

6 MAY 1963

Bill No. 26 of 1963.

**THE CONSTITUTION (SEVENTEENTH AMENDMENT)**

**BILL, 1963**

**A**

**BILL**

*further to amend the Constitution of India.*

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Seventeenth Amendment) Act, 1963. Short title.

5 2. In article 31A of the Constitution, in clause (2), for sub-clause (a), the following sub-clause shall be substituted and shall be deemed always to have been substituted, namely:— Amendment of article 31A.

10 '(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;

15 (iii) any land held or let for purposes of agriculture or for purposes ancillary thereto, including waste land, forest land, land for pasture and sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans.'

20 3. In the Ninth Schedule to the Constitution, after entry 20, the following entries shall be added, namely:— Amendment of Ninth Schedule.

"21. The Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).

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

23. The Andhra Pradesh (Telangana Area) Jagirs (Commutation) Regulation (Amendment) Act, 1961 (Andhra Pradesh Act XVIII of 1961).
24. 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). 5
25. The Assam State Acquisition of Zamindari Act, 1951 (Assam Act XVIII of 1951).
26. The Assam Fixation of Ceiling on Land Holdings Act, 1956 (Assam Act I of 1957). 10
27. The Assam State Acquisition of Lands Belonging to Religious or Charitable Institution of Public Nature Act, 1959 (Assam Act IX of 1961).
28. The Assam Consolidation of Holdings Act, 1960 (Assam Act XIX of 1961). 15
29. The Bihar Land Reforms (Amendment) Act, 1953 (Bihar Act XX of 1954).
30. The Bihar Land Reforms (Amendment) Act, 1959 (Bihar Act XVI of 1959).
31. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962). 20
32. The Bombay Bhagdari and Narwadari Tenures Abolition Act, 1949 (Bombay Act XXXII of 1949).
33. The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bombay Act LXII of 1950). 25
34. The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1951 (Bombay Act XII of 1951).
35. The Bombay Tenancy and Agricultural Lands (Second Amendment) Act, 1951 (Bombay Act XXXIV of 1951). 30
36. The Bombay Tenancy and Agricultural Lands (Third Amendment) Act, 1951 (Bombay Act XLV of 1951).
37. The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951 (Bombay Act XLVII of 1951).

38. The Bombay Land Tenures Abolition (Compensation Application Extension of Date) (Amendment) Act, 1952 (Bombay Act III of 1952).
- 5 39. The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1952 (Bombay Act XXXIII of 1952).
40. The Bombay Saranjam Jahagirs and other Inams of Political Nature Resumption Rules, 1952.
41. The Bombay Land Tenures Abolition (Amendment) Act, 1953 (Bombay Act XXXVIII of 1953).
- 10 42. The Bombay Personal Inams Abolition Act, 1952 (Bombay Act XLII of 1953).
43. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bombay Act XLIII of 1953).
- 15 44. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953 (Bombay Act XLIV of 1953).
45. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bombay Act XLV of 1953).
46. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bombay Act XLVI of 1953).
- 20 47. The Bombay Merged Territories Matadari Tenure Abolition Act, 1953 (Bombay Act XLVIII of 1953).
48. The Bombay Land Tenures Abolition (Recovery of Records) Act, 1953 (Bombay Act L of 1953).
- 25 49. The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1953 (Bombay Act LX of 1953).
50. The Bombay Service Inams (Useful to Community) Abolition Act, 1953 (Bombay Act LXX of 1953).
51. The Bombay Merged Territories (Janjira and Bhor) Khoti Tenure Abolition Act, 1953 (Bombay Act LXXI of 1953).
- 30 52. The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953 (Bombay Act I of 1954).
53. The Bombay Pargana and Kulkarni Watans (Abolition) Amendment Act, 1954 (Bombay Act XXIX of 1954).
54. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bombay Act XXXIX of 1954).
- 35 5. The Bombay Amending Act, 1954 (Bombay Act LVIII of 1954).

56. The Bombay Service Inams Useful to Community (Gujarat and Konkan) Resumption Rules, 1954.
57. The Bombay Taluqdari Tenure Abolition (Amendment) Act, 1954 (Bombay Act I of 1955).
58. The Bombay Bhil Naik Inams Abolition Act, 1955 (Bombay Act XXI of 1955). 5
59. The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 (Bombay Act XXII of 1955).
60. The Bombay Shilotri Rights (Kolaba) Abolition Act, 1955 (Bombay Act XLVII of 1955). 10
61. The Bombay Pargana and Kulkarni Watans (Abolition) (Amendment) Act, 1955 (Bombay Act L of 1955).
62. The Bombay Land Tenures Abolition (Amendment) Act, 1955 (Bombay Act LI of 1955).
63. The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955 (Bombay Act XIII of 1956). 15
64. The Bombay Land Tenures Abolition (Amendment) Act, 1956 (Bombay Act XL of 1956).
65. The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1957 (Bombay Act XV of 1957). 20
66. The Bombay Tenancy and Agricultural Lands (Second Amendment) Act, 1957 (Bombay Act XXXVIII of 1957).
67. The Bombay Taluqdari Tenure (Abolition) Amendment Act 1957 (Bombay Act XVIII of 1958).
68. The Bombay Land Tenure Abolition Laws (Amendment) Act, 1958 (Bombay Act LVII of 1958). 25
69. The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1958 (Bombay Act LXIII of 1958).
70. The Bombay Land Tenures Abolition (Amendment) Act, 1958 (Bombay Act XCIII of 1958). 30
71. The Bombay Inams (Kutch Area) Abolition Act, 1958 (Bombay Act XCVIII of 1958).
72. The Bombay Tenancy and Agricultural Lands (Vidharbha Region and Kutch Area) Act, 1958 (Bombay Act XCIX of 1958). 35

73. The Bombay Inferior Village Watans Abolition Act, 1958 (Bombay Act I of 1959).
74. The Bombay Ankadia Tenure (Saurashtra Area) Abolition Act, 1959 (Bombay Act XXXI of 1959).
- 5 75. The Bombay Bandhijama, Udhad and Ugadia Tenures Abolition Act, 1959 (Bombay Act XXXV of 1959).
76. The Bombay (Saurashtra Area) Aghat Tenure and Ijaras Abolition Act, 1959 (Bombay Act LXV of 1959).
- 10 77. The Bombay Taluqdari Tenure (Abolition) Amendment Act, 1960 (Bombay Act XVIII of 1960).
78. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960 (Gujarat Act XVI of 1960).
79. The Gujarat Agricultural Lands Ceiling Act, 1960 (Gujarat Act XXVII of 1961).
- 15 80. The Gujarat Patel Watans Abolition Act, 1961 (Gujarat Act XLVIII of 1961).
81. The Bombay Taluqdari Tenure Abolition (Gujarat Amendment) Act, 1962 (Gujarat Act XV of 1962).
- 20 82. The Sagbara and Mehwasssi Estates (Proprietary Rights Abolition, etc.) Regulation, 1962 (Gujarat Regulation I of 1962).
83. The Saurashtra Land Reforms Act, 1951 (Saurashtra Act XXV of 1951).
- 25 84. The Saurashtra Barkhali Abolition Act, 1951 (Saurashtra Act XXVI of 1951).
85. The Saurashtra Estates Acquisition Act, 1952 (Saurashtra Act III of 1952).
86. The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1960 (Maharashtra Act IX of 1961).
- 30 87. The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Maharashtra Act XXVII of 1961).
88. The Maharashtra Revenue Patels (Abolition of Office) Act, 1962 (Maharashtra Act XXXV of 1962).
- 35 89. The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1962 (Maharashtra Act XXXVI of 1962).

90. The Bombay Tenancy and Agricultural Lands (Second Amendment) Act, 1962 (Maharashtra Act VIII of 1963).
91. The West Khandesh Mehwassi Estates (Proprietary Rights Abolition, etc.) Regulation, 1961 (Maharashtra Regulation I of 1962). 5
92. The Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyderabad Act XXI of 1950).
93. The Hyderabad Abolition of Inams Act, 1954 (Hyderabad Act VIII of 1955).
94. The Kerala Agrarian Relations Act, 1960 (Kerala Act IV of 1961). 10
95. The Madhya Bharat Zamindari Abolition Act, Samvat 2008 (Madhya Bharat Act XIII of 1951).
96. The Madhya Bharat Abolition of Jagirs Act, Samvat 2008 (Madhya Bharat Act XXVIII of 1951). 15
97. The Madhya Pradesh Land Revenue Code, 1959 (Madhya Pradesh Act XX of 1959).
98. The Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (Madhya Pradesh Act XX of 1960).
99. The Madras Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951 (Madras Act XVII of 1951). 20
100. The Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Act, 1951 (Madras Act XXXV of 1951).
101. The Madras Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1953 (Madras Act IX of 1953). 25
102. The Madras Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1954 (Madras Act XXXIV of 1954).
103. The Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955).
104. The Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Madras Act XXIV of 1956). 30
105. The Madras Estates (Supplementary) Act, 1956 (Madras Act XXX of 1956).
106. The Madras Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1956 (Madras Act XLIV of 1956). 35

107. The Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958 (Madras Act XXXIV of 1958).
- 5 108. The Madras Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1961 (Madras Act XVIII of 1961).
109. The Madras Estates (Supplementary) Amendment Act, 1961 (Madras Act XXXV of 1961).
- 10 110. The Madras Occupants of Kudiyiruppu (Protection from Eviction) Act, 1961 (Madras Act XXXVIII of 1961).
111. The Madras Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Madras Act LVII of 1961).
112. The Madras Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Madras Act LVIII of 1961).
- 15 113. The Mysore Tenancy Act, 1952 (Mysore Act XIII of 1952).
114. The Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 (Mysore Act I of 1955).
115. The Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act XVIII of 1955).
- 20 116. The Coorg Tenants Act, 1957 (Mysore Act XIV of 1957).
117. The Mysore Village Offices Abolition Act, 1961 (Mysore Act XIV of 1961).
118. The Mysore Land Reforms Act, 1961 (Mysore Act X of 1962).
119. The Orissa Land Reforms Act, 1960 (Orissa Act XVI of 1960).
- 25 120. The Punjab Security of Land Tenures Act, 1953 (Punjab Act X of 1953).
121. The PEPSU Tenancy and Agricultural Lands Act, 1955 (PEPSU Act XIII of 1955).
122. The Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952).
- 30 123. The Rajasthan Tenancy Act, 1955 (Rajasthan Act III of 1955).
124. The Rajasthan Zamindari and Biswedari Abolition Act, 1959 (Rajasthan Act VIII of 1959).
- 35 125. The Rajasthan Kasar Bhom Abolition Act, 1961 (Rajasthan Act XXXV of 1961).

126. The Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 (Ajmer Act III of 1955).
127. The Uttar Pradesh Zamindari Abolition and Land Reforms (Amendment) Act, 1952 (U.P. Act XVI of 1953).
128. The Uttar Pradesh Land Reforms (Amendment) Act, 1954 5 (U.P. Act XX of 1954).
129. The Jaunsar Bawar Zamindari Abolition and Land Reforms Act, 1956 (U.P. Act XI of 1956).
130. The Uttar Pradesh Land Reforms (Amendment Act), 1956 (U.P. Act XVIII of 1956). 10
131. The Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956 (U.P. Act IX of 1957).
132. The Uttar Pradesh Zamindari Abolition and Land Reforms (Amendment) Act, 1958 (U.P. Act XIV of 1958).
133. The Uttar Pradesh Land Reforms (Amendment) Act, 1958 15 (U.P. Act XXXVII of 1958).
134. The Uttar Pradesh Government Estates Thekedari Abolition Act, 1958 (U.P. Act I of 1959).
135. The Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960 (U.P. Act XVII of 1960). 20
136. The Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 (U.P. Act I of 1961).
137. The Uttar Pradesh Land Laws (Amendment) Act, 1962 (U.P. Act XXI of 1962).
138. The West Bengal Estates Acquisition Act, 1953 (West Bengal 25 Act I of 1954).
139. The West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956).
140. The Delhi Land Reforms Act, 1954 (Delhi Act VIII of 1954).
141. The Delhi Land Holdings (Ceiling) Act, 1960 (Central Act 30 24 of 1960).
142. The Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (Himachal Pradesh Act XV of 1954).
143. The Manipur Land Revenue and Land Reforms Act, 1960 35 (Central Act 33 of 1960).



144. The Tripura Land Revenue and Land Reforms Act, 1960  
(Central Act 43 of 1960).

*Explanation.*—Any reference in entries 21 to 144 of this Schedule to any Act, Regulation or Rule (other than an Amending Act) shall  
5 be construed as including a reference to such Act, Regulation or Rule as amended from time to time up to the first day of April, 1963.”

## STATEMENT OF OBJECTS AND REASONS

The Kerala Agrarian Relations Act, 1961 was struck down by the Supreme Court in its application to ryotwari lands transferred from the State of Madras to Kerala. The Act was further struck down by the High Court of Kerala in its application to lands other than estates in Malabar and Travancore. It was held that the provisions of the Act were violative of articles 14, 19 and 31 of the Constitution and that the protection of article 31A of the Constitution was not available to those lands, as they were not estates.

2. The protection of article 31A 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. 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 also proposed to amend the Ninth Schedule by including therein the 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.

NEW DELHI;

ASOKE K. SEN.

*The 29th April, 1963.*

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

\* \* \* \*

31A.

(2) In this article,—

(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 any *jagir*, *inam* or *muafi* or other similar grant and in the States of Madras and Kerala, any *janmam* right;

Saving of laws providing for acquisition of estates, etc.

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LOK SABHA

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further to amend the Constitution of India.

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*(Shri Asoke K. Sen,  
Minister of Law.)*