
STATEMENT OF OBJECTS AND REASONS

Article 31B of the Constitution confers on the enactments included in the Ninth Schedule to the Constitution immunity from any possible attack that they are violative of any of the fundamental rights. The immunity does not extend to any amendment made to such Acts after their inclusion in the Ninth Schedule.

2. Recourse was had in the past to the Ninth Schedule whenever it was found that progressive legislation conceived in the interest of the public was imperilled by litigation. Several State enactments relating to land reforms and ceiling on agricultural land holdings have already been included in the Ninth Schedule. The Sixth Five Year Plan (1980—85) contains an assurance that "necessary action would be taken to bring before Parliament land reform Acts not yet included in the Ninth Schedule to the Constitution for immediate inclusion in the said Schedule" and that the same "would be done in the case of future Acts without delay so that these laws are protected from challenge in courts". The State Governments of Assam, Bihar, Haryana, Tamil Nadu, Uttar Pradesh and West Bengal and the Administration of the Union territory of Goa, Daman and Diu have suggested the inclusion of some of their Acts relating to land reforms in the Ninth Schedule. Some of the Acts suggested for inclusion are by way of amendments to Acts already included in the Ninth Schedule. The various Acts which have been suggested for inclusion have been examined and it is proposed to include in the Ninth Schedule such of these Acts as have either been challenged or are likely to be challenged and thereby ensure that the implementation of these Acts is not adversely affected by litigation.

3. The Bill seeks to achieve the above object.

NEW DELHI;
The 31st July, 1983.

HARINATHA MISRA.

AVATAR SINGH RIKHY,
Secretary.