

17.26 hrs.

[SHRI SOMNATH RATH *in the Chair*]

Article 39 clearly says :

“The State, in particular, direct its policy towards securing

- (a) That the citizens, men and women equally, have the right to an adequate means of livelihood.”

The word is “adequate means of livelihood”.

- “(b) That the ownership and control of the material resources of the community are so distributed as best to subserve the common good.”

[*Translation*]

Sir, I was saying that all of us have acted contrary to the intention of the Articles 38-39. I want to read out the reply which I received from Shri Panja.

[*English*]

The question was :

- “(a) Whether the Government are having separate figures of average income of rural persons and urban persons;
- (b) if not, the reasons thereof;
- (c) whether Government had made promise to keep such record of income of rural and urban people separately on the basis of 1980-81;...

(*Interruptions*)

MR. CHAIRMAN : Please speak for two minutes and then we will take up Half-an-hour discussion.

SHRI MOOL CHAND DAGA : What is his reply ? In the statement of Estimates of the Rural and Urban Incomes, the total income of rural population which is 80 per cent is Rs. 21,672 crores and that of urban

population which is only 20 per cent is Rs. 12,487 crores. The per capita income of the rural population is Rs. 499.4 only whereas the per capita income of the urban population is Rs. 1,200. This is the answer which has been given by our Hon. Minister.

[*Translation*]

You tell us a single field where economic disparity does not exist.

[*English*]

MR. CHAIRMAN : Now we will take up Half-an-Hour discussion. You may please continue later.

HALF-AN-HOUR DISCUSSION

Rehabilitation of persons displaced from Pakistan

17.30 hrs.

[*English*]

KUMARI MAMATA BANERJEE (Jadavpur) : Sir, it is a great privilege to take part in this important discussion. I am grateful to the Chair and also to the Home Minister because he is kind enough to listen to our views.

At the outset I would like to say that although I am not a refugee yet my heart and my feelings are totally in favour of the refugees. We know which people came before 1947 and after 1947 to 1964. I know the problems of those people. Although we were not born at the time of Independence yet we have heard, we have read and listened many things about these people who came from East Pakistan. Some of them lost their parents and the others lost their children. They came to India with torn clothes and like beggars. They came to India with the only hope that the then Prime Minister of India, Pandit Jawahar Lal Nehru held, namely, the victims of freedom who have been uprooted from their homes have to be properly rehabilitated in India with equal rights on par with other citizens of the country.

[Kumari Mamta Banerjee]

According to Inter-Dominion Agreement of December 14, 1948 section 2(i) :

"In Pakistan and in India every citizen shall have equal rights, opportunities, privileges and obligations and there shall be no discrimination against the minorities whose cultural and religious rights shall be fully safeguarded."

According to Nehru-Liaquat Pact I would like to quote :

"Nehru-Liaquat Agreement dated April 8, 1956 : The Government of India and Pakistan solemnly agree that each shall ensure, to the minorities throughout its territory, complete equality of citizenship irrespective of religion, a full sense of security in respect of life, culture, property and personal honour, freedom of occupation, speech and worship subject to law and morality."

Both Governments declared these rights to be fundamental and undertook to enforce them.

Sir, I am sorry to say that our Government has already wound up the Rehabilitation Department in 1974 because the Government said that as far as the Central Government is concerned the rehabilitation problem is over. But I would like to say—I have very much regard for the Home Minister—that you have got all your figures from the bureaucrats and officials. This is not the practical thing. If you visit West Bengal, Tripura, Assam and J & K everywhere you will find refugee problems are still there. In my own State 34 per cent people are refugees, people who came from East Pakistan, with the hope that the Government of India will provide them facilities, but now they are helpless because our Law Minister has got a reply from the former Home Minister, Shri Cnavan dated 21st August, 1985. I quote :

"The land in rural areas is given on free-hold basis for a period of 99 years on a nominal ground rent of Rs. 1 per one hundred square Yards or a fraction thereof per annum. These

conditions are in accordance with the general policy followed by the Government of India in other areas also. Moreover, this will protect the displaced persons from the temptation of selling the land on account of increasing value of land in urban areas so that they do not become displaced again."

He has stated two things. He said that it was not possible to give freehold rights to the urban people and that if the Government allowed freehold rights to the urban people, they would sell the land.

Sir, it would be most amazing to note that the rehabilitated people constructed their buildings when they got settlements in 1960. Buildings were made at their own cost. Only the price of the land was paid by the Government. After a lapse of thirty years or so, the rehabilitated people are going to be deprived of their rights of ownership of buildings and properties due to conditional lease deeds, which is against all kinds of justice.

If the Government policy is not to allow freehold rights to urban people, why did the Government register these colonies in urban areas? Why is there such a great discrimination between the rural and the urban people? You have given freehold rights to the rural people, but not to urban people.

We are going into the 21st century with all kinds of hopes and aspirations. We are looking forward to the 21st century eagerly. There is a lot of talk of technological and other developments. If we can change our technology policy, if we can change everything with a view to bring about betterment among the people, why can't we change our policy to give protection to these refugees and give freehold rights to these people. That needs to be changed to provide relief to these people.

Let us not look at this problem from the political point of view. I hope, these refugees will get justice from the Hon. Minister and that this problem will be viewed from the humanitarian point of view and there would not be any bureaucratic outlook in this problem.

Our Chief Minister, Shri Jyoti Basu stated in his Budget speech :

"It is sad to have to talk—nearly four decades after partition—of the burden of rehabilitating the large number of refugees who had to cross over to West Bengal as a consequence of this event. The Central Government has simply wished away the problem and disclaims all responsibility. In this situation, we have been trying to our best with the limited resources at our disposal."

Sir, it was the duty of the State Government to pursue this matter vigorously with the Central Government, but they have totally failed. They should have brought to the notice of the Central Government, what is the actual problem and what is the reality. It is the duty of all of us to appreciate and realise the reality and practical aspects of the problems.

As I said, the then Home Minister, Shri S. B. Chavan wrote to Shri Ashok Sen that the policy of the Government was to give land in the rural areas on freehold basis and in the urban areas on lease-hold basis. But, I have with me a document, which is very important. Under the leadership of the then Chief Minister of West Bengal, Shri Bidhan Chander Roy, our departed leader, in the year 1965, certain people were given these rights and sale deeds in the Squatters' colony, Calcutta. Some people have already got those rights of the urban properties and this is the document with me. While some people are allowed that, why not others? Why are you having this discrimination towards some people? You must give freehold rights to the urban people also. That is our demand. I am sure, the Government will consider it sympathetically.

For your information, I would like to quote from another document. Our State Government has issued a 99-year lease deed. But Sir, the terms and conditions of the lease deed are such that nobody can accept it. It is completely undemocratic and totally unconstitutional. I would only mention one or two points from the lease deed, so that you will realise what sort of a deed

it is. Para 2(1) of the deed says : "The lease period shall be for 99 years, renewable at the option of the lessor. The lessor may however renew the lease of the land after the expiry of 99 years on his own or at the request of the lessee and on such terms and conditions as considered necessary by the lessor."

So, Sir, they will get the lease only if the State Government desires. But if these CPI(M) people continue to be their, I very much doubt whether they will get the lease.

SHRIMATI BIBHA GHOSH GOSWAMI (Nabadwip) : It is a directive of the Central Government. Do not distort the facts...

(Interruptions)

KUMARI MAMTA BANERJEE : You are misleading. Your Government should do something at least in this regard.

(Interruptions)*

MR. CHAIRMAN : Order please. Nothing will go on record. This is half an hour discussion and she has raised the issue. The Minister will reply after she finishes and then three or four members will put questions. That is all. What is other members say will not go on record.

KUMARI MAMTA BANERJEE : They have stated that the lessee shall use the land for the purpose of his residence. He can open a small shop in his residence. Why should anybody get permission from the Government?

MR. CHAIRMAN : You please conclude. Put questions.

KUMARI MAMATA BANERJEE : Sir please allow me two more minutes. This is very important.

PROF. MADHU DANDAVATE : Time is taken. It is never given. Go ahead.

KUMARI MAMATA BANERJEE : Lastly I would like to ask some questions.

*Not recorded.

[Kumari Mamta Banerjee]

(1) You please give instructions to the State Government to immediately stop issuing the 99 years lease deed. And you please visit the State of West Bengal with a High-powered Committee to survey everything. Then you may take a proper decision. Please ensure freehold rights to the people of urban areas. Please pay proper attention to the basic problems of the refugees. (2) Discrimination must be abolished immediately between the urban and rural areas and I request you one thing. Please do not allow a free hand to the Government of West Bengal to make a political drama. You have every responsibility not only with regard to West Bengal but also Tripura and Assam. You will be surprised to know that minority people in Assam are now in danger due to eviction and torture and so many persons belonging to the minority communities are going to take shelter in Bangla Desh camps. The Assam Government has issued a circular that even non-Assamese students should compulsorily learn their language. Where is the protection to minorities? Government has to look after all these aspects. I have come to know from one Hon. Member that in Jammu and Kashmir there are 50,000 refugees who came after Independence. But they did not get any settlement. I am told that in Ahmedabad also, the same problem is there. This should be settled immediately.

I want to point out one more thing. Government have provided funds for economic and social upliftment of the refugees. But the Government should also see whether the funds allocated by the Central Government to the States have been totally utilised or not and whether they have been misused. Government should set up a Committee to find out the actual conditions of the refugees.

Lastly, I do hope that you will not deprive us, and you will not give a bureaucratic reply. I do hope that I will get justice based on a humanitarian point of view. Already I have stated that I am not a refugee, but I have seen their suffering, I have seen what they are doing, what is their condition, and what are their feelings. If you cannot do anything to them, these people will blame the Central Government. And those people ruling there will only make a political drama

out of it. They will take steps only to help their own party, and not to help the refugees, whereas I want economic and social justice for the refugees.

With these words, I thank you.

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : I am grateful to my distinguished colleague, Mamata Ji for raising this very important issue in this House once again. Earlier it was done through a Supplementary to a question. It was felt perhaps that a more detailed information could be placed before this House.

As a matter of fact, I should share some of my thoughts on the refugees problem. She started saying that this was a human problem, and that it was a reflection on the Administration—whether it was the Central Government or the State Government, I am not here to score a point—it is a reflection to this extent, that after nearly 40 years, we are still faced with some people called the refugees, which means that in the schemes or projects that were drawn either by the Central Government or by the State Government, there is something wrong. These things have not been properly carried out; they have not been properly implemented. The result is that even today, we find our own kith and kin, our own people suffering. They are being called refugees. This problem is peculiar in the eastern sector. In the western sector, I do not know whether the credit should go to the Administration or to the people themselves : not a single family is now called refugee one. They have all carved out for themselves their own destiny. They have assimilated themselves with the rest of the country. People who used to be called refugees—if you visit their own settlement colonies or places where they live, you do not get the impression that they are refugees from some other country. In some ways, they are much better than those who were originally from this part of the country. Therefore, it is time both for the State Government and the Central Government to seriously think over this problem. This legacy should be ended, and we should usher in an era of complete assimilation, complete participation. The idea should not be there in a section of our people that they are being deprived, not being cared for, and not being

looked after. There are problems with regard to their settlements, avocations, housing colonies or other facilities. These should be dealt with once and for all.

With this approach in mind, I am grateful to the Hon. Member that she has drawn the attention of the Government of India 2 or 3 aspects of this problem. Firstly, she has expressed her concern about this lease system which is, of course, a very serious thing: really, it sounds rather not just, when the members of the same family, if they happen to live in rural areas get freehold land, and if they live in urban areas they come under the lease system. But so far as Government of India is concerned, there is a general policy—she referred to a reply given by my predecessor, Shri Chavan. The general policy of the Government of India was that we would give a look to the whole lease system, whether it is here in Delhi or in Calcutta or elsewhere, and we will take a general decision on that. I find that in Calcutta, there is a case pending in the High Court. Even if I had wished today to really take a decision, I am hampered, because the case is *subjudiced*. One thing I can tell you and to all the members present here that the Government of India has an open mind and we would like to really review the whole thing; and she has cited earlier also the late Dr. Bidhan Chander Roy saying that he had given a plea for free hold system to the same People even in the urban areas. I would like to go through these records, and as soon as it is possible for us whether that case is disposed of and we are free to do this thing, we have an open mind and we will, in consultation with the State Government, review the whole thing, we will survey the whole thing. She has asked me to send a special team and we will send a special team to review it; and if it is possible we will do it. I will invite suggestions from all the Hon. Members whether this side of the House or whether that side of the House. Let them suggest.

Some people have already been settled; they have built their houses; some are in the process of building their houses; they are building their houses from their own sources, building their own houses from loans taken by various institutions and the government. Our attitude is open and sympathetic and we would like to see that they also get this kind of titleship like free hold.

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands) : It should be for the whole of the eastern India.

S. BUTA SINGH : It should be for the whole of the eastern India not only in Calcutta, but that will be only after the problems that I have just now said, after that we cross over those problems, we will think about it. Even in Delhi.—Shri H. K. L. Bhagat is here—we are very seriously thinking that these problems should be tackled.

She said about economic upliftment. Now, as I said, as I started my observation on this whole issue, the thing is that there has to be a period when the whole thing should start flowing from the on-going schemes whether of the State Government or the Central Government; we cannot treat them for all time to come as refugees or the people who have to be given doles and who have to be fed through spoons. Now time has come that we should in build this element and give them economic upliftment schemes through various plans or State Plans or the central plans through which they can be tied, the whole thing can be dovetailed, and they should start the thing from the ongoing schemes which are continuing, which are for a long time, which are a permanent solution to the economic upliftment. We consulted the Ministry of Industry and the Planning Commission and they have also concerned with the idea that these displaced persons economic rehabilitation schemes should be on the permanent bases and should flow from the State five year plans through the respective implementing agencies and the departments of the State Governments; they could be cottage industry, small scale industry, handloom; and these schemes must be really tied to the regular main schemes.

The other day, a mention was by some Hon. Members about regularisation of the colonies. Perhaps she omitted this today. I wanted to remind you that we are also seriously considering this, about regularisation of the colonies, and we will do it with the cooperation of the State Governments. Again, I would request the Hon. Members to give their suggestions to me on this issue also.

[Translation]

SHRI MOOL CHAND DAGA (Pali) : Just now, the Hon. Minister had replied that during the 1965 and 1971 wars, some refugees had come to Barmer, Jaisalmer and Pali districts. Will you please let us know how many of them were allotted land and rehabilitated by you, in the Indira Canal area? For your information, I would like to tell you that out of them, 86 families have still not been rehabilitated by you. Kindly give us a reply after verifying it. You have taken the plea that the case is *subjudice*. Please tell us does the court debar you from rehabilitating the refugees from Bangladesh in India?

S. BUTA SINGH : The verdict has not been given so far.

SHRI MOOL CHAND DAGA : Non-delivery of the judgement means :

[English]

The Government has not been debarred from doing this job of rehabilitating the people. So, I want to say this.

[Translation]

35000 families belonging to the minorities have been displaced from Bangladesh. How many claims of these families have been settled so far and on what basis. Nobody has got the rehabilitation benefit to date because the Nehru-Liaquat Pact lapsed with the death of Mujibur Rehman.

[English]

It became a dead letter.

[Translation]

Please, tell us whether you have done any rehabilitation work? To-day you are saying :

[English]

I will review the whole thing.

[Translation]

At that time, Shri Chatterjee had said in the House that a Parliamentary Committee

would be constituted for this purpose. Today, you say that no Parliamentary Committee will be formed because there is a difference in the attitude of Members of the Parliament and bureaucrats. But why did you not revive that committee by deputing the Members of Parliament to find out the number of families which have been rehabilitated and which remain to be rehabilitated? My third question is that you have written that a house will be provided for Rs. 10,000 including land.

S. BUTA SINGH : Wherefrom have you got this information?

SHRI MOOL CHAND DAGA : It is not my information. Why do you worry. You are also looking a bit serious.

[English]

The Government has decided to review this position. A house building loan in urban area is fixed at Rs. 10,000/-, the break-up of which is Rs. 6,500/- for construction and Rs. 1,000 for land, and Rs. 2,500/- for development of the site.

[Translation]

Will you be kind enough to construct a house, worth living, by purchasing land at the present rate with Rs. 10000 only? It is your scheme.

Secondly, please tell me whether the settlement of the claims of the land has been made on the basis of the rates prevailing in the year 1948 or 1965? For their property, which year have you taken into account, the year of the property or the preceding year? I would submit that this is a human problem and you have adopted a good attitude. Please answer my questions in your reply.

[English]

SHRI ASUTOSH LAW (Dum Dum) : Mr. Chairman, Sir, I feel pity to put this question in this august House, even 40 years after independence, even though various things have been happening in this House, nothing is being done for these displaced

persons. Sir, I am requesting the Hon. Minister and the Government to look at the living conditions of these displaced persons, those who have come from the erstwhile East Pakistan and the present Bangladesh.

18.00 hrs.

I request the Hon. Minister to see the question of the lease deeds which have not been given to them. The living conditions of these people are so bad, that they are living like cats and dogs, even in this year of 1986, their living conditions are so rigid that something has to be done to improve them. I find from the document that since 1980 Central Government has sanctioned funds for the upliftment of displaced persons. Although on paper the Government of West Bengal, it appears, have spent this money, in reality nothing has been done. I am extremely sorry to say this. Therefore, I want to ask from the Hon. Minister whether the Central Government is willing to send a special team to West Bengal, particularly to see those areas where there are refugee colonies and make a survey regarding the living conditions of the people. They do not have drinking water supply. There is no road. There is no electricity, and no facility at all. I am speaking from my personal experience because I come from that place where these re-settlements are there. I find that during the monsoon for three months or six months, they are living under water. There is not even a medical officer to attend to them in case of any emergency. Therefore, I again, with folded hands, request the Government to immediately send a central team to survey that area, sanction the money and get that money distributed through some central agency and not through the State Government, because they are utilising this money for their political purpose.

My second question is, why such delay is being caused to give freehold right to the refugees, those who are occupying the land? After all, one has to take a practical approach of the matter. Under our law, we cannot really, for all practical purposes, throw away or evict a person from the land where he is settled. If that is the position, then why should we not, without further delay, fulfil their dream and allot freehold right of the land?

The total number of applications received by the Government upto 31 July, 1977 were 53,549. According to the Nehru-Liaquat Pact of 1950 the refugees from the then East Pakistan were given the right to retain their properties in the then East Pakistan. That is why, no compensation was allowed to them. But subsequently, after the Tashkant Agreement, after the Indo-Pak war, it had been decided to give ex-gratia payment under the Ex-Gratia Scheme to these refugees, as the entire property belonging to the Hindus in the then East Pakistan was declared as enemy property and equally in India too. Thereafter from time to time, applications were invited. On 14180 applications demand was made. 14710 applications are still pending and the rest were rejected on various grounds. These poor people cannot recover their properties which are situated in Bangladesh any more at this political juncture. I am asking the Hon. Minister as to why such a delay is caused in finalising the claims of compensation and settling the said dispute for once in whatever manner, whether it is 25 per cent of the total claim or 30 per cent or 50 per cent.

[Translation]

S. BUTA SINGH : Mr. Chairman, Sir, Shri Daga has raised two or three questions. In the first question he has asked details about the number of migrants to India during the period 1965 to 1971 and how many of them have been settled in Rajasthan and how many of them were allotted land in the canal area. In this regard, I have to say this much only that :

[English]

Between 1964 to 1971, 11.14 lakh migrants came, out of which six lakhs stayed in West Bengal and the rest of them went all over the country. I do not have readily available with me the number of people who went to Rajasthan. I can get this information and supply to the Hon. Member.

[Translation]

Secondly, he said that the scheme of rehabilitation is *sub judice* and as a result, the entire work of rehabilitation has been

[S. Buta Singh]

suspended. I think Shri Daga has mixed up the two things because at that time I was not talking about rehabilitation but about lease and free-hold. The lease and free-hold case is pending before the High Court and is under consideration.

[English]

Rehabilitation scheme as such is not pending before the High Court and we have not stopped the various schemes which are being implemented under rehabilitation. They are continuing.

[Translation]

SHRI MANORANJAN BHAKTA (Andaman & Nicobar Islands): I want to tell you that there are still many families, which have not got the benefit of rehabilitation. They are still wandering on the roads. Please tell what are you going to do for such families, because there is no one to whom they can approach. When you are doing all these things, they should be given one more chance.

S. BUTA SINGH: Most of them were advised—

[English]

—that unless they come to the camps and get themselves registered, it will not be possible for the Government, the local State Government—it is not only West Bengal Government, other Governments are also involved. Unless you really know where the people are, you cannot really choose them and take your things after them. They have to register themselves somewhere... (*Interruptions*). The district authorities have to have a point on which they must get themselves registered. They must report to some responsible authority. Only then the follow up steps can be taken as to how to rehabilitate them, how to look after them. Firstly, there was a condition. In West Bengal, in Tripura and other parts where there was a saturation point, specially in West Bengal when there was no capacity, we made it known that those who will go out of these

areas, will get the benefit. But they never reported. Therefore, unless those families report, how can they be entitled to any benefit? I agree with the Hon. Members that there must have been some families who really were not able to get the attention of the Government. But how do we know?

[Translation]

Thirdly, he asked as to what criterion had been adopted by us in this regard. In this regard I want to tell Shri Daga that the total number of the displaced persons who came to West Bengal from West Pakistan during the period 1947 to 1958, was 41.17 lakhs. Out of them, 31.32 lakhs stayed in West Bengal—

[English]

—and they were all provided that relief and rehabilitation. Daga Ji, this is for you. Kindly take note.

Now, there are other two categories. From 1958 to 1963, 55,000 persons stayed on in West Bengal whereas 61,000 had come. Again, there is a third category, reference about which was made by Daga Ji. I gave the figures. 11.14 lakh migrants came, out of which six lakhs stayed on in West Bengal and the others spread. As a matter of fact, these families which came under the third category, legally speaking, they were not entitled to that rehabilitation scheme which was there after the partition of the country. Therefore, even the Government has gone out of the way because it is a human problem. I agree with you. But the problem is, as I mentioned to Shri Manoranjan Bhakta Ji, that they have to follow a system. Unless they come and register themselves, unless the authorities come to know about the small groups of people, there cannot be any follow up action... (*Interruptions*). The claims were filed by the individuals on the basis of the properties lost. The settlement is based on the United Bank of India land values on the basis of which lending was done in East Pakistan. This was the basis. Now, Mr. Asutosh Law raised two points. One I have already answered, that is, lease and freehold,

SHRI ASUTOSH LAW : Time-bound programme.

S. BUTA SINGH : As I told you, as soon as we are able to get over the hurdles which have been there, there should not be much delay and I assure you that we will give a final shape to these things as soon as possible.

Now, about the living conditions of these colonies, I can share with the Hon. Members the feeling that the living conditions in these

colonies are horrible. We will definitely get in touch with the State Government to see that they get basic amenities like water supply, hygienic conditions, medical care and all these things. I will get in touch with the Government of West Bengal and we will see that necessary improvements are made.

18.10 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday, August 11, 1986/
Sravana 20, 1908 (Saka).*