Punjab-Haryana High Court
Jagat Singh Didar Singh And Ors. vs The State Of Punjab And Ors. on 10 November, 1961
Equivalent citations: AIR 1962 P H 221
Author: Khosla
Bench: G Khosla, T Chand, A Grover, I Dua, S Bahadur
ORDER Khosla, C.J.

(1) In this case we are called upon to consider the vires of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act (L of 1948) as amended by Punjab Act No. XXVII of 1960. The Act was considered by a Full Bench of this Court in Kishan Singh v. State, 1960-62 Pun L. R. 840: (AIR 1961 Punj 1)(FB). Then the present matter camp up before Dua, J., sitting singly, counsel for the petitioners cited before him the Supreme Court decision in K. K. Kochuni v. States of Madras and Kerala, AIR 1960 SC 1080 and argued that the Full Bench decision of this Court could no longer be considered good law in view of what the Supreme Court had said. Dua, J., accordingly referred the matter to a larger Bench. It then came up before my Lord Grover and myself sitting in Division Bench and as the correctness of the Full Bench decision in Kishan Singh's case 62 Pun LR 840: (AIR 1961 Punj 1)(FB) was being questioned we considered it advisable to suggest that a Bench larger than the Full Bench, which had given the previous decision, should consider the matter afresh. In this manner the case has now been argued before a Bench of five Judges.

(2) The facts of the case are given in the Division Bench order dated the 7th of August, 1961 and may be briefly recapitualted. In the course of consolidation proceedings in village Bhagiari, district Hoshiarpur, 20 acres of land owned by private individuals were set aside to provide income for the Gram Panchayat. This act of the Consolidation authorities was challenged on the ground that the law which authorised the transfer of proprietary rights to Gram Panchayat for the purpose of providing income to them was ultra vires Article 31 of the Constitution. The sole question for our decision, therefore, is whether it is permissible to set aside land owned by private individuals for providing income to the Gram Panchayat. The argument raised on behalf of the State is that the law is saved by the provisions of Article 31A(1)(a) inasmuch as the act of setting aside this land is nothing more than acquisition by the State of an estate and such acquisition is not hit by the provisions of Article 81 and the law under which this can be done need not make a provision for the calculation or the award of compensation in respect of the land acquired.

(3) On behalf of the petitioners, on the other hand it is argued that acquisition by the State of an estate is only justified if the aim and object of the acquisition is agrarian reform. It was further argued that the setting aside of these 20 acres does not amount to acquisition, but amounts to the modification of rights in this property because the land has been transferred from owners to the Gram Panchayat and any modification of proprietary rights must have for its aim agrarian reform or the removal of intermediaries. The learned counsel appearing on behalf of the petitioners relied upon a number of decisions and pointed out that no other conclusion was possible from a study of the matter in which Article 31A(1)(a) came to be enacted. He drew our attention to the statement of objects and reasons prepared when the Constitution (Fourth Amendment) Act, 1955, was introduced in Parliament. Reference was made to these objects and reasons by their Lordships of the Supreme Court in Kochuni's case AIR 1960 SC 1080 while considering the vires of Madras Act No. 32 of 1955.

Their Lordships of the Supreme Court, however, referred to the statement of objects and reasons for a very limited purpose and indeed it would be extremely dangerous to interpret a statute of which the words are quite clear by referring to the statement of objects and reasons prepared by the introducer of the Bill. In the present case we find that there is nothing whatever in the wording of Article 31A(1)(a) to warrant the suggestion that acquisition must be only for the purpose of promoting agrarian reform. The word 'agrarian reform' nowhere occurs in the Article. When a promoter of a Bill introduce it in the Legislature he gives the statement of objects and reasons, which according to him are good reasons for enacting the Bill into law. The matter is then discussed by the Legislature and other aspects of the case are considered and brought before the Legislature. Other individuals and groups put forward their own views about the matter. The wording of the Bill may well go on changing by modifications or additions and it is only after these have been embodied in the Bill that we find that an Act can be said to express the views and desires of the Legislature. With regard to this final shape, the original statement of objects and reasons may be irrelevant or relevant only to a limited extent.

For instance, it may be that during the course of the debate a member points out the desirability of changing the phraseology of a certain section so that the section may cover cases other than those contemplated by the introducer. Another member may point out that whatever may be contained in the statement of objects and reasons, the wording of the section was clear enough and wide enough to cover even those cases which were not in contemplation of the introducer, and when this is considered by the entire House, the wording may be allowed to stand because it covers all possible cases which the Legislature wishes it to cover. To limit the scope of the interpretation by anything contained in the statement of objects and reasons would be to do violence to the wording of the statute and to fail to take into account the Parliamentary procedure by which a Bill finally assumes the dignity of an Act. Also, if the statement of objects and reasons is to be looked at, we must also look at the reports of the debates in order to rind out what interpretation was accepted by the various members, and if any amendments were made what were the reasons behind them.

Their Lordships of the Supreme Court were alive to this aspect of the matter and as far back as 1952 expressed in similar terms their views upon the matter in Aswini Kumar Ghose v. Arabinda Bose, AIR 1952 SC 369, Patanjali Sastri, C. J., observed:--

"As regards the propriety of the reference to the Statement of objects and reasons, it must be remembered that it seeks only to explain what reasons induced the mover to introduce the Bill in the House & what objects he sought to achieve. But those objects and reasons may or may not correspond to the objective which the majority of members had in view when they passed it into law. The Bill may have undergone radical changes during its passage through the House or Houses, and there is no guarantee that the reasons which led to its introduction and the object thereby sought to be achieved have remained the same throughout till the Bill emerges from the House as an Act of the Legislature for they do not form part of the Bill and are not voted upon by the members. We, therefore consider that the Statement of objects and reasons appended to the Bill should be ruled out as an aid to the construction of a statute".

This dictum by a former Chief Justice of India is binding upon us and I feel that it would not be safe to refer to the statement of objects and reasons for the purposes of determining whether the acquisition by the State mentioned in Art. 31A(1)(a) must be for the purpose of promoting agrarian reform only before it can be held to be valid. As regards the decision of the Supreme Court in Kochuni's case AIR 1960 SC 1080, that case is completely distinguishable from the matter before us. The petitioners in that case were the holders of a sthanam to which was attached an estate. There was a dispute between the holder of the sthanam and the junior members of the family, who claimed a share in the estate on the ground that the Madras Act (No. 22 of 1932) gave all members of the family or tarwad the right to enforce partition of tarwad properties. The matter went up to the Privy Council and it was held that the estate in this particular instance was impartible and the junior members had no interest in the property held by the petitioner who is described in the report as the sthanee.

The Madras Government then passed Act No. 32 of 1955. By this Act the properties belonging to the sthanee were converted as the properties of the tarwad, and the junior members of the family, whose claim had been repelled by the Privy Council were now able to appeal once again for a share in the properties. The sthanee challenged the validity of the Act of the ground that it infringed Article 31 of the Constitution. This was clearly not a case of acquisition by the State and all that the Act had done was to modify the rights in the estate and transfer the sthanee's interest to the junior members of his family. This argument was repelled by the junior members, who contended that Article 31A saved the Act. Their Lordships of the Supreme Court while considering the matter referred to the statement of objects and reasons and held that the Act was not saved. They said that modification of this type must have for its object agrarian reform or agricultural economy and as the Act merely confers rights on the junior members of the family, the Act was bad Reliance was placed by Mr. Gujral on a sentence contained in paragraph 15 of this report--

"The object was, therefore, to bring about a change in the agricultural economy but not to recognize or confer any title in the whole or a part of an estate on junior members of a family."

From this however it cannot be said that their Lordships were striking down even a law providing for acquisition by the State on the ground that the object of the acquisition was not agricultural economy. They had under consideration only the Madras Act (32 of 1955) and they held that Act to be bad because it modified rights in an estate for reasons other than that of promoting agrarian reform. It will be importing too much into the decision of the Supreme Court to hold that even an acquisition by the State of an estate is permissible only for the purpose of promoting agrarian reform. A Division Bench of this Court consisting of Falshaw, J., and my Lord Tek Chand, who is a member of the present Bench had occasion to consider the scope of the Supreme Court decision, in State of Punjab v. Lakha Singh LPA No. 167 of 1960. The learned Judges were considering the vires of this very Act and it was argued before them that since the Madras Act (Act 32 of 1955) was held ultra vires and not saved by Article 31A(1)(a) of the Constitution, the present Act also must be declared ultra vires. Falshaw J., who wrote the judgment and with whom my Lord Tek Chand agreed, observed.--

"As I have said, these remakrs have been made in consideration of a totally different kind of Act, which merely had the effect of giving other members of a family an interest in property which hitherto had been the sole property of a hereditary successor'"

Referring to our own Full Bench case 62 Pun LR 850: (AIR 1961 Punj 1)(FB), Falshaw J. went on to say.--

"I am, however, of the opinion that the legislation which has been considered by the Full Bench of this Court was of the kind contemplated and protected by Article 31A of the Constitution."

(4) Another decision of the Supreme Court, which was cited before us, is Gangadharrao Narayanrao v. State of Bombay, AIR 1961 SC 288. In this case the Supreme Court held inter vires the Bombay Personal Inams Abolition Act 1953. Their Lordships of the Supreme Court did not base their decision on the ground that the Act was aimed at agrarian reform. The only point considered by their Lordships was that the Inams were estates within the meaning of clauses (a) of Article 31A(1). This decision was given on the 3rd of October 1960 by a Bench of which B. P. Sinha C. J., and Subba Rao, J., were members. It would be impertinent of me to suggest that these two learned Judges did not have in their mind the previous decision in AIR 1960 SC 1080 by a Bench of which both of them were members. They could have declared the Bombay Act ultra vires on the ground that it was not aimed at agrarian reform just as they had struck down the Madras Act but because the Bombay Act authorised acquisition of an estate and not modification of estates, it may safely be inferred that their Lordships did not in the earlier Madras case lay down that even acquisition of estates would be bad unless it was aimed at agrarian reform.

Similarly, there is another decision of the Supreme Court in The State of Bihar v. Rameshwar Pratap Narain Singh Civil Appeal No. 27 of 1960: (AIR 1961 SC 1649). This case was argued before a Bench of which Sinha C. J. and Sarkar J. were members and these two Judges were on the Bench which had considered the Madras case. In Civil Appeal No. 27 of 1960: (AIR 1961 SC 1649) their Lordships, while considering the competence of the Bihar Legislature to enact Bihar Act No. XVI of 1959, observed--

"It is however unnecessary for us to consider this question further, for whether it is a law as regards land reform or not, it is clearly and entirely as regards acquisition of property. The question of the legislature having attempted legislation not within its competence by putting it into the guise of legislation within its competence does not even arise."

Again they observed.--

"In our opinion, a law may be a law providing for 'acquisition' even though the purpose behind the acquisition is not a public purpose."

The Bihar law was held by them to be intra vires even though it did not aim at agrarian reform, because it was a law providing for acquisition of estates. We, therefore, find that in all cases, which were decided by the Supreme Court, where there was a question of acquisition, the aim of agrarian

reform had not been deemed a condition precedent to the Act being declared intra vires and the observations of their Lordships in the Madras case do not go beyond the scope of the case which they had under consideration, namely the case not of an acquisition of an estate but the modification of rights therein.

(5) The matters, however does not in my view, rest there. When we come to examine the Act and its objects closely, we find that it is a part of the pattern of legislation aimed at agrarian reform. The Act authorises the reservation income to the Gram Panchayat. The functions of the Gram Panchayat are to promote the well-being of farmers in all possible ways. The Village Common Lands (Regulation) Act, the Punjab Gram Panchayat Act and the Consolidation of Holding Act, as amended recently, are all parts of the same picture. The village Panchayat is charged with a number of duties which are set out in Section 19 of the Punjab Gram Panchayat Act, 1952. These include.--

"(j) the improvement of the breeds of animals used for agricultural or domestic purposes;

(n) the development of agriculture and village industries, and the destruction of weeds and pesis;

(o) starting and maintaining a grain fund for the cultivators and lending them seed for sowing purposes;

(q) allotment of places for preparation and conservation of manure;

(t) framing and carrying out schemes for the improved methods of cultivation and management of land to increase production;

(2)(c) the promotion of agricultural credit."

These and numerous other matters, which are set out in Section 19, are clearly aimed at agrarian reform and to improve the economy of villages. Mr. Gujral tried to argue that agrarian reform must be accompanied by the removal of intermediaries. There is, however no warrant for this assumption, and a law may further agrarian reform even though there is no question of removing intermediaries as in the present case. Where the law provides for the acquisition of land, there is ordinarily no question of removing any intermediaries.

(6) I am therefore, of the opinion that the impugned Act has for its objects agrarian reform and as such it cannot be declared invalid by anything contained in the decision of their Lordships of the Supreme Court in AIR 1960 SC 1080.

(7) There is thus no force in this petition and it must be dismissed, but as the matter was referred by a Division Bench for the consideration of a Full Bench, I would make no order as to costs.

Grover, J.:

(8) I agree that the impugned Act is valid as its object generally was to bring about a change in the village and agricultural economy rendering it immune from attack by virtue of Article 31A(1)(a) of the Constitution. But on a true and correct appraisement of the observations made and decision given in the majority judgment in Kochuni's case, AIR 1960 SC 1080 I find it difficult to subscribe to the view that legislation enacted to acquire and "estate" would be protected by that Article even if its object and purpose were completely divorced from what may be called agrarian or land reform. To do so would mean following the view laid down in the minority judgment in preference to the decision of the majority, which cannot be done. Sarkar J., who delivered the judgment of the minority, founded his decision on the absence of any mention in Article 31A, of agrarian reform and repelled the contention that the Act contemplated by the Article was "ac Act passed with the object of effecting agrarian reform."

The judgment of the majority delivered by Subba Rao J. lays down in unequivocal terms that the object of amendment made in Article 31A by the Constitution (Fourth Amendment) Act, 1955 was "to bring about a change in the agricultural economy." After referring to the decision in AIR 1952 SC 369 that the statement contained in the objects and reasons was not admissible as an aid to construction of a statute. It was observed that the statement contained in the objects and reasons was being referred to only for the limited purpose of ascertaining the conditions prevailing at the time the Bill was introduced and the purpose for which amendment was made. Subba Rao J. proceeded to examine at length the scope and ambit of sub-clause (a) of Article 31A(1) which provides for the acquisition by the State of any estate or any rights therein or extinguishment or modification of any such rights. Sub-clauses (a) and (b) of clause (2) defined the expressions "estate" and "rights". The learned Judge proceeded to lay down that if an estate to defined was acquired by the State, no law enabling the State to acquire any such right could be questioned as being inconsistent with the rights conferred by Article 14, 19 and 31.

Similarly, any law extinguishing or modifying any such right mentioned in clause (1)(a) and defined in clause (2)(b) could not be questioned on the said ground. He made no distinction between a law by which the State was given the power to acquire an estate or a statute by which there would be extinguishment or modification of rights in an estate. What Subba Rao J. was considering was the scope of Article 31A(1)(a) in its entirety and not merely of that part of sub-clause (a) which related to acquisition by the State of any estate. Therefore, whatever has been laid down in this judgment would cover legislation relating to acquisition by the State of any estate or of any rights therein as also of the extinguishment and modification of any such rights in the estate. At page 1087 of the report it has been observed--

"It is, therefore manifest that the said Article deals with a tenure called 'estate' and provides for its acquisition or the extinguishment or modification of the rights of the landholder or the various subordinate tenure-holders in respect of their rights in relation to the estate. The contrary view would enable the State to divest a proprietor of his estate and vest it in another without reference to any agrarian reform."

Another principle was taken into consideration namely, that Article 31A deprives citizens of their fundamental rights and it cannot be extended by interpretation to overreach the object implicit in

the Article. With respect to certain other decisions of their Lordships in Sri Ram Ram Narain v. State of Bombay, AIR 1959 SC 459 and Atma Ram v. State of Punjab, AIR 1959 SC 519 which appear to have been pressed into service by counsel in support of the view accepted in the minority judgment, Subba Rao J. distinguished them on the ground that the impugned legislation and facilitate agrarian reforms. It was observed at page 1088--

"This Court has, therefore, recognised that the amendments inserting Article 31A in the Constitution and subsequently amending it were to facilitate agrarian reforms....."

Article 31A was held not to apply for the reason that the impugned Act did not affectuate any agrarian reform and regulate the rights inter se between landlords and tenants.

(9) The question which was hotly debated before us was whether according to the majority judgment in Kochuni's case, AIR 1960 SC 1080, it was essential that in order to claim protection under Article 31A(1)(a) agrarian reform should be the sine qua non or the object or purpose of a particular legislation. The answer in the majority judgment is clearly in the affirmative whereas the minority gave a contrary decision. The reason given in the minority judgment was that apart from the objects and reasons found in the Bills, there was nothing on which the contention that the law contemplated by Article 31A(1)(a) was a law intended to achieve agrarian reform, could be based. The ratio of that decision was that the rights, which clearly fell within the definition of an estate in Article 31A(2)(a) and therefore, the Act was one contemplated by Article 31A.

A careful perusal of the two judgments in Kochuni's case, AIR 1960 SC 1080, shows that a good deal of argument was addressed to their Lordships as to whether in such cases it became necessary to find out whether the Legislation had as its object agrarian reform or whether that matter was altogether irrelevant in the context of Article 31A(1)(a) and sub-clause (2) of that Article. The majority, as stated before accorded recognition to taking into consideration the question whether certain legislation had been enacted for the purpose of bringing about agrarian reform. If that principle had not been accepted, then the view of the minority would have prevailed and the dissent would not have revolved round the question of agrarian reforms, apart from other matters.

(10) The learned counsel for the State maintained before us that the object of the amendment in the Constitution could not be legitimately taken into consideration. The observation made by Patanjali Sastri C. J. in AIR 1952 SC 369 have already been set out in the judgment of my Lord the Chief Justice and need not be reproduced once again. The same view was expressed in The Central Bank of India v. Their Workmen, AIR 1960 SC 12. One of the matters considered was whether Section 277 HH, which was introduced in the Companies Act of 1913 by an amending Act of 1944, was or was not confined to a managing agent or manager only. It had been suggested in that case that by a reference to the statement of objects and reasons in relation to the amendment of 1944 the Section was so confined. Their Lordships held that the statement of objects and reasons was not admissible for construing the section; far less could it control the actual words used. However, in State of West Bengal v. Subodh Gopal Bose, AIR 1954 SC 92 Das, J. (as he then was) stated the law in these terms at page 104--

"It is well settled by this Court that the statement of objects and reasons is not admissible as an aid to the construction of the statute (see AIR 1952 SC 369) and I am not, therefore, referring to it for the purpose of construing any part of the Act or of ascertaining the meaning of any word used in the Act but I am referring to it only for the limited purpose of ascertaining the conditions prevailing at the time which actuated the sponsor of the Bill to introduce the same and the extent and urgency of the evil which he sought to remedy. Those are all maters which, as already stated must enter into the judicial verdict as to the reasonableness of the restrictions which Article 19(5) permits to be imposed on the exercise of the right guaranteed by Article 19(1)(f)."

These observations were referred to and relied on in M. K. Ranganathan v. Govt. of Madras, (S) AIR 1955 SC 604. There, the amendment of Section 232(1) of the Companies Act, 1913, inserted by Act 22 of 1936 came up for consideration and it was decided that this amendment was designed to prevent such sales as had been upheld by the Allahabad High Court in Kayasth Trading and Banking Corporation Ltd. v. Sat Narain Singh, AIR 1921 All 149 and it was permissible to refer to that portion of the statement of objects and reasons for the purpose of ascertaining the extent and urgency of the evil which was sought to be remedied by introducing the amendment. Subba Rao J. in Kochuni's case AIR 1960 SC 1080 made use of the statement of objects and reasons of the amendment introduced by the Constitution (Fourth Amendment) Act, 1955, for the aforesaid limited purpose of ascertaining the conditions prevailing at the time the Bill was introduced and the purpose for which the amendment was made. It is not within our province to entertain or allow any argument to be raised or any reasons to be advanced which may tend to throw any doubt on the use that might have been made of the statement of objects and reasons in the majority judgment as indeed we are bound by the law laid down therein.

(11) It will be convenient now to advert to certain other reported and unreported decisions of the Supreme Court on which reliance had been placed by the learned counsel for the respondents. In AIR 1961 SC 288 no argument was raised that the impugned Act was not aimed at agrarian reform and thus could not claim the protection of Article 31A(1)(a). Personal Inams had been created by Bombay Acts Nos. 2 and 7 of 1863. The main right which the holders of lands got under those Acts was that they held their lands on less assessment instead of full assessment. Bombay Personal Inams Abolition Act of 1953 extinguished all personal Inams. The result of various provisions of the aforesaid Act was that the holder of a personal Inam became for all practical purposes an occupant under the Bombay Land Revenue Code liable to pay full land revenue and the advantage that he had under Acts Nos. 2 and 7 of 1863 of paying only a part of the land revenue and retaining the rest for himself was taken away. This case did not relate to acquisition of any estate but it related to extinguishment and modification of rights of an Inamdar. At page 290 it was clearly observed--

"The Act therefore when it extinguishes or modifies the rights of inamdars in the inam estates is clearly protected by Article 31A."

On the facts that have been stated there could be no dispute and indeed no such dispute was ever raised that the Act was not a measure of agrarian reform. No such distinction was made in this case that because Kochuni's case, AIR 1960 SC 1080 did not relate to acquisition of an estate, therefore, the question of agrarian reform was irrelevant. This case can lend no support whatsoever to the view

that has been pressed by the learned counsel for the respondents that the question of agrarian reform is wholly immaterial in the matter of determining the applicability of Article 31A(1)(a) according to the rule laid down in the majority judgment in Kochuni's case, AIR 1960 SC 1080.

(12) In Civil Appeal No. 27 of 1960: (AIR 1961 SC 1649), decided by the Supreme Court along with certain other appeals on 25th April 1961, the validity of Bihar Act No. 16 of 1959 so far as it amends with retrospective effect Sections 4 and 6 of the Bihar Land Reforms Act, 1950 and inserts new Sections 7B and 7C in that Act was challenged. Under the Bihar Land Reforms Act the State Government had issued notifications under Sections 3 declaring that the estates or tenures of proprietors or tenure-holders specified in the notifications had become vested in the State. Thereafter the Revenue authorities started interfering with the rights of the former proprietors and tenure-holders in the matter of holding Melas on lands of which they were thereafter in occupation as occupancy raiyats under the State. In fact, these authorities started realising tolls from such Meals on behalf of the State Government. Section 7B, which had been inserted by the amending Act, provided inter alia that where on any land deemed to be settled with the intermediary a Mela was being held by him any time within three years of the date of vesting, the right to hold such Mela was to vest in the State and it was the State that would have the right to hold such Mela on such land. The first main question that was considered by their Lordships was whether the Bihar Legislature was competent to enact the aforesaid legislation. In that connecex-intermediaries, submitted that this was really not a matter of land reform; the purpose of the amending legislation being only to augment the revenue of the State. It was observed--

"It may well be that this object of augmenting the revenues was one of the main purpose behind the amending legislation. That however is no reason to think that this legislation is not also concerned with land reform. It is however unnecessary for us to consider this question further, for whether it is a law as regards land reform or not it is clearly and entirely as regards acquisition of property. The question of the legislature having attempted legislation not within its competence by putting it into the guise of legislation within its competence does not even arise. The conclusion that necessarily follows is that the amending legislation was within the legislative competence of the Bihar Legislature under Article 246 of the Constitution."

The other main question in controversy was whether the amending legislation was void on the ground that it violated Articles 31, 19 and 14 of the Constitution. In that connection their Lordships expressed the view that it was unnecessary to decide whether the only purpose in taking over the right of holding the Mela by the State was augmentation of revenue because a law may be a law providing for "acquisition" even though the purpose behind acquisition was not a public purpose. After considering the previous decision in State of Bihar v. Sir Kameshwar Singh, 1952 SCR 889: (AIR 1952 S C 252), their Lordships came to the following conclusion:--

"It is quite clear that after its amendment the legislative list permits the State Legislature to enact a law of acquisition even without a public purpose; and that the only obstacle to such a law being enacted without a public purpose is the provisions of Article 31(2). That obstacle also disappears if the law in question is one within Article 31A."

The arguments on those points converged on "legislative competence" and "public purpose". The next matter that was raised was whether the acquisition of a right to hold the Mela was acquisition of "rights" in any "estate" within the meaning of Article 31A as defined in clause (2)(b) of the same Article. No justification was found by their Lordships for holding that these rights were not rights in any estate. The other contentions that were canvassed namely, that the right to hold a Mela was not a right in the lands at all and that long before the date of the amending Act the "estate" had ceased to exist as a consequence of the notifications issued under Section 3 of the parent Act, were also repelled. It is abundantly clear that no such point was raised or examined in the aforesaid case which would have involved a discussion whether the impugned Bihar Act had agrarian reform as its object in order to get the protection afforded by Article 31A. Actually at one place, as stated before, it was clearly observed that there was no reason to think that the aforesaid legislation was not also concerned with land reform. The substantial question was whether the ex-proprietors and ex-tenure-holders had any rights left in the matter of holding Melas in the lands which had vested in the State Government under Section 3 of the Bihar Land Reforms Act.

The amending Act made it clear that the right to hold these Melas vested in the State and not in the former intermediaries. The Punjab Act, which has been impugned before us, does not relate to any matter of a like nature. What has been sought to have been done here is that the land owned by private individuals has been set apart for providing income to the Gram Panchayat. According to the decision of the previous Full Bench in (1960) 62 Pun LR 840: (AIR 1962 Punk 1)(FB), this was an act of acquisition by the State, the Panchayat being a "local authority". The correctness of the decision on that point has not been challenged before us. If it is acquisition of the ownership rights of the proprietors in the land then there is no question of any subsidiary rights being left in the proprietors of the nature which, it was contended, had been left in the ex-intermediaries in the Bihar State, e.g. the right of holding Melas. The decision relating to the Bihar case, therefore, is wholly distinguishable on a the grounds indicated above.

(13) In Sonapur Tea Co. Ltd. v. Deputy Commr. and Collector of Kamrun Civil Appeals Nos. 235 and 236 of 1960: (AIR 1962 SC 137) decided on 4th April 1961, the validity of the Assam Fixation of Ceiling on Land Holdings Act of 1957 was challenged. One of the questions discussed and decided was whether the Act was protected under Article 31A of the Constitution. It was argued before their Lordships that though ostensibly it purported to be a measure of agrarian reform its principal object and indeed its pith and substance was to acquire the property covered by its provisions and make profit by disposing of the same in the manner provided by Chapter III. The question which fell for decision was whether the main object of the impugned Act was to acquire property and dispose of it at a profit. After referring to the scheme of the Act and its provisions their Lordships observed--

"It is thus clear that the object of putting ceiling on existing holding is to take over excess lands and settle them on actual cultivators or tenants and that is the essential feature of agrarian reform undertaken by several States in the country. The Act conforms to the pattern usually followed in that behalf and the attack again its validity on the ground that it is a colourable piece of legislation must therefore fail."

In this case the question of agrarian reforms was taken into consideration, although it was decided with reference to a different argument that the impugned piece of legislation was colourable and deserved to be struck down as such. A careful review of all the aforesaid pronouncements of the Supreme Court yields the result that the rule in Kochuni's case, AIR 1960 SC 1080 is fully applicable to the matter before us. As, however, I share the view of my Lord the Chief Justice on the other point for the reasons given by him that the impugned Act has for its object agrarian reform, its constitutionality must be upheld. I concur in the petition being dismissed, and the parties being left to bear their own costs.

Tek Chand, J.

(14) Following the rule in Kochuni's case, AIR 1960 SC 1080 and on the ground that the impugned Act has an agrarian reform as one of its objects the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act (50 of 1948) is not ultra vires of the Constitution, and I would dismiss the petition and would make no order as to costs.

Dua, J.

(15) The reasons which impelled me to reter this writ petition to a larger Bench within a few months of the decision of a Bench of three Judges in (1960) 62 Pun LR 840: (AIR 1961 Punj 1)(FB) are given in my referring order dated 28th March, 1961 and need not be repeated.

(16) I agree that the East Punjab (Consolidation and Prevention of Fragmentation) Act (L of (1948), as amended by Punjab Act, XXVII of 1960, is a valid piece of legislation and cannot be struck down as unconstitutional. I would, however, refrain from expressing any considered opinion in the instant case on the question as to whether or not the existence of agrarian reform, as a legislative object is an essential pre-requisite for the constitutional validity of law providing for acquisition of estates by the State within the contemplation of Article 31A(1)(a) of the Constitution, because, in my view, the impugned statute is, without any serious doubt, designed to facilitate agrarian reforms and this is enough for the disposal of the case in hand.

(17) As to the use of objects and reasons of a statute as an aid to its construction as observed by B. K. Mukherjea J. (as he then was) in Air 1952 SC 369, the judicial opinion on the point is not quite uniform. According to a number of later decisions of the Supreme Court, however, they can only be referred to for the limited purpose of ascertaining the conditions prevailing at the time which actuated the sponsor of the Bill to introduce the same and the extent and urgency of the evil sought to be remedied; and indeed it was to this limited extend only that they were referred to in the majority judgment in AIR 1960 SC 1080. In my opinion, to get at the true interpretation of a statutory instrument, it is necessary that one should carefully appreciate its wording its history and its purpose or object. It is said by the respondent, however, that whatever the object of the law-giver the language of Article 31A(1)(a) is clear and unambigucus and, therefor, it does not stand in need of interpretation.

Here, it may be pointed out that words generally speaking, have meaning in and of themselves, which not infrequently, vary according to the circumstances with respect to which they are used; words, it may be remembered, quite often it not almost invariably derive colour and content from their context. That the words and expressions used in Article 31A(1)(a) are not so clear and unambiguous, when constructed in their context, as is claimed by the respondent, is obvious from the majority judgment in Kochuni's case, AIR 1960 SC 1080 and it is hardly open to this minimise its binding effect. I, therefore entertain little doubt that provisions like Article 31A(1)(a) of the Constitution have not to be read in vacuo or in isolation but they must from their very nature be construed as forming part of single complex instrument in which every part may throw helpful light on another; in other words, the construction must be such as holds a proper balance between all its parts. Besides, in-reads to the fundamental rights guaranteed by the Constitution, should also be strictly limited or restricted to meet the precise evil sought to be remedied thereby. The use of general words in this Article, accordingly, does not in my opinion, preclude an enquiry into the object of enacting it, and the mischief it was intended to remedy, of course without resorting to speculation. To attempt to discover the legislative intent or design exclusively, according to bald literalness, might well, in the present context, be misleading.

(18) Turning to the argument that the impugned legislative measure viz., E. P. Act L of 1948 as amended by Punjab Act XXVII of 1960 has no reference to agrarian reform it seems to me to be hardly open to any serious doubt that a statute has to be constructed with reference to the whole scheme or pattern of the cognate laws of which it forms a part. So construed, the impugned measure appears to me to be clearly designed or intended to facilitate agrarian reforms, omission to use this precise expression on the part of its authors notwithstanding. No convincing argument has been advanced for limiting the ratio of the Supreme Court decision in Kochuni's case Air 1960 SC 1080 to the removal of intermediaries only; the observations occurring in the course of discussion by Subba Rao, J., relied upon for this purpose do not, as I read them, lay down the restricted proposition canvassed on behalf of the petitioner. It is, however, unnecessary for me to say anything more on this point, as it has been dealt with at some length by the learned Chief Justice with whose reasoning and conclusion on this point I agree.

(19) The result is that this petition fails with no order as to costs.

Shamsher Bahadur, J.

(20) While I feel bound to say that I am unable to deny the cogency of the reasoning which has led my Lord the Chief Justice to conclude that agrarian reform has never been intended by the Legislature to form as essential prerequisite for imparting validity to legislation made under Article 31A(1)(a) of the Constitution of India, it seems to me that it is not necessary to decide this question in the instant case. To say that agrarian reform is an essential prerequisite to legislation under this Article would in effect add to it a new and vital limb by judicial process. The majority view of their Lordships of the Supreme Court in Kochuni's case, AIR 1960 SC 1080 however having been so clearly expressed, the question whether or not agrarian reform should be a touchstone to test the validity of legislation is not open to debate at least by this Court. I am in complete agreement with the views which have been expressed by my learned brethren that the East Punjab Holdings

(Consolidation and Prevention of Fragmentation) Act, L of 1948, is a measure designed to promote agrarian reform and its vires in any event cannot be challenged. I would concur that the petition be dismissed without any order as to costs.

BE/V.S.B.

(21) Petition dismissed.