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**MINISTRY OF HOME AFFAIRS**  
**(REHABILITATION DIVISION)**

**ESTIMATES COMMITTEE  
1990-91**

**NINTH LOK SABHA**



**LOK SABHA SECRETARIAT  
NEW DELHI**

FOURTH REPORT FOURTH REPOR

ESTIMATES COMMITTEE  
(1990-91)

(NINTH LOK SABHA)

MINISTRY OF HOME AFFAIRS  
(REHABILITATION DIVISION)

[Action Taken by Government on the Recommendations contained in the 70th Report of Estimates Committee (Eighth Lok Sabha) on the Ministry of Home Affairs (Rehabilitation)-Rehabilitations of Migrants from East Bengal.]



*Presented to Lok Sabha on 9 August 1990*

LOK SABHA SECRETARIAT  
NEW DELHI

*August 1990/Sravana 1912 (S)*

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**ESTIMATES COMMITTEE**

**(1990-91)**

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**Shri Jaswant Singh**

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1. Shri G. L. Batra—*Joint Secretary.*
2. Shri B. B. Pandit—*Deputy Secretary.*
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STUDY GROUP ON ACTION TAKEN REPORTS OF  
ESTIMATES COMMITTEE

(1990-91)

1. Shri Jaswant Singh—*Chairman*
2. Shri Hannan Mollah
3. Dr. Thambi Durai
4. Shri Chiranjit Lal Sharma
5. Shri Yamuna Prasad Shastri
6. Shri Anantrao Deshmukh
7. Shri Kailash Nath Singh Yadav.

## INTRODUCTION

I, the Chairman of the Estimates Committee having been authorised by the Committee to submit the Report on their behalf present this Fourth Report on action taken by Government on the Recommendations contained in the Seventieth Report of the Estimates Committee (Eighth Lok Sabha) on the Ministry of Home Affairs—Rehabilitation of Migrants from East Bengal.

2. The Seventieth Report was presented to Lok Sabha on 12th April, 1989. Government furnished their replies indicating action taken on the recommendations contained in that Report on 11th October, 1989. The draft Report was adopted by the Committee on 12th June, 1990.

3. The Report has been divided into following Chapters:—

I. Report

II. Recommendations/Observations which have been accepted by Government.

III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies.

IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee.

V. Recommendations/Observations in respect of which final replies of Government are still awaited.

4. An analysis of action taken by Government on the recommendations contained in seventieth Report of Estimates Committee (Eighth Lok Sabha) is given in Appendix. It would be observed that out of 44 recommendations made in the Report, 21 recommendations i.e. about 47.73 per cent have been accepted by Government. Replies have not been accepted in respect of 8 recommendations i.e. about 18.18 per cent. Final replies of Government in respect of 2 recommendations i.e. about 4.54 per cent are still awaited.

NEW DELHI;

July 24, 1990

Sravana 2, 1912 (S)

JASWANT SINGH

Chairman,  
Estimate Committee.

## CHAPTER I

### REPORT

1.1 This Report of the Estimates Committee deals with Action Taken by Government on the recommendations contained in their Seventieth Report (8th Lok Sabha) on the Ministry of Home Affairs (Rehabilitation Division)—Rehabilitation of migrants from East Bengal.

1.2. Action Taken Notes have been received in respect of all the 44 recommendations contained in the Report.

1.3. Action Taken Notes on the recommendations of the Committee have been categorised as follows:—

(i) Recommendations|Observations that have been accepted by Government:—

SI. Nos. 4, 9, 14, 15, 16, 17, 18, 20, 21, 27, 28, 29, 30, 31, 32; 34, 36, 38, 39, 41, 44.

(Total 21, Chapter II)

(ii) Recommendations|Observations which the Committee do not desire to pursue in view of Government's replies:

SI. Nos. 1, 3, 6, 10, 12, 13, 19, 25, 26, 35, 37, 40 and 43.

(Total 13, Chapter III)

(iii) Recommendations|Observations in respect of which Government's replies have not been accepted by the Committee:—

SI. Nos. 5, 7, 8, 11, 22, 23, 24 and 42.

(Total 8, Chapter IV)

(iv) Recommendations|Observations in respect of which final replies of Government are awaited:—

SI. Nos. 2 and 33.

(Total 2, Chapter V)

1.4. The Committee will now deal with the action taken by Government on some of their recommendations.

*Disposal of Outstanding claims*

**Recommendationo Sl. No. (Para Nos. 1.43 & 1.44)**

1.5 The Committee had observed that there was little justification for 3600 pending cases whose documents were complete, particularly when the disposal rate, on an average, was around 250 cases per month. They had deprecated the slow progress in the disposal of cases, each year, from 1983-84 to 1987-88. The Committee had urged the Ministry to take urgent steps to settle all claims pending with the Custodian of Enemy property, especially those where all the documents were available and had been verified. They had also desired that the procedure for settlement of claims should be free of redtapism, thus avoiding harassment of migrants.

1.6. The Ministry stated in reply that the position of pending claims had been reviewed and all efforts were being made to ensure expeditious disposal.

1.7 The Committee are not satisfied with this reply. The Ministry has not intimated the precise steps being taken to expeditiously settle claims, also how it intends to accelerate the pace of clearance of pending cases, particularly those pertaining to the period from 1983-84 to 1987-88. The Ministry has, apparently, not paid any heed to their own earlier recommendation that the procedure for settlement of claims should be streamlined leaving no room for red-tapism and consequent harassment of migrants. While reiterating their earlier recommendation the Committee would like to be apprised of the progress in this regard. The Committee is of the view that settlement of claims of refugees need to be settled on priority by the Government because most of these pertain to people of low income groups. The Committee would also like to be apprised of the monitoring system evolved for the purpose.

*Grant-in-aid to States*

**Recommendation Sl. Nos. 7&8 (Paras 1.63, 1.64 & 1.65)**

1.8 The Committee had deprecated the absence of authentic information on the utilisation of grants-in-aid to States, for Rehabilitation of Migrants from former East Pakisan during the years from 1964-65 to 1986-87. It had desired the Ministry to compile figures about the actual utilisation of grants-in-aid amounting to Rs. 198.70 crores; as disbursed by it during the period 1964-65 to 1986-87. The Committee had wanted statistical information relating to figures of expenditure, supported by Audit Certificates, also

details of amounts held under objection, lying unutilised or amounts surrendered. This information was wanted by the Committee within six months.

1.9. The Committee had commented upon the unsatisfactory state of affairs relating to utilisation certificates in West Bengal. In this a sum of Rs. 123.91 crores was sanctioned as Grants, by the Ministry during the period 1969-70 to 1987-88. On the other hand audit certificates received were for only Rs. 64.68 crores, i.e. (52 per cent). The Committee had therefore desired that vigorous measures should be initiated, by the Ministry, to obtain audit certificates for the entire amounts of the Grants. To then, accurately assess, in cooperation with the State Accountant General concerned, the amount of the aforesaid grants (i) utilised by the State Government with unconditional audit certificates (ii) expenditure thereof objected to by Audit and steps taken to settle the objections, and (iii) unspent balances thereof lying with State Government.

1.10. The Ministry in its reply stated that the State-wise information relating to Grants-in-aid re-imbursed to States from 1964-65 to 1968-69 was not available. It referred to information from 1969-70 to 1987-88 already supplied by the Ministry. The Ministry also stated that the amounts under objections were settled by the State AGs directly with the concerned State Government, and that the role of the Central Government in the process of settlement of these audit objections was at the most that of a pursuing agency only.

1.11. As regards the unsatisfactory state of affairs relating to settlement of such objections, in West Bengal, the Ministry stated that a sum of Rs. 115.61 crores was released to West Bengal Government during the period 1969-70 to 1987-88; after adjusting a sum of Rs. 8.30 crores for the period prior to 1969-70. Against this, audit certificates for a sum of Rs. 94.63 crores were furnished. Taking into account unspent balance of Rs. 7.76 crores lying with the State Government, audit certificates for an amount of only Rs. 14.22 crores were required to be furnished by the West Bengal Government. Further, as against a sum of Rs. 30.58 crores kept under objection by Audit, an amount of Rs. 20.39 crores had been cleared. The Ministry further stated that the matter was being pursued with the West Bengal Government.

1.12 The Committee deprecate the absence of authentic information about release of Grants-in-aid, to the States, for rehabilitation of migrants, from 1964-65 to 1968-69. As regards the period from

1969-70 to 1987-88, the audit certificates awaited from State Government were of considerable financial value, clearly indicating that the Ministry has failed to discharge its obligations, in this regard, effectively. Further that there has been inadequate monitoring of the release of Grants to States, and its subsequent proper utilisation. The Committee view this situation with serious concern and urge the Ministry to take effective steps, not only to get the objections settled but also to get the audit certificates for the residual amounts. They are of the opinion that the Ministry should not abdicate its responsibility in this regard and should properly monitor the utilisation of the aforesaid grants, even on an ex-post facto basis, so that the financial interests of the Government are not jeopardised, and the grants spent for the purposes for which they are released. They would like to be apprised of steps taken in this direction.

*Institutional arrangements for representation of migrants for settlement of their problems*

**Recommendations Sl. No. 11 (Para 1.75)**

1.13 The Committee had recommended that efforts should be made by the rehabilitation authorities under both the Central and State Governments, at all the major rehabilitation sites, in the country, to have some institutional arrangement, including the representatives of migrants, so that their peculiar problems and grievances find a redressal.

1.14 The Ministry in its reply stated that at this late stage the migrants were no longer being required to maintain a separate entity. At that the problems facing them were either of a local nature or *inter-se* between individuals and the local authorities. Accordingly, it was not considered necessary to have separate institutional arrangements for redressal of grievances.

1.15 The Committee are not satisfied with this reply. Notwithstanding the passage of time, migrants do have their own peculiar problems. It is essential that there be some institutional arrangement that include representatives of migrants, to discuss and to solve residual problems. While reiterating their earlier recommendation the Committee advise the Ministry to reconsider the matter.

*Involvement of Central Government in Rehabilitation Schemes*

**Recommendation Sl. No. 15 (Paras 2.40, 2.41 & 2.42)**

1.16 The Committee had recommended that the Central Government, apart from monitoring the rehabilitation schemes in the State of West Bengal, should also involve itself more directly through

the Monitoring Committee consisting of seven Members of Parliament. It wanted the Ministry's Branch Secretariat at Calcutta to expedite the process of acquisition of land for migrant colonies; distribution of free-hold titles to them on a time-bound basis, and to inform the Committee, in due course, of the progress in achieving targets, both with regard to acquisition of land and distribution of title deeds;

1.17. The Ministry in its reply referred to the various steps taken by the State Government in the acquisition of land and distribution of title deeds. It stated that with the setting up of the Branch Secretariat and the functioning of the high level Monitoring Committee of MPs there should be no cause for any delay in the settling of residual matters. Therefore the present arrangement was considered suitable. The Ministry also stated that acquisition of land was to be done by the officers authorised for the specific purpose, by the State Government under the relevant legislative provisions.

1.18. The Committee expect that the Branch Secretariat already established at Calcutta, and the high level Monitoring Committee of MPs, would constantly monitor the process of acquisition of land for the migrant colonies and distribution of free-hold title deeds to them on a time-bound basis. The Committee would like to be apprised of further developments in this regard.

#### *Medical and Education facilities at Camp Sites*

##### **Recommendation Sl. Nos. 22 & 23 (Paras 2.73 & 2.76)**

1.19. The Committee had recommended that the rehabilitation authorities of the Centre as well as the State of West Bengal should take necessary steps to provide medical facilities and also educational facilities, at least upto the Higher Secondary level, in all the ex-camp sites and refugees colonies for the welfare of the migrants.

1.20. In its reply the Ministry stated that no further liability in respect of medical and educational facilities to old or new migrants in West Bengal devolved upon the Central Government and that it should be the responsibility of the State Government to extend to the migrants such medical and educational facilities as are normally being provided by them to all other citizens.

1.21. In light of the special conditions relating to migrants, the Committee is of the view that there is need for the Ministry to re-examine its position.

*Education facilities created by the State Government for the new migrants*

**Recommendation Sl. No. 24 (Para 2.77)**

1.22. The Committee had observed that the Ministry had ~~not~~ collected information relating to specific physical targets and achievements, and reasons for shortfall, if any, with regard to educational facilities created by the Government of West Bengal for new migrants as a result of the expenditure of Rs. 106.00 lakhs released by the Centre between 1975-76 and 1980-81. They had also desired that the Ministry ought to collect the required information from the State Government, as early as possible, and place it before the Committee.

1.23. In its reply the Ministry stated that the West Bengal Government incurred an expenditure of Rs. 107.68 lakhs, as against the sum of Rs. 106.00 lakhs released by the Centre during the aforesaid period. Out of Rs. 107.68 lakhs, an amount of Rs. 40.61 lakhs had presumably been spent on payments made to staff in the districts. The Ministry stated that on account of old files not being traceable, it was not possible for the State Government to furnish further details like, for example, the number of beneficiaries.

1.24 The Committee find reply of the Ministry as unsatisfactory. They would like to express their dismay at the unacceptable manner in which lack of records is cited as a ground for not accounting fully to the country. The Committee regret that as against an allocation of Rs. 196.00 lakhs, only Rs. 107.68 lakhs was actually spent on educational facilities; thus allowing the residual amount almost 50% of the total, to lapse. This is clearly demonstrative of a lack of proper control and monitoring in the execution of schemes relating to rehabilitation of migrants.

*Plugging of loopholes in the Visa Regulation covering visitors from Bangladesh*

**Recommendation Sl. No. 42 (Paras 5.17, 5.18)**

1.25. The Committee had observed that the present was the most opportune time for the Government of India, to plug loopholes in Visa regulations governing visitors from Bangladesh to India; bilaterally, if possible, within a reasonable period of time, or even unilaterally, with a view to containing the menace of infiltration into India.

1.26. The Ministry in its reply stated that the position was examined in consultation with the Ministry of External Affairs and it was decided that for the time being the present procedures and policy might continue.

1.27 The above reply of the Ministry is not at all acceptable to the Committee. It has not been explained what consultations were held with the Ministry of External Affairs; nor for what reasons it was decided to leave the present procedures unchanged. It is clearly established that there is a large influx of people from Bangladesh into Tripura, to Mizoram, to West Bengal, and also to adjacent Bihar. The consequences of such unchecked and unauthorised, immigration into India, has widespread social, economic and political ramifications. The Committee consider it vital that steps be taken by the Government urgently to check this unauthorised and unwarranted population transfer. For this the very first requirement is a revision of the visa regulations between India and Bangladesh. The Committee, therefore urge the Ministry to reconsider the matter and to initiate early necessary steps in this regard.

The Committee desire that it be informed of the action taken in the matter.

## CHAPTER II

### RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

#### Recommendation, Sl. No. 4 (Para No. 1/41)

The Committee regret to note that whereas they specifically asked the Ministry of Commerce, through Ministry of Home Affairs, to supply data regarding the disposal by the Custodian of Enemy Property of "Claims of refugees who had lost or left their property in erstwhile East Pakistan", the Commerce Ministry supplied to the Committee the consolidated figures "in respect of properties both in West and East Pakistan" without specifying so in its written reply in the first instance, until the doubts were expressed by the Committee after evidence and *ex-post-facto* clarification was given by the Ministry. The Committee feel that the officers in the Ministry of Commerce should have been careful in replying to the questions posed by the Parliamentary Committees like Estimates Committee so that inaccurate information transmitted by the Ministries to these Committees does not lead to serious complications in either House of Parliament. It is highly desirable that utmost importance is accorded to the information to be supplied to the Estimates Committee and the Ministry should ensure that omissions of this type do not recur in future. While the Committee understand that the majority of claims pending or lying dormant in the office of Custodian of Enemy Property might pertain to the Indian Nationals/migrants from former East Pakistan roughly on the pattern of answer given to Question No. 788 on 17.6.1977, Ministry of Commerce could have managed to obtain from the Custodian of Enemy Property the figures relating to the aforesaid category of claimants as desired by the Committee because the requisite information had to be collected from a single source only i.e. Custodian of Enemy Property and no extensive field study/survey was required for the purpose, as claimed by the Ministry. The Committee therefore, desire that the latest data relating to the number of claims pertaining to Indian Nationals/migrants from former East Pakistan registered with, disposed of by, and pending with, the Custodian of Enemy Property should be compiled by the Ministry of Commerce and supplied to the Committee within 6 months of the presentation of this report.

### **Reply of Government**

The Custodian of Enemy Property, Bombay, was requested to make special efforts to compile information relating to number of claims pertaining to Indian Nationals or migrants from former East Pakistan registered with, disposed of by, and pending with CEP. Custodian of Property, after a quick survey of all cases has estimated that 56,259 claims were registered by East Pakistan migrants. Cases pending for disposal as on 31.7.1989 are 7,032.

[Ministry of Home Affairs, Rehabilitation Division's Office Memorandum No. 1(10)/89-RR dated 11-10-1989].

#### **Recommendation Sl. No. 9 (Para Nos. 1.67, 1.68)**

The Committee note that an expenditure of Rs. 745.56 crores has been incurred by the Government so far on relief and rehabilitation of Old and New Migrants from former East Pakistan excluding the expenditure incurred in this regard by the Ministries of Commerce, Urban Development and Health and Family Welfare, bringing the per capita expenditure on former East Pakistan Migrants to as much as Rs. 1609/-.

The Committee, recommend that Government should work out very early the expenditure incurred by the Government upto 31-3-88, including that of the Ministries of Commerce, Urban Development and Health and Family Welfare on relief and rehabilitation of migrants from former East Pakistan, as also the per capita expenditure based thereon, for information of the Committee and incorporate the same in subsequent Annual Report of the Ministry of Home Affairs for information of the organisations of migrants from former East Pakistan.

### **Reply of Government**

Upto 31-3-1988, an expenditure of Rs. 822.03 crores had been incurred by Government of India on relief and rehabilitation of 41.17 lakhs old migrants and 5.14 lakhs new migrants from former East Pakistan. This includes expenditure incurred by Ministries of Home Affairs (Rehabilitation Division), Commerce, Urban Development and Welfare. The per capita expenditure works out to Rs. 1,775/- . As desired by the Committee, the information will be incorporated in this year's Annual Report of the Ministry of Home Affairs.

[Ministry of Home Affairs, Rehabilitation Division's Office Memorandum No. 1(10)/89-RR dated 11-10-1989]

### **Recommendation (Sl. No. 14, Para No. 2.12)**

The Committee note that of the 4,87,000 "Old Migrant" families claimed to have been given rehabilitation assistance "in one form or another" in West Bengal, the Ministry or the State Government are "not in a position" to give the Committee even the rudimentary details thereof, namely, as to the number of these families which have been actually rehabilitated, say, in agriculture and otherwise in accordance with the then prevailing approved scales of assistance, the number of such families who have been issued title deeds for the agricultural land allotted to them and the nature of ownership rights conferred on such old migrant allottees. The Committee further note that of old migrant families given rehabilitation assistance in the State, 1.36 lakhs families are stated to be agriculturists whose precise mode of rehabilitation is doubtful. The Committee also note from the succeeding paragraphs that a majority of old migrant families settled in Government sponsored and approved squatters colonies in the State are yet to be granted titles for ownership of homestead plots allotted or to be allotted to them after completion of the hard and slow process of acquisition of land in squatters colonies which also accommodate most of the 6 lakh New Migrants who have refused to move out of the State and forfeited any direct rehabilitation assistance. In view of these fact the Committee do not agree with the Ministry's stance that barring "residuary Problems" "there are no arrears relating to grant of rehabilitation assistance" to old migrant in the State who are claimed to have since "assimilated themselves with the local population". The Committee are distressed to note this casual approach of the Government. Now that a Branch Secretariat has been opened at Calcutta to monitor the ongoing scheme in the State, the Ministry must now persuade the State Government and manage to obtain from it accurate data with regard to the actual number of families, precise nature and quantum of rehabilitation assistance actually provided to old migrants in the State so far, and supply the data to the Committee within 6 months of the presentation of this report.

### **Reply of Government**

The matter was taken up with the State Government for getting accurate data on the actual number of families, precise nature and quantum of rehabilitation assistance actually provided to old migrants in West Bengal. The State Government have reported that accurate data is not readily available either in the Secretariat or in Directorate Office and that information will have to be collected from district and Sub-divisional offices. They have also mentioned that

it will be a very difficult and time consuming task to collect data on various schemes. As the Field Officers in the districts and Sub-divisions are reported to be extremely busy with the time bound programmes of displaced persons colony regularisation work, the State Government have constituted a Fact-Finding Team for the specific job of collection, compilation and submission of data on various issues raised in the report of the Estimates Committee. The team will visit each district, consult all old records, discuss with the local officials and collect necessary material. The State Government have further reported that the team is now engaged in the process of collection of information on the basis of very old records in the district offices and as this is a long drawn process it may not be possible for them to furnish the information within the required time frame.

The State Government have been requested to furnish the information immediately. As soon as the information is received from the State Government the same will be submitted to the Committee.

[Ministry of Home Affairs, Rehabilitation Division's  
O.M. No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Serial No. 15, Para Nos. 2.40, 2.41, 2.42)**

The Committee are shocked to note that even after 30 years of their migration there are still huge arrears in the acquisition of land in 1668 colonies/sites where old migrants have been settled in West Bengal. Such arrears are not only in squatters colonies located on private land, the number of which has not been specified to the Committee, but even in Government sponsored colonies and approved squatters colonies located on land owned by Central Government Departments, State Government and other Semi-Government and local bodies, of whom 603 colonies involving 567 acres of land have been identified so far.

While 2,200 acres of land is stated to have "long since been acquired" in 149-pre-1950 colonies, only 8959 title deeds are stated to have been distributed so far against 30,000 migrants families settled there. In the 175 post-1950 colonies, of the 106 cases involving land acquisition, land has so far been acquired in 48 cases only. The Ministry has not specified the acreage acquired so far and to be acquired and number of free hold title deeds distributed so far to the 16000 migrant families settled there. Of the 607 Post-1950 colonies, regularisation of which was approved by the Centre as late as in February, 1987, involving acquisition of 1429.68 acres of land, only 320.41 acres were acquired by the State Government till 30.11.1988 and

only 2752 free hold title deeds have so far been distributed in these colonies against 65,000 families settled there. Against 1,22,000 migrant families settled in Government sponsored colonies, only 28,610 free-hold title deeds have been distributed so far, whereas against 1,11,000 migrant families settled in approved squatters colonies only 12,094 free-hold title deeds have been issued. It is clear to the Committee that both the Central and State Government have virtually neglected their joint responsibility of rehabilitating the old migrants fully in West Bengal especially in so far as acquisition of land for their settlements and conferment of ownership rights to migrants for their homestead plots is concerned. While the Committee concede that the Central Government has, from time to time, provided to the State Government all the desired financial sanction and assistance for implementing schemes for rehabilitation of the migrants in the State, they regard the Central Government's attitude so far in leaving the implementation aspect of the rehabilitation schemes-especially the matter of land acquisition and distribution of title deeds-exclusively to the expediencies of the State Government as wholly unfortunate, as the achievement upto the close of 1987 is very disappointing. For example, had the Central Government pressed the State Government in time, say from 1958 onwards, to expedite the acquisition of land at 1946 prices for 1957, post-1950 colonies under West Bengal land (Development and Planning) Act, 1948, it would not have to accept the fait accompli in approving in April, 1988, the acquisition of land by the State for the said colonies at market prices under West Bengal Land (Requisition and Acquisition) Act 1948.

The Committee are of the firm view that the existing system of Central Government merely financing and the State Government exclusively implementing the rehabilitation schemes has not made any appreciable dent in the problem of migrants in West Bengal and to achieve a break-through in the so called "residuary problem" Central Government will have to assume a bigger and more direct role also in implementation of the rehabilitation schemes in the State. Now that the Ministry of Home Affairs have opened a Branch Secretariat at Calcutta and a Monitoring Committee consisting of seven Members of Parliament headed by a Minister of State in the Ministry have been set up to monitor the progress of implementation of rehabilitation schemes in the State, the Committee strongly recommend that the Central Government apart from monitoring the schemes, should also involve itself more directly through the Monitoring Committee and Ministry's Branch Secretariat to expedite

the process of acquisition of land for the migrant colonies and distribution of freehold title deeds to the migrants on a time bound basis and inform this committee in due course of the progress in achievement of targets both with regard to acquisition of land and distribution of title deeds.

### Reply of Government

The observations of the Committee were communicated to the Government of West Bengal and they were requested to furnish accurate data on the acquisition of land and distribution of title deeds in respect of various categories of colonies. The State Government have reported that the statistical information relating to acquisition of land in various categories of colonies will have to be collected from the district offices where the very old records are not easily available and therefore, much time and effort would be required for the purpose. They have further informed that a 'Fact Finding Team' has been set up by the State Government to collect information on various points raised in the Estimates Committee's Report and that the State Government will be able to furnish information only on receipt of the 'Fact Finding Teams' report. The information available with the records of Central Government is, however, furnished in succeeding paragraphs.

2. Regularisation of 149 Group of Pre-1951 Squatters' Colonies was done in phases from the year 1950-51 onwards and the decision to regularise the Post-1950 Squatters' Colonies was taken by the Central Government in 1978 (175-Group) and 1987 (607-Group). Action for acquisition of land in respect of a particular group of squatters' colonies could, therefore, be initiated by the State Government only after the decisions for regularisation were communicated by the Central Government. State Government have informed that in so far as the main scheme of 149-Group of Pre-1951 Squatters' Colonies is concerned, no land acquisition now remains. As regards 175-Group of colonies approved in 1978, there had been some delay in acquisition due to the lengthy and time consuming procedure involved in acquisition under the provision of West Bengal Land Development and Planning Act, 1946 and Land Acquisition Act, 1894 because of which the State Government could not move faster. Application on Urban Land (Ceiling and Regulation) Act, 1976 had also been a major constraint and this problem has since been overcome by exempting the acquisition of such land from the Urban Land Ceiling Act in 1986. As per present information, out of 108 colonies of 175-Group of Squatters' Colonies located on private land acquisition is now complete in 51 colonies covering an area of 165.69 acres.

3. In view of the delay experienced in acquisition of land for 175-Group of squatters' colonies under the earlier Acts, the Central Government had agreed to the acquisition of land under West Bengal Land (Requisition and Acquisition) Act, 1948 (West Bengal Act II of 1948) in respect of 607-Group of squatters' colonies, approved in the year 1987. As a result of this, there is considerable improvement in the pace of acquisition of land for this Group of colonies. A target of 3 years, commencing February, 1987, has been fixed for acquisition of land in 607-Group of colonies. According to the present information, till 31-8-1989 acquisition of private land to the extent of 1538.28 acres (involving 249 colonies) has already been done as against the enhanced estimated target of about 2400 acres under the 607-Group of colonies and the Committee will agree that the progress achieved in land acquisition cannot be said to be less than satisfactory. The number of colonies located on private land in 607-Group of squatters' colonies is now shown as 298. In regard to transfer of Central Government lands also, the matter is being vigorously pursued by Rehabilitation Division with the Departments concerned and in meeting held under the Chairmanship of Home Secretary on 22nd August, 1989, a decision was taken that the concerned Central Government Departments would take immediate action to handover permissive possession of lands, to the State Government where joint survey had been completed and there was no dispute with regard to its ownership title or departmental utilisation. Till 31-8-1989, an area of 37.78 acres was transferred by Damodar Valley Corporation to the State Government. No difficulty is thus anticipated in regard to the transfer to land by the other Central Government Departments, and substantial progress is expected in the next few months.

4. As regards the Committee's remarks about 'the Central Government's not pressing the State Government in time, say from 1958 onwards, to expedite the acquisition of land of 175 Post-1950 colonies under West Bengal Land (Development and Planning) Act, 1948', it may be stated that since these colonies were regularised by Central Government only in 1978, the question of pressing the State Government from 1958 did not arise. Rehabilitation Division had been pursuing the acquisition matter from 1978 but in view of the constraints already explained, the desired pace could not be achieved.

5. As regards the delay in the distribution of title deeds in respect of 607-Group of Squatters' Colonies, the State Government are initially concentrating on the acquisition of land and the work of distribution of title deeds is expected to gain momentum only after this work is completed. The reasons for slow progress in regard to

grant of title deeds in other categories of colonies is, however, due to the fact that the displaced persons in urban areas were reluctant lease deeds on the basis of the policy laid down in 1974, had been clamouring for freehold titles and had also moved the Calcutta High Court in this matter. The policy of title deeds was revised by the Government of India in December, 1986, when the State Government were allowed to allot land to displaced persons in urban areas in conformity with the State Government's own policy of allotment of and in the respective urban areas. As per the information available, the number of title deeds issued till 30-4-1989, is as below:—

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Government Sponsored Colonies	40,475
Squatters' Colonies	17,461*
	57,936

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*\*Break-up*

143 - Group	13,473
175 - Group	402
607 - Group	3,586
	17,461

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6. As regards the Committee's recommendation for direct involvement of Central Government to expedite the process of acquisition of land and distribution of title deeds, the Central Government are of the view that with the setting up of the Branch Secretariat and the functioning of the high level Monitoring Committee of M.Ps to monitor and over see the progress in regard to the scheme of squatter's colonies etc. there should be no cause for any delay in the settling of residual matters and that the present arrangement is considered suitable and practicable. Moreover, acquisition of land is to be done by the officers authorised for this specific purpose by the State Government under the relevant legislative provisions.

[Ministry of Home Affairs, Rehabilitation Division's  
O. M. No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Serial No. 16, Para No. 243)**

The Committee also note that whereas the Central Government has approved the scheme relating to acquisition of land in 607 Post-1950 squatters colonies on the basis of 3.75 cottahs per family and on the condition that no further squatters colonies would be approved, a preliminary survey by State Governments of 310 of these colonies has revealed that the holdings in actual possession per family there are in 51.9 per cent cases within 2.25 cottahs, in 22.4 per cent cases between 2.25 to 3.75 cottahs, in 15.4 per cent between 3.75 to 5 cottahs and in 10.3 per cent cases above 5 cottahs. It is clear from these figures that the percentage of families in possession of holdings in excess of the approved limit of 3.75 cottahs in these colonies is at least 25.7 per cent (15.4+10.3). The Committee agree with the stand of the Central Government that the cost of land in excess of 3.75 cottahs in their possession should be borne by the migrants themselves and recommend that the cost should be realised from these migrants at market rates in cases where the migrants are not in a position to surrender excess land in their possession.

**Reply of Government**

Taking into account the recommendations made by the Ministerial Level Monitoring Committee of the Members of Parliament under the Chairmanship of Minister of State in the Ministry of Home Affairs, Central Government have since enhanced the maximum permissible ceiling of homestead plots in 607 Post-150 squatters colonies to 5 cottahs from 3.75 cottahs per family. Necessary orders in this regard were issued on 11th May, 1989.

2. The State Government have informed that they are acquiring land only upto 5 cottahs in respect of each family and that the occupant of a plot having more than 5 cottahs in possession is being asked by the State Government to pay for the amount of the excess land accordingly. In so far as reimbursement of claims from Central Government are concerned, the State Government will claim reimbursement only in respect of the maximum permissible limit of 5 cottahs per family. As the Government of India is not required to pay for the land held in excess of 5 cottahs, the question of recovery of money for the excess land from concerned displaced persons will not arise. However, the observations of the Committee in regard to recover of cost of excess land at market rates have been brought to the notice of State Government.

[Ministry of Home Affairs, Rehabilitation Division's  
O.M. No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Sl. No. 17, Para 2.53, 2.54 & 2.55)**

The Committee are distressed to find that while the Working Group had recommended in March, 1976 the development of 1008 rural and urban refugee colonies within Calcutta Metropolitan District involving 170,269 families, at a cost of Rs. 52.34 crores, Central Cabinet approved a proposal in December, 1976 for development of 103,157 plots in 612 colonies only in the urban areas of the District with a financial outlay of Rs. 23.85 crores and ceiling of development cost of Rs. 2500/- per plot. The implementation of the recommendation even in its pruned form has been so halfhearted that the State Government has been able to take up for development 244 urban colonies covering 53,884 plots of which only 226 colonies covering merely 46,647 plots have been actually developed all alone these 12 years even though Central assistance to the extent of Rs. 9.01 crores has already been released to the State Government out of Rs. 9.68 crores envisaged till the end of phase II of the Programme scheduled to end in March, 1985. Proposals for Phase III of the Programme which should have started after March, 1985, are still being worked out in consultation with the Ministry of Finance and Planning Commission for implementation during Eighth Plan and the recommendation of the State Government to enhance the cost of development per plot to Rs. 11931/- is proposed to be made effective in respect of plots covered under Phase III. It is thus clear to the Committee that the state Government has not been able to implement the scheme with the required momentum, which has resulted in cost escalation of the scheme and hopeless conditions in the refugee colonies in sofar as civic amenities and transport and communication facilities are concerned. The representative of the Ministry of Urban Development during evidence stated that its machinery to monitor the implementation of the scheme was wound up after Sixth Plan as the outlay during the current plan was very meagre. This shows that Central Government too has been as lukewarm as the State Government to the plight of the residents migrant colonies in the state.

The Committee, therefore, strongly recommend that the Ministry of Urban Development should recommend a more substantial financial assistance for Phase III of the scheme which is now scheduled to be included in the Eighth Plan, as also assume a greater role in implementing and monitoring the scheme so that huge arrears in development of remaining 56,510 plots are cleared more expeditiously and the migrants rotting in the squatters' colonies get some meaningful relief.

The Study Group of the Committee which visited Camp No. 2 of Bagjola ex-camp sites and Ramgarh colony in September, 1988

found the condition of the sites extremely appalling in so far civic amenities and transport and communication facilities are concerned. The Committee strongly recommend that the Ministry of Urban Development should at an adequately high level, persuade the State Government to make urgent arrangements to improve the sanitary conditions, drainage system, drinking water supply, street lighting, transport and communication facilities in all the ex-camp and squatters' colonies in the State so as to mitigate the sufferings of migrants living there.

### **Reply of Government**

So far as the recommendation of the Estimates Committee for enhanced allocation of funds for the development of displaced persons colonies during 8th Plan is concerned, the Ministry of Urban Development has reported that a Working Group has been constituted under the Chairmanship of Secretary, Urban Development to formulate the proposals for 8th Plan in respect of that Ministry, Phase-III of the scheme for rehabilitation of migrants from East Bengal has been proposed as one of the schemes before the Working Group. The Working Group would be finalising its report shortly. However, the final allocations for each scheme will be known only after planning Commission finalised the 8th Plan.

2. As regards the Committee's recommendation regarding provision of Civic amenities and transport and communication facilities to squatters' colonies and ex-camp sites, the State Government have been requested to consider the Committee's suggestion and take remedial measures.

[Ministry of Home Affairs, Rehabilitation Division's O.M. No. 1(10)/89-RR dated 11-10-1989]

### **Recommendation (Sl. No. 18, Para No. 2.62)**

The Committee note that of the 9270 ex-camp site families in West Bengal for whose rehabilitation the Central Government has released a sum of Rs. 167.78 lakhs to the State Government (of which there was an unspent balance of Rs. 26.36 lakhs), 45 families in Rajpur Bazar, 107 families in Nawabnagar, 65 families in Ramchandrapur and 901 families in Bagjola ex-camp sites are still to be rehabilitated and the work is expected to be completed by 1989-90. While the delay in rehabilitation of 901 families in Bagjola ex-camp site due to ongoing litigation in the High Court is understandable, the Committee wonder why the arrears of rehabilitation (217 fami-

lies) could not be cleared in Rajpur Bazar, Nawabnagar and Ramchandrapur ex-camp sites even though the requisite funds had been sanctioned by the Centre long back and State Government was retaining an unspent balance of Rs. 26.36 lakhs therefor. The Committee are of the firm view that the Ministry should urge the State Government to rehabilitate the aforesaid 217 families without further delay as no tangible reason has been given to the Committee for delay in this regard.

### **Reply of Government**

The Government of West Bengal was urged to take immediate action for completing the rehabilitation of the remaining 217 ex-camp families in Nawabnagar, Rajpur Bazar and Ramchandrapur. The State Government have since reported completion of rehabilitation of families in Nawabnagar and have stated that there are no more rehabilitable families in Nawabnagar. As regards Rajpur Bazar ex-camp site, the State Government have reported that the work of rehabilitation of 45 ex-camp families in this area could not be completed earlier because the acquisition proceedings of the land had not been completed. As the land in question has just been made over to the State Government, they expect that the work of rehabilitation of 45 ex-camp families will be completed very soon. Regarding families in Ramchandrapur, the State Government have reported that each of the families in this ex-camp site is in possession of land in excess of the prescribed quantum of 10 cottahs per family and these families are not willing to accept land less than what is in their possession. The State Government have been requested to make efforts once again to persuade the families to accept the rehabilitation on the basis of the norms already laid down and also to inform the families that it will not be possible to change the norms of land allotment already prescribed and that any refusal to accept the prescribed norms could only put them to disadvantage.

[Ministry of Home Affairs, Rehabilitation Division's  
O.M. No. 1(10)/89-RR dated 11-10-1989]

### **Recommendation (Sl. No. 20, Para No. 2.65)**

The Committee hope that the remaining 40 families of Enclave Migrants have actually been rehabilitated by the end of 1988-89, as scheduled. The Committee desire that they should be specifically informed of the actual position in this regard alongwith the Government's replies to this Report.

### **Reply of Government**

The Government of West Bengal have reported that out of 40 families 32 families have been rehabilitated. Regarding rehabilitation of remaining 8 families, the district authority has been requested to complete the scheme through disbursement of loan amount in cash at a time, if land for rehabilitation is not available.

[Ministry of Home Affairs, Rehabilitation Division's  
O.M. No. 1(10)/89-RR dated 11-10-1989]

#### **Recommendation (Sl. No. 21, Para No. 2.72)**

The Committee are glad to note the release by the Central Government of amounts of Rs. 28 lakhs for "enhancement of non-T.B. beds for old migrants" and Rs. 151.86 lakhs for expenditure on 337 non-T.B. Beds, 103 T.B. beds and 2 Chest clinics for New Migrants in West Bengal, as recommended by the Working Group in its Report in 1976. The Committee, however, regret to note that the Ministry has not cared to furnish to them the physical implementation of the recommendations, namely, the number of new non-T.B. beds which were targeted and actually constructed for new migrants as a result of incurring the expenditure of Rs. 151.86 lakhs released to the State by the Union Government. It appears to the Committee that the Ministry has been content just with releasing funds to State Governments without showing any concern for implementation part of the rehabilitation schemes. The Committee would emphatically stress in this regard that once a State Government/Union Territory accepts loans/grants for any scheme, from the Central Government, the latter Government is within its rights to obtain the information relating to physical implementation of the scheme and the State/Union Territory Government concerned is equally bound to furnish the said information to the Centre. The Committee, therefore, recommend that the Ministry should obtain the requisite information from the West Bengal Government promptly and furnish to the Committee the information relating to the targets, achievements and reasons for shortfalls, if any, with regard to the enhancement of non-T.B. Beds for old migrants in West Bengal for which the Centre released to the State Government a sum of Rs. 28 lakhs, and the actual number of T.B. beds, non-T.B. beds and Chest clinics actually constructed by the State Government for new migrants alongwith reasons for shortfalls, if any, out of the sum of Rs. 151.86 lakhs released by the Centre therefor.

### Reply of Government

The Government of West Bengal have informed that a total number of 337 non-T.B. beds were opened in the following seven hospitals by utilising Central assistance for new migrants:—

(1) North Bengal General Hospital	50 beds
(2) Nadia District Hospital	45 beds
(3) Jalpaiguri District Hospital	35 beds
(4) Habra Boy's Home & Hospital	30 beds
(5) Malda District Hospital	27 beds
(6) Howrah General Hospital	100 beds
(7) Sishunibas Medical College Hospital, Calcutta.	50 beds
 Total:	337 beds

2. The following 2 chest clinics were opened by utilising the aforesaid Central assistance:—

- (1) Nimpith Chest Clinic, Nimpith, South 24-Parganas.
- (2) Sagar Dutta Chest Clinic, Kamarhati, North 24-Parganas.

3. Information relating to T.B. Beds for new migrants and non-T.B. beds for old migrants has not been received from the State Government inspite of vigorous pursuit. This will be furnished as and when received.

[Ministry of Home Affairs, Rehabilitation Division's  
O. M. No. 1(10)/89-RR dated 11-10-1989].

#### Recommendation Nos 27 and 28 (Para Nos. 3.7 and 3.8)

The Committee note that whereas according to the Preliminary Material, 8000 Old Migrants and 25231 New Migrant families, 33,231 families in all, were resettled/rehabilitated in Dandakaranya Project, according to Ministry's subsequent written answer 36,776 families in all, including Old and New Migrants, were given rehabilitation assistance upto December, 1987 of whom 25,231 migrant families of both categories are now in position in the Project after desertions, discharge and readmissions there. As the number of New Migrant families settled in the project and the number of families of both the categories of migrants in position is stated by the Ministry to be the same i.e. 25,231 families, the number of such families has been put at 25253 by C. & A. G., and the number of families in all claimed to have been settled in all the 4 Zones comes to 18633 only (13133 plus 5500), the

Committee apprehend that there is something wrong with the arithmetic and data of the project supplied to the Committee by the Ministry. The Committee, therefore, suggest that the Ministry should compute afresh the data of families resettled/rehabilitated and in position in the project and furnish the same to the Committee within 6 months of the presentation of this Report.

The Committee are further intigued to note that whereas the Ministry claims that all migrant families in position in the Project area have "received full rehabilitation assistance and are considered having been merged with the mainstream of the population", the position on the ground of migrants from former East Pakistan in many rehabilitation sites of Project in Madhya Pradesh and Orissa is stated to be "desperate, (in) distress condition, uncertain, unsettled, unsatisfactory", as pointed out in a Memorandum sent to the Committee by an All India Body of East Bengal Migrants. The Committee do not agree with the stance of the Ministry in the light of arrears of rehabilitation of these migrants in the Project highlighted by their plight on the ground in various sites of the Project as represented by the aforesaid memorialists and in the succeeding paragraphs of this Chapter especially with reference to arrears in this regard pinpointed by C. & A.G. in his Report of 1988. The Committee, therefore recommend that rehabilitation of migrants in position in the Project area should be evaluated afresh in course of the Comprehensive Review of rehabilitation of migrants in all the regions as recommended by the Committee elsewhere. Further, adequate and early steps should be taken to complete their rehabilitation and the Committee informed of physical achievements in this regard.

#### Reply of the Government

In all, 25,231 families (old and new migrants) are in position in the four Zones of Dandakaranya Project, as under :—

	ORISSA		MADHYA PRADESH		TOTAL
	Malika-nigiri Zone	Umerkote Zone	Konda-gaon Zone	Paralkote Zone	
(a) Agriculturists	11,950	4,312	196	7,532	23,990
(b) Non-Agriculturists	148	167	641	285	1,241
Total:	12,098	4,479	837	7,817	25,231

2. All these families have been resettled by the Dandakaranya Project by providing complete rehabilitation assistance as per norms prescribed by the Government from time to time. The displaced per-

sons settlers of Dandakaranya area are well settled and all possible amenities have been provided to them for a reasonable living.

[Ministry of Home Affairs, Rehabilitation Division's  
O.M. No. 1(10)/89-RR dated 11-10-1989]

**Recommendation No. 29 (Para No. 3.18)**

The Committee note that while 25231 migrant families are stated to be in position in Dandakaranya Project and pattas for ownership of land have been issued jointly for both the agricultural land and homestead plots allotted, only 15352 permanent pattas have been issued till 31 July, 1988 to settlers which also includes the quota of tribals settled under the Project. The Committee regret that the Ministry has not cared to furnish to the Committee the number of migrant families which have been allotted agricultural land as rehabilitation assistance under the project and issued permanent pattas for (1) agricultural land, and (2) homestead plots allotted to them. The Committee are, however, sure that the number of migrant families settled in the project which have been issued permanent pattas jointly for agricultural land and homestead plots is far less than 15352 being the number of pattas issued to settlers as a whole. The Committee further note that while the work relating to issue of pattas to settlers in Malkangiri Zone is admittedly still in progress and being pursued by the Ministry with the Orissa State Government, the task of issuing pattas for permanent ownership of agricultural land and homestead plots to the migrant families is far from complete in Paralkote and Kondagaon Zones of the project also as has been corroborated by the C.&A.G. in his report of 1988. The Committee, therefore, strongly recommend that urgent steps should be initiated at a higher level by the Ministry of Home Affairs in conjunction with State Governments concerned to expedite the process of issuance of permanent pattas for ownership of agricultural land and homestead plots to all the migrant families settled in all the aforesaid 3 zones of the Project and the Committee informed of the progress of allotment of agricultural land and the issuance of the pattas to migrant settlers under the project within six months of the presentation of this Report citing the number of migrant families issued such pattas.

**Reply of the Government**

All the settler displaced persons families in the older three zones of Dandakaranya Project viz. Paralkote, Umerkote and Kondagaon Zone have been issued pattas of their allotted land in complete form.

The following table will indicate the latest picture of the issue of the Pattas to the settlers of the above three zones:—

Name of the Zone	No. of families	No. of pattas issued
1. Kondagaon Zone	837	783
		(Pattas to 54 families could not be issued as Heads of families did not turn up to receive the Patta inspite of notices issued).
2. Paralkote Zone	7,817	7,817
3. Umerkote Zone	4,479	6752
		(In case of some families the land allotted is in different revenue villages and hence one family gets more than one Patta in several cases.)

2. The above figures are exclusively for displaced persons settlers settled in Dandakaranya area and does not include tribal families.

[Ministry of Home Affairs, Rehabilitation Division's O.M. No. 1(10)/89-RR dated 11-10-1989]

**Recommendation No. 30 (Para No. 3.21)**

While the Committee note that 25091 houses are stated by the Ministry to have been constructed for "settlers" in Dandakaranya Project, it has not been made clear as to how many of the 25231 migrant families in position have been allotted these houses. On the other hand the Ministry has also claimed that "all the 25231 displaced families have been provided permanent accommodation". The Committee would however, like the Ministry to refer to the arrears in this regard/pinpointed by the C. & A.G. in his Report of 1988 and to categorically state further that all the 25231 migrant families in position in the Project area are now actually settled in permanent houses/accommodation of their own.

**Reply of the Government**

All the 25,231 displaced persons families settled and in position in the resettlement villages have been provided with villages houses and no family is left without a house. The figure which was shown in this report of the C.&A.G. was compiled earlier and did not take into account the latest position.

[Ministry of Home Affairs, Rehabilitation Division's O.M. No. 1(10)/89-RR dated 11-10-1989]

**Recommendation No. 31 (Para 3.25)**

The Committee note that by now 1506 tube wells have been constructed and 523 masonry wells excavated in Dandakaranya Project area, apart from 334 village tanks and 364 head water tanks to provide drinking water to displaced persons/settlers under the project. The Ministry might, therefore, be literally correct in claiming that "there is no dearth of tube wells/masonry wells for the families settled by the Dandkaranya Project". However, in the light of arrears in this regard pointed out by the Comptroller and Auditor General in his Report No. 1 of 1988, the Committee wonder whether any appreciable dent has been actually made with regard to the basic problem of non-availability of drinking water in the project area especially in the villages during summer time. The Committee would, therefore, like to be specially apprised of the accurate position about the steps taken to augment water supply in villages under the Project during summer and the norms of the number families actually covered per tube well/masonry well there, not only with a view to give the badly needed relief to the settlers in general, but also to prevent the possibility of further desertions by migrants from the project area. The Committee would also like the Ministry to ensure that drinking water supplied to migrants is free from germs and not infested with water borne diseases.

**Reply of the Government**

The Committee has referred to the arrears in regard to the drinking water supply to the displaced persons families in the Dandakaranya area as pointed out by C. & A. G. in his report No. 1 of 1988. It is stated by the C. & A. G. that each displaced person village is to be provided with a village tank and a head water tank. Against 428 village tanks to be constructed, only 331 village tanks and 360 head water tanks were completed by March, 1988.

2. It may be mentioned here that village tanks and head water tanks are constructed to cater the need of the villages for the purpose of bathing, for the cattle and for mesta retting etc. In Dandakaranya, against the total number of 428 villages, only 334 village tanks and 364 head water tanks could be constructed. The reasons for short-fall is that the soil conditions in some villages does not permit construction of a separate village tank and hence in some cases one village tank is provided to cater the needs of two villages and in certain other cases where the rivers pass by near the villages as also natural are available, the construction of new tanks was not taken up. Where one village tank is provided for two villages, the

tank is normally located at a convenient location for both villages. Head water tanks are mainly used for mesta retting. 364 head water tanks constructed by the Project cater to the optimum need of the villages and as such there is no dearth of water in these villages for the purpose of bathing and mesta retting etc.

3. As regards the supply of drinking water, the norm is to provide drinking water source for every 25 families in the settler villages. Accordingly, the Dandakaranya Project has sunk 1506 tube-wells and excavated 525 masonry wells to cater the need of drinking water of the displaced persons settlers. Thus the Dandakaranya Project has taken maximum care to see that the displaced persons settlers do not suffer for want of drinking water in any of the 428 villages. The accepted norms of providing a drinking water source for every 25 families has therefore, been exceeded in the ratio of one tube-well/masonry well for 12 families.

[Ministry of Home Affairs, Rehabilitation Division's Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

**Recommendation No. 32 (Para 3.28)**

The Committee regret to note that while the number of settlers' villages in the project was stated to be 227 in Orissa and 254 in Madhya Pradesh (total 481) in the material provided by the Ministry for their 30th Report (1978-79), the number of villages "set up by Dandakaranya Project" has now been given by the Ministry as 428 out of which only 111 villages are stated to have been electrified so far and 67 more taken up for electrification. It appears that Dandakaranya Development Authority has not considered seriously the Committee's suggestion to provide funds to Electricity Boards of Madhya Pradesh and Orissa with a view to expedite the electrification of villages in the Project Area. In the light of mass desertions from the project in the past by migrants from former East Pakistan and with a view to check the recurrence of such desertions from the Area in future, the Committee strongly reiterate their recommendations that the D.D.A. should make efforts to expedite electrification of maximum number of villages in the region, as a special case, even by providing funds to the concerned State Electricity Boards.

**Reply of the Government**

As regards the difference in the figure of number of villages as indicated in the 30th report of Estimates Committee (1978-79) and the number of villages now existing, it may be stated that the figure quoted should be 227 in Orissa and 154 in Madhya Pradesh (total

381) (instead of 254 in Madhya Pradesh) and this will explain the difference. The actual position as now existing is as under:—

Orissa :	279
Madhya Pradesh :	149
Total :	428

2. It may be stated that rural electrification can proceed only in a phased manner, depending upon the power generation capacity of locally available hydel projects and the distribution system. Providing funds exclusively to the Electricity Boards can not necessarily result in speedy electrification of rural areas as infrastructure necessary for transmission and distribution has to be developed in a planned way particularly, in view of the hilly terrain in many parts of the Project area.

[Ministry of Home Affairs, Rehabilitation Division's Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Sl. No. 34, Para No. 4.7)**

The Committee are pained to note that while 1,91,800 Old Migrant families and 50,194 New Migrant families are stated to have been "rehabilitated" and "resettled" respectively in State/areas outside West Bengal and Dandakaranya Project, the precise statistics about the number of old migrant families actually allotted agricultural land by way of rehabilitation assistance and the details of nature of ownership/occupancy rights conferred on such migrants are "not available" with the Ministry. The Committee are further distressed to note that while homestead plots are stated to have been allotted between 1/3 and 1/2 acre per family to migrants settled in agriculture and 35140 New Migrant families settled in agriculture are stated to have been allotted homestead plots, the Ministry has not indicated the number of New Migrant families in these States actually allotted agricultural land and homestead plots and nature of ownership rights therein granted to them. In view of above mentioned crucial and vital information not being "available" to the Ministry, the Committee are at a loss to understand how the Government are in a position to presume that 1,91,800 Old Migrant families and 50194 New Migrant families have actually been "rehabilitated" or "resettled" in the States/areas outside West Bengal and Dandakaranya Project. The actual position on the ground of the rehabilitation of these migrants is also not encouraging in view of the representation made to the Committee by an all India Organisation of Migrants referred to in the preceding paragraphs. It

appears to the Committee that the major problems relating to rehabilitation of migrants from former East Pakistan, including allotment of agricultural land, homestead plots and ownership rights therefore persist in these places because of negligence of rehabilitation authorities concerned. The Committee, therefore, strongly recommend that the actual position of the rehabilitation of migrants in the aforesaid States/areas should be gone into afresh by the Ministry in conjunction with State Governments/Union Territories concerned who should also re-investigate the precise number of both old and new migrant families settled/rehabilitated in Agriculture and other occupations in each State/area, alongwith the number of families actually allotted agricultural land, homestead plots and the precise nature of ownership rights conferred on migrants therefore and take meaningful and expeditious steps to fully rehabilitate the migrants concerned in accordance with present approved scales, taking into view not only the arrears in this regard officially admitted at present but also the actual magnitude thereof arrived at after the re-examination recommended by the Committee.

#### Reply of Government

Allotment of land for agricultural and homestead purpose and grant of ownership rights thereof is the responsibility of State Governments. As the schemes are executed by the State Governments, Central Government have to depend upon the State Government for collection and supply of information. The Committee's observations/recommendations have been brought to the notice of State Governments/Union Territories. They have been requested to look into the problem afresh and ascertain the actual position on rehabilitation of migrants, reinvestigate the precise number of families settled/rehabilitated in agriculture and other occupations, as also details in regard to the number of families allotted agricultural land, homestead plots with the precise nature of ownership rights and make a factual report. The State Governments/Union Territories have also been requested to indicate the number of families given rehabilitation assistance in various forms and state specifically whether there are families that still require further assistance. The replies of State Governments/Union Territories will be examined further and if it is found that there are still some families eligible for rehabilitation as per the norms prescribed, their cases will be considered for assistance on merits.

[Ministry of Home Affairs, Rehabilitation Division's Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Sl. No. 36 Para 4.9)**

While the Committee commend the decision of the Government to grant rehabilitation assistance to 146 New migrant families from former East Pakistan, including 103 Madan Industries families under the Gunnaur Rehabilitation Project in District Budaun, U.P. after the families were laid off due to stoppage of its operations by the private company in 1984, they deplore the delay in their rehabilitation under the above Project sanctioned as late as on 6th July, 1987 and the fact that so far "the Government of Uttar Pradesh could not complete the work of soil treatment". The Committee recommend that the Rehabilitation Division of the Ministry of Home Affairs should now induce the State Government to take timely steps with a view to ensure that these families are actually rehabilitated by June, 1989, as scheduled. The Committee would also like to be informed of the expenditure incurred on the further rehabilitation of these 103 migrants families from former East Pakistan under the Gunnaur Project.

**Reply of Government**

The Madan Industries families were moved from Hastinapur District Meerut to the Gunnaur Rehabilitation Project, District Budaun on 10th June, 1989. However, only 91 families moved to the site. The families, who did not move on 10-6-1989, have once again been asked to move to the site, latest by 30-9-1989. The families, who have since moved to the rehabilitation site, have each been given 3 acres of irrigated agricultural land, a residential house and approved agricultural benefits. An expenditure of Rs. 26.19 lakhs has been incurred on the resettlement of Madan Industries families in the Gunnaur Rehabilitation Project.

[Ministry of Home Affairs, Rehabilitation Division's Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

**Recommendation No. 38 (Para 4.25)**

The Committee note that as in July, 1988 there were 5 Permanent Liability Homes with 1132 rehabilitable families in Assam, Tripura, Uttar Pradesh, Maharashtra and Madhya Pradesh. Of these 1132 families, schemes were sanctioned in 1987 for rehabilitation 102 P.L. families only, of which only 99 families were actually rehabilitated by the end of that year. After evidence the Ministry has further informed the Committee that as a result of screening carried out 546 families were found rehabilitable and out of them 170 families have since been settled and a scheme has been sanctioned for further settlement of 30 families. It is not clear the Ministry's

reply when exactly the screenings were carried out and 170 families were rehabilitated. The Committee apprehend that there is a wide gap between the position of rehabitable families in Permanent Liability Homes not only as intimated to them by the Ministry and as represented to them by the non-official organisation of migrants referred to in the preceding paragraphs, but also between the number of families found rehabitable by the Government itself as 102 in 1987 and as 546 on subsequent screening. The Committee are of the view that on the ground of compassion alone if nothing else the Rehabilitation Division of Ministry of Home Affairs should accord top priority to the rehabilitation of rehabitable families in PL homes both in the integrated review of rehabilitation of migrants suggested earlier in this report as also in actually expediting the rehabilitation of all rehabitable families in PL homes so that there are no arrears in this regard. From the material supplied by the Ministry it appears that not all rehabitable families in the PL homes have been actually rehabilitated so far and there appears to be a lot of time gap between a family becoming rehabitable in a PL home and the time when the scheme to rehabilitate them is proposed by the State Government and their rehabilitation is actually sanctioned by the Ministry of Home Affairs resulting in cumulative arrears. The Committee, therefore stress that State Government should be pressed by the Ministry to prepare and finalise the schemes for the rehabilitation of rehabitable inmates sufficiently in advance of their becoming eligible for the purpose so that the Ministry is also able to provide the requisite funds for their rehabilitation in time and the eligible families are relieved at the earliest opportunity from the none-too comfortable conditions in PL homes now being run by the State Governments concerned.

#### Reply of Government

So far as families residing in the P.L. Homes in Uttar Pradesh and Madhya Pradesh are concerned, we have been receiving schemes for the rehabilitation of rehabitable inmates from the State Governments well in time and there has been no delay in sanctioning the schemes.

2. As and when a family becomes rehabitable, it is incumbent upon the State Government concerned to propose a scheme for its rehabilitation. Even so, the State Governments of Assam, Tripura and Maharashtra have been requested to send the schemes for rehabilitation of rehabitable P.L. families. As soon as the schemes are received, these would be examined and sanctioned.

[Ministry of Home Affairs, Rehabilitation Division's Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Sl. No. 39 Para No. 5.6)**

The Committee are concerned to note that about 49,900 refugees who came to Tripura from Bangladesh since April, 1986, as many as 2984 refugees, including children, have died in the camps upto 25-7-1988 due to diseases such as diarrhoea, respiratory tract infection, bronchi pneumonia, worm infection, etc. Apart from the aforesaid diseases, the Ministry has also attributed the death to unhygienic habits of tribal refugees such as using local water resources from rivulets instead of tubewells provided in the camps and non-utilisation dugwell latrines by children contributing to environmental pollution in the camps. The Committee regard this as dangerous situation not only for the refugees camps but also for the surrounding localities inhabited by non-refugees. It is clear to the Committee that had the medical facilities for the camp refugees been adequate in quantity and quality there would not have been almost 3000 deaths in the camps in a short span of two years and 3 months due to infectious diseases mentioned by the Ministry. The Committee apprered that the provision of facilities and conveniences such as tubewells and dugwell latrines in the camps appears to be so meagre and unhygienic that the migrants feel it impractical to exclusively use and depend upon them rather than the rivulets and open fields making the inmates easy preys to fatal diseases. The Committee, therefore, recommend that the Ministry should have a second look at the medical facilities and civic amenities actually available to these migrants in the camps and arrange to upgrade them both in quantity and quality so as to drastically reduce the incidence of deaths in these camps, due to infectious diseases.

**Reply of Government**

Although 2984 deaths had been reported till 25-7-1988 in the refugee camps, it is incorrect to say that this was because of poor medical facilities or starvation. As a matter of fact, there has not been a single case of death due to starvation. The State Government have reported that from time of the first influx which started from 30th April, 1986 till the end of May, 1987 there were 1861 deaths in the camps. A large number of these deaths took place during the month of March to May, 1987 because of an outbreak of post measles bronchial pneumonia which mainly affected children below 6 years of age. As an example, there were as many as 562 deaths during this 3 month period in one camp alone (Kathalchari). A special medical team had been rushed by the State Government to bring the situation under control. Amongst the findings of the

medical team regarding causes for the deaths, apart from the outbreak of disease, was that the unwillingness of the parents to bring the health problems to the notice of even the Doctor in the camp. In the remaining period under review i.e. from June, 1987 to July, 1988 the number of deaths had decreased to 1100.

2. The State Government has taken steps to see that adequate facilities for hygiene are available. In addition to the PHC facilities available at two camps, State Government has posted 3 Doctors, 20 Ayas, 3 MPWs and 4 contingent workers in the Dispensaries set up in these camps. Further, 94 Indian Mark-II Tube Wells had also been provided for supply of safe drinking water. There is, however, a tendency amongst the tribal refugees to use natural water resources, such as local rivulets and not to utilise the hygienic dug well latrines etc., which led to infections and diseases.

[Ministry of Home Affairs, Rehabilitation Division's Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

#### **Recommendation (Sl. No. 41 Para No. 5.12)**

The Committee understand that as per media reports some legislation with regard to the autonomous status of Chakmas in Chittagong Hill Tracts is being brought in the Parliament of Bangladesh. The Committee, therefore, recommend that the Government of India should closely watch the developments in this regard in Bangladesh and on the basis thereof pursue the matter of the refugees' repatriation more vigorously both with the Government of Bangladesh and the refugees camped in Tripura.

#### **Reply of Government**

A Bangladesh delegation of 3 officials and 11 non-official led by the Bangladesh High Commission in India visited Tripura in July, 1988 and held discussions with Refugee representatives on 11th and 12th July, 1988. While all efforts were made by the Bangladesh delegation to convince the tribal refugees that the Bangladesh Government had taken special steps to ensure that proper condition existed for their return, the refugee representatives were not convinced and consequently the visit of this delegation did not yield any result. Subsequently, May, 1989 a 3 Member official delegation led by the Commissioner of Chittagong Division also visited Tripura and held official discussions. As a follow up, a 20 Member delegation including 16 non-officials, led by the Joint Secretary of the Government of Bangladesh came to Tripura and held discussion with tribal refugee representative at Jatanbari, South Tripura. The delegation requested the refugees to send representatives team to Bangladesh to see for themselves whether conditions for normaley

had been restored and so as to decide whether the refugees could now return. The reaction of refugees was that how the conditions could be conducive when the flow of refugees from Bangladesh to Tripura was continuing in large numbers.

2. While the representatives did not agree that condition conducive to their return exist in Chittagong Hill Tracts they nevertheless agreed to consider the proposal for sending a delegation of refugee representatives to see for themselves the condition prevailing in that area. Subsequently the refugee leaders submitted a memorandum stating that a team of refugee representatives could visit Bangladesh provided they were accompanied by the representatives Amnesty-International, International Red Cross Society, Indian Buddhist Council, Indian Public representatives, representatives of B.B.C., V.O.A. P.T.I., U.N.I. and others. They also stipulated that they should be allowed to visit any place of their choice in Chittagong Hill Tracts and that the Bangladesh Army should not intervene in free expression of team member. They also wanted an assurance that the members would be allowed to come back to the Relief Camps in Tripura subsequently if their safety consideration so warranted. There has been no reaction from Bangladesh to the Memorandum of the refugees so far.

3. Elections for an Autonomous District Council in the Chittagong Hill Tract of Bangladesh were held on 26th June, 1989. This measure apparently aims at giving more powers for self governance in these tribal areas of Bangladesh. However, according to views expressed by refugees taking shelter in tripura, the conditions have not improved at all to allow them to return, nor do the area, functions and constitution of ADC's inspire confidence in them.

[Ministry of Home Affairs, Rehabilitation Division's Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Sl. No. 44, Para No. 5.20)**

The Committee are further pained to find that precious little is behind done by the Central or State authorities concerned to prevent corrupt local officials or relatives from helping infiltrators in settling in border villages or towns. The Ministry's casual reply in this regard that "Tribal refugees have been segregated....and.... accommodated in separate camps" does not sound convincing as this reply applies to persecuted and undone Chakma refugees now camped in Tripura and not to wilful infiltrators, most of whom are non-tribals, who manage to clandestinely mix with local populace with the connivance of local officials or relatives and pose menancing

problem to the country. The Committee, therefore, recommend that once an illegal entrant is apprehended on the Indo-Bangladesh Border and it is decided to hand him over to the State police and not to push him/her back, Central/State authorities should consider the feasibility of tattooing some suitable sign on the hand/arm of the infiltrator so as to enable the authorities concerned and public also to detect the infiltrator from amongst the local population with whom he or she might have clandestinely mixed. The Committee also strongly recommend that both the Centre and State Government should arrange to impose exemplary punishments to officials or relatives who manage to help the infiltrators to settle in border areas.

#### **Reply of Government**

A comprehensive scheme to detect foreigners who have illegally intruded or infiltrated in the north-eastern region, from Bangladesh has been worked out and is under the consideration of the Central Government along with a few more proposals to control the situation of large scale infiltration from Bangladesh. The scheme will be put into operation as soon as it is finally approved.

[Ministry of Home Affairs, Rehabilitation Division's Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

### CHAPTER III

#### RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT REPLIES

##### **Recommendation (Sl. No. 1, Para Nos. 1.16 & 1.17)**

The Committee note that the Government had incurred an expenditure of Rs. 406.78 crores on the rehabilitation (including payment of compensation) to displaced persons from West Pakistan and to meet all the multifarious obligations in this regard Government had enacted half a dozen Acts of Parliament. On the other hand for the rehabilitation of old and new migrants from former East Pakistan, even though an expenditure of more than Rs. 745.56 crores was incurred, the Government cared not even once to resort to legislation to incur such huge and recurring expenditure and carried on the activities merely by the issue of Executive instructions from time to time.

The Government's contention that no legislation in this regard was considered necessary as no compensation was to be paid to migrants from East Bengal as they retained proprietary rights in their properties (in former East Pakistan) which they could sell or dispose of in any manner they pleased till 1965, is not convincing in view of the circumstances under which the migrants had to abandon their native places, and were also not in a position to return to those places. In any case, this situation changed drastically in 1965 when the then Government of Pakistan seized properties of Indian nationals in both the wings. The Committee cannot comprehend as to why even after 1965 the Government did not come forward with a comprehensive legislation on proper rehabilitation of migrants from former East Pakistan who ceased to have even a fictitious title to their properties there from that year. The Government's post-1965 stand that "in the case of East Pakistan side the property vested is not a disposed of property...." and "with regard to our property on the other side we would still like the rights/titles whatever they are, are maintained and restored" and that terming of payments to these migrants for properties left in Pakistan as 'ex-gratia' and not 'compensation' was a 'very deliberate decision', is not consistent with the Home Secretary's own

assessment that the persons who migrated from former East Pakistan upto 25-3-1971 'have come to settle here permanently and we have to provide them help' and 'were given the facilities regarding acquisition of citizenship rights.' This inconsistent-rather contradictory-stand is clearly indicative of the fact that the Government never examined the matter in depth and in proper perspective and the Committee cannot help but remarking that even now the Government have no firm policies with regard to rehabilitation and status of migrants from former East Pakistan. The Committee, therefore, recommend that Government should take a firm decision with the promptitude with regard to its policies underlying the rehabilitation and status of the persons who migrated to India prior to 25th March, 1971, examine feasibility of bigger central role in monitoring implementation of their rehabilitation schemes being executed by States, incidentally being staffed by the Centre in part or in full, and take Parliament directly into confidence through a suitable and comprehensive legislation for the purpose.

#### Reply of Government

The various Acts in force in respect of West Pakistan displaced persons mainly deal with the acquisition/disposal of evacuee properties, constitution of a compensation pool and other allied matters. In terms of the Nehru-Liaqat Pact of 1950 the East Pakistan migrants, however, continued to enjoy the proprietary rights of properties in Pakistan till 1965. Their requirement on arrival was, therefore, some immediate Government relief and assistance for rehabilitation which the Government could provide by issue of executive instructions without bringing forward any separate legislation. It may be relevant to mention here that out of a total of 52.31 lakh persons of old and new migrants that arrived from East Pakistan till 25-3-1971, the number of persons who arrived upto 1965 was 49.17 lakhs, constituting 94 per cent of the total influx. Thus the persons who arrived after 1965 constituted only a small percentage (6 per cent) of the total influx and most of these persons arrived in the year 1970, by which time the major rehabilitation work was already completed.

2. Though no separate legislation was considered necessary in the case of East Pakistan migrants, still, the Government had been keeping Parliament fully informed of major decisions/policy regarding relief/rehabilitation assistance in the form of statements made by Ministers of Rehabilitation, submission of comprehensive annual reports. Demands for Grants, Performance budgets, Replies to Parliament Questions and cut motions, discussions and debates

etc. in Parliament. The topics handled by the then Rehabilitation Ministry had been gone into minutely earlier by various Parliamentary Committees like Public Accounts Committee, Estimates Committee etc., when the rehabilitation work was at its full swing but this Division is not aware of any of the earlier Committees having taken objection to the issue of executive instructions for relief and rehabilitation assistance and specifically recommending legislation for this purpose.

3. There is no contradiction or inconsistency involved in regard to the Government's Post-1965 stand in respect of *ex-gratia* payments *vis-a-vis* the arrival of displaced persons after 25-3-1971 for settlement on permanent basis. The rationale behind the rate adopted for payment of *ex-gratia* grant and the reasons for treating the payments as *ex-gratia* have been fully explained in reply to item No. O.E. 6 of the material furnished for official evidence. Since the displaced persons upto 25-3-1971 had arrived in India for permanent settlement under certain difficult conditions, Government had formulated schemes for their rehabilitation and opened for them, like for any other citizen, the right to apply for and obtain citizenship rights. Grant of rehabilitation assistance for reasons already stated was not connected in any way with the quantum of properties left behind in East Pakistan.

4. The gigantic and difficult task of rehabilitation of displaced persons from former East Pakistan has been handled from the year 1946-47 and the policies laid down by the Government have been placed before various forums of Parliament from time to time; the bulk of the families have already been rehabilitated and have since merged with the local population. It would not, therefore, be correct to say that the Government have had no firm policy with regard to rehabilitation. Regarding the status of the persons repatriated to India prior to 25-3-1971, there is no dispute about their status. These persons are eligible to apply for Indian citizenship under the Provisions of Citizenship Act.

5. Taking into consideration all these factors, Government are of the view that the recommendation of the Estimates Committee for bringing forward a comprehensive legislation for the displaced persons from East Pakistan at this stage, when the rehabilitation problem is virtually over, except for some residuary issues, would serve no fruitful purpose.

6. As regards the Committee's recommendation for a bigger role for the Central Government in the implementation of rehabilitation schemes, constant monitoring is done in all the areas. For

the schemes in West Bengal in particular, a comparatively live area, a Branch Secretariat has already been set up and a Ministerial Level Monitoring Committee also formed. Looking to the extent of activities, today this arrangement appears to be more than adequate.

[Ministry of Home Affairs, Rehabilitation Division's Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Sl. No. 3 Para Nos. 1.35 & 1.36)**

The Committee note that after 1965 when the assets of Indian nationals and companies were seized by the Government of Pakistan, no reliable assessment has been made by the Government of India with regard to the actual value of the seized assets and the rate of *ex-gratia* payment has been determined on *ad-hoc* basis. While arriving at this figure the Government have taken into account the Rs. 109 crores value of assets shown by the affected persons in their claims preferred initially around 1971 and the value of assets of Pakistan Nationals seized by Government of India amounting to Rs. 29.40 crores, the latter amount being roughly 25 per cent of the former. The Committee further note the Government's fond hope behind treating the payments "ex-gratia" that in the event of settlement of such claims by Pakistan/Bangladesh under the Tashkant Declaration, the money paid by Government of India would be adjusted". In the existing political situation the chances of settlement of such claims by Pakistan/Bangladesh Government appear quite remote.

The Committee are of the view that it is high time that the Government initiated now some urgent steps to systematically re-assess the value of the assets of Indian Nationals/Migrants in Bangladesh seized by the erstwhile Government of Pakistan and consider the feasibility of making these "ex-gratia" payments at a rate higher than 25 per cent of the re-assessed value of verified claims without giving any consideration to the value of assets of Pakistani Nationals seized by the Government of India. The Committee hope that the Government will commence the work of re-assessing the value of the seized properties immediately and inform the Committee within 6 months of the presentation of the Report about the result of the re-assessment and the decision taken for upward revision of the rate of *ex-gratia* payments in the light thereof.

**Reply of Government**

As regards systematic re-assessment of the value of assets of Indian migrants, it may be submitted that the assessment of the value of assets lost in East Pakistan/Bangladesh is being done by expert panels, which consist of retired State Government officers

having land revenue experience. The valuation is being done on the basis of parameters which were laid down by the branches of the United Bank of India (UBI) in the erstwhile East Pakistan for purposes of valuation of land in Bangladesh. The parameters were actually used by the branches of the Bank for purposes of lending on mortgage of lands. The UBI formula provides information about the rates of lands, buildings, etc. in various parts of erstwhile East Pakistan as they prevailed during the period 1965-67.

2. It will be observed from the above account that the existing procedure for valuation of the assets is based on clearcut banking norms and their application is being done by experts with requisite experience. The Ministry of Commerce, therefore, is of the considered view that the valuation of the lost assets is already being done systematically and there is limited scope for improvement in the existing procedure.

3. As regards payment of compensation at a rate higher than 25 per cent of the assessed value of claim, the matter has been examined. It may be submitted that the consideration of the value of the properties seized in India and those lost in East Pakistan|Bangladesh was one of the guiding factors in deciding the rate of 25 per cent. The Government had however, taken into account also the compensation paid to the refugees as a result of partition of the country. In respect of such refugees, the compensation paid by the Department of Rehabilitation ranged from 20 per cent (highest) to 11.11 per cent and the maximum amount payable was Rs. 2 lakhs only. As against this, under ex-gratia scheme administered by the Ministry of Commerce, the claimants are being paid uniformly at the rate of 25 per cent of the assessed value of the claim upto a limit of Rs. 25 lakhs. Even the Rs. 25 lakhs limit can be exceeded on merits.

4. Large majority of claims filed under the ex-gratia scheme have already been settled. Initially, the settlement of claims was done without insisting original documents. Subsequently, production of original documents was made necessary because of certain cases of fraud, etc. Any change in the rate of payment will entail opening of all closed cases, which will create procedural and legal difficulties.

5. As against the original estimated expenditure of Rs. 18 crores, government has already spent nearly Rs. 65 crores under ex-gratia scheme and a further amount of Rs. 10 to 12 crores is estimated to be spent on pending claims.

6. Keeping in view the fact that 25 per cent uniform rate of compensation is much better compared to the compensation paid to

refugees from West Pakistan and other reasons given above, the Ministry of Commerce does not find it justified to increase the level of compensation from existing 25 per cent.

[Ministry of Home Affairs, Rehabilitation Division's Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Sl. No. 6, Para 1.47 & 1.48)**

It is disquieting to note that some Officers on Special Duty working as Chairman of Panel of Members of the Board of Custodian of Enemy Property and some Panel Members are alleged to have accepted and certified false or forged claims preferred by private parties for such huge amount as Rs. 1,52,250/-, Rs. 3,26,000/-; Rs. 1,46,761/-, Rs. 2,27,037/- and Rs. 3.45,000/- and cases had to be launched against the officers concerned by the Central Bureau of Investigation. The Committee recommend that cases which are pending in Courts should be vigorously pursued so that the charged officials are punished in accordance with the law. In the cases where departmental action is necessary, departmental proceeding should be initiated promptly and exemplary punishment awarded to the delinquent officers and Committee apprised accordingly.

It is also desirable that the existing loopholes in the procedures for verification of claims in the office of the Custodian of Enemy Property are actually plugged with a view to make it difficult for officers as well as claimants to indulge in acts of rampant frauds as have come to the notice of the Committee.

The Committee cannot but express their anguish that the Ministry of Commerce has cited the launching of cases by CBI against corrupt officers of the Custodian of Enemy Property to justify the slow disposal of claims each year by the Custodian from 1983-84 onwards. The justification given by the Ministry relating to slow disposal of claims does not appear to be convincing. The Committee deplore this attitude and recommend that while the Ministry of Commerce should not hesitate to bring to book the corrupt officers in the Custodian's office at the earliest opportunity, all possible encouragement and incentives should be provided to the concerned officers for efficient, objective and speedy disposal of claims of Indian nationals/migrants whose assets have been seized by the Government of Pakistan, so that these migrants are not put to undue harassment.

### Reply of Government

C.B.I. has been requested to pursue the Court cases vigorously so that punishment is meted out to guilty officials.

2. The following steps have been taken to plug loopholes in the procedures for verification of claims:—

- (i) OSD has formulated a calculation sheet to be prepared by Panel Members, which indicate at a glance the details of documents submitted, accepted and rejected relating to the claims. This will ensure that all documents submitted by the claimants are accounted for and either accepted or rejected and, if rejected, the reasons thereof.
- (ii) To start a gate pass system similar to the one existing in Ministry restricting the entry only to genuine claimants or his authorised representatives.
- (iii) Introduce the system of booked and open interviews with genuine claimants similar to those existing in Import Trade Control Organisation. In this way, the officers would be able to restrict the unwanted visitors to his office and, at the same time, ensure genuine claimants meet officers and get correct information.
- (iv) OSD has been advised to examine the possibility of routine transfer of officers/staff/panel members to ensure timely disposal.

3. As regards encouragement to be provided to officers to ensure early disposal of claims, while the recommendation of the Committee has been noted, it may be pointed out that the bulk of the claims have already been disposed of and only a very small portion remains for which strategy for their early disposal has already been drawn up.

[Ministry of Home Affairs, Rehabilitation Division Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

#### Recommendation (Sl. No. 10-Para Nos. 1.70 and 1.71)

The Committee will deal with the reasons for shortfalls in achievement of Plan targets, 5th Plan onwards separately in the respective chapters that follow. In this paragraph the Committee would like to only point out in the first instance, the apparent discrepancy in the arrears of rehabilitation as cited by the Ministry.

In the Preliminary Material the Ministry has indicated on 3-7-1988 that the number of families still "awaiting resettlement" as on 31-12-1987 was 431 (UP-159, MP-272) of which 103 families belonged to Madan Industries families and the rest to "Permanent Liability Home" families. In its tables on Plan targets and achievements, the Ministry has subsequently shown an achievement of 1471 families upto 31-3-1988 against a target of 2825 families under the 7th Five Year Plan, which leaves as many as 1354 families still to be rehabilitated during the remaining period of the said Plan. From this discrepancy it is clear that the Ministry has not shared with the Committee the accurate figures regarding the official arrears of rehabilitation of Migrants from former East Pakistan. The Committee desire that the Ministry should check up their figures afresh in this regard, resolve the discrepancy indicated above and furnish to them the accurate figures indicating various categories of Old and New Migrants still awaiting resettlement/rehabilitation.

The Committee are particularly distressed to note that all along the past 30 years the Government has not been able to rehabilitate all the Old Migrant families who had migrated to India upto March, 1958 of whom out of the target of 1675 families, only 639 families have been rehabilitated so far under the 7th Plan. The Committee are no less disappointed to note that admittedly there are still arrears of rehabilitation even in Dandakaranya Project established in 1958 which is still being administered by the Central Government, and which has an achievement of 279 families so far against the target of 600 families, presumably including old migrant families also, in the current Plan. The Committee strongly recommend that the Government should accord high priority to liquidate the arrears with regard to rehabilitation of old migrant families stationed in all the regions and the migrants of both the categories in Dandakaranya Project.

#### Reply of Government

As far as the figure of 431 families awaiting resettlement as on 31-12-87 is concerned, it is clarified that the same was in respect of *new migrant families only*. These were to be settled. *Dandakaranya*, in agriculture and small trade and business. The figure of 1354 families shown remaining to be resettled at the end of financial year 1987-88 represents old as well as new migrant families to be settled outside Dandakaranya, as also new migrant families to be settled within Dandakaranya. Hence the different in figures.

2. The foregoing clarification would suggest that there was no intention of not sharing the correct data/information with the Estimates Committee.

3. As far as old migrants are concerned, now only 903 families remain to be rehabilitated. These include 895 ex-camp families at Bagjola and 8 families of enclave migrants. As regards rehabilitation of remaining families of Bagjola ex-camp site, this matter has been dealt with elaborately in reply to recommendation at Sl. No. 19 of the Report (Para 2.63).

4. As regards enclave migrants, 32 out of the 40 remaining families have been settled over the last year and now only 8 families remain. The delay in their case has been on account of non-availability of land. As reported by the State Government, the remaining eight families are expected to be settled shortly.

5. As far as shortfall in rehabilitation of families in Dandakaranya Project is concerned, a target of 600 families was kept while formulating 7th Five Year Plan, anticipating that these families would be sponsored from P. L. Homes. However, during the course of the plan period, only 279 families were sent to Dandakaranya Project, as a decision was taken to settle the remaining families in other projects in Madhya Pradesh itself.

[Ministry of Home Affairs, Rehabilitation Division O. M. No. 1(10)/59-RR dated 11-10-1984].

**Recommendation (Serial No. 12, Para Nos. 1.79 & 1.80).**

The Committee are distressed to note that while work of rehabilitation Government own admission of "old migrants" is far from complete in West Bengal, the position of "resettlement" of both old and new migrants from former East Pakistan in States/areas other than West Bengal is also not different. The Committee are of the firm view that the resettlement/rehabilitation of migrants from former East Pakistan cannot be deemed to be full and complete until and unless the Ministry of Home Affairs (Rehabilitation Division) categorically satisfy the Committee among other things, that all the Old and New Migrant families claimed to have been settled/rehabilitated in various parts of the country have been actually allotted homestead plots, those migrant families who have been settled in agriculture have been actually allotted agricultural land according to scales prescribed from time to time, and full ownership rights have been conferred to these migrants for both the agricultural land and homestead plots allotted to them. Such gut

issues have been side-tracked or inadequately answered in the material supplied to the Committee by the Ministry and the written and oral answers given to the Committee during evidence by its representatives as will be evident from all the Chapters of the Report. The Ministry's refrain all along has been to spin out the unrealistic theory that only the "residuary problem" of migrants in West Bengal remains to be settled.

In view of the above, Committee strongly recommend that an expert, comprehensive and integrated review of the rehabilitation of both Old and New migrants in various parts of the country by the Government of India is now long overdue and should be conducted without any further delay, with a view to discern the actual position on the ground of migrants supposed by the Government to have already been settled and merged with the mainstream, as also to suggest measures to expeditiously clear the actual arrears of rehabilitation work in all the States areas where the migrants from East Bengal are stationed. The Committee do not regard their Report on Dandakaranaya Project in 1978 and subsequent exercise by a Government Committee of Review of "Residual problem of rehabilitation" as substitutes for the comprehensive review of the problem by Government recommended above. The Committee desire that immediate steps should be taken to commence a comprehensive review, complete it on a time-bound basis and Parliament informed of its conclusions and actions taken by the Central Government thereon within six months of the presentation of this Report.

#### Reply of Government

In so far as old migrants are concerned, the influx started in 1946-47. About 8.23 lakh families arrived upto 31-3-1958, of which 6.82 lakhs were given rehabilitation assistance. Of the remaining families, about 1.29 lakh families did not come up for rehabilitation assistance. A small number of about 12,000 families were those who either initially refused to accept rehabilitation assistance and move from camps sites, or were old, sick and infirm persons admitted to PL Homes.

2. In the case of new migrants, out of 11.14 lakh persons who migrated to India, 6 lakh preferred to stay on in West Bengal of their own volition, against the policy laid down by the Government, and, as such, they were not eligible for relief and rehabilitation assistance. The remaining persons were sent to other States, includ-

ing the Dandakaranya Project. In the case of new migrant families, it was necessary for them to seek admission in relief/transit camps (from where they were finally dispersed to rehabilitation sites) in order to qualify for grant of rehabilitation assistance. All relief/transit camps have since been closed, after granting rehabilitation assistance to the eligible families. A total number of 75,425 families were granted rehabilitation assistance in various States/Union Territories and Dandakaranya Project.

3. As the implementation of rehabilitation programmes was carried out mainly through the agency of the State Governments, Central Government had necessarily to depend upon data furnished by the State Governments from time to time. In so far as allotment of Homestead plots and agricultural lands are concerned, although the Central Government had prescribed financial assistance for various items of agricultural occupation like reclamation of land, purchase of seeds, implements, bullocks etc. land for homestead/agriculture was/is actually allotted by the concerned State Government. Allotment of land for homestead/cultivation is an integral part of the rehabilitation schemes. As regards land ownership, this is once again a subject for the State Government to handle. Some State Governments have already granted ownership rights and some are in the process of doing so consequent on Central Government's decision to write off all rehabilitation loans sanctioned upto 31st March, 1984 and outstanding as on 1-4-1985. While the Committee's observations on ownership rights to land have been brought to the notice of the State Governments, it would, however not be wholly correct to say that by non-grant of ownership rights, families have not been rehabilitated. The land has been legally allotted to these families and till such time as ownership rights are formally conferred, there is no likelihood of them being dispossessed from their rightful possession. They are free to do cultivation etc. on their agricultural land irrespective of whether ownership is granted to them formally or not.

4. Eligible families have already been given rehabilitation assistance in one form or the other and Government do not accept the contention that the rehabilitation of migrants is far from complete. It is, however, admitted that some residual items of work still remain, and these are presently being attended to. In respect of old migrants in West Bengal, besides regularisation of Squatters' colonies and grant of title deeds for the homestead plots, the other main residuary work at present remaining is resettlement of about 895 Bagjola ex-camp site families for whom Central Government had already issued financial sanction. In so far as new migrants settled

in States are concerned, residuary problem remaining is mainly that of a few families of PL category who will become rehabilitable over a period of time. The State Govts. have been requested to formulate rehabilitation schemes for eligible families and there should be no problem of giving financial assistance to State Government for their rehabilitation, as and when these families become eligible for rehabilitation.

5. The recommendations of the Committee to undertake an expert comprehensive and integrated review of the rehabilitation of old and new migrants in various parts of the country at this stage will have the following implications:—

- (i) This would involve re-opening and re-assessment of all the rehabilitation schemes including some which were completed thirty to forty years back particularly in the case of old migrants who were resettled by 1960; most of the migrants resettled in various projects and schemes have merged in the social mainstream and ceased to have a distinguishable identity.
- (ii) Many of the beneficiaries of these schemes may have since moved out of the original resettlement sites as part of the normal process of social mobility in furtherance of improving their economic prospects and it is difficult to visualise that they would continue to remain clustered as cohesive and distinct entities over such a long period.
- (iii) The records pertaining to these migrants would also now not be available either at the local level or with the States or even with this Division as they would have been weeded out as part of a normal administrative process.
- (iv) Rehabilitation is not a continuous or 'on going' process and is meant only to provide an initial and viable foothold to a family at the time of distress; thereafter the normal social and economic mechanisms come into play in the process of assimilation and growth.
- (v) If even at this stage the migrants were to be treated as a separate entity and sought to be provided with additional economic assistance, this would definitely give rise to misgiving among local ethnic groups.

6. In terms of number of persons arriving and eligible for rehabilitation, the problem of old migrants was of a much bigger dimension than that of new migrants. The rehabilitation of old migrants

had been handled from the year 1946-47 and by 1960-61, State Governments, other than West Bengal, had confirmed completion of the rehabilitation programmes.

#### *Review in 1961-62*

7. In so far as West Bengal is concerned, which carried 3/4 of the influx, though a substantial number of migrants had been given rehabilitation assistance in one form or the other by 1960-61, the State Government had been reporting some residual problems. The residuary rehabilitation work in West Bengal was assessed in 1961-62 in consultation with the Government of West Bengal and it was estimated that a sum of Rs. 21.88 crores would be required for the liquidation of the remaining problems. The Government of West Bengal accepted this 'residuary assessment' of Rs. 21.88 crores consisting of Rs. 14.66 crores under 'loans' and Rs. 7.22 crores under 'grant', except in regard to the amounts to be provided for type loans and development of colonies, in respect of which their own estimates were substantially high. The residuary assessment was completed in 1962 but the State Government continued to press for more assistance for rehabilitation of displaced persons.

#### *Committee of Review*

8. Accordingly, a Committee of Review was appointed in 1967 under the Chairmanship of Shri N. C. Chatterjee, Member of Parliament to review the rehabilitation work in West Bengal and make recommendations in respect of old and new migrants. The Committee, which was wound up on 30th June, 1974, submitted 20 reports of which Rehabilitation Division was concerned with sixteen, the other four reports concerning the then Department of Social Welfare. Of the 16 reports concerning this Division, Government accepted, by and large, the recommendations contained in seven reports concerning resettlement of D.P. families living at Asrafabad Ex-camp sites and Bagjola Ex-camp sites, setting up of Industrial Training Institutes for displaced women, rehabilitation of 233 displaced persons squatting on Government and requisitioned properties in West Bengal and education facilities for new migrants. The other reports were remitted to West Bengal Government for necessary action.

#### *Review by Planning Commission*

9. The entire problem of rehabilitation in West Bengal was again considered in 1973-74 in consultation with the Planning Commission and the State Government. It was decided that it was of paramount importance that the migrants were integrated with the

general socio-economic fabric and in this direction the first essential step would be to confer the title of ownership over the house sites and agricultural lands which were presently in their possession. Once the proprietary rights were conferred on migrants, benefits from normal development programmes, it was felt, would naturally flow to the migrants as to other sections of population. In pursuance of this decision, orders were issued in May, 1974 for conferment of right and title, free of cost, on displaced persons in Government sponsored and approved squatters' colonies over land allotted to them as a rehabilitation measure.

### *Working Group*

10. Following further persistent demand of the Government of West Bengal and members of the public a statement was made in the Lok Sabha on 8th May, 1976 by the then Union Minister of Supply and Rehabilitation that the Government had decided to set up a Working Group under the Chairmanship of Secretary, Department of Rehabilitation to go into the question of additional assistance that should be provided in the State Plan to resolve the outstanding rehabilitation problems and ensure integration of the rehabilitation schemes in West Bengal with the State Plan.

11. The recommendations of the Working Group received in March, 1976 involved a total outlay of Rs. 72.71 crores and this report has by and large been accepted by the Government. Besides recommending the continuance of 'on going' schemes already included in the plan, the Working Group recommended extention of SFDA and MFAL agency schemes to areas of refugee concentrations, development of government sponsored and squatters' colonies, regularisation of 175 D.P. colonies coming into existence after 31-12-1950 and partial remission of loans.

### *R. R. Committee's Report*

12. Government of West Bengal on its own had also set up a "Refugee Rehabilitation (R.R.) Committee" in the year 1978 under the Chairmanship of Shri Samar Mukherjee, Member of Parliament and on the basis of R. R. Committee's recommendations monetary ceiling of House Building Loans in case of ex-camp sites were enhanced, remaining squatters' colonies of post-1950 category regularised and all loans sanctioned upto 31-3-1984 and outstanding as on 14-1985 written off.

### **West Bengal package**

13. As a result of the West Bengal package announced by the Prime Minister in September, 1986, Central Govt. issued a sanction in February, 1987 agreeing to regularise 607 more post-1950 squatters' colonies at a cost of Rs. 84.36 crores. So far as new migrants settled in West Bengal are concerned, Central Government had decided in consultation with the Government of West Bengal that none of the new migrants will be rehabilitated in West Bengal and consequently only those of them who sought admission in relief camps outside West Bengal were considered eligible for resettlement. Though six lakhs persons who stayed in West Bengal and refused to go to camps outside West Bengal were denied major rehabilitation assistance yet, based on the number of reviews conducted from time to time about old migrants in West Bengal, the new migrants were also covered by grant of assistance in the form of educational and medical facilities, regularisation of squatters' colonies and grant of title deeds etc. New migrants in other States were mostly settled in agricultural schemes and small trade schemes. Financial ceilings were laid down by Central Government but schemes were mostly executed by the States. State Government have not reported any major pending problems remaining on this sector.

14. It will be seen from the foregoing that a number of reviews have already been conducted at various times and the major recommendations broadly accepted. There are no major arrears remaining and rehabilitation is on a 'winding up' stage. It is not desirable to re-open at this stage cases of persons who arrived decades ago to find out whether they still require any rehabilitation assistance. Rehabilitation assistance is provided to the families as a whole and not to individual members of the families separately. Only first generation families were eligible. After a period spanning such a long time, all these families are now deemed to have merged with the local population and if they need any further assistance they should employ the ordinary administrative and institutional infrastructure for the fulfilment of their particular needs and aspirations. In the changed scenario, and at this late stage, Government are of the view that a further integrated and comprehensive review is neither necessary nor possible

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[Ministry of Home Affairs, Rehabilitation Division's O.M.  
No. 1 (10)/89-RR dated 11-10-1989.]

#### **Recommendation (Sl. No. 13 Para No. 1.83)**

The Ministry's contention that the surplus machinery and stores of the Rehabilitation Reclamation Organisation which were not

accepted by any State Government/Public Sector Undertakings were 'scrap/unserviceable/obsolete' is not borne out by the facts. Had these stores been such scrap etc. the D.G.S. & D. would not have been able to dispose of the surplus machinery not accepted by any State Government/Public Sector Undertakings with Minimum Reserve Price worth Rs. 69.94 lakhs for about Rs. 40.49 lakhs ((57.9 per cent of MRP), and the Divisional Engineer and Administrative Officer of R.R.O. could not have disposed of similar machinery and stores with MRP worth Rs. 4.06 lakhs which could not be disposed of by Special Surplus R.R.O. Disposal Committee, by inviting tenders which realised Rs. 3.16 lakhs (77.8% of MRP). In contrast, the Special Surplus R.R.O. Disposal Committee itself which functioned from 17th August, 1983 to 30th June, 1987 disposed of similar machinery and stores with M.R.P. worth over Rs. 4.00 crores for a pittance of just about Rs. 97.00 lakhs only (24.3% of MRP). While the losses on the basis of Minimum Reserve Price incurred in the three transactions were Rs. 29.45 lakhs, Rs. 90,000.00 and Rs. 303.00 lakhs respectively totalling to a colossal loss of Rs. 333.35 lakhs, the loss of Rs. 303.00 lakhs incurred in the disposal of the machinery and stores by the specially constituted Committee for the purpose is extremely unjustifiable as even a Departmental Divisional Engineer had performed better than the former. The Committee, therefore, strongly recommend that the performance of the Special Surplus R.R.O. Disposal Committee in disposing of the aforesaid machinery and stores should be evaluated afresh and suitable action taken, if necessary, and the Committee apprised of the conclusions of the evaluation."

#### Reply of Government

With the completion of rehabilitation work in the country it was decided, in May, 1979, with the approval of Committee of Secretaries to wind up the Rehabilitation Reclamation Organisation and to dispose of the surplus machinery/equipment of 11½ units located in various States, viz. Haryana, Madhya Pradesh, Maharashtra, Orissa and Dandakaranya Project. Of these, tractors and other machinery/equipment of six units were declared surplus to the D.G.S.&D. for disposal. The remaining 3½ units located in DNK Project were transferred to the Orissa Agro Industries Corporation and 2 units in Andaman & Nicobar Islands to the Border Roads Organisation.

2. The Minimum Reserve Price (MRP) of the tractors and other machinery/equipment transferred to D.G.S.&D for disposal was Rs. 164.01 lakhs. After a lapse of more than 1½ years the D.G.S.&D. reported that 30 lots of machinery/equipment of the R.R.O. at Ghot district Chandrapur (Maharashtra) were tried by them through tenders on two occasions, but the highest bid offered was Rs. 2.17 lakhs

against the MRP of Rs. 2.81 lakhs. Similarly disposal of 36 lots of machinery/equipment of the RRO units at Hodal (Haryana) was also held up as the rates quoted in the tenders were less than the MRP. Thus the main difficulty in disposal by the DGS&D was that the offers received for the machinery/equipment in the auctions or through tenders was below MRPs, at which the DGS&D could not dispose them of as per their normal rules and regulations. Accordingly a decision was taken to authorise the DGS&D to revise the MRPs in the best interest of the State in accordance with their prescribed rules and procedure and dispose of the surplus stores below the MRPs. Subsequently, the DGS&D reported that revised MRPs in majority of the machinery/equipment could not be fixed without knowing their metal contents and weight. This, however, was not possible since the machinery was over 15—20 years old and the technical staff of the R.R.O. had been declared surplus long ago.

3. Keeping in view the difficulty experienced, the DGS&D suggested that an *ad hoc* Committee with special powers on the lines of the Committee which was set up by the Ministry of Supply for disposal of Surplus Army stores may be appointed for expeditious disposal of the surplus R.R.O. machinery/equipment and spares. Accordingly a Committee under the name of Special Surplus Rehabilitation Reclamation Organisation Disposal Committee was set up in August, 1983 with the approval of the Secretaries of concerned Ministries of Rehabilitation and Supply and Cabinet Secretary for arranging the disposal of the machinery/equipment that reverted back from DGS&D as also the 19,000 items of spare parts/general stores lying in the Central Stores Depot at Mana Raipur. The Committee consisted of:—

(i) Joint Secretary (Rehabilitation)	Chairman
(ii) Director/Deputy Secretary (Finance) Department of Supply	Member
(iii) Deputy Director General/Director (Disposals) DGS&D	Member
(iv) Deputy Secretary (Finance), Department of Rehabilitation.	Member
(v) Divisional Engineer, RRO	Member
(vi) An officer of the Inspection Wing of DGS&D.	Member
(vii) Deputy Secretary, Department of Rehabilitation	Member Secretary.

The Committee was vested with the authority:—

1. to dispense with normal rules and regulations regarding inspection;

2. to dispense with the requirements of calculations of metal contents and weights of the machinery/equipments etc.
3. Wherever considered necessary to dispose of the material below the Minimum Reserve Price.

The Committee was also vested with the authority to devise ways and means for expeditious disposal of machinery/equipment and stores.

4. By the time, the SSRRO Disposal Committee became operational, the D.G.S.&D. had disposed of machinery with MRP worth Rs. 69.94 lakhs for Rs. 40.49 lakhs and the balance machinery with MRP worth Rs. 94.07 lakhs approx. was reverted back to RRO as there were no takers for these items or the rates received were much below the MRP.

5. The Committee undertook the disposal of machinery/equipment with MRP worth Rs. 94.07 lakhs and spare parts worth Rs. 3.10 crores. The machines/equipments and spares were lying in the Central Stores Depot, Mana Camp and field formulations as indicated below:—

	in Rs.
(i) Hodal (Haryana) . . . . .	12,33,320.00
(ii) Vijaypur (J & K) . . . . .	88,100.00
(iii) Shahpur (M.P.) . . . . .	3,94,930.00
(iv) Bhanupartpur (M.P.) . . . . .	21,500.00
(v) Pharesgaon (M.P.) . . . . .	37,14,175.00
(vi) Mana Camp (M.P.) . . . . .	3,14,250.00
(vii) Arjuni Moregaon (Maharashtra) . . . . .	14,92,729.00
(viii) Ghot (Maharashtra) . . . . .	2,51,650.00
(ix) Soshehandi (Orissa) . . . . .	7,76,200.00
(x) Shikhpalli (Orissa) . . . . .	6,88,650.00
(xi) Kalimela (Orissa) . . . . .	3,24,250.00
(xii) Jamawantpur . . . . .	31,720.00
(xiii) Hardua Camp (M.P.) . . . . .	9,110.00
(xiv) Hirapur Camp . . . . .	66,475.00
	94,06,609.00
(xv) Spares at CSD Mana, Raipur (M.P.) . . . . .	3,09,90,799.61
<b>TOTAL</b>	<b>Rs. 4,03,97,408.61</b>

6. The Committee undertook disposal of stores by making tender enquiries and through auction. Simultaneously the Committee also made efforts for transfer of spares to various Public Sector Undertakings as also Government Departments like Coal India Ltd., Bharat Earth Movers Ltd., Master General of Ordnance, Army Headquarters, Director General, Border Roads and Steel Authority of India Ltd. However, there was no positive response from any of the aforesaid organisations. The Committee also considered availing the services of Metal Scrap Trade Corporation for disposal of spare parts which were not being reasonably quoted but had to drop the idea in view of their clarification that they act only as selling agents for disposal of such stores. The lists of spare parts without price indications were also forwarded to the reputed manufacturers/dealers whether they could take these spare parts on book value but there was no response.

7. The Committee had to resort to 15 cycles of tenders. In addition 4 attempts for disposal of the material were also made through auction. In the 10th and 13th cycles of tendering, no material could be sold as the price offered were too low to be considered reasonable for acceptance. For the remaining tender enquiries/auctions, the position is given below in brief:—

- (1) In the first four cycles of tenders received between October, 1984 to April, 1985, machinery and equipment worth Rs. 66,06,444/- were disposed of for Rs. 42,92,430/- working out to 65.1 per cent of MRP and seven stations viz. Vijaypur, Ghot, Bhanupartpur, Shoshahandi, Shikhapalli, Hodal and Jamawantpur were closed.
- (2) In the next four cycles of tenders and one auction conducted between June to September, 1985 machinery/equipment and spares worth Rs. 65,27,553/- were disposed of for Rs. 26,51,914/- working out to 40.6 per cent of MRP and five stations viz. Hardua, Kalimela, Shahpur, Hirapur and Arjuni-moregaon were closed.
- (3) Between November, 1985 to June, 1986, machinery/equipment and spares worth Rs. 1,91,99,633/- were disposed of for Rs. 24,82,890/- in three cycles of tenders and two auctions. The sale realisation worked out to 12.9 per cent of MRP. One unit at Pharasgaon was closed.
- (4) Between July, 1986 to March, 1987 three cycles of tenders and one auction were held and spare parts worth Rs. 80,63,778/- were disposed of for Rs. 3,13,105/- working out to 3.9 per cent of MRP.

8. It will be seen from above that the machinery/equipment and spare parts which had utility and, though unserviceable, could be used after repairs were disposed of in the four cycles of tendering in the first phase and hence realization were better. However, the response in the remaining cycles of tenders/ auctions was poor because the equipment and spares left over were obsolete and it was not possible to find actual users for these items. The Committee made efforts to transfer the obsolete equipment spares to the Bhilai Steel Plant, free of cost, but their Management found it uneconomical after taking into consideration the transportation and cutting charges involved in their removal from Raipur to Bhilai Steel Plant. In the circumstances, the Committee was left with no alternative but to treat these items as scrap and to sell them by weight after ascertaining the value of their metal contents. Even in a few cases where the equipment was still in use (e.g. Komasu Tractors) the actual users were not coming forward because the equipment had outlived its life. In some of the cases the sale realisation was poor on account of remote location of the units e.g. Kalimela, Bhanupartpur, Ghot and Pharasgaon from where transportation was not easy.

9. The terms of the Committee expired on 30th June, 1987. At that time the items left for disposal with the Divisional Engineer, Rehabilitation Reclamation Organisation were running vehicles, furniture, typewriters, electrical items, wooden racks, CGI sheets etc. which had become available after disposal of stores/machinery of the R.R.O. Since these items were located at Mana and were in demand, these were offered to the State/Central Government offices located at Mana/Raipur at book value. The left over items were sold through sealed tenders/auction. All these steps enabled the Divisional Engineer/Administrative Officer, R.R.O. to realise an amount of Rs. 3.16 lakhs for the stores with MRP worth about Rs. 4.00 lakhs.

10. From the position explained above, it is quite clear that the machinery/equipment which was in working order had been transferred to the Orissa Agro Industries Corporation and the Border Roads Organisation. The left over material was either obsolete or unserviceable. The D.G.S.&D. could dispose of only such of the machinery/equipment which, though unserviceable, could be put to use after repairs and for which there were takers. Besides, the disposal of machinery/equipment by DGS&D was less than 42 per cent of the machinery/equipment placed at their disposal and 17.3 per cent of the total surplus machinery/equipment and spares. Similarly, the Divisional Engineer/Administrative Officer, RRO disposed of a very small quantity of vehicles and stores which had become available after disposal of machinery/equipment and spares to the RRO. These items being of day to day use could fetch better prices. As against

this, the Special Surplus Rehabilitation Reclamation Organisation Disposal Committee had to dispose of large quantity of machinery/equipment worth Rs. 94.07 lakhs and spares worth Rs. 3.10 crores which were, by and large, obsolete or unserviceable. The Committee left no stone unturned to obtain the maximum price for the surplus machinery etc. In fact, the French tractors and spares in respect of which the offers received were low had to be put to tender enquiries again and again and given wide publicity through advertisements in important national as well as local newspapers of the areas where these were located. These items were also put to auction wherever considered necessary. After the receipt of the offers the Committee also called the parties for negotiations. In certain cases, the Committee was successful through negotiations to enhance the offered prices. Besides, while accepting upset offers, the Committee also kept in view the fast deteriorating condition of the material and huge expenditure involved on its watch and ward staff. This leaves no doubt that the Committee did its best to ensure that the machinery etc. of the RRO were disposed of to the best advantage of the Government. But for the stupendous efforts and realistic approach of the Committee it would not have been possible to wind up the Organisation, the staff strength of which at one time was 1,563.

[Ministry of Home Affairs, Rehabilitation Division's Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Sl. No. 19, Para No. 2.63)**

In so far as the litigation going on in the Calcutta High Court with regard to Bagjola ex-camp site is concerned, the Committee are of the view that effort for an out-of-court settlement should be initiated by the rehabilitation authorities with the support of the State Government which was responsible for not checking the litigants from unauthorisedly occupying the huge areas of land to the extent of 7-8 Cottahs per family it is futile for the State Government to expect the litigant families, having grabbed lion's share of land, themselves to be interested in an out-of-court settlement.

**Reply of Government**

Regarding Bagjola ex-camp families the Government of West Bengal was requested to initiate efforts for an out-of-court settlement with the families. The State Government have again reported that it is not feasible to initiate efforts for out-of-court settlement with the litigant families, unless the litigant families them-

selves initiate such a step and spell out the terms and conditions of settlement in the form of a memorandum or a petition in writing. The State Government have however reported that in order to follow a much speedier course of action for settlement of Bagjola ex-camp site families henceforth, they have issued instructions to the district authorities for taking following course of action:—

- (i) Fresh squatting on or after 1st April, 1989 will not be recognised for purpose of enumeration of eligible category of rehabilitable families; such squatters will be left out altogether from the scheme of rehabilitation and grant of title deeds;
- (ii) Further obstruction to verification and enumeration on or after 1st April, 1989 will not be tolerated. Those who cause obstruction to such enumeration and where there are reasons to believe that the obstructors have got excess land and are not willing to conform to a disciplined pattern of allotment and rehabilitation, will face exclusion from the scheme of rehabilitation in Bagjola. Such obstructing families will be left out altogether from the scheme of rehabilitation and grant of title deeds;
- (iii) Writ petitioners in court civil rule and injunctions will be treated on the same footing as 'obstructors' and will be left out altogether. Only those not covered by writ and court injunctions will be offered rehabilitation benefits and title deeds;
- (iv) District Magistrate and Collector, Barasat will complete the land acquisition process as already initiated or is under process of initiation. Requisition order under Act-II of 1948 will be resorted to for fresh initiation of the remaining Land Acquisition Cases. Fund as already sanctioned by Government of India will be placed with Land Acquisition Collector, Barasat. District Magistrate and Collector, Barasat will ensure rehabilitation on the above lines with priority given to displaced person card holders and bring rehabilitation in Bagjola

Group of Camps to a conclusion by end of March, 1990.

[Ministry of Home Affairs, Rehabilitation Division Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Sl. No. 25, Para No. 2.83)**

The Committee are convinced that the Government have virtually winked at the recommendation of the Working Group to extend to migrants from former East Pakistan, Marginal Farmers and Landless Labourers Development Agency (MFAL) and Small Farmers Development Agency (SFDA), Schemes (MFAL merged with SFDA in June, 1974 and SFDA merged with IRDP Programme in 1980-81) and left the implementation of the recommendation entirely to Department of Rural Development in the Ministry of Agriculture and Rural Development Department of the West Bengal State, who too are having no information with regard to the extent to which it has been implemented all along the years since 1976. In the Committee's view the least that the Rehabilitation Division of the Ministry of Home Affairs could have done in this regard was to keep in touch from inception with the Department of Rural Development of the Ministry of Agriculture and West Bengal State Rural Development Department with a view to ensure that about 3 lakh migrant families who had been 'settled' in agriculture in the State but had been allotted not more than 2 acres of land as rehabilitation assistance, were actually covered over a period of time by MFAL/SFDA/IRDP programmes. The Committee strongly recommend that the Rehabilitation Division of the Ministry should wake up to its residuary responsibility for full rehabilitation of migrants from former East Pakistan and initiate immediate steps to verify and ensure that the 3 lakh migrant families referred to by the Working Group have since been actually covered by IRDP and other programmes merged there with and inform the Committee of the latest position within 6 months of the presentation of this report.

**Reply of Government**

SFDA and MFAL programmes were formulated by the then Ministry of Agriculture and Irrigation for extending assistance to Small Farmers and Marginal Farmers. Funds for implementing these schemes were provided entirely by that Ministry. The assistance recommended by the Working Group was in the nature of augmentation of resources so that vide coverage could be given in the areas principally inhabited by refugees and that the benefits

accuring under normal SFDA programmes could also be extended to refugees small/marginal farmers settled in West Bengal. It was a conscious decision of the Government to entrust the work relating to this particular recommendation of the Working Group to the then Ministry of Agriculture and Irrigation, which was considered better equipped to deal with the subject. It may be mentioned here that the recommendation of the Working Group on development of refugee colonies was similarly entrusted to the then Ministry of Works and Housing. These items were transferred to the concerned Ministries in the larger interest of displaced persons.

2. On the basis of concentration of refugees, the then Ministry of Agriculture and Irrigation (Department of Rural Development) had earmarked an outlay of Rs. 6 crores during 1977-78 and 1978-79 for providing additional funds to the following SFDA projects for taking up suitable schemes for the refugee families:

S.No.	Name of the SFDA	Plan outlay 1977-78 & 1978-79 (Rs. in Lakhs)
1	Nadia	200
2	24 Parganas	100
3	Cooch Behar	100
4	West Dinajpur	
5	Jalpaiguri	200 (@ Rs. 50 lakhs each)
6	Malda	
7	Murshidabad	

3. The programmes included crop husbandry as well as animal husbandry. The programmes for improved agriculture included land development, soil conservation, horticulture, demonstration, introduction of new improved varieties of crops and cropping pattern, improved agricultural implements and minor irrigation. The resources for the programme were to be made available to the participants in the shape of subsidy (25 per cent in the case of small farmers and 33 per cent in the case of marginal farmers and agricultural labourers) coupled with loan from institutional sources. In the case of community minor irrigation works, the small/marginal farmers participants were entitled to 50 per cent subsidy on the capital cost.

4. Some time in May/July, 1977, the Ministry of Agriculture and Irrigation (Department of Rural Development) issued administrative approval to the Government of West Bengal, sanctioning Mini Projects for Refugee Farmers in various districts. The schemes were to be implemented by the State Government. For want of records with the concerned Department of the State Government or with the Department of Rural Development, Government of India, they are unable at this late a stage, to furnish the extent of physical achievement under SFDA programme. SFDA programmes continued upto 1980-81 only and thereafter IRDP programmes were taken up. The State Government was requested to verify and report whether 3 lakh migrant families referred to by the Working Group were covered by IRDP programmes and other programmes merged therewith. The Refugee Relief and Rehabilitation Department of the Government of West Bengal are of the view that such verification work will be a massive one and can only be done at the heavy cost of the time-bound regularisation programme of D. P. squatters' colonies and that even such a verification work will not give out a satisfactory picture on the IRDP coverage of the refugee farmers. In the absence of old statistical records and due to efflux of time, it is very doubtful whether the State Government will be able to collect any information on this point as our efforts to get this information from various other channels have not borne fruit. In view of the practical difficulties expressed by the State Government and considering that the migrants have by now merged with the local population, Central Government are of the view that of the 3 lakh families, if there are still any families left, they should make use of different facilities available to local residents. The IRDP scheme can be availed of by all persons subject to fulfilment of eligibility conditions.

(Ministry of Home Affairs, Rehabilitation Division's Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989).

**Recommendation (Sl. No. 26 Para No. 2.92)**

The Committee are anguished to note that out of 4,87,000 Old Migrant families settled in West Bengal and 6 lakh New Migrants who stayed on in the State forefeiting rehabilitation assistance, the Government has been able to provide employment over the years only to 5000 displaced persons through the Rehabilitation Industries Corporation Ltd., Calcutta, which was set in 1959 with the initial

objective of providing employment to local refugees, even though the Government has, as on 31.3.1988, invested as much as Rs. 4.26 crores as equity in the form of share capital of the Corporation and provided it a plan loan of Rs. 94 lakhs. The Corporation has so far incurred losses of Rs. 62.90 crores. The Committee consider this as a dismal performance in so far as the objective of providing employment to refugees is concerned and are of the view that the Government has thus clearly failed in making the Corporation achieve its initial and main objective even after about 30 years of its establishment. In this regard the Committee would like the Government to ensure that the recommendations contained in the 96th report (1983-84) of the Parliamentary Committee on Public Undertakings which have been accepted by the Government, and all the recommendations of the same Committee contained in their 5th Report (1985-86) are fully implemented by the Ministries concerned in letter and spirit.

#### **Reply of Government**

##### ***Recommendation made in the 96th Report (1983-84) by the Parliamentary Committee on Public Undertakings***

"The Committee desire that effective steps should now be taken to ensure that the Company becomes soon an economically viable unit as otherwise it would be difficult to justify its continuance as a Government Company under the Companies Act." (Para 1.17)

Rehabilitation Industries Corporation Ltd., Calcutta (RIC) have achieved significant improvement in their production during the last four years. The production has increased from a level of Rs. 3.74 crores in 1985-86 to Rs. 11.37 crores during 1988-89. In order to further improve the economic viability of the Company, a number of steps are being taken, some of which are as under:—

- (i) All out efforts are being made to secure sufficient remunerative orders to meet its annual production targets.
- (ii) Increase in labour productivity is being ensured in all production divisions of the company through redeployment and retraining of its manpower.
- (iii) Some of the Divisions of the Company are expected to become captive to meet the requirements of Defence Services.

- (vi) To achieve a minimum annual growth of 15 per cent in upgradation of technology and improvement in productivity in different divisions.

*Recommendation made in the 5th Report (1985-86) by the Committee on Public Undertakings (COPU)*

"The Committee, therefore, reiterate their earlier recommendation and desire that a comprehensive statement of the objective of the Corporation be prepared and got approved by Ministry without any further delay. If necessary guidance of the Bureau of Public Enterprises may be obtained in this regard". (Para 2.90).

Rehabilitation Industries Corporation Ltd., (RIC) was set up of Public sector unit in the year 1959. It has six production divisions comprising thirteen production units located in Calcutta and four Districts of West Bengal.

Out of six Divisions of the Corporation, three Divisions namely, Garments Division, Leather Division and Fruit Product Division are virtually captive to the Defence Department. Its Project Division is engaged in turnkey construction of Coal Handling Plants for the Coal, Steel and Power Sectors. The other two Divisions namely, Textile Division and Engineering Division are meeting the demand of the various Government Departments, Public Sector Undertakings and the domestic market.

The following are the Macro and Micro objectives of the Corporation:—

#### *Macro Objective*

- (i) The Company has to function as a commercial organisation with profit maximisation as one of the objective like any other public sector undertaking.
- (ii) Having fulfilled the task of generating employment for the refugees from erstwhile East Pakistan from the time of its inception in 1959, it must now consolidate its existing manpower to attain an optimum level of productivity.
- (iii) Fully exploit the existing physical infrastructure available by deployment of additional capital for its modernisation, expansion and diversification to cope with the proposed increase in productivity of its existing manpower.

(iv) Draw up plans, in the process, for upgrading some of its low technology units to a medium technology level and suitably rationalising its manpower so that the return of investment is adequately justified by the increased turnover and profitability.

*Micro Objectives*

- (i) To manufacture in the concerned product divisions such items as are needed by Defence Services.
- (ii) Obtain sufficient orders from Government Departments and Public Sector Undertakings for achieving the optimum production level in the structural engineering works, sheet metal works and the Cast Iron Foundry.
- (iii) To obtain sufficient orders from the domestic market as well as export for the annual targetted production for various types of textiles in the Textile Division.
- (iv) To meet the demand of various Government Departments and Public Sector Undertakings for Steel and wooden furniture, Iron Castings, Garments and medium and heavy steel structurals.
- (v) To expand and augment the production capacity from time to time to increase the turnover of the Corporation.
- (vi) To achieve a minimum annual growth of 15 per cent in terms of sales value and quantity.
- (vii) To replace old and outlived machinery by new and modern machinery.
- (viii) To keep pace with the technology improvement and modify production methods to improve productivity and quality and also for reduction in cost.
- (ix) To meet quality control requirement at all levels of production so that highest standard of quality of the products is maintained.
- (x) To maintain quality control in purchase so as to ensure that best quality of materials procured.
- (xi) To procure raw materials etc. at fair and reasonable prices.

- (xii) To keep close liaison with all the customers so that the requirements both in respect of quality and quantity are fulfilled.
- (xiii) To sell all the products produced by the Corporation at a fair and reasonable price.
- (xiv) To earn a reasonable amount of profit for the Corporation and to generate sufficient internal resources.
- (xv) To maintain good industrial climate in the Organisation.
- (xvi) To provide an atmosphere for healthy trade union practices by the employees.
- (xvii) To encourage and develop growth of ancillary industries relating to manufacture of the Corporation's products.
- (xviii) To maintain a reasonable amount of inventory in the stores.
- (xix) To increase the productivity and profitability of the company's operations to enable it to reach break-even level and to achieve cash profit by 1991-82.

[Ministry of Home Affairs, Rehabilitation Division  
O.M. No. 1(10)/89-RR dated 11-10-89]

**Recommendation (Sl. No. 35, Para No. 4.8)**

The Committee are also distressed to note that Government of India gave a loan of Rs. 94 lakhs through the Government of U.P. between 1964 and 1971 on the understanding of employing 600 migrants from former East Pakistan, Burma and Sri Lanka, to Madan Industries Ltd., a private spinning Mill having their factory in Hastinapur, Distt. Meerut, which employed about 1000 migrants from time to time but stopped its operations on 8-8-1984, on account of "continued cash losses", laying off 146 migrants, among others, in such poor financial condition that Govt. of India had to grant them further rehabilitation assistance under Gunnaur Rehabilitation Project, Distt. Budaun. The Committee wonder whether the Government of India distributed such a largesse to this petty private enterprise in the name of rehabilitation assistance to migrants merely on the recommendation of the State Government or applied itself also any checks and safeguards which are normally required in such cases. The Committee are sure that even after getting a loan of

Rs. 94 lakhs from 1964 to 1971, if this company incurred "continued cash losses," culminating in stoppage of its operations in 1984, the credit worthiness, feasibility and viability of this company must have been less than promising in 1964 when the Government of India made its fateful decision to grant a huge loan of Rs. 94 lakhs to it in exchange of the understanding to provide employment to 600 migrants. The Committee would like to be informed of how the loan of Rs. 94 lakhs granted to the aforesaid company has been accounted for and what was the statutory sanction/scheme under which the loan was granted to it. The Committee recommend that with a view to avoid such losses in future, Government of India should be doubly cautious in granting loans to private units for the purpose of rehabilitating migrants and should avoid making such deals with private enterprises of doubtful commercial credibility.

#### **Reply of Government**

A loan amounting to Rs. 94.04 lakhs was advanced by the Government of India to the Government of Uttar Pradesh for relending to Madan Industries Ltd., Hastinapur, District Meerut between 1964 and 1971. Of this loan, Rs. 20.00 lakhs were advanced by the Ministry of Industry and Rs. 74.04 lakhs were advanced by the then Rehabilitation Department (now Rehabilitation Division, Ministry of Home Affairs) under administrative sanctions with the objective of development of Hastinapur Township, and providing employment to the new migrants from former East Pakistan.

2. On the recommendations of the Sixth Finance Commission, this loan advanced to the Madan Industries Limited, through the Government of Uttar Pradesh, was not treated as "Rehabilitation Loan" but "Loan for Industrial Development" and as such it went out of the purview of the Rehabilitation Division.

[Ministry of Home Affairs, Rehabilitation Division's  
O.M. No. 1(10)/89-RR dated 11-10-89]

#### **Recommendation (Sl. No. Para No. 4.17 & 4.18)**

In the first instance, the Committee deplore the discrepancy in the figures of 8700 Old Migrant families, stated by the then Ministry of Rehabilitation, to have been settled in Andaman & Nicobar Islands in its Annual Report for the year 1959-60, whereas only 3000 such migrant families are stated to have been rehabilitated in the said Islands by the Rehabilitation Division of the Ministry of Home Affairs in the Preliminary Material sent to the Committee in 1988.

The Committee recommend that among others this discrepancy should also be resolved by the Ministry of Home Affairs in course of the integrated review of rehabilitation work in all the States/areas of the country recommended in an earlier Chapter of this Report.

The Committee note that while 805 New Migrant families have been settled in Andaman & Nicobar Islands, 5674 new migrant families have been settled in Chanda Distt. of Maharashtra development as an agricultural project under the Special Areas Development Scheme. It has, however, been represented to the Committee that the migrants settled in Chanda District are facing "a lot of problems still to be solved". Obviously they must still be facing problems relating to allotment of agricultural land and homestead plots and ownership rights therefor being or to be conferred on them. The Committee recommend that the Rehabilitation Division of the Ministry should initiate measures to study the problems of these migrants through regular interface with their local representatives, arrange to resolve their rehabilitation problems at the earliest in collaboration with the State Government concerned and inform the Committee in due course about concrete physical achievements in this regard.

#### Reply of Government

There is no discrepancy in the figures regarding number of families settled in the Andaman and Nicobar Islands. The figures of 8700 indicated in the Annual Report for the year 1959-60 represents the number of displaced persons and not the families. The figure of 3000 indicated in the preliminary report is the number of families given rehabilitation assistance.

2. A joint team consisting of officers of the Government of India and Government of Maharashtra visited the rehabilitation sites in the Chandrapur and Gadchiroli Districts (erstwhile Chanda District) from 23rd to 25th July, 1989 to study the problems, if any, being faced by the migrants settled there.

3. Chanda District, where the new migrant agriculturist families had been settled, has been bifurcated into the Districts of Chandrapur and Gadchiroli. Hence, the team held discussions with the local representatives of the new migrants and District authorities in both the Districts. It was noticed that one major problem, that the new migrants in Chandrapur District have, is the non-issue of Patta for the land allotted to them. The other problems posed apart from

those of common import like supply of adequate drinking water, repair of roads etc. were inclusion of the members of the 'Namashudra' Community in the State list for Scheduled Castes and provision of Bengali as medium of instructions in schools upto the primary level.

4. After discussions with the officials of the Government of Maharashtra, it was decided that the Government of Maharashtra would issue instructions to the Collectors of Chandrapur and Gadchiroli Districts for releasing the patta conferring ownership rights. Orders, according to the latest information from the State Government are expected to be issued by 31-12-1989. As for the inclusion of the 'Namasudra' Community in the State list for Scheduled Castes it was noted that the matter is under active consideration with the Union Ministry of Welfare, the Nodal Ministry for this subject. In regard to the use of the Bengali medium in Bengali Schools, the Government of Maharashtra undertook to explore the possibility of providing education in the Bengali schools in Bengali medium upto the Primary standard. As regards the problems that are common to the new migrant settlers as well as the local population, it was felt that it was for the District administration and State Government to tackle them to the best of their judgement and ability.

[Ministry of Home Affairs, Department of Internal Security, Rehabilitation Division O.M. No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Sl. No. 40, Para No. 5.9)**

The Committee are disappointed to note that within less than 2 years of the opening of camps in Tripura for about 49000 refugees which started migrating in April, 1986 as many as 3083 migrants have been reported missing from the five camps in the State by the close of 1987. The Committee expect the Government to appreciate the fact that being post-1971-72 refugees, they are bound to be repatriated to Bangladesh sooner or later and the successful attempts by as many as 3083 refugees out of about 49,000 in such a short time to desert the camps and mingle clandestinely with the sections of the local populace speak poorly not only of the vigilance arrangements made so far by both the Central and State Governments in this regard, but also undermine our national policy on these refugees. The Committee, therefore, recommend that the Central and State Governments must sit together and find some effective means to prevent desertion from camps by these refugees and their clandestinely mingling with local population. The Committee suggest in this regard that the Government should consider the feasibility

of marking, at regular intervals, in strong indelible ink, a suitable sign on the hands or arms of each refugee with a view to make it easy to detect him or her from amongst the other sections of the local population.

#### **Reply of Government**

It is not entirely correct to say that all the 3083 refugees who have been listed as missing from the camps have actually been able to clandestinely mingle and settle in the local population. Some of such missing refugees have perhaps returned to Bangladesh without informing Indian camp authorities.

2. The Chakma refugees of Bangladesh who have taken shelter in Tripura State have been accommodated in camps which have population ranging from 6,000 to 14,000. These camps are well spread out and there are no physical restrictions for movement of the refugees inside and outside the Camps. However, refugees are discouraged from generally moving outside camps.

3. State Government has taken steps to increase the vigilance in these camps to prevent this kind of free movement. An Armed police contingent has recently been posted at one of the refugee camps (Takumbari) in addition to the contingents of the Mobile task force (unarmed) already there at each camp.

4. The State Government has carefully considered the suggestion made by the Committee for marking the hands with strong indelible ink and is of the view that the marking with indelible ink will not be enduring solution because it will be temporary and soon disappear. Better vigil of the camps and frequent check of inmates seemed to be the only effective answer according to them. In this regard, the State Government have already taken measures by posting police in relief camps.

[Ministry of Home Affairs, Department of Internal Security, Rehabilitation Division O.M. No. 1(10/89-RR dated 11-10-1989]

#### **Recommendation (Sl. No. 43, Para 5.19)**

The Committee are also distressed to note that information regarding the number of infiltrators from Bangladesh who managed to obtain citizenship certificates from local District Collectors who were earlier competent to issue citizenship certificates, by suppressing material information, is not available with the Ministry of Home Affairs and such cases come to their notice only when the citizenship certificates are subjected to verification by local police and that only

60 cases had been brought to their notice by West Bengal Government. The Committee are of the view that the number of such infiltrators must be pretty substantial especially upto 1-4-1986 when powers of issuing citizenship certificates were withdrawn from the District Collectors by the Government of India. In regard to cases detected so far the Ministry's stand that "memos have since been served on all these persons concerned requiring them to explain why the citizenship certificates issued to them should not be cancelled", suggests not only that Government is treating such infiltrators with kid-gloves but also absolving the District Collectors who were responsible for issuing citizenship certificates in such cases. The Committee are also of the view that merely withdrawing the powers of District Collectors of issuing citizenship certificates and restricting them to the Central Government only is not adequate as similar certificates can be got issued from the Central Government also after suppressing the material facts. The Committee are certain that unless the very procedure and regulations regarding the issue of citizenship certificates to nationals from Bangladesh are revised to plug the loopholes, therein, such cases may go on recurring even though the Central Government goes on issuing certificates. The Committee, therefore, suggest that the Ministry should get this matter examined by experts concerned with a view to plug these loopholes so that such cases do not recur with the issue of citizenship certificates to nationals of Bangladesh by the Central Government also.

#### Reply of Government

Since the Citizenship Act, 1955 (Section 10) does not provide for deprivation of citizenship acquired under Section 5(1) (a) of the Citizenship Act, 1955 the question of cancellation of certificates already issued assumes legal implications. After the withdrawal of powers of the Collectors for issue of citizenship certificates under Section 5(1) (a), not a single case of cheating has come to notice especially where citizenship certificates were issued by the Central Government. The Home Ministry have already streamlined the procedure for processing such applications of Bangladesh nationals and have already introduced number of checks to ensure that certificates are not issued on fraudulent or false declarations by the Bangladeshis. No further tightening of the procedures seems necessary at this stage.

[Ministry of Home Affairs, Department of Internal Security, Rehabilitation Division O.M. No. 1(10)/89-RR dated 11-10-1989]

## CHAPTER IV

### RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH GOVERNMENT'S REPLIES HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

#### Recommendation (Sl. No. 5, Para Nos. 1.43 & 1.44)

The reason advanced by the Ministry of Commerce for 1120 pending cases "verified by the Panel Members but awaiting Chairman's approval", namely, that the O.S.D., who was the Chairman of the panel of Members, retired on 1-4-1988 and his successor was appointed on 10-11-1988 i.e. after a gap of more than 7 months is indicative of the fact the Ministry of Commerce is not seriously concerned regarding speedy disposal of these claims by the Custodian of Enemy Property. It is imperative to resort to advance planning in this regard so that the vacancies created in Panel of Members of the Custodian of Enemy Property on account of retirement, or transfer etc. are filled promptly and the claimants who have preferred their claims to the said Panel are not made to suffer for not fault of theirs.

As far the 3600 pending cases where "documents are available", the Committee fail to appreciate the justification of their magnitude at any point of time in view of the Ministry's claim that "on an average the disposals are around 250 cases per month" especially when the number of Panel Members is reported to have been raised from 8 to 18 and payment office rightly shifted from Bombay to Calcutta. For the same reasons the Committee regard the number of cases disposed of each year from 1983-84 to 1987-88 as very poor and urge the Ministry to take urgent steps to ensure that all the claims pending with the Custodians of Enemy Property, especially those wherein all the documents are available, are verified and disposed of with exemplary promptitude. Since most of these claims may pertain to people of low income groups who are now living in indigent circumstances it is essential that all such claims are settled with utmost expedition. In the opinion of the Committee procedure for settlement of such claims should be clear and precise giving no scope for redtapism and harassment of migrants.

### **Reply of Government**

Committee's recommendations for promptly filling up vacancies created in panel of members of the Custodian of Enemy Property have been noted.

2. As regards filling the post of Officer on Special Duty in the Office of Custodian of Enemy Property, Calcutta, which was to fall vacant on 1-4-1988, the process for filling up the post was started in January, 1988. However, the drawing of panel, selection, etc., took time.

3. As regards speedy disposal of claims, the Ministry has reviewed thoroughly the position of pending claims and all efforts are being made to ensure expeditious disposal of claim cases.

[Ministry of Home Affairs, Rehabilitation Division's O.M.  
No. 1(10)/89-RR dated 11-10-1989]

#### **Recommendation (Sl. No. 7. Para No. 1.63)**

The Committee find it very astonishing that while huge amounts have been provided by the Central Government as grants-in-aid to States for Rehabilitation of Migrants from former East Pakistan during the years from 1964-65 to 1986-87, the Rehabilitation Division of the Ministry of Home Affairs has no authentic information relating to the utilisation of these grants. The Committee feel that the responsibility of the Government cannot be considered to be over, just after reimbursing to the State Governments the grants for aforesaid migrants. It is also essential for the Ministry to keep a constant watch over the actual utilisation of these funds by each State from year to year. It is disquieting to note that the Ministry has continued to abdicate its own responsibility by leaving the matter entirely to the State Accountants General and State Governments concerned, and not attempted to monitor the utilisation of the aforesaid Grants even on an *ex post-facto* basis. This is clearly indicative of the fact that the issue has not been given the serious attention it deserved. While viewing this situation with great concern, the Committee desire that the Ministry must immediately take appropriate steps to compile the figures regarding the actual extent to which the Grants-in-aid of Rs. 198.70 crores disbursed by it during the period 1964-65 to 1986-87 for aforesaid migrants have been actually utilised by State Governments and furnish this information to the Committee positively within 6 months of the presentation

of this report alongwith the statistical information relating to the figures of expenditure supported by Audit Certificates and the amounts held under objection, unutilised or surrendered.

### Reply of Government

It appears that because of availability of unspent balance with Government of West Bengal, out of 'on-account advances' released to them for expenditure on evacuees from Bangladesh (as mentioned in Paras 1.64 and 1.65), the Committee has come to the conclusion that the grants-in-aid reimbursed to State Governments for expenditure on displaced persons from former East Pakistan have not been fully utilised and amounts are held under objection. In this regard, we may clarify that as per procedure, which remained in vogue upto 1968-69, the State Governments during the first three quarters were claiming reimbursement through State Accountant Generals on the basis of pre-audited expenditure. During the fourth quarter, however, the grant-in-aid was released on the basis of an anticipated claim of the State Government. This was to be followed by audited actual expenditure claim. Any excess amount, which got released on the basis of anticipated expenditure claim, was, therefore, promptly adjusted against the first quarter's claim of the State Government during the next financial year and, as such, there was no scope for any unutilised amounts lying unadjusted.

2. From 1969-70, the new procedure which provided for reimbursement on the basis of actual expenditure instead of pre-audited expenditure was formulated in consultation with the Comptroller and Auditor General of India. As per the modified procedure also there is no scope for any amount lying unspent with the State Government. This procedure and position regarding reimbursement of Grants-in-aid for the years 1986-87 and 1987-88 to Government of West Bengal were explained to the Committee and they were satisfied with the position explained by us. In this regard, paras 1.61 and 1.62 may please be referred to.

3. Regarding audit certificates against grants-in-aid reimbursed in case of Displaced Persons from former East Pakistan the position was explained to the Committee and the same has been included in para 1.59 of the report. It was clarified that as some Accountant Generals had combined the audit certificates for more than one category of Displaced Persons/repatriates, it was not possible to indicate separately the amounts for which audit certificates had been received in case of Displaced Persons from former East Pakistan.

4. However, as desired by the Committee an effort was made to compile the information but it has not been possible to do for the reasons already indicated. The State-wise information of amounts reimbursed/audit certificates furnished for all categories of displaced persons|repatriates, during the years 1969-70 to 1987-88 was furnished to the Committee and the same may be seen in para 1.54 of the report.

5. Regarding amounts under objection, the position is that the Accountants General in the States, who conduct the audit on behalf of the Comptroller and Auditor General of India take care of the objections and have these settled with the help of the administrative apparatus at their disposal. As State Accountant Generals, through Comptroller and Auditor General of India, take care of the interest of the Government of India, this Division does not follow up minor objections raised by the Accountant Generals. However, wherever any large scale objections have come to the notice of Government of India the same have been pursued with the State Government/ Accountant General in order to ensure prompt settlement. The role of the Central Government in the process of settlement of these audit objections is at the most that of a pursuing agency only. Action, as such, is however required to be taken by State Government and Accountant General.

[Ministry of Home Affairs, Rehabilitation Division O.M.  
No. 1(10)89-RR dated 11-10-1989]

**Recommendation (Sl. No. 8—Para Nos. 1.64 and 1.65)**

The Committee note that out of Rs. 123.91 crores sanctioned as Grants by the Ministry to West Bengal Government during the period from 1969-70 to 1987-88 for various categories of displaced persons and repatriates, audit certificates have so far been received by the Ministry for Rs. 64.68 crores only (i.e. 52 per cent) and out of Rs. 21.34 crores lying unutilised by the State Government "as per information available" with the Ministry, a sum of Rs. 14.53 crores only has since been adjusted and an amount of Rs. 6.81 crores still remains to be adjusted. The Committee further note that against the expenditure of Rs. 89.23 crores actually incurred by the State Government, the State Accountant General has admitted an expenditure of Rs. 55.80 crores only and from out of the balance expenditure of Rs. 33.43 crores, objections covering an amount of Rs. 14.41 crores only are reported by the State Government to have

been settled, but are awaiting confirmation from the State Accountant General, leaving the balance of objected expenditure of Rs. 10.08 crores still unsettled.

Since the amount of grants to the State of West Bengal is substantial and position of utilisation certificates is far from satisfactory, the Committee urge that vigorous measures should be initiated by the Ministry to obtain audit certificates for the entire amounts of the Grants to accurately assess, in conjunction with State Accountant General concerned. The amount of the aforesaid grants (i) utilised by the State Government with unconditional audit certificates, (ii) expenditure thereof objected to by Audit and steps taken to settle the objections, and (iii) unspent balances thereof lying with State Government. Steps should also be taken to readjust/recover these balances. The Committee would like to be apprised of the latest position in this regard.

#### **Reply of Government**

Government of India had released Rs. 123.91 crores to Government of West Bengal during the period from 1969-70 to 1987-88. This includes on-account advances of Rs. 110.57 crores released to the State Government during 1971-72 for expenditure on relief operations in case of evacuees from Bangladesh. Against the total release of Rs. 123.91 crores, we have adjusted a claim of Rs. 8.30 crores, which was for the period prior to 1969-70. Thus, the net amount, which has been released to State Government comes to Rs. 115.61 crores. Against this, as per latest position, the State Government has furnished audit certificates for an amount of Rs. 94.63 crores and an amount of Rs. 6.76 crores presently lying unspent with the State Government, is to be adjusted. Thus, the Government of West Bengal is required to furnish audit certificates for an amount of Rs. 14.22 crores. This includes an amount of Rs. 5.16 crores incurred on evacuees from Bangladesh. All along, we have been pursuing the matter regarding furnishing of audit certificates with the State Government and after the Estimates Committee meeting also, our officers have visited Calcutta and held discussions with the State Government as well as with the Accountant General. It is expected that the remaining audit certificates will be furnished by the State Government fairly soon.

2. The Audit had kept an amount of Rs. 30.58 crores under objection out of the expenditure incurred in case of evacuees from

Bangladesh. The State Accountant General has confirmed that an amount of Rs. 20.39 crores has been cleared by Audit from the objections. We have been pursuing this matter constantly with the State Government and recently our officers once again visited Calcutta and held discussions with the Accountant General, West Bengal as well as with officials of the concerned Departments. We expected the remaining objections relating to the balance amount of Rs. 10.20 crores will be cleared by the State Government at the earliest.

Regarding adjustment of unspent balance of Rs. 6.76 crores, we had suggested that the amount may be adjusted out of the overall grants being paid by the Ministry of Finance to the Government of West Bengal. The State Government, is, however, averse to the proposal as they feel that this would adversely affect their ways and means position. We are, however, pursuing the case vigorously, and expect to resolve the matter in the near future.

(Ministry of Home Affairs, Rehabilitation Division O.M. No. 1(10)/89-RR dated 11-10-89)

**Recommendation (Sl. No. 11, Para No. 1.75)**

From the material placed before the Committee, it is clear that whereas the Coordination Committees including representatives of migrants settlers were formed in Dandakaranya Project in some sub-zones/zones for sometime around 1980-81, these committees are practically defunct now in the Project area. The Committee further note that in rehabilitation sites outside Dandakaranya Project, there has not even been an attempt by the Ministry/State Governments concerned to have an institutional arrangement for communication between migrants and rehabilitation authorities depending solely in this regard on the discretions of the staff deployed for rehabilitation work or the "freedom" of migrants to approach the rehabilitation authorities concerned. The Committee regard this arrangement as extremely poor and inadequate in view of the widespread complaints to them of the deficiencies in the work of rehabilitation of migrants not only in West Bengal, but in the Dandakaranya region and other States also. The Committee, therefore, strongly recommend that efforts should be made by the rehabilitation authorities under both the Central and State Governments at all the major rehabilitation sites in the country to have some institutional arrangement including the representatives of migrants with a view to enable them to place their peculiar problems and grievances in proper perspective before the rehabilitation authorities for speedy resolution.

### Reply of Government

As per the recommendations of the Estimates Committee contained in their second report (1980-81), Sub-Zonal Coordination Committees, Zonal Coordination Committees and Project Level Coordination Committee with representatives of the migrant settlers were formed in the DNK Project. Not only were migrant settlers associated with the Committee meetings, but their suggestions were also heard and accommodated, wherever possible. All the assets and institutions created by the Project in the four zones have been transferred to the State Governments of Orissa and Madhya Pradesh except one Minor Irrigation Scheme at MV. 119 in the Malkangiri Zone of Orissa. All the rehabilitation projects in Andhra Pradesh, Maharashtra, Karnataka and Madhya Pradesh have since been normalised and integrated with the normal district administration. As far as old migrants are concerned, the work in States other than West Bengal is deemed to have been completed by 1960 and even in West Bengal, the problem is now mainly of a residual nature. The major residuary items of work pending in West Bengal are regularisation of the squatters' colonies and distribution of title deeds. The problems connected with these two items are either of a local nature or inter-se between individuals and the local authorities. If the individual has any grievance against the decision of lower officers, he is free to represent to the higher authorities at the district level, State level or even at the level of the Central Government.

As the old migrants residing in ex-camp sites are eligible for full separate entity. They are deemed to have merged with the national mainstream. They are entitled to all the facilities and benefits which are provided by the State Government to the local population of the area. In the circumstances, it is not considered necessary, at this late stage, to have separate institutional arrangements for redressal of grievances, if any, of the migrant settlers.

[Ministry of Home Affairs, Rehabilitation Division Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Sl. No. 22, Para No. 2.73)**

**As the old migrants residing in ex-camp sites are eligible for full rehabilitation assistance including medical facilities, the rehabilitation authorities at both the Central and State levels are duty**

bound to provide elementary medical facilities in these sites for the minimal welfare of the migrants. The Committee are, therefore, shocked to note that there is no medical/health care centre in many of these sites like Bagjola Camp No. 2 and Ramgarh Colony. The Committee strongly recommend that the rehabilitation authorities of the Centre as well as the State should take necessary steps urgently to provide medical facilities on a minimal level in all the ex-camp sites/refugee colonies for the welfare of the migrants.

#### Reply of Government

Ex-camp site families are those families who initially refused to accept rehabilitation assistance offered to them but who continued to remain at site, even after closure of Camps. The scheme sanctioned for the rehabilitation of these ex-camp site families does not contain any provision for medical facilities. Similarly, in regard to squatters' colonies now being regularised, Central Government's liability is restricted to acquisition of land and issue of title deeds.

As the Committee are aware, on the basis of Working Group's recommendations, the Central Government had released Rs. 28 lakhs for medical facilities to old migrants and Rs. 151.86 lakhs for medical facilities to new migrants in West Bengal during the years 1976-77 to 1980-81. Central Government are of the view that no further liability in respect of medical facilities to old or new migrants in West Bengal now devolves upon them at this stage and that it should be the responsibility of the State Government to extend to the migrants such medical facilities as are normally being provided by them to all other citizens.

[Ministry of Home Affairs, Rehabilitation Division Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

#### Recommendation (Sl. No. 23, Para No. 2.76)

The Committee regret to note that the educational facilities in and around ex-camp sites like Bagjola and Ramgarh colony are far from adequate. As the residents of ex-camp sites at the State are mostly Old migrants, they are eligible for full rehabilitation assistance including basic educational facilities. The Committee, therefore, recommend that rehabilitation authorities of the Centre and State, should in unison, urgently arrange for educational facilities at least upto the higher secondary level, in/around all the ex-camp sites and refugee colonies to relieve their residents from the difficulties being faced by them in this regard.

### **Reply of Government**

**Ex-camp site families** are those families who initially refused to accept the rehabilitation assistance offered to them and continued to remain at site even after the closure of Camps. The schemes sanctioned for the rehabilitation of ex-camp site families did not contain any provision for educational facilities. Similarly in regard to squatters' colonies now being regularised, Central Government's liability is confined only to acquisition of land and issue of title deeds.

2. As the Committee are aware, on the basis of Working Group's recommendations Government of India had released Rs. 106 lakhs between 1975-76 and 1980-81 for education facilities for new migrants in West Bengal. Central Government are of the view that no further liability in respect of educational facilities to old or new migrants in West Bengal would devolve upon them and that it is now the responsibility of the State Government to extend to the migrants such of the educational facilities as are normally provided by them to other citizens in West Bengal.

[Ministry of Home Affairs, Rehabilitation Division Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

#### **Recommendation (Sl. No. 24 Para No. 2.77)**

The Committee also regret that the Ministry has not collected information relating to the specific physical targets and achievements, and reasons for shortfall, if any, with regard to educational facilities created by the State Government for New Migrants as a result of the expenditure of Rs. 106.00 lakh released by the Centre between 1975-76 and 1980-81. The Committee stress that the Ministry should collect the requisite information from the State Government as early as possible and place the same before the Committee alongwith other action taken replies to this Report.

### **Reply of Government**

The Government of West Bengal have informed that it was in the early sixties that the work relating to educational facilities to migrants had been transferred to the State Education Department on the basis of a Cabinet decision. Since then, schemes relating to educational facilities to migrants are implemented by the State Education Department (Primary and Secondary Wing). While the

budgetary provision for such schemes is made by the State Rehabilitation Department, funds are expanded by Education Department's Primary and Secondary Wing. The details of such schemes i.e. physical/financial targets and achievements, reasons for shortfall, if any, etc. are therefore available with the Education Department of the State Government, with whom the Refugee Relief and Rehabilitation Department have reportedly taken up the matter for requisite details. Rehabilitation Division of the Ministry of Home Affairs have also taken up the matter directly with the State Education Department for required particulars. As soon as the information is received from the State Government the same will be furnished to the Committee.

[Ministry of Home Affairs, Rehabilitation Division Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

**Recommendation (Sl. No. 42, Para 5.17, 5.18)**

The Committee are concerned to note the magnitude of infiltration from Bangladesh into the bordering States of Assam, Meghalaya, Tripura, West Bengal and Mizoram during the years from 1983 to 1987. The brunt of infiltration is being borne especially by West Bengal on whose borders the number of illegal entrants apprehended by Border Security Force during this period was as large as 80,528; the number thereof handed over to State Police was 3,776, and the number pushed back being 76,752.

While the Committee are glad to note in this regard that B.S.F. deployed on Indo-Bangladesh Border is being further beefed up with requisite infrastructure by 29 additional battalions in five years from 1986 onwards, of which 11 additional battalions have already been deployed during 1987-88, they regret to note that regulations governing the issue of visas to Bangladesh nationals by Government of India are so facile for potential infiltrators who can come to this country on a visa for 180 days without indication of specific place of their stay and can manage to stay beyond the period of validity in the visa, leave their ostensible place of visit, mix with some people and get lost with their connivance. The Committee are of the firm view that it is the most opportune time for the Government of India to plug this loophole in the visa regulations governing visitors from Bangladesh to India, bilaterally, if possible, within a reasonable period of time, or even unilaterally with a view to contain the menace of infiltration into India because the other side does not have to suffer from this problem on our account.

**Reply of Government**

This was examined in consultation with Ministry of External Affairs and a "Note" recommending changes in the policy regarding grant of visas to Bangladesh nationals was considered by government and it was decided that for the time being the present procedures and policy may continue.

[Ministry of Home Affairs, Rehabilitation Division's Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

## CHAPTER V

### RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF GOVERNMENT ARE AWAITED

#### Recommendation (Sl. No. 2, Para No. 1 25)

The Committee are pained to note that people who migrated to India from former East Pakistan prior to 25-3-1971 are still treated by Government as "Displaced Persons" and are only eligible to be considered for grant of Indian Citizenship by registration U/S 5(1) (a) of the Act provided they fulfil the "statutory requirements" with the result that in effect they live in India as 'Stateless' people many of whom have failed to acquire Indian citizenship for one reason or another, and have been either denied employment or even thrown out of jobs on the ground of citizenship. The status of these migrants from former East Pakistan appears to be in stark contrast with the position of displaced persons from West Pakistan who migrated to India around 1947 and for all practical purposes, namely employment etc. are deemed to be fullfledged citizens of India. The representatives of the Ministry of Home Affairs have admitted during evidence that those persons who migrated to India from former East Pakistan prior to 25th March, 1971, especially old and new migrants, have come to settle in India permanently and have been provided rehabilitation assistance in one form or another. In view of this the Committee are of the view that these migrants, especially old and new migrants should not be required to undergo the cumbersome formalities of registering themselves under the Citizenship Act in order to get a Citizenship certificate and consequent right to vote etc. The Committee strongly recommend that as a matter of policy the Old and New migrants should also be deemed to be citizens of India on the pattern of "pre-1961 migrants to Assam" and Displaced Persons from West Pakistan so that they do not have to hanker after the various authorities to get their citizenship certified to earn their livelihood and be able to vote

etc. They are of the view that, if necessary, suitable legislative measures with regard to the Status, Citizenship, rehabilitation and monitoring of rehabilitation schemes etc. should be enacted with due expedition.

The Committee note that while most of the families who migrated to India from former East Pakistan between March and December 1971 have been repatriated to Bangladesh, some of these migrants could not be repatriated due to one reason or the other and stayed on in India. The Committee suggest that the Government should examine the feasibility of liberalising the legal requirements for these families to acquire citizenship of India taking into consideration the individual compulsions due to which they could not be repatriated dra Kehtriya communities in Orissa and Madhya Pradesh regions of to Bangladesh in 1971-72.

#### Reply of Government

Persons who migrated to India before 25th March, 1971 are eligible for registration as Indian citizens under Section 5(1) (a) of the Citizenship Act, 1955. The question of whether Bangladeshis who migrated to India after 25th March, 1971 could be considered for grant of Indian citizenship by registration under Section 5(1) (a) of the Citizenship Act, 1955 is being examined in consultation with Ministry of External Affairs. Decision when reached will be communicated.

[Ministry of Home Affairs, Rehabilitation Division, Office Memorandum No. 1(10)/89-RR dated 11-10-89.]

#### Recommendation No. 33 (Para 3.34)

The Committee are anguished to note that even though the Central Government has been seized of the matter since 1968, Namasudra and Paundra Khetriya Communities which predominate the migrant families settled in Dandakaranya Project and have been recognised as Scheduled Castes in West Bengal, have not so far been recognised as such in Madhya Pradesh and in Orissa only Namasudra community has been recognised as Scheduled Caste so far with the result that both the Communities in the area must still be feeling discriminated. The Committee reiterate that the Ministries of Home Affairs and Welfare should now take up this matter vigorously at the highest level of the Government with a view to enact the necessary legislation very early to recognise Namasudra and Paundra Khetriya communities in Orissa and Madhya Pradesh regions of

the Dandakarnya Project area as Scheduled Castes in line with their status in West Bengal, and remove their long standing grievance. It will also facilitate the process of their rehabilitation.

#### **Reply of Government**

The matter of inclusion of Namasudra and Paundra Khetriya communities in the list of Scheduled Castes in the States and Union Territories is being considered by the Ministry of Welfare. Namasudra community has been recognised as Scheduled Castes in the States of Assam, Arunachal, Pradesh, Manipur, Meghalaya, Mizoram, Orissa and West Bengal. Paundra community is recognised as Schedule Castes in West Bengal. The proposal for inclusion of these communities in the list of Scheduled Castes in the States/Union Territories where they are at present not included is under active consideration of the Ministry of Welfare alongwith similar other proposals in the context of the comprehensive revision of the lists of Scheduled Castes/Scheduled Tribes. Any amendment in the existing lists of Scheduled Castes/Scheduled Tribes can be made only by an Act of Parliament in view of the provisions of Articles 341 and 342 of the Constitution.

[Ministry of Home Affairs, Rehabilitation Division, Office  
Memorandum No. 1(10)/89-RR dated 11-10-1989]

## APPENDIX

### (*Vide* Introduction)

#### *Analysis of Action taken by Government on the 70th Report of the Estimates Committee (Eighth Lok Sabha)*

I.	Total number of Recommendations	44
II.	Recommendations/Observations which have been accepted by Government	
	Nos. 4, 9, 14, 15, 16, 17, 18, 20, 21, 27, 28, 29, 30, 31, 32, 34, 36, 38, 39, 41, 44	21
	Percentage to total	47.73%
III.	Recommendations/Observations which the Committee do not desire to pursue in view of Government's reply	
	Nos. 1, 3, 6, 10, 12, 13, 19, 25, 26, 35, 37, 40 and 43	13
	Percentage to total	29.5%
IV.	Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee:	
	Nos. 5, 7, 8, 11, 22, 23, 24 and 42	8
	Percentage to total	18.18%
V.	Recommendations/Observations in respect of which final replies of Government are awaited	
	Nos. 2 and 33	2
	Percentage to total	4.54%

**LIST OF AUTHORISED AGENTS FOR THE SALE OF LOK SABHA  
SECRETARIAT PUBLICATIONS**

Sl. No.	Name of Agent	Sl. No.	Name of Agent
<b>ANDHRA PRADESH</b>			<b>UTTAR PRADESH</b>
1. M/s. Vijay Book Agency, 11-1-477, Mylalgadda, Secunderabad-500361.			12. Law Publishers, Sardar Patel Marg, P.B. No. 77, Allahabad, U.P.
<b>BIHAR</b>			<b>WEST BENGAL</b>
2. M/s. Crown Book Depot, Upper Bazar, Ranchi (Bihar)			13. M/s. Madimala, Buys & Sells, 123, Bow Bazar Street, Calcutta-1
<b>GUJARAT</b>			<b>DELHI</b>
3. The New Order Book Company, Ellis Bridge, Ahmedabad-380006. (T. No. 79065).			14. M/s. Jain Book Agency, C-9, Connaught Place, New Delhi. (T. No 351663 & 350806)
<b>MADHYA PRADESH</b>			15. M/s. J. M. Jaina & Brothers, P. Box 1020, Mori Gate, Delhi-110006. (T. No. 2915064 & 230936).
4. Modern Book House, Shiv Vilas Place, Indore City, (T. No. 35289).			16. M/s. Oxford Book & Stationery Co., Scindia House, Connaught Place, New Delhi-110001. (T. No. 3315308 & 45896).
<b>MAHARASHTRA</b>			17. M/s. Bookwell, 2/72, Sant Nirankari Colony, Kingsway Camp, Delhi-110009. (T. No. 7112309).
5. M/s. Sunderdas Gian Chand, 601, Girgaum Road, Near Princes Street, Bombay-400002.			18. M/s. Rajendra Book Agency, IV-DR59, Lajpat Nagar, Old, Double Story, New Delhi-110024. (T. No 6412362 & 6412131).
6. The International Book Service, Deccan Gymkhana, Poona-4.			19. M/s. Ashok Book Agency, BH-82, Poorvi Shalimar Bagh, Delhi-110033.
7. The Current Book House, Maruti Lane, Raghunath Dadaji Street, Bombay-400001.			20. M/s. Venus Enterprises, B-2/85, Phase-II, Ashok Vihar, Delhi.
8. M/s. Usha Book Depot, 'Law Book Seller and Publishers' Agents Govt. Publications, 585, Chira Bazar, Khan House, Bombay-400002.			21. M/s. Central News Agency Pvt. Ltd., 23/90, Connaught Circus, New Delhi- 110001. (T. No. 344448, 322705, 344478 & 344508).
9. M&J Services, Publisher, Representative Accounts & Law Book Sellers, Mohan Kunj, Ground Floor 68, Jyotiba Fule Road, Nalgaum, Dadar, Bombay-400014.			22. M/s. Amrit Book Co., N-21, Connaught Circus, New Delhi.
10. Subscribers Subscription Services India, 21, Raghunath Dadaji Street, 2nd Floor, Bombay-400001.			23. M/s. Books India Corporation Publishers, Importers & Exporters, L-27, Shastri Nagar, Delhi-110052. (T. No. 269631 & 714465).
<b>TAMIL NADU</b>			24. M/s. Sangam Book Depot, 4378/4B Murari Lal Street, Ansari Road, Darya Ganj, New Delhi-110002
11. M/s. M. M. Subscription Agencies, 14th Murali Street (1st Floor) Mahalinga- puram, Nungambakkam, Madras-600034. (T. No. 476558).			