


भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 26]
No. 26]

नई दिल्ली, शुक्रवार, मई 26, 1972/ज्येष्ठ 5, 1894
NEW DELHI, FRIDAY, MAY 26, 1972/JYAISTHA 5, 1894

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 26th May, 1972:—

BILL No. 54 OF 1972

A Bill to provide for the extension of certain taxation laws to the State of Jammu and Kashmir.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Taxation Laws (Extension to Jammu and Kashmir) Act, 1972.

Short title and commencement.

(2) It shall come into force on the 1st day of July, 1972.

2. (1) The provisions of Chapter VII of the Finance (No. 2) Act, 1971, and all rules made and notifications issued by the Central Government, and all regulations made by the Central Board of Excise and Customs, thereunder shall extend to, and come into force in, the State of Jammu and Kashmir.

Extension of certain taxation laws to Jammu and Kashmir and amendments thereto.

(2) The Tax on Postal Articles Act, 1971, and the Inland Air Travel Tax Act, 1971, and all rules made and notifications issued by the Central Government thereunder shall extend to, and come into force in, the State of Jammu and Kashmir.

(3) With effect from the commencement of this Act, Chapter VII of the Finance (No. 2) Act, 1971, the Tax on Postal Articles Act, 1971, and the Inland Air Travel Tax Act, 1971, shall be amended as specified in the Schedule.

STATEMENT OF OBJECTS AND REASONS

Article 314 of the Constitution guarantees to persons who were appointed by the Secretary of State or Secretary of State in Council to a civil service of the Crown in India and who continued to serve after the commencement of the Constitution under the Government of India or of a State the same conditions of service as respects remuneration, leave and pension and the same rights as respects disciplinary matters or rights as similar thereto as changed circumstances may permit, as such persons were entitled to immediately before such commencement. The concept of a class of officers with immutable conditions of service is incompatible with the changed social order. It is, therefore, considered necessary to amend the Constitution to provide for the deletion of article 314 and for the inclusion of a new article 312A which confers powers on Parliament to vary or revoke by law the conditions of service of the officers aforesaid and contains appropriate consequential and incidental provisions.

2. The Bill seeks to give effect to the above objects.

NEW DELHI;

RAM NIWAS MIRDHA.

The 22nd May, 1972.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

[Copy of letter No. 14|2|72-AIS(II), dated the 20th May, 1972, from Shri Ram Niwas Mirdha, Minister of State in the Ministry of Home Affairs and in the Department of Personnel, to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Bill further to amend the Constitution of India, recommends, under clause (1) of article 117, the introduction of the said Bill in the Lok Sabha.

BILL NO. 56 OF 1972

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Thirty-second Amendment) Act, 1972. Short title.

2. In the Ninth Schedule to the Constitution, after entry 64 and before the *Explanation*, the following entries shall be inserted, namely:— Amendment of Ninth Schedule.

“65. The Kerala Land Reforms (Amendment) Act, 1969 (Kerala Act 35 of 1969).

66. The Kerala Land Reforms (Amendment) Act, 1971 (Kerala Act 25 of 1971).”.

STATEMENT OF OBJECTS AND REASONS

The Kerala Land Reforms Act, 1963 (Act 1 of 1964), is the principal land reform law in the State of Kerala and was included in the Ninth Schedule to the Constitution. In the course of implementation, the State Government faced serious practical difficulties and to overcome them, that Act was extensively amended by the Kerala Land Reforms (Amendment) Act, 1969 (Act 35 of 1969) and by the Kerala Land Reforms (Amendment) Act, 1971 (Act 25 of 1971). Certain crucial provisions of the principal Act as amended were challenged in the High Court of Kerala and in the Supreme Court, creating a climate of uncertainty in the effective implementation of land reforms. Although the High Court of Kerala has generally upheld the scheme of land reforms envisaged in the principal Act as amended, a few vital provisions have been struck down by the High Court. Even in regard to the provisions upheld by the High Court, the affected parties had moved the Supreme Court in appeal. Some persons also moved the Supreme Court in original petitions challenging certain provisions of the Act. The Supreme Court in its judgments delivered on 26th and 28th April, 1972, have generally upheld the scheme of land reforms as envisaged in the principal Act as amended but agreed with the High Court invalidating certain crucial provisions. It is feared that this will have far-reaching adverse effects on the implementation of the programme of land reforms in the State and thousands of tenants will be adversely affected by some of the provisions which have been either struck down or rendered ineffective. It is also apprehended that certain observations of the Supreme Court in the judgments might open the floodgates of litigation much to the detriment of thousand of Kudikidappukars in the State who will not be able to defend themselves in protracted legal proceedings. Further, appeals have been preferred against the judgement of the Kerala High Court invalidating certain important provisions of the principal Act as amended [e.g. sections 4A (1) (a) and (b), 7, 7B(1) and 106] and are pending in the Supreme Court.

2. It is, therefore, proposed to include the Kerala Land Reforms (Amendment) Act, 1969 and the Kerala Land Reforms (Amendment) Act, 1971 in the Ninth Schedule to the Constitution so that they may have the protection under article 31B and any uncertainty or doubt that may arise in regard to the validity of those Acts is removed. The Bill seeks to achieve this object.

NEW DELHI;

H.R. GOKHALE.

The 24th May, 1972.