



Tuesday  
23rd February, 1954

# PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers )

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**VOLUME I, 1954**

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**Sixth Session**

**1954**

**PARLIAMENT SECRETARIAT  
NEW DELHI**

THE

PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

Dated 01/12/2014

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HOUSE OF THE PEOPLE

Tuesday, 23rd February, 1954

The House met at Two of the Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

PRE-PARTITION MILITARY EQUIPMENT  
TO PAKISTAN

\*259. **Th. Lakshman Singh Charak:**  
(a) Will the Minister of Defence be pleased to state whether the statement made by the Pakistan Prime Minister in Dacca on the 2nd January, 1954, regarding non-supply of Pre-Partition military equipment to Pakistan, is correct?

(b) If so, why the supplies were stopped?

(c) If not, have Government lodged a protest with Pakistan for such wrong statements?

(d) Was this question ever discussed between the two Prime Ministers and if so, with what result?

...**The Minister of Defence Organisation (Shri Tyagi):** (a) and (b). I would invite the hon. Member's attention to the press note issued by the Government in this connection. A copy has been placed on the Table of the House. [See Appendix I, annexure No. 50.]

(c) I do not consider that any purpose will be served by lodging a formal protest but the attention of the Pakistan Government is being drawn to this matter.

708 P.S.D.

(d) No.

**Th. Lakshman Singh Charak:** What further action do Government propose to take in the matter if we receive no reply?

**Shri Tyagi:** It is very problematical, and it is very difficult for me to say in advance, because then I shall be attempting to change the nature of the reply.

**Dr. Ram Subhag Singh:** It has been said in paragraph 3 of the statement as follows:

"The Sterling Balances discussions with U.K. proceeded on the basis of an agreement reached at a conference at Karachi in May 1948 that while India would make initial payment for the entire stores purchased from U.K., Pakistan would pay to India within a period of 30 days from the date on which the settlement was reached with U.K., for such stores located in Pakistan on 15th August 1947 and also for such stores received by Pakistan from India up to 30th June 1948."

May I know whether the Government of India made any demand from the Government of Pakistan to pay those moneys after the expiration of the period of thirty days which that Government had agreed to according to the Karachi agreement of 1948?

**The Minister of Finance (Shri C. D. Deshmukh):** May I say something, because this is part of the financial claims and counter-claims between India and Pakistan? This is only one



of the matters in dispute. There are about a dozen others. These matters have been discussed between the representatives of India and Pakistan at various levels during the last three or four years. I myself have had some discussions with the Finance Minister of Pakistan and we hope that sometime during the course of the next year we shall be able to arrive at an overall settlement. Therefore, it seems to me not very advisable to go into the merits of only one particular claim.

**Dr. Ram Subhag Singh:** No, but why did the Government of India allow the Pakistan representatives to make further demands in November 1948? They could have easily countered the Pakistan Government at the inter-Government conference and put the matters in proper light.

**Shri C. D. Deshmukh:** No one can stop anyone from making any kind of demand. During the last three or four years, all kinds of demands have been made. But a final settlement takes all that plus the equities of the case into account.

#### FOREIGN INCOME

\*260. **Shri Bansal:** Will the Minister of Finance be pleased to state:

(a) the amount of foreign income assessed to income-tax on accrual or arising basis during the years 1950-51, 1951-52 and 1952-53;

(b) the amount of income-tax payable on such foreign income assessed on accrual basis during the said years;

(c) the amount of unilateral relief or other kind of relief granted in respect of such income during the said years;

(d) the net tax payable on such foreign income during the said years; and

(e) the estimated loss in revenue the exchequer would have sustained during the said years if such foreign profits were exempted from taxation and were taken into consideration only for the purpose of determining the rate of tax on Indian income?

**The Deputy Minister of Finance (Shri M. C. Shah):** (a) and (b). The figures of foreign income assessed on accrual basis and tax thereon for the assessment years 1950-51, 1951-52 and 1952-53 are:—

(in lakhs of rupees)			
	1950-51	1951-52	1952-53
Income	9.62	23.22	8.09
Tax	2.94	4.78	3.59

(c) to (e). The information is not immediately available. Compilation of the relevant figures relating to the above cases would involve considerable labour and time and even after bestowing both, reliable information may not be obtained as several factors have to be taken into consideration in compiling these figures.

**Shri Nanadas:** May I know the reasons for the gradual decrease in the income and taxes during these years?

**Shri M. C. Shah:** Where is the decrease?

**Mr. Speaker:** In the third year, I think, there is a decrease.

**Shri M. C. Shah:** In 1951-52, the income was Rs. 23.22 crores, and tax Rs. 4.78 crores. During that year, there was a drive for disposing of the arrears, and so many cases were disposed of. During the succeeding year, there were many small cases, which were taxed at a lower level. Therefore there is not much increase.

#### SMUGGLING

\*261. **Sardar Hukam Singh:** Will the Minister of Finance be pleased to state:

(a) the total value of smuggled goods seized so far by the preventive check posts on the borders of French Settlements in India during 1953-54; and

(b) whether any smugglers were punished?

**The Deputy Minister of Finance (Shri A. C. Guha):** (a) The total value of the smuggled goods seized during

1953-54 (upto 31st December 1953) at the Preventive Check Posts is estimated to be about Rs. 9,20,410/-; this does not include seizures at the Land Customs stations which is estimated at Rs. 38,838/-.

(b) Yes, the total number of smugglers proceeded against during 1953-54 (upto 31st December 1953) departmentally was 4580 and in Courts of law, 114.

**Sardar Hukam Singh:** What were the main articles that were smuggled on this border?

**Shri A. C. Guha:** The main articles were gold watches, fountain pens, playing-cards, jewellery, precious stones, clocks, cigarette lighters, and miscellaneous other articles. The articles smuggled and exported out of India were livestock, pulses, foodgrains, edible oil, firewood, oil-cake, cotton, cycles etc.

**Sardar Hukam Singh:** What was the value of the biggest catch at one attempt?

**Shri A. C. Guha:** I think it would be about Rs. 47,000 in the case of clocks and watches at preventive posts, and Rs. 4,680 at the land customs stations. That seems to be the biggest item.

**Shri Kasliwal:** Has it come to the notice of Government, that although several smugglers were punished, because of lacunae in the law the confiscated property had to be returned under orders of the courts?

**Shri A. C. Guha:** If the hon. Member has got any particular case, he may bring it to our notice. In some cases...

**Shri Kasliwal:** In several cases.

**Shri A. C. Guha:** There is a provision for returning the confiscated articles, if the smugglers can give an equivalent price.

**Shri B. S. Murthy:** May I know whether any of the administrative personnel has been involved in this smuggling?

**Shri A. C. Guha:** If the hon. Member has got any particular case in view,

and has information in his possession, he may pass it on to us. It may be so.

#### ARCHAEOLOGICAL EXCAVATIONS

**\*262. Shri Bahadur Singh:** Will the Minister of Education be pleased to state:

(a) what excavations were carried out by the Archaeological Department during the year 1953-54; and

(b) what are the periods of ancient Indian culture and civilisation that the excavations related to?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) and (b). A statement is placed on the Table of the House. [See Appendix I, annexure No. 51.]

**Shri Bahadur Singh:** May I know whether there are any institutions other than the Archaeological Department, which have been doing excavation work on their own?

**Dr. M. M. Das:** Yes, there are.

**Shri Bahadur Singh:** May I know whether the Government of India have given them any kind of help or aid to carry on the excavation work, and if so, the amount so given during 1952-53?

**Dr. M. M. Das:** Sometimes, in suitable cases, Government give them financial assistance.

**Mr. Speaker:** The hon. Member wants to know the figures.

**Dr. M. M. Das:** I have not got the figures at the moment.

**Shri Bahadur Singh:** May I know whether any ancient sites have been newly explored, and if so, whether any excavation work would be taken up thereon in the near future?

**Dr. M. M. Das:** I could not follow the question.

**Mr. Speaker:** He wants to know whether any new sites will be taken up for excavation work, and, if so, whether Government have given or will give some grants for the same.

**Dr. M. M. Das:** No.

सेठ गोविन्द दास : खुदाई की यह जो योजना है उसमें मथुरा के और अयोध्या के चारों तरफ भी खुदाई की कोई निश्चित अवधि में सम्भावना है ?

**Dr. M. M. Das:** I do not follow the question.

**Mr. Speaker:** The question is: "Are there any schemes for excavations near about Mathura?"

**Dr. M. M. Das:** At present, there is no such scheme.

श्री राधेलाल व्यास : क्या मैं यह जान सकता हूँ कि हिन्दुस्तान में ऐसे स्थानों की, जहाँ खुदाई की जरूरत है, कोई फेहरिस्त तैयार कर ली गयी है और कोई प्रायोरिटीज तैयार कर दी गयी है ?

**Dr. M. M. Das:** A list is prepared by the Archaeological Department. When new items of information reach us, they are included.

### बीमा कम्पनियाँ

\*२६३. सेठ गोविन्द दास : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार के पास हाल में किसी बीमा कम्पनी के कुप्रबन्ध तथा धन के अनुचित उपयोग के सम्बन्ध में कोई शिकायत भेजी गयी है ;

(ख) यदि ऐसा है तो इस मामले में क्या कार्यवाही की गई है ?

**The Deputy Minister of Finance (Shri M. C. Shah):** (a) Yes, Sir.

(b) All such representations are carefully examined by the Controller of Insurance and appropriate action is taken against the insurers concerned wherever necessary and feasible in terms of the Insurance Act, 1938.

सेठ गोविन्द दास : क्या यह बात सही नहीं है कि कई शिकायतें जो कि इस सम्बन्ध में सरकार के पास आयी हैं, वर्षों बीत जाने

पर भी उन के सम्बन्ध में कोई कार्रवाई अब तक नहीं हुई ?

**Shri M. C. Shah:** It is not so. Whenever representations are received, immediate action is taken. Complaints are enquired into, and notices have been served and explanations have been asked for. Whenever there are minor matters, they are asked to rectify them, and whenever there are major questions such as mismanagement or something of that sort, then, we take action even under Section 52(a).

**Shri T. N. Singh:** May I know whether Government have received complaints regarding the interlocking of funds of those insurance companies by the holders of policies who are interested parties of the insurance companies for their own business purposes, and if so, what steps have been taken in regard to them?

**Shri M. C. Shah:** We have received some complaints, and we are enquiring into them.

**Shri Muniswamy:** May I know whether it is a fact that a separate machinery has been created for the purpose of conducting enquiries of this type, and if so, whether it is functioning?

**Shri M. C. Shah:** With regard to mismanagement, there cannot be a separate machinery. There is that machinery called "Code of Conduct", and that is with regard to the general insurance companies as well as life insurance companies. It has been accepted so far as the life insurance companies are concerned, and so far as the general insurance companies are concerned, that is under consideration, namely, the Code of Conduct, whereby malpractices, rebates, commissions, and all these things will be enquired into and regulated.

### AMBALA AIR ACCIDENT

\*264. **Sardar A. S. Saigal:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that a flying accident occurred near Ambala on the 4th December, 1953;

- (b) the causes of this accident; and  
(c) how many were killed?

**The Minister of Defence Organisation (Shri Tyagi):** (a) Yes, Sir.

(b) The cause of the accident could not be determined by the Court of Inquiry because of the very limited evidence which was available in this case. However, the Court did come to the conclusion that the accident was caused neither by a breach of flying discipline nor as a result of flying fatigue of the pilot who was a sober and steady officer and an average pilot. The weather conditions were good on that day and the Court could not find any indication of technical failure in the air.

(c) One—Pilot Officer B. Masilamani—who was the sole occupant of the aircraft. No civilians were involved in the accident.

सरदार ए० एस० सहगल : क्या मंत्री महोदय यह बताने की कृपा करेंगे कि यह जो वायुयान की दुर्घटना हुई इस से कुल कितना नुकसान हुआ?

श्री त्यागी : जिस वायुयान की दुर्घटना हुई, वह यहीं का बना हुआ था। उस की कीमत २,७५,००० रुपये थी।

#### REGIMENTAL FUNDS

**\*265. Shri H. N. Mukerjee:** (a) Will the Minister of Defence be pleased to state whether it is a fact that the Regimental Funds of Army units are not audited by the Audit Department of Government?

(b) If so, who is responsible for the audit of the accounts of these Funds?

(c) Have Government received any complaints regarding the misuse of these Funds?

**The Deputy Minister of Defence (Sardar Majithia):** (a) Yes.

(b) Station Audit Boards.

(c) No complaints regarding the misuse as such of these funds have been received.

**Shri H. N. Mukerjee:** Are Government aware of a complaint among the *Jawans* that money recovered on pay day for their welfare is very often misused on account of the negligence or the inefficiency of the officers concerned?

**Sardar Majithia:** No. And I should like to add that there is no negligence on the part of the officers because these regimental funds have got a very comprehensive check not only by the C.O. of the Unit but by the area Commander and, if necessary, by the General Officer Commanding of the Command and later on, by the Commander-in-Chief as well.

**Shri Muniswamy:** May I know whether it is a fact that in some cases the regimental funds are sent back to the Government, and if so, in how many cases it was done so during 1953-54?

**Sardar Majithia:** I should like to have notice of that question, but *prima facie* no regimental funds are sent back except when the unit is disbanded.

#### STIPENDS TO ENGINEERING GRADUATES

**\*266. Shrimati Renu Chakravartty:** (a) Will the Minister of Education be pleased to state whether it is a fact that Government have decided to introduce a scheme for payment of stipends to engineering graduates and diploma holders direct in industrial institutions, whether State controlled or otherwise?

(b) If so, what is the method to implement this scheme and what is the machinery envisaged?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) Yes. The scheme has been introduced during the current year.

(b) A statement is laid on the Table of the House. [See Appendix I, annexure No. 52]

**Shrimati Renu Chakravartty:** How many stipends have been made available this year, and how many institutions are in the private sector and how many in the State sector?

**Dr. M. M. Das:** Sir, 225 candidates have been given stipends for the present year. So far as the private sector is concerned, about 56 private industrial establishments have made arrangements for the training of these graduates and diploma-holders. So far as the Central Government are concerned, the Defence establishments, the Railways, and the Central Water and Power Commission have provided facilities for their training.

**Shrimati Renu Chakravartty:** There are Regional Committees under the All-India Council of Technical Education. How many of these stipends are given under the various Regional Committees—I think there are four Regional Committees?

**Dr. M. M. Das:** In order to select candidates, there are Selection Committees in which the Central Government as well as the industrial establishments have been represented. Formerly, some arrangements were also made by the Regional Committees.

**Shrimati Renu Chakravartty:** I would like a break-up of the figure of stipends under the various regions, i. e. break-up of 225 under the various regions.

**Dr. M. M. Das:** Sir, 180 graduates have been given Rs. 150 per month and 45 diploma-holders get Rs. 75 per month.

**Shrimati Renu Chakravartty:** Is the selection made by the Training Sub-Committees which have been mentioned in the statement? Or is the final selection made by the Ministry of Education itself?

**Dr. M. M. Das:** Sir, the Sub-Committees have not yet come into existence. The selection has been made by the India Government, that is, the Education Ministry, in collaboration with the industrial establishments.

#### PROPAGATION OF HINDI

**\*267. Shri Jhulan Sinha:** Will the Minister of Education be pleased to state the names of the organisations and individuals to whom financial assistance has been or is proposed to be given by the Central Government for the propagation and promotion of Hindi, during the year 1953-54?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** A statement is laid on the Table of the House. [See Appendix I, annexure No. 53.]

**Shri Jhulan Sinha:** May I know, Sir, what were the amounts granted to the three organisations, Akhil Bhartiya Hindi Parishad, Agra, the Hindustani Culture Society, Allahabad, and Mysore Riyasat Hindi Prachar Samiti, Bangalore, and if any control over the expenditure of the amounts sanctioned is exercised by the Government of India?

**Dr. M. M. Das:** Sir, for the year 1953-54, the Akhil Bhartiya Hindi Parishad, Agra, has been sanctioned Rs. 50,000, out of which Rs. 25,000 has already been given. The Hindustani Culture Society, Allahabad, has been sanctioned Rs. 60,000, out of which Rs. 15,000 has already been given. The Mysore Riyasat Hindi Prachar Samiti has been paid Rs. 5,000.

सेठ गोविन्द दास : क्या इस बात को ध्यान में रखते हुए कि १५ वर्षों के अन्दर हिन्दी को अंग्रेजी का स्थान लेना है, गवर्नमेन्ट इस बात का कुछ विचार कर रही है कि १९५३-५४ में जो सहायतायें दी गयी हैं उन को १९५४-५५ में बढ़ा दिया जाय काफी तौर पर, खास कर दक्षिण भारत हिन्दी प्रचार सभा और दक्षिण भारत की दूसरी सभाओं के लिए ?

**Dr. M. M. Das:** Sir, there is a Central Advisory Committee, the Hindi Siksha Samiti. The Government take into consideration the recommendations of that Committee and the availability of funds to give financial aid to the Hindi organisations. In addition to this, there

are several steps also that have been taken by Government to propagate Hindi in the country.

**Shri Jhulan Sinha:** May I know, Sir, if in making grants for the financial assistance of distinguished persons, the requirements of each case were taken into consideration?

**Dr. M. M. Das:** Sir, the Hindi Siksha Samiti, the advisory body, goes through the question in detail and makes its recommendations. In most of the cases, the Central Government accepts those recommendations, provided funds are available.

**Shri Jhulan Sinha:** Were the recommendations of the Samiti in the case of Shri Sheopujan Sahai of Bihar accepted *in toto*?

**Dr. M. M. Das:** Sir, it depends upon the availability of funds. If the funds are available, then they are accepted *in toto*?

#### TRANSLATION OF INDIAN CLASSICS

\*268. **Shri Muniswamy:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that Government propose to publish cheap editions of Arabic translations of Indian Classics for distribution in the Middle East countries;

(b) if so, what amount has been set apart for this purpose; and

(c) whether there is any committee to select proper Classics for translation?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):**  
(a) Yes.

(b) No specific amount has been set apart.

(c) No.

**Shri Muniswamy:** May I know whether the translations will be done from the original works or from the English translations that have already been done?

**Dr. M. M. Das:** Sir, the translations have already been there. The Arabian poet Wadli Boustanihas translated several of these classics. The Government of India proposes to purchase the copyright of those translations by the Arabian poet.

**Shri Muniswamy:** May I know whether the selection of the Indian classics has been made already?

**Dr. M. M. Das:** We make our choice from the translations of that Arabian poet. I can give the list of the copyrights the Government propose to purchase.

**Shri Muniswamy:** May I know whether the selection of the personnel for translating these works will be made by the State Governments or the Centre itself?

**Dr. M. M. Das:** Sir, it has already been made by the Arabian poet.

**Shri B. S. Murthy:** Before purchasing the copyright of these books by the Arabian poet, may I know whether any Indians well versed both in Sanskrit and Arabic have been consulted to give their opinion whether the cultural aspect of these classics has been fully brought out in the translation?

**Dr. M. M. Das:** I beg to have notice of this question.

#### भाग "ग" राज्यों की राज-भाषा

\*२६९. श्री भागवत शा आजाद :

क्या राज्य मंत्री यह बताने की कृपा करेंगे :

(क) क्या यह सत्य कि सरकार अंग्रेजी को भाग "ग" राज्यों की राज भाषा घोषित करने का विचार कर रही है ; तथा

(ख) क्या यह सत्य है कि विभिन्न विधान मंडलों में जो विधेयक या संशोधन पुरःस्थापित किये जायेंगे या जो अधिनियम पारित होंगे अथवा इन विधियों के अंतर्गत जो नियम या उपनियम बनाये जायेंगे या जो आदेश जारी होंगे , वे सब अंग्रेजी में होंगे ?

**The Minister of Home Affairs and States (Dr. Katju):** (a) and (b). As there was some doubt whether Article 348 of the Constitution applied to Part C States in its entirety, provision has been made in the Bill now pending before the House of the People to make Article 348 of the Constitution applicable to all Part C States in its entirety and to bring the Part C States on the same plane as occupied by Parts A and B States in regard to this matter.

**श्री भागवत सा आजाद :** क्या मैं जान सकता हूँ कि जब संविधान में हिन्दी और अंग्रेजी दोनों को ही राज भाषा की मान्यता प्रदान की गयी है तो फिर इस आकस्मिक परिवर्तन का क्या कारण है और क्यों यह अंग्रेजी भाषा इन राज्यों पर लादी जा रही है ?

**Dr. Katju:** May I say with respect that this very matter is going to be discussed on the Bill which is before the House just after the question hour and, therefore, it may lead to a saving of the time if you will not allow any supplementaries?

**Mr. Speaker:** Yes. Next question.

#### STERLING BALANCES

**\*270. Shri S. N. Das:** Will the Minister of Finance be pleased to state the position of our sterling balances as at the end of December, 1952 and in January 1954?

**The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat):** Our sterling balances amounted to Rs. 710.75 crores at the end of December 1952 and Rs. 734.32 crores at the end of January 1954.

**Shri S. N. Das:** May I know, Sir, what is the balance standing to the credit of No. 2 Account and that standing to the credit of No. 1 Account?

**Shri B. R. Bhagat:** These balances are treated as confidential.

**Shri S. N. Das:** What is the amount available that can be drawn by the

Government of India from No. 2 Account? In other words, I want to know the amount available for transfer from No. 2 Account to No. 1 Account.

**Mr. Speaker:** It comes to disclosure of confidential information.

**Shri Sadhan Gupta:** May I know how much of the reduction in sterling balances is accounted for by the import of capital goods and how much by the import of consumer goods?

**Shri B. R. Bhagat:** There is no category as 'consumer goods' or 'capital goods', but the categories, as available, are 'plants and machinery', 'industrial raw materials' and 'essential and non-essential consumer goods'. Therefore it is not possible to give the quantitative figures for consumer and capital goods.

**Shri M. S. Gurupadaswamy:** May I know whether the attention of the Government has been drawn to the statement made by the Minister of Finance in the British House of Commons that India is not going to draw on her sterling balances hereafter?

**Shri B. R. Bhagat:** I am not aware of that statement, but it is a fact that we have drawn much less than what is stipulated in the sterling balances agreement.

**Shri T. N. Singh:** On a point of order. This House has got full control over the ways and means as well as the balances of revenue and expenditure accounts. I want to know why it is not being disclosed to this House as the sterling balances, about which a secret has been made, come under the ways and means. I think it should be disclosed as it is our inherent right to know the position.

**Mr. Speaker:** He put it as a question and not as a point of order.

**Shri T. N. Singh:** It is our right to know this information. Why should it not be disclosed to the House?

**The Minister of Finance (Shri C. D. Deshmukh):** The total is disclosed, but it is only the distribution between the two accounts which it is not desirable to disclose in the public interest. It is



for the House to decide whether to force the Government to disclose something if Government feels it is not in the public interest to disclose. Today we are well off; a time may come when we may not be so well off, in which case various currents may enter into the trade of the country and the balance of payments, which may be prejudicial to the country.

**Shri Sadhan Gupta:** May I know, Sir, what part of the reduction of the balances accounts is accounted for by importation of plant and machinery and what part by importation of non-essential goods?

**Shri C. D. Deshmukh:** If I have to answer the question in that form, all we can give the hon. Member is the value of the plant and machinery imported in any particular year that he cares to know—whether it is for 1951, 1952 or 1953—but which part of it has accounted for the decrease in the balances I cannot say.

#### PAYMENT OF COMPENSATION

**\*271. Shri T. B. Vittal Rao:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that in September 1953 seven soldiers of the Indian Army attached to 362 Field Co. of the Madras Group of Engineers died on account of a landslide in Assam; and

(b) if so, whether Government have made proper arrangements for the prompt payment of adequate compensation to the bereaved families?

**The Deputy Minister of Defence (Sardar Majithia):** (a) Five (not seven) soldiers of the Indian Army attached to 362 Field Company of the Madras Engineer Group died of landslide in Assam on the 19th September 1953.

(b) Payment of terminal balance of pay has already been made to the heirs of the two of the deceased and enquiries about the heirs of the other three are in the hands of local civil authorities. The Controller of Defence Accounts has also authorised the Record Officer to pay

the provisional award of family pensions to all the five families.

**Shri T. B. Vittal Rao:** Is the computation of family pension in such cases of accidents governed by the ordinary rules, or are there special provisions?

**Sardar Majithia:** They are governed by the rules of the Indian Army.

#### ALL-INDIA MUSLIM CONVENTION ALIGARH

**\*272. Shri Raghubir Sahai:** Will the Minister of Home Affairs be pleased to refer to the reply given to starred question No. 797 on the 9th December, 1953 and state what action Government have taken or propose to take against the persons who made objectionable speeches at the All-India Muslim Convention held at Aligarh?

**The Deputy Minister of Home Affairs (Shri Datar):** The Government of West Bengal detained Syed Badruddoza on 28th January 1954 under the Preventive Detention Act, 1950, and ordered the forfeiture of printed copies of his Presidential Address. The Government of Uttar Pradesh also ordered the forfeiture of the pamphlet containing the speech of the *Sardar Majlis Istaqbaliya*, Muslim Convention. Both these orders of forfeiture are effective all over the country.

Ishaq Ilmi was arrested on 29th January 1954. He is standing his trial on charges under Sections 124A and 153A Indian Penal Code in connection with a speech delivered by him at the Convention.

**Shri Raghubir Sahai:** Presuming that the hon. Minister has gone through all the objectionable speeches made at that Convention, may I ask him if he found any genuine grievance on the part of Muslims living in India?

**Shri Datar:** There were very few genuine grievances.

**Shri Raghubir Sahai:** What part did the Aligarh University play in that Convention, and was the Vice-Chancellor of that University asked for any clarification?



**The Minister of Home Affairs and States (Dr. Katju):** I want notice of this very vague question.

**Shri Raghubir Sahai:** In view of the fact that Aligarh was the breeding ground of the old Muslim League that led to the partition of the country, will the hon. Minister make sure if the new organisation, namely, All-India Muslim Jamiat will not tread the same old dangerous ground?

**Dr. Katju:** I may assure my hon. friend that I shall make sure of all relevant matters.

**Shri Raghuramaiah:** I would not ask the hon. Minister to disclose the full speeches but may I know the general nature of the speeches in respect of which that action was taken?

**Dr. Katju:** The general tenor of the speeches was with a view to creating disaffection and discontent—that is all that I can say. It is a matter for investigation in the law courts.

**Shrimati Renu Chakravarty:** If Syed Badruddoza was arrested under the Preventive Detention Act, may I know whether his case has been brought before the Advisory Committee?

**Dr. Katju:** I am not quite sure about it. The provisions of the law are being followed.

#### PAKISTAN SECURITIES

**\*273. Shri A. N. Vidyalkar:** Will the Minister of Finance be pleased to state:

(a) under what agreement the interest and redemption proceeds on Pakistan Securities are paid by the Government of India to Indian holders in India and on Indian Securities to Pakistan holders by the Government of Pakistan, in Pakistan;

(b) whether under the agreement between the two Governments, interest and dividends on Securities and Shares are being remitted to the other country at the official rate of exchange;

(c) whether the Government of Pakistan are paying interest as well

as redemption proceeds on Government of India Securities to their nationals at the official rate of exchange; and

(d) if so, the reason why the Government of India are paying the redemption proceeds and interest on Pakistan Securities to the Indian holders at par?

**The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat):** (a) There is no specific agreement in the sense suggested by the Member. The procedure follows the general pattern of the partition arrangements under which the payments on either side before the partition were continued.

(b) There is no question of any agreement between the two countries regarding the types of remittances which they should permit. Each country is free to determine what types of remittances it will allow. Under the present exchange control regulations of both countries, however, the remittance of interest and dividends on Securities and Shares held by non-residents is permitted. Such remittances have to take place at the official rate of exchange.

(c) Government have no information.

(d) These payments were originally expressed in Indian rupees before partition and as they are the liability of Pakistan in the absence of specific authority from Pakistan to pay at the official rate these payments are being continued at par.

**Shri A. N. Vidyalkar:** Is it a fact that all transactions by the Government or through the Government are conducted at the official rate of exchange?

**Shri B. R. Bhagat:** Yes, Sir.

**Shri A. N. Vidyalkar:** If so, why has this transaction been made an exception?

**Shri B. R. Bhagat:** This is not a transaction between one Government and another but as this is the liability of Pakistan, so, in the absence of

any specific authority from Pakistan it was not considered desirable to pay at the official rate as it being a higher rate than par rate the Pakistan Government may repudiate the same. Therefore it was not considered feasible to pay at the higher rate, that is, at the official rate.

**Shri A. N. Vidyalankar:** May I know whether the Pakistan Government has obtained any authority from the Indian Government to pay the value of Indian securities—I mean the redemption value and the interest incurring thereon at the official rate? If the Government has given that authority why are Indian nationals being paid at a reduced rate and are made to suffer a loss?

**Shri B. R. Bhagat:** Obviously the Government is following the same logic because there the official rate is lower than the par rate.

**Shri A. N. Vidyalankar:** If the Government is to pay in the Pakistan Government's account, why does the Government refuse to pay the same value of the Pakistan securities instead of paying less to the Indian nationals?

**Shri B. R. Bhagat:** It is not a question of Government of India paying to Indian nationals; it is paid by us in the Pakistan's account. We referred to the Pakistan Government and they had given no authority to us to pay at the official rate, and hence it is thought not desirable to pay at the official rate, which is the higher rate.

**Mr. Speaker:** I am going to the next question.

#### LINGUISTIC MINORITIES

\*274. **Shri B. C. Das:** Will the Minister of Education be pleased to state:

(a) which States are giving facilities to their linguistic minorities to receive education in their respective mother tongue;

(b) whether the Central Government have issued any instructions to

the States concerning the educational and cultural rights of linguistic minorities; and

(c) if so, how far the States have implemented these instructions?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) to (c). A statement is laid on the Table of the House. [See appendix I, annexure No. 54.]

**Shri B. C. Das:** May I know against which State Governments allegations of non-compliance with the policy of imparting education in the mother tongue of the minorities were received by the Government?

**Dr. M. M. Das:** We have received complaints against Bombay Government about Sindhi language, against the U.P. Government about Urdu language and about Bihar Government against Bengali language.

**Shri B. C. Das:** May I know whether Government have received any complaints that Oriya schools are being closed down in Saraikella and Kharswan States after the merger of the States with Bihar?

**Dr. M. M. Das:** I have no information about this point.

**Shri B. C. Das:** May I ask whether Government has any machinery to check up allegations made against the State Governments for non-compliance of this policy?

**Dr. M. M. Das:** Government has got no separate machinery to check up these allegations but whenever such allegations are received by the Central Government, the State Governments are asked to look into the question and they are requested to remedy the allegations.

**Shri Sadhan Gupta:** What is the nature of complaints received against the U.P. Government regarding the Urdu language?

**Dr. M. M. Das:** I beg to have notice of this question.

**Shri Barrow:** May I know if the Central Government has issued any

instruction to examining authorities to permit linguistic minorities to take their examinations in their respective mother tongues?

**Dr. M. M. Das:** There was a Conference of the State Education Ministers. The recommendations of that Conference have been circulated to all the State Governments and in so far as the particular question is concerned, I have no information.

#### DEPARTMENTAL PROMOTION COMMITTEES

\*275. **Shri S. C. Samanta:** Will the Minister of Home Affairs be pleased to state:

(a) whether candidates who do not secure proper place in the panel of names or the candidates who are not selected by the Departmental Promotion Committees can represent to higher authorities; and

(b) whether Government propose to bring any change in the process of selection by Departmental Promotion Committees?

**The Deputy Minister of Home Affairs (Shri Datar):** (a) There is nothing to prevent such representations being made. They are carefully considered on receipt.

(b) No.

**Shri S. C. Samanta:** May I know Sir, whether Government is aware that Departmental Promotion Committees constituted of the head of the Department and two or three other officers of the Department, may be swayed by the consideration of provincialism, favouritism and nepotism? If so, what steps have Government taken in the matter?

**Shri Datar:** Government are not aware that these Boards are swayed by any such considerations and hon. Members will please know that in important cases a member of the Union Public Service Commission also presides over these bodies.

**Shri S. C. Samanta:** May I know if these Departmental Committees also take into consideration the seniority of the candidates?

**Shri Datar:** The principal test is merit; seniority may come in only as an ancillary.

**Shri S. C. Samanta:** Is the Government aware of the recommendations of the Gorewala Committee that seniority must be taken into account?

**Shri Datar:** That is what I said; seniority is taken into account, but it comes only as an ancillary; principally merit is taken into account?

**Shri Thimmaiah:** While promoting officials, is any special consideration shown to Scheduled Caste officials; if not, why not?

**Shri Datar:** So far as the question of promotions is concerned there is no reservation at all. Reservation is done only in the case of appointments or recruitments.

**Shri Thimmaiah:** I asked whether any special consideration is shown.

**An Hon. Member:** That means reservation.

**Shri Datar:** 'Special consideration' is included in the term merit.

#### CRASH OF I. A. F. JET PLANE

\*276. **Shri N. M. Lingam:** (a) Will the Minister of Defence be pleased to state whether it is a fact that an I.A.F. jet plane crashed near Vellore on the 6th January 1954?

(b) What were the circumstances under which the plane crashed?

(c) Was a Court of Enquiry conducted by the I.A.F.?

(d) If so, what are the findings of the Court of Enquiry?

**The Minister of Defence Organisation (Shri Tyagi):** (a) Yes, Sir.

(b), (c) and (d). A Court of Enquiry was ordered on the 7th January 1954, but the proceedings have not yet been finalized. The known facts are that Flt. Lt. Dandapani was air testing a Vampire Aircraft assembled at H.A.L. when it appears the engine cut.

Sir, I might add that pilot, Flt.-Lt. Dandapani baled out and came to the ground quite safely.

**Shri N. M. Lingam:** May I know where the aircraft was assembled and tested before it was put into commission?

**Shri Tyagi:** It was assembled, as I have already stated, in H.A.L., and Flt.-Lt. Dandapani was air-testing it.

**Shri N. M. Lingam:** May I know if it is the practice during these test flights to send the pilot alone, and if Government do not think that the accident could have been avoided if a radio officer or co-pilot had also been sent?

**Shri Tyagi:** These planes are single-pilot planes, and when they are to be tested some pilot has to go to test it.

**Shri Joachim Alva:** Is the rate of fatal accidents in the I.A.F. one a month, and do Government realise the fatal consequences of such accidents?

**Shri Tyagi:** The rate of accidents is gradually decreasing. Compared with the year 1949 when it was 2.8 per ten thousand hours, in 1953 it was 1.4 per ten thousand hours. I might also add that if we compare our accident rate with that in one of the major air powers—I would not like to name it—the following is the position. While in that case it was 18.2 in 1951, ours was 13.0. In 1952 their figure was 11.3; ours was 11. And in 1953 their figure was 10.7; ours was 3.0.

#### CULTURAL DELEGATIONS

\*277. **Seth Achal Singh:** Will the Minister of Education be pleased to state:

(a) how many of the foreign cultural delegations visiting India in 1953 were invited by Government; and

(b) whether prior permission of Government is necessary for an institution to extend invitation to a cultural delegation from abroad?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) None.

(b) No.

**सेठ अचल सिंह :** क्या मंत्री महोदय बताने की कृपा करेंगे कि फारिन कल्चरल डेलीगेशन्स को बुलाने के सम्बन्ध में गवर्नमेंट की क्या पालिसी है ?

**Dr. M. M. Das:** The policy of the Government in this matter is that whenever Government wants that some cultural delegations should come from a particular country, they invite them. This takes place on a government to government level.

**सेठ अचल सिंह :** क्या गवर्नमेंट बताने की कृपा करेगी कि जो कल्चरल डेलीगेशन्स आते हैं उन का खर्चा वह खुद उठाते हैं या गवर्नमेंट आफ इंडिया देती है ?

**Dr. M. M. Das:** In respect of those delegations which are invited by the Government of India to this country, the expenditure is borne by the Government of India. In respect of those delegations that come on the invitation of some other organisation, either the organisation concerned or they themselves bear the expenses.

**श्री एस० सी० सामन्त :** क्या मैं जान सकता हूँ कि जो रशियन कल्चरल डेलीगेशन भारत में आया उस में उन के लिये भारत सरकार ने कितना खर्चा किया है और कितना और करेगी ?

**Dr. M. M. Das:** Sir, if he means the Russian Delegation that has come to this country in January last, then, for the Russian Cultural Delegation, the Government have sanctioned Rs. 2,20,000. From this amount Rs. 50,000 has already been released and another Rs. 70,000 is going to be released shortly.

**सेठ अचल सिंह :** क्या मंत्री महोदय बताने की कृपा करेंगे कि सन् १९५३-५४ में जो कल्चरल डेलीगेशन आने वाले

ये क्या उन से किसी को आने से मना कर दिया गया है?

**Dr. M. M. Das:** No, Sir, Government have not done any such thing.

**Shrimati Renu Chakravartty:** May I know where the proceeds of the various performances which the Russian Cultural Delegation has given, have to be debited? Will it be to the State funds or will it go to charity?

**Dr. M. M. Das:** They will go to the Prime Minister's Relief Fund.

#### LOAN TO ANDHRA

**\*278. Shri Nanadas:** Will the Minister of Finance be pleased to state:

(a) whether the Andhra Government have asked for a loan of three crores and seventy-five lakhs of rupees for balancing its budget for the half year ending March 1954; and

(b) if so, what action has been taken in the matter?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) and (b). A request was received from the Andhra Government towards the end of the year 1953 for a Central loan of Rs. 3.75 crores in the Financial year 1953-54 for financing the expenditure on their schemes on Capital account e.g. Irrigation, Electricity and building schemes, net disbursement under "Loans & Advances to agriculturists and Local Bodies" and also for meeting a part of their Revenue Budget deficit for the half-year ending 31st March 1954. After discussions with the Andhra Government's representatives and the Planning Commission in February 1954, it was decided to advance a loan of Rs. 3.75 crores to the Andhra Government in the current year.

**Shri Nanadas:** May I know the reasons put forth by the Andhra Government in asking this loan? Why could they not meet this deficit?

**Shri C. D. Deshmukh:** Lack of their own resources.

**Shri Nanadas:** May I know whether the Union Government gave any instructions to the Andhra Government to tap new sources of revenue, and if so, what are the new taxes suggested by the Union Government?

**Shri C. D. Deshmukh:** This is for capital expenditure and we do not usually raise taxation for capital expenditure.

**Shri Nanadas:** May I know whether the Union Government instructed the Andhra State Government to modify its prohibition policy or to scrap it altogether so that the State can raise six to seven crores of rupees?

**Shri C. D. Deshmukh:** This has no bearing on this question of capital expenditure, the main items under which I have already indicated.

#### COMPULSORY RETIREMENT OF GOVERNMENT SERVANTS

**\*279. Pandit D. N. Tiwary:** Will the Minister of Home Affairs be pleased to state:

(a) the number of cases in which orders for compulsory retirement of government servants as an anti-corruption drive have been passed and carried out since 1950;

(b) the number of such cases under active consideration at present; and

(c) the number of cases which have been taken to court against this decision?

**The Deputy Minister of Home Affairs (Shri Datar):** (a) Information is available only in respect of corruption cases of Central Government servants investigated by the Special Police Establishment. There has been no case where a Central Government servant was ordered to retire compulsorily as a result of any case investigated by the Special Police Establishment since 1950.

(b) and (c). Do not arise.

## POPPY CULTIVATION

\*280. **Shri Hem Raj:** (a) Will the Minister of Finance be pleased to state whether it is a fact that the cultivation of poppy has been stopped in the Himachal Pradesh?

(b) If so, do Government propose to give some subsidy to the people of that State?

(c) Have the Central Government received any request from the Himachal Pradesh Government for the grant of such a subsidy?

**The Deputy Minister of Finance (Shri A. C. Guha):** (a) The cultivation of poppy in Himachal Pradesh has not yet been stopped, but is being progressively reduced in agreement with the Government of that State.

(b) and (c). The State Government, who had raised the question of a subsidy to the cultivators at the time of discussion of restriction of poppy cultivation in the State, were asked to submit concrete proposals in this regard in writing for detailed examination, but no such proposals have been received so far.

**Shri Hem Raj:** Is it not a fact that the agriculturists of this hilly region where no other crop can be grown will be ruined by the stoppage of this cash crop?

**Shri A. C. Guha:** That is, to some extent, true. That is why the Central Government have asked the State Government to submit a scheme for subsidy or anything that could be done for an alternative crop. As yet, the State Government has not given any proposal.

## ARMY MEDICAL CORPS

\*281. **Shri R. N. Singh:** Will the Minister of Defence be pleased to state:

(a) whether the terms and conditions of the reserve officers of Army Medical Corps have been examined; and

(b) if so, whether these have been finalised?

**The Deputy Minister of Defence (Sardar Majithia):** (a) and (b). It is hoped to finalise the terms and conditions of the reserve officers of the Army Medical Corps by the end of May this year.

श्री भार० एन० सिंह : क्या मैं जान सकता हूँ कि रिजर्व आफिसर आरमी मेडिकल कोर की माँग क्या है?

**Sardar Majithia:** There are no demands in the army. It is the Government itself which decides what conditions they ought to be governed by.

**The Minister of Defence Organisation (Shri Tyagi):** May I add that in the army there are no demands as there are in trade unions. Army cases are discussed on their merits and decided by the Government.

**Shri T. N. Singh:** May I know if any representations had been made in this behalf and what the nature of the representations was?

**Shri Tyagi:** From the Army Headquarters representation was made to the Government requesting them to consider if the Government could give them some kind of increased gratuity or pensions after retirement. That is the demand that the Army Headquarters put up. It may not be mistaken with a demand from the officers.

**Shri Velayudhan:** What is it then?

**Mr. Speaker:** Order, order. Next question.

BOOK SCANDAL ENQUIRY COMMITTEE,  
PEPSU

\*282. **Shri Ram Dass:** Will the Minister of States be pleased to state:

(a) whether it is a fact that a Book Scandal Enquiry Committee was appointed in P.E.P.S.U.; and

(b) if so, what are the important findings of this Committee?

**The Minister of Home Affairs and States (Dr. Katju):** (a) Yes.

(b) The Committee's report is still awaited.

**Shri Ram Dass:** May I know the proportion of official and non-official members of this Committee?

**Dr. Katju:** I want notice.

**Sardar Hukam Singh:** Is it a fact that the enquiry has already been completed and the report requires only to be signed when the president died, and a new president was appointed and may I know whether he has signed that report or not?

**Dr. Katju:** I am indebted to the hon. Member for the information that he has given. A new president was appointed. Whether he thought fit to adopt the report drafted by his late lamented predecessor or wanted to investigate the thing, I cannot say.

**Sardar Hukam Singh:** May I know whether he has made any further enquiry since he was appointed?

**Dr. Katju:** I want notice of this question also.

**Mr. Speaker:** Next question.

**Sardar Hukam Singh:** May I know what is the....

**Mr. Speaker:** I am going to the next question.

### केन्द्रीय सचिवालय

\*२८५. डा० सत्यवादी : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि केन्द्रीय सचिवालय में "गजेटेड" तथा "नान-गजेटेड" कर्मचारियों की संख्या कितनी है तथा उन में अनुसूचित जातियों के कर्मचारियों की संख्या कितनी है ?

**The Deputy Minister of Home Affairs (Shri Datar):** The information is being collected and will be placed on the Table of the House in due course.

### कोलम्बो योजना

\*२८६. श्री रघुनाथ सिंह : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि वर्ष १९५३ में भारत को कोलम्बो योजना के अन्तर्गत क्या सहायता मिली है ?

**The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat):** A statement giving the required information is placed on the Table of the House. [See Appendix I, annexure No. 55.]

**श्री एम० एल० द्विवेदी :** मैं यह जानना चाहता था कि, जैसा कि इस बयान में दिया गया है, आस्ट्रेलिया, न्यूजीलैंड और कनाडा से जो सहायता मिलने वाली थी, इस का आशय क्या था, और जो आशय, अभिप्राय था वह कहां तक पूरा हो चुका है?

**श्री बी० आर० भगत :** आशय जो इस मदद का था वह आशय पूरा होता जा रहा है ।

**श्री एम० एल० द्विवेदी :** मैं यह जानना चाहता था कि इस सहायता के अन्तर्गत कौन कौन से काम किये जाने थे और वह किये गये हैं तो किस हद तक किये गये हैं?

**श्री बी० आर० भगत :** जो मदद आस्ट्रेलिया से मिली है उस में पहले साल में तो गेहूं आया । उस के बाद तुंगभद्रा इरिगेशन के लिये और रामकुन डैम इलेक्ट्रिकल प्रोजेक्ट के लिये सामान आया और इस साल डीजल आयल एंजिन और आल इंडिया रेडियो के लिये सामान आया । कनाडा से जो मदद मिली उस में भी पहले साल गेहूं आया । उस के बाद गेहूं की बिक्री से जो रूपया मिला उस से मयूराक्षी बांध की योजना बन रही है । न्यूजीलैंड से जो मदद मिली उन से आल इंडिया मेडिकल इंस्टीट्यूट को बनाने का काम किया जा रहा है ।



## EXCAVATIONS IN KARNATAKA

\*287. **Shri Krishnacharya Joshi:** Will the Minister of Education be pleased to state:

(a) how many Kannada inscriptions of ancient historical importance have been surveyed and deciphered; and

(b) how many sites in Karnataka area have been traced and found fit for excavation in view of their antiquarian and historical importance to Karnataka?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) 5,037 upto 1952-53.

(b) 15 sites have been traced. Of these five have been excavated and one is now under excavation.

**Shri Krishnacharya Joshi:** May I know whether all the excavations have been made through Government agency or through some private agency also?

**Dr. M. M. Das:** There are some private agencies also who have excavated some of these areas.

**Shri Krishnacharya Joshi:** May I know the names of the sites that have been excavated?

**Dr. M. M. Das:** Dharmagiri and Chandravalli were excavated by the Department of Archaeology in 1947; Kolhapur in 1945-46 by the Technical College Post-graduate and Research Institute, Poona; and Karad in 1948-49 by the Bharat Itihasa Samshodhaka Mandala, Poona. Maski is at present under excavation by the Department. Benkal was excavated by the Archaeological Department of Hyderabad a few years back.

**Shri Krishnacharya Joshi:** How many more sites have to be excavated in this area?

**Dr. M. M. Das:** Out of 15, only five have been excavated. The remainder have to be excavated. Information has been received of another four. These are: The cinder mounds at Kuditini, Bellary; the site of the confluence of the Cauvery and the

Kabini in Tirumukkhudal Narsipur in Mysore State.

**Mr. Speaker:** He need not read the whole list of them. Next question.

## INDIAN TERRITORIAL FORCE

\*289. **Th. Lakshman Singh Charak:**

(a) Will the Minister of Defence be pleased to state whether the new Territorial Army Act and regulations made thereunder have provided for taking over the residual liability arising out of the Indian Territorial Force Act and the regulations which have been repealed by the former?

(b) Are Government aware of the distress caused to such ex-army personnel who have rendered more than twenty years of combined Indian Territorial Force and Emergency Commission Service but have not been granted any pensionary benefits?

(c) Will Government consider their claim for pension based on combined Indian Territorial Force and regular full paid Service in any scheme for pensionary benefits that are under consideration for the Emergency Commissioned officers and if not, why?

**The Minister of Defence Organisation (Shri Tyagi):** (a) No.

(b) No such case has come to the notice of the Government so far. The position at present is that Emergency Commissioned Officers whether they had previous Indian Territorial Force service or not, are not entitled to pension or gratuity.

(c) This is already under examination, but the only service in the Indian Territorial Force which has any chance of being considered for pension will be embodied service.

**Th. Lakshman Singh Charak:** In view of the hardships experienced by them, are Government prepared to give special consideration to these ex-servicemen?

**Shri Tyagi:** There is no question of hardship. I could not follow what hardship was mentioned.



**Th. Lakshman Singh Charak:** Is it not a fact that there are a number of cases of Army officers who have put in a number of years' service in the Territorial Army, and later on in the regular Army, and are now being retired at the age of 52 or 53 without any pensionary benefits or gratuity?

**Shri Tyagi:** As I have said, if they were holding any Emergency Commission and they were enrolled directly from the Territorial Force previously, then in that case their embodied service would be counted towards pensionary and retiring benefits.

#### PROFITS FROM OVERSEAS

**\*290. Shri Bansal:** Will the Minister of Finance be pleased to state the amount of profits brought into India from overseas countries during the years 1950-51, 1951-52 and 1952-53 (i) by Indians resident in India and (ii) by non-resident Indians?

**The Deputy Minister of Finance (Shri M. C. Shah):** Complete information is not available as no separate statistics are maintained in respect of profit remittances received in India from abroad. According to the Income-tax statistics, the profits remitted by persons resident in India during the years 1950-51 and 1951-52 and assessed to tax in the years 1951-52 and 1952-53 are as follows:—

1950-51: Rs. 6.08 crores.

1951-52: Rs. 5.55 crores.

The profits remitted in 1952-53 will be chargeable in 1953-54 and hence the information for this year is not yet available.

#### SMUGGLING OF CURRENCY NOTES

**\*291. Sardar Hukam Singh:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Bombay Prohibition Police, while looking for smuggled liquor and gold, caught hold of a suit case on the 20th December, 1953 containing Rs. 12 lakhs in 100 rupee currency notes on the Harnai beach near Bombay;

(b) if so, whether the smuggler was captured; and

(c) whether any further facts about this recovery have been revealed?

**The Deputy Minister of Finance (Shri A. C. Guha):** (a) Yes, Sir. Officers of the Bombay Prohibition Police unearthed currency worth Rs. 12 lakhs, packed in a gunny bag from Paj, a village near Harnai port, on the 20th December, 1953:

(b) The owner of the currency has come forward to claim it, and the case is *sub-judice* in the office of the Collector of Central Excise, Bombay, to whom the currency has been transferred by the Bombay Prohibition Police.

(c) An Arab craft which was waiting off Danda near Bombay to pick up the currency, was detained, and has since been confiscated by the Collector of Central Excise, Bombay.

The Nakhoda, i.e. Arab Commander of the craft has also been suitably dealt with.

#### Short Notice Question and Answer

##### TEACHERS' STRIKE IN CALCUTTA

**S.N.Q. 2. Shri Raghunath Singh:** Will the Minister for Home Affairs be pleased to state:

(a) whether it is a fact that teachers in Calcutta have gone on a strike;

(b) whether it is also a fact that the electric bulbs were damaged and electric wires were cut, thereby bringing about a complete blackout in South Calcutta;

(c) whether the Army was called for help;

(d) if so, the number of troops employed and the number of rounds fired by them;

(e) the number of persons injured and killed; and

(f) the causes of the strike?

**The Minister of Home Affairs and States (Dr. Katju):** (a) The strike

has now been terminated. During the period of strike, a fairly large number of teachers in private schools in Calcutta were not attending to their normal duties. The Government, Missionary and some other schools have been functioning all along.

(b) In South Calcutta many electric bulbs in streets were broken, and some fuses of electric street lights were removed in two or three streets. There was no blackout in South Calcutta except in portions of some main streets.

(c) Yes.

(d) The troops did not open fire anywhere, they were engaged solely in patrolling duties.

(e) 72 police personnel and 6 members of the public were injured as a result of attacks by miscreants i.e. rioters; 54 members of the public were injured due to police action other than firing; 20 members of the public were injured due to police firing, making a total of 152 injured. Six were killed as a result of police firing.

(f) The main cause of the strike was the demand of Rs. 35 per month as dearness allowance for all secondary school teachers in recognised aided and unaided schools and higher initial salary in aided schools as recommended in a resolution of the executive committee of the West Bengal Board of Secondary Education.

**Shri Raghunath Singh:** Is it a fact that eighteen Fire Brigade personnel were attacked and injured when they were going to put off a fire started by the so-called supporters of the strikers?

**Dr. Katju:** That is so.

**श्री रघुनाथ सिंह :** क्या यह सच है कि बंगाल प्राविशियल काँग्रेस कमेटी के आफिस और अमेरिकन इन्फार्मेशन आफिस में स्ट्राइकर्स लोगों ने आग लगाने की कोशिश की ?

**डा० काटजू :** जी हाँ ।

**Dr. Ram Subhag Singh:** For how many days did the military remain on duty, and was anyone of its personnel injured or was any of its vehicles damaged?

**Dr. Katju:** I think the military remained on duty probably for five days. I have no information that any of its personnel was injured.

**Shrimati Renu Chakravartty:** Is it a fact that there was not a single case of violence before the police used tear-gas?

**Dr. Katju:** When crowds assembled and tried to defy orders lawfully issued, then the police, in order to disperse the crowds, resorted to the most lenient method of using tear-gas.

**Shrimati Renu Chakravartty:** May I know how many people were injured by violence prior to the use of tear-gas?

**Dr. Katju:** I cannot answer that question.

**सरदार ए० एस० सहगल :** क्या यह भी सच है कि किसी खास दल के लोगों के हाथों से ग्राउ स्टेट बसों में आग लगा दी गई ?

**डा० काटजू :** जी हाँ ।

**श्री रघुनाथ सिंह :** क्या मैं जान सकता हूँ कि इस आन्दोलन के पीछे भारतवर्ष की किस राजनैतिक पार्टी का हाथ था ।

**Mr. Speaker:** Order, order.

**Shri Muniswamy:** Out of the six who were killed, was there any member of the public, or were all of them poor teachers?

**Dr. Katju:** Will the hon. Member repeat his question?

**Shri C. D. Pandey:** Teachers are also men.

**Mr. Speaker:** The hon. Member wants to know whether any member of the public was involved, or whether all of them were teachers.

**Dr. Katju:** I think they were ordinary members of the public. I am not quite sure. There were no teachers, so far as I know.

**Shri Sadhan Gupta:** May I know whether even before, demonstrations have gone to the Assembly, and have been allowed to enter the Assembly without any untoward incidents?

**Dr. Katju:** On this occasion, or on previous occasions?

**Shri Sadhan Gupta:** On previous occasions.

**Dr. Katju:** I cannot say that.

**Shri H. N. Mukerjee:** May I know whether on this occasion, as on an earlier occasion, the instructions of Government to the police when they were to fire were that they should fire with the purpose of killing?

**Dr. Katju:** I do not think so. That is a gross exaggeration and misstatement of facts.

**Shri G. H. Deshpande:** Is it a fact that tear-gas was used, after attacks on the police by the public with brickbats?

**Dr. Katju:** Brickbats were thrown and then came the tear-gas. That is the general rule.

सरदार ए० एस० सहगल : क्या मंत्री महोदय यह बतलायेंगे कि वहाँ पर किनी ट्राम गाड़ियों में किसी खास दल द्वारा आग लगी ?

**Mr. Speaker:** Order, order. I am not allowing any further questions.

## WRITTEN ANSWERS TO QUESTIONS

### AMNESTY TO PRISONERS IN ANDHRA

**\*284. Shri Gopala Rao:** Will the Minister of Home Affairs be pleased to state whether, in view of the general amnesty given by the Andhra Government to all State prisoners in Andhra, the Government of India have given their consent to the release of prisoners in Andhra State convicted under the Arms Act?

**The Minister of Home Affairs and States (Dr. Katju):** Yes.

### AID TO PRIMARY SCHOOLS

**\*288. Shri Biren Dutt:** (a) Will the Minister of Education be pleased to state how many primary schools of hill and village areas in Tripura applied in 1953-54 for help and recognition?

(b) How many have been given aid and upto what amount?

(c) How many of them have been taken as government schools?

(d) Are the aided schools helped in a manner so as to meet the essential expenditure?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) to (d). The information is being collected and will be placed on the Table of the House in due course.

### MOUNTAINEERING SCHOOL

**\*292. Sardar A. S. Saigal:** (a) Will the Minister of Defence be pleased to state whether a mountaineering school is to be started in the near future?

(b) If the reply to part (a) above be in the affirmative, where will the school be located?

(c) Is any help being given by the Defence department?

(d) Which State wanted to start this school?

(e) Do Government propose to give any grant to this institution?

**The Minister of Defence Organisation (Shri Tyagi):** (a), (b) and (d). The Government have, on the suggestion of the West Bengal Government, agreed to assist in the establishment of an Institute of Mountaineering at Darjeeling.

(c) It is proposed to give a non-recurring grant from the Defence Budget towards the initial capital cost. The Defence Ministry will also consider favourably any request for personnel and equipment which the Institute may require.

(e) Apart from a grant from the Defence Budget, there is a proposal under consideration for a grant by the Ministry of Natural Resources and Scientific Research.

बिहार के विद्यालय तथा सामाजिक शिक्षा केन्द्र

\*२९३. श्री एस० एन० दास : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत सरकार द्वारा स्वीकृत अनुदान-राशि की सहायता से बिहार ने उस राज्य में एक अध्यापक वाले कितने प्राथमिक विद्यालयों एवं सामाजिक शिक्षा केन्द्रों के खोलने की योजना तैयार की है ; तथा

(ख) अभी तक ऐसे कितने विद्यालय तथा सामाजिक शिक्षा केन्द्र खोले गये हैं तथा उन में नियुक्त किये गये अध्यापकों की संख्या कितनी है ?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) 2,500 Schools and 250 Social Education Centres.

(b) The information has been called for from the State Government of Bihar and will be laid on the Table of the House in due course.

#### SUICIDES IN THE DEFENCE SERVICES

\*294. **Shri T. B. Vittal Rao:** Will the Minister of Defence be pleased to state:

(a) the total number of suicides service-wise in the Defence Services during the year 1953;

(b) under what circumstances and for what reasons these suicides were committed; and

(c) the steps Government have taken to prevent such occurrences in the Services?

**The Deputy Minister of Defence (Sardar Majithia):** (a) Army 65.

Navy. 1.

Air Force 2.

(b) The details are as follows:—

Reasons for suicide	No.
<b>ARMY—</b>	
Domestic worries	27
Fear of punishment	2
Bad health	1
Disappointment in love	4
Mental depression	3
Reasons could not be discovered	20
Cases still under investigation	8
<b>NAVY—</b>	
Disappointment in love	1
<b>AIR FORCE—</b>	
Domestic worries	1
Mental depression	1

(c) In addition to holding an inquest, each case of suicide is investigated by a Court of Inquiry to determine the circumstances which culminated in the suicide so that remedial measures may be taken where necessary.

#### MOTION PICTURES EXPORTED TO PAKISTAN

\*295. **Shri A. N. Vidyalkar:** Will the Minister of Finance be pleased to refer to the reply to starred question No. 1118 asked on the 8th September, 1953 and state:

(a) the number and value of motion pictures exported to Pakistan after the 27th February, 1951 and for which remittances were received in the prescribed manner;

(b) the number and value of motion pictures exported to Pakistan after the 27th February, 1951 for which payments were received locally in Indian Currency;

(c) the result of investigations of the Reserve Bank of India with regard to the cases in which payment was made locally in Indian Rupees; and

(d) how many persons have been prosecuted by the Exchange Control for violating the Exchange Control provisions with regard to the export of these motion pictures?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) and (b). 427 motion pictures have been exported to Pakistan since 27th February, 1951. Out of this, 72 films valued at Rs. 25,47,889-13-6 were exported on an outright sale basis for which Rs. 18,98,715-13-6 have been realised in the prescribed manner and Rs. 3,51,391-7-0 locally. The remaining 355 were exported on a rental basis for which Rs. 52,40,340-1-3 have been realised in the prescribed manner and Rs. 1,75,185-14-0 locally.

(c) and (d). The investigations have not yet been completed and no prosecutions have yet been launched.

#### DISCRETIONARY FUNDS

**\*296. Shri Rishang Keishing:** Will the Minister of States be pleased to state:

(a) the respective amounts of money kept at the discretion of the Chief Commissioners of Manipur and Tripura, during 1952-53 and 1953-54;

(b) the sources thereof; and

(c) the heads of expenditure under which the discretionary funds were spent, during the aforesaid years?

**The Minister of Home Affairs and States (Dr. Katju):** (a) The following provision was made in the Central Budget for discretionary grants by the respective Chief Commissioners:

(i) Manipur Rs. 10,000 during each of the years 1952-53 and 1953-54.

(ii) Tripura Rs. 9,600 for 1952-53 and Rs. 10,000 for 1953-54.

(b) Central Revenues.

(c) A statement will be laid on the Table of the House in due course.

#### भारत में ब्रिटिश नागरिक

**\*२९७. { श्री रघुनाथ सिंह :  
श्री एम. एल. द्विवेदी :**

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत में इस समय ब्रिटिश नागरिकों की संख्या कितनी है ?

(ख) क्या इस समय भारत में रहने वाले ब्रिटिश नागरिकों की संख्या पिछले छः वर्ष में किसी समय की अपेक्षा अधिक है ; तथा

(ग) सरकारी सेवा तथा व्यापार में लगे हुए ब्रिटिश नागरिकों की संख्या क्या है ?

**The Minister of Home Affairs and States (Dr. Katju):** (a) and (b). According to the 1951 Census, the number of British nationals in India was approximately 27,843 in that year. Since British nationals are not subject to registration as foreigners, it is not possible to say whether there has been any fluctuation in the number of such nationals residing in India during the last six years.

(c) Information relating to the number of British nationals in Government service is being collected and will be laid on the Table of the House in due course. For the reason already stated, no information is available in regard to those engaged in business.

#### TRIBAL STUDENTS

**\*298. Shri Biren Dutt:** (a) Will the Minister of Education be pleased to state the number of Tribal students who applied for admission in the various high schools in Tripura during 1953?

(b) How many such students were refused admission for lack of accommodation?

(c) What steps do Government propose to take to help the backward people of Tripura in getting education?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) to (c). The information is being collected from the State Government and the reply will be placed on the Table of the House in due course.

U. P. S. C.

**\*299. Th. Lakshman Singh Charak:** Will the Minister of Home Affairs be pleased to state whether the rules for regulating the service conditions of the persons working in the Union Public Service Commission have been finalised?

**The Minister of Home Affairs and States (Dr. Katju):** Under article 372(1) of the Constitution, the regulations formerly framed under Section 265(2) of the Government of India Act, 1935, and then known as the Federal Public Service Commission (Conditions of Service) Regulations, were continued in force. Certain adaptations and amendments have been made in those regulations after the commencement of the Constitution. The question of making some further amendments is under consideration.

### कुम्भ मेला

**\*३००. श्री रघुनाथ सिंह :** क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) कुम्भ मेले के सम्बन्ध में रक्षा मंत्रालय द्वारा कितना व्यय किया गया है; तथा

(ख) उस अवसर पर कितने सैनिक अधिकारियों द्वारा अन्य सैनिक कर्मचारियों ने सेवा की है ?

**The Minister of Defence Organisation (Shri Tyagi):** (a) Approximately 10 lakh rupees.

(b) Officers	27
Junior Commissioned Officers.	20
Other ranks.	887

### SPIRITUOUS DRUGS

**28. Dr. Amin:** Will the Minister of Finance be pleased to state:

(a) when the Bill for achieving uniformity in excise rules and regulations governing the manufacture, possession and sale of spirituous drugs will be introduced; and

(b) whether it is a fact that a draft Bill has been circulated to State Governments for their comments?

**The Deputy Minister of Finance (Shri A. C. Guha):** (a) A draft of the Medicinal and Toilet Preparations (Excise Duty) Bill providing for uniform rates of excise duty on medicinal and toilet preparations containing spirit, and for a uniform procedure for collection thereof and regulation of ancillary matters, has been prepared and the Government of India are at present engaged in the examination of certain substantive provisions made in the draft, with reference to the provisions of the Constitution. The Bill will be introduced in Parliament as soon as this examination has been completed.

(b) Yes, Sir. The comments of the State Governments have been received and have been carefully considered by the Government of India.

### EXPERT COMMITTEE (EXCISE)

**29. Dr. Amin:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Expert Committee (Excise) has recommended the abolition of vend-fee on spirit used for industrial purposes and

(b) if so, at what stage is the recommendation?

**The Deputy Minister of Finance (Shri A. C. Guha):** (a) and (b). The Expert Committee (Excise) have recommended that no vend fee or pass fee should be levied on denatured spirit or spirit specially denatured for industrial purposes.

The views of some of the State Governments on the recommendations of the Expert Committee (Excise) have already been obtained, and those of others are awaited. Meanwhile, certain points affecting the constitutional position in regard to the levy of such fees are under the active consideration of the Government of India.

### संगीत तथा कला का विकास

३०. डा० सत्यवादी : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) देश में संगीत तथा नाट्य कला की ऐसी संस्थाओं की सूची, जिन्हें केन्द्रीय सरकार द्वारा वर्ष १९५३-५४ में अभी तक वित्तीय अनुदान दिये गये ; तथा

(ख) इन अनुदानों की राशियां क्या हैं ?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). The following institutions have been given grants by the Government of India during 1953-54 for the development of music and art:

Institutions	Amount of grants.
(i) Sangeet Natak Akadami, New Delhi.	Rs. 1,00,000.
(ii) Central College of Karnataka Music, Madras.	Rs. 25,000.

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THE  
PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)  
OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Tuesday, 23rd February, 1954

*The House met at Two of the Clock*

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

3-8 P. M.

MOTION FOR ADJOURNMENT

ALLEGED USE OF PHYSICAL FORCE BY  
PARTY IN POWER DURING TRAVANCORE-  
COCHIN ELECTIONS.

**Mr. Speaker:** I have received notice of an adjournment motion, on the subject of "the use of physical force by the Government party" during the campaign for and conduct of the general elections in the State of Travancore-Cochin.

Are the elections still going on?

**Some Hon. Members:** Yes.

**Mr. Speaker:** I should like to know what Government have to say about this.

**The Minister of Home Affairs and States (Dr. Katju):** I have no information whatsoever.

**Mr. Speaker:** Then it may stand over.

**The Minister of Defence Organisation (Shri Tyagi):** I think my friends there are facing reversals.

**Dr. Katju:** If there are any irregularities, that is really a matter for

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investigation before the election tribunal. I do not want to enter into arguments. I do not know of anything about this.

**Mr. Speaker:** I should like to know the facts.

**Dr. Katju:** I should like to have some time.

**Mr. Speaker:** The only point is that it is alleged there was "use of physical force by the Government party".

**Dr. Katju:** What is the Government party?

**Mr. Speaker:** I do not know. I shall call upon the hon. Member to explain. But let the hon. Minister give me facts about this, if he knows anything. I shall keep this over for the time being.

**The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru):** I have received in the course of the last few days, occasionally, communications from hon. Members about certain incidents. I know nothing about them. Whenever I get them, I report them to the Travancore-Cochin Government to find out and report. In the case of some, I received their reply, some accounts as to what happened. I have also received reports containing counter-charges of violence of other people. They are relatively petty, in so far as violence is concerned. I do not quite know how to deal with them from here, or what statement I can make before you in regard to them. If there is enquiry, one could know. These are

[Shri Jawaharlal Nehru]

certain charges and counter-charges about rowdiness and the like.

**Shri H. N. Mukerjee** (Calcutta North-East): May I submit one matter for your consideration? The elections are going on till the 26th of this month. We have got here certain allegations into the merits of which I cannot possibly enter. If we have a discussion of this matter, before the 26th,—preferably we may have a discussion tomorrow—surely the authorities concerned in Travancore-Cochin, who might perhaps be involved in some of these allegations in a way which is not very right, will be pulled up, so to speak. It is our duty as Parliament here, to send word, so to speak to Travancore-Cochin that these kinds of allegations should not be bruited about from whichever side they might emanate. As far as we are concerned, we have these allegations sent to us by Shri A. K. Gopalan, and I thought it my duty, as did my colleague Shri S. S. More, to bring it to your notice, and to the notice of this House.

**Mr. Speaker:** I think in all such motions if the allegations have any foundation at all, and if the hon. Members believe that they are well-founded; then the best course would be to approach the Minister and invite his attention to the particular allegations and have them investigated. If I were to accept allegations from A, B, C,—I do not mean to allege that the allegations made by Mr. Gopalan may not be reliable—they may be reliable—if I were to allow that kind of thing, then, I am afraid this House shall be turned from a debating House into a sort of place for election propaganda for one party or the other. That is the danger.

There are other factors also. As I said on a previous occasion, I do not see the point of having adjournment motions without having facts before us. Again, there is the other point, that it is not really the business of the Centre to go and attend to every little matter that happens in the whole of India, in this case in a State. We most,

as I said last time, take into consideration the Constitutional provision and the Constitutional set-up. I do not say anything about this motion. Let me know what the facts are from the Government side, and then I shall see.

**Shri H. N. Mukerjee:** Does the Chair wish that the matter shall stand over till tomorrow while the Government may get the facts? The elections might be over by then.

**Mr. Speaker:** I do not think I could compel them to have it just tomorrow. They must have some time to bring the facts.

**Shri Nambiar** (Mayuram): What is the advantage? The elections are over by the 26th.

**Mr. Speaker:** The other possible fear is that advantage may be taken of this motion for the purposes of pushing the cause or interests of one side. The Chair is not concerned with that point.

**Shri Nambiar:** Mr. Gopalan has written. What else can be done, then?

**Mr. Speaker:** I am not at all concerned here with the executive administration. If Mr. Gopalan's car is burnt, then his remedy could lie in the State in which the election campaign is going on.

**Shri Nambiar:** The car is not burnt, but stoned.

**Mr. Speaker:** They are all irrelevant considerations.

**Shri Nambiar:** Further, the Ministry there has not the confidence of the Assembly.

**Mr. Speaker:** Order, order. Let us have the facts, and then we shall see how to deal with this matter. I shall first hear the facts.

**Shri Jawaharlal Nehru:** I am very glad, Sir, you have said so. But it is rather difficult to know the facts. I do not know what the papers say; I

have not myself seen them. The number of instances given are all general. What facts are we to place? There is a general charge.

**Mr. Speaker:** I might inform the hon. Member that in the notice of the adjournment motion, they have given the reasons. The reasons are:

"Mr. A. K. Gopalan, M.P., leader of the Communist group in Parliament, has sent a detailed report of various instances when violence has been used by the Congress party with a view to influencing the elections in Travancore-Cochin. He himself, apart from Mr. J. B. Kripalani, a Member of this House, and Mr. T. V. Thomas, ex-leader of the Opposition in the State Assembly and others, have been attacked in the course of their election work. This a matter of vital importance deciding the fate of the conduct of free and fair elections in our country."

"Deciding the fate of the conduct of free and fair elections" that is a matter of opinion. Now, these are the facts. But I am pinning my attention to one factor, and that is, the use of physical force by the Government party. I am not concerned with what the "Congress" party has done or not done.

**Shri Jawaharlal Nehru:** There is one thing in this matter. There is one instance referring to Acharya Kripalani, about which I was deeply grieved. I enquired about it, and I know something about that and Acharya Kripalani knows more about it, and we all regretted very much over that instance, where certain young men misbehaved. We know about it, and it happened three weeks ago or thereabouts. But how can I enquire into a general charge of misbehaviour?

**Shri Tyagi:** On a point of order. I want to get one clarification: whether it is going to be permissible in the House to discuss the behaviour of parties in politics. I thought up to now that parties were not discussed. Adjournment motions are meant to criticize the Government for certain

acts of omission or commission on the part of Government.

Now, in this motion if they had alleged that this was the attitude of the Government and the Government omitted to take any action, and the omission of the Government was a matter under discussion, I could see that there would be some relevancy. Otherwise I beg to submit that perhaps it is not exactly relevant.

**Shri Nambiar rose—**

**Mr. Speaker:** Order, order. There is no point of order now and I do not propose to hear any. My difficulty—rather my desire—has been to know about the use of physical force and its extent, whatever.....

**Shri Jawaharlal Nehru:** I entirely accept that, Sir. We should like to help the House and place all the facts that we possess or we can obtain. But my difficulty is that I must have a specific mention of the incident into which I can inquire. I cannot inquire into generally, as to what is happening.

**Pandit Thakur Das Bhargava (Gurgaon):** Is it not a fact, Sir, that Election Commission is an independent authority? Such matters come within his province.

**Shri S. S. More (Sholapur):** I realise the difficulty of the Leader of the House. Will it serve his purpose if we may give him some information, if we submit to him a list of incidents which has been supplied to us by Mr. A. K. Gopalan himself?

**Mr. Speaker:** I think that will be much better.

**Shri S. S. More:** We are prepared to place this list at his disposal so that he can get over the difficulty.

**Shri Jawaharlal Nehru:** If he does that, I will, or my colleague the Home Minister will, immediately send it to the Travancore-Cochin Government and await their reply. But it is not likely to come within 24 hours or 48 hours.

**Mr. Speaker:** I do not expect it within 24 hours.

**Shri S. S. More:** So I hand over the list, Sir.

**Acharya Kripalani** (Bhagalpur) *cum* Purnea): As my name has been mentioned, may I say that when I went there at some place there was demonstration and I thought the Congress Party lost a good deal of votes on that account?

**Mr. Speaker:** Anyway, the matter stands adjourned now.

**Mr. Speaker:** The point is closed now.

**Shri U. M. Trivedi** (Chittor): *rose—*

**Shri U. M. Trivedi:** May I make one request.....

**Shri C. K. Nair** (Outer Delhi): May I say, Sir.....

**Mr. Speaker:** Order, order. We will now proceed with other business.

**Shri U. M. Trivedi:** I would like to remind you about my notice yesterday....

**Mr. Speaker:** Due notice will be taken of the notice.

**Shri U. M. Trivedi:** I have not received any intimation.

**Mr. Speaker:** He may contact the office and he will get the intimation.

# MESSAGES FROM THE COUNCIL OF STATES

**Secretary:** Sir, I have to report the following four 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 Absorbed Areas (Laws) Bill, 1953, which has been passed as amended by the Council of States at its sitting held on the 22nd February, 1954."

(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 Indian Railways (Second Amendment) Bill, 1953, which has been passed by the Council of States at its sitting held on the 22nd February, 1954."

(iii) "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 Lushai Hills District (Change of Name) Bill, 1954, which has been passed by the Council of States at its sitting held on the 22nd February, 1954."

(iv) "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 Control of Shipping (Amendment) Bill, 1954, which has been passed by the Council of States at its sitting held on the 22nd February, 1954."

## ABSORBED AREAS (LAWS) BILL

### INDIAN RAILWAYS (SECOND AMENDMENT) BILL

### LUSHAI HILLS DISTRICT (CHANGE OF NAME) BILL

### CONTROL OF SHIPPING (AMENDMENT) BILL

**Secretary:** Sir, I lay the following Bills, as passed by the Council of States on the Table of the House:—

(i) The Absorbed Areas (Laws) Bill, 1953.

(ii) The Indian Railways (Second Amendment) Bill, 1953.

(iii) The Lushai Hills District (Change of Name) Bill, 1954.

(iv) The Control of Shipping (Amendment) Bill, 1954.

[Mr. Deputy-Speaker in the Chair]

GOVERNMENT OF PART C STATES  
(AMENDMENT) BILL

**Mr. Deputy-Speaker:** The House will now proceed with further consideration of the Bill to amend the Government of Part C States Act, 1951. The consideration stage is over. Clause by clause consideration will be taken up now.

**Clause 2.— (Amendment of section 17.**

**Mr. Deputy-Speaker:** Hon. Members who have tabled amendments, if they are intent upon pressing them, may stand up.

**Shri S. S. More (Sholapur):** Sir, I propose an amendment to clause 2— amendment No. 1.

I beg to move:

In page 1, line 19, for "President" substitute "Head of the State".

**Mr. Deputy-Speaker:** Is the amendment opposed?

**The Minister of Home Affairs and States (Dr. Katju):** Yes, Sir.

**Shri S. S. More:** In this clause 2, there is a further sub-clause:

"If any question arises as to whether a member of the Legislative Assembly of a State has become disqualified for being such a member under the provisions of sub-section(1), the question shall be referred for the decision of the President and his decision shall be final."

As far as this particular sub-clause is concerned, Sir, I propose that for the word "President", the words "Head of the State" should be substituted.

Sir, this clause is taken practically word for word, from article 103. In the case of Part A and Part B States, if any question regarding the disqualification of any member arises, under the Constitution it has to be referred to the President, under article 103. Under the next sub-clause, he has to obtain the opinion of the

Election Commission and that opinion is binding on the President.

"Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion."

Sir, to put it in a straightforward manner, whatever opinion is given by the Election Commissioner is binding on the President and he has to decide the matter in the light of that opinion.

There is another provision, article 192. Under that article, whenever there is any such question about the disqualification incurred by any member belonging to the State Assembly, that question has to be referred to the Governor. I will read article 192.

"(1) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, the question shall be referred for the decision of the Governor and his decision shall be final."

Then, the next clause reads:

"Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion."

Articles 103 and 192 are identical in words, except the difference that in the case of article 103, in the case of the House of the People or the Council of States, the question has to be referred to the President and, in the case of a State Legislature, the question has to be referred to the Governor.

In the present Bill which is under consideration, the question of the disqualification of a member of a Part C State may arise and that question will have to be referred to some authority for getting an authoritative decision. I fail to understand why the President should be bothered with all these matters. Part C States do not stand in any superior position to Part A and Part B States. If, in the case of Part A

[Shri S. S. More]

States, the Governor can accept the reference and then refer it to the Election Commission,—and, as a matter of fact, you will notice that it is the opinion of the Election Commission which is to be sought and is binding—why in the case of Part C States, should it be the President? So, I propose that the Head of the State, whoever it may be, the Chief Commissioner or the Lieutenant-Governor should be the person to be referred to. Under the next clause he will have to refer the matter to the Election Commission and the Election Commission's opinion is binding on him. As a matter of fact, the President under article 103 or a Governor under article 192, acts more or less like a post office. They accept the references, refer the matter to the Election Commissioner and the Election Commissioner gives his own verdict, and that verdict is going to be binding on the President or the Governor, as the case may be. My contention is why should we bring in the President in this particular clause? Let us leave the business of transmitting certain references to the Election Commission to the Chief Commissioner, who may be in charge of the State affairs, or to the Lieutenant-Governor, whatever his designation may be. This is the purpose of my amendment. I think we should not too much use the word 'President' here as he is supposed to be the highest authority in the Republic. Therefore, my amendment will serve the purpose. Some reference has to be transmitted to the Election Commission and the Chief Commissioner can be relied on for transmitting it to the proper authority and seek a verdict.

**Mr. Deputy-Speaker:** Is 'Head of the State' defined anywhere?

**Shri S. S. More:** No, Sir. The word 'State' has been used in two contexts. The federating union has been called 'State' and the whole of India—the Republic—on certain occasions is called 'State', but as far as the Constitution is concerned, the word 'State' is utilised for indicating the federat-

ing units and not the whole of the Republic of India, though ordinarily in the constitutional phraseology. 'State' may mean the whole of the Republic of Bharat.

**Mr. Deputy-Speaker:** It is only with reference to Fundamental Rights that it has been defined in article 12—

"In this Part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States...."

I only wanted to know whether the phrase 'Head of the State' has been defined anywhere.

**Shri S. S. More:** I am amenable to the suggestion, if it is made, that Government suitably accepts my point; I am not very particular of my phraseology. My only concern is that the President should not be brought in this context, particularly when the decision of the Election Commissioner is supposed to be binding on him. There is no special fascination for that sort of thing here.

**Mr. Deputy-Speaker:** You do not want the President, but the local Governor?

**Shri S. S. More:** Because the next clause does seem, according to my conception of the responsibilities of the President, to suggest that he is going to be controlled by the decision of the Election Commission.

**Dr. Katju:** I fear that this amendment has been made under a misconception. The House is aware that under article 239 of the Constitution, every Part C State is administered by the President through a Chief Commissioner, or a Lieutenant-Governor, or a Governor of a neighbouring State. The Chief Commissioner cannot be called the Head of the State at all. There is a vital difference between the Chief Commissioner of a Part C State and the Governor or Raj Pramukh of a Part A or Part B State. Secondly, with regard to the structure of the Part C States, under section 36 of the Part C States Act, the Chief

Commissioner is appointed by the President, and whenever there is any executive act on which the Chief Commissioner is unable to agree with his Council of Ministers, then the views of the Council of Ministers do not prevail and the matter has to be referred to the President for his direction and decision. Under Section 37 of the Part C States Act, the Ministers are appointed by the President. The Chief Minister is appointed by the President and the other Ministers are appointed by the President on the advice of the Chief Minister. Therefore, as a matter of consequence, we cannot leave the President out of the picture at all. We have, therefore, to bring in this section in strict accord with article 103, because the President is the administrator of the State. So far as the question of disqualification of members and decision thereon are concerned, the President has to act on the advice of the Election Commission and the formal order must be given by the President, because he is the Head of the State and not the Chief Commissioner. That is my answer to this.

**Shri S. S. More:** I do understand that the President is the *de facto* Head, acting through some of his executive officers. But as far as this matter is concerned, can we not entrust this function to some of his executive officers? We are not here modifying or amending the Constitution. All that we are doing is enacting a measure in which we can deviate from the Constitution without any harm. That is my submission.

**Dr. Katju:** I have nothing more to say, Sir, except to draw the attention of the hon. Member to Section 28 of the Part C States Act under which no Act passed by the Legislative Assembly of a Part C State can be given assent to by the Chief Commissioner. It is only the President who can give assent to it.

**Mr. Deputy-Speaker:** Is it necessary to press this?

**Shri S. S. More:** No, Sir.

**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.*

*Clause 3 was added to the Bill.*

**Clause 4.—** (Amendment of section 22)

**Pandit Thakur Das Bhargava** (Gurgaon): I beg to move:

"In page 2, line 17, omit "before the 1st day of April, 1952".

Sir, as I pointed out in the course of my speech during the consideration stage these words take away some of the plenary powers of the Part C States. The Statement of Objects and Reasons says:

"In addition, representations have been made that the Act does not enable the State Legislative Assemblies to amend laws made for the States by Parliament prior to 1st April, 1952 in regard to subjects included in the 'State List'."

Now, I find that there is no reference to any State List so far as this matter is concerned. On a plain reading of this amendment it appears that it refers to matters both in the State List as well as in the Concurrent List. Article 254(2) of the Constitution which applies to Parts A and B States reads as follows:

"Where a law made by the Legislature of a State specified in Part A or Part B of the First Schedule with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State:



[Pandit Thakur Das Bhargava]

Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State."

Of course, we are not concerned with the proviso.

So far as Part A and Part B States are concerned their powers extend even to laws which have been enacted after the 1st April 1952. Now, the hon. Mover of the Bill has made an attempt in this Bill to bring Part C States in line with Parts A and B States, which in itself is a laudable object. But I do not understand why from this point of view this restriction should be placed upon Part C States. When we are out to say that there should be no difference between them, I fail to see why powers can be given in regard to Acts which are made before 1st April 1952 but powers are not given in regard to Acts which are made by Parliament after 1952. As regards Parts A and B States they have got these powers; and there is no reason why these powers should not be given to Part C States in regard to legislation after 1st April 1952. As regards the question of Bills being reserved for assent by the President, I would beg the hon. Mover of this Bill to kindly see Section 26 wherein this provision is already there that in Part C States all the Bills are assented to by the President and are reserved for assent by the President. There is provision under article 254 (2) that the Bills must be reserved for the assent of the President. This requirement is, I should say, fully complied with by the present provision. There is no point whatsoever in keeping and sticking to this date. I am at one with the Mover of the Bill that this provision is very good and in fact the powers of the Part C States have been extended and have become more ample than before. But I do not see why this exception should be made and a differentiation should be made

between Acts which were passed before 1st April 1952 and Acts which were passed subsequent to that date. In my humble opinion, both stand on the same footing. Similarly, States in Parts A, B and C should be on the same footing in regard to such powers. That is my humble suggestion.

**Mr. Deputy-Speaker:** Amendment moved:

In page 2, line 17, omit "before the 1st day of April, 1952".

**Shri S. S. More:** Sir, I want to say that my views are diametrically opposite to what has been said by my friend, Pandit Thakur Das Bhargava. I would rather refer to article 251. Under certain circumstances, Parliament had been given power to legislate effectively in the case of subjects which are in the State List under articles 249 and 250. Under the present amendment certain Acts were passed by the Provisional Parliament before the 1st day of April 1952 because this House was not constituted and summoned. The Provisional Parliament was there and under Order No. 2 (Removal of Difficulties) passed by the President the Constitution was amended to make it applicable to the Provinces on 26th January, 1950 till both the Houses came into existence, duly constituted and summoned. For this interval, the Provisional Parliament was the sovereign Parliament as far as this country was concerned. If that was the sovereign Parliament and if in that capacity it has legislated even for Part C States, it was perfectly within its power in passing this legislation. Now, the power which is being sought to be given to the Part C States, to me at least appears to be a dangerous precedent. Supposing certain provisions are not acceptable to Part C States' legislatures which have come into existence, supposing they find certain difficulties regarding certain provisions, the course, which appears to me to be proper, is not to give them power to amend the legislation passed by the



sovereign Parliament because that will be wrong in principle. Let them make a recommendation to this House and let us go in a more practical manner; let us say that all the legislation that we have passed, we repeal by our own action and as regards those provisions which are acceptable to the Part C States legislatures, let them incorporate these provisions in their own incorporating Acts, if they incorporated this provision in their own Acts, then they have every power to amend these Acts and we have nothing to say but to say that a State legislature shall be competent to amend a piece of legislation which has been passed by the sovereign Parliament is something strange as far as my knowledge about Constitution is concerned.

**Pandit Thakur Das Bhargava:** There is nothing strange about it. Article 254 is clear....

**Shri S. S. More:** My friend will allow me to develop my point. In respect of certain provisions in the Constitution it is a question of principle. Suppose a claim is made in the case of Part C States. Should we allow or encourage this sort of practice, even supposing for the sake of argument that it has constitutional sanction—should we encourage the practice? What will happen to us? We might have passed certain legislation, and the State will be nibbling at it. A time will come when the legislation will disappear completely and yet we shall not be knowing what has happened to that piece of legislation.

**Pandit Thakur Das Bhargava:** Why not? All these Bills must be reserved for the assent of the President. That is provided in article 254 (2). That is the safeguard.

**Shri S. S. More:** But what happens to this House itself?

**Pandit Thakur Das Bhargava:** Nothing happens. We have enacted article 254 and we have enacted that so far as State List and Concurrent List are concerned, even Part A and Part B States can make a law today which is repugnant to the law that we have made. But that Bill will be reserved for the assent of the President. They are also competent legislatures. They are in charge of State List as well as Concurrent List. It is only as regards the Concurrent List that the question arises. So far as the State List is concerned they are the proper and exclusive legislatures. And the safeguard has been enacted in article 254, for subjects in the Concurrent List.

Now, the only point of difference is that while the Mover of the Bill is agreeable to give all the powers to Part C States, he wants to reserve such Acts as were passed after 1st April, 1952, which are according to him taboo for the other legislature to touch. My submission is this, that if we are going to give the powers to Part A and Part B States, then Part C States should also be given the same powers. What is the difficulty?

**Shri S. S. More:** Sir, I would draw your attention to articles 251 and 252. I will give you the gist of them. If certain things are repugnant to....

**Mr. Deputy-Speaker:** If Parliament was entitled to pass certain laws affecting Part C States before the legislature was constituted in respect of a Part C State, is it now open, when once a legislature has been constituted in the Part C State, for this Parliament to legislate? If the Part C State Legislature passes a law it has to receive the assent of the President. Under these circumstances, with reference to the State List, is it open to Parliament to modify any law passed by it? Or, now that the legislature has come into being in Part C States, has not that legislature got exclusive jurisdiction to legislate in respect of matters pertaining to the State List, provided that

[Mr. Deputy-Speaker]

there is nothing inconsistent? And the President is there. Whether consistent or inconsistent, does not Parliament lose jurisdiction over that?

**Shri S. S. More:** After the legislature for the State has come into existence, this House, will have no power to legislate in respect of those matters.

**Mr. Deputy-Speaker:** Then how will it legislate?

**Shri S. S. More:** But it can repeal, as a matter of fact.

**Mr. Deputy-Speaker:** That is also legislation.

**Shri S. S. More:** I take this view, that we become sort of *functus officio* the moment the State Legislature has come into existence which shall take complete charge of matters under the State List. But it should be left to us to repeal.

**Mr. Deputy-Speaker:** Repeal is also enacting.

**Shri S. S. More:** I beg to differ from you, Sir. I will only say that it is best to scrap the Acts which we have passed, leaving the ground clear for the State Legislature to proceed.

**Mr. Deputy-Speaker:** Even after we have lost jurisdiction?

**Shri S. S. More:** I do not think we completely lose jurisdiction, because there are certain clauses under which we do get jurisdiction for State subjects.

**Shri Raghavachari (Penukonda):** I only want to say that the point raised by Mr. More does not arise if you only see Section 22 of the old Act. It provides that in all cases where any legislation passed by Parliament is inconsistent with any legislation that may be passed or has been passed by the State, it is the Parliamentary legislation that does prevail. Therefore, there is no inconsistency at all. As you were

afraid that there may be an inconsistency that might arise, I may say that it is already provided.

**Mr. Deputy-Speaker:** Where? In article 22?

**Shri Raghavachari:** Section 22 of Part C States Act reads:

"If any provision of a Law made by the Legislative Assembly of a State is repugnant to any provision of a law made by Parliament, then the law made by Parliament, whether passed before or after the law made by the Legislative Assembly of the State, shall prevail and the law made by the Legislative Assembly of the State shall, to the extent of the repugnancy, be void."

**Pandit Thakur Das Bhargava:** We are only concerned with the explanation, and not with the section.

**Mr. Deputy-Speaker:** We are concerned with section 22. That sub-clause has already provided for all these contingencies.

**Dr. Katju:** Mr. Deputy-Speaker, with all respect to my hon. friend Pandit Thakur Das Bhargava, it is really a very trivial matter—I may put it that way. The clause has been put in this Bill at the instance of some Ministries of some of the Part C States on the ground that the Constitution came into force on the 26th of January 1950. The Part C States Act came into force from the 1st April 1952. In between, the President was administering these Part C States and whatever legislation had to be promoted was enacted by this Parliament and the Parliament was enacting legislation in respect of all the three Lists—the State List, the Concurrent List and the Union List. These Ministries said, we find that there are some pieces of legislation passed by Parliament in the intervening period, from the 26th January 1950 up to 1st April 1952, which fall exclusively either in the State List or in the Concurrent List;

we are here on the spot and would like to promote legislation in our own States in relation to these matters. So, the matter has been put in this way: 'after the 1st April 1952'. The matter stands on the same basis with regard to other States, Part A States, Part B States and Part C States. We had to put in this date so that that period may be provided for. As regards the rest, well, that is a matter governed by the Constitution. I therefore respectfully suggest that my hon. friend Mr. Bhargava will let it remain as it is, because, in so far as the State List is concerned, Parliament has had no jurisdiction to pass any legislation after the 1st April 1952. In so far as the Concurrent List is concerned, the power rests with the President, the Parliament, and also the State Legislature to do it and if the legislation in the Concurrent List is to be changed, then it is desirable that the Parliament only should be able to change it, the President being really the Administrative Head of the Part C States. I therefore respectfully submit that the Bill should be left as it is.

**Mr. Deputy-Speaker:** The question is:

In page 2, line 17. omit "before the 1st day of April, 1952".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That clause 4 stand part of the Bill."

*The motion was adopted.*

*Clause 4 was added to the Bill.*

*Clause 5 was added to the Bill.*

**Clause 6.**— (Insertion of new section 33A).

**Shri N. L. Joshi (Indore):** I beg to move:

In page 2, line 39, for "English" substitute "Hindi".

In page 2, line 41, for "English" substitute "Hindi".

In page 2—

(i) line 45, for "English language" substitute "Hindi and English languages" and

(ii) line 48, for "the English language" substitute "the Hindi and English languages".

**उपाध्यक्ष महोदय :** मेरा निवेदन है कि जो बात माननीय गृह मंत्री जी ने, जब इस विधेयक पर विचार हो रहा था, हिन्दी के सम्बन्ध में बतलाई थी, उस पर पूरी तरह से विचार करने पर मैं इस परिणाम पर पहुँचा हूँ कि बहुत अच्छा होता यदि माननीय गृह मंत्री जी धारा ३३ को धारा ३३ए कह कर दुस्ती के लिये इस सभा भवन में प्रस्तुत न करते। उसका मूल कारण यह है कि जो सन् १९५१ का गवर्नमेंट आफ् पार्ट सी स्टेट्स ऐक्ट है उसकी धारा ३३ (१) में यह कहा गया है कि :

"Notwithstanding anything in Part XVII of the Constitution but subject to the provisions of article 348, business in the Legislative Assembly of a State shall be transacted in the official language or languages of the State or in Hindi or in English."

मेरा निवेदन यह है कि इस धारा ३३ में यह स्पष्ट रूप से कहा गया है कि :

"But subject to the provisions of article 348".

संविधान के अनुच्छेद ३४८ में जो कुछ कहा गया है उस के अनुसार पार्ट सी स्टेट्स में काम चलेगा। तो यदि पार्ट सी स्टेट्स में संविधान की धारा ३४८ के अनुसार काम चलने वाला है तो मैं समझता हूँ कि कोई आवश्यकता नहीं है इस बात की कि धारा ३३ए सुधार के लिये इस सभा भवन में प्रस्तुत की जाय क्योंकि जो धारा इस सभा भवन के समक्ष प्रस्तुत की गई है संशोधन के लिए, उसमें हুবहू वही बातें कही गई हैं जो कि संविधान की धारा ३४८ (१) और ३४८ (३) में

[श्री एन० एल० जोशी]

कही गई है। या यों कहा जाय कि जो बातें संशोधन के लिए रखी गई हैं वह ठीक वही हैं जो कि धारा ३४८ (१) और (३) में संविधान में हैं। तो जब कि पार्ट सी स्टेट्स ऐक्ट की धारा ३३ में यह स्पष्ट रूप से लिखा है कि :

"Subject to the provisions of article 348 of the Constitution".

तो फिर क्या आवश्यकता है कि इस तरह की धारा संशोधन के लिए इस सभा भवन के सामने प्रस्तुत की जाय। और क्योंकि इसकी आवश्यकता नहीं है, इसलिये मेरा तो नम्र निवेदन यह है कि बजाय इसके कि इस धारा को जैसा है वैसा ही रखा जाय, यह बहुत अच्छा हो कि यह सभा भवन इस बात पर विचार करे कि इस धारा को पार्ट सी स्टेट्स के लिये संशोधित रूप में क्यों न रखा जाय। जितनी भी पार्ट सी० स्टेट्स हैं उन में से एक आध को छोड़ कर बाकी सब राज्यों में हिन्दी ही प्रचलित है और वहां अधिकांश लोग ही नहीं बल्कि ९९ प्रति शत लोग हिन्दी को पूरी तौर से समझते हैं। अतः हिन्दी में ही वहां विधान बनाए जाने चाहिये। क्योंकि संविधान की धारा ३४८ में यह स्पष्ट कहा गया है कि

"Notwithstanding anything in the foregoing provisions of this Part I, until Parliament by law otherwise provides."

तो इस सभा भवन को यह पूरा अधिकार कि वह यह कायदा बनाये कि पार्ट सी० स्टेट्स में जो भी विधान बनेंगे या विधेयक प्रस्तुत होंगे वे हिन्दी में प्रस्तुत होंगे और हिन्दी में ही स्वीकृत किये जायेंगे। तो इस तरफ से कुछ विचार किया जा सकता है, बजाये इसके कि जो संविधान हिन्दी में करने को कहा गया है उसको अंग्रेजी में करने को कहा जाय। इसकी तो मुझे कोई आवश्यकता प्रतीत नहीं होती कि अभी जो कुछ मौजूदा विधान में है उसको दोबारा कहा जाय। इसके बजाय

इस बात की आवश्यकता महसूस की जाय कि वहां के सारे विधेयक हिन्दी में ही बनें और उनको हिन्दी में ही स्वीकार किया जाय। अतः उपाध्यक्ष महोदय, जो मेरा संशोधन इस धारा में है वह यह है कि बजाय इसके कि जैसा कि अभी संविधान में है वहां के विधेयक अंग्रेजी में बनें, होता यह चाहिये कि वह हिन्दी में प्रस्तुत किये जायें और हिन्दी ही में स्वीकार हों। हां यदि विधेयक वहां की प्रादेशिक भाषा में बनते हैं तो उनका अनुवाद हिन्दी में किया जाय और अंग्रेजी में भी किया जाय। इस तरह का मेरा संशोधन है। मेरा नम्र निवेदन है कि इस संशोधन को माननीय गृह मंत्री जी स्वीकार करें।

**Mr. Deputy-Speaker:** Amendments moved:

In page 2, line 39, for "English" substitute "Hindi".

In page 2, line 41, for "English" substitute "Hindi".

In page 2—

(i) line 45 for "English language" substitute "Hindi and English languages"; and.

(ii) line 48 for "the English language" substitute "the Hindi and English languages".

**Dr. Katju:** May I respectfully say that my hon. friend has not seemingly read section 33 of the Act and clause 33 A in the Bill together. As I understand the Part C States Act, section 33 allowed proceedings in the Legislature to be conducted in English or Hindi or the regional language—only the business. It said quite clearly: "but subject to the provisions of article 348 of the Constitution". Therefore, the result, as we were advised, was that under article 348, the language of the Bills must be in English. You may discuss the matter in the regional language, or Hindi. Then we were advised that article 348 of the Constitution as it stands which at the very opening

says that Bills must be in the English language and Acts must be passed in the English language....

**Mr. Deputy-Speaker:** I understand the amendment to be this: "...until Parliament by law otherwise provides...." The hon. Member wants this Parliament now through the agency of the hon. Home Minister to provide Hindi in place of English.

**Dr. Katju:** I am not prepared to do that for the Part C States. We should make this article 348 apply to everybody. I want to put the Part C States together on the same level as the Parts A and B States. If you introduce a Bill in Hindi or a regional language like Coorgi, then it is open to you to do so. You may pass it in the regional language, but you must have an authoritative translation of it in the English language. That is the gist of it, and I submit that what is good for the Parts A and B States should be good enough for the Part C States.

**Mr. Deputy-Speaker:** The question is:

In page 2, line 39 for "English" substitute "Hindi".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

In page 2, line 41 for "English" substitute "Hindi".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

In page 2—

(i) line 45 for "English language" substitute "Hindi and English languages"; and

(ii) line 48 for "the English language" substitute "the Hindi and English languages".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That clause 6 stand part of the Bill."

*The motion was adopted.*

*Clause 6 was added to the Bill.*

*Clause 7 was added to the Bill.*

4 P.M.

**Clause 8.—**(Insertion of new sections 39A and 39B).

*Amendment made:*

In page 3, lines 22 and 23, for "such sum as the President may, by order, determine", substitute "such sums as may, from time to time, be determined by law made by the Legislative Assembly of the State;"

—[Dr. Katju]

**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.*

**Mr. Deputy-Speaker:** In clause 1, "1953" has to be modified into "1954". I think it will be corrected by the draftsman.

*Clause 1 was added to the Bill.*

*The Title and the Enacting Formula were added to the Bill.*

**Dr. Katju:** I beg to move:

"That the Bill, as amended, be passed."

**Mr. Deputy-Speaker:** The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

# DISPLACED PERSONS (CLAIMS) SUPPLEMENTARY BILL

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

"That the Bill to provide for the continuance of certain proceedings pending under the **Displaced Persons (Claims) Act, 1950**, and for matters connected therewith, be taken into consideration."

I would like to define the scope of the present Bill as also of the original Act, because from the amendments tabled I find that there is a good deal of misunderstanding on the part of hon. Members. The original Act provided for the verification of claims, which meant the assertion of the right to ownership of or interest in any immovable property in West Pakistan which is situate within an urban area and such class of property in any part of West Pakistan other than in an urban area as may be defined by the Central Government in this behalf in the official gazette. Urban area was defined so as to include a corporation, a municipality, a municipal committee, a notified area committee, a town area a small town committee or a cantonment. This definition was enacted after taking into account the conditions as they existed then.

The House will remember that the State of Punjab had enacted a law for the verification of the claims for agricultural land and rural houses belonging to people in West Pakistan and also to people of West Punjab extraction living in other parts of West Pakistan. It was, therefore, laid down at that time that all claims in regard to properties situated in the urban area will be entertained by virtue of sub-section (i) of the definition of claim. In regard to claims about property which was outside those urban areas, Government would issue notifications and the notifications were issued with a view to include all the properties except those

which were covered by the laws in the Punjab.

Consequently, while certain types of small rural houses were excluded in the Punjab, so far as provinces outside West Pakistan were concerned, that is, Sind, Bahawalpur, and the North-West Frontier Province, people living in the rural area were allowed to file claims in respect of all types of houses, whether of Rs. 20,000 or less or of Rs. 10,000 or less, except the small houses of people who had been allotted land. In assessing these claims, no distinction was made. The same rules and the same principles were laid down for valuing all houses.

Now, during the three years that the Act of 1950 has been in force, we have verified a large number of claims. Altogether, about 4,50,000 claims were filed, out of which 3,90,000 claims were found to be valid claims. The original Act came into force on the 1st May 1950. It continued up to 17th May 1952 and it was further extended for another year up to 17th May 1953. Under the original Act, applications were invited by a notification dated 14th June 1950, and three months' time was originally given for filing applications, i.e. from 1st July 1950 to 30th September 1950. Later on, the time was extended by another month, i.e. up to 31st October 1950. In practice, however, applications continued to be received up to 31st August 1952, i.e. instead of a period of four months originally provided for in the notification for the receipt of applications, in effect applications were received for twenty-six months. That, I submit, was an ample period.

When the original Act expired on the 17th May 1953, we discovered that some work was left over. Certain claims were left over from being verified. In this connection, I would like to draw the attention of the House to a notification dated 1st October 1952, whereby we called upon the claimants whose claims had

\*Moved until the recommendation of the President.

not been verified to give certain particulars within a period of one month, so that their claims may be verified. We received applications some of which were verified and others were left over. Some claims were missing and we gave those people an opportunity to file duplicate claims.

The present Bill provides for the verification of all claims which were pending on the 17th May 1953 whether the claim was lost and duplicate had been filed or the claim had been left over for verification, whether any application for its revival was received during the period allowed or no such application was received. Thus in this Bill, we have been more liberal than in the notification which we had issued after the Act of 1950 had expired, wherein we had promised that we would be making a provision for the verification of certain types of claims. In fact, any claim which has been left over from verification under the old Act, will be verified now.

**Pandit Thakur Das Bhargava (Gurgaon):** May I just inquire from the hon. Minister whether those claims which were not verified, and in respect of which a period of one month was allowed for filing duplicates, will also be gone into now, even if the persons concerned had not filed their applications within that one month?

**Shri A. P. Jain:** Yes. In the present Bill, we have incorporated a provision that all claims which had remained unverified on 17th May 1953 will now be verified. I do not think that we could lay down a more comprehensive provision.

**लाला अचिन्त राम (हिसार):** क्या वह आदमी जो बाद में आये है, उनके क्लेम आप लेंगे ?

**Shri A. P. Jain:** I have not dealt with that aspect of it. If the hon. Member will look at the Long Title of the Bill, he will find that it provides for the continuance of certain proceedings pending under the Displaced Persons (Claims) Act, 1950.

This Bill is meant only to cover the work which had been left unfinished under the old Act.

**Lala Achint Ram:** What about them? How would you manage them?

**Shri A. P. Jain:** This Bill does not deal with them.

**Lala Achint Ram:** Bring a new Bill.

**Shri A. P. Jain:** The second important matter relates to the revisions. The old law had made a provision for filing revisions. Some revisions filed were left over on 17th May 1953. Their number is about 7,000. This Bill makes a provision for deciding the revisions which were pending on 17th May 1953. In certain cases the date of limitation had not expired on 17th May 1953, in other words, the aggrieved party could file a revision, but was disabled from doing so, because the Act had expired. We have provided in this Bill that all those persons who were entitled to file revision on 17th May 1953 will be entitled to file revision under the new law, within a month of its coming into force.

Another provision relates to claims which had remained undecided on 17th May 1953. We have put in a provision that a revision could be filed within one month from the decision of a claim which had remained unverified. We have exhausted all the possible categories of persons who had filed revision which has remained unverified or who were entitled to file revisions, but could not do so because of the expiry of the Act, or who should in future be entitled to file revisions.

Apart from that, there is another clause, viz., clause 5 (1) (b), wherein we have provided that in exceptional cases, the Chief Settlement Commissioner can *suo motu* revise.

In making provisions in this Bill, I took care to see that all the possible cases may be covered. The House is also aware that we have appointed



[Shri A. P. Jain]

an Advisory Committee, and I referred this matter to the Advisory Committee, whether they could think of any class of a pending proceeding under the old Act, which has been left over. I want to inform the House that they could not point out any case or class of cases, which was pending under the old Act but had remained incomplete, and which are not covered by these provisions. I have also gone through the amendments, and I do not find that any hon. Member has pointed out any cases which were pending on 17th May 1953, and which are not covered by the present law.

My hon. friend Lala Achint Ram has asked me a question: what about the people who come afterwards? As the Long Title of the Bill shows, this Bill covers only proceedings which were left unfinished under the old Act. I want to submit that we have laid down some limiting date, because we wanted to have the whole set of verified claims on one side and the assets which were going to be distributed against these verified claims on the other side, and then to work out a scheme whereby the assets may be distributed among the claimants. If the receipt of the claims becomes an unending stream, i.e. anybody who had come before or afterwards goes on filing claims, it is not possible to formulate any scheme of compensation. I cannot give any guarantee with regard to persons who have come after the last date for filing claims or who may come hereafter. If the scheme of compensation is to be implemented, it is necessary that on one side, we should have the credit side, and on the other, we should have the debit side. If we have no certainty about the debit side, we cannot formulate any scheme of compensation.

I submit that in framing this Bill, we have taken care to cover all the possible cases that were left over under the old law. We want to finish this work soon. I hope it will not

take us more than four or five months. I do hope that this Bill, which was issued first in the form of an Ordinance, which has been, I submit, fairly well received in the country, will have the assent of the House.

**Shri Nand Lal Sharma (Sikar):** On a point of information. What is going to be done with regard to the claims of those persons who have crossed over to the Indian side, just after the expiry of the old Act?

**Shri A. P. Jain:** I cannot make any commitment at the moment. This Bill does not cover those persons.

**Pandit Thakur Das Bhargava:** May we know the number of persons who had come after the expiry of this Act?

**Shri A. P. Jain:** I do not think many persons have come, a few persons may have come, but we have no record.

**Shri Nand Lal Sharma:** There were other claims also that had not been put forward within the date. May I know whether there will be any provision for them?

**Shri A. P. Jain:** No. We do not propose to provide for them. It does not provide for the receipt of fresh claims.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to provide for the continuance of certain proceedings pending under the Displaced Persons (Claims) Act, 1950, and for matters connected therewith be taken into consideration."

**Shri Gidwani (Thana):** I beg to move:

"That the Bill be referred to the Select Committee consisting of Pandit Thakur Das Bhargava, Giani Gurmukh Singh, Shri Amar Nath Vidyalankar, Shri Basanta Kumar Das, Shri Rohini Kumar Chaudhuri, Dr. Ram Subhag Singh, Lala Achint Ram,



Sardar Hukam Singh, Shri N. C. Chatterjee, Shrimati Sucheta Kripalani and the mover, with instructions to report by the 1st March, 1954."

Though this is called a Supplementary Bill and covers, as stated by the hon. Minister, about 8,000 to 4,000 cases, I feel there is a larger number of claimants whose claims have not been verified. I will relate to you the reasons and the causes for that state of affairs. In the first place, I would like to know, though it may be too late, why the Bill is called "Supplementary" Bill, if the old Act has expired. A supplementary Bill can only be an addition to something which exists. Therefore, I feel that a more comprehensive Bill should have been brought, so that it could have covered all the cases, and justice could have been done to every claimant. But according to this Bill, very few cases will be covered. There are certain defects which I want to bring to the notice of the House, so that while working the new Act, those defects may be avoided and the same things may not be repeated.

The first thing is that I would appeal to the Minister to bring in an amendment himself under certain powers which he has got under the original Act. When the original Act was passed, those who framed the Act probably did not know the conditions of the entire West Pakistan area. They were conversant probably with the Punjab Act and the local self-Government areas in Punjab. In the original Act, "urban areas" is defined thus:

"Urban area" means any area within the limits of a corporation, municipality, municipal committee, a notified area committee, a town area, a small town area or a cantonment, as those limits existed on the 15th day of August, 1947."

While in Punjab, these were the local self-Government bodies, which carried on these functions, in Sind we had committees called sanitary

committees which were more or less on the same lines as the small town committees of Punjab. Those committees were elected and they carried on the same functions which the other local self-Government bodies did.

Now, I will relate to you some facts from a note which has been prepared and which has been already submitted to the hon. Minister as to what these sanitary committees were. I will mention to you, and describe what some of those sanitary committees did, for the information of the House as well as for the information of the hon. Minister who has already got a copy of it. There is a town called Pir-jo-goth in Sukkar District with a population of over 10,000. Electric lighting in streets and houses is derived from the power-house established in the town itself. It had pucca brick buildings with iron girders supporting the roofs. The town had brick-paved drainage system, hospital, maternity home, primary and secondary schools, post offices, cinema houses, police station, *goshala* and a bazar with over 500 shops. It is a great centre of cloth printing and handloom cloth industry; centre of considerable trade in grains and fuel wood; also a very important place of pilgrimage. Land values as shown by sale transactions go up to Rs. 25 per sq. ft.

"Sale of shops measuring 88'8" by Ramoo Mal Tirath Das and Gurmukh Mal for Rs. 2,500 on 2nd February, 1942 and registered on 28th February, 1942 in the Sub-Registrar's Office, which works out roughly at Rs. 28 per sq. ft.

Sale of a residential house measuring 980.6 sq. ft. by Tolomal to Holomal and Ramchand for Rs. 15,000 on 10th July, 1945."

**Pandit Thakur Das Bhargava:** May I submit one point? It is not that I want to interrupt the hon. Member. After having the benefit of a talk with the hon. Minister, the position

[Pandit Thakur Das Bhargava]

has become quite clear. It is not that these gentlemen whose properties were situated in the sanitary committee's area will not be given any compensation. On the contrary, as explained by the hon. Minister, they are likely to get somewhat more than those people whose properties are in urban areas. If that is so, why then have this amendment? If the hon. Minister explains this part of the case may not be pressed.

Shri A. P. Jain: I will clarify this point. This question of sanitary committees in Sind has come up before the Government more than once. There are quite a large number of sanitary committees, probably more than 100, in Sind. These sanitary committees are of all types and description. Some of the sanitary committees are mere villages, or glorified villages. Some sanitary committees are fairly well-developed, somewhat approaching the urban areas. From the figures that we have been able to work out up to now, it appears that the compensation payable to the rural agriculturists, would, in all likelihood, be on a higher scale. The basis on which we have worked out the quasi-permanent settlement in Punjab and which we propose to apply to the rest of the agriculturists in other parts of West Pakistan would, in all probability be given more to the rural claimant. For instance, the owner of ten standard acres of land in the Punjab has got  $7\frac{1}{2}$  standard acres of land. Assuming that the value of a standard acre is Rs. 500, the total value of ten acres comes to Rs. 5,000. This man has got land worth Rs. 3,750 on this side. I am not sure but in all likelihood the urban man who has got a claim for Rs. 5,000 may not get Rs. 3,750. If we transfer all these sanitary committees ad hoc, to the urban sector it would mean that while the owner of a house will gain, the owner of the land will suffer. We will be accused of showing bias in favour of the property-owners of one class. This question is not capable of solution on an ad hoc basis, transferring

one class of towns from one category to another. When the representatives of the Sindhis came to me, I told them: "Give me a list of all the sanitary committees, and we shall examine the case of each committee. If we find that the conditions prevailing in any sanitary committee is the same as in a town, we shall transfer that committee to the urban sector. We will keep the rest in the rural sector, so that there may be no discrimination between the rural and the urban man." It is not our objective to discriminate against any particular class of persons. We want to be equitable. I shall be prepared to consider any scheme, at the time when the question of compensation comes up, which may do justice between the residents of the sanitary committee areas and others. But the type of amendments tabled will mean loss to one class of persons living in the sanitary committee area at the expense of others. I think that what I have said is the only practical way of dealing with it.

Shri Gidwani: For your information, I can tell you that most of these claimants in the sanitary areas did not own agricultural land like the urban people. Not even 50 per cent. of them may be holding any agricultural land.

Shri A. P. Jain: If 50 per cent. persons hold agricultural land, and I accept your amendment or your suggestion, it will mean that those 50 per cent. persons will suffer because others will benefit.

Shri Gidwani: What about those who hold no agricultural land at all? They should be treated just as you treat the urban people. That is what I want.

Shri A. P. Jain: In fact, this Bill and the original Act deal only with the verification of claims. They have nothing to do with compensation or the rate or the manner in which compensation is to be paid. So far as

the method of verification is concerned, it is the same for the urban and rural areas. But when the question of giving compensation comes, then the question arises as to what should be treated as on the rural side and what property should be treated as on the urban side. I have said that I am prepared to consider when the question of compensation comes up as to which of these sanitary areas should be lumped up with the urban properties. That is the only solution. This amendment here is quite misconceived because this Bill does not deal with compensation, and all that my friend has in mind is the rate at which compensation is to be paid.

**Pandit Thakur Das Bhargava:** May I just put one question? In regard to non-urban property, the notification that the Government have made is like this: in case a person has an area of 4 acres of land with him, then his house worth Rs. 10,000 will not be taken into consideration, and if a person has got more than 10 acres, then in that case his house, which is worth about Rs. 20,000, will not be taken into consideration. This only applies practically to Punjab where people have been given houses as well as lands. In regard to Sind and Baluchistan, may I just know, whether a person with his house in the rural area, which is worth, say, Rs. 10,000 or Rs. 5,000 or Rs. 4,000 will get compensation or not?

**Shri A. P. Jain:** Well, those persons who had been allotted land were treated on the same basis as the Punjabis. Those people who had not been allotted, were allowed to verify all their claims.

**Pandit Thakur Das Bhargava:** So that if a person in the rural area has not got any land, his house should be treated as property which will earn compensation on the usual basis?

**Shri A. P. Jain:** If he had not been allotted land, then his house would be verified. If he had been allotted land, then it would not be verified.

**Shri Gidwani:** I only want a further clarification. Some people were given maintenance allowance on the basis of their property left in Pakistan. You know it. Recently when fresh inspection is going on for the purpose of giving them compensation, in many cases the maintenance allowances of people who were living in the sanitary area in Sind have been stopped, because they have been considered as people not residing in urban area and the maintenance allowance scheme relates only to urban areas. That is my difficulty.

**Shri A. P. Jain:** This Bill does not deal with the maintenance allowance at all. But apart from this Bill, if the hon. Member wants to discuss that question, I am prepared to do it so far as receiving claims on a priority basis is concerned. That is a very minor question. But so far as this Bill is concerned, it does not deal with the manner or the method or compensation; it only deals with verification.

**Shri Gidwani:** rose—

**Mr. Deputy-Speaker:** May I suggest one course? Not only in regard to this Bill but in regard to other Bills also in all cases where—except where serious matters of policy on which people do not agree are involved and are brought before the House where they will have to have their say—in all cases where the Government are willing to accommodate and only want to explain their position, the hon. Minister will just take those people into confidence who have tabled amendments, have a small conference and then iron out those differences. I have been allowing nearly half an hour on this kind of questions and answers. They are good in that the hon. Minister tries to satisfy the Opposition or other Members try to get enlightenment so far as the scope is concerned. But at this rate, one Bill itself will take a lot of time. Therefore, in future I would urge upon all hon. Ministers to have a discussion with those Members who have tabled amendments before they take up the matter in the House; of

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course, if they do not agree upon a particular problem, each Member will place his point of view before the House for the acceptance of the House.

**Shri A. P. Jain:** May I inform you, Sir, that I have discussed this question with Mr. Gidwani several times during the last two years?

**Shri Gidwani:** The Bill has come just now and this is the first opportunity for me to move an amendment that these areas shall be included in the urban areas. The whole Bill relates to payment of compensation to those who have left property in the urban area. If you refer to the original Act, 'urban area' means.....

**Mr. Deputy-Speaker:** I am trying to satisfy all Members.

**Shri Gidwani:** It is a very pertinent point, a very important point, affecting property worth at least 4 crores of rupees.

**Mr. Deputy-Speaker:** The hon. Minister has been saying that this is only a continuation of the previous one regarding claims.

**Shri Gidwani:** I would certainly suggest, Sir, that this should be referred to a Select Committee where we can thrash out the thing. It will solve all the problems.

**Mr. Deputy-Speaker:** Very well.

**Shri Nand Lal Sharma:** On a point of order, Sir.

**Mr. Deputy-Speaker:** There are other hon. Members who have tabled amendments.

**Shri Nand Lal Sharma:** I rise on a point of order, Sir. This Bill is termed the Displaced Persons (Claims) Supplementary Bill, 1953. Now, the Act that is referred to here—the original Act—is the Displaced Persons (Claims) Act, 1950, which expired on the 17th May, 1953. Now, we are

moving in 1954. The Act is gone, expired and is a dead letter by now. So how can this be termed a Supplementary Bill?

**Mr. Deputy-Speaker:** I am only concerned with the jurisdiction of the House. The hon. Minister evidently wants to relate this to the other one. If there is any provision here, to give it retrospective effect is all right; prospective effect is always there. The mere nomenclature does not take away the jurisdiction of the House. This matter was raised by Shri Gidwani and there was absolutely no substance in it, simply because it is called a Supplementary Bill. Whatever has been left unfinished is sought to be finished here and to cover that portion he used the word 'supplementary'. If the hon. Member has in view any other expression, he will consider the propriety of using it.

**Shri Raghavachari (Penukonda):** May I make a submission, Sir? I have gone through the whole Bill and there is nowhere any provision made that the old Act is in force or that its operation continues.

**Pandit Thakur Das Bhargava:** But this is a complete Bill by itself. It provides all those things which were there in the original Act.

**Shri Raghavachari:** No.

**Pandit Thakur Das Bhargava:** Yes.

**Shri Raghavachari:** The provision is this. They simply say: 'to provide for the continuance of certain proceedings'. There is nowhere any mention that the old Act continues.

**Mr. Deputy-Speaker:** It may not be necessary, if all the provisions have been incorporated here so as to suit the altered conditions of the undisposed of claims. The hon. Member seems to suggest that a particular provision is wanting in a suitable place and it is necessary to include that.

**Shri Raghavachari:** The whole purpose of this Bill will not be served so far as this matter is concerned, unless it is a Bill complete in itself.

**Shri A. P. Jain:** It is complete.

**Mr. Deputy-Speaker:** If any provisions are wanting, they might be added.

**Shri Gidwani** rose—

**Mr. Deputy-Speaker:** The hon. Member must finish. He has taken up a lot of time.

**Shri Gidwani:** I just only began. Then, Sir, I would like your ruling whether the Bill can be restricted in scope. I will invite your attention to the original Act wherein the definition of 'Displaced person' is this. 'Displaced person' means any person who on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has after the first day of March 1947 left or has been displaced from his place of residence in such area and who has been subsequently residing in India and includes any person who resides in any place in India and who for that reason.....

**Mr. Deputy-Speaker:** The point of order must be stated briefly. What is the point?

**Shri Gidwani:** It is that the claim of any displaced person who has come from Pakistan and is in India—who has been displaced and has left property in Pakistan—can be filed at any moment. This is my point.

**Mr. Deputy-Speaker:** I do not know what it is that he wants. What is wrong with this Bill?

**Shri Gidwani:** Sir, the hon. Minister says that this is a Supplementary Bill. You will see, Sir, that this covers only those cases which were pending on the appointed day; and the appointed day was the 17th May, 1953. My submission is that any displaced person—who had come to India on any date could file his claims under the original Act, we cannot restrict it to any particular date.

**Mr. Deputy-Speaker:** The previous Act has exhausted itself.

**Shri Gidwani:** Even so, the new Bill restricts itself only to those cases.

**Mr. Deputy-Speaker:** There is no point of order. The previous Act exhausted itself. We will assume that this Bill is not brought. Then those other people who had not filed their claims must thank their stars. On account of some defect or on account of want of proper machinery, what is lost is lost. The hon. Minister wants to make an enabling provision with regard to the claims of those persons, whose claims of Rs. 4,000 and odd had been notified before a particular date. It is open to the hon. Member to say, as he has been suggesting all along, that even now an opportunity must be given to the other people. This is a different matter altogether. It is open to the hon. Minister who introduces the Bill to decide as to what the scope of the Bill ought to be. It is open to any other hon. Member to induce the Minister to enlarge the scope. But, so far as the scope is concerned, it is open to the hon. Minister to restrict the date not only to May, 1953; he might as well say, the first day of January, 1953. There is no point of order. The hon. Member may proceed.

**Shri Gidwani:** Then, Sir, when the original Act was being worked, some instructions were issued to Claims Officers to value urban property within certain ceiling rates, called 'rationalised rates'; even though documents were shown, a particular rate was fixed. I am not entering into the figures; and in certain cases, *suo motu*, the prices were reduced. This is a very unfair thing.

**Mr. Deputy-Speaker:** May I suggest one thing; I do not want to interrupt. Hon. Members are all deeply interested in this matter. I would like to give them as much opportunity as possible to speak and place their views before the House. But, we can apportion the time. Now, the hon. Member who has tab-

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ed this amendment, will first of all place before the House the ground on which he would like a reference to be made to the Select Committee.

If he wants to go into the details with respect to any clause, he can do it when we take up that clause; because, otherwise, there would be repetition—once at the earlier stage and then when the discussion on that particular clause is taken up. Unless it is vital to the entire framework of the Bill, detailed discussion of the clauses should be left to that stage when we come to the discussion of the clauses. I would urge upon the hon. Member to support the motion for reference to the Select Committee and to state what are the advantages in a reference to the Select Committee and what more can be done there other than what can be done on the floor of the House.

The next point is, only those points which are vital to the whole scheme of the Bill may be referred to here now. For details regarding particular clauses, they will have ample opportunities when we come to the clause-wise discussion hereafter.

Shri Gidwani: Sir, these are the reasons for which I say the Bill be referred to a Select Committee. Notices were issued calling claimants for verification of their claims before the Claims Officers. But, they were not received by the claimants concerned. In some cases, notices were received by the claimants, but it was very late for the claimants to appear before the Claims Officers in time, owing to the notices having been sent to wrong addresses. In some other cases, notices were received in time, but the parties concerned could not attend for the following reasons.

Mr. Deputy-Speaker: This is an argument for extending the time.

Shri Gidwani: All these matters can also be discussed in the Select Committee.

Mr. Deputy-Speaker: I leave it to the hon. Member.

Shri Gidwani: They could not attend because the places where they had to attend were at great distances and they could not afford to go there. Sir, I will read to you the case of a person living in Kolhapur.

Mr. Deputy-Speaker: We have been hearing all these things from time to time. It seems to me that these are individual cases on account of which the hon. Minister may be induced to give an opportunity to these people to put in their claims. That is for extending the period to a date later than May, 1953. But, how will the Select Committee be useful in this? The Select Committee is intended to modify the provisions of the Bill. I do not know how far the Select Committee will be useful in extending the time. But, let me not create an impression that I am obstructing. The hon. Member may kindly go on. He may persuade the hon. Minister to extend the date to, say, December, 1953; but, even this will not be useful unless they have put in their claims in the meanwhile.

Shri Gidwani: Sir, you might have heard all these cases. When this Bill is being brought, even though we assume that changes may not be made to the extent that old claims may be revived, at least they may be useful for future, because there are 5,000 cases pending. Therefore, I want to bring to light, for the information of the House, certain things.

Sir, this man, whose name is Deomal Dayaram, was a resident of Kolhapur, in February, where he was getting doles from the Government. He was asked to appear at Sholapur, which is 356 miles from Kolhapur. About him I put a question in the last session and the reply I received was that the Government had no such information. This man says that he sent one letter to the Chief Claims Commissioner on 16th September 1952, another letter (copy) to the Secretary, Ministry of Rehabilitation, then to the Chief Claims Commissioner on 14th February, 1953, again to the Chief Claims Commissioner on camp on 27th April, 1953, then again



another letter on 4th May, 1953 and so on. This man was asked to appear at Sholapur. He was old, blind and infirm. He had no agent at Sholapur also to represent him, and the result was that his claim was rejected in his absence for default. This is what he writes.

"It was impossible for a blind and invalid person like me to find any agent to travel 356 miles for me in such a short period. There was nobody known to me at Sholapur to act as an Agent for me there. Even if I could have found one, it would have been a job for me to provide his railway fare when I am living on government doles. It is therefore clear that this did not amount to any facility for a person of failing health like me."

I will not take more of your time. This is not a solitary case. There have been many cases of this nature. Yesterday only a man came from Vellore in Madras State and this is a letter which I want to read to you so that such things may not be repeated again. This is how it reads—

"I beg to submit that I had registered my claim at Delhi according to Displaced Persons (Claims) Act, 1950 on 29th November, 1950. In reply to number of petitions, I was informed by the Deputy Chief Commissioner, under his endorsement on letter No. 2(100)/CCC/Records/52 dated 21st July, 1952, addressed to Shri D. K. Krishnani, that my claim had been transferred to Shri D. K. Krishnani by Shri A. C. Sajnani, Claims Officer. Subsequently, I was informed by Record Officer under his letter No. Sd./ (SR-13GP6/CCC Records/53 dated 18th February, 1953, that my claim was forwarded to M/S. Rupchand Assumal Co., Bombay on 23rd January, 1953.

At once my agent contacted this officer in person who asked him to see Mr. V. M. Gidwani. When he contacted Mr. Gidwani,

he was informed that as I had not appeared on summons issued by him from Bangalore....."

"the claim had been forwarded to higher officials for disposal. Actually I did not receive any summons from him. Since then, I have been carrying on correspondence with the Chief Claims Commissioner, Delhi, and have filed a duplicate claim as advised by him in his letter No. MC/CCC/Records/5/776/53 dated 30th March 1953. The claim was verified by Shri V. D. Kapur on 22nd April 1953 when my representative Shri Purshotamdas saw him in this connection and gave him eight annas postal order No. 068936 and one addressed envelope for copy of judgment. After that I received one letter No. 6(16)/Judl./CCC/53P/6562 dated 12th June 1953 asking me to send Re. 1/- postal order as copy fee which I remitted at once and it was acknowledged under letter No. Judl./CCC/COJ/Ack/6259/53 dated 2nd July 1953 with a note that further communications will follow as soon as the copy of the judgment was ready."

**Mr. Deputy-Speaker:** That is a very interesting. That was a claim which was preferred before May 1953. If it has been disposed of, it has been disposed of and nothing can be done. If it has not been disposed of, this Bill gives opportunities for disposing it of.

**Shri Gidwani:** Kindly hear me and you will know my point.

**Mr. Deputy-Speaker:** The hon. Member is reading the entire correspondence.

**Shri Gidwani:** "On my repeated reminders, I have been asked to file in a particular form and to send postal order for Rs. 2/- which I have been doing. Various postal orders sent are as under:—

1. P.O. No. 734921 for Re. 1/- on 19th June 1953.

2. P.O. No. 771448 for Re. 1 on 3rd August 1953.

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3. P.O. No. 770999 for Re. 1/- on 30th October, 1953.

4. P.O. No. 771000 for Re. 1/- on 30th October 1953.

5. P.O. No. 865427 for Re. 1/- on 9th November 1953.

6. P.O. No. 865428 for Re. 1/- on 9th November 1953.

If my claim has been rejected *ex-parte* by the Claims Officer. Mr. V. M. Gidwani, I submit this as the revision petition and request that the same may be entertained under the Displaced Persons (Claims) Supplementary Ordinance of 18th January, 1954 and my claim for Rs. 40,000 may be passed."

I myself sent a letter to the Record Officer to find the copy of the judgment. What I mean to say is that these are a few cases that come to knowledge. Many of the people are illiterate, ignorant and living in far off villages.

**Mr. Deputy-Speaker:** Evidently the hon. Member wants to include cases where on account of no fault of the claimant, orders have been issued against him. He desires that such cases ought to be treated as claims which should be reviewed.

**Shri A. P. Jain:** We are not going to continue this indefinitely. If there are sufficient reasons they may put in applications and we will look into them, and send them for necessary action.

**Mr. Deputy-Speaker:** Is there a provision here for review?

**Shri A. P. Jain:** These are individual cases and will certainly be looked into. If there are satisfactory reasons, they will be reviewed.

**Shri Gidwani:** The hon. Minister has said that no fresh cases can be taken up, but just for information, I want to read one more case so that you may know the real position. The Government may or may not accept it.

A person has come only a month back from Pakistan, leaving his property worth about Rs. 14 lakhs. This is what he says:

"I, Dhanomal Mangatram, respectfully beg to bring to your kind notice that I owned vast property worth Rs. 13 to 14 lakhs, consisting of both agricultural land and residential houses, shops, etc., in the districts of Thar Parkar and Nawab Shah of the province of Sind. I also carried on business of cotton and grain and had other partners also."

I am omitting several portions of his letter and then he goes on to say:

"I am an old man of 75 years. In Pakistan all the partners and relations had left me and I and my wife were alone there. Muslim refugees would not pay rent. Revenue authorities on my request for help referred me to the Civil Court.....I had monthly income of Rs. 4,000."

This is the notice served on him by the Assistant Custodian, Mirpurkhas:

"Whereas there are reasons to believe that you are an Intending Evacuee, therefore, in the exercise of power conferred upon me under Section 23A of Pakistan Administration of Evacuee Property (Amendment) Act, 1951, I, Saiyed Irshaduddin, Assistant Custodian of Evacuee Property, District Tharparkar, Mirpurkhas, call upon you to show cause by 12th November, 1951 as to why you should not be declared an Intending Evacuee. In case you fail to show cause and do not put your personal appearance on the aforesaid date of hearing, the case will have to proceed as *ex-parte* and orders will be passed accordingly."

So, his property was ultimately taken and the poor man has left Karachi—not due to any fault on his part. Many of our people are suffering in



Pakistan not because of their crimes or sins or faults but as a result of a certain policy adopted by the Government in regard to Kashmir, canal waters, evacuee property etc., I submit that their cases do deserve sympathetic treatment.

Lastly, I would request the hon. Minister to look into one more point. There are certain claimants who have died and their heirs should get the claim, without producing succession certificates.

**Shri A. P. Jain:** There is no amendment to that effect by the hon. Member among the amendments he has tabled.

**Mr. Deputy-Speaker:** But if it is within the scope of the Bill.....

**Shri A. P. Jain:** It is not within the scope of this Bill. Payment of compensation to heirs is outside the scope of the Bill. What the hon. Member says is this. A claim was verified in the name of A. A has since died and B is the heir. The hon. Member wants the compensation to be paid to B. There is no question of the verification of the claim. The question should be brought up when a Bill for the payment of compensation comes in.

**Shri Gidwani:** I want if it is possible to make a provision here with respect to payment of compensation.

**Mr. Deputy-Speaker:** So far as payment of compensation is concerned, the hon. Minister has still kept the door open. Representations can be made to him and all aspects of the question will be considered.

**Pandit Thakur Das Bhargava:** The heir will certainly be entitled.

**Mr. Deputy-Speaker:** But he wants to avoid the payment of court fee, succession certificate, etc. The hon. Minister is very sympathetic and this point may be pursued at the time the compensation is to be paid.

**Sardar Hukam Singh (Kapurthala-Bhatinda):** Very sympathetic, because he is half Punjabi.

**Shri Gidwani:** Whatever may be the legal technicalities, the hon. Minister has ample powers even under the old Act, wherein certain claimants could be given more help in the sense that a non-urban claimant can be considered as urban one and given necessary relief.

**Sardar Hukam Singh's Remarks** remind me to refer to one of the aspects of the problem as mentioned in the pamphlet issued by the Government regarding the Interim Compensation Scheme in the foreword of which the hon. Minister says—

"Rehabilitation is something more than the provision of houses and gainful employment, just as the human body is more than a combination of bones, flesh and blood, and a family is more than a collection of people. Figures and statistics have their own value, but they are far too inadequate to give a correct idea of the success or failure of rehabilitation. My approach towards displaced persons has been purely human. I have moved among them more than others, not by virtue of any inherent quality in me, but because I am their Minister. I have mixed with them, they know me and I know them. Half the blood in my veins is Punjabi. Sometimes we have quarrelled we have shouted at each other. But all through, there has been a concord, an understanding and an undercurrent of good feeling. Even though on occasions they have been angry with me, they have not doubted my sincerity. They have excused my mistakes; they have overlooked by shortcomings."

I want him to implement the assurance of the good feelings in the implementation of this Act and try to see that no injustice is done to a single claimant. My submission is that every claimant who has left his

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property in Pakistan should get his due, not by way of charity. They are not getting their full compensation, and the amount that has been sanctioned is not more than 10 or 15 per cent. of their claim. This question is connected with rehabilitation and with compensation and so it must be viewed generously without sticking to the technicalities of the law. I hope the hon. Minister will take into consideration all the facts that I have placed before him and see that no injustice is done even to a single claimant.

Mr. Deputy-Speaker: Amendment moved:

"That the Bill be referred to the Select Committee consisting of Pandit Thakur Das Bhargava, Giani Gurmukh Singh, Shri Amar Nath Vidyalankar, Shri Basanta Kumar Das, Shri Rohini Kumar Chaudhuri, Dr. Ram Subhag Singh, Lala Achint Ram, Sardar Hukam Singh, Shri N. C. Chatterjee, Shrimati Sucheta Kripalani and the mover, with instructions to report by the 1st March, 1954."

But I find that there is no representative of the Ministry.

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Shri Gidwani: I have no objection: if the hon. Minister agrees, we would welcome him.

Mr. Deputy-Speaker: Until the hon. Member becomes a Minister he has to add a Minister also.

So after the name of Shrimati Sucheta Kripalani, I shall add the name of the hon. Minister and the mover.

Two other hon. Members, Lala Achint Ram and Sardar Hukam Singh, have given notice of similar amendments. They are barred. But I shall give them an opportunity to speak. But before that I would call upon Pandit Thakur Das Bhargava to speak.

पंडित ठाकुर दास भार्गव : जनाब डिप्टी स्पीकर साहब, मैं आप का मस्कूर हूँ कि गो कि मेरा हक नहीं था कि इस समय मुझे फौरन प्रपार्चुनिटी मिले, लेकिन आपने मेरे ऊपर यह मेहरबानी फरमाई है।

सरदार हुकम सिंह : उन्होंने आपकी खातिर नहीं, अपनी खातिर दिया है ताकि आप वहाँ जा सकें।

पंडित ठाकुर दास भार्गव : मैं सरदार साहब और अचित्तराम जी का भी मस्कूर हूँ कि उन्होंने बहुत गुड-ग्रेस से इसको मंजूर फरमाया है। लेकिन मैं उम्मीद करता हूँ कि मैं जो कुछ अर्ज करूँगा वह उन की भी concurrence उसको हासिल होगी और जनाब भी यह अन्न महसूस करेंगे कि मैं उन्हीं खयालात को दोहराऊँगा जो कि जनाब ने बेधर से जाहिर किये हैं।

यह बिल दूसरे बिल के साथ सप्लिमेन्टरी इस सेन्स में है कि बिला उस बिल को समझे हुए हम इस बिल का अन्दाजा नहीं लगा सकते कि यह नई चीज़ है या उसी का एक जुड़ है। उस की जो बहुत सी चीज़ें हैं वह इसके अन्दर जरूर इम्लिसिटली कायमशुदा समझी जायेंगी इस वजह से मैं इसमें कोई आब्जेक्शन नहीं सनमझता कि दोनों बिलों को हमें एक साथ पढ़ना होगा।

अब, अगर जनाबवाला स्टेटमेन्ट आफ आब्जेक्ट्स एंड रीजन्स का मुलाहजा फरमायेंगे तो उनको यह रोशन हो जायेगा कि इसमें चार पांच बातें आनरेबुल मिनिस्टर साहब ने कही हैं। मैं उनकी खिदमत में अर्ज करना चाहता हूँ, जैसा कि एक फारसी का मसला है, कि आप की मेहरबानी ने मुझको गुस्ताख कर दिया। आनरेबुल मिनिस्टर साहब ने अपने बिल में डिस्प्लेस्ट पर्सन्स को तीन महीने की मियाद दी है कि वह अपने क्लेम्स को

लायें और आनरेबुल मिनिस्टर साहब उनका फ़ैसला करेंगे। नतीजा क्या होता है? लोग जो मारे हुए थे, बिछड़े हुए थे, उन को सरकार से उम्मीद नहीं रही थी। जिस वक़्त यह सूरत थी कि गवर्नमेंट कहती थी कि क्लेम्स लाओ तो लोग कहते थे कि यह वही गवर्नमेंट है जिसको हम सन् १९४८, १९४९ और १९५० से क्लेम्स दे रहे हैं, और कुछ नहीं हुआ। हम किस को जा कर क्लेम्स दें? यह (situation) सिचुएशन थी, उस वक़्त हम सब ने जा कर आनरेबुल मिनिस्टर साहब की तरफ़ से लोगों को कहा कि क्लेम्स दो, सरकार तुमको जरूर कम्पेन्सेशन देगी। मैं खुश हूँ कि आज वह दिन आ गया है कि आनरेबुल मिनिस्टर साहब के साथ साथ गरीब बेवा औरतें फोटो में खड़ी होती हैं और उनको वह चैक देते हैं। मैं जानता हूँ कि यह सरकार या कोई सरकार दुनिया में पूरा मुआवजा नहीं दे सकती, लेकिन हमारी सरकार ने थोड़ा ही सही, मुआवजा दिया और उसके वास्ते में उस की जितनी भी तारीफ़ करूँ थोड़ी है, और आनरेबुल मिनिस्टर साहब ने इसमें जो पार्ट अदा किया है वह ऐसा है जिसको रिफ्यूजीज और वह लोग, जिनका रिफ्यूजीज से कोई वास्ता है, हमेशा याद रखेंगे।

मौके मौके पर हमने देखा है कि आज स्वर्गीय श्री गोपालस्वामी आयरंगर ने बयान दिया कि कम्पेन्सेशन मिलेगा, लेकिन उसी के फौरन बाद हमारे प्राइम मिनिस्टर साहब ने उस पर पानी फेर दिया। इस के बाद दूसरे मिनिस्टर ने कहा कि कम्पेन्सेशन मिलेगा और तीसरे मिनिस्टर ने उसे शक में डाल दिया मगर हमारे मौजूदा मिनिस्टर साहब बिल्कुल चट्टान की तरह अडिग खड़े रहे कि कम्पेन्सेशन जरूर मिलेगा और इसके लिये उन्होंने अपनी मिनिस्ट्री की भी परवाह नहीं की। मैं उनको मुबारकबाद देता हूँ पब्लिकली, और मैं यह अर्थ करना चाहता हूँ कि जिस

मेहनत से, जिस मोहब्बत से और जिस खुश-अस्लूबी से उन्होंने अपना काम शुरू किया था, वह आखीर तक उस पर कायम रहे और उसी हीसले को कायम रखा, उसी सिम्पैथी को कायम रखा ताकि लोग कह सकें कि जिस तरह से उन्होंने काम शुरू किया था उसी तरह उस को ख़त्म भी कर दिया।

जिन तीन मिसालों का मि० गिडवानी ने हवाला दिया है उन को पढ़ कर, उन को सुन कर किस आदमी का दिल नहीं पसीजेगा? मैं कहता हूँ कि एक शख्स जो १४ लाख का मालिक था उसको आज इन्टेन्डिंग एवैक्वी होने के बहाने सिन्ध से निकाल दिया गया। आज आखिर वह कहां जाय, यह मैं आनरेबुल मिनिस्टर साहब से पूछना चाहता हूँ? उन का दिल हर एक के लिये पसीजता है। उस गरीब आदमी के लिये इस बिल में जगह निकालिये या इसको बदलिये। मैं जानता हूँ कि ऐसे बहुत केसेज नहीं हैं, क्योंकि सभी को पहले से ही बैस्ट पंजाब से निकाल दिया गया, लेकिन थोड़े ही सही, ऐसे केसेज हैं। अगर आप कान्स्टिट्यूशन का मुलाहिजा फरमायें, उस में दिये हुये इक्वैलिटी आफ ट्रीटमेंट का मुलाहिजा फरमायें तो आप देखेंगे कि अगर ए और बी को आप मदद देते हैं तो कोई वजह नहीं है कि सी को यह इम्दाद न मिल सके। हर शख्स को हक है और हर एक को उसी बेसिस पर मुआवजा मिलना चाहिये जिस पर कि उसके दूसरे भाइयों को मिला है। मैं ने आनरेबुल मिनिस्टर साहब से दरयाफ्त किया कि ऐसे कितने आदमी होंगे तो आनरेबुल मिनिस्टर साहब ने फरमाया ऐसे आदमियों की तादाद बहुत ज्यादा नहीं है। मैं अदब से अर्ज करूंगा कि ऐसे आदमियों को किसी ऐसी चीज से, जिसे कि आपने दूसरे रिफ्यूजीज को दिया है, आप महकूम नहीं रख सकते। बरना किसी रिफ्यूजी को सब नहीं आयेगा, उस के वारिसों को सब

[पंडित ठाकुर दास भागंब]

नहीं आयेगा, और वह कभी नहीं भूलेगा कि सरकार ने अपनी तरफ से औरों को मुआवजा दिया लेकिन उसको मुआवजे के हक से वंचित रखा। आप उस गरीब को देखिये जो कि पाकिस्तान के जुल्मों का शिकार हो कर मजबूरन यहां आया। अगर वह सन् १९५० के ऐक्ट के मुताबिक डिस्प्लेस्ड पर्सन की तारीफ में आता है तो कोई बजह नहीं मालूम होती कि उसको इस मुआवजे से महरूम रखा जाय और जो कान्स्टिट्यूशन का क्लॉज है ईक्वैलिटी आफ ट्रीटमेंट का उस से महरूम रखा जाय। यहां लोग आते हैं रिहैबिलिटेशन के वास्ते, मकान के वास्ते, रोटियों के वास्ते। आप उन्हें इस तरह से मायूस नहीं कर सकते। आपको दिल का दरवाजा खोलना पड़ेगा। मैं कहता हूं आनरेबल मिनिस्टर से और सारी कैबिनेट से कि उन लोगों को जो कि उधर से आये हैं, अगर वह डिस्प्लेस्ड पर्सन्स की तारीफ में आते हैं तो आप उन को वंचित नहीं कर सकते और न रोक सकते हैं उन के क्लेमों को। अगर आनरेबल मिनिस्टर साहब दोनों ऐक्टों का प्रोटेक्शन लें और कहें कि यह लोग ऐक्ट के अन्दर नहीं आते हैं तो मैं एक कानूनवादी की हैसियत से तो मानने को तैयार हूं कि वह लोग नहीं आते, लेकिन ऐसा कानून logical नहीं है। जो चीज उस के अन्दर नहीं आती क्या वह सब की सब जायज है? हम यहां legalistic फार्म के लिये नहीं बैठे हैं। हम ने कान्स्टिट्यूशन में लिखा है कि हम सोशल जस्टिस देंगे, हर तरह की जस्टिस देंगे। मैं आनरेबल मिनिस्टर साहब से अदब से पूछूंगा कि क्वाह कोई शस्स इस बिल के अन्दर आये या न आये, आप किस कानून से उस शस्स को इस बिल के मफाद से महरूम कर सकते हैं। यह एक ऐस्पेक्ट आफ दी केस है कि आदमी पहले आये हों या बाद में आये हों उनके साथ यकसां सलूक होना चाहिये।

मैं ना चाहता हूं कि अगर हमारे आनरेबल मिनिस्टर साहब पत्थर का दिल रखते तो मैं कुछ नहीं कहता। लेकिन उन्होंने इस बिल में उन-लोगों के लिये प्रोवाइड किया है जो कि बाद में आये हैं और ट्राइबल एरियाज के हैं या ऐसे लोग हैं जिन के क्लेमस थे मगर वह अब तक पक्के नहीं हुये हैं। और रजिस्टर नहीं किये गये हैं। आज आप अपने नर्म दिल को और कांशेंस को सेटिस्फाई करने के लिये ट्राइबल एरियाज के क्लेमस को ले रहे हैं, तो मैं अदब से पूछना चाहता हूं कि जो ट्राइबल एरियाज से नहीं आये मगर जिनकी हालत वैसी ही है तो आप उनको वही फायदा क्यों नहीं देना चाहते। उनकी बहुत बड़ी तादाद नहीं है। मैं इस को नहीं मानता हूं कि आप इन को कम्पेन्सेशन नहीं दे सकेंगे क्योंकि आपने तो एक फंड मुकर्रर कर दिया है कि इतना रुपया कम्पेन्सेशन में मिलेगा। आप ने उन की तादाद मुकर्रर कर दी है कि ३,६०,००० को मिलेगा अब पाकिस्तान से तो हमको कोई उम्मीद ही नहीं है। अब अगर किसी का हिस्सा कम होगा तो उन्हीं का होगा। सरकार का कुछ नहीं बिगड़ेगा। अब अगर डिस्प्लेस्ड परसन्स को २५ परसेंट के बजाय २४ परसेंट मिल जाय और उनके दूसरे भाइयों को भी मिल जाय तो इस में आप का क्या हर्ज है। मैं जानता हूं कि इसमें दस पन्द्रह दिन की देरी हो जायगी लेकिन इसका कोई बहुत लम्बा चौड़ा असर नहीं होगा क्योंकि इन की तादाद बहुत ज्यादा नहीं है। इसलिये मैं बड़ी आंखों से लेकिन बड़े जोर से अर्ज करूंगा कि आप अपने दिल का दरवाजा खोल दें क्योंकि यह दरवाजा बहुत बसीय होना चाहिये।

गिडवानी साहब ने जो अपील की है मैं उसके बारे में यह अर्ज करना चाहता हूं

कि आप देखें कि हमारे मुल्क में ऐसे कितने आदमी हैं जो कि अंग्रेजी जानते हैं। हिन्दी और उर्दू जानने वाले भी बहुत कम हैं। आपने यह अखबारों में दे दिया कि कलां दिन तक क्लेम आवें लेकिन कितने आदमी अखबारों को पढ़ते हैं। कितनों को इसका इल्म हुआ होगा। मैं मानता हूँ कि जब वह लोग आपस में मिलते हैं तो एक दूसरे को बतलाते हैं। लेकिन फिर भी मैं यह मानता हूँ कि इतने बड़े देश के अन्दर ऐसे आदमी भी होंगे जिनको कि इसकी इत्तिला न हुई हो। बहुत लोगों को तो यह भी मालूम नहीं है कि यहां पर क्लेम्स दिये जाते हैं। मेरे लायक दोस्त यह सुन कर हँसेंगे। लेकिन हिन्दुस्तान के अन्दर ऐसे ऐसे लोग हैं जिन्होंने आज तक रेल नहीं देखी है, जिन्होंने मोटर नहीं देखी है। जब मैं ने कुछ रिपयूजीज को जींद के स्टेशन पर १९४७ में देखा तो मुझे यह देख कर ताज्जुब हुआ कि पंजाब में ऐसे भी लोग रहते हैं। यह लोग सिविलाइजेशन के लिहाज से बहुत पीछे थे। उन से यह उम्मीद करना कि वह आपके लिमिटेशन के कानून को जानते होंगे दुरुस्त नहीं है। मैं यह जानता हूँ कि ४, ५०,००० क्लेम आये थे जिन में से ६०,००० वैरीफाई नहीं किये गये, सिर्फ ३,६०,००० वैरीफाई हुये।

**Shri A. P. Jain:** Sometimes duplicate, triplicate claims were preferred, sometimes no property was held on the other side.

**पंडित ठाकुर दास भार्गव :** दुरुस्त है। हां कुछ गलत दावे दिये गये। ऐसे भी लोग थे जिनकी प्रापर्टी नहीं थी पर जिन्होंने क्लेम दिये। लेकिन मेरी आपकी खिदमत में यह अदब से गुजारिश है कि उन में ऐसे भी लोग थे जो कि लिमिटेशन की वजह से मारे गये, जिनको इत्तिला नहीं मिली या जिनके डुप्लीकेट नहीं मिले।

**Shri A. P. Jain:** If a claim was filed it will be verified; there is provision for its verification.

**पंडित ठाकुर दास भार्गव :** मैं अर्ज करूंगा कि जो प्राविजन है वह बहुत नाकाफी है। जो प्राविजन है वह मुझे मालूम है लेकिन वह नाकाफी है। मैं अदब से अर्ज करना चाहता हूँ, मुझे और ज्यादा बहस करने की जरूरत नहीं है, आनरेबल मिनिस्टर साहब ने मेरी अपील मान ली है। वह फरमाते हैं कि ऐसे केसेज को हम इजाजत देंगे लेकिन जो प्राविजन उन्होंने रखा है वह मेरी नाकिस राय में काफी नहीं है। हमारा झगड़ा तो इसी बात पर है कि जो शक्स लिमिटेशन की वजह से रह गया है उसको भी रिबीजन का हक देना चाहिये।

**Shri A. P. Jain:** May I ask my friend to look into the definitions. 'Claim' means any claim registered under the principal Act and pending on the appointed day, whether a duplicate has been filed or it has not been filed, if a claim was filed and it has not been disposed of, it will be disposed of. I am not relying upon *suo motu* power; I am relying upon the definition of 'claims'.

**पंडित ठाकुर दास भार्गव :** जनाब वाला मैं अर्ज कर रहा था ५ (२) के बारे में। मेरे लायक दोस्त ने ५ (२) का हवाला दिया। तो मैं अर्ज कर रहा था कि जहाँ कहीं भी रिबीजन का हक दिया जाता है वह दो तरह दिया जाता है। एक तो मरसी पिटीशन की तरह है कि कोर्ट स्पू मोटो किसी दूसरे को बुलावे। वह केसेज बहुत थोड़े होते हैं। दूसरे वह केसेज होते हैं कि सिके अन्दर एग्रीव्ड पार्टी खुद जा कर दरबाजा खटखटाये और कहे कि मेरा क्लेम सुन लीजिये। ५ ए० में आपने एक महीने की लिमिटेशन रखी है। यह जो लिमिटेशन का कानून दूसरे मुल्कों से ला कर यहां चलाया गया है उसको मैं

[पंडित ठाकुर दास भांडव]

मानता हूँ क्योंकि हर चीज की कहीं न कहीं लिमिट मुकर्रर होनी चाहिये नहीं तो मुश्किल हो जाय। लेकिन मुआवजा देने की या इन्साफ देने की जो कि सरकार को देना है उसकी क्या मीआद हो सकती है। उसकी मीआद को बना कर इस सस्ती से लागू नहीं करना चाहिये जैसा कि ५ ए० में दर्ज है। मैं अर्ज करूँगा कि मिनिस्टर साहब ने तीन महीने की मीआद मुकर्रर की थी पर वह उस पर खुद कायम नहीं रहे और उन्होंने पहले उसको एक महीना और बढ़ाया और फिर २६ महीने तक क्लेम लेते रहे। इसके लिये मैं उनको मुबारकबाद देता हूँ और उसी बुनियाद पर अपील करता हूँ जिस की वजह से उन्होंने तीन महीने से २६ महीने मीआद बढ़ा दी। अब यह रिफ्यूजीज की आपसे यह आखिरी अपील है। वह दिन मुबारक होया जिस दिन मिनिस्टर साहब अपना काम पूरा कर लेंगे और उनका महकमा खत्म हो जायेगा मैं अर्ज करना चाहता हूँ कि यह आखिरी मौका है कि आप इस लिमिटेशन को बढ़ा दें। लिमिटेशन के गुजरने का फायदा दूसरी पार्टी को मिलता है। पर यहां तो गवर्नमेंट दूसरी पार्टी है। मैं अब से अर्ज करूँगा कि यह जो आपने लिमिटेशन रखा है इसको हटा लीजिये। वह आखिरी मौका है क्लेम देने का। उन लोगों के क्लेम ले लिये जायें जिनके क्लेम किसी टेकनीकल वजह से नहीं लिये गये हैं। डिप्टी स्पीकर साहब, जनाब वाला ने निहायत खूबसूरत अल्फाज में यह दरयाफ्त फरमाया था कि जिन लोगों के क्लेम डिफाल्ट की वजह से नहीं लिये जा सके उनके अलावा जिनके क्लेम किसी टेकनीकल वजह से नहीं लिये गये क्या उनके लिये कोई प्रावीजन है। आनरेबल मिनिस्टर साहब ने फरमाया कि हाँ है। मैं मानता हूँ कि जरा सा लूपहोल तो रखा गया है प्राती स्पू मोटो

रिवीजुन के वास्ते रखा है। लेकिन जो अपील हम लोग मिनिस्टर साहब की खिदमत में करना चाहते हैं वह यह है कि आप इस लिमिटेशन के कानून को हटा दीजिये ताकि डिफाल्ट्स को छोड़ कर बाकी नये क्लेम आपके सामने आ सकें। मैं जानता हूँ कि आप इसको मानने को राजी नहीं होंगे क्योंकि जो बार बार रियायत देता है उसके लिये ऐसा करना मुश्किल हो जाता है और वह चाहता है कि कहीं खत्म करे। लेकिन गरीब नवाज, हिन्दुस्तान में तीन बार माफी दी जाती है दो बार आप क्रसूर माफ कर चुके हैं। तीन महीने से आपने चार महीने किया और फिर उसको बढ़ा कर २६ महीने किया। अब आखिरी माफी यही है कि आप इस लिमिटेशन के कानून को वापिस ले लीजिये और इस बात की इजाजत दीजिये कि जितने क्लेम किसी टेकनीकल वजह से नहीं लाये जा सके वह लाये जा सकें। इनमें बिल्कुल डिफाल्ट वाले क्लेम नहीं होंगे। आप इस लिमिटेशन को सस्पेंड कर दीजिये और इस नए काम को जिससे गवर्नमेंट की कीर्ति को चारचांद लगेंगे और आपकी भी शान बढ़ेगी, आगे बढ़ने दीजिये और लोगों को यह महसूस करने दीजिये कि वह एक वेल्फेयर स्टेट में रह रहे हैं न कि एक लीगलिस्टिक स्टेट में जो कि लिमिटेशन के कानून को लागू करती है। अगर आप स्टेट मेंट आफ आबजेंक्ट्स एंड रीजन्स को देखें तो आपको मालूम होगा कि ऐसा एक भी केस नहीं है जो लाला अचित राम के अमेंडमेंट में न आता हो। इस में आपने दिया है :

Claims and revision petitions undisposed of and not yet made are included, or incidental provisions, verification of claims not yet verified, validation or verification.

आपने सब कुछ प्रावीजन किया है। मैं अब से अर्ज करना चाहता हूँ कि मैं कानूनी तौर से

कुछ अमेडमेंट करने के लिये नहीं कह सकता। यह तो एक पिटीशन आप भरती है कि आप इस बीज को कायदे कानून की नजर से न देखें और अपने विस्तार हृदय का विकास करें और उन लोगों के साथ इन्साफ करें जो कि उसके मुस्तहक हैं। मैं जानता हूँ कि जो पीछे आये हैं उनके लिये आप नया बिल लाने के लिये तैयार हैं। लेकिन ऐसे भी सैकड़ों हैं जो कि किसी वजह से नहीं आ सके, बुढ़े होने की वजह से या और किसी वजह से उन को भी आप इनमें शामिल कर लें। मुझे जो कुछ अर्ज करना था वह मैं ने कर दिया और मुझे उम्मीद है कि मिनिस्टर साहब मेरी अर्जदास्त को कबूल करमायेंगे।

लाला अर्चित राम (हिसार) : प्रभाव जी, मैं समझता हूँ कि एक एक दफा ही मौका मिलेगा, इसलिये मैं अपने ख्यालात के मुताल्लिक अर्ज कर देना चाहता हूँ। मैं इस बिल का स्वागत करता हूँ क्योंकि इसमें जो कुछ किया गया है वह रिफ्यूजीज की भलाई के लिये किया गया है। मुझे जैन साहब के मुताल्लिक तो कुछ कहने की जरूरत नहीं है क्योंकि वक्ता फवक्ता उन्होंने ने अपने नेक इरादों का हमारे सामने सबूत दिया है। सिलेक्ट कमेटीज में वह हमेशा रिफ्यूजीज के लिये लड़ते रहे हैं। इस वास्ते उनके मुताल्लिक कुछ कहने की जरूरत नहीं है। मगर मैं जानता हूँ कि हमारे जैन साहब मिश्रत को नहीं मानते वह तो दलील को मानते हैं। मिश्रत तो हमारे बाबू जी ने बहुत कर दी है। मैं उनकी खिदमत में दलील भी पेश करना चाहता हूँ।

मैं थोड़ा सा अर्ज करना चाहता हूँ। यह जो बिल है इस की आप हिस्ट्री देख लीजिये। यह बिल सन् १९५० में आया। उस वक्त इस में दो बरस

का प्रावीजन किया गया था। जब हमने सुना कि दो बरस के लिये यह है तो हमने बहुत बेवैनी हुई। यह सवाल हमारी एडवाइजरी कमेटी में आया। यहां पार्लियामेंट में कहा गया कि एक साल में काम हो जायगा।

मोहनलाल जी सक्सेना उस वक्त थे। तो उन्होंने कहा कि दो साल का प्रावीजन तो हम कर रहे हैं लेकिन काम खत्म करेंगे एक साल के अन्दर। मैं ने आखिरी स्पीच में भी यह बात कही थी कि आप दो साल रखते हैं। लेकिन उन्होंने कहा कि एक साल में काम हो जायगा। खैर, मिनिस्टर साहब की बात थी अच्छे धादमी थे, उनकी बात हमने मानी, उनके ऊपर एतबार किया फिर दिन गिनने शुरू किये, महीनों गुजरे, एक साल गुजर गया, डेढ़ साल गुजर गया और आखिर दो साल भी गुजर गये। फिर फौरन हाउस के अन्दर एक अमेडमेंट ऐसी लाई गई कि दो साल का अर्सा तीन साल किया जाय। इस तरह यह एक पत्थर था जो हम पर पड़ा, लेकिन क्या करें सिवाय इसके कि बर्दाश्त करें। खैर, बर्दाश्त किया। एक साल के बाद डेढ़ दो साल गुजरे और अब तीन साल भी जो रखे गये वह भी हो गये। इसको भी बर्दाश्त किया।

उसके बाद अब आप देखें कि यह बिल और आ रहा है, जिसका मैं स्वागत कर रहा हूँ। यह ख्याल रखिये कि मैं इसका स्वागत तो कर रहा हूँ, लेकिन बकल कितना बढ़ा। अब मैं आप से पूछता हूँ कि जरा आप अपने दिमाग में सोचिये कि यह साल का डेढ़ साल हुआ, दो साल हुए और षाई साल हुये और तीन साल भी हो गये। यह किस की कीमत पर हुए, किस के लिए हुए और क्यों हुए। यह वक्त क्यों बढ़ा? क्या यह वक्त इसलिये बढ़ा, इस वास्ते बढ़ा कि कम्यनवेल्थ देने को गवर्नमेंट विस्मृत नैयार बैठी थी? क्या



[लाला अचिन्त राम]

इससे लोगों को मौका दिया जा रहा था कि और एप्लिकेशन आ जायें ? क्या लोगों से एप्लिकेशन और दिलाने के लिये यह वक्त बढ़ाया गया था ? यह किस लिये बढ़ाया गया, यह आप अपने दिल से पूछिये, मैं नहीं जानता ।

अब तक तो बहुत सी बातें आप करते रहे । कभी प्राइम मिनिस्टर ने कहा कि अभी देंगे, अपनी ताकत के मुताबिक कम्पनसेशन देंगे, कभी कहा कि नहीं देंगे । यह सारा मामला इस तरह के झगड़े में पड़ा रहा । तो यह कहना कि सिर्फ रिफ्यूजीज के मफाद के लिये यह वक्त बढ़ाया गया है । मुमकिन है कि थोड़ी बहुत यह बात हो, लेकिन तबीयत बहुत इस को नहीं मानती है । यह लगातार वक्त का बढ़ाना क्या बात हुई ? यह क्या मजबूरी थी ? मैंने तो कभी इस बात को तस्लीम ही नहीं किया कि अगर रुपया हो और आदमी में अरनैस्टनेस हो तो कोई काम नहीं हो सकता । तीन साल के क्या मतलब होते हैं ? अगर क्या आज लड़ाई आ जाये, लड़ाई पाकिस्तान के साथ शुरू हो जाय, तो क्या आप यह कहेंगे कि हमारे आदमी तैयार नहीं हैं, फाइव ईयर प्लान में लगे हुए हैं, या यह कि नहरें बन रहों हैं, रुपया उन में लग रहा है ? यह नहीं होगा, आप एकदम, एक वीक में तमाम काम को स्विच कर देंगे । वजह इस की क्या ? वजह यह कि मुल्क की रक्षा का काम करना है, इस का इन्तजाम करना है । एक हफ्ते के अन्दर ही पार्लियामेंट की शकल बदल जायगी, क्योंकि मुल्क की हिफाजत का सवाल है । आज एक करोड़ आदमी लड़ाई में मरे, मुझे पता नहीं कि एक करोड़ मरे या कितने मरे, लेकिन आज इतने आदमी तबाह हुए और मरे, लेकिन किसी ने नहीं सोचा कि इस काम को वार बेसिस पर होना

चाहिये । उन्होंने कहा कि एक साल में होगा, वह एक साल हो गया, दो साल हो गये, तीन साल हो गये, कोई बात नहीं, ऐसा होता ही रहता है । लेकिन मैं इस बात को तस्लीम नहीं कर सकता कि अगर कोई आदमी किसी काम को करने के लिये अरनैस्ट हो तो वह इस काम में दो साल लगा दे । लेकिन हम क्या करें ? हमें तो माफ करना ही है । एक साल को माफ करना है, दो साल को माफ करना है और तीन साल को भी माफ ही करना है । और पता नहीं अभी कितने साल और माफ करना है । छः साल के लिये भी हम तैयार हैं । छः सात साल होंगे तो उन को भी माफ करना ही पड़ेगा ।

इस वास्ते आज बाबू जी ने जो अपील की कि एक महीना दिया, दो महीने दिये, तीन महीने दिये और चार महीने दिये तो मैं कहता हूँ कि हम ने तो महीने नहीं, साल दिये हैं । एक साल दिया, दो साल दिये, तीन साल दिये । तो इस तरह से इतना वक्त गुजर गया और हम माफ करते गये । तो खैर अच्छी बात है जो आप ने किया । अब सवाल यह रहता है कि इस बिल की हैसियत क्या है । मैं सादिक दिली से, तमाम प्यार से और दर्द से सच्ची बात कहूंगा कि हजारों आदमी हमारे हाउस के बाहर हम को फेस करने पड़ते हैं । वह मुझ से कहते हैं कि तुम कांग्रेस पार्टी के मँम्बर हो, गवर्नमेंट के मँम्बर हो, तुम ने हमारे लिये क्या किया । हम उनको क्या कहें । हम कोई बात कहते हैं तो जैन साहब नाराज हो जाते हैं । जैन साहब नाराज भी जल्दी ही हो जाया करते हैं । तो कहीं ऐसी बात न हो जाये कि जैन साहब नाराज हो जायें, इसलिये बहुत डर डर के हम बात करते हैं । लेकिन कहीं न कहीं तो बात कहनी ही पड़ती है । इस वक्त जो यह बिल है, बाबू जी ने इस की खासी बजाहत कर



दी। मुझे तो यह मालूम पड़ता है कि इस बिल के अन्दर आप ने पंजाबी कहा तो पंजाबियों ने तो अपनी जनरासिटी दिखा दी, इन्होंने पंजाबी मान कर आप की यह बात कि हमारे पास आदमी नहीं हैं माफ कर दिया। अब मैं कहता हूँ कि वैसे वह पंजाबी हैं आपने उन को माफ नहीं किया। आज तो हालत यह होती है, घरों में तरीका यह होता है कि जो मालिक होता है उसकी गलती कोई नहीं देखता, जो नौकर होता है उसकी गलती निकालते हैं। लेकिन आज हालत यह है कि जब भी गलतियाँ निकालने का मौका होता है तो मालिकों की गलतियाँ निकालते हैं, नौकर चाहे जो करे। मालिक आज कौन है? मालिक तो मुल्क के रहने वाले हैं, रिफ्यूजीज हैं। नौकर कौन है? नौकर तो गवर्नमेंट है। आज नौकर जो है, उसकी गलती कोई नहीं है। यह कहते हैं कि रिफ्यूजीज बेईमान हैं, गलत बयान देते हैं, चीजें विदहोल्ड करते हैं, तमाम तरह की बातें करते हैं। आज मालिक का नुकस निकालते हैं, लेकिन नौकर का नुकस कहने की जुरत कोई नहीं कर सकते।

इस वास्ते मैं कहूँगा कि इस बिल के अन्दर जो नुकायस है, मैं तो समझता हूँ कि इट इज नाट सफिशियंटली जनरस, बाबूजी ने जो कुछ इस बिल के बारे में कहा वह अच्छा कहा, थोड़ा मैं भी उसको मानता हूँ, लेकिन मैं समझता हूँ कि जो थोड़ी बहुत अमेंडमेंट है, वह तमाम चीजें इस में आ जाती हैं तो वह क्यों न लाई जाय। मैंने एक केस दिया मन्त्री जी को चन्द दिन हुए एक आदमी ने दरखास्त दी। उन्होंने कहा कि इन टाइम नहीं थी। मैं ने इन को लिखा कि अब वह क्या करे। इन्होंने कहा कि इस की डिले कनडोन नहीं हो सकती। अब नया बिल आ रहा है, इस बिल में इन की डिले तो कनडोन हो सकती

है, लेकिन इन आदमियों की एक-दो महीने की डिले कनडोन नहीं हो सकती।

अभी मैं ने चन्द दिन हुए एक चिट्ठी लिखी थी। जयपुर के एक बेचारे गरीब सिंधी ने बीस हजार रुपये का क्लेम दिया, क्लेम अफसर को भी लिखा लेकिन उसको उसकी कोई इत्तिला नहीं और कोई जवाब उसका नहीं है। कागजात उसके पास नहीं हैं, अब बतलाइये उस बेचारे गरीब के क्लेम का क्या बनेगा। और वह किस कैटेगरी में आयेगा? मैं जानता हूँ कि आप की स्वाहिश इस कैटेगरी के लोगों को इनक्लूड करने की है, लेकिन खाली स्वाहिश से तो कुछ बनने वाला नहीं है, जरूरत इस बात की है कि इस बिल को ऐसा मॉडीफाई कीजिये जिससे वह इसके अन्दर आ जाय। आप सवाल बड़ा अच्छा हमारे सामने पेश करते हैं कि बतलाइये हम क्या करें? हमारी स्वाहिश तो है कि हम जल्दी से जल्दी लोगों को क्लेम दें, एक तरफ इतना रुपया है, दो अरब है, और दूसरी तरफ इतने सारे रेफ्यूजीज हैं और वह फरमाते हैं कि अगर इसी तरह से क्लेमैंट्स बढ़ते जायेंगे तो हम उनका फैसला नहीं कर पायेंगे। यह दलील आपकी ऐसी जबर्दस्त है जिसके होते हुए कुछ जवाब नहीं बन पड़ता, लेकिन मैं आपसे पूछता हूँ कि यह जो रुपया है यह कहाँ से आया? एक अरब रुपया तो रिफ्यूजीज की प्रापरटी का है, बाकी आपने रुपया दिया। अपनी इंटेरिम कम्पेंशेशन स्कीम के अन्दर आपने बड़ी ही मज्जेदार बात लिखी उसके लिए मैं ने कोई मुबारकबाद की चिट्ठी तो नहीं लिखी, लेकिन उसके लिये आपको दिल में मुबारकबाद देता हूँ। आप फरमाते हैं :

"However much one may denounce the craving for ownership or praise the virtues of collective ownership, one cannot try the experiment of socialisation with

[लाला अचिन्त राम]

only one section of men, particularly with those who have been uprooted."

[PANDIT THAKUR DAS BHARGAVA  
in the Chair]

यह सोशलाइजेशन का जो तजुर्बा है, इसका एक सेक्शन पर तजुर्बा करना मुनासिब नहीं था। हम यह बात पिछले पांच वर्ष से कहते रहे, शुक्र है, कि आज छठे वर्ष में मिनिस्टर साहब ने तसलीम किया कि इस तजुर्बे को हमें रेफ्यूजीज पर ट्राई नहीं करना चाहिये, यह सोशलाइजेशन का तजुर्बा एक ऐसे सेक्शन पर जो कट पिट कर आया अप्रूट हुआ है, उस पर करना किसी तरह ठीक और मुनासिब नहीं है। जब आप को यह नहीं करना है तो फिर आपको देखना है कि आप कहां से और कैसे उनको कम्पेंसेट करते हैं? आपके पास एक अरब के मूल्य की प्रापरटी मौजूद है, बाकी रकम कहां से आयेगी, आप पाकिस्तान से लीजिये और बड़े शौक से घर में रख लीजिये, लेकिन जब तक आपको पाकिस्तान से रुपया नहीं मिलता, तब तक गवर्नमेंट को खुद यह रकम रिफ्यूजीज के वास्ते प्रोवाइड करनी चाहिये। लेकिन इस का यह मतलब नहीं हो जाता और न ही हम इस बात का दावा करते हैं कि आप फौरन हमें पांच अरब रुपया दे दें, आपके पास दो अरब रुपया है, तीन अरब का फर्क है, यह मैं नहीं कहता कि आप हमें सारा का सारा फौरन दे दीजिये, लेकिन उसके लिए इक्करार तो कीजिये वायदा तो कीजिये।

मैं आजकल भूमिदान के कार्य में लगा हुआ हूँ और मुझे यह देखकर हैरानी होती है और खुशी भी होती है कि हमारे रिफ्यूजीज भाई जो पाकिस्तान से कट पिट कर और सब कुछ लुटा कर आये हैं, यह भी भूमिदान में जमीन दान कर रहे हैं। मैं समझता हूँ कि एक ऐसे सेक्शन पर जो पहले से ही लुट कर आये हैं उनके ऊपर पचास, साठ या सत्तर अस्ती

परसेंट का कट लगा देना किसी तरह इसाफ की बात नहीं है और जैसा आपने खुद फरमाया है सोशलाइजेशन के तजुर्बे को एक सेक्शन पर नहीं आज़माना चाहिये। आपको उनको जो देना है और जिसको देना आपने कबूल किया है वह आप दें, एक साल में नहीं दे सकते तो दो साल में दें, तीन साल में दें या चार साल में दें। आपने इस सिलसिले में एक बात यह भी कही है कि हम जो बड़े २ लोग हैं और लाखों करोड़ों की जायदाद पीछे छोड़ कर आये हैं, उनको हम फिर उनका पुराना स्टेटस नहीं दे सकते, उनको उनका पुराना स्टेटस रेस्टोर करना हमारे मीन्स के बाहर है, उनके लिए मैं कहना चाहता हूँ कि आप उनके क्लेम में ६ आने, ८ आने भर कमी कर दीजिये, लेकिन कोई स्टेटस तो उन्हें दीजिये। अगर आप उनको पूरा नहीं दे सकते तो थोड़ा बहुत तो दीजिये। आपका यह उसूल तो ठीक है कि हमारी इस इंटेरिम स्कीम का मकसद क्लेमेंट्स के उस ९५ परसेंट तबके को बेनीफिट देना है, आप कहते हैं कि हम बड़ों को पूरा नहीं दे सकते, लेकिन अस्सी फीसदी बाकी क्लेमेंट्स को तो दीजिये। अब यह कहना कि इन सब के लिए रुपया कहां से आयेगा, उसके लिए हमारा इंतज़ार करते जाना कि पाकिस्तान से मिले तो दें, इससे काम नहीं चलने वाला है, काफी इंतज़ार हो चुका है और गवर्नमेंट खुद अपने पास से जरूरी रकम प्रोवाइड करे और उनके क्लेम का रुपया उनको तत्कालीन करे। ऐसे लोग जिनके क्लेम बाद में आयेंगे, वह आपको नहीं कह सकेंगे कि हमें जल्दी पेमेंट नहीं किया, यह शिकायत वही आदमी कर सकते हैं जिन्होंने अपने क्लेम आपको पहले से दिये हुए हैं। बाद में क्लेम देने वालों को बाद में मिल जायगा। दो अरब से ज्यादा की आपको इसके लिए जरूरत पड़ेगी, तो मैं

कहता हूँ कि आप एक अरब और प्रोवाइड कीजिये, एक अरब न सही पचास करोड़ ही निकालिये, लेकिन अदायगी का काम तो चालू कीजिये, काफी इंतज़ार वे लोग कर चुके हैं। रह गये वे लोग जो बाद में क्लेमस बेते हैं, तो उनको आप बाद में दे सकते हैं।

इसके अलावा मैं आपका ध्यान उन आदमियों की ओर दिलाना चाहता हूँ कि जिन्होंने क्लेमस के लिए पहले एप्लाइ किया, उनके क्लेमस इस ग्राउन्ड पर रिजेक्ट हो गये कि वह मियाद के अन्दर नहीं थे, बाद में मियाद बढ़ा दी गयी, लेकिन उनके क्लेमस रिजेक्ट हो रहे, यह छोटी सी टेक्निकल बात है, उम्मीद है कि आप ऐसे लोगों को भी इस स्कीम के अन्दर ले आयेंगे। इसके अलावा मैं खास तौर पर आपका ध्यान इस बिल में एक लैकूना की तरफ दिलाना चाहता हूँ और वह यह है कि ऐसे देहाती क्लेमेट्स जिनकी प्रापरटी बीस हजार से कम है, उनको आपने इग्नोर कर दिया है, उनके क्लेमस को आपने वेरीफाई नहीं किया और इस सिलसिले में आपने अपनी इंटरिम कम्पेंसेशन स्कीम की किताब में एक बड़ी मौजू बात कही है :

"Voices are sometimes raised asking why, in inviting claims, we have ignored the small houses in the rural areas (valued at less than Rs. 20,000) while valuing claims for other houses."

इसके आगे फरमाते हैं कि :

"The answer is simple: people were given houses in the rural areas along with quasi-permanent allotment of land in 1950, and they cannot be given such houses twice over."

दो लाइन में सवाल और दो लाइन में उसका जवाब और इसमें शक नहीं कि जवाब भी आपने बड़ा माफ़ल दिया है। इसके अलावा

आपने एक और मजबूत जवाब दिया। आप फरमाते हैं कि :

"Out of about 575,000 Punjab displaced persons who owned agricultural lands in West Punjab and other parts of West Pakistan, about 475,000 have been settled on land in Punjab and PEPSU."

एक लाख बाकी रह गये और उनके लिए आप जवाब देते हैं कि :

"The remainder, mostly small owners, did not consider it worthwhile to occupy the tiny plots offered to them and are living in towns and cities."

आप फरमाते हैं कि वह एक लाख आदमी देहात में नहीं रहते हैं और उन्होंने छोटे २ प्लॉट्स जो उनको आफर किये गये उन पर बसना ठीक नहीं समझा और वह कस्बों और शहरों में रह रहे हैं। पाकिस्तान में भले ही उनके पास ज़मीन चाहे थोड़ी रही हो, लेकिन उनके अपने घर थे और अच्छा खाते पीते थे, जो थोड़ी ज़मीन उनको दी गई उस पर उन्होंने बसना मुनासिब नहीं समझा और चूंकि उस समय उन्होंने ज़मीन नहीं ली, इस लिये अब दुबारा उनको मकानात नहीं मिल सकते। आप फरमाते हैं कि छोटे २ आदमी शहर में चले गये, मैं पूछना चाहता हूँ कि उनको क्या मिला ज़मीन छोड़ गये, इस वास्ते उनको न ज़मीन मिली और न ही मकान मिला, आपने उनका क्या किया ? इसका साफ जवाब आप दें, मेरी समझ में मन्त्री जी यह दलील नहीं आयी। मेरे पास चिट्ठियाँ पड़ी हैं और मैं आपको बतलाऊँ कि ऐसे हजारों आदमी हैं जिनको कुछ नहीं मिला है। यह मेरे पास प्रेसीडेंट रूरल क्लेमस होल्डर्स असोसियेशन की तरफ से छत आया है। इस में इस बात की शिकायत

[लाला अचिन्त राम]

हैं कि अगर किसी आदमी का क्लेम बीस हजार से कम है तो वह वेरीफाई नहीं होगा, बीस हजार एक रुपया है तब तो वेरीफाई होजा-नेगा, लेकिन अगर उसका क्लेम उन्नीस हजार नौ सौ है तो वेरीफाई नहीं होगा। अगर मेरे चार मकान हों और उन चारों मकानों की लागत मिलाकर नितानवे हजार नौ सौ नित्यान्वे आती हैं, यानी एक एक की बीस हजार से कम आती है तो उन चारों मकानों का क्लेम वेरीफाई नहीं हो सकता, अगर मैं इस में गलती करता हूँ, तो वह मुझे ठीक कर सकते हैं। लेकिन मैं समझता हूँ कि यह बीस हजार का क्लेम किसी तरह इन्साफ पर मबनी नहीं है, अगर बीस हजार की उनकी प्रापर्टी की लागत नहीं आती और उन्नीस हजार ही रह जाती है, तो क्या वह इससे महकूम रखे जाय, और आपने जो यह कहा कि हम हर एक के साथ अच्छा सलूक करना चाहते हैं तो इससे मुझे बड़ी खुशी हुई।

जो देहात के अन्दर अपनी प्रापर्टी छोड़ कर आये हैं, वह रिफ्यूजी नहीं हैं और वह आप की मदद के मुस्तहक नहीं हैं। यह माकूल जवाब मिलता है। आप फरमाते हैं कि जब यहां हिन्दुस्तान और पाकिस्तान का सेटलमेन्ट हुआ तो हम ने इस को मान लिया। साहब, आप ने मान लिया लेकिन हम ने नहीं माना, रिफ्यूजीज ने नहीं माना। क्या यह खुदा के हाँ से आई हुई चीज है कि बदल नहीं सकती। मैं तो कहता हूँ कि जो सारे हिन्दू आये हैं वह तकलीफ के अन्दर हैं, उन के क्लेम नहीं मिल रहे हैं, उन्हें आप को देना चाहिये। मैं तो कहता हूँ कि अगर मुसलमान भी हों तो उन को भी मदद दी जाय अगर किसी बात से उनके तकलीफ होती है तो हमें उनको उनके स्थान से देखना चाहिये खैर इसको तो छोड़ दीजिये। हमारा

फर्ज है कि जिसे भी हम मजलूम पायें उस की मदद करें। आज हमारे पास आदमी आते हैं और कहते हैं कि हम क्या करें। एक कम्पाऊंडर कहता है कि मेरा मकान था दस हजार का मेरा क्लेम था, मैं कम्पाऊंडरी जानता हूँ। लेकिन मेरे पास आज पैसा नहीं है, कहां से खाऊँ? कच्चा मिलता नहीं है, क्या करूँ? हमारी गवर्नमेंट के दिमाग के अन्दर यह बात आ गई कि मुआहिदा हो गया हमारी सरकार बाउन्ड नहीं है। मैं कहता हूँ कि आप को देखना है कि नीड क्या है, आप नौकर हैं, जनता के, आप देखिये कि जनता की सेवा कैसे हो सकती है। अगर आज आप ने एक बात की और कल आप को मालूम हुआ कि वह गलत है तो आप उन को बदलिये। क्या यह बात ठीक नहीं है? आप के पास दो आदमी आये होंगे, मेरे पास हजारों आदमी आते रहते हैं और कहते हैं कि सरकारी इन्तजाम अच्छा नहीं है, हमारे क्लेम वेरीफाई नहीं हुए हैं। मान लीजिये कि किसी को मकान दो हजार का मिला है, अगर उसका क्लेम दस हजार का ही है तो आप मकान की पूरी कीमत न दीजिये, उस के बदले में आठ हजार दीजिये, छः हजार दीजिये, लेकिन कुछ दीजिये तो सही। लेकिन उनका आर्गुमेन्ट मेरी समझ में नहीं आता।

मैं जानता हूँ कि आप के दिल के अन्दर जजबात है और जैसा डिप्टी स्पीकर साहब ने फरमाया था, इस बिल का स्कोप बढ़ सकता है, और आपने भी यही फरमाया था, आप का ऐटिट्यूड निहायत अच्छा है। यह मैं मानता हूँ कि हमेशा एक बात से इन्कार करते हुए अपने आप को गलत मानना मुश्किल होता है, लेकिन मैं समझता हूँ कि जो बात देश के हित के लिये हो, जो गरीबों के हित के लिये हो उस को मानने में उज्र नहीं करना चाहिये। मैं इतनी बात कहकर खतम करता

हूँ और आप से उम्मीद करता हूँ कि आप इस बिल को वसीय करेंगे। जैसा हमारे डिप्टी स्पीकर साहब ने कहा और अगर आप महसूस करें कि इस बिल के अन्दर जो नये आदमी आये हैं उन का स्कोप नहीं है तो मैं कहता हूँ कि जो नये आदमी आये वह रिफ्यूजीज तो हैं ही। एक आदमी के तीन बच्चे हैं, उन में से दो बच्चे तो घर के अन्दर आ गये, अगर बीसरा बच्चा भी आता है तो क्या हम को उस को अन्दर नहीं लेना चाहिये। डाक्टर साहब चौधराम गिडवानी ने फरमाया कि कुल चार या पांच सौ आदमी ऐसे हैं। मैं तो कहता हूँ कि एक भी आदमी हो अगर वह दुखी होता है तो उस की ओर आप को देखना चाहिये। आप ने अपना काम खत्म कर लिया इतने थोड़े से आदमियों की कौन सी बात है, आप उन को भी डिस्पोज आफ कीजिये।

इस वास्ते अगर आप इस बिल में प्राविजन नहीं कर सकते तो मैं कहता हूँ कि आप नया बिल लाइये जिस के अन्दर वह लोग भी आ जायें जो कि नये आने वाले हैं। आप का वह फर्ज नहीं कि आप उनको मायूस करें। कोई भी रिफ्यूजी हो आप का फर्ज है कि आप उस का भी इन्तजाम करें। यह कहना कि हम इन्तजाम नहीं कर सकते, कानून बन गया, अब स्याही या पेंसिल खत्म हो गई है इस लिये हम नया बिल नहीं ला सकते, इस को मानने के लिये मैं तैयार नहीं हूँ। नया बिल ला कर जो भी नये आदमी आते हैं उन का इन्तजाम किया जाय। रुपया तो गवर्नमेंट को देना है, पाकिस्तान से मिले तो बड़ी खुशी है, लेकिन उस का मिलना मेरे स्थाल से सम्भव नहीं है, और मिले तो आप उस को अपने कंधों में शामिल कर लीजिये। आप ने जो फिकरा रक्खा है उस को मैं देखता हूँ तो मुझे आप के खयालात बड़े अच्छे दिखाई देते हैं, लेकिन आहिस्ता आहिस्ता आगे चल कर वह

फिर नर्म हो गये हैं और आप अपनी बात पर अड़े हुए हैं। मगर मैं आप को इसके लिये मुबारकबाद देता हूँ।

**Sardar Hukam Singh:** I also join my friends in congratulating the hon. Minister. He has been very keen in facing this difficult task of rehabilitation and the problems connected therewith. We acknowledge that and we do record our appreciation of the work that has been done. Really we realise that the task was a difficult and stupendous one. At the same time, we have a complaint that it has not been done with the same eagerness, with the same enthusiasm that this problem requires. We have complained on many occasions here in this House and that is not a misplaced complaint. Exactly when we review the whole process that has been followed so far, we are aggrieved to see that the rehabilitation of refugees—verification of claims is certainly connected with that—has not been on a satisfactory scale. Today, this Bill is before the House. So far as the provisions of this Bill are concerned, we do welcome them and we have no complaint against them. These provisions are required. We have been crying for them, and we wanted them. What we desire is this. There are certain cases that have been left out even now and they should also be included. When the fault is not of these displaced persons who had to leave their homes and hearths, certainly, these technicalities should not stand in the way of their filing their claims or the verification thereof. It is certainly very gratifying that the interim compensation scheme has been prefaced by our hon. Minister and he admits himself that this requires a human approach. He claims that he has been proceeding on that assumption. He has approached it with a human feeling and sympathy. We admit that. But, when we come to the conclusion that it requires a human approach, how can it be argued that there are certain technicalities, limitation would not permit this, we have already given so much time to the refugees to file

[Sardar Hukam Singh]

their claims, they have not done it, it was only three months in the initial stages, that time was extended by another month, and Government continued to receive claims for six months? We feel that that was the right course to adopt and there is no reason why there should be a departure from that. I could not press that point with so much emphasis, though I entirely agree with my hon. friend Lal Achint Ram that it was not the fault or the default of the refugees themselves that necessitated these extensions or persuaded our officers of the Government to extend the time from time to time. But, there were other considerations also, perhaps greater and weightier considerations that persuaded or compelled the Government to wait for so long a time. It was rather the reactions of the Pakistan Government that were affecting our decisions and our policies here. If after six or ten months a word was there in the Press or some communication was received that Pakistan was prepared to consider this question or discuss this evacuee property problem, the whole thing was shelved, though some of us have been crying from the very beginning that it was no use waiting for any negotiations or any settlement with the Pakistan Government because they would not agree to any settlement, as in the ultimate position, they will have to pay a colossal amount, because, the difference between the evacuee properties in both the countries was so great.

Our Government was very reasonable and they gave an indication that they would be prepared to accept a reasonable amount, and a lump sum also, but Pakistan did not agree to that even. All these concessions that we have given have not brought about any tangible results that might have benefited us. Now, after the claims have been verified, we are going to work out this compensation scheme. The interim compensation scheme has been put before us and that has given some hope to these poor refu-

goes. The only question is that it should be expedited as far as possible.

It has been observed in this small booklet that this is a fulfilment of a promise, and the assurance of Shri Gopalaswami Ayyangar given in 1948 is repeated here. It has been stated that he gave the assurance that the refugees would be given compensation, and this Government is going to fulfil that promise. But I am grieved to say that this is no fulfilment of that promise which that great spokesman gave on behalf of this Government. He clearly indicated that there would be three sources: one was the evacuee property, the second, the difference that we can recover from Pakistan, and the third, Government contribution. At that time it was clearly stated that this contribution would be a substantial contribution which would satisfy the refugees. I think two negatives were used and it was said that it would not dissatisfy the refugees. But now we find in this same booklet it has been put in that the Government have decided that evacuee property should be distributed more or less on a *pro rata* basis. And then we have been told that about Rs. 90 crores have been spent by the Government in the form of properties, loans for rehabilitation, and cash from rent recoveries. It is also said that this State's contribution shall go to needy persons. So, practically it would be the evacuee property that is to be distributed *pro rata*.

And now the hon. Minister says that if we look to fresh claims, that would further delay matters. We have seen, out of enthusiasm, out of anxiety to settle this question, our hon. Minister has been picking up good speed so far as this problem is concerned, but we have been differing with him in one respect. We have not seen any mention of this problem of rehabilitation and compensation in the last four Addresses of the President because this Government took it for granted and also gave it out in

their statements and in their Press notes that this problem had almost been completely solved, 80 or 90 per cent. of the refugees had been rehabilitated. We differed with the spokesmen of the Government and we expressed our views very clearly. Anyhow, the hon. Minister now wants to show results in regard to this compensation scheme in a very short time. We also want that this should be expedited, but the reason that he has advanced today that if he were to admit new claims just now it would further delay matters and there would be further complaints, is not justified. Why should it delay matters?

It would be admitted on all sides that there are certain claims, certain number of them—they may be very few or pretty few—that have not been admitted or even filed because of no fault of those claimants, but because there were some circumstances beyond the control of those persons. Instances have been cited by Mr. Gidwani and Mr. Achint Ram also. Mr. Gidwani has read certain letters that move our hearts. Why should not they be admitted? We might say that the particular person who remained there and now had to come out perhaps clung to his Rs. 14 lakhs. and when the question is put where he should go, the Minister might say: "He should go along with his Rs. 14 lakhs." That is not a human approach. He might have been at fault, and might not have moved out before. Even if he has come so late, we have to see that he is provided with something so that he can stay on as an independent citizen, and he should not depend upon others. So, there are cases where people have not been able to file their claims. And, as you put it very nicely, at that time people were shy of putting in their claims, and Government came forward in this Parliament saying that we should persuade those people to come forward with their claims. They were not anxious to file them. They took considerable time, and

they had to be persuaded that it was in their interests to do so. So, there may be cases even now where people have not been able to file their claims. Some of them came afterwards or they did not get sufficient notice or even if they sent their claim some other delay was caused and that did not reach in time. So, our submission is that these cases must be considered. If it is found that there was some wilful default, that might be thrown out, but if there is no default on their part and circumstances were beyond their control, such cases should be looked into if we want their rehabilitation should take place, because there cannot be any rehabilitation unless this compensation for the property left behind is given, though it is a very meagre sum. Even those persons who have not been able to get their claims verified should be rehabilitated, and this compensation should be given to them. Therefore, our request is that these technicalities should not stand in their way.

I agree with another point that was made by you. Mr. Achint Ram has also stressed it. It is that Government should not be anxious that the pool will be dwindled, that the compensation *pro rata* will be lowered down, because if evacuee property is the only property, then certainly that has to be distributed. If there are a hundred persons more included, then it is the refugee that suffers and not the Government. Government is not going to add anything. Therefore, Government should not feel any hesitation in admitting these claims.

Then the second point comes whether that would delay compensation. That also can be avoided. If this property is to be distributed *pro rata*, two or three crores of rupees can be kept aside and the balance distributed. This interim compensation can go on. The final compensation has not come yet. Therefore, even delay can be avoided, and these persons can be brought in. Government does not



[Sardar Hukam Singh]

suffer on any account and these people also will get the benefits which their brethren are going to get, though it may be very meagre and might not satisfy them. It would have been certainly much better if our Government had succeeded in getting something out of Pakistan, but even the contribution that is going to be made is very little, and though it appears to be Rs. 90 crores in books, yet in substance it is not as much because the value of those properties must have gone down. Some loans might have been wiped out or not worth being recovered. Therefore, that amount would be very small. I repeat with all the emphasis at my command that those cases must also be considered. The delay also can be avoided, and we can proceed with the interim compensation scheme without detriment to the Government or to any displaced person, and these other persons also can be accommodated within the scope of the Act.

6 P.M.

Shri D. C. Sharma (Hoshiarpur): Sometimes, Mr. Chairman, I read books and I read this book *Interim Compensation Scheme*,—so beautifully printed, so beautifully got up and so beautifully illustrated,—with some amount of interest. I was amazed to find that the substance cuts at the very roots of the rehabilitation process which our Government has undertaken and has been carrying out all these years. On page 10, I found the following statement:—

“Rehabilitation, to my mind, is the process of economic recovery of displaced persons leading ultimately to the disappearance of all distinction between them and other nationals.”

This statement is admirable as far as it goes, but it is a half-truth; it is only a partial approach to the problem of rehabilitation.

Of course, economic rehabilitation should be there, but along with economic rehabilitation there should be, what I may call, the psychological rehabilitation of the refugees. If our Government and the Ministry have been criticised, it is because there has not been this psychological rehabilitation. We have been depending too much upon the legal interpretation of the phenomenon of refugee migration. As one hon. Member put it, the refugee has been suffering from a sense of dire frustration. When I came to India and when we were asked to file our claims, I remember how much time I spent in calculating what I had left behind and how much time my friends spent in calculating what they had left behind. We spent days and nights in preparing those claims, and what was the result?

The result was that some of us, it may be, filed claims in a false manner—I do not deny that—but then all these claims were thrown on the scrap heap. Being a student of psychology, especially of mass psychology and social psychology, I must say that the wound which was inflicted by that procedure on the minds of the refugees was a grievous one. Of course, Government has done many things afterwards to take away the sting from that wound, but the refugee is still sore at heart. There is no doubt about it. There was a refugee friend of mine, who was feeling seedy all the time. He has been doing very well after the Partition, and I do not say that he has any right to complain. But I do not know what was happening to him; he was feeling depressed all the time. I took him to a doctor in a hospital here—and that doctor was not a refugee doctor. I do not want to disclose his name, but he is very eminent doctor. He said: “This is a disease which is common to all the refugees, and from which every refugee has got to suffer at one time or the other”. I said, “What do you mean by that, this gentleman has been doing very well after the Partition, he has not suffered in any way; he has been leading a very comfortable life, and you say



that this is a disease which is common to all the refugees". He said, "You do not know what harm or what wound, psychological, mental and spiritual this Partition has inflicted upon the refugees." I therefore say, that to the problem of rehabilitation, it is not an economic approach only that you should bring, but also the psychological approach. I have been studying the speeches, books and everything on rehabilitation, but I find that the correct psychological approach has not yet been made. I was listening to the debate on the Demands for Grants for the Rehabilitation Ministry, and what did I find? There was not a single hon. Member, whether on the Opposition side or on the Government side, who got up and said anything complimentary to the Ministry. I do not deny that the Rehabilitation Minister is a nice person, he is doing his best, but why is it that hardly any Member gets up to say something good about the work done by the Ministry? There is no doubt that there is a lot of good being done, but that good which has been and is being done is washed off by the fact that the correct approach has not yet been made. What that correct approach is, of course, no one would like to teach the hon. Minister of Rehabilitation, who is himself a very wise man, and has said on page 5 of the booklet, that it is a human approach that has to be made. I would like to ask him whether he has made that human approach so far as this Bill is concerned.

Why is it that this Bill has been brought forward? It has been brought forward to cover administrative ineptness, to cover those deficiencies, which, on account of lack of foresight, proper planning and proper facilities, Government were not able to see. They were not able to verify those claims in time, they were not able to appoint the right number of claims officers, they did not have an adequate machinery for verifying these claims, and therefore they have brought this Bill. This Bill has not been brought in for the good of the refugees, it has been brought in to cover administrative inefficiency. It is a smokescreen for

that purpose. Still I say it is good. Sometimes good cometh out of evil. This administrative inefficiency may be there, and it may not be a good thing, but a good is coming out of that evil, because those refugees whose claims were not verified....

**Shri M. S. Gurupadaswamy (Mysore):** Evil may drive out the good.

**Shri D. C. Sharma:** Of course, the evil may drive out the good, but there is a lot of good on this side of the House, and that good will drive out the evil.

I was saying that good is coming out of that evil. That good consists in this that some claims will now be verified. Some of the pending decisions will be reviewed, and the whole machinery will be set in motion again, and in return it will do some good to the refugees. But I would say that this should not end here. Why it should end, we are not able to understand. As you know, I also belong to a constituency where there is a large number of refugees. I would request the Minister of Rehabilitation to make note of it. There are large numbers of persons all over the place who had been misleading these refugees, mis-teaching these refugees and taking claims from them which have not been forwarded. There is a soap-maker in my town, and he came to me one day and said, "What shall I do?" He went to somebody in some city—I do not want to name that city—and said: "I want to settle my claims." That man said: "Give me Rs. 10 and I will do the needful." He gave him Rs. 10. How are you going to protect these refugees from these malpractices? It is not only the soap-maker in my town whose case I referred to but there are hundreds of persons like that, illiterate persons, ignorant persons, who do not know anything about the legal procedure, who do not know anything about technicalities, who do not know anything about the rules and regulations, who do not know anything about limitation and who do not know anything about when the suits get barred. They do not know these things. It is a human material which, I should say,

[Shri D. C. Sharma]

is of a new kind. They are scattered all over the place and in all the States of India too. I cannot forget that soap-maker's case, because hundreds of such persons—or, I should say, not hundreds, but thousands of persons—have been victimized like that. I am glad that our Rehabilitation Minister has brought in this Bill so that those persons who have been victimized like that by fraudulent persons have been promised the restoration of their claims. Those claims must be restored, and those persons who have misled them should be punished. I think nobody who has spoken in the House today on this subject, whether he belongs to this side of the House or that side of the House, has sat down without saying that the period of the filing of claims must be extended. I would say to the Rehabilitation Minister that if he wishes to make a human approach to which he has already referred on page 5 of the booklet, I think he should be gracious enough to accept the suggestion which has been made unanimously by all Members of the House irrespective of their party affiliations. I will therefore say that this is a thing which our friend should do. At the same time, I want to say that there are so many other cases. I would also request the Rehabilitation Minister to remember one thing: Mr. Gidwani has said that—I am sorry to mention his name, but I do not know in what other way I could call him—some refugees are coming from his side. It is because Pakistan is following a policy of squeeze and since these persons have no other home excepting our own country, they come to India. When they come to India, I think India should always be ready to receive them with open arms. They might have stayed in their own places, but they have found it difficult to do so now. Therefore, I request that the Rehabilitation Minister should make some provision for these unforeseen migrations. I know these migrations are occurring now and that they will continue to occur. I know that this process will go on. The Minister was right when he said that it cannot be

an unending stream—I think I am quoting his words correctly—and that it should come to an end some time. Of course it will come to an end in certain sectors at one time, but it will also remain in certain other sectors, because, I must say that it is a policy of squeeze that is being followed by Pakistan and we must provide for the refugees suffering from the effects of this policy.

Sir, I would only say this much. I do not want to complain; I do not want to do anything of the kind. The Rehabilitation Minister said that the Rehabilitation Department is a *sarpanch*. Very good. We believe in *panchayat raj*; we believe in *sarpanch*. He has said: 'I am a trustee'. Very good. It is good that he is a trustee. But I would request him now that in addition to his being a *sarpanch*—I know that you are going to ring the bell—and in addition to his being a trustee, he should become also a doctor and he should bring the healing touch to the refugees who are living in India and for whom the Government has done so much already. He should give them a little more amenities so that their little grievances are lightened and they live very happily and very comfortably.

\*Babu Ramnarayan Singh (Hazari-bagh West): Sir, I want to speak.

Shri V. G. Deshpande (Guna) rose—

Mr. Chairman: Every Member cannot be given opportunity to speak. At this rate, we will never be able to finish. Already I find that arguments are being repeated.

Shri A. P. Jain: Mr. Chairman, Sir, I am thankful to the hon. Members for the contribution that they have made to this debate. I feel a little flattered that more than one hon. Member should have chosen to quote one or another portion of my introduction to the Interim Scheme. More than once it has been said that I have said that rehabilitation is a human problem and it must be approached as such. I maintain that it is a human problem and it must be approached as such. Throughout my working—I may have

erred here or there—I can say with full sincerity that I have treated the problem as a human problem, and in bringing this Bill all the human considerations were before me.

Now, Sir, you included the principal suggestions in your speech and what other Members have said is more or less commentary on what you said. The first point which you made out was with regard to the receipt of fresh claims. So far as unverified claims are concerned, whatever be their nature, even if they are not traceable, full provision is contained in this Bill. But two other cases have been cited here, namely, first: what about persons who have failed to file claims before 31st August 1952, and second, what about persons who come thereafter? So far as the first class of persons is concerned, i.e., those who were in India but could not file claims before 31st August 1952, I am not prepared that their might be a few such persons. There might be a soap-maker or there might be a blacksmith or there might be an illiterate person, or even there might be a literate person. I cannot swear that there is no such person. But when we have to deal with lakhs and lakhs of persons, we have to do so on some general principles. Those principles must be actuated by human feelings. Now, I submit that a period of 25 or 26 months, which was given for filing claims, was no small period and there must be an end somewhere.

**Mr. Chairman:** May I just enquire whether these persons knew that the period was extended to 25 months.

**Shri A. P. Jain:** Yes, the persons knew because various notifications were issued.

**Lala Achint Ram:** We have been extending your period also.

**Shri A. P. Jain:** I am grateful to you for extending my period; but, unless you want to extend my period indefinitely, you must put an end to your period at some time.

I can say and I do believe that by and large, I am to say, almost all the

claims have been filed. There is an additional difficulty today. We have no records of Pakistan. None of our Claims Officers or other Officers can go to Pakistan and verify whether a person has property or not. What check or what guarantee can there be that there will not be an infinite flow of false claims? There are dishonest men in all societies, among refugees as among the locals. Now, at this stage, to re-open the whole flood-gates for the claims would, I think, be the most inadvisable thing. It would put an end to the schemes of interim compensation. I am sorry that it will not be possible for me to extend the period for receiving claims of persons who could have filed their claims before 31st August, 1952, but have not done so.

That leaves the third class of persons who are now coming in. There is a lot of force in what you said. But, there are various considerations involved in it. After all, when one has to work out a certain scheme, he must have some firm data. We have got some firm data on the basis of claims which have already been filed. We have also got some estimates of the property. We are working on the basis of those estimates. We cannot allow our calculations to be upset. But when we frame the final scheme for compensation, of course, that will come before the House, if the House decides to set apart some proportion of the property for distributing compensation to persons who may come in after the last day....

**Lala Achint Ram:** Why not ask the Government to make a contribution?

**Shri A. P. Jain:** That kind of interruption will not help. Let me develop my point; you may ask questions if you like. If it is decided that those persons who come late also will get compensation, well, we can set apart some property for them and they can get compensation out of it. So far as the Government is concerned, I cannot make any promise that the Government is going to make any further contribution. The policy of Govern-

[Mr. A. P. Jain]

ment has been announced. That is about the second category. In this Bill, I am sorry that it will not be possible for me to make any provision with regard to persons who come after the 31st August, 1952.

The second point, Sir, which you made out is with regard to limitation. I know that limitation, in a sense, is an arbitrary rule of law. But, looking at it from the social point of view, from social considerations, it has got its advantages. If no time is prescribed, we can never get to a finite stage and for working out any scheme it is necessary that we must reach a finite stage. You would be aware that in the Ordinance which we have issued, we gave one month's time. That one month's time expired on the 18th February. We have again given one month's time beginning with the coming into force of this Bill.

[MR. DEPUTY-SPEAKER in the Chair]

I do not want to prescribe time-limit because I want to deprive anybody of the remedy but because I want that we should be in a position to implement a scheme, which will benefit lakhs of persons. And if you look at limitation from that point of view, I think it is principle which is based on human considerations. A few persons may benefit and if we do not prescribe any definite period but a very much larger number of persons will suffer because some have delayed in filing their claims. Then, the provision about *suo motu* revision will cover all types of hard cases, but the normal rule of a time-limit should be there and I think the provisions which we have made should continue. These are the two principal points made with regard to the Bill. There is a third point which has been agitated over and over again in this House and which has been considerably emphasised by my friend, Shri Achint Ram, and that is with regard to rural houses. I am sorry to say that Shri Achint Ram has looked only at one side of the picture and that too in a blurred manner. He has

said that claims for rural houses of the value of less than Rs. 20,000 in Pakistan have not been verified and we have been very harsh on the people; we have been very unjust and almost inhuman;—that was the gravamen of his charge. He forgets that in Punjab on this side also, all houses whose value may be Rs. 19,999-15-9 or less have been given to those people who have left houses of less than Rs. 20,000.

**Lala Achint Ram:** What about people who have got nothing?

**Shri A. P. Jain:** When we worked out the quasi-permanent allotment, all the agricultural lands on that side and all the rural houses of less than Rs. 20,000 on that side were put into one sector.

**Lala Achint Ram:** You have already said that.

**Shri A. P. Jain:** Will the hon. Member allow me to proceed when I am developing my ideas? He must have some patience and listen to me. All the agricultural land on this side and all the houses whose value did not exceed Rs. 20,000 were put into another sector. Every house whose value did not exceed Rs. 20,000 on this side has been given to the agriculturist. Therefore, if it is decided that the houses in West Punjab whose value does not exceed Rs. 20,000 should be verified again, then all the houses on this side whose value does not exceed Rs. 20,000 will have to be taken back from the allottees and a complete re-settlement will have to be made. When the quasi-permanent allotment was made in the Punjab elaborate rules were made for the allotment of the houses. It is not such a simple matter nor is it a one-sided issue. If we re-open this issue, every house in the Punjab and PEPSU which has been allotted to agriculturists and whose value does not exceed Rs. 20,000, will have to be taken back from the allottee and re-allotted. Now, what is the use of all this? A system has already been worked out, and as I have said in the

pamphlet which has been quoted by Lala Achint Ram, 'you have got compensation for the house once and you cannot have it for a second time'.

These are practically the main suggestions made by hon. Members. So far as the question of referring the Bill to a Select Committee is concerned, I submit that no case has been made out, and I would request the hon. Member to withdraw his amendment, or if he does not withdraw, I would request the House to vote it down.

**Sardar Hukam Singh:** This is not a human approach.

**Mr. Deputy-Speaker:** I am taking the amendment first. The question is:

"That the Bill be referred to the Select Committee consisting of Pandit Thakur Das Bhargava, Giani Gurmukh Singh, Shri Amar Nath Vidyalankar, Shri Basanta Kumar Das, Shri Rohini Kumar Chaudhuri, Dr. Ram Subhag Singh, Lala Achint Ram, Sardar Hukam Singh, Shri N. C. Chatterjee, Shrimati Sucheta Kripalani, Shri A. P. Jain, and the Mover, with instructions to report by the 1st March, 1954."

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That the Bill to provide for the continuance of certain proceedings pending under the Displaced Persons (Claims) Act, 1950, and for matters connected therewith, be taken into consideration."

*The motion was adopted.*

#### Clause 2.— (Definitions)

श्री एन० एल० जोशी : श्रीमान् उपाध्यक्ष महोदय, मेरा संशोधन इस प्रकार है :

In part

1, after line 14, add—

"(iii) any claim dismissed for default and which could not be restored on legal and technical

grounds e.g. non-presentation of the restoration application within the time prescribed."

अभी इस विधेयक के सम्बन्ध में बहुत कुछ विचार हुआ और यह कहा गया कि कई मामले ऐसे भी हैं कि जहाँ पर बावजूद इसके कि उन लोगों ने अपने दावे पेश कर दिये, परन्तु दावे पेश करने के बाद भी कई कारणों से उन दावों को वह सरकार के सामने साबित नहीं कर सके। उन में एक कारण यह भी हो सकता है कि जो दावे उन्होंने पेश किये उन दावों की सुनवाई इसलिये नहीं हो सकी कि वह हाजिर नहीं हो सके सरकार के सामने, और इसलिये उनके दावों पर विचार नहीं हो सका। अगर उन दावों को शासन के नामने फिर से प्रस्तुत करने की इजाजत नहीं दी गई तो यह निश्चित है कि उन दावेदारों के दावों की सुनवाई कहीं आगे होने की गुंजाइश नहीं रहेगी और जो हक उनको हासिल होने चाहिए वह उनको हासिल नहीं हो सकेंगे। अतः यह संशोधन बहुत जरूरी है। उन सब शरणार्थियों को यह हक दिया जाना चाहिये कि वह ऐसे दावों को सरकार के सामने पेश कर सकें। अब सवाल यह आ जाता है कि अगर उन्होंने अपने दावे समय के अन्दर प्रस्तुत नहीं किये या अर्जियां नहीं दीं, जैसा कि मिनिस्टर साहब ने फरमाया है कि उनको पेश कर देनी चाहिये, तो उनका क्या होगा। यह भी हो सकता है कि उन्होंने समय के अन्दर रिवीजन की अर्जियां भी नहीं दी हों, लेकिन उनका दावा तो है, वह कुछ मुआवजा पाने के तो हकदार हैं। तो जहाँ तक इन्सानियत का तकाजा है, जहाँ तक कि उनके हक का सवाल है, यह बात बड़ी जरूरी हो जाती है कि उनको हर हालत में मुआवजा मिलना चाहिये। अगर बीच में कोई कानून आता है और यह कहा जाता है कि जो मियाद का कानून बना है उस मियाद के अन्दर वह ऐसा नहीं कर सके इसलिये उनका दावा

[श्री एन० एल० जोशी]

नहीं टिक सकता, तो इस तरह का क्या ठीक नहीं कहा जा सकता। यह बहुत जरूरी है कि इस तरह के दावों पर जरूर ही सरकार को विचार करना चाहिये। मैं ने जो यह संशोधन प्रस्तुत किया है वह इसी गरज से किया है। यह बहुत जरूरी बात है कि उनके हक पर विचार किया जाय। उनको मौका दिया जाना चाहिये कि वह सरकार के सामने अपने हक को सिद्ध कर सकें। इसके अतिरिक्त एक वजह और भी है और वह यह है कि जहां तक इन शरणार्थियों का सवाल है ये शरणार्थी कोई अपने आप नहीं बने। यहां की राजनीतिक स्थिति के कारण ही वह शरणार्थी बने हैं। यह एक आर्थिक सवाल है जिसको कि सरकार हल करना चाहती है और बहुत सहानुभूति के साथ हल करना चाहती है। यहां के जितने भी शरणार्थी हैं वह सरकार के बहुत एहसान मन्द हैं। परन्तु जब हम उनके हकों के सम्बन्ध में सोचते हैं तो यह बात हमारे सामने प्रमुख रूप से आती है कि उनके दावे प्रस्तुत तो हुये मगर मियाद के सवाल की वजह से या जनके गैर हाजिर होने की वजह से वह दावे यदि सरकार के सामने साबित नहीं किए जा सके तो यह बहुत जरूरी हो जाता है कि सरकार उनके दावों पर विचार करे। इसलिये, उपाध्यक्ष महोदय, मेरा आपके जरिये मिनिस्टर साहब से नम्र निवेदन है कि वह इस संशोधन को मंजूर करें।

**Mr. Deputy-Speaker:** Amendment moved:

In page 1, after line 14, add—

“(iii) any claim dismissed for default and which could not be restored on legal and technical grounds e.g. non-presentation of the restoration application within the time prescribed;”

श्री ए० पी० जैन : जनाब आली, मैं ने इस सम्बन्ध में पहले ही कह दिया है कि

दफा ५ (१) बी० में इसके लिये काफी गुंजाइश रखी गयी है। ऐसे मामलों पर जिनमें बहुत हानि हुई हो गौर किया जा सकता है। मैं समझता हूं कि इस संशोधन की कोई आवश्यकता नहीं है और इसे मैं मंजूर नहीं कर सकता।

**Mr. Deputy-Speaker:** Already the hon. Member has said *suo motu* they can look into claims. There is provision to that effect. All the same, if the hon. Member wants me to put it.....

**Shri N. L. Joshi:** I would like to withdraw it.

**Mr. Deputy-Speaker:** Has the hon. Member leave of the House to withdraw the amendment?

*The amendment was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** There are no amendments to clause 3. The question is:

“That clause 2 stand part of the Bill.”

*The motion was adopted.*

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

**Clause 4.**—(Verification of claims)

*Amendments made:*

In page 2, line 34, for “Cases” substitute “claims”.

In page 2, line 41, for “thinks fit and” substitute “thinks fit; but”.

In page 2,

(i) line 42—omit “shall be made”

(ii) line 43—after “any person” insert “shall be made”.

—[Shri A. P. Jain]

**Mr. Deputy-Speaker:** The question is:

“That clause 4, as amended, stand part of the Bill.”

*The motion was adopted.*

Clause 4, as amended, was added to the Bill.



**Clause 5.—** (Special power of revision in certain cases)

**Shri A. P. Jain:** I beg to move:

In page 3, line 15, for "has" substitute "had".

In page 3,

(i) line 22—omit "shall be made".

(ii) line 23,—for "without giving the person concerned" substitute "shall be made without giving him".

**Mr. Deputy-Speaker:** I understand that Mr. Gidwani does not want to move his amendments.

**Mr. Gidwani:** No, Sir.

**Pandit Thakur Das Bhargava:** I want to speak on this clause.

**Mr. Deputy-Speaker:** Let me place the amendments before the House.

Amendments moved:

In page 3, line 15, for "has" substitute "had".

In page 3,

(i) line 22—omit "shall be made".

(ii) line 23,—for "without giving the person concerned" substitute "shall be made without giving him".

**पंडित ठाकुर दास भार्गव :** जनाब डिप्टी स्पीकर साहब, चन्द बातें जो मिनिस्टर साहब की खिदमत में अर्ज की गयी थीं, उन में से एक के सल्यूशन के लिये उन्होंने ऐसे बरीक़े से हमारे सामने सजेशन दिया है जो मैं समझता हूँ कि सारे हाउस को मंजूर होगा। वह यह है कि जो साहब आर्यदा यहाँ पर आवेंगे, रिफ्यूजीज, उन के वास्ते गो इस बिल में रखने की गुंजाइश नहीं है, लेकिन ऐसा किया जा सकता है, जैसा कि आनरेबिल मिनिस्टर साहब ने फरमाया, कि एक करोड़ या ज्यादा रकम उनके वास्ते कम्पेनसेशन

के लिये अलाहदा रखी जावे और अगर वह खर्च होने से बच जावे तो एक साल या दो साल के बाद फिर लोगों में वह डिस्ट्रीब्यूट की जा सकती है। इतने अरसे के वास्ते उन लोगों के लिये प्रावीजन किया जा सकता है जो आयन्दा आने वाले हैं। जिन लोगों के लिये यह तजवीज की गयी है, इस एहत-नाल पर कि वह आवेंगे, मैं समझता हूँ कि यह उनके लिये निहायत माकूल है और हाउस की खिदमत में मैं अर्ज करूंगा कि वह इस तजवीज को उसी स्तिरिट में ले और कबूल करे।

दूसरी बात जो उन्होंने क्लॉज ५ के मुताल्लिक़ फ़रमाई वह यह है कि उन्होंने यह रखा है कि सूओ मोटू अफ़सरान को अख़्तियार दिया गया है कि वह ऐसे हार्ड केसेज़ में जिनका कि ज़िक्र किया गया है, उनके ऊपर ग़ौर करें। मैं एक छोटी सी बात अर्ज करना चाहता हूँ और वह यह है कि प्रोसीजरल ला सिर्फ़ जस्टिस करने के वास्ते बनाया जाता है, वरना बलेकस्टन के मसले पर प्रोसीज्योर ऐसा नहीं बनना चाहिये कि किसी तरह की बेइन्ताफी कोई कर सके। इस जिम्न के मातहत में अदब से उनकी खिदमत में अर्ज करूंगा कि वह इसको तब्दील न करना चाहें और हमारे अमेंडमेंट को कबूल न करना चाहें तो न करें। लेकिन सूओ मोटू को इस तरह से स्ट्रक्चली इन्टरप्रेट न करें। अगर कोई आदमी किसी अफ़सर के पास दरखास्त दे और वह अफ़सर उस दरखास्त को मंजूर करे या न करे, इससे गरज न रखते हुए,—अगर उस अफ़सर के इल्म में यह चीज़ आ जाय कि यह इनजस्टिस का केस है, जिसमें ग़लती हुई है, तो उस केस में जस्टिस होनी चाहिये। इसके लिये कोई सरक्युलर या कोई ऐसी हिदायत जारी होनी चाहिये जिसमें कि इसका लिबरल इंटर-प्रिटेशन किया जाय और इसको लिबरली



(पंडित ठाकुर दास भागवत)

कनस्ट्रू किया जाय, ताकि हाई केसेज में इन्साफ हो सके। मैं निहायत अदब से अर्ज करना चाहता हूँ कि अफसरान को खुद हाई केसेज नहीं मिल सकते, लेकिन लोगों को मालूम है कि उनका केस कितना हाई है। तो कोई दरखास्त दे और वह किसी तरह से टाइम बाई हो, तो मैं अर्ज करूंगा कि ऐसा कहना स्ट्रिकटली विदिन ला तो होगा, लेकिन जो आनरेबुल मिनिस्टर साहब का मंशा है, उसके मुताबिक यह नहीं होगा। इसलिये मैं अर्ज करूंगा कि वह इनस्ट्रक्शन के जरिये या किसी और तरह इसके अन्दर ऐसी रियायत जरूर रखें जिससे कि लोग जा कर अपना केस कह सकें, और उनकी दरखास्त पर अफसर चाहे जो भी हुक्म दें, मुझे उसके बारे में कोई उज्र नहीं है, लेकिन जो हाई केसेज हों उनमें जरूर वह इसको लिबरली इंटरप्रेट करें।

इस वक्त कम्पनसेशन के बारे में मैं ज्यादा अर्ज नहीं करना चाहता। बाद में वक्त होगा और मौका आवेगा तो अर्ज करूंगा। मगर आनरेबुल मिनिस्टर साहब ने मौका बेमौका हमको इसके बारे में उम्मीदें भी दिलाई कि इसके बारे में इन्साफ किया जायेगा। लेकिन आनरेबुल मिनिस्टर साहब की ताकत में जतने थोड़े रिसोर्सेज हैं, उनके मुताबिक पूरी ताकत गवर्नमेंट आफ इन्डिया को हासिल नहीं है, गवर्नमेंट आफ इन्डिया को पूरी शक्ति हासिल नहीं है जो पूरा रिलीफ हर शख्स को दे सके। मैं ने आनरेबुल मिनिस्टर साहब की खिदमत में एक पुराने बिल के वक्त अर्ज किया था कि यहां के लोगों के लाखों रुपये उन रिफ्यूजीज के जिम्मे रह गया जो कि पाकिस्तान चले गये। उन्होंने कहा कि उन के केसेज को भी देखेंगे। लेकिन आज तक उनके केसेज को देखने की नीबत नहीं आयी।

एक लाख गरीब आदमी इन में से उन के रिपोर्ट के अनुसार ऐसे हैं कि जिनको न जमीन ही मिली और न मकान ही मिला और न मुआवजा मिला, वह बहुत ही गरीब आदमी थे। उन के साथ भी कुछ नहीं किया गया। मूवेबुल प्रापर्टी जो हम ने पाकिस्तान में छोड़ी उसका कोई मुकाबिला उस प्रापर्टी से नहीं हो सकता जो मुसलमान यहां छोड़ कर गये। मैं अब इन पुरानी तमाम बातों को ताजा नहीं करना चाहता, आपने जो कुछ अब दिया है उसी के सिलसिले में मैं अर्ज करूंगा कि जितना लिबरली आप इस तमाम चीज को कर सकें वह करें और जितना लिबरली आप इसको इंटरप्रेट कर सकें वह करें।

श्री ए० पी० जैन : जो बात मेरे दोस्त पंडित ठाकुर दास भागवत ने कही है हम इस पर पूरा ख्याल रखेंगे और जितनी ज्यादा से ज्यादा सहूलियतें हम दे सकेंगे वह देने की कोशिश करेंगे।

**Mr. Deputy-Speaker:** The question is:

In page 3, line 15, for "has" substitute "had".

*The motion was adopted.*

**Mr. Deputy-Speaker:** The question is:

In page 3,

(i) line 22,—omit "shall be made"

(ii) line 23,—for "without giving the person concerned" substitute "shall be made without giving him".

*The motion was adopted.*

**Mr. Deputy-Speaker:** The question is:

"That clause 6, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 5, as amended, was added to the Bill.

**Clause 6.**—(Powers of Settlement Officers)

*Amendment made:*

In page 3, lines 36 and 37, for "a person who is a minor" substitute "persons who are minors".

—[Shri A. P. Jain]

**Mr. Deputy-Speaker:** The question is:

"That clause 6, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 6, as amended, was added to the Bill.

Clauses 7 to 12 were added to the Bill.

**New Clause 13.**—(Repeal of Ordinance 3 of 1954)

*Amendment made:*

In page 4, after line 37, add—

"13. Repeal of Ordinance 3 of 1954.—(1) The Displaced Persons (Claims) Supplementary Ordinance, 1954 (3 of 1954) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act; as if this Act were in force on the day on which such thing was done or action was taken."

—[Shri A. P. Jain]

*New Clause 13 was added to the Bill.*

Clause 1 was added to the Bill.

**Long Title**

*Amendment made:*

In page 1, in the Long Title, for "continuance" substitute "disposal".

—[Shri A. P. Jain]

**Mr. Deputy-Speaker:** The question is:

"That the Long Title, as amended, stand part of the Bill."

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*The motion was adopted.*

*The Long Title, as amended, was added to the Bill.*

*The Enacting Formula was added to the Bill.*

**Shri A. P. Jain:** Sir, I beg to move:

"That the Bill, as amended, be passed".

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill, as amended, be passed."

I will allow hon. Members who have not taken part so far, to speak.

**श्री श्री० श्री० देशपांडे :** उपाध्यक्ष महोदय, बहुत बड़े ही शब्दों में मैं इस विषय पर इस कारण से बोलना चाहता हूँ कि इस बिल से, इस विधेयक से, बहुत से लोगों के अन्तःकरण में आशाओं का निर्माण होता है। बहुत वर्षों से रिफ्यूजीज के अन्तःकरण में यह आशा निर्माण हो रही है कि हम को कुछ मुआवजा मिलेगा। यहाँ एक सुन्दर किताब भी आई है जिसमें मोहिनी देवी की बड़ी मोहक कथा भी है और आरम चरित्र का भी कुछ भाग इस में दिया गया है। यह देखने के पश्चात् बहुत लोगों के हृदय में यह आशा हो रही है—एक लाख तक और दस लाख रुपये तक के फिगर्स सब इसमें दिये हुए हैं, कि हमको पैसे मिलने वाले हैं। मैं अभी इस कारण कह रहा हूँ और शरणार्थी भाइयों को बतलाना चाहता हूँ कि यह सब पढ़ने के बाद मेरे हृदय में एक सुमाषित संस्कृत का दोहा याद आता है, जिसमें कहा है :

"रे रे चतक सावधान मनसा मित्रः क्षणं भ्रूयताम्।

अम्भोवाः बहुवो वसन्ति गगने ॥"

चातक पक्षी को कहा है कि वह बादलों की तरफ देखता है और समझता है कि बारिश होगी और उसे पानी मिलेगा। मैं बतलाना चाहता हूँ कि आकाश में जो बादल होते हैं

[श्री बी० जी० देशपांडे]

वह सब सरीखे नहीं होते हैं। कोई बादल होता है बारिश करता है और कई ऐसे बादल होते हैं जो गर्जना करते हैं और बीच में किसी का बोलना सुनना भी नहीं चाहते हैं परन्तु बरसते नहीं। इसी वास्ते आगे कहा है : "यं यं पश्यसि तस्य तस्य पुरतः माब्रहि दीनं वचः।" जिसको जिसको देखते हैं उन के आगे दीन वचन न कहो।

इस वास्ते मुझे कहना है कि अन्तर्कालीन जो योजनायें हैं इन से भी किसी का खास हित होगा, ऐसा मैं नहीं समझता हूँ। ग्रामीण लोगों की भूमि के बारे में मैं परसों ही पेप्सू गया था। वहाँ राजपुरा में बहावलपुर के बहुत से लोग मुझे मिले। मैंने वहाँ देखा कि छोटे छोटे घर लोग लिये हैं। किस तरह वह लोग पाकिस्तान से यहाँ आये और यहाँ आने के बाद किस तरह से मकान उनको मिले हैं और उसकी कितनी कीमत लगाई गई है, २८०० रुपये और २५०० रुपये में वह मकान मिले हैं जिन मकानों के बनाने में सात सौ या आठ सौ रुपये से अधिक नहीं लग सकते थे। फिर हमको कहा जाता है कि जल्दी जल्दी विधेयक को स्वीकार कर लो, नहीं तो इस में देरी होगी। मुजफ्फरनगर के लोग परसों मेरे पास आए और उन्होंने बताया कि किस तरह उनके साथ बरताव होता है। किराये के बकाये के लिये उनको गिरफ्तार किया गया है और उनका सामान कुर्क हुआ है। रिफ्यूजी अफसर एक बात कहता है और कलक्टर दूसरी बात कहते हैं। इस तरह से उनका कोई काम नहीं चलता।

फिर यह कहा जाता है कि हमने उनको मुआवजा दिया, घर दिया, जमीन दी लेकिन सिन्ध के, सरहद के और बहावलपुर के जो शरणार्थी आए हैं, बहावलपुर के लोगों को कहा जाता है कि पेप्सू में रहना चाहिये और वह वहाँ रहना चाहते हैं। लेकिन यह

सब होते हुए भी, दोनों पंजाब के लोगों को तो पेप्सू में जमीन दी जाती है, लेकिन बहावलपुरियों को पेप्सू में जमीन नहीं दी जाती है।

इस प्रकार से उन सब के साथ अन्याय हो रहा है और आपकी यह जो सरकार की इतनी बड़ी मशीनरी बनी हुई है, मैं समझता हूँ कि उनका इस प्राबलम को हल करने में ह्यूमन एप्रोच नहीं है बल्कि प्रोपेगेंडिस्ट एप्रोच है, प्रचारकों का एप्रोच है। मैं तो समझता हूँ कि इस के लिये आपको एक ह्यूमन एप्रोच अपनाना चाहिये और सरकार को इस प्राबलम को हल करने के लिए अपने पास से भी रुपया खर्च करने में संकोच नहीं करना चाहिये। पुरुषार्थियों की समस्या आप तभी सफलतापूर्वक हल कर सकते हैं जब आप इसको वार फुटिंग पर ट्रीट करें, सरकार को हमारे पुरुषार्थियों की सहायता के लिये अपने पास से सौ, दो सौ, चार सौ करोड़ रुपया देने के लिये तैयार हो जाना चाहिये और उस अतिरिक्त धन राशि के लिये आप देश से मांग करिये और शीघ्र से शीघ्र उन को मुआविजे की अदायगी का जो प्रश्न है, उसको हल करिये। मुझे पता नहीं है कि इस प्रकार की अन्तर्कालीन योजनायें कब अमल में आयेंगी और कैसे आयेंगी। इसके अलावा इस योजना में जो और छोटी छोटी बातों का जिक्र है, उनका मैं भी समर्थन करना चाहता हूँ। मेरा विरोध इस सम्बन्ध में केवल इतना है कि इस योजना को बड़ा लम्बा किया जा रहा है और यह कोई निश्चय अभी तक नहीं हुआ है कि हमारे भाइयों को उनके मुआविजे का पैसा कब देना है। निश्चय तो मेरी समझ में शायद हो गया है, लेकिन कुछ देना नहीं यह निश्चय हुआ है। इस दृष्टि से इसको लम्बा कर रहे हैं और इस योजना में भी आप इस प्रकार की रुकावटें लगा रहे हैं

जिससे बाद में आने वालों के लिये जिनके क्लेमस अज्ञानवश, उनको पता न लगने के कारण या आफिस की गलती के कारण यहां रखे नहीं गये हैं, उनको आप इस में शामिल करने की सुविधा देने को तैयार नहीं हैं। इससे यह भी मालूम पड़ता है कि शायद पैसा मिलने वाला है, इसीलिये यह स्ट्रिक्ट-नेस बर्ती जा रही है, लेकिन फिर डर होता है कि पैसा भी मिलने वाला नहीं है और सक्ती भी हो रही है। सरकार की इस नीति के कारण लोगों के हृदय में एक इरीटेशन पैदा हो रहा है। यहां संसद् में तो हमारे मंत्री महोदय पर बधाई की वर्षा होती है, लेकिन रिपयूजीज कोलोनीज में जहां मैं घूमता हूं, वहां मैं उन में व्यापक असंतोष ही देखता हूं और अन्त में मैं सरकार से यह प्रार्थना करूंगा कि आप अब और ज्यादा इस प्रकार

की अन्तर्कालीन योजनाओं द्वारा उनको और ज्यादा इरीटेट न करें।

**Mr. Deputy-Speaker:** Now, I will call upon the hon. Minister. Evidently, hon. Members would like to attend another meeting. I think enough has been said.

**श्री ए० पी० जैन :** मुझे अब कुछ और नहीं कहना है, मुझे जो कुछ कहना था, मैं कह चुका।

**Mr. Deputy-Speaker:** The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

*The House then adjourned till Two of the Clock on Wednesday, the 24th February, 1954.*