrap some of the unholy agreements that had been arrived at with certain foreign concerns, like the Standard Vacuum Oil Company, and see that the oil refineries of this country are made over to the people of our country and run absolutely in the interest of our nation. This measure will make it possible for the Government to take over those monopolist profiteering concerns who have made it their business to mint their millions out of the sufferings of our masses. Now it would be possible for the government to take over the landed estates and the plantations which lie in the hands of the big zamindars, sometimes under altered arrangements, in order that such lands may be made over to the land-hungry peasantry of our country. It is in this way that you are to administer this measure because the law is meaningless, a dead letter, until it is translated into life, until its blessings are felt by the common masses of our country in their lives.

Now, what do we find? There are the Directive Principles of the Consti-

tution and the good provisions of the Constitution as they stand after this amendment. The policy of the Government should conform to them. Those policies that contradict either the Directive Principles of the Constitution or come in the way of the implementation of the amendments that we have adopted, should be courageously and forthwith abandoned and they should adopt such policies as would conform to the Directive Principles of the Constitution and the amendments that we have adopted.

Sir, we are on the threshold, we are told, of the Second Five Year Plan where the emphasis will be on the industries, by which the country is supposed to be made self-sufficient in many respects. We welcome such suggestions. But at the same time we are concerned with the actual performances on the part of the Government. We do not know what they are going to do in actual practice. But in so far as they make it known to the country, it seems the proposal is to develop the heavy industries in our country, that certain social measures of great importance will be launched and for that we require Constitutional amendments of this sort. We welcome such proposals on the part of the Government and we extend our help, our support and our sympathy to them. But we would be interested in seeing that such Constitutional amendments are utilised in the interest of the people and against the vested interests. Sir, when I talk of vested interests, I make a distinction between the Indian and the foreign.

I have my own grievances against our own capitalists here in this country.

MR. DEPUTY CHAIRMAN: Mr. Gupta, you must give the Home Minister five minutes and me five minutes. I have to call for a division.

SHRI BHUPESH GUPTA: I am finishing, Sir. I have my grievances but still I say that discrimination has got to be made against the British capitalists who have acquired property

[Shri Bhupesh Gupta.] in our land. We know the way in which this acquisition has taken place was associated buccaneering of the worst type, piracy, plunder and pillage, the like of which history has never known. Let us not talk about them in soft terms as if we have to be generous towards them. I leave it to them to decide their policy but a line has to be drawn between the owners of the properties. There are owners and owners. If you look towards the reality, you will find that certain foreign interests are stifling the economy of our land. Their anti-national interests have nothing to do with our country or the people. Such interests have to be attacked; such interests have to be curbed and we cannot afford, at this late hour, to be generous to them having got all that we have got from the British in the past two centuries or so. At the same time, a discrimination must be made in favour of the small owners, whether they be inland or otherwise. We want their rights to be protected. It is most regrettable, Sir, that in our regime, when it is a question of taking over the properties from the smaller men, the whole engine of executive machinery runs amuck but where it is a question of touching the properties of the rich, the multi-millionaires, the tycoons of wealth, you find that the machine gets out of gear and nothing moves. We want the affairs to be the other way about. We want the administrative machine to go full steam ahead against those people who have come in the way of the nation's prosperity. At the same time, we want the administration to be so carried on, justice to be so administered, that the poor peasants, the workers, the middle-class people with small means, do not suffer any difficulties under these provisions. We make it very clear because the hon. Home Minister defended the cause of the small people. It is quite right that he should have said that; we stand by the rights of the small men but at the same time we would ask him to understand our position clearly. The rights of small men in our country can never be protected

or guaranteed until and unless those people who sit at the head of the present social order, representing a dying force, are really brought to account and are divested of their ill-gotten property. I hope that this Constitutional amendment will be utilised not for the well-being of those people. If certain principles had been redeemed by us here in this Parliament, let us look forward to the day before this Parliament goes out of existence, when these measures are translated into life in order to make it known to the people that we in this Parliament meant business and that we did not indulge in this talking only for the sake of having the luxury of debates and Constitutional amendments. The time has come when you must shower bene-fits upon the people, no matter what the vested interests feel. Therefore, Sir, I say let us end this chapter of Constitutional amendments, a good chapter, I should say, with the determination to see that what we have enacted becomes a live reality in the life of the people and that it is the people and the people alone who would benefit from whatever steps we have taken in the correct direction.

With these words, Sir, I wish this measure all success.

SHRI GOVIND BALLABH PANT: I have little to say. I hope the Government will not do anything that will in any way sully the honour of India. The cause of the country will be ever foremost in our deliberations and in our activity. We look at things from a positive and not from a negative angle and we will continue to do so. The interests of the masses will be served by our approach to problems in a spirit of humility and with a genuine desire to do justice to all concerned and to safeguard the honour and dignity of this great nation and this great Parliament.

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

"That the Bill be passed."

The House divided.

AYES

Abid Ali, Shri.  
 Adityendra, Shri.  
 Agarwala, Shri R. G.  
 Agnibhoj, Shri R. U.  
 Agrawal, Shri J. P.  
 Ahmad Hussaki, Kazi.  
 Ahmed, Shri Fakhruddin Ali.  
 Aizaz Rasul, Begam.  
 Akhtar Husain, Shri.  
 Amolakh Chand, Shri.  
 Barlingay, Dr. W. S.  
 Bedavati Buragohain, Shrimati.  
 Beed, Shri I. B.  
 Bharathi, Shrimati K.  
 Bisht, Shri J. S.  
 Chandravati Lakhanpal, Shrimati.  
 Chaturvedi, Shri B. D.  
 Chauhan, Shri Nawab Singh.  
 Daga, Shri Narayandas.  
 Dangre, Shri R. V.  
 Dasappa, Shri H. C.  
 Das, Shri Jagannath.  
 Deogirikar, Shri T. R.  
 Deshmukh, Shri R. M.  
 Dnage, Shri V. K.  
 Dharam Das, Shri A.  
 Doogar, Shri R. S.  
 Dube, Shri Bodh Ram.  
 Dube, Dr. R. P.  
 Dutta, Shri Trilochan.  
 Faruqi, Moulana M.  
 Galib, Shaik.  
 Gh»se, Shri B. C.  
 Gilder, Dr. M. D. D.  
 Gupta, Shri R. C.  
 Gupte, Shri B. M.  
 Hans Raj, Shri.  
 Hardiker, Dr. N. S.  
 Hathi, Shri J. S. L.  
 Hegde, Shri K. S.  
 Hemrom, Shri S. M.  
 Tndra Vidyavachaspati, Shri.

Italia, Shri D. D.  
 Jafar Imam, Shri.  
 Jalali, Aga S. M.  
 Kalelkar, Kakasaheb.  
 Kamalaswamy, Shri T. V.  
 Kapoor, Shri Jaspat Roy.  
 Karayalar, Shri S. C.  
 Khan, Shri Abdur Rezzak.  
 Khan, Shri Akbar Ali.  
 Khan, Shri Ahmad Said.  
 Khan, Shri Barkatullah.  
 Khan, Shri Pir Mohammed.  
 Kishen Chand, Shri.  
 Krishna Kumari, Shrimati.  
 Lakshmi Menon, Shrimati.  
 Lai Bahadur, Shri.  
 Lall, Shri Kailash. *feijLiV*  
 Leuva, Shri P. T.  
 Lilavati Munshi, Shrimati.  
 Mahanty, Shri S.  
 Mahesh Saran, Shri.  
 Mahtha, Shri S. N.  
 Malkani, Prof. N. R.  
 Malaviya, Shri Ratanlal Kishorilal.  
 Mathur, Shri H. C.  
 Maya Devi Chetty, Shrimati.  
 Mazhar Imam, Syed.  
 Menon, Shri K. Madhava.  
 Misra, Shri S. D.  
 Mitra, Dr. P. C.  
 Mona Hensman, Shrimati.  
 Mookerji, Dr. Radha Kumud.  
 Mujumdar, Shri M. R.  
 Mukerjee, Shri B. K.  
 Murari Lai, Dr.  
 Nagoke, Jathedar U. S.  
 Naidu, Shri P. S. Rajagopal.  
 Narasimham, Shri K. L.  
 Obaidullah, Shri.  
 Pande, Shri T.  
 Pant, Shri Govind Ballabh.  
 Parikh, Shri C. P.  
 Parvathi Krishnan, Shrimati.  
 Pattabiraman, Shri T. S.

Pawar, Shri D. Y.  
 Pheruman, Sardar D. S.  
 Prasad, Shri Bheron.  
 Pushpalata Das, Shrimati.  
 Pustakt. Shri T. D.  
 Raghavendrarao, Shri.  
 Raghubir Sinh, Dr.  
 Rajagopalan, Shri G.  
 Raju, Shri A. S.  
 Reddy, Shri A. B.  
 Reddy, Shri M. Govinda.  
 Roufique, Shri M.  
 Saksena, Shri H. P.  
 Sambhu Prasad, Shri.  
 Sarwate, Shri V. S.  
 Satyanarayana, Shri M.  
 Savitry Nigam, *br.* Shrimati.  
 Seeta Parmanand, Dr. Shrimati.  
 Shah, Shri B. M.  
 Sharda Bhargava, Shrimati..  
 Sharma, Shri B. B.  
 Shetty, Shri Basappa.  
 Shrimali, Dr. K. L.  
 Singh, Dr. Anup.  
 Singh, Babu Gopinath.  
 Singh, Sardar Budh.  
 Singh, Thakur Bhanu Pratap.  
 Singh, Shri Ngangom Tompok.  
 Singh, Shri Nihal.  
 Singh, Shri Ram Kripal.  
 Singh, Shri Vijay.  
 Sinha, Shri B. K. P.  
 Sinha, Shri Rajendra Pratap.  
 Sinha, Shri R. P. N.  
 Sokhey, Maj.-General S. S.

Subbarayan, Dr. P.  
 Sumat Prasad, Shri.  
 Sur, Shri M. M.  
 Tamta, Shri R. P.  
 Tankha, Pandit S. S. N.  
 Tayyebulla, Maulana M.  
 Vaidya, Shri Kanhaiyalal D.  
 Valiulla, Shri M.  
 Vallabharao, Shri J. V. K.  
 Variava, Dr. D. H.  
 Varma, Shri C. L.  
 Venkata Narayana, Shri Pydah.  
 Venkataraman, Shri S.  
 Venkataramana, Shri V.  
 Vijaivargiya, Shri Gopikrishna.  
 Violet Alva, Shrimati.  
 Vyas, Shri Krishnakant.  
 Zakir Hussain, Dr.

NOES

Nil

MR. DEPUTY CHAIRMAN: Ayes— 139;  
 Noes—Nil.

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

The Bill is passed.

The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at three minutes past five or the clock till eleven of the clock on Thursday, the 21st April 1955.