

# **COMMITTEE ON PETITIONS 1954-55**

## **FIFTH REPORT**



सत्यमेव जयते

**LOK SABHA SECRETARIAT  
NEW DELHI  
March, 1955.**

# CONTENTS

	PAGES
1. Members of the Committee on Petitions	(i)
2. Report . . . . .	1-4
3. Appendices—	
Appendix I . . . . .	7
Appendix II . . . . .	8-9
Appendix III . . . . .	10-13
Appendix IV . . . . .	14-16
Appendix V . . . . .	17-19
Appendix VI . . . . .	20-22
Appendix VII . . . . .	23-25
Appendix VIII . . . . .	26
Appendix IX . . . . .	27-32
Appendix X . . . . .	33
Appendix XI . . . . .	34-35
Appendix XII . . . . .	36-37
Appendix XIII . . . . .	38
Appendix XIV . . . . .	39

## MEMBERS OF THE COMMITTEE ON PETITIONS

1. Shri Kotha Raghuramaiah—*Chairman*.
2. Shri Asim Krishna Dutt
3. Shri C. P. Mathew
4. Shri Sohan Lal Dhusiya
5. Shri Beli Ram Das
6. Shri Liladhar Joshi
7. Shri U. R. Bogawat
8. Shri Jethalal Harikrishna Joshi
9. Shri Bhola Raut
10. Shri Resham Lal Jangde
11. Shrimati Renu Chakravartty
12. Shri Ramji Verma
13. Shri P. Subba Rao
14. Shri Anandchand
15. Shri P. N. Rajabhoj.

### SECRETARIAT

Shri S. L. Shakdher—*Joint Secretary*.

Shri M. Sundar Raj—*Deputy Secretary*.

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# REPORT

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(ii)

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1, the Chairman of the Committee on Petitions having been authorised by the Committee present this their Fifth Report.

2. The Committee at their four sittings held on the 18th November and the 10th December, 1954, the 9th April and the 23rd April, 1955 considered the following petitions:—

- (i) Petition from Shri Parameshwar Dass Jain relating to the Code of Criminal Procedure (Amendment) Bill, 1954 (now an Act) (*Petition No. 39—Appendix II*).
- (ii) Petition from Shri Mihir Kabi, M.L.A. Bihar and other 2,700 signatories regarding merger of Seraikella-Kharswan with Orissa and suppression of movements against their integration with Bihar (*Petition No. 32—Appendix III*).
- (iii) Petition from the West Bengal Association of Democratic Lawyers on behalf of its members and the people of West Bengal, relating to the Preventive Detention (Amendment) Bill, 1954 (now an Act) (*Petition No. 41—Appendix IV*).
- (iv) Petition from the Managing Director, Asia Chemicals Limited relating to the Finance Bill, 1955 (*Petition No. 42—Appendix V*).
- (v) Petition from the inhabitants of the State of Bilaspur relating to the Himachal Pradesh and Bilaspur (New State) Bill, 1954 (now an Act) (*Petition No. 8—Appendix VI*).
- (vi) Petition from Shri G. T. Raja relating to imposition of restrictions with regard to crossword puzzle schemes (*Petition No. 31—Appendix VII*).
- (vii) Petition from Shri Ramdas T. Chugani regarding fair distribution of agricultural evacuee property amongst displaced persons (*Petition No. 2—Appendix VIII*).
- (viii) Petition from Shri Kimatram Lalchand relating to grievances of displaced persons (both claimants and non-claimants) (*Petition No. 26—Appendix IX*).
- (ix) Petition from Shri J. M. Khilnani relating to delay in payment of interim compensation to displaced persons (*Petition No. 27—Appendix X*).
- (x) Petition from Shri Sant Boota Singh relating to allotment of agricultural Urban Land. (*Petition No. 28—Appendix XI*).
- (xi) Petition from Shri Fakir Chand relating to grievance of displaced persons with respect to speedy verification of claims over property left in Pakistan by the displaced persons (*Petition No. 29—Appendix XII*).
- (xii) Petition from Shri Ramdas T. Chugani regarding duplicate allotment of residential accommodation to displaced persons settled in Punjab (*Petition No. 30—Appendix XIII*).

- (xiii) Petition from Shri Ramdas T. Chugani relating to multiple allotment of evacuee property to displaced persons and other allied matters (Petition No. 38—Appendix XIV).

3. The Committee considered on the 18th November, 1954, petition No. 39 which was reported to the House on the 17th November, 1954, on matters relating to the Code of Criminal Procedure (Amendment) Bill, 1954, (now an Act). The petitioner is opposed to the provision for prosecution for defamation of a Minister or a public servant under Clause 25 of the Bill as amended by the Joint Committee.

As the Bill as reported by the Joint Committee was already under consideration of the House the petition was circulated to the members in a summary form on the 18th November, 1954.

4. The Committee considered the petition No. 32 relating to the merger of Seraikella-Kharswan with the State of Orissa on the 10th September and the 18th November, 1954.

The Committee are of the view that the petition in so far as it relates to the maintenance of Law and Order in Seraikella-Kharswan, to the setting up of a Commission of Enquiry to enquire into the alleged incidents leading to the breaking up of the public meeting at Seraikella and to the alleged partisanship of the Bihar administration, are subjects which fall within the jurisdiction of State Government, and no action is necessary on those points.

The Committee, however, recommended that the petition, in so far as it relates to the issue of merger of Seraikella-Kharswan with the State of Orissa, be referred to the States Re-organisation Commission for their consideration.

5. The Committee considered petition No. 41 relating to the Preventive Detention (Amendment) Bill, 1954, (now an Act) from the West Bengal Association of Democratic Lawyers on behalf of its members and the people of West Bengal on the 10th December, 1954.

The petitioners were opposed to the extension of the provisions of the Preventive Detention Act.

As the Bill to which the petition refers was under consideration of the House when it was received the Committee had the petition circulated to the members in a summary form on the 10th December, 1954.

6. The Committee considered petition No. 42 relating to the Finance Bill, 1955 which was presented to the House by Shri Ranbir Singh Chaudhuri on the 29th March, 1955, on the 9th April, 1955.

The petitioner opposed clause 25 of the Finance Bill, 1955 which sought to levy an excise duty of 10 per cent *ad valorem* on "paints and varnishes of all sorts in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power", and requested that exemption be granted in the case of small producing units.

As the Finance Bill, 1955 was under consideration of the House, the Committee directed that the petition should be circulated to the members *in extenso*. The petition was accordingly circulated to the members on the 9th April, 1955.

7. The Committee considered on the 10th September, 1954 and on the 9th April, 1955 petition No. 8 relating to the Himachal Pradesh and Bilaspur (New State) Bill, 1954 (now an Act).

The Committee discussed in detail the constitutional and other points involved in the petition; they note that the various points raised in the petition were also brought to the notice of the House during the course of the debate on the Bill. The Committee, therefore, felt that no action was necessary on the petition. They, however, recommend that it would be desirable to provide for ascertainment of views of the people of Part C States in Article 3 of the Constitution of India some what on the lines of the provisions now contained in Article 239(1)(b).

8. The Committee considered on the 9th April, 1955 petition No. 31 relating to the imposition of restrictions on crossword puzzle schemes.

The Committee were given to understand that Government propose to bring forward an enactment on the subject, and they recommend that this be expedited by Government.

9. The observations of the Committee with respect to petitions Nos. 2, 26 to 30 and 38 are given in the succeeding paragraphs. In connection with these seven petitions, which are concerned with certain grievances of displaced persons in regard to the allotment of land, houses etc. to them, the Committee have also examined the representatives of the Ministry of Rehabilitation.

10. *Petition No. 2.*—The petitioner prayed that agricultural evacuee lands near or adjoining or within municipal limits in India may be allotted only to those displaced persons who had similar holdings in Pakistan in order that they may be properly compensated.

In this connection it was explained to the Committee by the representatives of the Ministry of Rehabilitation that the agricultural evacuee land within municipal limits are being generally auctioned as they are valuable land. The Committee, however, recommend that Government should as far as possible allot such land to displaced persons in the manner prayed in the petition.

11. *Petition No. 26.*—The petitioner had represented certain difficulties experienced by non-claimants with regard to the allotment of evacuee property, rehabilitation grants and certain procedural difficulties in the filing of claims. The Committee were given to understand by the representatives of the Ministry of Rehabilitation that Government is taking suitable action wherever necessary and possible.

The Committee recommend in this connection that cases of extreme hardship arising from the failure of claimants to file claims within the due time should be treated with some consideration.

12. *Petitions Nos. 27 and 29.*—The petitioners represented in these petitions that there had been inordinate delay in the payment of interim compensation to displaced persons.

In their evidence before the Committee the representatives of the Ministry of Rehabilitation estimated that this would take about three years after the finalisation of the rules which are at present under the consideration of the Government.

The Committee feel that the payment of compensation to displaced persons with verified claims ought not to be delayed any longer and recommend that attempts should be made to finalise it by the end of the next year at least.

13. *Petition No. 28.*—The petitioner had stated that in 1948 a number of displaced persons filed their claims for agricultural, urban, suburban and rural lands with the Director of Rehabilitation, Punjab, and that most of them were allotted land after due verification of their claims. It was the complaint of the petitioner that under the Displaced Persons (Claims) Act, 1950, these displaced persons were required subsequently to file their claims anew, and that some of them having failed to do so on account of these requirements not being brought to their notice, were faced with the prospect of being evicted.

In their evidence before the Committee the representatives of the Ministry of Rehabilitation stated that the original allotment of land in these cases was made by the Punjab Government. The Committee recommend that even in all such cases due consideration should be given to the verification already carried out and if necessary, Jamabandi Records now maintained in the Office of Rehabilitation Department, Jullundur, should be utilised for the purpose of verification and that wherever verification is possible, mere failure of procedure should not be treated as sufficient grounds for setting aside their claims.

14. *Petitions Nos. 30 and 38.*—It is stated by the petitioners in these petitions that a number of irregularities have occurred in the allotment of houses and rural land to displaced persons and that in some cases duplicate allotments had been made. Specific cases had not been quoted by these petitioners. The Committee were given to understand by the Ministry of Rehabilitation that rules have been formulated by them in this matter for correcting defects of this nature. The Committee, therefore, feel that no recommendation is required on these two petitions.

K. RAGHURAMIAH,  
Chairman,  
Committee on Petitions.

NEW DELHI;  
The 2nd May, 1955.



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## APPENDICES

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## APPENDIX I

### Summary of recommendations of the Committee on Petitions in respect of various Petitions considered so far

Sl. No.	Petition No. and Reference to para. of the Report	Summary of recommendations
1	*Petition No. 39 (Para. 3) of the report.	The petition regarding Code of Criminal Procedure (Amendment) Bill, 1954 be circulated to the members in a summary form.
2	†Petition—No. 32 (Para. 4)	The issue of merger of Seraikella-Kharswan with the State of Orissa be referred to the States Reorganisation Commission.
3	‡Petition No. 41 (Para. 5)	The petition regarding the Preventive Detention (Amendment) Bill, 1954, be circulated to the members in a summary form.
4	§Petition No. 42 (Para. 6)	The petition regarding the Finance Bill, 1955 be circulated to members <i>in extenso</i> .
5	Petition No. 8 (Para. 7)	Provision be made for ascertainment of the views of the people of Part C States as well, in Article 3 of the Constitution of India.
6	Petition No. 31 (Para. 8)	Legislative measure restricting crossword puzzles be introduced early.
7	Petition No. 2 (Para. 10)	Allotment of agricultural evacuee lands be made to displaced persons as far as possible in the manner prayed for in the petition.
8	Petition No. 26 (Para. 11)	Displaced persons who failed to file claims within the prescribed time be treated with some consideration.
9	Petitions Nos. 27 and 29 (Para. 12)	Attempt be made for payment of verified claims to the displaced persons by the end of 1956.
10	Petition No. 28 (Para. 13).	Claimants with verified claims who failed to file fresh claims under the Displaced Persons (Claims) Act 1950 in respect of agricultural land be given due consideration for the purposes of allotment of land, on the basis of Jamabandi record maintained in the office of the Rehabilitation Department of Jullundur.

\*Circulated on the 18th November, 1954.

†Referred to the States Reorganisation Commission on the 20th November, 1954.

‡Circulated on the 10th December, 1954.

§Circulated on the 9th April, 1955.

## APPENDIX II

### *Petition No. 39*

To

LOK SABHA

Whereas 'The Code of Criminal Procedure (Amendment) Bill, 1954' is now under the consideration of the House, the humble petition of Shri Parameshwar Dass Jain, Ganga Niwas Building, Kucha Brijnath, Delhi

sheweth,

1. That the "protection" proposed in Section 25 of the above Bill, may if at all desired, be given to the President, Vice-President, Governor or Raj Pramukh of a State and should not be extended to Ministers "who are objects of daily controversy particularly during the period when the Parliament is in Session" and to the public servants who will become a privileged class to misuse the "protection" inviting hostile feeling of the people and also to some extent enlarge the circle of corruption which is already a headache to the Central and State Governments.

2. That if the House is not willing to exclude Ministers and public servants from the above "protection" then granting of such "protection" to the Ministers of the Central Government may be given only during the period when the Parliament is not in Session but in no way this "protection" be extended to public servants.

3. That in laying down the procedure for prosecution for defamation against such high dignitaries it should clearly be specified that no court of Session should take cognizance of an offence unless the complaint is made within sixty days (instead of six months) from the date on which the offence is alleged to have been committed. This limit of sixty days will help in making out a good case with much material available at that time.

4. That the above Bill does not give adequate facilities for the accused nor does it enlarge civil liberties of the citizen. Maltreatment, of the accused, by police is a constant general complaint. Some times an accused dies by their merciless beating for extorting confession (irrespective of the fact whether the person committed wrong or not) and showing threat for meeting their ulterior objects.

5. That such malpractices and corruption cannot be eliminated or eradicated unless there is a fear or arrest in the mind of the Police Authorities, who use third degree methods in tormenting the accused. This fear can be created by making provision in the Bill to the effect that advocate "who by virtue of his position is an officer of the Court", should be empowered to enter any part of

police station at any time with a view to detecting the third degree methods used by the police.

6. That majority of the Members of Parliament and Ministers at the Centre belong to this honourable profession and in view of that the petitioner thinks that House will not hesitate to make such a provision in the Bill enabling all advocates to check such malpractices of the police and corruption of corrupt class throughout India without fear.

7. That thus the Government of India will have an adequate force of advocates (of an officer rank) without any salary to stop such wrongs which are absolutely harmful in raising the standard of living of average citizen.

8. That it is a tax on the mind of an advocate, when he conducts his cases before honorary magistrates who are generally not even legally qualified. It will therefore be unwise to make selection of honorary magistrates other than legally qualified persons. They may therefore be selected from among advocates of minimum six years' standing on criminal side.

9. That specific provisions should be made for conducting the trial from day to day unless there are sufficient grounds for postponement. This will help an early disposal of the cases without witnesses being tampered with.

10. That since all believe in and preach for "ahimsa" it is now opportune time to abolish "capital punishment". It should be replaced by "imprisonment for life". Weak persons like women, children and old men should be dealt with leniently.

and accordingly your petitioner prays that

(i) Special provisions, in the light of the above suggestions, be made in the said Bill.

and your petitioner as in duty bound will ever pray

## APPENDIX. III

### *Petition No. 32*

To

LOK SABHA

Whereas the need for ensuring unfettered enjoyment of the 'Fundamental Right' guaranteed by the Constitution, for the linguistic minorities in the States, particularly of Bihar, to enable them to freely represent their case and submit memoranda to the States Reorganisation Commission, has become a matter of general public interest, the humble petition of "THE INHABITANTS OF SERAIKELLA-KHARSWAN AT PRESENT IN BIHAR"

sheweth,

1. That a persistent and systematic attempt is being carried on by the Bihar Government to suppress the linguistic and cultural minorities in Bihar.

2. That this has become more accentuated since the announcement of the appointment of the States Reorganisation Commission.

3. That a peaceful meeting of the people at Seraikella on the 7th February, 1954 was brutally broken up by imported hooligans with lathi and brickbats, in the presence of a local Magistrate and a large police force, who were mute spectators and who did nothing to prevent the raiders, nor apprehend any one of them.

4. That a number of persons were injured in the incident, seriously, including a Member of Parliament and the Deputy Leader of Opposition in Orissa Assembly, Sri Pratap Keshari Deo, who received severe lathi blow injuries on the head and wrist, causing fracture.

5. That the raiders had been brought in trucks from Jamshedpur and other outside places.

6. That the attitude of the Police in allowing them to be brought in trucks in contravention of the Motor Vehicles Act and Rules, and allowing them to brutally assault peaceful citizens at the meeting with lathis and brickbats, in contrast to their having removed walking sticks and umbrellas from the audience at the beginning of the meeting, raises strong suspicions about their partisanship and connivance.

7. That threats, intimidation and arrests are still continuing to further demoralise the people.

8. That this has come as a culmination of a long series of systematic oppression and repression.

9. That a reign of terror was perpetrated in Seraikella-Kharswan for nearly two weeks in the first half of August, 1949 to suppress their protests against the integration of these two states with Bihar.

10. That though the States Ministry of the Government of India had promised to inquire into the allegations and take adequate action and had also assured that the linguistic, cultural and other interests of the Oriyas in Seraikella-Kharswan would be fully protected, no enquiry was held and nothing was done.

11. That a large number of cases were started against pro-Orissa workers in connection with the weeks of terror in August, 1949 and a number of pro-Orissa workers were victimised and harassed for months in consequence.

12. That all those cases ended in acquittal.

13. That soon after the announcement about the proposed appointment of the States Reorganisation Commission there was an attempt by some Bihar officials to get a statement from an under-trial prisoner in Chaibasa Jail to implicate and demoralise prominent pro-Orissa workers of Seraikella-Kharswan, on the allurements of withdrawing all cases against him, which matter was referred to in a debate in the House of the People, on the continuance of the Preventive Detention Act, by Shri U. M. Trivedi during the last session of Parliament, (a photostat copy of his letter was published in all the leading papers of Orissa).

14. That Shri Mihir Kabi, M.L.A. (Bihar), the elected representative of the people, submitted a representation to the Prime Minister and Home Minister of India, on the 4th November, 1953, for taking urgent steps to retransfer Seraikella-Kharswan to Orissa.

15. That the said Shri Mihir Kabi, M.L.A. convened a public meeting at Seraikella on 15th December, 1953 to discuss the present and future of Seraikella-Kharswan.

16. That a resolution was unanimously adopted at that meeting, endorsing the representation of Shri Mihir Kabi, M.L.A. referred to in para 14 above.

17. That thereupon some agent provocateurs led by the nominated members of the Local Advisory Council, disturbed the meeting by pelting brickbats, shoes and brandishing lathis.

18. That the Police and the Magistrate present on the spot were mute spectators and did nothing to protect the peaceful assembly or to apprehend the hooligans.

19. That this matter was brought to the notice of the Prime Minister and Home Minister of India and they were requested to ensure against recurrence of similar incidents and of violence and to ensure unfettered expression of free opinion.

20. That no enquiry was made nor any action was taken to prevent recurrence of similar incidents.

21. That the incidents at the public meeting on 7th February, 1954 followed the same pattern with greater brutality and violence.

22. That the subsequent institution of cases and arrests, follows the old pattern of August, 1949.

23. That the people of Seraikella-Kharswan are deprived of the exercise and enjoyment of their fundamental rights guaranteed under the Constitution namely freedom of speech and expression, to assemble peacefully and without arms; to manage their own affairs in matters of religion, and ceremonies.

24. That the threats, intimidation and victimisation are being carried on to demoralise the people and make it impossible for them to freely represent their case before the States Reorganisation Commission.

25. That these series of incidents have shown the partisan nature of the Bihar administration.

26. That the Linguistic minorities in Bihar have no hope of securing justice under a partisan administration.

27. That this prejudices the people's freedom to express their opinion freely and to make representations to the States Reorganisation Commission.

28. That this also prejudices and impedes the proper functioning of the States Reorganisation Commission set up by the Central Government.

29. That representations have been made to the Central Government to take over the administration of Seraikella-Kharswan under Central Control and for independent inquiry into the incidents at the meeting on 7th February, 1954.

30. That the Union Government have got adequate powers of intervention under provisions of the Constitution, (Please see Articles 256, 257, 365, 352, 355 and 263 of the Constitution and Article 3 and also residuary powers).

31. That the Union Government appears hesitant and reluctant to hold an impartial inquiry and to take over the administration of Seraikella-Kharswan under Central control.

32. That such action would not prejudice or impede the work of the States Reorganisation Commission.

33. That on the contrary, such action would help in the proper functioning of the States Reorganisation Commission.

34. That the situation prevailing in Seraikella-Kharswan is causing interstatal tension and bitterness.

35. That under the circumstances narrated in the foregoing paragraphs, the sovereign and supreme Parliament of India should intervene.

and accordingly your petitioners pray that—

- (1) The House of the People be pleased to set up a Commission of Inquiry, to inquire into the incidents at the publicmeeting at Seraikella on 7th February, 1954 and

also into the allegations of partisanship of the Bihar administration and repression and suppression of the linguistic minorities in Bihar; and .

- (2) Pending such inquiry, the House of the People be pleased to direct the Union Government to intervene in the present administration of Seraikella and Kharswan to secure for them justice.

and your petitioner as in duty bound will ever pray.

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## APPENDIX IV

### Petition No. 41

To

LOK SABHA.

The humble petition of the West Bengal Association of Democratic Lawyers on behalf of its members, brother lawyers and the people of West Bengal

sheweth,

1. The Preventive Detention Act will expire in December, 1954, and the petitioners understand that the Government will place before the House an amending bill extending the operation of the Preventive Detention Act for a further period.

2. Laws permitting detention without trial were used against the people of India by the alien British Government. To suppress the legitimate demand of the people of India for freedom, to prevent the lawful aspirations of the Indian people, to deny the Indian people their birth right to Swaraj—the British Government adopted such measures to continue its rule. To the people of India any legislation of detention without trial is synonymous with arbitrary action on the part of the Government to deny and suppress the legitimate demand and aspirations of the people.

It is unfortunate that such a piece of legislation viz., the Preventive Detention Act has been given a place in the Statute Book of Free India. It is tragic that this piece of legislation of the British regime in India should be renewed year after year in Democratic and Free India.

3. The Preventive Detention Act was passed in February 1950, expressly stating that “it shall cease to have effect on the 1st day of April, 1951”. But since then every year it has been extended.

The petitioners beg to place before the House the full implications of this legislation and its dangerous possibilities, and the petitioners are confident that the House will realise the same and unhesitatingly refuse to keep the Preventive Detention Act as law in the Republic of India.

4. No amount of eloquence of Government's *bona fides* and goodwill and hints of possible disaster can suppress the fact that the Preventive Detention Act allows the executive and its police to arrest and keep confined any person who may be suspected by them of contemplating any act prejudicial to such a wide and elastic number of things that they really amount to anything not to the liking of the Government of the time.

5. The Constitution provides for proclamation of emergency by the President not only in case of threatened external aggression but

also in case of apprehended danger of internal disturbance even in a part of territory of India. In face of such constitutional provision a legislation like the Preventive Detention Act in time of peace when no emergency has been proclaimed is a confession that the Government in power, cannot govern binding themselves within rules of law but must have arbitrary powers to imprison people without trial and on suspicion. But executive Government bound by rules which do not allow them to exercise arbitrary power in any field of activity is the very soul of democracy.

6. The Preventive Detention Act provides that if the executive and its police is 'satisfied' they can imprison any person. The 'satisfaction' which allows the police and the executive to imprison people is not amenable to judicial review. This simply means that the evidence of this 'satisfaction' cannot stand the scrutiny of a Court of Law.

7. A legislation like that of the Preventive Detention Act is a confession on the part of the Government that if any violence or offence is committed or contemplated, the police and if necessary the military, are not efficient enough to apprehend or suppress the same.

8. When the Government talks of the risk of the present organisation of society and Government in times of peace being overturned by violence, unless absolute and unrestricted power of keeping people imprisoned on suspicion were in the hands of the executive, it is not realised that, if true, no greater condemnation of the present order of society or of Government could be conceived.

Such overturning by violence is only possible when the great majority of the people are against the present social organisation and are not with the Government, because they are convinced that the Government as it is, would not only help in bringing on a better state of society, but would try and prevent such a change. If that be the case, the Government are only ruling through suppression of the people by exercise of arbitrary power for the time being in their hands. If the number of such people are small, the ordinary law of the country should certainly be sufficient to meet the danger and the Preventive Detention Act is unnecessary.

9. The fact that from time to time not an inconsiderable number of persons, kept in jail without trial as persons suspected to be dangerous to the state or society are people connected with trade union, kisan and other democratic movements as also those who have been elected by the people of India as their representatives in Parliament and Assemblies is a pointer to the danger of this legislation. It may easily be made into an instrument in the hands of the political parties in power to remain in power unconstitutionally by putting their political opponents in jail without trial. The different parties in different States may try to play the ugly political game with the help of this handy instrument, resulting in political vendetta.

10. It may be that at present there are not many persons detained under the Preventive Detention Act. But if this legislation remains in the Statute Book, there is the danger of it being used to suppress the movements for redress of legitimate grievances of the people

as was done during the movements against enhancement of tram fare at Calcutta. Yet the enhancement was opposed by the Enquiry Commission appointed by the West Bengal Government. A number of instances of how this Act has been misused even in recent times can be added. A perusal of the grounds of detention of the persons imprisoned without trial during the last two years, will convince the House about the correctness of this statement. The petitioners would like to draw the attention of the House to one latest instance only. At the time of the teachers' strike at Calcutta, about a hundred persons were imprisoned without trial. They were all served with identical grounds of detention. Except three persons all were released after some time. These three persons moved *habeas corpus* applications before the Calcutta High Court. And the High Court even though deprived under the said Act of the power to enquire into the truth or otherwise of the charges, found the grounds to be vague and indefinite even within the wide and elastic provisions of the Act.

11. The fact that a number of people imprisoned without trial are set free later on by the Government should not relax the scrutiny of the legislators into the real nature of this legislation. The question is not how long people are imprisoned without trial, but that any one should be imprisoned in the Indian Republic without judicial trial. Let not the first Parliament of India elected on the basis of universal adult franchise go down in history as a body of legislators who permitted to be reduced to mockery Justice, Liberty and Equality written in bold letters in the preamble of the Constitution, and who dealt a staggering blow to the Indian Republic and all that it should stand for.

Your petitioners, therefore, on the aforementioned considerations humbly pray that the Preventive Detention Act should not be extended and that the House should refuse to legalise the said Act and that the House should let the said Act die.

**and your petitioners as in duty bound will ever pray.**

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## APPENDIX V

Petition No. 42

To

LOK SABHA.

The humble petition of Shri B. Goel, Managing Director, Asia Chemicals Ltd., 3 East Park Road, Karol Bagh, New Delhi-5 sheweth,

That the proposal now before Parliament, to levy with effect from 1st March, 1955 a new excise duty of 10 per cent. *ad valorem* on paints and varnishes of all sorts, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power, be reconsidered in the interest of the small producing units. As it stands, the proposed levy would adversely affect the small scale industry.

That there are at present approximately 30 small scale manufacturing units producing paints and varnishes in India, giving direct employment to between 500 and 700 persons. They produce just about 5 per cent. of the total output of the exciseable articles. In response to the existing demand the small units scattered over various parts of the country serve interests which are bound to suffer by their disappearance, in consequence of the proposed levy.

That the petitioners under the name and style of ASIA CHEMICALS LTD., are running one such small unit, producing Nitro Cellulose Lacquers with its ancillaries and Synthetic Enamels at Ghaziabad in the Meerut District of Uttar Pradesh. The annual total production of this unit is not more than 50 tons.

That the Government have been pleased to exempt from duty such paints and varnishes as are manufactured with the aid of manual labour and this, it is presumed has been done ostensibly with a view to protect the interests of smaller units. Yet a little consideration of facts pertaining to the industry will show the object of the Government will not be realized unless the proposal is suitably modified or made clear. For even the small units, if it is to be reasonably complete as the barest minimum economic unit of production, must need use power for purposes of proper grinding and dispersion of pigments etc. as it has recently been recognised in the case of hand-made-paper. It is presumed that it is not the intention of the Government to drive the struggling small-scale producer to undesirable devices with a view to deprive Government of its revenue; that is to say, he should not be encouraged to circumvent the law by having separate premises under different names for the preliminary processes in which power is used, the final work being completed with the aid of manual power in separate premises. Such a course is not in the interests of either the producer or the Government.

That the paints and varnishes is a very vast line and besides varieties in different shades, they have also to be different for different purposes. The prices of all these varieties vary considerably and as such, excise duty *ad valorem* is not suitable. The nature and characteristic of the Industry are very similar to the soap trade and all the considerations accorded to the soap industry last year holds good with the paints and varnishes. The effective basis for levy duty will be only on actual output and the annual tonnage manufactured of the exciseable products.

That as the Government must be aware, the small units suffer from various handicaps, *vis-a-vis* the large scale manufacturer, an idea of which can be formed from some of the disabilities mentioned below:—

(a) *Purchase of raw materials*.—The large scale manufacturer makes purchases in bulk, which the small manufacturer cannot afford. This accounts for a disadvantage to the small manufacturer to the extent of approximately 10 per cent.

(b) *Processing*.—Unlike the small scale producer, the large scale manufacturer has his own plant to process his materials such as Linseed Oil, Rosin, Pigments etc. The machinery for this purpose cannot be justified for a small unit and hence the former has ordinarily to purchase the semi-processed articles from other sources which means a further disadvantage.

(c) *Technical guidance, supervision and cost of production*.—In the case of the smaller units the over-heads on account of technical experts and supervisors who must be employed have to be spread over on smaller output. It is estimated that this creates a further disadvantage varying between 5 to 10 per cent. so that in this highly competitive market the smaller unit has to start with a handicap in the neighbourhood of 15—20 per cent.

(d) On the other hand, the larger establishments have associates and agencies, in foreign countries. Their high costs on account of good experts get distributed over their several branches and agencies. They are thus in a position to produce special brands the very name of which gives a premium to their products. And it may be noted also that most of the larger units work under a pool, while the small units compete and undercut each other. With the result, the large producer gets assured prices, and the small producer gets bare subsistence, if at all.

That as the Government must be aware, it is one of the recognised functions of the Central and State Governments to render technical, financial and other requisite assistance, where needed by the small scale and cottage industries. Here is a field in which the Government assistance especially on the technical side is very greatly needed. Unfortunately that has not been provided and instead has come this new levy which may prove to be the last straw for the unfortunate smaller units.

accordingly your petitioner prays—

(i) That items like Thinners, Cleaning Solvents, Paint Removers, Retarders etc. which by no stretch of language

be included in the term "Paints and Varnishes" be specially notified to be not included in exciseable commodities.

- (ii) That French Polish, Shellac Varnish, Synthetic Enamel Clear, Nitro Cellulose Lacquer made with chips which are ordinarily manufactured by simple soaking and shaking with hands without the aid of power and are sold in the market as finished products be specially exempted to avoid difficulty in actual working.
- (iii) That the small units even when they use power be exempted and that in order to avoid difficulty and loss of revenue to Government it may be declared that the units producing upto 50 tons a year are exempted. It is only if they exceed this figure that they will be liable to pay duty. There already exists a precedent in this regard, viz., the small scale Soap Industry.

and your petitioner as in duty bound will ever pray.

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## APPENDIX VI

### *Petition No. 8*

To

#### HOUSE OF THE PEOPLE

The humble petition of 45,041 inhabitants of the State of Bilaspur.  
sheweth,

The Himachal Pradesh and Bilaspur (New State) Bill No. VII of 1954 as introduced in the House of the People is wholly against the interests and welfare of your humble petitioners in view of the following grounds:—

Bilaspur was an Indian State whose administration was handed over to the Government of India under the Cession. Agreement dated 15th August, 1948. The Government of India have in that agreement undertaken to administer Bilaspur as a separate Unit in the best interests of its people and also on account of the location of the proposed Bhakra Dam in this State. In pursuance of this undertaking Bilaspur found its place as a Part "C" State in the Constitution of India and is being administered as such even at the present time.

It may be mentioned here that the Cession Agreement of 15-8-48 was not entered by the Raja of Bilaspur behind the backs of the people of the State. Your humble petitioners were willing parties to this arrangement and have wholeheartedly welcomed it more than once.

The construction work on the Bhakra Dam has already started and the diversion of tunnels is now complete. The Coffor Dam in the Sutlej will be built this winter submerging the first 36 villages of the State. This marks the beginning of the dispossession which will henceforth be continuous till the Project is completed somewhere in 1959-60. During this period land as well as alternative employment has to be found for nearly 17,000 people residing in about 200 villages and a new Capital town of Bilaspur has also to be built as the existing one faces total submergence. Moreover, scores of miles of new roads and many bridges have to be constructed in order to replace existing means of communication and at a rough estimate a total sum of nearly 10 crores of rupees will be spent in Bilaspur for these purposes during the next 5 years.

It is therefore easy to see that a problem of such magnitude could only be satisfactorily handled either through a Statutory Body or by direct Central Administration. According to Government's own admission although it was decided in 1952 that a statutory authority for the planning and future administration of the Bakhra-Nangal Project would be set-up shortly, the same has not yet materialized. Hence your humble petitioners pray that till such time as the proposed authority is set-up, the State of Bilaspur should continue to be administered as a separate Part "C" State.

The Hon'ble the States Minister, speaking on this Bill in the Council of States on 19-4-54 has emphasised the fact that the decision in this matter was taken as far back as 1952 at a Conference of the representatives of the States of Punjab, PEPSU, Rajasthan, Himachal Pradesh and Bilaspur. In this regard your humble petitioners respectfully wish to point out that no representative of the people of Bilaspur was ever invited to this Conference and this decision to merge Bilaspur with Himachal Pradesh was therefore arrived at without our knowledge or consent.

Our Prime Minister has on numerous occasions stated that the Government of India being a democratic Government works according to the will of the people democratically expressed. Hence even if Government had come to the conclusion that it was no longer practicable to administer Bilaspur as a separate Part "C" State it was only just and proper that the wishes of your humble petitioners about the future of this State should have been determined in a fully democratic manner.

When even the small area of Chandernagore with barely 26,000 inhabitants was given the right of self-determination and it is only after its people have been consulted through the Chandernagore Enquiry Commission that it is being merged into the State of Bengal, your humble petitioners fail to understand as to why the people of Bilaspur are being denied this inherent democratic right for no fault of theirs. Moreover, it is not only the question of the State of Bilaspur that is in issue that also of the other Part "C" States of the Union, each varying in size, population and resources. If once the position is accepted that any of these States could be merged into a neighbouring State without the people being given the right to express before-hand their views about the merger then such a course would obviously be the denial of democratic rights to each one of them.

Here attention is also drawn to Article 239 of the Indian Constitution under the provisions of which even the administration of a Part "C" State can only be handed over to the Government of a neighbouring State after the President has ascertained the wishes of the people of the State to be so administered. There is thus no reason why the very same people should not even be consulted when the separate entity of their State is proposed to be liquidated. It may well be that Article 3 of the Constitution does not make any specific provision for prior consultation with the people of a Part "C" State before such a State is united with another State, but the people of India have certain inherent democratic rights and these cannot be confined to the strict legal interpretation of a particular clause in the Constitution.

Your humble petitioners cannot therefore accept the position that the democratic rights of 99,71,749 people of India (1951 Census) residing in all the Part "C" States are fundamentally different from those of the people living in a Part "A" or a Part "B" State and hence the ascertainment of the wishes of the people of Part "C" States about a change in their political status is as important democratically as it is legally necessary in the case of the people of Part "A" or Part "B" States.



Your humble petitioners therefore implore the Hon'ble House of the People to give this aspect of the question the fullest consideration and to grant the people of Bilaspur the right freely to choose their future political status either as a separate Unit of the Union as heretofore or for a union with either of the two States of the Punjab or Himachal Pradesh; their preference to be recorded either through the medium of a referendum conducted under the aegis of the Central Government or through a Commission of Enquiry duly appointed by the Government of India in this behalf.

The Government of India have *vide* the Ministry of Home Affairs Resolution No. 53/69/53-Public dated the 29th December, 1953 appointed a Commission to examine the whole question of the reorganisation of the States of the Indian Union with a view to promoting the welfare of the people of each constituent Unit as well as of the nation as a whole. This Commission has been charged to submit its report to Government not later than 30th June, 1955 and it has already started its work from 12th February, last.

According to newspaper reports practically every State in India has submitted its case to the Commission for consideration and whereas Himachal Pradesh has asked for the enlargement of its territories by the inclusion in it of contiguous hilly areas of PEPSU, Punjab and Uttar Pradesh, the State of the Punjab has made out a strong case for the creation of a single administrative Unit on the North Western frontiers of India by the amalgamation of the existing States of Punjab, PEPSU and Himachal Pradesh.

As Bilaspur is in the Punjab, its future can only be determined *after* the States Reorganisation Commission has examined all these issues fully and dispassionately. Hence your humble petitioners respectfully urge the Hon'ble House to kindly await the recommendations of the aforesaid Commission before taking this Bill into consideration.

In view of the reasons and circumstances stated above the passage of the Himachal Pradesh and Bilaspur (New State) Bill VII of 1954 will not only be the denial of justice to your humble petitioners but will also be in direct contravention of the assurances and policies of the Government of India.

and accordingly your petitioners pray that the Bill be not proceeded with.

and your petitioners as in duty bound will ever pray.

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## APPENDIX VII

### Petition No. 31

To

LOK SABHA

The humble petition of Shri G. Thiruvengada Raja, Inspector of Central Excise, Kinathukadavu, Coimbatore District, Madras State.

sheweth,

1. It is a known fact that an average Indian today is toiling very much to make both ends meet. The cost of living has increased while his day to day capacity to earn is gradually decreasing.

2. The introduction of machines in place of manual labour has thrown many out of jobs. In the South it is a daily feature to see caravans of weavers walking in the streets uncared for an unlooked after. The same hands that produced muslins which excelled even foreign machine made products, are today stretched for a morsel of food. If there is a little chance of earning these poor souls would not have undertaken this disgusting job, the only one which is wide open for fresh recruits.

3. Even the other labourers employed in the business concerns are paid low and they cannot be said to be anyway better. In case of a displaced weaver he begs and starves. But the case of the other labourer is that he does not beg but do starve at least one meal a day.

4. Such being the condition of the average man in the country now, some new companies have sprung up within these two years promising thousands of rupees for a single entry with four annas and offering all sorts of concessions. If real statistics of such concerns are taken for the whole country and if all the prize amount offered by them are added up for a single week, it will be more than the Government transactions for a week.

5. Originally only THE ILLUSTRATED WEEKLY OF INDIA was running Crossword Puzzles for a fairly long time. Along with it some vernacular weeklies were running puzzles in the local languages. Then the R.M.D.C. started their crosswords at Bombay followed by the Sunday Standard. All these three companies were operating from Bombay. They started competing with each other and offered huge sums every week. At this stage the Bombay Government placed some restrictions in their way which was not liked by them.

6. The puzzles are really welcome if it is a test of intelligence and sheer luck. On seeing the Bangalore concern thrive very much, a large number of similar concerns started functioning from every nook and corner of the country. To-day the total number of such

concerns is really alarming. Even the Madras concern has changed its form to that of the Bangalore concern.

7. It is submitted that this is the easiest and the best way to cheat the common man today, and thereby become rich and simultaneously make their own relatives and friends richer.

8. Some of the prize winners in R.M.D.C. Crosswords were illiterates not even knowing the alphabets of their mother tongue. secondly most of the prize winners were from industrial towns like Madurai, Bombay, Poona and Bangalore, and the cases of individual winners were very many. It cannot be possible that the Goddess of Luck was so very partial towards the citizens of these four towns alone.

9. There is a simple formula by which the truth about the entry can be detected which is as follows:

Two words are given for each clue and one is asked to mark 1 or 2 which he thinks is most suitable to the clue. A simple entry is given below. Suppose there are 5 clues and 6 alternate words are given and a subscriber gives 8 alternate answers as thus:

Clue No. 1:	1	1	2	1	1	1	2
Clue No. 2:	1	2	1	2	1	1	2
Clue No. 3:	2	1	1	1	1	2	1
Clue No. 4:	2	1	2	2	1	2	2
Clue No. 5:	1	2	1	1	2	2	1

10. Against the clue No. 1, eight different answers are given. Of the 8, there are 6 1s and 2 2s. No. 1 which is the majority one is the answer to be taken. For the next clue the majority is again for 1. Thus Nos. 1 and 2 for the third and fourth clues are also fixed. In clue No. 5 the 1s and 2s are equal. Either of them can be taken as the correct answer. Taking one as the answer the new answer would be as follows: 1 1 1 2 1. This entry will not find place in all the eight entries submitted above.

11. A similar line can be formed using the minority answers. Then it will be 2, 2, 2, 1, 1 or 2. This line again will not be in the entries submitted.

12. The closing date for each puzzle is fixed. The filled up coupons reach the hands of the promoters by that date. Then an adjudicating committee is stated to be formed to decide the answers. After a lapse of two days from the date of the closing date, the subscribers are informed of the correct line and the next morning the name of the winner is announced.

13. As soon as the coupons are received any one can find out the new line applying the above principles. Whatever be the number of entries received, a new line can be found so that it does not find place in any of the coupons received. Of course this method cannot be successful if one sends a permuted entry for all the clues. But in that case the entrance fee will be more than the prize amount offered. The method also is so simple that the new line can be found out in a couple of hours whatever be the number of entries.

14. After finding out such a line a fresh entry can be made in the name of the man to whom the prize is intended to be given by the promoters. He becomes the most intelligent and most lucky man. Thus the promoters can enrich themselves and their own people by duping the public.

15. Cheated by the false propaganda that an adjudicating committee is deciding the answers, a lot of poor middle class people who are otherwise unable to make both ends meet deposit lot of money at the risk of starving themselves and their families, with the hope that their few annas will bring them good fortune. The worst among the lot are the people living in towns where they subscribe for the so called reputed concerns once a week and to similar ones in their own home towns under the name Daily Crosswords.

16. A subscriber who sends one entry daily loses more than Rs. 7/- per month and in addition to this he sends a few entries with what little permutations he can afford, to the Weekly Crosswords thereby losing further amount. A loss of Rs. 14/- in this unfortunate game by an average man in these days puts him in a pitiable state. This will surely make him starve for more number of days than under ordinary circumstances.

and accordingly your petitioner prays that—

- (i) Central Act may be passed so that the Promoting concerns are made to follow certain basic principles.
- (ii) The maximum amount offered and maximum number of puzzles per year should be fixed similar to the schemes laid down by the Bombay Government by a legislation.
- (iii) The winning lines are fixed even before the clues are advertised and deposited in reliable banks such as the Reserve Bank and the Imperial Banks. This answer should be opened well after the closing date in the presence of the Bank officials and some others.

and accordingly your petitioner as in duty bound will ever pray.

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## APPENDIX VIII

### Petition No. 2

#### **Petition regarding fair distribution of agricultural evacuee property amongst displaced persons**

To

HOUSE OF THE PEOPLE

The humble petition of Shri Ramdas T. Chugani, Indranagar, Azadpur, New Delhi  
sheweth,

That it is an established fact that in the value of agricultural land, proximity of town makes a world of difference. For instance, a standard acre in Punjab Khore (Delhi) is worth only Rs. 1,000/-, while the same in Azadpur (Delhi) is worth Rs. 6,000/-.

It is, therefore, imperatively necessary that evacuee lands near or adjoining or within municipal limits in India, should be allotted only to those displaced persons who had their holdings similarly situated in Pakistan.

Thus to do justice, allotment of some of the displaced persons in Delhi may have to be cancelled; but the cancellation will not entail any displacement of the allottees engaged in some occupations in Delhi. It will be only his allotment, that will be cancelled in Delhi, and given to him outside Delhi at such distances as he may have had his property in Pakistan.

Every patwari may, therefore, be asked to submit a statement of distance of his village from the nearest Municipal limits or Notified Area, as the case may be. And every Tehsildar should get these statements checked and typed, submitting one copy to the Collector, who may collect statements of all his Tehsils and forward them to the Ministry of Rehabilitation. The latter may get the statements printed tehsil-wise, for sale at -/1/- a copy to the displaced person.

It will hardly take one day for the Patwaris to prepare a statement of distances of his village containing evacuee agricultural lands. Two days may be taken by the Tehsildar to get these statements checked and typed. And, it should not take more than a week to get the statements printed for sale. Thus, in about a fortnight's time the whole picture of India can be made available to the displaced persons, without any cost to Government. The Government can thus rehabilitate land-owners in the most proper and equitable manner.

and accordingly your petitioner prays that in view of the quasi-permanent settlement taking place shortly, the matter may kindly be treated as urgent.

and your petitioner as in duty bound will ever pray.

## APPENDIX IX

### Petition No. 26

To

#### HOUSE OF THE PEOPLE

The humble petition of Shri Kimatram Lalchand, Member, Rehabilitation Committee, Kala Mahal, Agra

sheweth,

That the pitiable plight and agony of displaced persons cannot be expressed. In spite of many suggestions made both by public and press, no improvement seems to have taken place, with the result, even the best brains and hard workers amongst them are seriously disappointed and are more depressed day by day.

Displaced persons came to India to save their honour and the honour of women folk, but their very honour is not safe on account of poverty, obstructions in their ways, expensive education and justice, and, above all, the 'provincialism'. One cannot understand as to why such valuable assets are allowed to rot when the population of displaced persons from the West Pakistan is hardly 3 per cent. of the total population of India.

It is, therefore, requested that the Government should favourably consider the following suggestions with respect to Non-claimants and Claimants:—

*Non-claimants.*—Admittedly they are 1/4th amongst displaced persons from the West Pakistan. They are the worst sufferers. They have no claims on which they can pin their hopes. They are deprived of their established concerns in Pakistan. Most of them are brainy and hard workers. They are the middle class people and amongst them there are philosophers, professionals, industrialists, etc.

The Minister of Rehabilitation, has announced several times that "non-claimant" will be rehabilitated and will not be ignored, but the case is otherwise. His difficulties are as under:—

- (2) He cannot enjoy the facility of postponement of recovery Government built property, for preference is given to claimant.
- (2) He cannot enjoy the facility of postponement of recovery of small loan advanced to him, for, he has no claim. He cannot make two ends meet. His tools, petty articles, and household effects are being attached. He is thrown out of employment. Thus miseries pile on him.
- (3) There are some, who have sound schemes to earn an assured income. But they are denied additional loan or fresh loan. They thus fail in every way.

*Remission.*—It is good to some extent that a remission of loan is allowed for non-claimants having received loan upto Rs. 300. But this will create bad habits as by this others who want additional loans and who are prepared to pay instalments and have actually paid, would suffer. That is so because they want circulation of money with Government.

*Small urban loans.*—The non-claimants are grateful to Government for having reserved 25 per cent. of the grant for loan to them. But in U.P., the applications have not been invited from the displaced persons with respect to this loan, so far. Perhaps in the eyes of U.P. Government, the refugees are rehabilitated. But that is not so.

*Accommodation.*—It is the belief that non-claimants would be thrown out of houses and shops which have been given to them as announced by the Government and that claimants should have preference in allotment and which should be co-ordinated with compensation.

*Compensation to claimants.*—Admittedly the verified claims are about Rs. 500 crores. Towards interim compensation, Government has agreed to give evacuee property worth about Rs. 100 crores and also their own Rs. 100 crores invested in loans and buildings. Why then there should be delay in payment? Three months are taken to disburse a sum of about Rs. 15 lakhs to 450 claimants. The establishment charge must cost several lakhs of rupees during this period. With the present pace, years are required for selling evacuee property.

The delay in payment of compensation is dangerous for displaced persons have exhausted even their household effects. Some widows have not yet filed compensation applications.

*Recovery of rent in respect of evacuee property and Government built property.*—In case of arrears, 1/3rd is being demanded at least as first instalment. It may be pointed out that a poor displaced person has not even a note of Rs. 5 in his house to pay. Sometimes he does not have even two meals. Government should wait till compensation is paid. Some leniency is necessary.

*Registration of belated claims.*—Upto the 31st January 1952, claims were admitted irrespective of oral or documentary evidence. The admission of such claims submitted between the 1st February 1952 to the 31st August 1952 was allowed subject to production of documentary evidence. But even then, many such claims are not being admitted and the delay is not condoned. The order of non-condonation is not being reviewed.

*Fresh claims.*—(a) There are many displaced persons, who have failed to file claims with regard to their shares in respect of properties left in Pakistan. They failed because they were assured by their co-sharers that the latter would file claims for full property, but the co-sharers filed claims in respect of their shares only. In some cases, Claims Officers and Claims Commissioners have allowed claims upto the shares of claimants only. The names of co-sharers, who did not file claims are mentioned in the orders passed by Claims Officers and Claims Commissioners.

There are many simple and destitute persons, who have failed to file claims.

*Rectification of mistakes in claims.*—Many have lost their claims on account of giving names of villages instead of Dehs, giving wrong areas, or giving different names. One person actually filed claims in the name of his deceased father, who had died in Pakistan. So the Claims Officer did not allow claims.

*Fees of revisions and appeals.*—Through ignorance, some have not sent Indian Postal Orders with their appeals and revisions. Some are still not confident whether their claims are rejected *ex-parte*. When they are told that their claims are rejected *ex-parte*, they are liable to send Indian Postal Orders.

*Change of address.*—It was published in the Press that claimants should also arrange to have the notices redirected to their new address in case of change of address. This means the claimants are liable to have their notices redirected, but how is it possible? A claimant has shifted to Agra. He actually writes to the Post Master at Bombay to redirect his letters to Agra. Suppose the Post Office fails to do so due to lapse of time what would then happen? Suppose the letter is redirected, when the date of hearing has already expired, what would then happen?

*Ex-parte rejected claims.*—There are thousands of such cases, where claimants did not receive the notices on account of change of address, in spite of repeated applications, or for some other reasons.

*Copies of claims and revision orders.*—There is a huge cry for this. Most of the applicants are made to write not less than eight applications and are made to pay twice or thrice the requisite fee. There is a possibility of misappropriation of Indian Postal Orders.

Suppose an outsider sends an application with an Indian Postal Order for a copy. That application is received by a clerk. At that very moment, one claimant reaches in person for a copy. The clerk asks him to pay the fee in cash and that he would manage for an Indian Postal Order. He can then take out the Indian Postal Order from an outsider's application already received, and attach that to the application submitted personally. This is possible for many applicants are not given official receipts in token of having received their Indian Postal Orders. On account of this poor applicants are asked to send Indian Postal Orders again and again.

There is another defect. The clerk has no time or ability to verify from the register whether a particular Indian Postal Order has been received as stated by some applicants.

*Provision for supply of copy of order to person other than claimants.*—There seems to be no provision for supply of copy of order to persons other than claimant, as such many suffer.

There is a judgment creditor under the Displaced Persons (Debts Adjustment) Act, 1951. The Tribunal writes to the Settlement Commissioner to deduct the decretal amount from compensation payable to judgment debtor. The Commissioner wants Index No. and particulars of claims. The judgment creditor is unable to file particulars.



He cannot get copy of the order of claims of judgment debtor, for, the judgment debtor has remained absent before the Tribunal under the Displaced Persons (Debts Adjustment) Act, 1951.

There are persons, who are cheated by claimants. Their shares have been claimed by them or some have not shown their names as sharers. The aggrieved party cannot proceed legally without a copy of the claims order.

and accordingly your petitioner prays that—

1. Recovery of loan from the non-claimants may be postponed for a further period of three years, or payment by instalment of Rs. 2/- to Rs. 5/- be accepted.
2. Uneconomical and dilapidated evacuee property or very cheap plots be allotted to them and some financial assistance be given for raising construction.
3. Additional loan for business, profession and industry be given and in that case, repayment by instalment be raised to Rs. 10/- p.m.
4. Alternatively method of recovery may be changed and full facilities be granted instead of remission. Remission may be allowed in general in case of non-claimants either in the form that those, who have to pay upto Rs. 300/- (not that who have received loan upto Rs. 300/-), should not pay the balance. It is because there are many, who obtained more than Rs. 300/- but have paid large sums leaving balance below Rs. 300/-. Or else this remission may be allowed in general, making it applicable to those who have to pay small loans, should pay Rs. 300/- less.
5. Handsome amount may be sent to U.P. Government for grant of loans to non-claimants numbering about 6 lakhs of refugees, out of which, about 60,000 live in Agra alone.
6. It may also be pointed out to State Government to grant additional loans to non-claimants in case they have going concerns and they want additional loans to augment their income. Even professionals should get it.
7. In the interest of social justice, let the poor be provided with accommodation by Government. Each family may be provided with 1,000 sq. ft. of land plus Rs. 1,500 for construction of a house. The amount should be repayable within 30 years at small interest. This is most essential.
8. Non-claimants may be asked to give names of their brothers, wives, daughters, sons, father, grandfather, grandson and uncle while giving undertakings to the effect that they are not interested in any claim through anybody (not that they do not hold claim—some may be holding in any of the above relations name) and that if anything contrary is proved, they would be liable to repay loan, though remitted.

9. In the case of claimants, 5 years transferable Bonds with interest at  $2\frac{1}{2}$  per cent. may be given. This  $2\frac{1}{2}$  per cent. is not much, as the Government is realising rent, which might come to  $3\frac{1}{2}$  per cent. These bonds may be accepted if any holder offers at the time of purchase of evacuee property. All widows may have priority in respect of compensation though not receiving allowance.
10. In addition to the issue of negotiable bonds, compensation may be paid to claimants as under:—
- (i) First to those, who have not received any loan and hold no evacuee property and have not been to any relief camp.
  - (ii) Widows and minors.
  - (iii) The interest to cease on all loans big or small.
  - (iv) The rent to cease whether in evacuee property or Government built property.

Applications for compensation may be invited from all. The liability for taxes and repairs be thrown on occupants.

11. Appeals may be admitted against orders of Claims Officers and Claims Commissioners in cases where—
- (a) no reasonable period of 15 days is allowed between a date of notice and a date of hearing;
  - (b) notices to claimants are issued on old addresses resulting in their remaining absent;
  - (c) office clerks failed to place documents sent by claimants before the Officers;
  - (d) claimants failed to travel a journey of more than 40 miles, for, many Officers had sent summons to appear before them from far off places;
  - (e) Central Record Office failed to send complete file dealing with claims, as many claimants lost their revisions on account of this. Many lost their claims, because there were no property sheets;
  - (f) orders were passed in April and May 1953, when there was not haste to wind up the Claims Department; and
  - (g) claimants are not yet supplied copies of order.
12. Every claimant should have a chance to file an appeal within one month from the date of receipt of a copy of claims order.
13. Claims submitted between 1st February 1952 to 31st August 1953 supported by documentary evidence may be admitted and if any case is not condoned, that order be reviewed.
14. Those co-sharers who have failed to put in their claims for no fault of theirs, may be given a chance to file claims.
15. New comers (Hindus) who are still coming from West Pakistan may also be given a chance to file claims.
16. Simple and destitute people who have failed to put in claims may also be given a chance to file claims.

17. In those cases where persons lost their claims on account of their giving names of villages instead of Dehs, giving wrong areas, or giving different names, rectification may be allowed.
  18. In case where persons failed to send Indian Postal Orders through ignorance, they may be given a chance to send Indian Postal Orders, as fee.
  19. Claims Department should fix jurisdictions of Claims Officers and announce them in papers, so that public can write to the concerned Claims Officer for change address.
  20. Cases of *ex-parte* rejected claims may be taken out and re-sent to Claims Officers for verification.
  21. Registers may be maintained wherein receipt of applications be entered date-wise and be dealt with according to date of receipt. Registration number be sent to the applicants requesting them to quote the relevant numbers in their subsequent correspondence. This will facilitate the consolidation of work.
  22. Applications should be classified as under:—
    - (i) Application for enquiry.
    - (ii) Application for request to verify claims or hear revision.
    - (iii) Application to admit claim.
    - (iv) Application to supply copy of order.
    - (v) Application to rectify mistakes.
    - (vi) Miscellaneous applications.
  23. Official receipt for Indian Postal Orders may also be sent. The copying clerks should be asked to complete certain number of copies daily. This will facilitate the disposal of work.
  24. It is necessary that claims order should be treated as a public record and copies be supplied to all who apply for the same. Those applicants must not press for Registration number or index number. They can, at the most, be given names of claimants and the situation of the claimed property.
  25. Duplicate claims may be invited if former claims are lost. and your petitioner as in duty bound will ever pray.
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## APPENDIX X

### Petition No. 27

To

HOUSE OF THE PEOPLE.

The humble petition of Shri J. M. Khilnani, Plot No. 674, Derry Road, Bhavnagar

sheweth,

In about 1948-49 Government invited applications from refugees from Pakistan, with respect to their properties left in Pakistan in order to enable them to assess and pay them accordingly.

After considerable trouble and expenses the refugees complied with Government's declaration. Subsequently they were told that the decision to pay compensation had been dropped.

Again in about 1950-51 the refugees were asked to file fresh claims which were complied with and were verified and decided in the middle of 1952. Finally they were given to understand that they would be paid in the beginning of 1953.

In about August, 1953, after much agitation against their delaying tactics, the Government declared that they will pay interim compensation to the refugees in camps, widows etc., at the earliest. Whole of 1953 and three months of 1954 have passed. Yet hardly they have paid half of the claimants, who were given priority. At this rate of payment they will hardly finalise payment of compensation to the claimants by 1954 leave alone the non-priority claimants.

These delaying tactics, which in plain language mean breach of promises to the Parliament and people has resulted in many deaths, ruin, starvation, beggary, crime, diseases etc., among refugees. If the Government is going to act in this way people will have no trust and belief in the words of Government.

and accordingly your petitioner prays that—

there should be some remedy for this kind of autocracy.  
Otherwise democracy would be a mockery and people  
would suffer.

and your petitioner as in duty bound will ever pray.

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## APPENDIX XI

### *Petition No. 28*

To

HOUSE OF THE PEOPLE

The humble petition of Shri Sant Boota Singh, General Secretary, Urban Area Pursharthi Committee, Near Odeon Cinema Jullundur City

sheweth,

(1) That under the Registration of East Punjab Land Claims Act 1948, and in accordance with the Government communiqué issued shortly after Partition, the petitioners filed their claims with regard to agricultural land. They filed their claims for the agricultural, urban-suburban and rural land jointly.

In accordance with the scheme prepared by the Government their claims regarding all categories of land were duly verified by special officers appointed in this behalf by the Punjab Government. Lands in lieu of rural and suburban lands were allotted forthwith, while the scheme for the allotment of urban lands took some time.

Ultimately six acres of land were allotted to small urban holders possessing 8 acres or more and lesser area, corresponding to the area left in Pakistan. The urban lands were classified as A, B, C and D grades. It was popularly understood that the urban land was also allotted on quasi-permanent basis. It was only on receipt of some instructions in the year 1952-53 that the Tehsildars got executed from the urban holders lease deeds for one year, though the revenue and other charges continued to be levied like that on other rural and suburban land. It was given out that the lease-deeds were being obtained as the Government had not as yet prepared a final scheme for the allotment of urban lands and that the urban holders would be compensated in cash after their sale.

(2) That the Displaced Persons Claims Act 1950, was passed by the Centre for filing claims with regard to immovable property other than agricultural land.

Prescribed forms for various categories of immovable lands were made available and instructions for filing and filling in of these forms were attached to them. No form was prescribed for agricultural land of any kind.

Form 'A' related to buildings including plots (building sites) not connected with industrial concerns. This form did not provide for any reference to Khasra or Khatuni Nos. or reference to the Jama-bandi records. Not to say of the simple people, even some outstanding lawyers remained under the impression that fresh claims regarding agricultural urban land were not required to be filed.

(3) That the impression that claims only with regard to houses and building sites were to be submitted under the Displaced Persons Claims Act 1950 was further strengthened by the following factors:—

- (a) The urban holders had been allotted urban land on the basis of verification of their claims by the Director of Rehabilitation, Punjab, Jullundur.
- (b) That intimation of the urban land, verified from the jamabardi record received from Pakistan had been issued to the various urban holders and the process of verification which was thorough continued for a very long time.
- (c) That the urban holders whose lands had been verified from the Jamatbandi record, by the Director General, Rehabilitation, Punjab, Jullundur, were actually allotted urban land since 1949 and had therefore no reason to believe that it was not on quasi-permanent basis, like the rural land. As such there was strong reason for complacency.

(4) That with the above impression that claim with regard to agricultural land (urban or rural) were not, under the new Act of 1950 required to be filed and knowing very well that filing of duplicate claims was an offence, the petitioners did not dare to put in fresh claims regarding urban land.

(5) That the Central Government, it is understood, are proposing to allot the urban land allotted to the petitioners to other urban holders whose claims have been verified by the Claims Officers, Delhi, thereby ignoring the verification done by the Director of Rehabilitation, Punjab, Jullundur. If this proposal is acted upon, it will work a great hardship to the applicants whose fate is shared by quite a large number of others as well.

It will not be out of place to mention here that Government communiques do not reach the poor agriculturists. The country is still in the stage of development, and only a negligible portion of the population study newspapers. In such matters it is highly desirable that the Government communiques should be published in towns and 'abadies'.

and accordingly your petitioners pray that—

- (i) Keeping in view the various factors which contributed to the omission on the petitioners part to file fresh claims before the Claims Commission, the Government will magnanimously overlook their faults, if any, and consider their claims on the basis of Jamabandi record in the Office of the Rehabilitation Department, Jullundur and the verification cards issued to them; and
- (ii) If need be, some legislation be undertaken to cover cases of urban holders of land who have omitted to file their claims separately before the Claims Commissioner, though they had done so before Claim Registrars in the Punjab.

and your petitioner as in duty bound will ever pray.

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## APPENDIX XII

*Petition No. 29*

To

LOK SABHA

The humble petition of Shri Fakir Chand, C/o Bharatpur Store, Bharatpur

sheweth,

The petitioner brings to notice the grievances of those displaced persons with verified claims, whose only source of income was the immovable property left by them in Pakistan and who have received no help from the Government of India.

The said unfortunate persons were living on the expectation of getting compensation from the Government to re-establish themselves in life, but owing to evil of red-tapism, the compensation schemes were much delayed, with the result, whatever little they had was spent. They are now on the verge of starvation.

The interim compensation scheme has been announced but no provision has been made for them. Some of them, who are much hard up, have been applying for loans on the security of their verified claims but are receiving no encouraging response from the Government.

The example of petitioner can be taken as an instance in this connection. The petitioner is above 60 years of age. He had immovable property in Pakistan. He had put in claims for Rs. 1,49,000, out of which claims for Rs. 55,000 have been verified, and the balance is pending. The petitioner had other sources of income before partition, which have been taken away from him due to partition of the country. The petitioner's two sons are studying in B.A. and one in F.A. Since the petitioner has no other source of income and has received no Government help, he had applied for loan of Rs. 5,000 less than the interim compensation which he is entitled to receive in order to establish a small scale industry, but received no response.

The Constitution offers all citizens, individually and collectively, the best fruits of democracy and those basic freedoms and conditions of life which make life worth living.

An old man receiving maintenance allowance has been paid compensation money but another old man, not desirous of burdening the Government, and also had not asked for any compensation, is being deprived of it and even denied the loan on the security of his verified claims.

and accordingly your petitioner prays—

- (i) That the House take up this case to press the Department concerned to advance loans for small scale industries to

those displaced persons with verified claims who have received no help or maintenance allowance from Government.

- (ii) That this procedure will greatly help the development of small scale industries, which the Government is keen to help, in order to solve the unemployment problem.

and your petitioner as in duty bound will ever pray.

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## APPENDIX XIII

### *Petition No. 30*

To

**LOK SABHA**

The humble petition of Shri Ramdas T. Chugani, Indranagar, Azadpur, Delhi sheweth,

The petitioner has repeatedly written to Government that since Punjabi land-owners have been allotted land *along with houses* in the Punjab, they should not be allotted duplicate houses in other States.

While the non-Punjabis are in a bad plight for want of proper accommodation, the Punjabis have been given duplicate allotment of houses in other States. The villages particularly in Delhi are teeming with Punjabis, who have house allotments in the Punjab as well. The injustice meted out to the non-Punjabis is therefore grave;

and accordingly your petitioner prays that suitable action be taken to redress the grievances of non-Punjabi land-owners by

(a) requesting the Government to cancel the double allotment of houses already made to the Punjabis in Delhi and in other States; and

(b) to penalise these people who have sub-let their duplicate allotment of houses to others.

and your petitioner as in duty bound will ever pray.

## APPENDIX XIV

### *Petition No. 38*

To

#### LOK SABHA

The humble petition of Shri Ramdas T. Chugani, Indranagar, Azadpur, Delhi

sheweth,

That the evacuee property as a rule, has been let out at a concessionary or nominal rent, especially in villages with a view to accommodating the hard-hit refugees. But this allotted property is being utilised by the non-refugees (i.e. local men).

2. That some refugees finding the rent of the property too low, have had multiple allotments made in their favour in various places and have further let out such property at profit.

3. That this illegal action on their part is in contravention of the Government rules.

4. That the evacuee property is not being looked after properly, even though 10 per cent. of the rent is being utilised for their maintenance by the Custodian's Department.

5. That although seven years have passed the legitimate claimants to the property are still in miserable condition on account of its mismanagement.

and accordingly your petitioner prays that—

- (i) Such allottees or unauthorised occupants (whether refugees or non-refugees) may be levied market rent for such properties in addition to a penalty, which should be equal to their market rent.
- (ii) That if any person refuses to pay penalty, he may be proceeded against under Sections 31 and 34 of Evacuee Property Act or under Sections 403 and 420 of the Indian Penal Code.
- (iii) In support of the statement made at paragraph 5 above, the petitioner is prepared to give specific instances, when called upon to do so.

and your petitioner as in duty bound will ever pray.