

SEVENTIETH REPORT

ESTIMATES COMMITTEE (1988-89)

(EIGHTH LOK SABHA)

MINISTRY OF HOME AFFAIRS
(REHABILITATION DIVISION)

REHABILITATION OF MIGRANTS FROM
EAST BENGAL



Presented to Lok Sabha on 12th April, 1989

LOK SABHA SECRETARIAT
NEW DELHI

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CORRIGENDA

to

70th Report of Estimates Committee (1988-89)
on Rehabilitation of Migrants from East Bengal

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ESTIMATES COMMITTEE

(1988-89)

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1. Shri G.L. Batra—*Joint Secretary*
2. Shri R.L.L. Dubey—*Director*
3. Shri S.M. Mehta—*Under Secretary*

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INTRODUCTION

1. The Chairman of Estimates Committee, having been authorised by the Committee to submit the Report on their behalf, present this Seventieth Report on the Ministry of Home Affairs (Rehabilitation Division)—Rehabilitation of Migrants from East Bengal.

2. The Estimates Committee (1988-89) took the evidence of the representatives of the Ministries of Home Affairs, Commerce, Urban Development and Industry on 18th, 21st and 22nd November, 1988. The Committee wish to express their thanks to the Secretary, Ministry of Home Affairs and other officers of the Ministries of Home Affairs, Commerce, Urban Development and Industry for placing before them than material and information which they desired in connection with the examination of the subject and for giving evidence before the Committee.

3. The Committee also wish to express their thanks to Shri S.N. Mandal, President, All India Udbastu Association, New Delhi who furnished a Memorandum on the subject to the Committee.

4. This Report deals with rehabilitation of migrants from East Bengal (former East Pakistan) and covers various aspects thereof including Government policy towards their rehabilitation, status of the migrants being resettled/rehabilitated, the extent to which the migrants have been resettled/rehabilitated, and the recent problem of Chakma refugees now camped in Tripura.

5. While the Government had incurred an expenditure of Rs. 406.78 crores on the rehabilitation (including payment of compensation) to displaced persons from West Pakistan and to meet all the multifarious obligations in this regard Government had enacted half a dozen Acts of Parliament, the Committee have noted that for the rehabilitation of old and new migrants from former East Pakistan, even though an expenditure of more than Rs. 745.56 crores was incurred, the Government cared not even once to resort to legislation to incur such huge expenditures and carried on the activities merely by the issue of executive instructions from time to time. The Committee are not convinced by the Government's contention that no legislation in this regard was considered necessary as no compensation was to be paid to migrants from East Bengal as they retained proprietary rights in their properties (in former East Pakistan) which they could sell or dispose of in any manner they pleased till 1965, in view of the circumstances under which the migrants had to abandon their native places, enabling them to return to those places and the drastic change in the situation in 1965 when the then Government of Pakistan seized properties of Indian nationals in both the wings.

The Committee have, therefore, recommended that Government should take a firm decision with due promptitude with regard to its policies underlying the rehabilitation and status of the persons who migrated to India prior to 25th March, 1971, examine feasibility of bigger central role in monitoring implementation of their rehabilitation schemes being executed by States, incidentally being staffed by the centre in part or in full, and take Parliament directly into confidence through a suitable and comprehensive legislation for the purpose.

6. The Committee have also noted that people who migrated to India from former East Pakistan prior to 25-3-1971 are still treated by Government as "Displaced Persons" and are eligible to be considered for grant of Indian Citizenship only by registration U/S 5(1) (a) of the Citizenship Act, provided they fulfil the "statutory requirements" with the result that, in effect, they live in India as 'Stateless' people, many of whom have failed to acquire Indian citizenship for one region or another, and have been either denied employment or even thrown out of jobs on the ground of citizenship. The status of these migrants appears to the Committee to be in stark contrast with the position of displaced persons from West Pakistan who migrated in India around 1947 and for all practical purposes, namely employment etc. are deemed to be fullfledged citizens of India. The representatives of the Ministry of Home Affairs have admitted during evidence that those persons who migrated to India from former East Pakistan prior to 25th March 1971, especially Old and New migrants, have come to settle in India permanently and have been provided rehabilitation assistance in one form or another. In view of this the Committee have expressed the view that these migrants, especially Old and New migrants, should not be required to undergo the cumbersome formalities of registering themselves under the Citizenship Act in order to get a Citizenship Certificate and consequent right to vote, etc. The Committee have suggested that as a matter of policy the Old and New migrants should also be deemed to be citizens of India on the pattern of "pre-1961 migrants to Assam" and Displaced Persons from West Pakistan so that they do not have to hank after the various authorities to get their citizenship certified to earn their livelihood and be able to vote etc. The Committee have also viewed that, if necessary, suitable legislative measures with regard to the States, Citizenship, rehabilitation and monitoring of rehabilitation schemes etc. should be enacted with due expedition.

7. The Committee have expressed distress that while on Government's own admission the work of rehabilitation of "Old migrants" is far from complete in West Bengal, the position of "resettlement" of both old and new migrants from former East Pakistan in states/areas other than West Bengal is also not different. The Committee have thus viewed that the resettlement/rehabilitation of migrants from former East Pakistan cannot be deemed to be full and complete until and unless the Ministry of Home Affairs (Rehabilitation Division) categorically satisfy the Committee, among other things, that all the Old and New migrant families claimed to have been settled/rehabilitated in various parts of the country have been actually allotted homestead plots, those migrant families who have been settled in agriculture have been ac-

tually allotted agricultural land according to scales prescribed from time to time, and full ownership rights have been conferred to these migrants for both the agricultural land and homestead plots allotted to them. Such gut issues have been side-tracked or inadequately answered in the material supplied to the Committee by the Ministry in the written and oral answers given to the Committee during evidence by its representatives. The Ministry's refrain all along has been to spin out the unrealistic theory that only the "residuary problem" of migrants in West Bengal remains to be settled. The Committee have therefore suggested that an expert, comprehensive and integrated review of the rehabilitation of both Old and New migrants in various parts of the country by the Government of India is now long overdue and should be conducted without any further delay, with a view to discern the actual position on the ground of migrants supposed by the Government to have already been settled and merged with the mainstream, as also to suggest measures to expeditiously clear the actual arrears of rehabilitation work in all the States/areas where the migrants from East Bengal are stationed.

8. The Committee have noted that whereas the Coordination Committee including representative of migrant settlers were formed in Dandakaranya Project for some time around 1980-81, these committees are practically defunct now in the Project area and that in rehabilitation sites outside Dandakaranya Project, there has not even been an attempt by the Ministry/State Governments concerned to have an institutional arrangement for communication between migrants and rehabilitation authorities depending solely in this regard on the discretions of the staff deployed for rehabilitation work or the "freedom" of migrants to approach the rehabilitation authorities concerned. The Committee have regarded this arrangement as extremely poor and inadequate in view of the widespread complaints to them of the deficiencies in the work of rehabilitation of migrants not only in West Bengal, but in the Dandakaranya region and other States also. The Committee have therefore, recommended that efforts should be made by the rehabilitation authorities under both the Central and State Governments at all the major rehabilitation sites in the country to have some institutional arrangement including the representatives of migrants with a view to enable them to place their peculiar problems and grievances in proper perspective before the rehabilitation authorities for speedy resolution.

9. The Committee have been astonished to note that while huge amounts have been provided by the Central Government as grants-in-aid to States for Rehabilitation of Migrants from former East Pakistan during the years from 1964-65 to 1986-87, the Rehabilitation Division of the Ministry of Home Affairs has no authentic information relating to the utilisation of these grants. The Committee feel that the responsibility of the Government cannot be considered to be over just after reimbursing to the State Governments the grants for aforesaid migrants. It is also essential for the Ministry to keep a constant watch over the actual utilisation of these funds by each State from year to year. The Committee have suggested that the Ministry must immediately take appropriate steps to compile the figures regarding the actual extent to which the Grants-in-aid of Rs. 198.70 crores disbursed by it

during the period 1964-65 to 1986-87 for aforesaid migrants have been actually utilised by State Governments and furnish this information to the Committee positively within 6 months along with the statistical information relating to the figures of expenditure supported by Audit certificates and the amounts held under objection, unutilised or surrendered.

10. The Committee have noted that after 1965 when the assets of Indian nationals and companies were seized by the Government of Pakistan, no reliable assessment has been made by the Government of India with regard to the actual value of the seized assets and the rate of *ex-gratia* payment has been determined on *ad-hoc* basis. While arriving at this figure the Government have taken into account the Rs. 109 crores value of assets shown by the affected persons in their claims preferred initially around 1971 and the value of assets of Pakistan Nationals seized by Government of India amounting to Rs. 29.40 crores, the latter amount being roughly 25% of the former. The Committee further note the Government's fond hope behind treating the payments "*ex-gratia*" that in the event of settlement of such claims by Pakistan/Bangladesh under the Tashkent Declaration, "the moneys paid by Government of India would be adjusted". The Committee have, however, viewed that in the existing political situation the chances of settlement of such claims by Pakistan/Bangladesh Governments appear quite remote. The Committee have suggested that it is high time that the Government initiated now some urgent steps to systematically re-assess the value of the assets of Indian Nationals/Migrants in Bangladesh seized by the erstwhile Government of Pakistan and consider the feasibility of making these "*ex-gratia*" payment at a rate higher than 25% of the re-assessed value of verified claims without giving any consideration to the value of assets of Pakistan, Nationals seized by the Government of India.

11. The Committee have also noted that even though the Central Government has been seized of the matter since 1968, Namasudra and Paundra Khetriya Communities which predominate the migrants families settled in Dandakaraya Project and have been recognised as Scheduled Castes in West Bengal, have not so far been recognised as such in Madhya Pradesh and in Orissa only Namasudra community has been recognised as Scheduled Castes so far with the result that both the communities in the area must still be feeling discriminated. The Committee have reiterated that the Ministries of Home Affairs and welfare should now take up this matter vigorously at the highest level of the Government with a view to enact the necessary legislation very early to recognise Namasudra and Paundra Khetriya communities in Orissa and Madhya Pradesh regions of the Dandakaranya Project area as Scheduled Castes in line with their status in West Bengal, and remove their long standing grievance, as that will also facilitate the process of their rehabilitation.

12. While the Committee have commended the decision of the Government to grant rehabilitation assistance to 146 New migrant families from former East Pakistan, including 103 Madan Industries families under the Gunnaur Rehabilitation Project in District Budaun, U.P.

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after the families were laid off due to stoppage of its operations by the private company in 1984, they have deplored the delay in their rehabilitation under the above Project sanctioned as late as on 6th July, 1987 and the fact that so far "the Government of Uttar Pradesh could not complete the work of soil treatment". The Committee have recommended that the Rehabilitation Division of the Ministry of Home Affairs should now induce the State Government to take timely steps with a view to ensure that these families are actually rehabilitated by June, 1989, as scheduled.

13. The Committee have been disappointed to note that within less than 2 years of the opening of camps in Tripura for about 49000 refugees which started migrating in April, 1986, as many as 3083 migrants have been reported missing from the five camps in the State by the close of 1987. The Committee have expressed the hope that the Government would appreciate the fact that being post-1971-72 refugees, they are bound to be repatriated to Bangladesh sooner or later and the successful attempts by as many 3083 refugees out of about 49,000 in such a short time to desert the camps and mingle clandestinely with the sections of the local populace speak poorly not only of the vigilance arrangements made so far by both the Central and State Governments in this regard, but also undermine our national policy on these refugees. The Committee have therefore recommended that the Central and State Governments must sit together and find some effective means to prevent desertion from camps by these refugees and their clandestinely mingling with local population. The Committee have suggested in this regard that the Government should consider the feasibility of marking at regular intervals, in strong indelible ink, a suitable sign on the hands or arms of each refugee with a view to make it easy to detect him or her from amongst the other sections of the local population.

14. The Committee have noted that as per media reports some legislation with regard to the autonomous status of Chakmas in Chittagong Hill Tracts is being brought in the Parliament of Bangladesh. The Committee, have therefore, recommended that the Government of India should closely watch the developments in this regard in Bangladesh and on the basis thereof pursue the matter of the refugees' repatriation more vigorously both with the Government of Bangladesh and the refugees camped in Tripura.

15. The Report was considered and adopted by the Estimates Committee (1988-89) on March 30, 1989.

16. For facility of reference, the recommendations/observations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in Appendix II to the Report.

NEW DELHI ;
April 4, 1989

Chaitra 4, 1911 (S).

ASUTOSH LAW
Chairman,
Estimates Committee.

CHAPTER I

GENERAL MATTERS

A. Introductory

1.1 Since partition of the country in 1947, the influx of refugees from former East Pakistan continued till March, 1971 with occasional spurts. The first large scale influx took place in 1946-47 resulting from Noakhali communal riots in 1946 and partition of the country in 1947, when about 15 lakh refugees entered India. In the years 1949 and 1950 another wave of persecution of non-Muslim took place in Khulna, Barisal, Dacca and Sylhet when about 10 lakh members of minority community migrated to India. This was followed by a meeting between the Prime Ministers of India and Pakistan where certain decisions were taken and an agreement was reached between the two countries in April, 1950 (termed as the Nehru-Liaqat Pact). The agreement, *inter-alia*, provided for free movement and protection of rights of ownership and occupancy whereby the owners could sell, dispose of, exchange their rights in the properties in any manner they liked and it also provided for restoration of properties where the owners returned by 31st December, 1950.

1.2 Upto March, 1958, about 41.17 lakh persons (about 8.23 lakh families) migrated to India from former East Pakistan. They are known as "Old Migrants". Out of 8.23 lakh families, about 6.82 lakh families had been given rehabilitation assistance by April, 1976—4.87 lakh families in West Bengal and 1.95 lakh families in States/areas outside West Bengal. The State-wise distribution of the families given rehabilitation assistance are indicated in a statement below, furnished by the Ministry. Of the remaining 1.41 lakh families who were in West Bengal, about 1.29 lakh families did not come up for rehabilitation assistance. 9000 families belonged to Ex-Camp sites and the rest were in Permanent Liability Homes and Infirmaries. Ministry has also stated that no family was staying in any Relief/Transit Camps awaiting rehabilitation and that rehabilitation of old migrants in States *other than West Bengal* was, by and large, completed by 1960-61.

1.3 The Ministry has supplied the following statement showing State-wise distribution of "Old migrant" families from former East Pakistan given rehabilitation assistance :—

Sl. No.	State	Number of families given rehabilitation assistance in one form or other
1	West Bengal	487000
2	Assam	90900
3	Tripura	69000
4	Bihar	14000
5	Uttar Pradesh	4000
6	Madhya Pradesh	3000
7	Orissa	3000
8	Andaman & Nicobar Islands	3000
9	Dandakaranya	3000
10	Other areas	800
		6,81,800

1.4 The persons who migrated to India from former East Pakistan between the period 1.1.1964 to 25-3-1971 are known as the "New Migrants". During this period 11.14 lakh persons migrated to India. The Ministry stated that all the relief camps for new migrants had since been closed and the families shifted to the rehabilitation sites in the Dandakaranya Project or in various States where they had been provided with rehabilitation assistance by resettling them in agricultural/non-agricultural occupations or they had been put in *karmi-shibirs* for subsequent rehabilitation. State-wise distribution of influx, progress of their resettlement and number of refugees who are still awaiting resettlement is indicated in the following statement furnished by the Ministry :—

Statement showing figures of influx of new Migrants from former East Pakistan, Progress of their resettlement and number of Refugees who are still awaiting resettlement

Influx:

(from 1.1.64 to 25.3.1971)

West Bengal	Assam	Tripura	Total
7,56,619*	2,14,318	1,43,021	11,13,958
			Say 11.14 lakhs*

*Of these 7,56,619 who came to West Bengal about 6 lakhs new migrants stayed on in the State and refused to move out and accordingly they were made ineligible for relief and rehabilitation assistance.

Rehabilitation

(Position as on 31-12-1987)

State	Number of families settled		
	Agriculture	Small trade etc.	Total
(1) Andhra Pradesh	1786	135	1,921
(2) Assam	6784	8714	15,498
(3) Bihar	1052	1552	2,584
(4) Karnataka	723	..	723
(5) Madhya Pradesh	5305	2002	7,307
(6) Maharashtra	5674	909	6,183
(7) Manipur	145	..	145
(8) Meghalaya	1938	212	2,150
(9) Orissa	6	253	299
(10) Punjab	..	3	3
(11) Tripura	5675	707	6,382
(12) Uttar Pradesh	1823	601	2,424
(13) West Bengal
(14) Arunachal Pradesh	2902	..	2,902
(15) Rajasthan	573	335	908
(16) Andamans	774	31	805
(17) Dandakaranya	23990	1241	25,231
TOTAL :	59130	16295	75,425
			Families

Number of families awaiting Resettlement

	Families
(1) Uttar Pradesh	159
(2) Madhya Pradesh	272
Total :	431 (P.L. Homes and Madan Industries Families)

B. Lack of Statutes on Rehabilitation of East Pakistan Migrants

1.5 West Pakistan migrants were mostly settled in different States on properties left behind by evacuees in both urban and rural areas. A compensation pool was constituted in terms of the Displaced Persons (Compensation & Rehabilitation) Act, 1954.

1.6 To meet all the multifarious obligations in this regard the following legislative enactments had been provided by the Government :

1. Administration of Evacuee Property Act, 1950.
2. Displaced Persons Claims Act, 1950.
3. Evacuee Interest (Separation) Act, 1951.
4. Displaced Persons Debt Adjustment Act, 1951.
5. Displaced Persons (Compensation & Rehabilitation) Act, 1954.
6. Displaced Persons Claims Supplementary Act, 1954.

1.7 According to the Ministry, an expenditure of Rs. 406.78 crores had been incurred upto 31-3-1988 on the rehabilitation (including payment of compensation) of displaced persons from West Pakistan. The per capita expenditure on these displaced persons worked out to be Rs. 858/-. The corresponding expenditure incurred on the rehabilitation of Old and New Migrants from former East Pakistan (excluding the expenditures incurred by the Ministries of Urban Development, Welfare and Commerce) is stated to be Rs. 745.56 crores, which worked out to Rs. 1609/- per person.

1.8 The Ministry also informed the Committee that there were no specific Acts of Parliament or Rules/Regulations made there-under governing the provision of relief/rehabilitation assistance to the migrants from former East Pakistan. Policy in these matters is stated to have been laid down by the Central Government by issue of executive instructions from time to time and "the Parliament was kept informed of these policies through Administrative Reports, Demands for Grants etc. placed on the Tables of the House every year."

1.9 Asked why was Parliament never taken into confidence directly with regard to the policy, form and content of Rehabilitation Assistance provided to migrants from former East Pakistan, even though relief and rehabilitation of displaced persons consequent to partition was the concurrent responsibility of both the Centre as well as State Governments concerned, the Ministry has stated in a written answer that in the case of East Pakistan migrants, no compensation for the properties left behind in Pakistan was to be paid as they retained proprietary rights in their properties. These they could exchange, sell or dispose of in any manner they pleased till the outbreak of hostilities between India and Pakistan in 1965, when Pakistan seized the properties of Indian nationals. According to the Ministry no separate legislation was considered necessary for mere grant of rehabilitation assistance.

1.10 The subject of relief and rehabilitation is included in Concurrent List of the Constitution. According to the Ministry, the responsibility of relief and rehabilitation of displaced persons is a matter of national concern. The expenditure on relief and rehabilitation of migrants from former East Pakistan is reimbursed to the State Governments in the form of grants and loans. Relief and rehabilitation policy is decided by the Central Government and the schemes are executed either directly through Central Government agencies or through State Governments. The Central Government meets the entire expenditure on relief and rehabilitation. For execution of schemes, by State Governments, the Central Government also sanctions necessary staff, either in part or in full. A non-official organisation of migrants from East Pakistan has represented to the Committee:—

“..the Centre had taken a predominantly direct role in the rehabilitation of West Pakistan refugees... State Governments were asked to execute the plans with the sense of urgency For the rehabilitation of old migrants from East Pakistan the Centre undertook no direct responsibility. Funds were provided mainly to the State Government of West Bengal for formulation and execution of rehabilitation schemes under certain guidelines from time to time. Even in regard to the rehabilitation of new migrants in States and Union Territories outside West Bengal the Centre prevaricated in its policy approach This is how the Central Government has all along evaded the responsibility that devolves on it under specific Constitutional provisions so far as East Bengal refugees are concerned .”

1.11 Asked during evidence to state that whereas the problem of rehabilitation of West Pakistan refugees was dealt with through Parliamentary enactments, why in the case of rehabilitation of East Bengal refugees, only executive instructions were issued, the Home Secretary argued :—

“I do not know why the law is necessary before we do anything. Here is a human problem. People come from outside. If you want to give them some help, give them that help. In what scale, in what manner, that a law is necessary to do it is not a postulate. There was a difference between the West Pakistan and East Bengal refugee character in the sense that the people who came from West Pakistan into India they lost their titles, properties and things like that. I am told that in the case of East Pakistan the situation was different. Their ownership rights or titles continued.....”

1.12 Asked to cite an instance where the Government could spend moneys without any legislation or Schemes or Rule, the Home Secretary contended :—

“There are many anti-poverty programmes where there are no laws.... Under the Integrated Rural Development Programme help is given on the basis of Schemes formulated by the Government. The Scheme formulated by the Government is an executive action.”

1.13 On being contradicted by the Committee that these schemes were covered by Subordinate legislation, the Home Secretary averred :—

“I will not join issue on this point. I have made my statement.”

1.14 When the Committee pointed out that the Government's distinction between displaced persons from West Pakistan and East Pakistan on the basis of retention of their rights to property by the latter did not hold good after 1965 when properties of Indian nationals were seized by the Government of Pakistan, the Home Secretary explained : —

“First of all, what you have pointed out here is correct in the sense that after 1965 it is said, ‘The Government of India is constrained as a matter of reciprocity to vest all moveable and immoveable properties of Pakistani nationals in the Indian Custodian of Enemy Property.’ I would like to underline the word ‘vested’. We have vested them, but we have not disposed of them. The point I am trying to make is, on the one hand we have frozen these properties, but we have not disposed of them of, and on the other hand, while there was a change in 1965 after the conflict, efforts continued to maintain our position that these property rights must be maintained as they were before. These are the continuing efforts. So we do not want to deviate from the position in which we close our options in the matter. So, there is a difference even now. On the one hand we have frozen them here on our side, we have not disposed of them. The second question is, because this is a kind of doubtful question when we are still pursuing this matter without calling the payments to be made as ‘compensation’—we call them as ‘ex-gratia payments’. This is a very deliberate decision of the Government. There is a distinction between the two and there are two different decisions in so far as this is concerned because of the difference in the circumstances of these two cases.... This is the position as it stands now and the Government is not going to rethink on this matter.... In the case of East Pakistan side, the property vested is not a disposed of property. It is a frozen thing. Similarly, with regard to our property on the other side, we would still like the right, title whatever they are, are maintained and restored.... I would like to clarify two things. The first point is that the continued interests in the property of the people given here have been abrogated. This is a point where we are making efforts to see that these interests are maintained in spite of the fact that there seems to have been some abrogation—I mean the 1965 Indo-Pak conflict. This is an effort.”

1.15 When the Committee enquired how the Government had been taking this position for the 23 years since 1965, the witness added :—

“It is a judgement on which the Government has to make its mind. The Government has to decide in what fashion the problem of influx should be decided. There are Tibetan Refugees; there are Afghan refugees. Also, in the recent incidents in Sri Lanka, some refugees have come here and the Government is also sending them back. But in this case, (East Bengal Migrants) these are treated as displaced persons. The assessment was that they have

come to settle here permanently and we have to provide them help. This is a decision of the Government. Here again those who came after 1971 are expected to go back. Therefore, there are some restriction on Citizenship Rights being given. Those who came earlier were given the facilities regarding acquisition of Citizenship Rights."

1.16. The Committee note the Government had incurred an expenditure of Rs. 406.78 crores on the rehabilitation (including payment of compensation) to displaced persons from West Pakistan and to meet all the multifarious obligations in this regard Government had enacted half a dozen Acts of Parliament. On the other hand for the rehabilitation of old and new migrants from former East Pakistan even though an expenditure of more than Rs. 745.56 crores was incurred, the Government cared not even once to resort to legislation to incur such huge and recurring expenditure and carried on the activities merely by the issue of Executive instructions from time to time.

1.17 The Government's contention that no legislation in this regard was considered necessary as no compensation was to be paid to migrants from East Bengal as they retained proprietary rights in their properties (in former East Pakistan) which they could sell or dispose of in any manner they pleased till 1965, is not convincing in view of the circumstances under which the migrants had to abandon their native places, and were also not in a position to return to those places. In any case this situation changed drastically in 1965 when the Government of Pakistan seized properties of Indian nationals in both the wings. The Committee cannot comprehend as to why even after 1965 the Government did not come forward with a comprehensive legislation on proper rehabilitation of migrants from former East Pakistan who ceased to have even a fictitious title to their properties there from that year. The Government's post-1965 stand that "in the case of East Pakistan side the property vested is not a disposed of property..." and "with regard to our property on the other side we would still like the rights/titles whatever they are, are maintained and restored" and that terming of payments to these migrants for properties left in Pakistan as 'ex-gratia' and not 'compensation' was a 'very deliberate decision', is not consistent with the Home Secretary's own assessment that the persons who migrated from former East Pakistan upto 25-3-1971 'have come to settle here permanently and we have to provide them help' and 'were given the facilities regarding acquisition of citizenship rights.' This inconsistent—rather contradictory—stand is clearly indicative of the fact that the Government never examined the matter in depth and in proper perspective and the Committee cannot help but remark that even now the Government have no firm policies with regard to rehabilitation and status of migrants from former East Pakistan. The Committee, therefore, recommend that Government should take a firm decision with due promptitude with regard to its policies underlying the rehabilitation and status of the persons who migrated to India prior to 25th March,

1971, examine feasibility of bigger central role in monitoring implementation of their rehabilitation schemes being executed by States, incidentally being staffed by the Centre in part or in full, and take Parliament directly into confidence through a suitable and comprehensive legislation for the purpose.

C. Citizenship Rights to Migrants

1.18 An all India organisation of East Bengal migrants has represented to the Committee:—

“...the Constitution itself (in Art. 6) has provided for rights of citizenship of the migrants from Pakistan... Under the citizenship Act of 1955, displaced persons could register themselves as citizens of India. The very nature of migration and rehabilitation of East Pak. displaced persons was such that they could not take full advantage of even the earlier liberal policy for citizenship. A large section of them are known to have failed to acquire Indian citizenship on various pretexts or pleas, and are staying here over a long period as ‘stateless’ people. Cases have occurred where eligible displaced persons from East Pakistan were either denied employment or even thrown out of jobs duly given to them on the ground of citizenship question... The recent amendment of the Citizenship Act has made it all the more difficult for East Bengal refugees to acquire Indian Citizenship. The Central Governments’ decision to ban power of granting citizenship by the State Government is clearly directed against these helpless people as victims of Partition.”

1.19 Asked to state clearly whether, as a matter of policy, the Old Migrants and New Migrants from former East Pakistan have been granted full citizenship rights so far in all respects including right to employment and right to vote, the Ministry has stated in a written answer that:—

“The acquisition/grant of citizenship is governed by Part. II of the Constitution and the Citizenship Act, 1955. Article 6 of the Constitution confers right of citizenship on certain persons who have migrated to India from Pakistan. People who migrated from East Pakistan (now Bangladesh) were also covered by Article 6 of the Constitution. Bangladesh came into existence in 1971. A large number of migrants have crossed over to India from East Pakistan (now Bangladesh) after 25th March, 1971. Although these persons are eligible for grant of citizenship claiming the benefit of Indian origin for registration under Section 5(1)(a) of the Citizenship Act, a policy decision was taken in 1971 not to consider the requests of such persons for grant of citizenship by registration since they are expected to return to their native places as soon as the conditions permit. The recent amendment to the Citizenship Act raising the residential qualification from six months to 5 years for grant of citizenship does not affect post-March, 1971 refugees from East Pakistan in view of the policy decision taken in 1971. However, persons who migrated from East Pakistan prior to March, 1971 are eligible to be considered for grant of Indian citizenship by registration U/S 5(1)(a) of the Act provided they fulfil the statutory requirements.”

1.20 Asked during evidence what was the status of persons who had migrated to India from former East Pakistan till 25th March, 1971, the Home Secretary replied that "their status was displaced persons". When it was pointed out by the Committee that this reply was contrary to the Ministry's written reply that the aforesaid migrants are eligible to be considered for grant of Indian Citizenship by registration U/S 5(1)(a) of the Citizenship Act, 1955, the witness stated:—

"The persons who comes here is a displaced person. Then he has a right of acquiring citizenship under the law, when it is given, if he fulfils the statutory requirements."

121. Asked whether it was not now the right time to reconsider the earlier decision *not* to grant citizenship to the persons who had migrated to India from East Bengal after 25-3-1971, the Home Secretary replied:—

"After 1971 the situation changes in the sense that a new country comes into being. Now this is a new situation. There is no reason for accepting this kind of migrants as such... The law provides how citizenship can be acquired... all that happened in 1987 was that the law had been made more stringent in so far as residential qualification is concerned. There were specific directions that people who came after March, 1971 cannot be treated as ordinarily residents of the area (in India). They are expected to return to their native places as the situation improves. If such refugees make applications, the applications should be rejected... And the presumption is that those who came after 1971 we are not accepting them as migrants."

1.22 When the Committee asked whether a separate policy was not necessary to grant citizenship to the persons who had migrated to India in the abnormal situation between March and December, 1971 but could not somehow return to Bangladesh, the witness argued:—

"To say that some people remained there and therefore we should extend some special treatment to them, I do not think we should consider that as a problem at all..... under the Citizenship, Act whatever facilities are statutorily available for anybody to ask for citizenship, they can also get those facilities. I cannot go beyond that".

1.23 Asked to indicate the number of Old and New Migrants separately who have been granted citizenship rights by the State and Central Governments so far in each State/Union Territory etc., the Ministry has stated in a written note to the Committee that upto 1-4-1986, the Collectors were the competent authority to register persons of Indian origin as Indian citizens under Section 5 (1) (a) of the Citizenship Act, 1955. Since 1-4-1986, the powers of the Collectors have been withdrawn and now the powers vest with the Central Government to grant Indian citizenship. "The exact number of new migrants and old migrants who have been conferred Indian citizenship by the Collectors since 1956 till 1-4-1986 is not available in this Ministry. As the statutory

registers pertaining to grant of Indian citizenship maintained by Collectors do not have provision for making separate entries country-wise and also as the Collectors have to refer to each and every entry in the old registers from 1956 onwards till 1-4-1986, it would be difficult to collect this information from each State and Union Territory at this distance of time".

1.24 However, during the period from 1-4-1986 to 15-12-1988 the Central Government is stated to have granted Indian citizenship to 30 persons who came from erstwhile East Pakistan (now Bangladesh) before 25-3-1971, out of whom 21 are new entrants.

Asked whether old and new migrants had been allowed to vote in elections held after 25-3-1971, the Ministry has stated in the note that under the provisions of Election Law, only Indian citizens are allowed to get their names included in the Electoral Rolls of Constituency. "Those migrants who have not acquired Indian citizenship are not eligible to be included in the rolls. For example, the Citizenship (Amendment) Act, 1985 deemed all pre-1961 migrants to Assam as Citizens". As only those who are enrolled in the electoral rolls can vote in the State Assembly and Parliamentary elections, and as only citizens can be enrolled there is no question of allowing the migrants (either old or new) who have not become citizen to vote in these elections. The Ministry has further informed the Committee that registration of voters is governed by Sections 16-19 of the Representation of the People Act, 1950, providing, among other things, that a persons shall be disqualified for registration in an electoral roll if he is *not* a citizen of India.

1.25. The Committee are pained to note that people who migrated to India from former East Pakistan prior to 25-3-1971 are still treated by Government as "Displaced Persons" and are only eligible to be considered for grant of Indian Citizenship by registration U/S 5 (1) (a) of the Act provided fulfil the "statutory requirements" with the result that in effect they live in India as 'Stateless' people many of whom have failed to acquire Indian citizenship for one reason or another and have been either denied employment or even thrown out of jobs on the ground of citizenship. The status of these migrants from former East Pakistan appears to be in stark contrast with the position of displaced persons from West Pakistan who migrated in India around 1947 and for all practical purposes, namely, employment etc., are deemed to be fullfledged citizens of India. The representatives of the Ministry of Home Affairs have admitted during evidence that those persons who migrated to India from former East Pakistan prior to 25th March 1971, especially old and new migrants have come to settle in India permanently and have been provided rehabilitation assistance in one form or another. In view of this the Committee are of the view that these migrants, especially old and new and new migrants, should not be required to undergo the cumbersome formalities of registering themselves under the Citizenship Act in order to get a Citizenship certificates and consequent right to vote, etc. The Committee strongly recommend that as a matter of policy the Old and New migrants should also be deemed to be citizens of India on the pattern of "pre-1961 migrants to Assam" and Displaced Persons from West Pakistan so that they do not have to hanker after the various authorities to get their citizenship certified to earn their livelihood and be able to vote etc. They are of the view that, if necess-

ary, suitable legislative measures with regard to the Status, Citizenship, rehabilitation and monitoring of rehabilitation schemes etc. should be enacted with due expedition.

1.25A The Committee note that while most of the families who migrated to India from former East Pakistan between March-December, 1971 have been repatriated to Bangladesh, some of these migrants could not be repatriated due to one reason or the other and stayed on in India. The Committee suggest that the Government should examine the feasibility of liberalising the legal requirements for these families to acquire citizenship of India taking into consideration the individual compulsion due to which they could not be repatriated to Bangladesh in 1971-72.

D. Disposal of Claims by Custodian of Enemy Property

1.26 The Custodian of Enemy Property, Bombay is the Administrative Unit in the Ministry of Commerce for making of *ex-gratia* payments to Indian nationals and companies whose assets were seized by the Government of Pakistan during the Indo-Pakistan Conflict of 1965. The claimants were asked in 1971 to get their claims registered with this organisation by 31st July, 1977. Under the Ex-gratia Scheme *ad hoc* interim relief in the form of *ex-gratia* grant at the rate of 25 per cent of the value of verified claims subject to the maximum of Rs. 25 lakhs is paid from the Consolidated Fund of India to Indian nationals/companies, etc. whose assets in Pakistan were seized by the Government of Pakistan. The payments under the *ex-gratia* scheme are credited to the Ministry of Commerce's Budget Head "No. 3453 (Demand No. 7 Department of Commerce, Major Head 3453 Foreign Trade and Export Promotion, D-9, other expenditure-D-9 '3')". In August 1988, it was reported that to expedite the disposal of compensation claims of refugees from erstwhile East-Pakistan the Government had increased the number of panel members of Custodian of Enemy Property from 8 to 18 and the Government had also shifted the payment office from Bombay to Calcutta.

1.27 Reason for treating the payments as ex-gratia:

According to the Ministry, the relief payment to Indian nationals under the scheme was decided to be called *ex-gratia* so that Pakistan did not make it a basis for getting out of its liability to settle the question of property seized during the conflict, if and when such a settlement could be reached under International Law as well as under Art. VIII of the Tashkent Declaration reproduced hereunder:—

"The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue the discussion of questions relating to the problems of refugees and evictions/illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agreed to discuss the return of the property and assets taken over by either side in connection with the Conflict."

1.28 It is for this reason that at the time of disbursement of amount an undertaking is taken from the claimants that in the event of settlement of

claims by Pakistan/Bangladesh the money paid by the Government of India would be adjusted.

1.29 The Government of India is stated to have been in touch with the Government of Pakistan on this question ever since 1966 and drawing its attention to the relevant provision of the Tashkent Agreement for the reciprocal return of the seized properties/assets but no tangible results are stated to have been achieved so far.

1.30 *Rationale behind the Rate:* On the rationale behind the rate of *ex-gratia* payments at 25 per cent of the value of verified claims, the Ministry has stated in a written note that 'as against the value of Rs.109 crores of Indian nationals' assets seized by the Government of Pakistan, the value of such assets of Pakistani nationals seized in India amounted to only Rs. 29.40 crores only, *i.e.* 25% (roughly)".

1.31 Asked during evidence whether the Government had ever made a reliable assessment of the value of Indian Nationals'/Migrants' property as seized by Government of Pakistan, the representative of the Ministry of Commerce explained;—

"This was basically an estimate given by the people. Due to war situation, it would not be possible to get any reliable information. In the case of certain companies, which set the loss at Rs. 1 crore, we asked them to produce balance-sheet and income-tax assessment.

On the basis of that, verification was done. In regard to individuals we asked them to produce land revenue records, which they had in their possession, rent payment receipt, etc.

The extent of loss was approximately estimated by the Indian personnel in Dacca. If I remember correct, in one document, three or four years ago there was some mention about the property losses."

1.32 On being pointed out by the Committee that there was no chance now of the migrants getting back their properties seized in former East Pakistan and the rate of 25% of *ex-gratia* payment was determined on the basis of 109 claims received initially around 1971, the witness replied :—

"On the basis of representations we have received, we have looked at the scale of the compensation. There are five columns under which they do it. If you look at them you will find that the maximum compensation of 20% paid on claims upto Rs. 100,000/- and no rehabilitation grant is given for claims beyond Rs. 50,000/-. There after, the assessed value of the claim goes up and the compensation percentage goes down. For around Rs. 18 lakhs the maximum compensation that would be paid is Rs. 2 lakhs, which works out to 11.11 per cent. This was the maximum compensation which was possible in value term and in percentage term when the original rehabilitation scheme was formulated. The other aspect considered was the *ex-gratia* payment to Indian nationals who lost their property in West Pakistan. Views of the different departments were taken. They said that

why should they go beyond the approved scheme. They wanted to follow the percentage which has been followed earlier. At this point of time, I do not know the background under which it was accepted. But this was the decision of 1971. They finally decided that 25 per cent should be paid. The compensation paid is much higher than the compensation paid under the rehabilitation scheme”.

1.33 Asked specifically by the Committee that after 1972 when the Custodian started making the ex-gratia payments, what was the value of the properties seized by the Government of Pakistan, the witness replied that “they come to Rs. 400 and odd crores”.

1.34 In a note obtained after evidence it has been stated that no information is available with the Ministry of Commerce about the latest value of assets/properties of Indian Nationals/Migrants from former East Pakistan seized by the Government of Pakistan. According to the records maintained by the Custodian of Enemy Property, face value of properties/assets of East Pakistan/Bangladesh nationals seized in India at the close of 1972 was estimated at Rs. 7.10 crores. Value of these at the close of 1987 has also not been so far assessed by the Ministry of Commerce.

1.35 The Committee note that after 1965 when the assets of Indian nationals and companies were seized by the Government of Pakistan, no reliable assessment has been made by the Government of India with regard to the actual value of the seized assets and the rate of *ex-gratia* payment has been determined on *ad hoc* basis. While arriving at this figure the Government have taken into account the Rs. 109 crores value of assets shown by the affected persons in their claims preferred initially around 1971 and the value of assets of Pakistan Nationals seized by Government of India amounting to Rs. 29.40 crores, the latter amount being roughly 25% of the former. The Committee further note the Government's fond hope behind treating the payments “*ex-gratia*” that in the event of settlement of such claims by Pakistan/Bangladesh under the Tashkent Declaration. “The moneys paid by Government of India would be adjusted”. In the existing political situation the chances of settlement of such claims by Pakistan/Bangladesh Governments appear quite remote.

1.36 The Committee are of the view that it is high time that the Government initiated now some urgent steps to systematically re-assess the value of the assets of Indian Nationals/Migrants in Bangladesh seized by the erstwhile Government of Pakistan and consider the feasibility of making these “*ex-gratia*” payments at a rate higher than 25% of the re-assessed value of verified claims without giving any consideration to the value of assets of Pakistani Nationals seized by the Government of India. The Committee hope that the Government will commence the work of re-assessing the value of the seized properties immediately and inform the Committee within 6 months of the presentation of the Report about the result of the re-assessment and the decision taken for upward revision of the rate of *ex-gratia* payments in the light thereof.

1.37 *Speed of disposal*:—Asked to state the position of disposal of claims of persons who had lost or left their properties in erstwhile East Pakistan in the Office of the Custodian of Enemy Property from its inception

upto the close of 1987, the Ministry of Commerce in a written answer for the evidence stated, in the first instance, that the position in respect of both former East Pakistan and West Pakistan as in October 1988, was as under :—

(i) Total claims registered	57493
(ii) Total claims disposed of	26823
(iii) Total dormant cases	20100
<i>(iv) Pending case :</i>	
(a) Cases where documents are available	3600
(b) Cases verified by the Panel Members but awaiting Panel Chairman's approval	1120
(c) Cases where documents not submitted	5850
Total of (a), (b) & (c)	<u>10570</u>

1.38 The Ministry further informed the Committee that year-wise number of claims where payment was sanctioned was as under :—

Year	Number
1972-73	350
1973-74	560
1974-75	255
1975-76	406
1976-77	590
1977-78	454
1978-79	1,907
1979-80	1,922
1980-81	2,771
1981-82	3,694
1982-83	2,828
1983-84	551
1984-85	68
1985-86	437
1986-87	430
1987-88	925
	<u>19,350</u>

1.39. An amount of Rs. 61.42 crores is stated to have been disbursed by the Custodian upto 31-12-1987 under the Scheme. The Ministry has claimed that "on an average the disposals are around 250 cases per month. At this rate the balance claims are likely to be disposed of in next 2 years. Majority of pending cases are those where documents have already been filed".

1.40 As to the position of claims pertaining only to persons who had lost or left their properties/assets in former East Pakistan the Ministry it has stated that they had been able to dig the Minister's answer to Question No. 788 dated 17-6-77 on the number of claims pertaining to West Pakistan and the East Pakistan according to which the number of claims for West Pakistan was 1407 and for East Pakistan as 55,561. According to the Ministry while the overall number of claims relating to West Pakistan remained of the same order, for a detailed analysis of these claims in respect of East Pakistan, as desired by the Committee, "a special field analysis would have to be made based on scrutiny of all claims files numbering 57498".

1.41 The Committee regret to note that whereas they specifically asked the Ministry of Commerce, through Ministry of Home Affairs, to supply data regarding the disposal by the Custodian of Enemy Property of "claims of refugees who had lost or left their property in erstwhile East Pakistan", the Commerce Ministry supplied to the Committee the consolidated figures "in respect of properties both in West and East Pakistan" without specifying so in its written reply in the first instance, until the doubts were expressed by the Committee after evidence and *ex-post facto* clarification was given by the Ministry. The Committee feel that the officers in the Ministry of Commerce should have been careful in replying to the question posed by the Parliamentary Committees like Estimates Committee so that inaccurate information transmitted by the Ministries to these Committees does not lead to serious complications in either House of Parliament. It is highly desirable that utmost importance is accorded to the information to be supplied to the Estimates Committee and the Ministry should ensure that omissions of this type do not recur in future. While the Committee understand that the majority of claims pending or lying dormant in the office of Custodians of Enemy Property might pertain to the Indian Nationals/migrants from former East Pakistan roughly on the pattern of answer given to Question No. 788 on 17-6-77, Ministry of Commerce could have managed to obtain from the Custodian of Enemy Property the figures relating to the aforesaid category of claimants as desired by the Committee because the requisite information had to be collected from a single source only *i.e.* Custodian of Enemy Property and no extensive field study/survey was required for the purpose, as claimed by the Ministry. The Committee, therefore, desire that the latest data relating to the number of claims pertaining to Indian Nationals/migrants from former East Pakistan registered with, disposed of by, and pending with, the Custodian of Enemy Property should be compiled by the Ministry of Commerce and supplied to the Committee within 6 months of the presentation of this Report.

1.42 *Pending Cases*:—Asked to justify 1120 pending cases, "verified by the Panel Members but awaiting Panel Chairman's approval" and 3600 pending cases "where documents are available" the representative of the Ministry of Commerce stated during evidence:—

"As far as 1120 cases are concerned, the previous OSD who was the Chairman of the Panel Board which verified the claims retired on 1-4-88 and the new OSD has joined the office on 10-11-88. He is now looking after these cases. He will have to satisfy himself that the parameters used are as per norms and these cases are to be sent to the Ministry for issue of sanction orders. We would request him to put his best even on holidays keeping in view that so many cases are pending to get them cleared as fast as possible.

As far as the cases where documents are available are concerned these are cases which are allocated to the Panel for taking up verification. It is not that these cases are just lying there. There are cases which are cleared by the Panel and sent to the OSD. These are under process".

1.43 The reason advanced by the Ministry of Commerce for 1120 pending cases "verified by the Panel Members but awaiting Chairman's approval", namely, that the O.S.D., who was the Chairman of the Panel of Members, retired on 1-4-1988 and his successor was appointed on 10-11-1988 i.e. after a gap of more than 7 months is indicative of the fact that the Ministry of Commerce is not seriously concerned regarding speedy disposal of these claims by the Custodian of Enemy Property. It is imperative to resort to advance planning in this regard so that the vacancies created in Panel of Members of the Custodian of Enemy Property on account of retirement or transfer etc. are filled promptly and the claimants who have preferred their claims to the said Panel are not made to suffer for no fault of theirs.

1.44 As for the 3600 pending cases where "documents are available", the Committee fail to appreciate the justification of their magnitude at any point of time in view of the Ministry's claim that "on an average the disposals are around 250 cases per month", especially when the number of Panel Members is reported to have been raised from 8 to 18 and payment office rightly shifted from Bombay to Calcutta. For the same reasons the Committee regard the number of cases disposed of each year from 1983-84 to 1987-88 as very poor and urge the Ministry to take urgent steps to ensure that all the claims pending with the Custodian of Enemy Property, especially those wherein all the documents are available, are verified and disposed of with exemplary promptitude. Since most of these claims may pertain to people of low income groups who are now living in indigent circumstances, it is essential that all such claims are settled with utmost expedition. In the opinion of the Committee, procedure for settlement of such claims should be clear and precise giving no scope for red-tapism and harassment of migrants.

1.45 *Irregularities in Disposal:* Explaining the steep decline in the sanctioning of these claims from 1983-84 onwards the Ministry of Commerce has stated in a written answer that "CBI started an inquiry against one Shri S.K. Dasgupta, the then OSD and panel members, etc. in 1983. This adversely affected the verification work as all panels became extremely cautious in the verification of documents, etc. CBI once again started the inquiries against the new OSD and panel members in 1986". During evidence the representative of the Commerce Ministry elaborated further:—

"The problem started for us in 1983 September. The first case was booked by CBI against the then OSD in the Calcutta office. Then investigations started. Members also became frightened and they stopped work. The then OSD asked for repatriation to his cadre. So immediately the work suffered.

Thereafter he was repatriated and a new officer was selected. He joined in June, 1984. Then we devised new procedures asking for identity cards because earlier report was that someone had impersonated and taken away the money. So we asked for the identity cards and we also took an affidavit from the claimant saying that he is the claimant, he has got brothers, sisters, etc. who are also entitled to the property along with him so that we can ensure that the number of persons with the claimant also get their share. Then we took some steps for increasing payment to the panel members giving them assistance etc. Progress started picking up.

But once again in the month of February, 1986 the new OSD unfortunately had a case registered against him and he was called for investigations by the CBI. And once again this made the panel members shaky and they became very jittery. Then we had to console and cajole them and convince them that these are the routine things. But at any rate the Government had no other method of verifying these claims. The documents which are produced from the then East Pakistan were in Bengali and only those people who have the background of Bengali language and the background of accounts especially cultivation etc., were able to handle things and therefore it could not be possible for us to dispose them of. These are the main reasons why there have been set backs."

1.46 After evidence the Ministry of Commerce has furnished to the Committee the following detailed statement on the matter :—

STATEMENT CONTAINING DETAILS OF CASES INSTITUTED BY CENTRAL BUREAU OF INVESTIGATION CALCUTTA RE-CUSTODIAN OF ENEMY PROPERTY

Case No.	Name of the accused	Allegation	Present Position
(1)	(2)	(3)	(4)

COURT CASTS

1. RC. 27/83-Cal. U/S 1208/420 419/467/471/IPC

Shri Sudhir Kumar Ghosh (Private) Shri Ranjitt Kumar Mondal (Private). Shri Kalipada Sarkar (Private).

It is alleged that accused person entered into conspiracy and Shri Ranjitt Kumar Mondal impersonating himself as Adhir Kumar Ghosh and Binoy Kumar Ghosh received an *ad-hoc* ex-gratia amount of Rs. 1,52,250/- from the Custodian of Enemy Property by forging signature.

Investigation completed on 21-12-1984. The charge sheet in the case has been filed in the Court of Law at Calcutta. Trial is going on against 3 Private Persons.
2. RC. 5/84-Cal. Dt. 25-1-1984 U/S 120B/420/511/467/468/471/IPC.

Shri S.K. Dasgupta, Ex-OSD, O/O the Custodian of Enemy Property, Calcutta.

Shri A. C. Bhattacharjee Panel Member, Custodian of Enemy Property, Calcutta. Shri B. Saha (Pvt.) Smt. Soya Roy (Pvt.) Nitaya Gopal Saha (Pvt.) Shri J.L. Saha, (Pvt.) Shri S.B. Roy (Pvt.) Shri S. Nandy (Private person).

It is alleged that forged and fictitious documents submitted by some private persons were accepted by accused No. 1 and accused No. 2. The accused No. 2 verified the said documents and certified the claims for Rs. 3,26,000/- in a fraudulent manner in the favour of the accused private persons and the same was forwarded to the appropriate authority with the recommendation of accused No. 1. On the basis of said verification and the recommendation of accused No. 1 and No. 2 Ministry of Commerce sanctioned *ad-hoc* ex-gratia payment. But the payment could not be materialised at the intervention of CBI.

Investigation completed on 8-4-1985. In this case, charge-sheet was filed. The case was discharged as no sanction for prosecution was obtained. A criminal revision was filed. Hon'ble High Court ordered to produce sanction order early. Ministry of Commerce was moved by CBI to give sanction order which is awaited.

Investigation completed on 11-3-1985
Charge Sheet against all
the three accused persons had
been filed in the Court of Law who
took cognizance. The Judge accepted
the prayer of Accused No. 1 and Ac-
cused No. 2 for their discharge for want
of sanction for their prosecution only.
All the accused persons were discharged.
The prosecution filed Criminal Revision
in High Court. Hon'ble High Court
set aside the order of discharge and
lowered CBI to produce sanction order
for prosecution.

Investigation completed on 19-12-1985.
In this case, charge sheet had been filed
against all the three accused persons.
It is pending trial in the court of law.

Investigation completed on 3-1-1987.
After completion of investigation, the
case was preferred to take regular de-
partmental action for major penalty
against accused No. 1 and no action
against others.

Accused No. 1 and 2 accepted
and certified the false other
claims preferred by accused No. 3 and
un. own supported by false and forged
documents for ex-gratia payment
in utter distegard to the guidelines/
instruction given by the Ministry of
Commerce in respect of properties lost
in erstwhile East Pakistan and in con-
sequence the said claimants got illegal
ad hoc ex-gratia payment of Rs. 1,46,761
drawn on Central Bank of India.

Accused No. 1 and Accused No. 2 ac-
cepted and certified the false claims
preferred by Accused No. 3 supported
by forged documents towards the ex-
gratia payments in respect of property
said to have been lost in erstwhile
East Pakistan. Accused No. 3 made
false declaration in the claims appli-
cation and in the Affidavit and used
No. 3 fraudulently received payment of
Rs. 2,27,037.

DEPARTMENTAL ACTION CASES

Accused No. 1 and 2 accepted and pro-
cessed the claims submitted by A-3,
and certified as genuine on the false
and forged documents motivatedly
submitted by accused No. 3 Basing on
the recommendation of accused No.
1, the Ministry of Commerce sanc-
tioned Rs. 3,45,000 in favour of
accused No. 3 and others but no payment
has been released as yet.

Shri A.K. Sengupta Ex-OSD
O/O the Custodian
of Enemy Property, Calcutta
Shri P.K. Dasgupta, Panel
Member, O/O the Custodian
of Enemy Property Calcutta.
Shri S.N. Ghosh (Private
person) Vill Majdia, P.S.
Ranaghat, Distt' Nadia,
West Bengal.

Shri A.K. Sengupta,
Ex-OSD, O/O the
Custodian of
Enemy
Property Calcutta.
Shri B.N. Chatterjee,
Panel
Member,
Custodian of Enemy
Property, Calcutta.
Shri S.R. Chanda
(Private person).

Shri A. Datta, OSD
O/O the Custodian
of Enemy Property, Calcutta.
Shri B.N. Chatterjee,
Panel Member, O/O
Custodian of Enemy
Property,
Shri Sreegopal Kothari
(Private person).

3. RC. 6/84 Cal dt.
25-1-84 U/S
120B/420/419/467/
468/471/IPC.

4. RC. 9/85-Cal. dt.
4-2-85 U/S 120B/420/
467/468/471/IPC.

5. RC. 14/86-Cal. dt.
27-2-86 U/S 120 B
420/467/468/487/
IPC.

1.47 It is disquieting to note that some Officers on Special Duty working as Chairman of Panel of Members of the Board of Custodian of Enemy Property and some Panel Members are alleged to have accepted and certified false or forged claims preferred by private parties for such huge amounts as Rs. 1,52,250, Rs. 3,26,000, Rs. 1,46,761, Rs. 2,27,037 and Rs. 3,45,000 and cases had to be launched against the officers concerned by the Central Bureau of Investigation. The Committee recommend that cases which are pending in Courts should be vigorously pursued so that the charged officials are punished in accordance with the law. In the cases where departmental action is necessary, departmental proceedings should be initiated promptly and exemplary punishments awarded to the delinquent officers and Committee apprised accordingly. It is also desirable that the existing loopholes in the procedures for verification of claims in the office of the Custodian of Enemy Property are actually plugged with a view to make it difficult for officers as well as claimants to indulge in acts of rampant frauds as have come to the notice of the Committee.

1.48 The Committee cannot but express their anguish that the Ministry of Commerce has cited the launching of cases by CBI against corrupt officers of the Custodian of Enemy Property to justify the slow disposal of claims each year by the Custodian from 1983-84 onwards. The justification given by the Ministry relating to slow disposal of claims does not appear to be convincing. The Committee deplore this attitude and recommend that while the Ministry of Commerce should not hesitate to bring to book the corrupt officers in the Custodian's office at the earliest opportunity, all possible encouragement and incentives should be provided to the concerned officers for efficient, objective and speedy disposal of claims of Indian nationals/migrants whose assets have been seized by the Government of Pakistan so that these nationals/migrants are not put to undue harassment.

E. Expenditure on Relief and Rehabilitation

1.49 Central Government is stated to have incurred so far (November, 1988) an expenditure of Rs. 745.56 crores on relief and rehabilitation of migrants from former East Pakistan. From 1964-65 to 1986-87 expenditure of Rs. 198.70 crores was incurred in the form of Grants-in-aid, Rs. 34.70 crores as loans and Rs. 291.56 crores as direct expenditure. Besides, an expenditure of Rs. 291.16 crores was incurred upto 31-3-1987 on relief operations in respect of refugees who came in the wake of liberation war in Bangladesh during the period from 26-3-1971 to 16-12-1971 and subsequently returned to Bangladesh.

1.50 As regards the amount of loans, the Ministry has stated that "on the recommendations of 8th Finance Commission, the outstanding balance against various State Governments as on 1-4-1985 of all rehabilitation loans sanctioned upto 31-3-1974 and entire relending loans sanctioned from 1-4-1974 to 31-3-1984 were written off."

1.51 According to the Ministry, the following amounts were expended as Grants on accounts of migrants from East Pakistan during 1964-65 to 1986-87 :—

(Rs. in crores)	
Years	Grants
1964-65	13.02
1965-66	6.41
1966-67	5.90
1967-68	9.64
1968-69	13.06
1969-70	10.30
1970-71	13.39
1971-72	8.70
1972-73	6.38
1973-74	6.07
1974-75	9.31
1975-76	9.86
1976-77	7.46
1977-78	6.84
1978-79	8.88
1979-80	5.26
1980-81	6.19
1981-82	12.91
1982-83	8.90
1983-84	8.43
1984-85	8.19
1985-86	6.40
1986-87	7.03
TOTAL	198.70

1.52 *Utilization of Grants:* Asked to indicate the extent to which expenditure incurred each year in the form of grant-in-aid was supported by audit certificates (i) without objections (ii) with objections, and (iii) the extent to which audit objections have since been settled, the Ministry has stated in a written answer that as per earlier procedure, the State Governments were claiming reimbursement of Grants-in-aid, through the State A.Gs. on the basis of audited figures during the first three quarters of a financial year. For the fourth quarter, however, they were claiming the

anticipated expenditure without prior audit subject to necessary readjustment after audit in the course of the next year. According to the Ministry, this procedure continued upto the year 1968-69 and thus no audit certificates are due from various State Governments upto that year. The Ministry has further stated that as there were lot of difficulties in prior audit of the expenditure, the above procedure was revised in consultation with C and AG of India and the State Governments were allowed to claim reimbursement on the basis of anticipated expenditure during the last quarter. They were, however, to furnish audit certificates later on half-yearly basis. According to the Ministry, "No separate statistics of audit certificates furnished in the case of displaced persons from former East Pakistan from 1969-70 to 1987 are available."

1.53 As regards audit objections, the State Governments are stated themselves to be taking care of the same and the objections are not, generally, being communicated by State A.Gs. to the Ministry which has asserted that the State Governments themselves are to ensure expeditious settlement of audit objections.

1.54 The Ministry has furnished to the Committee the following statement showing amount reimbursed to major States during 1969-70 to 1987-88 for various categories of displaced persons and repatriates and audit certificates furnished by them against the same :—

(Rs. in crores)		
State	Amount reimbursed	Audit certificate received
Andhra Pradesh	3.64	3.51
Bihar	5.02	4.96
Karnataka	2.50	1.63
Madhya Pradesh	16.34	13.76
Orissa	77.41	55.59
(Includes amount reimbursed for Potteru Irrigation Project)		
Tamil Nadu	26.86	24.12
Rajasthan	23.43	23.18
Uttar Pradesh	3.12	2.08
West Bengal	123.91	64.68
(Includes expenditure on evacuees from Bangladesh)		
Gujarat	3.53	3.05
Assam	7.14	6.46
Maharashtra	7.43	6.01
Meghalaya	14.61	12.08
Tripura	21.87	21.57

1.55 Asked during evidence whether the utilisation of Central assistance to the State Governments with regard to migrants from former East Pakistan was being monitored by the Ministry on the basis of audit certificates, the Financial Advisor to the Ministry replied :—

“Audited Certificates are being insisted on for the portion of grants (in-aid only). For the loan portion we are not insisting on audit certificates.”

1.56 When asked as to how the Ministry ensured, in absence of spot verification that funds provided by the Centre for rehabilitation of migrants were not diverted for other purposes, the Home Secretary explained :—

“One way is when the State Government gives you the verification report. When they say they have spent this much of money, we have to take them at their face value. If the State Government has not made the correct statement, the audited statement exposes it.”

1.57 Asked whether the audit certificates were being received by the Government within a reasonable period of time, the Financial Advisor stated that the certificates come to departments “any time from one time to 3 years.”

1.58 Referring to the amount of Rs. 64.68 crores only for which audit certificates had been received so far by the Ministry, as against Rs. 123.91 crores reimbursed as grants-in-aid to West Bengal State from 1969-79 to 1987-88, the witness replied :—

“The amount which has been mentioned is for acquisition of land for on going projects where Rs. 85 crores will be spent. No loans will be given as this grant is for the regularisation of the squatters colonies. It will be completed in a period of four years and the total expenditure will be Rs. 85 crores. But with the amount that we have released the State Government has only set up the infrastructure by acquiring the land. We will find out the progress of expenditure and on the basis of that the demand for 1988-89 will be released.”

1.59 In a post evidence note, the Ministry has explained the reasons for not maintaining the statistics regarding utilisation of Grants-in-aid with regard to migrants from East Pakistan in the following words :—

“The State Governments are generally slow in sending the claims and also considerable time is taken in audit of the expenditure. Further, whereas some State A.Gs. used to issue consolidated audit certificates, others used to do it in a piecemeal manner. Also, while furnishing the audit certificates, sometimes, some

A.Gs. combined the audit certificates for more than one category of DPS/repatriates with the result that it became difficult to keep the distinction category-wise. Keeping these difficulties in view, the position was reviewed by us and with the approval of Comptroller & Auditor General of India, the procedure was modified from 1981-82 and a revised proforma of audit certificate was prescribed to the State Governments/State A.Gs. Due to the reasons explained above, no statistics regarding audit certificates, furnished by State Governments separately for DPs from former East Pakistan, could be maintained."

1.60 In the case of the amount of Rs. 123.91 crores released as grants-in-aid to Government of West Bengal during 1969-70 to 1987-88 for which audit certificates had been received for Rs. 64.68 crores only, the Ministry has stated that it includes an amount of Rs. 110.57 crores, which was released to them on account for expenditure on evacuees from Bangladesh. As per information available with the Ministry, an amount of Rs. 21.34 crores was lying unspent with West Bengal Government. Efforts were made by the Centre to recover this amount but the State Government filed a case in the Supreme Court. The matter was referred to Ministry of Law and based on their advice, an amount of Rs. 14.53 crores has since been adjusted against the unspent balance, and only an amount of Rs. 6.81 crores still remains to be adjusted. The Ministry has further informed the Committee that against the expenditure of Rs. 89.23 crores incurred by the Government of West Bengal, the State A.G. has admitted an expenditure of Rs. 55.80 crores only. Rest of the expenditure is reported to be under objection. The Government of West Bengal is stated to be making efforts to settle these audit objections. In the latest reference received from them by the Ministry, State Government have intimated that objections covering an amount of Rs. 14.41 crores have been settled. The confirmation from A.Gs, however, awaited by the Ministry.

1.61 During 1986-87, an amount of Rs. 125.11 lakhs is stated to have been released by the Ministry to Government of West Bengal as grant-in-aid for acquisition of land in the squatters' colonies etc. As per procedure, the expenditure during first three quarters was reimbursed on the basis of actual expenditure reported by the State Government and during the fourth quarter, on the basis of anticipated expenditure. As reported by the State Government, out of the fourth quarter's anticipated claim, they could utilise the entire amount except for Rs. 7.96,760/-. This unspent amount is stated to have been adjusted against their claims during 1987-88.

1.62 During 1987-88, an amount of Rs. 163.75 lakhs including the unspent amount of Rs. 7,96,760/- was released by the Centre to Government of West Bengal towards expenditure on staff and on acquisition of land. According to the Ministry, the amount released was Rs. 9.31 lakhs less than what was claimed by the State Government. This was done since the State Government had not furnished certain clarifications sought by the Ministry. The same are stated to have now been furnished and the claim of the State Government is under consideration. "Thus, it may be seen that no amount, released during 1986-87 and 1987-88, is lying unspent with the State Government and the question of any recovery does not arise."

1.63 The Committee find it very astonishing that while huge amounts have been provided by the Central Government as grants-in-aid to States for Rehabilitation of Migrants from former East Pakistan during the years from 1964-65 to 1986-87, the Rehabilitation Division of the Ministry of Home-Affairs has not authentic information relating to the utilisation of these grants. The Committee feel that the responsibility of the Government cannot be considered to be over just after reimbursing to the State Governments the grants for aforesaid migrants. It is also essential for the Ministry to keep a constant watch over the actual utilisation of these funds by each State from year to year. It is disquieting to note that the Ministry has continued to abdicate its own responsibility by leaving the matter entirely to the State Accountants-General and State Governments concerned, and not attempted to monitor the utilisation of the aforesaid Grants even on an ex-post-facto basis. This is clearly indicative of the fact that the issue has not been given the serious attention it deserved. While viewing this situation with great concern, the Committee desire that the Ministry must immediately take appropriate steps to compile the figures regarding the actual extent to which the Grants-in-aid of Rs. 198.70 crores disbursed by it during the period 1964-65 to 1986-87 for aforesaid migrants have been factually utilised by State Governments and furnish this information to the Committee positively within 6 months of the presentation of this report along with the statistical information relating to the figures of expenditure supported by Audit Certificates and the amounts held under objection, unutilised or surrendered.

1.64 The Committee note that out of Rs. 123.91 crores sanctioned as Grants by the Ministry to West Bengal Government during the period from 1969-70 to 1987-88 for various categories of displaced persons and repatriates, audit certificates have so far been received by the Ministry for Rs. 60.68 crore only (i.e. 52%) and out of Rs. 21.34 crores lying unutilised by the State Government "as per information available" with the Ministry, a sum of Rs. 14.63 crores only has since been adjusted and an amount of Rs. 6.81 crores still remains to be adjusted. The Committee further note that against the expenditure of Rs. 89.23 crores actually incurred by the State Government, the State A.G. has admitted an expenditure of Rs. 55.80 crores only and form out of the balance expenditure of Rs. 33.43 crores, objections covering an amount of Rs. 14.41 crores only are reported by the State Government to have been settled, but are awaiting confirmation from the State A. G., leaving the balance of objected expenditure of Rs. 19.02 crores still unsettled.

1.65 Since the amount of grants to the State of West Bengal is substantial and position of utilisation certificates is far from satisfactory, the Committee urge that vigorous measures should be initiated by the Ministry to obtain audit certificates for the entire amounts of the Grants to accurately assess, in conjunction with State A. G. concerned the amounts of the aforesaid Grants (i) utilised by the State Government with unconditional audit certificates (ii) expenditure thereof objected to by Audit and steps taken to settle the objections, and (iii) unspent balances thereof lying with State Government. Steps should also be taken to readjust/recover these balances. The Committee would like to be apprised of the latest position in this regard.

F. Per capita Expenditure on Rehabilitation

1.66. Asked to state the per capita expenditure incurred by the Government so far on rehabilitation of Migrants from former East Pakistan, the Ministry has stated that on 41.17 lakh old migrants and 5.14 lakh new migrants, an expenditure of Rs. 74,556 crores has been incurred, which excludes the expenditure incurred by the Ministries of Urban Development, Health and Family Welfare and Commerce. The per capita expenditure on displaced persons from former East Pakistan thus works out to be Rs. 1609/- as far as Rehabilitation Division is concerned.

1.67 The Committee note that an expenditure of Rs. 745.56 crores has been incurred by the Government so far on relief and rehabilitation of Old and New Migrants from former East Pakistan *excluding* the expenditure incurred in this regard by the Ministries of Commerce, Urban development and Health and Family Welfare, bringing the per capita expenditure on former East Pakistan Migrants to as much as Rs. 1609/-.

1.68 The Committee, recommend that Government should work out very early the total expenditure incurred by the Government upto 31-3-1968, including that of the Ministries of Commerce, Urban Development and Health and Welfare on relief and rehabilitation of migrants from former East Pakistan, as also the per capita expenditure based thereon, for information of the Committee and incorporate the same in subsequent Annual Report of the Ministry of Home Affairs for information of the organisations of migrants from former East Pakistan.

G. Plan targets and achievements

1.69 The Ministry has supplied to the Committee the following four tables on the targets, achievements and reasons for shortfalls in rehabilitation of migrants from former East Pakistan from Fifth Plan onwards:—

(i) FIFTH PLAN (1974-79)

FINANCIAL

S. No.	Items	Approved Outlay	Actual Expenditure
		(Rs. in crores)	
1	New Migrants		
	(a) Agriculture	8.52	} 12.04
	(b) Non-agriculture	4.99	
2.	Old Migrants	8.42*	4.92
3.	Dandakaranya Project	25.54	35.41
		45.47	52.37

*Does not include Rs. 8.68 crores for 'Other facilities' under residuary problems in West Bengal, which had been transferred to other Ministries.

PHYSICAL

S. No.	Items	Target	Achievements
			(No. of families)
1	New Migrants		
	(a) Agriculture	6,463	5,881(A)
	(b) Non-Agriculture	5,545	6,801
2	Old Migrants	731	706
3	Dandakaranya Project	9,120	5,389(B)
		21,859	18,777

Reasons for shortfalls :

- (A) Shortfall is due to land not being made available by some of the State Governments
 (B) Shortfall was due to large-scale desertion of the families and their late return to the Project.

(ii) ANNUAL PLAN (1979-80)

FINANCIAL

S. No.	Items	Approved Outlay	Actual Expenditure
			(Rs. in crores)
1	New Migrants		
	(a) Agriculture	3.31	2.12
	(b) Non-agriculture		
2	Old Migrants	0.67	0.43
3	Dandakaranya Project	16.02	8.22
		20.00	10.77

PHYSICAL

S. No.	Items	Target	Achievement
			(No. of families)
1	New Migrants		
	(a) Agriculture	758	506(A)
	(b) Non-agriculture	345	127(B)
2	Old Migrants	1,150	305(C)
3	Dandakaranya Project	2,200	207(D)
		4,453	1,145

Reasons for shortfalls :

- (A) Due to land not having been made available by some of the State Governments.
- (B) Shortfall in achievement was due to slow progress made by the State Govts. in implementing the schemes.
- (C) Shortfall was due to slow progress in acquisition of and due to legal complications.
- (D) The resettlement programme during the year under report was curtailed in order to supply bullocks to deserter returnee families.

(iii) SIXTH PLAN (1980-85)

FINANCIAL

S. No.	Items	Outlay	Actual Expenditure
			(Rs. in crores)
1	New Migrants		
	(a) Agriculture	3.85	5.83
	(b) Non-agriculture	1.00	
2	Old Migrants	11.86	2.55
3	Rehabilitation Industries Corporation Ltd.	0.10	1.17
4	Dandakaranya Project	79.67	59.90
		96.49	69.45

PHYSICAL

S. No	Items	Target	Achievement
1	New Migrants		
	(a) Agriculture	1,840	1,168(A)
	(b) Non-agriculture	1,080	468(B)
2	Old Migrants	4,006	1,844(C)
3	Dandakaranya Project	6,891	5,854(D)
		13,837	8,634

Reasons for shortfalls :

- (A) Shortfall was due to non-availability of land in Uttar Pradesh and Maharashtra.
- (B) Due to shortage of urban land with necessary infrastructural facilities and closure of Madan Spinning Mills where the families were to be settled.
- (C) Mainly due to slow progress in acquisition of land for ex-camp site families due to legal complications and due to slow verification of eligibility of enclave migrant families by Government of West Bengal.
- (D) Mainly due to slow progress of reclamation work owing to shortage of labour for manual reclamation and encroachment of reclaimed land by tribals.

(iv) SEVENTH PLAN (1985-90)

FINANCIAL

S. No.	Items	Outlay	Actual Expenditure upto 1987-88
		(Rs. in crores)	
1	New Migrants		
	(a) Agriculture	7.41	2.36
	(b) Non-agriculture	0.40	0.22
2	Old Migrants	3.20	2.34
3	Rehabilitation Industries Corporation Ltd.	0.36	0.20
4	Dandakaranya Project	57.27	16.80
		68.64	22.08

PHYSICAL

S. No.	Items	Target	Achievement
1	New Migrants		(No. of families)
	(a) Agriculture	350	269(A)
	(b) Non-agriculture	200	284
2	Old Migrants /	1,675	639(B)
3	Dandakaranya Project	600	279(C)
		<u>2,825</u>	<u>1,471</u>

Reasons for shortfalls :

- (A) Due to non-availability of land and non-formulation of schemes by the Government of Uttar Pradesh for settlement of the displaced persons families.
- (B) Due to encroachment of land by non-displaced person families no families were settled in Bagjola Camp site. Also there was difficulty in purchasing land as a result of rise in cost of land.
- (C) Due to normalisation of the activities of the Project and non-availability of land for resettlement.

1.70 The Committee will deal with the reasons for shortfalls in achievement of Plan targets, 5th Plan onwards separately in the respective chapters that follow. In this paragraph the Committee would like to only point out in the first instance, the apparent discrepancy in the arrears of rehabilitation as cited by the Ministry. In the Preliminary Material the Ministry has indicated on 8-7-1988 that the number of families still "awaiting resettlement" as on 3-12-1987 was 431 (UP-159, M.P.-272) of which 103 families belonged to Madan Industries families and the rest to "Permanent Liability Home" families. In its tables on Plan targets and achievements, the Ministry has subsequently shown an achievement of 1471 families upto 31-3-1988 against a target of 2825 families under the 7th Five Year Plan, which leaves as many as 1354 families still to be rehabilitated during the remaining period of the said Plan. From this discrepancy it is clear that the Ministry has not shared with the Committee the accurate figures regarding the official arrears of rehabilitation of Migrants from former East Pakistan. The Committee desire that the Ministry should check up their figures in this regard, resolve the discrepancy indicated above and furnish to them the accurate figures indicating various categories of Old and New Migrants still awaiting resettlement/rehabilitation.

1.71 The Committee are particularly distressed to note that all along the past 30 years the Government has not been able to rehabilitate all the Old Migrant families who had migrated to India upto March 1958 of whom out of the target of 1675 families only 639 families have been rehabilitated so far under the 7th Plan. The Committee are no less disappointed to note that admittedly there are still arrears of rehabilitation even in Dandakaranya Project established in 1958 which is still being administered by the Central Government, and which has an achievement of 279 families so far against the target of 600 families, presumably including Old migrant families also, in the current Plan. The Committee strongly recommend that the Government should accord high priority to liquidate the arrears with regard to rehabilitation of Old Migrant families stationed in all the regions and the migrants of both the categories in Dandakaranya Project.

H. Communication gap between Migrants and Rehabilitation Authorities

1.72 In their 2nd Report (1980-81) the Estimates Committee had observed as under with regard to Dandakaranya Development Authority :—

“From the reply of Government, it is evident that there was no institutional arrangement at Sub-Zone, Zone and Project levels to involve representatives of the settlers in the rehabilitation Programme and it is only now that Government are contemplating to form Coordination Committees at these levels. The Committee would like to emphasize that the Coordination Committees consisting of representatives of settlers, social workers & DDA. officers be set up at various levels without delay to review the problems of settlers and accelerate their rehabilitation.”

1.73 Asked whether there were at present any institutional arrangements at Sub-Zone, Zone, and project levels for communication, coordination and resolution of problems between the migrants and authorities concerned at various major rehabilitation sites in the country, the Ministry has stated that Multi-purpose Cooperative Societies and Coordination Committees at the Sub-Zone, Zone and Project Levels were formed in the Dandakaranya Project, the biggest Rehabilitation Project and representatives of the displaced persons were associated in these Committees for the implementation and review of Project programmes. These Committees helped in resolving the problems and grievances of settlers.

1.74 The Ministry has added that in other cases rehabilitation assistance is extended to the families through the State Governments. The Government of India has sanctioned staff in various States for attending to relief and rehabilitation work in the Headquarters/Districts. The migrants are free to approach the Rehabilitation Authorities at all levels and also approach the State Government and Central Government for the redressal of their grievances by appearing in person or through petitions. Representations received from migrants in the Government of India are referred to the State Government for appropriate action. This system has proved to be adequate.

1.75 From the material placed before the Committee it is clear that whereas the Coordination Committees including representatives of migrant settlers, were formed in Dandakaranya Project in some sub-zones/zones for sometime around 1980-81, these committees are practically defunct now in the Project area. The Committee further note that in rehabilitation sites outside Dandakaranya Project, there has not even been an attempt by the Ministry/State Government concerned to have an institutional arrangement for communication between migrants and rehabilitation authorities depending solely in this regard on the discretions of the staff deployed for rehabilitation work or the "freedom" of migrants to approach the rehabilitation authorities concerned. The Committee regard this arrangement as extremely poor and inadequate in view of the widespread complaints to them of the deficiencies in the work of rehabilitation of migrants not only in West Bengal, but in the Dandakaranya region and other States also. The Committee, therefore, strongly recommend that efforts should be made by the rehabilitation authorities under both the Central and State Governments at all the major rehabilitation sites in the country to have some institutional arrangement including the representatives of migrants with a view to enable them to place their peculiar problems and grievances in proper perspective before the rehabilitation authorities for speedy resolution

1. Review of Rehabilitation Work

1.76 The Ministry has stated that pending matters relating to the rehabilitation of old and new migrants who arrived in India from former East Pakistan have been reviewed from time to time in Ministers' Conferences, Meetings of officers e.c. However a working Group on the Residual Problem of Rehabilitation of displaced persons in West Bengal submitted its report in March, 1976 and its recommendations were, by and large, accepted by the Government. Details of major recommendations and action taken thereon as indicated by the Ministry have been dealt with in the Chapter on Rehabilitation in West Bengal.

1.77 The Committee asked the Ministry whether the Union Government had conducted during the last 10 years any formal and integrated review of the rehabilitation of migrants from East Bengal in all the States/areas apart from the "Report of the Working Group on the Residual Problem of Rehabilitation in West Bengal." In a written answer the Ministry has stated that the major chunk of migrant families (36, 776 families) was settled in the Dandakaranya Project and, Dandakaranya Development Authority had been meeting once or twice every year to review the progress of schemes. In regard to the smaller schemes in different States, no formal committees were established but the progress of schemes was taken into consideration at the time of Annual Plan formulation.

1.78 Asked specifically during evidence why an integrated and comprehensive review of the problem in all regions had not been made by the Union Government during the last 10 years the Home Secretary replied :--

"I would draw your attention to the exercise on the Dandakaranya Project, 1978 done by Estimates Committee itself. Apart from that, from time to time the schemes are reviewed by various mechanisms. If you ask me to identify one particular comprehensive evaluation exercise, I would probably say 'no'. There was a Committee of Review which did some exercise regarding residual problem of rehabilitation...."

1.79 The Committee are distressed to note that while on Governments own admission the work of rehabilitation of "Old migrants" is far from complete in West Bengal, the position of "resettlement" of both old and new migrants from former East Pakistan in States/areas other than West Bengal is also not different. The Committee are of the firm view that the resettlement/rehabilitation of migrants from former East Pakistan cannot be deemed to be full and complete until and unless the Ministry of Home affairs (Rehabilitation Division) categorically satisfy the Committee, among other things that all the Old and New Migrant families claimed to have been settled/rehabilitated in various parts of the country have been actually allotted homestead plots, those migrant families who have been settled an agriculture have been actually allotted agricultural land according to scales prescribed from time to time, and full ownership rights have been conferred to these migrants for both the agricultural land and homestead plots allotted to them. Such gut issues have been side-tracked or inadequately answered in the material supplied to the Committee by the Ministry and the written and oral answers given to the Committee during evidence by its representatives as will be evident from all the Chapters of the Report. The Ministry's refrain all along has been to spin out the unrealistic theory that only the "residuary problem" of migrants in West Bengal remains to be settled.

1.80 In view of the above, the Committee strongly recommend that an expert, comprehensive and integrated review of the rehabilitation of both Old and New migrants in various parts of the country by the Government of India is now long over due and should be conducted without any further delay, with a view to discern the actual position on the ground, of migrants supposed by the Government to have already been settled and merged with the mainstream as also to suggest measures to expeditiously clear the actual arrears of rehabilitation work in all the States/areas where the migrants from East Bengal are stationed. The Committee *do not* regard their Report on Dandakaranya Project in 1978 and subsequent exercise by a Government Committee of Review of "Residual problems of rehabilitation" as substitutes for the comprehensive review of the problem by Government recommended above. The Committee desire that immediate steps should be taken to commence a comprehensive review, complete it on a time-bound basis and Parliament informed of its conclusions and action taken by the Central Government thereon, within six months of the presentation of this Report.

J. Rehabilitation Reclamation Organisation

1.81 The activities of the Reclamation Organisation for reclamation of land in various rehabilitation projects were completed by May, 1979. It was decided in May, 1979 to wind up the Organisation in phases. The Organisation was wound up on 30-9-1988. The total expenditure

incurred by Government on the Organisation upto date is Rs. 23.84 crores. Between its inception on 1-11-1964 and November 1981, the Organisation reclaimed 71,903,25 hectares of land. In addition the Units deployed on earth moving and agency work put in 4,05,174,75 hours,

1.82 According to the Ministry, the purchase price of the machinery/stores of Rehabilitation Reclamation Organisation transferred to the State Governments/Dandakaranya Project and Public Sector Undertakings was of the order of Rs. 27.27 lakhs. "No minimum Reserve Price was determined for these machinery/stores." The Ministry has further stated that the D.G.S.& D. disposed of surplus machinery with Minimum Reserve Price worth Rs. 69.94 lakhs for about Rs. 40.49 lakhs. The Special Surplus RRO Disposal Committee which functioned from August 1983 to June 1987 disposed of machinery and stores with Minimum Reserve Price worth over Rs. 4.00 crores for about Rs. 97 lakhs. It is relevant to mention that all serviceable machinery and stores were transferred to the various State Governments, Dandakaranya Project and Public Sector Undertakings. The machinery and stores which were not accepted by any State Govt./Public Sector Undertaking, were scrap/unserviceable/obsolete and had to be sold below minimum Reserve Price with a view to avoiding wasteful expenditure on staff. The Special Surplus RRO Disposal Committee was wound up on 30-6-1987. At that time machinery/stores with Minimum Reserve Price worth Rs. 4.06 lakhs were left for disposal. These were disposed of by the Divisional Engineer and Administrative Officer RRO by inviting tenders which realised Rs. 3.16 lakhs. Some machinery and stores were disposed of during 1987 and the balance during June to September, 1988.

1.83 The Ministry's contention that the surplus machinery and stores of the Rehabilitation Reclamation Organisation which were not accepted by any State Government/Public Sector Undertaking were "scrap/unserviceable/obsolete" is not borne out by the facts. Had these stores been such scrap etc, the DGS&D would not have been able to dispose of the surplus machinery not accepted by any State Government/Public Sector undertakings with Minimum Reserve Price worth Rs. 69.94 lakhs for about Rs. 40.49 lakhs (57.9% of MRP), and the Divisional Engineer and Administrative Officer of RRO could not have disposed of similar machinery and Stores with M.R.P. worth Rs. 4.06 lakhs which could not be disposed of by Special Surplus R.R.O. Disposal Committee, by inviting tenders which realised Rs. 3.16 lakhs (77.8% of MRP). In contrast, the Special Surplus RRO Disposal Committee itself which functioned from 17th August, 1983 to 30th June, 1987 disposed of similar machinery and stores with M.R.P. worth over Rs. 4.00 crores for a pittance of just about Rs. 97 lakhs only (24.3% of MRP). While the losses on the basis of Minimum Reserve Price incurred in the three transactions were Rs. 29.45 lakhs, Rs. 90 thousand and Rs. 303 lakhs respectively totalling to a colossal loss of Rs. 333.35 lakhs, the loss of Rs. 303.00 lakhs incurred in the disposal of the machinery and stores by the specially constituted Committee for the purpose is extremely unjustifiable as even a Departmental Divisional Engineer had performed better than the former. The Committee therefore, strongly recommend that the performance of the Special Surplus RRO Disposal Committee in disposing of the aforesaid machinery and stores should be evaluated afresh and suitable action taken, if necessary, and the Committee apprised of the conclusions of the evaluation.

CHAPTER II

REHABILITATION OF MIGRANTS IN WEST BENGAL

A. An Overview

2.1 According to the Ministry of Home Affairs, 4,87,000 "Old Migrant" Families were settled in West Bengal and a "substantial number" of the migrants in the State had "been given rehabilitation assistance in one form or other upto " 1960-61. The Ministry has also stated that 6 lakhs "New Migrants" stayed on in West Bengal and refused to move out and accordingly they were made ineligible for relief and rehabilitation assistance as the State was not in a position to take any more displaced persons, a saturation point having been reached there. The Ministry has further stated that although relief and rehabilitation assistance was not admissible to these families, no discrimination was made against them "in regard to regularisation of squatters' colonies approved by the Central Government, age and fee concession for employment in Government service, medical and educational facilities." The nature and size of the residuary problem of rehabilitation in West Bengal is stated to have been assessed from time to time in consultation with the State Government, the last of such assessment having been undertaken in 1975-76 by the working group set up by the Government of India. Based on the recommendations of the Group, as accepted by the Government, various Schemes were sanctioned. The Schemes relating to educational and medical facilities to them have since been completed. Schemes for (i) Acquisition of land for Government sponsored and Pre-1950 and Post-1950 approved squatters' colonies, ex-camp site families, (ii) grant of house building loans to ex-camp site families and (iii) rehabilitation of families from Indian Enclaves in former East Pakistan (now Bangladesh) are being implemented. During 1986-87, the Government of West Bengal was permitted to allot land on lease-hold basis or free-hold basis to displaced persons in urban areas of West Bengal in conformity with their own policy in respective urban areas. The State Government has since started distribution of free-hold titles. Also 607 squatters' colonies set up between 1-1-1951 and 25-3-1971 were regularised for which the State Government is required to acquire 142968 acres of land, including lands belonging to Central Government Departments, at a total cost of Rs. 84.36 crores. The programme is to be implemented in 5 years' time and additional staff has been sanctioned for the same. However, from the progress made so far, the Ministry expects that here could be time over-run in the implementation of the scheme. Again the target of 62 colonies for 1987-88, possession had been taken only in respect of 25 cases. As regards distribution of title deeds, against the annual revised target of 24015 deeds, the State Government could distribute only 17096 during 1987-88.

2.2 Branch Secretariat Calcutta :—The Branch Secretariat of the Ministry of Home Affairs (Rehabilitation Division) is stated to have been set up at Calcutta in January, 1987 to ensure proper monitoring and evaluation of the Centrally sponsored Rehabilitation Programme in respect of Displaced Persons from former East Pakistan, in West Bengal. The decision to set up the Branch Secretariat is stated to have been taken up by the Central Government of its own without consulting the State Government in the matter. With the filling up the post of Deputy Secretary in the Branch Secretariat with effect from 5th September, 1988, the Ministry expects that the Branch Secretariat will be able to play a useful role in monitoring the Centrally sponsored rehabilitation programmes in West Bengal and also in feeding information to the Ministry through various reports/returns. The State Government has been requested to extend the full cooperation.

2.3 The following posts have been filled up in the Branch Secretariat on the date indicated against each :

(i) *Desk Officer* (2 posts) :

One post was filled up on	2-5-1988
The second was filled up on	27-6-1988

(ii) *UDC* (2 posts) :

One post was filled up on	12-6-1988
The second post was filled up on	4-8-1988

(iii) *Stenographer* (2 posts) :

One post was filled up on	16-6-1988
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For the second post a requisition has been sent to the Department of Personnel and Training

(iv) *LDC* (one post) :

The post was filled up on	27-2-1987
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(v) *Daftary* (one post) :

The post was filled up on	29-8-1988
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(vi) *Peons* (Two posts) :

One post was filled up on	7-9-1988
The second post was filled up on	8-9-1988

2.4 Central assistance to West Bengal Government :—The Ministry has supplied the following figures on assistance provided by the Centre

to West Bengal Government during the last 5 years of rehabilitation migrants :—

(Rs. in lakhs)						
Year	Amount asked for by Govt. of West Bengal through their budget proposals		Amount actually earmarked in the Budget		Amount actually released by Central Government	
	Grants	Loans	Grants	Loans	Grants	Loans
1983-84	270.28	68.34	77.00	50.00	40.00	35.00
1984-85	550.03	91.00	62.00	55.00	53.39	55.00
1985-86	609.73	74.95	110.00	60.00	21.85	55.00
1986-87	629.13	70.00	90.00	45.00	125.11	..
1987-88	791.96	50.00	200.74	20.00	155.68	

2.5 During 1983-84, 1984-85, 1985-86 and 1987-88, lesser amounts as Grants-in-aid are stated to have been released to Government of West Bengal depending on the progress made by them in implementation of the sanctioned schemes and actual expenditure incurred by them. During 1983-84 and 1985-86, lesser amounts of loans are stated to have been released for the same reasons.

2.6 An amount of Rs. 125.11 lakhs is stated to have been released as grant during 1986-87, against the original budget of Rs. 90 lakhs only by reappropriating savings from other schemes. Additional funds were required by the State Government as they had to make payment in more cases of acquisition of land than was anticipated.

2.7 No loans are stated to have been released to Government of West Bengal during 1986-1987 and 1987-88 since the State Government was carrying forward unspent balance of loans released during the earlier years.

B. Rehabilitation of old migrants in the State

2.8 An All India body of East Bengal migrants has represented to the Committee that 1000 families of old migrants in Parla Camp, and 400 families of old migrants in Laxmi Narain Area, 360 families of old migrants in Uro Camp (Port Sako) in Burdwan Distt., and 1963 families of old migrants in Vishanapur and Bankura are among the numerous migrants from East Bengal still "requiring proper rehabilitation" in West Bengal.

2.9 Of the 4,87,000 old migrant families stated to have been provided rehabilitation assistance in West Bengal, the Ministry was asked as to show many families (i) have been fully rehabilitated so far as per approved scales of rehabilitation assistance, and (ii) are still left in temporary shelters for subsequent rehabilitation? The Ministry has informed the Committee in a written answer that in respect of "old migrant" families in West Bengal, rehabilitation schemes have been executed by the Government of West Bengal and funds provided by the Central Government. "The State Government were free to provide rehabilitation assistance to eligible families in accordance with the approved scales prescribed by the Government of India. As per information collected from the State Government, assistance in one form or other had already been given to 4,87,000 families, in earlier years." The rehabilitation problem of these migrants is stated to have been reviewed in various Committees from time to time and necessary corrective steps taken, both by the Central and State Government wherever called for. According to the Ministry, "these Old migrant families are considered to have assimilated themselves with the local population and there are no arrears relating to grant of rehabilitation assistance concerning these families except for some residuary problems like regularisation of Squatter's Colonies, grant of house building loans to ex-camp site families, rehabilitation of families from Indian enclaves in former East Pakistan and distribution of title deeds."

2.10 Asked to state the number of migrant families settled in Agriculture, the Ministry has stated that as per information furnished to the Working Group by the State Government, there was 1.36 lakhs agriculturist migrant families in West Bengal who had received assistance in various forms. The remaining families are stated to have been given assistance in non-agricultural occupations. Scale of land allotment was upto a maximum of 3 acres per family. The Ministry has added that the information regarding total land allotted to migrants "is not available." On the nature of ownership rights granted to allottees of agricultural land the Ministry had informed the Committee that as per instructions issued by the Central Government, "families settled in rural areas are to be given free-hold titles. In regard to number of title deeds issued, for agricultural land, the State Government have not furnished the information."

2.11 Asked to state clearly the number of Old Migrant families who were provided rehabilitation assistance in the form of agricultural land allotted to them and the number of families thereof who have been issued title deeds for agricultural land allotted to them and nature of ownership rights conferred on them the Ministry has informed the Committee that "the State Government is not in a position to furnish this information."

2.12 The Committee note that of the 4,87,000 "Old Migrant" families claimed to have been given rehabilitation assistance "in one form or another" in West Bengal, the Ministry or the State Government are "not in a position" to give the Committee even the rudimentary details thereof, namely, as to the number of these families which have been actually rehabilitated, say, in agriculture and otherwise in accordance with the then prevailing approved scales of assistance, the number of such families who have been issued title deeds for the agricultural land allotted to them and the nature of ownership rights conferred on such old migrant allottees. The Committee further note that of old migrant families given rehabilitation

assistance in the State, 1.36 lakhs families are stated to be agriculturists whose precise mode of rehabilitation is doubtful. The Committee also note from the succeeding paragraphs that a majority of old migrant families settled in Government sponsored and approved squatters colonies in the State are yet to be granted titles for ownership of homestead plots allotted or to be allotted to them after completion of the hard and slow process of acquisition of land in squatters colonies which also accommodate most of the 6 lakh New Migrants who have refused to move out of the State and forfeited any direct rehabilitation assistance. In view of these facts the Committee do not agree with the Ministry's stance that barring "residuary problems" "there are no arrears relating to grant of rehabilitation assistance" to old migrants in the State who are claimed to have since "assimilated themselves with the local population". The Committee are distressed to note this casual approach of the Government. Now that a Branch Secretariat has been opened at Calcutta to monitor the ongoing schemes in the State, the Ministry must now persuade the State Government and manage to obtain from it accurate data with regard to the actual number of families, precise nature and quantum of rehabilitation assistance actually provided to old migrants in the State so far, and supply the data to the Committee within 6 months of the presentation of this report.

C. Acquisition of land in Migrant Colonies in West Bengal

2.13 The Ministry has stated that the schemes for acquisition of land for Government sponsored colonies, Pre-1950 and Post-1950 approved squatters' colonies and Ex-camp-site families in West Bengal recommended to be continued by the Working Group in 1976 are being implemented".

2.14 A statement indicating the number of colonies under each of the aforesaid categories of colonies in West Bengal, the number of migrant families living in different types of colonies and the extent to which land has been acquired for allotment to migrants in these colonies, as furnished by the Ministry is, reproduced below :—

STATEMENT INDICATING THE NUMBER OF COLONIES/SITES OF MIGRANT COLONIES IN WEST BENGAL

Sl. No.	Category	Number of Colonies/sites	No. of migrant families (approx)	Land acquired in acres/progress in land acquisition	Remarks
1.	Pre-1951 Squatters' Colonies	149	30,000	2,200	
2.	Post-1950 Squatters' Colonies	175	16,000	Land acquisition is complete in 48 cases out of 106.	
3.	Post-1950 Squatters' Colonies	607	65,000	183.71	

1	2	3	4	5	6
4.	Ex-camp site families	74	9,270	Problem remaining is mainly with regard to 901 families of Bagjola.	
5.	Government sponsored colonies	663	1,22,000	85,000	

2.15 149 *Pre-1950 colonies* :—The State Government have reported to the Ministry that “land for these colonies has long since been acquired,” and 8959 free-hold title deeds had been distributed upto 31-10-1988 in these colonies.

2.16 175 *Post-1950 Colonies* :—Out of a total of 106 cases involving land acquisition in these colonies under West Bengal Land (Development and Planning) Act, 1948, providing for payment of land acquisition cost at 1946 prices, the State Government had reported that notification for acquisition had already issued in 90 cases of which land acquisition was complete in 48 cases. The acquisition was in progress in remaining cases and was expected to be completed by 1989-90.

2.17 The State Government had reported to the Ministry that they could not achieve the target owing to lengthy and time consuming procedure involved in acquisition of land at 1946 prices under the West Bengal Land (Development & Planning) Act, 1948. Hence, in order to speed up the acquisition process they sought Central Government's approval to acquire land in remaining 16 cases under the West Bengal Land (Requisition and Acquisition) Act, 1948 (Act II of 1948) under which compensation was payable at market rates. The Central Government had approved this proposal in April, 1988.

2.18 *Regularisation of 607 post-1950 colonies* :—In February, 1987 Centre is stated to have sanctioned Rs. 84.36 crores for acquisition of 1429.68 acres of land for 607 squatters colonies set up between 1-1-1951 and 25-3-1971. The State Government had sent a claim of Rs. 1.51 lakhs in respect of expenditure incurred on the acquisition of land during 1987. The entire amount is stated to have been released by Central Government in February, 1988. The scheme involves acquisition of 1429.68 acres of land, of which 320.41 acres were acquired by the State Government upto 30-11-1988. The balance land remaining to be acquired as on 1-12-1988 was thus 1109.27 acres. 2752 free hold title deeds are stated to have been distributed till 31-10-1988 in 607 category squatters' colonies.

2.19 The Central Government approved in February, 1987 these 607 squatters' colonies for regularisation subject to the condition that no further squatters colonies would be approved by it and on the basis of 3.75 cottahs per family. Cost in respect of excess areas will be borne by the migrant family wishing to retain excess in possession. A preliminary survey conducted by the State Government in 310 squatters colonies of 607 Group has revealed that in 51.9% cases the holdings were within 2.25 cottahs, the holdings between 2.25 cottahs to 3.75 cottahs accounted for 22.4% and in 15.4% cases between 3.75 to 5 cottahs. In 10.3% cases the holdings were reported to be above 5 cottahs.

2.20 As regards unequal areas of plots in possession of migrants the Ministry has stated that the displaced persons settled down on their own accord in private colonies and on any vacant land they could find. There was no planned or organised allotment. The unequal areas of plots came into existence because the areas squattered upon the individual families varied from family to family and availability of vacant land in a particular area.

2.21 The State Government have in the meantime issued orders enhancing the maximum ceiling of holding to 5 cottahs per family and have been requesting the Government of India to agree to the ceiling of 5 cottahs per family. The Government of India have *not* agreed to the enhanced ceiling and as per extant orders each family eligible to a maximum area of 3-3/4 cottahs only.

2.22 During the evidence, the representative of the Ministry of Home Affairs further informed the Committee :—

“From the Rehabilitation Division of the Home Ministry a team had gone and visited these colonies and they found in many cases there is no question of surrender because the houses built cover the entire plot. On the basis of the information supplied to the Home Ministry, the matter is under examination and the final decision has not been taken.”

2.23 The Ministry has supplied to the Committee the following details of squatters colonies located on Central/State Government lands :—

	No. of colonies in land belonging to Central Government Departments	No. of colonies in land belonging to State Government Department	No. of colonies in Khas/Vested land.	Remarks
(i) 607 Category squatters' colonies	75	51	409	
(ii) 175 Category squatters' colonies	18	31*	10	*Including 17 colonies located in the land belonging to State Refugee, Relief and Rehabilitation Department.
(iii) 149 Category Squatters' colonies	8	1		Not Available.

The above figures do not include the colonies located in private lands. The Ministry has stated that the exact information on the number of families settled and conferred title deeds colony-wise "is not forthcoming from the State Government."

2.24 In the context of shortfall in achieving targets with regard to acquisition of land for migrants colonies when the Committee asked as to why so much delay had taken place even with regard to acquisition of lands belonging to Government agencies, the representative of the Ministry of Home Affairs replied ---

"This problem of acquiring land belonging to the Central Government, Departments has been brought to our notice by the State Government. We have now quantified the extent of land that needs to be acquired from the various Government Departments. The total area involved is 567.04 acres. A major chunk of this belongs to the Railways because that is the place where people can very easily come and squat. The Railways account for 506.47 acres. The Defence lands which were mostly the camping sites under the control of Defence earlier, account for 30.47 acres: DVC account for 24.17 acres; Central Public Works Department accounts for 2.38 acres; LIC account for 2.06 acres and the Civil Aviation Department account for 1.50 acres. We know the problem. In the Home Ministry the initiative of calling all the other Departments concerned has started and a meeting was held on 19th September (1988) under the Chairmanship of the Home Secretary at that time. We have told all the Departments that they should give up this land in favour of the State Government. That means the lands are under the control of the particular Central Government Department. Those lands will be acquired by the State Government. We have also informed the State Governments that they should start the land acquisition process. We have told the State Governments that they should provide for money for acquisition purpose in the budget in the coming year. The only bottleneck at the time we had the meeting was some of these lands were not identified, some of these lands were not known to the Central Government Departments. Therefore, we have taken the initiative of writing to the Central Government Departments concerned. At Calcutta, we had some kind of a joint survey. After that, the extent of the land is known to us. We want the Central Government Departments also to be associated with this process in any manner that they like. They have assured of all kind of help. We expect that results would flow in the next three or four months."

2.25 A total budget allotment of Rs. 140 lakhs was stated to have been obtained for the year 1988-89 for land acquisition cases of all types of squatters' colonies of which Rs. 44.65 lakhs had been released to the State Government till 15th of December, 1988.

The State Government have further intimated to the Ministry that a monthly progress report in regard to land acquisition of these colonies has also been prescribed by the Branch Secretariat, Calcutta, to monitor the progress.

2.26 In a post-evidence note the Ministry has informed the Committee that while approving the scheme of regularisation of 607 Squatters' Colonies of Displaced Persons in February, 1987, the Cabinet had desired that the Department may also consider holding regular monitoring meetings involving Members of Parliament. Accordingly, a decision was taken to constitute a Monitoring Committee under the Chairmanship of the Minister of State in the Ministry of Home Affairs to monitor the implementation of this scheme and necessary resolution constituting this Committee was issued on 17th May, 1988. The present composition of the Committee is stated to be as follows :—

- | | |
|---|----------|
| (1) Shri Sontosh Mohan Dev, Minister of State in the Ministry of Home Affairs | Chairman |
| (2) Kum. Mamata Banerjee, M.P. | Member |
| (3) Shri Tarun Kanti Ghosh, M.P. | Member |
| (4) Shri Debi Ghosal, M.P. | Member |
| (5) Shri D.P. Ray, M.P. | Member |
| (6) Shri Bhubaneswer Kalita, M.P. | Member |
| (7) Smt. Bijoya Chakravarty, M.P. | Member |
| (8) Smt. Bibha Ghosh Goswami, M.P. | Member |

2.27 The terms of reference of the Committee are stated to be as follows :—

- (i) To monitor the progress of implementation of the scheme in relation to the targets fixed;
- (ii) To identify the bottlenecks in the smooth and timely implementation of the scheme and to make recommendations for remedial measures.

2.28 The Committee had held its first meeting on the 7th December, 1988. The following main decision were taken :—

- (i) The Committee had recommended that the maximum ceiling of homestead plot per family in the Squatters' Colonies in urban areas be enhanced to 5 cottahs ;
- (ii) the Members of the Committee would visit some squatters' colonies in West Bengal to make an on-the-spot study of the problem.

2.29 The State Level Monitoring Committee was set up by a Resolution of the Government of West Bengal on the 28th July, 1987 under the Chairmanship of the Chief Secretary to the Government of West Bengal for monitoring the progress of work relating to regularisation of Post-50 Squatters' Colonies of displaced persons in West Bengal. The Committee is to monitor progress of work in respect of acquisition/transfer of land, distribution of title deeds to the regularisable displaced persons within the stipulated frame of time. This Committee has held 3 meetings so far.

2.30 *Lease of homestead land in West Bengal* :—On a decision taken in 1974, old migrants in urban areas are stated to have been allotted land on lease-hold basis and those in rural areas on free hold basis. During 1986-87 the Government of West Bengal is stated to have been permitted to allot land to DPs in urban areas in West Bengal in conformity with their own policy in respective areas. The State Government has since started distribution of freehold titles. As regards the distribution of title deeds, against the revised annual target of 24015 deeds, the State Government could distribute only 16839 title deeds during 1987-88. Target for 1988-89 is stated to be 50375 deeds.

2.31 The State Government have reported to the Ministry that 1,21,881 Displaced Persons families were allotted 'plots in Government sponsored colonies and another 1,13,254 families "are being given" free hold rights on the plots under their occupation by way of regularisation of Pre-1951 and Post-1950 Squatters' colonies.

2.32 The Ministry has supplied to the Committee the following information regarding the number of migrant families settled in various categories of migrant colonies in West Bengal and the number of free-hold title deeds issued to them so far :—

S. No.	Category	No. of migrant families (approx.)	No. of free-hold title deeds issued upto 31-10-1988
1.	Government sponsored colonies	1,22,000	28,610
2.	Approved Squatters' Colonies (pre-1951 & Post-1950 colonies)	1,11,000	12,094

2.33 The Ministry has further informed the Committee that no distinction was made between old and new migrant in regard to regularisation of squatters' colonies and hence the figure also includes new migrant families. The Ministry has further observed that "as far as Central Government is concerned, there are no pending problems relating to allotment of homestead plots to any more old migrant families."

2.34 On the reported discrimination being made by State Government in granting ownership rights to allottees of homestead plots in migrant colonies, the Ministry has informed the Committee that the State Government issued instructions in 1986-87 (November, 1986 and January, 1987) for giving free-hold and permanent title deeds to the occupants of the D.P. colonies in urban/municipal areas in State Government's own land (viz. Vested, Khas and Departmental lands) and also in occupation of other lands such as land belonging to Government of India Departments or Government of India agencies, and land acquired/to be acquired by the State Government under statutory processes which will eventually be transferred to the State Government with the funds provided by the Government of India

and are presently under occupation of displaced persons. While laying down detailed guidelines in April, 1987 for implementing the above mentioned instructions, the State Government is stated to have clarified that the refugee settlers in Government sponsored, Pre-1951 Squatters' Colonies and Post-1950 colonies set up on vested/khas lands can be given free-hold title to their homestead plots right now whereas the refugee settlers in Post-1950 squatters' colonies on private lands will have to wait till their lands are acquired by the State Government.

2.35 According to the Ministry, the reasons for shortfall in issuing title deeds indicated by the State Government to the Ministry are :—

- (i) More emphasis was given on preparation of proposal for land acquisition and land transfer.
- (ii) Work started only in June/July, 1987 and there was dearth of staff as fresh recruitment took much time.
- (iii) In view of floods in some districts and Panchayat Elections, refugee rehabilitation work suffered a set back.

The State Government have also reported to the Ministry that being the first year (1987-88) of implementation of the time bound programme of regularisation of all the approved D.P. colonies, the State Government had to encounter certain teething problems.

2.36 On the procedure of, and shortfalls in, distribution of title deeds for homestead plots in migrant's colonies, the representative of the Ministry of Home Affairs informed the Committee during evidence :—

"The process of distribution of title deeds again involves two stages: first, to issue a lease deed. Then, the lease deed is converted into a title deed. I am afraid, we have not been monitoring it very closely in the past. We have started doing it now. We also lay down targets for each of the coming five years... The State Government have set up a committee on which there is a representative of the Government of India. This committee has met twice and the main topic on the agenda of both the meetings of the committee was the issue of title deeds, conversion of lease deeds into title deeds and so on."

2.37 On a suggestion by the Committee to involve the Central Government also in the distribution of title deeds with a view to expedite the process, the representative of the Ministry stated :—

"The implementation part is left to the State Government. We only monitor and we do not get involved in the land acquisition, etc."

2.38 On being asked by the Committee what than was the point in having a Branch Secretariat of the Ministry at Calcutta, among other

deal with distribution of title deeds, the representative of the further stated :—

“We lay down the policy and we try to coordinate the work and remove difficulties, if possible at the Government of India level and then we collect information for the purpose of monitoring the progress. The Branch Secretariat was primarily set up to monitor the progress of regularisation of squatters' colonies. A Committee of Parliament consisting of members from both the Houses has been set up. This Committee is likely to meet very soon. This Branch Secretariat will also be working secretariat for this Committee. I would like to point out that, when this Committee is set up, the complaint of the kind that you have mentioned can always be brought to the notice of this Committee and the Committee would certainly do what is necessary to be done.”

2.39 According to the Ministry the Central supervision in the distribution of title deeds can be adequately exercised through the mechanism of Ministerial Level Monitoring Committee under the Chairmanship of the Minister of State in the Ministry of Home Affairs and by participation in the State Level Advisory Committee meetings by an officer of Rehabilitation Division. Besides, the Branch Secretariat of this Division headed by a Deputy Secretary at Calcutta will also be closely monitoring the implementation of the scheme of regularisation of Squatters, Colonies including distribution of title deeds.

2.40 The Committee are shocked to note that even after 30 years of their migration there are still huge arrears in the acquisition of land in 1668 colonies/sites where old migrants have been settled in West Bengal. Such arrears are not only in squatters colonies located on private land, the number of which has not been specified to the Committee, but even in Government sponsored colonies and approved squatters colonies located on lands owned by Central Government Departments, State Government and other Semi-Government and local bodies, of whom 603 colonies involving 567 acres of land have been identified so far.

2.41 While 2,200 acres of land is stated to have “long since been acquired” in 149 pre-1950 colonies, only 8959 title deeds are stated to have been distributed so far against 30,000 migrant families settled there. In the 175 post-1950 colonies, of the 106 cases involving land acquisition, land has so far been acquired in 48 cases only. The Ministry has not specified the acreage acquired so far and to be acquired and number of free hold title deeds distributed so far to the 16000 migrant families settled there. Of the 607 Post-1950 colonies, regularisation of which was approved by the Centre as late as in February 1987, involving acquisition of 1429.68 acres of land, only 320.41 acres were acquired by the State Government till 30-11-1988 and only 2752 free hold title deeds have so far been distributed in these colonies against 65,000 families settled there. Against 1,22,000 migrant families settled in Government sponsored colonies, only 28,610 free-hold title deeds have been distributed, so far, whereas against 1,11,000 migrant families settled in approved squatters colonies only 12,094 free-hold title deeds have been issued. It is clear to the Committee that both the Central and State Governments have virtually neglected their joint responsibility of rehabilitating the old migrants fully in West Bengal especially in so far as acquisition of land for their settlements

and conferment of ownership rights to migrants for their homestead plots is concerned. While the Committee concede that the Central Government has from time to time, provided to the State Government all the desired financial sanction and assistance for implementing schemes for rehabilitation of the migrants in the State, they regard the Central Government's attitude so far in leaving the implementation aspect of the rehabilitation schemes—especially the matter of land acquisition and distribution of title deeds—exclusively to the expediences of the State Government as wholly unfortunate, as the achievement upto the close of 1937 is very disappointing. For example, had the Central Government pressed the State Government in time, say from 1958 on wards, to expedite the acquisition of land at 1946 prices for 175 post-1950 colonies under West Bengal Land (Development and Planning) Act, 1948, it would not have to accept the *joint accompli* in approving in April 1988, the acquisition of land by the State for the said colonies at market prices under West Bengal Land (Requisition and Acquisition) Act, 1948.

2.42 The Committee are of the firm view that the existing system of Central Government merely financing and the State Government exclusively implementing the rehabilitation schemes has not made any appreciable dent in the problems of migrants in West Bengal and to achieve a break-through in the so called "residuary problem", Central Government will have to assume a bigger and more direct role also in implementation of the rehabilitation schemes in the State. Now that the Ministry of Home Affairs have opened a Branch Secretariat at Calcutta and a Monitoring Committee consisting of seven Members of Parliament headed by a Minister of State in the Ministry have been set up to monitor the progress of implementation of rehabilitation schemes in the State, the Committee strongly recommend that the Central Government, apart from monitoring the schemes, should also involve itself more directly through the Monitoring Committee and Ministry's Branch Secretariat to expedite the process of acquisition of land for the migrant colonies and distribution of free-hold title deeds to the migrants on a time bound basis and inform this Committee in due course of the progress in achievement of targets both with regard to acquisition of land and distribution of title deeds.

2.43 The Committee also note that whereas the Central Government has approved the scheme relating to acquisition of land in 607 Post-1950 squatters colonies on the basis of 3.75 cottahs per family and on the condition that no further squatters colonies would be approved, a preliminary survey by State Government of 310 of these colonies has revealed that the holdings in actual possession per family there are in 51.9% cases within 2.25 cottahs, in 22.4% cases between 2.25 to 3.75 cottahs, in 15.4% cases between 3.75 to 5 cottahs and in 10.3% cases above 5 cottahs. It is clear from these figures that the percentage of families in possession of holdings in excess of the approved limit of 3.75 cottahs in these colonies is at least 25.7% (15.4+10.3). The Committee agree with the stand of the Central Government that the cost of land in excess of 3.75 cottahs in their possession should be borne by the migrants themselves and recommend that the cost should be realised from these migrants at market rates in cases where the migrants are not in a position to surrender excess land in their possession.

D. Development of Refugee Colonies in West Bengal

2.44 The Working Group had recommended in March, 1976 development of 1008 urban and rural colonies within Calcutta Metropolitan District in West Bengal at an envisaged cost of Rs. 52.34 crores for 1,70,269 families or about 11.07 lakh persons. The Central Cabinet approved in December 1976 a proposal of a Committee of Secretaries on the recommendation of the Working Group, for development of 612 displaced persons colonies in urban areas of West Bengal with a financial outlay of Rs. 23.85 crores and a ceiling cost of development per plot at Rs. 2500. The Ministry of Urban Development has informed the Committee that the programme for development of 1,03,157 plots in 612 colonies was to be taken up in phases. Phase I envisaged development of 12,000 plots and Phase II envisaged cumulative development of 41,825 plots till March, 1985. The State Government has indicated to the Ministry that they have been able to take up so far 244 urban colonies covering 53,884 home-stead plots. Out of this, 226 colonies covering 46,647 plots have already been developed and development work in 18 colonies, comprising 7237 plots are stated to be in progress. Against an envisaged release of Rs. 9.68 crores till the end of Phase II, Central assistance of Rs. 9.01 crores had been released till date. A provision of Rs. 39 lakhs is still stated to be available during 7th Plan which is likely to be released to the State Government during the Plan period.

2.45 Regarding target of coverage under Phase III during 7th Plan, the Ministry has further stated that the programme Phase III "is still being worked out and in any case it would be taken up only during the 8th Plan."

2.46 A comprehensive proposal for starting the Phase III of the programme is stated to be presently under consideration of the Ministry of Urban Development in consultation with the Ministry of Finance and Planning Commission etc. The ceiling cost of Rs. 11,931 for development per plot, as recommended by the State Government on the basis of the Technical Committee report, is proposed to be made effective in respect of plots to be covered under Phase III of the programme, during the 8th Plan, as per the comprehensive proposal under consideration.

2.47 The development of rural colonies is not proposed to be taken up at present.

2.48 The Study Group of the Committee visited Camp No. 2 of Bagjola Refugee ex-camp sites at Calcutta on 29 September, 1988. They enquired from the residents about their living conditions and also problems faced by them. The Study Group was informed, among other things, that :—

- (i) Although families had been living in the Colony for the last 34 years, there was no proper sanitation and sanitary conditions were very bad. There was no proper drainage system.
- (ii) There were only 4 tubewells donated by Panchayat and drinking water scarcity was felt. By-lanes in the colony and routes leading thereto were very bad.

- (iii) There was no electricity, street lights had also not been provided. Electricity authorities had been requested a number of times to give electric connections but with no results.
- (iv) No communication facilities were there.

2.49 The Study Group of the Committee also visited Ramgarh refugee colony and found the civic amenities and communication facilities there equally pathetic.

2.50 During evidence the representative of the Ministry of Urban Development, when asked to state the precise role of his Ministry in the development of refugee colonies in the State, explained that the basic development of the plots as such and provision of infrastructure therefor are the concern of the State Government and his Ministry's assistance was restricted to provision of financial assistance for the scheme. He added:

"We place advance funds at the State Government's disposal; they spend them and they come back to us. We go on reimbursing them from time to time. Our monitoring is also based on the information and reports that we receive from the State Government from time to time."

2.51 Asked by the Committee whether the Ministry did not have its own machinery to check up the implementation of the scheme, the witness disclosed:-

"In 1976 when this scheme was started...it was seen as a kind of residual problem. We thought that it will be over in a few years. Most of these schemes were sanctioned up to the end of the Sixth Plan. The total outlay for the Seventh Plan was so little that we thought it was so small that a full time monitoring unit was hardly needed. So we wound it up. For the last three years we do not have any machinery of our own on the ground. But for the Phase III which we are contemplating, the outlays are likely to be substantial; we are thinking of setting up a machinery on the ground for keeping us informed of what is happening. We are also thinking of having a monitoring group in the State Government and the Government of India, where the Ministry of Home Affairs will also be represented. It will be like a group overseeing the implementation, a review group so that a continuous watch can be kept."

2.52. When the witness informed the Committee that the financial assistance was made available to the State Government in this regard right from 1976-77 to 1987-88, the Committee asked him why then had the progress of the scheme been so much delayed. The witness further explained:-

"We have been informed by the State Government that they are facing financial constraints. A group officers representing Government of India as well as the State Government has gone into the matter and the group recommended that the cost of the services (per plot) borne by the Government of India in the Ministry of Urban

Development should be in the neighbourhood of 12000 rupees. We are in the process of obtaining competent sanctions. It is hoped that with the adoption of a higher figure per plot, the State Government will find it easier to speed up to the programme... Our present planning is based on 3500 plots per year. We would like to move faster. They (State Government) have some problem in relation to land, water supply, etc. We have opened a dialogue with them to find out the possibility of speeding up the programme. If they assure us that they are capable of performing at a rate higher than what they have demonstrated in the past, we would be glad to consider provision of additional funds in the Eighth plan period."

2.53. The Committee are distressed to find that while the Working Group had recommended in March 1976 the development of 1008 rural and urban refugee colonies within Calcutta Metropolitan District involving 170, 269 families, at a cost of Rs. 52.34 crores, Central Cabinet approved a proposal in December, 1976 for development of 103, 157 plots in 612 colonies only in the urban areas of the District with a financial outlay of Rs. 23.85 crores and ceiling of development cost of Rs. 2500/-per plot. The implementation of the recommendation even in its pruned form has been so half-hearted that the State Government has been able to take up for development 244 urban colonies covering 53, 884 plots of which only 226 colonies covering merely 46,647 plots have been actually developed all along these 12 years even though Central assistance to the extent of Rs. 9.01 crores has already been released to the State Government out of Rs. 9.68 crores envisaged till the end of phase II of the Programme scheduled to end in March 1985. Proposals for Phase III of the Programme which should have started after March, 1985, are still being worked out in consultation with the Ministry of Finance and Planning Commission for implementation during Eighth Plan and the recommendation of the State Government to enhance the cost of development per plot to Rs. 11931/-is proposed to be made effective in respect of plots covered under Phase III. It is thus clear to the Committee that the State Government has not been able to implement the scheme with the required momentum which has resulted in cost escalation of the scheme and hopeless conditions in the refugee colonies in so far as civic amenities and transport and communication facilities are concerned. The representative of the Ministry of Urban Development during evidence stated that its machinery to monitor the implementation of the scheme was wound up after Sixth Plan as the outlay during the current plan was very meagre. This shows that Central Government has been as lukewarm as the State Government to the plight of the residents of migrant colonies in the State.

2.54. The Committee, therefore, strongly recommend that the Ministry of Urban Development should recommend a more substantial financial assistance for Phase III of the scheme which is now scheduled to be included in the Eighth Plan, as also assume a greater role in implementing and monitoring the scheme so that huge arrears in development of remaining 56,510 Plots are cleared more expeditiously and the migrants rotting in the squatters colonies get some meaningful relief .

2.55. The Study Group of the Committee which visited Camp No. 2 of Bagjola ex-camp sites and Ramgarh colony in September, 1988 found the condition of the sites extremely appalling in so far as civic amenities and trans

port and communication facilities are concerned. The Committee strongly recommend that Ministry of Urban Development should, at an adequately high level, persuade the State Government to make urgent arrangements to improve the sanitary conditions, drainage system, drinking water supply, street lighting, transport and communication facilities in all the ex-camp sites and squatters' colonies in the State so as to mitigate the sufferings of migrants living there.

E. Resettlement of ex-camp site Families

2.56. Among the schemes included in the Fifth Five Year Plan which were recommended to be continued by the Working Group, was the scheme relating to granting of house building loans and acquisition of land for Ex-camp site families in West Bengal who are stated to have refused to shift to rehabilitation site in the State on closure of the camps in 1961. The Central Government is stated to have released to State Government so far a total amount of Rs. 167.78 lakhs for grant of house building loans to ex-camp site families in the State. According to the Ministry, the Scheme is under implementation and the State Government is retaining an unspent balance of Rs. 26.36 lakhs and it is proposed to complete the rehabilitation of these families by the end of the financial year 1989-90.

2.57. The Government of India had initially sanctioned scheme for rehabilitation of ex-camp site families in Asrafabad (1, 139 families) in May, 1968, Bagjola (1,065 families) in June, 1971 and 65 more ex-camp sites (7,066 families) in January, 1974. In August, 1982 the State Government had intimated to the Ministry that 642 D.P. families out of the 7,066 families mentioned above and 1,065 families in Bagjola remained to be rehabilitated. The break-up of these families was as below:—

District	Name of ex-camp site	No. of families	
24-Parganas	Rajpur bazar .	45	}
	Nawabnagar .	145	
Hooghly	Ramchandrapur . . .	65	}
	Balabgarh . . .	16	
Nadia	Coopers' Camp . . .	371	}
24-Parganas	Bagjola . . .	1,065	
Total . . .		1,707	

2.58 In March, 1983, Government of India issued a sanction allowing a lump sum assistance of Rs. 7,000/- per family for house-building, small trade etc. for families in Coopers' Camp. These families have since been given assistance. As regards the families in Bagjola Camp and Rajpur Bazar Camps falling in urban areas, a sanction was issued in

November, 1983 for grant of housing loan at the enhanced rate of Rs. 5,600/- per family which was further enhanced to Rs. 6,500/- in May, 1985. In respect of other three camps in rural areas, housing loan was sanctioned at Rs. 3,100/- per family in November, 1983 and this was further enhanced to Rs. 4,200/- per family in May, 1985. In so far as Bagjola Group of camps is concerned, the Government of India also approved in March, 1987 the State Government's proposal for acquisition of 12 acres of additional land (in addition to 35.50 acres already sanctioned) for the completion of rehabilitation of Bagjola ex-camp site families. As per information available with the Ministry, only 164 families are stated to have been rehabilitated in Bagjola Group of ex-camp sites till 31-3-88. The State Government is also reported to have completed the rehabilitation of 371 families of Coopers Ex-Camp site, 16 families of Balabgarh Ex-camp site, and 38 families of Nawabnagar ex-camp site.

2.59 *Bagjola Ex-camp site families* : Writ petitions filed by some of the refugees in High Courts are stated by the West Bengal State Government "as the most serious bottleneck in the way of quick rehabilitation of 1065 Bagjola Ex-camp site families" of whom only 164 are stated to have been rehabilitated till 31-3-88.

2.60 Asked to state the contentions on the basis of which these refugees have filed writ petitions in High Court and the stand of the Government/rehabilitation authorities in this regard the Ministry has informed the Committee that since the land occupied by these migrants was not a regular allotment but occupied/squatted upon by the families themselves in different magnitudes of the area, from a maximum of 7-8 cottahs to minimum of 2 cottahs, the Government of West Bengal had set up a Committee in 1985 to resolve the impasse created in the matter of rehabilitation of these families. The Committee recommended 2 cottahs of land for each ex-camp family of all blocks and 1/1-2 cottahs for each split-up family. It also recommended 1 cottah of land for each of the refugee families not belonging to the above categories but who have got their economic roots in the area as a result of uninterrupted occupation of small holdings over a long period of time. While the State Government had been working on the basis of the recommendations, a section of the ex-camp refugees rehabilitated and some interested families, apprehending loss of land under their occupation, had filed a petition in the Calcutta High Court against the State Government praying for interim order. In view of the petition, the High Court issued an interim order for maintaining the status quo in respect of the petitioners' possession of land. Accordingly, the State Government had no other alternative than to move very cautiously so that the State Government was not landed into an embarrassing situation. The Court case is being pursued by the State Government.

2.61 Asked by the Committee to state the scope of an out of court settlement of the dispute, the Ministry has stated that the stand of the State Government was that "an out of Court settlement may be possible if the litigants approach the State Government with their terms and the matter is discussed." The final decision according to the Ministry, rested with the State Government,

2.62 The Committee note that of the 9270 ex-camp site families in West Bengal for whose rehabilitation the Central Government has released a sum of Rs. 167.78 lakhs to the State Government (of which there was an unspent balance of Rs. 26.36 lakhs), 45 families in Rajpur Bazar, 107 families in Nawabnagar, 65 families in Ramchandrapur and 901 families in Bagjola ex-camp sites are still to be rehabilitated and the work is expected to be completed by 1989-90. While the delay in rehabilitation of 901 families in Bagjola ex-camp site due to ongoing litigation in the High Court is understandable, the Committee wonder why the arrears of rehabilitation (217 families) could not be cleared in Rajpur Bazar, Nawabnagar and Ramchandrapur ex-camp sites even though the requisite funds had been sanctioned by the Centre long back and State Government was retaining an unspent balance of Rs. 26.36 lakhs therefor. The Committee are of the firm view that the Ministry should urge the State Government to rehabilitate the aforesaid 217 families without further delay as no tangible reason has been given to the Committee for delay in this regard.

2.63 In so far as the litigation going on in the Calcutta High Court with regard to Bagjola ex-camp site is concerned, the Committee are of the view that efforts for an out-of-court settlement should be initiated by the rehabilitation authorities with the support of the State Government which was responsible for not checking the litigants from unauthorisedly occupying the huge areas of land to the extent of 7-8 Cottahs per family. It is futile for the State Government to expect the litigant families, having grabbed lion's share of land, themselves to be interested in an out-of-court settlement.

F. Resettlement of Enclave Migrants

2.64 Of the 676 families of Enclave migrants to be rehabilitated under a scheme under implementation, 636 families are stated to have been settled upto 31st March, 1988 and the scales of rehabilitation assistance of these families raised from Rs. 10650/- to Rs. 15000/- per family from June, 1986. Seventh Plan Document had noted that Rs. 40 lakhs were required for settlement of Enclave Migrants. In the Preliminary Material, the Ministry has stated that the remaining 40 families are expected to be rehabilitated during 1988-89. In a written answer for evidence, the Ministry has informed the Committee that according to the State Government these families were "expected to be rehabilitated shortly" and that one of the main reasons for delayed rehabilitation of these families was "non-availability of suitable lands." According to the Ministry the Government of India has released an amount of Rs. 166.54 lakhs to the State Government over the years, for this scheme.

2.65 The Committee hope that the remaining 40 families of Enclave Migrants have actually been rehabilitated by the end of 1988-89, as scheduled. The Committee desire that they should be specifically informed of the actual position in this regard alongwith the Government's replies to this Report.

G. Medical facilities to Migrants in West Bengal

2.66 The Ministry has stated that the schemes relating to medical facilities to Old Migrants in West Bengal as recommended by the Ministry's

Working Group (1976) and "accepted by Government have since been completed". Schemes relating to the recommended medical facilities to New Migrants in the State are also stated to "have been implemented".

2.67 Asked to state the highlights of the benefits of medical facilities provided so far to the Old and New Migrants in the State, the number of families covered and the expenditure incurred each year since the inception of the various schemes, the Ministry has supplied the information given below.

2.68 *Medical facilities to old migrants* : The Working Group had recommended an amount of about Rs. 28 lakhs for continuing the ongoing schemes of medical facilities to old migrants included in Vth Plan. The amount released by the Central Government is indicated below :—

	Rs. in lakhs
1976-77	0.59
1977-78	7.00
1978-79	8.00
1979-80	12.00
1980-81	0.41
	28.00

2.69 The schemes under medical facilities were for enhancement of non T.B. beds for old migrants in West Bengal.

2.70 During the visit of a Study Group of the Committee of Bagjola ex-camp site and Ramgarh colony near Calcutta in September, 1988, among other things it was represented by the residents that one of the problems being faced by them was that there was not a single health/medical care centre in either of the sites.

2.71 *Medical facilities to New Migrants*: The Working Group recommended an outlay of Rs. 1.52 crores to provide medical facilities for new migrants to cover expenditure on 337 non-T.B. beds, 103 T.B. beds and 2 chest clinics. The amount recommended was for construction, cost of equipment, expansion of out-door facilities for treatment of non-T.B. patients and provision for staff quarters. A scheme was accordingly sanctioned by Central Government in 1977 at a cost of Rs. 151.86 lakhs. The

amount actually released by the Government of India for this purpose was as below:--

	Rs. in lakhs
1976-77	25.00
1977-78	45.00
1978-79	67.00
1979-80	6.00
1980-81	8.86
	151.86

2.72 The Committee are glad to note the release by the Central Government of amounts of Rs. 28 lakhs for "enhancement of non-TB beds for old migrants" and Rs. 151.86 lakhs for expenditure on 337 non-T.B. beds 103 T.B. beds and 2 chest clinics for New Migrants in West Bengal, as recommended by the Working Group in its Report in 1976. The Committee however, regret to note that the Ministry has not cared to furnish to them the physical implementation of the recommendations, namely, the number of new non-T.B. beds which were targeted and actually constructed for new migrants as a result of incurring the expenditure of Rs. 151.86 lakhs released to the State by the Union Government. It appears to the Committee that the Ministry has been content just with releasing funds to State Governments without showing any concern for implementation part of the rehabilitation schemes. The Committee would emphatically stress in this regard that once a State Government/Union Territory accepts loans/grants for any scheme, from the Central Government, the latter Government is within its rights to obtain the information relating to physical implementation of the scheme and the State/Union Territory Government concerned is equally bound to furnish the said information to the Centre. The Committee, therefore, recommend that the Ministry should obtain the requisite information from the West Bengal Government promptly and furnish to the Committee the information relating to the targets, achievements and reasons for shortfalls, if any with regard to the enhancement of non-T.B. Beds for old migrants in West Bengal for which the Centre released to the State Government a sum of Rs. 28 lakhs, and the actual number of T.B. beds, non-T.B. beds and chest clinics actually constructed by State Government for new migrants alongwith reasons for shortfalls, if any, out of the sum of Rs. 151.86 lakhs released by the Centre therefor.

2.73 As the old migrants residing in ex-camp sites are eligible for full rehabilitation assistance including medical facilities, the rehabilitation authorities at both the Central and State levels are duty bound to provide elementary medical facilities in these sites for the minimal welfare of the migrants. The Committee are, therefore, shocked to note that there is no medical/health care centre in many of these sites like Bagjola Camp No. 2 and Ramgarh colony. The Committee strongly recommend that the rehabilitation

authorities of the Centre as well as the State should take necessary steps urgently to provide medical facilities on a minimal level in all the ex-camp sites/refugee colonies for the welfare of the migrants.

H. Educational facilities to Migrants

2.74. *Educational facilities in ex-camp sites* : During the visit of a Study Group of the Committee to Bagjola ex-camp site near Calcutta in September, 1988, the residents represented to the Committee that one of the problems faced by them was that the 11 primary schools in neighbourhood of the site had been closed in 1961 and subsequently at the initiative of residents themselves, 3-4 primary schools had been opened. The Study Group also visited Ramgarh Colony where it was represented to them that there was one primary school which was sufficient for the residents but difficulties were being faced by them about post primary school education.

2.75. *Educational facilities to New Migrants*: The Working Group recommended the continuance of the outlay of Rs. 1.16 crores in the Vth Plan for providing educational facilities to New Migrants. The Ministry has stated that the scheme is under implementation and the following amounts were released by the Central Government for this item of work during the year 1975-76, 1980-81:—

	<i>Rs. in lakhs</i>
1975-76	27.11
1976-77	16.12
1977-78	18.00
1978-79	16.00
1979-80	18.00
1980-81	10.77
	196.00

2.76 The Committee regret to note that the educational facilities in and around ex-camp sites like Bagjola and Ramgarh colony are far from adequate. As the residents of ex-camp sites in the State are mostly Old migrants, they are eligible for full rehabilitation assistance including basic educational facilities. The Committee therefore, recommend that rehabilitation authorities of the Centre and State, should, in unison, urgently arrange for educational facilities at least upto the—Higher Secondary level, in/around all the ex-camp sites and refugee colonies to relieve their residents from the difficulties being faced by them in this regard.

2.77 The Committee also regret that the Ministry has not collected information relating to the specific physical targets and achievements, and reasons for shortfalls, if any, with regard to educational facilities created

by the State Government for New Migrants as a result of the expenditure of Rs. 106.00 lakhs released by the Centre between 1975-76 and 1980-81. The Committee stress that the Ministry should collect the requisite information from the State Government as early as possible and place the same before the Committee alongwith other action taken replies to this Report.

I. Extension of SFDA/MFAL Schemes to Migrants

2.78 The Working Group of the erstwhile Ministry of Supply & Rehabilitation had recommended in their report in 1976:—

“Schemes of Small Farmers Development Agency and Marginal Farmers and Landless Labourers Development Agency may be introduced in rural areas where adequate land holdings have not been given to the migrant families who have been settled in agriculture. It has been estimated that most of the families settled in agriculture have not been allotted more than two acres of land. These families are, therefore, eligible for the benefits admissible under the normal SFDA/MFAL schemes of the State Government. Additional resources to cover about 3 lakh families will have to be provided in 9 districts. The financial implication of these schemes is estimated at Rs. 6.00 crores.

The Ministry of Home Affairs has informed the Committee that the “Scheme is being implemented by the Ministry of Agriculture.”

2.79 The Ministry of Home Affairs has stated that the SFDA Scheme continued upto 1980-81 only when the SFDA was replaced by District Rural Development Agency which is the implementing authority of Integrated Rural Development Programme in West Bengal. Asked to state the concrete targets, achievements and reasons for shortfalls, if any, of extension to Migrants from East Bengal of (i) SFDA Scheme upto 1980-81, (ii) IRDP implemented by District Rural Development Agency of the State from 1981-82 to 1987-88, and (iii) MFAL, the Department of Rural Development in the Union Ministry of Agriculture has reported that no records are available at this stage to enable them to furnish the desired information regarding SFDA upto 1980-81. State Rural Development Department has also reported that migrants are also considered for benefit under the Integrated Rural Development Programme along with others provided they belong to the target group of poor families but no separate record for the beneficiaries belonging to this particular category has been maintained by them and hence no separate information could be furnished to the Committee. The Central Rural Development Department also has no requisite information on IRDP to furnish on this matter.

2.80 Central Rural Development Department has further reported that “Marginal Farmers and Landless Labourers (MFAL) Programmes were merged with SFDA during 5th Plan itself (June, 1974) and hence separate information for Marginal Farmers and Landless Labourers is not available.” The State Government, too, are stated to have no information to furnish in this regard.

2.81 Asked during evidence whether both rehabilitation assistance and IRDP assistance were being given to migrants simultaneously. The representative of the Ministry of Home Affairs explained:—

“The question does not arise. But consciously certain decisions have to be taken to bring them into the mainstream of life in the country. So far as IRDP assistance is concerned, they are eligible for it. IRDP scheme was started in 1979 much later. So it is quite possible that many of the displaced persons would have crossed the poverty line and may not be eligible for IRDP assistance. But for those who have not crossed the poverty line, there is no reason why they should not be included under this scheme. The State Government is the implementing agency and they have to give us the information in this regard.”

2.82 When the Committee insisted whether the Ministry could verify whether both types of assistance were given to the migrants simultaneously or only one at a time, the Home Secretary replied that, “We can get this.”

2.83 The Committee are convinced that the Government have virtually winked at the recommendation of the Working Group to extend to migrants from former East Pakistan, Marginal Farmers and Landless Labourers Development Agency (MFAL) and Small Farmers Development Agency (SFDA), Schemes (MFAL) merged with SFDA in June, 1974 and SFDA merged with IRDP Programme in 1980-81) and left the implementation of the recommendation entirely to Department of Rural Development in the Ministry of Agriculture and Rural Development Department of the West Bengal State, who too are having no information with regard to the extent to which it has been implemented all along the years since 1976. In the Committee's view the least that the Rehabilitation Division of the Ministry of Home Affairs could have done in this regard was to keep in touch from inception with the Department of Rural Development of the Ministry of Agriculture and West Bengal State Rural Development Department with a view to ensure that about 3 lakh migrant families who had been 'settled' in agriculture in the State but had been allotted not more than 2 acres of land as rehabilitation assistance, were actually covered over a period of time by MFAL/SFDA/IRDP programmes. The Committee strongly recommend that the Rehabilitation Division of the Ministry should wake up to its residuary responsibility for full rehabilitation of migrants from former East Pakistan and initiate immediate steps to verify and ensure that the 3 lakh migrant families referred to by the Working Group have since been actually covered by IRDP and other programmes merged therewith and inform the Committee of the latest position within 6 months of the presentation of this report.

J. Rehabilitation Industries Corporation

2.84 The Ministry of Industry (Department of Public Enterprises) runs an industrial concern known as the Rehabilitation Industries Corporation Ltd., at Calcutta, set up originally as a Joint Stock Company in April, 1959 with an authorised capital of Rs. 5 crores. It is fully financed by the Government of India. As on 31-3-1988 Government are stated to have invested Rs. 4.26 crores as equity in the form of share capital

of the company. In addition, plan loan of Rs. 94 lakhs is also stated to have been given to the Corporation.

2.85 Within the framework of the broad objectives laid down in the Memorandum of Association of RIC, the Board of Directors of RIC had initially decided to confine its activities to the following three specific objectives :—

- (i) To render financial assistance as loan to the small and medium sized new and existing industries on the pre-condition of providing employment to the local refugees in their industries.
- (ii) To set up Industrial Estates in refugee concentrated areas of West Bengal and to rent out Industrial Sheds to the small entrepreneurs on the pre-condition of providing employment to the local refugees.
- (iii) To set up its own industries in the refugee concentrated areas of West Bengal, Madhya Pradesh, Orissa and Tripura for creation of gainful employment for the displaced persons for their economic rehabilitation.

2.86 According to the Ministry, RIC has fulfilled the aforesaid objectives to a considerable extent by providing employment to about 5000 displaced persons in the assisted industries to whom financial assistance as loan was rendered and in the Industrial Estates where small entrepreneurs were provided with Industrial sheds on pre-condition of providing employment to the displaced persons. The Ministry has stated that "further investment on the above three activities had to be stopped from 1965-66 mainly on account of dearth of funds and also because the above activities were proving to be uneconomic and non-viable."

2.87 *Magnitude of Losses* : The total accumulated loss incurred by the Corporation since its inception upto 31-3-1988 is stated to be Rs. 62.90 crores. The loss before charging interest on Government loan and depreciation, however, is Rs. 34.70 c.o.es. (See *Appendix*)

2.88 In their 96th Report (1983-84) on the Rehabilitation Industries Corporation Limited, the Committee on Public Undertakings (COPU) had, *inter alia*, observed :—

"1.14. The Rehabilitation Industries Corporation was set up in 1959 with the main objective of providing employment to the displaced persons from East Pakistan (Now Bangladesh) through

industrial development. The number of displaced persons employed by the Company was, however, only 2609. Even taking into consideration the indirect employment provided to the displaced persons by the parties to whom loans or industrial sheds have been given by the Company, the number of persons who had found direct and indirect employment through various activities of the Company was only 5296. Considering the magnitude of the problem, the Company has thus played a very limited role in providing employment to the displaced persons. On the other hand, the company had in the process incurred a colossal loss of Rs. 29.23 crores upto the end of 1982-83, as against the paid up capital of Rs. 4.11 crores.

- 1.15 The Managing Director, in his evidence before the Committee admitted that the Company acted until recently as a relief organisation following the path of dole-oriented culture. It was only from 1981-82 that attempts have been made to turn the corner and to adopt a commercial approach. The Committee are surprised to find that there has been lack of decision even in regard to the basic approach of the Company in its functioning. It would not have been so had comprehensive aims and objectives of the Company, been laid down. Although it was in November 1970 that the BPE had requested all Ministries to lay down objectives and obligations for each public enterprise under their administrative control, it is only recently that an exercise has been started by the Company in this regard. The Committee hope that the objectives and obligations as envisaged by BPE would now be finalised expeditiously and approval of the Ministry obtained.
- 1.16 In regard to objectives of the Company, the Committee are unable to agree with the view expressed before them that it was very difficult for the Company to achieve the twin objectives of finding employment for refugees and at the same time to be an economically viable unit. It has been conceded that there were various other schemes for looking after the rehabilitation of displaced persons. If in spite of these schemes the Government decided to set up Rehabilitation Industries Corporation as a Company under the Companies Act, it was supposed to function on commercial lines and should have been managed as an economically viable concern. The Committee are of the opinion that working of the Company on commercial lines was not incompatible with its objective of providing employment to the displaced persons. As pointed out by the Departmental Committee appointed by the Ministry in 1974 an industrial undertaking which is viable is in a better position to provide the kind of meaningful rehabilitation to the displaced person. The fact that there has been improvement in the performance of the Company during the last two years shows that the Company could be made a viable concern. Evidently, it has not been managed well earlier.
- 1.17 The Committee desire that effective steps should now be taken to ensure that the Company becomes soon an economically viable unit as otherwise it would be difficult to justify its continuance as a Government Company under the Companies Act "

2.89 The COPU did not pursue the recommendation contained in Paragraph 1.14 of their aforesaid Report in view of the following reply dated 14-1-1984 sent by the Government :

“The Rehabilitation Industries Corporation is an industrial organisation. The employment potential in such an organisation depends on the level of production, sales and expansion of its activities. Since the Corporation had been incurring losses year after year ever since its inception in 1959, it was obviously not possible to set up more units to create more employment opportunities. Moreover, the Corporation is a multi-product unit and each unit is small in size and turnover, which do not allow reaping the economies of large scale production. Despite losses, efforts have been continued to maintain the employment level.

The Corporation had also advanced loans to private entrepreneurs on the condition of employment being given to stipulated number of displaced persons. 25 loanees fulfilled the conditions relating to employment of displaced persons. Others could not do so because of closure of the factories of the loanee parties caused by labour unrest, shifting of plant and machinery, voluntary liquidation, paucity of orders etc. Similarly, the tenants of industrial estates of the Corporation also could not employ the anticipated number of displaced persons mainly because of non-availability of skilled workers from amongst displaced persons.”

2.90 In their reply to Para 1.15 of the aforesaid Report of COPU, the Government had stated that the broad objectives of the Corporation have already been laid down in the Memorandum of Association. The Office Memorandum dated 3rd November, 1970 of the Bureau of Public Enterprises had envisaged laying down broad principles of determining the precise financial and economic obligations of the enterprises in the matters such as creation of various reserves, the extent to which enterprises should undertake the responsibility of self-financing, the anticipated returns on capital employed on the basis of working out national wage structures and pricing policies. Since the RIC has been incurring losses from its inception in 1959, it was not possible for it to create various reserves, nor there could be any return on capital employed. The extent to which the Corporation could undertake responsibilities of self-financing could not be determined on account of continuous cash losses being incurred every year. The entire working of the Corporation was reviewed by the Government in 1981 and specific targets, both physical and financial, for the period from 1981-82 to 1990-91, were laid down. The extent to which the Corporation would need financial support from Government as well as raise funds from commercial banks was also laid down. It had also been stated that once the Corporation was able to reach break-even stage, it might be possible to lay down objectives as envisaged in the above said Office Memorandum of the Bureau of Public Enterprises. In their 5th Report (1985-86 COPU) finally observed in this regard :—

“7. The Committee are not satisfied with the reply of the Government that it may be possible to lay down the objectives as envisaged

in the Memorandum of the Bureau of Public Enterprises issued in November, 1970, once the Corporation is able to reach break-even stage. Apart from the Memorandum of Association wherein the broad objectives of the Corporation are stated to have been laid down, each public undertaking is also required to formulate its detailed or micro objectives and a statement of its physical and financial objectives and set the same approved by the Administrative Ministry in consultation with the Ministry of Finance, as per the guidelines issued by the BPE in 1970 and reiterated in 1979. As already pointed out by the Committee in their original recommendation, there has been a lack of decision even in regard to the basic approach of the Company in its functioning, e.g. it was only from 1981-82 that attempts were made to adopt a commercial approach. The Committee are sure that it would not have been so had comprehensive aims and objectives both physical and financial, been laid down in the first instance.

8. The Committee would also like to emphasise that in order to make a periodical evaluation of the performance of the Corporation meaningful, it is necessary to lay down in advance well-defined and clearly stated physical and financial objectives. The Committee, therefore, reiterate their earlier recommendation and desire that a comprehensive statement of the objectives of the Corporation be prepared and got approved by Ministry without any further delay. If necessary, guidance of the Bureau of Public Enterprises may be obtained in this regard."

2.91 With regard to the recommendation contained in paragraph Nos. 1.16 and 1.17 of their 96th Report (1983-84) of COPU referred to in preceding pages the Government replied that "the Committee's observation have been noted" and the recommendations were treated to have accepted by the Government.

2.92 The Committee are anguished to note that out of 4,87,000 Old Migrant families settled in West Bengal and 6 lakh New Migrants who stayed on in the State forfeiting rehabilitation assistance, the Government has been able to provide employment over the years only to 5000 displaced persons through the Rehabilitation Industries Corporation Ltd. Calcutta, which was set in 1959 with the initial objective of providing employment to local refugees, even though the Government has, as on 31-3-88, invested as much as Rs. 4 26 crores as equity in the form of share capital of the Corporation and provided it a plan loan of Rs. 94 lakhs. The Corporation has so far incurred losses of Rs. 62.90 crores. The Committee consider this as a dismal performance in so far as the objective of providing employment to refugees is concerned and are of the view that the Government has thus clearly failed in making the Corporation achieve its initial and main objective even after about 30 years of its establishment. It is the view of the Committee that the Government should ensure that the recommendations contained in this 96th Report (1983-84) of the Parliamentary Committee on Public Undertakings which have been accepted by the Government, and all the recommendations of the same Committee contained in their 5th Report (1985-86) are fully implemented by the Ministries concerned in letter and spirit.

CHAPTER III

DANDAKARANYA PROJECT

A. Rehabilitation in Dandakaranya Region

3.1 The Ministry has stated in the Preliminary Material that 8,000 families of old Migrants have been given "rehabilitation assistance in one form or another" in Dandakaranya Project and 25231 New Migrant families have been shifted to Dandakaranya Project "where they have been provided rehabilitation assistance by resettling them in agricultural and non-agricultural occupations or they have been out in Karmishibirs for subsequent rehabilitation."

3.2 An All India body of East Bengal Migrants has represented to the Committee :—

"Even in regard to the ambitious scheme of resettlement of East Pak refugees in the Dandakaranya region the Central Government's vacillation has made a mess of the whole project. As originally conceived the Dandakaranya Project, created in 1958, could have been converted into a Centrally administered territory for proper rehabilitation of East Pak refugees. But the Centre abdicated its role and responsibility in the development of this major project also. The refugees became playthings for the Project administration and the State Government politics due to the lukewarm attitude of the Central Government. The assets and institutions created by the project were gradually transferred to the concerned State Government's and the project now actually stands wound up."

3.3 The non-official body has, however, appealed for a special and thorough probe to go into the proper resettlement/rehabilitation of migrants at the following various sites in Madhya Pradesh and Orissa :—

Madhya Pradesh

1. Paralkote Zone of Bastar Distt : At least 1,200 to 1,300 *families* still unsettled.
2. Kondagaon Zone of Bastar Distt ; Very unsatisfactory condition of migrants in a number of Villages, specially in Narsainpur, Jogani, Borgaon, etc.
3. Refugee rehabilitation centres in Betul, Surguja and Panna areas.
4. Mingachal areas of Bastar Distt.
5. Sohabpur Sub-division in Hosangabad Distt : At least 400 *families* still unsettled.

6. Sheopur in Morena Distt. in Chambal Valley ravine land rehabilitation scheme.
7. Camp refugees at Patanpura Temru (in Betul Distt.) and Chamardal (in Hoshangabad Distt.).—Present position not known.

Orissa

1. Malkangiri Zone of Koraput Distt. : At least 2,000 families are still in desperate condition in spite of so-called resettlement.
2. Umerkote Zone of Koraput Distt. A very large number of families in 'distress' condition in almost all the villages of resettlement.
3. Rehabilitation centres in Jeypore and Kalahandi Distts.
4. Pataru Project area : Position still uncertain.
5. Sunabeda and Tamdei camp refugees ; Position still not known .

3.4 Asked to state clearly the number of "Old Migrant" and "New Migrant" families (i) which have been fully rehabilitated so far under the project as per approved scales of rehabilitation assistance, and (ii) which are awaiting proper rehabilitation in Karmishibirs or temporary shelters, the Ministry has stated in a written answer that "in all 36,776 families, including Old and New migrants were given rehabilitation upto December, 1987 but after desertions, discharge and re-admission etc. 25,231 families are now actually in position and have received full rehabilitation assistance. No more families are awaiting resettlement in the Dandakaranya area. The families resettled in the Dandakaranya Project are considered as having been fully rehabilitated and merged with the mainstream of the local area and population." In his Report No. 1 of 1988 C & A.G. put the No. of families in position at 25,253.

3.5 On the position of rehabilitation in Older 3 Zones of Kondagaon, Paralkote and Umerkote, the Ministry had stated in the Preliminary Material that "resettlement of displaced persons has by and large been completed". In a subsequent written answer the Ministry has informed the Committee with regard to these Zones that "all the eligible families have been given rehabilitation assistance as per prescribed scales of assistance." The number of families involved is stated to be 13,133.

3.6 Asked whether there were any arrears in rehabilitation of migrants in Malkangiri Zone where 5500 families are stated to have been already rehabilitated, the Ministry has stated that "there are no displaced persons/families awaiting rehabilitation resettlement under the Pataru Resettlement Scheme" covering this Zone. On the steps taken to bring up migrants in this Zone above poverty line, the Ministry has stated the economic level of settlers there has "improved considerably" by executing a number of development projects for bringing the area "above level of Minimum Needs Programme."

3.7 The Committee note that whereas according to the Preliminary Material, 8000 Old migrants and 25231 New Migrant families, 33231 families

in all, were resettled/rehabilitated in Dandakaranya Project, according to Ministry's subsequent written answer 36,776 families in all, including Old and New Migrants, were given rehabilitation assistance upto December, 1987 of whom 25231 migrant families of both categories are now in position in the Project after desertions, discharge and readmissions there. As the number of New Migrant families settled in the project and the number of families of both the categories of migrants in position is stated by the Ministry to be the same i.e. 25231 families, the number of such-families has been put at 25253 by C.& A.G., and the number of families in all claimed to have been settled in all the 4 Zones comes to 18,633 only (13133+5,500), the Committee apprehend that there is something wrong with the arithmetic and data of the project supplied to the Committee by the Ministry. The Committee, therefore, suggest that the Ministry should compute afresh the data of families resettled/rehabilitated and in position in the project and furnish the same to the Committee within 6 months of the presentation of this Report.

3.8 The Committee are further intrigued to note that whereas the Ministry claims that all migrant families in position in the Project area have "received full rehabilitation assistance and are considered having been merged with the mainstream of the population", the position on the ground of migrants from former East Pakistan in many rehabilitation sites of Project in Madhya Pradesh and Orissa is stated to be "desperate (in) distress condition, uncertain, unsettled, unsatisfactory", as pointed out in a Memorandum sent to the Committee by an All India body of East Bengal Migrants. The Committee do not agree with the stance of the Ministry in the light of arrears of rehabilitation of these migrants in the Project highlighted by their plight on the ground in various sites of the Project as represented by the aforesaid memorialists and in the succeeding paragraph of this Chapter especially with reference to arrears in this regard pinpointed by C.& A.G. in his Report of 1988. The Committee, therefore, recommend that rehabilitation of migrants in position in the Project Area should be evaluated afresh in course of the Comprehensive Review of rehabilitation of migrants in all the regions as recommended by the Committee, elsewhere. Further, adequate and early steps should be taken to complete their rehabilitation and the Committee informed of physical achievements in this regard.

B. Pattas for ownership of land

3.9 In their 2nd Report (1980-81) on Dandakaranya Project, the Committee had recommended :—

"The Committee are unhappy to note that no progress has been made in distribution of pattas to the settlers in Umerkote Zone. Although the State Government have decided to distribute 'Pattas' without linking them with the execution of mortgage deeds by settlers they have yet to decide whether the 'Pattas' will be prospective or retrospective. The Committee cannot help feeling that this matter is not being dealt with a sense of urgency that it deserves. They reiterate strongly that Government should take necessary steps to remove all the hurdles in the way of granting 'Patta' rights to settlers and distribute the 'Pattas' to them without any further delay.

As regards issue of 'Pattas' to settlers in Kondagaon Zone, the Committee note that the State Government of Madhya Pradesh have now decided to issue temporary 'Pattas' valid for 20 years to settlers in Kondagaon and Paralakote Zones and that instructions are being issued for the preparation of temporary 'Pattas' to settlers in Kondagaon zone. The Committee hope that this task which has evaded execution for long time will now be accomplished and executed without delay."

3.10 On the allotment of land to migrants in Dandakarnaya Project an all India body of migrants has represented to the Committee :—

"The Dandakaranya Development Authority was a non-statutory but autonomous body. No powers in general terms had been delegated to this Authority by the State Governments. It had no title to the land in the area. It could not, therefore, give ownership rights to the displaced persons to be settled there. They could only get occupancy rights. Non-delegation of powers by the State Governments was due to their apprehension that Dandakaranya might eventually become a centrally administered area, although the Union Government repeatedly allayed this fear. The project failed for a variety of reasons, the main being political. Bureaucratism, neglect and an unspoken fear that an unduly large refugee settlement might upset the demographic balance led both the Orissa and Madhya Pradesh Governments to go slow....."

3.11 In his Report No. 1 of 1988, the Comptroller and Auditor General of India has observed :—

"26.14 *Non-issue of Pattas.*—Mention was made in Sub-paragraph 3.3 of Paragraph 34 of the Report of the Comptroller and Auditor General of India for the year 1977-78, Union Government (Civil) about the non-conferring of ownership right in respect of lands allotted to the displaced families. According to the project authorities (April, 1986), 4,632 families were given pattas as against 25,253 allotted with lands. Zone-wise break-up is given below:—

Zone	No. of D.P. families settled	No. of families given pattas	No. of families yet to be granted pattas
Paralakote	7,817	..**	7,817
Kondagaon	885	263	622
Umerkote	4,478	4,369	109
Malkangiri	12,073	..	12,073
	25,253	4,632	20,621

*Temporary pattas were given to 7,795 families."

3.12 In a written reply the Ministry has informed the Committee that while 25,231 families are in position in the Dandakaranya Project, till 31st July, 1988, 15,352 permanent pattas (including part pattas) have been issued to the settlers in the three older Zones i.e. Paralkote & Kondagaon in Madhya Pradesh and Umerkote in Orissa, as detailed below :—

	Umerkote	Paralkote	Kondagaon	Total
Agriculturists	4312	7532	196	12,040
Non-Agriculturists	167	285	587	1,039
	4479	7817	783	13,079
Pattas issued (including part Pattas)	6752	7817	783	15,352

3.13 As regards issue of pattas to the settlers of Malkangiri Zone, the work is stated to be in progress. The Government of Orissa had posted the technical staff to complete the primary work relating to issue of pattas i.e. (i) Kistwar (ii) Khanapuri, and (iii) Bujharat. Out of 215 villages, the work in respect of Kistwar/Khanapuri has been completed in 213 villages and 2 are to be taken-up. The progress in respect of Bujharat etc. is indicated below :—

Completed	In progress	to be taken up	Total
194	19	02	215

3.14 Pattas have been issued jointly for the agricultural land and homestead plot. The permanent pattas issued to the families are on ownership subject to the lease condition that they cannot sell/transfer the land during the 10 years following the date of receipt of patta.

3.15 The Ministry is stated to have been pursuing the matter with the Revenue Department, Government of Orissa, asking them to complete the work relating to issue of pattas in the Malkangiri Zone by March, 1990 as per the time schedule. The Government of India have already reimbursed an expenditure of Rs. 135.00 lakhs for the purpose, to the Government of Orissa.

3.16 *Allotment of homestead plots* : The Dandakaranya Project is stated to have allotted homestead plots to all the DP families settled in the Project at the rate of 800 square yards per family. The Project has allotted homestead plots to 16,577 families settled in Orissa area of the Project (12,098 in Malkangiri Zone and 4,479 in Umerkote Zone). In Madhya Pradesh area, the Project has allotted homestead plots to 8,654 families (7,817 in Paralkote Zone and 837 in Kondagaon Zone).

3.17 As per terms of lease/ownership of land allotted to migrants, they cannot transfer the ownership to anybody else or sell the land for

10 years following the issue of a patta. This clause is invariably included while issuing pattas in Umerkote, Paralkote and Kondagaon Zones. The Government of Orissa has also been asked to include this clause while issuing pattas to settlers of Malkangiri Zone, for which the work is in progress.

3.18 The Committee note that while 25231 migrant families are stated to be in position in Dandakaranya Project and pattas for ownership of land have been issued jointly for both the agricultural land and homestead plots allotted, only 15352 permanent pattas have been issued till 31 July, 1988 to settlers which also includes the quota of tribals settled under the Project. The Committee regret that the Ministry has not cared to furnish to the Committee the number of migrant families which have been allotted agricultural lands as rehabilitation assistance under the project and issued permanent pattas for (1) agricultural land, and (2) homestead plots allotted to them. The Committee are, however, sure that the number of migrant families settled in the project which have been issued permanent pattas jointly for agricultural land and homestead plots is far less than 15352 being the number of pattas issued to settlers as a whole. The Committee further note that while the work relating to issue of pattas to settlers in Malkangiri Zone is admittedly still in progress and being pursued by the Ministry with the Orissa State Government, the task of issuing pattas for permanent ownership of agricultural land and homestead plots to the migrant families is far from complete in Paralkote and Kondagaon Zones of the project as has been corroborated by the C.&A.G. in his Report of 1988. The Committee, therefore, strongly recommend that urgent steps should be initiated at a higher level by the Ministry of Home Affairs in conjunction with State Governments concerned to expedite the process of issuance of permanent pattas for ownership of agricultural land and homestead plots to all the migrant families settled in all the aforesaid 3 zones of the Project and the Committee informed of the progress of allotment of agricultural land and the issuance of the pattas to migrant settlers under the project within six months of the presentation of this Report citing the number of migrant families issued such pattas.

C. Houses for Migrants in Dandakaranya

3.19 According to the Ministry, 25,091 houses are stated to have been constructed for "settlers" in Dandakaraya Project. All the 25,231 displaced families in position in the Project are also stated to have been "provided permanent accommodation". Housing loans ranging from Rs. 1700/- to Rs. 7000/- per family are stated to have been paid to migrants from time to time. An amount of Rs. 4,49,14,833/- is stated to have been advanced as housing loans to the displaced persons upto March, 1988.

The Ministry has further stated in a written answer that loans granted to displaced persons upto 31-3-1984 and outstanding as on 1-4-1985 were written off in March, 1987 on the recommendations of the Eighth Finance Commission. The entire loan amounts has been since written off as on 31-3-1984.

3.20 In his Report No. 1 of 1988, the Comptroller and Auditor-General of India had observed :—

"In accordance with the scheme of rehabilitation each family moved to rehabilitation sites is to be provided with a house....

As on 31st March, 1986, 25,253 families were in position in 428 villages but only 25,006 families had been provided with village houses, 183 houses were under construction and 64 houses were not taken up.

3.21 While the Committee note that 25091 houses are stated by the Ministry to have been constructed for "settlers" in Dandakaranya Project, it has not been made clear as to how many of the 25231 migrant families in position have been allotted these houses. On the other hand the Ministry has also claimed that "all the 25231 displaced families have been provided permanent accommodation". The Committee would however, like the Ministry to refer to the arrears in this regard/pinpointed by the C. & A. G. in his Report of 1988 and to categorically state further that all the 25231 migrant families in position in the Project area are now actually settled in permanent houses/accommodation of their own.

D. Drinking Water Supply in Dandakaranya Region

3.22 In their Thirtieth Report on Dandakaranya Project—Exodus of Settlers (1978), the Estimates Committee had recommended :—

"It has been represented to the Committee that adequate drinking water is not available in villages during summer. The situation becomes worse in drought conditions. The Department have admitted that 'there is backlog in the construction of masonry wells in Malkangiri zone due to difficulties in finding executing agencies'. The Committee are informed that according to the minimum needs programme there has to be one well in a village of 30 families. The Dandakaranya Development Authority, it is stated, are following the norm of one masonry well for every 30 families and one tube well has been added because the masonry well is not adequate. During summer months a tube well unit is maintained by Dandakaranya Development Authority to attend to complaints on this account. The Committee feel that as the Department themselves have considered the norm of one masonry well for every 30 families as inadequate, there is a strong case for re-examining the question and fixing fresh norms keeping in view the conditions obtaining in Dandakaranya region. The Committee would, therefore, suggest that the drinking water needs of the settlers in Dandakaranya region should be studied afresh and revised norms fixed and additional masonry wells provided to meet their needs at the earliest. Needless to say that the number of masonry wells should be sufficient to cater to the needs of the population in summer months in particular."

3.23 On action taken by the Government in this regard the Ministry has stated that the Dandakaranya Development Authority reviewed the position in its 79th Meeting held on 9-1-1981 and approved that tube wells should generally be taken up as a permanent source of water supply. Masonry wells were not favoured because tube well water was considered safer as also for the reason that difficulties were being faced in the construction of masonry wells. It was also decided that one well should be provided for every 25 families of settlers whether it be a tube well or masonry well. In a post evidence note the Ministry

has further informed the Committee that by now, 1506 tube wells have been constructed and 523 masonry wells have also been excavated by the Dandakaranya Project. Moreover, there are 334 village tanks and 364 head water tanks to provide drinking water to displaced persons settled in the Dandakaranya area. Thus according to the Ministry "there is no dearth of tubewells/masonry wells for the families settled by the Dandakaranya Project."

3.24 In his Report no. 1 of 1988, the Comptroller and Auditor-General of India had observed :—

"In accordance with the scheme of rehabilitation...each village is to be provided with a water tank...Record of Malkangiri Zone showed that in 50 villages (9 in non-Potteru and 41 in Potteru area) village tanks were not provided mainly due to non-availability of land and in seven villages tanks taken up during 1977-78 to 1980-81 on which expenditure of Rs. 3.73 lakhs was incurred were not completed. Against 428 head-water tanks to be provided at one for each village, 360 tanks were completed up to March, 1986. It was further noticed that tanks were not provided in 3 villages in non-Potteru area and 55 villages in Potteru area and four tank taken up in January, 1983 on which Rs. 1.03 lakhs spent were not completed (October, 1987).

3.25 The Committee note that by now 1506 tube wells have been constructed and 523 masonry wells excavated in Dandakaranya Project area, apart from 334 village tanks and 364 head water tanks to provide drinking water to displaced persons/settlers under the project. The Ministry might, therefore, be literally correct in claiming that "there is no dearth of tube wells masonry wells for the families settled by the Dandakaranya Project". However, in the light of arrears in this regard pointed out by the Comptroller and Auditor-General in his Report No. 1 of 1988, the Committee wonder whether any appreciable dent has been actually made with regard to the basic problem of non-availability of drinking water in the Project area especially in the villages during summer time. The Committee would, therefore, like to be specially apprised of the accurate position about the steps taken to augment water supply in villages under the Project during summer and the norms of the number of families actually covered per tube well/masonry well there, not only with a view to give the badly needed relief to the settlers in general, but also to prevent the possibility of further desertions by migrants from the project area. The Committee would also like the Ministry to ensure that drinking water supplied to migrants is free from germs and not infested with water borne diseases.

E. Electrification of Dandakaranya Villages

3.26 In their 2nd Report (1980-81) on Dandakaranya project—Exodus of Settlers, the Estimates Committee had recommended:—

"The Committee regret to note that their recommendation to draw up a time-bound programme for electrification of the villages in

the Dandakaranya region has not been taken seriously. The Committee need hardly emphasise that electrification of the villages in the resettlement area is an essential element for the development of the area and will go a long way in ensuring economic well being of the settlers and their speedy resettlement. The Committee, therefore, cannot but reiterate their earlier recommendation and urge that a time bound programme for rural electrification of the remaining villages in the Dandakaranya project area should be drawn up expeditiously in consultation with the State Electricity Boards and follow-up action taken to ensure implementation of the programme.

The Committee would like to emphasise that funds should not be allowed to come in the way of electrification of this region and the Dandakaranya Development Authority should ensure that, just because of lack of funds, electrification of this region was not delayed. The Committee are of the opinion that, if need be, Dandakaranya Development Authority should provide funds to the State Electricity Boards of Orissa and Madhya Pradesh for carrying out the electrification schemes."

3.27 In a written answer the Ministry has informed the Committee that out of 428 villages set up by the Dandakaranya Project, 111 villages have been electrified. 67 more settler villages have been taken up for electrification. According to the Ministry, "Rural electrification programme involves huge outlays. The programme cannot be taken up independently for Dandakaranya Project area alone but has to form part of a general programme for rural electrification."

3.28 The Committee regret to note that while the number of settlers' villages in the project was stated to be 227 in Orissa and 254 in Madhya Pradesh (total 481) in the material provided by the Ministry for their 30th Report (1978-79), the number of villages "set up by Dandakaranya Project" has now been given by the Ministry as 428 out of which only 111 villages are stated to have been electrified so far and 67 more taken up for electrification. It appears that Dandakaranya Development Authority has not considered seriously the Committee's suggestion to provide funds to Electricity Boards of Madhya Pradesh and Orissa with a view to expedite the electrification of villages in the Project Area. In the light of mass desertions from the project in the past by migrants from former East Pakistan and with a view to check the recurrence of such desertions from the Area in Future, the Committee strongly reiterate their recommendation that the D.D.A. should make efforts to expedite electrification of maximum number of villages in the region, as a special case, even by providing funds to the concerned State Electricity Boards.

F. Recognition of Namasudra and Paundra Khetriya Communities as Scheduled Castes

3.29 The Committee were informed in 1978-79 that most of the displaced persons resettled in Dandakaranya region belonged to Namasudra

and Paundra Khetriya Communities which were recognised as Scheduled Castes in West Bengal but not so in Madhya Pradesh. In Orissa, only Namasudra Community is so recognised but not Paundra Khetriya. The Committee regretted in their 30th Report (1978-79) that Government had failed to find a solution to this problem even though it had been seized of this matter since 1968. The Committee observed in their aforesaid Report that since this was not a question of adding two "new" communities to the lists of Scheduled Castes, this matter should not have been linked with the question of "comprehensive" revision of Scheduled Castes and Tribes Order through an amendment of the relevant Act as was sought to be done in 1967 or in 1968. This was an anomaly resulting from the migration of two communities from one region to another. If it had been taken up by Government on compassionate grounds separately without waiting for comprehensive amendment in the Statute, the matter could have been settled much earlier. The Committee expressed the hope that the amending Bill which was then (1978-79) stated to be before the Joint Committee of Parliament would end this anomaly before long.

In their reply (December, 1979), the then Ministry of Supply & Rehabilitation had stated that it was unfortunate that the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1978 had lapsed and the Joint Committee ceased to exist with the dissolution of the Sixth Lok Sabha. The Ministry of Home Affairs had, therefore, been requested to consider the question of recognising the various Castes to which the displaced persons from former East Pakistan belonged as Scheduled Castes on the lines of recognition given to these castes in West Bengal by a separate amending Bill instead of waiting for enactment of a "Comprehensive Bill". The Ministry of Home Affairs had also been requested to process the proposal expeditiously so that the Amending Bill could be introduced as soon as the new Lok Sabha began its first session.

3.30 In their subsequent reply (November, 1980) the then Ministry of Rehabilitation had stated that the Ministry of Home Affairs had stated that in view of the past experience, they considered it advisable to bring a comprehensive Bill relating to modification in the Scheduled Castes and Scheduled Tribes Orders before the Parliament instead of enacting a separate legislation for according recognition to Namasudra, Paundra Khetriya and other castes to which the displaced persons from former East Pakistan belonged, as Scheduled Castes. In order to expedite matters, that Ministry proposed to set up a Special Cell for considering the various proposals for modifications in the Scheduled Castes and Scheduled Tribes Orders.

3.31 In their 2nd Report (1980-81), the Committee had reiterated :—

"The Committee would like the Ministry of Supply and Rehabilitation to pursue the matter with the Ministry of Home Affairs vigorously and if necessary, raise the matter at the highest level of the Government, so as to remove the long-standing grievance of members of Namasudra and Paundra Khetriya

Communities and recognise them as Scheduled Castes in the Orissa and Madhya Pradesh regions in line with their status in West Bengal."

3.32 The Ministry has informed the Committee in this regard that the Government has not enacted this legislation so far. The "matter has been regularly pursued with the Ministry of Welfare, following the Committee's 2nd Report and is under their active consideration".

3.33 An All-India body of migrants has represented to the Committee in this regard :—

"It is understood that most of the State Governments later started opposing the inclusion of these migrant S.C's and S. Ts, in their respective State lists of S. Cs & S. Ts, and the Centre kept quiet. They forgot that the 1967 decision of the Union Government was taken in fulfilment of a 'national commitment' which cannot be abrogated at the behest of any State Government. Even in regard to all categories of migrants in Assam from Bangladesh (many of whom were known to be foreign nationals) the Union government could not agree to the demand of the Assam agitators for scrapping the Government Policy instructions of June, 1965 on the ground that : "It is not possible to go back on the national commitment made to the refugees who were forced to leave their hearths and homes to take shelter in India". The Union Government's silence about the status of the S.C. migrants from East Bengal who went outside West Bengal at the behest of that State Government over the last 25 years or more is really very intriguing.....".

3.34 The Committee are anguished to note that even though the Central Government has been seized of the matter since 1968, Namasudra and Paundra Khetriya Communities which predominate the migrant families settled in Dandakaranya Project and have been recognised as Scheduled Castes in West Bengal, have not so far been recognised as such in Madhya Pradesh and in Orissa only Namasudra community has been recognised as Scheduled Caste so far with the result that both the communities in the area must still be feeling discriminated. The committee reiterate that the Ministries of Home Affairs and Welfare should now take up this matter vigorously at the highest level of the Government with a view to enact the necessary legislation very early to recognise Namasudra and Paundra Khetriya communities in Orissa and Madhya Pradesh regions of the Dandakaranya Project area as Scheduled Castes in line with their status in West Bengal, and remove their long standing grievance. It will also facilitate the process of their rehabilitation.

CHAPTER IV

REHABILITATION OF MIGRANTS IN OTHER STATES/AREAS

A. Settlement of migrants in other States/Areas

4.1 Asked to state precisely the number of Old and New migrant families which have been fully rehabilitated as per approved scales of rehabilitation assistance in each of the States/Areas other than West Bengal and Dandakaranya Project, the Ministry has stated that 1,91,800 Old Migrant families were "rehabilitated" and 50194 New Migrant families were "settled" in the aforesaid States/areas (as per State-wise details etc., given in the Introductory paragraph of Chapter I of this Report) and a total expenditure incurred on the settlement of these families upto 31-3-1988 is stated to be Rs. 206.69 crores. According to the Ministry now "there are now no Karmishibirs or transit camps."

4.2 Asked as to how many families of the Old Migrants settled in the States/areas other than West Bengal and Dandakaranya had been allotted land/agricultural land by way of rehabilitation assistance, the Ministry has stated that "the statistics about allotment of agricultural land to Old Migrants are not available" adding also that "No statistics about ownership rights/occupancy rights are forthcoming" in the case of these migrants. According to the Ministry "the homestead plots have been allotted between one third and half an acre per (migrant) family in agricultural settlements" in the aforesaid areas. Asked to state as to how many migrant families had been actually allotted homestead plots in these States/areas, the Ministry has stated that 35,140 New Migrant families settled in agriculture have been allotted homestead plots. The Ministry has also not provided statistics relating to the number of New Migrant families actually allotted agricultural land, homestead plots and the nature of ownership rights conferred on the migrants therefor.

4.3 According to Preliminary Material supplied by the Ministry only 431 migrant families were awaiting "resettlement" at the end of 1987, of which 159 families were stationed in Uttar Pradesh and 272 in Madhya Pradesh. Of the 159 families awaiting resettlement in U.P. 103 families are stated to belong to "Madan Industries Families" and remaining 56 to "P.L. Homes". All the 272 families awaiting resettlement in M. P. are also stated to belong to P.L. Homes.

4.4 *Madan Industries Families* :—According to the Ministry the Government of India had given a loan of Rs. 94.00 lakhs through the Government of U.P. between 1964 and 1971 to Madan Industries Ltd., a private spinning mill having their factory at Hastinapur in District Meerut (U. P.). The understanding was that in return of this assistance, the company will employ 600 migrants from former East Pakistan/repatriates from Burma and Sri Lanka. The company had, in fact, from time to

time, employed more than 1000 migrants/repatriates. Many of them left on their own, some superannuated and some were laid off on other grounds. Because of the continued cash loss, the company stopped operation with effect from 8-8-1984. "Keeping in view the poor financial position of the laid off families, it was decided that the families who were in the employment of the Industry on the date of its closure and had been sponsored for employment under the scheme of the erstwhile Department of Rehabilitation, Govt. of India, should be granted rehabilitation assistance as they had been thrown out of the employment due to circumstances beyond their control."

4.5 The 103 Madam Industries families are stated to be included in 146 New Migrant families to be settled in the Gunnaur Rehabilitation Project, District Budaun in Uttar Pradesh sanctioned on 6th July, 1987. These families could not be rehabilitated so far, "because the Government of Uttar Pradesh could not complete the work of soil treatment." State Government is stated to have assured the Ministry that "the families would be positively settled in June, 1989."

4.6 An All India Organisation of migrants from East Pakistan has represented to the Committee that migrants at numerous sites in aforesaid States/areas require proper rehabilitation and a thorough probe is needed to go into their problems. It speaks, *inter-alia*, of "365 families being deprived of land allotment" in Dakaachat colony and Netaji Subhash Nagar colony at Nauresha in Pilibhit Distt. (UP), "630 families under threat of cancellation of land allotment" in Vijaya Nagar Gram Sabha in Dineshpur in Nainital Distt. (UP), "land not transferred by Forest Deptt." to 416 families in Chandiya Hazra Bengali Colony in Pilibhit Distt. (UP). "still unsettled" and unemployed migrants families in Rehabilitation Centres at Rampur, Bareilly, Bijnor, Khera, Kanpur (Dehat) and Hrdoj (UP), 2500 migrants in the outskirts of Jamshedpur (Bihar) "Staying there as trespassers and stateless people over a period of 23 years", a large number of families in Katihar Dhanbad, Gaya, Ranchi (Bihar), still unsettled" or "not properly settled"; position of the left over of migrants" "still uncertain" in Garo Hills, Cachar, Nowgong, Goalpara (Assam); "land problem of migrants still persisting" in Khoidum Lamjoa and Lahunat areas of Manipur; position of migrants "still not satisfactory" in Ralma Serma Valley Scheme of Rehabilitation (Tripura); migrant "colonisers still not settled" in Kagaz Nagar near Hyderabad (A.P.); position of migrants "still unsatisfactory" in Rehabilitation Centres at Adilabad-Isagaon area (A.P.) and "sub-human conditions with no prospect of their rehabilitation" of about a lakh of migrants staying in Jhugijhopri areas in different parts of Delhi.

4.7 The Committee are pained to note that while 1,91,800 Old Migrant families and 50, 194 New Migrant families are stated to have been "rehabilitated" and "resettled" respectively in States/areas outside West Bengal and Dankakaranya Project, the precise statistics about the number of old migrant families actually allotted agricultural land by way of rehabilitation assistance and the details of nature of ownership/occupancy rights conferred on such migrants are "not available" with the Ministry. The Committee are further distressed to note that while homestead plots are stated to have been allotted between 1/3 and 1/2 acre per family to migrants settled in agriculture and 35140 New Migrant families settled in agriculture are stated to have been allotted homestead plots, the Ministry has not indicated the number of New Migrant families in these States actually allotted agricultural land

and homestead plots and the nature of ownership rights therein granted to them. In view of above mentioned crucial and vital information not being "available" to the Ministry, the Committee are at a loss to understand how the Government are in a position to presume that 1,91,800 Old Migrant families and 50194 New Migrant families have actually been "rehabilitated" or "resettled" in the States/areas outside West Bengal and Dandakaranya Project. The actual position on the ground of the rehabilitation of these migrants is also not encouraging in view of the representation made to the Committee by an all India organisation of migrants referred to in the preceding paragraphs. It appears to the Committee that the major problems relating to rehabilitation of migrants from former East Pakistan, including allotment of agricultural land, homestead plots and ownership rights therefor persist in these places because of negligence of rehabilitation authorities concerned. The Committee, therefore, strongly recommend that the actual position of the rehabilitation of migrants in the aforesaid States/areas should be gone into afresh by the Ministry in conjunction with State Governments/Union Territories concerned who should also re-investigate the precise number of both old and new migrant families settled/rehabilitated in Agriculture and other occupations in each State/area, alongwith the number of families actually allotted agricultural land, homestead plots and the precise nature of ownership rights conferred on migrants therefor and take meaningful and expeditious steps to fully rehabilitate the migrants concerned in accordance with present approved scales, taking into view not only the arrears in this regard officially admitted at present but also the actual magnitude thereof arrived at after the re-examination recommended by the Committee.

4.8 The Committee are also distressed to note that Government of India gave a loan of Rs. 94 lakhs through the Government of U.P. between 1964 and 1971 on the understanding of employing 600 migrants from former East Pakistan, Burma and Sri Lanka, to Madan Industries Ltd., a private spinning Mill having their factory in Hastinapur, Distt. Meerut, which employed about 1000 migrants from time to time but stopped its operations on 8.8.1984, on account of "continued cash losses", laying off 146 migrants, among others, in such poor financial condition that Government of India had to grant them further rehabilitation assistance under Guanaur Rehabilitation Project, Distt. Budaun. The Committee wonder whether the Government of India distributed such a largesse to this petty private enterprise in the name of rehabilitation assistance to migrants merely on the recommendation of the State Government or applied itself also any checks and safeguards which are normally required in such cases. The Committee are sure that even after getting a loan of Rs. 94 lakhs from 1964 to 1971, if this company incurred "continued cash losses" culminating in stoppage of its operations in 1984, the credit worthiness, feasibility and viability of this company must have been less than promising in 1964 when the Govt. of India made its fateful decision to grant a huge loan of Rs. 94 lakhs to it in exchange of the understanding to provide employment to 600 migrants. The Committee would like to be informed of how the loan of Rs. 94 lakhs granted to the aforesaid company has been accounted for and what was the statutory sanction/scheme under which the loan was granted to it. The Committee recommend that with a view to avoid such losses in future, Government of India should be doubly cautious in granting loans to private units for the purpose of rehabilitating migrants and should avoid making such deals with private enterprises of doubtful commercial credibility.

4.9 While the Committee commend the decision of the Government to grant rehabilitation assistance to 146 New migrant families from former East Pakistan, including 103 Madan Industries families under the Gunnaur Rehabilitation Project in District Budann, U.P. after the families were laid off due to stoppage of its operations by the private company in 1984, they deplore the delay in their rehabilitation under the above Project sanctioned as late as on 6th July, 1987 and the fact that so far "the Government of Uttar Pradesh could not complete the work of soil treatment". The Committee recommend that the Rehabilitation Division on the Ministry of Home Affairs should now induce the State Government to take timely steps with a view to ensure that these families are actually rehabilitated by June, 1989, as scheduled. The Committee would also like to be informed of the expenditure incurred on the further rehabilitation of these 103 migrant families from former East Pakistan under the Gunnaur Project.

B. Special Areas Development Scheme

4.10 In their 96th Report (1959-60) on the then Ministry of Rehabilitation—Eastern Zone, the Committee had recommended:

"The Committee find that nearly 9,000 persons have been rehabilitated in Andamans from all accounts successfully under a scheme of the Home Ministry which does not appear to have been pursued further. They suggest that settling more of the displaced families in Andamans may be sympathetically examine."

4.11 The erstwhile Ministry of Rehabilitation in their action taken reply vide O. M. No. RS-6(5)/60 dated the 23rd/24th August, 1960 had stated that "the suggestion of the Estimates Committee has been brought to the notice of the Ministry of Home Affairs who are concerned with the matter."

4.12 In their 170th Report (1961-62) on the subject, the Committee had not accepted Government's above reply and had commented :—

"Rehabilitation of the displaced persons is primarily the responsibility of the Ministry of Rehabilitation. The matter may be pursued actively by that Ministry".

4.13 In a written answer, the Ministry of Home Affairs has informed the Committee that when the Ministry of Rehabilitation was reconstituted in the year 1964, it was also entrusted with the work of 'development of such special areas as might be indicated by the Prime Minister from time to time'. A group of Secretaries had considered the question of 'special areas' to be included within the responsibilities of the then Ministry of Rehabilitation and suggested that existing economic underdevelopment, potential of future development, low density of population and economic viability should be the criteria for the selection of 'special areas'. It was also suggested that the development programme of the areas

so chosen should be an integrated one. The matter was further considered by Group of Ministers and inter-Departmental teams in consultation with the State Governments. In August, 1964, the then Prime Minister had indicated that the Union Territory of Andaman and Nicobar Islands was eminently suitable for integrated development and particularly for the purpose of rehabilitation of displaced persons from former East Pakistan. Accordingly, the Department of Rehabilitation took up schemes for resettlement of migrants from former East Pakistan, repatriates from Sri Lanka/Burma and ex-servicemen in some Islands. An area of 10551 acres had been reclaimed and 1195 families were settled (including 805 new migrant families, apart from 3000 Old migratory families stated in Preliminary Material to have been settled in the Islands earlier) in middle Andaman (Betapur), Neil Islands, Little Andaman, Great Nicobar, Katchal Rubber Project and Rubber Research-cum-Development station, South Andaman till the middle of 1978. All the completed projects were transferred to Andaman Administration. In view of the ban imposed in 1975 on deforestation, there has been no further scope of settlement of migrants in the Andaman and Nicobar Islands.

4.14 Another area indicated by the Prime Minister for development as special area in November, 1967 was Chanda District (Maharashtra). The Rehabilitation Division had developed this area as an agricultural project for the settlement of migrants from former East Pakistan and an area of 29301 acres was reclaimed. A total number of 5674 new migrant families were settled in this project and the project was normalised with effect from 1-4-1980.

4.15 An All India Organisation of migrants from former East Pakistan has represented to this Committee in this regard :

“Outside West Bengal, a vast scope for favourable rehabilitation of these refugees lay in the Andaman and Nicobar Islands because of its geographical location. Right from 1949, small groups of such displaced persons were going there for resettlement. The Government was agreeable to send quite a sizeable number of new camp refugees for permanent settlement in the A&N. Islands after preparing the necessary infrastructure there. But this decision or commitment was later reversed for reasons best known to the Central Govt. Being a Centrally administered territory it could have been an ideal place for mass colonization by East Bengal refugees. Even the scheme of development of Special Areas in various parts of the country as indicated by the Prime Minister from time to time which was also meant to provide considerable scope for rehabilitation of East Bengal refugees could make little headway over the years.”

4.16 New Migrant families settled in Andaman and Nicobar Islands and Chanda Project of Maharashtra are stated to have been given agricultural land and financial assistance for constuc-

tion of village huts, seeds and fertilisers, agricultural tools and implements, bullocks, fodder for bullocks and bullock-carts, weeding operations, development of homestead plots, plant protection equipment and paddy bunding.

4.17 In the first instance, the Committee deplore the discrepancy in the figures of 8,700 Old Migrant families, stated by the then Ministry of Rehabilitation, to have been settled in Andaman & Nicobar Islands in its Annual Report for the year 1959-60, whereas only 3000 such migrant families are stated to have been rehabilitated in the said Islands by the Rehabilitation Division of the Ministry of Home Affairs in the Preliminary Material sent to the Committee in 1988. The Committee recommend that among others this discrepancy should also be resolved by the Ministry of Home Affairs in course of the integrated review of rehabilitation work in all the States/areas of the country recommended in an earlier Chapter of this Report.

4.18 The Committee note that while 805 New Migrant families have been settled in Andaman & Nicobar Islands, 5674 new migrant families have been settled in Chanda Dist. of Maharashtra developed as an agricultural project under the Special Areas Development Scheme. It has, however, been represented to the Committee that the migrants settled in Chanda District are facing "a lot of problems still to be solved." Obviously they must still be facing problems relating to allotment of agricultural land and homestead plots and ownership rights therefor being or to be conferred on them. The Committee recommend that the Rehabilitation Division of the Ministry should initiate measures to study the problems of these migrants through regular interface with their local representatives, arrange to resolve their rehabilitation problems at the earliest in collaboration with the State Government concerned and inform the Committee in due course about concrete physical achievements in this regard.

C. Rehabilitation of 'P.L. Home' families

4.19 Old and infirm persons, unattached women and orphans who could not be rehabilitated straightaway, were accommodated in various Permanent Liability (P.L.) Homes. The details in regard to these P. L. Homes, their number, location, strength etc. as furnished by the Ministry may be seen in the statement below. As per policy a P. L. family becomes rehabilitable when an able bodied child (male or females) attains the age of 18 years. The responsibility for running the P. L. Homes has been transferred to the concerned State Governments w.e.f. 1-4-1974 who are also required to formulate viable schemes for rehabilitation of families becoming 'rehabilitable'. The rehabilitation of such families is also the responsibility of Rehabilitation Division of the Ministry of Home Affairs which provides funds for such rehabilitation assistance. In respect of new migrants, the rehabilitation problem remains mostly in the case of P. L. families.

**STATEMENT SHOWING THE DETAILS OF REHABILITABLE FAMILIES
IN P.L. HOMES**

Sl. No.	Name and location of P.L. Home	Number of families
1.	Bamunigaon P.L. Home, Assam	287
2.	Amtali P.L. Home, Tripura	87
3.	Rudrapur P.L. Home, Uttar Pradesh	106
4.	Birai P.L. Home, Maharashtra	80
5.	P. L. Home, Mana, Madhya Pradesh	572
Total :		1132

4.20 Out of these 1132 families, schemes are stated to have been sanctioned by the Rehabilitation Division for the following 102 Permanent Liability families who became rehabilitable in 1987 :—

	No. of families
Rudrapur P.L. Home (U.P.)	30
Mana P. L. Home (M.P.)	69
Amtali P.L. Home (Tripura)	03
102	

4.21 Out of 1132 P. L. Home families, only 99 families, who had become rehabilitable, are stated to have been actually provided rehabilitation assistance till the end of 1987.

4.22 Of the 431 families stated by the Ministry to be "awaiting re-settlement" as on 31-12-1987, in Uttar Pradesh (159) and Madhya Pradesh (272), 56 families in U. P. and all the 272 families in M. P. are stated to pertain to "P. L. Homes" families (328). Asked in view of 1132 P. L. Home shown as "rehabilitable" at page 80 of the Preliminary Material sent to the Committee in 1988 to clearly state the actual number of rehabilitable families including those in P. L. Homes, the Ministry has stated after evidence that "as a result of screenings carried out, 546 families were found rehabilitable. Out of these, 170 families have since been settled and a scheme has been sanctioned for the settlement of 30 families. The remaining families will be settled in coming years, till 1999, on the basis of the schemes to be formulated by the State Government."

4.23 An All India organisation of migrants from former East Pakistan has represented to the Committee :—

“So far as the Eastern Zone is concerned, there were in all 44 Homes and Infirmaries with approximately 60,000 inmates at the end of 1957. No clear picture is available about the dispersal and rehabilitation of these old migrants of P.L. category. According to the 1966-67 report of the Deptt. of Rehabilitation, there were about 10,335 migrants of the longterm liability categories in various camps, and the first batch of families was shifted from the Central Camp, Mana, to Kasturba Niketan, New Delhi in October, 1966. Eight P.L. Homes were set up till 1971-72 for 2,281 P.L. families. Six more P.L. Homes were still to be constructed for 3,400 more families... In actual practice, however, very little has been done to rehabilitate the P.L. Home inmates who are rotting in abysmal condition over the last 20 to 25 years even for new migrants. An enquiry into the condition of P.L. families at Kasturba Niketan under the very nose of the Central Government will confirm this situation.”

4.24 The non-official organisation has therefore suggested to make a thorough enquiry into the rehabilitation of inmates of Permanent Liability Homes, with 6,681 families as estimated in 1971-72, and located at Mana Group of Transit Camps, Mahila Ashram at Karnal (Haryana), Kasturba Niketan in Delhi, Daliganj Home (Lucknow), Meherpur & Bamuigaon Homes (in Assam), Amtali & Arundhutinagar Homes (in Tripura), Birsi Home (Maharashtra), Durgakumud Home (Varanashi) and Sunabeda Home in Orissa.

4.25 The Committee note that as in July 1988 there were 5 permanent Liability homes with 1132 rehabilitable families in Assam, Tripura-Uttar Pradesh, Maharashtra, and Madhya Pradesh. Of these 1132 families, schemes were sanctioned in 1987 for rehabilitation of 102 P.L. families only, of which only 99 families were actually rehabilitated by the end of that year. After evidence the Ministry has further informed the Committee that as a result of screenings carried out 546 families were found rehabilitable and out of them 170 families have since been settled and a scheme has been sanctioned for further settlement of 30 families. It is not clear from the Ministry's reply when exactly the screenings were carried out and 170 families rehabilitated. The Committee apprehend that there is a wide gap between the position of rehabilitable families in Permanent Liability Homes not only as intimated to them by the Ministry and as represented to them by the non-official organisation of migrants referred to in the preceding paragraphs, but also between the number of families found rehabilitable by the Government itself as 102 in 1987 and as 546 on subsequent screening. The Committee are of the view that on the ground of compassion alone if nothing else the Rehabilitation Division of Ministry of Home Affairs should accord top priority to the rehabilitation of rehabilitable families in P.L. homes both in the integrated review of rehabilitation of migrants suggested earlier in this report as also in actually expediting the rehabilitation of all rehabilitable families in PL homes so that there are no arrears in this regard. From the

material supplied by the Ministry it appears that not all rehabilitable families in the PL homes have been actually rehabilitated so far and there appears to be a lot of time gap between a family becoming rehabilitable in a PL home and the time when the scheme to rehabilitate them is proposed by the State Government and their rehabilitation is actually sanctioned by the Ministry of Home Affairs resulting in cumulative arrears. The Committee, therefore, stress that State Government should be pressed by the Ministry to prepare and finalise the schemes for the rehabilitation of rehabilitable inmates sufficiently in advance of their becoming eligible for the purpose so that the Ministry is also able to provide the requisite funds for their rehabilitation in time and the eligible families are relieved at the earliest opportunity from the none-too-comfortable conditions in PL homes now being run by the State Governments concerned.

CHAPTER V

POST 1971-72 INFLUX

A. Influx into Tripura and Mizoram

5.1 On the pattern and magnitude of migration to India of people from Bangladesh after 1971-72, the Ministry has stated that the influx of tribal refugees from Chittagong Hill Tracts of Bangladesh into the neighbouring States of Tripura and Mizoram is comparatively a recent development. Tripura has been the worst affected by the influx of tribal refugees from Bangladesh. Between 1977 and 1986, 17727 Bangladesh nationals are stated to have entered Mizoram which included a large influx of tribal refugees during 1984 who were/have been accommodated temporarily in transit camps pending their return to Bangladesh. All the entrants into the State are stated to have already been sent back.

5.2 *Chakma Refugees in Tripura*:—The following figures have been supplied by the Ministry about the number of migrants from Bangladesh who entered into Tripura State from 1972 to 1987:—

Year	No. of migrant
1978	3,000 approx.
1981	17,000 approx.
1986	29,788
1987	19,276

5.3 Migrants/refugees, who came to Tripura in 1978, are stated to have stayed in India for about one month and they were repatriated to Bangladesh. The refugees who came in June, 1981, were sent back in the last week of November and first week of December, 1981. It will be seen from the particulars given above, that in all about 49,000 refugees came to Tripura from April, 1986 till date. These refugees have been accommodated in 5 relief camps set up for them at Karbook, Silachari, Kathalchari Takumbari

and Pancharampura. The camp-wise pupopulation as on 31st December, 1987 is given below —

Name of camp	No. of persons staying	No. of persons reported missing from the camps
1	2	3
Karbook	6603	446
Silachari	4932	261
Kathalchhari	9491	1504
Takumbari	15579	454
Pancharampura	9296	418
	45981	3083
Total : 49,064		

5.4 The expenditure incurred on the maintenance/relief assistance, including medical and educational assistance, on these refugees upto the 31st March, 1988 is stated to be Rs. 816.287 lakhs borne by the Government of India. The Ministry is releasing Grants-in-aid to Tripura Government for maintenance of these Chakma refugees. The actual relief work is being handled by the State Government.

Deaths in Camps :—On the persistent reports of deaths in these camps due to diseases/epidemics and unnatural causes like starvation, the Ministry has stated that as on 25-7-1988, 2984 refugees including children died since their migration from 30th April, 1986. According to the State Government the deaths, as ascertained by a team of medical experts, were due to various diseases such as diarrhoea, respiratory tract infection, bronchi-pneumonia, worm infection etc. "Further habits of the tribal refugees such as using local water resources from rivulets instead of using tubewells provided in the camps and non-utilisation of dugwell latrines by the children have contributed to environmental pollution and contaminated sanitation." The Ministry has further stated that the State Government have taken all possible measures to render medical aid to the camp inmates including supply of nutritional food for the children and to keep watch over the environmental sanitation in the camps.

5.5 Asked to explain the persistent reports of starvation and unnatural deaths of Chakma refugees in Tripura camps which have come to the notice of the Committee inspite of the impressive arrangements for their relief assistance including maintenance. Subsistence, medical and educational facilities, the Ministry has stated that it has "not received any reports about starvation deaths in the refugee camps from the State Government". The Ministry has also stated that with the issue of rations in kind at the existing scales, ordinarily no starvation deaths should occur.

5.6 The Committee are concerned to note that about 49,000 refugees who came to Tripura from Bangladesh since April, 1986, as many as 2984 refugees, including children have died in the camps upto 25-7-1988 due to diseases such as diarrhoea, respiratory tract infection, bronchi-pneumonia, worm infection, etc. Apart from the aforesaid diseases, the Ministry has also attributed the deaths to the unhygienic habits of tribal refugees such as using local water resources from rivulets instead of tubewells provided in the camps and non-utilisation of dugwell latrines by children contributing to environmental pollution in the camps. The Committee regard this as dangerous situation not only for the refugee camps but also for the surrounding localities inhabited by non-refugees. It is clear to the Committee that had the medical facilities for the camp refugees been adequate in quantity and quality there would not have been almost 3000 deaths in the camps in a short span of two years and 3 months due to infectious diseases mentioned by the Ministry. The Committee apprehend that the provision of facilities and conveniences such as tubewells and dugwell latrines in the camps appears to be so meagre and unhygienic that the migrants feel it impractical to exclusively use and depend upon them rather than the rivulets and open fields making the inmates easy preys to fatal diseases. The Committee therefore, recommend that the Ministry should have a second look at the medical facilities and civic amenities actually available to these migrants in the camps and arrange to upgrade them both in quantity and quality so as to drastically reduce the incidence of deaths in these camps, due to infectious diseases.

5.7 *Migrants missing from Tripura camps:*— While 45981 tribal migrants are stated to be actually staying in 5 camps in Tripura, 3083 migrants are stated to be missing from these camps at the close of December, 1987.

5.8 As the post-1971-72 migrants are to be repatriated positively to Bangladesh sooner or later, the Committee asked the Ministry as to why the authorities have not been able to prevent their desertion from camps and staying clandestinely with their relatives, friends or accomplices elsewhere in this country. In a written answer the Ministry has stated that the refugees have been accommodated in camps set up for them and they have been segregated from the local population. "Though efforts are made to keep a check on their movements, it is not strictly possible to prevent their desertion from the camps as the population of Tripura is heterogeneous and some of the refugees might have friends and relatives in Tripura.

nough the camps have been provided with some security staff, some measure of movement is allowed to the inmates of the camps so that it may not give the impression that the refugees are being held captive in the camps." On the precautions taken against the possibility of missing refugees posing a fresh migrants the Rehabilitation Division of Ministry has asserted that, the State Government are to verify the documents of the persons concerned before extending any rehabilitation assistance to the bona-fide migrants.

5.9 The Committee are disappointed to note that within less than 2 years of the opening of camps in Tripura for about 49000 refugees which started migrating in April, 1986, as many as 3083 migrants have been reported missing from the five camps in the State by the close of 1987. The Committee expect the Government to appreciate the fact that being post-1971-72 refugees, they are bound to be repatriated to Bangladesh sooner or later and the successful attempts by as many as 3083 refugees out of about 49,000 in such a short time to desert the camps and mingle clandestinely with the sections of the local populace speak poorly not only of the vigilance arrangements made so far by both the Central and State Governments in this regard, but also undermine our national policy on these refugees. The Committee, therefore, recommend that the Central and State Governments must sit together and find some effective means to prevent desertion from camps by these refugees and their clandestinely mingling with local population. The Committee suggest in this regard that the Government should consider the feasibility of marking, at regular intervals, in strong indelible ink, a suitable sign on the hands or arms of each such refugee with a view to make it easy to detect him or her from amongst the other sections of the local populations.

5.10 *Repatriation of Chakma Refugees* :—A Bangladesh delegation comprising 3 Bangladesh officials and 11 Bangladesh leaders accompanied by Bangladesh High Commissioner in India is stated to have visited different refugee camps and held discussions with refugee representatives on 11-12th July, 1988. Though the Bangladesh High Commissioner is stated to have told the refugees that peace and normalcy was prevailing in Chittagong Hill Tracts (CHT) and Bangladesh refugees should come back to Bangladesh, the Chakma Tribal Refugees did not agree on account of continued atrocities on tribals in CHT's. A memorandum was submitted to the team by refugees addressed to Bangladesh President listing their demands. They made it clear to Bangladesh High Commissioner that unless their demands are accepted, they will not return to CHT's/Bangladesh. The visit of the delegation apparently yielded no results.

5.11 The matter of repatriation of the Tribal Chakma Refugees to Bangladesh is also stated to have been discussed during the talks the Prime Minister of India held with the President of Bangladesh during his visit to Delhi in September, 1988. According to the Ministry, "the Bangladesh High Commissioner in India and President of Bangladesh assured that they were keen to take back the refugees and as a first step to restore normalcy in the Chittagong Hill Tracts (CHTs), they had negotiated a settlement with the local tribals to grant them autonomous status and a Bill

to this effect would be brought forth in their Parliament during the next Session in December (1988). Once the Bill is passed, necessary conditions would be created in the CHT for the orderly return of the Chakma Refugees." The Ministry has added that the Government would continue its efforts for early repatriation of these Chakma Tribal Refugees.

5.12 The Committee understand that as per media reports some legislation with regard to the autonomous status of Chakmas in Chittagong Hill Tracts is being brought in the Parliament of Bangladesh. The Committee, therefore, recommend that the Government of India should closely watch the developments in this regard in Bangladesh and on the basis thereof pursue the matter of the refugees' repatriation more vigorously both with the Government of Bangladesh and the refugees camped in Tripura.

B. Post-1972 Migration without travel documents

5.13 The percentage of migration from Bangladesh into India without travel documents during each of the 5 years from 1983 to 1987 is stated to be 11.21, 9.61, 10.72, 27.18 and 10.55 respectively. According to the data supplied by the Ministry the number of infiltrators apprehended, sent back and handed over to State Police with regard to States bordering Bangladesh during the years from 1983 to 1987 was as follows :—

Border State	Number of illegal entrants apprehended by the BSF at the border	Number of persons (out of those in col. 2) handed over to State Police	Number of persons (out of those in col. 2) pushed back
ASSAM	445	133	312
MEGHALAYA	394	129	265
TRIPURA	5168	653	4515
WEST BENGAL	80528	3776	76752
MIZORAM	8816	86	8730

5.14 According to the Ministry, "since the visas to Bangladesh nationals are not granted for specific places and they are also not required to get themselves registered with the police authorities if their stay does not exceed 180 days, they find ways and means to stay in India beyond the period of validity of their visa and settle in India permanently . . . even without the knowledge of the concerned State Authorities. They would come on short term visa, leave their place of visit, mix with the persons of their community and ultimately, get lost with their connivance."

5.15 In a written answer to unstarred Question No. 2230, on Bangladesh Infiltrators, the Minister of State in the Ministry of Home Affairs

stated in Lok Sabha on 10-8-1988 that "a few cases have been reported by the State Government where Bangladesh nationals of this category managed to obtain citizenship certificates from the local District Collectors who were earlier competent to issue such certificates by suppressing material information. The concerned State Governments were requested to take appropriate action. The powers of the District Collectors under the Citizenship Act, 1955 has since been withdrawn w.e.f. 1-4-1986 and now only the Central Government is competent to grant Indian citizenship." The Committee, therefore, asked the Ministry as to how many such cases had been detected and what action the Government had taken in such cases to prevent such manipulation in future. In a written answer the Ministry has informed the Committee that "complete information in this regard was not available with the Ministry and such cases came to their notice only when citizenship certificates issued by District Collectors are subjected to verification by local police authorities." So far the Government of West Bengal is stated to have brought to the Ministry's notice about 60 cases. Pressed to state specifically what action have the Government taken in pursuance of such cases the Ministry has replied in a post-evidence note that "memos have been served on all these persons requiring them to explain as to why the citizenship certificates obtained by them by suppressing material information should not be cancelled. Replies have been received from some persons and these will be examined and decided on merits."

5.16 *Prevention of recurring influx* : With regard to the prevention of recurring influx of Bangladesh, the Ministry has stated that to fill in the gaps in the Bangladesh border 29 additional battalions of Border Security Force have been sanctioned to be raised in five years from 1986 onwards alongwith requisite infrastructure. The Ministry has informed the Committee that till 1986, 28 battalions had been deployed on this border. 11 additional battalions are stated to have been deployed during 1987-88. Asked to state what specific steps had been taken by the Government to ensure that corrupt local official/relatives did not help illegal migrants to settle in border villages or towns in State bordering Bangladesh, the Ministry has stated that "tribal refugees have been segregated from the local population and they have been accommodated in separate camps."

5.17 The Committee are concerned to note the magnitude of infiltration from Bangladesh into the bordering States of Assam, Meghalaya, Tripura, West Bengal and Mizoram during the years from 1983 to 1987. The brunt of infiltration is being borne especially by West Bengal on whose borders the number of illegal entrants apprehended by Border security Force during this period was as large as 80,528 ; the number thereof handed over to State Police was 3,776, and the number pushed back being 76,752.

5.18 While the Committee are glad to note in this regard that B.S.F. deployed on Indo-Bangladesh Border is being further beefed up with requisite infrastructure by 29 additional battalions in five years from 1986 onwards, of which 11 additional battalions have already been deployed during 1987-88, they regret to note that regulations governing the issue of visas to Bangladesh nationals by Government of India are so facile for potential infiltra-

ters, that they can come to this country on a visa for 180 days without indication of specific place of their stay and can manage to stay beyond the period of validity in the visa, leave their ostensible place of visit, mix with some people and get lost with their connivance. The Committee are of the firm view that it is the most opportune time for the Government of India to plug this loophole in the visa regulations governing visitors from Bangladesh to India, bilaterally if possible, within a reasonable period of time, or unilaterally with a view to contain the menace of infiltration into India because the other side does not have to suffer from this problem on our account.

5.19. The Committee are also distressed to note that information regarding the number of infiltrators from Bangladesh who managed to obtain citizenship certificate from local District Collectors who were earlier Competent to issue citizenship certificates, by suppressing material information, is not available with the Ministry of Home Affairs and such cases come to their notice only when the citizenship certificate are subjected to verification by local police and that only 60 cases had been brought to their notice by West Bengal Government. The Committee are of the view that the number of such infiltrators must be pretty substantial especially up to 1-4-1986 when powers of issuing citizenship certificates were withdrawn from the District Collectors by the Government of India. In regard to cases detected so far the Ministry's stand that "memos have since been served on all these persons concerned requiring them to explain why the citizenship certificates issued to them should not be cancelled", suggests not only that Government is treating such infiltrators with kid-gloves but also absolving the District Collectors who were responsible for issuing citizenship certificates in such cases. The Committee are also of the view that merely withdrawing the powers of District Collectors of issuing citizenship certificates and restricting them to the Central Government only is not adequate as similar certificates can be got issued from the Government also after suppressing the material facts. The Committee are certain that unless the very procedure and regulations regarding the issue of citizenship certificates to nationals from Bangladesh are revised to plug the loopholes therein, such cases may go on recurring even though the Central Government goes on issuing certificates. The Committee, therefore, suggest that the Ministry should get this matter examined by experts concerned with a view to plug these loopholes so that such cases do not recur with the issue of citizenship certificates to nationals of Bangladesh by the Central Government also.

5.20. The Committee are further pained to find that precious little is being done by the Central or State authorities concerned to prevent corrupt local officials or relatives from helping infiltrators in settling in border villages or towns. The Ministry's casual reply in this regard that "tribal refugees have been segregated... and ... accommodated in separate camps" does not sound convincing as this reply applies to persecuted and undone Chakma refugees now camped in Tripura and not to wilful infiltrators, most of whom are non-tribals, who manage to clandestinely mix with local populace with the connivance of local officials or relatives and pose menacing problem to the country. The Committee, therefore, recommend that once an illegal entrant is apprehended

on the Indo-Bangladesh Border and it is decided to hand him over to the State police and not to push him/her back, Central/State authorities should consider the feasibility of tattooing some suitable sign on the hand/arm of the infiltrator so as to enable the authorities concerned and public also to detect the infiltrator from amongst the local population with whom he or she might have clandestinely mixed. The Committee also strongly recommend that both the Centre and State Governments should arrange to impose exemplary punishments to officials or relatives who manage to help the infiltrators to settle in border areas.

[NEW DELHI;
April 4, 1989

Chaitra 14, 1911 (S)

ASUTOSH LAW,
Chairman,
Estimates Committee.

APPENDIX I

(Vide paragraph No. 2.87 in Chapter II)

Rehabilitation Industries Corporation Ltd., Calcutta

The following facts emerged from the written and oral answers given during evidence by the representatives of the Ministries/Departments concerned :—

(i) *Magnitude of yearly losses* :—

Year(s)	Amount (Rs. in lakhs)
from 1959 to 1980-81	26.16
1981-82	1.68
1982-83	1.39
1983-84	3.45
1984-85	4.33
1985-86	6.31
1986-87	9.06
1987-88	10.52
Total	62.90

(ii) *Employment of Refugees* :—Apart from providing employment from time to time to 5000 deplacced persons through assisted private industries, the Corporation has employed 2700 persons directly, as in November, 1988.

(iii) *Financial Assistance to private entrepreneurs* :—The Scheme was stopped in 1965-66.

(iv) *Closure of Production Units* :—The Corporation once owned 30 production units but 17 of its uneconomic units opened between 1963 and 1969 were closed down between 1967 and 1985. The closed units had incurred accumulated losses of Rs. 89.14 lakhs upto the close of 1987-88.

(v) *Production units in operation* :—The 13 production units in operation, opened between 1962 and 1975, have incurred upto the close of 1987-88 cumulative losses of Rs. 6200.56 lakhs, of which losses of Rs. 4266.42 lakhs on account of "overheads include interest on Government and bank loans amounting to Rs. 29.60 crores, unrecoverable loans amounting to Rs. 60 lakh, Head Office Staff and other expenses over the last 29 years."

(vi) Position since 1985-86 :—Having closed 17 of its uneconomic production units between 1967 and 1985, the production, sales and "cash losses" of the Corporation for the last 3 years were as follows :—

Year	(Rupees in lakhs)		
	Production	Sales	(—) Cash losses
1985-86	374.10	406.46	(—) 431.61
1986-87	1124.36	768.85	(—) 376.82
1987-88	1461.96	1511.86	(—) 287.34

APPENDIX II

Summary of Recommendations/Observations

S. No.	Page No.	Recommendation/Observation
1	2	3
1	1.16 & 1.17	<p>The Committee note that the Government had incurred an expenditure of Rs. 406.78 crores on the rehabilitation (including payment of compensation) to displaced persons from West Pakistan and to meet all the multifarious obligations in this regard Government had enacted half a dozen Acts of Parliament. On the other hand for the rehabilitation of old and new migrants from former East Pakistan, even though an expenditure of more than Rs. 745.56 crores was incurred, the Government cared not even once to resort to legislation to incur such huge and recurring expenditures and carried on the activities merely by the issue of Executive instructions from time to time.</p> <p>The Government's contention that no legislation in this regard was considered necessary as no compensation was to be paid to migrants from East Bengal as they retained proprietary rights in their properties (in former East Pakistan) which they could sell or dispose of in any manner they pleased till 1965, is not convincing in view of the circumstances under which the migrants had to abandon their native places, and were also not in a position to return to those places. In any case, this situation changed drastically in 1965 when the then Government of Pakistan seized properties of Indian nationals in both the wings. The Committee cannot comprehend as to why even after 1965 the Government did not come forward with a comprehensive legislation on proper rehabilitation of migrants from former East Pakistan who ceased to have even a fictitious title to their properties there from that year. The Government's post-1965 stand that "in the case of East Pakistan side the property vested is not a disposed of property...." and "with regard to our property on the other side we would still like the rights/titles whatever they are, are maintained</p>

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and restored" and that terming of payments to these migrants for properties left in Pakistan as 'ex-gratia' and not 'compensation' was a 'very deliberate decision', is not consistent with the Home Secretary's own assessment that the persons who migrated from former East Pakistan upto 25-3-1971 'have come to settle here permanently and we have to provide them help' and 'were given the facilities regarding acquisition of citizenship rights.' This inconsistent—rather contradictory—stand is clearly indicative of the fact that the Government never examined the matter in depth and in proper perspective and the Committee cannot help but remarking that even now the Government have no firm policies with regard to rehabilitation and status of migrants from former East Pakistan. The Committee, therefore, recommend that Government should take a firm decision with due promptitude with regard to its policies underlying the rehabilitation and status of the persons who migrated to India prior to 25th March, 1971, examine feasibility of bigger central role in monitoring implementation of their rehabilitation schemes being executed by States, incidentally being staffed by the Centre in part or in full, and take Parliament directly into confidence through a suitable and comprehensive legislation for the purpose.

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The Committees are pained to note that people who migrated to India from former East Pakistan prior to 25-3-1971 are still treated by Government as "Displaced Persons" and are only eligible to be considered for grant of Indian Citizenship by registration U/S 5(1) (a) of the Act provided they fulfil the "statutory requirements" with the result that in effect they live in India as 'Stateless' people many of whom have failed to acquire Indian citizenship for one reason or another, and have been either denied employment or even thrown out of jobs on the ground of citizenship. The status of these migrants from former East Pakistan appears to be in stark contrast with the position of displaced persons from West Pakistan who migrated in India around 1947 and for all practical purposes, namely, employment etc., are deemed to be fullfledged citizens of India. The representatives of the Ministry of Home Affairs have admitted during evidence that those persons who migrated to India from

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former East Pakistan prior to 25th March 1971, especially old and new migrants, have come to settle in India permanently and have been provided rehabilitation assistance in one form or another. In view of this the Committee are of the view that these migrants, especially old and new migrants should *not* be required to undergo the cumbersome formalities of registering themselves under the Citizenship Act in order to get a Citizenship certificate and consequent right to vote, etc. The Committee strongly recommend that as a matter of policy the Old and New migrants should also be deemed to be citizens of India on the pattern of "pre-1961 migrants to Assam" and Displaced Persons from West Pakistan so that they do not have to hanker after the various authorities to get their citizenship certified to earn their livelihood and be able to vote etc. They are of the view that, if necessary, suitable legislative measures with regard to the Status, Citizenship, rehabilitation and monitoring of rehabilitation schemes etc. should be enacted with due expedition.

The Committee note that while most of the families who migrated to India from former East Pakistan between March & December, 1971 have been repatriated to Bangladesh, some of these migrants could not be repatriated due to one reason or the other and stayed on in India. The Committee suggest that the Government should examine the feasibility of liberalising the legal requirements for these families to acquire citizenship of India taking into consideration the individual compulsions due to which they could not be repatriated to Bangladesh in 1971-72.

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The Committee note that after 1965 when the assets of Indian nationals and companies were seized by the Government of Pakistan, no reliable assessment has been made by the Government of India with regard to the actual value of the seized assets and the rate of *ex-gratia* payment has been determined on *ad-hoc* basis. While arriving at this figure the Government have taken into account the Rs. 109 crores value of assets shown by the affected persons in their claims preferred initially around 1971 and the value of assets of Pakistan Nationals seized by Government of India amounting

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to Rs. 29.40 crores, the latter amount being roughly 25% of the former. The Committee further note the Government's fond hope behind treating the payments "ex-gratia" that in the event of settlement of such claims by Pakistan/Bangladesh under the Tashkant Declaration, "the moneys paid by Government of India would be adjusted". In the existing political situation the chances of settlement of such claims by Pakistan/Bangladesh Government appear quite remote.

The Committee are of the view that it is high time that the Government initiated now some urgent steps to systematically re-assess the value of the assets of Indian Nationals/Migrants in Bangladesh seized by the erstwhile Government of Pakistan and consider the feasibility of making these "ex-gratia" payments at a rate higher than 25% of the re-assessed value of verified claims without giving any consideration to the value of assets of Pakistani Nationals seized by the Government of India. The Committee hope that the Government will commence the work of re-assessing the value of the seized properties immediately and inform the Committee within 6 months of the presentation of the Report about the result of the re-assessment and the decision taken for upward revision of the rate of *ex-gratia* payments in the light thereof.

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The Committee regret to note that whereas they specifically asked the Ministry of Commerce, through Ministry of Home Affairs, to supply data regarding the disposal by the Custodian of Enemy Property of "Claims of refugees who had lost or left their property in erstwhile East Pakistan", the Commerce Ministry supplied to the Committee the consolidated figures "in respect of properties both in West and East Pakistan" without specifying so in its written reply in the first instance, until the doubts were expressed by the Committee after evidence and *ex-post facto* clarification was given by the Ministry. The Committee feel that the officers in the Ministry of Commerce should have been careful in replying to the questions posed by the Parliamentary Committees like Estimates

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Committee so that inaccurate information transmitted by the Ministries to these Committees does not lead to serious complications in either House of Parliament. It is highly desirable that utmost importance is accorded to the information to be supplied to the Estimates Committee and the Ministry should ensure that omissions of this type do not recur in future. While the Committee understand that the majority of claims pending or lying dormant in the office of Custodian of Enemy Property might pertain to the Indian Nationals/migrants from former East Pakistan roughly on the pattern of answer given to Question No. 788 on 17-6-77, Ministry of Commerce could have managed to obtain from the Custodian of Enemy Property the figures relating to the aforesaid category of claimants as desired by the Committee because the requisite information had to be collected from a single source only *i.e.* Custodian of Enemy Property and no extensive field study/survey was required for the purpose, as claimed by the Ministry. The Committee, therefore, desire that the latest data relating to the number of claims pertaining to Indian Nationals/migrants from former East Pakistan registered with, disposed of by, and pending with, the Custodian of Enemy Property should be complied by the Ministry of Commerce and supplied to the Committee within 6 months of the presentation of this Report.

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The reason advanced by the Ministry of Commerce for 1120 pending cases "verified by the Panel Members but awaiting Chairman's approval", namely, that the O.S.D., who was the Chairman of the panel of Members, retired on 1.4.1988 and his successor was appointed on 10-11-1988 *i.e.* after a gap of more than 7 months is indicative of the fact that the Ministry of Commerce is not seriously concerned regarding speedy disposal of these claims by the Custodian of Enemy Property. It is imperative to resort to advance planning in this regard so that the vacancies created in Panel of Members of the Custodian of Enemy Property on account of retirement, or transfer etc. are filled promptly and the claimants who have preferred their claims to the said Panel are not made to suffer for no fault of theirs.

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As far the 3600 pending cases where "documents are available", the Committee fail to appreciate the justification of their magnitude at any point of time in view of the Ministry's claim that "on an average the disposals are around 250 cases per month", especially when the number of Panel Members is reported to have been raised from 8 to 18 and payment office rightly shifted from Bombay to Calcutta. For the same reasons the Committee regard the number of cases disposed of each year from 1983-84 to 1987-88 as very poor and urge the Ministry to take urgent steps to ensure that all the claims pending with the Custodians of Enemy Property, especially those wherein all the documents are available, are verified and disposed of with exemplary promptitude. Since most of these claims may pertain to people of low income groups who are now living in indigent circumstances, it is essential that all such claims are settled with utmost expedition. In the opinion of the Committee, procedure for settlement of such claims should be clear and precise giving no-scope for redtapism and harassment of migrants.

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It is disquieting to note that some Officers on Special Duty working as Chairman of Panel of Members of the Board of Custodian of Enemy Property and some Panel Members are alleged to have accepted and certified false or forged claims preferred by private parties for such huge amount as Rs. 1,52,250/-, Rs. 3,26,000/-, Rs. 1,46,761/-, Rs. 2,27,037/- and 3,45,000/- and cases had to be launched against the officers concerned by the Central Bureau of Investigation. The Committee recommend that cases which are pending in Courts should be vigorously pursued so that the charged officials are punished in accordance with the law. In the cases where departmental action is necessary, departmental proceeding should be initiated promptly and exemplary punishment awarded to the delinquent officers and Committee apprised accordingly.

It is also desirable that the existing loopholes in the procedures for verification of claims in the office of the Custodian of Enemy Property are actually plugged with a view to make it difficult for officers as well as claimants to indulge in acts of rampant frauds as have come to the notice of the Committee.

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The Committee cannot but express their anguish that the Ministry of Commerce has cited the launching of cases by CBI against corrupt officers of the Custodian of Enemy Property to justify the slow disposal of claims each year by the Custodian from 1983-84 onwards. The justification given by the Ministry relating to slow disposal of claims does not appear to be convincing. The Committee deplore this attitude and recommend that while the Ministry of Commerce should not hesitate to bring to book the corrupt officers in the Custodian's office at the earliest opportunity, all possible encouragement and incentives should be provided to the concerned officers for efficient, objective and speedy disposal of claims of Indian nationals/migrants whose assets have been seized by the Government of Pakistan, so that these migrants are not put to undue harassment.

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The Committee find it very astonishing that while huge amounts have been provided by the Central Government as grants-in-aid to States for Rehabilitation of Migrants from former East Pakistan during the years from 1964-65 to 1986-87, the Rehabilitation Division of the Ministry of Home Affairs has no authentic information relating to the utilisation of these grants. The Committee feel that the responsibility of the Government cannot be considered to be over, just after reimbursing to the State Governments the grants for aforesaid migrants. It is also essential for the Ministry to keep a constant watch over the actual utilisation of these funds by each State from year to year. It is disquieting to note that the Ministry has continued to abdicate its own responsibility by leaving the matter entirely to the State Accountants-General and State Governments concerned, and not attempted to monitor the utilisation of the aforesaid Grants even on an *ex-post-facto* basis. This is clearly indicative of the fact that the issue has not been given the serious attention it deserved. While viewing this situation with great concern, the Committee desire that the Ministry must immediately take appropriate steps to compile the figures regarding the actual extent to which the Grants-in-aid of Rs. 198.70 crores disbursed by it during the period 1964-65 to 1986-87 for aforesaid migrants have been actually utilised by State Governments and furnish this information to the Committee positively within 6 months of the presentation of this report alongwith the statistical informa-

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tion relating to the figures of expenditure supported by Audit Certificates and the amounts held under objection, unutilised or surrendered.

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The Committee note that out of Rs. 123.91 crores sanctioned as Grants by the Ministry to West Bengal Government during the period from 1969-70 to 1987-88 for various categories of displaced persons and repatriates, audit certificates have so far been received by the Ministry for Rs. 64.68 crores only (*i.e.* 52%) and out of Rs. 21.34 crores lying unutilised by the State Government "as per information available" with the Ministry, a sum of Rs. 14.53 crores only has since been adjusted and an amount of Rs. 6.81 crores still remains to be adjusted. The Committee further note that against the expenditure of Rs. 89.23 crores actually incurred by the State Government, the State A.G. has admitted an expenditure of Rs. 55.80 crores only and from out of the balance expenditure of Rs. 33.43 crores, objections covering an amount of Rs. 14.41 crores only are reported by the State Government to have been settled, but are awaiting confirmation from the State A.G., leaving the balance of objected expenditure of Rs. 19.02 crores still unsettled.

Since the amount of grants to the State of West Bengal is substantial and position of utilisation certificates is far from satisfactory, the Committee urge that vigorous measures should be initiated by the Ministry to obtain audit certificates for the entire amounts of the Grants to accurately assess, in conjunction with State A.G. concerned. The amount of the aforesaid Grants (i) utilised by the State Government with unconditional audit certificates, (ii) expenditure thereof objected to by Audit and steps taken to settle the objections, and (iii) unspent balances thereof lying with State Government. Steps should also be taken to readjust/recover these balances. The Committee would like to be apprised of the latest position in this regard.

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The Committee note that an expenditure of Rs. 745.56 crores has been incurred by the Government so far on relief and rehabilitation of old and new migrants from former East Pakistan *excluding* the

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expenditure incurred in this regard by the Ministries of Commerce, Urban Development and Health and Family Welfare, bringing the per capita expenditure on former East Pakistan Migrants to as much as Rs. 1609.

- 1.68 The Committee recommend that Government should work out very early the expenditure incurred by the Government upto 31-3-1988, including that of the Ministries of Commerce, Urban Development and Health and Family Welfare on relief and rehabilitation of migrants from former East Pakistan, as also the per capita expenditure based thereon, for information of the Committee and incorporate the same in subsequent Annual Report of the Ministry of Home Affairs for information of the organisations of migrants from former East Pakistan.

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The Committee will deal with the reasons for short-falls in achievement of Plan targets, 5th Plan onwards separately in the respective chapters that follow. In this paragraph the Committee would like to only point out in the first instance, the apparent discrepancy in the arrears of rehabilitation as cited by the Ministry. In the preliminary material the Ministry has indicated on 8-7-1988 that the number of families still "awaiting resettlement" as on 31-12-1987 was 431 (U.P.—159, M.P.—272) of which 103 families belonged to Madan Industries families and the rest to "Permanent Liability Home" families. In its tables on Plan targets and achievements, the Ministry has subsequently shown an achievement of 1471 families upto 31-3-1988 against a target of 2825 families under the 7th Five Year Plan, which leaves as many as 1354 families still to be rehabilitated during the remaining period of the said Plan. From this discrepancy, it is clear that the Ministry has not shared with the Committee the accurate figures regarding the official arrears of rehabilitation of Migrants from former East Pakistan. The Committee desire that the Ministry should check up their figures afresh in this regard, resolve the discrepancy indicated above and furnish to them the accurate figures indicating various categories of old and new Migrants still awaiting resettlement/rehabilitation.

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The Committee are particularly distressed to note that all along the past 30 years the Government has

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not been able to rehabilitate all the old Migrant families who had migrated to India upto March 1958 of whom out of the target of 1675 families, only 639 families have been rehabilitated so far under the 7th Plan. The Committee are no less disappointed to note that admittedly there are still arrears of rehabilitation even in Dandakaranya Project established in 1958 which is still being administered by the Central Government, and which has an achievement of 279 families so far against the target of 600 families, presumably including old Migrant families also, in the current Plan. The Committee strongly recommend that the Government should accord high priority to liquidate the arrears with regard to rehabilitation of old Migrant families stationed in all the regions and the migrants of both the categories in Dandakaranya Project.

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From the material placed before the Committee, it is clear that whereas the Coordination Committees including representatives of migrant settlers were formed in Dandakaranya Project in some sub-zones/zones for sometime around 1980-81, these committees are practically defunct now in the Project area. The Committee further note that in rehabilitation sites outside Dandakaranya Project, there has not even been an attempt by the Ministry/State Governments concerned to have an institutional arrangement for communication between migrants and rehabilitation authorities depending solely in this regard on the discretions of the staff deployed for rehabilitation work or the "freedom" of migrants to approach the rehabilitation authorities concerned. The Committee regard this arrangement as extremely poor and inadequate in view of the widespread complaints to them of the deficiencies in the work of rehabilitation of migrants not only in West Bengal, but in the Dandakaranya region and other States also. The Committee, therefore, strongly recommend that efforts should be made by the rehabilitation authorities under both the Central and State Governments at all the major rehabilitation sites in the country to have some institutional arrangement including the representatives of migrants with a view to enable them to place their peculiar problems and grievances in proper perspective before the rehabilitation authorities for speedy resolution.

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The Committee are distressed to note that while work of rehabilitation Government own admission the of "Old migrants" is far from complete in West Bengal, the position of "resettlement" of both old and new migrants from former East Pakistan in States; areas other than West Bengal is also not different. The Committee are of the firm view that the resettlement/rehabilitation of migrants from former East Pakistan cannot be deemed to be full and complete until and unless the Ministry of Home Affairs (Rehabilitation Division) categorically satisfy the Committee, among other things, that—all the Old and New Migrant families claimed to have been settled/rehabilitated in various parts of the country have been actually allotted homestead plots, those migrant families who have been settled in agriculture have been actually allotted agricultural land according to scales prescribed from time to time, and full ownership rights have been conferred to these migrants for both the agricultural land and homestead plots allotted to them. Such gut issues have been side-tracked or inadequately answered in the material supplied to the Committee by the Ministry and the written and oral answers given to the Committee during evidence by its representatives as will be evident from all the Chapters of the Report. The Ministry's refrain all along has been to spin out the unrealistic theory that only the "residuary problem" of migrants in West Bengal remains to be settled.

In view of the above, Committee strongly recommend that an expert, comprehensive and integrated review of the rehabilitation of both Old and New migrants in various parts of the country by the Government of India is now long overdue and should be conducted without any further delay, with a view to discern the actual position on the ground, of migrants supposed by the Government to have already been settled and merged with the mainstream, as also to suggest measures to expeditiously clear the actual arrears of rehabilitation work in all the States areas where the migrants from East Bengal are stationed. The Committee *do not* regard their Report on Danakaranya Project in 1978 and subsequent exercise by a Government Committee of Review of "Residual problem of rehabilitation" as substitutes for the comprehensive review of the problem by Government recommended above. The Committee desire that immediate steps should be taken to commence a comprehensive review, complete it on a time-bound basis and Parliament informed of its conclusions and

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action taken by the Central Government thereon, within six months of the presentation of this Report.

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The Ministry's contention that the surplus machinery and stores of the Rehabilitation Reclamation Organisation which were not accepted by any State Government/Public Sector Undertaking were "scrap/unserviceable/obsolete" is not borne out by the facts. Had these stores been such scrap etc., the DGS&D would not have been able to dispose of the surplus machinery not accepted by any State Government/Public Sector Undertakings with Minimum Reserve Price worth Rs. 69.94 lakhs for about Rs. 40.49 lakhs (57.9% of MRP), and the Divisional Engineer and Administrative Officer of R.R.O. could not have disposed of similar machinery and Stores with M.R.P. worth Rs. 4.06 lakhs which could not be disposed of by Special Surplus R.R.O. Disposal Committee, by inviting tenders which realised Rs. 3.16 lakhs (77.8% of MRP). In contrast, the Special Surplus RRO Disposal Committee itself which functioned from 17th August, 1983 to 30th June, 1987 disposed of similar machinery and stores with M.R.P worth over Rs. 4.00 crores for a pittance of just about Rs. 97 lakhs only (24.3% of MRP). While the losses on the basis of Minimum Reserve Price incurred in the three transactions were Rs. 29.45 lakhs, Rs. 90 thousand and Rs. 303 lakhs respectively totalling to a colossal loss of Rs. 333.35 lakhs, the loss of Rs. 303.00 lakhs incurred in the disposal of the machinery and stores by the specially constituted Committee for the purpose is extremely unjustifiable as even a Departmental Divisional Engineer had performed better than the former. The Committee, therefore, strongly recommend that the performance of the Special Surplus RRO Disposal Committee in disposing of the aforesaid machinery and stores should be evaluated afresh and suitable action taken, if necessary, and the Committee apprised of the conclusions of the evaluation.

14 2.12

The Committee note that of the 4,87,000 "Old Migrant" families claimed to have been given rehabilitation assistance "in one form or another" in West Bengal, the Ministry or the State Government are "not in a position" to give the Committee even the rudimentary details thereof, namely, as to the number of these families which have been actually rehabilitated, say, in agriculture and otherwise in accordance with the then

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prevailing approved scales of assistance, the number of such families who have been issued title deeds for the agricultural land allotted to them and the nature of ownership rights conferred on such old migrant allottees. The Committee further note that of old migrant families given rehabilitation assistance in the State, 1.36 lakhs families are stated to be agriculturists whose precise mode of rehabilitation is doubtful. The Committee also note from the succeeding paragraphs that a majority of old migrant families settled in Government sponsored and approved squatters colonies in the State are yet to be granted titles for ownership of homestead plots allotted or to be allotted to them after completion of the hard and slow process of acquisition of land in squatters colonies which also accommodate most of the 6 lakh New Migrants who have refused to move out of the State and forfeited any direct rehabilitation assistance. In view of these facts the Committee do not agree with the Ministry's stance that barring "residuary problems", "there are no arrears relating to grant of rehabilitation assistance" to old migrant in the State who are calimed to have since "assimilated themselves with the local population". The Committee are distressed to note this casual approach of the Government. Now that a Branch Secretariat has been opened Calcutta to monitor the ongoing scheme in the State, the Ministry must now persuade the State Government and manage to obtain from it accurate data with regard to the actual number of families, precise nature and quantum of rehabilitation assistance actually provided to old migrants in the State so far, and supply the data to the Committee within 6 months of the presentation of this report.

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The Committee are shocked to note that even after 30 years of their migration there are still huge arrears in the acquisition of land in 1668 colonies/sites where old migrants have been settled in West Bengal. Such arrears are not only in squatters colonies located on private land, the number of which has not been specified to the Committee, but even in Government sponsored colonies and approved squatters colonies located on lands owned by Central Government Departments, State Government and other Semi-Government and local bodies, of whom 603 colonies involving 567 acres of land have been indentified so far.

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While 2,200 acres of land is stated to have "long since been acquired" in 149 pre-1950 colonies, only 8959 title deeds are stated to have been distributed so far against 30,000 migrant families settled there. In the 175 post-1950 colonies, of the 106 cases involving land acquisition, land has so far been acquired in 48 cases only. The Ministry has not specified the acreage acquired so far and to be acquired and number of free hold title deeds distributed so far to the 16000 migrant families settled there. Of the 607 Post-1950 colonies, regularisation of which was approved by the Centre as late as in February 1987, involving acquisition of 1429.68 acres of land, only 320.41 acres were acquired by the State Government till 30-11-1988 and only 2752 free hold title deeds have so far been distributed in these colonies against 65,000 families settled there. Against 1,22,000 migrant families settled in Government sponsored colonies, only 28,610 free-hold title deeds have been distributed so far, whereas against 1,11,000 migrant families settled in approved squatters colonies only 12,094 free-hold title deeds have been issued. It is clear to the Committee that both the Central and State Governments have virtually neglected their joint responsibility of rehabilitating the old migrants fully in West Bengal especially in so far as acquisition of land for their settlements and conferment of ownership rights to migrants for their homestead plots is concerned. While the Committee concede that the Central Government has, from time to time, provided to the State Government all the desired financial sanction and assistance for implementing schemes for rehabilitation of the migrants in the State, they regard the Central Government's attitude so far in leaving the implementation aspect of the rehabilitation schemes—especially the matter of land acquisition and distribution of title deeds—exclusively to the expediencies of the State Government as wholly unfortunate, as the achievement upto the close of 1987 is very disappointing. For example, had the Central Government pressed the State Government in time, say from 1958 onwards, to expedite the acquisition of land at 1946 prices for 175 post-1950 colonies under West Bengal Land (Development and Planning) Act, 1948, it would not have to accept the *fait accompli* in approving in April, 1988, the acquisition of land by the State for the said colonies at market prices under West Bengal Land (Requisition & Acquisition) Act, 1948.

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The Committee are of the firm view that the existing system of Central Government merely financing and the State Government exclusively implementing the rehabilitation schemes has not made any appreciable dent in the problems of migrants in West Bengal and to achieve a break-through in the so called "residuary problem", Central Government will have to assume a bigger and more direct role also in implementation of the rehabilitation schemes in the State. Now that the Ministry of Home Affairs have opened a Branch Secretariat at Calcutta and a Monitoring Committee consisting of seven Members of Parliament headed by a Minister of State in the Ministry have been set up to monitor the progress of implementation of rehabilitation schemes in the State, the Committee strongly recommend that the Central Government, apart from monitoring the schemes, should also involve itself more directly through the Monitoring Committee and Ministry's Branch Secretariat to expedite the process of acquisition of land for the migrant colonies and distribution of free-hold title deeds to the migrants on a time bound basis and inform this Committee in due course of the progress in achievement of targets both with regard to acquisition of land and distribution of title deeds.

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The Committee also note that whereas the Central Government has approved the scheme relating to acquisition of land in 607 Post-1950 squatters colonies on the basis of 3.75 cottahs per family and on the condition that no further squatters colonies would be approved, a preliminary survey by State Governments of 310 of these colonies has revealed that the holdings in actual possession per family there are in 51.9% cases within 2.25 cottahs, in 22.4% cases between 2.25 to 3.75 cottahs, in 15.4% between 3.75 to 5 cottahs and in 10.3% cases above 5 cottahs. It is clear from these figures that the percentage of families in possession of holdings in excess of the approved limit of 3.75 cottahs in these colonies is at least 25.7% (15.4+10.3). The Committee agree with the stand of the Central Government that the cost of land in excess of 3.75 cottahs in their possession should be borne by the migrants themselves and recommend that the cost should be realised from these migrants at market rates in cases where the migrants are not in a position to surrender excess land in their possession.

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17 2.53

The Committee are distressed to find that while the Working Group had recommended in March 1976 the development of 1008 rural and urban refugee colonies within Calcutta Metropolitan District involving 170,269 families, at a cost of Rs. 52.34 crores, Central Cabinet approved a proposal in December 1976 for development of 103,157 plots in 612 colonies only in the urban areas of the District with a financial outlay of Rs. 23.85 crores and ceiling of development cost of Rs. 2500/- per plot. The implementation of the recommendation even in its pruned form has been so half-hearted that the State Government has been able to take up for development 244 urban colonies covering 53,884 plots of which only 226 colonies covering merely 46,647 plots have been actually developed all alone these 12 years even though Central assistance to the extent of Rs. 9.01 crores has already been released to the State Government out of Rs. 9.68 crores envisaged till the end of phase II of the Programme scheduled to end in March 1985. Proposals for Phase III of the Programme which should have started after March, 1985, are still being worked out in consultation with the Ministry of Finance and Planning Commission for implementation during Eighth Plan and the recommendation of the State Government to enhance the cost of development per plot to Rs. 11931/- is proposed to be made effective in respect of plots covered under Phase III. It is thus clear to the Committee that the state Government has not been able to implement the scheme with the required momentum, which has resulted in cost escalation of the scheme and hopeless conditions in the refugee colonies in so far as civic amenities and transport and communication facilities are concerned. The representative of the Ministry of Urban Development during evidence stated that its machinery to monitor the implementation of the scheme was wound up after Sixth Plan as the outlay during the current plan was very meagre. This shows that Central Government too has been as lukewarm as the State Government to the plight of the residents of migrant colonies in the state.

The Committee, therefore, strongly recommend that the Ministry of Urban Development should recommend a more substantial financial assistance for Phase III of the scheme which is now scheduled to be included in the Eighth Plan, as also assume a greater role in implementing and monitoring the scheme so that huge arrears in development of remaining 56,510 plots are cleared more expeditiously and the migrants rotting in the squatters colonies get some meaningful relief.

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The Study Group of the Committee which visited Camp No. 2 of Bagjola ex-camp sites and Ramgarh colony in September, 1988 found the condition of the sites extremely appalling in so far as civic amenities and transport and communication facilities are concerned. The Committee strongly recommend that the Ministry of Urban Development should, at an adequately high level, persuade the State Government to make urgent arrangements to improve the sanitary conditions, drainage system, drinking water supply, street lighting, transport and communication facilities in all the ex-camp and squatters' colonies in the State so as to mitigate the sufferings of migrants living there.

18 2.62

The Committee note that of the 9270 ex-camp site families in West Bengal for whose rehabilitation the Central Government has released a sum of Rs. 167.78 lakhs to the State Government (of which there was an unspent balance of Rs. 26.36 lakhs), 45 families in Rajpur Bazar, 107 families in Nawabnagar, 65 families in Ramchandrapur and 901 families in Bagjola ex-camp sites are still to be rehabilitated and the work is expected to be completed by 1989-90. While the delay in rehabilitation of 901 families in Bagjola ex-camp site due to ongoing litigation in the High Court is understandable, the Committee wonder why the arrears of rehabilitation (217 families) could not be cleared in Rajpur Bazar, Nawabnagar and Ramchandrapur ex-camp sites even though the requisite funds had been sanctioned by the Centre long back and State Government was retaining an unspent balance of Rs. 26.36 lakhs therefor. The Committee are of the firm view that the Ministry should urge the State Government to rehabilitate the aforesaid 217 families without further delay as no tangible reason has been given to the Committee for delay in this regard.

19 2.63

In so far as the litigation going on in the Calcutta High Court with regard to Bagjola ex-camp site is concerned, the Committee are of the view that effort for an out-of-court settlement should be initiated by the rehabilitation authorities with the support of the State Government which was responsible for not checking the litigants from unauthorisedly occupying the huge areas of land to the extent of 7-8 Cottahs per family. It is futile for the State Government to expect the litigant families, having grabbed lion's share of land, themselves to be interested in an out-of-court settlement.

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20 2.65

The Committee hope that the remaining 40 families of Enclave Migrants have actually been rehabilitated by the end of 1988-89, as scheduled. The Committee desire that they should be specifically informed of the actual position in this regard alongwith the Government's replies to this Report.

21 2.72

The Committee are glad to note the release by the Central Government of amounts of Rs. 28 lakhs for "enhancement of non-TB beds for old migrants" and Rs. 151.86 lakhs for expenditure on 337 non-T.B. Beds, 103 T.B. beds and 2 Chest clinics for New Migrants in West Bengal, as recommended by the Working Group in its Report in 1976. The Committee, however, regret to note that the Ministry has not cared to furnish to them the physical implementation of the recommendations, namely, the number of new non-T.B. beds which were targeted and actually constructed for new migrants as a result of incurring the expenditure of Rs. 151.86 lakhs released to the State by the Union Government. It appears to the Committee that the Ministry has been content just with releasing funds to State Governments without showing any concern for implementation part of the rehabilitation schemes. The Committee would emphatically stress in this regard that once a State Government/Union Territory accepts loans/grants for any scheme, from the Central Government, the latter Government is within its rights to obtain the information relating to physical implementation of the scheme and the State/Union Territory Government concerned is equally bound to furnish the said information to the Centre. The Committee, therefore, recommend that the Ministry should obtain the requisite information from the West Bengal Government promptly and furnish to the Committee the information relating to the targets, achievements and reasons for shortfalls, if any, with regard to the enhancement of non-TB. Beds for old migrants in West Bengal for which the Centre released to the State Government a sum of Rs. 28 lakhs, and the actual number of T.B. beds, non-T.B. beds and chest clinics actually constructed by the State Government for new migrants alongwith reasons for shortfalls, if any, out of the sum of Rs. 151.86 lakhs released by the Centre therefor.

22 2.73

As the old migrants residing in ex-camp sites are eligible for full rehabilitation assistance including medical facilities, the rehabilitation authorities at both the Central and State levels are duty bound to provide elemen-

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tary medical facilities in these sites for the minimal welfare of the migrants. The Committee are, therefore, shocked to note that there is no medical/health care centre in many of these sites like Bagjola Camp No. 2 and Ramgarh colony. The Committee strongly recommend that the rehabilitation authorities of the Centre as well as the State should take necessary steps urgently to provide medical facilities on a minimal level in all the ex-camp sites /refugee colonies for the welfare of the migrants.

23 2.76

The Committee regret to note that the educational facilities in and around ex-camp sites like Bagjola and Ramgarh colony are far from adequate. As the residents of ex-camp sites at the State are mostly Old migrants, they are eligible for full rehabilitation assistance including basic educational facilities. The Committee therefore, recommend that rehabilitation authorities of the Centre and State, should, in unison, urgently arrange for educational facilities at least upto the higher Secondary level, in/around all the ex-camp sites and refugee colonies to relieve their residents from the difficulties being faced by them in this regard.

24 2.77

The Committee also regret that the Ministry has not collected information relating to the specific physical targets and achievements, and reasons for shortfalls, if any, with regard to educational facilities created by the State Government for New Migrants as a result of the expenditure of Rs. 106.00 lakh released by the Centre between 1975-76 and 1980-81. The Committee stress that the Ministry should collect the requisite information from the State Government as early as possible and place the same before the Committee alongwith other action taken replies to this Report.

25 2.83

The Committee are convinced that the Government have virtually winked at the recommendation of the Working Group to extend to migrants from former East Pakistan, Marginal Farmers and Landless Labourers Development Agency (MFAL) and Small Farmers Development Agency (SFDA), Schemes (MFAL merged with SFDA in June, 1974 and SFDA merged with IRDP Programme in 1980-81) and left the implementation of the recommendation entirely to Department of Rural Development in the Ministry of Agriculture and Rural Development Department of the West Bengal State, who too are having no information with regard to the extent to which it has been implemented all

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along the years since 1976. In the Committee's view the least that the Rehabilitation Division of the Ministry of Home Affairs could have done in this regard was to keep in touch from inception with the Department of Rural Development of the Ministry of Agriculture and West Bengal State Rural Development Department with a view to ensure that about 3 lakh migrant families who had been 'settled' in agriculture in the State but had been allotted not more than 2 acres of land as rehabilitation assistance, were actually covered over a period of time by MFAL/SFDA/IRDP programmes. The Committee strongly recommend that the Rehabilitation Division of the Ministry should wake up to its residuary responsibility for full rehabilitation of migrants from former East Pakistan and initiate immediate steps to verify and ensure that the 3 lakh migrant families referred to by the working Group have since been actually covered by IRDP and other programmes merged there with and inform the Committee of the latest position within 6 months of the presentation of this report.

26. 2.92

The Committee are anguished to note that out of 4,87,000 Old Migrant families settled in West Bengal and 6 lakh New Migrants who stayed on in the State forfeiting rehabilitation assistance, the Government has been able to provide employment over the years only to 5000 displaced persons through the Rehabilitation Industries Corporation Ltd. Calcutta, which was set up in 1959 with the initial objective of providing employment to local refugees, even though the Government has, as on 31-3-1988, invested as much as Rs. 4.26 crores as equity in the form of share capital of the Corporation and provided it a plan loan of Rs. 94 lakhs. The Corporation has so far incurred losses of Rs. 62.90 crores. The Committee consider this as a dismal performance in so far as the objective of providing employment to refugees is concerned and are of the view that the Government has thus clearly failed in making the Corporation achieve its initial and main objective even after about 30 years of its establishment. In this regard the Committee would like the Government to ensure that the recommendations contained in the 96th report (1983-84) of the Parliamentary Committee

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on Public Undertakings which have been accepted by the Government, and all the recommendations of the same Committee contained in their 5th Report (1985-86) are fully implemented by the Ministries concerned in letter and spirit.

27 3.7

The Committee note that whereas according to the Preliminary Material, 8000 Old migrants and 25231 New Migrant families, 33231 families in all, were resettled/rehabilitated in Dandakaranya Project, according to Ministry's subsequent written answer 36,776 families in all, including Old and New Migrants, were given rehabilitation assistance upto December, 1987 of whom 25231 migrant families of both categories are now in position in the Project after desertions, discharge and readmissions there. As the number of New Migrant families settled in the project and the number of families of both the categories of migrants *in position* is stated by the Ministry to be the same i.e. 25231 families, the number of such families has been put at 25253 by C. & A. G., and the number of families in all claimed to have been settled in all the 4 Zones comes to 18633 only (13133+5500), the Committee apprehend that there is something wrong with the arithmetic and data of the project supplied to the Committee by the Ministry. The Committee, therefore, suggest that the Ministry should compute afresh the data of families resettled/rehabilitated and in position in the project and furnish the same to the Committee within 6 months of the presentation of this Report.

28 3.8

The Committee are further intrigued to note that whereas the Ministry claims that all migrant families in position in the Project area have "received full rehabilitation assistance and are considered having been merged with the mainstream of the population", the position on the ground of migrants from former East Paistan in many rehabilitation sites of Project in Madhya Pradesh and Orissa is stated to be "desperate, (in) distress condition, uncertain, unsettled, unsatisfactory", as pointed out in a Memorandum sent to the Committee by an All India Body of East Bengal Migrants. The Committee do not agree with the stance of the Ministry in the light of arrears of rehabilitation of these migrants in the Project highlighted by their plight on the ground in various sites of the Project as represented by the aforesaid memorialists and in the succeeding paragraph of this Chapter especially with

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reference to arrears in this regard pinpointed by C. & A.G. in his Report of 1988. The Committee, therefore, recommend that rehabilitation of migrants in position in the Project Area should be evaluated afresh in course of the Comprehensive Review of rehabilitation of migrants in all the regions as recommended by the Committee elsewhere. Further, adequate and early steps should be taken to complete their rehabilitation and the Committee informed of physical achievements in this regard.

29 3.18

The Committee note that while 25231 migrant families are stated to be in position in Dandakaranya Project and pattas for ownership of land have been issued jointly for both the agricultural land and homestead plots allotted, only 15352 permanent pattas have been issued till 31 July, 1988 to settlers which also includes the quota of tribals settled under the Project. The Committee regret that the Ministry has not cared to furnish to the Committee the number of migrant families which have been allotted agricultural land as rehabilitation assistance under the project and issued permanent pattas for (1) agricultural land, and (2) homestead plots allotted to them. The Committee are, however, sure that the number of migrant families settled in the project which have been issued permanent pattas jointly for agricultural land and homestead plots is far less than 15352 being the number of pattas issued to settlers as a whole. The Committee further note that while the work relating to issue of pattas to settlers in Malkangiri Zone is admittedly still in progress and being pursued by the Ministry with the Orissa State Government, the task of issuing pattas for permanent ownership of agricultural land and homestead plots to the migrant families is far from complete in Paralkote and Kondagaon Zones of the project also as has been corroborated by the C. & A. G. in his Report of 1988. The Committee, therefore, strongly recommend that urgent steps should be initiated at a higher level by the Ministry of Home Affairs in conjunction with State Governments concerned to expedite the process of issuance of permanent pattas for ownership of agricultural land and homestead plots to all the migrant families settled in all the aforesaid 3 zones of the Project and the Committee informed of the progress of allotment of agricultural land and the issuance of the pattas to migrant settlers under the project within six months of the presentation of this Report citing the number of migrant families issued such pattas.

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30 3.21

While the Committee note that 25091 houses are stated by the Ministry to have been constructed for "settlers" in Dandakaranya Project, it has not been made clear as to how many of the 25231 migrant families in position have been allotted these houses. On the other hand the Ministry has also claimed that "all the 25231 displaced families have been provided permanent accommodation". The Committee would however, like the Ministry to refer to the arrears in this regard/pinpointed by the C. & A.G. in his Report of 1988 and to categorically state further that all the 25231 migrant families in position in the Project area are now actually settled in permanent houses/accommodation of their own.

31 3.25

The Committee note that by now 1506 tube wells have been constructed and 523 masonry wells excavated in Dandakaranya Project area, apart from 334 village tanks and 364 head water tanks to provide drinking water to displaced persons/settlers under the project. The Ministry might, therefore, be literally correct in claiming that "there is no dearth of tube wells/masonry wells for the families settled by the Dandakaranya Project". However, in the light of arrears in this regard pointed out by the Comptroller and Auditor-General in his Report No. 1 of 1988, the Committee wonder whether any appreciable dent has been actually made with regard to the basic problem of non-availability of drinking water in the project area especially in the villages during summer time. The Committee would, therefore, like to be specially apprised of the accurate position about the steps taken to augment water supply in villages under the Project during summer and the norms of the number of families actually covered per tube well/masonry well there, not only with a view to give the badly needed relief to the settlers in general, but also to prevent the possibility of further desertions by migrants from the project area. The Committee would also like the Ministry to ensure that drinking water supplied to migrants is free from germs and not infested with water borne diseases.

32 3.28

The Committee regret to note that while the number of settlers' villages in the project was stated to be 227 in Orissa and 254 in Madhya Pradesh (total 481) in the material provided by the Ministry for their 30th Report (1978-79), the number of villages "set up by Dandakaranya Project" has now been given by the Ministry as 428 out of which only 111 villages are stated

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to have been electrified so far and 67 more taken up for electrification. It appears that Dandakaranya Development Authority has not considered seriously the Committee's suggestion to provide funds to Electricity Boards of Madhya Pradesh and Orissa with a view to expedite the electrification of villages in the Project Area. In the light of mass desertions from the project in the past by migrants from former East Pakistan and with a view to check the recurrence of such desertions from the Area in future, the Committee strongly reiterate their recommendation that the D.D.A. should make efforts to expedite electrification of maximum number of villages in the region, as a special case, even by providing funds to the concerned State Electricity Boards.

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The Committee are anguished to note that even though the Central Government has been seized of the matter since 1968, Namasudra and Paundra Khetriya Communities which predominate the migrant families settled in Dandakaranya Project and have been recognised as Scheduled Castes in West Bengal, have not so far been recognised as such in Madhya Pradesh and in Orissa only Namasudra community has been recognised as Scheduled Caste so far with the result that both the communities in the area must still be feeling discriminated. The Committee reiterate that the Ministries of Home Affairs and Welfare should now take up this matter vigorously at the highest level of the Government with a view to enact the necessary legislation very early to recognise Namasudra and Paundra Khetriya communities in Orissa and Madhya Pradesh regions of the Dandakaranya Project area as Scheduled Castes in line with their status in West Bengal, and remove their long standing grievance. It will also facilitate the process of their rehabilitation.

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4-7

The Committee are pained to note that while 1,91,800 Old Migrant families and 50,194 New Migrant families are stated to have been "rehabilitated" and "resettled" respectively in States/areas outside West Bengal and Dandakaranya Project, the precise statistics about the number of old migrant families actually allotted agricultural land by way of rehabilitation assistance and the details of nature of ownership/occupancy rights conferred on such migrants are "not available" with the Ministry. The Committee are further distressed to note that while homestead plots are stated to have

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been allotted between 1/3 and 1/2 acre per family to migrants settled in agriculture and 35140 New Migrant families settled in agriculture are stated to have been allotted homestead plots, the Ministry has not indicated the number of New Migrant families in these States actually allotted agricultural land and homestead plots and the nature of ownership rights therein granted to them. In view of above mentioned crucial and vital information not being "available" to the Ministry, the Committee are at a loss to understand how the Government are in a position to presume that 1,91,800 Old Migrant families and 50194 New Migrant families have actually been "rehabilitated" or "resettled" in the States/areas outside West Bengal and Dandakaranya Project. The actual position on the ground of the rehabilitation of these migrants is also not encouraging in view of the representation made to the Committee by an all India Organisation of Migrants referred to in the preceding paragraphs. It appears to the Committee that the major problems relating to rehabilitation of migrants from former East Pakistan, including allotment of agricultural land, homestead plots and ownership rights therefor persist in these places because of negligence of rehabilitation authorities concerned. The Committee, therefore, strongly recommend that the actual position of the rehabilitation of migrants in the aforesaid States/areas should be gone into afresh by the Ministry in conjunction with State Governments/ Union Territories concerned who should also re-investigate the precise number of both old and new migrant families settled/rehabilitated in Agriculture and other occupations in each State/area, alongwith the number of families actually allotted agricultural land, homestead plots and the precise nature of ownership rights conferred on migrants therefor and take meaningful and expeditious steps to fully rehabilitate the migrants concerned in accordance with present approved scales, taking into view not only the arrears in this regard officially admitted at present but also the actual magnitude thereof arrived at after the re-examination recommended by the Committee.

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The Committee are also distressed to note that Government of India gave a loan of Rs. 94 lakhs through the Government of U.P. between 1964 and 1971 on the understanding of employing 600 migrants from former East Pakistan, Burma and Sri Lanka, to Madan Industries Ltd., a private spinning Mill having their factory in Hastinapur, Dist. Meerut, which employed about

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1000 migrants from time to time but stopped its operations on 8-8-1984, on account of "continued cash losses", laying off 146 migrants, among others, in such poor financial condition that Govt. of India had to grant them further rehabilitation assistance under Gunnaur Rehabilitation Project, Distt. Budaun. The Committee wonder whether the Government of India distributed such a largesse to this petty private enterprise in the name of rehabilitation assistance to migrants merely on the recommendation of the State Government or applied itself also any checks and safeguards which are normally required in such cases. The Committee are sure that even after getting a loan of Rs. 94 lakhs from 1964 to 1971, if this company incurred "continued cash losses" culminating in stoppage of its operations in 1984, the credit worthiness, feasibility and viability of this company must have been less than promising in 1964 when the Govt. of India made its fateful decision to grant a huge loan of Rs. 94 lakhs to it in exchange of the understanding to provide employment to 600 migrants. The Committee would like to be informed of how the loan of Rs. 94 lakhs granted to the aforesaid company has been accounted for and what was the statutory sanction/scheme under which the loan was granted to it. The Committee recommend that with a view to avoid such losses in future, Government of India should be doubly cautious in granting loans to private units for the purpose of rehabilitating migrants and should avoid making such deals with private enterprises of doubtful commercial credibility.

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4-9

While the Committee commend the decision of the Government to grant rehabilitation assistance to 146 New migrant families from former East Pakistan, including 103 Madan Industries families under the Gunnaur Rehabilitation Project in District Budaun, U.P. after the families were laid off due to stoppage of its operations by the private company in 1984, they deplore the delay in their rehabilitation under the above Project sanctioned as late as on 6th July, 1987 and the fact that so far "the Government of Uttar Pradesh could not complete the work of soil treatment". The Committee recommend that the Rehabilitation Division of the Ministry of Home Affairs should now induce the State Government to take timely steps with a view to ensure that these families are actually rehabilitated by June, 1989, as scheduled. The Committee would also like to be informed of the expenditure incurred

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on the further rehabilitation of these 103 migrant families from former East Pakistan under the Gunaur Project.

37 4.17

In the first instance, the Committee deplore the discrepancy in the figures of 8700 Old Migrant families, stated by the then Ministry of Rehabilitation, to have been settled in Andaman & Nicobar Islands in its Annual Report for the year 1959-60, whereas only 3000 such migrant families are stated to have been rehabilitated in the said Islands by the Rehabilitation Division of the Ministry of Home Affairs in the Preliminary Material sent to the Committee in 1988. The Committee recommend that among others this discrepancy should also be resolved by the Ministry of Home Affairs in course of the integrated review of rehabilitation work in all the States/areas of the country recommended in an earlier Chapter of this Report.

4.18

The Committee note that while 805 New Migrant families have been settled in Andaman & Nicobar Islands, 5674 new migrant families have been settled in Chanda Distt. of Maharashtra developed as an agricultural project under the Special Areas Development Scheme. It has, however, been represented to the Committee that the migrants settled in Chanda District are facing "a lot of problems still to be solved". Obviously they must still be facing problems relating to allotment of agricultural land and homestead plots and ownership rights therefor being or to be conferred on them. The Committee recommend that the Rehabilitation Division of the Ministry should initiate measures to study the problems of these migrants through regular interface with their local representatives, arrange to resolve their rehabilitation problems at the earliest in collaboration with the State Government concerned and inform the Committee in due course about concrete physical achievements in this regard.

38 4.25

The Committee note that as in July 1988 there were 5 Permanent Liability Homes with 1132 rehabilitable families in Assam, Tripura, Uttar Pradesh, Maharashtra and Madhya Pradesh. Of these 1132 families, schemes were sanctioned in 1987 for rehabilitation of 102 P.L. families only, of which only 99 families were actually rehabilitated by the end of that year. After evidence the Ministry has further informed the Committee that as a result of screening carried out 546 families were found rehabilitable and out of them

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170 families have since been settled and a scheme has been sanctioned for further settlement of 30 families. It is not clear from the Ministry's reply when exactly the screenings were carried out and 170 families were rehabilitated. The Committee apprehend that there is a wide gap between the position of rehabilitable families in Permanent Liability Homes not only as intimated to them by the Ministry and as represented to them by the non-official organisation of migrants referred to in the preceding paragraphs, but also between the number of families found rehabilitable by the Government itself as 102 in 1987 and as 546 on subsequent screening. The Committee are of the view that on the ground of compassion alone if nothing else the Rehabilitation Division of Ministry of Home Affairs should accord top priority to the rehabilitation of rehabilitable families in PL homes both in the integrated review of rehabilitation of migrants suggested earlier in this report as also in actually expediting the rehabilitation of all rehabilitable families in PL homes so that there are no arrears in this regard. From the material supplied by the Ministry it appears that not all rehabilitable families in the PL homes have been actually rehabilitated so far and there appears to be a lot of time gap between a family becoming rehabilitable in a PL home and the time when the scheme to rehabilitate them is proposed by the State Government and their rehabilitation is actually sanctioned by the Ministry of Home Affairs resulting in cumulative arrears. The Committee, therefore, stress that State Government should be pressed by the Ministry to prepare and finalise the schemes for the rehabilitation of rehabilitable inmates sufficiently in advance of their becoming eligible for the purpose so that the Ministry is also able to provide the requisite funds for their rehabilitation in time and the eligible families are relieved at the earliest opportunity from the none-too-comfortable conditions in PL homes now being run by the State Governments concerned.

39 5.6

The Committee are concerned to note that about 49,000 refugees who came to Tripura from Bangladesh since April, 1986, as many as 2984 refugees, including children, have died in the camps upto 25-7-1988 due to diseases such as diarrhoea, respiratory tract infection, bronchi pneumonia, worm infection, etc. Apart

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from the aforesaid diseases, the Ministry has also attributed the deaths to the unhygienic habits of tribal refugees such as using local water resources from rivulets instead of tubewells provided in the camps and non-utilisation of dugwell latrines by children contributing to environmental pollution in the camps. The Committee regard this as dangerous situation not only for the refugee camps but also for the surrounding localities inhabited by non-refugees. It is clear to the Committee that had the medical facilities for the camp refugees been adequate in quantity and quality there would not have been almost 3000 deaths in the camps in a short span of two years and 3 months due to infectious diseases mentioned by the Ministry. The Committee apprehend that the provision of facilities and conveniences such as tubewells and dugwell latrines in the camps appears to be so meagre and unhygienic that the migrants feel it impractical to exclusively use and depend upon them rather than the rivulets and open fields making the inmates easy preys to fatal diseases. The Committee, therefore, recommend that the Ministry should have a second look at the medical facilities and civic amenities actually available to these migrants in the camps and arrange to upgrade them both in quantity and quality so as to drastically reduce the incidence of deaths in these camps, due to infectious diseases.

40 5.9

The Committee are disappointed to note that within less than 2 years of the opening of camps in Tripura for about 49000 refugees which started migrating in April, 1986, as many as 3083 migrants have been reported missing from the five camps in the State by the close of 1987. The Committee expect the Government to appreciate the fact that being post-1971-72 refugees, they are bound to be repatriated to Bangladesh sooner or later and the successful attempts by as many as 3083 refugees out of about 49,000 in such a short time to desert the camps and mingle clandestinely with the sections of the local populace speak poorly not only of the vigilance arrangements made so far by both the Central and State Governments in this regard, but also undermine our national policy on these refugees. The Committee, therefore, recommend that the Central and State Governments must sit together and find some effective means to prevent desertion from camps by these refugees and their clandestinely mingling with local population. The Committee suggest in this regard that the Government should consider

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the feasibility of marking, at regular intervals, in strong indelible ink, a suitable sign on the hands or arms of each refugee with a view to make it easy to detect him or her from amongst the other sections of the local population.

41 5-12

The Committee understand that as per media reports some legislation with regard to the autonomous status of Chakmas in Chittagong Hill Tracts is being brought in the Parliament of Bangladesh. The Committee, therefore, recommend that the Government of India should closely watch the developments in this regard in Bangladesh and on the basis therefore pursue the matter of the refugees' repatriation more vigorously both with the Government of Bangladesh and the refugees camped in Tripura.

42 5-17
5-18

The Committee are concerned to note the magnitude of infiltration from Bangladesh into the bordering States of Assam, Meghalaya, Tripura, West Bengal and Mizoram during the years from 1983 to 1987. The burnt of infiltration is being borne especially by West Bengal on whose borders the number of illegal entrants apprehended by Border Security Force during this period was as large as 80,528; the number thereof handed over to State Police was 3,776, and the number pushed back being 76,752.

While the Committee are glad to note in this regard that B.S.F. deployed on Indo-Bangladesh Border is being further beefed up with requisite infrastructure by 29 additional battalions in five years from 1986 onwards, of which 11 additional battalions have already been deployed during 1987-88, they regret to note that regulations governing the issue of visas to Bangladesh nationals by Government of India are so facile for potential infiltrators who can come to this country on a visa for 180 days without indication of specific place of their stay and can manage to stay beyond the period of validity in the visa, leave their ostensible place of visit, mix with some people and get lost with their connivance. The Committee are of the firm view that it is the most opportune time for the Government of India to plug this loophole in the visa regulations governing visitors from Bangladesh to India, bilaterally, if possible, within a reasonable period of time, or even unilaterally

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with a view to contain the menace of infiltration into India because the other side does not have to suffer from this problem on our account.

43 5.19

The Committee are also distressed to note that information regarding the number of infiltrators from Bangladesh who managed to obtain citizenship certificates from local District Collectors who were earlier competent to issue citizenship certificates, by suppressing material information, is not available with the Ministry of Home Affairs and such cases come to their notice only when the citizenship certificates are subjected to verification by local police and that only 60 cases had been brought to their notice by West Bengal Government. The Committee are of the view that the number of such infiltrators must be pretty substantial especially upto 1-4-1986 when powers of issuing citizenship certificates were withdrawn from the District Collectors by the Government of India. In regard to cases detected so far the Ministry's stand that "memos have since been served on all these persons concerned requiring them to explain why the citizenship certificates issued to them should not be cancelled", suggests not only that Government is treating such infiltrators with kid-gloves but also absolving the District Collectors who were responsible for issuing citizenship certificates in such cases. The Committee are also of the view that merely withdrawing the powers of District Collectors of issuing citizenship certificates and restricting them to the Central Government only is not adequate as similar certificates can be got issued from the Central Government also after suppressing the material facts. The Committee are certain that unless the very procedure and regulations regarding the issue of citizenship certificates to nationals from Bangladesh are revised to plug the loopholes, therein, such cases may go on recurring even though the Central Government goes on issuing citizenship certificates. The Committee, therefore, suggest that the Ministry should get this matter examined by experts concerned with a view to plug these loopholes so that such cases do not recur with the issue of citizenship certificates to nationals of Bangladesh by the Central Government also.

44 5.20

The Committee are further pained to find that precious little is being done by the Central or State authorities concerned to prevent corrupt local officials

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or relatives from helping infiltrators in settling in border villages or towns. The Ministry's casual reply in this regard that "tribal refugees have been segregated... and... accommodated in separate camps" does not sound convincing as this reply applies to persecuted and undone Chakma refugees now camped in Tripura and not to wilful infiltrators, most of whom are non-tribals, who manage to clandestinely mix with local populace with the connivance of local officials or relatives and pose menacing problem to the country. The Committee, therefore, recommend that once an illegal entrant is apprehended on the Indo-Bangladesh Border and it is decided to hand him over to the State police and not to push him/her back, Central/State authorities should consider the feasibility of tattooing some suitable sign on the hand/arm of the infiltrator so as to enable the authorities concerned and public also to detect the infiltrator from amongst the local population with whom he or she might have clandestinely mixed. The Committee also strongly recommend that both the Centre and State Government should arrange to impose exemplary punishments to officials or relatives who manage to help the infiltrators to settle in border areas.
