



Tuesday
18th May, 1954

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers)

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1954

**PARLIAMENT SECRETARIAT
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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

7617

LOK SABHA

Tuesday, 18th May, 1954

*The Lok Sabha met at a Quarter Past
Eight of the Clock*

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

[No Questions: Part I not published]

MEMBER SWORN

Mr. Deputy-Speaker: Shri Asoka Mehta is to be sworn in. I understand we have not received any gazette notification.

Shri Raghavachari (Penukonda): I do not think there is any necessity for a gazette notification.

Mr. Deputy-Speaker: Let me consider over this matter. Should I have a debate on this matter? I am not satisfied that without a gazette notification an hon. Member can take the oath. I would like to look into it without embarrassing any section of the House.

MESSAGES FROM THE COUNCIL OF STATES

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

(i) I am directed to inform the House of the People that the Council of States, at its sitting held on Thursday, the 13th May, 1954,
194 LSD.

7618

passed the enclosed motion concurring in the recommendation of the House of the People that the Council do join in the Joint Committee of the Houses on the Bill to consolidate and amend the law relating to companies and certain other associations. The names of the members nominated by the Council to serve on the said Joint Committee are set out in the motion.

MOTION

"That this Council concurs in the recommendation of the House of the People that the Council do join in the Joint Committee of the Houses on the Bill to consolidate and amend the law relating to companies and certain other associations and resolves that the following members of the Council of States be nominated to serve on the said Joint Committee:—

1. Dr. P. Subbarayan
2. Shri S. P. Jain
3. Shri Somnath P. Dave
4. Dr. R. P. Dube
5. Shri B. K. P. Sinha
6. Dr. Nalinaksha Dutt
7. Shri R. S. Doogar
8. Shri Jaspat Roy Kapoor
9. Shri S. Chattanatha Karaylar
10. Shri Amolakh Chand
11. Shri M. C. Shah
12. Shri V. K. Dhage
13. Shri G. Ranga
14. Shri Satyapria Banerjee

15. Shri B. C. Ghose
16. Dr. P. V. Kane."

The above motion was passed by the Council of States at its sitting held on Thursday, the 13th May, 1954.

(ii) I am directed to inform the House of the People that the Council of States, at its sitting held on Saturday, the 15th May, 1954, passed the enclosed motion concurring in the recommendation of the House of the People that the Council do join in the Joint Committee of the Houses on the Bill further to amend the Code of Criminal Procedure, 1898. The names of the members nominated by the Council to serve on the said Joint Committee are set out in the motion.

MOTION

"That this Council concurs in the recommendation of the House of the People that the Council do join in the Joint Committee of the Houses on the Bill further to amend the Code of Criminal Procedure, 1898, and resolves that the following members of the Council of States be nominated to serve on the said Joint Committee:—

1. Shri K. Madhava Menon
2. Shri T. S. Pattabiraman
3. Shri Barkatullah Khan
4. Shri Biswanath Das
5. Shri Sumat Prasad
6. Shri Jasaud Singh Bisht
7. Shri Gopi Krishna Vijaivargiya
8. Diwan Chaman Lall
9. Shri Kailash Bihari Lall
10. Shri P. T. Leuva
11. Shri Shyam Dhar Misra
12. Shri M. P. N. Sinha
13. Shri S. N. Dwivedy
14. Shri T. Bhaskara Rao
15. Shri P. Sundarayya
16. Shri Mohamad Roufique.

The above motion was passed by the Council of States at its sitting held on Saturday, the 15th May, 1954.

(iii) In accordance with the provisions of rule 101 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to inform the House of the People that the Council of States at its sitting held on the 15th May, 1954, agreed to the following amendment made by the House of the People at its sitting held on the 8th May, 1954 in the Shillong (Rifle Range and Umlong) Cantonments Assimilation of Laws Bill, 1954:—

"That at page 1, for line 1, substitute—

'Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:—'

(iv) In accordance with the provisions of rule 101 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to inform the House of the People that the Council of States at its sitting held on the 15th May, 1954, agreed to the following amendment made by the House of the People at its sitting held on the 8th May, 1954 in the Himachal Pradesh and Bilaspur (New State) Bill, 1954:—

"That at page 1, for line 1, substitute—

'Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:—'

(v) 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 Industrial Disputes (Amendment) Bill, 1954, which has been passed as amended by the Council of States at its sitting held on the 15th May, 1954.

INDUSTRIAL DISPUTES (AMENDMENT) BILL

Secretary: Sir, I beg to lay on the Table of the House the Industrial Disputes (Amendment) Bill, 1954, as passed by the Council of States.

PAPERS LAID ON THE TABLE

ANNUAL REPORT OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES FOR THE PERIOD ENDED 31ST DECEMBER, 1953.

The Minister of Defence Organisation (Shri Tyagi): I beg to lay on the Table, under article 338 of the Constitution, a copy of the annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the period ended the 31st December, 1953.

[Placed in Library. See No. S-177/54].

CORRECTION OF ANSWER TO SHORT NOTICE QUESTION

The Deputy Minister of External Affairs (Shri Anil K. Chanda): Sir, the statement, "Yes, Sir. We held a *post mortem* examination on the dead body and one bullet wound was found on the right side of the body and two on the left", made by me in reply to a supplementary by Shri S. N. Das arising from the Short Notice Question No. 5 asked in the House on the 11th March, 1954, was inaccurate as later reports about the incident revealed that the *post mortem* examination was carried out by Pakistani authorities. I, therefore, seek the permission of the House to correct my earlier statement which may be substituted by the following:—

"Yes, Sir. The *Post mortem* examination on his dead body was held by Pakistani authorities and one bullet wound was found on the right side of the body and two on the left."

CORRECTION OF ANSWER TO STARRED QUESTION

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): Sir, replying to the supplementary question* by Shri Bansal, "Is it a fact that Chairman of both the National Sample Survey and the National Income Unit is the same person?" I replied: "Yes, Sir. The Chairman is the same person". I wish to correct that statement:

"Neither the National Sample Survey nor the National Income Unit has a Chairman".

What I had in mind was that the honorary Statistical Adviser to the Cabinet who, among other things, advises Government on the working of the National Sample Survey also functioned as the Chairman of the National Income Committee which till recently guided the work of the National Income Unit".

AUXILIARY TERRITORIAL FORCE BILL

The Minister of Defence Organisation (Shri Tyagi): I beg to move for leave to introduce a Bill to provide for the constitution of an Auxiliary Territorial Force.

Mr. Deputy-Speaker. The question is:

"That leave be granted to introduce a Bill to provide for the constitution of an Auxiliary Territorial Force."

The motion was adopted.

Shri Tyagi: I introduce the Bill.

MOTION RE INTERNATIONAL SITUATION—Contd.

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the following motion moved by the hon. Prime Minister:

"That the present International situation and the policy of the

* Supplementary Question on Starred Question No. 2199 asked on the 3rd May, 1954.

Government of India in relation thereto be taken into consideration."

along with a number of substantive amendments which have been moved in substitution of this motion.

I understand that Shri Joachim Alva was in possession of the House.

I understand that the Prime Minister stated the other day that he will reply at 9-15 A.M. From 8-20 to 9-15, I can call upon some hon. Members if hon. Members will be short and brief.

Shri Joachim Alva (Kanara): I was referring to China on the last occasion, particularly to the point raised by my hon. friend Acharya Kripalani. I did not get enough time to expand on that. But, I would say that the relations between India and China have been cordial for the last 4000 years and whoever fishes in troubled waters will bring ruin to both the countries which together in area constitute more than one-fourth of this world and command more than one-third of the population of the globe. As I said, we should not lend our ears to foreign propaganda. Our frontiers are common. If we break our frontiers by violence, by the sword, or by fire, we shall have unspeakable horrors facing these populations, which have just awakened after a long slumber of slavery and helotry. If the frontiers between India and China are erased by common understanding and friendship as has been done by the Indo-Chinese Pact on Tibet, the frontiers between China and Russia will also be equally erased out, in the sense that these three great countries would have to live in peace for ever and not be engaged against each other in any kind of warfare.

Turning to Japan, the hon. Prime Minister very seriously and gravely expressed his opinion that it was wrong to have excluded India from the clemency proceedings. It was right and proper for the Allied Governments to rescue the Nazi Generals from the

Allied prisons. They said that unless the Nazi Generals were rescued from the Allied prisons, their Defence programmes would suffer. In the case of Japan, they seem to apply another yardstick altogether. They say that India shall not raise her voice in the matter of clemency for war criminals of Japan. This is a matter which has never occurred in the annals of international jurisprudence: lands, property and status, on the ground of equity, being taken away by some fiat of a Power either in the U.N.O. or amongst the U.S.A. in conjunction with the U.K. Powers. We have heard with sorrow that both the U.K. and Canada have supported the U.S.A.'s view that India shall not be a party to the clemency proceedings. India has always been moved by the highest ideals and we do not consider any one so harsh and rotten enough to go to the gallows. All is fare in war; who is to decide who is more guilty? If people were spared from the gallows from the Nazi prisons, why should another yardstick be applied to the war criminals of Japan?

The U.S.A. and U.K. powers have a peculiar notion of right and justice. The late President Roosevelt desired that both the Communist and Chiang-Kai-Shek regimes in China together sign the San Francisco Treaty. It was done! If President Roosevelt considered that both the parties in China, whether they be Red or the KMT, sign the San Francisco Treaty, we do not see how the New or Red China could be excluded from the counsels of Nations. We have seen how in 1941 General Franco said that he will be happy if the German bombers bombed the American skys rapers. What has happened between 1941 and 1944? What has led to the great love of American people for General Franco? Today, they seem to be making strange company! The "crimes" of General Franco seem to have been forgotten. India has been excluded from the clemency proceedings in Japan, just because India raised her voice of mercy, her voice of non-violence, her voice of

peaceful forgiveness of enemies in a manner that they perhaps did not like, and because we did not sign the San Francisco Treaty.

I want to come to the point of Indo-China. The affairs of Indo-China today have pin-pointed the world affairs. In the foreign affairs debate in 1951 I humbly stated that Napalm bombing had become so fierce that those who had been bombed could neither stand up nor take rest. Today it has been followed by numerous tests of atomic and hydrogen bombs so much so we have forgotten altogether about the ravages of the Napalm bomb which our fellow-brethren in Indo-China have been subjected to. What does it matter for France if 200,000 casualties have occurred, if twenty per cent. of its highest officers and 40 per cent. of its N.C.O. officers have fallen dead and become casualties in the fields of Indo-China. And, as we have read in the papers today that the United States of America is striving behind the back of the United Kingdom and other Powers at Geneva, to come to an agreement with Bao Dai, the token head of Viet-Nam, so much so the United States may be able to fill the vacuum if France quits, and thereby wage a super-bomber battle against the Viet-Minh forces and thus sabotage the peace efforts in Indo-China.

Sir, there are many straws in the wind. Ethiopia's Haile Sellasie is going to America on an arms mission. Some Egyptian Army officers are going to America for military enlightenment. Iranian military officers are again going this year to America, though under Mossadeq they rejected and threw out all American officers. Ceylon is about to be bamboozled into terminating her agreement with China on rubber, though it has still three years to run, under pressure of American intervention; though the British Government has lifted control on shipment of rubber to the Soviet bloc. The British seem to believe in dollars and the Americans above all, in guns!

I want to refer to our own membership in the British Commonwealth. It

is a sore point with us. We seem to have all the burdens of the Commonwealth without any gains.

It is a great pity that the South East Asian Prime Ministers' Conference in Colombo could not pass a resolution about Kenya. Fifty thousand of our fellow-brethren in Africa—brethren in the strictest sense that they are Orientals, possessing the same colour, sentiment, heart and physical features—who possess the finest lands of Africa are crushed and are called to surrender them. We cannot allow this to go on without registering our protest and it is sad to note that the Prime Ministers who met in Colombo could not pass a resolution on the British horrors even though they voiced their protest in regard to Tunisia and Morocco.

The British Commonwealth through its organs of public opinion acts under different tunes. I want to ask one pointed question. What would be the attitude of Britain if Pakistan makes a powwow of the Kashmir issue with the arms supplied to it by America, in its fierce battle against India? What will be the attitude of the United Kingdom, especially when its High Commissioner has said that it directly or indirectly supports American arms aid to Pakistan. This is a very crucial question we shall have to come up against sooner or later. In the next six, eight or fifteen months Pakistan, with the United States arms beside it, will be able to assert itself and make the Kashmir issue a live issue and then we may be rendered helpless. We who have been in this British Commonwealth, we who have depended on the words of British statesmen, who talk one thing here and another thing elsewhere, do not know in what manner Britain will act, whether it will gather its forces on the side of Pakistan and America notwithstanding the fact that Britain has enormous commercial investments in this country.

In the annual report of the B.B.C. for 1950-51 presented to the British

[Shri Joachim Alva]

Parliament there is a very pertinent passage. I want the House to note how the British organs of public opinion, the B.B.C. and other newspapers, say one thing here and another thing elsewhere. They are very touchy when they are told that they are friendly with the other side. The B.B.C. report says:

"The separate services for India and Pakistan have now completed their second year and the indications are that they have achieved a substantial success. The response to the Urdu Service from Pakistan has been gratifying; the service also has a considerable number of listeners in India. At the same time, the Hindi programme for India succeeded in attracting a large Hindu audience."

I want to know how this word 'Hindu' has crept in the report of the B.B.C. presented to the British House of Commons. When it came to India, the listeners were Hindus, but when it went to Pakistan, they were Pakistanis or Urdus. We object to the use of this word 'Hindu' after our objectives of the secular state of India have been proclaimed and practised with all seriousness in this continent of India. The world seems to be full of armaments and bases. We have strategic bases, we have non-strategic bases, and there are over three hundred bases the United States of America has got all over the world. Though it was the object of the late President Roosevelt that the U.N. flag shall fly over all these bases, yet, in practice the U.S. flag has been flying on them. But not all the arms, and the dollars and the atom bombs can blow away the great wave of nationalism sweeping the lands of the East. Here, we have the word of that great man. Justice Douglas of the Supreme Court of the U.S.A. who says on page 317 of his book *Strange Lands and Friendly People*:

"We put billions of dollars behind corrupt and reactionary governments, which exempt the

rich from income-taxes and fasten the hold of an oligarchy tighter and tighter on the nation... The revolutions which are brewing are not, however, communist in origin, nor will they end, even if Soviet Russia is crushed through war. The revolutionaries are hungry men who have been exploited from time out of mind. This is the century of their awakening and mobilisation. The spirit that motivates these people is pretty much the same as the spirit that inspired the French and American Revolutions. For centuries, Asia has been under the domination of the foreigners.Those were mostly forms of imperialism that exploited the nations and left nothing for the peasants. That day is over and done with. Asia is united in one cause, to be rid of the foreigners' domination."

This is the considered opinion of a great judge of the United States of America, who graces the Supreme Court of U.S.A. right at present. He commented thus after a tour of the East, in a most revealing fashion.

Now, a word or two about Goa. The hon. Prime Minister was right in referring to the Papal bull which divided the two parts of the globe amongst the two Powers—Spain and Portugal. It has been said that Columbus, discovered America, when he was actually in search of that "great land of America." He landed in a land of barbarians, at that time it is said. And here, we have the Pope dividing the two parts of the world for the two powers, as if paradise itself was divided between the Portuguese and the Spaniards. Right at that time, the Portuguese put forward certain bans. They said, that no one shall wear a dhoti; no woman shall wear *kumkum*; no woman shall wear a sari and that no one shall rear up a tulsi plant! These four edicts of the Portuguese authorities and imperialists held sway for a long time in Goa. It is a great pity that

a mass of my fellow Catholics in Goa were more attached to Portugal than linked with the ties of loyalty and devotion to the motherland. But in the French possession of Pondicherry, however, the people have been able to brave the rigours of foreign oppression and stand up like men and say, out with the French! But in Goa, it has not been possible for a mass of the Catholic population there has been too much attached to the Portuguese rule, though there have been great and noble exceptions among them; but they have not been able to hurl out the invader, just as the people in the French possessions have been able to do right in front of our eyes!

Finally, a word about Nepal. I want to know why the American Ambassador to Ceylon went to Nepal on a two-day trip; why he left his post of duty in Ceylon, and went away to Nepal. He did not go there to see the flowers and the trees or the kings or the potentates or masses of Nepalis. During the war, while he was in office, he was connected with their Strategic Services.

You know what 'strategic service' means. I want to say, Sir, that offices like those of the Ford Foundation shall not be allowed to be a cover for their activities. In Delhi's Ferozshah Road, there was an office during the war called 'The American Office of Strategic Services'. The paint is removed and today it houses the Ford Foundation. Burma rejected the TCA aid on the ground that all the American centres of relief were in their border areas. If Burma has rejected TCA and Burma believes in self-sufficiency and strength against the foreigner, why is it not meet and proper for India to reject foreign aid and not allow foreigners to establish on our border lines centres of espionage activity so that they may fish in troubled waters?

I have almost done. I want to say one thing. At the 10th Conference of Inter-American Republics held in Caracas (Venezuela) they had a strong resolution on the agenda to condemn

the intervention of international communism in the American Republics. It is said that the American promoters of the Conference wanted a similar resolution to get passed at Colombo. The Conference did not agree, though the 10th Inter-American Conference held in Latin-America passed that resolution. Thank God, our hon. Prime Ministers at the Colombo Conference stood firm, and it is reported—I have it from newspaper reports this morning—that this resolution on intervention of international communism was not passed in the form in which it was placed before the agenda of the Ceylon Conference of Asian Prime Ministers, but that non-Communist agents or non-Communist parties also came in for beating at their hands.

Lastly, I will say one word on the instruments of our foreign policy. It shall not be merely enough that we have a foreign policy. We have a Prime Minister who has perhaps given us the best foreign policy. He will perhaps be known in history as the greatest Foreign Minister our country ever had. Perhaps he is the greatest Foreign Minister in the world today. President Eisenhower has been saying that Mr. Dulles has been the greatest Foreign Minister of the U.S.A. I want to say that the instruments of our foreign policy have to be effective. We cannot send out men to other countries who do not believe in our foreign policy. We cannot send men to China or any other country, men who do not believe in the greatness of the countries to which they are accredited. The instruments of our foreign policy will be perfect when these human instruments are able and patriotic and are real, great representatives of our motherland, who can effectively express the aspirations and the new hopes of our country when we discover and hug such instruments, our country will be blessed with a foreign policy which will indeed be thrice blessed before God and Man!

श्री टंडन (जिला इलाहाबाद पश्चिम) :
उपाध्यक्ष महोदय, मुझ् ईस विवाद के सम्बन्ध

[श्री टंडन]

में अधिक कहना नहीं है। एक बात मुझ को कुछ खटकती रही है। उस अपनी खटक को दूर करने के लिये विदेश मंत्रालय के सामने अपनी बात रख देना चाहता हूँ। मुझे खेद है कि हमारे प्रधान मंत्री जी इस समय यहां नहीं हैं।

साधारण रीति से उनकी जो संसार के सम्बन्ध में नीति हैं, विशेषकर संसार के दो आपस में विरोध करने वाले समूहों से अलग रहने के सम्बन्ध में, उस का मैं समर्थन करता हूँ। मरें विचार में उस नीति के सम्बन्ध में हमारे प्रधान मंत्री ने बुद्धिमानी से काम किया है। परन्तु मुझ जो बात खटकी है वह हाल की चीन के साथ की हुई सन्धि है। तिब्बत के सम्बन्ध में चीन से इस प्रकार की सन्धि करना मुझ को खटकता है। मुझ को ऐसा लगता है कि हमने औचित्य से उत्तर कर कुछ काम किया है।

तिब्बत लगभग १६१४ से स्वतंत्र रहा है। यह सच है कि बहुत पुराने समय से चीन ने उसके ऊपर एक अपना धुंधला सा अधिकार माना है परन्तु उसका कुछ बहुत अधिक मूल्य नहीं था। यह सच है कि तिब्बत के पास बहुत सेनायें नहीं रही हैं। वह संसार के उन विचित्र देशों में हैं, शायद सबसे विचित्र देश, कि जिसने बहुत अधिक सेनाओं में विश्वास नहीं किया है। कुछ थोड़ी बहुत तादाद तो रखी है परन्तु उन्होंने अधिकतर अपने पड़ोसियों की शुभकामनाओं पर विश्वास किया है।

आचार्य कृपलानी (भागलपुर व पूर्णिया) :
उसी का यह नतीजा है।

श्री टंडन : परन्तु चीन ने इधर ५० और ५१ में अपनी सेनायें तिब्बत में भेजकर तिब्बत को मजबूर किया कि वह चीन का अधिपत्य बहुत सी बातों में माने। मुझ याद है जब मैं कालिज में पढ़ता था और एक युवक था, तब १६०४ में कर्नल यंगहजबंड तिब्बत के भीतर गये थे। हम लोगों को वह अच्छा नहीं

लगा था। हम समझते थे कि तिब्बत को परेशान करने के लिए ब्रिटिश गवर्नमेंट की यह एक चाल है। परन्तु यह तो सच है कि कर्नल यंगहजबंड सेना सहित गये, उन्होंने तिब्बत से बातें कीं, और तिब्बत के साथ उन्होंने एक इकरारनामा किया। चीन के साथ नहीं। उस समय तिब्बत के साथ उनकी लिखा पढ़ी हुई। हां यह सच है कि उसके कुछ वर्षों बाद उसी विषय में उनकी चीन के साथ भी लिखापढ़ी हुई और एक एकरारनामा हुआ। यह तो मालूम होता है कि चीन बहुत वर्षों से तिब्बत के अपने सम्बन्ध को इस तरह समझता रहा है कि हमारी कुछ वहां हुकूमत है, जिससे अंगूजी में स्रजरन्टी कहते हैं। तिब्बत वाले दूसरी तरफ यह समझते रहे हैं कि हम स्वतंत्र हैं और सन् १६१४, १५ में यह बात स्पष्ट हो गयी। उस समय तिब्बत की ओर से कह दिया गया कि हम चीन के मातहत नहीं हैं और हम स्वतंत्र हैं। विशेष कर जिस समय पहला संसार युद्ध छिड़ा हुआ था उस समय यह बात स्पष्ट हो गयी थी कि तिब्बत चीन की हुकूमत नहीं मानता और तिब्बत वाले अपने को स्वतंत्र कहते हैं। यों कहने को तो चीन वालों ने नैपाल तक को अपनी हुकूमत के अन्दर माना है। उनका तो यह भी दावा रहा है कि तिब्बत और नैपाल उनके पुराने मातहत हैं। जिस प्रकार बहुत दिन पहले नैपाल ने उस मातहत की दावे पर ठोकर मार दी उसी तरह तिब्बत ने भी ठोकर मार दी। नैपाल ने अपनी फौजें तिब्बत में भेजकर उसके बहुत से भाग पर कब्जा भी कर लिया था। परन्तु पीछे वह हट आया। जिस प्रकार से नैपाल ने ठोकर मारी उसी प्रकार तिब्बत ने भी ठोकर मारी। फर्क इतना था कि गोरखा बन्दूक चला सकता है, लड़ सकता है और मर सकता है और तिब्बत वाले फकीर हैं।

मुझ जो बात अपने सम्बन्ध में खटकती है वह यह है कि हमारा जो कुछ अबतक तिब्बत से सम्बन्ध रहा है वह यह है कि हमारे वहां

क़ुछ छोट्टे मोट्टे व्यापार सम्बन्धी अधिकार रहे हैं। हमार क़ुछ आदमी वहां रहते थे और हमार ताख़र भी थे।

अब हमने अधिकार द् दिया, जहां तक कि हम अधिकार द् सकत हैं, कि चीन तिब्बत को अपने मातहत समझे। मेरा यह तो मतलब नहीं और मैं यह नहीं कहता कि तिब्बत के स्वातंत्र्य के लिये हम फ़ौजें भेज कर लड़ते, यद्यपि पड़ोसी के स्वातंत्र्य के लिए कभी लड़ना भी पड़ता है, आज मैं यह नहीं कह रहा हूं कि आप को इस समय कोई लड़ाई उनसे लेनी थी, लेकिन जो बात खटकती है वह यह है कि अन्याय के साथ चीन ने तिब्बत के ऊपर जो हमला किया और उनकी स्वतंत्रता को हड़प किया जिसमें और कालोनियलिज्म में कोई फ़र्क नहीं है, उसको हमने लिखा पढ़ी में मान लिया। पश्चिम के देशों ने विदेशों में कालोनी बनाने की जो नीति रखी थी, और वह पुरानी नीति आज भी है, उस नीति के विरोध में हमारे प्रधान मंत्री ने बहुत जगह और बार बार कहा है। उन्होंने ठीक विरोध किया है। हमारा देश इसके लिये उनका आदर करता है और संसार का वह भाग जो कालोनी नहीं रखता, वह भी उनका आदर करता है। परन्तु यहां चीन ने क्या किया है? एक गरीब देश जिस के पास सेना नहीं है जो किसी को सताता नहीं है, चीन से क़ुछ मांगता नहीं है, चीन के ऊपर हमला नहीं करता, एक अलग टुकड़े में छोटा सा देश जिसकी बहुत आमदनी भी नहीं है, जिसकी कोई बड़ी जनसंख्या भी नहीं है, जिसके पास सेना नहीं है और केवल नाम मात्र के क़ुछ सिपाही हैं, ऐसे देश से संसार के किसी भी देश को भय नहीं था और न हो सकता था, परन्तु चीन ने उस को हड़प लिया और हिन्दुस्तान ने उस हड़प करने की क्रिया को मान लिया, स्वीकार कर लिया, मुझ को यह चीज खटकती है। क्या यह ठीक किया? बहुत सी अन्दर की बातें मैं नहीं जानता। सन् ५०, ५१ में जो पत्र व्यवहार हमारी गवर्नमेंट ने चीन से किया उसमें उन्होंने आपत्ति की कि तुम ने फ़ौज अपनी क्यों भेजी, हमारी सरकार ने इस प्रश्न

को उठाया, चीन का जो जवाब आया उस जवाब में मुझ शील की कमी लगी और वह एक भद्दे तरह का जवाब लगा। दो पत्र यहां से गये और दो पत्र वहां से आये, वे पत्र छपे हुए हैं उनको मैं ने देखा, उसमें उन्होंने बहुत अभिमान के साथ हम से कहा है कि आप को इसमें कोई गरज नहीं है, आप दूसरे के बहकावे में आकर एतराज कर रहे हैं, उल्टे खुद हमारे विदेश विभाग के ऊपर एक चपत मारी कि आप तो दूसरे के बहकावे में आकर हमको ऐसा लिख रहे हैं और तिब्बत जो उभरा है वह भी दूसरे देशों के भड़काने से उभर रहा है। आखिर यह जवाब उनका क्या था। मुझे तो एके गुंझापन मालूम हुआ। अपनी सेना के भरोसे जो काम उन्होंने किया उसके ऊपर हम चुप हो गये। बहुत से संसार में गुंड़े हैं जिनका अस्तित्व हम को स्वीकार करना पड़ता है, सब राज्य संसार के भलमनसी से नहीं चलते। गुंझापन बहुत से राज्यों के भीतर भी रहता है, जैसे नागरिकों में गुंड़ों के रहते भी उनको बर्दाश्त करना पड़ता है वैसे ही हर प्रकार के राज्यों की स्थिति को कभी बर्दाश्त करना पड़ता है। हर जगह आदमी लड़ नहीं सकता। सो तो मैं मानता हूं और इसलिये मैं लड़ने की बात नहीं कहता, परन्तु आगे के लिये, तिब्बत के भविष्य के लिये, हम ने चीन को उनका मालिक स्वीकार किया, यह चीज मुझ खटकती है और मैं चाहूंगा कि इस विषय को हमारे विदेश मंत्रालय के मंत्री जी क़ुछ और अधिक स्पष्ट करें। मुझ तो वह बात खटकी और नीतिक स्तर से हटी हुई मालूम पड़ी इसीलिये मैं ने अपनी उस खटक को सामने रख दिया।

Kumari Annie Mascarene (Trivandrum): Mr. Deputy-Speaker, Sir, the trend of international affairs during the last few years has brought to the forum of political thinking two fundamental ideas, two fundamental forces of contradictory position: one rising to sublime heights of peace and humanity and the other rising to colossal magnitude of technological achievements of material strength, holding within its

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grip the mighty power to blast planetary position, and even making incursion into cosmic regions. The qualities of the heart inspired by the divine emotion of love and humanity compete with the qualities of the head with its resourceful brain power fathoming the secrets of nature to bring under control the elemental forces of nature the two striving with their respective strength to lead humanity either to the heaven of peace and tranquility or to the destruction and complete annihilation of human race. While the hydrogen bomb assuming monstrous magnitude is looming large on the horizon to terrorise the nations, the messiah of peace, lonesome and defenceless, without any material strength behind pleads the cause of peace: "let us live and let live."

This is not the first time in the history of the human race that such a psychological moment has come—the struggle between moral and material strength—and we have seen in the experience of humanity that moral strength, however weak and defenceless it may be, has prevailed ultimately. The Vedas are not wanting to give us inspiration:

“परित्राणाय साधूनां विनाशाय च दुष्कृतामा
वर्मसंस्थानार्थाय संमेवमि युगे युगे”

I just request you to recall to your memory the history. About 2,000 years ago, in the dim distance, before the advent of the Christian era when humanity was in the throes of conflicting culture and civilization of the eastern waning empires and the waxing power of imperial Rome, when a similar situation like today has risen and the philosophy of love had to confront material strength with its degenerating dissipation and drunken rivalry, a lone voice was heard in the wilderness of the East—a voice divine and more powerful and inspiring than the Delphia oracle itself inspiring humanity with the solace of the sermon on the mount. Blessed are the peace makers for they shall be called the children of God. Years have rolled by unfolding

through the pages of history scourging humanity with its bloodshed ruins and desolations. Empires have risen and fallen and in the meantime we still hear re-echoed the same old message of peace from the summits of that emerald isle floating on the foams of the southern seas from that mystic mansion at Kandy shrouded in the clouds of ancient history and enshrined with the relic of the great peace-maker of India re-echoing through the voice of India the message of peace: "peace for us, peace in our country, peace in our neighbouring countries, and peace in the world. We have this very strong urge for the maintenance of peace. We tend to throw our weight in favour of peace."

The nations of the world stood listening for a time spell-bound to this lonesome voice of peace. The timing bomb sunk deeper into the bosom of the ocean to bury itself against the radio active vibrations of the voice of peace, the war-mongering nations scheming to aggravate the tension of the cold war with the hot explosion of hydrogen bombs had to shelve their schemes in shame, the Pakistan Prime Minister, gloating over the glamour of military aid, had to realise slowly that his Indian brother was right, the Ceylon Prime Minister, dazzled by the diplomatic visit of the Queen at a psychological moment on the eve of the Conference, forgot for a while his pledge of younger brotherhood to India, suddenly opened his eyes and that is worse, Mr. John Foster Dulles ran away from Geneva. The oracular voice of peace neutralised the radio-active nuclear fission and rendered useless the radio-active waves to destroy humanity. And the attitude of the war-mongers became benumbed for a while. And the thirst for blood, exploitation and destruction subsided.

It must be admitted that the contribution of India in the historic conference of Asia was something about which India can be proud of. The Conference of South East Asian Prime Ministers at Colombo was a historic

event when for the first time brought to the forefront of political thinking that the countries of Asia can be crystallised into a democratic majority to look after their own affairs. It was more than a dream for me when I heard that this was only a prelude to a greater and more momentous conference when the East and the Middle East will be brought together again to regenerate that ancient historic civilisation to prevail in this world and be independent of the war-mongering nations.

The greatest achievement of the Asian Conference, I deem to be that resolution which categorically stated that the Eastern countries of Asia wish to remain independent of communist and anti-communist activities and that they want to promote democratic institutions conforming to the will of the people.

9 A.M.

Sir, that is really the crux, the pivot of our foreign policy, and if we remain true to it we are on the high road to peace and prosperity, not only within, but without India. The Conference also brought the idea that here is a chance for the Asian countries to consolidate their political and economic resources to promote better and friendly understandings between the countries. Sir, the repercussion, the reaction of this Conference was seen immediately on the international situation of the day. Indo-China which was on the throes of fire, destruction and ruins, is now almost on the way to cease fire. I hope, the suggestion of India that there should be cease fire negotiations between the countries concerned will be followed and that there will be peace in Indo-China very soon.

Before closing, I wish to stress our ideas, and our opinion about colonialism. It is really surprising to note the way in which the western countries are holding fast to their colonies. I think in the Charter of United Nations, on chapters 11, 12 and 13, the policy as far as colonial countries are concerned, is laid down. This book is written by Mr. John Foster

Dulles and he has rightly written a chapter on colonialism under the heading "Colonial Evolution vs. Violent Revolution". In this he quotes from the United Nations Charter:

"Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories....."

Sir, they categorically suggest:

"to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement"

Mr. Dulles gives his opinion on this policy, and says:

"The acceptance of these principles by all colonial powers was a great act of enlightened statesmanship".

It is only two or three years since this book was written and today the very same Mr. Dulles is trying to help France against the Indo-Chinese. Even the United Nations with all its strength of moral principles standing as a general organisation to do justice to humanity have failed because the whole policy is steered by the American foreign policy. Therefore, Sir, in the next Conference that is going to be convened in East or South-East Asia including the Middle-East, I hope that representatives of the people of more than half the population of the world

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will lay down their ideas, their principles and their policy of regional association and get themselves independent of these so-called humanitarian organisations.

डा० राम सुभग सिंह (शाहाबाद विद्वान):
उपाध्यक्ष महोदय आज जब हिन्दुस्तान चारों ओर से खतरों से घिरा हुआ है, ऐसी हालत में मैं समझता हूँ कि भारत की वैदेशिक नीति का समर्थन करना हम सबों का कर्तव्य है।

आप जानते हैं कि जब से अमरीका विश्व का नीतिवत् करने की फिक्र में पड़ा है तब से वह चारों ओर से विश्व के जितने भी महाद्वेष हैं उन सभी महाद्वेषों में अपना षडयंत्र रच रहा है। पहले पहल अमरीका की दस्तन्दाजी अमेरिकन कांटीनेन्ट तक ही सीमित रहती थी और अमरीका वहाँ पर एक को दूसरे के विरुद्ध उभार कर और अपने आपको बड़ा बनाए रखने में मशगूल रहता था। प्रथम महायुद्ध के बाद कुछ दिनों तक आइसोलेशनिस्ट पोलिसी अख्तियार करने के बाद वह यूरोप के देशों के मामलों में दस्तन्दाजी करने लगा। और दूसरे महायुद्ध के बाद तो उसकी हरकत तमाम विश्व में होने लगी वहाँ तक कि हमारे बार्डर पर भी अमरीकी खतरा उत्पन्न हो गया और पाकिस्तान को मीलिटरी एड देकर अमरीका ने हिन्दुस्तान की सरहद को खतरापूर्ण बना दिया।

हम लोग विश्व में शान्ति का नारा लगाते हैं। सब व्यक्ति यह बात पसन्द करते हैं कि भारत की विश्व शान्ति की नीति है और इसको अच्छी नीति कहते हैं। पीडित जी ने अपनी सारी ताकत लगा कर यह चेष्टा की कि विश्व में शान्ति कायम की जाय लेकिन आज तक उनकी यह चेष्टा उतनी फलवती नहीं हुई जितनी कि होनी चाहिये थी। इसका प्रधान कारण यह है कि अमरीका बार बार दस्तन्दाजी करता है और जितना ही भारत की ओर से शान्ति का नारा लगाया जाता है उतने ही युद्ध के बादल मँडराने लगते हैं।

पहले यूरोप में कुछ जगहों पर लड़ाई का खतरा था लेकिन वह खतरा ज्यों ही दूर हुआ तो वही वास्मांगर लोग कोरिया चले गए। हमने कोरिया में अपनी शान्ति सेना भेजी और वहाँ जो शान्ति स्थापित हुई उसके लिये हम अपने को गौरवान्वित समझने लगे और हम समझते थे कि हम शान्ति के दूत हैं लेकिन उसका यह परिणाम निकलता है कि जितना ही हम शान्ति की फिक्र करते हैं उतना ही युद्ध को हम अपने नजदीक बुलाते हैं। कोरिया में गई हुई हमारी सेना यहाँ पहुँच भी नहीं पाई कि लड़ने वाले भारत के नजदीक आने लगे और आज अमरीकन लोग हिन्दुचीन में हवाई जहाजों से सेना भेजने लगे हैं। यों वह अभी अपनी सेना नहीं भेज रहे हैं, फ्रांस की सेना ही भेज रहे हैं। लेकिन अब वे कहने लगे हैं कि जरूरत पड़ने पर वे अपनी सेना भी भेजेंगे। ऐसी हालत में मैं समझता हूँ कि हम लोगों को शान्ति के पीछे पागल नहीं होना चाहिये।

पीडित जी ने धर्म युद्ध का जो शब्द इस्तेमाल किया है मैं समझता हूँ कि उसको असली रूप में इस्तेमाल करना चाहिए। जब पुराने काल में युद्ध होता था तो जो लोग युद्ध में जाकर लड़ते थे वह ही लड़ते थे और जो लोग नहीं लड़ते थे वे शान्तिपूर्वक अपना काम करते थे। हल चलाने वाला अपना हल चलाता था, पढ़ने वाला पढ़ता था, व्यापार करने वाला व्यापार करता था। मैं चाहता हूँ कि जो लोग युद्ध में फंसे हैं उनको अच्छी तरह लड़ने दिया जाय ताकि जो असुर हैं उनका संघार हो जाय और हम इसको चुपचाप देखते रहें न कि अपने अच्छे अच्छे बून्स को बरबाद करें। आज हमारे बड़े बड़े बून्स दुनिया में शान्ति कायम रखने में लगे हुए हैं। नतीजा यह होता है कि अगर एक जगह युद्ध रुक जाता है तो दूसरी जगह शुरू हो जाता है। यूरोप में युद्ध बन्द हुआ तो युद्ध कोरिया में चला गया और वहाँ से हिन्दुचीन गया। और कोई नहीं कह सकता कि यदि हिन्दुचीन में शान्ति हो गयी तो वह युद्ध पाँडेरी में, गोआ में और काश्मीर में नहीं

आ जायगा। मैं नहीं समझता कि जिस दिन हिन्दूचीन में शान्ति हो जायेगी उस दिन पांडेचैरी, गोआ और काश्मीर में भी शान्ति हो जायेगी।

यूनाइटेड नेशन्स की तारीफ करने में भी हमने काफी शक्ति बरबाद की है। लेकिन आज तक यूनाइटेड नेशन्स ने हमारा क्या काम किया है। एक जमाना हुआ, सन् १९४९ में काश्मीर का मामला उसके सामने पेश किया गया। लेकिन हम देखते हैं कि ब्रिटन वाले और अमरीका वाले इस मामले में यूनाइटेड नेशन्स में क्या कर रहे हैं। आज तक उस मामले का कुछ फँसला नहीं हुआ। आज जो डाग हेमरशॉल्ड यू० एन० ओ० के सेक्रेटरी जनरल हैं उन्होंने जो काश्मीर से अमरीकी अफसरों को हटाने के मामले में रुख अख्तियार किया है उससे मालूम होता है कि यू० एन० ओ० अपनी नीति में कहां तक निष्पक्षता से काम कर सकता है। इसलिये मैं चाहूंगा कि आज जितने हमारे बड़े बड़े बून्स इस तरफ लगे हुए हैं वे उस तरफ ज्यादा ध्यान न दें, सिर्फ थोड़ा ध्यान इस तरफ दें, लेकिन बहुत महत्व न दें कि हमारी कास्ट पर यू० एन० ओ० हो चाहे कामन वेल्थ हो वे सारी दुनिया में शान्ति फैलाए चाहे यहां दिल्ली में और सारे हिन्दुस्तान में असंतोष बढ़ता रहे।

कामन वेल्थ के बारे में भी बहुत लोगों ने उसका औचित्य बतलाया और कहा कि कामन वेल्थ में शामिल होना बहुत जरूरी है। मैं भी समझता हूँ कि कुछ हद तक यह उचित हो सकता है लेकिन हमें देखना है कि कामन वेल्थ वाले दूसरे सदस्य हमारे साथ कैसा बर्ताव करते हैं। डाक्टर मलान साउथ अफ्रीका में भारत की तौहीन करता है, दूसरे पाकिस्तान भारत को जलील करता है। कामन वेल्थ के दूसरे सदस्य जैसे आस्ट्रेलिया, न्यूजीलैंड और सीलोन भी कोई भारत के साथ बहुत अच्छा व्यवहार नहीं कर रहे हैं। कामन वेल्थ में और भी बहुत से मसले हैं। वहां पर साउथ रोडोशिया के प्रधान मंत्री हमारे प्राइम मिनिस्टर के सामने बैठते हैं। मैं नहीं समझता कि ऐसी

जगह रहना भारत के लिये कहां तक उचित है इसलिये मैं प्राइम मिनिस्टर साहब से निवेदन करूंगा कि कामनवेल्थ के बारे में भी जरा ध्यान दें कि हम लोगों को कामनवेल्थ से जितना फायदा होता है उससे ज्यादा घाटा तो नहीं होता है।

इसके साथ साथ मैं अपने देश के हालात पर आता हूँ। आज हिन्दुस्तान में विभिन्न देशों के लोग आते हैं। अमरीका द्वारा यहां पर तरह तरह की हरकतें की जाती हैं। उनको मैं सदन के सामने रखना चाहता हूँ। जैसा कि मैंने पहले बतलाया पहले अमरीका अमीरिकन कॉर्पोरेशन में बन्धा हुआ था लेकिन बाद में वह यूरोप में दखल देने लगा और दूसरे महायुद्ध के बाद फोर पाइंट एड के अन्तर्गत हमारे यहां अमरीका इकानमिक एड और टेक्निकल एड दे रहा है। उसकी तरफ से यहां शिक्षा देने के लिये प्रशिक्षण खोले जा रहे हैं और अब फोर पाइंट प्रोग्राम के अन्तर्गत फिजिकल ट्रेनिंग भी उसकी तरफ से दी जाने लगी है। ऐसी हालत में हमको समझना चाहिये कि उनकी हरकत क्या है।

आज अमरीका में चारों ओर से हमारी सरकार को और प्रधान मंत्री को गालियां दी जाती हैं। उनमें कुछ लोग ऐसे भी हैं जो कि भारत की तारीफ करते हैं और वहां के प्रधान मंत्री की तारीफ करते हैं परन्तु ऐसे बहुत कम लोग हैं। इनकी अपेक्षा अमरीका के शासन से सम्बन्ध रखने वाले ऐसे लोग ज्यादा हैं जो कि गाली देने वाले हैं। उनकी स्पष्ट नीति यह है कि हम दुनिया को अपने चंगुल में रखें। इस लिये उन्होंने पहले ग्रीस और टर्की को सहायता दी और उसके बाद यूरोप को मार्शल एड के रूप में सहायता दी। तीसरे उन्होंने एटलांटिक ट्रीटी के रूप में एक संगठन खड़ा किया और आखिर में मिडिल ईस्ट में एक डिफेंस ऑर्गेनाइजेशन बनाने की चेष्टा की। लेकिन मिडिल ईस्ट वाले उनके चंगुल में नहीं आए। उसका परिणाम यह निकला कि डाक्टर मुसादाद की सरकार को उलट दिया गया और

[डा० राम सुभग सिंह]

नाज़िमूद्दीन की सरकार को खत्म कर दिया गया। आज डिमोक्रेटिक कहलाने वाले दश इस तरह के काम कर रहे हैं। आज हमारे प्रधान मंत्री बहुत ज्यादा पापुलर हैं। अगर वह अमरीका की नीति को अच्छरशः कार्यान्वित नहीं करेंगे तो हो सकता है कि अमरीका इस पर भी तैयार हो जाय कि हमारे यहां भी अमरीकन नीति का समर्थन करने वाली सरकार बनावे। इसीलिये हमको सावधान होना चाहिये। इसी नीति का पालन करने के लिये उन्होंने पाकिस्तान को मदद देनी शुरू की है।

आप श्री डलेस को जानते हैं। वह जिस तरह से पॉलीटिकल इंटींग्स करते हैं उसी तरह से स्पिचुअल इंटींग्स भी करते हैं। यहां के विदेशी मिशनरियों पर पानी की तरह रुपया बहाया जाता है। आज मैं चाहता हूं कि हर आदमी को धार्मिक स्वतंत्रता हो चाहे वह किसी भी धर्म का हो। लेकिन अमरीका की शक्ति या सत्ता को जमाने के लिये आज हिन्दुस्तान में और बड़े बड़े दशों में रुपया भेजा जाता है। आज पाइंट फोर प्रांगाम के अन्तर्गत अमरीका सारे दशों को पॉलीटिकल, इकानामिक, स्पिचुअल, जितनी भी तरह की सहायता हो सकती है या जितने भी ढंग हो सकते हैं उन सभी ढंगों से अपने चंगुल में लाने का प्रयत्न कर रहा है। और मुझे दुःख है कि भारत सरकार भी इस मामले में अमरीका के सामने झुक गयी है। हिन्दुस्तान के प्रधान मंत्री को और भारत सरकार को चाहिये था कि वे पाइंट फोर प्रांगाम के अन्तर्गत तनिक भी इकानामिक और टेक्निकल एड अमरीका से न लें। जिस तरह से प्रधान मंत्री जी को नेशनल प्लान के लिये लोग करोड़ों रुपये का ऋण दे रहे हैं उसी तरह अगर तनिक भी भारत सरकार की तरफ से गौर होता तो हमारे दश की औरतें जिनके पास कुछ भी नहीं है वे प्रधान मंत्री के कहने पर उनके पैरों में अपने गहने रख देतीं ताकि विदेशी षडयंत्र को खत्म किया जाता और जितनी जरूरत होती वह सभी पूंजी प्राप्त हो

जाती। लेकिन भारत सरकार उस वक्त चुक गई और मैं चाहूंगा कि प्रधान मंत्री अपनी उस चुक को भारत सरकार उस गलती को कबूल करें और अमरीका से एड लेना बन्द करें। वैसे तो पन्द्रह परसेंट एड कम्युनिटी प्रोजेक्ट्स के लिये मिलती है लेकिन जितने भी कुल ५५ या ५६ प्रोजेक्ट्स हैं, लोग यही समझते हैं कि वह सारे प्रोजेक्ट्स अमरीकन रुपये से चल रहे हैं, पांच २ और छः २ गाड़ियां एक २ जगह चलती हैं, ऐसी जगहों पर हिन्दुस्तान की भूमि में अमरीका का प्रचार नहीं होने देना चाहिये कि यहां पर अमरीका के साधारण एग्रीकलचर और इंजीनियरिंग स्कूल का कोई आदमी आए और वहां पर हिन्दुस्तान के कम्युनिटी प्रोजेक्ट एरियाज में एस० डी० ओ० उसको सलाम करे और गांव में जब वह जाए तो गांव में लोग चारों ओर उसे सलाम करें, क्योंकि अगर यह चलने दिया जाता है तो लोग समझने लगते हैं कि सब कुछ अमरीका का है और कितनी जगह मैंने सुना है कि उन प्रोजेक्ट्स को लोग अमरीकी प्रोजेक्ट्स कहते हैं। ऐसी हालत में हिन्दुस्तान को अमरीका के खतरों से बिल्कुल सजग हो जाना चाहिये। इसके साथ मैं उस आलोचना को भी ठीक नहीं मानता जो कुछ भाइयों ने जो अभी हाल में समझाया हुआ है उसके बारे में की है। मैं तो मानता हूं कि तत्काल में जो हाल में चीनी कम्युनिस्ट सरकार वहां कायम हुई, कम्युनिस्टों ने जब तत्काल पर अपना अधिकार जमा लिया, तो उससे कोई सीध करने की आवश्यकता थी। लेकिन आज चीन के साथ सीध करके भारत ने एक रियोलिटी को स्वीकार किया है। चीन हमारा पड़ोस का देश है, इन सभी देशों से हमें मित्रता का नाता जोड़ना चाहिए लेकिन जो विदेशी इंपीरियलिस्ट्स हैं वे चाहते हैं कि जितने भी दुनिया के छोट और कमजोर मुल्क हैं और जो हाल तक उपनिवेश रह चुके हैं उन सबों को अपने साम्राज्यवादी चंगुल में रक्खें, तो मैं कहूंगा कि दुनिया को ऐसे साम्राज्यवादी देशों से सावधान रहना

चाहिये। मैं उम्मीद करूंगा कि हमारा प्रधान मंत्री जी जो हिन्दुस्तान के ही नहीं बल्कि विश्व में एक शान्ति के प्रतीक हैं, ईमानदारी के प्रतीक हैं वह इस चीज को लेकर आगे बढ़ेंगे और दिखा देंगे कि साम्राज्यवादियों का बड़बुद कम से कम हिन्दुस्तान में नहीं चल पायेगा और उसका प्रभाव एशिया में भी पड़गा और इस तरह से विश्व में शान्ति कायम हो सकती है।

Shri S. N. Agarwal (Wardha): The Prime Minister's speech of Saturday last was, I think, one of the most important pronouncements on India's foreign policy. In the world of today, which is torn by fear, mutual suspicion and hatred, his ideal of collective peace is certainly more revolutionary than the idea of collective security. This collective peace is not the peace of the grave, it is not the peace born out of fear and hatred, it is not the peace of the Peace Conferences that shed more heat than light, but it is peace which is dynamic, which is constructive, and which tries to offer some definite suggestions for establishing an international order.

Acharya Kripalani told us that foreign policy ought to be a national policy. I have no doubt in my mind that our foreign policy is a national policy, and that it commands the respect and confidence of a very large section of our population. I think our Prime Minister consults Members of the Opposition, much more than, I think, any Prime Minister does in any part of the world. I am also glad that Shri H. N. Mukerjee did admit that India should be left alone, that neither the communist nor the anti-communist forces should try to spread their sphere of influence in this country. But it must be made very clear by us that when we criticise the American-Pakistan pact or when we criticise the U.K. for the recent arrangement that they have made of clemency to be shown to the Japanese war criminals, we do not unwittingly desire to walk into the trap of another power. India is determined to steer clear of all the

blocs. We are neither pro-Russian nor pro-American; we are neither anti-American nor anti-Russian; if I may put it, we are pro-good and anti-evil. This does not mean however that we want to pursue a policy of isolation. We want the goodwill of all. We want to extend our hand of friendship but on our own terms. We do not want to accept help with any political strings. But certainly we welcome help which is motivated by good intentions. At the same time, when we talk of the Pakistan-American pact, we have made it very clear that we are not against it because there is any kind of immediate danger to us, but because we strongly feel that it has reversed the process of liberation in Asia, and we are not prepared to barter away our freedom for a mess of pottage.

Dr. Malan, the Prime Minister of South Africa, sometime ago said that the Prime Minister of India had an eye on Africa. Sir, we have an eye on Africa, and in the eyes of the Prime Minister are contained the eyes of 360 million people of this country. This eye is not the eye of greed, it is not the eye of imperialism, it is not the eye of aggression; it is the eye of goodwill and sympathy for the millions of Africans who are struggling for liberation in that land.

About foreign pockets, there has been much of discussion and heat. The foreign pockets or the territories held by France and Portugal are the blood of our blood and the bones of our bones and we are determined that through their own efforts, through their own non-violent resistance they will achieve their goal. The Prime Minister of Portugal said that in case of further struggle, he would leave Goa as a ravaged land. It is really surprising how imperialisms die so hard. I hope they will read the sign of the times and realise that satyagraha knows no defeat. We do hope that the people of Goa and Pondicherry will continue their liberation struggle in the Gandhian way, as we did, and I

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am absolutely sure in mind that their success is sure.

The Prime Minister has also raised his powerful voice against the hydrogen bomb. This hydrogen bomb, this attempt to crush and destroy humanity, is certainly a crime against nature. It is a sin against humanity; it is even blasphemy against God. But I also realise that this hydrogen bomb cannot be destroyed merely by raising our voice against it, merely by pursuing a foreign policy which steers clear of both the blocs. As the Prime Minister said some time ago, the hydrogen bomb represents a Titanic struggle between two economic ideologies, the ideology of capitalism or *laissez faire* and the ideology of totalitarianism. Unless we are able to evolve a kind of ideology, a middle way—I do not like to use the words 'mixed economy'—a middle economy, a golden mean economy or a balanced economy in this country, it will be difficult for us to provide an effective answer to the hydrogen bomb. Gandhiji showed to us the middle way, showed to us the way of decentralisation of power, both political and economic, showed to us how economically we can be self-sufficient and yet we can be in tune with the universe. It is this kind of economic and social ideology that India is trying to evolve, and evolve quickly, and therefore we can say that we are not only trying to remain aloof from both power blocs but also trying to evolve an economic ideology which will show a better way and a better world to live in. I have no doubt that India is a land of destiny and that our Prime Minister is a man of destiny and that in any kind of emergency, the country will stand solidly behind him.

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): Mr. Deputy-Speaker, it was my intention,—and to some extent is,—with your permission, to speak in Hindi, but I may be permitted to reply to some points raised by hon. Members opposite in English because I wish them to understand

those points and then I may be permitted to be bilingual in my speech.

Dr. Lanka Sundaram made some references to the inner line. The inner line was originally determined as far back as 1873 and it runs all along the frontier. Generally speaking, the line is about 75 to 40 miles from the border in the U.P. and the Western Himalayas; in Assam it is, in certain places, about 100 miles from the frontier. Recently, a much stricter scrutiny is being applied to the issue of passes for the inner line. About the question of altering the inner line, of course, it is open to us by notification to alter it; no fresh law is necessary and it can always be done; we have not considered it necessary to alter it, but we shall certainly keep that matter in view, and as soon as we consider it necessary, we shall extend the area beyond the inner line.

Then he referred to foreign missions. There are nine mission establishments in that area, not all of them on the other side of the line. As far as I can gather, only three of them are beyond the line and six on this side. Of the three beyond the line too, two have become largely *functus officio* and one only more or less functions under considerable restrictions in regard to the area it can move about. Government do not, of course, permit the establishment of any other foreign mission or any kind of foreign establishment there. These missionaries there have established welfare hospitals, orphanages and agricultural farms, but as I said, inside the inner line, there is in effect only one mission functioning at the moment, so far as I can say, subject to confirmation from the U.P. Government.

I might, in this connection, refer to a connected matter. We talk about the inner line and Christian missions etc., and there is sometimes an argument. Questions are put here or elsewhere about the activities of Christian missionaries or about the activities of others against Christian missionaries or both. Now, so far as Government

is concerned, we do not look upon this point from the religious point of view, but purely from the political point of view. Christianity, of course, is a very old-established and respected religion of India. We respect it: millions of our people are Christians; many are represented here. There is no question of any religious bias at all. The difficulty arises when we consider it in two ways. One is, that these people are directly near the border, where we look upon any foreigner, if I may say so with all respect, with suspicion. In other places we do not suspect anybody, unless there is reason for suspicion. In the border we suspect everybody, unless there is reason not to suspect. That is our approach. It is these political reasons which weigh there. Another aspect of these foreign Christian missionaries—it does not apply, of course, to our indigenous missionaries or others—is that sometimes difficult local problems and difficult social problems are created by an excess of foreign establishments and foreign missionaries. So, as I said, our approach to these problems is essentially a political approach and not to create problems for the future.

There are a large number of missionaries from abroad in this country running into many many thousands and many of them are doing excellent work. We welcome that work, medical work, educational work and the rest. But there is this fact to be remembered, that the creation of large foreign populations in the country undoubtedly creates problems of all kinds. Therefore, we are not in favour of additions to this; individuals apart, we do not wish this number to increase, because that will lead to fresh problems, as one can see in other countries of Asia they have given rise to problems of all kinds. I need not go into that, because it is not my subject today—I just wished to mention it.

Then Dr. Lanka Sundaram referred to the question of passports. Now a passport is intended to give the holder of the passport protection in foreign countries. It is perfectly true that

there is no law to compel him to take a passport, and there is no law to prevent him from leaving the country without a passport. He can do that. The issue of a passport everywhere is within the discretion of the executive authorities, that is to say, here the President of the Union. The authority may be exercised on his behalf by the State Governments. Now, while a person can under law leave India without a passport if he chooses, in fact he finds it difficult to do so, because no steamship company or air company will take him unless he has a passport. Unless he has a passport, the country at the other end will not allow him to land there, and the steamship company or air company will have to bring him back and they do not wish to bring him back for nothing. Not only is a passport necessary, but a visa also is necessary from the other country. So that, while a passport is not necessary in law for a person to go abroad, in fact, without a passport it is very difficult for him to leave or to go anywhere else.

Dr. Lanka Sundaram said that thousands of passports have been refused. May I, in this connection, bring to the notice of the House that this very question was raised in the Madras High Court two years ago by a Member of the Madras Legislative Assembly who had been denied a passport, or rather the extension of the passport. The Madras High Court said:

"The passport gives to the recipient the benefit of the protection of the Government issuing it. But can it be said, anyone has got a right to obtain a passport to any particular country. We think not. Even when a passport has been granted to an individual the State cannot be compelled to exercise its protection over that individual in a foreign country. The matter is absolutely in the discretion of every State."

Some figures about the issue of passports and the refusal of passports might interest the House. We have

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complete figures and we had collected them for the six months in 1953—that is, from the 1st March to the 31st August. During these six months, 41,416 passports were issued and 1,348 applications for passports were refused. Out of these 1,348, 1042 were refusals in Punjab. That is, there were relatively few refusals in the other States. The large number of refusals in Punjab is due to the fact that a very large number of applicants who were almost illiterate agriculturists and most of them not very well off financially wanted to proceed to the United Kingdom to become petty pedlars and it was not our policy to encourage this. The difficulty is there and so we have to refuse passports. The normal practice in regard to the grant or refusal of passports is to accept the advice of the State concerned.

Dr. Lanka Sundaram referred—one or two other hon. Members also referred—to the fact that I had not said anything in my opening address about Pakistan and about Kashmir. The criticism is certainly justified because our relations with Pakistan and our problems with Pakistan are highly important. Nevertheless, I did not say anything because I had nothing fresh to say about it. It is perfectly true that many developments have taken place in Pakistan recently—both in Eastern Pakistan and Western Pakistan—and they continue to take place. We are greatly interested in them for the simple reason that we are interested in our relations with Pakistan. We want them to be friendly and co-operative and anything that occurs there which might have any effect on our relations is of interest to us. We are deeply interested. But because we are deeply interested, it does not mean or follow that we should in any way, directly or indirectly, interfere in them.

For instance, the hon. Member said that I should invite Mr. Fazlul Huq for a quiet chat. Mr. Fazlul Huq is my old friend and it is—I do not exactly know—30 or 40 years since I first met him and I will always be

happy to meet him. But if we discuss any matter relating to Pakistan, it is with the Pakistan Government—the Central Pakistan Government—or their representatives and not with the Governments of the States or Provinces of Pakistan.

In regard to Kashmir, a reference was made to the President's Order which was issued about three or four days ago. Many comments have also appeared in regard to that Order. That Order was important in so far as it went but one must remember how far it went and must not add or give greater importance to it than it actually possesses. We have discussed this question of Kashmir repeatedly here; nevertheless, because of the abundance of facts occurring one after another, one is apt to get a little confused. In October 1947, the first accession took place—the accession of Kashmir to India. That accession was in law, according to us, complete. It was as good an accession as of any State in India. Then of course came trouble. Now, later, in regard to the other States, a year or two later, the accession on the three subjects of Defence, Foreign Affairs and Communications was extended in regard to other States, and they became intimate parts of our new Constitution which we were drafting in 1949 and which was finalised at the end of 1949. That is to say, the position of Kashmir and the other States was identical to begin with in regard to accession. But the others, as a matter of constitutional development and because we wanted them to be full parties to our Constitution, came into this picture. Kashmir did not make that development, although the accession itself was complete like the other accessions. It could not come in then because for a year or two there were military operations going on. After that, and during that period too, the matter became much more complicated because it became an international matter, and we wanted to wait and we could not do anything, naturally, without the concurrence of the Kashmir Government and the Kashmir people.

Three years afterwards the Kashmir Government decided to have elections for a Constituent Assembly. There were elections. There was a Constituent Assembly. When their Constituent Assembly came into existence, it became necessary for us to determine precisely what our relations were. It was easy enough till then to leave the matter rather fluid. The basic fact was not fluid, the basic fact of accession on three subjects. These three subjects were in fact each a category of subjects. What does Defence mean? You sit down and make a list. What does Foreign Affairs mean? What does Communications mean? We attempted to do it. Some attempt was made at the time this Constitution was finalised at the end of 1949. Even then we could not finish that work. And in the Constitution there are certain articles—I forget their numbers—which specifically refer to this rather fluid state of Kashmir and give authority to the President to take steps.

Now, this fluid state went on, and there was no immediate pressure on us for deciding it. But when the Constituent Assembly of Kashmir met, we had to decide this way or that way. Because, they were going to make their Constitution, they had to define, and we had to define how they fitted in. It was because of that pressure that a conference took place here in Delhi two years ago when representatives of the Kashmir Government came here and met us, and we discussed for many days and came to an agreement which has often been referred to as the Delhi Agreement. That Agreement was specific enough, though some details were not worked out. The broad facts were decided. But only a small part of that Agreement was implemented, by them and by us. This House well knows how many times I have had to answer questions about the implementation of the Delhi Agreement and I had to, if I may say so with all respect, parry. Because, the fact was that except for that small part the rest had not been implemented. It is true the working out would take some time. Well, there

was some considerable dissatisfaction and discontent about this non-implementation of the Agreement. Now, what has happened is that, three months back the Kashmir Government at present functioning there under the leadership of Bakshi Ghulam Mohammad raised the question of the implementation of the Delhi Agreement and for that purpose we wanted further talks in regard to detailed matters, chiefly financial and others like customs and other things. So, we welcomed their proposals; they came here and we discussed. We had no such regular meetings as we had two years ago because all the principal points have been decided. It was only a question of working out various things with each individual Ministry. the Finance Ministry, Irrigation and Power Ministry, Planning Commission etc. We worked out that and then we were quite ready to implement the rest of the old Agreement as worked out in details now, and the President has issued an Order. Therefore, the President's order really finalises something which was intended to be done two years ago. What I mean is this: it is not a new development; it is some thing which is to be done and which we had postponed for two years. It has no relation to any external commitment that we might have made. We cannot by a President's Order wash off an external commitment. I say this because some hon. Members seem to imagine that it washed off every such commitment or assurance. These commitments and assurances therefore stand and will stand effectively quite apart from the Presidential Order or any other development. Our position all along has been that we shall stand by the pledges or assurances that we have given, but they can only be given effect to under certain circumstances and in certain contexts. If the circumstances do not arise; if that context does not come into existence, then we cannot give effect to those assurances. That is a different matter. For instance, certain events have happened, as the House knows, in the last few months in Pakistan which has changed the

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whole context of the problem and our approach to it, with the result that certain preliminaries which had to be settled between Pakistan and us in regard to Kashmir have been completely deadlocked. That deadlock may or may not be removed. But, it is not correct to say that by the Presidential Order we have pushed aside or covered up all those pledges of ours. I wanted to make that point clear.

Now, there is another matter, rather delicate and rather embarrassing to me, to which I think, Dr. Lanka Sundaram referred. That is, he referred to the continued detention of Sheikh Abdullah. Now, a few things have happened, not only in the recent past, but in my political life which have distressed me and pained me more than certain aspects of the developments in Kashmir last year resulting in the arrest and detention of Sheikh Abdullah. It always hurts one when one falls out with an old colleague and friend, and that hurt is a deeper one than coming into conflict with an opponent. Therefore, it hurt me very much. I am not going to that history and how one step led to another; but, I would say this: that it is patent that no one—I am quite sure the Kashmir Government would to that extent agree with me—can think, —I cannot think—of indefinite detention of Sheikh Abdullah. That is true. At the same time, we are in a difficulty, because in a situation that has existed and still exists in Kashmir, and the House must remember—quite apart from the internal situation which, I am glad to say, is far better than it has been for a long time.—that armies still face each other on the Kashmir border.

I referred to affairs in Pakistan just now. There are plenty of people in Pakistan who, specially in regard to Kashmir, talk rather wildly. One cannot forget the context of things in which one has to function. If one has to function in war, one functions in a particular way, which is somewhat different from peace-time functioning. In peace-time, one takes

greater risk and all that kind of thing. There are stages and sometimes, it may be said to be between war and peace. It is peace in the sense of no war. But, one never knows when war occurs. These difficulties have to be faced and responsibilities borne. It is not a question of some theoretical solution. Life is too complicated to permit of a theoretical solution. Anyhow, in this matter, I do not wish to say that no responsibility attaches to me or to the Government of India. That would be a wrong thing to say. Essentially, all these matters are the responsibilities of the Government of Jammu and Kashmir State, and we deal with the Government. The Government of Jammu and Kashmir State, if I may say so, in the course of the last six months, has really brought about quite a remarkable change, chiefly economic, in the life of the people of Kashmir.

An Hon. Member: Question.

Shri Jawaharlal Nehru: An hon. Member says, "Question." I can only say that the hon. Member is hopelessly and totally ignorant. I am not going into the merits of the other questions. I say this without a shadow of doubt, with 100 per cent. certainty. I challenge anyone and everyone to prove that I am wrong in this matter even by one per cent. I say that the economic condition of the people of Kashmir has improved out of recognition in the last six or seven months. I say that the economic burdens on the people of Kashmir are far less than they have been in the last generation. I do not say, of course, that some magic has been done there. That would be absurd. But, this thing has been done, one can see, by simple ways and simple means. Prices have come down for various reasons. Customs duties have been abolished; that reduces the prices immediately. It is not magic. Internally the system of rice procurement has been changed—a system which has existed for generations. Many other internal reforms have been done which have

resulted in a lightening of the burden on the people. All you can do quickly is to lighten the burden. You cannot suddenly make them a great wealth-producing community. That requires time and effort, whatever it may be. But, their burdens have been lightened. That is a very great thing. I am not discussing this matter, naturally. What I was saying is this. In these matters we deal naturally with the Government of Jammu and Kashmir State. The major responsibility being theirs, it is not right or fair for us to interfere in the discharge of their responsibilities when they will have to shoulder the consequences of our interference. That is our difficulty.

May I proceed in Hindi, Sir?

Mr. Deputy-Speaker: Yes.

श्री जवाहरलाल नेहरू : तीन दिन हुए बहुत सार सदन इस मजमून पर बोलें थे और कुछ न कुछ उन्होंने हमारी नीति की निंदा की या उसकी अलग अलग बातों की टीका की। लेकिन करीब करीब जहां तक मुझे याद है सब ने छोटी मोटी बातों को छोड़ कर उसकी बुनियादी बातों की प्रशंसा की, यानी जो सदस्य आमतौर से उसका विरोध भी करते हैं उन्होंने भी प्रशंसा की। मुझे आज का पूरा हाल मालूम नहीं, क्योंकि मैं उधर दूसरे सदन में बोल रहा था, यहां मौजूद नहीं था, लेकिन उस दिन की बहस में सिर्फ दो साहब जो बोलें वह कुछ बेस्वर के थे। एक तो श्री दशपांड जी हिन्दू महा सभा की तरफ से और एक उनको इस मामले में नये दोस्त मिले डाक्टर सत्य नारायण सिन्हा जो इस तरफ बैठे हैं। तो अब इस जोड़ी को जवाब देने में दिक्कत हो गई क्योंकि वह दो अलग अलग रास्तों से टहलते हुए आ कर मिल गए।

10 A.M.

आचार्य कृपालानी ने कहा और अक्सर यह कहा जाता है, कि हमारी नीति एक राष्ट्रीय नीति हो, नेशनल पालिसी हो। और हम सब लोगों से मशवरा करके इसको तय करें। यह मेरी समझ में ठीक आता नहीं है। मैं मानता

हूँ कि हमारी वैदेशिक नीति किसी एक पार्टी की बिना पर नहीं चलनी चाहिये, और यह उचित भी नहीं है, वह राष्ट्रीय होनी चाहिये, नेशनल होनी चाहिये। यह मैंने मान लिया, लेकिन नेशनल होने के माने क्या हैं? नेशनल होने के यह माने तो नहीं हैं कि जब उसको हर एक आदमी माने तभी कदम उठाया जायेगा। अगर इसके यही माने हों तब तो कभी कदम उठेगा ही नहीं, कभी हम जुम्बिश ही नहीं करेंगे, जमे हुए बैठ रहेंगे। लेकिन वैदेशिक मामलों में या किसी भी मामले में, हमें आगे बढ़ कर काम करना होता है। इसी बात में आचार्य कृपालानी ने कहा कि हम ने चन्द बातों की हैं जो कि उन्हें पसन्द नहीं आई। तो अखिर हम क्या करते? या तो उन बातों को हम करते ही नहीं या उनको करने में आचार्य कृपालानी राजी होते। यह दिक्कत हुआ करती है। इसके माने तो यह है कि जब कभी आप चाहें कि किसी बड़ी नीति से सब लोग सहमत हों, तो उन बातों में बड़ा सलाह मशवरा हो। लेकिन इसके हजार पहलू होते हैं, शास्त्र, फूल और पत्तियां होती हैं, इसीलिये हर बात पर सलाह मशवरा नहीं हो सकता। राष्ट्र की बात वही होती है जो उसकी बुनियाद से उठती है, निकलती है।

हमारी नीति इन पिछले पांच छः वर्षों में एक बुनियादी नीति रही है। हमने इसको कहा कि आज जो बड़ी बड़ी शक्तियां, पावर ब्लाक्स, हैं हम उनमें से किसी के साथ नहीं होंगे। हमारी नीति नान एलाइनमेंट की होगी। मैं आपसे कहता हूँ कि असल में यह शब्द ठीक नहीं है, कोई कहता है "नान एलाइनमेंट" कोई कहता है "न्यूट्रल"। लेकिन यह दोनों शब्द ठीक नहीं हैं। यह दोनों ही एक "नहीं" के शब्द हैं जबकि हमारी नीति "नहीं" की नहीं बल्कि "हां" की नीति है। तो आप हमारी नीति को देखें। हमने इस नीति को कोई बहुत सांच समझ कर बड़े तेज दिमाग और तेज अकल से निकाली हो यह बात नहीं है। मैं आपसे साफ कह दूँ कि जो हमारे पुराने दिमाग थे, पुरानी भावना थी वैदेशिक

[श्री जवाहरलाल नेहरू]

मामलों में उसका नतीजा ही यह था, और कुछ हो ही नहीं सकता था। हम जब स्वतंत्र हुए और स्वतंत्र होने पर जब पुराने विचार हमें मिले तो उसका यही नतीजा हो सकता था। मैं आपसे कहता हूँ कि कोई भी दल यहाँ पर होता और गवर्नमेंट बनाता तो वह भी इस पर चलता, हाँ इधर उधर झुक जाता, यह और बात है।

इसके बाद जो हमारी नीति थी वह हल्के हल्के ज्यादा मजबूत होती गई और वाक्यात को देख कर ढलती गई। हल्के हल्के हमने भी कुछ कदम इधर उधर बढ़ाए। लेकिन बुनियादी तौर हमारा रास्ता वही था। इन पांच सात वर्षों में बहुत सारी बातें और भी हुईं। यह हुआ कि जो पावर ब्लाक्स हैं वह भी ज्यादा मजबूती से एक दूसरे के खिलाफ अपनी मीनारें खड़ी करने लगे, और आपने देखा कि कोरिया का झगड़ा हुआ। बड़ी गनीमत हुई कि वहाँ कम से कम एक दूसरे का मारना बन्द हुआ, सीज फायर हुआ। तीन वर्ष ही लड़ाई हुई फिर भी एक भयानक लड़ाई हुई। उससे क्या नतीजा हासिल हुआ ? कुछ नहीं, कोई जीता नहीं है, न इधर का जीता और न उधर का जीता। अगर यह दो वर्ष पहले रूक जाती तो इससे अच्छा होता क्योंकि उस वक्त भी कोई जीता नहीं होता, लेकिन कम से कम इतने लोग मरते नहीं, मुसीबतें कम आतीं, लोगों के दिमाग जरा आज से ज्यादा ठण्ड होते, उस वक्त ज्यादा आसानी से फैसला हो जाता जिसमें कि अब कीठनाई हो रही है।

इन्डो चाइना में इस लड़ाई को छः वर्ष हो गए, मुझे समय नहीं है नहीं तो मैं बताता कि इस छः वर्ष में कितनी ऊँच नीच हुई है। कम से कम मेरी जान में तो कोई भी इतनी बड़ी और फुजूल लड़ाई नहीं हुई जितनी की इन्डो चाइना की। बिल्कुल बेकार की हुई। अब लोग बैठे हुए हैं, इसकी मुश्किलें देखते हैं और हल नहीं कर सकते, मगर रास्ते की बलाश में हैं।

आप कोरिया को फिर लें। मैंने कहा कि उसमें कोई फरीक जीता नहीं है। साफ बात है कि अगर कोई जीता होता तो वह जेनेवा में न बैठा होता, जो करना होता करता। हालाँकि कोई फरीक फौजी मदद से जीता नहीं, लेकिन अब हर फरीक चाहता है कि बहस में वह असर पैदा कर दे गोया उसकी फौजी फतह हुई। दूसरा फरीक इसको मंजूर नहीं करता, और जाहिर है, कैसे मंजूर करे ? जब वह हारा ही नहीं तो हार कैसे मंजूर कर ले कि दूसरा जीता ? हालत ऐसी होगई है कि कोरिया का कोई भी फरीक दूसरे को मजबूर नहीं कर सकता हार मानने के लिये, या ऐसी बात मानने के लिये जो कि हार का नतीजा होती। इसे कोई फरीक मंजूर नहीं करेगा तो फिर रास्ता क्या होगा। या तो दोनों फरीक यह समझ लें कि हाँ, हमें इस बात को तसलीम करना है कि इसमें किसी की हार जीत नहीं हुई है, लाचारी है, चाहे हम इसे पसन्द करें या नहीं, मगर यह एक वाक्या है। तो फिर कोई ऐसा समझौता करें जो कि इसी ढंग का हो। अगर नहीं करते तो दूसरा रास्ता यह है कि लड़ाई लड़ें और देखें कि हार जीत हो सकती है या नहीं बाद में। मगर मैं आपसे कहता हूँ, जैसा और लोग भी कहते हैं, कि लड़ाई लड़ना तबाही लाने वाला है और इसको नहीं करना चाहिये। तब फिर हम क्या करें ? और आप देखें कि अगर तीन वर्ष तक लड़ाई में हार या जीत नहीं हुई तो कोई जरूरी नहीं है कि और तीन वर्षों की लड़ाई में किसी की हार जीत हो जायेगी या दस ही वर्ष में हो जायेगी। यानी बगैर हार जीत हुए ही तबाही बढ़ जाय। दुनियाँ का हाल यह होता जाता है। तो इस लड़ाई में आपने देखा, मुमीकिन है कि बदीकस्मती से दुनियाँ में आगे भी कोई लड़ाई चले और वह चलती जाय जिसमें कि तबाही बहुत हो जाय और हार जीत किसी की न हो, कोरिया की लड़ाई का नतीजा यह हुआ है कि दोनों फरीकों को यह स्वीकार करना है कि हम न हार हैं न जीते हैं। अब क्या करें ?

हम सबों की इच्छा है कि कोरिया के उत्तरी और दक्षिणी दोनों भाग मिल जायें, उसके टुकड़े न हों। जब तक वह मिलते नहीं हैं, उनमें कुछ न कुछ रीजस रहेगी, झगड़ा रहेगा, फिर लड़ाई हो सकती है यह भी मान लिया। लेकिन मिलें कैसे? हमारे और आपके चाहने से तो नहीं मिल सकते। दोनों फरीक कहते हैं कि मिल जायें लेकिन मिलें कैसे, किस ढंग से मिलें कि जो मिलने के लिये कहने वाला है वह दूसरे पर हावी हो जाय, दूसरे की छाती पर बैठे रहे? यानी अगर नार्थ कोरिया वाले कोई तजवीज पेश करते हैं तो वह दूसरे की छाती पर रहें और अगर साउथ कोरिया वाले करते हैं, या उनसे दोस्ती करते हैं, तो वह नार्थ कोरिया की छाती पर रहें। इसी वास्ते दोनों एक दूसरे की बात मंजूर नहीं करते। तो आखिर क्या किया जाय? क्या बगैर रजा-मन्दी के ही दोनों की शादी कर दें?

श्री त्यागी (रक्षा संगठन मंत्री) : स्पेशल मेरेंज एक्ट से कर दी जाय।

श्री जवाहरलाल नेहरू : तो फिर कोई रास्ता निकलना चाहिये। मैं कोरिया के मामले में या इन्डो चाइना के मामले में कोई तजवीज नहीं पेश करना चाहता, और सच बात यह है कि मेरे दिल में कोई तजवीज है भी नहीं, क्योंकि यह तो बड़ी आसान बात है कि हम में से कुछ लोग बैठ कर तजवीज बनायें, और कागज पर वह बहुत खूबसूरत भी मालूम हों, लेकिन उनका सम्बन्ध वाक्यात से न हो।

इस समय जेनेवा में जो बातें हो रही हैं उनका बहुत दूर तक असर होने वाला है। समझौता हुआ तब असर होगा और अगर न हुआ तब और भी दूर तक असर होगा। हालाँकि दोनों फरीक काफी दूर हैं, काफी एक दूसरे की टीका करते हैं, लेकिन फिर भी अगर आप गौर से देखें तो आप पायेंगे कि कोई रास्ता निकालने की काफी जोरों से कोशिश हो रही है। दोनों तरफ से काफी कोशिश हो रही है। इसीलिये जब यह कोशिश हो रही तो मैं नहीं चाहता कि मैं कोई ऐसी बात कहूँ कि जिससे

उस कोशिश में कुछ धक्का लगे। एक नाजुक मौका है, और हम यहां दूर से सलाह दें कि क्या करो और क्या न करो तो मुमकिन है कि इस से हम कुछ गड़बड़ी पैदा कर दें। तो यह फजूल बात है। हम इस तरह की सलाह नहीं दें सकते। यों वहां क्या बात होती है उसकी हर वक्त खबर आती रहती है लेकिन हर वक्त क्या बातें होती रहती हैं इसका पता नहीं चल सकता। इसीलिये मैं कुछ कहना नहीं चाहता। वहां काफी ईमानदारी से और जोरों से कोशिश हो रही है कि कोई रास्ता निकले। इस हालत में अगर मैं राय दूँ तो यह काफी कठिन बात है, काफी मुश्किल बात है। और ज्यों ज्यों एक एक दिन गुजरता है वह मुश्किल बढ़ती जाती है। अगर इसी तरह की कोशिश दो तीन वर्ष पहले की जाती तो ज्यादा आसान होता। तीन वर्ष कोरिया की लड़ाई के बाद और मुश्किल ज्यादा हो गई। हिन्दचीन की लड़ाई हल नहीं हुई इससे वह मुश्किल और बढ़ गई। अब अगर कोई रास्ता नहीं निकलता है और साल भर बीत जाता है तो मुश्किल और बढ़ जायेंगी। तो इस तरह से मुश्किल बढ़ती जाती है। इसीलिये वह कोशिश कर रहे हैं, काफी जोरों से कोशिश कर रहे हैं और हमें यह मानना चाहिये कि कर रहे हैं और हमें उनकी कोशिश का आदर करना चाहिये। मैं उनके लिये कोई तजवीज तो पेश नहीं करता लेकिन कुछ बुनियादी बातें हैं जिनको हमें अपने सामने रखना है। जैसा कि मैंने आपसे अभी कहा वहां पर कोई फरीक इस तरह की सन्धि नहीं कर सकता जैसे कि वह जीता हो। यह वाक्या नहीं है। कोई गलत बात कैसे बना कर कर दें। दूसरा उसको मंजूर नहीं करेगा और लड़ाई और होगी। इसीलिये यह तसलीम करना चाहिये कि लड़ाई में कोई नहीं जीता है। ऐसी कोशिश नहीं होना चाहिये कि दूसरे को नीचा दिखाया जाय। वह मंजूर नहीं करेगा। अब कोरिया के सवाल को लीजिये। हम चाहते हैं कि दोनों कोरिया मिल जायें और ऐसा भी न हो कि बिलफेल मिल जायें इस तरह कि जिससे एक दूसरे को दबा

[श्री जवाहरलाल नेहरू]

सकें नहीं तो कभी मिलेंगे नहीं। तो मुमकिन हैं कि कोई न कोई रास्ता निकल सके कि बिनाफेल हम आखिरी मीजल पर नहीं पहुंचते लेकिन थोड़ी दूर जायं और कदम ब कदम आगे बढ़ें।

इसी तरह इन्डोनेशिया में आप देखें कि क्या वाक्यात हैं। फौजी वाक्यात क्या हैं? कोई फंसला उसी को सामने रख कर होगा। मैं मानता हूँ कि इन्डोनेशिया के मामले में दोनों फरीकों की तरफ से ऐसी बातें कही गई हैं जिनसे जाहिर होता है कि वह एक रास्ते की तलाश में हैं। मैं आपको एक बात बताऊँ जो कि मुमकिन है कि आपने भी देखी होगी। वियटमिन्ह की तरफ से जो बातें पेश हुई हैं उनको देख कर आपको आश्चर्य होगा। उन सब में मैं नहीं जाना चाहता। लेकिन उनकी बातों के आखिर में यह था कि वह इस बात पर भी विचार करने को तैयार हैं कि फ्रेंच के साथ रहें। वे लोग इस बात पर विचार करने को उस वक्त तैयार हैं जब कि ६ साल की लड़ाई के बाद लड़ाई में आखिरी जीत उनकी हुई है, यह हार की बात नहीं है। वह उस समय यह कहें कि हम इस बात को विचारने के लिये तैयार हैं कि हम फ्रेंच यूनियन में रहें, आजादी के साथ, इससे जाहिर है कि उनकी इच्छा इस झगड़ को खत्म करने की है। अब मैं उनकी और शर्तों में नहीं जाना चाहता। मैं महज आपको यह दिखाना चाहता हूँ कि दोनों तरफ यह स्वाहिश है। अब किसी जिम्मेदार गवर्न-मेंट के लिये, जिम्मेदार पार्लियामेंट के लिये महज दूर से बैठ कर हर एक की निंदा करना कि हमी एक शुद्ध आदमी हैं और पाबित्र हैं और सब लोग गलत हैं, लड़ाई हैं, ठीक नहीं है। यह कोई जिम्मेदारी की बात नहीं है। इस तरह से तो कालिज में डिबेट्स में कुछ लड़के कहा करते हैं। तो मैं यह चाहता हूँ कि आप लोग देखें कि आज कल की दुनिया में कितने पंच हैं। हमें दुनिया के उन पंचों को, उन गांठों को सुलझाना है। अब अगर हम रूठ कर अलग बैठ जायं और महज लोगों को तानें

दें इससे तो कुछ फायदा नहीं। यह सोचना फिजूल है कि गांठ बांधने में किसका कुसूर है। तो हमको यह देखना है कि हम इन वाक्यात की गांठों को किस तरह से खोलें। अब यह गांठ खुलेंगी इसमें सन्देह नहीं। क्योंकि जब एक ऐसी बात हो जाती है कि दुनिया का चलना रुक जाता है और गांठ पड़ जाती है तो उस गांठ को खोलना होता है, चाहे उसे अमन से, शान्ति से खोलें नहीं तो वह तलवार से, आग से और तूफान से खुलती है और उसमें लोग बह जाते हैं। यह हमारा सामने एक बड़ा सवाल है कि किस तरह से इन गांठों को हम खोलें। अगर हम अलग बैठ जायं तो हम कोई मदद नहीं करते। इसलिये हमारी कोशिश यह होनी चाहिये, कोई गुरु से नहीं, बल्कि काफी नम्रता से, काफी धीमेपन से, कि हम कुछ ठंडा दिल लावें, क्योंकि मुश्किल तो यह है कि लोगों के जज्बात, लोगों के गुस्से और डर इतने बढ़ गए हैं कि रोज बरोज कीठनाइयां होती जाती हैं और इस बात पर विचार करना मुश्किल होता जाता है। तो मैंने आपसे कहा कि कोरिया और हिन्दचीन के बारे में हमें किस तरह से आगे चलना चाहिये।

अभी हमारा चीन दश से एक एग्रिमेंट हुआ है। कई मेम्बरो ने उसको पसन्द नहीं किया। उसकी निस्वत कहा गया कि हमने बड़ी कमजोरी दिखाई और हमने गलती की कि हमने इस बात को स्वीकार किया कि चीन का पूरा तौर से तित्त्व पर कब्जा है, या तित्त्व पर चीन हावी है। माँका हो तो मैं इसके पूरे इतिहास में जाने को तैयार हूँ, एक एक कदम। मेरी राय में जो हमने किया है इस मामले में उससे ज्यादा माकूल और अच्छी बात हमने आजादी हासिल करने के बाद कोई नहीं की। इसमें मुझे कोई शक व शुबहा नहीं है। अक्सर ऐसा होता है कि हम खराबियों को और अच्छाइयों को तराजू पर तोल कर किसी नतीजे पर पहुंचते हैं। क्योंकि अच्छाई एक तरफ ज्यादा होती है इसलिए खराबियों को लाचारी बरदाश्त करते हैं। वैदेशिक नीति में अक्सर ऐसा होता

हैं और और जगह पर भी। लेकिन जो कुछ इस चीन के मामले में हमने किया है उसमें मुझे कोई शक व शुबहा नहीं है। मैं समझता हूँ कि हमने कोई गलती नहीं की है। इसके माने यह नहीं कि चीन ने जो हर बात की है वह मुझे पसन्द है। लेकिन जिस चीज को हमने लिखा है और जो रिश्ता हमने कायम किया है वह हर नुकते से सही है। इसे चाहे आप किसी दृष्टिकोण से देखें मेरी राय में वह सही है। मैं समझता हूँ यह हमारा दृश के लिये, एशिया के लिये और दुनिया के लिये सही है। मैं तो नहीं समझता कि कैसे बगैर किसी मसले को समझें हुये कोई टीका करने लगे क्योंकि उसकी मर्जी के बगैर एक उलट पुलट हुई। एक क्रान्ति हुई है और उस क्रान्ति के नतीजे हुए हैं, चाहे आप उसे पसन्द करें या न करें। अगर आप उसको नहीं देखना चाहते हैं तो अपनी आंखों पर पट्टी बांध कर बैठ जायें और अपने को अन्धा बना लें। लेकिन ऐसा करने से वह चीज तो नहीं हट जाती। कहा जाता है कि हमारा तिब्बत से बहुत पुराने सम्बन्ध हैं। हजारों वर्ष के सम्बन्ध हैं। इससे कौन इन्कार करता है। इसमें कोई सन्देह नहीं है। लेकिन इसके साथ ही आप देखें कि वहां पर खबरन अंग्रेजी हुकूमत का कुछ असर था। आप समझ सकते हैं कि तिब्बत चीन का भाग हो या अलग दृश हो, लेकिन हिन्दुस्तान की फौज वहां थी। क्या यह ठीक है कि किसी आजाद मुल्क में किसी दूसरे मुल्क की फौज रहे। वह फौज कोई बहुत ज्यादा नहीं थी करीब तीन सौ थी। वह किस बात की निशानी है? हिन्दुस्तान को कौनसा हक है कि वह अपनी फौज का एक हिस्सा तिब्बत में रखे। चाहे तिब्बत आजाद हो या चीन का एक हिस्सा हो। वह एक निशानी थी अंग्रेजी साम्राज्य की। अंग्रेजी साम्राज्य ने लार्ड कर्जन के जमाने में, पचास वर्ष हुए पर फैलाए थे और वहां तरह तरह के इन्तिजामात किये थे। अब हम कहीं पर अंग्रेजी साम्राज्य के इन्तिजाम को कायम रखें यह नामुनासब बात है। यांगट्सू और गंगटोक में अपनी फौज रखने की आज कल हमको जरूरत नहीं है।

न तो वहां फौज रखना हमारा दृश से सम्बन्ध रखता है और न अक्ल से सम्बन्ध रखता है। जब हमने वहां यह फौज रखी थी तो उस वक्त की सुलह में या परचे में यह लिखा गया था कि जब तक वहां वाले अपना प्रबन्ध नहीं कर सकते उस समय तक हम फौज रखें। या जब तक हम उसकी सड़कों की रक्षा का प्रबन्ध नहीं कर सकते, हम रख सकते हैं, जिस समय हम उनसे कहते हैं कि आप जाइये हम कर सकते हैं और यह लिखा हुआ था कि हमने वहां कुछ तार लगाए, तो जाहिर है कि हमारा लोग चले आते हैं तो तार बगैरही की कौन देख भाल करे, उसी मुल्क के लोग करेंगे। ये सब चीजें एक इस तरह की हैं जब कि कोई एक दृश अपनी शक्ति से दूसरे दृश पर ताकत से कुछ करता है, ये बातें थीं, इनको हमें छोड़ना था, उनके सिद्धान्त छोड़िये और अपने सिद्धान्त में उन बातों को रखिये। उन बातों को छोड़ना था, अगर हम उनको नहीं छोड़ते तो मजबूरी दर्जा छोड़ना पड़ता। कोई माने नहीं थे, इस तरह से चन्द बातें पुरानी हमें छोड़नी पड़ीं कोई शक नहीं था कि हमें उनको छोड़ना था। सच बात तो यह है कि अगर हम उनको छोड़ने पर मजबूरी होते तब भी हमें उनको छोड़ना पड़ता। इससे हमें कोई एक वाक्या मानना है। मैं इस इतिहास में भी नहीं जाता कि तिब्बत के साथ पुराने जमाने में चीन का क्या सम्बन्ध रहा, ऐसी साफ बात नहीं है, उसका एक लम्बा इतिहास है और यह जो डाक्टर सत्य नारायण सिन्हा ने ट्रीटीज और नक्शों का हवाला दिया, मैं उनसे कहूँ कि आखिर वह सब अंग्रेज साम्राज्यशाही के नक्शे हैं। उस ट्रीटी और नक्शों से दिखाते हैं कि हम उन पर चलें। उन्होंने यह किया था। इस वक्त दुनिया में एक सब में बड़ी से बड़ी क्रान्ति हुई जो चीन में हुई है, अब आप उसको पसन्द करें या न करें, यह आपके मन और आपके दिमाग पर है, जैसा आप चाहें कर लें। यह सब में बड़ी चीज हुई है, इससे बड़ी चीज इस लड़ाई के बाद नहीं हुई। इन चन्द वर्षों में इतनी बड़ी चीज यानी इतने बड़े दृश का उलटना, करवट लेना और इस तरह से

[श्री जवाहरलाल नेहरू]

यहली बार कई सौ वर्ष के इतिहास में उसकी केन्द्रीय हुकूमत का मजबूत होना यह एशिया के लिये और दुनिया के लिये एक बड़ी भारी बात है। कोरिया है, इंडोचीन है, क्या २ हैं ? इंडोचीन को मैं अलग कर देता हूँ। याद रखिये इंडोचीन की लड़ाई शुरू हुई थी चीन की क्रान्ति के पहले। याद रखने की बात है चीन की क्रान्ति के दो, तीन वर्ष पहले शुरू हुई थी लेकिन मैं आपसे कहता हूँ कि कोरिया का सवाल और कितने और सवाल यह शायद शुरू में न होते अगर यह बहुत बड़ी गलती न की होती। बाज लोगों और बाज दोस्तों का इस चीन की क्रान्ति और चीन के देश को स्वीकार न करना और हकीकत से अपनी आंखें बन्द कर लेना और उनका यह कहना कि हम यूनाइटेड नेशन्स में उसको नहीं लायेंगे, मैं कहूंगा कि अजीब तमाशा है गोया उनके इस ढंग से न लाने से चीन गायब हो जाता है जिसका नतीजा यह हुआ कि सारी खराबी जो इस ६ वर्ष में कम से कम एशिया में हर एक सवाल में आई है और यूनाइटेड नेशन्स में भी वह चीन को स्वीकार न करने से आई है। मैंने आपसे उस दिन तीन रोज हुए कोलम्बो कान्फ्रेंस के बारे में कहा था कि एक फौसला वहां पर हुआ और बाद में उसकी ओर आपका ध्यान दिलाना भूल गया था और वह यह था कि हमारा वहां पर सर्वसम्मति से फौसला हुआ था कि चीन को यूनाइटेड नेशन्स में लेना चाहिये। हम इसे गलत तरीके से कह रहे हैं। चीन कोई नया देश नहीं है जिसको कि वहां लेना है। चीन तो है ही वहां, सवाल यह है कि असली चीनी कौन हैं। चीन तो है ही, असली कौन हैं और नकली कौन हैं, यह कोलम्बो में डिस्कस हुआ। मैं आपको एक खुफिया बात और बताऊँ कि कोई बुरा न मानें अगर मैं यह कहूँ कि मेरी तरफ से वहां यह बात पेश नहीं हुई थी और मैंने चीन को मानने के लिये वहां पर इस बात को पेश नहीं किया था महज इसलिये कि मैं चाहता था कि इंडोचीन पर विचार करें और दूसरा कोई अड़ंगा

न लगे जिसमें और कीठनाई पैदा हो और मैंने तो वहां पर कहा भी कि आप इस समय न कीजिये, हालांकि उसमें कोई दो रायें नहीं हैं लेकिन अक्सर यह दर्खने में आता है कि बहुत सारी बातें बीच में डाल देने से जो बात हम चाहते हैं कि तय हो जाय वह नहीं होती है। हमारे वहां कुछ साथी थे, उन्होंने कहा यह बिल्कुल जाहिर है। मैंने कहा कि इसमें कोई दो रायें तो हैं ही नहीं और जाहिर है कि इंडोचीन के सवाल के लिये हमें साफ कहना है तो मैंने उसको बड़ी खुशी से स्वीकार किया। मैंने बहस जो वहां पर हुई उससे महसूस किया कि मैं जरा गलती में हो गया था। मैंने सोचा था कि इस सवाल को अलग कर दिया जाय, लेकिन यह बतलाया गया कि नहीं यह सवाल एक दूसरे से मिले हुए हैं और अलग नहीं किये जा सकते। अब देखिये कि वहां पर जेनेवा में चीन को ले कर क्या २ बहस होती है कि हम तुमको गूट पावर नहीं कहेंगे, गोया कोई छोटा या बड़ा किसी के कहने से बनता या होता है। वाक्यात जिससे बड़ा बनाते हैं, वह बड़ा बनता है। मैं आपसे अर्ज करता हूँ कि तिब्बत के बारे में चीन से हमारा जो समझौता हुआ है उसको आप गौर से देखें। डाक्टर सत्य नारायण सिन्हा ने अपनी स्पीच में कहा कि कोई रास्ता जानें का बन्द हो गया। मैं उनसे अर्ज करूँ कि रास्ता दोतरफा होता है, उधर जाने का और इधर आने का, खाली एक जगह से रास्ता नहीं होता है और जब हमारी तरफ से भी कुछ रास्ते बन्द किये जायें, जब एक नया नक्शा पैदा हो तो हमारी भी स्वादिष्ट होती है कि किन रास्तों पर लोग जायें और किन पर न जायें। जो बात हम करना चाहें वह अगर दूसरा करना चाहे तो जरा मुश्किल हो जाता है कि उससे कहे कि नहीं हम तो करेंगे लेकिन तुम न करो और यह तो वही लार्ड कर्जन वाली बात हो जाती है। इसलिये हमारे और उनके बीच में आने जाने के और तिजारत के रास्ते तय हो गए हैं, अब अगर डाक्टर सत्य नारायण सिन्हा कोई नए रास्ते से

जाना चाहें तो हमारी तरफ से कोई रूकावट नहीं है, हमारी तरफ से वह जा सकते हैं, अब उस तरफ क्या हो, मैं उसका जिम्मेवार नहीं हूँ। तो बात क्या है, तिब्बत बगैरह का सब प्रबन्ध हमने किया और हमने उनसे यह सब बातें तय कीं और तमाम वाक्य को तस्तीम किया और आपको पढ़ कर सुनाया कि हम दोनों में क्या तय पाया गया। उसकी अहीमयत क्या है? उसके शुरू में प्रीएम्बल में चन्द बातें हैं वह बहुत अहीमयत रखती हैं क्योंकि अगर आप उन बातों को स्वीकार कर लें, खाली भारत और चीन के बारे में नहीं लेकिन और एशिया के देशों के बारे में भी तब हल्के हल्के यह जो डर छाया हुआ है यह निकलता जाता है और कम होता जाता है, क्योंकि हमें यह समझना है कि आज कल की दुनिया में बहुत सारी बातें हैं जो आप पसन्द नहीं करते, मैं पसन्द नहीं करता, लेकिन मेरी और आपकी पसन्द से दुनिया नहीं चलती, इसलिए कम से कम हमें इस बात को तस्तीम करना है कि जो दुनिया का रूप है, शक्ल है, सारी दुनिया की मैं नहीं कहता लेकिन जो बड़े देश हैं आज कल जो एक दूसरे के विरोध में हैं, वे एक दूसरे को अगर तबाह करने की कोशिश करेंगे तो खुद भी दुनिया में तबाह होंगे।

यह स्वीकार करना है कि दोनों रहें। Live and let live दोनों एक दूसरे पर हमला न करें, एक दूसरे को डरायें नहीं। असल बात यह है कि दोनों एक दूसरे से डरते हैं कि दूसरा हमें खा जायेगा। अजीब हालत है। अगर कुछ इत्मीनान हो तो वह अपने ढंग से रहें, जैसे कि हिन्दुस्तान चाहता है, रूस में कम्युनिस्ट ढंग है वह अपने ढंग से चलें, अमरीका अपने ढंग को चलाए, लेकिन एक दूसरे पर हमला न करें, हमला करने से दोनों खत्म हो जायेंगे, किसी की जीत नहीं होगी। इस एक उसूल पर चलें। इस उसूल का नक्शा आप दीखें हमारी चीन की सीध में

हमने चीन से जो सीध की है उसमें लिखा है :

"Recognition of territorial integrity and sovereignty, non-aggression, non-interference".

और फिर "utility" बगैरहा आप इन बातों पर विचार करें। "टीरिटोरियल इन्टीग्रीटी और सावरन्टी" के माने हैं कोई हमला बगैरह न हो। "नान एग्रेसन" के माने भी वही हैं। और और "नान इन्टरफ़ेरन्स" के माने यह हैं कि अन्दरूनी दखल नहीं दिया जायेगा। क्योंकि कुछ लोगों की अन्दरूनी दखल देने की आदत है। अगर इस उसूल को हर एक देश मान ले और हर एक देश को इसके लिये आजाद छोड़ दें कि वह अपने को जैसे बढ़ाना चाहता है वैसे बढ़ाए, जिस राष्ट्रीय या आर्थिक नीति को रखना चाहता है, रखे, उसमें दूसरा दखल न दें, तब हल्के हल्के एक शान्ति की फिजा दुनिया में होती है। यह हमारी नीति है और इस पर हम चलने की कोशिश करते हैं।

इधर साउथ ईस्ट एशिया की बहुत चर्चा हुई। मैंने कोई चर्चा नहीं की इधर के देशों की जो कि हमारे पश्चिम में हैं और योरोप के देशों में गिदल ईस्ट के देश कहलाते हैं। आप जानते हैं कि उनसे तो हमारा बहुत पुराना सम्बन्ध है, हजार वर्ष का, शायद उन्हीं से हमारा सबसे पुराना सम्बन्ध है। वहां पर भी कुछ मुल्क ऐसे हैं जो कि कुछ दबाव में हैं, कुछ बंधे हुए हैं। इस तरह का वहां का नक्शा है। लेकिन वहां पर भी हर देश और हर देश के रहने वाले अपनी आजादी पसन्द करते हैं, और उन्हें यह बहुत अच्छा नहीं लगता कि मजबूरी से भी वह इन पावर ब्लाक्स से बंध जायें, कभी कभी मजबूरी से और कभी कभी अपनी कमजोरी से। बहुत से वर्षों से उन देशों से हमारे रिश्ते अच्छे हैं और आगे बढ़ते जाते हैं। कभी कभी ऐसा हुआ कि उनसे हमारा रास्ता अलग हुआ तब भी हमारे रिश्ते में फर्क नहीं पड़ा है।

बहुत से देशों और मुल्कों से हमारे रिश्ते के बारे में बहुत सारी बातें आप लोगों की तरफ से हुईं, हर एक का तो शायद मैंने जवाब

[श्री जवाहरलाल नेहरू]

नहीं दिया। सिर्फ एक बात फिर कह दूं। आज कल जिसको अंगूजी में कलैक्टिव सिक्वॉरिटी कहते हैं, उसकी बहुत चर्चा है। कहा जाता है कि कलैक्टिव सिक्वॉरिटी एक ही तरीके से आ सकती है, वह तरह तरह के नक्शे जिनसे कलैक्टिव फोर्स जमा हो, यानी लाठी के जोर से। यानी कलैक्टिव सिक्वॉरिटी तभी होगी जब कलैक्टिव फोर्स हो। मैं बहुत अदब से कहूंगा कि जमाने में अब यह बात साबित हो गई है कि कलैक्टिव फोर्स जमा करने की कोशिश से बजाय सिक्वॉरिटी आने के इन्सिक्वॉरिटी बढ़ती जाती है। आप देख लें छः सात वर्ष का नक्शा हमारा सामने है। अगर एक बड़ी ताकत दुनिया में होती, बहुत बड़ी, और वह हावी हो जाती दुनिया पर, तब तो खैर आप कह दें कि उसकी हुकूमत दुनिया पर थी और उसका फर्मान चलता है और उसके साथे के नीचे अमन हो। कहा जा सकता है। एंसी कोई ताकत है या नहीं, यह दूसरा सवाल है। लेकिन जब दो बड़ी बड़ी ताकतें हों और दोनों एक दूसरे के आगे झुकने को तैयार न हों, तब जितना एक ताकत अपने को तैयार करती है, उतना ही दूसरी ताकत भी अपने को तैयार करती है। अब कलैक्टिव फोर्स एक तरफ हो तो उस फोर्स के नीचे सिक्वॉरिटी हो सकती है, लेकिन दोनों तरफ हो तो उससे सिक्वॉरिटी नहीं आती, इन्सिक्वॉरिटी बढ़ती है और बढ़ते बढ़ते वही एक दूसरे को चुपचाप तबाह कर देती है। चुनावें, कलैक्टिव सिक्वॉरिटी फोर्स के तरीके से नहीं आ सकती बल्कि कलैक्टिव सिक्वॉरिटी कलैक्टिव पीस की तरह हो आ सकती है। इसी लिये कहा गया है कि, सारी दुनिया में हो तो अच्छा है, लेकिन कम से कम कुछ देशों को, जितने देश हो सकते हों, चाहिये कि वह इस कलैक्टिव फोर्स के विचार से अलग रहें, चाहे उनकी शक्ति फोर्स की न हो, लेकिन दूसरी शक्ति पीस की अगर उनके पास हो तो भी काफी है, और इसका असर दुनिया पर पड़ सकता है।

मैंने आपका बहुत समय लिया इसके लिये धमा चाहता हूं।

Mr. Deputy-Speaker: Now, I will put the amendments to the vote of the House.

श्री रघुनाथ सिंह (जिला बनारस मध्य): मैं वापस लेता हूं।

The amendment was, by leave, withdrawn.

Sardar A. S. Saigal (Bilaspur): I want leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

That for the original motion, the following be substituted:

"This House having considered the international situation and the policy of the Government of India thereon regrets that the Government have—

- (i) failed to take such steps as could strengthen and reinforce India's security against the danger of colonial aggression in Asia and elsewhere, and against the danger of aggressive U. S. expansionism in particular, as evidenced by the extension of U. S. military aid to Pakistan and other neighbouring countries of India;
- (ii) generally followed in the wake of Great Britain and the British Commonwealth and failed to forge an independent line of policy of their own in international affairs; and
- (iii) by their recent statements and proposals on Indo-China, by their participation in the Colombo Conference of Asian Premiers conjointly with the governments of such countries as Ceylon and Pakistan and by their support to

the Colombo decisions sought to exert the weight of their influence in favour of a negotiated settlement between France and Indo-China which is ultimately directed towards bringing the States of Viet Nam, Laos and Cambodia in some form of association with the French Colonial empire and securing the puppet pro-French Governments of these States a share in power in the new scheme of things in Indo-China."

The motion was negatived.

श्री एस० बी० रामस्वामी (सलेम): मैं वापस लेता हूँ

The amendment was, by leave, withdrawn.

श्री एन० एल० जोशी (इन्दौर): मैं वापस लेने की आज्ञा चाहता हूँ ।

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

That for the original motion, the following be substituted:

"This House having considered the international situation and the policy of the Government of India thereon is of opinion—

- (a) that all the diplomatic privileges and immunities of American experts in India who enjoy such privileges and immunities should forthwith be withdrawn;
- (b) that all American experts working in India should be removed at the earliest opportunities, and where they cannot be replaced by our own nationals, they should be replaced by experts from

foreign countries not connected with NATO or the ANZUS;

- (c) that steps should be taken to remove the stranglehold of Britain on our economy;
- (d) that foreign enterprise should at once be banned in sectors of our Industry which are vital to our national security and defence;
- (e) that all kinds of propaganda, whether through the cinema or through literacy works or otherwise, designed to propagate the necessity or advisability or inevitability of war with other countries should forthwith be banned;
- (f) that all propaganda against the people of Pakistan should be actively discouraged; and
- (g) that efforts should be made to establish friendship and goodwill between the people of this country and Pakistan through exchange of official and unofficial goodwill missions, sports and other kinds of cultural delegations and other means."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

That for the original motion, the following be substituted:

"This House having considered the international situation and the policy of the Government of India thereon approves of the policy."

The motion was adopted.

MINIMUM WAGES (AMENDMENT) BILL

The Minister of Labour (Shri V. V. Giri): I beg to move:

That the following amendment made by the Council of States in the Bill further to amend the Minimum

[Shri V. V. Giri]

Wages Act, 1948, be taken into consideration:

"That for the existing enacting formula of the Bill, the following be substituted, namely:—

'Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:—'

Mr. Deputy-Speaker: The question is:

That the following amendment made by the Council of States in the Bill further to amend the Minimum Wages Act, 1948, be taken into consideration, namely:—

"That for the existing enacting formula of the Bill, the following be substituted, namely:—

'Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:—'

The motion was adopted.

Shri V. V. Giri: I beg to move:

"That the amendment made by the Council of States in the Bill be agreed to."

Mr. Deputy-Speaker: The question is:

"That the amendment made by the Council of States in the Bill be agreed to."

The motion was adopted.

DELIVERY OF BOOKS (PUBLIC LIBRARIES) BILL

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): I beg to move:

That the following amendment made by the Council of States in the Bill to provide for delivery of books to the National Library and other

public libraries, be taken into consideration:

"That for the existing enacting formula of the Bill, the following be substituted, namely:—

'Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:—'

Mr. Deputy-Speaker: The question is:

That the following amendment made by the Council of States in the Bill to provide for delivery of books to the National Library and other public libraries, be taken into consideration, namely:—

"That for the existing enacting formula of the Bill, the following be substituted, namely:—

'Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:—'

The motion was adopted.

Dr. M. M. Das: I beg to move:

"That the amendment made by the Council of States in the Bill be agreed to."

Mr. Deputy-Speaker: The question is:

"That the amendment made by the Council of States in the Bill be agreed to."

The motion was adopted.

HIGH COURT JUDGES (CONDITIONS OF SERVICE) BILL

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

That the following amendment made by the Council of States in the Bill to regulate certain conditions of service of the Judges of High Courts in Part A States, be taken into consideration:

"That for the existing enacting formula of the Bill, the following be substituted, namely:—

'Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:—'

Shri H. N. Mukerjee (Calcutta North-East): Sir, I have no intention—it goes without saying—to oppose the motion which Dr. Katju following two of his colleagues, has made, but I want to draw the attention of the House to one aspect of this matter. I take it, Sir, that we are changing the Preamble to our statutes in order to emphasise the real change which we think has come over our country. Now, I am reminded of what was done in the days of the French Revolution, when out of the idealism and the inspiration of those days the notion came that they should have a new kind of dating, a new era, a new distribution of days in the year, a kind of re-tabulation of the time-table and that sort of thing. I take it, Sir, that there is something of that spirit when we are referring to the Fifth Year of the Republic, because we want to look upon the institution of our Republic as a seminal event whose significance we want to impress on the minds of our people. What happened in the time of the French Revolution was that, as a result of the new inspiration, they launched upon new social experiments. I do not want to go into details about it, but I would give some instances. At the time the French revolutionary armies had to fight foreign interventionary forces, they adopted a great deal of very important social and economic legislation; legislation in regard to the metric system, weights and measures, reform of the calendar and so on. I am not referring to the economic changes. These changes indicated the kind of new temper which had come to the country. As far as we are concerned, I regret to have to say that the people do not feel that kind of new exhilaration. We wish that the people could feel that exhilaration. I wish that when the Government comes forward with this kind of motion, Government realises its responsibilities to the people. Let not this be a merely formal alteration. To be justified, this must be a substantial matter. Government must always remind itself of its responsibilities to the people. If we are

reminding our people of the fact that we have a republic, a sovereign republic, that we give our laws unto ourselves, that we have got fundamental rights, that there are certain directives in regard to social policy, if we want to bear all that in mind, that means a special obligation on the Government of the day. As far as I see, the Government does not live upto that obligation except on very rare occasions. That is why I wish to take advantage of this opportunity to impress upon the Government that this should not be a mere formal alteration. The spirit behind it is something which should be communicated to the people and from the people inspiration should be received. The Government, if it is going to justify this kind of change, ought to come forward with really basic social and economic legislation which would change the face of our country, which will at least try to materialise the directives of social policy which are there in the Constitution. These are some of the points which I hope Government will bear in mind when Government comes forward with this kind of motion.

Dr. Katju: I consider it a signal honour that my hon. friend should have selected me and my small Bill for these eloquent observations. Because, so far as this formula is concerned, the House is already using it. I think, for the last few weeks, on several occasions. This morning, the House has just passed two Bill, very important Bills.

Mr. Deputy-Speaker: The hon. Member is not against it.

Dr. Katju: My hon. friend waited and waited and he has picked me out for this dissertation of his views.

Shri K. K. Basu (Diamond Harbour): Because you are competent to answer.

Dr. Katju: We live and move and have our being in the consciousness that we are living in a free India, and personally speaking for myself, all of us in this country in this Parliament

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and outside, consider ourselves specially fortunate that it should have been given to us to see the birth of this great republic. My hon. friend may not accept it and his heart goes back to the French Revolution, or whatever it is. We are trying our very best absolutely in every way that we can transform the life of the people of this country.

श्री के० के० बसु : यह गलत बात है ।

Mr. Deputy-Speaker: The question is:

That the following amendment made by the Council of States in the Bill to regulate certain conditions of service of the Judges of High Courts in Part A States, be taken into consideration:

"That for the existing enacting formula of the Bill, the following be substituted, namely:—

'Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:—'

The motion was adopted.

Dr. Katju: I beg to move:

"That the amendment made by the Council of States in the Bill be agreed to."

Mr. Deputy-Speaker: The question is:

"That the amendment made by the Council of States in the Bill be agreed to."

The motion was adopted.

DISPLACED PERSONS (COMPENSATION AND REHABILITATION) BILL.

Mr. Deputy-Speaker: Before the hon. Minister starts, I should like to say that this matter was brought before the House as a special Bill. As to what time has to be allotted to this Bill has not been considered by the Business Advisory Committee.

The House may decide as to what time it will take.

The Minister of Rehabilitation (Shri A. P. Jain): I think we should finish it by 1-15 P.M. today.

Mr. Deputy-Speaker: Two and a half hours. How long does the hon. Minister propose to take?

Shri A. P. Jain: Twenty-five to thirty minutes.

Mr. Deputy-Speaker: In the end?

Shri A. P. Jain: Not much time; all things said here will have to be taken into account by the Joint Select Committee.

Mr. Deputy-Speaker: Can we finish in two and a half hours?

Shri Raghavachari (Penukonda): We have a programme to follow as recommended by the Business Advisory Committee. If this new Bill which was not considered by that Committee should be interposed now, it might result in that programme being upset and the House may have to be further extended. That is the only point. We will have to guard against such a contingency.

Mr. Deputy-Speaker: Then, finish this as quickly as possible.

Shri K. K. Basu (Diamond Harbour): Let us begin and see.

Shri A. P. Jain: So far as I understand, the time taken by this Bill will not disturb the other programme of the House and there will be no necessity to extend the sittings of the House because of the discussion on this Bill.

Mr. Deputy-Speaker: What time shall we allot for the consideration motion?

Shrimati Renu Chakravartty (Basirhat): This Bill is only going to the Select Committee.

Mr. Deputy-Speaker: All right. The hon. Minister will take 25 to 30 minutes

initially. If there is to be any reply, we will see. This matter will be finished by 1-15.

Shri A. P. Jain: I beg to move:

"That the Bill to provide for the payment of compensation and rehabilitation grants to displaced persons and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 49 Members, 33 Members from this House namely: Shrimati Subhadra Joshi, Shri Gurmukh Singh Musafir, Lala Achint Ram, Pandit Thakur Das Bhargava, Shri Hira Singh Chinaria, Shri Naval Prabhakar, Shri Bibhuti Mishra, Shri Ramchandra Majhi, Dr. Pashupati Mandal, Shri Daulat Mal Bhandari, Shri Muhammed Khuda Baksh, Shri Rameshwar Sahu, Shri Khushi Ram Sharma, Shri Venkatesh Narayan Tivary, Shri Yeshwantrao Martandrao Mukne, Shri Raghubar Dayal Misra, Dr. Hari Mohan, Shri Ramraj Jajware, Shri Krishna Chandra, Shri Shankar Rao Telkikar, Shri P. Kakkan, Shri T. R. Neswi, Shri K. G. Deshmukh, Sardar Hukam Singh, Shri Pisupati Venkata Raghavaiah, Shri Nikunja Behari Chowdhury, Shri Bahadur Singh, Shri Jaswantraj Mehta, Shrimati Sucheta Kripalani, Shri Choithram Partabrai Gidwani, Sardar Lal Singh, Shri Jagannathrao Krishnarao Bhonsle, and Shri Ajit Prasad Jain and 16 members from the Council;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects, the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations

and modifications as the Speaker may make;

that this House recommends to the Council that the Council do join the said Joint Committee and communicate to this House the names of members to be appointed by the Council to the Joint Committee."

In order to correctly appreciate the provisions of this Bill and the necessity for introducing it, it is necessary to go broadly into the history of our negotiations with Pakistan in respect of evacuee property. I will take the House back to 1947 when in the first Inter-Dominion Conference it was decided to set up a Committee of two officers from each Dominion to consider the question. That Committee unanimously recommended that the Dominion in which the evacuee agricultural property is situated shall acquire it on payment of fair value, except that part thereof wherein the Government concerned has accorded permission to exchange or sale by private negotiation or has allowed restoration. The fair value was to be assessed by a Joint Valuation Board according to the average prices prevailing for similar land between June 1927 and June 1947 and the difference between the total value in the two countries was to be paid in the form of bearer bonds of a general issue bearing 1½ per cent. interest free of income-tax. In other words it was accepted in principle that there should be an exchange of the agricultural property on a government to government level and that the debtor country should pay to the creditor country in respect of the difference of the value of the agricultural property in the two countries by the issue of bearer bonds bearing interest.

In regard to urban property, the recommendation was that the Government of the Dominion in which the evacuee property is situated shall provide facilities to evacuees as also to private agencies working on their behalf to enable transfer to be effected by sale, exchange or otherwise. To

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put it shortly in respect of urban property, the recommendation was that sales and exchanges may be effected by the individuals. The recommendations of this officers' committee were finally considered by the Inter-Dominion Conference in January, 1949 and an agreement was arrived at which is the well-known Karachi Agreement.

In regard to agricultural property, this Conference decided that, with a view to collecting the data, which would enable an early decision to be reached regarding the disposal of agricultural property, to exchange copies of revenue records and of existing records bearing on the question of land prices.

In regard to urban property, it was agreed that the evacuee owner shall have the right to transfer his property by sale, exchange or otherwise, subject to such rights as may have been acquired by the Provincial or the Dominion Government as the case may be. Further, it was also agreed that the Custodian will prepare for the six-monthly period ending 30th June and 31st December each year in duplicate for each locality giving particulars of evacuee urban immovable property situated therein, the names of the evacuee owners and the lease money assessed, with an additional column showing the rent collected, deductions made therefrom and the balance payable to each evacuee owner. This arrangement would apply *mutatis mutandis* to rents of agricultural properties.

Pakistan has been relying all along on this Karachi Agreement, but we have to see to what extent Pakistan has adhered to the provisions of the 1949 Agreement, i.e., the Karachi Agreement. Twenty-six days after the Karachi Agreement was signed, Pakistan, without consulting India, promulgated an Ordinance under which every visitor to Pakistan was required to obtain an income-tax clearance certificate testifying that no income-tax was due from him before

he could leave Pakistan. This made the provision with regard to the exchange of urban evacuee properties very difficult to work. When we took up the matter with Pakistan, they made an exemption for fifteen days visits, but even that was too short. Things did not end there, but on the 16th February, 1949 Pakistan issued an order, again without consultation with India, slashing rents on all urban evacuee property. The Muslim refugee occupants of non-Muslim property were given a remission of as much as 80 per cent. of their rents, further reduction being allowed for prompt payment of rent. In the case of non-refugees, a remission of 33 per cent. was also allowed. By this arbitrary reduction of rent, Pakistan correspondingly reduced the value of these properties. What was then the use of entering into an agreement that properties would be exchanged at a private level when by an arbitrary act Pakistan could reduce the value of these properties so radically?

In order to even out things, another conference was held in June, 1949, but nothing came of it.

Following the conference, on the 26th July, 1949, Pakistan promulgated an Ordinance banning the sale and exchange of evacuee property. We had no other option except to take similar steps on the 30th July, 1949. Now, to harp on the private exchanges of property in the face of what was done by Pakistan, completely making it impossible to make any exchange of this property, is something which I would say is extremely, to put it very mildly, unbecoming.

With regard to agricultural properties, the revenue papers have been exchanged to a large degree, but the very important condition of the exchange of accounts of the rents has not been fulfilled. It is a fact which can hardly be controverted that both so far as lands and urban property are concerned, refugees on this side have left far more valuable properties

than the migrants from India to Pakistan. It was not in the interests of Pakistan to furnish these accounts, because, as a consequence of these accounts, they would have to make remissions of the balance and they had no intention of doing so.

Things went on hanging for some years. There was a complete stalemate. In June, 1950, during the course of the Indo-Pakistan Conference, we again took up the matter of immovable property, agricultural land and urban properties. We made a suggestion to the Pakistan delegation that the properties might be exchanged at governmental level; their values might be assessed in an *ad hoc* manner, and the difference between the values of the properties in the two countries be determined roughly. The debtor country should be prepared to pay the amount agreed upon between the two countries. We also made it clear that we would not insist on the payment of the last pie; we were prepared to come to a settlement on a figure which might be well within the paying capacity of Pakistan. Nothing came of it.

Then, on the 13th October, 1952, we made formal proposals to the Pakistan Government. Those proposals were that the two Governments should take over the evacuee property left behind in their respective territories and compensate the evacuee-owners according to the principles which may be decided upon by negotiation between the two countries. If direct negotiations proved unfruitful, the Government of India would be prepared to refer the question of the method of valuation to arbitration by an international tribunal agreed upon between the two countries. If it was so desired, the matter might be referred to an international court or any *ad hoc* court consisting of the nominees of the two countries. Again we met with disappointment.

11 A.M.

On the 5th March, 1953, the Pakistan Government rejected our proposal

not only for a government to government settlement, but also for a reference of the matter to an impartial body. Shortly after, however, Khwaja Nazimuddin suggested that a settlement of all outstanding issues between the two Governments by negotiations and personal discussions might be attempted. The same thread was picked up by Mr. Mohammed Ali, and the Prime Ministers of India and Pakistan had a sort of general talk about the problem of evacuee property in London and in Karachi. In consequence, we sent our officers' delegation to Karachi, and discussions were held in the months of July and August. Unfortunately, with regard to immovable property, during the course of these discussions, there could be no settlement. In regard to agricultural property, our officers pointed out to Pakistan that practically all the records had been exchanged, and that both India and Pakistan were in possession of the facts. Only some records in regard to the non-agreed areas which represented less than eight per cent. of the total evacuee agricultural land in India remained to be exchanged. We suggested that these comparatively few records should not stand in the way of a settlement. They, however, refused to commit themselves to a government to government settlement in regard to the agricultural property. Again, in regard to urban property, they said they were not prepared to discuss the full implications of the suggestion to effect exchanges and sales privately. Now, there is one aspect of it, which is rather an important aspect. No one can say that the values of the evacuee properties in the two countries are equal, and therefore, some hard core will be left over. What we have all along been urging upon Pakistan is: "Assuming that we agree to the exchange of properties by individuals, what will happen to this core of the property? Do you agree to make payment for the core of the property that is left over, after all the exchanges have been effected". To that, they have never given any satisfactory answer. We have also asked them, "How long do you want to give trial to the system of

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private exchanges?" We have got some past experience, namely from January to June 1949, and during that period of five to six months, only a few dozen properties could be exchanged or sold in the two countries. Even when there was some possibility of the sale of properties in Pakistan, an artificial agitation was kicked up, and the sale became impossible. It will thus be seen that all our efforts to come to a settlement about evacuee properties at a government to government level have been turned down by Pakistan.

Undeterred by their continuous refusal, we went on pursuing a settlement by negotiation. When the two Prime Ministers met in August, it was agreed that a further conference would be held within one month. The House will recall that a Press Communique was issued to that effect. We suggested to Pakistan to hold a conference in the third week of September. They did not reply. Our Prime Minister wrote a number of letters to the Prime Minister of Pakistan continuously pressing upon him to convene a meeting of the officers of the two Governments, and to come to a settlement with regard to all kinds of evacuee properties. We received a communication from Pakistan last February, in which they alleged that quasi-permanent allotment of urban evacuee property contemplated under the interim compensation scheme had created a new situation prejudicial to the proposed further discussions. We made it clear to them that we had kept the title of the evacuees intact, and that it had not been affected by our quasi-permanent allotments, and therefore, it should not stand in the way of a settlement by negotiation.

Ultimately, on the 12th April, we got another communication from the Prime Minister of Pakistan, that it would take some time before the Pakistan Government could examine the various issues relating to evacuee properties. The question of evacuee property has been before India and before Pakistan, for the last six years and more, and at this

stage, they say, that they would take more time to consider this question. In the light of the dilatory and obstructive tactics that have been followed by Pakistan, we are left with no doubt that they do not want a settlement, and therefore, we were driven to the necessity of taking some steps.

I find that in today's *The Statesman*, Mr. Shoaib Qureshi, the Pakistan Minister for Refugees has characterised our action as indefensible, unilateral and immoral—I believe the report is correct. In the light of what I have said, can it be said that the action is indefensible? We have been driven to take this action, by the obstructive attitude of Pakistan. Unilateral it is, because we had no other option, and Pakistan was not prepared to come to a settlement. As regards its being 'immoral', let us examine that question with respect to evacuee properties. The position today is that they are fast deteriorating. Every rainy season, a large number of houses—may be several hundreds—collapse. In fact when I see a report in the newspaper that a house has collapse, I have a depressing feeling that it might be an evacuee property house; and in many cases, my feeling has turned out to be correct. In the city of Delhi, there was a report that a house had collapsed, and four persons had been buried and killed. I made inquiries and found that it was an evacuee property house. Similarly, a report appeared that in Amritsar, a house had collapsed and some persons had died. On enquiry, I found that it was an evacuee property house. In Bombay and other places also, a large number of evacuee property houses is going to ruins. In fact, the municipal authorities of Bombay have issued notice against the Custodian, to prosecute him for keeping the houses in such a dangerous condition, dangerous not only to the occupant, but also to the passers-by and the neighbours.

In these circumstances, we felt that if any further delay occurred, there might be no evacuee property left to argue

about; it would mean a national loss to us and it would mean a national loss to Pakistan. Even then, Pakistan has not cared to see or to appreciate our point of view. The House is well aware that all the agricultural lands and most of the urban properties have been allotted to the refugees both here in India and in Pakistan. They have been using those properties for the last six years or so.

Shri Mulchand Dube (Farrukhabad Distt.—North): The hon. Minister is not audible in the House.

Mr. Deputy-Speaker: The loud speaker arrangement has failed. Perhaps if the hon. Member comes nearer, he will be able to hear better.

The Minister of Law and Minority Affairs (Shri Biswas): The electric current is gone.

Shrimati Renu Chakravartty: He may speak louder.

Shri A. P. Jain: It would be impossible either for India or for Pakistan to conceive that all these large numbers of persons, numbering millions, should be dislocated from either lands or houses. In a way, at least so far as the use of the property is concerned, it has become frozen. So any system of private exchange, if it is to be effective, must mean disturbance of millions of persons who have been settled on land and in houses and other types of property both in India and Pakistan, and such a contingency at least so far as I am concerned, is inconceivable. It will mean misery, utter misery, to millions of persons on either side.

As I said a few minutes ago, the question about the hard core—assuming that all the properties in India and Pakistan are exchanged—i.e., property that may be left over either on this side or on that side, remains. I make bold to say that a large amount of property will be left over on the other side. What about that? Pakistan has never offered any solution about this hard core. So taking all these things into consideration, any dislocation would mean misery to

large numbers of persons. Pakistan's refusal to make any reasonable and rational suggestion about the hard core that may be left over, even if we assume theoretically that it is possible to exchange properties left us with no option except to take the step which we have taken. And to call this step 'immoral' is the height of perversity, I must say.

Now, this is the history of evacuee property which has compelled us to take this step, and I say that the action which we have taken has come none too soon. Mr. Shoaib Qureshi is also reported to have said that he would never agree to a government to government settlement of the issue. To this, I say that we shall never agree to an individual exchange and sales of property unless a satisfactory guarantee is given to us about the payment in respect of the hard core that is left over. In fact, after what Mr. Shoaib Qureshi has said, that there is no ground left for further negotiations, even that question does not arise.

Now, after this brief introduction, I will refer to some of the important provisions of the Bill. Clause 4 of the Bill provides for applications for the payment of compensation. Now after the application has been received, under clause 5 the settlement officer will determine the public dues due from the claimant. 'Public dues' are defined in clause 2, namely, arrears of rent in respect of any property allotted or leased to the displaced person, any amount recoverable from the displaced person on account of loans granted to him by the Central Government or a State Government or the Rehabilitation Finance Administration, the amount of purchase money or any part thereof and any interest on such amount or part remaining unpaid and recoverable from the displaced person on account of transfer to him by the Central Government or a State Government of any property or any interest therein, and any other dues which may be declared by the Central Government by notification in the Official Gazette to the public dues recoverable from the displaced person. After the determination of the public

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dues, the application will be forwarded together with the relevant record to the Settlement Commissioner for the determination of compensation. In determining compensation, the Settlement Commissioner shall deduct the amount, if any, of the public dues recoverable from the applicant and where any communication is received from any tribunal under section 32 of the Displaced Persons (Debts Adjustment) Act 1951, the debts payable by the applicant in accordance with the provisions of that Act, and any other dues that may be prescribed. The House will remember that when the Displaced Persons (Debts Adjustment) Act, 1951 was enacted, an express provision was made in it that the amount under any decree passed under that Act could be recovered only after certain adjustments and deductions from the compensation. Now this compensation can be paid either in cash, or in Government bonds, or by sale to the displaced person of any property from the compensation pool and setting off the purchase money against the compensation payable to him, or by any other mode of transfer to the displaced person of any property from the compensation pool, and setting off the valuation of the property against the compensation payable to him, or by transfer of shares or debentures in any company or corporation or in such other form as may be prescribed. All this has been laid down under clause 7. If there is a dispute between two or more persons as to who is entitled to receive the compensation—this also includes any dispute as to who are the successors-in-interest of any deceased claimant—the following procedure will be adopted. The Settlement Commissioner may, after making inquiries in such manner as may be prescribed, decide the dispute; if it is a simple matter, he will himself decide the dispute. If it is a complicated matter, he will refer the dispute for the decision of a civil court. Even where he chooses to decide the dispute himself, the person aggrieved will have the right to go to the civil court. Section 9 deals with agricultural properties in

PEPSU and Punjab where certain notifications were issued and lands were settled on a quasi-permanent basis. This is a special provision introduced with a view to effect an easy settlement of those properties. Section 10 provides for payment of rehabilitation grants to displaced persons. Here it may be pertinent to observe that the displaced persons who will be entitled to the rehabilitation grant will not only be those who have filed claims, but also others.

Chapter III is a very important chapter. Section 11 provides for the acquisition of title in evacuee property for a public purpose that is for the relief and rehabilitation of displaced persons, including payment of compensation to such persons. This property will be acquired by the issue of a notification as referred to in subsection (2) and the notification may relate to all evacuee property generally, or any class of evacuee property, or all evacuee property situated in a particular area, or any particular evacuee property. The House is well aware that there are various kinds of properties—agricultural property, rural houses, urban houses, business premises, industrial premises, etc., and it is, therefore, necessary that the Government should have a wide power to issue notifications in respect of all evacuee property generally, or any class of evacuee property, or evacuee property situated in a specified area, or any particular type of evacuee property.

Section 12 is a very important section. It lays down that "There shall be paid to an evacuee compensation in respect of his property acquired under section 11 in accordance with such principles and in such manner as may be agreed upon between the Governments of India and Pakistan". We have not yet abandoned the hopes of a final settlement and we do not want that this law should come in the way of a final settlement with Pakistan. As and when we acquire a property, we shall make a book entry to the credit of the evacuee about

the value of that property, and when there is a settlement with Pakistan with regard to evacuee properties in the two countries, we shall be prepared to give credit to the evacuee in accordance with the principles agreed to between the two countries.

Section 13 deals with the compensation pool, which shall consist of all evacuee property acquired under section 11, such cash balances as are lying with the Custodian and contributions made by the Government of India to the compensation pool. The contribution by Government has already been defined and it is "the loans so far advanced to displaced persons from West Pakistan, the properties built by the Government for their rehabilitation and the provision made till May 1953 for their rehabilitation for the future under the Five Year Plan or otherwise...."

Section 14 provides that any property forming part of the compensation pool will be free from attachment, etc.

Section 15 provides for the management of the compensation pool. Government may appoint either managers or managing corporations who will have the right to manage the property and dispose of it.

Section 16 is another important provision. It provides for the setting up of a welfare corporation. The Rehabilitation Ministers' Conference in 1952 recommended that compensation may be paid in respect of the properties left by educational and medical trusts in Pakistan. This section provides that the compensation so payable will not be given to the individual trust, but it will be given to this omnibus corporation which will utilise it for the purpose of catering to the educational and medical needs of the displaced persons.

Another important section, to which I would like to draw the attention of the House, is section 28, which provides that "where a displaced person is in lawful possession of any property comprised in the compensation

pool which is transferred to another person under the provisions of this Act, then, notwithstanding anything contained in any other law, the displaced person shall, without prejudice to any other right which he may have in the property, be deemed to be a tenant of the transferee for a period of two years from the date of the transfer and shall not be liable to be ejected during that period". We thought that in order to minimise the chances of dislocation, the displaced person should have a minimum period of two years during which the tenancy is secured. So far as non-displaced persons are concerned—and there are quite a large number of them—they will be covered by the ordinary law of the State. In practically all the States, there are rent laws which give some protection to the tenants and the non-displaced persons will get the same protection.

Section 35 provides for the validation of certain action taken before the commencement of the Act. The House is aware that we have already formulated a scheme for the payment of interim compensation, which is being worked upon, and this section will validate all the acts done and payments made under the interim compensation scheme, by virtue of law.

These are the important provisions of law, which I thought I might bring to the notice of the House. We have taken care to make the Bill as comprehensive as possible. In fact, in a Bill of this nature, provisions of a general nature have got to be there, because the problem, with which this law deals, is one of vast complexity, and the enacted law will have to be supplemented by by-laws, rules and regulations. I hope the House will accept the motion made by me.

Mr. Deputy-Speaker: Let me place the motion before the House, but I have been informed by the Minister of Parliamentary Affairs that the Government wants to include one more name in the list of members of the Joint Committee.

Shri A. P. Jain: Yes, Sir. I want to add a 34th name and it is that of Shri Mohd. Hifzur Rahman.

Mr. Deputy-Speaker: I will put it as the 32nd name and the Deputy Minister's and the Mover's as the 33rd and 34th names.

Motion moved:

"That the Bill to provide for the payment of compensation and rehabilitation grants to displaced persons and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 50 members....."

Shri A. P. Jain: Please make it as 51 Members and let there be 17 from the other House.

Mr. Deputy-Speaker: Agreed.

Motion moved:

"That the Bill to provide for the payment of compensation and rehabilitation grants to displaced persons and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 51 members, 34 members from this House, namely, Shrimati Subhadra Joshi, Shri Gurmukh Singh Musafir, Lala Achint Ram, Pandit Thakur Das Bhargava, Shri Hira Singh Chinaria, Shri Naval Prabhakar, Shri Bibhuti Mishra, Shri Ramchandra Majhi, Dr. Pashupati Mandal, Shri Daulat Mal Bhandari, Shri Muhammed Khuda Baksh, Shri Rameshwar Sahu, Shri Khushi Ram Sharma, Shri Venkatesh Narayan Tivary, Shri Yeshwant-rao Martandrao Mukne, Shri Raghubar Dayal Misra, Dr. Hari Mohan, Shri Ramraj Jajwara, Shri Krishna Chandra, Shri Shankar Rao Telkikar, Shri P. Kakkan, Shri T. R. Neswi, Shri K. G. Deshmukh, Sardar Hukam Singh, Shri Pisupati Venkata Raghavaiah, Shri Nikunja Behari Chowdhury, Shri Bahadur Singh, Shri Jaswantraaj Mehta, Shrimati Sucheta Kripalani, Shri Choithram Partabrai Gidwani, Sardar Lal

Singh, Shri Mohd. Hifzur Rahman, Shri Jagannathrao Krishnarao Bhonsle and Shri Ajit Prasad Jain and 17 members from the Council;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make;

that this House recommends to the Council that the Council do join the said Joint Committee and communicate to this House the names of members to be appointed by the Council to the Joint Committee."

I want to suggest to the House that the discussion on this Bill may be over by 1 o'clock. I am informed by the Minister of Parliamentary Affairs that in that case a message can be carried to the other House so that they can take the necessary action. Otherwise there will have to be a separate sitting of the other House. I propose allowing fifteen minutes to each speaker. The debate will be over by 1 o'clock, and I will put the motion for consideration at 1 o'clock.

Shrimati Renu Chakravartty: When will the debate, as far as Members are concerned, conclude?

Mr. Deputy-Speaker: I hope fifteen minutes for the Minister would do.

Shri A. P. Jain: I will require only five minutes.

Mr. Deputy-Speaker: I do not propose to call hon. Members who are on the Select Committee.

Shrimati Renu Chakravartty: Mr. Deputy-Speaker, we have heard the long history of this evacuee property and compensation pool. It has really been a long and painful history of broken promises, and what is worse, the heart-breaks that have accompanied it as far as the refugees on both sides are concerned. From time to time, as the relations between Pakistan and India have improved, we have made certain progress; again when we have fallen apart; then the whole thing has come to a standstill; acrimonious controversy has started. It is a peculiar situation that has arisen out of the peculiar relation between India and Pakistan who are so closely related to each other. Behind all this is the imperialist intrigue, as a result of which we have come to such a position that there is absolutely no chance at the moment of any sort of settlement. As a result of this background, we have to realise that it is the common people who have suffered throughout, and when we bring forward a Bill of this nature, we must see that the common people, whether they are Hindus or whether they are Muslims, do not suffer. We on our part know what it is, what an amount of suffering the refugees have undergone and we are quite agreeable that something must be done about the evacuee property and the refugees who have been expectantly waiting for years and years should get their legitimate share. In spite of everything, in spite of the unilateral action that we have had to take, there is in this Bill a clause whereby some sort of a settlement between India and Pakistan is still needed. I forget the exact number of the clause but it says that the compensation which Government will pay to the evacuee will be held in trust, till there is a settlement between India and Pakistan. The possibility of a settlement between the two countries on the basis of common goodwill and understanding is still open. Therefore, it is from this point of view that I am going to make a few remarks, so that we may see that the refugees get the maximum benefit, and

yet, at the same time the Muslim evacuees, who have still claims outstanding, also do not suffer.

Sir, we have heard again and again, certain policies being enunciated by the Minister on the floor of the House giving guarantees that the houses, lands and other properties of the small holder, whether they are Muslims or Hindus, will be safeguarded, and those who have left for legitimate reasons do not suffer. Even in our parts, to which this Bill does not apply, we have seen how, in spite of the Minister's assurances that such property will not be touched for refugee rehabilitation the machinery that functions has brought about hardships. Mr. Jain knows it. I have brought specific cases to his notice. That is why in regard to this Bill I would like to have certain matters clarified.

The first thing I would like to know is what is evacuee property. Now there is a pool of certain properties which have been taken over by the Custodian. I remember, in the course of the discussion on the Evacuee Property Bill, sometime in August 1952, certain amendments were incorporated which made matters easier for evacuees—for instance, the term 'intending evacuee' was done away with. There are many cases in which those people who have come back under this category have preferred appeals against Custodian's claims. They have contended against the decision of the Custodian to take over their properties. Now what is going to happen to those pending appeals? Will such properties form part of the evacuee pool, or will a decision be given on such appeals, and it is only then that such properties will be taken over by Government. The position has to be clearly stated in this respect.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

As a matter of fact, I remember listening to the speech of an hon. Member in this House when amend-

[Shrimati Renu Chakravartty]

were introduced to Evacuee Property Bill who had cited certain specific instances. I definitely remember a case where the Bombay High Court had said that it was a matter in which though the High Court had no jurisdiction they were of opinion that the property could not be declared evacuee property. The hon. Minister then gave an assurance that he would look into it personally: I do not know to what extent it has been honoured. As far as I know—this appeal is still hanging fire although almost two years have passed.

The second point I wish to make is this. There are certain people who have come back in accordance with the terms of the Delhi Agreement. Some of them have come back quite recently. Now, what is to happen to their property? These are matters on which we want a clarification. We do, of course, want that our refugees should get at least a part of the value of the property that they have left behind from the evacuee pool the value of which is fast diminishing on account of deterioration. Yet at the same time we should see that no injustice is done to the genuine cases of the Muslim evacuees.

Coming to the Bill itself, I want to make certain observations. In the first place I would like to take clause 28. Now in Delhi we know there are hundreds and hundreds of families who have been in possession of property which is today evacuee property. Not all of them are displaced persons; some of them are ordinary workers living in them; some of them are small traders; some of them are very poor people who have somehow or other managed to live in these houses for years. Now the hon. Minister says that the ordinary Rent Control Order will apply to them. As far as I know, the Rent Control Order says that if anybody wants his house to be returned to him for his own use, that house has to be returned to him. Of course, it would be perfectly legitimate for any refugees who have been allotted a house against his claims to ask for the return of his house; it

would be perfectly legitimate for the people who are living in them to ask that they should be provided with alternative accommodation. The same guarantee which is given to the displaced persons should be given to the poor people who otherwise would be thrown out in the streets. If they are going to be ejected, where are they to go to?

I remember about a year and a half ago we had a similar Bill relating to Tripura. The land of Muslims who had migrated to East Pakistan had been taken by the East Bengal refugees. The question then arose as to what was to happen to East Bengal refugees, when the evacuees returned from East Bengal. We made a plea for the provision at that time that within a specified time-limit alternative arrangements should be made for them. Here the Select Committee could insert a clause to the effect that alternative housing arrangements should be made for those who will be ousted. Otherwise, we will bring about untold hardships and suffering on hundreds and hundreds of families. This way also, the same case will be there. That is one very important point.

Shri Syed Ahmed (Hoshangabad): On a point of order, there is no quorum. There are hardly forty persons present in the House.

Mr. Chairman: I shall ring the quorum bell. There is now quorum.

Shrimati Renu Chakravartty: That is the point which I wanted to make both for the Minister's consideration as well as for the consideration of the members of the Select Committee because I think that it is a very important point to be taken into consideration and it must be so worked out that there is some sort of a settlement whereby the refugees are able to get their legitimate share and there is an end of their suffering and at the same time people who are going to be ejected will be guaranteed some shelter.

There are two other small points which I should like to make before the House at this stage. That is about clause 10, sub-clause (2). Here it is correctly stated that the maintenance allowance which is being given for the poor widows will be taken out of the compensation pool. That is correct, but at the same time I would like one point to be clarified. Will these be made recoverable against verifiable claims of the widows themselves? Here you may say that it is not so. But, if you look into the definitions, you will find that sub-section (iv) of sub-clause (d) of clause 2 says 'any other dues which may be declared by the Central Government by notification in the Official Gazette to be public dues recoverable from the displaced person'. I would like this to be categorically stated because there are widows who might have some claims—at least there may be some and I would like that this sum should not be made recoverable against that. I do not think that it is a very big amount but even then what has been given out from the general funds of the Government should, I do not think, be taxed from the general compensation pool as far as maintenance allowance goes.

The last point is a small point. I would like to have some sort of a clarification from the Minister. That is about Chapter IV which deals with appeals to the Settlement Commissioner. It has been suggested that any person who is aggrieved by the order of the Settlement Officer may appeal to the Settlement Commissioner. But if the difference between the amounts claimed by the officer and the applicant is less than Rs. 1,000 in such cases appeals cannot be preferred. I think the hon. Minister has done this because he feels that the amount of expenditure and the delay involved will not be commensurate with the amount that is outstanding. I think that even in such cases we should allow the right of appeal. After all, it is quite possible that the Settlement Commissioner may make mistakes and for those who had

suffered so long for certain claims and who want to put forward their cases even if it is a small amount, even Rs. 10, or Rs. 15 may be big; it is big for those who have nothing. We should allow appeals and they should not be deprived of this right. This right should not be taken away from them although the amount is small and such parties should be given full rights.

These are a few points which I should like to make at this stage of the discussion and I must say that we still depend on settlement between the two countries. It is no doubt difficult. There are other extraneous matters and that is why we are unable to come to a settlement yet. We have to go on trying. Therefore whilst we are glad that, after a long time during which our West Pakistan refugee brethren have been waiting expectantly and seeing before their eyes the evacuee pool deteriorating more and more, and some sort of an end has come to this, we must see also that no great injustice is done to our Muslim brethren and that those who have justifiable claims are not put to further hardship.

श्री ए० एन० विद्यालंकार (जालन्धर): सभापति जी, जो बिल इस समय सदन के सामने पेश हैं, मैं समझता हूँ शरणार्थी सम्पत्ति सम्बन्धी समस्या जो कि बहुत उलझी हुई है, उसका एक हल है। बहुत अर्से से यह मांग थी कि जो लोग पाकिस्तान से आए हैं और वहाँ पीछे पाकिस्तान में जो कुछ अपनी सम्पत्ति छोड़ आए हैं, उसका कुछ मुआवजा उन्हें दिया जाय और इस सम्बन्ध में काफी अर्से तक इन्तजार करते २ और काफी वायर्द सुनते २ वह थक गए थे। दूसरी तरफ मंत्री महोदय ने काफी विस्तार से इस बात को स्पष्ट किया है कि पाकिस्तान के साथ बात चीत करके इस मामले को सुलझाने के जितने प्रयत्न किये गये वह किस प्रकार असफल रहे और उनके सफल होने की अब कोई आशा नहीं दिखाई देती। इस बात की आशा करना कि पाकिस्तान के साथ इन् प्रोपर्टीज के तबादले का कोई फौसला होना

[श्री ए० एन० विद्यालंकार]

सरकारों के जरिये हो जाय, वह इस समय मौजूदा हालात को अगर हम देखें तो नामुमकिन जान पड़ता है। दूसरी तरफ जनता यानी जो जायदाद वाले हैं और जो पाकिस्तान से आए हैं और यहां से जो लोग अपनी जायदाद भारत में छोड़ कर पाकिस्तान गए हैं, वह आपस में कोई फौसला कर सकें, यह भी नामुमकिन है, यद्यपि गवर्नमेंट ने इस बात की काफी इजाजत दी और मौका दिया कि इस तरह की प्रापर्टीज का तबादला हो जाय लेकिन पाकिस्तान गवर्नमेंट ने जो इसके सम्बन्ध में फौसला किया और जो समझौता किया उस पर अमल नहीं किया और उसकी वजह से वह भी नामुमकिन हो गया और उसके बाद गवर्नमेंट के पास कोई और चारा और रास्ता नहीं रह जाता जो वह अख्तियार करती सिवाय उस कार्यवाही के करने के जो इस बिल के अन्दर दर्ज हैं।

जिस समय गवर्नमेंट की तरफ से श्री गोपाल स्वामी आयोग ने वायदा किया था कि जो रफ्यूजीज आए हैं उनको हम कुछ मुआविजा देंगे, उस मुआविजे के अन्दर तीन आइटम्स थे जिनसे यह आशा की जा सकती थी कि जो भाई उधर से अपना घर बार और जायदाद वगैरह सब कुछ छोड़ कर आये हैं, उनको मुआविजा दिया जा सकेगा। पहला यह जुज था कि अगर पाकिस्तान से हमारा समझौता हो जाता तो पाकिस्तान से कुछ रुपया हमें मिल सकता था। दूसरा यह कि जो लोग पाकिस्तान जाते वक्त यहां भारत में अपनी प्रापर्टीज छोड़ गये हैं, उससे हमें कुछ रुपया मुआविजा स्वरूप मिल जायगा और तीसरा आइटम उसका यह था कि गवर्नमेंट की तरफ से कोई अलीहदा गान्ठ उनको दी जा सके जिससे उनकी क्षतिपूर्ति हो सके। जो बिल आज हमारे सामने पेश है और जिस हालत में हम आज पहुंच गए हैं उससे यह स्पष्ट है कि जहां तक पहले आइटम यानी पाकिस्तान से मिलने वाली रकम का सबाल है, वह तो खत्म हो गया और उसके हमें मिलने की कोई आशा नहीं है। दूसरा आइटम वह है जिसमें उधर पाकिस्तान जाने वालों द्वारा

छोड़ी गई जायदादों से शरणार्थियों को मुआविजा देने की बात है या गवर्नमेंट की तरफ से कोई अलहदा रुपये की गान्ठ उनको देना है, जाहिर है कि यह दूसरा और तीसरा आइटम ऐसा है जो एक बड़ी कमी या एक बड़ा अन्तर को पूरा नहीं कर सकता और वह अन्तर वह है जो कि हमारे उधर से आने वाले भाइयों द्वारा छोड़ी हुई जायदादों में और यहां से जो उधर गए हैं उनके द्वारा यहां छोड़ी गई जायदादों की कीमत के अन्दर है। यह आशा करना तो मैं समझता हूं कि बहुत ज्यादाती होगी कि जो कुछ अन्तर है वह तमाम अन्तर गवर्नमेंट पूरा करे और पूरे का पूरा मुआविजा जो कुछ हो वह गवर्नमेंट आफ इंडिया भर दे, यह तो गवर्नमेंट के रिसोर्सेज के बाहर की बात है और ऐसी आशा करना उनके साथ बहुत ज्यादाती करना होगा। मैं यह अनुभव करता हूं कि जो जायदाद यहां पर मुसलमान भाई छोड़ गए हैं और जो कुछ गवर्नमेंट ने अब तक गान्ठ दी है, उससे और जो कुछ मुआविजा उन जायदादों से मिलने वाला है वह बहुत काफी नहीं है, वह बहुत कम है और अपर्याप्त है और वह वास्तविक जरूरत को पूरा नहीं करता। मैं श्री अजीत प्रसाद जैन की इस बात के लिये तारीफ करता हूं और मैं समझता हूं कि यह उनके प्रयत्नों का फल है। उन्होंने इस दिशा में काफी कोशिश की है और अपनी मिनिस्ट्री के अन्दर भी और बाहर भी पाकिस्तान गवर्नमेंट से बातचीत करके जो प्रयत्न किये हैं उनके लिये तमाम हाउस उन्हें धन्यवाद देगा और तमाम हमारे भाई जो उधर से आए हैं वह धन्यवाद देंगे, लेकिन मैं इस बिल का समर्थन करते हुए एक बात उनके सामने यह रखना चाहता हूं कि जो लोग पाकिस्तान से आए हैं उनके बारे में मैं कहना चाहता हूं, मैं उन बड़ी बड़ी जायदाद वाले भाइयों की बात नहीं करता क्योंकि वह तो शायद इस बिल को पसन्द भी न करें और वह तो खर्वाहिशमन्द होंगे कि कोई ऐसा तरीका निकल आये जिससे कि आपस में इन जायदादों का तबादला हो जाय और उनके पास ऐसे साधन हैं और वह उसको

कर भी सकते थे। मैं इस बात को तसलीम करता हूँ और मंत्री जी की तारीफ करता हूँ कि उन्होंने सार प्रश्नों को बड़ी जायदाद वालों की दृष्टि से नहीं देखा, बल्कि जो लोग गरीब हैं और थोड़ी जायदाद वाले हैं उनकी दृष्टि से उन्होंने इस सार प्रश्न पर विचार किया है और जहाँ पर उन्होंने मुआविजा देने की स्कीम बनाई है उन्होंने इसी दृष्टि से विचार किया है। मैं निवेदन करना चाहता हूँ कि वह थोड़ा सा और आगे बढ़ें और वह इन दो श्रेणियों को सदा ध्यान में रखें एक तो वह जिनके कोई क्लेम नहीं है और दूसरे जिनके क्लेम बहुत थोड़े हैं और जिनको बहुत कम मिलने वाला है, उनकी दृष्टि से सार सवाल को देखें और यह विचार करें कि आया जो कुछ रकम हम उनको मुआविजा स्वरूप देने जा रहे हैं उससे वह रिहैबिलिट हो सकेंगे या नहीं, उनको इतना मुआविजा तो मिलना ही चाहिये जिससे वह पूरी तौर से बस जायें, उनके पैर टिक जायें और वह आगे बढ़ने के लिये तैयार हो जायें। मैं आपको बतला देना चाहता हूँ कि मैं इस प्रश्न को सिर्फ एक रैफ्यूजीज की दृष्टि से ही नहीं देखता, मैं इस दृष्टि से भी इसको देखता हूँ कि जो भाई वहाँ से आए हैं वह अब यहाँ के सिटीजन हैं और यहाँ के सिटीजन होने के नाते हमारी गवर्नमेंट का यह फर्ज है कि उनको पूरी तरह से रिहैबिलिट करें और उनको इस लायक बनायें ताकि वह आगे बढ़ कर अपना जीवन अच्छी तरह से बिता सकें। इसीलिये मैं समझता हूँ कि जहाँ तमाम मुल्क की जिम्मेदारी हमारे ऊपर है तो यह रैफ्यूजीज भी अब तो हमारे देश के सिटीजन हैं और यह एक जिम्मेदारी हमारे ऊपर और बढ़ गई है और गवर्नमेंट को इनके लिये भी इन्तजाम करना है। मैं जानता हूँ कि श्री अजीत प्रसाद जैन चाहते हैं कि उन्हें एक माँका मिल जाय और गवर्नमेंट की तरफ से उनको इसके बास्ते कोई और एड अथवा गान्ट मिल जाय तो वह बड़ी खुशी के साथ रैफ्यूजीज को और ज्यादा कम्पेंसेशन (प्रतिकर) या सहायित पहुँचा सकेंगे। मैं चाहता हूँ कि गवर्नमेंट की तरफ

से मिलने वाली इमदाद में कुछ न कुछ और इजाफा (वृद्धि) करने का रास्ता निकाला जाय और अगर यह एड फॉरन एक साल के अन्दर सम्भव न हो तो कुछ सालों के अन्दर उसको फैलाया जाय लेकिन कुछ न कुछ अतिरिक्त सहायता गवर्नमेंट की तरफ से अवश्य उनको दी जानी चाहिये। आज हालत यह है कि जिनको कम्पेंसेशन मिला है वह इतना थोड़ा और अपर्याप्त है कि उनका गुजारा नहीं चल सकता। पिछले दिनों में यह शिकायत हुई थी कि जिन विडोज को कम्पेंसेशन मिल गया है उनको सरकार के संरक्षण में जिन आश्रमों में वह रह रही हैं वहाँ से उनको जवाब मिल जायगा या उनके जो बच्चे स्कूलों के अन्दर दाखिल हैं वहाँ से उनको हटा दिया जायगा और गवर्नमेंट उनको हजार या दो हजार रुपये देने के बाद तमाम जिम्मेदारी से छूट जायगी, मैं समझता हूँ कि हमारे लिये ऐसा करना मानवता और ह्यूमैनिटी की दृष्टि से उचित न होगा

श्री ए० पी० जैन : यह ठीक नहीं है। हम किसी से भी जान को नहीं कह रहे हैं, जो वहाँ से जाना चाहती हैं वही जा रही हैं लेकिन जो नहीं जाना चाहेंगी वह वहीं पर रहेंगी।

श्री ए० एन० विद्यालंकार : मैं यह जानना चाहता हूँ कि जो आश्रम से चली जाती हैं, आया उसके बाद भी उसका कोई क्लेम गवर्नमेंट के ऊपर रहता है या नहीं रहता है और उसकी क्या अवस्था होती है। मैं इस बात से खुश हूँ कि आप इस बारे में किसी को मजबूर नहीं करते लेकिन रहते हुए भी जो उनका हजार अथवा दो हजार का क्लेम होता है, वह रकम सारी खत्म हो जाती है तो उनकी अवस्था क्या होगी, उनके बच्चों की क्या पोषीशन होगी। दूसरी बात मैं यह कहना चाहता हूँ कि प्रापरटी का डिस्पोजल और बंटवारा हम किस तरीके से करते हैं उसके ऊपर भी हमको विचार करना है और मुझे तो इस बात में सन्देह है कि अगर हम प्रापरटी का आसरा करेंगे उसका नीलाम करेंगे तो हमें उसकी उचित कीमत नहीं मिल पायेगी। हमारे मंत्री महोदय सोचते

[श्री ए० एन० विद्यालंकार]

होंगे कि उनके नीलाम करने से कीमत ज्यादा मिलेगी लेकिन मुझे खेद के साथ कहना पड़ता है कि नीलाम करने से और तमाम के तमाम इवेंक्यूरी एल को मार्केट के अन्दर डाल देने से कीमत कम हो जायगी और जो वह मिलने की आशा रखते हैं वह कीमत उनसे नहीं मिलेगी।

अब कम्पिटेंट आथारिटीज (सच्चम अधिकारियों) की तरफ से या बैंकों की तरफ से जो प्रापर्टी उनके पास रंढन थी उसको बेचा गया है और बेचने से जो कम कीमत मिली है वह इस बात की मिसाल है कि अगर आप प्रापर्टी को आक्शन करते हैं तो उससे कुछ बहुत मिलने वाला नहीं है। अगर आप मुझसे जाती तौर पर पूछेंगे तो मैं कहूंगा, मैं जानता हूँ कि बहुत सार भाई इस तौर पर सोचते हैं कि उनको कैश मिल जाय तो अच्छा है, कि अगर आप दूर दृष्टि से देखें तो कैश मिलने से समस्या हल नहीं हो सकती। आज आप कुछ कैश दे देंगे, अभी हमको मदद भी मिल जायेगी, लेकिन इससे समस्या बनी रहेगी। जो रिफ्यूजीज हैं उनका जो क्लेम बनता है उसके मुआवजे में अगर उनको हाउस मिल जाय, जितना काइन्ड के अन्दर मिल सके, मिल जाय उसके बाद कैश की शक्ल में दिया जाय। कैश देंगे तो वह तो कुछ दिनों में खत्म हो जायेगा और आप देखेंगे कि सम्पूर्ण समस्या वैसी की वैसी ही बनी हुई है। अब तक जो कैश पैमेंट्स हुए हैं उनकी दशा मालूम ही है। कितने कर्बें दिये गए हैं? यह तो ठीक है कि जो कर्ज दिया गया है वह मुआवजे में सम्मिलित हो गया है, लेकिन समस्या वैसी की वैसी बनी हुई है। मैं जानता हूँ कि हमारे बहुत से रिफ्यूजी भाई हैं, डिस्लेन्ड पर्सन्स हैं वह मेरी बात को कभी पसन्द नहीं करेंगे, लेकिन मैं कहता हूँ कि अगर दूर दृष्टि से हम देखें तो हम काइन्ड की शक्ल में जितना ज्यादा से ज्यादा दे सकें, हाउस की शक्ल में दे सकें उनको हिन्दुओं की प्रापर्टी के जो क्लेम्स हैं उनके लिये दे दिया जाय तो ज्यादा बेहतर है बनिस्बत इसके कि आप कैश की शक्ल में

जमा करके दें। मैं समझता हूँ कि दोनों दृष्टियों से बिल का उद्देश्य पूरा हो सकता है। मैं समझता हूँ कि प्रापर्टी को आक्शन न किया जाय जिसमें कि काइन्ड के तौर पर देने से ज्यादा फायदा हो सके।

आखिर मैं मैं कहना चाहता हूँ कि जो हमारा कानून चल रहा है, उसमें जो सबसे ज्यादा महत्वपूर्ण चीज है वह इसकी अपीलें हैं। मैं जानता हूँ कि इस समय हमें इसकी जरूरत है कि क्लेम्स आयें और क्लेम्स की तस्दीक हो लेकिन कोई तरीका ऐसा निकले कि जिससे डिस्लेन्ड पर्सन्स को एक दरवाजे से दूसरे दरवाजे पर और दूसरे दरवाजे से तीसरे दरवाजे पर दरखास्तें लेकर, अपने क्लेम्स को लेकर जाने में जो परेशानी होती है, भटकना होता है उससे अवकाश मिले। ऐसे नियम रख गये हैं कि जब भी क्लेम्स लेकर जाओ, यह कहा जाता है कि उनकी तस्दीक ही नहीं होती। यह जो परेशानियां होती हैं उनका आप कह देंगे कि अब हम इस तरह का फैसला आप कह देंगे कि अब हम इस तरह का फैसला कर चुके हैं और इस पर कोई विचार दुबारा नहीं हो सकता। लेकिन अगर इन्डिविजुअल केस पूछे जायेंगे तो ऐसे हजारों लोग हैं जिन को रियल हाडीशिप है। इसलिये मैं कहता हूँ कि आप इसके अन्दर कोई प्राविजन रखिये कि जिसमें हार्ड केसेज पर फिर विचार हो सके। कोई रास्ता रखिये चाहे इस बिल में हमको कुछ प्रबन्ध करना पड़े, चाहे गवर्नमेन्ट को इसके लिये कोई बिल ही लाना पड़े लेकिन हार्ड केसेज के लिये कोई न कोई प्राविजन जरूर रखिये वरना बहुत सारे केसेज इस वक्त भी हैं जिनको बहुत सहायता की जरूरत है। उनको किसी वजह से न जानने की वजह से, वाकफियत न होने की वजह से या और किसी वजह से, आफिशल मैशिनरी के ठीक तरह से काम न करने की वजह से, अगर मदद न मिल सके, फिर उनको अपने क्लेम्स से महारूम होना पड़ेगा। मैं जानता हूँ कि बहुत से केसेज हैं जिनहोंने दरखास्तें दीं और किसी टीक्निकल

गाउंड के ऊपर उनकी दुस्वस्ति पड़ी रह गई। अब वह जगह जगह जाते हैं, मैं नहीं कहता कि अगर ऐसे कंसेज अगर मिनिस्टर साहब के पास आयें तो वह ठीक नहीं हो जायेंगे, बल्कि शायद ठीक ही हो जायेंगे, लेकिन मैं चाहता हूँ कि ऐसा कोई तरीका रक्खा जाय जिससे इस तरह की परेशानियों और तकलीफों का हल निकल सके।

इन शब्दों के साथ मैं बिल का समर्थन करता हूँ और आशा करता हूँ कि सेलेक्ट कमेटी जब इस बिल की डिटेल्स पर विचार करेगी तो इन बातों को अपने सामने रखेगी।

12 NOON

Mr. Chairman: I request all hon. Members to be brief as I have to call the hon. Minister at 12-50 and there are many speakers anxious to speak.

Shri M. L. Agrawal (Pilibhit Distt. cum Bareilly Distt.—East): Sir, I support the motion that the Bill be referred to a Select Committee as suggested by the hon. Minister for Rehabilitation. In view of the interim compensation scheme it is all the more welcome. After such long waiting and suffering it brings a ray of hope to the displaced persons. The hon. Minister has in his statement laid on the Table of the House recently and in his speech today commented on the reasons which have led to the bringing up of this Bill before the House. The Government of India were very keen on the settlement of immovable property on either side of the border, but the Pakistan Government is certainly not so. It wants that the settlement should be made on an individual basis and therefore, it never agreed to the suggestion of the Government of India that that it should be done at a governmental level. Because the Government of India was keen, therefore, they even agreed in the beginning of 1949 to give a trial on the individual basis of transfers, but they soon found that the Pakistan Government although it professed its liking for that scheme actually did

not like that scheme; on the other hand they sabotaged the scheme and did not play the game and with that result in view fanatical feelings were worked up against Hindus and fictitious and fantastic claims of income-tax were got up so that if they sold their property, the sales would be profitless to the vendors. Therefore, the Government of India would not carry on with the scheme any further. Since then the Government of India has been trying to have this question settled. The hon. Minister has stated in his statement laid on the Table of the House that as many as 12 reminders have been sent, but to no purpose. The real reason of Pakistan's reluctance and prevarication on this point is that the value of the evacuee property in Pakistan is anything between 5 to 10 times the value of the property on this side of the border. Therefore, they may go on saying that they are ready to come to terms, but actually they are not. They agreed to individual transfers, but when it was actually put into effect, they were putting all sorts of obstacles and made it impossible for persons to exchange their properties on individual basis. Under the circumstances the hon. Minister is quite justified in bringing this Bill which again is not a Bill which confiscates the properties or which seeks to extinguish the rights and title of the evacuees on that side of the border. Clause 12 of the Bill provides that compensation shall be paid to an evacuee in respect of his property acquired after a settlement has been made on a governmental level with the Pakistan Government. Pakistan does not like it because it does not want to lose anything and it wants to grab the whole property without any compensation. That is why Mr. Shoaib Qureshi has come out with a statement today that it is 'immoral' and 'indefensible'. What else can any Government bent on getting this problem settled in a fair and equitable way, do than what the Government of India has done already? Therefore, I submit that the bringing up of this Bill was inevitable and I

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would say that the hon. Minister has tackled this complex problem successfully. A Bill of this kind has to provide for many complex things. Because the problem is very complex, to have all necessary things incorporated in the Bill, requires some care and the hon. Minister has, I think, succeeded in that. I would only refer to one or two points in the Bill.

The first point in the Bill is about clause 7. In clause 7, there are two things: (a) the Central Government may by rules provide for (a) the classes of displaced persons to whom compensation may be paid and (b) the scales according to which, the form and manner in which and the instalments by which compensation may be paid to the different classes of displaced persons. The same provisions are repeated in parts (b) and (c) of clause 36(2) relating to rule-making powers. I submit that this was a matter which should have come before the House because the question of categories is important. The hon. Minister has stated about the possibility of giving compensation to other categories of displaced persons who have not benefitted by the interim compensation scheme. Here also, the hon. Minister wants to lay down that Government may prescribe by rules. We want to know what are the categories. I may give an example of one category. There are some displaced persons who have got their claims verified by the tribunals appointed by the hon. Minister and these claims are of a high order. These persons, for the last 7 years have neither got houses, nor any shops, nor any loans, nor any other concessions which were so numerous during controls. I submit that such persons require top priority in giving relief of compensation. If the hon. Minister had given some indication of the categories in the Bill, we could have made suggestions. In the absence of it, I can only appeal to the hon. Minister to keep this category in mind. I have already stated that the charge of the Pakis-

tan Government that we are going to confiscate property is quite unfounded. We have made provision for compensation.

The most important thing in this Bill is what appears in the financial memorandum. According to it Rs. 185 crores would be the value of the assets in the compensation pool besides some other agricultural land in Punjab, PEPSU and other States. I understand that out of this, Rs. 100 crores will be the value of evacuee property and Rs. 85 crores, Government contribution. I would submit that if we had certain other facts before us, we would have been able to appreciate things better. We have not yet any information from the Government as to what is the estimated value of the property left by the evacuees from Pakistan. We do not know what is the total value of the claims verified by the refugees. We do not know even the estimated value of the immovable properties of the evacuees here in this country. We would have liked to know the new categories to whom the hon. Minister wants to admit to the benefits of this scheme. From the statement of the Minister in Pakistan and from the past experience with the dealings of the Pakistan Government, their obstructions and their reluctance to come to an understanding, it is quite clear that we are not going to get a pie from Pakistan, on account of evacuee property. Therefore, that is all that the displaced persons would get. In the circumstances, I think that finally to say that we will give Rs. 185 crores only to the displaced persons would not be proper. I am not one of those who think that the Government has not done its utmost for the relief and rehabilitation of the displaced persons. I think this Government has done more than any Government could have done within the limits of its resources, but still I think the Government should take into consideration the fact that after all the foundations of our Republic were

laid, so to say, on the bones of these displaced persons. Their blood has cemented the walls of the edifice of our Republic, and therefore, we can and we should make greater sacrifice for giving them something more. We may not give them just now. I do not say now and here we should increase the amount of this pool, but in course of time during the period in which you want to rehabilitate them and give them compensation you must try to give them more. What that quantum of additional money should be I am not in a position to say. I leave it to the Government to find some more funds and add to the pool, especially in view of the consideration that we are not going to get anything, not even a farthing from the Pakistan Government in respect of the immovable property left there.

In clause 14, the Bill has provided immunity to assets from processes of courts. I may point out in this connection that by one provision in the Administration of Evacuee Property Act, 1950, the hon. Minister had stayed execution of the unsecured decrees of creditors. Questions were put several times in the House, and the hon. Minister said that these decrees would be considered latter on. So, those creditors got their claims registered with the Custodians, but nothing has happened afterwards. This is the second ban on those creditors. If the Government intends that those decree-holders should not get anything, let it say so clearly so that there may be no false hopes, no uncertainty in the case of those creditors. I am not pleading for those creditors, but a clear statement must be made that those whose claims have been registered with the Custodian cannot realise them.

I do not want to take any more time. I support the Bill.

Shri Raghavachari: I am not intimately connected with this subject of displacement and this compensation and refugees, yet on behalf of the Party I wish to make some submis-

sions. Those who are intimately connected with this in our party are chosen to be Members of the Select Committee. They will certainly do the best they can.

Before I go on, I only wish to say a sentence that it is unfortunate that though 34 Members are on the Select Committee, most of them are not here and we have to be constantly bothered about the quorum. I am not criticising those people, but am pointing out how the time of the House is not properly utilised.

Apart from that, I only wish to stress two or three points, and nothing more. It is really welcome that even after seven years hope is still coming here and yet, the compensation that is likely to be given to the people, under the proposed scheme, is not going to be even a tenth or fifteenth part of the rupee that they have actually left and lost in the other country, not to speak of the innumerable difficulties, losses of their kith and kin and, other emotional sufferings that they have been put to. At one stage, it was estimated that the property that was left in the other country was more than Rs. 1000 crores. Even at the reduced scale, it is now believed to be not less than Rs. 500 crores. The estimate made of the properties that have been here left by those who have gone to the other country is said to be about Rs. 100 crores. But as the hon. Minister has rightly conceded, in these seven years, most of these immovable properties have further deteriorated, and he was referring to certain incidents in Bombay, where notice has been given, that the houses were so dangerous to the passers by that they must be pulled down. So, after all this process of delay and deterioration, what will be the amount that would be realised by way of sale of these properties, after a few more years? I am afraid it may not even be Rs. 100 crores. So, this huge difference between the values of the properties left in that country, and those available in this country is

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never going to be realised from Pakistan: the hon. Minister himself takes it to be a zero, for there is no hope of getting anything, except possibly in the imagination of people.

Here, I wish to submit one fact, and that is that the refugees must have some compensation, which is reasonable, and which is believed to be a sum that will not dissatisfy them. I want to invite the attention of the hon. Minister,—and through him, that of Government—to the assurance and the promise made by the late Shri N. Gopalaswami Ayyangar, to the effect that the contribution of Government will be such that the actual compensation ultimately received by the displaced persons will be such that it will be a sufficient or a substantial compensation. But is this proposed one sufficient or substantial compensation? I have already submitted that it is not going to be anything of a compensation at all, not to speak of its being substantial. Under these circumstances, though it might be stated to be not strictly and exactly within the scope of this Bill, I want to stress that it is the duty of Government, not only because of the suffering these people have been put to, but also because of the promises and assurances that have been made by Government, to see that something will be contributed to make it a substantial thing, which will not dissatisfy them. This is a matter to which Government have to give a little more attention. What is now proposed is that the loans which you have already advanced, and the sums that you have already contributed may also go to this pool. All that might probably come to about Rs. 70 crores or Rs. 80 crores. It is true that it is a heavy sum, but the amount of suffering undergone by these people is so big that what you have contributed is very little when compared with the sufferings that they have undergone. That is one point on which I do not wish to elaborate further. I plead on behalf of those people and

request Government to take a view consistent with their promises and assurances, and do something really in the matter, to secure for the refugees a substantial compensation.

The other point that I want to submit is this. Clause 4 of this Bill relates to the applications for payment of compensation, which in its turn refers to a verified claim. Already, over this period of seven years, there have been, many a time, attempts to determine the quantum of claim that is due to each individual. The definition of verified claim is as follows:

"any claim registered under the Displaced (Persons) (Claims) Act, 1950 (XLIV of 1950) in respect of which a final order has been passed under that Act or under the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954)".

I take it that the compensation which anybody can claim now is a thing which has already been determined.

Shri A. P. Jain: Yes.

Shri Raghavachari: If that is so, in the process of that determination, any number of irregularities in procedure, and certain injustices and hardships have actually happened. I understand that in that process they used to give notices to people, to refugees. The refugees, we expect, would not have a permanent place of residence; they change their home every day and go to some other place. Something is sent to a particular address. It does not reach the man concerned and then he does not come in time. Therefore, the claim is rejected. There have also been instances, as we gather from replies in answer to questions here, where postal orders and other things have actually been submitted to the Ministry and yet those are cases in which, as if there has been no applications sent, the claims are rejected. Therefore innumerable instances are to be

found when these people could not all be enabled to come within the time limit and then press their claims and get them finally included or even considered as claims. It might be asked: how is it possible to reopen the whole matter? In this Bill, powers have been taken by the Government in such general language; necessary powers to do justice have been kept in the hands of the Government, so that they might issue instructions and do justice. So I request that the definition of 'verified claim' might be so changed as to include and provide for a re-examination of just cases, where material is to be produced by the claimant that he has sent the application, and yet the claim is rejected on technical grounds. The burden of proof in such cases must be cast on the Government that the claim is really considered and rejected. Otherwise, the matter will have to be looked into, reconsidered, re-examined and justice done. That is so far as the definition of verified claims is concerned which goes along with clause 4. Otherwise, there is bound to be not only insufficiency of compensation for many people under the present circumstances, but also there is the fact of serious disappointment in many others that their claims have not even been considered. That is a very painful thing for anybody who has left all his property to be told 'I do not even look into what you say'. That is what I wish to submit to the Select Committee and the Minister in charge.

I wish to say one other thing. The other day I remember the Minister in charge stated that he would write off and not claim loans that have been advanced upto Rs. 300 or so. No doubt, to that extent it is a relief to those poor people who have received some Rs. 300 and eaten it away or spent it and are still in misery. But what happens to another person who has borrowed Rs. 400? No doubt, when you set a limit, at some stage some hard border cases will come. I agree. But when there is a man who has borrowed more than Rs. 300—say Rs. 350 or Rs. 400

—you do not write off anything. I am only submitting that the limit of this writing off of Rs. 300 might practically be extended to all people who have taken loans not more than Rs. 1000; those who have borrowed more than Rs. 1000 or Rs. 2000 may possibly be in a position to repay. That is how I feel. You may modify the thing and then extend this relief which you have decided to give to other people who because of poverty may not be in a position to repay.

Then I find there is another thing—what is called 'public dues'. Public dues mean and include arrears of rent. They have lived in houses and quarters over years and the rent has got accumulated and the little compensation of 1/10th or 1/16th that you give is taken off by this adjustment and very little is left. I heard the Minister saying that Pakistan wrote off some arrears of rent; that was what he was submitting. I am not saying that you should adopt that course. But please consider whether some of these irrecoverable arrears of rent might not be written off, because otherwise there will be not only dissatisfaction, but the injustice of the case will be so severely felt that there will be universal dissatisfaction. That is another matter on which I request that some consideration be given by the Select Committee. I have seen some provision here about ejection from the houses to the effect that for two years the tenant shall not be ejected from the house. There is also a provision that the occupant could be ejected even by using force by the officers authorised by the Government for the purpose. You have no doubt taken power to see that property is not immediately taken out of the hands of those people who are occupying, in the matter of allotment of compensation. I take it that some consideration would also be given to this matter of ejection and I submit that there is need for some safeguards and that some more precautions should be taken; otherwise with such wide powers as this a tenant is likely to

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be unceremoniously thrown out or ejected.

These are some of the suggestions that I wish to submit for the consideration of the Select Committee.

श्री टंडन : सभापति महोदय, सबसे पहले मैं गवर्नमेंट को बधाई देता हूँ कि उन्होंने इस विधेयक को सामने रखा है। यह प्रश्न बहुत वर्षों से लटक रहा है, लेकिन अन्त में इतने वर्षों बाद भी बहुत धूम धाम कर गवर्नमेंट इस परिणाम पर आई कि अब हम पाकिस्तान का मुँह न देखें और उन भाइयों की सहायता के लिये जो पाकिस्तान से आए हुए हैं कुछ करें। अब उन्होंने यह फैसला किया है और इस पर वे बधाई के पात्र हैं।

मैं इस विषय में दो एक सुझाव देना चाहता हूँ। एक सुझाव तो मेरा यह है कि जो इस विधेयक की धारा १२ में कम्पेंसेशन प्ल की बात कही गई है, उस में गवर्नमेंट ने यह तो स्वीकार किया है कि वह भी उसमें कुछ धन अपनी ओर से मिलावेगी। यह बात धारा १२ (सी) में कही गई है। कितना मिलावेगी यह नहीं बताया गया है लेकिन इस विधेयक के साथ १६ पृष्ठ पर एक नोट है उससे यह मालूम होता है कि मोर्ट टॉर पर १५५ करोड़ रुपये की जायदाद इस समय गवर्नमेंट के पास बांटने के लिये है। प्रश्न यह है कि इसमें गवर्नमेंट और कितना मिलावेगी। जो प्रतिकर हमें देना है वह तो बहुत अधिक है। अगर इस धन में थोड़ा ही मिलाया गया तो बहुत थोड़ा ही पल्ले पड़ेगा उन भाइयों के जो पाकिस्तान से आए हैं। आपने जो विधेयक का अभिप्राय दिया है उसमें यानी स्टैटमेंट आफ आब्जेक्ट्स एंड रीजन्स में कहा है कि इसमें वह रुपया जो पाकिस्तान से मिलेगा वह भी जोड़ा जायेगा। यह तो एक कल्पना की बात है और बहुत आशा नहीं है कि हमें शीघ्र कुछ मिलने वाला हो। जो जायदाद हमारे आदमी पाकिस्तान में छोड़ कर आये हैं और जो जायदाद यहां से गए हुए लोगों की हमारे पास है, उनके अन्तर

difference की चर्चा है और यह कहा गया है कि आप उसको पाकिस्तान से लेने का यत्न करेंगे। आप यत्न करें, परन्तु मेरा सुझाव है कि उस अन्तर को गवर्नमेंट अपने पास से मिलावे। आप उतनी ही रकम इसमें मिला दें जो अन्तर के कटने पर आती है, जिसकी चर्चा स्टैटमेंट आफ आब्जेक्ट्स एंड रीजन्स में की गई है, और फिर स्वयम् पाकिस्तान से वसूल करके अपने हिसाब में रख लें। यह सेलेक्ट कमेटी के विचार करने की बात है। मैं चाहता हूँ कि इस बात पर पहले गवर्नमेंट विचार करें। हाँ, रुपया शायद बहुत अधिक होगा और गवर्नमेंट कह सकती है कि इतना रुपया वह अपने पास से कहां से देगी। यह ठीक है ! हमको अपनी गवर्नमेंट का भी ध्यान रखना है। इस सम्बन्ध में मेरा सुझाव है, कई वर्ष पहले भी मैंने सुझाव दिया था, और आज भी मेरा सुझाव है कि इसके लिये एक विशेष टैक्स लगाना चाहिये कुछ भी उसका नाम हो, लेकिन एक विशेष टैक्स लगाना चाहिये और उस टैक्स में मेरा अपना विचार है कि अच्छी रकम मिलेगी। मुझको आशा है कि टैक्स को हम प्रेम पूर्वक देंगे। जो पैसा इस टैक्स में आये उससे पाकिस्तान से आये हुए लोगों को हम सहायता दें। जिन्होंने कोई मुसीबत नहीं उठाई है, और जो यहां के रहने वाले हैं उनसे इतनी ही सहायता हम चाहते हैं कि वह कुछ पैसा दें। जो भाई वहां से भाग कर आए हैं, उन्होंने जो मुसीबतें उठाई हैं वह बहुत हृदय विदारक हैं और यहां पर आज उसकी चर्चा करने की जरूरत नहीं है।

सच बात यह है कि हमारी स्वतंत्रता का मूल्य सबसे अधिक उन भाइयों ने दिया है जो पाकिस्तान से भाग कर यहां आए हैं। उन्होंने केवल धन ही नहीं खाया, अपने भाइयों और घरवालों को खाया, अपना घर खाया। जिन्नी कड़ी मुसीबतें उन्होंने उठाई हैं हम लोगों को तो उसका कोई अंश भी नहीं उठाना पड़ा। तब आज अगर हम से उनकी सहायता के लिये टैक्स

द्वारा कुछ रुपया मांगा जाय, कुछ अरब रुपये क्यों न हों, तो मेरा निवेदन यह है कि हम लोगों को उधर के लोगों के लिये प्रसन्नता के साथ देना चाहिये। गवर्नमेंट इस विषय में कुछ आगे बढ़े, साहस से कदम उठाये। अगर इतना साहस गवर्नमेंट नहीं करती तो मैं यही कह सकता हूँ कि गवर्नमेंट अपने को इतिहास के पन्नों में निन्दनीय कहलायेगी। जिन लोगों ने स्वतंत्रता के लिये सबसे ज्यादा कष्ट उठाया है, उनकी मुसीबतों को मैंने देखा है, आज भी देख रहा हूँ, आज भी यह बेचार टुकड़े टुकड़े के लिये घूमते हैं। मुझको कुछ थोड़ा अनुभव है। मैं यह भी जानता हूँ कि गवर्नमेंट ने सहायता की है, लेकिन वह सहायता उन लोगों की मुसीबतों को देखते हुए बहुत थोड़ी रही है। मैंने घुस कर उन भाइयों की हालत को थोड़ा देखा है। किस तरह से यह रह रहे हैं? मुझको याद है, मैंने अहमदाबाद में देखा, आज भी वह दृश्य मेरे सामने है। शायद ४० फीट के लगभग चौड़े और ४० या ६० फीट के लगभग लम्बे गोदाम में मैंने २२ कुटुम्बों को रहते देखा जिनके सब प्राणी मिला कर ५० या ६० होते थे। यह देख कर कि वह किस तरह से रह रहे हैं, मेरी आंखों में आंसू आ गए।

यह एक जगह की बात नहीं। इस तरह के उदाहरण मुझको कई जगह पर देखने को मिले और मुझे विश्वास है कि मंत्री जी को मुझसे ज्यादा इस विषय में अनुभव होगा क्योंकि वह तो बहुत परिश्रम के साथ झाँढ़े धूपे हैं। मुसीबतों के बारे में तो किसी को सन्देह नहीं है। प्रश्न यह है कि गवर्नमेंट कहां से पैसा लाये कि सहायता करे। यही वास्तविक प्रश्न है। पाकिस्तान से मिलेगा आज हम नहीं जानते। पाकिस्तान की अपनी रकम को हमें छोड़ना नहीं है, वह जब मिले हम उसको लें। लेकिन जब तक वह रकम नहीं मिलती है गवर्नमेंट अपने पास से उतनी रकम मिलाये। जब वह रकम पाकिस्तान से वसूल हो जाय तो उसको अपने पास रखले। इसके लिये मैं सुझाव दूंगा कि या तो गवर्नमेंट टैक्स लगावे और या उधार ले। गवर्नमेंट के पास दो ही रास्ते हैं। मैं

कहता हूँ कि इसके लिये एक खास लोन उठाया जा सकता है। उसमें से रुपया दिया जाय। पाकिस्तान से मिलेगा तो उसको सरकार अपने पास रखेगी। यह दो ही रास्ते हैं। जो रकम वहां हम छोड़ आए हैं और जो रकम हमें यहां मिलेगी उसका जो अन्तर है उसके लगभग वह टैक्स या लोन हो। मैं यह नहीं कहता कि जो बड़े बड़े लक्ष्मी और करोड़पति हैं गवर्नमेंट उनको पूरा पूरा मुआवजा दे लेकिन हां इतना मुआवजा तो दे कि वे अपने काम में, अपने रोजगार में लग सकें। लेकिन ऐसे लोग बहुत थोड़े हैं। अधिकतर छोटी छोटी स्थिति के लोग हैं और कुछ सार्वजनिक संस्थाएं हैं।

सार्वजनिक संस्थाओं की वहां बहुत बड़ी बड़ी रकमें छटी हैं। मेरा यह सुझाव है कि उनको तो पूरी तरह से मुआवजा देना चाहिये क्यों वे सार्वजनिक संस्थाएं बराबर दूसरों का काम करती हैं। इस विधेयक में एक दफा है जिसमें ट्रस्ट का लफ्ज इस्तेमाल किया गया है। लिखा है कि आप उनके लिये बेलफेअर कारपोरेशन बनायेंगे। धारा १६ में यह शब्द है :

"For the purpose of rendering the assistance to trusts entitled to compensation."

ट्रस्ट की परिभाषा इस बिल में मैं देख रहा था लेकिन मुझको नहीं मिली। ट्रस्ट की परिभाषा इसमें नहीं दी गई है। सिलेक्ट कमेटी को मैं सुझाव देता हूँ कि वह इसकी परिभाषा दे और इस परिभाषा के भीतर उन संस्थाओं को लावे जो जनता की सेवा करती हों चाहे वे ट्रस्ट ऐक्ट में न आती हों। ट्रस्ट ऐक्ट तो एक खास कानून है और उसमें ट्रस्ट एक खास कानूनी शब्द है। मैं चाहता हूँ कि वह सब संस्थाएं जो दूसरों के लिये काम करती रही हैं और जिनका धन पाकिस्तान में रह गया है वह सब ट्रस्ट की परिभाषा में आएँ। जिन संस्थाओं की रीजिस्ट्री ऐक्ट २९ सन् १९६० के अन्तर्गत हुई है या दूसरी रीति से जो संस्थायें किसी भी रूप में कुछ एक्जेशनल या मंडीकल

(श्री टंडन)

पैसिलीटीज देने वाली हैं उनकी रक्षा के अभिप्राय से यह वेलफेयर प्लान बनेगा। मेरा सुझाव है कि खाली इन्हीं दो प्रकार की संस्थाओं में गवर्नमेंट की सहायता परिमित नहीं होनी चाहिये बल्कि जो भी संस्थायें जनता की सेवा करती थीं, और उनके पास पैसा था और उनका पैसा वहां छिन गया और आज वह संस्थायें गरीब हो गई हैं उन सब संस्थाओं को आपको पूरा रुपया देना चाहिये। व्यक्तियों के लिये मैं नहीं कहता लेकिन अगर आप संस्थाओं का पूरा रुपया न दें तो यह बहुत अनुरीत होगा। आप पूरी तरह से उनकी सहायता करें और इस सहायता के लिये मैंने जो सुझाव दिये हैं उनके अनुसार कार्य करें। या तो एक विशेष प्रकार का लोन आप सामने रखें या टैक्स लगावें। मेरा तो विश्वास है कि यह टैक्स भी लोग प्रसन्नता से देंगे। यह टैक्स इस अनुमान से हो कि किसकी क्या हैसियत है। उस पर आप ब्यार में विचार कर सकते हैं। मेरा सुझाव है कि इन दो रास्तों से आप प्लान में पर्याप्त धन रखें और जो संस्थायें हैं उनके पैसों में काट कपट तनिक भी न करें। जितनी संस्थाएं हैं उनको पूरा रुपया दिया जाय। यह मेरा सुझाव है।

Shri D. C. Sharma (Hoshiarpur) :
I want to ask myself one question. What was my feeling when I was listening to the learned discourse of the Rehabilitation Minister? Perhaps three or four years ago if I had listened to a discourse like that, my feelings would have been those of congratulation. I would have said to myself : Here is the hon. Minister trying to close a chapter which has been very unhappy and which has been full of so much suffering, disappointment and frustration. But I could not bring myself to that point, to-day and offer my congratulations to the hon. Minister. But I have nothing but sympathy for the hon. Minister. I want to ask him one question. He gave a whole history of the negotiations with Pakistan, date-wise, chapter-wise, clause-wise. He unrolled before us a long scroll.

We all listened to him in patience. I ask him this question. Were these seven years spent—I would not like to say spent—were these seven years misspent, wasted, were these seven years used to play with the fortunes and lives and property of the refugees here only to be called in the end “You are immoral, your action is indefensible, your action is unilateral”? Politics is a game of foresight, of wisdom, of understanding the person with whom you are dealing. I do not say that the Pakistan Minister is our enemy. It is a game, and I think that in this game the Pakistan Minister has foiled us very badly. If we had wanted to get beautiful, flowery and charming epithets, we could have had them some years before. And today we are being called immoral. I think the word ‘moral’ has assumed some new meaning in the dictionary which is available in some parts of the world that our action is being called immoral. Of course it is unilateral because it cannot be otherwise. But I must say that I do not agree with the Rehabilitation Minister that he has made this action unilaterally subject to a clause, a clause which will remain inoperative, a clause which is a dead-letter, a clause which was a dead-letter before it was born and which will remain a dead-letter for all time to come. You remember, Sir, I put a question to the hon. Minister as soon as the statement was made by the Pakistan Commissioner, and in answer to that question he said that he would make a statement. Then he made a statement on which I put a Short Notice Question. And in answer to my Short Notice Question, he made some statements. Well, I want to ask one question. How is it that our action is being described as ‘indefensible’. According to what canons of international law? According to what canons of moral law? According to what canons of history, and according to what precedents in history? I must say, that all these years we have followed the events very meekly and humbly. Well, there

is no harm, but I would ask one question. What is the net result of all this after all these seven years of tedious waiting for the evacuees who have come here? The evacuee pool has been gradually dwindling. I think some Members have referred to the way in which the evacuee pool has been dwindling. No doubt, there have been rules and regulations, for safe guarding the property but at the same time, the evacuee property has lost much of its value. The hon. Minister himself said that the evacuee properties now stood in a state of disrepair and what could be valued at something at one time, can only be valued at something less today. What have we gained. The evacuee property which was going to be something like the horn of plenty.—I do not want to use the word 'horn'—the sole safeguard for evacuees, has gradually diminished and yet we have done all this to be called in the end 'immoral', and to have our action described as 'indefensible'. Therefore, Sir, I have no end of sympathy with our Rehabilitation Minister. I must say that he has done well. Under the circumstances, he has acted according to his best lights, but I should say that his best light has not been such as to have given hope, encouragement and happiness to the several millions of refugees who have settled here.

Now, Sir, the Bill is good so far as it goes; I have no doubt about it. I think this Bill has been subject to some kind of criticism; of course I am talking about the general principles of this Bill at this time. I know the hon. Minister means well, but I would say, that even now it is up to the hon. Minister to make good that promise which has been constantly made to the refugees all these years. What was that promise? You know, Sir, I do not know much of arithmetic, and with reference to some kind of formula 'X, Y, Z', which has been evolved, I do not know what 'X, Y, Z' means. If we can think of the refugees' rehabilitation seated on a three-legged stool, I must say that of those there legs, the biggest leg has been

broken and only two small legs remain now, and I wonder whether the evacuee pool will have a stable equilibrium or not. It is trembling this way and that way. Therefore, I would suggest to the hon. Minister that he should give this evacuee pool some kind of stable equilibrium by adding to it not only what he has said in the financial memorandum of this Bill, but also more that he can get out of the Government. I do not want to make any suggestion. The hon. Shri Tandonji has made some suggestions and I should think it would be too much for me to make any suggestion one way or the other. I would only say to the Government that they should see to it that this Bill is made as adequate as possible; and they should make contributions to this pool as liberally as possible. Otherwise, this Bill, when it becomes law, will not give as much relief and joy to the people as it should.

There is another point which I want to bring to your attention.

Mr. Chairman: I am sorry the hon. Member will have to finish in one minute. I propose to call the hon. Minister at ten minutes to one.

Shri D. C. Sharma: Five minutes: Sir. The hon. Minister said that he wanted only five minutes.

Mr. Chairman: Let not the hon. Member waste two or three minutes over this.

Shri D. C. Sharma: I beg to submit that it is not only with reference to the evacuee pool that I want to draw your attention to. I also want to say that our experience of the interim compensation scheme and other schemes which have been brought into operation in the Rehabilitation Ministry has not been. I am very sorry to say, very happy. That is because the administrative machinery which has been brought into being to work out these schemes has proved utterly inadequate. I do not want to use the word "calious." There are people outside this House who may use that word. I would like to say that

[Shri D. C. Sharma]

that machinery has been a machinery which bungled, which was inefficient and which was not geared up to the right point of efficiency. Therefore, I felt frightened when I read the long list of officers: the Chief, the Deputy, the Assistant, this and that. I felt that the refugees might be ground down by this weighty administrative machinery which is being brought into operation. I would therefore request the hon. Minister that he should see to it that this machinery which is being brought into existence works more in a humane spirit and in a less legalistic spirit in the petty sense of the word. I would say that this Bill should become law as soon as it can and I hope that it will bring some kind of relief to the refugees. Of course, it is not the same kind of relief which they have been demanding and looking forward to for all this time. Still, this is some relief and I am thankful to the hon. Minister for the small mercy that he has shown to us in these difficult times.

Sardar A. S. Saigal (Bilaspur): On a point of information, Sir, जिन लोगों के यहां पर सभापति जी, ६ हजार, ८ हजार, या १० हजार के करीब रफ्यूजीज रहते हैं यदि आप उनको बोलने का चांस नहीं देंगे तो यह कहां तक वाजिब होगा....

Mr. Chairman: The House has already accepted the situation. It was said that the hon. Minister will be called upon to reply at five minutes to 1 o'clock. The Bill will come again before the House. Hon. Members will get an opportunity.

सरदार ए० एस० सहगल : लेकिन सभापति जी. बात असल यह है कि मध्य प्रदेश में जहां इतने ज्यादा रफ्यूजीज रहते हैं, उनका सवाल हम लोगों के सामने है और हम लोगों को उनके साथ डील करना पड़ता है, इसीलिये हम कहना चाहते हैं कि वह आदमी इस कमेटी में नहीं है....

Mr. Chairman: Order, order. I have already heard the hon. Member. If the hon. Member speaks in this strain and insists that he should be given an opportunity to speak because he represents 6,000 refugees, there are many others who represent many more thousands.

Sardar A. S. Saigal: It is only in one district.

Mr. Chairman: It is not a question of this particular Member or that particular Member being allowed. Many hon. Members have taken part in the debate. It has already been settled that this Bill will be finished by 1.15. I am very sorry. The Bill has to be sent to the other House.

सरदार ए० एस० सहगल : मेरी यह अर्ज नहीं थी। मैं तो आपसे यह अर्ज करूँ कि कम से कम उस प्राविन्स के लोगों को जहां से इतने ज्यादा रफ्यूजीज आते हैं उनको चांस दिया जाय और वहां से सेलेक्ट कमेटी में कोई नहीं है.....

Mr. Chairman: Order, order. I will not allow the hon. Member to speak any further. Does he mean to say that the hon. Members who have already spoken had no right to speak?

Sardar A. S. Saigal: I do not say that.

Mr. Chairman: What is the matter, I do not understand. If he insists that he should have been given an opportunity, he means to say that those Members who have already been called upon to speak should not have been allowed to speak. It is an aspersion on the Chair,—an unnecessary aspersion.

Sardar A. S. Saigal: If you think so, Sir, I withdraw. That is not my impression.

Mr. Chairman: What is the point? Does he want that the debate should be prolonged? He is not for prolongation of the debate. He cannot be given any more time. The only thing that he can imply by his speech is that

those Members who have already been called upon to speak, should not have been allowed to speak.

That is the only implication.

Sardar A. S. Saigal: I did not say so.

Mr. Chairman: Order, order. The hon. Member should have got the period of Debate decided when the Deputy-Speaker was here. The whole House accepted it. I cannot change it at this stage.

श्री ए० पी० जैन : श्रीमान् जी यहां पर बहुत से प्रश्न उठाए गए। जो थोड़ा सा समय मेरे पास है उसमें मैं तमाम प्रश्नों का जवाब तो शायद न दूँ सकूँ, लेकिन जो दो चार मोर्ट मोर्ट प्रश्न उठाए गए हैं, उनका उत्तर देने का प्रयत्न करूंगा।

मिस्रज रणु चक्रवर्ती ने एक प्रश्न यह उठाया कि जिन मुकदमों में अभी आखिरी फैसला नहीं हुआ है, किसी किस्म की कोई दृष्टि या मामला चल रहा है, तो उसमें क्या किया जायेगा? हमारी कोई मंशा नहीं है कि किसी उस जायदाद के बारे में हम नोटिफिकेशन जारी करें कि जिसके बारे में कोई मुकदमा चल रहा है, या उसका मामला अभी तय नहीं हुआ है। जिनका मामला साफ हो चुका होगा उनके ही बारे में नोटिफिकेशन जारी किया जायेगा। यही असल उन इक्वीज के बारे में, जो कि पाकिस्तान चले गए थे और दिल्ली एग्रीमेंट के मातहत हिन्दुस्तान में लौट कर आ रहे हैं, लागू किया जायेगा।

एक प्रश्न उन्होंने यह भी उठाया धारा २५ के बारे में कि उस वक्त तक किसी आदमी को इक्वी मकान से बेदखल नहीं किया जायेगा जिस वक्त तक कि उसको दूसरी जगह रहने के लिये न दी जाय। मैं अफसोस के साथ कहता हूँ कि मैं इस असल को नहीं मान सकता क्योंकि जहाँ तक पुर्याधियों का सम्बन्ध है वहाँ तक उनको दो साल का किराया दे दिया गया है, लेकिन जहाँ तक दूसरे आदिमियों का सम्बन्ध है उनको उन्हीं कानूनों के मुताबिक रक्षा मिलेगी जो हिन्दुस्तान के दूसरे

मालिकों के ऊपर लागू होते हैं क्योंकि यह मोटा सा असल है कि जायदाद की जो कीमत है वह इसके ऊपर मुन्सर होती है कि उसके ऊपर कौसा किरायेदार बैठा हुआ है, कितने दिनों के लिये वह बैठा हुआ है, और किन किन शरायत के ऊपर बैठा हुआ है। गवर्नमेंट कोई बजह नहीं समझती कि जो यहाँ पर लोकल्स बैठे हुए हैं उनको उनसे ज्यादा हक मिले जो कि कानून के अन्दर उनको मिलते हैं। बहरहाल यह मेरा विचार है। यह तो सेलेक्ट कमिटी के सामने जायेगा। मेरी जो राय थी वह मैंने दे दी है।

धारा १० (२) के बारे में मैं समझता हूँ कि उनको कुछ भूमि है क्योंकि धारा १० (२) में जो कुछ दिया गया है वह केवल इतना दिया गया है कि गवर्नमेंट ने कुछ रुपया दिया था मन्टनेन्स लॉन्स बांटने के लिये, और वह रुपया इस शर्त पर दिया गया था कि जो निकासी जायदाद है, उसका जो रुपया है, उसी से इस को वसूल किया जायेगा, यह तो उसी की रक्षा करने के लिये दिया गया था। जहाँ तक बूढ़ी स्त्रियाँ और बूढ़े आदिमियों का सम्बन्ध है जिनको कि मन्टनेन्स लॉन्स मिलता है, उनको तो हमने प्राविरटी लिस्ट के अन्दर रक्खा है और उनको हम मुआवजा दे रहे हैं और इसके मुआवजे में जो रुपया दिया गया था उसको हम उनके मन्टनेन्स एलाउंस में से नहीं काट रहे हैं और न काटने का इरादा है।

धारा २२ के बारे में उन्होंने एक बात कही कि हर एक मामले में अपील होना चाहिये। उन्होंने खुद इस बात को माना है कि जितनी अपील होती है और जितने रिवीजन होते हैं, उन में कुछ न कुछ समय लगता है। बहरहाल यह जाहिर है कि जब सेलेक्ट कमिटी के सामने यह बात आयेगी, और जिस तरह की सेलेक्ट कमिटी की राय होगी मामलों पर गौर करने के बाद कि कितना वक्त लगेगा और कितना नहीं लगेगा, वैसे किया जायेगा। हम इसमें अपनी कोई खास राय नहीं रखते।

एक सवाल मुकुन्द लाल जी ने उठाया है। और वह सवाल था थर्ड पार्टी क्लेम व। इस

[श्री ए० पी० जैन]

वक्त जो मौजूदा मुआवजे का कानून है उसमें उन्होंने कहा कि जिनका रुपया इवैक्वीज के ऊपर चाहिये था, उनको इस बात का हक है कि वह अपना क्लेम रीजिस्टर करा सकें। वह रीजिस्टर हो गये हैं और उनके क्लेम के अधिकार के लिये हम इसमें उचित प्रबन्ध रखेंगे क्योंकि हमारी मंशा नहीं है कि हम उसमें किसी का पैसा लें। यह दूसरी बात है कि क्या शरायत हों, क्या उनकी जरूरियात हों। इन तमाम बातों पर गौर किया जायेगा लेकिन ऐसी बात नहीं है कि उनके पैसा देने का कोई इरादा न हो।

बहुत सी बातें क्लेम्स के बारे में कहीं गईं। आपको याद होगा कि कुछ दिनों पहले इसी सेशन के अन्दर एक कानून इस भवन ने पास किया है क्लेम्स के वैरिफिकेशन के बारे में। उसमें इस बात की पूरी गुंजाइश रखी गई है कि जो क्लेम दाखिल हुआ था अगर उसके बारे में कुछ शिकायत हो उसका रिवीजन हो सकता है, और उस वक्त भी जब उस पर बहस हो रही थी तो मैंने यह आश्वासन भवन को दिया था कि उसमें सुओ मोटो रिवीजन के अस्त्यार दिये गये हैं। जो ऐसे मामलात में इल्म में लाये जायेंगे कि जिनमें कुछ सक्ती हुई है या दूसरी वजह से उसका रिवीजन होना चाहिए तो हम दोबारा उनकी जांच पड़ताल करा लेंगे। चूंकि बहुत सी दरखास्ते आई हैं और हम उनकी जांच पड़ताल करा रहे हैं इसीलिये मैं समझता हूं कि इस कानून में हमें उन्हीं क्लेम्स को मानना पड़ेगा जिनका वैरिफिकेशन हो चुका है, यह दूसरी बात है कि दूसरे कानून के मातहत जहां पर कोई ताकत रखी गई है, उसका दोबारा वैरिफिकेशन करा सकें।

एक सवाल जो बहुत से आनरबल मंत्रियों ने उठाया वह यह है कि कुछ वीद की जाय उस धन में जो कि गवर्नमेंट इस कम्पेंसेशन पूल के अन्दर डालना चाहती है। यह मामला एक बर्ष के ऊपर हो गया जब गवर्नमेंट के सामने

आया। जो कुछ भी श्री गोपालस्वामी आयरंगर साहब ने एलान किये थे, जो बातें मैंने कहीं, जो बातें गवर्नमेंट के दूसरे मंत्रियों ने कहीं, या गवर्नमेंट की तरफ से जो आश्वासन दिये गये थे, उन तमाम के ऊपर पूरे तौर से ध्यान दिया गया और उसके बाद एक फैसला हुआ। उस फैसले के अनुसार एक विधिपत्र जारी की गई और वह फैसला वही था जो कि आम्बेडकर एंड रीजिन्स में दिया हुआ है। यानी जो कर्ज पुरुषार्थियों को जो कि पश्चिमी पाकिस्तान से आये हैं, दिया गया है, जो जायदाद गवर्नमेंट ने बनाई है उनको बसाने के लिये मई, १९५२ तक उनके बसाने के लिये, फाइव इअर प्लान या दूसरे किसी तरीके से जो प्राविजन है, वह सब का सब गवर्नमेंट की तरफ से कम्पेंसेशन पूल में डाला जायेगा। मैं यह बतलाना चाहता हूं कि गवर्नमेंट को जो कुछ इस सम्बन्ध में कम्पेंसेशन पूल में डालना था उसका अन्तिम निर्णय हो चुका है। अभी हाल में एक शार्ट नोटिस क्वेश्चन पूछा गया था, उस स्टेटमेंट के सम्बन्ध में जो कि भवन के सामने रखता था, कि मैं कोई आश्वासन दिला सकूंगा या नहीं कि गवर्नमेंट की तरफ से उसमें कोई रुपया डाला जायेगा। चुनावों में मैंने नहीं चाहा कि बाहर कोई आशयों बंधें क्योंकि आशयों बंधने के बाद फिर उनके टूटने से सबसे बड़ी नाउम्मीदी होती है, रायें अपनी अलग अलग हो सकती हैं, श्रद्धा टूटन जी की यह राय है, और मैं नहीं कहता कि उनकी राय में कोई तत्व नहीं है, लेकिन बहरहाल जो लोग इस वक्त गवर्नमेंट को चला रहे हैं उन्होंने इस मामले पर भी विचार किया कि कोई टैक्स लगना चाहिये या नहीं लगना चाहिये। गवर्नमेंट मौजूदा हालत में कितना रुपया दे सकती है और कितना नहीं दे सकती है, इस बारे में भी पार्लियामेंट इस निर्णय पर पहुँची थी कि जो कुछ हो रहा है उसका एक मर्तबा एलान कर दिया जाय। अब मैं नहीं देखता कि गवर्नमेंट की तरफ से कोई और पैसा मिल सकेगा।

Mr. Chairman: The question is

"That the Bill to provide for the payment of compensation and rehabilitation grants to displaced persons and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 51 members, 34 members from this House, namely, Shrimati Subhadra Joshi, Shri Gurmukh Singh Musafir, Lala Achit Ram, Pandit Thakur Das Bhargava, Shri Hira Singh Chinaraia, Shri Naval Prabhakar, Shri Bibhuti Mishra, Shri Ramchandra Majhi, Dr. Pashupati Mandal, Shri Daulat Mal Bhandari, Shri Muhammed Khuda Bakash, Shri Rameshwar Sahu, Shri Khushi Ram Sharma, Shri Venkatesh Naryan Tivary, Shri Yeshwantrao Martandrao Mukne, Shri Raghubir Dayal Misra, Dr. Hari Mohan, Shri Ramraj Jajware, Shri Krishna Chandra, Shri Shankar Rao Telkikar, Shri P. Kakkan, Shri T. R. Neswi, Shri K. G. Deshmukh, Sardar Hukum Singh, Shri Pisupati Venkata Raghavaiah, Shri Nikunja Behari Chowdhury, Shri Bahadur Singh, Shri Jaswantraj Mehta, Shrimati Sucheta Kripalani, Shri Choitram Partabrai Gidwani, Sardar Lal Singh, Shri Hifzur Rahman, Shri Jagannathrao Krishnarao Bhonsle, and Shri Ajit Prasad Jain, and 17 members from the Council;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects, the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make;

that this House recommends to the Council that the Council do join the said Joint Committee and communicate to this House the names of members to be appointed by the Council to the Joint Committee."

The motion was adopted

MEMBER SWORN

Sardar Iqbal Singh (Fazilka-Sirsa)

Shri Raghavachari (Penukonda): May I in this connection rise on a point of almost a privilege? This is in respect of another Member whose election has been declared. The matter has not yet been communicated. This is in connection with the election of Shri Ashok Mehta who has been elected. You know that when a man is declared elected, he has the right to come....

Mr. Chairman: The notification has been received. He is certainly welcome to come and take the oath.

Shri Raghavachari: My point was that as he was entitled to come and take the oath in the morning, he would have participated in the debate that was going on here. The rule provides that the Returning Officer shall forthwith send the communication to the Election Commission and the appropriate authority. In this case, he must have communicated it to this House. Though the declaration was made three days ago, on the ground that two holidays intervened, it has been held up. In this case, they should have taken action forthwith and the question of holidays should not have come in the way. Why should they have taken so much time to communicate the information? The gazette notification is not necessary for this. Section 66 provides:

"When the counting of votes has been completed, the Returning Officer shall forthwith declare the result of the election in the manner provided by the Act or the rules made thereunder."

[Shri Raghavachari]

Here I would invite your attention to rule 48 which has been framed:

"When the counting of votes recorded in favour of each candidate both in ballot papers contained in the ballot boxes.....the Returning Officer shall, subject to the provisions of section 65 and in the case of an election in a constituency where the seats to be filled include one or more seats reserved for the Scheduled Castes.....shall forthwith declare the candidate or candidates to whom the largest number of valid votes has been given, to be elected:

"Provided that upon the application of any candidate or his election....."

The proviso deals with another matter and we are not concerned with it. But the point is that it should be forthwith communicated.

Mr. Chairman: Which rule is he reading?

Shri Raghavachari: I am reading from rule 48 of the Representation of the People (Conduct of Election and Election Petitions) Rules, 1951.

Then there is section 67 which says:

"As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to the appropriate authority"—

the appropriate authority is the Central Government in the case of the House of the People—

"and to the Election Commission and in the case of an election to a House of Parliament or of the Legislature of a State also to the Secretary of that House...."

So the Returning Officer has to send a communication to all these three people: the Secretary of this House, the appropriate authority and the

Election Commission. The declaration is enough and no manner of publication is required under the rules. If you just refer to section 107, you will find there a different procedure has been fixed, that is, until it is notified in the gazette, that order shall not take effect. In this case, there is no such requirement. Therefore, the moment a man has been declared, he has a right to function as a Member here. I am referring to section 107, which states that "An order of the Tribunal under section 98 or section 99 shall not take effect until it is published in the Gazette of India under section 106."

What is required in the case of an election is that after the counting of the votes, he is declared as elected.

Mr. Chairman: According to rule 66, what is required is this:

"When the counting of the votes has been completed, the Returning Officer shall forthwith declare the result of the election in the manner provided by this Act or the rules made thereunder."

So far as the question of declaration of results is concerned, rule 66 governs it. In regard to rule 67, dealing with the reporting of the result, it says:

"As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to the appropriate authority and the Election Commission, and in the case of an election to a House of Parliament or of the Legislature of a State also to the Secretary of that House and the appropriate authority shall cause to be published....."

What has happened here is this. The Secretary has just received an intimation from the Election Commission that so and so has been elected. Just now this information has been received and it was not received earlier in the morning by the Secretary. This information has to be given not forthwith, but as soon as may be, according to rule 67.

Since the intimation has been received here from the Election Commission that the result has been declared, I say that if the Member has come and is here, he is welcome to take his oath now.

Shri Raghavachari: The thing is not dependent upon the Secretary having been communicated of the result but that the declaration has been made and the moment it is declared, he is entitled to take his oath in the House.

Mr. Chairman: Under rule 67, as soon as may be after the result of an election has been declared, the Returning Officer has to inform the Election Commission as well as the Secretary of the House.

Shri S. S. More (Sholapur): May I know if it is a condition precedent for a Member to become a Member of the House? The moment X is declared to be elected, he gets a right to attend the House and serve his own constituency. "As soon as may be" might be two

days or two months according to our bureaucratic machinery. Does it mean that my right of serving my constituency depends on the dilatory nature or promptness of the executive machinery?

Mr. Chairman: I do not propose to enter into haphazard hypothetical questions. One Member was allowed just now to take the oath. If the other Member is here now, he is certainly welcome to take the oath.

Shri Sarangadhar Das (Dhenkanal—West Cuttack) rose—

Mr. Chairman: These rules are not open to discussion now, and there is no question of making any speech on these rules.

The House will stand adjourned till 8-15 A.M. tomorrow.

The Lok Sabha then adjourned till a Quarter Past Eight of the Clock on Wednesday, the 19th May, 1954.