

provide hospitals? I would like to know how many hospitals are going to be established during the Fourth Plan out of the ESI funds. I congratulate my hon. friend for high-lighting this problem, like many of us have done. But because he happens to be a doctor, I am sure the point has gone home to the Minister and he will take note of it.

Coming to the Provident Fund Scheme, their employees have been agitating throughout the country for increased house rent allowance and some other demands, which have been passed by their Board and which have been accepted by three Union Ministers, namely, Shri Hathi, Shri Nanda and Shri Sanjivayya. I hope the present Minister also will agree with those demands, as they are legitimate ones. What are you going to do about it? Has it been implemented?

What about the arrears of collection of provident fund contributions from the employers? I am told that amount runs to Rs. 15 crores in some cases. Since the employers have not paid it, I want to know whether any employer has been prosecuted and whether any criminal action has been taken against any employer? No. Why this soft corner for them, especially after the general elections where you have got a massive victory?

Coming to unemployment I will not say anything except that unemployment dole has to be given. Otherwise, the youth in the country will revolt and no CRP or army will be able to stop it. The line between hunger and anger is very thin and once they meet no amount of force will be able to suppress the revolt. So, unless you try to satisfy the youth the position will go out of your control.

Lastly, I come to the strike in the JK Rayon Factory at Kanpur. This Government have paid more than Rs. 1 crore to JK Industries for setting up this factory which is situated in Kanpur. The strike is going on. The Chief Minister of Uttar Pradesh has agreed to become the arbitrator and the workers have readily accepted this, as the hon. Minister also knows it. But the management of JK Industries, powerful as they are, said "nothing doing, the Chief Minister is not acceptable to us as an arbitrator." I would request the hon. Minister to use his power and influence and see to it that the Chief Minister of Uttar Pradesh is made acceptable to the employers. Now the work-

ers are practically starving. I hope the hon. Minister will make some announcement in the House of his intentions so that the JK Industries may be forced to accept arbitration by the Chief Minister of Uttar Pradesh.

17.29 hrs.

HALF-AN-HOUR DISCUSSION

Allottees of East Pakistan Displaced Persons Colony at Kalkaji, New Delhi

MR. CHAIRMAN: We will now take up the Half-an-Hour Discussion by Shri B.K. Daschowdhury regarding requests for arbitration from allottees of East Pakistan Displaced Persons Colony, Kalkaji, New Delhi.

SHRI B. K. DASCHOWDHURY (Cooch Behar): I am fortunate enough to hear the speech of Shri Banerjee, who pleaded for referring a matter to arbitration. Here is also a case for arbitration. The affairs of the Kalkaji colony, in short, and the manner in which this has been dealt with by the Department of Rehabilitation, by all means and for all purposes it can very well be said that the whole thing should be reviewed through an arbitration or by any particular committee formed for this purpose.

It was also stated on a number of occasions that the terms and conditions made under the agreement for those poor allottees, the displaced persons who have come from East Pakistan and who are gainfully employed here, the terms are harsh and not only illegal and unwarranted but they are unknown anywhere in the country. Sir, I put the question in Lok Sabha, which came up on the 24th of June last. It was a simple question: whether under clause (xviii) of the Agreement entered into between these poor allottees and this Department of Rehabilitation their grievances are required to be sent to an arbitration and whether any persons made a prayer to send their grievances to the arbitration. The simple reply was 'no'. Then there was a little explanation that it is not tenable under the Agreement. I come to the point of arbitration first before I deal with other subject in general.

[Shri B. K. Daschowdhury]

Sir, I quote clause (xviii) of the Agreement entered into between these poor allottees and the Department of Rehabilitation. It says :

"in the event of any question, dispute or difference, arising under these presents, or in connection therewith (except as to any matters for decision of which is specially provided by these presents), the same shall be referred to an Arbitrator. It will be no objection that the arbitrator is a Government servant, and that he has to deal with the matters to which the Agreement relates, or that in the course of his duties as a Government servant he has expressed views on all or any of the matters in dispute or difference. The award of the arbitrator shall be final and binding on the parties to the Agreement."

The terms are very simple. The matter shall be referred to an arbitrator. The arbitrator may be a Government servant or while acting as an arbitrator that as a Government servant and the 'Award of the Arbitrator' shall be final and binding on both the parties. This is quite advantageous and quite favourable to the Department itself. The Department could readily concede to the demand and quietly say : all right it shall be referred to the arbitrator and the Department may authorise one of its officers that he will act as an arbitrator. But even then I do not understand where the point lies on behalf of the Department of Rehabilitation as not to refer this matter to arbitration. In regard to the points referred, Sir, I have four cases with me. One of those four allottees is Mr. R. K. Shah. He made a reference that because of certain conditions laid down in the Agreement under clause (ix) that all houses should be constructed within two years and it should be completed by May, 1971, he was not in a position to construct the houses. There was no sewerage, no civic amenities, no water supply, no electricity and nothing of the sort. Under the circumstances no poor allottees are in a position to take possession of this particular plot of land and start construction of their houses. Therefore, it should be referred to arbitration. He also raised the point that under the Agreement we have to pay 3% ground rent—either as a licence fee or ground rent whatever might be termed by this Department of Rehabilita-

tion and the hon. Minister. But that ground rent should be paid from which date. The date from which the allottees take possession of the plot of land or the date even when the allottees have not seen the land at all. From which date ? This crucial point of time should be decided. Was there anything wrong ? Whether it was anything against the terms of this Agreement. While this clause itself says it shall be referred to the arbitrator and there will be no objection on either side who is to decide ? Should it not be done either by a judicial body or by some authority ? Under the terms itself, Sir, I present it to you and before this august House to decide who is to be the sole judge in this matter if the lessor says, we will not refer the matter to the arbitration, will that be enough ? While these two contracting parties that have set their hands together and in between this contract says the matter shall be referred to an arbitrator in case of any disputes arising and in fact these are the points of dispute that have had already been arising then the question arises what is the point of objection ? I cannot understand. But there are. There are cases. I must make certain observations, which are unsavoury observations. This Department of Rehabilitation, as you have been seeing here, it is a den of all corruption. I must say, this Department of Rehabilitation seems to be very closely following the British principle of two wives' theory, satisfying one against the other, making discrimination and distinction one with the other. This very principle, the very policy and programme of the rehabilitation or resettlement of these displaced persons, that has taken two sides—one set of principles that has been settled for the West Pakistan displaced persons and another for the East Pakistan displaced persons.

Why I said so ? I am sorry that I have to refer to these sorts of matters various time in this august House. Why I say so ? I referred to the hon. Minister, and asked, "Will he be so good enough to compare the terms and agreement and conditions under which the West Pakistan displaced persons have been given resettlement facilities even in and around Delhi ? Will he be so good enough to see the conditions in what developed way, in what developed colonies, West Pakistan displaced persons are living and their conditions ?" I am very much pleased

that the hon Minister made an impromptu visit the other day. He has seen by himself in what poor conditions these poor displaced persons are living. Lands have not been developed; roads are so narrow where buses can never play; there is no sewerage and even today there is no lighting arrangement. About the water facilities they say, it has been done. It has been done partially and since when? Only when the Prime Minister was pleased enough to pay a visit to this colony in an occasion to celebrate the C.R. Das centenary. It seems, the poor allottees, those who have started construction in the East Pakistan Displaced Persons Colony, Kalkaji, they were fortunate enough to get a chance to see the Prime Minister to visit that colony in connection with that celebration. Knowing that, the Department rushed will all sorts of development, whatever was possible, at least to satisfy the Prime Minister that something is being done for these poor people. It was a dream of Pandit Nehru that poor displaced persons, those who have not received any compensation for the properties left in erstwhile East Pakistan or Bangla Desh, they should have some place to live in and around Delhi. But now we find, this Department, this bureaucratic attitude of these officials, they have just destroyed the whole dream of Pandit Nehru.

The type of corruption those are being perpetrating there, I remember one sarcasm of the Eighteenth century English public life and it states—I quote :

“She was honourably descendant. And by means of her alliance with the illustrious family of Lord Stanhope.”

She had to merit to her credit by serving 12 appointments both for her son and her husband. This is the type of corruption. She had to merit these 12 appointments being in close and unworthy association with the illustrious Lord Stanhope. I hope, it is very much known to all. This is the type. Here is the same case. The officials have become so corrupt. The officials have had started doing this corrupt business with these poor allottees in such a fashion that nobody can imagine. If your honour have the chance to visit that place, I wish that you should make a visit to this place, particularly this colony, you will find that even today there is no sign of development.

On the last 24th of June I put another question, “Why these developed colonies, as you are saying now, do you not transfer it to the Delhi Municipal Corporation?” The reply was, “Under the terms, 50 per cent of this housing should be constructed and some other development should be made and we have done that but even then the Delhi Municipal Corporation are not willing to take it under their charge.” This is not the case. The New Delhi Municipal Corporation examined this proposal. They say, “This colony has not been developed, not up to the mark; unless it is up to certain minimum standard, we cannot take it.” So far as I am told, New Delhi Municipal Corporation has also sent letters to the Rehabilitation Department stating that it is inside this New Delhi area, and “If you so desire that it should be started, it should come within our own administration, within our own jurisdiction, you make certain rapid development so that we can take it up.” But the department is doing nothing. So, I come to the original question, as to why this question of arbitration comes in?

In have several correspondence and letters also, in this regard. In one of the letters written by the erstwhile Rehabilitation Minister, Shri Bhagwat Jha Azad, stated to me very clearly—I quote a line—

“I may inform you that the land which has been developed in this colony has been acquired under the Resettlement of Displaced Persons Land Acquisition Act, 1948. In terms of the rules framed thereunder, ground rent is chargeable at the rate of 3 per cent per annum on the cost of acquisition of the land plus expenditure on its development. This is terms as licence fee till the execution of the lease deed. This requirement being a statutory one, it is not possible to reduce the same.”

I made the plea that 3 per cent ground rent should have been reduced. He said it is statutory. How is it statutory? Under the Act of 1948, it is said that lands acquired under this Act should have to be settled with the displaced persons from Pakistan, either East Pakistan or West Pakistan, and the terms and conditions should be according to Schedule II. That is in Section 9 of this Act of 1948, and the Schedule II says :

“For the first five years of the lease, ground rent will be only payable.”

[Shri B. K. Daschowdhury]

Not any fraction of the total value of the land that they have charged today at Rs. 30 per sq. yard.

I may refer here for the information of the hon. Minister that, originally, the scheme was that Rs. 7½ should be the charge per sq. yard. Later, it was changed to Rs. 20 and Rs. 25, and now it is Rs. 30. Under the Act and the rules framed thereunder, it is stated, for the first five years, there should be only the ground rent. There should be only ground rent and nothing else. According to that rule, if the allottees are to pay only the ground rent for the first five years on the basis of the price of this land at Rs. 30 per sq. yard, they are supposed to pay only Rs. 756 for the first five years. But the terms and conditions that have been laid down by this Department beyond and beside this Act are absolutely discriminatory which has not been done for West Pakistan displaced persons. A new and novel thing has been done for East Pakistan displaced persons. According to their terms, they have to pay Rs. 4800 for the first five years.

Were they following the Act? Neither they are following the agreement nor the Act and not even the rules framed thereunder. This is something a new and novel idea to put the allottees into harassment. That is why I made an unsavoury observation that this Department is a den of corruption.

In matters of allotment of plots, several things have been cited in respect of 320 sq. yard size of plots. Whatever allotments they have made to the poor allottees of E.P.D.P. Colony, Kalkaji, are not based on specifications, status, qualifications income and all that. In 60 per cent of the cases they have not considered any of their standards. They have not verified. They have not sought any material information about allottees' status, qualification and income limitations, etc.

I give you one or two instances. In one case a person having an income of Rs. 280 per month has been given the plot of 320 sq yards to which the applicant is not entitled. But the persons or applicants whose income is more than Rs. 1000 which is the basic qualification to get 320 sq. yards size of plots have not been considered. So, in 60 per cent of the cases, or in figure I have

calculated from all the replies laid in the Lok Sabha, about 125 to 130 cases have not been considered. How was it done? Was it done deliberately or was it the lapse of the officials concerned? It was not a lapse but intentional and deliberate. It was done for the personal gain of some of the officials concerned.

I have referred to some of the matters to the hon. Minister. I appeal to the hon. Minister to see the conditions and further to see what further steps should be taken in this matter and to see that corruption does not prevail in this Department. Today, we have seen the higher the officer, the bigger is the corruption and more is the protection given by the Minister. These sort of things must have to be changed. The hon. Minister should know that revolution does not take place only because of certain constitutional lacunae or because of certain defects in the laws of the land. The revolutions do take place as they had taken place in the past but histories of revolutions of corruption. Unless you are in a position to stop corruption of the officials, your democratic institutions will be shattered down like anything else. The hon. Minister should be careful about that now, or be prepared to meet failure.

श्री कमला मिश्र मधुकर (केसरिया) :

सभापति महोदय, अभी कालका जी शरणार्थी कालोनी के बारे में माननीय सदस्य ने बतलाया। लेकिन हम जानते हैं, हमारे चम्पारन जिले में भी वह बसाए गए हैं, वहां उनकी दुरवस्था इतनी है कि उन शरणार्थियों को बसाने के लिए वहां घर नहीं हैं, कोई उनके लिए वहां रोजगार नहीं है, कोई नागरिक सुविधा नहीं है और वह लोग जहां तहां भीख मांग रहे हैं। तो यह जो सवाल उठाया है माननीय सदस्य ने कि अधिकारियों ने शरणार्थियों के सवाल को अपने कमाने का एक घन्टा बना लिया है, मैं सरकार से जानना चाहूंगा अधिकारियों के करप्शन के बारे में क्या आप ऐसी कोई व्यवस्था करने जा रहे हैं जिससे उनको सजा दी जा सके? आप उनको सजा देने जा

रहे हैं। ताकि जो शरणार्थियों के सवाल को अपने कमाने का एक जरिया बनाया हुआ है वह खत्म हो और सही माने में शरणार्थियों के लिए जो रुपया खर्च किया जाता है वह उन के ऊपर खर्च हो ?

श्री रामाबतार शास्त्री (पटना) : सभा-पति महोदय, बहुत ही दयनीय स्थिति कालका जी के पूर्वी पाकिस्तान से आए हुए विस्थापितों की है जिसकी तस्वीर अभी हमने देखी। मैं यह पूछना चाहता हूँ, जैसा कि उन्होंने बतलाया कि उनके लिए नागरिक सुविधाओं का सर्वथा अभाव है तो अब तक सरकार ने उनके लिए कौन-कौन सी नागरिक सुविधाएं प्रदान की हैं और बाकी जो रह गई हैं उनको कब तक प्रदान करने का विचार रखती है ?

(2) वहां के विस्थापितों को बसाने के क्रम में अब तक कुल कितनी घरराशि खर्च की गई है और सरकार आगे और कितनी घरराशि खर्च करना चाहती है ताकि उनकी समस्याओं का समाधान निकल सके ?

श्रीर आखीरी सवाल यह है कि तमाम कालोनी के विकास को कोई योजना आप ने बनाई होगी, अगर कोई योजना आप ने बनाई है तो उसकी भी तस्वीर हम लोगों के सामने रखिए।

MR. CHAIRMAN : Hon. Minister. He will take only 10 minutes, for his reply.

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA): Really, it will be difficult for me to reply to the various points raised by the hon. Members in ten minutes.

At the same time, I really appreciate the way in which my hon. friend, Shri Daschowdhury has pleaded the case of East Bengal refugees colony at Kalkaji. I think he is well aware also of the circumstances under which this colony was founded. He has been associated from the very inception

of this colony in one or the other Committees, even in the Consultative Committees, and nothing has been hidden from him.

We should know that this colony was in fact established to give developed plots of land to those East Bengal refugees who had gainful employment in Delhi. As such, it was never conceived that the Rehabilitation Department would give it under the Acts and Rules he has mentioned here. It was in fact given on no-loss-no-profit basis. As such, if everything is gone through, one will realise that the best possible terms have been offered. If the terms and conditions offered to these refugees are compared with the terms and conditions which were offered by the DDA or which have been offered to the West Pakistan refugees or to the Co-operative Societies or what the Cooperative Societies offer to their Members, it will be quite evident that the terms and conditions are far more favourable in the case of the EP DP colony. Even if the Government have given the plots on lease, the Department of Rehabilitation will be charging from these refugees Rs. 29,649/- in 99 years if the plot is of 160 sq. yds., whereas if it was given under the Resettlement of Displaced Persons Land Acquisition Act, 1948, it would have been Rs. 62,107/-.

If we take a plot of 233 sq. yards, then, the Government will now be charging Rs. 43,240 only whereas if it was given under that Act, it would amount to Rs. 1,20,111.

SHRI B. K. DASCHOWDHURY : What a calculation it is, I do not understand, Mr. Chairman. He has sidetracked the whole issue. I may tell the Minister very frankly. Is it a statutory thing. Why does he say something from the air ?

MR. CHAIRMAN : If you are not satisfied, write to him or talk to him. Now, let him reply.

SHRI BALGOVIND VERMA : I am a little off the track simply because he wanted to know something and he said something. Here, I am concerned only about one arbitration that he has mentioned. There is no doubt that every allottee has been required to enter into an agreement with the Presi-

[Shri Balgovind Verma]

dent as soon as the plot has been allotted to him and under this Agreement, there is a provision for arbitration. He has quoted. I may also quote, if he so, likes. It says :—

"In the event of any question, dispute or difference, arising under these presents, or in connection therewith (except as to any matters for decision of which is specially provided by these presents), the same shall be referred to an Arbitrator....."

SHRI B. K. DASCHOWDHURY : It says 'shall be referred'.

SHRI BALGOVIND VERMA : Then it says :

"It will be no objection that the arbitrator is a Government servant, and that he has to deal with the matters to which the Agreement relates, or that in the course of his duties as a Government servant he has expressed views on all or any of the matters in dispute or difference. The award of the arbitrator shall be final and binding on the parties to the Agreement.

Subject as aforesaid, the Arbitration Act, 1940 and the Rules thereunder and any modifications thereof for the time being in force shall be deemed to apply to the arbitration proceedings under this Clause."

So, Sir, taking advantage of this clause, some of the allottees wrote to the Government to refer some of the matters which he had just mentioned, for arbitration. That is, regarding the construction of houses within 2 years, regarding the interest to be charged and such other things. So, Sir, we referred this matter to the Law Ministry. And, in consultation with the Law Ministry, we arrived at the conclusion that the case to refer this to arbitration does not arise. Here I may quote the opinion of the Law Ministry.

When first we referred the case to Law Ministry, the Law Ministry opined :

"It cannot be said that any question, difference or dispute regarding the Agreement has arisen so far. But it is not correct to say that the points

raised by the applicants are covered under the category where decisions are otherwise provided for under the Agreement. The parties are raising some disputes (or trying to do so), at a premature stage. The reply as modified may issue."

The reply was framed and it was shown to the Law Ministry. Subsequently some applications were received from the allottees. So, the matter was again referred to the Law Ministry. Law Ministry advised us as follows :

"In the circumstances of the case, the request for arbitration does not appear to be tenable, as no dispute or difference legally referable to arbitration under condition (xviii) of the Agreement, can be said to have arisen at this stage. The applicant may be suitably replied accordingly."

Therefore, there is no case to refer it to arbitration. There is a clear stipulation in the Agreement as to from what date it will be counted, for erecting the building, when the interest will be charged, etc. Such things are all provided therein. So, it is just clear that the day on which the Agreement has been executed, it becomes binding on the allottees.

SHRI B. K. DASCHOWDHURY—*rose*.

MR. CHAIRMAN : No debate now. I have given the Minister 10 minutes.

SHRI B. K. DASCHOWDHURY : Let me make myself quite clear about the question. I want to know whether the agreement is binding on both the contracting parties. What does the Law Ministry say ?

SHRI BALGOVIND VERMA : In a contract there is a Clause for acceptance. When a proposal is made and is accepted by the Government, the contract is complete. From that very day the operation of the clauses begins.

As such, I think the case does not stand. Therefore, we have come to the conclusion that the arbitration is not legally binding and tenable according to the Act.

Regarding civic amenities, water, electricity, sewerage and drainage system etc. are there ; these amenities are there...

SHRI B. K. DASCHOWDHURY : The hon. Minister would kindly agree that there is no sewerage system and there is no drainage system in the colony...

SHRI BALGOVIND VERMA : They have provided sewerage system...

SHRI B. K. DASCHOWDHURY : They have now provided it.

SHRI BALGOVIND VERMA : I may tell the hon. Member that when the CPWD has developed the area and it has been certified by the civic authorities, we have no ground to object to it, because unless the civic authorities permit it and give their certification, and unless they certify it, the construction work cannot begin. When construction work begins, it means that they have provided all this. Therefore, these charges do not stand. Under the circumstances, I think the case for referring to arbitration does not hold good.

Shri K. M. Madhukar had levelled some charges against officers. I do not know how he has levelled those charges. (*Interruptions*).

SHRI B. K. DASCHOWDHURY : How has it happened that persons having lesser income have been given bigger sizes of plots ?...

SHRI BALGOVIND VERMA : There was no less a person than Mr. Sen Verma, our Chief Election Commissioner, who had presided over the committee which was...

SHRI B. K. DASCHOWDHURY : You gave a ruling other day that the name of a person who is not present here should not be taken in this House. But the hon. Minister has referred to his name. I would say that the higher the officer, the bigger the corruption...

MR. CHAIRMAN : Order, order. I will not allow the names of any officers or other gentlemen who are not present here to go on record. The names will not go on record.

SHRI B. K. DASCHOWDHURY :**

SHRI BALGOVIND VERMA : Therefore, I would request my hon. friend Shri K. M. Madhukar not to cast aspersions on our officers. We should not doubt their *bona fides*.

So far as Shri Ramavatar Shastri's question is concerned, many of the civic amenities have been provided there ; water connections are there, electricity is there, sewerage system is there...

SHRI B. K. DASCHOWDHURY : It is not a fact. Electricity is not there. There is no street-lighting...

MR. CHAIRMAN : Half-an-hour is over. The House will now stand adjourned and meet again tomorrow at 11 a. m.

18.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, July 1, 1971|Asadha 10, 1893 (Saka).

**Not recorded.