

17th AMENDMENT

VS.

FARM, FAMILY, FREEDOM

1643

A SWATANTRA PARTY PUBLICATION

Dear Reader,

The 17th Amendment Bill has been passed. Sixtyfive million self-employed peasants and their families will be affected by it—may be not today or tomorrow but soon the law, which hangs like Damocles' Sword over their heads, will fall on these, poor peasants who in its eyes are now no better than serfs. They will suffer from insecurity because they will not know when their lands may be taken away from them at the dictates of the village panchayat, parishad or State legislature.

The land belongs to the tiller. He loves his land and will not allow anyone to take it away from him. Besides, it is his life and bread and when he dies he leaves it to his children. Has anyone a right to take away this land from him, turn him into a landless labourer and, on top of it, deprive him of fair compensation?

This is exactly what the obnoxious 17th Amendment permits. What is worse is that the people who introduced this "land reform" have never been near the land! They do not know what land is; they do not know what is grown on it; they do not know how it is grown.



This little booklet in simple terms analyses the 17th Amendment and its dire effects on crores of helpless peasants. It also explains how and why the Swatantra Party has fought tooth and nail for the rejection of this Bill ever since its introduction in Parliament in May 1963.

What is the 17th Amendment?

Briefly, it is a measure which gives uncontrolled power to the State legislatures over all landed property in this country.

A feature of this measure is the peculiar definition of the word "estate."

"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—

- 1) any *jagir*, *imam* or *muafi* or other similar grant and in the States of Madras and Kerala, any *janmam* right;
- 2) any land held under *ryotwari* settlement;
- 3) any land held or let for purposes of agriculture or for purposes ancillary thereto, including wasteland, forest land, land for pasture, or sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans."

By this perverted definition, even a mere acre of land can be called an "estate" and be taken away. For a further clause says:

"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 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."

This, in plain English, means that the exclusion from this expropriatory measure of small farms below the level of the ceilings prescribed today will last only at the pleasure of State Governments and Legislatures. In a State where the ceiling today is 30 acres, it can be arbitrarily reduced by an Act of the Legislature to one acre, thus making even the smallest farm liable to expropriation.

Unconstitutional and Undemocratic

In thirteen years the Congress Government had already trampled on the Constitution by amending it sixteen times, and every amendment had taken away some part of the citizens' Fundamental Rights.

So it is with the 17th Amendment. It strikes at the Fundamental Right to private property by denying full and free right over what the farmer considers his most sacred possession—his land!



The Bill is a gigantic fraud on the Constitution and the people of India, because (a) it gives a distorted definition to the word 'estate' (normally applied to big farms and large properties owned by *zamindars* who no longer exist), whereby even small peasants who own one or two acres of land can be classified as *estatedars* and deprived of their land, (b) having given this definition, the Bill seeks to legalise it with retrospective effect from January 26, 1950!

It is undemocratic because it even deprives the farmer of the right to demand full compensation for the land that has been expropriated by the government.

The Bill scraps the judgement of the Supreme Court of India, and leaves the small farmer at the mercy of every official, every State government and every future government of this country.

This Amendment to the Constitution did not form part of the Congress Party's Manifesto in the last general elections in 1962 and, therefore, the Congress Party had no moral right to rush this Bill through Parliament without the consent of the people.

Breach of Faith

The 17th Amendment represents a cold-blooded breach of faith with Parliament and the country. In 1951, when the First Amendment to the Constitution was being debated, the then Law Minister, Dr. Ambedkar, had vouched for the safeguarding of the *ryotwari* peasants. He had said:

"I would like to say this, that there is no intention on the part of Government that the provisions contained in Article 31A are to be employed for the purpose of dispossessing *ryotwari* tenants. The proviso attached to Article 31A requires that every such

Bill shall be reserved for the consideration of the President.... there is a certain amount of safeguard in it. I believe that whenever such measure comes before the President for consideration, the undertaking given in this House would be binding on the President in giving his sanction so far as any such measure is concerned. Therefore, I submit there is no ground for any fear of any such thing happening and, I believe that there is also no justification for any kind of propaganda that may be carried on by interested parties that this bill proposes to give power to Government to expropriate everybody including the *ryotwari* tenants."

Time has shown that the Congress Party has no scruples about violating the promise made by one of its own eminent Ministers.

Origin of the 17th Amendment

Appropriately enough, this Bill which stinks of absolutism and despotism was conceived during the brief period of communist rule in Kerala. They passed legislation including in it *ryotwari* peasants. It was held up by the President. In the meanwhile, they went out of power and the Congress came into power and passed a similar Bill. They "fathered" the baby of the Communist Party.

The Supreme Court, however, declared the measure invalid on the ground that the *ryotwari* peasants had been wrongly brought in. Unabashed by this ruling, the Congress went forward to amend the Constitution.



SWATANTRA V



RAJAJI

"The Bill is a gigantic falsehood to make all owners of land 'intermediaries', thus reviving the exploded doctrine that all land in India belongs to Government, every peasant being only a tenant. When the British were ruling, the

Congress vigorously sought to protect the peasant and objected to this feudal doctrine. It now seems the position is reversed. The peasants have to wake up and protect themselves against the Congress which wishes to become the apex of a neo-feudal totalitarianism."

M. R. MASANI

"What this country needs is not expropriation. What this country needs is not collective or co-operative farming. What this country needs is the supply of good seeds, water and fertilizers to the pea-

sant so that he can produce more from his land. What we want is sympathy and security for the farmer, not a Damocles' Sword hanging over his head. I can think of nothing more unpatriotic and unserviceable for this country than this wretched Amendment."



17th AMENDMENT



N. G. RANGA

"It is wrong for the Government to consider their land policy which they have conceived with the aid of the Planning Commission to be of greater inflexibility and of greater fixity than the Constitution itself. They will have to answer before the bar of public opinion in this country in regard to this particular matter."

In Parliament and throughout the country, the Swatantra Party took the lead in opposing this Amendment on the ground that it is a calculated move by the Congress Government to undermine and destroy the Fundamental Right to property as enshrined in the Constitution and thus to pave the way for Communism.

The Party is convinced that those who stand for a self-employed and self-respecting peasantry are the genuine progressives and liberals, while those who seek to undermine and abolish peasant proprietorship by such surreptitious means are enemies of freedom and therefore reactionaries.

Reproduced on this page are the reactions of some of our leaders to this Bill.

DAHYABHAI V. PATEL

"The ryotwari land, the ryotwari right and the peasant proprietor have all been held sacred in this country for all these years. And that is the strength on which this country has survived so many invasions, so much suffering. If that goes, the only thing that remains is collectivisation."



Why the Swatantra Party Opposes

The Swatantra Party disassociated itself entirely from the Bill, even to the extent of refusing to join the Select Committee to which the Bill would be referred.

Why did the Swatantra Party take this stand?

The Swatantra Party is definitely not against legitimate land reforms. But is most definitely against the State ownership of land for, among other reasons:

- a) it deprives the peasant of his Fundamental Right to landed property,
- b) it leaves him at the mercy of corrupt officials of the State Government and all its agents right down to the zila parishads and the village panchayats.
- c) It is a most unproductive way to cultivate land and will lead to famine conditions.

An occasion very similar to this had witnessed the birth of the Swatantra Party. It was the Nagpur Resolution of the Congress Party of January 1959, threatening, on the one hand, a State monopoly of the foodgrains trade, on the other, a ceiling on land holdings and, lastly, the expropriation of the land of the peasants of India and the establishment of collective farming under the slogan of 'Joint Co-operative Farming' that was the primary reason for the birth of the Swatantra Party. Rajaji gave the slogan 'For Farm, Family and Freedom.'

Now that the people's rights are in danger again with the passing of this vicious, unconstitutional, anti-people 17th Amendment, the Swatantra Party, which was founded for the purpose of protecting the peasant

and his land, will do everything in its power to safeguard his rights.

How We Fought the Bill

From the very inception of this attempt to destroy the liberties guaranteed by the Constitution, the infant Swatantra Party raised the banner of opposition. For the last 12 months, the Party has conducted a sustained campaign to educate the rural people about the threat to their land and liberties. 'For

Farm, Family and Freedom' has been the slogan under which the Party has functioned.

In August 1963, the first major protest was made at a Conference of Southern States in Bangalore convened jointly by the All India Agriculturists Federation and the Mysore unit of the Party. This was followed by conferences in Saurashtra, Kutch, Punjab, Andhra and other parts of the country.



Lakhs and lakhs of petitions signed by peasants were sent to the Secretariat of Parliament from all over the country asking for the withdrawal of the amendment.

The largest peasant rally ever to be seen in Delhi was organised by the Swatantra Party on March 30, when over 5,000 kisans from all parts of the country demonstrated in the Capital to record their protest against the Amendment. The meeting was presided

over by a kisan from the Punjab and was addressed by peasant representatives from the different States. After the meeting, there was a mile-long procession



to Parliament House, where Swatantra Members of Parliament addressed the marchers. Separate deputations of the processionists waited on the Speaker of the Lok Sabha, the Deputy Speaker of the Rajya Sabha and the President.

The Sammelan adopted unanimously a resolution warning that, if the 17th Amendment Bill became law, the peasants of India would be forced to resort to peaceful satyagraha. The Sammelan highlighted the peasants' opposition led by the Party and the disastrous effects the measure would have not only on agricultural production but on the individual's freedom itself.

Statewise, the representation at the Sammelan was as follows: Andhra Pradesh 22, Bihar 290, Delhi 100, Gujarat 140, Himachal Pradesh 32, Madhya Pradesh 20, Madras 21, Maharashtra 235, Mysore 25, Orissa 30, Punjab 600, Rajasthan 2,000, Uttar Pradesh 1,500.

In Parliament the Swatantra Party fought the Bill tooth and nail at every stage. On April 28, 1964, the Party's fight was rewarded when the Lok Sabha

failed to accept this amendment by the statutory majority required for amending the Constitution and the Hon'ble speaker declared the Amendment to be rejected. There was rejoicing among the peasants throughout the countryside. Unfortunately, this joy was shortlived because the Congress bosses gnashing their teeth in rage at the way they had been frustrated by members of their own Party who had "dragged their feet" and failed to enter the division lobby in time because of their secret resistance to the amendment, called a special session of Parliament on May 27 to push the Bill through Parliament by issuing a three-line whip putting members of the Congress Party in Parliament in fear of their seats and careers at a cost of several lakhs to the country. This ill omened measure met with a second setback when Pandit Nehru died on the very day the special session met for this purpose. Nothing daunted the Congress Government, which steamrolled the measure through both Houses of Parliament a few days later.

At this stage, the leaders of the Swatantra Party called on the President to exercise his right to refuse assent to the Bill in fulfilment of the pledge given to Dr. Ambedkar on behalf of the Government of which pledge the President had been made the repository. Unfortunately, the President failed to assert himself and his prerogatives and put his signature to this infamous measure on June 20.

Path to Communism

The Swatantra Party calls upon citizens and in particular peasants throughout the country to be vigilant and ensure that no attempt is made to implement the provisions of this amendment.

It is clear that, in making this move, the Congress Government wants to clear the way to coercing the peasants into joining collective farms as has been

done in Soviet Russia and Communist China. In both these countries, which produced more than their requirements for the people, the result has been a drop in agriculture and consequent famine conditions which the Communist governments are trying to meet by importing foodgrains from the U.S., Canada, Australia and other "capitalist" countries. India too will be ruined if any attempt is made to collectivise or cooperativise the land and the people will die of starvation.

A Pledge

The Swatantra Party that was founded to safeguard farm, family and freedom, pledges itself

to secure the repeal of this infamous amendment at the earliest possible moment and to restore the liberties of the peasantry,

to stand by the peasant in any peaceful measures that the peasants may take in defence of their farms and their freedom.