

**Enacting Formula**

*Amendment made:* Page 1, line 1—

for "Sixth Year" substitute "Seventh Year".

—[Shri J. K Bhonsle]

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

"That the Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

*The Title was added to the Bill.*

**Shri J. K. Bhonsle:** I beg to move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

*The motion was adopted.*

**ADMINISTRATION OF EVACUEE  
PROPERTY (AMENDMENT) BILL**

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

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

The evacuee property law is an abnormal law. Its introduction became necessary on account of the extraordinary situation created as a result of the Partition. We have been anxious that this law should cease to operate as early as possible. We have taken a number of steps in this direction. In 1953, the provisions relating to intending evacuees were

repealed and the procedure for confirmation of sales under section 40 was simplified. In May 1954, several important provisions of the evacuee law were relaxed in the interests of our Muslim nationals. The law itself was abrogated by enacting the necessary legislation, in October, 1954. No person can be declared as evacuee for any action of his after the abrogation of this law, and over two years have elapsed since.

The Ministry was, however, not content even after taking the above step. It was conscious of the fact that as long as the proceedings instituted under the evacuee laws were pending at various levels in the Custodian's organisation, the evacuee parties would remain in a state of uncertainty and suspense as to the outcome. To remove this sense of uncertainty, it was decided that the pending proceedings should be brought to an end with the minimum delay. Early termination of all judicial proceedings would also enable utilisation of these properties which are finally declared as evacuee for the payment of compensation to displaced persons. We have accordingly been keeping a close and continuous watch over the pace of disposal of these proceedings and have repeatedly urged on all officers of the Custodian's organisation to dispose of pending cases with a sense of urgency. They have also been instructed to take a broad and humanitarian view in deciding the case and not to be too narrow or legalistic. Satisfactory results have been achieved and the number of pending cases have been brought down from 90,000 in May, 1955 to about 25,000 at the end of September, 1956.

On a recent review of the working of the evacuee property law, we felt that the time had come when some of its provisions should be relaxed further. After considering the representations made on behalf of some Muslim organisations, certain

important decisions were taken to this end, and instructions issued to the Custodian in July, 1956. To give statutory effect to these instructions, and treating the matter as one of great urgency, Government promulgated the Evacuee Property (Amendment) Ordinance on the 22nd October, 1956. The present Bill is intended to replace the Ordinance.

An important provision of this Bill relates to the restoration of properties under section 16 of the Evacuee Property Act. In all, 9,000 applications for restoration have been received. In order to expedite their disposal, the machinery was overhauled and three Special Officers of the rank of District Judges have been appointed in the Ministry to deal with them quickly.

Over 5,000 applications have already been disposed of, and restoration of property worth Rs. 164 lakhs has been ordered. The remaining applications are expected to be cleared within the course of the next two months.

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Hitherto the procedure has been that after the restoration certificate is granted, the grantee has to make a further application to the Custodian and the latter restores the property only on being satisfied as to the applicant's title to the property. This procedure was cumbersome and resulted in delays, as enquiries had to be made by the Custodian at two stages. Now, according to clause 6 of the Bill, a separate application after the certificate has been granted to the applicant will no longer be necessary. This will expedite physical restoration of the property.

The figures regarding restoration which I have just quoted do not include nearly 20,000 families of Meos to whom nearly two lakh acres of agricultural land were restored in Bharatpur and Alwar districts. In cases where they were given their original holding, we are issuing a general notification under the Evacuee Property Act exempting them

from the operation of the Evacuee Property law. In some cases, alternative lands were given because the lands owned originally had been allotted to others and were being cultivated by the allottees. The person entitled to the restoration of such properties will, under the provisions of the Displaced Persons (Compensation and Rehabilitation) Amendment Bill, which is before the House for consideration separately, be given alternative lands or cash compensation in lieu. These persons in whose favour restoration is ordered would, therefore, be assured of getting back their original property or other property or cash compensation in lieu.

We also propose to make some changes through this Bill, in regard to the powers of the Custodians and the Custodian-General, in respect of revisions and reviews so as to curtail the procedure and cause the least inconvenience to the affected parties and at the same time, ensure full justice to all concerned. The powers of revision of the Custodians, and the Custodian-General's powers of reviewing cases is being withdrawn. Ordinarily, now there will be only one appeal. Where the value of the property is up to Rs. 2,000 the appeal would lie to the Custodian. In the case of bigger properties, and where a point of law is involved in an appeal decided by the Custodian, the appeal will lie to the highest tribunal in the Custodian's organisation, i. e., to the Custodian-General.

In the interest of our Muslim brethren, we have also given thought to the provisions of the Evacuee Interests Separation Act in which the nationals of India are involved as non-evacuees having an interest in evacuee properties. They are equally anxious that there should be clear demarcation of their interests from those of the evacuees. There were over 70,000 cases pending for disposal in May, 1955 and fresh claims were still being received. The number of pending cases has now been brought down to about 55,000 but this number is still very large and further efforts to expedite disposal are being made. We

[Shri Mehr Chand Khanna]

have recently simplified the procedure considerably and are considering whether changes in the law need to be made.

To the same end, we have decided that fresh notices under section 8(4) of the Evacuee Property Act should not be issued. This implies that persons who are in unauthorised possession of properties which had automatically vested in the Custodian will not be called upon to surrender possession. This will benefit thousands of occupants of agricultural lands in U. P. and Rajasthan, many of whom are Muslims.

In the matter of the restoration of mosques, the Ministry has been fairly active also. A number of mosques in Bharatpur and Alwar and in various towns of Punjab have been restored. Government felt that in a matter of this kind it would not be desirable to wait for reciprocal action by Pakistan in so far as the temples and gurdwaras in Pakistan are concerned. We have, therefore, gone ahead on our own. Further, in the amending Bill, it has been provided that properties which had vested in the Custodian and which were in trust for a public purpose of a religious or charitable nature, should be returned after appointing new trustees for them. Under the existing provisions of the Evacuee Property law, the appointment of fresh trustees could only be made by civil courts. They will now be appointed by the Central Government and this would considerably quicken the process of the appointment of new trustees and the restoration to them of the properties vesting in the Custodian.

Government is anxious to ensure that the operation of Evacuee Property laws should not lead to a sense of insecurity amongst the minority community and that they should continue to live in the country peacefully and enjoy full right in their properties. From what I have stated, it will be clear that everything possible has been done to achieve this object.

In Pakistan, however, the treatment of the Hindus is entirely different. The Prime Minister of Pakistan suggested to our Prime Minister in 1953 when he visited Karachi that the operation of the Evacuee Property law should be suspended. We did this over two years ago. The least that any right-thinking person would have expected was that Pakistan, who had originated the idea would have taken the lead in this matter or would have at least abrogated their evacuee property law at the same time as we did in 1954. Years, however, passed and nothing happened in spite of my personal discussions with the Pakistan Ministers at Karachi and repeated communications to them. A few days ago I saw a brief press report that the Pakistan Government have now decided that no property or person should be declared as evacuee from 1st January, 1957. The reluctance of Pakistan to take such a step for all these years is surprising specially because practically all the Hindus and Sikhs from Punjab, Bahawalpur, N. W. F. P. and Baluchistan had come away to India immediately after partition and their properties declared as evacuee. Only a small number of Hindus had remained behind in Sind, after a large majority from that State also had come over to India in the early years of partition. I am glad, however, that the decision has been taken at last and I earnestly hope that the Custodians in Pakistan do not deprive the few remaining Hindu and Sikh property owners of their properties before the 1st January, 1957.

I would like to take this opportunity to mention one or two other matters which would reveal Pakistan's attitude on problems concerning the vast multitudes of unfortunate persons who suffered losses owing to partition. Several months ago the Secretary of the Pakistan Ministry of Refugees suggested that our Government should co-operate and provide facilities for the verification and assessment of the claims submitted by the refugees to the Pakistan Government.

We welcomed this step and assured Pakistan that we would be happy to co-operate. We suggested that the details may be discussed and settled between representatives of the two countries. It is our earnest desire to do whatever may be possible to mitigate the suffering of the displaced persons and we are at all times willing to discuss matters and arrive at a mutually satisfactory solution of the immovable property and any other problem concerning their welfare. Although six months have gone by, our offer of co-operation has not been replied to by the Pakistan Government though the suggestion first came from Karachi.

In matters concerning the movable property of refugees, Pakistan's attitude, I regret to say, is equally unhelpful. Agreement covering all kinds of movable property was concluded between the two countries in 1955 after protracted negotiations. That agreement too is not being satisfactorily implemented. A number of statements were due to be exchanged between the two countries as a prelude to the exchange of movables left behind by the displaced persons in the other country. While we have been ready with all our statements according to the time schedule mutually agreed upon, Pakistan keeps on postponing the dates for the exchange. Thousands of displaced persons in both Pakistan and India, who have been hoping to get their postal savings bank accounts, postal certificates, merchandise and valuables left in the lockers, bank accounts and the like are, therefore, feeling frustrated. The Implementation Committee which had been constituted to watch the implementation of the Movable Property Agreement has met only once so far. We proposed to Pakistan that all the pending statements, exchange of which had become due or overdue, should be exchanged at the next meeting of the Implementation Committee. The meeting which representatives of the two Governments had agreed to have on the 17th-18th September, 1956, at Delhi was postponed at the request of Pakistan. Pakistan then suggested

that the meeting should take place at Karachi on 22nd-24th November. This date was readily accepted by the Government of India, though the sending of a delegation to Karachi during the Parliament session would have been inconvenient. Pakistan has, however, once again postponed the meeting and it is not known when it would be ready for it.

Pakistan may not be inclined to do anything to help the lakhs of Hindus and Sikhs who have left Pakistan already or the few that are still living there as Pakistani nationals, but to me it is incomprehensible that it should remain indifferent towards the proper implementation of the Movable Property Agreement which will bring substantial benefit also to the Muslim refugees in Pakistan.

Sir, I do commend the Bill to the House.

**Mr. Deputy-Speaker:** Motion moved:

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

There is an amendment for reference of the Bill to a Select Committee by Pandit Thakur Das Bhargava.

**Pandit Thakur Das Bhargava (Gurgaon):** Sir, these two Bills, the Administration of Evacuee Property (Amendment) Bill and the other one Displaced Persons (Compensation and Rehabilitation) Amendment Bill are very much akin to one another. Section 16 which is sought to be amended in the one is also referred to in the other Bill. Both are alike not only in this provision but there are other provisions also of a like nature in both the Bills. For instance, the provisions relating to the law of limitation and the powers to be granted to executive officers instead of civil courts in so far as certain payments which are due from other people are to be realised. I should think that it would be better if you would allow me to move both the motions for reference to a Select Committee

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together. The personnel of both the committees are the same and the subjects are so inter-mixed that it is most difficult to deal with one Bill irrespective of what is contained in the other. If this procedure is acceptable, I would request you to allow.....

**Mr. Deputy-Speaker:** It would be difficult. Even when a motion has not been made with reference to the other Bill, how can I allow the amendment to be moved?

**Pandit Thakur Das Bhargava:** The difficulty can be obviated. I am proposing the same personnel for both the committees. The subjects are allied. If hon. Minister is agreeable, the difficulty can be obviated. If he is not agreeable, I will move this motion and then move the other one when the time comes.

**Mr. Deputy-Speaker:** We may have the same personnel for the second Committee also but the motion should be made separately, a second time. A speech may not be made a second time; it can be avoided. The hon. Member can make a speech now touching both the Bills but the motion would be regarding this Bill. I will permit the hon. Member to refer to both the Bills.

**Pandit Thakur Das Bhargava:** I will accept your advice and make one speech, so far as the common subjects are concerned and will reserve the other speech to the time when the next Bill comes.

Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of Lala Achint Ram, Shri C. P. Gidwani, Shri N. C. Chatterjee, Shri Mehr Chand Khanna, Shrimati Renu Chakravartty, Shri U. M. Trivedi, Babu Ramnarayan Singh, Shri D. C. Sharma, Sardar Iqbal Singh, Shri Basanta Kumar Das, Dr. Ram Subhag Singh, Shri M. L. Agrawal, Shri Hem Raj, Sardar T. S. Akarpuri, Shri B. P. Jhunjhunwala, Shri Ranjit Singh, Shri N. C. Kasliwal, Shri Krishnacharya Joshi, Shri J. K. Bhonsle,

Shri Bahadur Singh and the Mover with instructions to report by the 1st December, 1956."

We have heard the speech of the hon. Minister and have come to know as to how things are moving in the two States, Pakistan and ours. I join the hon. Minister in whole-heartedly condemning the attitude of Pakistan in this matter. Our Minister went to Pakistan and then arrived at an agreement with the Pakistani authorities so far as the movables are concerned. To us, it is very sorry to note that, as a matter of fact, even that agreement is not being implemented. We know that not even one-thousandth part of the movables which belong to the people of this country is going to be recovered nor are the refugees going to be paid anything by way of compensation in respect of the movables. We know that all the shops in Lahore and other big towns were full of goods and not a pie is being paid by Pakistan to India. But, all the same, in a limited sphere, the two Governments arrived at a compromise. Even that compromise is not being followed. The savings, the bank accounts and the merchandise and all these things which the Government took from the refugees and probable refugees are not being compensated for or given in exchange as agreed. Not only this. If you look at the evacuee law, there is a world of difference between our evacuee law and the evacuee law of Pakistan. We know how the Pakistan Government linked their evacuee law with rehabilitation. To start with, they made a rule that for the purposes of rehabilitation of refugees there, the properties of the Hindus and Sikhs which were left there could be taken possession of and utilised. This was the thin end of the wedge and they struck off the agreement entered into between ourselves and them. They have taken possession of whatever evacuee property was remaining in Pakistan and then a few months back, we heard that in certain places in Sind, the Hindus were again squeezed out and their properties were taken

possession. I am very much afraid that there is no property left so far as Hindus and Sikhs are concerned. But that is by the way.

So far as our people and our Government are concerned, we are quite sure in our minds of what we do. We do not want to distinguish between the nationals of this country. We have offered all the facilities available to the citizens of this country to the minority communities. Whatever might have been left in 1954, this has been agreed to practically by the abrogation of the evacuee property law. All the same, I expected that the hon. Minister would give us certain figures regarding certain happenings: how much property was sold in these two years, 1954-56; how much out of these sale proceeds was taken away to Pakistan? He may remember that on 25th September, 1954, when the House was discussing this measure, many fears were expressed that perhaps property worth to the tune of Rs. 50 crores would be taken away. That might have been a conjecture. However, it would have been very good if he had given us figures as to how much had been sold and how much of it was taken away to Pakistan. If the fears were unfounded, then it is good. If they were well-founded, then we made a mistake. In enacting that measure, whatever may be the results, we are not sorry for it now.

**Shri Mehr Chand Khanna:** Am I to understand that he is trying to find out from me the property sold in India by the Muslim nationals after the abrogation of the Evacuee Property Act in 1954?

**Fandit Thakur Das Bhargava:** And also how much of the money was taken away to Pakistan.

The hon. Minister might remember that we were told that all the loopholes would be closed and all the avenues would be plugged so that the capital would not fly away from India to Pakistan. A perusal of the proceedings dated the 25th September 1954 would make him understand the full

implications of what I am asking him today while he does not seem to understand. I said then and I say now that I am in favour of taking away all the inhibitions and obstacles from which my Muslim friends are suffering because of some restrictive provisions. At the same time I have said that so far as the Indian economy is concerned, it should not be disturbed. It was not I alone who said that. Many hon. Members expressed this fear and we were all very insistent that steps should be taken in this regard. That is why I expected from the hon. Minister the figures.

Kindly look to clause 16 of the old Bill. The history of this clause is known to many hon. Members. We know the Chatriwala case and many other cases and how these happened and how the Government was accused and how the Government defended itself. There was something like a clash between the powers of the Custodian General and the Government. Matters came to a head in 1954 and then we changed it. Many fears were expressed and when questions were asked at that time, the hon. Minister gave us certain assurances. On page 3283 of the proceedings of 25th November, 1954, some questions and the answers are given; they are in these words:

The hon. Minister, Shri A. P. Jain said:

"I want to make it clear that section 16 does not give any power of entertaining appeals from the judgments of the Custodian General. Hon. Members may, I think with profit, read the provisions of rule 15(B) of the rules framed under the Administration of Evacuee Property Act....

**Shri N. C. Chatterjee:** The new rules?

**Shri A. P. Jain:** Yes... which lay down the conditions under which property can be restored under section 16. I shall refer to the main provisions.

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It includes firstly persons who have never gone to Pakistan. Secondly, persons who on or after 1st March, 1947, migrated from India to Pakistan, but returned to India before 18th July 1948 and have settled then. Thirdly, persons who left for Pakistan before 15th October 1952, on a temporary visit taking with them no objection certificate and returned under such and such conditions are also included.....

The Meos of Alwar and Bharatpur....."

Then, again, at a further stage, Shri Chatterjee asked him a particular question in the course of the debate.

He said:

"I take it that the hon. Minister's view is—and that is the way he is going to administer the Act—that none of these applications will be allowed unless they conform to the provisions of section 15(d) (ii)."

The hon. Minister replied as the debate proceeded:

"Yes. That is what I am saying.

Shri N. C. Chatterjee: Unless they come within one of the conditions.

Shri A. P. Jain: That is the rule."

At that time we were assured that so far as the application of section 16 was concerned, it would have reference to these persons alone. Even there, a certificate had to be taken. Ultimately, there were two enquiries—the first enquiry and the second enquiry and after that, if the Custodian General found that a person was entitled to the property, then alone the property could be restored. In this amending Bill, the only changes made are these: two enquiries have been done away with. So far so good. I do not object. If there are two enquiries by the same people, who, I

think, are very just and will not go out of their way to show favouritism to this or that party, one enquiry is more than enough. At the same time, the procedure is to a certain extent simplified and it will make for expedition, which is to the interest of both parties. The position under section 16 today is this. It is just like the tick-ticky of Warren Hastings. If you beat one person and he wants to escape, the other person is beaten automatically. If you just take away some junk out of this pool, it is the refugees who suffer. If you do not allow the proper and right persons to have it—the owners—then, my other friends are affected. Therefore, I submitted then—I submit now—that I wanted a balance to be kept; it should be even and no favour should be shown to either party. We must do nothing but what is just. Now, I am astounded to find in the sister Bill that everything has been abrogated. The Government is assuming to itself powers which are unheard of, which are arbitrary and which we can never give to the Government as long as we have got heads over our shoulders.

I am referring to clause 6 of the Displaced Persons (Compensation and Rehabilitation) Amendment Bill, which seeks to insert a new section 20A. It reads in this way:

"Where any evacuee or his heir has made an application under section 16 of the Administration of Evacuee Property Act, 1950 (hereinafter in this section referred to as the Evacuee Property Act), and the Central Government is of opinion that it is not expedient or practicable to restore the whole or any part of such property to the applicant by reason of the property or part thereof being in occupation of a displaced person or otherwise, then....."

That is not the only condition. "If the property or a part thereof is in occupation of refugees or displaced persons" is not the only one reason. It may be "otherwise" also. That

means all the possible reasons under the Heaven exist and numerous ways are open to the Government to take this action. Then what happens? It is said here:

"notwithstanding anything contained in the Evacuee Property Act and this Act, it shall be lawful for the Central Government..."

to transfer equivalent property or to transfer cash as it considers fit and just.

You will kindly see that in the Explanation also the certificate has been done away with. Even there I have not got much of objection. My objection is only this. According to section 16, according to the statement, which I have just read out, of the hon. Minister Shri A. P. Jain and according to the words which have fallen from the hon. Minister Shri Mehr Chand Khanna, it is only in proper cases, when the persons are really entitled, that the properties can be given. Yet, the Government takes powers, such powers as would entitle the Government to give away property to whomsoever it pleases without any sort of investigation, without any sort of enquiry.

**Shri Mehr Chand Khanna:** From where do you draw that conclusion?

**Pandit Thakur Das Bhargava:** The words are these: "notwithstanding anything contained in the Evacuee Property Act and this Act, it shall be lawful for the Central Government". I know it cannot be in your imagination, you cannot even think of it that the Government will give away property to any person without any enquiry. But the words are capable of this, and that is what I am objecting to. I would request you, Sir, to read the words contained here. It is like this:

"If a person makes an application".

The person concerned has only to make an application and if the Government says that the property is in

the possession of refugees or otherwise, then it shall be given, only for the making of an application and without going into the matter. The law provides under section 16 of the Evacuee Property Act that a certificate shall be given, somebody must go into the merits of the case, somebody must find out whether the person concerned has title to the property, somebody must find out whether it is fair and just to do so and whether the person concerned answers to the description which I have read out from Rule 15(ii). All those things are being taken away and bare power, autocratic power, absolute power, unrestrained power is being given to the Government to do as it pleases as soon as this Bill becomes an Act. I do not think the hon. Minister has gone through these provisions at all or the provisions have been carefully gone into by the Government.

I would rather like that section 16, which makes it obligatory upon the Government to enquire into the matter whether a person making an application has got title to the property, is retained. At the same time, those persons who come under section 15(d)(ii), as I have read out from the speech of Shri A. P. Jain, should alone be entitled to make applications. If the applications are fair and just, they should be accepted, otherwise not. If section 16 is abrogated it would mean, all that we have been fighting for, all that the Government has been saying, are all forgotten and unrestrained power is taken by the Government to do as it pleases. I do not think any hon. Minister will behave in this manner, without seeing the title give away the property to any person. But, at the same time, I am loath to pass a provision like this and give such powers to the Government. Therefore, under those circumstances, I want that this Bill should be referred to a Select Committee.

This is only one example to show why I want that this Bill should be referred to a Select Committee. I do not want to say a word so far as the

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prestige of this House is concerned, but you know, Sir, that it is in a Select Committee where every question of importance is thrashed out. When a smaller committee meets everything can be fully gone into and scrutinised.

I will refer to one or two other points. I am very happy that the hon. Minister is smiling. I hope he is satisfied and he will say that he does not want to have these powers.

**Shri Mehr Chand Khanna:** I will give the explanation, Sir.

**Pandit Thakur Das Bhargava:** I know you have got the explanation. It is not that I do not know the explanation myself. The only point is whether these words are capable of this or not.

**Mr. Deputy-Speaker:** Should not the hon. Member wait till the reply is given?

**Pandit Thakur Das Bhargava:** So far as the wording here is concerned, I claim that only a person has to make an application and the Government has to certify. They can exercise these powers without going into the matter. Section 16 of the Evacuee Property Act and other provisions stand practically repealed.

Now I will refer to another problem. You will be pleased to see, Sir, in this Administration of Evacuee Property (Amendment) Bill, there is a provision in clause 12(3), which says:

"For the purposes of this section, a sum shall be deemed to be payable to the Custodian, notwithstanding that its recovery is barred by the Indian Limitation Act, 1908, or any other law for the time being in force relating to limitation of actions."

In a similar provision in clause 7 of the sister Bill relating to section 21 it is said:

"For the purposes of this section, a sum shall be deemed to be payable to the Custodian, notwithstanding that its recovery is barred by the Indian Limitation Act, 1908, or any other law for the time being in force, relating to limitation of actions."

In both these cases the Limitation Law is sought to be liquidated. I will comment upon it subsequently. Similarly, you will be pleased to see part (2) of clause 7 of the sister Bill relating to section 21 which gives the power, which up to this time was being exercised by courts, to executive officers. Again, in clause 12 the same provision appears as 42(2).

In both these cases, my humble submission is, the moot point is whether the law of Limitation should not be allowed to have its play. This is not a question which can be debated by making a speech here or a speech there. This is a question of principle. Such a Bill which involves consideration of such complex questions must go to a Select Committee. They must say whether the law of Limitation should be allowed to prevail, whether the powers of courts should be usurped etc. So far the civil courts have been exercising these powers. Now those powers are sought to be taken away from civil courts and given to executive officers. A Bill of such a complicated nature should be referred to a Select Committee and should not be decided in an hour or two.

Apart from this, there are many other questions of a very grave nature. I am referring to clause 5 of the Administration of Evacuee Property (Amendment) Bill. There, as the hon. Minister has been pleased to point out, the question of trustees arises. In those properties of public interest and those of public charities or religious or charitable nature—it does not refer only to mosques and temples but other properties just like Qadiani properties, schools halls and

other properties left by Pakistanis—trusts were created. In many of them, I should say, there were no trustees at all. For instance, in an old mosque, an old hall or an old place which has been used for hundred, fifty or twenty-five years before this, no trustees were at all there. No question of trustees arose. There are places in Punjab and elsewhere where there is not a single Muslim in the whole of the town. We do not want to desecrate any particular property. I am one with the hon. Minister and the Government that such properties—mosques and other places—are to be treated with all respect. If our Muslim friends cannot utilise them, let them make over those properties to trustees newly appointed or, let there be joint trustees for those properties so that the whole thing can be managed in the national interest.

I know that usually in every mosque there was a place for a school. In my own place, there are two mosques with schools. What is the use of leaving those buildings unutilised and unlooked after? It is not a question of Hindus and Muslims at all. It is a question of utilising the property for a public or national purpose. I would like to see that all those places are utilised. Of course, they should not be desecrated but should be treated with all respect in the way in which we respect our religious institutions. But, at the same time, I want that these buildings may be utilised. You may put trustees. I am loath to think that the Qadiani property will be managed by somebody in Lahore. They are not to be utilised here. They ought to be utilised in a proper manner.

Similarly, in other places, there are schools connected with mosques and the schools were being run when Muslims were here. So, there is no harm in our friends here using those buildings for the purpose of schools. How much property did we lose in Pakistan? I have been informed that

Rs. 3 crores worth of property by way of these trusts were left there including Gurdwaras and temples and other kinds of property. That is another part of the case and I will come to it later when I deal with the other Bill.

It is clear to my mind that so far as the new trustees are concerned, it is right that the hon. Minister has taken the power of the civil court for himself, because under section 92, it would take a long time and much expenditure. I think it is better done by the hon. Minister himself. But I am anxious that so far as these words are concerned,—“in the place of the evacuee trustees”—the matter has to be gone into. With these words on the statute-book, I do not think the law will be effective. I am, therefore, desirous that the whole matter has to be gone into by the Select Committee so that it could be fully thrashed out.

In regard to appeals, so far as the powers of revision are concerned, it is good if they are taken away, because, the work now is not so much as before and it is unlikely that any person will take advantage of them, especially in view of the hon. Minister's assurance that narrow and legalistic views are not being taken now and that the custodians have been authorised to deal leniently. He says that as a consequence, a sum of Rs. 1,64,00,000 has been already restored. I think more property is likely to be restored if the cases are taken up leniently or in a extra considerate manner. But then, so far as I am concerned, leniency and extra considerateness in matters like this are not fair and just. To my mind, justice is the only thing that ought to be done. It is entirely wrong if the Government, without going into merits make over their responsibility to others, and endorse leniency concession and extra considerateness. I am rather intrigued to hear that because of leniency and considerateness, they did this and they did that and they did so because of representations received by them as a matter of grace. Putting of such

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pressure is reprehensible. It was done before and it is being done now, to my mind this is evil unmarked. But, then, in the other community also, there are good number of men who like justice more than leniency, who would like fairness to be shown and not leniency and considerateness in this matter.

**Shri Mehr Chand Khanna:** Are you referring to section 16?

**Pandit Thakur Das Bhargava:** I am referring to your remarks and the general way of doing things. 90,000 applications were there, and now, they have been brought down to 25,000. I am dealing with those cases in which Rs. 1,64,00,000 has been given away.

I am submitting that so far as this provision is concerned, the manner in which the hon. Minister has dealt with it, is, to my mind, not fair and just. I would like Shri Khanna to be sympathetic, but sympathy is quite different from coming and saying to me that orders are being passed so that the property may be restored. It gives the impression that properties are to be restored without going strictly into the question. I do not like that idea. I am honest enough to say that.

**Mr. Deputy-Speaker:** Have the other figures also been supplied? What was the value of the property that was not restored?

**Pandit Thakur Das Bhargava:** No figure has been given. I would rather like to know how many out of these 90,000 applications have been accepted and how many have been rejected. What property was claimed and what was given? If they had been supplied, that would have been still better.

**Shri Mehr Chand Khanna:** The figure of 30,000 is rather misleading. As I said in my speech in May, 1955, if I remember aright, the number of cases pending under section 16 was 9,000. That figure has now been brought to about 4,000. We have disposed of 5,000 cases within the last year and a half. I was quoting the May, 1955 figures, and I had also

stated in my speech that with a view to examine those cases, I had appointed three officers of the rank of District and Sessions Judge who are working in my Ministry. So, the figure is not 30,000. The total figure was 9,000. 5,000 cases have been disposed of and we still have about 4,000 cases pending with us. The period in relation to these figures is September, 1956. Our average output is about 5,000 applications a month.

**Pandit Thakur Das Bhargava:** So, I understand that out of the applications under section 16, only 4,000 remain to be disposed of.

**Shri Mehr Chand Khanna:** 4,000 remain still to be handled. That was in September, 1956, about two months ago.

**Mr. Deputy-Speaker:** The remaining figure, out of the 90,000, namely, 25,000 related to the cases that were pending before the custodians.

**Shri Mehr Chand Khanna:** They were judicial cases.

**Pandit Thakur Das Bhargava:** They were before the custodians, and then, after the certificate was given, they were investigated by the custodians. I understand that is the position. But I have not been able to understand the position of 90,000 and 25,000. How does my friend say that only 4,000 remain to be disposed of? I have not understood that.

**Mr. Deputy-Speaker:** Out of the 90,000, 25,000 remain still to be adjudicated upon by the Custodian-General's department. Out of the 9,000 in which certificates were issued under section 16,.....

**Shri Mehr Chand Khanna:** Not that. Under section 16, we received 9,000 applications. We had 90,000 cases in all. About 25,000 still remain to be disposed of. In the cases that have been adjudicated, only 9,000 applications under section 16 were received. They were received in our Ministry. Out of these cases, we have disposed of about 5,000 cases.

It might perhaps throw a little more light if I were to give the House some more figures. Out of all these 5,000 cases which I have just stated, in 3,176 cases applications under section 16 have been rejected. Only in 1,799 cases applications have been accepted.

**Pandit Thakur Das Bhargava:** I was speaking about the appeals. As the House knows, the general rule of jurisprudence is that an appeal is a question of procedure. An appeal is not a substantive right. It is only a conferment by statute. It is a question of procedure. So, when we speak of procedure, the general rule is that as soon as you pass a law relating to procedure, it begins to apply at once.

Clause 15 of the Bill runs as follows:

"15. The provisions of sub-section (1) of section 24 of the principal Act, as substituted by section 7 of this Act, shall apply to all appeals instituted after the commencement of this Act."

This is in consonance with the legal principle that the procedure of appeal shall apply at once. If there is any justification for changing this rule, there is all the greater justification for applying it to all the pending appeals also. The change is, if the value is more than Rs. 2,000, the appeal goes to the Custodian-General; otherwise, it goes to the Custodian. A second appeal is also provided here. Nothing will be lost if it applies to the cases which are pending.

I want to submit that in clause 4 there is a recommendation which says that clauses (f), (g) and (h) should be omitted from section 10(2). My humble submission is that since so many cases yet remain to be disposed of, it will be necessary to have recourse to these three provisions (f), (g) and (h) for the purpose of the enquiry. I appreciate that so far as the abrogation of other sub-sections are concerned, the powers may be taken away, but I am afraid that clauses (f), (g) and (h) may be necessary for the purpose of a proper investigation of the pending cases. So, in my opinion, the powers contained in these clauses should not be taken away if

we want that a proper disposal of the pending cases should be made.

I have already made my remarks about clause 16. In regard to clause 12, which relates to section 48—in the other Bill, it is clause 21—my submission is that it is entirely wrong to take away the law of limitation. If you go to the fundamental principles of the law of limitation, you will find that the limitation is there because of human limitations. In many rulings of the High Courts, they have said that it is a substantive right that once the limitation is passed, the other party against whom the limitation has run, secures a valuable right. That should not be interfered with. Therefore, I think that in a matter of this kind, where refugees are concerned, the law of limitation should be allowed to have its course as usual. There is absolutely no reason why you should depart from the fixed principles of law and justice in a matter of this nature. It is not right to take away the provisions of the Limitation Act in regard to these matters. In regard to liability, you know the civil courts are the arbiters of the rights of the people. They are the proper instruments for administering the rights of the people. If you allow the Collector of revenue to act as Judge in a case where a person is liable, you are doing a thing which is unknown to the law of the land; no authority should be a Judge in his own case. We are departing from these basic principles of justice while dealing with these cases. I do not see any justification for it. We are violating the Constitution and making laws which are contrary to the principle of equality before law under Article 14 of the Constitution. I thought the hon. Minister would justify this change, but I am sorry I have heard nothing. This can only be determined if we take this to the Select Committee and not otherwise. Sitting here, we will not be able to do justice to all the provisions in this Bill.

My humble submission is, apart from these rules, in every case of this kind, in which even *prima facie* there is no need of its being taken to a

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Select Committee, the rule is that the Bill goes to a Select Committee. I do not see why a departure is being made now in regard to matters which relate to the right of very poor people, the refugees. I would request the hon. Minister kindly to agree to take these two Bills to the Select Committee. In my proposal, I have just mentioned the names of both the Ministers to become members of the Select Committee and to guide the committee. There he can mention all the reasons which justify these provisions. I can assure him that Select Committees of this House will be very helpful. I have got so much experience of them. They will co-operate with the hon. Minister. Let him not think that in the Select Committee he will not be allowed to have his own way. The members will co-operate with him, provided he convinces them of the validity of his arguments.

I find that there is very bad practice growing in this House, namely, even if a comma in the Bill is changed, the Ministers think that a wrong thing has been done. What is the use if reasonable suggestions of hon. Members of the House are not considered? The Bill may be passed without a comma being changed; it does not affect the Members of the House, but it affects those who are dearest to the hon. Minister, those of whom he is the guardian. Why should he not agree to the Bill being sent to the Select Committee? Nothing will be lost. After all, I have said that the report shall be made available by the 1st of December. I do not want it to be postponed. There need not be the fear that the Bill may not come up again this session or the next session. We must have a fair, good and just law, by which we may be able to see that justice is done to all the parties concerned.

Apart from these clauses, there are other provisions also in these two Bills which require deep consideration by us. You have been pleased to ask me not to touch the provisions of the

other Bill, unless they are common with this Bill. But I may submit that when we come to that Bill, we will find that there are many provisions in that Bill also which require a thorough thrashing of the matter in the Select Committee. It will not be just to pass that Bill or even this Bill without sending them to a Select Committee. These are two like Bills and the same Select Committee can consider both the Bills.

**Mr. Deputy-Speaker:** What will be the reaction of the hon. Minister to the appeal that has been made by Pandit Thakur Das Bhargava in respect of the motion that he is making so far as reference to the Select Committee is concerned? That position may be made clear. Otherwise, there will be certain difficulties so far as the amendments are concerned. Is the hon. Minister inclined to accept it?

**Shri Mehr Chand Khanna:** I am not inclined.

**Mr. Deputy-Speaker:** What would be the position with regard to the other members whose names appear in the motion? Has their consent been obtained?

**Pandit Thakur Das Bhargava:** I will score out the names of those who are not agreeable to serve on the committee.

**Mr. Deputy-Speaker:** The hon. Minister is not willing. I presume the consent of the other members has been obtained.

**Pandit Thakur Das Bhargava:** The names of the Ministers can be scored out, if they are not willing. Otherwise, it means that no Select Committee can be formed at the instance of the House, if the Minister does not want it. I do not think this is the position. Ordinarily, if requests are made to the hon. Minister, it is unusual for the Minister to be disinclined to accept a certain proposition, because, after all, it is for the benefit of those who are affected by the Bill. The Minister is their best custodian.

If the Minister is not inclined to agree to my motion, I would beg of you to consider one aspect. As you know, yesterday and day before yesterday were holidays. I have sent about 15 amendments to the other Bill—The Displaced Persons (Compensation and Rehabilitation) Amendment Bill—and about 10 amendments to this Bill at about 11 A.M. today. I am afraid they might be objected to. This is a measure of very great importance and my apology for not giving the amendments earlier is that yesterday and the day before were holidays. If the Bill is not going to be referred to a Select Committee, I would request you kindly to waive the rule about notice and time-limit to give amendments. Otherwise, these Bills will be passed undiscussed and in a manner which is against the intention of the Members, not amended by amendments suggested by hon. Members. I could have given these amendments earlier, but the difficulty, as you know, is this. Usually it happens that the amendments and the Bills are thoroughly studied only when they come up. It is very difficult to study Bills in advance and remember them. I went through all the speeches of the hon. Members which were delivered in 1954 on these two Bills; and, it took hours and hours to go through them and draft my amendments. Then the amendments also cannot be made. I would therefore request you to kindly consider this aspect of the question also.

15 HRS.

**Mr. Deputy-Speaker:** I quite appreciate the difficulties that the hon. Member was suffering under, in not giving the amendments in time, but he is aware, and I am sure, more than anybody else, that normally we waive the notice if amendments are acceptable to the Government. Normally that is the course. He knows it quite well. That is the difficulty before me, which I have to consider. Anyhow, I will give my best consideration to that. Meanwhile, I am placing his amendment before the House.

The amendment that the Bill be referred to a Select Committee, consisting of names have already been read and should I presume that others have given their consent, though the Ministers have not?

**Pandit Thakur Das Bhargava:** The rule is that sometimes express consent is not taken, but it is presumed. If any person is not consenting, then only the question will arise.

**Mr. Deputy-Speaker:** The general rule is that consent should be first obtained. There is nothing like that. I do not think that the consent should be presumed. The rule is clear that the consent should first be obtained. Unless some member included in the list has objection to it, I take it for granted that he has consented. Lala Achint Ram, Shri C. P. Gidwani, Shri Chatterjee are there. I think I should omit the Minister who comes next....

**Shri Mehr Chand Khanna:** Shri Chatterjee is not in the House.

**Pandit Thakur Das Bhargava:** If he does not consent, the Select Committee will do its work without the Ministers but such an attitude will be most unreasonable and I do not think hon. Ministers will not co-operate in this manner.

**Mr. Deputy-Speaker:** If they do not take objection.....

**Pandit Thakur Das Bhargava:** Consent is never taken. According to the wishes of the House, they are to be asked. They will certainly agree if we request them to come and help us in the Committee.

**Mr. Deputy-Speaker:** I do not know what the position would be. It would be a different thing. So far as their inclusion is concerned, unless a member has agreed, how can I include him in the list?

**Pandit Thakur Das Bhargava:** He does not say that he will not act as a Member. As a Minister he is disinclined to accept the motion. He has not taken up that position that as a Member, he will not agree.

**Mr. Deputy-Speaker:** I presume he has no objection to his being included in the list.

**Shri Mehr Chand Khanna:** It is not a live issue.

**Mr. Deputy-Speaker:** Amendment moved:

"That the Bill be referred to a Select Committee consisting of Lala Achint Ram, Shri C. P. Gidwani, Shri N. C. Chatterjee, Shri Mehr Chand Khanna, Shrimati Renu Chakravarty, Shri U. M. Trivedi, Babu Ram narayan Singh, Shri D. C. Sharma, Sardar Iqbal Singh, Shri Basanta Kumar Das, Dr. Ram Subhag Singh, Shri M. L. Agrawal, Shri Hem Raj, Sardar T. S. Akarpuri, Shri B. P. Jhunjhunwala, Shri Ranjit Singh, Shri N. C. Kasliwal, Shri Krishna-charya Joshi, Shri J. K. Bhonsle, Shri Bahadur Singh, and the mover with instructions to report by the 1st December, 1956."

**Shri Barman (North Bengal—Reserved—Sch. Castes):** I wish to speak a few words on this Select Committee motion. This Bill seeks to amend an Act about which only members who were very closely concerned are aware of the particular provisions of the Act and the application of those provisions in the actual field.

I presume that all other members in this House had very little time or interest in studying the provisions of the original Act and also study the actual operation in the field. That being the case, it is very difficult for us to come here and give our considered opinion about certain matters upon which Pandit Thakur Das Bhargava has just spoken. As a general rule, the Limitation Act is a substantive law and is a salutary law according to the general jurisprudence. In the same way the Civil Court is the proper administering authority of any law. There may be circumstances in particular cases, as has been sought to be made in the

provisions of this Bill that the two salutary principles of jurisdiction should be abrogated in a case where an Act like this is considered to be necessary. On the floor of this House, now, it is very difficult for other hon. Members who have not taken an active interest in the matter to judge either way. Of course, it has got to be taken that the Government have brought this Bill after deliberate consideration but still when a senior member like Pandit Thakur Das Bhargava says that the provisions of this Bill may be minutely considered in a Select Committee, I find it very difficult to judge why the hon. Minister is making this objection. He has moved an amendment that the Bill be referred to a Select Committee with instructions to report by the 1st December 1956. I hope, that considering the difficulties of others, the hon. Minister will consent to the Select Committee motion and get it thoroughly discussed with the Select Committee Members, who are directly interested in the provisions of this Bill. I think that we should not object to the Select Committee motion because by supporting him, the members would be benefited by whatever opinion he may feel called upon to express.

**Shri Mohiuddin (Hyderabad City):** Mr. Deputy-Speaker, the hon. Minister has given in his introductory remarks the important events that took place since 1952 regarding the amendments that were made by the Government in the Evacuee Property Act. He has also mentioned that the Pakistan Government is not co-operating nor taking any action regarding the relaxation or abolition of their Evacuee Property Act. I fully agree with him that this action of the Pakistan Government is in-comprehensible and reprehensible. I hope they will also take action very soon and abolish the Act.

The hon. Minister has mentioned that since the 1954 amendment was passed, he had issued general policy instructions that the cases should be

dealt with in a spirit of broad outlook and with greater sympathy. He has also given some figures regarding applications received under section 16 of the Act. He said that he had received 9000 applications out of which 3170 were rejected and 1100 were accepted, in which properties of the value of Rs. 164 lakhs were restored. I was surprised to hear my hon. friend Pandit Thakur Das Bhargava say that the policy adopted by the hon. Minister that the cases should be dealt with in a spirit of broad outlook and a sympathetic manner, is not correct and he insisted that the law should be administered fairly and justly. I may remind the hon. Member who said that the cases should not be dealt with leniently and with a broad outlook, that in this House the Prime Minister had said that this Evacuee Property Act is lawless law. He had repeated that on so many occasions. We should remember that, unfortunately, this Act had come into force under unusual circumstances, and those unusual circumstances had compelled the Government to take some action. The Prime Minister, and, I am sure, the hon. Minister in charge have full sympathy with those who are alleged to have committed an offence against this Act on some technical grounds and whose property has been taken away from them. I am sure that they will see that this blot on the statute-book of India will be removed as early as possible. I am sure that with this amendment that has been brought before the House by the hon. Minister, the remaining cases will be disposed of as early as possible, so that we may completely forget what had happened and in what manner this unlawful Act was placed on the statute-book of India. I may remind the hon. Member Pandit Thakur Das Bhargava that if 1100 and odd cases under section 16 were accepted by the Government.....

**Shri Mehr Chand Khanna:** The correct figures are 1199 as against 3176.

**Shri Mohiuddin:** ...and properties restored, to whom has the property been restored?

**Shri Mehr Chand Khanna:** To the original owner.

**Shri Mohiuddin:** In India; not in Pakistan.

**Pandit Thakur Das Bhargava:** I want that in every case, the property should be restored, if it is just to restore it. Not that I regret that all these properties have been restored. I do not want leniency or unfairness to be shown to anybody.

**Shri Mohiuddin:** Pandit Thakur Das Bhargava wants that this law should be administered strictly. It simply means that it should be administered by the word of the law and not in the actual spirit of it. As regards the actual words, as I said before, this law was enacted in unusual times, at times which were beyond the control of ordinary precepts of law, and as the Prime Minister mentioned, it has been an unlawful law unfortunately enforced for such a long time. What I wanted to remind him was that this property has been restored to Indians on just grounds. It is not restored to Pakistanis: that must be remembered.

Unfortunately, it happened that when the hon. Minister announced that Rs. 164 lakhs worth of property was restored, the immediate reaction in the mind of certain Members was that this property worth Rs. 164 lakhs has been restored to the owners with the result that refugees have been deprived to the extent of Rs. 164 lakhs, otherwise it would have gone to the refugees, although the problem of rehabilitation of refugees is independent. In India at least, it is independent of evacuee property. Whatever the value of evacuee property may be, Government, I am sure, will provide fully for the rehabilitation of the refugees that have unfortunately come into this country. That idea which wrongly arises in the mind of the people creates the impression that restoration of property to the rightful owner deprives someone else of a right which they had in some way in that property. I am sure that the hon. Minister will disabuse those impressions so that there is no such misunderstanding in future.

[Shri Mohiuddin]

Pandit Thakur Das Bhargava had said something about the appointment of trustees by the Government for wakf property or for trust property which has been left in India by those who have migrated to Pakistan. I welcome this provision and I am sure the House will welcome this provision so that wakf property may remain as wakf property, should be in charge of right & proper persons and it should be put to proper use. Pandit Thakur Das Bhargava mentioned that the buildings that were used as schools and madarsas, should be utilised. I have no objection to that. Certainly not. I hope that they will be utilised and the wakf property will be maintained and utilised for the best interests of the people as a whole according to the conditions of Trust.

With these remarks, I support the Bill.

**Shri Mulchand Dube** (Farrukhabad Dist.—North): Mr. Deputy-Speaker, I have got to make only a few remarks in regard to this Bill. The first is about the amendment that is proposed to section 24. Under the law, as it stands, at present cases decided by the Assistant or Deputy Custodians, whatever the value, were appealable to the Custodian. The amendment that is sought to be made will restrict the right of appeal to the Custodian only in respect of amounts or properties of a value not exceeding Rs. 2,000. The result will be that all appeals involving amounts or property of the value exceeding Rs. 2,000 will have to go to the Custodian General. I submit that because of this, great hardship would be caused to persons living in places far away from Delhi and the appellants will have to incur expenses, which, I think, are not justifiable. I hope the hon. Minister will look into this question, and that if he does not want the law to stand as it is at present, he will at least make some arrangement for the hearing of the appeals in the States to which they relate.

There seems also to be a provision by which the application of section

5 of the Limitation Act is sought to be abrogated. In regard to this, too, my submission would be that rule 31 of the rules made under the evacuee property legislation which makes sections 4, 5 and 12 applicable will continue to be applicable and will be applied by the court before which the appeals are pending.

The second point that I wish to raise is that this law is after all a law relating to the administration of evacuee property, that is the property vests with the evacuee, and therefore the Limitation Act, when it is sought to be abrogated, should not be abrogated in respect of the period before which the property was declared to be evacuee property or notified to be evacuee property. Supposing the evacuee himself had lost the right to enforce payment of an arrear or a due before the property was declared evacuee property, there is no point in reviving that right in the Custodian or the Deputy-Custodian or whoever it may be. That is a difficulty which I wish to point out, and I hope the hon. Minister will consider this also.

The third point is about the appointment of trustees. The appointment of Trustees generally rests in the District Judge, and I think the trusts generally involve complicated questions of law in regard to the conditions imposed by the author of the trust upon the trustees. There are sometimes conditions which cannot be ordinarily decided upon by the executive. Although the procedure that is sought to be introduced may be simpler, it may, after all, not be the correct procedure, and I would respectfully submit to the hon. Minister to look into this matter and see that the District Judge or other authority who up till now appoints trustees appoints them hereafter also.

**Shri Gidwani** (Thana): I have no desire to go into the history of this evacuee legislation. I agree with my friend Shri Mohiuddin that it is a lawless law, but on account of extraordinary circumstances it was passed

in this House, owing to circumstances over which we had no control. But I may tell him that it is directly connected with compensation and rehabilitation of displaced persons. I may inform him that when we demanded compensation for our properties left in Pakistan, at the very start we said the Government could impose a liberty tax on India, the Government may have a lottery, may resort to other sources or other levies, but they must pay us compensation. We never demanded that the evacuee law should be introduced or that the property left by Muslims should be given to us. In the beginning Government would not agree to any proposal of that nature. Ultimately, when this compensation Act was passed, they said the evacuee property left by Muslims in India will form the main part of the compensation pool. I may inform him and other Members that today according to the Government plan, Rs. 185 crores form the compensation pool, out of which Rs. 100 crores is the value of property left by Muslims in India. So, the compensation amount that we are going to receive from the Government consists mainly of evacuee property in India. If Government today were to declare that irrespective of the value of the evacuee property they are going to give us compensation, I am sure most of us would not feel agitated or feel concerned about this particular rule or particular law or particular section as Pandit Thakur Das Bhargava is; we are concerned because every section has its bearing on the compensation amount that we are going to receive. It has been roughly calculated that the value of the property left by Muslims in India is about Rs. 100 crores. Now, if the property goes on dwindling, naturally we feel concerned. One may like it or not, but that is the bare fact which must not be ignored while dealing with both these Bills that are pending before us.

I agree with my friend Shri Mohiuddin or any other Member that no rightful owner should be deprived of his property in India. He is

after all an Indian national. If through any mistake he was declared an evacuee, that should be rectified. But I have been constantly all these years in touch with this whole affair and I know there are bogus persons also, people who have no right to the property have claimed the property. The very fact that the Minister told you that out of about 3,000 cases of restoration, 1,000 have been sanctioned and the others rejected, shows that even with the present policy of not being legalistic, being liberal, broadminded and lenient, the Government have themselves found out that there are people who are not rightful claimants. Therefore, where you do not consider the legal aspect of the matter, it is likely there may be some cases also which may not be those of rightful owners. This is our anxiety, and that is why we are concerned. Therefore, when you say that we should deal with this matter in a broadminded way or in a lenient manner, the impression that has been created on our minds is that mostly on account of certain pressure, certain properties may be released not to the rightful owners. It may be right or wrong, but when you depart from the law, the accepted principle of legal jurisprudence or of procedure as defined by law, there are many loopholes. These things I cannot prove, but I know how pressures are brought to bear, how things are done. That is our fear. Poor people may not get that advantage, bigger people who may not be the rightful owners may get the advantage. That is our fear. That is why Pandit Thakur Das Bhargava demanded that the Bill might be sent to the Select Committee, so that all these loopholes might be plugged.

Shri Mehr Chand Khanna in his statement said that some unauthorised occupants also have been allotted the property they were occupying and they will not be ejected now. You can understand who those unauthorised persons were. They were certainly not the rightful owners. They are unauthorised occupants and their unauthorised occupation is

[Shri Gidwani]

also legalised, they will not be debarred—whether they are Muslims or Hindus is not the question. Suppose I lost my property and I am going to get that property. Today I find that property is being given to a person who has no title to it. That is why some of these provisions do require some change, at least some consideration, and that is why Pandit Thakur Das Bhargava dealt elaborately with every clause in the Bill and wanted that some opportunity should be given so that we may sit together.

We are all unanimous that this unhappy chapter should end, that this evacuee law should go, that all these pending cases should be disposed of as early as possible, that this whole paraphernalia of this evacuee property administration, the staff which is being maintained, all this should go, and the whole thing should be cleared up as early as possible. But before we do so we should see that no person who is not the legal owner gets undue advantage of it. To that extent, the Displaced Persons' Pool will be affected. That is the whole point.

Then, I come to the other aspect of the question. So many cases have been pending. I had raised this matter before also in the Lok Sabha and put a certain number of questions. I was told that efforts are being made to dispose of those cases. I do not know how many cases are still pending. Now, many cases are going to the Custodian General. From what little I know of that Department or from whatever I have heard of the working of that Department, I feel that unless younger people, people with energy and who can do some work are entrusted with the task, there will be more of delay in the disposal and it will not be as quick as it is anticipated.

I would again appeal to Shri Mehr Chand Khanna that there is nothing

lost if a Select Committee is appointed. Even Shri Mohiuddin can be put on that committee so that we can sit together and do something which will be acceptable to all and see that nothing is done which jeopardises the legitimate interests of displaced persons and no rightful claimant is debarred or deprived of his rights.

शाला अचित राम (हिसार): उपाध्यक्ष महोदय, यह जो आप के सामने भ्रमोंडिग बिल (संशोधनकारी विधेयक) लाया गया है उस की बड़ी गरज व मकसद यह मालूम होता है कि रिफ्यूजीज को जल्दी से जल्दी कम्पेंसेशन (क्षतिपूर्ति) दिया जाय। मामला जल्दी तय हो। लेकिन इस के लिये पंडित ठाकुर दास जी ने सेलेक्ट कमेटी का प्रपोजल दिया है। मैं समझता हूँ कि इस प्रपोजल की हिमायत हमारे और दोस्तों ने भी की है। मेरा ख्याल है कि खास तौर पर जब कि इस में सिर्फ दो दिन की ही मोहलत मांगी गई है, पहली दिसम्बर को कमेटी की रिपोर्ट हो जायेगी, तो ऐसी कौन सी मुश्किल बात है। अगर हम खसा साहब से यह कहें कि ५० करोड़ रुपये दिलाइये और यह कहें कि उन के बस की बात नहीं है, तो बात दूसरी है। लेकिन दो दिन की मोहलत देना कोई ऐसी बात नहीं है जो कि उन के बस की न हो। यह कोई ऐसी बात नहीं है जिस में प्रधान मंत्री या गवर्नमेंट को बैठ कर फँसला करना हो।

आज सेलेक्ट कमेटी की जरूरत किस वास्ते है? आज यह भ्रमोंडिग बिल लाया जाता है कि रिफ्यूजीज (पुनः बालू करना) बन्द की जाये, रिबीजन (प्रतिवाद) बन्द किया जाये। यह जो भ्रमोंडिग लाया जा रहा है, यह इस गरज से कि गलत पेमेंट (भुगतान) न हो। हो सकता है कि लीगल डिपार्टमेंट (विधि विभाग) ने कोई गलती की हो। या हो सकता है कि हम से ही कोई गलती हुई हो। अगर उन गलतियों को ठीक करने के लिये दो दिन आप दे देते हैं तो कौन सी

भारी बात है ? इस वास्ते मैं हाउस और मिनिस्टर साहब से यह द'स्बास्त कर्कंगा कि वह इस डिमांड को मानें ले । He will not be a loser; he will be a gainer. (वह घाटे में न रहेंगे, वह लाभ में रहेंगे) बैठ कर बात चीत करने और कोई बातें रह गई हों तो उनको बेहतर बनाने के लिये यह दो दिन का वकत बढ़ रहा है । उस के बाद इस की जरूरत नहीं पड़ेगी । इस में कोई बुरी बात नहीं है ।

इस के बाद मैं एक, दो बातें और भर्ज करना चाहता हूं । एक मेरा पसनल एक्स-पीरिएंस (व्यक्तिगत अनुभव) है, मुझे सेपेरेशन भ्राफ इवैक्वी प्रापर्टी (निष्क्राम्य सम्पत्ति को भ्रगल करना) के बारे में मालूम है, उस से मेरा वास्ता पड़ चुका है । एक वर्ष हो गया, तो वर्ष हो गये, तीन चार वर्ष हो गये, कैसेज पेंडिंग (मामले लंबित) पड़े हुये हैं । आखिर कोई लिमिट (सीमा) भी तो होनी चाहिये कि सेपेरेशन के ऊपर इतने दिव लगने चाहिए, कुछ मालूम तो हो कि इस पर तीन, चार या छः महीने लगेँगे । मैं कहूंगा कि इस तरफ तबज्जह दी जाय कि पेमेंट (भुगतान) जल्दी हो ।

खन्ना साहब यहां थे नहीं, अब तशरीफ लाये हैं, मैं बता दू कि मैं ने कहा था कि जो सेलेक्ट कमेटी की मांग की गई है, वह कोई बड़ी भारी बात नहीं है, अगर उस को भ्राप दे देंगे तो कोई हर्ज नहीं होगा । ऐसी बात कोई नहीं है कि इस में करोड़ों रुपये खर्च हो जायेंगे, न इस में कोई इज्जत का ही सवाल है । अगर सरकार इसको मान लेगी तो इस में उस की कोई हतक नहीं हो जायगी । भ्राप को फायदा ही होगा । फिर कोई महीने दो महीने तो बढ़ नहीं रहे हैं, सिर्फ दो दिन के लिये तारीख बढ़ रही है ।

दूसरी बात मैं ने यह कही कि जो सेपेरेशन भ्राफ इवैक्वी प्रापर्टी का सवाल है उसमें मेरा जाती तजुर्बा है कि वह भ्रिसे-

सरीली (भनावश्यक) लम्बा हो जाता है । तारीख पर तारीख पड़ती है और उस से रिफ्यूजीज को भी नुकसान होता है और पार्टी कंसन्ड (सम्बन्धित दल) को भी, उन का खर्च हो रहा है ।

दूसरी बात यह है कि दूसरा बिल जो भ्रा रहा है उस में जो प्राविजन (उपबन्ध) किया गया है वह उस प्रापर्टी (सम्पत्ति) के बारे में है जो कि रेस्टारेबल (दिलायी जा सकती) हैं और ऐलाट हो गई हैं । उन के लिये कोशिश की गई है कि कैश कम्पेन्सेशन (नकद क्षतिपूर्ति) मिल सके । इस चीज को ले कर जरा मुश्किल हो रही थी, लेकिन खुशी की बात है कि सरकार इस चीज को ले आई । मैं कहता हूं कि पंजाब के अन्दर ऐसी प्रापर्टी है । हजारों गांव हैं जहां पर मस्जिदें हैं हालांकि वहां पर कोई मुसलमान नहीं है । बल्कि वहां पर दस-बीस, पचास या सौ वर्ष तक उन के भ्राने की सम्भावना भी नहीं मालूम पड़ती । मैं नहीं समझता कि क्यों गवर्नमेंट उन को अपने हाथ में नहीं ले लेती और जहां पर ऐसी मस्जिदें हैं उन के लिये ऐसा कानून नहीं लाती कि उन का ऐडमिनिस्ट्रेशन (व्यवस्था) गांव की पंचायत पर छोड़ दिया जाये । Let the Panchayat of that village use it as it likes. (उस गांव की पंचायत जैसा चाहे वैसा उपयोग करे) स्कूल हो तो उस को वहां पर चलाये या गुरुद्वारा बना दे । बड़े सन्तोष की बात होगी । मैं तो कहता हूं कि अगर कोई ऐसी जगहें पाकिस्तान में हों तो उन का भी इस तरह से सही इस्तेमाल हो । खुदा का घर वह भी है । मुझे तो कोई फर्क मालूम नहीं पड़ता । भ्राप क्यों शार्ड फीस करते (शर्मिन्दा होते) हैं ? भ्राप करेज (साहस) अपने हाथ में लीजिये । वह भी घर खुदा का है और यह भी घर खुदा का है । भ्राप सिर्फ गांव की पंचायत पर इस को छोड़ दीजिये कि वह जैसे चाहे उस का इस्तेमाल करे । मैं समझता हूं कि उन का

[लाला अचिंत राम]

खाली पड़ा रहना बेमानी है। मैं जानता हूँ कि हमारे गांवों के अन्दर इस तरह से उन का मेंटेनेंस (बनाये रखना) मुश्किल है। अगर उस को पंचायत के हाथ में छोड़ दिया जाय तो यह इमारत के हक में ही होगा। जिन्होंने मस्जिद बनाया है, उन के खुद के इंटेरेस्ट (हित) में है कि उन की बनवाई हुई इमारत ठीक रहे। इस वास्ते You should take courage in both hands and have the law. (आपको हिम्मत करनी चाहिये और विधि बनानी चाहिये।)

An Hon. Member: You say that?

Lala Achint Ram: Yes; I say so.

श्री मेहर चन्ध खन्ना। मस्जिद का गुरुद्वारा बना दिया जाये ?

लाला अचिंत राम : जी हां, मैं कहता हूँ कि जिस गांव के अन्दर मस्जिद है, उस में एक भी मुसलमान नहीं है, पचास मील इर्द गिर्द मुसलमान नहीं हैं, तो आप उस को जरूर बदल सकते हैं। मैं स्कूल, मन्दिर और गुरुद्वारा के लिये भी कहता हूँ, मस्जिद और दरगाह के लिये भी कहता हूँ। अगर ऐसी कोई जगह पाकिस्तान में हो तो वहां भी ऐसा ही हो सकता है। इमारत के बनाने वाले का जो मकसद है कि इमारत में इबादत (पूजा) हो उस को पूरा करना चाहिये। हमें तो खुश होना चाहिये कि हमारे मन्दिरों को पाकिस्तान में मस्जिद बना दिया है और मुसलमान वहां पांच दफा नमाज पढ़ते हैं। मैं समझता हूँ कि बिल्कुल ठीक बात है। You should take courage. यहां पर मस्जिदों और दरगाहों का मेंटेनेंस और ठीक यूज (उपयोग) भी इसी तरह से हो सकता है कि वहां पर स्कूल खुल जायें, ग्रंथ साहब का पाठ हो, गीता का पाठ हो, जैसे महात्मा गांधी प्रार्थना करते थे, आयतें पढ़ते थे। अगर यह है कि इबादतगाह का इस्तेमाल हो उस का एडमिनिस्ट्रेशन (व्यवस्था) सही

तौर पर चलाया जाय। इस के लिये जब वक्त आयेगा तब मैं बोलूंगा। इस वक्त तो मैं यही द'स्वास्त करूंगा कि इस वक्त पंडित ठाकुर दास भागवत का और कोई मकसद नहीं है सिवा इस के कि पेंमेंट (भुगतान) जल्दी हो। इस बिल में इस का दरवाजा बन्द है। अगर इस चीज को मान लेने से पहली दिसम्बर से २ दिसम्बर होता है तो इस में कोई हर्ज नहीं है क्योंकि आप सच्चे दिल से मुल्क की खिदमत कर रहे हैं। आप जानते हैं कि मैं नुकताचीनी करने से रुकने वाला नहीं हूँ, यहां जितने मिनिस्टर आते रहे हैं, सब की करता रहा हूँ। यहां पर सिर्फ दो दिन की बात है इसलिये इस को कबूल कीजिये तो कोई हर्ज नहीं है। कुछ गन (फायदा) ही होगा, you will not be a loser (आप घाटे में नहीं रहेंगे)।

Shri N. B. Chowdhury (Ghatal): Mr. Deputy-Speaker, Sir, I consider it absolutely necessary that this subject of evacuee property administration should be approached with a broad perspective befitting our national dignity. We see today in this country foreigners having vested interests intended for sheer exploitation of the country. So, it has been aptly said by certain Members that this is rather an unusual law to deal with an unusual situation. We know that this subject of evacuee property is directly connected with the payment of compensation to the displaced persons who have come from West Pakistan. We must have due regard to the spirit in which we generally approach matters concerning the different communities. We think that there is some injustice so far as certain Indian nationals are concerned. Cases were brought before us to show that even when persons did not leave this country, did not evacuate India, but shifted to some distant place, their properties were declared evacuee properties and that has led to certain difficulties to some Indian Muslims—Indian

nationals. While we want that the displaced persons from the West and the East Pakistan should be rehabilitated properly—it is the bounden duty of the Government to see that the work of rehabilitation does not suffer in any way—we must also see that no injustice is done to Indian nationals whatever communities they may belong to.

In this Bill, the Government is seeking to simplify the procedure to settle certain matters. I have no objection to that. We must be sure that the power which the Government of India now wants to take from the States or from the Custodian should be properly utilised. We are not so much concerned as to whether the power is given to the State or to the centre to appoint certain authority. What we are concerned about is the manner in which the work has to be done. Till now, the administration of the evacuee property law has not been carried on in a way which could be considered satisfactory. There were many complaints and a lot of delay with regard to the settlement of disputes. So, when this amendment has been brought here by which the Government of India wants to take power in its own hands, we would like to see that matters are expedited and nothing is done which would be derogatory to our national prestige.

**Pandit C. N. Malviya (Raisen):** Mr. Deputy-Speaker, I support the amendment moved by Pandit Thakur Das Bhargava because it will give time to consider this important matter. The time is not so long as the hon. Minister should have any reasonable grounds to refuse and so I hope he will agree to this amendment. When we are dealing with such a problem and want to expedite the matters, we should not make haste. When we lay down a procedure by which we want to expedite matters, cool consideration is required.

Lala Achint Ram has said certain things. Personally, I may agree with

him. But, if we have in view the reactions that may be created by turning the mosques into temples and *vice versa*, it is not advisable to accept his idea. Whatever Pakistan may do, we must preserve in India the religious institutions as they are. It does not matter if a mosque happens to be in a place where there are no persons to utilise it. There are other ways in which we can maintain the sanctity of the religious places and at the same time utilise them. We should find out the ways and means by which we can utilise such places with the goodwill and co-operation of the community to which they belong. So, I do not share that view expressed by my hon. friend. I will not advise even the Pakistan Government to turn the temples into mosques because it will react on them also. Let us not forget the many forces which are now very active to create disruption, in Pakistan and in India particularly. Let us not forget the recent agitations.

**Lala Achint Ram:** The suggestion relates only to West Pakistan.

**Pandit C. N. Malviya:** All right. But the main proposal is this.

**Pandit Thakur Das Bhargava:** May I just rise on a point of order? This question of conversion of mosques into temples does not arise under the provisions of the Bill. We are talking irrelevant things. The only question was about the appointment of trustees. Can it be said that the hon. Minister or the Government is suggesting that that a mosque should be turned into a temple?

**Shri Mehr Chand Khanna:** Do not put those words into my mouth; I have never said any such thing.

**Pandit Thakur Das Bhargava:** I am also saying that he has not said that. This discussion is irrelevant.

**Mr. Deputy-Speaker:** Nobody has said that. I understand that there was a suggestion made in that connection by Lala Achint Ram that, when trustees are being appointed, they may see that these places also

[Mr. Deputy-Speaker]

are put to some use by the public. It may be this, that or the other. That is a different thing. He was of the view that these places should not lie unused; some use should be made of them. This was the suggestion and the others are referring to it.

**Pandit C. N. Malviya:** I pointedly refer to this question because I strongly feel that this sort of suggestion should not be made.

**Mr. Deputy-Speaker:** He is not saying that temples must be converted into mosques or mosques into temples. His only suggestion was that they must be put to some use.

**Pandit C. N. Malviya:** If so, I stand corrected. I thought that this suggestion was somehow or the other made and so I want to refute this suggestion. Let it be used for some good purpose. But, let us not think of changing or converting them. It is a very dangerous proposal because the conditions are very bad. People have not come to the stage when they would not mind that; let us not involve ourselves in such things.

Again I support the amendment moved by my friend Pandit Thakur Das Bhargava. Let us consider this question coolly. Nothing will be lost by spending another four days more to consider this question. I support the amendment and support the principle of the Bill also.

**Shri Kazmi (Sultanpur Distt.—North cum Faizabad Distt.—South-West):** Mr. Deputy-Speaker, Sir, so far as the amendment is concerned,

there is one thing which I want to bring to the notice of the House. Whenever motions for reference to the Select Committee are made, it is presumed that the hon. Member in charge of the Bill would be a member of the Select Committee. If it is made a condition precedent that the consent of the Members should be taken.....

**Mr. Deputy-Speaker:** If the hon. Member will excuse me, I want to point out one thing. We had only

two hours for this Bill. That would expire by about four o'clock. But I allowed this discussion to go on under the impression that perhaps the House might like to continue this discussion, because already we had saved one hour from the previous Bill. If the House is really of that view and wants to continue this discussion I can go on with this, otherwise I shall have to put a stop to this discussion.

**Pandit Thakur Das Bhargava:** If this amendment is lost, then the remaining amendments will also have to be moved and discussed. I would therefore request you, Sir, to extend the time at least up to five o'clock.

**Mr. Deputy-Speaker:** If that is the sense of the House, I have no objection.

**Shri Kazmi:** I was submitting that the convention up till now has been, we have always presumed that if the House agrees to the reference of a Bill to the Select Committee the hon. Member in charge of the Bill would agree to it. Otherwise, if we make it a condition precedent, it would mean that, if the Government is not prepared to accept the motion the Member concerned will never be able to move his motion in the House seeking to refer the Bill to a Select Committee.

So far as reference of the Bill to a Select Committee is concerned, it is a matter which, I think, I would not oppose. But, so far as some of the principles on which reference to the Select Committee is sought are concerned, I am sorry that I am unable to accept those principles.

It has been said again and again, and very definitely, that this was an unusual law, in our Constitution we have got Fundamental Rights and this law was an exception to those Fundamental Rights. Further, it has been said that there is an attempt on the part of the Government, and every other person who is interested in the welfare of the community, that this law should be brought to an end as early as possible. So it is not likely

to be a complete law which can really be judged from the standards of any good law. But it has got only to be a law of emergency and, as such, I feel that we cannot leave much for the decision of the courts. You know, when this Act was enacted, the courts themselves were created by the department and appeals were to the department. Parties who were affected, whether they be refugees or non-refugees, have been complaining against this Act. It is not only the refugees, whose pool is being affected, who are complaining against it. Persons who think that their properties have been taken away are also complaining against this.

So my submission is, after all, this is a temporary law and these principles, on the basis of which it is sought that the matter should be referred to a Select Committee, will remain there and ought to remain there even after a reference to a Select Committee is made.

So far as the Limitation Act is concerned, I perfectly agree that it is a matter of vast importance and that we should not touch the Limitation Act. But, at the same time, looking at the emergent nature of the Act and the action that has to be taken, I feel that we will have to interfere with the provisions of the Limitation Act. How are the provisions of the Limitation Act going to be affected? They are going to affect both the parties, a person who applies for restoration of property and a person who is asked to pay rent for properties that he has been occupying with the consent of the proper authorities. He may be a displaced person or he may be a person who is a resident of this place. So far as the law of Limitation is concerned, I feel that it is going to affect both ways. But, if we are not going to relax the conditions of the law of Limitation, I think we will not be able to do real justice to either of the parties.

Then, so far as the question of Trusts is concerned, I might give an example. The Government have taken

over the power of appointing trustees. Of course, the persons concerned would feel that the Government would be appointing trustees who may not be the real representatives of the community. Just as my friend Lala Achint Ram suggested, let them be the panchayats. Unfortunately, we are not so broad-minded as Lala Achint Ram. We wish every one of us would be of that view and then, probably, most of the problems of India and Pakistan would be solved. Still I feel that the time has not yet come and we have yet to look to the properties—mosques, temples, gurdwaras and properties belonging to them—and, as pointed out by Pandit Thakur Das Bhargava, if we are going to leave the matter to the courts, cases under section 92, then they would finish after ten or twenty years and finish at a time when the properties would have been finished.

Therefore, I think every person who has got to take something from the Government will have to leave it to the discretion of the Government. I may say that the Government has not been sufficiently lenient to me and the other party may say that it has not been lenient to him. But, whether leniency is shown this way or that, whether limitation is exercised in favour of one party or the other, the emergency and the nature of the question is such that we cannot but leave it to the discretion of the Government who, we trust, will do to the utmost of their capacity and to the satisfaction of all concerned.

Therefore, what I submit is, even after this matter is referred to a Select Committee, probably these principles will remain as they are. There may be some satisfaction of having discussed the matter with the hon. Minister and other Members, and also of having had an exchange of views. That can very easily be carried on without a formal Select Committee. So I again say that the principles will have to remain intact and, so far as the matter of referring it to a Select Committee is concerned, if it is really the desire of my friends we can have no objection to that.

[Shri Kazmi]

With these words, Mr. Deputy-Speaker, I support the motion moved by the Government and not the amendment for reference to a Select Committee.

श्री राधा रमण (दिल्ली नगर) :  
उपाध्यक्ष महोदय, जिस विधेयक पर हम आज विचार कर रहे हैं, वह एक बहुत ही आवश्यक विधेयक है। उस को हम पहले भी पास कर चुके हैं और आज उस का एक संशोधन सरकार की तरफ से हमारे सामने आया है। पिछले पांच छः वर्षों में जो घटनायें घटी हैं, जो तजुर्बा हासिल किया गया है या जो आवश्यकतायें पड़ी हैं—जिन का कि निराकरण पूरे तौर पर नहीं हुआ—उन को दृष्टि में रख कर यह संशोधन विधेयक पेश किया गया है।

15-59 HRS.

[SHRI BARMAN in the Chair.]

सदन के सामने एक प्रस्ताव पंडित ठाकुर दास जी का है, जिस में वह चाहते हैं कि इस विधेयक को सिन्डिकेट कमेटी (प्रवर समिति) के सुपुर्दे कर दिया जाय। और उनकी यह मंशा भी नहीं है कि यह विधेयक इस संशोधन के कारण अधिक देर तक रोका जाय। उनकी इच्छा यह लगती है कि इस विधेयक में जिन धाराओं में परिवर्तन का विचार किया है वह अधिक सोच विचार के पश्चात् मंजूर हों। यह मंशा बड़ी अच्छी है और यह जानते हयें कि इस सदन के हर सदस्य की यह भावना है कि यह जितनी जल्दी हो सके मंजूर किया जाय मुझे इसमें कोई आपत्ति नजर नहीं आती। मैं इसका विरोध नहीं करता, लेकिन मैं एक दो बातें जरूर कह देना चाहता हूँ चाहे यह विधेयक प्रवर समिति को जाये चाहे यह ऐसे ही पास किया जाये।

16-00 HRS.

हमन जब से इस इक्वेन्वी प्रापर्टी के एडमिनिस्ट्रेशन की बात की है तब से इस सदन में बराबर एक विचारधारा को सामने

रख कर काम किया है, और अगर हम उस विचारधारा से कुछ इधर उधर हो जाते हैं तो हमने जितना अब तक किया है उस को भी हम पीछे डाल देते हैं। जब हम कभी इक्वेन्वी प्रापर्टी के संशोधन के बारे में या इस बिल के विषय में निर्णय करते हैं, तो हमें एक दम खयाल आता है कि बहुत सारे वह भाई जो कि डिस्प्लेड हैं या जिन का पुनर्वास किया गया है उन लोगों के अधिकार में किसी प्रकार की कमी न आने पाये में समझता हूँ कि सदन का कोई भी सदस्य ऐसा न होगा कि जो उनकी कठिनाइयों के विषय में अपनी हमदर्दी न रखता हो और जिसने कभी भी यह विचार अपने मन में न किया हो कि उनको अधिक से अधिक और जल्दी ऐसी अवस्था में लाना हमारी सरकार का काम है कि जिसे हम उनका एक उचित अधिकार मानते हैं।

इस लिये जब कभी भी उनका प्रश्न आया इस सदन ने बड़ी हमदर्दी से उस पर गौर किया है।

अब बात यह सामने आती है कि सरकार ने कम्पेन्सेशन (प्रतिकर) काफी देर से मंजूर किया और अब उसे जल्दी से जल्दी कम्पेन्सेशन देना है। इस भावना से भी किसी को विरोध नहीं है, बल्कि अगर मीका आये और सदन के सदस्य समझें कि मिनिस्टर साहब रुपये की कमी की वजह से उन लोगों की अवस्था को दुस्त करने में कोई कठिनाई महसूस कर रहे हैं, तो सदन के सभी सदस्य मिल कर सरकार से कहेंगे और उसे मजबूर करेंगे कि वह कुछ और रुपया पूल में डाल दे ताकि जो उद्देश्य हमने अपने सामने रखा है उसकी पूर्ति कर सकें। मगर अगर हम देखते हैं कि हमारे सामने कोई ऐसा नियम आता है जो कि हमारे देश में रहने वाले कुछ नागरिकों के हकों को किसी कदर भी कम करता है तो मैं समझता हूँ कि हमको बहुत गम्भीरतासे

उस पर विचार करना चाहिये, क्योंकि अब तक जो नीति हमने बरती है उससे हमारी प्रतिष्ठा हमारे देश में ही नहीं बल्कि दूर देशों में भी बढ़ी है और हम उस प्रतिष्ठा को किसी प्रकार की भी ठेस नहीं लगाना चाहते। हम को यह नहीं देखना है कि पाकिस्तान क्या करता है और वह अपने इन्वेक्वीज की प्रापर्टी के प्रति कैसा व्यवहार करता है। हम को तो अपने इरादों को इंसाफ और सचाई की तराजू पर तोलना है। अगर हम ऐसा कोई नियम बनाते हैं कि जिसमें इस मामले में जरा भी ढिललाई होती है तो मैं समझता हूँ कि हमने अब तक जो नीति बरती है हम उससे हटते हैं और ऐसा हमें मंजूर नहीं करना चाहिये।

अभी हमारे एक बुजुर्ग लाला अचिन्त राम जी ने एक बात कही। उन्होंने कहा कि अगर किसी इलाक़े में कोई मस्जिद है जहाँ कोई भी मुसलमान नहीं रहता, और वह किसी भी उपयोग में नहीं लाई जाती और खराब हो रही है, बिगड़ रही है, तो उस सूरत में उसका कुछ उपयोग करना चाहिये। उन्होंने यह भी कह दिया कि ऐसी मस्जिद को मन्दिर के काम में लाया जाय तो गैर मुनासिब नहीं होगा। मैं उनकी इस विचार-धारा से सहमत नहीं हूँ। बहुत सारी ऐसी हमारी इमारतें हैं जिनमें हमारा बहुत पुराना इतिहास छिपा हुआ है और वह आज जगह जगह कायम हैं पर उनकी हम कोई देखभाल नहीं कर रहे हैं। बल्कि मैं तो कहता हूँ कि हमारे देश में ही नहीं बल्कि प्रदेशों के अन्दर हमारे मन्दिर हैं, देवालय हैं, उनका कोई उपयोग नहीं होता बल्कि वे बेकार रखे हुये हैं, उनको कोई हाथ नहीं लगा सकता। वहाँ की सरकारें उनकी उसी तरह पवित्र मानती हैं जैसे कि हम अपने मन्दिरों को मानते हैं। यह कहा जाता है कि उनका सदुपयोग होना चाहिये लेकिन सदुपयोग इस तरह होना चाहिये कि जिस कम्युनिटी की वह चीज है उसको वह महसूस न हो कि

उसकी किसी इबादत गाह पर प्रहार हो रहा है। उस कम्युनिटी को कभी भी यह महसूस न हो कि उपयोग्यता के नाम पर उनके अधिकारों पर आघात हो रहा है। इस बारे में मैं यह जरूर मानता हूँ कि इस प्रकार के जितने भी मन्दिर या मस्जिद या देवालय वगैरह हैं, उनको सुरक्षित रखा जाये और उनकी देखभाल की जाये, यह सरकार का फ़र्ज है। कोई भी सरकार हो चाहे पाकिस्तान की हो या हिन्दुस्तान की, उसका यह फ़र्ज है और वह निभाना आवश्यक है। आज हम एक अन्तर्राष्ट्रीयता के युग में रह रहे हैं। अगर हम इस प्रकार के विचार रखेंगे तो निस्सन्देह उन से हानि होनी निश्चित है। यह बात सामने आयी है तो मैं कहना चाहता हूँ कि मैं इस बात को मुनासिब नहीं समझता कि कोई मन्दिर मस्जिद में बदला जाये या कोई मस्जिद मन्दिर में बदली जाये। उसका ऐसा उपयोग नहीं होना चाहिये कि जिस से उस कम्युनिटी को हमेशा यह महसूस होता रहे कि ऐसा करना उचित नहीं था। बल्कि मैं यह जरूरी समझता हूँ कि वह इमारत चाहे कस्टोडियन के हाथ में हो या किसी और के हाथ में हो, उसकी रक्षा करना और उसकी पवित्रता की रक्षा करना सरकार का कर्तव्य होना चाहिये। ऐसा ही हमने अभी तक माना है और किया है और ऐसा ही हमको करना चाहिये।

इस संशोधन में जो विशेष रूप से आपत्ति की जाती है वह यह है कि हिन्दुस्तान में बहुत सारे शहरी एक वक्त में अपनी जगह से उखाड़ पछाड़ के दिनों में दूर दराज चले गये थे, उनकी कुछ प्रापर्टी है, कुछ मकानात हैं, या कुछ हिस्से हैं जिन्हें वह अब दोबारा लेना चाहते हैं। तो आज के दिन जब उसका असर किसी शरणार्थी पर पड़ता है तो कहा जाता है कि हम उन केसेज को रिग्रोपन या रिब्यू कर सकते हैं। मेरा ख्याल यह है कि हमें इस बात को मंजूर कर लेना चाहिये

## [श्री राधा रमण]

क्योंकि कम्पेन्सेशन हमने इस उसूल पर नहीं दिया है कि जो कुछ भी इक्वी प्रापर्टी है उसी आधार पर हम कम्पेन्सेशन दे रहे हैं। कम्पेन्सेशन हमने इस उसूल पर देना स्वीकार किया है कि जो लोग आज यहाँ पर आये हुये हैं उनको अपने आप को फिर से बसाने का अधिकार है ताकि वे आजाद अथवा इन्साना जिन्दगी बिता सकें। उसके लिये जितना रुपया सरकार दे सकती है उसे देना चाहिये। अगर सरकार ऐसा नहीं करती तो हमें सदन में बैठ कर सरकार से कहना चाहिये कि इस काम के लिये ज्यादा रुपया मिलना चाहिये। अगर अब तक चार आने का हिस्सा रखा गया है और हम समझते हैं कि वह कम है और ६ आने का हिस्सा होना चाहिये, तो हमको इसके लिये अपने मिनिस्टर की ओर सरकार को मनाना चाहिये कि वह रुपये की मात्रा बढ़ाये। लेकिन अगर हम यह मान लेते हैं कि कम्पेन्सेशन का आधार इक्वी प्रापर्टी ही है और हमें यह फ़िक्र और चिन्ता हो कि हम उसकी जल्दी से जल्दी वसूलयाबी करके ज्यादा दे सकते हैं तो हमको इस बात का ध्यान भी ज़रूर रखना चाहिये कि हम जो भी करें वह इनसाफ के बुनियादी उसूल पर कायम हो और यह हमने पहले से माना हुआ भी है। यानी जो आदमी हिन्दुस्तान में रहने वाला है, जो कि हिन्दुस्तान का शहरी है, उसको किसी तरह से भी यह महसूस करने का मौक़ा नहीं देना चाहिये कि उसके साथ इन्साफ नहीं हुआ। अगर कोई वाक़े हिन्दुस्तान का शहरी है लेकिन एक मौक़ा आया कि जब वह यहाँ से उजड़ गया और दूसरी जगह चला गया तो आज भी उसे यह हक होना चाहिये कि अगर वह हिन्दुस्तान का शहरी है, चाहे कितना ही समय क्यों न गुज़र जाय, कि इन्साफ़ जो चीज़ उसे मिल सकती है वह उसे मिलनी चाहिये। इसका सराब असर अगर रेप्यूजीज (शरणार्थियों) को पहुँचता है तो उस असर को हमें

जायल करने के लिये रुपया मुहैया करना चाहिये और अपनी भावाज़ उठानी चाहिये। मुझे इस बात का यकीन है और मैं दावे के साथ कह सकता हूँ कि इक्वी प्रापर्टी (निष्क्रान्त सम्पत्ति) के लिये जो १०० करोड़ रुपया रक्खा गया है वह रकम नाकाफी है और यह रुपया ही इस बात का सबूत नहीं है कि सरकार ने कम्पेन्सेशन देना मंज़ूर किया है। सरकार ने मुआविज़ा देना मंज़ूर इस लिये किया है कि वह यह समझती है कि जो घर उजड़े हैं या जो खानदान उजड़े हैं और जिन को तकलीफ़ात हुई हैं उन को फिर से बसाना हमारा कर्तव्य है उनको कम से कम ऐसी हालत में रख देना, कम से कम मैं इसलिये कहता हूँ कि हो सकता है कि कम से कम और ज्यादा से ज्यादा मैं हमारा मतभेद हो, इस लिये मैं कम से कम मुआविज़े की बात कहता हूँ कि कम से कम हमें ऐसा कम्पेन्सेशन ज़रूर देना है कि जिस कम्पेन्सेशन को हम ज्यादा से ज्यादा अपने हाथ से दे सकें और उसमें इक्वी प्रापर्टी एक हिस्सा है। मैं यह अर्ज करूंगा कि यह सिद्धान्त, यह बुनियादी उसूल कि आज जो मुआविज़े का उसूल माना गया उसका असर, इस एंडमिनिस्ट्रेशन आफ इक्वी प्रापर्टी बिल के कारण मुआविज़े पर ही, हाँ जो इसमें बारायें हैं उनका असर रेप्यूजीज पर पड़ सकता है, लेकिन अगर वह न्यायसंगत है तो हमें मानना चाहिये और अगर वह न्यायसंगत नहीं है तो इस बिल के अन्दर कोई ऐसी बात नहीं है कि जो मानने के लिये कही जा रही हो क्योंकि मैं यह समझता हूँ कि हमारे मुस्क ने बड़े अच्छे सिद्धान्तों पर अपनी सरकार को और अपने तमाम शासन को चलाया है और कुछ उसका असर भी दुनिया पर इतना अच्छा पड़ा है कि आज इस बात का सिक्का जमा है कि हमारे देश की सरकार तुलनात्मक दृष्टि से न्याय की ओर झुकती है, इन्साफ़ की तरफ़ झुकती है और श्रम रास्ते पर नहीं जाती है। इस लिये

समापति महोदय में निहायत ध्रुव से श्रद्धा करूंगा कि यह विधेयक जो हमारे सामने आया है इस बुनियाद पर रखा जा रहा है कि ५, ६ वर्ष के तजुबों से हमने कुछ सीखा है, उसमें जो कठिनाइयाँ हम को मालूम हुई हैं, उन कठिनाइयों को हम दूर करना चाहते हैं। यह बात हमारे आपके और सब के बीच में एक मत से मानी गई है कि जबैकुई प्रोपर्टी का जो इन्तज़ाम शुरू से चला वह निहायत ही गन्दा था और उसमें सैकड़ों गलतियाँ हुईं और उसके धन्दर जो काम करने वाले लोग थे उन्होंने जो कुछ करके नतीजा दिखा-नाया वह भी तसल्लीबख्श नहीं था जैसा कि हमने आशा की थी। इस लिये हम चाहते हैं कि यह जल्द से जल्द खत्म हो। हम चाहते हैं कि यह खानत जो हमारी सरकार के ऊपर है यह जल्द से जल्द खत्म हो लेकिन इस सब के माने यह नहीं है कि जो न्याय कहता है, इन्साफ कहता है, वा दलील कहती है, और जो हमने अब तक बुनियादी उसूल अपनी सरकार के सामने और अपने सामने रखे हैं, उनमें किसी किस्म की कमजोरी दिखा कर या किसी किस्म की कमप्रोमाइज़ करके हम कोई कदम उठावें। हम उन उसूलों से नहीं हटना चाहते। हमें इस बात का भी खयाल रखना चाहिये कि हमारे मुल्क के धन्दर आज भी ४ करोड़ ऐसे मुसलमान हैं जिनको कि हम हिन्दुस्तान के शहरी मानते हैं और इस नाते उनको भी वही हक हासिल है जो कि एक हिन्दू शहरी को यहां पर हासिल है इस लिये धरब बहां कुछ ऐसी बात होती है जिसमें एक भी मुसलमान यह महसूस करता है कि मेरे साथ न्याय और इन्साफ नहीं हुआ, तो हमें ऐसे कानून को नहीं रखना चाहिये।

मैं चाहता हूँ कि सदन यह खयाल रखते हुये इस विधेयक को पास करे और इस सिल-सिले में जो संशोधन आयें हैं उनको कसौटी पर कस कर और तराजू पर तौल कर धरब व न्यायसंगत हों तो उनको स्वीकार कर ले वरना अस्वीकार कर दे। जहां तक पंडित ठाकुर दास भागवंत के संशोधन का सम्बन्ध

है जिसमें उन्होंने सुझाया है कि यह बिल प्रवर समिति को सौंप दिया जाय और वहां पर इस पर विचार हो कर दो, तीन रोज के बाद यह पास हो तो मुझे इसमें कोई आपत्ति नहीं है और मैं इस विधेयक को मंजूर करने की सिफारिश करता हूँ।

**Shri D. C. Sharma (Hoshiarpur):**  
Whenever any Bill comes up before this House dealing with the problem of refugees or evacuees, I view it with the utmost scepticism. My scepticism is not due to the fact that I do not believe in the noble intentions of our Government or in the noble purpose of the Ministry of Rehabilitation; but, I believe that we have been making all these laws with regard to refugees and evacuees in great haste without taking into account all the facts of the case, without having any thought for yesterday or for tomorrow. Haste and lack of forethought have been the characteristics of the laws framed for the good of these persons.

Look at the Administration of Evacuee Property Act. It was passed over 8 years ago; certain provisions were repealed in 1953; it was amended in 1954 and again amended in 1955. It means that we do not know our mind. We do not know what the problem is, and even if we know it, we do not know how to face it. The fact of the matter is that we have been administering the refugee rehabilitation and all those allied things in a spirit which is not conducive to the good name of our administration. What are we going to get out of this? I ask this question myself because I am as much responsible for that as anybody else. We are going to have a large number of administrators and we are going to call them by various names. All those names are there. We have got these names in all our Ministries and we have come across them here also. There are going to be a Custodian-General, Custodians, Additional Custodians, Deputy Custodians, Assistant Custodians and so on.

**Shri Radha Raman:** They were there.

**Shri D. C. Sharma:** They were there, but they have no right to be there.

**Shri Mehr Chand Khanna:** I wish I could get rid of some of them.

**Shri D. C. Sharma:** If I were you, perhaps I would have done it. We are doing one simple thing; we are multiplying the number of officers.....

**Shri K. K. Basu (Diamond Harbour):** We have to rehabilitate them also.

**Shri D. C. Sharma:** .... and we are trying to defeat the very purpose for which the Ministry over which my hon. friend, Shri Khanna, presides so ably, is constituted. I do not think anybody need go very far to know how this administrative paraphernalia is working. He has only to go to one of the parts in Delhi or any other place and he will know how it is working. My friends over here say that we should not do any injustice to the Muslims. I agree with them, because a Muslim is as much a part of our country as anybody else. But, I also say that while you are thinking of not doing injustice to any Muslim, which is a very good thing, you should also think of doing justice to the refugees who claim compensation. Why are all these laws being amended? They are being amended only to see that the date of payment of compensation may be put off as long as possible. We evolve one procedure one day, another procedure the other day and a third procedure some other day. Of course, it is said that we are going to simplify the procedure so that the compensation problem is solved very easily. I would like to see how this compensation problem is going to be solved very expeditiously. I do not think that would be possible because we are living in a frame of mind when we do not know what we should do on the one hand to satisfy the claims of the refugees and on the other hand, to avoid injustice to those persons for whom this Amendment Bill is intended. Therefore, I would say that this talk of simplification of procedure is all very well on paper.

**Shri K. K. Basu:** Too tall.

**Shri D. C. Sharma:** But, I can assure you that in actual practice, this is not going to work in that way. Cases are pending and they will continue to be pending. Even when we bring all this machinery into being, I do not think that there will be any judicial haste on the part of these persons. I would say that it is necessary that these things should be done after due deliberation, after calm consideration and after mature thought. That is what is not done. Therefore, the whole trouble arises.

My hon. friend Pandit Thakur Das Bhargava has put forward a very simple proposal and that has been put forward only for this reason that we should be able to plug whatever holes there are in our law and that the whole thing may be done in a very efficient manner. Even this simple proposition is not being assented to. I do not know why. Therefore, I would say that it is very necessary that when we deal with the refugees, we should not hurt one side or the other, intending evacuee or other evacuees. It is necessary that we should support the amendment of Pandit Thakur Das Bhargava.

A question has been raised about the properties of religious and charitable nature. Of course, there are some friends of mine who say that it does not make any difference whether you turn a mosque into a temple or a temple into a mosque. I say this is a very dangerous proposition for anybody to enunciate on the floor of this House. More harm will come to us on account of saying a thing like that than good. I know all persons are not persons of such catholic sympathies as some of us are. I would say that a mosque should remain as a mosque and a temple should remain as a temple. We should look after the mosques and they will look after our temples in Pakistan. We are bound to look after the mosques.

**Shri Nand Lal Sharma:** Nobody will look after your temples.

**Shri D. C. Sharma:** If you look after the mosques properly, I am sure they will look after our temples properly.

**Shri Nand Lal Sharma (Sikar):** They will not.

**Shri D. C. Sharma:** If they do not, I think they will have to explain their conduct here or elsewhere. If we do not, I think I will have to explain my conduct not only here, but all over India. Therefore, I would say that this talk about turning mosques into temples and temples into mosques will come to the same thing. We are very humble persons with no pretensions to saintliness or anything else. They should remain as they are. I would agree with Shri Kazmi that if any trustees are to be appointed for religious and charitable organisations, power must be given to those who are really competent to administer them, who are real representatives of the people and we should not give power to those persons who are not representatives of the people.

**Shri Nand Lal Sharma:** Don't give it to Shri V. G. Deshpande.

**Shri D. C. Sharma:** For me there is no difference between myself and Shri V. G. Deshpande. The difficulty is this:—you try to emphasise the difference; I do not know where it lies. Shri V. G. Deshpande is as good a citizen of India as I am, or as you. I do not know where the difference lies. If you are keen on emphasising differences, I can't help it. I would only pray to God that you should have the same feelings as I have.

I would make an appeal to my hon. friend Shri Mehr Chand Khanna. I know about a Minister in this House. I said to him, "whenever you come with any proposal, there is a great deal of opposition." He said, "Don't bother; there is one gentleman on my side; so long as he is on my side, I can get anything through." I would say that this is, a good attitude. But, a better attitude is this, that Shri Mehr Chand Khanna should be able to carry us along with him. He should

be able to bank upon our whole-hearted co-operation. We have always tried to do so and even in this matter he should carry us along with him so that he can face the public in the spirit which is in consonance with the spirit of our Government. Not much time would be wasted, not much prestige would be destroyed and no status would be lost, if you agree to the amendment moved by Pandit Thakur Das Bhargava. If you do so, this Bill will be amended and put in a better shape and will be such as would help the Muslims and the refugees from West Pakistan who claim compensation.

श्री वि० व० देशपांडे (गुना) : माननीय सभापति महोदय, मैं पंडित ठाकुर दास जी ने जो सूचना दी है उस का समर्थन करने के लिये खड़ा हुआ हूँ। मैं यह मानने के लिये तैयार नहीं हूँ कि यह विधायक केवल इसलिये उपस्थित किया गया है कि प्रोसीजर को सिम्पलीफाई किया जा सके और जो गड़बड़ पैदा हो गई है उसको सीधा किया जा सके।

[MR. DEPUTY-SPEAKER in the Chair]

तो मैं यह नहीं जानता कि इस से प्रोसीजर सिम्पलीफाई होगा और हो सकता है कि इस से और भी कम्प्लिकेशन्स पैदा हो जायें। मैं तो समझता हूँ कि इस से कम्प्लिकेशन्स ही पैदा होंगी। आप सेशन ४० में संशोधन कर रहे हैं और मैं उस की तरफ आप का ध्यान आकर्षित करना चाहता हूँ। आप ने इस में कहा है "has not left or does not leave....." मैं बहुत ज्यादा इस के अन्दर जाना नहीं चाहता हूँ। यह देखना कि यह अच्छा विधान है या नहीं विधान के पंडितों का काम है। मुझे तो इतना ही डर मालूम होता है कि सरकार की नीति इस के विषय में बहुत ही अस्पष्ट रही है। एक तरफ से तो यह कहा जाता है कि हम पैसे देने वाले हैं और अगर लोग यहाँ पर जो

## [श्री श्री० घ० देसायाने]

सम्पत्ति छोड़ कर गये हैं उस में से हम दोगे । लेकिन जब हम उन के पास जाते हैं और मांग करते हैं कि इस प्रापर्टी की कीमत बढ़ा दो या इस की कीमत कम कर दो तो हम से कहा जाता है कि कम्पेंसेशन कहां से दोगे । जब कभी भी कोई बात ले कर हम जाते हैं तो सब दुनिया की बातें हमें सुनाई जाती हैं और कहा जाता है कि यह घर्ष-निरपेक्ष राज्य है, सब नागरिकों के अधिकार समान हैं । मैं कहना चाहता हूँ कि इस का तो हम ने कभी विरोध नहीं किया कि सब नागरिकों के अधिकार समान क्यों हैं । हम तो यही कहते हैं कि आप हम को पैसे दें लेकिन इस के जवाब में आप हमें उंगली दिखाते हैं और कहते हैं कि इतना रुपया है और इस में से ही पैसा आप ले सकते हैं । लेकिन जब हम कहते हैं कि इस प्रापर्टी की कीमत इतनी हो और इस की इतनी तो एक तरफ आप हमें दुनियादारी की बातें बताते हैं और न्याय नीति की बातें सिखाते हैं और दूसरी तरफ आप ने प्रापर्टी को बिना किसी कानूनी व्यवस्था के उठा कर देने के पावर को आप ने अपने हाथ में ले लिया है । तो मेरी तो गवर्नमेंट से एक ही प्रार्थना है और मैं खन्ना साहब से कहना चाहता हूँ कि वह अपने घर में ही ठीक ठीक तरीके से पूछें कि कहां से मुआवजा दिया जाय । इस चीज को उन्हें हम से पूछने के बजाय अपने घर से पूछना चाहिये । हमें कभी यह कहा जाता है कि डिवलपमेन्ट, प्राजैक्ट्स बन्द करनी पड़ेंगी, भाखड़ा नंगल पर जो कार्य हो रहा है उस को बन्द करना पड़ेगा और यह करना पड़ेगा और वह करना पड़ेगा । तो बात यह है कि आप अपनी सरकार से ही पूछें कि क्या वह आप को यह पैसा देने वाली है या नहीं । इस रकम का उत्तरदायित्व सरकार ने अपने ऊपर लिया है या नहीं, यह बात पहले स्पष्ट होनी चाहिये । अगर उस ने लिया है और एम्मे कहने की पूरी जिम्मेदारी आप

की सरकार आप को देती है, तब ही आप मुआवजे की बातें कीजिये और उस अवस्था में आप यह न कहिये कि हम कम्पेंसेशन कहां से दें । यहां पर इस बात की चर्चा की गई है कि किसी के साथ अन्याय नहीं होना चाहिये और सब के साथ न्याय होना चाहिये । किन्तु मेरा निवेदन यह है कि हमारे सामने यह प्रश्न नहीं है । यह हम मानते हैं कि हर एक नागरिक के साथ न्याय होना चाहिये, लेकिन उस का तरीका यह नहीं है कि रेफ्यूजी की प्रापर्टी हम दूसरों को दें । अगर आप वास्तव में न्याय करना चाहते हैं, तो आप यह निर्णय कर दीजिये कि आप इवैकुई प्रापर्टी पूल के आधार पर शरणार्थियों को मुआवजा दोगे और इस की घोषणा करने के पश्चात् इवैकुई प्रापर्टी पूल में से एक पाई भी कम न होंगे दें । उस के बाद अगर आप न्याय करना चाहते हों, तो मैं कहूंगा कि यदि आप देखें कि कोई सम्पत्ति न्याय रूप से मूसलमान की है और उस को मिलनी चाहिये, तो आप उस को कहें कि तुम्हारी प्रापर्टी हम ने पूल में डाल दी है और हम को तुम्हारे साथ न्याय करना है, इसलिये हम सरकार की ओर से उस की कीमत तुम को दे देते हैं और सरकार उस को अपने पास से सब पैसा दे दे । श्री राधारमण ने कहा कि सरकार पैसा जरूर देगी, लेकिन किसी के साथ अन्याय नहीं होना चाहिये । इस में मैं उन के साथ हूँ, लेकिन हमारी सरकार पैसा देने के लिये तैयार खड़ी है, यह मैं मानने के लिये तैयार नहीं हूँ । जब तक हमारे मिनिस्टर साहब यह आश्वासन हम को नहीं देते हैं कि पचास करोड़ रुपये, सौ करोड़ रुपये कम्पेंसेशन के रूप में हम आज और अभी—हेपर एंड नाउ—दने के लिये तैयार हैं, तब तक मैं इस बात पर विश्वास करने को तैयार नहीं हूँ । यह घोषणा उन से लेने के बाद आप इस कम्पेंसेशन पूल के साथ खेल कर सकते हैं । मैं समझता हूँ कि यह खेल इस समय रेफ्यूजीज

को मारने के लिये चल रहा है। मेरा कहना यह है कि आप दोनों तरफ की बातें न कीजिये। पाकिस्तान में क्या हो रहा है, यह हम देख रहे हैं। यहां पर कहा गया है कि इवैकुई प्रापर्टी एडमिनिस्ट्रेशन के बारे में शिकायत है। लेकिन यह शिकायत तो रिफ्यूजीज को तर्फ से होनी चाहिये, जिनका कि पूल पर वास्तविक अधिकार है और जिन को वह मिलना चाहिये। हम जानते हैं कि किस प्रकार अफगानों से विद्रोह आती रहती है, दबाव डाला जाता है और वास्तविक, सच्ची इवैकुई प्रापर्टी कितने बड़े परिणाम में वापिस की जा रही है। अगर शिकायत करने का सवाल हो, तो शिकायत तो हम लोगों को होनी चाहिये। दूसरे लोगों के शिकायत करने का प्रश्न ही नहीं है। मुझे तो इस बात का डर है कि यदि हब सरकार के द्वारा अधिक अधिकार देते हैं, तो यह इवैकुई-आपर्टी पूल समाप्त हो जायगा।

जहां तक रिलिजस ट्रस्ट्स का सवाल है, मैं बिल्कुल यह नहीं कहता कि किसी मस्जिद को नष्ट कर उस को मन्दिर बना दिया जाय और न ही लाला अर्बित राम जी ने यह कहा है। हम जानते हैं कि इस देश में अनेक मस्जिदों की मस्जिदें बनाई जा चुकी हैं, लेकिन हमारी सरकार और सभ्य-नीय सदस्य उस का खयाल नहीं करते हैं आज अन बह कर हमारे दिल पर ठेस पहुंचाई जा रही है, लेकिन इतना होना हयें भी, पाकिस्तान में अत्याचार हो रहे हुए भी, मैं इस बात के पक्ष में नहीं हूँ कि चूंकि मैं अपने धर्म में प्रेम करता हूँ, इसलिये दूसरे के धार्मिक स्थानों को बिगाड़ दिया जाय या उन को जान बूझ कर मन्दिरों और बुरु-द्वारों में परिवर्तित कर दिया जाय। लेकिन मैं इतना जरूर कहूंगा कि जो मस्जिदें आज ऐसे ही पड़ी हुई हैं, उन के पाबिन्ध्य को कायम रखते हुए और उन का पूरा आदर करते हुए, यदि उन का सदुपयोग हो सकता है तो वह किया जाना चाहिये और यही सुझाव

श्री अर्बित राम ने रखा है। श्री अर्बित राम न यह नहीं कहा कि जिस प्रकार मे काशी के विष्णुनाथ मन्दिर के मिर पर मस्जिद बिठाई हुई है और राम-जन्मभूमि के मन्दिर के विषय में विवाद खड़ा किया गया है, उसी प्रकार का व्यवहार हम मस्जिदों के साथ करें। इन मन्दिरों के विषयों में तो हमारी सरकार कुछ नहीं कर रही है। उल्टे हम लोगों को दबाती है। आज मैं देख रहा हूँ कि एक वर्ग विशेष और उस के धार्मिक स्थानों के लिये आज सब का दिमा दुख रहा है और उन के लिये अपनी चिन्ता और सहानुभूति प्रकट करने में हमारे मेम्बरों की एक प्रकार से क्यू लग गई है। ज्यों-ज्यों इलेक्शन (निर्वाचन) नजदीक आता जाता है, त्यों-त्यों उन के लिये दिल अधिक दुख रहा है। हमारा दिल भी दुखता है, लेकिन इस्लाम धर्म यह नहीं कहता है कि मस्जिद का सदुपयोग नहीं करना चाहिये, उस में बच्चों को शिक्षा नहीं दी जानी चाहिये और किसी अशुद्ध उपयोग के लिये अल्लाह का घर नहीं लिया जाना चाहिये। इस समय तो हमारी प्रार्थना यह है कि इस विधेयक की वडिंग और ड्राफ्टिंग ठीक तरीके से हो ताकि बाद में अधिक नुकसान न हो। इस उद्देश्य की पूर्ति के लिये यदि हम को दो चार दिन ठहरना पड़े, तो कोई बड़ी हानि की बात नहीं है। आप की पार्टी के सदस्य श्री भार्यव ने यह प्रस्ताव रखा है। आप उस को स्वीकार कीजिये और इस सवाल के सदस्यों और विधान-सदस्यों से मददगार करने के लिये इस को सिलेक्ट कमेटी के पास भेजिये, इतनी ही उन की प्रार्थना है और मैं उन का समर्थन करता हूँ।

श्री बेहर खान खाना : जनाब डिप्टी स्पीकर साहब, मैं ने तमाम तकरीरों को सुना है। मुझे ख़ुशी है कि जहां तक इस कानून के बुनियादी उसूल का ताल्लुक है, सब ने इस की सराहना की है। किसी मेम्बर साहब ने—चाहे उस का घेरी पार्टी से

## [श्री मेहर चन्द खन्ना]

ताल्लुक है या हिन्दू महासभा से या मुस्लालिफ़ पार्टी से—इस के बरखिलाफ़ आवाज़ नहीं उठाई है। दो तीन बातें हैं, जोकि किसी हद तक मेम्बर साहबान को तकलीफ़ दे रही हैं। बाज़ यह समझते हैं कि मुमकिन है कि इस कानून के पास होने से शरणार्थी को जो इवज़ाना (प्रतिकर) मिलना है शायद उस को नुक़सान पहुँचे और बाज़ों का यह ख्याल है कि जिस रफ़्तार से हम चल रहे हैं, उस से जो लोग शायद पाकिस्तान चले गये हैं या हिन्दुस्तान के असली मानों में नागरिक नहीं हैं, उन को निकासी जायदाद, जिस के मुताल्लिक़ आज तक या उस वक़्त तक, मुकदमात चल रहे हैं, शायद गैर-कानूनी तरीके से, नाजायज़ तौर से वापिस न मिल जाय। मैं इन दोनों बातों की थोड़ी बज़ाहात के साथ सफ़ाई कर देना चाहता हूँ।

जहां तक शरणार्थी का ताल्लुक है, उस को इवज़ाना देने की स्कीम इसी हाउस में पिछले साल सितम्बर के महीने में पास हुई। आप ने इम मिलसिले में एक स्केल मुकर्रर कर दिया और यह फैसला कर दिया कि जिस भाई ने दो हजार का क्लेम किया है, उस को ६६ फीसदी मिलेगा और जैसे जैसे क्लेम बढ़ता जायगा वैसे वैसे स्केल कम होता जायगा और आखिर में मीलिंग लग जायगी। स्केल मुकर्रर करते वक़्त हम ने यह भी देख लिया था कि पाकिस्तान से—मेरा इशारा मगरिबी पाकिस्तान से है—जो हमारे शरणार्थी भाई आये हैं, वे कितनी जायदाद छोड़ आये हैं। तख़मीना ५०० करोड़ रुपये का है। इसी तरह हम ने निकासी जायदाद का भी तख़मीना लगा लिया था यानी १०० करोड़ रुपये और ग़वर्नमेंट ने जो ८५ करोड़ रुपये की ग्रांट दी है, वह भी हमारे सामने थी। उस स्केल के मुताबिक—जोकि एक फ़ैसलाशुदा चीज़ है—शरणार्थी को कम्पेन्सेशन मिल रहा

है। अक्टूबर के आखिर तक उस को ४१ करोड़ रुपये के करीब इवज़ाना मिल चुका है। मुझे कैश रकम याद नहीं है, लेकिन सितम्बर के आखिर में जो रकम थी, वह ३८ करोड़ थी, जिस में से २६ करोड़ नक़द था और १२ करोड़ वह था, जिस को पब्लिक इयूज़ कहते हैं—जो हम ने शरणार्थी भाई से लेना है, चाहे वह मकान की कीमत हो, चाहे कर्जा हो और दूसरी चीज़ यह थी कि जो हम ने जायदाद निलास की है, वे दोनों चीज़ें १२ करोड़ की हैं और जो उन को नक़द इवज़ाना हम ने दिया है, वह २६ करोड़ का है। अक्टूबर में वह फ़िगर ४१ करोड़ हो गई। मुमकिन है कि नक़द इवज़ाना २७ करोड़ हो, २८ करोड़ हो—मुझे याद नहीं है। बतौर वज़ीर मुझ पर और मेरे भाई भोंसले पर जो फ़रायज़ आयाद होते हैं, वे दो हैं। एक तो है शरणार्थियों को बसाना और दूसरा है यह देखना कि कहीं ना-इन्साफ़, नाजायज़ तौर पर, गैर-कानूनी तौर पर, वे मुसलमान भाई, जोकि हिन्दुस्तान के नेशनल (राष्ट्रजन) हैं, जोकि भी इस वर्ष से यहां रह रहे हैं, जिन के मुकदमात चल रहे हैं, हमारी ग़फ़लत से उन बेचारों की जायदाद, जोकि गैर-निकासी हो, निकासी करार न दे दी जाय। तो मेरे और मेरे भाई के सामने जो मेयार (कसौटी) है वह यही है कि जहां हम शरणार्थी भाइयों को बसाना चाहते हैं वहां हम यह भी चाहते हैं कि वह भाई जोकि इस सिम्प्यूलर स्टेट (धर्म निरपेक्ष राज्य) के नेशनल हैं, जिन को फंडामेंटल राइट्स (मूल अधिकार) एक्जोर्ड (निषिद्ध) हो चुके हैं, जोकि ६ या १० बरस से हिन्दुस्तान में रह रहे हैं, उन भाइयों में कानफिडेंस (विश्वास) पैदा करें और ऐतबार पैदा करें। हमेशा के लिये यह चीज़ नहीं चल सकती। एक वक़्त था कि जब मुल्क में आग लगी हुई थी। कोई नहीं समझ सकता था कि मुल्क की क्या हालत होनी है। आज तो दस लाख गुजर गये।

पर क्या ग्राज भी हम अपने उन भाइयों से उन को इत्मीनान दिलाने के लिये यह नहीं कह सकते कि जो होना या सो तो हो चुका पर हम चाहते हैं कि जो मुकदमात ग्राज पड़े हैं उन का जल्द फैसला किया जाये। हम ने यह नहीं कहा कि नाजायज तौर पर किसी की जायदाद छोड़ दें।

श्री वि० घ० बेलपांडे : छोड़ी है और छोड़ेंगे।

श्री मेहर खन्व खन्ना : लेकिन मैं यह यह भी समझता हूँ कि अगर हमारी मिनिस्ट्री ने किसी को बसाना है तो हम दूसरे को नाजायज तौर पर उजाड़ कर नहीं बसाना चाहते। यह गलत चीज होगी। तो हमारे यहां बहुत मुकदमात पड़े थे। देखिये कि १०,००० मुकदमात यहां थे मई, १९५५ में। इसी तरह सेपेरेशन आफ इवेक्वी प्रापर्टी इंटेरेस्ट्स एक्ट (निष्क्रमणार्थी हित पृथक्करण) के नीचे शायद उन की तादाद ८०,००० या ९०,००० या ७०,००० हो। इसी तरह से दफा १६ के नीचे १,००० मुकदमे पड़े थे। डेढ़ दो लाख मुकदमे चल रहे थे और डेढ़ दो लाख कुनबों को परेशानी हो रही थी। उन को रोज प्रसिसटेंट कस्टोडियन के पास, कमी डिप्टी कस्टोडियन के पास, कमी कस्टोडियन के पास और उस के बाद कस्टोडियन जनरल और फिर वज्जारत (मंत्रालय) के पास जाना पड़ता था। आप समझ सकते हैं कि अगर कोई इन्सान अपने को उस हालत में पाये तो उस के दिल को कितना दुःख होता होगा। तो हम ने सिर्फ वही सोचा, ठीक है १९५७ में, १९५८ में जो भी कानून बना हो, जो आप ने तरीका इस्तेमाल किया हो या जो कानून पास किया हो वह ठीक होगा। लेकिन ग्राज १९५६ के इस्लातम (ग्रन्त) में मैं समझता हूँ कि वह तरीका बहुत लम्बा है और इसलिये उस को खत्म करना है। ग्राज हालत यह है कि एक बेचारा भाई यह नहीं जानता कि जो उस की जायदाद उस

के पास है वह कल खत्म हो जायेगी या उस के पास रहेगी। दूसरे इसलिये भी मैं चाहता हूँ कि इस का फैसला हो जाये ताकि जो जायदाद निकासी पूल में गानी है वह भी जल्दी आ जाये ताकि जिस शरणार्थी को एवजाना मिलना है वह मिले। तो मेरे पास आये दिन गिला किया जाता है, मेरे ऊपर गुस्ता किया जाता है, गो कि जो कुछ कहा जाता है वह बिरादराना तौर पर कहा जाता है।

श्री ब० ब० पांडे (जिला जलमोड़ा—उत्तर-पूर्व) : उलाहना।

श्री मेहर खन्व खन्ना : शर्मा साहब कभी कभी बहुत सी बातें कह देते हैं। मुझे उन के लिये इज्जत है। मैं उन को हमेशा प्रोफेसर के नाम से पुकारता रहा हूँ, और जब शरणार्थी नहीं बना था तब से उन को जानता हूँ। उस वक्त जो भी उन्होंने अपनी जिन्दगी कार खैर (अच्छे कामों) में दी मैं उस की कद्र करता हूँ और जो कुछ भी वह कहते हैं मैं उस की कद्र करता हूँ। ठीक है, आप कह दीजिये कि मैं उन बदकिस्मत वज्जरा (मंत्रियों) में से हूँ जो हाउस को अपने साथ कैरी नहीं कर सकता। लेकिन मैं वह नहीं हूँ जिस की तरफ उनका इशारा है।

Mr. Deputy Speaker, I do not plead guilty to that charge.

मैं अर्ज कर रहा था कि दो फज हैं जो हमारे ऊपर आयद होते (भाते) हैं, निकासी जायदाद का किस्सा बहुत जल्दी खत्म करना और शरणार्थी को जितनी जल्दी भी हो सके उस का एवजाना दिलायना। तो इस कानून में मैं ने किया क्या है? मैं ने अपने बुद्धि की तकरीर को सुना और मैं सोचता रहा कि ठीक है, मैं ने शुरू में कह दिया था कि जो सिलेक्ट कमेटी (प्रवर समिति) का प्रस्ताव है उसको मंजूर करने का मेरा इरादा नहीं है। लेकिन उन की तकरीर

[श्री मेहर चन्द खन्ना]

सुनने के बाद और दूसरे भाइयों की तकरीरें सुनने के बाद मैं ने कोशिश की और ठंडे दिल से सोचा आया मैं अपना खयाल बदल सकता हूँ या नहीं। मेरे सामने क्या चीज है कि जो मैं अपना खयाल बदलूँ। जो चीज कि फैसला शुदा है उस के बारे में हम यह कर रहे हैं कि जो उस का प्रोसीज्योरल पहलू है उस को कम किया जाये। दो बार चीज मेरे सामने आई।

पहली चीज जो श्री ठाकुर दास जी ने कही वह दफा २० ए० के मुताल्लिक है जोकि पेज ३ पर दी हुई है। उस में कहा गया है :

"Where any evacuee or his heir has made an application under section 16 of the Administration of Evacuee Property Act, 1950, (hereinafter in this section referred to as the Evacuee Property Act), and the Central Government is of opinion that it is not expedient or practicable to restore the whole or any part of such property to the applicant by reason of the property or part thereof being in occupation of a displaced person or otherwise, then, notwithstanding anything contained in the Evacuee Property Act and this Act, it shall be lawful for the Central Government...."

मेरा खयाल था कि इस चीज के लिये मेरी सराहना की जायेगी। लेकिन मामला कुछ उलटा ही निकला।

पहली बात जो मैं अर्ज करना चाहता हूँ वह यह है कि दफा १६ के नीचे जो सर्टिफिकेट दिया जाता है उस के लिये एक बड़ा एले गेट प्रोसीज्योर (लम्बी चौड़ी प्रक्रिया) है। दरखास्त कस्टोडियन के मुहकमे (विभाग) में जाती है, बाकायदा एन्वयरी (जांच) होती है, फिर कस्टोडियन जनरल के पास

जाती है, वह अपनी राय देते हैं, और फिर हमारी वज्जारत में आती है। तो वज्जारत में हम ने जूडीशियल आफिसर्स (न्यायिक पदाधिकारी) मुकरर किये हुए हैं जोकि डिस्ट्रिक्ट और सेशन्स जज के रैंक (दर्ज) के हैं। वह इस चीजों को देखते हैं और देखने के बाद एक कसौटी है। और वही कसौटी है जो रूल्स बनाये गये हैं दफा १६ के नीचे १५ बी वह रूल्स में शायामुदा (प्रकाशित) हैं उन में मुस्तलिफ क्लोज़ (खण्ड) है, ए० बी० सी० डी० वगैरह और उन में वह शरायत लिखी हैं जिन के कि मातहत वह सर्टिफिकेट मिल सकता है या नहीं मिल सकता है। मैं एक दो क्लोज़ को एवान (सभा) की खिदमत में पढ़े देता हूँ :

"Classes of persons to whom certificates under section 16 may be granted: A certificate under section 16 may be granted to the following classes of persons, namely:

(1) any person who, since the last day of March 1947 has continued to reside in India and did not at any time migrate to Pakistan and whose property has been declared as evacuee property;

(2) any person who, on or after the 1st March 1947, migrated from India to Pakistan but returned to India before the 18th July 1948 and has settled therein...."

वह सवा डेढ़ पेज की चीजें है और शायामुदा चीजें है। अगर जनाब डिप्टी स्पीकर चाहें तो मैं आप की वसातत से दे सकता हूँ और अगर आप मुनासिब समझे तो यह हमारी प्रोसीज्योर का पार्ट बन जाय क्योंकि मुझे इस को पूरा पढ़ने के लिये समय चाहिये और मैं इस वक्त आप का समय नहीं लेना चाहता। यह मौजद है और यह इस बात की कसौटी है और इस

बात की एन वाहादत देते हैं जोकि मैं ने अपनी तक्ररीर में अर्ज किया और वह यह है कि जहां ४९७५ केसेज दफा १६ के नीचे हमारे पास प्राये उस में से १७६६ केसेज में हम ने रेस्टोरेशन की इजाजत दी है और ३१७६ केसेज हम ने नामंजूर किये। कम से कम एक चीज मेरे सामने है और वह यह है कि यह जो १७६६ आदमी हैं कम से कम उन का जो वर्षों का डर था वह तो मिटा। क्यों उस के साथ न्याय नहीं हुआ उस की कुछ भी वजह हों, मैं आज बयान नहीं करना चाहता लेकिन उन की जायदाद हम ने ले ली थी और हम ने उन को निकासी जायदाद डिक्लेअर (घोषित) कर दिया था और अगर दफा १६ के नीचे उस की दर-स्वास्त नहीं आती और एक जुडिशल तरीके से उस का इन्तिहान या एग्जामिनेशन नहीं होता तो यह जायदाद मैं समझता हूँ कि एक नाजायज तौर पर हमारे इवैकुई पूल (निष्कमपार्थी सम्पत्ति पुंज) में आती।

जनाबवासा, इवैकुई पूल में इस वक्त तक्ररीबन २ लाख ७५ हजार प्रापरटीज (सम्पत्ति) हैं और मैं नहीं चाहता कि चन्द एक प्रापरटीज के लिये जोकि कानूनन दुस्त न हों हम अपने पूल में लायें, उस में हमें कुछ फायदा नहीं हो सकता और मैं समझता हूँ कि हिन्दुस्तान के अच्छे नाम पर, सुनहरी नाम पर एक बट्टा लगने वाला है। लेकिन जहाँ मैं आप से यह कहता हूँ और जहाँ मैं यह दावे से कहता हूँ कि हर एक केस को हम ने कायदे से निबटाया, मैं हाउस को यह भी तसल्ली दिलाना चाहता हूँ कि जहाँ हिन्दुस्तानी नेशनल्स (राष्ट्र जनों) की मैं जायदाद नहीं लेना चाहता वहाँ मैं किसी पाकिस्तानी नेशनल की जायदाद भी छोड़ने के लिये तैयार नहीं हूँ, यह आप मुझे तसल्ली ले लीजिये।

एक जोड़ मैं और अर्ज कर देना चाहता हूँ और इस के लिये मैं पंडित ठाकुर दास

भार्गव की तवज्जह अपनी तरफ मबजूल कराना (दिलाना) चाहता हूँ। यह जो हम तरमीम लाये हैं और जहाँ मैं अपने मुसलमान भाइयों के लिये समझता हूँ कि जितनी जल्दी हो सके यह मुहकमा खत्म हो और यह मुकदमात फ़ैसल हों वहाँ मैं यह भी समझता हूँ कि दफा १६ के नीचे जब हम किसी की दरस्वास्त मंजूर करते हैं तो उस की जो जायदाद है वह उस को वापिस मिलनी होती है। हमारे पास पंजाब से और दूसरे सूबों से केस प्राये और वह केस यह हैं कि जहाँ आप ने दफा १६ के नीचे मिसाल की तौर पर गुडगांव के इलाक़े में दीन मुहम्मद को २०० एकड़ ज़मीन उस को वापिस दे देने का हुक्म दे दिया, अब सात वर्ष से एक शरणार्थी वहाँ पर बसा हुआ है, वह ज़मीन उस को एलीट हो चुकी थी, उस बेचारे ने उस पर अपना घर बनाया था और यही नहीं बल्कि उस ने उस पर खर्चा किया है ताकि ज़मीन को इम्प्रूव करे और इम्प्रूव करने के बाद उस की आबादकारी हो। हम ने यह समझा कि सात वर्ष के बाद उस शरणार्थी को वहाँ से उठाना शायद हमारे लिये इतना आसान नहीं है और दूसरे हम ने यह भी समझा कि इस से उस की जो आबादकारी है उस को शायद भारी नुकसान पहुँचे। इसलिये हम यह अर्मेंडिंग बिल (संशोधन विधेयक) लाय और हम ने यह पावर (शक्ति) अपन हाथ में ली है। अब्बल तो हमारी स्वाहिश (इच्छा) होगी कि जहाँ दफा १६ के नीचे किसी जायदाद के वापिस होने का हुक्म देते हैं तो हमारी स्वाहिश यही होगी कि उस बेचारे को जिस का कि कोई क्रसूर नहीं है उस को अपनी ज़मीन और अपने बाप दादे का मकान वापिस मिलना चाहिये। मैं जानता हूँ कि एक इंसान को अपने बाप दादे की जायदाद और मकान से कितना प्यार होता है। मैं खुद जानता हूँ मुझे तकलीफ़ होती है और मुझे भी अपने बाप दादे के घर की याद आती है। जिस इंसान का कोई क्रसूर

## [श्री मेहरचन्द खन्ना]

नहीं और जो हमारे डिपार्टमेंट (विभाग) की लपेट में आ गया तो अगर हम को उस को उस का मकान वापिस नहीं कर सकते तो उस के लिये हम अपने हाथ में यह पावर ले रहे हैं कि उस को आलटरनेटिव होल्डिंग (दूसरी जमीन) दे दी जाय, उस को कैश दे दिया जाय या जमीन दे दी जाय या कैश और जमीन दोनों चीजें उस को दे दी जाय। मुझे यह ख्याल था कि मेरे दोस्त जिन के कि दिल में रेफ्यूजीज के लिये काफी मोहब्बत और प्यार भरा है वह मुझे इस में दाद देंगे कि तुम ने शरणार्थियों को उजड़ने से बचाया है।

यह तो एक चीज हुई। इस के अलावा मुझे दो एक चीजों की बाबत और अर्ज करना था और जिन की कि बाबत में दी तीन मिनट में जवाब दे दूंगा।

दूसरी चीज ट्रस्ट है। इस की बाबत नंबर यह आता है कि ट्रस्ट के मुताल्लिक भी आम भाइयों को शायद कुछ मलतफहमी है। आज हम यह फीसला नहीं कर रहे हैं कि ट्रस्ट की जायदाद क्या होनी है और क्या नहीं होनी है। नंबर आफ दी ट्रस्ट क्या है। आज जो चीज मैं आप के सामने लाया हूँ वह यह है कि नौ वर्ष गजर गये, जो आप का पहला कानून था जिस में यह था कि अदास्त बीवानी में यह चीज जायगी, वहां से ट्रस्टीज मुकर्रर होंगे, उस का नतीजा आज यह निकला है कि बहुत थोड़े केसेज में हम यह फसला कर सके हैं।

मैं यह पावर अपने हाथ में इसलिये ले रहा हूँ कि जब मैं यह समझता हूँ कि मेरी जिम्मेवारी इवैक्वी प्रापर्टी ला के नीचे दफा १६ की हो या दफा ५ की हो या ट्रस्ट की हो इस तरह से निभाना है कि बजाय इस के कि यह चीज एक लम्बे अर्से के लिये अदालते-दीवानी में पड़ी रहे, हम चाहते हैं कि अपनी मिनिस्टरी में ले लें। मैं कोशिश करूंगा कि

इन ट्रस्टों की प्रापर्टी को हैंडल करने के लिये एक जूडिशल आफिअर हो ताकि नजरिया तो बड़ी हो जोकि अदालते दीवानी में होता है लेकिन जो एक लम्बी चीज चलती है, मैं कोशिश करना चाहता हूँ कि उस को बहुत जल्द खत्म कर दिया जाय।

17 HRS.

उबे साहब ने दो तीन चीज कही हैं। अब शायद वह हाउस में नहीं हैं। लेकिन मैं चाहता हूँ कि उन का जवाब दे दूँ। उन्होंने ने साफ तौर पर कहा है कि पहले तो अपील कस्टोडियन के पास जाया करती थी लेकिन अब हम ने २,००० के नीचे के केस वहां रोक दिये हैं बाकी जो बड़ी अपील्स हैं वे कस्टोडियन जनरल के पास जायेंगी या नहीं प्वाइंट आफ ला हो वे केस कस्टोडियन जनरल के पास आयेंगे। वह चीज हमारे सामने उस वक्त भी थी। तो मैं जानता हूँ कि जिस आदमी का केस हैदराबाद में हो रहा है और उस की अगर जायदाद २,००० से ज्यादा कीमत की है तो उस बेचारे को अगर दिल्ली आना पड़ता है तो यह शायद उस के लिये तकलीफदेह साबित हो। तो मेरा इरादा यह है कि मैं कस्टोडियन जनरल और डिप्टी कस्टोडियन जनरल को यह हिदायत दूँ कि जहां इस किस्म के केस हों और अगर वे ज्यादा हों तो बजाय इस के कि वे लोग वहां से चल कर दिल्ली आयें वे ही बरायें मेहरबानी दिल्ली को छोड़ कर वहां जावें और वहां पर बैठ कर उन लोगों के जो मामलात हैं उन को सुन कर फीसला कर दें। इस का एक कारण यह भी है कि अगर खुद कस्टोडियन जनरल किसी मुकदमे का फीसला करे तो मुझे ज्यादा तसल्ली होती है, ज्यादा तषापफी होती है बजाय इस के कि कोई निचला महकमा करे क्योंकि आम तौर पर निचले महकमे के मुताल्लिक बहुत सी शिकायतें आती हैं।

एक चीज उन की और भी वह यह थी कि पहले कस्टोडियन को यह अख्तियार था

कि अगर कोई चीज जायदउलमियाद (की अवधि निकल जाती थी) हो जाती थी तो वह उन को इजाजत दे देता कि जो अपील की लिमिटेशन (परिसीमन) है उस के बाहर जा कर नये सिरे से मुकदमा चलाया जाय। एक केस की लिमिटेशन ६० दिन हो सकती है, छः महीने हो सकती है एक साल हो सकती है और दो साल हो सकती है। तो अगर दो-दो और तीन-तीन बरस के बाद ये चीजें फिर नये सिरे से शुरू होती हैं तो जिस दरवाजे को मैं बन्द करना चाहता था वह दरवाजा तो हमेशा के लिये खुला ही रहेगा।

शर्मा साहब पूछते हैं कि तुम अपनी मिनिस्ट्री का कब काम खत्म करोगे। मैं उस दिन अपनी मिनिस्ट्री का काम खत्म करूंगा जब आप को अपने साथ कैंरी कर लूंगा और जो चीजें मैं हाउस के सामने लाऊंगा उन को आप इस नज़रिये से देखेंगे कि मैं सच्चे दिल से जिन शरणाधियों की खिदमत करना चाहता हूँ या मैं सच्चे दिल से चाहता हूँ कि किसी हिन्दुस्तान के नेशनल का जिस का कि हमारी मिनिस्ट्री से ताल्लुक है, कोई नुकसान न हो। तो यह चीज हो रही है दफा ५ के नीचे हम ने क्या किया है। मैं ने यह पावर जो है वह दे दी है कस्टोडियन जनरल को। जनाब, आप पुराने वकील हैं और पेंप्सु में जज भी रहे हैं। आप यह सुन कर हैरान होंगे कि जहाँ सुपरिटेंडंस (अफीस) का ताल्लुक है, एडमिनिस्ट्रेशन (प्रवर्तन) के लिहाज से वहाँ हमारे कस्टोडियन साहिबान ज्युडिशियल केसिस को रिप्रोपन करते रहे हैं। मैं कानून नहीं जानता। ठाकुर दास जी ने इस के बारे में एक दफा कहा था। ठीक है, मैं कानून को नहीं जानता हूँ और इसे आप चाहे खुशकिस्मती कहिये चाहे बदकिस्मती कहिये, लेकिन मैं जानता नहीं हूँ। लेकिन इस चीज से मुझे तकलीफ होती है। मैं एक बात कहना चाहता हूँ। आज आप ने देख लिया है कि हमारी बचीरे-

आजम (प्रधान मंत्री) ने एक बड़ा भारी उल्लूक एक बड़ी भारी मिसाल कायम कर दी है। आप ने कहा कि एक मोहतरिम (माननीय) दोस्त का, जिस के लिये हमारे दिनों में बहुत कद्र है, जिन्होंने बहुत ही अच्छा काम किया है, इस्तीफा मंजूर कर लिया है और यह कि वह प्रेजिडेंट साहब से भी कहेंगे कि वे उन का इस्तीफा मंजूर कर लें। तो जब आप यह जिम्मेवारी किसी अपने एक बच्चे को देते हैं और आप यह चाहते हैं कि वह इन्हाफन इस जिम्मेवारी को निभाये तो अगर उस जिम्मेवारी के साथ लीगल पावर (बैधिक शक्ति) नहीं होगी, मैं कुछ नहीं कर सकता।

जहाँ तक मुसलमान भाइयों का ताल्लुक है मैं काबूमी साहब को बतलाना चाहता हूँ कि हम ने उन के लिये अब यह कर दिया है कि बजाय इस से कि वह जो कंडोनेशन की पावर थी उस को कस्टोडियन या असिस्टेंट कस्टोडियन को दें, उसे कस्टोडियन जनरल को दे दिया है। जहाँ कस्टोडियन जनरल साहब समझें कि इन्साफ नहीं हुआ है या थोड़ी सी गैर-इन्साफी की बू आती है तो वहाँ वह इजाजत दे सकते हैं या कि उस को कंडोन कर दिया जाय और नये सिरे से केस चल पड़े।

तो साहिबे सदर (उपाध्यक्ष महोदय) मैं ने अपने बुजुर्ग भाई ठाकुर दास जी की तकरीर को गौर से सुना और उसको सुनने के बाद मैं इस नतीजे पर पहुँचा हूँ कि जो चीज वह कह रहे हैं उस के बारे में हमारा उन के साथ उसूली इखतलाफ (सैद्धान्तिक मतभेद) है और यह मेरी बदकिस्मती है कि वह हमारी मिनिस्ट्री का जो नज़रिया (दृष्टिकोण) है उस को समझ नहीं सके हैं।

तो जो मैं कहना चाहता था उस को मैं ने आप के सामने रख दिया है। जो हमारा इरादा है उस के बारे में भी जो मुझे कहना

[श्री मेहर चन्द खन्ना]

या वह मैं ने कह दिया है। दो चार दिन की बात उन्होंने ने कही। मैं भी मानता हूँ कि इस से कोई फर्क नहीं पड़ता है। लेकिन मेरे खयाल में इस बिल को सिलेक्ट कमिटी में भेजने से कोई फायदा नहीं है। इसलिये मैं अपना मोशन (प्रस्ताव) हाउस के सामने रखता हूँ और पंडित ठाकुर दास जी जी जो तहरीक (प्रस्ताव) है कि इस को सिलेक्ट कमिटी के सुपुर्द कर दिया जाय, मुझे बड़े अफसोस के साथ उस की मुखालिफत (विरोध) करनी पड़ती है।

**Mr. Deputy-Speaker:** I shall now put the amendment to the House.

**Shri V. G. Deshpande:** On a point of order, Sir. There is no quorum.

17-08 HRS.

**Mr. Deputy-Speaker:** The bell is being rung. Now there is quorum.

The question is:

"That the Bill be referred to a Select Committee consisting of Lala Achint Ram, Shri C. P. Gidwani, Shri N. C. Chatterjee, Shri Mehr Chand Khanna, Shrimati Renu Chakravartty, Shri U. M. Trivedi, Babu Ramnarayan Singh, Shri D. C. Sharma, Sardar Iqbal Singh, Shri Basanta Kumar

Das, Dr. Ram Subhag Singh, Shri M. L. Agrawal, Shri Hem Raj, Sardar T. S. Akarpuri, Shri B. P. Jhunjhunwala, Shri Ranjit Singh, Shri N. C. Kasliwal, Shri Krishnacharya Joshi, Shri J. K. Bhonsle, Shri Bahadur Singh, and the Mover with instructions to report by the 1st December, 1956."

*The motion was negatived.*

**Mr. Deputy-Speaker:** Now, I shall put the motion to the vote of the House.

The question is:

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

*The motion was adopted.*

**Mr. Deputy-Speaker:** Is the House agreeable to take up the clause by clause consideration now?

**Some Hon. Members:** Tomorrow.

**Mr. Deputy-Speaker:** We can continue tomorrow. The House stands adjourned to 11 O'clock tomorrow.

17-11 HRS.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 27th November, 1956.*