

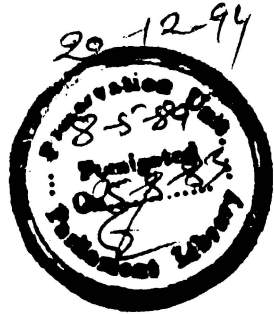


# PARLIAMENTARY DEBATES

(PART I—QUESTIONS AND ANSWERS)

OFFICIAL REPORT

---



VOLUME II, 1950

---

FIRST SESSION  
OF  
PARLIAMENT OF INDIA  
1950

*Saturday, 1st April, 1950.—*

Oral Answers to Questions . . . . .	1223—1243
Written Answers to Questions . . . . .	1244—1245

*Monday, 3rd April, 1950.—*

Oral Answers to Questions . . . . .	1247—1269
Statement correcting Answer to Starred Question No. 957 of 20th March, 1950 re Average Cost of Education per Student . . . . .	1270
Written Answers to Questions . . . . .	1270—1278

*Tuesday, 4th April, 1950.—*

Oral Answers to Questions . . . . .	1279—1300
Written Answers to Questions . . . . .	1300—1308

*Wednesday, 5th April, 1950.—*

Oral Answers to Questions . . . . .	1309—1335
Written Answers to Questions . . . . .	1335—1348

*Thursday, 6th April, 1950.—*

Oral Answers to Questions . . . . .	1349—1370
Written Answers to Questions . . . . .	1370—1374

*Saturday, 8th April, 1950.—*

Oral Answers to Questions . . . . .	1375—1397
Written Answers to Questions . . . . .	1397—1402

*Monday, 10th April, 1950.—*

Oral Answers to Questions . . . . .	1403—1428
Written Answers to Questions . . . . .	1428—1442

*Tuesday, 11th April, 1950.—*

Oral Answers to Questions . . . . .	1443—1462
Written Answers to Questions . . . . .	1463—1474

*Wednesday, 12th April, 1950.—*

Oral Answers to Questions . . . . .	1475—1497
Written Answers to Questions . . . . .	1497—1504

*Friday, 14th April, 1950.—*

Oral Answers to Questions . . . . .	1505—1536
Written Answers to Questions . . . . .	1536—1538

*Saturday, 15th April, 1950.—*

Oral Answers to Questions . . . . .	1539—1562
Written Answers to Questions . . . . .	1563—1566

*Monday, 17th April, 1950.—*

Oral Answers to Questions . . . . .	1567—1591
Point of Order re Supplementary Questions . . . . .	1592
Written Answers to Questions . . . . .	1592—1606

PARLIAMENTARY DEBATES  
(PART I—QUESTIONS AND ANSWERS)  
Wednesday, 12th April, 1950

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

CLAIMS ON RAILWAYS FOR SHORTAGE AND LOSS OF CONSIGNMENTS

\*1636. **Shri Sidhva:** (a) Will the Minister of Railways be pleased to state the number of new claims for shortage and loss of consignments received by various Railways, each Railway separately, from public and the total amounts involved from June 1949 to date?

(b) How many cases were on the list for disposal on the 1st of February, 1950?

(c) What is the total number of arrears of claims and the amount involved?

(d) How many claims have been settled administratively and how many are before the Court?

(e) How many cases have been lost by Government, in how many cases have decrees been granted and what is the total amount involved?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) A statement showing the required information is placed on the Table of the House. [See Appendix VII, annexure No. 17.]

(b) 1,49,260 claims cases were outstanding on the 1st February 1949 on Indian Government Railways.

(c) Arrear claims on 1st January, 1950 numbered 59,398, the approximate amount involved being Rs. 2,97,45,778.

(d) 2,42,042 claims cases were settled administratively by the Indian Government Railways during the period June, 1949 to December, 1949. 20,186 claims cases were taken to court during the same period.

(e) 4,537 cases were lost and decreed against the Railways, the amount involved being Rs. 25,60,634.

**Shri Sidhva:** My question in (b) was in respect of cases on the 1st February, 1950 and the Minister gave the figures for February 1949.

**Shri Santhanam:** I gave also the figures as on 1st January, 1950 in (c).

**Shri Sidhva:** May I know the total number of cases out of which 4,537 were lost?

**Shri Santhanam:** I have already stated that 20,186 cases were taken to the Court during the same period.

**Shri Sidhva:** The General Manager of the B.B. and C.I. Railway in one of the Committees stated that they lost many more cases in court than they won. I would like to know in view of that observation what steps have Government taken to see that such cases are settled amicably rather than lose money in the court and also lose the cases?

**Shri Santhanam:** We have taken recently steps which will practically prevent any cases going to court because we have put the maximum of six months for settling of new claims but in the case of old claims which are in arrears we are settling them as quickly as possible and in some cases where the Railways think they are not liable, the other party contest in court and some of them are decreed against us and some in our favour. We are trying to liquidate the existing cases as rapidly as possible.

**Shri B. S. Man:** May I know if certain instances of exaggerated claims have come to the notice of Government?

**Shri Santhanam:** There have been many such claims and many of them have been repudiated.

#### OIL PROSPECTING

\*1637. **Shri Sidhva:** (a) Will the Minister of Works, Mines and Power be pleased to state whether any prospective licence has been issued to the Burma Oil Company in respect of petroleum in the area of Kutch?

(b) If so, on what conditions and was this part originally surveyed by our own geologists?

(c) If so, what was the result of the survey?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) The answer is in the negative.

(b) The first part of the question does not arise. Kutch was originally surveyed geologically during 1867-69.

(c) The survey indicated the presence of rocks with which oil is associated but no positive indications of structures containing oil in commercial quantities were obtained. A more detailed survey of this area has been taken up by the Geological Survey of India, since 1948, but no indications of suitable structure containing oil in commercial quantities have come to light so far.

**Shri Sidhva:** May I know whether it is a fact that the Burmah Oil Company has not been given a license but they have been tapping various sources of mineral oil in Kutch territories since January last? If so, under what authority, is it under the Kutch authority or under the Central authority?

**Shri Gadgil:** So far as our information goes, that is contained in the reply to (a) but if according to the hon. Member some tappings are going on, obviously it must be with the permission of the Kutch Government.

**Shri Sidhva:** Apart from petroleum, is there any other mineral which our geologists have been able to find during the researches they have carried out?

**Shri Gadgil:** Yes, and a report of the investigation so far made was laid on the Table of the House the other day.

**Shri Rathnaswamy:** May I know the places where survey has been undertaken?

**Mr. Speaker:** This was answered recently.

#### PURCHASE OF SUGAR FROM INDONESIA

\*1638. **Shri Sidhva:** (a) Will the Minister of Agriculture be pleased to state whether Government have carried on any negotiations with Indonesia or any other foreign country for the purchase of sugar and if so, at what rate and for what quantity?

(b) Are the negotiations still proceeding or have they been finally closed?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) and (b). The matter is under consideration.

**Shri Sidhva:** Do Government contemplate purchasing any sugar from Indonesia or anywhere?

**Shri Jairamdas Doulatram:** It is under consideration.

**Shri Sidhva:** What is under contemplation?

**Shri Jairamdas Doulatram:** That matter is under consideration.

**Dr. Deshmukh:** If any attempt has been made to regulate the blackmarket prices of sugar?

**Mr. Speaker:** Order, order.

**Shri Syamnandan Sahaya:** Have Government taken into consideration the effect that the purchase of Indonesian sugar will have on the Indian sugar industry?

**Shri Jairamdas Doulatram:** All these matters will be considered before a decision is taken.

**Shri Sidhva:** I wanted to know whether Government desire to purchase foreign sugar for this season?

**Shri Jairamdas Doulatram:** The more we announce our desire, the higher the prices will go.

#### IMPLEMENTATION OF RADCLIFFE AWARD

\*1639. **Dr. M. M. Das:** Will the Minister of Railways be pleased to state whether the implementation of the Radcliffe award with regard to the division of rolling stocks and stores of Indian Railways has been completed and if not, why not?

**The Minister of Transport and Railways (Shri Gopalaswami):** No. In spite of the best efforts of Indian Railways progress has been slow due to the lack of response from Pakistan Railways.

**Dr. M. M. Das:** May I know the names of Railways that were subjected to division?

**Shri Gopalaswami:** N.W.R., E.P.R., E.B.R. and the old Bengal Assam Railway.

**Dr. M. M. Das:** What was the basis of the division, whether it was the length of the railway line or any other consideration?

**Shri Gopaldaswami:** All points mentioned by the Member as well as other similar points were taken into account.

**Dr. M. M. Das:** What are the similar points?

**Shri Gopaldaswami:** I would refer him to the Radcliffe Report.

**Dr. M. M. Das:** May I know whether the reconstituted Stores Sub-Committee is still continuing their functions or they have completed their work?

**Shri Gopaldaswami:** They have held a number of sittings and at the last meeting in Lahore on the 24th May, 1949 they came to certain conclusions and a Conference that was being negotiated was to have been held in December last but owing to some inconvenience so far as Pakistan is concerned it has not been held yet.

**Dr. M. M. Das:** May I know whether it is a fact that more of the shares due to Pakistan have been given to Pakistan?

**Shri Gopaldaswami:** A large number of the different classes of rolling stock have to be sent to us from Pakistan than what we have to send to them.

**Shri Syamnandan Sahaya:** Did the Minister receive any assurance during the last meeting with the Prime Minister of Pakistan that this matter will be expedited and there will be better response?

**Shri Gopaldaswami:** It is too small a matter to have been raised in the course of those large-scale discussions.

#### AEROPLANE ACCIDENTS

\*1640. **Dr. M. M. Das:** Will the Minister of **Communications** be pleased to state the number of aeroplane accidents of the Indian Airways companies after India's attainment of independence to date and the consequent loss of:

- (i) aeroplanes;
- (ii) lives; and
- (iii) properties?

**The Deputy Minister of Communications (Shri Khurshed Lal):** Since the 15th August, 1947 there have been 50 accidents to aircraft of Indian air transport companies resulting in the loss of 17 aeroplanes and 67 lives but little damage to property.

**Dr. M. M. Das:** May I know how many of these accidents occurred in the Indian Union territories and how many outside the Indian Union?

**Shri Khurshed Lal:** As far as I remember, the one big accident that occurred outside India was the accident to the Air India Dakota in Karachi on the 27th December, 1947.

**Dr. M. M. Das:** May I know whether any of these accidents was proved to be as a result of sabotage?

**Shri Khurshed Lal:** Not that I know of.

**Dr. M. M. Das:** May I know whether these accidents have influenced the Government to effect any change in the administration and equipment of the aerodromes?

**Shri Khurshed Lal:** The safety regulations are constantly under review and wherever found necessary they are revised.

**Shri Shiva Rao:** May I know whether there are any regulations in regard to the extent of load that planes operating between Calcutta and Assam can carry?

**Shri Khurshed Lal:** Yes, there are.

**Shri Shiva Rao:** Has my hon. friend satisfied himself that these regulations are properly enforced?

**Shri Khurshed Lal:** In view of the very heavy traffic between Calcutta and Assam there are some difficulties. But we are doing our best to enforce these regulations.

**Shri Sidhva:** The hon. Minister said that in about fifty accidents 17 aeroplanes or so were damaged. Am I to take it that the remaining ones were minor accidents?

**Shri Khurshed Lal:** Obviously so.

**Shri Sidhva:** In those cases, were they subsequently able to utilise the aeroplanes or had they to be condemned?

**Shri Khurshed Lal:** Naturally, when the damage was a minor one.

**Shri Sidhva:** But what is the actual position: there is no question of 'naturally'.

**Mr. Speaker:** He has already answered.

**Shri Sidhva:** That is a presumption: I want facts.

**Mr. Speaker:** He perhaps means that the matter is so obvious that it does not require any further clarification.

**Shri Tyagi:** What was the approximate loss on account of these accidents?

**Shri Khurshed Lal:** I want notice of that question.

**Shri Deshbandhu Gupta:** How does the average of accidents here compare with the average number of accidents in the other advanced countries of the world?

**Shri Khurshed Lal:** We have got a remarkably good record.

**Shri Syamnandan Sahaya:** Are Government aware of the fact that most of the Dakotas flying on the scheduled routes are superannuated and are very old and unfit?

**The Minister of Communications (Shri Kidwai):** Every Dakota is examined by the experts and only when it is declared air-worthy it is allowed to operate.

**Shri Karunakara Menon:** Have the causes of these accidents been enquired into, and, if so, how many are due to negligence?

**Shri Khurshed Lal:** Whenever an enquiry was held, the report of that enquiry was laid on the Table of the House.

**Dr. M. M. Das:** May I know whether the figures given by the hon. Minister include accidents to Defence Department planes?

**Shri Khurshed Lal:** These figures relate only to Civil Aviation (Air Transport Companies) planes.

## RECONSTRUCTION OF CALCUTTA TELEPHONE EXCHANGES

\*1641. **Dr. M. M. Das:** Will the Minister of **Communications** be pleased to state what progress has been made in the work of re-construction of the Calcutta and Entally Exchanges of the Calcutta Telephones destroyed by fire on 26th October, 1948?

**The Deputy Minister of Communications (Shri Khurshed Lal):** The total number of working lines destroyed by fire was 6,052. In addition, the equipment for 1,800 new lines, the installation of which had just been completed and which was to be designated as Entally Exchange, also got destroyed.

Of the 6,052 working lines, 4,800 lines have been restored up to date. All the subscribers on the old Calcutta Exchange had the service restored before 26th October, 1949, though on a restricted scale in the case of those who had more than one line. These subscribers are being provided with additional lines as circumstances permit. In addition, new lines are also being given. The installation of another exchange of 4,000 lines is in progress.

**Shri Kamath:** What was the nature of the enquiry held into the cause of the fire and the result of the enquiry?

**Shri Khurshed Lal:** It was a departmental enquiry. So far as the result of the enquiry is concerned, we have not been able to fix the particular cause of the fire.

**Shri Kamath:** Was it a pure accident?

**Shri Khurshed Lal:** As I said on a previous occasion, the possibilities of sabotage are not excluded.

**Dr. M. M. Das:** May I know whether the previous subscribers have been allowed to resume their telephone connections?

**Shri Khurshed Lal:** As I said all subscribers have been given connections, except some of those who had more than one line.

**Shri Kamath:** In view of the fact that the departmental enquiry led to no conclusive results, why was a public enquiry not held?

**Shri Khurshed Lal:** Because it was felt that no useful purpose would be served by holding a public enquiry.

**Shri Kamath:** It is only a presumption.

**Dr. M. M. Das:** May I know to what extent the number of connections will be increased when the reconstruction is completed?

**Shri Khurshed Lal:** Already more and more new connections are being given. We have got another exchange of 4,000 lines under construction, and as soon as that is completed more lines will be given.

## FOOD AND AGRICULTURE ORGANISATION LIAISON COMMITTEE

\*1642. **Shri S. C. Samanta:** Will the Minister of **Agriculture** be pleased to state how many times the Food and Agriculture Organisation Liaison Committee sat since its creation?

**The Minister of Food and Agriculture (Shri Jaramdas Doulatram):** Once.

**Shri S. C. Samanta:** May I know whether the F.A.O. Liaison Committee was consulted in the matter of selection of delegations?



**Shri Jairamdas Doulatram:** The functions of this Committee, as the hon. Member perhaps knows is to assist the Government with regard to implementing of recommendations of the Food and Agricultural Organisation and not to make recommendations as to the delegations to be sent to these conferences.

**Shri S. C. Samanta:** How many delegates have been sent to F.A.O. conferences, since the creation of the F.A.O. Liaison Committee?

**Shri Jairamdas Doulatram:** I require notice of that question.

**Shri Moeran:** When did this committee come into existence?

**Shri Jairamdas Doulatram:** It came into existence in June 1949; it met in September 1949.

**Sardar B. S. Man:** Is it a fact that many meetings were held under the auspices of the F.A.O. and to such meetings these liaison committee members were not invited?

**Shri Jairamdas Doulatram:** I know of no conferences held here under the auspices of F.A.O., except the one held at Lucknow. But the functions of the members of this Committee are entirely of a different nature. They are to advise Government with regard to implementing the recommendations of those conferences. When we receive the recommendations, the Committee is called and asked to give their advice.

#### AGRICULTURAL CENSUS

\*1643. **Shri S. C. Samanta:** (a) Will the Minister of Agriculture be pleased to state in which year the agricultural census was last taken?

(b) What were the items of census?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) and (b). An agricultural census based on a complete enumeration for the purpose of obtaining information regarding land, crops, irrigation, forests, holdings, livestock, ploughs, carts etc. has not been held for the country as a whole. In about one-third of the area, the basic requirements consisting of a survey and record of rights are not available. In the rest of the area, where permanent land settlement has been introduced, information regarding utilisation of land is collected every year and regarding livestock, ploughs and carts every five years. The latter was last done in 1945.

The proposal to hold a comprehensive census of agricultural resources and conditions in 1950-51 is under consideration.

#### अनाज के बीज

\*1044 **श्री जांगरे :** (ए) क्या कृषि मंत्री यह बतलाने की कृपा करेंगे कि देहातों में वितरण किये जाने वाला बीज जब तक कि वह सरकार के अधिकार में रहता है, वैज्ञानिक रीति से सुरक्षित रखा जाता है ?

(बी) कौन से धानों से चावल किस श्रेणी का है यह सरकार किस निर्णय पर पहुँची है ?

## FOODGRAIN SEEDS

\*1644. **Shri Zangre:** (a) Will the Minister of Agriculture be pleased to state whether the seed that is distributed in the villages is preserved by scientific methods while in the possession of Government?

(b) What decision has been arrived at by the Government in determining the gradation of rice from amongst the different kinds of paddy seeds?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) Practices in the States vary. In bulk of them, seeds distributed by the State Governments are protected against damage from pests.

(b) Grading of rice under Agmark specifications has been suspended in view of the general conditions of shortage. A long-term scheme for such grading is, however, under consideration.

श्री जांगरे : क्या सरकार के पास ऐसी शिकायतें आई हैं, या सरकार को ज्ञात है कि अक्सर खाद्य निरीक्षक इन्स्पेक्टर निम्न कोटि के चावल को उच्च कोटि में मिलाकर, ऐसे मिले हुए चावल को उच्च श्रेणी में ले आते हैं और जनता को धोखा देते हैं ?

**Shri Zangre:** Has the Government received any such complaints, or is it within their knowledge, that frequently food inspectors cause superior quality rice to be mixed up with that of inferior quality and certify such mixed rice as of superior quality, and deceive the public?

**Shri Jairamdas Doulatram:** There are quite a good number of complaints as to the quality of foodgrains and that is why we have appointed a Committee to go into the whole of that question. We continuously put pressure on the State Governments to see to the quality of the foodgrains distributed.

श्री जांगरे : क्या ऐसे जुल्म करने वाले सरकारी कर्मचारियों को कोई दंड दिया गया है ?

**Shri Zangre:** Has any punishment been meted out to the offending officials?

**Shri Jairamdas Doulatram:** I think State Governments have taken action against officers who have offended against the food laws.

**Shri Barman:** Is Government considering the question of introducing in this country the terminology that has been accepted internationally as regards rice?

**Shri Jairamdas Doulatram:** That matter will be considered when the actual report containing the recommendations of the Committee is received.

श्री जांगरे : यह चावल किस आधार पर भिन्न भिन्न श्रेणी में लिया जाता है?

**Shri Zangre:** On what basis is the classification of rice done?

**Shri Jairamdas Doulatram:** The classification of rice depends on a variety of factors, for instance, the botanical differences. There are in the world about 8,000 such different varieties of rice only depending on the botanical differences. Of these about 4,000 are in our country. The other factors are the maturity of the rice, its texture, its fragrance, its size, its shape, its weight and its volume.

**Dr. Deshmukh:** Is the hon. Minister aware that on many occasions the seed provided by the Agriculture Departments has not germinated? It is found to be defective. What steps are Government going to take to improve the situation in this respect?

**Shri Jairamdas Doulatram:** I don't think "in many cases"—I believe that it is an exaggerated statement. But I can easily understand that there must have been some occasions. As I explained, all seeds are not necessarily fit for germination. Then there are certain difficulties with regard to soil. So many factors exist. But this is a function of the State Governments. All that we can do is to put more pressure on the State Governments to improve their food administration.

**श्री जांगरे :** क्या सरकार को ज्ञात है कि जो बीज वितरण के लिये रखे जाते हैं और जो पास के किसान से लिये जाते हैं, उनको वैज्ञानिक तरीके से नहीं रखा जाता ?

**Shri Zangre:** Are Government aware that the seeds kept for distribution, which are taken from the neighbouring *kisan*, are not stored scientifically?

**Shri Jairamdas Doulatram:** I understand from the State Governments that they take all scientific measures to see that the seed stored by them in their own godowns for distribution is maintained in a safe and hygienic fashion.

**Shri Deshbandhu Gupta:** May I know whether Government has taken special care to see that the seed reaches the *kisans* in time?

**Shri Jairamdas Doulatram:** These are matters which can be handled by the State Governments. From here we can continuously ask them to do so, but we cannot send our administrative officers from the Centre to see that the seed is actually distributed.

**Shri Deshbandhu Gupta:** But there are the Centrally Administered Areas.

**Mr. Speaker:** Obviously, it is a question for the State Governments.

#### GOVERNMENT PUBLICATIONS

\*1645. **Shri Deogirikar:** (a) Will the Minister of Works, Mines and Power be pleased to state the number of books published by the Government of India during the year 1949?

(b) What was the cost incurred by Government for the publication and what was the amount realised by the sale of those books?

(c) How many pamphlets, reports etc., not intended for sale were published during the year 1949 and what was the cost of the same?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) 1362 publications, of which 1154 were saleable to the public and 208 were not saleable. These figures exclude lists of corrections to earlier publications.

(b) The compilation of the exact cost of production of the various publications printed during the year 1949 will entail considerable time and labour. An approximate figure will, however, be worked out and shortly laid on the Table of the House. Since the accounts of the Controller of Printing and Stationery are maintained for the year starting April the 1st and ending with March the 31st, this figure will be for the current year 1949-50.

As regards the year 1948-49, the amount realised from sale proceeds of books was Rs. 6,11,038. To this has to be added the value of publications supplied free to various officers and individuals by the Government of India which is Rs. 7,12,160.

(c) 208 publications not intended for sale were published during the year 1949. The approximate cost of producing these will be laid on the Table of the House in due course.

**Shri Deogirikar:** May I know whether these figures include the publications of the Department of Information?

**Shri Gadgil:** To the extent to which these publications are printed by the Government of India Press, they are included.

**Shri Deogirikar:** May I know what books, pamphlets, etc. are published by the W., M. and P. Ministry and what books are published by the Department of Information?

**Shri Gadgil:** I require notice for that detailed information.

**Shri Deogirikar:** Are there separate agencies for the publication and sale of these books?

**Shri Gadgil:** The sales are effected in some places through Government depots, in other places there are authorized sellers.

**Shri Shiva Rao:** Is it not a fact that three issues of this magazine. *The March of India*, which is a Government publication cost Rs. 50,000 during the year 1949?

**Shri Gadgil:** I do not know whether that particular publication is printed by the Government of India Press or whether it has been printed elsewhere and published by the Information and Broadcasting Department.

**Shri Shiva Rao:** It is printed here "Publications Division, Old Secretariat, Delhi."

**Shri Gadgil:** Printed by whom?

**Mr. Speaker:** Order, order.

**Shri Kamath,** What, Sir, have been the causes for the inordinate delay in the printing of embossed and other stationery for Parliament?

**Shri Gadgil:** The causes are sufficiently well-known. The load on the Government of India Presses is so much that it is difficult for the Government of India Presses to satisfactorily discharge the orders. As a matter of fact, we have been giving orders to private presses also.

**Shri Sidhva:** May I know whether an order has been placed with the Government of India Press for printing letter heads for the Members of the Parliament of India?

**Shri Gadgil:** Perhaps some orders may have been given.

**श्री द्विवेदी :** इन पब्लिकेशनस में अंग्रेजी के अलावा भारतवर्ष की दूसरी भाषाओं के कितने पब्लिकेशनस हैं ?

**Shri Dwivedi:** In addition to the publications in English what is the number of publications in the various Indian languages?

**श्री गेडगिल :** इसके लिये नोटिस चाहिये ।

**Shri Gadgil:** I require notice for that.

#### CITY COMPENSATORY ALLOWANCE FOR GOVERNMENT EMPLOYEES

\*1646. **Shri S. O. Samanta:** (a) Will the Minister of **Works, Mines and Power** be pleased to state whether the City Compensatory Allowance granted to Government servants in Delhi and New Delhi is treated as part of the basic pay for the purpose of recovery of house rent from them and if so, why?

(b) Is that allowance included in the basic pay for determining the class of accommodation to which a Government servant is entitled at the time of making the allotment of accommodation to him and if not, why not?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) Recovery of rent from a Government servant is restricted to a maximum of 10 per cent. of his total emoluments and not merely of his basic pay. The terms emoluments includes all compensatory allowances except the travelling allowance, Dearness allowance and Uniform allowance paid to nurses in hospitals.

(b) No, because in places like Delhi, only non-gazetted officers get compensatory allowance, whereas gazetted officers with the same pay do not get any compensatory allowance.

#### ABSORPTION OF RETRENCHED RAILWAY PERSONNEL

\*1647. **Shri Obaidullah:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the members of the Railway Priority Organisations who are retrenched have been absorbed on all Railways except the M. and S. M. Railway;

(b) if so, whether there is any proposal to absorb them also; and

(c) if not, why not?

**The Minister of Transport and Railways (Shri Gopaldaswami):** (a) Orders were issued by the Railway Board in January 1950 to the various Indian Government Railways to the effect that after absorbing surplus and retrenched Railway staff including grainshop staff, if vacancies existed for which outside recruitment was necessary, then in such vacancies staff of the offices of the various Regional Controllers of Priorities as were without employment after the abolition of those offices should be given preference over outsiders, provided they possessed the minimum educational qualifications laid down for the posts concerned and were considered suitable by Departmental Selection Boards. It was also decided that the maximum age limit should be relaxed to the extent of the continuous service of the staff in question in the office of the Regional Controllers of Railway Priorities. In accordance with this policy, some members of the Railway Priority Organisations, who were retrenched, have been absorbed on all Indian Government Railways except the B.N., E.I. and M. and S.M. Railways.

(b) and (c). As stated in reply to part (a) of the question, the above-mentioned orders apply to the M. and S.M. Railway, on which, as well as on the B.N. and E. I. Railways the staff in question will be considered for absorption as soon as surplus and retrenched railway staff have been provided for.

SALE OF FOODGRAINS IN OPEN MARKET IN RATIONED AREAS

\*1649. **Shri Deogirikar:** (a) Will the Minister of Food be pleased to state whether Government are aware that food grains are sold in the open market in rationed areas in Madhya Pradesh and Uttar Pradesh?

(b) What steps Government propose to take in the matter for co-ordinating the distribution of food grains in different States?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) Government are not aware of private sale of rationed foodgrains in the statutorily rationed areas of these two States.

(b) The pattern of distribution in each State must depend upon the circumstances obtaining therein. While giving approval to it the Central Government examines the system from the point of view of co-ordination subject to special circumstances in different areas. The procurement Committee recently appointed by the Government will also look into the systems of distribution with a view to suggesting improvements, if any.

**Shri Deogirikar:** May I know whether sugar is sold in the open market in any of the States?

**Shri Jairamdas Doulatram:** Sugar? It does not arise out of this question, which relates to foodgrains.

**Shri Hathi:** May I know if statements showing the stock position in these States are received by the Food Ministry?

**Shri Jairamdas Doulatram:** We receive every week or every fortnight a report of the stock position from each State.

**Shri Tyagi:** Have Government any objection to the sale of foodgrains in the open market in the towns where there is complete food rationing?

**Shri Jairamdas Doulatram:** There is objection. Where there is statutory rationing, which means complete rationing, no one is allowed to purchase and no free trade is allowed, but in a number of towns what is called "informal rationing" goes on because there, there is no prohibition.

**Shri Tyagi:** May I know the reasons for which the sale of foodgrains in the open market in these towns is objected to?

**Shri Jairamdas Doulatram:** Because if we have to statutorily ration people, Government undertakes a certain obligation to feed them. That commitment can only be fulfilled if Government is able to procure adequately. That procurement is rendered difficult if grain, instead of being available for procurement in the *mandis*, also comes in inside the towns where there is statutory rationing going on. Therefore, where there is that type of rationing, private trade is stopped.

**Shri Tyagi:** Will Government consider the advisability of opening these markets after the procurement of the grain is over?

**Mr. Speaker:** Order, order. It is a suggestion for action.

**Shri Kamath:** Is the hon. Minister aware that rice is sold in the open market in certain areas of Paharganj right under the nose of the Police?

**Shri Jairamdas Doulatram:** It is quite possible. These food offences must be going on, but there are also offences for which prosecutions have been instituted and also convictions secured.

**Shri Tyagi:** Is it a fact that the U. P. Government requested the Central Government to permit them to allow the open sale of foodgrains in these towns?

**Shri Jairamdas Doulatram:** They did, and I think they found later on that it was not a correct policy because it affected procurement and now they have had to change their entire procurement policy.

**Shri Bharati:** What is the total rationed population in U. P.?

**Shri Jairamdas Doulatram:** The total population which is rationed statutorily or otherwise so far is 74 lakhs and 53 thousand.

**Shri Bharati:** What is the statutorily rationed population?

**Shri Jairamdas Doulatram:** It is 64 lakhs and 76 thousand out of the total figure I have mentioned.

#### LICENSED RAILWAY PORTERS

\*1650. **Shri D. S. Seth:** (a) Will the Minister of Railways be pleased to state whether it is a fact that certain assurances given by the previous Railway Minister, Dr. John Matthai, with regard to the setting up of a separate joint machinery to attend to the complaints and grievances of the licensed porters, have not so far been fulfilled?

(b) Is so, what are the reasons therefor?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) The hon. Member is, presumably, referring to a statement contained in a letter dated the 2nd July, 1948, written by the hon. Dr. John Matthai, then Member for Transport, to Mrs. Aruna Asaf Ali, to the effect that he understood that the E. P. Railway Authorities were quite prepared to promote an organisation similar to Area Councils or Welfare Committees on Railways among the licensed porters at Delhi Station. No such Committee was, however, set up

(b) The setting up of a Welfare Committee had to be dropped owing to opposition from the Railway Coolie Union, Delhi Junction.

**Shri Kamath:** Does the hon. Minister Dr. John Matthai today hold the same view that he did on that day?

**Mr. Speaker:** Order, order.

**Shri Syamnandan Sahaya:** Are Government aware of the complaints and grievances of the travelling public against these licensed porters and if so; do they intend to set up a machinery to look into them?

**Shri Santhanam:** Government are fully aware, and they have already set up a machinery. There are Inspectors and others who watch these porters and render help to passengers in getting proper service from these licensed porters. But when there is a heavy rush there are obvious difficulties in enforcing these rules.

**Dr. Deshmukh:** Is it true that these porters are going to be called hereafter as *Mazdoors*?

**Shri Kamath:** All are *mazdoors*.

**Shri Santhanam:** Some of them are objecting to the words "coolie" and "porter" and we are trying to find out a more suitable name.

**Dr. Deshmukh:** Why not call them *Samanlejanewalas*?

## RAILWAY PORTERS

\*1651. **Shri D. S. Seth:** Will the Minister of **Railways** be pleased to state whether it is a fact that at the time of introduction of decasualization scheme for Railway porters, it was announced that the amount raised from the porters as license fees will be expended on the welfare of the Railway porters and if so, with what result?

**The Minister of State for Transport and Railways (Shri Santhanam):** No, such an announcement was never made. The scheme of decasualisation of licensed porters is still in an experimental stage and the licence fee is levied on a "no profit, no loss" basis intended to cover all expenses incurred in respect of the scheme, such as the cost of supervision, supply of uniforms, buckles, badges, etc. Free medical attendance is, however, provided.

**Shri Rathnaswamy:** What is the amount collected by way of these licence fees?

**Shri Santhanam:** There is no such Central accounting of licence fees collected from the porters at the various stations.

*Vanaspati* AND *Ghee* INDUSTRY

\*1652. **Pandit Thakur Das Bhargava:** (a) Will the Minister of **Agriculture** be pleased to state how many telegrams and letters the Government received in respect of hydrogenated oil, called *Vanaspati* during the last twelve months?

(b) Is it a fact that the Government convened a meeting of the representative of *Gao Sava Sangh* and the representative of the Manufacturers on 2nd September 1948 to consider the effect of *Vanaspati* on *Ghee* Industry?

(c) Is it a fact that Government placed a note on *Vanaspati* and its effect on the Agricultural economy of the country before this meeting?

(d) If so, do Government propose to place the said note or a copy of it on the Table of the House?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) 2,66,352 letters and 1961 telegrams.

(b) The meeting was held on 14th September.

(c) No.

(d) Does not arise.

**Maulvi Wajed Ali:** Will the hon. Minister be pleased to send the opinions of the Local Governments for and against the *Vanaspati* Bill to Members of Parliament when that Bill is circulated for eliciting public opinion within the 31st August, 1950?

**Shri Jairamdas Doulatram:** Certainly.

**Shri Bharati:** Will the hon. Minister kindly let us know the number of letters which were for and those which were against from among the number he mentioned?

**Shri Jairamdas Doulatram:** About 1,01,100 letters and 60 telegrams favoured the ban on production of *Vanaspati* and the rest were against it.

**Shri Kamath:** What is the number of the rest?

**Shri Jairamdas Doulatram:** That will be 1,65,000 and odd letters and probably 1900 telegrams.



**Dr. Deshmukh:** May I know if any special staff was employed for dealing with these letters and telegrams?

**Mr. Speaker:** Order, order.

**Shri Syamnandan Sahaya:** Will Government be pleased to state how many of these letters and telegrams originated from the same source?

**Mr. Speaker:** That question need not be answered.

**Shri Sidhya:** May I know whether the text of these letters and telegrams was the same?

**Mr. Speaker:** I think he may see them.

#### TELEPHONES IN KURNOOL

**\*1653. Shri Sanjivayya:** (a) Will the Minister of Communications be pleased to state the number of telephones installed in Kurnool town of Madras State in the year 1949?

(b) How many applications were received during the same period?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) 14.

(b) 15.

**Shri Sanjivayya:** May I know the number of public telephones?

**Shri Khurshed Lal:** I require notice for that.

**Shri Sanjivayya:** What is the number of telephones which Government propose to sanction during the present year?

**Shri Khurshed Lal:** There are only 25 applications pending at this particular place and it is hoped to give connections to all of them at an early date.

**Shri R. K. Ohaudhuri:** Was the deposit of Rs. 2,500 taken in each of these cases where telephone connection was given?

**Shri Khurshed Lal:** That scheme does not apply to this place.

#### SCARCITY OF FOODSTUFFS IN HYDERABAD STATE

**\*1654. Shri Sanjivayya:** (a) Will the Minister of Food be pleased to state whether Government are aware of the scarcity of foodstuffs in Hyderabad State?

(b) If so, what arrangement have Government made to ease the position?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) Yes.

(b) The Central Government have given them 7,000 tons so far, for 1950, and, another 5,000 tons of wheat will be given to them in April, 1950, out of their quota of 35,000 tons for the year 1950. Further arrangements are under consideration.

**Shri Sanjivayya:** What is the quantity of foodstuffs available at present in Hyderabad State and how long will this last?

**Shri Jairamdas Doulatram:** They have a stock of about 15,000 tons. This was the report dated 25th March, 1950. The offtake is round about 7,000 tons a week.

**Shri Kamath:** In which parts or districts of Hyderabad State is the food scarcity being acutely felt?

**Shri Jairamdas Doulatram:** I am afraid I have not got that information handy. If the hon. Member is interested I will supply it.

**Shri Kamath:** In the Minister's view is there a direct relation between Communist activity and food scarcity in Hyderabad?

**Mr. Speaker:** The hon. Member is asking for opinion.

**Shri Sidhva:** The hon. Minister replied in the affirmative to part (a) of the question. May I know whether the Hyderabad State stated that there is scarcity and it was verified by the hon. Minister's office or whether they depended entirely on the statement of the Hyderabad State?

**Shri Jairamdas Doulatram:** We have Regional Food Commissioners who are in charge of certain areas. They also report to us. It was not based on a complaint which was unfounded. We verified the stock position, the offtake position and we felt there was scarcity and therefore we started to help them.

**Shri Sidhva:** Was any information collected at the source?

**Mr. Speaker:** There is no use pursuing it.

**Shri Kamath:** Are there reports to show that Communists in Hyderabad State are most active where food is most scarce?

**Mr. Speaker:** I do not think it arises.

**Shri Sonavane:** What is the area or population under rationing in Hyderabad?

**Shri Jairamdas Doulatram:** On 31st March, 1950 the population under statutory rationing in urban areas was 18,85,000 persons and in rural areas 4,16,000; and the population under informal rationing was 25,40,000 persons.

#### CANAL WATER DISPUTE

\*1655. **Shri Sanjivayya:** (a) Will the Minister of Works, Mines and Power be pleased to state whether it is a fact that the officials of Pakistan and India met on the 27th of March, 1950 at Karachi to settle the Canal water dispute?

(b) If so, what is the result?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) Yes, the negotiators on behalf of India and Pakistan held a series of meetings at Karachi from the 27th to the 29th March, 1950.

(b) Preliminary discussions were held in an atmosphere of goodwill and cordiality. Further studies will now be undertaken by the two Governments in the light of these discussions and negotiations will be resumed at Delhi in the latter half of May, 1950.

**Sardar B. S. Man:** In respect of those canals which have their origin in India and are maintained by India, is there any expenditure or portion of expenditure which has been contributed by Pakistan so far, and if so what is the mode of payment?

**Shri Gadgil:** So far as the present arrangement goes, whatever water is supplied from the Madhopur headworks which is entirely in our territory, as also from the Ferozepore headworks which also is in our territory, certain amounts are regularly paid by the Pakistan Government, part of it under

protest and part as undisputed, for the purpose of squaring up the maintenance cost of these canals and the distribution of water.

**Sardar B. S. Man:** Is it a fact that in these areas, that is, the Madhopur and Ferozepore areas, our own cultivators in India stand in dire need of canal water, and if so what are the reasons that India is still continuing the supply of canal water to Pakistan?

**Shri Gadgil:** That is exactly the subject matter of negotiation.

#### RETRENCHMENT IN POSTS AND TELEGRAPHS DEPARTMENT

\*1656. **Shri Harihar Nath Shastri:** Will the Minister of Communications be pleased to state:

(a) the number of employees retrenched during the year 1949 at the head-quarter and subordinate offices of the Posts and Telegraphs Department;

(b) whether any further retrenchments are contemplated in the department;

(c) if so, to what extent;

(d) whether any alternative provisions have been made for the retrenched personnel; and

(e) if so, what is the nature of such provisions?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) 853 between 1st February, 1949 and 31st January, 1950.

(b) and (c) In the Posts and Telegraphs Department staff for subordinate offices is sanctioned according to the requirements of traffic. Recruitment or retrenchment of staff thus depends upon the fluctuations of traffic. No general retrenchment, however, has been made or is contemplated.

(d) and (e). As far as possible, alternative appointments are found for the personnel who come under reduction. Particulars of such of them as cannot be provided with alternative appointments within the Department are furnished to the Employment Exchanges.

**Shri Sidhva:** Out of these 853 employees who have been retrenched, how many seniors have been retrenched against the juniors?

**Shri Khurshed Lal:** "Senior" and "junior" are only comparative terms, but I may say that all those who were retrenched were temporary.

**Shri Sidhva:** But I want to know whether seniority was strictly adhered to.

**Mr. Speaker:** Such questions ought not to be put. It must be taken for granted that the administration must be conversant with all these things and they must be trusted to that extent. If they cannot be trusted even to take these things into consideration, well, there is some other course for the hon. Members to take rather than to put questions.

**Shri Sidhva:** Sir, the point was . . .

**Mr. Speaker:** I understand the point, but I want to state the scope of questions which hon. Members should put. We must not go into administrative details too much. We must trust the Government that is there to look to these seniority claims. Questions on that point suggest something which one does not quite appreciate.

**Shri Sidhva:** But injustice is done.

**Shri Kamath:** How many of the P. and T. employees who were removed on the eve of or as a sequel to the threatened strike of last year have been reinstated?

**Shri Khurshed Lal:** This question relates to retrenchment and I would therefore require notice.

**Mr. Speaker:** This does not arise out of the question.

**Shri R. L. Malviya:** The hon. Minister has given the number of retrenched staff from 1st February, 1949. May I know the number retrenched before that date and the total for 1949?

**Shri Khurshed Lal:** Of course the question was about the number of employees retrenched during the year 1949 and I am sorry that figures for January have not been given. If the hon. Member wants the figure I will have that obtained—but perhaps there was none.

### THE T. B. RAILWAY

\*1657. **Shri G. S. Guha:** (a) Will the Minister of Railways be pleased to state whether it is a fact that the contract of the private company operating the T. B. Railway is due to expire soon and if so, when?

(b) Are Government considering the question of taking over that narrow gauge line of about 18 miles and converting it into a metre gauge line?

(c) Is there any plan to extend the Rangiya-Balipara line of the Assam Railway to North Lakhimpur in future?

**The Minister of Transport and Railways (Shri Gopaldaswami):** (a) There is no question of the contract expiring; but the Central Government have the option to purchase the line at seven yearly intervals. The next option falls due on 31st August, 1952.

(b) The question of taking over the line will be considered in due course. The possibility of its conversion to metre gauge will arise only after the Government decide to purchase the line.

(c) The proposal to extend the Rangiya-Balipara line to North Lakhimpur was considered by the Central Board of Transport and it was decided that the project should be held over for consideration when conditions permit.

**Shri G. S. Guha:** Is it a fact that there is a great public demand for the extension of the Rangiya-Balipara line to Tezpur as quickly as possible?

**Shri Gopaldaswami:** There has been a demand and the demand has been examined twice by the Central Board of Transport and they finally came to the conclusion that perhaps the better way of satisfying the demand for transport in this area would be by developing and improving the other forms of transport, namely, road and river, and they decided that the railway project should be held over until conditions improve.

**Shri Syamnandan Sahaya:** Is the name of the Railway—T. B.—associated with the place or the contractor?

**Shri Gopaldaswami:** I do not know whether either of them is afflicted with T. B.

**Shri R. K. Chaudhuri:** Is it a fact that the demand for the extension of this line up to Tezpur was made as long ago as 1942 and also at each Budget Session of this House?

**Shri Tyagi:** By you.

**Mr. Speaker:** Order, order.

**Shri Gopaldaswami:** Possibly. I am not aware of it.

**Shri E. K. Chaudhuri:** Is it a fact that the hon. Minister in charge of the Railways in 1946 gave an assurance that as soon as the contract with the Railway Company was over, steps would be taken to extend the line to Tezpur?

**Shri Gopaldaswami:** 1946 would mean the second year of the present seven yearly period. I have already said that towards the end of that period we can exercise the option again, that is, at the end of the present seven year period we will certainly review the position.

**Sardar B. S. Man:** Has there been any demand for changing the name of this Railway from T. B. Railway to something more healthy?

**Mr. Speaker:** Order, order.

#### AERODROMES AT AGARTALA AND GAUHATI

\*1658. **Shri G. S. Guha:** (a) Will the Minister of **Communications** be pleased to state whether it is a fact that the aerodrome at Agartala in Tripura State is within half a mile or so of the boundary of Eastern Pakistan?

(b) If so, do Government propose to construct some landing grounds in that State in the interior?

(c) Is it a fact that almost all essential goods to Tripura are now being carried by air from Calcutta?

(d) How many flights are now taking place daily on an average between Agartala and Calcutta?

(e) When is the aerodrome at Gauhati likely to be completed?

(f) Does any air service operate between Gauhati and Manipur?

(g) Do aeroplanes ply between Calcutta and Manipur?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) Yes, Sir.

(b) Five airstrips of a temporary nature are being constructed in Tripura State to facilitate the air-lift of essential commodities during the present emergency.

(c) Yes, Sir.

(d) Twenty-two flights per day.

(e) Construction of the new runway at Gauhati is likely to be completed by the middle of 1951.

(f) No scheduled air service is operating between Gauhati and Manipur Road.

(g) Yes, Sir.

**Shri G. S. Guha:** Is it contemplated to keep the landing strips in Tripura State in operation during the rainy season?

**Shri Khurshed Lal:** Four of these new air strips which are being constructed are being fitted with pierced steel plates. Two have already been so fitted and it is hoped that they would be useable during the monsoons.

**Shri G. S. Guha:** In which places are these landing strips situated?

**Shri Khurshed Lal:** They are being constructed in Kamalpur, Belonia, Kailashahar, Khowai and Dharmanagar.

**Dr. M. M. Das:** Has the Agartala aerodrome which lies within half a mile of the Pakistan border ever been raided by the Pakistan nationals?

**Shri Khurshed Lal:** No.

**Dr. M. M. Das:** May I know the reason why Pakistan has been so kind to the Agartala Aerodrome?

**Mr. Speaker:** Order, order. That is a question for the Pakistan Government.

#### ALLOTMENT OF WAGONS

\*1659. **Saikh Mohiuddin:** Will the Minister of **Railways** be pleased to state whether it is a fact that allotment of wagons is fixed Statewise?

(b) If so, what is the quota for Bihar?

(c) Is the quota of wagons fixed for transport of particular commodities or all sorts of commodities?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) No.

(b) Does not arise.

(c) In some cases, quotas are fixed for the movement of certain commodities, taking into consideration the requirements of each case and also the recommendations of the authority sponsoring the movements.

#### NUMBER OF TRAINS RUNNING IN ASSAM SECTION OF RAILWAYS

\*1660. **Saikh Mohiuddin:** (a) Will the Minister of **Railways** be pleased to state whether it is a fact that the number of trains in Assam section running in Bihar (Kishanganj Subdivision) has been decreased and that the public have sent representation to restore the same as they have been put to tremendous difficulty?

(b) If so, do Government propose to take any steps in the matter?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Yes, by one train service each way between Barsoi-Kishanganj. A few representations were received for the re-introduction of trains, but none after the restoration of trains Nos. 355 Up/356 Dn. between Katihar and Kishanganj from 7th March, 1950.

(b) The question will be considered when the position in respect of availability of coaching passenger stock improves sufficiently to permit of augmentation of the passenger train services.

**Shri Barman:** May I know when was the latest accident on the Assam Railways?

**Shri Santhanam:** This has nothing to do with the question.

#### CENTRAL COLLEGE OF AGRICULTURE

\*1661. **Moulvi Haneef:** (a) Will the Minister of **Agriculture** be pleased to state whether any final decision has been arrived at either for maintenance or abolition of the Central College of Agriculture?

(b) What do the Government propose to do to impart agricultural education to the intending students of the Centrally Administered States which have no College of Agriculture of their own?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) It has been decided to continue the College till 1953.

(b) The matter is under consideration.

**Moulvi Haneef.** May I ask if new admissions have been stopped?

**Shri Jairamdas Doulatram:** Yes.

ALLOTMENT OF SUGAR TO A NON-EXISTENT FRUIT PRESERVATION FIRM

\*1666. **Shri Kamath:** Will the Minister of Agriculture be pleased to state:

(a) whether it is a fact that the Proprietor of Kotgarh apple orchards and his son, applied for and received in 1947 sugar from Government for a non-existent fruit preservation firm;

(b) If so, the quantity of sugar they received from Government; and

(c) what action has since been taken by Government in the matter?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) to (c). Presumably the hon. Member is referring to Tahsildar Orchards. It is regretted that information desired by the hon. Member cannot be supplied at present as the matter is *sub-judice*.

**Shri Kamath:** Is it not a fact, Sir, that the proprietor of this bogus firm and his son, one Mr. Singha, were convicted recently for the offence of having obtained sugar for this non-existent fruit preservation firm, and also a food inspector . . .

**Mr. Speaker:** Order, order. The question will not be relevant at all.

**Shri Kamath:** My question relates to another transaction.

**Shri Jairamdas Doulatram:** The matter is *sub-judice*. Government took action and there were convictions and there is an appeal. Therefore the matter is *sub-judice* and I will not give any information.

**Shri Tyagi:** What is the matter?

**Mr. Speaker:** Whatever is the matter, it is *sub-judice*.

**Shri Kamath:** Was there any enquiry, Sir, into the conduct of the Fruit Development Adviser in this connection at all—I mean any Departmental enquiry?

**Shri Jairamdas Doulatram:** I am afraid, I will not be able to answer these questions because the whole thing is being considered by the courts.

GEOLOGICAL SURVEY OF INDIA

\*1667. **Shri Kannamwar:** (a) Will the Minister of Works, Mines and Power be pleased to state what progress the American Experts have made in the Geological Survey of India?

(b) Is it a fact that copper and iron mines are discoverable in Sironcha Tahsil (Madhya Pradesh)?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) Presumably the hon. Member is referring to Mr. John Van Dorr II who has been deputed by the American Geological Survey to carry out a preliminary survey of some of the more promising mineral deposits in Orissa. Mr. Dorr, accompanied by an officer of the Geological Survey of India, is at present making an extensive

reconnaissance tour of the known potential mineral areas in Orissa, with a view to ascertaining what detailed exploration should be undertaken by the Americans during the next field season. The tour has so far progressed according to schedule. A copy of the tour programme is laid on the Table. [See Appendix VII, annexure No. 18.]

(b) The occurrence of iron ore in Sironcha Tahsil has been known for a long time but so far there is no record of the occurrence of copper ores in this Tahsil. Geological investigation of Sironcha Tahsil has, however, been included in the Geological Survey of India's current Field Programme.

**Shri Ethirajulu Naidu:** In employing these experts to make such surveys, do Government take into consideration the relations between that country and India and also the personnel of the firm who carry out these surveys? Will Government also take into consideration the relationship between the country whose experts carry the investigation into these matters and India, whether it is friendly or whether there are any substantial disputes or hostility?

**Mr. Speaker:** Order, order; I think it is obvious.

**Shri Tyagi:** May I know if any commitments have been made with these American experts who are working here in India? If so, what are they?

**Shri Gadgil:** No financial commitments.

**Shri Tyagi:** Are they voluntarily working at their own expense?

**Shri Gadgil:** That is under some scheme which is included in Point Four Programme.

**Shri Tyagi:** Have we given any undertaking that if they meet with a loss, they will be given compensation?

**Shri Gadgil:** There is no question of compensation being given or asked for. The simple proposition is that we have not enough geologists in this country. An offer was made for surveying in a detailed manner certain known areas in Orissa and we have accepted the offer. The first stage is that this great Geologist will have a tour and after that he will make a report and that will be considered by the Government of India.

**Shri Kamath:** Is the requisitioning of the services of these foreign experts for this Geological Survey an innovation in Free India or a hang-over of the British regime?

**Mr. Speaker:** Order, order.

#### SHORT NOTICE QUESTION AND ANSWER

**Shri Buragohain:** (a) Will the Minister of **Transport** be pleased to state whether it is a fact that the Assam Government have taken exception to the statement in Parliament made on the 15th March, 1950, by the Minister of State for Transport to the effect that "Assam is specializing in wasting public funds without gaining any benefit to itself"?

(b) Have Government any statement to make in respect of this matter?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Yes. The hon. Mr. J. J. M. Nichols-Roy, Minister, Government of Assam, wrote on the 18th March regarding the statement referred to saying that "the whole Ministry here is feeling very uncomfortable on account of this and they have asked me to send this telegram." Other protests were received by the hon. Minister for Transport and the hon. the Prime Minister.



(b) I replied to Mr. Nichols-Roy on March 21, 1950 with reference to the statement referred to, as follows:

"I only meant to say that the Assam Government in spite of their experience regarding the Shillong-Haflong-Chaurabari road, made the same mistakes regarding the Chaurabari-Agartala road. I had not the remotest intention to cast any general reflection on the Assam Government. I appreciate, however, that the sentence you have quoted is liable to be misunderstood as casting a general reflection. I should have been more careful and wish to express my regret for the sentence to which you have taken legitimate objection."

I wish to repeat my regret on the floor of this House.

I may also add that the hon. Mr. J. J. M. Nichols-Roy has forwarded to me a copy of the speech which he made in the Assam Legislative Assembly on 22nd March, 1950 in which he has objected to my remarks regarding the Chaurabari-Agartala road on the ground that the Assam Ministry was not responsible as the road situated in Tripura State was being constructed by the Chief Engineer of Assam under the directions of His Excellency the Governor. I may add that my main criticism was in relation to this road. He also went into the detailed history of the Shillong-Haflong-Silchar-Chaurabari road. I do not think it will be proper for me to enter into a discussion of that speech in reply to a question. I had no intention to embarrass the Assam Government in any manner whatsoever but as charges were made that the Government of India were not helpful in the matter of road development in Assam, I felt impelled to express my disappointment that the State of Assam had not obtained the fullest benefit from the large sums which the Central Government had made available for that purpose.

**Shri Buragohain:** In view of the widespread resentment prevailing in Assam at the moment, do the Government propose to forward the statement of the hon. Minister just made in the House to the Government of Assam?

**An Hon. Member:** -It is public property now.

**Mr. Speaker:** I do not think that any further questions need be put now.

#### WRITTEN ANSWERS TO QUESTIONS

##### PROMOTIONS IN THE ACCOUNTS OFFICES IN THE E. P. RAILWAY

\*1648. **Prof. Yashwant Rai:** (a) Will the Minister of Railways be pleased to state whether it is a fact that a system of ordering Local Promotions in the Accounts Offices over the E. P. Railway, has been introduced by the Administrative Officer, (Accounts) E. P. Railway, Delhi?

(b) Is there a dearth of qualified or selected men fit for promotion in the E. P. Railway Accounts Offices?

(c) Has this system been introduced on the other Indian Government Railways and if so, with what results?

(d) If the reply to part (c) above be in the negative, what are the circumstances in which this method has been resorted to on the E. P. Railway?

**The Minister of Transport and Railways (Shri Gopalaswami):** (a) No system of ordering Local Promotions in the Accounts Offices over the E. P. Railway other than that authorised by Paragraph 135 of the State Railway Code for the Accounts Department, Part I, has been introduced by the Administrative Officer, Accounts, E. P. Railway, Delhi.

(b) It is not clear as to which category of staff the hon. Member is referring to. At present there is a great dearth of qualified men in the rank of Clerks, Class I, on the E. P. Railway.

(c) The system of local promotions authorised by Para. 135 of the State Railway Code for the Accounts Department, Part I, is followed on other Indian Government Railways except the B.B. and C.I. Railway, with certain modifications within the framework of that rule. This system is considered to be quite satisfactory.

(d) Does not arise.

#### GOVERNMENT PUBLICATIONS

\*1662. **Shri Joachim Alva:** Will the Minister of Works, Mines and Power be pleased to state:

(a) whether the attention of Government has been drawn to the fact that the mercantile sections of the public connected with trade, commerce and industry, especially in Bombay, are inconvenienced due to the non-availability in time of Government publications, either of Gazettes or any other forms of publications;

(b) whether it is a fact that numerous enquiries from business concerns and business organisations for copies of important announcements or measures to be adopted in regard to matters of vital interest are not available to these individuals or organisations;

(c) whether it is a fact that Government of India's Import-Trade Control Policy for the licensing period January-June 1950 was announced in a public notice published on 25th January 1950 and was not available in Bombay and other cities as late as 10th March 1950;

(d) whether it is a fact that the Labour Relations Bill which is before the Union Parliament and had been published as far back as 24th January 1950 was not available to business organisations in Bombay as late as 24th March 1950; and

(e) whether Government propose to open in the near future a depot in Bombay for the sale of such publications?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) to (e). The information is being collected and will be laid on the Table of the House in due course.

#### INDORE RESEARCH STATION (COTTON CULTIVATION)

\*1663. **Ch. Ranbir Singh:** (a) Will the Minister of Agriculture be pleased to state whether it is a fact that the early or late sowing of cotton and pacing are experimented upon at Indore Research Station in the water-logged soil and other soil?

(b) If so, what is the result?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) and (b). Yes. It has been found that sowings in the pre-monsoon period in June by giving one irrigation have given yield of two to five maunds per acre higher than the normally rain sown cotton after the break of the Monsoon. The yield of seed cotton was generally found lower on water-logged soil than on well-drained soil.

## INDORE RESEARCH STATION ( GROUNDNUT CULTIVATION )

\*1664. **Ch. Ranbir Singh:** Will the Minister of **Agriculture** be pleased to state whether it is a fact that cotton and groundnut have been sown together under various conditions with various kinds and proportions of fertilizers at the Indore Research Station and if so, with what result?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** A preliminary trial on the sowing of cotton and groundnuts in alternate rows has been conducted at Indore. Two doses of ammonium sulphate and superphosphate were applied. As a result the yield of groundnuts was found to be 38 maunds in unmanured condition and 45 maunds when manured with superphosphate. This yield is considered abnormally high and has to be confirmed by further trials.

## INSECTICIDES AND FUMIGANTS

\*1665. **Ch. Ranbir Singh:** (a) Will the Minister of **Food** be pleased to state what is the new method for fumigating grains under gas-proof covers mentioned in para. (d) on page 4 of the "Report of work of the Ministry of Food during the year 1948 and the Policy Proposals for the year 1949"?

(b) What are the various insecticides and fumigants which are purchased for use in Government godowns?

(c) What were the quantities bought from European and Indian firms during the past five years?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) According to new method the stacks of foodgrain bags are fumigated *in situ*, in godowns under specially prepared gas-proof covers instead of moving them to gas-proof chambers for fumigation.

(b) *Insecticides:* Gammexane Smoke and Dust form, D.D.T. Dust and D.D.T. water Suspension, and Pyroduct.

*Fumigants:* Killoptera, Cyanogas.

(c) A quantity of 35 tons 15 cwts. 1 qr. and 19 lbs. of insecticides and 51 tons 6 cwts. 3 qrs. and 22 lbs. of fumigants were purchased from European firms and 2 tons 5 cwts. of insecticides from Indian firms.

## ACCIDENTS at HIRAKUD DAM PROJECT

\*1668. **Moulvi Haneef:** Will the Minister of **Works, Mines and Power** be pleased to state:

(a) the number of persons (males and females separately) killed and injured in the work of blasting stones etc., in connection with the construction work of Hirakud Dam and Railway bridge over the Mahanadi, in the year 1949;

(b) the number of casualties which occurred due to fall of structure in the bridge construction work in January, 1950;

(c) the total amount of compensation paid to the families of the killed and injured persons; and

(d) how many Engineers working in Hirakud have got previous experience in Dam Construction Work?

**The Minister of Works, Mines and Power (Shri Gadgil):** The information asked for is being collected and will be placed on the Table of the House in due course.

SURVEY FOR GOLD MINE IN ASSAM

\*1669. **Shri Buragohain:** (a) Will the Minister of **Works, Mines and Power** be pleased to state whether any survey for gold mine in Assam was undertaken within the past two years?

(b) If so, what are the results thereof?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) No.

(b) Does not arise.

ऋतु विज्ञान प्रयोगशालायें

1671. श्री बी० एस० आर्य : (ए) क्या संचरण मंत्री कृपया बतलाएंगे कि यह सही है कि सरकार अलकनन्दा नदी की घाटी में बद्रीनाथ के निकट शीघ्र ही ऋतु विज्ञान प्रयोगशाला शुरू करने वाली है ?

(बी) यदि यह सही है तो यह कार्य कब शुरू होगा और इस पर कितना रुपया लगेगा ?

(सी) इस प्रकार ऋतु विज्ञान प्रयोगशाला कितनी हैं और सरकार नई प्रयोगशालायें किन किन स्थानों में खोलने का इरादा रखती है ?

METEOROLOGICAL LABORATORIES

\*1671. **Shri B. S. Arya:** (a) Will the Minister of **Communications** be pleased to state whether it is a fact that the Government contemplate to open a meteorological laboratory in the valley of Alaknanda river near Badrinath?

(b) If the reply to part (a) above be in the affirmative, when will this work be undertaken and what is the amount estimated to be incurred on it?

(c) What is the number of such meteorological laboratories and which are the places where Government intend to open new laboratories?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) and (b). The hon. Member is presumably referring to Meteorological Observatory. A small observatory was recently established at Badrinath. The expenditure incurred is about Rs. 500 on instruments and Rs. 15 per mensem on allowance paid to the part-time observer.

(c) Thirteen such observatories are already functioning at different places in the Alaknanda, Sikkim, Jumnotri and Lahad areas and there is no intention to open new observatories at present.

रस्से पर चलने वाली गाड़ी (रेल)

\*1672 श्री बी० एस० आर्य : (ए) क्या रेलवे मंत्री यह बतलाने की कृपा करेंगे कि भारत में फ्युनिक्यूलर रेलवेज ( funicular railways ) किस किस प्रदेश में हैं ?

(बी) क्या यह बात सही है कि सरकार ने सन् १९२७-२८ में ऋषिकेश से करणप्रयाग (गढ़वाल) तक इस प्रकार की रेलवे लाइन निकालने की विस्तृत सर्वे कराई थी ?

(सी) यदि यह सही है तो सरकार ने आगे उस पर क्या कार्यवाही की है ?

#### FUNICULAR RAILWAYS

\*1672. **Shri B. S. Arya:** (a) Will the Minister of **Railways** be pleased to state which are the States where funicular railways exist?

(b) Is it a fact that Government conducted a comprehensive survey during the year 1927-28 for the construction of a similar railway line between Rishikesh and Karanprayag (Garhwal)?

(c) If the reply to part (b) above be in the affirmative, what action has been taken by the Government in the matter since then?

**The Minister of Transport and Railways (Shri Gopalaswami):** (a) There are no funicular railways in India.

(b) The survey carried out in 1927-28 for a line between Rishikesh and Karanprayag was for an ordinary narrow gauge railway.

(c) The project was dropped on account of its prohibitive cost, and the inadequate return expected on the capital.

#### PHONOCOM SERVICE BETWEEN NEW DELHI AND MADRAS

\*1673. **Shri P. Basu Reddi:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that *Phonocom* Service has been introduced between New Delhi and Madras from 1st April, 1950;

(b) whether Telugu is one of the languages in which Telegrams for Madras are accepted at New Delhi; and

(c) if not, whether Government have any proposal to introduce Telugu into the new system in the near future?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) Yes.

(b) and (c). Telegrams in Telugu are not being accepted at present on account of lack of Telugu knowing clerks at the Central Telegraph Office, New Delhi. Arrangements to recruit such staff are being made, and it is expected that the service will be introduced at an early date.

#### THE RAILWAY PRIORITY CONTROL

\*1674. **Shri P. Basu Reddi:** (a) Will the Minister of **Railways** be pleased to state whether it is a fact that the Railway Priority Control has been abolished with effect from 1st April, 1950?

(b) If so, have Government made any arrangements for preferential movement of any goods?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Yes.

(b) Yes. Necessary general and special orders have been issued to Railways, in accordance with Section 27 'A' of Indian Railways Act, 1890, as recently enacted by Parliament, for giving preferential movement in the public interest when necessary to certain essential commodities.

#### THE ASSAM RAILWAY LINK

**\*1675. Shri G. S. Guha:** (a) Will the Minister of Railways be pleased to state whether the trains on the Assam link have been running regularly between Assam and West Bengal?

(b) Is it a fact that the entire goods traffic to Assam practically has now to be carried by this railway link except what is carried by air to Assam from Calcutta?

(c) Is there any proposal to convert the metre gauge line into a broad gauge one?

(d) How do the passenger fares and goods rates on this railway compare with those of the East Bengal Railway between Calcutta and Amingauon?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Yes.

(b) No, some traffic is moving by river also.

(c) No.

(d) A statement giving the required information is placed on the Table of the House. [See Appendix VII, annexure No. 19.]

#### AERODROMES

**\*1127. Shri Kesava Rao:** (a) Will the Minister of Communications be pleased to state the total number of aerodromes constructed during war?

(b) How many of them are being used at present?

(c) How many of them were disbanded?

(d) Is there any proposal to expand the present aerodromes?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) to (c). In 1939 the Director General of Civil Aviation had 26 aerodromes under his control which were all handed over to the Ministry of Defence on the outbreak of the war. The Ministry of Defence expanded some of these aerodromes and constructed a number of new ones. After the conclusion of hostilities the Director-General of Civil Aviation took over 50 aerodromes, i.e., 26 old and 24 new. These figures do not take account of aerodromes which are now in Pakistan. As regards the number of aerodromes constructed during the war and subsequently abandoned, the question may be addressed to the hon. Minister of Defence, whose Ministry was responsible for construction of aerodromes during the war.

(d) Yes, Sir, the programme is described in the post-war plans for Civil Aviation, of which a copy is available in the Library.

## D. T. S. BUS ACCIDENTS

**181. Dr. M. M. Das:** Will the Minister of **Transport** be pleased to state:

(a) the number of accidents caused by D.T.S. buses, after the company was taken over by the Government to date, and the consequent loss of lives and properties;

(b) the compensation paid by D.T.S. for the loss of life and property; and

(c) in how many cases the driver of the bus has been convicted?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) (1) I presume the hon. Member is referring to the number of accidents in which the Delhi Transport Service buses were involved. This number, for the period from the 14th May, 1948 (the date on which the Delhi Transport Service was taken over by Government) to the 31st March, 1950, is 252.

(2) The number of lives lost as a result of these accidents is 27.

(3) The value of property lost by the Delhi Transport Service as a result of the accidents is Rs. 6731-10-0. The value of properties lost by third parties is not known.

(b) The amount of compensation paid by the Delhi Transport Service for loss of lives and property is *nil*.

(c) The number of cases in which drivers of the Delhi Transport Service were convicted is 25.

## REVENUE SETTLEMENT OF CHAMBA DISTRICT, HIMACHAL PRADESH

**182. Dr. M. M. Das:** Will the Minister of **Agriculture** be pleased to state:

(a) whether it is a fact that Government want to revise the existing revenue settlement of the Chamba district of the Himachal Pradesh and if so, why; and

(b) the estimated expenditure for effecting such a revision?

**The Minister of Food and Agriculture (Shri Jai Ramdas Doulatram):** (a) There was a proposal to revise the existing revenue settlement in the Chamba District of Himachal Pradesh. Government have, however, decided not to proceed with it owing to the present financial stringency.

(b) The expenditure to be spread over for a period of three years, was estimated at Rs. 14,32,000.

## UNDISPOSED GRAM IN RAJASTHAN

**183. Shri Sidhya:** (a) Will the Minister of **Food** be pleased to state whether it is a fact that in Sri Ganganagar (Rajasthan) there are nearly nine lacs of maunds of gram lying undisposed of?

(b) Is it a fact that the merchants of this place requested the authorities to allow them to dispose of this gram?

(c) At what price was the stock purchased and how long has it been in storage?

(d) What are the reasons for the refusal of this gram to be sent to other parts?

(e) What are the restrictions on export of gram from one place to another in Rajasthan and from one State to another in India?

(f) How much of the stock of gram has been deteriorated due to delay in disposal?

**The Minister of Food and Agriculture (Shri Jairāmdas Doulatram):** (a) to (f). Upto the end of December 1949, movement of gram from one Division of Rajasthan to another was allowed only against permits issued by the Rajasthan Government. The Rajasthan Government also tried to procure gram from Bikaner on a tender system, but the stockists did not sell their surplus stocks to Government. This had resulted in an accumulation of gram in Sri Ganganagar. In order to clear the stocks, restrictions on movement of gram from Bikaner to other parts of Rajasthan excepting Bharatpur and Alwar were removed by the Rajasthan Government early in January 1950. According to the latest reports, out of a stock of nearly eight lakh maunds available in Sri Ganganagar at the beginning of the year, nearly six and a half lakh maunds have moved to Jodhpur, Udaipur etc. The gram position has deteriorated owing to the damage caused to the coming gram crop on account of the recent cold wave. Further, in view of the serious food position in Jodhpur and Udaipur, the Rajasthan Government have now re-imposed restrictions with effect from 31st March, 1950 on the movement of gram from Bikaner and movement will hereafter be on Government account only. From the coming *rabi* crop, gram will be procured by Government by a direct levy on cultivators at the controlled price.

#### RAILWAY BOARD'S ELECTRIC POWER HOUSE NEAR KALYAN, BOMBAY

**184. Shri Sidhva:** (a) Will the Minister of Railways be pleased to state whether the Government of Bombay have approached the Government of India to extend to them the use of the Railway Board's electric power house near Kalyan, Bombay?

(b) If so, what are their terms and under what conditions do they want the extension of this power?

(c) What stage have these negotiations reached?

**The Minister of Transport and Railways (Shri Gopalaswami):** (a) Yes. The Government of Bombay have proposed the installation at their own cost of two 15000 K. W. generators in the Kalyan Power House.

(b) and (c). It has tentatively been agreed that the proposed installation be considered on the following conditions:

(i) In the event of any failure of any unit of Railway power plant, the Bombay Government's power system will supply the requisite power to the Railway as first priority.

(ii) The entire cost of the proposed extension will be met by the Bombay Government.

(iii) The management of the extended power house will be the responsibility of the Railway Administration subject to consultation with the Bombay Government on all important matters.

The technical and financial details and plans and estimates are being worked out.



Wednesday, 12th April, 1950



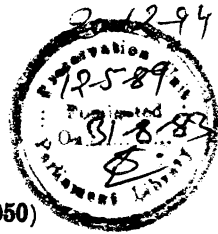
# PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME IV, 1950

(1st April, 1950 to 20th April, 1950)



First Session

of the

PARLIAMENT OF INDIA

1950

## CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), 1st Session, 1950,—  
In Volume IV,—

1. No. 3, dated the 4th April, 1950,—  
Page 2507, line 19 from bottom for "tribal and other backward areas" read "scheduled castes".
2. No. 4, dated the 5th April, 1950,—  
Page 2561, line one under clause 182, for "—ssion" read "submission".
3. No. 6, dated the 8th April, 1950,—
  - (i) Page 2647, line 11 from bottom for "so" read "to".
  - (ii) Page 2648, line 9 after "far" read "so".
  - (iii) Page 2670, line 11 from bottom for "coutry" read "country".
4. No. 7, dated the 10th April, 1950,—  
Page 2710, line 13 from bottom for "its" read "to", and in last line for last word "we read "were".
5. No. 9, dated the 12th April, 1950,—
  - (i) Page 2810, line 6 from bottom for "act" read "Act".
  - (ii) Page 2822, for existing line 19 from bottom read "into effect on 19th October, 1949 certain actions had been taken under the old".
6. No. 10, dated the 14th April, 1950,—  
Page 2832, for existing line 19 from bottom read "(Occupancy or tenancy rights not to be extinguished)".
7. No. 11, dated the 15th April, 1950,—
  - (i) Page 2896, line 24 after "not" insert "go".
  - (ii) Page 2900, line 7 for "express" read "expenses".
8. No. 12, dated the 17th April, 1950,—
  - (i) Page 2922, line 12 for "Shri Hussain Iman" read "Shri Hussain Imam".
  - (ii) Page 2923, line 4 for "all the said" read "all is said".

(iii) صفحہ ۲۹۲۲ لائن ۴ میں - (مزدور) کی جگہ دہزارے پڑھیں -

  - (iv) Page 2930, between lines 10 and 11 from bottom insert "[Mr. DEPUTY-SPEAKER in the Chair]".
  - (v) Page 2934, line 1 for "49, 5000" read "49, 500".
9. No. 14, dated the 19th April, 1950,—
  - (i) Page 3020, line 9 from bottom for "re-established" read "re-establish".
  - (ii) Page 3022, line 19 for "away" read "way".
  - (iii) Page 3024, line 12 for "members" read "numbers".
  - (iv) Page 3025, line 18 for "placed" read "displaced".
  - (v) Page 3026, line 19 from bottom for "by 375" read "be 375".
  - (vi) Page 3029, line 28 for "by" read "ly".
  - (vii) Page 3031, line 12 after "Notified" insert "Area".

(viii) पृष्ठ ३०३९, पंक्ति १२ में "जातना" के स्थान पर "जानता" पढ़ें और पंक्ति २२ में "जिस को की कि" के स्थान पर "जिस को कि" पढ़ें ।

  - (ix) Page 3044, line 20 for "Mr. Speaker" read "Mr. Deputy-Speaker".

10. No. 15, dated the 20th April, 1950.—

- (i) Page 3059, line 16 for "Article any" read "Article 327".
  - (ii) Page 3084, line 11 from bottom for "effected" read "effete".
  - (iii) Page 3087, line 26 against "9. Tripura" for "6" read "2".
  - (iv) Page 3104, line 8 for "Formaula" read "Formula".
-

## CONTENTS

*Volume IV—From 1st April, 1950 to 28th April, 1950*

SATURDAY, 1ST APRIL, 1950—	PAGES.
Committee to examine suggestions for amendment of Rules of Procedure and Conduct of Business in Parliament . . . . .	2401
Committee of Privileges . . . . .	2401—2402
Election to Central Advisory Council for Railways . . . . .	2402
Election to Standing Finance Committee for Railways . . . . .	2402
Election to Standing Committee for Roads . . . . .	2402—2403
Election to Central Advisory Board of Archaeology . . . . .	2403
Election to Court of University of Delhi . . . . .	2403
Government Premises (Eviction) Bill—Passed . . . . .	2404—2451
Road Transport Corporations Bill—Referred to Select Committee . . . . .	2451—2452
Ajmer-Merwara Tenancy and Land Records Bill—Discussion on motion to consider as reported by Select Committee—not concluded . . . . .	2452—2458
<b>MONDAY, 3RD APRIL, 1950—</b>	
Election to Committees—	
Standing Finance Committee . . . . .	2459—2463
Public Accounts Committee . . . . .	2463
Estimates Committee . . . . .	2464—2466
Standing Committees for Ministries of Agriculture, Commerce, Communications and Defence . . . . .	2466—2467
Foreign Exchange Regulation (Amendment) Bill—Withdrawn . . . . .	2467
Ajmer-Merwara Tenancy and Land Records Bill—Consideration of clauses—not concluded . . . . .	2467—2498
<b>TUESDAY, 4TH APRIL, 1950—</b>	
Election to Committees—	
Standing Committees for Ministries of Education, External Affairs, Food and Health . . . . .	2499
Business of the House . . . . .	2500—2502
↓ Resolution re Qualifications for Election to Parliament and Legislatures of States . . . . .	2502—2547
<b>WEDNESDAY, 5TH APRIL, 1950—</b>	
Election to Committees—	
Standing Finance Committee . . . . .	2549
Indian Central Coconut Committee . . . . .	2549—2550
Indian Oilseeds Committee . . . . .	2550
Standing Committees for Ministries of Home Affairs, Industry and Supply, Information and Broadcasting and Labour . . . . .	2550—2551
Part C States (Laws) Bill—Introduced . . . . .	2551
Foreign Exchange Regulation (Amendment) Bill—Introduced . . . . .	2551
Opium and Revenue Laws (Extension of Application) Bill—Introduced . . . . .	2551
Ajmer-Merwara Tenancy and Land Records Bill—Passed as amended . . . . .	2552—2567
Labour Relations Bill—Referred to Select Committee . . . . .	2567—2584
Trade Unions Bill—Referred to Select Committee . . . . .	2584—2588

**THURSDAY, 6TH APRIL, 1950—**

Elections to Committees—	Pages
Standing Committees for Ministries of Law, Rehabilitation, States and Transport (other than Roads) . . . . .	2589
Nawab Salar Jung Bahadur (Administration of Assets) Bill—Passed . . . . .	2590—2591
Army Bill—Passed as amended . . . . .	2591—2623
Air Force Bill—Passed as amended . . . . .	2623—2625
Army and Air Force (Disposal of Private Property) Bill—Passed . . . . .	2625—2628

**SATURDAY, 8TH APRIL, 1950—**

Papers laid on the Table—	
Delhi Road Transport Authority (Motor Vehicles Insurance Fund) Rules . . . . .	2629
Elections to Committees—	
Standing Committee for Ministry of Education . . . . .	2629
Standing Committee for Ministry of States . . . . .	2629—2630
Standing Committee for Ministry of Transport (Other than Roads) . . . . .	2630
Standing Committees for Ministry of Works, Mines and Power and Department of Scientific Research, Central Advisory Council for Railways and Standing Finance Committee for Railways . . . . .	2630—2631
Displaced Persons (Claims) Bill—Introduced . . . . .	2631
Indian Patents and Designs (Amendment) Bill—Passed as amended . . . . .	2631—2632
Opium and Revenue Laws (Extension of Application) Bill—Passed . . . . .	2633—2634
Foreign Exchange Regulation (Amendment) Bill—Passed . . . . .	2634—2635
Industrial Disputes (Appellate Tribunal) [Bill—Discussion on motion to consider as reported by Select Committee—not concluded . . . . .	2635—2641, 2641—2672
Resignation of Shri Himmat Singh K. Maheshwari . . . . .	2641

**MONDAY, 10TH APRIL, 1950—**

Motions for Adjournment re—	
Raids by Pakistani Ansars . . . . .	2673—2675
Statement on Agreement between India and Pakistan . . . . .	2675—2681
Election to Committees—	
Standing Committee for Roads, Central Advisory Board of Archaeology, Court of the University of Delhi, Standing Finance Committee, Indian Oilseeds Committee, Standing Committee for Ministry of Education, Standing Committee for Ministry of States, Standing Committee for Ministry of Transport (Other than Roads), Public Accounts Committee, Committee on Estimates, Indian Central Coconut Committee . . . . .	2681—2682, 2700—2701
Prohibition of Manufacture and Import of Hydrogenated Vegetable Oils Bill—Circulated . . . . .	2682—2700, 2703—2738
Priority for introduction of Private Members' Bills . . . . .	2701—2708

**TUESDAY, 11TH APRIL, 1950—**

Absence of certain Ministers . . . . .	2739
Elections to Committees—	
Standing Committee for—	
Ministry of Commerce . . . . .	2740
Ministry of Law . . . . .	2740
Ministry of Transport . . . . .	2740
Imperial Council of Agricultural Research . . . . .	2740—2741
Bhopal and Vindhya Pradesh (Courts) Bill—Introduced . . . . .	2741
Inland Steam-Vessels (Amendment) Bill—Introduced . . . . .	2741

	PAGES
<b>TUESDAY, 11th APRIL, 1950—Contd.</b>	
Industrial Disputes (Appellate Tribunal) Bill—Passed as amended . . . . .	2742—2776
Repealing and Amending Bill—Passed . . . . .	2776—2777
Part C States (Laws) Bill—Passed . . . . .	2777—2784
<b>WEDNESDAY, 12th APRIL, 1950—</b>	
Elections to Committees—	
Standing Committees for—	
Ministry of Information and Broadcasting . . . . .	2785
Ministries of Commerce, Law and Transport (Other than Roads) . . . . .	2785—2786
Indian Council of Agricultural Research . . . . .	2786
Administration of Evacuee Property Bill—Consideration of Clauses—not concluded . . . . .	2786—2824
Representation of the People Bill—Introduced . . . . .	2797—2798
<b>FRIDAY, 14th APRIL, 1950—</b>	
Papers laid on the Table—	
Authenticated Schedule of Authorised Supplementary Expenditure—Other than Railways—Supplementary Expenditure for 1949-50 . . . . .	2825—2826
Supply of Advance Copies of statements laid on the Table in answer to Questions . . . . .	2826—2827
Elections to Committees—	
Standing Committees for—	
Ministry for Agriculture . . . . .	2827
Ministry of Communications . . . . .	2828
Ministry of Rehabilitation . . . . .	2828
Ministry of Works, Mines and Power . . . . .	2828
Ministry of Information and Broadcasting . . . . .	2829
Administration of Evacuee Property Bill—Passed as amended . . . . .	2829—2859
Resolution regarding Central Road Fund and Standing Committee for Roads—Adopted . . . . .	2860—2865
Indian Tariff (Third amendment) Bill—[Amendment of items 28(4), 60(6), etc., of First Schedule]—Passed . . . . .	2865—2871
<b>SATURDAY, 15th APRIL, 1950—</b>	
Papers laid on the Table—	
Statement of cases in which lowest tenders have not been accepted by the India Store Department, London . . . . .	2873
Resignation of Shri S. H. Prater . . . . .	2873
Elections to Committees—	
Standing Committees for Ministries of Agriculture, Communications, Rehabilitation and Works, Mines and Power . . . . .	
	2873
Bhopal and Vindhya Pradesh (Courts) Bill—Passed as amended . . . . .	2874—2887
Insurance (Amendment) Bill—Discussion on motion to consider as reported by Select Committee—not concluded . . . . .	2887—2917
<b>MONDAY, 17th APRIL, 1950—</b>	
Business of the House—	
Cancellation of Debate on Bengal . . . . .	2919
Papers laid on the Table—	
Annual Report of Petroleum Division . . . . .	2919
Meetings of Standing Committees . . . . .	2919
Khaddar (Protection of Name) Bill—Introduced . . . . .	2919—2920
Insurance (Amendment) Bill—Discussion on clauses—not concluded . . . . .	2920—2951
Demands for Supplementary Grants for 1950-51 . . . . .	2951—2970
Demand No. 7—Irrigation, Navigation, Embankment and Drainage Works . . . . .	2951—2952
Demand No. 61—Census . . . . .	2951—2953

PARLIAMENTARY DEBATES  
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Wednesday, 12th April, 1950

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

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-45 A. M.

ELECTIONS TO COMMITTEES

STANDING COMMITTEE FOR MINISTRY OF INFORMATION AND BROADCASTING

**The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):**

I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Information and Broadcasting is concerned, until the end of the current financial year vice Shri Himmat Singh K. Maheshwari who has ceased to be a Member of Parliament."

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

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Information and Broadcasting is concerned, until the end of the current financial year vice Shri Himmat Singh K. Maheshwari who has ceased to be a Member of Parliament."

*The motion was adopted.*

**Mr. Speaker:** I have to inform hon. Members that for the purpose of election by means of the single transferable vote of a Member to the Standing Committee for the Ministry of Information and Broadcasting the programme of dates will be as follows:

1. Nomination to be filed in the Notice Office upto 5 p.m. today.
2. Election, if necessary, will be held on Saturday, the 15th April, in the Assistant Secretary's room (No. 21) in the Parliament House between the hours of 10.30 a.m. and 1 p.m.

STANDING COMMITTEES FOR MINISTRIES OF COMMERCE, LAW AND TRANSPORT  
(OTHER THAN ROADS) AND INDIAN COUNCIL OF AGRICULTURAL RESEARCH

**Mr. Speaker:** I have also to inform the House that upto the time fixed for receiving nominations for election of a Member in each of the Standing Committees for the Ministries of Commerce, Law, Transport (other than Roads) and the Indian Council of Agricultural Research, one nomination in the case of each of these Committees was received. As the number of candidates is equal to the number of vacancies in each of these Committees, I declare the following Members to be duly elected:

1. *Standing Committee for the Ministry of Commerce.*—Shri Maheswar Naik.

[Mr. Speaker]

II. *Standing Committee for the Ministry of Law.*—Shri Shiv Charan Lal.

III. *Standing Committee for the Ministry of Transport (other than Roads).*—Shri M. Y. Nurie.

IV. *Indian Council of Agricultural Research.*—Shri Devi Dutt Pant.

#### ADMINISTRATION OF EVACUEE PROPERTY BILL—*contd.*

**Mr. Speaker:** The House will now proceed with the further consideration of the following motion moved by the hon. Shri Mohan Lal Saksena on the 16th February, 1950, namely:

“That the Bill to provide for the administration of evacuee property and for certain matters connected therewith, be taken into consideration.”

**Shri Kamath** (Uttar Pradesh): What about this other item on the agenda?

**Mr. Speaker:** That is not to be taken up today.

**Shri Hossain Imam** (Bihar): With your permission, Sir, may I suggest that the further consideration of this Bill be postponed to such time as may be convenient to the Government. My idea is this. Only very recently an agreement has been entered into between the Prime Ministers of India and Pakistan and in that provision has been made that the Inter-Dominion Agreement of 1948 shall continue. I only want that the provisions of this Bill should be compared by the Government with the other agreement and if there are any discrepancies between the two they may be removed, so that later on it may not be said that India was the first to break the agreement so solemnly entered into.

I do not want to mention in detail how this Bill conflicts with the previous agreement but I might mention that there are certain provisions of the agreement and the Bill which are in violent contradiction of each other.....

**Mr. Speaker:** Before we go into that question let us hear what the hon. Minister has to say.

**The Minister of State for Rehabilitation (Shri Mohan Lal Saksena):** Sir, I may inform the House that the Ordinance in this respect is due to expire on the 17th and there is hardly any time for enacting this Bill. Therefore, I am not prepared to accept the motion of my hon. friend Mr. Hossain Imam for two reasons. Firstly, the hon. Member said that this Bill contravenes the provisions of the agreement that has been recently entered into. I submit that this is not so. That fact has been taken into consideration. Already there is an Ordinance in force on evacuee property and the same Ordinance is going to be enacted into law. Therefore, there is no question of doing something fresh. There is also not only an Ordinance but Acts on Evacuee Property in force in Pakistan, at any rate so far as West Pakistan is concerned. Therefore, I think there can be no question of postponing this Bill. If there are any particular provisions in the Bill which, according to the hon. Member, contravene the Agreement of December 1948, they might be considered.

**Mr. Speaker:** Does the hon. Member want to press his suggestion ?

**Shri Hossain Imam:** No, Sir.

**Pandit Krishna Chandra Sharma** (Uttar Pradesh): May I know, Sir, how the provisions of this Bill with regard to taking possession of evacuee property are consistent with article 31 of the Constitution, which says:

“No person shall be deprived of his property save by authority of law. No property, movable or immovable including any interest in.....”

**Mr. Speaker:** That will not be a question which can easily be answered. I do not know whether the hon. Member has taken part in the discussion on the



Consideration Motion. If he has not, he can take part in the discussion and raise the points which he wants to raise. That would be a better method and he can expound his point at length.

**Pandit Kunzru** (Uttar Pradesh): Sir, an Ordinance passed by the Government of Pakistan in October 1949 for the administration of evacuee property compelled the Government of India to pass a similar Ordinance for a similar purpose. The Bill before us seeks to replace this Ordinance. I wish that my hon. friend Mr. Mohan Lal Saksena had told us in the course of his speech how this Ordinance had worked. It has been in operation for about six months. The House should, therefore, have been told when called upon to consider the Bill before it, to what extent that Ordinance had proved inadequate to secure the purpose that Government had in view in passing it. Not having that information, Sir, we can deal with this Bill only on general grounds. If we have in view only the Pakistan Ordinance of October 15, 1949 relating to the administration of evacuee property, then, I think that the Bill that we are considering has been so drafted as to guard against any permanent loss to Indian interests that might be occasioned by the Pakistan Ordinance. But, we have to bear in mind that the Pakistan Government has also passed an Ordinance dealing with the social and economic rehabilitation of Pakistan which will have a serious effect on the rights of those persons who have migrated from Pakistan to India. I shall deal with this matter in a few minutes.

Sir, I should first like to ask the hon. Minister for Rehabilitation what the intention of Government is in permitting remittances by 'intending evacuees' to Pakistan for the maintenance of the members of their families. If a member of an intending evacuee's family, that is, a person who is dependent on him, goes to Pakistan for a temporary purpose, then, it is undoubtedly reasonable that remittances should be allowed to be made for his maintenance. But, if an intending evacuee keeps his dependents for an unduly long time in Pakistan, then, I think we may well feel that the intending evacuee is desirous of getting an early opportunity of leaving India permanently for Pakistan. Our definition of dependents should not therefore be so wide as to permit the freedom given to intending evacuees to be misused by them. Remittances should be allowed only for the support of person of an intending evacuee's family who go to Pakistan for temporary purposes, either for study for a short period or in the interests of their health, or for some other purpose equally legitimate. I do not think that we should allow an intending evacuee to keep his dependents indefinitely in Pakistan. There are people, Sir, in this country who have remained here only because of considerations of self-interest. They cannot be regarded as having shed the old ideology and reconciled themselves completely to the new state of things. I am sorry to have to say this; but we have to take facts into consideration and shape our conduct accordingly. We should not allow our laws to be used by such persons in such a manner as to violate the spirit underlying the Bill.

The next point to which I should like to refer is concerned with the power of the Custodian under clause 10 to pay to an evacuee any sums of money out of the funds in his possession. I should like to know what are the circumstances in which the Custodian will be allowed to pay money to an evacuee. I should also like to know what is the number of evacuees who receive sums of money from the authorities that are dealing with evacuee property at the present time and what is the total sum that they so receive.

I should also like to know whether people who have left Pakistan for India receive remittances from the Pakistan Government as rent for their houses or as part of the income of any property left behind by them. I put this question because I have received many complaints that people who are regarded as

[Pandit Kunzru]

evacuees by the Pakistan Government are not being enabled by that Government to maintain themselves in this country. That is, they are not receiving any part of the rent or income due to them. Indeed I understand that non-Muslims residing in Pakistan are arbitrarily declared from time to time to be evacuees and although they have made representations to the authorities, no heed has been paid to them.

Next, I would like to refer to the power of the Central Government to exempt any person or class of persons or any property or class of property from the operation of all or any of the provisions of the Bill that we have before us. I should like to know whether the Central Government have already exempted any persons or any property from the operation of the laws relating to evacuee property now in force. Questions were asked the other day here whether the Central Government had exempted the property of certain individuals from the operation of the laws I have referred to but no satisfactory answer was given by Government. I have therefore to ask again what the position in this respect is and I hope the hon. Minister of Rehabilitation will give us a full explanation of the present situation and also tell us whether the Pakistan Government have made use of the power of exemption that they enjoy under the Ordinance I have already referred to, to exempt any evacuees or any property or class of property from the operation of that Ordinance. If action is being taken by the two Governments on an agreed basis, it will undoubtedly be welcomed by the country. Nobody wants to penalise any person who finds that in the changed circumstances he cannot live in one country or the other but if the action our Government is taking is unilateral, then the question arises whether the economic interests not merely of individual evacuees but of the country as a whole are being properly safeguarded. If Government want to be kind to a few individuals, I shall raise no strong objection to it but I should like to know what the effect of such action is likely to be on the economic interest of India. Where there is any risk of these interests being injured we shall have to be very careful in granting concessions. Prudence requires that our kindness to individuals should be limited by the interests of the country as a whole.

A little while ago I said that if we compared our Bill with the Ordinance passed by the Pakistan Government in October 1949, it would be found that it covered many of the points dealt with by the Pakistan Ordinance but this Bill does not take into account the provisions of the Ordinance passed by the Pakistan Government regarding the rehabilitation of refugees and the social and economic rehabilitation of Pakistan. I shall give two instances to make my point clear. Under the Pakistan Ordinance relating to the administration of evacuee property, the order of a Custodian restoring an evacuee's property to him with the permission of the Central Government will have no effect if the Rehabilitation officer has allotted that property to any person so long as the allotment remains in force. Again under the Pakistan Rehabilitation Ordinance of 1949 the Pakistan Government may authorise the Rehabilitation Commissioner to pool such evacuee property as may be specified by it. When he acts in accordance with this authorisation, then nothing done by him shall be invalidated even though it may be found afterwards that some person who was interested in the property concerned and was believed by the Commissioner to be an evacuee was not an evacuee. This means that a man may be declared to be an evacuee and his property may be dealt with in any manner that the Pakistan Government and the Rehabilitation Commissioner like. The Rehabilitation Commissioner may know that a person is not an evacuee, yet if he treats that man as an evacuee, the latter will have no remedy against the injustice done to him. Now these instances show that the acceptance of the Bill before the House will not enable

us to safeguard adequately the rights of persons who have left Pakistan for India or who for any other reason are regarded as evacuees by the Pakistan Government. It is therefore, necessary that further negotiations should be carried on between the two Governments in order to arrive at a satisfactory agreement on this question.

The agreement recently arrived at between the Prime Ministers of India and Pakistan refers to the Inter-Dominion Agreement of 1948. My hon. friend Mr. Hossain Imam referring to it asked that the consideration of the Bill before us should be postponed. I am rather surprised that my friend should have made this request because notwithstanding the agreement between the two Prime Ministers, the Pakistan Government has not cancelled the Ordinances passed by it in October 1949. Let us hope that the spirit of the recent agreement will so permeate the Pakistan Government as to lead it to enter into a just and honourable settlement of the question of evacuee property with the Government of India. I am sure nothing will please hon. Members more than a friendly arrangement agreed to by both the Governments to safeguard the rights of persons who have migrated from one country to the other. But, pending the conclusion of such a settlement, it is necessary for us to take adequate steps to safeguard Indian economic interests.

Sir, I do not want the Government of India to follow the footsteps of the Pakistan Government: I do not want them to become imitators of the Pakistan Government. I am glad that they have adopted a higher standard of conduct than the Pakistan Government and I hope they will always do so. But they have to bear in mind that the poor evacuees in whose interests, Government have placed this Bill before the House will not be fully helped by it that further action, more vigorous action, is required to persuade the Pakistan Government to deal with this question in a fairer manner than it has unfortunately been done so far.

I hope that although this matter is not covered by this Bill, my hon. friend Mr. Mohan Lal Saksena will be able to assure us that the Government of India intend to ask the Government of Pakistan at an early date to consider the question of a more satisfactory implementation of the Inter-Dominion Agreement of 1948 and protection of the interests of the refugees.

**Shri Hyder Husein** (Uttar Pradesh): The question of evacuee property in our country presents a problem of some difficulty. The problem is also important, because anything which concerns a particular section of the community affects the country as a whole. For instance, if we place restrictions on the transfer of properties belonging to a particular class of people it will mean water-logging that portion of the property in the country and in that way it will affect the economy of the country as a whole. I may, for instance, mention that for months after the enforcement of the Evacuee Ordinance in Lucknow the Registration Department was almost idle because in the great majority of the cases, one of the parties to the transaction either directly or indirectly, was a Muslim. It is, therefore, wholly against the economy of the country to water-log any portion of its property.

The question is how to solve that problem. In my humble opinion, the best way to solve a difficult problem is to have a correct approach to the problem. There are only two approaches which are possible to this problem. One is that if Pakistan is confiscating the property of Ram Saran and Sant Singh, India would be justified in confiscating the property of Alla Baksh and Maulvi Baksh. That is one approach. Now, with regard to this approach I must say at once that it is wholly against our traditions, our culture, the Gandhian ideal which was reiterated by our Prime Minister in one of his broadcasts and that cannot be the approach with which we should try to solve this problem.

[Shri Hyder Husein]

The other approach is to do what we consider to be right and proper and according to the justice of the case. Judged from this aspect, it would appear that some of the provisions of the Bill are inconsistent with those ideals, and also with the recent agreement arrived at between the two Prime Ministers. I am conscious of the fact that the agreement was in the main concerned with the Western part of our country, namely Assam and West Bengal, and East Bengal on the other side. But I for one hope that the spirit of that agreement will be widened that it is possible that in the near future we may have some such agreement with regard to the other parts of the country—perhaps Sind and my State of Uttar Pradesh etc. may be considered in the first instance, and lastly, perhaps even the two Punjabs. But the question is: until that state arrives, what is to be done? I give for instance, this illustration that according to today's papers some 30,200 people have crossed the border on the West and some 5,000 people are being brought back from the Western frontier...

**An Hon. Member:** Are coming back.

**Shri Hyder Husain:** ...5,000 people, according to today's papers are being brought back. I believe they are doing so on the Government assurances. Most of these persons are from my State and probably from Delhi also. What is to happen with regard to them? Are they to be treated as evacuees on the same footing as those most of whom voluntarily left this country in 1947 and perhaps even in the subsequent period? We have to start with the basic principle that no one leaves his hearth and home voluntarily. If a man runs away from his home he does so, ordinarily, under circumstances beyond his control. It is obvious that the present exodus of about 35,000 people or perhaps more cannot be voluntary; it must have been on account of circumstances beyond their control and when perhaps they thought that there was danger either to their life or property. Many of them, so far as I know in Delhi also, have sold off their petty belongings for what price they could get, in spite of the various notifications issued by the Government even recently. At least in my State there have been two notifications in two districts, and I believe that in spite of those notifications people have thrown away their property for what they could get for it and have run away. Are they to be treated as evacuees? I am not sure as to the exact position as to what is going on on the other side of the border. Some time ago I read in the papers that one of their Ordinances was allowed to lapse. Perhaps they have renewed it since; as my hon. friend Pandit Kunzru has said, probably they have renewed it. But it is very difficult to emulate a country which does not follow our ideals. It has been very pertinently remarked by our Prime Minister that our country will stand or fall by what we do and not by what others do. If we start imitating Pakistan, we would be doing the very things which we condemn.

Sir, I would beg of the House not to confuse the question of evacuee property with that of the refugee problem. It is true that the refugees have had a very bad time before their advent to our country. We received them with open arms. It is our bounden duty to give them all kinds of help, every conceivable help. Their number is not so large as not to be absorbed in our country. If the Muslims alone, or even a fraction of the Muslim population in India alone, take it upon themselves to help them and come to their rescue, that alone would be quite enough—what to say of the teeming millions of this country? On the floor of the House, in the present session, it was suggested, and freely suggested, that this evacuee property may be distributed amongst the refugees and then we can claim the balance from the Pakistan Government. Sir, if it had solved the problem, I would not have said anything against it. But I regret to find that this cannot be the solution and

this will not be the solution of the problem. It will certainly open the way or show the way to the other country to do the same. And look at the consequences! The property that our men have left behind in Pakistan is something like ten times the property which the evacuees from this country have left. Now, if we appropriate this one-tenth, we stand to lose the property on the other side which is no less than ten times what we are appropriating on this side. It will be wholly bad economy to do so, and I would submit that we should adopt other means of help to the refugees than distribution of this property. Moreover, there is neither any logic nor any morality behind the action that we confiscate or take over the property of those who had to leave this country on account of circumstances beyond their control. We have, therefore, to decide this question on its own merit and not try to imitate the other side. That is the only way in which we can decide this problem.

**Shrimati Sucheta Kripalani** (Uttar Pradesh): Sir, this House is considering the Evacuee Property Bill which presumably affects, or rather safeguards, the interests of those people, the evacuees, who were our citizens and are now going over to another State or have gone over to another State. If the matter had been so simple, our work too would have been simple. This Bill has two aspects. It safeguards the interests of those people who are leaving India; at the same time, indirectly, it is to safeguard the interests of the people who have left the other country or have come to our country. In all international arrangements there is an aspect of reciprocity. Without reciprocity no international agreement or arrangement can work. Therefore, when we are discussing this Evacuee Property Bill, I would very much like to take a little of your time and trace back the history of our negotiation with Pakistan in regard to the property that the refugees left there.

(MR. DEPUTY-SPEAKER *in the Chair*)

This history of more than two and a half years is one, I am very sorry to say, of broken pledges and promises. Hopes were raised and hopes were dashed. I do not want to take up much of your time. So I will go over the ground very briefly.

In August-September 1947, two Agreements were made. Subsequently, Ordinances were issued with an idea to safeguard the property of the refugees from either side. The central idea behind these Agreements was the recognition of the right of the owner to have his property restored. With this idea in view, the system of Custodians was introduced, and the Custodians were supposed to look after the property of the evacuees and restore it to the persons concerned when they claimed it. The word "evacuee" was given a very liberal definition. An "evacuee" was defined as "one who left Pakistan after January 1947 without leaving anyone behind to protect his property." Therefore, the absolute right of the owner to the restoration of the property was recognised by Pakistan itself. East Punjab also passed a similar Act and we thought that the property right of the people going over to the other country would be respected.

Unfortunately, soon after the passing of this Act, Pakistan passed an Ordinance, called the "Economic Rehabilitation of Refugees Ordinance", by which the Rehabilitation Commissioner was allowed to assume possession of all abandoned property or business undertakings. For the purposes of this Ordinance, a business or undertaking was considered "abandoned" if it ceased working wholly or partly—please note the word "partly". For example, if the operations of a factory were reduced due to the flight of the workers, even then it was considered an abandoned property and the Custodian could very easily take it over. Thus the Rehabilitation Commissioner was quite at liberty

[Shrimati Sucheta Kripalani]

to take over any property that the Custodian took. It was, in other words, illegal seizure of property and a flagrant denial of the previous Agreement.

Not only that, an understanding had been arrived at between India and Pakistan that a close liaison would be kept between the two Governments and no Ordinance would be passed without informing the other country. India knew nothing about this particular Ordinance, and because India was very preoccupied at that time with a heavy influx of refugees coming into Delhi, we hardly noticed it, for some time.

Then came about in October 1947 a Conference in Lahore where important people like Mr. Liaquat Ali and the Governor of the West Punjab were present to reconsider the whole question of the restoration of property. Hopes were raised, but what followed this Conference? In December 1947 Pakistan passed an Ordinance covering the sale of evacuee property. I won't go into the details. Suffice it to say that such conditions were imposed as made it practically impossible for an individual to sell his property. The most notorious of the conditions, you will remember, was about the income-tax acquittance about which enough was said in the papers and so I need not say much. Thus the right of the evacuees to the transfer of property was virtually denied. Not being satisfied with that, the Custodian was given the right to refuse permission to sell if he considered that the property was necessary for the rehabilitation of refugees. Thirdly, the definition of "refugee" which was rather liberal previously was made more rigid. The definition was changed into this: that unless a property had been personally kept or supervised, it become evacuee property. The net result was that refugees could neither claim their property nor sell or exchange it.

Well, to bring our Ordinances at par with the Pakistan arrangement an Evacuee Property Law was passed in East Punjab and Delhi in January 1948. But the evacuee property arrangements in the other States still remained as they were before. That was milder than the Pakistan arrangement.

By this time, the people of India were quite convinced that Pakistan did not mean business and it did not wish to restore the refugee property. Even Government, that had been very trustful and hopeful, more or less came to the conclusion that they would not be able to get much out of Pakistan, because it was quite clear that Pakistan wanted to utilise the refugee property for resettling the refugees that they had in their own country. Pakistan's intentions became further clear because, up to this time mainly people had come over from Frontier Province and the Punjab, but now people from Sind also began to come. Thousands from Sind came away and as a result more or less the entire West Pakistan area became empty of Hindus and Sikhs. It was about this time that the Gujrat train tragedy took place. It was quite apparent what sort of policy Pakistan was following. Their policy was to drive away as many Hindus and Sikhs as possible and to do what they liked with their property. This brings us to the end of what I would call the "first stage" in the negotiations.

In the first stage, the basis was that every refugee had the right to have his property restored and on that basis we were proceeding. Now the Government realised that that could not be done because one Ordinance after another was passed by Pakistan to circumvent all the Agreements we had made. So, we entered the second stage in our negotiations with Pakistan.

In the second stage we thought that exchange could be made on a Governmental level. In March 1948 a Joint Official Committee met, where the officials of Pakistan and India worked out in fairly great detail an arrangement by

which bulk assessment of the value of the property in each country was to be made, adjusting the value of the property in one country with the value of the property in the other. That was to be the arrangement. They made fairly elaborate arrangements. For instance, they divided the property into three categories: agricultural property, urban property and moveable property. Each type of property was to be dealt with differently. The main idea was that the evacuee should receive the rent of the property which he had left behind. For agricultural property, the arrangement was that each Government should supply to the other Government the agricultural records etc. and during the pendency of the negotiations they would receive the rent and remit the same to the other Government. They were also to facilitate the sale of property. These were the arrangements made. So we thought that at last we had found a formula by which each Government would take the responsibility for the property in its territory and that something would be salvaged from the other side.

Well, Pakistan's intentions became quite apparent very soon. This Agreement had been made in March. It was to be immediately endorsed at a higher level. But no meeting could take place. All sorts of evasion and dilatory tactics started. A meeting could take place only in July 1948, *i.e.* four months after the negotiations had started. At this meeting, it became apparent that Pakistan was not prepared to accept the previous basis. It was quite obvious why she was not prepared, because she had an excess of property in Pakistan over that in India and so she was not prepared to pay back to India any of this amount. So instead of going on with the arrangement that they had made, a regular hunt of Hindu and Sikh property started and Hindu and Sikh property was seized during this time in hundreds. Our hon. Minister for Rehabilitation went on sending reminders and protests, asking them to remit the rents that they had recovered from our property there. When he pressed very hard for remission of the rent that they had recovered from the houses, Pakistan slashed down the house rents by 80 per cent. and told us that the other 20 per cent. had been utilised for looking after the property, so there was nothing left that could be remitted.

Then came in October 1948 an Ordinance by which Hindu property rights were further taken away. Again followed futile negotiations, as they usually do. This was followed by the Ordinance of July 1949 which forbade all transactions in Pakistan. Again negotiations persisted and ultimately Pakistan came out definitely with the following reply. This is part of the written correspondence. They said that "the Pakistan Government have repeatedly stressed their inability to agree to a settlement of evacuee property claims and sales on Governmental basis." That was the end of the second stage.

To sum up, first we recognised the individual's right to restoration of property. That basis failed. Secondly, we tried the basis of exchange at Governmental level. That basis also failed, because they denied the basis of exchange at Governmental level. So, the net result after two and a half years of negotiations is that no individual transaction can take place. No settlement can be made at Governmental level. Periodically, they are driving out all the Hindus from different parts and evacuees who leave India are helped by them somehow to dodge the evacuee regulations that we make.

Now after that came—I again skip over a period—the Pakistan Central Evacuee Property Ordinance in 1949. About this, I will only give you the view of the Government themselves about the arrangements here as well as in Pakistan. This is what they say:

"On the 15th of October, the Pakistan Government promulgated a new Central Evacuee Property Ordinance extending over the whole of Pakistan including East Bengal. For the

[Shrimati Sucheta Kripalani ]

time being, however, the ordinance will not be applied to East Bengal. The provisions of the ordinance have been made stricter and any person can become an evacuee from Pakistan, even though he continues to live there and has never left the country, so long as any distant relative of his has gone to India. No provision for appeal to any authorised court exists. It is no longer obligatory on the Custodian to notify the property he has taken over. Further, the onus of pointing out the property to the Custodian has been thrown upon its occupiers, and the property is supposed to vest in the Custodian from 1st March 1947—a date about six months prior even to the partition of the country. Thus, the law gives no opportunity to non-Muslims to defend themselves, or even to know that their property vests in the Custodian until it is actually taken away from them.

Three days after the issue of the Pakistan Ordinance, the Government of India also promulgated a Central Evacuee Property Ordinance, which does not apply to the eastern parts of the country. The Government of India have thus continued to honour their agreement in regard to East and West Bengal. They have also made the law milder inasmuch as property does not automatically vest in the Custodian. A notice has to be served on the owner who is given full opportunity of defending himself before any property can be declared as evacuee property. The definition of 'evacuee' has also been made more mild, and many persons who would have become evacuees under the older law will not fall under the new definition."

So here is the comparison of the two Ordinances under which the arrangements exist today. Against this background we are now trying to pass this Administration of Evacuee Property Bill. We heard a lot, and we have been hearing a great deal, that whatever Pakistan does we are not to take that into consideration, we are to carry on in our way and keep a very high standard. We are giving a good deal of moral lectures, etc. about this. I quite appreciate that if Pakistan goes wrong and does illegal things we should not do the same. But in all international arrangements there is an element of reciprocity which you cannot deny. Without that reciprocity no international law can exist. We are asked to see that our conduct is gentlemanly: that we do not hit the enemy below the belt, that we do not do anything dishonest. But does that gentlemanly conduct mean that if you are cheated you should expose yourself again and again to that cheating? I can understand that gentlemanly conduct means that you should not cheat. You may be a little generous with your enemy. But it does not mean that you should expose yourself, and knowing the consequences close your eyes and allow yourself to be cheated. That is what has actually happened. I would even challenge the hon. Ministers—when they signed agreements how many times did they really believe that the agreements would be implemented by Pakistan? I do not know what the hon. Ministers will reply, but I know that most of the people in India did not believe in the agreements that were made. In spite of that belief we have kept on making agreement after agreement. And against this background we have to discuss this Evacuee Property Bill.

As I have read out to you, the present Pakistan Ordinance is much harsher and ours is much milder. In spite of that what are we doing in this Bill? The main features of the changes in this Bill are, in the first place, further restriction of the definition of 'evacuee' and 'evacuee property'; secondly, liberalisation of the provisions of law in the matter of declaring a property as evacuee property—that is a further concession to the evacuee; and thirdly, provisions of judicial appeal against the decision of the Deputy Custodian—that is also a further concession to the evacuee. I have no objection to giving more and more concessions to the evacuees. My contention is that we must work in such a way that we can render some protection to those people who have come to this country seeking protection. And the biggest protection that we can render to them is in the matter of property. I have been working amongst the refugees and I know to most of them it is most humiliating and galling that they have to approach the Government for rehabilitation grant and help. If they can even recover one-tenth of their property they would rather settle



down with that property than go and seek the help of Government. We have to try to recover whatever little of their property we can, not only for their sake but for the sake of the country as Pandit Kunzru pertinently pointed out. It is not a matter of generosity to one individual. It is a question of protecting the interests of the country. We are spending crores. Can we go on spending crores and crores to resettle the refugees? If we can recover even a little part of their property we can solve this problem to a very great extent.

I do not want to go into the details, but I shall take up one or two clauses of the Bill which are exercising the minds of the people who are affected. First of all there is clause 2(d) (iii) dealing with the definition of 'evacuee'. This restricts further the definition of 'evacuee' to those who have personally acquired by allotment or by illegal means evacuee property in Pakistan. Now, the change that is sought to be introduced is this. Formerly an 'evacuee' was one who had acquired property in Pakistan by any manner. Now, instead of any manner, we say by allotment or by illegal means. That is, we have given protection to those who have acquired property in Pakistan by sale. Presumably that sale is a normal transaction and those who have secured property by sale should not come in the category of 'evacuees'. I only want to draw your attention as to how most of the sales took place. It is a notorious fact that as soon as the refugees started leaving Pakistan the value of Hindu and Sikh property went down. Why did it go down? Was it due to normal trade depression or economic reasons? Had it been due to economic reasons then the contention of many friends here that prices paid by the purchasers were fair because there was depreciation in the value of the property could be accepted. But was it due to such economic reasons? It took place because there was a systematic boycott of Hindu Sikh property sales. For political and social reasons the value of Hindu and Sikh property was deliberately brought down and it was purchased for a song. I have a pamphlet here giving innumerable cases. Here is an account of the sale of property of Dalsukh Pancholi in Lahore worth Rs. 20 lakhs which was bought for Rs. 2,75,000 by Feroz-ud-Din. I think he was lucky for he should have got not 2 lakhs but two rupees! I will give you another instance. When I was working in Noakhali we were trying our level best to keep the people from going out. In spite of all our efforts and persuasion some of them were bent on selling their property and going out. One poor peasant had a little property worth, say, about Rs. 1,000. But nobody would buy his property. There was a complete boycott. Then somebody came from a different village and he gave him about a couple of hundred rupees. He took that money and was going out. As he was going out he was waylaid and deprived of even that two hundred rupees. I am giving an extreme example. But such transactions have taken place. Are we to consider such transactions as normal transactions and take sale away from the scope of this definition? I am not moving any amendment for this purpose but I am putting the matter before the hon. Minister for his consideration.

Another change in the Bill is with respect to the date. Originally the date we had given was March 1947. Now the date given is August 1947—after the 14th August 1947. All those people who left Pakistan before August 1947 are thus deprived of any facilities that they may get with regard to their property. I personally toured West Punjab in May 1947. The trouble occurred in West Punjab and in the Frontier Province in March, as everybody knows, on a very large scale. In May I travelled from village to village and saw them completely devastated where people had lost their all. So by this provision we deprive them of the opportunity of protecting their property rights in Pakistan under reciprocal terms.

[Shrimati Sucheta Kripalani]

Then I would like to say just a few words about the definition of intending evacuee'. It is a very delicate subject and therefore I do not want to say much about it. 'Intending evacuee' is one who transfers his assets, or who acquires property in Pakistan through a relation, or against whom there is a documentary proof to show that he desires to leave. An intending evacuee's property does not immediately come under the Custodian. There is a regular process by which he is given a notice and he is given a full opportunity to defend his case. Then, even after he has been given a notice, the Custodian has very little rights over his property except that he cannot sell it away. If he sells it away he has to take the permission of the Custodian.

There is another point which Pandit Kunzru raised and which I would like to mention again. Any evacuee is allowed not only to send money in a regular business transaction, but he is allowed to remit for the maintenance of his family. I have no objection to his sending money for the maintenance of his family, though it is rather anomalous that a man should not be a citizen of India, that half of his family should be there and half of his family should be here. But suppose, we even allow him to send some money for the maintenance of his family, is there any restriction as to what amounts can be sent for the maintenance of a family? We know of cases where the head of the family has remained here, his son or his nephew or his relations, who did not have any independent business, went over there; they bought Hindu or Sikh property for a song and carried on business there which the head of the family went on remitting large sums of money, for India; gradually he liquidated his property here and smuggled all the money out to the other territory. Is that going to be permitted? What steps are you going to take to prevent this? How long is a man going to remain an evacuee and how much money will he be allowed to send for the maintenance of his family? I have no objection if you are very generous with the evacuee, but you must remember that you are being generous at whose cost? With your being generous at your cost, you are most welcome, but do not be generous at somebody else's cost. If I am an evacuee here, I am allowed to keep my property and run my business. At the same time, I send my son along there and buy somebody else's property there. Then I am depriving that man who has been deprived of his property there from getting anything here. Whenever we are allowing a person to be owner of two properties simultaneously then we are doing that at the cost of some refugee from Pakistan; some Hindu or some Sikh is being denied. Therefore, I would request the hon. Minister to look into this question.

I would now read out to you some of the provisions in the Pakistan Ordinance defining the evacuee. (By the Pakistan ordinance an evacuee is one who "on account of civil disturbances and fear of such disturbances or after the 1st day of March 1947 leaves.....". The clause in the Indian Ordinance corresponding to it also has the date March 1947. By this Bill we are seeking to shift the date from March 1947 to August, 1947, thus depriving a large number of refugees the opportunity of recovering the property left by them in Pakistan. Secondly by the Pakistan Ordinance an evacuee is one "who acquires or has acquired on or after the aforesaid date in any manner whatsoever any right or interest." In the evacuee property law we are deleting the words "in any manner" and thus putting beyond the scope of this Bill people who acquired property by sale. Thirdly the Pakistan Ordinance says that an evacuee is one "who is unable to occupy, supervise or manage in person his property in Pakistan or whose property in Pakistan is whether wholly or partially ceased to be occupied." This means that if I am a resident of Pakistan and I am in occupation of a house where a few rooms happen to fall

vacant I would immediately be defined as an 'evacuee' and deprived of my property rights.

So I have only to request the hon. Minister to see that when we pass such an ordinance we have to remember that this ordinance does not pertain to this country alone; it will not affect this country alone but it has extra-territorial repercussions; it is going to affect people who are outside. If we are going to give protection to the evacuees who are leaving our country, give them the fullest protection, but at the same time, do not forget those people who have left the other territory and are seeking our protection here; we have to safeguard their interests also. And that can be done only on a reciprocal basis. Lastly I want to say this, which is most important, that however generous we may be, in every international agreement or such arrangement, the only practical basis is the basis of reciprocity; this is recognised by all political canons.

**Shri Mohan Lal Saksena:** I have listened with great interest to the speeches delivered in this House; and I have also considered with care the points that have been made out. I am glad the hon. Members have shown so much interest in the problem of evacuee property and I fully share their concern over the rehabilitation of displaced persons. But I would like to point out that the speeches were mostly devoted to criticism of the Government and its policy rather than the provisions of Bill. It has been said that the Government has failed to secure a settlement of this question and that many a time we reached agreements which have not been kept by Pakistan. We have been criticized for not following a firm policy in respect of evacuee property. The Rehabilitation Ministry has been criticized for not being able to rehabilitate the displaced persons. All these may be very correct and may be justified; but so far as the Bill is concerned I think it mainly relates to the administration of Evacuee Property; and as, I will show a little later, we have, in drafting this Bill, taken particular care to make ample provision for that.

**Mr. Deputy-Speaker:** The hon. Member will continue after Lunch. The House will now stand adjourned till 2-30 P.M. today.

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

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

[MR. SPEAKER in the Chair.]

#### REPRESENTATION OF THE PEOPLE BILL

**The Minister of Law (Dr. Ambedkar):** May I, Sir, with your permission make the motion that stands in my name in the Order Paper for today? I could not do it this morning because printed copies of the Bill were not available in the morning. As the House takes objection to giving leave for introduction without copies of the Bill being there, I thought I should wait.

**Mr. Speaker:** Yes; he may make that motion. I was told that the matter was not to be taken up. That is why I passed over that.

**Dr. Ambedkar:** Because, I said that printed copies were not available.

I beg to move for leave to introduce a Bill to provide for the allocation of seats in, and the delimitation of constituencies for the purpose of election to, the House of the People and the Legislatures of States, the qualification of voters at such elections, the preparation of electoral rolls and matters connected therewith.

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

"That leave be granted to introduce a Bill to provide for the allocation of seats in, and the delimitation of constituencies for the purpose of election to, the House of the People and the Legislatures of States, the qualification of voters at such elections, the preparation of electoral rolls, and matters connected therewith."

*The motion was adopted.*

**Dr. Ambedkar:** I introduce the Bill.

#### ADMINISTRATION OF EVACUEE PROPERTY BILL—*contd.*

**Shri Mohan Lal Saxena:** Sir, when the House adjourned, I was referring to the criticisms made by hon. Members regarding the failure of Government to get an Agreement on Evacuee Property, the failure of Government to adopt a 'tit-for-tat' policy in respect of Evacuee Property and the failure of the Ministry in speedily rehabilitating the displaced persons who have come over. In view of the latest Agreement, and in view of the appeals made by the Prime Ministers, I do not think this is an opportune moment to go into argument; and, therefore, I will content myself with repeating what I said in my opening speech that so far as this question is concerned, Government attaches the greatest importance to it, not only because it will go a long way to rehabilitate large numbers of displaced persons, but also because it happens to be a big source of irritation and mounting bitterness between the people of the two countries. Therefore, Government shall make every effort to arrive at some solution. I had hoped that better counsel would prevail with the Pakistan Government, and I see a ray of hope. I have no doubt that this Agreement may be the precursor of another Agreement on the question of Evacuee Property.

As I said, this Bill is for the administration of Evacuee Property and not for the rehabilitation of displaced persons. My hon. friend Mr. Syammandan Sahaya, who is not here, thought that he had made a good point when he said that the Bill was just like a Court of Wards Bill. I think it should be a Court of Wards Bill, because, after all, we are taking charge of the property of those persons who have left and we have to make arrangements for the proper administration of that property and matters connected therewith. He again suggested that whatever property we have got might be sold and the proceeds distributed amongst the displaced persons who have come over. Well, I would only point out that, that would be playing the game of Pakistan. Because, many of the persons in Pakistan, if not all of them, believe that if the property left by the Muslim evacuees in India could be exchanged with the property left by the Hindu evacuees from Pakistan, which is several times more, they will be quite agreeable to come to some solution. This is what we do not want to do. We do not want to extinguish the title of the Muslim evacuees who have left India, inasmuch as we do not want that the right and title of the non-Muslim displaced persons who have come from Pakistan should be extinguished. Therefore, this Bill is directed to the proper administration of Evacuee Property.

There is agreement, I think, in 95 per cent of the cases in regard to the definition of the "Evacuee". There is not much difference of opinion. If at all there might be difference of opinion in regard to 5 per cent. or even less. Some Members would like certain categories of persons to be included amongst "Evacuees". There is no difference of opinion as regards those persons who have gone over to Pakistan, that they should be treated as "Evacuees". There is also no difference about those persons who are here and who have acquired interests in Pakistan. There is no difference because nobody wants that any person should be allowed to have the best of both the worlds. Then, there

are border-line cases for which we have to make provision and here there is a difference in our points of view. It has been pointed out that the provisions of the present Ordinance have been liberalised in a way as compared with the earlier Ordinance. On the other hand, some Muslim Members have pointed out that the provisions have been made more strict and many persons who had not been included have now been included. As a matter of fact, it is neither the one nor the other. Government had intended to bring a certain class of persons within the category of "Evacuees". But, after the Ordinance was enacted it was felt that the language of the section was not very clear and in certain cases action was taken against persons against whom it was not meant to be taken. Therefore, in the subsequent Ordinance, the position had to be clarified. I think all the sections of the House are agreed that those persons who want to have the best of both the worlds should not be allowed to do so. On the other hand, there are persons who had gone away earlier, but had returned before the introduction of the permit system or on the invitation of Mahatma Gandhi. As we know in the case of the Meos, a large number of persons who had gone have come back. There may be other cases. We had to clarify the position that these persons do not come within the category of 'Evacuees'. Similarly, we had a provision, "whoever derived benefit from evacuee property in Pakistan". This was interpreted differently in the different States. In certain States it was interpreted to mean that if a person had a certain relation who was not dependent on him and he had secured certain property or had gone there, his property should be declared as evacuee property. I may cite one instance that of Chaudhuri Khaliq-u-Zaman. His mother is here. He owns certain properties. Obviously, the officer felt that the property should be taken over because that is an outstanding case. When this case was brought to our notice, we had to clarify the position because we did not want to punish anybody because of the acts of his relations or of those persons over whose actions he or she did not have any control. Therefore, so far as the definition of "Evacuee" is concerned, in 99 per cent. or at least in 95 per cent of cases, there is no difference of opinion. If there is any difference it is in the border-line cases. The difference comes in because some Members believe that whatever property we are able to bring under the Evacuee property pool will be available for giving compensation to those persons who have come from Pakistan. There I beg to differ from them. Even if we are able to rope in 65 per cent. of the cases how much property shall we be able to get? I should think it will not be worth more than Rs. 10 crores. What will be the proportion of this in relation to the property left by the displaced persons in Pakistan? On the other hand we will be bringing ourselves to the level of Pakistan. With what face shall we be able to tell them that they are doing something which they should not do, when we are going to do the same thing?

My hon. friend Pandit Kunzru pointed out certain provisions in the Pakistan law and said that they were improper. All the same the suggestion is made to us that because they are doing something improper we must introduce similar provisions in our own Bill. The Government is not prepared to do so, not even on the ground suggested by our sister Sucheta Kripalani. She said "You have been cheated once and do not expose yourself to cheating again." Even if we consider it from a narrow point of view we must see that we do not make any provision of which Pakistan may take advantage and thus extinguish the title of our displaced persons to their own property or take similar action under the provisions of their own law.

I have had the saddest experience with regard to these agreements. Still we should remember that we have to deal with another Nation. We have to try and explore possibilities of fresh agreement, even though previous ones had been broken. There is no alternative otherwise except to have recourse to

[Shri Mohan Lal Saksena]

the last resort, namely war. Some Members were even pleased to suggest that course. That is a most dangerous course. It does not settle the problems which we want to settle; but on the other hand, it creates many more problems. At any rate, so far as Evacuee Property is concerned it can never be settled in that manner.

It was pointed out that we had provided for remittances. I think there is a loophole there. I am accepting an amendment by which we will prescribe the rules as to the manner of remittances and we will also provide for cases where such remittances might be made.

Pandit Kunzru put certain questions. He asked me as to what class of persons and what categories of Evacuee Property had been exempted under the provisions of the Ordinance. I may inform him that we have exempted only one category and that is the personal bank accounts of the Evacuees. The Bank account of a person who has left India for Pakistan is not treated as Evacuee Property and so also in Pakistan the personal bank accounts are not treated as Evacuee Property. We have not exempted any other class of persons or category of property.

Pandit Kunzru pointed out that the Bill does not enable us to safeguard the interests of the displaced persons who have come over to this country. Personally, I think there is only one way in which we can safeguard the interests of those persons. That is, we should not make any provision in this Bill which is liable to be abused by a corresponding provision in the Pakistan evacuee property law. If we introduce any provision in this Bill that may enable us to rope in a certain percentage of people and also a certain amount of property, that will give them a handle—not that they require a handle, for I know in Pakistan, law or no law, things are done. But when we introduce something in our own Bill, it gives them a justification. Therefore, the only way to safeguard the interests of the displaced persons with respect to their property in Pakistan is that we should not make any provision in this Bill which is likely to be abused in Pakistan or provides the justification to the Pakistan authorities to deprive the displaced persons of their property or reduce the value of their property.

Pandit Kunzru also wanted an assurance from the Government that we will make every effort to secure a settlement on this question. In my opening speech as also in the press statements by spokesmen of Government, we have given the assurance that we will leave no stone unturned in arriving at a settlement. After all, it is a matter of time which I hope is not distant. So long as this question is not settled the present bitterness among the people of both the countries is not likely to subside. I hope the new agreement, as pointed out in the agreement itself as also in the statements of the two Prime Ministers, will open the way to a settlement on other points of dispute as well, between the two countries.

Shrimati Sucheta Kripalani referred to "intending Evacuees". We have introduced a new category of "intending Evacuees". We know that there is a large number of persons who, though not falling within the category of "Evacuees", have been transferring their assets to Pakistan or committing acts which were responsible for transferring their assets to Pakistan as also acquire property there. Therefore, we have to make provision. Though these persons have not left India, they carry on activities detrimental to the interests of this country. We want to have powers to control the activities of these people.

It has been pointed out that we have excluded from the definition of "Evacuee" those persons who had acquired property by way of purchase or exchange. Shrimati Sucheta Kripalani pointed out that they had acquired property by purchase or sale before a certain date and asked why they should be exempted. The basis for the fixing of this date was that there were certain cases, however small they may be, where people had purchased the property or exchanged property in order to help the displaced persons who had come from Pakistan. Therefore we had to exempt them. There were persons who were taking undue advantage of the helplessness of the displaced persons who had come to this side and, therefore, we have provided in the Ordinance as well as in the Bill that in case it is found that the consideration paid was inadequate, the Custodian may require the "intending evacuee" to deposit the difference between the actual price and the price paid with the Custodian and that will go to swell the pool of the evacuee properties. Therefore, there is no harm in this; but if there is a person who has purchased the property and he is in Pakistan, we cannot get hold of him; and, therefore, I do not know what objection there can be to this Bill, because it only exempts those persons who have purchased or exchanged before the 18th October 1949, the date on which this Ordinance came into force. It was felt that it was not proper to make such acts punishable because if these people had known that the property they were purchasing was likely to be treated as Evacuee Property, they would not have purchased it. But after 18th October we have declared that they will be treated as "Evacuees". Therefore, the objection raised by her was due to a certain misunderstanding.

Now my friend Mr. Hyder Husein said that there are two ways of solving the problem, and the one way we should follow was to adopt the right course. I agree with him, but we have to bear in mind that if there are large numbers of people who are out to defeat this purpose, we have to make provisions to prevent their activities. We know there are people who had gone over and left their families and have come here alone with a view to dispose of their property. We have to make provision for that. It is not always pleasant to take such action; but when we know that such people are there with that set purpose, we have to make such provisions. As pointed out there are occasions when we have to perform our duty which may not be very pleasant but still it has to be performed. Now in the case of these 35,000 persons who have gone from U.P. if they have gone away, certainly they become "Evacuees". If not, they will not be. But he was complaining against the sale of property for a song by these persons. For that we have made a provision. We have said that if there is any property which is sold by a man who becomes an "Evacuee" later on, that sale has to be confirmed by the Custodian and the object of that was that if there are any such sales, where the people have purchased properties for inadequate considerations, the Custodian could go into them, and if he found it inadequate, he may not confirm the sale and the property may be taken over as "Evacuee Property". He said of course we must not follow Pakistan. True, but the facts are, if something happens on the other side, they have their repercussions here. Therefore, while Government takes all these facts into consideration, it has to keep in mind that we should not do anything which will irritate the feelings of our own displaced persons. On the one hand we have been representing to Pakistan whenever such occasions are brought to our notice and I have no doubt that if there is no response from the other side, that only adds to the bitterness. After all people are human beings and these acts do have their repercussions. But I hope, in view of the changed conditions better sense will prevail on either side and these things will not recur. For instance one case was brought to my notice where the Custodian—a Judge of the High Court—had declared a person in Pakistan as non-evacuee and still his property has not been released by Pakistan. This is glaring injustice. It does not mean we will do the same thing

[Shri Mohan Lal Saksena]

here but such instances have their repercussions and I share the feelings of Shrimati Kripalani who has mixed with the displaced persons; but I also came to know a little of the displaced persons because it is my job to meet them and to do my bit to soothe them. So I know their feelings. But the remedy is not that which is suggested, by having certain provisions which may look strict but ultimately the gain will be very little as compared with the loss we will suffer on account of similar provision in Pakistan law if adopted there. I may inform the House that the Pakistan Minister has written to me, and made a statement in the Constituent Assembly of Pakistan that they are going to bring their Evacuee Property law on par with ours. Therefore, I would request hon. Members to be more careful in making amendments and they must not give any handle for introduction of any provisions by the Pakistan Government.

**Shri Kamath:** When did the Pakistan Minister convey this information?

**Shri Mohan Lal Saksena:** That was about 20 days back and this statement was made a week ago.

Regarding the double property, I am in agreement with Shrinati Kripalani. If somebody acquires property in Pakistan, he should not be allowed to have property here. For instance if a person who has gone there because of communal trouble and he has come back of his own accord before the permit system was introduced or after obtaining permit or at our invitation, he is not going to be affected by this law; but if he has acquired any property there **3 P.M.** then he will not be allowed to have the benefit of being able to acquire property here. For the information of those Members who wanted to move an amendment, I would read the categories that we propose to exempt by notification:

"In the following cases persons concerned will not be considered to have left the country under section 2 (d)(1) of the Act and necessary notification under Section 49 of the Act will be issued to this effect:

- (a) Persons who leave for Pakistan on temporary permits and return within the prescribed period;
- (b) Persons who have come back on permanent permits; and
- (c) Persons who returned before the permit system was introduced and have been absorbed or have settled down."

Another point that was raised by Dr. Kunzru was that persons who have kept their families in Pakistan permanently should not be allowed to make remittances to them. As I pointed out earlier, we are going to prescribe rules under this piece of legislation and we shall take care to see that persons who want to keep their families in Pakistan for good are not exempted from the provisions of this law. Of course, if a person's son is studying in Pakistan, or a member of the family is there for medical treatment or similar reasons, due consideration will be given to such cases. But if a man wants to keep his family in Pakistan, surely it is not the object of this law to allow remittances for all time to come. Then he has to choose as to whether he wants to stick to Pakistan or to come to India.

**Shri Hossain Imam:** Will Government give facilities to bring them back?

**Shri Mohan Lal Saksena:** Obviously, if Government do not give facilities for that, then they will allow remittances to be made.

Several suggestions have been made regarding the provisions of the Bill and I will deal with them when we take the Bill clause by clause. I took the opportunity of discussing the provisions of this Bill with hon. Members who have tabled amendments and we have come to certain agreed decisions. Although no Select Committee has been appointed, the Bill has been well scrutinised by



persons holding different points of view. I am sure, in view of the short time at our disposal, hon. Members will see that the discussion of these amendments which are more or less agreed does not take much time.

Another point which was raised by Pandit Kunzru was about the powers of the Custodian under clause 10. As originally contemplated in the Ordinance the Custodian was to take charge of the Evacuee Property as a manager of the property. As we all know during the war there was the Custodian of Enemy Property, who took charge of the property of the enemy temporarily. In the earlier stages, so far as India was concerned, certain remittances were allowed to be made to Muslim evacuees. Now no remittances are allowed from this side in view of the attitude of Pakistan. But if there is an agreement, we are always in a position to render all accounts on the question of charges of management of the property of individuals who have gone.

A point which was raised by Shrimati Sucheta Kripalani was, as to why this date was changed to 14th of August and not to the 1st of March. She said that there were troubles even before that date and people might have sold their properties. But she forgets the fact that this relates only to cases where purchases have been made by the Muslim nationals of India. Of course, if properties were purchased by Muslim nationals of Pakistan, the same do not fall within the purview of this ordinance.

**Shrimati Sucheta Kripalani:** But Pakistan ordinance is passed on reciprocal terms.

**Shri Mohan Lal Saksena:** But in view of the fact that very few Muslims in India have made any purchases of property before this date, I don't think there is any necessity for a change of the date. We can only take into consideration the purchases that have been made by Muslims residing here and make provision for that. There have been no cases where Muslims of India had purchased property belonging to displaced persons before the 14th of August and therefore we felt that there was no point in making the date 1st of March and not 14th of August.

Sir, I will not take any more time of the House. I am fully aware of the strong feelings of the displaced persons on the question of Evacuee Property. I well appreciate that the feelings that have been voiced in this House are only a partial reflection of the strong feeling existing outside. But we have to consider as to how to make the best of a bad bargain. I still feel that our case is a strong one and whether we come to a mutual agreement or we have to go to a third party.....

**Dr. Tek Chand (Punjab):** Even God Almighty will not be able to help you.

**Shri Mohan Lal Saksena:** Well if our cause is right, I am sure the response from God Almighty will be favourable. After all God will be able to change the heart of human beings. Anyway, I am sure that if we appeal in right earnest to God Almighty, there is no doubt that there is bound to be response. If we take the view that we are to be content with the property that we have, then there can be a settlement straightaway. But even then, even after such a settlement and having all this property, we cannot distribute it unless we are able to ascertain and verify the claims of the persons concerned; that also will take time. We have brought forward a Bill for that purpose, but then it will take time to go through that process. So, even if we consider the question from that narrow point of view, since it is going to take time the displaced persons are not going to benefit immediately. Therefore, we must make earnest efforts to arrive at a settlement. Even if we fail, whatever property is here the proceedings of it are going to be distributed for the maintenance of those persons who are entitled to get remittances from their property in Pakistan. In either case, so long as the property is here, so long as we are not

[Shri Mohan Lal Saksena]

making any remittances from the proceedings of these properties and so long as the proceeds from these properties are going to be utilised for the benefit of the displaced persons, there should not be any objection. But if you think that this property is the only property with which we should be content, I am not inclined to agree with that view. I think it is a very short-sighted view and I can never accept it.

Sir, with these words I commend the motion for the acceptance of the House.

**Sardar Hukam Singh** (Punjab): Sir, may I be permitted to ask a question?

**Mr. Speaker:** Yes.

**Sardar Hukam Singh:** Today I have heard the hon. Minister argue that we should not do anything which might give Pakistan a handle to take away the rights in the property of our refugees, and that we should be on our guard lest they (Pakistan) might extinguish those rights that our refugees possess in the property that they have left in Pakistan. Sir, some time ago we were given this brochure concerning evacuee property where it was stated, after discussing all the agreements, that the Government came to the conclusion that it is no use maintaining theoretical ownership rights if the owner can neither receive current income nor be allowed to dispose of his property. That was the conclusion drawn after all the agreements had been discussed. I feel the Government have now changed their position and have come to a different conclusion that the refugees have some rights and that it would be useful to continue them. May I know whether anything subsequent to the publication of this brochure has happened which has warranted the Government to change their opinion altogether? I heard from the hon. Minister that some letter has been received from some Minister in Pakistan saying that they are contemplating to effect a corresponding change in their own evacuee law. I want further to know whether such a change, if ever effected, would certainly bring about any change in those rights when all the property has been confiscated, according to the statement of the Government, and every refugee, Hindu or Sikh, from West Pakistan has come and the entire area declared evacuee area. Also, whether any change in that law would certainly bring about anything substantial for our good?

**Shri Mohan Lal Saksena:** Well, I am sorry my friend is referring to the brochure where we have simply argued our case. Therein it was argued that when Pakistan is not agreeing to a thing, it is no use maintaining our title to the property there if we are not able to get the remittances from the properties there. This was also meant for the consumption of the world. If my friend, Sardar Hukam Singh, says that we have come to a different conclusion now, I may say that we have always been of the opinion that this question has to be settled. We never said that our title is extinguished because we were not getting any remittances. That was only a point against Pakistan: "You have taken over the agricultural property; you do not allow its sale or exchange; so far as urban property is concerned sale or exchange has practically stopped. So, what is the use of keeping the title? Therefore, either you take it over on a Government-to-Government basis or there should be some other solution."

This brochure was issued when the question was raised outside India as well, and therefore we gave the gist as it was. In my opening speech also I stated that we will make every effort to come to a settlement. We feel that our case is so strong that we will have a verdict in our favour wherever we go.

**Shri Kamath:** But, Sir,.....

**Mr. Speaker:** Order, order. It is reopening the discussion.

**Sardar Hukam Singh:** My submission is that the other part of my question has not been answered.

**Mr. Speaker:** Whatever answer he had he has given. But further questioning will practically mean reopening the discussion that has gone on for some days. The question is:

"That the Bill to provide for the administration of evacuee property and for certain matters connected therewith, be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** The procedure I propose to follow will be that I will call out each of those who have tabled amendments. Then I may be told whether the amendment is going to be moved or not.

## Clause 2

(Definitions)

### *Amendment made:*

For "unless there is anything repugnant in the subject or context", substitute "unless the context otherwise requires".

—[*Shri Mohan Lal Saksena*].

**Shri Hossain Imam:** Sir, may I suggest that all the amendments may be moved without being read, as was done in the case of the Ajmer-Marwara Bill, and the discussion may take place afterwards? That will shorten the time very much.

**Mr. Speaker:** I think that will automatically follow in view of the statement of the hon. Minister that he had had a conference of those who have tabled amendments. Therefore, what I shall be doing is this. I shall call the amendment and then the Member may say "Not moving" and then I will immediately proceed further. I will put the amendments to vote without any discussion, unless somebody wants to have a discussion in a certain case.

**Sardar Hukam Singh:** I beg to move:

For part (a), substitute :

"(a) 'allotment' means the grant by the Custodian or any person authorised in this behalf, of a right of use or occupation of any immovable property of an evacuee to any person."

Sir, sub-clause (a) as it stands reads as follows:

"(a) 'allotment' means the grant by the Custodian, or any other person duly authorised by the Custodian . . . ."

This limits the authority to that given by the Custodian in this behalf alone. But if we look to the Ordinance promulgated by Pakistan, we will find that there are other authorities as well who derive this authority not from the Custodian but independently, to give away this property to refugees. I refer to clause 14 of that Ordinance wherein it says that a rehabilitation authority may for the purpose of rehabilitation of refugees or for social or economic rehabilitation in Pakistan allot any evacuee property to any person. So the Custodian would only take the property that is left after this rehabilitation authority has given away some property to refugees or other persons, which is required for the rehabilitation of refugees or rehabilitation of Pakistan. So I want to bring in either authority—whether it is the Custodian or the rehabilitation authority—who has given that property to any refugee so that all the property is covered and not only that given by the Custodian alone.

**Shri Mohan Lal Saksena:** I am accepting amendment No. 12. That meets the point of Sardar Hukam Singh. So, I would like my hon. friend Mr. Kapoor to move it and I will accept it.

**Mr. Speaker:** Is it clear to the hon. Member Sardar Hukam Singh? The Minister is accepting No. 12.

**Sardar Hukam Singh:** Any one might be accepted—either mine or my hon. friend's. I do not mind.

**Mr. Speaker:** So I need not put his amendment to the House.

**Shri J. R. Kapoor** (Uttar Pradesh): I beg to move:

For part (a), substitute:

“(a) ‘allotment’ means the grant by a person duly authorised in this behalf, of a right of use or occupation of any immovable evacuee property to any person otherwise than by way of lease;”

I will just say a word as to why No. 12 should be accepted and not No. 11.

**Mr. Speaker:** That is unnecessary in view of the hon. Minister's acceptance.

Now, I was just wondering whether these words “otherwise than by way of lease” after the word “person” read well. “Allotment means the grant by a person duly authorised etc...of any immovable evacuee property to any person otherwise than by way of lease.” It rather looks to me to be awkward drafting.

**Shri J. E. Kapoor:** A comma may be put after the word “grant” and also after the word “person” in the third line.

**Mr. Speaker:** So the Draftsman may be requested to look into it and interpose the words if he so likes. I would put the amendment then as it is.

The question is:

For part (a), substitute:

“(a) ‘allotment’ means the grant by a person duly authorised in this behalf, of a right of use or occupation of any immovable evacuee property to any person otherwise than by way of lease;”

*The motion was adopted.*

**Shri J. E. Kapoor:** Though none of the hon. Members who have given notice of amendment No. 18 in the Final List are present, since it is of a very formal character and since it is necessary and acceptable to the hon. Minister, I shall move it if I am permitted by you to do so.

**Mr. Speaker:** I presume the hon. Minister is going to accept it.

**Shri Mohan Lal Saksena:** Yes.

*Amendments made:*

In part (c), for “Province” wherever it occurs, substitute “State”.

—[*Shri J. R. Kapoor*].

In part (c), for “appointed for that Province”, substitute “appointed in that State”.

—[*Shri Mohan Lal Saksena*].

**Sardar Hukam Singh:** I beg to move:

For part (d) (i), substitute:

“(i) who, on account of setting up of the Dominions of India and Pakistan or on account of civil disturbances or fear of disturbances, has after the 1st day of March, 1947 absented himself or is absenting himself from the territories now forming part of India, or”.

I admit that my amendment makes a big change, because the original wording is—

“who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances, leaves or has, on or after

the 1st day of March, 1947, left, any place in a Province for any place outside the territories now forming part of India, . . . .”

So far as Pakistan is concerned, this wording “who leaves or has left after the 1st day of March 1947” etc. is all right, because once the man has left that place he is not allowed to go there. He cannot do it. But so far as India is concerned, conditions are different. We have been allowing people to return whenever they like. Several States have been used as spring boards. People first come to those States and then only with a little amount of difficulty they go to other parts of India. Instances have come to light where this provision has been misused and people have returned after even the date fixed for the return of refugees. People have utilised this provision and manoeuvred to come and settle here and claim property. I am afraid the present Nehru-Liaquat Agreement has made the position worse, because under it anybody who has gone from E. Punjab to W. Pakistan can easily come to East Bengal first, and from there he can conveniently move, under the terms of the above Agreement, to West Bengal. Once he has moved to West Bengal, he is our kith and kin and can move anywhere he likes. He can come and say that he never left India but that he had moved to other parts, say, West Bengal, and had stayed there. So, my submission is that so long as these words “leaves or has left” remain, they are liable to be misused and abused and the object that is intended to be achieved would never be accomplished. I might say here that it is easy to say that we should not follow or emulate the example of Pakistan. That is quite all right. I agree with that principle, but morality is easier to preach than to practise. This Bill seeks to administer the evacuee property, but when a refugee finds that he has no other home and that ultimately things come to a pass when Government cannot pay anything out of public funds or that it has no resources to compensate him or other refugees in large numbers, then he looks only to this property. I do not mean to say that honest, *bona fide* and loyal citizens of India should be harassed in any way, but the property of those persons who have really gone over from this side and who are not loyal to us—and who cannot be expected to be loyal to us—their property should not be allowed to go scot-free. Every effort should be made, without impinging upon our principles and without emulating Pakistan, to see whether we can take the property of those persons who are not faithful to our country. With this object, I have moved this amendment, and I commend it to the House.

**Shri Mohan Lal Saksena:** As I said, there was a difference of 1 per cent. This is one of the cases which comes within that 1 per cent. There was agreement about 99 per cent. of the cases and this comes under the 1 per cent. For the reasons that I have already stated, I am not prepared to accept this amendment, as it is likely to cause hardship to some persons and also liable to be abused. At least it gives a handle to Pakistan to have a similar provision there whereby it might be used with greater effect and to our detriment.

Mr. Speaker: The question is:

For part (d) (i), substitute:

“(i) who, on account of setting up of the Dominions of India and Pakistan or on account of civil disturbances or fear of disturbances, has after the 1st day of March, 1947 absented himself or is absenting himself from the territories now forming part of India, or”.

*The motion was negatived.*

**Shri Mohan Lal Saksena:** I beg to move:

In part (d)(i), for “Province” substitute “State”.

Sir, I am moving this amendment now, but I propose to move an amendment in the end: “That wherever the word ‘Province’ occurs the word ‘State’ may be substituted.”

**Mr. Speaker:** Let us have that amendment at this stage.

*Amendment made:*

In the Bill, for "Province", wherever it occurs, substitute 'State'.

—[*Shri Mohan Lal Saksena*].

**Sardar Hukam Singh:** I beg to move:

After part (d)(i), insert new part:

"(d)(ii) who has, after the 14th day of August 1947, taken up or takes up, service under the Government of Pakistan, or"

and renumber the subsequent parts.

In my opinion this is a very important amendment. I do not know whether the Government or the Rehabilitation Ministry in charge of the Bill has considered this aspect of the question. There are three parts to (d). One refers to those persons who have left or who leave. The second refers to those who are unable to occupy or supervise in person their property. The third refers to those persons who have acquired by way of allotment or illegal means any interest in evacuee property in Pakistan. But there are a set of persons who do not come under any of these provisions. They have not left the country, they have not got any allotment in Pakistan, and they are supervising their property here in India. They have been employed by Pakistan to do certain very important functions. I refer to their High Commissioners, their Ambassadors and other high personalities. Yesterday I put a question to the hon. Minister whether the property of the High Commissioner of Pakistan in Delhi has been taken over, and the reply came "No, he is not an evacuee". I wonder, if the Ministers like the High Commissioner of Pakistan in India or the Ambassador of Pakistan in Egypt and such other persons who have been employed by Pakistan, to administer their country continue to reside here and are also allowed to enjoy their properties here, whether Government considers that they are Indian nationals and they continue to live so or that they are Pakistani nationals. I am amazed to think and I cannot certainly adjust myself to this conception when I find that even though this High Commissioner represents the Pakistan country in India and his Embassy is a place where even the law administered is Pakistani law, where any offence committed would be dealt with according to a foreign law—if these persons also are not foreigners and if they are our nationals and can enjoy all the property that they have here in India, who else would be declared an evacuee? I see no reason why this category of persons should be left out of the clutches of this law. I do not know whether our Government thinks that they are more loyal to India than to Pakistan. What would have happened if the position that was existing a few days before had developed—the Government of India might be in doubt about what it would have come to—but the public and other persons were never in doubt about it. It is lucky that some agreement has come. But we cannot be sure. We wish it every success. But I am very sceptical about it. Certainly we cannot rely on that agreement, that this agreement would always be there and that we would not have certain circumstances where our relations get strained. I want to know what the position of the Government is. They should get clear within themselves whether they are going to allow these persons to have dual citizenship, whether they consider them as loyal Indian citizens, and whether they are going to allow them enjoyment of this property for all time to come, or whether this law that we are presently enacting is going to touch them as well.

**Mr. Speaker:** Amendment moved:

After part (d) (i), insert new part:

"(d) (ii) who has after the 14th day of August 1947, taken up or takes up, service under the Government of Pakistan, or

and renumber the subsequent parts.

**Shri Mohan Lal Saksena:** Sir, I am afraid I cannot accept this amendment and my reason is that if we make provisions to cover individual cases we will be making a very bad law. Yesterday a question was put to me about the High Commissioner of Pakistan and immediately this amendment came. My friend thinks that this will cover only the case of the High Commissioner for Pakistan here or the Ambassador to Egypt. He forgets that there will be thousands of others who were, after the 14th August, in the service of Pakistan but who had later to come away to India and they are here. They were in Government service—Sindhis or Bengalis and they had to come away later. But they will also be covered by this provision. When I said that the High Commissioner for Pakistan was not an evacuee I meant that up till now there was nothing against him to show that he had done any of the acts which would render him an evacuee. If he has acquired property in Pakistan, surely he will become an evacuee. There is no doubt about it. But simply because he happens to be in the service of Pakistan my friend wants to have this amendment. I want to remind him—although he might be amazed, worried and all that—that this provision is not going to affect only two persons, but it is going to affect thousands of those who were in the service of Pakistan on the 14th August but who since then had to come away because of the conditions there. Therefore, I am not going to accept the amendment.

[MR. DEPUTY SPEAKER *in the Chair*]

**Shri Kamath:** May I know whether Government of India servants who had left behind property in Pakistan are not treated as evacuees? Is there or is there not a reciprocity in this matter?

**Shri Mohan Lal Saksena:** We are treating the Government of Pakistan servants who have left as evacuees.

**Shri Kamath:** I was referring to Government of India servants who have left property in Pakistan. Is there any reciprocity at all or not? Is it unilateral or is there reciprocity? That is what I want to know. My definite question is, is there a reciprocity in this matter or is it merely unilateral?

**Shri Mohan Lal Saksena:** I do not know what he means by reciprocity or unilateral action. If we take into consideration the loyalty of a citizen and if these people will not be loyal, there may be many others who may not be loyal. We do not declare them. In our Ordinance we have a provision that whoever is in Pakistan and who has left India, he automatically becomes an evacuee whether he is a Government servant or not. Similarly, they have got a corresponding provision in the Pakistan Ordinance, which says that those persons who are in India, they become automatically evacuees. Whether you consider it as reciprocity or not, there is no agreement about it; but there are provisions in both laws and they are there.

**Shri J. B. Kapoor:** Sir, the explanation just given by the hon. the Minister of State has created a confusion even in my mind. Before I heard him, I had thought that it was absolutely unnecessary to accept Sardar Hukam Singh's amendment because I had thought that a person who takes up service with the Pakistan Government and who has to be going very frequently to Pakistan, who as a matter of fact, at the initial stage must have presumably left India for Pakistan in order to carry on certain negotiations with the Government of Pakistan to secure some employment, would become an evacuee under 2 (d) (i), which we have just adopted. At that time, Sir, also Sardar Hukam Singh's amendment suggested that in the place of the words "leaves" and "left", we should have the words "absence" and "absented". At that time too, Sir, I had thought that there was hardly any difference between the words "leaves" and "absents" or "left" and "absented". Now, I think, the

[Shri J. R. Kapoor]

position is very much different from the one as I have understood it. I would, therefore, request the hon. Minister to seriously consider whether in view of his present view would it not be possible to accept Sardar Hukam Singh's amendment. At least he may change his view and not hold that a person though he may be in the employ of the Pakistan State and though he may be frequently going over there and though he may have gone initially to secure an employment there, who has virtually obtained the rights of citizenship in Pakistan, he shall be said to be one who does not come within the purview of clause (d) (i). I hope, Sir, that the hon. the Minister of State would not ask us to accept his present interpretation to be the correct one. But if he does mean that that interpretation is the only correct one, I think there is no option left to us but to request him and to insist that Sardar Hukam Singh's amendment must necessarily be accepted. Otherwise, it will create a very bad precedent. I do not wish to dilate on it, Sir, nor would it be a pleasure to me to dilate on many of the other amendments which I may have occasion to move or which hon. Members may have occasion to move, because obviously, the subject is a delicate one and it has become still more difficult and delicate in view of the recent agreement. It is not my intention and I am sure it is not the intention of hon. Members to do or say anything which may in the slightest degree be embarrassing to the Government but at the same time I wish to say that the hon. Minister should not make an attempt to put interpretations on the various clauses as they stand or the various amendments which he may be moving hereafter or which he may be pleased to accept as moved by hon. Members of this House, interpretations which may be embarrassing to us. Therefore, Sir, I submit, that either the hon. Minister should be pleased to accept Sardar Hukam Singh's amendment or may be pleased to state that his interpretation is not necessarily the final interpretation and that he would not insist that his interpretation is the only correct interpretation.

**The Minister of State for Transport and Railways (Shri Santhanam):**

There is a confusion between two different issues altogether. Whether an Indian national can take service under Pakistan is a separate issue; it is a political issue which has to be decided on its own merits. Here under Sardar Hukam Singh's amendment, thousands of railway men who were in service on the 14th August and for many months afterwards and who have come over to India and been absorbed in the Indian Railways will become evacuees. That is certainly not a development which any Member in this House wants. That is why this particular amendment is altogether unacceptable.

**Shri Kamath:** Change the date:

**Shri Santhanam:** Even tomorrow somebody from Sind who has been in service may come and we may have to take him in. So we should not hurt our own nationals simply because we want to make one or two exceptions. That is the objection to the particular amendment. As for the other issue it may be considered on its own merits and in its own place.

**Shri J. R. Kapoor:** Where would that place be where we would consider that? So far as Pakistan is concerned, we are not placing it in the same position as any other ordinary State. The whole of this Evacuee Property Act is of an exceptional nature and if we apply the various provisions of this act in relation to nationals of other foreign countries, we would simply be held to ridicule. This is an enactment of a special nature in view of the special circumstances that have arisen with regard to relations that exist between India and Pakistan. So we have to look at everything from this special and particular point of view. The general provision as to whether a national of



one country should be permitted to have an appointment in another foreign State is entirely a different matter altogether. I entirely agree with my hon. friend, Mr. Santhanam, but at the same time.....

**Mr. Deputy-Speaker:** Is it a second speech that the hon. Member is making?

**Shri Hossain Imam:** I wish to clear up the point. I am not concerned with the merits of the cases cited or of the particular case cited by Sardar Hukam Singh. I do wish to say one word. In the heat of the moment, we should not do something which will harm us more than it will harm others. What is the principle of making a person an evacuee? You have cited three instances, that he left India or leaves India. Now these gentlemen may have left India many times before the permit system was started, as lakhs of people had done. You are allowing them if they have returned to India to become Indian nationals. These people who had no intention of becoming the nationals of Pakistan, they only went there 2, 3 or 5 times before the 19th July 1948, how are you going to penalize them? If you consider it a fault that they are in the service of a foreign state like Pakistan, then they must have ample time to decide whether they would continue in service or retire from the service, because in this connection, I would remind you of article 20 in the Constitution on Fundamental Rights. In this it is stated:

"No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence."

At the time of the commission of the offence it was no offence and whether he went there or not at the time when he accepted the service, it was not an offence. If you wish to make it an offence, you must give ample time.....

**Dr. M. M. Das (West Bengal):** Is it an offence to go to Pakistan?

**Mr. Deputy-Speaker:** The penalty is in relation to a crime.

**Shri Hossain Imam:** It is a general principle under Fundamental Rights.

**Shri J. E. Kapoor:** Does going away to Pakistan amount to a crime?

**Shri Hossain Imam:** Yes, it does, because there is a penalty attached to it.....Similarly Pakistan has penalised lakhs of people who have come over here. It is not included in the ordinary criminal law of the country but there is a penalty attached to it. There is a provision by means of which he is not allowed to enjoy his own property.

**Mr. Deputy-Speaker:** That applies only to penal law.

**Shri Hossain Imam:** It is general, Sir.

**Shri J. E. Kapoor:** To declare it as a crime would be to curtail the liberty of a person.

**Mr. Deputy-Speaker:** But that is his interpretation.

**Shri Hossain Imam:** I would remind you, Sir, of article 19 (f) of the Constitution which says:

"to acquire, hold and dispose of property;"

**An Hon. Member:** In the Union.

**Shri Hossain Imam:** Yes, in the Union. You are curtailing that liberty. You are curtailing the rights of those who are citizens of India. So I call it nothing but a penalty. It will not be an ordinary or general crime but yet there is a penalty that is imposed.

**Dr. M. M. Das:** When these people left the Indian Union, was it with the permission of the Indian Union Government?

**Shri Hossain Imam:** Up to July 1948 there was no permit system for going to Pakistan or for coming back.

**Dr. M. M. Das:** How did they do it?

**Shri Hossain Imam:** They must be enjoying a diplomatic privilege.

**Dr. M. M. Das:** Privilege of Pakistan?

**Shri Hossain Imam:** No, Sir. It is an international privilege, which one nation allows to the other. I am not conversant with it. Either it must be that or it must be a permit from India. Anyone from Eastern Pakistan could come without being in possession of a permit of any kind whatsoever.

I would like to remind the House of another factor. There are any number of Indian concerns operating even now in Pakistan. Indian nationals who are businessmen are there. I refer to Mr. Sri Ram and his family, Mr. Birla and family, Mr. Dalmia and family. They are all holding property there. Some of them may be serving on some committees of the Pakistan Government and if you are going to be vindictive they will also be penalised. It would be ridiculous to have a provision of this nature which would reduce the liberty of Indian subjects if they had accepted employment elsewhere. It is always open to the Government to pass an Act saying that service in such and such a State will deprive a man of his rights of Indian citizenship. But as long as a man remains in India, has not acquired Pakistan nationality and has acquired no property in Pakistan, there is no reason to consider him as an evacuee.

**Shri Mohan Lal Saksena:** I do not know how the confusion arose in Mr. Jaspal Roy Kapoor's mind. It was already there but it was suppressed. I only said that law is interpreted by the courts and not by me. I have said that it is not going to affect two persons but thousands. If this caused confusion I cannot withdraw it. These are facts and I am not prepared to accept this. The courts will not be guided by what I have said or what the hon. Member may say. They will be guided by the wording of the law and not by us.

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

After part (d)(i), insert new part:

"(d)(ii) who has, after the 14th day of August 1947, taken up or takes up, service under the Government of Pakistan, or"

and renumber the subsequent parts.

*The motion was negatived.*

**Sardar Hukam Singh:** I beg to move:

For part (d)(iii), substitute:

"(iii) who has after the 1st day of March, 1947, acquired by any means, either personally or through any member of his family, either dependent on him or joint with him in mess and property or business, any right to, interest in or benefit from any property which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan;"

I will not take long in commending this amendment of mine as it has been already discussed to a certain extent in the general discussion. The *modus operandi* of some individuals has been that they have sent away certain members of their family who depended on them to Pakistan and those persons in whose names the properties stood have remained behind. Here they enjoy those properties and their family members have acquired evacuee property in Pakistan because they had alleged that they had left property behind in India. That is common knowledge and it is being practised to a very large extent. The

hon. Minister told us some time ago that even if we enlarged the scope of this Bill and brought in property of a few crores more that would not help us in solving this huge and gigantic problem. We have also been told by an hon. Member on the floor of this House this morning that we should not confuse the two things—one is rehabilitation of refugees and the other is the administration of evacuee property. So far as administration of evacuee property is concerned what the hon. Member meant to say was that we should confine ourselves to the methods by which we can best administer them to the advantage of those who left them here. I am thankful to him that he sympathised with all the refugees. He went so far as to say that the number of refugees was not very large and that even if the Muslims took upon themselves to pay them compensation, that would not be too onerous a burden, and that that was even possible. That was how I understood it. It gave me very much pleasure and

4 P.M. a thrill that my brothers had that feeling. Also, that was the first time that I learnt from him because no association, no organisation and no individual has ever taken up that position that the Muslims of India were prepared to compensate or rehabilitate the refugees, a small number of them, who have come after suffering so many hardships. I do not know him intimately and, therefore, without any disparagement to his patriotism and his large-heartedness, I would not commit myself. But, I wonder, when the resolution for compensation out of the funds drawn from taxation of the whole country was put before the House, there was nobody to support that modest demand that even eight annas in the Rupee would satisfy the refugees. I cannot claim to be a representative of the refugees and I do not say that they would take it. If I were to express my feelings, even if four annas were to be given to them, they would be satisfied. Even with much less they would be satisfied. I go even to that extent. What is being done here? After two and a half years of negotiations, I thought—that was the conclusion that I reached—that Government was of the opinion that it was no use going on with that and maintaining theoretical rights when the Pakistan Government did not mean to pay anything and when they had stopped collecting any rents. They were collecting only 20 per cent from urban property and that was for the administration of the property. No rent out of the agricultural property was being realised. After that, I thought—that was the conclusion that I reached—Government felt despondent and had therefore called the non-official conference here. Today, I am again told that no other rights in those properties do exist. It is very good. I do not say that they have been extinguished. We have to live on hopes. Some Tribunal has been referred to by the hon. Minister where we could take our case if we cannot settle it by negotiations. Perhaps that Tribunal might be the one of Almighty that has already been referred to by my hon. friend Dr. Tek Chand. Here I do not find any Tribunal competent to deal with that. However righteous be our cause, nobody is going to listen to us. Whether the fault lies with us or whether the fault lies with the other powers—I do not want to apportion the blame—it is true that we have not been able to get anything out of Pakistan. It is true that we cannot pay the refugees from our own pockets, from the public funds here. We refuse to tax our own nationals.

**Mr. Deputy-Speaker:** The hon. Member is having a general discussion on this amendment.

**Sardar Hukam Singh:** I am finishing, Sir.

**Mr. Deputy-Speaker:** The object of the mover is, that the person who, directly or indirectly, acquires any property, should become an evacuee here. I think the scope of the amendment is small.

**Sardar Hukam Singh:** The intention of the amendment is that if any person who has acquired certain property in Pakistan,—he may not have done

that personally and he might have done it through some member of his own family—then, the property that he has got here, must be declared as evacuee property. Sending away his family clearly is an indication that his heart is there though his physical body might be here. I am convinced that such an individual can never be loyal, can never be faithful to our country.

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

For part (d)(iii), substitute :

“(iii) who has after the 1st day of March, 1947, acquired by any means, either personally or through any member of his family, either dependent on him or joint with him in mess and property or business, any right to, interest in or benefit from any property which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan;”

**Shri Mohan Lal Saksena:** I am afraid I cannot accept this amendment. The reason is obvious. Either a person has acquired property himself, or through his relations, or he has not. If he has secured property through his relations, it means that he has paid for it and it is only a *benami* transaction. He will come within the purview of the law. If some of his relations has acquired property and he has not been financed by this man, there is no reason why that man should be punished for an act of a person for whom he is not responsible. In either case, it is not necessary. Later on there is an amendment where we have said that even if property has been acquired by a trust or company wherein either he or a member of his family is a member, that acquisition will come within the purview of the law. I am going to accept that. Therefore, I do not think it is necessary to make this amendment.

**Shri Syamnandan Sahaya** (Bihar): I have not followed what the hon. Minister stated with reference to company.

**Shri Mohan Lal Saksena:** There is another amendment later on that even if somebody wants to defeat the object by forming a company in which a member of his family is a member and derives benefit from it, he will be roped in. At present we do not want to bring him under this provision. If he has financed this transaction or has helped his relations to purchase it, he will certainly come within the purview of the law. If he has not financed and some relation has purchased property, we do not want this man to be penalised for another man's action.

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

For part (d)(iii), substitute :

“(iii) who has after the 1st day of March, 1947, acquired by any means, either personally or through any member of his family, either dependent on him or joint with him in mess and property or business, any right to, interest in or benefit from any property which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan;”

*The motion was negatived.*

**Shri J. E. Kapoor:** I beg to move:

For part (d) (iii), substitute :

“(iii) who has, after the 14th day of August, 1947, obtained, by means other than by way of purchase or exchange, any right to, interest in, or benefit from any property which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan;”

With your permission, Sir, I would like to move only this much. The hon. Minister of State has tabled another amendment with regard to the explanation to be appended to this, which is amendment No. 2 in supplementary list No. 1 and that is acceptable to me. Therefore, I leave out that portion of my amendment.

**Shri Mohan Lal Saksena:** I am accepting this.

**Shri J. E. Kapoor:** I feel happy that the hon. Minister of State is readily accepting my amendment, I would, however, like to say just a few words

with regard to this part (iii) of sub-clause (d) of clause 2, because it has a little history behind it. I would not have referred to this history if there were anything unpleasant about it. I think a history which would go to show not only how very just and reasonable we were, but how very generous we propose to be now, and how very just and generous we were in the past also with regard to the manner in which we were dealing with our minorities, can perhaps well be reiterated here with advantage.

Sir, the first Ordinance that was passed with regard to evacuee property was in June and at that time this clause stood in a very much different form with very much wider implications. It was like this:

"who has after the first day of March 1947 acquired in any manner whatsoever any right or interest etc."

Afterwards representations were made to Government by the Jamait-ul-Ulema and other prominent Muslim citizens of this country to the effect that this clause as it stood in the Ordinance meant some hardship to Muslims who are residing here. Rightly therefore our Government took prompt action to amend this clause and in another Ordinance which they enacted in about October 1949 they changed this clause changing the clause to the shape as we find it in clause (d) (3) of this Bill. While a lot of agitation has been raised in this country against this change in the sub-clause by non-Muslims and particularly by the refugees yet, the Government in its anxiety to treat the minority with generosity did not yield to this agitation and refused to re-enact the sub-clause in the manner in which it had been originally enacted in the Ordinance of June 1949, for it may have hurt the feelings of our Muslim friends. This fact may be appreciated by the minorities in this country and they may feel grateful to the Government for having acceded to their wishes in this matter. One little thing that my amendment seeks is that the entire burden of proof may not be shifted on the Custodian to prove as to how the property of a refugee from Pakistan has been allotted to anybody who may be still residing here. According to my amendment that burden of proof which the Custodian was expected to discharge is considerably reduced and he will hereafter have only to prove that the property has been acquired in Pakistan in the manner otherwise than by purchase or exchange. I would not say much on this subject because we have to rush through a large number of amendments and I would commend my amendment for the acceptance of the House.

**Mr. Deputy-Speaker:** 'By means other than by way of purchase' seems to be complicated. You may say 'otherwise than by purchase'.

**Shri J. E. Kapoor:** I agree.

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

For part (d) (iii), substitute:

"(iii) who has, after the 14th day of August, 1947, obtained otherwise than by purchase or exchange, any right to, interest in, or benefit from any property which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan;"

*The motion was adopted.*

**Shri Mohan Lal Saxena:** I beg to move:

To part (d)(iii), add:

**"Explanation.**—For the purposes of sub-clause (iii) the acquisition of any right to, interest in or benefit from any such property as is referred to in that sub-clause, by a firm, private limited company or trust of which any person or any member of the family of such person wholly dependent on him for the ordinary necessities of life is a partner, member or beneficiary, as the case may be, shall be deemed to be an acquisition by that person within the meaning of that sub-clause."

[Shri Mohan Lal Saksena]

As I made a reference to this while speaking on another amendment, this explanation is simply added to prevent people defeating the provisions from this section by forming private companies or trusts or firms, and we have provided that even where a member of his family who is dependent on such person is a beneficiary under a Trust and this acquisition is made by that firm or company or Trust, then that will be treated to be an acquisition under this section.

**Shri Hossain Imam:** I would like the hon. Minister to explain a little about this Explanation. Is the acquisition of the right governed by that sub-clause which says 'otherwise than by purchase or exchange etc.'?

**Shri Mohan Lal Saksena:** Yes, of course.

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

To part (d) (iii), add:

*Explanation.*—For the purposes of sub-clause (iii) the acquisition of any right to, interest in or benefit from any such property as is referred to in that sub-clause, by a firm, private limited company or trust of which any person or any member of the family of such person wholly dependent on him for the ordinary necessities of life is a partner, member or beneficiary, as the case may be, shall be deemed to be an acquisition by that person within the meaning of that sub-clause."

*The motion was adopted.*

**Sardar Hukam Singh:** I beg to move:

In part (d) (iii), for "14th day of August, 1947" substitute "1st day of March, 1947."

Sir, the trouble started in Pakistan about the 1st March while here there was no trouble upto August. The date given in the Pakistan Ordinance is 1st March and I wonder why we should keep it 'before 14th August'. There must have been some evacuee property that must have been taken by certain individuals. Therefore, in my opinion, that should not be left out. I therefore propose my amendment.

**Shri Mohan Lal Saksena:** I cannot accept that amendment. As I explained in my reply, there is no case like that. Therefore, we want to have the date 14th August 1947.

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

In part (d) (iii), for "14th day of August, 1947" substitute "1st day of March, 1947."

*The motion was negatived.*

**Shri Narendra P. Nathwani (Saurashtra):** Sir, I am not moving my amendment No. 54, but I want to suggest one thing for the consideration of the hon. Minister. Just now an Explanation has been added to part (d) (iii) of clause 2, the obvious idea of which is to prevent circumvention by any person of the provisions regarding acquisition by him of any interest in the name of a private limited company. In this respect there is no material difference between a private limited company and a public limited company. Whereas it requires two persons to float a private limited company it requires only seven persons to float a public limited company. It is therefore necessary to enlarge the scope of the explanation by making its provisions applicable to acquisitions not by private limited company only but by all kinds of companies—whether private or public or limited or not.

**Shri Mohan Lal Saksena:** Sir, this question was considered. Under the Agreement public companies are excluded and so we cannot include them. Again, it is not so easy, to circumvent the provisions of formation of a public limited company. After all, there is the Registrar of Co-operative Societies and certain returns have to be filed.

**Shri J. R. Kapoor:** I beg to move:

In the proviso to part (e) (i), after "any reasonable sum of money" insert "in accordance with rules made in this behalf by the Central Government".

My only object in moving this amendment is to prevent people from unwittingly falling within the clutches of the definition of an 'intending evacuee'. People must know what money it is open to them to send to Pakistan for the sake of carrying on business or to support their family. It is therefore necessary that people must be told definitely by rules in this behalf so that they may not unwittingly come within the clutches of this law.

**Shri Hossain Imam:** Will these rules be published in the Gazette?

**Shri Mohan Lal Saksena:** Of course, they will be published in the Gazette,

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

In the proviso to part (e) (i), after "any reasonable sum of money" insert "in accordance with rules made in this behalf by the Central Government".

*The motion was adopted.*

*Further amendment made:*

For part (e)(ii), substitute:

"(ii) has acquired, if the acquisition has been made in person, by way of purchase or exchange, or if the acquisition has been made by or through a member of his family, in any manner whatsoever, any right to, interest in, or benefit from any property, which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan; or"

—[*Shri J. R. Kapoor.*]

**Shri Narendra P. Nathwani:** I beg to move:

To part (e)(ii), add:

*Explanation.*—For purposes of sub-clause (ii) of clause (e), acquisition of any right to, interest in or benefit from any such property as is referred to in that sub-clause, by a firm, company or trust of which any person is a partner, member or beneficiary as the case may be, shall be deemed to be an acquisition by that person within the meaning of that sub-clause."

**Mr. Deputy-Speaker:** This amendment is similar to what the hon. Minister moved. Therefore, is any speech necessary?

**Shri Narendra P. Nathwani:** I merely want to point out with your permission that the provisions of sub-clause (e) (ii) are supplementary to those of (iii) of sub-clause (d), and whereas an explanation has already been added to (iii) of sub-clause (d), it is also necessary that a similar explanation should be added here also. Again, the provision of (ii) of sub-clause (e) are to be read with the provisions of (2) of sub-clause (f) because the result of the Acts specified in sub-clause (e) (ii) are indicated in the latter provision. Therefore, it is necessary to take the same precaution here as has been taken in the former case by inserting a similar explanation to (iii) of sub-clause (d).

**Mr. Deputy-Speaker:** May I know whether the hon. Minister is going to accept the amendment?

**Shri Mohan Lal Saksena:** Yes, Sir.

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

To part (e)(ii), add:

*Explanation.*—For purposes of sub-clause (ii) of clause (e), acquisition of any right to, interest in or benefit from any such property as is referred to in that sub-clause, by a firm, company or trust of which any person is a partner, member or beneficiary as the case may be, shall be deemed to be an acquisition by that person within the meaning of that sub-clause."

*The motion was adopted.*

**Khwaja Imit Ullah** (Bihar): Sir, I want a division on this amendment.

**Mr. Deputy-Speaker:** It has been accepted and carried. How can the hon. Member ask for a division now?

*Further amendment made:*

After part (e)(iii) add:

“(iv) and includes any person against whom an intention to settle in Pakistan is established from his conduct or from documentary evidence.”

—[*Shri Mohan Lal Saksena*].

**Sardar Hukam Singh:** I beg to move:

After part (e) (iii), add:

“(iv) has sent the members of his family to Pakistan in anticipation and with the ultimate object of himself settling in Pakistan, or

(v) has sold, or, by means of a written agreement, agreed to sell, the whole or a considerable portion of his property in India except where it is proved that the sale or the agreement to sell had been made in the usual course for the purpose of meeting any immediate need in India or not in anticipation of migration to Pakistan;”

**Mr. Deputy-Speaker:** Does not this merely elaborate the general amendment that was moved by the hon. Minister? These are details. Does the hon. Member wish me to put it?

**Sardar Hukam Singh:** Yes, Sir.

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

After part (e) (iii), add:

“(iv) has sent the members of his family to Pakistan in anticipation and with the ultimate object of himself settling in Pakistan, or

(v) has sold, or, by means of a written agreement, agreed to sell, the whole or a considerable portion of his property in India except where it is proved that the sale or the agreement to sell had been made in the usual course for the purpose of meeting any immediate need in India or not in anticipation of migration to Pakistan;”

*The motion was negatived.*

*Further amendments made:*

For part (g), substitute:

“(g) ‘member of the family’ means any member of the family of any person who is wholly dependent upon the earnings of such person for the provision of the ordinary necessities of life or who shares with such person in the ordinary expenses of the house-hold to which they jointly belong or who owns property or carries on business jointly with such person;”

—[*Shri Mohan Lal Saksena*].

In part (i), omit “but does not include a mere right to sue or a cash deposit in a bank”.

**Shri Deshbandhu Gupta** (Delhi): I beg to move:

After part (j), add.

“(k) ‘lease’ means a lease of evacuee property granted by the Custodian or by any other person duly authorised by the Custodian in this behalf.”

Sir, the reason why I wish to move this amendment is that the intention, from the very beginning, of all Ordinances or notifications issued with regard to evacuee property, was that these laws would be applicable both to such leases and tenancies as fell vacant as the result of partition. That was the intention, from the very beginning, of the Ordinances and notifications issued or legislations passed. But in this Bill leases have been left out and the word “lease” has not been defined. This has created a good deal of confusion and several instances have come to my notice in Delhi where, probably under a misapprehension, or for want of a definition, of the word lease some leases which have been



there for the last twenty years or even more have been sought to be interfered with. For instance, an ex-Member of this Assembly who is a leading lawyer of Delhi has been a lease holder tenant in a particular property for the last 20 years or so. One fine morning he received a notice that since that property is evacuee property by virtue of the fact that the owner has left for Pakistan, his tenancy would cease and he will have to vacate the premises.

Similarly, there were other instances of certain cinema houses in respect of which leases had been entered into five or ten years back and they were also sought to be interfered with. I think it was not the intention of Government that such leases should be interfered with. This amendment merely seeks to clarify that no such interference should be possible under this Act hereafter. The object of the Bill is clear and therefore there is not much to argue on this point. I hope the hon. Minister will accept this amendment.

**Shri Mohan Lal Saksena:** I am afraid I cannot accept the amendment, for the simple reason that there may be one instance where such a notice may have been issued, but our instructions are that such lease holders should not be disturbed. If the hon. Member brings this particular case to my notice, we can issue a notification later on. But at present the orders are that those persons who have been holding leases before the 14th August should not be disturbed. Others who have taken the lease after that date, while the 'Evacuee' was going away, are of course liable to be evicted. For this reason, I am not accepting this amendment.

**Mr. Deputy-Speaker:** Shall I put it to the House?

**Shri Deshbandhu Gupta:** If the hon. Minister gives an assurance...

**Mr. Deputy-Speaker:** He has given an assurance.

**Shri Deshbandhu Gupta:** I will not press it then.

**Mr. Deputy-Speaker:** I will not put it to the House.

*Clause, as amended, was added to the Bill.*

### Clause 3

*(Rule of construction in applying Act to Acceding States)*

*Amendment made:*

For existing clause substitute:

"3. *References to enactments not in force in Part B States.*—In the application of this Act to any Part B State, unless the context otherwise requires, references to any enactment in force in Part A States but not in force in that Part B State shall be construed as references to the corresponding enactment, if any, in force in that Part B State."

—[*Shri Mohan Lal Saksena*]

*Clause, as amended, was added to the Bill.*

### Clause 4

*Clause 4 was added to the Bill.*

### Clause 5

*(Appointment of Custodian-General)*

**Shri Mohan Lal Saksena:** I beg to move:

For existing clause substitute:

"5. *Appointment of Custodian-General, Deputy Custodian-General, etc.*—The Central Government may, by notification in the Official Gazette, appoint a Custodian-General and as many Deputy and Assistant Custodians-General as may be necessary for the purpose of discharging the duties imposed upon the Custodian-General and the Deputy and Assistant Custodians-General by or under this Act."

**Shri J. B. Kapoor:** It appears to me, Sir, that this amendment is absolutely unnecessary, because the word "Custodian-General" includes Deputy and Assistant Custodians-General according to the definition which we have already adopted.

**Mr. Deputy-Speaker:** The definition says—"Custodian-General means Custodian-General of Evacuee Property..." Has it been amended?

**Shri Mohan Lal Saksena:** This amendment is necessary. It relates to the appointment of Custodian-General.

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

For existing clause substitute:

"5. *Appointment to Custodian-General, Deputy Custodian-General, etc.*—The Central Government may, by notification in the Official Gazette, appoint a Custodian-General and as many Deputy and Assistant Custodians-General as may be necessary for the purpose of discharging the duties imposed upon the Custodian-General and the Deputy and Assistant Custodians-General by or under this Act."

The motion was adopted.

Clause, as amended, was added to the Bill.

#### Clause 6

(Appointment of Custodians, etc.)

**Shri Mohan Lal Saksena:** In view of the fact that we have already adopted an amendment to the effect that wherever the word "Province" occurs the word "State" be substituted, I am not moving my amendments.

**Shri J. B. Kapoor:** I beg to move:

In sub-clause (1), after "The Provincial Government may" insert "in consultation with the Custodian-General".

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

In sub-clause (1), after "The Provincial Government may" insert "in consultation with the Custodian-General".

خراجہ عدلیت اُلٹے : میرے خیال میں یہ جو کلاں ہے کہ پروانشل گورنمنٹ ان  
 کانسٹیبلز و تہ دی کسٹوڈین جنرل (Provincial Government in consultation with the Custodian General  
 اس کی ضرورت نہیں ہے - کلاں ۶ میں بھی  
 ہے کہ -

"The Provincial Government may, by notification in the official Gazette, appoint for the Province a Custodian, and as many Additional, Deputy or Assistant Custodians of evacuee property as may be necessary for the purpose of discharging the duties imposed on the Custodian by or under this Act."

اس کا مطلب یہ ہوگا کہ سب پروانشل گورنمنٹس یا اسٹیٹ گورنمنٹس جب یہی کوئی  
 اسٹیبلشمنٹ یا ترقی کسٹوڈین مقرر کریں تو ہر وقت ان کو کسٹوڈین جنرل کی پرمیشن  
 لینے ہوگی میں یہ سمجھتا ہوں کہ جب پروانشل اسٹیبلشمنٹ اور دوسرے کاموں کے لئے اور  
 ایسے ایڈولٹمنٹس (appointments) کے لئے سینئر سے مشورہ نہیں لیا کرتی ہیں تو پھر  
 خالی کام کے پروسس (process) کو لمبھی (lengthy) کرنے کے لئے اور ہمارے آفس  
 کے کام کو بڑھانے کے لئے جو یہ جوڑنا چاہتے ہیں "in Consultation with the"  
 "custodian General" اس کا کچھ فائدہ نہیں ہے - اور اس کی کوئی ضرورت بھی  
 نہیں ہے بہتر ہوتا کہ پروانشل گورنمنٹ کو ہی اتھارٹی دی جاتی کہ وہ جتنے کسٹوڈین  
 مقرر کرنا چاہتی وہ کر سکتی - اس لئے میں سمجھتا ہوں کہ اس امپروویمینٹ کی  
 ضرورت نہیں ہے -

[English translation of the above]

**Khawaja Inait Ullah:** In my opinion the clause reading "The Provincial Government in consultation with the Custodian-General....." is not necessary. Clause 7 reads:

"The Provincial Government may, by notification in the official Gazette, appoint for the Province a Custodian, and as many Additional, Deputy or Assistant Custodians of evacuee property as may be necessary for the purpose of discharging the duties imposed on the Custodian by or under this Act."

This would mean that whenever any Provincial or State Government has to appoint an Assistant or Deputy Custodian it would every time have to seek the sanction of the Custodian General. I feel that when the Provincial States do not seek the advice of the Centre in other matters and other appointments of that kind, what is the use of lengthening the process and increasing the existing work in the offices by adding the words "In consultation with the Custodian General". Besides, this is not necessary. It would have been better to give authority to the Provincial Government to appoint as many custodians as they like. Hence, I think this amendment is not necessary.

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

In sub-clause (1), after "The Provincial Government may" insert "in consultation with the Custodian-General".

*The motion was adopted.*

*Clause, as amended, was added to the Bill.*

#### Clause 7

*Clause 7 was added to the Bill.*

#### Clause 8

*(Vesting of evacuee property in the Custodian.)*

**Sbri Mohan Lal Saksena:** I beg to move:

For sub-clauses (1) and (2), substitute:

- "(1) Any property declared to be evacuee property under section 7 shall be deemed to have vested in the Custodian for the State,—
- (a) in the case of the property of an evacuee as defined in sub-clause (i) of clause (d) of section 2, from the date on which he leaves or left any place in a State for any place outside the territories now forming part of India;
  - (b) in the case of the property of an evacuee as defined in sub-clause (ii) of clause (d) of section 2, from the 15th day of August, 1947; and
  - (c) in the case of any other property, from the date of the notice given under sub-section (1) of section 7 in respect thereof.
- (2) Where immediately before the commencement of this Act, any property in a State had vested as evacuee property in any person exercising the powers of Custodian under any law repealed hereby, the property shall, on the commencement of this Act, be deemed to be evacuee property declared as such within the meaning of this Act and shall be deemed to have vested in the Custodian appointed or deemed to have been appointed for the State under this Act, and shall continue to so vest:

Provided that where at the commencement of this Act, there is pending before the High Court, the Custodian or any other authority for or in any State any proceeding under section 8 or section 30 of the Administration of Evacuee Property Ordinance, 1949 (XII of 1949), or under any other corresponding law repealed by the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), then notwithstanding anything contained in this Act or in any other law for the time being in force, such proceeding shall be disposed of as if the definitions of 'evacuee property' and 'evacuee' contained in section 2 of this Act had become applicable thereto."

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

For sub-clauses (1) and (2), substitute:

“(1) Any property declared to be evacuee property under section 7 shall be deemed to have vested in the Custodian for the State,—

- (a) in the case of the property of an evacuee as defined in sub-clause (i) of clause (d) of section 2, from the date on which he leaves or left any place in a State for any place outside the territories now forming part of India;
- (b) in the case of the property of an evacuee as defined in sub-clause (ii) of clause (d) of section 2, from the 15th day of August, 1947; and
- (c) in the case of any other property, from the date of the notice given under sub-section (1) of section 7 in respect thereof.

(2) Where immediately before the commencement of this Act, any property in a State had vested as evacuee property in any person exercising the powers of Custodian under any law repealed hereby, the property shall, on the commencement of this Act, be deemed to be evacuee property declared as such within the meaning of this Act and shall be deemed to have vested in the Custodian appointed or deemed to have been appointed for the State under this Act, and shall continue to so vest:

Provided that where at the commencement of this Act, there is pending before the High Court, the Custodian or any other authority for or in any State any proceeding under section 8 or section 30 of the Administration of Evacuee Property Ordinance, 1949 (XII of 1949), or under any other corresponding law repealed by the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), then notwithstanding anything contained in this Act or in any other law for the time being in force, such proceeding shall be disposed of as if the definitions of ‘evacuee property’ and ‘evacuee’ contained in section 2 of this Act had become applicable thereto.”

**Shri Hossain Imam:** I should like to understand whether any mistakes committed by the officers or Custodians or Deputy Custodians during the time that this Act was not in force will be rectified, in other words will it be sort of *ex post facto* to cover all the past mistakes or not. That is a point on which I should like to have an explanation.

**Shri Mohan Lal Saksena:** The Custodians will have all the powers that are given to them under this Act to rectify such proceedings. But they relate only to those proceedings which were pending at the time when this Act comes into force, and definition will then become applicable to them.

**Shri Hossain Imam:** What I meant was that when this Ordinance came into force, and the definition will then become applicable to them. Provincial Acts. The processes were different from the process in the all-India Ordinance, and therefore some mistakes had crept up. I want to know whether these mistakes will be cured by this new amendment or will the mistakes take their own legal consequences. That is my question.

**Pandit Thakur Das Bhargava (Punjab):** Clause (2) of this amendment will clear the doubt.

**Shri Hossain Imam:** I think it is better we postpone further consideration of this. They might get the advice of the legal *pandits*. It is also five minutes to Five and we might adjourn.

**Mr. Deputy-Speaker:** Is that the consideration for putting it off? I think otherwise the language is clear. I shall put the amendment to the House.

The question is:

For sub-clauses (1) and (2), substitute:

“(1) Any property declared to be evacuee property under section 7 shall be deemed to have vested in the Custodian for the State,—

- (a) in the case of the property of an evacuee as defined in sub-clause (i) of clause (d) of section 2, from the date on which he leaves or left any place in a State for any place outside the territories now forming part of India;

- (h) in the case of the property of an evacuee as defined in sub-clause (if) of clause (d) of section 2, from the 15th day of August, 1947; and
- (c) in the case of any other property, from the date of the notice given under sub-section (1) of section 7 in respect thereof.
- (2) Where immediately before the commencement of this Act, any property in a State had vested as evacuee property in any person exercising the powers of Custodian under any law repealed hereby, the property shall, on the commencement of this Act, be deemed to be evacuee property declared as such within the meaning of this Act and shall be deemed to have vested in the Custodian appointed or deemed to have been appointed for the State under this Act, and shall continue to so vest :

Provided that where at the commencement of this Act, there is pending before the High Court, the Custodian or any other authority for or in any State any proceeding under section 8 or section 30 of the Administration of Evacuee Property Ordinance, 1949 (XII of 1949), or under any other corresponding law repealed by the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), then notwithstanding anything contained in this Act or in any other law for the time being in force, such proceeding shall be disposed of as if the definitions of 'evacuee property' and 'evacuee' contained in section 2 of this Act had become applicable thereto."

*The motion was adopted.*

**Shri Mohan Lal Saksena:** Sir, earlier in the day I had moved an amendment that wherever the word "Province" occurs the word "State" be substituted. But it has since been brought to my notice that wherever the word "Provincial" occurs the word "State" has to be substituted. So, in place of amendment No. 126, I beg to move:

In the Bill, for "Provincial", wherever it occurs substitute "State".

**Mr. Deputy-Speaker:** But how can it be done under clause 8?

**Shri T. T. Krishnamachari (Madras):** When the Speaker was in the Chair he admitted an amendment from the hon. Minister in those terms that wherever the word "Province" occurs in the Bill the word "State" be substituted.

**Mr. Deputy-Speaker:** The hon. Member will appreciate my difficulty. We are now dealing with clause 8. Can we say "wherever it occurs" in clause 8? This deals with only a particular provision. It may be included in the Definition later on.

**Shri Santhanam:** The amendment may be brought in its proper place afterwards.

**Mr. Deputy-Speaker:** Why cannot the hon. Minister note it down and reserve it for a later occasion. In the end we can do it. Let there be a separate amendment tabled as amendment to clause 2 or an addition to clause 2, and it can be rearranged. Is amendment No. 126 moved?

**The Minister of Transport and Railways (Shri Gopalaswami):** You might combine the two and say:

In sub-clause (3), and wherever in the Bill it occurs, for "Provincial" substitute "State".

**Mr. Deputy-Speaker:** I have no objection, but it may be lost sight of. I would rather think that we have it as a new clause, clause 8A.

**Shri Deshbandhu Gupta:** I beg to move:

That to sub-clause (4), add:

"Provided that where any person has been in possession of the property so vested since before the date of vesting no demand for surrendering possession thereof shall be made:

Provided further that a mortgage in possession on the redemption of the mortgage shall be given the first option to retain possession of the property as a tenant on such terms as the custodian may fix."

Sir, the object of this amendment is to remove some confusion that has been caused by certain orders passed by some custodians in the East Punjab

[Shri Deshbandhu Gupta]

and probably in Delhi as well. Many instances have come to my notice, from places like Sonapat where by beat of drum it has been announced that persons who held evacuee property as mortgage property, their mortgages will cease, and they will have to give possession of those properties to the custodian. This has naturally caused good deal of uneasiness as it is bound to dislocate the business of many mortgages who are also tenants and who have been occupying mortgaged properties for the last 20 or 30 years and carrying on their business in those Premises. The intention of Government has never been to dispossess people who have been carrying on their business either as tenants or have been in possession of certain business premises or otherwise for many years, as mortgagees simply as a consequence of the partition. This amendment only makes it clear that in case a mortgagee ceases to be a mortgagee, he will not be dispossessed of that property if he is willing to become a tenant on such terms as the custodian may fix. I think, Sir, it is only fair that we must not create an impression that under this Bill Government seeks to dispossess people who have been in possession of certain properties for many years. I think, Sir, the hon. Minister also holds the same view and therefore, I hope he will be pleased to accept this amendment.

**Shri Mohan Lal Saksena:** While I agree with what Deshbandhujee has said, I think his object would be served by issuing an order to the custodians and not by making a provision in the Bill and, therefore, I hope he will not press his amendment; and I shall see that orders are issued that persons who have been in possession for a long time should not be disturbed, if they are prepared to pay the proper rent.

**Shri Hossain Imam:** I suggest that the notification may be issued under section 49.

**Shri J. R. Kapoor:** I agree that the notification under section 49 may be issued.

**Shri Deshbandhu Gupta:** As the hon. Minister has given an assurance that mortgagees will not be disturbed my object would be served and I do not propose to press my amendment.

*Clause, as amended, was added to the Bill.*

**Shri Mohan Lal Saksena:** I beg to move:

After clause 8, add:

"8A. In the Bill, for 'Provincial' wherever it occurs, substitute 'State'."

**Pandit Thakur Das Bhargava:** May I say that no new clause is to be added

**Mr. Deputy-Speaker:** There is a clause. It will be renumbered later.

**Shri Santhanam:** There will not be a clause in the new Act. It is a mere amendment so that the Bill may be reprinted in that form.

**Mr. Deputy-Speaker:** You move the amendment and when it is passed it will hang in the air.

*Amendment made:*

For "Provincial", wherever it occurs in the Bill, substitute "State".

—[Shri Mohan Lal Saksena].

**Mr. Deputy-Speaker:** The Ordinance appears to expire and this Bill has to be passed before the 17th. Therefore hon. Members have very much to hasten the proceedings and if they work with the same spirit, I have no doubt that they will be able to finish the Bill.

The House will now stand adjourned till 10-45 A.M. day after tomorrow.

The House then adjourned till a Quarter to Eleven of the Clock on Friday the 14th April, 1950.