

THE CONSTITUTION (SEVENTEENTH AMENDMENT) ACT, 1964

India

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Statement of Objects and Reasons appended to the Constitution (Nineteenth Amendment) Bill, 1964 which was enacted as THE CONSTITUTION (Seventeenth Amendment) Act, 1964

STATEMENT OF OBJECTS AND REASONS Article 31A of the Constitution provides that a law in respect of the acquisition by the State of any estate or of any rights therein or the extinguishment or modification of any such rights shall not 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 protection of this article is available only in respect of such tenures as were estates on the 26th January, 1950, when the Constitution came into force. The expression "estate" has been defined differently in different States and, as a result of the transfer of land from one State to another on account of the reorganisation of States, the expression has come to be defined differently in different parts of the same State. Moreover, many of the land reform enactments relate to lands which are not included in an estate. Several State Acts relating to land reform were struck down on the ground that the provisions of those Acts were violative of articles 14, 19 and 31 of the Constitution and that the protection of article 31A was not available to them. It is, therefore, proposed to amend the definition of "estate" in article 31A of the Constitution by including therein, lands held under ryotwari settlement and also other lands in respect of which provisions are normally made in land reform enactments. It is further proposed to provide that where any law makes a provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or structure provides for payment of compensation at a rate not less than the market value thereof.

2. It is also proposed to amend the Ninth Schedule by including therein certain State enactments relating to land reform in order to remove any uncertainty or doubt that may arise in regard to their validity.

3. The Bill seeks to achieve these objects.

An Act further to amend the Constitution of India. BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:-

1. Short title.-

This Act may be called THE CONSTITUTION (Seventeenth Amendment) Act, 1964.

2. Amendment of article 31A.-

In article 31A of the Constitution, -(i) in clause (1), after the existing proviso, the following proviso shall be inserted, namely:- "Provided further that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or structure, provides for payment of compensation at a rate which shall not be less than the market value thereof."; (ii) in clause (2), for sub-clause (a), the following sub-clause shall be substituted and shall be deemed always to have been substituted, namely:- "(a) the expression "estate" shall, in relation to any local area, have the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area and shall also include-(i) any jagir, inam or muafi or other similar grant and in the States of Madras and Kerala, any janmam right; (ii) any land held under ryotwari settlement; (iii) any land held or let for purposes of agriculture or for purposes ancillary thereto, including waste land, forest land, land for pasture or sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans;".

3. Amendment of Ninth Schedule.-

In the Ninth Schedule to the Constitution, after entry 20, the following entries shall be added, namely:---

21. The Andhra Pradesh Ceiling on Agricultural Holdings Act, 1961 (Andhra Pradesh Act X of 1961).

22. The Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands (Validation) Act, 1961 (Andhra Pradesh Act XXI of 1961).

23. The Andhra Pradesh (Telangana Area) Ijara and Kowli Land Cancellation of Irregular Pattas and Abolition of Concessional Assessment Act, 1961 (Andhra Pradesh Act XXXVI of 1961).

- 24. The Assam Sate Acquisition of Lands Belonging to Religious or Charitable Institution of Public Nature Act, 1959 (Assam Act IX of 1961).**
- 25. The Bihar Land Reforms (Amendment) Act, 1953 (Bihar Act XX of 1954).**
- 26. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962), (except section 28 of this Act).**
- 27. The Bombay Taluqdari Tenure Abolition (Amendment) Act, 1954 (Bombay Act I of 1955).**
- 28. The Bombay Taluqdari Tenure Abolition (Amendment) Act, 1957 (Bombay Act XVIII of 1958).**
- 29. The Bombay Inams (Kutch Area) Abolition Act, 1958 (Bombay Act XCVIII of 1958).**
- 30. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960 (Gujarat Act XVI of 1960).**
- 31. The Gujarat Agricultural Lands Ceiling Act, 1960 (Gujarat Act XXVII of 1961).**
- 32. The Sagbara and Mehwassi Estates (Proprietary Rights Abolition, etc.) Regulation, 1962 (Gujarat Regulation I of 1962).**
- 33. The Gujarat Surviving Alienations Abolition Act, 1963 (Gujarat Act XXXIII of 1963), except in so far as this Act relates to an alienation referred to in sub-clause (d) of clause (3) of section 2 thereof.**
- 34. The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Maharashtra Act XXVII of 1961).**
- 35. The Hyderabad Tenancy and Agricultural Lands (Re-enactment, Validation and Further Amendment) Act, 1961 (Maharashtra Act XLV of 1961).**

- 36. The Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyderabad Act XXI of 1950).**
- 37. The Jenmikaram Payment (Abolition) Act, 1960 (Kerala Act III of 1961).**
- 38. The Kerala Land Tax Act, 1961 (Kerala Act XIII of 1961).**
- 39. The Kerala Land Reforms Act, 1963 (Kerala Act I of 1964).**
- 40. The Madhya Pradesh Land Revenue Code, 1959 (Madhya Pradesh Act XX of 1959).**
- 41. The Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (Madhya Pradesh Act XX of 1960).**
- 42. The Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955).**
- 43. The Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Madras Act XXIV of 1956).**
- 44. The Madras Occupants of Kudiyiruppu (Protection from Eviction) Act, 1961 (Madras Act XXXVIII of 1961).**
- 45. The Madras Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Madras Act LVII of 1961).**
- 46. The Madras Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Madras Act LVIII of 1961).**
- 47. The Mysore Tenancy Act, 1952 (Mysore Act XIII of 1952).**
- 48. The Coorg Tenants Act. 1957 (Mysore Act XIV of 1957).**
- 49. The Mysore Village Offices Abolition Act, 1961 (Mysore Act XIV of 1961).**
- 50. The Hyderabad Tenancy and Agricultural Lands (Validation) Act, 1961 (Mysore Act XXXVI of 1961).**

- 51. The Mysore Land Reforms Act, 1961 (Mysore Act X of 1962).**
- 52. The Orissa Land Reforms Act, 1960 (Orissa Act XVI of 1960).**
- 53. The Orissa Merged Territories (Village Offices Abolition) Act, 1963 (Orissa Act X of 1963).**
- 54. The Punjab Security of Land Tenures Act, 1953 (Punjab Act X of 1953).**
- 55. The Rajasthan Tenancy Act, 1955 (Rajasthan Act III of 1955).**
- 56. The Rajasthan Zamindari and Biswedari Abolition Act, 1959 (Rajasthan Act VIII of 1959).**
- 57. The Kumaun and Uttarkhand Zamindari Abolition and Land Reforms Act, 1960 (Uttar Pradesh Act XVII of 1960).**
- 58. The Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 (Uttar Pradesh Act I of 1961).**
- 59. The West Bengal Estates Acquisition Act, 1953 (West Bengal Act I of 1954).**
- 60. The West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956).**
- 61. The Delhi Land Reform Act, 1954 (Delhi Act VIII of 1954).**
- 62. The Delhi Land Holdings (Ceiling) Act, 1960 (Central Act 24 of 1960).**
- 63. The Manipur Land Revenue and Land Reforms Act, 1960 (Central Act 33 of 1960).**
- 64. The Tripura Land Revenue and Land Reforms Act, 1960 (Central Act 43 of 1960).**

Explanation.-Any acquisition made under the Rajasthan Tenancy Act, 1955 (Rajasthan Act III of 1955), in contravention of the second proviso to clause (1) of article 31A shall, to the extent of the contravention, be void." [The Constitution (Seventeenth Amendment) Act, 1964, modifies article 31A and schedule 9 of the Indian Constitution. This revision prohibited the acquisition of land used for personal agriculture unless a price equal to the property's market value was paid. In addition, 44

more Acts were added to the ninth schedule. Article 31A of the Constitution provides that a law pertaining to the State's acquisition of any estate or property for a public purpose shall not be deemed void on the grounds that it violates or abridges the rights conferred by Articles 14, 19 or 31. Also Refer]