

Begum Aizaz Rasul (United Provinces: Muslim): Mr President, Sir, I am wondering whether after waiting for so long, it is my good fortune or bad fortune to be called upon to speak on this very important and controversial matter after the speech of the Honourable Premier of my province, Pandit Govind Ballabh Pant. But in a way I think it is just as well, because after my speech he will not be able to make any reply to anything that I might say about my province, though I feel sure that I stand on strong ground when I answer some of the remarks he has made.

The Honourable Prime Minister, in moving this amendment to Article 24 yesterday, rightly remarked that few articles in the Constitution have evoked greater and more keen discussion than this article. There is no doubt that for more than a year Members of this House as well as people outside, have been greatly concerned as to the shape and manner in which principles regarding acquisition of property and compensation will be laid down in the Constitution. Sir, with due respect to the Honourable Prime Minister, I am constrained to say that the amendment proposed by him does not lay down principles based on fairness and justice. There are two principles laid down in this article: One is acquisition of property, Clause (1), and the second is the manner and mode of the payment of compensation, Clause (2). Now, Sir, under the following Article 25 (1) it is clearly laid down that every person will have the right to approach the Supreme Court. This of course is not only in regard to acquisition of property but for every purpose. But ordinarily also any person has a right to file a suit attacking an Act authorising the acquisition of property if the compensation is not proper in his opinion. Therefore, Sir, my contention is that when a right has been given to every person living in this Union to approach the Supreme Court, to have recourse to justice, why should this right be taken away under Clauses (4) and (6) from only those people who are being deprived of their property in the three provinces of the U.P., Bihar and Madras, who are being subjected to legislation which will deprive most of them of their only source of livelihood. I contend that in the Constitution of a country such exceptions cannot be made and therefore I feel that if Clauses (4) and (6) of this article are allowed to remain, it will be a great blot upon this Constitution. The Constitution of a country is not made merely for a few years, or to suit this programme or exigencies of a political party - it is made for generations and for all peoples and to keep a provision such as is provided in Clauses (4) and (6) will not do credit to the Constitution-makers and will remain an ugly blot. Therefore, I earnestly hope that wiser counsels will prevail and that such an absurd provision will not be included.

It may be considered by some people that I am speaking in this strain because I am being affected by it personally, but, Sir, I may say that, although my voice may be feeble in this House, I know that I am voicing the feelings and sentiments of hundreds of thousands of people when I say that such discriminating clauses should not find a place in the Constitution. Many newspapers in India have written leading articles on this and expressed their strong disapproval.

The Honourable Premier of the U.P. stated that the Zamindari Abolition Bill that he has introduced in the House and which is now before a Select Committee of which I have the honour to be a member, can be shown in any court of law and that the provisions that he has made regarding compensation would be borne out to be fair by any legal authority. I may respectfully suggest to him that if this is the case, then why the inclusion of this Clause (4) which, it is well known, has been inserted at his insistence? If he feels that he is on such safe ground that he can challenge any court of law about the validity, the fairness and the equity of the compensation that he is giving to the zamindars of U.P., then I submit that he should not deprive us of that right that is being given to every man under this Constitution to approach a court of law. The Honourable Premier of U.P. also made the remark that the Taluqdars of Oudh have a lust for litigation. Sir, I should have thought that that would have gone in our favour. If we share our riches with other people and help lawyers in getting rich, I do not think that we should be condemned for that. I had given notice of amendments for the deletion of Clauses (4) and (6), because I feel that such provisions, which are more on the lines of Parliamentary legislation, should certainly not find a place in the Constitution of a country.

My objection is based on two grounds: one is, as already stated, that certain provinces where legislation for acquisition of property is pending or has already been passed are being debarred from having recourse to the basic and fundamental right given to every citizen in India, namely, the right to approach the Supreme Court. The second reason is the discrimination between industrial and zamindari property because only zamindari property is on the anvil of legislation in the three provinces. Not only that but it also means that if any zamindari legislation is brought up in any other province of the Indian Union, say the C.P., the East Punjab, Rajasthan, etc., the people of those provinces will have justiciable rights. I feel strongly that a Constitution of a country should not find a place for this sort of discrimination. Sir, I am afraid, that you will not give me time.....

Mr. President: I think you had better conclude because before I close the discussion at 12.30, I want to give an opportunity to another Member to speak for some time.

Begum Aizaz Rasul: I only want to say something about U.P.

Mr. President: I do not think it is necessary.

Begum Aizaz Rasul: I am grateful to you for having given me an opportunity to speak but I am sorry I will not be able to make out my case properly at all, because the time that has been given to me is so short. I would like to ask the Premier of the U.P. to kindly consider whether by inserting this Clause (4) he is not also taking upon himself the right of not giving any compensation at all if the legislature feels that on account of financial reasons, it is not in a position to do so. The Honourable Prime Minister yesterday said that the legislature is supreme and no court can override its decisions. If that is so, then why are fundamental rights incorporated in the Constitution? It is only because there is a fear that people might encroach upon other people's rights and therefore some basic fundamental rights are laid down, which are beyond the purview of any legislation and which cannot be touched by the Provincial or the Central legislature. Therefore, my contention is that either Article 24 should not be placed in the Fundamental Rights chapter and if it is, it should be without Clauses (4) and (6). In the U.P., nearly a crore of people are being affected by the zamindari legislation. The compensation proposed is so meagre that it will be extremely difficult for these people to plan their lives and exist. Has our Premier given thought to the fact as to what will happen to these people? They are being turned on the streets with no proper provision for their livelihood. Socialisation of the country means all round socialisation. You must guarantee free education to our children -free medical aid and guarantee of employment to every citizen and we will not ask for any compensation. I warn the Premier of U. P. that by depriving the zamindars of their source of livelihood without making any proper provision for them he is creating problems for himself which may be difficult for him to cope with. With these few words, I hope I have been able to convince some honourable Members of the injustice of these clauses.