

Shri Biswanath Das: Sir, very important principle, such as the utility, protection and preservation of private property, adequate compensation, constitutional safeguards and the like have been brought into the arena of our discussions today. To me the point seems to be very simple and I would appeal to my honourable Friends to pay pointed attention to that aspect of the question which has a direct bearing on our discussions.

The position is this. We have already accepted List II of the Seventh Schedule, known as the State Schedule, attached to this Constitution. Therein we have invested the States with the powers of undertaking compulsory acquisition if and when required. Item No. 9 relates to acquisition of property in the shape of lands. Attempts are now being made to restrict this power under the provisions of article 24 now under discussion. Therefore the question simply is that whether you are going to reverse, qualify or modify the powers that you have given to the provinces which are to be called States under the New Constitution, or allow the provinces or the States to continue to exercise those functions and those powers that have been vested in them under Schedule Seven attached to the Constitution.

In this connection I might invite the attention of Honourable Members to item 9 where practically the principle of compensation has been allowed and accepted. Two questions naturally arise. The first is whether the State is to, give compensation or not in case of compulsory acquisition. To this the answer is provided in item No. 9 of the Schedule 7. Here we have differed from persons who hold the view that no compensation need be paid. We are not ashamed of accepting the principle that compensation shall be given for properties to be acquired compulsorily by the State.

Sir, having taken up that position, the, other thing that is necessary and essential is whether the executive of the province is to take up acquisition themselves *suo motu* without having any power from the Legislature. To that, clause (1) of article 24 is the answer. I entirely agree with my honourable Friend from Bihar who pleaded with all vehemence that the rest of the article is unnecessary. I must frankly confess, despite all the respect and reverence I have for the Honourable Pandit Jawaharlal Nehru, that it is revolting to my sentiment to call this a Fundamental Right and bring it as a rider on the powers that have already been vested by a vote of this House on the States. You cannot have a cake and eat it too. You have provided for power under the Constitution to the States to legislate on certain aspects of the Constitution. Wherein lies the justification and the justice for you to come now and say "Well, my good boys, I have given you power, but here are the safeguards for the vested interests". To me this is a contradiction in terms. I must frankly confess and record my protest that you have already treated the States, and State Legislatures with scant courtesy. You have given autonomy to the provinces, but you have wiped off the very autonomy which you have professed to have given them. The States are show of all the autonomy that they enjoyed even under the Act of 1935. To quote an instance, you have, provided in this Constitution the powers to levy taxation, realise taxation and distribute it according to a certain principle to be decided by the President. The responsibility of levying taxation which is a responsibility of the State Legislatures has been taken away from the States. The responsibility of assessment, which is a responsibility of State Legislatures, has been taken away from the States. And now you come with another important proposal in the realm of provincial activity by taking away, in the guise of Fundamental Rights, the right to legislate on the question of acquisition of properties. Let there be plain speaking at least. Let us stand erect and say "Here are you, States. We refuse to confide in you. You can have your two hundred members for each State and 'have a salary of Rs. 150 for each member per month, but you shall not have the power to legislate either on assessing taxation or to legislate on anything worth the name". Until that is done I think we are not playing the role that is expected of us.

How long are you going to keep the States spoon-fed in this manner ? In many other provisions in the body of the Constitution, you have already provided to keep the States spoon-feeding. I warn you that so long as you resort to spoon-feeding you can never inculcate the sense of responsibility that you so much desire to have in the State Legislatures. The United States of America or Australia have given far more powers to the States. Is there any protest or any score that these powers vested in the States have been misused ? Why then this suspicion on the future working of State Legislatures when you have not seen either in the present India or in any other part of the world any instances of such misuse in the working of State Legislatures ?

Having stated so much about the responsibility that is going to be vested in the States. I now come to the actual body of article 24. I have my strongest objection to clause (6). This clause is an outrage on any sense of legislation, much less to speak of any constitution. Why should you at all have clause (6) ? What is the sin that Madras and Bihar have committed ? They have passed a legislation in terms of section 299 of the Government of India Act, 1935. The Government of India Act, 1935, lays down very important and essential safeguards in this regard. Provision has been made that previous sanction of the Governor is necessary. And these unfortunate Ministries have got this sanction for the Bills they introduced in their Legislatures. The Bills have been thoroughly scrutinized by both Houses of the legislature which these unfortunate provinces have. When the Government of India Bill, 1935, was on the Parliamentary anvil it was justified in the House of Lords that second chambers have been provided because they will act as a check on any irresponsible work of the first chambers in Provinces. In these two cases both the Lower and the Upper House have approved these pieces of legislation of these Provinces. The Governors as also the Governor-General have been parties to it. Why then should you take the most unnatural course of putting to shame and disgrace these Legislatures by having to submit their Acts again for the approval of the President ? Where is there any parallel to this outrageous act of the Constituent Assembly in this regard, in the matter of an Act already passed by the Legislature, approved by the Governor, assented to by the Governor-General, having again to be submitted to the President of the Union ? this to me is an outrageous act on any Legislature--not to speak of Constitution-makers. I therefore record my strongest protest in this regard against clause (6).

Having stated so much about clause (6), I come to clause (4). Now compare and contrast between these three provinces. Why should you on the one hand kick these two provinces for their sin of having taken the earliest course of passing a certain piece of legislation. 'This is a point on which I expected the Honourable Pandit Jawaharlal Nehru to furnish this House with an explanation. I waited to get that explanation but unfortunately there are none. Will at least the Drafting Committee do us the favour of 'explaining why this difference has been made ? If clause (2) is so very innocent and innocuous and so very useful, why is clause (4) necessary ? On behalf of the rest of the provinces of India, I record my strongest protest against clause (4). Why should you have clause (4) ? You are making acquisition of zamindaris in other provinces like Orissa, Bengal, Assam and the rest of India impossible hereafter. Having read this many times more than some of the Members, have attempted to do, I must claim that it will make acquisition of zamindaris hereafter, after a year, impossible under this Constitution. Zamindars, clever as they are, with their long purse, with their clever brain, their intelligence and intellect, and above all with the hired brain that India is capable of placing and talented Universities are capable of providing there, they will make this Constitution as a barricade against progress in future in this regard. I warn the honourable members of the Constituent Assembly through you, Sir. And it pains me very much in this regard--even to the point of shedding tears--because I was the first in India to inaugurate tenancy organisations.

I was running two tenancy organisations--the Andhra Zamindari Ryots' Association and the Presidency Proprietary Ryots' Association in Madras-- two powerful tenancy organisations. in this regard from 1920 at a time when there was no talk of tenancy Organisation anywhere in India. I thought that at least in Free India, though not in India under the bondage of Britain, we would be able to realise our aims. Two years after achievement of Freedom for India, I see that I am where I was in 1920. My apprehensions in regard to this article are the result of mature consideration of the same. The moment I assumed office I wanted to take legislation for the liquidation of zamindaris I recollect today that, when we were discussing this very question in Bombay at a conference of Ministers and I raised this question, one of the biggest guns of the Congress High Command pounced upon me saying: 'You are offering to pay compensation to the zamindars'? Sir, I stand where I did, but I find that a change has come over others. From the speeches of friends demand for fair and equitable compensation for the zamindars is put forth. What is a zamindari except an office. That is the view expressed in the Permanent Settlement Regulations. Sir, assuming it is not an office, look at the Prakasam Committee Report which was supported not only by the Lower House but also by the Upper House of the Madras Legislature. This monumental official Report speaks of the Permanent Settlement in terms of the Congress Resolution. We stand not only on our pledges given to the electorates, but also by the changes taking place resulting from our freedom in the country.

I would not detain the house longer. I know it is impatient. But, Sir, references have been made to election pledges. Yes, we have given pledges to the electorate and we have fought elections on those pledges. The question of zamindari abolition was stressed in our pledges to the people in the elections of 1937 and 1946. How are you going to honour that pledge ? In the year 1937, in the Congress pledge we have unfortunately stated that we are going to fight the Government of India Act of 1935. Soon after the election we were called upon to assume office. I was one of the unfortunate few who assumed office and undertook to form a Cabinet. At that time the direction given to us was that we should create deadlocks and make the working of that Act difficult and impossible.

Sir, I must congratulate my honourable Friend the Chairman of the Drafting Committee and Shri Alladi Krishnaswami Ayyar and other friends for their expert knowledge of affairs and for having excelled all others in this matter of sugar-coating the provisions in such a way that they have made the impossible possible today. Look at the draft of the Constitution ? You will find nothing there about the liquidation of the Act of 1935. If the Act of 1935 was so good that we could now so fully embody its provisions in our Constitution, were we, congressmen, fools when we resolved to fight that Act and create deadlocks? Anyway I must thank the members of the Drafting Committee for making us swallow this sugar-coated pill which contains nothing but that same Act of 1935. In these circumstances I have no option but to support my friends in demanding that except clause (1), every other clause in article 24 should be wiped off. If this is not done I warn my friends that we will not be able to liquidate the zamindaris anywhere except in the three provinces of madras, Bihar and the United provinces.