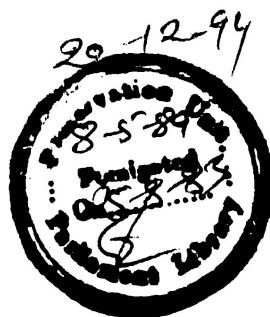


# PARLIAMENTARY DEBATES

(PART I—QUESTIONS AND ANSWERS)

OFFICIAL REPORT

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VOLUME II, 1950

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FIRST SESSION  
OF  
PARLIAMENT OF INDIA

1950

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# PARLIAMENTARY DEBATES

## (PART I—QUESTIONS AND ANSWERS)

Saturday, 1st April, 1950

*The House met at a Quarter to Eleven of the Clock*

[MR. SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS

#### GOLD SMUGGLED INTO SAURASHTRA

\*1311. **Shri Sidhva:** (a) Will the Minister of **Finance** be pleased to state whether any gold was found smuggled into Saurashtra in the month of December, 1949, and if so, what was the amount?

(b) What steps have been taken against the person who smuggled it and with what result?

**The Minister of Finance (Dr. Matthal):** (a) No. A case is however under investigation facts regarding which, it is not in the public interest to divulge.

(b) does not arise.

**Shri Sidhva:** What is the meaning of the reply in the negative, when it is said in the answer that the matter is under investigation? My question was whether any gold was found smuggled and the answer is 'No.'

**Mr. Speaker:** The question was 'found smuggled'.

**Shri Sidhva:** Yes. What is the enquiry for?

**Dr. Matthal:** The enquiry is for the purpose of ascertaining whether it has been smuggled.

**Shri Sidhva:** May I ask whether some Arab passengers were found smuggling gold worth Rs. 75,00,000 on their way from Okha to Rajkot?

**Dr. Matthal:** I must regretfully decline to answer the question.

**Shri Sidhva:** May I ask whether the C.I.D.....

**Mr. Speaker:** He has stated that it is not in public interest to divulge the facts. Why should the question be repeated?

**Shri Sidhva:** I am asking whether there is any truth in the information that certain passengers.....

**Mr. Speaker:** He has stated that he is not disclosing that in the public interest. Any number of questions may be asked, but he will decline to answer them.

**Shri Frank Anthony:** How is it that it is not in public interest to divulge the facts?

**Mr. Speaker:** It is left to the discretion of the Minister who knows whether it is and it is not in the public interest to give the information.

**Shri Sidhva:** What is the value of the smuggled property discovered by the C.I.D.? What is the value of the articles found, gold, currency, etc.?

**Mr. Speaker:** He has not stated that it was smuggled. The enquiry is to find out whether it was smuggled or not.

**Shri Sidhva:** What is the public interest involved in replying to this question?

**Dr. Matthal:** We have been advised that replies will hamper the progress of the investigations which are now going on if any statements are made regarding the facts on the floor of the House.

**Mr. Speaker:** We will go to the next question.

**Shri Sidhva:** My enquiry was whether my question was correct.

#### NON-INDIANS IN ARMED FORCES

\*1312. **Seth Govind Das:** Will the Minister of Defence be pleased to state:

- (a) the number of non-Indians in Army, Navy and Air Force; and
- (b) the time when all these services will be completely Indianised?

**The Minister of Defence (Sardar Baldev Singh):** (a) There are about 280 military personnel of non-Indian origin serving with the Army, Navy and Air Force. In addition, there are about 160 non-Indians employed with the Armed Forces in a civilian capacity.

(b) As soon as possible, that is as soon as adequately qualified and experienced Indians become available.

सेठ गोविन्द दास : जो अभी भी विदेशी हमारी सेना में हैं, ये लोग अपने किसी खास ज्ञान की वजह से विशेषज्ञ होने के कारण हैं या उनकी नौकरी अभी पूरी नहीं हुई है, इस कारण ?

**Seth Govind Das:** Are the non-Indians still, serving with the Army, there because of their being experts in some particular military subject or are they continuing because the tenure of their service has still not expired?

सरदार बलदेव सिंह : नहीं, अपने खास ज्ञान की वजह से .

**Sardar Baldev Singh:** No, they are still continuing in service by virtue of their special knowledge.

सेठ गोविन्द दास : ऐसे भी लोग हैं क्या जिनकी नौकरी पूरी हो जाने के बाद भी उनकी आगे अवधि दी गई है, आगे का समय दिया गया है ?

**Seth Govind Das:** Are also such persons among them in whose case tenure of service has been extended?

सरदार बलदेव सिंह : जी हां , क्योंकि उनके ज्ञान की और ज्यादा जरूरत है ।

**Sardar Baldev Singh**: Yes, Sir. We stand in further need of their expert-knowledge.

सेठ गोविन्द दास : इन विदेशियों में से ऐसे कितने हैं कि जो अपने ज्ञान की वजह से हैं और ऐसे कितने हैं जिनकी नौकरी पूरी नहीं हुई है, इस कारण से ?

**Seth Govind Das**: How many of these foreigners continue to be in service because of their expert-knowledge and how many because their term of service has not yet expired?

सरदार बलदेव सिंह : जितने भी हमारे पास औरतस हैं, वह सब अपने ज्ञान की वजह से हैं ।

**Sardar Baldev Singh**: All the foreigners with us are because of their knowledge.

बाबू रामनारायण सिंह : मैं यह जानना चाहता हूँ कि जिस ज्ञान की बदौलत उनकी हमें जरूरत है, उतना ज्ञान प्राप्त करने में हम भारतवासियों को कितना समय लगेगा ?

**Babu Ramnarayan Singh**: May I know how long will it take we Indians to acquire such knowledge for which alone we require the services of these foreigners?

सरदार बलदेव सिंह : यह तो मेरे वास्ते कहना बड़ा मुश्किल है, लेकिन मेरा ख्याल है कि हमारे आदमी, अफसर और जवान जितने हैं, वह जल्दी ही वह ज्ञान सीख जायेंगे, जो कि उन अफसरों के पास है ।

**Sardar Baldev Singh**: It is very difficult for me to say anything specific. I, am, however, of the view that our men and officers will soon acquire that knowledge which those non-Indian officers possess.

**Shri Kesava Rao**: How many of these non-Indians are technical personnel?

**Sardar Baldev Singh**: I have stated that 280 are military personnel, in a sense, and there are about 160 non-Indians in a civilian capacity.

**Sardar B. S. Man**: May I ask whether these non-Indians are being paid British standards of pay or Indian standards of pay?

**Sardar Baldev Singh**: They are working on a contract basis and are paid the salaries agreed to in the special terms of the contract executed.

**Sardar B. S. Man**: What is the contracted sum agreed to?

**Sardar Baldev Singh**: If the hon. Member wants to know it, I do not think I shall have any difficulty in showing him the actual contract.

श्री कामत : इन विदेशियों के ज्ञान के अलावा क्या मिनिस्टर साहब उनके कार्य में तथा देश के प्रति भक्ति के बारे में यकीन दिला सकते हैं ?

**Shri Kamath**: Apart from considerations of their expert-knowledge, is the hon. Minister in a position to give an assurance in regard to their work and loyalty to this country?

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

**Dr. Deshmukh**: Am I to understand that most of these non-Indians are Britishers? What is their percentage?

**Sardar Baldev Singh**: By 'non-Indians', I mean that in the Army we have got others than Britishers. For instance we have Goanese, Tibetans, Ceylonese, Portuguese, Jews, etc

**Mr. Speaker**: Order, order. I am proceeding to the next question.

बाबू रामनारायण सिंह : सभापति महोदय, मुझे एक बहुत ज़रूरी सवाल पूछना था।

**Babu Ramnarayan Singh**: Sir, I had a very important question to put.

मिस्टर स्पीकर : पूछिये।

**Mr. Speaker**: You may put it.

बाबू रामनारायण सिंह : जिस ज्ञान के कारण यह विदेशी हमारी फौज में हैं, उस ज्ञान को प्राप्त करने के लिये कौन कौन से उपाय हो रहे हैं ?

**Babu Ramnarayan Singh**: May I know the steps the Government are taking to arrange instructions in such knowledge as is in the possession of these foreigners?

सरदार बलदेव सिंह : वह ज्ञान जो उन विदेशी अफसरों के पास है, वह ज्ञान प्राप्त करने के वास्ते हर एक किस्म की कोशिश हो रही है।

**Sardar Baldev Singh**: Every effort is being made to acquire all that knowledge which is in the possession of these foreigners.

#### LOANS FLOATED BY GOVERNMENT

\*1313. **Shri Sidhva**: (a) Will the Minister of Finance be pleased to state whether the Government of India have raised a loan of 2½ per cent. for 15 crores?

(b) If so, how much has been subscribed so far and what is the date of closing the loan?

(c) Was the entire amount of loan underwritten or subscribed by individuals and if so, what are the details?

**The Minister of Finance (Dr. Matthal):** (a) to (c). To meet the demand on the part of institutional investors a further issue of  $2\frac{1}{2}$  per cent. loan 1955 for Rs. 15 crores was created and is in process of being sold.

**Shri Sidhva:** How much has been sold, Sir?

**Dr. Matthal:** Sir, the total amount of loan of this category which has been issued so far at different stages works up to about Rs. 60 crores. Out of that, the latest figure I have seen shows that under Rs. 50 crores has been sold so far.

**Shri Sidhva:** Was there any underwriting by anybody or by any corporation?

**Dr. Matthal:** Central loans are never underwritten.

**Shri Kishorimohan Tripathi:** May I know the date when the loan was floated?

**Dr. Matthal:** This 1955 loan? The first time it was floated was in October 1948. Since then by stages further blocks have been created, because there is a general demand for this sort of security.

**Shri Sidhva:** Out of the Rs. 15 crores, how much has been sold?

**Dr. Matthal:** I have given the total figure. That is all that I have.

#### GRANTS TO EDUCATIONAL INSTITUTIONS

\*1314. **Shri Kesava Rao:** (a) Will the Minister of Education be pleased to state what are the Educational Institutions and Universities which received grant during the financial year 1949-50 and what is the amount granted to each of them?

(b) What are the conditions of such grants?

(c) Are grants given by the Government of India to any private educational institutions also?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) and (b). A statement is laid on the Table. [See Appendix VI, annexure No. 18].

(c) Yes; as finances permit after examining the merits of each case.

**Shri Kesava Rao:** What are the private institutions which were given grants?

**Shri Khurshed Lal:** It is a very long list. It will take a long time for me to read it out.

**Shri Alagesan:** What is the amount of grant made to the Annamalai University?

**Shri Khurshed Lal:** Two lakhs.

**Shri Kesava Rao:** May I know whether any special consideration is given to institutions where Hindi is taught?

**Shri Khurshed Lal:** My hon. friend knows that education is a State subject and that the Government of India only give grants-in-aid in the case of all-India institutions.

**Shri Kesava Rao:** May I ask whether the Central Government is giving any special grants to non-Hindi areas where Hindi is taught?

**Shri Khurshed Lal:** Not that I know of.

**Shri Shiva Rao:** May I know the number of technical institutions that have asked the Ministry of Education for equipment out of Disposals instead of financial grants in view of the financial stringency and what has been the response of the Ministry?

**Shri Khurshed Lal:** This is a question relating to grant. I would like to have notice of this question.

**Shri Rathnaswamy:** Is it a fact that the Annamalai University has asked for an increase in grant?

**Shri Khurshed Lal:** They have been given Rs. 2 lakhs and I presume everybody asks for more.

**Shri M. A. Ayyangar:** Are these grants earmarked for particular purposes or are they for general purposes of the institution concerned?

**Shri Khurshed Lal:** Some are earmarked and some are for general purposes.

**सेठ गोविन्द दास :** क्या इस बात का भी ग्रांट देने के समय ख्याल रक्खा जाता है कि पहले उन संस्थाओं को ग्रांट दी जाये, जो अभी आरम्भ हुई हैं और यदि इस बात का ख्याल रक्खा जाता है, तो मध्यप्रदेश में सागर युनिवर्सिटी को कोई ग्रांट दी जा रही है ?

**Seth Govind Das:** While giving such grants, is it also kept in view that preferential consideration is accorded to the newly started institutions? If so, is the Saugor University in Madhya Pradesh receiving some grants?

**श्री खुरशेद लाल :** सागर युनीवर्सिटी को अस्सी हजार रुपये की ग्रांट दी जा रही है, जहां तक ग्रांट देने के उसूलों का ताल्लुक है, एक स्टेटमेंट हाउस के सामने रख रहा हूं, उसमें उसके बारे में कायदे दिये हुए हैं, उनको अगर वे पढ़ेंगे तो मालूम हो जायगा ।

**Shri Khurshed Lal:** A grant of Rs. 80,000 is being given to Saugor University. As for the basic principles which govern sanctions of such grants, I have placed a statement on the Table of the House. All rules and regulations on the subject are stated therein and the information asked for can be elicited from a perusal thereof.

**Shri Nandkishore Das:** May I know whether any grant has been made to the Utkal University?

**Mr. Speaker:** He may refer to the statement.

**Shri Dwivedi:** Are there institutions run on religious lines which are being given grant by the Government?

**Shri Khurshed Lal:** There is quite a long list here and I do not know what my hon. friend means by 'religious lines'.

**Sardar B. S. Man:** In view of the provision in our Constitution that no religious instruction will be permitted in Government and Government-aided schools, may I know what is the policy of Government in regard to grants-in-aid to such schools?

**Shri Khurshed Lal:** The Government will fully follow the provisions of the Constitution.



**Dr. Deshmukh:** Is there any change of policy in giving grants to private institutions? Does the Government encourage taking over the institutions rather than pay the grants to them?

**Shri Khurshed Lal:** As I said, these private institutions mostly belong to States and it is for the State Governments to decide. So far as we are concerned, we give grants only to such institutions as are of an All-India character or which impart education which is of All-India interest.

**Dr. Deshmukh:** May I ask if a decision has been taken about taking over the Lady Hardinge Medical College?

**Shri Khurshed Lal:** I may inform the hon. Member that that relates to the Ministry of Health.

**सेठ गोविन्द दास:** क्या हिन्दी को राष्ट्र भाषा बनाने के बाद नियमों में इस प्रकार परिवर्तन करने का गवर्नमेंट विचार कर रही है जिससे अब हिन्दी के सम्बन्ध में युनिवर्सिटियों को और संस्थाओं को अधिक ग्रांट दी जाय ?

**Seth Govind Das:** May I know if, after Hindi having been declared as our national language, the Government are considering any proposal to alter the rules as to make it possible to give increased grants to the universities and other institutions for its propagation?

**Shri Khurshed Lal:** That is a suggestion for action, Sir.

**श्री भट्ट:** क्या लेडी नाथीबाई दामोदर ठेकरसे इन्स्टीट्यूट, बम्बई, को ग्रांट दिया है ?

**Shri Bhatt:** Has a grant been given to Lady Nathabai Damodar Thakersey Institute of Bombay?

**Mr. Speaker:** He may refer to the statement which the hon. Minister has laid on the Table of the House.

**Sardar B. S. Man:** In view of the assurance given that Government fully intends to follow the provisions of the Constitution, may I know whether at present Government is giving any aid to such institutions where religious education is being imparted?

**Shri Khurshed Lal:** I will have to make enquiries whether out of this list there is any such institution.

**Shri Kamath:** Is it for the hon. Minister or for you, Sir, to decide whether a particular question is a suggestion for action?

**Mr. Speaker:** He makes a submission and I accept it.

#### I.A.F. GOODWILL MISSION TO MALAYA AND THAILAND

\*1815. **Dr. M. M. Das:** Will the Minister of Defence be pleased to state:

(a) the total expenditure incurred on the Indian Air Forces' goodwill Mission to Malaya and Thailand; and

(b) what were the objects of the Mission?

**The Minister of Defence (Sardar Baldev Singh):** (a) Rs. 8040/6/-.

(b) To establish contact and cordial relations with the Far East Command of the Royal Air Force, the Burmese Air Force and the Royal Thailand Air Force.

**Dr. M. M. Das:** May I know whether it is a fact that this Goodwill Mission has also served as a pleasure trip for the officers concerned in the Defence Ministry?

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

**Dr. M. M. Das:** May I ask why of all the countries, Malaya and Thailand were chosen for this Goodwill Mission?

**Sardar Baldev Singh:** I think the hon. Member has got some misunderstanding in his mind. We cannot take these trips at one and the same time to all the countries. This trip was arranged to the countries which are mentioned in my reply and on other occasions similar trips have been undertaken to other countries.

**Shri Kamath:** Is there any proposal to arrange Army or Naval Goodwill Missions also.

**Sardar Baldev Singh:** Yes, Sir. The hon. Member might have noticed that only recently naval exercises were carried on somewhere near Ceylon?

**Shri Kamath:** I mean Goodwill Missions.

**Sardar Baldev Singh:** May I point out this is not a Goodwill Mission. This is also a part of the exercises of this Transport Squadron.

**Shri Kamath:** Mental exercises or physical exercises?

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

**Shri Tyagi:** What was the total expenditure incurred on this Goodwill Mission?

**Sardar Baldev Singh:** I have already stated it was Rs. 3040-6-0.

**Shri Raj Bahadur:** May I know if any further Missions are contemplated for other countries also?

**Mr. Speaker:** He has replied to that question.

#### LEGISLATION REGARDING EDUCATIONAL STATISTICS

\*1316. **Shri S. C. Samanta:** Will the Minister of Education be pleased to state whether any steps have been taken by the Government of India to bring into existence a legislation in regard to the educational statistics to be taken both in the States and in the Centre?

**The Deputy Minister of Communications (Shri Khurshed Lal):** Yes. At the instance of the Cabinet the matter was referred to the Standing Committees of Departmental Economists and Statisticians. These Committees did not favour any special legislation for the present.

**Shri S. C. Samanta:** May I know if there are any institutions aided by the Central Government which supply statistical information?

**Shri Khurshed Lal:** The institutions which are aided by the Government do supply the information, which they are required to supply under the rules.

**Shri S. C. Samanta:** May I know what is the opinion of other countries as regards this educational statistics in India?

**Mr. Speaker:** I do not see how the question is relevant.

**Shri S. C. Samanta:** Have other Ministries passed similar legislation to collect statistics of their own, and if so, what are they?

**Mr. Speaker:** It is this House which will pass this legislation. I am afraid I could not understand the question.

**Shri S. C. Samanta:** Is there any constitutional bar to bring into existence such legislation?

**Shri Khurshed Lal:** That will be a matter for legal opinion.

**Mr. Speaker:** Next question.

#### ARCHAEOLOGICAL EXCAVATIONS IN MADHYA PRADESH

\*1317. **Shri Zangre:** (a) Will the Minister of Education be pleased to state whether archaeological excavations have been carried out to discover old inscriptions and images in Sirpur (Raipur) in Madhya Pradesh?

(b) Have efforts been made to explore the old inscriptions and images in Khalari (Raipur) temple?

(c) In what way are the old ruins of Madan Mahal (Jubbulpore) being looked after?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) and (b). No excavations were carried out but archaeological exploration at Sirpur and Khalari was done by Sir Alexander Cunningham, the late Archaeological Commissioner in India and his associates in 1871-72 and 1881-82 and by Henry Cousens in 1903-4. Archaeological Officers have later from time to time, made visits and inspected the monuments at the two places and others in Raipur District and the important inscriptions recovered from these places have already been published.

(c) Repairs are done to the old ruins of Madan Mahal as and when necessary.

**श्री जांगरे :** क्या सरकार को ज्ञात है कि रायपुर का अजायबवर जहाँ प्राचीन पुरातत्व के शिलालेख, मूर्तियाँ व सिक्के हैं, जीर्ण अवस्था को जा रही हैं ?

**Shri Zangre:** Is the Government aware that archaeological objects like old inscriptions, idols and coins in the Raipur Museum are getting time-worn?

**Shri Khurshed Lal:** I will pass this information to the Education Ministry.

**श्री जांगरे :** रायपुर अजायबवर की अवस्था में कितना खर्च होता है ?

**Shri Zangre:** How much expenditure is incurred on maintenance of the Raipur Museum?

**Shri Khurshed Lal:** I will require notice for that.

**Shri Kamath:** To what extent, Sir, does all this digging up the past help the present?

**Mr. Speaker:** Order, order. That is a matter of opinion.

#### RECOGNISED SERVICE ASSOCIATIONS

\*1318. **Lala Raj Kanwar:** (a) Will the Minister of Home Affairs be pleased to place on the Table of the House a list of the Service Associations which are recognized by the Government of India?

(b) Do these Associations submit copies of proceedings of their meetings to Government?

**The Minister of Home Affairs and the States (Sardar Patel):** (a) A list of the service associations which have been recognised by the Government of India is placed on the Table of the House. [*Information placed in the Library. See No. P-73/50*].

(b) It is not incumbent on service associations to submit copies of proceedings of their meetings to Government but generally copies of any resolutions passed at such meetings concerning the grievances of their members are forwarded to Government.

**Lala Raj Kanwar:** May I know what is the total number of Service Associations recognised by Government?

**Sardar Patel:** Different Ministries have different numbers;

Ministry of Defence	.	.	.	.	16
Ministry of Agriculture	.	.	.	.	18
Ministry of Home Affairs	.	.	.	.	9
Ministry of External Affairs	.	.	.	.	1
Ministry of Labour	.	.	.	.	1
Ministry of Finance	.	.	.	.	24
Ministry of Works, Mines and Power	.	.	.	.	18
Ministry of Communications	.	.	.	.	26
The Central Board of Revenue	.	.	.	.	40
Ministry of Railways	.	.	.	.	53
Ministry of Health	.	.	.	.	3
Ministry of Commerce	.	.	.	.	1
Chief Commissioner, Delhi	.	.	.	.	2
Ministry of Transport	.	.	.	.	1

**Lala Raj Kanwar:** Are there any Service Associations which have not been recognised by Government?

**Sardar Patel:** Of course, there are organisations which are not recognised by Government because they do not follow the rules.

**Lala Raj Kanwar:** What may be their number?

**Sardar Patel:** I cannot give the number. Unrecognised Associations are not on our list.

**Shri Chattopadhyay:** May I know whether these Service Associations are recognised by the State Governments as well?

**Sardar Patel:** I cannot say about the State Governments; this is about the Central Government.

**Sbri Hossain Imam:** Is there any Union for the States Ministry?

**Sardar Patel:** No.

#### PRICE OF NON-JUDICIAL STAMPS, PETITION PAPER AND SERVICE STAMPS

\*1319. **Lala Raj Kanwar:** Will the Minister of Finance be pleased to state whether court-fee and non-judicial stamps, petition-paper, service stamps etc. are supplied to the Treasuries in the different Part (A) States, Unions of States and Part (B) States at their face-value or at cost price?

**The Minister of Finance (Dr. Matthal):** Non-judicial, adhesive and impressed court-fees stamps, etc., are supplied to the treasuries in Part A States on payment by the State Governments of the manufacturing cost of the stamps.

These stamps have not so far been supplied to Part B States, but it is proposed to make the supply to them from the 1st April, 1950, on payment of the manufacturing cost.

Service stamps are supplied to treasuries in the various States for sale to public offices on payment of their face value.

**Lala Raj Kanwar:** Why is this difference that service stamps are supplied at their face value and court-fees, judicial and non-judicial stamps are supplied at manufacturing cost?

**Dr. Matthal:** Because in one case revenue is derived by the Centre and in the other by the States and also the margin between the face value and the manufacturing cost is very much greater in one case than in the other.

#### RETIREMENT BENEFITS AND GRATUITY OF GOVERNMENT SERVANTS

\*1321. **Shri S. C. Samanta:** (a) Will the Minister of Finance be pleased to refer to the answer given to my Starred Question No. 1460 asked on the 29th of March 1949 regarding retirement benefits and Gratuity and state what is the final decision of the Government of India about paragraphs 199 and 199-A of the Pay Commission's Recommendations regarding retirement benefits and gratuity in case of premature death of a Government servant?

(b) When was the decision taken?

**The Minister of Finance (Dr. Matthal):** (a) and (b). I expect to be able to issue final orders within a few days.

**Shri S. C. Samanta:** May I know the reason for the delay?

**Dr. Matthal:** As I explained last time, it involves a number of other complicated financial issues and now that I am going to reach a decision and announce it within a few days, I hope the hon. Member will be satisfied.

**Shri M. A. Ayyangar:** Is the hon. Minister aware that the province of Madras, in making provision for the families of those persons who may die in harness, has introduced compulsory insurance and is the Central Government also contemplating action on similar lines?

**Dr. Matthal:** We have not got any definite proposals on those matters; but, it is a matter which probably deserves consideration.

**Shri Hossain Imam:** May I draw the attention of the hon. Minister to the fact that a recommendation was made by the Pay Commission on this subject?

**Dr. Matthal:** I am not quite sure at present what the recommendations of the Pay Commission are. This particular question refers really to the recommendations made by the Pay Commission regarding changes in our pensionary system and the kind of changes that we are contemplating regarding a gratuity, in lieu of or in addition to pension, some kind of family pension and the period of service which entitles a person to that. The wider question raised by the hon. Deputy-Speaker is not included here.

## U.N.S.W.F. BOARD

\*1322. **Shrimati Jayashri:** Will the Minister of Education be pleased to state whether any women are included in the Selection Board for selecting students for training in connection with the United Nations Social Welfare Fellowship?

**The Deputy Minister of Communications (Shri Khurshed Lal):** Yes, when nominated by the Ministries concerned. Attention of the hon. Member is, in this connection, invited to the statement placed on the Table of the House on 10th March, 1950, in reply to Starred Question No. 766 asked by Shri Raj Bahadur.

**Shrimati Jayashri:** How many women students have been sent so far?

**Shri Khurshed Lal:** In 1947, out of five selected, two were men and three were ladies, but only three persons availed the scholarship. In 1948, out of 13 men and three ladies recommended, 9 men and 3 ladies were selected. In 1949, out of 16 men and 10 ladies recommended, 12 men and 7 ladies were selected. In 1950, 36 men and 11 ladies have been recommended; but no decision about selection has yet been received.

**Shri Shiva Rao:** Has the Ministry of Education received any complaint that in proportion to the amount that India contributes to the United Nations, the number of fellowships granted to India is far too low?

**Shri Khurshed Lal:** I am not aware of this complaint.

**Shri Rathnaswamy:** To what extent does the India Government contribute towards the cost of the training?

**Shri Khurshed Lal:** In these fellowships, the entire cost is borne by the United Nations. But, the participating Governments have to contribute if they can towards the cost of travelling from here to the country to which the Fellow goes.

## SHERSHAH'S MAUSOLEUM AT SAHASRAM

\*1323. **Dr. R. S. Singh:** (a) Will the Minister of Education be pleased to state whether it is a fact that the "Rauza of Shershah" at Sahasram is showing signs of decay?

(b) If so, do Government propose to have it repaired?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) Yes.

(b) Government have already undertaken the repair work in hand.

**Dr. R. S. Singh:** Is it a fact that due to lack of proper arrangements the tank has become silted up and affected with worms?

**Shri Khurshed Lal:** I am not aware of the conditions of the tank. Repairs have been undertaken to the dome and smaller domes.

**Dr. R. S. Singh:** What about the garden?

**Shri Khurshed Lal:** I will have enquiries made in regard to that.

**Dr. M. M. Das:** What will be the expenditure?

**Shri Khurshed Lal:** A sum of Rs. 4,977 was spent in 1948-49, and Rs. 2,500 in 1949-50.

**Dr. R. S. Singh:** May I know when the repair work was undertaken?

**Shri Khurshed Lal:** I have said that money was spent in 1948-49. Actually the repairs have been done in 1946-47 and 1947-48 and 1948-49.

**Dr. R. S. Singh:** Has the repair work been completed?

**Shri Khurshed Lal:** Some work remains to be done.

#### APPLICATIONS FOR AUTHORIZATION OF CAPITAL ISSUE

\*1324. **Shri M. V. Rama Rao:** Will the Minister of Finance be pleased to state:

(a) the number of applications for authorization of capital issue received during the years 1947-48, 1948-49, and 1949-50;

(b) the number of applications granted and the total amount of capital authorised for issue during the same years; and

(c) the extent to which authorised capital issues have been subscribed to?

**The Minister of Finance (Dr. Matthal):** (a) The number of applications received during the years 1947-48, 1948-49 and 1949-50 is 543, 461 and 345 respectively.

(b) The number of applications granted during the years 1947-48, 1948-49 and 1949-50 is 428, 365 and 272 respectively and the total amount for which consent was granted during the years is Rs. 162.64 crores; Rs. 117.11 crores and Rs. 51.77 crores respectively.

(c) Complete information is not available. It has been reported by 577 companies who were granted permission during the years 1947 and 1948 for issue of Rs. 220.33 crores of capital and that Rs. 89.77 crores have been subscribed in their cases.

**Dr. Deshmukh:** Does the hon. Minister recollect having promised this House a discussion on the issue of Capital issues, and whether...

**Dr. Matthal:** I remember it.

**Dr. Deshmukh:** May I know whether the discussion will take place?

**Dr. Matthal:** I am considering it.

**Shri M. A. Ayyangar:** May I ask the hon. Minister whether he has issued any instructions to the Department of Capital Issues that the persons to whom Capital Issues are allowed must submit returns from time to time whether they have pursued the matter and how much capital was subscribed and so on, in order to avoid telling the House that no statistics are available?

**Dr. Matthal:** I remember this particular point was raised during the debate on the Capital Issues Extension Bill. If I remember aright, what I undertook to do was to get a memorandum drawn up regarding the working of the scheme and the basis on which the scheme should be worked hereafter and place it before the House and see if an opportunity could be given for discussion by the House.

**Shri Joachim Alva:** What is the normal time taken by the Department for disposing of these applications? Are they disposing of them as quickly as possible?

**Dr. Matthal:** We are trying to dispose of them as quickly as possible except in very difficult cases where a special procedure has been laid down. In ordinary cases, I think the disposal is done fairly quickly.

**Shri Veerabahu:** Do Government still think that there is need for these restrictions with regard to Capital Issues?

**Dr. Matthai:** I should think so because the House approved of the principle.

**Shri Hossain Imam:** May I know whether amounts quoted by the hon. Minister include the bonus issued for fresh Capital?

**Dr. Matthai:** I have not got details here.

**Shri Kishorimohan Tripathi:** May I know the number of industrial undertakings which manufacture consumers goods and which were permitted a fresh issue of additional capital?

**Dr. Matthai:** I could not answer that but if the hon. Member would put down a question, I will give the required information.

**Shri R. Velayudhan:** May I know whether any permission was given to foreign companies?

**Dr. Matthai:** In certain cases.

**Shri R. Velayudhan:** May I know whether a French firm applied for permission and was refused permission?

**Dr. Matthai:** Some time ago I placed a statement on the Table of the House giving an analysis of foreign investments in the country since 1947 or 1948 and probably this item of information would be included in that statement.

**Shri Hossain Imam:** Is the hon. Minister able to tell us if there is any time-limit within which the shares have to be subscribed or is it open to them for all times?

**Dr. Matthai:** There is a time-limit but I am not certain of the precise limits.

**Shri Hossain Imam:** Is it not possible to get returns from these people as soon as the time for sale of shares expires?

**Dr. Matthai:** As a matter of fact these are matters which I want to consider in connection with the Memorandum that I propose to place before the House which will deal not merely with the history of the scheme so far but also with the basis on which hereafter we think it should be continued. That is the undertaking I gave to the House.

**Shri Himatsingka:** A time-limit is always fixed.

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

#### BAN ON PAKISTAN NEWSPAPERS

\*1327. **Shri K. C. Sharma:** (a) Will the Minister of **Home Affairs** be pleased to state whether it is a fact that some of the Pakistani Journals were banned and action was taken in respect of despatches covered by their correspondents stationed in India?

(b) If the reply to part (a) above be in the affirmative, what action have Government taken against the correspondents and if not, why not?

**The Minister of Home Affairs and the States (Sardar Patel):** (a) With reference to the first part of the question the hon. Member's attention is invited to the reply given to part (b) of Sri Satish Chandra Samanta's Starred Question No. 760 on the 20th December 1949. The reply to second part is in the negative.

(b) Does not arise.



**Shri K. O. Sharma:** May I know whether any action has been taken in respect of Pakistani papers which have published untrue or incorrect reports about the situation in West Bengal?

**Sardar Patel:** We have no authority to punish Pakistani papers but I can say that all Members of this House are aware that the agreement is practically ineffective and is broken at almost every hour of the day so far as the Press is concerned, and no action can be taken by us unilaterally on our side to punish Pakistani papers.

**Shri K. O. Sharma:** Under the circumstances is Government contemplating to ban these newspapers?

**Sardar Patel:** Whether there will be any advantage in putting a general ban or not is a matter for consideration. Government will consider that.

**Shri Shiva Rao:** Is it a fact that at present there are 56 Pakistani correspondents registered in India who are functioning from within India?

**Sardar Patel:** Yes.

**Shri Shiva Rao:** In view of that fact and also the report that 37 Press Trust of India correspondents were recently discredited by the East Pakistan Government, will this be one of the matters to be discussed with the Pakistan Prime Minister when he comes here tomorrow?

**Sardar Patel:** I cannot say what questions will be discussed with him. It is difficult for me to say.

**Shrimati Durgabai:** May I know whether Government have satisfied themselves that in the news organizations functioning in India under the direction and control of Government there are not people with pro-Pakistan views? If the answer is in the affirmative, may I know what steps do Government propose to keep a strict and vigilant watch on them?

**Sardar Patel:** It is very difficult to find out who is pro-Pakistan and who is pro-Indian but so long as people are in our service it is presumed, unless something to the contrary is proved, that they are loyal to India and not pro-Pakistan.

**Shri Kamath:** Have any restrictions such as pre-censorship been placed upon the despatches from India of Pakistan newspaper correspondents or representatives of A.P. Pakistan in India?

**Sardar Patel:** There are no restrictions.

**Shri Raj Bahadur:** May I know whether there is any proposal to withdraw the privileges, that are ordinarily granted to correspondents, from those representatives of Pakistan papers who are responsible for sending these false news to Pakistan?

**Sardar Patel:** The question of general withdrawal of recognition would involve wider considerations. Individual cases may be considered but general withdrawal may not be possible.

**Shri Hossain Imam:** I should like to find out if any papers have been banned since the last reply?

**Sardar Patel:** No.

**Khawaja Inait Ullah:** Is there any representative of Pakistan papers present in our Parliament gallery and are our Papers' representatives represented in the Pakistan Parliament?

**Mr. Speaker:** That will be a question that should more or less be referred to the Speaker's office.

**Shri Tyagi:** On a point of order. I want to know whether questions about galleries can be permitted in this House?

**Mr. Speaker:** The hon. Member was in a hurry to raise the Point of Order. I just now said that it is not admissible.

**Shri Kamath:** How many Indian newspapers and journals have been banned entry into Pakistan?

**Sardar Patel:** I must require notice of that.

#### SILVER REFINERY AT ALIPORE

\*1328. **Shri Naik:** (a) Will the Minister of Finance be pleased to state whether it is a fact that a Silver refinery as a mint adjunct is being constructed at Alipore for extraction of Silver from unused coins?

(b) What is the total value of coins from which silver has been extracted?

(c) What is the total quantity of silver likely to be thus recovered as also the value thereof?

(d) What is the estimated cost of the Scheme?

(e) Is it a fact that the Government are contemplating to replace silver coins by nickel ones?

**The Minister of Finance (Dr. Matthal):** (a) to (c). Government have decided to set up a silver refinery at the Alipore Mint, but its construction will take some time. This silver refinery is intended for extracting silver from the quaternary coins, which were introduced during the last war and are now being replaced by nickel coins. The quantity of quaternary alloy coins minted amounts to about 600 million ounces containing about 300 million ounces of silver. It is difficult to make an accurate estimate of the quantity which may come in for refining especially as issues include figures of circulation in Pakistan. Nor is it possible to say what the value of the recovered silver will be when the refinery starts functioning. No silver has yet been extracted.

(d) The estimated cost of construction is Rs. 60 lakhs.

(e) Standard silver coins ceased to be legal tender long ago. Quaternary silver coins containing 50 per cent. silver continue to be legal tender but are being replaced by nickel coins.

**Shri Naik:** Sir, what is the total value of the silver coins lying unused?

**Dr. Matthal:** What is meant by unused?

**Mr. Speaker:** He wants to know the total value of the silver in the unused silver coins.

**Dr. Matthal:** If the hon. Member is wanting to know the precise amount of silver in the standard silver coins which have ceased to be legal tender, then I am not in a position to answer.

**Shri T. T. Krishnamachari:** What are the arrangements between the Government of India and the Government of Pakistan in respect of the return to India of the silver in the quaternary coins which are in circulation in Pakistan?

**Dr. Matthal:** There was a fairly detailed formula which was laid down at the time of partition for this. It is an elaborate formula and we are working on the basis of that. If the hon. Member's question is how much out of the silver received on Lend Lease account would be the share of Pakistan, it is very difficult to say at present, but at a rough estimate, I think it would be about 50 million ounces.

**Shri M. A. Ayyangar:** Sir, how far and to what extent the silver that was borrowed from the United States of America has been returned to them? The object of withdrawing these coins, I take it was to enable us to return this silver.

**Dr. Matthal:** As the hon. Member has correctly pointed out, we received under the Lend Lease Agreement 226 million ounces of silver from America and that has got to be returned. But the precise arrangement is that it should be returned within five years from the cessation of emergency, as declared by the President of the United States of America. The President of the United States has not so far declared the termination of the emergency.

**Shri Tyagi:** With reference to part (e) of the answer, what will be the total savings on account of the withdrawal or replacements of silver coins and their substitution by nickel ones?

**Dr. Matthal:** It is rather an elaborate exercise in arithmetic, but I am prepared to do it for the benefit of the hon. Member.

**Shri Tyagi:** Sir, I wanted to know.....

**Mr. Speaker:** Yes, the Minister says it is a question of calculation and if necessary he will do it later on.

**Shri Tyagi:** Then another question, Sir. How will this saving be employed? In what way will this silver be utilised?

**Dr. Matthal:** Whatever silver I can get out of the quaternary coins I am going to keep.

**Shri T. N. Singh:** May I know the cost of refining or rather of extracting this silver, per ounce?

**Dr. Matthal:** As regards the cost of refining, as a matter of fact, the refinery has not yet started working and I am not in a position to give the exact figure. But from the estimates I have seen, I think it is going to be much less expensive than the refining done in England to-day.

**Shri Kamath:** Sir, may I know where this silver will be kept?

**Dr. Matthal:** I am making suitable arrangements for that. The hon. Member need not be afraid.

#### ATTACK ON POLICE PARTY AT GIRJA IN RAJASTHAN ■ ■

\*1329. **Shri Raj Bahadur:** (a) Will the Minister of States be pleased to state whether it has been brought to the notice of Government that an armed mob of villagers attacked and killed practically all the members of a raiding party composed of district, civil and police officials in the village of Girja near Karauli in Rajasthan?

(b) If so, have Government any information regarding the details of this occurrence and the causes which brought it about?

(c) Have the Union Government any information regarding the steps taken by the Rajasthan Government to bring the assailants responsible for this occurrence to book?

(d) Have Government any information if any relief and compensation have so far been given or are proposed to be given in future by the Rajasthan Government to the dependents of the families of the victims?

**The Minister of Home Affairs and the States (Sardar Patel):** (a) and (b). I regret to say that it is a fact that a mob of villagers attacked a party of officials and policemen in the village of Girja in Rajasthan on the 1st March. On receipt of information that about 10,000 persons were to be fed in this village by Ram Narain Gujar, the Sub-Divisional Officer of Karauli accompanied by the Deputy Superintendent of Police, Karauli, the Tahsildar, the Reserve Inspector and a party of armed police went to Girja. They found that 10,000 persons had collected there for a feast. The official party thereupon locked the stores from which eatables were being issued. While they were discussing with Ram Narain Gujar and others about the contravention of Food Control Order by such mass feeding the crowd made a sudden attack on the official party. The official party was taken by surprise and overpowered. 24 persons all belonging to the official party lost their lives; among the killed were the Sub-Divisional Officer, the Deputy Superintendent of Police, the Tahsildar, the Reader to the Sub-Divisional Officer, 2 Sub-Inspectors, one Assistant Sub-Inspector, 3 Head Constables, 2 Lance Head Constables, 10 Constables and 2 Chaprasis. 14 Constables were injured but managed to escape.

(c) Investigation is being pursued vigorously under a special staff appointed for the purpose. 29 persons have been arrested and 63 have been proclaimed offenders and their properties attached.

(d) Six months' salary has been disbursed as an immediate measure of relief to the next-of-kin of the deceased Government Servants. All injured Government Servants have been paid all their hospital expenses and one month's salary. Other relief measures to be given to the families of the deceased are being considered by the Rajasthan Government with reference to the circumstances of each case.

**Shri Raj Bahadur:** Have Government any information as to whether the raiding party had any arms with them with which to defend themselves?

**Sardar Patel:** These officers? Yes. They had full arms, but they had no time to load their arms. They were attacked suddenly. They did not expect the trouble to take place in such a form. They were in big strength, but they took the thing so lightly, that they never thought that anybody would attack them.

**Shri Raj Bahadur:** May I know whether there is any proposal, in order to fortify faithfulness in service and to maintain law and order, to allow opportunities to the sons and dependents of the victims to be employed in their places?

**Sardar Patel:** What is to be done? I could not follow.

**Mr. Speaker:** I don't think the question is admissible.

**Shri Raj Bahadur:** May I know the number of places that have been deserted on account of this incident?

**Sardar Patel:** Roughly, about 30 villages. The people are coming back now.

**Shri Kamath:** How long before the actual raid took place did the authorities get information about this illegal action, or rather the breach of law or rules, and had they enough time to carry arms with them? I mean the raiding party.

**Sardar Patel:** As I said, they had arms with them. They were fully armed, but before they could even load their arms, they were attacked. They did not expect that the people would attack them like this. They were suddenly attacked.

**Shri Raj Bahadur:** Did any member of the party return unhurt?

**Sardar Patel:** No.

**Shri Vyas:** From among the mob, how many were killed or injured?

**Sardar Patel:** Nobody.

**Shri Vyas:** Nobody wounded?

**Sardar Patel:** Not that I know of.

**Sardar Sochet Singh:** What was the occasion for this feast?

**Sardar Patel:** I think it was the death ceremony of some big man, the twelfth day after the death, and it was a feast of the community.

#### ISSUE OF CERTIFICATES BY PUNJAB UNIVERSITY OF PAKISTAN

\*1330. **Seth Govind Das:** Will the Minister of **Education** be pleased to refer to the statement made in reply to Starred Question No. 956 by Shri Damoder Swarup Seth on the 20th of March 1950 and state:

(a) whether the attention of Government has been drawn to the fact that the Punjab University has not issued certificates to certain Prabhakar students of Delhi who have passed the said examination in the year 1945 and for which all sorts of payments have been made;

(b) whether there is any machinery in his Ministry to receive such complaints and to forward them to the Deputy High Commissioner in Pakistan for proper action;

(c) if the answer to part (b) above be in the negative, whether Government propose to set up such a machinery to receive such complaints and to forward them for necessary action; and

(d) if the answers to parts (b) and (c) be in the negative, what is the method to be followed by the parties concerned for receiving such diplomas from the Punjab University, Pakistan?

**The Deputy Minister of Communications (Shri Khurshed Lal):** If the hon. Member would refer to the statement placed by Government on the Table of the House in reply to Question No. 956 by Shri Damoder Swarup on 20th March 1950, he will find that the various parts of his question have already been answered. Government have been consistently inviting the attention of the Deputy High Commissioner for Pakistan in India to this Question and will now take steps to extend to students of Delhi the facilities which have already been granted in this respect to displaced students.

## ARTICLE NO. 335 OF THE CONSTITUTION

\*1325. **Shri Zangre** (on behalf of **Shri J. N. Hazarika**): Will the Minister of **Home Affairs** be pleased to state:

(a) whether the attention of the Government has been drawn to the Article No. 335 of the Constitution of India;

(b) If so, whether the claims of the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in making appointments to the I.A.S. and I.P.S. and other services this year (1951); and

(c) whether any concession in respect of age limit and fees for the examinations will be considered?

**The Minister of Home Affairs and the States (Sardar Patel)**: (a) Yes.

(b) Yes.

(c) Such concessions have already been given.

**Shri Rathnaswamy**: May I take it that this concession is given to the Scheduled Castes also?

**Sardar Patel**: Yes.

**Shri Rathnaswamy**: What specific efforts are Government making to see that the Scheduled Castes get adequate representation in the I.A.S. and I.P.S., since it is presumed that the statutory ratio of 12½ per cent. is not being adhered to?

**Sardar Patel**: Concessions are given. The age limit is also extended by three years. The fee prescribed is reduced to one-fourth, and so on.

**Shri Rathnaswamy**: Does the Government have in view any proposal to relax the age limit in regard to Government servants belonging to this community?

**Mr. Speaker**: He has already stated that the age limit is relaxed in their cases.

- RECRUITING AND EXAMINING CENTRES FOR I.A.S. AND I.P.S.

\*1325. **Shri Zangre** (on behalf of **Shri J. N. Hazarika**): Will the Minister of **Home Affairs** be pleased to state:

(a) how many centres there are throughout India for the purpose of recruiting the personnel to I.A.S., I.P.S. and other Union Services, and which are the Examination Centres; and

(b) whether there are any such centres in the State of Assam, and if none, whether any proposal is under consideration to have one in Assam for the candidates from the States of Assam, Manipur and Tippierrah?

**The Minister of Home Affairs and the States (Sardar Patel)**: (a) A statement giving the desired information is laid on the Table of the House.

(b) The question is for the Union Public Service Commission to consider. They consider that at present the number of candidates from these areas does not justify the opening of a Centre.

## STATEMENT

The Union Public Service Commission hold the examination for the Indian Administrative Service and the Indian Police Service at such centres as they select from time to time. ; The last examination was held at the following centres : Allahabad , Bombay ; Calcutta Cuttack ; Delhi ; Madras ; Nagpur ; Patna and Simla.

**Shri Sidhva:** Sir, with regard to Question No. 1311, the hon. Minister stated that in the public interest the facts regarding the case under investigation could not be stated. At the same time, he said 'No' to my question whether there was any smuggling. May I know if it is in the public interest for him to say 'No' to a question whether there was any smuggling? Was it proper to give a negative reply?

**Sardar Patel:** It is for the consideration of the House that, when a responsible Minister says that a particular information should not be exposed in the public interest, a cross-examination on that point is likely to expose certain aspects of the case which are not in the public interest. The Minister should be taken on trust in such cases.

**Mr. Speaker:** There is no contradiction. The question which the hon. Member put assumed that there was smuggling, and all that the hon. Minister wanted to convey is that we cannot come to any assumption that there has been smuggling, when an enquiry is still going on. Therefore he said, "No." That negative answer does not contradict the later answer. All that he meant was that pending the enquiry, it is not possible to say affirmatively or negatively.

**Shri Sidhva:** I thought.....

**Mr. Speaker:** The hon. Member has thought differently.

**Statement by the Minister of Health re an error in Answer to a Supplementary Question**

**Rajkumari Amrit Kaur:** With your permission, Sir, I wish to correct an error which occurred in my reply to a Supplementary Question asked by Lala Raj Kanwar in the Parliament on the 23rd March 1950, regarding the number of categories into which Government servants have been divided for the purpose of medical attendance. I stated that Government servants were divided into two categories, those drawing Rs. 500 and over and those below. The correct position is as follows:

Government servants have been divided for the purpose of medical attendance into three categories, *viz.*—

- (i) those who belong to a Central Service Class I or whose pay is not less than Rs. 500 p.m.
- (ii) those not belonging to a Central Service Class I, whose pay is less than Rs. 500 but more than Rs. 150 p.m., and
- (iii) all other Government servants.

**Mr. Speaker:** The Question Hour is over.

## WRITTEN ANSWERS TO QUESTIONS

### BIRTH RATE AND DISEASES IN BHOPAL

**\*1320. Thakur Lalsingh:** (a) Will the Minister of **States** be pleased to state the number of (i) births and (ii) deaths in the State of Bhopal during the years 1948 and 1949?

(b) How many of these deaths were caused by (i) small pox, (ii) cholera and (iii) other epidemic diseases?

**The Minister of Home Affairs and the States (Sardar Patel):** A statement giving the required information has been laid on the Table of the House.

#### STATEMENT

*Figures of Births and Deaths in Bhopal in 1948 and 1949*

Year	Total No. of Births	Total No. of Deaths	Deaths from Epidemics		
			Cholera	Small pox	Other epidemics
1948	12,456	11, 184	1,057	30	21
1949	12,905	10, 396	198	84	<i>Nil</i>

#### STAFF OF THE MINISTRY OF INFORMATION AND BROADCASTING

**148. Prof. Yashwant Rai:** Will the Minister of **Information and Broadcasting** be pleased to state:

- (a) the number of Gazetted Officers in his Ministry;
- (b) the number of Assistants and Superintendents;
- (c) the number of senior grade and junior grade clerks and stenographers;
- (d) the number of scheduled castes in each of the above categories;
- (e) whether the number is not as reserved for scheduled castes; and
- (f) what special steps Government propose to take to fill in the reserved quota under the spirit of Article No. 335 of the New Constitution?

**The Minister of State for Information and Broadcasting (Shri Diwakar):** (a) 12 (excluding Superintendents).

(b) Superintendents—Seven.  
Assistants—49.

(c) Clerks—80.  
Stenographers—Nine.



(d) Officers—*Nil*.

Superintendents—*Nil*.

Assistant—One.

z

Clerks—Five.

Stenographers— *Nil*.

(e. and (f). Article 335 does not prescribe any reservation of Posts; it provides that the claim of Scheduled Castes shall be taken into consideration, consistently with the maintenance of efficiency of administration in making appointments to services and posts. Under the existing orders certain reservations of vacancies have been made and also concessions given in the matter of age and examination or selection fee.

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# PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME IV, 1950

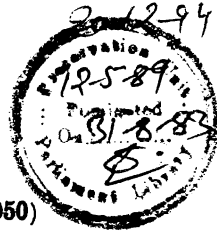
(1st April, 1950 to 20th April, 1950)

First Session

of the

PARLIAMENT OF INDIA

1950



## CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), 1st Session, 1950,—  
In Volume IV,—

1. No. 3, dated the 4th April, 1950,—  
Page 2507, line 19 from bottom for "tribal and other backward areas" read "scheduled castes".
2. No. 4, dated the 5th April, 1950,—  
Page 2561, line one under clause 182, for "—sion" read "submission".
3. No. 6, dated the 8th April, 1950,—
  - (i) Page 2647, line 11 from bottom for "so" read "to".
  - (ii) Page 2648, line 9 after "far" read "so".
  - (iii) Page 2670, line 11 from bottom for "coutry" read "country".
4. No. 7, dated the 10th April, 1950,—  
Page 2710, line 13 from bottom for "its" read "to", and in last line for last word "we" read "were".
5. No. 9, dated the 12th April, 1950,—
  - (i) Page 2810, line 6 from bottom for "act" read "Act".
  - (ii) Page 2822, for existing line 19 from bottom read "into effect on 19th October, 1949 certain actions had been taken under the old".
6. No. 10, dated the 14th April, 1950,—  
Page 2832, for existing line 19 from bottom read "(Occupancy or tenancy right not to be extinguished)".
7. No. 11, dated the 15th April, 1950,—
  - (i) Page 2896, line 24 after "not" insert "go".
  - (ii) Page 2900, line 7 for "express" read "expenses".
8. No. 12, dated the 17th April, 1950,—
  - (i) Page 2922, line 12 for "Shri Hussain Iman" read "Shri Hussain Imam".
  - (ii) Page 2923, line 4 for "all the said" read "all is said".

(iii) صفحہ ۲۹۲۶ لائن ۴ میں -دمزدورہ کی جگہ ددھزارہ پڑھیں -

  - (iv) Page 2930, between lines 10 and 11 from bottom insert "[MR. DEPUTY-SPEAKER in the Chair]".
  - (v) Page 2934, line 1 for "49, 5000" read "49, 500".
9. No. 14, dated the 19th April, 1950,—
  - (i) Page 3020, line 9 from bottom for "re-established" read "re-establish".
  - (ii) Page 3022, line 19 for "away" read "way".
  - (iii) Page 3024, line 12 for "members" read "numbers".
  - (iv) Page 3025, line 18 for "placed" read "displaced".
  - (v) Page 3026, line 19 from bottom for "by 375" read "be 375".
  - (vi) Page 3029, line 28 for "by" read "ly".
  - (vii) Page 3031, line 12 after "Notified" insert "Area".

(viii) पृष्ठ ३०३९, पंक्ति १२ में "जातना" के स्थान पर "जानता" पढ़ें और पंक्ति २२ में "जिस को की कि" के स्थान पर "जिस को कि" पढ़ें।

  - (ix) Page 3044, line 20 for "Mr. Speaker" read "Mr. Deputy-Speaker".

10. No. 15, dated the 20th April, 1950.—

- (i) Page 3059, line 16 for "Article any" read "Article 327".
  - (ii) Page 3084, line 11 from bottom for "effected" read "effete".
  - (iii) Page 3087, line 26 against "9. Tripura" for "6" read "2".
  - (iv) Page 3104, line 8 for "Formaula" read "Formula".
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PARLIAMENTARY DEBATES  
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Saturday, 1st April, 1950

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*The House met at a Quarter to Eleven of the clock*

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[MR. SPEAKER in the Chair.]

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QUESTIONS AND ANSWERS

*See Part I*

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**11-40. A.M.**

COMMITTEE TO EXAMINE SUGGESTIONS FOR AMENDMENT  
OF RULES OF PROCEDURE AND CONDUCT OF BUSINESS  
IN PARLIAMENT

**Mr. Speaker:** I have to inform hon. Members that I have appointed the following to be members of the Committee, whose function it will be to examine any suggestions that are received from hon. Members from time to time for the amendment of the Rules of Procedure and Conduct of Business in Parliament and to make such recommendations as they may deem fit:

- (1) Myself (Chairman),
- (2) Shri M. Ananthasayanam Ayyangar,
- (3) The hon. Dr. B. R. Ambedkar,
- (4) The hon. Shri Satya Narayan Sinha,
- (5) Shri T. T. Krishnamachari,
- (6) Shri Biswanath Das,
- (7) Shri R. K. Sidhva,
- (8) Dr. P. S. Deshmukh,
- (9) Shrimati G. Durgabai,
- (10) Shri Ajit Prasad Jain,
- (11) Dr. Bakhshi Tek Chand,
- (12) Major-General Himatsinghji,
- (13) Shri Hossain Imam,
- (14) Shri Frank Anthony, and
- (15) Dr. Mono Mohon Das.

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COMMITTEE OF PRIVILEGES

**Mr. Speaker:** I have also to inform hon. Members that, in pursuance of Rule 186 of the Rules of Procedure and Conduct of Business in Parliament, I appoint the following to be members of the Committee of Privileges:

- (1) The hon. Dr. B. R. Ambedkar (Chairman),
- (2) The hon. Shri Satya Narayan Sinha,

(2401)

[Mr. Speaker]

- (3) Shri B. Shiva Rao,
- (4) Pandit Hirday Nath Kunzru,
- (5) Shri B. Das,
- (6) Shri M. V. Rama Rao,
- (7) Shri D. P. Karmarkar,
- (8) Shrimati Sucheta Kripalani,
- (9) Shri H. V. Kamath, and
- (10) Sardar Hukam Singh.

#### ELECTION TO CENTRAL ADVISORY COUNCIL FOR RAILWAYS

**The Minister of State for Transport and Railways (Shri Santhanam):** I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, twelve....."

Sir, I have substituted twelve for eight in the motion.

.....Members to serve on the Central Advisory Council for Railways for the year commencing 1st April 1950, along with the eleven members of the Standing Finance Committee for Railways, the Minister of Transport and Railways, the Minister of State for Transport and Railways and the Minister of State for Parliamentary Affairs all of whom shall be *ex-officio* members."

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

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, twelve Members to serve on the Central Advisory Council for Railways for the year commencing 1st April 1950, along with the eleven members of the Standing Finance Committee for Railways, the Minister of Transport and Railways, the Minister of State for Transport and Railways and the Minister of State for Parliamentary Affairs all of whom shall be *ex-officio* members."

*The motion was adopted.*

#### ELECTION TO STANDING FINANCE COMMITTEE FOR RAILWAYS

**The Minister of State for Transport and Railways (Shri Santhanam):** I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, eleven Members to serve, under the Chairmanship of the Minister of Transport and Railways, on the Standing Finance Committee for Railways for the year commencing 1st April 1950. The Minister of State for Transport and Railways and the Minister of State for Parliamentary Affairs shall in addition be *ex-officio* members of the Committee."

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

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, eleven Members to serve, under the Chairmanship of the Minister of Transport and Railways, on the Standing Finance Committee for Railways for the year commencing 1st April 1950. The Minister of State for Transport and Railways and the Minister of State for Parliamentary Affairs shall in addition be *ex-officio* members of the Committee."

*The motion was adopted.*

#### ELECTION TO STANDING COMMITTEE FOR ROADS

**The Minister of State for Transport and Railways (Shri Santhanam):** I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, twelve Members to serve, under the Chairmanship of the Minister of Transport, on the Standing Committee for Roads for the year commencing 1st April, 1950. The Minister of State for Transport and the Minister of State for Parliamentary Affairs shall, in addition, be *ex-officio* members of the Committee."

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

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, twelve Members to serve, under the Chairmanship of the Minister of Transport, on the Standing Committee for Roads for the year commencing 1st April, 1950. The Minister of State for Transport and the Minister of State for Parliamentary Affairs shall, in addition, be *ex-officio* members of the Committee."

*The motion was adopted.*

#### ELECTION TO CENTRAL ADVISORY BOARD OF ARCHÆOLOGY

**The Deputy Minister of Communications (Shri Khurshed Lal):** I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, three Members to serve on the Central Advisory Board of Archæology in India constituted by the Government of India *vice* Shri Lakshminarayan Sahu, Shri Balwant Rai Gopalji Mehta and Shri Bhagwat Prasad who have ceased to be Members of Parliament."

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

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, three Members to serve on the Central Advisory Board of Archæology in India constituted by the Government of India *vice* Shri Lakshminarayan Sahu, Shri Balwant Rai Gopalji Mehta and Shri Bhagwat Prasad who have ceased to be Members of Parliament."

*The motion was adopted.*

#### ELECTION TO COURT OF UNIVERSITY OF DELHI

**The Deputy Minister of Communications (Shri Khurshed Lal):** I beg to move:

"That in pursuance of clause (xiv) of sub-section (1) of section 18 of the Delhi University Act, 1922 (VIII of 1922) read with clause (5) of Statute 2 of the Statutes of the University set out in the Schedule to that Act, the Members of this House do proceed to elect, in such manner as may be approved by the Speaker, a person from among their own numbers to be a member of the Court of the University of Delhi for the residue of the term, *i.e.*, till the 2nd December, 1950 *vice* Acharya Jugal Kishore who has ceased to be a Member of Parliament."

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

"That in pursuance of clause (xiv) of sub-section (1) of section 18 of the Delhi University Act, 1922 (VIII of 1922) read with clause (5) of Statute 2 of the Statutes of the University set out in the Schedule to that Act, the Members of this House do proceed to elect, in such manner as may be approved by the Speaker, a person from among their own numbers to be a member of the Court of the University of Delhi for the residue of the term, *i.e.*, till the 2nd December, 1950 *vice* Acharya Jugal Kishore who has ceased to be a Member of Parliament."

*The motion was adopted.*

**Mr. Speaker:** I have to inform hon. Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees:

	Date for nomination	Date for election
1. Central Advisory Council for Railways	... 6-4-1950	10-4-1950
2. Standing Finance Committee for Railways	... 6-4-1950	10-4-1950
3. Standing Committee for Roads	... 8-4-1950	11-4-1950
4. Central Advisory Board of Archæology	... 8-4-1950	11-4-1950
5. Court of the University of Delhi	... 8-4-1950	11-4-1950

The nominations for these Committees will be received in the Notice Office up to 12 noon on the dates mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's Room (No. 21) in the Parliament House between the hours 10-30 A.M. and 1 P.M.

## GOVERNMENT PREMISES (EVICTION) BILL

**The Minister of Defence (Sardar Baldev Singh):** I beg to move:

"That the Bill to provide for the eviction of certain persons from Government premises and for certain matters connected therewith, be taken into consideration."

This is a simple measure, but I would like to explain briefly the reasons which have necessitated Government to bring forward this measure before the House. Immediately after the termination of the last war a large number of Service personnel were released from the Services. Some of those officers and men are still in possession of the accommodation that was made available to them by Government. Then again, in regard to some of those people who were released, although they left the premises, some of these premises were sub-let to other people. It is not possible to eject those tenants. There is another reason and that is that most of these premises have now become surplus to Government requirements, and one of the conditions of their release is that we should give vacant possession to the owners. It is not possible for us under the existing law to evict the persons who are occupying these premises, and therefore we are not in a position to give vacant possession of these buildings to the owners; with the result that we are paying large sums of money in the shape of rent for these buildings. It is not possible under the existing law to charge rent from the tenants. We tried to take shelter behind the Provincial Rent Control Act, but it is not so effective. The difficulty arises in this way. If under the Provincial Rent Control Act we charged rent from those who occupy these buildings, then they become regular 'tenants' and the Government will not be in a position to evict them. That is why we have come forward with this Bill.

May I point out to the House that most of these buildings are in Calcutta and Bombay? To give the House an idea as to the amount that is paid by us in the shape of rent, I may state that in Bombay alone it amounts to over Rs. three lakhs per year. I have not got the figures for Calcutta and other places. We continue to pay this rent to the owners, but we are not in a position to realize a single pie from the tenants.

**Pandit Maitra (West Bengal):** Are these requisitioned houses?

**Sardar Baldev Singh:** Some are Government property, but others are requisitioned houses. So it is absolutely essential that we should do our best to evict these people who have illegally occupied these houses.

There are one or two points which have been raised by hon. Members in the amendments they have tabled. Most probably their worry is about the refugees who are occupying these buildings or some of these vacant lands. May I give an assurance, as we have already stated previously, that it is not our desire to put the displaced person to hardship? We have tried our best in the past, and we will continue to do our best, to provide alternative accommodation to the displaced persons. But may I in this connection point out one difficulty? If I accept the amendments which have been tabled by some hon. Members, the immediate result of that will be that if any person is occupying, say for instance, one building, immediately the next day he will bring in a displaced person, and it will be impossible for us to evict anybody. The unauthorised occupants are likely to take advantage of this and neither will it result in any good to the displaced persons nor will Government be able to achieve its objective. That is where the difficulty arises in accepting the amendments which have been moved obviously to minimise the difficulties that are likely to be experienced by displaced persons.

As regards the displaced persons themselves, I have got a number of cases with me where the displaced persons were offered alternative accommodation but they refused to shift as I had no power to evict them. When they are certain that it is not in Government's power to evict them, they are not prepared to shift from Delhi to Delhi Cantonment. We are prepared to provide alternative accommodation and will do our best to do so in the future also, but may I also point out at the same time that whereas it is the policy and intention of Government to give alternative accommodation, it may not in all the cases be possible to do so on account of many difficulties.

These in main are the difficulties which Government have been experiencing in the past three years and in order to remove those difficulties I have brought forward this Bill before the House. I hope that in view of what I have stated about the displaced persons and in view of the difficulties that have been experienced by Government during the last three years in evicting these unauthorised occupants, the House will agree to the motion. May I also point out that we have tried to remove some of these difficulties through the Civil Courts? A number of cases under the Provincial Rent Control Act were filed as far back as the beginning of 1947 but we have not been able to get eviction in any case, most probably we have now succeeded in one case. But the lengthy procedure that is provided for in the Provincial Acts does not help us at all. In view of all these difficulties, I have felt the necessity of bringing this measure before the House.

**Mr. Speaker:** Motion moved:

"That the Bill to provide for the eviction of certain persons from Government premises and for certain matters connected therewith, be taken into consideration."

I should like to have the position clarified as regards certain amendments for reference of this Bill to a Select Committee. May I know whether these amendments are going to be moved?

**Sardar B. S. Man** (Punjab): I am moving mine.

**Sardar Hukam Singh** (Punjab): Yes, Sir, I am also moving.

**Mr. Speaker:** I don't see any difference between the two amendments except that the names will be different. Sardar Man's motion is prior so far as time is concerned; he gave the names now. I don't know whether Sardar Hukam Singh knows the names.

**Sardar Hukam Singh:** I do not know them.

**Mr. Speaker:** So, he may kindly look into the names and in case he wishes to suggest further names it is open to him to suggest amendments to this amendment. But his motion cannot be placed independently before the House because it is a motion essentially of the same character.

I don't know whether the hon. Member who proposes to move this amendment has taken the consent of the Members concerned as to whether they are agreeable to serve on the Select Committee. Has he consulted them?

**Sardar B. S. Man:** I have not consulted them directly as yet but I thought that in case the motion is accepted they might be willing to serve on the Committee.

**Mr. Speaker:** The proper procedure in such matters is not only to consult the Members and obtain their consent to serve on the Select Committee but,

[Mr. Speaker]

further, even to consult the hon. Minister of State for Parliamentary Affairs so that the proportion of the various representative views in the House in the particular Committee can be best adjusted. I can keep over the motion, if he so likes, to enable him to consult both the Members that he is naming and also the hon. Minister of State for Parliamentary Affairs. Unless this procedure is gone through, I shall not be able to take up his motion or place it before the House. Because, after all, the motion may be debated but in the end the Members may stand up one after another and say, "We don't agree" or, "We don't consent". That way the time of the House will be wasted.

**Shri Kamath (Madhya Pradesh):** Has it not happened in the past that when a Minister himself moved a motion of that character, i.e., reference to a Select Committee, one of the Members proposed declined membership of the Committee?

**Mr. Speaker:** I presume that he must have agreed and then declined. I do not presume that the Member's consent was not taken. Even when consent is taken, it is possible for a Member to reconsider his decision and come to a different conclusion. But when a hon. Minister moves a motion of that type, I take it that he has followed all the proper procedure which is usually followed in such matters in Parliaments.

**Sardar B. S. Man:** Sir, I may be given an opportunity to express certain points. After a clarification on those points has been given by the hon. Mover, it may be that I may not at all feel the necessity of moving a reference to Select Committee.

**Mr. Speaker:** If the idea was to introduce this motion with a view to get an opportunity of speaking, I don't mind giving him an opportunity, he is perfectly entitled to have one. But I cannot guarantee in all cases that people who move amendments will get an opportunity of speaking. However, I will give him an opportunity. Then, what is the position as regards Sardar Hukam Singh?

**Sardar Hukam Singh:** I have not consulted either but I have put in most of the names of Members who have sent in their amendments on the lines I wanted and therefore, I presume they will be prepared to work on the Committee.

**Mr. Speaker:** No, no. That presumption will not be a correct one. In any case, I take it that these amendments are of a nature whereby they cannot be moved in pursuance of what I have stated just now. But the hon. Member will certainly get an opportunity of speaking.

**Shri A. P. Jain (Uttar Pradesh):** Sir, with your permission, I would like to know one thing from the hon. Minister. During the course of his speech, he said that a difficulty has arisen in respect of certain properties requisitioned, hired or owned by the Military Department. But the Bill which he is introducing is a very broad-based one. It includes all the properties—whether they are being used for military purposes or otherwise—provided they are requisitioned, hired or owned by Government. May I know the reason why the Bill is so broad-based whereas the objective intended to be achieved from the Bill is a very limited one?

**Shri J. R. Kapoor (Uttar Pradesh):** May I suggest that reply to this question and other arguments that may be raised during discussion may be given at the end of the debate?

**Mr. Speaker:** I agree.

**Shri A. P. Jain:** If he answers the question now that will cut down the discussion to that extent.

**Shri J. R. Kapoor:** On only one point.

**Mr. Speaker:** Let me see as to how the arguments are proceeding and then I will decide about this matter.

श्री जे० आर० कपूर : यह बिल जो हमारे सामने उपस्थित है, उस के सम्बन्ध में मैं दो चार शब्द कहना चाहता हूँ। यह बिल हमारे सामने माननीय रक्षा मंत्री ने उपस्थित किया है। इससे मैं समझता हूँ कि इस का सम्बन्ध देश की रक्षा से है। इस लिये मैं जानना चाहता हूँ, और इस विषय में मुझे थोड़ा दुःख भी है कि इस बिल में यह क्यों लिखा गया है कि यह लागू होगा और सब प्रान्तों और राज्यों पर सिवा जम्मू और काश्मीर राज्य के। दिल्ली राज्य पर भी यह लागू नहीं होगा। इसका कारण शायद यह है कि कुछ ही दिन पूर्व एक इस तरह का क़ानून बनाया गया है, हम लोगों ने बनाया है, जो दिल्ली राज्य पर लागू होता है। इस लिये इस बिल से दिल्ली का निकाल देना ठीक ही है। लेकिन मेरी समझ में नहीं आता कि जम्मू और काश्मीर राज्य पर भी यह क्यों नहीं लागू होगा जब कि रक्षा के विषय में जम्मू व काश्मीर राज्य भारत के अन्तर्गत है। एक के बाद दूसरा बिल जब हम लोगों के सामने आता रहा है तो उन सभी में यह लिखा गया है कि वह बिल जब ऐक्ट (Act) के रूप में बन जायेगा तब जम्मू और काश्मीर राज्य पर लागू नहीं होगा। जब जब यह बात हमारे सामने आती है तो बड़ी खटकती है और उस से दुःख भी होता है। लेकिन यह समझ कर, यह सोच कर, हम लोग सन्तोष कर लेते हैं कि किसी विशेष परिस्थिति के कारण जम्मू और काश्मीर राज्य भारत रिपब्लिक (Republic) के अन्तर्गत सब विषयों में नहीं हुआ है। लेकिन जब हम यह देखते हैं कि ऐसा कोई बिल हमारे सामने उपस्थित होता है जिस का उस विषय से सम्बन्ध है जिस विषय को ले कर जम्मू और काश्मीर भारत रिपब्लिक के अन्तर्गत हो चुका है, तब हमारी समझ में नहीं आता है कि उस बिल के दायरे से जम्मू और काश्मीर क्यों निकाल दिया जाता है। हमें जब कभी भी मौक़ा मिले अपने क़ानूनों को जम्मू और काश्मीर के ऊपर लागू करने का कोई मौक़ा हमें नहीं छोड़ना चाहिये। इस लिये नहीं कि जम्मू और काश्मीर के ऊपर हम कोई नई चीज़ लादना चाहते हैं, बल्कि इस कारण कि जिन विषयों में जम्मू और काश्मीर ने स्वयं अपनी इच्छा से हमारा साथ दिया है, भारत रिपब्लिक के अन्तर्गत वह आ गया है, तब हम क्यों उससे यह कहें कि बावजूद इस के कि तुम इन विषयों में हमारे अन्तर्गत आना चाहते हो, लेकिन फिर भी हम तुम्हें इन

[श्री जे० आर० कपूर]

बिलों की धारा से दूर रखना चाहते हैं। मैं समझता हूँ कि जम्मू और काश्मीर राज्य के रहने वाले लोग, वहाँ के राज्य के अधिकारी भी इस बात को पसन्द नहीं करेंगे। बल्कि वह भी शायद इस बात को पसन्द करेंगे कि जब कभी भी सम्भव हो तो यहाँ के, भारत के कानून, जम्मू और काश्मीर के ऊपर भी लगा दिये जाय करें। संभव है यह कहा जाये माननीय रक्षा मंत्री की ओर से कि जम्मू और काश्मीर राज्य में उन की कोई विशेष सम्पत्ति नहीं है, भारत राज्य की कोई विशेष सम्पत्ति नहीं है। यह संभव है कि कोई भी सम्पत्ति न हो, लेकिन ऐसी सम्पत्ति तो वहाँ हो सकती है जिस को उन्होंने किराये पर लिया हो, और यदि आज उन की कोई सम्पत्ति नहीं है, और आज कोई सम्पत्ति किराये पर नहीं छी गई है, तो आगे तो ऐसा अवसर अवश्य हो सकता है कि भारत सरकार वहाँ पर कोई सम्पत्ति खरीदे और किसी सम्पत्ति को किराये पर भी ले। इस बिल में कोई अवधि नहीं दी गई है कि उक्त विशेष अवधि तक यह कानून लागू रहेगा। यह तो एक स्थायी कानून है जो कि शायद लागू रहेगा जब तक कि यह तोड़ा न जाये, रद्द न किया जाये। तो मैं यह निवेदन कर रहा हूँ कि क्योंकि यह कानून एक स्थायी कानून बनने जा रहा है इस लिये यद्यपि आज भारत सरकार की कोई जायदाद जम्मू और काश्मीर में किसी रूप में नहीं है लेकिन आइन्दा तो हो सकती है। जम्मू और काश्मीर एक ऐसी रियासत है जो हमारे फ्रान्टियर (Frontier) पर है, बोर्डर (Border) पर, सीमा पर है जिस से रक्षा का विशेष सम्बन्ध है और आवश्यकता पड़ सकती है कि वहाँ भारत सरकार अपनी जायदाद खरीदे या किराये पर ले। तब फिर मेरी समझ में नहीं आता कि जम्मू और काश्मीर को इस बिल की धारा से क्यों निकाल दिया गया है। मैं समझता हूँ कि कोई कारण नहीं है कि इस तरह की दलील दी जाय क्योंकि वह थोथी दलील होगी। मैं समझता हूँ कि अन्य स्थानों पर भी हो सकता है कि भारत के अन्तर्गत राज्यों में भारत सरकार की कोई जायदाद न हो। मैं नहीं जानता कि हैदराबाद राज्य में या भोपाल राज्य में भारत सरकार की कोई जायदाद है या नहीं, मैं समझता हूँ कि शायद नहीं होगी, लेकिन फिर भी यह कानून भोपाल, हैदराबाद और अन्य ऐसे राज्यों पर भी लागू अवश्य होगा। फिर मेरी समझ में नहीं आता कि केवल इस दलील के आधार पर ही विशेष रूप से जम्मू और काश्मीर को ही क्यों इस के दायरे से निकाल दिया है। मेरा नम्रता से निवेदन है कि यह गंभीर विषय है, यह एक महत्वपूर्ण विषय है, इस पर गंभीरता से विचार करना चाहिये और यदि संभव हो, जैसा कि मैं समझता हूँ कि अवश्य संभव है, और यह उचित और आवश्यक भी है, कि



जम्म और काश्मीर के राज्य के ऊपर भी इस कानून को लागू होना चाहिये। मैं बहुत नम्रता के साथ अनुरोध करूंगा रक्षा मंत्री से कि इस विषय पर वह गंभीरता से विचार करें और जम्म और काश्मीर को इस बिल की धाराओं के अन्दर ले आयें। मैं जानता हूँ कि इस बिल की धाराओं के अन्दर जम्मू और काश्मीर के ले आने में कुछ कार्रवाही पहिले अवश्य करनी होगी। जम्मू और काश्मीर रियासत से प्रेजिडेंट महोदय (President) को सलाह करनी पड़ेगी, केवल सलाह और कुछ नहीं। अनुमति नहीं, सलाह लेनी पड़ेगी। यह सलाह लेना कोई विशेष कठिन बात नहीं है। कहा जा सकता है कि आज तो सलाह नहीं ली जा सकती। सच है, आज सलाह नहीं ली जा सकती, वह तो पहिले ली जानी चाहिये थी, लेकिन नहीं भी ली गई है तो एक दो रोज के अन्दर उन की सलाह ली जा सकती है और इस बिल को बजाय आज पास करने के, या धारा १ जो इस की है उस को आज पास करने के बजाय हम परसों पास कर सकते हैं और इस बीच में काश्मीर सरकार से बातचीत करने की बाकायदा कार्रवाही की जा सकती है। मैं इस पर विशेष जोर नहीं देता यदि मैं यह न समझता होता, और मैं समझता हूँ कि इस संसद के सारे ही सदस्य रक्षा मंत्री को फिलहाल छोड़कर, या उनके और साथियों को छोड़ कर, मैं समझता हूँ कि संसद के सभी सदस्य जो इस समय उपस्थित हैं, या जो नहीं भी हैं वह मेरी इस बात से सहमत होंगे कि यदि यह सम्भव हो सके कि जम्मू और काश्मीर के राज्य को भी इस बिल की धारा के अन्दर लिया जा सकता हो तो अवश्य लिया जाये। इसलिये मैं फिर प्रार्थना करूंगा और अनुरोध करूंगा माननीय रक्षा मंत्री से कि इस विषय पर वह गंभीरता से विचार करें और इस बिल को आज ही पास न कर के जो बात मैंने रखी है उस के बारे में सोच विचार कर लें और हो सके तो अवश्य जम्मू और काश्मीर को इस बिल के अन्दर ले आयें।

दूसरी बात जो मुझे कहनी है वह रिफ्यूजीज (Refugees) शर्णाधियों के सम्बन्ध में है। हम सब अवश्य कृतज्ञ हैं, अध्यक्ष महोदय, रक्षा मंत्री के इस बात के कहने पर कि इस बात का भरसक प्रयत्न करेंगे कि निर्वासित लोगों को किसी प्रकार भी किसी सरकारी जायदाद से अगर निकाला जायेगा तो इस बात का पूरा ध्यान रखा जायेगा कि उन्हें दूसरा कोई स्थान रहने के लिये दे दिया जाय। यदि ऐसी बात है, तो उचित तो यह था कि इस बिल के अन्दर ही यह स्पष्ट रूप से रख दिया जाता कि जब तक सरकार उन्हें कोई दूसरा स्थान रहने के लिए न दे देगी तब तक उन्हें सरकारी जगहों से न निकालेगी। आपने बताया कि इस में एक कठिनाई हो सकती है और वह यह कि अगर इस प्रकार की धारा इस बिल में रख दी जाती है तो जो

[श्री जे० आर० कपूर]

लोग आज सरकारी जायदादों में रह रहे हैं जब उन को निकालने का आदेश दिया जायेगा तो इस धारा का सहारा ले कर वह किसी रिफ्यूजी को ला कर उस में रख देंगे और उस की आड़ में सरकार को मजबूर कर देंगे कि वह किसी को जायदाद से न निकाले। अगर यही दिक्कत थी तो इस का हल तो बड़ा सरल है और वह यह कि कोई विशेष तिथि इस बिल में निश्चित कर दी जाती कि जो रिफ्यूजी फलां तिथि तक उस जायदाद को घेरे हुए था उसी को इस धारा के अनुसार रक्षा दी जायेगी। अगर कोई रिफ्यूजी इस बिल के पास होने के बाद या उस तिथि के बाद उस जायदाद पर कब्जा करेगा या करे हुए होगा तो उस को इस धारा का लाभ न दिया जायेगा। लेकिन खैर यह बात तो अब नहीं हो सकती, लेकिन एक बात में जरूर कहना चाहता हूँ कि रक्षा मंत्री महादय ने जो कुछ आश्वासन दिलाया है वह बड़े सीमित रूप में दिलाया है और कहा है कि "जहां तक संभव हो सकेगा ऐसा किया जायेगा"। इस के मानी स्पष्ट हैं कि वह आज ही यह समझते हैं कि सब लोगों को रहने के लिए दूसरी जगह देने की पूर्ण रूप से संभावना नहीं है। मैं नहीं समझता कि इतनी बड़ी भारत सरकार को आज ही से यह समझ बैठना चाहिए कि उस में इस बात की शक्ति नहीं है कि हिन्दुस्तान भर में कहीं भी जायदाद मुहय्या कर सके जिसमें कि उन रिफ्यूजियों को बसा दे जो कि आज के बाद, सरकारी जायदाद से हटाये जायेंगे। इस बात को अभी से मान कर चलने के मानी तो यह है कि यह केवल जबानी जमा खर्च होगा और अगर यह केवल जबानी जमा खर्च न भी हुआ तो केवल इतना ही होगा कि इसके लिये थोड़ा बहुत प्रयत्न अवश्य किया जायेगा कि उन रिफ्यूजीज को जो कि सरकारी जायदाद से निकाले जायेंगे कोई जगह दी जाय।

मैं समझता हूँ कि रिफ्यूजीज की सहायता का अगर कोई सब से सरल काम हो सकता है तो वह यह कि उन को रहने की जगह दी जाये। और बहुत सी बातें तो बहुत कठिन हैं और वह सभ्य भी नहीं हैं। लेकिन यदि कोई बात स्पष्ट रूप से संभव है और बहुत ही सरल है तो वह यही है कि इन रिफ्यूजीज को कहीं न कहीं रहने के लिये मकान दे दिया जाय। क्या हम अपने चारों ओर नहीं देखते हैं कि बड़े बड़े बंगले और महल हैं जिनमें कि बहुत कम लोग रहते हैं? उनमें इतने लोग रहते हैं जो कि एक हिस्से में ही रह सकते हैं। क्या सरकार उन बड़े बंगलों और महलों के कुछ हिस्सों को रिक्विजिशन (requisition) नहीं कर सकती है? क्या जिस रूप से और चीजों का राशन (Ration) होता है उसी रूप से

मकानों का भी राशन नहीं हो सकता ? यह तो बड़ी सरल बात है और यह अवश्य होनी चाहिये थी। इस सम्बन्ध में, अध्यक्ष महोदय, क्षमा करेंगे यदि मैं उनका एक दो मिनट और ले लूँ। मैं जब कभी इस सम्बन्ध में सोचता हूँ तो मुझे सन् १९१९ की याद आती है। अगर मैं भूलता नहीं हूँ तो अमृतसर की कांग्रेस उसी साल हुई थी, मार्शल ला (Martial Law) के बाद। उस कांग्रेस में सम्मिलित होने जब मैं गया तो देखा कि शहर में बहुत पानी बरस गया है। जो कैम्प (Camps) डेलीगेट्स (delegates) के लिये बने थे वह पानी में डूब गये थे और वहाँ की स्वागत कारिणी समिति के सामने यह कठिन समस्या उपस्थित हो गई थी कि लाखों की तादाद में जो प्रतिनिधिगण आये थे और जो लाखों की तादाद में दर्शकगण आये थे उन को कहां जगह दी जाये। यह स्मरण रहे कि मार्शल ला के बाद यह कांग्रेस हुई थी और अमृतसर और आस-पास की जनता में विशेष उत्साह था। उसी समय बड़े बड़े नेता जेलों से छूट कर आये थे और उनका स्वागत और दर्शन करने के लिये अमृतसर के आस पास से और देश के कोने कोने से, विशेष कर पंजाब से, लाखों की तादाद में जनता आई हुई थी। वहाँ वर्षा होने के कारण यह बड़ी कठिन समस्या उपस्थित हो गई थी कि कैसे उन सब के रहने के लिये स्थान मुहय्या किया जाये। उस समय वहाँ की जनता ने बड़े गद्गद हृदय से स्वामत कारिणी समिति से यह कह दिया था कि आप निश्चिन्त रहें, हम इन सब लोगों के ठहरने का प्रबन्ध कर देंगे और उन्होंने यह किया कि सारे शहर को स्वामत कारिणी समिति के रूप में बदल दिया। और जब मैं रात के समय वहाँ उतरा, उस समय मेरे साथ मेरी धर्मपत्नी और कुछ दूसरे लोग भी थे, और हमें अपने एक मित्र के स्थान पर ठहरना था, मगर स्टेशन से एक मील जाने में जहाँ पर कि हमें ठहरना था हम को एक घंटा लग गया, क्योंकि पग-पग पर वहाँ के नागरिक लोग इस बात का अनुरोध करते थे कि हम लोग उन के यहाँ जा कर ठहरें। चूनांचे जहाँ हम को जाना था वहाँ हम लोग तो गये, लेकिन जो और लाखों की तादाद में लोग आये थे वह उनके घरों में ठहराये गये और पांच सात रोज तक ठहरे रहे, और इस तरह से यह बहुत बड़ी दिक्कत आसानी से हल हो गई। अगर इसी तरीके से सरकार देशवासियों से इस बात की अपील (appeal) करे कि आप अपने बड़े बड़े मकानों के कुछ हिस्से रिपयूजीज को दे दें, खास कर उन को जिन को कि जबरदस्ती निकाला जा रहा है, तो मैं समझता हूँ कि यह कठिन समस्या बड़ी आसानी से हल हो सकती है। ऐसा भी नहीं है कि आपकी इस अपील का कोई असर न हो, असर अवश्य होगा, लेकिन इसको करने का दूसरा तरीका यह भी है कि इस कानून के अन्दर यह बात आ जाती या किसी दूसरे कानून का सहारा

[श्री जे० आर० कपूर]

ले कर सरकार उन बड़े बड़े बंगलों और महलों के कुछ हिस्सों को रिक्विजिशन कर लेती, केवल उन शरणार्थियों के रहने के लिये जिनको सरकार अपनी जायदाद से हटा रही है, तो मैं समझता हूँ कि यह समस्या बहुत आसानी से हल हो जाती और मैं समझता हूँ कि इस बात को मद्दे नज़र रखते हुए रक्षा मन्त्री महोदय को यह कहने की आवश्यकता नहीं है कि “यथा सम्भव” आप प्रयत्न करेंगे। बल्कि आज ही आप निश्चित रूप से यह कह सकते हैं कि अगर किसी भी शरणार्थी को हटाया जायेगा तो उसको कोई न कोई स्थान रहने को ज़रूर दिया जायेगा। यह कहने के क्या माने होते हैं कि “यथा सम्भव हम प्रयत्न करेंगे”? आप तो यथा सम्भव प्रयत्न करेंगे लेकिन वह लोग कहाँ जायें? अगर भारत सरकार की इतनी शक्ति नहीं है कि वह उन शरणार्थियों के लिए मकान मुहय्या कर सके तो उन शरणार्थियों से जिनकी कोई भी शक्ति नहीं है यह कैसे आशा की जा सकती है कि वह अपने ही बल बूते पर जगह मुहय्या कर लेंगे जहाँ पर कि वह उन स्थानों से निकाले जाने के बाद रहें?

इस तरीके से यह दो विषय मुझे रक्षा मंत्री महोदय के विचारार्थ उपस्थित करने थे और मैं आशा और विश्वास करता हूँ कि इन दोनों विषयों के ऊपर वह गंभीर रूप से विचार करेंगे और निर्णय देने से पहिले अच्छी तरह से सोच विचार कर लेंगे और इन दोनों सुझावों को मंज़ूर करेंगे।

*(English translation of the above speech)*

**Shri J. R. Kapoor:** I like to submit a few words about the Bill that is before us. This Bill has been moved by the hon. Minister of Defence, and so I understand that this Bill pertains to the defence of the country. Therefore I like to know, as I feel very sore on this point, why it has been mentioned in this Bill that it would be applicable to all the Provinces and States except the State of Jammu and Kashmir. Moreover it would not be applicable to Delhi State also. Perhaps the reason for this exception is that an Act of a similar nature applicable to Delhi State has quite recently been passed by us. Therefore, it is quite proper to exclude Delhi from the application of this Act. But I fail to understand why it would not be applicable to Jammu and Kashmir when, as far as the defence of that State is concerned, it has become an integral part of India. One after another, Bills come before us and in all of them it is expressly provided that when this Bill would be passed and converted into an Act it would not be applicable to Jammu and Kashmir State. Whenever this thing comes before us it pinches us too much and gives us much pain. But we give ourselves self satisfaction thinking all the time that perhaps due to certain special circumstances the State of Jammu and Kashmir has not been integrated with the Indian Republic in all matters. But we fail to understand why Jammu and Kashmir is invariably excluded from the application of those Bills also that relate to such subjects in which Jammu and Kashmir has integrated with the Indian

Republic. Whenever we come across any opportunity of enforcing our laws and Acts on Jammu and Kashmir we must not miss that opportunity, not for the reason that we want to impose something new on Jammu and Kashmir but for the reason that in respect of those subjects and matters, in which Jammu and Kashmir has of its own free will sided with us and has integrated itself with the Indian Republic, why should we tell the State that though the State wishes to integrate herself on certain points with the Indian Republic yet we wish to exclude her from the application of our laws and legislation. I think that the inhabitants of Jammu and Kashmir and the officials of that State too would not like this thing. On the other hand perhaps they would also like the imposition as far as possible of the laws and Acts of Indian Republic on Jammu and Kashmir also. It is just possible that the hon. Minister of Defence may allege that Government of India do not possess many premises in Jammu and Kashmir. It is possible they may not have any premises, but such premises can be there that Government of India may have taken on rent. Also, Government of India may not have any premises there for the present and no property has been taken on rent even, yet in future there can be such opportunity that Government of India may acquire some premises there or take some others on rent also. No time limit for the continuance of this Bill has been mentioned in this Bill. This is a standing law and would remain in force till the time it is not repealed or amended. Therefore I am submitting that as this is going to be a standing law so, though Government of India have no premises of any sort in Jammu and Kashmir for the present, there can be some in the future. Jammu and Kashmir is such a State that abuts on our border or frontier and which is more directly connected with the problem of defence and a necessity may arise that Government of India may be constrained to acquire or take on rent certain premises and properties there. Under such circumstances I fail to understand why Jammu and Kashmir has been excluded from the purview of this Bill. I do not think there can be any valid reason for this exclusion and if any arguments can be put forward in support of this move they would be quite baseless and unfounded. I think that it is just possible that Government of India may not be having any premises at other places in other integrated States. I do not know if Government of India possess any premises in Hyderabad or Bhopal. I think there would be none and yet this law would surely be applicable to Bhopal, Hyderabad and other such States. So I fail to understand why on the basis of this solitary argument Jammu and Kashmir has been excluded from the purview of this legislation. I humbly beg to submit that this is a serious matter: it is an important issue and we should think over this problem very seriously. If possible, and I think it to be quite essential and important, this Bill should also be applicable to Jammu and Kashmir. I would very humbly insist upon this point and request the hon. Minister of Defence to consider over this point seriously and include Jammu and Kashmir within the provisions of this Bill. I know that some adjustments would have first to be made in including Jammu and Kashmir within the scope of this Bill. The President would have to enter into negotiations, only negotiations and nothing more, with Jammu and Kashmir State. Barring negotiations no consent would be sought and such negotiations are not very difficult to make. It can be alleged that negotiations cannot be made just now. This is quite true that a conference cannot be held just today, but it ought to have taken place long before, and if no negotiations have been made then also the consent can be had within two or three days and therefore instead of passing this Bill today or rather instead of passing clause 1 of this Bill today we can postpone its discussion till day after tomorrow. In the meanwhile proper steps can be taken after holding conference with Kashmir Government. I would not have pressed my point had not I known, and I

[Shri J. R. Kapoor]

believe that with the exception of the hon. Minister of Defence and his other friends, that all the hon. Members of this House, who are present in the House or are absent would all agree that if it could be possible the State of Jammu and Kashmir should also be included in the provisions of this Bill. Therefore I would again like to submit and insist upon the hon. Minister of Defence to consider over this problem seriously and instead of rushing through the Bill today, consider over the suggestion given by me and, if it could be possible, include Jammu and Kashmir State within the scope of this Bill.

The other thing that I have to submit relates to the refugees. All of us are no doubt highly thankful to the hon. Minister of Defence for his categorical assurance that he would try his level best that if refugees would in any way be evicted from Government premises then utmost care would be taken for providing them with alternative accommodation. If that is so, it would have been proper to have laid down this thing in as many words in the Bill itself, that till the time Government would not provide them with alternative accommodation they would not be evicted from Government property. As you say there can arise a difficulty in this matter that if such a provision is made in this Bill, then when the persons who are occupying Government premises these days would be asked to vacate them then they, taking shelter under this provision, would shove in some refugee in that premises and enjoy protection under this provision and compel Government to desist from evicting them from there. If the trouble be only this then its solution is quite simple. A certain date should have been fixed in the Bill and declared that this Bill would give protection to that refugee only who was in occupation of a premises prior to the date laid down. If any refugee would occupy or has been occupying any premises after the passing of this Bill or later than the date notified then he would not be given advantage of this provision. Well, this thing cannot be done now, but I certainly like to submit that the assurance that the hon. Minister of Defence has given is very much limited in its scope as he has said that, 'as far as possible this would be done.' The meaning of this is quite clear that even today he knows it perfectly well that it would not be fully possible to provide alternative accommodation to all the persons. I fail to understand why so big a Government like the Government of India should just now take it for granted that it has not the resources and power enough to make arrangements to provide alternative accommodation throughout the entire length and breadth of India to those refugees who would be evicted from Government premises. Proceeding on this principle from the very beginning would mean that all these things are nothing short of purposeless talks and even if it is not so, all that it would mean that some little effort would be made to provide alternative accommodation to those refugees who would be evicted from Government premises.

I think that the greatest help we can render to the refugees is to provide them with residential accommodation. Other amenities are difficult to provide. But the thing that is clearly possible and is very simple at the same time is to provide these refugees with residential accommodation anywhere. Do we not see that there are huge mansions and palaces that are accommodating very small number of persons? Only so many people live therein that can be accommodated in a small portion of these buildings. Can the Government not requisition some portions of these huge mansions and bungalows? Can the residential accommodation be not rationed just like other things? This is a very simple thing and it ought to have been done. In this connection, Sir, you would pardon me if I were to take a few minutes

more. Whenever I think over this problem I remember the year 1919. If I am not wrong the Congress Session was held that year at Amritsar, just after the Martial Law. When I went there to attend that Session I found that it had rained very heavily there. The camps that had been allotted to the delegates had all been inundated and the Reception Committee was faced with the stupendous difficulty of providing accommodation to the lakhs of delegates and visitors who had come to attend the session. It should be kept in mind that this session was held just after Martial Law days and the people of areas nearabout Amritsar were specially enthusiastic about it. Nearabout that time all the prominent and big leaders had come out of the jails and lakhs of people from areas nearabout Amritsar and the four corners of the country and specially from Punjab had gathered there to have darshan of their beloved leaders. The untimely rains had given rise to a lot of difficulties and the most trying of them was the problem of providing shelter and accommodation to these millions of people. At that time the people of Amritsar very humbly beseeched the Reception Committee not to worry at all over that problem and promised to find accommodation for each and everyone of the guests, and what did they do? The people changed the entire city into a huge Reception Committee. When I reached there in the night I was accompanied by my wife and a few other people. We were to put up at our friend's place, but it took us one full hour to travel a distance of one mile and reach our friend's place where we were to put up, because at every step the people insisted upon us to stay at their places. In the end though we reached the place we had to go to, but the other hundreds and thousands of people, who had come to attend the session, were put up at various places and stayed there for five to seven days and in this way this stupendous problem was very easily solved. If on these very lines Government were to make an appeal to the people of the country to give some portions of their houses to the refugees, and specially to those who are being forcibly evicted, I think that this problem could very easily be solved. The situation is even not such that your appeal may not bear fruit, the appeal would surely be effective. Another way of doing this very thing was to have included this thing in the Bill itself or through the agency of any other law Government may have requisitioned portions of these palatial bungalows and mansions for those refugees only whom Government are evicting from Government premises. Had this been done, I think this huge problem would very easily have been solved and having this aspect of the problem in view, I think, the hon. Minister of Defence would not have been constrained to say that he would make "all possible" efforts. But even today Government can declare with confidence that every refugee who would be evicted will certainly be provided with some alternative accommodation. What is meant by such utterances that "all possible efforts would be made"? You would no doubt make all possible efforts but where these people are to go? When the Government of India finds itself incapable of making arrangements for providing alternative accommodation to the refugees then how can it be expected of the still powerless refugees to find any accommodation all by themselves; accommodation where they may take shelter after being evicted from Government premises?

Thus I had to submit these two points before the hon. Minister of Defence and I hope and believe that he would give both these points a serious consideration and before arriving at any decisions would take into consideration all the pros and cons of the question and would very kindly accept both the suggestions given.

**Sardar B. S. Man:** The Bill no doubt is apparently a harmless piece of legislation but my fears are that the lamb in disguise may turn out to be a wolf when the actual time of implementation comes. Especially when a military

[Sardar B. S. Man]

authority seeks to escape the jurisdiction of the civil courts and also seeks to provide for the use of such force as may be necessary one becomes too much agitated, because the standard of force used by the civil authority happens to be different from the standard of force used by the military.

I have no quarrel with the general principles of this Bill. As it has been explained by the Defence Minister a huge amount of money is to be paid as rent. But I have to draw the attention of the hon. Mover of the Bill to my fears that the Bill may be worked harshly and that at a time when we are faced with a national emergency and when you should give some breathing time to the refugees before they are finally rehabilitated. Now a sort of vague assurance has been given by the hon. Defence Minister but that very assurance has been negatived by his own fears, when he says that if such a provision or assurance or proviso is incorporated in the Bill it would become well nigh impossible for him, because there will be many refugees who will eventually come to reside in those bungalows. So one gets the impression that in spite of that assurance the working of the provisions of the Bill will be as ruthless against the refugees as against anybody else.

Before I proceed further to press my points I must remind the House and the Defence Minister about the assurance given and later reiterated so often by Government. It will be remembered that the hon. the Prime Minister himself declared that no refugee will be ejected from any Government building unless alternative accommodation is provided for him. This was in a way meant to put pressure and to make Government conscious of an emergency, namely, that unless they provided alternative accommodation, the refugees should not be ejected. A sort of pressure or a binding undertaking was placed on Government. But, now we find that every day attempts are made in order to dodge out of this assurance—though a verbal assurance only but as it comes from Government it means a lot to the people. The different Ministries are not conscious of it. In fact, they are specialising in different measures of displacement. In this connection the role of the army must be to rehabilitate and give relief and succour to the refugees. It was the army that rescued us. It was only on account of their vigilance and support that we were able to escape the clutches of the fanatical mobs from Pakistan. Now, having brought us here, I am sure they would not like to spoil their fair name by ejecting us. The fair name and traditions of the army should not be tarnished by such an attempt. Apart from this, I believe, though I have no direct knowledge of such things, from what I have seen in my travels, many barracks are lying vacant in the Cantonments. There are such barracks round about Muttra near Agra road, and even in Meerut. Some of these are in a dilapidated condition, simply because they have been long unoccupied. In such cases, when the emergency is so great and the assurance given by the Government is binding, I think the army must help the cause of the refugees.

[Mr. DEPUTY-SPEAKER *in the Chair*]

The reasons given for this Bill are loss of rent and the cumbersomeness of the procedure to be adopted by the military authorities to eject the refugees. These two reasons are not so emergent as the need for the rehabilitation of the refugees. I believe for the sake of rehabilitation, these two reasons may give way or should easily wait. I quite realise that Defence and the requirements of the army are of paramount importance to the country. But the reasons given are not military necessity and emergency, but only loss of revenue and the like. In such a case, I consider that preference and priority should be given to the need of the refugees and not to loss of revenue to the military authorities.



Incidentally, this shows only a lack of co-ordination between the different Government Departments. You see on the one hand we had an assurance from Government that no refugee will be ejected from a Government building unless alternative accommodation is given to him and on the other hand, we find that, perhaps in order to dodge out of this assurance, the different Ministries are vying with one another in bringing forward measures of this kind for ejecting him.

Only the other day, while discussing the Budget, I used rather strong language about the activities of the Health Ministry, and called it the Ministry of displacement. I am sorry for that. But what should I do? Even after using such strong language in pleading the cause of the refugees, the malady has worsened. Those remarks of mine then concerned only the Health Ministry and to a small extent the P.W.D. Now such a popular Ministry as the Defence Ministry has also come forward with such a piece of legislation. The position gets worse daily. I think that the solution to the refugee rehabilitation problem should be the job of not only one Rehabilitation Ministry but of all the different departments. In fact, I feel that such a stupendous problem cannot be solved unless and until our energies right from that of Government at the top down to that of the people, the vast masses of this country, are directed to it. Unless the whole country is prepared to assimilate these unfortunate, poverty stricken, homeless, roofless people the problem cannot be solved. They should open their hearts and receive them with open arms and unless this is done this problem will always remain a menace to the economy of the country.

This Bill becomes all the more rigorous when we find mentioned therein the gardens, the grounds and outhouses, if any, pertaining to such buildings or parts of buildings. I seriously feel that in cantonments, if there are such vast grounds and gardens, and if refugees have pitched their tents there, as many have done in the grounds before the Prime Minister's own residence, they should not be ejected from there until alternative accommodation is found for them. I think that step will be too rigorous. The military ejecting people camping even in the gardens and open spaces will be very cruel. When we claim that the whole refugee rehabilitation is after all a temporary phase—let me hope that it will prove to be of a very very temporary phase—I feel that Government should itself be alive to such a situation and provide very speedily alternative accommodation to the refugees. With these words I remind Government of its solemn assurance, reiterated so often, that unless the refugees are given alternative accommodation, they will not be ejected. Mere verbal assurances are of no use, as in actual practice they are not actually kept but are infringed too often. With these few words I offer my criticism to the Bill.

**Sardar Hukam Singh:** When I was listening to the opening speech of the hon. Minister of Defence I thought I had gone on a wrong track and feared that the Bill was intended solely to eject the refugees. He placed the category of refugees last of all and put it so beautifully that it appeared that perhaps they were so few and that the legislation was primarily intended to deal with persons other than refugees. The hon. Minister stated that the primary object of the Bill was to eject those Government military officers who were in possession of premises before demobilisation and who had sublet them to their friends and relatives. He said that they were not moving away and that therefore it was essential that some special legislation should be brought in to enable the Government to turn them out. He said that Government had not only the buildings they owned but also had hired buildings from other persons. As these buildings are no longer required for Government purposes, Government could not return them to their owners unless the whole of those premises have been got vacated. If certainly that may be the object and thereby very few refugees are affected, then the problem is not difficult and it can be solved very easily. If really Government has been incurring lakhs of rupees owing to non-payment of rent

[Sardar Hukam Singh]

by these unauthorized occupants, then I presume they must have prepared by now some list of the occupiers of these premises. I was waiting to hear during the speech of the hon. Minister that he would tell us that the percentage of the refugees would be so much. It would not affect them adversely as it was feared by some of the hon. Members. Because that has not been done, I have my fears that persons who were lawfully in possession and were Government servants in the beginning may have given those premises to some of their friends or relatives or may themselves have taken occupation of those premises. I am afraid their number would be very small and in fact the refugees must be in preponderating majority in those premises and therefore, this legislation would work very hard so far as they are concerned. We were told that Government had no intention to harass them. As it has just been observed by my hon. friend, the previous speaker, these oral assurances could not be enough to satisfy the requirements of the present time. The counter-part of this legislation on the lines of which this is being enacted is the Delhi Premises Requisition and Eviction Act, 1947. There too, an assurance though not in the Bill itself but subsequently, had been given that no refugee in occupation of a Government premises would be evicted unless he was given a suitable alternative accommodation and as late as the 16th of March, 1950, when I put a question to the hon. the Rehabilitation Minister whether Government intended to withdraw or evoke the assurance that had been given the answer was, "No". Government stood by that. On the one side there was that assurance; it was clearly given out that the Government had no intention to withdraw, and on the other side, as has been observed by the last speaker, measures were being taken to oust the refugees from the premises that they occupied without affording them any accommodation at all. I read a report in the *Hindustan Standard* dated the 28th of March, wherein it was alleged that in a representation made to Pandit Nehru, Mr. K. B. Datta, General Secretary of the Central Refugee Welfare and Vigilance Board, has invited the Prime Minister's attention to the fact that the Armed Police under orders of the Estate Officer of the Government of India is harassing and forcibly evicting the refugees without providing any alternative accommodation. The telegram says that this is a negation of the declared policy of the Government of India. The General Secretary of the Board has prayed for Pandit Nehru's immediate intervention in the matter saying that such actions of the Estate Officer make the position untenable and that the Prime Minister has always called upon the destitute refugees to have patience and co-operate with Government.

Then again on the 28th of March.....

**Sardar Sochet Singh (P.E.P.S.U.):** Is this Mr. K. B. Datta the same person who was involved in the iron and steel scandal case in the Punjab?

**Sardar Hukam Singh:** I do not know whether any person of the name of K. B. Datta was involved in any case and I therefore, cannot say whether this is the same Datta or not. But I know that even two days afterwards a deputation waited upon Pandit Hirday Nath Kunzru, and it was also reported in the papers that they placed their case before him as he was the President of the Vigilance Board. The deputationists complained that the refugees were being evicted from their occupations without any provision for alternative suitable accommodation. If my hon. friend who just interrupted me has any doubt, I can give him my own experience. There is a residential bungalow at No. 11, Gurdwara Road in Delhi itself. Rai Sabib Mathra Das, a refugee from Multan, who was a liaison officer, is residing in that bungalow. He fulfils all conditions so far as his entry into Delhi, his registration and everything are concerned and he was served with a notice to quit. He came to me as he was known to me previously. I approached the hon. Minister of Works, Mines and Power and he assured me that Rai Sahib Mathra Das would not be evicted from his

premises but that he only wanted to bring pressure upon him so that he might build a house for himself as soon as it was possible. The refugee had got a plot; he had deposited the money for the materials required in advance, and he was waiting for the supply of those materials, so that he might proceed with the construction and he only wanted that he might be allowed to continue in that premises till he had built his own or that he might be given a suitable alternative accommodation wherein he might move. I was assured by the hon. Minister that he would not be disturbed. Then on the fourth day, I was told that the Police had gone there to evict him. He was evicted and subsequently he had to run here and there to seek help to enable him to get another opportunity to remain there for some time. If Mr. K. B. Datta be somebody whose veracity cannot be believed by some hon. friend, I can give him my own experience and I can quote other instances as well, wherein refugees have been disturbed without providing them with suitable alternative accommodation, though it has been the declared policy of Government not to disturb them.

I feel that this Bill at this time is very inopportune. When I find that it would mainly evict the refugees who had been uprooted and who had lost everything for the sake of getting freedom for this country, certainly it does not look very graceful that they should be disturbed at a time when we are feeling that certain other brothers of ours are being turned out from a different part of the country. I should say this is not the proper time for this Bill.

Then, from the Objects and Reasons, I am not convinced that there is any necessity for this Bill. It is stated in the Statement of Objects and Reasons:

"In Bombay and Calcutta, there are many cases of unauthorised occupation of accommodation requisitioned/hired/owned by Government."

So far as houses that are owned by Government are concerned, we have not been told that they are immediately required by Government for military purposes, or that some officers of Government are waiting and they require these buildings for immediate occupation. There is no urgency in this respect. So far as requisitioned and hired buildings are concerned, the reason given is this: that Government had to pay lakhs of rupees without realising anything from the refugees, and they could not return those buildings to the owners because they were not vacated or at least some parts were occupied and the owners would not accept them back unless the whole of the building was vacated, and therefore, it was desired that some special legislation should be in the hands of Government. I am afraid this is also not convincing. If Government had to pay large sums of money from their own pockets, who is to blame? It is not that the refugees who are occupying the buildings refused to pay rent. The answer is given in the Statement of Objects and Reasons itself. It says:

"Government has also been advised against acceptance of rent as such acceptance would amount to recognition of tenancy."

The arrears are there not because the refugees would not pay, but because Government would not accept the money. If really the premises are hired or requisitioned, the refugees can be asked to pay that amount and the owner can wait for some time more. Is there any harm in these premises continuing under the same orders of requisition and realising the rents from the refugees who are occupying the premises? It is not that attempts were made and the refugees refused to pay the rent. The only ground given is that Government have been advised not to accept that rent because that would amount to recognition of tenancy. Further on, the Statement of Objects and Reasons says:

"The local military authorities who have sought the assistance of the Provincial Government in securing the eviction of unauthorised occupants have been advised to file ejection suits."

[Sardar Hukam Singh]

Quite right.

"The occupation of these unauthorised occupants extends in many cases to considerable periods and Government has been put to loss in having to pay rent for requisitioned/hired premises....."

This is not understandable. If the occupants have been in long possession of these premises, who is to blame here as well? This is because Government has not been able to construct houses: not because the refugees do not want to move elsewhere or they have any attachments developed with these buildings. They will gladly move. I do not believe, I should say, that the refugees refused to move elsewhere. If suitable alternative accommodation is given to them, they would be prepared to go. They would not like to remain there, harass Government or put Government to a loss. It is the failure of Government to construct more houses that has led to this contingency.

Then, it is said that Government has suffered considerable loss. This, I have already explained. Because, the Bill itself gives the explanation that Government have been advised not to accept that rent. Therefore, that loss is there. I am sure if Government were prepared to accept rents, the refugees would pay immediately. The Statement of Objects and Reasons further says:

"In these circumstances the only remedy is legislation to provide Government with powers of eviction of unauthorised occupants corresponding to similar provision made under the Delhi Premises (Requisition and Eviction) Act, 1947."

They have reached the conclusion that there is no other remedy. Civil remedies have failed. I may be permitted to say that if the civil remedies have failed, the refugees would like the criminal remedies better than the present legislation. Even if they were treated as criminal trespassers, they would have got much greater opportunity and better facilities to look after themselves, and find some accommodation than has been afforded in this drastic measure placed before the House. If we look at the provisions of the Bill, we wonder whether really it would not have been better if they were treated as criminal trespassers under section 448 of the Indian Penal Code and ejected in due course of law. Then too, Government must have gone to some magistrate, filed a complaint, a notice must be given and the subsequent proceedings must have taken three or four months. Now, it is required that a summary notice is to be given and after that notice, the man is to be thrown out on the street; not for any fault of his, but because he was evicted from his old, paternal, ancestral holdings and was forced to march to India because he thought that others, the rest of India, might live in peace and in their residence. That was his fault. Therefore a 15 days' notice is given. That notice can also be sent by post and when it is posted, it has to be presumed that it has reached him, though he may not know about it for fifteen days. Then, immediately, he is thrown out on the streets. That is the Bill that has been placed before the House.

Then, there is one thing to which I would like to draw the attention of the hon. Minister. Power to recover damages has been taken out of the jurisdiction of the civil court. One can understand power being taken to evict without allowing him to go to the court. But, I cannot comprehend even this power to recover damages being taken out of the jurisdiction of the civil court. As to how these damages are recovered, I shall again cite the example of 11, Gurdwara Road. The Government servant who occupied the premises before partition.....

**Shri Munavalli (Bombay):** I want to know whether this Gurdwara Road building comes within the limits of the jurisdiction of the Ministry of Defence.

**Sardar Hukam Singh:** This does not come within the jurisdiction of the Ministry of Defence. But, we have been given an assurance as was given in

connection with the Delhi Premises (Requisition and Eviction) Act. It is perfectly relevant for me to state here how those assurances have worked and to say that these assurances would be worked also similarly. I think I am perfectly within my rights in referring to that.

The gentleman who was occupying that bungalow before partition was paying a rent of Rs. 120-0-0. Now the Estate Officer has assessed damages at Rs. 204-0-0 to be paid by the refugee. I could not understand whether the refugees are being helped in this way. As in this Bill also there is no recourse to any civil court and the assessment of damages is to be made by a competent authority appointed by Government and an appeal also is to be heard by a person appointed by the Central Government, who will be of a similar or the same status as the Estate officer in Delhi, we can very well realise how these damages would be assessed. Therefore, I am afraid that all these provisions are so drastic that they would work to the detriment of the public and of the refugees particularly.

With these fears, I am compelled to oppose the motion before the House.

خواجہ معاہدت اللہ : یہ قانون جو ہمارے سامنے ہے اس کے متعلق میرا جی چاہتا ہے کہ میں اس قانون کی مخالفت کروں مگر چونکہ یہ قانون ہماری پارٹی کی نظروں سے گذر چکا ہے اور اس نے اسکو منظور کر لیا ہے - اس لئے

[ سر تسلیم خم ہے جو مزاج پار میں آئے - ]

مگر میں سمجھتا ہوں کہ میں اپنے قرض سے کوتاہی گردننا اگر میں اس قانون کے متعلق اپنے خیالات کو غلاموں کے سامنے پیش نہ کر دوں جب کوئی قانون آتا ہے تو سب سے پہلے اس قانون کے (objects and reasons) پوچھے جاتے ہیں یہ قانون جب میری نظروں سے گزرا تو مجھے اس کے اہم نکات اور مقاصد (objects and reasons) یہ نظر آئے کہ جب نئے ہتھیار حکومت پر سر اگداڑ آتی تب سے اس کے یہ کام سول عدالتوں سے پورے نہیں ہوتے ہمارے دیہے میں سول کورٹس ہیں میں سمجھتا ہوں کہ جب ہم کو انصاف حاصل کرنے کی اور صحیح انصاف حاصل کرنے کی ضرورت پڑتی ہے تو ہم سول کورٹس میں جاتے ہیں - اس سول کورٹس سے ہم صحیح انصاف نہیں حاصل کر پاتے ہیں جیسا کہ صاف صاف لفظوں میں اس میں لکھا ہے - "Has not yielded results" یعنی ہم لوگ ان مکانات کو حاصل کرنے میں ہار گئے - اور اکثر جہاں جہاں ہم نے کوشش کی اس کوشش میں کامیاب نہیں ہوئے تو ہم نے سوچا - جس طرح اکثر ہوتا ہے کہ جب ہم کسی غیور ملک سے اپنے حق منوانا چاہتے ہیں یا جب کوئی ہمارے حق چھیننا چاہتا ہے تو ہم اپنی تمام طاقت فوج کے حوالے کر دیتے ہیں اور فوج کو اختیار دے دیتے ہیں کہ یہ فوج ہمارا حق بچائے تھیک اسپرچ جب ہم ان مکانات کو سول عدالتوں سے نہیں حاصل کر سکتے تو ہم ایک فوجی قانون بنا رہے ہیں اور اس قانون نے دروازے ان مکانات کو چھین لینے کی کوشش کر رہے ہیں - اس چیز کو دیکھتے ہوئے مجھے جسٹس (Justice) سوشل (Social) اکنومک (Economic) اور پولیٹیکل آزادی کے خوبصورت الفاظ جو ہمارے لائسنسی تیشن (Constitution) میں ہیں آہستہ آہستہ ایسے قوانین سے ملتے ہوئے دکھائی دے رہے ہیں -

جسٹس ہمیں حاصل کرنا ہے جسٹس ہماری یہ کہتی ہے کہ یہ ممکن گورنمنٹ کو ملنا چاہئے یا یہ ممکن رفیوجیز کو ملنا چاہئے اور یا یہ ممکن ان لوگوں کے پاس رہنا چاہئے جو وہاں بستے ہوں یا اس میں رہتے ہوں ایسی صورت میں ہمکو اس کے خلاف ایسے قانون بنانے کی کیوں ضرورت پڑتی ہے اور اگر یہ ہاؤس اس چیز کو دلانے کے لئے ایک نیا قانون بنانے کے لئے تیار ہو جاتا ہے تو میں سمجھتا ہوں کہ جسٹس کے لفظ کو ہم خود متانا چاہتے ہیں اور آہستہ آہستہ ہم ان چیزوں کو لانا چاہتے ہیں جن کو جسٹس سے کوئی تعلق نہیں ہے - اس میں شک نہیں کہ اس قانون کے بعد سول کورٹس اور ہائی کورٹس کے جج اس کام کے کرنے کے حقدار نہیں ہونگے - لہذا یہ قانون مجھے ایک فوجی قانون معلوم ہوتا ہے اور ہونا بھی چاہئے کہونکہ اس قانون کو لانے والے اگرچہ کافی مدبر ہیں اور ان کے مدبر ہونے میں مجھکو کوئی شک نہیں ہے مگر وہ ہر وقت فوجی آدمیوں میں رہتے ہیں اور فوجی آدمیوں سے ملنا جلنا دھتا ہے - اس لئے فوجی اثر کا آنا قدرتی ہے اور اسی وجہ سے اس قانون میں فوجی سہرت نظر زیادہ آ رہی ہے -

میں نے اس قانون کی جب دفعات کو دیکھا تو مجھکو معلوم ہوا کہ سہرے بہت سے دوستوں نے رفیوجیز کے متعلق راویلا مچایا ہے اور یہ اس لئے کہ یہ بہت دکھتی رگ ہے اور وہ سمجھتے ہیں کہ وہ رفیوجیز کے نام سے ہاؤس پر اپنی ان باتوں سے زیادہ اثر ڈال سکیں گے - یہ بالکل سچ ہے کہ رفیوجیز سب سے پہلے ہیں مگر میں کہونگا کہ رفیوجیز کے علاوہ وہ شہری جو ان مکانوں میں رہتے ہیں کیا ان کا اس ہاؤس پر کوئی حق نہیں ہے - وہ لوگ اپنی بیوی بچوں کے ساتھ ان مکانوں میں رہتے ہیں اور بہت زمانے سے رہتے ہیں اگر ۱۰ دن کا نوٹس دینے پو انکو فوج کے سپاہی اور فوجی آدمی ان کے گھروں سے نکال دینگے ان کے برتن اور بستر وغیرہ سوک پر پھینک دینگے تو کہا وہ لوگ یہ نہ کہینگے کہ آزاد ہندوستان میں جن مکانوں سے سول کورٹ ہمکو نہ نکل سکا ان میں سے فوج کے سپاہیوں نے ہمکو اور ہمارے بچوں کو نکل کر باہر کھڑا کر دیا اور ایسے زمانے میں باہر نکال دیا جب کہ اسبات کو ہر شخص جانتا ہے کہ ملک میں ہاؤسنگ پرابلم (Housing problem) کسقدر مشکل ہے - اگر وہ لوگ اس وقت پرکھ رہے ہو جائیں گے تو ان کی کیا حالت ہوگی - اگر آپ ان سے کراہی لینا چاہتے ہیں تو کراہی لے لیجئے یا جب تک ان کو کوئی دھلے کے لئے دوسری جگہ نہ دی جائے ان کے مکانوں پر قبضہ فوجی طریقہ سے نہ ہونا چاہئے -

Mr. Deputy-Speaker: The hon. Member may continue his speech after Lunch.

(English translation of the above speech)

Khawaja Inait Ullah (Bihar): I wish from the heart of my hearts that I should oppose this measure which has been brought before us. But since this measure has been scrutinized and approved by our Party, I have got nothing

else to say except to bow to its wishes. Nevertheless, I feel that I will be failing in my duty if I do not present my views on this Bill before the House. Whenever any Bill is brought forward, first of all its Objects and Reasons are read. When I happened to go through this Bill, I found that its Objects and Reasons were that ever since our Government assumed office their action in filing the ejection suits before the civil courts did not yield any results. There are civil courts in our country. I think that when we feel the necessity of securing full justice, we resort to the civil courts. We have not been able to secure proper justice from these courts as it has been stated in it in these plain words, "has not yielded results". In other words, we have failed in taking possession of these buildings and whenever we made any efforts more or less we did not succeed, and consequently we considered this, as it generally happens, that when we want to assert our claim on any foreign country or when anybody wants to deprive us of our rights, we hand over all our powers to the Army and authorize them that they should safeguard our rights. Exactly in the same manner, when we have failed to secure possession of these buildings through the civil courts, we are enacting a military law and trying to secure eviction by means of this legislation. Keeping this thing in view, I find the beautiful words like "justice—social and economic—and political freedom", which are provided in our Constitution, being gradually obliterated by the enactment of such laws. We have got to secure justice. Our justice demands that Government should take possession of these buildings or that the refugees should get these or that these buildings should be allowed to remain in possession of those who are living there. In such circumstances, why do we feel the necessity of making such laws against this, and if this House is prepared to enact fresh legislation to secure possession in this manner, I feel that we ourselves want to obliterate the word "justice" and we want to bring in those things step by step which are in no way connected with justice. There is no doubt in it that after the enactment of this measure the judges of the civil courts and High Courts shall be precluded from hearing such cases. It is, therefore, that I look upon this measure as a 'military law,' and this should be because, although the Mover of this Bill is sufficiently wise and I do not doubt his wisdom he always remains amidst the military men and has very frequently to come in contact with them. It is, therefore, natural that this Bill should bear the impress of militarism and it is for this reason that the military spirit pervades this Bill. When I went through the provisions of this Bill, I found that many of my friends have raised hue and cry with regard to the refugees and it has been done because theirs are the afflicted views and they consider that they would be able to produce more effect on the House by saying these things in the name of refugees. This is quite true that the refugees are our first consideration. But I would say that in addition to the refugees, have not those citizens who are in occupation of these buildings got any claim over this House? Those people are living in these buildings along with their wives and children and are in occupation thereof since a pretty long time. If after serving them with fifteen days' notice, the military soldiers and the military personnel evict them out of their houses and throw their utensils, beddings, etc. on the road side, will not these people say that in free India when the civil courts could not eject them, the military soldiers turned them out. Eviction especially in these days when everybody knows how acute is the housing problem in the country amounts to great hardship. If those people are rendered homeless at this time, what would be their condition? If you want to recover rent from them, you may do so, or so long as no alternative accommodation is given to them, possession of their houses should not be taken by the use of military force.

**Mr. Deputy-Speaker:** The hon. Member may continue his speech after Lunch.

*The House then adjourned for Lunch till Half Past Two of the Clock.*

[MR. SPEAKER in the Chair.]

خواجہ عدایت اللہ : میں یہ عرض کر رہا تھا کہ میرے دو بزرگوں نے ریفرنڈم کے نام پر اس قانون کی مخالفت کی ہے اور کہا ہے کہ ریفرنڈم کو جب کسی مکان سے نکالا جائیگا تو ان لوگوں کو بڑی دقتوں کا سامنا ہوگا۔ میں نے یہ عرض کیا تھا کہ جب ہم یہ قانون بنانے جا رہے ہیں تو اس میں کوئی شک نہیں کہ ریفرنڈم کا سوال سب سے پہلے ہمارے سامنے آتا ہے۔ مگر اس کے ساتھ ساتھ ہمیں یہ ہرگز نہ بھولنا چاہئے کہ کئی بھی قانون کے بنانے وقت ہندوستان کی ساری چلتا کی ذمہ داری اس ہاؤس کے سامنے رکھنی چاہئے۔ میں نے یہ عرض کیا کہ اس قانون سے ہم ان لوگوں کو ان مکانوں سے نکل دینا چاہتے ہیں جن مکانوں سے نکالنے کے لئے ہم نے سول کورٹس کے ذریعہ کوشش کی اور ہم کامیاب نہیں ہوئے۔ اس کے صاف صاف مغنی یہ ہیں کہ جسٹس کا رائٹ (Right of Justice) جس کے ذریعہ ہم کو ہندوستان کی سول کورٹس اور ہائی کورٹس جسٹس دے سکتی ہیں۔ اس رائٹ کو چھیننے کے لئے ہم یہ قانون بنا رہے ہیں۔

Mr. Speaker: I am afraid there is some misunderstanding. That is never the intention of the Defence Minister. The point is civil proceedings are so unduly long and they have to wait for such a long time that it is thought it is better if matters are expedited. That seems to be the intention, not that they are not getting justice there and that better justice will be done here.

خواجہ عدایت اللہ : میں نے یہ عرض کیا کہ بل پھین کرتے وقت جو اینجیکشن اور ریفرنس دئے گئے ہیں اس میں یہ صاف لفظ ہیں۔

"Eviction by resort to the civil court in which several cases were filed has not yielded results for obvious reasons."

It means that these courts could not yield the results and so we are going to have a new law which will yield results according to our wish.

Mr. Speaker: No, that is a wrong interpretation. That procedure did not give speedy results and hence this proposal.

خواجہ عدایت اللہ : خیر تو میں نے یہی سمجھا تھا۔ ہو سکتا ہے کہ اس کا مطلب یہ نہیں ہے اور میں اس اصلاح کو بڑے شکریہ کے ساتھ قبول کرتا ہوں۔

اس قانون کو میں نے جہاں تک دیکھنے کی کوشش کی ہے اس سے یہ معلوم ہوتا ہے کہ اس کو جہاں تک ہو سکے مختصر بنانے کی کوشش کی گئی ہے۔ اور جیسا کہ میں نے کہا کہ چونکہ یہ قانون فوجی دماغ سے اور فوجی طریقہ سے بنایا جا رہا ہے اس لئے اس فوجی خاصیت کا لحاظ رکھتے ہوئے اسکو مختصر بھی کیا گیا ہے۔ کیونکہ فوج میں جہاں تک جلدی۔ جہاں تک تہذیبی الفاظ میں اور جہاں تک مختصر



ہو سکے کم الفاظ میں حکم دیا جاسکے اور جلدی سے کام لیا جائے یہی ایک طریقہ چلا جا رہا ہے۔ جسے کہ اسٹینڈ ایٹ ایز (stand at ease) کو اسٹینڈ ایٹ (standati) کہہ دیا جاتا ہے گو کہ جملہ کچھ اور ہے۔ تو اس قانون کو بہت مختصر بنایا گیا ہے اور سب چیزوں کے ساتھ دفعہ ۱۰ لگا دی گئی ہے جس میں پروسیجر (procedure) دیا گیا ہے۔

(dati)

- “(b) the procedure to be followed in taking possession of Government premises;  
 (c) the manner in which damages for unauthorised occupation may be assessed;  
 (d) the manner in which appeals may be preferred and the procedure to be followed in appeals; . . . . .”

تو یہ سب چیزیں گورنمنٹ ہی کرے گی۔ تو یہ پارلیامنٹ کس لئے بھیجی ہے۔ پارلیامنٹ خالی یہ اختیار دے دیگی کہ لیجسلیٹو ایک آدمی کو مقرر کر دیجیے اور یہ آدمی جس طرح چاہے گا اس طرح نکالے گا۔ چاہے دھکے دے کر نکالے یا ضرورت ہو تو ان کا سامان اٹھا کر پھینک دیا جائے۔ اور ضرورت پڑے تو اسکی جائداد اور بستر وغیرہ بھی لے لیا جائے۔ ایک آدمی یہ سب طے کرے گا کہ کیا کیا قانون عمل میں لایا جائیگا۔ کس کس طریقہ سے اسکو نکالا جاسکتا ہے۔ کس طریقہ سے اس سے روپیہ وصول کیا جاسکتا ہے۔ یہ چیزیں پارلیامنٹ کے سامنے نہیں ہیں۔ مطلب یہ کہ یہ بالکل ایک فوجی قانون کی طرح ہے۔ ایک آدمی کے حوالے بہت سے لوگوں کی زندگی کو دی جائیگی۔ اس لئے میں سمجھتا تھا کہ اولاً تو اس قانون کو بنانے کی ضرورت نہیں تھی۔ اور اگر ضرورت بھی ہے تو چونکہ یہ تمام چیزیں ایک آدمی کے حوالے کی جانی ہیں۔ تو ہمیں یہ صاف بتانا چاہئے کہ اس کو اس طریقہ سے کام کرنا ہوگا۔ اگر جس کو نکالا جانا ہے وہ نہ نکلے تو اسکو کیسے نکالا جائے۔ روپیہ کیسے وصول کیا جائے وغیرہ سب چیزیں ہسکو بتلانی چاہئے۔ یہاں تو ہم ایک ایسا قانون بنا رہے ہیں جس کے ذریعہ ہم ایک کامپیٹینٹ اتھارٹی (Competent Authority) کو مقرر کر دینگے اور اسکو یہ اختیار دے دینگے کہ اور سب چیزیں وہ خود کر لے۔ اگر ایسا ہے تو پھر اس قانون کو بنانے کی ضرورت بھی کیوں محسوس ہوئی۔ انریبل ممبر نے ایک ضرورت تو یہ بتلانی ہے کہ یہ اس لئے بنایا جا رہا ہے کہ گورنمنٹ کے بہت سے مکانات لوگوں کے قبضہ میں ہیں اور گورنمنٹ کو ان کی ضرورت ہے۔ میرا جی تو نہیں چاہتا مجھے آداب روکنا ہے مگر فیکٹس اور فگرس (facts and figures) دیکھکر یہ کہنا پڑتا ہے کہ انکی یہ دلیل بالکل غلط ہے۔ اگر آج یہ کہا جائے کہ گورنمنٹ کو ملٹری کام کے لئے مکانات کی ضرورت ہے تو میں سمجھتا ہوں کہ یہ بہت حد تک صحیح نہیں ہے۔ کیونکہ آج ہندوستان میں ایک دو چار نہیں سہندروں ہزاروں عمارتیں ملٹری کی ہیں۔ بیرکس کی بیرکس اور کیمپ کے کیمپ۔ جو بالکل بیکار پڑے ہیں اور توت رہے ہیں۔ اور تھائے جا رہے ہیں اور ان کی چھتیں اور اینٹیں

[خواجه گلہت اُللہ]

گورنمنٹ کے مول نیلام کی جا رہی ہیں۔ اور یہاں یہ کہا جا رہا ہے کہ ہم قانون اس لئے بنا رہے ہیں کیونکہ ہم کو عمارتوں کی ضرورت ہے۔

دوسری ضرورت یہ بتائی گئی ہے کہ کچھ مکانات گورنمنٹ نے اکوائز (acquire) کئے تھے۔ مگر آج گورنمنٹ کو انکی ضرورت نہیں ہے اس لئے ہم ان کو مکانات مالکوں کو واپس کرنا چاہتے ہیں۔ خیال بہت اچھا ہے۔ کیونکہ جو مکانات ہم نے اپنی پبلک سے امرجینسی (emergency) کے وقت لے لئے تھے انکو واپس کرنا چاہئے۔ اور چونکہ وہ خالی نہیں ہو رہے ہیں۔ اس لئے جب تک خالی نہ ہوں واپس نہیں کئے جا سکتے۔ میں دیکھتا ہوں کہ ہندوستان کی حکومت اور پارلیامنٹ ہاؤسنگ پر ایلیم (housing problem) کے متعلق برابر سوچ رہی ہے۔ میں نے تھوڑے دن ہوئے ایک فلم بھی دیکھی تھی جو گورنمنٹ نے مشتہر کی ہے۔ اس میں بتایا ہے کہ ہندوستان میں مکانات کی کتنی قلت ہے۔ کتنے لوگ بے گھر ہیں اور کتنے مکانات چاہئے۔ گورنمنٹ مکانات بنانے کی کیا کیا کوشش کر رہی ہے۔ اور گورنمنٹ کتنی زیادہ کوشش اس کو حل کرنے کی کر رہی ہے۔ تو جب گورنمنٹ یہ سوچتی ہے کہ دیس میں کو مکانات کی ضرورت ہے اور گورنمنٹ کو یہ معلوم ہے کہ اس ملک کے دھلے والوں کو مکانات کی سخت ضرورت ہے اور بے شمار لوگ بے گھر ہیں۔ تو اس صورت میں کیا یہ مناسب ہے کہ ان لوگوں کو بھی مکانات سے نکال دیا جائے جو ان مکانات میں رہتے ہیں جن کو کہ گورنمنٹ نے اکوائز کیا ہوا ہے۔ اگر کوئی قانون ان لیزز (leases) کو واپس کرنے کے لئے بنایا جائے تو وہ اس طرح کا ہونا چاہئے کہ جو لیزز ہم نے ان مکانات مالکوں سے لی ہیں انکو ہم ان لوگوں کے نام ٹرانسفر کر دیں جو کہ آج ان گھروں میں رہتے ہیں۔ اگر ہم آج مکانات مالکوں کو یہ مکانات واپس کر دینگے تو نتیجہ یہ ہوگا کہ وہی مکانات مالک انہیں لوگوں سے جو ان مکانات میں کرایہ پر رہنا چاہیں گے۔ پگڑیاں لہانگے۔ رہنیں لہانگے اور بلک مارکٹنگ کریں گے۔ اور جس کرایہ پر اس وقت گورنمنٹ کو وہ مکانات ملے ہوئے ہیں اس کرایہ پر وہ لوگوں کو دھلے کے لئے ہرگز نہ مل سکیں گے۔

اس لئے اگر اس وقت کو دور کرنا اس بل کا مقصد ہے یعنی جو مکانات ہم نے لیزز (lease) پر لئے تھے وہ مالک مکانات کو واپس دے دیں تو ایک آسان طریقہ ہو سکتا ہے کہ وہ مکانات جن شرطوں کے ساتھ ہم نے مالک مکانات سے لئے تھے وہ ان لوگوں کے نام پر ان ہی شرطوں کے ساتھ ٹرانسفر ہو جائیں جو ان مکانات میں رہ رہے ہیں کیونکہ اگر ہم ان کو نکال دینگے تو ان کے ساتھ یہ بہت بڑی سختی ہوگی شاید حکومت مجھ سے زیادہ اس معاملہ کو جانتی ہے کہ ملک میں کمیونزم اور دوسرے جھگڑے آتے

ہونے ہیں خاص طور سے کلکتہ اور بمبئی میں ہزاروں لوگ اس طرح سے بے گھر ہو جائیں گے۔ میں آپکو یقین دلاتا ہوں کہ جو جو غلطیاں حکومت سے ہوتی ہیں ہم لوگ عوام اور جنتا کو اس کے متعلق سمجھاتے ہیں اور حکومت کے کام کو صحیح ثابت کرنے کی کوشش کرتے ہیں لیکن میں ایسٹڈری سے کہتا ہوں کہ یہ معاملہ ایسا ہے کہ ہم اس کے متعلق عوام یا جنتا کو کچھ بھی نہیں کہہ سکیں گے کیونکہ صرف چند لاکھ روپیہ پچانے کے لئے ہم ملٹری فورس سے لوگوں کے مکانوں پر جن میں وہ رہتے ہیں قبضہ کرنا چاہتے ہیں ہم ان لوگوں کو جو اس میں رہتے ہیں کوئی جواب نہیں دے سکیں گے۔

**Shri Sidhva:** You have misunderstood the provisions of the Bill.

**Mr. Speaker:** Let him continue.

خواجہ عدايت اللہ : اس لئے میں سمجھتا ہوں کہ اگر صرف کرایہ کا سوال ہے کہ ہمیں صرف کرایہ دینا پڑے گا تو ہم ان سے کرایہ لینا شروع کر دیں۔ اور وہ معاہدہ جو ہمارے اور مالکن مکان کے درمیان ہے اسکو مالکن مکان اور مکان میں رہنے والوں میں تبدیل کر دیں۔

لہذا میں سمجھتا ہوں کہ اس قانون میں ہمکو ہاؤسنگ پرابلم کو ضرور ایلے خیال میں رکھنا چاہئے۔ اور اسی وجہ سے میں نے اس قانون میں کچھ امینڈمنٹس یعنی ترمیمیں ہی کی ہیں اور ان کا صرف یہ مطلب ہے کہ ہم کسی رہنوجیز کو یا یہاں کے رہنے والے آدمی کو اس مکان سے باہر نہ نکل دیں۔ چہتک کہ اس کو دوسرا مکان نہ دے سکیں۔ اور اس قانون میں ایک چیز اور ہے یعنی کرایہ یا مکان کے نقصان کی رقم کے وصول کرنے کا طریقہ۔ اس میں بھی میں یہ دیکھتا ہوں کہ وہ ایک فوجی قانون ہے۔ اس سلسلے میں میں یہ کہونگا کہ جب روپیہ وصول کرنے کے لئے ہمارے پاس کورٹس (Courts) موجود ہیں ہم وہاں مقدمہ دائر کر سکتے ہیں اور پھر تگری لے سکتے ہیں اور تگری لے کر پھر جائداد ترقی کرا سکتے ہیں اور اگر مقروض کے پاس روپیہ یا جائداد نہیں ہے تو ہم اسے جیل بھیج سکتے ہیں اور پھر جب ہمکو اتنے اختیارات ہیں تو روپیہ کی وصولی کا یہ ایک نیا طریقہ کیوں بنایا جا رہا ہے۔

اگر اس قانون کا بلنا لازمی ہے تو جو کچھ کمپینسیشن (compensation) یا اہیر (arrears) مکان میں رہنے والوں کے ذمہ رہ گیا ہے اس کے وصول کرنے کا آسان اور صحیح طریقہ سول کورٹ ہونا چاہئے۔ ان مختصر الفاظ کے ساتھ میں آنریبل منسٹر صاحب سے درخواست کرونگا کہ وہ ایک بہادر جنرل کی طرح جو کوئی قدم اُٹھاتا ہے تو پہلے واپس آنے کا کوئی راستہ سوچ رکھتا ہے اور میں سمجھتا ہوں کہ انہوں نے جو یہ قدم اُٹھایا ہے اگر اس قدم کی تہزی کا احساس انہوں نے کر لیا ہے تو وہ واپس بھی آجائیں گے۔ کیونکہ واپس آنا بھی ایک شاندار کامیابی ہی ہوتی ہے۔

[خواجه عدایت اللہ]

اس لئے میں اس درخواست کے ساتھ اُمید کرتا ہوں کہ آنریبل منسٹر صاحب  
مہرے ان چند لفظوں پر فوراً فرما کر اول تو وہ اس قانون کو واپس لے لینگے اور  
اگر واپس لینا مناسب نہ سمجھیں تو مہرے جو ترمیمیں ہیں ان کو منظور فرمائیں  
کے -

(English translation of the above speech)

**Khawaja Inait Ullah:** I was saying that two of my hon. friends have opposed this Bill in the name of refugees and stated that these people would be subjected to great hardships when they are evicted from any building. I submitted that while making this law, the refugee problem undoubtedly remains to be our first consideration. But along with this, we should not ignore this fact that while framing any legislation, this House should bear in mind that it is responsible to the whole of India. I stated that we want to evict those persons from these buildings for the ejectment of which we approached the civil courts and where we did not succeed. In other words, it explicitly implies that this legislation is being enacted to deny us the "right of justice" through which we can secure "justice" from the High Courts and the civil courts in India.

**Mr. Speaker:** I am afraid there is some misunderstanding. That is never the intention of the Defence Minister. The point is civil proceedings are so unduly long and they have to wait for such a long time that it is thought it is better if matters are expedited. That seems to be the intention, not that they are not getting justice there and that better justice will be done here.

**Khawaja Inait Ullah:** Sir, I had submitted that it has been clearly stated in the statement of Objects and Reasons appended to the Bill:

"Eviction by resort to the civil court in which several cases were filed has not yielded results for obvious reasons."

It means that these courts could not yield the results and so we are going to have a new law which will yield results according to our wish.

**Mr. Speaker:** No, that is a wrong interpretation. That procedure did not give speedy results and hence this proposal.

**Khawaja Inait Ullah:** However, this is my interpretation. It may be that its intention is not so and I gratefully accept this interpretation.

So far as I have tried to follow this Bill, it so looks to me that efforts have been made to make it brief as far as possible and just as I stated that since this measure is being enacted under the auspices of military brain and in the military manner, it imbibes military qualities and it is on account of this that it has been made brief, because it has been a practice in the Army since long that the orders should be brief and issued in as few words as possible and immediate action thereon should be taken, just as "Stand at ease" is pronounced as "Standeti" although the context of the sentences is something else. So, this measure has been made very brief and along with other things, clause 10 has been added to it which outlines the procedure to be followed:

- (b) the procedure to be followed in taking possession of Government premises;
- (c) the manner in which damages for unauthorised occupation may be assessed;
- (d) the manner in which appeals may be preferred and the procedure to be followed in appeals; . . . . ."

So, Government shall do all these things. But what for is this Parliament sitting? Parliament shall only confer this power that you may appoint one person and that person shall evict in the manner he deems fit. He may either

forcibly drive out or if necessity arises the belongings of the unauthorized persons may be thrown outside, or their beddings and personal effects may even be taken possession of. One person alone shall decide all this as to what laws would be enforced and in what manner eviction could be made and how money could be recovered. These things are not before Parliament. What it means is that it is altogether just like a military law. One person shall be put in charge of the lives of so many people. Therefore, I think that firstly there was no necessity to frame this legislation and even if it was, when one person is entrusted with all these things, we should explicitly prescribe the manner in which he should work. If any person who is to be evicted refuses to vacate, how should he then be dealt with, how should money be recovered; all such things should be specified by us. Here we are framing such a legislation by means of which we shall appoint a "competent authority" and empower it that it should perform all other functions. If it is so, what necessity was felt to enact this legislation at all? The hon. Minister has pointed out that one thing that necessitated the enactment of this measure was that a large number of Government buildings were in possession of unauthorized persons and that Government needed them, I do not want to say, courtesy forbids me to do so, but after looking into the facts and figures, I am compelled to submit that this argument put forward by him is absolutely wrong. If it is averred today that Government require the buildings for military purposes, I think it is not correct to a considerable extent, because there are not only one, two, three or four but hundreds and thousands of buildings belonging to the Military. Barracks after barracks and camps after camps are lying absolutely vacant and are showing signs of decay. These are also being demolished and their ceilings and bricks are being auctioned for few pennies, whereas it is being stated here that we are framing the legislation as we are in need of these buildings.

Secondly, it has been stated that Government had acquired few houses but since they do not require it any longer they want to release these to their owners. It is quite a good idea because we should de-requisition all the public buildings which were requisitioned at the time of emergency and since they are not being vacated, these cannot be released so long as vacant possession is not secured. I see that the Government of India and Parliament are constantly considering the housing problem. A few days ago, I also happened to see a film which was produced by Government. It has been exhibited therein how acute is the housing problem in India, how many people are homeless, how many houses are required, what efforts are being made by Government to construct houses and how much keen Government are to solve this problem? So, when Government feel that the country needs more houses and they are aware that the inhabitants in this country are in dire need of houses and innumerable people are living without any houses, will it be proper under these circumstances that these persons should also be evicted from the houses occupied by them which have been acquired by Government. If any legislation is enacted to release the leases, it should be in this form that the buildings which we have acquired from their owners should be transferred in the name of the present occupants. If we release these houses to their owners today, the results would be that they would demand *pugrees* from those persons who would like to rent these houses. They would indulge in corruption and blackmarketing. Moreover, the people will not at all be able to get these houses for the same amount of rent which is at present being paid by Government. Therefore, if it is the object of this Bill to remove this difficulty, i.e. we should release the leased houses to their owners, there is a simple solution to tackle this and that is that those houses should be transferred in the name of the present occupants on the same very conditions on which we had acquired them from their owners, because if we evict them, it would cause them great hardship. Government, perhaps, know this matter better than myself that Communism and other troubles are brewing in the country, especially in Calcutta and Bombay where thousands of people

[Khwaja Inait Ullah]

shall be rendered homeless in this manner. I can assure you that whatever mistakes are committed by Government we try to explain these to the masses and justify the action of Government. But I say it honestly that this is such a matter about which we shall not be able to say anything to our people, because we want to take possession of the houses occupied by them by the use of military force simply with a view to save few lakhs of rupees. We shall not be able to offer any reply to those persons who are living in these houses.

**Shri Sidhva (Madhya Pradesh):** You have misunderstood the provisions of the Bill.

**Mr. Speaker:** Let him continue.

**Khwaja Inait Ullah:** Therefore, I think that if only the question of rent is involved inasmuch as we shall have to pay the rent, we should then start recovering the rent from them and transfer the lease agreement executed between us and the owners of these buildings in the name of the present tenants.

Therefore, I feel that while enacting this legislation, we should invariably consider the housing problem and it is due to this reason that I have proposed certain amendments to this Bill which only mean that we should not evict any refugee or any other person living in these buildings so long as we cannot give him alternative accommodation.

Further, there is another thing in this Bill and that is the procedure for the recovery of rent or damages on account of the use and occupation of the premises. From this also, I find that it is a 'military law'. In this connection, I would submit that when we have the courts whose assistance we can seek to recover money, we can file the suit before them and obtain the decree and after getting the decree get the property attached. In case the debtor has got neither money nor property, we can have him sent to the jail and when we have such vast powers, why this novel method of recovering money is being evolved? If at all the enactment of this legislation is considered very essential, the easiest and the proper method to be employed for recovering the compensation or arrears outstanding against the present occupants should be the agency of the civil courts. With these few words, I would request the hon. Minister that he should act like a brave General who before advancing forward devises some method to retreat, and I think that he will soon retrace his steps if he realizes the consequences of this hasty action, because to retreat also is a splendid success.

Therefore, I hope that the hon. Minister will consider these few words and either withdraw this Bill or if he does not consider this course as proper, he will kindly accept my amendments.

**Shri Hossain Imam (Bihar):** I do not wish to intervene in the debate to discuss the merits of the case. I simply wish to say a few words on the procedural methods. It will be conceded by Government that whenever an extraordinary law which suspends the ordinary law of the land, is brought forward, there must be sufficient justification for it. It is not enough to say that we are going to lose money, that the money which is locked up will not be realised quickly, and so on. That cannot be a justification for bringing forward an extraordinary measure. While I concede the fact that it is very hard on the displaced persons that they should be evicted without making any provision for their alternative habitation, the House will have to concede that it was by a relaxation of the ordinary rules that Government permitted its officers to take in paying guests. Formerly under the ordinary law, it was not permitted and if a Government servant had done it, he would have been penalised. It was a salutary move. Government cannot sanction that Government quarters should be ordinarily

permitted to be used for purposes other than the accommodation of the officers to whom they have been allotted. The justification for this Bill is that the rule was previously relaxed. We gave certain facilities and those facilities are being misused today. On this ground the hon. Minister can justify the bringing in of this measure. We have to examine also whether it is possible for Government to be less harsh on the people by executive action. It is from this point of view that I wish to appeal to the Minister in charge of the Bill to see to it that this law is not used harshly. Government can requisition big buildings and also small buildings and can find accommodation for those who will be evicted from these quarters, if they have got a deserving case. It is true that under the ordinary law, requisition can only take place for Government purposes and not for purposes other than those. If that is so, this Bill would not be necessary. Government could have used the proceedings of requisition against those tenants who are in unlawful occupation of these houses and they could have turned them out. That is one way of dealing with the situation. However, if Government chooses to take up this measure in a different manner, I appeal to them to do something to find accommodation for those who are unable to find accommodation for themselves. There is provision that if an appeal is filed with the Central Government, they can give time to the persons who are residing at the moment. In this case also it is possible for Government to grant some time, unless there is a glaring case of mis-use. Take the case that I have accommodated somebody in my house. He has gone away, giving the house to some other person. That person also goes away, giving the house to some other person. Thus a long chain is started. In such cases we should have no sympathy. We all know of the *pugree* system in Bombay, and it may be that people are using this method for obtaining illegal gratification of that type.

Another matter on which I wish to appeal to Government is this. Under the rules there is no fixation as to who will be the competent authority. It is a very wide clause. I would request Government to appoint a judicial officer of some rank. I am referring to the definition of 'competent authority' in clause 2(a). He should be a man on whom you can rely that he will see that justice and equity are done.

**Shri B. K. P. Sinha (Bihar):** I rise to support this measure. It is my obligation as a member of the Congress Party to support this measure. But while supporting it I would like to say a few words. I will not repeat most of what has been said by the previous speakers, especially those portions of their speeches which have viewed this problem from the view-point of the refugees. But I would concur with all that they have said. Since that ground has been well worn out I would not tread that ground any more. I would confine myself to certain other aspects of this Bill.

This is a very very short Bill with ten clauses and confined in two pages. But there are certain aspects of this Bill to which I would like to draw the attention of this House. Clauses 6 and 7 of this Bill exclude the jurisdiction of ordinary courts. Reading clauses 4 and 10 together I find that the executive appropriates, or should I say misappropriates, Parliament's power of law-making. Reading clauses 3, 4 and 5 together I find that the executive assumes powers which are more or less judicial in character. Of late I have been noticing a tendency to introduce such clauses in many Bills. While one Bill containing such provisions would be excusable I find there is a spate of Bills coming in which we find such provisions. The democratic liberties which we have embodied in our Constitution are based on certain principles and the frequent interpolation of such provisions in Bills lead to the nullification of those principles which are so dear to us and which are the basis of all democratic liberty in every country. If we do not check this tendency in time I am afraid our liberties shall be subverted.

[Shri B. K. P. Sinha]

I am conscious that even in a country like England they are taking more and more to provisions of this sort. Due to the complexity of modern life, due to the ever-expanding scope of governmental activity, the inclusion of such provisions has almost become a necessity. They are a necessity, but all the same an evil necessity. And just because they are evil, we should be on our guard lest very frequent recourse to such provisions in our measures endanger our liberties. We should use such powers very very sparingly. We should incorporate such provisions in our Bills only when it is very very essential to do so. And even then we should be on our guard.

I am reminded in this connection of a statement which Mr. Herbert Morrison who was then the Home Secretary of Great Britain made in the British Parliament. Of course he made that statement in relation to a Regulation. But that statement is very very appropriate in the case of this Bill also. He was approached by certain bureaucrats, to whom bureaucratic convenience is the same thing as the good of the people or national advantage and to whom the liberties of people do not matter anything. He was approached by them to enforce certain Regulations, and he refused. He said something like this: "I can look to your bureaucratic convenience no doubt. I see that you feel that if these provisions are not brought forth, then some necks will be broken. But the necks that will be broken in the absence of these provisions are fewer in number as compared to those that would be broken if such provisions are enforced". So I would say that we should not very lightly introduce such provisions in our Bill.

Next I would revert to another practice of the House. In England, in view of the fact that provisions of this type were incorporated in Acts, many Rules, many Regulations and many Orders of this kind were coming forth. Some won't be placed before the House, and some would be placed before the House. In some Acts there was a provision that they should be placed before the House, and in some there was no provision that they should be so placed. Very often, Rules and Regulations of a very important order were not in accordance with the Acts to which they owed their origin, to be placed before the House. But those Rules and Regulations were of a very very important character. Sometimes, in accordance with the provisions in the Acts, unimportant Rules and Regulations also would come before the House. In view of this the British Parliament thought of putting the whole question of these Rules, Regulations and Orders on a scientific basis. A Committee was constituted, and in 1946 a Statutory Instruments Act was passed. It classified all the Orders on a scientific basis, classified them according to their importance and then made a general provision that Rules and Regulations of such and such type would necessarily be placed before the House. Some would require an affirmative resolution of the House for their enforcement; some would require a negative resolution or prayer for their cancellation. But important Rules and Regulations were to be placed on the Table of the House according to that Act. And they also provided for a certain machinery for giving publicity to those Rules and Regulations. I am fully conscious that this type of legislation we are going to have. But in view of the precedents set by Great Britain I think that we also should have something like a Statutory Instruments Act here. Otherwise there will be all sorts of Rules and in the name of making Rules and Regulations we will be conferring very very important powers on the executive. I feel that in the interests of democracy this Parliament should have some control, some check over the rule-making powers of the executive. At least they must exercise general supervision.



In this connection I would especially like to bring to your notice, Sir, the constitution of a Committee in 1944. What is the fate of even those Rules and Regulations which are placed on the Table of the House? They are placed on the Table of the House. The whole House is expected to look at them. But everybody's business is nobody's business. Nobody looks at them and even important Rules and Regulations are locked up by the Librarian in his table and they never come to the notice of anybody. In view of the growth of this type of legislation the British Parliament in 1944 constituted a Select Committee which is popularly known as the Scrutinizing Committee of the House, and all the Rules placed on the Table of the House go before that Committee. They have put forth certain criteria that Rules of such and such type shall of necessity be brought to the notice of the House. I think in view 3 P.M. of the growth of this type of legislation in this country, such a Committee should be constituted by you, Sir, in this House as well.

Now I would like to examine certain provisions of the Bill in view of what I have said before. Of course, my friends have spoken about the displaced persons and therefore I will not tread the ground which has already been covered. Let me come to the question of damages. I am surprised that in this Bill there is a provision empowering the executive to assess damages and empowering them to lay down the procedure according to which damages shall be assessed and recovered. Well, there are the regular civil courts. The executive can very well go to the civil courts and get their damages through the civil courts. Where is the special reason for taking away the jurisdiction of the civil courts in this matter and conferring it on the executive? I think in this matter the executive of the Military Department are simply being guided by their own convenience without any consideration or regard to the convenience of the large number of people whom this Government professes to serve.

Then I will refer to the question of appeals. I find that the appeals also shall be heard by the Central Government or by some agency to whom the Central Government delegates the powers. I presume, in view of the experience that I have of such delegation, that this power would be delegated to some obscure subordinate official in some obscure Department. To tell you frankly, I cannot reconcile myself to an officer of the executive determining questions which are of a judicial nature. I am in this connection reminded of a personal experience. There is a law known as the Regional Transport Board Law or something like that in my State. It provides that certain types of cases shall be heard by that Regional Transport Authority. I had the good fortune—or misfortune, I don't know what—to appear before one of such bodies. I had to represent the case of a client; the orders that they had served on him were absolutely at variance with the law. I went to the Board and said, "This order is at variance with the law". There was one representative of the people there who was inclined to hear me, but then there was an executive head, somebody of the rank of a Commissioner, who said, "Don't talk to me of the law. We are here not to hear from you what the law is. We are here to make the law." I kept my silence on that. Since then I have never been able to reconcile myself to the executive's determination of such cases. This Parliament is a sovereign body. It can ordain that such-and-such a creature, born a man, shall in future be known as a woman. This Parliament can say that such-and-such a horse, in view of its achievements on such-and-such a battle field, shall be known as a lion. But, horse will remain a horse and a lion will remain a lion; a man will remain a man, a woman will remain a woman. I would request the Mover of this Bill that he should keep it in mind that the power of hearing appeals and of determining the cases should in no case be delegated to a person who does not possess

[Shri B. K. P. Sinha]

any judicial aptitude or judicial training. It should be left only to them who have been trained in the line of hearing and deciding cases.

These are the few remarks that I wanted to make. With these words I would extend support to this Bill.

**Shri Iyyunni** (Travancore-Cochin): Sir, I can easily see the necessity for a Bill like this, but I can hardly see the necessity for some of the provisions contained in it. It is not, after all, as innocent as the statement of Objects and Reasons makes it look like.

[SHRI HOSSAIN IMAM *in the Chair.*]

What you find in the Statement of Objects and Reasons is that in Bombay and Calcutta there are a few cases of unauthorised occupation and Government find it very difficult to get back the buildings or properties that belong to Government, from the persons who had unauthorisedly occupied it. Certainly I know that if a case is filed in a civil court it will take probably years for the court to pass a decree, and I can perfectly understand that in the case of Government some concession will have to be made. But may I ask the hon. Minister whether he has confined the operation of this Bill to Bombay and Calcutta alone? No, it extends to the whole of India excepting the States of Jammu and Kashmir and Delhi. If it is a question of its confining itself only to certain buildings etc. in Calcutta or Bombay, then I can perfectly well understand it. In the statement of Objects and Reasons it is stated towards the end:

"In these circumstances the only remedy is legislation to provide Government with powers of eviction of unauthorised occupants corresponding to similar provision made under the Delhi Premises (Requisition and Eviction) Act, 1947."

And what does the Delhi Premises (Requisition and Eviction) Act say? Look at the jurisdiction of that Act. That Act says:

"It extends to the Notified area of the Civil Station (Delhi), to New Delhi and to Karolbagh area. The Central Government may by notification in the official Gazette extend this Act to such other area or areas in the Province of Delhi as may be specified therein."

I am not prepared to believe that the object of this Bill is merely to get back some of the buildings that are in possession of unauthorised persons. Now, if there is a dispute between the Government and a private party with regard to some property, ordinarily it is taken to a court of law for decision. But as per this Bill the authority established for the purpose can ask the party in possession, after notice, to clear out of the property. What is the remedy? There is absolutely no remedy. He has simply to clear out. What is his next step? His next step is to appeal to the Central Government. Supposing it is a dispute in connection with the property of the Travancore-Cochin Government, the appeal will have to be filed before the Central Government.

**The Minister of State for Transport and Railways (Shri Santhanam):** May I draw the hon. Member's attention to the fact that here "Government" means the Central Government? It does not apply to the States at all.

**Shri Iyyunni:** Well, it extends to the whole of India except the States of Jammu and Kashmir and Delhi. What is the necessity for that? The ostensible purpose of the Bill is to get back buildings in unauthorised possession in Bombay and Calcutta. Then why don't you confine yourself to those two areas only?

**Shri Santhanam:** May I point out that it applies only to the property of the Central Government anywhere in India?

**Shri Meeran** (Madras) **Owned or leased by the Central Government.** It may be in any State.

**Shri Iyyunni:** It extends to the whole of India. What does that mean?

**Shri Sidhva:** Properties of the Central Government.

**Shri Iyyunni:** That is exactly what I say. The ostensible purpose of the Bill is to confine itself to Bombay and Calcutta. Let us consider the analogy of the other Bill. The other Bill confines itself to the Province of Delhi alone. It cannot be extended further. It is to be used where Government want some premises for a public purpose and it cannot be obtained otherwise. But what is this Bill intended for? It is not stated that the properties are going to be taken back for a public purpose. Certainly, if there is no dispute between Government and the private party regarding ownership, there is no difficulty. But supposing there is a dispute, is there any remedy in this Bill for the private party? I want to know. Can the party go to a court of law and get his claim established? Is there any such provision? Absolutely none.

**Shri Sidhva:** It is unauthorised property.

**Shri Iyyunni:** Unauthorised? I can perfectly understand if that remark had come from a person who has not been in Parliament for a long time—if could have been excused, but from a man who has been here for such a long time it does not come with good grace.

Now, to take another matter, there is absolutely no provision with regard to damages. The authority established by the Central Government will have the right to decide what is the damage to be paid and if there is any complaint in regard to it, it must be taken to the Central Government. A man in Bombay or Calcutta has to run up to Delhi and file an appeal, and how long will it take? You know it. Supposing the order of the authority established by the Government is perverse, do you mean to say that the civil court should not be given a chance or should not have the power to go into this matter and come to a conclusion? That is also not here. Look at the provision. It says:

"No order made by the Central Government or the competent authority . . . shall be called in question in any court . . . ."

With regard to delegation the provision is:

"The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the Central Government."

Suppose the Central Government deputed a certain Secretary or somebody else to hear the appeal and come to a final decision, we all know how the officer will look into the evidence. Whenever such powers are granted to executive officers the usual practice is that they will generally believe what the lower officer has written and will not question it. Unless a chance is given to the complainant to adduce evidence to cite evidence and make representations, how can there be a remedy with regard to this matter? So, I beg to submit that such wide powers should not be given to the executive. There should be at least an appeal provided to a court of law, say, from the district court of the particular locality to the High Court or Supreme Court as the case may be. Unless there is such a provision, such wide powers granted to the executive will be to the disadvantage of the common man. This is all that I have to say.

**लाला अचिन्त राम :** यह बिल कुछ असें से आपके सामने पार्लियामेंट (Parliament) में आ चुका है और इस पर संशोधन भी कुछ दिनों से आये हुए हैं। मैं यह ख्याल करता था कि जो संशोधन गवर्नमेंट के सामने आये हैं रक्षा मंत्री साहब ने उन तमाम संशोधनों पर अच्छी तरह से गौर कर लिया होया और इस बात की मैं

[लाला अचिन्त राम]

उम्मीद करता था कि वह तमाम संशोधनों का ह्याल करके इस मुसीबत का हल, इस दिक्कत का हल, निकालेंगे जो कि इन प्राविजन्स (provisions) के अन्दर पेश की गई हैं। लेकिन आज सुबह आनरेबुल मंत्री साहिब की जो तक्ररीर हुई है मैंने उसको बड़े गौर से सुना और गौर से सुनने के बाद इस बात की तलाश की कि आया उस तक्ररीर के अन्दर कोई ऐसी चीज मौजूद है जिस में कि उस मुश्किल का हल उन्होंने पेश किया है। जैसे वह हमदर्द हैं, उनसे मेरी यह तवक्को करना वाजिब बात थी लेकिन उनकी तक्ररीर सुनने के बाद मुझे ऐसा मालूम होता है उन्होंने इस चीज का हल नहीं निकाला है। मुझे यह दुःख की बात मालूम हुई। मैं उनकी तक्ररीर के पहिले भी और बाद भी यह सोचता रहा हूँ कि आखिर कार इस बिल को पेश करने की ज़रूरत क्यों महसूस हुई। अंग्रेजों के ज़माने में दो बड़ी बड़ी लड़ाइयाँ हुई, इतने इतने बड़े हंगामे हुए, इतने गवर्नमेन्ट सर्वेन्ट्स (Government Servants) नौकरी में रहे, वह रिटायर (retire) हुए, उन्होंने मकानों को अपने पास रखा, छोड़ा भी, लेकिन आज तक कभी पार्लियामेन्ट के अन्दर या असेम्बली के अन्दर ऐसा मौक़ा पेश नहीं आया कि इस किसम का बिल पेश किया जाये। अब क्या ज़रूरत हुई कि इस किसम का बिल पेश किया गया। मैं इस बात पर गौर करता रहा हूँ लेकिन मैं इस नतीजे पर पहुंचा हूँ और मैं इस बात के इंतज़ार में था कि शायद आनरेबुल मंत्री साहब कोई ऐसा बयान देंगे जिस से यह वाज़े हो जायेगा कि दरहक़ीक़त इस बिल का मक़सद कोई रिफ्यूजीज़ (Refugees) को या शरणार्थियों को तकलीफ़ देने का नहीं है, बल्कि इस बिल का मक़सद उन मुश्किलों को हल करना है जो मुल्क के सामने हैं। लेकिन मुझे ऐसी कोई बात मालूम नहीं होती। अभी भी मैं समझता हूँ कि अगर आनरेबुल मंत्री साहब बयान दे दें तो मैं अपनी राय बदल सकता हूँ, क्योंकि सच्चाई के ऊपर अपनी दलील मबनी होनी चाहिए। जैसा उन्होंने बयान दिया है उस की मौजूदगी के अन्दर और जैसा उन्होंने फ़रमाया मैं उनसे इस बात की तवक्को नहीं करता था कि वह इस तरह से अपने मुंह से यह बात कहेंगे कि मेरी कोई ज़िम्मेदारी नहीं है, तमाम रिफ्यूजीज़ को जगह देने की। कोई ज़िम्मेदार गवर्नमेन्ट, कोई ज़िम्मेदार आदमी जिसके ऊपर मुल्क को चलाने की ज़िम्मेदारी हो, वह रिफ्यूजीज़ों के, जो तबाह होकर आये हैं, उन के मुतल्लिक यह कह सके कि मैं कोई ज़िम्मेदारी महसूस नहीं करता

कि तमाम रिफ्यूजियों को जगह दी जाय। प्रधान जी, उनके इस बयान को देखते हुए और बाकी तमाम हालात को देखते हुए मैं मजबूर हूँ कि मैं इस बिल को अगर यह कहूँ कि यह रिफ्यूजी एविकशन बिल (Refugee Eviction Bill) है तो नाजायज नहीं होगा। I would call this a Refugee Eviction Bill under the circumstances and with the statement which the Defence Minister has made.

**Sardar Baldev Singh :** May I interrupt for a minute? The hon. Member is attributing to me some statement which I never made. What I said was that, if I were to give a categorical assurance that everybody who is evicted will be provided for, it will be a difficult task for me. I have already made it clear that I will see that all those people who are pushed out are given alternative accommodation, but it is not possible for me to give a categorical assurance that every one of them will be provided—there may be some hard cases.

लाला अचिन्त राम : Thank you. मैं इस बात की तक्को करता था कि आप समझते हैं कि उनकी क्या हालत है। इस वक्त हमारी गवर्नमेन्ट बदनाम है कि वह वायदे करती है लेकिन उनका पालन नहीं होता है। मैं डिफेंस मिनिस्टर साहब (hon. Minister of Defence) से यह उम्मीद करता हूँ कि वह कैटेगोरिकली (categorically) यह कह दें कि रिफ्यूजी हमारे भाई हैं वह भाई कौन हैं जिन पर आप बतौर मिनिस्टर हुकूमत करते रहे हैं, जिनकी आप सेवा करते रहे हैं, कि "I shall provide a house for each and every refugee." That is not an impossible statement.

मैं कहता हूँ कि यह कोई बड़ी बात नहीं है। मैं समझता हूँ कि यह साफ तौर से मान लिया जाना चाहिए कि गवर्नमेन्ट सबको मकान देगी। यह साफ तौर से मान लेना चाहिए। अगर डिफेंस मिनिस्टर साहब कहते हैं, कि यह लोग सिर्फ गवर्नमेन्ट सर्वेंट्स हैं और रिफ्यूजी दस या पांच पर सेंट (percent.) से ज्यादा नहीं हैं तो मैं समझता हूँ कि यह रिफ्यूजी प्रोब्लम (Refugee Problem) नहीं है लेकिन अगर वह कैटेगोरिकल जवाब नहीं देंगे तो मैं मानूँगा कि वाक़ई यह रिफ्यूजी इविकशन बिल है। अगर यह है तो मैं इसको बिल्कुल दूसरे नुक्ते निगाह से देखूँगा। इस बिल में कुछ अल्फाज़ इस तरह से रखे गए हैं जो रिफ्यूजियों के लिए हानिकारक हैं। इस बिल में अनऔथेराइज़्ड परसन्स (unauthorized persons) को निकालने के लिए ताक़त हासिल की गई है। अनऔथेराइज़्ड परसन्स कौन हैं? यह वह लोग हैं जो कि इस वक्त पाकिस्तान से बचके खाकर, अपने

cent.)

[लाला अचिन्त राम]

मकान छोड़ कर आये हैं, जो पाकिस्तान से अपनी जमीनें छोड़ कर आये हैं, वह अनऔथेराइज्ड परसन्स हैं। जो पाकिस्तान में अपनी औरतों की बेइज्जती करवा कर आये हैं और जिन की औरतें और मातायें और बहिनें हजारों की तादाद में पाकिस्तान में फंसी हुई हैं और वह रोते फिरते हैं कभी इसके पास और कभी उसके पास और जिनकी कोई सुनने वाला नहीं है वह अनऔथेराइज्ड परसन्स हैं। तो आज अनऔथेराइज्ड वह लोग हैं जो पाकिस्तान में अपना सब कुछ देकर आये हैं या उनके फ़ैमिलीज के मੈम्बर (members of families) हैं। लेकिन अगर आप उनको अनऔथेराइज्ड कहते हैं तो औथेराइज्ड कौन हैं? दरअसल औथेराइज्ड परसन्स या तो वह हैं जो कि पाकिस्तान से अपना सब खो कर आये हैं या मारटर्स (martyrs) और उनकी फ़ैमिलीज। लेकिन आप उन्हीं को अनऔथेराइज्ड कहते हैं। जिन लोगों ने मुल्क के लिए कुर्बानियां की हैं उन को अनऔथेराइज्ड कहा जाता है और जो उन की कुर्बानियों के मज्जे उठा रहे हैं उन को औथेराइज्ड कहा जाता है। मैं समझता हूँ कि यह मुनासिब नहीं है।

इसके बाद यह सवाल आता है कि उनसे डैमेजिज (damages) लिए जायें। आप उनको इविक्ट (evict) भी करते हैं और डैमेजिज भी चाहते हैं। आप किस बात का डैमेज (damage) लेना चाहते हैं और किस से लेना चाहते हैं। क्या उनसे जिनके पास एक घेला नहीं है, जिनके पास खाने को रोटी नहीं? और डैमेजिज किस वास्ते लिए जायेंगे? क्या इसलिए डैमेजिज लेंगे कि अगर किसी को एक कमरा मिल गया है और उसके पास उसने एक टट्टी बनाली है, या किसी ने एक छोटी सी दीवार खड़ी कर ली है या बाहर का दरवाजा भीतर लगा दिया है? और वह लोग डैमेजिज कहां से देंगे? क्या उनकी ऐसी हालत है कि वह डैमेजिज दे सकें? क्या आप इस तरह उनको रिलीफ (Relief) देना चाहते हैं? आपको पाकिस्तान का हाल नहीं मालूम। मैं पाकिस्तान में रहा हूँ। जब मैं था तो पाकिस्तान में लाखों आदमी थे जो रक्षा मंत्री जी की तरफ़ देखते थे और वह इस तरह के नारे लगाते थे कि "बल्देवसिह जिन्दाबाद"। लोग समझते थे कि रक्षा मंत्री जी हमारे मुल्क के हैं और उनके हाँसले पर हम हिन्दुस्तान में जा रहे हैं। आज उनकी तरफ़ से उन लोगों को अनऔथेराइज्ड कहा जाता है। आज कहा जाता है "You are an unauthorised person and you have no right to live in this country. You must pay damages for erecting a small wall here or making a room there." इन बातों का कहना क्या हमें शोभा देता है? मैं समझता हूँ कि यह बातें गौर करने की हैं। हमें यह देखना चाहिए कि इन बातों का असर क्या

पड़ता है। रिफ्यूजीज़ पहिले से ही मायूस हैं और उनको अनऔथेराइज़्ड कहने से तो उनकी मायूसी और भी बढ़ती है। अगर आपको उनसे भकान खाली ही करवाने हैं तो इस तरह कीजिये कि उनको बुरा तो न लगे। वह पाकिस्तान से यहाँ इस उम्मीद में आये हैं कि यह हमारा मुल्क है, पर अगर उनसे यहाँ यह कहा जायेगा कि तुम अनऔथेराइज़्ड हो तो वह सोचेंगे कि हमारा देश कौन सा है। क्या हम बंगाल की खाड़ी में छलांग लगायें या इंडियन ओशन (Indian Ocean) में छलांग लगायें। हिन्दुस्तान में उन के लिए जगह नहीं है, पाकिस्तान में जगह नहीं है, तो आखिर वह कहाँ जायें? इसलिए मैं अर्ज करता हूँ कि आप इस बात पर गौर कीजिये।

इसके अलावा आप कहते हैं कि हम आल्टरनेटिव एकामोडेशन (Alternative accommodation) देंगे। पर यह नहीं कहते कि सैटिसफैक्टरी एकामोडेशन (Satisfactory accommodation) देंगे। एक फ़ैमिली में दस मैम्बर हैं और अगर आप ने एक कमरा दे दिया तो आप तो यह कह सकते हैं कि हमने आल्टरनेटिव एकामोडेशन दे दिया, मगर क्या यह काफी है? आप को उस आदमी का मोड आफ लिविंग (mode of living) देखना चाहिए, यह देखना चाहिए कि उसके यहाँ कितने फ़ैमिली मैम्बर हैं, उस की हालत क्या है, वह पाकिस्तान में किस तरह रहता रहा है और क्या वह एक कमरे में रह सकता है। क्या इसको आल्टरनेटिव एकामोडेशन कहा जा सकता है? क्या इस को रिहैबिलिटेशन (Rehabilitation) कहा जा सकता है, क्या इसको रिलीफ देना कहा जा सकता है? क्या इससे यह सवाल हल हो सकता है? क्या इससे रिफ्यूजीज़ की मदद हो सकती है?

मैं अपने मुहतरिम डिफेंस मिनिस्टर साहिब से यही अर्ज करना चाहता हूँ कि इस वक़्त तक रिफ्यूजीज़ के दिल में उन के लिए बहुत श्रद्धा है और वह देखते हैं कि उन का एक आदमी ऐसा है जो उन की मदद कर सकता है। हम लोग गवर्नमेन्ट का शुक्रिया अदा करते हैं कि उन्होंने हमारे सूत्र के एक आदमी को हिन्दुस्तान का पहिला डिफेंस मिनिस्टर बनाया और हमें उम्मीद है कि आप इस बात का ख्याल न करेंगे कि अब यह दिल पेश हो चुका है, इसको वापस लेने में दिक्कत होगी।

आखिर में मैं यह अर्ज करूँगा कि अगर आप को ज़रूरत ही है और आपको इनसे भकान लेने ही हैं तो आप लें लेकिन एक तरीक़े से लें और इन को अनऔथेराइज़्ड परसन्स कह कर न निकालें। अगर आपको मारना ही है तो मुहअत से मारें, गाली देकर न मारें, ताकि उनको बुरा न मालूम हो।

*(English translation of the above speech)*

**Lala Achint Ram** (Punjab): This Bill has been before the House since some time and the amendments thereto have also been received quite a good time back. I was all along under the impression that the hon. Minister of Defence must have carefully considered these amendments. I was expecting that he would after taking into consideration all the amendments try to devise some way out of these difficulties that have been mentioned in the provisions of this Bill. Very attentively I heard the speech made by the hon. Minister of Defence this morning, and after hearing it very attentively it appears to me that he has not tried to give any solution of these difficulties. I was rather pained to note this. Before his speech and even after that I have been thinking as to what circumstances necessitated the presentation of this Bill. During the British rule two big wars were fought, so many disturbances took place, so many Government servants were kept in employment, many retired, they retained their houses with them and some even vacated them, but in spite of all this there never arose any occasion of presenting such a Bill either in Parliament or in the Assembly. What necessity has forced the hands of Government to present such a Bill now. I have been thinking over this problem and have come to a conclusion. I was all along expecting that the hon. Minister of Defence will give such a reply to the Debate that would make it quite clear to the people that in reality the object of this Bill is not in the least to put the refugees to any inconvenience, but instead of this the object of this Bill is to find ways and means for the solution of those difficulties that are facing our country today. But I did not come across any such thing in his speech. If the hon. Minister of Defence were to give a satisfactory reply to the Debate then even now I think that I am prepared to change my opinion, because arguments must be based on facts and figures. I never expected of him to make such a statement from his own mouth that it was not at all his responsibility to provide accommodation to all of the refugees. No responsible Government and no responsible person who is shouldering the responsibility of guiding the destinies of the country, can say that he does not feel any responsibility of providing accommodation to the refugees who have come to this country after losing their all. In the light of his statement and taking into consideration all the facts if I were constrained to name this Bill as Refugee Eviction Bill then, I think, it would not in the least be improper. I would call this a Refugee Eviction Bill under the circumstances and with the statement which the Defence Minister has made.

**Sardar Baldev Singh:** May I interrupt for a minute? The hon. Member is attributing to me some statement which I never made. What I said was that, if I were to give a categorical assurance that everybody who is evicted will be provided for, it will be a difficult task for me. I have already made it clear that I will see that all those people who are pushed out are given alternative accommodation, but it is not possible for me to give a categorical assurance that every one of them will be provided—there may be some hard cases.

**Lala Achint Ram:** Thank you. I was under the impression that you for certain knew their condition. Today our Government has fallen into disrepute for the reasons that she makes promises but never fulfils them. I except of the hon. Minister of Defence to declare categorically "the refugees are our own brethren" the very same brethren over whom he has been ruling as a Minister, whom he has been serving, and to say "I shall provide a house for



each and every refugee". That is not an impossible statement. I say that this is not a big thing. I think it should categorically be accepted that Government would provide each and every one of them with houses. This should be acknowledged in as many words. If the hon. Minister of Defence gives out that these people are mostly Government servants and the refugees do not constitute more than four or five per cent. then I think it is not a refugee problem. But in case he would not give a categorical reply then I would be constrained to take this Bill as the Refugees Eviction Bill. If the facts are such then I would see this Bill from a different point of view altogether. Some words in this Bill have been so used as are harmful to the interests of the refugees. Through this Bill power has been sought for the eviction of unauthorized persons. But who are the unauthorized persons? These are those very persons, who have been driven here from Prkistan and have come over here after leaving their homes and lands there. The persons who have come here after leaving their lands in Pakistan are called unauthorized persons. Are those persons, who have come here after getting their womenfolk disgraced, whose mothers, wives and sisters in hundreds and thousands are still in captivity in Pakistan, who wail and cry and wander about and whose wails and complaints there is nobody to hear, unauthorized persons? Then today unauthorized persons are those persons and their family members who have come here after losing their everything in Pakistan. But if you call them unauthorized persons then who are the authorized persons? In fact only those persons who have come here after losing their entire belongings in Pakistan or have become martyrs and the members of the families of these very persons are really authorized persons. But you call these very people unauthorized persons. The persons who made sacrifices for the country are called unauthorized persons, and those who are enjoying the fruits of the sacrifices of these very persons are called authorized persons. I think it is not at all proper to do so.

Then comes the question of recovering damages from these persons. You not only evict them but also wish to claim damages. For what things you claim damages and from whom? Do you want to recover damages from those persons who have not got a penny with them, who have no means of subsistence at all, and for what faults these damages would be claimed? Would you claim damages for the reason that someone if he has secured a room has built a lavatory near that room or else has constructed a low wall or has shifted a door from outside to inside. And from where would they pay damages? Are they in a position to pay damages? Do you want to give them relief in this way? You do not know the conditions in Pakistan. I have lived in Pakistan. When I was there in Pakistan millions of people used to look upon our hon. Minister of Defence for succour and used to shout such slogans as "Baldev Singh Zindabad". They were under the impression that the hon. Minister of Defence belonged to their province and so they were migrating to India banking upon his support. But today these people are being called unauthorized persons by the hon. Minister of Defence himself. Today it is said, "You are an unauthorized person and you have no right to live in this country. You must pay damages for erecting a small wall here or making a room there." Does it behove on our part to say so? I think these things require deep consideration. We should see what effect these things produce. Refugees are already despondent and by declaring them unauthorized persons their despondency still more increases. If you have got to get houses vacated then proceed in a manner that may not be offensive to them. They had come over here from Pakistan thinking it to be their own country, and if here we were to call them unauthorized persons then they would wonder as to which their country is? They would think whether they should jump in to the Bay of Bengal or plunge into the Indian,

[Lala Achint Ram]

Ocean. There is no place for them either in India or in Pakistan, then after all where should they go? Therefore I request you to consider over the matter.

Besides this you allege that you would give them alternative accommodation. But you do not promise to give them satisfactory accommodation. If for a family consisting of ten members you allot one room and say that alternative accommodation has been given then can this be sufficient accommodation for them? You should first of all see the mode of living of that person, then you must take into consideration the number of the members of the family and their status. Besides this you must see how had he been living out there in Pakistan and can he live in one single room now. Can this be called alternative accommodation, can this be termed rehabilitation, can this be called a method of giving relief? Can this problem be solved by adopting such a method? Can the refugees be given some help in this way?

I would like to submit to my hon. Minister of Defence that till now the refugees have a great respect for him and they look upon him as one who can really help them. We are thankful to Government for appointing a person of our province as the first Minister of Defence of Independent India and I expect that you would not think that as the Pill has now been moved so it would be difficult to withdraw it.

In the end I wish to submit that if you really stand in need and wish to get these houses vacated by these people then you should better adopt some better measures and do not drive them out by calling them unauthorized persons. If you have to kill them, kill them with love so that they may not feel the brunt of it, but do not give them a bad name and then hang them.

**Shri A. P. Jain:** This Bill, I believe like other Bills, must have had the consent of the Law Ministry. I am therefore surprised that it has violated principles of natural justice. In a way this Bill is the greatest censure on the judicial system of the country—a judicial system which has been established by this very Government.

I would refer you to the Statement of Objects and Reasons, which says:

"Eviction by resort to the civil court in which several cases were filed has not yielded results for obvious reasons."

"Obvious reasons", I believe, are the delays caused in the civil courts. These civil courts are meant for the private citizens as also for Government. The fact that Government with all the resources and legal talents at its disposal is unable to obtain justice in good time from these courts is the greatest condemnation of these courts.

My State is one of the most maligned States in India these days but recently my State has set up a Committee to revise the judicial system and also the adjetival laws with a view to expedite the administration of justice. It is time that when Government is feeling difficulty in getting justice expeditiously a comprehensive reform of the judicial system should be undertaken. It is a well known maxim which every student of law knows that justice delayed is justice denied. This Bill is a clear confession of this fact. Although the Law Minister is not present here I believe that the other Ministers who are here will kindly convey to him this feeling, which is based upon their own admission, namely that the judicial system of the country is unfit to administer justice to private citizens as also to Government. After these few preliminary remarks, I will not repeat any of the arguments made out by my friends. My friend sitting over there said something about the encroachment on the part of the executive on the functions of Parliament. I have complained about that long ago, but that argument has not cut much ice. It is high time now, however, that as an independent country we should lay down healthy traditions and precedents. Let us examine this Bill from that point of view.

I have carefully heard the speech of the hon. Minister of Defence. The only point that he made out was that in the two cities of Calcutta and Bombay certain persons who are either trespassers or whose possession has become unauthorised, though *ab initio* it was legal, are not leaving the premises and he wants to evict them. He wants the power to do so without going to law-courts. It is clear that the power which he wants is extraordinary. Extraordinary powers are meant for extraordinary conditions and they must be limited to the needs. They must not be made extensive. But what do we find in this Bill? This Bill applies to the whole of India.

When my friend sitting behind me was making out this point, my hon. friend Shri Santhanam got up and said that this Bill relates only to the property acquired or hired or owned by the Government of India. That obvious thing we know. But if your difficulties arise only with regard to the cities of Bombay and Calcutta, I would like the hon. Minister of Defence to explain to the House why it is that he is extending the application of this Bill to the whole of India.

Then, the very fact that this Bill has been introduced by the Defence Minister goes to show—and he has admitted it in the course of his speech—that the difficulty has arisen with regard to military property. Do we find any such limitation here? I say, no. The Bill is applicable to all property whether owned by the military department or by any other department of Government. Therefore the apprehension of some of my friends that this Bill may ultimately affect displaced persons is not altogether unfounded. If this extraordinary measure is being passed with a view to combat a special situation arising with regard to military property, why should it not be clearly stated that it will apply only to the property used for military purposes?

Now look at the definition of 'competent authority'. As you, Sir, very rightly observed, there is nothing in this Bill which goes to show who is going to be the competent authority. It is open to Government to appoint any person, even a clerk who is not at all acquainted with law as the 'competent authority'. After all, when you want power from us, you must give it to a man who is capable of exercising it.

**Shri Tyagi** (Uttar Pradesh): Lawyers only.

**Shri A. P. Jain**: Lawyers know the law. Unless you know law, you cannot administer it.

**Shri Sondhi** (Punjab): Make it a haven for lawyers.

**Shri A. P. Jain**: Do you mean that the man who does not know law should be put in charge of it? (*Interruption*). If you know or understand law you are a lawyer. A lawyer is not necessarily a man who has taken a degree. For instance my friend Shri Tyagi who has now started meddling with law must be treated as a lawyer.

**Shri Tyagi**: A very good compromise.

**Shri A. P. Jain**: When people want some share, it must be thrown to them. Now let us take clause 3. What does it say? It says:

"If the competent authority is satisfied—

- (a) that the person authorised to occupy any Government premises has, whether before or after the commencement of this Act,—
  - (i) sub-let without the permission of the Central Government or of the competent authority, the whole or any part of such premises, or
  - (ii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises, . . . . .

I particularly want to draw your attention to sub-clause (ii) which says that the contravention may be express or implied. That is a very wide expression. There are many terms in a lease and, if a minor breach occurs—a court

[Shri A. P. Jain]

of law will never invoke the penalty of eviction in such a case—but here it may be treated as a good ground for eviction.

Then, the competent authority is not at all required to communicate to the person concerned what breach has taken place. He has simply to send a notice. The provision for appeal is there, but a man may not know what the ground for eviction is. He is simply told: "You have committed a breach of the terms of the lease, and you are hereby required to evict the premises within 15 days of the receipt of this notice". That is a perfectly good notice under this clause. But may I know from the Defence Minister whether it can be at all justified by any canons of natural justice or jurisprudence that a person who is being evicted should not be given an opportunity of making a representation against the accusation which is laid against him? I believe that clause 3 gives very wide powers. It gives wide powers but does not prescribe conditions which, under natural law and justice, are the right of every citizen of this country.

Now I come to clause 4. I can well understand that there may be necessity for quick eviction if the civil courts are not functioning efficiently enough to give quick remedy. But the question of the realisation of the penalty or damages stands on a different level. After all, the amount involved will not be very big. Even if some delay occurs in civil courts in the realisation of damages, it will not upset the financial equilibrium of Government. The sum involved is insignificant. Even if we concede the need of clause 3 for adopting a quick procedure, what justification is there for clause 4? You can realise your money after four, eight or twelve months. That will not make any great difference.

Then I come to the question of the quantum of the damages. There is no ceiling limit on it. It is absolutely open to the Defence Minister and his Department to make the demand as high as 50 or 100 times the normal. When you want powers from this House, the House will give them, but they must be reasonable powers which can be justified before the bar of public opinion. You must see that the damages will not exceed two or three times the rent. You look at any law which makes provision for the assessment of damages by a court of law. It puts some limit. In the Tenancy Act there is provision for the payment of damages. It is limited to four times the rent. I wish to draw the attention of the Defence Minister to this, because he is adopting a very extraordinary procedure. He is shutting out the courts of law which have been established by this very Parliament and which are the proper forum for deciding judicial matters.

I hope that the hon. Defence Minister will kindly take note of it. I very much regret the wide powers which have been vested in Government under clause 10 under the caption "Powers to make rules". They are very extensive powers because there is no limitation on them. I understand that there are two motions in this House for the reference of this Bill to the Select Committee. I appeal to the hon. Minister to refer this Bill to the Select Committee. I want that he should himself come out with a motion to refer this Bill to the Select Committee. I do not want to deny him the power to evict unauthorized persons quickly but that power must be exercised in consonance with natural justice and canons of jurisprudence and that that power should not be used in an oppressive manner. Many things have been said as to how this Bill is likely to affect displaced persons and about that the hon. Minister has already given some assurance. I do hope that he will stand by that assurance. Whether it is a question of a displaced person or of any other person, in my opinion, every citizen of this country has the right to get justice and a proper form of justice and even if there is a crisis, principles of justice and natural jurisprudence should not be departed from and I hope that the hon. Minister will

kindly look into the submission that I have made. I hope he will see his way to refer this Bill to the Select Committee where all these things will be amended.

**Prof. S. N. Mishra (Bihar):** Before I proceed to examine the Bill in its details, I would like to express my amazement at the way in which the Bill is being piloted. My amazement is particularly because of the fact that the scope of the Bill is rather large and the person who is piloting the Bill belonging as he does to an apparently different Department seems to invest it with a certain amount of mystery—mystery because one is apt to feel that it is not only an exclusive concern of the Defence Ministry that the Bill should have been piloted by the hon. the Defence Minister. I also think at the same time that the time is not propitious for a Bill of this nature to have been brought before the House. I feel that we are passing through a time which, if we cannot say is very critical, we must say it is something of a nature which requires on our part a certain amount of realism, in the absence of which we are bound to stumble and commit mistakes which may not be in the best interests of the country.

I am referring in this connection to what is happening in East Bengal and therefore also to the huge, gigantic problems that are bound to arise because of the eviction of persons from that part and all of them naturally coming to this country. I, therefore, feel that this Bill is going to create another problem of refugees, may it be only of a very insignificant nature. I do not think it is very well advised at the present moment. A Bill of this nature is bound to create more refugees and greater sense of insecurity amongst the people. India during the course of the last 2½ years has been stabilised at a particular level of equilibrium. I feel that equilibrium is more or less of a temporary nature, more or less not of a stable character. Nevertheless it is an equilibrium. So if you are trying to do something which is going to bring what you may call a stable equilibrium, I feel that this is not the right moment to introduce a Bill for that purpose. If you want to do something in that direction, it is bound to disturb the conditions which are already stabilised to some extent, and therefore bound to be viewed with some misgivings despite your best intentions. I feel that this Bill should not have been brought at this present moment, making confusion worse confounded.

I am also at a loss to understand what is the exact background of the Bill. This should have been clearly explained by the Mover of the Bill. Obviously, this is very hazy, vague and not convincing enough. If a Bill of this nature is sought to be brought before the House, it would have been very proper on the part of the Mover of the Bill to clearly state his arguments in a manner which could have convinced the House. And frankly speaking, I do not see that any Member in the House will believe for a moment that there are reasons convincing enough which warrant a Bill of this nature—a Bill of the nature which is going to exclude the jurisdiction of the Civil Court, a Bill of the general scope and nature which only refers to two cities of this country, where according to the Statement of Objects and Reasons, certain conditions prevail, which the Government cannot look upon with any amount of equanimity. I feel that the reasons have not been placed before the House in a manner so that the House may as it were feel with the finger tips all of them. I am therefore constrained to remark that the hon. the Defence Minister while piloting the Bill was not very convincing enough and therefore quite a good deal of plausible reasons do not seem to exist for it.

I think that it is in the nature of an emergency that this Bill is being brought before the House. But I do not think that anything of that nature exists in the country. Even if I express myself in agreement with the object which the Mover of the Bill has placed before the House, namely, that unauthorised persons should not be in occupation of Government buildings and premises,

[Prof. S. N. Mishra]

it must be said that every object has its justification only in relation to the realities that exist in the country. No principle, no object can exist in a vacuum. They stand or fall according as they correspond with or differ from realities. And when I integrate with it the realities that exist in the country, I feel that there is no correspondence between the two. The reason is that we shirk the fact that there is a large number of refugees in the country and there is no gainsaying it that it is only the refugees who have been occupying most of the Government houses and premises at the present moment. Therefore, I think that the time horizon which is always attached to any particular measure is very ominous at the present moment. I do not want to go into the details of it, but I can only say that nothing should be done at this moment to create a sense of insecurity both here in this country and in those people who are coming from outside, who are coming with a certain glimmering hope that they are going to have some shelter, some accommodation and with a belief in a source of wherewithal on which they can just depend. Therefore, I would very humbly submit that this time factor, this time horizon that attaches to the Bill should be fully taken into account.

While going through the Bill I found that the person who has been described as the competent authority, has not been fully defined. We would have felt a sense of relief had we come to know that the person described as the competent authority will have certain qualifications which will entitle him to be called a competent authority. We do not gain any knowledge about the competent authority when he has been described in the definition part of the Bill. I hope that the Mover of the Bill, when he winds up the debate at the end, will give a full description of the qualifications of the competent authority, who is expected to judge everything about it in a judicial manner. Were we told that the competent authority would be appointed by the Defence Department, it would have made it more or less an emergency measure. It has been stated however, that the Central Government would authorise a person to be the competent authority. This is neither here nor there. Why not go in for cent. per cent. usurpation of all powers? If it were instead the Defence Department it was probably felt, to authorise a person to be the competent authority, it would have made the Bill almost one of a martial nature. I infer that this Bill is unduly characterized by nothing short of a sense of an emergency which the Defence Minister presumably feels exists in the country. Otherwise, what on earth can there be any justification for this Bill superseding normal channels of justice? If he feels that something of that nature exists then, he should come out with a statement that it is something which cannot be explained to the House in the public interests and therefore without full classification this Bill is being placed before the House. Otherwise, we frankly admit that the requisite reasons for introducing a Bill of this extraordinary nature do not exist. They do not exist either in Calcutta or in Bombay so that the Defence Minister could come out and say that a Bill of this nature is urgently required at the present moment. In Calcutta the situation is rather prohibitive and delicate. I would, therefore, submit that, while I extend my support to the Bill, the Bill should be conceived in such a way that it may not give a sense of insecurity to the people already here and it may give a certain amount of confidence in addition to people who are coming from another part of the country.

I do not feel like referring to any other point because most of the points have already been covered. With these words, I extend my support to the Bill.

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

"That the question be now put."

**Mr. Chairman:** The question is:

"That the question be now put."

*The motion was adopted.*

**Sardar Baldev Singh:** I have listened with due care to the criticisms of the hon. Members in regard to the provisions of this Bill. I must say that there is some misunderstanding. Some of the hon. Members have described this Bill as a Bill for the eviction of refugees. It was not possible for me in the beginning, nor is it possible for me now to give the number of refugees who will be affected by this Bill. But, I can say this that the number of refugees as far as I have been able to ascertain, is not much. I am told the percentage will not be more than 25 or 30 at the maximum. That being the position, it is quite clear that 70 per cent. of the people who are occupying Government buildings are those who are not displaced persons. They are persons who have got their homes, but they have occupied Government buildings without any authority. They are living in those buildings without paying any rent for the last two or three years . . .

**Shri Himatsingka** (West Bengal): And realising rents from the tenants.

**Sardar Baldev Singh:** And, at the same time, as the hon. Member says, they are realising rents from the tenants. I am sure the House will not like such a state of affairs to continue. We have to find a remedy. That is why one of the provisions in the Bill is to the effect that steps should be taken to evict those persons who have been occupying these buildings without any authority.

I do not know on what authority my hon. friend Lala Achint Ram was speaking. His criticism of the Bill was absolutely irrelevant. I made it quite clear at the beginning, and I make it clear again now that it is not the desire of Government to put the displaced persons to any hardship.

**Lala Achint Ram:** Why not make a categorical statement to that effect?

**Sardar Baldev Singh:** My hon. friend says why not make it a provision in the Bill. I would like to put it to my hon. friend over there, supposing certain barracks in Delhi Cantonment are vacant today and are occupied by displaced persons, what will my hon. friend do if in a week or ten days troops from Kashmir or Calcutta happen to come. I am not at all unmindful of the difficulties of the displaced persons. The hon. Prime Minister, some time last year, made it quite clear that it is the intention of Government to provide alternative accommodation to the displaced persons. That still continue to be our policy. But, I am afraid it is not possible for me to give a categorical assurance that there will be absolutely no hardship involved. There are certain cases where there is bound to be hardship. There are certain cases where alternative accommodation has been provided, but the displaced persons do not like that accommodation. For instance,—I hope my hon. friend Mr. Sidhva will bear me out in this—there are a number of flats in Bombay which are occupied by unauthorised persons. Unauthorised persons do not mean refugees only as my hon. friend Lala Achint Ram pointed out. Unauthorised persons mean people who have occupied Government buildings without any authority and not necessarily displaced persons.

**Shri Sidhva:** They are also taking *pugrees*.

**Sardar Baldev Singh:** In Bombay, I have got a number of flats requisitioned during the last war. They are still in the occupation of unauthorised people. Most of them, I am told 90 per cent. of them, are not at all refugees. They have sub-let these buildings. Some are occupying without paying any rent. I would like to know from the hon. Member whether it is the intention that this state of affairs should be allowed to continue. I am sure the House will agree . . .

**Lala Achint Ram:** I have given an amendment, accept it.

**Sardar Baldev Singh:** I am not prepared to give way. The hon. Member has had his say. If he will allow me to continue, I will make all the points clear. I am only trying to answer his criticisms.

He was trying to show to the House that all the unauthorised persons who are in occupation of these buildings are refugees.

**Lala Achint Ram:** No, Sir.

**Sardar Baldev Singh:** I want to make it clear that that is not the case.

There was another point raised by my hon. friend Mr. Ajit Prasad Jain. He put a question this morning in the beginning also. The position is this. This Bill is confined to buildings of the Central Government. It does not apply to the buildings which are under the control of provincial Governments. Ninety per cent. of the buildings of the Government of India all over the country are in the possession of the Defence Department. That is why I have sponsored this Bill. Otherwise, it is, I think, the responsibility of my hon. friend the Minister of Works, Mines and Power. As the majority of the building in the Cantonments and other places were requisitioned for the defence purposes I am sponsoring this Bill. I am responsible to give vacant possession of all the requisitioned buildings that were taken during the last war.

Then, Mr. Jain referred to the provisions of clause 4 of the Bill relating to damages. If he will kindly see, he will find that it is clearly stated that damages will be assessed in the prescribed manner. Certain rules will be laid down as to the manner in which damages are to be claimed. I am told that the damages are not to be more than the rent that the occupant is required to pay. As regards damage to the buildings, that is a technical matter and some engineers have to be consulted. As regards damages, generally speaking, they are to be prescribed and I can assure the House that it is not the intention of anybody to charge any excessive damages.

Then another criticism was made by my friend Mr. Jaspat Roy Kapoor and he wanted to know why this Bill does not apply to Jammu and Kashmir. As the House will know, a special provision has been made as far as Jammu and Kashmir is concerned in the Constitution itself. When the future of Jammu and Kashmir is finally settled, it will be opened to the House to make any provision it likes. Then I have no such difficulty as far as Jammu and Kashmir is concerned as in other places.

**Shri Tyagi:** Are any Central Government buildings there?

**Sardar Baldev Singh:** I have very few requisitioned buildings in my possession there and there are very few buildings belonging to the Central Government in Jammu and Kashmir and so his difficulty has not arisen there.

In the end I want to assure the House that as far as the provisions of this Bill are concerned, I intend applying them to the fullest possible extent as far as those people are concerned who had no authority to occupy these buildings. As regards the refugees, the Prime Minister has declared it and I repeat it that it is not our intention at all to put these unfortunate people into any trouble and I will see that they are offered every possible help.

With these words, I think I have cleared most of the points raised by hon. Members.

**Mr. Chairman:** The question is:

"That the Bill to provide for the eviction of certain persons from Government premises and for certain matters connected therewith, be taken into consideration."

*The motion was adopted.*



**Mr. Chairman:** The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause 3 was added to the Bill.*

**Shri Munavalli:** I beg to move:

"That in sub-clause (1) of clause 4,—

- (i) after the word 'premises' occurring in line 2 the words 'for any period' be inserted; and
- (ii) after the word 'premises' occurring in line 4 the words 'for that period' be inserted."

Clause 4 of this Bill contains very stringent provisions. According to these provisions, the competent authority, if he be empowered under this Bill, can evict any individual, that is occupying the buildings and also he may recover damages from him, for any period. If my amendment is not accepted, the competent authority will be given a free hand, to assess the damages, for any period, whether that individual occupies that building, for that period or not. So, there is every likelihood, that an injustice may be done to the occupants of these buildings. I therefore want that some justice be done to these persons because if the authority is given the choice of fixing the damages, he may fix the damages for any period according to his whim. That ought not to be the case. He must take into consideration the rent for the period, that he occupies. That is not to be found in this clause.

**Mr. Chairman:** Amendment moved:

"That in sub-clause (1) of clause 4,—

- (i) after the word 'premises' occurring in line 2 the words 'for any period' be inserted; and
- (ii) after the word 'premises' occurring in line 4 the words 'for that period' be inserted."

**Sarda Baldev Singh:** I have consulted legal opinion about this and I am advised that it will create a lot of difficulties if this amendment is accepted. For instance, the occupant may hand it over to a second one who in turn may hand it over to a third one and so on. In that case difficulties may arise. That is my difficulty in accepting this amendment.

**Mr. Chairman:** Does the hon. Member wish to press the amendment?

**Shri Munavalli:** In view of the remarks made by the hon. Minister, I would like to withdraw my amendment.

*The amendment was, by leave, withdrawn.*

**Mr. Chairman:** The question is:

"That clause 4 stand part of the Bill."

*The motion was adopted.*

*Clause 4 was added to the Bill.*

**Shri Meeran:** From the Statement of Objects and Reasons of this Bill it seems that there is a lot of unauthorized occupation and that Government are not able to get immediately relief from civil courts. But I am not able to understand clause 5 and other provisions. I quite understand the anxiety of Government to see that no unauthorized occupation continues and also at the same time they can see that there is no delay. Once Government takes possession of the premises as quickly as possible, why should they not allow that particular party to take his proceedings to a court of law to establish his claim if he has any right. Of course if Government's claim is fool-proof, if they are so sure of their claim, what objection is there for Government to say that the regular ordinary course of civil law is open to an aggrieved person. The

[Shri Meeran]

Statement of Objects and Reasons says that there are many cases of unauthorised occupation of accommodation requisitioned or owned by Government. That is the object of the Bill. But it deals with the authorized occupants and unauthorized occupants; that is definitely made clear in clause 3 (a) and (b). Clause 3 (a) says:

"If the competent authority is satisfied that the person authorised to occupy any Government premises has, whether before or after the commencement of this Act sub-let, etc."

That contemplates that a person who has been let into possession by Government, is authorized to remain there. Of course he might have sub-let it. He can sub-let it and the sub-lessee has a right to remain there.

Then clause 3 (b) says:

"That any person is in unauthorised occupation of any Government premises."

I can understand the provision of the Bill so far as clause (b) is concerned i.e., with reference to a person who is in unauthorised occupation; but suppose the man is in authorized occupation and he says 'I am a tenant and you cannot evict me except by due process of law'. If that be the case, if Government feel that they cannot afford to wait and allow the desultory process of law to take its own time, if they feel that they want the premises immediately because they are losing rent or for any other reason, that I can understand. You can evict the person. But suppose he has a better right or he has a legal right then why should he not be allowed the right to go to a court of law to establish his claims, at least appeal against the Government? But under clause 6 there is the bar of jurisdiction of civil courts, and he has not the right to go to a court of law. Also if he is at all to appeal, he must appeal to the Central Government and according to the clause regarding delegation, clause 8, the Central Government may delegate its power to some senior officer, and that senior officer may delegate it to some one else who may be a junior officer. We can understand the object of Government, but why should the persons concerned be harassed unnecessarily and why should there be a bar...

**Mr. Chairman:** Order, order. The hon. Member is speaking on the provision regarding appeal and not on the bar to going to a court of law, to a civil court. If he has to say anything on that, he may speak on clause 6.

**Shri Meeran:** According to the provision contained in the Bill, any aggrieved person has to appeal to the Central Government, and I say that provision is bad and that provision must go and any person aggrieved must have the right to establish his right in a court of law. That is why I refer to the question of civil courts with reference to clause 6, and also to clause 8. This shows that Government have no confidence in their own courts. If the Government's claim is fool-proof, surely the party should be allowed to go to a civil court. Why not give the party that right? Moreover, as was pointed out here, this measure is not in reference only to military buildings, but with reference to buildings owned by the Central Government not only in Bombay or Calcutta, but wherever they may be situated, and therefore, I feel that the right to establish his rights in a court of law should be allowed to the party.

**Sardar Baldev Singh:** I have nothing more to add to what I have said. I have not been able to follow what exactly is the difficulty the hon. Member has been speaking about. As I said, I have nothing to add to what I have said and the position is absolutely clear.

**Mr. Chairman:** The question is:

"That clause 5 stand part of the Bill."

*The motion was adopted.*

*Clause 5 was added to the Bill.*

*Clauses 6 to 10 were added to the Bill.*

*Clause 1, was added to the Bill.*

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

**Sardar Baldev Singh:** I beg to move:

"That the Bill be passed."

**Mr. Chairman:** The question is:

"That the Bill be passed."

*The motion was adopted.*

### ROAD TRANSPORT CORPORATIONS BILL.

**The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):** The motion to refer the Road Transport Corporations Bill to a Select Committee may please be taken up.

**Mr. Chairman:** Yes.

**The Minister of State for Transport and Railways (Shri Santhanam):** I beg to move:

"That the Bill to provide for the incorporation and regulation of Road Transport Corporations, be referred to a Select Committee consisting of Chaudhri Ranbir Singh, Shri C. M. Poonacha, Shri B. N. Munavalli, Shri Ram Chandra Upadhyaya, Shri Kishori Mohan Tripathi, Shri Kuladhar Chaliha, Sardar Hukam Singh, Shri Krishna Chandra Sharma, Lala Raj Kanwar, Shri Satis Chandra Samanta, Shri Jagannath Das, Shri Bepin Bihari Verma, Shri T. M. Kaliyannan, Shri D. P. Karmarkar, Shri R. Venkataraman, Major General Maharaj Shri Himmatsinghji, Sardar Sohet Singh, Shri Gokulbhai Daulat ram Bhatt, Shri Ramsawami Naidu, and the Mover, with instructions to report by the end of the first week of the next session."

I do not want to take up much of the time of the House. This is more or less an enabling Bill. Under the present Constitution as in the previous one, road transport is a subject belonging to the State Governments, while corporations is exclusively a Central subject. When the problem of co-ordination of road transport and rail transport came up, it was suggested to all the States that they should not, as far as possible, run their road transports departmentally and should entrust them either to tripartite companies consisting of the State Government, the Railways and the road transport users, or, where the State Government wants to nationalise them completely, that they should be run by statutory corporations consisting of the State Government and the Road Transport and the Railways. So, for this purpose a Bill was enacted in 1948. But unfortunately that Bill was found legally defective, because it entrusted certain provisions to the Provincial Legislatures. We did not want to go into details, but we did not want that all important details, such as the composition of the corporation, the financial powers etc. should be left to executive authority. That Bill left under clauses 3, 4 and 5 many important and essential matters to be regulated by Provincial law. This was found to be unconstitutional, because Provincial Legislature cannot legislate on a matter which is in the exclusive jurisdiction of the Central Legislature. And therefore, road transport corporations could not be properly formed in the States. It is to remedy this defect that this Bill has been brought forward.

If hon. Members will look through the provisions of this Bill, they will find that to a large extent its provisions are almost identical with the provisions of the Delhi Road Transport Authority Bill. That Bill was properly scrutinised by a Select Committee and discussed elaborately on the floor of this House, and to the extent they were applicable, we have taken them bodily.

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Ajmer-Merwara, and the system which largely prevails is the *batai* or the division system. Here also, on account of wrong measures, on account of dishonest weighment and many other ways, the tenants were oppressed.

Then there was a system which the world knows as *begar* by which both the tenants and the possessions of the tenants were available for use at the sweet will of the landholder, and the tenant felt utterly helpless under this economic and social bondage. Even with regard to the amount of rent, it was exceedingly heavy, and about one-third or one-fourth of the entire produce used to go to the landlord.

These things have continued for the last eighty years. For the first time in the history of the tenantry of Ajmer-Merwara an attempt is being made to raise the position of the tenant economically and socially and bring him up almost to the level of the tenants in other parts of India. Read in the context, possibly, of the measures in U.P. and Bihar and Madhya Pradesh and elsewhere, it may be that here and there a provision may not appear as progressive as one would wish. But here, because we are dealing with a very antiquated condition of things and we are trying to take a big jump, it may be that to some extent there has been an adjustment with the objective situation which exists, but that also in very very few cases. The attempt has been to raise the position of the tenant almost to the same level as in U.P. and Bihar and Madras and Madhya Pradesh.

One of the peculiarities of the relationship between the tenant and the *istimrardar* in Ajmer-Merwara is what are called the *lags* and the *negs*, being in landlord's requisitions in kind and requisitions in cash. These illegal exactions number as many as one hundred and fifty, and one of the basic and fundamental provisions of this Bill is to abolish all these illegal exactions and make the recovery of any exaction in cash and kind an offence for which penalty is due under the Penal Code. So, most of the outstanding evils of the tenantry system in Ajmer-Merwara have been attempted to be remedied by this piece of legislation.

In dealing with *istimrardars* and as I said, in dealing with the actual objective situation and realizing that we were taking a big jump at the end of a long lapse of eighty years, we have made some provision, more or less on the lines of what exists in the U.P. tenancy legislation, for having some part of the possession of the *istimrardar* wherein the tenant may not acquire hereditary rights.

Another important provision, equally basic and fundamental, of the Bill is that almost all these tenants who are today tenants at will and can be driven away, ejected at the sweet will of the landholder, have now been made hereditary tenants. There is, as I said, a provision on the lines of the U.P. legislation, regarding a certain amount of land which has been cultivated by the *Istimrardar* himself, by his own hired labour and men and which is called *khudkasht*. That *khudkasht* he gets demarcated. That demarcated area has been described as *niji jot*, that is, cultivated by himself. That is practically the same as *khudkasht*. In that area the tenant would not ordinarily acquire hereditary rights. The landlord would continue to cultivate that land, as it were, by hired labour or by cultivators who would not ordinarily acquire hereditary rights, unless it is let in breach of the provisions of the Act.

Then, we have made another provision in this Bill in the interest of the tenants. One of the grievances and one of the complaints prevalent all over India has been that for the poor and the weak justice is neither cheap nor speedy. We have attempted in this Bill to make justice both cheap and speedy for the tenant. We have made a provision that the normal *ad valorem*

duties need not be paid by the tenant, or even by the *istimrardar*—if we have to provide any fees, we have to provide for both—but only a limited amount of Rs. 2-8-0 has to be paid by him on any application he makes for asserting his rights before the confirming court. It is not any long tedious process by which he has to get justice. The revenue court which examines the facts of the case would give a decision. We are not providing for a normal process of appeal because where law courts and lawyers are concerned it is the richer man ordinarily who is able to get the greater advantage. But we have provided, in case there might be injustice, that the party concerned would have the power to ask for the confirmation of the decision arrived at. This confirmation also would be by an equally cheap process and an equally speedy process. We want on the whole that lawyers should as far as possible be required only in certain specified cases. We have laid down that the lawyers will appear only in certain important cases, that is, in the confirming court—not in the lower court. They would appear wherever there is a question of computation of rent from kind to cash; also wherever there is a question of reviewing the rate of rent. They can appear where there is a question of ejection of the tenants. And they can also appear where there is a question of compensation or penalty to be awarded. We have taken care to see that the lawyer appears only on certain important occasions so that the administration of justice in fixing the rights of the parties is both speedy and cheap.

Another important change which we have made and which has been in operation for the last one year is as regards the rate of rents. Before we took up this legislation, a non-occupancy or hereditary tenant wherever he was had to pay one-third of the produce as rent. We have reduced that from one-third to one-fifth. In the case of occupancy tenants where the rent was one-fourth, we have reduced it to one-sixth. In the case of the exproprietary tenants where originally the rent was two-ninths, that is nearly one-fourth, we have reduced it to one-eighth. This is another important direction in which we have reduced the burden on the tenant.

Now, in dealing with the Ajmer-Merwara tenancy question and discussing a Bill dealing with the rights of the tenant as against the landholder, a question naturally arises, and that is, why should we not straight off have legislation eliminating the *istimrardar* altogether and propose measures on the lines of the U.P., Bihar or other State legislation dealing with the abolition of the *zamindari*. One practical difficulty with which we are faced in Ajmer-Merwara is that there are almost no records of rights; which tenant has been cultivating which area for how long is not a matter of record in the *istimrardari* area. The result is that if you abolish one party and hand over land to another party, then it is not clear as to which land is to be transferred to whom. There has been no proper survey of that area and there has been no proper record-of-rights. We have, therefore, been forced to take this intermediate step. Especially because, as I have said, we are trying to wipe off the effects of century-old traditions, we felt that we must first have a complete survey and a proper record of rights before we take any further steps in this direction. Also, if we introduced a Bill for the abolition of *zamindari* probably it would have taken much more time because, as hon. Members are aware in U.P. and Bihar also though legislative enactments have been passed or are about to be passed, it is felt that a considerable time must elapse before the *zamindari* gets entirely abolished. As against that, under the provisions of this Bill we have laid down a procedure under which it will be possible for a tenant to acquire the ownership rights by paying a certain number of times the rent he pays every year. Because we were able to put this measure in the form of a Bill, for a whole year we were able to confer substantial advantages upon the tenants immediately which may not have been possible if we had the bigger measure to pilot through the Legislature or have it first

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examined, studied and reported upon. Therefore, we have taken this first step, at the same time providing, as will be noticed from clause 40, that it will be possible for a tenant to liberate himself and be the *biswadar*, the owner, of that area held by him, by paying twelve times the annual rent.

Now, with regard to twelve times the annual rent, it may possibly suggest itself to some Members that it is a little too high, but the rents which at present are being paid or are likely to be paid in Ajmer-Merwara are exceedingly low. There is a peculiar type of rent called *bighori* which is only about twelve annas to two rupees per acre. Also because, as I said, the two monsoons don't propose to meet over Ajmer-Merwara and very tantalizingly approach Ajmer-Merwara and retreat, they have left the land in an exceedingly poor condition and its value is very low. So, the provision has been made under clause 40 for the tenant to acquire the right of ownership by payment of twelve times the annual rent.

One difficulty which has, as I said, come in the way of any bigger step being taken hereafter is the absence of a record of rights and a proper survey. We have made a beginning in regard to this matter and we were surprised that when a settlement was being made of a limited area, as many as 12,000 objections were raised which showed the uncertainty of information regarding the rights of the people. I personally feel that if justice is to be done to the tenants of Ajmer-Merwara, the process of survey and the process of record of rights will have to be very much accelerated and it should be possible by adequate expenditure of money and adequate utilization of staff to complete the survey and record operations quickly, because on that will depend any other step that may have to be taken.

In brief, these are the main provisions of the Bill. As I said, the question has been thrashed out threadbare over a large number of meetings of the Select Committee by a fairly representative body of Members of this House. At the same time I can concede that there are certain improvements which the Bill is susceptible of and in the course of the last few days as well as on earlier occasions I have tried to meet the friends who have tabled certain amendments, and tried to go as far as possible to meet their point of view. But my request would be that since the Bill has been virtually in operation under the force of circumstances for a year and since it has had a very thorough discussion in the Select Committee, we might take as little time as possible and place this Bill on the statute-book because I know the tenants of Ajmer-Merwara have welcomed this piece of legislation and none will be happier than they if this Bill could be enacted in as brief a time as possible.

**Mr. Chairman:** Motion moved:

"That the Bill to declare and amend the law relating to agricultural tenancies, record-of-rights and certain other matters in Ajmer-Merwara, as reported by the Select Committee, be taken into consideration."

**Shri Biswanath Das** (Orissa): In rising to speak on the motion, I do realise the difficulties which my hon. friend the Minister incharge has to face: the coma and neglect of over a century of the undoubted rights of the tenants who, as he has very rightly admitted, have been stripped of their age-long, natural and undoubted rights so well recognised in our *smritis* and *shastras*. The greatest evil that was done to this country by the advent of British was the gloss that was put by British Jurists, British lawyers and British statesmen over the rights of the people of the village communities on the land. The whole of India was a prey to this injustice, which has yet been little undone by the respective legislations in the provinces and by judicial decisions in the long course of time. It is an independent India that could wipe off and undo this injustice. British Government, after the conquest of India, began to

declare that they were the masters of the land, that it was they who had to give rights to the people. They recognised the rights by means of engagements. Those engagements were given either by themselves in *ryotwari* areas or through their agents the *zamindars* in *zamindari* areas. The result is that today in India we have above 50 per cent. of the land *ryotwari* and a little less than 50 per cent. *zamindaris* of different denominations either temporarily or permanently settled Estates. This being the position, tenancy reform was the cry in the country ever since I entered public life in 1920. Since then, we were agitating both for tenancy reform and liquidation of *zamindaris*.

Liquidation of *zamindaris* was not possible because *zamindari* is an institution which was created by the British Government and it could not be wiped off or effaced or thrown out from the country so long as that Government was there.

**Shri Ohaliha** (Assam): Orissa has been the greatest sufferer.

**Shri Biswanath Das**: Yes, and Bengal, Assam, Bihar and U. P. also although mostly Orissa.

Under these circumstances in the natural course of things one would have expected my hon. friend to come forward with a Bill liquidating the *zamindari* system once and for all. We as Congressmen are bound by the Resolutions of the Congress, whatever the decisions of this House may be. We decided on the liquidation of *zamindaris* in 1936 and since then our election programme and pledge given in 1946 are clear and distinct on this point. We do not want to have any intermediary between the *ryot* and the State. This is what is called the "nationalisation of the land" and "revision of the land revenue policy" is to follow after the liquidation of the *zamindaris*.

Plans in this regard have been laid down by a number of institutions after due enquiry. The first is the Master Plan that was placed before us by the famous Committee which was constituted by a Resolution of the House, presided over by no less a person than our honoured leader, Pandit Jawaharlal Nehru. That Plan is contained in the report of the National Planning Committee. That Committee made it clear that nationalisation of the land in all its aspects should be effected and the land revenue policy of India should be accordingly revised. Though the National Planning Committee Report adumbrated this plan, so early as the forties of this century, and though we have been able to send away British Imperialism out of India since August 15, 1947, it is to be regretted that today we should have been here to discuss the question of tenancy reform. I know and I quite realise the difficulties of my hon. friend. I know his troubles, terrible as they are, in this regard. He has to face grave difficulties in regard to food and also difficulties in carrying on propaganda for growing more food. Therefore, I can understand his difficulty in attending to these small things—these tenancy reforms—in respect of a district like Ajmer-Merwara besides those responsibilities. But need I impress upon him the difficulties that we ourselves have to face as ordinary Congress workers? What are we to say before the country? If so great a leader as my hon. friend, with all the reputation he has behind him as one of the leading lights of the Congress High Command and as the Minister of Agriculture, if he were to come before Parliament with a legislation which would satisfy no one today—probably it would have satisfied people in the year of grace 1946 or 1947, but not today—then, what am I to do? I sympathise with him; I recognise his difficulties. At the same time, I have a right to ask him to give me light which I can carry to the people and explain to them, "Well, this is what we have done for you". What is there, I ask, that I can take to the people? Let me assure him that tenancy reform is nothing revolutionary today, because independence has changed the entire outlook of the country. The time has come when the vested

[Shri Biswanath Das]

interests and the landed aristocracy should realise this. As the *Siva Dhanush* itself felt, on experiencing the touch of the hand of Rama that its last days had come, so should the *zamindars* or *istimrardars* or whosoever are the middle classes between the *ryot* and the State, come to the conclusion that liquidation of *zamindari* or *istimrardari* is the only goal which is in the interests of themselves as well, as the State and the *ryot*.

Even under the constitution of 1935, as the Minister in charge of Law and Order, I had found that this tenancy trouble always took away a good deal of time and attention of the Provincial Government. I was myself preparing, even under the shackles of the constitution of 1935, to throw off the *zamindari* system, and let me inform the House here that I had the assurance from the then Viceroy, Lord Linlithgow, that he would support my proposal and if possible give financial aid to the extent of the compensation by way of loan. That probably would have been a big thing in those days, but today it has dwindled to insignificance, to nothingness. I would appeal therefore to my hon. friend to think of this aspect.

I followed his speech very closely. His difficulties are real. Looking at the present difficulties, he says: "What am I to do? I have to give immediate help." That is his position. But I only plead with him and say that his officers are not the persons to give him proper advice. Do you know why? It is not their fault. It is the fault of the institution, the methods and the conditions under which they are working. The trouble is that they have no experience of provincial administration. They do not know how to approach a tenancy problem which could have very well been rightly approached and probably solved by people having experience of provincial administration. That is really the reason and that explains why so reactionary a Commission as the Simon Commission recommended that these Centrally administered areas should cease for two reasons:

(i) the officials engaged by the Central Government had no experience of provincial administration, and as a result of it, (ii) administration became costly and ineffective. He is talking of *Niji Jot* lands or home farm lands but where are those farms? I have talked to several *istimrardars* and I found that very few of them had it.

**Mr. Chairman:** How long more will the hon. Member take to finish his speech?

**An Hon. Member:** Five minutes more.

**Shri Biswanath Das:** No, Sir, longer than five minutes. How is it possible to finish in five more minutes?

**Mr. Chairman:** In that case the House stands adjourned till a quarter to Eleven on Monday.

*The House then adjourned till a Quarter to Eleven of the Clock on Monday the 3rd April, 1950.*