

Topic: The Land Reform, Abolition Of Zamindari And Right To Property Under Article 31 A (Old Concept)

Name of the case: Godavari Sugar Mills v. SB Kamble, AIR 1975 SC 1193

Bench: Justice Hans Raj Khanna, Justice P.N. Bhagwati and Justice P.K. Goswami

Fact of the case: Law was passed to impose ceiling on land. The surplus land acquired from landlords was to be distributed among landless person and poor peasants. However, the surplus land acquired from industrial undertakings being used by them to produce raw materials for manufacture of goods was to be allotted to the State Farming Corporation for production of raw materials. The scheme, it was argued, was not for agrarian reform insofar as the land was vested in the state corporation. It was stressed that allotment of land to the landless for the poor agriculturist was an essential attribute of agricultural reform but not allotment of land to a State Corporation.

Judgment: The Supreme Court while rejecting the contention held that the main purpose of the act was to prevent concentration of agricultural land in the hands of a few. It sought to remove economic imbalance by taking surplus land from the holders in excess of the ceiling.

The bulk of the land has acquired was being distributed to the landless persons. Retaining a few blocks of land for cultivation of raw materials for industrial undertaking was meant to avoid fragmentation of this land and also to ensure that manufacturers were not starved of raw materials. This provision could not be detached from the rest of the act, the general scheme of which was to bring about agrarian reform. It was true that acquisition simpliciter of land by the state to augment its resources and without specifying the purpose of which it was to be used for acquisition would not get the protection of Article 31A. But vesting of some land in the State would not militate against the object of agrarian reform if it is a part of the general scheme of the agrarian reform and there was no oblique deviation from the avowed purpose. It was necessary to look at the general scheme of the act acquiring land, object of acquisition, reasons for retaining land with the state and not distributing it among the poor peasants.

The court said that the concept of agrarian reform was not static. With the change of times under the impact of fresh ideas and in the context of fresh situation, the concept of agrarian reform is bound to acquire the new dimensions. A major which has the effect of improving the ruler economy and promoting ruler welfare would be a part of agrarian reform.

The 44th Constitutional Amendment

The 44th Constitutional Amendment, 1978 transformed the 'right to property' from the category of Fundamental Right by repealing Article 31, and converted it into an ordinary constitutional right by electing Article 300A instead. Article 300A merely says, "no person shall deprive off property saved by authority of law."

Right to Constitutional Remedies