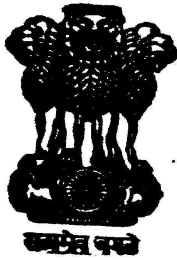


Thursday, 30th November, 1950

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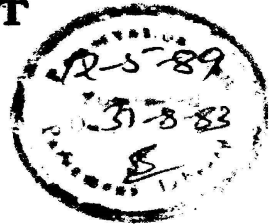
840



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT



THIRD SESSION (FIRST PART)

of the

PARLIAMENT OF INDIA

(1950)

Price Rs. 2 or 3s.

CONTENTS

Volume V.—15th November to 22nd December, 1950.

	Columns		Columns
Wednesday, 15th November, 1950—			
Members sworn	1		
Oral Answers to Questions	1—28		
Written Answers to Questions	28—50		
Thursday, 16th November, 1950—			
Oral Answers to Questions	51—76		
Written Answers to Questions	76—90		
Friday, 17th November, 1950—			
Oral Answers to Questions	91—120		
Written Answers to Questions	120—30		
Monday, 20th November, 1950—			
Oral Answers to Questions	131—56		
Written Answers to Questions	156—74		
Tuesday, 21st November, 1950—			
Member sworn	175		
Oral Answers to Questions	175—99		
Written Answers to Questions	199—224		
Wednesday, 22nd November, 1950—			
Oral Answers to Questions	225—51		
Written Answers to Questions	252—66		
Thursday, 23rd November, 1950—			
Oral Answers to Questions	267—94		
Written Answers to Questions	294—308		
Saturday, 25th November, 1950—			
Oral Answers to Questions	309—39		
Written Answers to Questions	339—52		
Monday, 27th November, 1950—			
Oral Answers to Questions	353—81		
Written Answers to Questions	381—90		
Tuesday, 28th November, 1950—			
Oral Answers to Questions	391—418		
Written Answers to Questions	418—36		
Wednesday, 29th November, 1950—			
Oral Answers to Questions	437—63		
Written Answers to Questions	463—78		
Thursday, 30th November, 1950—			
Oral Answers to Questions	479—511		
Written Answers to Questions	511—18		
Friday, 1st December, 1950—			
Oral Answers to Questions	519—47		
Written Answers to Questions	547—60		
Monday, 4th December, 1950—			
Oral Answers to Questions	561—98		
Written Answers to Questions	598—610		
Tuesday, 5th December, 1950—			
Oral Answers to Questions	611—45		
Written Answers to Questions	645—52		
Wednesday, 6th December, 1950—			
Oral Answers to Questions	653—81		
Written Answers to Questions	681—702		
Thursday, 7th December, 1950—			
Oral Answers to Questions	703—31		
Written Answers to Questions	731—38		
Friday, 8th December, 1950—			
Oral Answers to Questions	739—67		
Written Answers to Questions	767—72		
Monday, 11th December, 1950—			
Oral Answers to Questions	773—801		
Written Answers to Questions	801—12		
Tuesday, 12th December, 1950—			
Oral Answers to Questions	813—43		
Written Answers to Questions	843—46		

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

479

480

PARLIAMENT OF INDIA

Thursday, 30th November, 1950

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

TRUST DEED BY NIZAM

*514. **Shri Raj Kanwar:** Will the Minister of States be pleased to state:

(a) whether it is a fact that a Trust Deed involving a capital expenditure of approximately Rs. 16 crores was recently executed by the Nizam of Hyderabad in favour of his sons, daughters-in-law and other near relatives, which has since received the imprimatur of Government;

(b) if the reply to part (a) above be in the affirmative, the reasons why such a course was considered necessary; and

(c) whether the creation of a private Trust for the benefit of the Ruler's own children and other relatives is an isolated instance of its kind in so far as the former Indian States are concerned?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Yes Sir.

(b) The Nizam created these Trusts from his private funds. The Government of India were consulted and saw no objection to the proposal. On the other hand there was some advantage to Government in that the amount was invested in Government Securities.

(c) No Sir.

Shri Raj Kanwar: Have any efforts been made by Government to ascertain the approximate value of the Nizam's private property, both moveable and immoveable? If so, what is the approximate value of such property?

Shri Rajagopalachari: It is not possible for me to give any approximate value of all his private properties, but

I may say that out of his private properties the Nizam has made several Trusts for the benefit of his family members. The total value of such trusts comes in Indian rupees to Rs. 10.972 crores and in Hyderabad Sikka to Rs. 13.50 crores. The rupee trusts are invested in the Government of India and the Hyderabad Sikka trusts in the Hyderabad Government. The Government of India was consulted and one of the trustees is a nominee of the Government of India, namely, the President's Secretary, Shri S. A. Lal. I hope that this information will satisfy the hon. Member. It is not possible for me to give any indication of the total value of all his property.

Shri Raj Kanwar: I am thankful to the hon. Minister, but I want to know whether the Nizam is the richest man in this country or as some say, the richest man of the world?

Mr. Speaker: Order, order.

Shri Gautam: Has any portion of this money been invested outside India?

Shri Rajagopalachari: The money that I referred to is either in the Government of India's custody or in that of the Hyderabad Government. As for any other monies, some monies, hon. Members are aware, are the subject matter of litigation in England.

INCOME-TAX CONCESSION

*515. **Shri Jhunjhunwala:** Will the Minister of Finance be pleased to state whether Government are contemplating the grant of any special income tax concession to foreign shipping companies operating in Indian Waters?

The Minister of Finance (Shri C. D. Deshmukh): No.

Shri Jhunjhunwala: Is there any double-tax avoidance agreement between India and Britain?

Shri C. D. Deshmukh: No, Sir. Negotiations are in progress.

Shri Jhunjhunwala: At what stage are these negotiations?

Shri C. D. Deshmukh: At an incomplete stage.

Shri Jhunjhunwala: Under these negotiations, is it contemplated that the shipping companies will be exempted from the double-taxation avoidance agreement?

Shri C. D. Deshmukh: It is not open to me to give out what exactly is going on as a result of these negotiations. All the necessary details will be placed before the House if and when the negotiations are complete.

Prof. K. T. Shah: Did I understand the hon. the Finance Minister to say that there never was such an agreement of avoidance of double-taxation even under the previous regime?

Shri C. D. Deshmukh: There was an agreement. The matter was regulated by an agreement in 1947.

Shri Jhunjhunwala: Has the Government calculated what will be the loss to Government if the shipping companies are exempted from this double taxation avoidance agreement?

Mr. Speaker: That will be problematical at this stage. Government must be considering all that. The negotiations are incomplete.

Dr. Deshmukh: What is the reason for which this revision is contemplated? Is it for changing the agreement in favour of India, or has the previous agreement expired?

Shri C. D. Deshmukh: The agreement has expired. It is considered desirable from the point of view of trade between the two countries that there should be some kind of double taxation relief agreement. But our aim will always be, of course, to safeguard our interests and to obtain better terms than what obtained in the past.

Shri Jhunjhunwala: Is the Government charging the British shipping companies working in our waters any tax at present?

Shri C. D. Deshmukh: Yes, Sir. All foreign shipping companies, including British companies, are assessed to Indian income-tax.

PROGRAMMES OF A.I.R.

*516. **Shri Kesava Rao:** (a) Will the Minister of Information and Broadcasting be pleased to state what steps, if any, are being taken to improve the

quality of the programmes of All India Radio?

(b) Will Government consider the question of appointing a Committee to investigate ways to improve the quality of the programmes?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) At most of the Broadcasting Stations Programme Advisory Committees have been set up consisting of non-official members, in order to associate public and expert opinion with the planning and production of All India Radio's programmes. Similarly Advisory Committees of experts to advise on specific programmes, e.g., Indian Music, Educational Broadcasts and rural programmes have also been set up. In such of the stations as do not at present have such committees they are being set up.

(b) In view of the reply to (a) Government do not think it necessary at present to set up any other committee.

Shri Kesava Rao: May I know what portion of the time allotted every day is given to broadcasts to the rural people?

Shri Diwakar: I cannot give the proportion just now.

Shri Kesava Rao: Is any time allotted for propagating Hindi?

Shri Diwakar: Yes.

Shrimati Durgabai: Are these Advisory Committees consulted with regard to the improvement in the quality of the programmes, and if so, are their recommendations binding?

Shri Diwakar: They are not binding. They are Advisory Committees.

Shri Kamath: Is there any proposal before Government to apportion the available time between Hindi, English and the regional languages?

Shri Diwakar: There is no such proposal, because the languages used in those particular stations depend upon the regions in which the stations are situated.

Dr. Deshmukh: Is the hon. Minister aware of the inordinate delay in the constitution of these Advisory Committees?

Mr. Speaker: Order, order. Need not be answered.

Ch. Ranbir Singh: Is it a fact that the members of the Advisory Committees for rural programmes are not

from rural areas and have nothing to do with rural areas?

Shri Diwakar: I do not think so.

Shri Jainarain Vyas: Is there any Central Advisory Committee for programmes?

Shri Diwakar: There is no Central Advisory Committee as such.

Shri Jainarain Vyas: Does the hon. Minister propose to introduce one?

Shri Diwakar: It is not proposed to do so at present.

Shri Tyagi: Has any indication been given to these Advisory Committees of the lines on which moral, economic and other programmes are to be drawn up?

Shri Diwakar: The general guidance is for superior, higher and better programmes.

DECENNIAL CENSUS

*517. **Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether the organization of machinery for the next decennial census is complete; and

(b) the exact date of reckoning?

The Minister Without Portfolio (Shri Rajagopalachari): (a) The attention of the hon. Member is invited to the reply given to part (a) of Shri Deshbandhu Gupta's Starred Question No. 98 on the 17th November, 1950.

(b) The reference date for the census is the 1st March, 1951, but the actual enumeration will be done between the 9th February, 1951 and the reference date.

Shri Kamath: What is the earliest date by which the relevant figures of population are likely to be published?

Mr. Speaker: These details were given on the question referred to by the hon. Minister.

Shri Kamath: What arrangements have been made for enumerating Indians abroad and on the high seas?

Shri Rajagopalachari: Sir, a separate question may better be put on this.

Shri Kamath: What about the refugees who have come from Pakistan after a particular date—25th July, 1950? What about enumerating them?

Shri Rajagopalachari: All persons resident in India will be enumerated and checked that day. There will be

no distinction between citizens from abroad and citizens in India.

Shri Kamath: Have women workers been appointed to enumerate *purdah-nashins*?

Shri Rajagopalachari: I think, Sir, the procedure that we followed in the previous Census will be followed and it will be satisfactory.

Shri Hussain Imam: Is it proposed to make any enquiry about the place of birth and date of immigration or something like that in this Census?

Shri Rajagopalachari: I think I shall not be able to answer such detailed questions as to the Census. If hon. Members wish to have information, if they will write they will get all the information required without taking the time of the House.

Shri Kamath: Will the date of publication of the relevant figures of population have any effect on the proposed date for general election?

Mr. Speaker: Order, order.

Shri Hussain Imam: I want to know whether the hon. Member can lay on the Table the Questionnaire that is going to be given to the enumerators. That will give us all information.

Shri Rajagopalachari: I think if it is possible it will be done, Sir.

Ayurvedic AND Unani SYSTEMS OF MEDICINES

*518. **Shri Kamath:** Will the Minister of Health be pleased to state:

(a) whether Government have considered the necessity and desirability of promoting research in *Ayurvedic* and *Unani* systems of medicines; and

(b) if so, what steps Government propose to take in this matter?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). Government have considered this question and agree that research in *Ayurvedic* and *Unani* Systems of Medicine should be promoted on the lines recommended by the Chopra Committee. This question was also considered by the 3rd Health Ministers' Conference held in August-September, 1950. Government have appointed a Committee under the Chairmanship of Dr. C. G. Pandit, Secretary, Indian Council of Medical Research. One of the terms of reference of the Committee is "to work out and submit to Government a detailed scheme for the development of a centre of research in *Ayurvedic* and *Unani* Systems of Medicine on as broad a

basis as possible on the lines indicated in the Report of the Committee on Indigenous Systems of Medicine." The Report of the Committee is awaited. Government will take further necessary action after the Report has been received.

Shri Kamath: How long is it since the Pandit Committee started functioning?

Rajkumari Amrit Kaur: I do not remember the exact date on which it was appointed, but the Report is expected very shortly now, probably by the end of December.

Shri Kamath: Have any Ayurvedic and Unani universities or institutions applied to Government so far for aid in promoting research in Ayurveda and Unani systems?

Rajkumari Amrit Kaur: I am not aware of any of them applying for money for promoting research. Many of them applied for financial aid and the State Governments do aid a great many of them.

Babu Ramnarayan Singh: What are the practical steps which have hitherto been taken to encourage Ayurvedic and Unani systems of medicine?

Rajkumari Amrit Kaur: The State Governments have done a great deal to encourage both these systems.

Shri Ghule: In view of the fact that some days ago the indigenous systems were declared 'unscientific' by the hon. Member, may I know the reasons which have prompted the Government to take these steps, which have been enumerated just now by the hon. Member, for the progress of these 'unscientific' systems of medicine?

Mr. Speaker: I am afraid he is entering into an argument.

Thakur Krishna Singh: Are Government aware that the Uttarakhnad Vidyapith near the famous shrine Kedarnath is doing valuable research in the Ayurvedic and Unani systems of medicine?

Mr. Speaker: He is not asking for information. He is giving information.

Shri Gautam: What steps do Government propose to take to co-ordinate the already existing research work in the country in connection with Ayurveda?

Rajkumari Amrit Kaur: There is very little research work going on. There

is a certain amount of research in indigenous drugs which is going on, for example at the new laboratory in Lucknow. Actual research in the systems of these medicines is still under consideration, and no scheme has been worked out for it.

Shri Kamath: Has Government so far convened any Conference of Ayurvedic and Unani practitioners, or was this matter discussed at any of the Health Conferences held in the capital?

Rajkumari Amrit Kaur: The matter was certainly discussed at a Health Conference. But no Conference of Ayurvedic practitioners has been called.

COMMONWEALTH FINANCE MINISTERS' MEETING

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

(a) what the primary object was for which the meeting of the Commonwealth Finance Ministers was convened; and

(b) what subjects or topics were discussed and what were the decisions arrived at?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). The object of the meetings was generally to provide an opportunity for consultations and exchange of views on general economic and trade questions of common interest and, in particular, to review the developments in the balance of payments of the sterling area. The Conference was an informal one and no decisions were required to be taken by it. There was, however, general agreement on the necessity for continued economy in dollar expenditure in order to rebuild the central reserves of the sterling area to an adequate level.

Sardar Hukam Singh: Has there been any improvement since July 1949, when the earlier Conference took place, in our dollar position?

Shri C. D. Deshmukh: There has been considerable improvement in the Central Pool of gold and dollars.

Shri Tyagi: Was an agreement arrived at with Pakistan with regard to the repatriation of only such notes as were in Pakistan up to 30th June, 1948?

Mr. Speaker: How does it arise out of this question? It is question No. 521 that has been answered. No. 520 is withdrawn.

Shri R. Velayudhan: Was there any proposal in this Conference about a Commonwealth loan of dollars to India, as reported in the press?

Shri C. D. Deshmukh: No, Sir.

PENSION APPEAL TRIBUNALS

***522. Babu Ramnarayan Singh:** (a) Will the Minister of Defence be pleased to state whether the Pension Appeal Tribunals have been empowered to record evidence and summon witnesses and to make declarations whether a disability or death is or is not attributable to or aggravated by war service?

(b) If so, under what law this power has been vested?

The Deputy Minister of Defence (Major General Himatsinhji): (a) Yes, Sir.

(b) This power has been vested under the Pensions Appeal Tribunal Rules, 1945, which were originally issued by the Government of India under the late War Department Notification No. 1770, dated the 19th November, 1945 and subsequently republished under the Ministry of Defence Notification No. 1242, dated the 24th July, 1948.

The Pensions Appeal Tribunals are non-statutory bodies. No statutory authority is needed to vest them with such power.

Babu Ramnarayan Singh: May I know when these Appeal Tribunals were constituted for the first time and how many cases have been dealt with hitherto by them?

Major General Himatsinhji: The Pensions Appeal Tribunals were established at the end of World War II, because during the war nearly 2½ million men were enlisted and the House will be surprised to know that there were nearly half a million disability and family pension claims which had to be dealt with. The Appeal Tribunals which have been established have been dealing with those cases which have been referred to them, and they are working in a most satisfactory way, as there are very few outstanding cases.

Babu Ramnarayan Singh: May I know Sir, how these tribunals are constituted and by whom and with what authority?

Mr. Speaker: He has already said that. How many such tribunals have been set up?

Major General Himatsinhji: At the end of the War there were 5 tribunals and now there are only three, one at Lucknow, one at Delhi and one at Jullundur. These tribunals are established by the order of the Defence Department, in consultation with the Law Ministry. Three Members are appointed, one a legal expert, the second one a military medical officer and the third one a service officer. They have been carrying on the work satisfactorily, as out of ½ a million disability and family pension claims over 40,000 pension appeals were received by them and they have all been disposed of except about 1,000 appeals which are outstanding, and being dealt with.

Mr. Speaker: Mr. T. N. Singh: He probably wanted to put a question.

Shri T. N. Singh: I wanted to ask about the medical personnel of the tribunals but it has been answered.

Shri Gautam: May I know if all the people from South India come to either Lucknow or Delhi or Jullundur or is there any tribunal in South India to deal with those cases?

Major General Himatsinhji: If the hon. Member will remember, I said there were 5 tribunals at first of which one tribunal was in Madras, which dealt with all the cases in the South. As most of the cases in the South are settled, the remaining few are now dealt with by the tribunal at Jullundur, to save expenditure.

Babu Ramnarayan Singh: What are the qualifications required for the Members of the tribunal?

Mr. Speaker: He has already said that. We will now go to the next question.

SCHEDULED CASTE STUDENTS (SCHOLARSHIPS)

***523. Shri S. C. Samanta:** (a) Will the Minister of Education be pleased to state how many Scheduled Caste students in West Bengal received scholarships during the years 1949-50 and 1950-51 for prosecuting their medical studies?

(b) Are scholarships paid to them every month and if not, after what interval?

(c) Are these students liable to pay fines and penalties to their respective institutions for non-payment of fees in time?

مدرسٹر آف ایجوکیشن (مولانا آزاد):

(ا) سہ ۱۹۴۹ - ۱۹۵۰ ع میں ۹۱

سہ ۱۹۵۰ - ۱۹۵۱ ع میں ۷۹

(بی) اسکالرشپ کا روپیہ چہ چہ

مہینے کے انسٹالمنٹ میں انستی

ٹیوشلس کے پرنسپلس کو بوجھ دیا جاتا

ہے اور یہ بات لکھ دی جاتی ہے کہ

اس میں سے ہر مہینے کی رقم ہر

مہینے اسکالرو کو دے دی جاتی ہے۔

(سی) ہاں - اس بارے میں

انستی ٹیوشلس کے چوڑوں ہونے وہ

سب کے لئے ہونگے۔ لیکن جہاں تک

ہو سکتا ہے اسکالرشپ کی رقم ٹیوشک

وقت پر بھیج دی جاتی ہے۔ گورنمنٹ

کے پنس کوئی ایسی شکایت نہیں آئی

ہے کہ کسی اسکالر کو نان پیمنٹ کی

وجہ سے فائن دینا پڑا ہو۔

[The Minister of Education (Maulana
Azad): (a) 1949-50—91, 1950-51—79.

(b) The scholarship amounts are sent to the heads of institutions in 2 half-yearly instalments with instructions to disburse the same to the scholars concerned in equal monthly instalments.

(c) Yes. But as far as possible, payment of scholarships is made in time. Government have received no complaint about payment of fines by scholars for non-payment of fees in time.]

Shri S. C. Samanta: May I know, Sir, whether it is taken for granted by the Government that the scholarships granted to the Scheduled Caste students are enjoyed by those who are rich, so that they may be able to pay from their pockets the expenses thereof.]

مولانا آزاد: گورنمنٹ سمجھتی ہے

کہ جو لوگ مستحق ہیں وہی

اسکالرشپ پاتے ہیں۔

[Maulana Azad: In the opinion of the Government scholarships go to the deserving cases only.]

Shri Barman: Will the hon. Minister please give the number of students that applied for medical scholarships?

مولانا آزاد: ہیست بلنگل سے جتنی

درخواستیں آئی تھیں وہ سہ ۲۹-۵۰ ع

میں ۱۷۵ اور سہ ۵۰-۵۱ میں ۱۴۱

تھیں۔ جن میں سے میڈیکل

ایجوکیشن کے لئے ۹۱ اور ۷۹ اسکالرشپ

دہئے گئے۔

[Maulana Azad: The number of applications received from West Bengal in the years 1949-50 and 1950-51 was 175 and 141 respectively. The number of scholarships awarded for medical education was 91 and 79 respectively.]

Shri S. C. Samanta: May I know, Sir, why Government gives scholarships to those students who are rich?

مولانا آزاد: گورنمنٹ اس بارے

میں جہاں کچھ کر سکتی تھی وہ اس نے

کیا ہے۔ اس نے سلیکشن کے لئے ٹوک

بورڈ بنا دیا ہے۔ اس بورڈ کے سامنے

تمام درخواستیں آتی ہیں اور وہ

درخواستوں کو دیکھ کر اور تمام حالت

کو اپنے سامنے رکھ کر فیصلہ کرتا ہے۔

گورنمنٹ نہیں چاہتی کہ دولت مندوں

کو اسکالرشپ ملے۔

[Maulana Azad: All that the Government could do in the matter has been done. They have set up a Selection Board which receives and disposes of all the applications on their respective merits. Government does not intend that the scholarships should go to the rich.]

श्री चट्टोपाध्याय: कितना रूपया

माहवार दिया जाता है ?

[Shri Chattopadhyay: What is the total sum disbursed monthly?]

مولانا آزاد: پچھلے برس ۱۰ لاکھ

روپیہ سالانہ رکھا گیا تھا۔ اس سال ۱۲

لاکھ رکھا گیا ہے۔

[Maulana Azad: An annual sum of Rupees 10 lacs was provided for the last year. This year the provision is for 12 lacs.]

श्री चट्टोपाध्याय : किताब बँकरह
बरीदने के लिये भी क्या कुछ दिया
जाता है ?

[Shri Chattopadhyay: Is some money given for the purchase of books etc?]

मौलाना آزاد : نہیں - جو رقم دی
جاتی ہے وہ انسٹی ٹیوشن کے مصارف
کے لئے ہے -

[Maulana Azad: No, the sum disbursed is to meet the expenditure of the institutions.]

Shri Barman: Is it a fact that a large number of students though they had passed in the first division could not be given scholarships due to the fact that the sum allotted for the purpose was too meagre and the Committee could not go beyond what they did?

مؤلانا آزاد : نہیں - گورنمنٹ ایسا
نہیں خیال کرتی -

[Maulana Azad: No, the Government do not think so.]

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

HINDI IN VINDHYA PRADESH

*525. Shri Dwivedi: (a) Will the Minister of States be pleased to state whether it is a fact that in Vindhya Pradesh, where all Government work was being transacted in Hindi so far, it is now being done in English?

(b) If so, why?

The Minister Without Portfolio (Shri Rajagopalachari): (a) No, Sir. There is, however, greater use of English in the Vindhya Pradesh Secretariat and in the offices of Heads of Departments, as all correspondence with other States and the Ministries of the Government of India is in English.

(b) Does not arise.

Shri Dwivedi: May I know if it is a fact that almost all the subordinate staff in the Vindhya Pradesh Secretariat who were doing government work in Hindi already are declared inefficient because they cannot do in English language as well?

Shri Rajagopalachari: As I have pointed out English has had to be introduced in the Vindhya Pradesh by reason of the new reorganization,

and they have to carry on correspondence with other States and also with the Government of India departments. This new circumstance has brought about new duties and requirements. Beyond that there has been no interference with the use of Hindi as a language.

Shri Tyagi: Does the Chief Minister know Hindi?

Shri Dwivedi: Is it a fact that Hindi is well understood in the Vindhya Pradesh and when Hindi is the *Rajya bhasha*.....

Mr. Speaker: Order, order. He is arguing. What information does he want?

Shri Dwivedi: Has Hindi also been introduced in the courts?

Shri Rajagopalachari: The work in the Judicial Commissioner's court as well as in the subordinate courts is done in Hindi. The judgments, orders and decrees are however recorded in English. In most of the districts and tehsils and subordinate offices the work is done in Hindi. I have already explained, Sir, the special reasons why when there is inter-state correspondence or with the Government of India Departments a change in procedure has become necessary.

Shri Dwivedi: In view of the fact that the court work was being done in Hindi, may I know if judgments, orders, etc., will be translated in Hindi?

Shri Rajagopalachari: I have no doubt this will be done. When I said it was recorded in English, it was implied that it would be translated for the parties concerned.

Mr. Speaker: This relates to a particular State. I do not propose to allow general questions about Hindi. I do not understand why so many Members from various provinces are keen to put questions over this.

Shri Hussain Imam rose—

Mr. Speaker: Order, order. They are beyond the scope of the question.

CENTRAL FEDERAL UNIVERSITY

*527. Prof. K. T. Shah: (a) Will the Minister of Education be pleased to state whether any proposals have been made by the All India Council of Technical Education in regard to the establishment of a Central Federal University in India?

(b) If so, have the existing Universities in India been consulted in the matter?

(c) What are the opinions expressed by those bodies?

مسٹر آف ایجوکیشن (مولانا آزاد):

(اے) آل انڈیا کونسل فار ٹیکنیکل ایجوکیشن کو کوآرڈینیشن کمیٹی نے ایک پروپوزل اس مطلب کا کونسل کو بھیجا ہے کہ انجینئرنگ - ٹیکنالوجی اور کلبس کی تفریباں دینے کا اسٹیبلشمنٹ کی پاور کونسل کو ملنا چاہئے۔ جو کالج کسی یونیورسٹی سے جوڑے نہ گئے ہوں ان کے ویدیارٹھوں کا کونسل امتحان لے سکے اور انہیں تفریباں دے۔ اس پروپوزل پر ابھی کونسل غور کو رہی ہے۔

(بی) انٹر یونیورسٹی بورڈ نے جو رپورٹنگو کونسل میں ہیں ان کے ذریعے یونیورسٹیوں کی رائے اس بارے میں پوچھی گئی ہے۔

(سی) ایک اسٹیبلشمنٹ ہاؤس کی تھیل پر رقم دیا جاتا ہے۔ اس سے معلوم ہو جائے گا کہ یونیورسٹیوں نے اس بارے میں کیا کیا رائےیں بھیجیں۔

[See Appendix V, Annexure No. 5]

[The Minister of Education (Maulana Azad): (a) A suggestion has been made by the Co-ordination Committee of the All India Council for Technical Education that the Council should be invested with statutory powers to confer degrees in engineering, technology and commerce on students of Colleges not affiliated to any of the Unitary Universities and to hold examinations therefor. The suggestion is under consideration of the All India Council for Technical Education.

(b) The Universities were consulted in the matter by the representatives of the Inter-University Board on the All India Council for Technical Education.

(c) A statement giving the views of the Universities is laid on the Table of the House. [See Appendix V, annexure No. 5.]

Mr. Speaker: What is the point of order?

Shri Raj Bahadur: May I know whether it is the ruling of the hon. Speaker that in reference to a question which pertains to one particular State, Members from other States cannot ask supplementary questions?

Mr. Speaker: If that is the impression of the hon. Member, it is a complete misconception of the situation. Hon. Members will understand that, I am trying my best to put through as many questions as possible, because I find that a large number of questions, which ought to be of interest to Members generally, are not answered because of the unnecessarily large number of supplementaries. It is therefore, that I am trying to pass on as quickly as possible after gauging whether questions are put which really call for or give important information. It is no use going into details in the Question hour, so as to bar other questions. Therefore, it is not that Members of Parliament from other States cannot put supplementary questions. But, when a question is restricted to information from a particular State, it should not be twisted into a general question relating to the use of Hindi language. Therefore, I said that I did not know why Members from other parts were so keen on having information about the use of Hindi in a comparatively small State like Vindhya Pradesh.

Dr. Deshmukh: That indicates the policy of Government.

Mr. Speaker: Order, order. The original question should have been wider. I suspected that argument and therefore I said that it should not be a discussion on the policy regarding Hindi. During the Question hour, we are not discussing any policy. Hon. Members will remember that the Question hour is meant primarily for eliciting information. On having that information, they may use it for the purpose of criticising the policy of Government. If we are going to discuss policies, then, I think the best course will be to have one question for one day and go on with supplementaries for the whole Question hour.

Dr. Deshmukh: We want to elicit this information for discussing.....

Mr. Speaker: Order, order.

Shri Raj Bahadur: I raised this point because on the question relating to the Trust created by the Nizam also, supplementaries were too much limited.

Mr. Speaker: They were bound to be limited. Hon. Members will understand that supplementaries on every question are bound to be limited, unless we exclude all other questions from oral answers. It is a choice between two evils. To my mind, barring information on all other questions is a greater evil than a little less information on one question to which some supplementaries reasonably can be and are allowed.

Prof. K. T. Shah: May I know if the opinion of the Inter-University Board representatives is strongly against the proposal?

مولانا آزاد : جن یونیورسٹیوں کو رائے کے لئے بھیجا گیا تھا - ان میں سے ۱۰ یونیورسٹیوں کی رائیں ابھی نہیں آئی ہیں - آندھرا - میسور - ناگپور - کلکتہ لکھنؤ - پتلہ - بڑودہ - پنجاب اور رنگون - اس کے سوا تمام یونیورسٹیوں کی رائے آگئی ہے اور وہ تمام رائے بالکل اس کے خلاف ہے -

[**Maulana Azad:** Out of the universities to which it was circulated for opinion, ten have not yet sent in their opinions. They are as follows:—Andhra, Mysore, Nagpur, Calcutta, Lucknow, Patna, Baroda, Punjab and Rangoon. Opinions in respect of all other universities have been received and they are all totally opposed to it.]

Prof. K. T. Shah: May I ask if the proposal would therefore be delayed pending receipt of opinion from others also, and whether the opinion expressed by the Inter-University Board representative on the Council Dr. Lakshmanaswami Mudaliar is on behalf of those Universities, entirely against it?

مولانا آزاد : ڈاکٹر مدالہر نے تمام یونیورسٹیوں کو ایک اسٹیٹمنٹ بھیجا تھا - جس کے جواب میں یہ رائیں آئی ہیں جن یونیورسٹیوں کی رائے ابھی نہیں آئی ہیں قدرتی طور پر ان کی

رائوں کا انتظار کیا جائیگا - علاوہ برہمن جہاں تک مجھے معلوم ہوا ہے خود آگ آگیا کونسل فور تکمیل ایجوکیشن نے ابھی اس بارے میں کوئی فیصلہ نہیں کیا ہے -

[**Maulana Azad:** Dr. Mudaliar had circulated a statement to all the universities in reply to which these opinions have been received. The replies of the universities which have not yet intimated their opinion will naturally have to be awaited. Further so far I am aware, the All India Council for Technical Education itself has not taken any decision in the matter.]

Prof. K. T. Shah: Is the proposed University a separate corporation or is it part of the Technical Education Council itself?

Mr. Speaker: What is the question?

Prof. K. T. Shah: If I followed the answer of the hon. Minister, it was that the Council will give Degrees if the proposal is accepted. I want to know whether it will be a separate Corporation as a University.

مولانا آزاد : انریبل ممبر نے سہرا مطلب نہیں سمجھا - میں نے یہ نہیں کہا کہ اگر کونسل نے منظور کر لیا تو یہ بات مان لی جائیگی اور کونسل اس قابل ہو جائیگی کہ ڈگری دے - میں نے یہ کہا کہ جن یونیورسٹیوں کی رائیں ابھی نہیں آئی ہیں ان کی رائوں کا انتظار کیا جائیگا - اور جب کونسل اس بارے میں اپنی رائے قائم کر لیگی تو اس وقت گورنمنٹ کے سامنے یہ معاملہ آئے گا - گورنمنٹ کا اس تجویز سے ابھی کوئی تعلق نہیں ہے -

[**Maulana Azad:** The hon. Member has not understood my answer. I have not stated that the proposal will be accepted provided the Council decides in its favour or that the Council will become competent to award degrees. What I have said is that the opinion has not been received from some of the

universities and the same will have to be awaited. The matter will come before the Government after the Council has formed an opinion on it. So far the Government have nothing to do with this proposal.]

Prof. K. T. Shah: Are the proposed Degrees post-graduate Degrees or ordinary Degrees?

مولانا آزاد: قطعی طور پر نہیں کہہ

سکتا مگر غالباً پریپوزل پوسٹ گریجویٹ کے متعلق بھی ضرور ہو گا۔

[**Maulana Azad:** I cannot state anything categorically but I think there must be some proposal regarding the post-graduates as well.]

श्री टी. एन. सिंह: क्या इस तजवीज के मानी यह होंगे कि आज इस वक्त युनिवर्सिटीज जो डिग्री दे रही हैं, वह उन डिग्रीयों को न दे पायेंगी। अगर वह सेन्ट्रल कौंसिल वाली स्कीम चल जाय। इस के बाद यह भी जानना चाहता हूँ कि रिसर्च के स्कॉलर और पोस्ट ग्रेजुएट के विद्यार्थियों का इस नये तरीके में क्या स्थान होगा ?

[**Shri T. N. Singh:** May I know if the Central Council Scheme is adopted it will mean that the universities which are awarding degrees at present, will no longer be competent to do so. I also want to know as to what will be the position of research scholars and post-graduate students in this new set up?]

مولانا آزاد: आर्ग्युमेंटल मिम्बर

से اس طرح پوچھ رہے ہیں جیسے یہ تجویز خود گورنمنٹ کی ہو اس تجویز سے گورنمنٹ کا کوئی تعلق نہیں۔ یہ تجویز تکمیل کی بورڈ کی کوارٹیلیشن کمیٹی نے پیش کی ہے اور ابھی بورڈ اس پر غور کر رہا ہے۔ اگر بورڈ نے اسے منظور کیا تب سوال پیدا ہوگا کہ گورنمنٹ اس بارے میں ایک رائے قائم کرے۔ کو

نہیں ہے کہ جو تکریمیں یونیورسٹیوں سے آئی ہیں ان میں بورڈ داخل دے۔ تجویز صرف یہ ہے کہ جن کالجوں کا کسی یونیورسٹی یونیورسٹی سے ایسی کمیشن نہیں ہوا ہو، اس کے ردیارتھوں کو بورڈ تکریم دے سکے۔ بہر حال ابھی اس بارے میں اور زیادہ دور چانے کی ضرورت نہیں۔

[**Maulana Azad:** The hon. Member is putting this question to me as if the proposal has emanated from the Government itself. The Government has nothing to do with this scheme. The scheme has been sponsored by the Co-ordination Committee of the Technical Board and is still under consideration of that Board. In case the Board approves it, only then the question of the Government's forming an opinion on it will arise. The Co-ordination Committee have not suggested that the Board should in any way interfere in the awarding of degrees by the universities. Their suggestion is only this much that the Board be competent to award degrees to the students of such colleges which are not affiliated with any unitary university. Anyway it is not necessary to go into any further detail at this stage.]

RE-ORGANISATION OF CONTROLLER OF MILITARY ACCOUNTS OFFICE

*528. **Dr. V. Subramaniam:** (a) Will the Minister of Finance be pleased to state whether it is a fact that the Controller of Military Accounts, Southern Command, has suggested some plans for the re-organisation of his office at no-cost basis?

(b) If so, what action has Government taken in the matter?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes.

(b) The matter is under consideration.

Dr. V. Subramaniam: May I know what the strength of Military Accounts Department is?

Shri C. D. Deshmukh: I want notice of the question.

Dr. V. Subramaniam: Is there going to be a reduction in the Military Accounts Department for economy purposes?

Shri C. D. Deshmukh: Do I understand the question to mean whether this proposal that is being made is going to lead to any reduction in the Military Accounts Department?

Dr. V. Subramaniam: Yes.

Shri C. D. Deshmukh: The proposal is likely to involve additional expenditure and not effect economy.

ADVISORY BOARD OF SOCIAL WELFARE

*529. **Prof. S. N. Mishra:** Will the Minister of Education be pleased to state whether the Advisory Board of Social Welfare, at its recent sitting, recommended for the standardization of social welfare training in all institutes of social sciences in India?

مستسر آف ایجوکیشن (مولانا آزاد):

سوال کا جواب ہاں ہے۔

[The Minister of Education (Maulana Azad): Yes, Sir.]

پرو۔ اےس۔ اےن۔ میمب : کیا اسکی نیسٹ ماننی پرابن منتری کا کوئی کت ایڈواڈری کمری کے پاس گیا یا اور بگر ہاں، تو اسکا مڈبون کیا یا۔ اور اسکی نیسٹ کیا کارروائی کی گئی؟

[Prof. S. N. Mishra: Did the Advisory Committee receive any letter from the hon. Prime Minister on the subject and, if so, what was the subject matter of that letter, and what action has been taken on the same?]

مولانا آزاد: آنریبل ممبر کا مطلب یہ ہے کہ پرائم منسٹر کی کوئی چٹی گئی تھی۔ نہیں اس بارے میں میں کچھ نہیں کہہ سکتا۔

[Maulana Azad: The hon. Member wishes to know whether any letter was sent by the Prime Minister. No, I cannot say anything on this point.]

پرو۔ اےس۔ اےن۔ میمب : کیا اس کے لیے کوئی کریکولم، پاڈیگم تیار کیا گیا ہے؟

[Prof. S. N. Mishra: Has any curriculum been prescribed in this respect?]

مولانا آزاد: ہاں ساری کارروائی ہو چکی ہے۔ ۲۸ مہینوں میں ایجوکیشن ڈیپارٹمنٹ نے ایک کانفرنس بلائی تھی کہ ایک ویل فہر کورس بنانے کے معاملہ پر غور کیا جائے۔ اس کے بعد ایجوکیشن ڈیپارٹمنٹ نے ایک اور کانفرنس بلائی اور ایک اسٹینڈرڈ کورس تجویز کیا گیا۔ اس کے بعد ۲۹ ستمبر ۵۰ میں مختلف سوشل ویلفیئر انسٹیٹیوٹس کے ریپریزنٹیٹو بلڈے گئے اور انکے سامنے وہ کورس دکھا گیا۔ انہوں نے اس سے اتفاق کیا اور کچھ باتیں اور پروپوزیشنیں۔ اب وہی کورس کام میں لیا جا رہا ہے۔

[Maulana Azad: Yes, action has already been taken in this matter. The Ministry of Labour had convened a Conference in 1948 to consider the question of prescribing a Welfare Course. Thereafter another Conference was convened by the Ministry of Education and a standard course was drawn up. Subsequently the representatives of various Social Welfare institutions were called on the 29th September, 1950 and the course in question was placed before them. They agreed with it and also made some additions. The same course, therefore, is now being pursued.]

پرو۔ اےس۔ اےن۔ میمب : کیا ماننی ب منتری اس کے بارے میں کچھ روپائی ڈال سکتے ہیں کہ اس میں سے نکلے ہوئے تالیف یافتہ لوگوں کو گورنمنٹ ہر سال کین کین کاموں میں بھرتی کرتی ہے؟

[Prof. S. N. Mishra: Will the hon. Minister please elucidate as to the nature of posts for which those people, who have completed their education in these institutes, are recruited every year by the Government?]

مولانا آزاد: یہ ظاہر ہے کہ سہ ۱۹۴۸ کے بعد کمیڈیاں بلیں ہیں۔ کورس کا آخری فیصلہ ۹ ستمبر ۱۹۵۰ کر ہوا ہے۔ جہاں تک اس کورس کا

تعلق ہے اس کے نتیجہ نکلنے کا یہی
کچھ دنوں تک انتظار کرنا چاہئے۔

[Maulana Azad: It is clear that the Committees in question have come into being only after 1948. The final decision regarding the course was taken only on 29th September, 1950. So far as this course is concerned, we should wait for some days to watch its results.]

Dr. Deshmukh: May I know how many institutions there are in which they train workers in social welfare and if any such institution has been started recently?

مولانا آزاد - میں یہ بات ابھی
نہیں بتا سکتا۔

[Maulana Azad: I am unable to give this information.]

श्री त्यागी : इस सोशल वेल्फेयर की
सायंस के सिलसिले में कौन कौन से
समाजीक सिखाये जाते हैं ?

[Shri Tyagi: What subjects are taught under this Social Welfare Science?]

مولانا آزاد - آنریبل ممبر کو میں

پوری تفصیل تو نہیں بتا سکتوں گا۔

لیکن مختصراً اشارہ کر دیتا ہوں جو

استعمدۃ کورس بنایا گیا ہے۔ اس کے

تین درجہ رکھے ہیں۔ ایک تو

ابتدائی تھری کا ہے۔ دوسرا ہمسک

کورس تیسرا کنسٹیبلریشن کورس ان

میں تمام ضروری سبجیکٹس رکھے

گئے ہیں مثلاً ایک حصہ اس میں

ضروری سائنسز کا رکھا گیا ہے۔ کچھ

ایگنسٹی کا رکھا گیا ہے سوشل ورک کی

مختلف شاخوں رکھی گئی ہیں۔

ہلدوسہائی زندگی کے رکھا گیا مسئلے

ہیں اور ورکنگ کلاس کی کیا حالت

ہے؟ اسکے جوابات دئے گئے ہیں۔

[Maulana Azad: I will not be able to furnish full details to the hon. Member, but briefly I may hint that

the prescribed standard course has been divided into three stages. First stage concerns the preliminary stage; the second stage is the basic course and the third concentration course. All necessary subjects have been included in the course, for instance a part of the course is in connection with the essential knowledge of Psychology, another concerns some knowledge of Economics. Various branches of social work have been included in the course. Answers to such topics like the problems facing Indian life and the general condition of the Indian working classes have been provided.]

VENKTACHAR JAGIRDARI ENQUIRY COMMITTEE

*530. Prof. S. N. Mishra: Will the Minister of States be pleased to state:

(a) whether the Venktachar Jagirdari Enquiry Committee has submitted its report; and

(b) if so, whether any steps have been taken for the implementation of its recommendations?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Yes.

(b) The recommendations are under consideration.

Prof. S. N. Mishra: Sir, may I know when the report of the Committee was submitted to the Government?

Shri Rajagopalachari: Sir, the report has been published. I am not now able to give the date, but it has been published and some preliminary discussions have already been held and further discussions will be held in December.

Prof. S. N. Mishra: Sir, May I know whether the Committee has recommended the abolition of Jagirdaris and if so, on what basis is compensation contemplated to be given?

Shri Rajagopalachari: Sir, as I said already, the recommendations have been published and the recommendations are for the abolition of the Jagirdaris; but as to how they should be abolished and what compensation should be given, these are subject matters of the discussions which are now going on.

Shri Jainarain Vyas: Sir, is it a fact, that the Jagirdars of Rajasthan and Madhya Bharat have been given an assurance by the State Ministry that their problems will be settled and solved through mutual discussions, irrespective of what the recommendations of this Committee are?

Shri Rajagopalachari: The recommendations of the Committee being for abolition, on that basis, the discussions have to be held in order to bring about the abolition in the most peaceful and satisfactory manner possible.

Shri Kishorimohan Tripathi: Sir, what are the reactions of the peasantry in Rajasthan and Madhya Bharat in respect of the Committee's report?

Shri Rajagopalachari: The reactions of the peasantry cannot be summarised by me, Sir.

Shri Raj Bahadur: In how many years' time, Sir, will the abolition of *Jagirdari* system take place according to the Committee's recommendations?

Shri Rajagopalachari: The report has been published and discussions are going on. Therefore it cannot be a matter of years.

Kanwar Jaswant Singh: Sir, what would be the procedure for the implementation of the recommendations of the Committee? Will it be by means of an Act of Parliament or of the State Legislature or by orders from the States Ministry?

Mr. Speaker: Order, order. We go to the next question.

NATIONALISATION OF IMPERIAL BANK OF INDIA

*531. **Prof. K. T. Shah:** (a) Will the Minister of Finance be pleased to state what steps have been, or are being, taken to implement the policy of Government, as declared at the time of the passage of the legislation nationalising the Reserve Bank of India, to socialise the ownership management and control of the Imperial Bank of India, and to Indianise its personnel?

(b) What objections or obstacles have Government found in carrying out that policy?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). I would refer the hon. Member to the reply given by my predecessor to Shri M. Ananthasayanam Ayyangar on the 1st February 1949 and the statement he made in the Constituent Assembly (Legislative) on the 10th February 1949 during the discussion of the Banking Companies Bill.

Prof. K. T. Shah: May I enquire if the name "Imperial Bank" will still continue to remain, when the empire itself has gone?

Mr. Speaker: That is more or less a question of argument.

Shri Joachim Alva: In connection with part (a) of the question about Indianisation of the personnel of the Imperial Bank, may I know, Sir, how many European officers are still in its employ and when their contracts will expire, and secondly, how many Indian officers are there on a salary of Rs. 1,500 and over?

Shri C. D. Deshmukh: I would require notice of the question, Sir, I do not carry these figures in my head.

PASSES FOR PRESS REPRESENTATIVES

*532. **Prof. K. T. Shah:** (a) Will the Minister of Information and Broadcasting be pleased to state what are the rules governing the issue of passes to Press representatives accredited to the Government of India?

(b) Have any such passes been cancelled or withdrawn since the 15th August, 1947?

(c) If so, why?

The Minister of State for Information and Broadcasting (Shri Diwakar):

(a) The Rule that governs the issue of Passes to Press representatives accredited to Government of India is Rule No. 13 of the Rules for Accreditation of Press correspondents representing Indian newspapers and news agencies, a copy of these rules is placed on the Table of the House. [See Appendix V, annexure No. 6.]

(b) Yes; in 101 cases.

(c) In 17 cases as a result of cancellation of accreditation and in 84 cases as the correspondents ceased to function at the Headquarters of the Government of India.

Prof. K. T. Shah: Sir, may I know whether the rules provide for any appeal against a decision for the withdrawal of a pass?

Shri Diwakar: None that I know.

Prof. K. T. Shah: So is it the decision of the Minister concerned or the Government?

Shri Diwakar: Of the Government.

Shri Kamath: Sir, in cases of cancellation of accreditation, besides cancellation of the passes, what are the other penalties imposed upon the press correspondent?

Shri Diwakar: I think if the rules are read through, all the details will be found there.

Shri Tyagi: The reply of the hon. Minister gives not the exact figure of cancellation of accreditation—it merely

says 101. I would like to know whether that is the exact figure or the figure merely means many cases as in idiomatic use?

Mr. Speaker: He has given the figure—101. That is the exact figure.

Dr. R. S. Singh: May I know the number of passes withdrawn and which have since been restored?

Shri Diwakar: I do not see any being restored. There was one which was restored, but it was again cancelled.

Shri Kamath: Does the cancellation of the pass debar the correspondent from merely attending Press Conferences of Ministers, or does it also debar him from the Parliamentary galleries?

Mr. Speaker: Order, order, no question about Parliamentary galleries, which are under the control of the Speaker.

Dr. R. S. Singh: May I know whether there has been any representation made for restoring some of the cancelled passes?

Shri Diwakar: If the hon. Member refers to any particular case.....

Mr. Speaker: I would not allow him to refer to any particular case.

Shri Diwakar: Then I would require notice, Sir.

RECOVERY OF SUMS WITHHELD BY FOREIGN BANKS

*536. **Shri S. V. Nalk:** (a) Will the Minister of States be pleased to state what action has been taken regarding the recovery of the sums withheld by foreign banks in the name of Moin Nawaz Jung and others, belonging to Hyderabad State?

(b) How much of it has been spent away till now?

The Minister Without Portfolio (Shri Rajagopalachari): (a) The matter is in the hands of the Law Officers of Government and in one case a suit has been filed.

(b) Government have no information.

Shri S. V. Nalk: May I know, Sir, if any amounts are still being withheld in London which are in the name of the Pakistan High Commissioner?

Shri Rajagopalachari: It is in that matter that suits are being contemplated. One suit has been filed and another is under contemplation: There

is some delay under the advice of the law officers. And as regards the money being spent, I have said there is no information, but in the case of amounts that have been transferred to the Pakistan High Commissioner, there is no likelihood of any money being lost by intermediary action, because the Pakistan Government are 'good' enough to cover all the damage that might arise.

Shri S. V. Nalk: At what stage is the suit filed against Moin Nawaz Jung?

Shri Rajagopalachari: It is proposed to file a suit for the recovery of the amount (that is about £1 million and odd of Hyderabad money) in the Westminster Bank in the name of the Pakistan High Commissioner in England. The preliminaries have been completed, but legal advisers are of the view that before actually filing the suit we should see the defence put in by Moin Nawaz Jung in the other case. There has been difficulty in serving him with a writ. Substituted service has to be taken and the solicitors are dealing with that.

Shri M. L. Gupta: Has the case been filed against the High Commissioner of Pakistan or against Moin Nawaz Jung?

Mr. Speaker: This is a matter in the hands of the lawyers. They will do as the lawyers advise.

Shri M. L. Gupta: How is it proposed, Sir?

Mr. Speaker: Order, order.

Shri Rajagopalachari: The suit that has been filed is against Moin Nawaz Jung, Zahir Ahmed and the Barclay Bank. The suit that is pending with lawyers will be disposed of under lawyers' advice.

COAST GUARD SERVICE

*539. **Shri Kamath:** Will the Minister of Defence be pleased to state:

(a) If any proposal is under consideration for the organisation of a Coast Guard Service on the model of the U.S.A. for the purpose of patrolling the long coastline of India;

(b) if so, what steps have been taken in this direction so far; and

(c) if not, why not?

The Deputy Minister of Defence (Major-General Himatsinghji): (a) to (c). Government do not consider it necessary to constitute a Coast Guard on the model of that operating in the

United States of America as the arrangements at present existing in India for carrying out such duties are sufficient to meet our present needs.

Shri Kamath: What, Sir, are the arrangements and what is the strength of the force employed for this purpose?

Major-General Himatsinhji: I want notice of that question, as I have no information on the subject with me.

Shri Kamath: Is it not a fact, Sir, that Government, not the present Government, but the then Government, took certain steps in this direction during the war?

Major-General Himatsinhji: Yes, Sir, certain steps were taken during the war to guard against the enemy. But the functions performed by these Coast Guards in America are different from those performed by them in India, i.e., in the U.S.A. Coast Guards are controlled by the Navy; in India the functions performed by the Coast Guards are dealt with by four different Ministries. Our arrangements are considered satisfactory, and therefore it is not thought necessary to adopt the same system as in the U.S.A.

Shri Kamath: Is there some such system in the U.K.?

Mr. Speaker: Order, order, let us not proceed with this.

PLAINS TRIBAL AREAS OF ASSAM

*540. **Shri J. N. Hazarika:** Will the Minister of Home Affairs be pleased to state whether any proposal for the grants for the Development Scheme for the Plains Tribal Areas of Assam has been submitted for the approval of the Government of India under Article 275 of the Constitution?

The Minister Without Portfolio (Shri Rajagopalachari): The answer is in the affirmative.

Shri J. N. Hazarika: May I know what are the names and the cost of these schemes and when will the amount be made available for their implementation?

Shri Rajagopalachari: There were two proposals received: one for a set of schemes costing about Rs. 20 lakhs for the purpose of promoting the welfare of the Scheduled tribes in the plains districts of Assam and another set of proposals costing Rs. 24 lakhs for the purpose of raising the level of the administration of the tribal areas specified in Part A of the Table appended to Paragraph 20 of the Sixth

Schedule. The latter has already been accepted and sanction has been conveyed to the Government of Assam. The former, costing Rs. 20 lakhs for promoting the welfare of the scheduled tribes, are defective in respect of details. The matter has been referred back for more details and they are also being circulated to the concerned Ministries. It will be taken up by the Finance Ministry very soon. It will, therefore, be some time all the same before the schemes are finally sanctioned.

Shri J. N. Hazarika: Sir, the reply is not to the point.

Mr. Speaker: Order, order. The hon. Member may put a question, but not make observations.

Shri J. N. Hazarika: My question related to the Plains Tribal Areas of Assam, while the answer given pertains to Hill tribal areas.

Shri Rajagopalachari: The development schemes estimated to cost Rs. 20 lakhs for the purpose of promoting the welfare of the tribes refers to the plains districts of Assam; the schemes estimated to cost Rs. 24 lakhs related to the Areas mentioned in Part A of the Table in para. 20 of the Sixth Schedule. I am not quite expert enough to give an answer as to the distinctions straightway.

Moulvi Wajed Ali: What is the amount that is sanctioned in the Budget for the year 1950-51 for the development of plains tribal areas?

Shri Rajagopalachari: I suggest that the hon. Member may table a fresh question.

SCHOOLS IN DELHI

*542. **Giani G. S. Musafir:** Will the Minister of Education be pleased to state:

(a) the total number of colleges, Higher Secondary Schools, and Primary schools in Delhi and New Delhi before partition of the country; and

(b) the number of new Colleges, Higher Secondary Schools and Primary Schools opened by Government after partition?

—مسٹر آف ایجوکیشن - (مولانا)

آزاد - (اے) اور (بی) ایک استہمت -
مہلت سٹریس کی ڈیولپر رکھ دیا
چتا ہے -

[See Appendix V, annexure No. 7.]

[The Minister of Education (Maulana Azad): (a) and (b). A statement is being laid on the Table of the House. [See Appendix V, annexure No. 7.]

گیانی جی - ایس مسافر : اس کے متعلق میں یہ پوچھنا چاہتا ہوں کہ دہلی میں جو اسٹوڈینٹس کی بڑھی ہوئی تعداد ہے اس بڑھی ہوئی تعداد کے مطابق کیا اسکول اور کالج کافی ہیں -

[Giani G. S. Musafir: In this connection may I know whether, taking into consideration the increased number of students in Delhi the present number of schools and colleges is considered to be sufficient?]

مولانا آزاد : یہ تو نہیں کہا جا سکتا کہ بالکل کافی ہیں اس لئے کہ آبادی اچانک بڑھ گئی ہے اور بڑھتی جاتی ہے لیکن پوری کوشش کی گئی ہے کہ موجودہ صورت حال کا ساتھ دیا جائے۔ پارٹیشن سے پہلے دلی میں اور نہو دلی میں 9 کالج تھے۔ پارٹیشن کے بعد تین اور بڑھائے گئے۔ پارٹیشن سے پہلے ہائر سیکنڈری اسکول چوالیس تھے۔ تیرہ نئے بڑھائے گئے۔ مڈل اسکول پینتیس تھے نو اور بڑھائے گئے۔ پرائمری اسکول ایک سو پینتیس تھے ستتر اور بڑھائے گئے۔ پارٹیشن کے بعد ایک سو چار انسٹیٹیوشن بڑھائے گئے۔

[Maulana Azad: I cannot commit myself to say that the number is quite sufficient. The reason is that the population has suddenly increased and is still increasing. But every effort has been made to cope with the present conditions. Before Partition the number of colleges in Delhi and New Delhi was nine. An addition of three was made after the partition. Similarly number of Higher Secondary Schools was 44. 13 new ones have been added; the number of middle schools was 35, nine more have been added, the number of primary schools was 135 and 77 have been added. In all 104 institutions have been opened in the post partition period.]

گیانی جی - ایس - مسافر : کیا آنریبل منسٹر آف ایجوکیشن یہ

بتا سکیں گے کہ تسلیہ شدہ پرنسپل نے کہا ہے کہ کچھ نئے اسکول کھولے انکو اپنی طرف سے۔ دیکھو انکو کونسی امداد دی ہے؟

[Giani G. S. Musafir: Will the Minister of Education be pleased to state whether the Government has given any aid on its own behalf to the schools opened by the displaced persons after their migration to this place?]

مولانا آزاد : آنریبل ممبر کو معلوم ہے کہ گورنمنٹ کے ٹیہرائے ہوئے قاعدے ہیں جو درخواستیں آتی ہیں ان پر ان کے مطابق غور کیا جاتا ہے۔

[Maulana Azad: The hon. Member is aware that the Government have some set rules of its own and the applications received are considered in the light of these rules.]

گیانی جی - ایس - مسافر : مہرا سوال تو یہ ہے کہ ان ریفریجی ٹیچرس نے کونسی اسکول کھولا ہے اس کو کونسی امداد دی گئی ہے یا نہیں۔

[Giani G. S. Musafir: My question is whether or not some aid has been given to any schools that may have been opened by some refugee teachers?]

مولانا آزاد : دی گئی ہے۔

[Maulana Azad: Aid has been given.]

श्री क० क० व्यास : दिल्ली में नर्सरी स्कूल कितने हैं।

[Shri K. K. Vyas: What is the number of nursery schools in Delhi?]

مولانا آزاد : یہ میں ابھی نہیں بتا سکتا۔

[Maulana Azad: I am unable to tell that just now.]

डा० एम० सी० रेड्डी : सारे इदारी को जो इमदाद दी जा रही है उसकी रकम कितनी है, और जो आपने इजाफा किया है उसकी रकम कितनी है?

[Dr. M. C. Reddy: What is the total amount that is being given to all the institutions in question and by how much the amount has been increased?]

مولانا آزاد : یہہ فہگرس میں اس وقت نہیں بتلا سکونگا - مہرے پاس اس وقت اسکولوں کی تعداد ہے - خرچ کے فہگرس نہیں ہیں -

[Maulana Azad: I am afraid I will not be able to give these figures just now. I have got only the number of schools at this moment but not the figures regarding the expenditure.]

श्री गौतम : क्या गवर्नमेंट इस बात पर चौर करेगी कि इन सास सूरते हाकात में रुल्स की जयादा पाबन्दी न करके इन स्कूलों को इमदाद देने की कोशिश की जाय ?

[Shri Gautam: Will the Government consider the advisability of not following these rules rigidly taking into consideration the present special conditions and try to help these new schools.]

مولانا آزاد : گورنمنٹ نے ایسا اس وقت میں کام کیا ہے آپ سمجھ سکتے ہیں کہ پارٹیشن کے بعد ۱۰۴ انسٹیٹیوشن کھولے گئے - جس کا مطلب یہہ ہے کہ قواعد کی رسی بہت سخت نہیں کسی گئی تھی - ورنہ شائد اس تہی سے کم نہ بڑھتا -

[Maulana Azad: So far the Government have been working in this very spirit. You may well understand that 104 new institutions have been opened after the partition which goes to show that the rules were not followed very rigidly. Otherwise, perhaps work would not have progressed so rapidly.]

WRITTEN ANSWERS TO QUESTIONS

GOVERNMENT COLLEGE, AJMER

*519. Shri Sidhva: Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Government College at Ajmer is overcrowded with students;

(b) if so, whether a demand has been made to run the College in two shifts;

(c) whether any proposal has been made by the State Government to construct more rooms in the college building to accommodate the number of students that are awaiting enrolment; and

(d) what action Government propose to take in the matter?

The Minister of Education (Maulana Azad): (a) Yes, Sir.

(b) Yes. Only for B.Com. classes which have started running in morning shift from the current session.

(c) A proposal for the construction of additional accommodation in the Government College, Ajmer, is under the active consideration of the State Government.

(d) All facilities will be provided within the funds available to Government for the purpose. The State Government are also considering the question of getting the status of some of the non-Government Intermediate Colleges raised to Degree Standard.

LOAN FROM WORLD BANK

*524. Prof. Banga: Will the Minister of Finance be pleased to state:

(a) for what irrigation and power, iron and steel, machine-tool and Penicillin Projects have Government asked for loans from the World Bank.

(b) what is the total loan asked for and how much has so far been granted and at what rate of interest;

(c) what loan applications are still pending with the Bank;

(d) whether estimates, plans etc., for any other projects, are being prepared and if so, what are the most important ones;

(e) whether any negotiations are being carried on to obtain loans from the Import and Export Bank of U.S.A.; and

(f) what funds and "Know How" are asked for and are expected to be obtained under the Point Four Programme of U.S.A. and its administration by the U.N.O. Bodies?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). We had asked the Bank to examine broadly the schemes for purchase of Railway locomotives, Land Reclamation, Bokaro Thermal system, the rest of the Damodar Valley project, Bhakra and Nangal projects and the erection of steel plants. Specific loan applications were, however, made only for the first three projects for which the Bank has made

the following loans:

(i) \$34 million carrying 4 per cent. interest for the purchase of Railway locomotives.

(ii) \$10 million at 3½ per cent. interest for the purchase of tractors for the Land Reclamation scheme.

(iii) \$18½ million at 4 per cent. interest for the Bokaro Thermal system.

(c) No loan applications are pending with the Bank.

(d) No estimates or plans are being prepared with the specific object of applying for further loans from the Bank at the present stage. Our plan included in the Colombo Plan contains many items which may later prove suitable for further assistance from the Bank.

(e) No. Sir.

(f) A statement is laid on the Table of the House. [See Appendix V, *annexure* No. 8].

डाक्टर तथा नर्स

*५२६. डा० देवी सिंह: क्या स्वास्थ्य मंत्री बतलाने की कृपा करेंगी कि समस्त भारत में पंजीबद्ध डाक्टरों तथा नर्सों की योग्य संख्या कितनी है ?

DOCTORS AND NURSES

[*526. Dr. Devi Singh: Will the Minister of Health be pleased to state the total number of registered doctors and nurses in the whole of India?]

The Minister of Health (Rajkumari Amrit Kaur): On the 31st December, 1949 the number of registered doctors was 55,321. The number of nurses is estimated to be in the neighbourhood of 10,000. It is not possible to say, however, how many of these are registered. The information is being collected and will be furnished to the House in due course.

CRIMINAL TRIBES ACT ENQUIRY COMMITTEE (REPORT)

*533. Shri Chandrika Ram: (a) Will the Minister of Home Affairs be pleased to state whether Government have received the report of the Criminal Tribes Act Enquiry Committee?

(b) If so, what are the main recommendations of the Committee?

(c) How long will Government take in implementing them?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Yes.

(b) A summary of the recommendations is placed on the Table of the House. [See Appendix V, *annexure* No. 9].

(c) The recommendations are being examined by Government and orders will be passed as soon as possible.

CO-ORDINATION OF HEALTH AND MEDICAL DEPARTMENTS

*534. Shri Chandrika Ram: (a) Will the Minister of Health be pleased to state whether it is a fact that Government of India have issued instructions to the various State Governments to co-ordinate Health and Medical departments into one department?

(b) If so, what States, if any, have taken action in this regard?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). The question of amalgamation of Medical and Public Health Departments was considered by the 1st Health Ministers' Conference held in October, 1946 which accepted the proposal in principle. The Governments of Madras and Bombay dissented. The Governments of West Bengal, U.P., Madhya Pradesh, Punjab and Orissa have already given effect to this recommendation. The Governments of Bihar and Assam have accepted the proposal in principle and will give effect to it when a suitable opportunity occurs. The Government of Madras consider that co-ordination between the two Departments is preferable to their amalgamation.

Regarding Part B States information has been called for and will be laid on the Table of the House when received.

STATE FINANCE ENQUIRY COMMITTEE

*535. Shri Chandrika Ram: Will the Minister of States be pleased to state which of the recommendations of the State Finance Enquiry Committee will be implemented?

The Minister Without Portfolio (Shri Rajagopalachari): I would draw the attention of the hon. Member to the Federal Financial Integration Agreements entered into with Part B States (excepting Jammu and Kashmir), copies of which have already been supplied to all Members of the House.

अधिसूचित अपराधिक जन जातियों

*५३७. डा० देवी सिंह: क्या वह कार्य मंत्री भारत की अधिसूचित अपराधिक जन जातियों की संख्या बतलाने की कृपा करेंगी ?

(ख) उन पर लागू निर्बंधन कब तक हटाये जाएंगे ?

(ग) उन को बसाने के क्या प्रबन्ध किये जा रहे हैं ?

(घ) क्या उक्त जन जातियों की आर्थिक तथा सामाजिक अवस्था की जांच करने के लिये किसी समिति को नियुक्त किया गया है ?

(ङ) यदि किया गया है, तो उसकी रिपोर्ट के कब तक प्रकाशित होने की संभावना है ?

NOTIFIED CRIMINAL TRIBES

[*537. Dr. Devi Singh: (a) Will the Minister of Home Affairs be pleased to state the number of notified criminal tribes in India?

(b) When will the restrictions imposed on them be removed?

(c) What steps are being taken for their settlement?

(d) Has any committee been appointed to investigate into the economic and social conditions of these tribes?

(e) If so, when is their report likely to be published?]

The Minister Without Portfolio (Shri Rajagopalachari): (a) 135 at present.

(b) to (e). A Committee was appointed in September, 1949, to enquire into the working of the Criminal Tribes Act of 1924 in the various States and to make recommendations for its modification or repeal. The Report which was received on the 8th November, 1950, is now being examined by Government. The Report as well as orders of Government on the recommendations made by the Committee will be published as quickly as possible.

FIRE-ARMS MANUFACTURING FACTORIES

*538. Pandit Munishwar Datt Upadhyay: (a) Will the Minister of Home Affairs be pleased to state how many fire-arms manufacturing factories are there in India and what is their yearly production?

(b) Are private persons given licences to produce fire-arms?

The Minister Without Portfolio (Shri Rajagopalachari): (a) The information has been called for from

the State Governments, and will be placed on the Table of the House in due course.

(b) Yes in certain cases.

DETERMINATION OF POPULATION

*541. Shri R. K. Chaudhuri: (a) Will the Minister of Home Affairs be pleased to state whether it is a fact that the population as determined by the President of India for the purpose of delimitation of Constituencies, falls far short of the real population of different States, particularly that of Assam and in some cases lesser than the figures of population as found in 1931 and 1941 census?

(b) If so, and in view of the fact that the General Elections are not being held in April-May 1951, have Government advised the President to make a fresh determination of the population or alternatively will the delimitation of Constituencies be made on the basis of population as reckoned by 1951 census?

The Minister Without Portfolio (Shri Rajagopalachari): (a) No, Sir; the determined population does not fall short of the 1931 census population of any State. It exceeds by a substantial margin, the 1941 census population of Assam (within its present boundaries) as well as of every other State in India except two. The determined population for all States taken together exceeds the 1941 census population for these States by nearly 29 millions. There is no reason to suppose that the determined population falls far short of the real population.

(b) Does not arise.

SHOPS FOR DISPLACED PERSONS

*543. Gian G. S. Musafir: Will the Minister of Health be pleased to state:

(a) the number of shops lying vacant in Amrit Kaur Market, Paharganj, New Delhi, built by the Municipal Committee, Delhi, for displaced persons;

(b) for how much time these shops have been lying vacant and why; and

(c) whether there are no displaced applicants desirous of hiring these shops?

The Minister of Health (Rajkumari Amrit Kaur): (a) Thirty two.

(b) and (c). A certain number of stalls were being kept vacant for the last 18 months as it was proposed to allot these stalls to squatters evicted from Khari Baoli and Nai Sarak.

These squatters having been recently accommodated elsewhere, the Delhi Municipal Committee have restarted allotment of stalls in this market. During the last 3 or 4 months about thirty stalls have been allotted to displaced persons. Applications from displaced persons are still being received and after scrutiny allotments will be made to bona fide displaced persons.

CHIEF COMMISSIONER'S ADVISORY COUNCILS

28. **Shri Deshbandhu Gupta:** Will the Minister of Home Affairs be pleased to lay on the Table a statement showing the number of meetings of the Chief Commissioners' Advisory Councils of each of the Part 'C' States held upto 30th September, 1950 since the formation of each such Advisory Council, the number of resolutions passed by each Council and the action taken by Government on the same?

The Minister Without Portfolio (Shri Rajagopalachari): I lay on the Table of the House the required information. [See Appendix V, annexure No. 10].

I. A. S. AND I. P. S.

29. **Shri Sivaprakasam:** Will the Minister of Home Affairs be pleased to state:

(a) the total number of candidates who appeared in the recent competitive examinations for the Indian Administrative Service and the Indian Police Service; and

(b) the number of vacancies that exists now in these Services?

The Minister Without Portfolio (Shri Rajagopalachari): (a)

Year	I. A. S.	I. P. S.
1948	1,990	1,400
1949	1,591	1,181
1950	2,313	1,875
(b) I. A. S.	38	
I. P. S.		123

Thursday, 30th November, 1950

Volume VI

No. 1 — 19



Part. B. 2. VI. 1. 50.
841

PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

OFFICIAL REPORT

Part II—Proceedings other than Questions and Answers.

CONTENTS

President's Address to Parliament [Cols. 1—16]

Price Five Annas

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

935

PARLIAMENT OF INDIA
Thursday, 30th November, 1950

The House met at a Quarter to Eleven
of the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11.45 A.M.

DEATH OF SHRI GURUNATH
BEWOOR

Mr. Speaker: It pains me very much to bring to the notice of the House the unexpected and sad demise of Shri Gurunath Bewoor. He served the Government in various capacities and while Secretary to the Government of India and later as Member of the Executive Council he was nominated a Member of the Central Assembly. Many of us knew him very closely. Those who knew him would remember that he was one of the oldest official members of the Central Assembly. We naturally mourn his loss and our condolences go to his bereaved family. The House may stand for a while as a mark of respect.

PROHIBITION OF MANUFACTURE
AND IMPORT OF HYDROGENATED
VEGETABLE OILS BILL

Shri Kamath (Madhya Pradesh): Sir, before we proceed to legislative business.....

Mr. Speaker: There are some other items before we proceed to it. The Secretary will report about the petitions received relating to the Bill to provide for the prohibition of manufacture and import of hydrogenated vegetable oils which was introduced in the Constituent Assembly of India (Legislative) on the 16th Decem-

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ber, 1949 by Pandit Thakur Das Bhargava.

Secretary: Sir, under Rule 106 of the Rules of Procedure and Conduct of Business in Parliament, I have to report that 3880 petitions as per statement laid on the Table [See Appendix V, annexure No. 11] have been received relating to the Bill to provide for the prohibition of manufacture and import of hydrogenated vegetable oils which was introduced in the Constituent Assembly of India (Legislative) on the 16th December, 1949 by Pandit Thakur Das Bhargava.

ELECTION TO COMMITTEES

- I. CENTRAL ADVISORY BOARD OF EDUCATION.
- II. COURT OF THE UNIVERSITY OF DELHI.
- III. EMPLOYEES' STATE INSURANCE CORPORATION.

Mr. Speaker: I have to inform the House that upto the time fixed for receiving nominations for the Central Advisory Board of Education, the Court of the University of Delhi and the Employees' State Insurance Corporation, five nominations in the case of the first, twelve nominations in the case of the second and one nomination in the case of the third were received. As the number of candidates is equal to the number of vacancies in each of these Committees, I declare the following Members to be duly elected:

I. *The Central Advisory Board of Education.*—Shri M. Satyanarayana, Pandit Lakshmi Kanta Maitra, Shri M. Ananthasayanam Ayyangar, Shri Rohini Kumar Chaudhuri and Dr. Syama Prasad Mookerjee.

II. *The Court of the University of Delhi.*—Shri Muhammad Ismail Khan, Shri Indra Vidyavachaspati, Prof. Yashwant Rai, Giani Gurmukh Singh Musafir, Pandit Govind Malaviya, Rev.

Amendment Bill

[Mr. Speaker]

Jerome D'Souza, Pandit Thakur Das Bhargava, Shri Deshbandhu Gupta, Acharya J. B. Kripalani, Dr. Bakshi Tek Chand, Prof. K. T. Shah and Dr. H. C. Mookerjee.

III. The Employees' State Insurance Corporation.—Dr. M. V. Gangadhara Siva.

Shri Kamath (Madhya Pradesh): Sir, before the House proceeds to legislative business I am constrained to invite your attention to the fact that last Saturday when I sought to move an adjournment of the House to discuss the attack on Prof. Shibbanlal Saksena, a Member of this House, you were pleased to advise me to elicit the requisite information by means of a short notice question. Though action was taken in pursuance of your advice, though Prof. Saksena has since issued one or two statements stating that he was attacked or shot at when he was on Indian territory.....

Mr. Speaker: He need not go into the merits of the question.

Shri Kamath:...and though a Member of this House has been deprived of the privilege of attending the session of Parliament owing to some action taken against him by another Government, I am, to say the least, amazed that Government should be so tardy in supplying even factual information on the subject. I do not know what the delay is due to. May I request you to take action in the matter, because your advice was followed in this matter, but nothing has been forthcoming.

Mr. Speaker: I might once again repeat what I have said before. I have often told Members that if they want to raise any point in the House they should first see me and have the position clarified. When I called upon Mr. Kamath I thought there must have been something which was of recent occurrence which he could not communicate to me before. I now find that he is referring to the incident of four days ago. He could well have seen me and could have known as to how the facts stood, whether there was any delay, due or undue. It is hardly fair or proper to ask for an opportunity of making a statement and then refer to other matters which should have been referred to and properly inquired into before the House met. Mr. Kamath may follow up the investigation of his question in the Parliament Secretariat office and the other offices concerned and I am sure he would have no ground for complaint.

Shri Kamath: May I Sir,.....

Mr. Speaker: I do not purpose to enter into an argument.

Shri Kamath: Is it your ruling that whenever a Member wants to raise a point in the House he should discuss it with you beforehand?

Mr. Speaker: Yes, that is the general rule. I have stated it so many times. I have stated also even if it be in respect of a question of privilege, for the simple reason that it gives me an idea as to what the point is that is going to be raised and it gives also an opportunity to the Members to know what the actual facts are. It is no use taking up the time of this House by raising points which have either no substance or merits or which on ascertainment of the facts can not be justifiably raised. I need not cite instances here but just say that a Member of this House wanted to raise a point of privilege only two or three days ago. I advised him not to do it at once and to see me in my Chamber. After seeing me in the Chamber he thought over what he wanted to raise and saw later on that there was no occasion for raising any point of privilege. If points like these are raised in the House, it leads to unnecessary discussion and publicity, which is undesirable.

Shri Kamath: It has already got publicity. He will now pursue his question on the line indicated and I need not argue the matter any further.

DELHI PREMISES (REQUISITION AND EVICTION) AMENDMENT BILL—Contd.

पंडित ठाकुर दास भागवत : माननीय स्पीकर साहब, मैं कल इस बिल के बारे में अर्ज कर रहा था जब कि इजलास आज के लिये मुस्तबी हो गया। कल एक मेम्बर साहब ने यह बात पूछी थी कि क्या यह बतलाया जा सकेगा कि इस बिल (Bill) के अन्दर जो अक्लाज है "एरियर्स आफ लैण्ड रेवेन्यू" (Areas of Land Revenue) उस को वसूल करने का क्या तरीका है। इस के बारे में मेरे मुहतरिम बुजुर्ग बल्शी टेकचन्द साहब ने कुछ रोशनी डाली थी। मैं आज इस अमर को हाउस (House)

के सामने रखने के वास्ते वह क़ानून ले आया हूँ जिस की रू से अस्तित्धार लिया जाना मकसूद है और जो तरीक़े इस की वसूली के हैं वह इस में दर्ज हैं। जहाँ तक लैण्ड रेवेन्यू के ऐरियर्स की वसूली का ताल्लुक है इस लैण्ड रेवेन्यू ऐक्ट (Land Revenue Act) की दफ़ा ६७ से लेकर और आगे जो चन्द दफ़ात हैं वह जाहिर करती हैं कि किन तरीक़ों से दिल्ली में ऐरियर्स आफ़ लैण्ड रेवेन्यू वसूल किया जा सकता है, क्यों कि दिल्ली के लिये यह लैण्ड रेवेन्यू ऐक्ट (Land Revenue Act) लागू होता है। दफ़ा ६७ के मुताबिक़ जो तरीक़े हैं वह इस तरह से हैं :

"67. Subject to the other provisions of this Act, an arrear of land revenue may be recovered by any one or more of the following processes, namely:—

(a) by service of a writ of demand on the defaulter;

(b) by arrest and detention of his person;

(c) by distress and sale of his movable property and uncut or ungathered crops;

(d) by transfer of the holding in respect of which the arrear is due;

(e) by attachment of the estate or holding in respect of which the arrear is due;

(f) by annulment of the assessment of that estate or holding;

(g) by sale of that estate or holding; and

(h) by proceedings against other immovable property of the defaulter.

यह आठ तरीक़े हैं जिन की रू से यह ऐरियर्स आफ़ लैण्ड रेवेन्यू वसूल होता है। लेकिन इन तरीक़ों में और एक मामूली सिविल कोर्ट (Civil Court) की डिग्री में रात दिन का फ़र्क़ है और जैसा कि मेम्बर साहबान को मालूम है कि आज के दिन सिविल प्रोसीजर कोड (Civil Procedure Code) के अन्दर एक नई भारी क़ावट क़ैद के वास्ते सरकार ने

लगाई है। मामूली रुपये की डिग्री में किसी शख्स को क़ैद किया जाना बहुत मुश्किल है और क़ैद किये जाने पर भी जो पाबन्दियाँ हैं उन के अलावा हैं मामूली डिग्री में आम तौर पर सिविल अदालतें क़ैद नहीं करतीं। ऐरियर्स वसूल करने के लिये पहला तरीक़ा रिट (Writ) जारी करने का है दूसरा क़ैद करने का। लेकिन क़ैद के वारंट (Warrant) से पहले रिट जारी करना ज़रूरी नहीं है—यह क़ानून इस तरह पर है :

"A writ of demand may be issued by a Revenue officer on or after the day following that on which an arrear of land revenue accrues."

"69 (1) At any time after an arrear of land revenue has accrued a Revenue officer may issue a warrant directing an officer named therein to arrest the defaulter and bring him before the Revenue Officer.

(2) When the defaulter is brought before the Revenue-officer, the Revenue officer may cause him to be taken before the Collector, or may keep him under personal restraint for a period not exceeding ten days, and then, if the arrear is still unpaid, cause him to be taken before the Collector.

(3) When the defaulter is brought before the Collector, the Collector may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in the jail for such period, not exceeding one month from the date of the order, as the Collector thinks fit."

मैं अदब से अर्ज़ करना चाहता हूँ कि जिन दफ़ाओं की तरफ़ मैं ने तबज़हह दिलाई उन के मुताल्लिक़ मैं और ज़्यादा तबज़हह दिलाना चाहता हूँ कि अगर किसी प्राइवेट आदमी की किराये की डिग्री हो जाये, तो इस के वास्ते टेनेन्सी ऐक्ट पंजाब (Tenancy Act, Punjab) की दफ़ा ९ में यह दर्ज है :

"A tenant shall not, during the continuance of his occupancy, be liable to imprisonment on the application of his landlord in execution of a decree for an arrear of rent."

[पंडित ठाकुर दास भार्गव]

रेण्ट (Rent) के वास्ते क़ैद नहीं हो सकता, लेकिन ऐरियर्स आफ़ लैण्ड रेवेन्यू की बसूली में आम तौर पर क़ैद करने के क़ानून से काम लिया जाता है। आगे दफ़ा ७० और ७१ को देखा जाये उस में जिस तरह एक लैण्ड ऐरियर आफ़ रेण्ट की डिग्री होती है, उस के मुताबिक़ जायदाद कुक़र्त की जा सकती है। ऐरियर आफ़ लैण्ड रेवेन्यू में उसका तरीक़ा यह है :

"A Court passing a decree for an arrear of rent may on the oral application of the decree-holder, order execution thereof against the movable property of the tenant and against any uncut or ungathered crops on the tenancy in respect of which the arrear is decreed."

जिस से यह जाहिर होता है कि ८, ९ तरीक़ों में से तीन चार ऐसे हैं जो उस जायदाद के बरख़िलाफ़ हैं जिस में वह रहते हैं। मैं यह नहीं समझता कि आनरेबुल मिनिस्टर साहब यह चाहेंगे कि उस का मकान और जायदाद नीलाम करा दिया जाये, उस से उन का कोई फ़ायदा नहीं होगा। लेकिन ताहम आम तौर पर जो फ़ायदा होगा, वह शुरू में जबानी तौर पर बिला किसी दरख़वास्त के उस की जायदाद को मूवेबिल प्रापरटी (Movable Property) को कुक़र्त किया जा सके और साथ ही आम तौर पर इस को क़ैद किया जा सके जिस में पहले ही रोज़ वह गिरफ़्तार होगा। दस दिन के वास्ते इस को परसनल रिस्ट्रेंट (Personal Restraint) में रक्खेंगे जिसे हाउस में आम तौर पर सब लोग जानते हैं। इस तरह से लैण्ड रेवेन्यू बसूली होता है। एक लम्बरदार को पकड़ कर बन्द कर दिया जाता है और दस दिन तक उस की कोई पुरषिष तक नहीं होती है, और हर तरह से उसको मजबूर किया जाता है। अगर फिर भी वह रफ़था न दे तो एक महीने की

क़ैद हो सकती है। ऐरियर्स आफ़ लैण्ड रेवेन्यू का जो फ़ायदा है, उस से ज्यादा से ज्यादा एक आदमी की बेइफ़जती की जा सकती है और उस को क़ैद में रखा जा सकता है। तो मैं यह अर्ज करना चाहता हूँ कि ऐरियर्स आफ़ लैण्ड रेवेन्यू के मातहत आप ऐस्टेट आफ़िसर (Estate Officer) को ऐसे अख़्तियारात देते हैं जो मामूली सिविल कोर्ट को हासिल नहीं हैं। जो पहले बिल बनाया था उस में हम ने ऐस्टेट आफ़िसर की तारीफ़ की थी, उस को कौम्पीटेण्ट एथोरिटी (Competent Authority) भी कहते हैं और उस ऐक्ट में यह तारीफ़ कौम्पीटेण्ट एथोरिटी की थी :

"Competent authority means the Estate Officer to the Government of India, and includes any other person authorised by the Central Government by notification in the official Gazettee to perform all or any of the functions of a competent authority under this Act".

मैं यह अर्ज करना चाहता हूँ कि इस के मानी यह होंगे कि अगर आप इस क़ानून को पास करेंगे तो आप एक ऐसा परिवर्तन करेंगे हिन्दुस्तान के आम क़ानून में, जिस के वास्ते आप को सोचना होगा कि आप ऐसा वाक़ई में करना चाहते हैं कि नहीं। जिस वक़्त यह ऐक्ट पास हुआ था, उस वक़्त देश के अन्दर हालत बिल्कुल मुस्तलफ़ थे और उस वक़्त हम ने एक तरह से एक असूल को माना जो एक डेमोक्रेटिक (Democratic) मुल्क में क़भी नहीं माना जाना चाहिये। लेकिन उस ख़ास हालत में जब कि हम पर क़ुसीबत आई और जब यहां लोगों को मकान नहीं मिलते थे और मकानों में लोगों का एक बहुत बड़ा कनजेशन (Congestion) सा हो गया था उस वक़्त सन् ४७ में हम ने इस ऐक्ट को पास किया था ख़ास हालत में और उस वक़्त

हम ने यह लिख दिया था इस में कि यह जो ऐक्ट है :

"It shall remain in force till the 31st day of December, 1949 but the Central Government may by notification in the official Gazette extend it for a further period of one year."

जिस के मानी यह है कि हम ने आम क़ानून देश का नहीं बदला था, बल्कि खास कुछ अर्से के वास्ते इस को नाफ़िज़ किया, क्योंकि आगे इस के अन्दर कुछ ऐसे असूल हैं जो उन असूलों के क़तई मुख़ालिफ़ हैं जो कि ब्रिटिश डेमोक्रेसी (British Democracy) के असूलों को मानते हैं, उन असूलों के खिलाफ़ हैं। आप को बख़ूबी मालूम है कि फ़्रांस के अन्दर एक नई तरह का विधान है जिस की रू से सरकारी अफ़सरान के वास्ते एक क़ानून है और पब्लिक (Public) के वास्ते दूसरा क़ानून है जिसे को डरोइट एडमिनिस्ट्रेटिफ़ (Droit Administratif) कहते हैं। हमारे मुल्क में सरकार के ऊपर नालिश की जा सकती है, सरकार नालिश कर सकती है। सरकार सिविल कोर्ट में जैसे एक मुद्दई जाता है, उसी तरह से सरकार जाती है और वहां पर सिविल मामलात में अदालत अपना फ़ैसला देती है और अदालत जैसे एक प्राइवेट (Private) मुद्दई और मुदयेलय को देखती है इस तरह सरकार को देखती है। इस क़ानून में हम ने सरकार को सन् ४७ में यह अर्हतियार दिया था कि अपने मक़ानों में से खास क़ायदे के मुताबिक़ जिस को चाहे सरकार निकाल दे।

में अदब से अर्ज करना चाहता हूँ कि हाउस को बहुत सोच समझ के साथ इस तरह के ऐक्स्ट्राऑर्डिनरी (Extraordinary) अस्तियारात जो इस बिल में मांगे जा रहे हैं सोच कर फ़ैसला करना चाहिये यह देना मुसासिब है या नहीं। सरकार अपने लिये खुद ऐसे अस्तियारात हासिल करना चाहती

है जो निहायत ऐक्सेपशनल (Exceptional) हैं और मेरी नाफ़िस राय में हाउस को जब तक कि कोई खास हालात न हों, ऐसे अस्तियारात किसी आदमी को किसी कारपोरेशन (Corporation) को और किसी सरकार को नहीं देने चाहिये क्योंकि आख़िर इस के अन्दर जो असूल हैं वह इतने जबरदस्त हैं और इतने सख्त हैं कि अगर एक बफ़ा हम ने इस बिल पर अपनी रज़ामन्दी दे दी तो मैं नहीं जानता कि हम कहां खड़े होंगे। इस में आप सरकारी अफ़सरों को यह अस्तियार दे रहे हैं कि वह समरी (Summary) तरीक़े से अपने आप डैमेजेज (Damages) मुक़रर (assess) कर दें किसी आदमी के बरख़िलाफ़।

जिस वक़्त किसी के बख़िलाफ़ सरकार डैमेज (damage) मुक़रर करेगी, तो उस से पूछ कर नहीं करेगी। अदालत में हर आदमी जा कर उज़र कर सकता है कि वह डैमेजेज का जिम्मेवार नहीं है लेकिन कोई ऐसा क़ायदा इस बिल में नहीं बनाया गया है न ऐसा क़ायदा हमारे सामने आया है कि किन क़ायदों के मुताबिक़ डैमेजेज मुक़रर किये जायेंगे। हमारे ऊपर यह ऐसी पाबन्दी लगाई जा रही है कि हमें मालूम नहीं कि हम किस गढ़े में गिराये जा रहे हैं। इस में क़ायदे और असूल नहीं दर्ज हैं। डैमेजेज के मुताबिक़ बग़ैर हमारी बात सुने हुए, बग़ैर अपील (Appeal) के हक़ को प्रोवाइड (provide) किये हुये, जिस तरह सरकार चाहे उसे बना देगी। एक एस्टेट आफ़िसर (Estate Officer) डैमेजेज बना देगा और उस के बाद डिग्री भी बनाने की ज़रूरत नहीं है, कागज़ भी उन्हीं के हाथ में है, क़लम भी उन्हीं के हाथ में है, जिस वक़्त चाहेगा हमारी मूवेबल प्रापर्टी (movable property) एक्वायर (acquire) कर लेगा, बिला इत्तला दिये हुये हमारी

[पंजित ठाकुर दास भागंब]

प्रापर्टी क्रूज़ कर ली जायेगी और हमें गिर-फ्तार कर लिया जायेगा। यहां लाखों लोग आये हुये हैं, जो मुसीबत में आये उन्होंने कहीं पर जा कर किसी की ज़मीन पर क़ब्ज़ा कर लिया, नाज़ायज़ तरीक़े पर नहीं कि षा कर किसी को निकाल दिया, खाली ज़मीन पड़ी थी उस को सरकार की इजाज़त से या बिना इजाज़त अपने क़ब्ज़े में लिया, कई सूरतों में वहां कुछ मकानात बना लिये सेल्फ़ हेल्प (Self Help) से, और वहां बैठ गये। उन दिनों में जिन दिनों में हमारे गवर्नर जनरल साहब ने अपने मकान में उन शरणार्थियोंको आंने की इजाज़त दी थी, जिन दिनों में महात्मा जी और हमारे प्राइम मिनिस्टर साहब (Prime Minister) ने हमदर्दी के ख्याल से उन को सब जगह आने जाने की इजाज़त दी थी और यह हुक्म दिया कि कोई शस्स इस देश में न रहे जिसके सिर पर कोई न कोई प्रोटेक्शन (Protection) न हो, उस ज़माने में जिन लोगों को प्रोटेक्शन नहीं मिला उन्होंने खुद आ कर सेल्फ़ हेल्प से ज़मीनों पर क़ब्ज़ा कर लिया और कुछ मकानात बना लिये, उन्होंने कुछ इवैक्यू प्रॉपर्टी (Evacuee property) पर क़ब्ज़ा कर लिया। मैं इस मौक़े पर क़ानूनी ज़िम्मेवारी के मसले में नहीं जाना चाहता हूं, इस के लिये मैं अलहदा ज़िक्र करूंगा, मैं यह अर्ज़ कर रहा हूं कि उस वक़्त से आज तक सरकार ने उन का किराया मुक़र्रर नहीं किया, उन से डैमेजेज़ नहीं मांगे, बहुत से लोगों ने उन मकानात को जिन को उन्होंने लिया था मरम्मत कराई, हज़ारों रुपये के मकान बनवा कर खड़े किये, मेरे पास अदाद मौजूद है, अड़तीस लाख रुपये से ज्यादा की इमारतें उन लोगों ने उन ज़मीनों पर बना लीं, चार हज़ार एक सौ अठारह बिजनेसमैन (businessmen)

उन मकानों में आज बसते हैं, तीन सौ पैंसठ उन में पब्लिक सर्वेंट्स (Public servants) हैं, उन्नीस उन में मन्दिर बने हुये हैं, और १६ गुम्बारे बने हुये हैं, यह सब आखिर एक रात में नहीं हो गया, जादू की लकड़ी से नहीं हो गया जैसा मैंने अर्ज़ किया है बहुत सी सूरतों में सरकार की इजाज़त से उन में पानी के कनेक्शन (connection) लाये गये और बिजली दी गई। इन हालात में उन लोगों ने कुछ मकान बनाये और उस में दाखिल हुये, कुछ पर क़ब्ज़ा कर लिया, ऐसी सूरत में भी आज तक सरकार ने उन तमाम मकानों का किराया तय नहीं किया। मैं यह अर्ज़ करना चाहता हूं कि यह न समझिये कि उन लोगों ने खुद किराया नहीं दिया। सरकार ने एक मौक़े पर इतने एक्ज़ॉर्बिटेंट रेंट्स (exorbitant rents) लगा कर भेज दिया कि लोगों में त्राहि त्राहि मच गई। लोगों ने अर्ज़ियां दीं कि आप किस तरह से किराया मुक़र्रर कर रहे हैं, मेरे पास एक मकान के बारे में क़ागज़ मौजूद है जो मुझे एक किरायेदार ने ला कर दिया है। उस मकान पर २२५ रुपये माहवार किराया लगा दिया गया था। उस ने दर्खास्त दी कि मैं यह किराया नहीं दे सकूंगा। उस के बच्चों और उस की आमदनी मिला कर चार पांच सौ रुपये से ज्यादा नहीं थी उस पर किराया लगाया गया २२५ रुपये। उस के दरखास्त देने पर उस मकान का किराया बयासी रुपये मुक़र्रर किया गया। मैं दाद देता हूं उस शस्स को जिस ने यह फ़ेअर (fair) किराया मुक़र्रर किया। मैं अर्ज़ करता हूं कि मई १९५० में किराया मुक़र्रर किया गया और उस से कहा गया कि सारे एरियर्स (arrears) ढाई साल के दो। उस ने ४५० रुपये की एक क्रिस्त मई सन् १९५० में दाखिल की फिर २३ नवम्बर १९५० को ४५० रुपये और दाखिल किये। फिर भी

उस की दख्खान्त है, वह अर्ज करता है कि मैं आप को किराया दूंगा जो आप ने रखना है लेकिन खुदा के वास्ते जो बयासी रुपये मुकर्रर हुआ है वह हर महीने ले लीजिये। बाकी रकम मैं एक दम नहीं दे सकता थोड़ी थोड़ी कर के दूंगा। मैं अर्ज करूंगा कि यह कहना कि पांच लाख रुपये का घाटा हो गया और किसी ने किराया नहीं दिया और अब वह रकम दस लाख रुपये की हो गई यह दुस्त नहीं है। दरअसल वाक्या यह है कि रिफ्यूजीज और और लोग यह नहीं चाहते कि वह नाजायज तौर पर कब्जा कर लें, वह चाहते हैं कि सरकार को किराया दें, जो नुकसान हुआ है वह भी दें लेकिन वह उन से तरीके से वसूल किया जाये। मैं अर्ज कर रहा था कि यह दस लाख जो किराया बताया जा रहा है वह क्यों बढ़ गया, यह सरकार के अपने फेल से बढ़ गया। सरकार ने किसी पर किराया असेस (asses) नहीं किया। आज तक जो लोग मकानों में हैं उन का किराया असेस नहीं हुआ है अब तक उन्होंने जो खर्च किया इमारतों की मरम्मत वगैरह में उस का कोई हिसाब में मजरा न दिया जाये उस वक्त तक क्या किया जा सकता है। अगर सब का ठीक तरह पर किराया मुकर्रर होता तो सब लोग देने को तैयार हैं। इस के क्या मानी है कि पहले तो मकान का किराया दो सौ ठाई सौ मुकर्रर कर दिया और फिर दख्खान्त देने पर बयासी कर दिया। हमारी सरकार शिकायत तो करती है लेकिन यह कहने का हक नहीं रखती है कि रिफ्यूजीज ने किराया नहीं अदा किया। यह तरीका इस चीज को पाने का नहीं है। मैं यह अर्ज कर रहा था कि इस किराये की वसूली का अस्थार आप सरकार को देते हैं वह सिर्फ सिविल कोर्ट (civil court) को हासिल है, किसी मुक्त में जो डिमोक्रेटिक (demo-

cratic) उसूलों को मानता है यह अस्थार सरकार को हासिल नहीं है। मैं देश में ऐसे हालात भी नहीं देखता जो एक्सेप्शनल (exceptional) हों। मैं देखता हूँ कि यह अस्थारात देने की देश में जरूरत है तो कभी भी इस का विरोध न करता जिस में देश का और सरकार का काम अच्छी तरह चल सके। अगर मुझे धकीन होता कि जो हमारे मिनिस्टर साहब श्री गाडगिल ने फरमाया कि यह सोसायटी (society) खत्म हो जायेगी, यह सरकार खत्म हो जायेगी, तो मैं एक बिल नहीं दस बिल ऐसे अभी पास करा देता। मैं न सोसायटी को खत्म करना चाहता हूँ न सरकार को, मुझे हरगिज यह यकीन नहीं है कि कोई एक्सेप्शनल हालत है नहीं तो मैं खुद कहता कि सिविल कोर्ट जो है उस के इस बारे में अस्थारात खत्म किये जायें। अगर हमारी सरकार सिविल कोर्ट को धरण लेने से और उसे फेस (face) करने से धबराती है और तमाम डिमोक्रेटिक उसूलों से दूर भागती है, और अपने और मामूली लोगों के दरम्यान एक ऐसी खलीज बाँक कर रही है जिस का भरना न मुमकिन हो जायेगा। यह मुश्किलत है। इस बिल में जिसे हमारे गाडगिल साहब ने कहा कि यह बिल इतना सिम्पल (simple) है उस के अन्दर एक और चीज है। जब हम ने सन् १९४७ में इस को बनाया था तो उस में प्रेमिसेज (premises) में लैण्ड (land) इन्क्लूडेड नहीं थीं। उस वक्त क्या था, कि जो बड़े लोग हैं उन लोगों के भकानात रिक्विजिशन (requisitioned) करके उन में डिस्प्लेस्ड पर्सन्स (displaced persons) को बसा दें इसी लिये उस में पब्लिक परपज (public purpose) का शब्द ऐड (add) किया था और उस के लिये पब्लिक परपज

[पंडित ठाकुर दास भागवत]

(public purpose) की डेफ़ीनीशन (definition) की थी कि 'public purpose means any purpose that is so described by rules under this Act'. उस पुराने उसूल को भी छोड़ दिया कि फ़लों परपत्र के लिये रिक्विजिशन हो सकती है क्योंकि डिसप्लेस्ड पर्सन्स के लिये हम चाहते थे कि उन को मकान मिलें। इस लिये और इस लिये यह पावर (power) दी गई थी कि शरणार्थियों के लिये मकान मिल सके। इस वास्ते यह पावर नहीं दी गई थी कि तीन बरस के बाद यह जो पावर उन के हक में दी थी वह उनके खिलाफ इस्तेमाल हो। लेकिन आज हम क्या करना चाहते हैं। गाय की शकल से ही बच्चे के लिये स्तम्भ का काम लेना, शिर काट दिया कि बच्चा दूध न पी सके। आज हम सरकार को यह हक नहीं देना चाहते। अगर आज सरकार सस्ती करना चाहती है तो मैं अर्ज करना चाहता हूँ कि इस बिल को पास करने से यह सरकार बहुत नुकसान उठायेगी।

इस के बाद इस बिल में एक चीज़ सस्ती की और रक्खी गई है कि सरकार इस बिल में अब प्रीमिस (premises) की तारीफ़ में लैंड यानी ज़मीन को शामिल करना चाहती है।

इस के माने यह है कि यह कई हजार मकानात जो ज़मीन पर बने हुये हैं और जो पहले क़ानून की ज़द में नहीं आते थे और जिन के लिये सिविल कोर्ट में जा कर मुकद्दमा करना पड़ता, उन सब को बिला अदालत में गये खुद सरकार खाली करा सकेगी। अब तो सिर्फ़ सरकार एक नोटिस दे देगी कि सात दिन में नहीं निकलोगे तो क़ैद कर दिये जाओगे। मैं अदब से अर्ज करना चाहता हूँ कि सरकार ने अपनी ज़मीन

के लिये यह अस्त्थारात चाहे हैं, पर क्या वह यह अस्त्थारात किसी लैंडलार्ड (landlord) को भी देने को तैयार है। अगर उन को वह यह अस्त्थारात नहीं देना चाहती तो इनको वह खुद क्यों लेना चाहती है। मैं अर्ज करूंगा कि ऐसे बसीय अस्त्थारात का इन हालात में देना हरगिज़ जायज़ नहीं है। जब पहला ऐक्ट (Act) पास किया गया था तो हमने इस बिल के प्रिंसिपल (Principle) को मान लिया था कि ख़ास हालात में सरकार इविकशन (eviction) कर सकती है लेकिन हमने इस का एक्सटेन्शन (extension) नहीं चाहा था। मैं नहीं चाहता कि यह बिल किराये की बसूली व हरजाने की बसूली और भकानात से एविकशन पर लागू किया जावे।

मैं हाउस की खिदमत में यह अर्ज करना चाहता हूँ कि मैं यह क्यों चाहता हूँ कि यह मामला सिलेक्ट कमेटी (Select Committee) में ले जाया जाये। इस से क्या फ़ायदा होगा। मैं इस बिल के अगाराज़ से एग्री (agree) नहीं करता और जब तक मुझे और ख़ास हालात न बताये जायें मैं इस बिल के उसूल के मानने को तैयार नहीं हूँ। लेकिन कई वजूहात से मैं यह महसूस करता हूँ कि हम इस को सिलेक्ट कमेटी में ले जायें और वहां इस पर गौर करें। हमारे मिनिस्टर साहब ने निहायत हमदर्दी के साथ, निहायत खुलूस के साथ, निहायत रहमदिली के साथ जो तज़वीज़ पेश की है उस का मैं ख़ैर मक़दम करता हूँ। मुझे और किसी तज़वीज़ की श्री गाडगिल से उम्मीद नहीं थी। मैं और चन्द कई आदमी उन की खिदमत में हाज़िर हुये थे और मैंने उन से कहा था कि इस में बहुत से लोगों का इन्टरेस्ट (interest) है। उस वक़्त वह निहायत हमदर्दी से हम लोगों के साथ पेश आये।

उन्होंने हमें यकीन दिलाया कि आप यकीन रखें मैं कभी रिफ्यूजीज से सक्ती से पेश नहीं आ सकता। मैं यह सब खुशामद से नहीं कहता।

श्री गाडगिल : गवर्नमेण्ट की खुशामद कोई नहीं करता।

पंडित ठाकुरदास भार्गव : मैं तो एक बाक्या बयान करता हूँ। मैं इस बिल को सिलेक्ट कमेटी में इस लिये ले जाना चाहता हूँ कि गाडगिल साहब खुद उन लोगों की बातें सुन कर कि जो लोग रिफ्यूजीज के रिप्रेजेंटेटिव (Representatives) हैं और जो दूसरे आदमियों के रिप्रेजेंटेटिव हैं उन पर शौर कर सकेंगे। इस में गवर्नमेण्ट की ज़मीन है, म्युनिसिपैलिटी की ज़मीन है, इम्प्रूवमेण्ट ट्रस्ट की ज़मीन है और प्राइवेट परसन्स की ज़मीन है। उन सब की बातें सुन कर हम को यह देखना होगा कि ईक्विटी (Equity) किधर जाना चाहती है। मैं आप से अदब से यह अर्ज करना चाहता हूँ कि जो लोग इस बिल के बारे में स्पीचेज (Speeches) करना चाहते हैं उन के बारे में यह नहीं स्थाल करना चाहिये कि वह रिफ्यूजीज के इस काम की सराहना करना चाहते हैं कि उन्होंने दूसरों की ज़मीन पर इस तरह से कब्जा कर लिया है। इस बारे में मेरे बिल में किसी किसम का शुबहा नहीं है कि किसी की जायदाद पर नाजायज तरीके से कब्जा करना गलत चीज है। मगर मैं यह भी बतलाना चाहता हूँ कि डिसप्लेसड परसन्स ने किन हालात में ऐसा किया। हम को यह भी देखना चाहिये कि वह किन हालात में यहां आये और उन पर क्या बीती। वह हालात इतने एक्सेप्शनल थे कि अगर हम अपने इण्डियन पीनल कोड (Indian Penal Code) में दफ्ता १०५ को देखें तो हमें यकीन होगा कि ऐसे हालात में किसी

का क़त्ल भी कर देना जुर्म नहीं है। इस सिलसिले में मुझे डराइडन (Dryden) की अंग्रेजी लाइन याद आती है :

सेल्फ प्रिज़रवेशन इज़ नेचर्स एलडेस्ट ला ("Self preservation is nature's eldest law.")

इस क़ानूने जिसका मैं ने ८२ रुपये किराये के बारे में जिक्र किया उस के पास डेढ़ लाख की जायदाद थी। वह शस्स इंस्पेक्टर पुलिस था जो आज बीमार बिस्तरे पर पड़ा हुआ है। उस का एक लड़का जम्मू फ्रंट (front) पर सरकार की तरफ से लड़ा है और एक लड़का रेडियो में नौकर है और उन की पांच सौ छः सौ माहवार की आमदनी थी। ऐसी मुसीबत में वह अगर किसी खाली मकान में बैठ गये तो क़ानूनन तो नहीं लेकिन इखलाकन व इन्साफ़न मैं नहीं समझ सकता कि उन्होंने कोई क़सूर किया। अगर वह ऐसा न करते तो क्या करते। खास हालात में हम को क़ानून के दायरे के बाहर भी जाना पड़ता है। हमारी सरकार ने ही १५ अगस्त को हज़ारों आदमियों की सज़ा में कमी की, १६ हज़ार मकान बनवाये, १८ महीने तक जितने शरणार्थी थे उन के खाने वगैरह का मुफ्त बन्दोबस्त किया यह किसी कांस्टीट्यूशन (constitution) के मुताबिक नहीं था, मगर खास हालात में ऐसा करना पड़ा। लेकिन जिन्होंने अपने हाथ से मिट्टी खोद कर अपने रहने को मकान बना लिये उस ज़मीन पर जिस पर, आप मुझे यह अल्फ़ाज़ इस्तेमाल करने के लिये माफ़ करेंगे, कुत्ते पेशाब करते थे और पंखाना करते थे। मैं ने वह ज़मीने देखी हैं जहां उन्होंने मकान बनाये हैं, वह मकानात पुराने मकानात से कहीं बेहतर हैं। उन में से कुछ तो पक्के बने हुये हैं। उन मकानात को देख कर मैं हरगिज़ यह कहने को तैयार नहीं कि कोई

[पंडित ठाकुर दास भार्गव]

भी सरकार उन मकानात को गिरवाने में हक़ बजातिब है। ऐसा करना मैं यह अर्ज करूंगा कि मारली (morally) ऐसा करना उन के साथ बेइन्साफ़ी होगी और उन के साथ सलती होगी। मैं मिस्टर गाडगिल को इस हाउस में बहुत असें से जानता हूँ। वह इसी हाउस में इन्हीं सीटों (seats) से यह तक्ररीर करते थे कि मैं कैपीटलिज्म (capitalism) के लिये ऐसी तजवीज़ें करूंगा कि कैपीटलिज्म जीरो (zero) पर पहुंच जायेगा। मगर मैं उन से यह सुन कर हैरान हो गया कि इन मकानात में कुछ मड हाउसेज (mud houses) हैं, कुछ हट्स (huts) हैं और कुछ पक्के हाउसेज हैं और सिर्फ़ उन पक्के मकानात को नहीं गिराना चाहिये। हमारी हाईकोर्ट्स (High Courts) ने तो यह तै कर दिया है कि जिस मकान की लागत १,००० रुपया हो वह सबस्टेंशियल हाउस (substantial house) है। लेकिन मैं गाडगिल साहब से यह सुनने को तैयार न था कि एक गरीब आदमी के झोंपड़े में और एक अमीर आदमी के महल में कुछ फ़र्क़ है। मैं उन से अदब से अर्ज करूंगा कि गरीब आदमी को अपना झोंपड़ा उतना ही अजीज है जैसा अमीर आदमी को अपना महल। आप इस उसूल को अपने दिल से निकाल दोजिये कि आप एक अमीर और गरीब रिफ्यूजी में तमीज़ करें। मैं अदब से अर्ज करूंगा कि यह उसूल बुरस्त नहीं है।

अब सवाल हमारे सामने यह आता है कि अगर मैं इन उसूलों के खिलाफ़ हूँ जो बिल की बुनियाद है तो मैं इस बिल को सिलेक्ट कमेटी में क्यों ले जाना चाहता हूँ। मैं ने अर्ज किया कि मैं सिलेक्ट कमेटी में यह फ़ायदा देखता हूँ कि इस में २४ या २५ आदमी सर जोड़

कर बैठेंगे और मुमकिन है कि वह कोई ऐसा फ़ारमूला (formula) निकाल लें जिस से सरकार को भी नुक़सान न हो, प्राइवेट परसन्स को भी नुक़सान न हो और इन रिफ्यूजीज को भी नुक़सान न हो। और साथ ही इन रिफ्यूजीज के अलावा उन दिल्ली वाले लोगों को भी नुक़सान न हो जिन्होंने ऐसी ज़मीनों पर क़ब्ज़ा कर के मकान बना लिये हैं और उन की भी काफ़ी तादाद है।

आख़िर में मैं यह मानने को तैयार हूँ कि अगर क़ानून की रू से देखा जायें तो यह तजवीज़ ठीक है कि ऐसे लोगों का क़ब्ज़ा न हटाया जाये क्योंकि जिन लोगों ने क़ानून को हाथ में ले कर मकान बनाये वह हालात से मज़बूर थे। मैं पूछना चाहता हूँ वह इन हालात में और क्या करते? एक्सेप्शनल सरकमस्टान्सेज रिक्वायर एक्सेप्शनल रेमेडीज। (Exceptional circumstances require exceptional remedies) मुझे ऐसा कोई क़ानून नहीं मालूम जिस के मातहत सरकार चरिटी (charity) में एक पंसा भी दे सके या लाखों आदमियों को कैम्पों में रख सके। लेकिन खास हालात में सरकार ने लाखों आदमियों की ख़ुराक का इन्तिज़ाम किया, और पंजाब में हवाई जहाज़ों से खाना गिराया। पर यह किस क़ायदे से? इसी लिये मैं अदब से अर्ज करना चाहता हूँ कि एक्सेप्शनल सरकमस्टान्सेज रिक्वायर एक्सेप्शनल रेमेडीज। यह इमकान नहीं है कि यह आयन्दा के लिये मिसाल बन जाये क्योंकि अब फिर पार्टीशन (partition) होने की गुंजाइश नहीं है। मैं इस बात पर खास तौर से ज़ोर देना चाहता हूँ कि हम को देखना चाहिये कि किन हालात में इन्होंने ऐसा किया। मैं यह नहीं कहना चाहता कि इन लोगों की

इस हालत के लिये कौन जिम्मेदार है पर मुझे वह अलफ़ाज़ नहीं भूल सकते जिन को अम्बाला में एक शरणार्थी ने कहा था: हिन्दुस्तान की आजादी डिस्ट्रेस्ड परसन्स की क़र्तों पर खड़ी हुई है। आज शरणार्थियों के बारे में और चीज़ों को छोड़ कर दो चीज़ों को हमें याद रखना चाहिये। इन दो चीज़ों के लिये हमें उन को पूरी इमदाद देनी चाहिये। हमारे प्राइम मिनिस्टर साहब इन चीज़ों के मुताल्लिक़ सैकड़ों बार अपनी ज़बान मुबारक से इन लोगों को यक़ीन दिला चुके हैं कि उन को शैल्टर (shelter) दिया जायेगा। और गेनफ़ुल ऐम्प्लाइमेण्ट (gainful employment) दी जायेगी। मैं नहीं जानता कि मकान शैल्टर नहीं तो और क्या है और गेनफ़ुल ऐम्प्लाइमेण्ट हुकान-दारी बर्ग़रह नहीं है तो क्या है। जहाँ तक हुकानों का ताल्लुक़ है आप ने उन का किराया इतना ज़्यादा मुक़रर किया है कि उस को कोई रिपयूज़ी दे नहीं सकता है। शायद दिल्ली वाले भी उस को न दे सकें।

मैं अदब से अज़ा करना चाहता हूँ कि आप ने जो यह डैमेजेज़ और रेंट की वसूली की जो समरी पावर्स (summary powers) रखी हैं यह इतनी सख्त हैं कि अगर किसी के दिमाग़ में यह आये कि इन सारे डिस्ट्रेस्ड परसन्स को उखाड़ कर फेंक दे तो वह यह कर सकता है। हमें जो काम करना है वह यह है कि इस के लिये हम कोई ऐसा फ़ार-मूला मालूम करें कि जिस से यह जो एरियर्स हैं यह बसूल हो सकें और साथ ही जिन लोगों ने मकान हासिल किये हैं उन के लिये भी हम कोई न कोई हल निकाल सकें। अगर मेरी यह सिलेक्ट कमेटी की तज़वीज़ मंज़ूर हुई तो मैं अदब से सिलेक्ट कमेटी के सामने और आनरेबिल मिनिस्टर साहब के सामने चन्द अलफ़ाज़ में वह तज़वीज़ रखना चाहता

हूँ कि जो मेरी समझ में आनरेबिल मिनिस्टर को और सिलेक्ट कमेटी को अपने सामने रखनी चाहियें। सब से पहले तो मैं यह अज़ा करूंगा कि जहाँ तक किराये का सवाल है उस के लिये कोई ठीक तौर पर किराया मुक़रर करने का बेसिस (basis), तैयार करना चाहिये और मैं समझता हूँ कि आनरेबिल मिनिस्टर साहब के डिपार्ट-मेण्ट (department) ने कुछ तज़वीज़ें अब फ़ायम की हैं। पहले जो किराया रखा गया था उस के मुकाबले में अब किराये की जो रेट्स (rates) रखी गयी हैं उन में इन्फ़्लेसन्स से काम लिया जा रहा है। जितना एकोमोडेशन हो और जितनी उसकी कास्ट (cost) हो उस के ऊपर ४ से ६ पर सेण्ट से ज़्यादा किराया मुक़रर करना मुनासिब नहीं होगा। जहाँ तक कि उस अरसे का सवाल है कि जिस में किराया असेस नहीं हुआ उस के बारे में मैं अज़ा करूंगा कि कल हम को बताया गया था कि ३१ अगस्त, १९४८ तक आनरेबिल मिनिस्टर साहब ने बड़ी मेहरबानी कर के उन से किराया न लेना क़बूल कर लिया है। मैं कहता हूँ कि अब बक़्त आ गया है कि इस सवाल का फ़ौसला कर दिया जाये। इन के डिपार्ट-मेण्ट (Department) ने भी जो ऐक्ट (Act) सन् १९४७ में बनाया उस में तज़वीज़ नहीं की कि किराया लिया जाये। इस में क्यों नहीं किसी किराये और डैमेजेज़ (Damages) का जिक़र किया गया, क्योंकि मैं जानता हूँ कि उस बक़्त किसी के दिमाग़ में नहीं था कि यह किराया वसूल किया जाय। अब तीन साल के बाद यह सूझा है कि किराया वसूल किया जाय। मैं इस के खिलाफ़ नहीं हूँ, आप किराया ज़रूर वसूल करें। किसी को हज़र नहीं है कि नेशन (Nation) की कास्ट (Cost) पर कोई फ़ायदा उठाये। लेकिन ऐसेसमेण्ट

[पंडित ठाकुर दास मार्गव]

(assessment) होने से एक साल से पहले का जो किराया है वह १२ किस्तों में वसूल किया जाये। हर महीने का किराया जो हर महीने दिया जाये उस के साथ १/१२ एक साल पहले का पिछला वसूल करिये, इस को आप चाहे डैमेज (Damages) समझिये या किराया समझिये। यह आप वसूल करिये। इस के साथ जितनी रिपेयर्स (Repairs) आज तक उन्होंने की हैं उस का हिसाब देखिये और जो कुछ आप को उन को देना हो वह आप उन को दें। इसी तरह जहां तक स्टाल्स (Stalls) और शाप्स (Shops) के इकानामिक रेंट (Economic Rent) का सवाल है वह भी मुकर्रर किया जाये। जहां तक सवाल इस अम्र का है कि बहुत सी उन में से विडोव्स (widows) और अरफन्स (orphans) हैं जो किराया देने के क्वाबिल नहीं हैं उन से किसी सूरत में एरियर्स (arrears) वसूल न किये जायें।

जहां तक ४ हजार से ज्यादा जो मकान बनाये गये हैं उन का सवाल है तो गवर्नमेण्ट ने जहां १० हजार मकान बनाये वहां लोगों ने मिल कर दिल्ली में ४ हजार के करीब मकान बनाये हैं तो इस को भी इसी तरह देखना चाहिये। आखिर जो मकान है वह किसी जमीन पर ही बने हैं, किसी बिल्ट एरिया (Built Area) पर तो वह बने नहीं हैं। वह प्लॉट (Plot) खाली पड़े थे जो इम्प्रूवमेण्ट ट्रस्ट (Improvement Trust) ने और लोगों को मकान बनाने के लिये दिये थे, या इवैक्यू प्रापर्टी (Evacuee Property) या म्युनिस्तिपल प्रापर्टी (municipal property) पर वह मकान बने हैं। इस का इलाज यह है कि जो मकान ऐसी जगह बने हैं कि जो

कमेटी (committee) या मिनिस्टर साहब की राय में ऐसा एरिया (area) है कि जो खाली इसी क्वांम में आने को था कि वहां मकान बनें उन एरियाज से किसी शरूत को बे दखल न किया जाये। जो ऐसे एरियाज हैं कि जिन के बारे में हमारे आनरेबिल मिनिस्टर साहब ने बताया कि ८० हजार से एक लाख रुपये फ्री एकड़ की जिन की क्रीमत है उस के लिये मैं अदब से अर्ज करूंगा कि अगर किसी खास मतलब के वास्ते इम्प्रूवमेण्ट ट्रस्ट और म्युनिस्तिपलिटि ने अगर उन को रखा है और वह मतलब और किसी एरिया से नहीं चल सकता और जिन की क्रीमत ८० हजार या एक लाख रुपया है, उन में से अगर किसी रिफ्यूजी (refugee) को आप को हटाना है तो आप उस को किसी दूसरे एरिया में जो पास ही हो उतनी ही जमीन दे दें और मकान का इतना मुआवजा दे दें कि वह वैसा ही मकान बनवा सके।

[MR. DEPUTY SPEAKER in the Chair]

मैं यह नहीं कहता कि जिन्होंने कब्जा कर लिया उन को आप न हटावें। मैं यह भी नहीं चाहता कि एक लाख रुपये एकड़ की जमीन पर जो मकान उन्होंने बना लिये हैं उन को वह बेच डालें। जो मकान उन्होंने बना लिये हैं मैं नहीं समझता कि उन को वह बेच डालेंगे, और अगर बेच भी डालें तो आप ऐसा कोई फारमूला (formula) निकालिये कि बेच न सकें, जब तक कि आप की इजाजत न हो या चन्द साल तक वह न बेच सकें। मैं तो जानता हूँ कि जिस आदमी ने अपने लिये घोंसला बनाया है, जिन के लड़कों और औरतों ने गारा ढो ढो कर मकान बनाया है, उस को वह आसानी से बेचेंगे नहीं। लेकिन आप का ऐसा स्थाल है, आप का ऐसा तजुर्बा है, तो आप उस को और

एकोमोडेशन (accommodation) और जगह दे दीजिये जहां कि वह अपना सर छुपा सके और उस की वह जगह ले लीजिये । उसे वंसी ही जमीन और दे दीजिये जहां वह और मकान बना सके और आप की जो बेचा बहा जमीन है उस पर आप कब्जा कर लीजिये ।

इस के अलावा जो बाकी एवैक्युई प्रापर्टी (evacuee property) के मकानात हैं उन के वास्ते मैं समझता हूँ कि कस्टोडियन (Custodian) ने उन के अन्दर पहले ही छानबीन करनी शुरू कर दी है और बहुत से मकानात को ऐसे एलाट (allot) किया है जो उन की हैसियत और हक के मुताबिक थे । इस के अलावा जहां तक ऐसे आदमियों का सवाल है कि जिनकी अपनी जमीनें थीं, जिन को इम्प्रूवमेण्ट ट्रस्ट ने जमीनें दी थीं या जो प्राइवेट ओनर्स (Private Owners) की जमीनें थीं और वहां ऐसे मकानात बने हैं, उन के वास्ते मैं अदब से एक और तजवीज पेश करना चाहता हूँ । हमारे देश में बड़े आदमियों में यह प्रथा चली आई है कि उन्होंने नेशनल इन्टरैस्ट (National Interest) के वास्ते अपने मकानों को छोड़ दिया । हमारे सामने पण्डित मोतीलाल नेहरू की मिसाल है । उन्होंने आनन्द भवन को कांग्रेस को दे दिया । लाला लाजपतराय की मिसाल हमारे सामने है कि जिन्होंने अपने मकान को पब्लिक इन्टरैस्ट (Public Interest) के वास्ते पेश कर दिया । इसी तरह हमारे दिल्ली में कई दोस्त मकान वाले हैं । यहां लाला बेशबन्धु जी गुप्त बैठे हैं जो इस मुल्क के वास्ते कई मतंबा जेलखाने भी गये हैं । इसी तरह हमारे कई बुजुर्ग यहां मौजूद हैं जिन्होंने देश के लिये बहुत कर्बानियां की हैं । मैं अदब से अर्ज करना चाहता हूँ कि ये बिस-

प्लेस्ड परसन्स (Displaced Persons) उस आजादी को दिलाने वाले हैं जिस के लिये हम रोज गाने गाते थे । तो मैं यह अर्ज करना चाहता हूँ कि आप ऐसा ऐटीट्यूड (attitude) न रखें कि हम इस जमीन के सिवा उन से कुछ नहीं ले सकते । मैं आप से यह भी नहीं कहता, मैं यह भी अपील नहीं करता कि आप उन से बिल्कुल कुछ न लें, आप उन से मुआवजा न लें, या किराया न लें, या और कोई चीज न लें । लेकिन जहां तक जमीन का सवाल है जिस के ऊपर पक्के मकान बन गये हैं, जिस के ऊपर लोगों ने अपने रहने के लिये मकान बना लिये हैं, जिन के ऊपर सिर्फ मकान ही मौजूद है, उन को इस तरह एब्रप्टली (abruptly) और वायलेण्ट (violent) तरीके से आप बिसलोकैट (dislocate) न करें । मैं अर्ज करूंगा कि यह कमेटी या आनरेबिल मिनिस्टर साहब कोई लोकल कमेटी (Local Committee) बना दें जो इण्डी-वीज्युअल केसेज (Individual cases) को देखें और तब यह फ़ैसला हो सकता है । वह आपस में इन जमीनों का फ़ैसला करा दे । इस के अलावा जिन लोगों को इम्प्रूवमेण्ट ट्रस्ट से जिन शर्तों पर यह जमीनें मिली हैं उन लोगों को किसी किस्म का नुकसान न पहुंचाया जाये, उन के हकूक ट्रान्सफर (transfer) कराये जा सकते हैं और जितनी कीमत है उस का मुआवजा उन को दिलाया जा सकता है और उस कीमत का इक्वीटेबली (equitably) फ़ैसला किया जा सकता है । मैं नहीं चाहता कि इन लोगों के साथ बेजा सख्तियां हों और उन को आप यहां से बगैर आल्टरनेटिव (alternative) जगह के बेदखल कर दें । इस उसूल को हमारे आनरेबिल प्राइम मिनिस्टर (Hon. Prime Minister) साहब ने हालात

[पंडित टाकूर दास भार्गव]

की बजह से क्रायम किया था और उस उसूल को आनरेबल मिनिस्टर साहब इन चार्ज (Minister in charge) ने बहुत जगह रिपीट (repeat) किया है और मेरी समझ में कोई ऐसा हाउस (House) का मेम्बर (Member) न होगा जो इस उसूल को न मानें बगैर आल्टरनेटिव एकोमोडेशन (alternative accommodation) दिये किसी को बेदखल करना नहीं चाहिये। आल्टरनेटिव एकोमोडेशन हर एक शास्स को मिलनी चाहिये, इस के बाद निकालना चाहिये। मैं अदब से अर्ज करूंगा कि इस उसूल को देखते हुये हम इस चीज का फ़ैसला करें तो कोई मुश्किल बात नहीं कि सारे सवाल का हल न हो जाये। मैं अदब से अर्ज करूंगा कि इस सवाल के हल न होने से हमें बहुत भारी तकलीफ़ होगी।

दूसरी तरफ़ मैं यह भी कहना चाहता हूँ कि जो शास्स लालसनेस (Lawlessness) फ़ालते हैं, जो ऐसे सूरते हाल पैदा करते हैं कि जिस से कानून की इज्जत कम होती है वह सोसायटी (Society) के दोस्त नहीं हैं और अगर उन को बरखास्त किया जाये तो शायद यह गवर्नमेण्ट और यह सोसायटी ही नहीं बल्कि कोई भी सोसायटी क्रायम नहीं रह सकती। जहाँ कानून का एहताराम न होता हो जहाँ कानून की इज्जत न होती हो वहाँ कोई चीज क्रायम नहीं रह सकती। मैं साथ ही यह भी अर्ज करना चाहता हूँ कि जिस गवर्नमेण्ट के कर्मचारी लोगों से हमदर्दी का सलूक नहीं करते हैं और शराफ़त से पेश नहीं आते हैं, तो मैं कहता हूँ कि न ऐसे कानून क्रायम रह सकते हैं और न ऐसी गवर्नमेण्ट क्रायम रह सकती है। मैं जानता हूँ कि मैं ने सख्त लफ़्ज़ इस्तेमाल किया है और मुझे इस का बहुत अफ़सोस है। मुझे पूरा यकीन है कि अगर हमारे

श्री गाडगिल साहब को षस दिन की छुट्टी दे दी जाय, तो वह दो महीने के अन्दर इस प्राबलिम (Problem) का एक ऐसा हल निकाल सकेंगे जिस से सारे आदमी खुश हो सकेंगे और मैं समझता हूँ कि वह अकेले ही इस मसले को हल कर सकेंगे। इन्होंने जिस तरीके से शरणार्थियों को रिसीव (Receive) किया, हम उन की बराबर तारीफ़ करते हैं। मैं गवर्नमेण्ट से यह धरखास्त करना चाहता हूँ कि वह इस मामले को हमदर्दी और अपना फर्ज समझते हुये मुलजाये और यह जो सख्त कानून हमारे सामने रक्खा गया है, हम उस को हज्म नहीं कर सकते हैं और उस के उसूलों को हम अपने गले से नीचे नहीं उतार सकते हैं। मैं शरणार्थियों से भी कहूंगा कि वह अक्ल सीखेंगे कि मैं उनका नुमाइन्दा नहीं हूँ, मैं तो उन का एक अदना सा नौकर हूँ, हमदर्द हूँ और मैं उन की खिदमत में अर्ज करूंगा कि जो शिकायत उन की हमारे गाडगिल साहब की की वह किसी हद तक बजा है। आप गवर्नमेण्ट से रियायत चाहते हैं और चाहते हैं कि गवर्नमेण्ट आप के इस मामले को मुलजा दे। आप को अपने बोलने का और अपने केस को अफ़सरो के सामने रखने का रवैया बदलना चाहिये। साथ ही मैं अपने आनरेबल मिनिस्टर साहब से अर्ज करना चाहता हूँ कि आप तो बड़े मेहरबान और रहम दिल हैं। आज जैसी हालत में
से शाम तक सिवाय गाली मिलने के उन के लिये दूसरा काम नहीं है। आज तो हाईकोर्ट ने १२४ ए को मंजूख कर दिया है और कहा है तुम्हारी मर्जी है जो चाहे बोलो। आज हम जानते हैं कि इस देश के अन्दर कहीं एक तरह से लाइसेन्स मिला हुआ है बोलने का और मनमाने तरीके पर बोलने का और सैन्सिबल (Sensible) और नोमसैन्सिबल (Nonsensible)

सब सरकार को सुनना पड़ता है। तो हमारे गाड़गिल साहब किसी की गड़बड़ से इतने नाराज़ क्यों होते हैं, इतना गुस्सा क्यों होते हैं कि एक आदमी ने यों कह दिया। लाखों आदमी हैं, वे तो कुछ न कुछ कहते ही रहेंगे, आप इसकी क्यों परवाह करते हैं। सरकार को लोग पुराने ज़माने में तो भां बाप कहते ही थे, आज लोग उस के लिये कहते हैं कि सरकार ने ज़मीन भी ले ली, हमारा कारोबार भी ले लिया और सरकार अब हिन्दू कोड के ज़रिये हमारी जोरू भी ले लेना चाहती है। लेकिन हम यह भी जानते हैं कि लोगों की सरकार के ऊपर कितनी श्रद्धा है। सरकार को लोग भां बाप समझते हैं। जिस समय लाखों आदमी वेस्टर्न पंजाब (Western Punjab) से कैम्पस (Camps) में लाये गये तो मैं जा कर उन से मिला तो उन्होंने मुझे बतलाया कि हमें सरकार ने जीवनदान तो दिया है, लेकिन दूसरी दफ़ा जब मैं गया तो वही लोग कहने लगे हम इस बास्ते लाया गया कि हम लोग सारे के सारे इंच बाई इंच (Inch by Inch) भर जायें। तो जो सरकार की आठ लाख यह रिखाया है, शरणार्थी भाई हैं, क्या सरकार की यह स्वाहिशा है कि पहले तो उन का चमड़ा रेंट (Rent) वसूली के ज़रिये उतारें, डैमेज (Damages) के ज़रिये उतारें और बाद में उन को मकान से बाहर निकाल कर फेंक दें। मैं ने एक क़िताब (Lytton's Tanoni) में पढ़ा था उस में एक हूँवान का ज़िक्र था जो स्वर्ग के दरवाज़े पर बैठा हुआ जलती हुई सौक्रनाक आंखों से दाख़िल होने वाले को अन्दर जाने से रोकता था। आप ने इस बिल को इसी शक़ल में पेश किया। उस के अन्दर डेमोक्रीस की सोर्ड (Sword of Democles) लटकती नज़र आती है। यह आप की ज़िम्मेदारी है कि देखें कि रिफ्यूजीज

(Refugees) के साथ बेइन्साफ़ी न हो, हर एक को घर मिले, हर एक को गेनफुल इम्प्लायमेण्ट (gainful employment) मिले, और आप अपनी इस ज़िम्मेदारी से अलग नहीं हो सकते। यह माना कि आप वर्क्स माईन्स एण्ड पावर (Works, Mines and Power) के मिनिस्टर हैं लेकिन ज्वाइण्ट रैस्पॉन्सिबिलिटी (joint Responsibility) है, आप रिहैबिलिटेशन मिनिस्टर (Rehabilitation Minister) वाला दिल रख कर इस बात का फ़ैसला कीजिये। आप को यह रिफ्यूजीज सहज में नहीं छोड़ेंगे। यह आप को गाली भी देंगे, क्योंकि बच्चा अपने मां बाप से ही शिक्षा और शाला करता है और डाढी भी खेंच लेता है।

मैं अब से अर्ज़ करना चाहता हूँ कि मुझे इस बिल में गवर्नमेण्ट की उस हमदर्दी और फ़र्ज़ सनाही और प्रेम की भावना का सन्देश जो हमारे प्राइम मिनिस्टर व श्री गाड़गिल साहब ने भी दिया था, उस की कभी विसाई देती है। मैं चाहता हूँ कि यह बिल सिलेक्ट कमेटी में जाये जहाँ मुझे पूरा यकीन है कि इस पर तसल्लीबख़्सा फ़ैसला होगा और उस फ़ैसले के बारे में किसी रिफ्यूजी को शिकायत नहीं होगी। मैं अब से अर्ज़ करना चाहता हूँ कि इस बिल को सिलेक्ट कमेटी में ज़रूर भेजा जाय ताकि इस की शक़ल में जो आज है तबदीली हो सके और मैं हाउस से अपील करूंगा कि वह मेरे इस एमेण्डमेण्ट को (amendment) को मंज़ूर फ़रमावे।

(English Translation of the above speech)

[Pandit Thakur Das Bhargava (Punjab): Sir, when I was speaking about this Bill yesterday the House had adjourned for today. Yesterday a Member had enquired as to what

[Pandit Thakur Das Bhargava]

would be the procedure for the recovery of "arrears of land revenue" as has been laid down in the Bill. My learned friend Bakshi Tek Chand had thrown some light on it. Today I have brought a copy of that Act for putting it before the House under which it is intended to assume powers and also the methods of recovery has been laid down in it. As far as the recovery of arrears of land revenue is concerned, a few sections after section 67 of this Land Revenue Act deal with those methods which may be adopted for recovering arrears of land revenue in Delhi, because this Land Revenue Act applies to Delhi also. The methods laid down under section 67 are:

"67. Subject to the other provisions of this Act, an arrear of land revenue may be recovered by any one or more of the following processes, namely:—

- (a) by service of a writ of demand on the defaulter;
- (b) by arrest and detention of his person;
- (c) by distress and sale of his movable property and uncut or ungathered crops;
- (d) by transfer of the holding in respect of which the arrear is due;
- (e) by attachment of the estate holding in respect of which the arrear is due;
- (f) by annulment of the assessment of that estate or holding;
- (g) by sale of that estate or holding; and
- (h) by proceedings against other immovable property of the defaulter."

These are the eight methods by which arrears of land revenue is recovered. But there is a vast difference between a decree of the ordinary civil court and these methods. Hon. Members are aware of the fact that the Government have imposed a great restriction against the arrest of any person under the Civil Procedure Code. It is very difficult to get a person arrested for the recovery of simple money decree and there are other restrictions as well even after the arrest has been made. Generally the Civil Courts do not order for arrest in ordinary decrees. The first method for recovering the arrears is to issue

of a writ and the second to arrest. But it is necessary to issue a writ before a warrant for arrest is issued. It has been laid down as this:

"A writ of demand may be issued by a Revenue Officer on or after the day following that on which an arrear of land revenue accrues."

"69(1) At any time after an arrear of land revenue has accrued a Revenue Officer may issue a warrant directing an officer named therein to arrest the defaulter and bring him before the Revenue Officer.

(2) When the defaulter is brought before the Revenue officer, the Revenue officer may cause him to be taken before the Collector, or may keep him under personal restraint for a period not exceeding ten days, and then, if the arrear is still unpaid, cause him to be taken before the Collector.

(3) When the defaulter is brought before the Collector, the Collector may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in the jail for such period, not exceeding one month from the date of the order, as the Collector thinks fit."

I want to draw your further attention to the section which I have already quoted. If a private person gets a decree for the recovery of rent, then for that it has been laid down in section 97 of the Punjab Tenancy Act that:

"A tenant shall not, during the continuance of his occupancy, be liable to imprisonment on the application of his landlord in execution of a decree for an arrear of rent."

He cannot be arrested for arrears of rent. But as far as the recovery of arrears of land revenue is concerned generally the rules pertaining to arrest are applied. If we look into sections 70 and 71 we will find that movable property can be attached in execution of a decree for arrears of rent. This is the method for the recovery of arrears of land revenue:

"A Court passing a decree for an arrear of rent may on the oral application of the decree-holder, order execution thereof against the movable property of the tenant, and against any uncut or un-gathered crops on the tenancy in respect of which the arrear is decreed."

It is evident that out of the nine or eight methods there are three or four which are against the property which they hold. I do not think that the hon. Minister would like that their houses and property should be auctioned because he would gain little profit out of that. But, after all the ordinary method would be to attach his movable property without any written sanction and at the same time arrest him on the very first day. He would be kept under personal restraint for ten days and thus the House knows very well. Land revenue is recovered like this. A *lambardar* is put under detention and for ten days nobody cares for him. He is subjected to every kind of pressure and even then if he fails to deposit the money he may be kept under detention for a month. A person can be put to greatest humiliation and can be kept in detention for the recovery of arrears of land revenue. I want to submit that we are delegating more power to the Estate Officer for the recovery of the arrears of Land Revenue than are enjoyed by the ordinary civil courts. In the first Bill we had defined the Estate Officer as a "competent authority" and in that Act "competent authority" was defined as :

"Competent authority" means the Estate Officer to the Government of India, and includes any other person authorised by the Central Government by notification in the official Gazette to perform all or any of the function of a competent authority under this Act."

12 NOON.

I want to submit that if this Bill is passed we may be making important changes in the ordinary law of the land and for which we have to think whether we really want to do so or not. When this Act was passed the conditions prevailing in the country were totally different, and at that time we had accepted a principle which should not have been accepted in a democratic country. In those special circumstances when we were faced with calamity and people were not getting any houses to live in and there was a great congestion of people in the houses, then we had passed this Act under those particular circumstances and we had stated in the Act itself that:

"It shall remain in force till the 31st day of December, 1949, but the Central Government may by notification in the official Gazette extend it for a further period of one year."

227 P. S. Deb.

It means that we had not changed the ordinary laws of the country but had passed it only for a certain period. Further some principles that have been laid down are completely against the principles generally accepted in the British type of democracy. The House is aware of the fact that there is a different type of constitution in France. Law varies in the case of Government officers and ordinary public. There is one law for the officers and an entirely different one for the Public. It is called *Droit Administratif*. In our country we can file a suit against the Government and the Government can file a suit against us. The Government represents its case in the Civil Courts like an ordinary plaintiff and the Court passes judgment. The Court treats the Government as an ordinary plaintiff or defendant. In 1947 we allowed the Government to assume powers of evicting any person it liked from any houses under certain rules.

I would humbly request the House to consider whether it is at all advisable to allow those extraordinary powers as are envisaged in this Bill. The Government wants to assume such powers that are all powerful and exceptional. In my humble opinion the House should not vest such rights in any person, corporation or Government because the fundamental principles underlying them are so important and rigid that once we allow them, we do not know where we will stand. Under this Bill we are conferring up on the Government officer a power by which he himself can assess damages against any person summarily. The Government will not consult the individuals concerned while fixing the damages. One has a right to appeal to a Civil Court disclaiming one's responsibility for those damages, but here in this Bill no such right has been conceded nor we are yet aware of any rules under which the damages will be determined. The restriction going to be imposed on us is of such a nature as to keep us completely in the dark about our fate. There is no mention of rules and principles in it, the Government will determine the damages in an arbitrary manner—without hearing us and without providing any right of appeal to us. An Estate Officer will prepare the estimates for damages and afterwards there is no need even to frame a decree, for they have both the pen and the paper in their own hands and can at any time attach our movable property and prosecute us without serving any notice on us. Several lacs of people have come here under duress and have squatted on plots of land at a number of places not through any

[Pandit Thakur Das Bhargava]

forcible eviction of some other persons or by any such other illegal means. The plots were lying vacant, with or without permission of the Government they took hold of the same, by entire self help built houses on them in several cases and thus settled there. It happened in the days when our Governor General himself had agreed to accommodate them in his own lodge and when Mahatma Gandhi and our Prime Minister had so sympathetically allowed them to go anywhere and had even issued orders to the effect—that nobody should remain without a protection or shelter over his head. Those who did not get any such protection in those days were constrained to occupy these lands and constructed houses on them—all by self help. They had also taken possession of some evacuee property. It is not my intention here to go into the legal aspect of the question. I will mention that on a separate occasion. Just now my submission is that the Government have failed to fix the rents and have not so far demanded any damages from them. Many persons have got repairs done to these houses and have even constructed buildings worth thousands of rupees. I have got the figures. According to these figures available with me houses built over 38 lacs of rupees have been built on the vacant plots of land by them and today more than 4118 businessmen and 365 public servants are housed in them. In addition to this 16 Gurdwaras and a number of temples have also been built. Surely all this has not been done overnight nor has it been the work of a magic wand. As I have submitted, in many cases it was with the permission of the Government themselves that water and electric connections were given to some of such houses. It was under these circumstances that the people built those buildings and occupied some of them. Despite these facts, the Government have not fixed rents in respect of them till date. I may submit that from this statement it may not be misconstrued that the non-payment of rents was due to any fault on the part of the people themselves. At first the Government had fixed so exorbitant rents as to make everyone cry in protest. They sent petitions protesting against the manner in which those rents were fixed. A tenant has handed over to me some papers regarding a house in respect of which originally a rent of Rs. 225 was fixed. The tenant had subsequently made an application expressing his inability to pay such high rent as it was too much for a family whose income did not exceed Rs. 400 or say Rs. 500. On this representa-

tion the rent was reduced to Rs. 82 only. I cannot help appreciating the man who was responsible for fixing that 'fair' rent. The rent in question was fixed in May 1950 and that gentleman was asked to pay arrears for the last two and a half years. He deposited the first instalment of Rs. 450 in May 1950 and further deposited a like amount on 23rd November, 1950. Now I may tell you the contents of another application put in by him. In that application he has stated that he was willing to pay the rent fixed by the authorities but in the name of God he has asked the Government to collect the same every month. As for the arrears he has expressed his inability to pay that off in lump sum and has stated that he could pay the same in reasonably small instalments. My submission is that it is inaccurate to say that a deficit of five lacs has occurred or that the sum has now been doubled to ten lacs of rupees solely because of the refugees' unwillingness to pay rent. The fact is that the refugees and other people never want to take any illegal possession of any property. They are quite willing that Government should charge rent from them and even recover damages, but want that all this should be done according to some proper procedure. I maintain that none but the Government themselves are responsible for the arrears of rent swelling, as we are told, to ten lacs of rupees. The Government have not assessed the rents of the premises occupied by the people even till-date. No headway in the work is possible unless adjustments against expenses incurred by the people on repairs etc. of these buildings are duly made. The people are willing to pay rent provided they are fixed on some fair basis. It is no good fixing the rent at Rs. 200 or Rs. 250 in the first instance and subsequently reducing the same to Rs. 82 on representation. The Government complains but actually they have no right to blame the refugees for the non-payment of rent. This is not the way of doing things. I have to say that the power that is sought to be vested in the Government for the realization of rent, in fact, vests in a Civil Court. This is a right which has not been conceded to the Government in any country professing to be democratic. I do not find any exceptional conditions prevailing in the country at the moment. Had I been convinced of the necessity of vesting the Government with these powers in the interests of the country, I would never have opposed any measure which could facilitate the work of the Government and the Nation to be conducted in a smooth manner. If I were convinced

that but for this Bill our society or the Government will not survive, as has been made out by the hon. Minister, Shri Gadgil, I would have agreed that not one but ten such Bills be passed here and now. I want to see neither the society nor the Government disintegrate. My stand is that I do not find any exceptional situation prevailing in the country. Had it been so I would myself have suggested to take away these powers from the Civil Courts. The fact is, however, that our Government fight shy of seeking redress from a Civil Court. They do not want to face it even and have shunned all democratic principles. They are creating a gulf between the common people and themselves which will be impossible to fill afterwards. So these are the difficulties. There is yet another aspect of this Bill which has been described to be so simple by Shri Gadgil. Originally when in 1947 this Bill was first drafted, land was not included in the term premises. It was then intended that the houses of rich people could be requisitioned for the rehabilitation of displaced persons. This was the reason why the word 'public purpose' was added therein and the 'public purpose' itself was defined as 'any purpose which is so described by rules under the Act'. Then even the old principle that the houses could be requisitioned only for some specific purposes was given up because we were desirous that displaced persons may get houses. So this power was then given to the Government so that the displaced persons may get houses and there was no intention to use the very same powers against their interests after a lapse of three years. But what are our intentions today? Today we want to keep them away from the benefits of their own creation. This power we are not prepared to concede to the Government. If the Government propose to be stiff now and to that end wish to pass this Bill, then I have to warn them that they stand to suffer a good deal.

There is yet one more stiff feature of this Bill. The Government now propose to include land in the definition of premises. This means that so many thousands of houses built on those lands, which were left out of the scope of law previously and for which ordinarily a civil suit would have to be filed, could now be got evacuated by a Governmental order without recourse to a Civil Court. All that the Government need do now is to serve a notice asking the occupant to evacuate it within seven days or so, otherwise to be prepared to face imprisonment. Whereas they have sought these powers

in connection with their own land, respectfully I wish to know whether they will be prepared to concede the same rights to any other landlord also? If the reply is in the negative then how is it that they want that right for themselves? I submit that it is altogether improper to arm them with such vast powers. At the time the original Act was enacted we had agreed to the principle of the Bill inasmuch as that the Government could force eviction under special circumstances, but certainly we did not then wish its scope to be extended beyond that. I for one do not want that the Bill should now also apply to the recovery of rent or the realization of damages and eviction from houses.

I want to submit to the House the reason why I wish this Bill to be referred to a Select Committee and what we stand to gain thereby. I do not agree with the objects of this Bill and till I am told further special circumstances which justify such a measure, I am not prepared to agree with its principle. There are, however, many reasons for which I feel that the Bill should be referred to a Select Committee for consideration. I welcome the suggestion by the hon. Minister offered out of sheer sympathy, sincerity and humane considerations. I could not expect a better suggestion from Shri Gadgil. I along with several other persons represented to him the other day in person that interests of a large number of individuals were involved herein. At that time he had adopted a very sympathetic attitude towards us and had given us assurance that it was far from him to be stern with the refugees. I am not saying all this with any sense of flattery.....

The Minister of Works, Mines and Power (Shri Gadgil): None flatters a Government.

Pandit Thakur Das Bhargava: I am simply narrating a fact. I want this Bill to be referred to a Select Committee so that Shri Gadgil may himself listen to what the representative of refugees and other interests have to say and give consideration to the Bill accordingly. The land affected belongs either to Government, or the Municipality, or the Improvement Trust or various private persons. Having heard all these interests we have to see which way equity lies. I want to submit respectfully that it should not be thought that the persons intending to speak on this Bill want to commend the refugees in anyway for their illegal occupation of others' lands.

[Pandit Thakur Das Bhargava]

I have no doubt in my mind that illegal possession of anyone's property is totally wrong. But along with it I also want to submit the circumstances under which displaced persons had to do go. We have also to see the conditions that faced them at the time of their migration to this place as also the horrors they had to undergo. The conditions then were so exceptional that a perusal of Section 105 of the Indian Penal Code will convince you that even a murder under such conditions was not to be held an offence. In this connection I recall a line in English by Dryden which is "that self preservation is nature's eldest law". Now there was property worth one and a half lacs of rupees with the family which has been required to pay Rs. 82 as rent and which has been referred to above by me. The person in question was an Inspector of Police and is a bed-ridden patient these days. One of his sons has fought on the Jammu Front for the Government and another is an employee of the All India Radio. Their combined total monthly income was not more than five or six hundred rupees. If, therefore, they had occupied any vacant house under such hard circumstance, then according to me they have done nothing wrong morally, they have done no injustice though their action may not be legally correct. What else could they do? Under certain circumstances we are constrained to act even outside the legal limits. On August 15 our Government itself had reduced the terms of imprisonment of several thousands of prisoners, they have built sixteen thousand houses and arranged for free supply of ration etc. to all the refugees for 18 months. All this was not done in accordance with any provisions of the Constitution. They were only compelled to do so under the force of special circumstances prevailing then. You can just imagine the treatment meted out to the refugees who have themselves dug up earth to build these houses on lands which, if I may say so, were lying totally useless and was absolutely unfit for human habitation. I have myself visited these lands on which they have constructed houses for themselves. These houses are far better than the previous structures. Some of them are *pukka* houses and having seen them I am never prepared to justify any action of any Government in getting them demolished. To do so will be morally unjust and a grave injustice to them. I have known Shri Gadgil in this House since long. In this very House and from these very seats he used to deliver speeches saying that he will adopt such

stern measure for the abolition of capitalism as to reduce it to zero. I was simply amazed to hear it from a person no less than himself that there were mud houses and huts among those structures and that only the *pukka* houses should not be demolished. The High Courts in this country have declared that houses worth Rs. 1,000 or above should be taken as 'substantial houses'. I, however, was not prepared to hear it from Shri Gadgil that there was any difference between a rich man's bungalow and a poor man's hut. Respectfully I may tell him that to a poor man his hut is equally dear as to a rich man his palace. Please brush aside all these thoughts of discrimination between the rich and the poor. I respectfully submit that this principle is not a sound one.

Now the question may arise that if I am opposed to all these principles which form the very basis of the Bill, why then I want it to be referred to a Select Committee. My submission is that thereby I see a definite advantage inasmuch as that 24 or 25 men will put their heads together and it is just possible that they may evolve a formula whereby the Government, the private persons or the refugees may not be required to suffer in anyway, or allow any harm to befall those Delhi inhabitants who also have occupied such lands in large numbers.

Finally I am prepared to accept the suggestion that from legal point of view the occupation of such people should not be held *ultra vires* as they were compelled to take the law into their own hands by sheer force of circumstances. Exceptional circumstances require exceptional remedies. I do not know of a law yet under which a Government can spend even one pie by way of charity or make arrangements for the maintenance for so many lacs of people in the various camps. But compelled by exceptional circumstance our Government had to make food arrangements for lacs of persons and even cooked food was dropped by aeroplanes in the Punjab recently. Under what law was this all done? That explains why I maintain that 'exceptional circumstances require exceptional remedies'. There is no possibility of its becoming precedent for the future as there is no scope left for further partition now. Particularly I want to emphasise that we must consider the circumstances under which they had done all these things. I do not want to single out anyone to be responsible for the plight of these people but still I cannot forget the words uttered by a

refugee at Ambala that 'the structure of Indian Independence has been erected on the graves of displaced persons'. Today we may leave aside all other things and remember only two things about the refugees in respect of which we must render all possible help to them. Our Prime Minister himself has been good enough to give assurances to them so many times that they will be provided with shelters and gainful employment. I want to know what else the houses are if not shelters and what is shopkeeping etc. if not gainful employment. So far as the shops are concerned, you have fixed the rents so high that no refugee and perhaps not even the local inhabitants are able to pay them. The summary powers provided herein for the realization of damages and rents are so harsh as can be the act of anyone whom it may strike to root out all displaced persons. We should rather aim at evolving a formula which may enable us to recover all arrears and at the same time provide a solution to the problem facing such persons who have acquired these houses. In case my proposal of referring this Bill to a Select Committee is accepted, I may convey a few suggestions which I would like to place before that Select Committee and the hon. Minister for their consideration. First of all I would like to submit that so far the rent is concerned, there should be some accurate and equitable basis for its proper assessment. I understand that the Ministry under the hon. Minister have now framed certain proposals in this respect. The rates of rents now being fixed are more equitable as compared to those fixed previously. It will be improper to fix rates without taking into consideration the accommodation or by 4 to 6 per cent. interest on the cost of construction. Now so far the period regarding which rents have not been assessed is concerned, I have to refer to what we were told yesterday that the hon. Minister has very kindly accepted the proposal of not recovering any rents for the period up to the 31st August, 1950.

I say that the time has come when this question should be decided. Even his own Department has not suggested in the Act of 1947 that the rent should be realized. Why no mention of rent or damages was made in it? I know that nobody had it in his mind at that time that the rent should be realized. Now after an interval of three years it is being suggested that rent should be realized. I am not against it. You should certainly realize it. Nobody has a right to make profits at the cost of the nation. But the rent payable for

the period of one year prior to assessment should be realized in twelve instalments. One-twelfth of the arrears of rent should be realized along with the fresh rent every month. May it be taken as damages or rent, but realize it. At the same time all the repairs done up to this date should be taken into account and they should be paid what is due to them. In the same manner economic rent of the stalls and shops should be fixed. As regards widows and orphans who are not in a position to pay the rent, no arrears should be realized from them in any case.

So far as the question of construction of more than four thousand houses is concerned, it can be said that whereas Government have constructed ten thousand houses they have also constructed four thousand houses. I think one should look at this question from this angle of vision. After all the houses have not been constructed on any built area, they have been constructed on vacant land. The plots, which had been given to the people by the Improvement Trust for construction of houses, were lying vacant, or at the most these houses have been built on the evacuee or the municipal properties. The remedy is this that nobody should be evicted from such an area where houses have been built on a land which in the opinion of the Committee or of the Minister was meant for the purpose of constructing houses. But for the areas where, as our hon. Minister said, every acre of land costs from eighty thousand to one lac of rupees, I beg to submit that if the Improvement Trust or the Municipality has reserved them for such purposes which cannot be fulfilled by any other area, or which really cost from eighty thousand to one lac of rupees per acre and if some refugee is to be evicted from that land, it should be done only after he is provided with a site which is equal in area to the previous one and is paid as much compensation for the house as would enable him to build a similar house elsewhere.

[MR. DEPUTY-SPEAKER in the Chair]

I do not say that you should not evict those persons who have occupied those lands; I do not also want that they should sell those houses which they have constructed on plots which cost rupees one lac per acre. I do not believe that they will sell their houses which they have constructed on those plots. Even if they sell them such a formula should be worked out so that they may not be able to sell them without the permission of the Government, or at least it may become difficult to do so for some years. I believe that a

[Pandit Thakur Das Bhargava]

person, who has built a house for himself and whose women and children have shed their sweat in its construction, will not sell it easily. But if you think otherwise and have such instances before you, then provide him with some other accommodation and site where he may take shelter and take away the occupied land from him. Give him a similar piece of land where he may build his house and take possession of your very costly land from him.

Besides this there is the question of the evacuee property houses. I understand that the Custodian has already started investigation of the cases and has allotted many a house in a manner which was just and fair. Also, there is the question of those houses which have been built by their owners on their own plots, or on plots which were sold to them by the Improvement Trust, or which belonged to private owners. With regard to them I beg to submit one proposal. There has been a custom with the great men of this country that they have given up their houses in the national interest. We have the example of Pandit Moti Lal Nehru before us, he handed over his Anand Bhawan to the Congress. We have before us the example of Lala Lajpat Rai as to how he offered his house in the interests of the public. Similarly we have some friends in Delhi as well who have their own houses. Here we see Lala Deshbandhu Gupta sitting among us. He went to jail many a time for country's sake. In the same manner we have some veterans here who have sacrificed much in the interests of their country. I beg to request them that these displaced persons are the people who have brought to us the freedom which we eulogize day in and day out. I request that we should not adopt such an attitude by which we may think that we have to take nothing from them except these plots. I do not ask you, I do not appeal to you that nothing at all should be taken away from them, that no compensation or rent should be realized from them or they may not be charged anything. But my only contention is that so far as the question of such plots is concerned on which *pucca* houses have been built or in other words on which people have built their own houses to live in, they should not be dislocated in such an abrupt and violent manner. I would request that this Committee or the hon. Minister should form a local Committee which may look into the individual cases and only then this issue can be decided. This committee should settle the question of these plots. Besides this those

persons who have acquired land from the Improvement Trust on certain conditions, they should not be made to suffer in any way. Their rights can be transferred and the cost equitably settled. I do not want that undue excesses should take place with these people and that they should be evicted without providing them with any other alternate accommodation. That was the principle which was laid down by our Prime Minister and it has oft been repeated by the hon. Minister in charge many a time. I do not think there is any Member in the House who does not agree with this principle that no person should be evicted without providing him with an alternate accommodation. Everyone should get alternate accommodation and after that eviction should take place. I beg to submit that it would not be difficult to solve the whole problem if we keep in view this principle while coming to a decision. However I would like to say that this problem would be a source of great trouble to us in case it is not solved.

On the other hand I would like to say that any person who spreads lawlessness, creates such a state of affairs in which prestige of law in any way lowered, he is no friend of the Society, and if he is tolerated, perhaps not only this Society and this Government will cease to exist but no Society whatsoever can exist at all. Where law is not respected, and where it is not obeyed, nothing can exist there.

I may also point out that if the employees of any Government do not behave sympathetically and courteously with the people, such a Government cannot exist and such a law cannot have any force. I know that I have used harsh words and I am very sorry for it. I am sure that if our Shri Gadgil is given ten days' leave he would himself find out such a solution of the problem during that period that would be agreeable to all. I believe that he would be able to solve this problem all alone. We have been continuously eulogizing the manner in which he has received the refugees. I would request the Government to solve this problem sympathetically considering it to be their own duty. We cannot digest the hard and harsh Bill that has been presented before us nor can we swallow the principles on which it is framed. At the same time I would advise the refugees to be sensible, though I am not their representative. I am only one of their humble servants and sympathisers and I would like to tell them that the complaints which our Shri Gadgil has made against them are to some extent

correct. If you want concessions from the Government and desire that this problem should be solved by the Government you should change the mode of your speech and of presenting your case before the authorities. At the same time I would like to tell the hon. Minister that he is a kind and a merciful man. Conditions in which he has been placed today he stands to receive nothing but abuses from morning to evening. The High Court has superceded Section 124-A and has allowed the people to say whatever they liked. You know we have secured a sort of licence these days to speak out things in any manner we liked. The result is that the Government has to listen to both sensible and non-sensible things. Then why is it so that our Shri Gadgil becomes angry if somebody growls, why does he become so angry if any one utters such and such a thing? After all there are millions of people, they will be saying something or the other. Why do you mind it? In olden days people used to call their Government as their parents, but now-a-days they say that the Government has taken away their lands, their business and now through the Hindu Code Bill they want to take away even their wives. But as against this we know what faith they have in the Government. People consider their Government as their parents. When lacs of people were brought from the West Punjab to the camps. I had met them; while expressing their sense of gratitude they had said that the Government had, no doubt, given them their life. But next time when I saw them these very people had begun to say that they have been brought over to that place so that all of them might die there inch by inch. Now, is this the desire of the Government to skin these eight lac of State subjects, i.e. these refugees first by realizing the rental and the damage charges from them and then by throwing them out of their houses. I have read in a book, Lytton's *Tanoni*, of a beast who while sitting at the gates of Heaven used to check people from entering it threatening them with his ferocious eyes. You have presented this Bill in a similar form. The Sword of Democles is seen hanging in it. It is your responsibility to see that no injustice is done to the refugees; everybody should get a house, everybody should get gainful employment; and you cannot shirk from your responsibility in working it out. I admit that you are the Minister of Works, Mines and Power, but yours is a joint responsibility. You should decide this issue keeping yourself in place of Rehabilitation Minister. These refugees will never leave you alone. They will abuse you because a child complains to and quarrels with his parents alone, some time it pulls the beard also.

I would like to submit that I see that the feelings of sympathy and affection and the sense of duty on the part of the Government which were pronounced by our Prime Minister and later by Shri Gadgil himself are wanting in the Bill. I want that this Bill should be sent to the Select Committee where, I am confident, a satisfactory decision will be arrived at, and no refugee will have any grievance against it. I would request you that the Bill should definitely be sent to the Select Committee so that its present form may be changed. I would appeal to the House to accept my amendment.

Mr. Deputy-Speaker: Motion moved:

"That the Bill be referred to a Select Committee consisting of Dr. Syama Prasad Mookerjee, Dr. Bakshi Tek Chand, Shri Deshbandhu Gupta, Shri Jaspal Roy Kapoor, Lala Achint Ram, Shrimati Sucheta Kripalani, Shri Raj Bahadur, Shri T. R. Deogirikar, Dr. Ram Subhag Singh, Shri Mihir Lal Chattopadhyay, Shri Tribhuan Narayan Singh, Mr. T. Hussain, Sardar Bhopinder Singh Man, Prof. S. N. Mishra, Dr. M. Channa Reddy, Shri Sita Ram S. Jajoo, Shri Satish Chandra, Giani Gurmukh Singh Musaffir, Shrimati Jayashri Raiji, Sardar Hukam Singh, the hon. Shri N. V. Gadgil, Shri S. N. Buragohain and the Mover with instructions to report by the 15th December, 1950."

There is another amendment to this sent in by Dr. Bakshi Tek Chand. Does the hon. Member want to move his amendment?

Dr. Tek Chand (Punjab): I beg to move:

In the amendment proposed by Pandit Thakur Das Bhargava, for "15th December, 1950" substitute "end of the first week of the next session".

After the very eloquent speech of Pandit Thakur Das Bhargava, I have very little to add. I am in complete accord with what he has said. The amendment that I have now moved seeks only to advance the date for the presentation of the report of the Select Committee from the 15th of December to the end of the first week of the next session. I wish this to be done, not with a desire to delay the passage of the Bill, but with a view to give sufficient time to the Committee for finding a solution of the problem that has necessitated the hon. Minister to present this Bill to this House.

[Dr. Tek Chand]

As Pandit Thakur Das has pointed out, if we sit together in the Select Committee and if, perhaps, a smaller committee is appointed, then after consulting the representatives of the refugees, it will be easy to find a solution of the problem in all its aspects. The time till the 15th of December is wholly insufficient for this purpose. The House is sitting from day to day, the hon. Minister will be busy here with various legislative matters; other Members would also be required to be present here from 10-30 A.M. to 5 P.M. and then there will be sitting of the Select Committee. It is not a matter in which the Committee has merely to substitute one or two words here for some words there or even substitute a new clause, which will solve the problem. It is a matter on which we may have to spend at least a week, sitting four or five hours every day, and try to discover formulae to solve various aspects of this difficult problem. It is with this object that I have suggested that the time be extended till the end of the first week of the next session.

On the Bill itself, I have a few observations to make and with your permission, I would like to place them before the House now. Yesterday, the hon. Minister began by saying that this is a very simple measure. He said that he was making only two small amendments to the Act as it stands at present. These amendments are *firstly*, that the word 'premises' will henceforward include land, and *secondly*, that the machinery for the recovery of rent and for eviction of occupants will be simplified. The fact of the matter is, that none of the proposed changes is so simple as the hon. Minister tried to make out. If I may venture to say so, without any disrespect to him or to Government, this is a sort of a "backdoor" legislation, bringing into the Bill something which was not within the scope of the original Act and which it was never intended to cover at the time when it was passed.

In 1947, the Bill was introduced as an emergency measure. The hon. Minister, at that time, had stated in his speech that the main object of the Bill was to enable Government to requisition houses because, *firstly*, a large number of Government servants were without any accommodation, and *secondly*, with the transfer of power from Britain, a large number of Embassies were being located in Delhi, and accommodation had to be found for them, suitable to the high position which the Ambassadors and the members of the legations hold. These were the two main objects. Then, incident-

tally, he said that the housing situation in Delhi had become more acute, because of the influx of lakhs of displaced persons from Pakistan.

The provisions of the Bill authorised Government to requisition houses and also empowered it to evict persons to whom the original tenants might have sub-let requisitioned or Government owned houses, or who might be in unlawful possession thereof. It is to be noted that that Bill had nothing to do with open space of "land". Originally, it was an emergency measure limited only for a particular period and confined, not to the entire Delhi province, but specifically to New Delhi and Notified Area. Even Old Delhi was not included at that time, though power was given to Government to extend its provisions to any other part of the Delhi province. After two years, came the Amendment of 1949, when the duration of the Bill was extended till 31st December, 1952 and some other minor provisions were added for the eviction of persons who were in unlawful possession of Government owned buildings as well as requisitioned buildings.

What is sought to be done now? As I have already said the Act, as originally passed, defined 'premises' as a building or part of a building. Now, it is sought to define premises as including land: an addition which is wholly foreign and dissimilar to its ordinary meaning or of the meaning given in the original Act. Large areas of land which have been occupied and built upon by the refugees at very great cost and under extraordinary circumstances are sought to be brought in. In the first place, I submit that this is an entirely independent subject. If the hon. Minister wanted special legislation with regard to it, the proper course was to introduce another Bill and have all its aspects examined, and the Bill passed in due course. But instead of doing so he wishes to attain his object by extending the definition of 'premises' so as to include "land". He says that this is a simple amendment. No doubt it is simple, in a way! What was formerly intended to cover a few requisitioned or Government owned buildings will now include hundreds of acres of land which the hon. Minister himself said yesterday was worth many thousands of rupees per acre. I submit, is this not a backdoor legislation? Is it not entirely foreign to the original purpose of the Act?

That is not all. The other and the more serious thing is the second amendment. The hon. Minister says that he is merely simplifying the procedure for the collection of rent and

damages that might be assessed. But, how is this proposed to be done? Instead of going to the civil court, filing suits, getting decrees and pursuing the usual procedure for execution of decrees, it is proposed to substitute the provisions of the Punjab Land Revenue Act relating to recovery of arrears of revenue. What the provisions of that Act are, I ventured to place before the House yesterday in answer to a question, which one of the hon. Members put to the hon. Minister and which the hon. Minister, at that time, expressed his inability to explain. Today, those sections of that Act have been read out *in extenso* to the House by my hon. friend Pandit Thakur Das Bhargava. Hon. Members will have seen how drastic the provisions are. It is intended to apply those provisions to occupants of all Government owned and Municipal land in Delhi. Government can, by summary process not only eject them, not only take coercive measures against them, but it can arrest them and keep them in the Civil Jail. It can also seize their movable property, or if they have any other immovable property—none of the refugees, of course, has any other immovable property—it can proceed against that also which he has built at so much cost and it can demolish the buildings. It can turn him out of the house. I submit that these provisions are very drastic, very much more drastic than in any law that this House has passed during the last three years.

Now, who are the persons against whom these provisions are sought to be enacted? Most of them are the unfortunate refugees from West Pakistan. Yesterday, the hon. Minister said that any concession given to the refugees is likely to be abused and he referred to the case of a lady. He said that there was a refugee lady who owned a house in Parliament Street, which had been requisitioned by Government. Representations were made on her behalf to the hon. Minister, that she was ill, that she had no other place to go to, and that the house might be derequisitioned, and the hon. Minister having pity on the lady, derequisitioned the house. But it was found a few days later that the lady had sold the house which was worth Rs. four lakhs for about Rs. 12 lakhs. That was, I take it, intended to be cited as an instance to show the manner in which the persons who were to be intended to be dealt with under this Act, had behaved. I ventured to ask the hon. Minister yesterday whether the lady was a refugee and he replied, "yes". Of course, I was a little surprised and I wanted to know the name of the lady so that I could go to her and ask her to pay a portion of the profit that she is report-

ed to have made, for refugee rehabilitation or for any other charitable purpose. During the short time that I have had, I have been able to make some enquiries I cannot vouch for its being absolutely correct, because I have not personally contacted the lady. But I shall place before the House, the information that I have received and I will ask the hon. Minister to verify it. That lady is not a refugee in any sense of the term. She is the widow of a Sikh contractor who had settled in Delhi long before New Delhi had been built up, he had come and settled here like several others, and taken big contracts and built Government buildings including those in which the hon. Ministers live and other Government officers are now living. As I said, she is the widow of that contractor and the house had been built in Parliament Street, about 15 or 20 years before the partition of the country. It had been requisitioned by Government in 1939, soon after the war started and used for their purpose, and then after the partition, an embassy was located by Government there. Now, can this lady be called a refugee, simply because the ancestors of her husband originally lived in Rawalpindi Division? Is it fair to quote the instance of such a lady as typical of the refugees who will be affected by the proposed legislation? Incidentally I may say that my information is that the house was not sold for Rs. 12 lakhs but for Rs. eight lakhs; however, that is not material. Now, who are these people? They are persons who came here in 1947, who did not own a single inch of land in East Punjab or anywhere else in the Union of India. Most of them were well-off, in their own ancestral homes in the Punjab, Sind and the Frontier Province. They were people belonging to the middle class, doing good business, owning property and leading comfortable lives. Shortly before the partition, they were advised on the radio, in the newspapers, and in lectures by leaders here, Shri Jawaharlalji, Shri Patelji, Mr. Jinnah, Lord Mountbatten, Sardar Baldev Singh and others that it has been found necessary to partition the country, that the Punjab will be one of the provinces which will be partitioned, but there will be free communications, ownership of property will be respected, and for at least a year, no customs will be levied, and people will be free to come and go, and they can live in those houses as peaceful citizens. On this side our Prime Minister said that all persons, whether they are Muslims or others will be quite free to live as good citizens. Mr. Jinnah assured the people living in Pakistan that there will be absolutely no discrimination between Muslims and non-Muslims, that they will all be

[Dr. Tek Chand]

free citizens of Pakistan and their property will be safe. On these assurances the people continued to live.

Mr. Deputy-Speaker: Is the hon. Member likely to continue long?

Dr. Tek Chand: I would take some time more.

Mr. Deputy-Speaker: He may continue after lunch.

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

The House re-assembled after Lunch at Half Past Two of the Clock.

[MR. SPEAKER in the Chair]

Dr. Tek Chand: Before the House rose for lunch I was referring to a case which the hon. Minister referred to yesterday and I would, with your permission recapitulate what I was saying.

Shri Sondhi (Punjab): Where are the Treasury Benches?

Dr. Tek Chand: The Deputy Minister of Works, Mines and Power is here.

The hon. Minister was referring to the case of a lady whose house had been requisitioned some years ago and which was derequisitioned on her representation to the Minister that she was without any place to reside and therefore in great distress. The Minister, taking pity on her, passed orders for derequisitioning the house but the lady sold it for a fabulous price of Rs. 12 lakhs and purchased some other house where she is living. On enquiries I found that that lady was not a refugee in any sense of the term. She was the widow of a contractor who, no doubt originally came from the Punjab. His ancestral home was in Rawalpindi but he had settled in Delhi long before New Delhi became the capital. He was a big contractor who had built Government buildings. He was a resident of Delhi in the same sense as any other person. It was not proper on the lady's part to make any false representations to the Minister and get undue advantage of his kindness. But that is neither here nor there. Her instance was cited, if I may say with great deference, to create effect, but it has no application to the case of the refugees, who will be hit by the Bill.

Who are these people? They are mostly middle class persons who lived in various towns in the Punjab, leading

respectable lives and earning their livelihood with the sweat of their brows. They owned properties both in urban and rural areas. When partition was announced in June 1947, they intended to come over to provinces now forming part of India but on appeals by Lord Mountbatten, Nehruji, Patelji and Mr. Jinnah they continued to remain there. They were told that though they were Hindus they could live there as nationals of Pakistan just like the Muslims. A few days before the 15th August, Mr. Jinnah made a statement at Karachi that there would be no distinction between Hindus and Mohammedans; all would be treated alike whatever their religion might be and asked them to continue living there as good citizens. To crown all, when the Father of the Nation, Mahatmaji on his way back from Kashmir went to Rawalpindi, many persons told him that they wanted to go to India. Mahatmaji urged them to continue to live there. He went to the refugee camp in Wah, where the victims of the March and April raids in Rawalpindi Division had been collected and were being maintained by Government. Many of them said that they had lost their relatives, their sisters and daughters had been abducted and since partition was coming they did not know what was in store for them. They asked Gandhiji to make arrangements for taking them over to India. Mahatmaji on the 2nd or 3rd August said "Please continue here. You will be safe here and as a guarantee I am leaving behind Dr. Sushila Nayar." This was broadcast all over the country. Every body thought that things would become normal, they would stay on and see how Pakistan worked and later if they found that they could not live there, they might migrate. This was on the 2nd or 3rd August. A week later on the 10th August, began the killings in Lahore, which spread all over the province. Many were killed, others fled to India; many more were evacuated by the Government of India. Such of them as were without any means found shelter in Government camps. Some were more fortunate; they were able to bring some money with them. After drifting from place to place they came over to Delhi. To begin with, they lived at the railway station or in the open. They tried to find residential accommodation in the city, but without success. The landlords demanded puggres of 20,000 or 25,000.

People of this type collected together. They found that there was no place for them in the camps or anywhere else. They could not by any means get accommodation by paying double or treble the legitimate rent for houses.

They found open spaces near Karol Bagh, which were absolutely uninhabited and undeveloped. There were depressions, eight, ten or twelve feet deep and there were small hillocks. The lands belonged either to the Municipal Committee or the Improvement Trust. The displaced persons formed themselves into groups of ten or fifteen. They filled the depressions, levelled the hillocks and made the land fit for construction at very considerable cost. In some places persons, holding the same status in society as you and I worked with their own hands, and even their children and womenfolk joined. The number of houses built by them is over 4,000. They are in 28 localities, of which I have a list in my hands but I will not weary the House by reading them. Pandit Thakur Das Bhargava, myself and some others went to some of these localities some weeks ago and inspected 12 such localities ourselves. They are Faiz Road, Motinagar, Jawahar Refugees Quarters, Jagmohan refugee quarters, Patel Nagar 2, Nehru Parbat, Guru Nanakpura, Ashok Nagar, Subash Nagar, and Guru Teg Bahadur Basti. We found pucca houses built symmetrically and systematically and not haphazardly. The structures are all pucca, with cemented or brick floors. Each house has a compound. In each plot the built area is not more than 50 per cent., as required by the Municipal byelaws. There are good arrangements for drainage inside the houses, and ventilation was as good as in well-planned houses.

This is the type of houses which these people had built. In fact, the impression that we got was that in regard to construction, alignment and design, these houses were better than the houses built in Rajendra Nagar and other localities by our Rehabilitation Department at a much higher cost. Certainly they would last much longer than many houses, about which we have been hearing so much at Question time in the last two years. These are houses, built by this type of self-relying people, which will be demolished under this Bill.

The Improvement Trust after demolishing them intends to sell these plots according to a development plan. The minimum area the Improvement Trust had fixed was 60 ft. x 30 ft. We found that some of these houses are on plots 60 x 30, some others were 25 x 70, and others on 35 x 50. With a little adjustment these houses can be included in the proposed development.

Besides constructing residential houses, the displaced persons have

built in some of these localities temples, gurdwaras etc. where worship is done every day. It is not as if they have done all this for themselves alone. In one place there lives a public-spirited lady who had a school in Lahore, and she has started a school in one of these localities which is meeting a real need of the refugees. She had done all this without any assistance from the Municipality or the Government. She collected money from the refugees and put in some of her own and has worked with so much zeal, that today 1,000 girls are reading in the school, who are being prepared for the Higher Secondary School Examination of the Delhi Education Department. She also has received a notice intimating that she is in illegal possession of Government land, which must be vacated. Schools, houses, gurdwaras and temples, everything come within the scope of this Bill which the hon. Minister has described as 'simple' and which he asks the House to enact. If the Bill is passed, some official from the Chief Commissioner's office or the Estate Office will go and say, "We are giving you three days, or five days, notice; if you don't remove yourselves we will evict you." This is the fate, which is awaiting the school, the like of which if run by Government, or by a regularly constituted Education society would have cost thousands of rupees every month.

Similarly, the residential houses have been built in different localities, most of which are of the type I have described above. They have been constructed without any assistance whatever either from the Rehabilitation Department or from any charitable institution or individual. These refugees have, indeed, set an example of self-reliance and self-help. Our President, Shri Rajendra Prasadji, addressing the refugees during his recent tour at Simla, after reviewing the work done by Government to rehabilitate them and admiring the sturdy people of Punjab for what they had done advised them to rely upon themselves. That was very good advice. But here in Delhi is a set of persons who have done more than what anybody else would have done under these trying conditions, and now this "simple Bill" this "Innocent Bill" is sought to be introduced in this—if I may be permitted to say so—backdoor method, and by substituting a few words, the summary method for collecting arrears of land revenue is to be applied to evict them and demolish their houses. This is the manner in which the hon. Minister wants to treat these self-reliant and self-respecting persons by citing the example of that lady.

[Dr. Tek Chand]

Further, Sir, I will ask you to note that these persons have not occupied these sites in a surreptitious manner. Technically, their possession was, of course, illegal in a sense—there is no doubt about that. They came having lost their hearth and homes and in most trying conditions and they did not apply to the Improvement Trust for permission to occupy or build. But they did all this openly—not secretly. These buildings in these localities started in the end of December, 1947, or the beginning of January, 1948. The officers of the Improvement Trust and of the Municipality, as other Government Departments were seeing what was being done. After all, they could not have built 4,000 houses overnight. Material was being purchased openly; steel and cement were being bought in the black-market, and everything was done with the knowledge of the officials. After some months, in April or May, 1948, some policemen went there and asked them to stop building. At that time our respected sister, Shrimati Sucheta Kripalani, who was the Secretary of the Central Refugee Committee and who took a great deal of interest in this work, happened to go to one of these places. Some refugees went to her and told her. "Well, we started building here. Our houses are now up to the roof, but the policemen came and asked us not to build." On this, she wrote a letter on the 9th May to the Deputy Commissioner of Delhi, which reads as follows:

"Representatives of refugees from Ihata Kedara, near Sadar Bacar, have come to me with the complaint that they are being thrown out from the temporary houses that they have built in that area. They are willing to pay ground-rent. Would you kindly see their two members and also help them in their difficulties."

On this, the Deputy Commissioner wrote as follows:

"Please don't interfere with these persons till I inspect the place".

That is the order which the Deputy Commissioner gave to the Sub-Inspector. The Deputy-Commissioner then went and saw the spot and the construction were continued. This is not all. Here is a letter written by Shri R. Gautam, Under-Secretary, Ministry of Relief and Rehabilitation, to the

Deputy-Commissioner. After referring to such construction, he said:

"The hon. Minister has therefore asked me to bring these things to your notice. He thinks that either we should allot these plots finally to them and legalise the possession or we may take steps to stop construction."

From this you will see that it is not in a surreptitious manner that these refugees built these four thousand or more houses. They did so openly and they have rehabilitated themselves. If Government had to rehabilitate them and if the construction had been left to the Rehabilitation Ministry or the C.P.W.D. over which the hon. Minister presides, I am absolutely certain that the cost would have been three times and the time taken would have been—I do not know how much. I do not want to cast a reflection on any of the Departments. They are doing their best under difficult conditions. But instead of adopting a reasonable and equitable view, do not deal with this type of refugees in the manner you proposed to do. What do the refugees ask for? They say: "No doubt our houses are not constructed according to the Improvement Trust plan. But we have built as good and decent houses, perhaps far better than hundreds of houses which exist in Delhi. We now request that the plots underneath these houses be leased to us by Government on the usual 90 years terms or they be sold to us at a reasonable price, which we shall pay." That is the attitude of these people.

The hon. Minister said yesterday that he had received some threatening letters and that this is the beginning of the end of ordered society. With great respect, I ask: is this a legitimate remark? Is it justified under the circumstances? These people have got fourteen or sixteen Associations. Their representatives are very respectable men. They held responsible positions and they came here without any means, without any substance, without anything. But with their self-help, they have tried to rehabilitate themselves. If some one has been foolish enough to write such a letter, why should the Minister be perturbed.

In some quarters it has been said: "the Municipal Committee or the Improvement Trust will no doubt dispossess you, but compensation will be paid." The Bill of course, does not say that compensation will be paid and I do not know what is in the mind of the hon. Minister and the Rehabilita-

tion Department. But even supposing that compensation has to be paid and alternative sites have to be provided, what will be the effect? Where will all that money come from? I have been told that the estimated cost of all constructions is about Rs. 88 lakhs. Even if this estimate is exaggerated and Government has to pay 50 per cent. only even then the amount of compensation will be nearly Rs. 50 lakhs and you will have to provide alternative sites, which will be at a distance of five miles or six miles or more. These people have established themselves in gainful occupations near the localities where the houses have been built. They will lose their incomes. They will have to go to these distant places and re-build houses on these far off places where there will be no light, no water, no roads, and we do not know how long it will take the sites to develop. Therefore, the suggestion which they make is: "Please let us remain here. Incorporate these houses in your scheme and charge us the premium which is considered reasonable. Of course, we cannot afford to pay the whole thing at once, but we shall pay in instalments and we shall also pay the annual rent for these plots according to the scale which the Improvement Trust prescribes."

Again, the hon. Minister said, "Oh, these encroachments are holding up the Improvement Trust's Development schemes and slum clearance schemes which the Trust has in hand." Now, I do not want to say anything about the working of the Improvement Trust here. My hon. friend Shri Deshbandhu Gupta and I are on a Committee appointed by the hon. Minister of Health to examine the working of the Improvement Trust. The Committee has examined that question in detail and will be submitting its Report shortly; and I shall not go into details. But two broad facts have come out and they are open secrets and I shall mention them. I shall take up the point about slum clearance first. The Improvement Trust was created in 1937 and in 1938 it notified certain schemes for slum clearance. It was as far back as 1938. There were no refugees at that time, none till 1947. But during nine long years, the Improvement Trust did nothing whatever except to notify the schemes. Then, of course, came these refugees. During these two years also, only portions have been occupied by the refugees and the other slums are still in the same conditions as before. No steps whatever have been taken with regard to them. Now, to use this slum clearance scheme as an excuse for introducing a Bill of this nature—I say, is that proper? Is that fair?

Then, take the Development Schemes. Here also the Improvement Trust has not a very brilliant record: It notified about 20 Town Improvement Schemes, but it has only carried out five or six in thirteen years. Shri Deshbandhu Gupta knows the details by heart and he will no doubt, place them before the House when the time comes. What is the financial capacity of the Trust to carry out these Schemes? The Improvement Trust has a peculiar constitution. It has got no funds of its own. Government does not give it any subsidy; it did not make any grant to it even in the beginning. All that Government did was to vest valuable land in the Trust and asked it to develop them. Now what the Trust has been doing is to develop a certain portion in a locality but instead of selling it at one time it is not in position to raise the price. Supposing it develops a portion of ten acres, where 200 plots are made, it will not sell the 200 plots all at once. It sells fifty plots, and after these plots have been built upon and the prices go up, the value of the remaining plots also has become high because the locality becomes inhabited. Then the Improvement Trust sells fifty more plots at four times the price at which the first lot was sold. Thus, it has come to light that plots for which the cost of acquisition and development was Rs. 10 or 12 a yard have been sold for Rs. 40, 50 or 60. So, what the Improvement Trust wants to do is to use these Development Schemes as an excuse for turning out these refugees and get their houses demolished and after that, sell at exorbitant prices. This site which has been developed by these very refugees at their own cost and under difficult conditions without any assistance from Government. Is that proper, is it fair? Is it a valid excuse to bring in a legislation of this kind?

So far I have been dealing with one type of refugees. The second type is those people who were not so fortunately situated as those of the first class. They had very little means—a few hundred rupees. They sold the few ornaments which their women had with them and thus raised Rs. 1,000 or 1,500, and they built a shed on the adjoining land. This is all that they could do under the circumstances. They work in the city and earn Rs. four or five a day and maintain their families. This is another type. In regard to these people, as my friend Pandit Thakur Das Bhargava has already pointed out, simply because they have not been able to build houses, you should not displace them. There are two alternatives open to you: either give them these plots on the condition that they should build according to certain plans and specifications by a certain date,

[Dr. Tek Chand]

or find out alternative accommodation for them; but don't issue orders and precepts under this summary procedure sending policemen and bailiffs to turn them out. This is the second class of persons whose case requires careful and sympathetic consideration from the hon. Minister.

3 P.M.

Then there is a third category, whose case appears to have made a good impression on the House by the speech of the hon. Minister yesterday. They are old residents of Delhi to whom some plots had been sold or leased by the Improvement Trust years ago. Some of these plots have been encroached upon or taken possession of by the refugees who have built *pucca* houses over them. Now, here again, the position at first sight appears to be very serious, in that persons who had paid Rs. 5,000 and 6,000 to the Improvement Trust with the object of building houses on them, have been dispossessed of their plots before they started construction. That is a class by itself and requires special treatment. But with regard to this class also I beg to place two facts before the House. The total number of plots which the Improvement Trust sold or leased from 1937 to 1947, was about 3,500. Out of these, hardly 1,000 plots have been built upon by the purchasers or lessees and nearly 2,500 plots have been still lying vacant and unbuilt for so many years before the Partition and before the refugees came to Delhi. One might naturally ask why during all these ten years these purchasers had not cared to put up their houses. It transpires that many of them had no idea or intention of building. They were mere speculators and wanted to sell the plots at a profit as soon as the area developed. There were others, who, of course, wanted to build, but who have stated in writing that they did not want to invest any money, as they were afraid of Government's power to requisition, and the Rent Control Act, under which rents are fixed at wholly uneconomical rates as they will not get even five per cent. or six per cent. return. Therefore, they have said that, though they had the money and wanted to build, they would not do so until the Improvement Trust and Corporation change their rules and byelaws and Government modify their requisitioning policy. There is another set of people who say that they could not get the materials at that time and for various other reasons could not build. But the fact remains that out of 3,500 plots sold, only 1,000 have been built upon and the rest are lying vacant. Again, of these, as the hon.

Minister said yesterday, only 400 plots have been occupied by the refugees. My information is that of these only 100 are *pucca* constructions and the other 300 are *kutchha* buildings. With regard to these 100 *pucca* houses some means will have to be found. Some of the refugees are prepared to pay the price of the site to the owners, if they are prepared to sell it. If they are not, the occupants are willing to give them annual rent for the site. Some such means will certainly have to be found to settle such cases. But you cannot solve the problem by enacting legislation of this drastic type and enforcing it so rigorously.

A fourth type of persons are private-owners. The hon. Minister said yesterday that their cases also are covered by this Bill. I had read the Bill before: I read it again last night. I do not pretend that my knowledge of law is equal to that of the hon. Minister's.

Shri Gadgil: I plead mine is less.

Dr. Tek Chand: But I confess that I am unable to find one word in the whole Bill, which even with the most violent stretch of imagination, will apply to private lands. However, if it is the hon. Minister's intention to include such land, then all I can say is that his legal advisers should have drafted the Bill in a different manner, instead of merely including the word 'land' in the definition of "premises", which in the context can only mean Government land. Private land is wholly foreign to the scope of the Bill. If some refugees have taken possession of private land, well, they have got the ordinary remedies provided by the law.

The hon. Minister said yesterday that the provisions of the Bill are simple and there is no material change introduced in the Bill. He said that there are the provisions of the Penal Code, that is, if you commit trespass you are liable to be convicted under the provisions of the code relating to trespass. Here again, I confess my ignorance of the law adumbrated by the hon. Minister. Section 441, of the Penal Code, as most of you know, is the section dealing with criminal trespass. That Section says:

"Whoever enters into, or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property is guilty of criminal trespass."

I ask my hon. friend in all humility: Did these persons, these thousands of refugees enter possession of this land with intent to commit an offence, or with intent to intimidate or insult or annoy anybody—much less the officers of the Improvement Trust or the Corporation? They were driven from their homes under most peculiar conditions and they occupied these lands. Now whatever civil remedy there might be, I have yet to learn after more than forty-four years of experience of the law, how any court would find such a person guilty of criminal trespass.

Then there are other factors also which the Court will take into consideration. Even if the section applies at all, you have got the provision that if a person stands by and allows his land or property to be encroached upon by somebody, that is a circumstance which will not make the act criminal. We have got several instances here where the Municipal Committee has not only stood by and seen these houses being built but it supplied water connections to these houses. Electricity has also been given to some houses and other amenities provided. With all these facts will any court convict the occupant? These are the provisions of the ordinary law, and the hon. Minister says that they are similar to the provisions of the Land Revenue Act which were read to the House by Pandit Thakur Das Bhargava.

Before I conclude, I may be permitted to make a few remarks with regard to an observation which fell from the hon. Minister yesterday and which pained me most. That was with regard to what the hon. Minister said about the courts of justice, including even the highest court in this land. He said that for the last three or four months we have been seeing a war between the judiciary and the executive . . .

Shri J. E. Kapoor (Uttar Pradesh): That was a casual remark.

Mr. Speaker: Order, order. Let him proceed.

Dr. Tek Chand: I submit, it is a remark which pained me most, coming as it did from a responsible Minister of Government. When you frame Bills and you pass them in hot haste,—Bills which in some cases are ill-considered and ill-drafted and passed without reference to Select Committee—and when they go to the courts and the

courts find that they are contrary to some provision of the law or contrary to the Constitution, and you find that your plans are upset, you say that the courts are at war with the executive! It is one of the most redeeming features of our Constitution today,—a thing of which we should be proud,—that our High Courts and our Supreme Court have stood by the law. When the Constitution was being passed, in the last speech which the hon. Dr. Ambedkar made in the Constituent Assembly, he said that "we are having the rule of law now". This is the Constitution which you yourself have framed and if any legislature infringes any of its provisions, it is the bounden duty of the court, whether it is a Sub-judge's, or Magistrate's Court or the High Court or the Supreme Court, to stand by the law regardless of what the view of the hon. Ministers may be and I am very glad to say that the High Courts and the Supreme Court—I speak with the greatest deference—have upheld the law.

Shri Gadgil: The law represents not the view of the Ministers but the view of this elected House.

Dr. Tek Chand: Therefore it is all the more necessary that Courts should examine their legality fearlessly. This remark which was made in a casual and light-hearted manner yesterday pained me much more than several other assertions which the hon. Minister made. And I wanted to raise my emphatic protest against it today.

Now, one thing more I have to say. That is about rent collection. With regard to rent, the hon. Minister said "that fifteen or ten lakhs of rupees were the arrears due; these people do not pay and we must take steps to realise them". With regard to rent, there are again two matters that you have to see. I was asking these people as to why they do not pay and most of them said "We are prepared to pay it, but we are required to pay the rent at one week's notice or a fortnight's notice and we cannot pay these large sums at such short notice". Now some means can be found, by which the rent can be recovered. Here now consider the type of persons from whom rent is to be recovered. I will give you one instance which came to my notice in September, and that was from several Sikh gentlemen who came to see me. In the month of September when we were having heavy rains at Delhi and when there were floods in

[Dr. Tek Chand]

the country in the Punjab, in Assam and other places, nine persons came to me with four or five children. They said "We belong to Daberan in Rawalpindi district". That is a place which I know and which brought the most painful memories to my mind. Daberan and the area round about it was inhabited mostly by Sikhs. They were either agriculturists or were engaged in petty trades. It was a Congress-minded locality. This area was the scene of raids in March and April, 1947 when the troubles first began in the Punjab. Organized raiders financed with money, which, as has now come in evidence in the Mamdot Enquiry in Lahore, was supplied by the Muslim League, and armed with sten guns and machine guns and a large number of ex-Servicemen came and raided that area. Bands of such raiders came in this manner, surrounded the villages and hundreds of innocent persons were killed from Daberan and several other villages round about. These people took refuge in a *gurdwara* and many of their men were in the other villages. Those who remained outside were killed. This is an area from which came a very important gentleman, Mr. Justice Teja Singh who was a Judge of the Lahore High Court and is now the Chief Justice of the P.E.P.S.U. Union. In these raids no less than 86 of his relations were killed. These persons about whom I am speaking are some of the few survivors. To give you what happened there, some of these people took refuge in a *gurdwara* and the raiders with sten guns and machine guns surrounded the *gurdwara*. The besieged persons had some ordinary guns. They faced the raiders for two days. But ultimately when more reinforcements came, they could not hold the *gurdwara*. They had no water to drink. So they sent one man outside who asked the *zaildar* of the village, who was their old friend: "We are dying for want of water, there are children and women there, please permit us to take a little water from the big well outside". The *zaildar* talked to some of the raiders and said "Very well, let all the women come with only two men, and we will allow them to draw water". So fifty women came out of the *gurdwara*, with two men. Well, while they were about to draw water the two men were killed and some of the women were taken away. On this the other women stood round that well, recited some *shabds* from the *Granth Saheb* and *shlokas* from the *Gita* and all of them jumped into the well and most of them died. Here

are the relations of such persons, who were not in that village and thus survived, that came here to Delhi soon after the partition. Here they could not find any shelter. They had some relations here in Government service, whom some houses near the Mutiny Memorial Road had been allotted, and they went and were living with them. A report was made after about a year or more that these Government officials had sublet the premises to some other persons and therefore it was a breach of the terms of the tenancy. These persons were told "You are committing a breach of the conditions, you are liable to lose these houses, you yourselves will be turned out". These officials then told these people "We have accommodated you for a year or more, now please go and shift for yourselves". Then they went away from this place to find some accommodation. They could not find any shelter anywhere. Another gentleman took pity on them and gave shelter to the ladies and children in his verandah. After some time that man also said: I am now being asked to turn you out on pain of losing my own tenancy. These men came to to me and in tears said: "We have lost so many relatives; our sisters and daughters have been taken away by the raiders; they are still with them. We wish that those who survived might have been killed there or we might have been killed." When I heard this I told them that if I had been in Lahore, I would have given them shelter in my own place but I was myself a refugee here. I am living in a place surrounded by the stables of the hon. Ministers and the High Commissioner and unfortunately I could not help him. Then I said: "Have you approached the Ministry of Rehabilitation?" They had a bundle of documents with them. They said: "For the last nine months, we have been making applications; we have been going to this man and that man but nothing has happened. We are prepared to pay rent, pray help us in getting some accommodation somewhere." Touched with their desperate plight I wrote a personal letter to the hon. Shri A. P. Jain, who had taken charge of the Ministry a few months before, saying: "Here are these people; they came from Daberan; this is how they were treated there. These are the circumstances in which they have come and they have no shelter. Please give them some place; have pity on them. By helping them you will be obliging everybody and you will be obliging me personally if you could give them some accommodation." He took pity on them. He directed the members

of his staff, to whom applications had already been made. In spite of the red tape the hon. Minister took pity on them and directed that no action need be taken against these people for a week or so and he very kindly gave some place at a distance of six miles away from the city. These people said that they would not be able to earn in order to maintain their families, from such a distant place. At least they were glad that after all they got some shelter. The houses were given on a rental of Rs. 10 or 12 p.m. It is men of this type who are in possession of the houses, and who are sought to be evicted.

In addition to these there are other persons to whom rented houses were given in December or October 1948. They said that a rent will be fixed, electricity and water will be provided. In some cases the rents were fixed in January 1949 and most of them have been paying regularly whatever rent has been fixed. But in other cases it took the officers four, six or eight months to assess the rent, and until the rent was fixed, no payment could be made. When the rent was fixed, the occupants were asked to pay ten arrears at that rate for those tenements. They ask for remission of rent for the period of delay; some are willing to pay the whole but ask for instalments. The officers say: "Our order is that you must pay the whole of this amount in one lump sum." This is another class of persons. I do not want that anybody should be exempted from payment of reasonable rent. There are other cases where rent is charged for houses built by the Ministry or the Municipal Committee where the rents charged are at exorbitant rates. They say: "Fix a reasonable rent, six per cent., seven per cent. or eight per cent. on the cost and we will pay. Lajpat Rai Market was built by the Municipal Committee at what was described as unreasonable cost for the poor type of structure. Some hon. Members put questions in Parliament and it was said in the newspapers that the contractor had made a lot of money and built very bad type of shops. I am not here to blame the contractor or the Municipality, but I am informed the rent charged there is in some cases 24 or 30 per cent. In some shops the refugees are going there. This is what is happening there. To consider all these cases, we request the hon. Minister to appoint a Committee, and not press that the Bill be passed today. You will realise that the matter is not simple and innocent as

it was sought to be made out. I may assure the House on behalf of the representatives of the refugees who have seen me that they do not want in any way to act in a manner which is improper. They say "Give us these lands at the prices at which you are likely to sell them. If unreasonable rent is being charged, please remit it for certain period, and for the rest, we shall pay it in instalments." In some cases the rent is exorbitant and improper. These are the various things which ought to be gone into by Sub-Committee. I am saying all this because the hon. Minister was kind enough to agree to Pandit Thakur Das Bhargava's proposal that the Select Committee should report by the 15th of December. But by the 15th of December, it will be impossible to come to any definite conclusion on the various points involved and therefore, I have put in this amendment to the effect that the Committee report by some day in the first week of the next session. This will probably be in the end of January or beginning of February and I assure the hon. Minister that when the present session is finished, we all will devote one or two weeks to it. I am prepared to offer my services. Messrs. Thakur Das, Achint Ram, Musafir and I will sit with him from day by day; we shall ask the refugees to come to some arrangement by which Government rights are fully protected and the refugees are also provided. What will be the position otherwise? If you pass the Bill and enforce it strictly, no less than 80,000 people will be rendered homeless. Has Government got the means, the capacity and the energy to have another 80,000 people added to the existing number of refugees? They will all be without shelter or alternative accommodation. Most of them have not received a single pie as rehabilitation benefits so far. Will Government support them now? How long will it take Government to either set up camps or build houses? They are willing to pay the rent regularly. Let us sit down and appoint a small committee, three or four representatives of refugees and some Government officers and a solution will be found. If hon. Shri A. P. Jain can also be added to the Select Committee, it will be very good indeed. He is the Rehabilitation Minister and many matters go to him. I am absolutely certain that if one week is devoted to it nine-tenths of his problem can be solved to the satisfaction of everybody and then you can go before the Select Committee with some agreed formulae and get the Bill through. I am absolutely sure that in

[Dr. Tek Chand]

this way there will be no difference of opinion. I thank the House for the indulgence that it has shown in listening to me for such a long time. I hope that the Bill will not be passed in the form in which it has been introduced. Material changes will be made in such a way that Government rights are fully protected and some practical improvements are effected. I suggest that a purely legalistic view should not be taken. The human element of which the hon. Minister claims to be an embodiment, should also enter in the solution.

Shri Hussain Imam (Bihar): The hon. Member said that 24 per cent. was being charged. Will the hon. Member enlighten the House whether the rent is not governed under the Rent Control Act?

Dr. Tek Chand: The Rent Control Act is only for old buildings, but not for new ones of this kind.

Mr. Speaker: Amendment moved:

In the amendment proposed by Pandit Thakur Das Bhargava, for "15th December 1950" substitute "end of the first week of the next Session".

Mrs. Kripalani.

Pandit Thakur Das Bhargava: May I submit, a word, Sir? I very gladly accept the amendment so far as I am concerned.

श्री जे. आर. कपूर: अध्यक्ष महोदय, मुझे आप आज्ञा प्रदान करेंगे तो मैं एक संशोधन उपस्थित करूंगा।

मि० स्पीकर: आप क्या संशोधन करना चाहते हैं?

श्री जे. आर. कपूर: अभी हमारे माननीय डॉक्टर बक्षी टेकचन्द जी ने पंडित ठाकुरदास जी भार्गव के संशोधन पर जो संशोधन उपस्थित किया है उसमें मैं यह संशोधन करना चाहता हूँ कि यदि आप की आज्ञा हो तो जो लिस्ट (List) सिलेक्ट कमेटी (Select Committee) के मेम्बर्स की पंडित ठाकुरदास भार्गव जी ने दी है उसमें माननीय श्री अजित प्रसाद जी जैन का नाम जोड़ दिया जाये।

(English translation of the above.)

Shri J. R. Kapoor: Sir, I shall move an amendment if you kindly allow me to do so.

Mr. Speaker: What amendment do you propose to move?

Shri J. R. Kapoor: My amendment is that in the amendment just proposed by Dr. Bakshi Tek Chand to the amendment proposed by Pandit Thakur Das Bhargava the name of Shri Ajit Prasad Jain be added, if you kindly permit, to the list of the Members of the Select Committee suggested by Pandit Thakur Das Bhargava.

Mr. Speaker: I am placing the amendment before the House. He may speak after I call upon Mrs. Kripalani. Amendment moved:

In the amendment proposed by Pandit Thakur Das Bhargava, after the name of Shri S. N. Buragohain add the name of the hon. Shri Ajit Prasad Jain.

श्रीमती सुचता कपलानी: अध्यक्ष महोदय, श्री ठाकुर दास भार्गव जी और बक्षी टेक, चन्द जी ने बहुत लम्बी चौड़ी दो तरफ़ीरें कर के हमें सारी बातें बतलाई हैं और दिल्ली प्रेसिडेन्स रिक्विज़िशन एण्ड ऐक्टिक्सन ऐमेण्डमेन्ट बिल [Delhi Premises (Requisition and Eviction) Amendment Bill] की खूबियाँ और नुक्स बताये हैं। इस लिये मैं बहुत ज्यादा कुछ इस बिल के बारे में बोलना नहीं चाहता हूँ। उन लोगों ने खास कर के दो उलझनों को तरफ़ हमारा ध्यान खींचा है।

[MR. DEPUTY-SPEAKER in the Chair]

एक तो यह कि अगर आज यह बिल पास हो जाये तो दिल्ली में जो रिफ्यूजीज़ ने अपने आप को बसाया है उन की क्या मुसीबत होगी। दूसरी चीज़ जो मैं इस से भी ज्यादा गम्भीर समझती हूँ वह यह कि इस बिल के जरिये से गवर्नमेन्ट ऐडमिनिस्ट्रेशन (Government administration) को हम वह हक़ देना चाहते हैं जो सिविल

कोर्ट (Civil Court) को होने चाहिये । इन दोनों विषयों पर जो मेरे ख्यालात हैं थोड़ा थोड़ा उन को रखूंगी ।

जब रिफ्यूजीज सन् १९४७ में यहां आने लगे तब सरकार ने खुले आम कहा था कि जो रिफ्यूजीज हैं उन को रिलीफ (Relief) पहुंचाने और बसाने का काम हमारा है । दिल्ली में करीब छः लाख के रिफ्यूजीज आये हैं । छः लाख में से मुश्किल से ६०,००० रिफ्यूजीज शायद हमारे कैम्पों में गये होंगे । जो रिफ्यूजीज हमारे कैम्पों में गये थे उन को बसाने और खिलाने की जिम्मेदारी गवर्नमेण्ट ने ले ली थी । लेकिन बाकी जो रिफ्यूजीज हैं उन में से बहुत थोड़े ऐसे थे जो अपने आप काम चला सकते थे या जिन के कुछ रिस्तेदार और मित्र थे जो उन को रख सकते थे वह रहे । मगर बहुत हद तक ज्यादातर रिफ्यूजीज ऐसी हालत में थे जो अपने आप को नहीं सम्भाल सकते थे मगर उन में कुछ सेल्फ रिस्पेक्ट (Self respect) क्या था और वह गवर्नमेण्ट के कैम्पों में जा कर गवर्नमेण्ट की रोटी नहीं लेना चाहते थे । इसलिये उन्होंने कुछ कोशिश की और जिन को जिस तरीके से जगह मिल सकती थी उन्होंने ली । जिन्हें नहीं मिली वहां उन लोगों ने अनऔथोराइज्ड औकुपेशन (Un-authorised occupation) किया । अनऔथोराइज्ड औकुपेशन एक नाजायज चीज है जिस को हमें प्रोत्साहन नहीं देना चाहिये । लेकिन आखिर गैरकानूनी चीज क्यों होती है इस के ऊपर भी आप तबज्जह दीजिये । जब रिफ्यूजीज यहां पहुंचे उस वक्त की हालत मैं आप से बतलाती हूं क्यों कि मैं सारे समय उन के बीच काम करती रही हूं । गवर्नमेण्ट कैम्प लबालब भर गये थे उन में बहुत से लोग जो आना चाहते थे नहीं आ सकते थे । मकानों की बहुत कमी

थी । जो मकान थे उन में एक परिवार में चाहे दो आदमी हों या चार आदमी हों वह पूरा पूरा मकान कब्जे में किये बैठे थे । अगर हम उन का अनऔथोराइज्ड औकुपेशन रोकना चाहते थे तो हमें हाउस राशनिंग (Rationing of house) करना चाहिये था ताकि हर परिवार को एक एक दो दो कमरे मिलें और काफ़ी लोगों को रिहाइश की जगह मिले । मगर गवर्नमेण्ट ने ऐसा नहीं किया । हम लोगों ने बहुत दफा इस बात को इस हाउस में कहा मगर उस पर ध्यान नहीं दिया गया । इवैक्यू प्रॉपर्टी (Evacuee property) कुछ लोगों ने सम्भाल ली थी मगर बाकी इवैक्यू प्रॉपर्टी पर ताला पड़ गया । वह कस्टोडियन (Custodian) के पास चली गई और आज तक धीरे धीरे एक एक मकान रिफ्यूजीज के लिये रिलीज हुआ । ऐसी हालत में रिफ्यूजीज के सामने क्या च्वायस (Choice) थी । या तो वह बाल बच्चों को ले कर जवान लड़कियों को ले कर सड़कों पर बैठ जायें या अनऔथोराइज्ड औकुपेशन करें । मैं पूछना चाहती हूं कि आज हम जो हाउस में बैठ कर कानून पास करने का हक रखते हैं अगर ऐसी हालत में होते, हमारी लड़कियां और बाल बच्चे हमारे साथ सड़क पर पड़े होते तो क्या हम अपने कानून की रक्षा कर सकते थे, क्या जा कर किसी जगह खड़े न होते । उन्होंने जो जगह खाली थी उस में से ले लिया । क्या या उन का मोटिव (Motive) ? वह मुफ्त की जगह नहीं लेना चाहते थे, वह अनऔथोराइज्ड औकुपेशन नहीं करना चाहते थे, वह कोई रूफ़ेड शेल्टर (Roofed shelter) चाहते थे जब उन को वह नहीं मिला तो मजबूर हो कर कहीं कहीं मकानों में घुसे । मकान उन्होंने कैसे बनाये अगर आप जरा देखते तो आप को पता चलता । पहले वो

[श्रीमती सुचेता कृपलानी]

दो बांस गाढ़े उस के बाद टाट वगैरह डाल कर रहे। महीनों इसी हालत में रहे। बकशी जी ने अभी उन जगहों का परिचय दे कर सुनाई है। मैं उसे दुहराना नहीं चाहती हूँ। आप लोगों में कम लोग हैं जिन्होंने इन जगहों को देखा है। करीब पांच हजार लोगों ने मकान इस तरह बनाये हैं। उन जगहों को देखने का मौका पिछले साल बरसात के दिनों में मिला। मॉतिथा खान था अंधा मुगल ऐसी कितनी जगहें हैं जहां हर समय सड़ान आती रहती है, जो ऐसे एरिया हैं जहां गन्दगी के मारे जाया नहीं जाता है, उन उन जगहों में वह गये जहां कोई रहता नहीं था। उन्होंने उन को बराबर किया, अपने हाथ से उनको साफ़ किया और उस के बाद उस में जा कर छप्पर डाला। जिस के पास पैसा था उस ने पक्का मकान बना लिया औरतों के गहने बेच कर मकान बनाये, अपने बरतन बेच कर मकान बनाये क्योंकि मकानों की ज्यादा जरूरत थी। दिल्ली बड़ा शहर होने के कारण कुछ न कुछ रोजगार तो मिल ही जाता है। उन का बहुत बड़ा मसला मकानों का ही था। हम लोग जो बराबर रिलीफ़ का काम करते थे गवर्नमेण्ट पर धर जोर डालते थे कि आप लोग मेहरबानी कर के मकान बना दीजिये ताकि आघा रिहैबिलिटेशन (Rehabilitation) का मसला हल हो जाय। साल भर कोई मकान ही नहीं बने। बार बार यह वजह बताई गई कि हाउसिंग मैटीरियल (Housing material) नहीं था। उस के बाद हमारी कमेटी ने जोर दिया, आचार्य विनोबा भावे यहां आये, उन्होंने कहा कि 'मैटीरियल नहीं है तो कच्चे मकान बनाओ, उन्होंने किंग्सवे कैंप में कच्चे मकान बनाये। उस के बाद ही दिल्ली में सरकारी मकान बनाने का काम चालू हुआ।

साल भर रिफ्यूजीज का क्या हाल था, मकान उन को मिल नहीं सकते थे, मकान मिलें भी तो बहुत जबरदस्त पगड़ी दे कर लें। कैंपों में जगह नहीं थी। उन को चाहे सड़कों पर पड़ा रहना था था जगह ले कर मकान बनाना था। ऐसी हालत में रिफ्यूजीज अपने मकान बनाते थे। अब हम लोग चाहते हैं कि इस क़ानून से उन्हें उस जगह से भी हटायें। जब यह किथा जाता है तो हमारे मिनिस्टर साहब की तवज्जह एक और बात पर मैं दिलाना चाहती हूँ। कि रिफ्यूजीज को बसाने का जिम्मा सरकार का है लेकिन इन लोगों ने इस तरह बिना गवर्नमेण्ट की मदद लिये हुये अपने को बसाया है, इन्होंने अपने घर बनाये हैं और गेनफुल एम्प्लाय-मेण्ट (Gainful employment) में लगे हैं। इन रिफ्यूजीज को जिन्होंने गवर्न-मेण्ट का मुंह नहीं ताका और अपने आप को बसा लिया, उनको प्रोत्साहन देने के बजाय आज हम ऐसे क़ानून ला रहे हैं जिस से हम उन्हें बेघर और बेरोजगार करें। गाडगिल साहब का मसला तो इस से हल हो जाता है, उन को अपनी जगह मिल जाती है मगर अजीत प्रसाद जैन जी की समस्या बढ़ जाती है। जो रिफ्यूजीज बसे हुये हैं आप उन को भगते हैं। थह गवर्नमेण्ट कैसे काम करती है मेरी समझ में नहीं आता। एक मिनिस्टर ने अपना बोझ टाला और दूसरे मिनिस्टर का बोझ बढ़ गया। ऐसा न कर के अगर दोनों मिनिस्टर साथ बैठ कर अपने अपने बोझ को समझ कर चलायें तो गवर्नमेण्ट के चलाने में तरक्की होगी। इस लिये मैं तो इस क़ानून को किसी हालत से ठीक नहीं समझ सकती। इस बिल को सिलेक्ट कमेटी में भेज कर इस पर विचार करना चाहिये जहां गवर्नमेण्ट के भी नुमाइन्दे होंगे, रिफ्यू-जीज के भी नुमाइन्दे होंगे, इम्प्रूवमेण्ट ट्रस्ट के भी नुमाइन्दे होंगे और प्राइवेट ओनर्स

(Private owners) के भी नुमाइन्दे होंगे और उन को एक जगह बैठ कर एक फ़ैसला करने का मौका मिलेगा। एक कम्प्रो-माइज़ (Compromise) के ढंग से हमको एक प्रैक्टिकल (Practical) रास्ता निकालना चाहिये और ऐसा क़ानून बनाना चाहिये जिस में उन को बेधरबार न करना पड़े जिस से अजीत प्रसाद जी का बोझ न बढ़े और खुद बसने वाले रिपयूजीज़ को प्रोत्साहन भी मिले। अगर हम उन को प्रोत्साहन नहीं देते और वहां से उखाड़ देते हैं तो हमारी जिम्मेदारी और बढ़ती है। मैं जानती हूँ कि हम ने दिल्ली में १६,००० मकान बनवाये और हज़ारों परिवारों को बसाया, मगर आप उन का ज़रा फ़िगर (Figure) निकालिये कि कितनों को गवर्नमेण्ट की मदद पहुंची तो आपको मालूम होगा कि बहुत से बहुत गवर्नमेण्ट की मदद इस या पन्द्रह प्रतिशत को पहुंची होगी। ऐसी हालत में जो लोग कि अपने बूते पर बस गये हैं उन को उखाड़ना मैं बहुत गलत समझती हूँ। जब पहली दफ़ा यह क़ानून हमारे सामने आया था तो कहा गया कि जो गवर्नमेण्ट के मकान हैं उन को निकालने के लिये अधिकार चाहिये। वह बात तो हम समझ सकते थे। मगर आप इस से भी आगे बढ़ रहे हैं और अब आप ज़मीन चाहते हैं, अब आप उन को उस गन्दी से गन्दी ज़मीन से भी निकालना चाहते हैं जिस पर उन्होंने अपने रुपये से मकान बना लिये हैं। उन के पास जो कुछ पैसा था वह उन लोगों ने उन मकानों में लगा दिया, और अब आप उन को निकालना चाहते हैं। इस के ऊपर आप यह भी अधिकार चाहते हैं कि जो डेमेजेज़ (Damages) हुये हैं उस को भी असेस (Assess) करें। आप डेमेजेज़ बेशक असेस करें लेकिन आप जानते हैं कि गवर्नमेण्ट की मशीनरी

किस चीज़ की बनी है? कौन डेमेजेज़ असेस करेगा? आप के भामूली अफ़सर यह काम करेंगे। जब वह डेमेजेज़ असेस करने जायेंगे तो उस के साथ और क्या बात होगी यह मुझे कहने की ज़रूरत नहीं है। मुझे पूरा यकीन है कि उस के साथ रिदवतख़ोरी ज़रूर होगी। जो उन का हाथ गरम कर सकेगा उस का डेमेजेज़ असेस नहीं होगा और जो नहीं कर सकेगा उस का डेमेजेज़ असेस किया जायेगा और उस को निकाला जायेगा। मैं इस वक़्त इस क़ानून को इस ढंग से पेश करना ठीक नहीं समझती। इस लिये जो सुझाव ठाकुरदास जी ने रखा है और बक्षी जी ने रखा है मैं उस को पसन्द करती हूँ। एक अजीब हालात पैदा हुये थे कि जिन में यह रिपयूजीज़ यहां आये। क्योंकि मुल्क का बंटबारा हुआ इस लिये उन को यहां आना पड़ा। उन को बसाने का हम ने जिम्मा दिया था। जब उन को बसाना हमारा जिम्मा है तो इस तरह का छोटा सा क़ानून ला कर उन को उखाड़ना ठीक नहीं है।

दूसरी बात यह है कि मुझे यह पसन्द नहीं है कि जो अधिकार सिविल कोर्ट को है वह ऐडमिनिस्ट्रेशन को दिया जाय। जब स्वराज्य नहीं था तो हम कहा करते थे

बाबू रामनारायण सिंह: अभी भी स्वराज्य नहीं है।

श्रीमती सुभेता कृपलानी: तब तो हम कहते थे कि जो गवर्नमेण्ट ऐडमिनिस्ट्रेशन को नाजयज़ अधिकार देती है वह गवर्नमेण्ट डिमोक्रेसी के खिलाफ़ काम करती है। हम लोग हमेशा इसकी मुसालिफ़त करते थे। कोई भी डिमोक्रेसी (Democracy) इसे बरदाश्त नहीं करेगी। हम लोग आज छोटी छोटी वजहात को लेकर जितना ऐडमिनिस्ट्रेशन

[श्रीमती सुचेता कृपलानी]

का अधिकार है उस को बढ़ाते चले जाते हैं। अब एडमिनिस्ट्रेशन सिविल कोर्ट के अधिकार में भी हाथ फैलाना चाहता है। जब हमारे यहां सिविल कोर्ट मौजूद हैं और कानून मौजूद है और कानूनी तरीके पर काम हो सकता है तो हम क्यों एडमिनिस्ट्रेशन को एक्स्ट्राआरडिनरी पावर्स (Extraordinary powers) दें।

आखिर यह गवर्नमेण्ट का बिल है इस लिमें हमें इसको सपोर्ट (Support) किये बिना कोई उपाय नहीं है। लेकिन मैं इतना ही सपोर्ट करती हूँ जैसा कि टाकुर दास जी ने प्रॉपोजल (Proposal) रखा है कि यह बिल सिलेक्ट कमेटी में भेज दिया जाये। वहां जा कर इस की शर्तों बदल ता कि रिप्यूजीज पर भी जल्म न हो और गवर्नमेण्ट के साथ भी अन्याय न हो। क्यों कि गवर्नमेण्ट Extraordinary powers ले कर चले और बदनाम हो यह मैं नहीं चाहती हूँ। एक ठीक एडमिनिस्ट्रेशन को अपने दायरे के अन्दर काम करना चाहिये। हर छोटे छोटे बजुहातों पर असाधारण शक्ति ले लेना और जूडीशरी (Judiciary) के कामों में दखल देना ठीक नहीं है। ब्रिटिश सरकार जब असाधारण शक्ति ले कर राज्य चलाती थी तो हम उस की सख्त मुखालिफत करते थे। इस लिये उसूलन में एडमिनिस्ट्रेशन को बिना गम्भीर कारणों के ऐसा अधिकार देने के खिलाफ हूँ।

(English translation of the above speech)

Shrimati Sucheta Kripalani (Uttar Pradesh): Shri Thakur Das Bhargava and Bakshi Tek Chandji have in their lengthy speeches explained the merits and demerits of the Delhi Premises (Requisition and Eviction) Amendment Bill. I would not therefore say much about it. There are two difficulties to which they have specially drawn our attention.

[MR. DEPUTY-SPEAKER in the Chair]

Firstly, what would be the plight of the refugees settled in Delhi in case this Bill is passed? Secondly—and this is even more serious—we would be arming the administration, by means of this Bill, with powers which belong to a civil court. I shall express my views briefly on both these aspects.

When the refugees started coming here in 1947 the Government openly declared that their relief and rehabilitation was their responsibility. The refugees come to Delhi number about six lakhs. Out of these six lakhs of refugees hardly about 60,000 sought shelter in our camps. In regard to those refugees who came into our camps the Government undertook the responsibility for their maintenance and rehabilitation. Out of the other refugees there were just a few who could stand on their own legs. Some others who had friends and relatives who could keep them went to live with them. The majority of them, however, were in such a plight that they could not maintain themselves but they had too much of self-respect in them and did not want to go to Government camps and feed themselves at Government expense. So they made efforts and secured whatever shelter they could find. Those of them who could not get it resorted to unauthorised occupation. Unauthorised occupation is something unlawful which should not be encouraged. But, then, you must also consider why unlawful things are done. Let me tell you about the conditions which prevailed when the refugees arrived here, because I was throughout working among them. Government camps were full to capacity. Lots of people who wanted admission to them could not get it. There was an acute shortage of accommodation. A whole house was sometimes found to be occupied by a family which consisted of only two or three members. If we had wanted to avoid unauthorised occupation we should have resorted to house rationing so that every family would thereby have got one or two rooms and a large number of people would thus have found accommodation. But, the Government would not do so. We repeatedly drew the Government's attention to that fact in this House but it all went unheeded. Some evacuee property had been taken over by some people but the remainder was locked up. It passed into the hands of the Custodian and to this day houses have been released out of it for the refugees in ones and twos. What was the choice before the

refugees under those circumstances? Their choice was either to squat on roads with their wives and children, including young girls, or to resort to unauthorised occupation. Let me put it to this House that if we, who are privileged to sit in this House and make laws, if we had been in that predicament, if our daughters, wives and children had been on the road along with us, could we have been able to respect our laws? Would we not have gone and sought shelter somewhere? They occupied whatever vacant accommodation they happened to find. What was their motive? They did not want to commit an act of usurpation, they did not want to resort to unauthorised occupation. On the other hand all that they wanted was roofed shelter. When they failed to obtain it they were compelled, under the stress of circumstances, to force entry into whatever houses came their way. How did they build those houses? You would have known it had you seen them doing it. Two poles were fixed at first and roofed with matting. For months they lived on like that. Bakshiji has just read out a list of those places and I do not wish to repeat their names. There are not many here who may have seen them. Houses of that kind have been put up by nearly five thousand people. I had an occasion to visit those places last year during the rains. These are Motia Khan, Andha Moghul and many other localities which are for ever giving out a stinking smell, which are typical slum areas and which are so filthy that you cannot visit them. Such were the places they chose, places where nobody would live. They levelled the ground, cleared the sites and then erected their thatched huts. One who had some money built a *pukka* house. They disposed off their women's ornaments and built their houses, they sold their utensils and built their houses, because houses were more essential. Delhi being a big city one does find some sort of work. Accommodation was their main problem. We, who were regular relief workers, used to press upon the Government that they should be good enough to build houses so that half the problem of rehabilitation might be solved. For a whole year no houses were built. Again and again it was given out as a reason that there was no housing material available. Our Committee persisted in their efforts. Acharya Vinoba Bhave came over. He advised that *Kachcha* houses might be erected if there was no material available. *Kachcha* houses were accordingly built in Kingsway Camp. It was only thereafter that the work of build-

ing houses in Delhi on Government initiative was started. What was the fate of the refugees during that one year? They could not get any houses and if they could at all get then they were required to pay large sums as *pugree*. There was no accommodation in the camps. Under the circumstances they had either to lie down on the roads or to get hold of land and build their houses. They chose the latter alternative. Now we want, by means of this law, to remove them from those places as well. Since this is proposed to be done I wish to remind the hon. Minister that the rehabilitation of the refugees is a responsibility of the Government and yet these people have in this way rehabilitated themselves without Government help. They have built their own houses and secured gainful employments. Instead of encouraging these refugees, who have not turned to the Government for assistance but themselves provided for their own rehabilitation here, we are out to frame a legislation which would make them homeless and also deprive them of their livelihood. This would of course solve Shri Gadgil's problem for he gets back his land but it would, at the same time, add to the difficulties of Shri Ajit Prasad Jain. You are turning out those refugees who are already rehabilitated. In what manner does this Government work, I fail to understand. One Minister casts off his burden and it falls on the shoulders of another. If, instead of doing that, both the Ministers were to sit together and solve their respective problems in collaboration it would have added to the efficiency of the administration. Hence, I can in no case approve of this measure. This Bill should be referred for consideration to a Select Committee which should have on it representatives of the Government, of the refugees, of the Improvement Trust as also of the private owners, who would have an opportunity to sit together and arrive at decisions. By the method of compromise we should find out a practical solution and frame such a law that we may not have to render those people homeless and thereby add to the burdens of Shri Ajit Prasad but may, on the other hand, provide encouragement to those refugees who are inclined to rehabilitate themselves. If we do not give them that encouragement but uproot them from their present moorings we would be adding to our responsibilities. I am aware that in Delhi we have had 18,000 houses built and resettled thousands of families but if you were to work out the figures as to how many of them received Government aid you would know that at

[Shrimati Sucheta Kripalani]

the most ten or fifteen per cent. only might have received help from the Government. In view of this I think it would be a great mistake to uproot those people who have resettled by their own efforts. When this measure was brought up before us for the first time it was given out, that it was meant for securing the vacation of Government houses. That was understandable. But you are going beyond that and are now out to secure vacation of land. You are now out to evict them from the filthiest possible pieces of ground where they have created houses at their own cost. Whatever money they had they have spent on those houses and now you want to drive them out of them. In addition to that you also seek power to assess the resultant damages. Yes, you may do it certainly but then you know what the machinery of the Government is made of. Who is going to assess those damages? This is going to be done by your ordinary officers. When they will go to assess damages there many such things will happen alongside with that operation which I need not mention. I am positive that it would be accompanied by corruption. No damages would be assessed in the case of one who would grease their palm while anyone who would fail to do that would have his damages assessed and be evicted in due course. I am not in favour of this measure being brought up at this time and in its present form. I am therefore in favour of the suggestion made by Thakur Dasji and Bakhshiji. It was as a result of a peculiar situation having arisen that these refugees came over here. It was because of the country's partition that they had to come here. We undertook the responsibility for their rehabilitation. When their rehabilitation is our responsibility it is not proper on our part to uproot them by means of this petty measure.

Secondly I do not like that powers which belong to the civil court should be delegated to the administration. When we did not have Swarajya we used to say . . .

Babu Ramnarayan Singh (Bihar): There is no Swarajya yet.

Shrimati Sucheta Kripalani: Then we used to say that a Government which arms the administration with undue powers acts against democratic principles. We always opposed such a thing. No democracy could stand it. Today, on small pretences, we go on adding to the powers of the adminis-

tration. Now administration wants also to encroach upon the jurisdiction of the civil court. When we have the civil court, when we have the law and when things can be done with the help of the ordinary legal process, why should we invest the administration with extraordinary powers?

After all it is a Government Bill and we have no choice but to give it our support. I would, however, support it only to the extent that, as proposed by Thakur Dasji, it should be referred to a Select Committee where it should be recast so that it should neither do injustice to the refugees nor be unfair to the Government, for I do not want that the Government should carry on the administration with the help of extraordinary powers and thereby fall into disrepute. A good administration ought to work within its own proper sphere. To assume extraordinary powers on petty pretexts and thereby to encroach upon the field of activities of the judiciary is not proper. When the British Government used to assume extraordinary powers and to rule with their help we used to oppose it bitterly. Hence, on principle, I am against the grant of such powers to the administration without serious reasons.

Mr. Deputy-Speaker: Dr. S. P. Mookerjee.

Shri J. R. Kapoor: Sir, I had moved an amendment and I have already been called upon by your predecessor.

Shri D. D. Pant (Uttar Pradesh): I want to support the amendment, Sir.

Dr. S. P. Mookerjee (West Bengal): I think there will be few in this House or outside who will be prepared to congratulate the hon. Minister on having brought this measure before the House in its present form. I fully realise the difficulties with which Government are confronted. Normally speaking, if there is trespass, if people come and occupy other people's lands, and if there is no quick remedy to evict them, naturally it creates complications. At the same time, it will be foolish to regard the present situation as something of a normal nature. I do not want to repeat what has already been stated by previous speakers, specially Pandit Thakur Das Bhargava and Dr. Tek Chand, who referred to details which are not readily available to all of us. But I also visited this particular area during the last few days, as I was anxious to see how exactly these unauthorised houses have been built in

the areas covered by the present Bill. The number of families affected will be about 4,500, and that is the figure which is accepted by Government also.

Several Hon. Members: 4,500 people or houses?

Dr. S. P. Mookerjee: 4,500 houses. And the number of people affected will be about 20,000 or a little more. The amount already spent on erecting these houses, it is difficult to estimate correctly, but even if we assume that each house on an average had cost about Rs. 1,000, it would come to something nearly about Rs. 45 lakhs. These houses were not built overnight. There was no magical performance in the erection of these houses. They were built slowly and in many cases with the previous knowledge of Government. Dr. Tek Chand read out some extracts from letters which were issued by the Government of India in 1948 affecting the erection of these Houses. One such letter was handed over to me by some of the refugees, and I find that after going through the matter very carefully, the Government of India informed the Chief Commissioner, as also the refugees, that for three years, they should be allowed to occupy these houses, and no restrictions should be imposed in the completion of the construction of those houses. This refers specially to what is called "Patel Nagar" where there are about 250 houses already built. But I understand that similar assurances were held out with regard to other localities also. Now, it is rather strange that while such assurances were given by Government, may be by the Rehabilitation Ministry, but still by the Government of India, and while that assurance was communicated by the Deputy Commissioner of Delhi to the police officers asking them not to interfere with the refugees, to-day the hon. Minister of Works, Mines and Power, has come forward before the House asking for drastic—though simple, according to him, yet drastic enough—powers to demolish these structures, to evict these people, by the use of force.

Dr. Pattabhi: (Madras): Was the assurance only for three years please?

Dr. S. P. Mookerjee: The assurance was only for three years, for the present. But even that period of three years has not expired, that will expire in August 1951. It has not expired yet. But I do not wish to proceed on any legalistic principle. Let us look at the matter from the point of view of commonsense...

Mr. Deputy-Speaker: Do they not become authorised occupations?

Dr. S. P. Mookerjee: That is also a question, whether it is not occupation which is authorised or at least connived at by Government.

Dr. Pattabhi: Temporarily.

Dr. S. P. Mookerjee: Temporarily no doubt but at least during that temporary period it is expected that sanity will prevail amongst the Ministers of the Government of India and that they will not interfere with a position which was lawful.....

Shri Gadgil: I wish it prevails all round.

Dr. S. P. Mookerjee: At any rate, let it prevail where it does not prevail now.

So far as this letter is concerned I have not been able to find anything contradicting this order which was formally issued by the Government of India.

As I was saying let us look at the matter from a commonsense point of view. When these people came they had no shelter. They received no assistance from Government, not one pice had been paid to them. They have erected these houses by their own efforts and often with their own hand and have also rehabilitated themselves in the sense that almost all of them are doing some useful occupation and are not a burden on the overburdened Rehabilitation Ministry of the Government of India.

What exactly is the proposal of the hon. Minister? The Bill as drafted says that on ten days notice these people are liable to be ousted: they will have to vacate. If they do not vacate of their own accord then force will be employed. What sort of non-violent force is contemplated by the Government of India for ejecting about 30,000 people from these areas? I thought the police authorities are already overburdened with work and if they are expected to use force in turning out these 30,000 people from houses which they have occupied for three years, it will not be an easy matter.

Next, what happens to these people? There is no proposal that any compensation will be paid to them. On the other hand, they will be called upon to pay damages for having occupied in an unauthorised manner land which did not belong to them.

Shri Gadgil: That portion relates to occupation of Government houses or premises.

Dr. S. P. Mookerjee: I believe it will create some assurance in the minds of the refugees that they will not be called upon to pay damages: they will only be asked to clear themselves away from the houses which they have built.

Yesterday somebody asked the hon. Minister what happens to these houses and the hon. Minister very casually replied "Oh, they can take the houses with them." These houses were not made by Alladin so that they can be taken away from one place to another: nor, I believe, are they prefabricated houses that can be removed easily. The houses are fairly well built and I believe if the houses are to be bodily removed that would be a performance which even the hon. Minister's department will not be capable of doing.

Shri Gadgil: If you see some of them you will agree with me.

Dr. S. P. Mookerjee: I have seen many of them: more than what the hon. Minister has done.

Shri Gadgil: Question.

Dr. S. P. Mookerjee: I must say that they compare very favourably with those which have been built by the hon. Minister's Ministry. In fact these houses are expected to last longer and they are cheaper also.

Be that as it may, we must find a solution to this problem. The Bill as proposed by the Minister offers no solution. It is an entirely negative approach to the problem. He simply says that the men will be turned out and if they do not go they will be turned out by force. That is no solution. There is no suggestion that alternative accommodation will be found for him.

For whose benefit is this Bill being passed? The hon. Minister stated in his speech that he is greatly worried about the accommodation problem in New Delhi. Perfectly true. But by ousting about 20 or 25 thousand people from houses which they are occupying, by demolishing 5,000 houses, by wasting one crore of rupees, how is the hon. Minister proposing to solve the housing problem? He will not allow the land to remain vacant and houses will have to be built, which will mean more money spent either by the State or by private people and this one crore of rupees already spent by people, who practically had invested every thing that they had or even borrowed in many cases, all that will be thrown

into the waters of the Jumna. That obviously is no solution.

I quite sympathise with the hon. Minister when he said that the rate at which unauthorised occupation of land has been going on in Delhi is somewhat of a disturbing character. But let us ask ourselves what is the reason for this? The reason obviously is that these homeless and unfortunate people are trying to find some shelter for themselves which we have been unable to provide for them up till now. That is the reason. They are not doing it just for the fun of it: they have not run amuck. They are homeless, shelterless, they are tired of living on pavements and therefore they would like to have some shelter of their own. That is the reason why wherever land is found vacant people are going there and building some sort of shelter. I do not deny that there might have been cases of abuse. In some cases even speculators might have come into the field. I can speak from my own experience in Calcutta. A similar problem has arisen there in respect of refugees from East Bengal. The House will be surprised to know that nearly three lakhs of people today have established themselves in temporary houses, many of them of a poor character, mostly erected on land which does not belong to them. They did it and it is a sort of miracle how these large number of houses have been built. There also no attempt has been made by Government to take extraordinary powers in their hands and by force turn them out. In some cases the landlords have approached the courts of law and obtained some sort of redress from either civil or criminal courts. But even there the matter still remains unsolved. I would suggest that the Government of India should give a lead in the matter. They should go into the root of the question, namely that these refugees have to be provided with shelter. In a number of cases they do not want financial assistance from Government but if some provision for land near about places where they can find some useful occupation is made, then they can make their own arrangements and erect their own buildings.

The hon. Minister was yesterday greatly anxious about a few hundreds of people who had previously purchased land but who have not yet been able to gain possession on account of these houses having been built by refugees. I entirely agree with him that obviously something has to be done with regard to them also. Either their money is to be refunded if land is not made available to them or alternative land might very well be made available

to them, may be in the same or neighbouring area. But the Bill as drafted is really not intended to solve the problem in a constructive manner. That is my complaint against the sponsor of the Bill. Of course the Bill is going to the Select Committee but even the Select Committee as it is will not be able to do much, unless Government decides to revise its policy. I did not like the hon. Minister's remark yesterday that short of not maintaining the *status quo* Government is prepared to consider other proposals. I do not think that is a correct attitude for Government to take. It may be that all of them may not be kept in the localities concerned but many of them will have to be and it will be a great mistake on the part of Government if Government tries to apply force and thus evict these people. That will be no solution at all, and I dare say Government will be ultimately unable to carry out the threat which is covered in the text of the Bill. It will be clearly against public opinion and also it will be clearly against the declared policy of Government, because Government has announced over and over again that it will do everything possible to find housing accommodation for these people. The Prime Minister has made such declarations times without number.

Shri Gadgil: Government will do it.

4 P.M.

Dr. S. P. Mookerjee: Well, I didn't suggest that the hon. Mr. Gadgil would do it out of his personal funds.

Shri Gadgil: The implication is that what is being done by the refugees themselves, unless it is reasonable, will not stand, and that the thing will be done by Government.

Dr. S. P. Mookerjee: I am not quite prepared to follow the line of argument of the hon. Minister. If Government is prepared to pay one crore of rupees to these 4,500 families which they have spent for erecting their houses, and give alternative accommodation to them near about their places of occupation, well, that may be a constructive approach. But, I don't know whether the funds of Government today are so full that they are in a position to squander them away in the manner suggested by the hon. Minister. It might be cheaper in the long run to acquire these lands and so to adjust things that these people might be allowed to live there on suitable terms and conditions.

One point was stressed by the hon. Minister yesterday which was of some importance, that there have been cases where lands or buildings have been taken over by refugees and then sold away at higher price for the purpose of making profits. There might have been a few such cases, but I don't think the number of such cases have been very large because these unfortunate people are not anxious to profiteer—they are anxious to find a shelter to live in so that they can earn their living decently. But even if Government feels that there is a tendency on the part of some to abuse this privilege which is being extended by Government, then I would suggest that the Law Ministry might be consulted and some special clause might be inserted which would disable such refugees from selling away these properties to third parties without the previous concurrence of Government, at least for a limited number of years.

Now, these are questions of detail which need not be discussed at this stage. What I would say in conclusion is that the policy behind this Bill is retrograde in character. It is not a sound policy. It does not help Government. Government has enough troubles to face already, as if it is not satisfied with all these troubles, it wants to add to them and thereby create a new problem, as my hon friend Mr. Singh said yesterday, by pushing forward a Bill of this character. We need not make this a matter of controversy because it is common ground both with Government, with all the Members of the House, and with the public outside that all reasonable facilities must be provided to these unfortunate people so that they can get some shelter to live in and make a new start in life. The question is how can that be done without treading on other people's legal rights, and where others are violated, how to readjust them in a manner so that total justice can be achieved. If the matter is approached from this point of view, I am sure, we will be able to get a satisfactory solution.

Mr. Deputy-Speaker: Shri Jaspal Roy Kapoor.

I might tell the hon. Member that last time when I called upon Dr. Syama Prasad Mookerjee, the hon. Member stood up and spoke as if it was a right on his part to be called. Any hon. Member might have taken that devise if it would only entitle him to preference over other Members. I hope such claims will not be laid on the floor of the House. It is:

[Mr. Deputy Speaker]

open to the Speaker to so arrange the debate that the best comes out of all the Members here.

Shri Gadgil: That is the refugee way of taking possession of the House.

श्री जे० झार० कपूर : माननीय उपाध्यक्ष महोदय, मुझे अत्यन्त खेद इस बात का है कि जो संशोधन मैंने उपस्थित किया था उस से आपने यह नतीजा निकाला कि मेरा उस को उपस्थित करने का एक मात्र उद्देश्य यह था कि मुझे यहाँ पर बोलने का आसानी से अवसर मिल जाये। मैं आपको बिश्वास दिलाना चाहता हूँ कि उस संशोधन को पेश करने के पहले कई मेम्बरोँ से मैंने स बात की चर्चा की थी।

[**Shri J. R. Kapoor:** Sir, I am sorry to state that you have drawn this inference from the amendment which I moved that my only intention in moving that was to get an opportunity to speak. Believe me, Sir, before moving that amendment I had consulted many Members in that connection.]

Shri Ramalingam Chettiar (Madras): Sir, is it that hereafter there is no place here for those who do not understand Hindi? All the time the hon. Member was speaking in English and today suddenly he has changed to Hindi. Another hon. Member on this side also has done that. Does it mean that they want to drive away all of us who do not understand Hindi? If that is their intention, they may at least make an open declaration—we will all clear out.

Mr. Deputy-Speaker: Again and again, such objection has been raised on the floor of the House. It is open to any hon. Member to speak in Hindi or in English. Hindi also is an official language. If the hon. Member who was speaking does not want the vote of the hon. Member who has just raised an objection, let him speak in Hindi or any other language which he is not able to understand. But I cannot advise any hon. Member not to speak in Hindi.

Shri Ramalingam Chettiar: The Constitution provides that for a certain number of years things may go on as before. If Members take things

into their own hands and want to drive people away even within that period, it only means that they are not playing fair with us.

Shri Tyagi: (Uttar Pradesh): It was also expected that Members will learn Hindi.....

Shri Ramalingam Chettiar: Yes, within the time you have allowed.

Shri Tyagi: and if my hon. friend has failed to pick up Hindi, it is partly his own fault.

Mr. Deputy-Speaker: I have heard enough on this. It is open to any hon. Member to speak in Hindi and if he is not conversant with Hindi or English, in any other language which he knows. Therefore, such objections need not be raised. If the hon. Member does not want the vote of another hon. Member he may speak in any language. But if he wants the vote of the hon. Member Mr. Chettiar then he may speak in a language which he knows. The option is entirely his.

Shri J. R. Kapoor: Mr. Deputy-Speaker,.....

Shri Tyagi: He wants the vote.

Shri J. R. Kapoor: My hon. friends need not clap me unless they have heard me for a couple of minutes. I may assure those hon. friends in this House who are not well conversant with Hindi that it is none of our intention to keep them in the dark about what we propose to say here, but then, as my hon. friend Mr. Chettiar has himself admitted that almost invariably or at least very often I have been addressing this House in English, he should entertain no apprehension, so far as I am concerned, that it is any of my intention to ignore the feelings of any hon. Member here. But then we must also remember that gradually during this period of fifteen years we have to get ourselves accustomed to the use of Hindi, and if occasionally, on very few occasions, some of us speak.....

Mr. Deputy-Speaker: I have given my ruling. Is it necessary to go into the virtues of Hindi now? The hon. Member may address himself to the subject before us.

Shri J. R. Kapoor: That is my only excuse for taking the liberty of speaking in Hindi. I hope my hon. friends who are not well-conversant with Hindi will forgive me on this occasion.

उपाध्यक्ष महोदय, मैं निवेदन कर रहा था कि मैं ने जो संशोधन उपस्थित किया था यह इस कारण नहीं किया था कि मुझे बोलने का अवसर पहले मिल जाये। बल्कि इस कारण किया था कि मैं ने इस सम्बन्ध में अपने मित्रों से सलाह की थी। पंडित ठाकुरदास भार्गव, बल्शी टेक चन्द जी, लाला अचिन्त राय जी और इस के अलावा मैं समझता हूँ कि आप को यह जान कर सन्तोष होगा और अपनी धारणा कुछ बदल लेंगे, कि मैंने माननीय मन्त्री गाडगिल महोदय से भी परामर्श किया था और सब मित्रों की यह राय हो गई कि माननीय श्री अजित प्रसाद को भी इस सिलेक्ट कमेटी (Select Committee) में अपना सहयोग दे कर हम लोगों की सहायता करनी चाहिये। इस के अलावा यदि मैं इस समय खड़ा हुआ था तो केवल इस कारण से कि आप के पूर्व स्पीकर (Speaker) महोदय ने, जब मैंने यह संशोधन उपस्थित किया था उस वक्त, मुझे यह निश्चित रूप से कह दिया था कि माननीया बहन सुचेता कृपलानी जी के बोल चुकने के बाद मुझे अवसर मिलेगा। मुझे इस बात का कोई बहुत खेद नहीं है कि मेरे बोलने के पहले डाक्टर श्यामा प्रसाद मुखर्जी को अवसर मिला। यह तो अच्छा ही है कि आप जैसे विद्वान् अगर मुझ से पहले बोलें, उन को इस का पूरा हक है।

इस के उपरान्त, अध्यक्ष महोदय, मैं निवेदन करना चाहता हूँ कि जो संशोधन मेरे माननीय मित्र ठाकुर दास जी भार्गव ने उपस्थित किया है और जिस संशोधन को बल्शी टेक चन्द जी ने पेश किया है उस नवीन रूप में जो संशोधन आ जाता है उस का मैं हर्ष से समर्थन करता हूँ। कारण यह है कि यह बिल इतना सरल और सुगम

नहीं है जितना कि माननीय मन्त्री महोदय चाहते हैं कि हम मान लें। यह बिल उपाध्यक्ष महोदय, इतना सरल नहीं है न इतना सुगम है, बल्कि बहुत सी कठिन परिस्थितियों को उपस्थित करता, बहुत से पेचीदा प्रश्नों को उपस्थित करता है। इस का प्रभाव हमारे तीस-चालीस हजार या इस से अधिक शरणार्थियों पर पड़ता है। इस का प्रभाव यह पड़ता है कि जितने लोग आज बस गये हैं वह सब बेघरबार हो जायेंगे। उन के ऊपर इस प्रकार का असर पड़ता है। एक बिल जिस का इतना असर पड़ता है और इतने आदमियों पर पड़ता है, एक बिल जिस के द्वारा सरकार विशेष अधिकार लेना चाहती है इतने बड़ी तादाद में शरणार्थियों को फिर से उन मकानों में से निकालने के लिये जो मकान उन्होंने अपनी शक्ति से, अपने धन से अपने हाथ पैर से बनाये हैं, इस प्रकार का बिल बिना खूब सोच विचार किये हुए, बिना सिलेक्ट कमेटी में गये हुए कभी भी मन्जूर नहीं होना चाहिये। इस कारण मैं पंडित ठाकुर दास जी भार्गव के संशोधन का समर्थन करता हूँ और मुझे इस बात का हर्ष हो रहा है कि हमारे माननीय मन्त्री गाडगिल महोदय ने इस बात को स्वीकार कर लिया है कि यह बिल सिलेक्ट कमेटी में जाये। लेकिन मुझे अभी तक यह नहीं भालूम कि हमारे माननीय मित्र बल्शी टेक चन्द ने जो इस संशोधन पर संशोधन उपस्थित किया है उस को मानने के लिये तैयार हैं या नहीं। मैं आशा और विश्वास करता हूँ कि वह इस का मान लेंगे। कारण यह है कि हमें इस पर पूर्ण रूप से विचार करना है और पूर्ण रूप से विचार करने के लिये इस छोटे समय में काम नहीं चल सकता। इस पर अच्छी तरह विचार करने के लिये भिन्न भिन्न पहलुओं से इस पर विचार करना होगा।

[श्री ज० आर० कपूर]

बहुत सी बातों पर गौर करना है। सरकार का भी हित देखना है, उन लोगों का भी हित देखना है जिन की ज़मीनों पर शरणाथियों ने कब्जा कर लिया है और शरणाथियों का भी हित देखना है। इन सब हितों को देखते हुए हमें इस में गहराई से जानना है और इस के लिये काफ़ी समय चाहिये और काफ़ी लोगों से परामर्श करने की आवश्यकता होगी। उन लोगों से भी जिन लोगों की ज़मीनें शरणाथियों ने दबाई हुई हैं, और शरणाथियों से भी परामर्श करना आवश्यक होगा कि वह क्या हल बताना चाहते हैं जिस में साथ के साथ न्याय हो सके।

उपाध्यक्ष महोदय, यह दिल्ली प्रेमिसेज रिक्विजिशन ऐंड एविकशन ऐक्ट, १९४७ [Delhi Premises (Requisition and Eviction) Act, 1947] जो बना है उस के सम्बन्ध में संशोधन प्रत्येक वर्ष हमारे सामने आ जाते हैं। सालाना काम यह हमारे सामने हो जाता है। गत वर्ष भी हमारे सामने एक बिल उपस्थित किया गया था उस का संशोधन करने के लिये जिस को हम लोगों ने स्वीकार किया था। उस बिल के अनुसार, जो बाद में ऐक्ट हो गया उस के अनुसार सरकार को विशेषाधिकार हम लोगों ने दे दिया था, वह यह था कि उन मकानों से जिनको शरणाथियों ने बिना सरकार की अनुमति के घेर लिया था उस में से निकाल दिया जायेगा और किराया भी उन से वसूल किया जायेगा, इत्यादि इत्यादि। यह विशेष अधिकार हम ने गत वर्ष सरकार को दे दिये थे। मालूम ऐसा पड़ता है कि इस से सरकार को और ज्यादा हिम्मत मिली और एक बार उन को हम ने विशेषाधिकार दे दिया तो इस बार फिर वह हमारे सामने आई है कि हम और नये विशेष अधिकार उन को दे दें। विशेष

अधिकार की चाट एक बुरी चाट होती है और ऐसा मालूम पड़ता है कि इस बुरी चाट का मज्जा सरकार को लग गया है वह इस तरह की ज्यादा से ज्यादा चाट खाना चाहती है। मैं समझता हूँ, उपाध्यक्ष महोदय, कि सरकार को इस लालच में विशेष नहीं पड़ना चाहिये और इस की चाट उन को विशेष नहीं होनी चाहिये। हमारे देश में जो न्याय की पद्धति है, हमारे देश में जो अदालतें और न्यायालय हैं उन के द्वारा काम न ले कर और नये नये अधिकार लेने की चेष्टा करना न हमारी सरकार के लिये उचित प्रतीत होता है और न जो मान हमें अपने न्यायालयों को देना चाहिये वह ही हम उन को दे पाते हैं। वह मान हम को उन को अवश्य देना चाहिये। यदि इस प्रकार से सरकार नये अधिकार लेना चाहती है और न्यायालयों को एक तरफ रखना चाहती है तो यह हमें सर्वथा अनुचित प्रतीत होता है। लेकिन फिर भी मैं यह बात मानने को तैयार हूँ कि कभी कभी परिस्थिति ऐसी हो सकती है कि जिस समय सरकार को विशेष अधिकार मिल जाये और जो साधारण कानून देश के हैं उन को हटा कर या उस को दबा कर नये तरीके के विशेषाधिकार सरकार को मिल जायें करें। सम्भव है, उपाध्यक्ष महोदय, वर्तमान परिस्थिति ऐसी हो कि जिस में सरकार को विशेष अधिकार मिलने चाहिये। माने लेता हूँ कि ऐसी परिस्थिति देश में उत्पन्न हो गई है, लेकिन इस बात का मुझे खेद है कि ऐसी विशेष परिस्थिति उत्पन्न होने पर जो विशेष अधिकार सरकार लेना चाहती है वह केवल अपने लिये लेना चाहती है, और इस बिल को उस ने एकतरफ़ा रूप में हमारे सामने उपस्थित किया है। मैं ज्यादा खुश होता यदि बजाय इस के कि यह बिल एकतरफ़ा रूप में उपस्थित होता इस में ऐसी धारारें भी

होती जिस के अनुसार शरणाथियों को जो विपन्न हैं उन को दूर करने का भी कोई प्रयत्न किया जाता। यह नहीं है, और इस बात का मुझे खेद है। प्रश्न, इस समय जो वर्तमान स्थिति है जिस की ओर हमारा ध्यान यह बिल दिला रहा है, केवल यह नहीं है कि कुछ सरकार की जमीनें और कुछ सरकार के मकानों को शरणाथियों ने घेर लिया है। यह तो इसका एक रूप है। लेकिन दूसरा मसला जो इस के भीतर छिपा हुआ है वह यह है कि ऐसी स्थिति को हम कैसे सम्भालें। यदि इस बिल में इस प्रकार की कार्रवाई भी होती जिन के द्वारा यह प्रयत्न किया गया होता कि इस स्थिति को पूर्ण रूप से हम तय करें, तो बहुत अच्छा होता लेकिन फिर भी बावजूद इस बात के कि इस बिल में इतनी त्रुटियाँ हैं, मैं इस का स्वागत करता हूँ।

मैं अपने माननीय मित्र डाक्टर श्याम प्रसाद मुखर्जी और पण्डित ठाकुर दास भागीव से भी इस बात में सहमत नहीं हूँ कि यह बिल न आता तो अच्छा होता। और वह क्यों? वह इसलिए कि यदि यह बिल हमारे सामने नहीं आता तो वर्तमान स्थिति की ओर हमारा ध्यान आकर्षित ही नहीं होता। यह बिल एकतर्फी भले ही है लेकिन इस बिल के उपस्थित होने पर हमारा ध्यान इस परिस्थिति पर अवश्य गया और अब हम इस बात के प्रयत्न और चेष्टा में लग जायेंगे कि इस स्थिति को हम कैसे सुलझायें। यदि यह बिल न आता तो क्या होता? तो यह होता कि मौजूदा कानून बना रहता। मौजूदा कानून क्या है? जैसा कि माननीय मन्त्री महोदय ने बताया मौजूदा कानून तो यह है कि जिन लोगों ने बिना आज्ञा के मकान और जमीनों पर कब्जा कर लिया है वह देश 'की अदालतों के द्वारा निकाल दिये जाते', उन से पुराना

किराया भी अवश्य ही वसूल किया जाता और इस में भी कोई सन्देह नहीं है कि जिन जमीनों पर लोगों ने कब्जा कर लिया है बिना अधिकार के, उन का मुआवजा भी उन्हें देना पड़ता। यह दूसरी बात है कि इस सब कार्रवाई में काफी समय लगता। लेकिन समय लगने के बाद अन्त में यह तो निश्चय ही है कि उन सब शरणार्थी भाइयों को उन जगहों को छोड़ना पड़ता और काफी बड़ा मुआवजा देना पड़ता। यही तो मौजूदा कानून है। अगर यही मौजूदा कानून चलता रहता तो इस से हमारे शरणार्थी भाइयों को कोई विशेष सहायता नहीं मिलती। लेकिन अब जब यह बिल हमारे सामने आ गया है तो हमें अवसर है और अधिकार प्राप्त है कि इस बिल को हम चाहे जिस रूप में परिवर्तित कर दें और हम चाहते हैं इस बिल को ऐसे रूप में परिवर्तित कर देना कि जिस से सभी लोगों के साथ न्याय हो। जब यह बिल सिलेक्ट कमेटी में जायेगा और उचित रूप से इस का परिवर्तन हो जायेगा तो मुझे विश्वास है कि इसका नतीजा यह होगा कि मौजूदा कानून जो हमारे शरणार्थी भाइयों के खिलाफ अवश्य ही पड़ता जैसा कि मैंने अभी निवेदन किया, वह अब उन के खिलाफ नहीं पड़ेगा। उन के साथ भी न्याय हो जायेगा, सरकार के साथ भी और उन के साथ भी जिन की जमीनों पर उन्होंने कब्जा कर लिया है।

इस में कोई सन्देह नहीं उपपन्न महोदय कि जिन शरणार्थियों ने बिना सरकार की अनुमति के मकानों पर और जमीनों पर कब्जा कर लिया है उन्होंने वर्तमान कानून के अनुसार अनुचित कार्रवाई की है। इस में तो कोई दो राय हो नहीं सकती। लेकिन प्रश्न तो यह उपस्थित होता है कि क्या मौजूदा परिस्थिति में, देश के विभाजन के बाद जो परिस्थिति उत्पन्न हुई और

[श्री जे० आर० कपूर]

शरणार्थियों को जबरदस्ती पाकिस्तान से यहाँ आना पड़ा, यहाँ आने के बाद उन्हें रहने को कोई स्थान नहीं मिला, न दिल्ली के रहने वाले नागरिकों ने उन को उतना स्थान दिया जितनी कि उन की आवश्यकता थी और न सरकार ही उन को कोई उपयुक्त स्थान दे सकी। चाहे जिस कारण से भले ही यह काम न हुआ हो, ऐसी जो नई परिस्थिति उत्पन्न हुई उस में क्या जो हमारे पुराने क़ानून बने हुए हैं उन्हीं के अनुसार हमें कार्रवाही करनी चाहिये ? मेरे मित्र माननीय मन्त्री महोदय तो इस बात को सहज में ही स्वीकार कर लेंगे कि यह स्थिति उन को क़बूल नहीं है, क्यों कि अगर यह स्थिति उन्हें क़बूल हो कि मौजूदा क़ानून के अनुसार ही कार्रवाही होनी चाहिये तब तो अच्छी बात है, वह अपने मौजूदा क़ानून को लिये हुए बैठे रहें और उस के अनुसार कार्रवाही करें, लेकिन यह जो बिल हमारे सामने वह लाये हैं वह तो इस स्थिति को स्वीकार कर के लाये हैं कि विशेष परिस्थिति में जो मौजूदा क़ानून होते हैं वह उचित नहीं होते और उन को बदलने की आवश्यकता होती है। तो इस सिद्धान्त को तो वह स्वयं ही मान लेते हैं, जब इस बिल को हमारे सामने उपस्थित करते हैं। सिर्फ़ इस सिद्धान्त को हमें और आगे बढ़ाना है और यह देखना है कि जब हम पुराने क़ानून को रद्द करने या ढबाने जा रहे हैं तो हम जो नया क़ानून बनाते हैं उस का क्या रूप होना चाहिये। क़ानून स्वयं तो कोई अच्छी या बुरी चीज़ नहीं है। क़ानून का तो मंशा यह होता है कि जनता का हित उस के द्वारा हो। क़ानून जनता के हित के लिये बनाया जाता है न कि जनता का हित क़ानून की बेदी पर बलि किया जाता

है। इस लिये किसी विषय अवसर पर जब हमें यह देखना हो कि यह क़ानून उचित है या नहीं तो हमें उस को इसी कसौटी पर कस कर देखना चाहिये कि इस से जनता का हित होता है या नहीं। किसी व्यक्ति विशेष के अधिकार जरूर होते हैं। मेरे मित्र माननीय मन्त्री महोदय ने हम लोगों का ध्यान हमारे विधान की ओर दिलाया है और कहा है कि विधान में हम ने यह स्पष्ट रूप से लिख दिया है कि व्यक्ति विशेष की सम्पत्ति की रक्षा की जायेगी। निश्चय ही इस ओर ध्यान दिलाने की कोई विशेष आवश्यकता नहीं थी। इस से कौन इन्कार कर रहा है कि हमारे विधान में यह है कि व्यक्ति विशेष की सम्पत्ति की रक्षा की जाये। लेकिन जब आप ने उस विधान को पढ़ा तो इस धारा की ओर तो आप का ध्यान गया लेकिन दूसरी धारा की ओर आपका ध्यान नहीं गया और दूसरे क़ानून की ओर आप का ध्यान नहीं गया जिसमें कि सरकार को यह भी अधिकार है कि आवश्यकता पड़ने पर व्यक्ति विशेष की सम्पत्ति की रक्षा का ध्यान उतना नहीं किया जायेगा जितना कि जनता का या जनता के किसी एक विशेष समूह का। और यह सिद्धान्त भी कोई एक नया सिद्धान्त नहीं है जिसे हमने प्रथम बार अपने विधान में माना हो। उस के पहले से भी हमारे यहाँ क़ानून मौजूद हैं जिन के अनुसार समय समय पर आवश्यकता पड़ने पर जनता या जनता के किसी विशेष समूह के लिये सरकार उस जायदाद को क़ब्जे में कर सकती है और व्यक्ति विशेष को जिन की कि वह जायदाद हो उचित मुआबज़ा दे सकती है। कहने का तात्पर्य यह है कि इन दोनों बातों में कोई झगड़ा नहीं है। दोनों ही बातें ठीक हैं। व्यक्ति विशेष की सम्पत्ति की भी रक्षा अवश्य हो, लेकिन जहाँ जनता

का हित हो वहा जनता के हित को प्रभुत्व मिलना चाहिये । यही परिस्थिति, उपाध्यक्ष महोदय, इस समय हमारे सामने है । इस समय हमें क्या करना चाहिये ? तो करना तो यह चाहिये कि हमें इस पर गम्भीरता से विचार करना चाहिये और देखना चाहिये कि क्या रूप हम इस बिल को दें जिस से सभी के हितों की रक्षा हो ।

इस बिल में, उपाध्यक्ष महोदय, विशेष कर के चार बातें दी गई हैं । लेकिन एक बात को मैं नहीं जानता किस कारण से माननीय मन्त्री महोदय गाडगिल साहब भूल गये । वह तो अपनी किसी एक बात की ही धुन में रहते हैं । इस समय भी वह किसी अपनी ही बात की धुन में लगे हुए हैं और नहीं जानना चाहते कि इस सम्बन्ध में और लोगों की क्या राय है । मेरे मित्र डाक्टर श्यामा प्रसाद मुखर्जी ने जिस समय यह कहा था कि इस बिल में तो यह बात भी लिखी हुई है कि जिन लोगों ने उस जमीन पर कब्जा कर लिया है जो जमीन सरकार की या इम्प्रूवमेंट ट्रस्ट (Improvement Trust) की है, उस जमीन पर कब्जा करने के कारण उन्हें डेमेजेज (damages) देने पड़ेंगे तो माननीय मन्त्री महोदय ने फौरन उठ कर कहा कि ऐसी बात तो नहीं है । मालूम पड़ता है कि उन्होंने इस बिल का स्वयं भी अच्छी तरह से अध्ययन नहीं किया है और उन के सचिवों ने जो बात उन के सामने उपस्थित कर बी उसी को उन्होंने तोते की तरह रट कर हमारे सामने रख दिया है । मुझे इस में कोई आश्चर्य नहीं मालूम हुआ कि माननीय मन्त्री महोदय ने डाक्टर श्यामा प्रसाद मुखर्जी की इस बात का खण्डन किया, क्योंकि उनके दिल में अवश्य ही दूसरी बात है, बिल (Bill) में भले ही कुछ बात हो जिस

का उन्हें ज्ञान न हो; उन के दिल में अवश्य ही यह बात होगी कि जिन लोगों ने जमीनों पर कब्जा कर लिया है उन से डेमेजेज (damages) के रूप में कुछ न वसूल किया जाये ।

श्री श्यामा : दिल में कुछ और है और बिल में कुछ और ।

श्री जे० आर० कपूर : दिल में कुछ और है, बिल में कुछ और है और ज्ञान उन्हें किसी तीसरी चीज का है । यह तो अच्छी बात है कि बिल में वह चीजें रखी गई हैं जो उन के दिल में नहीं हैं, जिन का उन्हें ज्ञान भी नहीं है और जिन को वह चाहते भी नहीं हैं । इस से तो सिलेक्ट कमेटी में हम लोगों का काम बहुत आसान हो जायेगा । क्योंकि जिस चीज को हम लाना चाहते हैं उस को वह भी चाहते हैं । फिर तो सिलेक्ट कमेटी में यह हमारे बायें हाथ का खेल होगा कि जिस तरह का रूप हम इस को देना चाहते हैं वह देंगे ।

Shri Sondhi: Don't be too optimistic.

श्री जे० आर० कपूर : बिल की धारा (३) में यह दिया हुआ है कि गवर्नमेंट प्रेमिसेज (Government Premises) की व्याख्या इस के बाद यह होगी कि केवल मकान ही इस में नहीं होंगे बल्कि भूमि भी इसमें आ जायेगी और जिस प्रकार से नाजायज तरीके से मकान पर कब्जा करने वालोंको डेमेजेज (damages) देने पड़ेंगे उसी तरीके से जमीन पर कब्जा करने वालोंको देने पड़ेंगे चूकि गवर्नमेंट प्रेमिसेज की व्याख्या के अन्तर्गत भूमि भी आयेगी, और उस के डेमेजेज (damages) असेस (assess) किये जा सकते हैं ।

यह इस में स्पष्ट रीति से दिया गया है । लेकिन इसके ऊपर अब मैं कुछ और नहीं कहूंगा क्योंकि मन्त्री महोदय का यह मंशा ही नहीं है कि यह बात इस में हो ।

[श्री जे० आर० कपूर]

उपाध्यक्ष महोदय, बकाया किराये जो अभी तक वसूल नहीं हुए हैं वह किस जबरदस्ती के तरीके से वसूल किये जायेंगे, यदि यह बिल इसी रूप में स्वीकार कर लिया जाये, यह मेरे माननीय मित्रों ने, जो मेरे पूर्व बोल चुके हैं, विस्तार से इस संसद् के सम्मुख उद्दिष्ट कर दिये हैं। वह सब बातें उन्होंने बतला दी हैं और इस लिये मैं उन को दुहराना नहीं चाहता। लेकिन मैं यह अवश्य उस सम्बन्ध में कहना चाहता हूँ कि उस में काफी सहूलियतें उन्हें देनी चाहिये और किराया न केवल उतना ही रखना चाहिये जितना कि उचित है, जितना कि किसी अन्य परिस्थिति में, साधारण परिस्थिति में, उचित होता, बल्कि क्योंकि विशेष परिस्थिति उत्पन्न हो गयी थी, इसलिये उस से भी कम किराया होना चाहिये। खेद तो इस बात का है कि बावजूद इस के कि सरकार की नीयत यह थी, और सचमुच ही यह थी, कि शरणार्थियों को ज्यादा से ज्यादा सहूलियतें किराये के बारे में दी जायें, न मालूम किन कारणों से, हो सकता है कि वह कारण उन्हें मालूम हैं और हमें नहीं मालूम, न मालूम किन कारणों से उन जायदादों का किराया इतना ज्यादा रखा गया है कि जितना साधारण परिस्थिति में भी नहीं रखा जाना चाहिये।

यह बात तो अलग रही कि उस का किराया कम रखना चाहिये था, ऐसी असाधारण परिस्थिति में भी जैसा कि मेरे माननीय मित्र बल्लू जी ने आप का ध्यान इस ओर दिलाया, कि लाजपतराय मारकेट में कितना बड़ा चढ़ा किराया रख दिया है। मैं आशा करता हूँ कि इस ओर भी माननीय मन्त्री जी का ध्यान जायेगा जब कि वह सिलेक्ट कमेटी में होंगे और वह इस बात

को मान लेंगे कि ऐसे नियम बनाने की विधि इस बिल में रखी जाये कि जो अब तक बहुत ऊंचा किराया उन से लिया जाता है वह आयन्दा न लिया जा सके और जो बकाया रह गया है वह भी उस हिसाब से न लिया जाये जिस हिसाब से अब तक लिया है।

इस सम्बन्ध में मैं एक बात और यह कहना चाहता हूँ कि बिल के स्टेटमेंट आफ आब्जेक्ट्स एंड रीजन्स (Statement of Objects and Reasons) में मन्त्री महोदय ने यह बात लिखी है कि ये सलत धारणें वह इस लिये इस में रख रहे हैं कि यदि उन के पास इस प्रकार से किराया वसूल करने की सहूलियतें न हों तो उन के पास एकनात्र उपाय यह रह जाता है कि उन को उस जबरदस्ती के तरीके से निकाल दिया जाये जिस तरीके का अस्तियार उन्हें पार साल इस संसद् ने दिया था। नतीजा इस से यह निकलता है कि उन का मतलब यह है कि वह लोग जो उस जायदाद में बसे हुए हैं बजाय इस के कि उन्हें जबरदस्ती निकाला जाये, उन से किराया वसूल कर लिया जाये। क्या मैं आशा और विश्वास करूँ कि मेरा यह नतीजा उन के इन शब्दों से निकालना ठीक है? क्योंकि इस से और कोई नतीजा तो निकल ही नहीं सकता। मैं समझता हूँ कि ये मीठे शब्द स्टेटमेंट आफ आब्जेक्ट्स एंड रीजन्स में हमें इस भलावे में नहीं डालने के लिये रखे गये हैं कि हम इस बिल को पास कर दें और दरअसल उन की नीयत दूसरी ही तरफ है, किराया जबरदस्ती से वसूल करने की ओर उस के बाद उन्हें उन मकानों से निकाल देने की। मैं समझता हूँ कि मेरा यह भय निराधार है और मैं खुश होऊंगा यदि मुझे इस बात का विश्वास दिला दिया जाये कि मेरा यह भय

निराधार है और जो लोग उन जायदादों में रह रहे हैं उन के साथ यही सलूक किया जायेगा कि उन से किराया वसूल करने का प्रयत्न किया जायेगा, न कि उन्हें जबरदस्ती निकाल देने का ।

[SHRI HIMATSINGKA in the Chair]

इस के उपरान्त, सभापति महोदय, मुझे यह निवेदन करना है कि इस बिल में यह अधिकार भांगा गया है कि न केवल किराया ही वसूल किया जायेगा, पुराना और नया, बल्कि उन लोगों से डैमेज (damages) भी वसूल किये जायेंगे, हरजाना भी वसूल किया जायेगा । यह तो बड़ी ही अनुचित बात मालूम पड़ती है । यह हरजाना क्यों वसूल किया जाये ? हरजाने की रकम तो उतनी ही होनी चाहिये जितनी कि किराये की होती है । केवल इस बात के कारण कि उन्होंने बिना आज्ञा के किसी जायदाद पर कब्जा कर लिया है उन से हरजाना वसूल करने की रकम किराये से ज्यादा हो, यह सर्वथा अनुचित मालूम पड़ती है । क्यों उन लोगों ने उन जायदादों पर कब्जा कर लिया ? क्यों उन्हें अबसर मिला ? केवल इस कारण कि वह जायदादें खाली पड़ी हुई थीं । जिस समय वह लोग यहां आये वह जायदादें खाली पड़ी हुई थीं । तो क्या यह ज्यादा उचित होता, क्या सरकार यह चाहती है कि यह जायदादें खाली पड़ी रहतीं या यह ज्यादा अच्छा हुआ कि जब शरणार्थी वहां से यहां आये और जब उन्हें कोई जगह आसमान से अपने ऊपर को ढकने की नहीं मिली तो वे उस जगह बैठ गये ? मैं तो समझता हूँ कि सरकार को इस बात के लिये उन शरणार्थियों को धन्यवाद देना चाहिये, उन का कृतज्ञ होना चाहिये कि जब वह उन्हें कोई स्थान नहीं दे सकी तो उन्होंने खुद अपने परिश्रम से, अपने प्रयत्न से, अपने लिये जगह ढूँढ निकाली और वहां

खाली जगह में वह रह गये । यदि कहीं वह ऐसा करते कि जबरदस्ती लोगों के घरों में जाते तो अवश्य अनुचित होता । लेकिन वह तो उन जगहों में गये जो उन्हें खाली मिली । इस में कोई सन्देह नहीं कि कुछ दिनों बाद सरकार को जब उन जगहों की आवश्यकता हुई तो उन के सामने अड़चन आई । लेकिन यदि यह अड़चन उन के सामने आई तो उस से उन्हें बहुत नाराज नहीं होना चाहिये और इस बात का उन्हें सन्तोष होना चाहिये कि इतने ८० हजार आदमी यहां आकर कम से कम अपने परिश्रम से, अपने प्रयत्न से, इतने दिनों तक बस गये और हमें इस बात का कष्ट नहीं बिया कि उन के रहने के लिये सुविधा हम निकालें । सभापति महोदय, जो विशेष बात इस बिल में रखी गयी है वह यह है कि जो भूमि पड़ी हुई थी उस के ऊपर शरणार्थियों ने जो जबरदस्ती कब्जा किया है उस से वह निकाल दिये जायें और उस के लिये वह डैमेज भी दें । डैमेज की बात की चर्चा मैं ने अभी की थी और मैं समझता हूँ कि वह निकाल जायेगी ।

बंधित बालकृष्ण शर्मा : सभापति महोदय, यदि आप आज्ञा दें तो मैं एक विषय में अपने मित्र से निवेदन करूँ । वह निवेदन मेरा यह है कि जिस प्रकार से यहां पर डैमेज शब्द का प्रयोग किया गया है वह केवल इस कारण से कि जिन जिन भूमियों को या गृहों को वैधानिक रूप से किसी को नहीं दिया गया है उस का जो किराया है उस को किराया तो नहीं कह सकते, रेंट (Rent) नहीं कह सकते, और इस कारण डैमेज शब्द का प्रयोग किया गया है । लेकिन इस का मतलब यह नहीं है कि अनाप शानाप धन राशि उन से डैमेज के रूप में वसूल की जायेगी ।

श्री त्यागी : इस बात को यह भी जानते हैं, मगर जान बूझ कर कह रहे हैं ।

श्री जे० आर० कयूर : सभापति महोदय, जो कुछ भी मैं कह रहा हूँ, वह सचमुच मैं जानबूझ कर कह रहा हूँ और उसके साथ ही सही और सत्य समझ कर । मैं उस भुलावे में नहीं पड़ना चाहता जिस भुलावे में कि मेरे माननीय मित्र श्री बालकृष्ण जी या मेरे माननीय मित्र श्री त्यागी जी पड़े हुए हैं । वे जान बूझ कर या किसी अज्ञानता वश भुलावे में पड़े हों तो उन के साथ मेरी सहानुभूति है । क्या मैं आपका, सभापति महोदय, इस ओर ध्यान दिलाऊँ कि जो रकम वसूल की जा रही है उन शरणार्थियों से जिन्होंने बिना किसी आज्ञा के और बिना किसी अनुमति के जायदाद पर कब्जा कर लिया है, वह उस किराये से ज्यादा है जो साधारणतः वसूल किया जाता है । मैं इस की ओर माननीय मन्त्री अपने मित्र श्री शर्माजी का और श्री त्यागीजी का ध्यान दिलाना चाहता हूँ । किराया दो तरह का होता है, एक तो जो साधारण रीति से लिया जाता है जब कोई शहस आज्ञा और अनुमति से कब्जा करता है । दूसरा यह किराया है, इसे चाहे आप डैमेजेज कह लीजिये या क, ख, ग कुछ भी इस का नाम रख लीजिये, लेकिन सच तो यह है कि क्या यह रकम उस रकम से ज्यादा है या नहीं जो साधारणतः किराये के नाम से वसूल की जाती है ।

इस में मुझे कोई सन्देह नहीं है । मुझे इस बात का ज्ञान है और पूरा ज्ञान है । कितने ही शरणार्थियों ने बिल वह दिखाया जो उन के पास आता है, जिस के द्वारा उन से डैमेजेज वसूल किये जा रहे हैं और जिन को कि पीनल रेंट (Penal Rent) कहा जाता है, नाम कोई भी दे दीजिये,

मतलब तो जानने से यह है कि वह रकम कितनी होती है, क्या वह रकम इतनी ही होती है जो किराये के रूप में उन से वसूल की जाती है । तो मेरे कहने का तात्पर्य यह है कि उन लोगों से वह रकम वसूल की जायेगी डैमेजेज के रूप में जो साधारणतः किराये की रकम होती है उस से कहीं ज्यादा है । मेरा नम्र निवेदन है कि यह अनुचित है । जिन लोगों ने ज़मीनों या मकानों पर कब्जा कर लिया है, वह ऐसी एक विशेष परिस्थिति में है जिस से कि उन से डैमेजेज के रूप में कोई विशेष धन सरकार को वसूल नहीं करना चाहिये, बल्कि होना तो यह चाहिये कि नाममात्र का किराया उन से वसूल किया जाना चाहिये ।

सभापति महोदय, मुझे कुछ विशेष बात नहीं कहनी है । वैसे कहना तो बहुत चाहता था इस बिल पर, लेकिन मेरे बहुत से मित्र इस पर बोलने के लिये उत्सुक हैं और उन की बोलने की इस प्रबल इच्छा में मैं बाधक नहीं बनना चाहता और मैं उस में पूर्ण रूप से सहयोग देना चाहता हूँ । मैं एक ही बात कहना चाहता हूँ और वह यह कि किसी भी रूप में यह उचित नहीं होगा कि जिन लोगों ने मकान बना लिये हैं, उन के बने बनाये मकानों को अभी तोड़ा जाये । हमारे दिल्ली नगर में मकानों की पहले ही बहुत कमी है और जिस को स्वयं माननीय मन्त्री महोदय ने स्वीकार किया है । मैं उन का विशेष ध्यान फिर आज इस तरफ़ दिलाना चाहता हूँ जैसा कि गत वर्ष भी दिलाया था कि हमारे यहां मकानों की पहले ही से बहुत कमी है । उस समय मन्त्री महोदय ने हमें इस का आश्वासन दिलाया था कि मकानों के बनाने की दिशा में प्रयत्न किया जायेगा और मेरा यह सुझाव मंजूर किया गया था कि

इन मकानों को बनवाने के लिये विशेष रूप से प्रयत्न करें और उस के लिये धनवानों और बीमा कम्पनियों की एक सभा बुलवायें और उन सब लोगों से इस बारे में परामर्श करें और उन लोगों को सरकार इस बात का प्रोत्साहन दे ताकि वह यहाँ पर ज्यादा से ज्यादा तादाद में मकान बनायें। इस के लिये आप ने इन्श्योरेंस ऐक्ट (Insurance Act) में इस चीज को रखा कि जो बीमा कम्पनियाँ मकान बनाने में अपना रुपया लगायेंगी अधिक से अधिक, उन्हें इस इस बात की सुविधा होगी। मैं नहीं जानता कि माननीय मन्त्री महोदय ने इस ओर कितना प्रयत्न किया। एक बार एक समाचारपत्र में देखा था कि इस दिशा में कुछ प्रयत्न किया जा रहा है, लेकिन मालूम नहीं है कि उस ओर कितना प्रयत्न किया गया और आप को कितनी सफलता मिली। लेकिन जहाँ तक दिल्ली में नये मकान बनते देखे जाते हैं, मैं देखता हूँ कि उस में आप को कोई विशेष सफलता नहीं मिली है। पार साल माननीय मन्त्री महोदय ने यह कहा था कि दो बातों की बड़ी दिक्कत है दिल्ली में जिस से कि नये मकान आसानी से नहीं बनाये जा सकते। एक दिक्कत तो यह है कि बिल्डिंग मैटीरियल (Building Material) मकान बनाने का सामान, उपलब्ध नहीं होता है, दूसरे यह कि लोगों की मनोवृत्ति इन्स्पेकुलेटिव (speculative) है, इस कारण मकान नहीं बन पाते और तीसरे यह कि जिन लोगों ने जमीनें ले रखी हैं, उन की उन पर मकान बनवाने की तो नीयत होती नहीं है और वह घर बैठे हुए जमीनों को ज्यादा दाम पर बेच देते हैं। जहाँ तक मकान बनाने के सामान का ताल्लुक है, इस पिछले साल में बहुत कुछ सुविधाय हो गई है, सीमेंट आसानी से मिलता है, ईंटें आसानी से मिलती हैं, इन सब सुविधाओं

के होने और दूसरी दिक्कतों के दूर हो जाने पर भी दिल्ली में कोई बड़ी तादाद में नये मकान नहीं बन पाये हैं और पार साल भी इस ओर माननीय मन्त्री महोदय का ध्यान दिलाया गया था। लेकिन मुझे मालूम पड़ता है कि आप इस बिल के बनाने के चक्कर में इतना फंसे रहें कि उस ओर कोई सक्रिय कार्य करने के लिये आप को कोई विशुष समय और अवकाश नहीं मिल पाया। क्या मैं यह विश्वास करूँ कि अब वे इस ओर अपना ध्यान देंगे और इस कार्य की पूरा करने का प्रयत्न करेंगे। दूसरा कारण जो उन्होंने बतलाया वह अगर आप को याद हो तो मैं समझता हूँ कि इस बिल को वह नहीं लाते। उनका कहना था कि वह लोग जमीनों यों ही पड़े रहने देना चाहते हैं और उन की बदली क्रीमत से लाभ उठाना चाहते हैं। आप को विश्वास है कि उन जमीनों के मालिक मकान नहीं बनवाना चाहते, हैं लेकिन उन अपनी जमीनों को बेच कर इस तरह लाभ उठाना चाहते हैं। तो इस चाहने में क्या बुराई हुई कि अगर ऐसी खाली जमीनों पर जो बेकार पड़ी थीं, धरणाधियों ने स्वयं अपने पैसे से मकान बना लिये और यह तो उन्होंने वही किया जो माननीय मन्त्री महोदय चाहते थे और जिस की शिक्षायत उन्होंने की थी, उन के विरुद्ध जो उन जमीनों के मालिक थे। इसलिये उन्हें तो इस बात से प्रसन्न होना चाहिये। यह बात दूसरी है कि उन जमीनों की क्रीमत उन के पूर्व मालिकों को कितनी दिलाई जाय। क्रीमत अवश्य दिलाई जाय। जो उचित हो, वह दिलाई जाय। तीन प्रकार की जमीनें हैं। मैं तो समझता हूँ कि यह सामला बड़ा ही सरल है। म्युनिस्पैलिटी की खाली जमीन पर उन्होंने कब्जा कर लिया, आखिर म्युनिस्पैलिटी भी तो उस जमीन पर मकान बनवाती, तो अगर स्वयं

[श्री जे० आर० कपूर]

बनाने के वजाय शरणार्थियों ने खुद बना लिया, तो इसमें क्या हर्ज है। उस का जो उचित रेट हो, किराया हो, उन से लिया जाना, चाहिये। इसी तरह इम्प्रूवमेंट ट्रस्ट (Improvement Trust) की जमीने खाली अगर पड़ी हुई हैं तो वह किस लिये हैं, वह कोई खाने के लिये या पहनने या बिछाने के लिये तो नहीं हैं, यह जमीनें इसी लिये हैं कि उन पर मकान बनाये जायें। अब इस में क्या धरा है कि मकान किस ने बनाये। शरणार्थियों ने बनाये या और किसी ने। क ने मकान बनाया या ख ने, यह सबाल उठाना फिजूल है। जमीन उसी काम में आई जिस काम के लिये थी। उस भूमि का किराया अगर ख से वसूल किया जाये और जिस ने कि वह मकान बनाया हो, तो इस में क्या हानि हो सकती है। एक हानि यह हो सकती है कि यह हो सकता है कि शरणार्थी जमीनें सस्ती खरीद कर उन को महंगे दामों में बेच दें, तो इस दिक्कत को दूर करने के लिये जैसा डाक्टर मुखर्जी ने बतलाया ऐसा आप विधान में निधम रख सकते हैं कि जिस शरणार्थी ने उस भूमि पर मकान बना लिये हैं, वह किसी विशेष अवधि तक उस को बेच ही न सके। इस से यह दिक्कत भी दूर हो सकती है। यही बात सरकारी जमीनों के लिये लागू होती है।

सभापति महोदय, एक शब्द मैं अपने शरणार्थी भाइयों से अवश्य कहूंगा कि इस में कोई सन्देह नहीं है कि उन की दिक्कतें बहुत भारी हैं। आज जो उन्होंने जमीनों या जायदादों पर जबरदस्ती कब्जा कर लिया है, वह आज की विशेष परिस्थिति को देखते हुए उन का यह करना क्षम्य है। लेकिन अक्षय ही ऐसे लोगों की जो किराया दे सकते हैं, किराया अवश्य देना चाहिये।

शरणार्थी भाइयों को धैर्य रखना चाहिये और किसी प्रकार की उद्वेगता नहीं करनी चाहिये, ऐसे शब्द नहीं कहने चाहिये जिस से उन लोगों के रास्ते में भी रोड़ा अटक जाये, जो उन की सेवा करना चाहते हैं। यदि उन्होंने ऐसा रवैया अस्तिधार किया जिस से वह लोग जो उन के साथ सहानुभूति रखते हैं, उन के साथ सहानुभूति रखने में और सेवा करने में उन के रास्ते में कुछ कठिनाई पेश आये, तो इस से उन शरणार्थियों की ही हानि होगी। यह बात और यह अफसोस नाक रवैया केवल दिल्ली में ही नहीं है बल्कि अन्य जगहों में भी गैने पाया। मुझे खेद के साथ कहना पड़ता है कि उन का रवैया कभी कभी इस प्रकार का होता है जिस से उन की सेवा करने वालों के रास्ते में भी कठिनाई उत्पन्न होती है।

मैं उन से निवेदन करूंगा कि वह इस बात को ध्यान में रखें कि सरकार के रास्ते में और उन के रास्ते में जो उन के साथ सहानुभूति रखते हैं और जो उन की सेवा करना चाहते हैं कोई रोड़ा न अटकाये।

मैं अब और कुछ नहीं कहना चाहता हूँ। मेरे कुछ माननीय मित्र कहते हैं कि किसी और को बोलने दोगे या नहीं, मैं फौरन ही बैठ जाता हूँ क्योंकि मेरे माननीय मित्र त्यागी जी और और जो लोग बोलेंगे वह कहीं अच्छी बातें कहेंगे बनिस्वत उस के जो मैं कहूंगा।

(English translation of the above speech.)

Shri J. R. Kapoor: That is my only excuse for taking the liberty of speaking in Hindi. I hope my hon. friends who are not well-conversant with Hindi will forgive me on this occasion. Sir, my submission was that I had not moved the amendment in order to get a chance to speak earlier. I had moved it because I had consulted my friends in this connection. I had made consultations with Pandit Thakur Das Bhargava, Bakshi Tek Chand, Lala Achint Ram, and, you will be satisfied to know and

would probably modify your opinion, with Hon. Shri Gadgil as well. All the friends were of the opinion that Hon. Shri Ajit Prasad should also assist us by co-operating in the Select Committee. I had stood up to speak, moreover, because when I presented the amendment, I was definitely told by the Hon. Speaker before you occupied the chair that I would be given a chance to speak after Shrimati Sucheta Kripalani has spoken. I do not regret that Dr. Syama Prasad Mookerjee got a chance to speak before me. On the other hand, it is in the fitness of things that a scholar like him should speak before me for which he has full right.

Now, Sir, I support fully the new form of the Bill as it evolves from the amendments moved by my friends Shri Thakur Das Bhargava and Bakshi Tek Chand. The reason is that this Bill is not so plain and simple as our Hon. Minister wants us to make it to be. It is not so simple. It presents many difficult situations and complicated questions. It affects thirty to forty thousand or even more refugees. As a result of this Bill, all these persons who are now inhabited would become homeless. A Bill having such a far-reaching effect over them, a Bill which seeks to vest in the Government special powers to evict those displaced persons in such a large number from the houses which they had built with their own efforts and money and labour, should never be accepted without being properly thought over and without being referred to the Select Committee. For this reason I support the amendment of Pandit Thakur Das Bhargava and I am glad that our Minister, Hon. Shri Gadgil, has agreed to the Bill being referred to the Select Committee. But I do not know whether he is also prepared to accept the amendment to the amendment moved by our friend Shri Bakshi Tek Chand. I hope and believe that he would accept it. We have to consider over it from every point of view and this is not possible in such a short time. For proper consideration, its various aspects shall have to be estimated. There are many things that we have to weigh, interests of the Government, interests of those whose lands have been occupied by the refugees as also the interests of the refugees themselves. Considering all these aspects, we have to go deep into the matter. This means sufficient time, and consultations with a number of persons. Those whose lands have been occupied by the refugees, shall also have to be consulted and refugees too shall have to be consulted for giving their own solution, so that all may get justice.

Sir, we are every year faced with the work of amending the Delhi Premises (Requisition and Eviction) Act of 1947. Last year also a Bill was presented to amend that Act which was approved by us. According to that Bill, which afterwards became an Act, we had given special powers to the Government for the eviction of refugees from the houses which they had occupied without the sanction of Government and collection of rent from them, etc. etc. It seems as though the Government got impetus from the special powers given to them and have turned to us again for assuming more special powers. Craving for special powers is no good; it appears that the Government have developed a taste for this bad craving and begun to cherish a longing for more and more of it. I think, Sir, the Government must not indulge in such a greed and should not crave for special powers. It does not seem rightful for them to try to assume more and more powers instead of getting things done through the usual proceedings of Civil Courts. By such methods we are not able to pay due respect to our courts of justice. We must give them this respect. If the Government wish to assume new powers keeping the courts aside, it looks very undesirable. It is true that sometimes such situations do occur which necessitate extraordinary powers for Government in place of the powers arising out of the existing laws of the country and Sir, the present situation may probably be such as to render it necessary for our Government to take extraordinary powers, I take that for granted. But I am sorry that the extraordinary powers which the Government seeks to assume in this extraordinary situation are only for themselves, and the Bill that has been presented before us is only a one-sided affair. I would have been happier had it also included provisions that helped to eliminate the difficulties of the refugees. This it not there, and this I regret. The problem is not only about the present position towards which the Bill draws our attention, namely that of occupation of Government lands and houses by the refugees. This is only one aspect of it. Another issue underlying it relates to question of handling such a situation. It would have been in the fitness of things had this Bill also contained provisions aiming at the solution of the situation in all its aspects.

However, in spite of its shortcomings, I welcome the Bill. I do not agree with the views of my friends Dr. Syama Prasad Mookerjee and Pandit

[Shri J. R. Kapoor]

Thakur Das Bhargava that it would have been better had the Bill not come up before us, because then our attention would not have been drawn towards the present situation. The Bill may be one-sided, but its presentation has drawn our attention to the prevailing situation. This fact would enable us to make efforts for finding a solution of the problem. What would have happened had this Bill not come up? The result would have been that the existing law would have prevailed. According to the existing law, as the Hon. Minister said, unauthorised occupants of lands and houses would have been evicted from there by orders of the court and they would also have been made to pay the arrears of rent as well as some compensation also for unauthorised occupation of lands. It is entirely a different thing that such a procedure may have taken considerable time. But this is certain that after that time our refugee brethren would have been compelled to leave those places and pay considerable compensation. Such is the existing law. Had it continued it would not have been advantageous to the refugees. But when this Bill has come before us, we have the opportunity and power to amend it in any form and we want it to be shaped in such a way that it may do justice to all. When this Bill will go to the Select Committee and be suitably amended the result would be that existing law which would have surely been unfavourable to them would cease to be so. They will get justice as also the Government and those whose lands they have occupied.

There is no doubt, Sir, that the refugees who occupied lands and houses without sanction of the Government acted against the existing legislation. There cannot be two opinions about that. But the question that arises is that under the present circumstances, following from the situation created after Partition that forced the refugees from Pakistan to come over here, when they did not get a living place, and neither the people of Delhi nor the Government gave them enough accommodation, whatever may be reasons for that, should we act according to our old laws? My friend, the Hon. Minister, would easily own that he does not like the present situation to continue but if he does, he will have to take resort to the existing laws and act accordingly. But he has brought the Bill before us because of his being of the opinion that existing laws in an extraordinary situation are not suitable and need be amended. So he himself accepts this principle when he

presents the Bill before us. We have simply to push up that principle and decide the shape that we are going to give to the new law which we are to substitute for the old one. Law in itself is not a good or bad thing. The object of law is that public may be benefited by it. Law is made for the good of the public and not public interests are sacrificed at the altar of legislation. Hence when we may have to go into the pros and cons of a law on a particular occasion the basis should be whether or not it does public good. Individuals certainly have rights. The Hon. Minister has drawn our attention towards the Constitution and said that it clearly specified that the property of an individual shall be protected. Indeed, there was no need to draw our attention to that. Who denies that our Constitution provides protection to the individual's property? But while you read out this clause of the Constitution, you ignored the other one which provides that when occasion demands the Government will have the right to pay more attention to the interests of the people or a group of people than towards the property of an individual. This principle is not a new one that we have adopted in our Constitution. We had such laws prior to that, according to which as need arose from time to time, the Government could occupy a property in the interests of the people or a group of people, and pay due compensation to the owner. Thus both the things are correct; there is no contradiction between the two. Property of the individual must be protected, but when it comes to the interest of the public, the latter must be given priority. Sir, the same position is before us. We must think seriously over it and find out what shape can we give to this Bill so that interests of all are served.

Four things have in particular been mentioned in the Bill. I wonder, however, why the Hon. Minister has forgotten one thing. He seems to be occupied with something of his own. At present too he is keeping about his own thoughts and does not wish to know the opinion of others in this connection. When my friend Dr. Syama Prasad Mookerjee pointed out that the Bill also provided for realisation of damages for occupation of lands belonging to Government or Improvement Trust, the Hon. Minister at once stood up and said that it was not so. It seems he himself has not thoroughly studied the Bill and has repeated before us in a parrot-like way what his Secretaries had presented to him. I am not surprised that the Hon. Minister contradicted what Dr. Syama

Prasad Meekerjee said, because he has something else in mind. There may be a provision in the Bill of which he has no knowledge; this certainly is in his mind that some sort of damages should be realised from those who have occupied the lands.

Shri Tyagi: In the mind there is one thing, in the Bill there is another.

Shri J. R. Kapoor: In the mind there is one thing, in the Bill there is another and knowledge he has of a third. It is rather fortunate that such things are there in the Bill that are not in his mind, that are not in his knowledge and which he even does not want. This would make our task sufficiently easy in the Select Committee, because he too wants the same thing that we want to bring forth. It would then be an easy play for us to give whatever shape to the Bill that we want to give it.

Shri Sondhi: Don't be too optimistic.

Shri J. R. Kapoor: Clause 3 of the Bill provides that Government premises shall henceforward be interpreted so as to include not only houses but also lands. Thus just as damages shall have to be paid for unauthorised occupation of houses, so damages may also be assessed on occupied land since it would now come under the category of Government premises.

It has clearly been provided in it. But I will not say anything further on it because the hon. Minister does not want that this should have been included in it.

Sir, my hon'ble friends who have spoken earlier in this House, have submitted in details the forcible methods which are likely to be used for the realisation of those arrears of rent that are still uncollected if this Bill is accepted in its present form. They have dealt with it and I need not repeat those things. But in this connection I must say that they must be given ample facilities and that rent should be fixed not on that basis which would have been reasonable in other normal circumstances but it should be even less than that, because an entirely different situation had arisen. It is really regretted that in spite of Government's sincere desire that refugees must be given as much facilities as possible with regard to rent, we do not understand, it may be that they know the reasons and we do not, why the rents of those lands have been fixed even higher than what they might have been under normal circumstances.

What to say of reduced rents, as my hon. friend Bakshiji has said, the rents charged in Lajpat Rai Market are exorbitant. I hope the hon. Minister's attention will be drawn towards this when he is on the Select Committee and he will admit that there should be a provision in the Bill that they should not be charged such high rents as they used to pay up till now and that the arrears also should not be recovered on previous rates.

I wish to submit one point more in this connection. The hon. Minister has written in the Statement of Objects and Reasons that he has included these stiff clauses in it because if the Government were not to have necessary facilities for realising rents by this method, the only other alternative would have been to evict them by that forcible method for which they had been authorised last year by this Parliament. It follows that, according to him, instead of evicting those persons forcibly who are occupying these lands, only rent should be charged from them. Should I hope and believe that the inference I have drawn from his words is correct? Because no other conclusion can be drawn from it. I think that these pleasant words in the Statement of Objects and Reasons have not been used to dupe us so that we may pass the Bill while, in fact, their intention is different, that is, to recover the rents forcibly and then to evict them from those houses. I believe that my fear is baseless and I will be pleased if someone convinces me that my fear is baseless and that efforts will be made to recover rents from persons occupying those lands and that they will not be evicted forcibly.

[Shri Himatsingka in the Chair]

After that, Sir, I have to submit that power has been sought in this Bill that not only rent, both old and current, would be realised but they will be made to pay damages also. It seems to be most unreasonable. Why the payment of damages should be insisted upon? The amount of damages should be the same as the amount of rent. It appears to be absolutely unjustified to ask them to pay such amounts as damages as would exceed the fixed rent simply because they have been occupying premises in an unauthorised manner. Why did they occupy those lands? How could they find the opportunity? Only because of the fact that these premises were lying unoccupied. When these people came these premises were lying vacant. Would it have been better had these premises been lying vacant as yet or

[Shri J. R. Kapoor]

this that when the refugees came here they, not finding any place to serve as a roof over their heads, took shelter there? I feel that the Government should thank the refugees and should be grateful to them that they with their efforts and labour made arrangements of their own by occupying those vacant lands when the Government could not provide any place for them. Had they forcibly tried to occupy houses then it would have really been improper. But they occupied vacant premises. There is no doubt that the Government had to face a problem when the need for those places arose. If this difficulty came before them then they should not feel angry. They must feel relieved that eighty thousand people came here and with their labour and efforts rehabilitated themselves without troubling the Government to make arrangements for them. Sir, the particular provision laid down in the Bill is that the refugees who have taken unauthorised possession of land, should be evicted from there and that they should be made to pay damages. I have just submitted my opinion about damages and I think this provision will be deleted.

Pandit Balkrishna Sharma (Uttar Pradesh): Sir, if you permit, I may say a few words to my friend. I have to submit that the word 'damages' is used here only because of the fact that we cannot call that amount rent which is being realised from those lands or houses that have not been legally allotted to anybody. It cannot be called rent. But it does not, however, mean that any amount of money can be charged as damages.

Shri Tyagi: He also knows this but he is saying it deliberately.

Shri J. R. Kapoor: Sir, I am really submitting all that deliberately and also with the belief that what I say is correct and true. I do not want to sail under the delusion in which my hon. friends Shri Balkrishnaji and Shri Tyagiji are. Sir, may I draw your attention to the fact that the amount that is being collected from those refugees, who have occupied the premises without authority and permission, is more than that rent which is normally charged. I want to draw the attention of my hon. friends Shri Sharmaji and Shri Tyagiji towards it. There are two kinds of rent. One is collected in an ordinary way when a person takes possession under an authority and permission. The other is this. You may call it damages or

call it A, B, C, or anything. But the fact is whether this amount is more than that which is usually collected as rent or not. I have no doubt about it. I have full knowledge of this matter. Several refugees have shown the Bills they have received by which the damages are being recovered. These are termed as penal rent, it can be defined in any way, the purpose is to know as to how much it amounts to. Is that the amount same which is realised from them in the form of rent? So what I mean to say is that the amount which will be realised as damages from them is much more than the usual amount of rent. My humble submission is that it is improper. The persons, who have taken possession of land and houses, are in such a peculiar position that the Government should not recover any special amount as damages from them, instead of this only nominal rent should be realised from them.

Sir, I have nothing particular to say. As a matter of fact I wanted to say more on this Bill, but my many friends are anxious to speak on it and I do not want to stand in their way, but I want to give them my fullest support. I want to say only one thing. It would not be proper in any way to demolish the constructed houses of those people who have built them. There is already shortage of houses in Delhi City and this fact our hon. Minister himself has accepted. Today I want to draw his particular attention, as was done last year also, to the fact that there is already a shortage of houses in our country. At that time the hon. Minister had assured us that efforts will be made in this direction and my suggestion for making special efforts for the construction of these houses was approved. It was also accepted to convene a meeting of capitalists and Insurance Companies for consultation in this matter, and that the Government should encourage them to build houses in the largest possible number. You have also made provision in your Insurance Act that maximum facilities would be provided to those Insurance Companies who would invest money for the construction of houses. I do not know what steps the hon. Minister has taken in this matter. Once I read it in some newspaper that something is being done in that connection, but I do not know what steps were taken to that end, and how much success was achieved. But so far as the question of construction of new houses in Delhi is concerned I find that not much success has been achieved in it. The hon.

Minister had stated last year that on account of two great difficulties the new buildings cannot be constructed in Delhi. One of the difficulties is that the building material is not available, the other one is the speculative mentality of the public, on account of which the houses cannot be constructed. Thirdly those who have purchased plots, have no intention to build houses on those plots, but they sell these plots on higher prices without making any efforts to construct buildings. So far as the building material is concerned many facilities have been provided, cement and bricks are easily available. In spite of all these facilities and with the removal of other difficulties, houses have not been constructed in considerable numbers in Delhi, and the attention of the hon. Minister was drawn to this fact last year also. But it seems to me that he was so much occupied in drafting this Bill, that he could not spare time for any active work in that connection. May I hope that now he will pay attention to it and will try to complete this work. I think that had he remembered the other reason, which he had stated, he would not have moved this Bill. He had said that the owners wanted to leave the plots as they were and try to make profit by raising the prices of these plots. So he believed that the plot owners did not care to build houses, but they wanted to earn profit by selling them. So what harm was caused if the refugees built houses on these plots lying vacant by their own money, for they did exactly what the hon. Minister wanted, and about which the Minister himself had blamed the land owners. He therefore should have been happy over this act. This is a different matter as to what price should be paid to the owners whom the land belonged to previously. They must be paid reasonable price. There are three categories of lands. I consider the problem to be a very simple one. They have taken possession of vacant plots belonging to the Municipality, after all the Municipality also was to build houses on these plots and if instead of the Municipality the refugees have built their houses on these plots then where lies the harm. The due rent of those plots should be realised from them. Similarly if the plots belonging to the Improvement Trust had been lying vacant what purpose they would have served, they were not for any purpose except for building houses on them. What matters as to who built the houses. It is meaningless to raise the point as to who has built houses, what matters if it was A or B who built them. The land was utilised for

the same purpose for which it was lying vacant. What is the harm if the rent of the land is realised from B who has built that house. There can arise one difficulty. It is possible that the refugees may sell the plots on prices higher than the price of purchase, therefore to remove this difficulty you can, as Dr. Mukherjee has suggested, frame such rules and regulations that a refugee may not be able to sell a house built on that plot for some fixed period. By such legislation this difficulty can be removed. The same applies to land belonging to Government.

Sir, I would certainly say a word to my refugee brethren. Their difficulties are undoubtedly great. In view of the present peculiar circumstances, their action, the forcible possession of the land and houses, may be forgiven. But those people who can afford to pay rent must pay it. The refugees should not lose patience and should not involve themselves in any undesirable acts. They should not utter such words which may prove obstacles in the way of those who are willing to serve them. If they would behave in such a way that might cause hindrance for those who sympathise with them in their cause and wish to serve them, then only the refugees will have to suffer on account of it. I have found the same thing and the same awful attitude not only in Delhi but in other places as well. I am sorry to say that sometimes their attitude becomes such that it places difficulties in the way of those who take up their cause. I would request them that they should bear in mind not to stand in the way of Government and those who sympathise with them and are willing to serve them.

I do not want to submit anything more now. Some of my hon. friends say that I should let others also speak. I am finishing as my friend Shri Tyagi and others, who wish to speak, would speak better than I.

लाला अचिन्त राय : माननीय चेधरमन साहब, और लाला तौर पर मंत्री जी, मैं पहले ही बर्ज कर दूँ कि इस बिल को हमारे बंधी श्री गाबगिल साहब ने देश किया है। उन के मुताबिक मेरे दिल के अन्दर बड़ी गहरी इज्जत है। पिछले दो डाय साकों देखकर तो मुझे उन से बिलने का मौका मिला

(लाला अचिन्त राम)

और जब भी शरणार्थियों के सम्बन्ध में मैं उन के पास किसी काम के लिये गया हूँ तो उन्होंने बिला बहस में पड़े, बड़ी मोहब्बत से और अच्छी तरह करने की कोशिश की। यह अलहदा बात है कि किसी काम को वह पूरा न कर सके हों, बजाय सोलह आने के बारह आने या दस आने कर सके हों, लेकिन उन का जो दृष्टिकोण है वह बड़ा हमदर्दानी रहा है और मेरे दिल के अन्दर और दूसरे शरणार्थी भाइयों के अन्दर यह बात अंकित हो गई है कि गाडगिल साहब को इन शरणार्थियों से बड़ी गहरी हमदर्दी है और इस चीज़ के लिये मैं गाडगिल साहब के बारे में कई दफा कह भी चुका हूँ कि गाडगिल साहब का रवैया बड़ा हमदर्दानी है और बाज़ बातों में तो ज़रूरत से ज्यादा इस बात को महसूस करता हूँ। यह तो शरणार्थियों के बारे में है लेकिन इस के अलावा हर आदमी को देख कर उस के मुताल्लिक विचार कर के अपने शब्द कहने पड़ते हैं। मैं समझता हूँ कि आज सरदार पटेल हमारे सामने बैठे हों तो मैं उन के सम्बन्ध में जो शब्द कहूँगा बहुत सोच समझ कर कहूँगा। यह चीज़ देखने की ज़रूरत होता है। गाडगिल साहब के सम्बन्ध में जो आज मुझे कहना है बड़ा सोच समझ कर बड़े गौर व खोज के साथ कहना है क्योंकि मेरा ऐसा विश्वास है कि गाडगिल साहब मौजूदा गवर्नमेन्ट की रीढ़ की हड्डी हैं और आप उन मिनिस्ट्रों में से हैं जिन के आधार पर गवर्नमेन्ट खड़ी है। इस बास्ते जब मैं कोई बात सोचता हूँ यह कहने को ज़रूरत करता हूँ तो मुझे इन तमाम बातों का खयाल करना पड़ता है कि गाडगिल साहब का रवैया शरणार्थियों के मुताल्लिक कैसा रहा है। गाडगिल साहब का इस गवर्नमेन्ट के अन्दर कैसा स्थान है, इस देश के अन्दर क्या स्थान है इस बास्ते मैंने यह पहले ही

अर्ज कर दिया। लेकिन एक अजीब बात है कि जिस महापुरुष के प्रति शरणार्थी जो इतनी कृतज्ञता महसूस करते हैं, गवर्नमेन्ट में उनका इतना मान है, आज उन के हाथों से ऐसा बिल कैसे पेश हुआ। यह एक बड़े आश्चर्य की बात है। इस का यह मतलब नहीं है कि गाडगिल साहब के अन्दर इस बिल के पेश करने से शरणार्थियों के लिये हमदर्दी उड़ गई है, मैं ऐसा नहीं मानता हूँ। लेकिन कारण क्या है। फिर बिल भी कैसा जैसे कि मार्शल ला के अन्दर पावर (Power) लेते हैं। किसी को पकड़ लो, कैद कर लो, इस का माल कुर्क कर लो। यह चीज़ें कैसे ऐसे व्यक्ति के खयाल से निकलीं। आखिर क्या बात है। कल जब से मैंने गाडगिल साहब की स्पीच सुनी है रात भर मुझे परेशानी रही और मैं सोचता रहा हूँ कि आखिर उन की हुआ क्या है। अभी नासिक में कांग्रेस का सेशन (Session) हुआ है, नासिक महाराष्ट्र के अन्दर है और हमारे गाडगिल साहब का अपना प्रान्त है। वहाँ ऐसे मार्क की बात हुई वह यह है कि पहली दफा पिछले तीन वर्षों के इतिहास में इस सन के अन्दर लुटे तौर पर शरणार्थियों के लिये प्रस्ताव पेश किया गया और उस प्रस्ताव के कुछ खास शब्द हैं जिन्हें पढ़ कर मुझे बड़ी खुशी हुई, वह यह हैं :

‘दिस कांग्रेस रिफरनाइजिङ्ग देट दि गवर्नमेन्ट आफ इंडिया हैव गिवन दि फर्स्ट इम्पार्टेंट टु दि प्रॉब्लेम आफ डिस्ट्रिब्यूटिड पर्सन्स फराम वेस्ट ऐंड ईस्ट पाकिस्तान, ऐंड सो आन.....’

इस तरह का रेजोल्यूशन (Resolution) इस कांग्रेस ने पास किया जिस कांग्रेस का सेशन महाराष्ट्र के अन्दर हुआ है। यहाँ गाडगिल साहब का अपना हाथ है। उस वक़्त वहाँ पर फर्स्ट इम्पार्टेंट

(First importance) थी, लेकिन वह तो एक तरफ, वहां पर लास्ट इम्पोर्टेन्स (Last importance) हो जाती है, साधारण इम्पोर्टेन्स भी नहीं, तमाम महकमों को लिखा गया कि गवर्नमेन्ट आफ इन्डिया सब से ज्यादा इम्पोर्टेन्स इस को देती है और इस तरफ बात की जा रही है लास्ट इम्पोर्टेन्स की यह दोनों बातें बड़ी पेचीदा सी हो जाती हैं, आखिर इस रेजोल्यूशन को ड्राफ्ट (Draft) करने में किसका हाथ है। उस के अन्दर हमारे प्राइम मिनिस्टर (Prime Minister) साहब का हाथ है जब तक उन्होंने रेजोल्यूशन को देखा नहीं, जब तक उन्होंने पास नहीं कर दिया, ड्राफ्ट करने वाले को जुरत नहीं हो सकती कि वह इस को पेश करे। जब तक प्राइम मिनिस्टर की नजरों से यह नहीं गुजर गया यह पास नहीं हो सकता। इस का मतलब यह है कि इस को प्राइम मिनिस्टर का आर्शीवाद हासिल है। जो प्रस्ताव महाराष्ट्र में पास हुआ है जिस को पास हुए अभी दो महीने नहीं हुए, जिसे प्राइम मिनिस्टर का आर्शीवाद प्राप्त है फिर क्या बात है कि रिपयूजीज के लिये मार्शल ला बनाया जाय। आप को पता है कि पिछले तीन साल से लगातार आल इन्डिया रिपयूजी एसोसिएशन (All India Refugee Association) ने इस प्रस्ताव को पास किया है कि शरणार्थियों का मसला हल नहीं हो सकता जब तक इस को वार बेसिस (war basis) पर हल न किया जाय। बकशी टेकचन्दजी सिर्फ यही बात कहते रहे हैं कि जब तक वार बेसिस पर इस मसले को हल नहीं किया जाता तब तक हल नहीं हो सकता। इतनी बात होते हुए भी वार बेसिस का उल्टा किया जा रहा है, यहां मार्शल ला जैसे कानून

लगाने की बात कैसे सामने लाई जाती है यह बात मेरी समझ में नहीं आती। यह हंसने की बात नहीं है, दुःख की बात है। मैं गाडगिल साहब को बिल्कुल मुजरिम नहीं समझता, मैं समझता हूँ कि गाडगिल साहब के हमदलों का दायरा बँसा ही है कोई वह रात में पलट थोड़े ही गए हैं। यह मैं अपने दिल में सोचता हूँ।
(*Interruption*).

Mr. Chairman: Let him go on.

लाला अर्बिन्त राम : मेरा ख्याल है कि आपस में बहस बन्द कर दें। मैं समझता हूँ कि सोधी साहब का एक हल होगा, औरों के पास भी और हल होंगे। लेकिन कुछ बीमारी मालूम हो गई है तो मेरे ख्याल में और बीमारी का पता लगाना चाहिये। एक बीमारी तो है जिसका थोड़ा सा जिक्र गाडगिल साहब ने अपनी स्पीच में फरमाया था। वह बीमारी क्या है उन्होंने कहा कि हम कोर्ट (Court) से क्यों अक्षयार ले रहे हैं। यदि साधारण तौर पर कानून काम करता है, कोई किराया नहीं देगा तो वह निकलेगा ही, अदालत में जायेगा, वहाँ जैसा प्रोसीजर (Procedure) होगा बँसा होगा। लगातार जूडिशियरी (judiciary) और एक्सिक्यूटिव (Executive) में लड़ाई चल रही है पिछले तीन चार महीनों से। तो वह कैसे करें। वाकई माकूल बात है। उनको अपना महकमा चलाना है, वहाँ लड़ाई चला रही है। एक्सिक्यूटिव एक तरफ हो रही है जूडीशरी (judiciary) दूसरी तरफ। यह ख्याल न किया जाये, कि यह बात एक जगह ही हो रही है पंजाब में, बम्बई में, सुप्रीम कोर्ट (Supreme Court) में सब जगह यही हालत है। तो वह बेचारे क्या करें। बड़ी मुसीबत की बात है, इस

[लाला अचिन्त राम]

बिल की तरफ उन्होंने तबज्जह दो, और अभी जैसा बहन सुचेता जी ने कहा कि आप अपना बोझा उतार कर रिहैबिलिटेशन मिनिस्ट्री (Rehabilitation Ministry) पर डाल रहे हैं। यह जो चालीस पचास हजार आदमी निकलेंगे तो इस का बोझा रिहैबिलिटेशन मिनिस्ट्री पर पड़ेगा। मगर शायद बहन जी यह बात भूल गई कि वह बेचारे क्या करें। जब उन की कोई परवाह नहीं करता तो वह किसी की परवाह कैसे करें। उन को अपना डिपार्टमेंट चलाना है। सब से पहली बात यह है कि जब आदमी को अपनी पड़ जाती है तो सब कुछ भूल जाता है। उन के छः हजार गवर्नमेंट सरवेंन्स बैठे हैं, उन के अफसर हैं वह रिफ्यूजीज के लिये क्या कर सकते हैं। रिफ्यूजी डिपार्टमेंट उन के रहने का इन्तजाम करे। उन का महकमा क्यों यह इन्तजाम अपने हाथ में ले। इधर रिहैबिलिटेशन डिपार्टमेंट क्या करे। रुपया हो तो मकान बन। वह कहते हैं कि गाडगिल साहब दो महीने और रहने दो, वह कहते हैं कि अच्छा रह जायें दो तीन महीने। वह भी सही। लेकिन रिहैबिलिटेशन डिपार्टमेंट को रुपया नहीं मिलता वह क्या करें। वह समझते हैं कि गवर्नमेंट से रुपया मांगा, वह नहीं देती तो हम क्या करें। जो श्री मोहन लाल जी सक्सेना का हुआ था वह हमारा होगा। सक्सेना ने दो अरब रुपया मांगा था ७० करोड़ मिला आखिर स्थान छोड़ कर चले गये, इन का भी वही होगा।

Mr. Chairman: It is now Five O'clock. Does the hon. Member want more time?

Lala Achint Ram: Surely.
(English translation of the above speech)

Lala Achint Ram (Punjab): Sir, I may submit beforehand that this Bill has been presented by our Minister Shri Gadgil. I have great respect for him. For the last two and half years when I had chances to meet him and

whenever I saw him in connection with the refugees' affairs, he has always tried to help me in every controversy and that also with affection. It is a different matter that he may not have been able to accomplish a certain thing in entirety but has done to a fairly good extent, and his attitude has been very sympathetic and I and other refugees hold that Shri Gadgil has great sympathy for the refugees, and I have several times mentioned this fact about Shri Gadgil that his attitude has been very sympathetic. This is only about the refugees but apart from it, one has to express his opinion about a man only after considering his qualities. I think if Sardar Patel were to be present here in that case whatever I would speak about him I would do after full consideration. This is a matter of consideration. Today whatever I have to say about Shri Gadgil, I have to say that with full consideration, because it is my considered opinion that Shri Gadgil is the backbone of the present Government. He is one of those Ministers on whose support the Government is standing. Therefore when I think over the matter and venture to say this I have to take into consideration all these things as also Shri Gadgil's attitude towards the refugees. I submitted just now what position Shri Gadgil is enjoying in the Government and about his reputation in the country. This is quite strange how such a great soul, of whom the refugees are so grateful and who commands the respect of the Government, has come to present this Bill. It is a matter of great surprise. It however does not mean that by presenting this Bill he loses his sympathy for the refugees, I do not think so. But what is the reason for it. That Bill seeks to assume such powers as those of Martial Law. In this Bill there are provisions for anyone's arrest, imprisonment and attachment of property. Such a kind man has been responsible for all these things. What is the matter after all. Since I heard his speech yesterday, I have been worrying the whole night and have been thinking as to what has happened to him. Recently the Congress Session was held at Nasik, in Maharashtra, the home province of Shri Gadgil. There happened a significant thing. For the first time during the past three years, a resolution concerning the refugees was openly moved in that session, and I was pleased to read some specific lines which are as follows:

"This Congress recognises that the Government of India have

given the first importance to the problem of displaced persons from west and East Pakistan,' and so on.....

Such a resolution was passed by the Congress in its Maharashtra Session, wherein Shri Gadgil also took part. This resolution gave this problem the first importance at that time, contrary to that here it has become a thing of last importance. Every Department was given directions that Government of India give the first importance, to this problem, nothing to say ordinary importance, but in this Bill last importance is given to it. These two things become quite contradictory. After all who is responsible for drafting this resolution? Our Prime Minister also has something to do with it. Unless he had gone through the resolution and given consent to it, the man who had drafted it could not dare to move it. It could not have been passed unless the Prime Minister had seen it. Obviously it had the blessings of the Prime Minister. The resolution which was passed in Maharashtra and it is less than two months when it was passed, had the blessings of the Prime Minister then how is it such a Martial Law should be made for the refugees. You know that the All India Refugees Association has been passing this resolution for the last three years that the problem of the refugees cannot be solved if it is not solved on a war basis. Bakshi Tek Chand has only been repeatedly saying that this problem cannot be solved unless it is solved on war basis. In spite of this here every thing is done in quite contrary a way and I fail to understand how a Martial Law like Bill has come to be moved. It is a matter of shame and not of jubilation. I do not hold Shri Gadgil guilty and believe that he has the same old attitude of sympathy. I think that he has not changed overnight. *(Interruption)*.

Mr. Chairman: Let him go on.

Lala Achint Ram: I think we should not get into controversy with one another. I hope Shri Sondhi has his own solution but others also have their own solutions to the problem. If there is some trouble I think we should find it out. One of the troubles was referred to by Shri Gadgil in his speech. He told us why he is taking away this right from the Courts. If law works

normally, if nobody would pay rent then he would be ejected and the case will go to the Court and will be decided according to the procedure. For the last three or four months there have been constant differences in the Judiciary and the Executive. Under such circumstances what he can do. He is right there, he has to run his Department, and there are differences between the two. The Executive and the Judiciary are not co-ordinating. It should be remembered that such differences are not limited to one place only but are existing everywhere in Punjab, Bombay and the Supreme Court as well. Shri Gadgil is helpless. It is a matter of great regret that he as Shrimati Sucheta Kripalani has stated just now, has shifted his burden to the Rehabilitation Ministry. Thus the Ministry of Rehabilitation will be responsible for the welfare of these forty thousand or so evicted persons. But perhaps Shrimati Sucheta Kripalani forgot this thing that under such circumstances he is helpless. When no one looks towards his difficulties why should he bother for others. He has to run his Department. The foremost thing is that when a man is faced with difficulties he forgets everything else. He has to accommodate six thousand employees and officers of his Department how he can help the refugees. The Refugee Department should provide accommodation for them. Why his Department should take over that work. The Rehabilitation Department is also helpless. Houses can be constructed if there be money. They request Shri Gadgil to allow them to remain there for two or three months more. Shri Gadgil concedes their request for that period. That is right. But the Rehabilitation Department does not get monetary help. Then what can it do? The Department gives out that the Government do not provide the funds so it is helpless. They will be the same lot as that of Shri Mohan Lal Saxena. Shri Saxena asked for two hundred crores of rupees, he was granted 70 crores only and he had to leave the job, the same will be their lot also.

Mr. Chairman: It is now five o'clock. Does the hon. Member want more time?

Lala Achint Ram: Surely.

The House then adjourned till a Quarter to Eleven of the Clock on Friday, the 1st December, 1950.