
STATEMENT OF OBJECTS AND REASONS

Article 31B of the Constitution confers on the enactments included in the Ninth Schedule to the Constitution immunity from legal challenge on the ground that they violate the fundamental rights enshrined in Part III of the Constitution.

2. In the past, whenever it was found that progressive legislation, conceived in the interest of the public was imperilled by litigation, recourse was taken to the Ninth Schedule. Several State enactments relating to land reforms and ceiling on agricultural land holdings have already been included in the Ninth Schedule. Since the Government is committed to give importance to land reforms, it is decided to include all land reform laws in the Ninth Schedule so that they are not challenged before the courts. The State Governments of Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Uttar Pradesh, West Bengal, Tamil Nadu and administration of the Union territory of Pondicherry have suggested the inclusion of some of their Acts relating to land reforms in the Ninth Schedule.

3. Since the amendment to Acts which are already placed in the Ninth Schedule are not automatically immunized from legal challenge, some amending Acts are also proposed to be included in the Ninth Schedule. The Acts which are proposed to be included in the Ninth Schedule have been examined. In order to ensure that implementation of these Acts is not adversely affected by litigation, it is proposed to include them in the Ninth Schedule.

4. The Bill seeks to achieve the above object.

NEW DELHI;

DEVI LAL.

The 2nd April, 1990.

SUBHASH C. KASHYAP,
Secretary-General.