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Saturday,
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PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Saturday, 20th December, 1952.

*The House met at a Quarter to
Eleven of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

Shri Telkikar (Nanded): On a point of order.

Mr. Deputy-Speaker: The proceedings have not started. What is the point of order?

Shri Telkikar: Before the proceedings start, the Marshal comes and addresses hon. Members as "Members". According to conventions, practice and procedure in the House of Commons, even the hon. Speaker addresses the Members as "hon. Members". Here, the Marshal comes and says "Members". It sounds like a class teacher announcing the arrival of a Headmaster by saying "boys, stand up". Either he should avoid addressing or simply say about the arrival of the Chairman or the Speaker. If he at all wants to address, he may say "Hon. Members" or "माननीय सभासदों, सम्माननीय अध्यक्ष जी?"

Mr. Deputy-Speaker: I fully appreciate the hon. Member's point of order. There is no point of order in this. However, I do feel that hon. Members must be addressed as "Hon. Members" but I understand the practice in the House of Commons is to say "Members of Parliament, so and so". However, I would like to go a little further and advise the Marshal to always prefix Members by the word "Honourable" if it is in English and "माननीय" if it is in Hindi. It does not matter if it is used to me or not.

360 P.S.D.

ORAL ANSWERS TO QUESTIONS
Short Notice Questions and AnswersARREST OF DR. BHAGWANDAS
GURBUXANI

Shri Gidwani: (a) Will the Prime Minister be pleased to state whether Dr. Bhagwandas Gurbuxani, a prominent social worker who was working in the Evacuation Camp at Karachi under the High Commissioner for India in Pakistan, has been arrested by the Pakistan Government; and

(b) if so, whether any inquiry has been made by the Government of India from the Government of Pakistan as to what were the reasons of his arrest?

The Prime Minister (Shri Jawaharlal Nehru): (a) Dr. Bhagwandas Gurbuxani was arrested where he was informed by the Pakistan authorities on the 22nd November, 1952. Dr. Gurbuxani ceased to have any connection with the Evacuation Transit Camp at Karachi from the 1st September, 1952.

(b) No enquiry has been made from the Pakistan Government.

PAKISTAN SECURITIES

Shri L. N. Mishra: (a) Will the Minister of Finance be pleased to state whether Pakistan securities and shares are held by Indians?

(b) If so, what is the amount and description of these securities and shares?

(c) Is there any ban on their export to Pakistan?

(d) If so, are the Indian holders of such securities and shares stand to lose as a result of this ban?

(e) If so, what is the extent of the loss thereof?

(f) Has any representation been made to Government for permission to export these securities and shares?

(g) If so, what action was taken by Government in the matter?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes, Sir.

(b) Government have no information.

(c) The export of securities and shares from India requires the permission of the Reserve Bank of India as such exports involve transfer of capital.

(d) and (e). Since the Pakistan authorities do not allow repatriation of the sale proceeds of Pakistan securities and shares to India, the question of loss as a result of the restriction on export of securities and shares to Pakistan does not arise.

(f) and (g). Yes, Sir. Exports of shares and securities have been agreed to in certain cases.

Shri L. N. Mishra: In connection with the reply to part (c) of the question, may I know the number of cases in which the Government have agreed to transfer?

Shri C. D. Deshmukh: The number is five. The names are— I will also mention the amounts—

- (1) Dr B R. Chatterjee, Principal, Meerut College—Rs. 30,300 face value (This is Pakistan rupees).
- (2) Messrs. United Eastern Agencies Limited, Bombay—Rs. 26,38,500 face value of Rs. 100 each.
- (3) Shri Gaiandamul Sethi—Rs. 1,800.
- (4) The United Bank of India Ltd. Rs. 30,00,000 expressed in terms of Indian rupees.
- (5) Ganesh Flour Mills Limited, Delhi Rs. 15,00,000.

Of these, No 4 was a special banking transaction which was agreed to by the Reserve Bank of India as well as the State Bank of Pakistan. It was intended to serve as assets for the United Bank of India Limited in Pakistan.

Shri L. N. Mishra: May I know what are the criteria for permitting such transfer?

Shri C. D. Deshmukh: The criteria are: (1) that there is a genuine distress experienced by the holder; (2) that the holder has not recently acquired the securities as part of a speculative deal; (3) the value of the Indian securities in terms of the market value in India bears at least roughly the rate of 1.44, i.e., the official rate of exchange between Indian and Pakistani rupees, to the market value in Pakistan of the Pakistani securities export-

ed; and (4) the transaction is carried out under the supervision of the Reserve Bank of India or authorised dealers.

Shri L. N. Mishra: May I know whether the Government of India stand to lose if Pakistani securities and shares which are held by Indians are allowed to be exchanged at official exchange rates with Indian shares and securities held by Pakistan nationals?

Shri C. D. Deshmukh: We are not sure of the exchange. Certainly, on our side there will be export of capital, and there is no guarantee that on their side, Pakistan would allow of the export of our securities to India, and therefore, return the capital.

Pandit Thakur Das Bargarava: What is the objection of the Government if there is an exchange between Pakistan securities and Indian securities as well as in regard to the shares of the respective companies on both sides? There is no financial loss to the Government as such.

Shri C. D. Deshmukh: That is why I said exchange was agreed to.

Sardar Hukam Singh: Did the Government ever up to this time try to assess the value of Pakistan securities held by Indians here?

Shri C. D. Deshmukh: There is some kind of estimate which is included in the census prepared by the Reserve Bank of India's liabilities and assets. According to that estimate, shares and debentures in Pakistan companies held by Indian nationals were reported to be about Rs. 193 lakhs as on 30th June, 1948.

Sardar Hukam Singh: Are the values of these securities and shares much lower in India than the rates prevalent in Pakistan?

Shri C. D. Deshmukh: That is my impression.

Sardar Hukam Singh: Is the Government aware that on account of this ban, the Indians who are holding these securities or shares are compelled to sell them to Pakistanis, at 50 per cent. rate, and they smuggle them to Pakistan and get the full value, and that on this count, India is losing several lakhs of rupees?

Shri C. D. Deshmukh: They need not sell, because Pakistan allows the remittance of either dividends or interests.

Sardar, Hukam Singh: Is the Government aware and has any fact come

to the notice of the Government that Indians here are compelled to sell them to those persons who smuggle them to Pakistan and get the full value?

Shri C. D. Deshmukh: I do not know of anything that compels people to sell.

Sardar Hukam Singh: Because there is a ban, no Indian would be prepared to buy it, and so they have to sell them to those persons who smuggle them to Pakistan and get the full value there?

Shri C. D. Deshmukh: That is right, Sir, and that is what we are trying to avoid indeed, several representations have been made by share brokers and others who are willing to buy them, and that is why we do not allow them to be exported.

Sardar Hukam Singh: Has Pakistan ever been consulted on this question, as to whether it is prepared to have an exchange, or has the Reserve Bank made any attempts to get these exchanges?

Shri C. D. Deshmukh: Those are bound up with the general question of financial settlement between India and Pakistan. I am not aware of whether this issue has been raised separately and specifically with Pakistan.

Sardar Hukam Singh: Is the Government now prepared to take up this question with Pakistan, or advise the Reserve Bank to look into this question, because India is suffering a great loss on this?

Shri C. D. Deshmukh: We are not suffering any loss, as far as I am aware.

Shri N. C. Chatterjee: Is it a fact that Pakistan nationals are permitted to export Indian securities held by them to India?

Shri C. D. Deshmukh: By the Government of Pakistan?

Shri N. C. Chatterjee: Yes, and there is no difficulty created by your Government.

Shri C. D. Deshmukh: To their import here? Certainly, if capital is coming to this country, it would not be in our interest to stop it.

Mr. Deputy-Speaker: Is Pakistan putting a ban on that?

Shri C. D. Deshmukh: If Pakistan is permitting the export of these securities to India, it is not in our interest to stop them.

Sardar Hukam Singh: Is there any idea of the amount of Indian securities held by Pakistanis there?

Shri C. D. Deshmukh: That we have not got.

Shri A. N. Vidyachar: How many Pakistani securities since 27th February 1951 standing on our registers in different Treasuries of India have changed encasement, indicating their transfer from India to Pakistan?

Shri C. D. Deshmukh: I require notice for that question.

Shri T. N. Singh: What were the special distress considerations which induced the Government to permit the export of securities by two of the private firms mentioned in the hon. Minister's statement earlier?

Shri C. D. Deshmukh: One related to the United Bank of India Limited. The Bank held funds on behalf of its Pakistan branches, and since remittance would have involved the Bank in heavy loss, permission was granted with the concurrence of the State Bank of Pakistan, for the export of the Pakistani securities for the purpose. As regards Messrs. United Eastern Agencies Limited, Bombay, the particulars are that the exchange of 26,385 shares of the Karachi Electric Supply Corporation held by the United Eastern Agencies Limited, Bombay, as managing agents of the firm, was permitted. The firm had placed these shares against the overdrafts and loans that they had taken, and since the creditors were insisting on immediate payment of these, and since the latter could not dispose of these shares in India, they wanted permission to exchange these shares against Indian shares and securities held by Pakistan authorities. The Reserve Bank advised us to allow exchange after confirming that the conditions of exchange are satisfactory, that is to say, that the exchange took place at the official rupee rate, and the shares and securities bought in exchange are subject to the approval of the Reserve Bank.

Shri T. N. Singh: What about the Ganesh Flour Mills of Delhi?

Shri C. D. Deshmukh: The particulars are that permission was asked for floating a new company in Pakistan, the Lyallpur Industries, Lyallpur, out of the assets of the two former factories there. Permission to sell and export shares later to Pakistan nationals has been granted—I understand that this case is not yet complete—as the Indians find great diffi-

culties in operating the factories in Pakistan without Pakistan participation.

Pandit Thakur Das Bhargava: Is it not a fact that Pakistan has withdrawn the ban on export of securities under Section 13(2) of the Foreign Exchange Regulations Act?

Shri C. D. Deshmukh: I am not aware. I will make inquiries.

Shri A. N. Vidyalkar: Has any attempt been made under Section 19 of the Exchange Control Act, to get all the Pakistani shares and securities declared by the public?

Shri C. D. Deshmukh: No, Sir.

Shri A. N. Vidyalkar: Why has no such attempt been made?

Shri C. D. Deshmukh: I have to look into the papers to see whether this matter was considered at all.

Shri Joachim Alva: In the cases of transfer of securities referred to by the hon. Minister, when these holders registered their claims, was it done immediately after the Partition or only recently?

Shri C. D. Deshmukh: I want notice.

Pandit Thakur Das Bhargava: Is the Government aware that the people of India are undergoing a great loss because the export of securities is not allowed under the ban?

Shri C. D. Deshmukh: I do not see how they would suffer a loss, because they are not due for payment and maturity yet, and they get dividends or interest.

Pandit Thakur Das Bhargava: If they sell the securities here, they get only half the price, whereas if they sell in Pakistan, they would get double the price...

Shri C. D. Deshmukh: They need not sell at all.

PURCHASE OF RAW RUBBER BY MANUFACTURERS

Shri A. M. Thomas: Will the Minister of Commerce and Industry be pleased to state: (a) whether the Dunlop Rubber purchasing department has suddenly stopped purchasing raw rubber from 10th December 1952, in Kottayam, the greatest production centre of raw rubber in India;

(b) whether Government are aware that the price has consequently recorded a fall to the extent of Rs. 15/- for 100 lbs in 24 hours;

(c) whether Government are watching the move of the manufacturers to defeat Government's recent increase in the price of raw rubber;

(d) whether Government are aware that the financial equilibrium of Travancore-Cochin State would be considerably affected by this development in the rubber market; and

(e) what steps Government propose to take to meet the situation.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I dealt with this matter on the other day, when the question of an adjournment motion was raised, and I gave some information in answer to parts (a) and (d) of the question. -

I would like to say that the problem of accumulation of rubber stocks in South India, at this time of the year, has been a recurring feature, because, as the hon. member knows, during the months of September and December, production is usually high, while the offtake remains more or less at the normal level. The two main factories which consume a major quantity of rubber produced in the country are Dunlop Rubber Company and Firestone Tyre and Rubber Company. Stocks held by them at the end of November 1952 in the aggregate has been 1702 tons. Rubber acquired by other manufacturers during November 1952 has been 1214 tons. The stocks during November-December last year were 1335 tons, and 1744 tons respectively. That is between these two tyre companies and other rubber manufacturers.

Government understands that the Dunlops have purchased about 730 tons during November, and 590 tons during December 1952, of which 70 tons were bought during the current week. During 1952, they have bought 7311 tons of indigenous rubber and imported only 1363 tons, as against 6191 tons and 4103 tons respectively during 1951. Their closing stocks this year are expected to be 1512 tons as against 734 tons last year. Government was advised that the producers were not willing to sell rubber before Government announced the price increase with the result that the Dunlops had to arrange for some imports. They have, however, not placed any indent for import after 25th October 1952, and it appears that this company does not intend to utilise the balance of the licence held by them for importation of rubber. According to the latest information, the tyre companies have not stopped purchasing this month despite their having excess stocks. Dunlops, however,

are closing down for ten days in December for stock-taking. Normally, they keep six weeks' stocks as reserve, whereas they have at present reserve stocks to cover ten weeks.

In regard to the Firestone Tyre & Rubber Co., according to the latest figures received, out of the total allotment of 950 tons for the months of November and December, they have already purchased 884 tons and they expect to purchase the balance of 66 tons before the end of this month.

It is understood that the rubber market has always a quantity of anything between 2000 and 4000 tons of rolling stock. It is expected that the buying position would improve during the early part of next year.

According to market reports, local prices at Kottayam this week were Rs. 4/- less than the minimum controlled price of Rs. 138 per 100 lbs. for Grade 1 rubber. It is also learnt from other sources that producers were selling rubber at Rs. 7 to Rs. 9 less than the controlled price in some cases. Private information that I have received indicates that while some people are getting Rs. 135 and Rs. 136, there are other people who are less fortunate and they only get Rs. 131. It may be mentioned, however, that the control over rubber movement has been lifted and any licence-holder is free to buy in the open market any quantity.

The present trend of prices in the world market should be a further incentive for lifting of the stocks. Singapore price on 10th Dec. 1952 is Rs. 153/9 per 100 lbs. which is Rs. 15 more than the Indian price.

I am aware, Sir, that the Travancore-Cochin Government are very much interested in this matter, but I do not think that the Government is at all perturbed in regard to the situation prevalent in Kottayam at the moment.

Shri A. M. Thomas: The hon. Minister stated that some quantity was purchased during the current week. When was the purchase begun and was it after the enquiry made by the Government and the fact brought to its notice?

Shri T. T. Krishnamachari: I quite agree that this question would be appropriate to some witness who has knowledge of all the facts. My knowledge is based on a telegram I have received stating that 70 tons was purchased this week. I can say nothing more.

Shri A. M. Thomas: Are Government aware of the date on which the purchase started?

Shri T. T. Krishnamachari: I must, Sir, submit humbly that my knowledge is rather imperfect and does not extend beyond what has been told to me by the Rubber Production Commissioner that 70 tons was purchased this week.

Shri A. M. Thomas: Is it a fact or not that the Dunlop purchasing department in Kottayam has stopped purchases from 10th December?

Shri T. T. Krishnamachari: Sir, in the face of what I have heard, I cannot answer the question. Obviously my hon. friend would like me to say 'yes' and then he will ask 'How do you say that 70 tons was purchased afterwards?' Obviously, it is not possible to reconcile the information that he has received and I have received.

Shri A. M. Thomas: May I enquire whether in view of the fact...

Mr. Deputy Speaker: Order, order. Is it worthwhile putting any more questions? The hon. Minister has given whatever information he has received, and if any more is received he has no personal knowledge of what is taking place. It may be useless to...

Shri A. M. Thomas: In view of the mounting stock, may I know, Sir, whether the Government is intending to allow export of some quantity of rubber temporarily?

Shri T. T. Krishnamachari: I would like to state that the whole agitation, in my opinion, is started because some interests want to export as they will get a difference in price of about Rs. 15-20. That seems to be the basis of the agitation, as I understand it, and it is certainly not in the interests of Government to allow export of rubber when the country itself is not self-sufficient in it. We have to import some rubber for our needs.

Shri P. T. Chacko: In 1950 when a difficult situation arose and when the Dunlop and other companies complained to the Government that the producers were not selling rubber to them, Government by issuing an order freezing the rubber stocks, asked the officers to purchase rubber and to hand it over to the Dunlop company and others. May I know, Sir, whether in view of the fact that the small growers are affected very much, Government would ask the local officers to purchase rubber from at least the small growers, and would provide some finance for that purpose?

Sbri T. T. Krishnamachari: Sir, the first part of the question is past history, of which I have no knowledge. The second part arises from the fact that nothing is being done—and that is not my information.

Sbri Joachim Alva: Is it true that complaints have been received against the Controller of Rubber Production? May I know, Sir, the name of the officer concerned and also whether he is connected with Dunlop? May I also know whether complaints have been received that prices have been so manipulated as to benefit these big foreign companies and not the producers?

Sbri T. T. Krishnamachari: I must emphatically enter a protest against this unwarranted allegation by an hon. member who is perhaps not aware of the facts of the situation. I would like to know where the hon. member got his information from.

Sbri Joachim Alva: This matter was raised in Parliament.

Sbri P. T. Chacko: May I know, Sir, whether the Dunlop company was trying its best not to raise the controlled price of rubber and whether Government raised the price of rubber in spite of the company's insistence not to raise it?

Sbri T. T. Krishnamachari: No, Sir. Government were asked to raise the price by a recommendation made by the Tariff Commission. Government have no knowledge of the fact that any interest sought to deter them from raising the price.

Sbri Matthen: Has the Rubber Board in its November meeting recommended to the Government to allow a small export of rubber to ease the market?

Sbri T. T. Krishnamachari: The politics of the Rubber Board is well known to the hon. member who asked the question.

Sbri Damodara Menon: The hon. Minister stated that during the period when the producers were not selling rubber pending Government decision on price, there was some amount of rubber by Dunlop and other companies. May I know, Sir, the quantity imported?

Sbri T. T. Krishnamachari: Sir, I have mentioned the quantity imported by Dunlops for this year—1363 tons.

Sbri G. P. Sinha: Is there any proposal to ban further import of rubber?

Sbri T. T. Krishnamachari: Sir, this arises out of the position which my

hon. friend does not understand, namely that if we grant a licence for import and the licence has a period of validity, it is not open to Government to cancel that licence except by special legislation. What the Government have done in this case is to ask the importers not to import, and, as I have said, in the case of the Dunlop Rubber Company, they have agreed not to import anything more, and they have assured us that they have not placed any indents after the 26th October 1952.

Sbri G. P. Sinha rose—

Mr. Deputy-Speaker: I have called Mr. Punnoose.

Sbri Punnoose: The hon. Minister stated that Grade A rubber has a reduction of Rs. 4 per 100 lbs. Does the hon. Minister know that only very large producers can produce Grade A rubber and that the biggest amount is produced by small producers and that belongs to Grades B and C? Are the Government also aware of the fact that this temporary closing of the market hits them hard with the result that the prices go down and the merchants can very easily buy away those stocks?

Sbri T. T. Krishnamachari: Sir, the hypothesis is so involved that I am unable to answer the question. The price of Rs. 138 per 100 lbs. is for Grade A—what they call rubber with high quality dry rubber content, naturally the price for the lower grades of B and C would be smaller and if people get lower prices for B and C, that follows, I quite concede that by producing inferior quality rubber, their income will be smaller. I cannot say anything beyond that.

Sbri Joachim Alva: I asked a specific question as to who the Rubber Production Commissioner is and whether he has been connected with Dunlop or whether Government propose to appoint one of their own officers as Rubber Production Commissioner?

Sbri T. T. Krishnamachari: Sir, I must again emphatically deny that the Rubber Production Commissioner has anything to do with any Rubber Tyre Company in this country and my hon. friend is making allegations without any knowledge. Is not the officer who is not here to be protected, Sir, against such allegations?

Several Hon. Members rose—

Mr. Deputy-Speaker: Order order. There is no use side-tracking the issue. In spite of the repeated answers of the hon. Minister assertions should not be

cast against officers who are in responsible positions. The hon. Members must accept the assurance of the hon. Minister and unless they have got definite charges, which they should bring to the notice of the hon. Minister, for which they have not got redress they should not bring them before the House. The normal procedure is that no hon. Member should make offhand any allegation against any responsible officer.

I have allowed a sufficient number of questions relating to one matter. I now proceed to the next question.

Mr. Deputy-Speaker: Question 111.

The Minister of Finance (Shri C. D. Deshmukh): Sir, there are three other questions. I will be glad if 115, 118 and 122 are also taken along with this.

Mr. Deputy-Speaker: Yes

COMMONWEALTH PRIME MINISTERS'
ECONOMIC CONFERENCE

Dr. Lanka Sundaram: Will the Minister of Finance be pleased to state: (a) whether any commitments are agreed to at the Commonwealth Prime Ministers' Economic Conference recently held in London in which he represented India; and

(b) if so, what those commitments are?

COMMONWEALTH ECONOMIC CONFERENCE

Shri K. P. Tripathi: (a) Will the Minister of Finance be pleased to state whether the Commonwealth Conference which concluded recently has formulated any policy or recommendations or conditions?

(b) If so, what are they?

(c) Are Government of India committed to them?

(d) Do Government propose to place the commitments before the House and debate upon before they are accepted or rejected?

(e) Was the question of commodities discussed with regard to stabilisation of prices and transaction?

(f) If so, what were those commodities?

(g) Are we committed by implication to approach nonsterling area countries for finance or development capital through Bank of England?

COMMONWEALTH ECONOMIC CONFERENCE

Shri Namhiar: (a) Will the Minister of Finance be pleased to state whether a statement on the decisions reached at the recent Commonwealth Economic Conference is proposed to be placed on the Table of the House?

(b) What concrete measures of assistance are promised by the Commonwealth Countries to assist the Five Year Plan?

(c) What in turn are our obligations to the helping countries?

(d) Was any decision reached in the conference about India's acceptance of the Queen of the United Kingdom as the head of the Commonwealth of Nations?

(e) If so, the reasons therefor?

The Minister of Finance (Shri C. D. Deshmukh): In my copy there are no (d) and (e), Sir

Mr Deputy-Speaker: Certainly, there are no financial implications attached to them. Next question.

COMMONWEALTH ECONOMIC CONFERENCE

Dr. J. N. Parekh: Will the Minister of Finance be pleased to state:

(a) the outcome of recent Commonwealth Economic Conference which he attended;

(b) the main features of items discussed and decisions arrived at; and

(c) its effects so far as India is concerned and mainly on:

(i) the position of sterling in the world market;

(ii) the impact on our import-export trade; and

(iii) our sterling balances?

The Minister of Finance (Shri C. D. Deshmukh): With your permission, Sir, I propose to reply to all these Questions together.

2. The conclusions reached at the Commonwealth Economic Conference have been stated in a Press Communiqué which was issued in London on the 11th December 1952 and copies of which were placed on the Table of the House on the 17th December 1952.

3. There were no commitments, but the main principles agreed to at the Conference were three:—

(1) The sterling area countries should follow internal economic policies designed to curb inflation;

- (2) The sterling area countries should encourage sound economic development with the object of increasing their productive strength and competitive power; and
- (3) The sterling area countries should seek co-operation of other trading countries to create conditions in which progressive action could be taken for making sterling convertible and the multilateral system of trade and payments restored.

4. Agreement on these points does not involve adoption of any new policies on the part of the Government of India. Our internal economic policies are already designed to keep inflationary pressures in check and the implementation of our Five Year Plan should assist us in increasing productive strength and competitive power.

5. That, Sir, answers the major part of these four questions, with the exception of the following three points—

- (i) The effect on India's sterling balances and the import/export trade;
- (ii) Stabilisation of prices of commodities; and
- (iii) Concrete measures of assistance by Commonwealth countries for the Five Year Plan.

6. As to (i), I wish to say that as the position of sterling becomes stronger and trade on multilateral basis becomes possible, our foreign trade should automatically show an improvement and the potential worth of our sterling balances should increase.

As to (ii), there were no detailed discussions on commodity prices at the Conference. It was the agreed view of the Conference however, that efforts should be made to stabilise demand and prices, at an economic level, of all major primary commodities. The precise method that should be adopted for this purpose can only be arrived at by agreement between the major producing and consuming countries in respect of each commodity.

As to (iii), concrete measures of assistance from the Commonwealth countries for our Five Year Plan were not discussed at the Conference. Hon. Members are aware that in the past we have received assistance from Canada, Australia and New Zealand.

This aid was received from them without our undertaking any obligations in our turn. As stated in paras. 12 and 13 of the Communique, the UK Government announced at the Conference certain facilities for providing finance for sound development projects in the Commonwealth. We hope to avail ourselves of these facilities for some of the projects in the Five Year Plan. These would be mainly in the shape of loans either from the International Bank or from the London capital market and in both cases the only obligations that we are likely to be called on to undertake are the commercial ones of the payment of interest and the repayment of loans.

Shri Nambiar: Was the question of Imperial Preference discussed in the conference, Sir?

Shri C. D. Deshmukh: Yes, Sir; I hope the hon. Member has read the communique.

Shri Nambiar: Was there any proposal on the part of the U.K. to expand the range of the Imperial Preference. Sir?

Shri C. D. Deshmukh: My impression is that these matters have been referred to in the communique.

Mr. Deputy-Speaker: All things that have appeared in the communique need not be asked here.

Shri Nambiar: I want to know the attitude that India took with regard to this. That is the question.

Shri C. D. Deshmukh: I may say, Sir, that we were opposed to any relaxation of any of the GATT provisions in this matter. We only agreed to consider any minor adjustments that were consistent with the spirit underlying these provisions.

Shri Nambiar: What was the attitude of India with regard to the convertibility of sterling?

Shri C. D. Deshmukh: We welcome any prospect of convertibility of sterling.

Dr. Lanka Sundaram: May I know, Sir, whether India was one of the countries which supported the U.K. proposal that Commonwealth countries should seek release from the "no new preference" clause in the GATT as reported in the communique issued from London on the 11th of this month?

Shri C. D. Deshmukh: I said just now that we were not in favour of any relaxation.

Dr. Laska Sundaram: May I know, Sir, whether the Finance Minister is in a position to state the possible volume of sterling which would become available to India from London in terms of the communique of the London Conference?

Shri C. D. Deshmukh: It is quite impossible to state, Sir. This consortium has just been started and a surplus is to be established.

Shri B. Das: May I know if the Finance Minister reflected at the Conference the large volume of opinion existing in this country that we are against Imperial Preference and that the old terms of Imperial Preference should end?

Shri C. D. Deshmukh: It must have been clearly reflected by the attitude we took up.

Sardar A. S. Saigal: The hon. Minister has just said 'certain facilities'. What are those facilities, Sir?

Shri C. D. Deshmukh: I would ask the hon. Member if he has read the communique.

Shri H. N. Mukerjee: In view of the fact that this was a Prime Ministers' Conference, will the Finance Minister be pleased to tell us if any discussions were held, or decisions taken, regarding facilities to the British Government about the recruitment of Gurkha soldiers in this country, especially in view of the fact that the High Commissioner for Great Britain in India has lately stated that the transit facilities for Gurkha troops.....

Mr. Deputy-Speaker: This was a Prime Ministers' Economic Conference.

Shri C. D. Deshmukh: These matters were quite beyond the scope of this Conference and therefore they were not discussed in any conference which I attended.

Shri H. N. Mukerjee: In view of a press report that Mr Churchill at a Conference with all the delegates to this meeting discussed the so-called cold war between the East and the West, will the Finance Minister please enlighten us.....

Mr. Deputy-Speaker: All these questions relate to the Economic Conference. If the hon. Member wants to put a question relating to some other conference ad hoc convened by Mr. Churchill, it is out of order.

Shrimati Kama Chakravartty: The hon. the Finance Minister said that there was some discussion about keep-

ing economic levels about certain pro-auctions. I would like to know if anything was discussed on the question of tea, because it was said that between major producing countries and major consuming countries there seems to be some sort of agreement. In view of the fact that the tea industry does come in the relations between U.K. and India was there any sort of discussion on this particular commodity?

Shri C. D. Deshmukh: I have said that individual commodities were not discussed. The general principle was accepted that stabilisation of demands and prices would make for stabilisation of balance of payments position and it was for that purpose that they all agree that the possibilities of agreements on major primary commodities should be explored. In the case of each individual commodity, discussion will arise only where such discussions are initiated.

Shri Nambiar: With regard to parts (d) and (e), it was in my question and also indicated in the copy, but since the hon. Minister did not get notice of it I will once again read it, so that he may answer it.

Mr. Deputy-Speaker: I have disallowed it. I have already said that it is an Economic Conference. So the two parts of the hon. Member's question do not arise.

Shri Nambiar: But instead of the Prime Minister, the Finance Minister went there

Mr. Deputy-Speaker: Order, order, there must be a limit to this discussion. It is said again and again that it was an economic conference.

Shri N. C. Chatterjee: We have some Short Notice Question on Kashmir.

Mr. Deputy-Speaker: That will be taken up at 2.30.

STATEMENT RE: CORRECTION IN ANSWER TO STARRED QUESTION NO 709, DATED 26-11-52 ON SODIUM CARBONATE FOR GLASS INDUSTRY

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Mr. Deputy-Speaker, Sir, the hon. Prof. Meghnad Saha, speaking on the 15th December 1952, referred to an answer given by me on the 26th November in respect of Starred Question No 709 and said:

"The other day I put a question about the price of soda ash.

Answer to Starred Question

I was told that the price of soda ash in England was Rs. 252 per ton and therefore the price of Rs. 360 in this country is not exorbitant. I was not at all convinced. I consulted the 'Chemical and Engineering News' and found that the price of soda ash in England is £ 13 4s. which comes to about Rs. 160. I do not know why our Minister of Commerce and Industry is always giving us wrong information."

Sir, I did verify the prices in England, though I must at once admit that it is extremely unfair to ask the Government to give ruling prices in other countries in regard to commodities which form the subject of private commerce which Government do not enter into normally. I have found, Sir, in another magazine, "The Industrial Chemist" for the month of August it is said that there was a steady demand for soda ash and the price ranges between £9 17s and £11 17s. per ton, though there is no indication whether it is for heavy or light soda ash.

But I must admit, Sir "out of evil cometh good". Out of a possible mistake that I have made, I have seen some light. It does seem, Sir, that the c.i.f. prices quoted by British firms for export to India do not tally with the prices they seem to quote in their magazines in London. I had this question verified and I was told that my Ministry depended upon information supplied by Customs culled out of invoices that were attached to Bills of lading. Very possibly they made one slight mistake. They gave the c.i.f. prices as prices ruling in London. One invoice was traced in respect of a shipment cleared in March 1952 which presumably is dated January, in the matter of the imports of a well known firm and it shows that the c.i.f. price charged is 22sh. per hundredweight which means \$22 per ton. It is slightly more than Rs. 252, but on the basis of working back the freight which is roughly about \$1s. per ton, it might be a little less, so far as the prices quoted f.o.b. London are concerned. Another firm to whom the Ministry of Commerce and Industry addressed for information says: "The current rates for consumption in UK is £10 18s. per ton, whereas the c.i.f. price for export to India is £20 per ton." Working back the freight it might be somewhere about £15. 19s. per ton ex London warehouse.

That is why I say it was rather difficult for us to find out how this Rs. 252 was arrived at. At any rate I would like to add that in a matter like this if the Ministry had given the information from one of these magazines, again it would have been wrong. All that we can depend upon is some information we can get out of invoices covering ex ship to India. Sir, one fact which emerges is that there seems to be differential prices for home consumption in U.K. and for export to India. I must emphasise the fact that we had no intention of giving wrong information and no intention of misleading the Professor. In fact a question like this should not have been answered this way. If I had scrutinised it. I would have said that we have no information. I am grateful to the Professor for drawing my attention to this fact and I do propose to investigate whether there is differential prices between export to India and for home consumption. Perhaps something might emerge to our advantage. If that emerges I have no doubt Government and the country would be grateful to the hon. Member.

Shri Meghnad Saha: Sir, we are thankful to the hon. the Commerce and Industry Minister for this information. It appears that the firms are selling soda ash in England for £10 to £12.

Mr. Deputy-Speaker: Normally no speeches are allowed on a statement.

Shri Meghnad Saha: I am just elucidating the matter.

Mr. Deputy-Speaker: We have got so much of other work. I won't allow any discussion on it. The hon. Minister has corrected a statement which he had made on the spur of the moment. The order paper contains only the statement. Statements are not allowed to be discussed. It will take a lot of time. We have got two other Bills to go through.

ORAL ANSWERS TO QUESTIONS

Short Notice Questions and Answers
2-30 P.M.

FIRING BY POLICE ON PROFESSIONISTS
IN JAMMU

Shri N. C. Chatterjee (on behalf of Dr. S. P. Mookerjee): Will the Prime Minister be pleased to state:

(a) whether there was firing by Police on 14th December, 1952 at Chhamba in Jammu on peaceful processionists and one Indian citizen

was shot dead by the police while attempting to hoist the National Flag on a public building;

(b) whether the movement is spreading in different urban and rural areas specially as a result of the repressive policy pursued by the authorities; and

(c) whether Government propose to appoint an independent commission to investigate into the excesses committed by the police and in particular to ascertain the number of occasions when citizens were assaulted and persecuted for carrying and honouring the National Flag?

The Prime Minister (Shri Jawaharlal Nehru): (a) The facts relating to the occurrences at Chhamb on the afternoon of 14th December are as follows:

Chhamb is a small town near the Pakistan border. A violent crowd armed with lathis, axes and stones attacked the Tehsil buildings. Sardar Sohan Singh, First Class Magistrate, who was on duty, tried to persuade the leaders of the crowd to disperse peacefully. No heed was paid to this and the crowd forced their way through the Police cordon and entered the Tehsil building, where they hoisted the flag. Thereafter they proceeded to the Police Station where they attacked the Police party. The Inspector on duty, Amar Nath Jain was attacked with lathis and his arm fractured, while Sub-Inspector Jaishiram and eight constables were wounded, one of them getting an axe wound on his head. The Magistrate on duty thereupon ordered fire to be opened. As a result of this, one man was hit and killed. The Jammu and Kashmir Government have instituted a judicial enquiry into the incident and the matter is at present sub judice.

(b) The agitation has been from its beginning largely localised in Jammu and a few small towns, namely, Akhnur, Samba, Ranbirsinghpura, Bhadrawah, Udhampur Chhamb. It has been accompanied by mob violence, destruction and looting. Several magistrates and a number of policemen have sustained injuries, some of them serious. In spite of these injuries and the violence and looting, the Police appear to have behaved with considerable restraint in the face of personal risk and grave provocation.

(c) The question of the appointment of a Commission is a matter entirely for the Jammu and Kashmir Government to consider, since it relates to the maintenance of law and order, in

the State. The National Flag is not honoured by people misusing it and making it a symbol for illegal activities. The Government of India have framed rules regulating the use and display of the National Flag on buildings or other places. Under these rules, the Flag may not be used or displayed, except on special occasions, such as Independence Day, Republic Day, etc., by persons who are not authorised to use it.

Shri N. C. Chatterjee: Is it a fact that the person who was killed as a result of the police firing belonged to the tehsil Bhimbar in the Mirpur district occupied by Pakistan forces?

Shri Jawaharlal Nehru: I do not know, Sir.

Shri N. C. Chatterjee: Is it a fact that the flag which was said to be hoisted by Mr. Melaram, the person who was killed, was the Indian Union National Flag?

Shri Jawaharlal Nehru: I presume so. As a matter of fact, if the hon. Member had listened to my answer, he would have noticed that it was not at the tehsil building, where the flag was hoisted that the firing took place. It was when the crowd proceeded and attacked the Police Station that the firing took place.

Shri N. C. Chatterjee: Is it a fact that the Jammu leaders have charged that the National Conference had engaged agents provocateurs to create trouble in order to bring disgrace on the movement?

Shri Jawaharlal Nehru: What the Jammu leaders have said I do not know, but they normally say the wrong things in the wrong place.

Shri N. C. Chatterjee: Will the hon. the Prime Minister see that a High Court Judge is appointed to conduct the judicial enquiry and not a subordinate judge or a mere civil judge?

Shri Jawaharlal Nehru: The hon. Member should remember that this is entirely for the State Government. As a matter of fact they have appointed a Judge. I think he is a subordinate judge and he is actually conducting the enquiry.

Shri Nandhark: Is it a fact that the Praja Parishad and other communal bodies have got their own flags and they use the National Flag only as a weapon of propaganda?

ANGLO-U.S. RESOLUTION ON KASHMIR*

Shri M. S. Gurupadaswamy: Will the Prime Minister be pleased to state:

(a) whether the Government of India have accepted or agreed to accept the latest Anglo-U.S. Resolution on Kashmir;

(b) whether the Government of Pakistan has accepted this Resolution; and

(c) what is the stand of our delegation in U.N. with regard to this Resolution?

The Prime Minister (Shri Jawaharlal Nehru): (a) Government of India have neither accepted nor agreed to accept the resolution sponsored by the UK and US representatives in regard to Kashmir

(b) The representative of Pakistan delivered a very long speech in the Security Council a few days ago. We have not seen the full text of the speech yet. But from the extracts that we have received, it appears that he is prepared generally to accept the resolution, although he has criticised some parts of it. At the same time, he has put forward various other proposals relating to the strength of troops to be maintained on either side of the ceasefire line.

(c) Our delegation in the U.N. has made it clear that there are certain parts of the resolution which they cannot accept.

Shri M. S. Gurupadaswamy: May we know, Sir, what is the underlying reason for the repeat performance of Anglo-American interests in putting forward this Resolution and Pakistan voluntarily agreeing to it? Does it mean that every proposal has been fashioned by London and Washington, in consultation with Karachi and then sprung on India?

Shri Jawaharlal Nehru: If the hon. Member asks me what other countries do, I cannot answer that.

Shri M. S. Gurupadaswamy: Mr. Zafrullah Khan, in his speech delivered on the 17th of this month before the Security Council has quoted Mrs. Vijayalakshmi Pandit, the Leader of our Delegation in the United Nations and he has said that his country is prepared to withdraw all their forces from Kashmir and will agree to 28,000 troops to be stationed by India on the Indian side, provided the "Azad" forces are retained intact?

Shri Jawaharlal Nehru: The hon. Member has raised an interesting point. In the speech that Mr. Zafrulla Khan made, he has made out for the unwary that he is offering something new. As a matter of fact the suggestion he has made is far worse than most suggestions we have thus far had to consider, because it involves keeping a very large well-armed Pakistan force in those territories which are called the "Azad" territories.

Mr. Zafrulla Khan says that he will withdraw the Pakistan armies, but the so-called Azad forces are absolutely, hundred per cent, parts of the Pakistan Army, as well trained, as well equipped. This means that while Dr. Graham was discussing the reduction of forces and had suggested that Pakistan might retain—I forget now—a few thousand, 5,000, 7,000 or 8,000 according to Mr. Zafrulla Khan, Pakistan could retain anything from 20,000 to 30,000 troops, there because he does not call them Pakistan troops he calls them Azad troops. So that, really, this suggestion made is ingenious and can only take in the unwary and those who do not know the facts of the case.

Shri M. S. Gurupadaswamy: The speech of the Pakistan Foreign Minister conveys the impression that the whole dispute arises from India's failure to fulfil her promise to hold a plebiscite. May I know whether India's offer of a plebiscite is entirely voluntary, and in view of Pakistan's intransigence and the failure of the U.N.O. to bring about an early settlement...

Mr. Deputy Speaker: He is not asking a question.

Shri M. S. Gurupadaswamy: ... whether this offer of plebiscite will be withdrawn in view of Pakistan's intransigence and because of the undue delay in bringing about a settlement?

Mr. Deputy Speaker: It is a suggestion for action.

Shri K. K. Basu: In view of the continuous machinations of the Anglo-American bloc in this respect, is Government considering the question of withdrawing it from the United Nations?

Shri Jawaharlal Nehru: Withdrawing what?

Shri K. K. Basu: The Kashmir issue from the United Nations.

Shri Jawaharlal Nehru: Government do not propose to take any such action.

Shri M. S. Gurupadaswamy: The Pakistan Foreign Minister in his speech has observed that for the fourteenth time the Government of India has rejected the proposal of the U.N. Is it a fact, and may I also know how many times the Pakistan Government has rejected the proposal of the U.N.?

Mr. Deputy-Speaker: No, tit for tat!

Shri S. V. Ramaswamy: What is the estimated strength of the Pakistan forces and the so-called Azad Forces?

Shri Jawaharlal Nehru: I cannot say. "Pakistan Forces" means the whole Pakistan Army which is either inside

or a little across the border—the whole Army is round about there. The Azad Forces I estimate to be thirty or thirty-two battalions.

Shri T. K. Chaudhuri: Has Government's attention been drawn to the observations made by the paper "Dawn" published from Karachi, which is supposed to be the official organ and mouth-piece of the Muslim League there, that if this offer made by Sir Zafrulla Khan is rejected then the only way left open for Pakistan is war, and may I know if the hon. Prime Minister has any observations to make on that?

Shri Jawaharlal Nehru: None, Sir.

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

2889

2889

HOUSE OF THE PEOPLE

Saturday, 20th December, 1952

The House met at a Quarter to Eleven
of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

10-45 A.M.

STATEMENT BY PRIME MINISTER

CORRUPTION AMONG PUBLIC SERVANTS

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): In the course of the speech day before yesterday during the debate on the resolution on the Five-Year Plan, Shri Purushottamdas Tandon referred at some length to corruption among public servants. In particular, he referred to the accounting and audit system in this connection and condemned the Auditor General and the Deputy Auditor General for failure to detect cases of corruption. He based his charges principally on an attempt by a clerk to obtain a pay order fraudulently for Rs. 2,800/- in December, 1948 in the office of the Accountant General, Central Revenues.

My colleague, Shri Mahavir Tyagi, gave some facts of this clerk's case day before yesterday in the House.

As I have often stated, Government are always prepared to inquire into any charge which has a *prima facie* justification and to take other suitable action.

In fact this is being constantly done. I would, however, submit that indiscriminate attacks on public servants are not fair and can only lead to a decline in the morale both of the public servants and the public generally.

491 P.S.D.

and would have other unfortunate results also. Government are anxious, as this House is, to maintain high standards of public behaviour and they will do everything in their power, with the co-operation of this House, in this regard. The Government of this country is carried on not by a few persons at the top, but by a vast army of public servants, spread out all over the country, who deal with thousands of crores of public money. There are unfortunately cases of fraud and embezzlement, but they represent a negligible fraction of the total sums involved and it would be very unfair to suspect wholesale this entire army of public servants on whose loyalty and trustworthiness the Government of this country depends. Vigilance is always necessary to deal with cases of fraud or embezzlement or serious financial irregularity. For my part, I give the assurance to the House again that any case brought to our notice, which has some *prima facie* justification, will be inquired into and necessary action taken.

I should like to refer specially to the position of the Comptroller and Auditor General of India. Under the Constitution, he is appointed by the President and can only be removed from office in the manner provided for the removal of a Judge of the Supreme Court. He is not responsible to Government and, indeed, it is open to him to criticise Government action in reports submitted to Parliament, where he thinks this necessary. For him to be criticised on the floor of the House would tend to undermine the special position that has been granted to him and make it difficult for him to discharge his duties without fear or favour.

Shri Tandon (Allahabad Dist.—West): May I say a few words?

Mr. Deputy-Speaker: On a statement nothing is said, however.

Shri Tandon: I am in your hands. The statement of the Prime Minister

[Shri Tandon]

arises directly out of the remarks which I made the day before yesterday in connection with what I had to say about the Five-Year Plan. When speaking of corruption in the ranks of officers and men, it seemed to me necessary to refer to a case which was in my personal knowledge. I had obviously no rancour or bitterness against the Auditor-General or the Deputy Auditor-General (Hear, hear) or any of the big officers of the Finance Department. I do not claim the privilege of knowing these great dignitaries personally. The remarks that I made were based on what had come to my knowledge. I felt that when a clerk of the Accountant-General's office claimed that he could give a number of cheques to one who had something to do with the Department and had to receive a payment, a clerk of that kind was not a novice at his task and I felt that there must be something very wrong in the system which could permit cheques of that kind to be given. I feel even now that whatever I said that day had justification behind it. It was not in a spirit of carping criticism that my remarks were made. I had brought this matter to the notice of the then Home Minister, the late Sardar Vallabhbhai Patel. I expected that quick action would be taken in a matter of this kind. As I said that day, I requested Sardar Patel not to arrest this little man, but to have the whole system examined under which a claim of that kind by a clerk could be possible a claim that he could issue a number of cheques for the same amount. There was nothing to be gained by the arrest of a small clerk. I did not know that individual. But, recently it came to my notice that, after the case had been dragging on for more than four years—so far as I am aware, this man had not even been examined as an accused, I say this subject to correction; my belief is that the man has not been examined yet—it had been withdrawn because disciplinary action was intended to be taken against him. That was what the department said in a letter to the individual at whose instance this case has been taken up; I saw a copy of that letter. I did not feel that the withdrawal of the case was justified because the man was ill. I have had some experience as a lawyer and I do not remember a case in my whole life when a case was withdrawn on account of the illness of an individual of this kind. It was a serious matter. The whole working of the Finance Department was in a way to be examined in that case. We are aware that the man who signed the cheque was not arrest-

ed. He must have had to give his explanation in the case. It would have been interesting to hear from the accused what he had to say in the matter. It would not be honest on my part to conceal the fact that I suspected at the time I brought the matter to the notice of Sardar Patel, a big conspiracy behind the whole thing. It may be that this attempt was the first of its kind and Providence so shaped things that that case was to come to my notice. It is not impossible. But I suspected that there had been a big drain of public money and that there was some kind of conspiracy behind it. It was for that reason that I went to Sardar Patel in 1948. Because, after all I have spent my life in serving the public and I felt that this was a matter to be enquired into.

Those who have to serve the public cannot afford to be thin-skinned. The Auditor General is not above criticism. If the system of accounts lends itself to the drawing of such cheques, there is something very wrong with the system. I feel I was justified in calling upon the Finance Minister to appoint a Commission to look into this whole affair and also to examine the system under which a thing of this kind could be possible. That is all I have to say.

Shri N. C. Chatterjee (Hooghly): Mr. Deputy-Speaker, just one word.....

Mr. Deputy-Speaker: No, no.

Shri N. C. Chatterjee: One word, Sir. Having regard to the serious allegations made, may we enquire from the Prime Minister or the Finance Minister if they are prepared to go into the matter and institute a judicial enquiry either by a Supreme Court Judge or by a High Court Judge? It is a serious matter and we are deeply perturbed.

11 A.M.

Shri Jawaharlal Nehru: I do not wish to continue an argument here on this subject. I did not for an instant think that the hon. Mr. Tandon made any remark in a spirit of carping criticism. He felt it; therefore he said so. He was perfectly right when he brought this case of the clerk to the notice of the then Home Minister Sardar Patel, who immediately took some action. Personally, I had not heard of this case at all till I learnt of it from the hon. Member's speech. It is a four year old case. I do not wish to go into that. I do not know all the facts.

Some, I know. I would invite the hon. Member himself to go through all our papers on the subject. If he thinks he can make any suggestion as to what more can be done, we are prepared to consider it. My colleague Shri Tyagi will place himself at his disposal to show him all the papers, what had been done, what has not been done, why it has been done, etc. If anything is lacking, surely we shall go into that. My information is that at that time an enquiry was held. I cannot obviously say how adequate it was. But, it was held and they went fairly closely into this question, both into that individual case and into the larger question of possible leakages and in fact, some changes were made. That particular case, I am told, was not due to what might be called the system, which was good or bad, but rather to a concocted document. It is almost possible to concoct and forge a document and one may be taken in. It is bad to be taken in, no doubt; but one can possibly be taken in. Anyhow, I am told that some papers of that type were concocted and that officer—it was carelessness, negligence or conspiracy, you can say—was taken in and signed the cheque. Subsequently a full examination took place and it was found to be the only cheque drawn; there was no other duplicate or other payment. Anyhow, I invite the hon. Member to go into this matter himself with our help. We will give every help, and every paper connected with this matter. If he has any suggestion to offer, we will consider that with the greatest care.

So far as this clerk is concerned, as I said, I knew nothing about him till day before yesterday. From the statement made by Mr. Tyagi, it appeared that for the last three years he has been lying in a tuberculosis hospital very ill. It is very difficult to send for him to court and though the matter went on being postponed, ultimately, I believe the case was withdrawn on compassionate grounds because he is very ill. The Judge went on protesting that he cannot keep a case pending for years. Whether it was right to withdraw or not, I cannot say. That is the decision taken. I do not know all the facts. Quite a number of persons felt that he was almost—I do not say at death's door—very ill and there is no point in carrying it on. I am no judge. My hon. friend has greater experience as to when cases are withdrawn and whether it was right or wrong. Anyhow, I ventured to raise this matter before the House not so much about

that individual case, but about the larger question.

As for Mr. Chatterjee's suggestion, with all respect to the hon. Member, I really do not know if, in a case like this, in a poor clerk's case, you want a Supreme Court Judge to enquire. I say it is not only open to the hon. Member, but any other Members of this House to see and get to know many more facts than I can state here, from the papers, and see if anything wrong has been done. If it is, we shall go into it.

The Minister of Finance (Shri C. D. Deshmukh): I should like to add that all this is based on a lot of misconception about what happened. A clerical officer draws up a cheque, and then it is his business to have it passed by a superior officer. If the superior officer is negligent, certainly this kind of case will recur, and the only remedy that one has is to take action against the officer concerned for his own negligence. Therefore, it is not the failure of a system so much as the failure of the human material. There may be room for difference of opinion as to whether, in this particular case, the punishment awarded to that officer was sufficiently deterrent or not, and one might take the view that even if it was the first case of negligence, in the interests of Government money stronger action should have been taken. That matter is past. The only other point I would wish to make is that a certain amount of difficulty arises in this country on account of the accounts and audit functions being combined in the same set of people, and in fairness to the Comptroller and Auditor-General. I would like to say here that for the last four years he has been pressing hard that this system, which requires a department to make payments, should be stopped and that the function of his department should solely be to audit expenditure. He has criticised this system time and again, and in individual cases where we found that payments were large and voluminous or important, we have taken action to open separate treasuries, so that the function left to him is only of audit, but it is partly due to lack of staff and partly due to lack of resources that we have not been able to adopt in full his recommendations that these functions should be entirely separated. I have no doubt that as we proceed, a time will come, and that probably very shortly, when in the interests of public revenues, this would have to be done.

THIRD REPORT OF PUBLIC ACCOUNTS COMMITTEE

Shri B. Das (Jajpur-Keonjhar): I beg to present the Third Report of the Public Accounts Committee on the "Exchequer Control over Public Expenditure." [Placed in Library. See No. IV. O.O (87).]

On 12th November, 1952 the Public Accounts Committee appointed a sub-committee consisting of Shri S. N. Agarwal, Pandit Munishwar Datt Upadhyay and Shri Ramachandra Reddy to enquire into the introduction of the system of exchequer control over public expenditure from the Consolidated Fund of India in consonance with the provisions of the Constitution.

The sub-Committee held two sittings and reported. Their report was considered and approved by the Public Accounts Committee.

A brief record of the proceedings of each meeting of the sub-Committee and the whole Committee has been maintained and forms part of the Report. A statement showing the summary of the principal recommendations of the Committee is also appended to the Report.

In view of the discussions this morning I will, with your permission, read that summary of recommendations:

"1. The introduction of a satisfactory system of Exchequer Control with a view to ensuring that the Grants voted and Appropriations made by Parliament are not exceeded is urgently needed.

2. It is improper that the Comptroller and Auditor-General should be saddled with the responsibilities of compiling Accounts of the Union and the State Governments and also of auditing the same.

3. Separate Accounts Offices for the various Ministries and the major spending Departments should be set up as soon as possible.

4. Immediate preparatory steps should be taken in consultation with the Comptroller and Auditor-General to separate Audit from

Accounts, both at the Centre and in the States, the pace being limited by the time required to bring about the necessary changes of organisation.

5. The Central Government, while making the Annual Grants to the States, should clearly specify the conditions under and the purpose for which these Grants should be utilised, so that there is no risk of the grants being diverted to unintended purposes, and the Audit authorities have no difficulty in judging whether the expenditure is in conformity with the conditions and purposes of the Grant.

6. The Comptroller and Auditor-General should have the right to audit the expenditure of the State-sponsored concerns by whatever name they may be called, because they are financed from the Consolidated Fund.

7. Corporations for the management of Government industrial undertakings should be set up under the authority of Acts passed by Parliament."

I will conclude my statement by reading paragraph 5 of the Report which I am presenting to the House:

"While dealing with this question of Exchequer Control, the Committee would also like to refer to the existing arrangement in certain places where the offices of the Indian Audit Department have been saddled with the responsibilities of conducting pre-audit and actually making payments. The function of payment of monies, and maintenance of initial accounts is that of the Executive authorities, and it is well-known and universally accepted that the agency which has to audit payments should be separate from and independent of the agency which has to make disbursements, as a combination of these functions is likely to facilitate frauds and embezzlements and prevent their coming to light. This places the Auditor-General in a most embarrassing and anomalous position. It is fundamentally wrong in principle, therefore, to make the Indian Audit Department responsible for making payments. The Com-

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

[Sbri Anil K. Chanda]

of December. The present Bill, therefore, seeks to extend the life of this Act up to February 28, 1954.

I should mention here in passing that on June 10, 1952, the High Court in East Punjab declared this Act as *ultra vires* of the Constitution but both the East Punjab Government and the Government of India appealed before the Supreme Court and the Supreme Court finally upheld the constitutional validity of this Act. It will be seen that we in our country have not got a permanent legislation to cover this work. We have made legislation from time to time thereby giving a chance to this Parliament to review the cases. Though five years have gone by, we have enough information in our hands that quite a large number of people on either side yet remain to be recovered and restored and this is the reason why we want sanction of Parliament to extend the life of this Bill. This Bill which I have the honour to present before the House, substantially is the same as the Act which it seeks to amend except in two minor details. It substitutes the words "Central Government" for the words "State Government" wherever the latter expression occurs in the Act and secondly it provides that an abducted person within the meaning of this Act who is removed from the States to which the Act extends to any other place in India may be taken into custody by the police officer duly authorised and for this purpose, this particular provision would be made applicable to the whole of India. This change is needed on the basis of our experience. During the vigorous search that our recovery squads undertake, the abductors very often remove their victims from areas where this Act applies to places outside its jurisdiction. We have instances of cases where these abducted persons were taken away to Nepal and South Africa. Therefore we feel it is necessary that our police should have the authority to chase up cases to all parts of India. I may mention the Pakistan Ordinance covers the whole of West Pakistan and this Act also contemplates a little centralisation power in the hands of the Government in order to have better co-ordination. For three valid reasons we feel that this Act should be extended, No. (1) there is, of course, the humanitarian aspect, No. (2), there is the Agreement to which we are a party and No. (3), we have information that thousands of abducted women and children on either side of the bor-

der remain yet to be restored and recovered.

Shri B. K. Das (Contai): May I have one information from the Minister? I want to know, what is the number claimed by Pakistan to be still left in East Punjab or other places and what is the number we claim in Pakistan. Our number is something like 8,000 in Pakistan. Another thing is whether our recovery squads can work in the closed districts of Pakistan where formerly our squads could not go.

Shri Anil K. Chanda: It is very difficult to state in specific terms figures of the number of persons yet to be recovered. The process is this. Each Government supplies to the other a list of the persons abducted. A lot of information is needed and continual correspondence is going on. I am afraid till now we are not in a position to state specifically what is the number yet to be restored. So far as the closed areas are concerned, our workers have been allowed to go into those areas.

Shri B. K. Das: They are allowed?

Shri Anil K. Chanda: Yes.

Mr. Chairman: Motion moved:

"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".

Shri Deshpande will kindly say if he proposes to move his amendment.

Shri V. G. Deshpande (Guna): I beg to move:

"That the Bill, as passed by the Council of States, be circulated for the purpose of eliciting opinion thereon by the 15th February 1953."

Mr. Chairman: Amendment moved:

"That the Bill, as passed by the Council of States, be circulated for the purpose of eliciting opinion thereon by the 15th February, 1953."

Shri V. G. Deshpande: The Ordinance is there. You can extend it by another Ordinance. I would like to make a submission. I am moving this amendment because it has been said that today is the last day.

Mr. Chairman: The hon. Member proposes to move the second amendment also?

Shri V. G. Deshpande: If the first one is not carried I will move the second.

Mr. Chairman: If the hon. Member desires, he may place both the amendments before the House, one after the other.

Shri V. G. Deshpande: I will move both. Names may be given afterwards.

Mr. Chairman: Names should be given.

Shri V. G. Deshpande: Just now?

Mr. Chairman: Yes, just now they should be given. Is the list ready?

Shri V. G. Deshpande: After five minutes I may be able to give.

Mr. Chairman: Unless the hon. Member has got the permission of the Members beforehand, he will not be in a position to give the names. Members have to be consulted.

Shri V. G. Deshpande: A few names may be added.

Mr. Chairman: Has the hon. Member taken the permission of those few Members?

Shri V. G. Deshpande: Yes.

Mr. Chairman: The rule is this that when an amendment is moved to refer a Bill to a Select Committee, the hon. Member who moves the amendment should give the names of the Members of the Select Committee. Since the hon. Member did not know about this rule, I have allowed him to give the names. Since he is unable to give the names now, we will proceed with the discussion. I will ask some other hon. Member to speak. He will take his chance afterwards.

शाला अचिन्त राम (हिसार) : चेअरमैन साहब, मैं इस बिल का समर्थन करने के लिये खड़ा हुआ हूँ। जिन साहब ने इस बिल के लिये सर्कुलेशन मोशन (circulation motion) किया है उन सदस्य के लिये मुझे बड़ा एहताराम है, लेकिन मैं चाहता हूँ कि मुझे कुछ मालूम तो ही कि वह किस लिये सर्कुलेशन मोशन चाहते हैं। कम से कम मुझे तो कोई ऐसा कारण मालूम नहीं होता। मैं समझता हूँ कि इस बिल के लिये जो दलीलें दी गई हैं वह बहुत माकूल हैं। पहली दलील तो यह है कि हम चाहते हैं कि यह जो ऑर्डिनेन्स (ordinance) है वह फरवरी, १९५४ तक चले

और इस का साफ कारण यह है कि पिछले साल जो रिकवरी (Recovery) हुई है, इस में कोई शक नहीं है कि पाकिस्तान से जो औरतें आई हैं उन की बनिस्बत जो वहाँ से गई हैं ज्यादा है, करीब चार या पांच सी. गई हैं, लेकिन हमें इस उद्देश्य को अपने सामने नहीं रखना चाहिये कि उस तरफ से कितनी औरतें आती हैं, और हम अपनी तरफ से कितनी भेजते हैं। आनरेबुल मेम्बर मुझे माफ करेंगे क्योंकि इस बारे में मेरा दृष्टिकोण उन के दृष्टिकोण से मुस्तलिक है।

Mr. Chairman: Before the hon. Member proceeds, may I just clarify the position? So far as this Bill is concerned, this House is committed to the principle of the Bill. This consideration whether more women are recovered from Pakistan or from here is not germane to the Bill. Here, we are only concerned with the question whether there are any women yet to be recovered and whether we can allow an extension so far as the territories are concerned. These are the only two points. I would request the hon. Members not to go over the entire ground and proceed on that basis. As a matter of fact, this question whether there were more recoveries or less recoveries is not germane at all. This principle has already been accepted by the House. It is not a condition for the extension of the Bill that an equal number should be recovered and then only the Bill will be allowed to continue. I would request them to be quite relevant because today we are finishing and there is not much time before us. I would request them to be brief.

Shri Kasliwal (Kotah-Jhalawar): He is speaking on the extension.

Sardar Hukam Singh (Kapurthala--Bhatinda): There may be extraneous circumstances that we are dispersing today and, therefore, there is no time to go into details; that is a different matter altogether. When it is said that it is in the Agreement and that is one of the reasons why we have to continue the Act, then, we are entitled to survey that Agreement and see how far it has been implemented, and how it is being worked. We are entitled to touch upon these points whether in detail or summarily. I beg to submit that the Chair might consider whether it is irrelevant or out of time if we go into that.

Mr. Chairman: In fact, this discussion as it arises out of the Agreement is not irrelevant in this sense. Everything is relevant. If there are any reasons why we should not pass this Bill, all those considerations are relevant. It is a Bill which we are discussing. What I said was that if we repeat those arguments which were advanced at the time when the original Bill was passed, it will take a long time. Only owing to the shortness of the time at our disposal, I made that point.

श्री अशोक राम : आप मुझे माफ करेंगे। मेरा कोई ऐसी बात कहने का मतलब नहीं था। ऐसे भी आदमी हैं जो जिन की वस्त्रों नहीं हैं। वह कहते हैं कि एक्सटेंशन (extension) की जरूरत नहीं है। मेरी गुवांरिश उन के लिये यह है कि जो पिछली साल की रिपोर्ट है उस से जाहिर होता है कि रिकवरी हो रही है। तो यही जस्टिफिकेशन (justification) है कि हम इस को एक्सटेंड (extend) करें। वही मेरी दलील है।

दूसरी बात यह है कि, जैसा मिनिस्टर साहब ने फरमाया, कि पाकिस्तान ने जो इन्तिज़ाम किया हुआ है वह परमानेंट बेसिस (Permanent basis) पर किया है। हम एक्सटेंड करते हैं। इस वास्ते हमारे लिये जरूरी है कि हम भी ऐसा एक बिल पास करें।

दूसरे अमेंडमेंट में समझता हूँ बड़े जरूरी हैं। यह तजरबे से मालूम हुआ है कि बाज आदमी औरतों को ऐसे एरियाज़ (areas) में ले जाते हैं जहाँ यह बिल लागू नहीं होता है। मैं समझता हूँ कि इस तजरबे की रोजगारी में यह जरूरी है कि हम इस में अमेंडमेंट करें। अगर हम सच्चे मानों में रिकवरी करना चाहते हैं तो हमारा फर्ज है कि हम इस देश में ऐसी कोशिश करें कि जहाँ भी औरतें और बच्चे जायें वहाँ से उन को रिकवरी करें। मैं रिकवरी को इतना महत्व नहीं देता हूँ जितना

कि इस बात को कि इस से हम पाकिस्तान में और दुनिया में क्या असर पैदा करते हैं कि हम अपने देश में कोई ऐसी औरत नहीं रखना चाहते जिस के कि वालिदेन और रिश्तेदार पाकिस्तान में रहते हों। यह हमारे मुल्क पर धब्बा होगा। मैं तो यहाँ तक जाने को तैयार हूँ कि चाहे पाकिस्तान से एक भी हज़ारी औरत न आये लेकिन हम को अपना फर्ज अदा करना चाहिये। हमारा ध्यान इस बात पर नहीं है कि वहाँ से औरतें नहीं आती हैं। हमारा यह फर्ज है कि हम पाकिस्तान के एक एक बच्चे और एक एक औरत को यहाँ से निकालें। इस वास्ते मैं इस बिल का समर्थन करता हूँ।

Shri V. G. Deshpande: I have given the list to the Secretary.

Mr. Chairman: Let him move the motion first. He has not moved the motion. Then, he may read out the names.

Shri V. G. Deshpande: The first motion has been moved. The second motion is:

"That the Bill, as passed by the Council of States, be referred to a Select Committee consisting of Sardar Hukam Singh, Shri Gidwani, Shri Ajit Singh, Shri P. N. Rajabhoj, and the Mover.....

Mr. Chairman: May I just request the hon. Member whether he considers this list of five names,—one is the mover,—a sufficiently representative list and all the sides of the House are represented, and whether it will be proper to move these names only to constitute the Select Committee?

Shri V. G. Deshpande: Mr. Chairman, what I proposed was this. I wanted time to consult other Members. I never knew that both the amendments would be moved together. I thought there will be a discussion first and I would get time to speak on this motion. There seems to be a hurry upon the whole procedure and, therefore, I have not got the time. If the Chair insists, I do not press my second motion. I will restrict myself to the first and withdraw my second motion if that comes in the way of discussion.

Mr. Chairman: It is for the hon. Member to decide.

Shri V. G. Deshpande: I do not press that.

Mr. Chairman: He does not move?

Shri V. G. Deshpande: I do not move it.

सभापति महोदय, इस विधेयक पर चर्चा करने के पूर्व में बड़ी नम्रतापूर्वक आप के समक्ष एक बात रखना चाहता हूँ। आज पार्लियामेंट समाप्त होने के आखिरी दिन दो तीन घंटे में इस बिल को समाप्त करने का हमारी सरकार का विचार बीख रहा है। आप ने देखा होगा कि जब यह कानून समाप्त हुआ था उस समय पार्लियामेंट चल नहीं रही थी। इस कारण आर्डिनेंस (Ordinance) द्वारा इस कानून को आगे बढ़ाया गया। और जब सरकार यह समझती थी कि ३१ दिसम्बर तक को इस कानून की मियाद थी, तो सरकार का यह कर्तव्य था कि जैसे और विधेयक इस हाउस में लाये गये उसी तरह इस को भी इस से पहले लाती और इस पर अच्छी तरह से चर्चा होती। उस स्थिति में हमारे सभापति महोदय को यह कहने की ज़रूरत न पड़ती कि समय थोड़ा है और इस बिल को आज समाप्त करना है। शायद इस के लिये यह समझा जाता होगा कि यह कानून पुराना है और इस पर बड़ा चर्चा की आवश्यकता नहीं होगी। यह बिल तो पहले मंजूर हो चुका है और इस का ऐक्सटेंशन (extension) होना है इसलिये इस पर बड़ा चर्चा की आवश्यकता नहीं है। लेकिन मेरा विरोध दो तीन कारणों से है। एक तो यह कि केवल ऐक्सटेंशन नहीं है। इस बिल की जो मुख्य धारें हैं उन में परिवर्तन किया गया है। आप देखें कि मूल विधान ११ नियमों का है और आप यहां देखते हैं कि ९ नियमों में परिवर्तन किया गया है। ११ में से ९ नियमों में परिवर्तन किया गया है। इन के अतिरिक्त शार्ट टाइटिल (Short Title) और प्रिऐम्बल (Preamble) आदि हैं।

तो क़रीब क़रीब एक नया बिल ही आप के सामने आ रहा है। और जब एक नया बिल आ रहा है तो भी सदन को समय नहीं दिया जाता कि इस पर चर्चा करे। मैं तो इस के आगे जा कर कहता हूँ कि आज देश के अन्दर इस बिल के खिलाफ और जिस प्रकार यह बिल के अनुसार कार्यवाही की जा रही है उस के खिलाफ सत्य या असत्य, आक्षेप किये जा रहे हैं। मैं यह बताना चाहता हूँ कि पाकिस्तान सरकार और हिन्दुस्तान सरकार में एक सन्धि हुई थी और इस सन्धि के तीन साल तक चलने के पश्चात् हम देखते हैं कि हमारी तरफ से तो इस सन्धि का प्रामाणिकता से परिपालन हो रहा है।

मैं इसलिये अचिन्त रामजी की भावनाओं का बड़ा आदर करते हुए कहता हूँ कि पाकिस्तान की तरफ से एक स्त्री भी नहीं आई। स्त्री जाति का और मातृ जाति का गौरव होने के कारण हर एक स्त्री की कदर करना हमारा कर्तव्य है, यह मैं मानता हूँ। लेकिन उस के साथ साथ हमारी बहिनें और देवियां जो वहां रह रही हैं उन के प्रति भी हमारा कर्तव्य है। यदि किसी कारण, पाकिस्तान सरकार या हमारी सरकार उस के प्रति योग्य कार्य न करती हो तो उस के लिये पूछना हमारा कर्तव्य है। यह जो एक हमारे यहां पास किया गया और पाकिस्तान में और हमारे बीच में जो सन्धि हुई, उस के फलस्वरूप तीन चार साल तक हमारे यहां जो सरकारी कर्मचारी हैं और जो सोशियल वर्कर्स (Social workers) हैं, सामाजिक कार्यकर्ता हैं, वे इधर उधर काम कर रहे हैं। पाकिस्तान की तरफ जो यह सोशियल वर्कर्स हैं उन का जिक्र नहीं है। हमारी सरकार की जो मशीनरी है, इस मशीनरी में सोशियल वर्कर्स के नाम दिये हुए हैं। कई के नाम इस में आते हैं। रिपोर्ट पढ़ कर उन का पता नहीं लगता। कई पत्र इस सम्बन्ध में आये हैं। उन के साथ

[श्री बी० जी० देशपांडे]

साथ एक पुस्तिका भी है जिस पर श्री बलश्रीर सिंह जो और पाकिस्तान की तरफ से श्री लाम हंदर के हस्ताक्षर हैं। इस के साथ ही यह भी उल्लेख है कि हमारे यहाँ की जो मशीनरी है उस में सोशियल वर्कर कराची और लाहौर में रखे गये हैं। यह लिखा है, "ए सोशियल वर्कर हैज बीन आर्गानाइज्ड एट कराची एंड लाहौर" और आगे लिखा हुआ है, "शी" (she)। इस से शायद मेरी बहिन श्री मृदुला का उल्लेख होगा। पाकिस्तान में भी इस तरह के सोशियल वर्कर रखे गये हैं, इस तरह की मशीनरी में, इस तरह वे सोशियल वर्कर्स के आर्गेनाइजेशन (organisation) का उल्लेख नहीं है। जो अपनी मशीनरी है उस का तो उल्लेख है लेकिन पाकिस्तान सरकार की तरफ से कोई सोशियल सर्विस का नाम या सोशियल वर्कर्स के नाम मुझे दिखते नहीं हैं।

इस सम्बन्ध में हम लोगों को यह पूछना है कि आप को यह सन्धि होने के बाद पाकिस्तान में तीन साल के ऊपर कार्य हो रहा है, परन्तु हम देखते हैं कि पाकिस्तान से ८३२६ स्त्रियाँ हिन्दुस्तान में आती हैं और १६९१९ स्त्रियाँ हिन्दुस्तान से पाकिस्तान को भेजी जाती हैं। इस के अलावा एक हजार और दूसरी स्त्रियाँ हैं जो इस में शामिल नहीं हैं और जो जम्मू और काश्मीर में भेजी गई हैं और २५६ और इस के नीचे नोट में दी है, यानी करीब करीब १८ हजार स्त्रियाँ हिन्दुस्तान से मुक्त कर के पाकिस्तान में मुसलमानों को भेजी गई हैं। इन में से १७ हजार पाकिस्तान में गयी हैं और एक हजार उन के रिश्तेदारों के साथ यहाँ छोड़ी गई हैं। इस के लिये हम हमारी सरकार को धन्यवाद देते हैं और हम को भी आनन्द है कि यहां जो मुसलमान स्त्रियों को गुंडे भगा कर अपने घरों में ले गये थे उन को छोड़ा दिया गया

और उन को उन के रिश्तेदारों के पास पहुंचा दिया। इस की तो बहुत खुशी है। लेकिन इसी के साथ मैं देखता हूँ कि पाकिस्तान से केवल ८३२६ स्त्रियाँ आई हैं। इस पर हम जब पूछते हैं कि पाकिस्तान के अन्दर कितनी स्त्रियाँ हैं तो इस का जवाब हम को आता नहीं। इस रिपोर्ट में यह कहा गया है कि दो तीन फेहरिस्तें बनाई गईं। फेहरिस्तें बनने के पश्चात् सब शरणार्थियों ने अपनी प्रापर्टी (property) के क्लेम (claim) दिये हैं। उस में इस प्रकार से कितनी स्त्रियाँ दिखाई गईं, इस तरह की बातें भी दी गई हैं। वहाँ भी सरकार चार पांच साल से चल रही है। आज भी आप के पास फेहरिस्त नहीं आ रही है। हिन्दुस्तान में फेहरिस्त के अनुसार कितनी स्त्रियाँ हैं। हम इस काम के लिये सालाना आठ नौ लाख रुपये खर्च कर रहे हैं। चार पांच साल से यह सवाल चल रहा है। यह मैं मानता हूँ कि यह सवाल ऐसा है कि इस आर्गेनाइजेशन पर अगर करोड़ों रुपया भी खर्च हो तो कोई परवाह नहीं है। लेकिन हम को विश्वास भी होना चाहिये कि क्या आप में यह कार्यक्षमता है कि आप वहाँ से स्त्रियों को छोड़ा कर लावेंगे।

यह जो रिपोर्ट भेजी गई है मेरी समझ में रिकवरी आर्गेनाइजेशन (Recovery Organisation) की तरफ से भेजी गई है। इसी के साथ साथ पत्र भी भेजे गये हैं। इन पत्रों में पोलिटिकल कम्युनल आर्गेनाइजेशन (Political Communal Organisation) के खिलाफ लिखा गया है। मुझे पता नहीं कि यह कौन सा पोलिटिकल कम्युनल आर्गेनाइजेशन है। मुस्लिम लीग के खिलाफ पाकिस्तान के अन्दर से मतलब होगा? मुझे पता नहीं कि कौन सा पोलिटिकल कम्युनल

आर्गनाइजेशन है जिस के कारण इस कार्य में बाधा हो रही है। मुझे तो पता नहीं। लेकिन मैं बताना चाहता हूँ कि कोई भी पोलिटिकल कम्युनल आर्गनाइजेशन यहाँ नहीं है जो इस के रास्ते में रोड़े अटका रहा हो। इस में रुकावट कुछ हो सकती है तो शायद इस कारण कि इनएफिफिमेंसी (inefficiency) हो, किसी सोशियल वर्कर में कार्यक्षमता न हो। अपनी तरफ से इतना कार्य होते हुए भी हम देखते हैं कि पाकिस्तान में यह काम उत्साह से नहीं हो रहा है। जितने उत्साह से यह काम हमारी तरफ से हो रहा है उतने उत्साह से पाकिस्तान में यह काम नहीं हो रहा है। हमें पाकिस्तान में उतना उत्साह नहीं दिखाई दे रहा है।

इस रिपोर्ट में यह कहा गया है :

To meet this contingency in the new Act of India a provision is being made "to follow cases". It is not necessary in Pakistan as the Ordinance applies to the whole of West Pakistan.

यानी बात ऐसी है कि पाकिस्तान के पश्चिम में कोई ऐसा ऐरिया (area) है कि वहाँ से स्त्री कहीं बाहर नहीं जा सकती। क्या वहाँ लक्ष्मण रेखा की तरह कोई रेखा है कि बाहर नहीं जा सकती। जैसे सीता की सौपड़ी के बाहर लक्ष्मण ने रेखा खींच दी थी कि सीता वहाँ से बाहर नहीं जा सकती, क्या यह व्यवस्था लक्ष्मण रेखा की तरह वहाँ पाकिस्तान में है कि जिस के बाहर कोई स्त्री नहीं जा सकती। जिस प्रकार कि हमारी सूचना है उस के अनुसार मैं आप को बताता हूँ कि वहाँ बैस्ट पाकिस्तान छोड़ कर और जगह पहुँचा दी गई है। ईस्ट पाकिस्तान, पूर्वी पाकिस्तान में भी स्त्रियों को भगाया गया है। पिछली बार जब यह डिबेट हुई थी तब श्री अरुण चन्द्र गुहा ने कहा था कि आप के इस क़ानून द्वारा या सन्धि द्वारा आप की सरकार की तरफ से जो

स्त्रियाँ ईस्ट पाकिस्तान में गुंडों द्वारा भगाई गई हैं इस के लिये कोई भी कोशिश नहीं हो रही है। यहाँ की स्त्रियों के बारे में, मुसलमान स्त्रियों के बारे में आप की आंखों में जितने आंसू आते हैं उतने आंसू आप की आंखों में ईस्ट बंगाल में जो स्त्रियाँ हज़ारों की तादाद में गुंडों द्वारा भगाई गई हैं, नहीं आते। मेरे पास चिट्ठियाँ आई हैं, आप के पास भी पत्र आये होंगे कि अभी भी ईस्ट पाकिस्तान में बहुत सी स्त्रियाँ गुंडों द्वारा भगाई हुई हैं। मेरे पास उदाहरण हैं कि बैस्ट पाकिस्तान से काबुल में, ईरान में और ईस्ट अफ़्रीका और साउथ अफ़्रीका में भी स्त्रियाँ जा कर बेची गई हैं। मेरे पास ईस्ट अफ़्रीका से और साउथ अफ़्रीका से इस प्रकार की चिट्ठियाँ आई थीं। मैं ने यहाँ के विदेश विभाग को उन को भेजा था। उस की तरफ से मुझे जबाब आया कि हम इस की तरफ ध्यान दे रहे हैं। बात यह है कि ईस्ट पाकिस्तान की तरफ आप का ध्यान नहीं है।

वह जो काम करने वाला आर्गनाइजेशन है यह जो दोनों देशों के साथ सम्बन्ध रखने वाला आर्गनाइजेशन है, इस की तरफ आप जब ध्यान दे रहे हैं तब आप को यह भी देखना पड़ेगा कि किस तरीके से यह चीज़ें चल रही हैं। पाकिस्तान से जो आने वाली स्त्रियाँ हैं आज पांच साल इस काम को करते हो गये और इस पांच साल में केवल आठ हज़ार स्त्रियाँ आईं। इस दरमियान में मेरी समय में अगर काम ठीक तरह वहाँ होता तो काफ़ी तादाद में स्त्रियाँ आनी चाहियें थीं। इस काम में अधिक विलम्ब नहीं होना चाहिये था। मैं समझता हूँ कि justice delayed is justice denied और सिर्फ़ जस्टिस दिनाइड ही नहीं, it may be even cruelty. मैं

[श्री बी० जी देसायारहे]

समझता हूँ कि यह एक बहुत बड़ा मनुष्यता का प्रश्न है। मुझे खुद को पता नहीं, किसी की समझ में नहीं आ सकता कि हम इस कार्य में लोगों पर दया कर रहे हैं या अत्याचार कर रहे हैं। क्योंकि इस प्रकार के शासन दुनिया में ऐसे प्रश्न हैं कि जिन के बारे में सत्य क्या है और असत्य क्या है, आप समझ नहीं सकते। एक स्त्री की एक शादी हो जाती है। यह यहां पांच साल तक पति के साथ रहती है, बाल बच्चे पैदा होते हैं। उस का परिवार और प्रेम सम्बन्ध यहां पैदा हो जाता है। मैं समझता हूँ कि उस स्त्री को अपने बच्चों से, अपने पति से, यहां छोड़ा कर उस के अपने रिश्तेदारों के पास जबरदस्ती उधर ले जाना, मुझे पता नहीं कि इस कार्य से आप उस पर दया कर रहे हैं या अत्याचार कर रहे हैं। यह प्रश्न जितना आप समझते हैं उतना आसान नहीं है। स्त्री दस वर्ष के पश्चात् भी अपने रिश्तेदारों के पास जाना चाहती होगी, पुराने वायु मंडल में जाना चाहेगी, यह हो सकता है। यह मैं भी समझता हूँ। लेकिन उस के साथ साथ नये प्रकार के बन्धन भी स्थापित हो सकते हैं, उस के हृदय में नये प्रेम के बन्धन भी हो जाते हैं। इसी कारण से मैं समझता हूँ कि जैसे जैसे एक एक वर्ष का आप विलम्ब करते हैं वैसे वैसे यह प्रश्न उतना सरल नहीं रह जाता। इस मानवता के और मनुष्यता के सवाल में अनेक प्रश्न उत्पन्न हो जाते हैं। इस कार्य में चार पांच वर्ष तक ध्यान देने के पश्चात् इतने विलम्ब के पश्चात् मैं आप से पूछना चाहता हूँ कि कितने साल के बाद आप इस प्रश्न को समाप्त करने वाले हैं। हम आप से यह कहना चाहते हैं कि आप को पाकिस्तान पर इस प्रकार का प्रेशर (pressure) लाना चाहिये कि जिस

उत्साह से यहां काम हो रहा है, जिस प्रकार से यहां सोशियल वर्क्स यहां के काम कर रहे हैं उसी तरह से वहां भी कार्य हो। उन की तरफ से मुझे उत्तर दिया गया कि पाकिस्तान में जो इलाके हैं यह इलाके पहले ही बीरतों को भगा कर ले जाने वाले इलाके हैं। उन में कुछ खास एरियाज हैं, वहां हम जा नहीं सकते। इस कारण पाकिस्तान में जो रिकवरी हो रही है यह रिकवरी धीमी हो रही है।

मैं उन की यह बात मानने को तैयार हूँ कि यहां हमारे सोलह हजार स्त्रियों को निकालने के पश्चात् कम से कम आठ हजार हमारी स्त्रियां तो यहां पाकिस्तान से निकल आयेंगी, अगर पूरी नहीं तो थोड़ी तो हमारी स्त्रियां यहां से निकल आयेंगी, लेकिन अगर आप यहां हिन्दुस्तान में अपहृत की गई स्त्रियों को नहीं निकालेंगे, तो वहां से भी आप की स्त्रियां नहीं निकल पायेंगी। मैं इस तर्क से असहमत नहीं हूँ, केवल मैं तो लाला अचिन्त राम की आवाज के साथ अपनी आवाज मिला कर कहना चाहता हूँ कि यह ठीक है कि मनुष्यता के नाते हमें यहां स्त्रियों को निकालना चाहिये और जो उधर पाकिस्तान वापिस जाना चाहें उन को हमें जरूर भोजना चाहिये, मैं इस के खिलाफ नहीं हूँ, लेकिन यह आवश्यक है कि ऐसा कानून बनाते समय और इस काम के लिये रुपया मांगते समय, मंचूरी देते वक्त हम को यह पूछने का अधिकार है कि आप जो पाकिस्तान से इस बारे में सन्धि कर रहे हैं उस सन्धि से क्या वास्तव में इस देश की भलाई होने वाली है? मीरपुर के भाई आंखों में आंसू भर कर मुझे बताने लगे कि आज भी कम से कम आठ से दस हजार तक हिन्दू स्त्रियां आजाद काश्मीर में फंसी हुई हैं। उन्होंने यहां

तक मुझे बताया कि स्वयं हबीबुर रहमान के अपने घर में आठ दस हिन्दू स्त्रियां हैं, और बड़े बड़े यहां के अफसरों के पास हिन्दू स्त्रियां हैं। वह कहते हैं कि हम प्राइम मिनिस्टर के पास गये दूसरे मिनिस्टर्स के पास गये और हम मृदुला बेन के पास गये, लेकिन हमारी कोई बात पूछने की तैयार नहीं हुआ और उल्टे हमको वप कहते हैं कि यह काश्मीरी लड़कियां बहुत खूबसूरत होती हैं और स्वयं हिन्दू ही उन को भगा कर यहां हिन्दुस्तान में अपने साथ ले आये हैं और काश्मीरी लड़कियों को तो स्वयं हिन्दुओं से ही बचाने का हमारे सामने सवाल पेश है। सभापति महोदय, मैं यह कहना चाहता हूं कि गवर्नमेंट का बार बार कम्युनल पार्टी का नाम ले कर अपना दोष छिपाना उचित नहीं है। उन्होंने कहा कि रेडक्रॉस (Red cross) के माफत हम उन को बचा कर ला नहीं सकते और बार बार यह डर दिखाते हैं कि अगर हम नें कुछ किया तो पाकिस्तान रिटैलिएटरी मेजर (retaliatory measure) अख्तियार करेगा और दूसरे बार बार कम्युनल बोगी (communal bogey) का एक भूत सामने रख कर खुद अपने दोष को छिपाना चाहते हैं। प्राइवेटली यह क्या क्या करते हैं, मुझे खुद पता है, कम्युनल बाडी की आड़ ले कर अपनी खामी को ढकना चाहते हैं। मैं सरकार से कहना चाहता हूं कि अपनी जिम्मेदारी इविड (evade) करने की नीति छोड़ देनी चाहिये। आज असली सवाल तो यह है कि जो दस हजार हमारी स्त्रियां आजाद काश्मीर में हैं, उन को आप रेडक्रॉस की माफत तो छोड़ा नहीं सकते और न आप दूसरे रास्तों से उन को यहां पर ला सकते हैं, आज उन स्त्रियों के नाम

पते और ठिकाने उन के रिश्तेदारों के पास यहां मौजूद हैं, और एक पूरी फेहरिस्त जिन में उन के नाम व पते हैं मीरपुर की डिस्प्लेस्ड असोसियेशन (Displaced Association) के पास मौजूद हैं, वहां से उन स्त्रियों के पत्र भी यहां पर प्राप्त हुए हैं जिन में उन्होंने लिखा है कि यह यहां पर है और वह भारत आना चाहती हैं। उन को यहां से निकालने के लिये और बचाने के लिये हमारी सरकार कुछ नहीं कर रही है। मैं तो कहता हूं कि गवर्नमेंट जान बूझ कर इसी अस्ली सवाल को इविड कर रही है और इस तरह पर यहां तर्क दे रही है कि आप यह आर्गोनाइजेशन चलाना चाहते हैं या नहीं। सवाल आर्गोनाइजेशन के चलाने या न चलाने का नहीं है, हम तो यह चाहते हैं कि ऐसी मशीनरी पैदा हो जो वहां से हमारी स्त्रियों को छुड़ा कर यहां भारत में ला सके, और साथ ही हम यह भी चाहते हैं कि यहां से भी स्त्रियों को छुड़ाने की मशीनरी हो, लेकिन आप की यह जो मौजूदा मशीनरी इस काम के लिए है, वह मशीनरी यह काम नहीं कर सकती यह चार सालों में हम ने अच्छी तरह देख लिया है। इस कारण हम चाहते हैं कि सरकार एक ऐसी मशीनरी सेट अप (set up) करे जो इस काम को योग्यतापूर्वक पूरा कर सके और जिस के खिलाफ पब्लिक में शिकायतें न हों। आप की इस मशीनरी के विषय तो जनता में बहुत शिकायत हैं, मुमकिन है कि सारी शिकायतें सही न हों, लेकिन सब तो गलत हो नहीं सकतीं और शिकायतों में कुछ तो सार होता ही है। यह रेस्टोरेशन मशीनरी वाले लोग आ कर किसी भी स्त्री को उठा कर ले जा सकते हैं और ऐसी शिकायतें आई हैं कि वह जबर्दस्ती उठा कर ले गये हैं, संभव है कि ऐसी शिकायतें करने वाले इंटरस्टेड पार्टी (interested party) हों और इस

[श्री बी. जी. वेण्पाडे]

बजह से शिकायत करते हैं, लेकिन यह तो हो नहीं सकता कि सारी की सारी शिकायतें गलत हों और इंटरस्टेट पार्टी की बजह से हों, उन में कुछ तो जरूर सच होंगी। इस सब के खिलाफ कोई मुनवाई नहीं, सब कानून आप नें बन्द कर दिये हैं, उस के लिये कोई क्रिमिनल प्रोसीजर कोड (Criminal Procedure Code) नहीं कोई इंडियन पेंनेल कोड (Indian Penal Code) नहीं है जिस से ऐबडक्टेड वीमन (abducted women) के लिए जो आप की यह रेस्टोरेशन की मशीनरी है उस की ऐसी कार्यवाहियों को रोका जा सके। आप के इस आर्गनाइजेशन ने काश्मीर और पूर्वी बंगाल की स्त्रियों को छुड़ाने के लिये कुछ नहीं किया और न उस के पास उन को छुड़ा कर लाने का कोई मार्ग है। आंकड़ों में मैं देखता हूँ कि हम ने तो १८ हजार मुस्लिम स्त्रियों को छुड़ाया और वहां से केवल आठ हजार ही हम निकाल सके। हमें पता चला कि तीन हजार पाकिस्तानी अफसरों के घर में यह स्त्रियां हैं, मैंने उन से पूछा कि बतलाइये कि यह औरतें अफसरों के घर में कैसे रह सकीं, अखिर यह गवर्नमेंट है या क्या है, तो मुझे कहा गया कि तुम हिन्दू सभा वाले बड़े बदमाश हो, और कम्युनल हो। हमारी गवर्नमेंट एक सेक्युलर स्टेट (Secular State) है और दूसरे हमारी भी तो सरकारी नौकरों के घरों में स्त्रियां हैं, हमारे सरकारी कर्मचारियों के घरों में ऐसी स्त्रियां नहीं हैं और यदि दलील के लिये माना भी जाय कि यह सच है तो मेरा सवाल है कि यह क्या बड़ी सेक्युलर स्टेट है, आप के सरकारी नौकरों के घरों में स्त्रियां हों और आप इस चीज को सहते हैं, आप उन को इस कृत्य के लिए क्या निकाल नहीं सकते हो, और सजा नहीं दे सकते हो और इस पर भी आप कहते

हो कि यह बड़ी एफीशियेंट आर्गनाइजेशन है, योग्य संस्था है। मैं जन्त में केवल यही प्रार्थना करना चाहता हूँ और वह किसी फिरकेबाराना या सामप्रदायिक विचार से नहीं कि आप इस आर्गनाइजेशन पर जो लाखों रुपया खर्च कर रहे हैं और उस विषय में आप यह विधेयक हाउस की स्वीकृति के लिये लाये हैं, यह विधेयक जो आप पास कराना चाहते हैं बड़े महत्व का है और लोगों को इस के खिलाफ बड़ी शिकायत है, इस कारण मेरी यह प्रार्थना है कि इस बिल को थोड़े दिन के लिये स्थगित कर के और इस के बारे में जनता की राय ले कर और सब से बातचीत कर के मिनिस्टर साहब इस बिल को यहां स्वीकृति के लिये लायें। लोगों के पास इस सम्बन्ध में अनेक योजनायें हैं जिन के जरिये वहां से हम अपनी बहिनों को यहां गीरव के साथ वापिस ला सकते हैं और यहां जो मुसलमान बहिनें होंगी, उन को हम उन के रिश्तेदारों के पास बड़े गीरव के साथ वहां भेज सकते हैं, इस प्रकार की योजनायें हमारे पास हैं और इसी कारण मैं मिनिस्टर महोदय से प्रार्थना करूंगा कि यह वर्तमान बिल अभी स्थगित कर दें और बाद में अच्छी तरह इस पर बात चीत कर के और लोगों की राय जान लेने के बाद स्वीकृति के लिये सबन के सामने पेश करें, बस मेरा उन से यही अनुरोध है।

Pandit K. C. Sharma (Meerut Dist.—South): I rise to support this Bill, and in doing so, I am most surprised at the attitude of my hon. friend who preceded me. He says that we must take the opinion of the people as to whether the abducted women should or should not be recovered. My hon. friend should know...

Sardar Hukam Singh: He does not say that.

Pandit K. C. Sharma: His argument is that we should assess the effect of this law and the repercussions it will have in Pakistan, and also whether the Pakistan Government will react favourably to this. My proposition is that abduction is an offence against a person, and no law can be sustained, and no State can exist unless the foundation of law with regard to the freedom of a person, whether it is man or woman or child, is accepted as such. A person who remains here, whether man, woman or child, whoever it might be, has the right to liberty, the right to freedom and the right to live as he or she likes. Whether they are Pakistanis or Mohammedans, or whatever their description may be, if they live here, they have a right to freedom and freedom of movement. Any State that denies that right, and any State that fails to provide that, is a State which has failed to do its duty. Once you have failed to do your duty, you have something to answer for, at the bar of world opinion. Therefore, it is the primary duty of every State, to rectify the mistake that it has once committed, by not fulfilling its primary duties. It should not lie in the mouth of anybody to say that because somewhere a crime has not been punished, you also should not do so. Where these crimes have been committed on a larger scale, it is all the more necessary that speedy and more efficient steps should be taken to rectify the mistake. As to the human aspect, I am one with Lala Achint Ram when I say that considerations of humanity should weigh much more than the considerations of tradition, the prestige that we enjoy, or past conduct. In this respect, we should not only be right, not only do our duty, but we must have a very sympathetic consideration of this problem, and do all that we can to recover the women and children and send them back. As to its repercussion in Pakistan, I have no doubt,—whatever may be said of certain classes of people,—that no average man, be he a Hindu or a Muslim, or whatever his religion or his way of bringing up may be, can accept the position that such a large scale crime as abduction should in any way be tolerated.

Let us think that if we do our duty, if we help in the recovery of people, if we succeed therein, then the other people too will not lag behind in doing their duty. In this task we will be helping innocent victims of our follies, of our own over-negligence and we would be doing our duty to our people and State and in addition, to huma-

ality at large. With these words I support the Bill.

Shrimati Renu Chakravartty (Basirhat): I thought that I would not intervene in the debate at this stage, because I have really no personal knowledge of the working of this Bill. In our part of the world, although there have been abductions, they were nothing on the scale of what they were in West Pakistan. Naturally since the whole thing is a concomitant of the mad frenzy of the political strife between Pakistan and India, we also have such cases, but because they are not of the same magnitude we have not evolved a machinery of this type. If it had been on such a scale, certainly we would have desired that there should be some way whereby we could help these women who have become the victims, almost hostages, of political bickering and differences. But one thing I have been surprised to hear is that we are trying to weigh as it were, in a balance, as to how much crimes we have done, how much crimes Pakistan has done on women and then we are trying to have retaliatory measures, as it were. Have not women suffered enough? As far as the principles of the Bill go, I cannot understand how there can be two opinions about them. Women have been used in the most barbaric manner, whether they are Hindus or Muslims, and we have to hang down our heads in shame and try to make some sort of effort so that those who want to come back, those who want to be saved from that life of shame, may be allowed again to come back and live human lives. It is no question of what Pakistan is doing or not. A Pakistan woman's honour is not different from a Hindu woman's honour. These women have been the object of barter,—whether they are Hindu women or Pakistani women—they have been the object of lust of man's lowest instincts and we are not going to allow the law of the jungle to prevail here just because somebody else has done something wrong elsewhere. We will not do anything to do that.

But there is just one point which I have also asked my friend, Mr. Dulaben, to explain to me because I do not know the working of this Bill. It is this: because this is a human problem, because it has become such an intricate problem after five years, we must be very sure that only those who really want to go back are allowed to go back and the rest, if they want to go back to the people who, unfortunately, at one stage abducted them but whom today they have begun to love or to recognise as their relations, they should be allowed to do so. I

[Shrimati Renu Chakravartty]

have been assured, at least as far as statistics go, that only '003 per cent. of the people who have been recovered have remained back in the camps; all the others have gone back to their relations. If that is so then certainly we should have no qualms in supporting this Bill.

• Again, I would say that often the spirit of the law is not executed by those who put these things into execution. Therefore, I would urge—and I am sure Mridulaben would accept it—that this is a thing that she herself would be responsible for and she will be willing to look into this point. Because after all, we must realise that however much we may declare our greatness, our society is a very narrow one. At least I know in our part of the world there have been many women who do not want to come back because they are afraid of Hindu society; they are afraid that the Hindu society may not take them back.

I was very glad to see in this book that almost all the women who have come back have been taken back with open arms and the children born to them have been accepted as the children of the family of the men to whom they were originally married and that they have been resettled. If that is so, that is really a very very welcome change.

Now there is one other point—about the camps. Are we really rehabilitating the few that are left back? I have a terror of these camps. I have seen rescue homes and I have seen the rehabilitation camps. These women who have been uprooted on and uprooted again—are we able to give them roots and make them stand on their own legs, to be able to keep their heads high and maintain a living for their children? That is the one thing that worries me at least. Even though their number is small and negligible, I would not like them to lead the lives of the women that we see in the rescue camps at least in my province. These are a few observations I should like to make.

The whole question obviously is a political one. As long as there is tension between the two countries, as long as we consider ourselves and always think of ourselves as Hindus and Muslims even when it comes to a question of women, until such time it will be very difficult to carry out this work of saving these women. We hear that still there are claims which are running into thousands on either side of the frontier and we find that people

make frantic efforts to send messages for recovery. We are told of the manner in which abducted women manage to disclose their whereabouts, the pathetic letters that are sent directly or indirectly and the letters that are sent to the authorities to restore them to their relatives. We are also told that there is need for work on the basis of the demand, and still there are demands coming from the anxious relatives of the women who await recovery. If such a situation is there, there should be no question about it, we must have this and let us not do anything that is going to make this work more difficult. At the same time, I would again stress that we must have a human approach to the whole affair. We have to take into consideration our society, the difficulties that are there, the time that has elapsed, the new roots and the new bonds that have grown. I feel that the people and the machinery for carrying out this work have to be very very able, very willing and very discerning so that we will not make the lot of these people, these women who have suffered so much, again more difficult. Let us look upon the whole thing in that spirit and not in the spirit as to whether Pakistan has given us less women and we are giving them back more women. Let us not look at it in that manner. With this hope, I feel that we should pass this Bill. But I hope that there will be no necessity of this Bill coming up again and again and that the period of extension will not again have to be considered. I hope that within this period we will be able to do something about it, public opinion will co-operate and that we will not have any need to discuss this matter on the floor of this House again.

Shri Basappa (Tumkur): Although I had not the privilege of speaking on the Five Year Plan which is meant for the development of the people as a whole, the people suffering in misery and poverty, still I am glad of this opportunity of raising my little voice in favour of these unfortunate victims of gangsterism and hooliganism. This is a question which is agitating the minds of all the people here. My friends here were asking me how a Member coming from the South is interested in this problem. I can only tell him, that only humanitarian interests make me to take part in this debate. This is a gigantic problem, the problem of the refugees and the connected problem of the recovery of the abducted women and children that a sense of frustration among the minority communities is

growing every day, that every Member here must seriously think about it and arrive at certain remedies. I was saying of frustration. This fact has been growing because there is a feeling that certain retaliatory measures have to be taken. There are already people who say, 'Look here, five years have already passed, they are already well-placed in their places. Why should any effort be made at all now to displace them?' There are also other people who say, 'Look at the amount of cruelty involved in recovering these people and in accepting these people by the concerned people.' There are certain opinions being expressed here and there, not in all quarters, but in some quarters. Therefore, we have to make it quite clear here in this House that such opinions are not to be welcomed here, that the Government should take it as its duty to extend this Bill for another year and see what things can be achieved. I see there is a lot of dissatisfaction regarding the amount of work that has been turned out, regarding the number of persons that have been recovered. I am not going to that side of it now. Of course, the Government should take keener interest in the matter and see that the number of persons recovered is much larger and in proportion to the effort that is put in and the amount that has been spent. Besides that the feeling is there that these people are not properly looked after. The moral and the spiritual outlook involved in this humanitarian work should be appreciated, because it is on this moral and spiritual outlook that the public opinion will have to be established. We are spending nearly 340 crores or so over social service and other things in the Five Year Plan and I think the main idea was that it is to improve our society properly and any society where such a thing happens ought to be ashamed. Therefore, every effort that is made will have to be appreciated. It is a gigantic problem and the object of the Bill is to extend the life of the Act for one year more. In this Bill certain other things are also brought in to give more strength to the Government in the matter of the recovery of these abducted women and children. As I see from the Bill, certain powers were not vested in the Government that in the case of certain neighbouring States the Act could not be applied. So, these people, these gangsters and hoodligans, as I call them, whenever they took these women, to escape legal liability and something like that, they used to go to neighbouring States where the law is not applicable. Of course, extraordinary police force is necessary and the extra police or

special police will not be in a position to go and recover them from a neighbouring territories; so the Central Government should have control over all these parts. The object of the Bill is to give that power also.

Sir, one word more. I know the time of the House is precious. We cannot spend more time. I see your anxiety to ring the bell. I want to say one word about the social workers in this field. There is a lot of criticism from those benches levelled against the social workers who enter this field of work. Of course, it is a very bad thing that the social workers in spite of their best efforts get a bad name. The main thing is to recover all the abducted women. It is a great humanitarian work and interested workers that enter into this field should be welcome. I do not mean to say that any irregularities must not be looked into. Certainly, irregularities must be checked and certainly the social workers who do all this sincere work will be very much hurt if their work is not appreciated. If certain irregularities are committed, let us look into them and correct them. With these words I welcome the Bill.

Mr. Chairman: The House will now adjourn to meet again at 2-30 P.M.

The House then adjourned for Lunch till Half Past Two of the Clock.

The House re-assembled after Lunch at Half Past Two of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

MESSAGES FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following three messages received from the Secretary of the Council of States:—

"(1) In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to inform the House of the People that the Council of States, at its sitting held on the 19th December, 1952, agreed without any amendment to the Iron and Steel Companies Amalgamation Bill, 1952, which was passed by the House of the People at its sitting held on the 9th December, 1952.

(2) In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to inform the House of the People that the Council of States, at its sitting held on the 19th December,

[Secretary]

1952, agreed without any amendment to the Constitution (Second Amendment) Bill, 1952, which was passed by the House of the People at its sitting held on the 15th December, 1952.

(3) In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to return herewith the Appropriation (No. 3) Bill, 1952, which was passed by the House of the People at its sitting held on the 12th December, 1952, and transmitted to the Council of States for its recommendations and to state that the Council has no recommendations to make to the House of the People in regard to the said Bill."

ABDUCTED PERSONS (RECOVERY AND RESTORATION) AMENDMENT BILL—contd.

Mr. Deputy-Speaker: There are three Bills to be finished today. Sufficient time has been spent over this Bill. There are two other Bills, one to be passed and the other to be referred to Select Committee. Therefore, hon. Members will try to make as brief remarks as possible. It is now a quarter to three. We will conclude this Bill at 4 o'clock.

Sardar Hukam Singh: As advised by you I shall be as brief as possible. But there are certain matters in regard to this Bill that I must relate before this House. There has been some confusion, and certain remarks have been made that there are persons in this House who are opposed to this Bill on certain fundamental grounds. I must make it clear in the very beginning that so far as the principles are concerned there is nobody who opposes them, and the spirit underlying the Bill is welcome, and we all agree with it. There has been a certain amount of canvassing going on in the lobbies and outside that only the communalists would oppose it and that the others agree to it. But that is a charge made. I do not know on what grounds perhaps to shield the incompetency or the inefficiency of the Department itself. That was conveyed to me by certain hon. Members of this House that this is what is being given out to them. They were approached by certain Members of the organisation and this impression was conveyed to them that it is the communalists who would oppose it. I can certainly appreciate the spirit of some of the speeches that were made here by some of the

hon. Members. We do realize that nothing could be more heinous or more abominable than the acts committed of abduction of women in that period when the masses ran mad. There was no equilibrium then. We can excuse them on that ground. A speech was made here by my hon. sister on the right that it should be on the humanitarian ground. Nobody will join issue with her on that point. Certainly it should be on the humanitarian ground. Another hon. Member on my left stood up and stated that this is a crime in all countries and no country can exist unless it punishes all the offenders who have perpetrated such wild crimes. I agree with him there. Certainly they should be punished. But when we find in the preamble itself of the parent Act that it is an Act to provide—"in pursuance of an agreement with Pakistan" are we not entitled to dwell on that as to how that agreement has been worked out? If we only call out and remind the House, and the Government particularly, of what they have done so far as the recovery of those unfortunate victims is concerned, are we "communalist" in this respect? And is it that it is only when we talk of the abducted persons to be recovered here that we become nationalists? We are all with you and with everyone who desires to recover them and honestly attempts to recover them. We support those measures that are adopted to recover them. Each girl that is left here must be recovered, and we give our full support in that respect. But as soon as the subject is touched that there are certain women on that side of the border as well, then something begins to move. Either we will be called "communalists" or we will be told it is in a spirit of—I shall not say—but we will be told it is with some other motive that it is being brought. I do not agree there. Is it not the duty of this Government that they should pay some attention to those unfortunate victims as well who were left behind? We who have suffered can feel the pinch. Others can talk only. We are thankful to them that they sympathise with us. But if we say that there was as large a number as 33,000 left in Pakistan, those victims, in respect of whom we are so eloquent here in this House that every one of them should be recovered, can we find out what steps are being taken to bring about such circumstances when those women certainly can be recovered and can join their relations who have come over to this side? We are told that

we are talking in a spirit of taking some action which would smell of retaliation. That is not the object, Sir. I have already made it clear that we give our full support to any attempts that might be made to recover those that are here. But at this time—is this not the only opportunity when we can remind our Government and our people that there is such a large number of women, our sisters and daughters, who have been left behind and there is some duty cast upon us that we should recover them? History is replete with examples where wars have been fought on this account. We can recollect those instances where even for the sake of one woman, one lady, wars were fought.

An Hon. Member: Even the whole Ramayana was about it.

Sardar Hukam Singh: I can appreciate that we might be helpless at this time. We might not have those resources. I do not wish that we must run to a war with them but so far as the traditions in which I am nourished, our country is nourished, I do not see the justification that we should sit round a table with those abductors who are keeping our daughters, that we should ask them to come round and say "we should enjoy a banquet here and there". I cannot reconcile myself to these things. I can imagine that there are times when we feel helpless. We might not have that amount of power, those resources and things with which we might go to war at once but that is a different thing altogether. At least there must be something to substantiate, something to demonstrate that we have that feeling for those poor victims that have been left behind. Then again when we say that that agreement has not been worked out in earnest by Pakistan, we do not mean to say that we should give up that attempt. Our point is that instead of having an Act, the work must be done on humanitarian grounds. We are doing it because that is the work that should be done. We feel it our duty to do it, not that we are performing a part of the agreement. That is torn already. That has gone; there is no agreement at all. Let it be said that it must be unilateral, that we are doing it on humanitarian grounds and I would welcome it. I will support it.

Then again leaving that aside, we have also to see how our organisational set-up under this Act is working, how we have performed our part of the job. Lest I might be accused

of saying something which perhaps may not be palatable, I will only quote from the speech of one Sardar Kartar Singh from PEPSU who supported this amending Bill in the Council of States. I assure you, Sir, that he is a very staunch Congressman. In his speech of about 50 lines, four times he has said "I support the Bill". He started with that support, he ended with that support and in between also he had to say twice that he supported the Bill. He says he is a lawyer, he has appeared in many of these cases. He has experience of how these poor people are arrested and taken to Pakistan. He says there is no opportunity to exercise any option. Before those persons from whose custody they are taken have a chance to move in a High Court or move any officers, they are taken away to Pakistan and remain there without any relief. And then he sums up "I sometimes wonder whether this is a department for the recovery of abducted persons or a department which abducts persons concerned" but after 4 lines, he supports the Bill. Whatever it might be, I agree with him entirely that certainly this department, this recovery organisation which was set up under this department has failed to do its duty. It is not performing that duty in the manner it ought to have been doing. There are scores of women here married here to Hindu boys long before partition took place and they have been taken away, snatched away. They converted themselves and lived in their homes quite peacefully. Much long before this partition they have been snatched away. Advantage has been taken of this opportunity by some enemies or neighbours. They go and complain to their police officer. "Here is an abducted woman" and the police would come and take away that girl without making an enquiry, any proper enquiry that when was this Mohammedan girl married to a Hindu or a Sikh. I can quote as many instances as I like or as the House wishes me to do and I did quote a few of them when this Bill was before the House for being passed in 1949. Many other instances have come to my notice after that.

The time at my disposal is very short and so I would illustrate my point with one instance which might be found of interest. One Nikka Singh had a Muslim keep. That keep brought a daughter of about 3 years with her. That Muslim keep lived with that Nikka Singh and the girl was brought up by that Nikka Singh. When that girl came of the age of 21, she was married by Nikka Singh, as

[Sardar Hukam Singh]

the father of that girl to one Veer Singh in 1945. Veer Singh after his marriage with that girl admitted that grown-up girl into a school in 1945.

The admission proof is there. The name of the girl was Aaskaur. On 27th of January 1952, she was taken into custody by the Sub-Inspector of Police. On the 28th, just one day after, the husband ran to Ferozapore, where she was taken, to file an application but he was told to go to Jullundur. The girl had been taken away from Ferozapore to Jullundur. He went there and on the 2nd February he put in an application to S. P. Jullundur. On 5th of February she was examined by the S. P. Jullundur. She said that she was a Sikh girl, she was brought up by her Sikh father and she was married to this Veer Singh. On 17th February again she was brought to Ferozapore and then examined. Her husband, Veer Singh was asked to produce evidence of Nikka Singh, the father or any relative. The brother, Bachan Singh appeared and he deposed on oath—it was before the superintendent and there should be no question of oath—that Aaskaur was his sister. She has been brought up by his father and had lived with him long before the partition. Then on 20th of February this Veer Singh was asked to appear in kothi No. 200 in Jullundur. I do not know whether it is the residence of the Deputy High Commissioner of Pakistan—at least a Muslim officer. He must be just outside the Parliament building even at this time. He says kothi No. 200 in Jullundur. He was taken there and that Muslim officer there asked him to bring some proof before him. He also adduced evidence and produced proof to the Superintendent but he was asked by the Muslim officer that he should produce the evidence afresh and he was to go after about ten days with his evidence. He went away and tried to get Bachan Singh or his father but before he could produce that evidence for which he had been specially asked and directed the girl was taken away to Pakistan.

3 P.M.

Of 1st of March, he brought the proof and he ran to the Superintendent of Police and told him that he had been asked to bring the proof but the girl was missing and that she had been taken away. Then the Superintendent of Police took down the statements of the witnesses. So far as his own statement or observation was concerned, he was satisfied that the Superintendent of Police would take all the measures to bring back the

girl. Then again, he was advised to go to the same kothi, to that same Muslim officer on 5th March 1952. He appeared before that officer on the 5th. He was told that he could not do anything and that he should approach the Central Government at Delhi, if he wants that girl to be brought back. He ran to Delhi on the 7th March and appeared before the Under-Secretary who advised him to appear at Jullundur before him on the 17th March. On the 17th, he appeared before that Under-Secretary at Jullundur. He told him that he would have the enquiry made on the 18th. He goes again and enquires as to when he should come again to find out whether the enquiry has been completed. He is asked to come after a month. Then, he goes on the 15th April, after a month, and approaches the Under-Secretary in Delhi. The Under-Secretary says that the enquiry is not yet complete. He comes again after a month on the 15th of May and is told that no results have been received so far. He goes again in June. He is told that the results of the enquiry have been received, but that the Secretary would intimate to him at his home address and so he should go back and that he will learn in a week.

He waits in his house for a week but does not get any reply. Then, he comes again on the 12th June to Delhi. The Secretary was out of station. Then, he comes after four days. Sardar Gurumukh Singh Musafir telephones to the Under-Secretary to say that this man has been running about for a very long time and he should at least be told what the result of the enquiry is, whether he is going to get the girl or not, and that he has spent so much money. In the meanwhile, the High Court declared that Act invalid. He is told by the Secretary, now that the Act has been declared invalid, it would have effect on everybody and therefore, he should go home. He went home in June, hoping that his wife would be restored to him. It is six months now. The girl has gone. This man is going about this way and that and he has spent about Rs. 1,000 over that. No enquiry has been made. He is not told whether he would get that girl or not. This is the achievement of this Recovery organisation that is so anxious that it should continue. We are told that it is on humanitarian business and they are doing that. We are also told that there is a large number of women to be recovered. I feel from the figures and from the way in which it has been working that this organisation cannot

lay their hand on a genuine case now. There are very few women. Now, the attempt in this Bill is that they should run about in other States. In these States they cannot find any abducted women. So, powers are being sought so that they might go to other places and arrest persons, ladies, women, who are living there quite peacefully. This is the objective. If really there are women and they are being recovered, I would have no objection at all. But, what I find in the working of this organisation, particularly during the last six months or a year, is that recovery is very slow. Not that there is no enthusiasm on the part of the Recovery Organisation. They are over-enthusiastic and they try to overreach themselves and are trying to pick up girls that are not affected by this Act at all. They are being snatched, torn away from their families and sent away leaving even their children here. Under these circumstances,—I would not take a long time,—I would submit that if this search and recovery organisation is to continue, I am a person to oppose this Bill. It is better that we drop it. We should have nothing to do with it and we should not waste lakhs of rupees to provide amusement only to this Recovery Organisation.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): This Bill, Sir, surely is one which we should consider completely apart from, if I may say so, party affiliations or any views generally in regard to political or economic or other affairs. It deals with the results of an extraordinary situation that arose in this country and in Pakistan and it tries to deal with it on a humanitarian plane.

Those of us, and there must be many here, who witnessed what happened in August, September and October, those two or three months of 1947 both in Pakistan and in India can never forget that horror, can never forget the bestial things that they saw and heard and witnessed. It was a degradation of the human species in Pakistan and in India. Let us not raise our heads and say it is Pakistan alone that did it, because, we did it. We must confess what we did before we try to say that others did it also. On both sides there was horror, unspeakable. And, the worst of that horror was the way women were treated. It was not a question of a woman running away with a man or a man, impassioned, laying hands on a woman and abducting her. It was not that. It was something infinitely worse. It was a deliberate means adopted, if I may say so, of carrying on a com-

munal war in which poor women were the innocent victims.

I am not blaming any individual. I am not even blaming, if I may say so, many of those who did this horrible deed at that time. There was madness all round. People were swept away by that madness. But, the madness passed and we began to think again about these matters and to realise how thin the crust was which kept us and made us behave in a civilised manner, and how easily that crust cracked, whether it was through anger at something which the other party had done. Whatever the reason may be, the crust cracked and these people behaved whether in India or in Pakistan in the most inhuman and barbarous way. It was a terrible thing. All that happened, killing and destruction, was bad enough. It was bad enough that women should be treated in this way. But, something that was infinitely worse was that large groups of people should deliberately do this as a weapon of offence, as a weapon of retaliation. That was a horrible thought.

Soon after these horrible happenings, attention was given to the abducted women. Surely, Sir, I need hardly say, whether in India or in Pakistan, there are decent people everywhere. There are many people who are not decent; there are many people who are bad in any country. But, to condemn a country and the whole of the people living in a country is not wise, is not just, has nothing to do with facts. There are good people and bad people everywhere. Sometimes, even good people behave in a bad way; sometimes circumstances compel them and make them mad. So, people both in India and Pakistan, many of them, reacted very strongly to this, because, they felt it was the uttermost shame that these had happened, whether, in this country or there. One of the earliest things that we tried to do and gradually build up was some organisation to recover these women.

I might say, taking it all and all, that in spite of all the conflicts with Pakistan that we have had, in spite of all the grievances that we have against Pakistan, so far as this particular approach was concerned, throughout these four or five years, there were persons in Pakistan,—not all, some, a good number,—as there were persons of course in India who wholeheartedly and honestly worked to this end and co-operated with each other.

There are social workers in Pakistan who have devoted themselves to this

[Shri Jawaharlal Nehru]

task and worked earnestly to this end throughout this period. There are people in Pakistan, as there are people in India, who are frustrated, who have come in the way of this work, who have tried to put difficulties in the way of this work. There are others, the very people, the guilty ones, the abductors and the like who have, naturally to save themselves as well as for other reasons, tried to obstruct. There have been enormous difficulties, and perhaps everyone here does not realise the nature of the difficulty, because if a person is going to get into trouble with the Police because he abducted a woman, if he is on the point of discovery, we have known cases where they have killed that woman so that there might be no evidence. So, one cannot go in a straightforward way and present one's compliments to them and say "Hand over the lady to us". One has to see indirectly and in other ways so as to save that poor woman. Also, that poor woman is made, after a period, to feel that if she tried to go back to her own people, she would be ostracized and that she may be killed. And I know of cases where this has happened; and it is impossible for her to go back. So, she lives a frustrated and unhappy life.

There are difficulties also, undoubtedly where a woman has outlived, or somehow adapted herself to her new surroundings, and has more or less settled down. If so, so far as I am concerned, let her remain there. If she has settled down, well and good. Why should we uproot her again? It will be absurd to do another wrong just to correct a previous wrong. But the point is, we should give her a chance, an opportunity to come back if she has not adjusted herself, if she wants to come back. And I put it to this House that if there is a single woman, let us say, in Pakistan—a single woman from India in Pakistan—who is kept under duress by circumstances anywhere, but wants to come back to India to her own people, well, it is our duty to afford her an opportunity to come back.

If that is so, it is not a question of a few thousands or a few lakhs of rupees. We cannot measure this in terms of money. Let us not waste money. Of course, let us be economical, but do not measure this question in terms of money, so that if there is a single woman there, we should make every effort to get her back, to give her an opportunity to come back. We have to make that effort.

My hon. friend who just spoke

before me apparently hinted that by some pressure tactics or otherwise—he said we need not go to war, but short of war, we should do some things. Now, whatever justification there might be for that kind of talk in regard to other matters, I really do not understand in the slightest how in this matter, in this extraordinarily delicate thing, you can do any such thing. You are not dealing principally with a Government, the Pakistan Government. The Pakistan Government you are dealing with—you are co-operating with it—in order to do this, but you are ultimately dealing with the individual who has abducted, whether in Pakistan or in India. And if, as I said, you take some steps whereby he is likely to come into trouble, the first person who gets into trouble is the woman, and not the man. She is disposed of. She is removed from the scene of action. We have traced sometimes women being taken away from place to place, to a dozen places, and it has been a very difficult matter to go on tracing them from one place to another, and the women did not want to come. She was really under duress, being carried away. So, if you adopt certain tactics, it will not give you any results at all, but immediately put the life of that woman or those women in jeopardy. And well you have not succeeded. This kind of thing can only succeed by this type of thing—there is no other way—by the co-operation of the two Governments. It cannot be done otherwise. Obviously, we cannot send our Army and the Police—an Army patrol or a Police patrol—to go and search the houses of people all over Pakistan, asking: "Is there a Hindu woman?" Nor are we going to permit Pakistan Army or Police patrol to go about here searching every house, so that we have inevitably to use, to take the assistance of, the other Government's machinery on that side, just as they have to take the assistance of that machinery here, whatever that machinery may be.

This machinery was set up four or five years ago in consultation with each other, and, on the whole, I say the amount of co-operation between the two sets has been quite satisfactory. There have been bad spots here and there. I am talking about that machinery; I am not talking about the whole of Pakistan—because there are plenty of people who have come in the way, who have given us trouble in this matter, but I am talking about particular social workers and others engaged in this, and I can include in this some senior Police officers who

have really done help in every possible way to recover these women. The figures may not be as satisfactory as we had hoped, but they are not so bad either, considering the difficulties of the situation, considering that recoveries have gone, in the one case, to about 8,000 people or 9,000 and in the other to about 15,000 or 16,000. Just imagine for a moment that you have recovered from duress or from a life of extreme unhappiness, thousands of women. Is that a small thing?

Hon. Members sometimes ask: "What is the *per capita* cost of recovery? I really do not understand; first of all, physically how we calculate the *per capita* cost of these figures I do not know. You may, of course, say that this whole Department has cost Rs. 15 or Rs. 20 lakhs or whatever it is during this period, and you have recovered 10,000 women. You divide one figure by the other and call it *per capita* cost. May be, but just imagine the kind of thing that you have to do about it—all manner of things, and they overlap. It is quite impossible to measure that, therefore, in terms of money, in that sense. But, when you think of the good this has done, is it not good enough that 20,000 or 25,000 women have been recovered? Even if a few women had been involved, our country or any country ought to have gone all-out to recover them, to save them from a life of extreme misery and unhappiness.

My hon. friend referred to a particular case. He gave a large number of details. Naturally, I cannot answer about that case because I know nothing about it. And I can concede—I do not know, but I can concede—that some false step may be taken, some mistake may be made, and we should try to see that that is not done, or, if by any chance, it is done, it is undone as soon as it can be done. For instance, so far as this law is concerned, it has nothing to do with it, with the misapplication of the law or the misbehaviour of an individual. That is a matter which can be looked into or considered separately, and in fact, personally, I do not think that kind of thing happened much. I cannot say it has not happened. It may have happened. How can I deny without enquiry into every single case? But I would urge him to consider this, that if a man goes to him and gives him a story, it does not necessarily follow that the story that the man has given him is one hundred per cent. true. It may be, I do not know, but it does not necessarily follow, because, he has only heard one side

and a partial side. For instance, in this particular case as he was mentioning this, I tried to enquire. I could not get much, but I was told that many of the papers produced were suspected to be forged. Whether they are I do not know. The matter is under enquiry. The very case is under enquiry at present, and I understand that the enquiry was delayed because of that high power decision against the Act.

Sardar Hukam Singh: If you will excuse me, before the enquiry is completed, the girl could have been sent away.

Shri Jawaharlal Nehru: I do not know the facts. Therefore, I cannot say. If the House is interested, I shall arrange to place a statement of this case on the Table of the House, or, as the House will not be meeting for some time, it can be circulated. It can be sent to those Members interested. Whether this case is a right or a wrong one—the facts I mean—is a matter for enquiry and decision. But that, I would submit to the House, has nothing to do with the main question before us. And I do submit that from every point of view, the humanitarian point of view, the point of view of self-respect, of women's honour and more specially from the point of view of making it clear to the country and this is, I think, the most important point of view for the future—we have to declare that these kinds of things will not be tolerated by public opinion in this country, and by Parliament in this country. Of course, if we make people think that while we do not attach very much importance to this, we adapt ourselves to these things as and when they happen, they will happen again, on, if not a bigger scale, a big enough scale. Therefore it is necessary that the public opinion should set itself dead against this kind of business, and there are many ways of doing so. One way is to carry on with this recovery work and complete it, to show that we attach importance to it.

Therefore, I submit that so far as this Bill in its present form and shape is concerned, it is something which should be passed unanimately as a humanitarian measure by this House.

Sardar Hukam Singh: One question, if I may be permitted to ask. Have we got back, and if so how many out of the 2000 that were referred to by Shri Gopaldaswami Ayyangar as being in the custody of Government servants in Karachi?

Shri Jawaharlal Nehru: I could not answer that question immediately. I do not know in what context Shri Gopaldaswami Ayyangar said that.

[Sardar Hukam Singh]

Sardar Hukam Singh: When the original Bill was being discussed, he said that 2,000 persons were in the custody of Government servants, and that full particulars had been provided to Pakistan. This was his statement in December 1949.

Sbri Jawaharlal Nehru: Is the hon. Member saying, in the custody of Government servants in Karachi?

Sardar Hukam Singh: I do not remember whether it is Karachi only or any other places also. But I quite remember it was in Karachi also. He said that they were in the custody of Government officials or Government servants. These were the words he used.

Pandit Thakur Das Bhargava (Gurgaon): As a co-operating Government, we should see that if there are any such abductor gentlemen here, they should be dismissed, and if there are any such there they should also be got dismissed. This is the least that we can do.

श्री ए० ऐन० बिष्टालंकार (जालन्धर) :

उपाध्यक्ष महोदय, मैं यह उम्मीद करता था कि यह बिल कोई बहस का मौजू नही बनेगा और जैसा कि हमारे प्रधान मंत्री साहब ने कहा है यह "युनिनिम्बली" पास होगा, लेकिन मुझे बह देख कर हैरानी हुई कि इस बिल के सम्बन्ध में भी यहाँ पर अनेकों अमेंडमेंट्स [Amendments] पेश किये गये और उन अमेंडमेंट्स का मसदा यह था कि इस बिल को पास न किया जाय और अभी स्थगित करा दिया जाय। यह मामला जो कि भगाई हुई औरतों और अपने भाँ बापों से बिछुड़े हुए बच्चों और औरतों से ताल्लुक रखता है, ऐसा है कि जिस के लिए तमाम कौम की जिम्मेदारी है। पार्टीशन (partition) के करने में तमाम कौम की जिम्मेदारी है और इस पार्टीशन के फलस्वरूप हमारे सामने रिफ्यूजीज (refugees) और डिस्प्लेस्ड पर्सनस् (displaced persons) का मामला भी पेश है, जिस के लिए तमाम नेशन (nation) और गवर्नमेंट दोनों ने अपने ऊपर जिम्मेदारी ली है, और वह इतना अहम मामला समझा गया है जिसे सारे देश

और गवर्नमेंट ने उठाया है। डिस्प्लेस्ड पर्सन्स तो आखिर अपनी बात कह भी सकते हैं, और अपनी आवाज गवर्नमेंट तक पहुँचा सकते हैं, लेकिन भगाई गई औरतों और बच्चे तो अपनी आवाज भी गवर्नमेंट तक नहीं पहुँचा सकते, उन को तो अपनी बात तक पहुँचने की आजादी नहीं है। हम तो समझते थे कि इस काम में कम से कम वह लोग तो जल्द ही आगे आयेँगे जो हर वक्ता और हर मौके पर हिन्दू संस्कृति और हिन्दू तहजीब का नाम लिया करते हैं और नित्य प्रति महाराणा प्रताप और शिवाजी की मिसालें दिया करते हैं और उन के नाम पर लोगों को उकसाते हैं, वह कम से कम महाराणा प्रताप और शिवाजी, जिन की वह मिसालें देते हैं, उन का अनुकरण करने की कोशिश करेंगे कि किस तरह उन महापुरुषों ने अपने पास भाई हुई औरतों और बच्चों को, जो उन के मुबालिफ लोगों के थे, सम्मानपूर्वक और आदर के साथ उन के सम्बन्धियों के पास भिजवाया, वह लोग, जो उनके नाम को डुहाई देते हैं, इस रेस्टोरेशन (restoration) के काम में आगे होंगे। जिन लोगों की साम्प्रदायिक मनोवृत्ति के कारण पाकिस्तान का जन्म हुआ और उस पार्टीशन (partition) के फलस्वरूप देश में यह तमाम बर्बादी आई, अले ही कानूनी तौर से आप पार्टीशन की जिम्मेदारी किसी और पर रखें, लेकिन इस में कोई शक नहीं कि जो लोग आज इस मौके पर इस तरह के सवाल उठाते हैं, वह लोग उस साइकोलोजी (psychology) के पदा करने के जिम्मेदार हैं जिस साइकोलोजी की वजह से वह तमाम बर्बादी हुई और हमारे तमाम बच्चे और बहिनें बर्बाद हुई और जब हमारे प्रधान मंत्री कहते हैं कि हम उस के ऊपर एक मरहम लगाना चाहते हैं, उस वक्ता हमारे यह भाई बजाय उस में मदद करने के उल्टे धाव और तय्या करने की कोशिश

करते हैं और ऐसी बात कहते हैं जिन से जो लोग यह मरहम लगाने का काम करते होते हैं, उन के रास्ते में रूकावटें डालते हैं

सरदार हुकम सिंह : डिप्टी स्पीकर महोदय, मेरी एक विनय है। मैं पूछना चाहता हूँ अपने फ़ाज़िल दोस्त से जो इतनी तेज़ी से कह रहे हैं कि यह किस ने कहा है कि इन औरतों का यहाँ रक्खा जाय ?

श्री ए० एन० बिद्यालंकार : यह कह देना बड़ा आसान है कि पाकिस्तान से वह लोग जितनी औरतें निकालना चाहिये नहीं निकाल पाते हैं या उल्टा नहीं निकाल पाते हैं, लेकिन मैं उन दोस्तों को बतलाऊँ कि मुझे कुछ उस संस्था के काम को देखने और जानने का अवसर प्राप्त हुआ है, वह बहिनें और भाई जो इस रेस्टोरेशन के काम को करते हैं, वह अपनी धान का ख़तरा माल ले कर वहाँ पाकिस्तान में अपना काम करने जाते हैं, यहाँ भी वह काम करते हैं, पाकिस्तान में वह अपनी जान को ख़तरे में डाल कर बहिनों और बच्चों को तलाश में जाते हैं। आज हमारे यह भाई जो इस बिल को स्वीकृत कराना चाहते हैं और इस को जनमत जानने के लिये अभी भेजना चाहते हैं, यह वही लोग हैं जिन के लिये प्रधान मंत्री ने कहा था कि जब यहाँ इस देश में एक बहिश्चर्यानापन का मुज़ाहरा (प्रदर्शन) हो रहा था, उस ज़माने में वही लोग और उन की पार्टी के लोग उस में हिस्सा लेते थे और बजाय उस ख़राब फ़िज़ा को दबाने के उस को उकसाते थे, वही लोग, आज इस बिल को स्वीकृत करने का सवाल उठा रहे हैं

Shri V. G. Deshpande: On a point of order. Sir. The hon. Member is saying that those Members who have moved for the circulation of the Bill were people responsible for the abduction of the women and that they were saying that abducted women should not be recovered. Nobody has said like that. This kind of thing should not be allowed to go on, on the floor of this House.

Mr. Deputy-Speaker: As all hon. Members know, no hon. Member has raised an objection to the principle of the Bill. Some of them have said that this is not going to be effective, if there is no reciprocity, and so on. The hon. Member may argue on that point.

Sardar Hukam Singh: This is the only point to be discussed.

श्री ए० एन० बिद्यालंकार : मैं ने यह नहीं कहा कि यहाँ जो बंटे हुए हैं और जिन्होंने अमेंडमेंट्स (amendments) पेश किये हैं, उन्होंने इस बात को किया है, लेकिन मैं यह ज़रूर कहता हूँ कि उन की पार्टी के लोग और उन के अनुयायी इस बोज़ को पंदा करते हैं, ऐसी साईकोलजी पंदा करते हैं जिस से इस काम में मदद मिलने के बजाय बाधा पहुँचती है और घाव भरने के बजाय और ताज़ा होता है। यह काम जो हम करने जा रहे हैं बहुत अहम है और हमें मुल्क के अन्दर यह साईकोलजी पंदा करनी है कि दरअसल हर एक सिटीजन (citizen) रिकवरी के काम में मदद दे, यह काम बहुत मुश्किल काम है और मुझे खुशी होगी अगर इस काम में मेरे वह साथी भी जो आज इस बिल को मुल्तवी करने की बात करते हैं लेकिन इस के उमूल से सहमत हैं। हाय बंटायें और आगे आयें, आज देश गाँडे साहब, सरदार हुकम सिंह और श्यामा प्रसाद मुखर्जी अगर मुदुला बहिन के साथ बिल कर रिकवरी का काम करें, तो मैं समझता हूँ कि इस से एक ऐसी साईकोलजी पैदा होगी और जिस का नतीजा ज़रूरी वह होगा कि पाकिस्तान के अन्दर भी रिकवरी का काम ज्यादा होगा। लेकिन अगर आप इसी तरह ज़रूम पर मरहम रखने के बजाय उस की ताज़ा करते रहें और ऐसी बातें कहते रहें (Interruption);

सरदार हुकम सिंह : डिप्टी स्पीकर साहब, यहाँ फ्लोर ब्राफ़ दी हाउस (Floor of the House) पर ग़लत स्टेटमेंट दिया जा रहा है। कौन कहता है कि नहीं करने और किस ने यह कहा, मालूम नहीं

[Mr. Deputy-Speaker]

किस को खुश करने के लिए गुलत स्टेटमेंट
दिये जाते हैं।

Mr. Deputy-Speaker: Order, order. Let there be no exhibition of hot words. Why should there be any such thing unnecessarily? As the hon. Prime Minister has said all parties must co-operate in getting rid of this evil, wherever it may exist, whether it is on this side or in Pakistan. And so, heat need not be generated. The hon. Member gave a particular instance to show that it may not after all be efficacious. In the conduct of this matter, some innocent persons may also be affected, though in the balance, many really injured persons may be recovered. In view of those findings, how best this Act could be worked out without any injury to any honest person and so on, are the points on which the hon. Member must address himself, and not attribute motives to any particular party or even to individuals.

श्री ए० एन० चित्तालंकार : उपाध्यक्ष जी, मेरे कहने का अभिप्राय यह है कि जब हम यहाँ कोई बात कहते हैं, तो हमें यह देखना होता है कि इस से क्या साइकोलोजी पैदा होती है। जो मुखालिफ़ दल के माननीय सभासद हैं उन में से किसका नियत पर मुझे जरा भी शक नहीं है। मैं किसी को नियत पर आक्षेप नहीं करता, लेकिन मैं यह कहना चाहता हूँ कि जो बातें वह कहते हैं और जिस तरीके से वह बात कहते हैं, उस से मुल्क में एक ऐसी साइकोलोजी अवश्य पैदा होती है जिस को वजह से उन लोगों को मदद मिलती है जो इस काम में रुकावट डालना चाहते हैं।

Mr. Deputy-Speaker: Order, order. If every word that is uttered here opposing the Bill is going to create a psychology, that is inevitable. Therefore, the hon. Member ought not to quarrel with other Members who have got differences of opinion, and start from that that it is that opinion that has started all trouble outside. That can be said of every hon. Member. Every hon. Member is entitled to express his opinion in this House. I think the hon. Member should now resume his seat. Mr. N. C. Chatterjee.

Shri N. C. Chatterjee (Hooghly): I am afraid some of the observations of the hon. Prime Minister were based

upon a misunderstanding—I would not say, conscious misunderstanding, but unconscious misunderstanding--of those who are criticising this Bill. Really these criticisms were made as to the working of the machinery set up under this Bill, as to the machinery that seeks to implement this recovery process. We will be false to our religion, false to India's culture if we do anything which is detrimental to the vindication of the honour of womenfolk. Shri Arobindo the great Prophet of modern India, said: that it is no good having political emancipation unless we can get the real emancipation. How will we get it? By being true to our 'Swabhava' and Swadharma. What is India's Dharma? When I say the Dharma of India, I mean "National Righteousness" which connotes respect for women. Consider the preachings of the great Philosopher, Dr. Radhakrishnan. He has been preaching the message of India. In his great speeches in Europe he points out that India has one cardinal principle and that both *Purush* and *Prakriti*, i.e., both man and woman, are complementary and are the manifestations of the Supreme Reality. We can never forget this truth. A nation is great by the truth which it preaches and by the firm adherence to those principles which it cherishes. We will be false to that truth, we will be false to our 'dharma' if we do not vindicate the honour of women. We are ashamed that India's tragic vivisection, India's unnatural partition brought about degradation of human nature and brutalisation of human character. The Prime Minister says that madness was there. You can pass your censure over that madness, but what I am saying today is this. This Parliament is still indirectly abetting at the dishonour of women. What is the good of setting up a machinery which costs so many lakhs of rupees and asking the lady who is in charge of this machinery to go on with the process of recovery? What have you done for recovering the hundreds and thousands of our unfortunate sisters who have been abducted and molested in East Bengal? Not one has been recovered. What we are saying is that this machinery is defective, inefficient, incomplete, and not all-pervasive. What is the good of saying that we have recovered 16,900? What has Pakistan done to implement the bilateral agreement? They have done practically nothing. Do not think I am saying this as a Hindu Mahasabhaite. (Interruption). Do not interrupt me. Mr. Arun Chandra

Guba, a man who comes from East Bengal, a Congress Member, stood up in this House on the 15th February 1952.....(interruption).

Mr. Deputy-Speaker: Let there be no interruptions.

Shri N. C. Chatterjee: I am pleading for the cause of the oppressed, tortured and submerged womenfolk, our sisters in trouble in East Bengal. What did Mr. Guha say on the floor of this House. He said:

"I have reports of hundreds of girls"—remember Sir, this was on the 15th February 1952—"having been abducted in East Bengal".

Remember these abductions, these oppressions, these molestations of Hindu women did not take place in the days of carnage and murder, those terrible days which followed immediately after the partition of India. No they have taken place much later. This is still going on. You read the statement of the hon. Deputy Minister of Rehabilitation of the Government of West Bengal. He has publicly proclaimed that he is sorry to say on behalf of the Government of West Bengal that the molestations of womenfolk are still going on in East Bengal. He has satisfied himself on behalf of the Government that substantially those reports are true. That is my charge. I am saying this Government has done nothing; the Prime Minister of India has done nothing; the Minister of Rehabilitation has done nothing; this Ministry of 42 or 43—I do not exactly know the number—have done nothing and this machinery which has been set up, which costs so many lakhs, has not been able to do anything for saving these oppressed...

Mr. Deputy-Speaker: This Bill is not confined to West Pakistan alone.

Shri N. C. Chatterjee: This is my point I am pointing out that although this was pointed out in the month of February 1952, nothing has been done. My grievance is that, although it is not confined to any particular area Pakistan has done nothing. This machinery has done nothing. Our Government have done nothing. Our Parliament has not been able to do anything to impress upon this machinery that they should do their duty properly. What are we doing? We are saying that we have recovered 16,919 girls in the Indian Union and 8,326 have been recovered from Pakistan. These figures really help Pakistan's anti-Indian propaganda. They generally say: Look here, 17,000 women have been recovered in India

by this machinery' and when our Prime Minister says that Pakistan has done very well in this aspect of co-operation that means that we are the greatest sinners. The fact is as we know and as can be established, that a larger number of abducted women is across the frontier, and this does not reflect the true proportion of people who have been abducted. Our grievances are three or four. The first grievance is: why should this machinery function under the Minister of External Affairs? Why should it not be placed under the Minister of Rehabilitation? (Interruption). I am saying this should not be under the Ministry of External Affairs. The Prime Minister is overworked. He has got so many responsibilities to shoulder, too terrific a burden. This should be placed on the shoulders of the Minister of Rehabilitation. When the girl is rescued or the woman is recovered, then everything is done by the Rehabilitation Ministry. So place it under the charge of the Rehabilitation Minister. That will, I think, be more proper and then it will receive proper attention.

Then it is quite clear that progressively the work is going down. Progressively the work is bound to go down as lesser and lesser number of people can be recovered. As it has been pointed out, after five years so many victims have settled down and it is cruel to uproot them, inhuman to dislocate them from their present surroundings. Still so far as I know the expenditure has not gone down. Recovery is not commensurate on the other side and Pakistan is not reciprocating in the same sense as it ought to do, in the same spirit as it ought to do. The general feeling is that more or less the elder women are sent out to India and the younger girls are kept back. I hope the hon. Minister will tell us something to dislodge that impression. We have heard the language of what Sardar Hukam Singh said. I do not want to repeat the language of that Congress Member who said something to the effect that they are themselves abducting instead of helping the abducted persons. It is quite true that they are over-doing things in their zeal. They have, in some cases, over-stepped the frontiers of wisdom and rational conduct. I am giving one case. Mst. Barkte, a Muslim girl lost her father during disturbances. She lived with a Hindu in Jammu. The police party recovered her, placed her in a camp and she was sought to be repatriated to Pakistan. She had no relative in Pakistan and she did not like to go to Pakistan. She ran away from the

[Shri N. C. Chatterjee]

police lorry which was conveying her. She tried her best to avoid being despatched to Pakistan. Ultimately she married a Muslim gentleman, Muhammad Sultan of Palawa, only five miles from Jammu. She was living with her husband, Sultan. The Abducted Women's Recovery Party got hold of her again and she was again brought to the camp. The husband approached the authorities. But the husband was threatened to be imprisoned under section 3 of the Public Security Act of Kashmir which is little more stringent than our Preventive Detention Act. A Habeas Corpus application was moved in the High Court by the husband to rescue this girl and this girl was brought before Justice Kilam of the High Court. She deposed before the judge that she did not want to go to Pakistan and that she was being forcibly sent there and she wanted to live with her husband. The Judge said, what was the point in utilising this Act against this girl? But the lady counterpart of our Lady Officer in charge, who was in charge of the Recovery Camp, put all sorts of impediments in the way of the rescue of this girl by the husband. This case was adjourned because the Assistant Advocate General wanted to produce some law whereby the High Court had been deprived of the power to interfere with the detentions in an Abducted Women's Recovery Camp. He wanted time. For two months this case dragged on in the High Court. Ultimately on the 18th of Ihar 2,008 (in July 1951), the Assistant Advocate General confessed that he was unable to produce any law to the effect that the High Court had been deprived of the power to interfere with the detentions in these camps and then this girl, Mst. Barkte was set free. Fifteen days after this judgment, of the Kashmir High Court, the Kashmir Government passed an Ordinance that henceforth the High Court would be deprived of the jurisdiction to issue any habeas corpus writ or any writ or order or direction interfering with the detention in the Abducted Women's Recovery Camps. This attitude, I submit, is not proper and it is calculated to create more difficulty. This is a wrong psychological approach. This is not the correct approach. What is Pakistan doing in this matter? The Prime Minister has not yet answered the question, the specific question put to him by one of the hon. Members. Mr. Gopalaswami Ayyangar made a statement which shocked India. I think it shocked

every civilised human being when he said in this Parliament, with a full sense of responsibility attached to his office and his position and his experience, that about 2,500 Pakistan public employees have got in their custody abducted girls. I want to know how many of these delinquents have been dealt with by the Pakistan Government. How many of these criminals are still holding our unfortunate sisters in the teeth of all the demand for justice. It is no good simply saying that they did something of which they ought to be ashamed. That may help your policy of pacification, your policy of appeasement. What we want to know is what are you going to do for these unfortunate sisters and mothers who are still being persecuted in the year 1951, in the year 1952, when the mass carnage had been over, when the carnage that came in the wake of the vivisection has gone and disappeared. After 5 years these molestations are going on and what have you done? What steps have been taken to rescue these unfortunate sisters?

बाबू रामनारायण सिंह (हजारीबाग पश्चिम) : उक्त भाषति महोदय, जो विधेयक इस समय सदन के सामने है और जिस पर विचार हो रहा है, उस के सम्बन्ध में अभी प्रधान मंत्री जी ने बहुत कुछ कहा। आप लोगों ने सुना होगा कि एक जगह उन के कब्जे पर मैंने "हिरर-हिरर" भी कहा। बात यह है कि जहां तक विधेयक के साथ मानवता की बात है, मैं समझता हूँ कि कोई भारतवासी, जो धर्म से सम्बन्ध रखता है, नहीं चाहेगा कि पाकिस्तान की कोई स्त्री कोई बच्चा ज़ुर्दस्ती भारत में रहे। क्यों रहे? जो कोई इस के प्रतिकूल भावना रखता है वह अपने धर्म से श्रुत होगा है। यह तो अलग बात है। इसलिये इस विधेयक को तो पास होना ही चाहिये। प्रधान मंत्री ने कहा कि इस को सर्वसम्मति से पास होना चाहिये। मैं भी कहता हूँ कि सर्वसम्मति से पास हो। लेकिन जिस जगह मैंने प्रधान मंत्री की बात का समर्थन किया था आनन्द से, उस जगह उन्होंने कहा कि यदि एक भी स्त्री हमारी, हमारे भारतवासी

को, वहाँ पर ही तो उस को यहाँ लाना हमारा कर्तव्य है। बड़ी खुशी की बात है। लेकिन इस के साथ साथ एक बात और है जिस को लोग यहाँ पर कहते हैं, हमारे भाई लाला अन्वित राम जी ने भी आज सवेरे कहा कि पाकिस्तान से एक भी भारतीय स्त्री का उद्धार हो या न हो, लेकिन हमें यहाँ से पाकिस्तानी स्त्रियों का उद्धार करना ही चाहिये। मेरे कहने का मतलब यह है कि ऐसी बात तो कभी नहीं कहनी चाहिये।

पंडित अलगू राय शास्त्री (जिला आजम-गढ़—पूर्व व जिला बलिया-पश्चिम) : यह आप की सही बात है।

बाबू रामनारायण सिंह : दोनों ही मुल्क के लिये होना चाहिये। मैं कहता हूँ कि एक भी पाकिस्तान की स्त्री या बच्चा हमारे यहाँ क्या रहे, उस को न रखा जाय, न रखना ही चाहिये। अगर ऐसा कोई कहता है तो अपने धर्म के अनुसार कहता है, यह अलग बात है, लेकिन दोनों बातों को मिला कर कहने का मतलब क्या है कि वह करें या न करें, लेकिन हम तो ऐसा करेंगे ही। आज हमारे एक मित्र कह रहे थे कि यहाँ की बातों का एक साइकोलॉजिकल एफेक्ट (psychological effect) होता है। जी हाँ, होता है। जब ऐसी बात कहते हैं कि वह करें या न करें हम तो करेंगे तो मैं समझता हूँ कि इस का साइकोलॉजिकल असर जरूर होता है और यह बड़ी खराब बात है।

जैसा अर्ज। हमारे प्रधान मंत्री ने कहा कि एक-एक स्त्री वहाँ से आनी चाहिये, तो हमारा कर्तव्य है कि हम उस के लिये उपाय करें, यह तो बिल्कुल ठीक था। लेकिन मैं कहता हूँ कि यह तो सारे देश की बात है, सारी संसद् की बात है, इस लोक सभा की बात है कि हमारी एक स्त्री का भी दूसरे देश में जबर्दस्ती रहना हमारे देश के अपमान की बात है। ऐसा कहा

जाता है कि अभी हमारी ३३ या ३४ हजार स्त्रियाँ पाकिस्तान में हैं; और कभी कभी लोग यह प्रश्न भी करते हैं कि प्रत्येक आदमी का उद्धार करने में कितना खर्च हुआ। मैं कभी नहीं कहता कि पाकिस्तान से इस के लिये युद्ध करो, लेकिन मैं मानता हूँ कि सब को यह समझना चाहिये कि हमारी एक स्त्री का भी वहाँ रह जाना हमारे सारे देश के लिये अपमान और आत्मसम्मान की बात है, इस लिये इस बारे में खर्च का तो कोई सवाल ही नहीं उठता है। मैं तो समझता हूँ कि हमारे जो ३५, ३६ करोड़ भारतवासियों हैं जब उन के सम्मान की बात आती हो, तो उस सम्मान की रक्षा के लिये एक स्त्री की रक्षा के लिये भी हमें जो जो करना पड़े हमें उसे अवश्य करना चाहिये। खर्च की बात तो दूसरी रही। प्रधान मंत्री ने कहा कि यह तो उन का कर्तव्य है कि उन की रक्षा करें।

पंडित अलगू राय शास्त्री : एकां मीता के लिये लंका फूँटी गई थी।

बाबू रामनारायण सिंह : हमारे भाई बहुत अच्छा कहते हैं कि हिन्दुस्तान में तो यह उदाहरण रखे हुए हैं कि एक एक स्त्री के अपमान के लिये युद्ध हुए, महाभारत हुआ, लंका में युद्ध हुआ और कितने ही लोग मर भिटे हैं। तो इस में क्या शक की बात है? मैं ने भी कहा है कि दोनों को मिलाना नहीं है। तो यह स्त्रियों का रक्षा करें यह तो बहुत अच्छा है। यह बहुत अच्छी बात है। इस में कोई बहस को बात नहीं है। लेकिन यहाँ के जो स्त्री बच्चे वहाँ हैं उन के उद्धार के लिये भी सब कुछ करना चाहिये। प्रधान मंत्री ने कहा कि यह उन का कर्तव्य है कि उन की रक्षा करें। यह तो सही है। उन्होंने कहा कि क्या युद्ध करें? अरे साहब, युद्ध करना तो बहुत कठिन काम है। युद्ध का सुख दुःख तो संसार में सब कोई जानता

[बाबू रामनारायण सिंह]

है, लेकिन प्रधान मंत्री को इतना तो जानना चाहिये कि जो तमाम और जो जाति युद्ध हो डरती है उस को दुनिया में जोबित रहने का हक नहीं है। इतना तो उन्हें मालूम होना चाहिये। मैं भी यही कहता हूँ कि युद्ध तो किसी तरह से नहीं होना चाहिये वरन् तो सब तरह से बुरा है, लेकिन उस से दबने की बात नहीं है, उस से डरने की बात नहीं है। उस के साथ ही प्रधान मंत्री ने एक बात और बड़ी सुन्दर कही कि यह ऐसा सुन्दर काम है कि यह तो दोनों सरकारों के सहयोग से हो सकता है। बड़ी खुशी की बात है। दोनों सरकारों का सहयोग तो हीना ही चाहिये। अगर दोनों सरकारों का सहयोग होने लगे तो हमारे बहुत से प्रश्न हल हो सकते हैं। लेकिन मैं अपने प्रधान मंत्री जो से पूछता हूँ कि क्या हिन्दुस्तान और पाकिस्तान की सरकारों में सहयोग हो सकता है, क्या यह सम्भव है? वे सहयोग चाहते हैं। मैं ने यह बहुत बार देखा है और शुरू से देखता आ रहा हूँ कि जब भी पाकिस्तान के सम्बन्ध में यहां बयान दिया जाता है तो कहा जाता कि पाकिस्तान मानता ही नहीं। हमेशा यही कहा जाता है और यह कहने में लोगों को लज्जा भी नहीं आती है तो सभापति महोदय मेरे कहने का मतलब यही है कि इस तरह की बातें क्या हमें करना चाहियें? मुझे इस बात का हमेशा दुःख रहा है कि पाकिस्तान के सम्बन्ध में जहां कोई भी बात होती है सरकार की तरफ से तो उसमें, चाहे उसे नामर्दा कहिये या बुजदिली कहिये, हमेशा झलकती रहती है। मालूम होता है कि हमारी सरकार को न अफ़ल है, न साहस है और न ईमानदारी है।

पंडित बलरू राव शास्त्री: उदारता है।

बाबू रामनारायण सिंह: मैं कहता हूँ कि जितना काम हो सब धर्म के साथ हो लेकिन उस से किसी तरह की नामर्दा और

बुजदिली की बात नहीं होनी चाहिये। जो काम हो मुस्तीदी के साथ हो और संकल्प के साथ हो और एक एक आदमी को उधार करने में हमारा जो कुछ खर्च हो, जो कुछ बलिदान करना पड़े, सब कुछ करने के लिए तैयार रहना चाहिये।

Pandit Fotedar (Jammu and Kashmir): Mr. Deputy-Speaker, with your permission I rise to support this Bill. I congratulate the authority of this Bill, for having introduced a measure only with a humanitarian purpose for affording all sorts of legitimate and reasonable assistance in the recovery of abducted girls, our sisters, daughters and mothers. It is lamentable to observe that a measure of this sort should not be welcome to certain sections of this House and they should try to enter into so many non-essentials to sidetrack the main issue. There are certain hon. Members of this House who oppose this measure. My hon. friend Mr. Chatterjee...

Pandit Algu Rai Shastri: In this House who is opposing this measure?

Pandit Fotedar: Sardar Sahib has opposed it. He said he opposed it.

Sardar Hukam Singh: No.

Pandit Fotedar: He did say that.

Sardar Hukam Singh: If this is the organisation that is going to work under the Act, I said, I oppose it.

Pandit Fotedar: I am very happy to observe that even you support it. After my hon. friend Mr. Chatterjee gave a rhythmical series of nothings, it was hoped that he would give something concrete and something substantial but to our great dismay, it proved only much ado about nothing.

Well, Sir, my hon. friend, only gave certain facts and figures to show that only old women are recovered from Pakistan. I have authoritative information which shows that the recoveries of abducted women and girls effected in Pakistan fall under the following age-groups.

Below twelve years	40 per cent.
Between 12 and 25 years	47 per cent.
Between 35 and 50 years	7 per cent.
Fifty and above	6 per cent.

This is in regard to 16,000 girls and women who have been recovered. To oppose the measure in whatever form, I feel is to sacrifice...

Shri Nandlal Sharma (Sikar): The figure of 16,000 recoveries is from India.

Pandit Fotedar: I have only given the age groups of girls and women recovered from Pakistan, whatever the number of recovered persons. I feel that to oppose a measure of this kind in any form is to sacrifice at the altar of communal frenzy Her Majesty the womanhood. I feel that it would be a blot of standing shame on the name of our culture, our civilisation and our high traditions. If we oppose this Bill posterity will record a judgment that their ancestor statesmen and Parliamentarians committed a moral suicide while of an unsound mind and that the great Republic of India, that the great Parliament and the people of India and the accredited representatives of the people had not this much of courage, had not this much of power, had not this much of sense of morality to recover those miserable girls who have been made the victims of vandalism and communal frenzy, and who want to join their kith and kin.

With Partition a great tragedy descended on the whole Republic of India. Our economy was shattered; our administration was shattered, our territorial integrity was shattered. Similarly there was a sort of revolution in our society and these girls became the victims of that revolution. We cry for economic recovery; we cry for administrative recovery; we cry for recovery on all fronts. Why have a sort of a defeatist mentality and escape from the great responsibility and say we do not want to recover the abducted girls?

Even from Kashmir hundreds of Hindu, Sikh and Muslim girls were abducted. Some of them have been recovered, but there are many Muslim and Hindu girls still unrecovered. So far as this measure is concerned, I would say without any fear of contradiction that the machinery in charge of recovery and rehabilitation has done excellent work. This machinery has been headed by Miss Mridula Sarabai, whom I would call the Joan of Arc of India.

Some Hon. Members: Question.

Shri V. G. Deshpande rose—

Pandit Fotedar: I say that the work which has been done.....

4 P.M.

Sardar Hukam Singh: On a point of order, if we are not allowed to say anything against persons who are not present to defend themselves, are we entitled to give praise to them? If that comes in I hope, Sir, that you will allow the criticism also that follows.

Mr. Deputy-Speaker: As far as

possible I would like to avoid personal references to any individuals on the floor of the House either for or against as it will lead to a controversy. If I allow one side I must allow the other and they may go on stating many things which may not be based on facts. It leads to a controversy one way or the other. Therefore, I would like to avoid as far as possible all personal references.

Pandit Fotedar: Since my hon. friend Sardar Hukam Singh and the hon. Member Mr. Chatterjee made a reference to the machinery of the organisation, and since Shrimati Mridula Sarabai happens to be the head of that organisation, I think I am within my bounds to speak something with regard to the organisation and incidentally to make a reference to the head of the organisation.

Sardar Hukam Singh: Sir, about the organisation he might speak, but if he makes personal references then I am sure you will give us also an opportunity of saying something about those persons.

Pandit Fotedar: I do not know why the name of the head of the organisation is so repugnant to my hon. friend.

Sardar Hukam Singh: Because I know facts.

Pandit Fotedar: I know the facts much more than you. What I say is based on factual authority that she and the organisation have done eminently good work, and there is every need of strengthening the organisation in the interests of humanity and mankind.

Mr. Deputy-Speaker: Shri Lokanath Mishra. I believe he has caught my eye now!

Shri M. S. Gurunadaswamy (Mysore): Members from this side have not been called.

Mr. Deputy-Speaker: I have called him. I cannot give any promise. If the House wants to sit the whole day I have no objection. I am entirely in the hands of the House so far as this matter is concerned. I called Babu Ramnarayan Singh from this side, Pandit Fotedar from that, and I have come to the centre. I will come to the left.

Pandit Algu Rai Shastri: The Chair is just.

Mr. Deputy-Speaker: And if the House wants closure, I will put it.

Shri Lokanath Mishra (Puri): Sir, I am thankful to you that at last I have got a chance to speak on a subject which is really very important.

[Shri Lokenath Mishra]

though the Bill might be considered to be a minor one. Nobody in India will disagree with or contest the proposition that abduction of women is a crime and a sin. So there is no joining issue with any Member of this House on the question of the recovery of abducted women. The question is what are we going to do by this Bill, by extending the time of the Act. The object is to extend the time of the Act upto the end of the year 1954. That means it is extended by two years more.

What is the real question here? The real question is how to recover those women that were abducted at the time of partition, women that virtually belong to Pakistan but who are kept here under duress. I have very carefully heard the speech delivered by the hon. the Prime Minister. The burden of his speech was that for the sake of humanity, for the prestige and respect of the women, let us have it. He also said that those women who are on this side, in India, and who would like to stay here need not be forced out of India because they were abducted at some time.

Now, we must remember that those cases of abduction must have taken place near about the time of partition, that is in 1947 or 1948. Now, suppose they were abducted then. Five years have gone by. May I know, if there are any such women in India now left, and if they are, have they not turned their mind, have they not settled down both mentally and physically to stay in India, have they not taken root in the soil of India? I mean, now to go and hound them out and say that they must be sent back to Pakistan is just uprooting them. My contention is that just for the sake of the same humanity, just for those unfortunate women who were abducted and who are still now in India, it must be our duty as human beings not to unsettle them again. They may be kept here, because five years' time is enough for any woman to think, ponder upon and ultimately reconcile.

Now, how can we know that a certain woman is willing to go? How can you, at the present moment when she is under duress as it is said, go and ask her? Is there any provision in the Bill to calmly go to that woman and get her opinion, uninfluenced either by this side or that? In fact, after five years, to go and find out that woman and ascertain from her what her will is, is unfair to that lady herself.

Therefore, my contention is, if it is a question of humanity, if it is a question of respecting the woman that was abducted, for the sake of that woman herself you should not trouble her again.

I have heard from many people in Delhi that there are some persons here who want to dabble in this matter because it gives them work, political work, social work and a name. But to save these women here as well as in Pakistan there should be an end of this matter. And the Act should not be extended for another two years, thereby keeping these abducted women unsettled in mind, in suspense, with the Damocles' sword hanging over their head.

The other question is, suppose we send an abducted woman to Pakistan. Are you sure what will be her lot there? We know as human beings what transformation there can be in course of five years in the mind of men either here or there—what transformation might have taken place in the mind of either the woman so abducted or the man from who she was abducted. I for one would never accept a woman abducted five years back if she comes back to me. It is just human nature. Now, to say for the sake of humanity "Please take her back" is not proper. Pakistan may just compel her either to die or to live in ignominy for all her life. Therefore, for the sake of the same humanity, for the very reasons for which my friends were saying this namely that for the sake of humanity let us pass it. I suggest in the name of those women themselves that it is now proper that we should put a stop to this recovery of abducted women here and now.

That is the proposition. But one thing hurts me most, namely that some Members from this side would think of this matter so lightly that they would hound out anybody speaking against them. I would not have spoken a word after what the Prime Minister said. I am bound to support the Bill. I must obey the Prime Minister. But when Members from this side went to hound out Members from that side because what they say is unpalatable, I feel indignant, I am sure those Members were speaking the right thing; they were more humanitarian than we are.

I, therefore, beg leave of the Prime Minister to say that for the sake of humanity it will be wise for us to drop the Bill here and now. That is

my submission to the Prime Minister. He is my leader. I must obey him. You may laugh.

Sardar Hukam Singh: We pity you.

Shri Lokenath Mishra: Whatever it is. The abducted woman is a human being. Everyone of us here is a human being. In the name of the same humanity I say this. When I think of those unfortunate persons, when I picture in my own mind the mind of those abducted women who might still be in India, and when I think how they will be approached, reproached or questioned by some lady workers, some police people and how they will be hounded out to Pakistan, rightly or wrongly—when I think how they will again try to unsettle their mind, I feel pity for those abducted women. I, therefore, beg the House and beg the Prime Minister to consider whether it will not be more human now to drop this Bill instead of giving it a fresh lease of life, which will be just a justice with vengeance.

The Deputy Minister of External Affairs (Shri Anil K. Chanda): I want to speak a few words, at least five minutes.

Mr. Deputy-Speaker: I will ascertain the views of the House.

Shri Satya Narayan Sinha rose—

Pandit Thakur Das Bhargava: Closure has not been moved. Why do you anticipate?

Mr. Deputy-Speaker: We have got one other Bill before us.

Pandit Thakur Das Bhargava: When I was in the Chair I thought that discussions on the Bill would conclude at 1. Now so many issues have been raised and both sides have made several suggestions. I want an opportunity to speak.

Mr. Deputy-Speaker: The question is:

“That the question be now put.”

The motion was adopted.

Mr. Deputy-Speaker: I will put those two amendments.

Some Hon. Members: Only one amendment.

Mr. Deputy-Speaker: The question is:

“That the Bill, as passed by the Council of States, be circulated

for the purpose of eliciting opinion thereon by the 15th February, 1953”.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

“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.”

The motion was adopted.

Mr. Deputy-Speaker: There are no amendments to the clauses of the Bill.

Clauses 1 to 9 were added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri Anil K. Chanda: I beg to move:

“That the Bill be passed”.

Mr. Deputy-Speaker: Motion moved:

“That the Bill be passed.”

पंडित ठाकुर दास भार्गव : जनार्दन डिटी स्वीकर साहब, इस बिल पर जिस पर हम लोग आज बहस कर रहे हैं, मैं समझता था कि किसी किस्म की ज्यादा स्पेशिअलिटी नहीं होगी। लेकिन ताहम देखा गया कि मुझे दोनो साइड (side) तो नहीं कहना चाहिये, लेकिन कुछ मेम्बरान ने एक प्वाइंट आफ व्यू (point of view) से और दूसरे मेम्बरान ने दूसरे प्वाइंट आफ व्यू से इस बिल के ऊपर तर्कवाद की। मैं चाहता था कि जो सही पोजीशन (position) है वह जनार्दन की खिदमत में रखूं। मेरा ख्याल था कि इस बिल पर ज्यादा बहस नहीं होगी। सिर्फ इस की एक साइड पर, जो इस बिल से ज्यादा तात्कुक नहीं रखती है, महज उस पर कुछ बहस हो सकती थी। और मैं खुश था कि उन मेम्बर 'साहब ने, जिन्होंने यह चाहा कि इस बिल को सिक्युलेट (circulate) किया जाय, मिस्टर देगवांडे ने, जिन्होंने ने बहस की, उन्होंने ने माकूल बहस की, इस संस (sense) में कि हम

[पंडित ठाकुर दास मार्गण]

इस बिल का सपोर्ट (support) करते हैं। मेरे ब्याल से इस सारे हाउस में ही क्या, शायद सारे हिन्दुस्तान में कोई राइट माइंडेड (right minded) आदमी इस बिल की मुसालिफ़त नहीं करेगा। हम चाहते हैं, जरूर चाहते हैं कि एक एक औरत और एक एक बच्चा जो पाकिस्तान का यहाँ हो, जो पाकिस्तान जाना चाहता हो, जो हिन्दुस्तान से जाना चाहता हो और पाकिस्तान जाने का स्वाहिशामन्द हो, उस के रास्ते में कोई रुकावट न हो, खसूसन जिन औरतों के साथ में ज्यादाती हुई है, कौन ऐसा हिन्दुस्तान में आदमी है जो इस बात को कहेगा कि यह जस्टीफाइड (justified) है और अब उन के हिन्दुस्तान से जाने में रुकावट डाली जाय। ऐसा एक शक भी नहीं होगा। मेरे ब्याल से यह समझना कि जो इस बिल पर बोलें हैं वह मुसालिफ़ हैं, यह ज़ायज़ नहीं है। लेकिन साथ ही मैं अदब से अज़ करना चाहता हूँ कि मैं अपने आप को गलत जाहिर करूँगा अगर मैं यह जाहिर न करूँ कि हर एक इस हाउस का मेम्बर स्वाह वह किसी ब्याल का हो, इस का स्वाहिशामन्द है कि एक एक औरत हिन्दुस्तान की, चाहे वह हिन्दू हो या मुसलमान हो, और हज़ारहा मुसलमान और हिन्दू औरतें काश्मीर से लुटेरे उठा कर ले गये हैं, वह सब वापस की जायें। इसी तरह से जितनी भी मुसलमान औरतें यहाँ हैं, जिन के साथ यहाँ ज्यादाती हुई है, वह बड़ा पढ़वाई जायें, अगर वह बहा जाने की स्वाहिशामन्द है। अगर मेरा यह ब्याल होता, जैसा कि श्री लोकनाथ मिश्र ने जाहिर किया, कि सब की सब औरतें ५ वर्ष के अरसे के बाद वहीं रहनी चाहिये जहाँ कि वह रह गई है, तो मैं जरूर इस की मुसालिफ़त करता। जब पहला बिल यहाँ हाउस के सामने आया तो उसे अभी चन्द मेरे दोस्तों ने उस की बकिंग

(working) पर मुसालिफ़त की है, उसी तरह मैं ने भी मुसालिफ़त की थी। लेकिन इस बिल के उसूल को किसी ने मुसालिफ़त नहीं की और न मैं समझता हूँ कि कोई पार्टी ऐसी है जो इस बिल के उसूल की मुसालिफ़त करती है जो यह चाहती है कि कोई औरत और बच्चा जो बहा जाना चाहे उस के रास्ते में रुकावटें डाली जायें। अगर कोई ऐसा कहता है तो वह सही बात नहीं कहता है।

जनाब वाला, असेम्बली में सन् १९५० में जब यह बिल आया था, जिस का हम आज लम्बा कर रहे हैं, जिस को ज़्यादा उम्र दे रहे हैं, उस वक्त हमारे श्री गोपालस्वामी साहब ने फरमाया था कि दो हज़ार औरतें पाकिस्तानी अफसरों के कब्जे में हैं और उस वक्त मैंने यह अज़ किया था कि क्यों पाकिस्तान उन औरतों को, जो उन के पबलिक आफिशियल के कब्जे में हैं, उन को रखने की इजाजत देता है। मैं ने आज भी जब प्राइम मिनिस्टर साहब बोल रहे थे तो अज़ किया था कि हमारा एक एक पबलिक आफिशियल जो किसी ऐबडक्टेड (Abducted) औरत को अपने कब्जे में रखता है, वह उस आफिस पर रहने का हकदार नहीं है और हमारी गवर्नमेंट को चाहिये कि उस को यक़ूलम बरखास्त कर दे। मैं चाहता हूँ कि इसी तरह जहाँ तक पाकिस्तान का ताल्लुक है कोई पाकिस्तान आफिशियल अगर किसी ऐसी औरत की अपने साथ रखता है तो वह उस आफिस पर रहने का हकदार नहीं है, उस को कोई हक नहीं है कि वह एक मिनिट के वास्ते भी किसी ऐसी औरत को अपने कब्जे में रखे। मैं अज़ करना चाहता हूँ कि मुझ को नहीं मालूम है कि पाकिस्तान में क्या क्या दिक्कतें इस मशोनरी को काम करने में आईं। लेकिन मैं अदब से अज़ करना चाहता हूँ कि मैं यह महसूस करता हूँ कि दरअसल जिस तरह जिस जोर से हिन्दुस्तान के अन्दर

काम हुआ उस जोर से पाकिस्तान में इस के बारे में काम नहीं हुआ। शिकायतें ली गई हैं और कई सूरतों में यहाँ पर ओवरजैलसनेस (overjealousness) की शिकायत ली गई है। हमारे सट्टार हुक्म सिंह साहब ने, जिन्होंने इस बिल की मुसालिफत नहीं की है, मैं उन को जानता हूँ, उन का मुसालिफत करने का हरगिज मकसद नहीं है, उन्होंने ने महज एक केस उतलाया है। वह मामला ऐसा है कि उस औरत ने शादी उस वक्त की जब कि पार्टीशन का झगड़ा नहीं हुआ था। ऐसे केसेज में ओवरजैलसनेस हुई है। हमारा फर्ज है कि ऐसी शिकायतें हम न होने दें। मैं अर्ज करना चाहता हूँ कि कोई केस, खास हिन्दुस्तान का हो या पाकिस्तान का हो, अगर किसी औरत ने पार्टीशन से पहले शादी कर ली थी, ऐसी औरत को अगर कोई अपने कब्जे में लेना चाहे, तो वह उसी प्रकार से गिल्टी (guilty) है जिस प्रकार से वह गिल्टी है कि जो उस को ऐबडक्शन करता है, क्योंकि ऐसे मामले में वह भी ऐबडक्शन ही करता है। तो हम नहीं चाहते कि ऐसे केसेज इस कानून के मातहत हों।

मैं अपने दोस्त श्री लोकनाथ मिश्र से सहमत हूँ कि उन औरतों को जिन्होंने ने जबर-दस्ती भी शादी कर ली थी, जिन का ऐबडक्शन किया गया, अब पांच वर्ष के बाद अगर वह हिन्दुस्तान में ही रहना चाहें या पाकिस्तान में रहना चाहें, उन को दोबारा अपरूट (uproot) करना हरगिज जायज नहीं है। उन को उन की मर्जी के मुताबिक जहाँ कहीं रहना चाहें रहने दिया जाय। ऐसे केसेज में, चाहे हमारे यहाँ या चाहे पाकिस्तान में, उन को नये सिरे से अपरूट करना जायज नहीं है।

तो किसी का इस बिल को अपोज (oppose) करने का मकसद नहीं है। बड़े शौक से इस को पास करेंगे। लेकिन यह कहे बबैर मैं

हरगिज नहीं रह सकता कि एक एक औरत जो हिन्दुस्तान को पाकिस्तान में भोजूद है, हम उन को वापसी के स्वाहिशामन्द हैं। जो कहानियाँ हमारे श्री ऐन० सी० चटर्जी साहब ने सुनाई, जो कहानियाँ श्री श्यामा प्रसाद मुखर्जी ने पिछली बहस के वक्त सुनाई थीं, वह दिल का हिला देने वाली हैं। हर शस्स, चाहे हिन्दू हो या मुसलमान, चाहता है कि किसी औरत के साथ ऐसी जगदती न की जाय। अर्थात् भी जो शिकायतें आती हैं, जब हम ऐबडक्शन और मोलेस्टेशन (molestation) की शिकायतें सुनते हैं तो हमारे रोंगटे खड़े हो जाते हैं। यह सही है कि जैसा प्राइम मिनिस्टर साहब ने फरमाया कि वह गवर्नमेंट सावरें गवर्नमेंट (Sovereign Government) है। यह गवर्नमेंट भी सावरें है। लेकिन ता शम में निहायत अबब के साथ यह अर्ज करना चाहता हूँ कि यह सब होते हुए भी जितना प्रेशर (pressure) हमारी गवर्नमेंट पाकिस्तान पर डाल सकती है वह डाले जिस से इन औरतों के साथ में, जो कि ईस्टर्न पाकिस्तान से आती हैं और जो हमारे यहाँ से गई थीं, उन के रास्ते में कोई रुकावटें वापसी की न डाली जायें। इस के बारे में जितना भी प्रेशर हम डाल सकते हैं हम को डालना चाहिये। अगर फिर भी कोई ऐसी सूरत हो कि इस प्रेशर का कोई फायदा न हो तो मैं जानता हूँ कि जकर फीलिंग (feelings) ऐम्बिटर (embittered) होंगी और फिर पता नहीं कि हालत कहीं तक पहुँचे।

जनाब वाला, मैं कई दफा हाउस में कह चुका हूँ कि मैं पाकिस्तान को तरक अपोजमेंट (appeasement) का पालिसी का मुआफिक नहीं हूँ। मैं नहीं चाहता कि पाकिस्तान के साथ इतनी अपोजमेंट की पालिसी बरती जाय। लेकिन इस मामले में मैं हरगिज हरगिज रीसिप्रोसिटी (recipro-

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city) नहीं चाहता। अगर पाकिस्तान अपनी तरफ से पूरी कोशिश न करे तब भी मेरा मत यह है कि हम अपनी तरफ से इस मामले में पूरी कोशिश करें। एक एक औरत और एक एक बच्चे को पाकिस्तान वापस कर दें। लेकिन मैं चाहता हूँ कि हमारी गवर्नमेंट जितना प्रेशर डाल सके, जो कुछ कर सके, वह एक एक औरत को बचाने के वास्ते और उस को माल्टेस्टेशन और ऐबडकेशन से बचाने के वास्ते करे और उस के लिये अपना पूरा खर्च लगाये। इन अल्लाइड के साथ मैं इस बिल को सपोर्ट करता हूँ।

Mr. Deputy-Speaker: Shrimati Subhadra Joshi. Five minutes.

Shri M. S. Gurupadaswamy: I have been standing...

Mr. Deputy-Speaker: Has the hon. Member got abducted women in Mysore?

Shri M. S. Gurupadaswamy: Am I not entitled to speak?

Mr. Deputy-Speaker: No, Sir. Order, order. I am trying to distribute the time available to the hon. Members. It is not as if every hon. Member can go on speaking on every Bill. If we do that, we will have to sit night and day and pray to God to make the 365 days in a year 730. I am only trying to distribute the time. There are many hon. Members who know things, who come from nearer States. I am calling them. I have called this hon. Member a number of times on many occasions. I am receiving letters from hon. Members in insulting terms: 'I have not caught your eye'; I do not know what favour I have to do. It is improper to say that for any hon. Member. It is my privilege to decide who ought to speak and who ought not to speak. It is not the privilege of hon. Members. I am only trying to distribute the time; I am only trying to keep the level of the debate. No hon. Member can claim that he has got to speak on every subject. It is for me to decide. If there is time, I will certainly allow all hon. Members. But, I have to pick and choose and distribute the available time amongst the hon. Members who will contribute to the debate. This does not cost any

aspersion on any hon. Member. Hereafter, I will not allow any hon. Member to stand up and say, have I not a right to speak. He may have the right to speak; subject to my discretion to distribute the time among the various Members.

श्रीमती सुभद्रा जोशी (करनाल) :

अध्यक्ष महोदय, पांच मिनट शायद आप ने इजाजत दी है। तो यह ऐसा मसला है जिस पर बहुत कुछ कहा जा सकता था। पर मैं ज्यादा नहीं कहना चाहती हूँ, एक दो बात का जिक्र करना चाहती हूँ। मुझे इस बात का बड़ा रंज हुआ कि अभी अभी एक सदस्य ने कहा कि पांच साल जो औरतें वहाँ रह चुकी हैं, उन के बारे में वह ऐसा समझते हैं कि यह फिजिकली (physical-ly) और मेंटली (mentally) वहाँ पर सेंटल (settle) हो गई है। अध्यक्ष महोदय, इस बात से हैरानी तो नहीं है, पर रंज जरूर है, क्योंकि अभी तक हम लोग इस बात की तरफ लक्ष्य नहीं दे पाये हैं कि हमारी सोसायटी में या हमारी स्टेट में औरत की कौन सी पोजीशन (position) है औरत का क्या स्टेटस (status) है। औरत का नाम ले कर तो हम बहुत कुछ करते हैं, किस्म किस्म के पोलिटिकल ऐजिटेशन्स करते हैं, किस्म किस्म की मदद लेते हैं। बंगाल की औरतों का नाम ले कर यहाँ ऊषम मचाना चाहते हैं। पाकिस्तान में जो हमारी बहिन हैं उन का नाम ले कर वहाँ ऐजिटेशन करना चाहते हैं, और जब औरतों की मदद करने का मौका आता है तो जाने और पाइयां गिनने लगते हैं और कहने लगते हैं मुझे बड़े अफसोस से यह कहना पड़ता है, वह कहते हैं कि औरतें फिजिकली सेंटल हो गयी हैं। पाकिस्तान में हम लोगों का सामान रह गया, हमारी कोठियां रह गयीं, हमारा फर्नीचर रह गया, हमारे सॉफे सेंट रह गये, किताने रह गयीं, मुड्डे कुतियां रह गईं, तो आज मुझे कोई कहे

कि हमारी पुरानी किताबें चाहियें, भेज और कुसियां चाहिये, तो मैं साफ कह दूंगी, फट गये होंगे; मुझे नहीं चाहिये। परन्तु औरत औरत है। औरत फर्नीचर नहीं है। मुझे अफसोस है कि आप इस तरह की बात कहते हैं कि किस उम्र की वहां से औरतें आती हैं। अध्यक्ष महोदय, वहां से औरतें हम इसलिये नहीं ला रहे हैं कि यहां पर बीबियां बांटनी हैं, यहां के लोगों के अन्दर उन को बांटना है इसलिये उन को नहीं लाया जा रहा है। उन की उम्र का कोई ख्याल नहीं है। वहां से किसी भी उम्र की औरत हो, मां हो, बहन हो, पत्नी हो, वहां से हर औरत निकाली जायेगी। आज हमारे वहां पूछते हैं कि किस उम्र की औरत आ रही हैं, उन की क्या उम्र है। मुझे अफसोस के साथ यह कहना पड़ रहा है। हमारे एक भाई ने तो यहां तक कहा कि बूढ़ी हो गई हैं, पांच साल में। वह कोई जानवर नहीं है, कोई गाय और भैंस नहीं है। गाय के प्रोटेक्शन (protection) के लिये भी बड़े बड़े जलूस निकलते हैं और जब एक औरत को निकालने का सवाल होता है तो पांच साल की बात कही जाती है। हिन्दुस्तान की औरत ही नहीं दुनियां भर की औरतें बीस बीस साल की मुद्त हो जाती है, आदमी कंड हो जाता है, पर वे हतार करती हैं। आदमी कहीं मर जाता है तो हम कहती हैं कि उस की लाश आये। लाश नहीं आती है तो कहती हैं कि उस की हड्डियां आये। हड्डियां नहीं आती हैं तो कहते हैं उस की ऐशेज (ashes) आये। और यहां कई बहिनें और मातायें जो पाकिस्तान में हैं हम उन के लिये कहते हैं कि उन की उम्र क्या हो गई है। वह वहां पर ही फिजी-कली और मँटली सेंटल हो गई है। वह बन्धनों में पड़ गई हैं। मुझे इस वक्त इस बारे में बहुत चिन्म नहीं करना है। पर एक भाई ने तो वह भी कह दिया कि हमारे यहां तो जो शादी होती है तो शादी भी

कौन सी अपनी मरबी से होती है, उबरदस्ती हो जाती है, प्रेम उत्पन्न हो जाता है। इस तरह से हमारे यहां हिन्दुस्तान में आदमी है। खैर कोई सोचे तो क्या सोचे पर हमारे वहां जो सदस्य पार्लियामेंट में हैं उन को यह समझना चाहिये कि वे हमारे देश के अच्छे अच्छे मेम्बरान हैं, अच्छे अच्छे नेता हैं, बड़ी अच्छी अच्छी पोलिटिकल बाडीज (political bodies) का नेतृत्व करते हैं और नुमायन्दे हो कर यहां हाउस में जनता की तरफ से आये हैं। और वे कहते हैं कि प्रेम उन को उत्पन्न हो गया होगा। जो उन को उठा कर ले गये, जिन्होंने उन के भाइयों को कत्ल किया, जिन्होंने उन के पतियों को कत्ल किया, जो आज उन को बिल्कुल कंधियों की तरह रखे हुए हैं, उन के प्रति उन का प्रेम उत्पन्न हो गया होगा। बिल (Bill) के बारे में जैसा कुछ कुछ सदस्यों ने कहा हम भी इतना ही चाहते हैं कि उन बहनों को मोका देना चाहिये कि वे सुरक्षित जगह पर जहां उन को यह सवाल न रहे कि उबरदस्ती हमारे साथ होगी, ऐसी सुरक्षित जगह पर रह कर वह खुद फैसला कर सकें कि कहाँ उन को जाना है।

अध्यक्ष महोदय, इसी के साथ मैं एक दूसरी चीज का और चिन्म कर दूँ। वह यह है कि हमारे मुखालिफ लोगों ने एक और अलग हथियार अपने अस्त्रियार में लिया है। वे कहते हैं कि वे रिकवरी (recovery) के खिलाफ नहीं हैं, वे मशीनरी (machinery) के खिलाफ हैं। यह पोलिटिकल स्टंट्स (political stunts) और बालाकियां चलाने की बात है। वे रिकवरी के खिलाफ नहीं हैं, क्योंकि यहां पर हमारे बहनें हैं, औरतें हैं। इसलिये वे मशीनरी के खिलाफ हैं। मैं म्बारकबाद देना चाहती हूँ हमारे सदस्य देनापांडे जी को और ऐबडक्टर्स (abductors) की तरह से उन को धन्यवाद भी देना चाहती

[श्रीमती सुमद्रा जोशी]

हैं कि उन्होंने ने बहुत अच्छे अच्छे सुसाइ
ऐबडक्टर्स के लिये रखे हैं। आप ने फरमाया
कि अफ्रीका से उन के पास चिट्ठियां आई ह।
सायद ऐबडक्टर्स को अफ्रीका के मार्केट
(market) का पता न हो, इसलिये उन को
उन्होंने याद दिलाई कि यहां भी ले जा कर
औरतों को बेच सकते हैं। उन्होंने ने यह भी
कहा कि यह मुसलमान औरतों के लिये
यहां आसू बहाने वाले बहुत हैं, तो ऐबडक्टर्स
को यह बात जान कर खुशी हुई कि हाउस में
ऐबडक्टर्स के लिये भी आसू बहाने वाले मौजूद
हैं। एक ही तरफ की बात नहीं है, जम्मूरियत में
दोनों तरफ से आसू बहाने वाले चाहियें,
किसी को ऐबडक्टर्स का बहुत ध्यान है।

एक दूसरे सदस्य ने कहा कि रखने वाली
बात है और उन्होंने ने पांच दस फिगर बताये
और इस प्रकार गणना की कि कितना रुपया
खर्च हुआ। मुझे अध्यक्ष महोदय इस बात का
भी जिक्र करना है कि कुछ लोगों ने कहा कि
इस रिक्बरी के वह खिलाफ नहीं हैं,
लेकिन वे भाई कि जो रिक्बरी का काम करते
हैं, उन के खिलाफ हैं। उन की निन्दा करके
उन को डिस्करेज (discourage) करना
और ऐबडक्टर्स को ऐनकरेज (encourage)
करना और इस तरह से रिक्बरी का काम
करने वालों की नुकताचीनी करना रिक्बरी
के रास्ते में रोड़े अटकाना है। अध्यक्ष महोदय,
मैं ने सुना, मैं यहां नहीं थी, कि हमारे रिक्बरी
के काम करने वालों के लिये अक्सर वहां पर
कुछ कहा गया। कुछ कुछ यह भी मालूम
किया गया कि एक औरत पर क्या खर्च होता
है और रिक्बरी करने वालों से यह भी पूछा
गया है कि उन के कितनी मोटर हैं, वह
खाना क्या खाते हैं। तो मैं सदस्यों को बतलाना
चाहती हू कि हमारे रिक्बरी करने वाले
लोहे के बने चबाते हैं और देख देस में
और जपह जगह और झुंझरे मुल्क में बड़े

खतरों में जा कर उन्होंने ने बहिनों को निकाला
है। हमारी जिन बहनों को गुरुपादस्वामी
जैसे नौजवान भाई यहां छोड़ आये हैं और
बुजुर्ग पिता यहां छोड़ आये हैं, हमारी मृदुला
सारा भाई वहां जाती है और खतरे को मोल
ले कर औरतों और यहाँको को यहां से निकाल
कर लाती है।

जहां पर नौजवान भाई फेल हो गये,
जहां पर पिता फेल हो गये और अपने बच्चों
और बीवियों को पीछे छोड़ आये, वहां से उन
को यहां लाने के लिए हमारे रिक्बरी स्टाफ
के लोग जाते हैं और काम करते हैं। अगर यह
कहा जाय कि स्टाफ से ज्यादा काम लिया जाना
चाहिये और उन को और ज्यादा मेहनत से
काम करना चाहिये, अगर बीस घंटे अभी
काम करते हैं तो वह २२ घंटे काम करें,
यह सब तो समझ में आ सकता है, लेकिन इस
किस्म की नुकताचीनी करना, जिस से वह
डिस्करेज हो जायें और आप की नुकताचीनी
इस किस्म की हो जिस से ऐबडक्टर्स और
इनकरेज हो जायें, मैं नहीं समझती कि वह
बिल के हामी किस तरह से हो सकते हैं।
आप ने इतना ही मुझे बक्त दिया और इतना
ही मैं कहना चाहती थी कि यह बड़े अफसोस
की बात है कि औरतों के मामले पर इस किस्म
से सोचा जाता है, रुपये और आना पाइयों
का हिसाब लगाया जाता है। मुझे खुशी इस
बात की है कि ज्यादातर लोगों ने यह कहा कि
वह बिल की मुखालिफत नहीं करते हैं
और मुझे उम्मीद है कि यह बिल सर्वसम्मति
से पास किया जायगा।

Shri Anil K. Chanda: At this stage of
the day and of this debate, I, how-
ever, Sir, may be permitted to make
one or two brief observations. (inter-
ruption).

Mr. Deputy-Speaker: If the hon.
Member has not understood whatever
speech is made in the official language,

it cannot be helped in this House. The hon. Minister may proceed

Shri Anil K. Chanda: At this stage end of the discussion, I will just, Sir, with your permission make two or three brief observations.

The question of East Bengal has been raised with great eloquence by my distinguished friend Mr. Chatterjee. I myself come from West Bengal, and more than possibly most Members, I know the woes and miseries of the people of East Bengal. But this particular Act has nothing to do with East Bengal. This Act only refers to the crimes of abduction committed during the period round about 1947. The recovery work in East and West Bengal today is being done under the Nehru-Liaquat Pact, and under the auspices of the Minorities Ministers of both the countries.

With regard to the attitude of Pakistan, much has been said. It is the usual practice to give a dog a bad name before hanging it, but in this case, I shall be false to my responsibilities if I do not admit here that our relief organisation has received considerable help—I should say, every possible help—from Pakistan, in the working of this particular Act.

I may mention, Sir, a very small case as an example of this. As a result of the judgment of the East Pakistan High Court, we had to perforce stop our recovery work in our country for a while. Pakistan did not take advantage of the situation, and during this period, they carried on with their recovery work and returned to us 172 girls.

With regard to the statement made by Mr. Gopaldaswami Ayyangar, the position is this. This is a very serious allegation, and this allegation has been made in both the countries. Just as we seem to believe that there are thousands of high-placed Pakistani officials and citizens who are in possession of our abducted women, they also similarly allege that on this side of the border, many of their abducted women are in the possession of our officers and our citizens. This matter is very closely being looked into, and it is impossible at this stage to give any categorical answer. It is only when each and every allegation has been looked into can they and can we give an answer to this.

Sardar Hukam Singh: Has Pakistan supplied you with the list of officials in whose custody Muslim women are

being kept, because Mr. Gopaldaswami Ayyangar said we have given them every detail of the officers who are keeping them here. Have we got those particulars from Pakistan?

Shri Anil K. Chanda: As I have said, Sir, we are enquiring into it.

Mr. Deputy-Speaker: The question is:

“That the Bill be passed”.

The motion was adopted.

TEA BILL

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move*:

“That the Bill to provide for the control by the Union of the tea industry, and for that purpose to establish a Tea Board and levy a customs duty on tea exported from India, be referred to a Select Committee consisting of Shri A. K. Basu, Shri Upendranath Barman, Shri Kamakhya Prasad Tripathi, Prof. Nibaran Chandra Laskar, Shri Debeswar Sarmah, Shri Bhakt Darshan, Shri R. Venkataraman, Shri G. R. Damodaran, Shri Nageshwar Prasad Sinha, Shri Hem Raj, Shri N. M. Lingam, Shri H. Siddananjappa, Shri Bhagwat Jha Azad, Shri P. T. Chacko, Shri N. C. Chatterjee, Shri Hirendra Nath Mukerjee, Shri Hari Vinayak Pataskar, Shri Jaipal Singh, Shri Tridib Kumar Chaudhuri, Shri K. Kelappan, Shri Rayasam Seshagiri Rao, Shri Purnendu Sekhar Naskar, Shri Dev Khanta Borooab, Shri D. P. Karmarkar, and the mover with instructions to report on or before the last day of the first week of the next session.”

The Bill is only a combination of the Central Tea Board Act of 1949 and the Indian Tea Control Act, 1938, along with certain variations that have been found necessary. The Bill begins with a declaration in terms of item 52 of List I, Scheduled VII of the Constitution.

[**PANDIT THAKUR DAS BHARGAVA** in the Chair]

The definitions more or less follow the pattern of the two enactments with certain additions made by the enlargement of the functions of the Tea Board.

The constitution of the Tea Board does not follow the pattern determined by the Tea Board Act of 1949. Ten categories are mentioned in this Bill of persons who should find representa-

*Moved with the previous recommendations of the President.

[Shri T. T. Krishnamachari]

tion in the Board and the nomination is left to the Central Government. The change has been made because representation in the Tea Board is apt to become stratified. Only the interests closely concerned are now represented in the existing Board. The tea industry is one of great national importance, and it is hoped that by providing some representation for persons not directly interested in the various processes which the manufacture of tea and the sale of tea undergoes, national interests would be better served thereby.

The appointment of a Secretary and officers drawing more than Rs. 1,000 will vest in the Central Government. It is also the intention of the Government that the financial control exercised on the Tea Board by the Finance Ministry should be strengthened, and it follows the pattern that generally government has in mind in the matter of greater financial control in respect of all such Boards.

The functions of the Board have been widened. In addition to the present functions of the Central Tea Board and the Indian Tea Licensing Committee, the enlarged scope of the new Board's activities will include:

- (i) Regulation and control of the sale of tea for internal consumption or export, whether by auctions or otherwise;
- (ii) Control over the quality of tea and the issue of licenses to engage in blending; and
- (iii) Promotion of the adoption of measures for increasing the productivity of labour, including measures for securing safer and better working conditions and the provisions and improvement of amenities and incentive to workers.

The Tea Board may also be required, according to any decision of the Central Government in the exercise of its powers as proposed under Clause 33 of the Tea Bill, to license brokers, manufacturers or dealers in tea waste.

Chapters III and IV of the Tea Bill, 1952, contain provisions similar in principle to those contained in Chapters II and III of the Indian Tea Control Act, regarding control over the export of tea and control over the extension of tea cultivation. The provisions of the Tea Bill, however, do not stipulate the exact basis subject to which export rights will accrue to tea estates and the extent up to which extension of tea cultivation will be permitted. The details in these matters are

to be left to be prescribed by rules under the proposed statute. This is desirable, as the Government have to decide upon their policy on such matters as the interests of the development and welfare of the tea industry may require from time to time. This will not, at the same time, in any way interfere with India's obligations in regard to the International Tea Agreement, should this Agreement continue.

Chapter VI indicates the control by the Central Government. Chapter VII, Clause 33, is a new provision, as I said before, in regard to brokers, tea manufacturers and blenders. The other provisions in this chapter are those reproduced from the two existing enactments.

I have only one word to say in regard to a subject in which hon. Members are very much interested. In the context of the crisis in the tea industry today, the introduction of this legislation might require some explanation. As the House is aware, this legislation is not a sequel to the crisis. Certain promises were made by Government in the last session that a change in respect of the methods adopted in the matter of tea control was being contemplated so that Government could be in a better position to exercise greater control in regard to this important industry. The present crisis, if anything, has demonstrated clearly the fact that the control exercised by the Tea Board over the industry is not as complete or as efficient as it ought to be. In this context, I have to mention that Government are not satisfied with the propaganda that is being carried on for tea, either internal or abroad.

Our internal consumption of tea happens to be less than a third of the production. This is an unsatisfactory position. Our dependence on foreign exports in respect of this industry is more than what it ought to be. Even with the inadequate knowledge that I have of internal propaganda, I have come to the conclusion that internal propaganda methods are extremely unsatisfactory. Primarily the propaganda is in relation to the sale of tea, as there is no tie-up between the concerns that pack and sell tea in the internal market, and the propaganda organisation. Though there is no specific mention in the new Bill that the Board will be taking over the control of internal sales, I think this matter may be left to be considered by the Select Committee. The way in which tea propaganda is done in other countries is by close liaison with the tea selling inter-

ests, and the propaganda organisation, and this liaison extends to the extent of participation in costs. There is no such liaison between the tea selling interests and the Tea Board in India.

The House is also aware that we have delinked our tea propaganda from the International Tea marketing Expansion Board. This step had to be taken because, from the evidence that I could find, the control exercised by the Tea Board over the activities of the International Tea Marketing Expansion Board was next to nothing. It is significant that while the ITMEB persuaded the people in various countries with whom they were co-operating to protest to the Indian Government against the withdrawal from the ITMEB, this organisation themselves have been curiously silent,—a silence which is bordering on complete indifference. I am, therefore, surprised that there should be anybody in India connected with Indian tea interests, who should suggest that the action taken by the Government of India in this matter was unwise.

This delinking from the ITMEB has laid the burden squarely on the Indian tea organisation to undertake, organise and direct international propaganda. Government have taken certain steps in this regard already. They do hope in course of time that the new Tea Board would be undertaking this responsibility fully and build up an efficient organisation for doing propaganda for tea in the world, if possible, in collaboration with the major tea producing countries.

Certain concerned interests are bound to express the view that they have not been consulted in the formulation of this legislation. Considering that the departure from the existing enactment has not been very great, this consultation before the drafting of the legislation was, in my view, unnecessary. But I would suggest to the House that the Select Committee might be asked to invite the representatives of the tea interests and of all shades of opinion to give evidence before them. I have no doubt that the Select Committee, the House and the Government would profit by taking such evidence.

An hon. friend suggested an hour back that there should be a provision in this enactment, similar to Section 20 in the Industries (Development and Regulation) Act, namely that there should be power for the Government or the Tea Board, as the case may be, to manage certain estates which they think, are being badly managed. While

I am certainly prepared to leave it to the Select Committee to put in a provision of this nature should they consider it necessary, I must apologise to the hon. Members for more or less rushing through this Bill at this late hour on the last day of the session. But hon. Members will understand that the Select Committee being a wide one, we can have the Bill remoulded, if necessary, and bring it back before the House, and allow all criticisms that can possibly be focussed on it, at the beginning of the next session.

Mr. Chairman: Motion moved:

"That the Bill to provide for the Control by the Union of the tea industry and for that purpose to establish a Tea Board and levy a customs duty on tea exported from India, be referred to a Select Committee consisting of Shri A. K. Basu, Shri Upendranath Barman, Shri Kamakhya Prasad Tripathi, Prof. Nibaran Chandra Laskar, Shri Debeswar Sarmah, Shri Bhakt Darshan, Shri R. Venkataraman, Shri G. R. Damodaran, Shri Nageshwar Prasad Sinha, Shri Hem Raj, Shri N. M. Lingam, Shri H. Siddananappa, Shri Bhagwat Jha Azad, Shri P. T. Chacko, Shri N. C. Chatterjee, Shri Hirendra Nath Mukerjee, Shri Hari Vinayak Pataskar, Shri Jaipal Singh, Shri Tri-dib Kumar Chaudhuri, Shri K. Kelappan, Shri Rayasam Seshagiri Rao, Shri Purnendu Sekhar Naskar, Shri Dev Khanta Borooah Shri D. P. Karmarkar, and the mover with instructions to report on or before the last day of the first week of the next session."

Shri N. B. Chowdhury (Ghatal): We all know that the tea industry is today facing a terrible crisis and thousands of tea garden labourers have been thrown out of employment. At this stage, certainly we want a measure that is to be brought forward to ensure that the Indian garden owner does not suffer and at the same time the working classes are also provided for. So far as this Bill is concerned, we feel that not only the tea interests, and the owners of the tea gardens should be consulted, but that there should be conferences of a tripartite nature, between the interests concerned, namely the tea owners, the tea garden workers and the Government so that they might represent their views. It is only through such tripartite conferences that we can get suggestions which will help the Board to function properly.

So far as the constitution of the Board is concerned, we find that as

[Shri N. B. Chowdhury]

many as 40 members are going to be appointed for this Board.

Mr. Chairman: There is so much of noise in the House that it is impossible for the reporters to take down what is being said. I would request hon. Members kindly not to talk.

Shri N. B. Chowdhury: So far as the membership of the Board is concerned, it has been stated that all tea interests will be represented. The owners, the Chambers of Commerce, the consumers, the manufacturers, the labourers, employees, the Members of parliament, and the representatives of the Central Government and the Governments of the principal tea-growing States have been mentioned. But so far as the workers are concerned, although we find that persons employed in tea estates would have a certain representation, no specific mention has been made as to what would be the quantum of that representation. The Chambers of Commerce also would have a certain representation. It has not been stated as to whether the organisations of labour would be enabled to send their representatives. It will not do if simply a person is nominated, who may not enjoy the confidence of the workers in the tea gardens. I would like to draw the attention of the Select Committee to the fact that when the Chambers of Commerce, that is the organisations of the owners of the tea gardens, are given the opportunity to be represented on the Board, a similar facility should be extended to the Tea Labour Unions who should also be consulted, and asked to send their representatives.

It has also been stated that so far as the quality of tea is concerned, there would be research centres, where scientific investigations would be made to improve the quality of tea. Coming from West Bengal, I know that some time back in Calcutta, the Corporation brought cases against renowned firms that instead of using good quality tea they used a mixture of tea stem. When representations were made to the Government, the Government instead of seeing that they improved the quality, brought up a measure by way of legislation declaring that this could be allowed. I want to draw the attention of the Select Committee to this fact also. Although it has been admitted by all sections of the people, that the quality of tea that is available for internal consumption, needs to be improved, yet, we find that a particular State Government has come in with a measure declaring that such a mixture could be allowed.

Then, we find that so far as the tea industry is concerned, the census of foreign capital dated 30th June 1948 showed that about 75 per cent of the capital invested in the tea industry was foreign-owned. And we know that one of the major reasons for the present crisis in the tea industry is the manoeuvrings of these people. So this must be borne in mind while the Select Committee is going through this measure, as to how we can save the native industry. The case of persons who have started small gardens must be considered. We also know that due to the present arrangement of auctions at Calcutta, Cochin and London there is sufficient scope for these foreign investors to carry on auctions at London and, therefore, the small owners of tea gardens here do not get an adequate opportunity to have any say in the matter.

Another thing is that with regard to tea garden labour, the Plantations Labour Act 1951 and the Minimum Wages Act are to be applied. But we find that when thousands of workers are being thrown out of employment and so many gardens have been closed down, no steps have been taken by the Government to see that these workers find alternative employment or are given some unemployment dole or that they enjoy all the facilities which are guaranteed under these measures.

Then it has been said that an attempt would be made to organise certain gardens on a cooperative basis. While considering this, the owners of small gardens should be asked to re-organize their gardens, if possible, so that they may not be in very great difficulty to carry on their trade.

With these few words I think that while the Select Committee is going to consider this measure, they should consider the case of the workers in the gardens and also the owners of small gardens who belong to this country and see that the foreign investors who are practically controlling the entire industry do not make any attempt to destroy the interests of indigenous capital.

Shri K. K. Desai (Halar): I fully support the motion for reference of this Tea Bill to a Select Committee. The Bill has come none too soon. When the Bill for the regulation and control of Industries was before this House, I did suggest that the plantation industry be included in it and at that time on the floor of the House an assurance was given that a Bill controlling the tea industry would be brought before this House in a comprehensive form. This

Bill is seeking to repeal the two Acts—the Tea Board Act and the Tea Control Act—and the name of this Bill is: the Tea Bill. This means that the whole of the tea industry is now sought to be brought under the control of the Government of India.

As the Bill has been brought at the very fag end of the session and we have very little time, I do not think I will be able to offer any detailed observations on it. But as it is going before a Select Committee, I should like to make a few observations. The tea industry, as we all know, is the most important and strategic industry in this country. It is a great export industry which brings us a lot of foreign exchange, and every now and then we in this country are faced with some crisis or the other so far as the tea industry is concerned. Now these crises come over us or the crisis is sought to be created either artificially or by the vested interests and somehow or other the Government, the Parliament or the State is being made to make some concessions. I may say at this stage that this is one industry about which there is very little knowledge in this country. This is one industry which has been built up on the blood and sweat of the poor human beings in this country. Just think of the past when this industry was established in this country; particularly, this industry was established in jungles and hills where hundreds of our countrymen living on the verge of starvation in the plains have been taken. One does not know what happened to them and it is a matter of history that thousands of poor labourers and employees would have died in those areas which are infested with malaria and all sorts of diseases. This industry is one which has developed in this country after exploiting very fully our human resources as well as our natural resources; and it has come into existence, as a matter of fact, by the concessions which we cannot think of giving to anybody—concessions which were given by the foreign Government to the foreign interests in those good old days. If you look to the financial aspect of this industry, I think their paid up capital originally might have been practically negligible. The whole industry has developed during the last so many years on the resources which this country has supplied, and today the industry is trying its best—because it is more or less a monopoly concern, more or less monopolised by the foreign interests who have got their own method of dealing with us, who have got their own method of dealing with employees—to get as many concessions

as possible. But for the first time now I am happy that this industry is sought to be brought under our control. Just now there is a crisis and they say that wages paid to the workers are very heavy and so we are not able to sell this tea in the outside market. Has anybody explored what are the overhead charges, what are the management charges and what are the charges that constitute the cost of production, as far as these charges are paid out either in London or any other place? If our raw tea is exported at eight annas or nine annas per pound, that very tea is sold in the European market at Rs. 2-4-0 and 2-8-0. This difference, in my opinion, is being pocketed by others and not our people who are working there. Attempts are being made for the last two, three or six months to see that the implementation of the Bill on plantation which we have passed in this House, the Plantation Act which is more or less welfare legislation, is sabotaged on the one plea or other.

Now, the present Tea Board that is constituted is dominated more or less by the Tea Planting Interests. Of course, there is improvement in this Bill as far as the representation is concerned. But, I may just point out to the hon. Minister of Commerce and Industry, what does he mean by giving representation to the vested interests in different guises. One is the dealers including both exporters and internal traders of tea are given representation. Then again the Chambers of Commerce and Industries are also being given representation. Are not these dealers also members of the Chambers of Commerce and Industry? Then again, in—

“(j) such other persons or class of persons, as scientists, economists or business men, ...”

So, it is more surprising that in three different ways the vested interests about whom we have got our own doubts are again sought to be represented in this Board so that again the Tea Board that is being constituted even under this Bill will be dominated more or less by the vested interests.

Now, there is one other suggestion which I would like to make to the Select Committee. As the Plantation Industry has been excluded in the Industries Regulation and Development law that we have passed, the section dealing with the taking over of the industry or the undertaking in the interest of the country should be included in this Bill so that there will be no need to include this Plantation industry in the Industries development and regulation law. I think this suggestion which I

[Shri K. K. Desai]

am making will find suitable reception at the hands of the Select Committee.

Just now some tripartite conference of the Government, of the employees and the planters is meeting at Calcutta, to resolve this crisis. But such crisis had always been coming and it has been resolved temporarily. I hope that after enacting this Bill, it is very urgent that the Board envisaged in this Bill should be formed and we have got to see that the Tea Industry is managed in such a way that such temporary crisis may not come. The crisis should not occur in such a very important industry. It is occurring because the whole thing is left over to private enterprise, which has been bringing every now and then crisis in the Tea industry.

Now, as far as the tea industry is concerned, we have, as I said, no knowledge about it and so, as I suggested last time, a complete probe into the working of this industry. The Board will look into it when the time comes. I would suggest to the Government that they must appoint a sort of Commission to go into the working of the whole industry. Let us see the mind of our Government especially in dealing with the tea industry. The mind of the Government is generally made up by those people who place both facts and figures and information that would suit them. As far as other interests are concerned, they are not presenting any views and even if they are presented, they are ignored. So I believe that the Bill as it has been presented to us is a good Bill and it must be enacted as early as possible and I hope in future some of us may not have to offer criticisms which I have offered today.

Mr. Chairman: A suggestion has been made that the name of Shri T. Subrahmanyam be added to the list of Members. I hope the suggestion is acceptable to the House.

Several Hon. Members: Yes.

Mr. Chairman: The name of Shri T. Subrahmanyam is added to the list.

Shri R. K. Chaudhuri (Gauhati): I wish to speak on what repercussions this Bill has on the tea industry of the State to which I belong, namely the tea industry in Assam. Reading the provisions of the Bill, it seems to me that it is a mockery, at this stage, of the tea industry in Assam. I do not know what the condition of the industry in other parts of India is, but so far as Assam is concerned, I can say without the least hesitation, particularly so far

as the Indian interests are concerned, that the tea industry is about to collapse and by the time this Bill is passed, the tea industry of the Indian in Assam will totally collapse. I do not blame the Government. In this respect they have shown a lot of earnestness. They have recently had several conferences and they had also sent out their officers to Assam and also to Calcutta to find out exactly what can be done to save the industry. But the net result of what has been achieved is most disappointing. The assurances and concessions given are hardly sufficient to save the industry at all. I, therefore, say that certain provisions of this Bill at least seem to be entirely necessary. Here in clauses 12, 13 and 14 we are speaking about the limitation of cultivation, control and the expansion of tea cultivation but I am afraid the House will be astounded to hear—not to speak of expansion—the position in the industry is such that no cultivation even of the existing tea gardens is likely to be taken in hand in the near future. As many as 20 gardens of which I know have already sent notices to the labourers that they are going to close down their work from the beginning of next year. And I was rather surprised that my friend who has just spoken, Mr. Khandubhai Desai, had not a word to say in favour of the labourers who are going to be totally out of employment in the near future.

Shri K. K. Desai: I want permanent employment, not temporary one.

Shri R. K. Chaudhuri: From what I understand from a reply recently given in the course of a statement made by the hon. Minister of Commerce and Industry, the guarantee they are prepared to give is to the extent of 1953 cultivation only and that would not satisfy the tea interests in Assam, because they have already mortgaged the crops and hypothecated all the tea estates to the Banks. The Banks are not prepared to lend out any money to them unless some guarantee is also given to the existing loan. Now, the tea industry cannot be blamed for this reason that they have been very liberal to their labourers. I do not say that they have been extra-liberal, but they have been liberal. I suppose, considering the employers of other industries in India. In the tea gardens rice is supplied to labourers at Rs. 5 per maund even now. Even when the market was soaring up to Rs. 40 per maund, the tea proprietors had to supply rice to labourers at Rs. 5 per maund. Even if a single member

of a family of the labourers worked for a period of a week in the gardens, they were entitled to get rice at the concessional rate. They are entitled to get their clothing at pre-war prices even now. Various other privileges are given by the tea garden proprietors to their labourers. Not that I grudge it. But I consider that unless Government takes the entire tea industry under their control, it will be difficult for the tea proprietors to shoulder the burden of these privileges. Unless the financiers know that the tea industry is going to have a margin of profit, they are not going to lend any further money. Unless there is some long term arrangement, the tea estates are bound to collapse.

Yesterday a Conference was held by the Labour Minister in which the whole question would have been thrashed out—whether the margin of expenditure could be reduced so far as labourers are concerned. But no proprietor of the tea estate would even think of taking such steps because it would lead to strikes and other things. Therefore, I submit that before we go into a legislation like this, we must seriously consider what has been actually done by the Government. For instance what has Government done to stabilise the prices? How is it that the tea exported to England and other countries is sold at the maximum rate of Rs. 1-11-0 per pound now, whereas in India itself we have got to take tea and pay for it at Rs. 3 per pound? What is the reason for this difference? What has the Government been doing for the last five or six years in order to alter this state of affairs.

What Government should do now to save the industry is that they should purchase the entire stock of tea and regulate the prices themselves, just as they did during the war in 1942-44. When Government took the entire charge of the stock and issued permits for exports. If the Government now really want to save the tea industry they should purchase the entire stock of tea at a price which does not bring loss to the industry. With a margin of profit for them if the Government takes charge of the entire stock of tea and sell tea themselves then the prices will be regulated. They will be able to export to countries where tea is needed and the tea industry will be saved. My whole point is this. Unless you save the tea estates now, it is useless to pass such voluminous legislation. Government in order to show their appreciation of the seriousness of the matter should take into consideration the sug-

gestions that I have made of their becoming the owner of the entire stock of Indian tea and to regulate the export and sale thereof. Thereby they will give some assurance to the financiers as well as to the tea proprietors themselves and they will be able to stand on their own legs.

Another point to which I would like to draw the attention of this House is that we must seriously think of extending the market for tea in our own country. We can no longer depend on our monopolistic position. In Russia where a large quantity of tea is consumed, I understand that they are thinking of tea plantations in some areas. In South Africa, tea cultivation has been started. In Indonesia—Java and other places—there is a good production of tea. Ceylon is producing a large quantity of tea. In no other country except India is an export duty on tea levied. But here the Government still persist in levying an export duty, while the industry is going to ruin. Government on their part must make some sacrifice. They should either do away with the export duty for some years, or should make some arrangement for deferred payment of the export duty. In Assam the tea industry will be grateful—the Indian section of it at least—if they are only allowed deferred payment, that is instead of levying the duty before the tea is allowed to be moved, they may be allowed to make payment after sale. Now tea is not allowed to be moved unless the export duty is prepaid. That hampers the smaller proprietors.

Now I would appeal to the House that we should cultivate the habit of taking more tea. There is a lot of prejudice in this part of India, Northern India, (excepting West Bengal) against tea. Some of my hon. friends complain that tea is injurious to health.

Pandit Alga Rai Sbastri (Azamgarh Distt.—East cum Balbilia Distt.—West) Tandonji says so?

Shri Tandon (Allahabad Distt.—West): **Gandhiji** said it.

An Hon. Member: Doctors say so..

Shri B. K. Chaudhuri: The sooner you decide not to have anything to do with such Doctors, the better.

This attitude is the main reason for the ruin of the tea industry. You want to produce something for people who do not belong to India, just as we wanted to produce opium, not meant for consumption here. That prejudice to tea has to be removed. When you

[Shri R. K. Chaudhuri]

start with a prejudice that tea is injurious to health, you cannot expect the tea industry to flourish. Let us have an authoritative opinion on the subject. If it is really injurious to the health of the country, it should be injurious in all parts of India. If it is injurious to people in United Provinces it should be injurious to people in Bengal and Assam. Why then do you allow so much production of tea. Why then do you take so much interest in tea and have legislation, if it is really, as some of my hon. friends seem to think, a poisonous drink?

My whole object in making this short speech is to bring to the notice of the House as well as of Government that if really you consider that tea industry should prosper, if really you want to take some good contribution from the tea industry, you should encourage a market for tea not only in other parts of the world but also in India itself. If you really think that it is injurious exterminate this industry altogether. I believe we shall be living in Utopia if you for a moment entertain the idea that tea is injurious and that the taking of tea should be stopped. I would suggest any friend here to go and live in Assam or Bengal without taking tea. We have not so much of milk and honey, which you have in this part of the country, as tea. Tea protects you from various kinds of malaria.

Shri H. N. Shastri (Kanpur Distt—Central): You are an embodiment of those advantages yourself!

Shri R. K. Chaudhuri: Yes, I am a tea drinker. (Interruption). I am not interested in the tea industry. I am not a shareholder or a proprietor of any tea estate. I am not a propagandist also. But I simply want to remove the ignorance of my friends in this respect. Some friends complain that if they take a cup of tea they cannot sleep the whole night.

Shri Velayudhan (Quilon-cum-Mavelikkara—Reserved—Sch. Castes): That is true.

Shri R. K. Chaudhuri: I can take a cup of tea just before I go to bed and sleep like a top. But you might be thinking of so many things which you have done during the day with the result that you do not get sleep!

Mr. Chairman: He may speak on the Bill. I think he has finished.

पंडित जलमू राय शास्त्री : किसी को बेगन पध्य, किसी को अपध्य ।

Shri R. K. Chaudhuri: That is all, Sir.

Some Hon. Members rose—

Mr. Chairman: It is so late now.

Shri S. C. Samanta (Tamluk): I have to offer some comments. I will do it in five minutes.

Shri Damodara Menon (Kozhikode): I have been standing up a number of times. I want a few minutes. I have to make one or two points.

Mr. Chairman: Very well. Mr. Samanta.

Shri S. C. Samanta: I whole-heartedly support the motion for reference of the Bill to Select Committee. With reference to clause 4, the number of members which should constitute the Tea Board has been specified there. But in the categories of representation mentioned it has not been stated as to how many will be allotted to each category. I shall be glad if the Members of the Select Committee take into consideration this matter and specify the number in each category. I find that there is representation from Parliament also. The Select Committee should make it clear whether these Members will be elected or nominated or appointed by the Government. There are so many tea producing States. It will be better for the Select Committee to put also some Members of the Legislatures of States where tea is grown.

Then I want to say something about the Tea Expansion Board. We have withdrawn ourselves from the Tea Expansion Board. So the whole burden of propaganda lies upon us now. I find that in the functions of the Board something is said. But this Tea Expansion Board was doing so much for India as regards tea and that work has fallen upon our heads. So when this committee is formed, either standing committee or ad hoc committees should be formed, and it should be specially mentioned in clause 3 that tea expansion and propaganda, in other countries as well as in India, will be the duties of this standing committee. The tea Expansion Board has done so much work for us that we have earned so much dollars from outside. This work should not now be neglected. It should be specifically mentioned in the body of the Bill itself. These are my two suggestions and I hope the Select Committee will give serious consideration to them.

Shri Damodara Menon: We are at the far end of the session and also of the day, and I do not want to make a long speech at all. I want only to make one or two suggestions to the hon. Minister and to the Select Committee about this matter.

One of the points has already been made out here, and that is that this industry is more or less in the hands of vested interests, especially foreign vested interests. We are making provision here for expansion of our tea gardens as and when we find it necessary. I want to make this suggestion to the Select Committee that hereafter it should not be possible for foreign vested interests to expand in this country at all. We must make such provision here that in our expansion programme foreign interests shall not find a place. It has been pointed out that the present crisis in the industry has seriously affected not only the interests of the industry but our economic interests also. This crisis has come in the industry merely because we have had no real control over the industry. That is because we have been allowing vested interests to concentrate in this industry. It must be our endeavour as soon as possible to get rid of the vested interests, and especially the foreign interests, in this industry. Therefore, in our expansion programme, if we do not take care to see that the vested interests do not progress, this industry will be doomed and also our country in the long run.

Then I want to make one or two suggestions about the Tea Board itself which is the most important provision in the Bill. Here several categories are given. As has been pointed out by an hon. Member, in regard to the provision about representation of labour, I do not know whether it will be adequate. Another thing is, when we are making mention of several categories, it must be possible for Parliament to know what is the proportion of representation you are going to allow to each category mentioned here. There are altogether forty members. We want to know how many of these forty will go to owners, or to persons employed in the tea gardens, manufacturers of tea, Members of Parliament, Central Government nominees and also Chambers of Commerce and Industry. I endorse the view expressed by Mr. Khandubhai Desai that when you have already made provision for dealers, including exporters and internal traders of tea, manufacturers of tea etc. there

is no necessity at all for you to include Chambers of Commerce and Industry, and later on, also businessmen. It appears you are giving a weightage to this kind of representation.

I would urge also another point. When you are making this appointment it must be not through nomination, it must be possible for us, especially when we are giving representation to labour and also owners of estates and gardens and growers, to introduce a certain element of election. I want to see that labour gets proper representation, and that through election.

I do not want to take more of your time.

The Minister of Commerce (Shri Karmarkar): I am very grateful to the House for the very vigorous support that it has given to the measure. There is one point beyond dispute arising out of the discussions, i.e., that the tea industry requires to be regulated in a better manner than before. Arising out of the discussions are some three or four important points. Firstly that labour should find its representation. That was what my friend, Mr. Khandubhai Desai said and then I understood Mr. Damodara Menon to say that there should be a definite specification in the category of various members. These are all matters that will be certainly taken into consideration by the Select Committee and I think I would be unfair to the Select Committee were I to try to meet any of those points here.

I was interested in the observations made by my esteemed and elderly friend Mr. Rohini Kumar Chaudhuri. When he was speaking, one point struck me. It has been the tradition of this House that there is no television permitted in this House. I am quite sure that if he were to talk and with his picture available to us, we will be saving a lot of expenditure on propaganda. The Select Committee will largely benefit by the observations that he has made in support of the tea industry.

There remains no more points and I think I would be hardly fair to the House by standing between the hon. Members and their evening tea.

Mr. Chairman: The question is:

"That the Bill to provide for the Control by the Union of the tea industry, and for that purpose to establish a Tea Board and levy a customs duty on tea exported from

[Mr. Chairman]

India, be referred to a Select Committee consisting of Shri A. K. Basu, Shri Upendranath Barman, Shri Kamakhya Prasad Tripathi, Prof. Nibaran Chandra Laskar, Shri Debeswar Sarmah, Shri Bhakt Darshan, Shri R. Venkataraman, Shri G. R. Damodaran, Shri Nageshwar Prasad Sinha, Shri Hem Raj, Shri N. M. Lingam, Shri H. Siddananjappa, Shri Bhagwat Jha Azad, Shri P. T. Chacko, Shri N. C. Chatterjee, Shri Hirendra Nath Mukerjee, Shri Hari Vinayak Pataskar, Shri Hari Vinayak Pataskar, Shri Jaipal Singh, Shri Tridib Kumar

Chauduhri, Shri K. Kelappan, Shri Rayasam Seshagiri Rao, Shri Purnendu Sekhar Naskar, Shri Dev. Khanta Borooah, Shri T. Subramanyam, Shri D. P. Karmarkar and the mover with instructions to report on or before the last day of the first week of the next session."

The motion was adopted.

Mr. Chairman: Shri T. T. Krishnamachari, the Minister of Commerce and Industry is appointed as the Chairman of the Select Committee.

The House then adjourned sine die.