

toral College, of 30 members 20 have died, what would be the position?

Mr. Deputy-Speaker: That is what I wanted to explain to the hon. Member; I am sorry I have not succeeded that point can be taken by the hon. Member with the Minister at some proper place and proper time. Even if he desires to bring it before the House, that can be done by many other ways. This is not the time when these questions can be put.

Shri Pataskar: May I suggest. . .

Mr. Deputy-Speaker: I think I have closed this Chapter. I proceed to the next business now.

ADMINISTRATION OF EVACUEE PROPERTY (AMENDMENT) BILL

Mr. Deputy-Speaker: We take up clause-by-clause consideration of the Administration of Evacuee Property (Amendment) Bill.

The questions is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clause 2 and 3 were added to the Bill.

Clause 4— (Amendment of section 10)

Pandit Thakur Das Bhargava (Gurgaon): I beg to move:

(i) Page 2, line 14,—
omit "(f), (g), (h)."

(ii) Page 2—

Omit lines 16 to 18.

Sub-clauses (f), (g) and (h) relate to matters of importance and their use may be desirable in the public interests by the authorities concerned to find out certain things. Sub-clause (f) says:

"require any person, notwithstanding anything to the contrary contained in any other law for the time being in force relating to the disclosure of any information by a public servant or any other person, to furnish such returns,

accounts or other information in relation to any property and to produce such documents in his possession as the Custodian considers necessary for the discharge of his duties under this Act;"

My submission is that these words are so wide and unless and until all the applications are disposed of, it is likely that the Custodian will require the use of the provisions contained in sub-clause (f) for the purpose of getting information about properties about which he is enquiring. Similarly, in regard to sub-clause (h) you will be pleased to see that the clause says:

"search any building or place in which the Custodian has reason to believe that any evacuee property or any document tending to show that any person is an evacuee or that any property is evacuee property is being kept or concealed and take possession thereof;"

As long as there are so many applications pending with the Custodian, we cannot say for what purposes or for what particular use the information referred to in sub-clauses (f), (g) and (h) may be required. Four thousand applications are there. They are all of a complicated nature. They may require the use of these powers. What is the hurry for repealing all these sub-clauses? If they are not of any use, *ipso facto*, when the whole Act is abrogated, they will also be abrogated. If you omit them today, difficulties may arise in regard to these matters. I therefore think that it is rather premature to omit sub-clauses (f), (g) and (h).

Mr. Deputy-Speaker: Amendments moved:

(i) Page 2, line 14—

omit "(f), (g), (h)."

(ii) Page 2—

omit lines 16 to 18.

Shri U. M. Trivedi (Chittor): I agree with the amendment suggested by my hon. friend Pandit Thakur Das Bhargava. The Evacuee Property Law

[Shri U. M. Trivedi]

itself was a special law, coming into direct conflict with the provisions of the common law. The general law of Transfer of Property was abrogated and set at naught. The ordinary principles of the Constitution were also abrogated to a great extent. Without paying any compensation whatever, properties of other persons were being taken over. All these things were there. Therefore, special provisions were found necessary to have these matters investigated properly if and when an opportunity arose. It is with this end in view that these provisions were made in section 10. I do not know whether these provisions were made use of or not. Some of them were very essential for the purpose of arriving at a decision whether or not a particular transfer was a *bona fide* transfer or not. You will find that the provision in (f) for example could compel an income-tax officer to give certain information which will otherwise not be available under the ordinary law. Similarly, the provision in (g) was also a very salutary provision which could force a company to disclose certain information which under ordinary circumstances it would not disclose. In the Statement of Objects and Reasons of the Bill the Government has not thought it fit to say why these provisions are required to be omitted. The date 8th April, 1955 has been put down simply because of the last amendment which was made that no property shall be declared to be an evacuee property on or within six months after the commencement of the last amendment which was made. That amendment I think came into being on 8th April. It has been stated in the Statement of Objects and Reasons:

"After April 8, 1955, the judicial work of the Custodians has been largely confined to the disposal of cases pending on that date."

That is true, but at the same time there would be so many cases which will be at the appellate stage which would not be have been completely disposed of, which would still be a

matter of investigation in the High Courts where writ applications have been moved. Therefore, I see no reason whatsoever to do away with this salutary provision. I think no case is made out for the omission of this provision, and it is to the interest of the Government that this provision should remain. I think the hon. Minister may reconsider the position and allow this provision to remain and drop the provision contained in clause 4. I therefore support the amendment of Pandit Thakur Das Bhargava.

पंडित च० ना० मालवीय (रायसेन) :

जनाब डिप्टी स्पीकर साहब, मैं जिन एम-डमेंट्स (संशोधनों) को मूव (प्रस्तुत) किया गया है, इनका विरोध करता हूँ। इस प्रॉपर्टी एक्ट (अधिनियम) को लाने का मकसद यह है कि प्रोसीजर (प्रक्रिया) को हल्का किया जाए उसको सिम्प्लिफाई (सरलीकरण) किया जाये। यह भी सारे हाउस (सभा) में माना है कि इक्वि प्रापर्टी ला (निष्क्रान्त सम्पत्ति नियम) को जल्दी खत्म कर दिया जाना चाहिये और जितनी जल्दी इसको किया जाय उतना ही अच्छा है। हम यह भी देख रहे हैं कि केसिस (मामले) बराबर चलते आ रहे हैं और इतने साल गुजर जाने के बाद जो इन्क्वायरी (जांच) होनी थी, यह माना जाता है कि हो चुकी है अब वह वक्त कब आएगा जब कि इस चीज को हम खत्म कर सकेंगे। एक तरफ अगर हम यह मान लें कि इस चीज को खत्म होना चाहिये और दूसरी तरफ ये केसिस बराबर चलते रहें तो ये दोनों बातें एक ही वक्त में कैसे हो सकती हैं। ये दोनों चीजें एक दूसरे की विरोधी हैं। हमारी जो कोशिश है वह यह है कि केसिस को जल्दी से जल्दी खत्म किया जाये और ऐसा करने के लिय हम प्रोसीजर को कम करना चाहते हैं। ऐसे केसिस जिन की इन्क्वायरी हो चुकी है और अब भी अगर इस इन्क्वायरी को जारी रखते हैं तो इसका नतीजा यह होगा कि एप्लिकेट (प्राप्ति) तो एप्लीकेशन (प्रार्थनापत्र) देता रहेगा और जो कस्टोडियन

(अभिरक्षक) है वह इनकवायरी करता रहेगा और एवराजात उठते रहेंगे जिस का नतीजा यह होगा कि प्रोसीजर लम्बा ही रहेगा और वैसा ही रहेगा जैसा कि अदालती कार्रवाई में होता है। केसिस बराबर चलते रहेंगे और आते रहेंगे।

इस लिए इस एमेंडमेंट बिल को सामने रखते हुए और इसके जो उसूल हैं उनको सामने रखते हुए जो क्लॉजिज एफ (खंड च) अर्गरह को एमेंड (संशोधित) किया जा रहा है वह सही है और मैं इससे सहमत हूँ। इसके होने से जो प्रोसीजर है वह हल्का हो जायेगा। चूंकि जो एमेंडमेंट पंडित ठाकुर दास जी ने पेश की है वह इस बिल के उसूल के खिलाफ है, इसलिये मैं उसका विरोध करता हूँ।

पुनर्वास मंत्री (श्री मोहर चन्द खन्ना): जो कुछ मुझे कहना था वह तो मेरे मोहतरिम दोस्त मालवीय साहब ने ही कह दिया है। मैं ने कल भी अर्ज किया था और चूंकि उस वक्त त्रिवेदी साहब यहां मौजूद नहीं थे उन्होंने मेरी तकरीर को नहीं सुना और अगरे सुन लेते तो बहुत सी बातें जो उन्होंने कही हैं उनको वह न कहते।

इस बिल के दो मकसद हैं। एक तो यह है कि जितनी जल्दी हो सके हम ऐसा तरीका अस्त्यार करें जिस से हमारा जो काम है वह जल्दी खत्म हो जाये, जो हमारे मुसलमान नागरिक हैं उनके दिल में भी कुछ इत्मिनान पैदा हो और पूल (संग्रह) में जो कुछ भ्राना हैं वह बहुत जल्दी भा जाये। १९४७-४८ में तो शायद जरूरत हो कि कस्टोडियन (अभिरक्षक) के पास इस किस्म के अस्त्यारों हों कि वह किसी पब्लिक सर्वेंट (लोक सेवक) से, किसी बैंक से यह इत्तिला मांगे कि फलां का क्या हिसाब किताब है, क्या लेना देना है। यही नहीं बल्कि कस्टोडियन को यह भी अस्त्यार था कि वह किसी भी घर में जा कर अगरे वह तलाशी लेना चाहे तो ले और अगरे वहां कोई ऐसे कागजात हैं जो छिपे पड़े हैं उनको निकालने की भी

कोशिश करे। ठीक है, आज से आठ बरस पहले इस अस्त्यार की जरूरत हो लेकिन अब गवर्नमेंट समझती है कि मौजूदा हालात में जब कि ७ मई, १९५५ के बाद कोई नया आदमी निकासी करार नहीं दिया जा सकता, कोई नई जायदाद निकासी करार नहीं दी जा सकती, मासिवाय उन हालात में, उन केसिस में जो कि इस वक्त तक चल रहे हैं जिन की तादाद आज बहुत थोड़ी है। तो मैं उन प्राविजस (उपबन्धों) की जो कि पहले ओरिजनल एक्ट (मूल अधिनियम) में हैं जिस को कि मेरे प्रिडिसेसर (पूर्वाधिकारी) ने बनाया और जिन की जरूरत उन्होंने महसूस की, आज मैं उसकी जरूरत महसूस नहीं करता।

इस लिये मैंने इस तरमीम (संशोधन) को इस बिल में जगह दी है और जो एमेंडमेंट श्री ठाकुर दास जी ने पेश की है, उसकी मैं मखालिफत करता हूँ।

Mr. Deputy-Speaker: The question is:

Page 2, line 14—

omit "(f), (g), (h)"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2—

Omit lines 16 to 18

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill"

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—(Amendment of section 11)

Pandit Thakur Das Bhargava: I beg to move:

Page 2, line 26—

omit "in place of the evacuee trustees"

[Pandit Thakur Das Bhargava]

Yesterday I submitted that so far as the general principle of this clause goes, I am in favour of it, but at the same time there are some words there are some words there to which I object. The words are:

“...being in force, to appoint, by general or special order, new trustees in place of the evacuee trustees”

My fear is that it may be argued that new trustees can only be appointed if previous trustees existed, whereas I know as a matter of fact that in so far as many of the trusts which are now assumed to be trusts, there were no trustees before. For instance, in regard to places which were existing or in use for the last 50 or 100 years, there were no trustees appointed, and there were many other buildings etc., for which there were previously no trustees which were being used by people for public purposes and which have fallen into disuse now. I want new trustees may be appointed for all places which can be of use, so that people may be able to look after those buildings and manage them. These words “in place of the evacuee trustees” are redundant as a matter of fact, because even where there were no trustees, they will have to be looked after and managed. If these words are taken away, nothing will be lost. On the contrary, powers will be utilised by the hon. Minister

Mr. Deputy-Speaker: Is it intended to appoint trustees even when there were no trustees before, or only when when there were trustees before partition?

Shri Mehr Chand Khanna: The position is that certain trusts existed before partition. There were some trustees who were managing those trusts. Some of them have gone to Pakistan, some are still in our country today. Our intention is to take powers for the appointment of new trustees in place of those trustees who have gone away to Pakistan.

Mr. Deputy-Speaker: Simply in those cases?

Shri Mehr Chand Khanna: May I proceed further?

Then there are certain trustees who have remained behind in this country. They have been in charge of the property. They know the ins and out of these properties, of these trusts, they have been managing them for quite a number of years. So, if I have understood Pandit Thakur Das Bhargava's amendment, the meaning is that those nationals of India who have remained behind in this country and were trustees may also be eliminated, and power is given to the Government for the appointment of new trustees even in place of the trustees who are still here. My point is that those who are here are here. Why should I disturb them? We are taking powers to appoint new trustees in the vacancies that have been caused on account of the persons who have gone away to Pakistan.

Mr. Deputy-Speaker: Only vacancies are to be filled; is it?

Shri Mehr Chand Khanna: Yes.

Pandit Thakur Das Bhargava: As a matter of fact the difficulty is when we come to the provision. So far as the words are concerned, they are capable of any interpretation. The hon. Minister says that it is not the intention and his intention is this. Who is going to look into the intention? Every court will look to the words used. As the proverb goes, ‘The way to Hell is paved with good intentions’. His intentions are very well. We say that in the last amendment about joint family rule 19 and we see it here also. But my submission is that he really puts into my mouth certain things which I did not say or even contemplate.

Mr. Deputy-Speaker: I feel there is a difference in approach. The hon. Member wants that the trustees should be appointed by Government whether originally there were certain trustees or not.

Pandit Thakur Das Bhargava: Yes.

Mr. Deputy-Speaker: But the Minister says that only vacancies are to be filled.

Pandit Thakur Das Bhargava: I want that where there are trustees already here and they can work, they may remain and control all these institutions. I go further and submit that if there is any mosque etc. and Mohamedans are living there, I do not want to interfere with any rights—even supposed rights—of the minorities. It is far from me. From the trend of the hon. Minister's speech I understood that he wants to put into my mouth that I want them to be treated in a different way from the nationals of this country. It is exactly the reverse. I want that every Mohamedan in this country should be treated just like a Hindu and there should be absolutely no difference.

Shri Mehr Chand Khanna: May I draw the attention of the Chair? The hon. Member is alluding to me. If I may remind him, his name was taken by my friend at my back. He quoted Pandit Thakur Das Bhargava's name more than once bringing to your notice that that appears to be his intention. I did not say so.

Pandit Thakur Das Bhargava: Even now it is not my intention.

Mr. Deputy-Speaker: I was in the Chair. It was made clear that that was not the purport of his imputation.

Pandit Thakur Das Bhargava: I am not criticising him for what he has said. He is entitled to say anything he likes. My skin is too thick. But, at the same time, I should say that when he interpreted this that I want the old trustees to be removed, I could have said that if I wanted to say so. I fully know the meaning of the words, 'it shall be lawful for the Government'. It does not mean that Government is bound to have new trustees.

What I want is that in places where previously there were no trustees existing, in those places, Government

should be authorised to appoint new trustees. I never said that the old trustees should be removed.

Mr. Deputy-Speaker: The hon. Minister has made it clear that Government's intention is simply to fill up vacancies caused by the migration of Muslim trustees. It is restricted. In that case, if this Bill is passed, Government shall not appoint trustees for trusts for which originally there were no trustees.

Pandit Thakur Das Bhargava: This is exactly my point. I wanted to cover those cases. If the Government do not want that, it is their own lookout. I wanted that in places where there were no previous trustees, the Government should be given power to appoint trustees to keep them in good use.

Mr. Deputy-Speaker: Has the Government considered this position where there are properties and there are no trustees! Supposing there are mosques or some other properties and there were no previous trustees. In order to preserve those properties and to efficiently manage them, has Government envisaged that it would have some need to appoint trustees because Mohamedans from those areas would have gone now and the intention of the Government is to preserve those properties intact?

Shri Mehr Chand Khanna: You have exactly interpreted the viewpoint of the Government. I was not visualising any properties for which there were no trustees. If there were any properties for which no trustees had been appointed, and if those properties now vest in the Custodian we shall have to take into consideration the preservation of those properties in order to be put to proper use.

Shri U. M. Trivedi: May I put one question? If there were no trustees for any property, how could that property become evacuee property? By what process of law can it become evacuee property and now can it vest in the Custodian? Unless and until there is some owner who has evacuat-

[Shri U. M. Trivedi]

ed, there can be no evacuee property. Property which does not belong to anybody or is not vested in anybody does not become evacuee property.

Mr. Deputy-Speaker: That is a different question now. That is a legal question and we will not be able to decide it here. The question is whether we can think of any properties for which there were no trustees before partition and now the persons living there or who were in charge have migrated to Pakistan and the properties have to be maintained and to be taken proper care of. Pandit Thakur Das Bhargava is worried about such properties. He wants that trustees should be appointed for those properties also. The words that are there now in the amending Bill cover only those cases where there have been vacancies and which have to be filled up. If I can follow Pandit Thakur Das Bhargava correctly, what he wants to know is what would become of those properties for which there were no trustees before and which we want to preserve. It is for Government to consider whether there would be any necessity for safeguarding those properties. The Minister has given his reactions.

Pandit Thakur Das Bhargava: May I submit a word in view of what has fallen from you and from the hon. Minister?

Shri Mulchand Dube (Farrukhabad Dist.—North): rose—

Mr. Deputy-Speaker: One hon. Member at a time; both are on their legs.

Pandit Thakur Das Bhargava: You have interpreted me absolutely correctly. I have put the question. I find the answer from the hon. Minister; it is that Government have such properties also for which there were no trustees previously.

Shri Mehr Chand Khanna: I did not say that. It never entered my mind that there were some properties like that, which might have vested in the Custodian.

Pandit Thakur Das Bhargava: I would submit for your consideration that in Hissar there are two schools attached to a mosque where previously students used to read. Now, Government is possessed of them. There were no trustees at all previously and the people used those properties. I am only bringing it to the attention of the hon. Minister. In such cases where the buildings are there no trustees existed previously and there will be no trustees now. I only want that so far as these properties are concerned where there were no previous trustees and where you have taken over the properties there should be trustees to look after them and have them utilised properly. If the hon. Minister is not willing to accept an amendment from me, he may have his own amendment.

Mr. Deputy-Speaker: No implication of that kind, that he is not prepared to accept any amendment coming from the hon. Member.

Pandit Thakur Das Bhargava: I do not wish that my amendment should be accepted. If the hon. Minister feels the necessity for that let him make a provision.

Shri Mulchand Dube: Mr. Deputy-Speaker, there can be no trust except by appointment of trustees and where there are no trustees there can be no trust. A trust is said to be an obligation annexed to the ownership of property and the trustee is deemed to be the owner. If the trustee has migrated to Pakistan, then, another trustee has to be appointed in his place. If there were no trustees from the very beginning, in the first place, there would be no trust; and, in the second place, the District Judge would appoint new trustees and the matter would take its ordinary course.

Shri U. M. Trivedi: Sir,.....

Mr. Deputy-Speaker: The hon. Member should be brief.

Shri U. M. Trivedi: I would try to be very brief in putting my viewpoint.

I have to place my viewpoint before the House.

Mr. Deputy-Speaker: I have asked him only to be brief.

Shri U. M. Trivedi: I am always brief; I will never dilate upon it.

Mr. Deputy-Speaker: He reserves the judgment also to himself?

Shri U. M. Trivedi: As this clause is worded today, the difficulty is very patent and the explanation that has now been given on the point raised by Pandit Thakur Das Bhargava creates other difficulties also. In the first place it provides that new trustees in place of the evacuee trustees will be appointed by a special order. That is one aspect; there are certain properties of which they were trustees or they might have been trustees who would have been dead and gone and so they would not become evacuees also. Now they are situated at such places where under the ordinary law people interested in them can only be the persons who can be appointed and such persons do not exist.

Under section 92 of the Civil Procedure Code persons who are interested in public or charitable purposes, cannot be appointed if those persons do not exist. I would ask: What is going to happen to such properties if their position has been taken by the Custodian? It is perhaps on such properties that a reference is made, i.e., that such properties are being used either for schools or for some other purposes. All the arrangements are being upset on account of this provision. So I would like to hear the views of the hon. Minister in this respect.

श्री मेहरचन्द खन्ना : नाब, मैं ने तो अभी यह अज्ञ किना था कि ऐसे ट्रस्ट (प्रन्यास) भी होंगे जैसे कि त्रिनेदी साहब ने बताया है। आकर वह ट्रस्टोडियन (अभि-रक्षक) के पास नहीं है और कस्टोडियन ने उनका चार्ज नहीं लिया है, तो जहाँ तक

हमारा और हमारी मिनिस्ट्री (मंत्रालय) का ताल्लुक है या कस्टोडियन के डिपार्टमेंट का ताल्लुक है, उसमें तो हम पड़ते नहीं। जो मामल ला प्राफ जेंड (देश की सामान्य विधि) है उसके मुताबिक वह चलेगा। मेरा ताल्लुक सिर्फ उस जायदाद या ट्रस्ट प्रापर्टी (प्रन्यास सम्पत्ति) से है जो ट्रस्टोडियन के कब्जे में आ चुकी है और हम उसकी निगानी हर रहे हैं। उसके लिये हमारे पास दरखास्त आयेगी, हम उसको देखेंगे। जैसा कि पहले सिलसिला था कि वह सिविल कोर्ट में जाये और डास्ट्रेक्ट जज साहब उसे करें, उसके बजाय हमारा इरादा सिर्फ इतना है कि हम उससे अपनी मिनिस्ट्री में जल्दी करने की कोशिश करे और प्रोसी-ज्योर (प्रक्रिया) को सिम्पल (सरल) बनायें। हमने सोचा है कि हम अपनी मिनिस्ट्री में एक जूडीशियल आफिसर (न्यायिक अधिकारी) मुकर्रर करें ताकि यह काम जल्दी खत्म हो जाये। इस बात को मैंने कल भी कहा था और फिर दोहराना चाहता हूँ। जहाँ पर कोई ट्रस्टी पहले नहीं था और जैसा कि ठाकुर दास जी ने कहा, वह चीज हमारे पास आ चुकी है, तो जरूरी है कि उसके लिये नये ट्रस्टी मुकर्रर करने पड़ेंगे जहाँ पर वह नहीं है और जहाँ चले गये हैं उनकी जगह तो नये ट्रस्टी मुकर्रर करने ही पड़ेंगे। तो जहाँ तक मेरा और ठाकुर दास जी का ताल्लुक है, हममें कोई इन्तिजाफ (विभेद) नजर नहीं आता। इसके झलावा जो

उपाम्यक्ष महोदय : ठाकुर दास जी का

यह डर है कि जब यह लफ्फ रहेंगे "in place of evacuee trustees" को गवर्नमेंट को मुद्दिल पड़ जायेगी जहाँ ट्रस्टी नहीं हैं। नये त्रिने से वह तकररी (नियुक्ति) नहीं कर सकेगी। सिर्फ इतना वह कहते हैं।

श्री सेहर बन्ध खन्ना : मैं इस चीज को एग्जामिन (जांच) करा लूंगा । कोई दिक्कत होगी तो मैं फ़र आपके सामने आ जाऊंगा ।

Mr. Deputy-Speaker: Should I then put the amendment to the House?

Pandit Thakur Das Bhargava: Certainly.

Mr. Deputy-Speaker: The question is:

Page 2, line 26—

omit "in place of the evacuee trustees".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6.—(Amendment of Section 16)

Pandit Thakur Das Bhargava: I beg to move:

(i) Page 3, line 26—

after "this sub-section" insert:

"or any other law".

(ii) Page 3—

after line 29 add:

"(2A) No property shall be restored to any evacuee or his heir except under the provisions of this section."

I am not moving amendment No. 6. You may remember that yesterday I took great pains to explain my point of view, and I do not want to repeat those arguments at least here, because, as a matter of fact, my fears have been aroused by a provision which is coming in the other Bill. I want to foretell and to 'scotch' the views held by the framers of this Bill. There-

fore, I am anxious to see that these words, namely, "No property shall be restored to any evacuees or his heir except under the provisions of this section" should be added, so that if the Government chooses to bring forward such a provision as I referred to yesterday (20A of the other Bill) and it is passed by the House, it may come into clash with this provision. I am anxious that when we have a provision for a particular purpose, it will not turn out to be infructuous but the Government wants to take away all the powers. The purport of my amendment No. 7 is exactly for that purpose. If the hon. Minister thinks like me or wants to make a change in clause 20A of the other Bill and brings it in line with the provisions under section 16, then this amendment will become unnecessary. We want to keep the law about the properties intact. From what fell from the hon. Minister yesterday I understand he does not want to have any new powers and he is himself anxious like me that the evacuee gets the property only when is entitled to the property. This is explained under section 16 and the hon. Minister does not want to give away from the compensating pool. I read out yesterday from the proceedings, dated the 25th of September that that was the intention of the previous Minister and now I understand the purpose of the hon. Minister is also the same, but as long as that provision under clause 20A exists, I am bound to bring to the notice of the Government and the notice of the House that if that thing comes in, then my amendment should be added therein. I waited for the hon. Minister to reply to this part of the Bill, but the hon. Minister gave us lectures and indulged in platitudes, on that touching the real point in issue. I have personally seen in Gurgaon that the properties of the Meos were rightly restored. The refugees were in occupation of the houses and lands for a long time. We gave the Meos other lands and houses and they were taken by them. After 4 or 5 years the original houses and lands could not be restored. In such a case other properties are being

given. I am not objecting to this. No sane person will object to this. What I object to is that we enact a provision in the act and then abrogate it in another Act. I consider that this is wrong. I am as anxious as anybody else that right application under section 16 should be accepted. I have done my very best so far as the Meos of Gurgaon are concerned. I am their duly elected representative. Even when I go to my constituency, I try to find out what persons are there whose properties have not been restored, which ought to have been restored. I brought an amendment in this House and a Tehsildar was appointed and everything was done at that time. Even now I am trying to see that their lands are also restored. So far as the Meos are concerned, I have tried to see that those persons who did not go to Pakistan get their properties here. It is entirely wrong to assume and mischievous to think that I do not want them to get their properties here. At the same time I do not want any sort of leniency or any sort of invalid concessions about which the Health Minister has spoken. That is all that I submit.

So far as this matter is concerned, let the hon. Minister not misunderstand me. What he has proposed in this section is already being done. At the same time if he wants to take away the provision in section 16 by enacting in section 20(b) the words "notwithstanding anything contained in the Evacuee Property Act and this Act", I object to it very seriously. It is these words which I object to very seriously. I hope the hon. Minister will not choose to misunderstand me. Both these amendments are unnecessary if he agrees to the amendment in section 20(b) of the other Act. Otherwise I will press these amendments.

Mr. Deputy-Speaker: Amendments moved:

(i) Page 3, line 26—

after "this sub-section" insert:

"or any other law".

(ii) Page 3—

after line 29 add:

"(2A) No property shall be restored to any evacuee or his heir except under the provisions of this section."

Shri Mehr Chand Khanna: I am grateful to Padnit Thakur Dasji for drawing the attention of the Government to a certain lacuna that has occurred. My intention is exactly the same as that of Pandit Thakur Dasji. When we take up the Displaced Persons (Compensation and Rehabilitation) Amendment Bill of 1956, in clause 6 I myself propose to move—and I think that will meet his purpose—that in page 3, in lines 3-4, for the words "has made an application" substitute "is entitled to the restoration of any evacuee property on an application made by him in this behalf".

Pandit Thakur Das Bhargava: In view of what has fallen from the hon. Minister, I do not think that these two amendments are necessary.

Shri Mehr Chand Khanna: Thank you.

Mr. Deputy-Speaker: The hon. Member then wishes to withdraw them, that is, amendments Nos. 7 and 8.

The amendments were, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 to 11

Mr. Deputy-Speaker: There are no amendments to clauses 7 to 11, and I shall put them together.

Shri Mulchand Dube: There is an amendment to clause 7; I have given notice of it this morning.

Mr. Deputy-Speaker: Then that cannot be accepted.

Shri Mulchand Dube: If the hon. Minister accepts it, it may be allowed. I have asked for the insertion of the following words:

"Provided that the Custodian-General shall hear the appeals in the State in which the property in question is situate."

Shri Mehr Chand Khanna: What actually happened was that after Shri Dube made his speech, when the time for reply came, he was unfortunately not present in the House. I made it clear then that I shall make every possible effort that in case in a State the number of cases require that a Custodian-General should go there himself to hear the appeals, I will have necessary instructions issued. That I said yesterday. But if there are one or two solitary cases, perhaps it may not be in the interests of work. If the Custodian-General, for instance, has to go to Hyderabad, it takes about 8 to 10 days in going and coming and that will hold up other work very seriously. So I said yesterday and I repeat that in the interests of the litigant public, I will try to do my best that instead of asking them to come all the way from long distances to Delhi, if the work requires it, the Custodian-General shall go to those places and hear the appeals on the spot.

Mr. Deputy-Speaker: That is all right.

The question is:

"That clauses 7 to 11 stand part of the Bill."

The motion was adopted.

Clauses 7 to 11 were added to the Bill.

Clause 12.—(Substitution of new section for section 48)

Pandit Thakur Das Bhargava: I beg to move:

(i) Page 4—

omit lines 26 to 33.

(ii) Pages 4 and 5—

omit lines 34 and 35, and I and 2 respectively.

You will be pleased to observe that in clause 12, which relates to section 48 of the previous Bill, which was a very simple one, the original clause ran thus:

"Any sum due to the State Government or to the Custodian under the provisions of this Act may be recovered as it were an arrear of land revenue."

That means, in simple English, that the modes of recovery were given. Arrears of land revenue, as you know, are recoverable in ways which are quite different from those mentioned in relation to execution of decrees. But if there was any sum due, ~~then~~ the mode of recovery was that a person could be dealt with as if they were arrears of revenue. But so far as the question of liability was concerned, so far as the question of limitation was concerned, they were all such as could be decided only by the civil courts.

Now the whole scheme of this Act is that in regard to a very few matters, civil courts have been given authority, and in regard to all other matters the authority is given to executive officers because we feel that the matter might be dealt with expeditiously and rightly.

Yesterday somebody made a complaint without understanding the law that evacuees were not given the right. I may refer to section 16 and other sections in which evacuees were given much more rights than refugees and others or local people because we wanted that because their properties were at stake, their rights should be secured. It was in consequence of that that a particular reference was made in section 16 to the powers of the civil courts, and they could go to the civil courts and in case of any such appeals, the District Judge should hear them. These rights are not given to the local people or to refugees.

The innovation now sought to be made is very serious. Kindly see section 48(2), which says:

"If any question arises whether a sum is payable to the Government or to the Custodian within the meaning of sub-section (1), the Custodian shall, after making such inquiry as he may deem fit, and giving to the person by whom the sum is alleged to be payable an opportunity of being heard, decide the question; and the decision of the Custodian shall, subject to any appeal or revision under this Act, be final and shall not be called in question by any court or other authority."

All the High Courts were agreed that this question shall be decided by the civil court alone. Many persons went to the High Court in this connection and it was decided that as a matter of fact it was the civil courts alone which could decide whether a particular sum is payable to the Government or to the Custodian. Now the Custodian himself becomes the judge, and 'no person can be allowed to become a judge in his own cause' is violated.

Yesterday it was assumed that evacuees would also be proceeded against under this or sub-section (3). As a matter of fact, it is only the refugees who will be the persons affected. I do not know of any rule whereby the law of the land should be abrogated in this manner without violating article 14 of the constitution.

There are two questions, one relating to limitation and the other relating to liability of the person concerned. Now the proposition is that in the interest of Government, in the interest of any persons except those who are liable, the powers may be used by the executive officers. They will themselves say that so much money is due, and they will in addition say that they will decide that the law of limitation will not work or apply to the case and they may ask the man concerned to pay the money

or else the man may be arrested. These questions arise in cases where money is realised as arrears of land revenue. I am loath to arm the Government with these powers. How is the arrear of land revenue collected? You know it better than myself. The man is called. A formal notice is given. And then he is put in jail direct. But in the decrees of civil court relating to money, no person can be arrested. But, here he can be arrested and put in jail. Anything can happen.

Why is the law of limitation abrogated? I waited and waited that the non-Member would give some argument about the abrogation of the law of limitation which has stood the test of centuries. It is to be found in all civilised countries and in our country also. But in the year 1956, today, the hon. Minister is taking away this law. He does not even give discretion to the officers so that they may discriminate and relieve hardship so far as these refugees are concerned. He is making the plaintiff himself the judge. I need not go into the original principles of the law of limitation. It is absolutely clear that such a long time—five or six years—has elapsed. The position of the defendant has changed and so much time has passed. All his finances are to be looked into. Why had not the Government recovered it before? This power to attach all his properties and put him in the jail should not be there. There must be some emergency or anything of that nature; otherwise, I do not see why the law of limitation should not be enforced and why the plaintiff himself is to be in the place of the judge. In a democracy, the first principle is that the law of the land should prevail. We shall not have unusual laws or emergency laws in times of peace. I take very strong exception to these two provisions being enacted against the refugees, who have of nothing to pay and are impecunious. The hon. Minister knows their position better than myself; he knows their condition, their needs and the amount of belongings. How are they to pay? They lost what-

[Pandit Thakur Das Bhargava]

ever they had before. How the hon. Minister pounces upon them and wants them to pay for things which have become barred. This is unheard of. I very strongly oppose these. There was an emergency when Evacuee Property Act was barred and something was happening then. Nothing is happening now. So, why should we change the ordinary law of the land? It has been said that the Administration of Evacuee Property Law was an unusual law; everybody is complaining about it. Those were the circumstances at that time when we had to pass that law. Why should we pass this law, in times of peace, against those very persons who have come here as refugees? You want to change this law to their detriment and squeeze every pie out of them—the pie that you have not been able to squeeze all these years. There is no justification for changing the ordinary law of the land to their detriment. The protection that the civil courts give to every local man, to the 37 crores of inhabitants of this country, is taken away in the case of these helpless persons? Is it right or is it just? So, I would only ask the hon. Minister to consider what I am saying sympathetically and not to enforce the provisions against the refugees' interest.

Mr. Deputy-Speaker: Amendments moved :

(i) Page 4—

omit lines 26 to 33.

(ii) Pages 4 and 5—

omit lines 34 and 35, and 1 and 2 respectively.

Shri Mulchand Dube: This question of limitation may be divided into two parts. One relates to the dues that might have been barred before the property was declared as evacuee property and the second part may relate to the dues that had accrued after the property had been declared so. In regard to the second part, there may be some justification because of the default of the Custodian or some other person in failing to recover the dues. In

regard to the first part, that part of the dues which might have become barred before the property was taken over, there does not seem to be any justification for not applying the law of limitation.

Mr. Deputy-Speaker: Pandit C. N. Malviya. Enough has been said and so he may be brief.

पंडित च० ना० मालवीय : उपाध्यक्ष

महोदय, इस में दो सवाल उठाये गये हैं। एक तो यह कि जो प्रोपर्टी (विलोप) किया गया है उस में अपील और रिवीजन (पुनरीक्षण) का जो प्राविजन (उपबन्ध) है उस को सामने रख कर सिर्फ एक बात की गई है कि "The decision of the Custodian shall be final and shall be called in question by any court or other authority".

यहां एक तरफ तो गवर्नमेंट ने यह अल्टीमेटम लिया है कि जो मामलात अभी तक उलझ रहे हैं और जैसा कि कल की तकरीरों से मैं समझा कि इस मामले को अगर हम अदालतों के सुपुर्द कर रहे और दूसरी तरफ यह भी चाहते रहे कि हम इसका जल्दी फैसला करें तो इसमें उलझने पड़ सकती हैं, और इस फिर्का को सामने रखने हयें कि इन मामलात का जल्दी निपटाना है यह जरूरी है कि अदालतों के जूरिस्टिक्शन (अंत्राधिकार) को रोककर गवर्नमेंट ऐसी बातों का फैसला करे। भागव साहब ने अगर इस में कोई प्वाइंट बताया होता कि गवर्नमेंट ऐसी खास हालात के मामलात में अदालतों के जूरिस्टिक्शन को खत्म कर के खुद अल्टीमेटम ले सकती है, ऐसी चीज अन्कॉन्स्टिट्यूशनल (असंवैधानिक) या ला लाफ दि लैंड (देश के कानून) के खिलाफ है तो समझ में आ सकता था।

दूसरी बात यह है कि क्या यह पापुलर फेंड मारल जस्टिस (लोकप्रिय तथा नैतिक न्याय) के खिलाफ है। मेरे अर्थ करने का मक-भद यही है कि अगर हम आज की हालत देखें तो ग्राम फ्रॉलिंग (धारणा) यही है कि इस मामले में कोई उलझाव पैदा होता जा रहा है और जितनी जल्दी काम हो जायें उतना

ही अच्छा है। ऐसी सूरत में अदालतों के चक्कर से बचने की प्राज्ञ ग्राम तौर से भावना है, खास तौर से इन्वैक्वी प्रापर्टी (निष्क्रान्तसम्पत्ति) के सिलसिले में, और अच्छा है कि जिस तरह से जल्दी फँसला हो सके, हो। मैं नहीं देखता कि इस में कोई चीज ऐसी गलत हो रही है कि हालात के लिहाज से अदालतों के जूरि-जूरिस्टिक्शन को खत्म कर के गवर्नमेंट इस अख्यार को लेती है। इस में इन्वबायरी (जांच) का भी एक प्राविजन है, अपील और रिबीजन का भी एक प्राविजन है, इस लिये मेरे खयाल में ऐसा अख्यार लेना गलत नहीं है।

दूसरी बात लिमिटेशन (परीसीमन) की है। अगर लिमिटेशन का उसूल हम रखते हैं तो किन्हीं हालात को पेशे नजर रखने हैं। किसी मामले को हम एक वर्ष में नहीं तय कर सकते हैं तो दो और तीन वर्षों की मियाद रखते हैं। अगर इसी तरह से जो इन्वैक्वी प्रापर्टी का मामला चलता है, उस में खास तौर से लिमिटेशन के कानून को खास मकसद के लिये जोड़ा सा अमेंड (संशोधित) कर देते हैं तो क्या इससे डिमान्नेसी (जनतंत्र) को कोई सदाया पहुंच रहा है? भागव साहब की इचीच (अवण) के बाबजूद यह बात मेरी समझ में नहीं आई। यह ठीक है कि ला (विधि) की सैक्टिटी (पवित्रता) होती है, लेकिन ला की सैक्टिटी होती है कोर्ट (न्यायालय) में मामला ले जाने के समय। जैसी हालात आज हैं उन को देखते हुये यह चीज होनी जरूरी है और हम सब ने महसूस किया है कि इस मामले को जल्दी निपटाना है। इस उसूल को सामने रखते हुये यह दोनों प्राविजन बिल्कुल जरूरी है। कहीं यह न हो जाय कि यह अमोंडिंग बिल (संशोधन विधेयक) लाना ही बेकार हो जाये। अगर कानून को इस तरह से ही रखना था तो अमडमेंट लाने की जरूरत ही क्या थी? इसलिये मैं अमडमेंट्स का विरोध करता हूँ और बहुत जोर से इस बात का समर्थन करता हूँ कि इस विधेयक को स्वीकार किया जाये।

Shri Gidwani (Thana): I rise to support these amendments. Particularly the process of recovering the arrears of land revenue is such that it should not be on the statute book. I do not know if, in former times, when there was no popular Government, this kind of a recovery was allowed and rules were made to that effect. But, now the times have changed. In the present circumstances, when we have declared the socialist pattern of society as our objective we should not resort to this process and reduce the person concerned to a deplorable condition. If arrears are to be recovered from the displaced persons by that process, it means a deterioration in their condition. I have known cases where they had not been able to pay rents for their quarters. Their goods have been attached and they were ejected from their houses.

13 hrs.

That is one of the main reasons why Pandit Thakur Das Bharagava has brought this amendment, particularly when he says that the law of limitation should be there and no extraordinary procedure should be adopted. On the contrary by that procedure, further proceedings will not be carried on and the work will stop automatically. I do not know what will be the total amount recovered by that process, but it is likely to create a lot of hardship to the refugees. We should not, therefore, adopt a procedure which will really affect adversely the interest of the displaced persons and cause hardship to them.

Therefore, I support the amendment.

श्री मेहर चन्द खन्ना : जनाब डिप्टी स्पीकर साहब, आपको याद होगा कि बरस, सवा बरस हुआ है कि हमने कम्पेंसेशन रूल्स (प्रतिकर नियम) इसी हाउस (सदन) में पास (पारित) किये थे। उस कम्पेंसेशन रूल्स में यह हमने फँसला किया था कि जो भी किसी शरणार्थी के बरखिलाफ मकान का किराया है, लीज (पट्टा) है, सूद है,

[श्री मेहर चन्द खन्ना]

कर्जा है कोई भी चीज है, तो उसकी हमने तारीफ़ के नीचे जो कि हमने पब्लिक ड्यू (सार्वजनिक देय) की है, हमने सैटलमेंट कमिश्नर (बन्दोबस्त आयुक्त) को अख्तियार दिया है कि जिसने उसकी अर्जी लेनी है, जिसने उसको इवज़ाना डिटरमिन (निश्चित) करना है और पब्लिक डिटरमिन करने के बाद उसने उसका जो बकाया है, उसका कम्पेंसेशन निकलता है, देना है। तो आया यह एक निराली चीज है कि आज जज (न्यायाधीश) प्रासीक्यूटर (अभियोक्ता) बन जाये प्रासीक्यूटर जज बन जाये यह हम दोनों को वही अख्तियार दे दें। तो मैं अब से अर्ज कर्ना कि यह कोई नई चीज नहीं है जो कि आज मैं हाउस में लाया हूँ। यह कम्पेंसेशन रूल्स के नीचे इसी हाउस ने उसी सैटलमेंटकमिश्नर को यह पावर (शक्ति) क्या नहीं दी। अब आप ने यह फ़ैसला कर दिया कि जहाँ तक क्लेमेंट (दावेदार) शरणार्थी का ताल्लुक है उसका जितना भी बकाया है, पहले काट लो और जो भी उसका बकाया इवज़ाना होता है उसको दो। अब मेरे पास इसके अलावा दो किस्म के आदमी रह जाते हैं जो कि निकासी जायदाद में हैं। उसमें शायद वे भी हों जो कि शरणार्थी जरूर हों और उनका क्लेम (दावा) न हो और शायद कुछ शहरी भी हों, यहाँ के नागरिक हों। अब सब से हम ने जो बकाया हमारा किराया है उसको वसूल करना है आज निकासी जायदाद का इस वक्त जो बकाया किराया है वह तकरीबन ४ करोड़ ८५ लाख रुपया है।

पंडित ठाकुर दास भागवत : आज तक वसूल क्यों नहीं किया गया ?

श्री मेहरचन्द खन्ना : आप चाहते हैं इवाज़ाना जल्दी दो। शरणार्थियों ने ८ या ९ बरस इंतज़ार किया है और बेचारे तकलीफ़ में हैं। तो मैं क्या कर रहा हूँ। मैं सिर्फ़ यह कर रहा हूँ

पंडित ठाकुर दास भागवत : जान निकाल रहे हैं।

श्री मेहर चन्द खन्ना : मैं ठीक समझता हूँ। असल में बात यह है कि जब आपका मेरा इखतलाफ़ राय (मतभेद) हो जाता है तो जिस हद तक आप जा सकते हैं बदकिस्मती से उस हद तक मैं नहीं जाना चाहता। लेकिन मैं यह जरूर कहना चाहता हूँ कि अगर जान निकालने का मेरा इरादा होता तो दो चीज़ें जो मैं ने की हैं वे मैं न करता। एक तो यह है कि हमने जितनी भी हमारी जायदाद है, चाहे वह निकासी है चाहे वह गवर्नमेंट बिल्ट (सरकार द्वारा निर्मित) है, हमने यह फ़ैसला किया है कि चाहे उसमें क्लेमेंट बैठा है, चाहे उसमें नान-बलेमेंट (गैर दावेदार) बैठा है, अगर वह उसका मालिक बनना चाहे कम्पेंसेशन रूल्स के मातहत तो १ अक्टूबर, १९५५ से उसका किराया नहीं लिया जायेगा। यह सेलेबल प्रापर्टी (विक्रय योग्य सम्पत्ति) को रिफ़र (निर्देश) नहीं करता, एलाटेबल प्रापर्टी (आवंटनीय सम्पत्ति) को करता है। यही नहीं, जनाबे-वाला, यह भी मैं ने किया है कि जो बकाया है वह अगर यकमुहत अदा नहीं कस सकता है तो १२ किस्तों में अदा कर सकता है। बल्कि मैं ने एक बयान भी दिया है। वह यह है कि अगर कोई ऐसा भाई है हमारा जो कि देने के नाकाबिल है तो हम उससे नहीं लेंगे। लेकिन जो दे सकता है उससे जनाबे वाला क्यों न लिया जाये। अगर आज लम्बे चौड़े मुकदमात चलें और जिस शरणार्थी को हमने कम्पेंसेशन है या जिसका हमने हिसाब करना है, यह चीज अदालतों में जायें और ये कैसिस (मामले) सिविल जुरिसडिक्शन (न्यायापालिका क्षेत्राधिकार) में हों तो जैसा मालवीय साहब ने कहा, उसमें तो बरसों बरस गुजर जायेंगे और यह चीज जल्दी खत्म होने वाली नहीं है। इस चीज को हम इसलिये ला रहे हैं कि जो शरणार्थियों

के पूल (संग्रह) में जो पैसा आना है, जायज तरीके से आना है वह जल्दी से जल्दी आये ताकि उस पूल में से जिस शरणार्थी को इवजाना मिलना है हम उसको जितनी जल्दी हो सके, दिला सकें। कोई इरादा हार्डशिप (कठिनाई) का नहीं है, कोई डिस्ट्रेस (यातना) काज (देने) करने का इरादा नहीं है या किसी को तबाह करने का इरादा नहीं है।

श्री गिडबानी : एरियजं आफ लैंड रेवन्यू (बकाया लगान) से दिक्कत हो रही है।

श्री मेहर चन्द खन्ना : आप अपने दोस्त की तकरीर (भाषण) जो आपके पास बैठ हुये हैं सुन लेते तो अच्छा होता। उन्होंने खुद कहा कि एरियजं आफ लैंड रेवन्यू तो तुम्हारे कानून में पहले ही मौजूद था। यह वह कानून है जो मेरी पैदाइश से पहले, चाहे वज्जिर समझिये, चाहे मैम्बर पार्लियामेंट समझिये, आप ही के हाउस ने, आपका खुद का मंजूर किया हुआ है। मैं कोई नई चीज नहीं ला रहा हूँ या कर रहा हूँ।

पंडित ठाकुर दास भागंब : यह नई नहीं है, लिमिटेशन (परिसीमा) वाली बिल्कुल नई है। आप इसको बढ़ा रहे हैं।

श्री मेहर चन्द खन्ना : मैं इसको नहीं बढ़ा रहा हूँ। जो मेरा काम है और जिस के मुतालिक कल शर्मा साहब कह रहे थे कि तुम तो महकमे बढ़ाये जाते हो अपनी मियाद सम्बी करते जाते हो...

Shri D. C. Sharma (Hoshiarpur): Sir, words should not be put into my mouth which I did not say. What I asked him was how long the Department would continue; I do not bother about its continuance.

श्री मेहर चन्द खन्ना : जनाब मेरी कोशिश यह है कि आप मुझे असत्यारात 501 L.S.D.—2

दीजिये ताकि जितनी जल्दी हो सके, मैं अपना काम निपटाऊँ और इस डिपार्टमेंट (विभाग) को खत्म करूँ।

एक चीज और है जिसका मैं चिन्तन करना चाहता हूँ। दुबे साहब ने कहा कि एक तो वे लोग होंगे जिन के जिम्मे आपके इयज (देय) होंगे जब से जायदाद निकासी करार हुई और मुमकिन है बाज लोग ऐसे हों जिन के जिम्मे इयज हों निकासी जायदाद करार होने से पहले। जहाँ तक इस चीज का ताल्लुक है हमारा इरादा नहीं है कि हम पास्ट (भूतकाल) को रोक अप (छानबीन) करें। मेरा ताल्लुक सिर्फ उसी चीज से है जब से निकासी जायदाद हुई है और जो चीज कम्पेंसेशन भूल (प्रतिकर संग्रह) में आ सकती है।

Pandit Thakur Das Bhargava: May I put one question? Supposing it is the intention of the hon. Minister; the intention will remain with him. Where is it expressed here?

Every day we hear that a particular thing is not the intention, as if every word of his intention is conveyed to every officer, who is not able to read his mind. What is the difficulty in putting his intention on to writing in the measure before us. Even they can be recovered as long as this continues. I would request him kindly to make an exception if he so desires. What is the good of his telling us: "This is not my intention"? His intention remains with him. I would request him to amend it if he wants to do so, but let him make his intention clear in words.

Mr. Deputy-Speaker: I shall now put amendments 9 and 10 to the vote of the House.

The question is :

Page 4—

omit lines 26 to 33.

The motion was negatived.

Mr. Deputy-Speaker: The question is :

Pages 5 and 5—

omit lines 34 and 35, and 1 and 2 respectively.

The motion was negatived.

Mr. Deputy-Speaker: The question is :

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clauses 13 and 14 were added to the Bill.

Clause 15.— (Provision of Section 18 etc.)

Pandit Thakur Das Bhargava: Sir, I beg to move:

Page 5, line 32—

after "all appeals" insert:

"pending at end".

I gave my reasons yesterday, I do not want to repeat them. If the hon. Minister has not been impressed by those reasons, I do not think he will be impressed by any reasons that I may advance now. I place my amendment for the acceptance of the hon. Minister and the acceptance of the House. So far as my reasons for the same are concerned, I do not want to add anything.

Shri Mehr Chand Khanna: I gave my reply yesterday, Sir.

Mr. Deputy-Speaker: The question is :

Page 5, line 32—

after "all appeals" insert:

"pending at end".

The motion was negatived...

Mr. Deputy-Speaker: The question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Mehr Chand Khanna: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

DISPLACED PERSONS (COMPEN- SATION AND REHABILITATION) AMENDMENT BILL

Mr. Deputy-Speaker: Before we take up the next Bill I want to point out that we have already overdrawn our time by about two hours and fifteen minutes. Now we should make an attempt to see that the Bill is finished by three o'clock when we take up the discussion over the railway disaster.

The Minister of Rehabilitation (Shri Mehr Chand Khanna): Sir, I beg to move:

"That the Bill to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954, be taken into consideration."

I have already explained the reasons for which it was necessary to amend the Administration of Evacuee Property Act, 1950. Some of the amendments in that Act have necessitated consequential amendments to the Displaced Persons (Compensation and Rehabilitation) Act, 1954, also. Firstly, in certain cases evacuee properties, which are restorable under provisions of Administration of Evacuee Property Act, have already been acquired and allotted to displaced persons. In some cases, it may not be expedient or practicable to restore the whole or any part of such original property. Therefore, it is necessary that some provision should be made to