

ptroller and Auditor-General has informed the Committee that he as well as his predecessors have been protesting to Government from time to time against the impropriety of his Department being made responsible for pre-audit and treasury payment work and pressed for its being relieved of pre-audit and payment work. This work is constitutionally entirely outside the duties of his Department. But unfortunately the various Governments have not realized this impropriety nor the risks involved in the arrangement and, therefore, have not implemented the proposal of the Comptroller and Auditor-General, except in the recent instance of the establishment of the New Delhi Treasury during this month" to which the hon. the Finance Minister referred.

Sir, I thank you for permitting me to read these recommendations of the Committee as the subject is germane to what happened this morning.

#### HIGH COURT JUDGES (CONDITIONS OF SERVICE) BILL

**The Deputy Minister of Home Affairs (Shri Datar):** I beg to move for leave to introduce a Bill to regulate certain conditions of service of the Judges of High Courts in Part A States.

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

"That leave be granted to introduce a Bill to regulate certain conditions of service of the Judges of High Courts in Part A States."

The motion was adopted.

**Shri Datar:** I introduce the Bill.

12 NOON

#### ABDUCTED PERSONS (RECOVERY AND RESTORATION) AMENDMENT BILL

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** I beg to move:

"That the Bill further to amend the Abducted Persons (Recovery and Restoration) Act, 1949, as passed by the Council of States, be taken into consideration."

This Bill which I have the honour to present before this House has its roots in the tragic days of 1947 when, in the frenzy of communal passion, dastardly crimes were perpetrated on either side

of the border. Of all the heastly things, surely the most terrible were the abduction of innocent women and children, thousands of whom were transported to the other side. These crimes were not crimes of a personal nature. They were social crimes, well-planned, co-ordinated, on the wrong principle of retaliation. The menace was terrible and both the Governments realized the dangers of the situation, and the two Prime Ministers, that is our Prime Minister and the then Prime Minister of Pakistan, by a joint declaration on the 3rd September, 1947 declared "that both the Central Governments as well as the Governments of West and East Punjab wish to make it clear that forced conversions and marriages will not be recognized". Further "that women and children who have been abducted must be restored to their families and every effort must be made by the Governments their officers concerned to trace and recover such women and children". The Governments' declaration was immediately implemented. The Military Evacuation Organisation and the local officials immediately set themselves to the task of recovery work and several thousands were indeed recovered till about the middle of 1948. But very soon it was realized that to tackle with a problem of such gigantic measure, the ordinary laws of the land would not suffice, and there was an agreement made on November, 11, 1948, that special legislation should be enacted on both sides of the border for dealing with this problem.

[PANDIT THAKUR DAS BHARGAVA in  
the Chair]

Pakistan issued a permanent Ordinance and their recovery work up till now is carried on under the authority of that Ordinance. In our country, we have, however, dealt with this in a different manner though I should say that the laws of both the Ordinances in Pakistan and India have been exactly alike. Our first Ordinance was passed in January, 1949 and it was extended on the 30th July 1949. The Constituent Assembly passed the Abducted Persons (Recovery and Restoration) Act, in December, 1949 which was valid up to 31st October, 1951. The Act was extended by the President in the form of an Ordinance. Later it was confirmed by Parliament and it became valid up to October, 31, 1952. Towards the end of this period, because Parliament was not in session the President issued an Ordinance which has its validity up to the 31st