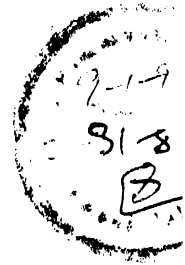


Monday, 23rd April, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VII, 1951

(2nd April to 16th May, 1951)

Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

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CORRIGENDA

In the Parliamentary Debates (Part I—Questions and Answers) Third Session of Parliament (Second Part), 1951,—

In Volume VII—

1. No. 1, dated the 2nd April, 1951,—

(i) कालम २७८२, पंक्ति ३, “हम” के स्थान पर “इस” पढ़ें ।

(ii) - کالم ۲۷۸۳ نہجے سے سطر ۸ میں ”بھی“ کے بجائے ”اسی“ پڑھیں۔

(iii) Col. 2807, line 30 for “Archaeological” read “archaeological” and line 5 from bottom for “Ttransport” read “Transport”.

2. No. 7, dated the 10th April, 1951,—

(i) कालम ३०३२, नीचे से पंक्ति ४ “बगैहर” के स्थान पर “बगैरह” पढ़ें ।

(ii) Col. 3055, lines 16 and 17 for the word “Consituation” read “Constitution”.

3. No. 8, dated the 11th April, 1951,—

कालम ३१२५, नीचे से पंक्ति ९ “यागिज्य” के स्थान पर “वाधिज्य” पढ़ें ।

4. No. 11, dated the 16th April, 1951,—

(i) Col. 3230, line 27 from bottom for “ment” read “meant”.

(ii) Col. 3244, line 23 insert “of” after the words “abolition of any”.

(iii) कालम ३२५१, नीचे से पंक्ति २ “श्री जागडे” के स्थान पर “श्री जापडे” पढ़ें ।

(iv) Col. 3254, line 14 for “yards” read “years”.

5. No. 12, dated the 17th April, 1951,—

Col. 3267, line 24 for “clerllago” read “clerkage”.

6. No. 13, dated the 18th April, 1951,—

(i) Cols. 3301 & 3302, lines 22 from bottom and 24 respectively for the words “statu- tary” and “statutory” read “statuary”.

(ii) Col. 3330, line 21 for “landing ” read “landed”.

(iii) Col. 3340, lines 16 and 18 for “manzas” read “mouzas”.

7. No. 15, dated the 20th April, 1951,—

Col. 3402, line 2 from bottom for “Cureh” read “Church”.

8. No. 16, dated the 21st April, 1951,—

Col. 3447, for the existing line 24 substitute “ship Scholarship ; and ”

9. No. 17, dated the 23rd April, 1951,—

(i) Col. 3478, line 27 from bottom for “so” read “of”.

(ii) Col. 3491, between lines 4 and 5 from bottom insert new line “and (iii) Raw materials during the period October 1950 to February”.

10. No. 19, dated the 25th April, 1951,—

(i) Col. 3548, for the existing line 20 from bottom substitute “satisfaction of Members. It is the”.

(ii) Col. 3556 for the existing line 1 from bottom substitute “Indian Rupee or Sterling ?” and for line 26 from bottom substitute “meet for the first session. Accord”

- کالم ۳۵۱۳ نہجے سے سطر ۱۱ سے سطر ۲۲ کے بجائے ۲۲ سے سطر ۲۲ پڑھیں۔

11. No. 20, dated the 26th April, 1951,—

(i) Col. 3621, line 7 from bottom for the figures “1,420” read “41,420”.

(ii) Col. 3626, line 1 for “condeming” read “condemning”.

12. No. 22, dated the 28th April, 1951,—

Col. 3687, line 26 for “complete” read “compete”.

13. No. 26, dated the 3rd May 1951,—

Col. 3881 for the existing line 17 from bottom *substitute* "and Supply (Shri Gadgil):(a) 105".

14. No. 27, dated the 4th May, 1951,—

Col. 3925, line 25 from bottom for "fireman" read "firman".

15. No. 30, dated the 8th May 1951,—

(i) Col. 4041, for the existing line 15 from bottom *substitute* "(c) No, as none is considered neces-".

(ii) Col. 4042, line 31 *insert* "such" before the word "circums-".

16. No. 31, dated the 9th May, 1951,—

Col. 4087, line 21 for "Rama" read "Rana".

17. No. 32, dated the 10th May, 1951,—

(i) Col. 4124, line 20 from bottom for "member" read "number".

(ii) Col. 4129, line 21 for the words "having come" read "coming out of", lines 6 & 8 from bottom for the figure "1.4.51" read "15.4.51", and for "15.4.51" read "1.4.51" respectively.

- (iii) कालम ४१३३, पंक्ति १२ "नियम" के स्थान पर "नियंत्रणों" पढ़ें ।

18. No. 33, dated the 11th May, 1951,—

(i) Col. 4150, line 10 from bottom for "of" read "to".

(ii) Col. 4161, line 17 for the figure "85" read "185".

(iii) Col. 4162, line 24 for "in view of" read "in lieu of".

19. No. 36, dated the 15th May, 1951,—

(i) Col. 4270, line 30 for "pait-mixture" read "paint-mixture"

(ii) कालम ४२८८, पंक्ति २८, "*२९५" के स्थान पर "२९५" पढ़ें ।

(iii) कालम ४२८९, नीचे से पंक्ति १९, "बद्य" के स्थान पर "लाद्य" पढ़ें ।

PARLIAMENT OF INDIA

The-Speaker

The Honourable Shri G. V. Mavalankar.

The Deputy-Speaker

Shri M. Ananthasayanam Ayyangar.

Panel of Officers

Pandit Thakur Das Bhargava.

Shrimati G. Durgabai.

Shri Prabhu Dayal Himatsingka.

Sardar Hukam Singh.

Shri Manilal Chaturbhai Shah.

Secretary

Shri M. N. Kaul, Barrister-at-Law.

Assistants of the Secretary

Shri A. J. M. Atkinson.

Shri N. C. Nandi.

Shri D. N. Majumdar.

Shri C. V. Narayana Rao.

GOVERNMENT OF INDIA

Members of the Cabinet

- Prime Minister and Minister of External Affairs—The Honourable Shri Jawaharlal Nehru.**
Deputy Prime Minister and Minister of Home Affairs and the States—The Honourable Sardar Vallabhbhai Patel.
Minister of Education—The Honourable Maulana Abul Kalam Azad.
Minister Without Portfolio—The Honourable Shri C. Rajagopalachari.
Minister of Defence—The Honourable Sardar Baldev Singh.
Minister of Labour—The Honourable Shri Jagjivan Ram.
Minister of Communications—The Honourable Shri Rafi Ahmad Kidwai.
Minister of Health—The Honourable Rajkumari Amrit Kaur.
Minister of Law—The Honourable Dr. B. R. Ambedkar.
Minister of Works, Mines and Power—The Honourable Shri N. V. Gadgil.
Minister of Transport and Railways—The Honourable Shri N. Gopalaswami Ayyangar.
Minister of Industry and Supply—The Honourable Shri Hare Krishna Mahtab.
Minister of Food and Agriculture—The Honourable Shri K. M. Munshi.
Minister of Commerce—The Honourable Shri Sri Prakasa.
Minister of Finance—The Honourable Shri Chintaman Dwarkanath Deshmukh.

Ministers not in the Cabinet.

- Minister for the purposes of agreement between the Prime Ministers of India and Pakistan of the 8th April, 1950—The Honourable Shri C. C. Biswas.**
Minister of State for Transport and Railways—The Honourable Shri K. Santhanam.
Minister of State for Information and Broadcasting—The Honourable Shri R. R. Diwakar.
Minister of State for Parliamentary Affairs—The Honourable Shri Satyanarayan Sinha.
Minister of State for Rehabilitation—The Honourable Shri Ajit Prasad Jain.
Deputy Minister of Communications—Shri Khurshed Lal.
Deputy Minister of External Affairs—Dr. B. V. Keekar.
Deputy Minister of Commerce—Shri Dattatraya Parasahuram Karmarkar.
Deputy Minister of Defence—Major General Himatsinghji.
Deputy Minister of Works, Mines and Power—Shri S. N. Buragohain.
Deputy Minister of Food and Agriculture—Shri M. Thirumala Rao.

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

3453

3454

PARLIAMENT OF INDIA

Monday, 23rd April, 1951.

*The House met at Half Past Eight
of the Clock*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

MANUFACTURE OF DRY BATTERIES

*3367. **Shri S. C. Samanta:** Will the Minister of Commerce and Industry be pleased to state:

(a) the ratio of the imported raw materials to the indigenous supplies in the manufacture of dry batteries in India;

(b) the annual requirements of dry batteries in India;

(c) how much was imported, how much was produced in India in the years 1948-49 and 1949-50; and

(d) the names of firms that produce dry batteries?

The Minister of Commerce and Industry (Shri Mahtab): (a) 84 : 16 (Eighty-four is to sixteen).

(b) 200 million unit cells.

(c) A statement is laid on the Table of the House.

(d) (1) Messrs. National Carbon Company (India) Limited, Calcutta.

(2) Messrs. Estrela Batteries Limited, Bombay.

(3) Messrs. Solar Batteries and Flashlights Limited, Bombay.

(4) Messrs. Sunbeam Electrical Industries Limited, Bombay.

46 P.S.D.

STATEMENT.

<i>Imports:</i>	<i>Value*</i>
1948-49	Rs. 19,29,229
1949-50	Rs. 40,26,247
<i>Production:</i>	<i>Numbers</i>
1948	123.8 millions.
1949	152.3 "
1950	136.2 "

* Import figures in numbers are not available.

Shri S. C. Samanta: May I know how much tariff protection is enjoyed by the Industry and how long it will continue?

Shri Mahtab: The battery industry is a protected industry and tariff protection is to the extent of 30 per cent. *ad valorem* on the import of dry cell batteries. This protection is valid from the 12th April 1948 to the 31st December 1952.

Shri S. C. Samanta: What steps have Government taken to install suitable machinery and plant for processing indigenous raw materials to be used for the industry?

Shri Mahtab: At present the Council of Scientific and Industrial Research are making experiments to produce the following raw materials:

Activated Manganese dioxide from the Indian Manganese ores;

Carbon electrodes.

Experiments are also being made by some Indian factories to manufacture the special types of paper needed by the Dry battery industry.

Shri S. C. Samanta: What are the Battery Companies that are under the statutory control of the Government?

Shri Mahtab: I do not understand the question. This industry is as any other industry in relation to Government. There is no special law for this industry.

Shri S. C. Samanta: What is the result obtained by mixing 50 per cent. Indian Manganese dioxide with imported ones?

Shri Mahtab: I am sorry, I cannot answer that question.

INDUSTRIAL RAW MATERIALS

*3368. **Shri B. R. Bhagat:** Will the Minister of Commerce and Industry be pleased to state:

(a) our total annual requirements of industrial raw materials such as non-ferrous metals and chemicals;

(b) their imports in the last year and in the current year up-to-date;

(c) whether their supplies from abroad are likely to be stopped completely; and

(d) if so, what steps are taken to meet the situation created as a result of the stoppage of their supply?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). A statement is laid on the Table of the House, regarding certain important raw materials [See Appendix XXII, annexure No. 45.]

(c) and (d). It is unlikely that supplies from abroad will be stopped completely, but it is becoming increasingly difficult to get adequate quantities. Government are, therefore, using their influence with the exporting countries in order to secure as much of our requirements as possible. In this connection attention is invited to the answers given to Starred Question No. 1547 and 1554 by Shri Biyani on the 19th February, 1951.

Shri B. R. Bhagat: May I know what steps are being taken for equitable distribution of the scarce raw materials among the different industries?

Shri Mahtab: The hon. Member knows I said once in Parliament that the Governments of the U.S.A., U.K. and France have proposed setting up Commodity Groups to examine availabilities and making recommendations to Government for expanding production and conserving supplies and ensuring best distribution and utilisation. India has been invited to participate in some of these Commodity Groups and India also expects to be included in some other Commodity Groups.

Shri B. R. Bhagat: What are the Commodity Groups on which India has been invited to participate?

Shri Mahtab: So far as I know, India is not on the Commodity Group relating to these non-ferrous metals but we are trying our utmost to be included in that.

Shri B. R. Bhagat: In the statement on caustic soda and soda ash, whereas

the estimated requirements are about 124,000 tons and 60,000 tons respectively, the import is very much less and the production is very inadequate. May I know what steps are being taken for increased production of these two commodities?

Shri Mahtab: As the hon. Member knows we give protection to the soda ash industry and also we give them an increased price here. Besides that no step has been taken and no other step can possibly be taken except whipping up the local industries here.

Shri B. R. Bhagat: May I know whether this matter has come before the Development Committee of Industries and whether that Committee has suggested some methods for equitable distribution of the existing raw materials in the different industries in the country?

Shri Mahtab: That has been taken up and as a matter of fact, there is no complaint with regard to distribution. The Development Committee have considered the question of production and they have not yet made any recommendation to Government. I expect that they will make their recommendations soon.

Shri Krishnanand Rai: May I know whether any negotiation is in progress at present between the Governments of India and U.S.A. for exchange of Manganese and Beryl for raw materials there?

Shri Mahtab: There is no Government to Government negotiation but one U.S.A. firm have proposed to set up a ferro-manganese plant in India and we have agreed to that proposal.

Shri Jnani Ram: By which time is India expected to be self-sufficient in non-ferrous metals?

Shri Mahtab: I am afraid India will not be self-sufficient in these minerals in the near future.

Shri R. Velayudhan: May I know whether any fixed amount has been set apart for the purchase of these essential raw materials in the event of an emergency from abroad?

Shri Mahtab: We are taking all possible steps to stock-pile such of these materials as possible.

DEMONSTRATION AGAINST AFRICAN RACIAL POLICY

*3369. **Pandit Munishwar Datt Upadhyay:** (a) Will the Prime Minister be pleased to state whether it is a fact that there was a demonstration in London against Dr. Malan's racial policy

in South Africa during the conference period of the Prime Ministers of the Commonwealth?

(b) Had West Indians also taken part in the demonstrations?

(c) Was the demonstration organised by the South African Indian Congress?

The Deputy Minister of External Affairs (Dr. Keskar): (a) to (c). A demonstration took place in front of the South Africa House, London, on the 10th January 1951. It was said to have been organised by the London Secretariat of the South African Indian Congress and a number of other organisations including the Caribbean Labour Congress. So far as the Government of India are aware, a number of persons from West Indies took part in the demonstration.

Pandit Munishwar Datt Upadhyay: Has any contact with the Indian Prime Minister been made on the subject and with what result?

Dr. Keskar: I have not understood the question.

Pandit Munishwar Datt Upadhyay: Did those demonstrators contact the Indian Prime Minister in England in regard to this subject and what was the result of that contact?

Dr. Keskar: It is not possible for them to contact the Prime Minister. He is here and how can they contact him?

Mr. Speaker: Order, order. Will the hon. Member repeat his question?

Pandit Munishwar Datt Upadhyay: During that Conference the hon. Prime Minister of India was there. Did those people have any contact with him on the subject?

The Prime Minister (Shri Jawaharlal Nehru): No.

Pandit Munishwar Datt Upadhyay: Did they approach him for any help?

Mr. Speaker: He says no. Next question.

लाला अचिंत राम : जनाब स्पीकर साहब, मैं यह सवाल प्राइम मिनिस्टर साहब से पूछ रहा हूँ। इस बाबत मेरी आप से दरखास्त है कि आप उन को आज्ञा दें कि वह मेरे सवाल का जवाब दें।

[**Lala Achint Ram:** Sir, I am addressing this question to hon. the Prime Minister. Therefore, I request you kindly to permit him to answer my question.]

मिस्टर स्पीकर : प्राइम मिनिस्टर साहब का यह डिपार्टमेंट नहीं है।

[**Mr. Speaker:** This Department is not under the charge of hon. the Prime Minister.]

लाला अचिंत राम : मेरा सवाल उन की तरफ है। लिस्ट में वह उन के नाम में लिखा गया है।

[**Lala Achint Ram:** In the list my question has been put against his name.]

मिस्टर स्पीकर : वह भूल से लिखा गया है। इस में सुधार कर दिया जायगा।

[**Mr. Speaker:** That has been done by mistake. It will be corrected.]

COMPENSATION TO DISPLACED PERSONS

*3370. **Lala Achint Ram:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that hon. Shri Gopalaswami Ayyangar in a conference of the representatives of displaced persons, convened in July 1948 by Government while making an announcement on behalf of the Government of India, challenged the people who doubted the bonafides of Government regarding the payment of compensation to displaced persons and stated that a part of the compensation for the losses suffered by displaced persons on account of the partition of the country, would be paid out of the funds of Government as distinct from the payment from the Muslim evacuee property and also from the amounts which might be received from the Pakistan Government towards the difference of value between properties left in Pakistan and India;

(b) whether it is a fact that the same assurance was repeated by him in 1950 before the representatives of displaced persons invited by Government; and

(c) whether it is a fact that the hon. the Prime Minister made a statement in the Rehabilitation Ministers' Conference that the Government of India did not intend to make any payment towards compensation from their own funds and that the displaced persons would get compensation from the Muslim Evacuee property?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) In a conference of the representatives of displaced persons held in July 1949 (not July 1948 as stated in the question) the position of the Government in regard to the question of the grant of compensation to displaced persons

was explained by the hon. Shri Gopalaswami Ayyangar. While assuring those present that the right of displaced persons to compensation had never been denied, he made the following statement on the question of compensation: "What I wish to say on the question of compensation is this. I think nobody in the Government of India wants to deny this Compensation will be paid. It may not be in the shape of cash. It may not be in the form which refugees might desire to have. It may be partly in land, partly in house property and partly, perhaps, in cash and very probably partly in the shape of some kind of bonds."

(b) An elucidation of the above policy was made at a conference of the representatives of displaced persons held in June, 1950, and it will not be in the public interest to go into the details of the discussions.

(c) The attention of the hon. Member is invited to the reply given by me to Starred Question No. 1540 by Shri Kamath on the 19th February, 1951.

लाला अर्चित राम : क्या आनरेबिल मंत्री जी उन आदमियों की कान्फेंस, जिन की कि कान्फेंस सन् ४८ या ४९ में बुलाई गई थी, बुलाने के लिए और प्राइम मिनिस्टर साहब के बयान की वजाहत करने के लिए तैयार है ?

[Lala Achint Ram: Is the hon. Minister prepared to call a conference of those persons who held a meeting during 1948 or 1949 and thereby support the statement given by hon. the Prime Minister?]

प्रधान मंत्री (श्री जवाहरलाल नेहरू) : मैं उस की ताईद करने के लिए तैयार हूँ।

[The Prime Minister (Shri Jawaharlal Nehru): I am prepared to support it.]

लाला अर्चित राम : उस बयान की वजाहत करने के लिए आप कान्फेंस कब बुला रहे हैं ? एक कान्फेंस गवर्नमेंट आफ इंडिया ने बुलाई थी जिस में रिफ्यूजीज और दूसरे लोग भी शामिल थे और उस में श्री गोपालस्वामी आर्यगर ने कम्पेंसेशन देने के बारे में एक बयान दिया था।

क्या गवर्नमेंट उन आदमियों की कान्फेंस बुला कर उस बयान को वाजह करने के लिए तैयार है ?

Lala Achint Ram: When are you calling a conference to support your statement? A conference was convened by the Government of India to which the representatives of the refugees and other persons were also invited and in that conference Shri Gopalaswami Ayyangar had made a statement regarding the payment of compensation. Are the Government prepared to support that statement by calling a conference of those persons?]

श्री जवाहर लाल नेहरू : जब मुनासिब होगा तब मशवरा किया जायगा। मेरे सामने तो यह सवाल भी नहीं था। आनरेबिल मेम्बर ने एक दम यह सवाल कर दिया कि कान्फेंस कब बुलायेंगे। जब इस से फायदा समझा जायगा जरूर मशवरे के लिए बुलाई जायगी।

[Shri Jawaharlal Nehru: Consultations will be held at the appropriate time. This question was not at all before me. The hon. Member has all of a sudden asked this question about the convening of a conference. A conference will surely be convened for consultation when deemed necessary.]

लाला अर्चित राम : क्या माननीय मंत्री जी देश के अन्दर कोई ऐसा घ्यक्ति या अखबार बतला सकते हैं जिस ने कि श्री गोपालस्वामी के एश्योरेंस का वही मतलब निकाला हो जो कि प्राइम मिनिस्टर साहब ने निकाला है।

[Lala Achint Ram: Can the hon. Minister point out any person or newspaper who has given this very interpretation of the assurance given by Shri Gopalaswami which the hon. Prime Minister has tried to impute to?]

Mr. Speaker: Order, order; he is arguing.

Sardar B. S. Man: Apart from the Muslim evacuee property that is here for compensation to the refugees, may I know if Government propose to reimburse those funds from some other funds also?

Shri Jawaharlal Nehru: All this is always subject to the finances available

and resources available. Having regard to the present position in the country, there are certain priorities. Even in regard to the refugees, the first priority is to try to look after them and to try to rehabilitate them. Till that question is over, the question of other funds being used to compensate them apart from the evacuee pool does not arise. When we have finished the question of rehabilitation, and finished disposing of, as far as we can, the proceeds of the evacuee property pool, if the country's finances are capable of going further in this direction, then, that question may arise.

Sardar B. S. Man: What is the latest position regarding compensation for the lands that we have left behind in Pakistan and what is the latest position of the Pakistan Government regarding that property?

Shri A. P. Jain: The position of the Pakistan Government is what it was and it was fully discussed in this House during the debate on the Budget.

लाला अचिन्त राम : अभी माननीय मंत्री जी ने फ़रमाया है कि मुल्क की फ़ाइनेन्सल हालत को देख कर बयानात दिये जाते हैं। क्या मैं पूछ सकता हूँ कि सन् ४८ और सन् ५१ की फ़ाइनेन्सल हालत में क्या फ़र्क पड़ा है ?

[Lala Achint Ram: Just now the hon. Minister has stated that statements are made taking into consideration the financial position of the country. May I ask what difference has taken place between the financial condition of 1948 and the one prevailing in 1951?]

Mr. Speaker: Order, order; he is carrying on a chain of questions and arguments. He may ask for information in that light.

Sardar Hukam Singh: Do Government still stand by the commitment made by Mr. Gopaldaswami Ayyangar in July 1949: irrespective of any priorities that may come in at any time and irrespective of what Government may think suitable, do Government stand still committed to the declaration by Mr. Gopaldaswami Ayyangar?

Shri A. P. Jain: That question has already been discussed. The hon. Prime Minister has just now replied to it and the hon. Member is at liberty to draw his own inference.

Shri Hussain Imam: Has any census been taken of the Muslim properties left in India both urban and rural and if so when will it be laid on the Table of the House?

Shri A. P. Jain: No correct census has so far been taken; we have got only rough estimates.

MUSLIM TRADERS AND CONTRACTORS

*3371. **Shri Balmiki:** (a) Will the Minister of Rehabilitation be pleased to state whether it is a fact that some rich Muslim traders and contractors in Bhopal are secretly sending considerable sums of money to Pakistan since 1947?

(b) If so, what steps are being taken to stop this?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) and (b). Immediately after partition, considerable sums of money were transferred from Bhopal to Pakistan by some rich persons of the State. When the Evacuee Property Law was enforced in Bhopal, these facts came to notice, and necessary action was taken under the law.

After devaluation and imposition of exchange control it has become very difficult for anybody to transfer assets from India to Pakistan, but there is no doubt that some transactions can take place and may have taken place. The Evacuee Property Law is, however, now in force in the State and if any such cases come to notice, necessary action under the law will be taken.

श्री कन्हैया लाल बाल्मीकी : सन् ४७ से लेकर जब से कि गवर्नमेंट के पास इस तरह के ताजिदों और ठेकेदारों की शिकायतें आ रही हैं कि वह रुपया पाकिस्तान भेज रहे हैं, क्या किसी के खिलाफ एक्शन लिया गया या किसी को बानिग दी गई।

[Shri Balmiki: Has any action been taken or warning given to those traders or contractors against whom complaints have been lodged with the Government since 1947 for transferring sums of money to Pakistan?]

श्री ए० पी० जैन : इस प्रश्न का उत्तर तो मैं अभी दे चुका हूँ। यह तो मुख्य प्रश्न के अन्दर शामिल है, लेकिन फिर भी अगर माननीय मेम्बर जानना चाहते हैं तो मैं उन को बतलाना चाहता हूँ कि इस कानून के अन्दर एक दफा है जो कि इंटेंडिंग इवेक्यूई कहलाती है और जिन लोगों ने ऐसा किया उन के खिलाफ इंटेंडिंग इवेक्यूई में कार्रवाई की गई। अब हालात काफ़ी

बदल गय है। अब इंटेंडिंग इवैक्यूई क्या होना चाहिए और क्या नहीं होना चाहिए यह मसला हाउस के सामने रखा जायगा।

[Shri A. P. Jain: I have just now answered this question. It forms a part of the main question, but still if the hon. Member wants to know I would like to state that there is a section in the Act which deals with the 'Intending Evacuees' and necessary action has been taken under this section against those persons who have acted like that. Now the circumstances have changed a good deal. Now, the matter as to who should be declared intending evacuee and who not, will be placed before the House.]

گہائی جی - ایس - مسافر : کتنے
ایسے لوگ ہیں جن کے خلاف ایکشن
لیا گیا ؟

[Ghani G. S. Musafir: What is the number of those persons against whom action has been taken?]

श्री ऐ० पी० जैन : सात आदमियों के
खिलाफ लिया गया है।

Shri A. P. Jain: Action has been taken against seven persons.]

Sardar B. S. Man: How much property that was originally declared as evacuee property of intending evacuees has subsequently been released?

Shri A. P. Jain: No property of intending evacuees has been declared as evacuee property.

INDIAN IMMIGRANTS IN BURMA

*3372. Shri Bathnaswamy: Will the Prime Minister be pleased to state:

(a) whether a permanent treaty with Burma is under the contemplation of the Government of India dealing with Indian immigrants to Burma;

(b) whether it is a fact that a large volume of traffic has been going on between the two countries in recent years; and

(c) if so, whether Government propose to lay on the Table of the House a statement showing the figures of immigrants to Burma since 1948?

The Deputy Minister of External Affairs (Dr. Keskar): (a) The Government of India have during the past few years been pressing the Government of Burma to enter into an agreement in regard to immigration of Indians into Burma. In 1948 during the

visit of the Burmese delegation some discussions were held but nothing definite has come out of them.

(b) Yes.

(c) The required statement is placed on the Table of the House. [See Appendix XXII, annexure No. 46].

Shri Rathnaswamy: May I know whether any approach has been made by our Government to the Government of Burma with a request that facilities may be given to such of those Indians who would like to return to India?

Dr. Keskar: From time to time, Government has been taking up the case of specific groups of persons. There has been no general approach for giving facilities regarding persons who intend to go to Burma except as I said in the answer that the Government did try two or three times to discuss with the Government of Burma the general question of immigration of Indians.

Shri Rathnaswamy: May I know whether the Government is aware of the fact that a large number of Indians feel stranded in Burma because they do not have the facilities to return to India?

Dr. Keskar: I am not aware of any large number of Indians who are stranded in Burma. There is no doubt that a certain number of Indians who were unsettled on account of the present disturbances in Burma wanted to come back and as many as specifically wanted to come back have been helped with free passage, and many other facilities to come back to India.

Mr. Speaker: Next question.

CENTRAL ENFORCEMENT DEPARTMENT

*3375. Shri Krishnanand Rai: (a) Will the Minister of Commerce and Industry be pleased to state whether Government are contemplating to close the Enforcement Department?

(b) What is the annual cost for maintaining this department?

The Minister of Commerce and Industry (Shri Mahtab): (a) No.

(b) About 7 lakhs.

Shri Krishnanand Rai: When and for what specific purpose was this department opened?

Shri Mahtab: This department was opened in 1948 in order to see that the Cloth Textile Control Order was implemented by the mills. Since then it has been continuing and the Steel Control also has been entrusted to this department subsequently in 1949.

Shri Krishnanand Rai: May I know how many cases of infringement of the control rules have been sent by this department to the courts and how many of them have been successful?

Shri Mahtab: The figures are from 30th June 1949 to 31st October, 1950. 990 cases of alleged contravention of the control order were investigated out of which prosecutions were launched in 261 cases and 112 cases ended in conviction and 121 cases are still pending in the courts.

Shri T. N. Singh: Out of these cases that were started, how many were started against the textile mills and how many against the dealers?

Shri Mahtab: I am sorry I do not have that information with me now, but I can lay it on the Table of the House, if the hon. Member wants it.

Shri A. C. Guha: May I know if this Enforcement Department has any police powers, and if not how do they handle these cases?

Shri Mahtab: Under the law they cannot have any police powers and as a matter of fact they have no police powers. With the help of the local police they carry on their work.

Shri Sidhva: Sir, may I know whether it is a fact that the Estimates Committee recommended that this Department should be amalgamated with the Home Ministry for the sake of economy, and if so what decision has been reached by the Government on this point?

Shri Mahtab: It is a fact that such a recommendation was made and that will be evident from the report of the Estimates Committee. That point is under the examination of the Government.

Shri Chattopadhyay: Has the Central Government any complaint against the State Governments that they are not cooperating with this Department?

Shri Mahtab: The Central Government cannot have, in the circumstances, any complaint against the State Governments.

RUBBER TYRES AND CARBON BLACK

*3376. **Shri Rathnaswamy:** (a) Will the Minister of Commerce and Industry be pleased to state what is the total quantity of Rubber tyres exported to China in 1950-51 and on what terms?

(b) What are the countries from which India has been importing Carbon Black used for the manufacture of tyres?

(c) What is the quantity of Carbon Black imported from the United States of America?

The Minister of Commerce and Industry (Shri Mahtab): (a) During the whole of 1950 and January 1951, about 12,600 sets of tyres and tubes were exported to China. All these were exported on commercial basis.

(b) U.K. and the U.S.A.

(c) During 1950-51, 76,83,516 lbs. of Carbon Black valued at Rs. 36 Lakhs, approximately, were imported from the United States of America.

Shri Rathnaswamy: Is it a fact that the Government of the United States of America has advised the Government of India not to export rubber tyres to China and if so what are the reasons?

Shri Mahtab: That is not correct. No Government can advise any other Government in regard to their own trade.

Shri Rathnaswamy: At least is the Government aware of the fact that the Government of the United States of America have expressed its unwillingness or objection to the export of rubber tyres to China?

Shri Mahtab: That is not a fact. I do not think any government can be so imprudent as to raise any such objection as the one referred to by the hon. Member.

Shri Brajeshwar Prasad: Is it a fact that the export of giant tyres to China has been stopped?

Shri Mahtab: The export of tyres not only to China, but to others also has been stopped because of our local requirements.

Shri Himatsingka: Is it a fact that the prices of rubber tyres have been increased without reference to the Tariff Board or any other authority?

Mr. Speaker: I think that matter has been dealt with in the half-an-hour discussion.

Shri Mahtab: There is no question of Government coming in because the price of tyres is not controlled.

Shri M. V. Rama Rao: Is it a fact that about 14,000 or 17,000 tyres exported from Calcutta to Hongkong eventually found their way into Red China and this produced a protest from the Government of the United States?

Shri Mahtab: There has been no protest from any quarter; the export had to be stopped because of our own requirements.

Shri M. V. Rama Rao: But is it or is it not a fact that these tyres were exported from Calcutta?

Shri Mahtab: I have already stated that tyres were exported. I do not know whether they were exported from Calcutta or Bombay, but they were exported from India.

Sardar Hukam Singh: With reference to part (a) of the answer, while these tyres were being exported, were some tyres also imported into India during the same year?

Shri Mahtab: There has been no such import, as far as I remember.

TEXTILE MACHINE TOOL FACTORY

*3378. **Shri Kamath:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that plans are under way for the establishment of a textile machine tool factory;

(b) if so, where it will be located;

(c) whether it is a completely Indian enterprise or it is in partnership with a foreign company, if so, which;

(d) the percentage of Indian and foreign capital invested therein; and

(e) the estimated annual output of the factory?

The Minister of Commerce and Industry (Shri Mahtab): (a) The hon. Member is perhaps referring to the establishment of a textile machinery manufacturing factory by Messrs. National Machinery Manufacturers Ltd., Bombay. If so, I may point out that this factory is already nearing completion and will go into production shortly.

(b) The factory is situated at Thana, 24 miles from Bombay, between the Bombay-Poona Road and the main G.I.P. Railway.

(c) It is a combine of Indian Mill-owners and Messrs. Textile Machinery Makers of the United Kingdom.

(d) The authorised share capital of the company is Rs. 5 crores. The issued share capital is Rs. 1.5 crores. Cash actually subscribed amounts to Rs. 1,19,69,600 out of which Rs. 13 lakhs have been subscribed by Messrs. Textile Machinery Makers of U.K. Besides, a free issue of 26,000 shares (value Rs. 26 lakhs) has been made to Messrs. Textile Machinery Makers Ltd., and Messrs. Tweedales and Smalley (1920) Ltd. of U.K., in consideration of the technical advice and assistance rendered by them and their associated companies in the setting up

and running of National Machinery Manufacturers Limited and of the permission and licence to use in India their goodwill, trade names and trade marks, etc.

(e) The factory, when in full production, will produce 1,20,000 spindles and an equivalent quantity of spare parts per year.

Shri Kamath: By what time is this factory expected to go into production?

Shri Mahtab: As I have said, it will go into production in the near future.

Shri Kamath: Is the management of this concern completely Indian?

Shri Mahtab: Yes.

Shri Hussain Imam: Will this be in competition with the Texmaco of Calcutta or will it deal in other lines?

Shri Mahtab: This firm will manufacture many of the items manufactured by the Texmaco and also others.

Shri T. N. Singh: Out of the various sums, has any calculation been made as to how much will be for trademarks and patent rights and how much will be paid as technical assistance?

Shri Mahtab: It is really a private firm and they have come to some understanding themselves with a foreign firm. I am here only to convey the information about this firm.

Sardar B. S. Man: We received certain machineries from Germany by way of reparation. Have we sold that machinery to this company? If so why have we not ourselves made use of this machinery?

Mr. Speaker: I think this question of German reparation machinery has been dealt with already.

Shri Kamath: What is the percentage of Indian capital and the percentage of foreign capital in this concern?

Shri Mahtab: I have already given the figures and the percentages can easily be calculated by hon. Members themselves. The authorised share capital is Rs. 5 crores. The issued share capital is Rs. 1.5 crores and the cash actually subscribed amounts to Rs. 1,19,69,600 out of which Rs. 13 lakhs have been subscribed by Messrs. Textile Machinery Makers of the United Kingdom.

ANGLO-PORTUGUESE JOURNALS IN INDIA

*3384. **Shri Joachim Alva:** Will the Prime Minister be pleased to state:

(a) whether Government are aware of the number of Anglo-Portuguese and

Anglo-Konkani journals which are being published in Bombay and other parts of India, which fiercely champion the cause of Portuguese domination over Goa as against the natural claims of free and independent India; and

(b) whether Government are aware that some of them have been directly subsidised by the Portuguese authorities and what measures Government propose to take against these journals?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Yes.

(b) It is understood that a number of these journals received assistance from Portuguese India. In view of Government's policy of respecting the freedom of the Press, they do not propose to take any action against them, unless circumstances arise which necessitate such action.

Shri Joachim Alva: What are the names of the journals and have Government drawn the attention of the Government of Portugal to the activities of these journals?

Dr. Keskar: Government have many times drawn the attention of the Government of Portugal to the activities of these journals. The most prominent amongst these journals are *Heraldo*, *Diario de Neite*, and *Anglo-Lusitano*.

Shri T. N. Singh: Is it not a fact that the publicity carried on by these journals with the help of foreign capital amounts to interference in our own political handling of the situation?

Dr. Keskar: I would not go so far as to call it interference but there is no doubt that such help by foreign capital is undesirable.

ENHANCEMENT OF EXPORT DUTY

*3385. **Shri S. N. Das:** (a) Will the Minister of Commerce and Industry be pleased to state whether Government in exercise of the temporary powers given by Parliament to enhance existing export duties and to levy new duties, have enhanced export duties or levied new duties on any articles?

(b) If so, which are those articles?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) and (b). Yes. The export duty on jute sacking (cloth, bags, twill, yarn, rope and twine) was increased from Rs. 150 to Rs. 350 per ton with effect from the 30th March, 1951.

Shri S. N. Das: Since the time these duties were levied has the price of jute sacking gone up?

Shri Karmarkar: I would like to have notice.

WAR REPARATIONS

*3386. **Shri Raj Kanwar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the up-to-date position of the recovery of war reparations from (i) Japan and (ii) Germany;

(b) whether such reparations have been received or are expected to be received from any other country and if so which, and what is the realised or anticipated amount; and

(c) whether any portion of such reparations has been or is proposed to be distributed to private individuals or firms and if so, in what proportion?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) and (b). India has so far received German Reparations as follows:

In cash	Rs. 36,32,686	(Approximately)
As Capital goods (estimated value)	Rs. 2,44,86,473	
Total	Rs. 2,81,19,159	

No reparations have been received or are expected from any country other than Germany, but India is entitled to retain the other enemy property now vested in the Custodian of Enemy Property to the extent of her claims against the countries concerned.

(c) No decision has so far been taken as to the manner in which reparations received in cash should be disposed of. As regards capital goods received as reparations from Germany, allocations have been made to Government Departments, the States, and Educational and Research Institutions.

Shri Raj Kanwar: What is the total value of war reparations claimed by India from Japan and Germany? Is there any hope of getting any further amount or machinery etc., from those countries?

Shri Karmarkar: With regard to Germany and Japan regarding claims I should like to have notice. I have not got the information ready.

Mr. Speaker: The second part of his question is, what is the likelihood of further recoveries being made?

Shri Karmarkar: We are likely to receive further allocations from the Inter-Allied Reparations Agency with regard to Germany. As regards Japan the matter is under consideration pending the conclusion of a peace treaty.

Shri Raj Kanwar: What practical steps are Government taking to secure

an early settlement of this question, seeing that the war ended some years ago?

Shri Karmarkar: This is a question in which many Governments are concerned and our Government is taking all steps possible in the circumstances.

Sardar B. S. Man: What portion of these reparations which we have received in the form of capital goods has been utilised by the Government itself, what portion has been sold to private parties and what portion still remains unused by the Government?

Shri Karmarkar: So far as private parties are concerned I think subject to further information being obtained, educational and research institutions have got a part of these assets. As regards the other part of the question I should like to have notice.

Shri T. N. Singh: Is it a fact that parts of machines received as reparations do not form complete units and therefore they remain unusable?

Mr. Speaker: This question has been put more than once in this House.

Shri Shankaraiya: May I know whether among the machinery received from Germany there was a complete set for the manufacture of aircraft and, if so, would it be given to the Hindustan Aircraft Factory for the manufacture of aircraft?

Shri Karmarkar: I should like to know more about that.

Shri Kamath: Is it a fact that some of the goods received by way of reparations have tended to deteriorate, because of bad storage?

Shri Karmarkar: I do not think so.

EXPERT COMMITTEE ON PRINTING

*3387. **Shri Raj Kanwar:** Will the Minister of Works, Production and Supply be pleased to state:

(a) the composition of the Expert Committee on Printing set up in March, 1949;

(b) the date on which it concluded its work; and

(c) if the Committee has not submitted its report, the reasons therefor and when its report is expected?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) The Committee consisted of—

Chairman—Shri Ram Nath Goenka, M.P.

Members—(1) Mr. F. Borton, Manager, Caxton Printing

Press, Bombay (he subsequently resigned),

(2) Shri H. K. Das, Managing Director, Eagle Lithographing Co. Ltd., Calcutta.

(3) Mr. F. H. Rauleder, Superintendent, Hoe & Co., Madras.

(4) Mr. E. V. Gregory, Controller of Printing and Stationery, India, New Delhi

Secretary—Shri V. N. Linaye, Dip. in Printing (London), Nagpur.

(b) Middle of March 1950.

(c) The Report of the Expert Committee has been received in the Ministry in draft form and has not yet been finalised by the Chairman.

The reason is that one of the members of the Committee, Mr. F. H. Rauleder, who was asked to sign the report declined to do so since it differed from the draft he had seen. The question of recasting the report is pending with the Chairman and it is not known when the finalised report will be submitted. Efforts are however being made to get the report expedited.

Shri Raj Kanwar: What practical steps have Government taken to finalise the report and by what date is it likely to be finalised?

Shri Buragohain: As I have already stated one of the members, Mr. Rauleder, was away for some months last year after the report was drafted and when he returned to the country and saw the report he refused to sign it. Another member of the Committee, the Controller of Printing and Stationery, also differed from the report in the draft form and the Chairman has been requested several times to call all the members and hold a sitting of the Committee, finalise the report and make it available to us.

Mr. Speaker: Next question.

Shri Goenka: The answer is not true.

Mr. Speaker: He may take up the matter privately with the hon. Minister.....

Shri Goenka: May I make a statement?

Mr. Speaker: Order, order. I do not want to encourage the practice of Members contradicting Ministers' statements on facts on the floor of the House. One of the dangers is that such contradictions are publicly made without proper information and then there is no chance of their being corrected. I think the proper course

for the Members, if they want to contradict such statements, is that they should talk with the Minister privately and convince him. If the latter refuses to be convinced and if the hon. Member has reasons to believe that the Minister has intentionally refused to be convinced by facts, he may table a question.

Shri Goenka: May I make a statement?

The fact is something different from what he has said today.

Mr. Speaker: Order, order. Next question.

GOVERNMENT PRESSES (INVESTIGATION BY FOREIGN EXPERTS)

*3388. **Shri Balwant Sinha Mehta:** (a) Will the Minister of Works, Production and Supply be pleased to state whether it is a fact that the Government of India have decided to appoint a Foreign Expert to investigate into the working of the printing establishments of Government and to suggest improvements regarding plant and method of working etc.?

(b) If so, is he a man of technical experience and was no Indian available?

(c) Do Government propose to send some Indians with adequate experience abroad for training or refresher course and if so, when?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) Yes.

(b) No person has yet been selected, but attempts are being made to obtain a suitable person from the United Kingdom or the Continent. The Officer should essentially be a qualified and skilled printer with considerable administrative experience in the running of the presses with all types of printing. Further he should preferably have experience of purchase and supply of stationery. Enquiries show that no Indian with such composite experience is available. It may be stated that the appointment of a technical officer has been recommended by the Expert Committee on printing.

(c) The matter is under consideration of Government.

Shri Balwant Sinha Mehta: On what basis did the Government come to know that there was no Indian with such composite experience available?

Shri Buragohain: As I have stated we have been looking for a person who

would have composite experience of both the stationary side and printing side of the department. That has been the Government's difficulty in finding a man with such composite experience. As the House knows things are not going on well in the Stationery Office in Calcutta.

Shri Balwant Sinha Mehta: May I know the number of our officers and men of experience who have been trained in foreign countries?

Shri Buragohain: All our Managers and Assistant Managers have had training in U.K. in the master printer's course.

Shri Deshbandhu Gupta: May I know whether it is a fact that in the absence of a foreign expert on printing Government have authorised or appointed one of the members of this expert committee to recommend the purchase of all the machinery, and that no machinery is being purchased unless it is 'okayed' by that member of the expert committee?

Shri Buragohain: The position was this. Government had, on the recommendation of the expert committee, already placed orders for certain machinery for our presses for replacement of old machinery and also for setting up of a new press at Nasik. One of the members of this committee happened to visit the Continent and U.K., and so his presence there was taken advantage of to make selection of types of machinery.

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[**Giani G. S. Musafir:** Are there any foreign qualified persons in the Department at present?]

Shri Buragohain: As I have already stated, all our Managers and Assistant Managers have had training in U.K. in the master printer's course but that experience is not considered enough for the purpose for which the Government wants the person.

Shri A. C. Guha: May I know if the Government had made any enquiry into the working of Government presses through some Governmental enquiry committee, and, if so, what are the recommendations and what action has been taken on them?

Shri Buragohain: The expert committee went into the working of all the presses and visited, I think, all of them and made certain recommendations.

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

Shri A. C. Guha: Sir, my question has not been understood and answered.

Mr. Speaker: Does not matter—he may pursue it later on.

HIGH COMMISSIONER IN CEYLON

*3389. **Shri Rathnaswamy:** Will the Prime Minister be pleased to state:

(a) whether Government have made any decision regarding the selection of the next High Commissioner in Ceylon; and

(b) whether any communications have been made by the Government of Madras with the Government of India in the matter?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Shri K. P. Kesava Menon has been appointed as High Commissioner.

(b) Yes, the Government of Madras made certain representations regarding this matter.

Shri Rathnaswamy: May I know why such a long delay was made in filling up this vacancy caused by the resignation of the former High Commissioner?

Dr. Keskar: It was caused by the search for a suitable candidate for that high post.

Shri Rathnaswamy: Is it the practice of the Government here to consult the wishes of the residents of countries like Ceylon where the High Commissioners have to be appointed, before making these appointments?

Dr. Keskar: I have not understood the question, Sir.

Shri Rathnaswamy: Let me put it this way. Is it the practice of the Government here to take into consultation the opinions of the leading Organisations of countries like Ceylon where the High Commissioner is to be appointed?

Dr. Keskar: I think it is not possible, neither could it ever be the practice of Government to consult organisations in another country regarding the appointment of our representative in that country.

DISPLACED STUDENTS IN CALCUTTA

*3394. **Shri Jnani Ram:** Will the Minister of Rehabilitation be pleased to state:

(a) the amount provided for the scheme for the dispersal of displaced students from Calcutta; and

(b) the number of students to be benefited by the scheme?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) A loan of Rs. 70 lakhs has been given to West Bengal Government.

(b) The scheme is intended ultimately to benefit 7990 students, but so far only 2675 students have been enrolled out of which 1467 or 54.8 per cent. are displaced persons

Shri Jnani Ram: May I know the reason why the rest of the students are not being benefited?

Shri A. P. Jain: One of the reasons given to us by the West Bengal Government is that the category 'B' schools, that is the new intermediate colleges outside Calcutta, could not be affiliated to the Universities, and therefore the displaced students sought admission elsewhere. In those colleges the percentage of displaced persons is low—that is, 32.3 per cent. There might be other possible reasons of which I am not aware.

Shri Jnani Ram: May I know the places where the students have been transferred?

Shri A. P. Jain: There are about forty places and if the hon. Member wants I can supply the information to him privately.

Shri A. C. Guha: May I know the number of colleges and high schools established under this scheme?

Shri A. P. Jain: Eighteen existing colleges were intended to be extended but, in fact, twenty have been extended. Sixteen new intermediate colleges outside were proposed to be opened; actually twelve have been opened so far. Three technical institutions were intended to be opened under the scheme but actually eight have been opened.

FARIDABAD TOWNSHIP

*3395. **Shri Jnani Ram:** Will the Minister of Rehabilitation be pleased to state:

(a) the time when the scheme of Faridabad Township was taken up;

(b) the date on which the scheme was sanctioned by Government; and

(c) the amount so far spent on the scheme?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) June, 1949.

(b) The sanction for the first instalment of a sum of Rs. 60 lakhs was accorded in November, 1949.

(c) The amount so far spent on the scheme is approximately Rs. 140 lakhs upto the end of March, 1951.

Shri Jnani Ram: May I know the amount spent for encouraging home industries?

Shri A. P. Jain: Sir, I have got the figures but I may have to hunt them out—it is a big table. I want notice of the question.

Shri Jnani Ram: May I know the value of the goods produced by the inhabitants so far?

Shri A. P. Jain: We have not got separate figures for Harijans.

Some Hon. Members: He said 'residents', not Harijans.

Shri B. R. Bhagat: May I know how many houses in that colony have been constructed and what is the cost per unit of the houses and also how the cost compares with houses constructed in Delhi?

Shri A. P. Jain: Sir, this question was answered in this House only the other day, but I will repeat the answer. 3500 houses have already been constructed; 1500 are under construction. The cost is Rs. 4/11/- per sq. ft. and the built area under each house is 360 sq. ft. So far as how this cost compares with the cost of construction in Delhi, if we take into account the difference in specifications the cost would be more or less the same there as in Delhi.

NILOKHERI TOWNSHIP SCHEME

*3396. **Shri B. K. Das:** Will the Minister of Rehabilitation be pleased to state:

(a) the total amount spent so far on the Nilokheri Township Scheme;

(b) the monthly recurring expenditure; and

(c) the amount, if any, allocated as the recurring or non-recurring grant for the year 1951-52?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The total gross expenditure on the Nilokheri township scheme up to the 31st March, 1951, was Rs. 82.79 lakhs.

(b) The average monthly expenditure is Rs. 45,000.

(c) The following allocation has been made but has not yet been finally accepted:

Non-recurring.	Rs. 8.04 lakhs.
Recurring.	Rs. 6.13 lakhs.
Total.	Rs. 14.17 lakhs.

Shri B. K. Das: May I know what amount of this total expenditure is a loan to the township?

Shri A. P. Jain: Excepting the expenditure on the polytechnic which is Rs. 16.17 lakhs, and the expenditure on the school and hospital, the rest is a loan, that is Rs. 57.86 lakhs.

Shri B. K. Das: What is the administrative set-up in this place and who is responsible for the payment of this loan and what are the terms of the loan?

Shri A. P. Jain: We have got an Honorary Technical Adviser who is in charge of the colony up till now. We may have a change in the set-up, but what will be the change I am not in a position to indicate today.

Shri B. K. Das: Has the township become self-sufficient or if it is not, by what time is it expected to become self-sufficient?

Shri A. P. Jain: Self-sufficiency is a difficult question to answer, but the entire loan was agreed to be paid in twenty-five years and they have paid the first quarterly instalment.

Shri Kamath: In the case of houses built in this township at Nilokheri, at what figure does the cost per sq. ft. of floor area work out?

Shri A. P. Jain: I require notice.

Shri Kamath: Is it a fact that the cost per sq. ft. so floor area in Nilokheri houses is less than that of the 100 houses recently purchased by the Rehabilitation Ministry from the Government Housing Factory?

Shri A. P. Jain: My Ministry has not purchased any houses from the Prefabricated Factory and the question of cost is also a matter which depends upon many and varied factors.

Sardar B. S. Man: What is the present income of this colony through the sale of its products?

Shri A. P. Jain: We have so far recovered Rs. 1.63 lakhs from the sale proceeds.

DISPLACED PERSONS' CAMPS IN CACHAR

*3397. **Shri A. C. Guha:** Will the Minister of Rehabilitation be pleased to state:

(a) the number of camps maintained by the Government of India in Cachar with the number of inmates in each camp;

(b) whether there has been any closing down of the camps or curtailment of rations before rehabilitating

the displaced persons of the camps; and

(c) the expenditure incurred on the camps?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Two.

Station Camp, Silchar.	700
Puran Bazar Camp, Karimganj.	300
Total.	1000

(b) No.

(c) The expenditure during 1950-51 was Rs. 10,29,000.

Shri A. C. Guha: May I know what is the rehabilitation arrangement for the inmates of these camps?

Shri A. P. Jain: None.

Shri A. C. Guha: Are they not going to be rehabilitated?

Shri A. P. Jain: No. They are not going to be rehabilitated, because they are a permanent liability.

Shri A. C. Guha: Are they going to be stationed there or removed to some other place?

Shri A. P. Jain: It will all depend upon the suitability of the place. We are thinking of setting up a permanent home either in our own building or in a hired building.

Shri A. C. Guha: Have there been no other camps in recent times in Cachar?

Shri A. P. Jain: No.

Shri Chattopadhyay: Will the hon. Minister explain what is meant by 'permanent liability'?

Shri A. P. Jain: 'Permanent liability' is an expression which has been used by Shri Gopalaswami Ayyangar in his report on the working of the Rehabilitation Ministry. It means that we are responsible for maintaining the old and infirm so long as they live or one of the members of their family is able to maintain them. In the case of unattached women it means that we should maintain them until we are able to give them training and set them up in life or until one of the dependents of such unattached women is in a position to maintain them.

Shri A. C. Guha: Have there been any camps in the tea garden area of Cachar?

Shri A. P. Jain: There were no camps in the tea garden area of Cachar. Only transit camps had been set up

and from those camps people were dispersed on land.

CLOTH (EXPORT)

***3400. Shri S. C. Samanta:** (a) Will the Minister of Commerce and Industry be pleased to state whether Government have taken any decision to export coarse and medium cloth to soft currency areas in 1951-52 and if so, what is the quantity?

(b) What quantity of coarse and medium cloth produced in 1951-52 would be reserved for distribution within the country?

The Minister of Commerce and Industry (Shri Mahtab): (a) No decision has been taken for 1952. For 1951, the decision is to license 144 million yards to soft currency countries, including Pakistan.

(b) On the present estimate of cotton availability during 1951, the quantity of coarse and medium cloth available for distribution within the country will be approximately 2,150 million yards. No figure can yet be given for 1952.

All the figures in reply to this question relate only to mill-made cloth.

Shri S. C. Samanta: May I know what stands in the way of complete stoppage of the export of these qualities of cloth to soft currency countries, especially as we are deficit in cloth?

Shri Mahtab: I have already explained that when we require the import of various essential articles and we negotiate for them, we have to give our suppliers their requirements also to some extent. Thus, we have to strike a bargain in these matters.

Shri Hussain Imam: What is the estimate on which the hon. Minister has based the figure of 2,150 million yards for the country's consumption?

Shri Mahtab: The total production of medium and coarse cloth is 2,150 million yards plus 144 million yards.

Shri Hussain Imam: No export to dollar countries?

Shri Mahtab: No.

Kaka Bhagwant Roy: What is the quantity of medium cloth fixed to be exported to Indonesia?

Shri Mahtab: Our total export this year will be to the extent of 144 million yards. It will be to countries like Pakistan, Ceylon and possibly also Indonesia. I cannot say offhand how much is for Indonesia, but the total export limit will be 144 million yards.

Shri S. C. Samanta: May I know why fine and superfine cloth are not exported instead of these qualities of cloth?

Shri Mahtab: Exports of fine and superfine cloth have been staggered for this year, because last year we issued licences to the extent of about 1100 million yards. During the course of this year, fine and superfine cloth will be exported gradually.

Shri Krishnanand Rai: May I know whether all the quotas allotted for export in 1950 were exported or some of them lapsed?

Shri Mahtab: I have already stated that this has been staggered and some of this export will take place in 1952 also. It has been staggered in that way.

Shri Hussain Imam: Out of the export quota mentioned by the hon. Minister, how much has been already exported and how much still remains?

Shri Mahtab: Nothing has been exported yet.

Shri S. C. Samanta: May I know the cost of production per yard of these medium and coarse varieties and what is the price obtained by export?

Shri Mahtab: I am sorry I cannot give that information now.

WRITTEN ANSWERS TO QUESTIONS

FRENCH SETTLEMENTS

*3366. **Prof. S. N. Mishra:** (a) Will the Prime Minister be pleased to state whether it is a fact that the French Government have proposed to offer French India the status of an "Associated State"?

(b) If so, has there been any consultation with the Government of India in this regard?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). Government have heard some rumours regarding such a proposal but have no definite information on the subject.

NON-OFFICIAL HELP FOR REHABILITATION OF DISPLACED PERSONS

*3373. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Rehabilitation be pleased to state whether Government have any approximate estimate of non-official help received by Government for purposes of rehabilitating the displaced persons?

(b) Did any political party or public institution in India raise any funds for this purpose?

(c) Did any financial aid come from abroad?

(d) Did Government make any appeal in the direction of getting non-official financial aid, for rehabilitating the displaced persons?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The attention of the hon. Member is invited to my reply to Starred Question No. 2126 on 12th March 1951.

(b) The Central Relief Committee of the All India Congress Committee raised substantial funds for the relief and rehabilitation of displaced persons. Funds were also collected by the Ramakrishna Mission, the Marwari Relief Society and other bodies.

(c) Yes. Donations have been received from individuals, groups or associations in foreign countries, amounting to Rs. 7.30 lakhs.

(d) No specific appeal to contribute to a specific fund was made.

TARIFF PREFERENCE

*3374. **Shri Kishorimohan Tripathi:** Will the Minister of Commerce and Industry be pleased to state the names of countries, if any, which give tariff preferences to India and receive the same from India?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): A list of the countries which are covered by the scheme of preferences is placed on the Table of the House. [See Appendix XXII, annexure No. 47.]

NEW PRINTING PRESS AT NASIK

*3377. **Shri P. G. Sen:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether Government propose to open a new Press at Nasik and if so, how Government propose to meet the needs of the various Government of India offices situated at Delhi and New Delhi with regard to the expeditious printing of their publications;

(b) whether the Expert Committee (Printing) recommended that, within a range of one hundred miles from Delhi, another Press, fully equipped to cope with the overflow of printing work, should be established and if so, what action has been taken by Government on that recommendation; and

(c) whether it is a fact that the paucity of printing machineries at the Government of India Press, New Delhi, is responsible for the delay in the timely publication of Parliamentary papers and other works relating to the various Ministries and is also standing in the way of creating a separate wing

in the Press for timely printing of Parliamentary papers?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) Yes. The Nasik Press would help in expeditious printing of the work of the Government of India offices in Delhi and New Delhi, both by undertaking non-urgent work as well as by relieving the Government of India Press, New Delhi, of the printing work of the offices located in the Bombay area and southern parts of the country. At the same time it is proposed to augment the printing capacity of the Government of India Press, New Delhi.

(b) Yes. The matter is under examination. But in view of the financial stringency, there is little likelihood of this recommendation being implemented in the near future.

(c) Yes, to some extent. Delays are however mainly, because the existing machines in the Press are very old and worn out and the total volume of demands placed on the Press far exceeds its capacity. It is hoped that with the establishment of the full-fledged Press at Nasik and the proposed expansion of the Government of India Press at New Delhi, the latter Press will be left with a manageable load. Some additional machines are being procured specifically for creating a self contained wing in the New Delhi Press for Parliamentary work.

TRADE REPRESENTATIVES

*3379. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Commerce and Industry be pleased to state the number of Trade Representatives posted by India to different countries as on 15th August, 1947?

(b) What is the total annual expenditure in respect of the said representatives' offices?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Twelve.

(b) The expenditure on such of the twelve offices which are in existence now will be in the neighbourhood of Rs. 16,46,800 during 1951-52.

GOVERNMENT OF INDIA PROPERTY AT KATHMANDU

*3380. **Shri A. P. Sinha:** (a) Will the Prime Minister be pleased to state what is the extent of property owned by the Government of India at Kathmandu in Nepal?

(b) In whose possession is the property, wholly or in parts?

(c) To what use is it being put?

The Deputy Minister of External Affairs (Dr. Keskar): (a) to (c). A statement of the property owned by the Government of India at Kathmandu in Nepal is placed on the Table of the House. [See Appendix XXII, annexure No. 48.]

With the exception of the Ambassador's residence, the First Secretary's residence and the Archivist's bungalow, which are at present in the possession of the British Ambassador, the rest of the property is in the possession of the Embassy of India. The buildings that are in the possession of the British Embassy are being used for residential purposes by the British Ambassador and his staff. Those in the possession of the Embassy of India are being used both as offices and as residences for the staff of the Indian Embassy.

SEASONAL LABOURERS OF CHHOTA NAGPUR

*3381. **Shri Kshudiram Mahata:** Will the Minister of Labour be pleased to state whether there is any difference in daily wages between casual or seasonal labourers from Chhota Nagpur and Madhya Pradesh to plantation areas and permanent labourers and if so, what?

The Minister of Labour (Shri Jagjivan Ram): According to available information, the reply is in negative.

AGRICULTURAL LABOUR FAMILIES

*3382. **Shri Kshudiram Mahata:** Will the Minister of Labour be pleased to state:

(a) the number of agricultural labour families in India;

(b) the average number of earning members per family; and

(c) the average number of days employed in agricultural and non-agricultural pursuits separately in the year?

The Minister of Labour (Shri Jagjivan Ram): (a) The total number of agricultural labour families in the Union is estimated at about 19 millions on the basis of rural population estimated by the Census Commissioner in 1948. The term "agricultural labour" means a person who is engaged for 50 per cent. or more of the total number of days worked by him during a year as a hired worker performing agricultural operations.

(b) The average number of earners per family of agricultural labourers

would be known after the data contained in the General Family Schedules collected during the All India Agricultural Labour Enquiry of the Government of India have been processed. According to the 1931 census, however, the average number of earners per family of agricultural workers was about 1.8.

(c) The average number of days employed in agricultural and non-agricultural pursuits would be known only after the data now being collected in the Intensive Family Schedules of the All India Agricultural Labour Enquiry have been analysed. However, according to the results of the preliminary enquiry conducted in a few villages in some of the States, men agricultural workers were found to be employed in agricultural and non-agricultural pursuits for about 166 days and about 55 days in village Brindabanpur in West Bengal, for 134 and 66 days respectively in Vandalur in Madras, 152 and 3 days in village Dorwan in Bihar, 96 and 80 days respectively in village Archikarahalli in Mysore and 162 and 3 days respectively in village Khapri in Madhya Pradesh.

INDUSTRIAL LABOUR

*3383. **Shri Kshudiram Mahata:** Will the Minister of Labour be pleased to state:

(a) the average daily earning of an industrial labourer in India;

(b) the percentage of daily earnings spent on food only;

(c) the average daily earning of an agricultural worker in India (taking the days of unemployment also into account); and

(d) the percentage of daily earning of an agricultural worker spent on food only?

The Minister of Labour (Shri Jagjivan Ram): (a) The estimated average annual earnings of a worker engaged in factory industries was Rs. 890 in 1948. This works out to an average of Rs. 2-7-0 for each day of the year or roughly Rs. 3-4-0 per day actually worked.

(b) The percentage expenditure on food of an average industrial worker's family, as determined from family budget enquiries conducted at some of the important centres in India, varies from 52.8 to 69.2 in the different centres.

(c) The average daily earning per earner of an agricultural worker family taking unemployment also into consideration, as ascertained during the preliminary agricultural labour

enquiry in a few villages in some States varied from As. -/7/- to As. -/14/- a day. An average agricultural worker's family consists of 1.8 earners and the figure mentioned above is only one worker's average daily earning throughout the whole year, the period of unemployment or underemployment varying from anything between 150 and 200 days in a year.

(d) The percentage of the expenditure of food to total family expenditure varied in the States, where the preliminary enquiry was conducted, from 71 to 81 per cent.

LOANS TO DISPLACED PERSONS

*3391. **Dr. Deshmukh:** (a) Will the Minister of Rehabilitation be pleased to state what is the amount of loans, and the number of displaced persons from West Pakistan to whom these loans were advanced?

(b) What sum is likely to be advanced during the current financial year?

(c) Have any recoveries been made and if so, what is the amount of these recoveries?

(d) Is any portion of these loans distributed through State Governments and if so, what is the amount given to each State?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Rs. 1628 crores upto January 1951. The number of displaced persons to whom loans were advanced is not available in all cases; but loans have been advanced to 1,31,396 West Pakistan displaced persons under the Urban Loans Scheme and to 2,130 by the Rehabilitation Finance Administration. These figures do not include the loans advanced to students abroad.

(b) About Rs. 3.8 crores for West Pakistan displaced persons excluding loans which may be advanced by Rehabilitation Finance Administration.

(c) Recoveries have so far been on a small scale. Details of amount realized are not available.

(d) A statement showing the loans distributed through State Governments and the Rehabilitation Finance Administration for the rehabilitation of displaced persons is placed on the Table of the House. [See Appendix XXII, annexure No. 49.]

ESTIMATES COMMITTEE (RECOMMENDATIONS)

*3392. **Dr. Deshmukh:** (a) Will the Minister of Commerce and Industry be pleased to state whether the recommendations of the Estimates Committee (3rd Report) have been examined and decisions taken thereon?

(b) If so, which recommendations have been accepted?

(c) Has any action been taken to implement the recommendations which have been accepted?

(d) Do Government propose to lay a copy of statement on the Table of the House showing the economies expected to result from it during 1951-52?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). Yes, the recommendations have been examined and decisions taken on a number of them, e.g.,—'Shipping' and 'Insurance' have been transferred to Transport and Finance Ministries respectively and the reduced Commerce Ministry amalgamated with the Ministry of Industry and Supply (para. 12 of the report).

The functions of the Trade Commissioners and of the Embassies have been amalgamated at a number of places (para. 70 of the report).

A number of posts have been abolished (paras. 1, 4, 6, 8, 9, 42, 74 of the report).

In the above cases action has already been taken to implement the recommendations. Other recommendations are still under examination and it is hoped to come to final decisions in the near future.

(d) Yes, it is proposed to lay on the Table of the House the required statement as soon as all the recommendations in the 3rd report have been finally examined.

SHOW CASE IN S.S. *Queen Mary*

***3398. Shri Lakshmanan:** (a) Will the Minister of Commerce and Industry be pleased to state whether Indian Central Cottage Industries Export Committee hired any show case in S.S. *Queen Mary* for displaying our Cottage Industry products?

(b) If so, when and for what period?

(c) What is the rate of hire?

(d) What are the articles now on display and from when are they on display?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes, Sir. The show case has been hired by the Government of India.

(b) For a period of one year from 4th August, 1950.

(c) £.300 per annum.

(d) Cottage industries products of the following varieties have been on display from the 4th August, 1950:

(1) Ivory products.

(2) Silver-ware and brass-ware.

(3) Handloom fabrics.

(4) Brocade and scarves.

(5) Ladies bags.

(6) Imitation jewellery.

(7) Bidri-ware.

EXPLOSIVES (IMPORT)

***3399. Shri Lakshmanan:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity and value of explosives imported during the years 1948, 1949 and 1950; and

(b) whether Government propose to start a factory for the manufacture of these explosives?

The Minister of Commerce and Industry (Shri Mahtab): (a) A statement is laid on the Table of the House.

(b) No, Sir.

STATEMENT

Year.	Explosives gelignite, gunpowder etc. (in pounds)	Safety Fuse (in pounds)
1948	6,017,286	6,03,885
1949	5,362,256	8,77,811
1950	6,773,900	11,48,089

Year	Detonators (Nos.)	Value (Rs.)
1948	4,468,130	6,548,281
1949	8,478,204	7,884,175
1950	19,707,900	9,945,148

Dhoties AND Sarees

***3401. { Shri S. C. Samanta:
Shri Barman:**

Will the Minister of Commerce and Industry be pleased to state:

(a) whether any quota of dhotis and sarees to be produced by mills is fixed from time to time, and what is the machinery to see that the mills are producing accordingly; and

(b) whether the Tariff Board has reported on the manufacturing charges of dhotis and sarees, which matter was referred to the Board in March 1951 and if so, what is the report?

The Minister of Commerce and Industry (Shri Mahtab): (a) The mills have been directed to employ at least 50 per cent. of their wide looms

between 48" and 58" for the production of *dhoties* and *sarees* out of which 60 per cent. has been reserved for the manufacture of *dhoties*. There are Production Officers at Bombay, Ahmedabad, Coimbatore, Indore, Calcutta and Kanpur whose duty is *inter alia* to see that mills are complying with orders relating to production.

(b) It has since been decided to drop the inquiry.

DIPLOMATIC REPRESENTATIVES

*3492. **Shri Sidhva:** Will the Prime Minister be pleased to state:

(a) how many offices of Ambassadors, High Commissioners, Heads of legations and Consuls stood vacant at the end of March 1951;

(b) whether it is the intention of Government to fill in these posts, and what are the reasons for keeping these important posts unfilled; and

(c) whether it is the intention of Government to combine more than one embassy on the ground of economy?

The Deputy Minister of External Affairs (Dr. Keskar): (a) At the end of March 1951 the following offices were vacant:

Ambassadors 5, High Commissioners 4, Heads of Legations 2, and Commissioner 1.

(b) The High Commissioner in South Africa was withdrawn some years ago. Permanent arrangements have not been made in regard to the other posts mainly on grounds of economy. It is the intention of Government to make permanent arrangements as soon as circumstances permit.

(c) This matter is under examination.

SALT ADVISORY COMMITTEE (RECOMMENDATIONS)

*3493. **Shri Sidhva:** Will the Minister of Works, Production and Supply be pleased to state:

(a) what were the recommendations of the Salt Advisory Committee meeting held on the 13th November, 1950; and

(b) which of them have been accepted and which are rejected?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) and (b). The meeting of the Salt Advisory Committee was held on the 14th November 1950 and not on the 13th. A statement showing the recommendations of the Committee and the decisions of Government on these recommendations

is laid on the Table of the House. [See Appendix XXII, annexure No. 50.]

BORDER RAIDS IN RAJASTHAN

*3494. **Shri Sidhva:** Will the Prime Minister be pleased to state whether any raid has been made into Rajasthan territory by Pakistan Nationals in January, February and March 1951 and if so, what are the details of such raids?

The Deputy Minister of External Affairs (Dr. Keskar): There were 16 raids in January, 11 in February and 14 in March 1951. The raiders carried away 521 cattle and sheep and other property worth Rs. 31,530/- during these raids. 8 Indian nationals were carried away and 8 were killed, of whom 4 were Police Constables. Two Pakistani raiders were captured during this period and are being prosecuted.

FAIR PRICE SHOPS

*3495. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Commerce and Industry be pleased to state how many additional Fair Price Shops for textile goods have been started in Delhi towards the end of March and in April 1951?

The Minister of Commerce and Industry (Shri Mahtab): None.

HOUSES FOR DISPLACED PERSONS

*3496. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Rehabilitation be pleased to state how many houses and shops for displaced persons are to be constructed this year in Delhi State?

(b) How many houses have so far been constructed and how many are under construction?

(c) What is the amount proposed to be spent over house and shop construction this year?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) It is proposed to construct approximately 10,000 tenements, 1,500 houses and 2,000 shops for displaced persons during the current financial year.

(b) 13,815 houses and tenements, 130 hard-board tenements, and 264 shop-cum-residences had been constructed upto 31st December, 1950 and 4,297 houses and tenements and 178 shop-cum-residences were under construction on that date.

(c) Rs. 4 crores;

COAL (CONTROL)

*3407. **Shri Chattopadhyay:** Will the Minister of Works, Production and Supply be pleased to state:

(a) when control on coal was imposed; and

(b) what is the result of the examination of the question of decontrolling coal?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) 1st April, 1944.

(b) It has been decided that control over coal should continue for the present.

TRADE BALANCE

*3408. **Shri B. R. Bhagat:** Will the Minister of Commerce and Industry be pleased to lay on the Table of the House a statement showing the trade balance in the year 1950-51?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): A statement is placed on the Table of the House.

STATEMENT

Exports including re-exports.
586.54 lakhs of rupees.

Imports565.48 lakhs of rupees.

Balance of trade +21.08 lakhs of rupees.

IMPORTS

*3409. **Shri B. R. Bhagat:** Will the Minister of Commerce and Industry be pleased to refer to the answer given to starred question No. 1200 on the 6th February, 1951 and lay on the Table of the House a statement showing imports during the period October 1950 to March 1951 under the heads (i) Capital goods; (ii) Raw Materials and (iii) Consumer's goods?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): I lay on the Table of the House a statement showing imports of (i) plants and machinery (including capital goods, typewriters, domestic refrigerators and belting for machinery), (ii) Consumer goods, 1951. [See Appendix XXII, annexure No. 51.]

Figures for the month of March 1951 are not available.

CLOTH REQUIREMENTS

*3410. **Shri M. V. Rama Rao:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have any estimate of the total requirements of the nation in the matter of coarse, medium, fine and superfine cloth for 1951-52;

(b) the estimated production of these varieties of cloth in India during the year 1951-52; and

(c) the basis on which quotas are fixed for export of different varieties of cloth?

The Minister of Commerce and Industry (Shri Mahtab): (a) Post-war Planning Committee (Textiles) worked out per capita consumption of 18 yards. On this basis the total cloth requirements were estimated to be 6,372 million yards per year. No estimate quality-wise has been worked out.

(b) The production of cloth during 1951-52 is expected to be 1680 million yards of fine and super-fine and 2520 million yards of coarse and medium. No estimate for the subsequent years can be given, due to uncertainty of cotton supplies.

(c) Export quotas are fixed in relation to the availability of cloth for domestic consumption.

YARN DISTRIBUTION

*3411. **Shri M. V. Rama Rao:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have examined the possibility of organising the production of yarn and distribution thereof to handloom weavers in the country on a rational basis by eliminating the nominees who operate quota supplies;

(b) the total number of nominees who handle yarn and the number of new entrants into the yarn business since control was imposed on cloth and yarn;

(c) the total number of applicants for yarn export in 1949-50 and in 1950-51; and

(d) the method, if any, employed by Government to find out whether yarn quotas meant for distribution to handloom weavers are diverted to other purposes?

The Minister of Commerce and Industry (Shri Mahtab): (a) Appointment of nominees for lifting yarn quotas is the concern of the State Government concerned. The question of eliminating this trade link

does not arise as no State Government has made such a suggestion.

(b) Internal distribution of yarn made available to each State by the Central Government is the responsibility of the State authorities and as such the number of nominees who handle yarn on behalf of the State Governments is determined by them with due regard to the needs of the consumers in different centres.

(c) The total number of applicants in 1949-50 and 1950-51 were respectively 864 and 222.

(d) Distribution of yarn in the States is entirely the concern of the respective State Governments. It is, therefore, the responsibility of the State Government concerned to see that the yarn meant for distribution to handloom weavers is not diverted to other purposes.

मुस्लिम प्रवाजक

*३४१२ श्री जांगड़े : क्या प्रधान मंत्री उन मुसलमान सरकारी कर्मचारियों तथा सैन्य कर्मचारियों की संख्या बतलाने की कृपा करेंगे जिन्होंने भारत के विभाजन से लेकर मार्च १९५१ तक भारत के प्रांतों से पाकिस्तान में प्रवाजन किया है तथा वहां बस गये हैं, अथवा भारत से अपने सम्बन्ध विच्छेद कर लिए हैं ?

MUSLIM MIGRANTS

[*3412. Shri Jangde: Will the Prime Minister be pleased to state the number of Muslim Government servants and military personnel who migrated to Pakistan from the Provinces of India and settled there or severed their connections with India since the Partition of India up to March, 1951?]

The Deputy Minister of External Affairs (Dr. Keskar): It is difficult to collect accurate information on the subject. This would involve reference to State Governments and considerable labour. Before the partition, Government servants were allowed to opt for India or Pakistan. Subsequent to the Partition, other events happened which led to the previous option being sometimes reversed.

मुस्लिम प्रवाजकों की सम्पत्ति

*३४१३ श्री जांगड़े : क्या पुनर्वास मंत्री यह बतलाने की कृपा करेंगे कि :

(१) विभाजन से ले कर मार्च १९५१ तक भारत के विभिन्न राज्यों में मुसलमान

कितने एकड़ ऐसी भूमि तथा गृह आदि अथवा कितने मूल्य की सम्पत्ति पीछे छोड़ गये हैं जिन पर अब उन का कोई स्वत्वदा दावा नहीं है :

(बी) पाकिस्तान को प्रवाजन कर जाने वाले वे मुसलमान कितनी ऐसी भूमि, सम्पत्ति अथवा गृह आदि भारत में छोड़ गये हैं जिन पर कि उन का इस समय भी स्वत्व तथा अधिकार है अथवा ऐसे अधिकार का दावा कर सकते हैं : तथा

(सी) पाकिस्तान से भारत में आने वाले हिन्दू तथा सिख शरणार्थियों के पुनर्वास के अभिप्राय से मुसलमान प्रवाजकों की जो चल तथा अचल सम्पत्ति वितरित की गई है उस का मूल्य क्या है तथा अभी तक जो सम्पत्ति वितरित नहीं की गई है उस का मूल्य क्या है ?

PROPERTIES OF MUSLIM MIGRANTS

[*3413. Shri Jangde: Will the Minister of Rehabilitation be pleased to state:

(a) the total acreage of land, the number of houses or the amount of property left behind by the Muslims since Partition upto March, 1951 in the various States of India over which they have no right or claims now;

(b) the land, properties or houses in India of those Muslims who have migrated to Pakistan but still have claim or can have claim over them; and

(c) the amount of movable and immovable properties belonging to Muslim migrants which have been distributed amongst Hindus and Sikhs who have migrated to India from Pakistan for purposes of rehabilitation and the amount of these properties that have not been distributed?]

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Nil.

(b) The title of migrating Muslims to all their properties left in India, continues.

(c) No distribution of movable and immovable properties of Muslims to displaced persons, has been made. The bulk of immovable estate property,

however, has been allotted to displaced persons. In other cases, where there are old tenants of evacuees, possession is not disturbed if they continue to pay rent to the Custodian.

SUGAR MILLS

*3414. **Dr. M. M. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of Sugar mills, for the import of whose machineries, permissions were granted during the last three years; and

(b) the distribution of these new Sugar mills State-wise?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Licences to about 90 sugar mills both new and old were granted for import of machinery and plant during the last three years.

(b) The state-wise distribution of the new sugar mills under the Government of India Sugar Expansion Scheme is as under:

Uttar Pradesh	4 Units
Bihar	3 Units
Bombay	9 Units
[including two previously allotted to Deccan States (Aundh and Jamkhandi), two additional units and one for Baroda, now merged in Bombay].	
Madras	8 Units
Madhya Pradesh	1 Unit
Assam	2 Units
Orissa	2 Units
E. Punjab	3 Units
Hyderabad	1 Unit
Travancore	1 Unit
Mysore	1 Unit
Cooch-Behar	1 Unit
Indore	1 Unit
Gwalior	1 Unit
Jaipur	1 Unit
Cochin	1 Unit
West Bengal	5 Units
Reserve	2 Units

PAKISTANI RAIDS INTO RAJASTHAN

*3415. **Shri Biyani:** Will the Prime Minister be pleased to state whether any conference was held between the Inspector General of Police of Rajasthan and the Inspector General of Police from Pakistan regarding raids by Pakistanis into Rajasthan territory and if so, with what result?

The Deputy Minister of External Affairs (Dr. Keskar): The first joint meeting between the Inspector General of Police, Rajasthan and the Inspector General of Police, Sind, and the Commissioners of Police, Bahawalpur and

Khairpur, was held at Karachi on the 13th October, 1950 to devise ways and means of preventing border raids. Among others, decisions were taken for the exchange of lists of border offences and for providing facilities to police officers of border districts to enable them to meet their opposite numbers frequently and at short notice. The next joint meeting is scheduled to be held this month at Jaipur.

PRE-FABRICATED SWEDISH HUTS

*3416. **Shri Kamath:** Will the Minister of Works, Production and Supply be pleased to refer to his answer given to my supplementary question on starred question No. 2510 asked on the 26th March, 1951 regarding Swedish pre-fabricated huts and state:

(a) whether the Technical Adviser to the Ministry of Rehabilitation in the course of the negotiations with the Swedish firm, agreed to undertake plastering of the roofs so as to make them waterproof;

(b) whether it is a fact that he did not do so before the prefabricated huts were erected on Queensway, Irwin Road and Panchkuin Road;

(c) if so, whether any action is proposed to be taken against the officer concerned; and

(d) the number of huts and roofings still lying unused?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) No, Sir.

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

(d) Out of 1,000 huts and 6,000 roofs ordered, 554 huts and 5,980 roofs are still lying unused.

BUILDING OF INDIAN EMBASSY IN WASHINGTON

*3417. **Shri Chandrika Ram:** (a) Will the Prime Minister be pleased to state what is the cost of construction of a building for the Indian Embassy in Washington?

(b) Is it sufficient for all the purposes of the Embassy there?

(c) By what time will our Ambassador be residing there?

The Deputy Minister of External Affairs (Dr. Keskar): (a) The Embassy building at Washington was purchased at a cost of Rs. 6,16,567 prior to 15th August 1947.

(b) Yes.

(c) The Ambassador is now residing in this building.

FACTORIES FOR SULPHATE OF AMMONIA

*3418. Dr. M. V. Gangadhara Siva:

(a) Will the Minister of Commerce and Industry be pleased to state how many factories for manufacture of Sulphate of Ammonia have been started in India and in which States are they located?

(b) What was the capital invested and how much of this was on (i) Machinery; (ii) setting up of the machinery; and (iii) building for the same?

(c) What was the estimated cost of production per ton and how did it compare with the foreign imported manure?

The Minister of Commerce and Industry (Shri Mahtab): (a) Two. One of these is located in the State of Travancore-Cochin and the other in the State of Mysore.

(b) Total capital investment of these two factories is approximately Rs. 3.75 crores. Break-up of capital invested on machinery and other items is not available.

(c) Attention of the hon. Member is invited to the reply given to parts (c) and (d) of starred question No. 439 on 28th November, 1950.

STATE TRADING

*3419. Shri M. Naik: (a) Will the Minister of Commerce and Industry be pleased to state what are the commodities which have been brought under State Trading Scheme?

(b) What is the amount invested by Government in the scheme?

(c) What average profits have so far accrued to this scheme?

(d) Have Government taken any decision on the Report and recommendations of the State Trading Committee?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) to (c). A statement of the total expenditure incurred and recoveries made upto 31st of March 1948 will be found on page 425 of the Appropriation Accounts (Civil) 1947-48 and Audit Report of 1949.

I would explain that in this context, State Trading Schemes mean purchase of commodities by Government for the purpose of distribution and sale and not for meeting direct Government requirements. The schemes referred to, except foodgrains and fertilisers, have been discontinued.

Since October of 1949, the export of coal is the subject of State Trading, but no outlay is involved as the agency

of private trade is used. Government also purchase certain limited quantities of steel for distribution at statutory prices.

(d) The Report of the Committee on State Trading is still under the consideration of the Government of India.

RADIO TUBES MANUFACTURE

*3420. Shri Dwivedi: Will the Minister of Commerce and Industry be pleased to state:

(a) what are the prospects of the manufacture of radio tubes in India in the light of the statement made at Washington by Professor Shishir Kumar Chatterjee of the Indian Institute of Science, Bangalore;

(b) whether Government have any proposal under consideration to allow Indian or foreign investors or firms to start a factory in India for the manufacture of radio tubes and other allied articles; and

(c) whether Government have sent abroad any experts or students for technical training in this subject?

The Minister of Commerce and Industry (Shri Mahtab): (a) Government are not aware of the statement made by Professor Chatterjee.

(b) No such proposal is under consideration at present.

(c) Yes; one scholar was sent to the U.S.A. in 1945-46.

YARN IMPORT

*3421. Shri V. K. Reddy: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the Government of India have arranged to import counts 80s and 100s yarn from the United Kingdom to the value of Rs. 12 lakhs to meet the requirements of Madras State; and

(b) whether Government are considering the question of importing additional quantities of cotton yarn and art silk from soft currency areas and Pondicherry?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). At present licences for the import of cotton yarn of 80s counts and above from soft currency countries including United Kingdom are being issued freely. Government are not considering to import additional quantities of art silk yarn from soft currency areas as supplies from these sources are very scarce.

DISPLACED PERSONS IN VINDHYA PRADESH

*3422. Shri Dwivedi: (a) Will the Minister of Rehabilitation be pleased

to state when Government propose to sanction the sum of Rs. 33,60,000 for being advanced as loan for the construction of 1600 tenements for housing displaced persons in Vindhya Pradesh?

(b) Are any public men associated with the work of looking after the difficulties and hardships of the displaced persons in Vindhya Pradesh?

(c) If not, do Government propose to do so?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The question of allotment of the required funds to Vindhya Pradesh Government for Housing Schemes for displaced persons will be considered after detailed schemes, which have been asked for, are received.

(b) and (c). Information is not available. This is, however, a matter for the State Government to consider.

MIGRANTS FROM GODHRA

*3423. **Shri Hussain Imam:** (a) Will the Minister of Rehabilitation be pleased to state whether it is a fact that the Government of India or the State Government announced that the people who had left Godhra (Bombay) will be given facilities to stay in Godhra on their return?

(b) If so, do Government propose to lay on the Table of the House a copy of the said announcement?

(c) How many people took advantage of this up to the end of 1950 and what help and assistance have been rendered to them so far?

(d) How many of the people have been restored their (i) urban and (ii) rural properties and how many are in temporary shelters?

(e) What steps have Government taken or what steps do they propose to take for their permanent settlement?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) to (e). No such announcement was made by the Government of India. The Bombay Government has however been addressed in the matter and necessary information will be laid on the Table of the House as soon as a reply is received from the State Government.

TOILETS REQUISITES (IMPORTS)

*3424. **Shri Sohan Lal:** (a) Will the Minister of Commerce and Industry be pleased to state the estimated value of toilet requisites to be imported during the year ending 31st December 1951?

(b) What are the main articles which will form such imports?

(c) what is the value of such articles imported from 1st January, 1951 up-to-date?

(d) Will the import of this year be more or less in comparison with that of the previous year; and to what extent?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) As the import policy for the period July—December 1951 has not yet been framed it is not possible to give an estimate for the year yet. The figure would not in all probability exceed Rs. 15 lakhs.

(b) The only goods technically classified as toilet requisites which have been permitted for import in the recent past are certain sanitary requisites and some indigenous herbs and barks from neighbouring countries.

(c) The import figures for the years 1949, 1950 and the first two months of 1951 were Rs. 1,42,00,000, Rs. 10,00,000, and Rs. 1,00,000 in round figures respectively.

(d) The level of imports this year will be approximately the same as in the preceding year but only a fraction of what it was two years ago.

IMMIGRATION AGREEMENTS

*3425. **Shri S. V. Nalk:** Will the Prime Minister be pleased to state:

(a) the countries with which India has immigration agreements at present;

(b) the number of Indians allowed to migrate to each of these countries every year and who obtain citizenship of those countries; and

(c) whether Government are negotiating with any other country for the conclusion of immigration pacts?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). Canada is the only country with which India has an Immigration Agreement under which Canada has agreed to receive a quota of 150 immigrants of Indian origin every year. Although there are no other immigration agreements as such between India and other countries, quotas for the admission of Indian immigrants have been fixed in some countries. This has been done in the United States of America, the Philippines and Thailand.

In the treaties of friendship etc., which the Government of India are negotiating with some countries, for instance, Egypt, Muscat, etc., there are clauses which refer to facilities of immigration on basis of reciprocity.

(c) Some inconclusive talks were held, with Burma in 1948. No negotiations are in progress at present.

STATIONERY FOR MEMBERS OF PARLIAMENT

231. Shri Kamath: Will the Minister of Works, Production and Supply be pleased to state:

(a) the prices of different kinds of stationery and envelopes intended for use by Members of Parliament; and

(b) how these prices have been worked out?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) The prices of D.O. letter forms and envelopes offered for sale to Members of Parliament this year, are as under:—

(i) Small post single sheets and envelopes to match Rs. 3/- and Rs. 5/12/- per hundred respectively.

(ii) Large post single sheets and envelopes to match Rs. 3/11/- and Rs. 7/- per hundred respectively.

(iii) Quarter post single sheet and envelopes to match Rs. 4/3/- and Rs. 8/14/- per hundred respectively.

(iv) F' cap Folio size sheets and Manila envelopes 9"×4" Rs. 5/8/- and Rs. 9/5/- per hundred respectively.

(b) The sale price comprises the cost of paper and manufacturing charges and includes the cost of embossing plus a small percentage on account of departmental charges.

IMPORTS FROM CANADA

232. Shri S. C. Samanta: Will the Minister of Commerce and Industry be pleased to state:

(a) what was the position in regard to the export and import business between India and Canada in the year, 1950;

(b) how much newsprint was imported from Canada in 1950 and what was the corresponding figure in 1949;

(c) how much jute fabrics, copper and pepper were exported to Canada in 1950; and

(d) what was the corresponding figure in 1949?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) There has been no shrinkage in the volume of trade between India and Canada in the year 1950.

(b) to (d). A statement furnishing the required information is laid on the Table of the House. [See Appendix XXII, annexure No. 52.]

WOOL

233. Shri Rathnaswamy: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is the intention of Government to call for a conference of representatives of wool industry and if so, when; and

(b) whether any decision has been made by Government in regard to the restrictions on free export of wool and the removal of export duty on wool?

The Minister of Commerce and Industry (Shri Mahtab): (a) A meeting of representatives of wool industry and trade was held on the 17th April, 1951.

(b) The policy regarding export of wool is being examined by Government. It is not proposed to remove the export duty on wool.

INDO-PAKISTAN CONFERENCE

234. Shri Sidhva: (a) Will the Prime Minister be pleased to state whether an Indo-Pakistan conference is likely to be held to discuss introduction of postal money orders and through Railway tickets between the two countries?

(b) If so, what stage has it reached and when is the conference likely to take place?

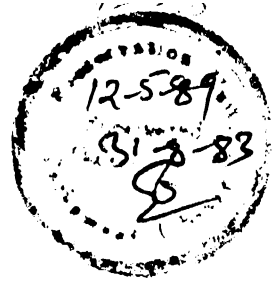
(c) Is it contemplated to take up in that conference the subject of stringent permit rules now prevalent in the Pakistan High Commissioner's office in India, with a view to make travel easy between the two countries?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). The Government of Pakistan have proposed that a conference should be held to discuss the resumption of normal rail traffic between India and Pakistan. The Government of India have agreed to this proposal and have suggested that the conference should be held in Delhi between the 7th and 12th May, 1951. The final reply from the Government of Pakistan is awaited. The question of through rail tickets between the two countries will also be discussed at this conference.

The Government of India have proposed the resumption of postal money orders between the two countries. A reply is still awaited. It is not proposed to call a conference for this purpose.

(c) No.

Monday, 23rd April, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME X, 1951

(31st March, 1951 to 20th April, 1951)

Third Session
of the
PARLIAMENT OF INDIA

1950-51

THE
PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers.)

OFFICIAL REPORT

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PARLIAMENT OF INDIA

Monday, 23rd April, 1951

*The House met at Half Past Eight of
the Clock.*

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-30 A.M.

MOTIONS FOR ADJOURNMENT

POLICE FIRING IN COOCH-BEHAR

Mr. Speaker: I have received notices of motions for adjournment from three hon. Members in respect of police firing in the State of Cooch-Bihar. One of these is withdrawn.

Obviously it is a question of law and order in States. I need not proceed to decide the admissibility of this, but I understand that the Government themselves are keen to make a statement on the subject, so that the House may be in possession of such facts as have come to Government's notice.

The Minister of Home Affairs (Shri Rajagopalachari): Sir, Government have noted the incidents referred to and reported in the Press and otherwise and we are in communication with the States. When we are in a position to make an accurate and full statement on the subject, we shall take the earliest opportunity and acquaint the House with the situation.

ELECTION TO COMMITTEES

STANDING COMMITTEES FOR THE MINISTRIES OF COMMERCE AND INDUSTRY; HOME AFFAIRS; AND WORKS, PRODUCTION AND SUPPLY.

Mr. Speaker: I have to inform the House that upto the time fixed for re-

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ceiving nominations for the Standing Committees for the Ministries of Commerce & Industry, Home Affairs and Works, Production & Supply, one nomination in the case of each of the first two Committees and two nominations in the case of the last 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. *Standing Committee for the Ministry of Commerce and Industry.*—Colonel B. H. Zaidi.

II. *Standing Committee for the Ministry of Works, Production and Supply.*—Shri Ch. Saprangna.

III. *Standing Committee for the Ministry of Works, Production and Supply.*—
1. Shri Beni Singh; 2. Shri Lakshman Shrawan Bhatkar.

ADMINISTRATION OF EVACUEE PROPERTY (SECOND AMENDMENT) BILL.—concl'd.

Mr. Speaker: The House will now proceed with the further consideration of the motion moved by the hon. Shri Ajit Prasad Jain on the 21st April, 1951, namely:

“That the Bill further to amend the Administration of Evacuee Property Act, 1950, be taken into consideration.”

Shri Hussain Imam (Bihar): I was greatly distressed when I saw this Bill. When it took the hon. Minister four months exactly to a day to amend it, I thought, perhaps, better sense had prevailed and the Bill may not be proceeded with. The original Bill was introduced on the 21st December 1950.

It is a sad thing to contemplate that those who profess to befriend and help the minorities in India and Pakistan

[Shri Hussain Imam]

are really doing great disservice to them. Pakistan professes to help the Muslims of India and it is harming us. Similarly the Government of India profess to be a friend of the minorities in Pakistan, but is doing everything to bring more trouble on them.

I would just cite one instance in regard to each. "Intending evacuee" was a term which did not exist in the Pakistan law. It has been now introduced in Pakistan law, because of the fact that the Government of India brought this category into existence.

The hon. Minister has told us that this Bill has come because of an agreement between India and Pakistan. So this has been brought on us through an action of Pakistan. I personally regard this piece of legislation as a great tragedy. This law penalises innocent persons by laying it down that if 51 per cent. of the owners are evacuees, the 49 per cent. also lose their shares,—the whole property becomes evacuee property. Now this is an obnoxious law...

The Minister of State for Rehabilitation (Shri A. P. Jain): That is not so...only "the share of evacuees.

Shri Hussain Imam: The definition of evacuee property is—"Evacuee property means any property in which an evacuee has any right or interest and includes any property belonging to joint stock companies."

Now this means that if you have 51 per cent. share in the company, under the Companies Act you are perfectly competent to take over the management of that. Taking over management is different from treating the whole company as evacuee property. Now, what they are doing by this Act, Mr. Speaker, is to declare the whole of the company to be evacuee property which is against article 19(F) and is not covered by any of the provisions.

Shri A. P. Jain: If the hon. Member will permit me. I will clarify the position, so that no further discussion may take place on this. There have been cases where the property is joint property and some of the co-sharers in the property are evacuees. If the definition of evacuee is strictly interpreted, then the entire property can be declared to be evacuee property, but the Custodian has laid it down that in such cases only the share of the evacuee will be declared to be evacuee property. What the amendment seeks to do is that although the management will be taken over, only the shares of

the evacuees will be treated as evacuee property and the shares of the non-evacuees will not be treated as evacuee property.

Pandit Thakur Das Bhargava (Punjab): It is not clear from the Bill.

Shri Hussain Imam: The intentions of the hon. Minister are immaterial. It is the wording of the Statute which counts. Therefore when I say this I am perfectly justified and I hope you, Mr. Speaker, would clarify this point as to whether the wording of the clause does not amount to expropriation of innocent persons' property.

Mr. Speaker: The hon. Member is referring to clause 2 only?

Shri Hussain Imam: That is one thing on which I am mainly concentrating now. I personally believe, Sir, that there has been considerable inconsistency in the interpretation of the law from time to time. The Custodian General's decisions, as he is not a Court of Record, is liable to be varied at different times. At one time he had held that even if a fraction of the property belonged to an evacuee the whole property would be treated as evacuee property and no sales would be allowed by the non-evacuee sharers. Now again he has resiled from that position and, according to the hon. Minister, holds only that portion as evacuee property and the rest is saleable.

I would also like to mention, Sir, that this is a fraud on the Constitution, i.e. Article 31(5); because it is held that the liability of compensation does not apply to the evacuee property. But that does not mean that you can declare by law even the property of residents of India to be evacuee property. Evacuee property must mean property which really belongs to an evacuee and not to a "manufactured" evacuee.

The hon. Minister had referred to the fact that Pakistan pays scant respect to the law. But here both are playing the same game. According to the Minister himself this was an exempted category, as shares were not regarded as evacuee property, and legally they were saleable. It was only by executive action that the Government of India has been and the Government of Pakistan had been stopping the sales of shares held by evacuees. They both ride rough-shod over the interests of the people of India and Pakistan. What a bad agreement is it between the two Governments which seeks to rob people of their property?

According to the law as interpreted by the Government of India the position was that the companies which

had their registered offices in India were not treated as evacuee property. But because Pakistan has done a wrong thing and taken over possession of their property, you want to do the same thing. We do not know how they have taken possession—whether they have taken possession under the Evacuee Property Act, or Rehabilitation Act. They have got two Acts in fact, whereas we have got only one Act. They can take over property of even non-evacuees under the Rehabilitation Act to rehabilitate the refugees.

He compared the action of India and Pakistan towards the minorities. Let me tell him the difference between the two. In Pakistan every evacuee is free to exchange his property with Indian property and people have done enormous amount of exchanges even in the year 1950, whereas the Indian law does not allow the evacuees any right to exchange. Now who is treating the minorities better?

Pandit Thakur Das Bhargava: Is Pakistan treating them better?

Shri Hussain Imam: I will tell you that one person who is well-known to the Ministry has exchanged property worth Rs. 50 lakhs. He is an evacuee from Pakistan—Mr. Mohatta.

Shri A. P. Jain: I do not know of any such case. What name did the hon. Member mention?

Shri Sidhva (Madhya Pradesh): Mr. Shivrattan Mohatta.

Shri Hussain Imam: The Evacuee Mr. Shivrattan Mohatta has exchanged property in Bombay, in Delhi, everywhere. And there are any number of instances. If he wants I can give him a long list.

Shri A. P. Jain: When were they allowed?

Shri Hussain Imam: They were allowed in 1950. I do not know about 1951, but up to 1950 I am positive. The Pakistan law applies only to 30 per cent. of the original resident minorities of Pakistan. Seventy per cent. of the minorities who lived in Pakistan before 15th August 1947 are still free from this Act. And what is the number who are free from this Act in India? About 20 per cent. Nearly 80 per cent. of the Muslims of India are under the Evacuee Act. About 60 per cent. of the population of Pakistan is free to go to any part of India without any permit. What is the number in India? No national of India can go to Western Pakistan without a permit. It is not a question of minority—

minority, majority, everybody. Whereas about 60 per cent. of the population is free to go to India and no part of the Evacuee Act applies, if you leave India you become an 'evacuee', if you come back outside the time permitted you become an 'evacuee'. It is a manufactured evacuee.

I will cite another instance. The Custodian of Evacuee Property, Sind and Karachi made a payment of about 5 lakhs Indian rupees to the High Commissioner of India. I put in a question on the subject. No information has yet been given. I had asked if any money has been paid to Pakistan on account of the sale of movable property by India. These are facts. I believe that it is not the intention of the Government to treat the minorities badly. But the officers of the Department are so interpreting the Act and so working it, that it has become a most irksome and troublesome thing for us.

Coming to the need for this Bill, as cited by the hon. Minister, he has said that a suit was instituted before this Act was brought in. Therefore it means that he had according to the old law some power to move in this matter. But he brushed the matter aside by just making two statements that the Bombay High Court issued an injunction, and in another case they have come to some judgment. I think the House expects, when you are legislating on a matter which had been adjudicated upon by a High Court, a more detailed statement of facts—on what basis the injunction was issued, on what basis the decision has been taken against you, in what case, what were the points at issue, etc. Was it because of something in the Act that the High Court came to that judgment, or was it on account of some lapses of your action with reference to the Indian Companies Law on account of which they did not allow your petition to go through? All these things cannot be considered in a discussion in the House. I suggest that the hon. Minister if he is anxious, as he should be anxious to get this Bill passed, should either have a Select Committee or he should explain the matters to those who are interested in the matter and give us full facts about the High Court judgment. A High Court judgment once given must receive due respect and not be brushed aside in the manner in which it has been done.

He had also stated that Pakistan is in the comfortable position that there is nobody to contest the legality or illegality of their action. That only means that they are not treating those who are there as evacuees. In India

[Shri Hussain Imam]

the position is that people living in the country are 'evacuees' according to the law. That does not show India in very good light.

In conclusion I would request the hon. Minister to give us more facts and the basis for this innovation. If his intention is to treat only the 51 per cent. as evacuee property and not the 49 per cent., it must be made specifically clear in the wording of the Statute and not depend on an assurance from the executive. Sir, this is all that I have to say.

पंडित ठाकुरदास भार्गव : जनाब स्पीकर साहब, मुझे श्री हुसेन इमाम साहब की इस तकरीर को सुनकर बड़ा ताज्जुब हुआ। मेरे वास्ते यह बड़ी ल्यूमिनेटिंग चीज है। मैं इस कानून के अन्दर, जो आनरेबिल मिनिस्टर साहब ने पेश किया है, सिर्फ इस कदर अर्ज करना चाहता हूँ कि अगर जो आखिरी अफ़ाज श्री हुसेन इमाम साहब ने फरमाये, वह दुस्त भी हों तो भी उनकी सारी की सारी बहस जो है, वह बिल्कुल बेमानी और गलत हो जाती है। हाँ, इस बिल का मंशा यह नहीं है। इस सारे इवेक्वी प्रापर्टी लॉ (evacuee property law) का मंशा यह नहीं है, हिन्दुस्तान के कान्स्टीट्यूशन (Constitution) का मतलब नहीं है कि जो लोग इवेक्वी (evacuee) नहीं हैं, उन की जायदाद को किसी तरह से गवर्नमेंट आफ इंडिया ले ले, या उसको इवेक्व प्रापर्टी करार दे दे। आप मेहरबानी कर के जरा मुलाहजा फरमायें, जहाँ दर्ज है इवेक्वी प्रापर्टी वहाँ उसी कदर इवेक्वी जायदाद बन सकती है, जो इवेक्वी की ही हो, अगर इक्वायन परसेंट के यह माने हैं जो लोग यहाँ बच गये उनकी सारी जायदाद इवेक्वी प्रापर्टी बन जायगी अगर यह अल्फाज हों भी, और उनका यह मतलब भी निकलता हो, तो क्या हम वही जानते कि गवर्नमेंट आफ इंडिया

ने इसके लिये रूलस (Rules) बनाये हैं कि जो यहाँ के रहने वाले हैं, उन्हीं की वह उनचास (४९) परसेंट जायदाद रहेगी। शायद श्री हुसेन इमाम साहब को मालूम नहीं है कि यहाँ की कांग्रेस और यहाँ की गवर्नमेंट न सिर्फ इतना ही कि मुसलमानों के साथ इंसाफ करना चाहती है, बल्कि इससे भी ज्यादा आगे जाना चाहती है। नासिक कांग्रेस ने जो रेजोल्यूशन (Resolution) पास किया था, वह यह था कि न सिर्फ माइनोरिटीज (Minorities) के साथ इंसाफ किया जाय, बल्कि उनको यह एहसास कराया जाय कि उन के साथ इंसाफ किया जा रहा है।

شوری حسین امام : الفاظ سے کام نہیں چلنا۔

पंडित ठाकुरदास भार्गव : मैं अल्फाज नहीं, वाक्यात की रू पर अर्ज करूंगा। आप मेहरबानी फर्माकर जो मैं अर्ज करना चाहता हूँ, उसे सन्तोष के साथ सुनें, गौर से सुनेंगे, तो मेरे साथ बिल्कुल इत्फाक करेंगे। मैं अर्ज कर रहा था कि कांग्रेस ने यह रेज्यूल्यूशन पास किया, हमारे प्राइम मिनिस्टर साहब के ईमा से और सारे हाउस ने उसे बड़ी खुशी से मंजूर किया और वह लोग, जो इस हाउस में हैं, जो डिस्प्लेस्ड पर्सन्स (Displaced persons) के काज (cause) को हमेशा प्लीड (plead) किया करते हैं, वह इस रेज्यूल्यूशन से मुत्तफिक थे कि हम चाहते हैं कि जो भी मुसलमान या माइनोरिटी के आदमी यहाँ हैं, वह खुश-हाल रहें, यहाँ नहीं, बल्कि हम इनको अहसास करा दें कि यह दरअसल ऐस हिन्दुस्तान में रहते हैं, जो उसकी मीरास है और जिस पर उस को हक है कान्स्टीट्यूशन में हमने क्या कहा है ? किसी तरह की जायदाद बगैर कम्पेंसेशन

के नहीं ली जायगी। वह ४९ परसेन्ट यहां के लोगों की जो जायदाद है, क्या गवर्नमेंट उसको बिना मुआवजे के ले लेगी।

شہی حسین امام : الفاظ یہی نہیں

पंडित ठाकुरदास भार्गव : इसके अल्फाज जो हैं, उसके साथ जो क्लॉस बनाये गए हैं, वह उतने ही गुड लॉ (Good law) हैं, जितना यह लॉ (Law) है। उस क्लॉ की रू से ४९ परसेन्ट का इन्तजाम तो जरूर ५१ परसेंट के हाथ में रहेगा, लेकिन ४९ परसेंट की यह जायदाद, जो कानून उसको दी गई है, उसको कोई क्लॉस नहीं ले सकता। अगर किसी कम्पनी में यह होता, तो क्या यह मुसलमानों के बिख लाफ़ होता ? अगर यही मंशा हो जैसा कि आप समझते हैं, तो भी मैं अर्ज करना चाहता हूँ कि किसी की जायदाद इस तरह नहीं ली जा सकती, चाहे वह हिन्दू हो या मुसलमान हो, जब तक कि वह हिन्दुस्तान का रहने वाला है।

अब मैं दूसरी बात अर्ज करना चाहता हूँ और वह यह है कि मेरे लायक दोस्त ने एक ऐसा प्रापोजीशन (Proposition) हमारे सामने रख दिया जिसको सुनकर मुझे बहुत ताज्जुब हुआ कि माइनोरिटीज (Minorities) के साथ पाकिस्तान में बहुत सलूक होता है और हिन्दुस्तान में इतना अच्छा सलूक नहीं होता। जिस वक्त यह इंटेंडिंग इवेक्यूई (intending evacuee) का Law पास किया गया था शायद श्री हुसेन इमाम साहब को याद होगा कि हम चाहते थे कि यह इंटेंडिंग इवेक्यूई न रखा जाय। १८ अक्टूबर, ४९ की जो सर्त उन्होंने लगाई, वह कतई बेमानी और शिकाफ़ कानून थी और हमने कहा था कि इंटेंडिंग इवेक्यूई के कुछ मानी

नहीं हैं। इससे ऐसे आदिमियों को, जो कि एक कदम यहां रखते हैं और एक कदम पाकिस्तान में रखते हैं, उनको बेजा तौर पर रियायत दी गई है, जो कि नहीं देनी चाहिये थी। हमारी १५ रोज़ की मेहनत श्री हुसेन इमाम ने रायनां कर दी। हम यहां कुछ पास करते थे और हुसेन इमाम साहब प्राइम मिनिस्टर साहब के कान में जाकर फूक मारते थे कि यह बात ठीक नहीं है। लेकिन जहां तक इंटेंडिंग इवेक्यूई का सवाल है, मैं समझता हूँ कि हम में और श्री हुसेन इमाम साहब में कोई फ़र्क न होना चाहिए। हम भी यही चाहते हैं कि जो पाकिस्तान जाने वाले हैं, उनके साथ किसी किस्म की रियायत न हो और उमी तरह श्री हुसेन इमाम साहब भी चाहते हैं कि और वह हमारे साथ ऐग्री (agree) करेंगे कि ऐसे आदमी हिन्दुस्तान के दोस्त नहीं हैं। जो चीज यहां की है, वह यहां रहनी चाहिये और गवर्नमेंट अफ इंडिया (Government of India) की गलत पालिसी (Policy) की वजह से जो जायदाद चली जा रही है, उसके लिए डिस्प्लेस्ड परसन्स (Displaced persons) की शिकायत सही है। अगर वह प्रापर्टी यहां से न गई होती, जो कि करोड़ों और अरबों रुपये की थी, तो आज यह जो कम्पेंसेशन (Compensation) के सगड़े सामने हैं, यह न होते। और यह इसलिए हुआ कि गवर्नमेंट आफ इंडिया की पालिसी बिक (Weak) और अनजस्ट (unjust) थी।

श्री हुसेन इमाम : रोहता का क्लॉस, जो मैं ने अर्ज किया था।

पंडित ठाकुरदास भार्गव : मैं उक्त पर अभी जाता हूँ। तो मैं अर्ज कर रहा था

[पंडित ठाकुरदास भार्गव]

कि यहां से इतनी जायदाद चली गई। मुझे बम्बई का एक किस्सा मालूम है। मैं किसी सरकारी काम से बम्बई गया हुआ था। वहां मुझे मालूम हुआ कि एक शख्स ने तीन हजार रुपये तो उस फरनीचर (Furniture) को पैक (pack) करने के चार्ज (charge) किये, जो कि पाकिस्तान चला गया। तो इस तरह हमारी गवर्नमेंट की वीक पालिसी की बजह से हमारी करोड़ों रुपये की जायदाद यहां से पाकिस्तान चली गई और आज हमारे लायक दोस्त हमसे यह कहते हैं कि पाकिस्तान के अन्दर माइनोरिटीज के साथ बहतर सलूक होता है और यहां खराब सलूक होता है। क्या हमारे दोस्त को मालूम नहीं है कि जो बड़े लोग पाकिस्तान में हैं, वह रोज गवर्नमेंट इंडिया के आफिसरान पर जोर डालते हैं और रोज उनकी जायदादें छोड़ी जाती हैं। क्या मैं किसी आदमी का नाम बताऊं। ऐसे सैकड़ों आदमी हैं। अभी हाल में एक ४० या ५० लाख की जायदाद की मिसाल मौजूद है और उसके बारे में खबूत मौजूद है कि वह कस्टोडियन (custodian) के पास थी, लेकिन उसको छुड़ाने की कोशिश होती रही और वह अब छोड़ दी गई है। ऐसा एक किस्सा नहीं है। ऐसे किस्से बहुत से हैं लेकिन मैं उन सब आदमियों के नाम नहीं लेना चाहता।

श्री तिथवा: क्यों छोड़ दी गई?

पंडित ठाकुर दास भार्गव: इसलिये छोड़ दी गई कि गवर्नमेंट आफ इंडिया की पालिसी गलत है। वह पाकिस्तान के मुसलमानों के हक में है, जो कि नहीं होनी चाहिए। यहां के मुसलमानों के हक में जो आप जो रियायत देना चाहें, बीजिये,

उस से हमें इन्कार नहीं है। लेकिन ऐसे अशख्वास के साथ, जो कि जानबूझ कर यहां से पाकिस्तान चले जा रहे हैं और यहां से जायदाद लिये जा रहे हैं, मुझे कोई हमदर्दी नहीं है। मैं अर्ज करता हूं कि गवर्नमेंट आफ इंडिया को आज से फौरन इस पालिसी को दुरुस्त कर देना चाहिये, जब यह मसला हमारे सामने आता है, तो हमारे मिनिस्टर साहब कहते हैं कि हमारा और पाकिस्तान का कानून एक है, पर पाकिस्तान उस को इल्लिगली वर्क (illegally work) करता है और हम कानून के मुताबिक अमल करते हैं। तो गरीब नवाज आप को यह पालिसी इंसाफ़ को दबा देने वाली है। हिन्दुस्तान में इस मामले में इंसाफ़ नहीं किया जा रहा है। यह यहां के रहने वालों के हक में नहीं है। यहां वालों के साथ इंसाफ़ नहीं होता है। इस कानून के जरिये से तो जो पाकिस्तान जाने वाले हैं उन के साथ रियायत होती है। बितने मुसलमान पंजाब से पाकिस्तान गये, सब लोग जानते हैं कि उन की आर्थिक हालत हिन्दुओं से अच्छी नहीं थी। हिन्दुओं का लाखों रुपये का कर्जा उन के जिम्मे था। बहियों में उन के अंगूठे लगे हुए हैं और उस का हिसाब किताब है। क्या गवर्नमेंट आफ इंडिया उन कर्जों को देगी? जो प्रापर्टीज (properties) है, वह कस्टोडियन (Custodian) साहब के पास है। कस्टोडियन साहब वह कर्जों नवा करने को तैयार नहीं हैं। उस प्रापर्टी के लिए तो कानून में यह इन्ति-जाम है कि उस को कुर्क नहीं या नीलाम नहीं कराया जा सकता और न इस कानून की रू से उस का रिसीवर (Receiver) मुकरर हो सकेगा। अगर श्री हुसैन इमाम साहब हमारे नुकतेखाल

से यहां के गरीब हिन्दुओं की तरफ नजर डालें, तो वह हमारे केस की ताईद करेंगे। लेकिन उन के दिमाग में तो उन की हमदर्दी है कि जो दरअसल यहां के एवैक्युई हैं और यहां से जाना चाहते हैं। मैं अर्ज करूंगा कि जिसका इरादा यहां से जाने का होता है, उस को इवैक्युई दर्ज कर लिया जाता है। मैं निहायत अदब से पूछना चाहता हूं कि गवर्नमेंट ने अब तक कितने आदमियों को इंटेंडिंग इवैक्युई करार दिया है और उन में से कितनों की जायदाद ली गई? बहुत थोड़े ऐसे आदमी हैं, जिन को इंटेंडिंग एवैक्युई करार दिया गया है और इस के माने क्या हैं? इस के माने तो किसी आदमी को नोटिस (notice) देना है कि तुम चुपचाप चले जाओ और अपनी प्रापर्टी चुपचाप ले जाओ। इस का असर यह होता है कि लोग पाकिस्तान को अपनी जायदाद चुपचाप भेज देते हैं।

मेरे लायक दोस्त कहते हैं कि पाकिस्तान से तो आदमी आ सकते हैं, लेकिन वहां से पाकिस्तान जा नहीं सकते। मैं तो अर्ज करूंगा कि इस शिकायत को दूर कीजिये और जो जाना चाहते हैं, उन को जानें दीजिये। हमारी तो यह शिकायत है कि जो लोग वापस आये हैं, उन में से बहुत से यहां आने के मुस्तहक नहीं हैं। उन को वह जायदादें वापस दिलाई जा रही हैं, जिन पर कि यहां हिन्दुओं ने कब्जा कर लिया था। मेरी तो शिकायत है कि जो जाना चाहते हैं, उन को जाने क्यों नहीं दिया जाता। आखिर इन का यहां क्या बनेगा। हां, जो आना चाहते हैं, उन के लिए यह देखना चाहिये कि उन के आने से हमारी नेशन (nation) को कोई नुकसान तो नहीं पहुंचेगा। हमारी गवर्नमेंट पाकिस्तान से आये हुए लोगों

को दो सौ रुपया देती है। क्या यहां के डिस्प्लेस्ड परसन्स को पाकिस्तान में इतना रुपया मिलता है। और क्यों नहीं श्री हुसैन इमाम पाकिस्तान से कहते कि वह इस मामले में रेसीप्रिसिटी (reciprocity) करे। कहा जाता है कि बंगाल से जो १५ लाख गए थे, उन में से १० लाख वापस आ गये हैं। क्या हमारी भी दो तिहाई आबादी वहां चली गई है। जनाव वाला यह जश्म पर नमक पाशी करना है, अगर यह कहा जाये कि पाकिस्तान में माइनोरिटीज के साथ बहुत अच्छा बरताव किया जाता है और यहां नहीं किया जाता। मेरे लायक दोस्त ने रिहैबिलिटेशन (Rehabilitation) कानून का जिक्र करते हुए कहा कि पाकिस्तान ने दो कानून बनाये हैं, एक इवैक्युई प्रापर्टी का और एक रिहैबिलिटेशन का। वहां उस कानून के मातहत लोगों की जायदाद लेते चले जा रहे हैं, लोगों को मजबूर किया जाता है कि वह मुसलमानों को अपने फर्मस (firms) में शामिल करें और इस तरह से वहां डिस्प्लेस्ड परसन्स के साथ बरताव किया जाता है, जिस की मिसाल दुनिया में दूसरी जगह नहीं मिल सकती। पाकिस्तान में तो अब इवैक्युई का नाभोनिशान नहीं है।

श्री हुसैन इमाम : ६० प्रॉपर्टी एक्ट का फ्री (Free) है आज भी। मैं पूरा फ्री है क्योंकि वहां इवैक्युई एक्ट (Evacuee Act) एप्लाई (apply) नहीं होता वहां अभी एक करोड़ बीस लाख रहते हैं।

पंडित ठाकुर बल्लभ भागवत : तो मेरे दोस्त यह ईस्टन पाकिस्तान (Eastern Pakistan) के बारे में करमा रहे

[पंडित ठाकुरदास भार्गव]

हैं। बहतर होता अगर वह वेस्टन पाकिस्तान (Western Pakistan) के बारे में फ़रमाते। मैं समझता हूँ कि वेस्टन पाकिस्तान के बारे में वह हमारी बात मंजूर करते हैं। वह सिर्फ़ अपना कैस इस्टन पाकिस्तान पर रखना चाहते हैं।

इस्टन पाकिस्तान के बारे में मैं अदब से जर्ज करना चाहता हूँ कि वहाँ तो अभी इवेक्यूई कानून लागू ही नहीं है, क्योंकि वहाँ अभी तक सारे हालात flind हैं और स्टीयरोटाइप्ड (stereotyped) नहीं हुई हैं। मेरे लायक दोस्त को मुझ से बहतर मालूम है कि इस्टन पाकिस्तान में माइनोरिटीज के साथ कौसा सलूक किया जाता है। यह मजबूरी है कि हम उन को जबरदस्ती भेज रहे हैं। अगर यहाँ पर हालात बेहतर होते और उन लोगों के पास कुछ सबस्टेंस (substance) होता, तो वह कभी वापस जाना कबूल न करते। मुझे जो ऐतराज है, वह यह है कि जब हमारी गवर्नमेंट की इतनी कमजोर पालिसी है, जिस के बारे में हम बार बार शिकायत करते रहे हैं, फिर भी श्री हुसेन इमाम साहब को यह ज़ुरअत होती है कि वह यह शिकायत करें कि यहाँ पर माइनोरिटीज की हालत खराब है और पाकिस्तान में बेहतर है।

तो मैं इन्हें इस के कि इस मेंटेलिटी (Mentality) पर मैं अफ़सोस जाहिर करूँ और कुछ नहीं कह सकता।

जनाब बाला, इसके अलावा जो मैं जर्ज कर रहा था इस कानून के बारे में, वह यह था कि जो कानून यहाँ बनाया जा रहा है, इसमें तो सिर्फ़ दो ही चीज़ें हैं, जो कि दोनों की दोनों ही इवेक्यूई के हक़ में हैं। इवेक्यूई की

तारीफ़ के बारे में, जैसा कि आनरेबिल मिनिस्टर साहब ने फ़रमाया था, यह हालत है कि यह जायदाद सब उन लोगों की है, जो कि यहाँ रह रहे हैं, यह अभी डिस्प्लेस्ड परसन्स (displaced persons) की नहीं बनी है। लेकिन हमारे मिनिस्टर साहब ने अभी यह फ़रमाया था कि अब यही जोर हमारे पास रह गया है, जिससे कि डिस्प्लेस्ड परसन्स को कुछ मिल सकेगा। आज हमारे मिनिस्टर साहब ने इसकी कुछ वजाहत की और लोगों को ढाढस दिया कि यह सबाल पेश होगा कि आया फ़रदर कम्पन्सेशन (Further compensation) दिया जायगा या नहीं। मैं इसके झगड़े में नहीं पड़ना चाहता, क्योंकि वह इस बिल से ताल्लुक नहीं रखता है। इस सिलसिले में श्री गोपालस्वामी आयंगर साहब ने जो बयान दिया था उसकी पूरी पूरी टाईड इस बयान से नहीं होती, जो कि अब दिया जा रहा है। जो बयान उन्होंने उस वक्त दिया था, वह लोगों को ज्यादा ढस बंधाने वाला था और उस बयान के मुकाबले यह अब का बयान ज्यादा मायूस कुन है। लेकिन मैं अर्ज करना चाहता हूँ कि इस बिल के पीछे जिस पालिसी (Policy) का ताल्लुक है, उसके बारे में मेरी गुजारिश यह है कि अब बहुत सारा बक्त गुजर चुका है। आपने करोड़ों रुपये की जायदाद पाकिस्तान वालों के लिश् चकी जाने दी। लेकिन अब खुदा के वास्ते मेहरबानी कीजिये। अब जो कुछ रह गई है वह सिवाय इवेक्यूई प्रापर्टी (evacuee property) के अलावा कुछ नहीं है और गलत माने देकर मेहरबानी फ़रमाकर कम से कम इस फंड (Fund) को अब कम न होने दीजिये, क्योंकि इस फंड की हाक़

गैसी हो गई है कि जिसके बारे में मैंने पिछली मर्तवा हाउस (House) में तबज्जह दिलाई थी और वह हालत ऐसी हो गई है कि आपने गलत माने देकर इसको और कम हो जाने दिया, तो डिस्प्लेस्ड परसन्स के लिए कुछ भी नहीं रह सकेगा। मैं इस फंड के सिलसिले में यही कह सकता हूँ कि इसके बारे में मदर इंडिया (Mother India) जिसने इन डिस्प्लेस्ड परसन्स को बुलाया था, उनके साथ वह सलूक नहीं किया जो कि उनके साथ करना चाहिये था। मैं इसके अन्दर यह भी नहीं कहता कि हमारी ज्यादा गलती हुई, हमारे रिसोर्सेज (Resources) कम हैं, हम उन रिसोर्सेज के अन्दर अच्छी तरह काम कर नहीं सके। लेकिन मैं अर्ज करना चाहता हूँ कि कम से कम ऐसे कानून बनाइये, जो कि उनके हक में हों, कम से कम ऐसे कानून न बनाइये जो कि डिस्प्लेस्ड परसन्स के हक में न हों, बल्कि इवेक्यूईज के हक में हों। डिस्प्लेस्ड परसन्स की ऐसे कानून बना कर मिट्टी खराब न कीजिये। मुझे मालूम है कि सन् १९५० का कानून जब बना, तो हमने पन्द्रह बीस दिन जाये किये। लेकिन फिर भी हमें कामयाबी नहीं हो सकी कि हम उसमें ऐसी तरमीम करा सकते कि जिसको हाउस का बहुत बड़ा हिस्सा चाहता था और जिसको कि हमारे नेशनलिस्ट (Nationalist) मुसलमान भाइयों ने भी मंजूर किया था। मैं उस तमाम हिस्ट्री (History) में नहीं जाना चाहता लेकिन मैं यह जरूर अर्ज करना चाहता हूँ कि इसमें हम जो कुछ भी कानून बनाये, उस पर जोर से अमल करना चाहिये मैंने इस सिलसिले में आपको महमूद अली खतरीबाला का वाक्या सुनाया। और भी ऐसे कई केसेज (Cases) हैं, जिनको

सुनकर डिस्प्लेस्ड परसन्स का कलेजा मुंह को आता है। दरअसल कई केसेज ऐसे हैं कि जिनके पास यहां इतनी जायदाद थी, वह यहां बने रहे, बराह नाम के लिए यहां रह रहे हैं, अपने बाल बच्चे जिन्होंने पाकिस्तान भेज दिये, वहां भी प्रापर्टी ले ली और यहां भी नाम के लिए बने हुए हैं, कम से कम ऐसे लोगों के साथ बेजा रियायत हुई है। मैं चाहता हूँ कि आप इस तरह की बेजा रियायत तो बन्द कर दीजिये। जो कुछ असल चीज थी, वह तो आपने सब चली जाने दी, लेकिन अब जो कुछ बाकी है, उसको तो कम से कम न जाने दीजिये।

(English translation of the above
speech.)

Pandit Thakur Das Bhargava: Mr. Speaker, Sir, I was greatly surprised to hear this speech of Shri Hussain Imam. To me it is highly illuminating. In connection with the Bill introduced by the hon. Minister, I want to state only this much that if even the last sentences of Shri Hussain Imam's speech be taken to be true, even then, the entire discussion raised by him is totally meaningless and wrong. The Bill has no such intention. The Evacuee Property Law, or the Constitution of India, do not intend that the Government should take over the properties of those people who are not evacuees or to declare their properties to be evacuee properties. You please see to the clause where it is laid down that only that property can be considered evacuee property which belongs to evacuees. If the definition of 'fifty one per cent.' means that the property of those who remain behind in India would be declared evacuee property and if the words be such and the meaning thereof the same then do we not know that the Government of India have made certain rules in this connection to the effect that this property will remain with those 49 per cent. of people who will choose to stay behind in India. Perhaps Shri Hussain Imam does not know that the Congress and the Government of this country want not only to do so much for the Muslims here but even want to go a few step ahead of this also. The resolution passed in the Nasik Session of the Congress lays down that not only full justice be done towards

[Pandit Thakur Das Bhargava]

minorities, but they should also be made to feel that justice is being done with them.

Shri Hussain Imam: Mere words would not do.

Pandit Thakur Das Bhargava: Whatever I would say will not merely be a network of words but will be based on facts and figures. If you kindly listen to me with patience and due attention, you would certainly agree with my views. I was stating that the resolution passed by the Congress was moved at the instance of our hon. Prime Minister and it was unanimously accepted by the House and those hon. Members of this House, who always advocated the cause of displaced persons, were also unanimous on the issue of this resolution, that they desired that the Muslims or members of other minorities of this country should live and prosper in the country and may really feel that they live in such an India which is their own heritage and which they can claim as their own also. What have we laid down in the Constitution? No property will be taken over without paying any compensation. Do you think the Government would take over the properties of these 49 per cent. of the people who choose to stay here without paying any compensation?

Shri Hussain Imam: These are the very words.

Pandit Thakur Das Bhargava: Whatever rules have been framed in this connection are as good as any other laws. In accordance with the rules the management of the 49 per cent. will no doubt be in the hands of 51 per cent. but this property of the 49 per cent. that has legally been given to them cannot be taken over by other persons. Had this been in the rules and regulations of any company it would have gone against the interest of the Muslims? Even if the intention had been that as you are interpreting even then I want to submit that no property irrespective of the fact whether that belonged to any Hindu or Muslim, can be taken over till the time the owner of the same remains a citizen of India.

Now I will refer to another matter. I was much surprised to hear my hon. friend advancing a proposition before the House which conveyed the impression that minorities in Pakistan were being treated much better off than their counterpart in India. At the time this 'intending evacuee' law was passed, Shri Hussain Imam may recall, we had opposed the use of the

phrase 'intending evacuee'. Fixing of 18th October, 1949 as the last date was purely meaningless and was quite illegal. We had expressed the view that the phrase 'intending evacuee' means nothing in practice. It, in fact, conceded an undue concession to persons who have their interests divided in-between India and Pakistan which was quite an undesirable thing to do. Shri Hussain Imam succeeded in turning our fifteen days' labours into a mere waste. We took certain decisions here but Shri Hussain Imam was every time able to induce the Prime Minister to believe them as wrong. But so far the issue of 'intending evacuees' is concerned, we feel as far as intending evacuee question no preferential treatment should be shown to any of us or Shri Hussain Imam. We also wish that no concessions should be conceded to those who wish to migrate to Pakistan which idea is shared by Shri Hussain Imam himself also, and he will further agree that such people are no friends of India. Whatever belongs to India, should remain within India. The displaced persons are justified in complaining that because of the wrong policy of the Government of India, property is being removed from this land to another country. Had this property, which is to the tune of crores and billions in value, remained here, the problem like compensation to the displaced persons, with which the Government find themselves confronted these days, would have also been solved. All the present trouble owes its existence to the weak, halting and unjust policy of the Government of India.

Shri Hussain Imam: What about the incident concerning Mohatta that I narrated?

Pandit Thakur Das Bhargava: I will come to that very soon. I was just now telling that considerable property has been removed from this country. I know of an incident that happened in Bombay. I was then on an official visit to that city. There I was told that a certain person had charged as much as Rs. 3,000 by way of packing charges only for certain furniture which had by the time been on way to Pakistan. Similarly property worth several crores of rupees has been removed to Pakistan because of the weak policy of our Government and to-day our hon. friend feels bold enough to suggest that minorities in Pakistan are being treated better and that they are getting a bad deal in India. Is the hon. friend unaware that all the 'big' persons of Pakistan are day in and day out bringing pressure on the officers of the Government of India as a result of which their pro-

erties are being released daily? May I tell a name or two out of the several hundreds of such persons? A recent instance is about a property worth 40 to 50 lacs of rupees and there is proof to show that it was in the custody of the Custodian. Continuous efforts were made for its release and eventually it has been released now. This is not the only one instance of this type. There are many others, but I do not wish to disclose the names of the persons involved.

Shri Sidhva: Why was the property released?

Pandit Thakur Das Bhargava: It was released because the Government of India are following a wrong policy. It goes in the favour of Pakistani Muslims which should not have been the case. You may show favours whatever you like to the Muslims here. We have no objection to that. But I have no sympathy for those who are deliberately migrating to Pakistan and are removing property too with them. I will call upon the Government of India to bring their policy on right lines forthwith. Whenever this issue comes before us, the hon. Minister comes forward with the explanation that both India and Pakistan have identical legislations but what is happening is that Pakistan is working it illegally whereas we in India are working it in its true spirit. Your policy, therefore, Sir, is a suppression of justice and fairplay. In India, justice is not being done in this matter and that policy is not in the interests of her citizens. Our people are not being given a fair deal. It is only the intending evacuees bound for Pakistan who stand to receive a preferential treatment by that policy. It is common knowledge that the financial position of all Muslims, who have migrated from the Punjab to Pakistan, was not better than that of the Hindus. They owed debts amounting to several lacs of rupees to the Hindus. Their thumb-impressions can still be found in the 'bahees' (account books) and the debt accounts are still available. Will the Government of India pay all these debts? All property is in the hands of the Custodian and he is not prepared to clear off those debts. The law forbids all auctions of such property and rules out the appointment of a Receiver for that purpose. Shri Hussain Imam will support us when he will look at the issue from the viewpoint of the poor Hindus living on this side of the border. But his sympathies in fact are on the side of the evacuees or those who intend to migrate from here. I have to point out that those who intend to migrate, have to be registered as such. I will, therefore, like to know

how many people have been declared by the Government as such and in how many cases the property has been taken over by them. Very few persons have been declared evacuees. What does it all mean? It means only to serve a quite notice to all those who intend to evacuate and to give them an opportunity to remove their property without attracting attention. The result is that people are removing their property silently to Pakistan.

My able friend says that whereas people from Pakistan can come here, they do not find it possible to go from here to Pakistan. I will suggest that this complaint should be removed altogether and those who wish to migrate should be allowed to do so. Our complaint is that a majority of those who have returned here, did not deserve to be allowed to do so. Their property which was taken over by the Hindus, is being returned to them. My complaint is why those who wish to go, are not being allowed to do so. What use we have of their presence here? But, as far as those who intend to return, we should be careful to see whether or not their return is likely to result in some harm to our nation. Our Government pays Rs. 200/- to individuals returning from Pakistan. Do the displaced persons of this country receive the same amount from Pakistan? Why does not Shri Hussain Imam plead with Pakistan for reciprocity in this matter? It is stated that ten out of the fifteen lacs of Muslims who had gone over to East Pakistan from West Bengal, have returned. Have the two third number of our displaced persons also gone back there? Sir, it is adding insult to injury to say that minorities in Pakistan are being treated better than those in India. Referring to various laws regarding rehabilitation, hon. friend has stated that in Pakistan they have passed two legislations; one is for the evacuee property while another is regarding rehabilitation. They are continuously taking over properties under that law and the people are being forced to appoint Muslims in their firms and, thus, the displaced persons there are being treated in a way a parallel of which is nowhere to be found anywhere in the world. In Pakistan, there are no evacuees worth the name.

Shri Hussain Imam: 60 per cent. of them are free even today. In East Bengal they are all free as the Evacuee Act does not apply there. As many as one crore and twenty lacs of them are still living there.

Pandit Thakur Das Bhargava: So my hon. friend is referring to the position regarding the Eastern Pakistan.

[Pandit Thakur Das Bhargava]

It would have been better, had he referred to the position in Western Pakistan. I, therefore, may take it that he accepts our case vis-a-vis Western Pakistan and further that he wants to base the strength of his own case on Eastern Pakistan. As far Eastern Pakistan, I will respectfully submit that the conditions there are still fluid and have not yet become stereotyped. My able friend knows it better than myself as to what sort of treatment the minorities there are receiving. We are sending them back perforce and under compulsion. Had condition here been somewhat better and had the coming persons been possessive of some substance, they would have never accepted to return. My objection is that despite so weak a policy of our Government about which we have been complaining time and again, Shri Hussain Imam feels it necessary to complain that the conditions of minorities in India are worse off than of those in Pakistan.

I cannot say anything else except expressing my regret on this mentality.

Sir, what I was stating about this Law, was that there are only two provisions in the Law which is being enacted here and both of them are in favour of evacuees. About the definition of evacuees, as the hon. Minister has stated, the position is that this property belongs to those who are residing in this country, it has not yet been declared as to be belonging to the displaced persons. But just now the hon. Minister stated that this is the only means left with us whereby the displaced persons may hope to get anything at all. Today the hon. Minister has thrown further light on this subject and has raised hopes that this question would be raised whether further compensation would be given or not. I do not want to enter in this controversy as this has no concern with this Bill. This statement that is being made now does not support fully the statement made by Shri Gopalaswami Ayyangar. The statement which he made at that time was more in the nature of giving hopes to people, and in comparison to that statement the present one is more disappointing. But as for the policy underlying this Bill I want to submit that it is not justified as much time has passed since then. You have allowed property worth crores of rupees to be transferred to Pakistan. For God's sake retrace your steps. Now nothing is left except the evacuee property and please do not reduce it further by interpreting it in a wrong way. Conserve whatever little fund is left

behind. I say so because the position of fund as pointed out by me on the previous occasion, is such that if it is allowed to be reduced further, by mis-interpretation, nothing will be left for our displaced persons. I can only say with regard to this fund that this country, for the cause of which they had come, has not given them a fair treatment as should have been given to them. I am also of the view that we have not made any serious mistakes in this connection. Our resources are limited, we have not been able to do much within those resources. But I want to submit that you should at least enact such laws which may be in their interest and desist from making such laws which may be more in the interests of evacuees than the displaced persons. Do not make the lot of displaced persons worse by enacting such laws. I know we spent fifteen to twenty days when this law was being enacted. But even then we have not been successful in bringing about such a change which the majority of the Houses wanted and which was also accepted by our nationalist Muslim colleagues. I do not want to go into the whole history. But certainly I would like to submit that we must act upon those laws which we enact here. In this connection I had narrated here the case of Mahmud Ali Chhatriwala. There are many such cases which if disclosed will give terrible shock to the displaced persons. Actually there are many cases where people possess large properties here and at the same time they have also acquired properties in Pakistan. They have sent their families to Pakistan and are residing in this country simply for a show, they have been shown undue leniency. I submit that this kind of undue concession should be stopped altogether. You have allowed the transference of all the property which counts. But now at least you should try to conserve whatever little is left in this country.

Shri Sidhva: I had no intention to speak on this Bill; but, after hearing my hon friend Mr. Hussain Imam, I feel it my duty to say a few words, so that the matter may not be misunderstood.

His argument has given the impression that the Pakistan Government are more liberal than our Government. That is far from the truth. I have been receiving complaints from friends in Karachi almost every week I have not taken an opportunity to bring this matter to the notice of the House; but, wherever possible, I have drawn the attention of the Minister and tried to find out whether any settlement could

be arrived at. There are so many restrictions in Pakistan as regards evacuee properties. This is very well known to everybody including my hon. friend Mr. Hussain Imam. I do not know what has actuated him to state that they are liberally treated. He mentioned the instance of Mr. Shivaratan Mohatta. That was a fact; but I understand it was entirely non-evacuee property. That gentleman of course managed it very nicely with the Pakistan officials and got nearly 80 lakhs in exchange. As far as non-evacuee property is concerned, there is no restriction; therefore it is allowed.

Shri Hussain Imam: Is Mr. Mohatta an evacuee or non-evacuee?

Shri Sidhva: He has settled with non-evacuee property. He is an evacuee in that sense if you want to so describe him. If he was an evacuee, his property would not have been recognised by the Indian Government. That is the plain answer.

Shri Hussain Imam: No.

Shri Sidhva: It is so.

If he had managed with the Pakistan Government, the Indian Government would have prevented him from being recognised. There are many instances where a deal has taken place, Pakistan Government has agreed and our Government has not agreed, because that was not a *bona fide* transaction. Therefore, our people are suffering. I know of a number of instances, not one, particularly from Karachi where even when the families are there, they are treated as intending evacuees and their properties have been declared as evacuee property. I know also of an instance where it was stated that a person's wife and other relatives have gone and therefore his property would be declared as evacuee property. Even when they were satisfied that it was not so, their properties have been declared as evacuee property. I have given this information; this is no secret. I have not brought it to the notice of the House because these things are well known. I wanted this matter to be settled; but it was not possible because of the evacuee property laws. Our people are suffering. Mr. Hussain Imam himself knows this. He has connections with Pakistan. I do not want to mention these things. He has got two wives.

Shri Hussain Imam: You do, please.

Shri Sidhva: That is a fact. When you mention it, I am obliged to say these things. Otherwise, I would have refrained from saying these things. He

has two wives. One wife is in Pakistan, and she has properties here. Another wife is here.

Shri Hussain Imam: No wife here.

Shri Sidhva: You have your wives there, having got permanent permits for them. I put a question on this matter. So many restrictions have been imposed in Pakistan that even if a person's relatives are ill, even if the father is dead, the rule is that a certificate should be obtained from the Civil Surgeon in Pakistan. The hon. Minister has laid a statement on the Table of the House and he has himself admitted that the restrictions there are stringent: most inhuman, I should say. The relatives are suffering there. The man is dead. You say, produce a certificate from a civil surgeon in Western Pakistan and then you will be allowed to go. That is to say, nobody can go. Is my hon. friend unaware of that? He has got permanent permits for his wives, influencing the Minister.....

Shri Hussain Imam: No.

Shri A. P. Jain: Do you mean to say that you have not been given a permanent permit for your wife?

Mr. Speaker: Let the hon. Minister address the Chair. Let not hon. Members address each other?

Shri Sidhva: I know an instance, Sir. I feel immensely on this matter. Relatives are not allowed to go though they produce all *bona fide* facts here, and though they want only to visit, their ailing relatives. But, they enjoy all facilities here. I do not mind that. Our Government has got a different view from that of the Pakistan Government. They do not want to retaliate, and I approve of that policy. But, I ask, is it fair on his part to come and say that they are treated more liberally in Pakistan? I know an instance where the father is dead and the son was not allowed to go to Pakistan. In another instance, the wife is ill there; the person is asked to produce a certificate from the civil surgeon and he is not able to go. Such are the restrictions.

As I said already, I put a question on this matter and the hon. Minister has made a long statement admitting that it was a fact and that he is sorry that he could not do anything. After making that statement, he said that the Pakistan Government are reconsidering that matter. I again understand that that is not correct. Pakistan Government have stated that what the Minister has stated is not correct. that the restrictions are not so strict

[Sri Sidhva]

and that they are going to revise and reconsider the matter. Again, I understand they are not going to reconsider. On a matter of visit on a most humanitarian ground, they are most inhuman. How can you expect justice in regard to evacuee property? They would not allow a son to visit, a husband to visit and see his wife. Out of all the persons, my hon. friend enjoys all the facilities and yet he complains. If the Government feels that he is entitled to these things, let them give these things to him. I have no quarrel. My hon. friend may be having some personal grievance or quarrel and therefore he has sought to make out that Pakistan is more liberal in their treatment of this subject and we are not. Sir, I have never spoken in harsh terms, on this burning question because I know that would not settle the issue. But I have come to this conclusion that this question of evacuee property cannot be solved because the other party knows that what has been forcibly occupied should not be given up. I know things in Sind in particular and I have come to this definite conclusion. We all know that the property left by those who have come over to India, is much greater than the property left in India by those who have gone over to Pakistan. Everyone knows that, because the property left in Pakistan is hundreds of times more than what has been left here in India. But now it has been alleged that what is left in India is more, and that is because they do not want to come to any settlement over this question. Whenever they want anything to be settled, they come over with proposals and sit in conferences and our Government very benevolently, kindly and leniently agrees to their proposals. And what is the result? The result is that we now suffer. Displaced persons here do not mind this suffering, because the whole world can see clearly how we have been treating Pakistan and the Muslims living in India and how Pakistan has been treating India and the minorities still remaining there. Mr. Hussain Imam may not see the truth, but the whole world can. After all we do not want any retaliation on our side. I want that our minorities should be treated liberally. I would not have made this emphatic speech but for the remarks made by Mr. Hussain Imam. Those remarks are unfair and he must withdraw them. They are incorrect.

Particularly on this question of evacuee property they are making very stringent laws and I feel very strongly on this matter. I would like to know what the hon. Minister intend to

do about it. It is no good saying that he is helpless and he cannot do anything. It must be seriously thought over as this problem has to be solved. Questions of trade are being settled, and agreements are arrived on the different points. But when it is question of the suffering of individuals and their families, no notice seems to be taken by the Government. Is that fair? This question is a burning question and should not a settlement be arrived at? This matter should be decided and not held over indefinitely. Our Government have been urging that the settlement should be effected at a Government to Government level and they have maintained that it should be on a basis of individuals and individuals. They have also stated in their Constituent Assembly that they will not have any conferences over this question with the Indian Government. What are we going to do? Hundreds of men are employed over this work of assessing and scrutinizing the claims and a good portion of the evacuee property amount will be used up in this work. I do not grudge this, because at least most of those employed will be evacuees themselves. But this question must be settled soon on some basis or other and not allowed to drag on. When in Bombay I was discussing this big problem with some friends there and they were so anxious to arrive at a settlement that when I asked them if they were prepared to receive 8 as. in the rupee, they said, "We are prepared to get even 4 as. if they are paid in lump sum." That is how they feel about it. They were prepared to leave the matter connected with Sind to me saying that I knew all about the problem in Sind. What I want to show is that they were all anxious to reach an early settlement on this question. Whatever cash they had has already been spent away and so they are in very hard circumstances. This problem must be seriously considered by the Government and a settlement arrived at. So, I wholeheartedly support this measure. And Mr. Hussain Imam, as a gentleman, knowing very well that this statement he has made is a mischievous one must withdraw it. That is the least that this House expects from him.

[SHRIMATI DURGABAI in the Chair.]

Sardar B. S. Man (Punjab): Pakistan has already declared properties of joint stock companies as evacuee property in their country.

Shri Hussain Imam: The law is the same in India and in Pakistan.

Sardar B. S. Man: It has been our sad experience that unfortunately the

us, whenever any issue even other than this issue of evacuee property is concerned, the initiative comes from Pakistan and India follows suit very meekly and in a belated way. It is quite unfair to say to-day that Pakistan treats her minorities and the evacuee property there in a much better way than India. I feel it is a blatant distortion of truth to say that. It is not the love of the minorities that makes Pakistan allow exchange of property between individuals. In fact, Pakistan wants to grab the property that has been left over there and to put a seal of legality about what has already been virtually grabbed, at least in the eyes of international morality, they want such private exchange to be allowed. The present situation in Pakistan is this. We who have left property there are not allowed to go there to effect our sales in any appreciable or effective manner. This is a most anomalous and ambiguous situation that the owner of the property cannot go to the place and visit it and still he is expected to bargain and effect a sale. How can that be done? The situation of those who had gone from India is quite different. There is not a single minority person left in the Punjab, North West Frontier Province or in the raiders held territory. There may be a microscopic minority still left in Sind. But as regards India we have this strange situation of one brother being in Pakistan and the other brother remaining in India and looking after their property, and looking after it very well and most effectively. Or they may have friends on either side of the border. One of them remains in India and the other in Pakistan. Or in some cases the same person has one leg here and the other in Pakistan. He has his body here and soul in Pakistan, may be one wife here and another there and so on. The property here is retained and more is acquired in Pakistan. To say that Pakistan is overflowing with love for the minorities is very unjust and unfair and it is not correct to say that they are anxious to arrive at a conclusive and fair and just agreement over this evacuee property question. India has been offering to Pakistan the suggestion that the settlement should be effected on a government to government basis. For one full year that agreement was there that private exchanges could be effected. But the net result was that with the exception of few people and moneyed people who could probably effect such exchanges, the vast majority of the refugees who have come over from Pakistan to India were left without any assistance, succour or help. That itself forced the Government of India to repudiate it, because it was not just that Pakistan

should run away with our property for a mere song. And now is it fair to say that they are very fair?

Perhaps it is not realised in this House that we have only one Act called the Administration of Evacuee Property Act. It is all very well for my hon. friend to say that for the vast number of minorities left in East Bengal there is no such Act, but they have an alternative Act which is sinister, known as the Rehabilitation Act. We have not this Act in the whole of India nor even in the Punjab, where we are worse affected. But in Bengal ostensibly because of the agreement between the two countries they have not extended the Evacuee Property Administration Act but they have brought in a surreptitious way through the backdoor a much sinister Act known as the Rehabilitation Act. That is very sinister in this respect with regard to all those people who have gone over for good, their properties are declared as evacuee property but in East Bengal the operation of that Act is so monstrous that the person is living there and his property, though not declared as evacuee property, is requisitioned and that not for Government purposes. I can well understand Government in its stress and difficulty should call upon its citizens to forego a little comfort or a portion of their house or agricultural property for State purposes. But even commercial offices are taken over there not for Government purposes but to be given to Muslim evacuees who have gone over there from India. Houses are even taken away for the private use of officers. So to speak as my hon. friend did is to feign innocence where there is none really.

We are already short of this pool of property which is left behind. I do not know what is the truth behind it but we were told at one stage that so far as agricultural property is concerned we were very near a compromise or agreement between India and Pakistan. Mr. Jinnah was alive then and perhaps was convalescing at Quetta. The Secretary General of the Pakistan Government perhaps took this agreement between India and Pakistan to Quetta to Mr. Jinnah and told him that they had agreed to come to an agreement so far as agricultural property is concerned with India and that both Governments had agreed to pay the difference to each other. Perhaps the misconception then was that the agricultural property left over in India by Muslims was of the same value, if not more, as the Hindu property left over there. The details had not been gone into. Merely an agreement was arrived at. But after another interview with Mr. Jinnah the

[Sardar B. S. Man.]

same officials and the same Pakistan Government repudiated the agreement even so far as the agricultural property is concerned. It seems that Mr. Jinnah said that the difference between the property there and here was so great and colossal that he was not going to mortgage the entire future of Pakistan. I do not know what is the truth. But so far as the agreement was concerned the files and the talks between the two countries will bear me out that in the initial stages the agreement was about to be concluded regarding agricultural property but later it was repudiated by Pakistan. That shows whether Pakistan really wished for an honourable and fair agreement with India or it was a mere eyewash or a hoax. The difference between the evacuee property in India and Pakistan is so great and obvious that perhaps that is standing in the way of Pakistan coming to a fair agreement with India.

The pool of property left here so little for rehabilitation purposes that I pray to the hon. Minister for Rehabilitation that he should be fair to the pool available to us. In that very situation there is an inherent seed of conflict. On the one hand there is the sheer instinct of self-preservation on the part of the refugees. The Government in its present predicament has not got enough money to meet the rehabilitation expenses of the refugees. Even today they could not declare in unequivocal terms that they have got enough funds to meet the compensation for the refugees. So we have not the money and the property also is very little, which will go towards paying compensation for the evacuees here. It will therefore be a sheer instinct of self-preservation on the part of the refugees to expand or enlarge that pool. As a secular State naturally Government cannot afford to allow this expansion of this pool. Thus the Government is there on one hand to restrict this expansion movement on the part of the refugees to enlarge this pool and on the other there is the natural tendency on the part of the refugees to make the pool as large as possible. So unless this question of evacuee property is solved at a higher level, unless Pakistan plays a fair game and the Government of India is in a position to prevent Pakistan from grabbing the entire property and if the situation is permitted to continue as it is, in my humble opinion there will be that inherent conflict between the refugees on the one hand and Government on the other.

Of late we have noticed a different trend. I do not object but welcome

those friends who want to come over and live as loyal citizens of India, so long as it does not affect the evacuee property concerned. These properties are an international issue between two countries and naturally we cannot permit the existing evacuee property to be declared as non-evacuee property, so long as the bigger issues are not solved. I do welcome artisans and mechanics who are willing to come over and work here. Of late the trend is that instead of any new evacuee property accruing to this pool we are noticing that day by day more properties are being released and thus this pool is to that extent, becoming smaller and smaller.

I wholeheartedly welcome this belated move of the Indian Government in bringing this small Bill before the House. But I caution and warn the Government that unless the bigger issues are solved the inherent conflict will grow. The Government should take up a strong and just attitude towards the Indian property left in Pakistan. In international law and in international morality it is our property and Pakistan should not be permitted to grab it. We should not play into the clever hands of Pakistan by agreeing to any unjust or unfair formula so far as Indian property is concerned.

लाला अर्चित राम : मोहतमा सदर साहबा, मैं बिल पर बहुत कुछ बोलना नहीं चाहता था और अब भी नहीं बोलूंगा। सिर्फ हुसैन इमाम साहब की तकरीर से मेरे दिल में एक ख्याल पैदा हुआ। उन्होंने अभी फरमाया कि पाकिस्तान के अन्दर माइनोरिटीज़ (Minorities) के साथ बेहतर सुलूक होता है, हिन्दुस्तान की निस्वत। मैं सदर साहबा, आप से कहना चाहता हूँ कि वह कोई ऐसी मिसाल पेश कर सकते हैं कि पाकिस्तान कान्स्टिट्यूट असेम्बली (Constituent Assembly) में या पार्लियामेंट (Parliament) में हिन्दुस्तान के हक में इस किस्म के बयान वहां की माइनोरिटी के मेम्बर (Member) दे सकते हों, जिस आजादी से पाकिस्तान का प्रोपेगन्डा (Propaganda) हिन्दुस्तान की पार्लियामेंट में हो सकता है। मैं

समझता हूँ कि आज हिन्दुस्तान के प्राइम मिनिस्टर (Prime Minister) साहब की मेहरबानी है, उन्हीं की बबूलत हिन्दुस्तान के अन्दर माइनोरिटीज को यह रूतवा हासिल है। आज यू० एन० ओ० (U.N.O.) के अन्दर भी पाकिस्तान का कोई नुमाइन्दा पाकिस्तान के हक में इतना प्रोपेगन्डा नहीं कर सकता, जितना आज हिन्दुस्तान की पार्लियामेंट में पाकिस्तान का प्रोपेगन्डा हो सकता है। यह एक झूठा हुआ मिसाल है। इस में कोई शक नहीं कि आज भी यहाँ लोग यह फ़रमा रहे हैं कि उन को अपनी तकरीर को वापस लेना चाहिये। लेकिन मैं उन के साथ सहमत नहीं हूँ। मैं समझता हूँ कि इस तरह का मतालबा करना हमारी शान के खिलाफ़ है। हुसैन इमाम साहब को पूरा अस्त्यार है कि वह अपनी शिकायतें पेश करें। इस में शक नहीं कि हिन्दुस्तान के लाखों लोगों के लिये एक परमिट (Permit) नहीं बल्कि ज्यादा भी दी गई। और इस में कोई फर्क भी नहीं पड़ने वाला है। पाकिस्तान के रबयों को देख कर भी हम अपनी पालिसी (policy) पर किसी तरह पर भी कम्प्रोमाइज़ (Compromise) करने के लिये तैयार नहीं हैं। अभी मेरे दोस्त ने फ़रमाया कि वहाँ हिन्दुओं के साथ बड़ा अच्छा सुलूक होता है। कल शाम को मेरे पास एक आदमी आया। उस के रिश्तेदार अभी बिलोचिस्तान में पड़े हुए हैं। वह कहने लगा—लालाजी, मैं पाकिस्तान जा कर अपने चाचे तायों से मिलना चाहता हूँ, आज मैं जानता हूँ कि यहाँ पर मुसलमान दोस्तों को पर्मानेंट परमिट (Permanent permit) मिल सकता है, लेकिन मुझे होसला नहीं होता कि मैं इस गरीब के बारे में अपने प्राइम मिनिस्टर साहब से या रीहेबिलिटेशन मिनिस्टर (Rehabilitation Minister) साहब को

एप्रोच (Approach) करूँ कि एक हिन्दू पाकिस्तान जाना चाहता है, उस के लिये परमिट दिया जाये। मैं जानता हूँ कि यह मेरा हवाई किला होगा, मैं तो कहता हूँ कि मैं सारी उम्र देखता रहा कि हिन्दुस्तान में माइनोरिटीज कहती रहीं कि वह सेपरेट एलेक्ट्रेट (Separate electorate) चाहती हैं, उन की हिफाजत नहीं है, इस बात का दावा करती रहीं। वह ज्वाइन्ट एलेक्ट्रेट (Joint electorate) के खिलाफ़ थे, क्योंकि इस में उन की रक्षा नहीं हो सकती थी। अब वहाँ पाकिस्तान में क्या सुलूक होता है। पाकिस्तान के अन्दर माइनोरिटी मतालबा करती है, कि हमें ज्वाइन्ट एलेक्ट्रेट चाहिये। बंगाल के अन्दर माइनोरिटी मतालबा करती है कि मेहरबानी कर के मेजारिटी हमें यह हक़ दे कि ज्वाइन्ट एलेक्ट्रेट करे। लेकिन मेजारिटी कहती है कि हमें यह नहीं चाहिये। हम इस की इजाजत नहीं देंगे, किस भरोसे पर आप बात करते हैं कि वहाँ पर माइनोरिटी के साथ अच्छा सुलूक होता है। वहाँ जा कर देखिये कि गवर्नमेंट (Government) क्या कहती है। जैसी आप तकरीर करते हैं, मैं तो कहता हूँ कि मैं खुशी से फूला नहीं समाऊंगा, अगर ऐसा हो जाये, लेकिन मुझे पाकिस्तान से उम्मीद नहीं रही। मैं अभी हैदराबाद गया था। मुझे बड़ी खुशी हुई, मैंने देखा कि हैदराबाद के अन्दर करीब दो दर्जन आदमी जिन्ना कैप (Cap) पहने घूम रहे थे। यह सब हमारे पंडित जवाहरलाल नेहरू साहब की वजह से यहाँ हो रहा है। लेकिन मुझे बतलाइये कि क्या आचे दर्जन भी हिन्दू गांधी टोपी पहन कर वहाँ रह सकते हैं, या बोती पहन कर वहाँ रह सकते हैं? मुझे याद है, जब मैं वेस्ट (West) पाकिस्तान में गया था, तो पुलिस वाले कहते थे कि बिना से टोपी

[लाला अचितराम]

छतार लो, नहीं तो कोई आप को देख कर हुमला न कर दे। वह हमें इस तरह का हुकम देते हैं। लेकिन आप कहते हैं कि पाकिस्तान के अन्दर माइनास्टिज के साथ बहुत अच्छा सुलूक होता है और हमारे यहाँ ऐसा नहीं है। मैं इस चीज को कबूल करने के लिये कभी भी तैयार नहीं हूँ।

अब जो बिल वजीर साहब ने पेश किया है, हम उस को खुशआमदीद करते हैं। मुझे खुशी है कि गवर्नमेण्ट जहाँ और बातें कर रही है, जिस से हम नाराज होते हैं, वहाँ कोई कोई बात ऐसी भी करती है, जिस से कि लोग किसी कदर खुश होते हैं। यह चीज बहुत आवश्यक है, खास तौर पर हमारे मंत्री साहब को इस से इस बात का फ़ख़् हासिल होता है कि वह भी कोई ऐसी बात करने जा रहे हैं, जिस से गवर्नमेण्ट का नाम ही और आप की भी बारीफ़ हो। मैं जानता हूँ कि इस वक्त जो मसले मुल्क के सामने हैं, उन में से बड़ा मसला कम्पेन्सेशन (Compensation) का है। कोई मूव (Move) अगर ऐसा उठाय जाता है, जिस से रिफ्यूजीस (Refugees) को कम्पेन्सेशन मिलता है, तो हम उस का खैर मक़दम करना चाहिये। आज जो बिल पेश किया जा रहा है, मैं समझता हूँ कि वह पहले के सभी बिलों से बेहतर है और इस से रिफ्यूजीस के पूल की रक्षा होगी। अभी मेरे सामने एक जबलपुर का केस आया। वहाँ एक प्रापर्टी (Property) थी, उसे एसिस्टेंट कस्टोडियन (Assistant custodian) ने एवैक्वी प्रापर्टी (Evacuee property) करार दे दिया, लेकिन डिप्टी कस्टोडियन (Deputy custodian) साहब ने उसे एवैक्वी प्रापर्टी नहीं करार दिया। पचास हजार की वह प्रापर्टी थी, उस को

अलग कर दिया। हमें कुछ करने का हीसला नहीं है। हाँ, अगर यह पाकिस्तान में होती, तो फ़ौरन इन्तज़ाम हो जाता। यह पंडित जवाहर लाल नेहरू की हुकूमत है, इस सेकुलर (Secular) स्टेट में हम कुछ कहने का हीसला नहीं कर सकते। सिर्फ़ इधर उधर भागे भागे फिरते थे। इन हालात के अन्दर मैं इस बिल का खैर मक़दम करता हूँ। चलो, कुछ न कुछ तो होगा। जिस स्पिरिट (spirit) के अन्दर यह पास हो रहा है, अगर उसी स्पिरिट में काम में लाया गया, तो जो रिफ्यूजीस की हालत है, वह कुछ ठीक हो जायेगी। मैं समझता हूँ कि जिस तरह से यह बिल पेश हो रहा है, उस से जो लेकुना (Laounae) प्रैक्टिस (Practise) में है या ला (Law) के अन्दर है, वह दूर होगा ताकि रिफ्यूजीस को और कम्पेन्सेशन मिल सके।

हमारे प्राइम मिनिस्टर साहब ने कहा कि जब हम रिहैबिलिटेशन का काम ख़त्म कर लेंगे, उस वक्त कम्पेन्सेशन देंगे। मैं कहता हूँ कि शुक्र है कि आज प्राइम मिनिस्टर साहब के मुँह से ऐसी बात तो निकली कि वह रिहैबिलिटेशन के बाद कम्पेन्सेशन देंगे। बड़ी खुशी की बात है, रिहैबिलिटेशन किन का हो रहा है आप खुद समझ सकते हैं। रिहैबिलिटेशन शुरू हुए आज चार बरस हो गये और जैसा रिहैबिलिटेशन हो रहा है और जो हम लोगों का दावा है, उस के पिछले दो तीन बरस की मिसाल से मालूम देता है कि इस में कम से कम सात आठ साल बाद रिहैबिलिटेशन का काम ख़त्म होगा। पता नहीं, हमारे प्राइम मिनिस्टर साहब उस वक्त इस जगह पर होंगे या नहीं, उस के बाद कम्पेन्सेशन दिया जायेगा। मैं कहता हूँ कि यह गवर्नमेण्ट तो बड़ी अक्लमंद है और यह अक्लमंद तरीन बात भी उसी

सहीके से साफ है। अगर वह ऐसी बात करमा सकते हैं, जो कि बिल्कुल इन्कन्सिस्टेंट (Inconsistent) है, यानी यह कि हम रिहैबिलिटेशन के बाद कम्पेंसेशन को सोचेंगे। किन के लिये वह कम्पेंसेशन होगा, क्या उन के लड़कों के लिए, या उन की स्त्रियों के लिए और मुर्दों के लिए होगा। लेकिन बहरहाल शुक्र है कि यह उम्मीद तो हुई कि हमें कम्पेंसेशन मिलेगा भले ही हमें मिले, हमारे लड़कों को मिले और मिले या न मिले, पर पंडित जवाहरलाल ने जो कम्पेंसेशन की बात कही, मैं उस के लिये उन का शुक्रिया अदा करता हूँ। कम से कम उन का ध्यान तो इधर

(English translation of the above
speech.)

Lala Achint Ram (Punjab): Madam, I had no desire of speaking much on the subject and I will not even now speak too much on the matter. I have been forced to speak only due to the speech of Shri Hussain Imam. He has just stated that the minorities in Pakistan are better treated than in India. May I ask, whether he could furnish even one single example of any member of the minority community in Pakistan who could make such statements about India in the Pakistan Constituent Assembly or in the Parliament of India? I am of the belief that this privileged position of the minorities in India is only due to the kindness of our hon. Prime Minister. Members of the minority community in India have more facilities to do propaganda for Pakistan in the Indian Parliament than even the Pakistani representatives in the United Nations Assembly. This is an open example. There is no doubt about the fact that Members are of the opinion that Shri Hussain Imam should withdraw his speech. But I do not agree with them. I think making a demand like that goes against our prestige. Shri Hussain Imam has got every right to ventilate his grievances. Nobody can deny the fact that more than one permit was issued to lakhs of people in India and it is not going to make any difference. Even after observing the attitude of

the Pakistan authorities, we are not prepared to make any compromise with our policy. My friend has just stated that minorities are treated very well in Pakistan. Yesterday evening a man came to see me. His relatives are still stranded in Baluchistan. He told me that he wanted to go to Pakistan in order to see his relatives there. I am aware of the fact that even today Muslim friends can get permanent permits, but I have not got courage enough to approach my Prime Minister or the hon. Minister of Rehabilitation for issuing a permit for this poor man who wants to go to Pakistan. I know that it will be my wishful thinking. Throughout my life I have seen that the minorities in India had demanded separate electorate on the plea that they were not safe here. They were against joint electorate as they could be guaranteed no safety by it. But, how the minorities are being treated today in Pakistan. The minorities in Pakistan demand that they should be allowed joint electorate. The minorities in Bengal demand that the majority should allow them to have joint electorate. But the majority says that it does not suit them so they will not permit this. What makes you to say that minorities are treated better in Pakistan? Go and see, what the Government say there. I will be overwhelmed with joy if every thing happens as you say, but I have lost all hopes from Pakistan. Recently, I had been to Hyderabad. I was much pleased to note that about two dozen persons were walking in Hyderabad with Jinnah caps on. All this is being done only due to Shri Jawaharlal Nehru. But let me know whether even half a dozen Hindus can walk there with Gandhi caps on? whether they can put on 'dhoties' there? I remember when I visited West Pakistan, I was told by the Policemen to put off my cap as I may be assaulted by any one after being seen with the cap on. They order us like that. But you say that minorities are better treated in Pakistan and we do not afford the same facilities to them in India. I am never prepared to admit it.

I welcome the Bill introduced by our hon. Minister. I am glad to note that while we resent certain actions of the Government, sometimes they do act in a way which the people like. This is a very important measure. Specially, our hon. Minister should feel proud in introducing such legislation which will enhance the reputation of the Government and his own. I am aware of the fact that the problem of compensation is one of the most important prob-

[Lala Achint Ram]

lems facing the country today. We should welcome any move by which the question of the payment of compensation to the refugees is raised. The Bill, which is being introduced today, I think, is the best so far introduced and will afford protection to the families of the refugees. Recently, I came across a case from Jubbulpore. There was a property which was declared evacuee property by the Assistant Custodian but the Deputy Custodian did not declare it so. The property was worth Rs. 50,000/- and was released. We have not got courage to handle that but had it been in Pakistan, it would have been managed all at once. This is the Government of Shri Jawaharlal Nehru and we dare not say any thing in this secular State. We were simply running from one place to another. Under these circumstances I welcome the Bill. At least, some thing will materialise, howsoever little it may be. If it is implemented in the same spirit in which it is being enacted, the allround position of the refugees will improve. I think; the way this Bill is being introduced, there will not remain any lacunae in practice or in law with the result that the refugees may get more compensation.

Our hon. Prime Minister has stated that they will give compensation only when the rehabilitation work has been completed. I thank God that after all the hon. Prime Minister has said that compensation will be given after rehabilitation. This is something to feel pleased about. You can well understand as to who are being rehabilitated. It is now four years when rehabilitation work was started and it is still being done. But, if we look towards the work of the last two or three years, it is definite that this work of rehabilitation cannot be completed even in seven or eight years. I do not know whether our hon. Prime Minister will be at his present post or not when compensation will be paid. I say that the Government are very wise if they can state such a thing which is completely inconsistent that they will think about the payment of compensation after the rehabilitation is completed. To whom will you pay the compensation—to their sons or to their corpses? But, let me thank God that at least we have been given an assurance that we will get the compensation. Let them not pay it to us, pay it to our sons. Whether we get it or not but I thank Shri Jawaharlal Nehru for the assurance that he has given us regarding the payment of compensation. At least he has paid attention towards it.

Shri B. K. Das (West Bengal): The Bill before us is the result of an agreement, as was pointed out by the hon. Minister. The Pakistan Government has recently amended Section 299 of the Government of India Act in order that land reforms legislation may not be challenged in courts. The amendment provides that such legislation cannot be called into question on the ground of inadequacy of compensation or on the score of the compensation not being paid in cash. It is reported that evacuee property will also come under the scope of this new law. It seems that in this way the whole of the evacuee property may be expropriated without payment of any compensation. As the hon. Minister is coming before the House every now and then with amendments of the Evacuee Property Act in India with the object of bringing it into line with the provisions of the Evacuee Property Act in Pakistan, I do not know how under the present circumstances he will be able to deal with the situation. I do not know if any steps have been taken by the Pakistan Government under the new law by this time, but to my mind the latest enactment is the last straw on the camel's back. As has been pointed out by previous speakers, if the evacuee property question as a whole is not taken up and we go on with piecemeal legislations, there is no chance of any solution of the evacuee property question at all. The hon. Minister, speaking the other day on the Demands for Grants, acquainted the House with the fact that our Government was taking a very serious view of the evacuee property question in view of the statement made in the Pakistan Constituent Assembly by their Rehabilitation Minister Dr. Quereshi. We do not know what has been done so far about the solution of this problem. We are not tackling the problem in the way we should. As time goes on, the Pakistan Government is going ahead.

Sardar B. S. Man: On a point of order, Madam. Can an hon. Member like Mr. Kamath go to sleep in so ostensible a manner in the House as he is doing now?

Shri Kamath: I was not inattentive, Madam. My hon. friend should know the difference between sleep and wakefulness. I have heard every word of the speaker's words. I was concentrating.

Mr. Chairman: Once in a way, sleep can be allowed for Mr. Kamath.

Shri B. K. Das: I was submitting that while the amendment before us

may be all right, these piecemeal legislations will not be of much avail in the solution of the evacuee property problem. I want to know from the hon. Minister what our Government is going to do about the question as a whole. There are several legislations such as the Rehabilitation Act, the Evacuee Property Act and now the amendment of Section 299 of the Government of India Act which taken together leave not a shadow of a doubt that the Pakistan Government is out to put an end to the evacuee property question in the long run. They have refused to deal with the matter on a governmental basis. They have put obstacles in the way of dealing on an individual basis. As against this, we are placing the evacuee property under the Custodian and holding that property as a trust, so that when a settlement is arrived at we shall be able to give an account of all that we are holding in trust and a future settlement may be facilitated. But frankly, I do not think that there will be a day when our hopes will be fulfilled in this process. I am led to believe that unless this question is dealt with without delay and taking into consideration all factors and circumstances, we shall be living in a fool's paradise. I would therefore conclude by urging on the Government to treat the question as a whole and find a solution and not bring in such piecemeal legislation.

Pandit Kunzru (Uttar Pradesh): I give my wholehearted support to this Bill. It is well known that the Government of India wanted to have no Evacuee Property Bill. It has from the beginning acted with the utmost forbearance in this matter. It passed a law on the subject only when it was forced by the policy of the Pakistan Government to do so. It had to take action in order to protect the rights of the evacuees from West Pakistan. It similarly amended the law relating to evacuee property with great reluctance. It was again the policy and practice of the Pakistan Government that forced it to make its law more stringent. But even now there is no law in India corresponding to the Rehabilitation Act to which my hon. friend Mr. Sidhva referred to in his speech. It was referred to when the first amendment of the law was under consideration. We have done nothing so far to take away property from the non-evacuee members of the minority community in order to compensate the evacuees from Western Pakistan belonging to the majority community. Yet my hon. friend Mr. Hussain Imam had the boldness to claim that Pakistan was treating its minorities better than the Indian Government. The facts are so patently

different that it is astonishing that a man like him who has so far shown some restraint in his speeches in the House should have made a remark so utterly at variance with the facts. My hon. friend, notwithstanding the explanation given by the hon. Minister, continues to claim that the law in Pakistan is still what it is in India. But what is that Act worth if it is not acted upon by the Pakistan Government. If joint stock companies, the majority of whose shareholders are treated as a matter of fact as evacuee property by the Pakistan Government, notwithstanding its law, what is the Indian Government to do? Is the Indian Government to follow suit and violate its own laws as the Pakistan Government does.

Shri Hussain Imam: It violated it by trying to take possession of the Ambernath Mill.

Shri Sidhva: I know the history of the Ambernath Mill; my friend does not know.

Shri A. P. Jain: The Ambernath Mill has not been taken possession of by Government.

Shri Hussain Imam: It tried to, I said.

Pandit Kunzru: It never did so and I believe the hon. Minister of Rehabilitation has made that clear. But even if all that my hon. friend Mr. Hussain Imam says is correct, the Indian Government only made an attempt to take over the property of a mill. But as against it the Pakistan Government has already taken possession of the property of a number of companies the majority of whose shareholders were evacuees. I think, Sir, that it will be admitted by every unprejudiced person that the Minister of Rehabilitation has acted honestly in bringing forward this measure. He wants to take action corresponding to that already taken by the Pakistan Government after amending the law and not in violation of it. So, Sir, from whatever point of view this law may be looked upon, it requires our full support. The Minister of Rehabilitation has already explained to the House that the Bill has been introduced in agreement with the Government of Pakistan. That Government which is no less mindful of the interests of the Muslims here, or claims to be no less mindful of the interests of the Muslims here, than my hon. friend Mr. Hussain Imam, has agreed to the provisions embodied in this Bill because it realises that it will only enable the Indian Government to act in a manner similar to the manner in which it is acting. Yet my hon friend

[Pandit Kunzru]

Mr. Hussain Imam claims that the Pakistan Government is acting with greater consideration in this matter than the Government of India will act in future.

I do not want to say anything more on this subject for a number of speakers have made it clear that Mr. Hussain Imam's assertion is based not on facts, but on prejudice and perhaps personal bitterness.

Shri A. C. Guha (West Bengal): The problem of evacuee property has remained practically unsolved for all these years. As has been stated by the previous speakers the Government of India have practically been forced to enact certain laws for the regulation of evacuee property.

Madam, ours is a secular State.....

Shri Himatsingka (West Bengal): Peculiar?

Shri A. C. Guha: I say secular. And it treats all its citizens alike irrespective of religion. Indian State has nothing to do with its citizens denominational religion. Whatever religion a citizen may prefer, it is his private affair and the State has nothing to do with that.

The Evacuee Property Act, I find has undergone several amendments. Several ordinances have been issued and several amendments have been passed by this House and now the Government have come forward with another amendment. I do not know whether this will be sufficient to meet the requirements of the situation.

Recently the Pakistan Constituent Assembly has passed certain amendments to their evacuee property law and they have also passed an amendment to the Government of India Act, 1935, Section 299 (2). This sub-section provides for payment of compensation for any property taken over by the Government for public purposes. By an amendment this provision has been deleted from the Government of India Act, 1935. So, it comes to this that any evacuee property, if the Pakistan Government feels it necessary to be taken over for public purposes, can be taken over without payment of any compensation. I would like to ask the hon. Minister what steps the Government of India are going to take? Have they taken up the matter with the Pakistan Government as to how far this amendment to the Government of India Act, 1935, will apply to evacuee property?

I have already received several letters from minorities in Pakistan that they feel that their property can be taken over any day without payment of compensation. Several speakers have already stated what was so long being done by the Pakistan Government. This amendment before the House alone to the Evacuee Property Act is sufficient condemnation of the Pakistan Government. The hon. Minister stated in this House that the Pakistan Government have been doing certain things in violation of the existing law and of the agreement between the two Governments that the evacuee property law should be on a par in the two States, having the same provisions and same responsibilities and obligations. But the Pakistan Government have been doing something in violation of their own laws. The Government of India cannot naturally be expected to act in violations of its own legal obligations, and so there is no other alternative for them but to come forward with an amendment to give them the authority to do what Pakistan is doing without the provision of law.

11 A.M.

Madam, this Act does not apply to West Bengal. But recently a Board of Trustees was set up by the East Bengal Government to look after the property of evacuees left there. I learn that the West Bengal Government have also set up a Board of Trustees, practically on the same footing. I do not know if there has been any agreement between the two Governments that while constituting this Board of Trustees opinion of the minorities concerned should be consulted. How the East Bengal Board of Trustees has been composed we do not know. Whether the Legislature of East Bengal was consulted, whether the Hindu Members of the East Bengal Legislature were consulted, or whether some public bodies representing the opinion of the East Bengal Hindu-minorities were consulted, I do not know. I hope the Government will make the position clear before this House.

Though this Act does not apply to the properties in West Bengal and the Pakistan Act also does not apply to the properties of East Bengal, still I think the value of the properties left by the Hindus in East Bengal will amount to several hundred crores. So the Government may in near future be faced with the situation when this Act may also have to be extended to West Bengal and the Pakistan Act may also be extended to the Eastern side. So even now the Government

should be careful about the composition of the Board of Trustees both in West Bengal and Assam as well as in East Bengal.

Finally, I would like to ask the hon. Minister to enlighten the House what action Government have taken as regards this amendment recently passed by the Pakistan Constituent Assembly which authorises the Pakistan Government to take over any property without compensation, whether this will apply to the properties left by the evacuees, and, if that will apply to those properties also, how the evacuee property will be safeguarded.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): Question may now be put.

Mr. Chairman: The question is:

"That the question be now put".

The motion was adopted.

Shri A. P. Jain: When I introduced this Bill I said that it was a simple measure. In fact it is a simple measure, and if a storm has been raised over it the credit goes to my friend Mr. Hussain Imam.

Coming to his speech, I listened to him with all respect, and I was all along wondering whether a responsible Member of this Parliament, an Indian national, was speaking or somebody who was briefed on behalf of Pakistan was speaking. Mr. Hussain Imam has apparently tried to advocate the cause of the Indian Muslims. I am sorry to say that the Indian Muslims had better not have such advocates and the sooner they repudiate them the better it is for them. I make bold to say that every one of the statements that Mr. Hussain Imam has made on the floor of the House cannot stand the test of scrutiny. All those statements are either incorrect, purposefully, or based on wrong information. I will take them one after the other.

Let me first take the main question which he has raised and which relates to the provision of this Bill, namely, the amendment to section 2. He has said that the amendment which I have proposed will militate against innocent persons, those who are not evacuees. May be that he is perhaps over-obsessed with some communal ideas. May be that he is thinking that all the shareholders in a company are Muslims or Hindus. There are no companies in which there are only Hindu shareholders or Muslim shareholders. Apart from the legal interpretation into which I will go later on, it is apparent that so far the Government of India has not declared the property of any

Hindu to be an evacuee property, nor can anybody accuse the Government of India of treating the property of any Muslim living in India as evacuee property. If what Mr. Hussain Imam has said is correct, and if it is also a fact, as it is that the shares in a company are not owned exclusively by Muslims but also by Hindus—the shares are owned in a mixed manner both by the Hindus and by the Muslims—does he mean to say that the Hindus who will form part of the 49 per cent. of the shareholders will also lose their property? Is that the intention? I say no.

Coming to the legal aspect of it, we must clearly differentiate between the assets of a company and the shares. Either of two methods are open to us. Either we can declare the shares to be evacuee property and, if there is a provision in the articles of association about the managing agency or the managing director, take over the assets. It is a well-known provision of the Company Act, and a rule of all the registered companies, that the holders of the majority shares are entitled to have the management in their hands. I want my friend Mr. Hussain Imam to give me a single example where the management of a company is entrusted to a minority of the shareholders. May be that under some camouflage or under some process of cheating the holders of minority shares may be having the management, but the general rule is that the holders of the majority of the shares have the management of the company. Now, it is impossible to divide the assets of the company representing the evacuee shares from the non-evacuee shares. The management has to be in one hand. We tried to take it in the case of the Ambarnath Mills by declaring the majority of shares to be evacuee shares. Then, by virtue of holding the majority of the shares we wanted to amend the articles of association, so that we may have the management in our hand. In that the High Court came in our way. Therefore it has become necessary that the real intention, the real principle on which all companies are being managed, should be fulfilled in a legal manner. And that is what I am asking the House to do

This particular amendment provides that the assets of a company where the holders of the majority of the shares have migrated to Pakistan and have become evacuees, will vest in the Custodian. What are its implications? Let us clearly understand. The ownership of the property, (what is evacuee property in India today), vests not in the Custodian or anybody else but in the evacuee—the migrant who has gone to

[Shri A. P. Jain]

Pakistan. *Vice versa*, this is the same case with regard to the property of the Hindus who have migrated from Pakistan. What does the Evacuee Property law provide? That the management of the property can be taken over. Why was it taken over? - Was it as a matter of penalty? Was it to punish the Muslims who have gone away? No. It was in their interest. When the Evacuee Property law came, there were lakhs and lakhs of derelict properties. It was to look after them that the law was promulgated. These people had gone to Pakistan and therefore a law was passed by which a Custodian was appointed. The Custodian is taking care of those properties. I am sorry to say that we are not able to manage those properties as well as we should have done. It may be that 2 lakhs properties or so left by the Muslims may be deteriorating because we have not an adequate agency to look after them. Naturally if we declare this property as evacuee property, we do not touch its ownership. The implication which Mr. Hussain Imam wanted to impress upon the House is that we actually took over the ownership. Now whether by virtue of the holding of the majority shares or by virtue of the amendment which I have moved in this House, we take over the assets of a company; we only take over the management. Now we can manage that company ourselves or we can allot it to some refugees. In either event we shall be making some income from it and we shall be able to give proportionate dividends to the holders of the shares which are not Evacuee property, the proportion which appertains to their shares. That is the position. May I ask him what objection he has, then, to the amendment that we are introducing? Pakistan has done the same thing, not through law but through *zabardasti*, illegally. Now if I do the same thing Mr. Hussain Imam will be at my throat and say: "You are doing an illegal thing". If I want to do it legally, I am blamed and he says that Pakistan law is all right. We are not to look into the practice in Pakistan. That is the logic which may appeal to him and to men of his way of thinking, but not to any sane person. I say, Sir, the amendment which I have moved, both from the point of view of law as also from the point of morality, is a perfectly good amendment. Now all laws have to be interpreted in the light of the case laws that have already been laid down. It has been decided by the Custodian not in one case, but in several cases, that only the share of evacuee co-sharer is evacuee property. I challenge Mr. Hussain Imam or any other person of

his way of thinking in the House, to point out even a single case where a property was owned by evacuee and non-evacuee co-sharers and all the property has been treated as evacuee property and such property has been taken over by the Custodian in entirety? Only the share of the person who has become an evacuee has been taken over. That being the position both according to the law as it stands and according to the interpretation given by me and my hon. friend Pandit Thakur Das Bhargava, however evil-minded we may be according to Mr. Hussain Imam, I say we cannot be so evil-minded as to deprive the Hindus and Muslims of India of their shares in the Joint Stock Companies. I was therefore surprised that Mr. Hussain Imam should have made such a speech. It did no credit to his sense of patriotism; it did little credit perhaps to his sense of understanding. This was a very limited Bill and it was meant to amend only two provisions of the evacuee property law but during the course of this debate, thanks to Mr. Hussain Imam, the whole vista of the evacuee property law has been opened. The permit system has also been brought in. First I will give a few points with regard to the evacuee property law. My hon. friend has raised the question of Mr. Mohatta. It is true that Mr. Mohatta has exchanged property worth Rs. 15 lakhs, it may be more, with some property in India. But the property with which this property has been exchanged in India was non-evacuee property. Where do I come in? If Mr. Imam today proposes to exchange his property, so long as he is not an evacuee, with somebody who has come from Pakistan and whose property has been declared to be evacuee property, I do not come in his way. If he wants me to come in his way, let him say so clearly. Then it will mean that no Muslim in India will be at liberty to sell his property. He will have to come to me and ask me whether he can sell his property. Actually only with regard to evacuee property does a question of my permission arise. Every Muslim in this free country is otherwise at liberty to sell, mortgage or transfer his property. I am proud of that. I am not ashamed of it. If Mr. Imam wants me to impose a condition that no Muslim can transfer his property or exchange his property, whether it be evacuee property or not, without my permission, I think, it will be an evil day for this country.

Shri Himatsinaka: That was for the benefit of the Muslims here.

Shri A. P. Jain: He has again referred to the case of the Ambernath ~~Mina~~.

We never made any effort to take the property. The Custodian did pass an order for taking over the assets of the Ambernath Mills but as soon as he was made aware of the legal position he stayed his hands and merely declared the shares of the persons who had migrated to Pakistan as evacuee property. He wanted to exercise his right as holder of the majority of the shares, to terminate the managing agency, amend the Articles of Association and to take over the management of the Company. In that matter the High Court came in the way. I may tell the House that this amendment has not been put before the House because there was difficulty in the case of the Ambernath Mills. I made mention of the Ambernath Mills only incidentally because it could best illustrate certain difficulties that had arisen. This amending Bill has been presented to the House as a result of an agreement which has been arrived at between ourselves and Pakistan in the month of June. In fact that agreement did not contemplate this, but Pakistan later on went back upon its words, and modified implementation instructions had to be issued. I am prepared today if Pakistan is willing to declare shares and property of the Joint Stock Companies to be non-evacuee property. I for my part will accept and declare that every share and property of a Joint Stock Company, irrespective of the fact whether the majority of the shareholders have migrated to Pakistan or not, will remain non-evacuee property. Let my hon. friend Mr. Hussain Imam who has so ably advocated the cause of Pakistan to the detriment of India, persuade his clients. I for my part have given an undertaking and I will abide by it. He may of course have only meant give an opportunity to the Pakistan papers to splash his speech and throw a slur on the face of India. But in this he has not rendered any service to himself or to the nation to which he belongs.

Mr. Hussain Imam again has said that the evacuee property law in Pakistan applies only to 20 per cent. of the minorities and in India it applies to 70 per cent. of the minorities. Again I make bold to say that he has not done much credit to his legal acumen. The evacuee property law is a territorial law and the very fact that in the territories to which our law applies, a much larger number of Muslims live, is evidence of the fact that the Muslims have confidence in this country and that they are not afraid. Mr. Imam says that the law applies to 20 per cent. there. That is so because the rest of the people have left Pakistan, because they have no confidence in Pakistan.

I assure him that it will apply to zero per cent. if this same policy is followed by Pakistan.

Shri Hussain Imam: I referred to the population of West Pakistan.

Shri A. P. Jain: That is what I am saying. Territorial laws apply to territories and the fact that a large number of Muslims are living in this country is clear evidence of the fact that the Muslims have confidence in this country, that they are having a square deal.

Mr. Hussain Imam has again referred to the question of exchanges. He says that in Pakistan free exchange of property is allowed. I fail to understand that if that be his view, why does he object to the exchange of Mr. Mohata's property? Mr. Mohata has also made an exchange. An exchange is either good or bad. It cannot be good if Pakistan allows it and bad if we allow it. Perhaps so far as Mr. Hussain Imam is concerned any stick is good enough to beat a dog provided it be an Indian dog.

I have made the position clear regarding exchanges of evacuee property. We do not want to allow private exchange. I have been in office for the last 10 or 11 months and I have not allowed any exchanges during this period, except one, in which the properties had already been taken over and documents completed. Permission in that case was just a formal matter. We have not allowed any other exchange to take place. He said very boldly that he was sure that exchanges were allowed in 1950. I challenge him to point out a single exchange which I have allowed ever since I came to office, except the one that I have mentioned.

Shri Hussain Imam: Mr. Sidhva will bear me out.

Shri A. P. Jain: Mr. Sidhva does not bear you out because that was non-evacuee property. If you cannot understand, I cannot help it.

Now, I come to the permit system. This question of the permit system has been discussed over and over again in this House. I have answered a number of questions. If even after what I have said over and over again, in this House, Mr. Hussain Imam remains unconvinced, I am afraid nobody can convince him. His first grouse is that the permit system in Pakistan does not apply to 60 per cent. of the population of Pakistan. I am sorry that he has completely misunderstood the position. Any Hindu or Muslim in India, in whatever province he may be living, is at liberty to go to East Bengal. Similar-

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ly, any Hindu or Muslim living in East Bengal is at liberty to come to West Bengal. But, any person living in Pakistan cannot come to India through the western border without a permit. Similarly, if there is a person living here, he cannot go to Pakistan through the western border without a permit. So far as the East is concerned, if it is only 60 per cent. of the population to whom the permit system does not apply in Pakistan, I say, in India, it does not apply to cent per cent. of the population. Anybody living in India, including Mr. Hussain Imam is at liberty to go to East Bengal and he will not have to come to me for a permit, and there will be no obstruction in his way. But, so far as West Pakistan is concerned, in coming and going, there are corresponding restrictions: in the case of Pakistan, may be, the restrictions are more. I have stated before this House, that recently, Pakistan has made the visit of Indians, Hindus and Muslims, to West Pakistan almost impossible. I re-state those facts, because my friend's memory is short.

In the first place, anybody who wants to go from India to Pakistan on a temporary visit has to apply six weeks before the permit is issued. Is there any such restriction on our part? I have stated in this House that 85 per cent. of the permits for temporary visit to India were given within half-an-hour to 36 hours. Surely, half-an-hour to 36 hours is less than six weeks.

Shri Hussain Imam: I concede that.

Shri A. P. Jain: Does that show that there is greater harshness on our side in the permit system? Then, while here a pure and simple 'No objection' certificate is quite enough for a Muslim or a Hindu to go to Pakistan and return, in Pakistan, they have got a 'No objection' certificate, that is an Identity Certificate, as also a return permit. That again places a restriction on the visits of Muslims from Pakistan. Again, the Pakistan High Commissioner has not the power to extend the period of a return permit. He has to take the permission of Pakistan authorities. Recently, I came across a very pitiable case. A Muslim from Sitapur came to me. His son was ailing from T.B. and was, in a very bad state of health. He had received very pathetic letters asking the father to come and see the son. He went to the office of the Pakistan High Commissioner; the High Commissioner told him to come after six weeks. He came to me; I told him that I was helpless and could

not do anything. I told him, "My officers have given a 'No objection' certificate; you can go to Pakistan; I do not stand in your way." I however took pity on that man, and made a personal appeal to the Pakistan High Commissioner and told him "For God's sake, help him, whatever may be the consequences. Under exceptional circumstances, even our High Commissioner can give permits which do not strictly fall within the permit laws." He was good enough to help the man and he came to me in tears and thanked me. This is what Pakistan is doing.

[MR. SPEAKER in the Chair.]

Lastly, Pakistan has introduced what is known as the Income-tax clearance certificate. Until recently, under an exemption, a person who was visiting Pakistan for 20 days in one visit or for two months in a year, was not asked to produce an Income-tax clearance certificate. We have never imposed restrictions of this kind. But now Pakistan has resiled from its earlier practice with the result that a Hindu or Muslim visiting Pakistan even for a single day, has while returning, to produce an Income-tax clearance certificate. I have come across a recent case in which a lawyer went there to represent in a case. While he was returning, he was asked to deposit Rs. 25 or 30 as the Income-tax on the fee which he has earned there. He said that he came there as a friend and had not taken any fees. But, they would not give him permission unless he deposited Rs. 25. They said, he could claim a refund. I have known of many cases in which Hindus and Muslims visiting Pakistan from here, when they reached the check post, were asked to produce an Income-tax clearance certificate. They did not know that before. But, they were asked to go back and obtain an Income-tax clearance certificate. I will not go into certain delicate things in this connection. How Income-tax clearance certificates are issued in Pakistan, is better not said.

There is another point. Even now, the traders who visit Pakistan are not allowed to go beyond Lahore. Permits are given only for Lahore with the result, that, another intermediary class has sprung up. Our traders are not able to deal direct with the wholesalers. This intermediary class enter into transactions with Indian traders; they are all Pakistanis and they pocket some money. That is the position. In fact, let me assure my hon. friend and also Pakistan that if it persists in its present practice, we shall have to stiffen our permit laws. (An-

Hon. Member: It is already too late.) In international matters, let it be clearly understood that things are done only on a reciprocal basis. That is the only sanction. If Pakistan does not come to its senses.....

Pandit Maitra (West Bengal): When did this wisdom drawn upon you?

Mr. Speaker: Order, order.

Shri A. P. Jain: We shall have to do something to make them realise that they must also behave in a civilised manner.

Coming to the question of permanent permits, I have given figures to this House. I may be accused of liberality; not of miserliness. I have very freely given permanent resettlement permits. During the course of the debate, Mr. Hussain Imam tried to challenge that I have not given a permanent permit to his wife. I challenge him and say that I have issued a permanent permit to his wife. If he wants, I shall produce his letter and the reply. Now, what is the difficulty about it. He wants that I must promise, that I must give an undertaking, that his wife's property will be restored to her if she comes back. What is his desire? It is not for love that he brings his wife over, but it is for the sake of the property. I cannot give him any assurance that the property of his wife will be restored. The question will be considered on merits when his wife comes to India. And if that is his grouse against the Government and against myself, I welcome that grouse.

Now, before I conclude, I would like to refer to some of the other points raised by some other hon. Members.

Shri J. R. Kapoor (Uttar Pradesh): Have you done with Shri Hussain Imam?

Shri A. P. Jain: Do you want to deal more with him?

Well, certain points have been raised by my hon. friend Mr. Guha. I may say that it is our desire to keep the evacuee property pool intact and not to dissipate or deplete it. But there are some very hard cases in which we feel that considerations of humanity, or you may call it leniency, require that the property should be restored. One case was referred to, by, I think, Pandit Thakur Das Bhargava—that of Chatriwala. It is true that property worth about Rs. 50 lakhs has been restored. That has been done under the definite sanction of this House. The House will remember that when the Evacuee Property Law was passed, my predecessor Shri Mohanlal Saksena

gave an undertaking in this House that immigrants who return before a particular date, perhaps the 18th of October, 1949, will be restored back their property. It was clearly the intention that this will apply to all the cases prospectively and retrospectively. That is perfectly clear from the proceedings and the records of the Government. But the notification that issued unfortunately did not make this clear. We are here, however, to implement the intention and not the letter of the law and therefore we exercised our power under section 16 and we have restored the property which though strictly speaking did not fall under the notification as it was issued, it was meant to be restored according to the intentions of the Government. And as I said, I have restored that property. There have been other hard cases in which we have taken steps. But I can assure the House that it is none of our desire to deplete the evacuee property pool and we will not let the evacuee property pool be depleted.

Some points have been raised by Mr. Guha about the amendment to section 299 of the Government of India Act as applicable to Pakistan. But how can I answer that question about what their intention in this matter is? So far as I am concerned, if any question relating to this Ministry or the policy of the Government which falls within the scope of this Ministry is asked, I am prepared to deal with it. Let Pakistan adopt any laws it likes; I cannot help it or stop them from doing so. They can escheat the property of their own nationals without paying compensation or deal with the evacuee property there as they choose. They are at liberty to do anything, because they have sovereign powers as we have sovereign powers in our sphere. In our sphere we want to act only in a civilised manner, and in a generous manner. That has been our policy.

As far as this amendment is concerned, I think there is little difference of opinion. Mr. Hussain Imam may not agree with it. Well, such exceptions we shall always have and all that we can do is to ignore them.

Mr. Speaker: The question is:

“That the Bill further to amend the Administration of Evacuee Property Act, 1950, be taken into consideration.”

The motion was negatived.

Mr. Speaker: Now we will take up the consideration of this Bill, clause by clause:

Clause 2.—(Amendment of section 2)

Shri Hussain Imam: On a point of personal explanation, Sir.

I have listened for about two hours to vindictive utterances heaped on my devoted head. I feel this is due to some mistake on the part of some of my colleagues here, they feel so much that they take meanings from words when the words themselves do not convey any such meanings. Self-delusion and self-deception can make a man see things which are non-existent. Sir, I have started my speech as will be apparent from the records here with a condemnation of Pakistan for having been instrumental in bringing forward this Bill. I was not defending the case of Pakistan; but I was simply comparing the actions taken by Pakistan on all its minorities and by India on all its minorities. People here seem to be obsessed by the idea that minorities existed only in West Pakistan. But actually a vast majority of the minorities who were in Pakistan on the 15th of August, 1947 were in East Pakistan. Therefore I said that 60 per cent. or more of the original number of Pakistani minorities were free, and that has not been challenged by any hon. Member or by the Minister.

Shri A. P. Jain: Here cent per cent. are free.

Shri Hussain Imam: Here we have exempted from the Evacuee Property Act only people living in Bengal and Assam and the rest are under the Act.

Mr. Speaker: I would invite attention to the fact that the general discussion on the Bill is over. I gave an opportunity to the hon. Member, because I thought he had to say something on a point of personal explanation. He has now to confine himself to the clause under consideration now.

Shri Hussain Imam: Sir, the second point concerns my wife. Mr. Sidhva intimated that I had two wives. Well, that is not so, and I repudiate it. The hon. Minister intimated that I had applied for permit and I had got it, but I have not brought her because of the fact that her property is not being restored.

Shri A. P. Jain: The point is you were not bringing her unless the property was assured.

Shri Hussain Imam: And that is because of the fact that I feel if a person comes into India on a permanent resettlement permit that person ceases to be an evacuee and may not be penalised as an evacuee. That is my belief.

The third charge made was that I was trying to fix the responsibility on the Minister for the exchange of property made by Mr. Mohata. What I stated was that Mohata who is an evacuee from Pakistan has exchanged property with non-evacuees in India, whereas no such evacuee going from India has been permitted to effect such exchange of property in Pakistan. My hon. friend Pandit Thakur Das Bhargava mentioned the case of Chatriwala. He knows, how many properties have been restored by Pakistan. There are the cases of Kriparam Dinga Singh and that of Pancholi.

How have the rule-making powers been utilised? I had drawn your attention that it will be a kind of delegated legislation. If the purview of the Act is restricted by executive action it is not enough that you should indicate your intention but what is needed is the wording. The wording here is "shares held by evacuees"; 49 per cent. of the shareholders will be only entitled to get their share from the amount fixed for the person who is allotted this public company. What happens is that 49 per cent. of the shareholders are not deprived of their right but will be deprived of the full use of their property. Therefore this Act as framed is not enough and does not safeguard the interests of Indian nationals, whether Hindus or Muslims. You cannot by this Act do full justice to the remaining shareholders unless you bring in a proposition that the Evacuee Act does not apply. There is a specific provision in the original Act whereby the jurisdiction of the courts in spite of any legislation is excluded by means of this over-riding clause of the Original Evacuee Act. I, therefore, contend that this clause should be suitably modified in the House and not left to the mercy of the executive to do as they like.

Shri A. P. Jain: I shall explain one point. I did not say that in all cases the property will be allotted to the evacuee. Two courses are open. The custodian may manage the property himself as representing the whole or the majority of the shareholders. There is nothing wrong about it. Or it may be allotted to the refugees. If it is allotted to the refugees it will be allotted on fair rent. Fair rent will represent profit and all that the shareholder is entitled to is a fair profit. Therefore the shareholder will not suffer. Moreover, as I explained before, the majority of the shareholders in a registered company have always the right to exercise management. That is what we are going to do and nothing more than that.

Mr. Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was negatived.

Clause 2 was added to the Bill.

Clause 3.—(Substitution of new section) Amendment made:

In clause 3, in sub-section (1) of the proposed section 17 of the Administration of Evacuee Property Act, 1950, for the words brackets and figures "the Administration of Evacuee Property (Second Amendment) Act, 1950" substitute the words, brackets and figures "the Administration of Evacuee Property (Amendment) Act, 1951."

—[Shri A. P. Jain]

Mr. Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was negatived.

Clause 3, as amended, was added to the Bill.

Clause 1.—(Short title)

Amendment made:

In clause 1, for the words, brackets and figures "Administration of Evacuee Property (Second Amendment) Act, 1950" substitute the words, brackets and figures "Administration of Evacuee Property (Amendment) Act, 1951".

—[Shri A. P. Jain]

Mr. Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

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

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

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

Mr. Speaker: Motion moved:

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

Pandit Thakur Das Bhargava: When I made my speech at the consideration stage I submitted for the consideration

of the Minister that clause 3 took away the powers of the courts to appoint receivers in regard to evacuee property and thereby further curtailed the chances of recovery of the debts from their property. I submitted that lakhs of Muslims who lived in the Punjab and who went away to West Punjab owed debts of very large amounts to the inhabitants of East Punjab. In regard to those debts no provision has been made by the Custodian and the debts remain as they were. In fairness and justice I would expect the Minister kindly to see that those debts are scrutinised and some attempt is made to repay those debts to the persons to whom they are due. In fact such debts though not regularly charged against the property were still due from those persons and those persons if they had remained here would have had to pay those debts. It may be that some of the debts may not be proved and therefore I suggest a scrutiny may be made and such of them as are really due, some attempt should be made to repay them. It is not fair that property is acquired by the Custodian and used for the purpose of displaced persons but the persons who belong to this area, East Punjab, are deprived of their claims. I wish that their claims are taken into consideration and justice is done to them.

Shri A. P. Jain: Government is not unaware of the matter raised by my hon. friend. In fact we are giving consideration to the whole question and with regard to one aspect of it, settlement between mortgagors and the mortgagors. We have prepared a scheme and for the purpose of implementing it I hope to come with a piece of legislation before the House.

As regards simple debts surely it is not the intention that those who had advanced money to Muslim migrants should be denied their right to recover them. In what manner and under what scheme they will be able to do so yet remains to be decided. Correspondingly, debts may be due from the locals to Muslim migrants. In some cases set off may have to be allowed. But the whole question is a complicated one and we are taking it up. We have already come to certain conclusions.

Mr. Speaker: The question is:

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

The motion was adopted.

FORWARD CONTRACTS (REGULATION) BILL

The Minister of Commerce and Industry (Shri Mahtab): I beg to move:

"That the Bill to provide for the regulation of certain matters relating to forward contracts, the prohibition of options in goods and for matters connected therewith, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Shri Dattatraya Parashuram Karmarkar, Shri Manilal Chaturbhai Shah, Shri S. R. Naidu, Shri Banarsi Prasad Jhunjhunwala, Shri Prabu Dayal Himatsingka, Shri Arun Chandra Guha, Babu Gopinath Singh, Shri Ramnath Goenka, Shri V. J. Gupta, Shri N. Alexander, Shri V. S. Sarwate, Shri H. C. Heda, Shri Jagannath Das Shri Krishnanand Rai, Shri Sitaram S. Jajoo, Shri Krishna Kant Vyas, Shri G. R. Ethirajulu Naidu, Shri R. K. Sidhva, Dr. Ram Subhag Singh, Shri M. Shankaraya, Shri Anolakh Chand, and the Mover with instructions to report by..."

The Bill which is now before the House is a very simple one and it is not a new subject altogether. Hon. Members will remember that in February, 1950 a draft Bill was published and was circulated to all the Chambers of Commerce, all the associations interested in business in India and to leading businessmen in the country and opinions were received from all quarters. After that in July, 1950 all these opinions were referred to a committee of experts presided over by Mr. A. D. Shroff. In that committee, apart from leading businessmen, one of the hon. Members of this House also was a member. The committee went into all these opinions and have presented a very useful report to the Government. The Bill which I am now placing before the House and recommending for reference to a Select Committee, has really been adopted on the basis of the report which has been submitted to the Government by that Committee, except for certain minor changes.

I need not go into the details of the provisions of the Bill which will be examined by the Select Committee, but with regard to the policy underlying the Bill I do not think there would be two opinions about it that at the present juncture we must have some control over future tradings. Future trading, as such is not at all objectionable. On the contrary it is essential in the industrial mechanism

of today since sufficient time lapses before a certain commodity passes from the hands of the producer through the trader and reaches the manufacturer; and similarly the manufactured article takes some time before it passes out of the hands of the manufacturer, through the trader, and reaches the consumers. And during this time fluctuations of prices occur, not only on account of any hoarding or cornering as we ordinarily call it, but on account of various other factors and various other influences over which neither the producer nor the trader has any control. Forward trading is a sort of mechanism which minimises the effects of these fluctuations, assures a certain price to the producers and gives relief to the manufacturers also. It is therefore a necessary link in the chain of economy connecting the producers and the manufacturers or the manufacturers and the consumers. However, it has been noticed recently, because of the international situation and because of the changing situation in the country itself, that the price fluctuations are so high at the present moment that unless they are controlled and regulated the tendency is that many persons of small means, persons desiring to make easy money, cheap money immediately, are coming into the field and entering into very undesirable speculations. The intention of the Bill is not to prohibit forward trading as such. It prohibits, of course, options, it has been recommended by the committee of experts that options in all cases should be prohibited because it unnecessarily increases the volume of business and also encourages persons of small means to enter into speculation.

With regard to forward trading itself, the Bill is mainly an enabling measure. It wants to regulate forward trading through associations to be approved by Government, the rules and bye-laws of which will be approved by the Government. There will also be a Governmental machinery to look after this business. So, under proper regulation forward trading will render the useful purpose which it is intended to do, namely to minimise the fluctuation of prices and help all concerned—producers, traders, manufacturers and consumers, all alike. That is the policy underlying this Bill. A Central law like this exists in U. S. A. and many other countries. There was no Central law in India so far on this subject and this is the first time that the Central Government is trying to enact a law to regulate forward trading. Before the Constitution came into force the State Governments had the power to enact laws with regard

to forward trading. At present the Bombay Government have got a law to regulate the forward trading in several commodities, and the West Bengal Government have got a law in Bengal but only with regard to forward trading in jute. No other State Government has passed any law on forward trading up till now. Under the Defence of India Rules in war time, forward trading in foodgrains, edible oils, cotton and in some other things was being regulated, but after the lapse of those Rules the Essential Supplies Temporary Powers Act gave power to the Central Government to regulate forward trading with regard to essential commodities only. With regard to all commodities there is at present no power either with the States or with the Central Government to regulate forward trading. After the 31st March last the State Governments too have lost their power to enact any measure with regard to forward trading with regard to any commodity.

I tried my utmost to have this Bill passed before the 31st March so that the Central Government might have the power to regulate forward trading in all commodities, but that could not be done. On this occasion I do not like to deliver a long speech because I am not concerned now with the provisions of the Bill; the provisions of the Bill will be referred to the Select Committee who will examine them in due course, and if necessary when the Select Committee's report is presented to the House, discussion on a larger scale might take place. At the present moment I am concerned simply with the policy underlying the Bill, that is to regulate forward trading and to prohibit options. That policy has been recommended by an expert committee presided over, as I have already stated, by Mr. A. D. Shroff. All the Chambers of Commerce have also been consulted with regard to that policy and their opinions have been obtained. Therefore, there is no necessity for circulating the Bill, as is sought to be done by one of the amendments, for eliciting public opinion. From the reports which I have got with me the opinions received from the various associations and Chambers. I do not find any Chamber of Commerce that has not given its opinion on the Bill, but even if it be thought during the examination in the Select Committee that the opinion of any person or association has to be ascertained, the Select Committee also can do it. They can ascertain the opinion of any Chamber of Commerce or any organised association or any competent person on this matter during the Select Committee stage, but I do suggest that

the Bill need not be delayed at this stage and therefore I would request that the amendment asking for circulation for eliciting public opinion need not be pressed. In view of the shortness of time I do not like to say much at this stage but, of course, I will be quite willing to reply to any serious objection which might be raised to the policy underlying this Bill, at the end. With these few words, I suggest that this motion may be accepted without much discussion.

12 Noon

Shri Ramnath Goenka (Madras): Before you put the motion to the House, I would like to say that I do not want to serve on the Committee. My name may be omitted.

Mr. Speaker: Nobody can force him. It is the hon. Member's choice. But may I ask the hon. Minister whether it is all right? I am asking him because he may like to suggest another name instead.

Shri Mahtab: I have no other name.

Mr. Speaker: There is one more point. The hon. Minister has not specified the date by which the report is to be submitted.

Shri Mahtab: I have not mentioned any date. I have kept it open.

Mr. Speaker: The motion must be specific.

Shri Mahtab: Then I would suggest the end of the first week of the next session.

Mr. Speaker: If we say 'next session', there will be some difficulty because there is a difference in the interpretation of the words 'next session'. Supposing there is no prorogation, that question would arise, but I should think that the present session will be prorogued in view of the mandatory provisions of the Constitution that Parliament may sit at least twice a year. Whatever that may be, the report can be presented earlier. There is no bar. So, I shall say 'the end of the first week of the next session.'
Motion moved:

"That the Bill to provide for the regulation of certain matters relating to forward contracts, the prohibition of options in goods and for matters connected therewith, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Shri Dattatraya Parashuram Karmarkar, Shri Manilal Chaturbhai Shah, Shri S. R. Naidu,

[Mr. Speaker]

Shri Banarsi Prasad Jhunjhunwala, Shri Prabhu Dayal Himatsingka, Shri Arun Chandra Guha, Babu Gopinath Singh, Shri V. J. Gupta, Shri N. Alexander, Shri V. S. Sarwate, Shri H. C. Heda, Shri Jagannath Das, Shri Krishnand Rai, Shri Sitaram S. Jajoo, Shri Krishna Kant Vyas, Shri G. R. Ethirajulu Naidu, Shri R. K. Sidhva, Dr. Ram Subhag Singh, Shri M. Shankaraiya, Shri Amolakh Chand, and the Mover, with instructions to report by the end of the first week of the next session."

I come to the amendments now. I find that Mr. Jhunjhunwala and Sardar Hukam Singh are not in the House. What about Mr. Mudgal?

Shri Mudgal (Bombay): In view of the assurance of the hon. Minister that an opportunity would be given by the Select Committee to those who are interested to press their point of view, I do not wish to move my amendment.

Mr. Speaker: So, there are no circulation motions. The Bill is before the House.

Shri T. T. Krishnamachari (Madras): I was rather disappointed when I heard the speech of the hon. the Mover, particularly when he mentioned that he was not concerned with the provisions of the Bill but was only concerned with stating the policy of Government and that the question of the provisions of the Bill might well be left to the Select Committee. I do not know if my hon. friend who is not accustomed at any rate to the practice being followed in the Central Legislature is aware that the Select Committee does not mean the entire House and before the House passes a motion committing a Bill to the Select Committee, it must be convinced that the Bill is necessary, that it has been properly worded, that the provisions contained are either not redundant or superfluous or are not undesirable. I think my hon. friend has been badly briefed by his Ministry in making the speech that he did, just telling us that the Bill is a simple one, that it has been before the House in various forms, that it has been considered by an expert committee and therefore the House might very well commit it to the Select Committee without much discussion, letting the Select Committee do what it likes with it. I think that is not a proper way of dealing with a measure which I think is controversial on the face of it. I would like to say that this Bill has been very badly drafted, (Shri Naziruddin

Ahmad: Hear, hear) and I am glad to have the approval of my hon. friend Mr. Naziruddin Ahmad a great critic of draftsmen.

[PANDIT THAKUR DAS BHARGAVA in the Chair.]

I would like to mention one matter with regard to the procedure followed in connection with Bills of a technical nature like this, whether it be for the purpose of introducing a new measure in Parliament or for the purpose of amending an existing act. What the Government does—and the Government usually follows the system that was in vogue from the time of the existence of the British Government in India—is to appoint a Committee and the Committee that is appointed is usually called an Expert Committee. If somebody who had gone to the Himalayas in 1944 or 1945 were to come back today and see the composition of the Expert Committees which the Government of India appoints, that person might very well think that Lord Linlithgow is still administering this country. An Expert Committee from the point of view my hon. friends in the Treasury Benches is a committee composed of vested interests, because only the vested interests are experts and everybody else happen to be laymen. What happens normally in civilised countries is that when a committee is appointed to consider, recommend or amend legislation, the expert acts as an assistant, as an aid, as an assessor, and the persons who determine the nature and scope of the measure happen to be people, perhaps with some experience but not with much interest in the working of that particular measure. My hon. friend the mover is not responsible for the constitution of the Committee in the present case. Somebody else did it. He merely stepped into the shoes of somebody else who appointed this Committee, and even if he had done it himself he would be by no means unique, because I think there are other committees functioning, e.g. the Expert Committee on the Working of the Indian Companies Act, and the experts appointed on that Committee are people who are supposed to be concerned, in the operation of companies, but probably people who, if the Companies Act has been properly amended some time past or amended in the manner in which it has been done in England, might have been in the dock for offences committed in the administration of companies. I do not know who is running this Government: is it the vested interests that are running the Government, or is it run by a popular party and by popular ministers of its

choice? My hon. friend here—apparently advised by his Secretariat—said that this is a Bill which has been drafted in February 1950, and considered by an expert committee and he has mentioned the names of some persons who have got some vogue in Bombay business circles, but certainly no vogue in this House, and so we must accept it as something sacrosanct and pass it on to the Select Committee. The only thing he has not done is that he has not asked the Select Committee to accept *in toto* all that has been said in this Bill or in that case there will be no need for reference to a Select Committee!

I think this is a cavalier method of dealing with legislation of an important nature, the enforcement of which, he himself admits, is going to be very difficult, which I think I should object to, notwithstanding the high respect I have for the mover of the Bill personally. I think it merely reflects the attitude of Government as a whole towards legislation introduced in this House rather than that of himself who though he has sponsored this measure does not do so unilaterally.

I should like to come to the Bill itself. My hon. friend the mover did mention something about the existence of similar legislation in other countries, notably in USA, he also mentioned the existence of some such legislation in Bombay, that is the Bombay Contracts Control Act of 1947.

Well, I recognise that Bombay has moved in this matter initially as early as about thirty years back, primarily for the purpose of aiding certain vested interests called the East India Cotton Association, for the purpose of regulating their business and for the purpose of shutting out rival associations who sought to impinge on their sphere of activities. If anybody had read the various legislations that had been passed by the Bombay Government over a period of two decades in respect of control of cotton, or the cotton market, he would find that every time the initiative has been taken by some powerful interest or the other, noticeably the East India Cotton Association, which is a sort of Government in itself and which is in a position to influence the Bombay Government to do what it wants. Well, finally, after the war and after the operation of the Defence of India Act came to an end the Bombay Government had passed another enactment in 1947 dealing with forward contracts covering all commodities. I have read through that enactment. It is a simple enactment, not very complex. Whether the Bom-

bay Government exercised any measure of control over the forward market in Bombay or not, the enactment by itself did not throw very much of an obligation on Government unless it sought to interfere with the market for any particular reason.

I am afraid, Sir, that the members of the expert committee which was appointed to recommend to the Government of India a comprehensive measure covering forward operations all over India, composed as it was by Bombay interests primarily, has not recommended to the Government a measure which is even like the existing Bombay measure. If anybody reads that report and I have read that report not once but twice and as a student of economics I am somewhat familiar perhaps in a very superficial manner with the working of a market economy in other countries,—he will find that the report does not warrant our presumption that the committee is either eminent, or well-informed or functioned with the single and sole desire of helping the Government of India to enact a measure which would be fair, impartial and workable.

The motive behind the committee is this. It is a committee which is composed by and large, as I said, of vested interests, of people who firmly believe in the doctrine of *laissez faire*—that the Government should not interfere in private economic activities. But at the same time they were afraid that if private economic activities were not controlled in a market economy the interlopers, the speculators, the small man, the man who speculates for the time being and goes out later only perhaps to come back, will disturb the activities of the longstanding powerful interests and therefore they want Government regulation. I would ask my hon. friends in this House, my colleagues, to read this report. It is one of those typical cases of having the cake and eating it at the same time. They want regulation, but at the same time they do not want Government to interfere. They want the creation of a Commission to control the forward market, but at the same time they do not want the Commission to do this or that. They want the Government to interfere whenever they feel that associations are not doing the proper thing, but at the same time they want to put a check on the activities of Government in that regard. The attitude of that Committee, as I said, is typical of vested interests in this country who want Government aid for carrying on their own activities and to prevent competitors from entering into their own special field, however undesirable or desirable they might be. At the same time they

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do not want to concede any power to the Government. Whether wilfully or otherwise, whether due to ignorance of law or indifference to the working of law, if the recommendations of this Committee which have been embodied in this report are accepted my hon. friend the Minister for Commerce and Industry would merely be involving the Government in an amount of legal expense about which we cannot today visualise. Practically every recommendation made will be a matter of ultimate juridical decision and nothing but uncertainty will prevail and the only persons who will benefit are those associations with powerful vested interests behind them which are recognised by Government and nobody else.

Well, I am not claiming omniscience; nor do I think that I have a solution for every problem in my pocket, but I do believe, Sir, that *prima facie* the Select Committee will have to approach the consideration of this Bill with the dice loaded against it, as a Bill which would be unworkable as it is worded, as a Bill where the powers of Government are in jeopardy every time, as a Bill which has been drafted by people who want to put the Government into trouble and not to help the Government, as a Bill which will create a new organisation called the Forward Contracts Commission of which there will be one wholtime officer without any specific powers or duties outlined for it. The other day when my hon. friend the Home Minister rather desisively mentioned about the efforts of State Governments to separate the judiciary from the executive and characterised the motive as not being of a doctrinal nature but one which would give the Government an opportunity to increase the number of posts and patronage in their hands. I would here like to tell him that his Government is no better, that every measure that comes before the House is merely a measure which would increase the opportunities for patronage of particular Ministries who handle that particular measure.

I would like to point out one lacuna before I come to the details of the Bill. Who is to pay for the working of this Commission? Who is to pay for the legal expenses that will ultimately result if this Bill is passed and the Commission starts functioning and the Government seeks to control the various organisations which it would recognise. The tax-payers will pay for it—why not. The tax-payer can be taxed a little more if there is a deficit because of the demands arising out of such Bills being

passed into law and I have no doubt my hon. friend the Finance Minister will add a surcharge of about 2 annas to the income-tax or to any of the excise taxes, so that a glorious measure of this nature for the purpose of helping certain vested interests can be enacted and an organisation created for that purpose and lawyers employed to defend, Government as a result of legal action arising out of it. So far as the provisions of the Bill are concerned to begin with, the Expert Committee itself seems to be so completely at loss to devise ways and means of defining 'non-transferable specific delivery contracts' and 'transferable specific delivery contracts'. I would ask my hon. friends to read the Minutes of Dissent appended by two Calcutta gentlemen who find that the practice that is followed in Calcutta, where an Act like the Bombay Act does not exist, is something totally different. I think the Committee itself has not the haziest idea of how the definition is going to be worked in actual practice. They leave it to the Government to do it. The Government can exempt the transferable specific delivery contracts in certain cases and they can include the non-transferable specific delivery contracts in certain other cases. I am afraid, though I believe there are one or two lawyers in this Committee who might remedy these defects the Bill has been drafted without taking into account or forgetting for the time being, the existence of a Contract Act in this country, the existence of a Sale of Goods Act, the usages followed by people who normally do not do future trading but who, where a Futures Trading Act does not exist, cover themselves against price fluctuation by entering into contracts fixing the price for future delivery. That is one very great problem. I do not know how the Select Committee is going to solve it. Of course it is a very impressive Select Committee, though it will not have the services of an experienced person like my hon. friend sitting to my right, Shri Goenka. Nevertheless, I think that is one problem for the Select Committee to solve.

Another defect in definition I find is that the word 'principal' in regard to the member of an association has not been defined. The man who is a principal, as a member of an association, might be an agent or a person acting on behalf of somebody else without a proper agency arrangement while acting in the association as a member. I know the usage today is to use the word 'principal'. But when we enact legislation and use the word 'principal', unless we define the use of the word

there is going to be trouble. Because the position is this. The transactions are confined to members of the association controlling the particular commodity market; others cannot transact forward business in that commodity. Naturally, the other people who have necessarily to sort of hedge or cover themselves against future price fluctuations are to ensure that they get it done by acting through the members. What is the position *vis-a-vis* the member who is asked to act and the principal himself is a thing which will be governed probably by the ordinary Contract Act. But since the word 'principal' is mentioned here, unless it is defined with all the cognate and other meanings that it would possess, I am afraid there is going to be trouble.

Again, in regard to clause 4—functions of the Commission—the functions of the Commission are vaguely mentioned, and it is left thereafter high and dry in mid-air. There seems to be no other function assigned to the commission except those outlined in clauses 3 and 4—what is the Commission to do, how does it act in relation to a particular association, nobody seems to know. Even the question of the constitution of the Commission is very vague. Is the Chairman going to be a Secretary to Government. What he is going to do, what the members are going to be, etc., whether all that will be done by bye-laws. A Commission has been created which is just left in the mid-air, and rules will be made thereafter by Government to enable the Commission to work. In the mean time the Select Committee and the Members of the House might remain in complete ignorance. And I suppose my hon. friend the Minister will suggest that indifference to a matter of such detail will probably do a lot of good to our health in this heat of Delhi! I do not know whether my hon. friend had perused the Bill. Perhaps he has not. Often times I know Cabinet Ministers have no time to peruse measures that come before the Government. But somebody in the Department must do it. As his Department has changed its colour and shape and structure recently perhaps nobody could do it.

Then I come to clause 7. I am mentioning this in all humility, particularly because I believe, Sir, you in a different capacity had given your approval to this particular wording. Clause 7 reads:

"If the Central Government is of opinion that any recognition granted to association under the provisions of this Act should, in

the interest of the trade or in the public interest, be withdrawn, the Central Government may, after giving a reasonable opportunity to the association to be heard in the matter, and in consultation with the Commission, withdraw by a notification in the Official Gazette, the recognition granted to the said association:

Sir, the word 'reasonable' has been known in other contexts to be fraught with enormous possibilities of litigation. Why should a person be given a reasonable opportunity? I suppose in most of these legislative enactments, it is merely a question of an opportunity being given. Why should a reasonable opportunity be given? From whose point of view is it to be reasonable and what kind of opportunity should it be? I am afraid it is a suggestion of the expert Committee and not of the draftsman. The draftsman perhaps will say: Here is a Committee that has recommended the insertion of this word, put it into the Bill and send it to the Legislature. If the Legislature would not deal with it, send it to the Select Committee to deal with it. This word 'reasonable' will cause the Government any amount of trouble and every action of that nature will have to go to Court and the Court would have to decide whether a reasonable opportunity has been given or not.

Shri Naziruddin Ahmad (West Bengal): Reasonable opportunity in practice means unreasonable opportunity.

Shri T. T. Krishnamachari: I am very grateful for my hon. friend's wise counsel and I have no doubt that the House will accept it as the correct one. Then there is mention of these words "in consultation with the Commission". I do not know whether the expert Committee wanted to give the Commission a position similar to the Election Commission in the Constitution. Of course, they are not people who are experts in this language. The language is a foreign language to all of us. We have probably understood the technique and the nuances of this language because some of us have been labouring in making the Constitution. Naturally the Expert Committee Members are not experts in the English language, they at any rate did not want to feel like experts and hence wanted that every action that is taken by the Central Government in regard to either recognition or non-recognition or withdrawal of the recognition of the associations must be in consultation with the Commission. Why? The Commission happens to be a limb of Government. There is going to be a

[Shri T. T. Krishnamachari]

full time Chairman. Possibly he will operate in Delhi or Bombay. He must be in constant touch with the Government. The Government cannot act except on the advice given by the Commission. The Commission is expected to watch the activities of these Associations. It is not possible for the Cabinet or the Government to withdraw the recognition of a Association without either reference to the Secretariat or the Commission. Then, I ask, the necessity for the words in consultation with the Commission? The reason is this: My hon. friends in the Expert Committee feel that this Government is a bad body. The Government is composed of people who are against vested interests or they will be persuaded to take action against the vested interests. That is why in this Commission one member will be a person representing vested interests who might be able to delay the hand of Government or otherwise inform the various vested interests so that they can put pressure to bear on Government. For instance, if the East India Cotton Association is supposed to misbehave and Government want to withdraw the recognition but then the whole of Bombay will topple down. How can the Central Government withdraw the recognition of the East India Cotton Association? Pressure will be brought to bear on Government and vested interests will seek interviews with my hon. friend and in that way action can be delayed. That is the reason for the insistence that the Government must consult the Commission. In actual practice, the Government cannot do without the Commission's advice and if an order is passed then naturally we go to a court and the court will ask: "Has the Commission been consulted? What advice has the commission given?" The advice will have to be disclosed. The words "in consultation with the Commission" are the only indication that the Bill recognizes the existence of the Commission and except in clause 3 and 4, these words appear in a number of places (*Interruption*). My hon. friend is not correct. It appears in clause 7, clause 12 sub-clause 3 and again in clause 13, and in clause 14. I think that they are completely unnecessary because and, as I understand, the purpose behind this suggestion is mischievous. That has got to be taken note of.

There is yet another funny piece of draftsmanship. Clause 10 gives the power to the Central Government to direct an association that the rules be altered or commended or make the amendment of the rules themselves. Clause 10 (2) says that if the rules are

not made, then, the Government can make the rules themselves. Again, they say,

"...the Central Government may make the rules or amend the rules made by the recognised association, as the case may be, either in the form specified in the order or with such modification thereof as may be agreed upon between the association and the Central Government."

If there is any default in carrying out its directions, the Central Government will make the rules. Why then should the Government at all consult or arrive at an agreement with an association which is refractory, which would not amend the rules when called upon by the Government? The whole concept is that the Government is a body like a local board or municipality with no status and no prestige attached to it and all the prestige has got to be merely confined to the association of which prominent members of the vested interests are the moving spirits and Government is something which need not be taken into account. Even if the association is refractory, the Government will have to consult the association before amending the rules: a concept coming from a set of persons who probably think that everybody else are contemptible except themselves. This is the evil of asking the vested interests unilaterally to make a recommendation in regard to the regulation of their business, without adding to this committee people who have more or less an independent outlook and who, at any rate feel that they are there to preserve the dignity and position of the Government.

I did mention about those non-transferable specific delivery contracts before and the clause which empowers the Government to exclude non-transferable specific delivery contract that is contained in the body of the legislation is extremely vague.

Before I conclude, I would like to say this in all humility to the Members of the Select Committee on whom my hon. friend the Mover has cast the onerous and difficult responsibility of really shaping the Bill for the purpose of regulating a most difficult and impossible business, one which is almost impossible of regulation. The experience of other countries has shown when the market economy has been very well established that one vested interest more or less neutralises the power of the other vested interests. Again, in the United States, it is primarily a question of quarrel between

different vested interests more or less equally matched. Here, as my hon. friend put it at the outset, they do not want small gamblers to come in. I agree. There are various nuances of speculation. Hedging is perhaps proper. Speculation by people that are in the know is perhaps right. Speculation by people who are not financially very well off becomes gambling. I would like to tell the Members of the Select Committee that we are not concerned here with safeguarding the interests of any particular vested interests. If the vested interests want a regulation, they must be prepared to submit themselves to regulation. If they want an Act, they must be prepared to submit themselves to supervision, day to day supervision if necessary and check by the commission that is to be created, or by the agency that may be created by the State Governments. If they find that supervision would be irksome or as the expert committee puts it, Government is incapable of either understanding the difficulties or providing the machinery for the purpose of regulating trade, the best thing for my hon. friend is to drop the Bill altogether. Let the market function in whatever manner it will. The responsibility that the Government takes in a matter like this is this. If you enact a Bill in which only the rich people can do what they like and the poor men cannot function, I think it is a thing which will go against the grain of democracy. At the same time, I would ask the Select Committee to see as far as possible that normal trade is not disturbed by the creation of a monopoly which, undoubtedly, this Bill creates. The regulation of the market economy undoubtedly means the creation of a monopoly. There might be possibilities in normal trade of certain future contracts being made between parties, who are primary producers and people who are manufacturers. It is no doubt true that the Government will notify the area where this Act will operate. But even in those areas some kind of liberty must be left for private transactions in such a manner that members or associations may be compelled if necessary to sponsor private business on terms which are not onerous to the individual businessman.

I would conclude with this caution, that the members of the Select Committee who have agreed to serve on this committee and who have not withdrawn like my friend to my right, are undertaking a very serious responsibility. I think my hon. friend has withdrawn from this committee for the reason that he knows that it is a very great responsibility and he does not want to be blamed for the results of

the work of that committee. Well, I do also hope that the Minister will approach the Bill with a little more respect for the problems that it covers are big. It is not a simple Bill, it is a very complex one. It is not a Bill dealing with very respectable people. It has to do with people who can be as fierce and selfish as tigers when their interests are concerned. My hon. friend may perhaps ask his assistant to keep a close watch and a wary eye on the Bill.

Finally I would suggest to the House and to you, Sir, that full freedom must be given to the Select Committee to re-shape the Bill and the plea that the committee must stick to the four corners of the measure should not be made in the Select Committee. The Measure has not been drafted properly by the drafting department of the Government and the technical legal brains have not been applied to it. And so you cannot ask the Select Committee not to go beyond the scope of the present Bill. This is a new Bill and it is virgin soil that we are trying to explore and the problems are manifold and the persons to be dealt with are very difficult and clever. Therefore, with the aid and advice that I hope the hon. Minister will get from the Select Committee I hope the House will more or less approve of the principle or approve of the departure from the existing principle that the Select Committee can re-shape the Bill without confining itself to the limits that are imposed by the Draft Bill as it is before the House. With that plea to the House, I support the motion for consideration by the Select Committee.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): As the Bill is going to the Select Committee, I would like to make certain suggestions as I find that there are certain drawbacks in it. A number of drawbacks have been pointed out by my hon. friend Shri T. T. Krishnamachari. A number of associations are being created to control or regulate the forward markets and forward trading, and I think that is desirable, because at present almost anarchy exists in these markets. No law exists now except in Bombay and for certain articles or commodities in Calcutta. Otherwise there is no law on the subject. So this sort of control and regulation through associations is a very desirable object. As regards the practicability or success of it, the difficulties that might come in our way are very serious. I do not find even the provisions made in the Bill are quite exhaustive. The associations that have been created, their functions

[Pandit Munishwar Datt Upadhyay] and their duties have not been given exhaustively. It is very desirable to have a commission through which the Government might try to control the regulation of these markets and forward trading. But the Commission as it exists, I find, has not sufficient powers. The associations that are to be created seem to have a very important position in the whole organisation. Provision has been made that applications for recognition by these associations shall be made by those associations only, which have got old workers in them. New persons forming associations and applying for recognition probably would be refused recognition, as it appears from the wording of this Bill. So new people will have no chance of entering into these markets. My submission is that this provision should be liberalised and should not be limited only to those persons who have been dealing in these commodities or markets for a long time.

Then powers for framing bye-laws have also been given to these associations. My suggestion is that this should be done by the Central Government. There should be model bye-laws for all these associations. Of course, any particular provision which a particular association may require may be made for that association. Otherwise there should be model bye-laws for all associations so that there may be uniformity and co-ordination and there may be facilities for the regulation of these markets and this sort of trading.

The next point is that the Commission should have sufficient powers to deal with these associations successfully. I find that the Government has to control these associations through this Commission and one member of the Government will be associated with it. If there is a complaint against any association or the general body, say of embezzlement or anything else, the enquiry has to be made by the Governing Body of the associations and only one member from the Government is appointed on that enquiry committee. That is quite insufficient. The Governing body of these associations will be very closely associated with these associations and I do not think this sort of enquiry should be left in the hands of the Governing Body. If there is any complaint against an association the enquiry should be entrusted to the Commission or an enquiry committee should be appointed by the Central Government. Otherwise if the enquiry is to be carried on by the members of the association or the Governing Body it will not be a proper and fair enquiry.

As regards penalties, the penalties mentioned in the Bill are I think quite inadequate. They should be severe. In these cases the persons participating in the transactions will be very substantial persons. And the transactions will also involve lakhs and crores of rupees. So, there should be a provision for heavy penalties in the shape of fines or confiscation or some such thing. Otherwise you cannot prevent such offences. Then, these offences should be cognizable. Some of the offences are, of course, mentioned as cognizable, but most of them are not. To make the working of this sort of an organisation effective in the forward trading market, I would submit that the penalties should be severe and the offences should be made cognizable. Also, the inquiries against the complaints should be made not by governing bodies—that would be very unfair.

The last thing I would suggest is that the membership of these associations should be opened to new entrants into the business also and not only to persons who had been working in the field for a long time. I think if provisions on these points that I have submitted are made, there might be some improvement in the Bill. As it was submitted by my hon. friend just now, the Select Committee should be given sufficient powers to make changes wherever they like so that they might try to bring the Bill in conformity with the object for which it has been brought before the House.

With these remarks I would support the Bill.

Shri Naziruddin Ahmad: I must submit that I was highly struck by the tone of extreme moderation with which Mr. T. T. Krishnamachari spoke. He said that the Bill had not been properly drafted, that perhaps the hon. Minister has not read it and also that it has not been drafted by the Law Ministry. I do not know how he suspected these but I think he spoke the language of moderation when he said this. Sir, I shall show that this Bill is one of the worst drafted Bills that we have come across in this Parliament.

Shri Sidhva (Madhya Pradesh): From bad to worse?

Shri Naziruddin Ahmad: And it is unconstitutional from beginning to end. It offends against all the important principles of the Constitution of which Mr. T. T. Krishnamachari was one of the ornaments in the Drafting Committee. I shall show this presently by reference to some of the most authoritative pronouncements on those articles and clauses of the Constitution, namely some of the judgments of the Supreme Court.

The Bill tries to interfere in the business of future markets which are conducted by some of the shrewdest and some of the sharpest men in India. The attempt to control and regulate them will fail and a monopoly market will be established which will exploit the situation to the detriment of the people of India. The Government is taking undue powers, probably without realising its responsibilities. It takes powers to amend the rules of a "recognised association" and also to make rules for them if necessary. Under clause 13, it takes powers to supersede the governing body of a recognised association and on supersession the members will cease to function and the persons who will come in their place will be Government nominees and will come for a certain period and that period may be extended from time to time. So, Government takes power to interfere with the internal management of private business. Under Clause 14, it takes power to suspend the business of a recognised association and it also takes the responsibility of issuing notifications about the goods in respect of which forward dealings would be prohibited. No principle is indicated in the Bill as to the nature of the articles. Again, power is taken to name the goods departmentally and provision is also made for delegating authority to anybody, whether in the Centre or in the States. Any departmental official will evolve a system of his own and make out a list of the goods as it please him—gold, silver, food articles and a lot of other ordinary commodities. The effect would be that without there being in a recognised association you cannot deal in them. If you do so, you will be punishable in law and the offence would be cognizable. These are the drastic powers that are being given to subordinate officials and no indication is given in the Bill of the principles on which the selection of the goods is to be made. Then it is provided that all contracts in future trading by unauthorised persons would be void. That too strikes at the legality of millions of transactions which are taking place daily even in remote villages. When you consider that contraventions of this Bill would be fraught with the gravest penalties, I think that Mr. T. T. Krishnamachari was right when he said that the Government is taking undue powers and serious responsibilities. The penalty clauses are of a drastic nature, giving the police absolute power to enter anybody's house and make searches carry on arrests and so on. Under clause 25, these powers can be delegated.

Now, I wish to draw the attention of the House to some of the principles of the Constitution which are offended

against by this Bill. Take Article 19 (1) (c). It says:

"All citizens shall have the right to form unions or associations..."

The right to form unions or associations has been freely given by the Constitution, but this Bill wants to interfere with this right. No association could be formed under it to deal with future trading, except with the sanction of the Government. If anybody does so, he can be arrested and harassed in a hundred ways by the police. Thus the fundamental right of forming associations and unions is absolutely taken away. The only constitutionally permissible limitation to this fundamental right of forming associations is this. It is in clause (4) of Article 19. Government may impose "reasonable restrictions" to the "exercise" of this fundamental right in the interests of public order or morality." This matter has been carefully considered by the Supreme Court. What is public order? That relates to disturbance to the public peace. If there is an unlawful association which may disturb public peace that right of association can be curtailed. It is needless to point out at this late hour of the day that each of these words of the Constitution would be deemed by a court of law to have a meaning. No court of law will take that these words have been introduced carelessly, or without any meaning at all. Therefore, the only restriction which the Legislature may put upon this fundamental right to form associations and unions is with a view to preventing disorders in public or public morality—otherwise not. I ask, are these restrictions put here justified by considerations of public order or public morality?

Then there is Article 19 (1) (f) which says that all citizens shall have the right "to acquire, hold and dispose of property". I have a fundamental right to dispose of my goods in any way I like. All that the Legislature can do is to restrict this right: They can put "reasonable restrictions" in the exercise of this power in the interests of the public or of the general public. Then there are these conditions that "reasonable restrictions" may be imposed in the "exercise" of the right. These articles have been interpreted by the Supreme Court to mean that you cannot absolutely take away the right, but you can only impose restrictions to the exercise of the right. The right must be recognised. You cannot take it away entirely. But you can only put "reasonable restrictions" on the 'exercise' of the right. The fundamental rights given by this clause cannot be

[Shri Naziruddin Ahmed]

taken away altogether in any circumstances, even temporarily. All that you can do is to put some restrictions, not unreasonable restrictions, on the exercise of those rights and they must be in the interest of public order or in the interest of public morality.

I come to another item, item (g) of the clause which says that all citizens shall have the right to carry on any trade or business. Now, Sir, this has been the subject of important rulings of the Supreme Court. The only restriction which the law can put upon this is to put reasonable restrictions in the interest of the general public and when it is a case of trade or business, it can lay down professional or

technical qualifications. These are the restrictions which may be put. I submit that these restrictions must be only to the extent of limiting the use or the exercise of the right, not completely to take it away. The Bill is very drastic in its approach and goes too far.

1 P.M.

Mr. Chairman: Will the hon. Member take some more time?

Shri Naziruddin Ahmad: I shall require a few more minutes.

Mr. Chairman: The House stands adjourned till tomorrow.

The House then adjourned till Half Past Eight of the Clock on Tuesday, the 24th April, 1951.