

Friday, 1st December, 1950

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PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

Volume V, 1950



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of the

PARLIAMENT OF INDIA

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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

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PARLIAMENT OF INDIA

Friday, 1st December, 1950.

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

TRUSTEE COMMITTEES

*544. **Shri B. K. Das:** (a) Will the Prime Minister be pleased to state whether Governments of East Bengal, West Bengal, Assam and Tripura have enacted necessary legislation to set up Trustee Committees as per sub-clause (vi) of clause B of the Indo-Pakistan Agreement of the 8th April 1950?

(b) If not, what are the reasons for the delay?

(c) Have any steps been taken to ascertain how many migrants have decided not to return and whose immovable properties are to be taken care of by the Trustee Committees?

The Prime Minister (Shri Jawaharlal Nehru): (a) No.

(b) Some differences of opinion have arisen between the Governments of West Bengal, Assam and Tripura on the one hand and the Government of East Bengal on the other regarding the interpretation of Clause B(vi) of the Indo-Pakistan Agreement of the 8th April, 1950. These differences will shortly be discussed by the two Central Ministers and as soon as an agreed decision has been reached, necessary legislation will be enacted by the Provincial and State Governments concerned.

(c) No. It is not possible to ascertain the number exactly nor should it be necessary to do so. The Trustee Committees will take over charge of the properties of those migrants who do not return to their homes by the limiting date prescribed by the Agreement.

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Shri B. K. Das: Sir, may I know what are the points of difference as to the interpretation of the clause concerned, in the Agreement?

Shri Jawaharlal Nehru: I would prefer not to answer that question because I might make an error, as they are rather legal points, not because there is any secrecy about it, but because I may not be able to give the exact answer off-hand.

Shri B. K. Das: Sir, may I know whether the Trustee Committees will take charge of the properties in Bihar?

Shri Jawaharlal Nehru: I don't think so, speaking from memory; I don't think there is to be a Trustee Committee for Bihar.

Shri B. K. Das: Sir, a large number of migrants have come from Bihar also, and I wanted to know whether their properties come under the Trustee Committees? Will these Committees cover any property that has been left by migrants from Bihar?

Shri Jawaharlal Nehru: I don't think so.

Shri A. C. Guha: Sir, may I know how those properties are now being managed? Is there any arrangement of the Government to see that the properties are not wasted?

Shri Jawaharlal Nehru: There are lists of large numbers of properties with the Trustee Committees, but they are not actually managing them. As a matter of fact, so far as land is concerned, it is probably being used for cultivation, and so far as houses are concerned I suppose they are not properly occupied; and I don't think there is any adequate system of looking after the property.

Shri A. C. Guha: Sir, may I know whether there is any actual valuation of the property left behind in East Bengal?

Shri Jawaharlal Nehru: No, Sir. No attempt has been made to value this property, so far as I know.

Shri A. C. Guha: Sir, have any claims been made by the refugees from East Bengal as to the value of the properties left behind by them?

Shri Jawaharlal Nehru: May be some individuals might have made claims, but I am not aware of any large number of claims.

Shri B. K. Das: May I know, Sir, whether the method of taking possession and managing the property also will be decided on the basis of the agreement between the West Bengal and East Bengal Governments?

Shri Jawaharlal Nehru: Pardon. Method of what?

Mr. Speaker: The method of taking possession of the property.

Shri Jawaharlal Nehru: I might draw the attention of the House to the fact that the position with regard to evacuee property in East Bengal and West Bengal, etc., is entirely different from that in West Pakistan on this side. For instance, there is no custodian in whom the property will vest. The properties belong to the owners wherever they may be, and the Agreement laid it down that if they returned by a certain date, they could take back the property. If they do not come back and if they remain permanently as migrants, even then they retain the ownership of the property. They can sell it if they want. As a matter of fact quite a large number of people have gone back themselves to look after their properties, or they have some agents there. But it is not always satisfactory. The Trustee Committees, I don't think, have really functioned thus far in a large sense. The matter is continuously discussed between the two State Governments, the West and East Bengal Governments, and sometimes the Centre also is consulted; and there are differences of opinion as to how far the Government directly should come in, or whether the things should be done through non-official bodies, and so on. These difficulties arise.

MUSLIM EVACUEES (RETURN)

*545. **Shri Kesava Rao:** (a) Will the Prime Minister be pleased to state whether it is a fact that a certain number of Muslims who left provinces of India before the 15th August 1947 to places assigned to Pakistan have since been invited to come back to India?

(b) If the answer to part (a) above be in the affirmative, how many such Muslims have come back to India?

(c) How many of these Muslims have been allotted their previous lands left by them?

The Prime Minister (Shri Jawaharlal Nehru): (a) No, Sir.

(b) and (c). Do not arise.

Shri Kesava Rao: Sir, may I know whether it is a fact that recently some Muslim evacuees who came back from Pakistan have been settled in the U.P.?

Shri Jawaharlal Nehru: Yes. But the question is about people who left India before the 15th August. My friend may perhaps be referring to some who went in last February and March. According to the Agreement, we allowed these people who went in February and March under special circumstances to come back, and a number of them have come back.

Shri Kesava Rao: Sir, may I know whether the evacuees who have returned to India have been allotted land which was previously allotted to the refugees who had come from Pakistan?

Shri Jawaharlal Nehru: No refugees had gone there during this period and settled in the U.P. The question of allotting land to them did not arise at all.

Shri Kamath: Sir, is there any truth in the Press report that some of the refugees who came back from Pakistan recently, were not those who left India during that period but were destitutes who were sent to India by the Pakistan Government?

Shri Jawaharlal Nehru: The procedure laid down is this. First of all, the Pakistan Government checks the persons, each individual, more or less, and draws up a list. Secondly, our High Commissioner in Karachi checks that list. But it is quite possible, in spite of various checkings, the wrong people may come in, but there is the system of checking.

Shri A. C. Guha: Sir, is there any report which has come to the Government that Muslims not included in the Agreement have come in? Has Government received any report to that effect?

Shri Jawaharlal Nehru: We have not received any report from the U.P. Government to that effect.

TECHNICAL TRAINING SCHEME

*551. **Shri V. K. Reddy:** (a) Will the Minister of Labour be pleased to state which are the centres where various technical personnel are being trained under the Technical Training Scheme?

(b) How many trainees are being trained per year?

(c) How are these trained personnel employed?

(d) What is the number of trained personnel who are unemployed at present?

The Minister of Labour (Shri Jagjivan Ram): (a) A list of Industrial Training Institutes/Centres, at which training is imparted under the Technical Training Schemes of the Ministry of Labour, is placed on the Table of the House. [See Appendix V, annexure No. 12.]

(b) At the end of September, 1950, there were 9,190 persons undergoing training in engineering and building trades and 2,555 persons undergoing training in cottage and small-scale industries. The annual outturn of trained personnel is estimated at about 7,150.

(c) Ex-trainees who require employment assistance register themselves with the Employment Exchanges, which then make every endeavour to place them in suitable employment. Very often trainees secure employment before actually leaving the Training Institutes.

(d) Exact information on this point is not available as there is no machinery at present to follow up the careers of ex-trainees. Out of the 31,146 trainees who have passed out of the Training Centres, only 4,341 are registered at present with the Employment Exchanges and may be taken to be unemployed.

Shri V. K. Reddy: May I know whether any financial aid has been given to these trained persons to start their own industries?

Shri Jagjivan Ram: No, Sir.

Shri V. K. Reddy: May I know if there is any proposal before the Government to give some subsidies to these trainees?

Shri Jagjivan Ram: There is no such proposal.

Shrimati Renuka Ray: May I know how many of these trainees are refugees and is any priority given to refugees in regard to this training?

Shri Jagjivan Ram: We have a total number of 11,745 trainees at present in our institutes, out of which 1,976 are displaced persons and 9,769 others.

Shri Tyagi: How many of these trainees have established their own cottage industries?

Shri Jagjivan Ram: I have already replied to that, Sir. We do not follow

it up but as I have given in the figures out of 31,146 trainees who have passed through our institutes only 4,341 have registered themselves in employment exchanges and it may be presumed that they have not either started their own industries or have been employed.

Shrimati Durgabai: May I know whether it is a fact that the Government are contemplating to close down some of the vocational training centres run under the Ministry of Labour in Delhi? If so, what is the reason?

Shri Jagjivan Ram: It is not the intention. As a matter of fact due to economy measures we have already reduced the number of these training centres and have reduced the number of seats also from near about 18,000 to 10,000. But at present there is no proposal to close down the existing centres.

Shri A. C. Guha: Is it true that the number of seats reserved for East Bengal refugees in these training centres in West Bengal were not all filled up? If so, why?

Shri Jagjivan Ram: There may be a few seats which have not been filled up and the reason would be that the necessary number of candidates were not forthcoming.

श्री बाल्मीकी: इस स्कीम में हरिजन शरणार्थियों का कहाँ तक ध्यान रखा जा रहा है और अगर रखा जा रहा है तो अब तक कितने हरिजन इसमें गये हैं ?

[Shri Balmiki: How far the interest of Harijan refugees is being looked after in this scheme and if so, how many refugees have joined the training centres?]

श्री जगजीवन राम : हरिजनों के लिये कोई रुकावट नहीं है और जहाँ तक मेरा अन्दाज है काफ़ी तादाद में हरिजन आये हैं । लेकिन जितना उनको आना चाहिये नहीं आते है तो यह तो हमारे मित्र जैसे लोगों का कर्तव्य है कि उनको उत्साहित करे कि ज्यादा से ज्यादा तादाद में आये ।

[Shri Jagjivan Ram: There is no restriction for Harijans and as far as I know, quite a good number of Harijans have joined them. But they are not forthcoming in as much numbers in which they should. It is for persons like our friend to induce them to join the training in large numbers.]

Shri Rathnaswamy: May I know whether the Government have been able to find jobs for all those who were trained in these training centres?

Some Hon. Members: That has already been answered.

श्री द्विवेदी : क्या मैं माननीय मंत्री महोदय से पूछ सकता हूँ कि दिल्ली को छोड़ कर बाकी पार्ट (सी) स्टेट्स से भी कुछ ट्रेनीज़ इनमें शामिल हैं ?

[**Shri Dwivedi:** May I know whether these include some trainees from Part 'C' States other than Delhi?]

श्री जगजीवन राम : पार्ट (सी) से भी हैं, उनके आगे कोई रूकावट नहीं है। वे आकर दिल्ली या दूसरे सेंट्रों में दाखिल हो सकते हैं।

[**Shri Jagjivan Ram:** They include from Part 'C' also. There is no restriction for them. They can join the Delhi Centre or any other centres.]

Shri Rathnaswamy: I want to ask another question, Sir.

Mr. Speaker: I do not propose to allow further questions.

COCA-COLA

7552. **Shri Kesava Rao:** Will the Minister of Commerce be pleased to state what are the terms under which the manufacturers of Coca-Cola have been allowed to establish their business in India?

The Minister of Commerce (Shri Sri Prakasa): In June 1948 Messrs. Pure Drinks Limited, Delhi, were granted a licence for the import from the U.S.A. of machinery and accessories for the manufacture of soft drinks, and in July 1948 they were also granted a licence for the import of concentrates of Coca-Cola. Government have no information of the terms of the arrangements between Messrs. Pure Drinks Limited and the Coca-Cola Concern in America for the production of this drink in India.

Shri Kesava Rao: What is the necessity for this Coca-Cola drink?

Shri Sri Prakasa: It is as necessary or as futile as any other drink.

Shri Gautam: Is the Government aware that in the city of Delhi alone 150 soda water factories are threatening to close down and if so, what is

the reason that the Government Ministers are supporting this foreign venture?

Shri Sri Prakasa: I do not hold any brief for soda water as against Coca-Cola.

Shri Sarangdhar Das: May I know if sugar is required for the manufacture and bottling of Coca-Cola and if so, how much sugar has been granted to them and which is the authority which has granted it?

Shri Sri Prakasa: The manufacturers have been granted a licence under the Food Products Order of 1948 and have been allotted a quantity of 17 tons of sugar so far.

Shri Karunakara Menon: May I know whether this Coca-Cola has anything to do with either Coca or cholera?

Shri Kamath: Is the hon. Minister aware of the statement made the other day in this House by his colleague, the Minister of Industry and Supply regarding the capital invested in this industry by Indians?

Shri Sri Prakasa: I am afraid I do not know what exactly my hon. colleague said on the occasion referred to.

Shri Goenka: What has been the value of the machinery imported?

Shri Sri Prakasa: Rupees Ten lakhs.

Dr. M. M. Das: In view of the fact that a special kind of bottle is necessary for bottling this drink what is the amount of foreign exchange allowed to the company to import American bottles for this drink?

The Deputy Minister of Commerce (Shri Karmarkar): Regarding the exact amount granted for the first import of bottles I shall be happy to supply the information in due course. But I might say that it has been provided as a condition in the agreement that permission should be granted to import bottles only along with the main plant and that in future they should make arrangement for the indigenous supply of bottles.

Dr. M. M. Das: After the opening of the factory no bottles will be imported from U.S.A.

Shri Karmarkar: Obviously. My reply was that permission to import bottles was granted only along with the main plant.

Shri Kesava Rao: May I know whether Government have received any representation against starting this venture here?

Shri Sri Prakasa: Not that I am aware of.

Shri M. A. Ayyangar: May I know if this drink has got any intoxicating effect?

Shri Sri Prakasa: I am very conservative in the matter of food and drink. I have never tasted the drink nor do I know of its effects in consequence.

Shri Sondhi: What is the Government's view, not his own view?

Shri Sri Prakasa: Government is an abstract entity; it cannot drink.

Mr. Speaker: He need not answer a question, unless it is permitted.

SENTENCES ON PERSONS IN MAHE

*553. **Shri Kesava Rao:** Will the Prime Minister be pleased to state whether any reply has been received to the representation made by Government against the heavy sentences passed on certain persons in Mahe?

The Prime Minister (Shri Jawaharlal Nehru): The Government of India have received a reply from the French Government to their protest to the French Government regarding the harsh sentences passed in Mahe. Since this reply is not considered satisfactory, the Government of India are considering further action to be taken in the matter.

Shri Kamath: Did the Deputy Minister of External Affairs, Dr. Keskar, when he was in Paris the other day discuss this subject and other cognate matters with the French Foreign Office?

Mr. Speaker: Cognate matters?

Shri Kamath: This matter.

Shri Jawaharlal Nehru: I do not know.

GOODS FOR REFUGEE CO-OPERATIVE SOCIETIES

*554. **Shri S. C. Samanta:** Will the Minister of Industry and Supply be pleased to state:

(a) the names and amount of goods that were kept reserved by the Government of India for sale to Refugee Co-operative Societies only; and

(b) whether all the goods have been sold to them or whether there is some surplus?

The Minister of Industry and Supply (Shri Mahtab): (a) No particular

stores were kept in reserve for sale to Refugee Co-operative Societies only.

(b) Does not arise.

Shri S. C. Samanta: May I know whether such proposals were going on for keeping reserves of goods from disposals for the refugees?

Shri Mahtab: There has been no such proposal made. Probably the hon. Member is referring to a proposal made in 1948 when the Disposals retail shop was proposed to be converted into a refugees' co-operative society, but that proposal fell through. Now I suppose one retail co-operative society is run by refugees and goods worth Rs. 50,000 have been supplied to that society.

COTTAGE INDUSTRIES EMPORIA

*555. **Shri S. C. Samanta:** Will the Minister of Commerce be pleased to state:

(a) the names of our Embassies abroad to which Cottage Industries Emporia have been attached to meet in foreign countries the demand for Indian handicrafts and to earn foreign exchange;

(b) the sale proceeds from these Emporia in 1948-49 and 1949-50; and

(c) whether the demand for Indian handicrafts abroad is on the increase or on the decrease?

The Minister of Commerce (Shri Sri Prakasa): (a) I would invite a reference to the replies given by my predecessor and myself to the starred question No. 312 on 11th March, 1950 and to the un-starred question No. 66 on 14th August 1950 from hon. Member Shri R. K. Sidhva.

I might add that no emporiums as such have been attached to any of our Embassies abroad. Two showrooms on a moderate scale have, however, been set up, one at New York and the other at Bangkok. Two other very small showrooms are also in existence, one in the office of the Consul General at San Francisco and the other in our Embassy at Stockholm. Besides small consignments of handicrafts produced by displaced persons, are on display as samples in the offices of the following 17 of our Missions abroad: Berlin, Berne, Brussels, Buenos Aires, Hamburg, Lisbon, London, Manila, Paris, Prague, Rio de Janeiro, Rome, San Francisco, Stockholm, Sydney, Tokyo, and Toronto.

(b) The set up of the showrooms is not intended for regular purchase and sale of goods. It is intended only to give publicity and to do liaison work

between the suppliers at this end and importers abroad.

(c) Yes, Sir. The demand is on the increase.

Shri Kamath: Is it a fact, Sir, that some of our diplomatic missions abroad, instead of patronising and using our own handicrafts and our own products, are taking to showy and gaudy foreign goods?

Mr. Speaker: I don't think I will allow that question. It is full of insinuations and inferences.

Shri B. Das: Does the practice of our diplomatic services abroad importing on their own account art treasures etc. and selling them in the foreign markets continue now?

Shri Sri Prakasa: Does the hon. Member ask whether our diplomatic agents carry on any business on their own account?

Mr. Speaker: Yes, that is what it comes to.

The Prime Minister (Shri Jawaharlal Nehru): May I answer that question? If the hon. Member is asking whether our diplomatic representatives indulged in illegal practices, it is a straight question to answer. If anybody does, he will be proceeded against.

Shri M. L. Gupta: May I know whether any analysis is being made of the demand of these articles in foreign markets so that the particular cottage industry may be developed in India?

Shri Sri Prakasa: We are in constant touch with our representatives abroad and we are studying the problem along the lines suggested in the question just asked by the hon. Member.

Shri T. N. Singh: With the experience so far gained, are the Government in a position to state what categories of cottage industry goods are most popular in the foreign countries, and whether any levy is made on the manufacturers of these products in India for meeting the expenses of the show-rooms?

Shri Sri Prakasa: There are a large number of our goods which are popular: handloom products, carpets, coir mattings, glassware, ivory work, woodwork, and zari products.

Shri S. C. Samanta: Arising out of the answer to part (c) of the question that the demand for Indian goods is on the increase abroad, may I know whether Government thinks it proper to open, in the near future, emporiums in our Embassies?

Shri Sri Prakasa: Yes, Sir. In New York we have already one and we have sent Rs. 100,000 worth of goods to that emporium.

PAPER

*556. **Shri S. C. Samanta:** Will the Minister of Industry and Supply be pleased to lay on the Table of the House a statement showing:

(a) the amount of half-yearly paper and paper-board produced in India during each half-yearly period from 1947 to 1950;

(b) how many new paper mills have been started since 1947 (with their names and locations); and

(c) whether all varieties of paper necessary for consumption are manufactured in India?

The Minister of Industry and Supply (Shri Mahtab): (a)

Period	Production (in tons)	
	Paper	Paper Boards.
January-June, 1947.	35,200	8,710
July-December, 1947.	39,190	9,900
January-June, 1948.	39,559	9,606
July-December, 1948.	41,118	7,622
January-June, 1949.	42,870	8,607
July-December, 1949.	41,388	10,330
January-June, 1950.	44,121	9,117
July-September, 1950. (figures for October and November, 1950 not available).	28,044	(including paper boards. Separate figures not yet avail- able).

(b) None.

(c) Yes, Sir, except some special varieties such as special coated paper, cellophane, parchment, grease-proof paper, special varieties of art paper etc., required in small quantities.

Shri S. C. Samanta: May I know which kinds of raw materials are absent in India so that the kinds of paper mentioned by the hon. Member are not produced in India?

Shri Mahtab: It is not on account of want of raw materials that these are not produced but entrepreneurs, they don't come forward to start these industries.

Shri Raj Bahadur: May I know whether glazed paper used for packing tins etc. is manufactured in the country?

Shri Mahtab: I think so. Packing paper is manufactured in the country.

Shri Tyagi: Has any account been kept or taken of the manufacture of hand-made paper in India?

Shri Mahtab: There is no regular account kept, but hand-made paper is manufactured in India.

Shri Joachim Alva: Beyond advising consumers of newsprint like big newspapers to economise in the matter of newsprint, what steps have Government taken to encourage the newsprint factories already existing in India besides helping others to import machinery and set up newsprint factories in the country?

Shri Mahtab: I am sorry, Sir, the hon. Member is ill-informed. There is no newsprint factory in India.

BLACK MARKETING IN ESSENTIAL GOODS

*557. **Shri Kamath:** Will the Minister of Industry and Supply be pleased to state:

(a) the number of cases of black-marketing, hoarding and profiteering in cloth and other essential goods that have been reported during the last four months from each of the Part C States;

(b) what action has been taken in each of these cases; and

(c) whether it is a fact that Government have issued instructions to all the States to deal drastically with such offenders?

The Minister of Industry and Supply (Shri Mahtab): (a) and (b). A statement is laid on the Table of the House. [See Appendix V, annexure No. 13.]

(c) Yes, Sir, controls are meant to be enforced and suitable instructions have been issued.

Shri Kamath: The statement laid on the Table, Sir, does not show the number of cases in which action has been taken under the Preventive Detention Act. May I have the figures with regard to that—that is, action taken under that Act?

Shri Mahtab: I don't know to which statement the hon. Member refers, but the statement with me shows the details. Take the case of Delhi. There the number of cases reported is 68; under "Action taken", the number of cases challaned to court is 56, convicted is 2, pending in court is 54; the

number cancelled is 2 and the number pending investigation is 10. I think this kind of action is being taken else where.

Shri Kamath: Am I to take it that no one has been detained so far under the Preventive Detention Act?

Shri Mahtab: If the hon. Member refers to action under the Preventive Detention Act, I can offhand say that some persons have been detained in Hyderabad and some in Bihar. In no other State has there been detention.

Shri Kamath: With reference to the answer arising out of part (c) of the question, is it not a fact that as reported in the Press, the Prime Minister issued a directive to all the States to take drastic action under the Detention Act as well as under other laws?

Shri Mahtab: That is a fact. The Prime Minister drew the attention of the State Governments to that section of the Preventive Detention Act stating that the blackmarketeers or those who indulge in illegal transaction of controlled commodities may be detained under that Act.

Shri Kamath: Has Government issued a directive along with that that the persons should not be subjected to any humiliating treatment before they are convicted, as happened, I think, in Bihar recently?

Shri Mahtab: There are specific rules as regards these actions which have been taken.

Shri Rathnaswamy: What is the maximum and minimum punishment awarded to these offenders, and how many were acquitted?

Shri Mahtab: I am sorry that information is not with me now.

FINANCES FOR REHABILITATION

*558. **Shri Kamath:** Will the Minister of Rehabilitation be pleased to state:

(a) whether an estimate has been prepared in regard to the total finance that is needed for the rehabilitation of displaced persons in India;

(b) what is the present allotment for the purpose; and

(c) whether Government are considering other ways and means to raise the necessary finances?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Some efforts have been made to form an idea of the money needed for short and long term plans; but no formal budget for rehabilitating the entire refugee population has been framed.

(b) The present allotment for 1950-51 is Rs. 17.03 crores. But a supplementary allotment of Rs. 12.32 crores

is being asked for separately. This is exclusive of the expenditure on evacuation and relief, as well as Establishment charges of the Ministry.

(c) This Ministry is a spending one, and approaches Finance for all its requirements.

Shri Kamath: What is the per capita basis on which this estimate has been made?

Shri A. P. Jain: No absolute estimate has been made, but I have given figures of expenditure.

Shri Kamath: Has Government received any figures so far, by which they can estimate the total value of the evacuee property in Pakistan?

Shri A. P. Jain: The House is aware that claims from the displaced persons have been invited. About 4½ lakhs of claims have been received, but they contain the estimate as made by the claimants themselves. These claims will be processed and until they have been processed it is impossible to form any idea of the value of the property left by displaced persons in Pakistan.

Shri Tyagi: Out of these Rs. 29.35 crores intended to be spent, how much is going to the help of the rehabilitation of refugees from East Bengal and how much on those from West Pakistan?

Shri A. P. Jain: I believe a little more than Rs. 13 crores is going for the rehabilitation of refugees from East Bengal and the rest for the rehabilitation of those from West Pakistan.

Shri A. C. Guha: May I know the total amount so far spent for East Bengal refugees and West Pakistan refugees separately?

Shri A. P. Jain: I have not got the figures of the amounts so far spent, but if the hon. Member wants, I can give the separate figures for East Bengal refugees which have been included in the Budget. They are as follows:

East Bengal displaced persons:	
Revenue rehabilitation expenditure	Rs. 0.75 crores.
Loans	... " 5.72 "
Relief	... " 6.53 "

Total Rs.	13.03 "

Shri Kamath: With reference to part (c) of the question, have Government at any time considered the proposal

for a capital levy or some other kind of tax in this connection?

Mr. Speaker: Order, order.

FOOD PARCELS FOR GERMANY

*559. **Shri Kamath:** Will the Prime Minister be pleased to state:

(a) how many food parcels were sent to Germany by the Government of India and the Indian Red Cross Society during the years 1946, 1947 and 1948, for distribution to needy Indians there;

(b) whether the Indian Military Mission in Berlin was entrusted with the work of distribution;

(c) how many such parcels reached needy Indians, and how many were put to other uses;

(d) whether they were distributed free to those in need; and

(e) whether it is a fact that several such parcels have remained unaccounted for?

The Prime Minister (Shri Jawaharlal Nehru): (a) The Government of India sent 100 parcels containing food and clothing in 1946 for distribution to Indian nationals in Germany and in 1947 made arrangements for the supply of 2,250 U.S.A. dollars to the Indian Military Mission in Berlin for the purchase of 450 American C.A.R.E. parcels, which were available in Germany. No parcels were supplied by the Indian Red Cross Society, although their services were availed of by the Government of India in the preparation of the 100 parcels sent in 1946.

(b) Yes.

(c) and (e) Complete details are not available. Information is, however, being collected and will be laid on the Table of the House in due course.

(d) The first 100 parcels sent in 1946 were distributed free but the others were distributed against undertakings by the recipients to repay the cost of parcels delivered to them.

Shri Kamath: With regard to the parcels sent in 1946, was the Indian Military Mission in Berlin asked to supply information with regard to their distribution among needy Indians there?

Shri Jawaharlal Nehru: No, Sir. I have no information on that point.

Shri Kamath: Has the Government got information as to how many Indians—and particularly the associates of Netaji Subash Chandra Bose—were arrested in 1946, soon after the

conclusion of the war, by the British authorities?

Mr. Speaker: How does it arise out of this?

Srri Kamath: Because these were among the needy Indians referred to in this question.

Mr. Speaker: I am going to the next question, unless he has some useful questions to put.

Shri Kamath: It is for you to judge. I will ask the next question.

When was the Indian Military Mission in Berlin appointed?

Shri Jawaharlal Nehru: I could not say exactly. May be in 1946 or thereabouts.

Shri Kamath: Was the distribution work entrusted entirely to the Indian Military Mission or to the Red Cross Society as well? I did not follow the answer clearly.

Shri Jawaharlal Nehru: The Red Cross Authorities helped in making the parcels here, but the distribution there was entrusted entirely to the Indian Military Mission.

Shri Kamath: How many parcels were distributed free?

Shri Jawaharlal Nehru: The first 100 were distributed free in 1946. Later, a number was distributed on some kind of undertaking being given by the recipients that they might pay for them later. As a matter of fact, very few of them did pay.

Shri Kamath: Is there information as to the persons to whom these first 100 free parcels were distributed?

Shri Jawaharlal Nehru: No.

LEDO ROAD

***560. Dr. M. M. Das:** (a) Will the Prime Minister be pleased to state whether it is a fact that with the approval of the Burmese Government, the Government of India have decided to reopen the Ledo Road connecting Assam with Upper Burma?

(b) If so, what is the object of reopening this road?

(c) What is the estimated expenditure for this work?

(d) What will be the annual expenditure for maintaining this road?

The Prime Minister (Shri Jawaharlal Nehru): (a) The matter is under the consideration of the Government of India but no decision has yet been taken.

(b) To facilitate movement of goods, especially rice, between North Burma and Assam.

(c) Rs. 2·3 lakhs for proper repairs of 28 miles of road on the Indian side. The estimated cost of making this road merely jeepable is Rs. 25,000.

(d) Figures are not available.

Dr. M. M. Das: May I know whether the Government of Burma has agreed to bear the expenses for the re-opening of that part of the Ledo Road which lies in Burma?

Shri Jawaharlal Nehru: There is no question of the Government of Burma agreeing with us. Either they repair that road or not. We do not go into Burma and repair their road. It was, as a matter of fact, at the instance of the Government of Burma that we examined this question of repairing the Ledo Road.

Dr. M. M. Das: May I know when the plans will be finalised? Can the hon. the Prime Minister give the approximate date?

Shri Jawaharlal Nehru: New difficulties have arisen because of this earthquake. I cannot say. The present proposal under consideration is a rather simple one—of just making it jeepable, i.e., just for jeeps to go. That is not a very big proposal and we are in correspondence with the Government of Burma.

MUSLIM PERSONAL LAWS

***561. Dr. M. M. Das:** (a) Will the Minister of Law be pleased to state the States of the Indian Union where the Muslim Personal Laws (*Shariat*) Application Act of 1937 is not in force?

(b) Is it a fact that Muslims of the Indian Union are governed by the same Personal Laws viz. the *Shariat*?

(c) Did Government receive any representation from the Muslims of Cooch-Behar or ascertain their opinion before the Government of West Bengal replaced their existing Personal Laws by *Shariat*?

The Minister of Law (Dr. Ambedkar): (a) and (b). The Muslim Personal Law (*Shariat*) Application Act of 1937 is not in force in Part B States and in the merged territory of Cooch-Behar in West Bengal. It is in force in the rest of India. So far as Cooch-Behar is concerned, provision has been made in clause 3 of the Cooch-Behar (Assimilation of Laws) Bill which is pending before this House, for bringing the Act of 1937 into force in that area. The position in Part B States appears to be that

Muslims are in the main governed by *shariat*, but subject to variations introduced by established custom or usage or by local laws.

(c) So far as I am aware, the Government of West Bengal have done nothing to alter the personal law applicable to Muslims in Cooch-Behar. After the Cooch-Behar (Assimilation of Laws) Bill is passed by this House and is brought into force, that Government will, in due course and after due consideration, bring the Muslim Personal Law (*Shariat*) Application Act of 1937 into force in Cooch-Behar under clause 3(2) of the Bill.

Dr. M. M. Das: May I know whether the hon. Minister of Law thinks it necessary and advisable to ascertain the opinion of the Cooch-Behar Muslims about the change that will be introduced by the West Bengal Government?

Dr. Ambedkar: That matter is left to the West Bengal Government.

Shri Syammandan Sahaya: Is there any proposal pending the consideration of the Government for bringing before this Parliament a Muslim Code also?

Dr. Ambedkar: No.

Shri Tyagi: Is it the intention of Government to bring a law to regulate the Muslim law in India also and to effect reforms in respect of the system of polygamy that is prevalent amongst Muslims?

Mr. Speaker: That question was put and answered.

Shri Tyagi: I want to know whether it is the intention of Government to effect reforms in the previous Muslim law?

Mr. Speaker: There is no intention of bringing a Muslim Code. That is what the Minister said and it covers all points.

Shri A. C. Guha: Have Government under contemplation any proposal to bring a uniform civil law for all Communities, according to our Constitution?

Dr. Ambedkar: I have very much the matter at heart; but I have no time.

REHABILITATION IN MYSORE AND HYDERABAD

*562. **Dr. M. M. Das:** (a) Will the Minister of Rehabilitation be pleased to state the total number of East Bengal displaced persons who have been rehabilitated in the States of Hyderabad and Mysore up to date?

(b) What particular class or classes of displaced persons (agriculturists, fishermen, weavers, etc.) have been settled in the said two States?

(c) Has any agricultural land been given to the displaced persons and if so, what is the area given per family?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) None so far; but a scheme for the settlement of 2,000 families of East Bengal displaced persons in Mysore is under the active consideration of Government.

(b) and (c). Do not arise.

Dr. M. M. Das: May I know whether the Chief Minister of West Bengal made a tour of some of these areas where the East Bengal refugees are proposed to be rehabilitated?

Shri A. P. Jain: Yes; he did.

Dr. M. M. Das: May I know the impression he received.

Shri A. P. Jain: He was well impressed with the conditions prevailing, but the East Bengal displaced persons have on the whole shown a reluctance to go out of Bengal. Therefore, the entire implementation of the scheme depends upon whether the displaced persons are prepared to go or not.

Dr. M. M. Das: May I know whether Government intends to take the help of religious institutions in rehabilitating the refugees?

Shri A. P. Jain: We are prepared to take the help of everybody.

Dr. M. M. Das: May I know, Sir what are the reasons which led the Central Government to bring East Bengal refugees to such distant places for rehabilitation?

Mr. Speaker: Order, order; we are entering into an argument.

Shri A. C. Guha: When the hon. Minister said that the East Bengal refugees are reluctant to go outside Bengal, does he mean that they are reluctant to go to Bihar and Orissa?

Shri A. P. Jain: Surely, I mean that.

Shri A. C. Guha: Is it not a fact, Sir, that Government have not been able to persuade these State Governments to accede to some of the proposals for the rehabilitation of East Bengal refugees in those States?

Mr. Speaker: Order, order.

EVACUEE PROPERTY

*563. **Sardar Hukam Singh:** Will the Minister of Rehabilitation be pleased to state whether there have been any fresh negotiations between India and Pakistan over the Evacuee Property question during the last six months?

The Minister of State for Rehabilitation (Shri A. P. Jain): The hon. Member is referred to the reply given

by me to his Starred Question No. 206 on the 4th August, 1950. Since then, the correspondence of the two Prime Ministers has been released and reference to it is invited.

BORDER RAIDS

*564. **Sardar Hukam Singh:** Will the Prime Minister be pleased to state whether it is a fact that there has been a marked increase in raids by Pakistanis on the Amritsar border during September and October, 1950?

The Prime Minister (Shri Jawaharlal Nehru): No.

EXPORT AND IMPORT LICENCES

*565. **Shri Jhunjhunwala:** Will the Minister of Commerce be pleased to state:

(a) whether there are any articles for which export and import licences are issued only to established dealers;

(b) if the answer to part (a) above be in the affirmative, the names of these articles and the quantity and amount for which licences are issued;

(c) the principle observed in making distinction between established importers and new comers;

(d) the percentage of total imports and total exports reserved for established dealers and new comers; and

(e) the principle and basis on which this percentage is fixed?

The Deputy Minister of Commerce (Shri Karmarkar): (a) The answer is in the affirmative, if by established dealers is meant established importers and established shippers.

(b) The articles which are licensable to established importers are detailed in Appendix 'B' to Commerce Ministry Public Notice No. 14-ITC-(P.N.)/50, dated the 15th June 1950, copies of which are placed in the Library. Licences are granted for these commodities under quotas based on the past imports made in any one complete financial year between 1937-38 and 1949-50, both years inclusive, by the applicant. A statement showing the list of articles for which import licences have been issued to established importers during January-June 1950 licensing period is placed on the Table. [See Appendix V, *annexure* No. 14.]

Similar information in regard to July-December 1950 licensing period is not available, as licensing is still in progress.

As regards exports, the only important commodity which is at present being allowed for export exclusively

through established shippers is coarse and medium cloth. The quota for July-December 1950 period is 125 million yards. The price is Rs. 94 million approximately.

(c) In view of the limited foreign exchange available for import, issue of licences has to be restricted. A distinction has, therefore, been made between importers as follows:

- (i) Established importers,
- (ii) Actual users, and
- (iii) New comers.

The principle underlying this distinction is that while the claims of established importers should be given adequate consideration in the share of import trade to ensure continuity of their business, firms desirous to enter import trade as new-comers should also be given certain proportion of the monetary ceiling available.

(d) During the current July/December 1950 licensing period, the ceiling reserved for new-comers works out to 0.6 per cent. of the total allocation for imports. Judged as a percentage of the ceilings reserved for articles for which new-comer applications were invited, it works out to 5 per cent. The percentage reserved for established importers as such has not been worked out separately and is not readily available. The information however is being collected and will be laid on the Table of the House.

For the export of jute goods to soft currency countries 10 per cent. is allowed to new-comers and 90 per cent to established shippers.

(e) The ceilings for import licences reserved for established importers are not fixed on a permanent basis. They vary with the factors determining import control policy for every licensing period. The requirements are determined in consultation with the technical Ministries concerned in the context of the indigenous availabilities and the demands and the allocations to actual users on the one hand and established importers and new-comers on the other, are decided in the light of this information and the nature of the article and the nature of the trade therein. In July-December 1950, new-comers were generally allotted upto 15 per cent. of the balance of the ceiling, after providing established importers with quotas equal to 100 per cent. of past imports.

The percentage in the case of export of Jute goods was fixed having regard to the supply and demand position, the desirability of giving stability to these new firms which have entered the trade recently and qualified as

established shippers and the importance of having steady long term relations between buyer and seller.

Shri Jhunjhunwala: Are there any articles for which no licences are issued to new-comers?

Shri Karmarkar: Yes, Sir, there are certain articles.

Shri Jhunjhunwala: What are those articles and what is the principle behind it?

Shri Karmarkar: It is a formidably long list.

Shri Jhunjhunwala: What is the principle behind the policy under which no licences are issued to new-comers in respect of certain articles?

Shri Karmarkar: The principle as I have explained in the body of the long statement that I have read is that there should be a sufficient continuity to established importers and sufficient regard to the requirements of actual users. At the same time it is not our policy to shut out new-comers, but in view of the requirements of the earlier two categories, naturally the share of the new-comers is small.

Shri Syamnandan Sahaya: The question was whether there are any commodities where new-comers are not issued any licences at all. The answer given by the hon. Minister does not satisfy us.

Mr. Speaker: It may not satisfy, but it covers it.

Shri Tyagi: It is not relevant.

Shri Frank Anthony: With reference to part (c) of the question, has Government's attention been drawn to the grave and specific charges of corruption made against the Commerce Ministry by a Bombay Journal and if so, what action has been taken in the matter?

Shri Karmarkar: I am afraid, Sir, the hon. Member is wrong. I am very happy to tell the hon. Member that in recent times charges of corruption have been growing less and less.

Shrimati Renuka Ray: What checks are exercised to see that established traders do not come forward as new-comers, because there has been a lot of complaint on that account?

Shri Karmarkar: At the present moment it is a fact that there is no system by which we can check as to what happens to the licences at the other end. Government are considering this matter and we are hoping to reach an early decision.

Shri T. N. Singh: Have the Government considered the advisability of encouraging new-comers in such lines where due to a close circle of established importers prices are too high for the consumers?

Shri Karmarkar: Sir, we are considering the case of new-comers from the point of view of their natural right to enter trade. With regard to the question of prices, no complaint has come to the notice of Government that established importers have increased prices. That will be a different subject.

Shri Jhunjhunwala: Is it a fact, Sir, that because of the principle followed of giving licences only to established importers, purchase of articles have been confined to established exporters?

Mr. Speaker: I am afraid we are entering into an argument.

Shri M. A. Ayyangar: May I ask the hon. Minister if any steps are being taken to implement the recommendations of the Mehta Committee on import trade control?

Shri Karmarkar: Yes, Sir, I am happy to say that we are anxious to implement the recommendations of that Committee as soon as possible. Important parts of its recommendations are being implemented almost immediately.

Shri Frank Anthony: My question was not answered.

Mr. Speaker: All questions are answered. I am going to the next question.

ENTRY INTO NEPAL

*566. **Shri A. B. Gurung:** Will the Prime Minister be pleased to state whether under the existing treaty between Nepal and India Indian citizens are permitted to enter Nepal without passports?

The Prime Minister (Shri Jawaharlal Nehru): The treaty provides for reciprocal treatment in this matter of movement of nationals of one country into the territories of the other. No passport is required from Nepalese wishing to enter India, but Indians can go into Nepal only if they possess passports. The Government of India can ask the Nepalese Government to withdraw this restriction and in the event of their not agreeing the Government of India can impose a similar restriction on the entry of the Nepalese into India.

Shri A. B. Gurung: May I know whether entry into Nepal means entry into Kathmandu?

Shri Jawaharlal Nehru: Well, presumably there is only one passport required—not another for Kathmandu. No person has suggested that it is something different.

Shri A. B. Gurung: May I know if Kathmandu is a closed city to foreigners?

Shri Jawaharlal Nehru: Probably what the hon. Member means is that there is a certain laxity in going into the Terai. The passport really applies much more to Kathmandu.

Shri A. B. Gurung: Is it a fact that some Indian nationals who had entered into Nepal before the actual trouble started are detained in Kathmandu?

Shri Jawaharlal Nehru: Does the hon. Member mean that they cannot come away? I am not aware of any such detention unless it be against some individuals in connection with police action that might have taken place. If the hon. Member draws my attention to such cases I shall certainly enquire.

Shri A. B. Gurung: May I know if there has been any representation from Indian nationals from Kathmandu through the Indian Embassy?

Shri Jawaharlal Nehru: I am personally not aware of it.

Shri Kamath: Is it a fact that during the recent disturbances in Nepal, the Indo-Nepal border was completely sealed for movement of persons either way?

Shri Jawaharlal Nehru: No, Sir.

Dr. E. S. Singh: Is it a fact that during his recent tour of Bihar, many difficulties were placed in the way of Dada Dharmadhikari?

Shri Jawaharlal Nehru: Yes, I think he was harassed.

● HOUSE-BUILDING SCHEME

*568. **Shri D. S. Seth:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that Planning Commission have drawn up a programme of house-building and if so, what is the scheme and what are the details thereof;

(b) whether the financial responsibility of the above programme will be of the Union Government or the Governments of the States concerned; and

(c) What are the bases of the scheme and the ways in which it is to be carried out?

The Prime Minister (Shri Jawaharlal Nehru): (a) to (c). A scheme for industrial housing which was discussed by the Planning Commission with its Advisory Board and Housing Panel is at present under the consideration of Government. The details of the scheme are being examined and no decision has been taken.

Shri Rathnaswamy: May I request the Prime Minister to tell us as to whether steps have been taken by the Government to collect statistics of the houseless people in the country; if not will the Government consider the advisability of doing so?

Mr. Speaker: Order, order.

Shri Kamath: For Indian conditions and Indian living standards has the Prime Minister ever considered the suitability of huts which he was used to or which he has at least seen in Sevagram?

Mr. Speaker: Order, order.

IMPORT OF FOODSTUFFS AND GOVERNMENT STORES

*569. **Prof. K. T. Shah:** (a) Will the Minister of Commerce be pleased to state the cost of the imports of (i) foodstuffs and (ii) Government Stores, from abroad in the last four years?

(b) What steps, if any, have been taken to guard against the heavy drain of the country's resources on this account?

The Deputy Minister of Commerce (Shri Karmarkar): (a) I place on the Table statements showing the value of imports of (i) food stuffs during the year 1946-47 to 1949-50 and (ii) Government stores during the year 1946-47 and 1947-48. [See Appendix V, annexure No. 15.]

Separate statistics of imports of Government stores have not been maintained thereafter.

(b) The circumstances under which increased imports of foodgrains were decided upon were fully explained to the House by the hon. Food Minister in the course of discussion on the President's Address. No efforts are being spared for reaching the target of self-sufficiency in food as soon as possible so that the drain on our foreign exchange on account of food imports may be eliminated at the earliest. As regards Government stores, every precaution is taken to ensure that the stores are obtained

from abroad only when it is not possible to obtain similar stores indigenously.

Prof. K. T. Shah: May I enquire why separate statistics have not been maintained for government stores from the year the hon. Member mentioned?

Shri Karmarkar: Because it is found more convenient.

Prof. K. T. Shah: I do not quite understand. Is the information too difficult to compile or is it for any reasons of political expediency that it is not convenient to give it?

Shri Karmarkar: It is neither a question of difficulty in compilation nor a question of political expediency. It is a question of pure inconvenience as to how goods should be classified.

Prof. K. T. Shah: It used to be maintained in the past. And what has happened since, that this convenience has been converted into inconvenience?

Shri Karmarkar: We have grown wiser since the past.

Shri Syamnandan Sahaya: In view of the likelihood of greater import of foodgrains this year and also in view of the possibility of having shipping difficulties in the near future, do Government propose to control the imports of other articles and give greater chance for food imports?

Shri Karmarkar: We are giving full line-clear for food imports. There is no difficulty for foreign exchange for the current period.

APPLICATION FEE FOR IMPORT LICENCES

*570. **Dr. V. Subramaniam:** Will the Minister of Commerce be pleased to state the amount of application fees collected for giving import licences for the current year?

The Deputy Minister of Commerce (Shri Karmarkar): The amount of fees collected for applications for import licences during the current year upto the close of September, 1950 totals Rs. 35,58,931-15-0 (Rupees Thirty-five lacs fifty-six thousand, nine hundred and thirty-one and annas fifteen only).

Dr. V. Subramaniam: Is it the intention of Government that imports and exports branch of the Ministry of Commerce; to make the department self-supporting or self-sufficient?

Shri Karmarkar: Apart from the exports, the Import Control section at the moment is self-sufficient.

Dr. V. Subramaniam: Is it a fact that some fees have also been fixed for export licences?

Shri Karmarkar: Yes, Sir.

Dr. V. Subramaniam: What is the amount?

Shri Karmarkar: So far I can remember, it is the same as in the case of import licences.

Shrimati Durgabai: Is there any proposal under consideration to increase the rate of fee and if so to what extent and on what basis?

Shri Karmarkar: There is at the present moment no idea of increasing the fees.

Maulvi Wajed Ali: May I know what is the basis of the import licence fee?

Shri Karmarkar: The basis is the value of import for which the licence is asked. If the value of the import does not exceed Rs. 10,000 the fee is Rs. 10. If it exceeds Rs. 10,000 but does not exceed Rs. 1,00,000 the fee is Rs. 25. If it exceeds Rs. 1,00,000 the fee is Rs. 100, provided that no fee shall be liable on any application when the value of the import does not exceed Rs. 100 and if the import is required for personal consumption for purposes not connected with trade.

Shri Syamnandan Sahaya: Do the figures just now stated by the hon. Minister include the amounts deposited by applicants for licences and to whom neither licences have been granted nor the deposits have been returned?

Shri Karmarkar: I am afraid my hon. friend is under a misapprehension. There is nothing like a deposit. What is charged is a fee. The fee is good once for all and is never returned.

Dr. V. Subramaniam: When a licence is not granted is the fee refunded?

Shri Karmarkar: No, Sir.

SUGAR QUOTA TO MADHYA BHARAT

*571. **Shri Ghule:** (a) Will the Minister of Industry and Supply be pleased to state whether there are any persons or companies in Madhya Bharat who get quota of sugar directly from the Centre?

(b) Are there any conditions prescribed to be fulfilled by these quota-holders and if so, what are those conditions?

(c) How and through what agency do Government come to know that the conditions are being fulfilled?

The Minister of Industry and Supply (Shri Mahtab): (a) The answer is in the affirmative.

(b) Yes, they have to fulfil the following conditions:

(i) That the factory must be registered under the Factories

Act before 30th June, 1950 for the manufacture of confectionery.

- (ii) That the factory must be inspected and recommended by the local Director of Industries.

(c) Through the Director of Industries concerned.

Shri Ghule: What are the names of the factories that get sugar quota from the Centre?

Shri Mahtab: I am giving the names of the firms.....

Mr. Speaker: Is it necessary to give the names of the firms?

Shri Ghule: Yes.

Mr. Speaker: I doubt as to whether it is proper to disclose the names of individual merchants here. Has he any other question?

Shri Ghule: May I know whether the State Government is consulted before allocating any quota to these quota-holders?

Shri Mahtab: As I have already said, the D.G. I. and S. does not recommend these applications unless they are recommended by the Director of Industries of the State Government.

Shri Ghule: Is Government aware that these quota-holders sell the product of the manufacture of sugar at a very high price compared to the prices at which they get from the Centre?

Shri Mahtab: I think it is for the State Government concerned to take necessary action in the matter.

Mr. Speaker: The Question Hour is over.

WRITTEN ANSWERS TO QUESTIONS

REPRESENTATIONS TO FRENCH GOVERNMENT

*546. **Prof. Ranga:** (a) Will the Prime Minister be pleased to state whether any representations have been made during the last three months to the French Government against the repression of the people of the French settlements and their organisations which advocate the union of these territories with India?

(b) What was the response given by the French Government?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). Negotiations have

been going on between the Governments of India and of France regarding conditions which are necessary to enable a free and fair referendum to be held. In the course of these the Government of India have pointed out that there have been cases of intimidation and repression of elements advocating merger with India and that such conditions must be ended. Negotiations are still continuing.

COMMERCIAL TREATY WITH U.S.A.

*547. **Prof. Ranga:** (a) Will the Prime Minister be pleased to state whether any progress has been made in the negotiations connected with the conclusion of a Treaty of Commerce, Navigation etc., between India and the U.S.A.?

(b) When did the negotiations begin and what are the reasons for the delay?

The Prime Minister (Shri Jawaharlal Nehru): (a) A draft of the proposed Treaty of Friendship, Commerce and Navigation between the United States of America and India has been the subject of preliminary discussions between the representatives of the two Governments. The draft is still under discussion between the two Governments.

(b) The negotiations began in the month of February, 1948. The delay is due to the efforts of both Governments to arrive at an agreed draft.

BILATERAL TREATIES

*548. **Prof. Ranga:** Will the Minister of Commerce be pleased to state:

(a) with what countries bilateral treaties have been and are being negotiated in 1949-50 and 1950-51;

(b) what were the countries with which such treaties have been concluded; and

(c) with what other countries are negotiations expected to be concluded by the end of this year?

The Minister of Commerce (Shri Sri Prakasa): (a) Presuming that the hon. Member is referring to commercial treaties, such treaties of a bilateral nature have been negotiated with the following countries during 1949-50 and 1950-51:

Afghanistan; Ethiopia; Iran; Iraq and Nepal.

(b) A bilateral trade treaty has been concluded with Nepal only.

(c) It is difficult to say with which other countries negotiations will be finalised this year.

INDIANS IN CEYLON

*549. **Shri Sidhva:** Will the Prime Minister be pleased to state:

(a) whether Indians residing in Ceylon have started a movement to secure modifications of the Indian Citizenship Act passed by the Ceylon Parliament last year;

(b) whether it is a fact that they demand the same constitutional rights as Ceylon nationals and if so, what steps Government have taken in regard to this matter; and

(c) whether the Government of Ceylon have responded to this request favourably?

The Prime Minister (Shri Jawaharlal Nehru): (a) to (c). The hon. Member is presumably referring to the Indian and Pakistani Residents (Citizenship) Act, 1949, passed by the Ceylon Parliament in February 1949. As I have stated several times on the floor of this House, the Government of India found themselves unable to agree with several important provisions of the Act. I had prolonged correspondence with the Prime Minister of Ceylon in 1947-48 before the introduction of the Citizenship Bill in the Ceylon Parliament. Copies of the correspondence were supplied to all hon. Members of this House. Since then there has been further correspondence with the Ceylon Government.

The Ceylon Indian Congress, which is a representative body of Indians in Ceylon, decided in April 1949 to boycott the Act in order to register its protest against the unsatisfactory features of the Act. The Congress has since rescinded its earlier resolution and according to press reports has made an approach direct to the Ceylon Government. On the 21st November, 1950, the Ceylon Government introduced in their Parliament a Bill to amend some of the provisions in the Act in regard to which representations were made to them both by the Government of India and the Ceylon Indian Congress.

UNEMPLOYMENT

*550. **Shri Sidhva:** Will the Minister of Labour be pleased to state:

(a) the number of applications received from unemployed persons for service in March, 1950;

(b) how many of them were given employment;

(c) whether it is contemplated to close down the Employment Bureau; and

(d) whether there is any other agency for registering unemployment cases if the Bureau is closed?

The Minister of Labour (Shri Jagjivan Ram): (a) During March 1950, 87,072 applicants for employment assistance were registered with the Employment Exchanges.

(b) 24,976 were placed in employment by the Exchanges during March 1950.

(c) No, Sir. It is not contemplated to close down the Employment Exchange Organisation.

(d) Does not arise in view of the answer to (c) above.

CEMENT FACTORY IN ORISSA

*567. **Dr. Deshmukh:** Will the Minister of Industry and Supply be pleased to state:

(a) whether it is a fact that a cement factory is proposed to be established in Orissa;

(b) whether it is a fact that the establishment of the factory will save a large amount of money that may have to be spent otherwise on the construction of the Hirakud Dam;

(c) if so, the amount of saving that is estimated to be effected; and

(d) whether there is any such proposal in respect of any other dam?

The Minister of Industry and Supply (Shri Mahtab): (a) and (b). Yes.

(c) About Rs. 28 lakhs, excluding the saving in the cost of transport of cement which would otherwise have been required to be incurred.

(d) None, for the present.

FOREIGN HELP TO ASSAM EARTHQUAKE SUFFERERS

*572. **Prof. S. N. Mishra:** Will the Prime Minister be pleased to state:

(a) the names of countries which have shown gestures of goodwill for the earthquake sufferers of Assam; and

(b) the assistance received or promised so far?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). A statement giving the required information is placed on the Table of the House. [See Appendix V, annexure No. 16.]

HIMALAYAN EXPEDITIONS

*573. **Prof. S. N. Mishra:** Will the Prime Minister be pleased to state:

(a) the number of expeditions carried to various peaks of the Himalayas during 1950; and

(b) the names of countries connected with such expeditions?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). The Government of India know of only four foreign mountaineering expeditions to the Himalayas during 1950.

(i) An Anglo-Swiss expedition, headed by Mr. J. M. K. Vyvyan, to climb certain peaks in the Garhwal Himalayas.

(ii) A Scottish expedition, headed by Mr. W. H. Murray, to explore certain unclimbed peaks to the north of the Bagini Glacier in Garhwal.

(iii) An expedition of French mountaineers, headed by Monsieur Maurice Hertzog, to climb the Annapurna peak in Nepal.

(iv) An expedition led by Mr. K. E. Snelson of the Irrigation Department of the Sudan to make a geographical survey of the Dhauliganga Valley in the Almora District of Uttar Pradesh.

DISPOSAL OF IMPORT APPLICATIONS

*574. **Prof. S. N. Mishra:** Will the Minister of Commerce be pleased to state:

(a) whether complaints are still being received regarding delay in the disposal of import applications in the office of the Chief Controller of Imports; and

(b) if so, the steps taken in this regard?

The Deputy Minister of Commerce (Shri Karmarkar): (a) The reply is in the affirmative, though this was mainly in regard to the licensing position in the first half of this year, when, in addition to licensing for the January-June 1950 period, arrears relating to the previous period had also to be dealt with.

(b) With regard to the steps taken by the Government to eliminate delay in the disposal of import applications in the Office of the Chief Controller of Imports, it may be stated that the office of the Chief Controller of Imports was first re-organised in March 1950, when the staff was expanded and the licensing groups reconstituted and placed under the direct charge of Assistant Controllers, who were invested with certain powers to dispose of applications. From experience it was found that further staff was required and this additional staff was appointed in May-June 1950. Assistant Controllers were also invested with additional powers. As from the July-December 1950 period the licensing of a number of items was transferred to the port Offices in order to expedite

licensing and to meet the convenience of the public.

The present position in the Office of the Chief Controller of Imports at New Delhi is that out of 37,559 applications received for the July-December 1950 and January-June 1951 periods up to the 23rd November 1950, 32,697 have been disposed of.

INDIANS IN MALAYA

*575. **Dr. Deshmukh:** (a) Will the Prime Minister be pleased to state the number of Indians, (i) killed; (ii) injured; (iii) ill-treated; and (iv) deprived of their properties in Malaya?

(b) What steps have Government taken with regard to any of the above?

(c) What steps do Government propose to take for the safety and freedom from molestation of the remaining Indians?

(d) What is the total number of Indians still in Malaya?

The Prime Minister (Shri Jawaharlal Nehru): (a) About 130 Indians were killed and 124 injured in Malaya during the period from June 1948 to October 1950.

There have been unconfirmed allegations of ill-treatment of some Indians by the local police.

Damage to some property belonging to Indians has been reported but accurate figures are not available.

(b) and (c). The maintenance of law and order in Malaya is the responsibility of the Government of Malaya. The Indian Representative gives the Indians living there such help as is possible. The allegations of ill-treatment by the police have been brought to the notice of the local Governments.

(d) According to the 1947 census, the Indian population in Malaya is 599,816.

JUTE MILLS

*576. **Shri A. C. Guha:** Will the Minister of Commerce be pleased to state:

(a) the number of jute mills in India;

(b) the number of looms in each jute mill; and

(c) whether the voting strength in the Indian Jute Millowners' Association depends on the number of looms?

The Minister of Commerce (Shri Sri Prakasa): (a) There are 84 jute mills in India.

(b) According to information available as up to the 30th June 1949, the total number of looms is 72,161. A statement showing the details of looms in each mill is placed on the Table of the House. [See Appendix V, annexure No. 17.]

(c) Yes, votes are reckoned in terms of looms or spindles represented by each member.

COTTAGE INDUSTRIES OF HYDERABAD

*577. **Shri S. V. Nalk:** (a) Will the Minister of Commerce be pleased to state whether any of the cottage industry products of Hyderabad State such as, Bidri-wares, Himroo cloth etc., were exhibited in Industrial Fairs and Trade Emporiums abroad?

(b) Are any such products in demand in foreign countries?

(c) If so, have the Government of India asked the State Government to give aid to such Industries?

The Minister of Commerce (Shri Sri Prakasa): (a) Hyderabad cottage industry products have been displayed in most of the exhibitions in which the Government of India have participated officially. Furthermore, selected products of this industry have been sent for display at the New York show-rooms.

(b) The demand has been very limited as observed from the sales and enquiries made by the visitors.

(c) Does not arise.

VIZAGAPATAM SHIP-BUILDING YARD

*578. **Prof. K. T. Shah:** (a) Will the Minister of Industry and Supply be pleased to state whether the attention of Government has been drawn to the statement in the Report by Dr. P. S. Deshmukh on the Tour of the Industrial Centres of India by certain members of Parliament relating to the future of the Ship-Building Yard at Vizagapatam and the line of policy suggested therein with reference to the existence and maintenance of the ship-building industry in India?

(b) If the answer to part (a) above be in the affirmative, what decision, if any, have Government taken on the subjects, and what steps are being taken to implement that decision?

The Minister of Industry and Supply (Shri Mahtab): (a) Yes.

(b) I would refer the hon. Member to the reply given by me to starred question No. 160 on the 20th November 1950.

INDIAN INSTITUTE OF FRUIT TECHNOLOGY, LYALLPUR

*579. **Shri Dwivedi:** (a) Will the Prime Minister be pleased to state what decision has been taken with regard to the recovery of the cost of the equipment and apparatus of the Indian Institute of Fruit Technology, Lyallpur, from the Pakistan Government?

(b) What is the actual recoverable amount in this respect?

(c) If the amount has not yet been recovered, what is the stage of the negotiations in this connection?

The Prime Minister (Shri Jawaharlal Nehru): In accordance with the decision of the Partition Council, the cost of equipment and apparatus of this Institute is not recoverable from the Government of Pakistan. Nor is it to be taken into account for purposes of financial adjustment.

LABOUR TRIBUNALS

*580. **Shri Dwivedi:** (a) Will the Minister of Labour be pleased to state what steps have Government taken in enforcing laws pertaining to labour in mines etc., in States taken over as Part C States?

(b) Have any tribunals been set up in Vindhya Pradesh, Bhopal etc.?

(c) If the answer to part (b) above be in the negative, how long will it take to set up such tribunals?

The Minister of Labour (Shri Jagjivan Ram): (a) A list of Central Acts concerning labour which have been extended to the new Part 'C' States is placed on the Table of the House. [See Appendix V, annexure No. 18].

Vindhya Pradesh is the only Part 'C' State where there are important mines. These mines have been inspected by the officers of the Central Mines Department. A coalfield sub-committee has been constituted under the Coal Mines Labour Welfare Fund Act and schemes of welfare work are under preparation. The Coal Mines Bonus Scheme and the Coal Mines Provident Fund Scheme which have been framed under the Coal Mines Provident Fund and Bonus Schemes Act have been extended to this State with effect from the 1st January, 1950. The coal mines in the State are periodically inspected by the Provident Fund Inspectors.

Conciliation Officers have been appointed under the Central Industrial Disputes Act for the settlement of disputes in Central Sphere undertakings in all Part 'C' States. Certifying Officers and Appellate Authorities

have also been appointed under the Industrial Employment (Standing Orders) Act.

(b) No.

(c) Central Government have already set up two Standing Industrial Tribunals, one at Calcutta and the other at Dhanbad, and these will be utilised for adjudication of disputes that may arise in Central Sphere undertakings in Part 'C' States. As regards disputes in State Sphere undertakings ad hoc Industrial Tribunals will be set up whenever necessary. Having regard to the small number of disputes occurring in these States, the establishment of Standing Tribunals will not be justified.

DEVELOPMENT OF BACKWARD STATES

*581. **Shri Dwivedi:** (a) Will the Prime Minister be pleased to state whether any proposal for the development of backward States, particularly those administered by the Centre has been or is likely to be placed for consideration by the National Planning Commission?

(b) If so, what is the basis for such consideration?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). States Governments, including Part 'C' States, have been requested by the Planning Commission to furnish their proposals for development during the next five years, taking special account of those areas which are backward and in which the provision of suitable administrative machinery is a pre-condition for undertaking economic development. The development of backward areas will necessarily be an important consideration when the Planning Commission frames its own plan.

WOOL (IMPORT AND EXPORT)

*582. **Shri Balmiki:** Will the Minister of Commerce be pleased to state:

(a) the wool imported and exported during the years 1949 and 1950; and

(b) the countries from which wool is imported?

The Deputy Minister of Commerce (Shri Karmarkar): (a) I place on the Table of the House a statement giving the quantity and value of wool imported and exported during the calendar year 1949 and first eight months of 1950. [See Appendix V, annexure No. 19].

(b) Wool is imported into India mainly from Tibet, Australia, the United Kingdom and New Zealand.

ASSISTANCE TO MOTOR CAR MANUFACTURERS

*583. **Shri Rathnaswamy:** (a) Will the Minister of Industry and Supply be pleased to state what assistance Government give to foreign concerns engaged in manufacture of motor cars in India?

(b) Have Government given any assistance to Indian concerns and if so, to what extent?

The Minister of Industry and Supply (Shri Mahtab): (a) No foreign concern is engaged in the manufacture of motor cars in India.

(b) Yes; I would refer the hon. Member to the reply given to part (c) of starred question No. 1592 on the 11th April, 1950.

PASSPORT TO SHRI S. S. MORE

*584. **Prof. K. T. Shah:** (a) Will the Prime Minister be pleased to state whether it is a fact that Passport was refused to Shri S. S. More of Poona, by the Passport Office, Bombay, for proceeding to Sheffield, England, to attend the World Peace Conference?

(b) If so, why?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). Yes. Passport facilities were, however, given to several persons to proceed to Sheffield for this purpose. It was not considered desirable that Shri More be given a passport for the purpose.

RESETTLEMENT

*585. **Shri Hussain Imam:** Will the Minister of Rehabilitation be pleased to lay on the Table of the House a statement giving details of the area of land on which displaced persons have been settled and the number of families settled thereon in each of the States of India and the principles on which settlements were made?

The Minister of State for Rehabilitation (Shri A. P. Jain): A statement showing the number of displaced families settled and the area of land allotted to them in the various States in India is laid on the Table of the House. [See Appendix V, annexure No. 20].

In the allotment of land to displaced persons two distinct policies have been adopted. In the Punjab and PEPSU the entire evacuee land has been allotted under a quasi-permanent allotment scheme to displaced land-owners from Punjab (Pakistan) and those of Punjab extraction from other areas in Western Pakistan on the basis of the lands owned by them in Pakistan. In all other States both

evacuee and other culturable lands have been allotted to displaced agriculturists on a temporary basis. These displaced persons have been provided with economic holdings and have been granted loans for purchases of bullocks, implements, seeds, fodder, repairs or construction of houses and wells, wherever necessary, as also for maintenance of the family till the first harvest is reaped.

ADVANCES GRANTED TO BURMA AND MALAYA EVACUEES

*586. **Shri Sivaprakasam:** Will the Prime Minister be pleased to state:

(a) what percentage of the advances granted to the evacuees from Burma, Malaya, etc. during their stay in India have been recovered from them so far; and

(b) whether there were any cases where the advances granted to these evacuees could not be recovered on account of wrong or incorrect addresses furnished by them?

The Prime Minister (Shri Jawaharlal Nehru): (a) Approximately one per cent. of the repayable advances paid to Indian evacuees have been recovered up to the end of May, 1950.

(b) There are cases in which recoveries could not be made as the evacuees were not traceable at the addresses furnished by them. This does not necessarily mean that the addresses were incorrect as they may have migrated from the places to which they originally went.

MAJOR IRRIGATION SCHEMES (PLANNING COMMISSION REPORT)

*587. **Maulvi Wajed Ali:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that the Planning Commission have made proposals for major irrigation schemes in different States; and

(b) whether it is a fact that their proposals do not contain any recommendation for any project in the State of Assam?

The Prime Minister (Shri Jawaharlal Nehru): (a) The Planning Commission has requested States Governments to prepare programmes for irrigation and power projects on a long-term basis. To assist them in this, the Commission has supplied information available with it regarding projects in States already investigated, whether under execution or not, and has also made suggestions for the financing of irrigation and power schemes by the levy of betterment contributions and in other ways.

(b) Assam Government's proposals have still to be received.

BALANCE OF TRADE

30. **Prof. Ranga:** Will the Minister of Commerce be pleased to state what are our quarterly balances of trade with U.S.A. and other hard currency countries during the last quarter of 1949 and first three quarters of 1950?

The Minister of Commerce (Shri Sri Prakasa): I place on the Table of the House a statement showing the balance of trade with U.S.A. and other hard currency countries during the last quarter of 1949 and the first three quarters of 1950. [See Appendix V, Annexure No. 21].

DISPLACED PERSONS (TOWNSHIPS)

31. **Prof. Ranga:** Will the Minister of Rehabilitation be pleased to state:

(a) in how many places in India special colonies or townships like the Rajendra Nagar and Patel Nagar in Greater Delhi are being constructed for displaced persons;

(b) how many townships with how many houses have been completed and how many more are under construction;

(c) which are the places where the Union and States Governments propose to build townships and colonies during the next five years specially for the sake of these displaced persons; and

(d) what is being spent upon these townships by the Union and States Governments?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) 94.

(b) 60,000 houses have been completed in the 94 colonies and townships and 5,500 houses are under construction. It is difficult to say exactly how many of the colonies and townships have been fully completed because in most of them some work or the other is still in progress, although the number of houses planned for the colony may have been completed already and the essential amenities provided. Full development of the colonies will take time.

(c) It is proposed in the first instance to provide one-roomed tenements with a verandah for displaced persons who are at present without any shelter whatsoever and for those living in tents or occupying public buildings etc. The State Governments have been asked to intimate the number of displaced persons involved. The State Governments have also been consulted regarding the future policy to be adopted and

plans will be prepared after receiving their views.

(d) Expenditure incurred during 1948 to 1950—Rs. 13.64 crores.

Anticipated expenditure during 1950-51—Rs. 9 crores.

FOREIGN TRADE

32. **Prof. Ranga:** Will the Minister of Commerce be pleased to state:

(a) whether the terms of Trade between India and Soft Currency Areas and also between India and Hard Currency Areas have come to be in favour of India since August, 1947; and

(b) if not, what are the main causes?

The Minister of Commerce (Shri Sri Prakasa): (a) Statistics relating to the terms of trade with hard and soft currency areas separately are not readily available. Statistics of the terms of trade between India and the world as a whole, however, are available and on the whole they show some movement in favour of India for the period concerned.

(b) Does not arise.

Friday, 1st December, 1950

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PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

OFFICIAL REPORT

Part II—Proceedings other than Questions and Answers.

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Price Five Annas

THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers.)
OFFICIAL REPORT

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PARLIAMENT OF INDIA

Friday, 1st December 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.

**POINT OF ORDER RE DISALLOWED
QUESTIONS**

Mr. Speaker: We will now proceed to take up the Legislative Business.

Shri Frank Anthony (Madhya Pradesh): I wish to raise a point of order. It is a fundamental matter which affects not only an individual Member but the House as such. You have expressed your opinion that when questions are disallowed, we should discuss this matter either with the Secretary or with you. My point of order falls into three parts. Is it in order that questions relating to public policy should be decided by private discussion between a Member and the Assistant Secretary or even between a Member and the Speaker?

Secondly, is it in order that the question should be disallowed by the Assistant Secretary, sending a printed slip under a rubber stamp signature, without even assigning a reason?

And, thirdly, is it in order to require experienced and responsible Members of this House to discuss, like erring children, the validity or otherwise of the questions with the Assistant Secretary?

Mr. Speaker: It is hardly a point of order. Now hon. Members know—if they do not know, they ought to read 223. P. S.

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the rules about questions—what questions are admissible and what are not admissible. Questions are primarily intended for purposes of eliciting information and not for purposes of discussing policies of Government. That is item 1.

Then intimation is given only in a short way that a question is disallowed. It is expected that the hon. Member who is keen on tabling a question, will further take the trouble of enquiring as to why a question is disallowed. It is not possible to carry correspondence in respect of every disallowed question and to give reasons in detail and then carry on a further discussion on the details given till the hon. Member is satisfied or until ultimately the Speaker says that the correspondence is closed. No office can efficiently function in that manner. We must look to the quantity of correspondence, when things can be best disposed of and best discussed orally. That is with regard to item 2.

The third point was about responsible and experienced Members. There is nothing like a loss of dignity. The arrangement has been made for the simple reason of facility to the Members. They have just to point out to the Assistant Secretary, who is in charge and have an explanation as to why a question was being disallowed. I have said always that, if an hon. Member is dissatisfied with that, he can personally come to me and have a full explanation. Unless this is done, looking to the large number of questions that are being tabled and the manner in which they are tabled, looking to the fact that a number of questions are being repeated, the same questions being repeated by different Members, the same questions being repeated by the same Member, in spite of the fact that a particular question was being disallowed during previous sessions and so on, it is not possible, as I said, for efficient and

[Mr. Speaker]

quick despatch of work unless we decentralize it so as, to reach the quantum of work. These are the points; I give the facts as they are. It is hardly a point of order.

Prof. K. T. Shah (Bihar): I would like to submit, if I may, in this connection that it would not be so inconvenient if the reasons are given only in the shape of reference to the rule under which a question is disallowed. It would be only adding a certain number to the slip that we get for questions being disallowed. There is a practice with the banks, for instance, by which if a cheque is dishonoured or not paid, the printed slip is attached to it giving the several reasons and the one reason under which a particular cheque is disallowed is just ticked off. That would not create too much correspondence or difficulty for the Office and yet a Member will know at least why in this particular case his question was disallowed, without going to the Secretary.

Pandit Thakur Das Bhargava (Punjab): The practice of giving reasons if followed, would enable a Member to put a fresh question in the light of the objections. Supposing a question is disallowed for a particular reason, the next time the same question can be repeated. If the objection is known, the questioner will have an opportunity of amending a question and bringing a new question. I think, this practice which my hon. friend, Prof. Shah has referred to will be extremely useful, if adopted.

Shri Tyagi (Uttar Pradesh): Especially in such cases where a question has been repeated, it becomes very hard for an experienced Member to know why it is being disallowed. As an experienced Member, he knows that the question is relevant from all points of view, but he does not know that another Member has put the same question. I therefore suggest that it may be mentioned that a question is rejected because it has been repeated by another Member.

Mr. Speaker: No further argument is necessary. The suggestion is a good one, but there are practical difficulties and I feel in the first place that, it is not possible to make out an exhaustive list of all the reasons for which various questions are disallowed or parts of questions are disallowed; because hon. Members will realize that there are certain inherent powers in the Speaker, and it will not satisfy them to be merely told "disallowed" in the discretion of the Speaker. There are various aspects of the

matter; sometimes questions are asked in respect of purely individual matters sometimes parts of questions are disallowed, because parts are repeated; sometimes though an identical question is not put it is substantially covered by some other question. So it may be possible in the case of pure repetition to say "repeated", but to go on the analogy of the bank management, it will not be possible to merely tick off, because it means I must make out an exhaustive list of the various reasons and then tick it off. The simplest course is the present one and I do not think that it is very difficult to follow. Hon. Members are always here and the Assistant Secretary is here. An hon. Member can always have a reference, if he is dissatisfied with anything, he can always have a reference made and immediately know as to why a question is disallowed. In fact, what I have been feeling—and I have doubted many times—when I receive the questions, as to whether the rules about questions are borne in mind by all the questioners when they table their questions. Even in the matter of supplementaries, there is so much that really deserves to be disallowed, but it is no use going into that question when an hon. Member puts a question. He has put it and there is no use wasting further time over it. Before he puts it, I cannot know what he has to say, and after he has said it, he has said it, and there is no use trying to go into it again; it cannot be amended. So the only course possible is the system of giving intimations, so that an hon. Member may not remain in suspense in respect of what happened to his question and then it is expected that if he has anything to say he can always do so. Hon. Members are always meeting the Secretary; they visit the Notice Office so many times and they know the office staff as well. Therefore, I do not think that we should increase the red tape in this matter to the extent suggested.

Shri Raj Bahadur (Rajasthan): Is it not possible to give the relevant part of the rule?

Mr. Speaker: The rule is an omnibus rule: It can be done but it will mean more work, and it will not carry matters much further. It will only add to the work.

Shri Raj Bahadur: It may save time for the Member concerned.

Mr. Speaker: Well, we will see what is possible. I do not promise anything.

1065 Labour Relations 1 DECEMBER 1950 Delhi Premises Re- 1066
Bill
quisition and Eviction)
Amendment Bill

Shri Gautam (Uttar Pradesh): One small observation, Sir. If a question is disallowed because somebody else has put the same question, I would request you to add that name also to that question. Because, if the original questioner is absent, this man does not get a chance to put supplementaries. Just as in the case of amendments, we can have one or two or three persons putting the same question. If one Member is not there, the other Member can put that question and also supplementaries.

Mr. Speaker: I do not think we can carry on this argument any further. This presupposes that two or three Members put questions at the same time on the same subject and join together. If they join together, they could know.

Shri Gautam: They do not know.

Mr. Speaker: Order, order. When a question is tabled, the other Member is informed that the question is disallowed on a particular ground. Actually the question comes for answer on a future date. How can the three combine together and table a question actually on the day when the question comes for answer? This suggestion has not taken us any further at all.

Shri Joachim Alva (Bombay): May I ask a question, Sir?

Mr. Speaker: I do not propose to allow any further questions now, because the agenda is Legislative Business, presentation of reports of Select Committees. Mr. Ayyangar.

LABOUR RELATIONS BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

Shri M. A. Ayyangar (Madras): I beg to present the Report of the Select Committee on the Bill to provide for the regulation of the relationship between employers and employees, for the prevention, investigation and settlement of labour disputes and for certain matters incidental thereto.

Prof. Shibban Lal Saksena, who was a Member, wrote to me that he would send his Minute of Dissent before I present the Report of the Select Committee. I have not received it so far.

Mr. Speaker: When did he intimate?

Shri M. A. Ayyangar: I got his letter yesterday saying that he would

be sending it today. So far I have not received it and therefore I have not been able to incorporate it. I sent a letter to him saying that if the Minute of Dissent is received before 11.30 A.M. today, I will incorporate it. I waited; it has not come.

Mr. Speaker: I find from his letter, he says:

"I hope the Select Committee Report will not be released without including my Minute of Dissent which will definitely reach the Select Committee on 3rd December."

Could this report not have been presented on the 3rd, or the 4th?

Shri M. A. Ayyangar: I do not know. Time has been given only up to this date. It has got to be extended.

The Minister of Labour (Shri Jagjivan Ram): This is the last day for the presentation of the Report.

Mr. Speaker: Then, he could have made a motion for the purpose of extension of time, to enable him to send his Minute of Dissent. I did not know it previously. Otherwise, I would have suggested a motion for the extension of time for the presentation of the Report. Now that the Report has been presented, any motion for extension of time is of no avail.

TRADE UNIONS BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

12 NOON.

The Minister of Law (Dr. Ambedkar): I beg to present the Report of the Select Committee on the Bill to provide for the registration and recognition of trade unions and in certain respects to define the law relating to registered and recognised trade unions and to certain unfair practices by employers and recognised trade unions.

DELHI PREMISES (REQUISITION AND EVICTION) AMENDMENT BILL.—Concl'd.

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by hon. Shri N. V. Gadgil

"That the Bill further to amend the Delhi Premises (Requisition and Eviction) Act, 1947, be taken into consideration."

[Mr. Speaker]

And side by side, also consideration of the amendments moved by Pandit Thakur Das Bhargava, Dr. Bakshi Tek Chand and Shri Jaspal Roy Kapoor.

लाला अब्दुल-राम : माननीय स्पीकर साहब, मैं कल अर्ज कर रहा था कि जब नासिक कांग्रेस ने यह ऐलान किया था, यह वादा फरमाया था कि गवर्नमेंट आफ इण्डिया रिफ्यूजीज के काम को फर्स्ट प्राय-रटी (first priority) देगी और उस प्रस्ताव को अभी सिर्फ दो महीने हुए हैं, उस प्रस्ताव को प्राइम मिनिस्टर साहब का आशीर्वाद भी हासिल था और माथ ही मुल्क में चारों तरफ इस बात की मांग हो रही थी कि शरणार्थी मसले को वार बसिस (war basis) पर हल किया जाये। ऐसे अखत्यारात गवर्नमेंट ले जिन अखत्यारात से रिफ्यूजीज को बसाने का काम सहल हो। इन तीनों बातों के अलावा चौथी बात यह थी कि जब गाडगिल साहब खुद अपने दिल में शरणार्थियों के लिये इतनी हमदर्दी रखते हैं, तो फिर क्या वजह है कि आज इस किस्म का बिल हाउस के सामने पेश किया गया। यह एक प्रश्न है। खास तौर से यह दिल्ली के लिये पेश किया जा रहा है। दिल्ली का महत्व हम लोग समझते हैं क्योंकि यह मुल्क की राजधानी है इस लिये यहां जनता के कोओपरेशन (Cooperation) की जरूरत है। यही मिनिस्ट्रों की पार्टियां होती हैं, वजीरों के जल्से होते हैं, यहीं पर बाहर की एम्बेसीस (Embassies) आती हैं, अगर दिल्ली के अन्दर जनता का विश्वास और कोओपरेशन नहीं है तो देश की बड़ी हानि होगी। इन तमाम हालात के होते हुए फिर क्या कारण है कि यहां पर ऐसा ड्रास्टिक मैजर (Drastic measure) पेश किया गया है। यह प्रश्न आज सब के सामने

है। इसका जवाब मैं दो शब्दों में दूंगा। इस मैजर को, इस ऐमेन्डिंग बिल (Amending Bill) को पेश करने वाले अब कोई गैर हमदर्द नहीं बन गये हैं, बल्कि आज जो यह मैजर, वह हाउस के सामने पेश करते हैं इसका कारण यह है कि वह आज अपने आप को बेबस पाते हैं, मजबूर पाते हैं, उनके लिये और कोई रास्ता नहीं है। मैं पूछता हूँ मजबूरियां क्या हैं। एक मजबूरी जिस का जिक्र परसों गाडगिल साहब ने फरमाया था यह थी कि इस वक्त जुडिशियरी (Judiciary) पर वह भरोसा नहीं कर सकते। एक्जिक्यूटिव (Executive) और जुडिशियरी की आपस में नहीं बनती है। जुडिशियरी इस बात पर तुली हुई है कि वह एक्जिक्यूटिव के खिलाफ काम करे। मैं इस मामले के अन्दर जुडिशियरी को जस्टिफाई (Justify) नहीं करता। मैं समझता हूँ कि जुडिशियरी भी गल्ती कर सकती है, लेकिन यह बात सामने आई है कि जुडिशियरी और एक्जिक्यूटिव में आपस में बिल्कुल नहीं बनती। जो काम एक्जिक्यूटिव साधारण हालत के अन्दर जुडिशियरी से करवा सकती है वह आज नहीं करवा सकती है। स्पीकर साहब, मैं आपके सामने अपने दिल की जो हालत है वह अर्ज करना चाहता हूँ। जब से मैं पार्लियामेंट का मेम्बर हुआ हूँ सब से शाकिंग (Shocking) बात मेरे लिये तब हुई थी जिस वक्त मोहनलाल सक्सेना साहब ने इस भरे हाउस के अन्दर यह कहा था कि दूसरी मिनिस्ट्री जो है वह उन की मिनिस्ट्री से कोओपरेट नहीं कर रही हैं। देवर इज नो कोओरडिनेशन बिटवीन दी मिनिस्ट्रीस (There is no coordination between the Ministries) यह मेरे लिये बड़ी शाकिंग बात हुई थी। मैं इस बात

के लिए तैयार नहीं था कि कांग्रेस गवर्नमेंट जो इस वक्त हिन्दुस्तान में काम चला रही है उसकी अपनी मिनिस्ट्रीज के अन्दर कोआरडिनेशन न हो। इस बात ने मुझे बहुत दुःख दिया और मैं हेरान रहा कि यह गवर्नमेंट कैसे चलेगी। दूसरो तक तो मुझे परती हुई जब कि मैं ने गाडगिल साहब के मुखारबिन्द से यह सुना कि वह क्या करें, मामूली कोर्टस के पास कैसे जायें क्योंकि एक्जिक्यूटिव की और जुडीशियरी की लड़ाई हो रही है। यह मेरे लिए बड़ी तकलीफ देह बात थी। मैं समझता हूँ कि अगर हम इस मर्ज को समझ लें तो हमारे बहुत से मसले हल हो जाते हैं। इस वक्त न सिर्फ यही है कि कोआरडिनेशन नहीं है बल्कि आज यह है जैसा कि श्रीमती सुवेता कृपळानी ने कहा कि रिफ्यूजीज को निकाल कर रिहैबिलिटेशन डिपार्टमेंट (Rehabilitation Department) का बोझ बढ़ाया जा रहा है क्योंकि यह हजारों रिफ्यूजी बोझ बन जायेंगे। यह बात उन की बड़ी माकूल थी। मैं नहीं समझता कि गाडगिल साहब जो कि इतने जिम्मेदार हैं वह इस बात को नहीं समझते हैं कि उन के इस फेल का असर क्या होगा और इस से किस तरह रिहैबिलिटेशन मिनिस्ट्री का बोझ बढ़ जायेगा। वह सब समझते हैं पर ऐसा करने पर मजबूर हैं क्योंकि सरकार में कोआरडिनेशन नहीं है। लेकिन जो रिहैबिलिटेशन मिनिस्टर हैं वह क्या करें क्योंकि रिहैबिलिटेशन के लिए रुपया नहीं है। अगर वह रुपया मांगते हैं तो वही होगा जो मोहन लाल सक्सेना के साथ हुआ था। उन्होंने अपना इस्तीफा इसी वास्ते दिया कि उन्होंने गवर्नमेंट से रुपया मांगा और गवर्नमेंट रुपया न दे सकी। लेकिन गवर्नमेंट केबिनेट भी रुपया कहां से लाये। आज

गवर्नमेंट के अन्दर इतनी ताकत नहीं है कि वह मुल्क के अन्दर टैक्स लगा सके या कैपिटल लेवी (capital levy) लगा सके जिससे कि रिहैबिलिटेशन किया जाये और रिफ्यूजीज के लिए रुपया मिल सके। यह कहा जाता है कि पाकिस्तान ने रिहैबिलिटेशन टैक्स लगा दिया है, लेकिन उनके अन्दर शक्ति थी इस लिए उन्होंने टैक्स लगा दिया। लेकिन मैं समझता हूँ कि आज हमारी गवर्नमेंट में वह आत्म विश्वास नहीं है। पांच या छः बरस पहले जो प्रोड्यूसर (producer) अपने एक मन अनाज की कीमत दो रुपया लेता था वह आज १६ रुपया लेता है लेकिन क्या हम इस गवर्नमेंट से यह उम्मीद कर सकते हैं कि जिस आदमी को एक रुपये की जगह आठ रुपये मिल रहे हैं उस का मालिया दूना कर दे। लेकिन वह ऐसा नहीं कर सकती। क्या वजह है? वजह यह है कि उस को यह कानफिडेंस नहीं है कि अगर वह मालिया बढ़ायेगी तो जनता उसका साथ देगी। इसी वजह से रुपया नहीं आता है और इसी वजह से रिहैबिलिटेशन महकमा अपना फर्ज अदा नहीं कर सकता, और इसी वजह से कोआरडिनेशन नहीं होता है और इसी वजह से गाडगिल साहब मजबूर हो कर आपके सामने यह तजवीज पेश करते हैं और जब तक यह हालत रहेगी तब तक मुल्क में कोई महकमा ठीक तरह से नहीं चल सकेगा। जब वह रिहैबिलिटेशन मिनिस्ट्री को मजबूर नहीं कर सकते, जब वह गवर्नमेंट को इस बात के लिए मजबूर नहीं कर सकते कि उनके वास्ते रुपया मुहय्या करे, जब जुडीशियरी उनकी जरूरियात को पूरा नहीं कर सकती और उन के साथ लड़ती है, तो फिर उन के पास एक ही रास्ता रहता है। हमारा एक छोटा सा असूल है कि पानी डलबान की तरफ ही बहता है, कमी उचान की तरफ नहीं जाता।

[लाला अब्दुल राम]

तो उन के पास रास्ता यही था कि अगर और किसी तरह काम नहीं बनता तो शरणार्थियों की तरफ ही झुका जाये और वह यह चाहते हैं कि किराया एरियर्स आफ रेवेन्यू (arrears of revenue) की तरह बसूल किया जाये। मामूली बात है, और इस पर गवर्नमेंट ने अपनी मुहर भी लगा दी है और गाडगिल साहब ने एक छोटा सा बिल पेश कर दिया है। लेकिन इसके नतायज क्या होंगे, इस से जनता में कितना असंतोष होगा। लेकिन गाडगिल साहब समझते हैं कि और कोई चारा नहीं है, वह मजबूर है और इसी वास्ते वह यह बिल पेश करते हैं। परसों जब उन्होंने तक्रारी की तो मुझे बड़ी हैरानी हुई। गाडगिल साहब ने जो कि रिफ्यूजीज के लिए अपने दिल में इतनी हमदर्दी रखते हैं ऐसे अल्फाज इस्तेमाल किये कि उन को सुन कर मुझे बड़ी हैरानी हुई। लेकिन मैं आप को यकीन दिलाता हूँ कि उन के अल्फाज को सुन कर मुझे कोई गुस्सा नहीं आया क्योंकि मैं समझता हूँ कि जब एक दफा आदमी पटरी से उतर जाता है तो गलती पर गलती करता है। जब वह एक दफा मुनासिब बात जो थी वह नहीं कर सके हैं, रिहेबिलिटेशन के लिए रुपया हासिल नहीं कर सके हैं, जुडीशियरी को अपने ढंग पर नहीं ला सके हैं, तो आखिरी रास्ता उन के पास यही है कि अपने आप को जस्टीफाई करें। गाडगिल साहब जिन के दिल में शरणार्थियों के साथ बड़ी गहरी हमदर्दी है क्या क्या लफ्ज इस्तेमाल करते हैं। उन्होंने फरमाया कि रिफ्यूजीज सेबोटियर्स (saboteurs) हैं। मैं कभी वह आशय नहीं करता था कि इन शरणार्थियों को वह सेबोटियर्स से लफ्ज से याद करमायेंगे। उन के लिए कहा गया कि

ला आफ इक्विटी (Law of Equity) के बखिलाफ काम करते हैं, उन को कहा गया कि यह अनअथोरिज्ड ओक्युपेंट (unauthorised occupants) हैं। उन को कहा गया कि यह ट्रेसपासर्स (trespassers) हैं, यहाँ तक कहा गया कि यह भूटे हैं और फ्राड (fraud) करते हैं। ऐसी बातें कही गईं। मैं हैरान था कि यह बातें कौन कह रहा है और किस के लिए कह रहा है। वह आदमी जो रिफ्यूजीज का इतना हमदर्द है वह ऐसे अल्फाज निकाल रहा है लेकिन इस के बावजूद, मैं आप से अर्ज करता हूँ, मुझे गुस्सा नहीं आया। मैं समझता हूँ कि वह मजबूर हैं। गवर्नमेंट को जो मौजूदा परिस्थिति है वह उन को मजबूर कर रही है कि वह ऐसे अल्फाज अपने मूंह से निकालें। मैं गाडगिल साहब को यकीन दिलाऊँ कि वह ऐसे अल्फाज कह कर सिचुएशन (situation) को ठीक नहीं कर सकेंगे। सिचुएशन दिन व दिन ज्यादा खराब होती जा रही है। क्या आप को मालूम है कि इस वक्त रिफ्यूजीज के दिल की हालत क्या है। गवर्नमेंट पर उन का बहुत विश्वास नहीं रहा है। अभी मिनिस्टर साहब, मिस्टर जैन, आप को बतलायेंगे कि क्लेम दाखिल करनेके लिए रिफ्यूजीज को बार बार अपीलें को गईं। एक अपील की, दूसरी अपील की, तीसरी की, बहुत सारी अपीलें कीं क्लेम दाखिल करने के लिए। आप पूछेंगे कि बात क्या है? क्या यह हो सकता है कि किसी भूखे आदमी को दूध का गिलास दिखलाया जाये और कहा जाये कि वह उस को पिये, पर वह उस को नहीं पीता। आप उस को दूध का गिलास दिखलाते हैं और कहते हैं कि पीजिये पर वह कहता है कि मैं नहीं पीऊंगा। यह बात क्या है। बल्कि यह है कि वह यह समझते हैं कि इस गिलास की तरफ अगर हम आंस उठा कर देखेंगे तो देख

करने में जितना बक्त बर्च होगा वह जाया होगा। क्ये कि उन को मालूम है कि गिलास में दूध नहीं है बलकि खरिया मिट्टी है। वह जानते हैं कि जो आदमी दूध पेश कर रहा है उस में दूध देने की ताकत ही नहीं है, यह चाक (chalk) होगी क्योकि यह सफेद है। इस वास्ते वह यह समझते हैं कि इस को देखना भी दूध को खराब करना है। यह गवर्नमेंट की हालत है। इस बक्त गाडगिल साहब ने देखा कि जुडीशियरी हमारी जरूरियात को पूरा नहीं कर सकती, और गवर्नमेंट रुपये की मदद नहीं कर सकती, तो उन्होंने सोचा कि रहे काम पुलिस की ताकत से करवा लें। मैं यह अर्ज करता हूँ कि अगर गाडगिल साहब या गवर्नमेंट का और कोई आदमी यह ख्याल करता है कि जो काम लोगों की मर्जी से नहीं हो सकता, जो काम रुपये से नहीं हो सकता, जो जुडीशियरी से नहीं हो सकता वह पुलिस के जरिये करवा लिया जा सकता है, तो यह गलत है। मैं जो बात आपको बतलाऊँ उस को सुन कर आप को हैरानी होगी कि जब पुलिस वाले दखल दिलवाने जाते हैं और रिफ्यूजीज को जबरदस्ती निकालते हैं तो वह कहते हैं कि हम मजबूर हैं।

[MR. DEPUTY-SPEAKER in the Chair]

उन के दिल के अन्दर ऐसा करने का जस्टीफिकेशन नहीं है पर वह मजबूर हैं। अब से तीन चार साल का बर्सा हुआ जो गवर्नमेंट चल रही थी उस की भी यही हालत थी। जो गवर्नमेंट सर्वेंट्स (Govt. Servants) थे उन की हमबर्दी कांग्रेस के साथ थी पर वह गवर्नमेंट का साथ देने को मजबूर थे। टोट वह कांग्रेस बार्ने को बर्से थे। पुलिस वाले कहते थे कि वह मजबूर हैं। यही हालत अब भी हो

रही है। इस हाऊस के अन्दर ऐसे सदस्य हैं जो दिल से गवर्नमेंट के साथ कोबोपरेट नहीं करना चाहते और ओपोजीशन पार्टी (Opposition Party) बनाना चाहते हैं। यह तमाम बातें चल रही हैं। आज मुल्क की वही हालत है जो पहले थी।

लेकिन अभी तो इन हालात को पलटा जा सकता है। गाडगिल साहब फरमाते हैं कि वह सेबोटयर्स (saboteurs) हैं, अनऔथोराइज्ड परसन्स (unauthorised persons) हैं। तो मैं पूछता हूँ कि उन प्लॉट्स (Plots) पर अनऔथोराइज्ड (unauthorised) सकान बनाने की औथोरिटी (authority) किसने दी थी? साथ ही मैं आप से सवाल करता हूँ कि आप को मुल्क के तकसीम करने की औथोरिटी किसने दी थी? मैं पूछता हूँ कि उन को औथोरिटी किसने दी थी कि पाकिस्तान के साथ इस तरह एक्सचेंज ऑफ पापुलेशन (Exchange of population) करके मुल्क को तकसीम करके? क्या उनको यह औथोरिटी कांग्रेस के खुले इजलास से मिली थी? क्या उनको यह औथोरिटी महात्मा गांधी के अस्फाज से मिली थी? महात्मा गांधी ने यह कहा था कि पाकिस्तान मेरी हड्डियों पर बनेगा। पाकिस्तान बन नहीं सकता, मैं मर जाऊँ तब मेरी हड्डियों पर कहीं पाकिस्तान बन सकता है। उन के इन्हीं अस्फाज को हम ने बोहराया। इस नारे को लेकर हम लोगों के पास गये और हमने यह नारा लगा कर कि “पाकिस्तान हमारी हड्डियों पर बनेगा” हमने बोट हासिल किये। और आज जब आप उन को अनऔथोराइज्ड परसन्स कहते हैं तो मेरी सख्त में नहीं आता कि आप किस तरह से ऐसा कहते हैं? अगर आप अस्फाज पर ही कायम रहें तो यहाँ वह गवर्नमेंट नहीं

[काला अचिन्न राम]

बन सकती थी यहां इस मुल्क में इंडो-पाकिस्तान गवर्नमेंट (Indo-Pakistan Government) बनती। हमने हालात को देखा और हमको अल्फाज को निगलना पड़ा। इस बास्ते इन अल्फाज को उन्होंने भी निगला और आज हिन्दुस्तान के अन्दर कांग्रेस गवर्नमेंट इस शकल में आई। अगर आप अल्फाज पर क्रायम रहें तो आप यहां अनौथोराइज्ड वे (unauthorized way) में आये हैं। इस बास्ते अगर आज आप अनौथोराइज्ड तौर पर यहां रह सकते हैं तो फिर आप के मुँह में यह बात कैसे आती है कि इन शरणार्थियों को जो अपना घर बार तबाह कर के यहां आये हैं उन को जगह देने में आप कामयाब नहीं हो सके और जो खाली जगह पड़ी थी उस को उन्होंने ले लिया तो आप उन को अनौथोराइज्ड कहते हैं? याद रखिये कि उन्होंने जो खाली जगह पड़ी थी उस ही को लिया, उन्होंने किसी मिनिस्टर के मकान पर जा कर कब्जा नहीं किया, उन्होंने सिर्फ खाली जमीन जो पड़ी थी वहां पर मकान बनाया तो आप उन को अनौथोराइज्ड परसन्स कहते हैं।

Mr. Deputy-Speaker: There is so much talk going on in the House, I am afraid the Reporters are unable to hear what is spoken by the hon. Member. Therefore they should avoid talking on the floor of the House, so that the hon. Member speaking may be heard properly.

Babu Ramnarayan Singh: Yes, Sir.

काला अचिन्न राम : मैं अज कर रहा था कि आज उन आदमियों को यह अहना कि वह अनौथोराइज्ड तौर पर कब्जा करे हुए हैं, और उन आदमियों को यह कहना कि जो खुद अनौथोराइज्ड एक्शन (unauthorized action) करे हुए

हैं, यह मेरी समझ में नहीं आता। गाडगिल साहब समझते हैं कि आपद काल का आपद धर्म होता है। जब कोई खास हालात होते हैं तो उस समय खास धर्म होता है, और मामूली तौर पर वह अनौथोराइज्ड हैं। लेकिन मेरी गुजारिश उन से यह है कि वह ऐसे अल्फाज का इस्तेमाल न करें। ऐसे अल्फाज इस्तेमाल करने से रिफ्यूजीज के दिल और जर्मी होंगे। आप उनको कहते हैं ट्रेसपासर्स (Trespassers) में कहता हूँ कि वह आदमी जिन्होंने अपनी तमाम जायदादें वहां लुटवा दीं, अपने घर बार जिन्होंने वहां तबाह कर दिये और अपनी औरतों और बच्चों को वहां मरवा दिया, आज उन को आप यह कहें कि तुम ट्रेसपासर्स हो, यह बात आप के मुँह में आती कैसे है। वह तो ट्रेसपासर्स हैं और आप जायज हक्क की जगह पर बैठे हैं। आप उन को कहते हैं संबोट्यर्स। जरा गौर फरमाइये कि वह रिफ्यूजीज जो वहां अपने घर छोड़ कर आये हैं, जिन्होंने महात्मा गांधी के अल्फाज पर अमल किया, महात्मा गांधी ४ अगस्त को वहां गये और उन्होंने कहा कि आइदर डू आर डाई (Either do or die) कोशिश करो वहां रहने की, नहीं तो वहीं मर जाओ, तो जब कांग्रेस जो हिन्दुस्तान में काम कर रही थी उस कांग्रेस के लीडरों ने और नेताओं ने तो महात्मा गांधी के अल्फाज को निगल लिया लेकिन वह लोग पाकिस्तान में रहे, वहां के हिन्दू और सिक्ख, उन को आप कहते हैं संबोट्यर्स। वह लोग जिन्होंने महात्मा गांधी के अल्फाज पर उन के जीवन में फूल चढ़ाये और मरने के बाद भी फूल चढ़ाये, क्योंकि यह बात आप सब जानते हैं कि महात्मा गांधी के बाद गांधी नेशनल समोरियल फंड जारी किया गया और उसके अन्दर

सब से ज्यादा रुपया किस ने दिया, तमाम सुबों में शायद पूर्वी पंजाब नम्बर दो या तीन पर रहा, आप के मद्रास बगैरह जो हैं बहुत पीछे रहे लेकिन सब से अब्बल नम्बर दो पर जो रहा वह पंजाब रहा, उन लोगों को आप कहते हैं कि सैबोट्यर्स हैं। उन रिफ्यूजीज को आप सैबोट्यर्स कहते हैं, यह बात आप के मुँह में कैसे आती है। उन को आप कहते हैं कि सैबोट्यर्स हैं, ट्रेसपासर्स है और कहते हैं ला आफ इक्विटी के खिलाफ वह काम कर रहे हैं। यह रिफ्यूजीज जिन को आप कहते हैं कि ला आफ इक्विटी के खिलाफ काम करते हैं, मैं आप से पूछता हूँ कि इस पार्टीशन के नतीजों के तौर पर लाखों आदमी जो कल बादशाह थे आज भिखारी हो गये हैं, वह आदमी जिन के मकान थे, जिन के अपने महल थे, जिन की अपनी जायदाद थीं, आज वह बेघर बन गये हैं, भिखारी बन गये हैं, वह आदमी जिन की औरतें और बच्चे सब कृच्छ्र तबाह हो गया, आज उन के मुकाबले में यहां पर करोड़हा इन्सान, लाखों आदमी अपनी ज़मीनों और जायदादों के मालिक बने हुए हैं, मकानों के मालिक भी रहें और जायदादों के मालिक भी रहें, उस को आप कैसे ला आफ इक्विटी कहते हैं? एक तरफ, *On one side lakhs of people enjoy their property* और दूसरी तरफ़ लाखों आदमी तबाह हो जाय, इस को आप ला आफ इक्विटी कहते हैं।

इस के बाद आप एक बात और देखिये कि शरणार्थी यहाँ लाखों की तादाद में आ गये और उन के आने की वजह से जिन मकानों का किराया इस रुपया था उन का ५० रुपया हो गया। यह महज़ उन के आने की वजह से हुआ और आज वह इतना

किराया ले रहे हैं और आप कहते हैं कि यह ला आफ इक्विटी है। कभी आप को यह ख्याल भी आया कि उन बेचारों की हड्डियों के ऊपर यह महल उठाये जा रहे हैं, उन की सुसोबतों पर ये महल भरे जा रहे हैं गवर्नमेंट सरवेन्ट्स (*Govt. servants*) की तरफ़ देखिये। आज यहां से मुसलमान चले गये तो कल तक जो गवर्नमेंट सरवेन्ट इन-कम्पीटेंट (*Incompetent*) थे उन को प्रमोशन (*promotion*) मिल गया। कल तक वह इनकम्पीटेंट थे और आज पार्टीशन की वजह से मुसलमान चले गये तो शरणार्थी तो बेचारे धक्के खाते हैं और ये लोग-कम्पीटेंट बन जाते हैं और उन को प्रमोशन मिल जाते हैं। क्या यह ला आफ इक्विटी है ?

फिर आप कहते हैं कि हमें ला एंड आर्डर (*Law & order*) का ख्याल है। मैं आप का बड़ा मशकूर होऊंगा अगर आप ला एंड आर्डर मुल्क के अन्दर कायम कर सकें। आप को मालूम है कि जब लाखों शरणार्थी आ गये और जब उन के लिए कोई जगह नहीं थी, आप का यहां कोई इन्तजाम नहीं था, तो जो मुसलमान यहां से गये थे उन की खाली जगह में वह धुसे तो यहां के कस्टोडियन साहब कहते हैं कि भागो तुम यहां से, यहां नहीं रह सकते, तो आप पंडित जवाहरलाल जी को जानते हैं, वह एक्स्ट्राआर्डिनरी (*Extra-ordinary*) आदमी हैं, उन के तरीके भी एक्स्ट्राआर्डिनरी होते हैं, उन्होंने कहा कि जो जहां है वह वहीं बैठा रहे और वह वहां से न निकाला जाये, तो तब आप का ला एंड आर्डर कहां गया ? *That was the proper time to establish law and order.* आज दिल्ली के अन्दर पीने दो लाख रिफ्यूजी

[लाला अचिन्त राम]

ऐसे इस तरीके से बसे हुए हैं। अगर उस कानून को जायज करार दिया जा सकता है तो आप क्यों उसे जायज करार देते हैं? जब प्राइम मिनिस्टर साहब उसे जायज करार दे सकते हैं तो क्या गाडगिल साहब इन ४ हजार मकानों को जायज करार नहीं दे सकते हैं?

मुझे तो हंसी सी आती है कि यह एक बहुत छोटी सी बात है। हमारे रंगा साहब बात कर रहे थे। वह कहते थे कि साहब हमारी वह सीट थी, अब उस पर दूसरे बैंक बैंचर्स (back benchers) बैठ गये हैं, तो वह बहुत गरम हुए। वह फँसला करना चाहते थे कि वह उनकी सीट थी, मगर वह धौरो को उठा नहीं सकते, तमाम बैंक बैंचर्स दखल किये हुए थे। तो मैं कहता हूँ कि यहाँ पर तो आप ला एंड आर्डर कायम कर नहीं सकते, आप यहाँ एम. पी. (M.P.) को तो जगह दिला नहीं सके तो फिर आप इन आदमियों को कैसे निकाल सकते हैं?

आप को मालूम है कि वह किन हालात में यहाँ आये और कब आये। अब आप कहते हैं कि "We shall realise the money as arrears of land revenue" लेकिन इस बारे में मैं आप को यकीन दिलाता हूँ कि यह पुलिस जिस पर आप भरोसा कर रहे हैं यह पुलिस आप का साथ नहीं देगी। जिन जेलखानों का आप भरोसा कर रहे हैं कि वहाँ आप उन को भेज देंगे वहाँ आप उन को नहीं भेज सकेंगे।

Pandit Krishna Chandra Sharma (Uttar Pradesh): What is the relevancy of all this? It is a long story.

Lala Achint Ram: It is all relevant.

Pandit Krishna Chandra Sharma: You think so but I am appealing to the Chair.

Mr. Deputy-Speaker: The troubles which Members of this House and

refugees have undergone need not be too much expatiated upon. Dr. Tek Chand recited a number of instances and therefore only the inconveniences that might arise on account of the Bill may only be referred to and also what action is to be taken by the Government.

लाला अचिन्त राम : मैं यह अर्ज करना चाहता हूँ और इस बात को अच्छी तरह वाच कर देता हूँ कि यह रास्ता जो इस वक्त गवर्नमेंट एडाप्ट (adopt) कर रही है यह रास्ता लाजमी तौर पर नाकामयाब होगा। यह प्रावीजन (provision) जो इस बिल के अन्दर इस वक्त रखा जा रहा है यह खोखली बुनियाद पर रखा जा रहा है यह पुलिस की बुनियाद पर रखा जा रहा है और पुलिस इस में मदद नहीं करेगी। जिस पुलिस का आप भरोसा कर रहे हैं तो मैं ने कई पुलिस के लोगों से सुना है कि वह कहते हैं कि हम तो पेट की खातिर यह कर रहे हैं। तो मैं जो यह बातें कह रहा हूँ, उन को मैं समझता हूँ कि सब रिलेवेंट (relevant) हैं। खैर।

लेकिन इन तमाम बातों के बावजूद मैं समझता हूँ कि इस वक्त जो हालात हैं, वह ऐसे नहीं हैं जो आप की ताकत के बाहर हों और जिन्हें आप काबू न कर सकते हों। मगर इसका सही हल यह नहीं है कि आप इस किस्म का बिल पेश कर दें। इस का सही हल तो यह है कि गाडगिल साहब प्राइम मिनिस्टर साहब से मिलें, उस के लिये कैबिनेट की मीटिंग बुलवायें और जो मौजूदा हालात हैं, उस के बारे में सोच बिचार करें और कोई उस का हल सोचें। जो हालात और कन्डीशनस् (conditions) आज हमारे देश में पैदा हो रही हैं, उन हालात को अगर पलटा नहीं गया और इस प्रोसेस आफ डिस्इन्टीग्रेशन (Process of dis-integration) को रोका नहीं गया,

तो यहां कोई कानून नहीं रह जायगा। इस मसले का सही हल यह है कि जहां बहरी है और जहां सोसं आफ ईविल (source of evil) है वहां उस का इलाज करें। और वह इलाज यह है कि आप की कैबिनेट में जो सारे मंत्री हैं, उन के अन्दर एक सौलिडेरिटी (solidarity) हो, एक कोओरडिनेशन हो, और जो आतम विश्वास की कमी है उस को हटाकर कम्पलीट कोनफिडेन्स (complete confidence) पैदा किया जाये, तो यह शरणार्थियों का मसला ठीक तरह से हल हो सकता है। आज यह जुडीशियरी जो आप के खिलाफ है, मैं यह नहीं समझता कि जुडीशियरी बिल्कुल जस्टिफाईड है या बिल्कुल अनजस्टिफाईड है। इस को पैदा करने वाले कौन लोग हैं, यही हमारे मिनिस्टर साहबान हैं, और यही हमारे सरदार पटेल हैं, तो आज यह जुडीशियरी उन के खिलाफ क्यों हो रही है और उस की असली वजह क्या है। या तो यह कहा जाये कि यह कानून गलत सलत बनाते हैं, लेकिन दरहकीकत बात तो यह है कि वह समझते हैं कि उन के अन्दर किसी कदर उन के प्रति इन्डिफरेंस (indifference) सा पैदा हो गया है और वह यह समझते हैं कि आज जिन ओहदों पर यह लोग बैठे हुए हैं वह उन के लायक नहीं हैं। इस बास्ते में गवर्नमेन्ट से बड़े अदब से अर्ज करूंगा कि यह उन का फर्ज है कि वह इस मसले को हल करें और जितने सुप्रीम कोर्ट के जज हैं, हाईकोर्ट के जज हैं, उन की एक मीटिंग बुलायें और बहानों पर इस मसले को हल करें। मुझे पूरी आशा है कि जिस तरह पिछले वर्ष जब हमारे सामने यह ससला था, और जो सैपरेट रिप्रेजेंटेटिव (separate representation) चल रहा था,

हिन्दू अलग चल रहे थे, मुसलमान अलग जा रहे थे, सिख अलग जा रहे थे और ईसाई दूसरी तरफ जा रहे थे और बहुत सारे हमारे सामने सवाल थे, कि हारमोनी (harmony) कैसे पैदा करें जब कि हर एक अपनी अपनी मांग बिल्कुल अलहिदा अलहिदा रख रहा था, उसको हम ने किस तरह से खूबी से हल कर के मुल्क के सामने पेश किया जिस से तमाम इखतिलाफात मिट गये, इसी तरह मैं समझता हूँ कि इस वक्त जो मुसीबत आप के सामने है उस का हल यह नहीं है कि आप रिफ्यूजीज पर कुल्हाड़ा चलायें, बार्शलला चलायें। उसका हल यही है कि आप अपने अन्दर देखिये और जो नुकस हैं उन को दूर करने की कोशिश कीजिये। अगर आप का यह ख्याल है कि शरणार्थी आप से कोओपरेट नहीं करेंगे, तो मैं आप को यकीन दिलाना चाहता हूँ कि अगर आप को इस काम को ठीक करना है और अगर आप समझते हैं कि मकानात ठीक नहीं बने हैं, उन को ठीक तीर से बनाना है, तो शरणार्थी उस में आप के साथ पूरी तरह कोओपरेट करेंगे और उन को ठीक करेंगे। वह ऐसे बुरे नहीं हैं, जैसा गाडगिल साहब ने फरमाया है कि वह धोखेबाज हैं। श्री बल्बी जी ने यह चीज साफ कर दी कि शरणार्थी भाई धोखेबाज नहीं हैं, वह तो मुसीबत जदा है। अगर आप एक मजबूत हिन्दुस्तान की बुनियाद डालना चाहते हैं, तो आखिर में मैं आप से यही कहूंगा कि उन के ऐक्टिव कोओपरेशन से, उन हजारहा और लाखों शरणार्थियों की ताकत से एक मजबूत हिन्दुस्तान बनाइये और अगर आप शरणार्थियों का बसला हल कर सके, तो आप दूसरे सबके भी हल कर सकेंगे।

*(English Translation of the above
 Speech)*

Lala Achint Ram (Punjab): Sir, I was submitting yesterday that at Nasik Congress it had been declared and promised that the Government of India would give first priority to the refugee problem. It was only two months back that this resolution, which had the blessing of the Prime Minister, was passed and along with that there was a demand all round in the country that the refugee problem should be solved on war basis and that the Government should arm themselves with enough powers to facilitate the work of rehabilitation. In addition to these, my fourth point was that Shri Gadgil himself has great sympathy for the refugees. In spite of all this, what is the reason that such a Bill is being put before the House. This is the question. It is being introduced specially for Delhi. We realize the importance of Delhi because it is the capital of the country and hence there is a greater need for people's co-operation here. It is here that Ministers' parties and functions are held and it is here that foreign embassies come. If there is a lack of confidence and co-operation among the people of Delhi, the country will suffer much on that account. In spite of these facts, what is the reason that such a drastic measure has been put before us. This question is before you today. I will give its reply in two words. Those who have put this measure, those who have moved this Amending Bill have not become unsympathetic, but the reason why they are doing so is that they find themselves helpless. There is no alternative for them. I ask them what are their limitations? One limitation which Shri Gadgil was referring the day before yesterday was that they could not rely on the judiciary at this time. There is no accord between the executive and the judiciary. Judiciary is bent upon doing things against the executive. I do not justify what the judiciary has been doing. I know that judiciary can commit mistakes but this fact has come before us that there is absolutely no accord between the executive and the judiciary. The executive cannot get a work done by the judiciary these days, which it could have asked the latter to do in normal times. Sir, I want to express my true feelings before you. The most shocking thing for me since I have been a Member of the Parliament was when Shri Mohan Lal Saxena told before the full House that other Ministries were not co-operating with his Ministry. I

was shocked to learn that there is no co-ordination between the Ministries. I was not prepared to hear that there was a lack of co-ordination amongst the Ministries of that Congress Government, which is now managing the affairs of India. This was really a shock to me and I wondered now this Government would go on like this. Another shock came to me the day before yesterday when I heard from Shri Gadgil that he was helpless and could not go to the ordinary courts for redress since there was no accord between the executive and the judiciary. This pained me very much. I feel that if we can uproot this trouble we can solve many other problems. Not only there is a lack of co-ordination these days but as Srimati Sucheta Kripalani said, the burden of the Rehabilitation Department is being increased by evicting the refugees, because thousands of these refugees will be a burden on them. This was a very reasonable point. I do not think that Shri Gadgil, who holds a responsible position, does not understand what effects his action will bring about and how the burden of the Rehabilitation Ministry will be increased by this. He understands everything but is helpless because there is no co-ordination in the Government. But what can Rehabilitation Minister do when there is no money for rehabilitation. If he demands money, same thing that happened in the case of Shri Mohan Lal Saxena will happen again. He resigned because he had demanded money from the Government and the Government could not give. But wherefrom the Government can get money? The Government today has not enough capacity to raise a tax or impose a capital levy so that the work of rehabilitation may be completed and money obtained for the refugees. It is said that Pakistan has imposed a Rehabilitation Tax. But they had the capacity and they did it. But I think our Government lacks that confidence. A producer, who five or six years back used to take two rupees per maund as the price for his produce, is taking sixteen rupees today. But can we expect this Government to double the revenue on a person who is getting eight rupees in place of one. But they cannot do anything like that. What is the reason? The reason is that it is not confident of people's support if the Government were to increase the revenue. It is because of this that money is not forthcoming, that the Rehabilitation Department cannot discharge its duties, that there is no co-ordination and it is because of this that Shri Gadgil has been

forced to put this proposal before you until this situation continues, no department in the country can function smoothly. When they cannot force the Rehabilitation Ministry, when they cannot force the Government to get money, when judiciary cannot fulfil their needs and disagrees with them, then there is only one way left for them. There is a small principle that water flows down the slope only and not upwards. So they had only one way out. When no other means were left, they thought of the refugees and so they want that rent should be collected as arrears of revenue. It is an ordinary thing, the Government have also confirmed it and Shri Gadgil has presented a small Bill. But what will be its consequences and how much discontent will it create among the people? But Shri Gadgil thinks that there is no alternative, that he is helpless and therefore he is putting this Bill before us. I was much surprised to listen to his speech the day before yesterday. I was surprised to hear such words from Shri Gadgil who is known for being sympathetic to the refugees. But I assure you I was not at all angry to hear such words from him because I know that when a person is off the right path, he commits mistakes after mistakes. When he has been unable to do a reasonable thing, to get money for rehabilitation purposes, when they could not set the judiciary right, then the only way left to them is to justify themselves. It is a surprise that Shri Gadgil, who has deep sympathy for the refugees, utters such words. He said that refugees are saboteurs. I never expected that he would call them saboteurs. He said that they were acting against law and equity, that they were unauthorised occupants, that they were trespassers. He went to the extent of calling them liars and cheats. Such things were told. I wondered who was saying all this and for whom. One who is sympathetic to the refugees is uttering these words. But in spite of this I assure you, I did not feel angry. I feel that he is helpless. The existing situation of the Government forces him to speak out like this. I assure Shri Gadgil that he will not be able to ease the situation by uttering such words. The situation is deteriorating every day. Do you know the feelings of the refugees these days? They have lost confidence in the Government. The hon. Minister, Shri Jain, will just now tell you that many appeals were addressed to the refugees to file claims. Appeals after appeals were made. You will ask why is it so? Is it possible for a hungry man to refuse the offer of a glass full of milk? Why

does he not drink it? Why? The reason is that he feels that even a look at that glass will mean waste of time because he thinks that it contains chalk and not milk. They know that the person offering milk does not possess the capacity to offer it. It must be chalk because it is white and therefore they think that they will waste their time even in looking at it. So, this is the situation of the Government. Shri Gadgil at this time saw that the judiciary cannot fulfil their needs and the Government cannot help them with money, so he thought to get this work done with the help of police force. I submit, that it is wrong for Shri Gadgil or the Government or any other person to think that a work that cannot be done through people's consent, through money or through judiciary can be done with the help of police. You will be surprised to know that when the police go to give possession and evict the refugees forcibly, they say that they are helpless.

(MR. DEPUTY-SPEAKER in the Chair)

They do not feel any justification for doing this, but they cannot help it. The same was the situation with the Government that was working here three or four years ago. The Government servants sympathised with the Congress but they were forced to work for the Government. They used to vote for the Congress. The police was everywhere helpless. Same is the condition today. There are Members in this House who, in their heart of hearts, do not want to co-operate with the Government and want to form an opposition party. These things are going on. The situation in the country today is the same as it used to be in the days gone by.

In spite of all these things, I think that the present circumstances are not such that they are out of our power or we cannot control them. But to present a Bill like this is not the correct solution. The right solution is that Shri Gadgil should meet the Prime Minister and a meeting of the Cabinet should be called to consider the present circumstances and to find out a solution. If we allowed the present conditions to develop in our country and if we did not arrest the process of disintegration then there shall not be any law in the country. The correct solution is that we should eradicate the source of evil where necessary. The remedy is that there should be solidarity and co-ordination among all the Ministers of the Cabinet and in place of lack of confidence we should have complete confidence. Then only we can solve this refugee problem correctly. I cannot say whether judiciary is wholly justified.

[Lala Achint Ram]

or altogether unjustified in adopting an attitude of indifference towards us at present. Who has created this feeling? It is only our Ministers and Sardar Patel who have done so. Why the judiciary is acting against us? It may be said that we make incorrect laws. The real thing is that they have adopted an attitude of indifference towards the Government and they think that the persons who are occupying positions are not worthy of their posts. Therefore, I would request the Government that it is their duty to solve this problem. They should call a meeting of the Supreme and High Court judges to thrash out this issue. Last year the question of separate representation loomed large and Hindus, Muslims, Sikhs and Christians advocated the principle of separate representation and we were faced with many other problems. The question was how to create harmony among them when each of them was putting his separate demands. We presented such an appropriate solution before the country that all the opposition subsided and I have full hopes that we can do it again. But I do not think that the proper remedy before us is to axe the refugees or to put them under martial law. The only solution is that we should search our hearts and try to eradicate the evils. If you take upon yourself the task of setting the matters right and if you think that the houses have not been properly constructed then I can assure you that the refugees will surely co-operate with us and will remodel the houses. I assure the House that refugees will fully co-operate with us. They are not so bad that Shri Gadgil has called them cheats. Shri Bakshi has explained that refugees are not cheats, they are the people who have suffered a lot. If we want to lay the foundation of a stable India, I would make an appeal to obtain active co-operation of these thousands and lakhs of refugees and if we are able to solve the refugee problem, I am sure, we can solve others as well.

But these conditions can be changed even now. Shri Gadgil says that the refugees are saboteurs and unauthorized persons; I ask of him as to who had given them the authority to build unauthorized houses on those plots? Besides this I ask you the question as to who authorized you to divide the country? I ask as to who had given them the authority to divide the country after having agreed to exchange of Population with Pakistan in such a manner? Did they get this authority in any open Session of the

Congress? Did they get this authority from Mahatma Gandhi? Mahatma Gandhi had said that Pakistan would be established on his bones. He had said that Pakistan could not be established it could be established only on his grave after he died. We repeated these very words. We approached the people with this very slogan. We got votes from them by raising the slogan that Pakistan will be established only on our bones. And today when we say that they are unauthorized persons, I cannot understand as to how you say that. Had you kept your words, there would not have been this Government, but there would have been an Indo-Pakistan Government instead. But we realized the state of affairs and as a result had to swallow our own words. This was why they too swallowed these words. Consequently we find that Congress Government in its present form coming into existence in India today. If you were to remain firm on your words then, of course, you have come here in an unauthorized way. Therefore if you can continue to remain here in an unauthorized way, how you dare say that these refugees who have come here after losing their homes and hearths, whom you failed to provide with any accommodation and who occupied only those plots which were lying vacant, are unauthorized persons. It should be remembered that they occupied only such plots which were lying vacant. They did not occupy the residential quarters of any Minister. They only built their houses on plots which were lying vacant and you call them unauthorized persons.

Mr. Deputy-Speaker : There is so much of talk going on in the House, I am afraid the Reporters are unable to hear what is spoken by the hon. Member. Therefore they should avoid talking on the floor of the House, so that the hon. Member speaking may be heard properly.

Babu Ramnarayan Singh (Bihar): Yes, Sir.

Lala Achint Ram: I was saying that it was beyond any reason to understand as to how those people, who were themselves doing an unauthorized action, accuse others of unauthorized occupation. Shri Gadgil understands that there is an emergency code for an emergency. When special circumstances arise, special measures are to be adopted, which are ordinarily considered as unauthorized. But I request him not to use such words as he has already uttered because they are bound to injure the feelings of the

refugees. You call them trespassers. People who lost their properties there, whose homes and hearths there were ruined and whose women and children were murdered, you call them trespassers today; and I wonder how such words come out of your mouth. They are trespassers and do you occupy your rightful places! You call them saboteurs. Just think for a while about these refugees who have come here after leaving their houses behind them and you call them saboteurs. When Mahatma Gandhi went there on August 4, he had asked them "Either do or die". He directed them to try to live there or otherwise die there. The leaders of the Congress, which was functioning in India swallowed Mahatma Gandhi's words, but on the contrary these people, the Hindus and Sikhs, continued to remain in Pakistan, and you call them saboteurs. These people who paid homage to Mahatma Gandhi's words in his life time and even after his death—as all of you know that after the death of Mahatma Gandhi, Gandhi National Memorial Fund was started. Who paid the greatest amount in it? Perhaps East Punjab numbers second or third among the Provinces in this connection. Your Madras and other provinces lagged far behind, but the Punjab remained ahead and you call them saboteurs. You call these refugees saboteurs, how these words fall from your mouth. You call them saboteurs, trespassers and say that they are working against the law of equity. You say that these refugees are acting against the law of equity. But I want to tell you that these lakhs of people who were princes yesterday have become mendicants as a result of this Partition. Those who had their own houses, their own mansions and their own properties, Partition has turned them into beggars and has made them homeless. Lakhs and crores of people here are owners of lands and properties as against those persons who have lost their all even their women and children. They will continue to own houses as well as properties, how you call it the Law of Equity? If on one side lakhs of people were to enjoy their properties while on the other lakhs of people were ruined then how would you call it the Law of Equity?

Then again, one thing more should be kept in view. Refugees came here in lakhs, with the result that the house rents went up and the houses which were previously available at ten rupees only began to fetch rupees fifty as their rent. It happened only because of their arrival. Today so high rents are charged and you call it the Law of Equity. Have you ever

thought that these mansions were being built on the graves of these poor refugees, and these palaces are being enriched on their miseries. Look at these Government servants. When the Muslims migrated from this place those very Government servants who were previously declared as incompetent were given promotions. Till late they were incompetent and now when the Muslims have migrated, they became competent and got promotions, while the poor refugees are wondering here and there. Is this Law of Equity?

Also you say that law and order has to be kept in mind. I would certainly be obliged to you if you could establish law and order in the country. You are aware of the fact that when lakhs of people reached this place, there was nothing here to accommodate them, nor were there any arrangements on your behalf, they took shelter in the houses of those Muslims who had migrated from this place. When the Custodian asked these people to vacate the occupied premises, Pandit Jawaharlal Nehru who, you know, is an extraordinary man and his methods too are extraordinary, advised these people to remain where they were and at the same time ordered that none of them should be evicted from the premises he had occupied. Where was your law and order at that time? That was the proper time to establish law and order. Nearly two lakhs of refugees are residing in Delhi today, in this manner. If that action can be considered legal, and when the Prime Minister has guts to declare such occupation as authorised, cannot Shri Gadgil declare these four thousand houses authorised.

I quote a petty instance before you and I laugh when I think of it. Our Shri Ranga was complaining that some back benchers have occupied his seat. He became excited and wanted to get it decided that it was his seat. But he could not compel those people to vacate that seat. All the back benchers were involved. Keeping this in view I want to submit that you have failed to establish law and order here in this House, you have not been able to restore an M. P. his own seat, then how can you evict those persons?

You know under what circumstances and at what time they reached this place. You say that "we shall realize the money as arrears of land revenue". But I want to assure you that this police, in whom you have so much of confidence, will not help you in this connection. You will not be able to send these persons to jails though you may be relying on the presumption that you will send them there

Pandit Krishna Chandra Sharma (Uttar Pradesh): What is the relevancy of all this? It is a long story.

Lala Achint Ram: It is all relevant.

Pandit Krishna Chandra Sharma: You think so but I am appealing to the Chair.

Mr. Deputy-Speaker: The troubles which Members of this House and refugees have undergone need not be too much expatiated upon. Dr. Tek Chand recited a number of instances and therefore only the inconveniences that might arise on account of the Bill may be referred to and also what action is to be taken by the Government.

Lala Achint Ram: Sir, I beg to make it clear that the measures which the Government propose to adopt at this time are bound to fail. The provision that is made in this Bill has been based on an unsound foundation. It is being laid down counting up on the help of police force but the police would not give a helping hand to it. I have heard many police men say that they do all this for the sake of their bread. So whatever I am saying, I believe it all to be relevant.

Shri Deshbandu Gupta (Delhi): Though I do not and cannot congratulate my friend, the hon. Minister who has sponsored this Bill, for the manner in which he seeks to deal with this important problem—or rather, complicated problem—I welcome the opportunity which this Bill has provided to this House to go into this question. I am glad that the hon. Minister has expressed his willingness to accept the amendment moved by my friend Pandit Thakur Das Bhargava for reference of this Bill to the Select Committee. That has made the task of the House considerably easier. Sir, I share the hopes that have been expressed by my hon. friends Pandit Thakur Das Bhargava and Dr. Bakshi Tek Chand that when we meet round the table and discuss the various provisions of this Bill and go into this question from a practical point of view, we will be able to come to a satisfactory solution.

The hon. Minister has placed the case of the Government very forcefully and, if I may say so, rather bluntly. The speakers on the other side who have so far participated in the debate have not been less outspoken. If I may say so, some of them have been rather unkind in taking an extreme view of things.

Babu Ramnarayan Singh: Unkind to whom?

Shri Deshbandhu Gupta: Unkind to the Ministry.

Babu Ramnarayan Singh: They deserve it.

Shri Deshbandhu Gupta: Well, Sir, the eloquent manner in which my friend Pandit Thakur Das Bhargava has referred to the untold hardships and sufferings which our unfortunate brethren have undergone since their displacement, and the able advocacy which my friend Bakshi Tek Chand has made of their case, have been supported by several members. I do not think there is any Member in this House who has not got the same sympathy for our unfortunate brethren who have suffered so much in the cause of the country due to this partition. But, Sir, we have got to approach this question from a realistic point of view. My feeling in the matter is that it would be unfair to presume that the Ministry or those who are sitting on the Treasury Benches are in any way less sympathetic towards the refugees than we claim to be. I know from personal knowledge how the Prime Minister himself has been spending hours and hours every day for months to solve this question. I know how other Ministers have been feeling concerned about it. The one question that has received the greatest attention of the Government during the last three years, if I may say so, is the question of solving the problem of the refugees. What measure of success we have achieved in solving the problem, is a different matter. But no one can accuse the Government that it has been indifferent or negligent wilfully or otherwise. We had our limitations and I think the very fact that three Ministers have changed in the Rehabilitation Ministry since this problem arose shows that there have been difficulties.

Shri J. R. Kapoor (Uttar Pradesh): Only two have changed. Do not make a forecast.

Shri Deshbandhu Gupta: No. It is the third one now.

That shows that the Ministry has been anxious that they should do their best. They may not have been very lucky in the choice of the Ministers, but the point is that there has been no want of appreciation of the difficulties of the situation on their part.

Pandit Thakur Das Bhargava (Punjab): The Ministers Shri Neogy and Shri Mohan Lalji were very able.

Shri Deshbandhu Gupta: I never questioned the ability of the Ministers. But the fact that Minister after Minister had to be changed shows that there has been no lack of appreciation.

on the part of Government to understand the problem, to tackle the problem, in the best manner they could. The fact that Government has spent more than Rs. 80 crores so far on rehabilitation also speaks volumes in favour of the Government. In Delhi alone 14,000 houses, I am told by my friend the present Rehabilitation Minister, have so far been built. But that does not mean that we are anywhere near the solution of the problem. The problem is too big to be tackled in this manner. I congratulate the Ministry on the manner in which they have tackled it, but my grouse against them is that they have never tried to tackle it in a planned manner. There has been no want of will, sympathy or concern on their part. But their approach has been wrong. There has been no coordination between the different Ministries dealing with this question and other agencies which could help them. During the last three years, whenever this question came up, I have tried in my humble way to raise my voice against the haphazard manner in which the problem of housing has been tackled by our Government in Delhi.

After all, the crux of the matter is that there are fewer houses and greater demand. It should not have been difficult for Government, from the very beginning, to realise that there were more than five or six lakhs of people who had come to Delhi and houses would have to be found for them. If they had planned from the very start on this basis they could have achieved greater results by spending less. But unfortunately, we have a habit of living from day to day. As a matter of fact, just as my hon. friend Lala Achint Ram has pointed out, things have done and decisions have been taken by one Ministry, of which the second Ministry concerned was not aware with the result that there could be no finality about their decisions. My view is that we have been practically tinkering with the problem all these three years.

Today my hon. friend comes before the House and asks for extraordinary powers to be given to him to deal with a situation that has been created. But the question arises: who is responsible for creating this situation? Did these four thousand houses—unauthorised structures—valued at Rs. 38 or 40 lakhs according to information supplied by the Refugees' Organisations spring up overnight? Did not my hon. friend the Rehabilitation Minister and the local authorities, and the Health Minister, know what was happening in Delhi day in and day out? Did not they receive complaints from private owners

that their lands which they had bought from the Improvement Trust itself were being encroached upon? Did not the Municipalities report to them that the lands which they had reserved for something else were being occupied by unauthorised persons? Why did all this happen then? The fact is—and we must admit it, and I hope my hon. friend the Minister in charge of this Bill would have the frankness to admit it—that the policy which they have been following hitherto, is that they have either been too indulgent or too harsh. They allowed things to happen; did not take timely action; and then when it assumed big proportions and became a problem, they come to the legislature and ask for new powers to evict the unauthorised persons with the use of the *dunda* of the Police. This is certainly not the way of dealing with refugees—people who have suffered so much in the cause of the country and who rightly enjoy the sympathy of every man and woman in this country. If Government had anticipated all this, reserved some lands and said to these unfortunate people, "Look here, these are the lands where you can build—*kutchra* houses, *pucca* houses or improvised houses" much of the difficulties could have been solved and the problem would not have arisen. Today the problem that faces my hon. friend is that valuable land on which multi-storied buildings were to be put up and on which lakhs and lakhs of rupees have been spent by Government in developing them for business premises and for removing the congestion from the slum areas of the city—all these valuable lands have been occupied in an unauthorised manner and they are not being put to the proper use. If there had been any plan, surely Government could have found other lands for these people and by spending less money they could have given satisfaction to these people and also claimed credit for same.

Dr. Tek Chand (Punjab): Has any plan been devised now?

Shri Deshbandhu Gupta: I would like this House to realise, and particularly my hon. friend the Minister to realise, the importance of removing the shortage of houses in Delhi and of trying to have a definite plan even at this late stage.

You are perhaps aware, Sir, that a Committee was appointed by Government to go into the working of the Delhi Improvement Trust. My hon. friend Dr. Bakhshi Tek Chand and I are both serving on that Committee. This Committee has submitted an interim report to Government. If I

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were to summarise the evidence given before this Committee, in a few words I would say that nothing has been done to encourage housing activity; on the other hand everything possible has been done by Government to discourage it in Delhi. Even where Government could have given encouragement by spending not a single pie, encouragement has not been coming forward. The story of the achievements of the Delhi Improvement Trust is a very sorry one, and I have had occasions to refer to it earlier putting it briefly the Delhi Improvement Trust, according to the calculations given by my hon. friend, has a problem of housing seven to eight lakhs of people. The estimate is that it must develop 7000 acres of land before it can hope to find accommodation for the present population of Delhi. During the last thirteen years, the Delhi Improvement Trust has developed only 1500 acres and even some of these areas are not properly serviced up till today. That is the record of the Delhi Improvement Trust. They have, no doubt, sold land at a fabulous price and realised crores of rupees. But that is not development; that is not helping the city to have more houses; that is not helping the city to remove their slums. But that unfortunately continues to be the state of affairs even today.

We were examining Mr. Desai, who is the Commissioner of Housing in Bombay. In his evidence before us he told us how other countries have tackled their housing problem. In U.K. Government makes a grant of 60 per cent. for poor and middle class housing and the rental that is charged on the poor people is based on the balance of 40 per cent. which is spent on any building. But the policy adopted in India and particularly in Delhi is—my hon. friend will excuse me if I use harsh language so far as this is concerned—is *bania*-like policy. I am a *bania* myself, but when I use these words they have a special connotation in this context and which my hon. friend knows well. My hon. friend is not a *bania* but he is out doing the worst type of *banias*. All these three years that I have come into contact with him, I have admired his vigilance and his capacity for saving every penny.

The Minister of Works, Mines and Power (Shri Gadgil): That is why I have become a *bania*.

Shri Deshbandhu Gupta: But I feel that his policy has been penny-wise and pound-foolish. That is the policy that the Government of India has been following.

Sir, while we are faced with an acute housing problem, you will be surprised to learn that in New Delhi, there are bungalows having very big compounds—bungalows with compounds measuring 2 acres and three acres or even more. According to municipal bye-laws in New Delhi only 1/3rd of the area can be built over. The whole of this area is well serviced. Government have spent crores and crores of rupees in laying these services including electric cables, sewers, drainage, storm water drains and filtered and unfiltered water supply. Thirty years back when Government gave these lands to leaseholders and asked them not to construct on more than one-third the area, many people were not interested to build to the maximum limit. There are very few buildings therefore which utilised the maximum amount of space which they could. Conditions have however changed now and people would like to build up to the full capacity but a brain-wave has come to my hon. friend, or perhaps to the Finance Ministry, instead of encouraging this tendency to build more. They have come out with a decision that if you build in your own compound another small cottage within the limit of the municipal bye-laws, you must pay to the Government additional premium at the rate of a lakh of rupees per acre for the space which you wish to occupy for the additional structure. Imagine, Sir, is it not fantastic? If you work out the whole thing you will find how absurd this proposition is. Take for instance a house which has got an area of 2 acres: according to Municipal Rules it can cover an area up to 2/3rd of the two acres. For these two acres you paid a premium at the rate of about Rs. 5,000 per acre. Today if you want to put up another building, say on one acre vacant space out of the total area of 2 acres for which you have already paid the premium. You are required to pay at the rate of a lakh of rupees as additional premium to the Government for one acre. Originally the proposal was to charge 75 per cent. of one lac as appreciation of the value of land but now I am told they propose to reduce it to 50 per cent. That comes to this: that if you want to build a small cottage in your own compound on an area of one acre you must first of all pay at least Rs. 50,000 by way of additional premium to Government and then spend a lakh or so of rupees on the building. Over and above this on that additional premium you have again to pay 2½ per cent. continuously to the Government every year. And what is the result? Actually it comes to this that an additional cottage to be put up in the compound of

an existing bungalow may cost you about Rs. 2 lakhs including the additional premium and capitalised value of 2½ per cent. on same. And what will be its rent? The rent according to the Rent Control Act should be about Rs. 1,200 p.m., if it is 6½ per cent. of the cost, whereas the rent of the existing main bungalow is about Rs. 150 today, because the amount invested at that time was estimated to be about Rs. 30,000. Land did not cost more than Rs. 5,000. But today if you want to add a cottage, you must at least invest about Rs. 2 lakhs which according to the rent control standard should fetch you about Rs. 1,200 a month. Now; I want to know, Sir, who will pay such a high rent? Is it a realistic approach to the solution of this problem? I want to know from my hon. friend whether he will be prepared to pay at this rate for buildings requisitioned by him. If this is the way in which they want to tackle this problem, I am sure little or no progress can be made. Only the *Maharajas* will be able to build houses in New Delhi; the other people cannot.

These obstacles have been there for the past two or three years and it is no wonder few people have thought of building new houses. If instead of being stingy, instead of placing such impediments in the way of builders, Government had placed no such restrictions and encouraged them to build to the maximum capacity by affording them facilities and supplying them building materials, at control price, crores of rupees which today they have to spend on undeveloped areas in laying roads and service drains, could have been saved and thousands of houses could have been built without the Government's spending any money. But, Sir, it has taken more than two years to make Government realise their mistake and I do not know whether even today there is any realisation of it on their part. This is not the practical way of dealing with this difficult question of housing.

Sir, I was referring to the evidence given by Mr. Desai before the Enquiry Committee. When we talk of the progress made in U.K. and U.S.A. in this respect and mention as to how they have been able to tackle this problem and build millions and millions of houses in the post-war period, one may say that their conditions are different; "let us not talk of foreign countries." But what about Bombay, Mr. Desai is in charge of the Housing Board in Bombay, he told us that during 1947 the number of houses built in Bombay was 500;

in 1948, since this Board came into being the number went up to 1,000; in 1949 it doubled itself and went up to 2,000 and between 1949 and 50 during a short space of six months the houses put up by private builders was 6,000 and the average cost of a house was Rs. 15,000. That works out to Rs. 9 crores. It means nine crores of rupees were invested in Bombay during the past six months, in conditions similar to those prevailing in Delhi by private builders. Why could not that be done in Delhi? What did they do? They did not have any magic powers which we don't possess. They did not spend any money on that. All that they did was they took a realistic and practical view of things and removed the impediments which stood in the way of housing activity. They suspended the requisitioning law and relaxed the Rent Control Act in respect of new buildings. They also helped co-operative societies in acquiring land and developing same at minimum cost. That was sufficient encouragement to the private builder and the result is that Rs. 9 crores have been invested by them in six months' time.

You will remember on an earlier occasion when the Rent Control Bill came up for discussion and the Requisitioning of Premises Bill came up for discussion, before this House I had pleaded hard and appealed to my hon. friend not to apply these laws to new buildings; but no one listened to me. I say it again that if you want new buildings to be put up don't apply these laws to them. Keep them out of their purview. We should realise that the building cost is high today, and building material is not available freely at the control prices. Why add to these difficulties? I understand the steel quota allotted to Delhi is 250 tons per month. How many houses can you build with it? It has been calculated that if we have 100 tons of steel we can only put up 45 double-storeyed houses with this quota of steel per month. If we want to build 3,000 buildings, at that rate it will perhaps take us thirty months or more before we can have all the buildings, if the steel quota remains the same. There are difficulties in getting bricks on reasonable rates and no other facility is given by Government. Then there are the impediments of these laws which my friend did his level best to hustle through this House—Rent Control in the name of helping the poor and Requisitioning of Houses in the name of helping the clerks and other Government servants. All this they have

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done with the result that thousands of houses which could have been built by the private builder himself, have not been built. May I once again appeal to my hon. friend when he is subjected to such criticism from corners of this House and when he has such a stupendous problem to face, to do something to encourage house building activity in Delhi and be not content with the 14,000 houses which he has built for Government servants. I certainly congratulate him on having done that but let him not become complacent. The other day he was talking to me and he told me "Look here, we have put up 14,000 houses, we will put another 14,000 and the housing problem would be solved". I said to myself that my friend the hon. Minister has not yet realized the immensity of the problem. He has no clear notion as to what is the requirement of Delhi. May I tell him that 7,000 acres of land have to be brought under housing before you can think of solving the housing problem. At the rate the Delhi Improvement Trust has been developing land it will take sixty years before we can build the requisite number of houses and by that time the population will have multiplied and the same situation will again continue to be there. The Improvement Trust Inquiry Committee has already submitted its interim report, and I would not be divulging any secret if I refer to it as the recommendations of this Committee have already found some publicity. They have taken a realistic view of things and have strongly advised the Government not to apply Rent Control Act and Requisition of Premises Act to new buildings. This will induce private capital in this important industry. The least that Government can do is to accept these recommendations. Let me also tell my friend that the record of requisitioning also is not very encouraging. It is a mere consolation that my hon. friend wants that these requisitioning powers should remain with him. The number of houses requisitioned during the year is very small. This should go now. And Rent Control Act should also either go in respect of new buildings or be so relaxed as to encourage the private builder to invest money in them.

An Hon. Member: The time is up for the House to rise.

Shri Deshbandhu Gupta: Sir, I will take another half an hour at least, if not more.

Mr. Deputy-Speaker: The House will stand adjourned till 2-30 P.M.

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

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

[MR. DEPUTY-SPEAKER in the Chair].

POLICY RE CONTROL ON SUGAR

The Minister of Food and Agriculture (Shri K. M. Munshi): Sir, may I take this opportunity to place before the House the change in the policy of sugar?

The following decisions have been reached:

1. The licensing of *Kolhus* will not be proceeded with and *gur* shall be allowed to be manufactured freely.
2. The ceiling price of *gur* is fixed at Rs. 19 per maund for the best quality in surplus States against Rs. 18 at present. The ceiling prices in the deficit States will be fixed between Rs. 20 to Rs. 23 per maund for the same quality according to local circumstances: State Governments will be asked to devise suitable measures by which it will be ensured, as far as practicable, that the producers of *gur* get a fair price within the ceilings fixed.
3. The minimum price of sugarcane will be raised by annas two per maund to Rs. 1/12/0 per maund.
4. The control on sugar will continue to be exercised and controlled sugar will be sold in the ration shops as at present. This control, however, will operate only in respect of ten lakh tons of sugar during the year. Any quantity produced by a factory in excess of 107 per cent. of its production in the year 1948-49 or the year 1949-50, as may be fixed by Government in this behalf, will be allowed to be sold by the factory concerned in the free market.
5. Controlled ex-factory price of sugar is raised to Rs. 29/12/0 per maund against Rs. 28/8/- per maund at present. However, in the following areas, the prices shown against each would apply on account of local differences in the cost of production:

1. West Uttar Pradesh	Rs. 30/8/0
2. East Uttar Pradesh	Rs. 32
3. North Bihar	Rs. 31
4. South Bihar	Rs. 33

6. In view of the uniform rise in the prices of sugar the concession of a subsidy to be given by Government on the production upto the 15th December 1950 by certain factories in Uttar Pradesh and Bihar is withdrawn.

DELHI PREMISES (REQUISITION AND EVICTION) AMENDMENT BILL.—Contd.

Mr. Deputy Speaker: Mr. Deshbandhu Gupta will now continue his speech.

Shri Deshbandhu Gupta: Sir, I was developing the argument, when the House dispersed, that the policy of the Government in the past has been, that instead of giving encouragement to housing activity, they created impediments in its way. Sir, in this connection let me refer to the record of work of the Delhi Improvement Trust. It was charged with the duty of giving vast areas of developed land to the people of Delhi, so that they could build more houses on same and thereby remove congestion. But the policy of the Improvement Trust during the last thirteen years has been one of making money by sale of land at inflated prices and monopolizing all activity of developing lands. During all these years only 1500 acres of land have been developed. But if you compare this figure with the vast areas that have been included and by the notified Delhi Improvement Trust Act as town expansion schemes, this becomes only a fraction of same. You will find that there is hardly any patch of land left round about Delhi within a radius of perhaps 7 or 8 miles which has not been so notified. The result is that the Delhi Improvement Trust cannot and does not develop those areas and the private builder has been virtually prevented from developing it and carrying on any building activities. Although it is one of the obligations of the Trust that when a land is notified for a town expansion scheme, it is supposed that in due course, it will be converted into a development scheme. But what has happened here is that these lands have remained notified for all these years, for about 10, 12 or 13 years, without any obligation on the part of the Government either to acquire or to develop these lands. There is no time limit placed there and the Improvement Trust has taken full advantage of it, with the result that practically all building activity has been closed and there have been not many either Government or private buildings. I know my hon. friend, the Minister in charge of this Bill is not responsible for it and it is a pity that the Minister of Health who is in charge of this is not in her

seat. This happened once before also, when I was dealing with the Improvement Trust. It appears the Health Ministry is probably in name responsible for the Improvement Trust and very little attention is given to it by the Health Ministry. But it is difficult for me not to refer to it for the reason that my friend Mr. Gadgil does not deal with it. The position is that the problem has been created by the neglect of Health Ministry and the baby has to be taken care of by the W.M.P. Ministry—I mean the Delhi Improvement Trust. Not only this, that the Trust lacked in positive achievement they have not even acted with foresight. They have been actually following a policy of persecution of the local people. I know, Sir, that is a serious charge to make. But I do so with the full sense of responsibility that I possess: most of the 3,000 plots of land which were sold out by the Delhi Improvement Trust to private owners, from 1939 or 1940 up to 1946, at fabulous prices, are as the hon. Minister said yesterday, lying vacant to this day. Did the Trust make any effort to provide any building facility to the owners who had invested so much money. It is all right for some people to allege that most of these plots were bought by speculators. That is not correct. There may have been some people,—small percentage, who thought of investing money in the land, with a view to realize profits. But, most of the people who had bought these plots did buy with a view to build. During all these years, no effort was made to give them any facilities. On the other hand, the Trust served notices on all these plot owners that if they did not build within three months, their plots would be confiscated. This created such a scare in the city that the prices of these plots went down. When the plot owners asked them for assistance in the shape of building materials at controlled rates, they would not listen. They would say "that was none of our business; since it is one of the terms of the basis that you must build within one year and you have not built within one year, your plot must be confiscated." The tragedy of the whole situation that my hon. friend has given you figures today and said that out of these plots, there are a good number of plots which are under unauthorised occupation. Yet the Improvement Trust would not listen even to any argument. They knew that these plots were under unauthorised occupation for no fault of the owners yet they served notices even on such plot-owners and insisted that the private owner must build within the three months period else forfeit his plot. This is the manner in which

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the machinery of Government works in Delhi

About the Improvement Trust, there are so many other things which I can point out, to show that the Trust has not been a failure and has not done much good work during the last 13 years. But I would not take more time of the House—in going into it.

Pandit Thakur Das Bhargava: Have these plots been confiscated or not?

Shri Deshbandhu Gupta: There have been letters on record threatening them to confiscate. But, the Chief Commissioner's Advisory Council passed a resolution asking them not to do so, and it appears that actual confiscation has not yet taken place, although the notices have not been withdrawn.

My hon. friend the Minister gave figures yesterday which showed that there were ten lakhs of rupees to be realised, and that the Government was losing at the rate of Rs. 5 lakhs per year or per month.....

Pandit Thakur Das Bhargava: Per year.

Shri Deshbandhu Gupta:...by way of rent on the plots or buildings which were under the unauthorised possession of the refugees. It will be interesting for the House to know how the Government itself has dealt in this respect with the poor plot-owners. Representations were made by these plot-owners to the Trust that their plots have been under unauthorised possession, and that they are helpless. They can neither build nor put these plots to any other use therefore the Trust should not charge any ground rent from them for such period. The Chief Commissioner's Advisory Council also passed a resolution requesting the Government that they should at least not realise ground rent from these plot owners. But, the Government must have its pound of flesh. The Improvement Trust would not listen to them. The Improvement Trust, according to the reply given to a question of mine, has realised during this period of 2 years more than Rs. 60,000 by way of ground rent from these plot owners whose plots are under unauthorised occupation, according to the Books of the Improvement Trust itself. This is the consideration which is shown by the Improvement Trust to these owners.

Pandit Thakur Das Bhargava: So, it appears that Government wants to charge twice from the people: once from the plot owners and now they want to charge from the refugees.

Shri Deshbandhu Gupta: It is for you to deduce whatever conclusions you will. I can only tell you that this is a matter of fact. But, I must explain this. Ground rent under the terms of the lease is a permanent liability on these plot owners. The ground rent which the Government want to realise is for the use of its own lands. The ground rent which the Government has been realising from the lease holders all these years, without providing any facility to the people to build is in accordance with the terms of the lease. I am glad that the voice of the private owners of plots has reached the ears of the hon. Minister and he seems to be giving attention to the solution of that problem too. I must congratulate him on that. But, I must tell him that this is how the Improvement Trust has treated these private owners of the plots and is treating them up to this day.

One other charge which I make against the Government is that there is utter lack of coordination. The House will perhaps be surprised to know that there are as many as three or four agencies working side by side in Delhi, which are concerned with housing. One is my hon. friend's department called the Land and Development Department. The second agency is the Delhi Improvement Trust. Then comes the New Delhi Municipality and then comes the Old Delhi Municipality. The private builder, if any, comes next. If you go into the working of each of these agencies separately, you will find that every one of these agencies has been working on the same principles of discouraging or obstructing the construction of new buildings as far as possible. In regard to the land and Development Department, I have already mentioned as to how the big compounds in the New Delhi bungalows are allowed to lie vacant and no buildings are allowed to be put on same. Let me give an interesting illustration I have a file in my hand which throws light on the working of this wonderful Land and Development Department. If you go to Barakhamba road you will find that most of the bungalows on this road have got some small cottages or quarters attached to them. But there are some which have not got them. It is one of such bungalows to which I refer now. This is a ten-year old file and contains correspondence for over ten years with the Government on this point. This belongs to my friend, late Shri Narain Dutt, who happened to be the President of the Land Owners Association in Delhi; A very scrupu-

lous man as he was, he would not agree to grease the palm of the person concerned in that department to get permission to build a guest house or cottage in his compound. He carried on correspondence for ten years and...
Shri Sondhi (Punjab): And died.

Shri Deshbandhu Gupta: ... and he cited examples that to his left, to his right, to the north and to the south, almost all the bungalows had cottages built. But, when his application came, as he was not prepared to pay the 'price' the result was that on one pretext or another, his application was refused. When he gave me this file, I took it to the Chief Commissioner and showed him all that record and offered to take him to any bungalow on the Barakhamba Road and there are not less than 20 such bungalows which have got guest houses and cottages; I asked him why was this particular bungalow not allowed to build a cottage? Is it not because this gentleman would not pay a thousand rupees, or whatever may have been the price at that time by way of illegal gratification to get the necessary sanction?

Dr. S. P. Mookerjee (West Bengal): Is it the suggestion of the hon. Member that all others had to pay the price?

Shri Deshbandhu Gupta: That is exactly what I am saying.

Shri Tyagi (Uttar Pradesh) Is it the legal price or illicit money extracted?

Shri Gadgil: The rate seems to be very low.

Shri Deshbandhu Gupta: That is just for sanctioning the plan. When the Chief Commissioner saw the force of my argument, he was convinced and he gave the sanction after imposing certain conditions that he will not be able to rent it to a tenant, although that logic was difficult to understand. He could rent his bungalow, but he could not rent his guest house. Any way, I said, "Well, even that would be something at least." Hon. Members may know that he was one of the leading public men and he had always many guests to accommodate, and he had many refugees from West Punjab to provide shelter. The Chief Commissioner gave that permission.

When the Land and Development Department came to know that someone has, over their head, secured this permission, they took strong exception to it. They raised a new objection saying that he was putting up a second storey in the guest house, which was

not mentioned in the order, although the map was there.

Then they started a new file, with the result that the permission which had been given by the Chief Commissioner after such long argument was withdrawn under the signature of the same officer.

An Hon. Member: Are these things in that file?

Shri Deshbandhu Gupta: Yes, they are all here and I can read them out to the House, if only there is the time to do it. I again went to the Chief Commissioner and represented the matter. The reason given was that a payment of Rs. 90,000 has to be made to Government if any additional building was to be put up now; I may tell the House that the whole plot did not cost him more than Rs. 11,000 or Rs. 12,000 when he had bought it whereas to build a cottage or guest house on part of it Government demands additional payment of Rs. 90,000. I asked him was it fair, to give orders once and then take them back. He said, "Well, that is the decision of the Government of India and I can't help." Then I brought to his notice another case in which a map for additional building had been sanctioned during the same period as a sum of Rs. 500 was paid to the person concerned. I told him that if I had not the audacity of referring him directly over the person concerned heard a similar sanction could have been obtained by paying something to him. My friend also knew this case. But in this case, it was a public cause so he did not stand in the way. Lala Narayan Dutt was connected with that building also. But when the applicant went there and applied for permission to put up the additional structure he was told that the plan could not be passed unless he paid the price. The matter was referred to Lala Narayan Dutt. He was almost on his death-bed. He replied, "I have fought the Government for ten years and in spite of every effort of mine, I have not been able to get my plan sanctioned, and even the sanction that was once given had been at the last moment withdrawn. But I do not want to stand in your way. After all it is a public building, you do what you like." The result was, the money was paid and the map was got sanctioned. Lala Narayan Dutt was the Secretary of the Trust which owns this building. So there can be no doubt about the matter. I told the Chief Commissioner, this is what has happened in another case, during the same period. I asked him is there any use of my coming to you to represent the grievances of the people before you?

Shri Tyagi: Could you give the name of the person? Is he in service still?

Shri Deshbandhu Gupta: Yes, he has been in the Department ever since the construction of New Delhi began, maybe, he has been here for the last 30 years and more, and I do not know how many buildings he has sanctioned himself.

Well, as I said, I gave the Chief Commissioner these facts and figures, of course in confidence and asked him to enquire into the case. He said, "All right, I will look into the matter again." And then I get this letter saying that the plan cannot be sanctioned unless a sum of Rs. 90,000 is paid by way of additional premium. Sir, this is how the housing problem, the important question of housing, is being solved with by our Government.

Dr. Tek Chand: They can now realise it under the Land Revenue Act.

Shri Deshbandhu Gupta: Sir, I have dealt with the Improvement Trust and have also given one illustration about the Land Development Office. Let me now refer to the New Delhi Municipality. This Municipal Committee, Sir is a heaven-born municipality. One could understand when it was considered to be so by our predecessors, but the pity is that now their successors in office also treat it like that. It is a cent per cent nominated body and even among these nominated members, the majority is of officials. Even the nominated non-officials are not trusted everytime they raise their independent voice, they are snubbed. When their number is increased by one, that of the officials is increased by two! Well, this municipality has got its building bye-laws, the like of which you cannot perhaps find anywhere else in the civilised world. They are so very strict about the standards of their buildings that even the Chief Engineer of the C. P. W. D. has found it difficult to conform to those standards.

Shri Gadgil: I disregard them.

Shri Deshbandhu Gupta: I am glad that my hon. friend, at least in one respect disregards this municipality, which of course, is not under his Ministry, but is under the Health Ministry.

Well, as I said the Chief Engineer C. P. W. D. when he came to give evidence before a committee of enquiry said that the standard laid down by the New Delhi Municipality for buildings was that one cannot put up a second storey building unless the

thickness of the walls is 18" whereas he was putting up big double storey government structures on 13" wide walls. And it has taken three years of persuasion and representation to make them realise the need for changing these bye-laws—three years of intense agitation—of course the agitation had been going on ever since the municipality was started. But as a result of this intense agitation during the last three years, only a sub-committee to enquire into these bye-laws has been set up. That committee has been there for several months and has not yet produced any results. Perhaps they feel that any relaxation of these bye-laws would result in endangering the lives of the persons in the buildings. After all, all this solicitude is for their safety. But that is not the case. If only the municipality had brought their building bye-laws in conformity with those of the C. P. W. D. the result would have been that many private owners would have set up second storeys to their houses, without a penny being invested by Government, without a single farthing being spent on things like new roads or water mains or other services. Without any of these new expenses, you would have doubled the housing capacity in New Delhi in no time. But these bye-laws are there and they cannot be revised and the result is that during these two or three years of great stress, when the Prime Minister was crying from the house-tops that there should be rationing of housing accommodation and he even invited one refugee family to live with him, people who were ready to build more houses, were not able to do so. That is the tragedy of the situation. Some people might say that the buildings are owned by capitalists and if you have any more storeys built that will be only making them richer. Let me give another illustration. There is a colony called the Babar Road Colony. It was built for professors, small doctors etc. belonging to the middle-class or lower middle-class and government gave these plots to them at concession rates. The cost of a building in this colony was not more than Rs.12,000.

Shri Tyagi: Including the building?

Shri Deshbandhu Gupta: Yes, including the building. These people have been there and the number of houses is about 400. These people have represented from time to time to the Chief Commissioner and to the Land Development Department of my hon. friend, asking permission to put up second storeys to their houses. After all their families have grown up. They are people of small means, and they

wanted to accommodate their refugee friends and relations also. They have been trying for this for the last three years, but till to-day they have not succeeded, although I have tried my best to persuade the Chief Commissioner and the Development Department. The result is that these 400 houses in a small colony belonging to the lower middle class which could have been doubled are still where they were. Sir, this is how the New Delhi Municipality and the Land Development Department are functioning.

Sir, I have taken a long time already and I do not want to take any more time of the House. But I would like to say one thing before I give my concrete proposals for the solution of this problem. The requisitioning of houses is done by another Department which also is under my hon. friend. He came here before the House twice and pleaded for powers to be given to him to requisition houses. Now this has been in operation and I sympathise with him, when I think of the amount of his time which is lost every day in meeting people who approach him for either de-requisitioning their houses or requesting him not to requisition them. He finds himself every morning spending one or two hours in seeing people, in turning down their requests.

3 P.M.

When you requisition houses of private owners you must have some target or date line before you. In the first instance a time limit was fixed and then further extension was given. At first the jurisdiction of the Act was confined to New Delhi and then it was extended to Old Delhi. The number of houses actually requisitioned is not big.

Mr. Deputy-Speaker: Is that the subject matter of the Bill?

Shri Deshbandhu Gupta: Yes, Sir, because the title of the Bill itself talks of requisitioning, eviction and all sorts of other things. It is very much relevant and I would not take long.

Shri Gadgil: I welcome any stick.

Mr. Deputy-Speaker: I am afraid we are going far away from the Bill. It is not a general discussion on requisitioning and de-requisitioning. The scope of the Bill is limited to unauthorised persons found in occupation of houses, eviction, unauthorised persons in government buildings not paying rent nor damages, etc. What is the good of going into the question of requisitioning and de-requisitioning?

Shri Deshbandhu Gupta: The only relevancy is that I am going to suggest that we must have a constructive approach. Give them powers by all means to deal with unauthorised occupations. But unless they relax the conditions which are standing in the way of having more houses the problem would not be solved. That is the reason why I brought this question.

I will give only one example how requisitioning of houses in Delhi is being carried out.

In November 1949 kothi No. 2 in Subzimandi was built under an agreement by a citizen of Delhi whose particulars I will give to my hon. friend. I need not give them here. The rent under the agreement on the basis of the investment was fixed at Rs. 600 p.m. It was a registered agreement. This fellow put up the building. But on completion it was requisitioned on the 18th May, 1949. It was rented to one of the leading citizens of Delhi who had sold his factory. He sold his factory on the condition that his residential house also would go with it. So his need for a house was genuine. This appeal was dismissed but up to the 18th May, 1950, for a period of about one year this bungalow, although requisitioned, was lying vacant. No one would occupy it and nobody would pay any rent and neither the person to whom it belonged was allowed to have possession of it nor was it given to any other person.

I represented this matter to the Chief Commissioner. The result was that after a long time some income-tax officer or magistrate was allowed to occupy the house. Then came the question of rent fixation. As usual this case was also referred to the rent controlling authority. The Rent Controller fixed the rent of the adjoining bungalow, which belonged to a partner of the landlord and was of the same type with equal accommodation, at Rs. 520 per month worked out at 6½ per cent. on the investment. It was naturally thought that in this case also the same was going to be applied. But there comes an arbitrary order from the Deputy Commissioner that the rent shall be Rs. 129 per month. This fellow asked "Are you not going to abide by the verdict of your own Rent Controller." They said they would file an appeal and the matter went to court. This went on for several months, and for reasons known to Government the case was transferred to some other court. The result is that for the last three years during which this building has been under requisition and out of which for about one

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year it lay vacant, to this day not a penny has been paid to this landlord. This is how requisitioning of houses is functioning in Old Delhi.

There is another interesting aspect of this question. Although they requisitioned not more than a dozen buildings in a year notices were sent to all and sundry as many as three hundred persons which created a scare, with the result that persons who were building new houses in spite of difficulties stopped building. That is how it has acted in Old Delhi. When my hon. friend took the power it was primarily for providing accommodation for embassies and government officials, and offices and was confined to New Delhi but when it was extended to Old Delhi this is how it was used.

I have given you a picture of how things are working in Old Delhi and New Delhi. I will now take the Bill and make one or two practical suggestions for the consideration of my hon. friend.

In the Statement of Objects and Reasons there are two things explained as being the basis of this Bill. One is that a large number of plots are under unauthorised occupation. Secondly, the Government has failed to get them vacated through the ordinary channels of law. I have examined the list of more than 4,000 buildings which have been put up as unauthorised structures on these plots. I am sure my hon. friend has also got the detailed statement. My one complaint is that no effort has been made till today either by the local government or by the Rehabilitation Ministry, by the Improvement Trust or by my hon. friend's Ministry to go into the details of these 4,000 houses.

These houses can be divided into different categories. When Dr. Bakshi Tek Chand said yesterday that most of these plots were lying in a very dirty and filthy locality and hard labour was put in by the refugees he was right to some extent but not wholly. There are two categories of plots which are under unauthorised occupation. The first category is this. The Delhi Improvement Trust had notified large areas of land which they wanted to acquire and they were practically in the slum area. When these friends of ours came here in distress these areas were lying practically in a slum state. They thought "The Improvement Trust has not put them to use. Let us try to improve them and make them habitable." They did that and all praise to them who put an amount of self-help and hard labour and made it

worthwhile for them to have some little shelter. But that is not all. There were other plots of land, which are detailed in the statement, which were developed by the Delhi Improvement Trust for business purposes etc. Those plots have also been occupied. There is also a third category of plots which belong to private owners. They were also purchased from the Delhi Improvement Trust. Then there are *pucca* houses, there are *kutchha* houses and there are improvised houses: there are also business houses and residential houses on all these three categories of land. My practical suggestion to my friend is this. Let him appoint a sub-committee. If he likes he may have a representative of these people also on it who are in unauthorised occupation of them. He may have a person like Dr. Tek Chand on the committee. He can have a person belonging to Delhi who can represent the private land-owners and another person from his own department. Let them examine this list to go into each case and try to find out a solution.

Not that we can have just one rule to deal with all these persons, and that that rule should be to demolish these houses, eject these people, and all that. That is not the way. Such of the houses built over the slum area as are unhealthy can be pulled down and those people can be given another plot in the same area. Or, if from the health point of view or because some houses have been built out of place, then those few buildings can also be pulled down. For instance, in Andha Moghal there are 400 houses built in that locality. Most of them are *pucca* houses. For the simple reason that it is under unauthorised occupation, there should be no attempt to pull down those buildings or to suggest that those people may be ejected. Let us be practical. After all, we have ourselves laid down the principle. When some of these people occupied vacant houses did we or did we not recognise their occupancy? We have done it. It was an extraordinary situation and like practical men we thought that it would not be wise to eject these people or enforce the law against them. Therefore, we took a practical view of things and regularised them. We fixed a date-line and said that any man who had occupied till that date his occupation will be regularised. Similarly, in the case of houses which have been built on Government land or on Improvement Trust land, if they are *pucca* buildings and from the health point of view, there is nothing wrong with them, I would say that those

houses should be allowed to remain. There should either be a rent-agreement, or because that area was notified by the Improvement Trust whatever the acquisition price would have been, let that acquisition price be paid by these people.

Pandit Balkrishna Sharma (Uttar Pradesh): And not development charges?

Shri Deshbandhu Gupta: They have themselves developed it. If Government have spent anything on development they can certainly charge these people that amount as well. They will be only too willing to pay. After all, what will be the development charges incurred by the Government? Two or three rupees per yard. The acquisition price may be even less than that. Whatever the acquisition price, let this land be acquired by the Trust if it is not already acquired and the same price charged from these displaced persons who are occupying these places. And if from the health point of view any adjustments have to be made, any buildings have to be re-aligned, or ventilation has to be provided, or any sewers have to be built, then by all means do it and provide alternative accommodation for them in the same area or near about. If you analyse the whole statement, I am sure in the case of most of the *pucca* buildings it will not be necessary to take any action.

Then there are *kutchha* buildings put up on places which were meant for some other purposes. For instance, Patel Nagar 2, was meant to be a Press colony to be built for removing congestion. The Presses which are in Connaught Place were to be shifted there and people had bought land there at Rs. 30-32 per sq. vard. The buildings were to be multi-storied. Now, if you put up a *kutchha* house there, then you are not putting that place to its full use. Therefore, it would be desirable that in the case of such houses as have been built there alternative accommodation may be provided to those people near about or as near as possible, just as we gave alternative accommodation to people when about 100 cottages which were built near the city wall in Delhi Ajmeri Gate Scheme had to be pulled down for building the sewers there. We gave them alternative places near Rajghat.

My third suggestion is with regard to business premises. About these, I would say that there are many people who have not put up any structures. They are carrying on, for instance, their timber trade or coal trade, and just occupying those valuable plots of land which were meant to be the site for three or four storied buildings.

Shri Gadgil: They have a sort of fencing.

Shri Deshbandhu Gupta: A sort of ordinary fencing has been put and they are carrying on their trade. Some of these people are making a good deal of money and they will be only too willing to pay a good rent. But since these plots are meant for multi-storied buildings, I would say that for them also alternative accommodation should be found and these plots should be put to the use for which they were meant. Take, for instance, the Original Road. The Improvement Trust sold out these plots at the rate of Rs. 60 to 65 a sq. yard and the private owners bought these plots of 400 or 800 yards paying heavily. They have been paying all these years the ground rent on those plots also at the rate of 2½ per cent. They cannot enter into any agreement with the displaced persons occupying the plots because the moment they do so they come under the mischief of the Rent Control Act nor can they put up their own buildings. On the other hand, if they don't do that the result is that their money is locked up, their property has become unnegotiable and they cannot put it to any proper use.

So, the sub-committee should go into the details of each case, and try to find out alternative accommodation or get an agreement made informally between the land-owners and these people. If that is not possible, then I will say in all such cases give them six months' notice. Put a time limit. They have not to pull down their buildings but only to find out another place. During the last three years most of these people have begun to stand on their own legs; they are carrying on business and they have made some money. So there is no reason why they should not be able to find alternative accommodation within three or six months. Give them good time and help them in getting alternative sites also. Sir, if we have a constructive approach, if we try informally to deal with these people and take each locality and deal with each case on its merits, I am sure a solution can easily be found.

About the private land, my other suggestion is—that the Improvement Trust should not charge any ground rent from the owners for the period for which they have been in unauthorised occupation. After all, it was through no fault of theirs that they remained so.

My next suggestion, which may not be strictly within the jurisdiction of my hon. friend, is to have a plan for

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expansion of Delhi and New Delhi by having a Housing Finance Corporation. If you want to have 10,000, 15,000 or 20,000 houses a year in two or three years' time, you can solve the problem by having such a Corporation. You have an Industrial Finance Corporation. Why not have a Housing Finance Corporation? Every civilized country has got it. Bombay is now trying to give housing loans at the rate of 3 per cent, and helping people that way. Similarly, some constructive effort should be made here.

Then, these restrictive laws must not apply at least to new buildings. I refer to the Rent Control Act and the Requisition of Premises Act. The order of freezing all these lands must also be stopped. If the Improvement Trust can develop let it retain to itself the area which it can develop in one or two years' time, but let it not simply create a monopoly for itself. For thirteen years they have just notified large areas of lands and the private builder is not able to build nor is the Improvement Trust able to do anything. So, all that should be cancelled. Private activity should not only be allowed but it should be encouraged. Impose as many restrictions as you want, but let there be some progress, in building activity. Then, make building material available to them. Take a practical view of things. If you do that, I am sure we will not be making enemies as we are doing today. We will not be inviting unkind criticism even from our friends. We will be able to claim some credit from the refugees for having made a constructive effort to provide them with shelter and houses and we will also be removing the causes of friction, and remove some of the disabilities from which the private owner today suffers. The task of the Government would be simplified, but this can only be done if my hon. friend behaves—not like a Minister or a person in authority—but a true Congress worker as he used to be. Let him invite a Conference of these people and let him talk to them heart to heart and seek a solution. I am sure even if his decision, after listening to them, is a hard one, my friends on the right will see to it that his decision is carried out and he gets all the co-operation. That is the manner in which this big problem can be tackled. I hope my hon. friend will make a realistic approach and not persist in this provisions of the Bill as they stand. I hope that when the Bill goes to the Select Committee, a constructive effort will be made and a solution acceptable to all will be found.

Dr. R. U. Singh (Uttar Pradesh): So much has been said about the propriety of the provisions of the Bill that I propose to confine my remarks only to certain legal aspects which I feel require attention. I support the motion for reference to the Select Committee, but in doing so I think it is necessary to bring to the notice of the House certain important and vital legal and legislative points of view. The Bill seeks to make provision for three things: (1) eviction from land of trespassers; (2) recovery as land revenue of rent in arrears in respect of Government premises; and (3) damages for unauthorised occupation of Government land and Government premises. Without any hesitation, I can say that, of the several Bills that have come before this House, I have never felt so strongly about the provisions of any Bill as I do about this one. The Bill appears to be extremely ill-considered and I have not the slightest doubt that it has been very hastily drafted indeed.

If we look at the provisions of the Act which is sought to be amended, we will find that the title of the original Act was "The Delhi Premises (Requisition and Eviction) Act". Now, of the three purposes of the Bill which I have just pointed out, I dare say not one can be properly said to be included within the scope of the original Act. I should have thought that any person concerned with bringing forward a measure of this kind would much rather bring a separate Bill for the purpose than try to incorporate in the original Act provisions which are very improperly introduced indeed.

The Bill is sought to be extended to land also. It is sought to be provided that Government premises may be read as "Government premises or land." In the original Act, premises are defined as follows:

"Premises means any building or part of a building and includes the garden, grounds and out-houses etc., any furniture supplied by the landlord, any fittings affixed to the building or part of the building....."

Premises it will be seen means any building or part of a building only and Government premises are, under the proposed amendment, to mean Government premises or land. I do not think that any draftsman could have

done greater injustice to accepted terminology. If the question of interpretation arises as to whether premises are land, in view of this definition of the word 'premises', I am extremely doubtful if the Ministry would be able to secure the interpretation which it hopes to. Even if that is possible, I have not the slightest doubt that it is extremely bad drafting.

Then, Sir, as I have pointed out, there are two other purposes of the Bill, namely, certain rent that is in arrears is sought to be recovered as land revenue and then there is the provision for recovery of damages for unauthorised occupation of Government land or Government premises. I daresay that none of these two things is covered either by the title of the original Act or by the Preamble. The ordinary law that we know of in this regard is that if, on account of any amendments to a Bill, a change is necessitated in the Title or Preamble of the Bill, such amendments should also be made. As I said earlier, the title is: "Delhi Premises (Requisition and Eviction) Act", and the Preamble runs thus:

"Whereas by reason of shortage of accommodation in the province of Delhi, an emergency has arisen which makes it necessary to confer powers to requisition premises and to evict persons from Government premises.....".

Now, I am extremely doubtful if anyone on behalf of the Government would come forward and say that recovery of rent or recovery of damages can, by any stretch of imagination, be said to be included within the scope of the title of the original Act or within the scope of the Preamble of that Act.

It appears that in great haste two clauses are sought to be introduced in the Bill without any regard to the other provisions of the Act. I have just referred to the two important purposes of the Bill, namely, recovery of arrears of rent and damages for unauthorised occupation. There is a provision here in the Act, which was introduced in the year 1949 by an amendment. It reads as follows:

"Whoever contravenes any provisions of this Act or any rules made thereunder or any order made or direction given under this Act or obstructs the lawful exercise of any power conferred by and under this Act shall be punishable with fine which may extend to Rs. 1000".

It was all right to make a provision like that when there was only the question of requisitioning or eviction. But, now that you are seeking to recover rent as land revenue and you are also seeking to recover damages, this provision relating to fine for disobedience of orders is extraordinary. I must say that I have not come across any provision in any statute to the effect that where extraordinary or ordinary powers are sought to be secured for the purpose of recovery of arrears of rent or damages and disobedience of orders by a person is made punishable with fine which may extend to Rs. 1000. This is an extremely peculiar provision indeed.

I wish to make two other remarks about the Bill. I must say frankly that I do not see any objection to a provision in the Bill that rent may be recovered as arrears of land revenue. In many Acts that are in force in this country there is a provision whereby Government dues may be recovered as arrears of land revenue. I am not concerned with the propriety of it, but so far as the legal aspects of the question go, this is not the only Bill in which a provision like that has been made. In fact as I have pointed out, in a number of Acts, such a provision exists.

Now, Sir, whether and what rent should be recovered is another matter that has been dealt with by hon. Members who have preceded me. But from the point of view of law, Sir, the opening words in the proposed clause 10A appear to me to be extremely objectionable. In the proposed clause 10A, the opening words are:

"Subject to any rules that may be made in this behalf by the Central Government by notification in the Official Gazette, any sum due by way of rent in respect of any Government premises which is in arrear may be recovered by the competent authority from the person liable to pay the same, as if it were an arrear of land revenue."

I find it extremely difficult to comprehend the exact meaning of these words. The power is given to recover arrears of revenue subject to any rules that may be made in this behalf by the Central Government. What is the purpose? There are certain processes provided for the recovery of arrears of land revenue under the Land Revenue Code. Now, is it intended to vary these, as for example detention, sale or attachment of movable or immovable property, etc. What is it

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that the Government want to secure by this provision "subject to any rules that may be made in this behalf." From the legal point of view, Sir, I do not think there is any provision in the Bill which is more objectionable than this.

The rule making power in all statutes is confined to making rules consistent with the provisions of the Act. The rule making power is given to the Government so that rules may be made to give effect to the purpose of the Act. Detailed rules are left to be made by the executive. In many enactments there is a provision that the rules must be consistent. But the general tendency now is not to mention that, because it is always assumed that the rules that will be made will be consistent with the provisions of the Act. But in the opening words, namely, "subject to any rules that may be made in this behalf by the Central Government" a sort of an over-riding power is sought to be given to the executive. I really cannot appreciate how such a provision has been made, even if there be a purpose behind it. I think the House would like to know what justification the Government have for seeking to have the power to over-ride the operative part of the clause that they are seeking to introduce. This is seeking to give to the executive a sort of an over-riding authority over an Act of the Legislature itself.

The third provision in regard to which I should draw the attention of this House is the one relating to damages. I have a feeling, Sir, that administrative officers, or officers of Government, should not have the power to award damages. Damages are ordinarily awarded by civil courts, but even if you are seeking to give that power, you must restrict it within certain limits. If damages are to be awarded by officers, you must state the principles on the basis of which they will be awarded. In the original Act at least there is a basis specified on which compensation is to be awarded and compensation is defined as "including rent payable in respect of premises, damages for any premises.....".

Mr. Deputy-Speaker: What is it that the hon. Member is driving at? I am not able to follow him.

Dr. R. U. Singh: What I was trying to make was that whereas in the original Bill there is a provision giving certain basis on which compensation may be awarded, the extraordinary power of granting damages is here

given to the competent authority which is ordinarily the Estate Officer of the Government of India and there is nothing said here in the Bill as to the principles on which damages will be awarded.

Mr. Deputy-Speaker: That will be prescribed under Section 12.

Dr. R. U. Singh: I myself was coming to that. Whereas in the original Act there are elaborate provisions in regard to award of compensation, the whole thing here is being left to the officers concerned. No principles are stated in the Act on the basis of which damages are to be determined.

Mr. Deputy-Speaker: That will be prescribed in the rules.

Dr. R. U. Singh: There again, Sir, the Executive are taking the power to say on what principles damages will be awarded. This, I think, is quite unsatisfactory, particularly when the original Act contains extensive provisions in this regard, namely compensation.

Another peculiar feature of this Bill is that whereas in the original Bill an appeal is provided in certain cases in regard to the orders of the competent authority, there is no provision for appeal so far as the clauses sought to be introduced here are concerned. I refer to section 5 of the Act of 1947 which says: "Any person aggrieved by an order of requisition may within seven days of the date file an appeal." Then in section 7 also there is a provision "that an appeal shall lie to the District Judge against an order of an arbitrator". There is nothing said here as to the forum where any person affected by unjust order, or by an order of which he feels aggrieved under the proposed amendments may agitate his rights. In fact, section 13 (d) says: "Except as otherwise provided in this Act, no order made in exercise of any power shall be called in question in any court." Appeals are provided so far as other orders are concerned, but there is no provision for appeal so far as the provisions sought to be introduced go. This I think is a great lacuna. What I feel in this connection is that perhaps the whole thing has been done in haste. If that is not so, it is extremely unsatisfactory and I do hope the Select Committee will look into the matter carefully and remedy some of the defects that I have just now pointed out.

Mr. Deputy-Speaker: I think this matter is to be referred to a Select

Committee. Sufficient discussion has already taken place and I will now call upon the Minister to reply.

Babu Ramnarayan Singh: I strongly protest against this.

Shri Naziruddin Ahmad (West Bengal): Sir, on a point of order. So far as the Bill proposed to be sent to the Select Committee is concerned, there is a well-known convention that Members of the proposed Select Committee would not speak. There was however a relaxation of this rule on the ground that the Members of the proposed Committee should speak in order that other members who are not Members of the Select Committee should be able to form their own reactions and give expression to those reactions to the Select Committee so that they may act accordingly. But in this case a breach of the rule has again established itself as the rule itself. Almost all the Speakers are Members of the Select Committee. I do not know for whom they are speaking. They could well have spared all these speeches and might well have addressed themselves in the Select Committee within arms length. All this amounts to

Mr. Deputy-Speaker: A point of order must be short and brief, and to the point, and not an argument.

What I am feeling is that particularly in this case all persons connected with Delhi and those who have an interest or particular knowledge in the matter and have been taking a lot of interest in this matter from time to time, have all been put in the Select Committee so that their experience might be useful. Their speeches on the floor of the House might also evoke some kind of discussion and some reply. But all that has to be said has been said at length. We have been discussing this for three days, 29th, 30th and today. I find other gentlemen who are not connected with Delhi are anxious to speak—not that they are not competent to speak on anything...

Babu Ramnarayan Singh: Everybody is connected with what is going on in the House.

Mr. Deputy-Speaker: Those who are interested in refugees, eviction of persons from houses, etc. have all spoken.....

Babu Ramnarayan Singh: Every honest man is connected.

Mr. Deputy-Speaker: If it is the wish of the House that we should go on I shall ascertain the wish of the House.

Shri A. C. Guha (West Bengal): Sir, a similar situation is developing in Bengal. Somebody from Bengal should be allowed to speak.

Mr. Deputy-Speaker: Dr. Syama Prasad Mookerjee has spoken.

Shri D. D. Pant (Uttar Pradesh): I want a very short time.

Mr. Deputy-Speaker: I will do like this. I will call upon the hon. Minister at 4 o'clock. In the mean time whatever points hon. Members want to make—one, two, three, four—they may make. I shall allow five minutes to each Member. Mr. A. C. Guha.

Babu Ramnarayan Singh: I protest against this limitation of the rights of Members—the time-limit of five minutes.

Mr. Deputy-Speaker: I am only appealing to the hon. Members.

Shri D. D. Pant: Much time has already been wasted in this House. Three minutes are enough.

Shri A. C. Guha: This small and simple Bill has been debated in this House for a long time and apparently Members coming from Punjab and Delhi have their direct interest in this matter and they have every right to express their feelings, and I think they have been rightly given that time. But I am not a lawyer—I am a political and social worker. When a legislation comes before the House, it should also be considered what political effect it will have in the country. In the last Budget Session in a hurry we passed a legislation—the Undesirable Immigrants Act. The legislation was thought to be so important that it had to be passed in a hurry. But the after effect of that legislation was the East Bengal riot and that legislation has had to be put in cold storage. About this simple legislation also I apprehend there will be some repercussion on the political and social side which the Government should consider. From my own personal experience in Bengal I can say that the refugees have been simply compelled due to circumstances to take recourse to measures which are extra-legal and not quite within the bounds of law.

The country should not forget that the refugees are homeless vagrants not out of choice but out of circumstances and, as I say, out of our political folly. We thought of finding an easy short-cut to achieve independence

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and to get power; and we simply welcomed the partition of the country. That old man whom we often call the Father of the Nation opposed that, but we dragged him to support the proposal in the All India Congress Committee. That was the greatest folly or crime that the Congress leaders could have committed.

I think Dr. Syama Prasad Mookerjee has given some picture of the situation created in Bengal. Lakhs of refugees have been compelled to take shelter in houses or on land which legally do not belong to them. But if the Government consider the situation strictly on a legalistic basis I say that they will be committing a great mistake and there will be great political repercussion in the country. I have seen just before my eyes and quite near my own house in Calcutta many refugees being simply dragged out of their improvised shelters and put on the roadside when it was heavily raining. In rain and cold they have been passing their days for months and months without any shelter, and the Government in spite of their repeated pledges have not been able to provide any shelter for most of them. Now, if they have been forced, due to circumstances created on political grounds, to take to some extra-legal step, that has to be legalised, and the whole matter has to be seen from the political and social point of view and not so much from the point of view of law.

The question here involved is that the Government is losing Rs. 5 lakhs per year. I think the Minister of Rehabilitation has today stated in the House that for this year they have allotted Rs. 29 crores and odd lakhs for the rehabilitation of refugees. Compared to this huge sum what does this petty amount of five or ten lakhs mean for the Government or the country? Then why are they creating such a big row over this small matter? I support whole-heartedly the motion that the Bill should be referred to Select Committee and the Members vitally interested in the matter should be taken into consultation and the whole thing should be decided in consultation with them.

At the same time I like to utter a note of warning that a similar situation is developing in Bengal and Assam. These areas are not under the direct control of the Central Government. It may be a provincial responsibility, yet the Central Government have their responsibility in the matter.

Shri D. D. Pant: Sir, on a point of order, you said that five minutes will be given to each speaker, and five minutes are over.

Shri A. C. Guha: With that note of warning I support this amendment for referring the Bill to Select Committee.

Mr. Deputy-Speaker: Babu Ramnarayan Singh.

Babu Ramnarayan Singh: Sir, I thank you very much, but I am not prepared to speak within time-limits. I must exercise all my rights.

Mr. Deputy-Speaker: I leave it to the hon. Members's own discretion in this matter. Enough has been said on this matter, and if it is a question of repetition the Chair can certainly say 'this is a repetition'.

Babu Ramnarayan Singh: Sir, I shall not repeat.

Shri D. D. Pant: I want to put the views of non-refugees in this matter.

Mr. Deputy-Speaker: I would only appeal to Members to cut short their speeches until there is a motion for closure in which case the Chair will have to put that motion. That has also to be considered.

बाबू रामनारायण सिंह : सभापति महोदय, अभी आपने कहा था कि इस बिल (Bill) का जिस जिस से सम्बन्ध है उसको आपने बोलने के लिये अवसर दिया। लेकिन मैं कहता हूँ कि इस बिल से केवल सारे हाउस (House) का ही सम्बन्ध नहीं है, बल्कि सारे देश से इसका सम्बन्ध है। जिसको तनिक भी देश-भक्ति है, जिसके दिल में तनिक भी ईमानदारी है, उसको इस बिल से बहुत बहुत सम्बन्ध है। इस वास्ते मैं आपसे कहता हूँ कि इस बिल पर विचार करने के लिये बहुत उच्च कोटि की ईमानदारी, बहुत उच्च कोटि की सच्चाई, बहुत उच्च कोटि की कृतज्ञता और बहुत उच्च कोटि की देशभक्ति की जरूरत है।

सभापति महोदय, यहाँ पहले तो यह कहा जाता है कि जो छः लाख आदमी

यहां दिल्ली में आ गये हैं वह शरणार्थी हैं ।
श्री हिन्मतसिंहका : पुरुषार्थी कहना चाहिये ।

बाबू रामनारायण सिंह : मेरे मित्र ने कहा कि उनको कहना चाहिये था पुरषार्थी । यह बहुत सुन्दर शब्द है और इस पर हमें थोड़ा बहुत तो विचार करना चाहिये । हमारे मंत्री महोदय ने बिल को पेश करते हुए जो कुछ कहा है उसके विषय में तो मैं जहां तहां पीछे कुछ कहूंगा, लेकिन मैं उनसे पहले यह पूछता हूं कि हिन्दुस्तान आजाद कैसे हुआ है । जिनको आज शरणार्थी कहा जाता है उन्होंने हमारे लिये बलिदान दिया, उनकी वजह से यह सरकार पैदा हुई । उनकी वजह से, उनके बलिदान की वजह से आज हमारे मंत्री महोदय "मंत्री" कहलाये । सभापति महोदय, यह साधारण बात नहीं है ।

अब इसके बाद बहुत लोगों ने हमारे भाई गाडगिल साहब की ओर सरकार की बहुत बहुत प्रशंसा की, कहा कि वे वीर हैं, रहमदिल हैं और उनमें उदारता है । लेकिन मैं कहता हूं कि इस बिल पर विचार करने के समय भाई अपनी मेहरबानी अपने पास रखो । यहां तो ईमानदार होने की जरूरत है । कुछ रिफ्यूजी (Refugee) लोग ठीक से बरतावा नहीं करते हैं, कुछ लोग उनको धमकी देते हैं, और कुछ लोग सरकार के बरखिलाफ प्रचार करते हैं । यहां यह सब कुछ लोगों की बात छोड़ दीजिये । यहां तो इस बात को लेना होगा कि ये लोग रिफ्यूजी हुए कैसे । मैं तो कहता हूं कि इस सरकार को और सारे देश को रिफ्यूजी नाम छोड़ कर पुरुषार्थी कह कर उनकी पूजा करनी चाहिए । और मैं तो कहता हूं कि यह बिल जो लाया गया है, यह बिल

हमारे देश के लिए कलंक का टीका है । यह बिल शरणार्थियों को जहां पर वह लोग मकान बनाए हुए हैं, वहां से हटा देने के लिए है । श्री देशबन्धु गुप्ता ने कई एक बहुत सुन्दर सुझाव दिए हैं, लेकिन मैं तो कहता हूं कि सरकार को सीधे सीधे और सरकार के प्रतिनिधि हमारे गाडगिल साहब को चाहिए कि जो लोग मकान बना चुके हैं, चाहे दो महले बनाये हों, या एक महले, कच्चे हों या पक्के, उन से तनिक भी मत बोलिये, जहां हैं वहीं रहने दीजिए और यह जो आप कहते हैं कि उनको हटायेंगे, तो यह तो बड़ी कमजोरी की बात है कि ऐसा बिल सिलेक्ट कमेटी (Select Committee) में जाता है, यह बिल तो आना ही नहीं चाहिये था । यह बिल तो मेरे देश के लिये कलंक का टीका है कि जिनकी बदौलत हम आजाद हुए, और जिन खाली जगहों पर उन्होंने अपने पुरुषार्थ से रहने लायक जगह बना ली है, वहां से सरकार उनको हटाना चाहे, इस से बढ़ कर कृतघ्नता और क्या हो सकती है ।

उपाध्यक्ष महोदय, मेरा तो यह सब देखकर हृदय रोता है कि जिन के हाथ में आज शासन की बाग डोर घाई गई है, वे लोग इस तरह से सोचते हैं कि मुझे रामायण का वह दोहा याद आता है कि :

नहीं कोउ अस जनिमा जग माहीं ।
प्रभुता पाइ जाहीं भद नाहीं ॥

संसार में ऐसा कोई आदमी नहीं पैदा हुआ प्रभुता पाने पर जिस की अक्ल न मारी गयी हो और जो मोह में पड़ कर अपना कर्तव्य भूल न गया हो ।

यह कहा जाता है कि छे हजार प्लॉट (Plots) पर शरणार्थियों ने मकान बना लिये हैं । सरकार ने या इन्सुरमेंट ट्रस्ट

[बाबू रामनारायण सिंह]

(Improvement Trust) ने उनको दूसरों के हाथ बेचा था। अब यह भी देखना चाहिये कि वह किस असाधारण अवसर पर यहां आये और मकान बनाये, वह कोई साधारण अवसर नहीं था। उस वक्त एक तरह से न कोई सरकार थी और न कोई कानून था और ऐसे समय में अगर उन्होंने अपने पुरुषार्थ से मकान बना लिये हैं, तो उन्हें छूना नहीं होगा। मैं जोर दे कर कहता हूं और न्याय की तरफ से मैं कहता हूं कि उन को सरकार को छूना नहीं होना यह धमकी भी नहीं देना चाहिये। यह मामूली बात नहीं होगी कि जिन लोगों ने मकान बना लिये हैं और उन में रह रहे हैं उन लोगों को अपने बल और प्रभुता के मद में आ कर सरकार निकाले। उनको कदापि नहीं निकालना चाहिये और अगर निकालेंगे तो इस का बहुत बुरा प्रभाव पड़ेगा और [हो सकता है कि उसके फल-स्वरूप बगावत हो जाय और यह भी हो सकता है कि उस बगावत में मेरे जैसे आदमी भी शामिल हो जायें, तो वह कोई बहुत असाधारण घटना नहीं होगी। यह क्रायदे, कानून की क्या बात करते हैं, क्रायदे और कानून तो रोज बनाये और मिटाये जाते हैं और सरकारें भी रोज बनती और बिगड़ती हैं। आखिर धंम भी कोई चीज है, और कृतज्ञता भी कोई चीज है। किसी ने कहा था कि लोग तो सरकार के बाल बच्चों हैं, और बाल बच्चे तो कभी कभी अपने बूढ़े बाप की दाढ़ी भी पकड़ लेते हैं। उस पर हमारे गाडगिल साहब ने कहा कि अगर वह दाढ़ी नोच सकते हैं तो बाप भी बाल बच्चों के कान एंठ सकता है। मैं तो गाडगिल साहब को कहूंगा कि ऐसा कहने का अब अवसर नहीं रहा। अब तक तो यह समझा जाता था कि गवर्नमेंट समाज की मां बाप होती है, तो अब मां बाप कहलाने

वाली सरकार तो खत्म हुई। अब तो इस देश में वह सरकार रहेगी जो अपने को समाज का मां बाप नहीं, वरन् समाज का अपने को बाल बच्चा समझे और अब सरकार मां बाप नहीं कहलायेगी। जो ऐसा लोगों से कहलाना चाहेगी, वह शतानी सरकार होगी, और वह सरकार रहने नहीं दी जायेगी। अब तो पंचायती राज्य है और जो हमारी सरकार बनेगी और मंत्री बनेंगे वह जनता के सेवक बन कर, जनता के बाल बच्चे बन कर रह सकेंगे। समाज मां बाप बनेगा, सरकार नहीं।

मैं तो कहता हूं कि धर्म का तकाजा है, न्याय का तकाजा है, कि यह बिल फोरण सीधे सीधे वापिस ले लिया जाये और एक असाधारण समय में जो लोग यहां आकर बसे और जिन्होंने अपने रहने के लिये कोई मकानात बना लिये हैं, उनको रहने दिया जाये। जैसा कि हमारे गाडगिल साहब ने कहा कि इससे तो सरकार कमखोर समझी जायेगी, तो क्या सरकार की बहादुरी इसी में है कि जो रिफ्यूजी लोग वहां मकान बना कर रह गये हैं, उनको निकाल कर सरकार अपनी बहादुरी दिखलायेगी। सरकार की बहादुरी क्या इसी में है कि वह लोग वहां से जबरदस्ती निकाले जायें। देश यह कभी बरदाश्त नहीं करेगा और मैं तो कहता हूं कि अगर आज इस सरकार में तनिक भी ताकत हो, तनिक भी बल और पुरुषार्थ हो तो जो शरणार्थी हमारे भाई पाकिस्तान से अपना सब कुछ खो कर आये हैं, उसे उनको लाकर वापिस दिलाना चाहिये। सरकार में अगर ताकत हो, तो जितने हमारे शरणार्थी वहां से अपना घर वार और सब कुछ छोड़ कर यहां आगये हैं, उन लोगों को जाकर फिर से वहां बसाये तभी तो सरकार की बहादुरी और

भुता है और इती में उसकी ताकत समझी जायेगी। यह जो इधर सरकार की प्रेस्टिज (Prestige) की बात चलती है कि अगर ऐसा न किया जायेगा तो सरकार कमजोर समझी जायगी, उसकी प्रेस्टिज को धक्का लगेगा। तो प्रेस्टिज तो समाज की होनी चाहिये। इस वक्त तो हमारी सरकार की ईमानदारी और कृतज्ञता का तकाजा है कि जितने हमारे रिफ्यूजी भाई हैं, उनको बसाया जाये और उनके जीवन निर्वाह का प्रबन्ध किया जाये। मैं तो अपने भाई गाडगिल साहब से कहूंगा कि आप कोई ऐसा इस समय आर्डिनेन्स (ordinance) निकाल दीजिये, या कानून बना दीजिये कि जहां जहां लोगों ने मकान बना लिये हैं और उन में बे बसे हुए हैं, उन को अपने मकानों से हटाया नहीं जायेगा। भला सोचिये तो सही कि लोग ऐसा आप से सुन कर कितने प्रसन्न होंगे। हजारों और लाखों हमारे रिफ्यूजी भाई जोब हां पर सब कुछ अपना बर्बाद कर आये हैं वह हृदय से आप को आशीर्वाद देंगे, सरकार को आशीर्वाद देंगे और हम सब को इस के लिये आशीर्वाद देंगे। भला ऐसा न कर के, यह सोचना कि उन लोगों को वहां से निकाला जाये, बिल्कुल अनुचित है। तो जरूरत इस वक्त यह है कि उन का आशीर्वाद हासिल किया जाये। तो पापुलर (Popular) तो इस तरह से बनना होगा कि उन को वहां से न निकाला जाये और जो हमारे भाई अब तक बिना शरण के शेल्टर (Shelter) के हैं, उन को सरकार शेल्टर दिलाने का इन्तजाम करे।

बात यह है सभापति महोदय, जैसा अभी मेरे भाई ने कहा, शुरू से गलती हो रही है बहुत कुछ गलती हो चुकी। बहुत काफी कमजोरी अब तक

हुई, मैं कहता हूं कि क्या बात है कि करीब तीन बरस हो रहे हैं जितने भी लोग आये उन को क्या मकान नहीं मिले और उस के साथ साथ उन को क्या रोजगार नहीं दिया गया। यह सरकार की बड़ी भारी विफलता है। मैं तो कहता हूं जैसे टन्डनजी ने रिफ्यूजी कान्फरेन्स में कहा था कि जो सरकार इस तरह से विफल हो, उस को रहने का हक नहीं है, जबदस्ती भले ही रहे। अब इस वक्त मेरे कहने का मतलब यह है कि भूल तो बहुत हो चुकी उस की माफी भी की जा सकती है, लेकिन अब तो भूल मत कीजिये, अब तो कम से कम जितने लोग हैं उन को जगह दीजिये, उन के रोजगार का प्रबन्ध कर दीजिये, मैं इतना ही कहूंगा कि जितने लोग आज ईस्ट बंगाल (East Bengal) से या वेस्ट पाकिस्तान (West Pakistan) से आये हुए हैं, पांच छः महीने के अन्दर उन के रहने का प्रबन्ध करें और उन के रोजगार का भी प्रबन्ध करें। अगर पांच छः महीने के अन्दर इस का प्रबन्ध नहीं होता तो ईमान का तकाजा है, सम्झाई का तकाजा है कि इस सरकार को नहीं रहना चाहिये।

(English translation of the above speech)

Babu Ramnarayan Singh: Sir, you have just remarked that you have given an opportunity to all concerned to speak on this Bill. I am of the opinion that the said Bill is not the concern of this House only but of the whole of this country. One who has got the least sense of patriotism and honesty is definitely associated with this Bill. As such, I hold that honesty, sincerity, gratitude and patriotism—all of highest degree—are urgently required in order to consider this Bill.

Sir, it is said that the six lac persons who have arrived in Delhi are all *Sharanarthi*.

Shri Himatsingka (West Bengal): They should be called *Purusharthi*.

Babu Ramnarayan Singh: My friend wants them to be called *Purusharthi*. Of course it is a beautiful word and we should consider it. As regards what our hon. Minister said while moving the Bill, I will comment upon it afterwards, but I want to ask him as to what led to India's freedom. This country achieved independence because of the sacrifices of the so called refugees. It is on account of them and their sacrifices that our hon. Ministers came to be known as Ministers. This is not an ordinary thing.

Many hon. Members have praised our hon. Minister, Shri Gadgil and the Government. Shri Gadgil has been described as brave, kind and polite. But so far as the consideration of this Bill is concerned, one should keep his kindness to himself. It is honesty which is required here. It is true that some refugees do not behave properly, some threaten the Government and others make agitations against it. Leave the case of such persons. Let us find out as to how they came to be refugees. I think that this Government and this country should do away with the practice of addressing them as refugees but, on the contrary, they should call these persons *Purusharthis* and worship them. In my opinion this Bill is a blot on the good name of our country. This Bill is meant to evict the refugees from the places where they have already built houses. Shri Deshbandhu Gupta has given several very beautiful suggestions but I say that the Government and their representative Shri Gadgil should not say anything to those persons who have already got the houses constructed, whether single storeyed or double storeyed whether Kuccha or Pucca. Let them remain where they are. Your proposal to evict them shows your weakness. Let alone the referring of this Bill to a Select Committee, it should not have been introduced at all. This Bill will bring a bad name to the country. You could not possibly do more ingratitude than what you have done by proposing to evict those persons, whose sacrifices gave you freedom and who made the best use of certain pieces of vacant land which were lying unoccupied.

Sir, my heart weeps to note that people now in command of power make such proposals. At this I am reminded of a couplet from *Ramayana*. It runs as follows:

"Nahin kou us junma jug mahin,
 Prabhuta pai jahi mad nahin."

In simple language it means that such a man is yet to be born as might not have lost every wisdom and forgotten duties on getting power.

It is said that the refugees have built houses on 6,000 plots. Either the Government or the Improvement Trust had sold them to others. It should not be forgotten that they came here under extraordinary circumstances and at an extraordinary time. When they came, there was, in a way, neither any Government nor any law. They have built their houses with their prowess. Under such conditions they should not be interfered. I can darsay on my own behalf and on behalf of justice and equity that the Government must not disturb them. The Government should not even threaten them. It will not be an ordinary thing if the Government, being intoxicated with power and sovereignty, evict such persons who have got their houses built and are living therein. They should never be evicted. Still if Government were to do so, it will result into worst consequences. As a consequence to this step, there may be a rebellion and there is every likelihood of persons like me joining it. It will not be an extraordinary event. What to say of rules and regulations, they are daily made and daily cancelled. Even Governments change very frequently. After all there is a place for duty and gratitude as well. Someone had remarked that the people were like children of the Government and children sometimes pull the beards of their aged fathers. To this Shri Gadgil had remarked that if the children could do that, the father was equally entitled to box their ears. In this connection I will submit to Shri Gadgil that it is no more a time to say like that.

The Government were so far being treated as guardians of society, but now such a Government have ceased to exist. Henceforward only such a Government will exist as may not treat themselves as guardians of the society but, on the contrary, they will have to treat the society as their parents. The Government, therefore, will cease to be known as guardians of the society and the one that will seek to be called as such will be treated as diabolical Government and it will not be allowed to exist. The Government now is a Government of the people. Hereafter the Government and the Ministers will have to be the servant of the public or as children of the society. It is the society and not the Government that will be the guardian. Duty and

justice both demand that this Bill should immediately be withdrawn and those persons should be allowed to continue to live who have established themselves here under extraordinary circumstances and who have constructed some houses here to live in. My friend Shri Gadgil said that it would lead to a belief that the Government was weak. Do the Government want to show their strength by evicting the refugees from their houses? Does it become the Government to evict them forcibly? The country is not going to tolerate this. If the Government claim to possess strength, force or prowess they should try to get back all what the refugees have already lost in Pakistan. If the Government have got the courage, they should rehabilitate all the refugees, who have come here having been forced to leave their hearths and homes and all other personal belongings. Nothing short of this will indicate their strength.

It is said that in case such a step is not taken there is every likelihood of the Government's prestige going down. In fact it is the prestige of the society as a whole which should be taken into consideration. At present it is the call of sincerity and gratitude that all our fellow refugees be rehabilitated and proper arrangements made to enable them to earn their livelihood. I would request my friend Shri Gadgil to promulgate an ordinance or enact a law to the effect that the refugees, who have got their houses built and are living therein, will not be evicted. Just imagine how happy the people will feel when they will know of this. Thousands of refugees who have lost their everything in Pakistan will sincerely bless you, and this Government and all of us for this. Not doing this and thinking in terms of their eviction from their houses is a gross injustice. What is needed most at this time is that their blessings should be earned. By not evicting them from their houses and by providing shelter to poor homeless refugees the Government can easily become popular.

As my friend just said the errors are being committed from the very beginning. A good deal of errors have already been committed, enough of weakness has already been shown. I do not understand the reason why those refugees, who have been here for last three years, have not been provided with houses or with suitable jobs. It is a great failure on part of the Government. I would like to say, as Tandonji had also remarked in the Refugees' Conference, that the

Government which has failed as such may continue by force, otherwise it has no right to do so. What I mean at present is that enough of errors have already been committed and they have also been forgiven, but now we must make it a point not to repeat such errors in future. Let us provide accommodation to all who are here and give them suitable employment. I will simply say that all those who have come here from East Bengal or West Pakistan should be rehabilitated and duly provided with suitable jobs during next five or six months and in case the Government fail to do so, then as far as honesty and sincerity goes they have no right to continue any further.

4 P.M.

Shri Gadgil: I am greatly obliged to the Members of this hon. House because, on the whole, they have treated me very fairly in the course of yesterday and today. I thought till yesterday evening that I was the villain of the peace. But, when I heard some speakers today, my soul was restored to myself and after all, I felt that I had some human sympathy still left, which is still appreciated and acknowledged.

I have heard this criticism which has been partly cynical, partly critical, and partly constructive. Inasmuch as I am accepting reference to the Select Committee in terms moved by my hon. friend Pandit Thakur Das Bhargava, with the addition of my esteemed colleague the Minister for Relief and Rehabilitation as one of the Members, normally, there would be little justification for me to make a long speech. But, Sir, I deliberately said that the Bill was a simple Bill, thinking that I would be taken at my word, and criticism would not spread far and wide. Undoubtedly, big principles have been discussed here, and matters have been also expressed with great emotion, with great sentiment, and let me say that I am in full accord with those sentiments. And if it was only a question of my becoming popular. I would have easily accepted the suggestion made by my hon. friend, and old silver-haired colleague who looks almost like a Rishi, from whom I expected blessings, but I got curses.

Shri Naziruddin Ahmad: They are affectionate curses.

Shri Gadgil: I am here not merely as an individual, but as part of the Government.....

Shri Tyagi: He is Durvasa.

Shri Gadgil:...that stands to do justice between individual and individual,

[Shri Gadgil]

between the individual and the community and stands between something like chaos and disorder and ordered progress of the community all along the line. It is therefore an obligation on my part that I must do the right thing, with popularity if possible, without it, if necessary. All the same, Sir, I want to assure this hon. House that I will go to the utmost length, although I cannot compete with the great Ram:

(Aradanaya lokasya Janakim.

मुञ्चतो न मे त्रय्या) because I want to respect the law, that is Janaki, the prestige of the Constitution. Up to that extent whatever formula my esteemed friends, Members in the Select Committee may suggest, I shall accept.

Reference was made that I was becoming a fascist. Even if I want to become a fascist, I shall not preach atheism in a Church. I shall certainly not preach fascism in a democratic assembly like this. But, fascism is not to be preached; it is a philosophy of action. And, inasmuch as I am speaking and appealing to the good sense of the House, to their judgment, to their desire to do justice between parties and parties, surely I cannot be accused of fascism. I stand for democracy as I know that democracy is something more than a form and persuasion is its dynamic.

[SHRI HIMATSingka in the Chair]

Sir, my hon. friend Pandit Thakur Das Bhargava said something about the provisions of the Land Revenue Recovery Act under which land revenue is collected in the province of Delhi. It is not the intention that for non-payment, defaulters should be put into jail. Whatever the provisions of the other law may be about arrest, to which he made reference, surely this piece of legislation cannot override them. They are there. The only object is to secure arrears of rent and damages by a speedier method with the one object namely that as the money comes,—I am not going to freeze the amount—the whole amount will be again spent in building more and more houses for the refugees: take from the refugees and give to the refugees; take water from the Ganges and worship the Ganges. That is the whole plan. In that I am sure that every reasonable man will agree.

Then, Sir, my hon. friend Dr. Bakshi Tek Chand referred to a sentence which I did utter in the course of my speech. But, I regret to say that it was taken out of the context and what is most surprising, it has been given

unfair prominence in the newspapers today. What I said exactly was this:

"If you ask that every Government due should be recovered through a Civil Court...

Then my hon. friend Mr. Sondhi said:

"That is your own court."

Shri Sondhi: Your own creation, I said.

Shri Gadgil: The innuendo was that the judiciary was subordinate to us, or under us, practically a slave. I therefore said: "I wish it were so". Then I said, "Do not the last two or three months show that there is a regular war between the executive and the judiciary?" I merely tried to describe in my own way what is happening. I am entirely at one with my hon. friend Dr. Bakshi Tek Chand that it is the function of the Supreme Court or anything that corresponds to it, or in other words, the judiciary, to guard the civil liberties of the citizens, to be the watch dog of the liberty won after such hard struggle.

Babu Ramnarayan Singh: Guard the Government also.

Shri Gadgil: What is more important is, that in a country which has a federal constitution, it is precisely the function of this judiciary, the Supreme Court, to say what is *intra vires* and what is *ultra vires*. At the same time Sir, I am giving expression to my own views, if the Supreme Court or the judiciary extends its jurisdiction and pronounces that a particular piece of legislation is undesirable or unreasonable, it is going for beyond its legitimate jurisdiction.

Pandit Thakur Das Bhargava: The Constitution itself provides that Courts must find whether restrictions upon fundamental rights are reasonable.

Shri Gadgil: That is not my interpretation of the Constitution. In other words, analyse what would be the situation. Here is public opinion expressed through the representatives of the public that a particular piece of law is absolutely necessary for the economic progress of this country and half a dozen reactionary people or perhaps one may say that it is *ultra vires*. This is not the function of the Supreme Court. The Supreme Court in a federal constitution can say these are the functions of the States, and those are the functions of the Centre. But if they go beyond that, to consider the desirability of the law, the needs of

society as expressed through their representatives in the form of law, they will compete with the sovereignty of this House or Parliament. Who is sovereign? Is Parliament sovereign or the Supreme Court sovereign? Who will have the last word? If Parliament is sovereign, then the desirability of the law, the necessity or the reasonableness of the law, must be judged by Parliament itself, though the initiative may be taken by the Executive of the day. The law represents the commonsense of the community. Within that limitation.....

Pandit Kunzru (Uttar Pradesh): May I ask my hon. friend whether it is necessary for him to make remarks on a subject which we cannot discuss just now? After all, the courts give effect to the Constitution which has been passed by Parliament; so they are not adopting any extraneous standards. They are conforming to what Parliament itself has laid down.

Shri Gadgil: My justification for this is this. It was in such a manner that my particular sentence was understood or misunderstood by my friend.

Dr. Tek Chand: Sir, may I say that my learned friend is raising very big issues. May I ask you, Sir, if you will permit us, after he has finished, to give the reply? He has raised issues which are fundamental, and which are not at all germane to this Bill and the matter which is under discussion, and the whole position taken up by him is entirely wrong and contrary to the Constitution, contrary to the Fundamental Rights. If the powers of the Supreme Court and the 'reasonableness' of certain provisions in Acts passed by Parliament or State Legislatures are to be considered, then we will have to go over very wide ground, and if the hon. Minister is permitted to do so, I would ask you, Sir, to allow us to place the position correctly before the House. In this Bill in which the hon. Minister wants a few words to be added here or there, the discussion is being diverted to a matter which is fundamental—not fundamental to this particular Bill—but to the very foundations of the Constitution which the representatives of the people after two years of careful and hard work promulgated last year.

Shri Tyagi: Sir, the hon. Minister has not raised any such issue. As I understood him, he only said that the Supreme Court was only to interpret the law and not to comment on it.

Mr. Chairman: Order, order. The Minister may continue.

Shri Gadgil: Sir, this disposes of the question so far as my attitude towards the judiciary of the country is concerned.

Now, my hon. friend Dr. Tek Chand gave certain instances. He also said that the original law in 1947 was limited in scope and then the Minister again came in 1948, and he came again in 1949 and still again in 1950 to the House. The very fact that again and again I come before this hon. House shows that I do not want to do anything arbitrarily. I want to carry the vote of the House, for I always believe that the title to power is based on the consent of the governed. But then it is like the fish and the great sage Manu. When there was the great calamity, everything was destroyed, and a small fish went to Manu Maharaj and said, "You have destroyed everything, why do you not give me a little protection?" So Manu Maharaj gave it protection by putting it in a small pot of water. But in no time the pot was filled and there was not sufficient space. Then he put it in a bigger one, but the same thing happened. He put it in a still bigger vessel, and so on. The problem is the same here. The more I do, the more complicated it becomes. The more houses I build, the more acute the situation becomes. Therefore I have to come every now and then to you because I do not want to do anything arbitrarily. I do everything democratically. When I come before you, when I put before you my difficulties honestly and sincerely, either you must solve them in the manner I suggest, or you must suggest some formula which will solve them. And it is because of this that I gladly accepted the reference to a select committee, not only now, but even before, three days before, when some Members of Parliament saw me. Therefore, Sir.....

Shri Sondhi: But for God's sake, do not call it simple.

Shri Gadgil: Sir, I do still stand by my description

Sir, the suggestion was made that I should withdraw this Bill as it is against the resolution passed by the Congress at Nasik. But it is because the Nasik Congress has passed a certain resolution, giving high priority for this question of the refugees that I thought it was necessary to bring this Bill, because the whole question would come up and the constructive ability which I see in this hon. House will be put to test. Sir, if I do not proceed with the Bill what will happen? The ordinary law of the land will go on working. Suppose a

[Shri Gadgil]

plot has been encroached upon and the private party affected goes to the criminal court. Nobody can say that the man occupied the plot with a view to flatter the party. It must give him annoyance in ordinary circumstances. The criminal court will eject him. The man will be driven out from that plot without any alternative accommodation. But what I am proposing and what we have been doing even before this Bill was brought is to see that no one is thrown out on the street. We fix a time limit. We fixed the 1st of January 1949, and whosoever had built by that time would be given plots. If it is a small house which could be removed, he will be given something. If it is a big house, and if he cannot otherwise manage with the owner or the municipality or with any other authority, then also we will consider it sympathetically. There is no one medicine prescribed for every case. Surely you will not expect me to accept this extreme proposition that the *status quo* must be maintained as it is. I am glad the representative from Delhi who knows where the shoe pinches has dared to throw out constructive suggestions. I have not the slightest doubt that the select committee will consider them. I have not the slightest doubt also that much more difficult problems have been solved by this Parliament with cooperation and in a spirit of goodwill. This is not such a big problem as defies solution. I do not share that pessimism. In fact, I said to my friends privately that this was a challenge to my constructive ability and to the constructive ability of every Member of this House.

My hon. friend Dr. Mookerjee charged us with insanity. He said that unless there is sanity among the Ministers not to disturb lawful things, etc. We have not disturbed any lawful thing. If we disturb lawful things there are dozens of courts to take us to account. I may tell him that at any rate during the last six months since he left us there has been no insanity on the part of the Government of India.

Shri Syamnandan Sahaya (Bihar): You mean whatever there was was in his time?

Shri Gadgil: My hon. friend Mr. Kapoor moved his amendment and I have accepted it. But I must tell him very frankly when he says that the *status quo* must remain...

Shri J. R. Kapoor: I never said unconditionally. I said that all equities should be adjusted.

Shri Gadgil: If that is his very latest view I am quite prepared to accept it.

I was accused of proclaiming martial law by my esteemed friend Lala Achint Ram. He also made reference to the Nasik resolution about which I have said what I wanted to say. I want to assure him that since I had the fortune of being one of the members of the Cabinet; at any rate, in the initial stages, I did consider to be a good fortune.....

Dr. Pattabhi (Madras): Not now?

Shri Gadgil: I have never by word or action offended any person high or low. Everybody in Delhi knows that there is no military guard or police at my place. Anybody can come without prior appointment any hour of the day until midnight.

Shri Tyagi: Can we get tea also?

Shri Gadgil: In hundreds of cases, although under the law the persons could have been driven out I have given extension after extension like a good small cause judge.

As regards recovery of arrears I would only cite the witnesses on my behalf. My friend Dr. Bakshi Tek Chand and Pt. Bhargava will bear me out. If that is not sympathy, there cannot be any sympathy. Lakhs and lakhs have been written off.....

Pandit Thakur Das Bhargava: Who says it is not sympathy?

Shri Gadgil: If you charge me with the duty of guarding the finances of the country and the community, you must at least expect me to tell you what is the real position. If this hon. House out of generosity, which in some cases has been very rightly exercised, decides that this concession should be extended up to 1st March, 1950 I will accept it, not necessarily because it concurs with my judgment but because it is indicative of the collective wisdom of this House, before which I must bow. But I would be failing in my duty if I do not point out the consequences of this act. If you go on giving concession after concession and create an atmosphere in which the people will know that they have to put a little more pressure, they have to address a few more public meetings or attempt to take out a few more processions, every thing will be done, this will not limit itself to the problem as we face it in Delhi but will extend all over the country. That way lies the end of all Govern-

ment. But it is most disastrous even for the refugees themselves. Unless I regularise the position of these unauthorised occupants of land either by shifting them or by some other means, what is the stability for them. Every day they are afraid as to what will happen to them on the morrow. I want to correct that state of affairs. I want to give them some confidence. I want to tell them "If you cannot remain here in the same place I shall see that you are taken to some other place." If they have a shop or business there I will see that they get another place of business elsewhere. It may be a small accommodation but I will arrange for their residence in some other place. Do you not see in big cities people come from 37, 49 and even 100 miles from their residence to their place of business? Is it necessary that the man must be in the premises where he carries on his business? Certainly it is a thing which we can think out in the select committee. It is a matter to which considerable thought has already been given. But if I do not do anything and if I merely subscribe to the view expressed by my hon. friend Pandit Bhargava that self-preservation is the most natural law and allow things to go on as they are and remain aloof, the Government not doing anything it will mean "Jiski lathi us ki bhains." Today some people have occupied some land unauthorisedly. Another gang or group may come and they will drive them out and plant themselves there...

Lala Achint Ram: They are not gangs: they are patriots.

Shri Gadgil: I immediately changed the word. I withdrew the first word. Therefore I said group.

An Hon. Member: Crook?

Shri Gadgil: Group. Another group come and takes possession of the land. I doubt if there is a remedy in a court of law. How can they say that it was their own land? Therefore many legal complications will arise. It is from this point of view that I want to deal with the problem in a constructive manner so as to give them stability and faith that tomorrow will not be different from today. Are you going to help me, I ask hon. Members of this House?

Pandit Thakur Das Bhargava: Yes, yes.

Shri Gadgil: If that is so, I shall certainly demand by price. It will not be much. Only do not subscribe to the view that the *status quo* must

remain. Tell them that they have done wrong out of necessity. I sympathise with them. Government could not do everything at the time and obviously Government knew what was going on. It is just like passengers at a station getting into a compartment one after another. They begin to fight but when the train starts moving somehow or other adjustment is made and quiet is restored in the compartment. We have now come to the second stage. We now know the size of the problem and therefore we can visualise the size of the remedy and the contents of the same. But if you say "Because you have not done anything for the last three years, therefore there is a sort of estoppel or *res judicata*, call it whatever you like", that is not the correct attitude. You insisted rightly and I agree that these people must be rehabilitated. But no one can say "Because I have built a construction near the Connaught Circus, therefore I must be rehabilitated there."

When there was unexpected rain last year many refugees were removed and put in schools. Some of them refused to vacate the schools after two months, when the schools were about to reopen. I had to take the help of the police, shall I allow them to remain there and jeopardise the very existence of the educational institutions?

Certain refugees were accommodated in the Government House, which I proposed to call from today "Ashok Bagh". Because they remained there for a month or two if they said "We must remain here; we are as good as Rajen Babu, and because you gave us assurances, made speeches, wrote articles before the Partition we have come here" that would not be fair. You demand from the Government that Government shall give the first priority, that Government shall do their maximum and if they do not do it, you have a right to cashier the Government. But when we suggest a remedy please understand the full implications of what I have said. If you do that you will certainly agree that what I propose today will rehabilitate them better than any other plan.

In connection with this accommodation problem my friend from Delhi partly congratulated me, though in the beginning he stated that he could not congratulate me.

Shri Deshbandhu Gupta: On the Bill.

Shri Gadgil: I know the logic of events proved stronger.

Shri Sondhi: That is self deception.

Shri Gadgil: He said that we have done this, that and the other. I want to tell him that so far as New Delhi is concerned 80 per cent of houses belong to Government and they have already decided that there would be no open spaces as you find them today. Gradually they will disappear and the open space per capita, it has been decided, will be not more than 120 square feet.

An Hon. Member: What is it today?

Shri Gadgil: Today it is eight times that. You must remember that New Delhi was built in the atmosphere of imperial thinking.

Shri Sondhi: Will that include the Ministers' bungalows also?

Shri Gadgil: They will be the first casualty.

New Delhi was built in the spirit of Imperialism, prestige and all that. The process from that status to a democratic existence or a proletariat existence may not be very quick but it is gradually coming.

Certain cases have been referred to by my friend, Mr. Deshbandhu Gupta. All I can say at this stage is that I promise to consider every one of them, but so far as putting up another storey on each of the units in Babar Lane Colony is concerned, I may easily say that I agree with him and I shall see that everything that is possible will be done.

About the requisitioning of new buildings, somehow or other this has been a matter of dispute. He and his friends have been contending that because we want to take new buildings under requisition, therefore building activity is not encouraged. I have taken the view that it is not so. After all, in the course of the last year and a half, in New Delhi I requisitioned 22 houses and de-requisitioned 47, and out of the five newly-constructed houses I requisitioned just one.

Shri Deshbandhu Gupta: It is the threat of requisition.

Shri Gadgil: But even if you do not agree with this, I may say that last year the Government of India issued a press note saying that they will not acquire any new constructor, meant

by the man for his own personal use, and, secondly, that 50 per cent. will not be acquired at all. Even then this fear persists. I propose to announce within the course of the next few weeks that with certain limitations, I shall not acquire new buildings for a period of two years unless there is a grave emergency. Now, what Mr. Deshbandhu Gupta has promised is that buildings will come up. Let me hope—they have not appeared in Bombay at any rate. He gave certain figures about Bombay. I wish he could have given some figures about the building activity of the Bombay Government. If you take the total new construction in the course of the last two and a half years, Delhi will present a better record.

Shri Deshbandhu Gupta: I was giving the private building record.

Shri Gadgil: Just give the total number.....

Shri Deshbandhu Gupta: If my hon. friend chooses to compete with the Bombay Government, he is free to do so and I will congratulate him on that.

Shri Gadgil: Just to give the total number, we have built 14,000 houses for the displaced persons and 3,500 for the Government employees.

Now, the plots sold by the Improvement Trust evidently were not built upon because they were purchased, at least by some, with a view to make profit by speculation. There is no denying that fact. Now, since the last eight months or more there is no control on bricks and cement is easily available, why has progress not been made in building on plots apart from those which have been occupied or on which unauthorised constructions have been erected?

Shri Deshbandhu Gupta: Threat of requisition.

Shri Gadgil: I do not know how far it is true, but I am told by certain persons who apparently know it, that if buildings are constructed naturally the Income-tax Officer will enquire whence the builder got the money. So, it is the possibility of the black-market money becoming evident which has made the building activity shy and not because there is any lack of encouragement on the part of Government.

Shri Sondhi: Secure the hon. Finance Minister's co-operation also.

Shri Gadgil: The Finance Minister's co-operation is conditional. If you co-operate, pay honestly, do not dodge taxes, and do not run newspapers to condemn the Government, then I am sure—he is a Mahratta and a shrewd man—he will certainly co-operate, but in co-operation he always sees that he gets more than what he gives.

An Hon. Member: Responsive co-operation.

Shri Gadgil: Yes, responsive co-operation.

Now, Sir, one of the hon. Members said that this whole Bill was *ultra vires*, illegal and bad draftsmanship, etc. etc. As regards draftsmanship, I disown any responsibility and it goes to my hon. friend on my left. In as much as he has received so many encomiums at the hands of so many Members here, presumably the drafting must be very good.

Now, there was some trouble about the definition of premises. I want to know this as a layman, because I have left practice long long ago. If on a land something is built and the land does not belong to the builder, is it or is it not an accretion? If it is an accretion, it goes with the ownership of the land; therefore, the premises automatically become the premises of the Government and under this Act, even without a change of the definition or its widening, I can evict the man. But I do not want to take any chances. I am so much afraid of the courts. I want to make whatever power I want perfectly valid and perfectly constitutional.

Now, Sir, I do not want to take much of the time of the hon. House. I agree with my hon. friend Babu Ramnarayan Singh, that there should be no prestige involved in terms of individuals. I entirely agree. Who am I? I am nobody. I am what I am because of your love, because of your respect. And, therefore, the prestige is of any good thing that I may do, of any just thing that I may do, any fair thing that I may do, and to the extent that it is fair my prestige is maintained, everybody's prestige is maintained. Therefore, I appeal in all sincerity.

Just as you do not doubt my sincerity, I do not doubt yours. I never dreamt of doing that. Let us go together and let us solve this problem and put our house in order, because all round we see dark clouds gathering and we do not know what will happen tomorrow.

"Na jane Janakinatha prabhate kim bhavishate."

Therefore, it is of greater importance, of utmost urgency that we should solve this problem quickly so that in any untoward circumstances at least our home front must be completely united.

Mr. Chairman: I will now put the amendment of Pandit Thakur Das Bhargava, but before that there are two small amendments moved to Pandit Bhargava's amendment. I shall put them first.

Shri Gadgil: So far as the amendment of Pandit Thakur Das Bhargava is concerned, I am accepting it. Then there is an amendment by Dr. Bakshi Tek Chand. I assure the House that if we are not able to conclude our deliberations by 15th December, surely I shall come before this hon. House for extension of time.

Dr. Tek Chand: In view of the assurance given by the hon. Minister, I beg leave of the House to withdraw my amendment.

The amendment was by leave withdrawn.

Mr. Chairman: So I shall now put the amendment of Shri Jaspat Roy Kapoor. The question is:

In the amendment proposed by Pandit Thakur Das Bhargava, after the name of Shri S. N. Buragohain add the name of the hon. Shri Ajit Prasad Jain.

The motion was adopted.

Mr. Chairman: I shall now put Pandit Thakur Das Bhargava's amendment. The question is:

"That the Bill be referred to a Select Committee consisting of Dr. Syama Prasad Mookerjee, Dr. Bakshi Tek Chand, Shri Deshbandhu Gupta, Shri Jaspat Roy Kapoor, Lala Achint Ram, Shrimati Sucheta Kripalani, Shri Raj Bahadur, Shri T. R. Deogirikar, Dr. Ram Subhag Singh, Shri Mihir Lal Chattopadhyay, Shri Tribhuvan Narayan Singh, Shri T. Hussain, Sardar Bhopinder Singh Man, Prof. S. N. Mishra, Dr. M. Channa Reddy, Shri Sita Ram S. Jajoo, Shri Satish Chandra, Giani Gurmukh Singh Musafir, Shrimati Jayashri Raiji, Sardar Hukam Singh, the hon. Shri N. V. Gadgil, Shri S. N. Buragohain, the hon. Shri Ajit Prasad Jain, and the Mover with instructions to report by the 15th December 1950."

The motion was adopted.

COOCH-BEHAR (ASSIMILATION OF LAWS) BILL.

The Minister of Law (Dr. Ambedkar): I beg to move:

"That the Bill to assimilate certain laws in force in Cooch-Bihar to the laws in force in the rest of West Bengal, be taken into consideration."

This is a very simple and short Bill, but having regard to the experience which we have had in the last whole week, I hope that I will be fortunate enough to get this Bill through before the House rises this evening.

Sir, the object of the Bill is to extend certain Central laws relating to matters lying in List I and II to Cooch-Bihar. The Bill proposes to give the Central Government power to appoint a day by notification in the Gazette as to when these laws will come into operation. There is only one exception to these laws, and that is with regard to the Muslim *shariat* law. With regard to that, power is given to the West Bengal Government to appoint the day so that on the day appointed by it the Muslim *shariat* law will come into operation. This Bill would have been unnecessary had Cooch-Bihar become a merged State before 1949, because the House will remember that by Act LIX of 1949 which was passed, I believe, in the December Session of the Assembly, the whole lot of Central laws were made applicable to all merged States, but unfortunately at that time Cooch-Bihar had not become a merged State. The order merging Cooch-Bihar in West Bengal was issued by the President some time in January 1950, with the result that this supplementary Bill, so to say, became necessary. I do not think that there is any clause which requires any further explanation.

Mr. Chairman: The question is:

"That the Bill to assimilate certain laws in force in Cooch-Bihar to the laws in force in the rest of West Bengal, be taken into consideration."

The motion was adopted.

Clauses 1 to 4, were added to the Bill.

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

Dr. Ambedkar: Sir, I move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

INDIAN TARIFF (FOURTH AMENDMENT) BILL.

The Minister of Commerce (Shri Sri Prakasa): I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

In coming before this House with this Bill, I must confess that I approach this august Parliament in fear and in trembling; for from the letters that I have received, from the articles I have read and from the speeches I have heard, I have felt that the sole purpose of the manufacture of jute—and that is the most important part of my Bill, or at least my hon. friends think so—is that some sort of the strongest possible rope should be prepared with a mixture not only of jute but also of the *mesta* and *Bimli* varieties thereof, so that the Commerce Minister may be hanged safely by the nearest tree; and as I go to the gallows, I have at least this satisfaction that everybody in the country and outside—the growers of jute, the manufacturers of jute, the traders, the merchants, and even the black-marketeers in America—are of one mind so far as the safety of the finances of the country is concerned; and I congratulate my hon. and esteemed friend, the Finance Minister, when I realise from all the excitement that has been caused, that he is on very good ground and that his Budget is safe.

Shri Kamath (Madhya Pradesh): How does the hon. Minister know the mind of the black-marketeers in America?

Shri Sri Prakasa: So far as I am aware, they are very anxious to bring their hoarded dollars back to India; and they are not able to do so. Therefore their anxiety is understandable.

Sir, this measure is really not so complicated as it appears; and I shall begin by assuring the House that I propose to take it into the fullest confidence; and when I have told my simple story in a few simple words, I have no doubt that I shall have the fullest support of the House.

The measure that I am proposing has three definite purposes. One is to convert the recent Ordinance regarding export duty on raw cotton, cotton waste and raw wool into an Act of the Parliament. Then, it seeks to raise and fix duties on hessian and sacking...

Shri Tyagi (Uttar Pradesh): On a point of order, Mr. Chairman. I beg

to submit that this Bill is *ultra vires*, because it delegates the power of taxation to the Government. The power of taxation is the inherent and basic power of the Parliament itself and this power cannot be delegated to any other authority, whether it be Government or even something more responsible than it.

Dr. Pattabhi (Madras): No.

Shri Tyagi: My submission therefore is that even in England when the Government is to enhance its duties, it has to be empowered by a resolution of the Ways and Means Committee. Otherwise, it has always to reduce the duties, not to enhance them. It cannot increase unless it is armed by a resolution of the Ways and Means Committee. I, therefore, crave your ruling that this is *ultra vires*.

Dr. Pattabhi: I submit that this point can be raised only after the Minister in Charge has finished his speech and not in the middle.

Shri Sri Prakasa: So far as my memory goes, I remember to have read in the most authoritative books on political science that Parliament can do everything except turn a man into a woman and a woman into a man; and as this Bill seeks to do nothing so drastic, I think it is perfectly *intra vires* of the Constitution. If, however, my hon. friend has any objection to the giving of the power of taxation to the executive, he will be perfectly entitled to voice his opinion when the relevant clause comes up for discussion.

As I was saying, Sir, this Bill has three objects: to convert the recent Ordinance in this behalf into an Act of Parliament; to raise and fix duties on hessian and sacking; and, lastly, to give power to Government—and that was the matter on which my hon. friend just waxed eloquent—to levy or raise export duties, as circumstances might warrant.

Sir, the story is, as I said, a simple one; and I shall narrate it as simply as I can. Before devaluation in September 1949 India's exports were falling due to our prices being high in relation to world prices. We had, therefore, to remove and reduce export duties to protect our export trade. The devaluation of the rupee in September 1949 made basic alterations in the relationship between our internal and world prices. Then a new danger appeared on the scene. Internal prices started rising, because they have to keep pace under the unavoidable economic laws, with prices in overseas countries; and we could not possibly allow our general prices to

rise higher than they already were. Thus export duties were imposed or enhanced on a number of commodities; for instance, on hessian from the original Rs. 80 they were raised to Rs. 350 in September 1949; then to Rs. 750 in October 1950 and now we are raising it to Rs. 1,500 in November 1950. In September 1949, Sir, price control was also imposed on exports of jute manufactures and raw jute to keep in check internal prices of the raw material and profits of jute industry. Shortage of raw jute endangered prices which were becoming too high, for the demand from jute manufacturers was very great.

Thus action was necessary, as there was also danger of various substitutes for jute coming into the market, and this would have been harmful in the long run to our jute industry. The main criticism that has been directed during all these months that I have been in this office is to the price control of exported jute manufacture. Loss of foreign exchange, especially dollars, has been suffered as the American free market was much higher than the landed cost of hessian on controlled Indian prices. Various calculations have been made; and I have no desire to quarrel with the various figures that have been given in this House and in the public press. We ourselves feel that there has been a great deal of exaggeration that has been indulged in in the calculation of these figures. There have been ups and downs in the American market; but the fact is undoubted that there has been a disparity of prices which has meant loss of valuable dollars.

The sudden outbreak of war in Korea in June 1950 changed the situation very very greatly. The price of cotton, for instance, in the world became twice the controlled price of Indian cotton. Cotton waste became so valuable outside that some persons in India actually started turning good cotton into waste for export purposes. Raw wool, to take another example, went up in price over one hundred per cent; and we were compelled to ban all exports because we found that our indigenous and cottage industries were suffering. No alternative to the situation being available, export duty on raw cotton was increased on 8th November 1950 and new export duties were imposed on raw wool and cotton waste by an Ordinance. I have therefore come to the House for its approval to the measures taken.

I now come to jute. Sir, for that is the most exciting subject. I shall try to go into details of this problem; and I shall myself try to understand it with the help of the House. I must confess straight off that it has caused me the biggest possible headache dur-

[Shri Sri Prakasa]

ing the few months that I have held my present office. I have heard endless complaints against all that the Government was seeking to do, and there have also been endless proposals as to how we should tackle the situation. So far as my information goes, the world's requirements of jute are about 90 lakhs of bales. Each bale is roughly of 5 maunds. United India produced all the jute that the world needed; and when we were unfortunately divided, the situation was this that what became Pakistan was found producing 70 lakhs of bales or thereabouts, and what remained of India produced only 20 lakhs. If all our 84 jute mills worked for about 48

hours a week our total requirements would be 65 lakhs of bales. But if they worked for 42½ hours a week, as they have been working, then we require roughly 53 lakhs of bales.

5 P.M.

Mr. Chairman: Will the hon. Minister take a long time?

Shri Sri Prakasa: Sir, I believe I shall have to speak for some time—to carry the House with me.

Mr. Chairman: The House stands adjourned till 10-45 A.M. on Monday.

The House then adjourned till a Quarter to Eleven of the Clock on Monday, the 4th December, 1950.