

[Shri B. K. Das]

It is gratifying to note that this Department has been making good progress in its many-sided activities.

16.55 hrs.

[MR. SPEAKER in the Chair]

Regarding the financial aspect, it is following the pattern of the railways and as in the railways, it has opened three funds to which appropriations are being made. Appropriations are being made to the Renewal Reserve Fund, the Development Fund and the Revenue Reserve Fund annually. From the coming year, the contribution to the Renewals Reserve Fund will be a charge on working expenses. Appropriations will continue to be made to the Development Fund and the Revenue Reserve Fund.

One hon. Member observed that there is not much need for the Revenue Reserve Fund. I agree that probably in a department like this, there is not much need for a Revenue Reserve Fund and the Rs. 5 crores appropriated so far to this Fund may be usefully utilised for augmenting the Development Fund. The Development Fund is to be utilised for staff quarters and other matters.

As the Estimates Committee has observed, there should be specific objects for which the Development Fund is used. I hope the scope of this Fund will be specified, for certain specific purposes and from time to time expenses for such purposes will be met from the fund.

I find that there is a decline of this fund of nearly Rs. 75 lakhs in the coming year in the budget. I do not find any reason for it. In 1963-64, there was an appropriation of Rs. 2.50 crores. But in the budget, I find it will be Rs. 1.75 crores. I think this decline is unjustified and this fund should be augmented.

We find that the Development Fund was started in 1960-61 with Rs. 1 lakh. During 1961-62 and 1962-63, there was

no appropriation to this fund. Only in 1963-64, there was appropriation of Rs. 250 lakhs, and in the budget there will be an appropriation of Rs. 175 lakhs.

The Estimates Committee has observed that the extent of contribution to be made to the Revenue Reserve fund may be so fixed that it may enable the department to meet replacement cost from time to time. I think this is being taken care of. I do not find in the Report if this has been followed, but it is only mentioned that proper notice has been taken of this remark.

Mr. Speaker: Here we stop and take up the calling Attention Notice.

17 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

Judgment of Punjab High Court re: Rehabilitation Ministry's interference in administration of justice.

Shrimati Renu Chakravartty (Barrackpore): In the statement which has been placed before us, the hon. Minister of Rehabilitation has said that the Punjab High Court based its finding of bias on two circumstances:

- (1) that the Regional Settlement Commission had issued secret instructions on the 9th September, 1960, that the sale certificate should not be issued, and
- (2) that he had forwarded a draft show-cause notice from the Deputy Chief Settlement Commissioner and directed the Managing Officer, Hyderabad, that the notice should be issued by him after signing it and that an order must be passed on the 14th October, 1960."

He says that actually the department had been advised on the 20th September by the Law Ministry and thereafter this was done. I would like to know if it is not a fact that the "secret" orders for not issuing the sale certificate to the auction purchaser was given by the Regional Settlement Commissioner on 8th September, 1960, and orders were passed quickly on 17th September, long before the Law Ministry had given its advice on the 20th September? How is it that this followed a letter by Tyagiji, a Member of Parliament, to Dharma Vira, which states:

"Enclosing teleprinter message received from your lawyer Shankara Rao."

"Your" means Rehabilitation Ministry's lawyer, but that teleprinter message is being sent to Dharma Vira by Tyagiji. He adds:

"According to him there is no stay in operation now. Could you call Mr. Chaudhuri, Custodian of Bombay to your residence and have a word with him."

Immediately after, on the 8th, secret instructions are given, and on the 17th, the orders are given effect to. I would like to know if this is not something which can be interpreted by the Ministry also as pressure being brought on quasi-judicial officers.

The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna): The position very plainly is that we sold one property for Rs. 3½ lakhs to a refugee, and provisional possession was given to him in 1958. Shri Mangaram was himself a bidder, and he bid for this property to the extent of Rs. 3,30,000. Under the law, he was entitled to two years protection. More than six or seven years have passed and we have failed to give possession to the auction purchaser. More than six or seven years have passed.

Shri Ranga (Chittoor): Now.

Shri Mehr Chand Khanna: Yes, up till now. We have failed to give possession to the auction purchaser. Now, even in the orders of the High Court, the word "quasi-judicial" has been used. 'Quasi-judicial,' to a lay man like me, will be half-judicial and half-executive'. All these officers in my department are exercising executive functions as well as judicial functions. This is abnormal law passed with a view to meet an abnormal situation, and the idea was to give summary justice. So, what we have done is this.

Shri Ranga: Eight years.

Shri Mehr Chand Khanna: May I proceed?

We have tried our best all these years to give possession to the auction purchaser. Firstly, we gave him provisional possession. This file has been to the Ministry of Law at least half a dozen times, if not more. We have taken the advice of the Ministry of Law at various stages, and the advice given to us was that if we gave the auction purchaser the sale certificate, another period of two years would accrue and this thing would go on as it had gone on for all these years.

I am sorry that certain observations have been made by the High Court. I bow my head to those observations, but as far as we are concerned in the Ministry, we have not been actuated by anything which a Member of Parliament may have written to us. In fact, not a day passes when I do not receive letters in these quasi-judicial cases, even in cases which relate to section 33 of the Act, from Members of this side of the House and that side of the House. We look into all these things. The only thing I have to see as Minister is whether, if an M.P. writes to me, that has any impression on my mind, whether we do anything wrong.

[Shri Mehr Chand Khanna]

And the Judge himself has held in the findings that have been given by him, that as far as I and my Secretary were concerned—we are the persons who receive nearly all the letters—he was satisfied that we were not actuated by any motive, that we were not influenced in any way by any letter sent by a Member of Parliament.

Shri Sinhasan Singh (Gorakhpur): I want to raise a point of order, whether the action of any Member of Parliament can be discussed here.

Mr. Speaker: That would be a different thing.

Shri Sinhasan Singh: In one way or other, that is being discussed. If a letter was addressed to a quasi-judicial officer, that quasi-judicial officer himself was competent to take proceedings against him.

Shri Ranga: After seven years of delay?

Shri Sinhasan Singh: I want to know whether it concerns Parliament here.

Mr. Speaker: There is no point of order. Hem Barua. Dinen Bhattacharya.

Shri Sinhasan Singh: What is your ruling on the point of order?

Mr. Speaker: Saradish Roy, Bade, Pottekkatt, Yash Pal Singh.

Shri Yash Pal Singh (Kairana): My question is covered.

Mr. Speaker: T. K. Chaudhuri.

Shri Sinhasan Singh: Have you ruled it out of order? May I remind you of one incident?

Mr. Speaker: Let me first finish this. H. N. Mukerjee. Kashi Ram Gupta.

Shri Kashi Ram Gupta (Alwar): May I know whether Government propose to enquire into the observations of bias made by the High Court Full Bench and specially about the letter written by the auction purchaser to Shri Tyagi on 25th August, 1958, saying:

“While your goodself was Minister, you promised to help me in case I fulfilled all obligations on my part etc.”

When he was first contacting Shri Tyagi, he was Defence Minister. After becoming a Member of Parliament, can he write such things to the officer concerned?

Shri Mehr Chand Khanna: There is no question of writing to the officers concerned. The letters that Tyagiji or Shri Hazarika has written are to me or my Secretary or my officers.

The position, as I gather from the letters of Tyagiji, is this. He goes to Hyderabad, I believe, in connection with a session of the AICC. Some one who is a refugee, brings to his notice: Here I am, I have purchased property worth Rs. 3½ lakhs; will you tell the Minister or somebody in Delhi to see that the physical possession of the property is given to me; I am a refugee, I have invested Rs. 3½ lakhs in this property.

Mangaram has been to the Andhra High Court four times.

The Minister of Law (Shri A. K. Sen): Seven years have passed.

Shri Mehr Chand Khanna: And he has also been to the High Court of Punjab, and so far he has evaded the processes of law. Whatever the law is, I bow my head before that, but I certainly feel that as Minister in charge of the Refugee Department, I have received Rs. 3½ lakhs from a party and I have not been able to give possession to that party up till now. That is my only regret.

Shri H. P. Chatterjee (Nabadwip): I heard the Minister saying that he is very law-abiding. He bows his head to the High Court Judges, and so I put him this question. The Full Bench of the Punjab High Court have held that the Settlement Commissioner was actuated by bias and that he had acted as a result of pressure from some quarter or another. This is their observation. I ask this law-abiding hon. Minister: what is he going to do to atone for that, and how does he want to compensate the allottee who has been wronged according to the Full Bench of the High Court?

Mr. Speaker: That he has answered. He says he was not actuated by that.

Shri H. P. Chatterjee: He says he will obey the Punjab High Court, and they have held this.

Mr. Speaker: He has to bow before them, but he can hold his own opinion.

Shri H. P. Chatterjee: What is he going to do for that, and how is he going to compensate the allottee who has been wronged?

Mr. Speaker: Has he anything to say? No.

Shri Hari Vishnu Kamath (Hoshangabad): Does the hon. Minister think that this particular letter in question was in any way, either in content or in tenor, different from the usual run of letters that the Minister or officers of his Ministry have received or are receiving continually from Members of Parliament and secondly, about this reference to Law Ministry, is it a fact that the Law Ministry also advised—what advice was given is not clear from the statement and I want it to be made clear—that the allottee should be evicted and vacant possession should be delivered to the auction purchaser?

2658 (A) LSD—8.

Shri Mehr Chand Khanna: In the letter referred to, Tyagiji referred to some legal points and I immediately marked that letter to the Ministry of Law with the request that it should be put before the Law Minister and his advice taken on the legal issues raised by Tyagiji. The Law Minister has said in his opinion dated the 20th September, 1960—I shall read it with his permission:

"It seems highly unjust that a party on whose request the time for two years was given wants now to start all over again. I, therefore, think that the Government should proceed with eviction. The High Court has not granted any stay.

I, therefore, advise that to be absolutely on the safe side, the following steps should be taken:

- (a) No sale certificate should be issued to the auction purchaser and the property should be deemed to be an evacuee property until J. B. Mangharam & Co. evacuated.
- (b) A notice under section 19(2) of the Displaced Persons Act, read with rule 102(d) of the said Act, should be given on J. B. Mangharam & Co., requiring them to show cause why the allotment should not be terminated by the middle of October, 1960—then a particular date is given—and the time should be given for show-cause. Thereafter they should be "asked to make over possession to the Regional Commissioner or to a duly authorised officer under section 19(2) of the said Act and the date and time should be mentioned when possession is to be made over. If possession is not made over as required the managing officer should evict

[Shri Mehr Chand Khanna]
them under section 19(3) of
the said Act."

Further on, the Law Minister says:

"I think that the tenants have been adopting unfair tactics to prolong their stay and the steps indicated above should be taken speedily."

Shri Hari Vishnu Kamath: By your leave, Sir, the first part of my question.....

Mr. Speaker: Whether this letter was just in the ordinary course of things or there was something special in it.

Shri Mehr Chand Khanna: Nothing special about it, Sir; it is one of the ordinary letters that I receive practically every day from Members of Parliament of this House, as well as the other House.

श्री प्रकाशवीर शास्त्री (बिजनौर) :
जिन दो संसद् सदस्यों की चर्चा इस
निर्णय में की गई है और जिसका कि उल्लेख
पुनर्वास मंत्री ने अपने वक्तव्य में किया है
यह दोनों ही संसद् सदस्य उस केस में पार्टी
नहीं थे और उन को अपनी सफाई का मौका
दिये बिना उनके विपरीत इस तरह की
टिप्पणी की गई।

श्री मेहर चन्द खन्ना : दुस्त है। उन
बेचारों ने कोशिश की कि जो मेरा काम था
उसकी उन्होंने याद दहानी की और सिर्फ
इसलिए वे मुसीबत में पकड़े गये। मुझे उनके
लिए बहुत अफसोस है।

Shrimati Renu Chakravartty: I
did not follow his reference to the
High Court judgment.

Mr. Speaker: They were not parties
to the proceedings and therefore, had
no opportunity to defend themselves.

Shrimati Renu Chakravartty: Of
course the Full Bench of the High
Court has made a very specific and a
very serious charge about the way
the Regional Settlement Commis-
sioner dealt with the whole case. It
has been proved also that the pre-
liminary notice dated 28th Septem-
ber, 1960 referred to in the judgment
of Andhra Pradesh High Court was
obviously given after instructions of
the Law Ministry and was actually
drafted by the Regional Settlement
Commissioner and sent to the Manag-
ing Officer for serving on the peti-
tioner. This was followed by the
hearing on the 14th October and the
order for handing over possession of
the factory was later set aside by the
Andhra Pradesh High Court. I
would like to know whether such
letters which are written to the
Secretary to the Ministry—the law-
yer's opinion to the Rehabilitation
Minister—are sent not to the Secre-
tary of the Rehabilitation Ministry
but through Shri Tyagi to the Re-
habilitation Ministry. This is the
sentence which I would like to re-
fer: I want to know whether this
is the normal run of letters that our
M.P.s write to the Minister: "Could
you call Mr. Chowdhuri, Cutadian at
Bombay, to your residence and have
a word with him?" Is this the re-
flection which the hon. Minister is
putting on all the letters which he
receives from the various Members
of Parliament?

Shri Mehr Chand Khanna: Sir, if
we go through these letters, one in-
tention is absolutely clear, and the
intention is this: please see that the
possession of the property is restored
or given to the auction purchaser.
That is the entire theme of the letter.

Shrimati Renu Chakravartty: No.
(Interruption).

Shri Mehr Chand Khanna: You may not agree with me. I do not want you to agree with me, but I have a right to make a statement. My statement is this. I have given a statement in writing. The hon. lady Member has referred to the judgement of the Andhra Pradesh high court. May I read out? It is very interesting. It says: "The order cancelling the allotment was held not to be irregular by that high court, but the notice to surrender possession was held to be illegal as no notice to show cause against the eviction was given as required by the law." (Interruption).

Let me proceed.

Mr. Speaker: Order, order.

Shri Mehr Chand Khanna: The High Court therefore directed the possession of the factory should be returned to the allottees, though they could be evicted after following the procedure prescribed by law. Further on, it says that this matter can be gone into in appeal, review and all that. All these actions were taken. So, what I am trying to submit is—I am not defending Shri Tyagi or Shri Hazarika or anybody—if people from outside or within the House have expressed any anxiety to see that justice is done, that was simply in favour of the refugee so that the unfortunate person gets his due, the Ministry of Rehabilitation sees to it. Nothing beyond that. I feel that nothing beyond that has been done. As I have stated, I receive representations from Members of Parliament in cases relating to section 33, section 16 and others. We go into those cases. But that does not mean that at every letter that comes to me, I at once become biased or prejudiced in favour of or against anybody. We have the letters examined.

I am grateful to the Ministry of Law. They have come to my rescue at all times and gave me an opinion in these very difficult and intricate

matters, because, as you know, Sir, there is no precedent for this law. There is nothing to fall back upon. The whole thing has started from scratch, and this law is to meet an abnormal situation so that summary justice can be given to the displaced persons.

श्री प्रकाशवीर शास्त्री: मैं चाहता था कि अध्यक्ष महोदय, आप इस बारे में कुछ हमारा मार्ग दर्शन करें कि हम संसद के सदस्य जो यहाँ पर चुन कर आते हैं और कोई दुखी व्यक्ति अपना दुखड़ा लेकर हमारे पास आये तो हमें यह बतलाया जाय कि हम फिर मिनिस्टर्स को कैसी भाषा में उसके बारे में लिखें ताकि इस तरह की कोई आलोचना हमारे विरुद्ध उस कारण न हो।

Shrimati Renu Chakravartty: May I submit this? Some rich person who can bid for Rs. 3,50,000 is quite capable of going to court, and, as the Minister himself had rightly pointed out earlier—I do not know what happened later—as long as it is under section 19(2), the department can take action for ejection; but when the certificate is given over to the refugee, action is expedited, and after that, the person can go to the court of law and take full protection of the law. But actually what was done was, pressure was brought upon the Ministry to actually take departmental proceedings for ejection. (Interruption).

Shri Tyagi (Dehra Dun): May I have your permission to write one more letter to the Minister in this case?

Shrimati Renu Chakravartty: I hope not.

Shri Ranga: Are you going to give a ruling, Sir? It is an important matter to be discussed separately.

Mr. Speaker: There is no question of giving any ruling at this moment.

Shri Sinhasan Singh: I wanted to have a clarification of the position; the Members are here. The hon. lady Member has brought the problem here because somebody must have approached her. (*Interruption*).

Shrimati Renu Chakravarty: No-body has approached me. It is very wrong. I have gone through the judgement. It has come out in the *Times of India*. What is this insinuation? I seek your protection. (*Interruption*)

Some Hon. Members rose—

Mr. Speaker: Order, order. Hon. Members should resume their seats. The hon. lady Member also should resume her seat.

Shrimati Renu Charavarty: There is the ruling from the court. Nobody has approached me. You must protect me, Sir. No such aspersion should be made. (*Interruptions*).

Mr. Speaker: There is no aspersion in that. In everything we do here, certainly we are briefed by somebody or other. It may not be briefing in the sense that lawyers are briefed, but at least the information that is given to us comes from outside source. There is no harm if somebody approaches the Members of Parliament and they have to discharge their duties. They are representatives of the people and people have got to go to them.

17:22 hrs.

DEMANDS FOR GRANTS—contd.

DEPARTMENT OF POSTS & TELEGRAPHS—
contd.

Mr. Speaker: Shri B. K. Das may resume his speech.

Shri B. K. Das: Sir I was referring to the remarks of the Estimates Committee about the Renewals Re-

serve Fund of the P and T Department. There is another remark which the Estimates Committee made about this fund. The Estimates Committee remarked:

"The net accretions to the Fund have not kept pace with the growth of capital investment, with the result that replacements have to be partly met from fresh interest-bearing capital."

I hope the Department has taken note of this observation also and would try to manage the fund accordingly.

17:23 hrs.

[SHRI KHADILKAR in the Chair]

The Deputy-Minister referred to the special programme for the backward areas. During the third Plan, 200 new post offices are to be opened for very backward areas, mostly tribal and border areas. The permissible limit of the loss is Rs. 2500 per annum per post office. He also mentioned that already the department had incurred loss every year to the tune of Rs. 1 crores during the last two years for the purpose. But still I should say that the border areas deserve much more attention. Having regard to the fact that the situation in the border is very difficult—there is the Pakistan menace, the refugee problem and other matters—I think much more attention should be given to the border areas. At least more telegraph and phonogram facilities should be there, so that speedy communications can be established for security and law and order purposes. The West Bengal-East Pakistan border is 1349 miles and there are the Assam and Tripura borders also, which are very long. I hope the department will pay greater attention to this border and proper measures should be taken to ensure the security and law and order there.

About rural areas, it is gratifying to note that a good number of post