

THE MINISTER OF STATE IN
THE MINISTRY OF FINANCE
(SHRI SAWAISINGH SISODIA) :
On behalf of Shri Maganbhai Barot,
I beg to lay on the Table :

(1) A copy of the Interest-tax
(Amendment) Rules, 1981 (Hindi
and English versions) published in
Notification No. S. O. 183(E) in
Gazette of India dated the 12th
March, 1981, under sub-section (4) of
section 27 of the Interest-tax Act, 1974.
[Placed in Library. See No. LT-
2169/81].

(2) A copy each of the following
Notifications (Hindi and English
versions) under section 159 of the
Customs Act, 1962 :—

(i) GSR 179(E) published in Ga-
zette of India dated the 14th March,
1981 together with an explanatory
memorandum regarding revised
rate of exchange for conversion of
Russian Rouble into Indian currency
or *vice-versa* in supersession of noti-
fication No. 20A-Custoins dated the
26th February, 1981.

(ii) GSR 182(E) published in
Gazette of India dated the 17th
March, 1981 together with an explana-
tory memorandum making certain
amendments to Notification number
GSR 318(E) dated the 9th June, 1978
so as to enlarge the list of materials
allowed to be imported duty free
against Advance Licences for execu-
tion of export orders. [Placed in
Library. See No. LT-2170/81].

12.04 hrs.

CALLING ATTENTION TO
MATTER OF URGENT PUBLIC
IMPORTANCE

PLIGHT OF REFUGEES FROM WEST
PUNJAB REPORTED TO BE ON
DHARNA NEAR JAMMU

MR. SPEAKER : Shri Mhalgi.

SHRI KHWAJA MUBARAK-
SHAH (Baramulla) : On a point of
order, Sir. The rules provide that
no matter which is exclusively a State
matter should be discussed in the
House.

— MR. SPEAKER : No. This is
not it. It has already been discus-
sed in the Rajya Sabha.

(Interruptions)

SHRI HARIKESH BAHADUR
(Gorakhpur) : They are citizens of
India, not citizens of Kashmir.
That is why this matter can be dis-
cussed.

SHRI R. K. MHALGI (Thane) :
I call the attention of the Minister
of State in the Ministry of Supply and
Rehabilitation to the following matter
of urgent public importance and
request that he may make a statement
thereon.

The plight of refugees from
West Punjab who are sitting on
dharna in Pakistan territory near
Jammu because of denial of Indian
citizenship to them in spite of
33 years stay in India and the
action taken by the Government
of India in this regard.

THE MINISTER OF STATE IN
THE MINISTRY OF SUPPLY AND
REHABILITATION (SHRI BHAG-
WAT JHA AZAD) : The Government
of India in the Department of Reha-
bilitation has not received any report
from the Government of Jammu and
Kashmir on the reported "Dharna"
by the displaced persons from West
Pakistan who have settled down in
Jammu region for over three decades
but are still deprived of Indian citi-
zenship.

2. As regards the question of
Indian citizenship to these displaced
persons, the Minister of State in the
Ministry of Home Affairs had in
reply to Unstarred Question No.
7040 in the Lok Sabha stated on
6-8-1980 that the persons of Indian

[Shri Bhagwat Jha Azad]

origin who had migrated in 1947 from the territories now included in Pakistan, were deemed to be the citizens of India under Article 6 of the Constitution of India. This was reiterated by me in the Rajya Sabha on 12-3-1981 when I made a statement on a similar Calling Attention Motion in that House.

SHRI R. K. MHALGI : This matter has appeared first in the Delhi Edition of the *Indian Express* on 9th March 1981. A statement was made, on behalf of the Government thereafter in response to a Calling Attention Notice in the Rajya Sabha, on the 12th March, 1981, wherein it was stated that the Rehabilitation Ministry of the Government of India has not received any report from the Government of Jammu and Kashmir regarding the *dharna* by these thousands of refugees. Today, on the 24th of March, 1981 the same statement is made in the Lok Sabha, without any change of even a comma or full stop.

When this House is very much anxious to know the plight of these thousand of refugees, who are demanding Indian citizenship, why is it that the Government of India has not sought exact information regarding the same from the Jammu and Kashmir Government during this period of the last 14 days? Is there any constitutional impediment? I am very sorry to note that the Minister in his reply has not given any explanation as to what is happening on the border, why is it happening and what is the stand of the Government of India in regard to that. I am sure his attention would have been drawn to a statement formally issued by the Chief Minister of Jammu and Kashmir, Shri Sheikh Abdullah, in which he has stated that, so far as the rehabilitation of these displaced persons is concerned, it was naturally the responsibility of the Government of India and that the State Government have, on compassionate grounds, given them temporary shelter—these were the words that he has used.

I am really surprised at these words being used in relation to a section of the population that has come to India in 1947. Most of these people are Scheduled Castes and Harijans from the district of Sialkot and nearby districts in Pakistan.

At the outset, I would like to say that this matter should be looked as a human problem, from the humanitarian angle. Let it not become a slinging match between one party and another, or between the State Government and the Central Government. At the same time, neither the State Government nor the Central Government can evade the issue by not stating what their particular stand is.

So far as this particular *dharna* is concerned, it has arisen because of the failure of the Government to rehabilitate them. The specific issues that they have raised while doing the *dharna* are that though they have been living in Kashmir since 1947, for the last 33 or 34 years, they are not citizens of Kashmir State, while they have the right to vote in the elections to Parliament, they do not have the right to vote in the elections to the State Assembly or to the civic bodies in Kashmir, which is a political right.

But what is more directly relevant is their live lihood, their very existence, and their right to hold property. They do not have that right, because they are not the citizens of that State. So, they cannot hold property.

These persons who came from Sialkot and adjoining areas do not belong to that category of persons who are living in Delhi or Lucknow. But my own view is that there should be no two classes of citizens. Because of various circumstances, because of international commitments and all that,

the other side may argue, Kashmir has a special status and, therefore, the Kashmir citizens are separate from the Indian citizens.

12.11 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

But, only a few days before, Shri Sheik Abdullah, the Chief Minister of Jammu and Kashmir, very categorically stated that article 370 of the Constitution is not sacrosanct. Here I want to refer to one report of the Petitions Committee.

My specific point in this regard is that this problem of rehabilitation, this problem of resettlement can be properly tackled only when we know the dimensions of this problem. According to the statement of the Minister in the Rajya Sabha, based on the information furnished by the Jammu and Kashmir Government some time back—not now, but some time back—the number of persons who have come to Jammu and Kashmir from West Pakistan is not known, as no census for this purpose was ever conducted.

Is this the way of running a Government or the Rehabilitation Ministry? How can you run the Rehabilitation Ministry if you accept statements of this kind from the Chief Minister of Jammu and Kashmir? Is it not the responsibility of the Government of India, particularly when the Chief Minister of Jammu and Kashmir says that he holds the Government of India responsible to rehabilitate these people, to know their number? According to press reports, their number is 3,000. But what is the actual number? The exact number must be known to this House and it is the duty of the Government of India to give that information to the House.

In order to understand the dimensions of the problem, I would like to know how many displaced persons

are there, who have settled down in Jammu and Kashmir, and how many of them came from Occupied Kashmir and how many of them came from other parts of Pakistan, right at the time of partition.

I have referred earlier to the Petitions Committee. I will make a few observations on the recommendations of this Committee and then put certain questions. I am referring to the 62nd Report of the Petitions Committee of Rajya Sabha, which was placed on the Table on the 13th June, 1980. Practically one year has passed. I would like to know from the Minister as to what steps have been taken in pursuance of the Report submitted by this Committee. There are various suggestions. For example, there is one specific suggestion—

“Since these displaced persons still feel insecure and rightly so, for fear of being dispossessed of their land, the Committee recommends that the suggestion made by the representatives of the Department of Legal Affairs to the effect that the evacuee land could be given to the displaced persons on a term-lease basis be considered and implemented by the Department of Rehabilitation in consultation with the State Government.”

What has been done in pursuance of this recommendation? There is a very specific recommendation because things lead to a sense of insecurity among the displaced persons. So, I think it is quite clear.

I shall put two supplementaries:—

1. Fourteen days have passed since this news appeared in the press. Why has this Government not sought any exact information about 'dharna' near Jammu?

[Shri R.K. Mhalgi]

2. What exactly is the action taken by the Government on the recommendations of the Petitions Committee as have been given in their 62nd report which has been placed on the Table of the Rajya Sabha.

This House is entitled to know these two things.

SHRI BHAGWAT JHA AZAD :
It is true that we have not received any information so far about this. I did say in Rajya Sabha and I am sorry to say, I repeated the same thing here also. The hon. Member is entitled to ask this question. All we can do in such cases, as the House knows is this, we have requested the Government of Jammu and Kashmir for the information. I think they are collecting the information. The moment it is available, we can make it known to the House and we can place it on the Table of the House.

In this case we have received no information so far.

About the second question pertaining to the Petition Committee, I would like to say that in Jammu and Kashmir there are refugees who came from West Pakistan, who came from occupied area of Jammu and Kashmir, who came in three waves one after the other in 1947, 1955 and in 1971. This particular Call Attention very clearly and definitely wants the information about West Punjab and therefore, at this moment about the recommendations of the Petition Committee the hon. Members have to ask for other question. I shall prepare myself on that and reply.

So far as this particular Call Attention is concerned i.e. about West Punjab, it is true. So far as this figure is concerned as I said, the figure is not known. In April 1979 we were told that there are 2752 families. We in the Ministry of Rehabilitation, as far back as 1955-56 had put the figure at about 3,000 families.

Hon. Member remarked that it is not the way that the Ministry does not know the figures. Large number of refugees came in this country, as much as 1 crore, both from the East and West. Those who came through the camps and got themselves registered, Government of India took charge of them. Government can very well give the figure from each wing, as also of those who came from other parts. But there are other brave people, very courageous people who came after this blood bath. They did not ask for our relief but only wanted rehabilitation. They did not inform us. Therefore, Government of India got no figures about them. This batch of people who came and settled in this part are those lot of brave people who came in this part, settled down, filed the claim and we settled it. That is the position.

SHRI HARIKESH BAHADUR :
Mr. Deputy-Speaker, Sir, it is unfortunate that the people who are citizens of this country, India, are not citizens of Jammu and Kashmir. This kind of discrimination is quite unfortunate. These people do not have citizenship rights. They can vote in the parliamentary elections but they cannot vote in the Assembly elections and, at the same time, they cannot be given jobs in the State Government services. Such type of discrimination must be removed.

There is one Jammu and Kashmir Constitution Order, 1957. According to this Order, these people cannot get citizenship of Jammu and Kashmir. My specific question is whether the Government of India is going to advise the Government of Jammu and Kashmir to amend this order so that such people who have come from outside may also be given citizenship right.

PROF. N. G. RANGA (Guntur) :
But is that Order constitutional at all?

SHRI HARIKESH BAHADUR :
I think so because it is Jammu and Kashmir Constitution Order.

SHRI KHWAJA MUBARAK SHAH: No. The hon. Member may like to read article 35(a) of the Constitution of India.

MR. DEPUTY SPEAKER: The Minister will reply to that.

SHRI HARIKESH BAHADUR: These refugees, it is stated, have been given land. But some people who came back from Pakistan, and whose land was given to refugees, the land was got evacuated from them and this was handed over to those who came back from Pakistan. It is also alleged now—I would like to ask from the hon. Minister whether there is any truth in this—that some of the refugees have no land in Haryana, Punjab, etc. and, after sometime, they themselves sold that land. I want to know whether the Government of India have appointed any inquiry committee to look into these matters and, if not, whether the Government of India will institute an inquiry committee to look into all that.

These refugees who entered into Pakistan territory handed over a memorandum to the officials of Pakistan. That memorandum was addressed to the President of Pakistan and, in that memorandum, it was stated that they were still being considered to be the citizens of Pakistan. I want to know whether it is the correct information and whether the hon. Minister is going to enquire from the State Government about that memorandum.

The hon. Member, Shri Mhalgi, asked about the number of refugees. It is said that their number is not known. What is the reason why a census was not conducted to know the number. There have been several categories of refugees. The hon. Minister has said that some people came in 1947; some people came in 1965 and 71 when there were wars between India and Pakistan and that

some of the refugees who came in 1965 and 1971 have been settled and they have been rehabilitated. But what about the people who came in 1947 who have been staying here for the last 34 years? This is a question which must be replied to by the Government.

It is also said that in 1947, when the refugees came from Pakistan, at that time, the Government of India perhaps sent a committee of officers to Jammu and Kashmir. This committee wanted to get some assurance from the Jammu and Kashmir Government that they would be settled there or, if they cannot be settled, they can be sent outside, out of Jammu and Kashmir. But at that time the State Government did not agree to send them out of J. K. Now perhaps it is stated that they would be settled somewhere else. I would like to know from the hon. Minister whether that is a fact and what I am saying is correct, and whether the Government of India will look into it and try to solve the problem of those people.

SHRI BHAGWAT JHA AZAD: It is true that about these friends who are staging a dharna at the border, their main and most important demand is about the full citizenship right in Jammu and Kashmir State. This is their demand, not much about relief and rehabilitation. Out of this flow the demand that they should have a right about employment also in the State and in the State undertakings and, out of this, also flows the demand that they should have not only the possessive rights but the proprietary rights in the land or other properties that they have at present in that part of the country.

These are three important things. The hon. Member is right. The hon. Member is also right that they have not got it because the Representation Act of Jammu & Kashmir State of 1957 comes in the way. It says that

[Shri Bhagwat Jha Azad]

a citizen should be a permanent resident of the State, and this permanent residentship of the State is again governed by another Order of 1954 which says that he must be at least ten years' resident of that State, that is the person who was there on 14-5-1944, upto that date, can be regarded as a permanent citizen; they are there from 1947 and, therefore, they are not permanent citizens. That is one important thing that that Order of 1954 says. The second thing...
(Interruptions)

MR. DEPUTY-SPEAKER: No. This is Calling Attention. You cannot....

SHRI GHULAM RASOOL KOCHAK (Anantnag): On a point of order. Displaced persons, under the State Constitution, cannot be made permanent residents of Kashmir...
(Interruptions)

MR. DEPUTY-SPEAKER: There is no point of order.

SHRI BHAGWAT JHA AZAD: I am surprised..

SHRI KHWAJA MUBARAK SHAH: The Minister should read what is the law. The law on the subject is article 35(a) of the Constitution of India which says who has got the rights. He says about the order of 1964, that is, they must be resident for ten years before 1954..

SHRI UTTAM RATHOD (Hingoli): On a point of order. There is one more discrepancy. In 1947, the then Ruler of that State had asked the people to come and take shelter in the State, and this Act which was referred to by Mr. Kochak and Mr. Mubarak Shah came into being after that. I would like the Minister to clarify this position, whether there was any assurance given by the then Ruler to these people who had come from Pakistan.

MR. DEPUTY-SPEAKER : Your name is not there. It is no use rising on a point of order like this.

SHRI BHAGWAT JHA AZAD : If the hon. Member will have some patience, then I will clarify. Let not my hon. friend from Jammu and Kashmir take anything that way. I am only saying what is there in their own Representation Act. I am not quoting anything beyond that. If they can point out any change, even of one full stop or comma, then they can challenge me and say that I am giving a wrong statement. This is how I have prepared myself for the task. The hon. Member wanted to quote article 35 which suits him. Let him quote it; he is free to do that. But I will quote what I feel right and should quote to hon. Member Shri Harikesh Bahadur. He has asked me why these persons, after three decades, have not been given the right of citizenship. I am quoting that the Jammu and Kashmir People's Representation Act of 1957 stands in the way. This is what I have said before. It says... (Interruptions).

MR. DEPUTY-SPEAKER : He is replying to Mr. Harikesh Bahadur.

SHRI BHAGWAT JHA AZAD : It says that a citizen should be a permanent resident of that State and that permanent residentship itself is governed by another Order of 1954 which says that he must be at least 10 years resident in that State.

The second point is that they should legally have property there, not only possessive but proprietary right. Since these two have not been given to these persons who have been here for more than three decades, they are denied their citizenship right.

Another question which Mr. Harikesh Bahadur asked me and which I had answered while replying to Mr. Mhalgi, is about the number.

As I said, we have kept the numbers about this; the numbers are there. There are many classes of people who came to this country as an aftermath of Partition, those who came, registered, came through the camp—we have kept the full number. If you put me and her question on that, we will reply to you how they came from east, how they came from west, how they came from Tibet, how they are coming from Sri Lanka, how they came from Mozambique and all that. Put in this part, these persons who came there are the brave people from West Punjab who did not come through the camp. They settled there. The Jammu and Kashmir Government did allow them to settle there. I can quote their letter. They settled them. They have got their own Order under which they allowed them to settle there. They are there for now more than 30 years. I think, Mr. Deputy Speaker, it is not the intention of this House now that after three decades these persons should be uprooted from there and settled somewhere else... *(Interruptions)*. Therefore, I am not going to quote what the hon. Members from Jammu and Kashmir want me to quote.

Sir, they are asking me to quote about the Scheduled Castes. About the Scheduled Castes the Government of India, in the Ministry of Home Affairs wrote a letter to the Jammu and Kashmir Government on 28th May 1980—very recently in which they emphasized:

“The State Government will doubtless appreciate that the Scheduled Castes amongst these displaced persons would need special treatment in regard to employment having regard to the special disabilities and disadvantages from which they suffer. In the context of the national policy of speedily ameliorating the conditions of the Scheduled Castes amongst others, we feel that these Scheduled Castes displaced persons should be given

a special sympathetic dispensation as regards employment in services.”

So, Sir, we have taken up their question. We have got the reply. What is their reply? The reply is dated 16th September 1980 in which they have said:

“The question of affording opportunity in matters of Service in the State and other facilities to be extended to the said persons will be considered by the Government.”

So, what I say is this. The Government of Jammu and Kashmir also allowed them to settle there. They have settled there. They are there for three decades. We are in communication with them all the time. They have been allowed the right to vote for Parliament, but the right to vote in State Assembly has not been given due to these two orders—the 1957 Act and the 1954 Order. Certainly, as the hon. Member wants me, the Home Minister as well as myself are taking up this question with the Jammu and Kashmir Government that they should consider over this order and amend it.

SHRI GHULAM RASOOL KOCHAK : On a point of order, Sir.

MR. DEPUTY-SPEAKER : Under what rule you are raising a point of order? For everything you are objecting. You can challenge his statement but you cannot raise a point of order... *(Interruptions)**. I am not permitting.

Shri Virbhadra Singh...

*(Interruptions)**

MR. DEPUTY-SPEAKER : In Calling Attention you go by the rules.

*(Interruptions)**

MR. DEPUTY-SPEAKER :
These will not go on record. Mr. Virbhadra Singh—he is not there. Mr. Parulekar.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri) : Through this call attention notice, a very important subject has been brought before this House for debate.

At the outset I would like to congratulate the hon. Minister for having made an announcement that we will try our level best to see that these persons are not uprooted. However, while making these observations, I have to say that I feel very sorry with reference to the explanation which has furnished to this House regarding this call attention notice. As my hon. friend here said, it appeared in the papers on the 9th March and the matter was debated in the Rajya Sabha on the 12th March. Many suggestions were made and I find from the debate that many suggestions were accepted by the hon. Minister.

Sir, from 10th upto this day, 14 days have passed and I expected that the hon. Minister in his statement would furnish somewhat more details. But we find that *ad Verbatim* the same explanations have been furnished to us. The hon. Minister has said that we are not in a position to get the information. However, the information which was available to him at the time he was replying to the Calling Attention motion in the Rajya Sabha has not been made available to this House. Look at the dimension of the particular problem, which is not a small point. The persons who came to this country 33 years back are so desperate. I would like to emphasise and underline that they are thinking of crossing the border and going back to Pakistan. Are we not ashamed of this? Sir, I think we have to hang our head in shame. These people whether they are 300 or 500 or 40,000, came to

this country out of love after independence because of certain miserable plight and because they could get certain rights. But they are now desperate and they are thinking of going back and it is on this background I would request the hon. Minister to give a serious thought to this particular problem and consider as to what best we can do for these unfortunate brethren of ours. They are not responsible for their plight. It is the top leaders who divided this country. They had come here leaving their property, their houses and all belongings. How best we have served them in the last 33 years? With reference to this background I would request the hon. Minister to reply to the point made by my esteemed, friend, Mr. Harikesh Bahadur. The reference he made was with regard to a Committee of your Ministry set up in the year 1953 which was sent by the Government of India to the State of Jammu and Kashmir to find out whether the State Government of Jammu and Kashmir was allowing them to settle in that State or they should be allowed to settle somewhere in Punjab because the refugees who crossed the border were Punjabis. My information is that when a specific request was made to the Prime Minister of the Jammu and Kashmir State, as he was then called in the year 1953, he gave an assurance to this Committee, the representatives of the Government of India, that these persons need not be taken to other parts of the country but that the Government of Jammu and Kashmir would see that they would be given all rights, the citizenship rights and that they could settle there and all rights would be conferred upon them. I would like to know from the hon. Minister whether this is a fact that in the year 1953, your Ministry had set up a Committee for bringing these people from that particular part of the country, whether the Committee people had gone there and whether they were assured by the then Prime Minister

of the State of Jammu and Kashmir that they would be conferred the citizenship and all the rights, and therefore, he did not agree to send these people to other parts of the country. This is one part of the question.

Coming to the other problem, we are concerned with a limited question with reference to the Calling Attention Motion. These refugees came in 1947 and they came in 1965. They also came in 1971. We are only concerned with the persons who came in the year 1947 and as the hon. Minister rightly said that about one crore people came and they crossed the border. But I believe that this number one crore refers to total number of refugees who crossed the border, out of which a few lakhs came and settled in the State of J. & K. Now, out of these 3,000, or 4000 or whatever the figure, who have been here for the last 33 years, want to go back. The Government of India was not in a position to know—if such a Committee was appointed in the year 1953—what is the number of persons who had crossed. After independence they came here and though they settled down here we do not find from the speeches made in the Rajya Sabha any suggestions made by the hon. Minister. They are not allowed to get any employment in the Government. Their children cannot go to the professional schools or other institutions. They are not allowed to hold any property.

AN HON. MEMBER : *Unless they are Registered.*

SHRI BAPU SAHEB PARULEKAR : They cannot get loans. They cannot start an industry. They cannot have any right to vote in the state Assembly election. You are showing utter discrimination in regard to their citizenship. These are the problems which

are arising because of the special status which is concerned by the Constitution and because of the laws which are implemented by the State Government within the framework of this particular Constitution. The Chief Minister of Jammu and Kashmir has made a statement that Article 370 is not sacrosanct, may I know whether the Government of India had any talk with the Chief Minister on this particular issue? What is the opinion of the Government of India with reference to this particular statement of Sheikh Saheb, with reference to Article 370 May I know specifically whether the Government of India agree with that statement or refutes that statement? This is my point No. 2.

Now, I come to point No. 3. There is this dispute about 'Dual citizenship'. I know about the difficulty of this problem. I want to know whether the Government of India has discussed this matter with the Jammu and Kashmir Government in the light of this limited problem,—with reference to the limited number of persons, 3,000 or 5,000 or whatever it is,—without enlarging the scope of this particular question. If that is so, may I know what is their response?

And then, the last question which I would like to ask is this.

If there is any difficulty which the Government cannot overcome, because of Article 370 and the Acts of 1954 and 1957 what specific and concrete steps do they propose to take in this regard? Had they any sort of dialogue with the State Government? May I know what concrete steps the Government of India proposes to take in the background of the various point which I have made with reference to this specific issue? These are my questions. Kindly see that these persons who are in *dharna* are not forced to go back to Pakistan, because they are not getting

[SHRI BAPUSAHEB PARULEKAR]

any rights. Their existence without any civil rights to them amounts to civil death because they cannot exist they have no right to vote ; they have no right to hold property and if they have not right, how can they survive ? I request the hon. Minister through you, Mr. Deputy Speaker, not to treat this problem lightly. Let him not give the type to cryptic replies which he had given in the other House.

SHRI BHAGWAT JHA AZAD: I sincerely hope that it shud not be the impression of any hon. Member that I have taken this matter lightly. This was the last part of the hon. Member's question. I want to point out with all the emphasis at my command that I have taken this matter as seriously as the other hon. Members who have spoken on this matter and I do feel that this particular question needs very sympathetic and humanitarian consideration from everybody including our friends who are sitting on the other side. Of course, they have their own points of view. I have already pointed out the difficulties which are there.

SHRI KHWAJA MUBARAK SHAH : Why is the hon. Minister not mentioning anything with regard to Article 35 (a) ?

SHRI BHAGWAT JHA AZAD: So far as this question is concerned, that has not come up just today before me. They are asking me about citizenship ; and I have given the reply that the Jammu and Kashmir Act and also the order stands in the way. Have I said anything wrong? This is number one. Number two is this (Interruptions)

MR. DEPUTY SPEAKER : Please don't interrupt. The hon. Minister cannot be interrupted just now.

SHRI BHAGWAT JHA AZAD: Is there anything to say that a minister in Lok Sabha has to use the same

language which the hon. Member opposite wants to use. I can speak my own language. I am speaking my own language. In case the hon. Member has the opportunity of bringing in and speaking in any Calling Attention Motion he can always speak in whatever way he likes. I am not stating anything at all which is wrong. I am only saying that the Jammu and Kashmir Act is there and the order is there.

(Interruptions)

MR. DEPUTY SPEAKER : Please don't interrupt.

SHRI BHAGWAT JHA AZAD : I would like to clarify the point still further. I would like to quote from the Council Decision No. 350 dated 1-9-1971 Government order No. RES 371 of 1971 dated 9-9-1971 of the Government of Kashmir in which they said as follows :

“Those West Pakistani displaced persons who held land in west Pakistan but either did not apply for claims or whose claims were not sanctioned or those who did not hold any land in West Pakistan and in whose favour the claims were sanctioned but who did not take possession of such land may be allowed to retain Government/evacuee land in their possession up to the scale of Cabinet Order No. 578-C of 1954. No new allotment of land should be made in their favour.”

This is the order of the Jammu & Kashmir Government. So, Sir I am not quoting anything wrong. But if my friends want to explain a little more, they can do it very well. They are welcome. I am surprised why I am not able to carry my idea about one thing and that is about the number. The hon. Members beginning from Shri Mhalgi, Shri Harikesh Bahadur and Shri Parulekar have asked why I am not getting the number of such

people. I told you very clearly...
(Interruptions) Please take it to the Chair.
(Interruptions) This is not relevant at all in this case *(Interruptions)*.

MR. DEPUTY-SPEAKER :
 Please go to your seat, Mr. Kochak. This is not proper and this is not the parliamentary procedure. I will not allow you to do this. Please take your seat.

SHRI BHAGWAT JHA AZAD :
 Mr. Deputy-Speaker, Sir, we should not mind it and we should consider it patiently and calmly. My friend is agitated. Sometimes truth bites and let it bite him also. The point is this and it is very simple that in this case there was no question of keeping the number because in this country a large number of people came. The only way of keeping the number was that those who came to the camp asked for relief. This is point one and the second point is their rehabilitation. In this case these brave people were about 3000 in number. Now the Government of Jammu & Kashmir had only recently assured that they are taking the Census and I hope they will take it. But the point is that they came and settled there and they did not come through us. They only filed their claims and those claims that were found eligible have been satisfied to the tune of Rs. 29.05 lakhs. We have given them that claim. Therefore, in this case there is no question of giving you the exact number. The important question in this case, you must appreciate is the question of citizenship rights. Why they are angry and why they want to go back after 33 years is the question to be sorted out. For that I quoted to you what are the difficulties. We will talk to them, persuade them, have a dialogue with the Jammu & Kashmir Government and try to find out and see what best can be done in this matter.

SHRI GHULAM RASOOL KOCHAK : Sir, I have a point of order.

MR. DEPUTY-SPEAKER :
 Under what rule? What is your point of order? You have to sit down. You cannot have any clarification now. I am not permitting you. Mr. Kochak, you can speak to the Minister afterwards.

SHRI BHAGWAT JHA AZAD :
 About the question regarding the Committee consisting of officers who went there in 1953 about which Mr. Harikesh Bahadur also asked me, we have no information of that.

SHRI BAPUSAHEB FAR-
 ULEKAR : Sir, I asked a particular question. He has not replied to that. I asked a pertinent question regarding Article 370 of the Constitution.

(Interruptions)

SHRI BHAGWAT JHA AZAD :
 I did not reply that question because that does not pertain me. The best informed Members should have directed their questions pertaining to Article 370 and even the right of citizenship to the Home Minister and not me.

(Interruptions)

DR. KARAN SINGH (Udhampur) : Mr. Deputy Speaker, Sir, at the outset I would like to point out that this matter, in my view should have been handled by the Minister of Home Affairs. I am not making any aspersions on my friend, Shri Bhagwat Jha Azad. He is answering the questions with a great deal of sympathy and he has done his home work, but the issues involved in this matter are so complex that it is really something which either the Prime Minister herself or the Home Minister should have replied. And there is also a great deal of confusion with regard to the manner in which this calling attention has been worded. For example, the calling attention that I had given said :

[Dr. Karan Singh]

"The acute frustration caused to thousands of refugees from Pakistan living in Jammu for over three decades but still deprived of rights as permanent residents of the State."

The one that has been admitted is with regard to their being denied the Indian citizenship. There is a lot of confusion. If you kindly bear with me, the whole matter will be very clearly put before this hon. House and I am sure, it will help the Government and the Minister in coming to a decision.

To begin with, I would say that we got our freedom in 1947. It was a glorious chapter. There have been great sacrifices. Only yesterday, martyrdom of Shaheed Bhagat Singh, Raj Guru and Sukhdev was observed. But let us not forget that among the people who made sacrifices were lakhs of people who were killed and the millions of people who were uprooted and disrupted in the partition, particularly in partitioned States of Bengal and Punjab, as also Sind and other States, which was partition *de jure*. In Jammu and Kashmir, it was, in a way, *de facto* and it has been subject to invasions from time to time.

The problem that we are discussing is a residue of partition. In Jammu & Kashmir, particularly, as the hon. Minister has said, there have been three major waves of refugees. The first was in 1947 from Pakistan occupied Kashmir. Let us be very clear. The first category of refugees are those who belong to Pakistan occupied Kashmir which was legally and juridically a part of my father's State when he signed the instrument of accession and that is, therefore, legally Indian territory. From that area, lakhs of people came in 1947. Then, they came in 1965. Chavanji, at that time, I think, was, the Defence Minister; he knows it; and then they came in 1971. Even when we won our magnificent victory, 25,000 people from the Chamb area, which is within the territory of Jammu and Kashmir State,

were uprooted. I would like to point out that lakhs of people from Jammu & Kashmir have not only paid the price in 1947-but have continued to pay the price even up till 1975. They have been uprooted and have not yet been adequately resettled. That is a different problem. The Rajya Sabha Committee on Petitions is dealing with the petition of the refugees regarding displaced persons uprooted from Pakistan-occupied area of Jammu and Kashmir. That is a different category....

(Interruptions)**

MR. DEPUTY-SPEAKER :
Do not interrupt; any interruption will not go on record.

DR. KARAN SINGH : Steps have been taken, but they have not yet been fully rehabilitated and their pending problems have to be looked into by the Government sympathetically. That is the first point that I would like to clarify.

The second point that I would like to clarify is that though this is an important issue we are not at this particular juncture discussing the special status of Jammu and Kashmir in the Indian Constitution. That is a different matter. Jammu and Kashmir State is governed by Article 370 of the Indian Constitution which is mentioned in the Constitution as a Temporary Provision. I agree with the hon. Chief Minister, Sheikh Abdullah when he recently said that there is nothing sacrosanct about Article 370. This is an article which under given conditions, and given agreements from time to time, could change.

Sir, the point I would like to make here (Interruptions)... while we are on Article 370 is this. Although our friends are very disturbed about it (Interruptions) and there is a good deal of sentiment with regard to Article 370 in the Kashmir valley which should be taken cognisance of, my own views in this matter are very clear, viz. that if Article 370 is to continue, the provinces of Jammu and Ladakh in Jammu and Kashmir must also be given special status within

the State. What is sauce for the goose is sauce for the gander. If there are strong views in Kashmir valley, there are equally strong views in Jammu and Ladakh. That is my view with regard to Article 370. Some other time, when this matter is debated, I can place before the House a very detailed analysis of this problem.

So, I would like to say that the present problem which is being discussed under Calling Attention, neither concerns the refugees from Pakistan-occupied Kashmir, nor does it concern the special position of Jammu and Kashmir. This concerns the several thousand families and I would like to clarify to the hon. House that my information is that it is about 3,000 families came in 1947. If you take it as roughly 7 or 8 persons per family, it will mean a population of about 20,000 in 1947. And, as the population everywhere has doubled, their population also must have doubled. It must be around 35,000 to 40,000 people today.

They came across from Sialkot and from the Shakargarh tehsil of Punjab.

SHRI GHULAM RASOOL KOCHAK : A point of order.

MR. DEPUTY-SPEAKER : No; please sit down. You are disturbing. What is your point of order? Please sit down. No; you cannot; (*Interruptions*) unless he yields, you cannot speak anything.

DR. KARAN SINGH : No. I am clarifying the position. These people came across. (*Interruptions*)

MR. DEPUTY-SPEAKER : Please sit down. I am not permitting you. Why are you getting agitated? Hear him. On some other occasion, you can speak.

DR. KARAN SINGH : I am stating the facts. Let them try and understand the problem. This is an indication of the sort of hostile and unsympathetic reaction that their party Government is showing in Jammu and Kashmir, to

this problem. It is proved here, that if these people are not prepared even to listen to sense here in Parliament, what is their party going to do in Jammu and Kashmir? Sir, I do not get provoked easily. I am a man of a very calm temperament. I am not worried. But I would like to point out to them that they are cutting a sorry figure by trying to act in this manner.

I was saying that these people crossed Shakargarh and Sialkot in order to escape the communal holocaust. They crossed over; many crossed over to Amritsar, and many crossed over to various other parts of East Punjab. These people came into the Jammu region. And I may point out that 90% of them are Harijans. The other day the House passed, standing, a resolution with regard to reservation. Let me point out that even if they had not been Harijans, it would not really have made a major difference. But they are Harijans; and they belong to the most backward depressed, weak and vulnerable sections of the society (*Interruptions*).

MR. DEPUTY-SPEAKER : Be patient.

DR. KARAN SINGH : As has been pointed out, for the last 30 years they have lived here; and they don't have the right to own land, to have service under the Government or any of its authorities; and they don't get admission to colleges and even to technical institutions. They are not eligible for loans, for self-employment or for old age pension etc. It is a pitiable plight. They don't have the right to vote for the State Assembly, or for the panchayats where they are living. The position is : these people have been agitating for a long time. They are now in a pitiable condition.

Their young boys—boys who were born after they came into the Indian territory—have grown now to maturity. I have been travelling in my constituency. There are young men who are on the verge of suicide.

[Dr. Karan Singh]

They say : "If we cannot get employment if we cannot hold property and if we cannot do any business, it is much better that we end our lives. We are becoming a burden to our families and also to the State." They are agitating for a long time now. In 1973-74, the last Congress Government in the State had drafted a Bill under which certain categories of refugees were to have been given proprietary rights; but in 1975, the party represented by my two friends behind, came to power; and the process of integration and normalization was deliberately reversed. (Interruption) there has been a deliberate attempt—rather than bringing the people of Jammu and Kashmir into the mainstream of national life an attempt has deliberately been made to encourage these chauvinistic tendencies and the hostile activities there. The Chief Minister of Jammu and Kashmir met these people at Chikroi Farm on 5th of May, 1979, which is on the border, and assured them that the constitutional Amendment Bill would be brought in. That has not happened. They went on dharna last year also. They say, "If you cannot look after us; if you say we are Pakistani refugees and we do not have permanent settlement rights, we will go back to Pakistan." What a disgrace it is. The population of this country in the last census is 68.4 crores and we are not able to settle 35—40,000 people.

13.00 hrs.

Now, the position constitutionally is very clear. These people are governed by the State Constitution; and under Section 6 of the State Constitution, they do not, at present, qualify—to be permanent residents. This is a constitutional and legal position. (Interruptions)

MR. DEPUTY-SPEAKER : No, no, you cannot interrupt.

(Interruptions)**

MR. DEPUTY-SPEAKER : Please sit down. This will not go on record. Do not record anything.

(Interruptions)**

DR. KARAN SINGH : I have read the Indian Constitution. I have got a copy of the State Constitution also. Now, I would like to ask categorically three questions from the hon. Minister. (1) What is required in this matter is an amendment of Section 6 of the Jammu & Kashmir Constitution? This can be done. (Interruptions)

MR. DEPUTY-SPEAKER : Please do not interrupt. It is not a discussion.

(Interruptions)

MR. DEPUTY-SPEAKER : I am sorry, you go through the rules of Calling Attention.

(Interruptions)

MR. DEPUTY-SPEAKER : Please sit down. Nothing will go on record.

(Interruptions)**

DR. KARAN SINGH : What is required is the amendment of Section 6 of the Jammu & Kashmir Constitution. If any further constitutional consequential amendment to the Indian Constitution is required, I am sure, it will not be grudged by the House. Will the Government of India, will the Prime Minister prevail upon the Chief Minister of Jammu & Kashmir to bring in—in the current session of the State Assembly which is sitting today—the necessary amendment of Section 6 of the State Constitution so as to

allow these people to become permanent residents of the State ?
(*Interruptions*)

PROF. N.G. RANGA : They are getting excited. So please be brief.

DR. KARAN SINGH : Let them get excited. I am not worried about their excitement. (*Interruptions*) Why are you getting excited ?

MR. DEPUTY-SPEAKER : Please order, order.

DR. KARAN SINGH : Unless the Government of India prevails upon the State Government to amend the State Constitution the problem is not going to be solved. Therefore, what is required is an amendment of the State Constitution and of the Indian Constitution, if necessary. But the Government of India must take the initiative because these people are Indian citizens. Therefore, there is a responsibility upon the Government of India that in the State in which they are living, they should be properly looked after. Please prevail upon the State Government to consider it. (2) will the Government of India simultaneously make the necessary financial provision in the present Budget in the Rehabilitation Ministry to see that their interests are looked after and (3), will the Government of India also look sympathetically into the pending problems of the refugees from Pakistan occupied Kashmir and take necessary action to solve those problems ?

SHRI ZULFIQUAR ALI KHAN : (Rampur) : What is their religion? Hindus, Muslims or Christians ?

DR. KARAN SINGH : Hindus and 90 per cent are Harijans.

SHRI BHAGWAT JHA AZAD : Mr. Deputy-speaker, to the first question the non. Member knows that I cannot speak on behalf of the Jammu and Kashmir Assembly and the Chief Minister what kind of amendment he should or he will bring in the current session. But one thing I know, as I have said, that the difficulties that are there today in giving them full citizenship right in the State which is governed, as the hon. Members also are saying, under the Indian Constitution and also under the State Constitution should be looked into. We will certainly like to talk to the Chief Minister of Jammu and Kashmir without whose cordial help, talk and all that we cannot do anything in the matter. This has to be looked into.

About the second thing, so far in this case it is a question of citizenship right. In this case there is no question of relief or rehabilitation. On only one point that was about their claims which they field, we cleared up to 1,000 and a few more. We have settled up to 29.05 lakhs. If further some more are left, or if any case is left out, I shall see why they are left out and what is the position. About the position in the occupied area of Kashmir, I cannot say anything in this matter at the moment, and I am looking into it.

13.07 hrs.

STATEMENT RE: DISCUSSION BY WORLD BANK TEAM ABOUT IMPORT OF HIGH POWER LOCOMOTIVES BY INDIA.

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : Sir, A World Bank Team visited India in January/February, 1981. It had