



Friday
20th February, 1953

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE
OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

Price Six Annas (Inland)
Price Two Shillings (Foreign)

THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

317

318

HOUSE OF THE PEOPLE

Friday, 20th February, 1953.

The House met at Two of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

FISHER-WOMEN CARRIED AWAY BY
PAKISTAN POLICE

*200. Dr. Ram Subhag Singh: (a) Will the Prime Minister be pleased to state whether it is a fact that nineteen fisher-women were forcibly carried away by East Pakistan Police from across the West Bengal border in Nadia District on the 30th December, 1952?

(b) If so, have these women so far been recovered?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) On the 29th December 1952 nineteen women of the Buno community of village Nonaganj, Krishnaganj P.S., Nadia District, went to collect gram plants and fuel from a field within the same police station. On their return journey, as they were nearing their homes Pakistani Police trespassed into Indian territory, arrested the women and carried them off to Pakistan. One woman managed to escape; while another two were released later.

(b) The arrested women are reported to have been released as a result of a protest by the District Magistrate, Nadia to the District Magistrate, Kushia (East Bengal).

Dr. Ram Subhag Singh: After how many days they were released?

Shri Anil K. Chanda: I have not got that information here.

Dr. Ram Subhag Singh: Will Government consider the advisability of inquiring as to how many days it took the Government of Pakistan to release them?

463 PSD.

Shri Anil K. Chanda: Certainly we can make that inquiry.

Sardar Hukam Singh: Has the Pakistan Government given any excuse for arresting and taking them away?

Shri Anil K. Chanda: We have to presume that these women while returning after collecting fuel etc., might have trespassed into the Pakistani territory.

Sardar Hukam Singh: From the answer that was given, what I understood was that the Pakistani Police trespassed into our territory.

Shri Anil K. Chanda: It seems that the Pakistani Police had arrested these women in our territory. It also seems true that our women have trespassed into their territory.

Shri T. K. Chaudhuri: May I know if any official information has been received from the Pakistan Government? The hon. Minister said 'presumably'. It is presumption only or has any positive official statement come from the other side?

Shri Anil K. Chanda: Our report says that they had gone to an area which is within the Pakistani territory.

Shri A. C. Guha: In cases of such wanton intrusion into our territory, do the Government consider the necessity of asking for some compensation to be paid to men who are arrested and taken away?

The Prime Minister (Shri Jawaharlal Nehru): Hon. Members will see that according to the reports received by us, there was a possibility of their having gone to the Pakistani territory, of course not deliberately, because it is not marked, and it becomes difficult. Perhaps some kind of compensation can be claimed for illegal arrests. Here, there is no damage caused; presumably in this case they

have come into our territory. The two district magistrates met and got the matter settled and the women were released soon after. It is difficult to pursue these small matters much further.

Shri A. C. Guha: Quite a large number of women were taken away from our territory and they were detained in Pakistan territory for some time; for what period they were detained the Government is not in a position to say. As there must have been some financial loss also to the families, some compensation is called for.

Mr. Deputy-Speaker: The hon. Member is arguing.

Shri Gadgil: May I know whether any steps have been taken or are proposed to be taken to prevent such occurrences?

Shri Jawaharlal Nehru: Steps will certainly be taken but how can, along a long border, any effective steps be taken to prevent these happenings, happenings on a border which is not marked, where people are on the quiver and alert. Something may have happened on either side before patrols go about. This is a kind of complaint which is made from time to time.

Ch. Ranbir Singh: Under the Indo-Pakistan Agreement is it open to the Pakistan authorities to arrest the ladies from Indian territory?

Shri Jawaharlal Nehru: This is just the point which is challenged on that border line where it has taken place. It is our report that the arrests took place on our side, although they had gone to the other side, but that fact is not absolutely believed. None of our men were present there and these were some village women collecting things, not knowing about the boundaries, who had gone mistakenly into their territory and got into trouble. None of our police were at all there.

श्री अलगू राय शास्त्री : क्या इस मामले की जांच अभी जारी है कि यह हमारी टैरीटरी में अरेस्ट हुई या उन की टैरीटरी में, या यह मामला छोड़ दिया गया है ?

श्री जवाहरलाल नेहरू : यह छोटी मोटी बातें दुबरा होती रहती हैं। जब यह बात होती है तो उन को तै करने का यह तरीका होता है कि दोनों तरफ के डिस्ट्रिक्ट मजिस्ट्रेट मिल कर उन का वहाँ फँसला कर देते

हैं और हम उन दोनों के फँसले को मंजूर कर लेते हैं जब तक कोई बड़ी बात न हो। इस मामले में दोनों डिस्ट्रिक्ट मजिस्ट्रेट मिले, उन्होंने तै कर दिया और मामला खत्म हो गया।

Shri A. C. Guha: Since the introduction of the passport system may I know on how many occasions there have been such aggressions on the Indian territory or on Indian citizens by Pakistan Armed forces or Pakistanis?

Mr. Deputy-Speaker: It does not arise out of this.

Shri Jawaharlal Nehru: How can I answer that without any inquiry?

SURVEY OF WATER RESOURCES OF INDUS BASIN

***201. Dr. Ram Subhag Singh:** (a) Will the Minister of Irrigation and Power be pleased to state whether it is a fact that the representatives of India, Pakistan and the World Bank recently made a joint survey of the water resources of the Indus basin?

(b) If so, what is the purpose of this joint survey?

The Deputy Minister of Irrigation and Power (Shri Hathil): (a) The Indus basin Working Party of Engineers designated by India and Pakistan met at Karachi on the 1st Dec. 1952 and held a series of meetings in pursuance of the decisions taken earlier by the Working Party at its initial meeting in Washington. Thereafter the Working Party proceeded on a visit to certain works and sites in the Indus Basin in India and Pakistan. Another meeting of the Party was held in Delhi on January 24-29 1953. The engineers from the World Bank were present at the meetings and accompanied the Working Party on the field trip.

(b) The object of these meetings and visits to various sites in India and Pakistan is the preparation of a Comprehensive Plan for the maximum utilization of the waters of the Indus Basin in the interest of both the Countries.

Dr. Ram Subhag Singh: May I know whether any tentative agreement has been arrived at between India and Pakistan on a programme for the joint exploitation of the water resources of the Indus Basin under the auspices of the World Bank?

The Prime Minister (Shri Jawaharlal Nehru): No, Sir, not in this connection except the agreement to explore and find a way to an agreement. There is an agreement thus far which we are exploring with the co-operation of the representatives of the World Bank. The present programme, I believe, is to meet sometime in September, when presumably the full picture will be there.

Dr. Ram Subhag Singh: May I ask whether the latest Pakistan allegation that India had been utilising increasing amounts of water resources which are meant for Pakistan, contains any amount of truth?

Shri Jawaharlal Nehru: I am glad the hon. Member has asked this question although it does not wholly relate to the other question.

I confess being very greatly surprised at the new and rather intensive agitation started in Pakistan recently on the basis of India having deprived them of canal water or proposing to deprive them of it. In fact some kind of a White Paper has been issued by the Pakistan Government which I have not seen yet, but I have seen reports in the newspapers. The fact of the matter is that we have been continuing to supply them with water but owing to the drought which has occurred in the Punjab, both East and West, in the last few months there was a reduction in the supply all over the place. So, it is true they got less, not because we wanted to deprive them of water, but because, in effect, there was less water to go. It is true, because of lack of water, irrigation has suffered. But, we have not deliberately deprived them of anything and we do not propose to do so under the assurances given by us, certainly so long as this enquiry lasts. But, as the hon. Member referred to an Agreement, there was an Agreement signed on 4th May, 1948 between the two countries. It subsists so far as we are concerned.

Dr. Ram Subhag Singh: May I know whether this allegation of Pakistan has in any way influenced the negotiations which are being carried on between India and Pakistan under the World Bank auspices?

Shri Jawaharlal Nehru: Not that I know of indirectly, of course, all these things influence. As a matter of fact, another curious factor of this is that the Pakistan Government has not officially protested about it to our Government. One would have presumed that if they had objection to anything happening, they would have protested

to us. They have been carrying on this agitation without any official protest to us. I have no doubt they may have brought these factors to the notice of the World Bank people. I believe they have. Our representative will deal with that.

Shri T. N. Singh: Does this joint survey involve any commitment regarding the utilisation and working of these water resources jointly by the two countries, or is India able to work its own way in regard to the work she is carrying on or is likely to carry on?

Shri Jawaharlal Nehru: No. We have felt that any joint working would be very difficult and would lead to trouble so far as we are concerned. But it is another thing to have a joint plan for mutual benefit to be worked separately in each country. At the present moment, the attempt is to try to have a joint plan.

Sardar A. S. Saigal: Is it a fact that the British Paper 'Guardian' has been carrying on propaganda against India on this issue?

Shri Jawaharlal Nehru: I do not know what other papers say.

Shri G. P. Sinha: May I know why the representative of the World Bank accompanied this Survey? What was the reason behind it?

Shri Jawaharlal Nehru: The reason is, it is a longish story. This canal water story has been going on since the date 4th May 1948 that I mentioned, nearly five years ago. Ever since then we have been trying to get a joint technical survey made so that we should know at least the facts of the situation. Our case has been that there is enough water in the Indus Basin to supply both Pakistan and India fully; that is, taking the basin as a whole. It may involve possibly some construction here or there to utilise the waters which are running to waste. That joint survey never took place, according to us, because Pakistan did not co-operate in that matter. Then, about a year ago, perhaps some hon. Members might remember, Mr. Lillienthal, who was in the TVA and a distinguished authority, came to India. On his return to the United States, he wrote about this subject and then his suggestion was taken up by the World Bank. The World Bank President wrote to me and to the Prime Minister of Pakistan identical letters saying that his attention has been drawn by Mr. Lillienthal's article on this problem, and that if the World Bank could help in the matter, they would gladly do so. Of course, ultimately, where the World Bank helps, that is by advancing

money for some construction such as may be needed. I wrote that we welcome any help, not in the monetary sense, to consider this matter with their engineers. We had always been willing to discuss it with Pakistan and find out a plan. After some discussion, the President of the World Bank happened to come to India. Ultimately, a formula was evolved whereby Indian Engineers and Pakistani Engineers would meet the World Bank Engineers and discuss these matters. They met in New York, they met in Karachi, they met in Delhi and they have made some progress which they hope to complete by September. There is no commitment involved by any party in this except to try our best to find a way out which is beneficial to both the countries concerned.

Sardar A. S. Saigal: Will the Government be kind enough to issue a Press Note on this issue?

Shri Jawaharlal Nehru: Of course. Government have issued several Press Notes. It is our intention to issue something slightly more than a Press Note on this issue.

Shri N. C. Chatterjee: May I know whether the attention of the Government has been drawn to an editorial in the *New York Times* published on 16th February where it has been announced that Pakistan Government has made a complaint to the Secretary of the United Nations that India is diverting vital water from the course streams of the Indus River and they are pressing for a reference of the matter to the International Court of Justice? Has our Government got any information as to that, and if so, what steps are going to be taken?

Shri Jawaharlal Nehru: I have seen a summary of the article, not the full article. As for Pakistan Government having made any reference to the United Nations, we do not know. I believe the matter has been mentioned by them to the International Bank President.

May I say in this connection, if you, Sir, will permit me, because the subject is important and interesting, that in the course of the last year or two there have been various stages of argument. Apart from a joint technical survey, we had suggested that this matter be referred to a very high class tribunal consisting of two Judges from India and two from Pakistan, and let them decide finally. The objection was raised: what, if they differed? We said, if they differed in regard to any matter, we are prepared to refer that particular matter to any international

authority. We said, there is no good referring the whole thing, because it will take too long. We have no objection to an international authority deciding any matter of this kind. I might further mention that we made the same offer in regard to the evacuee property question too.

Mr. Deputy-Speaker: Next question.

QUESTIONNAIRE TO FOREIGN FIRMS

***203. Shri K. K. Basu:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether replies to Government questionnaire have been received from all foreign firms in regard to the employment of Indians and foreigners; and

(b) what action Government have taken to stop the discrimination against Indian employees resorted to by foreign concerns in the matter of pay-scales, allowances, conditions of service as well as new recruitment?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a). More than three-fourths of the foreign-controlled firms and companies in India have sent returns in response to the Government of India's notification dated the 31st July, 1952.

In regard to (b). I am afraid that the question is so framed that any answer furnished cannot escape admitting the truth of the basis of the question for which I am not prepared. All that I can say is that is the declared policy of Government to encourage the employment of Indians in an increasing measure in such foreign concerns.

Shri K. K. Basu: May we know, in view of the unsatisfactory answer as is accepted by the Minister himself, what action Government propose to take on these matters?

Shri T. T. Krishnamachari: I am not prepared to admit the truth of the statement that is sought to be put into my mouth. What I have said is that I have not got this information from all the concerns which, according to the list prepared by the Reserve Bank in 1948, amount to 1300. I can tell the House that returns are trickling in. From the beginning of January till now, I think we have got 43 returns. The question whether employment of Indians is on a satisfactory basis or not is one to be judged by Government from time to time. Government will certainly do all that is possible to use such influence as they possess to make these concerns employ more Indians.

Shri K. K. Basu: Has the attention of the Government been drawn to a memorandum published by the ex-Indian employees of these British concerns as to the unsatisfactory nature of the question of employment?

Shri T. T. Krishnamachari: I do not know to which memorandum the hon. Member refers. There are several memoranda which we have received. I do not think there is any association of employees of British concerns in India. Therefore I cannot recollect having received any authoritative communication of the sort indicated by the hon. Member.

Shri Raghuramiah: May I know whether from the replies received it is possible to say whether, in fact, there is any discrimination in the matter of pay scales and other conditions of service between Indians and foreigners employed in those firms?

Shri T. T. Krishnamachari: The questionnaire was framed in such a manner as to merely indicate the number in each category. We have not asked for the information which will reveal the position as is envisaged by the hon. Member.

Shri A. C. Guha: May I know if the hon. Minister's attention has been drawn to a circular issued by the Bengal Chamber of Commerce on the issue of this questionnaire, directing its clients to send replies in such a manner as not to reveal the real position of the Indians under their employ?

Shri T. T. Krishnamachari: I am afraid, Sir, I have not seen any such circular.

Pandit Thakur Das Bhargava: Why was the questionnaire not prepared in such a way as to elicit the information required to be brought out?

Shri T. T. Krishnamachari: I agree there is some imperfection in regard to the framing of the questionnaire as my hon. friend thinks, because the way in which he is looking at it, and the way in which I was looking at it, are slightly different. From my point of view, I thought the questionnaire was satisfactory.

Dr. Lanka Sundaram: May I know whether Government have examined the conditions under which Indian business firms are permitted to operate in some of the major countries in the world whose nationals are having firms, functioning in this country?

Shri T. T. Krishnamachari: It is a suggestion for action which might be taken at the appropriate time.

Shri Gadgil: May I know whether it is the intention of the Government to bring in legislation to secure statutorily Indianization of foreign firms with good working condition?

Shri T. T. Krishnamachari: As far as Government's thoughts in this matter can be projected into the future, Government have no such intention.

Shri K. K. Basu: Has the attention of Government been drawn to the fact that foreign technicians with much inferior qualifications than that of Indians are employed under the head "technicians"?

Shri T. T. Krishnamachari: It may be true in the case of certain individual concerns. Government have no reason to believe that this is generally the case.

Shri Damodara Menon: The hon. Minister stated that some firms have not sent replies. Do the Government propose to take any action against those firms?

Shri T. T. Krishnamachari: Such action as the Government is competent to take, it is taking.

Shri Damodara Menon: May I know what action Government are competent to take?

Shri H. N. Mukerjee: Has the attention of Government been drawn to the fact that particularly in tea gardens there are certain kinds of allowances like garden allowances, transport and servants allowances which are not covered in the questionnaire, and is Government contemplating setting out a separate questionnaire particularly in regard to European managed tea gardens?

Shri T. T. Krishnamachari: I think, Sir, I have told the House on a previous occasion—and I think the hon. Member who is asking the question is aware of it—that the Government have introduced a Bill to enable them to call for statistics of any nature that they think is necessary. When that Bill is passed by this House and by the other House and is put on the Statute Book, I have no doubt the suggestion made by the hon. Member would be considered and information would be asked for on those lines.

EXTERNAL PUBLICITY

*204. **Shri S. C. Samanta:** Will the Prime Minister be pleased to state:

(a) how the external publicity of the Ministry expanded in 1952-53 in comparison with the previous two years;

(b) how many and in which centres new publicity posts have been created in the current financial year; and

(c) how many of them are lying vacant at present?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) The budget provision for external publicity has increased as follows:—

1950-51	Rs. 30,25,840 (Actual)
1951-52	Rs. 37,58,100 (Revised estimate)
1952-53	Rs. 64,74,800 (Revised estimates)

During the current year, there has been an expansion of publicity through the medium of films, reference libraries, exhibitions of Indian art and the issue of pamphlets and other publicity material. Publicity organisations in the U.S.A. and the Middle East have been reorganised and the omnibus service has been expanded. Supply of photographs, blocks, features, etc., for publicity purposes has been improved.

(b) Two new publicity posts, viz. at Damascus and Bonn have been opened. It is intended to open two more.

(c) None.

Shri S. C. Samanta: May I know, Sir, whether in spite of this expansion we are not able to supply adequate and suitable publicity material to our missions abroad?

Shri Anil K. Chanda: It is a matter of opinion, but so far as we are concerned, we believe, Sir, we are able to supply adequately and satisfactorily the necessary literature and information to our missions abroad.

Shri S. C. Samanta: May I know, Sir, whether the arrangements for the contradiction of adverse reports that are published in foreign newspapers have improved?

Shri Anil K. Chanda: Certainly, Sir.

Shri S. C. Samanta: May I know, Sir, whether the method of distribution of Indian newspapers and periodicals through our publicity posts overseas has improved?

Shri Anil K. Chanda: Considerably large number of Indian periodicals and newspapers are being sent to our missions abroad.

Shri C. R. Narasimhan: Is there any machinery for co-ordination between the Information Ministry and this section of external publicity?

Shri Anil K. Chanda: These two Ministries work in close co-operation.

Shri S. C. Samanta: The hon. Minister said that exhibitions and such other things have been arranged. May I know whether during 1952 and 1953 any exhibitions of a representative character, of Indian paintings, sketches, photographs, etc., have been held?

Shri Anil K. Chanda: Yes, Sir. They have been exhibited in America and in other areas—in China, in Japan, Australia and also in the United Kingdom.

STANDARD OF EXPORTED ARTICLES

***205. Shri M. L. Dwivedi:** (a) Will the Minister of Commerce and Industry be pleased to state whether there exists any machinery to see that exports from India to U. K. and other countries are strictly according to the standards of samples previously submitted?

(b) If not, what steps do Government propose to take to ensure that the quality and standard of exported articles and commodities are not lowered?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The answer is in the negative.

(b) A scheme of compulsory quality control is already in operation in respect of a few commodities, such as saffron, hemp, unmanufactured tobacco and rum. In regard to other commodities it is for buyers and sellers to make their own arrangements according to commercial practice in each line.

Shri M. L. Dwivedi: May I know if any complaint has been made by any country in connection with the bad quality of some of our exports?

Shri T. T. Krishnamachari: It is a complaint one constantly hears in regard to various commodities.

Shri M. L. Dwivedi: May I know the names of the countries from which complaints have been received, and the commodities in respect of which they have been received?

Shri T. T. Krishnamachari: I should ask for notice.

Shri V. P. Nayar: Have the Government of India received any complaint from the United States merchants regarding the quality of pepper exported from India, and have they verified the correctness of this allegation or tried to find out whether this is deliberately made in order to lower the prices of pepper, purchased in United States?

Shri T. T. Krishnamachari: The Government of India have received no such complaint, but I have seen reports in the papers in regard to such a complaint being made by importers in the United States.

Dr. M. M. Das: May I know whether the recommendations of the Export Promotion Committee regarding this subject—maintenance of the standard of our foreign exports—have been implemented by Government in full?

Shri T. T. Krishnamachari: No, Sir.

Shri Punnoose: The hon. Minister has stated that he has seen reports in the papers regarding the bad quality of pepper. May I know whether the Government have made any enquiry into the matter to verify whether these reports are correct, and whether the quality of the exported product is really affected?

Shri T. T. Krishnamachari: Yes, Sir. The reports that we have received from our own representatives in the United States too lend some colour as to the authenticity of such complaints.

Shri M. L. Dwivedi: May I know if there is any machinery in existence to see that the commodities sent abroad are according to standards?

Shri T. T. Krishnamachari: The answer to the first part of the question asked by the hon. Member provides the answer for this question as well.

Shri Punnoose: May I know whether any steps are being taken by the Government to keep up the quality of the exported pepper?

Shri T. T. Krishnamachari: As I have said in reply to part (b) of the question, it is largely left to the buyer and the seller to establish quality and standards of quality according to commercial practice.

WOOD INLAY WORK

*206. **Sardar Hukam Singh:** (a) Will the Minister of Commerce and Industry be pleased to state what are the States wherein artistic inlay work on wood is carried on as an Industry?

(b) Is there any institution where training is given in this art?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) In the States of Punjab and Mysore as a Cottage Industry.

(b) The Chamarajendra Technical Institute, Mysore, gives training in inlay work on wood. Information in

regard to training facilities in other States is being collected, and will be laid on the Table of the House, when information is available.

Sardar Hukam Singh: May I know whether any big firms or any co-operative society is also engaged in this business?

Shri T. T. Krishnamachari: To the extent of the information that the Government have in their possession, we cannot say whether there are any institutions other than the Chamarajendra Technical Institute. There may be co-operative societies; anyhow, I shall be able to answer the question more definitely, when full information is available.

Sardar Hukam Singh: Does this inlay work bring us any foreign exchange as well?

Shri T. T. Krishnamachari: I believe so.

Sardar Hukam Singh: Are there any materials that are to be imported, and which are required for this inlay work?

Shri T. T. Krishnamachari: I am afraid my knowledge does not extend to such detail. Perhaps as most of this inlay work is done in silver, in some cases, silver has to be imported.

Shri M. S. Gurupadaswamy: May I know whether any financial help or grant has been given to these institutions in Mysore and other places, which are doing this work?

Shri T. T. Krishnamachari: To the institution which I have named in reply to part (b) of the question, I do not think the Central Government have given any assistance.

WOOLLEN HOSIERY

*207. **Sardar Hukam Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any estimate has been made of the number of woollen hosiery producing units in different parts of the country;

(b) what is the total production of these units; and

(c) whether the claim of this industry for protection was considered at any time?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir. An estimate of the number of woollen hosiery units in the country was made last year by the

Tariff Commission. The industry consists of 875 units and 4 woollen mills which are also producing such goods.

(b) The total production of these units in 1951 was 2·022 million lbs.

(c) Yes, Sir. The claim for protection was considered by the Tariff Commission last year, and the Commission were of the opinion that the industry does not require protection.

Sardar Hukam Singh: Is it a fact that the production has been on the decrease since 1947?

Shri T. T. Krishnamachari: I have got with me here figures for three years, 1949, 1950, and 1951, which show that it is on the decrease.

Sardar Hukam Singh: May I know the reason why it is going down?

Shri T. T. Krishnamachari: To the best of information that I have, it is due to the low offtake by the consumer.

Sardar Hukam Singh: May I know whether any woollen yarn required for this industry has to be imported from any country, or is being produced here?

Shri T. T. Krishnamachari: A certain quantity is imported, but there are about ten mills in the country, which make woollen yarn for that purpose.

Sardar Hukam Singh: May I know whether the Tariff Commission made a recommendation that the Government should assist the Ludhiana Industries to get some help from mills such as the Dhariwal Mills and others so that the woollen yarn could be processed by the 'Woolindras Process' before it could be used for the manufacture of hosiery goods?

Shri T. T. Krishnamachari: I cannot answer that question with any definiteness, but I do recollect the Tariff Commission had recommended that a certain amount of assistance should be given in regard to supply of woollen yarn.

Shri V. P. Nayar: Consistent with low offtake, may I know whether there is any corresponding decrease in the import of woollen goods also as in the case of decrease in production?

Shri T. T. Krishnamachari: Yes, that is so.

Sardar Hukam Singh: I wanted to know whether the mill's were to be asked to supply woollen yarn, through a certain process, by making the articles shrink-proof; this process is carried

ed on only in the Dhariwal woollen Mills. The Tariff Commission had made a recommendation that as the Ludhiana Industries had not the means for the same, the Government should assist this industry by getting that process done in the Dhariwal Mills. I would like to know whether the Government has given that assistance.

Shri T. T. Krishnamachari: Recommendation No. 5 has been to that effect I do not think anything further has been done on the matter.

INTERNATIONAL TEA AGREEMENT

***208. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Commerce and Industry be pleased to state which were the tea growing countries before the International Tea Agreement was signed by India, Indonesia and Ceylon and what was the total production of each country?

(b) How far has the said agreement succeeded in regulating the acreage under tea and the amount each participating country should export under the agreement?

(c) What are the obstacles in our successful working of the said agreement?

(d) Has India been planting the total acreage allotted to her and has she been exporting the quota allowed by the agreement?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) A statement showing the required information is placed on the Table of the House. [See Appendix II, annexure No. 22.]

(b) and (d). Extensions of tea acreage which have taken place in the member countries since the inception of the International Tea Agreement have been made only within the limits allowed under the Agreement, though India, like other producing countries has not been able to plant tea up to the fullest extent permissible under the Agreement. A Statement showing the export quota and the actual exports of each of the participating countries is laid on the Table of the House. [See Appendix II, annexure No. 23.]

(c) None, Sir.

Pandit Munishwar Datt Upadhyay: May I know what are the countries which mostly purchase our tea?

Shri T. T. Krishnamachari: I am afraid the question is going to a different branch of this subject. I could furnish the answer if a question on that is asked.

Shri K. P. Tripathi: May I know whether it has come to the knowledge of Government that the Indian Tea Organisations had passed a resolution recently that the extension of tea acreage should be restricted to 8 per cent.

Shri T. T. Krishnamachari: Yes, Sir.

Shri K. P. Tripathi: Are the Government thinking of taking any steps thereon?

Shri T. T. Krishnamachari: Whatever steps the Government can take in this matter, are determined by the attitude of the other countries who are participants to this Agreement, and I understand that if any one country is not agreeable to any limitation, then that country's opinion acts a veto. The matter is now before a conference of these countries in London, but I am not sure whether our views in this matter would obtain support.

Shri K. P. Tripathi: Am I to understand that the Government have moved the International Tea Committee, for restriction in any way whatsoever?

Shri T. T. Krishnamachari: Yes. The intention of tea producers in India has been conveyed to the International body.

Pandit Munishwar Datt Upadhyay: What is the magnitude of competition that we have to meet in respect of export from Japan and Formosa?

Shri T. T. Krishnamachari: Japan and Formosa?

Pandit Munishwar Datt Upadhyay: Yes. They are also tea producing countries.

Shri T. T. Krishnamachari: I do not think they enter into the scheme of our export group, at any rate.

Dr. M. M. Das: May I know whether it is a fact that during the last few years, our total tea exports have fallen short of our quota, as specified by the International Tea Agreement?

Shri T. T. Krishnamachari: I would like to have notice.

Shri N. Sreekantan Nair: May I know whether it is a fact that certain countries like South Africa are openly flouting and violating the International Tea Agreement?

Shri T. T. Krishnamachari: I do not think Africa is a part of this arrangement. In any event, I have no information.

Shri A. C. Guha: Since this Agreement has been signed, what other coun-

tries have been producing tea, who are not parties to that Agreement? How will their production affect the operation of the Agreement and our total production?

Shri T. T. Krishnamachari: I can only answer this question from memory. The only other country entering into this scheme is Africa. But I cannot say exactly how it affects the position. It must affect it to a certain extent.

PLASTIC INDUSTRY

-209. Pandit Munishwar Datt Upadhyay: Will the Minister of Commerce and Industry be pleased to state what has been the rate of growth of plastic industry in India since after the war and how far Government have helped its growth?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): A statement is laid on the Table of the House. [See Appendix II, annexure No. 24].

Pandit Munishwar Datt Upadhyay: May I know what are the raw materials required, from what countries they are being imported, and what are the precise quantities?

Shri T. T. Krishnamachari: The question relates to the rate of growth of the industry. And I think the answer given in the statement gives all the information about the materials that are produced in this country. If any further information is required, I will have to ask for notice.

Shri T. N. Singh: May I know whether plastic powder is imported into this country for production of moulded plastic materials, and if so, how much?

Shri T. T. Krishnamachari: Again, I can only give the answer to the first part of the question. The raw materials are still being imported in spite of the fact that formaldehyde moulding powder is manufactured in this country in an increasing degree. But in regard to the quantity imported, I am afraid I must ask for notice.

Shri K. P. Tripathi: May I know whether plastic powder manufactured in this country is not able to maintain its standard, and therefore a large amount of plastic powder has to be imported from outside? If so, what steps are the Government taking for the purpose of improving the standard of plastic powder?

Shri T. T. Krishnamachari: I am afraid, to the best of my information, the basic facts underlying the question are not correct.

HOUSE BUILDING SCHEMES IN DELHI

*210. **Shri Radha Raman:** (a) Will the Minister of Works, Housing and Supply be pleased to state how much money Government propose to spend on house building during the next financial year in the State of Delhi?

(b) What is the scheme to spend this money?

(c) Do Government contemplate subsidizing house-building in the State?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (b). A sum of about Rs. 4.4 crores is proposed to be provided next year for the construction of residential accommodation for Central Government employees, displaced persons and members of Parliament. This is apart from the amount that may be allocated to the Delhi State Government and to the employers and co-operatives in the State during the next financial year under the Subsidized Industrial Housing Scheme and towards Slum-clearance measures.

(c) Yes; under the Subsidized Housing Scheme for Industrial workers. The Delhi State Government have already indicated their intention to take advantage of the Scheme during the next financial year.

Shri Radha Raman: May I know, Sir, whether the Government have in view any particular site for this purpose?

Sardar Swaran Singh: Yes, Sir, sites almost all over Delhi.

Shri Nambiar: May I know, Sir, how many houses the Members of Parliament are likely to get during the budget session?

Sardar Swaran Singh: A block has already been handed over, Sir, and it is hoped that some more will come up. Seventy-two MPs' flats are proposed to be constructed during the year 52-53.

Shri K. K. Basu: May I know, Sir, the proportionate sum to be spent on the different categories and also the per capita allotment under different categories?

Sardar Swaran Singh: Sir, it is a lengthy figure work. If my hon. friend is interested, I can give him the figures. But I do not want to take up the time of the House.

Shri T. N. Singh: In the current year which is just coming to a close, may I know how many flats for Members of Parliament were to be constructed and what has been the progress so far?

Sardar Swaran Singh: We are not behind the schedule, Sir, and the figures have already been given.

Shri T. N. Singh: Is it true that the Housing Committee of the House was informed that nearly 70 flats will be constructed before the end of the financial year?

Sardar Swaran Singh: I do not say that that categorical assurance was given, but it was hoped that flats would be coming up, and they are actually coming up. We have already handed over a block of about 8 flats.

Shri Bhagwat Jha: May I know, Sir, if it is the intention of Government to keep the number of flats less than the number of MPs so that they may be forced to keep them during the off session period?

Shri Punnoose: May I know, Sir, how many applications from MPs for bungalows and flats had to be rejected?

Sardar Swaran Singh: This, Sir, is a matter of calculation. We know the number of MPs and also the number of bungalows. Every one is anxious to get a bungalow but we cannot give it to each one of them.

Mr. Deputy-Speaker: It doesn't strictly arise, I think the 'house' matter may stop at this.

CASE AGAINST FORMER DIRECTOR-GENERAL OF A.I.R.

*211. **Shri Lakshman Singh Charak:** (a) Will the Minister of Information and Broadcasting be pleased to refer to the answer to Starred Question No. 2185 asked on the 29th July, 1952, and state what further action has been taken in the case against Shri Lakshmanan, former Director-General of A.I.R. pending before Government?

(b) Has any preliminary report been submitted to Government in this connection?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). As the proceedings in the case have not yet concluded it is not in public interest to make known details of the case.

Shri Lakshman Singh Charak: May I know, Sir, the reason for the delay in deciding the case?

Dr. Keskar: Sir, there is a definite procedure laid down according to the Civil Service Conduct Rules by which the person in question has to be given every reasonable opportunity to defend himself. That makes delay and it cannot be helped.

Shri Dabhi: May I know, Sir, the nature of the allegations against this officer?

Dr. Keskar: This was answered two times in the House. The whole case, the nature and the date—everything was given.

Mr. Deputy-Speaker: It is there in the question itself—question 2185.

Shri T. N. Singh: Is it true that this officer has been allowed some opportunity to appear and explain his conduct before the Public Service Commission?

Dr. Keskar: I have not heard about it. If the hon. member would like, I will make inquiries.

FACTORY FOR INSULATED TELEPHONE CABLES

*212, **Sardar A. S. Saigal:** (a) Will the Minister of Production be pleased to state whether it is a fact that a factory has been constructed at Mihijum in West Bengal for the manufacture of dry core paper—insulated telephonic cables?

(b) If so, what is the out-turn of this factory?

(c) Is the entire requirement of the Country in this article being met by the production from this factory or have Government to import any quantity and if so, to what extent?

(d) Has any agreement been reached with Messrs. Standard Telephones and Cable Ltd. of Britain to build a factory?

(e) What will be the annual out-put, the annual profit and the cost of the factory?

The Minister of Production (Shri K. C. Reddy): (a) The factory is in process of being set up and is expected to be completed about the middle of this year.

(b) There is no out-turn yet, in view of the position stated in reply to part (a).

(c) The entire requirement of the country, estimated at between 1000 and 12000 miles length per annum, of the approximate value of Rupees two crores, is at present being met from imports.

(d) Yes.

(e) The factory is designed to produce 469 miles length of cable per annum. The question of profit does not arise at this stage, as the factory has not yet commenced production.

The estimated cost of the Factory is Rs. 110 lakhs.

Shri V. P. Nayar: May I know, Sir, whether the Standard Telephone Co. of Britain is to function only for purposes of construction, or are they allowed to participate in the financing of the factory?

Shri K. C. Reddy: It is only for purposes of technical assistance, Sir. They are not participating in the financing of the factory.

Shri K. K. Basu: Will the technical assistance cease as soon as the factory is constructed, or will it continue?

Shri K. C. Reddy: It will continue to be there in several ways, Sir. It will not be as if the technicians will be there working all the time in the factory. The agreement with the Standard Telephones and Cables Co. is for a period of 20 years. The technical assistance from them will be forthcoming during the entire period.

Shri K. K. Basu: May I know, Sir, whether any remuneration—in terms of commission and profit—will be given for the technical advice?

Shri K. C. Reddy: Yes, Sir. These aspects are also covered in the agreement that we have entered into with them. If the hon. Member puts a separate question, I can give the details.

Shri V. P. Nayar: May I know, Sir, the percentage of remuneration which they will get for the so called technical advice?

Shri K. C. Reddy: I have already answered that if a separate question is put I can give the details.

PENICILLIN FACTORY

*213, **Sardar A. S. Saigal:** Will the Minister of Production be pleased to state what is the capital cost incurred by Government on the Penicillin Factory and the cost of importing machinery and equipment by the U.N.I.C.E.F.?

The Minister of Production (Shri K. C. Reddy): The capital cost to be incurred by the Government of India on the Penicillin Factory is estimated at Rs. 1,29,13,400 out of which an

actual expenditure of about Rs. 8 lacs has been incurred up to the end of 1952. The cost to be incurred by the U.N.I.C.E.F. on importing machinery and equipment is estimated at Rs. 40,46,000.

Dr. M. M. Das: May I know, Sir, whether it is a fact that in view of this Government penicillin factory, Government have put a ban upon the import of penicillin producing machinery by private companies?

Shri K. C. Reddy: I am not aware of any such thing, but I would like to have the matter verified.

Dr. M. M. Das: May I know, Sir, whether it is the policy of Government not to encourage any penicillin producing factory by private companies in view of this Government factory?

Shri K. C. Reddy: That is not the correct position, Sir. If any such private party or any State Government comes forward to establish a penicillin factory, apart from the one which we are now trying to establish, that will be taken into account. The country's requirements, the production that we expect in our factory—all these factors have to be kept in mind and then we have to arrive at a decision. There is no absolute ban of the kind that is suggested by the hon. Member.

Shri V. P. Nayar: May I know what is the estimated requirement of Penicillin in the country at present and what percentage of this will be met when the factory goes into full production?

Shri K. C. Reddy: Well, Sir, I cannot say what is the estimated requirement of penicillin in our country. Estimates vary. Even the estimates of experts vary to such a large extent that I cannot commit myself to any definite figure. But the production of the proposed Penicillin Factory will meet the requirements only partly and not entirely.

Shri V. P. Nayar: May I also know, Sir, the estimated price at which this factory will be able to sell penicillin in India?

Shri K. C. Reddy: It is too early to give a definite figure Sir.

Shri V. P. Nayar: May we at least know, Sir, whether it will be possible to sell penicillin at considerably cheaper rates?

Shri K. C. Reddy: It is hoped so, Sir.

The Prime Minister (Shri Jawaharlal Nehru): That is the whole basis of the factory. Otherwise there is no point in running the factory.

Mr. Deputy-Speaker: How can you give the estimate unless it is actually there?

FIRING BY PAKISTAN POLICE ON INDIAN VILLAGE

*214. **Shri Gidwani:** (a) Will the Prime Minister be pleased to state whether Pakistan border Police fired at a village about six miles East of Dawki on the Khasi Jaintia Hills—Sylhet border on the 30th December 1952?

(b) What was the number of casualties?

(c) Has any inquiry been made into the matter?

(d) What was the result of the inquiry?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) to (d). There was no such incident on that date.

LOCATION OF NEW STEEL PLANT

*215. **Shri A. M. Thomas:** (a) Will the Minister of Production be pleased to state whether the Government of India have finally decided on the site where the Rs. 80 crore steel plant is to be located and if so, where?

(b) What were the various sites that were considered by Government?

(c) What are the considerations which have weighed with Government in making the final selection?

The Minister of Production (Shri K. C. Reddy): (a) No. This decision cannot be taken until the whole matter has been examined at a suitable technical level.

(b) and (c). Do not arise. The Government have appointed a Technical Mission to re-examine the project reports prepared in 1948 and to prepare a fresh project report. The Government have, however, an open mind on the question of the location of the new plant and a final decision in the matter will be taken in the light of the report of the Technical Mission.

Shri A. M. Thomas: The hon. Minister stated on the floor of the House on the 13th February that negotiations with the Japanese firm had been dropped. Has the attention of the hon. Minister been drawn to the statement of the Japanese Foreign Minister to the effect that the negotiations have been dropped because of

the intervention of a third party, and also to the other reason alleged that the abrupt disruption of the much heralded plan of development of the iron industry was due to the increase of the capital to 10 million dollars?

Shri K. C. Reddy: This question has already been answered on the floor of the House on several occasions. The reason why we dropped negotiations with the Japanese has been stated more than once. As regards the newspaper report to which the hon. Member is drawing my attention, I have seen it. It is not correct to say that it is because of the intervention of a third party that the negotiations between us and the Japanese were dropped. There was no third party intervening at all and the decision taken by the Government was taken on their own initiative. To say that a third party was responsible, whether British or American, is just not correct. As regards the capital that was expected to be required for the establishment of this integrated Iron and Steel project, estimates have varied and it is not possible to say definitely as to what exact amount is involved in this matter.

Shri Meghnad Saha: Is the hon. Minister aware that in March 1949, the then Minister announced that all plans for the factory were ready and that action was to be taken in three months?

Shri K. C. Reddy: I am not aware of the exact answer given by my predecessor, Sir. I am aware of this, namely, that when the project reports were received in 1948 with regard to the establishment of the Steel Project, the Government studied those projects. But, unfortunately owing to financial limitations, the Government could not proceed with the implementation of their desire to establish a new Iron and Steel project. The Government are very anxious to proceed with that and, as I said on another occasion, we will take every possible step for expediting the establishment of a State-Iron and Steel Project in this country.

Shri Meghnad Saha: How many hundred crores of rupees have been wasted on account of this procrastination on the part of the Government?

Shri K. C. Reddy: No amount has been wasted, leave alone hundreds crores of rupees.

Shrimati Tarkeshwari Sinha: May I know whether it is the intention of the Government of India to close down the discussion with the Japanese Government entirely, or whether they are in future going to continue discussions, because today in the paper it came out that the Japanese Government are going to make representations again about the establishment of this Iron and Steel Project?

Shri K. C. Reddy: I am afraid, Sir, that is a hypothetical question. The negotiations that were going on with the Japanese have been dropped. I cannot say about the future. The Technical Mission has been constituted. Their report is awaited. After that report is received, we will again apply our minds afresh as to what action we have to take to associate other interests with ourselves in the establishment of this Iron and Steel Project. If at that time the Japanese make any definite proposals, they will duly receive the utmost consideration of the Government of India.

Shri A. M. Thomas: In answer to (b) and (c) it was stated that the questions do not arise. May I enquire, Sir, whether the Government is not in a position to state the various sites that were considered by the Government?

Shri K. C. Reddy: Well, Sir, I am in a position to say that the project reports also canvassed the possibilities of several sites and they have made recommendations. If the hon. Member puts a separate question, I certainly shall be able to give the information as to the possible sites which have been recommended in regard to the establishment of this Iron and Steel Plant.

INTERNATIONAL TEA CONFERENCE

*216. **Shri A. M. Thomas:** (a) Will the Minister of Commerce and Industry be pleased to state what has been the result of the International Tea Conference of the major tea producing countries held in New York?

(b) What steps have been taken by the Government of India to implement the recommendations, if any, of the said Conference?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b) I may refer the hon. Member to the answer given by me on the 17th February 1953 to Starred Question No. 127.

Shri A. M. Thomas: What is the total amount to be spent on 'Tea propaganda in the United States

Shri T. T. Krishnamachari: So far as India is concerned, the contribution will be \$ 450,000.

Shri A. M. Thomas: What was the amount that has been previously spent, Sir?

Shri T. T. Krishnamachari: Very nearly the same.

Shri K. P. Tripathi: Will this propaganda be carried on through our own agency or through an American agency?

Shri T. T. Krishnamachari: I will only refer the hon. Member to the answer to question No. 127. It will indicate that the Government of India along with Ceylon and Indonesia have an arrangement with the U.S. Tea Council so that propaganda can be carried on in collaboration with them; and the U.S. Tea Council's contribution is \$ 520,000, India is contributing \$ 450,000, Ceylon, \$350,000 and Indonesia \$25,000. The whole amount will be pooled together and it will be a Joint Board that will control the propaganda in that country.

Shri Damodara Menon: Sir, may I know in what respect this new agreement is an improvement upon our membership of the International Tea Marketing Board?

Shri T. T. Krishnamachari: Sir, we do not know what exactly the International Tea Market Expansion Board has been doing. I was told by some who came from the United States of America that they do not even have an idea where tea was produced in India. Here, we will have our own men there. We will probably send the Tea trade to participate in the work that is being done. There will be close liaison and our interests will be closely watched and possibly more Indian tea will go to U.S.

Shri A. M. Thomas: It was stated that the agreement was subject to the ratification by the various Governments. Has the agreement been ratified by the countries concerned?

Shri T. T. Krishnamachari: I can only say, Sir, that so far as we are concerned, we are agreeable to this agreement. I cannot say whether other countries have ratified.

Shri Venkataraman: Is it a fact that the tea interests in America are willing to match dollar for dollar the contribution made by the other tea producing countries?

Shri T. T. Krishnamachari: Sir, the figures I have given do not seem to indicate that the surmise of my hon. friend is correct. They are only contributing \$ 520,000 as against the contribution, made by the different tea producing countries, of \$ 825,000.

Shri A. V. Thomas: May I know whether our Tea Board was consulted in all these matters?

Shri T. T. Krishnamachari: It was not consulted, Sir.

Shri Venkataraman: Sir, is it not a fact that it is only on the understanding by the tea interests in America that they would match the expenditure which the tea producing countries incurred by an equal amount from their own internal trade that the Government of India agreed to spend this money for propaganda in America?

Shri T. T. Krishnamachari: I do not know who agreed to it. I didn't.

Shri Venkataraman: Is it a fact that the Central Tea Board made a recommendation to the Government of India in the Commerce and Industry Ministry, while originally formulating their proposal for propaganda for tea in America, saying that the American interests should match the expenditure by an equal amount?

Shri T. T. Krishnamachari: I have no knowledge of any proposal made by the Central Tea Board.

Mr. Deputy-Speaker: The Question-hour is over.

WRITTEN ANSWERS TO QUESTIONS

LOANS TO COTTAGE INDUSTRIES IN MANIPUR

*217. **Shri L. J. Singh:** Will the Minister of Commerce and Industry be pleased to refer to part (d) of the reply given to starred question No. 714 regarding loans to cottage industries in Manipur asked on the 26th November, 1952 and state:

(a) the progress so far made by each individual firm in Manipur as received the loan, since the making over of such loan by Government to those cottage industries;

(b) whether there were any terms and conditions under which the loan was granted;

(c) the names of the firms that made representations requesting loans from the Government of India;

(d) out of the total number of applications, how many were granted loans, how many were rejected and how many are still pending; and

(e) the criteria on which the loans were sanctioned to these applicants?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):
(a) A Statement giving the information is laid on the Table of the House. [See Appendix II, annexure No. 26.]

(b) The loans to Cottage and Small-Scale Industries in the Centrally Administered Areas are granted in accordance with the provisions in the State-Aid to Industries (The Centrally Administered Areas) Model Rules, a copy of which is laid on the Table of the House. [See Appendix II, annexure No. 25.]

(c) to (e). Funds are placed at the disposal of the Lt. Governors/Chief Commissioners by the Government of India from time to time for the grant of loans to Cottage and Small-scale industries in their respective areas. The loans are not sanctioned by the Government of India direct. The Lt. Governors/Chief Commissioners invite applications for loans and these are sanctioned to deserving cases on the basis of the recommendation of the Industrial Advisory Board set up for the area and in accordance with the provisions contained in the State-Aid to Industries (The Centrally Administered Areas) Model Rules. The Chief Commissioner, Manipur has been requested to furnish detailed information and the same will be laid on the Table of the House when received.

TRADERS AND NON-OFFICIAL TRADE DELEGATIONS VISITING FOREIGN COUNTRIES

***218. Shri N. P. Sinha:** (a) Will the Minister of Commerce and Industry be pleased to state what help and facilities Government give to private traders and non-official trade delegations visiting foreign countries to explore markets for Indian commodities there?

(b) Did Government receive any requests for help from individual traders and such delegations in the year 1951-52?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):
(a) The facilities provided by the Government of India include assistance in respect of (i) the grant of foreign exchange, (ii) the issue of passports and procurement of visas

and (iii) trade contacts with importers of Indian goods. The Government of India's Commercial Representatives abroad have instructions to assist visiting businessmen and non-official delegations in all possible ways, more particularly by providing them with commercial information relating to the marketing of Indian goods and by giving letters of introduction to local dealers, chambers of commerce and Governmental authorities to facilitate promotion of India's export.

(b) Requests were received from individual traders but not from non-official Delegations.

RE-ORGANISATION OF C. P. W. D.

***219. Shri S. N. Das:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether Government have finally considered the report of the Committee appointed to examine the re-organisation of the C.P.W.D.; and

(b) if so, which of its recommendations have been accepted and given effect to?

The Minister of Works, Housing and Supply (Sardar Swaran Singh):
(a) and (b). The Report of the Committee has been considered and all the major recommendations have been accepted. In pursuance of such acceptance, the C.P.W.D. has already been reorganised on the lines recommended by the Committee and three Circles and five Divisions have been abolished. The Chief Engineer has also been instructed to issue necessary departmental instructions for the implementation of the recommendations accepted. Some of the recommendations like the location and amalgamation of offices, the centralisation of payments and accounts, the framing of recruitment rules, the setting up of the National Buildings Organisation and the standardisation of specifications designs and materials on a zonal basis will necessarily take some time for being fully implemented. The only recommendation of any importance on which a final decision has not been taken and which is still under consideration is the one relating to the avoidance of Superintending Engineers being appointed as arbitrators for settling disputes with contractors.

MOTOR ASSEMBLY PLANT OF GENERAL MOTORS COMPANY

***220. Shri K. G. Desmukh:** Will the Minister of Commerce and Industry be pleased to state the reasons for the closure of the motor assembly plant at Bombay of the General Motors Company of Bombay?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): So far as the Government are aware, the plant is still operating.

PAY AND ALLOWANCES OF INDIAN COFFEE BOARD EMPLOYEES

***221. Shri Nambiar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are giving pay and allowances as recommended by the Central Pay Commission to the employees of the Indian Coffee Board; and

(b) if not, whether the employees have demanded implementation of the Pay Commission Scales and if so, why it has not been granted?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). There are many posts under the Indian Coffee Board which do not correspond to any post under the Central Government. The general question of revision of scales of pay and allowances of the employees of the Board is under consideration. Dearness allowance, however, is given in accordance with the rules applicable to Central Government servants.

EXAMINATION OF STATE TRADING COMMITTEES' REPORT

***222. Shri Jhulan Sinha:** Will the Minister of Commerce and Industry be pleased to state whether the report of the Committee appointed to make a quick examination of the recommendations of the State Trading Committee has been submitted and if so, what are the salient features of this report?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): The Committee has not yet submitted its report.

RELIEF TO HANDLOOM WEAVERS

***223. Shri T. S. A. Chettiar:** Will the Minister of Commerce and Industry be pleased to state.

(a) whether Government are aware of the distress amongst handloom weavers consequent on unemployment and accumulation of stocks, particularly in the Tamil districts of the Madras State; and

(b) whether the Government of Madras have approached the Government of India to help them in giving relief to these people, and if so, what help was given?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Government are aware of the

difficulties created by the accumulation of stocks of handloom fabrics.

(b) No. The latter part of the question does not arise.

JUTE MILLS' DELEGATION IN BIHAR

***224. Shri L. N. Mishra:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that a three-man delegation of Jute Mills has recently visited Bihar under the instructions of the Government of India?

(b) If so, what is the purpose of their visit and what are the places they visited in Bihar?

(c) Has the Delegation submitted any report to Government?

(d) If so, what are the main features of the report?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) to (d). One of the difficulties of the jute growers in the State of Bihar, it was reported to Government, was the absence of any direct contacts between them and the mills. This point was brought to the notice of the Indian Jute Mills Association which readily agreed to send a delegation to Bihar. The delegation, which was accompanied by an Officer of the Government of Bihar, visited Patna, Purnea, Forbesganj and Golabagh. A copy of the Report of the delegation has been received by Government. The Report brings out the following points:

- (i) Prices in Bihar are on a parity with other areas. As, however, the yield per acre in Bihar is low, prices which are economic for Assam or Bengal are often unsatisfactory to the cultivator in Bihar.
- (ii) Acute shortage of water reflects adversely on the quality of Bihar Jute.
- (iii) Although the availability of wagons is satisfactory, there is congestion at the transhipment points.
- (iv) About 75 per cent. of the crop had been sold by the grower when the delegation visited Bihar.

KOSI CONTROL SCHEME

***225. Shri L. N. Mishra:** (a) Will the Minister of Irrigation and Power be pleased to state whether the work on the Kosi Control Scheme that was sus-

pended during the last monsoon has been re-started?

(b) If so, what is the nature of the work?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The work on the Kosi Project has not yet started. Only investigations are in hand. Work was suspended during monsoon since field work cannot be executed during heavy rains. Work was resumed immediately after monsoon i.e., in October, 1952.

(b) The various items of the work are:

- (1) Foundation explorations for concrete dam at Belka Dam site,
- (2) Soil surveys for the earth dam,
- (3) Topographical surveys and property surveys for the reservoir area,
- (4) Surveys for construction material, such as coarse and fine aggregates, and
- (5) Surveys for the Western Kosi Canal system.

PROTECTION OF HINDUS IN EAST BENGAL

***226. Giani G. S. Musafir:** Will the Prime Minister be pleased to state:

(a) what steps have been taken by the Government of Pakistan for the protection of the Hindu Minority Community in East Bengal; and

(b) whether there has been any correspondence with the Government of Pakistan in regard to this matter and if so, what is the result?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) The hon. Member's attention is invited to the reply to starred question No. 220 asked by Shri B. C. Ghose in the Council of States on the 15th December, 1952. A copy of the question and the answer are placed on the Table of the House. [See Appendix II, annexure No. 27.]

(b) There has been some correspondence with the Prime Minister of Pakistan. This deals with a number of issues among which is the one referred to in the question. This correspondence is still continuing.

LABOUR HOUSING SCHEMES

***227. Shri Heda:** (a) Will the Minister of Works, Housing and Supply be pleased to state what are Government's 463 PSD

plans for the housing of workers, other than factory labour, with particular reference to agricultural labour?

(b) What are the States that have taken up such schemes?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) No specific schemes have as yet been formulated by the Central Government regarding the housing of workers, other than industrial labour. Though it is unlikely that, within the financial resources now available, it would be possible to extend the scope of our housing schemes to embrace all workers in general, it is proposed to examine whether some assistance could not, as a first step, be given to State Governments and local bodies in the matter of slum clearance where the benefit of such schemes will not necessarily be confined entirely to industrial workers.

(b) As no definite scheme of Central aid has been formulated I am at present not in a position to say which State Governments have schemes in this behalf.

CANAL WATERS DISPUTE

***228. Shri Damodara Meemon:** Will the Prime Minister be pleased to state:

(a) whether negotiations are still going on between India and Pakistan for the settlement of the canal waters dispute; and

(b) what is India's stand in this matter?

The Prime Minister (Shri Jawaharlal Nehru): (a) At the instance of the International Bank for Reconstruction and Development, an Indus Basin Working Party of engineers, designated by India and Pakistan, has been formed to study, together with the Bank Engineers, possible technical measures for increasing the water supplies now available for irrigation to both the countries from the Indus System of rivers, taken as a unit. The Working Party has already held three meetings in Washington, Karachi and Delhi since June 1952.

(b) India's position in this matter was stated in the agreement arrived at with Pakistan on the 4th May, 1948. It is our belief that the rivers of the Indus basin contain enough water to supply all the needs of India and Pakistan. This might, however, require certain steps to be taken to make those waters available. Meanwhile, India has been continuing to supply water to the Pakistan canals in accordance with the agreement of 4th May, 1948. This supply

will be continued so long as the negotiations with the good offices of the International Bank are in progress. A copy of the agreement of the 4th May, 1948, is laid on the Table of the House. [See Appendix II, annexure No. 28.]

NATIONAL BUILDING ORGANISATION

*229. **Shri K. C. Sodhia:** Will the Minister of Works, Housing and Supply be pleased to state whether Government have considered the recommendations of the Planning Commission regarding National Town and Country Planning Act and if so, has any action regarding the same been initiated in the direction of the setting up of a National Building Organisation?

The Minister of Works, Housing and Supply (Sardar (Swaran Singh): The recommendations are under detailed examination in the different Ministries concerned. In so far as the National Building Organisation is concerned the details of its constitution and function are being worked out by an inter departmental Committee in consultation with the Planning Commission and it is expected that it will come into being in the course of the next financial year.

FILM SONGS ON A.I.R.

*230. **Giani G. S. Musafir:** Will the Minister of Information and Broadcasting be pleased to state the reasons for banning the broadcasting of film songs over All India Radio, which have already been duly passed by the Film Censor Board?

The Minister of Information and Broadcasting (Dr. Keskar): There is no ban on the broadcast of film songs. The decision of the Government is to reduce the number of film songs in order to ensure that only sufficiently good quality film music is broadcast from All India Radio.

JOINT INDO-JAPANESE IRON PLANT

*231. **Shri S. A. Khan:** Will the Minister of Production be pleased to state:

(a) whether it is a fact that the project for a joint Japanese and Indian iron plant near Calcutta has been dropped; and

(b) if so, what are the reasons for such action?

The Minister of Production (Shri K. C. Reddy): (a) There has been no proposal of such a project near Calcutta.

(b) Does not arise.

INDIAN DEVELOPMENT AND RESEARCH CENTRE

190. **Shri Karni Singhji:** (a) Will the Minister of Irrigation and Power be pleased to state whether the Indian Development and Research Centre has since been started at Jodhpur (Rajasthan)?

(b) If so, what steps have so far been taken—

(i) for the development of water resources of Rajasthan;

(ii) for reclamation of arid zones; and

(iii) for geological, geophysical and hydrological surveys of the State?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No Sir. The proposal is still under the consideration of the Government of India.

(b) Does not arise in view of the reply to part (a) above.

MINING COMPANIES

191. **Shri Eswara Reddy:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of mining companies incorporated in India, State by State; and

(b) the mineral each of them works?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) and (b). The information asked for is not available but will be collected and laid on the Table of the House in due course.

SEA-BORNE EXPORTS

192. **Dr. Ram Subhag Singh:** Will the Minister of Commerce and Industry be pleased to state the figures for the sea-borne exports of India on (i) private, as also (ii) on Government accounts for the latter half of the year 1952-53?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): The figures of exports of India on private and Government accounts are not recorded separately in official statistics.

TEA ESTATES WHICH HAVE SUSPENDED WORK

193. **Shri Barman:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of tea estates that have suspended work in different States up till now;

(b) the number of workers that have been thrown out of employment; and

(c) what are the numbers of shareholders involved in each of such gardens?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) 107.

(b) 60,456.

(c) Government have no information.

INDIANS IN FOREIGN COUNTRIES

194. Shri Barman: Will the Prime Minister be pleased to state:

(a) the number of Indians and people of Indian origin in foreign countries, separately;

(b) the number that have accepted the nationality of the country of domicile; and

(c) the number that have not accepted such country's nationality or have been denied the privilege?

The Prime Minister (Shri Jawaharlal Nehru): (a) to (c). It is exceedingly difficult, and hardly possible, without very great labour, to collect all the information required by the hon. Member. In countries like Burma, Ceylon, Malaya, East Africa and West Indies where large numbers of Indians have settled quasi-permanently or permanently, a very large number have not yet decided whether they will remain Indian nationals or accept the citizenship of the country where they are staying. For the time being it can only be said that those who have Indian passports or registered themselves with various Indian Missions abroad can be considered to be Indian nationals definitely. If that information will satisfy the hon. Member, it can be collected and laid on the Table of the House in due course.

TRADE WITH SINGAPORE AND MALAYA

195. Shri K. K. Basu: Will the Minister of Commerce and Industry be pleased to state:

(a) the total value of imports from and exports to Singapore and Malaya annually since 1947; and

(b) the main items of exports and imports?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) A statement is laid on the Table of the House.

(b) A statement showing the main items of exports and imports is also laid on the Table of the House.

[For (a) and (b) See Appendix II, annexure No. 29]

MAN-POWER FOR IMPLEMENTATION OF THE FIVE YEAR PLAN

196. Shri S. C. Samanta: Will the Minister of Planning be pleased to state:

(a) whether prisoners in jails have been engaged in the construction of dams etc. in any State in India; and

(b) if so, the names of such States and the number of prisoners employed and the nature of work done?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes.

(b) Two thousand prisoners were employed on the Tungabhadra Project in Madras State. In Uttar Pradesh, at the Sampurnanand Camp in Banaras district over two thousand selected prisoners are working on the Chandraprabha Dam. In Bombay and Mysore, schemes for the employment of prisoners on public works are shortly expected to be sanctioned. Similar schemes are at present under active consideration in Bihar and Rajasthan.

TRADE AGREEMENT WITH HUNGARY

197. Shri Nanadas: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a trade agreement has been concluded between India and Hungary;

(b) whether the agreement contains quantum of imports and exports;

(c) the total value of the export-import trade that is proposed under the agreement;

(d) whether a copy of the agreement will be laid on the Table of the House; and

(e) whether mica is one of the commodities included in the schedules under the agreement?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) Yes, Sir. A trade arrangement has been concluded for the years 1952 and 1953 by an exchange of letters between the two countries.

(b) No, Sir.

(c) Does not arise.

(d) Copies of the trade letters exchanged have already been placed in the Library of the House.

(e) No, Sir.

BOARDS FOR COTTAGE INDUSTRIES

198. **Shri M. L. Dwivedi:** Will the Minister of Commerce and Industry be pleased to state:

(a) the reasons for the abolition of All India Cottage Industries Board and replacing it by other boards called the All India Handloom Board, the All India Handicrafts Board, and Khadi Board;

(b) whether all these boards have been constituted;

(c) if so, what are the personnel of these boards;

(d) whether Government propose to place on the Table of the House statements showing the functions of these boards;

(e) what will be the additional expenditure per year as a result of these expansions;

(f) whether any of these boards have started functioning; and

(g) if so, what are their recommendations, if any, with special reference to popularising the goods (i) in India and (ii) abroad?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) It was considered that the establishment of separate Boards consisting of persons having specialised knowledge and experience in their respective fields would yield better results than a single Board.

(b) Yes.

(c) and (d). A copy each of the resolutions containing the information asked for is laid on the Table of the House. [See Appendix II, annexure No. 30]

(e) It is not possible to assess this at this stage.

(f) All of them have started functioning.

(g) The All-India Handloom Board have submitted the following schemes:—

(i) An Internal Marketing Organisation with Headquarters at Madras and offices in other important centres

in India to organize publicity campaigns for handloom cloth undertake the promotion of marketing and sales and in addition to undertake the work of research and improvements in the technique of production;

(ii) An External Marketing Organisation with the appointment of officers working on salary and commission basis in seven selected Middle and South-East Asia Markets and the opening of sales emporia at these places.

NEW FACTORIES AT SINDRI

199. **Shri A. C. Guha:** Will the Minister of Production be pleased to state:

(a) whether there is any plan or proposal to set up any new factory at Sindri;

(b) if so, (i) what are the factories;

(ii) how these will be financed; and

(iii) how these will be managed; and

(c) whether any German reparation machineries are going to be put into operation at Sindri?

The Minister of Production (Shri K. C. Reddy): (a) Yes.

(b) (i) (1) A coke oven plant for the production of 600 tons of coke per day;

(2) A cement factory for the manufacture of cement, utilising by-product calcium carbonate sludge from the Fertilizer Factory;

(3) A plant for the manufacture of Urea or Ammonium Nitrate; and

(4) A plant for the production of Methanol.

(ii) and (iii). The Sindri Fertilizers and Chemicals Ltd. will finance and manage the coke oven and methanol plants. The Associated Cement Companies Ltd. will finance and manage the cement factory.

The scheme regarding Urea/ammonium nitrate is still under investigation. When the plant is put up, it will be managed by the Sindri Fertilizers and Chemicals Ltd.

(c) The methanol plant obtained from German reparations will be utilised for the production of methanol.

JUTE GOODS PURCHASED BY U. S. A.

200. **Shri A. C. Guha:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of Indian jute goods purchased by the U.S.A., month by month, during the year 1952 (January to December);

(b) the price in each month for each item;

(c) how the price of Indian jute goods compared with that of jute goods produced in Continental countries; and

(d) what percentage of U.S.A. purchase was made from countries other than India?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). No information is available about actual purchases made by U.S.A. A statement giving the quantity of jute goods exported to that country and prices of representative varieties ruling in the Calcutta market during 1952 is, however, placed on the Table of the House. [See Appendix II, annexure No. 31]

(c) and (d). Government are unable to furnish authoritative statistics regarding commercial transactions outside the country.

COIR

201. Sardar Hukam Singh: (a) Will the Minister of Commerce and Industry be pleased to state what is the total production of coir, manufactured and unmanufactured, in the country in the year 1952?

(b) Was any quantity exported to any countries during 1952?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Production figures of coir for the calendar year 1952 are not available. In the year 1951-52 Travancore-Cochin, which is the most important coir-producing area, produced 15,60,000 cwts. and West Bengal 83,000 cwts.

Information from other States is being collected and will be placed on the Table of the House in due course.

(b) 12,27,000 cwts. of coir were exported during 1951-52.

PURCHASE OF BICYCLES AND MOTOR CARS

202. Shri V. P. Nayar: Will the Minister of Works, Housing and Supply be pleased to state:

(a) the estimated annual requirements of bicycles and motor cars to be purchased by the Government of India for official use; and

(b) whether Government are prepared to lay on the Table of the House a statement showing the number of bicycles bought of Indian manufacture specifying the make and of foreign manufacture specifying the make, the cost price of each such bicycle, the total amount spent on Indian and foreign made bicycles in the years 1947, 1948, 1949, 1950, 1951 and 1952?

The Deputy Minister of Works, Housing and Supply (Shri Buragobain): (a) Different quantities have been purchased in different years. Based on the actuals of the last year, the requirements during 1953 may be as under:—

Bicycles 2000 Approximately.

Motor Cars 800 "

(including Jeeps).

(b) A statement showing the requisite particulars is placed on the Table of the House. [See Appendix II, annexure No. 32]

STEEL REQUIREMENTS

203. Shri T. S. A. Chettiar: (a) Will the Minister of Commerce and Industry be pleased to state what are the requirements of India of the various grades of steel for the year 1953-54?

(b) How much of it was produced in India in the current financial year?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). A statement is laid on the Table of the House.

STATEMENT

Category	Demand in 1953-54	†Production in 1952-53 (April to November 1952)	
		(in tons)	(in tons)
Rails and structural ^s	750,000		180,117
Sheet ^s	400,000		102,954
Bars and Rods	650,000		229,194
Plate ^s	200,000		46,074
Tinplates	130,000		43,978
Wires and wire products	40,000		22,515
Pipes and Tube ^s	60,000		Nil
Wheel ^s , Tyres & Axle ^s	50,000		15,107
Others	60,000		27,068
TOTAL	2,340,000		727,007

†Figures for the rest of the year are not available at present.

EXPORT OF IRON ORE

204. **Shri Madhao Reddi:** Will the Minister of Commerce and Industry be pleased to state the quantity of iron ore exported from India during the year 1950-51?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): 84,513 tons.

JAPANESE PENCILS

205. **Shri M. R. Krishna:** Will the Minister of Commerce and Industry be pleased to state whether it is a fact that illicit import of cheap quality Japanese pencils in large quantities is made into India?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Government are not aware of any such illicit imports.

GANDAK CANAL SCHEME

206. **Pandit D. N. Tiwary:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that the Government of India sanctioned a sum of Rs. 48,000/- for the investigation of Gandak Canal Scheme in Bihar;

(b) whether the Government of India have started investigation of the scheme or directed the Government of Bihar to get the scheme investigated; and

(c) whether any amount out of the sanctioned sum was spent or whether the Government of Bihar have borne the whole cost?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No Sir. The Government of India during 1947-48 sanctioned an allotment of Rs. 22,000/- for carrying out surveys of the Gandak Valley by the Survey of India.

(b) Only the survey of the Gandak Valley was carried out by the Survey of India. The other investigations were carried out by the Government of Bihar.

(c) An amount of Rs. 17,412/- was spent out of the sanctioned allotment of Rs. 22,000/-.

INDIAN COFFEE BOARD LABOUR UNION

207. **Shri Nambiar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the Indian Coffee Board employs about 1,200 Class IV employees;

(b) whether it is a fact that about 900 of them are members of the Indian Coffee Board Labour Union;

(c) whether Government have refused recognition to the above Union and if so, why; and

(d) whether an application for the recognition of the Union was received by Government and if so, what steps have been taken thereon?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) The number of class IV servants employed by the Indian Coffee Board is 1,144.

(b) Information is under collection and will be laid on the Table of the House.

(c) and (d). Recognition was refused since the Union was not fully representative of all the class IV employees of the Board and since the rules of the Union did not satisfy the conditions laid down by Government for recognition of such Unions.

IMPORT OF SILK CLOTH AND YARN

208. **Shri Jhulan Sinha:** (a) Will the Minister of Commerce and Industry be pleased to state what was the total import of silk cloth and yarn into India during the years 1951 and 1952?

(b) What time, if any, is likely to be taken to so develop the silk industry as to make this country self-sufficient in respect of silk?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) —

	Silk Cloth	Silk Yarn
1951	22,672 lbs. (approx. 391,500 yds.)	60,042 lbs.

1952	32,674 lbs. (approx. 670,000 yds.)	12,359
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(b) Presumably the reference is to raw silk. It is difficult to give any indication at present

BARODA BROADCASTING STATION

209. Dr. Amin: (a) Will the Minister of **Information and Broadcasting** be pleased to state what is the total cost of construction of the Broadcasting Station at Baroda?

(b) Is it a fact that the Broadcasting Station at Baroda has been constructed out of the late Shree Sayaji Rao Diamond Jubilee Fund and Government are now spending only for its maintenance?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). According to information available the capital expenditure on the construction of the late Baroda

Broadcasting Station was Rs. 4,49,780, which, it is understood, had been mostly met out of the Diamond Jubilee Trust Funds. It is not a fact that the Government of India are only spending on the maintenance of the Station. This station was taken over by All India Radio on 16th December 1948 on payment of a sum of Rs. 1,89,122, that being assessed as the net and full valuation of the assets taken over on that date. Since 29th April 1951 Ahmedabad and Baroda have been functioning as jointly and linked stations. It is proposed to have a powerful transmitter for both the stations to be located between the two cities.

HOUSE OF THE PEOPLE

Friday, 20th February, 1953

The House met at Two of the Clock

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

3 P.M.

MOTION FOR ADJOURNMENT

MINIMUM WAGE STRUCTURE IN WEST BENGAL

Mr. Deputy-Speaker: I have received notice of an adjournment motion regarding the action taken by the Bengal Government and the Bengal Legislature in reducing some wages.

Shri T. K. Chaudhuri (Berhampore): My motion is not against the action taken by the Bengal Legislature.

Mr. Deputy-Speaker: By whom was the legislation passed—I mean the legislation which has the effect of reducing the wages? Is it not the Bengal Legislature? The hon. Member will kindly give me some information which I want, and then if after that he wants to say something more and I feel not satisfied I will ask him to speak. He says—

“...the action of the Government of India in allowing the Government of West Bengal to take unilateral action by themselves in respect of the minimum wage structure...”

Now, what is the unilateral action taken by West Bengal?

Shri T. K. Chaudhuri: The West Bengal Government have published a notification in their Gazette on Monday last, revising the scale of minimum-wage-cum-foodstuff concession for tea plantation workers, and this has worked to their detriment and has caused them pecuniary loss.

Mr. Deputy-Speaker: Under the Constitution, has the Central Government or Parliament revisional jurisdiction over what West Bengal does?

485 PSD

Shri T. K. Chaudhuri: The Minimum Wages Act is a Central subject.

Mr. Deputy-Speaker: The hon. Member apparently means a concurrent subject.

Shri T. K. Chaudhuri: Yes, Sir. It is a concurrent subject.

Mr. Deputy-Speaker: Granted that it is so, can Parliament override what the Bengal Government has done? What has the hon. Minister got to say?

Mr. Deputy-Speaker: Granted that **Industry (Shri T. T. Krishnamachari):** So far as the powers of the Central Government in regard to labour matters are concerned, it is a concurrent subject and determined by the practice that obtains in such subjects. Legislation in regard to minimum wages has been enacted here, but the executive power in that regard is vested in the State Government. So far as the responsibility of the Central Government in this matter is concerned, the adjournment motion says:

“failure...to uphold the solemn assurances given on the floor of both Houses of Parliament not to take away any advantages hitherto enjoyed by the tea plantation workers...”

I think that this relates to questions asked by the Members of this and the other House in regard to the scope of the enquiry conducted by an official of the Central Board of Revenue, namely, Shri Rajaram Rao. I did mention in that connection that we had not asked this official to go into the question of wages, nor were we accepting any recommendations on this matter. All that the Government of India could do in this regard is merely to act as advisers and try to bring the parties together. That my hon. colleague the Labour Minister has done and is going to do again. The Labour Minister is going to Shillong in a few days. He will discuss this matter with the interests concerned and also with the State Governments concerned. So far as the action taken

[Shri T. T. Krishnamachari]

either by the West Bengal Government or the Assam Government in this matter is concerned, whatever may be the equities of the situation, they are entirely competent to do whatever they have done. I might also mention that while perhaps the labour has felt that it has not been properly dealt with, the action taken by these State Governments has resulted in arresting the closure of estates. This morning's newspaper tells me that certain estates are being re-opened. So, from the point of view of keeping the estates going and also providing employment for labour, their action seems to be on the right lines. I cannot go farther into the matter, because I am not competent to do so.

Shri T. K. Chaudhuri rose—

Mr. Deputy-Speaker: I have just now heard the hon. Minister, and as for the hon. Member he has given me a very long and detailed explanation as to how this House ought to take this matter into consideration. I only wanted to make one point clear, and I have got that information now. I consider that this is a matter which is primarily the concern of the West Bengal Government. When it takes action setting out what the minimum wages concerned should be, this Parliament has no revisional jurisdiction over that action. Hon. Members may also remember that this matter has from time to time been brought up before this House in some form or other. Already, there has been a half-an-hour discussion the other day regarding minimum wages when the Labour Minister was here and said that he was going there and that he would arrange for a tripartite conference and so on.

Shri T. T. Krishnamachari: He would be going there next week.

Mr. Deputy-Speaker: As the hon. Minister of Commerce and Industry said just now, this matter of the closure of tea plantations and gardens was also raised in this House on many occasions. If the Bengal Government, with a view to relieving or avoiding the closure of tea gardens, has to make some adjustments, that matter cannot be brought up here by way of an adjournment motion. After all, let the hon. Minister of Labour return. Then, there are also ample opportunities for hon. Members to raise this matter before the House and make further suggestions during the discussion on the Budget and the Finance Bill. Therefore, I think that

this is not a fit adjournment motion for me to give my consent.

The Secretary will now read certain messages and lay certain papers on the Table of the House.

MESSAGES FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following two messages received from the Secretary of the Council of States:—

- (i) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to enclose a copy of the Cantonments (Amendment) Bill, 1952, as reported by the Select Committee, which has been passed as amended by the Council of States at its sitting held on the 18th February, 1953", and
- (ii) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to enclose a copy of the Live-stock Importation (Amendment) Bill, 1953, which has been passed by the Council of States at its sitting held on the 18th February, 1953."

PAPERS LAID ON THE TABLE

- (1) CANTONMENTS (AMENDMENT) BILL.
- (2) LIVE-STOCK IMPORTATION (AMENDMENT) BILL.

Secretary: I beg to lay on the Table:

- (1) The Cantonments (Amendment) Bill, 1952 as reported by the Select Committee which has been passed as amended by the Council of States, and
- (2) The Live-Stock Importation (Amendment) Bill, 1953 as passed by the Council of States.

REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE

Shri B. Das (Jajpur-Keonjhar): I beg to present the following:—

- (1) Fourth Report of the Public Accounts Committee on the

"Import and Sale of Japanese Cloth";

- (2) Fifth Report of the Public Accounts Committee on the Appropriation Accounts (Railways) and (Posts & Telegraphs), 1949-50 and Audit Reports thereon.

[Placed in Library. See IV. O.O. (60).]

INDIAN TARIFF (AMENDMENT) BILL

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934."

The motion was adopted.

Shri T. T. Krishnamachari: I introduce the Bill.

ADMINISTRATION OF EVACUEE PROPERTY (AMENDMENT) BILL

Mr. Deputy-Speaker: The House will now proceed with other Bills. Shri A. P. Jain.

The Minister of Rehabilitation (Shri A. P. Jain): I beg to move:

"That the Bill further to amend the Administration of Evacuee Property Act, 1950, as reported by the Select Committee, be taken into consideration."

The report of the Select Committee has been before the House for some time. The Select Committee has made certain changes which are not of a major character but which nonetheless improve the Bill very greatly. It is not necessary for me to give any explanation about the changes made by the Select Committee, because they are detailed in the report and speak for themselves. Two minutes of dissent have been appended to the Select Committee report. One of them is by Shrimati Sucheta Kripalani. In fact, that minute is more an expression of opinion than any major difference from the majority report. Shri Deshpande has appended another minute of dissent. His whole approach to the problem is contrary to the approach with which I brought

this Bill before the House. Our intention was to remove the hardships which the Evacuee Property Act has been causing upon those of our nationals who have no intention of migrating to Pakistan.

Mr. Deputy-Speaker: There is too much talk in the House. I request hon. Members not to carry on any conversation inside the House.

Shri A. P. Jain: Shri Deshpande wants to make the provisions of the Administration of Evacuee Property Act more rigid, which naturally will add to the difficulties of those to whom we wanted to give some relief. Therefore, it is not possible to see eye to eye with the various matters which he has urged in his minute, because they go contrary to the very spirit of the Bill. In fact all along that I have been in charge of this Ministry I have been feeling that the Evacuee Property law is an extraordinary law, which has been forced upon us against our desire and against our intentions. If Pakistan had played the game that is, if the displaced persons who have come over from West Pakistan had been allowed to enjoy their properties, to receive the rents and to benefit out of those properties, we would not have felt the necessity of prolonging this legislation. But Pakistan has acted otherwise and therefore we have been forced to keep this legislation on the Statute Book. I am happy that we are reaching a stage now, preferably in agreement with Pakistan, when the necessity for the Evacuee Property law may cease to exist. The House is aware that we have certain schemes under consideration for the disposal of the evacuee properties and if that comes about, as I hope, the necessity for this law will be very much diminished and I do hope that the sooner this law terminates the better it is for everyone of us.

I will add one word more. Among the list of amendments that have been tabled by various Members of the House, I find that some relate to the jurisdiction of the civil courts. They have suggested that the civil courts should have jurisdiction in this matter and that matter. Now the whole scheme of the evacuee property law has been to exclude the jurisdiction of the civil court and to create a hierarchy of officers who are dealing with evacuee matters. Maybe there have been difficulties; maybe that sometimes justice may not have been done—and it is not always done even in the civil courts—yet on the whole

[Shri A. P. Jain]

we have found that the special hierarchy which we have created has been able to administer the law fairly well. I am not sure whether any induction of the jurisdiction of the civil court will be helpful. Therefore, we did not include the question of the jurisdiction of the civil court in the original Bill; nor was it before the Select Committee.

So far as my experience goes, I would like to avoid all interference of the civil court in the evacuee property matters. Yet, if it is found to be necessary, I would be prepared to consider this question separately. But in the Bill as it stands, it is not possible to consider the question of giving any jurisdiction to the civil courts, because that goes against the very fundamental scheme of the Act, as it stands.

With these remarks I would conclude and await the reactions of the hon. Members of this House and at the end I may deal with the points that are raised.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Administration of Evacuee Property Act, 1950, as reported by the Select Committee, be taken into consideration."

I have received notices of certain amendments, not only to clauses, but one for circulation and another for Select Committee. I am of the opinion that these are dilatory motions. I would like to hear from hon. Members what their reactions to these motions are.

Shri V. G. Deshpande (Guna): When the Bill was originally moved in this House and when a motion was made for circulation of this Bill for eliciting public opinion, the hon. Minister had given an assurance on the floor of the House that the representatives of the refugee associations would be given a chance to appear before the Select Committee and place their points of view. Then we found that certain refugee associations—particularly the All-India Refugee Association—did want to appear before the Select Committee. But ultimately we found that they were not given a chance to represent their views. This is a Bill which involves the interests of millions of refugees and that is why we want that before the Bill is passed public opinion should be allowed to express itself. This is

a controversial Bill—particularly the definition of "intending evacuee." While in Pakistan there is such a provision, in this Bill that provision is sought to be dropped. Then there is a great deal of controversy in regard to Custodian-General's powers being curtailed. When such measures which affect the interests of millions of people are being passed, we want that the persons concerned should be consulted. This motion is not moved for the purpose of delaying matters, but for raising certain specific issues. If the Chair gives me a chance to speak I shall present my case in detail.

Mr. Deputy-Speaker: The hon. Member was a Member of the Select Committee. Was any memorandum submitted by any of these associations to the Select Committee?

Shri V. G. Deshpande: The All-India Refugee Association had applied that they should be allowed to present their memorandum and put their case before the Committee.

Mr. Deputy-Speaker: They could have sent their memorandum by post: did they do so?

Shri V. G. Deshpande: They did not, because they had no time. In the Select Committee I made it clear that the Committee should announce that if there are any refugee associations which want to make representations on this issue they should be given a chance. The case of those associations which voluntarily sent memoranda was considered. Now I find that a large number of refugees are coming to us and they are saying that this provision about lease is very harmful. This provision is doing greater injustice to Hindus than to Muslims, because the owners of properties have left and those who are lessees are Hindus. Thus we find that a large number of refugees are affected by this provision.

Shri A. P. Jain: Only one letter was received and that was from Mr. Choithram Gidwani. The letter is dated the 19th September 1952. It was not a memorandum. I shall, for the benefit of the House, read out the letter and my reply. Mr. Gidwani wrote to me on the 19th September 1952:

"As the time of the introduction of the Evacuee Property Amending Bill an assurance was given on behalf of Government that the refugee associations will be permitted to place their point of view

before the Select Committee regarding the same. The All India Refugee Association would very much wish to place their viewpoint before the Committee. I shall feel highly obliged if you kindly let me know the date on which the Committee wishes to hear us."

This letter was handed over to me on the 20th and the reply which I sent to him was as follows:

"A copy of your letter was handed over to me at about 8 A.M. today, (that is 20th September, 1952) by Shri Achint Ram during the first sitting of the Select Committee. The original letter (that is the letter which Shri Gidwani sent me) reached me at about 12-15 P.M. during the second sitting of the Committee. I made an announcement that the displaced persons would be permitted to place their views before the Select Committee some months ago, but your Association did not approach me with their request earlier. Even now when the Select Committee has been meeting for the last four days your request has come on the very last date and that too unaccompanied by any memorandum containing the points which you wanted to raise and your Association's views thereon. Your letter was placed before the Committee. As the Committee had practically concluded its work by then, I am to communicate to you the Committee's inability to meet your Association at this late stage."

In fact at the time the letter was received the Committee had finished all its proceedings and only the signature remained to be appended.

Shri Gidwani (Thana): May I say a few words? We did not know that the Select Committee was meeting. We had no information that it was meeting. None of us was informed about it. Nor were any associations given intimation that they would be asked to give evidence, as on former occasions, for instance in connection with the Debt Conciliation Bill and then we sent our representative. This time no such information was given. From a friend we learnt that the Select Committee was meeting and we sent a letter, the reply to which was read to you by the hon. Minister. And we had no opportunity to place our point of view on this question. Therefore it is very important, not only from the refugee point of view, but I

consider it from the national interests also that more time should be given to consider this Bill.

Mr. Deputy-Speaker: I would also ask the hon. Member why it should be re-committed to Select Committee. Once for all let me dispose of both the things. The hon. Member has given notice of a motion for re-committal to a Select Committee. What are the special grounds for that?

Shri Gidwani: The same grounds that I advanced, so that the Select Committee may go into the matter and consider all the aspects of the question. Even now the hon. Minister stated that there would be no need of the Bill in the near future because the whole scheme is being worked out to dispose of this property. Therefore, in the light of the new scheme before Government it may be necessary to change the whole thing, or drop the whole thing.

Mr. Deputy-Speaker: I have heard sufficiently. May I know when the reference to Select Committee was made. The Bill was introduced in August. The report of the Select Committee was in November.

Shri A. P. Jain: In fact the Select Committee finished its deliberations on the 20th September, 1952. The report was drawn up, and we met in November only to sign the report.

Mr. Deputy-Speaker: That is all right. That is, there was the instruction to report before the last day of the first week. There was no session immediately thereafter until it was presented. So the introduction of the Bill was on 4th August 1952, the date of reference to Select Committee was 11th August 1952, and the date of presentation of the report of the Select Committee was 5th November 1952. There were nearly three months between the date of reference to Select Committee and the date of presentation of the report.

One of the Members, Mr. Deshpande, who has now tabled a motion for circulation was himself a Member of the Select Committee. When once the matter is referred to a Select Committee, people know that the Bill is before the country. And the refugees are not all over the country. Most of the refugees are here. Even now there is nothing preventing them from having suitable modifications of particular clauses by tabling amendments.

In the circumstances I do not feel that anything has been placed before the House to consider as to why this

[Mr. Deputy-Speaker]

ought to be circulated. All reasonable opportunities were there.

So far as Mr. Gidwani is concerned, there is a rule that any hon. Member, though he is not a Member of the Select Committee, can participate in the deliberations.

Shri V. G. Deshpande: He was not a Member of the House then.

Mr. Deputy-Speaker: Hereafter it will be observed.

Therefore I do not think I should allow either of these motions.

We will now proceed with the discussion on the original motion.

Sardar Hukam Singh (Kapurthala-Bhatinda): I was very anxious to listen to the speech of our hon. Minister for Rehabilitation this afternoon. The refugees have been waiting till this time for him to come up with some definite proposals now because Government had already taken so long and they expected that by now the Government must have been in a position to declare what is going to be done to this evacuee property. Of course the message of the New Year this time shocked those unfortunate people as the Finance Minister, according to reports in the press, gave a decision, or, to say the least, had not agreed to the proposal of the Rehabilitation Minister to contribute something to the Central Pool that was meant to be distributed amongst the displaced persons. The year before, on the same august day when the year 1952 began, we heard the Rehabilitation Minister going round for election speeches and he raised the hopes of displaced persons that this was coming very soon. But this time it was revealed, either the Rehabilitation Minister had never consulted the Cabinet or the Finance Ministry, or his speeches and announcements had not been listened to by them or had not come to their notice, or the Finance Ministry had assumed, might be, an innocent ignorance that this bolt came for the refugees.

The Minister of Revenue and Expenditure (Shri Tyagi): I object to the hon. Member making a distinction between one Minister and the other. I think the Finance Minister shares in what the Rehabilitation Minister does. Government acts as one unit. It is really unfair that a fault should be attributed to only the Finance Ministry.

Pandit Thakur Das Bhargava (Gurgaon): Moreover it is not 'innocent ignorance.' The hon. Ministers have said so many times, in this House and outside, that compensation will be given. There can be no innocent ignorance about it.

Sardar Hukam Singh: Quite right. I wanted these declarations, though they come from our friend Pandit Thakur Das Bhargava who is occasionally in the Chair and not from the Ministry. But I am glad if this is the position of the Government, and I want it to be declared unequivocally that the Government is committed to this. (An Hon. Member: The reports may be wrong). Yes, but the Ministry has to come with the declaration that the reports are wrong. Maybe, the reports are wrong. I would be glad to know that the reports are wrong. But I am entitled to know what the position of the Government today is.

Pandit Thakur Das Bhargava: Ask the Finance Minister directly.

Sardar Hukam Singh: I am asking. Even today there were some tempting words that fell from the mouth of the hon. Minister that the Government was considering a scheme whereby the evacuee property was to be disposed of. From the list of Bills that we have received during these sessions we find that there was conspicuous omission in such Bills of what was going to be done about this property. That, of course, caused great anxiety in the minds of the displaced persons. There was a Bill to give compensation to displaced persons but there was no mention of any Bill which could deal with this evacuee property. If really the Government—as was evident from the words that we listened to this afternoon—has come to a decision, then that must be disclosed to us so that the whole controversy might be set at rest. The refugees are not anxious that they might get this property. They never desired it. If it is causing any hardship, this Bill should go, this Act should go. If it is found that it is not in consonance with the ideals that we possess, the displaced persons are in perfect agreement with the Government. They are not anxious that they should get this property. Let it be given as a gift. Let this Act be wiped out altogether from the Statute Book. What they are concerned with is when such declarations are being made, that there is no budget provision or there is no provision for finances, so far as the evacuee property is concerned, we would like to know whether it is going to be made available to the pool or

not. Then certainly, the refugees feel nervous that such provisions are going to be made. If it is decided that this Act must go, we would not have any objection. Let this go. We do not want that. It is not to our benefit but what the refugees are concerned with is whether they are going to get compensation or not. There were many announcements and declarations by Government spokesmen including the Prime Minister that there could not be any question of compensation except the property that is left behind by the Muslim migrants. But today we learn that the Minister is very anxious that this Act should go but he mentioned that the Government is considering action to be taken so far as the disposal of this property is concerned. I request the Prime Minister even now, if he is in a position to make a definite statement. We want to know in what way this property is going to be disposed of, how the proceeds are to be utilised, whether they would be for the benefit of the refugees or whether he has any other proposals to make.

So far as the Select Committee's recommendations on this Bill are concerned, the Minister said that as far as the scheme is concerned, it excludes the operation of the Civil Code. Quite right but I find that it has called for a clarification—Section 7. When the amended Bill came it was considered by Government that only the title could be enquired into by the Custodian though that had given rise to many disputes last time between the Custodian and the Government spokesmen but this is now being set at rest and when a certificate is given, it would only be the title that would be enquired into by the Custodian. Then the Select Committee has made it further clear or added something new that if he has not the title, then in the case of rejection, he can go to the civil court and establish his title. So, even in the recommendations of the Select Committee, a new provision is being brought in by which jurisdiction is being given to the civil courts which did not exist before. Therefore, this position taken up by the Minister that he is not prepared to accept the jurisdiction which will be given to civil courts does not stand to very good reason because the Select Committee itself has now added that clause also.

Then about leases and other things also there is a provision. We are apprehensive that it would work against the interests of the displaced persons because now the Bill says that the conditions on which the original leases

were given should not be altered. Originally, the lessors, the original owners had given those properties on lease for certain periods, and if they had been handed over to any refugees, they were expected to continue the allotment in respect of tenancy rights; but now it is laid down that so far as the original terms of duration and other conditions were concerned, it would not be possible for the Custodian to vary them. Therefore, that also would work against the refugees who might have to vacate those places or get those leases restored.

Then again, when Sections 40 and 41 are being amended, there is one danger. Now it has been laid down that a certificate would be given to a person who is an Indian citizen that he can sell his property. That is right and he would be at liberty to effect that sale but if after that sale is effected and within two years of that transaction, he decides to leave this country for Pakistan, then this transaction cannot be opened. Who would be the sufferer? In the first place the owner must have thought of the money that his property will fetch. Mostly it would be the displaced persons who would be affected because they are in great need of acquiring property and they purchase it because the Custodian has granted them the certificate that they are entitled to sell it. The poor refugee cannot know or visualise that that gentleman would be leaving within two years after the sale. He pays the money by borrowing or otherwise but unluckily, within those two years of the transaction, the gentleman decides to leave this country and proceed to Pakistan. Then that question would come up before the Custodian and if he cancels that sale, that transaction is set aside. It is only that refugee who would lose. It would be put in the evacuee pool but not at the expense of the owner who has committed this act but at the expense of the innocent person who has already lost something. This would not be of any gain either to the refugee or to the country. Therefore, my request is that when once that certificate has been given and the Government and the Custodian have decided that he can effect that sale, then there need not be any difficulty. If he is allowed, let him take away the money because otherwise also, he would not be the loser. He would get everything that he desires according to his heart's content but it is only the Indian nationals who would be the losers. Therefore why penalise them?

Pandit Thakur Das Bhargava: It is not so. If the consent is not given, and the man lives here for two years

[Pandit Thakur Das Bhargava]

the transfer would be immune as also if the consent is given. It is no longer open to anybody.....

Sardar Hukam Singh: That is not the view that I take from the amendment that has been put up here. So I would request the Rehabilitation Minister to disclose what he knows. I want to know whether he has consulted his Finance Minister and his friend on the right and has come to a decision, whether the Government is going to contribute anything, whether they have made up their minds as to the disposal of this property etc. Because, these unfortunate displaced persons from West Pakistan have been waiting so long and are now in a condition where they are not able to suffer any longer. They have been looking to this source of compensation to enable them to stand on their legs, some of them at least.

Shri V. G. Deshpande: The hon. Minister, while moving the Bill for consideration, said that there was a fundamental difference between my approach and the approach of the Mover of the Bill, and hence he could not appreciate the minute of dissent given by me. I tried hard to see where the fundamental difference in approach was. Because in my minute of dissent I have made it clear that I do not want the members of any community who are residing in India to suffer on account of this Administration of Evacuee Property Act, and that I want no discrimination to be made against any person simply because he belongs to a certain community. I happened to see the Bulletin of the Congress party published from 4th August to 8th August 1952. That Bulletin, referring to this Evacuee Property Act says that the Bill makes a number of important concessions to Muslims. Perhaps that may be the difference I am not able to find where the difference lies. That is a non-communal party and every day we are hearing long sermons about communalism: they are impartial to all communities. In my approach also I want just a fair and impartial treatment to all communities. But, making concessions to Muslims at the cost of Hindus may be non-communal and perhaps that may be the difference in his approach and my approach.

My personal view is this and I have made it very clear, that I do not want that those Muslims who are living here should suffer and that if there are any provisions in this Administration of Evacuee Property Act which do injustice to them, they ought to be removed. So far as this question is

concerned, there can be no difference of opinion. But, when we went to the Select Committee and when we read the provisions of the Bill as it was introduced originally and the Bill as it is amended, we find that it transgresses these limits. In the Administration of the Evacuee Property Act, there are one or two considerations which we have to keep before our eyes. One of the considerations is that the evacuee pool ought not to be diminished. We have to see whether any of the provisions of this Bill affect the evacuee pool. If the evacuee pool is diminished, we should certainly stand to protest against that.

Then, there is another thing. I do not mind even their giving concessions to Muslims, because in this non-communal Government, attending the National Sikh Conference is not communal, giving concessions to Muslims is not communal, but protesting where injustice is made to the Hindus is very communal and rabid communalism and that ought to be stopped. I say, give concessions to Muslims, but at least to those living in India. In this Act we find that you are doing away with the provisions regarding intending evacuee. You want to give concessions to Muslims who want to leave India and go to Pakistan. I want to raise my voice of protest against this provision. What do we find here? The provision which deals with intending evacuee is done away with. We are told that when that provision has been done away with, we have amended the definition of evacuee so as to bring certain portions of intending evacuees under the definition of evacuee itself. But I may draw the attention of the House to the fact that in the original Act, the intending evacuee referred to the date 15th August, 1947 (*An Hon. Member:* 14th August)—14th August—this Bill wants that ".....who has, after the 18th day of October, 1949.....". I know of persons who have transferred their property, from 14th August 1947 to 18th October 1949, to Pakistan, who, on account of this provision regarding intending evacuee, could not transfer their other property and they who are waiting in India all along to go to Pakistan and to dispose of their remaining property. The only hurdle, the only obstacle in their way of going to Pakistan was this provision regarding intending evacuee. As soon as this is done away with, as soon as this additional concession is given to Muslims, these Muslims are only waiting to dispose of their remaining property. Once that property is disposed of they can straightaway go to Pakistan. This is my first objection.

Then, I beg to point out that this clause about intending evacuees forms part of the Pakistan Administration of Evacuee property Act. Here also there is a fundamental difference in the approach. They believe in the healing touch: not to the Hindus of Jammu; there, they use bullets. So far as Pakistan is concerned, our great Government has got the healing touch just like Jesus Christ, and therefore, they want to remove Pakistan's ills by the healing touch. I want that a policy of reciprocity should be followed. As long as there is a provision for intending evacuees in the Pakistan Administration of Evacuee Property Act, there is no justification for our doing away with the provision for intending evacuees. Therefore, I would again appeal, that even at this late stage, that whatever be our anxiety to give more concessions to Muslims, this provision for intending evacuees should not be done away with.

There are other clauses and there are other parts of this new Amendment which I must refer to. The first part is this. We know of instances where one person is living here and all his dependants are living in Pakistan. His wife may be there; his children may be there. There are such instances in Delhi here. Our Act makes provision that he can send money to them from here for years together. For six years all his nearest dependants may be there; still you would not declare him to be an intending evacuee. I feel that there must be a provision by which, persons whose nearest dependants, that is wife and children, are staying in Pakistan, and against whom intention to opt to Pakistan is established by documentary or other evidence, should be declared as evacuees if not intending evacuees. We find that the argument is advanced that what was covered by intending evacuee, we have included in the definition of evacuee. My own feeling is, there are many instances with which I do not wish to bore the House, where the relatives are living in Pakistan, the relatives who were in Government of India have left this country, and under such circumstances, at least there should be this provision: where the nearest dependants are staying in Pakistan, no exception should be made in their case.

There is another question of restoring property to evacuees. Previously, there was a provision that the Custodian-General could exempt anybody from this provision or restore property. There was the notorious

case of Chatriwala. I hear that Chatriwala's case is pending in different courts even at this stage. I do not know exactly what has happened to Chatriwala's case. Mr. Achru Ram had resigned on this issue. Now, we find that this law is being amended. The Custodian-General is in a way a quasi-judicial authority who can apply his mind to the cases and give an impartial judgment. Our Government has made it a point of prestige, and as has been pointed out in the minutes of dissent, when this issue came up even though the majority of the Select Committee was with us, it had to be dropped because Government feels that they should have the power to decide these things. My view is that it should not be left even to the Custodian-General, but that there should be some judicial officer, say a District and Sessions Judge, who should be empowered to decide such cases, and to decide to whom the property should be restored. It is said that there were only four cases where Government was given power to make exceptions, and Government itself admits that out of these four cases—in his last speech the hon. Minister gave this data to us—three were foreigners, and the fourth alone was an Indian and then they say that he also went to Pakistan. They had restored the property, and they found that this Indian Muslim whose property they had restored, ultimately went away back to Pakistan. These are the instances, and therefore this House is not prepared to allow the Government to function for this purpose, and we want that a judicial officer, say a District and Sessions Judge, should decide these things finally. At least the Custodian-General should have the right. Government should not have the right to decide to whom property should be restored.

I would particularly draw the attention of the hon. Minister to one clause. By the original law, the leases which were entered into before partition or, say before 15th August, 1947, could not be gone into. Now, an amendment has been made that whether the leases were made before or after partition, they can be gone into. Then it has been amended in the Select Committee that it can be done only in two cases, viz., if it is sub-let, or if it is used for a purpose other than that for which it was let out. I have tabled an amendment, and I feel the hon. Minister should have no objection to accepting that amendment. These are not the only two cases, but whatever the oppression of the Rent Control Act,—because this type of property is situate in all parts of

[Shri V. G. Deshpande]

India and in different States whatever be the law, if that lessee contravenes or makes any breach of these Rent Control Acts, then alone should he be ejected from the premises, and in no other case that should be done. Apart from this, my main contention is that the time has not come for this. At least as long as this provision for intending evacuee is there on the statute of the Pakistan Government, it should not be changed in our law.

Shri Gidwani: I rise to oppose this Bill for two reasons: one, it affects adversely the refugee interests and the other, it affects very seriously the national interests.

As regards the refugee interests, as my friend Sardar Hukam Singh told the House, it is linked up with the question of compensation. I would read to you, Sir, a letter which I had written on behalf of the All-India Refugees' Association to the Prime Minister on 27th December, 1950, when he made a public speech regarding this compensation issue:

"Dear Shri Jawaharlalji,

I presided over a conference of displaced persons which was held in the Constitution Club on Monday, the 25th December. Copies of my address and the resolution passed by the Conference are enclosed.

I wish to draw your attention towards the attitude of a section of the participants. They strongly accused me of adopting mild policies, and not giving them the right lead necessitated by the continuously deteriorating condition of displaced persons. The speakers who called for direct action were loudly cheered by the participants. I write this to intimate you that your statement has intensified the sense of frustration and resentment.

I would request you to let us know the final decision of the Government in respect of compensation. With thanks,

Yours sincerely,

Choithram P. Gidwani."

To this, I received a reply from Mr. Dharma Vira.

Mr. Deputy-Speaker: Order, order. The hon. Member started by saying that he wants to oppose this Bill. That is not a matter which can be debated at present. The scope of the debate

on the report of a Select Committee is narrow. Rule No. 98 reads:

"The debate on a motion that the Bill as reported by the Select Committee be taken into consideration shall be confined to consideration of the report of the Select Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill."

The Principle of the Bill has been accepted. Whatever has been done in the Select Committee can be a subject-matter here. Alternative suggestions might be made, viz., that the Select Committee might have done this as against that. That is the limited scope.

Shri Gidwani: I said the Select Committee should have dropped two or three clauses—Nos. 7 and 15—and said that this question was linked up with compensation. Therefore, I was reading this correspondence.

Mr. Deputy-Speaker: If all those main clauses are dropped except the preamble and Clause 1, what stands? The principle of the Bill has been accepted and therefore we have to remember the limited scope. The hon. Member may have all that in his mind, and then vote against this Bill. In the third reading he can say: "No, this Bill is not at all being improved. We reject the Bill." But, at this stage, he should confine himself only to the report of the Select Committee.

Shri Gidwani: I am opposing certain Clauses of the Bill, Clauses No. 7 and 15.

In his reply, he said:

"The Prime Minister has received your letter of December 27, in which you have enquired about the final decision of the Government in respect of compensation. The policy of Government in this matter has been clearly stated on many occasions by Shri Gopalswami Ayyanger and the Minister for Rehabilitation. Briefly, it is as follows:—

Displaced persons are entitled to compensation from the property left by Muslim migrants from India. They are also entitled to any compensation that may be received from Pakistan....."

This is from Mr. Dharma Vira, dated December 30, 1950. He says the policy has been enunciated by Shri

Gopalaswami Ayyangar. Then, I wrote a letter to Shri Gopalaswami Ayyangar, and I will read that letter also to you:

"Dear Shri Gopalaswami Ayyangar,

I hope you have received a copy of my letter dated 27th December addressed to Shri Jawaharlal Nehru regarding the question of compensation to the displaced people.

Two days previous to the arrival of hon. Khwaja Shahabuddin, Pakistan's Minister for Rehabilitation, for the discussion of the Evacuee property question, a joint conference of officials and non-officials was held in your room under your chairmanship. Hon. Shri Ajit Prasad Jain, Shri N. C. Chandra, Shri Meharchand Khanna, Shri Achururam, Dr. Lehana Singh, late Minister for Rehabilitation (Punjab) and other officials from the Government of India and East Punjab Government were present. From the non-official side, Bakshi Tekchand, Shri Jaspatrai Kapoor and myself were present. You were kind enough to invite our opinion regarding the various aspects of this question.

In view of the claims that had been invited from the displaced persons, our discussion turned to the particular aspect of compensation. On our pointed enquiry regarding the Government's plan, you assured us that the Government had full intention to compensate the displaced persons. Further, going into the details of the plan, you narrated the following steps for the implementation of it.

There would be three sources from which such compensation would be paid. Firstly, the properties left by Muslims in India, say X; secondly, such difference in values of respective properties as may be realized from Pakistan, say Y; and lastly, a substantial amount from the Government of India, say Z, that you assured 'would not dissatisfy the displaced persons'....."

From these two letters I have read to you, it will be clear that the evacuee property is one of the important sources from which compensation is to be paid to the displaced persons. Therefore, all the refugees from Western Pakistan—because, for the present, this Bill affects only refugees from Western Pakistan whose number is about 50 lakhs are very much interested in it.

An. Hon. Member: More than that..

Shri Gidwani: Therefore, I oppose Clauses 7 and 15 of the amended Bill. Clause 7 of the Bill as amended reads as thus:

"16. Restoration of evacuee property.—(1) Subject to such rules as may be made in this behalf, the Central Government or any person authorised by it in this behalf may, on application made to it or him by an evacuee or by any person claiming to be the heir of an evacuee, and, on being satisfied that it is just or proper so to do, grant to the applicant a certificate stating that any evacuee property, which has vested in the Custodian and to which the applicant would have been entitled if this Act were not in force, shall be restored to him."

4 P. M.

Now, the procedure regarding the declaring of any person an evacuee is this. First, the Deputy Custodian declares a person as an evacuee. Then if the aggrieved party feels anything wrong about it, it makes an appeal to the Custodian. Then there is an appeal to the Custodian-General, and finally to the High Court. In some cases, I am told, it may even be referred to the Supreme Court. When there is such a big machinery of judicial officers all along, the fact that the Government are demanding this extraordinary power shows that they do not have any faith in the judiciary.

You will remember that I was a Congressman and I was attending every session of the Congress there. We had been demanding from 1885 that there should be no interference by the executive in the judiciary. What is now sought to be done is nothing but the interference of the executive or the Government in the decisions of the judiciary. You will remember recently there was the case of Mr. Chatriwala, on which Shri Achru Ram resigned. In that case, the High Court of Punjab had decided against Chatriwala. When the latter went to the Custodian-General, the Custodian-General gave certain decisions, and he was made to resign on that account. If the purpose of the amending Bill is thus to enable Government to interfere in this manner in the decisions of the judiciary, then where is the question of dealing with these cases on judicial and legal principles? Assuming such wide powers by the Government as are contemplated in this clause, is nothing but a defiance

[Shri Gidwani]

of law, especially when in this present age, our Government claims to be democratic, socialistic, and also claims to be governed by law. They want to restore property to persons who had been declared as evacuees by the highest Courts of the land. That is the object of this amending Bill. It is a very serious encroachment on the evacuee property pool. I may be excused if I say that if this Bill is passed, some influential persons would be benefited by it. That is my misgiving. I will not be far wrong if I say that that seems to be the object of this amendment. The evacuee property pool would thereby become reduced and seriously affected.

Under Clause 15, the Government would be clothed with much wider powers than even those contemplated in this Clause 7, for Clause 15 reads as under:

"For section 52 of the principal Act, the following section shall be substituted, namely:—

'52. Power to exempt.—The Central Government may, by notification in the Official Gazette, declare that all or any of the provisions of this Act or of the rules made thereunder shall not apply, or shall be deemed never to have applied, or shall cease to apply, or shall apply only with such modifications or subject to such conditions, restrictions or limitations as may be specified in the notification, to or in relation to any class of person or class of property.'"

If so, I do not see any reason at all why there should be any Act or any law regarding evacuee property. The whole thing should be abrogated. That is what I personally feel about it. I do not want to say anything more because I am not a lawyer—and there are many lawyers of repute in this House. But if these two clauses are going to give power to the Government to override the judicial decisions, then where is the need for any law at all? Let the hon. Minister of Rehabilitation be appointed as the sole judge, and let him declare whomsoever he chooses as an evacuee or non-evacuee, and accordingly restore property. I shall have no quarrel with that proposition. The hon. Minister referring to Mr. Deshpande's remark stated that it was a question of difference in approach only. After all, this evacuee property is going to be the property of those refugees who have been physically and morally suffering. And now if any part of it is

going to be given away in charity to those whose loyalty has been suspected, or who are of doubtful loyalty, then the pool would become reduced to that extent. It is not I who have declared them as evacuees. It is the courts that have declared them as such or intending evacuees. According to the definition in the original Act, an evacuee meant any person who had left for Pakistan and an intending evacuee meant

"any person, who, after the 14th day of August, 1947,—

- (i) has transferred to Pakistan his assets or any part thereof situated in any part of the territories to which this Act extends:

Provided that the transfer to Pakistan of any reasonable sum of money in accordance with the rules made in this behalf by the Central Government for the purpose of financing any transaction in the ordinary course of his trade or for the maintenance of any member of the family of such person shall not be deemed to be a transfer of assets within the meaning of this sub-clause, or

- (ii) has acquired, if the acquisition has been made in person, by way of purchase or exchange, or if the acquisition has been made by or through a member of his family, in any manner whatsoever, any right to, interest in, or benefit from any property, which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan,.....

.....and includes any person against whom an intention to settle in Pakistan is established from his conduct or from documentary evidence;.....

These were the people who were declared by judicial authorities as intending evacuees, and it is these people who are going to be benefited. I am told that the number of such people is about one thousand—subject to correction. And these one thousand people were declared as such not by me, who being a refugee, may have refugee mentality, nor by Mr. Deshpande, who has a difference in approach, and therefore thinks differently but by competent courts, judges and Custodians appointed by Mr.

Ajit Prasad Jain and his Government. It is these people who are going to be benefited, after the passing of this amending Bill, people who, after the 14th day of August, and before the 18th day of October 1949, were declared as intending evacuees. If the present Bill is passed, then they will be free to sell their property here and then go to Pakistan. It may be said that their number is very small, and so what does it matter if a few people take away their property from the pool? I am opposing these two clauses, clauses 7 and 15, not only in the interests of the refugees, but also in the national interest. Hon. Members may laugh at this, when I say this, and say that we being secular, are becoming generous and just to our minorities, whom we do not want to harass. We have before us the previous experience of some Members of the previous Parliament, who swore loyalty to the Congress Government. There was Mr. Khaliq-ul-zaman first. Then there was another gentleman from Bihar who recently left for Pakistan. All these people were there sitting with you, after swearing loyalty to India, but ultimately they took away what property they could, and left for Pakistan. In this very Parliament after I was elected, I put a question sometime back, about Mrs. Janak Kumari Asghar, who went to the Deputy Custodian, for getting her property, so that she could sell it here and then go to Pakistan. She had written on her visiting-card, that she was the cousin of Mr. Nehru, and so the Deputy Custodian was feeling very nervous about it. Fortunately, Mr. Achru Ram happened to go there, and he told the Deputy Custodian not to get nervous about it, and that he would enquire into the matter. But ultimately what happened? She also went away with whatever money she could, to Pakistan. Hundreds of such cases are happening every day. I put a question, in the last session of Parliament about 17 officials of the Rajasthan Government. That question was not answered in the last session. But I got this letter from your Parliament Secretariat:

"PARLIAMENT HOUSE

NEW DELHI.

19th January 1953.

From Shri D. N. Majumdar,

Under Secretary.

To: Shri C. P. Gidwani, M.P.

Subject: Starred question No. D.2028 for the 15th November 1952 regarding removal of cash to Pakistan by officers of Rajasthan Government.

Sir,

With reference to your starred question No. 2028 for the 25th November 1952 on the above subject (copy enclosed) which was not admitted for answer during the last session, I am directed to forward herewith the information asked for in the question which has since been received from the Ministry of States...

What is that question?

"Whether the attention of the Government of India has been drawn to a statement made by Shri Amritlal Yadav, Rehabilitation Minister of Rajasthan State in the State Legislative Assembly that the Tehsildar of Dholpur has crossed over to Pakistan with Rs. 1,00,000 belonging to Government and the Treasury Officer of Jai-pur too had left for Pakistan also taking away some amount of Government money, but the Minister could not give the exact figure as he stated that the accounts were being examined;

"Whether the Government of India are aware that there were about 17 officials of Rajasthan Government including the former Principal Private Secretary of Shri Jai Narain Vyas, the Chief Minister of Rajasthan, who had been declared intending evacuees and have transferred part of their assets to Pakistan;

"Do Government propose to take any action to recover these amounts from the two above-mentioned officers;

"Do Government consider it in the national interests to take any precautionary measures to protect their funds from being taken away to Pakistan by other officers in the similar manner?"

This is the reply which I have received from the Secretariat:

"The facts of the case as reported by the Rajasthan Government are that a case of embezzlement of a little over rupees one lakh from the Sub-Treasury at Dholpur was detected in July 1951. The responsibility for this embezzlement has to be apportioned between the Cashier, Shri Harak Chand and Shri Salamat Ali Khan, Tehsildar of Dholpur, who was also the Sub-Treasury Officer. While the immediate responsibility for the cash was that of the Cashier, the administrative and

[Shri Gidwani]

controlling officer was the Tehsildar in his capacity as the Sub-Treasury Officer. The case is under investigation and it is not possible at this stage to say how much of the funds embezzled were appropriated by the Tehsildar and how much by the Cashier. It will not therefore be correct to say definitely that the Tehsildar of Dholpur has crossed over to Pakistan with rupees one lakh belonging to Government. The Tehsildar was suspended and taken into custody but was released on bail. He subsequently jumped bail and is understood to have gone to Pakistan. There is, however, some property in his name in Jaipur and all action permissible under law will be taken by Government."

"The Additional Treasury Officer of Jaipur, Shri Abdul Wahab has also migrated to Pakistan. The accounts for which he was responsible are under scrutiny and it is not possible to say whether he has taken away any Government money and if so, what amount."

"It is a fact that 17 officials of the Rajasthan Government including Shri Altaf Ahmed Kherie"—who was the Principal Private Secretary to the Chief Minister—"have been declared intending evacuees. Shri Kherie has however filed an appeal in the court of Custodian, Rajasthan, against the orders of the Deputy Custodian. The Government of Rajasthan are not aware that after their declaration as intending evacuees, any assets have been transferred by any of these officials to Pakistan" ...I say, Sir, he alone is declared evacuee who sends part of his assets to Pakistan... "But if any of these persons is detected to be transferring his assets to Pakistan, it is open to Government to take steps to declare him an evacuee and take over his property."

"If any amounts are found to be due from Shri Salamat Ali Khan (Tehsildar, Dholpur) or Shri Abdul Wahab (Additional Treasury Officer, Jaipur) the Rajasthan Government will take action to realise them from the properties left by these persons which are at present in the possession of the Custodian of Evacuee Property."

"Every possible precaution is being taken and will continue to be taken by the Rajasthan Government to prevent illicit transfer of funds from Rajasthan to Pakistan."

This is the official reply from your office. So it is not that the officers who have been declared intending evacuees are perfectly loyal. During the last two or three years they have been transferring their assets to Pakistan even though pretending to be law-abiding citizens of our secular State. There it is. Even those who are in the Government—the Principal Private Secretary of a State Government—have been declared intending evacuees. Still most of them when they are released on bail, jump the bail and go over to Pakistan. This is not my statement, but it comes from the Rajasthan Government after enquiry from the Government of India.

Then the other thing is that when this Government was given such wide power and if I had previous experience that they had acted fairly and honestly, then I would remain silent. But I know how influences are brought to bear on judicial officers. The Custodians find it very difficult to decide cases on merit. Particularly now after the resignation of Shri Achbru Ram, many of them are demoralised. I know how in the beginning letters were sent, interfering with the functions of the Custodians, even by Ministers, Private Secretaries and not only by officials, but even by non-official organisations. I will tell you how the Jamiat-ul-Ulema has been functioning in this matter. So many things are heard and so many things are reported of which no direct evidence can be found. This is one of the cases reported in Bombay:

"One Fordil Khan Sayed Ullah-Khan was declared an evacuee in December 1949 by the Deputy Custodian of Bombay. He filed an appeal before the Custodian who dismissed the appeal in February 1950, as a result of which further properties of Fordil were notified as evacuee properties. Fordil Khan filed a second appeal before the Custodian which was however heard by the Additional Custodian, who also dismissed the appeal in May 1950. Fordil Khan then ran up to the High Court for quashing the order of the Additional Custodian. The trial judgement however dismissed the petition in November 1950. The matter then came before the Division Bench where it came out that the

applicant had already filed a revision petition before the Custodian General which had been dismissed. The Division Bench however dismissed Fordil Khan's appeal in April 1951, but gave him permission to file fresh application before the High Court on any new point of law. When the fresh application petition filed by Fordil Khan came before the High Court, Fordil Khan categorically stated in his affidavit that he was not aware of any revision petition before the Custodian-General. It was not filed at his instance or under his instructions. The fact was naturally brought to the notice of the Custodian-General who called upon the Advocate Shri V. D. Misra, who had appeared on behalf of Fordil Khan to explain the anomaly. The Advocate explained that he had filed the revision petition, at the request of one Mr. Mohamed Siddique Karachiwala, who was introduced to him by Mr. Hafizar Rahman of the Jamiat-ul-Ulema, Delhi. Mr. Karachiwala (who it appears was the representative of the Central Organization, on the Jamiat Relief Committee, Bombay) confirmed in his letter to Shri Misra, that he not only instructed Shri Misra to file the petition on behalf of Fordil Khan, but also instructed Mr. Misra similarly on other evacuee cases. The High Court subsequently dismissed the fresh petition."

Sir, this is only one instance. So many things have been happening. I have got the decision of the Custodian in which the Minister had written a letter that so-and-so should be declared a non-evacuee. There was one case in which I cannot give you the judgment of the court—as I told you the Minister wrote a letter.

Au Hon. Member: Who is that Minister?

Shri Gidwani: He has retired. Dr. Ambedkar, if you want the name. Then there are others also. I will give you the names. If an enquiry is made there will be revelation. I have no doubt about it. There are not only letters. There are various other ways of influencing people. Therefore, I say I feel that they have some people in view whom they want to oblige. I feel that certain categories of persons are going to be declared non-evacuees and by that, the evacuee pool is going to be decreased. As Sardar Hukam

Singh said, we are concerned only with the evacuee properties. We have no quarrel with persons. If you want to give a gift you may give. We do not quarrel. What about my property? That is the question. After all, as I have said before we have no quarrel with the Muslims who have gone; we have no quarrel with the Muslims who are here. It is a matter of right. I have got a house in Hyderabad, Sind, and it has been taken by somebody. I should get his property. I am legally and morally entitled to it. That is how I look at the question. But if the Government says, 'No, we want to give it to same persons whom for political reasons we want to oblige'—that is what the Congress bulletin meant. There were probably some persons through whom at the time of election votes were obtained, then that is a different matter. You may do what you like. Our question is definite. Pandit Jawaharlal Nehru says that we will get compensation from the evacuee property pool, assurances were given to us by Shri Gopalaswami Ayyangar to whom you paid tributes on that day on two occasions. One assurance was given by him in a Conference of 60 persons that the compensation shall be paid to us. He stated "Who said that compensation shall not be paid; it shall be paid. It may not be paid in the form in which you may desire; it shall be partly paid in cash, partly in kind and partly in some kind of bonds, but it shall be paid." In the second conference in which I was present he said, 'We will give you compensation. First will be the evacuee property pool; it will be wholly yours. The second, contribution from Pakistan.' When Bakshi Tek Chand and myself told him—I am not talking of history, Shri Ajit Prasad Jain was there—I am not talking from imagination—that Pakistan will give nothing, then he said, Do not worry, if you do not get any money from Pakistan, the Government of India shall pay from its resources'. When we said, 'You will pay Rs. 10 and say we cannot pay more he said, 'No, it shall be something substantial.' Here are officers who were present then. It is a matter of fact; it is in the minutes of the proceedings of that Conference. If anybody now says that there was no Government commitment, then I say it is a breach of faith on their part and they do not deserve to keep to those chairs. I want to tell the hon. Minister that the evacuee property should be ours. I will tell him some facts. I say that any rupee that goes to Pakistan is utilised for the *jehad* of Kashmir. I know that for a fact.

[Shri Gidwani]

Some Hindus are still living in Sind. They are doing little business. Everyone of them is asked to contribute to the *jehad* fund for Kashmir. I am quite sure that if any money goes from here certainly part of it is going to be subscribed to *jehad* fund. With this money bullets are purchased and they are used against us. I have worked for the country for the last 47 years and do you think today I can forget my nationalism? As a refugee I say all this evacuee property should be for our nationals. You read what is happening in Pakistan, and how Pakistan is utilising this money. We are the creators of Pakistan and I will also say we are the preservers of Pakistan. We are Brahma and Vishnu (Interruption) and we want to be Shivas, if possible. Therefore, I say this is not a question of Dr. Gidwani. I have no property. I had a little house, I had given it away to my younger brother. I had constructed one Congress House in Hyderabad, Sind, and one in Karachi. One was constructed for Rs. 25,000, in 1924. I had another house constructed for the Congress after the Karachi Congress out of the balance of the Karachi Congress fund which is worth Rs. 2 lakhs, and it is in the hands of the Pakistanis. When we ask for compensation you, probably do not know how much of property we have lost. Sixty or seventy per cent, of the people will hardly get two, three or four thousand rupees. We have persons who have filed claims to the tune of three crores. There is another point of view, a third point of view. How long is the matter going to be hanging fire? How long are you going to have this? So much goes from the refugees' pockets every day. There are officers getting Rs. 3000 per mensem in the Rehabilitation department. That is a different matter. When you say that the whole thing is going to be settled soon and that the evacuee property is going to be utilized for compensation pool, why bring in this Bill and fritter away the little that you have? The displaced persons have suffered, I have my sympathy with them. I will not allow this Government to pass section 7 or section 15. If you pass these sections, you can scrap the whole Act, and do what you like. I say you will be doing great injustice. Therefore, I appeal to Shri Ajit Prasad Jain. His approach may be different from my approach. I know it is. I know he does not see eye to eye with me. The wearer alone knows where the shoe pinches. The refugees have been uprooted from their homes. A number of them are

today virtual beggars. I see their misery every day. I am reminded of a Persian Couplet which I read in a book in 1942 while in prison written by a Frontier Pathan, probably Private Secretary of Khan Abdul Ghaffar Khan. While describing the conditions of the N.W.F. at that time he had said:

مرا در دیست در دل گر گزیم زباں سوزد

و گر دم در کشم ترسم که منو استفا سوزد

'There is pain and anguish in my heart. If I utter it, it will blister my tongue. Were I to suppress it, it will eat the very marrow of my bones.'

Shrimati Renu Chakravartty (Basirhat): I would like to move my amendments.

Mr. Chairman: We are at the consideration stage.

Shrimati Renu Chakravartty: After having heard the previous speaker, I should just like to say a few words. Yesterday also we considered the condition of the refugees and within the very restricted scope of discussion it was quite clear how terrible the sufferings of the refugees all over northern India were. It is true that thousands and thousands of refugees from West Pakistan as well as East Pakistan who have come to India are today suffering immeasurably. At the same time, it will not be right to put those sufferings on those Muslims who are going to remain here, or due to certain circumstances have gone away and have again come back, or due to the prevailing uncertain conditions have had to go and come back between 1947 and 1949. Therefore, I feel that when we declare ourselves a secular State, the interests of all communities should be protected. Certain people may have gone to Pakistan for other reasons, but the majority of the ordinary Muslims have gone away because the conditions appeared to be such that they felt they were not safe. Recently, I know how things happened in my province and influx started from East Pakistan. People were frightened and Muslims from West Bengal began to migrate. I know the things that happened all along the border in my constituency. Muslims came to me and asked me whether it was possible for them to stay. Due to fear, they went to Pakistan and when conditions improved, they came back and with the full intention of remaining here as our nationals. Therefore, we should see this side of the picture also. As a matter of fact, I know that nearly 40,000 Muslims from several places in

my area, from Rajarhat, Bistupur, Nimta, Kharda, Madhyamgram went away during 1948-49. They have come back, but they have not yet been able to get back their homes. They have seen the Minorities Minister again and again, but to no purpose. Therefore, it would not be right to question the national sentiment of everybody who has left during 1947-49. Many of them have come back again, and in their cases provision should be made for resettlement in India. They should be allowed to keep their property and they should not be called evacuees.

The second point that I would like to mention is this. Many cases have been cited of people who have gone over to Pakistan. I know of certain cases in which Muslims have been declared as evacuees in spite of the fact that they are citizens of India. As a matter of fact, I would quote the case of Iqbal Hussain, a resident of Gorakhpur, who is a member of the City and District Branch of the Praja Socialist Party Executive. He contested the elections to the House of the People. This is a sufficient proof regarding him and his *bona fides* cannot be challenged. Yet, he has been declared an evacuee. Also, I have received a letter saying that many innocent Muslims in Gorakhpur have been declared as evacuees without giving sufficient reasons. These are some of the hardships of the Muslims. Not only is it necessary, therefore, to have this Bill, but certain weaknesses in the Bill itself should be removed. For instance, a new clause has been inserted. It says that—

"if the acquisition has been made by or through a member of his family, in any manner whatsoever, any right to, interest in or benefit from, any property which is treated as evacuee or abandoned property....."

then, he too will be considered an evacuee. It is true that some people try and acquire property through the backdoor but that is not always the case. Therefore, I would like an amendment to be made, to the effect that only those members of the family who are wholly dependent, should be treated as evacuees, and not any member of the family. It may be that a brother or somebody who is not dependent may acquire property and may go away. That does not mean that that person also automatically becomes an evacuee.

The other point that I should like to mention is that there are certain other clauses in which very large powers have been given to the Custodian. My submission is that these

powers should be restricted. Referring to page 12, line 49, I would suggest that there should be a clause whereby there is an appellate authority over the Custodian. Some sort of appeal should lie to the Custodian General. These are some of the points that I wished to mention.

It is time that we had a Bill like this. While people may go over to Pakistan without sufficient grounds, we should also see that several of them may go over there because of the fear caused by the conditions prevailing here. Therefore, provision should be made for those who are really *bona fide* nationals of India and who went to Pakistan only because of certain conditions. They should not be treated as evacuees, and their property should not be jeopardised in any way and should be restored to them.

वंडित ठाकुर दास भार्गव : जनाब चेरमैन साहब, यह जो नया ऐमेन्डमेन्ट बिल (Amendment Bill) है उस के उसूलों और उस बिल (Bill) को मैं आम तौर पर सपोर्ट (support) करने के लिये खड़ा हुआ हूँ। इस बिल (Bill) के ऊपर जो तकरीरें अब तक हुई हैं वह कई ऐसी बातों के बारे में हुई हैं जो इस बिल (Bill) से डाइरेक्टली (directly) ताल्लुक नहीं रखतीं लेकिन फिर भी उन का बड़ा भारी ताल्लुक इस बिल के साथ है। जिस वक़्त पाकिस्तान और हिन्दुस्तान में इतना बड़ा भारी एगजोडिस हो रहा था उस वक़्त हजिज़ यह ख्याल नहीं था कि जो चालीस पचास लाख आदमी पाकिस्तान से यहां आये हैं अपना सारा माल मता, सारी जायदाद और सब कुछ छोड़ कर आये हैं उन का वह सारा माल मता, और उन की जायदाद पाकिस्तान गवर्नमेन्ट प्रैक्टिकली (practically) जब्त कर लेगी और न कभी उन मुसलमानों को जो यहां से बर्हा गये कभी यह ख्याल था कि यह जायदाद जो उन के खून और पसोने से बनी थी उस जायदाद की तरफ हिन्दुस्तान निगाह करेगा। बुनाचे जब दोनों गवर्नमेन्टों के दम्यान मुआहिदात हुए और मुआहिदा यह था कि जो रेन्ट (rent) और जो फ़ायदा

[पंडित ठाकुर दास भार्गव]

उन जायदादों से होगा वह पाकिस्तान गवर्नमेंट यहां के उन अस्वास् के बास्ते इकट्ठा करेगी जो वहां से यहां आये हैं और यहां की गवर्नमेंट उन लोगों के बास्ते इकट्ठा करेगी जो यहां से पाकिस्तान चले गये हैं। यह जो नया नया कानून उस वक्त बना वह बना था उन अस्वास् के बास्ते, उन अस्वास् के इन्टरेस्ट (interest) में जो पाकिस्तान चले गये थे, और पाकिस्तान में जो उस वक्त कानून बने थे वह हमें मालूम हुआ था कि उन लोगों की भलाई के लिये बने थे जो कि वहां से यहां चले आये थे। लेकिन आज इस बात का मुलाहिजा फरमाये कि आज उस जायदाद की तरफ जो सरीहून पाकिस्तान वालों की थी हमारे शरणार्थी भाइयों की निगाह है, और निगाह ही नहीं, इतनी मर्तबा में ने मि० गिडवानी को यह कहते हुए सुना कि यह एवैक्वी प्रॉपर्टी (evacuee property) हमारी है। मैं अब से पूछना चाहता हूं कि किस कायदे की रू से यह जायदाद उन की है ? अगर कोई शख्स पाकिस्तान चला जाय हमेशा के बास्ते और जायदाद की मांग न करे तो कानून के मुताबिक वह जायदाद गवर्नमेंट को एस्वीट कर जाती है। मैं कोई कानून ऐसा नहीं जानता कि जिस की रू से कोई शख्स यह कह सकता कि यह जायदाद उस की नहीं है जिस की यह पहले थी। लेकिन मामला यहीं पर खत्म नहीं हुआ। थोड़े ही अर्से के बाद पाकिस्तान गवर्नमेंट ने ऐसा कानून पास किया कि उन का तो कहना ही क्या था जो यहां चले आये और जिन की जायदाद वहां पर रह गई, लेकिन जो आदमी अब तक वहां रह गये थे उन के खिलाफ ऐसे इवैक््यूई (evacuee) कानून के जरिये नहीं, एक और कानून के जरिये पाकिस्तान गवर्नमेंट ने ऐसे अहकामात

रोज़मर्रा जारी किये, कि वह अस्वास् जो वहां रह गये थे उन की जायदाद जबर्दस्ती से लेना शुरू कर दिया। एक ऐसे कानून के मातहत जिस के लिये बयान किया गया कि यह ऐसे अस्वास् के, ऐसे नैशनल्स (nationals) पाकिस्तान के हक व हितों में हैं, उन की जायदादों को छीनना शुरू कर दिया जिस पर किसी कानून के मातहत, किसी उसूल के मातहत उन को कोई हक नहीं था, सिर्फ लूट खसोट के उसूल पर यह किया गया जिस में जो वहां की माइनारिटीज (minorities) हैं उन को जबर्दस्ती निकाल दिया जाय। इस गरज से वह कानून बना और उस की रू से न सिर्फ वह जायदादें ही छीनी गईं, बल्कि उन लोगों की जबर्दस्ती हिन्दुस्तान के अन्दर ढकेला गया। यह काम यहीं पर खत्म नहीं हुआ, जिस वक्त शुरू शुरू में हम ने इस हाउस (House) में चिल्लाना शुरू किया कि ईस्टर्न (eastern) पाकिस्तान से, ईस्टर्न (eastern) बंगाल से माइनारिटी (minority) को निकाला जा रहा है तो पहले तो बंगाल गवर्नमेंट ने यह कबूल ही नहीं किया कि वहां से लोग निकाले जा रहे हैं, लेकिन आखिर में जब उन्होंने एक धक्का दिया, दो धक्के दिये, तीन धक्के दिये तब हम ने देखा कि किस तरीके से पाकिस्तान की पालिसी (policy) चली आ रही है कि वहां की माइनारिटीज (minorities) को निकाल दिया जाय या उन की जबर्दस्ती मुसलमान बना दिया जाय।

ऐसी मूरत में मुझे नजर नहीं आता कि हमारी गवर्नमेंट क्या करती। मैं यह जानता हूं कि यह जितने कानून हैं यह उन उसूलों के मुताबिक जिन को कि हम कानूनी उसूल मानते हैं अब ठीक नहीं हैं। पहले यह ख्याल किया जाता था कि पाकिस्तान से २० पर सेंट

किराया वसूल होगा, लेकिन बाद को मालूम हुआ कि वहां किराया वसूल ही नहीं होता। हमारी गवर्नमेंट फिर भी किराया वसूल करती रही और दस पर सेंट वसूल करती रही। शरणार्थियों से भी किराया वसूल किया जाता रहा और आखिर थोड़ा सा रुपया भी जमा किया गया। और गवर्नमेंट का यह मंशा नहीं था कि यहां पर जो इवेक्वी प्रोपर्टी (evacuee property) है यह पाकिस्तान के बास्ते न बनी रहे या इस पर कब्जा करती या इस पर ज़बद निगाह करती। मैं अर्ज कर्हू कि आज गिडबानी साहब की जो कि एक पुराने कांग्रेस मैन हैं और कांग्रेस के उसूलों पर चलते आ रहे हैं, शिकायतें दुरस्त हैं, और वह यह वाक्या दुरस्त फरमाते हैं कि जिस वक्त पाकिस्तान से हिन्दू और सिख आते थे ईस्टर्न (eastern) पंजाब में, तो उस वक्त उन को यह भी इजाज़त नहीं थी कि वह अपने साथ एक घड़ी या पिस्तौल या एक मशीन भी ला सकते और सिर्फ़ जो कपड़े उन के जिस्म पर थे उन्हीं को पहन कर वह यहां आये। लेकिन मुझे उन दिनों का एक वाक्या याद है कि हमारे यहां से उन्हीं दिनों एक मुसलमान एक लाख रुपये का सोना ले कर हवाई जहाज़ से चला गया। जनाब वाला, इतना ही नहीं। हमारी गवर्नमेंट कई तरह से उन उसूलों की पाबन्द थी। इतना ही नहीं, बल्कि हमारी गवर्नमेंट के जो लीडर्स (leaders) हैं उन के दिल बहुत सॉफ्ट (soft) हैं। वह रैसीप्रोसिटी (reciprocity) को नहीं समझते। हम यहां रोज़ लड़ते रहे कि रैसीप्रोसिटी (reciprocity) को बरता जाय क्योंकि यह इंटरनेशनल (international) चीज़ है। लेकिन रोज़मर्रा यही जवाब मिलता रहा कि अपीज़मेंट (appeasement) ही ठीक है, जो चल रहा है वही ठीक है। मुझे मालूम है कि बम्बई से करोड़ों रुपये की जायदाद और करोड़ों रुपया

चला गया जो कि रोका जा सकता था लेकिन हमारी गवर्नमेंट ने नहीं रोका। अगर वह रुपया रोका जा सकता तो आज यह कम्पेन्सेशन (compensation) की दिक्कत ही न होती। आज यह सवाल ही पैदा न होता कि इन को १६ आना मुआवज़ा नहीं दिया जा सकता। मैं अपनी गवर्नमेंट से अदब से अर्ज करना चाहता हूं कि आज हमारे यहां चार मिलियन मुसलमान हैं। हमारे अपने कांस्टीट्यूशन में दफा १९ लिखी हुई है जिस को मैं फंडामेंटल राइट (fundamental right) समझता हूं और मैं अदब से पूछना चाहता हूं कि कौन से कानून के नीचे मैं किसी एक मुसलमान को जो हिन्दुस्तान में रहता है उस के फंडामेंटल राइट (fundamental right) से महरूम कर सकता हूं जो कि आप ने रखा हुआ है। या तो हम अपना कांस्टीट्यूशन (Constitution) न बनाते। अब हमारी शिकायत जो हमारे दिल से निकलती है उस का जवाब हम को अपने कांस्टीट्यूशन (Constitution) से मिल जाता है कि दफा १९ के मुताबिक हर एक आदमी को हक है कि वह अपनी जायदाद को डिस्पोज़ आफ (dispose of) कर सके। लेकिन साथ साथ, जनाब मुलाहिजा फरमायेंगे कि यह इवेक्वी प्रोपर्टी (evacuee property) का कानून जो बना वह भी मौजूद है। आज मुझे यह सुन कर ख़ुशी हो रही है कि इस में तबदीली होने वाली है और अब यह कानून खत्म होने वाला है। दरअसल यह जितने इवेक्वी लॉज़ (evacuee laws) हैं यह जितने जल्दी खत्म हो जायें उतना ही अच्छा है। और मेरे नज़दीक इन का कोई कानूनी जवाब नहीं है सिवा इस के कि पार्लियामेंट ने इन को इनेक्ट कर दिया। वाक़े में इस कानून को जस्टीफ़ाई (justify) नहीं कर सकता हूं। जो बात मेरे दोस्त श्री हुकम सिंह ने कही है और जो शिकायत श्री गिडबानी ने की है उस को मैं न तो भूल

[पंडित ठाकुर दास भार्गव]

सकता हूँ और न बरदाश्त कर सकता हूँ। उन की बात में मैं वज्रन देखता हूँ। लेकिन अगर यह शिकायत न की होती तो भी मैं एक पार्लियामेंट के मेम्बर होने की हैसियत से बहुत जोर से अर्ज करना चाहता हूँ कि इन पांच सालों में जो कुछ यहां पार्लियामेंट में और दूसरी जगह गवर्नमेन्ट के मिनिस्टर्स (Ministers) ने कहा है उस को देखते हुए कोई गवर्नमेन्ट दुनिया के अन्दर अपने उसूल पर कायम नहीं रह सकती जिस के रेस्पॉन्सिबिल मिनिस्टर (responsible Minister) बार बार यह बयान दें कि तुम को सब को मुआवजा मिलेगा और फाइनेन्स मिनिस्ट्री (Finance Ministry) यह कह दे कि हमारी कम्पेन्सेशन (compensation) देने की कोई जिम्मेदारी नहीं है। मैं अदब से अर्ज करना चाहता हूँ कि श्री अजीत प्रसाद जैन गवर्नमेन्ट को उतना ही रिप्रेजेंट (represent) करते हैं जितना कि और कोई मिनिस्टर गवर्नमेन्ट को रिप्रेजेंट (represent) करता है। इन्होंने बार बार यह ऐलान किया, एक दफा नहीं दो दफा नहीं, बीसियों दफा, कि मुआवजा दिया जायगा। और मैं चाहता हूँ कि गवर्नमेन्ट उस एक एक लपट पर पाबन्द रहे जो कि इन्होंने कहे हैं, वरना गवर्नमेन्ट के किसी मिनिस्टर के बयान की कोई वक्त ही नहीं रह जायेगी। मैं अर्ज करना चाहता हूँ कि सिर्फ इन्होंने ही नहीं यह ऐलान किया, बल्कि भरी सभा में, जिस में मैं भी मौजूद था, स्वर्गीय श्री गोपाल-स्वामी ने यही ऐलान किया था कि इन लोगों को कम्पेन्सेशन (compensation) दिया जायेगा। वह कानफ्रेंस उन्होंने बुलाई थी। इस का मतलब यही था कि चाहे जितना भी हो लेकिन गवर्नमेन्ट कंट्रीब्यूशन (contribution) जरूर करेगी। वह वक्त मुझे याद है, वह दिन मुझे याद है। रिहैबिलिटेशन मिनिस्टर (Rehabilitation

Minister) ने यह बयान नहीं दिया था बल्कि श्री गोपालस्वामी ने यह बयान दिया था जो कि सुपर मिनिस्टर (Super Minister) थे। उन्होंने यह बयान दिया। उस के बाद श्री हुक्म सिंह साहब एक रिजोल्यूशन (resolution) पार्लियामेंट में लाये कि शरणार्थियों को आठ आना उन की जायदाद की कीमत का दे दिया जाय। मैं ने उस रिजोल्यूशन (resolution) पर अमेंडमेन्ट (amendment) भेजा था और उस पर बोलते हुए मैं ने इस हाउस (House) में कहा था, कि सरदार हुक्म सिंह को क्या अस्तिथार था, उन के पास शरणार्थियों का कौन सा मुल्तारानामा था कि वह आठ आने लेने को तैयार हैं। मैं ने उस वक्त कहा था कि श्री गोपालस्वामी कम्पेन्सेशन (compensation) के बारे में गवर्नमेन्ट की पोजीशन (position) साफ कर चुके हैं। गवर्नमेन्ट तो कम्पेन्सेशन (compensation) देगी। यह मैं ने इस हाउस (House) में अर्ज किया था और गवर्नमेन्ट ने यह नहीं कहा था कि कम्पेन्सेशन (compensation) देने की हमारी कोई जिम्मेदारी नहीं है। इतना ही नहीं, श्री अचिन्त राम साहब ने एक सबाल पूछा था हमारे प्राइम मिनिस्टर (Prime Minister) साहब से और हमारे प्राइम मिनिस्टर (Prime Minister) साहब ने भी कुछ ऐसे अल्फाज इस्तेमाल किये जिन का मफहूम साफ था कि गवर्नमेन्ट जो कुछ कंट्रीब्यूशन (contribution) कर सकेगी करेगी। लेकिन आज फाइनेन्स मिनिस्ट्री (Finance Ministry) का खबारों में यह स्टेटमेंट (statement) निकलता है कि गवर्नमेन्ट का ऐसा इरादा नहीं है। यह स्टेटमेंट (statement) बहुत परेशान और हैरान करने वाला है। मैं तो इस पर एक मिनट के वास्ते यकीन नहीं

कर सकता। मैं तो यह समझता हूँ कि जो गवर्नमेन्ट के एक मिनिस्टर के बाद दूसरे ने भी लफ्ज़ कहे हैं उन को गवर्नमेन्ट पूरा करेगी। मैं श्री अजीत प्रसाद जी को जानता हूँ और जो बातें मैं कह रहा हूँ अगर वह सही न होतीं तो वह मेरा गला दबा देते। मैं जानता हूँ कि वह कितने जबरदस्त हैं। लेकिन वह यहां मौजूद हैं और मुझे कंट्राडिक्ट (contradict) नहीं करते यह इस बात का सरीह सबूत है कि श्री अजीत प्रसाद जी अपने अल्फाज के पाबन्द हैं जो कि उन्होंने एक बार नहीं दो बार नहीं बहुत बार दुहराये हैं कि इन लोगों को सही कम्पेन्सेशन (compensation) दिया जायगा मैं अर्ज करूँ मुझे तो यकीन ही नहीं आता कि यह अखबारों की बात दुरुस्त है। यह मामला कैबिनेट (cabinet) के सामने जा चुका है और श्री अजीत प्रसाद जी बार बार फरमा चुके हैं कि वह अपने अल्फाज के पाबन्द हैं। ऐसी हालत में मैं नहीं समझता कि कोई दूसरा मिनिस्टर (Minister) उन के कहे हुए को झुठलायेगा। श्री गोपालस्वामी के कहे हुए अल्फाज मेरे लिये निहायत इज्जत के काबिल हैं और मुझे यकीन नहीं आ सकता कि आज कोई शख्स उन के वादों को झुठलाने का ख्याल कर सकता है। इस वास्ते श्री गिडबानी साहब ने जिस वक्त यह फरमाया कि शायद फाइनेन्स मिनिस्टर (Finance Minister) साहब को यह मालूम न हो और यह उन का इनोसेंट इगनोरेंस (innocent ignorance) हो, उस वक्त मैं ने कहा था कि इनोसेंट इगनोरेंस (innocent ignorance) नहीं बल्कि इगनोरेंस (ignorance) कहना ठीक होगा।

It is not innocent ignorance. Call it ignorance, I would be satisfied.

Dr. Khare (Gwalior): Malicious mischief!

पंडित ठाकर दास भार्गव : डाक्टर खरे साहब गैर जिम्मेदाराना तरीके से जो चाहें

फरमा सकते हैं, लेकिन मैं उस को स्वाद नहीं करता। उन को तो हक है कि वह चाहे जो कहें। लेकिन मैं तो अपनी गवर्नमेन्ट में यकीन रखता हूँ, मैं यकीन करता हूँ उस के वादों में और ऐसे बुजुर्गों के वादों में कि जिन्होंने हमारे सामने वादे किये, और बतौर मेम्बर पार्लियामेन्ट के जिस वक्त मैं ने अमेंडमेंट (amendment) पेश किया उस वक्त भी मैं ने इस बात को दुहराया। मैं समझता हूँ कि गवर्नमेंट हरगिज़ ऐसा कदम नहीं उठायेगी जिस से कि गवर्नमेन्ट को, या उस के मिनिस्टर साहिबान को या उन अशस्त्रास को जो कि गवर्नमेन्ट में यकीन रखते हैं रूढ़ शोक (rude shock) पहुंचे और वे समझे कि गवर्नमेन्ट एक तरफ तो वादा करती है और दूसरी तरफ से तोड़ती है।

ऐसी सूरत नहीं होने की है, मैं इस का यकीन नहीं कर सकता। इस वास्ते जहां तक कम्पेन्सेशन (compensation) का सवाल है मुझे कोई शुबहा नहीं है कि गवर्नमेन्ट कम्पेन्सेशन (compensation) जरूर देगी। क्या कम्पेन्सेशन (compensation) देगी यह गवर्नमेन्ट ने हम को नहीं बताया। लेकिन यह सरीह है कि गवर्नमेंट जब अब तक ८० करोड़ रुपया रीहैबिलिटेशन (rehabilitation) पर खर्च कर चुकी है तो इस वास्ते कोई ऐसी रकम देगी जो कि गवर्नमेन्ट के शायाने शान हो। इस को मैं मानता हूँ कि मेरा देश गरीब है। मैं चाहता था कि जो आदमी वहां से आये, जितने शरणार्थी हैं जिन की क़त्लों पर हम ने यह स्वराज्य हासिल किया है, उन को जितना भी आराम हम पहुंचा सकें वह थोड़ा है। हमारा फर्ज है कि जितनी खिदमत इन की हो सके वह थोड़ी है। और गवर्नमेन्ट ने जिस तरह से काम किया और जिस शान के साथ

[पंडित ठाकुर दास भागंब]

रिलीफ और रीहैबिलिटेशन (relief and rehabilitation) का काम किया, तो जैसा मैं ने चन्द रोज़ हुए अर्ज किया था, यह इसी गवर्नमेन्ट का हिस्सा था। मेरे ख्याल में शायद दुनिया की तारीख में कोई भी ऐसी गवर्नमेन्ट नहीं है जिस ने यह काम इतनी मेहनत के साथ और इतनी हिम्मत के साथ किया हो। मैं ने खुद जा कर कलकत्ते में कैम्प्स (camps) देखे हैं। मैं ने पंजाब में कैम्पों (camps) को देखा है। शायद ही कोई जगह ऐसी बची हो जहाँ पर कि मैं रिलीफ और रीहैबिलिटेशन मिनिस्ट्री (Relief and Rehabilitation Ministry) की तरफ से नहीं गया होऊँ। मैं ने वहाँ जो हालत देखी है उस की मैं ने सख्त से सख्त नुक्ता चीनी की है। लेकिन साथ ही मैं यह भी जानता हूँ कि गवर्नमेन्ट के जरिये कितने हैं, वह क्या कुछ कर सकती है। कैसे इतने सारे आदमियों को जो उजड़ कर आ जायें पूरा रिलीफ (relief) पहुंचाया जा सकता है। लेकिन मेरा दावा है कि गवर्नमेन्ट ने जितना काम किया है वह निहायत ही आला पमाने का है। मुझे इस बास्ते हरगिज यकीन नहीं होता कि इतना अच्छा काम करने पर गवर्नमेन्ट यह ऐटिट्यूड (attitude) लेगी कि वह कम्पेन्सेशन (compensation) नहीं देगी।

अब मैं इस सवाल को छोड़ कर जनाब की खिदमत में इस बिल (Bill) की चन्द दफात के बारे में अर्ज करना चाहता हूँ। मुझे बड़ा अफसोस होता अगर मेरी राय श्री हुकुम सिंह साहब के साथ इत्तिफाक करती कि इस बिल (Bill) के अन्दर ऐसा प्रावीजन (provision) किया गया है कि अगर कोई कस्टोडियन (custodian) से इजाजत भी हासिल कर ले तो भी फिर वह ट्रांसफर क्वेश्चन (transfer question)

किया जा सकता है। मैं अब जनाब की तबज्जह इस कनेक्शन (connection) में दफा १२ पर सब सैक्शन (sub-section) ६ की तरफ दिलाऊंगा जिस के अन्दर साफ़ तौर पर दर्ज है कि ऐसा मन्शा इस बिल (Bill) का नहीं है। चूनांचे इस में दफा ५ में तो यह दर्ज है :

Nothing contained in sub-section (1) shall apply to the transfer for valuable consideration of any such property as is referred to therein in any of the following cases, namely:

(a) where the transfer has been made with the previous approval of the Custodian before the commencement of the Administration of Evacuee Property (Amendment) Act, 1952.

इस से साफ़ है कि अगर इस ऐक्ट (Act) के नाफिज होने के पहले कनसेंट (consent) ली गयी है तो फिर उस कनसेंट (consent) की मौजूदगी में वह सारा ट्रांसफर रीओपन (transfer reopen) हो जायगा, सो मन्शा नहीं है। आगे दफा ६ में यह दर्ज है :

Where the transfer is made after the commencement of the Administration of Evacuee Property (Amendment) Act, 1952, and—

(i) the value of the property transferred is less than three thousand rupees:

Provided that the transferor does not transfer any other property belonging to him within a period of one year from the date of the transfer; or

(ii) the value of the property exceeds three thousands rupees but the transfer is made with the previous approval of the Custodian or in the prescribed cases with the previous approval of the Custodian General.

इस के सरीह माने यह है कि चाहे जिस सूरत में, इस ऐक्ट (Act) के नाफिज

होने से पहले अगर ट्रान्सफर अप्रूवल (transfer approval) ले लिया गया है तो उस ट्रान्सफर (transfer) को कोई क्वेश्चन (question) नहीं कर सकता। अगर इस ऐक्ट (Act) के नाफिज होने के बाद कोई अप्रूवल (approval) ले लिया गया है कस्टोडियन (custodian) का, तब भी उस ट्रान्सफर (transfer) का कोई क्वेश्चन (question) नहीं कर सकता। अगर रूलस (rules) ऐसे बन जायें कि ५० हजार या २५ हजार से ज्यादा की जायदाद हो तो कस्टोडियन जनरल (custodian general) की इजाजत लेनी जरूरी हो तो उस इजाजत लेने के बाद उस ट्रान्सफर (transfer) को क्वेश्चन (question) नहीं किया जा सकता। इस वास्ते इस में श्री हुकुम सिंह साहब का जो बड़ा ओब्जेक्शन (objection) है वह मैं समझता हूं कि वेलफाउंडेड (well-founded) नहीं है। यह एक लम्बा सेक्शन (section) है और जनाब वाला कानून के मामले में हम को हर मामला साफ रखना चाहिये इस वास्ते अगर उन का ओब्जेक्शन (objection) दुरुस्त हो, जो मैं समझता हूं कि दुरुस्त नहीं है तो मैं अर्ज करूंगा आनरेबिल मिनिस्टर साहब की खिदमत में कि इस को दुरुस्त कर दिया जाय। मेरी राय में इस की दुरुस्ती की कोई जरूरत नहीं है।

अब मैं जनाब की तबज्जह कुछ शब्द उसूलों की बाबत दिलाता चाहता हूं जिन के बारे में हमारी बहन श्रीमती रेणु चक्रवर्ती ने तक्ररीर फरमाई। आप ने उसूल को गीक बयान किया कि यहां पर हम को सिर्फ यही नहीं देखना है कि रिफ्यूजीज (refugees) का इंटरैस्ट (interest) क्या है। यहां पर हमारे जो मुसलमान भाई रहते हैं और जो हमारी ही तरह के सिटीजन

(citizens) हैं, उन की तरफ भी हम को देखना है। लेकिन मैं उन की खिदमत में निहायत अदब से अर्ज करूंगा कि आज के दिन जो कानून मौजूद है वह काफी तौर पर उन के हक की हिफाजत करता है। जो अमेंडमेंट (amendment) मेरी बहन ने दी है वह जरूरी नहीं है, आज का कानून वही है। उस में कोई दिक्कत नहीं है क्यों कि आज के दिन अगर कोई शास्स जुलाई १९४८ से पहले अगर पाकिस्तान जा कर भी वह वापिस आ गया तो उस की प्रॉपर्टी (property) वापस कर दी जाती है। उस की प्रॉपर्टी (property) पर कोई आंच नहीं आने पाती। इसी तरह से मੈम्बर आफ दी फैमिली (member of the family) की तारीफ इस ऐक्ट (Act) में दी हुई है जहां लिखा हुआ है कि वह उस के ऊपर डिपेंडेंट (dependent) होना चाहिये। यह नहीं है कि वह अलग रहता हो और फिर कोई ऐसा फेल कर दे तो भी उस से जिस के ऊपर वह डिपेंडेंट (dependent) नहीं है और जिस से अलग रहता है, उस पर कोई आंच आवे और उस को कोई नुकसान पहुंच जाय। इस वास्ते गो उन की राय दुरुस्त है, लेकिन चूंकि यह मामला पहले ही कानून में है, इस वास्ते मैं अर्ज करूंगा कि वह इस का मुलाहजा फरमा लेंगी और देखेंगी कि अगर जरूरत न हो तो इस अमेंडमेंट (amendment) को प्रेस (press) नहीं करेगी, क्योंकि आज का कानून भी वही है।

इस के बाद जनाब वाला की खिदमत में मैं उस बारे में अर्ज करूंगा जिस के बारे में बहुत जोर की बहस की गई। श्री देशपांडे और श्री गिडबानी साहब ने बहुत जोर दिया है और यहां तक कहा है कि एग्जीक्यूटिव (executive) और ज्यूडिशियरी (judiciary) और सिविल कोर्ट्स (civil court) की क्या हिस्ट्री (history) है, सन

[पंडित ठाकुर दास भार्गव]

१८८५ तक की पुरानी तवारीख तक उन्होंने ने बयान कर डाली है। मैं निहायत अदब से अर्ज करना चाहता हूँ कि दर असल यह जितने भी कानून इवैक्यूईज (evacuees) के बारे में हैं यह सब लालस ला (lawless law) हैं। इस के अन्दर जैसा हमारे आनरेबिल मिनिस्टर साहब ने फरमाया, सिविल कोर्ट्स (Civil Courts) को बहुत कम दखल दिया गया है। आप सारे ऐक्ट (Act) का मुलाहजा फरमावें, चाहे वह हिन्दुस्तान का हो या पाकिस्तान का हो, जितने भी कानून हैं उन के अन्दर सिविल (civil) कानून और सिविल ला (civil law) को बहुत कम जगह दी गई है। शुरू ही में चन्द लायर्स (lawyers) की गवर्नमेन्ट ने एक कमेटी बनाई थी और फिर उस की रिपोर्ट (report) पर एक ऑर्डिनेन्स (ordinance) बनाया गया था। उस वक्त हमारे देश के बड़े बड़े अच्छे मशहूर वकील उस कमेटी में शामिल थे और इत्तिफाक से मैं भी उस का मੈम्बर था। मैं ने उस में अर्ज की थी कि जहां तक नान रिफ्यूजीज (non-refugees) का सवाल है उन के इंटरैस्ट (interest) को भी गवर्नमेन्ट को देखना है और मैं ने अर्ज किया कि ऐसी सूरत में कोई ऐसी दफा भी बनाई जाये कि अगर कोई शल्स समझता हो कि सिविल कोर्ट (Civil Court) में उस के खिलाफ हुई बेइन्साफी की दुरुस्ती कराई जा सकती है तो उस को वहां जाने की इजाजत हो। लेकिन बाकी जितने मैम्बर साहबान उस कमेटी में थे उन्होंने ने इस को मंजूर नहीं किया और उस की वजह साफ थी, क्योंकि कोई यह पसन्द नहीं करता था कि हर एक मामले को हाई कोर्ट (High Court) तक ले जाया जाय और इतने दिनों तक मामले को लटकाया जाय। उस वक्त यही डर था

कि इस में रिफ्यूजीज (refugees) का इंटरैस्ट सैक्रीफाइस (interest sacrifice) हो जायेगा। चुनांचे उस ला (law) में यह तो हक दिया गया कि ऐसा शल्स की जिस को इवैक्यूई (evacuee) करार दिया जाय तो उस को तो राइट (right) दिया गया कि वह सिविल कोर्ट (Civil Court) में जा कर अपने केस (case) को रिप्रेजेंट (represent) कर सके और जो यहां के रहने वाला है अपनी जायदाद को वापस ले सके, लेकिन और किसी को कोई हक नहीं दिया गया कि सिविल कोर्ट (Civil Court) में अपना केस (case) ले जाय और कहा गया कि जो जजमेंट (judgment) कस्टोडियन (custodian) का है वह नाफिज होगा।

इसी तरह से मैं अदब से कहूंगा कि चन्द और भी बेइन्साफियां यहां के लोगों के साथ हुई। यहां पंजाब में कुछ ऐसे जिले थे फिरोजपुर, करनाल और दूसरे जिले, कि जहां बड़े बड़े मुसलमान लैंड लॉर्ड (landlord) थे। तो जब नया कानून पंजाब में बना जिस की रू से जमींदारी खत्म हो गई, तो उस की वजह से ऐसे आदमियों को जिन का मुद्दत दराज से कब्जा उन की जमीन पर चला आया था और जो बरसों से काश्त, करते थे, आज वह उस कानून की रू से आकुपेसी टैनेंट (occupancy tenant) बन जाते, वह मालिक बना दिये जाते। अगर आज वह मुसलमान यहां होते, फिरोजपुर या करनाल या और जगह के नवाब अगर आज यहां होते तो जिन के पास उन की जमीनें कब्जे में थीं, उन को बेदखल नहीं किया जा सकता था। वे उस के मालिक करार दे दिये जाते। लेकिन आज वे जमीनें हमारे रिफ्यूजीज (refugees) को

अलाट (allot) हो गयी हैं तो सरकार ने यह कहना शुरू किया कि उन को बेदखल किया जाय। यह सख्त बेइन्साफी थी।

इसी तरह से मैं जानता हूँ कि कितने ही आदमियों के साथ बेइन्साफी हुई। लेकिन इस गरज से कि जो हमारे भाई हिन्दुस्तान में पाकिस्तान से उजड़ कर आये हैं, उन के साथ बेइन्साफी न हो, हम ने यहां के लोगों के हक का ख्याल नहीं किया। मैं इस की कोई शिकायत नहीं करता, क्यों कि ऐसे मौके पर किस प्राइवेट प्रोपर्टी (private property) के हक को मैं देखूँ जब कि इतना मास (mass) सैक्रीफाइस (sacrifice) हो रहा हो। मैं इस की कोई शिकायत नहीं करता। लेकिन मैं कहूंगा कि उन लोगों के बारे में जो बहुत गरीब हैं, जो किसान हैं, जिन का पुष्टी से कब्जा था, उन के बारे में मैं अदब से अर्ज करूंगा श्री अजीत प्रसाद जी की खिदमत में कि जहां तक उन किसानों का सवाल जो इतनी पीढ़ियों से अपनी जमीन को बोते चले आये हैं, उन का ख्याल करना चाहिये। वह इवैक्यूई ला (evacuee law) के मातहत बेदखल कर दिये गये। उन को बेदखल नहीं करना चाहिये था। उन को जमीनें वापस मिलनी चाहियें।

मैं अदब से अर्ज करूंगा कि इस बारे में वह ला (law) को फिर देखें और जो तरमीम मुनासिब हो वह पंजाब में या यहां कर दें।

इस के अलावा जनाबवाला मैं अर्ज कर रहा था कि दफा १६ की तरफ तबज्जह दिलाई गई और कहा गया कि १६ का कानून ऐसा सख्त कानून है, जिस के जरिये गवर्नमेन्ट पता नहीं क्या करना चाहती है। अभी मेरे लायक दोस्त गिडबानी साहब ने पुरानी दफा ५२ का जिक्र किया

श्री गिडबानी : मैं पुरानी दफा नहीं

बतला रहा हूँ, नई का जिक्र किया है, मैं बंधा नहीं हूँ।

5 P.M.

पंडित ठाकुर दास भार्गव : आप को बांध कौन सकता है बंध तो वही सकता है जो अपने आप को बंधवाना चाहे। मैं अदब से अर्ज करूंगा कि यह जो दफा १६ (१) की जगह थी और जो दफा १२ में है, यह निहायत गौर खौस के बाद बनाई गई थी और ऐसे वक्त बनाई गई थी और इस गरज से बनाई गई थी कि अगर कोई बेइन्साफी हो तो गवर्नमेन्ट उस को रोक सके। आज सिविल कोर्ट्स (Civil Courts) में हम देखते हैं और यह हो सकता है कि बहुत सी चीजों में नाइन्साफी हो जाय, लेकिन यह कानून तो इस गरज से बनाया गया है कि अगर गवर्नमेन्ट किसी के साथ इंसाफ करना चाहे तो इस दफा की रू से कर सके, साथ ही अगर कोई अफसर बेईमान हो, तो वह इस के जरिये अगर चाहे तो किसी के साथ तरफदारी भी कर सकता है। इस सिलसिले में मेरे लायक दोस्त ने अभी हमें बतलाया कि हमारे मिनिस्ट्रान और बड़े मौअज्जि मिनिस्टर साहबान इवैक्यूई प्रोपर्टी (evacuee property) के बारे में खत लिखते रहते हैं और सिफारिशें करते रहते हैं उन की शिकायत दुस्त है और मैं ने भी इस का कई मर्तबा जिक्र किया है और यह चीज हुई, लेकिन आखिर सब इंसान देवता तो हैं नहीं और इस वजह से जरूर ऐसी बातें हो जाती हैं जो न होनी चाहियें और हम उन चीजों की तारीफ नहीं करते, हम उन को कन्डेम (condemn) करते हैं, तो हमें देखना यह है कि गवर्नमेन्ट को यह अख्तियार देना जायज है या नहीं। मैं इत्तिफाक से उस सेलेक्ट कमेटी (select committee) का चेयरमैन (chairman) था और हमारे सामने यह सब सवाल आये और हम ने उन को देखा और उन पर सोच

[पंडित ठाकुर दास भागंब]

विचार किया। मैं जनाब से अर्ज करूंगा कि एमेंडिंग बिल (amending bill) में सेलेक्ट कमेटी (Select Committee) को उतना ही अख्तियार है जितनी दूर की वह अमेंडमेंट (amendment) जाता है। पहले की दफा और इस सोलह दफा में बहुत थोड़ा फर्क है, पुरानी दफा के मातहत गवर्नमेन्ट के सर्टिफिकेट (certificate) देने के बाद कस्टोडियन (custodian) यह देख सकता था कि ऐसे आदमी का टाइटल (title) दुरुस्त है या नहीं अब भी यही कानून रक्खा गया है, इस में क्या फर्क है? मेरे दोस्त ने छतरीवाले के केस (case) का जिक्र किया था, मैं ने भी इस हाउस (House) के अन्दर उस का जिक्र किया था, लेकिन क्या मेरे दोस्त भूल गये कि यह पुराना कानून उस वक्त बना था जिस वक्त नेहरू लियाकत पॅक्ट (pact) की स्थाही भी नहीं सूख पाई थी और इस वास्ते उस वक्त का माहौल कुछ और ही तरह का था। इस ऐक्ट (Act) के बनते ही हमारे पिछले रिहैबिलिटेशन मिनिस्टर (Rehabilitation Minister) श्री मोहन लाल ने बयान दिया कि जो लोग १८ जुलाई सन् ४९ (?) तक वापिस आयेंगे उन को उन की जायदाद वापिस हो सकेगी, अब इस में चाहे छतरी वाले हों या बे छतरी वाले, चाहे दस करोड़ की प्रोपर्टी (property) का सवाल हो या दस रुपये का, सब के साथ एक ही कानून के जरिये बर्ताव किया जायेगा, और यह होना ही चाहिये, आखिर यह कानूनी गवर्नमेन्ट है और डेमोक्रेसी (democracy) में बिलीव (believe) करती है और अगर यह कानून न चले तो मैं अर्ज करूंगा कि सब मामला ही खत्म हो जायगा, जब जायदाद की वापसी के बारे में एक उसूल हम ने बना लिया, तब हमें उस पर जम कर चलना

है फिर चाहे कितनी ही बड़ी जायदाद का मामला हमारे सामने क्यों न पेश हो, क्यों कि आखिर जो उसूल हम ने अपनाया वह तो सब के वास्ते है, मेरे दोस्त चाहते हैं कि रिफ्यूजीज (refugees) का पूल (pool) कम न होना चाहिये और मैं भी यही चाहता हूँ कि उस पूल (pool) को कम न होना चाहिये, लेकिन साथ ही मैं यह भी चाहता हूँ कि अगर हमारे मिनिस्टर साहब चाहें कोई भी हों, जैसे हमारे श्री मोहनलाल ने अगर एक बयान दे दिया, तो फिर हम को उस पर जमे रहना है और उस पर अमल करते जाना है चाहे उस से फायदा या नुकसान क्यों न हो, ठीक उसी तरह अगर हमारे मिनिस्टर श्री अजीत प्रसाद जैन ने बयान दे दिया है कि रिफ्यूजीज (refugees) को कम्पेन्सेशन (compensation) मिलना चाहिये, तो हमें उस बात पर पाबन्द रहना चाहिये और उस से हटना नहीं चाहिये। इसलिये यह हम पर लाजिम है कि हम जो बयान दें और पोलिसी (policy) बतलायें, उस पर पाबन्दी के साथ अमल करें और हम उस से दूर न भागें।

जनाबवाला, मैं ने जरूरत से ज्यादा वक्त ले लिया है। अब मैं थोड़ा इन्टेन्डिंग इवैक्यूई (Intending evacuee) के के बारे में अर्ज करना चाहूंगा कि आया हम इन्टेन्डिंग इवैक्यूई (Intending evacuee) के प्राविजन (provision) को इस ऐक्ट (Act) में रक्खें या न रक्खें। यह कहना दुरुस्त नहीं है कि इन्टेन्डिंग इवैक्यूई (Intending evacuee) को हटाने से कोई एक तरफा कार्यवाही हुई है। अगर जनाब वाला, इस बिल (Bill) की दफा दो को मुलाहिजा फरमायेंगे तो पायेंगे कि इन्टेन्डिंग इवैक्यूई (Intending evacuee) की जो तारीफ की गई है वह तारीफ तबदील की गई है। चुनांचे जो अशाखास पहले इवैक्यूई (evacuee) नहीं बनते थे अब

इस दफा २ के जिम्न ४ और ५ की जद में जो आजायेंगे वह इवैकुई (evacuee) बन जायेंगे और उन की जायदाद इवैकुई प्रोपर्टी बन जायेगी, आप देखेंगे कि इस तरह जो तबदीली की गई है उस से इवैकुई पूल को सप्पोट (support) ही किया गया है। यह कहना दुस्त नहीं है कि इन्टेन्डिंग इवैकुई को हटाने से उस सारे पूल को कम करने की कोशिश की गई है, इन्टेन्डिंग इवैकुई ऐक्ट किस तरह बना, वह सारी हिस्ट्री (history) अगर मैं बयान करने लग जाऊं तो बहुत वक्त लग जायेगा। लेकिन मैं इतना जरूर अर्ज करना चाहता हूं कि आखिर इन्टेन्डिंग इवैकुई का प्रैक्टिकल प्रोपोजीशन (practical proposition) क्या है और आप देखेंगे कि जिन की जायदाद इवैकुई प्रोपर्टी बन चुकी है, उस पर कोई असर नहीं पड़ता है। अगर जनाब वाला, आखिरी जिम्न को देखेंगे तो पायेंगे कि दफा १७ के मातहत जो जायदाद इवैकुई प्रोपर्टी बन चुकी है, उस को हाथ नहीं लगाया है बल्कि यह लिखा है :

The repeal of Chapter IV of the principal Act shall not affect—

(a) any property which has vested in the Custodian under section 22 of the principal Act before the commencement of this Act, or

(b) any proceeding pending under that section on such commencement.

अब मैं गिडवानी साहब की अस्ली शिकायत पर आता हूं जिस में उन्होंने न फरमाया है कि जिन अशख्वास को इन्टेन्डिंग इवैकुई डिक्लेयर (declare) किया जा चुका है, उन की एक तरह से इस दफा १७ की रू से उन की निस्वत यह करार दिया जा रहा है कि उन पर कोई पाबन्दी नहीं होगी।

मैं खुद भी नहीं जानता कि जिन को कोर्ट (court) इन्टेन्डिंग इवैकुई करार

दे चुकी है उन को इन्टेन्डिंग इवैकुई की लिस्ट (list) में हटाने से क्या फायदा होगा, लेकिन साथ ही मैं यह भी जानता हूं कि अगर इस को नहीं हटाया जाता है तो पोजीशन (position) बिल्कुल इन-कनसिस्टेंट (inconsistent) और इल्लाजिकल (illogical) हो जाती है और मैं समझता हूं कि आप ने इस में से जो यह इजाजत दी है कि कोई भी शख्स तीन हजार रुपये तक की मालियत की जायदाद बगैर इजाजत के ट्रांसफर (transfer) और डिस्पोज आफ़ कर सकता है और पाकिस्तान को जा सकता है दुस्त और माकूल है और मैं उन आदमियों में से हूं जो यह समझते हैं कि अगर कोई शख्स पाकिस्तान को जाना चाहता है तो वह मेरी निगाह में न डिस्लायल (disloyal) है और न ही वह कोई बुरा काम करता है। अगर आज मैं पाकिस्तान में होता तो मुझे भी हिन्दुस्तान में आने की इवाहिश होती। और उस के वास्ते मैं अपने आप को बुरा नहीं समझता। मैं नहीं समझता कि अगर कोई शख्स अपनी कम्युनिटी (community) में जाना चाहता है तो वह कसूरवार है और ऐसे लोगों के जाने में क्यों रुकावट डाली जाती है, वह डिस्लायल (disloyal) नहीं है अगर वह अपने मुल्क में जाना चाहता है। हमारे श्री अजीत प्रसाद जैन को ऐसे केसेज (cases) मालूम हैं कि जिस वक्त कहत के दिनों में जो शख्स अपने जानवरों की परवरिश के वास्ते रुपया कर्ज न ला सके और जो अपनी जरूरतों के वास्ते भूखे मरते हुए भी और अपनी जायदाद को बेच कर भी अपना और अपने बच्चों का पेट न पाल सके जो किसी तरह भी अपनी जरूरतों को जायदाद से पूरा न कर सके, जो सरीहन बड़ी सक्ती की बात है। इन बातों की बुनयाद पर जो स्पीच हमारे

[पंडित ठाकुर दास भार्गव]

मिनिस्टर साहब ने दी उस का सारे हाऊस पर असर हुआ। इस बात को हम नहीं चाहते कि लोगों को बेजा तकलीफ हो। इस वजह से यह तीन हजार की रकम कायम की गई फिर अगर कोई गरीब आदमी है वह जाना चाहता है तो उस को तकलीफ न हो। इस रकम से वह अपना काम भी चलाये और अगर जाना चाहता है तो चला भी जाय। यह उसूल था और मैं समझता हूँ कि अगर मेरा काबू होता तो मैं किसी आदमी को यह न चाहता कि जो पाकिस्तान जाना चाहता है वह यहाँ रहे। अभी मेरे लायक दोस्त ने मिस्टर खली-कुज्जमा और हुसैन इमाम साहब का जिक्र किया। उस वक्त जब यह कानून बन रहे थे तो वह लोग पंडित जी के कान में जा कर गुप्तगुप्त किया करते थे। हम तो श्री मोहन लाल जी से ही कहते थे कि ऐमेन्डमेंट (amendment) करो, यह करो, वह करो, उनके तमाम पहलू बयान किया करते थे, और हर तरह से डिबेट (debate) किया करते थे। मुझे वह दिन याद है जब अजीत प्रसाद साहब ने एक सवाल के जवाब में यहाँ पर हुसैन इमाम साहब से यह कहा था कि हम आप को जाने की इजाजत देते हैं, आप की बीबी को जाने की इजाजत देते हैं लेकिन आप अपनी जायदाद यहाँ पर छोड़ जाइये। उन की मालूम था कि वह किस तरह से यहाँ से जाने की कोशिश कर रहे हैं। ऐसे बहुत से आदमी हैं जिन के खिलाफ मेरे दोस्त के पास शिकायतें हैं। शुरू दिन से मेरी यह शिकायत थी कि जो लोग यहाँ से जाना चाहते हैं मैं उसूलन उन के खिलाफ नहीं, लेकिन असल में जिस तरह पाकिस्तान हमें निकाल रहा है उस से मेरी छाती पर सांप लौटता है। यह कैसे हो सकता है कि यहाँ से लोग अपनी कुल जायदाद या उस की कीमत ले कर वहाँ

चले जायें। और वहाँ से जो आयें वह आदमी सिर्फ अपने जो कपड़े पहने हुए हों वह ही ले कर आवें। मैं ने शुरू में बहस की थी कि रिफ्यूजी यह नहीं कह सकते कि इवैक्वी (evacuee) जायदाद उन की है लेकिन जब कि गवर्नमेंट ने करार दे दिया कि यह जायदाद उन को दी जाय, तो उस जायदाद का पूल (pool) कम न हो यह उन को कहने का पूरा हक है। सरकार उन को कम्पेन्सेशन (compensation) दे जो वह कम्पेन्सेशन (compensation) अपनी जायदाद का मांगते हैं तो सरकार इवैक्वी जायदाद का चाहे सो करे। इन्टेंडिंग इवैक्वी के बारे में अर्ज है कि अब वक्त काफी हो चुका है जो कुछ हम इस बिल में चाहते हैं उस की बुनियाद क्या है। जितने इवैक्वी प्रापर्टी वाले थे या जो इन्टेन्डिंग इवैक्वी थे, क्या वह पांच बरस के बाद भी खत्म नहीं हुए। कितने आदमी इवैक्वी बने थे, आखिर उन की तादाद तो देखिये। सारे हिन्दुस्तान में उन की तादाद 2-3 हजार से ज्यादा न थी उन में से बहुत सों की जायदाद इवैक्वी बन चुकी। जिन को जाना था वह चले गये, सारे हिन्दुस्तान से, जो यहाँ के इन्टेन्डिंग इवैक्वी थे अब उन के अन्धे बच्चे यहाँ बाकी नहीं रहे। इसलिये यह ऐसी चीज नहीं है कि जो इन्टेन्डिंग इवैक्वी (intending evacuee) हों उन की प्रापर्टी का इतना फर्क पड़ता हो। और फिर जिन को इन्टेन्डिंग इवैक्वी कहा जाता था उन को इवैक्वी डिक्लेअर (evacuee declare) करने में आप ने इतनी देर लगा दी। जिस को कस्टोडियन ने इन्टेन्डिंग इवैक्वी डिक्लेअर नहीं किया उस के लिये कौन सी चीज रह गई जिस से यह मालूम हो जाय कि वह इन्टेन्डिंग इवैक्वी है बाई डॉकुमेन्टरी इवेडिन्स (by documentary evidence) और बाई कान्डक्ट (by conduct)। आज मैं कहना चाहता हूँ कि यह जितनी बातें थी बाई कान्डक्ट

(by conduct) बाई डाकुमेन्टरी एविडेन्स (by documentary evidence) या और कुछ, इस का जितना फायदा या नुकसान होना था वह सब का सब खत्म हो चुका। और कोई भी इन्टेन्डिंग इवैक्वी दिखाई नहीं पड़ता। और अगर है तो यह दफा ४० और ४१ मौजूद है जिस के ऊपर आप ऐतराज नहीं करते, जिस के ऊपर किसी ने भी ऐतराज नहीं किया है। जिन लोगों के लिये हमारे मिनिस्टर साहब मैगनैनिमिटी आफ हार्ट दिखाना चाहते थे कि हम उन को जायदाद बेच कर गुजारा करने दें, उस के खिलाफ कोई भी बात नहीं कही गई है। आप ने दफा ४० को रक्खा है तो मैं निहायत अदब से कहना चाहता हूँ कि यू हैव स्वालोड दि कैमेल, यू आर स्ट्रेनिंग ऐट दि नैट (you have swallowed the camel; you are straining at the gnat) मैं अपने दोस्त श्री देशपांडे से सहमत हूँ। उन्होंने ने जो भी फरमाया मैं उस चीज की कद्र करता हूँ यानी यह कि वह नहीं चाहते कि इवैक्वी पूल कम हो। मैं उन के इस जज्बे की भी कद्र करता हूँ कि जो लोग यहां रहते हैं उन के साथ बेइन्साफी न हो, हम किसी के खिलाफ बेइन्साफी नहीं चाहते, चाहे वह हिन्दू हो या मुसलमान। हमें अपने दिमाग को ठीक रखना चाहिये। मैं उन के साथ सहमत हूँ। लेकिन इस बारे में जो कुछ गवर्नमेन्ट का रवैया रहा है उस से मैं यह महसूस नहीं करता कि उस का खास असर इवैक्वी प्रापर्टी पर हो। इस लिये मैं नहीं देखता कि इस का कोई खास असर पड़ेगा अगर कोर्ट ने किसी को इन्टेन्डिंग इवैक्वी डिक्लेअर कर दिया और मिनिस्टर साहब उस के बखिलाफ जा कर यह डिक्लेअर (declare) कर देते हैं कि हर एक आदमी को वह डिक्लेअर्ड इवैक्वी हो या न हो उस को अपनी जायदाद पाने का अस्त्यार है बशर्ते वह ऐप्रूवल (approval) ले ले कस्टोडियन का या कस्टोडियन जनरल का। अगर वह

ऐप्रूवल (approval) न ले तब भी वह नाजायज है। आज पांच छः बरस बाद और दरिया में बहुत सा पानी गुजर जाने के बाद हालात ऐसे नहीं हैं अगर यह ऐक्ट पास किया जा रहा है तो इस के लिये ज्यादा तरददुद की जरूरत हो।

जनाब वाला, मैं उन आदमियों में से हूँ जो चोइथ राम गिडवानी साहब के इस बारे में असूल से सहमत हैं। मैं जानता हूँ कि जो गवर्नमेन्टल मामूली मामले होते हैं उन में रेसिप्रोसिटी (reciprocity) पर फंसले होते हैं, लेकिन जहां इन्सानियत का मामला हो, जहां फंडामेन्टल राइट्स (fundamental rights) का मामला हो, मैं कतई इस के खिलाफ हूँ कि हम दूसरों की नकल करें। पाकिस्तान में कुछ हो, पाकिस्तान अपने कानून मुनासिब तरीके से बनाये न बनाये, हमारी गवर्नमेन्ट को और हम को ऐसे कानून बनाने चाहिये जो दुरुस्त हों, जो फेअर (fair) हों। मैं ने अभी औरतों के वापिसी के बारे में देखा कि वहां से औरतें आती हों या नहीं, हमारे सारे हाउस का एक ही जबाब इस बारे में था। जहां तक फंडामेन्टल राइट्स (fundamental rights) का सवाल है, जहां तक मारेलिटी (morality) का सवाल है, हमारी गवर्नमेन्ट की जो ऐप्रोच (approach) हो वह बिल्कुल दुरुस्त होनी चाहिये। इस में कोई इवैक्वी का सवाल नहीं है, इस में कोई शरणार्थी का सवाल नहीं है। जनाब वाला, मैं हुकुम सिंह साहब और गिडवानी साहब को जानता हूँ। आप उन से बात कीजिये उन के दिल में कोई नफरत का जज्बा नहीं है, वह कभी नहीं चाहते कि पाकिस्तान वालों के खिलाफ हम कोई नाजायज बात करें, या मुसलमानों के साथ बेइन्साफी करें। यही रवैया देशपांडे साहब का है। हमारी सेलेक्ट कमेटियों (select committee) में और यहां पर घनश्याम

साहब का यही सोच है और इस के लिये मैं उन को मुबारकबाद देता हूँ।

Shri V. G. Deshpande: I may point out that Ghanshyam is my father's name; my name is Deshpande.

Pandit Thakur Das Bhargava: I am sorry for the mistake. When real Ghanshyam was here he was the father of everybody.

तो मैं जनाबवाला की खिदमत में अर्ज कर रहा था कि जहां तक इस अन्न का सातलुक है अगर इन्टेंडिंग इवैक्वीज के लिये अगर हम यही ला (law) पास कर दें तो इस में कोई लम्बी चौड़ी मूखालिफत किसी को नहीं है। और इस लिये मैं इन सब दफात को सपोर्ट (support) करता हूँ क्योंकि इस में जितने भी सीक्शन्स (sections) और क्लॉजेज (clauses) हैं वह सारे के सारे दुरुस्त और मुनासिब मालूम होते हैं।

एक दफा की तरफ हुकुम सिंह साहब ने तबज्जह दिलाई जिस में उन्होंने कहा कि वह डिस्प्लेस्ड पर्सन्स (displaced persons) के खिलाफ है। लेकिन मैं अर्ज करूंगा यह दुरुस्त नहीं है। सन् १९४७ के पहले जो लीजेज थे उन लीजेज के बारे में जो तरमीम है वह बिल्कुल दुरुस्त है। सन् १९४७ के पहले कस्टोडियन पैदा ही नहीं हुआ था इस लिये उस के पहले के जो कंट्रैक्ट (contract) हैं उन के साथ खेलना जायज नहीं है। मेरे दोस्त लाला अचिन्त राम साहब की इस बारे में एक तरमीम है। मैं कहना चाहता हूँ कि उसूल यही सही है कि पहले के जितने ऐक्शन्स (actions) थे, कंट्रैक्ट्स (contracts) थे चाहे वह किसी के भी हक में हों, या खिलाफ हों, उन के साथ हम न खेलें। इसलिये सेलेक्ट कमेटी (Select Committee) ने जो कुछ किया है वह बिल्कुल दुरुस्त है और मैं इस बिल (Bill) को सपोर्ट (support) करता हूँ।

श्रीमती सुचेता कृपलानी (नई दिल्ली) : सभापति महोदय कई सदस्यों ने बिल (Bill)

के ऊपर काफी विचार प्रकट किये हैं। इसलिये मुझे बहुत ज्यादा नहीं कहना है। मगर मैं, जो कि सेलेक्ट कमेटी (Select Committee) की एक मेम्बर थी, जिस शकल से यह बिल आया है उस से मैं पूरी तरह सहमत नहीं हूँ। इसीलिये मैं दो चार शब्द कहना चाहती हूँ।

माननीय रिहैबिलिटेशन (Rehabilitation) मंत्री ने शुरू में ही दो चार शब्द कह कर यह बिल (Bill) पेश करते हुए उन्होंने ने एक बात बहुत ठीक कही कि वह बहुत खुश होते अगर इस ऐक्ट (Act) का काम खत्म हो चुका होता और इस समय इस से ज्यादा ठीक बात वह नहीं कह सकते थे और यह मेरे दिल की भी बात है कि इस ऐमैन्डिंग बिल (amending Bill) की जरूरत न होती।

हम लोग खुद हैरान थे कि पांच साल बीतने के बाद आज इस वक्त इस ऐक्ट (Act) में अमैन्डमेंट (amendment) लाने की क्या जरूरत थी क्योंकि यह तो थोड़े ही दिन के लिये बना था। जैसा कि ठाकुर दास जी ने कहा कि यह ऐक्ट (Act) ठीक एकट (Act) नहीं है। मजबूरी हालत में ही हम ने यह इवैक्वी प्रापर्टी ऐक्ट (Evacuee Property Act) पास किया था। जब मुल्क का बटवारा हुआ था उस वक्त अगर हम ईमानदारी से अपना सामान ला सकते और जो लोग यहां थे वह अपना सामान ले जा सकते तो कोई दिक्कत नहीं होती लेकिन पाकिस्तान नहीं चाहता था कि जो हमारे लोग वहां से आवें वह सामान ले कर आ सकें। जब कोई चीज प्राइवेट (private) तरीके से तै नहीं हो सकी तो सरकार इस नतीजे पर पहुंची कि स्टेट टू स्टेट अरेंजमेंट (state to state arrangement) से हम कुछ फ़ैसला करवा सकते हैं तब यह ऐक्ट (Act) पास किया गया था।

में जानती हूं कि जो बात चौधुराम जी ने कही यह उन ८० हजार रिफ्यूजीज (Refugees) के दिल की तड़प है जो कि हमारे मुल्क में हैं। यही तड़प उन के मुंह से निकल रही थी। उन्होंने ने 'भेरी जायदाद' जो शब्द इस्तेमाल किया था इस पर ठाकुर दास जी ने ऐतराज किया। उन का मतलब यह नहीं था कि यह हमारी प्रापर्टी (property) है। उन का मतलब यह है कि जब यह फ़ैसला हो गया कि स्टेट टू स्टेट अरेंजमेंट (State to State arrangement) होगा उस वक्त उन को हक है यह कहने का कि यह हमारी प्रापर्टी (property) है। क्यों कि जो इवैक्वी प्रापर्टी (evacuee property) का जो पूल (pool) है उसी से तो आप रिफ्यूजीज (refugees) को देंगे। आपने बार बार यही कहा है। पहले आप ने इन्कार किया कि कुछ नहीं देंगे फिर सरकार थोड़ी नरम पड़ी और कहा कि हम कुछ देंगे। पहले तो सरकार को कम्पेंसेशन (compensation) शब्द से बड़ा डर लगता था। पीछे वह यह कम्पेंसेशन (Compensation) का शब्द कहने लगे। उस के बाद उन्होंने ने कहा कि जो इवैक्वी प्रोपर्टी (evacuee property) का पूल (pool) है उस में से देंगे। हम सब जानते हैं कि पाकिस्तान में हमारे लोगों ने जो जायदाद छोड़ी है वह उस से कई गुना ज्यादा है जो कि पाकिस्तान जाने वालों ने यहां छोड़ी है। मगर हम ने जो पाकिस्तान में जायदाद छोड़ी है उस से हम को कुछ मिलने वाला नहीं है हम को उस की उम्मीद नहीं है। तो जो कुछ भी आज यहां रिफ्यूजीज (refugees) को मिलेगा वह इसी पूल (pool) से मिलेगा। तो मैं दो चार सबाल माननीय मंत्री महोदय से पूछना चाहती हूं जिन का जवाब वह देना पसन्द नहीं करते। मैं यह पूछना चाहती हूं कि यहां पूल (pool) में जो इवैक्वी प्रापर्टी (evacuee property) है उस की पूरी रकम कितनी

है और जो रिफ्यूजीज (refugees) छोड़ आये हैं उस की रकम कितनी है। जो इवैक्वी प्रापर्टी (evacuee property) का पूल (pool) बना था वह आज कितना रह गया है। अगर आज रिफ्यूजीज जो कि पूल (pool) के घटने के बारे में चिल्लाता है तो इस में वह कुछ बेजा बात नहीं करता क्योंकि वह जानता है कि इसी में से उस को कुछ मिलने वाला है। फिर एक बात और है जिस की तरफ डा० चौधुराम गिडबानी ने भी उन की तबज्जह दिलाई है। आप के मिनिस्टर गोपालस्वामी जी और श्री अजीत प्रसाद जी ने बार बार कहा कि तुम को कुछ न कुछ देंगे, चाहे उन्होंने कम्पेंसेशन (compensation) शब्द इस्तेमाल न किया हो। लेकिन यकायक अखबारों में निकल जाता है फ़ाइनेन्स मिनिस्टर (Finance Minister) साहब की तरफ से कि कुछ नहीं मिलने वाला है। आप कहते थे कि इस वक्त यह बिल (Bill) न आता तो बहुत ठीक होता। अगर पांच स ल में आप लोग सारा इवैक्वी प्रोपर्टी (evacuee property) का मामला खत्म कर देते तो यह बिल (Bill) आप को न लाना पड़ता। लेकिन हमें यह शिकायत है कि एक मंत्री एक ज़बान से बोलता है दूसरा दूसरी ज़बान से बोलता है। हमें मालूम नहीं होता कि हम कहां हैं। मैं तो यह अर्ज करूंगी कि इस बिल को लाने के पहले आप सब अपने दरवाजे बन्द कर के बैठते और देखते कि आप के शोले में देने के लिये क्या है। फिर एक राय हो कर पबलिक (public) के सामने आते। अगर सन् १९४७ में रिफ्यूजीज (refugees) को यह मालूम हो जाता कि उनको कुछ नहीं मिलने वाला है तो वह तसल्ली कर के बैठ जाते। वह अपना इरादा पक्का कर के बैठ जाते। लेकिन आप हर दो चार दस महीने बाद कहते रहे कि तुम्हें देंगे, क्लेम्स (claims) का इतना बड़ा ढकोसला बनाया, सैकड़ों आदमियों से फ़ैहरिस्त ली,

(श्रीमती सुचेता कृपलानी)

दो दो दफ़ा। गरीब आदमी रेल का किराया खर्च कर के अपना जेवर बेच बेच कर अपने क्लेम (claim) का दरखास्त डाले हैं। आज उन को मालूम नहीं कि उन को कुछ मिलेगा या नहीं। इसलिये आज मैं जानना चाहती हूँ अपने रिफ्यूजीज (refugees) की तरफ़ से कि आपका क्या इरादा है। आप इन को कुछ कम्पेन्सेशन (compensation) देना चाहते हैं या नहीं, आप की पालिसी (policy) क्या है। यहीं मेरा सवाल है। इसी लिये मैं ने आप से यह सवाल भी पूछा है कि हमारे यहां इवैक्वी प्रापर्टी (evacuee property) का कितना पैसा इकट्ठा हुआ है। कितना इवैक्वी प्रापर्टी (evacuee property) का पूल (pool) घटा है और हम कितनी जायदाद छोड़ आये हैं। इसी बिल (Bill) से यह सवाल लागू है यह बात नहीं है, लेकिन कुछ हद तक इस का बेसिस (basis) इस बात पर है। इसलिये मैं आप का ध्यान इस तरफ़ दिला रही हूँ।

मैं खुद सिलेक्ट कमेटी (Select Committee) में थी। इस बिल (Bill) का उसूल यह है कि जो हमारे मुसलमान भाई मुल्क को छोड़ना नहीं चाहते हैं और उन को अपनी जायदाद जायज़ तौरसे बेचने में दिक्कत हो रही है उसको दूर किया जाय। उसूल हमको इससे कोई ऐतराज नहीं है कि आप ने इन्टेंडिंग इवैक्वी (intending evacuee) का क्लेज़ हटा दिया। मगर जो इन्टेंडिंग इवैक्वी डिक्लेअर (intending evacuee declare) हो चुके हैं, जिनको कानून के जरिये जांच करके इन्टेंडिंग इवैक्वी डिक्लेअर (intending evacuee declare) कर दिया गया है, उन के ऊपर से भी आप यह बंधन हटायें दे रहे हैं। मैं ने सिलेक्ट कमेटी (Select Committee) में यह सवाल पूछा था कि आप इस ढंग के इन्टेंडिंग इवैक्वी (intending evacuee)

को क्यों छोड़ रहे हैं। इन को छोड़ने से ये लोग जायदाद ले कर पाकिस्तान चले जायेंगे तब आप ने कहा कि हम जाने वालों को बैरियर पर रोक देते हैं और मुल्क का धन बाहर जाने नहीं देंगे। किस तरह से आप इन को बैरियर (barrier) पर रोकते हैं और किस ढंग से प्रापर्टी नहीं ले जाने देते यह मेरी समझ में कुछ नहीं आया। अभी चोइथराम जी ने आप को राजस्थान का उदाहरण दिया जिस से पता चलता है कि आप लोगों का यह काम कैसा ढीला चलता है, जों जाने वाला है, जिस का इंटेंशन ऐस्टेबलिशड (intention established) है उस को आप क्यों छोड़ देते हैं। ज्यादा अच्छा होता कि आप प्रापर्टी (property) का मसला जल्द से जल्द हल कर देते कि इस ऐक्ट (Act) की जरूरत नहीं रहती। आप यह फ़ैसला कर दें कि किस ढंग से देंगे और कितना देना है। जितना देना है दे दीजिये। लेकिन जैसे जैसे वक्त बीतता जा रहा है यह प्रापर्टी (property) घटती जा रही है। पूल (pool) से कुछ चीज निकलती जाती है, मुसलमान वापस आते हैं और अपनी प्रापर्टी (property) ले लेते हैं, और बहुत सी प्रापर्टी खराब हुई जा रही है, जैसे कि मकान मरम्मत न होने की वजह से खराब हुए जा रहे हैं। और इस तरह से पूल (pool) घटता जा रहा है। इसी लिये चोइथराम जी ने यह सवाल उठाया था कि हमारी प्रापर्टी (property) घट रही है।

इस के अलावा मैं एक और बात की तरफ़ आप का ध्यान दिलाना चाहती हूँ। आप ने सेक्शन (section) ५२ में जनरल ऐग्जेम्पशन (general exemption) ले लिया है। मैं वकील नहीं हूँ लेकिन मैं समझती हूँ कि अगर कहीं ऐग्जेम्पशन (exemption) दिया जाता है तो उस का लिमिटेड स्कोप

(limited scope) होता है। आप ने तो सारा ऐन्जेम्पशन (exemption) रखा है।

Shri A. P. Jain: Is it coming for the first time by this amending Bill?

Shrimati Sucheta Kripalani: No, I told you even from the very beginning that it was a lacuna. It should not have been there.

अगर एक बार आप ने कानून बनाते वक्त एक गलती की तो क्या उस को बार बार दुहराते रहें। यह तो हमारी डिमाक्रेसी (democracy) की स्पिरिट (spirit) के खिलाफ है। आप ने इस को इतना वाइड (wide) बना दिया कि आप चाहें तो मर्जी माफिक कानून को कारवौई रद कर सकते हैं। एडमिनिस्ट्रेशन (Administration) को इतना ज्यादा अधिकार नहीं होना चाहिये अगर ऐसे ही अधिकार लेना हो तो कानून बनाने की क्या जरूरत है, जो मन चाहे करिये मगर मैं कहूंगी इतना अधिकार लेना डिमाक्रेसी की स्पिरिट के खिलाफ है। मैं बहुत पसन्द करती अगर इस कानून को खत्म कर दिया जाता। इस एक बात में ही मैं आप से पूरी तस्व सहमत हूँ।

चौधरी रणबीर सिंह (रोहतक) : कई भाई हैं जिन को जोश है कि इवैक्वी पूल (Evacuee pool) किसी तरह से घटने न पावे। कई भाइयों को जोश है कि कोई ऐसा कानून न बने जिस से किसी के ऊपर कोई पाबन्दी लगती हो। लेकिन जिस को एडमिनिस्ट्रेशन (administration) चलाना है उस को बीच का रास्ता अख्तियार करना होता है। जोश तो न सही, पर ख्याल हमें भी पूरा है कि इवैक्वी पूल (Evacuee pool) न घटे और इवैक्वी पूल (Evacuee pool) आसानी से घटने नहीं दिया जाता है। लेकिन जोश में आवामी को सोचने की बुद्धि कम हो जाती है और ठीक बात को बह ठीक नहीं कहता और कई दफा ठीक बात उसे गलत दिखाई देती है। अभी बाबू ठाकुर दास जी ने बताया,

485 PSD

एक बहिन ने कुछ अमेंडमेंट (amendment) दिया था उन्होंने ने बताया। मैं वकील नहीं हूँ, लेकिन बाबू ठाकुर दास जी ने बताया कि इस अमेंडमेंट (amendment) की कुछ जरूरत नहीं है। किसी के लिये डरने की कोई गुंजायश नहीं है। यह बात कही तो बड़े खुले शब्दों में गई है कि इस देश में जो मजहब हैं मुसलमान ईसाई बगैरा बगैरा उन के लिए हम कोई फर्क नहीं करना चाहते।

लेकिन उस जोश में जिस चीज को वह कहते हैं उस को भूल जाते हैं। जोश के अन्दर कुदरती बात है कि वह दूसरी बात को भूल जायें। आखिर इवैक्वी पूल (Evacuee pool) का जोश है कि वह ज्यादा बढ़े। तो हो सकता है कि उस जोश में उस को गलत ढंग से बढ़ाने की कोशिश करें और उस को वह समझें कि वह ठीक है।

श्री गिडबानी जी ने कहा और उन्होंने ने इस को साबित करने की कोशिश की कि वह एक बहुत पुराने कांग्रेसी हैं। कांग्रेसी तो थे, लेकिन अब तो हैं नहीं। उन्होंने ने बताया कि हम ने यह प्रस्ताव पास किया था कि हमारी ज्युडिशियरी (Judiciary) अलहदा हो, एग्जीक्यूटिव (Executive) अलहदा हो और ज्युडिशियरी (Judiciary) में एग्जीक्यूटिव (Executive) कोई इंटरफीयरेंस (interference) नहीं करें। लेकिन एक अजीब बात है कि उन्होंने ने किस तरह से एग्जीक्यूटिव (Executive) का इंटरफीयरेंस (interference) करना बताया। वह समझते हैं कि अगर कानून के अन्दर कोई अमेंडमेंट (amendment) और कोई तबदीली हो तो यह भी एक इंटरफीयरेंस (interference) है। मैं उन से कहता हूँ कि अगर इसी का नाम इंटरफीयरेंस (interference) है तो फिर इस पार्लियामेंट (Parliament) को बनाने की क्या जरूरत है।

बाबू रामनारायण सिंह : जरूरत तो कोई नहीं है ।

श्रीधरी रणवीर सिंह : अगर यह बात है तो अच्छा होता कि आप यहां के लिये खड़े नहीं होते । आप के लिये तो रास्ता खुला था, आप के ऊपर कोई पाबन्दी तो थी नहीं कि आप पार्लियामेंट (Parliament) के मੈम्बर (member) बनें । अगर आप चाहते हैं कि पार्लियामेंट (Parliament) नहीं रहे तो आप के लिये तो अच्छा था कि न आप खड़े होते और न आप को लोग चुनते ।

खैर मैं अर्ज कर रहा था कि उन का बजीब बंग है । इंटरफीयरेंस (interference) के वह अजीब माने निकालते हैं कि कानून को तबदील करने का नाम भी इंटरफीयरेंस (interference) है । बात यह है कि देश के अन्दर कुछ ऐसे हालात थे कि जिन को हर एक भाई अच्छी तरह से जानता है । हमारे भाई कहते हैं कि कांग्रेस का एक प्रस्ताव था । तो जिस तरह से वह यह कहते हैं मैं भी उनसे कहता हूँ कि कांग्रेस का ही और भी प्रस्ताव था और यहां कांस्टीट्यूेंट असेम्बली (Constituent Assembly) का भी आदेश था कि जमीन को जो बोनो वाले हैं वह उसी के पास रहे । लेकिन यू० पी० (U. P.) के अन्दर जमींदारी अबोलिशन ऐक्ट (Abolition Act) पास किया गया, बिहार में पास किया गया, उन का क्या नतीजा निकला । अदालत में कानून ले जाने की वजह से वह रद्दी की टोकरी में रह गये थे बहुत अच्छे कानून थे वे कानून इस देश में तभी लागू किये जा सके जब कि वे विधान का भाग बना दिये गये । अगर इस घाटी चीज का नाम इंटरफीयरेंस (interference) है तो फिर तो इस पार्लियामेंट (Parliament) का काम ही क्या है । फिर तो बस सिर्फ जज (Judges) का

ही काम रह जायगा और देश के अन्दर लेजिस्लेचर (legislature) की तो कोई भी जरूरत नहीं रहेगी ।

बाबू रामनारायण सिंह : और बहुत काम रहता है ।

श्रीधरी रणवीर सिंह : फिर गिडवानी जी को यह शिकायत है कि मंत्री महोदय को इवैक्वी पूल (evacuee pool) का या इवैक्वी इंटरैस्ट (Evacuee interest) का कोई ख्याल नहीं है । लेकिन मैं कहना चाहता हूँ कि मुझ को इस से उल्टी शिकायत है कि मंत्री महोदय को रीहैबिलिटेशन (rehabilitation) का मिनिस्टर होने के नाते एक जोश आ गया है । जिस तरह से कुछ भाइयों में इवैक्वी पूल (evacuee pool) का जोश है उसी तरह से रीहैबिलिटेशन (rehabilitation) का जोश हमारे मिनिस्टर साहब में भी आ गया है । जैसे उन्हें गिला है कि कांग्रेस का रिजोल्यूशन (resolution) है तो मैं भी कहता हूँ कि कांग्रेस का एक और भी रिजोल्यूशन (resolution) है कि जमीन जो है वह जमीन के बोनो वाले तक पहुंचे । मैं एक कानून की तरफ इशारा करना चाहता हूँ । पंजाब स्टेट (State) में मुजारों के फायदे के लिये बिल (Bill) पास किया गया । वहां पर एक नहीं, कम से कम एक तिहाई मੈम्बर (member) भाई ऐसे होंगे जो रिफ्यूजीज (refugees) थे और मेरी यह शिकायत है कि जो भाई यहां रीहैबिलिटेशन (rehabilitation) के डिपार्टमेंट (department) में सैक्रेटरीज (Secretaries) हैं, डिप्टी सैक्रेटरीज (Deputy Secretaries) हैं, शायद उन के दिल में दर्द है उन से भी ज्यादा दर्द मੈम्बरों के दिल में, इन रिफ्यूजीज (refugees) के लिये हो । पंजाब असेम्बली (Punjab Assembly) ने

एक कायदा बनाया। वह एक दूसरे किस्म के ख्यालात को देखते हुए बनाया कि जो आदमी उधर से आये हैं, उन को भी हमें बसाना है और जो आदमी यहां पर हैं, जो जमीन की कायत करते हैं और जिन को कि हमारे प्रान्त के अन्दर जमीन के ऊपर हक हों, जैसे कि और जगह है जो कि जमीन को बोते हैं, तो उन दोनों के ख्यालात को देखते हुए और उन के हक को ध्यान में रखते हुए कायदा बनाया है। लेकिन यह जो हमारी रीहैबिलिटेशन (rehabilitation) की मिनिस्ट्री (Ministry) है उन्होंने पंजाब के बिल (bill) को आज तक मंजूरी नहीं लेने दी है। इस वास्ते में कहता हूं कि उन को मिनिस्टर साहब को भी एक तरह से रीहैबिलिटेशन (rehabilitation) का जोश हो गया है।

मैं मिनिस्टर साहब को अच्छी तरह जानता हूं। मैं जाती तौर पर जानता हूं कि हम ने अजमेर मेरवाड़े का मुजारे का कानून बनाया था उस में वह भी सिलैक्ट कमेटी (Select Committee) में मॅम्बर (member) थे और मैं भी था। मुझे याद है कि उस वक्त उन्हें कितना जोश था मुजारों का और कितना ख्याल था, कि जमीन जो बोये उस के पास ही रहे। लेकिन जो वह ख्याल है वह रीहैबिलिटेशन (rehabilitation) के जोश में सब कुछ हवा में उड़ गया और आज वह बिल्कुल यह समझते हैं कि सब से पहले काम यह है कि रिफ्यूजीज़ (refugees) बस जायें, चाहे वह बसाना इस ढंग से हो कि जो पहले बसे हुए हों, वह उजड़ जायें। मैं आप के द्वारा मंत्री महोदय से अर्ज करना चाहता हूं कि पंजाब के अन्दर एक नहीं ९० ऐसे गांव थे जिन के मालिक मुसलमान थे और मैं किसी ऐसी जगह की जमीन और खेतों का जिक्र नहीं कर रहा हूं बल्कि ऐसे खेतों का जिक्र कर रहा हूं जो कि पंजाब की जमीन का है

कि जहां पर जमीन के लिये इतनी कशमकश है। दूसरे सूबों की निस्वत जो बिल (Bill) आये थे तो वहां भी मौरूसी मुजारे बनाने का एक कानून था। उस में कुछ साल मुकर्रर थे कि इतने साल तक जो कोई आदमी खेती करेगा, एक ही खास शर्त पर करेगा, तो उस को मौरूसी मुजारा, बना दिया जायेगा ताकि कोई आकुपेंसी टैनेंट (Occupancy tenant) न बन सके। जमीन को एक मुजारा बोता था उन्हीं शर्तों पर, लेकिन कागज में दूसरी शर्त पर दूसरे आदमी का नाम लिखा जाता था। ९० गांवों को उन्होंने ने बसाया जो जाज मुजारे हैं। उन्होंने ने बंजर जमीन को आबाद किया और आज उन्हीं को मुजारे के कानून से जो थोड़ी बहुत सिक्यूरिटी (security) देना चाहते हैं वह सेफ्टी (safety) भी उन को नहीं मिल रही है, वह भी नहीं मिलने दी जाती, क्योंकि मंत्री महोदय का ख्याल है कि रिफ्यूजी (refugee) का बसाना पहला काम है।

मैं पंजाब से आता हूं। पंजाब में ही ऐसे भाई ज्यादा हैं जो उजड़ कर आये हैं। उन से मुझे बहुत हमदर्दी है। लेकिन मैं यह समझता हूं कि अगर कोई बसने वाला इस तरह बसता हो कि जिस से दूसरे बसे हुए उजड़ें तो यह कोई अच्छी पोलिसी (policy) नहीं है। एक और बात है लेकिन खैर, मैं उस सिलसिले में नहीं जाना चाहता क्योंकि वह मेन बिल (main Bill) नहीं है। लेकिन मैं मंत्री महोदय से एक अर्ज करना चाहता हूं कि वह जिस तरह से मैं ने इन भाइयों से कहा कि वह एक ही जोश में न रहें, उसी तरह उन से कहता हूं कि यह जो जोश जायज और नाजायज तरीके से आ गया है उस को छोड़ दें। बसे हुएओं को भी बसने दें, क्योंकि वह कानून खाली ऐसी जमीन के लिये नहीं था कि जो इवैक्यूई लैंड (Evacuee land) हो। वह तमाम पंजाब की जमीन के लिये कानून था

[चीधरी रणवीर सिंह]

और खास तौर पर जो इवैक्यूई लैंड (Evacuee land) है वह तो इस तरह की थी वहां उन मुजारों का फायदा होने वाला था जिन की पीढ़ी दर पीढ़ी वहां काश्त करती आई है। वह ऐसी शर्त पर काश्त किया करते थे कि कहीं एक रुपया बीघा की शर्त थी तो वह शर्त भी उड़ा दी गई और उन से साम्रा, बटाई, ली जाती है। लेकिन पंजाब में उस क़ानून से उन को मोका नहीं मिला।

इसी सिलसिले में दूसरी बात यह अर्ज करना चाहता हूं कि मंत्री महोदय बड़े सोशियलिस्टिक (Socialistic) विचार के थे, लेकिन बसाने के जोश में उन के तमाम कायदे और कानून कुछ उलटते से दिखाई देते हैं। अब यहां एक नयी क़लाज (clause) है, जिस के तहत अगर कोई आदमी फर्ज कीजिये कि किराएदार रिफ्यूजी (refugee) हो या मुजारा रिफ्यूजी (refugee) है, मालिक हिन्दू है, इधर का रहने वाला, तो नये कानून में जो मालिक है उस को कुछ ज्यादा रक्षा मिलने जा रही है, पहले से ज्यादा। पहले जो उस में कुछ अस्तियार था, अब वह आप के कस्टोडियन (Custodian) को कोई अस्तियार नहीं रहेगा। मैं चाहता हूं कि आप उस में कुछ तबदीली कर सकें तो आप तबदीली करें, जिस से किरायेदारों और मुजारों के लिये कुछ फायदा हो।

तो जैसा मैंने पहले कहा मैं इतनी ही आप से अर्ज करता हूं कि जिन को आप बसाना चाहते हैं बसाइये और मेहनत से बसाइये, लेकिन इस तरह से न बसायें कि बसे हुएों को उजाड़ दें।

लाला अब्जिन्त राम (हिसार) : मोहतरम प्रधानजी, आप के सामने मंत्री जी ने बिल (Bill) पेश कर दिया और उस पर खासी तकरीरें हो गयीं, श्री गिडवानी और सरदार

हुक्म सिंह की तकरीरें हुई। मिनिस्टर साहब ने बहुत मुस्तसर और सादे अल्फ़ाज़ में तकरीर की और जो तकरीर उन्होंने ने इस सिलसिले में फ़रमाई वह बहुत मामूली जान पड़ती थी, इन्टेंडिंग इवैक्यूई (intending evacuee) की डेफ़िनीशन (definition) में से निकाल कर उस को इवैक्यूई (Evacuee) में दर्ज कर दिया, बिल्कुल सीधी बात थी, हमारे इंडियन नेशनल्स (Indian Nationals) को बिज़नेस फ़ैसिलिटीज़ (business facilities) मिल जाय, उन को यहां काम मिल जाय, सीधी और मामूली बात थी और बड़ी अच्छी मालूम पड़ती थी। लेकिन ज्योंही इधर अपोज़ीशन (Opposition) की तरफ़ से बौछार शुरू हुई और उन की बात कुछ माकूल भी मालूम पड़ती थी। एक ने कहा भाई यह कम्पेन्सेशन (compensation) की बात है, साठ लाख आदमी यहां आये और रुपया खर्च किया गवर्नमेंट ने कोई १४७ करोड़, अस्सी करोड़ अब तक खर्च किया मकानों और कजों पर और कोई साठ एक करोड़ को पांच वर्ष में खर्च किया, उन को फिर बसाने के लिये अगर हिसाब लगायें तो आप की मालूम पड़ेगा कि वह कितना नाकाफ़ी होता है, पचास, साठ लाख बाहर से आने वाले आदमियों पर साठ पैसठ करोड़ रुपया पांच साल में खर्च हो, तो उस से क्या बनता बिगड़ता है, इस में कोई शक नहीं कि हमारे भाइयों ने बातें ज़ोरदार कहीं। फिर उन्होंने ने हमें यह भी बतलाया कि जब हम सरकार के लोगों के पास फ़रियाद ले कर जाते हैं कि हम बेकार हैं, हमें काम दो, तो सरकार की तरफ़ से जबाब दे दिया जाता है कि वह आम तौर से बस गये हैं और उन को कहा जाता है कि सरकार बसा तो रही है, लेकिन उस के लिये उन से सबूत पेश करने को कहा जाता है उन से कह दिया जाता है कि हम इनक्वायरी (inquiry) करेंगे और सर्वे (survey) करायेंगे, लेकिन

न इनक्वायरी (inquiry) होती है और न सर्वे (survey) होती है, यह सब देख कर और सुन कर बड़ी अजीब बात मालूम पड़ती है और उन को मैं कैसे गलत कहूँ। मैं आप को बतलाऊँ कि प्रेसीडेंट साहब जब पहली बार बोले तो रिफ्यूजीज (refugees) का कोई जिक्र नहीं था, हम ने समझा भूल से उस का जिक्र करना छोड़ गये, मगर दूसरी दफ़ा और फिर तीसरी दफ़ा भी शरणाधिकारियों का प्रेसीडेंट साहब के भाषण में कोई जिक्र नहीं था, अब इस को हाफ़जे की गलती कैसे कहा जाय, एक बार भूल गये, दोबार भूल गये और तीसरी बार भी उस का जिक्र न करें अब क्या करें, और आप की शिकायत को गलत कैसे कहूँ, गलती एक बार हो सकती है, हमेशा नहीं, तीन बार लगातार उस का जिक्र नहीं किया जाता है, बड़ी मुश्किल की बात बन रही है, मैं क्या करूँ, गवर्नमेंट की तरफ़ से इन्फ़ोर्सेन्सी मालूम पड़ती है और उधर से बड़े जोर का दावा किया जाता है, क्या करा जाय, उन भाइयों की बात तो सच्ची मालूम पड़ती है।

अब दूसरी बात आप कहते हैं कि वह जो दफ़ा ७ और १५ है, उसके अन्दर गवर्नमेंट अस्तित्व-रात ले रही है और आगे से भी ज्यादा अस्तित्व-रात गवर्नमेंट उस के जरिये ले रही है, और उस के मबूत कोटेशन (quotation) देते हैं, गलत बातें तो वह कहते नहीं होंगे, शरीफ़ आदमी हैं, और रिफ्यूजीज (refugees) के प्रेसीडेंट हैं और अपनी बात को साबित करने के लिये चिट्ठियाँ ख़तूत पेश करने को तैयार हो जाते हैं। अब किसे गलत कहूँ और किस की बात को सही मानूँ। हमें तो देखना है कि इन मौजूदा हालात के अन्दर क्या पोजीशन (position) है और क्या किया जाना चाहिए ? यह दुस्त है कि हमारे भाइयों ने जो अभी कहा है और इस बिल (Bill) को अपोज (oppose) किया है वह अपोजीशन (opposition) गलत बुनियाद पर क़ायम

(Amendment) Bill

नहीं है, आप की बातें तो सारी सच्ची हैं कम्पेन्सेशन (compensation) की बात आप की वज़नदार मालूम पड़ती है। इन्टेन्डिंग इवैक्यूई (intending evacuee) को निकाल देने से क्या नुकसान होगा, एक पैसे का नुकसान भी हम बर्दाश्त न करना चाहेंगे, क्योंकि आप हमें कुछ देते नहीं,। हमें कुछ दे दीजिये। आप की बातें तो सारी माकूल जान पड़ती हैं, हम को कम्पेन्सेशन (compensation) दो, वह सब दुस्त है। लेकिन हमें तो सारे मौजूदा हालात का अन्दाज़ा कर के देखना चाहिये कि आया हमारे मिनिस्टर साहब जो करना चाहते हैं वह माकूल है या नहीं। यह गलतफ़हमी कम से कम मेरे अन्दर नहीं है। अगर कुछ लोग यह महसूस करते हों कि कम्पेन्सेशन (compensation) के सबाल पर हमारे मंत्री जी कम महसूस करते हैं, मुझे पूरा और पक्का यकीन है कि रिफ्यूजीज (refugees) को मदद करने के वास्ते और उन को कम्पेन्सेशन (compensation) देने के वास्ते हमारे मंत्री जी दिल से महसूस करते हैं। वह दिल से चाहते हैं कि हमारे रिफ्यूजी (refugee) भाइयों को कम्पेन्सेशन (compensation) मिले और उस के लिये जितनी उन की ताकत है उन्होंने ने किया है और मुझे पूरा यकीन है वह अपनी ताकत भर उस के लिये प्रयत्नशील हैं और यह ख़याल करना कि वह इस के लिये कोशिश नहीं कर रहे हैं गलत है और दुस्त नहीं है।

दूसरे जो आप ने सात और पन्द्रह के बारे में फ़रमाया, मैं समझता हूँ कि उस में वज़न ज़रूर है। लेकिन मैं साफ़ साफ़ कहना चाहता हूँ सेलेक्ट कमेटी (Select Committee) में आप में से कितने ही साहबान शामिल थे, और मैं भी था,। कम से कम मेरे दिल में यह यकीन हो चुका था कि दफ़ा ७ और १५ में श्री अजीत प्रसाद जैन चाहें कितने ही अस्तित्व-रात ले लें, लेकिन वह कोई ऐसी गलत बात नहीं करने वाले

[लाला अब्जिन्त राम]

हैं जो रिफ्यूजीज (refugees) के इंटरेस्ट (interest) के खिलाफ हो। Those rights will not be misused at all. यह मुझे पक्का यकीन है कि उन के दिल में रिफ्यूजीज (refugees) का हित है और उन पर हमें यकीन करना चाहिए। मैं समझता हूँ कि जो अखिल्यारात गवर्नमेन्ट ले रही है वह भले के लिए ले रही है और हमें उस पर भरोसा करना चाहिये। लेकिन आप जो अपोजीशन (opposition) में बैठे हैं, वह तो आप शक की बुनियाद पर बैठे हैं। आप का शक गलत है। शक करना मुनासिब और जायज नहीं है। आज के हालात सन् १९४७ के हालात से बहुत मुस्तलिफ हैं। आज हालत बिल्कुल बदल गयी है। जो इन्टेन्डिंग इवैकुई (intending evacuee) हैं वह आज वहां जाने को तैयार नहीं हैं।

Shri Kazmi (Sultanpur Distt.—North cum Faizabad Distt.—South-West):

लौटे आ रहे हैं।

लाला अब्जिन्त राम : वहां रोटी नहीं है, कपड़ा नहीं है, बाहर से अनाज मंगाना पड़ रहा है। करांची से जो मेरे दोस्त आये हैं उन्होंने मुझे बतलाया कि वहां पर बुरी हालत हो रही है, खाने पीने की हालत बहुत नाजुक है। आज सन् १९५३ में हालत यह है कि यह कानून बन जाने के बाद भी कि जो पाकिस्तान जाना चाहे जा सकता है, लोग जाने को तैयार नहीं हैं। वहां आज हालत अच्छी नहीं है, और यहां वह देखते हैं कि स्टैबिलिटी (stability) है और वह महसूस करते हैं कि हम यहां खूशी से सेफली (safely) रह सकते हैं और यहां से जाने की कोई जरूरत नहीं है और हम यहां पर अपना कारोबार कर सकते हैं। अभी हमारी ईस्ट बंगाल (East Bengal) पर बहस हुई

और उन्होंने ने और मैं ने हिस्सा लिया। हमारा कहना है कि आने जाने के लिये कोई पासपोर्ट पर बंदिश न हो, सब चीज खुली हो, लेकिन पाकिस्तान ऐसा करने में शिक्षकता है। हमारी दरखास्त है कि आज पासपोर्ट सिस्टम (passport system) उड़ जाना चाहिये। यहां आने और जाने के लिये कोई रुकावट न हो, जहां चाहें लोग आ जा सकें। आज के हालात में कोई रुकावट मुनासिब नहीं मालूम पड़ती। अभी पासपोर्ट सिस्टम (passport system) के बारे में कान्फ्रेंस (conference) भी हुई थी, और प्रेसीडेंट साहब ने अपने ऐड्रेस (address) में भी जिक्र किया था कि पहले से पाकिस्तान का ऐटीट्यूड (attitude) जरा बेहतर है। आप मेरे बेहतर कहने पर हंसते हैं। मैं समझता हूँ कि आप की हंसी का जवाब तो एक ही है कि चलो लड़ाई कर लो। लेकिन जब लड़ाई की बात आती है तो आप की तरफ से यह साफ किया जाता है कि हमारा यह मतलब नहीं है, हम पाकिस्तान से लड़ाई नहीं करना चाहते, हम नहीं चाहते कि पाकिस्तान से परसों लड़ाई छिड़ जाये। लड़ने के लिये आप तैयार नहीं हैं।

दो बातें कैसे चलें। या तो लड़ना है या फंसला करना है। जब कहा जाता है कि अगर आप लड़ना चाहते हैं, कल लड़ाई करना चाहते हैं, परसों लड़ाई करना चाहते हैं, तो लड़ाई की बात करो, तो उस के लिये आप तैयार नहीं हैं। जब सुलह की बात कहो तो हंसते हैं। आप तय कीजिये एक बात। हम ने बात चीत जारी की थी। बात का असर यह हुआ कि उन की तबियत कुछ बदली है, रवैया बदला है, आपस में खत व किताबत हुई है। हमारे प्राइम मिनिस्टर और पाकिस्तान के प्राइम मिनिस्टर में। मुमकिन है कि मुलाकात भी हो, और मुलाकात से फायदा ही होने वाला है। हो सकता है कि पाकिस्तान

को भी फायदा पहुंचे और आप को भी पहुंचे। इस वक्त हालत यह है कि रुपया नहीं है। बहुत सारी जायदाद जो मुसलमानों की थी, करीब १०० करोड़ रुपये की थी, उस से करोड़ों रुपया ज्यादा तो हम डिफेंस (defence) के लिये खर्च कर रहे हैं। इस के अलावा गवर्नमेंट की फाइव इयर प्लान (Five Year Plan) को देखते हुए हम जोर भी नहीं दे सकते। पाकिस्तान के मुकाबले में तैयारी में रुपया यहां पर खर्च हो रहा है जिस की आज कल बहुत कमी है। जब सुलह की बात कहते हैं तो हंसते हैं। तो यह चीज चल नहीं सकती। आज लड़ाई की बात न हो तो हम गवर्नमेंट पर जोर भी दे सकते हैं कि चलो बीस करोड़, तीस करोड़ या एक अरब रुपया इस के लिये निकाल लो। लेकिन जिस तरह से खर्च हो रहा है और हमारा हौसला होता नहीं कि हम लड़ें, उस तरह से काम नहीं चल सकता। इस लिये मैं कहता हूं कि आप अपनी पोलिसी (policy) को सोच विचार कर कन्सिस्टेंट (consistent) बनाइये। मौजूदा हालात के अन्दर रास्ता यही है। अगर आप की बातें जायज हैं तो इस के लिये मैं यह कह सकता हूं कि श्री अजीत प्रसाद जी और दूसरे मंत्री पूरी पूरी कोशिश करेंगे, इस का मेरे दिल में पक्का यकीन है।

एक बात मैं कहता हूं कि आप के दिल में मंत्री जी के लिए गलत फहमी नहीं होनी चाहिये। मैं समझता हूं कि उन्होंने ने सारी बातें कैबिनेट (Cabinet) के सामने पेश की होंगी और हमारे प्राइम मिनिस्टर साहब को भी शरणार्थियों के लिये बड़ा दर्द है और इस हाउस के अन्दर उन्होंने ने कई मर्तबा सबालों के जवाब में वादा किया है कि जैसी हमारी फाइनेन्शियल कंडीशन (financial condition) होगी उस के मुताबिक हम कंपेंसेशन (compensa-

tion) जरूर देंगे। मैं कहता हूं कि मुझे कतई यकीन है कि इस बात की जितनी फिक्र होनी चाहिये कोई अकेले पंडित जी की बात नहीं कहता, आन दि होल (on the whole) सब के लिये कहता हूं, कि रिफ्यूजीज (refugees) के मामले में जितना काम हुआ है काफी नहीं है सब को मालूम है। इस गवर्नमेंट ने और पंडित जी ने जितना काम किया है उस की हम निन्दा भी करते रहे हैं। और इस बात में मैं आप के आगे रहा हूं, लेकिन इस के बावजूद जितना काम हुआ है वह काबिले तारीफ है, इस को भुलाया नहीं जा सकता। इन हालात के अन्दर मैं दख्खास्त करूंगा कि जो बिल (Bill) आप के सामने पेश किया गया है वह बहुत मामूली बिल है। इस के अन्दर कोई लम्बी चौड़ी बातें नहीं हैं कि इस को मंजूर न किया जाय। इसलिये मैं चाहूंगा कि इस को पास कर दिया जाय।

अभी मेरे अमेंडमेंट (amendment) की बात कही गई। मैं कहता हूं कि मैं ने अमेंडमेंट (amendment) दिये थे वह रिफ्यूजीज (refugees) के इन्टरेस्ट में ही थे, आप के अन्दर भी रिफ्यूजीज (refugees) का इन्टरेस्ट (interest) है। इस लिये अगर आप कोई ऐश्योरेंस (assurance) दे सकें जिन से रिफ्यूजीज (refugees) का इन्टरेस्ट (interest) सफा न हो तो मेरी तसल्ली हो जायगी। इतना कह कर मैं इस बिल (Bill) को सपोर्ट (support) करता हूं।

कमल जैदी (जिला हरदोई—उत्तर-पश्चिम व जिला फर्रुखाबाद—पूर्व व जिला शाहजहांपुर—दक्षिण) : मि० चेरमैन, मैं हाउस में देख रहा हूं कि अंग्रेजी से सब लोगों ने मुंह मोड़ लिया है, इसलिये मैं भी इस वक्त यह हिम्मत नहीं कर सकता कि मैं अंग्रेजी में बात चीत करूं।

[कर्नल जैदी]

मंत्री महोदय के मुताल्लिक बहुत से इशारे किये गये और बहुत सी बातों में उन का नाम रेकार्ड (record) किया गया है। उन की बाबत अगर आप की इजाजत हो तो मैं एक शेर पढ़ दूँ जो उन पर पूरी तरह से उतरता है, वह शेर यह है :

मोमिन की नजर ने मुझे काफिर समझा,
काफिर यह समझता है कि मुसलमान हूँ मैं।

एक तरफ तो माननीय मंत्री के ऊपर ब्रौछार है कि वह किसी खास कम्युनिटी (community) या किसी खास शास्त्र को ख्याल कर के उस को फायदा पहुंचाना चाहते हैं, और बहुत से वह लोग, जिन की बाबत लोग यह समझ रहे हैं कि उन को फायदा पहुंचाने में ही मंत्री जी लगे रहते हैं, समझते हैं कि वह बड़े तंग नजर हिंदू हैं और वह हमारे हकूक की हिफाजत नहीं करते। हमारा जो पैदायशी हक है, जो हमारा फंडामेंटल राइट (Fundamental right) है वह पैरों तले रौंदा जा रहा है, और हमारे मंत्री जी बैठे सुन रहे हैं।

दरअसल वह बड़ी हमदर्दी के लायक हैं। सब बात तो यह है कि जहां तक हो सका उन्होंने ने सब की सेवा करनी चाही है, सब के हकूक का जहां तक हालात ने इजाजत दी ख्याल रक्खा है।

सभापति जी, सब से पहले मैं यह कह देना जरूरी समझता हूँ कि जहां तक रिफ्यूजीज (refugees) का ताल्लुक है और जहां तक उन की खिदमत और उन को फायदा पहुंचाने और उन को रिहैबिलिटेड (rehabilitate) करने का सवाल है, वहां मैं अपने किसी दोस्त से कम जोश नहीं रखता हूँ। मैं समझता हूँ कि हमारा बहुत बड़ा फर्ज, हम में से हर एक का और हमारे देश का और हमारी गवर्नमेंट का बहुत बड़ा फर्ज है कि हमारे लाखों भाई जो परेशान हो कर जो तबाह हो कर, जो अपना सब कुछ जाया

कर के हिन्दुस्तान में आये हैं और हिन्दुस्तान की पनाह में आ कर बैठे हैं उन की हर तरह से सेवा की जाय। लेकिन हमें समझना यह है कि इस का मतलब क्या है। चन्द बातें मेरे कुछ दोस्तों ने कहीं जिन का मतलब में ठीक तरह पर नहीं समझ सका। मसलन मुझे यह अन्देशा है कि इस बिल (Bill) के मुताल्लिक जो असली मकसद है उस को भुला दिया गया और लोगों के दिल में यह ख्याल आ रहा है कि इवैक्वी प्रापर्टी पूल (evacuee property pool) पर इस का क्या असर पड़ेगा। यह एक कुदरती बात है। रिफ्यूजीज (refugees) या उन के लीडर्स (leaders) या उन के नुमाइन्दे इस हाउस (House) में या इस हाउस के बाहर बिल्कुल ठीक बात कर रहे हैं अपने फायदे के ख्याल से वह यह देखते हैं कि किस कानून का इवैक्वी प्रापर्टी पूल (evacuee property pool) पर क्या असर पड़ रहा है। जाहिर है कि जिस चीज से वह पूल (pool) बढ़ेगा वह उन्हें खुश करेगी और जिस चीज से वह पूल (pool) कम होगा उस से उन्हें रंज होगा। लेकिन इस का मतलब यह नहीं कि जिस चीज से पूल (pool) बढ़े वह सब जायज है और जिस से घटे वह नाजायज है। मसलन हमारे भाई ने कहा कि इट इज माई मनी (It is my money), देशपांडे साहब ने कहा कि "दिस इज टु डिटरमिन हूज लायल्टी इज सस्पेक्टेड" (this is to determine whose loyalty is suspected) में समझ नहीं सका कि इन लफ्जों का मतलब क्या है। जो शास्त्र, जो मुसलमान हिन्दुस्तान में रहने वाला पाकिस्तान से ज्यादा हमदर्दी और मुहब्बत रखता है या पाकिस्तान जाना चाहता है, या जा चुका है उस से मुझे और इस हाउस में किसी को कोई हमदर्दी नहीं होनी चाहिये। मैं जो कुछ कह रहा हूँ इससे

मुराद वह लोग हर्गिज नहीं हैं जो कि या तो पाकिस्तान चले गये या पाकिस्तान जाना चाहते हैं और किसी मजबूरी की वजह से हिन्दुस्तान में बैठे हुए हैं। मुझे उन से बिल्कुल हमदर्दी नहीं है। लेकिन क्या यह मतलब है कि जिस को इवैक्वी (evacuee) बना दिया गया, या जिस की प्रोपर्टी पूल (property pool) में आ गई वह सचमुच हिन्दुस्तान छोड़ कर पाकिस्तान जाना चाहता है ? या क्या यह इस बात का सबूत है कि वह हिन्दुस्तान से नफरत करता है या डिसलायल (disloyal) है ? फिर यह भी कहा गया कि 'दीन पीपुल हेव बीन डिक्लेअर्ड इवैक्वीज बाई जूडिशल अथारिटीज (these people have been declared evacuees by judicial authorities) इस में भी बहुत कुछ शक की गुंजायश है। कहां हैं जूडिशल अथारिटीज (judicial authorities) को अस्त्यारात ? मिनिस्टर साहब ने खुद यह फरमाया कि इस कानून के टुकड़ों में जूडिशरी (judiciary) और जूडिशल अथारिटीज (judicial authorities) को अलग रक्खा गया है।

6 P.M.

कर्मल खेड़ी : इस कानून में कहीं जो पॉइंट्स आफ़ ला (points of law) हैं उन पर भी किसी हाई कोर्ट (High Court) या सुप्रीम कोर्ट (Supreme Court) को अपील (appeal) या रेफ़रेन्स (reference) करने की इजाजत नहीं है।

श्री गिडबानी : है।

कर्मल खेड़ी : हम में और किसी और साहब में जिन्हें इस बात पर ऐतराज था फ़र्क इतना ही है। अगर कोई गलती हुई है या किसी के साथ नाइन्साफ़ी हुई है तो उस की इसलाह की जाती है बस इस से ज्यादा नहीं है। मैं चन्द मिसालें पेश करूंगा। मिसालों के बग़ैर यह बात समझ में नहीं आ सकती।

एक शर्त्स उस वक़्त पाकिस्तान गया जिस वक़्त कि परमिट (permit) का कोई कायदा नहीं था। बाद में परमिट (permit) का कानून हो गया। जब उस ने हिन्दुस्तान वापस आना चाहा तो उस को हमारे हाई कमिश्नर (High Commissioner) ने टेम्पोरेरी परमिट (temporary permit) दे दिया और कहा कि हिन्दुस्तान में पहुंचने पर तुम्हारा परमानेंट परमिट (permanent permit) बना दिया जायगा। वह आया और यहां मर गया। हिन्दुस्तान के हाई कमिश्नर (High Commissioner) के टेम्पोरेरी परमिट (temporary permit) पर वह हिन्दुस्तान आ गया। कुछ अर्से के बाद वह मर गया। गवर्नमेंट ने उस परमिट (permit) को परमानेंट (permanent) कर दिया। इस के बावजूद भी उस की तमाम प्रोपर्टी (property) इवैक्वी प्रापर्टी (evacuee property) हो गई। अब यह कहना कि this is my money and it is being given to those whose loyalty is suspected, इन लफ्ज़ों का मतलब में नहीं समझ सका। इसी सिलसिले में मैं ने आप से यह किस्सा बयान किया कि एक आदमी चन्द दिन के लिये उस वक़्त पाकिस्तान गया जब कि कोई परमिट (permit) का कायदा नहीं था। इंडियन हाई कमिश्नर (Indian High Commissioner) से टेम्पोरेरी परमिट (temporary permit) ले कर वापस आया और उस का वह परमिट (permit) परमानेंट (permanent) बना दिया गया और वह मर भी गया। और उस की औलाद से यह कहा गया कि उस की तमाम प्रोपर्टी (property) इवैक्वी प्रापर्टी (evacuee property) है। यह मामला जब बम्बई हाई कोर्ट (High Court) में गया तब बम्बई हाई कोर्ट ने उस की बाबत जो बातें कही हैं उन में से। चन्द सुनामा चाहता हूँ।

[कर्नल जैदी]

"We are prepared to assume in Mr. Palkiwala's favour that the view taken by the Custodian General of the application of the notification of the 3rd July is erroneous. But the question is whether we have any jurisdiction to interfere with his decision. Now, in construing the notification of the 3rd July 1950 and in giving to it a particular effect the Custodian General was undoubtedly acting with jurisdiction."

And this is the significant part—

"In the exercise of his jurisdiction, however, he came to an erroneous decision in law."

तो मसलन ऐसा केस (case) या और कोई केस (case) ऐसा हो जिस में कि किसी के साथ नासमझी की बिना पर या हालात न मालूम होने की बिना पर या और किसी वजह से नाइन्साफ़ी हुई है और उस की प्रोपर्टी (property) उस की वापस मिल जाती है तो मैं नहीं समझता कि इस में क्या शिकायत की बात है। लेकिन यहां रोंगटे खड़े करने वाले किस्से बयान करना और यह दिखाना कि बहुत से मुसलमान चले गये पाकिस्तान अपना रुपया ले कर और उन में से बाज़ लोग ऐसे थे जो यहां रहने का दावा करते थे। एक साहब का नाम लिया गया कि इसी बिल्डिंग के अन्दर खड़े हो कर उन्होंने हलफ़ उठाया था कि वह इस झंडे के लिये आखिरी कतरा खून बहा देंगे और उस के बाद वह गर वफ़ादार साबित हुए और इस किस्म की तमाम चीजें बयान करने से मतलब क्या है। अगर हम चाहते हैं कि एक हिन्दुस्तान बने, अगर हम चाहते हैं कि सब को एक दूसरे से हमदर्दी हो किसी किस्म का कोई फ़र्क न रहे तो यह नाखुशगवार बातें क्यों बयान की जाती हैं। अगर एक तरफ़ खलीकुज्जमां का नाम लिया जाता है तो उस के साथ यह भी कम से कम बतलाया जाता कि हमारे यहां ऐसे भी लोग हैं जिन्होंने अपनी जानें हिन्दुस्तान के लिये दे दीं जैसे कि त्रिगेडियर उस्मान, तो समझ में आता कि बाके इस म कोई मज्बूरी है। लेकिन गड़ कहना कि कुछ लोग रुपया ले कर चले गये बिल्कुल

इर्रिलेवेंट (irrelevant) बातें हैं। आप हरगिज़ इजाज़त न दीजिये कि कोई हिन्दुस्तान से पाकिस्तान रुपया न भेजे या हिन्दुस्तान के साथ गहारी न करे। लेकिन जहां जहां कोई गलती हुई है वहां अगर मिनिस्ट्री (Ministry) यह चाहे कि इन्साफ़ करे तो उस पर क्यों ऐतराज़ होना चाहिये। अगर उस का असर उस पूल (pool) पर पड़े और वह दर चार या पांच पर सेंट (per cent) कम हो जाय तो उस का सदमा हमें नहीं होना चाहिये। मैं बिल्कुल इत्तिफ़ाक़ करता हूं अपनी उन बहिन और भाइयों से जिन्होंने जोरों से यह मतालबा किया है कि हमारी सरकार रिफ्यूजीज़ (refugees) के लिए पूरी पूरी मदद दे और हम सब को उम्मीद है कि हमारी सरकार की तरफ़ से रिफ्यूजीज़ (refugees) के लिये बड़ी से बड़ी रकमें निकाली जायेंगी और मुह्य्या की जायेंगी। हम सब के लिये यह खुशी की बात होगी कि इन रिफ्यूजीज़ (refugees) के साथ जो वायदे किये गये हैं वह पूरे किये जायें और शानदार तरीके से पूरे किये जायें।

दूसरी बात यह है कि जो मुसलमान गैर वफ़ादार हो, जो पाकिस्तान रुपया भेजना चाहे, जिस को वहां से हमदर्दी हो, जो वहां चला गया हो, आप हरगिज़ उस के साथ हमदर्दी न कीजिये। किसी मुसलमान को भी नहीं चाहिये कि उस के साथ हमदर्दी करे। लेकिन जो लोग आज यहां बैठे हुए हैं

श्री मिडबानी : वह हमारे सिर आंखों पर बैठें।

कर्नल जैदी : तो फिर कोई फ़र्क नहीं है। तो मैं समझता हूं कि अगर यह स्पिरिट (spirit) काम करेगी तो ग़ालिबन इस बिल (Bill) की कोई लम्बीचीड़ी मसालिफ़त नहीं होगी। हमारी एक बहिन ने

यह कहा कि यह बहुत अच्छा सवाल है लेकिन इंटेंडिंग इवैक्वीज (intending evacuees) को क्यों माफ़ किया जा रहा है। जब उन का कसूर कानून से साबित हो गया है तो फिर उन को क्यों माफ़ किया जा रहा है। शायद इस के मुताल्लिक थोड़ी सी गलतफ़हमी है। कोई शख्स जो कि एक लाख रुपये का आदमी है अगर वह किसी भी वजह से १४ अगस्त सन् ४७ के बाद पाकिस्तान रुपया भेज दे तो वह इंटेंडिंग इवैक्वी (intending evacuee) हो गया। अगर उस के अपने किसी रिश्तेदार के लिये या बिजनेस (business) के लिये कुछ रुपया भेज दिया, तो वह इंटेंडिंग इवैक्वी (intending evacuee) हो गया। उस वक्त यहां मार काट मच रही थी, खून बह रहा था, ऐसे वक्त अगर किसी ने जो कि एक लाख का आदमी है दो चार हजार रुपया भेज दिया तो वह कानून की रूसे इंटेंडिंग इवैक्वी (intending evacuee) हो गया। इस कानून में यह नहीं बतलाया गया है कि वह अपनी दौलत का कितना हिस्सा भेज दे। अगर कोई एक लाख रुपये का आदमी एक हजार रुपये यहां से इस ख्याल से भेज देता है कि अगर मुझे भागना पड़ा तो दो महीने रोटी तो मिल जायेगी, तो वह इंटेंडिंग इवैक्वी (intending evacuee) हो जाता है। और जिस वक्त उस ने यह रुपया भेजा था उस वक्त यह कानून भी नहीं था। लेकिन इस कानून के मुताबिक वह इंटेंडिंग इवैक्वी (intending evacuee) हो गया। अब सब को मालूम है कि रुपया नहीं भेजना चाहिये। अब जो रुपया भेजे उस को इसी मंत्री महोदय ने और इसी मिनिस्ट्री ने यह तै कर दिया है कि वह इंटेंडिंग इवैक्वी (intending evacuee) नहीं बल्कि इवैक्वी (evacuee) माना जायगा। लेकिन अगर किसी ने १४ अगस्त सन् १९४७ के लक्ष्यभंग रुपया भेजा और आज हिन्दुस्तान में

बैठा हुआ है और आज हम उस से कहें कि तुम इवैक्वी (evacuee) हो गये तो यह बड़ी नाइन्साफी की बात होगी। मुझे सिर्फ़ इतना और कहना है कि बाज ऐसी मिसालें हैं कि जिन्हें देख कर थोड़ा सा अफ़सोस होता है। लेकिन यहां यह कहा जा रहा है कि मुसलमान अपनी जायदादें फ़रोस्त कर के चले जायेंगे। लेकिन कोई समझदार इन्सान, और इस हाउस में भी बहुत कम ऐसे हैं जो यह समझते हों कि इस कानून की वजह से मुसलमान अपनी जायदाद बेच देंगे। वह अपनी जायदाद बेच नहीं सकते। यह कानून यहां तब बढ़ा है कि जामा मिलिया जो कि एक बड़ा नेशनल इंस्टीट्यूशन (national institution) है और सारे हिन्दुस्तान में उस का नाम है और उस की तारीफ़ है, उस की पांच छः लाख की किताबें थीं करोड़ बाग में और उस वृहशत के ज़माने में कुछ लोगों ने उन को जला दिया। वह तमाम नुकसान हो गया। खैर वह नुकसान तो हुआ ही। वह इमारत भी तबाह हो गयी और अब जामा मिलिया ने यह मुनासिब ख्याल किया कि उस जमीन को फ़रोस्त कर दें क्योंकि उनकी परमानेंट बिल्डिंग (permanent building) ओखले में बन गयी है। साल भर से वह कोशिश कर रहे हैं कि उस जमीन को कोई खरीद ले लेकिन हर शख्स यह कहता है कि अगर यह इवैक्वी प्रॉपर्टी (evacuee property) हो गयी तो क्या होगा। आखिर कस्टोडियन साहब को दरखास्त दी गयी और चन्द रोज़ हुए उन्होंने ने यह सरटीफ़ाई (certify) किया है कि This property is not evacuee property and does not belong to anyone who has migrated to Pakistan. खरीदार को यह दिखाया गया और उस से कहा गया कि देखो अब तुम उस को खरीद सकते हो। उसने कहा कि कल को अगर यह इवैक्वी प्रॉपर्टी (evacuee property)

[कर्मल जेदी]

हो गयी और आप लोग पाकिस्तान चले गये तो क्या होगा। उस को समझाया गया कि यह जामा मिलिया की प्रापर्टी (property) है किसी आदमी की नहीं है, वह तो एक संस्था है। यह तो यहीं रहेगी। फिर तुम को क्या फ़िक्र है। उस ने कहा कि आप यह लिखवा दीजिये कि इस प्रापर्टी (property) को बेचने की इजाजत है। और जो कोई खरीदेगा उस को कोई नुकसान नहीं होगा तो हम लेने को तैयार हैं। यह मैं ने मिसाल दी ऐसे इंस्टीट्यूशन (Institution) की जो कि हिन्दुस्तान में एक खास दरजा रखता है और जिस का काम करने वाले डाक्टर जाकिर हुसैन और प्रोफ़ेसर मुजीब जैसे आदमी हैं। तो जब जामिया मिलिया को ऐसी परेशानी हो सकती है कि साल भर से उस की ज़मीन नहीं बिकती और अब कस्टोडियन के सर्टिफिकेट (certificate) देने से भी कोई काम नहीं चलता, तो मालूम हुआ कि मुसलमानों को अपनी ज़मीन बेचने में दुश्तारियां होंगी, चाहे उस को कितनी ही ज़रूरत बेचने की क्यों न हो। इस बिल में कोशिश की गई है कि उन को कुछ सहूलियतें दी जायें। मुझको उम्मीद है कि जो जायज़ सहूलियतें मुसलमानों को दी जायें और उन लोगों को जिन के मुताल्लिक यह अन्दाजा हो जाय कि इन पर शुबहा गलत था, उन को कोई ऐसी हरकत नहीं थी जो कि गलत हो, तो हमारे भाई हिन्दुस्तान की हमेशा की रवादारी और हमेशा की खुशदा दिल का सबूत देते हुए इस बात को खुशी से मंज़ूर करेंगे और यह कहेंगे कि, हां, हम को बड़ी खुशी है कि इन लोगों के साथ बेहतर बरतावा करने की तजवीज़ हमारे सामने आई है, इसको हम मंज़ूर करते हैं। यह फ़िक्र न करें कि यह इवैक्यू पूल (evacuee pool) कम हो जायेगा। अगर खुदा ने चाहा तो यह पूल (pool) कम नहीं होगा और अगर कम हो

जायगा तो हम सब कोशिश करेंगे कि यह ज्यादा से ज्यादा हो। लेकिन यह न कहिये कि पूल (pool) की खातिर किसी का ग़ाज़ कट तो कटे लेकिन एक कतरा भी पूल (pool) का कम न हो। मैं उम्मीद करता हूं कि यह कोई भी भाई नहीं चाहते।

अखिर मैं मैं यही अर्ज करूंगा कि तमाम चीज़ों को देखते हुए यह एक अच्छा बिल (Bill) है और यह इस काबिल है कि यह हाउस (House) इस को मंज़ूर करे।

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That the question be now put."

Mr. Chairman: The question is:

"The the question be now put."

"That the question be now put."

Shri A. P. Jain: I am thankful to the hon. Members who have participated in this debate for the dispassionate manner in which the problem has been approached.

One question, which is important no doubt, but not quite germane to this Bill, has been raised by a large number of Members who have spoken. That is the question of compensation. The hon. Member Shrimati Sucheta Kripalani said that there must be an authoritative pronouncement about it. I quite agree with her, but I am sorry that at the same time she made a complaint that I am not speaking out anything. I am waiting for that authoritative pronouncement on the question of compensation which naturally is agitating the mind of every displaced person today. A scheme has been prepared. It is under the consideration of the Government at the highest level. It will not be appropriate for me to say anything about matters on which the Government has not come to a final decision. But I can assure you that so far as my Ministry is concerned it has done its part and now it is pending consideration at the final stages.

Mrs. Sucheta Kripalani said that Ministers are speaking with different voices. No doubt a certain item of news has appeared with regard to a certain Ministry in the newspapers, but I have not seen any statement from any Minister which has gone against any of the commitments which have been made by the Government or by Ministers in regard to compensation. I no doubt have made a num-

ber of statements with regard to compensation in this House and elsewhere. I stand by everyone of those statements which I have made. May be that certain persons—I have seen some news items in the papers—are doubting whether I was authorised to make those statements. One of the hon. Members here, Sardar Hukam Singh, said something of the kind. Now, a Minister who makes a statement, which he has no authority to make, will have to pay for it by his head and I will be prepared to pay for it by my head, if I have made a statement which I was not authorised to make. That is all that I want to say about compensation, which will come before the House and the public in no distant time.

Then the question has been raised about the evacuee property pool. Let us see what is the evacuee property pool. To my mind evacuee property pool means any property which under law has become evacuee property up till now and any property which may become evacuee property under the law which may be prevailing henceforth. It is within the competence of this Parliament to pass a law which affects the volume of Evacuee properties. There are certain amendments in the Bill which will affect the evacuee properties in future. But it is open to this House to pass that law or not. But once it becomes law, evacuee property will mean evacuee property which becomes such under the new law. That is one way of looking at the evacuee property.

Now two more objections have been raised, rather unfortunate objections. One was that there has been interference with the discretion of the Custodians. Some instances have been cited. It has been said that a certain Minister wrote to a Custodian or some Parliamentary Secretary or Private Secretary or some other person high up wrote to the Custodian. Now, those are matters of old history. In regard to the administration of evacuee property during the period of two and a half years that I have been Minister I challenge any hon. Member sitting on this side or the other side to produce one letter that has been written to the Custodian, or one instance in which the judgment of the Custodian has been interfered with. It is true that we have got powers under Section 16; we have got powers under Section 52. I have exercised them in certain cases. I had exercised them in the case of Chattriwala. It is a public property. The matter has come before the House and it has been discussed more than once and what I have done in that case and all the other cases is

the only and the correct decision that should have been taken. I dare say that I am not afraid of taking any step which is a correct step even if it may displease some of my friends.

Pandit Thakur Das Bhargava: Nobody has complained against you.

Shri A. P. Jain: I will exercise the powers under Sections 16 and 52. I will exercise them openly. It will be open to the Members of this House to examine any of the cases and if it is found that I have functioned *mala fide* or I have functioned dishonestly, well, I will not be worthy to remain where I am.

[MR. DEPUTY-SPEAKER in the Chair]

It is true that the powers under sections 16 and 52 are extraordinary powers. But this is an extraordinary law under which extraordinary powers are necessary. The House cannot forget that the evacuee property law and its administration, to a certain extent, depends upon our agreements with Pakistan. There have been a large number of agreements. I am sorry that most of them have not been fulfilled by Pakistan. Whatever may be the Evacuee Property law, certain exceptions have to be made on the basis of those agreements.

Then, the Evacuee Property law has been changing from time to time. At one time a person who had not gone over to Pakistan, who had nothing to do with Pakistan, but who was dislodged from his usual place of residence to another State, or sometimes within the same State, became an evacuee. The question arose: should that person be treated as an evacuee any more? The law has been changed, and under the present law a person who has not left India, cannot ordinarily be declared, as an evacuee. So, certain policy decisions have been taken. One of them is that if a person had not gone to Pakistan but was dislodged on account of disturbances or conditions of insecurity from his usual place of residence, such person's property should not be kept as evacuee property and should be restored. I hold that is a good and honest thing.

Then, there was a certain notification of the 3rd July under which persons returning before a particular date were entitled to restoration of property. That was the undertaking given in this House. A notification was issued. The question arose whether that notification applied to previous acts and ordinances or it applied only to the present law. The view of the Government both at the time of giving the undertaking as later on,

[Shri A. P. Jain]

was that the notification was useless unless it was made to apply retrospectively. There was a defect in the notification and we have rectified it.

Both with regard to section 16 and section 52, I say they are the old laws existing. We have interpreted it in a particular manner. There has been some difference of opinion about it. All that I have done is 'hat I have brought the provisions of sections 16 and 52 in consonance with the view upon which we have worked, and it is the right of every Government and of every Ministry to put forth a legislation of that kind.

Therefore, I say that so far as these provisions are concerned I think they are necessary, for this extraordinary law. We have acted upon them; we propose to act upon them. Suppose, a hard case comes up. For instance, the hon. Member, Mr. Zaidi, pointed out a case in which the High Court made certain observations. And, recently I came across a case in which the Bombay High Court made certain observations saying that although they had not got jurisdiction to decide the case, yet there were certain relevant matters which had not been considered by the Custodian-General and which have a bearing on the case. The case came before me. I sent it to the Law Ministry for examination. I have not taken the final decision, but the Law Ministry has very largely agreed with the observations of the High Court. In such cases, I propose to exercise that power, because wherever there is an error it must be corrected, whether the decision goes in favour of A or in favour of B.

The Evacuee property pool is important for the refugees. It is important for me. Because I am one of those who believe that the real solution of the rehabilitation problem depends upon the payment of compensation. To the extent that the Evacuee property pool is diminished, the possibility of giving proper compensation diminishes. Therefore, I am most anxious to preserve it; but not by depriving a person of his legitimate rights to the property. May be one case, may be ten cases, may be one hundred cases, wherever I find that an error has been committed by the Custodian or by the Custodian-General, where I find that there is a case for interference, not on account of any prejudice, or on account of likes or dislikes, or on account of personal grounds, but because an error has been committed—an error of law or of fact—or there are other good reasons, I

will exercise my discretion under section 16 or section 52, whichever section is applicable.

But I dare say that in regard to all the cases in which I have restored property under section 16, all individuals may not agree, but I have acted conscientiously. I have acted honestly. People may differ from me. But they cannot accuse me that I have frittered away the property. I am prepared to stand the test. One person may not agree or another may not agree, because there is always disagreement among us. But the disagreement must be an honest one. Everyone must play his part honestly. That is with regard to the Evacuee property pool.

Several points have been raised, and I am thankful to my friend, Pandit Thakur Das Bhargava, who has answered quite a large number of issues that were raised by various Members. There are, however, two or three points about which I would like to say a few words.

One is the question of 'intending evacuee'. Objections have been raised as to why we should exempt persons who have been declared as intending evacuees by competent officers. Apart from what my friend, Mr. Achint Ram, has said, namely, that the conditions are changed, I would like to draw the attention of the House to sub-section (3) to section 26 of the Administration of Evacuee Property Act. It lays down that a person need not remain an 'intending evacuee' for all times after he has been declared as an 'intending evacuee' once. He is put on a sort of apprenticeship. It is open to him to present a petition for the revision of the order six months after the order has been passed. Thus a provision has been made in the law for a review from time to time. Now, who is the person who can become an 'intending evacuee'? A person who has done one of the acts mentioned in section 2(e), namely one who has sent some money to Pakistan or has acquired evacuee or abandoned property under certain circumstances there or who had entered into a deed of exchange, etc., certain legal inferences are drawn from these actions. That action must have been done before 18th October 1949. Since 18th October, 1949, three and a half years have expired and the presumption, which arose, I think, stands totally rebutted since he has been living in India all along. That is one reason why we have given the general amnesty, i.e., we feel that after the ex-

piry of this period of three and a half years, any intention that could be inferred from certain acts that he did stands rebutted today.

I would take this occasion to correct a little misunderstanding which could arise and which arose from certain observations made by my friend, Pandit Thakurdas Bhargava, with regard to certain clauses which have been added to the definition of evacuee. He said that—I am referring to sub-clause (1) of clause 2—the evacuee property pool will be augmented thereby. That is not the position. Even under the existing law, a person who sends money under certain circumstances or who acquires abandoned or evacuee property in Pakistan after 18th October, 1949, becomes an evacuee by a joint interpretation of clause 2(e) and (f). That is the position which has been maintained. It has not been affected either one way or the other. The only difference has been that the resultant effect of clause 2(e) and (f) has been transferred to clause 2(d). So, the position remains the same. It neither augments the pool nor it takes away anything from the pool.

Mr. Zaidi, during the course of his speech, said that evacuee property questions are not being decided by judiciary and he found support from certain observations which I had made. I said that the jurisdiction of the civil court has, in general, been kept out from the Evacuee Property Act. That does not mean that the Custodians act otherwise than according to law. The important provisions of the Civil Procedure Code are applicable to the proceedings before the Custodians. The manner and the principles in which the Custodians should function have been laid down in the law. They are a kind of special officers who exercise judicial powers. Therefore, to say that evacuee property questions are not being decided in a judicial manner would be an incorrect statement.

Pandit Thakur Das Bhargava: Under section 16, power has been reserved to Civil Courts.

Shri A. P. Jain: Yes. Another objection was raised to what I said this morning that on the whole the question of the jurisdiction of the civil court does not form the subject matter of the Amending Bill.

Another hon. Member—I forgot his name—referred to clause 7 of the Bill in which it has been made clear that

if an application under section 16 is rejected, there will be nothing to prevent the applicant from establishing his title through the proper civil court. We have brought nothing new but it is just a clarification of the position as it stood. I would refer to the original section 16, sub-section (3) which says that such restoration shall not prejudice the rights, if any, in respect of the property which any person may be entitled to enforce against the persons to whom the property has been restored. Now, the effect of this provision is that if the property is restored to a wrong person, then the right person can claim the property in a civil court; but if the application had been wrongly rejected, he had no such remedy. We have only rationalised the position but on the whole the scheme of the Act has been maintained as it is. These are my observations with regard to certain points which have been raised and, on the whole, I feel—there may be a difference of opinion here or there—the Bill, I think, will receive a good reception. I hope the House will pass the motion.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Administration of Evacuee Property Act, 1950, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2— amendment of Section 2 etc.

Shri V. G. Deshpande: I beg to move:

(i) In page 7, line 13, for "the 18th day of October, 1949" substitute "the 15th day of August, 1947".

(ii) In page 7, line 17, for "the 18th day of October, 1949" substitute "the 15th day of October, 1947".

(iii) In page 7, after line 23, insert:

"(vi) whose wife and children are staying in Pakistan continuously for more than two years and against whom an intention to settle in Pakistan is proved by his conduct and other documentary evidence".

(iv) In page 8, omit line 5.

Mr. Deputy-Speaker: You may speak on all these amendments or on the clause as a whole.

Shri V. G. Deshpande: I have moved that in page 7, line 13, for "the 18th day of October, 1949" substitute "the 15th day of August, 1947".

The purpose of this amendment is that in the new definition of an evacuee they have omitted the intending evacuee whereas in the definition of the intending evacuee, it was given that—

"any person who has transferred his property or any assets to Pakistan after the 15th day of August, 1947....."

Now they have substituted the 18th day of October, 1949. My submission is that those persons who have transferred their assets to Pakistan in between the 15th day of August 1947 and 18th day of October, 1949 escape the consequences of this measure. My hon. friend Mr. Zaidi pointed out that if a person who has a property of one lakh rupees transfers Rs. 4,000/- just with the sole object of sometimes going to Pakistan if need arises, he should not be declared as an intending evacuee. There may be cases where a person has transferred Rs. 96,000/- out of

his property worth Rs. one lakh to Pakistan and has retained only Rs. 4,000/- here and is waiting for Mr. Jain to get this measure passed so that he may dispose it of and run away to Pakistan. Such cases will be exempted from the operation of this law and therefore, as I have said, those who want to remain in India we have no quarrel with them. In fact, I have every love and affection for them. I was feeling that hon. friend Mr. Zaidi was opposing the Bill when, he said that for those who intended to go to Pakistan, he had no affection. My opposition is only to those persons who are intending to go to Pakistan. My hon. friend Mr. Bhargava does not want to go against them also. I can understand his point of view that anybody may like to go to Pakistan. There is nothing wrong. My feeling is this. I have no objection or quarrel with even those persons who want to go to Pakistan but I am a human being. I do not stay in the heaven and I have not risen to those spiritual heights whereby I would allow Muslims to have the best of both the worlds because Pakistan is very

strong and would not allow any property to come here and my Government is very liberal, very generous and spiritually very high, therefore, Muslims here should get the property of the Hindus there,—exchange it for a very small sum—and then again enjoy properties here. In fact, in their own interests, I do not want this. In the definition of evacuee property, this change has been made; for 14th August, 1947, it is 18th October 1949. I want this to go by my amendments Nos. 3 and 4.

Can I speak on all the amendments now?

Mr. Deputy-Speaker: All of them together and the clause.

Shri V. G. Deshpande: An exception has been made in the case of a person who is staying here if he sends some money to Pakistan to a member of his family. What I want to say is this. 'Member of his family' is a very wide term. Suppose there is a joint family. A brother is a member of the family; his grown up son is a member of his family. If he begins to send money in the name of these people, all his earnings, all his property may go away there. Therefore, I want to help the hon. Mr. Jain. His intention is that there should not be any genuine case of hardship. Any member who is wholly dependent upon the person residing here should not be made to suffer. Therefore, I have suggested the change that instead of having the words only "member of his family", we may have "wholly dependent on him".

Then in the definition of evacuee, I want this clause to be inserted by amendment No. 6, that is, to add this clause. What I want to add is the clause:

"(vi) whose wife and children are staying in Pakistan continuously for more than two years and against whom an intention to settle in Pakistan is proved by his conduct and other documentary evidence."

I think that no Member of this House should have any objection to this clause being inserted in the definition of evacuee. What we say is, the person has been staying here continuously for two years and we should have no cause for suspecting his bonafides, and his intention. I feel here is a case of a person who is staying here just to rob the evacuees of their property. His wife and

children are staying there. Not only that. These words I have taken from the original definition of 'intending evacuee': against whom an intention to settle in Pakistan is proved by his conduct and other documentary evidence. My anxiety is that those persons against whom this intention to opt out to Pakistan has been established should not get advantage of this generosity on the part of this Government. Therefore, in the present definition of 'evacuee' you may add this clause:

"against whom an intention to settle in Pakistan is proved by his conduct and other documentary evidence."

An objection has been raised and I am told that by this clause you practically retain the 'intending evacuee' clause there. I say, certainly my intention is that those who intend to go to Pakistan, must come under the operation of the Administration of Evacuee Property Act. In fact the object of this new Act is to allow some people to escape. I say, if the intention to settle in Pakistan is proved, they should not be allowed to escape. I do not say that some people, on account of suspicion should be declared as intending evacuees. We may appoint a competent authority, may be a judicial authority or a Custodian. If by his conduct and by documentary evidence, his intention is proved, that man should be declared an evacuee. I understand that there is a difficulty, and that is why my opposition to the whole Bill is there, and that is why I have proposed this amendment No. 7 where I say:

In page 8, omit line 5.

Because in line 5 they say that clause (e), i.e., the clause pertaining to intending evacuees, should be omitted. I say let the clause pertaining to intending evacuees remain. As I have said, as long as it is on the statute book of Pakistan, it should remain here also. I am not saying this—let me not be misunderstood—in any spirit of revengefulness. In the spirit of a tooth for tooth, an eye for an eye, that because they are troubling Hindus, we must trouble and persecute loyal and innocent Muslims here. What I am saying is that this question of intending evacuees is very important. Some people feel that that danger has passed away as five, six years are over, but my feeling is that that is not the case. We

485 PSD

have seen that in the case of Bengal yesterday we have passed sums worth crores of rupees for the sake of people from Pakistan who have come here and settled here. The wound of Pakistan is still alive, and those who want to remain blind to the situation, may do so. I am a very great admirer of their generosity and spiritual heights, but as a realist I face realities as they are, and I am not prepared to accept that there are now no Muslims left who do not intend to go to Pakistan as I am not prepared to believe that there are no Hindus left in Pakistan who do not intend to come to Hindustan. My feeling is that. I say that they should not go. I want that our Government should do everything whereby they should have a feeling that they should not go. But, at the same time, if there are any persons whose intention to migrate to Pakistan is proved and established by documentary evidence or by their conduct, I feel that this clause (e) should not be omitted. As I have said, you cannot declare as an evacuee a person who is an intending evacuee. There is some lacuna, some contradiction. Therefore, I again appeal to them to omit this line 5 which wants to omit this definition of an intending evacuee. I want that this category of intending evacuee should remain because the problem remains.

I do not say anything in a spirit of retaliation or revengefulness. I say the reality of the situation demands that this provision should be retained. This is all I have to submit regarding the amendments to Clause 2.

Mr. Deputy-Speaker: Amendments moved:

(i) In page 7, line 13, for "the 18th day of October, 1949" substitute "the 15th day of August, 1947"

(ii) In page 7, line 17, for "the 18th day of October, 1949" substitute "the 15th day of October, 1947"

(iii) In page 7, after line 23, insert:

"(vi) whose wife and children are staying in Pakistan continuously for more than two years and against whom an intention to settle in Pakistan is proved by his conduct and other documentary evidence;"

(iv) In page 8, omit line 5.

बी पी० एन० राजभोज (शोलापुर—
रक्षित—अनुसूचित जातियां) : मुझे बहुत
कुछ बोलना था लेकिन हमारे व्हिप (whip)
ने क्लोजर (closure) लगा दिया है
इसलिये नहीं बोलना चाहता । मेरा कहना
यह है कि हिन्दुस्तान में रहने वाले किसी
पर भी अन्याय करने के खिलाफ हैं । चाहें
वह मुसलमान हो या ईसाई हो । लेकिन आज
इंटेंडिंग इवैक्सी (intending evacuee)
की धारा को समाप्त करने से यह नतीजा
हो रहा है कि उधर से आने वालों को प्रापर्टी
(property) दे दी जाती है और गरीब
शरणार्थियों को नुकसान होता है । मेरे
पास काश्मीर से एक पत्र आया है । हमारे
काश्मीर के भाई सब लोगों के साथ बहुत
अच्छी तरह से रहते हैं ऐसे कहते हैं । लेकिन
मुझे दुःख के साथ कहना पड़ता है कि जम्मू
में शिड्यूल्ड कास्ट (scheduled caste)
वालों को उन लोगों की जमीन मिली जो कि
पाकिस्तान चले गये थे, लेकिन इस कानून
के अनुसार जब वह वापस आयेंगे तो उन की
वह जमीन जो कि शिड्यूल्ड कास्ट
(scheduled caste) वालों को
मिली थी वह चली जायेगी । तो मैं
अपने मिनिस्टर साहब से पूछना चाहता
हूँ कि जो लोग आये हैं उन को जो जमीन
मिलेगी वह परमानेंट (permanent)
तौर से मिलेगी या जब मुसलमान आ
जायेंगे तब उन से ले ली जायेगी ।
मेरे पास इसी तरह की चिट्ठी आई
है । उस में लिखा है कि जम्मू और
काश्मीर में जो जमीन उन को मिली
थी वह जब मुसलमान वापस आते हैं
उन को दे दी जाती है । शरणार्थियों में बहुत
से शिड्यूल्ड कास्ट (scheduled caste)
के भी हैं । इस के अलावा आप शरणार्थियों
के लिये तो इतना करते हैं लेकिन जो हजारों
वर्षों से आप के यहां अछूत लोग हैं उन के लिये
क्यों नहीं कुछ करते । इस वाग्ने इस बिल

(Bill) पर श्री देशपांडे जी ने भी कुछ
कहा है । मेरे पास भी चिट्ठी आई है । इसके
लिये कोई क्लेरिफिकेशन (clarification)
मिनिस्टर साहब की तरफ से होना चाहिये
कि जो जमीन जिस को मिल जाये वह हमेशा
के लिये उस को मिल जाये । अगर ऐसा
नहीं होगा तो जो मुसलमान आयेंगे
वह उन की जमीन ले लेंगे । तो जो
अमेंडमेंट (amendment) देशपांडे
जी ने दिया है उस को मंजूर करना
चाहिये । और कई सवाल हैं लेकिन
इस वक्त मैं हाउस का ज्यादा वक्त नहीं लेना
चाहता हूँ । मैं सिर्फ मिनिस्टर (Minister)
महोदय से यह कहना चाहता हूँ कि वह यह
बतलावें कि शिड्यूल्ड कास्ट (scheduled
caste) की क्या परिस्थिति होगी ।
अब और भी दूसरे लोगों को, करीब करीब
हजारों लोगों को उठाने के लिये कस्टोडियन
(Custodian) की तरफ से नोटिस
(notice) चला गया और नोटिस
(notice) में लिखा है कि तुम अभी चले
जावो । अभी कानून में ऐसा लिख दिया है
तो उस में भी करीब करीब १/६ शिड्यूल्ड
कास्ट (scheduled caste) के लोग
हैं । तो यह जो रूलिंग (ruling) है,
कानून है, उस में कुछ फर्म (firm)
होना चाहिये जिस से सारे लोगों के लिये भी
कुछ हो । हम हिन्दू लोग संगठित नहीं हैं ।
मुसलमान चाहे मुस्लिम लीग के हों, चाहे
कांग्रेस वाले हों, अन्दर से एक भाई भाई
बन कर काम करते हैं । हमारे अन्दर क्या है ?
यह अछूत है, बनिया है, ठाकुर है, यह है वह
है, इस तरह की हालत है । यह होना चाहिये
कि जो सच्ची बात है वह सच्ची बताई जाये
और जो झूठी बात है उस को झूठी बताना
चाहिये । इन लोगों के साथ तो हमारा हर
वक्त झगड़ा रहता है, क्योंकि यह लोग भी
कोई हमारे दोस्त हैं , ऐसी बात नहीं है ।

जहां तक अछूतों का अच्छा होता है हम किसी पार्टी के साथ दोस्ती करते हैं, जहां तक बुरा होता है, हम झगड़ा कर लेते हैं।

तो मेरा कहना यह है कि जहां तक रिफ्यूजी (refugee) लोगों का सवाल है इस के अन्दर भी अछूतपन का झगड़ा नहीं होना चाहिये, उन के साथ अन्याय नहीं होना चाहिये। जो सहूलियतें उन को मिल रही हैं वह मिलनी चाहियें। रिफ्यूजी (refugee) के लिये जितना देना हो, दे दो, लेकिन यह न करो कि इस में भी अछूतपन हो।

सरदार हुकम सिंह : बिट्ठी तो दे दीजिये।

श्री पी० ऐन० राजभोज : वह तो जरूर दे दूंगा। मैं जम्मू जा रहा हूं। वहां इनक्वायरी (enquiry) कर के आऊंगा तो सब बताऊंगा। न इस पार्टी में हूं न उस में हूं। हमारी तो इंडिपेंडेंट (independent) आवाज है, वही रखना चाहता हूं।

इतना ही बोल कर मुझे स्पीकर महोदय ने जो बोलने का चान्स (chance) दिया है और जो बात करने का मौका दिया है उस के लिये मैं धन्यवाद देता हूं।

Shri Mulchand Dube (Farrukhabad Distt.—North): I would like to speak a few words on the amendment that is just now being discussed. The proposed sub-clause (v) does not seem to me to be quite clear. It seeks to make a distinction between acquisitions made by person and the acquisitions made by members of his family; in the one case, it is only by way of purchase or exchange, while in the other case, it is 'in any manner whatsoever'. The sub-clause reads:

"(v) who has, after the 18th day of October 1949, acquired, if the acquisition has been made in person, by way of purchase or exchange, or, if the acquisition has been made by or through a member of his family, in any manner whatsoever, any right to, interest

in, or benefit from, any property which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan."

I do not quite understand the principle underlying the differentiation that is being made between acquisition in person and acquisition through the members of a person's family. I, therefore, propose for the consideration of the hon. Minister, whether he could alter the clause in the following manner:

"(v) who has, after the 18th day of October 1949, acquired directly or indirectly, by way of purchase or exchange, or gift accepted by him, any right to, interest in, or benefits from any property....."

I suppose that this would make it quite clear. In that case, the explanation giving the definition of a 'member of the family' may have to be deleted. I put this for the consideration of the hon. Minister, so that if he chooses, he could make this amendment.

Shri A. P. Jain: With regard to amendments Nos. 3 and 4, the intention is that those who were treated as intending evacuees under the present law—by 'intending evacuees' I mean persons who suffer disabilities under section 19—should be treated as evacuees. I am sorry I cannot accept that amendment. If a person goes to Pakistan after selling his property then section 40 is there and any transaction entered into by him by way of sale, purchase etc. can be questioned under section 19.

Then there is, though it has not been moved, amendment No. 5—'wholly dependent on him'. I am afraid that the hon. Member has not seen the definition of 'member of the family' contained in the original Act, i.e. 'member of the family means any member of the family of any person who is wholly dependent upon the earnings of such person'. So that is unnecessary.

Then with regard to amendment No. 6, he wants to make the clause even harder than what it is at present because only those persons who commit one of the acts mentioned in clause 2(e), viz., send money or acquire property or do any of those acts, become evacuee. Mere intention to migrate as can be inferred from certain other acts does not render a person as evacuee even if that occurs after the 18th October 1949. Therefore, this amendment is not acceptable to me.

I oppose all the amendments.

Mr. Deputy-Speaker: The question is:

In page 7, line 13, for "the 18th day of October 1949" substitute "the 15th day of August 1947".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 7, line 17 for "the 18th day of October 1949" substitute "the 15th day of October 1947"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 7 after line 23, insert:

"(vi) whose wife and children are staying in Pakistan continuously for more than two years and against whom an intention to settle in Pakistan is proved by his conduct and other documentary evidence."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 8, omit line 5.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 4 were added to the Bill.

Clause 5.—(Amendment of Section 12)

Mr. Deputy-Speaker: Mr. Deshpande.

Shri V. G. Deshpande: I am moving my amendment. Sir, I thought the House would adjourn, because there was no adjournment for tea even, and we are interested in the Bill. It was not adjourned even for half an hour.

Mr. Deputy-Speaker: I am so sorry. The hon. Member is taking interest. Whoever takes interest suffers.

Shri V. G. Deshpande: I beg to move:

In page 8, for lines 42 to 50, substitute:

"Provided that in the case of any lease granted before the 14th day of August 1947 the lessee has rendered himself liable to eviction by virtue of any law for the time being in force in the State in which the property is situate."

In fact, section 12 of the principal Act was amended by the Select Committee. The original Act was: "where such allotment, lease or agreement has been granted or entered into after the 14th day of August 1947".

7 P.M.

It was found out that those who had obtained such leases or allotment before the fourteenth day of August could not be interfered with and even if there were some lapses on their part the Custodian of Evacuee Property could not be interfered with and even the original Bill it was suggested that in place of "entered into after the 14th day of August 1947" they had better put, 'or after the 14th day of August 1947.'

Then, it was pointed out that the Custodian should not have this power and he should not be in a position to misuse it. Therefore, the powers were restricted only to those two cases, 'sub-let, assigned or otherwise parted with the possession of the whole or any part of the property leased to him or has used or is using that property for purposes other than that for which it has been leased to him'.

Then, we pointed out that even this will leave many undesirable things and the power may be misused and therefore this amendment which has been suggested is this:

In page 8, for lines 42 to 50, substitute:

"Provided that in the case of any lease granted before the 14th day of August, 1947 the lessee has rendered himself liable to eviction by virtue of any law for the time being in force in the State in which the property is situate."

I need not speak much on this amendment. I hope the hon. Minister will accept this amendment because this covers all the points. There can be no difficulty in accepting this amendment.

Mr. Deputy-Speaker: Amendment moved:

In page 8, for lines 42 to 50, substitute:

"Provided that in the case of any lease granted before the 14th day of August, 1947, the lessee has rendered himself liable to eviction by virtue of any law for the time being in force in the State in which the property is situate."

Shri A. P. Jain: This clause was thoroughly discussed. There were two points of view; one that the Custodian should have all the powers with respect to persons who have been living on evacuee property before the 14th August, 1947. There was the other school of thought which said "these are the persons who have been continuing in occupation from normal times;" let abnormal powers not apply to them. Therefore a sort of compromise was struck wherein only belated cases, namely, where the pre-15th August, 1947 tenant had sublet the tenancy rights or had used the property for purposes other than those for which it was let might be dealt with by the Custodian under his summary power. But, in any other case the Custodian must go to a court of law. I think that is a healthy provision because whatever might be said, yet the normal law should function as it is, and, particularly, in the case of persons who have been in occupation for a long time, whether it be the Custodian, who is to sue, or any other landlord. Therefore, I am sorry I cannot accept the amendment.

Mr. Deputy Speaker: The question is:

In page 8, for lines 42 to 50, substitute:

"Provided that in the case of any lease granted before the 14th day of August, 1947, the lessee has rendered himself liable to eviction by virtue of any law for the time being in force in the State in which the property is situate."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 7.—(Amendment of section 16 etc.)

Shri V. G. Deshpande: This is a very important amendment I am moving, Sir. I beg to move:

In page 9, lines 47 and 48,—for "the Central Government or any person authorised by it in this behalf" substitute "an evacuee judge to be appointed by the Central Government from amongst the present or retired Judges of High Courts."

The provision that is proposed in this Bill is:

"Restoration of evacuee property.—(1) Subject to such rules as may be made in this behalf, the Central Government or any person authorised by it in this behalf may, on application made to it or him by an evacuee or by any person claiming to be the heir of an evacuee, and, on being satisfied that it is just or proper so to do, grant to the applicant a certificate stating that any evacuee property which has vested in the Custodian and to which the applicant would have been entitled if this Act were not in force, shall be restored to him."

This is a very sweeping power and while giving this power the House ought to think very seriously. The hon. Minister has given an assurance. I do not doubt his *bona fides*. As he had said, we may differ from his judgment, but whatever he has done, he has done honestly and with the best of motives. Whatever he or his colleagues in the Cabinet have done has been done with the best of motives. But the best of motives should not be the only criterion. The interests of the country, of the refugees and of justice should also be borne in mind. We do not want any Minister to be vested with such powers. I would call this a lawless law in fact. The provision says that they can proceed as if this Act did not exist. It temporarily suspends the Act. I do not want such a power to be given to the Minister. So long as Mr. Jain occupies this post, matters may be dealt

[Shri V. G. Deshpande]

with great honesty, but we do not know whether he will continuously and for limitless times occupy this onerous post.

Sardar Hukam Singh: He will wind up the whole thing.

Shri V. G. Deshpande: If he does so, I do not know what will happen. My contention is that if the House wishes these decisions to be taken, then the power should be given, not to any Government or to any person authorised by it, but there should be a post of Evacuee Judge created from among the present or retired judges of the High Court. If this is done at a judicial level, there would be no objection at all. My point is that if any Minister were to do it, he can do it for political reasons. I do not say that political reasons are not always honest reasons. They may have certain high ideals, which according to me are not very good. Every day they talk of communalism. My feeling is that tomorrow they may cancel the community projects, because the word "community" figures there. I do not know what a Government in its perverse zeal can or cannot do, according to its notions of secularism, nationalism and all kinds of 'isms'. In the end, justice may be sacrificed. That is why I want that the power should not be given to a Minister. I do not even mind an executive officer working under a Minister being entrusted this job, but even a Minister with the best of motives should not be given this power. He may use it even for getting votes. I should not say it, but this is my fear. I do not say that the present Ministers are doing so, but if a certain party is in majority in certain parts, such considerations can come into play. Worse parties may come into power. So, they may use this power for getting electoral success. They may misuse it. That is why I suggest that this should not be made a party question, and my amendment should be accepted.

Mr. Deputy-Speaker: Amendment moved:

In page 9, lines 47 and 48 for "the Central Government or any person authorised by it in this behalf" substitute "an evacuee judge to be appointed by the Central Government from amongst the present or retired Judges of High Courts".

Pandit K. C. Sharma (Meerut Dist.—South): This designation "Evacuee Judge" denotes a fantastic conception. A judge should be valued as an honest and well-meaning man. These perversities should end. It is the height of perversity to use the word "evacuee" before "Judge."

Sardar Hukam Singh: Why should my hon. friend feel so much simply because the title is "Evacuee Judge"? We entrust certain functions to a judge, whoever he might be, and whether we call him Evacuee Judge or hon. Judge, it matters little. The name can be changed. It is only the duties entrusted to him that matter. All that my hon. friend Mr. Deshpande suggested was that because this work connected with evacuee property is going to be entrusted to him he might be called "Evacuee Judge." There should be no reason why exception should be taken to it.

Then the hon. Minister said with some vehemence that wherever he felt satisfied he had given certificates and he would give certificates. We have no objection. Wherever he feels satisfied he is competent to give certificates. He is all in all; he has the power and he can exercise it. We on this side at least cannot by any means object to it. But we shall be grateful if he would be kind enough to tell us what is the number of cases in which he has exercised this power under Section 16, and also the number of cases in which he has exercised his power under Section 52. We would also like to know whether it was after some High Court or judicial authority had taken objection to the way in which the Custodian had exercised his discretion that this power was exercised and if so whether the Law Ministry was consulted. Can he also give us an assurance that in future also he would exercise his discretion in this manner under these sections only when cases have been examined by the High Courts or by his Ministry, or whether there would be other reasons. It is quite all right to feel satisfied, but he should have some grounds to feel so.

Pandit Thakur Das Bhargava: There is no doubt about the fact that Sections 16 and 52 invest the executive with extraordinary powers. But all the same, I have to submit that in the present stage of evacuee property law this power is absolutely necessary. I do not want to repeat what fell from the hon. Minister himself previously, that this law has been changing. Previously, when we

started, if any person or the family of a person had not gone to Pakistan but to another province or place in India even then the property became evacuee property. In such hard cases where is the power to do justice to these people?

I remember another case. On account of agreement between Pakistan and India some properties were regarded as non-evacuee properties, for instance the shares in certain companies, etc. According to our law as it then stood, there was difference of opinion; the Custodian-General was of the opinion that these shares were evacuee property, whereas according to the Agreement and according to the notification of Government it was not evacuee property. In such cases when the law has been changing, there is no point in not having a law under which the Executive can do justice.

Even in criminal courts, where death sentence is given the Executive is given the power of reprieve. I know of cases in which courts have given orders for hanging a person and we have approached the authorities and convinced them that the man was innocent and he was given reprieve. So, these powers are given to do justice.

Sardar Hukam Singh: Mercy petitions.

Pandit Thakur Das Bhargava: Quite right. I should say it is a divine power of doing justice. I am not in favour of divine power. But when the entire law is such that it cannot be justified on altruistic principles, I am of the opinion that this power is absolutely necessary.

If you will kindly see section 52 it has been changed; it has been rationalised. It does not deal with individual properties, it deals with classes of property or classes of persons. The only power under which justice can be given is section 16. I am perfectly satisfied that the present hon. Minister or any other hon. Minister has not abused this power so far. They have always been used for the purpose of doing justice. There is no room for apprehension in our minds. If anything wrong is done here is the legislature and the matter can be brought before it. I therefore say that this section should remain. So far as the question of evacuee judge is concerned, I am very happy that my hon. friend Sardar Hukam Singh has come to the help of my hon. friend Mr. Deshpande.

pande. At the same time I do not know what is the meaning of the word "Evacuee Judge". If you say "refugee" I can understand.

Shri V. G. Deshpande: I meant Evacuee's Property Judge.

Dr. S. P. Mookerjee (Calcutta South-East): Like Rent Controller.

Pandit Thakur Das Bhargava: That person has to be found out of the cadre of High Court Judges.

Dr. S. P. Mookerjee: In charge of evacuees.

Pandit Thakur Das Bhargava: Are there any evacuees from whom a High Court Judge can be found out?

Mr. Deputy-Speaker: I am afraid there is a misapprehension. It is something like the Divorce Court. The Court does not marry. If the hon. Minister agrees with the substance of the amendment, the phraseology can be modified.

Pandit Thakur Das Bhargava: What is that judge? Let it be Evacuee Property Judge. What are his functions?

Mr. Deputy-Speaker: The point is this. Instead of clothing the Central Government with the power, he wants a High Court Judge to carry out all those functions which are now vested in the Central Government under this section.

Pandit Thakur Das Bhargava: Let us examine this provision all the same. Suppose Government appoints a judge. What will be his functions? This section speaks of two kinds of cases, cases in which powers have been reserved for civil courts in the first instance. Suppose the Government gave a certificate, and even then the Custodian-General did not accept the title. The power has been reserved to the person, whose case is not accepted by the Custodian-General, to go to a civil court. Even that has to be changed. And then the question of title has to be decided, and it has again to be seen by the Custodian-General. So this mere amendment will not serve the purpose. Unless there is something which changes the entire section, this amendment if accepted would make it worse, it will be meaningless.

Shri A. P. Jain: I oppose the amendment.

Mr. Deputy-Speaker: The question is:

In page 9, lines 47 and 48, for "the Central Government or any person authorised by it in this behalf" substitute "an evacuee judge to be appointed by the Central Government from amongst the present or retired judges of High Courts."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8.—(Substitution of new section etc.)

Shri A. P. Jain: I beg to move:

(i) In page 10, line 36, before "where" insert "(1)"; and

(ii) In page 11, after line 4, insert—

"(2) Where any person acquires or has acquired any rights under a Provincial Act or a State Act in respect of any property by reason of being in possession of that property, whether in pursuance of a grant, lease, or allotment made by the Custodian or otherwise, the acquisition of such rights shall not in any way affect or be deemed to have affected the rights and powers conferred on the Custodian under this Act in respect of that property".

The necessity for moving this amendment has arisen on account of certain land reform laws that are being passed in States, in particular in Uttar Pradesh. The Zamindari Abolition Act has been passed there and certain other enactments have also been passed as a result of which persons to whom the Custodian had granted leases for a short period, a period of one year or two years, have applied for what are known as *bhoomidari* rights. Persons who had taken unlawful possession when some Muslims migrated to Pakistan have also applied for acquisition of *bhoomidari* rights. The provincial laws are not very clear in that respect, and certain difficulties of interpretation arose. I had extensive correspondence with the Government of Uttar Pradesh and they agreed that some such clarification was needed. The question then arose whether the clari-

fication should be made by the State in their laws or we should make it here and this clause has been put in here with a view to clarifying the position, i.e., a temporary allottee who acquires his rights from a Custodian or a person who has trespassed on the evacuee land is not entitled to the *bhoomidari* rights or the higher rights of occupancy because the property is a special kind of property which is meant to be utilised for the benefit of the displaced persons. That is in regard to the application. All other things will have to be worked out but this amendment, I believe, is necessary.

Dr. S. P. Mookerjee: How will the insertion of this clause affect the laws which might have been passed by the State Legislatures?

Shri A. P. Jain: Under the Concurrent List we are entitled to pass that law.

Dr. S. P. Mookerjee: It is done with the approval of the States.

Shri A. P. Jain: I will not put an amendment without referring to the States.

Mr. Deputy-Speaker: The question is:

(i) In page 10, line 36, before "where" insert "(1)"; and

(ii) In page 11, after line 4, insert—

"(2) Where any person acquires or has acquired any rights under a Provincial Act or a State Act in respect of any property by reason of being in possession of that property, whether in pursuance of a grant, lease, or allotment made by the Custodian or otherwise, the acquisition of such rights shall not in any way affect or be deemed to have affected the rights and powers conferred on the Custodian under this Act in respect of that property".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 8, as amended, stand part of the Bill".

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9, was added to the Bill.

Clause 10.—(Amendment of section 24)

Col. Zaidi: First of all. I have to remove the impression inadvertently created by me that I looked upon the functioning and the existence of these officers as non-judicial. All I meant was that their work is not subjected to review or appeal by the civil courts and I apologise for creating the misunderstanding in the minds of the hon. Minister. So far as this proposed amendment is concerned, I certainly was of the opinion that on substantial points of law, it would be a good thing to give some power to the High Court but it was pointed out by the hon. Minister that this is against the fundamental set up of the very Act. I do not quite accept that because even in taxation Statutes like the Income-tax Act where the whole thing is left to the departmental officers, in the last resort there is some little reference allowed to the High Court. Although the whole structure does not contemplate the interference of civil courts, still, in view of the hon. Minister's assurance even at the beginning of his speech this evening, I do not press this.

Mr. Deputy-Speaker: The question is:

"That clause 10 stand part of the Bill".

The motion was adopted.

Clause 10 was added to the Bill.

Clauses 11 and 12 were added to the Bill.

Clause 13.—(Substitution of new sections for sections 40 and 41)

Shri Mohiuddin (Hyderabad City): I beg to move:

In page 12, for lines 9 to 13, substitute—

"(i) the value of the property or the aggregate value of the properties transferred is less than three thousand rupees:

Provided that the transferor does not transfer property belonging to him of a value of three thousand rupees or more within a period of one year from the date of the transfer;"

Mr. Deputy-Speaker: Shrimati Renu Chakravarty not in her seat; those amendments not moved.

Col. Zaidi: I am not moving Amendment No. 14.

Shri A. P. Jain: I beg to move:

"(i) In page 12, lines 38 and 39, for 'the Custodian has rejected any application for confirmation thereof' substitute—

tute "any application for confirmation thereof has been rejected".

(ii) In page 12, line 46, after "Custodian may" insert:

"and shall where the application for confirmation was rejected by the Custodian General, if the Custodian General so directs".

Mr. Deputy-Speaker: Amendment 23 not moved.

These three amendments 12, 16 and 17 are moved. Amendments moved:

In page 12, for lines 9 to 13, substitute:

"(i) the value of the property or the aggregate value of the properties transferred is less than three thousand rupees:

Provided that the transferor does not transfer property belonging to him of a value of three thousand rupees or more within a period of one year from the date of the transfer;"

In page 12, lines 38 and 39, for "the Custodian has rejected any application for confirmation thereof" substitute "any application for a confirmation thereof has been rejected".

In page 12, line 46, after "Custodian may" insert:

"and shall where the application for confirmation was rejected by the Custodian General, if the Custodian General so directs".

Shri Mohiuddin: Amendment No. 12 is only an amendment to make the intention of the Bill and the wording of the particular clause clear. The existing clause of the Bill reads:

"(c) Where the transfer is made after the commencement of the Administration of Evacuee Property (Amendment) Act, 1952,

(i) the value of the property transferred is less than three thousand rupees:

Provided that the transferor does not transfer any other property belonging to him within a period of one year from the date of the transfer;"

Now, if, according to this wording, a transferor has transferred property of the value of Rs. 500/- within one year, he exhausts the concession given to him under this clause, while the intention of the clause as originally passed by the Select Committee was

[Shri Mohiuddin]

that the maximum value of the property which he could transfer in one year is Rs. 3,000. The amendment that I have moved makes that point clear so that his right to transfer a maximum of Rs. 3,000 a year is retained. That is why I have moved this amendment: Instead of lines 9 to 13, the following words be substituted:

"the value of the property or the aggregate value of the properties transferred is less than three thousand rupees:

Provided that the transferor does not transfer property belonging to him of a value of three thousand rupees or more within a period of one year from the date of the transfer;"

I hope the hon. Minister will accept this amendment.

Shri A. P. Jain: I accept the gist of the amendment, but I have redrafted it. I would rather put it in a different form. I move the following in substitution of Shri Mohiuddin's amendment:

In clause (c) of sub-section (2) of section 40, as substituted by clause 13—

(a) for sub-clause (i) and the proviso thereto, the following sub-clause shall be substituted, namely:

"(i) the value of the property or properties transferred in any one year is less than three thousand rupees; or";

(b) In sub-clause (ii) the words "the value of the property exceeds three thousand rupees but" shall be omitted.

Col. Zaidi: The only other thing that I may be permitted to say is that the original proposal regarding the fixing of a slightly higher amount so far as the poorer sections of the people are concerned was modified by the Select Committee and the amount was reduced to Rs. 3,000. The capital value of any property is very, very small relief, and I wonder if the hon. Minister would be pleased to take into consideration fixing of a higher amount as contemplated originally.

Shri V. G. Deshpande: My submission is that the limit of Rs. 5,000 is high. A point was raised that poor men who want to go back to Pakistan after receiving the property should not be opposed. I realise the sincerity of the proposal, but now a suggestion is being made that in the

interests of the poorer people, the limit should be raised from Rs. 3,000/- to Rs. 5,000. Poor people sending Rs. 5,000 and richer people sending Rs. 10,000/- is very funny. If their claims and if their professions about loyalty to India are true, they should not think of sending Rs. 3,000 or Rs. 5,000/- or such big sums to Pakistan. My submission is that this should not be allowed, and the limit may be even lessened if possible.

Col. Zaidi: On a point of personal explanation, nothing is farther from my mind than to suggest that any man should be allowed to send Rs. 5,000/- to Pakistan or even Rs. 1,000/-. All I suggested was that if personal reasons like marriage of a daughter or a call of business or any litigation or some other genuine grounds compel a person to sell his property, he may be allowed to do so to a limit of Rs. 5,000/-. There is no question of transferring money from India to any other country.

Pandit K. C. Sharma: But, if he is not allowed to sell his property above Rs. 3,000, it is in the interests of the man himself, because then he would be made to work harder and harder. He will benefit and the people will benefit.

Mr. Deputy-Speaker: The question is:

In clause (c) of sub-section 2 of section 40, as substituted by clause 13—

(a) for sub-clause (i) and the proviso thereto the following sub-clause shall be substituted:

"(i) The value of the property or properties transferred in any one year is less than three thousand rupees; or";

(b) in sub-clause (ii), the words "the value of the property exceeds three thousand rupees but" shall be omitted.

This is only a formal verbal amendment in substitution of Amendment No. 12 moved by Mr. Ahmed Mohiuddin.

The motion was adopted.

Mr. Deputy-Speaker: Now, the other two amendments moved on behalf of Government.

Dr. S. P. Mookerjee: He has not spoken.

Mr. Deputy-Speaker: He need not speak. Nobody has spoken against them. Therefore, the hon. Minister need not explain. Further, these are only formal. The question is:

In page 12, lines 38 and 39, for "the Custodian has rejected any application for confirmation thereof" substitute; "any application for confirmation thereof has been rejected".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 12, line 46, after "Custodian may" insert:

"and shall where the application for confirmation was rejected by the Custodian General, if the Custodian General so directs".

The motion was adopted.

Pandit Thakurdas Bhargava: I would like to speak just for half a minute. Clause 13 has been liberalised by the hon. Minister in a very good way, and I must pay my tribute to him. The liberalised provision will meet cases in which the transfer was held to be out of date or in which it was proved that as a matter of fact the transfer was made in good faith, but the consideration was inadequate. In many cases, the officers have not confirmed such transfers. Justice is being done by this provision to those cases. I want to record my appreciation of what the hon. Minister has done.

Mr. Deputy-Speaker: The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clauses 14 to 17 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the enacting formula were added to the Bill.

Shri A. P. Jain: I beg to move:

"That the Bill as amended, be passed."

Mr. Deputy-Speaker: In Clause I, 1953 should be inserted instead of 1952 since the Act has not been passed in 1952. So, in clause 1, and in other clauses where such a consequential amendment is necessary, the necessary amendments will be made by the Parliament Secretariat.

Sardar Hukam Singh: Now, Sir.....

Mr. Deputy-Speaker: There is no time left for any speeches. Hon. Members will know that from Monday onwards, for three days there will be General discussion on the Railway Budget. Immediately afterwards the demands for grants are taken up. Tomorrow, we are not meeting. After the Railway Budget, the General Budget is presented, and then it will go on till the 4th of April. Therefore if it is possible, we shall finish this Bill today. The other Bills would not be taken up now.

Sardar Hukam Singh: I forego my right, Sir.

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

Mr. Deputy-Speaker: The House will now stand adjourned till 2 P.M. on Monday the 23rd February, 1953.

The House then adjourned till Two of the Clock on Monday, the 23rd February, 1953.