

Parliament, 1953, and before the commencement of the Fifth Session of the House of the People, 1953:—

- (i) The Employees' Provident Funds (Amendment) Ordinance, 1953 (No. 1 of 1953); [Placed in Library. See No. S-143/53.]
- (ii) The Rehabilitation Finance Administration (Amendment) Ordinance, 1953 (No. 2 of 1953). [Placed in Library. See No. S-144/53.]
- (iii) The Sea Customs (Amendment) Ordinance, 1953 (No. 3 of 1953); [Placed in Library. See No. S-145/53.]
- (iv) The Banking Companies (Amendment) Ordinance, 1953 (No. 4 of 1953); [Placed in Library. See No. S-146/53.]
- (v) The Industrial Disputes (Amendment) Ordinance, 1953 (No. 5 of 1953); [Placed in Library. See No. S-147/53.]
- (vi) The Dhoties (Additional Excise Duty) Ordinance, 1953 (No. 6 of 1953). [Placed in Library. See No. S-148/53.]

BANKING COMPANIES (AMENDMENT) BILL

The Minister of Finance (Shri C. D. Deshmukh): I beg to move for leave to introduce a Bill further to amend the Banking Companies Act, 1949.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill, further to amend the Banking Companies Act, 1949."

The motion was adopted.

Shri C. D. Deshmukh: I introduce the Bill.

MOTION FOR ADJOURNMENT

Shri Ajit Singh (Kapurthala-Bhatinda—Reserved—Sch. Castes): Mr. Speaker. I tabled an adjournment motion to discuss the serious situation that has arisen...

Mr. Speaker: Order, order. The hon. Member has been informed that I refused to give my consent. I believe he got the information that I do not consent to the moving of the adjournment motion? It is no use bringing that matter before the House for which the Speaker has refused his consent.

Shri Ajit Singh: This is the 16th day of the fast...

Mr. Speaker: I am not interested here in what the matter is (Interruption). Order. order. I do not want to give publicity to a matter to which I do not consent.

We will proceed further.

REHABILITATION FINANCE ADMINISTRATION (AMENDMENT) BILL

The Deputy Minister of Finance (Shri A. C. Guha): I beg to move:*

"That the Bill further to amend the Rehabilitation Finance Administration Act, 1948, be taken into consideration."

Before dealing with.....

Mr. Speaker: Order, order. Let there be no noise.

Shri A. C. Guha: ...the provisions of Bill I think it would be proper for me to go into the history of this Administration and its working during the last 5 years. This Administration was set up in July 1948, when there was a rush of refugees particularly from the Western and also from the Eastern side of India. Then, Sir, an Act

*Moved with the recommendation of the President.

[Sari A. C. Guha]

was passed by this House settling up an autonomous body. The purpose of this organisation was mainly to help the urban refugees in industrial and commercial life. The purpose of this organisation was quite distinct from the purpose of the ordinary rehabilitation measures which were thought quite enough to meet the emergencies of the situation as regards agricultural or rural refugees.

[MR. DEPUTY-SPEAKER in the Chair]

So the Government considered that a special organisation was necessary for rehabilitating the urban refugees in industry and business life. There was also a minimum limit to the loans to be granted by this organisation and it was fixed at over Rs. 5000. So far, during these 5 years, the number of applications received was 65,697 up to October 31, this year; and it has been possible to dispose of more than 57,600 applications. I think the amount sanctioned was 13 crores of rupees of which 1.80 crores was practically negated by the Administration due to subsequent investigations which revealed that the loans that were granted were not to be granted.

Mr. Deputy-Speaker: There is too much of subdued noise in the House.

Shri A. C. Guha: The amount is 7.02 crores up to October 31, and I think during the last 15 days some few more lakhs must have been disbursed by this Administration. This Administration has so far been able to rehabilitate over a lakh of refugees. And I should add here that not only have those who have directly taken the loan been rehabilitated but they have also given some employment to other refugees in their industrial and commercial establishments and thereby helped in the rehabilitation of other refugees also. Sir, I shall say something about the provisions of the present amending Bill. So long the amount available for this organisation was Rs. 7

crores, directly to be given by this Administration and under 12(b), Rs. 1 crore to be given by some banks, and under section 12(c) another Rs. 2 crores by some scheduled banks to be guaranteed by Government.

Mr. Deputy-Speaker: I would ask the hon. Minister to stop for a while so that hon. Members may conclude all the talks that they want to have inside the House. Let the hon. Minister now proceed with his speech.

Shri A. C. Guha: It has not been possible for any of the banks to take advantage of these Rs. 3 crores and so the amount at the disposal of the Administration was the Rs. 7 crores. But for the Ordinance very recently passed, the work of the Administration would have come to a standstill as the Rs. 7 crore-limit has already been exceeded by disbursing the loans sanctioned by the Administration. Applications were first received upto September 1949 and then the receiving of applications was stopped. Subsequently, applications were received again from July to September 1951. The necessity for this was that there was a great rush of refugees from the eastern side of India and also because of the fact that some of the refugees from West Pakistan could not take advantage of the earlier period. So new applications were opened, and the number of applications received from July to September 1951 was about 41,000 and it was a difficult task for the Administration to scrutinise all these applications and to dispose of them. I may add here that practically the whole of Northern India and also parts of Southern India, except perhaps Madras and Travancore-Cochin and Mysore where also there might be some refugees settled are covered by the operations of this organisation. Hyderabad and Bombay are also covered.

It should also be remembered that some of the refugees, after coming into India, could not get themselves settled. And till they could get themselves

rehabilitated, they could not apply for loan to this Administration and that was also the necessity for opening the loan applications again in July 1951. I may add here, Sir, that it was not possible for the refugees to apply before they had actually been settled in some land and given some house to live in. The process of getting these applications practically had to be continued throughout the whole of this period except for a short period from September 1949 to July 1951. When the number of applications reached over 40,000 in July-September 1951, the Administration stopped taking any more applications and these applications are now being scrutinised. Now there are only about 8,000 left for being scrutinised. The Administration in recent times has been working at great speed. I think some of the Members will remember that there have been complaints in this House about the tardiness of the operation of this Administration. I hope the Members will be pleased to know that during the last one year or 18 months, this Administration has been working speedily and more expeditiously and so it has been possible for them to scrutinise this large number of applications within this period.

Now the purpose of this amending Bill is to increase the amount from Rs. 7 crores to Rs. 12½ crores as also to retain the Rs. 2 crores now provided by section 12(c). There will not be any purpose in retaining the Rs. 1 crore provided for by section 12(b). But while retaining the Rs. 2 crores provided for by section 12(c), we make slight changes. So long the provision was that the Government should give a guarantee of 50 per cent. of the loss; and the commercial banks were not ready to take the risk for the other 50 per cent. of the loss because it is known to every one that any loan given to refugees is very difficult to be realised to the full. So this Bill provides that Government would be ready to guarantee loans even upto 100 per cent. loss, if necessary. No definite figure has been mentioned in the Bill, but it has been left

to the Administration to give guarantees upto any amount. A question may be asked what is the necessity for giving this facility to the banks if the Government is going to give a 100 per cent. guarantee. We want that the refugees, when rehabilitated, should they have business contacts, and unless they have business contacts with commercial banks, it will be very difficult for them to carry on their business in the usual and normal manner. We want them to carry on their business as ordinary citizens and not to be treated as a special category—refugees—for all times. They should take their place in the normal economic set-up of the country. I can assure this House that Government will be careful in giving this guarantee to any scheduled bank. We shall see that no undue advantage is taken of this by any bank.

Then there is another provision here. Some interest is accruing from the loans advanced and the instalments of principal as well as interest that the Administration is receiving back are not within the power of the Administration to re-invest again in loans for refugees. We are making provision under this amending Bill that the amounts thus returning to the Administration may also be re-invested in loans to refugees and it would add to the total amount that would be available with the Administration for investment.

Another provision we are making is this. Now the period for recovery of the loans is 10 years. It has been reported to the Administration and the Government, and several times complaints have been in this House, also, that the 10-year period is too short and is causing great hardship to the refugees. So, we are extending this 10-year period to 15 years.

Very recently, I think, the point was raised in this House that the accounts of this Administration are not audited by the Comptroller and Auditor-General. There is some outside auditor appointed by the Ad-

[Shri A. C. Guha]

ministration with the approval of Government, but now we are providing that the accounts should be audited by the Comptroller and Auditor-General, and I am sure all these provisions will be welcomed by the Members.

In the original Bill there has been some lacuna: the language was not quite clear as to the method of meeting the administrative expenses of this Administration. An autonomous administration should have authority to pay its own officers and meet other administrative expenses. The present Act was not clear on that point; so we have provided here that the administration should be authorised to pay the administrative expenses of its officers.

Sir, I should mention in this connection that recently there were some complaints made in this House about the working of this Administration. Government are thankful to those hon. Members who have brought certain cases to its notice. We have taken every care to examine the allegations. Some cases were stated on the floor of the House, while some other informations were conveyed to us through letters by some of the Members of the House. Every allegation that was made either on the floor of the House or through letters is being investigated. Some have already been investigated. Wherever necessary we have taken and shall take steps to remedy any flaw or to improve the working of the Administration. Sir, I am ready to concede that like all other human institutions, there might be scope for improvement in the working of this Administration. There might have been scope for greater caution and care, particularly in the matter of recruitment or appointment of officers. But I can assure this House that this Administration, set up by Parliament as an autonomous body has been doing good work, and I do not think there is any room for Members of the House to regret the trust reposed in this Administration. Of all the autonomous bodies this

Administration has the greatest association with the House. Quite a number of eminent members of this House are in the Administration; some others are associated with the Advisory Board. So, I think this House can have no grouse as to the paucity, or lack of opportunity of having correct information or control over the working of this Administration. I think hon. Members will agree with me that during the past five years of its working, they had every opportunity of probing into the working of this Administration.

Then, Sir, before I conclude I should say something about the Ordinance that has recently been issued. Unless this Ordinance had been issued the working of this Administration would have come to a standstill. Seven crores was the money available with the Administration to disburse. Up to 31st October disbursements had gone over seven crores and I think during the last few weeks some more lakhs must have been disbursed. Unless an Ordinance had been issued the working of this Administration would have come to a standstill. One of the main complaints that we have heard voiced in this House is that there has been delay in disbursing money, even after it had been sanctioned. To remove that complaint made by Members and remedy the grievance of the refugees, it was necessary to issue the Ordinance.

This Bill has been before the House for one full year; It was introduced in this House in November last and I do not know whether but for this Ordinance, this Bill would have got a chance even now. So, in view of the salutary and helpful nature of the provisions embodied in the Ordinance and in view of the urgency of the matter, I hope this Ordinance would not be very much resented by the Members of the House.

Sir, with these remarks I commend this Bill for the consideration of the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Rehabilitation Finance Administration Act, 1948, be taken into consideration."

There is an amendment to this motion tabled by Mr. Gidwani: "that the Bill be referred to a Select Committee". After that motion is moved, shall I call upon Dr. Lanka Sundaram to speak, or if he has any fundamental objection to the Bill itself getting through the House I shall hear him now.

Dr. Lanka Sundaram (Visakhapatnam): I have some fundamental constitutional points to make regarding legislation by Ordinance. If you will allow me, I will make my submissions to the House.

Mr. Deputy-Speaker: I will certainly give him an opportunity after Mr. Gidwani moves his amendment. There will be a general discussion both on the Bill and on the amendment. Then I shall call Dr. Lanka Sundaram first. If, in the meantime, he has to raise any point affecting the jurisdiction of the House to go into this matter I shall call him immediately.

Dr. Lanka Sundaram: There is only one small difficulty. I propose to make certain submissions in respect of the six Ordinances before the House Will that be possible after the Select Committee motion is moved? That is the only point.

Mr. Deputy-Speaker: No harm, so far as his remarks are confined to the Ordinance that was passed in relation to the subject matter of this Bill, he will be completely in order. So far as the general point as to whether such Ordinances ought to be issued or not, is concerned, I will allow him. But he need not go into the details of the other Ordinances, except just to refer to some others to show that Ordinances ought not to be passed lightly. The other Ordinances are not the subject matter of this Bill, except by way of casual reference. I

shall now call upon Mr. Gidwani to move his amendment.

Shri Gidwani (Thana): I beg to move:

"That the Bill be referred to a Select Committee consisting of Shri C. D. Deshmukh, Pandit Thakur Daa Bhargava, Lala Achint Ram, Shri Basanta Kumar Das, Shri Satis Chandra Samanta, Shrimati Renu Chakravartty, Shri N. C. Chatterjee, Sardar Hukam Singh and the Mover with instructions to report by the 30th November 1953."

Mr. Deputy-Speaker: He can now speak both on the Bill and on the motion.

Shri Gidwani: Sir, as Shri A. C. Guha said this Administration was established in July 1948 with the object of rehabilitating businessmen and industrialists of the middle and lower middle classes from Western and Eastern Pakistan by making available to them medium and long-term finance to meet their industrial and business requirements.

We are today meeting to amend this Bill on the 16th of November 1953. During this period, as he told the House, the total number of applications sent by displaced persons were 65,965 and the total number of applications sanctioned till the 30th September 1953 were 13,912. Out of these 13,912, the House will notice that only 8,891 applications have received a total sum of Rs. 6,83,00,000. Out of the 65 thousand odd applications about 44 thousand applications were rejected; 8,000 are pending. So, out of a total of 65,965 applications the only beneficiaries are 8,891. Out of these 8,891 the House will be surprised to note that 48 per cent. are defaulters. I am reading from a statement issued to the press yesterday.

3 P.M.

The total sanction now covers 13,902 loan applicants of whom till the end

{Shri Gidwani}

of September 1953 8,891 have received a total sum of Rs. 6.83 lakhs. Out of the total amount of Rs. 1,00,40,000 due on instalments, repayable by the displaced persons, till September 30, 1953 only a little over 48 per cent. had been recovered.

So that, out of these 8,891, over 48 per cent. had paid their dues; the rest were not able to pay their dues. Therefore the claim on behalf of the Rehabilitation Administration that 1 lakh of refugees have been rehabilitated is not understandable and does not conform to facts. Because, even assuming that 4½ thousand or five thousand have been rehabilitated, then 5×5 (on an average) will be 25 to 30 thousand. It cannot be a lakh. Even assuming that some of them had started some factories, their number may be 5 per cent. I will add 1 thousand more. But it cannot under any circumstances be a lakh of persons rehabilitated as is stated in these figures which have been supplied to us and which are in the reports.

Further, the amount spent on this Administration by this time has been over a crore of rupees. I wrote a letter to the Administration some four months back as to what was the monthly expenditure and this was the reply received by me.

As regards expenditure, the average monthly expenditure during 1952 comes to about 1.59,000 per month.

I understand that there has been increase in the expenditure on account of the promotions given to the officers after 1952—I speak subject to correction.

I also enquired as to why there was so much of expense on this Administration and what was the number of officers and what were the salaries they were getting. This was the statement sent to me by the office. About this I have written a letter to the Chief Administrator. The list that was supplied to me on 10th

March 1953 was this which I may read for the information of the House.

The Chief Administrator's salary is not given. He was drawing about Rs. 3,000. Then—Mr. M. L. Chatterjee, M.A., Manager. He was Manager before he joined and he is D.C.A. drawing Rs. 1,700 there. Mr. S. N. Ahuja, Inspector was drawing Rs. 1,000. Mr. Roshan Lal who is merely a matric was getting Rs. 850. Now their salaries have been increased. Then Mr. H. L. Bhandari was getting Rs. 850. Poor man is dead and I do not want to refer to it. Then Mr. V. P. Gupta. He was originally getting Rs. 525. Before he came here he was working in U.P. on a salary of Rs. 850. He is getting about Rs. 1,100. I speak subject to correction.

Shri A. C. Guha: Sir, all these things were mentioned only two months ago in the half-an-hour debate, and I do not know it serves as an argument for reference to Select Committee.

Mr. Deputy-Speaker: There is a clause here empowering the Administration to expand. I think the hon. Member wants to say that they ought not to be given a hand to do that.

Shri Gidwani: I further say that the whole thing should be reviewed and a comprehensive Act should be passed. Because originally it was thought that it was only a temporary organisation. Now by the amending Bill we are extending the period of recovery of instalments to fifteen years. These employees were being employed on a different basis and in grades different from those in any government department, because they were thought to be temporary, and therefore they were getting much higher emoluments than in any other government department. Therefore my contention is that now that this is going to be a permanent affair, the matter should be gone through afresh and a comprehensive legislation should be passed. I have therefore suggested that

the Bill may be referred to Select Committee. Today we are discussing the whole thing so that we should know how promotions have been given. Before joining the Administration a number of the officers were drawing one-fourth or one-third of the salaries that they are now drawing in the Administration. In an organisation which is supposed to help displaced persons and where utmost economy was to be exercised, the officers in charge have been getting very heavy salaries, which has affected even the financial position in a sense that Rs. 1 crore of the corpus has been spent on administration.

Mr. Deputy-Speaker: Has this been staffed by displaced persons?

Shri Gidwani: Some of them are displaced persons.

Shri V. P. Nayar (Chirayinkil): Displaced from other jobs!

Shri Gidwani: Then, Sir, as I said, about 44,000 applications have been rejected. Shri Guha said that the Administration has been very quick in disposing of many applications recently. I may tell Shri Guba, I have been associated with this organisation as a member of the Advisory Board for the last three or three and a half years, and in the very first meeting that we attended—it was the second term of the administrative body—I moved that we should appoint a committee which should go into the whole matter and suggest measures to the Administration to expedite matters. I may make a passing reference to an incident which illustrates how things were going on then, though it may not be of much use so far as this Bill is concerned. My hon. friend Mr. Tyagi was also a Member of the Advisory Board. He was told that the applications could not be disposed of because of want of space. He got so much annoyed and said that the present Administrator was unfit to hold that office. He said, I have no purpose in remaining in the Administration and taking Rs. 40/- a day for attending the meetings of this Committee when this Administration

is not doing its duty. Months have passed and the applications are still pending. My hon. friend Lala Achint Ram will take the House in detail. Today also the applications are lying and they were submitted 2 years ago. The applications were invited in September 1951, and still 8000 applications are pending. We can understand the conditions of those persons who applied for a loan and have had to wait for 3 to 4 years before their applications could be disposed of. My hon. friend Shri Tyagi in disgust said, I cannot be a Member of this useless organisation and then and there he resigned.

Dr. Lanka Sundaram:...and went upstairs.

Shri Gidwani: Yes; he went upstairs.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

After he became a Minister, I wrote to him a letter. I do not understand how things change and how people change. I wrote to him, now that you are in the Finance Ministry, it is time that you improve things; you resigned in disgust and said that we were not sticking to office for Rs. 40/- a day and showed your great resentment by saying that you do not want to continue in an organisation which is so slow, so reactionary, which does not work, which takes years to dispose of applications. But, things continue as they were—as it is said, “as you were, so you are”—and they have not moved any further. Every time that we met in the Advisory Board, we said that the applications should be settled and it was early in 1951 that we made certain suggestions that more space should be made available. What is it after all? We can pitch some more tents, we can devise some other means and see that the applications are disposed of early. Several objections were raised. One of the objections was, how can these applications be disposed of even if we get the staff; which means more money; the Members will not be able to find time to dispose of these ap-

[Shri Gidwanij]

plications. You are aware, Sir, of the constitution of this Administration. There are five officials: one is the Administrator and four are officials who are busy with many other things. There are four non-officials who have been devoting their time according to their capacity. After all, it is not expected that they have no other work and that they will continue to sit from day to day and dispose of all the applications. Therefore, the remedy was to increase the Members. This was not ordinary routine work nor were they ordinary times in which we were living. This is a matter which relates to displaced persons who are supposed to be rehabilitated. Government had very wisely—I must thank them for it—started this organisation with a view to rehabilitate them. These displaced people, particularly the merchant classes and the industrial classes could not be rehabilitated if their applications are pending for 2 or 3 years because one of the conditions was that they should also invest some of their own funds. If they wait for 2 or 3 years, where would funds be left? They would have exhausted their resources and they may not be in a position to invest any money. The whole object is frustrated. We could not work with that expedition in the disposal of those applications. Now, that is a thing of the past. About 8000 applications are pending today. They were saying that there was no room. My hon. friend Shri A. C. Guha approached Sardar Swaran Singh who very kindly helped us within a week or ten days and gave us a plot on which a construction was put up within one month. But, then we were told that still there could be no expedition and that we required more staff and more Members. That is how things are going on. The result is, though the Administration was started with a very good purpose, that notable object has not been achieved. The result has been that a large number of people who took loans are in a worse plight. I do not blame the Central Government for this, because,

as Shri A. C. Guha has said, the State Governments did not co-operate and so many conditions and restrictions were imposed and they still continue. Nearly 4000 people have not been able to avail themselves of the loans which have been sanctioned in their favour because the State Governments did not give them facilities for electric light, for energy and other necessities.

Then, Sir, certain rules should be framed in respect of the employees who are now working in this organisation. I wish that the Government take up this machinery. These employees should be regarded as Government servants. I am referring to this question because information reached me that in Bombay a particular employee of the Administration was arrested on a charge of corruption by the Anti-corruption Department, but the next day he was released on the ground that he was not a public servant and that the Anti-Corruption Department could not interfere in the matter. I have also written about this to the Chief Administrator and I am sure that he must be taking some steps. What I want to suggest is that if we go on like this and our employees are not governed by certain rules which apply to the other employees of the Government, then, the corruption, which we all want to suppress particularly in an Administration like this even as in other Government departments, may go unpunished. We should give no loophole to anybody to escape punishment if he does any act which goes contrary to public conduct or involves moral turpitude or which is an act of corruption. Therefore, I suggest that since we are now having more or less a pretty long time.—there are 8000 applications pending and even if their loans are sanctioned in 4 or 5 months, payments could be made in about 12 months and they will have 15 years to pay their instalments—16 or 17 years or 20 years, we should have rules for the conduct of these employees. Unless we give more money,

unless we make some precise arrangement for this organisation, unless we have direct control over this organisation, I am afraid we will not be able to achieve our object of the establishing of this organisation. Partially some people have been helped and as I said, partially some people have been rehabilitated. As I said, there are a number of people who have been rehabilitated. But there are a large number of people against whom action has been taken under what is called the Land Revenue Arrears Recovery Act. I am referring to the Rehabilitation Finance Administration Review for the period ending 31st August, 1952 where it is said:

"It is to be regretfully recognised, moreover that in a fairly large number of cases our loans are going bad, necessitating action on our part to recall the loan and realise it through the revenue authorities. Action to recall the loan is not taken unless either there is evidence of malafides on the part of the borrower, for one reason or another, his business has gone so hopelessly bad that there is no reasonable chance of its recovery.

Up to the end of August 1952, 353 loans have had to be recalled out of which 245 cases were reported to the Collectors for the realisation of our dues; in another 91 cases, the Collector had to be written to to realise the amounts of instalments due."

You may be knowing that realisation under this Land Revenue Arrears recovery Act means attachment of their goods and sometimes even sending the person to the civil jail. I know of cases where even household effects and earthen utensils have been attached. I wrote to Mr. Ramgopal stating that this is what is happening and at least household effects should not be attached. He replied to say that this was none of his business. They were simply reporting

to the Collector. This is what he states:

"I have your letter No. AIRA/RFA/53, dated 28th April 1953, in connection with loan account No. 1517.

I am afraid I do not know law sufficiently to be able to say whether personal effects comprising of utensils, beddings, clothes etc., can be attached under the land revenue recovery proceedings."

Shri V. P. Nayar: There is a Law Officer also.

Shri Gidwani: He continues:

"In any case, what action should be taken in any particular case is entirely for the Collector to determine. We merely ask the Collector to recover a certain amount as arrears of land revenue and having made this request we no longer come into the picture."

So, you will see, Sir, that over 48 per cent. of these people—may be five or ten per cent. will be wilful defaulters; we have no sympathy with them—are not able to pay on account of the slump and various other causes. Therefore, it is high time that we reviewed the whole situation and took all necessary steps to see that our object of this financing is served, *viz.*, that people get really rehabilitated.

I am glad that this amendment has been made. We suggested this amendment three years ago. One Shri Ganeshyam Singh Gupta, in fact, wrote a letter and along with it sent the amendment, but it could not be moved. Time went on and we went on complacently and the result was that ultimately an Ordinance had to be issued, and today we have moved certain amendments. So far so good, but I want that a thorough and comprehensive revised Bill should be brought, or a Select Committee should be appointed so that it can go into every aspect of the matter and make suggestions. Now that the Ordinance is there, there is no hurry, and we need not rush with this Bill. We can

[Shri Gidwani]

wait for some days and the Ordinance can continue. Therefore, I would request the Government to accept my proposal.

[MR. DEPUTY-SPEAKER in the Chair]

Mr. Deputy-Speaker: I will place this amendment before the House, and then allow discussion both on the Bill and the amendment.

Amendment moved:

"That the Bill be referred to a Select Committee consisting of Shri C. D. Deshmukh, Pandit Thakur Das Bhargava, Lala Achint Ram, Shri Basanta Kumar Das, Shri Satis Chandra Samanta, Shrimati Renu Chakravarty, Shri N. C. Chatterjee, Sardar Hukam Singh, and the Mover with instructions to report by the 30th November, 1953."

Ordinarily, the hon. Member who tables the Motion and gives names is expected to take the consent of the Members who serve. One of the hon. Members, Shrimati Renu Chakravarty, is not here. I do not know if she has obtained her consent.

Dr. Lanka Sundaram: May I make a submission on that point?

Last time when I moved a motion of a similar nature on the Andhra State Bill, a similar objection was raised; I was myself empaneled twice without being told about it. It is supposed to be an honour to serve on a Committee of the House.

Shri Gidwani: Besides, yesterday was a holiday, and we were not here. It was not possible to contact.

Mr. Deputy-Speaker: Whatever it might have been, the hon. Member's assent must be taken, lest afterwards they should say that they are quite willing, but they are not able to be present here on account of other engagements and so on.

Both the original Bill and the amendment are now before the House for discussion.

Dr. Lanka Sundaram wanted to raise a point on the question of Ordinances.

Dr. Lanka Sundaram: As I submitted earlier, I want to raise a point of considerable constitutional and procedural importance in regard to these Ordinances.

You would notice from the Order Paper that there is a list of six Ordinances issued during the inter-session period, and Ordinance No. 2 happens to be the Bill under discussion just now.

You ruled earlier, Sir, that I should not go into the implications of the other Ordinances, but with your permission and the permission of the House, I would like to draw attention to the time-table during the inter-session period for the promulgation of each of one of these Ordinances. I feel I should draw attention to the dates, because the dates are not given in the Order Paper. To the best of my knowledge and belief, these are the dates:

Ordinance No. 1—The Employees' Provident Funds (Amendment) Ordinance, 1953—was promulgated on 14th October. This, you will notice, is three weeks after the House adjourned last. Ordinance No. 2, i.e., the Bill under discussion just now, was promulgated on the 22nd of October, and it has been admitted by my hon. friend, the Deputy Minister in charge of the Bill, that this Bill was actually introduced here in November last. Ordinance No. 3—the Sea Customs (Amendment) Ordinance—was promulgated on the 24th October, 1953. Out of the six Ordinances, these three Ordinances seek to enforce the provisions of Bills which were either pending before this House or the other House. When I say the other House, I think I should mention to enlighten hon. Members that the Employees' Provident Funds (Amendment) Bill was introduced in the Council of States before this House adjourned in September. Ordinances Nos. 4, 5 and 6 are new proposals.

legislative proposals by executive action. This is my first proposition, viz., that within less than two months being the inter-session period, six Ordinances were promulgated, three of which were either before this House or the other House.

Now, Sir, when you see that the last Ordinance itself is dated 26th October, the House will realise there were hardly twenty days to go before this House was to be convened.

Having said this, I would like to refer to what you yourself, Mr. Deputy-Speaker, ruled on the 16th September. You will recall at that time there was an attempt made by my hon. colleague, Shri Krishnamachari, to get through the disposal of the Coir Bill and so on and so forth. I am quoting from Page 9458 of the uncorrected Debates for the 16th September, which contains your ruling. I am quoting only a few sentences with your permission. You said as follows:

"Am I too rush the Coir Bill and Rehabilitation Finance Administration Bill through on the last day?"

—the Rehabilitation Finance Administration Bill being Ordinance No. 2 of the series. Then, you were pleased to observe:

"In these circumstances, I am exceedingly sorry. The Government must make up their mind from time to time as to which Bills they want to get through in this session. The Coir Bill is, no doubt, part-heard. If they had told me a few days earlier, I would have persuaded the House to sit for longer hours and finish it. In these circumstances, I am exceedingly sorry. I feel that the general sense of the House is that these Bills need not be taken up now. The hon. Ministers also have left it to the House."

Then you said finally:

"There does not seem to be any urgency."

This is the point which I would like presently to develop in the light of the legal position.

"Therefore, this will not be included in the agenda for the last day at 4 O' Clock."

That was your ruling.

You will notice that promulgation of Ordinances is legislation by the executive, and you, Sir, as a very important Member of the Constituent Assembly, would recall the enormous controversy which raged over this question on the 23rd May 1949. This is what Dr. Ambedkar said as regards the final Article 123 under which these Ordinances have now been promulgated. At that time the numbering was 102. Later on the number was changed, and I am quoting from Page 214 of Volume VIII of the Proceedings of the Constituent Assembly, 16th May to 16th June, 1949. I will be very brief. Dr. Ambedkar said:

"If I may say so, this article is somewhat analogous—I am using very cautious language—to the provisions contained in the British Emergency Powers Act, 1920. Under that Act, also, the King is entitled to issue a proclamation, and when a proclamation was issued, the executive was entitled to issue regulations to deal with any matter, and this was permitted to be done when Parliament was not in session."

I quote this in order to fix the point, the point being what you yourself said on the last occasion, that this Bill was not urgent; and here is an assurance on the floor of the House, after a very protracted debate as you will recall personally, that Ordinance-making powers under Article 123 of the Constitution as at present incorporated in the Book will not be taken recourse to except where questions of emergency arise. Now the question to be posed is this. Do the Employees' provident fund rules, the Rehabilitation Finance Administration, the Sea Customs Bill etc. relate to an emergency? This is a question which must be answered first. Before I

[Dr. Lanka Sundaram]

take up the second point which I would like to develop in a few seconds, I want to draw the attention of the House to the fact that the very same thing might happen after this session also. According to the way in which I have totalled up, there are 54 Bills to be brought before this House, and the total time available is only 29 days, of which a few days will go to other non-legislative business, as for instance, the Preventive Detention Act, and so on. The resultant position is that the moment we adjourn, even in spite of your ruling on the last occasion on this very same Bill on the 16th of September 1953, Government will certainly take recourse to ordinances in between sessions—in the period before the budget session is convened. This is a question of vital constitutional and legislative importance. In fact, it constitutes an invasion of the rights and privileges of this House as the only sovereign legislative body in the country.

Now, a remedy must be found, and I propose to suggest with your permission some sort of an idea which might be debated upon and disposed of by you with the assistance of the House. You will recall that there are at least two precedents, under which the Presidential Acts of the last Parliament were placed before a committee of this Parliament for approval, when Parliament was in recess. Some sort of expedient of this kind is necessary. I am advised that a similar procedure is available in certain continental Parliaments, as for example in Greece etc. The question I am directing the attention of the House to is this. If we allow this routine Ordinance-making power to the executive, it is just as well that Parliament winds up its schedule of work for its legislative programme. We have had four sessions after this House came into existence, and I have pointed out the enormous congestion of legislative business according to the Order Paper.

This being so, I shall now come to the final point, because I have nothing more to say on these points. I am not opposing the Bill, as I promised earlier. I shall now quote from page 399 of Mr. Basu's 'Commentary on the Constitution of India'. Under Article 123 of the Constitution, the President is empowered to promulgate Ordinances with retrospective effect. In his commentary, Mr. Basu says:

"Since Parliament can amend or repeal its own Acts, it follows, therefore, that the President may, by Ordinance, amend or repeal laws passed by the Parliament itself, subject, of course, to the limitation in clause (2) as to the duration of that Ordinance. Similarly where a law passed by the Legislature could be retrospective in operation, there is nothing to bar an Ordinance on the same subject from being retrospective. Hence, an Ordinance can be given retrospective operation even from a date when the Legislature was in session."

I draw the attention of the House to this point because once this practice becomes regular, without any relation to any possible emergency, Government may take recourse to Ordinances. I am sure every one of my colleagues in this House, without any difference of party affiliations, would not object to Government taking recourse to Ordinances, in case there is a proved emergency. But here it is not so. This is a case of Ordinances of a routine character. One of them has been pending before this House for nearly ten months. These Ordinances of a routine character, have been brought in one after the other, even without waiting for three weeks for the House to be convened. The result is that the implications of this ordinance procedure is very dangerous.

This is the point I want to raise, and I leave to you and to the House to devise a procedure whereby the

ordinance making powers of the Government in a routine fashion are curbed, with the result that the legislative competence of this House which is the only House available for the whole country is not tampered with.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Owing to the kindness of the Parliament Secretariat, we were made aware that this question was going to be raised in some form or other. I have listened very carefully to the hon. Member's charges against Government, in regard to using powers vested in the President under Article 123 of the Constitution. I am afraid, he has not proved any injury in regard to the powers of Parliament, i.e. to say, by promulgating these ordinances and taking powers under these ordinances, the certain acts have been done which are irreparable, so to say, and that nothing can be done by Parliament to remedy the acts that have been perpetrated on the public of this country. If that has not been proved, then the argument is academic rather than real.

Even from the academic point of view I venture to submit that my hon. friend is using language with which we are familiar in this side of the House, that the ordinances passed were being used for purposes not altogether good. But in the case of these ordinances which have been passed, the measures that were passed are more or less innocuous. They are necessary for the purpose of carrying out the work of Government, because the policy underlying most of them,—at any rate, of three of them—has been made known to this Parliament and to the public. In the case of three others, it is slightly different.

My hon. friend says that the emergency has not been proved. But it must be conceded by him that we do not introduce Bills without any purpose behind them. Here is a particular case of a Bill dealing with Rehabilitation Finance Administration. The lacuna is there, and actually if

that lacuna is not removed, the defect grows more or less in stature, and there is no limitation to it, so to say. Because a particular Bill has been before the House for three, four or even six months, it does not follow that it should be there indefinitely. If my hon. friend had said that this is an indirect way of obtaining priority for this legislation, I might even accept that proposition.

Dr. Lanka Sundaram: You have done that in the Business Advisory Committee, and failed.

Shri T. T. Krishnamachari: My hon. friend has not done that. He has not put forward that charge. He has merely said that ordinances are an evil, and there must be some method of instituting a curb on Government using ordinances. I venture to submit very humbly that it is perfectly open to this House to do so, through the Bills which seek to substantiate and put on the statute book for ever these ordinances, and that is a check which is absolutely paramount. Nobody can say that that check has been taken away. If that is there, all that will happen is that the ordinance will come into operation and be in effect only until the time that the House makes up its mind in regard to giving or refusing its consent to the proposals covered by the Ordinances. Even in that position, I venture to reiterate what I said originally, the amount of injury, if it does happen to the public, is a thing that has to be proved. Merely because it is called an emergency legislation, it does not necessarily mean that the emergency that my hon. friend has in mind, must be proved. It does not mean that the law and order situation in the country has been seriously jeopardized in this instance; it may be that the economy might be jeopardized. I do venture to submit, in regard to two Bills which will come before the House, in respect of two ordinances passed, with which I am personally familiar, the emergency was there, and nobody can say the emergency cannot be proved. I am prepared to prove the emergency at the appropriate time.

[Shri T. T. Krishnamachari]

If the hon. Member does not want us to deal with the facts relating to each Bill, and asks for an explanation as to what the emergency is, what has been done, which cannot be done six, seven or eight months hence, when a regular Bill might be introduced and that Bill becomes law, then I submit that it is not even academic. It is a good debating point, for an opposition and nothing more.

I would like, without going into any details, to say that in all these six measures, Government have done nothing which are they feel has done some injury to public interest, and the hon. Member must admit that they are innocuous. If that is so, where is all this trouble about? If hon. friend wants merely to raise a debating point, I concede it to him that it is a debating point always, now, and for ever, but as I said, so far as any substance (*Interruption*) in connection with the point is concerned, I venture to submit to you in all humility, that the hon. Member has made no point whatever.

Shri V. P. Nayar: I venture to bring to your attention some of your observations, with particular reference to the Rehabilitation Finance Administration, the other day. Then my hon. friend Mr. T. T. Krishnamachari wanted to rush through the Coir Industry Bill. When the business of the House was being discussed on 16th September 1953, the Deputy Minister of Finance, in charge of the Bill, Mr. M. C. Shah made the following observation:

"This is a very important Bill"—end importance is not the criterion for an ordinance—"If it could be passed in this session, it will be better for all the refugees who have applied for loans. We are entirely in the hands of the House."

On this, when you gave your ruling, you said that if the Government wanted to get through this business,

they must have made up their mind sufficiently early.

So here is a case which shows that a Bill was not only before the House for a long time, but till the very moment when you gave a ruling, Government did not feel its immediate necessity. I am not discussing about the academic merits now. There is also another point which I wanted to bring before the House at this stage. What is the emergency? We are certainly not against providing funds for the rehabilitation of refugees. If you have provided Rs. 50 crores and rehabilitate them at once; I am not at all against it. But, Sir, till now what you find is that when the original Act had provided for Rs. 10 crores, the total disbursement is only 7.2 crores.

Shri A. C. Guba: May I point out that in our original Act only 7 crores of rupees were provided to the Administration. Three crores of rupees had to be provided through the banks and were not available to the Administration.

Shri V. P. Nayar: Do you mean to say that before the Ordinance was promulgated, you exceeded that limit?

Shri A. C. Guba: Not before the Ordinance was promulgated, but after that we exceeded that limit.

Shri V. P. Nayar: That is not the correct point. May I know from the hon. Minister whether they had drawn even the last pie under the original grant?

Shrimati Sueheta Kripalani (New Delhi): Yes.

Shri A. C. Guba: Yes. Seven crores of rupees was the maximum limit available to the Administration, and by 31st October the Administration disbursed 7.02 crores of rupees, and I think during these 15 days they must have disbursed something more.

Shri V. P. Nayar: I am sorry I placed some reliance on his Notes on Clauses. It says:

"The total amount to be placed at the disposal of the Administration is being raised from Rs. 10 crores to Rs. 14.5 crores...

Shrimati Sucheta Kripalani: That is for another purpose.

Shri V. P. Nayar: The point is that even till the last date...

Mr. Deputy-Speaker: The hon. Member will kindly see Section 12...

Shri A. C. Guha: 12(b) and (c).

Mr. Deputy-Speaker: "subject to the provisions of section 13 advance loans not exceeding an aggregate amount of seven crores of rupees". It is printed as an annexure.

Shri V. P. Nayar: Last Session the answer was given to a question of mine that only less than 6 crores of rupees were disbursed. I did not think that within the period of a few weeks, the balance of Rs. 1 crore and odd was consumed. But the point is that the Government waited till the very last moment when this question was specifically raised on the floor of the House and when you gave your views on that occasion, that the Government should not rush through the Bill. The President must have been advised to pass an Ordinance because we know that the President does not act suo motu in such matters. We also find that the Government is always giving wrong advice to the President. I will cite another instance. We had sent up a Bill which among others had a provision of Rs. 50 crores for the relief of unemployed people. But then the President refused his consent. Here is another case. Government come without taking the House into confidence, without even obeying your ruling, and advise the President to promulgate an Ordinance. This is the aspect which I wanted to submit.

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Mr. Deputy-Speaker: Pandit Thakur Das Bhargava. He may speak on the Bill and on the amendment also.

Pandit Thakur Das Bhargava (Gurgaon): I only want to speak on this point at this stage?

Mr. Deputy-Speaker: Whoever now takes part, may speak on the Bill and on the amendment. I do not propose allowing him to have an opportunity later. Once for all, he can say what he wants to say.

Shri V. P. Nayar: Is that the case with me also?

Mr. Deputy-Speaker: All hon. Members.

Shri V. P. Nayar: I have to speak on the Bill.

Mr. Deputy-Speaker: I am sorry.

Shri V. P. Nayar: Last Session, I had raised a special discussion, but I thought I was called upon to speak only on Dr. Lanka Sundaram's point.

Mr. Deputy-Speaker: There is no point of order that is raised. All that is said is that it is not proper that the Government, with respect to a Bill which is already pending before the House instead of taking steps to persuade the House to get through the Bill, should have waited and then brought in an Ordinance. (*Interruption by Dr. Lanka Sundaram*). That is not my view. The objection is put in that form. It is for the Government to say under what circumstances they could not get the Bill passed. It is not as if we were wasting the time in the previous Session. There were two important Bills which we got through. If these Bills were to be taken up earlier, we could have pushed the others to the rear, as the House was not willing to sit longer unless it was persuaded earlier, and I had to give a ruling that at the last date the two Bills ought not to be placed before the House. That was all that I meant.

Now, this is not a point of order in which I am called upon to say whether an Ordinance can be promulgated

[Mr. Deputy-Speaker]

or not. Therefore, I say that both the Bill and the amendment are before the House. That was why I did not allow Dr. Lanka Sundaram to intervene before the amendment was moved. Now, it is open to every hon. Member to place his point of view. Even now, I do not want to prevent Mr. Nayar from speaking on a technical ground. Let him now say what he wants to say and conclude.

Shri V. P. Nayar: I must get an opportunity, Sir.

Mr. Deputy-Speaker: He may start now.

Shri R. K. Chaudhuri (Gauhati): There is a point of propriety in it. If the Government knew that the term of a certain Act was going to expire, they should have asked for extension of the Session and got the Bill passed.

Shri V. P. Nayar: I said that, Sir, because Mr. Krishnamachari said that this was an academic point...

Mr. Deputy-Speaker: I am allowing the hon. Member to speak now on the Bill, on the amendment and all things that are relevant to the Bill and the amendment.

Shri V. P. Nayar: Sir, I was very much pleased to hear Mr. A. C. Guha in a different tone today. The other day when I raised a discussion on the affairs of the Rehabilitation Finance Administration and pointed out certain specific charges of favouritism and graft in the appointments in the Administration, Mr. Guha was in another tone, an absolutely evasive tone. Sir, it will be interesting for the House to recall what Mr. Guha said. Unfortunately, you were not occupying the Chair at that time...

Mr. Deputy-Speaker: Hon. Members will try to avoid any references regarding the occupant of the Chair. It is equally so when other members are here.

Shri V. P. Nayar: I said so because if you were in the Chair, I would not have had to recall all this.

Mr. Deputy-Speaker: I might have forgotten also.

Shri V. P. Nayar: I do not think your memory is so bad Sir.

Mr. Deputy-Speaker: Or the hon. Member may have changed his mind and is prepared to accommodate.

Shri V. P. Nayar: I am going to help him.

Sir, on that occasion when I gave instances after instances detailing the particular relationship of certain officers holding posts in the Rehabilitation Finance Administration with certain persons who were responsible for the appointments, Mr. Guha replied to me in very vague terms. This is what he said:

"We are not supposed to know. we cannot know, it is impossible for us to know; when allegations are made that 'X' is related to 'Y' or 'Y' is related to 'X', we have nothing to verify, and it is not the function of the Government to verify it".

Now at least, Sir, I think Mr. Guha will verify whether those allegations which he could not deny so far, which I still reiterate and which are already in record, are true and if true—and I am sure they are true—he will take immediate steps to see that this Administration is rid of all its evil pests.

Babu Ramnarayan Singh (Hazari-bagh West): No.

Shri V. P. Nayar: As I told you earlier, Sir, I am not at all against raising the limit of the funds which will be available for the Rehabilitation Finance Administration. But to say that this Administration has been doing wonderful work is not correct.

Shri B. K. Das (Contai): Good work.

Shri V. P. Nayar: It is not correct. Please do not say "good work".

Shri U. M. Trivedi (Chittor): Wonderful work!

Shri V. P. Nayar: They could have advanced more loans, perhaps thousands of loans. Perhaps Mr. Guha will be surprised how I, coming from 2300 miles away, could raise this question. He would ask why I should have raised this question, as I happen to be from a constituency where there is no refugee work? That was the tone which he adopted the other day.

Now, Sir, this Administration has undoubtedly given some help to people, but it has also harassed so many people. Loans are not very easy to get. The rate of interest is very much prohibitive, I should say and then all sorts of conditions are laid down so much so that it is impossible for an ordinary man, without the capacity to exercise a strong pull at some quarters, to get loans. I have known of shopkeepers who have been waiting for loans, but could not get them.

I know several people in government service who could not; I have met businessmen who wanted loans and who could not get them in spite of the fact that they were asked to go about from place to place, from pillar to post. They had to run about and they had even to give bribes but they could not get the loans.

An Hon. Member: Even after giving bribes?

Shri V. P. Nayar: I heard Mr. Guha say that about thousands of applications were considered and thousands of loans have been given also. If a businessman wants a loan of Rs. 20,000 naturally he expects to get that loan in a lump sum. That is not what has been done. In so many cases loans have been given only in small instalments. If the loan is for Rs. 20,000 the first instalment is for Rs. 2,000. The poor refugee who has nothing else in the world has to eat out of that a portion and when this is exhausted he gets another Rs. 2,000. Then he eats away a portion from that also and then he gets a third instalment. That has been the case.

I do not know what it is at present. *(Interruption.)* My hon. sister Mrs. Kripalani is here; she will be able to tell us details because she also happens to be a member of the Committee. Formerly it was so and loans are given according to the whims and fancies of those people in authority, in instalments. What that instalment is, nobody knows; but the effect remains that the loanees do not get in lump sums as they require.

Then, Sir, here is another aspect. They have put down certain conditions. In the case of certain loanees they have insisted upon their properties being mortgaged. I do not know how a refugee who has left all property on the other side and has come here can give property security. If they had any cash certificates those also had to be given and if they had insurance policies, they too had to be handed over to the Rehabilitation Administration to get these instalments.

I understand. I am speaking subject to correction, that this Administration which is now claimed to have done such meritorious work after very careful scrutiny, has recalled about 500 loans. Mr. Guha will perhaps be surprised that I can give the names of firms in Calcutta from which loans have been recalled. There is Bose Banerjee & Co which has been given Rs. 30,000; there is Bose Engineering Co., Calcutta which got Rs. 20,000. These have been recalled. I can give the names of persons from the Punjab and almost from every other State. One fine morning, it occurs to an officer that a loan should be recalled, even in spite of the fact that willingness has been expressed to repay the loans. Proceedings are taken up and they are recalled. If loans had been issued after very careful consideration and after weighing all the possibilities of recovery, what then is the necessity to recall the loans? I fail to understand that and it is not a small number. About 500 loans have been said to be recalled like that.

Mr. Deputy-Speaker: Cannot it be a condition that unless it is used for the purpose for which it was intended and it is found that it is likely to be wasted, the money ought to be recalled in the interests of both the refugee and the Government?

Shri V. P. Nayar: This is precisely the reason why I said the other day that this is a matter for a Parliamentary Commission to enquire into. It is not a question of close relatives alone having been appointed. That is not the only blemish of the Administration. Government have themselves admitted that in about 50 or 60 cases where loans have been advanced to certain persons the guarantors could not be traced. The *modus operandi* is very easy to follow. Suppose, I have a pull in some quarters. I say that such and such a refugee requires some loan. I make him apply for a loan, recommend some fictitious persons as sureties. Then the Rehabilitation Administration Officers somehow make it possible for loans being advanced. Later on they say that in the case of 50 or 60 loans the guarantors could not be traced. They were imaginary guarantors. This is an Administration which has given loans to thousands of people, I grant. But for 50 or 60 loans there are no guarantors.

Then Sir, what is the percentage of expenditure that is incurred? Sir, from the returns available it is found that in 1949, 217 per cent. of the accrued income had been spent on it. If the amount which the Rehabilitation Administration got as interest was about a lakh of rupees then the expenditure on the Administration was Rs. 217,000. Then, in 1950, it was 198 per cent. It goes on like that. I am even to understand that 9 per cent. of the total money so far received by the Rehabilitation Finance Administration has been spent on the administration charges alone. I don't accept this manipulated figure—it is bound to be more. But even that is a colossal sum; 9 per cent. of the money that has been handled by the Rehabilitation Finance Administration for loans.

Pandit Thakur Das Bhargava: Is it excessive?

Shri V. P. Nayar: That is for him to decide. Nine per cent. means one crore of rupees. The poor refugees have to suffer because you have lifted officers from Rs. 300 to Rs. 1500, since they happen to be very close relations of those in authority. I have given instances. Last time when I said that such and such an officer is related, Mr. Guha promised to look into it. I can give him some more details. The establishment charges can be reduced and it is there that an honest effort has to be made. I hope, Sir, that Mr. Guha will certainly look into this matter immediately. I can give all the names from memory but...

Mr. Deputy-Speaker: My suggestion would be that instead of taking up every one of these details, one of the most glaring instances is given here and the note regarding the relationship of others may be sent to the Minister.

Shri A. C. Guha: If you kindly permit me, I think these matters were raised in the half-hour debate about two months ago. Subsequently, the hon. Member wrote a letter to the Finance Minister and we are examining those things. He has mentioned about 10 or 12 cases out of about 650 officials employed in this Administration. Even if you concede that 10 or 12 cases or even 15 of these employees are related to some of the officers in the Secretariat, I do not think the whole Administration can be condemned for that or I do not think it will be conceded that the whole Administration has been committing gross sort of a wrong. Out of 650 officers, if there are 15 or 20 of them related to some officers in the Secretariat, I do not think it can be taken as an offence on the part of the Administration. Anyhow, we are looking into these allegations. If there is anything wrong in the appointment or in the subsequent conduct, we shall surely take action.

Shri V. P. Nayar: That is not the point. This was one of the points

raised in the half-hour discussion, but it was not raised for giving any elaborate details. So, I referred to certain very glaring cases. Now, Sir, it is possible for me to give more instances, but I do not want to tire the House with instances.

Mr. Deputy-Speaker: Should not the hon. Member be content with writing to the hon. Minister who says he will look into the matter?

Shri V. P. Nayar: Last time when I raised the same question on the floor of the House, the hon. Minister said that he could not keep a family history of all the persons about whom I had written to him.

Shri A. C. Guha: As far as I recollect, what I said was that this Administration was an autonomous body and it has its own powers to carry on its administration and to appoint officials. If ever there was some mistake and some employee appointed by them is related to some officer in the Secretariat, I am not responsible for that and I cannot say that the Government would go into the family history of every employee to be appointed by this Administration.

Shri V. P. Nayar: Mr. Guha seems to be under the apprehension that I am trying to fix the responsibility on him personally. He has come into the picture long long after all this has happened. I do not say anything personally....

Shri A. C. Guha: I say, I feel the Government....

Mr. Deputy-Speaker: When is this to end? Let the hon. Member say what he wants to say. The Administration has after all been brought into existence by the Government and the Government is responsible. If certain officers are related to certain other officers then there is a certain kind of nepotism and if the salaries are out of all proportion to the original salaries that were being received—if these are the allegations—then certainly the House is entitled to know; and

the Government has been looking into this matter.

So far as the details are concerned, I would only urge upon the hon. Member to give the details to the hon. Minister.

Shri V. P. Nayar: I shall certainly try again as you want me to do; but I am not very hopeful.

Mr. Deputy-Speaker: He probably said at that stage that he was unable to do so.

Shri V. P. Nayar: So the question is whether it is proper for us to point out further instances.

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Mr. Deputy-Speaker: What I am anxious about is this. This is only an amending Bill and not an original Bill, and there are a few particular clauses only which are sought to be amended. The object of allowing a general discussion regarding the general administration is that hon. Members may focus their attention on the advisability of increasing the amount from Rs. 7 crores to Rs. 12½ crores. These points may be relevant to that question to the extent of clothing the Administration with higher powers. Going further into details as if we are submitting a report on the administration of this organisation may not be proper. All that I can say is that the hon. Member may give further details to the hon. Minister, and there are a number of ways how this matter can be brought before the House.

Shri V. P. Nayar: My object was not to give specific instances again and again, but just because Shri Guha got up and said that out of 500 people in the Administration I could point out only 5 or 6 cases, I said I could point out any number of cases if Shri Guha will give me an assurance here and now that he will look into the matter and take appropriate action forthwith.

Shri A. C. Guha: So far, he has mentioned not more than 10 cases—the

[Shri A. C. Guba]

number may be just 5 or 6. If any more cases of such irregularity are brought to my notice, I will certainly look into them.

Shri V. P. Nayar: I leave that point there because the House has had enough of it. The other day when I was detailing the relationships, it provoked Prof. D. C. Sharma into his immitable comment about the law of gravitation in nepotism. Sir, if you go through the proceedings, you will find that it is not only from the Communist benches that there was criticism. When the hon. Minister was replying, Members of his own party interrupted him and asked "What do you mean by this?" I do not want to take more time of the House on this.

Mr. Deputy-Speaker: Let there be no battle of words. So far as this matter is concerned, the hon. Minister will certainly look into it. Five out of 500 may not lead one to the impression that the Administration is bad. The names need not be given in the House here. That is why I suggest that if there is any glaring instance apart from any of the cases already communicated to the hon. Minister, one or two specimens may be given here.

Shri U. M. Trivedi: This is not a private affair between Shri Guha and Shri Nayar. This is a matter which has been brought to the notice of this House and we would like to know whether there is any truth in the allegation which Shri Nayar makes, namely, that there are more than 100 names which he can suggest. On one side the hon. Minister says that there are hardly 10 and on the other Shri Nayar suggests that tens and tens of cases can be quoted. We would, therefore, like to know at least twenty.

Mr. Deputy-Speaker: Are we appointing a sub-committee on this Bill to look into the administration and find out who is related to whom? Is

that relevant for the purpose of this Bill? The purpose has been sufficiently served, and so far as the names are concerned, there is nothing preventing the hon. Member from giving those names to the hon. Minister and also sending a copy of the list of names to other Members of the House, so that when the occasion arises, it may be brought before the House.

Shri V. P. Nayar: I submit to your ruling, Sir, although I would have very much liked to give the House some more names.

This Administration has another peculiarity. According to an answer given by Shri Guha himself during the last session, there are about 500 or 600 employees in the Rehabilitation Finance Administration. Now, Sir, in all Government offices, there is a ratio that for one Secretary, there may be so many Deputy Secretaries, Under Secretaries, Assistants, Typists and so on, and you will find that the number of persons in the lower classes will be more and more as you come from the top. In the Rehabilitation Finance Administration, however, out of 500 people in all, only 110 or 120 are class IV people and the rest are in the higher classes. Do we have to go in for any other reason to point out that the Administration is top heavy?

Then, Sir, it has not been possible for the Rehabilitation Finance Administration to find out from this country with so much of talents available from persons in service and outside, a competent man who was actually in service or who was not over-aged. They could always find only super-annuated men and they could find only a person who is devoid of capacity to work. I hear—and I put it to the hon. Minister to contradict it—that Shri Ram Gopal could not even sign and he was so decrepit that he could not even put his signature, and for this hard work in this administration the choice was being made only from the retired pets.

Shri A. C. Guha: He is no longer in the Administration's service.

Mr. Deputy-Speaker: Hon. Members have got a right to say 'super-annuated', but they ought not go to the extent of saying that he is unable to sign even. He may be able to sign and therefore it is no use for us to enter into that matter.

Shri V. P. Nayar: I have information to the effect that cheques signed by him have been returned by the banks saying that they could not identify his signature.

Mr. Deputy-Speaker: That is not uncommon and happens to many of us. It would be right to say that an individual of such and such an age should not have been taken for this job, but as to the fact whether he is able to spell the words properly and so on, this is not the forum, and one cannot go on accusing the other in this manner as he may not be able to substantiate it and the time of the House ought not to be taken up like this.

Shri V. P. Nayar: There is another case also because a letter was read out by my friend Shri Gidwani that the Chief Administrator wrote to an officer of the Administration connected with law and he got back a reply saying that he was not so much conversant with law as to be able to give a definite opinion. Was that not true? There are hundreds of refugees who are lawyers, but I understand that this law officer was a cloth merchant, (and had never practised law in a court of law), in the North West Frontier Province. He had of course an LL.B. degree or something of the kind—that is my information. Until and unless I am contradicted by Shri Guha, I hold that my information is correct. There are many of us who have taken degrees in law, but that does not mean that all of us are lawyers. Here is a case of a gentleman who had no practice in a court of law, although he was qualified in law, taken in as the legal adviser. I can tell the House what

pull was responsible for his appointment, but I do not wish to go into these details. I am only striving hard to point out to you that it is not a question of giving more money to the Administration or not. We shall certainly give it, but the Administration should be purged of all its evil characters and then only the refugees will get their share. Otherwise whatever money the Parliament is pleased to grant will be eaten up by those people and the refugees will not get their share. I don't want to elaborate on this.

Then, Sir, there is another provision in this Bill by which Government want the audit work to be entrusted to the Auditor-General. This question was also raised during the discussion on this subject and there was no answer to that. I put it this way. Here is a Finance Administration against which there are very definite charges of mismanagement. The accounts of this Administration have never been audited by the Auditor-General. There was an internal audit according to an answer given by Shri Guha and there was also an external audit by a firm of chartered accountants. But, Sir, this House cannot place as much reliance in them as we do on a certificate of the Auditor-General, who, under the Constitution, functions as the highest officer in accounts matters. I know, Sir, as a member of the Public Accounts Committee that he has exposed several cases of mismanagement of public finances. If the Government is genuinely desirous of having the accounts of the Administration audited by the Auditor-General it is not from today that you have to do it; you must ask the Auditor-General to audit the accounts from the first, from the date of inception of the Administration. Why don't you do it? What is the purpose? The original Bill was passed years back. What is the purpose of coming now before the House and asking that the Auditor-General should be asked to audit, unless it be that government themselves are certain that there are shady transactions in this. The audit report made by the

[Shri V. P. Nayar]

Private auditors should not be relied upon.

Mr. Deputy-Speaker: Is there any limitation in this clause that the Auditor-General should not be asked to audit the accounts already audited?

Shri V. P. Nayar: Yes, Sir.

Mr. Deputy-Speaker: Where? The Auditor-General can even now be asked.

Shri V. P. Nayar: If that is the intention, it was open for Mr. Guha to say so when this point was raised during the discussion last time. He said that it has not been possible for the Auditor-General to audit. Did he ever request the Auditor-General? Recently the Auditor-General was requested to send an officer to find out the form of accounts there. Last time when he replied to the debate, he said that the report was awaited. Are Government prepared now...

Mr. Deputy-Speaker: Hon. Members need not go on asking for assurance for every small suggestion that was made—there won't be any end to this.

The hon. Member wants that the Auditor-General should audit not only future accounts but also accounts which have already been audited. Any other point? This matter I would like to finish this evening.

Shri V. P. Nayar: But this is a very important point. This House cannot be satisfied because detailed accounts of this Administration do not come before the Public Accounts Committee. Unless the Auditor-General audits the entire accounts and gives a certificate that his staff has audited, it is not possible for us to believe whether everything is in order. So, I suggest that Government will ask the Auditor-General to have the accounts of the Administration audited from its inception. Then only will we know what things have taken place inside it.

I would also ask the hon. Minister to give us a list of persons to whom

loans have been issued, but have been recalled within a period of one year. If we had known during last session that an ordinance would be passed, I would have put some questions. In fact, I have put some questions, but I never knew that this would come on the first day.

Mr. Deputy-Speaker: Is there no administrative report prepared for this?

Shri V. P. Nayar: Nothing worth the trouble to go through.

Shri A. C. Guha: Yes, Sir. It is placed before the House.

Shri V. P. Nayar: There is another point also: that again is about the administration. I would invite the attention of the hon. Minister to Regulation 10 of the Rules, about acting allowance. I say, Sir, that because certain executive orders were passed modifying this rule, or taking away the effect of this rule in the matter of certain appointments, the R.F.A. has incurred some lakhs of rupees. This provision reads:

"An employee acting in the appointment carrying a higher pay scale shall draw an acting allowance equal to 10 per cent. of his own pay, or half the difference between his own pay and the maximum pay of the appointment in which he is acting, whichever of the two is higher."

In this case it so happens that during the regime of one of the Chief Administrators all acting appointments were considered in some other category. The effect of that was that very high increases of salary were given to favourites and the Rehabilitation Finance Administration, according to my computation, would have lost at least thousands of rupees. All such things must go. It is not a question of coming before the House and asking more money. We are prepared to give any amount for refugees; we want the refugees to be rehabilitated at once. If

you go along Queensway you will find how people are suffering. It is not possible for them to get money. I submit, Sir, that Government must take a very serious view of corruption, nepotism, and graft prevailing in the Department. To eradicate these I reiterate the demand that Government must appoint a very compact Parliamentary Commission to enquire into the working of the Rehabilitation Finance Administration.

पंडित ठाकुर बास भागंब (गुडगांव) :

जनाब डिप्टी स्पीकर साहब, यह स्पीच जो अभी मेरे लायक दोस्त ने दी है और साथ ही श्री लंका सुन्दरम् का जो ला प्वायंट है, वह भी मैंने बर्बोर सुना। जहां तक ला प्वायंट का ताल्लुक है, मैं श्री लंका सुन्दरम् का श्रुतिया अदा करता हूँ कि उन्होंने हमारे सामने ला का एक प्योरेटिकल प्वायंट रक्खा और इरवस्त यह बड़ा इंटरेस्टिंग है। हम सब मेम्बरान पार्लियामेंट मय गवर्नमेंट के यह चाहते हैं कि जहां तक मुमकिन हो यहां तक गवर्नमेंट उन अक्वयरात का इस्तेमाल न करें, खसूसन जब कि पुरानी गवर्नमेंट आर्डिनेंस जारी करती थी तो हम सब इस बात के लिये मुत्तफिक थे कि वह आर्डिनेंस जारी न करने और ऐसा करने पर हम सारे सारे उस को भला बुरा कहते थे, लेकिन मैं अब से अर्ज करना चाहता हूँ कि आज हमारे दोस्त ने इस मामले में जो आइजेक्शन उठाया है और इस आर्डिनेंस के बारे में जो बात कही है, उस में उन्होंने ने प्रेजेंट फ़ेस करने और उन के कहने से गुरेज किया और जब दूसरे बिस्स यहां पर आयेंगे तब उन के बारे में हम देखेंगे कि आया आर्डिनेंस की जरूरत थी कि नहीं। अभी हमारे लायक दोस्त श्री कृष्णभाचारी ने प्रस्तावना है कि जहां तक उन के बिल का ताल्लुक है जब यह बिल आयेगा तब यह जस्टीफ़ाई करेंगे कि किस तरह से इस पावर का इस्तेमाल जरूरी था। लेकिन इस बिल के

वास्ते में जानता हूँ कि यह बहुत जरूरी था कि आर्डिनेंस जारी किया जाता, इस में कोई शक ही नहीं कि बिला आर्डिनेंस के काम चल ही नहीं सकता था। मैं शुरू से इस फ़ाइनल ऐडमिनिस्ट्रेशन की एडवाइजरी बोडी का मेम्बर हूँ और हम ने अपनी एडवाइजरी बोडी में यह देखा कि पिछले सेशन में अगर यह बिल पास नहीं किया गया तो सारा ऐडमिनिस्ट्रेशन का काम एकदम एक जायगा। यह उस लिमिट को पास कर चुका था जिस के अन्दर इजाजत थी कि यह मपया दे सकता था और नतीजा यह होता कि सारा काम बन्द हो जाता और गवर्नमेंट के पास उस वक्त सिर्फ़ एक चारा था कि वह इस के लिए एक आर्डिनेंस जारी करे और मेरी राय में गवर्नमेंट ने ठीक ही किया जो आर्डिनेंस जारी किया। मैं जनाब की खिदमत में अर्ज करूँ कि आर्डिनेंस के बारे में लोगों की अभी भी बही रेड रैंग टु दी बल की मॉटिली बनी हुई है और अभी तक हम लोग हमेशा फ़ारेन गवर्नमेंट से इन आर्डिनेंसों के जारी करने पर लड़ते रहे हैं और उस को भला बुरा कहते रहे हैं, लेकिन मैं उन से अब से गुजारिश करना चाहता हूँ कि अब हालात बिल्कुल बदल गये हैं और वह यह मूल गये कि हम ने आर्डिनेंस के बारे में जो ला बनाया है वह पिछले ला तो बहुत मुस्तलिफ़ है। अब आर्डिनेंस के जो अल्फ़ा है यह बिल्कुल मुस्तलिफ़ है। आर्टिकल १२३ बिल्कुल मुस्तलिफ़ है उन इमरजेंसी प्राविजन से जिन का जिक्र मेरे लायक दोस्त श्री लंका सुन्दरम ने किया है। इमरजेंसी प्राविजन के तहत ३५२ में दर्ज है :

"If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal

[पंडित ठाकुर दास भार्गव]

disturbance he may, by Proclamation, make a declaration to that effect."

में खुद मानता हूँ कि न आसमान गिरने वाला था और न खुद यूनियन को कोई खतरा था और न इमर्जेंसी थी, लेकिन मैं निहायत अदब से अर्ज करना चाहता हूँ कि १२३ के अन्दर इमर्जेंसी का सवाल ही पंदा नहीं होता। इस के अलफ़ाज़ यह है :

"123 (1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require."

१२३ और ३५२ के अलफ़ाज़ में रात दिन का फ़र्क है। अगर ऐसे हालात थे कि सिवा इस के कि गवर्नमेंट कोई आर्डिनेंस पास करती और कोई तरीका नहीं था और उन्हें चाहिये था कि वह आर्डिनेंस पास करते, और पास करना बिल्कुल ज़रूरी था, तो आर्डिनेंस पास कर के गवर्नमेंट ने ठीक सौर पर अपने फ़रायज़ को अदा किया। अगर गवर्नमेंट ऐसा न करती तो सारा हाउस इस गवर्नमेंट को आज कंडेम करता कि उस ने ऐसा क्यों नहीं किया।

Dr. Lanka Sundaram: May I interrupt my hon. friend for a minute? What about the retrospective character of the Ordinances under article 123?

Pandit Thakur Das Bhargava: It is a question of law, and all the powers of the Parliament are enjoyed by the President in certain circumstances. This is the Constitution. Could we do anything to change the Constitution by anything that we do in this Parliament? The Constitution can be changed only by a certain procedure. We have already given the power under the Constitution. We cannot take away that power.

मैं इन हालात में अदब से अर्ज करूँगा कि मैं यह मानता हूँ कि जहाँ तक यह सवाल है कि खास हालात में कैसा आर्डिनेंस जारी हो यह राष्ट्रपति ही फैसला कर सकता है कांस्टिट्यूशन के मुताबिक। मेरे दोस्त की यह तजवीज़ कि कोई ऐसी तजवीज़ की जाय कि गवर्नमेंट के या प्रेज़िडेंट के अस्थायत को कर्ब कर दिया जाय, यह मेरे ख़्याल में मिसकन्सीड है।

Mr. Deputy-Speaker: I do not think it is necessary to labour the point. I think his point was only this, that the power ought not to be used wherever it could be avoided.

पंडित ठाकुर दास भार्गव : इस में किसी को कोई ऐतराज नहीं कि गवर्नमेंट को इन पावर्स को सिर्फ़ उन्हीं हालातों में यूज़ करना चाहिये जब कि उन का यूज़ करना बिल्कुल लाज़िमी हो जाय वना हर्गिज़ नहीं करना चाहिये, और मैं डॉ॰ लंका सुन्दरम साहब का शुक्रिया अदा करता हूँ जो कि हमारे सामने हमेशा जो उमूल रहता चाहिये उस पर जोर देते हैं, लेकिन ताहम मैं कहूँगा कि जहाँ तक आर्डिनेंस को जारी करने का ताल्लुक है, गवर्नमेंट के पास सिवा इस के कोई चारा नहीं था, और उस को चाहिये था कि वह आर्डिनेंस जारी करती।

दूसरी बात में यह कहना चाहता हूँ कि मैंने मि॰ बी॰ पी॰ नायर की तकरार सुनी, उस से मैं और भी ज्यादा हैरान हूँ। मैं जानता हूँ कि यह बड़ा आसान है कि गवर्नमेंट के बख़िलाफ़ जो जिस तरह का चाहे क़िटसिगम करे, और कोई भी आर्गुमेंट इस्तेमाल किया जाय, लेकिन हाउस के अन्दर ऐसे आर्गुमेंट कोई बहुत बज़न नहीं रखते हैं। जहाँ तक काइनेन्स एडमिनिस्ट्रेशन का ताल्लुक है, मैं उस के बारे में यह अर्ज करना चाहता

हूँ कि गवर्नमेंट ने एक खास काम यह किया कि उस के अन्दर नान-आफिशल मेम्बरस को, उन मेम्बरस को मुकर्रर किया जिन के बान्ने सिर्फ़ आफिशल वर्ल्ड में ही नहीं बल्कि एक्सस नानआफिशल वर्ल्ड में बहुत इज्जत है। उस में मेरी बहन मुचेता कृपलानी हमारे सरदार गुरमुख सिंह साहब, हमारे मेत्रा साहब ऐसे लोग थे। उन्होंने इस कारपोरेशन में बड़ी मेहनत से, बड़ी जाफिशानी से और तनदिही से काम किया और हम जितना भी उन का शुक्रिया अदा करें थोड़ा है। जब गवर्नमेंट ने ऐसे आदमियों को मुकर्रर किया तो क्या हम भूल जायें कि उस की नियत साफ थी। आज यह कहना कि पांच सौ मुलाक़िम हैं और उन में से दस के ऊपर नुक़ता चीनी करना कि वह सराब हैं, मैं कहना चाहता हूँ कि यह नाजायज़ तरीका है ऐडमिनिस्ट्रेशन को कंडेम करने का। आज हमारे सामने कहा जाता है कि कुछ घादमी ऐसे हैं जो एक दूसरे के रिस्तेदार हैं। इत्फाक से जनाब वाला उस वक़्त तशरीफ़ नहीं रखते थे, मैं चेअर पर था, मैं अदब से अर्ज़ करना चाहता हूँ कि इस तरह का ऐक्लिमेशन करना बड़ा आसान है। उस वक़्त मि० नैयर ने कहा था कि चूँकि इस बाड़ी में एक घास गुप्ता है और दूसरा भी गुप्ता है इस लिये वह आपस में रिस्तेदार ही होंगे। मैं अदब से अपने दोस्त से पूछना चाहता हूँ कि एक मि० नैयर यहाँ बैठे हुए हैं और दूसरे मि० नैयर मदास में हैं, तो क्या वह आपस में रिस्तेदार हैं? मैं भी चाहता हूँ कि कोई गड़बड़ी हो तो उस को तश्त भ्रज नाम किया जाय। मैं एक मिनट के वास्ते भी नहीं चाहता कि किसी ऐसे कारपोरेशन में, गवर्नमेण्ट के मुहकमे में कोई घादमी भी सराब हो और हम उसको दूर न कर सकें। लेकिन क्या मैं बता सकता हूँ कि उस ऐडवाइज़री बाड़ी में कौन कौन से लोग हैं? उस में जिडवानी साहब हैं।

भगर उनके इल्म में हो कि फलां जगह कोई सराबी है तो वह बिना उस को सामने लाये नहीं मानते। कोई मीटिंग ऐसी नहीं होती जहाँ मि० जिडवानी का रेजोस्पूशन नहीं आता और हम सब उन के शुक्रगुजार हैं कि जो भी सराबी होती है वह उसको निहायल जोर के साथ कहते हैं।

अब एक कमेटी बँठी है जो उन सब बातों की जो यहाँ कही गई हैं, तहकीकात कर रही है। भगर कोई भी सराबी पाई गई तो मैं पहला घादमी होऊँगा जो उसको दुस्त करने के लिये कहूँगा। मैं एक मिनट के लिये भी नहीं चाहता कि कहीं इस तरह का नेपा-टिज्म हो। मैं चाहता हूँ कि जो भी मर्ज हो उस को दूर किया जाय। लेकिन मैं तो अपने दोस्त की बात को सुन कर हैरान हो गया। इस तरह की तजवीज करना कि पालियामेन्टरी कमिशन बँठे कहां तक जायज है। पाखिर वह पालियामेन्टरी कमिशन को क्या समझते हैं। पालियामेन्टरी कमिशन किस चीज के लिये बँटाया जाय? यह इस तरह की मिसालें पांच से ज्यादा नहीं बतला सकते, और उन को भी इस लिये कंडेम करना कि चूँकि फलाना भागंब है और दूसरा भी भागंब है, फलाना गुहा है और दूसरा भी गुहा है, इस लिये दोनों रिस्तेदार हैं, क्या माने रखता है। मैं चाहता हूँ कि जो सराबियां हों उन को दूर किया जाय, लेकिन यह कहना कि सारा ऐडमिनिस्ट्रेशन सराब है, पांच सौ घादमी सराब है, यह दुस्त नहीं है। क्रिटिसिज्म करने का यह तरीका नहीं है।

श्री पी० आर० राव (वारंगल) : पांच छः नहीं, दसियों की तादाद बतलाने को कहा था।

पंडित ठाकुर दास भागंब : भगर दस की भी तादाद हो, तो भी मैं अर्ज करूँगा कि दूसरे फोरम मौजूद हैं, यहाँ हाउस के अन्दर

[पंडित ठाकुर दास भार्गव]

पांच सात आदमियों का नाम लेना और कहना कि यह किसी के रिश्तेदार हैं वुस्त नहीं है क्योंकि यह आदमी मौजूद नहीं है जो यह कह सके कि नहीं, वह किसी के रिश्तेदार नहीं हैं। अगर इस तरह के क्विट-सिज्म करने की इजाजत इस हाउस में दी गई तो मैं नहीं जानता कि यह कहां तक मुनासिब होगा। जो खराबियां हैं मैं उन पर परदा पोछी नहीं करना चाहता, मैं उतना ही ऐंघास हूँ कि खराबी को दूर किया जाय लेकिन इस का यह तरीका नहीं है कि जो अफसरान यहां पर मौजूद नहीं हैं उन के खिलाफ जनरल ऐंक्वैजेशन किया जाय और उन को कंडेम किया जाय। इस ऐंडमिनिस्ट्रेशन ने इतने ग्रसें में बहुत कुछ फायदा लोगों का किया है। इस ऐंडमिनिस्ट्रेशन ने जहां तक हो सका, जितनी उस की ताकत में थी उतनी उन्होंने रिफ्यूजीज को मदद करने की कोशिश की है, यह मैं जानता हूँ। इसमें कोई शक नहीं कि हर एक रिफ्यूजी को इस के अन्दर लोन नहीं मिला, लेकिन गिडवानी साहब की बहस को मुन कर मैं हेगन रह गया कि यह किस तरह की बहस करते हैं। यह ऐंडमिनिस्ट्रेशन कोई ग्रान्ट देने का ऐंसीओसिशन तो है नहीं, यह अजित प्रसाद साहब का मुहकमा भी नहीं कि जिसे चाहे रुपया दे दे, जिस की भी हालत खराब हो, जो भी गरीब हो उस को इमदाद दे दें। यह तो एक कर्जा देने वाला मुहकमा है। कर्जा उस को दिया जाता है जो कर्ज को ठीक इस्तेमाल करे। जो उसको ठीक इस्तेमाल न करे उस के खिलाफ पार्लियामेन्ट ने ला पास किया कि कोअसिब प्रोसेस इस्तेमाल किया जाय। जनाब के खरू यह अर्ज किया गया कि कुछ आदमियों के खिलाफ वारंट जारी किये गये, बड़ी बेरहमी का बर्ताव किया गया, यूटेन्सिस् और हाउस-होल्ड चीजों की कुर्की की गई। मैं कहना

चाहता हूँ कि जिन के यूटेन्सिस् और हाउस-होल्ड चीजों की कुर्की की गई वह वुस्त न था, लेकिन यह किस का कुसूर था। उस कलेक्टर का कुसूर था। अगर कलेक्टर के पास कुर्की करने का हुकम भेज दिया गया और कलेक्टर साहब अपनी पावस का मिसयूज करें तो उनका कुसूर है न कि ऐंडमिनिस्ट्रेशन का। मामूली तरीके से तो यह सवाल उठाव्ये कि आया जिन के खिलाफ यह कोअसिब प्रोसेसज लगाये जा रहे हैं वह ठीक किया जा रहा है या गलत किया जा रहा है लेकिन अगर किसी को कर्ज दिया जाय तो दुनिया में कोई शक ऐंसा नहीं होगा कि जो कि यह कहे कि कर्ज के वसूल करने के लिये कोअसिब प्रोसेसज न इस्तेमाल किये जायें। जितने कोअसिब प्रोसेसज लगे हैं उन को एग्जामिन किया जाता है। ऐंडमिनिस्ट्रेशन इसी वास्ते तो बैठा है। जिन चन्द केसेज में कोअसिब प्रोसेसज लगाये गये हैं उन में लगाये जाने चाहिये थे वरना जो ऐंक्ट बनाया गया था यह क्यों बनाया जाता और उस में यह पावर ही क्यों दी जाती। यह पार्लियामेन्ट का ऐंक्ट था और उसी के मुताबिक यह काम होता है और फिर ऐंतराष किया जाता है कि यह क्यों किया गया। आखिर यह १५ करोड़ रुपया वापस लेना है या नहीं। अगर वापस न लेना हो तो १५ करोड़ ही क्या १५०० करोड़ भी रुपया हो तो भी कोई प्रकाशन लेने की जरूरत नहीं है। लेकिन जब तक यह लोन है तब तक इस ऐंक्ट के मुताबिक सारी तावतें इस्तेमाल की जायेंगी। इस में शक नहीं कि जिस वक्त यह ऐंक्ट बना था और आज में बड़ा फर्क हो गया है। आज हर एक आदमी स्लम्प के मारे तंग है और हर एक आदमी की आमदनी कम हो गई है। आप इन से ६ परसेंट सूद लेते हैं।

अब देखना चाहिये कि वह कितना कमायेगा कि आप को ६ परसेंट सूच दे, अपना गुजारा भी करे और आप का इन्स्टालमेंट भी वापस करता रहे। जब यह ऐक्ट पास हुआ था उसी वक्त मैंने अर्ज किया था कि यह सूच का जहां तक सवाल है यह रिफ्यूजीज को पनपने नहीं देगा। तो न तो यह इस सूच को अदा कर सकते हैं, न कुछ बचा ही सकते हैं और न इन्स्टालमेंट ही अदा कर सकते हैं। अभी गिडवानी साहब ने हाउस को बतलाया है कि इन में से ४८ परसेंट से ज्यादा अपना इन्स्टालमेंट नहीं देते हैं। जब कभी भी मीटिंग होती है और हमारे सामने फिगर्स आते हैं तो हम देखते हैं कि ५० परसेंट से ज्यादा से इन्स्टालमेंट वसूल नहीं होता है। और इस की वजह यह है कि स्लम आया हुआ है जो कि हर एक आदमी को तंग कर रहा है और रिफ्यूजीज भी उस से मुबर्क नहीं हैं। जैसा कि मेरे दोस्त मिस्टर नायर ने बताया, रिफ्यूजीज की हासत यह है कि जब उनको लोन दिया जाता है तो उनसे सिक्यूरिटी ली जाती है। और सिक्यूरिटी इसलिए ली जाती है क्योंकि कानून के मुताबिक है। लेकिन यह बहुत अच्छा उसूल नहीं है और ऐसे भी मौके होने चाहिये कि सिक्यूरिटी माफ कर दी जाया करे।

जहां तक इसको सिलेक्ट कमेटी के सुपुर्द करने का सवाल है, मैं यह अर्ज करूंगा कि अगर इस के अन्दर यह इजाजत दी जाय कि आप इन्टरेस्ट को कम कर सकेंगे या आप रुपये को बढ़ा सकेंगे तब तो हमको इसे सिलेक्ट कमेटी में ले जाने से फायदा हो सकता है और हम रिफ्यूजीज के फायदे की तरफीयें ला सकते हैं और उनकी मदद हो सकेगी। लेकिन जो इस बिल का स्कोप है उसको देखते हुए मैं कहता हूँ कि हमको इस सिलेक्ट

कमेटी में ले जाने से कोई फायदा नहीं होगा। अगर आप हम को उन चीजों के करने की इजाजत दें जैसा कि मैंने ऊपर अर्ज किया है तब तो इसका सिलेक्ट कमेटी में ले जाना मुनासिब है। आप इसकी दफा २ को मुलाहिजा फरमायें। हम चन्द भाई अपने फाइनेन्स मिनिस्टर साहब की खिदमत में एक डेपूटेशन लेकर हाजिर हुये थे। और हमने अर्ज किया था कि वह इस रकम को दस करोड़ से बढ़ा दें। उन्होंने बड़ी मेहरबानी करके उसको साढ़े चौदह करोड़ कर दिया और जो दो करोड़ की रकम है इस साढ़े चौदह करोड़ में, वह भी रिफ्यूजीज के लोन लेने के काम में आबेगी। अगर इस रकम को और भी बढ़ा दिया जाय तो वह सब आदमी जो कि रिफ्यूजीज में इन्टरेस्टेड हैं वह निहायत ही खुश होंगे। अगर इसको १५ करोड़ कर दिया जाय तो निहायत मुनासिब होगा या अगर गवर्नमेंट और भी ज्यादा बढ़ा सके तो और भी अच्छा होगा। लेकिन मैं नहीं जानता कि हम बढ़ा सकेंगे या नहीं। एक सेक्शन है जिसके अन्दर यह है कि जो रुपया इन्स्टालमेंट का वसूल हो उसको भी कर्ज में दिया जा सकेगा। इसको हम मंजूर करते हैं। इसके अलावा १० साल से १५ साल करने का सवाल है। इसको भी हमने मंजूर कर लिया है। जहां तक इसका सवाल है यह अच्छा है। यह सारा किस्सा पांच सेक्शन का है। अगर हमको इनके अलावा और दूसरे सवालों में जाने की इजाजत हो तब तो इसको सिलेक्ट कमेटी में भेजा जाना चाहिए ताकि हम इसमें सूच को कम कर सकें और कुछ दूसरी फायदे की चीजें कर सकें। वरना अगर इस बात की इजाजत नहीं है तो जितनी जल्दी यह पास हो जाय उतना ही अच्छा है। पिछले लेसन में हमारी ऐडवाइसरी

[पंडित ठाकुर दास भागव]

बाड़ी ने मुझ से कहा या श्रीर मैं पालियामेंटरी एफेअर्स के मिनिस्टर साहब से श्रीर दूसरे साहिबान से मिला कि इसको उसी सेशन में पास कर दिया जाय लेकिन उस सेशन में यह नहीं हो सका। इसी वजह से यह प्राइवेट पास करना पड़ा। अगर उस वक्त यह पेश हो जाता तो प्राय घंटे में पास हो जाता। हम चाहते हैं कि जो भी ला हमें पास करना है उसे हम जल्द से जल्द पास करें। मेरी गुजारिश यह है कि अगर जनाब बाला की यह राय हो कि इसके अन्दर हम किसी न किसी तरह से प्रमोटमेंट कर सकते हैं सूद के बारे में श्रीर दूसरी चीजों के बारे में, तो मैं चाहता हूँ कि हाउस इसको सिलेक्ट कमेटी में भेज दे लेकिन अगर ऐसा नहीं है तो मैं प्रदब से प्रार्थन करूंगा कि इसको सिलेक्ट कमेटी में ले जाने से कोई फायदा नहीं है।

एक तफ्ज में उन एंजिनेयर्स के बारे में कहना चाहता हूँ जो कि इस आरगेनाइजेशन के सरवेंट्स के बारे में किये गये हैं। उनके खिलाफ बड़े वाईल्ड एंजिनेयर्स किये गये हैं। पहले रिड्जवाला साहब आये श्रीर बाद को राम गोपाल साहब आये। मैं प्रदब से प्रार्थन करना चाहता हूँ कि मैं उनसे किसी भी तरह से कनेक्ट नहीं हूँ लेकिन मैं अपनी इमूटी में फेल होऊंगा अगर मैं इस हाउस की खिदमत में यह प्रार्थन न करूँ कि उन्होंने बड़ी अच्छी खिदमत की। श्रीर बड़ी ईमानदारी से काम किया। मैं जानता हूँ कि बहुत जगह ऐसा हुआ है कि गवर्नमेंट ने पूरा एकापोजेशन नहीं दिया जिसकी वजह से एंजिनेयर्स जल्दी तय नहीं हो सकी क्योंकि जब तक आफिस न हो काम होना मुश्किल है। वह तकलीफ बड़ी ढेर में दूर हुई। गवर्नमेंट मकान

नहीं दे सकती थी, चार कमरे हमको दिये गये थे। लेकिन उस हिस्ट्री में जाने से कोई फायदा नहीं है। गवर्नमेंट को चाहिए कि यह ज्यादा से ज्यादा खपया श्रीर जगह दे, लेकिन इस तरह का कनडेमनेशन किसी ईमानदार आदमी को काम नहीं करने देगा श्रीर न ऐसा करने से किसी आदमी में ईमानदारी से काम करने की प्रार्थन होगी।

श्री पी० आर० राव : मैं एक सवाल का श्रीर जवाब चाहता हूँ। यहां पर जो ६०० मुलाजिमीन हैं उनमें क्वेरिकल स्टाफ १२० से ज्यादा नहीं। अगर दूसरे एडमिनिस्ट्रेटिव डिपार्टमेंट से इसका मुकाबला किया जाय तो वहां पर आफिसर्स बहुत ज्यादा हैं। क्या इसके बारे में आपके पास कुछ जवाब है।

पंडित ठाकुर दास भागव । जनाब वाला बेहतर तो यह होता कि यह सवाल मिस्टर गुहा से किया जाता लेकिन चूकि सवाल कर दिया गया है इसलिए जवाब देता हूँ। हर एक आरगेनाइजेशन में यह देखना होता है कि जो काम उसके सुपुर्द है वह किस नोइस का है। अगर वह ऐसा काम है जिसमें ज्यादा अफसर होने चाहिये तो ज्यादा अफसर होंगे श्रीर अगर ऐसा काम है कि जिसमें ज्यादा क्लर्क चाहिए तो ज्यादा क्लर्क होंगे। इस महकमे के अन्दर तहकीकात करने वाले आदमियों की ज्यादा जरूरत है। जब एक दरखास्त आती है तो उसकी तहकीकात करने के लिए इन्स्पेक्टर या सब-इन्स्पेक्टर जाता है। उसके बाद फिर वह दरखास्त आती है। हमने बड़ी कोशिश की कि एक दरखास्त तीन महीने के अन्दर फंसल हो जाय लेकिन बेहद प्रयास लगा श्रीर हम अपनी कोशिश में

कामयाब न हो सके। वजह यह थी कि हमारे पास भ्रमसंस्तरान काफी नहीं थे। बावजूद लोगों के यह बात कहने के भ्रमसंस्तरान ज्यादा हैं, भ्रमसंस्तरान का यह कहना था कि ऐडमिनिस्ट्रेशन के पास आदमी नहीं है। सिर्फ चार मेम्बर हैं जिनमें श्रीमती सुचेता कृपलानी भी हैं। ये लोग रात दिन काम करने पर भी उसको पूरा नहीं कर पाते हैं। इसी तरह से भ्रमसंस्तरान भी काम करते हैं। अगर यह कहा जाता कि फलां भ्रमसंस्तर को सिर्फ जवाब देने के लिए रखा गया है तो उसका जवाब दिया जा सकता था, वरना इस प्रारगोनाइजेशन की तो नोइस ही ऐसी है कि इसके अन्दर ज्यादा भ्रमसंस्तरान रखे जायें। लेकिन किसी को महज जवाब देने के लिए नहीं रखा गया है।

Shrimati Sucheta Kripalani: Mr. Deputy-Speaker. I have listened with attention to the speeches of my hon. friends. Much has been said by my hon. friend Pandit Thakur Das Bhargava and I do not feel I have much to say. I stand to support this Bill because it is a very small Bill and the measures are intended to give greater facilities to the refugees and also to improve the working of the Administration. Therefore, I need not go into the merits of the Bill as such. I fully support the Bill.

Some points were raised by Shri V. P. Nayar even during the half-an-hour discussion two months ago. Some of the allegations were so outlandish and so...

An Hon. Member: Atrocious.

Shrimati Sucheta Kripalani: ...and couched in extraordinary language that I did not know what to say. Anyway, I think that much of his misunderstanding is due to lack of information. Therefore, I would very briefly describe the working of this Administration. I do not want to

take much of the time of the House but unless I give some details as to the working of the administration members will not get a correct idea.

As my hon. friend Pandit Thakur Das Bhargava said, we are more anxious than any other hon. Members to see that this organisation works honestly and well. We are very keen about its reputation. Though I joined the Administration rather late, I know that the Members tried to lay down rules by which corruption could be checked as far as possible. Shri V. P. Nayar said that the refugees are harassed and they cannot get loans unless they have pull at higher quarters or pay bribes, and even by paying bribes they did not get loans. Unless I say in brief as to how actually loans are disbursed, you may not understand whether there is any scope for bribery or pull at higher quarters. Thousands of refugees are living all over India and most of them are people who are not known to us at all. Thousands have received loans. How these thousands pull with us or they had an opportunity to bribe, I do not understand.

Shri V. P. Nayar: I never meant you.

Shrimati Sucheta Kripalani: I am not speaking for myself; I speak for the Administration as a whole. I know people won't think of me.

This is a big institution dealing with refugees spread all over India. The refugees have come from Pakistan. They have no resources here; they have not got the necessary documents to prove their case and we have largely to depend upon their word.

Therefore, our officers have to go to the field and make enquiries. The first enquiry is made by our Assistant Inspector. He goes to the refugee's house and makes enquiries. Then that is checked by the Assistant Superintendent of Advance. He checks all applications up to Rs. 8,000. Any application where a loanee wants more than Rs. 8,000 is not checked by the Assistant Superintendent of Advance, but the Manager of the Branch. There, the matter does not end. From the Branch, the application goes to the

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headquarters. At the headquarters we have made arrangements. The A.C.A. looks into the applications for loans up to Rs. 8,000. The D.C.A. looks into applications for loans between Rs. 8,000 and Rs. 12,000 and the C.A. or the Chief Administrator himself looks into cases which are above Rs. 12,000. Over and above that, there is a further check. Ten per cent. of the cases gone into by the A.C.A. and D.C.A. are checked by their immediate superior officers. Then the recommended case goes before the whole Board. The Board is supplied with the fullest details of each case, and we have full authority during the meetings either to withhold or cancel or to do whatever we like. The Board consists of very senior officers and Members of Parliament. How the whole category of people starting from the Inspector are bribed, and how wire is pulled to the sanction of loans of only those who can pull the wires, I cannot understand. There may be cases where the lowest officers may have taken bribe, and may have presented a very good case, but we have tried to devise as many checks as is humanly possible in order to eliminate such opportunities of corruption.

Then, I will also say that whenever there is any complaint, we try to see that some steps are taken, and here I have got a list of staff—not all officers necessarily—whose services have been terminated for one reason or another, may be inefficiency, may be corruption. We are very careful and zealous to see that corruption is eliminated, and certainly if Members of the House can give us names of officers or instances of corruption we shall be very glad, and we would certainly look into them and deal with the cases immediately.

The other point raised by him was about guarantors. He said that in fifty to sixty cases loans were given without guarantors. Yes, that is a fact. The Chief Administrator is authorised to give loans in cases of utmost distress without guarantors, but their

number is very few. In all cases except these few instances, guarantors are taken. I will myself say that one point which has been troubling us, Members of the Administration, is how to overcome this trouble about guarantors. I will particularly place before you the difficulty of Assam. In Assam and in Bengal refugees have come who are mostly poor people, who cannot find guarantors—particularly in Assam. Assam is a place where there are not sufficient people who are prepared to stand guarantors for the refugees. So, our problem is how to get a guarantor. Here, we are being blamed for giving loans without guarantors. If these critics had any sympathy for refugees, they would have rather pressed the Government to devise a method—I am going to press before the Minister—by which the rigours of supplying guarantors may be reduced a little.

Then, some guarantors may even run away, for instance, in Assam. Because of the difficulty of getting guarantors and because we cannot give a loan without guarantors, some professional guarantors have come into existence—some local lawyers and other people. They pose as guarantors, and they take a slice out of the loans which are given to the refugees. We want, somehow, to combat this difficulty, and I want Government to give some facility by which we can overcome some of the difficulties of guarantors in the case of very poor refugees.

Then, about recall of loans, the point raised by Shri Gidwani is correct. Some cases are very hard. I would certainly like the Government to amend the Bill as suggested by Pandit Thakur Das Bhargava, or the Bill be sent to the Select Committee with this particular recommendation. The trouble is if you do not realise the loan, if you are not harsh, then some loanees will take advantage and not pay the loan at all. In any case, the realisation of a loan acts as something very harsh on the refugee. So, we have found a middle way.

About recalling loans, Shri Nayar said that one fine morning the officer recalls the loan. It took my breath away when I heard the phrase. No recall of a loan is done without the full Board sitting. Every case of recall comes to the Board with the note of the officer. The reasons are given. Most often, time and again, a chance is given to the loanee to pay up. We go out of our way to see how we can accommodate them. If no way is left, then we have to recall. I would again like to put it to the Minister that if they can make a certain provision that in certain cases—five or ten per cent.—we can give a loan without any guarantor and we need not recall that money, i.e., treat it as a grant, it will be very good. We would welcome it. But we have not got that liberty, nor have we the authority. As I said, this is not a relief department giving grants, but a loan department giving loans and the loan has to be realised whether we like it or not.

The other point raised was about the staff. In this case, most of the appointments were made before I joined the Administration. I cannot say very much on the point, but I would certainly like to clarify certain points. Originally, when this department was started Mr. Rachhpal came as Administrator. I have got very great respect for him. I do not consider him to be a corrupt person as he has been pictured. At that time, the idea was how to set this organisation into motion quickly, and as this organisation dealt with money, they wanted to get as many people from the Banks as possible who were known to them, so that they could have some known and honest people in the office. First of all, I want to say that an independent autonomous Corporation is not bound to recruit its personnel through the Public Services Commission. So, this organisation had the authority to recruit direct, and the instruction given to Mr. Rachhpal at that time was to try and get as many people as he could from the Banks and other places who had got knowledge and whom he knew to be honest people

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so that the organisation may work well. When something is done in an emergency, many rules are over-ridden, and this body was created as an autonomous body so that it may cut out all the red tape. May be some of the choices may not be correct. May be some of the people were recruited at that time are related to some people. If we think that mere relationship itself is a matter for condemnation, then I would like to draw your attention to the fact that our Prime Minister has several relations in the Secretariat. Whether that itself is a matter of nepotism you have to decide. A matter of nepotism comes when the appointment has been made of an unworthy person, who does not deserve to be appointed, by somebody as a matter of favour. So, it may be that there are 10 or 15 cases to which Mr. Nayar has drawn our attention. We have to see, first of all, whether these people have the necessary qualifications to hold the post; secondly, whether, while making the appointment, they were not appointed on merit, but because of pressure. That is the point which has to be investigated. I would certainly like Mr. Arun Chandra Guha or anybody else to investigate. We ourselves, since our attention has been drawn to it, shall look into the matter. I may tell Mr. Nayar that before 1948 all appointments were made with the approval of the Government. In 1949 February some changes in the rules were made, and the Administration was allowed to make certain categories of appointments. Even now, the higher appointments are made by Government direct. Then, a Committee was appointed in 1950 to interview the new recruits because recruiting was made originally in the way I have described, and we had a lot of difficulty about fixing the seniority of the staff, there was a lot of heart-burning etc. Therefore, a Committee was appointed of senior I.C.S. Officers to fix the seniority, and it was done in December, 1952.

Then, another point to which he drew our attention was that loans are given in small instalments, and therefore refugees do not get full benefit.

[Shrimati Sucheta Kripalani]

This is a fact. This we did because of Government's instructions to give the first instalment, and to see if it was utilised properly then release other instalments. This method has not worked quite well, and many refugees have not succeeded in rehabilitating themselves. Therefore, we ourselves members of the Rehabilitation Finance Administration looked into the matter and found it desirable that within six months, the whole loan should be disbursed. These are most of the points he has raised.

There is one specific point he raised, when he said that the law officer was a cloth merchant. Maybe, he had a subsidiary income through some cloth shop, but he was a practising lawyer. That reminds me of a very eminent doctor friend I had in Lshore.

Shri V. P. Nayar: According to rules, a practising lawyer cannot have any subsidiary income.

Shrimati Sucheta Kripalani: I was saying that I had a very eminent doctor friend, who had a little restaurant in Anarkali, but he was a very eminent doctor all the same. So far as this law officer is concerned, it may be that he might have had a shop. But I know he was a practising lawyer. Whether he had any subsidiary income through cloth shop or not is quite beside the main point, and I have no knowledge about it. I have met more or less all the points that have been raised by Mr. Nayar.

I would like to add one word along with Pandit Thakur Das Bhargava, in regard to the criticism that the Rehabilitation Finance Administration is over-staffed. Maybe, five or six or eight people may be more than we need. But is that a serious offence?

Bahu Ramnarayan Singh: Why not?

Shrimati Sucheta Kripalani: It is difficult for me to say whether in an organisation with 850 people or so, there are any extra people. But we

are looking into the matter. If there are any extra people, they will be removed. But even there we have a little difficulty. Recently we came across one post, which we thought was not strictly necessary, and so we thought we would abolish that post. But as soon as the matter came up, some Members of Parliament said, this is rather hard because the post was occupied by a refugee and we should not abolish the post. So when we want to abolish a post, pressure comes from Parliament Members themselves not to do so. Thus, on the one side, we are told that we are spending too much, and on the other, there is the pressure to see that the work goes on expeditiously. How are the two things going to be combined?

I shall give you certain figures now, in regard to the increase in expenditure, which will show that we ourselves are trying our best to bring down the expenditure.

| Year | Expenditure |
|------|--------------|
| 1948 | Rs. 2 lakhs |
| 1949 | Rs. 11 lakhs |
| 1950 | Rs. 15 lakhs |
| 1951 | Rs. 29 lakhs |
| 1952 | Rs. 31 lakhs |

In 1950-51, we re-opened the loans, so we got 46,000 extra applications, and because of that, all of a sudden, there has been a sudden increase in the expenditure. In 1953, the half year's report shows that we have spent Rs. 10 lakhs. That means the figure has come down from Rs. 31 lakhs in 1952, to about Rs. 20 lakhs in 1953. The reason for that is we have mostly disposed of the applications, and we are gradually diminishing the staff as well. Therefore, in view of these figures, I do not think the expenditure is very high. We will try to bring down the expenditure as far as possible. As the work decreases, the expenditure will also automatically decrease.

I do not know whether Mr. Nayar was correct, when he gave the figure

of 9 per cent. and said that we are spending a little more than that, and that it is an atrocious thing.

Shri V. P. Nayar: That figure has been given to me by the Chief Administrator this morning, over the telephone.

Shrimati Sucheta Kripalani: 9 per cent. is a very modest figure, for any organisation. If he would only refer to the amendment tabled by his own party members like Shrimati Renu Chakravartty, he will see that the normal standard of expenditure expected is of the order of 10 per cent.

A lot has been said and a hulla-baloo has been created over the staff. But I can say for them, that for over five years, they have been working without any leave. They have been working for 12 or even 14 hours a day. What the rush work is, our staff know, and what the rush work is, we know. They have been doing this to expedite the disposal of the application. Shri Gidwani has stated, files are held up because Members did not have time. I have served on several committees, but I have never served on any other committee, where the work was so hard as here. I have done nearly 500 files per month, which is not a very small figure, considering the fact that I had to do this work, with all the other work that I have had to do.

We have been trying our level best to speed up the work, to reduce the expenditure and run the organisation as honestly as possible. In spite of that, it is possible that there are so many defects in the organisation. If there are any substantial cases of such a nature, and they are substantiated also, we shall look into them, and do our best to see that the administration runs well. We are proud of the work that has been done by this Administration, and I am sure it deserves the praise of all of us.

Shri R. K. Chaudhuri: I shall be very brief, in what I have to say. This Administration was started

originally as a sort of humanitarian institution. The object of Government at that time was that they should try to rehabilitate displaced persons as quickly as possible. And for that reason, a very good staff was necessary. The staff was to consist of picked ones, of honest and efficient people, with an idea of some sort of self-sacrifice. When you want such men, you must be prepared to pay its price. You must be prepared to pay what you should reasonably consider as the compensation for leaving permanent service and coming to what is known as temporary service. This institution might not have lasted long, and might even have been closed down a short while after it came into existence. Therefore the man who had to take a job under this Administration came with some risks, and in order to compensate him for that risk, certain scales of salary were fixed.

We know what a permanent service means. Those who were in permanent service have seen a lot of promotion in the meantime. We have known of officers, who were sub-inspectors of police in 1947 or 1948, but who are now superintendents of police. What a rapid promotion has taken place in the meantime on account of our independence! We have seen sub-deputy collectors becoming regular senior deputy commissioners. That is because they were holding permanent posts. Those people who had come over to this temporary service might, within these seven or eight years, have secured some higher posts than what they are holding now. Even today the sword of Damocles is hanging over this staff. At any time, the Government or the Parliament may say—of course, when my hon. friend Mr. Nayar comes to power and is in charge of this, he will wipe out the whole thing—that it may be closed. So, when the sword of Damocles is hanging over their heads, they should have sufficient safeguards, and they should be sufficiently recompensed for the risks which they have taken.

[Shri R. K. Chaudhuri]

I would like to join my voice with that of my hon. friend who had spoken before, that so far as efficiency, honesty and expedition are concerned, we have nothing to find fault with the existing staff. I do not know whether there is any relationship amongst them or not. But merely because a person may be related to another person, he cannot be dubbed as a dishonest man. But as my hon. friend Pandit Thakur Das Bhargava has stated, if any dishonesty is found in anybody, no matter to whom he may be related,—he may be related even to the Prime Minister himself—we as Members of Parliament should take steps to have them punished.

What I have said so far is more or less a digression. This is not the subject matter of the Bill at all. But as digressions were taking place before, I have also joined in it, because example is very contagious.

Apart from these questions, I consider this Administration to be a sort of hybrid institution. We do not know what it is. We suppose that it is an institution which should really help all the displaced persons. But what do we find? You are charging interest at 6 per cent. whereas when you (Government) advance loans for purchase of cars etc. by Government servants, you do not charge more than three or four per cent.

5 P.M.

You do not charge more than 4 per cent. when you give building advances. But when you come to the question of helping displaced persons with loan, you want to make some profit out of it. You want to 'fry fish', as they say in Bengali, 'with the fat of the fish'. You want to meet all the expenses of the organisation by lending the money at a higher rate of interest. I consider, Sir, that this rate of interest in the present circumstances and for the present purpose, is rather exorbitant.

Then what is more cruel, and what is more disgraceful, is the fact that you can realise this loan as arrears of land revenue. I had occasion to tell this House before that this sort of cruel provision was not so much known in our poor province. There we do not arrest or imprison any debtor or any defaulter if he fails to pay his debt.

Mr. Deputy-Speaker: How are taccavi loans realised?

Shri R. K. Chaudhuri: I am saying that there is a provision for realisation of arrears of land revenue. Under that provision, no man is sent to jail for this. But I understood when the Estate Duty Bill was discussed that in the Bombay law there is such a provision.

Shri A. C. Guha: I do not think under this Act anybody has been put in prison for failure to pay.

Shri R. K. Chaudhuri: Yes, Sir. I had asked this question at the Advisory Board's meeting and I was told that action was taken under this Act and a man was actually arrested. I think, Sir, it is a blot on the Administration itself to have recourse to such measures for realisation of loans from displaced persons whom you wanted to help.

Then, Sir, as regards attachment of properties, under the Civil Procedure Code it should be known to everybody who has anything to do with law, that such articles are immune from attachment, e.g. a man's wearing apparel, ornaments which are actually used by women, the utensils, then plough cattle—all those things. I do not understand why the Administration does not know that this is actually the law and we should not go a step further and we should not be more harsh than the ordinary moneylender who could not have attached these properties. The Government should not attach these properties, especially as the object of this Government when starting this

Administration was to do some humanitarian work and not merely to gather some profit. If the Administration goes with the idea that they would not have a single bad debt, that they would recover every penny which they loan out and that they should make a good margin of profit, then it is better that they should close down this Administration very soon. There is no use carrying it on. We wanted—and actually that was the wish of the Minister in charge of Relief and Rehabilitation when they started this organisation—that they should be of real help to the people. They should not, of course, say that all this money should be given in charity, but they should give some money so that they can rehabilitate themselves. It was never the intention to act like Shylock in getting back that money.

Sir, I also do not understand—I do not know whether the hon. Minister knows this or not—that the East Bengal refugees have only recently been granted loans. They had migrated in large numbers since 1950 and they had not the fullest opportunity of making their loan applications as yet. Therefore, the last date for submission of applications should be still further extended.

Then, Sir, I have come across certain information which I have gathered from loan applicants. They say that they have to show an investment of 25 per cent. before they can be granted any loan. Now, Sir, I think it is a very cruel provision. Many persons had run away from East Bengal in the year 1950 out of panic and they have hardly been able to carry anything with them. Now to require them as a condition precedent to the grant of a loan, that they must show that they have invested 25 per cent., before any loan can be advanced to them, I submit, Sir, is a cruel idea and it defeats the whole object of the Administration. No such rule should be laid down because if a man can have 25 per cent. investment in an application for a loan of Rs. 20,000, then he is hardly a refugee. How

could he have brought all this money from the country from which he had fled away, and invested it? I know of some instances in which loan has been refused on this ground. Some loans are still unpaid because they have not been able to show 25 per cent. investment.

Then there is another thing. I do not approve of the idea of curtailment of the staff at all. I should rather advocate increase of staff, because it takes a long time in disposing of a particular application. There have been instances, as my friend, Mr. Gidwani will be able to tell you, where loan has been granted so late after such a lapse of time that the loanee was not subsequently found and the loan had to be refunded. Such a long time was taken in making inquiries and in coming to a decision about the loan to be granted that the loanee had actually gone away somewhere or the man might have died—who knows? So in order to dispose of applications as early as possible, the Administration should be given or should take such staff as is necessary for the purpose. The Administration has a general tendency, I regret to find, to show as much economy as possible so far as the staff is concerned. That is very objectionable. They should not like to take the credit before the Government of having economised in this matter because economy is a false economy in so far as the human object of this institution is concerned.

I have also found, Sir, to my greatest disappointment, that the loan actually granted always falls far short of the loan which has been asked for. I do not think, Sir, that there is any justification for curtailing the grant of a loan asked for, which is required for the purpose of the business which is intended to be started.

[PANDIT THAKUR DAS BEARGAVA in the
Chair]

Why should there be any curtailment of the loan if there is sufficient guarantee for the loan itself? If

[Sbri R. K. Chaudhuri]

there is no guarantee to the extent of that loan, there ends the matter. But suitable guarantee has been given for the loan actually applied for. I think it is mere caprice on the part of the Administration to refuse the loan which has been asked for.

Then also, Sir--this is more regrettable—even after the loan is granted, in average cases above 6 months are required in order to get the payment. There should be some provision in order to remedy this. It is most regrettable to have to observe that the loan which has been sanctioned is never paid in full to the loanee at all. There again an instalment is started. What is the object of this instalment? How can a man who applied for a loan of Rs. 20,000 in order to start a business, but who has been granted only Rs. 10,000 for the purpose and then only Rs. 5,000 or Rs. 4,000 is granted first, start that business?

What is the object of giving him a loan? That grant will be merely utilised in spending on his own personal necessities and he will be unable to start the business. This is, Sir, highly objectionable and steps should be taken to prevent this.

I would submit that these things ought to be borne in mind, that loans should be granted as expeditiously as possible, due care should be taken as regards the suitability of the guarantor and if a suitable guarantee is given, then the loan should be given to the extent the business demands. The entire loan which is being sanctioned must be paid so that he may start the business in his own way. Unless the loan is granted quickly, the man lives on somebody else's charity. He borrows that money and when the loan comes to him after a long time he has got to pay the persons from whom he has borrowed. Very little is left for him to start the business. This is the secret of the failure of rehabilitation to the extent Government desires. Government desires

to do the fullest justice to the people; they desire to rehabilitate the refugees as far as possible, but on account of these circumstances which have not been remedied, this deplorable state of things has come into existence. I therefore say, Sir, that the Government should give us a guarantee or undertaking to have a more comprehensive Bill wherein all these objections which I have mentioned and the circumstances which has impeded the running of the Administration should be checked.

I do not see, Sir, why we should sit in a Select Committee over this Bill. Even in the most offensive speech which was delivered by my hon. friend Mr. Nayar, he did not find anything of a controversial nature in this Bill. Therefore it is quite easy for us to pass this Bill; but, in order to meet the other objections which have been raised by Mr. Gidwani and others in this House, I would like the Government to come forward with a comprehensive Bill so that the evils which have been mentioned may be checked in future.

Shri H. N. Mukerjee (Calcutta North-East): I had no intention originally of taking part in this debate but having listened to some of the speeches and especially the speech made by my hon. friend Mrs. Kripalani, whom, I am sorry to say, I do not find at the moment in this House, I decided that perhaps it would be right for me to try and make whatever contribution I can to the discussion. I shall say at the outset that we have not in the slightest measure anything like a captious object in criticising the Government as far as this legislation is concerned. In regard to whatever appertains to refugees' rehabilitation—we know that these are matters of interest to all sections of the community—and it is with nothing but the sincerest desire to assist constructively in the real rehabilitation of the unfortunate refugees, that we

are taking part in this discussion. That makes me speak, Sir, in regard to a question which apparently has come up earlier in the course of today's discussion, the question of the Ordinances having been promulgated. Sir, we do not object to an Ordinance being promulgated if it is demonstrably in the interests of the People. And, as far as this particular Ordinance was concerned, we recognise that it was necessary for Government to come up with an Ordinance; otherwise the entire administration of rehabilitation finance would have collapsed. So, we do not object to the promulgation of the Ordinance as such.

But, I would like to say one thing, Sir, which perhaps when you were speaking from the floor of the House you forgot and that was that while we do not object to the Government's promulgation of an Ordinance, when it was quite obviously in the interests of the refugees, we do not like the idea of promulgating Ordinances when perhaps it could have been avoided.

[MR. SPEAKER in the Chair]

After some 18 months in this place, I have not yet been able to find out exactly the exacting nature of the duties which are performed by my hon. friend, the Minister for Parliamentary Affairs, whom I do not happen to see here at the moment. But it really shows the ineptitude of Government in drawing up a time-table for legislation because this Rehabilitation Finance Administration Bill has been hanging fire for I do not know how long and it was at the fag-end of the last session that we were told by spokesmen of the Government that we had got to rush it through Parliament; otherwise there was going to be a calamity. Now, it was a most untenable situation, Sir, for Government to expound in this House. But that happened and it was only because of that kind of ineptitude on the part of Government in not being able to organise the legislative time-table that the President did have to pro-

mulgate this Ordinance and keep this business going. So, while we do not object to the promulgation of this Ordinance in this particular case because it was necessary in the interests of the refugees, we do not like the way in which the Government functions and we do not like the way at all in which the time-table of our legislation is drawn up by whatever Minister is in charge. I do not know whether the Minister for Parliamentary Affairs has anything whatever to do on deciding legislative priorities. Sometimes we have found, Sir, when we have met in Business Advisory Committees or even in informal meetings that decisions are not made by Government in time, for decisions are made to await the pleasure of somebody—and these are perhaps all sorts of mysterious moves behind the scenes. This kind of incapacity to frame the legislative time-table and compulsory recourse to Ordinance-making is something which only shows how inept the Government has been. I repeat, however that we do not object in principle to the employment of an Ordinance when it can be employed in the interests of the people.

Now, Sir, the next point which I would like to make out is that we all agree that there should be a comprehensive scheme as far as financial assistance to refugees is concerned. In regard to this point, my hon. friend, Mrs. Kripalani has said that as a member of the Board or the Committee—or whatever it is—she looked into this particular aspect of the matter of refugee rehabilitation administration. They found the difficulty of getting guarantors as far as certain people, especially from impecunious areas like East Bengal and Assam were concerned. Now, we know that. That is exactly why there should be a well-thought-out plan for real assistance, financial and otherwise to the refugees. That is nowhere in the picture and I would have liked Mrs. Kripalani to come forward with some constructive

[Shri H. N. Mukerjee]

suggestion or at least say as a member of the Board that they have been hammering on the Government that there should be as soon as possible a really comprehensive scheme so that we could give the maximum possible assistance, financially speaking, to the refugees. I would wish the Government to say that Government has in contemplation some kind of measure for the better administration of the funds which are going to be voted for the purpose of refugee rehabilitation. We should also feel, Sir, that the terms of assistance to the refugees should be eased a little more than this legislation proposes to do. Actually, I think it is rather hard on the refugees that certain of these terms are imposed upon them. I need not labour that point because it has already been more or less expatiated upon by Mr. Gidwani and other speakers.

But, I find, Sir, from the *Eastern Economist* of the 18th September, this year, that between 40 and 45 per cent. of the loans sanctioned by the Administration have remained undrawn. Now, this must be due to the fact that the conditions are rather severe, that possibly money comes in dribbets, that possibly when you get the first instalment you have got to pay interest on that at 6 per cent, which is very high considering the situation of the refugees. It is very difficult to get on without securing further instalments. So, the net result is that many of these people after all the paraphernalia which was described in detail by Mrs. Kripalani are not allowed to draw the money because the conditions are very severe. One of the instances of severity is the rate of interest. As I say, 6 per cent. is much too high. On the contrary, I should say if Government had really any regard for development of the trade and commerce of this country, of the industry of this country, if Government would help the refugees to fit into some sector in the planned economy, advance this money and after the

refugees had got the total loan at their disposal, Government should for some time do without any interest, and after a period it could impose some interest, 3 per cent. or something like that and not 6 per cent. right from that very beginning. Government is going to the extent of charging interest on loans at 6 per cent. subject to a rebate of 1 per cent. if the payment of the instalment is made on or before the due date. So, I would ask Government to consider—I know it is not much good our asking Government to consider things—but as long as we have an opportunity, we shall ask Government to consider the steps that they ought to take in regard to easing the terms of the loan that they are going to give to the refugees.

The point has also been raised in regard to the cost of the administration. I am not going into detail about this for, as I said before, I had no intention of speaking in this debate, but I have heard certain things and they are rather disturbing. The cost of the administration is rather too high. I find, for example, from the answer given to a question which was asked on the 10th August this year that the total number of employees in the Rehabilitation Finance Administration on the 1st July 1953 was 635, of whom 151 were class IV employees. I have heard my hon. friend Pandit Thakurdas Bhargava trying to justify it by saying that the kind of work which the staff of this Administration was called upon to do can be better done by the upper class employees. I should like to know a good deal more about it before I can accept that. I have nothing against the upper class employees at all, but this does not sound reasonable. Normally speaking, you need more class IV employees in an administration and this is the general practice, but here out of 635 employees, only 151 were class IV employees. This is one instance.

I find also another instance given by my friend Shri Nayar, which is the answer to an unstarred question asked by Shri Nayar himself on 10th August. I have been told that most of these officers behave very well. I am very happy to hear that. I am sure the generality of our officers whatever category they may belong to—class I to class IV—are good, honest, hardworking people. I have nothing against the class of employees as such, but the facts and figures supplied in answer to this question on the 10th August 1953 are really very disquieting. I don't quite understand how it could happen. I would not mention names, but there was one person who was the Assistant Chief Administrator. The salary which he drew before coming to the Administration was Rs. 700, but on the 1st July 1953 under the Rehabilitation Finance Administration he was drawing Rs. 1,050. Another person who was Assistant Chief Administrator, was drawing Rs. 350 earlier and he was getting on the 1st July Rs. 1,000 as salary. Another person who was Chief Accountant was granted Rs. 800 but he was drawing somewhere about Rs. 380 before that date. This kind of thing can be quoted *ad infinitum* and all these instances show a very big gap between one figure and the other. I don't know these gentlemen at all, and am not making personal reference, but here is a gap between two figures of payment which has got to be explained. I certainly remember—I am sorry I don't find him here—the Finance Minister giving an answer to a question in regard to the field workers in the National Sample Survey and I was told that a very large percentage of them are paid on an *ad hoc* basis and do not get any of the advantages of Government service. I take it, Sir, that in the present circumstances the National Sample Survey is a very important institution, though possibly it has been run in a manner which needs to be considerably improved. I am sorry to say that most unfavourable terms of

appointment are offered to these field workers while very favourable terms are offered to the people in this Administration. I know everybody needs to be paid well. If you have expectations of just physical existence, you have to demand money, and our workers, our people do not get it. Officers with some expectation of a comfortable living do get more money. God bless them and let them go ahead by all means, and ask for more, but why should this kind of discrimination exist? I have no personal knowledge of any of these officers, but these charges have been made and it is a good thing that they have been made. In the last session it was on the initiative of Shri Nayar that there was a half-hour discussion on this matter. I remember that the next day all the newspapers—*The Times of India*, *The Hindustan Standard* etc.—started writing editorial comments on this subject. Even the *Eastern Economist* wrote something about it. Actually I was very happy when Shri Guba started his speech today by saying that all the cases to which a reference has been made have been looked into, and when he gave the assurance that he would look into any other similar cases that may be brought to his notice. Even today Shri Nayar showed me sheafs of paper, but I do not go into the rightness or wrongness of it. It is now for Government to appoint a Commission for this purpose. After all this is a very important matter—a matter affecting the welfare of the refugees—and so we must make every effort to see that not a pie is spent unnecessarily by this Administration, which I know is top heavy. I know from the Budget that the cost of collection of Central Government revenues rose from Rs. 9 crores to Rs. 29 crores within a period of one year, but my point is that there should not be such functioning in regard to refugee rehabilitation.

There is also another point made by Shrimati Kripislanl. I am sorry she is not here. She said while rebut-

[Sbri H. N. Mukerjee]

ting the charge of corruption against certain people in the Administration that it was probable that the "lowest officers" have taken bribes. Literally speaking I wonder if it is the sole prerogative of the lowest officers to take bribes. This is the first time that I am told in this House that the likelihood of corruption is more in the case of the lowest paid staff. On the contrary I should say the chances of corruption in the case of the highly paid officers are not less at any rate. The lower the officer, possibly the temptation is greater, but we all know the stuff of our poor people. It is they who keep the world going; it is they who have courage, guts and character, and I was really amazed to hear Shrimati Kripalani making such a statement in trying only to shield the highly-paid officers. Shield them all, by all means, if you wish, but do not discriminate between the two classes, high or low.

I am sorry I am taking longer than I thought. There is another point and that is in regard to the question of audit. I find in the Statement of Objects and Reasons that one of the purposes of this legislation is to entrust the audit of the accounts of this Administration to the Comptroller and Auditor-General of India. A very good thing and a very sound suggestion. I should say that the Government has come to this decision on the basis of its experience of this Administration. Government comes before the Parliament with the proposal that the audit of this Administration, which was done differently earlier should now be done by the Auditor-General of India. We think that in the present circumstances, audit by the Auditor-General is very necessary and important, and since Government itself has realised this necessity, I would say "Why not go a little further? There are accusations against this Administration; right or wrong we don't know, but let us hope they are wrong. Why not let the accounts be audited retrospectively? Why not

ask the Auditor-General to go into the accounts of this Administration for the last few years?" There is no harm in it: the heavens would not fall if it happens. On the contrary, it would be an assurance by Government that every possible step is being taken to see to it that the refugee Rehabilitation Finance Administration is being conducted on the soundest possible lines. I would suggest to Government, Sir, therefore, that certain assurances ought to be forthcoming from their side. They should give us some idea of their desire to have a more comprehensive effort to assist the refugees financially, as far as the objectives of this legislation is concerned. I want Government to come forward and tell us that Government is going to ease the terms on which assistance is offered to the refugees; I want Government also—to repeat what Mr. Guba has said—to give an assurance that all charges of corruption, etc., etc., would be gone into with as great care as possible; I want Government also to give an assurance that the Auditor-General will be asked to examine retrospectively the accounts of this Administration.

Mr. Speaker: The Deputy Minister of Finance.

Shri A. C. Guba: Mr Speaker, Sir ...

Shri U. M. Trivedi: I will take only two minutes.

Mr. Speaker: It is not a question of his taking two minutes. I have called upon the Deputy Minister: he will have his chance.

Shri A. C. Guba: Mr. Speaker, Sir, I am grateful to the Members for this interesting debate on this Bill. The last speaker, Shri Mukerjee has again asked for an assurance that every charge of abuse of power or of corruption would be enquired into. I have already given this assurance and even now I give this assurance that whatever information may be brought to the notice of Government, every case

will be enquired into and proper action would be taken.

Sir, I should first of all deal with some of the charges made here. First, I should mention about the Law Officer engaged.

Mr. Speaker: I must make one point clear. I am calling upon him not to reply to the debate at present. He is only intervening in the debate. I thought he wanted to say something by way of intervention in the debate.

Shri A. C. Guba: I thought I was called upon to reply to the debate.

Mr. Speaker: That is not the position. As he stood up, I thought he wanted to say something in connection with the arguments advanced. That was what I thought. If he is going to reply, certainly I must allow a chance to other Members who wanted to speak.

Shri D. C. Sharma (Hoshiarpur): I have listened patiently to the debate which has been going on on this Bill and I thought so far only two points of view have been expressed. One point of view was outright condemnation, the other point of view was unqualified admiration. I am afraid, Sir, I do not want to be a party to any kind of denunciation of the good work that this Rehabilitation Finance Administration has been doing. Nor, Sir, do I want to be in that category to which as a Persian poet has said:

من ترا حاجی بگویم تم مرا قاضی بگو

That is to say, you call me a Haji-- you call me a very great person and I call you a very great person. From the tenor of the speeches I heard this evening, I have come to the conclusion that some of the members who are connected with the Rehabilitation Finance Administration have been expressing very fine things about its work. I do not for a moment deny that this Administration has done some good work, but there is no need to go and whitewash all that has been done.

Mr. Speaker, Sir, it has been said that the Administration has been doing its work very efficiently, very honestly and very expeditiously,—I am quoting the words of one hon. Member who took part in this debate. Well, Sir, I would not say anything about the matter of honesty. I do not want to enter into the controversy as to whether honesty begins at the highest rung of the ladder, or at the middle rung of the ladder or at the lowest rung of the ladder. This is a metaphysical question into which I do not wish to enter. I think that the members of Board and the administrators have been doing their work honestly. I do not want to avail at their honesty. But, Sir, I want to ask one question: Has this Board, has this Administration been doing its work very efficiently? When I ask this question, the only simple answer could be: "Well, it is not an unqualified No, but also not an unqualified Yes." What do you think of an administration where the number of defaulters is very large. There I want to ask this question of the administrators: Why do you have so many defaulters? Did you give loans for those undertakings which were not financially sound? Did you give loans to those persons who were not financially fit to take these loans? Why did you give these loans? I think this Administration will be heading towards bankruptcy if the number of defaulters goes on increasing. What I find is that the number of defaulters is so large that I doubt about the soundness of the undertakings on which this Administration advances loans.

Again, Sir, I do not want to speak from the point of view of a financier or an administrator or a member of the Advisory Board. I want to speak from the point of view of a person who comes to this Administration for loans. After all I am a Member of the House of the People and I belong to a double member constituency with 14 lakhs of people. I go about my constituency and I meet all kinds of

[Shri D. C. Sharma]

people, displaced persons, refugees who have applied for loans. What tale do they tell? The tale they tell is a tale of which I as a Member of the House cannot be proud. I do not say that I feel ashamed of what they say; but I must say that the tale which they tell is a dismal tale, a mournful tale, a tale which makes me very sad and very depressed.

Sir, this organisation was brought into being to help the refugees. But what is the experience of a man who comes all the way from the distant parts of the Punjab. My hon. friend spoke about people from Assam and East Bengal and said they were the persons who were most depressed financially. I should say that the people of Punjab are also depressed in an equal degree. I see people from distant parts of Punjab coming to Delhi with applications in their hands, and—if I may use an expression, I hope it is parliamentary,—no, I don't want to use it—going up and down the verandhas of the offices, seeking help, seeking sympathy and yet getting no sympathy and no help. If this is efficiency, well, I think the word efficiency has changed its meaning in the dictionary of the English language. At the same time I want to say that even if an application is taken, it takes so much time to decide that application that I am reminded of an English proverb: "Hope deferred makes the heart grow sick." The hope of the people who apply for loans is deferred from day to day and it is deferred in such a way that the person who has applied for the loan feels miserable and that is the reason why, as an hon. Member pointed out just now, the number of loans which had remained undrawn was so large? Why is the number of loans undrawn so large? Let us go into the psychology of it and the financial aspect. The simple thing is that there is such a time lag between the application for a loan and the granting of the loan that the person who applied might have gone to some other place or

to some other continent, and yet the application may not have been granted. This is another sign of 'efficiency'.

Again, I want to ask one thing. We have lakhs of refugees in our midst, and if you take the number of urban refugees that will also be a very big number. But how many persons has this Administration benefited? I think somebody said in this House today that it had benefited about five thousand and odd persons—I speak subject to correction. That is to say, it has benefited about twenty-five thousand persons and dependents in these years. I want to ask you: is this Administration worthy of its name if it has been able to rehabilitate only five thousand persons? I do not think so, because the number of people who seek the help of the Administration is large and the number of people who get the help is so small. I am reminded of Browning who said: Petty done and undone vast! What it has done is so small, so microscopically small that you cannot compare it with the work to be done.

I have no grouse with this Administration on the score of honesty. I think all the people associated with it are honest. I have no grouse with it on the ground of nepotism. I do not call into question these things. But I must say that the work of this Administration has been done in a very sloppy manner, in a very unbusinesslike manner, in a manner which is very harmful to those persons who come to it in order to draw their loans.

At the same time I must say a word to this Administration. Is it a financial institution or is it a humanitarian institution or a philanthropic institution? I think it must partake of the qualities of both. On the one hand it should be financially sound; on the other it should be helpful to the people. But when I look at its working what do I find? Somebody said that the cost of administration

is all right, that 10 per cent. of it should go towards the cost of administration. I am not bothering about that percentage: you can talk that. But, as has been given in the speeches of some of my hon. friends, I can say that the cost of administration has been out of all proportion to the benefit which has accrued to the refugees who applied for loans. The cost of administration may be all right from the point of view of the percentage. But the benefit it has given to the people is so small. There should be some kind of proportion between the cost of administration and the benefits granted. I must say in all honesty that that proportion has not been kept. It has been unbalanced.

I want to say only this. I am glad that they have raised the capital. I am also glad that there are certain other new provisions. What I mean to say is, as somebody has said:

For forms of Government let fools
contend

Whatever is administered best is
best

This Administration should be administered in such a way that its outlook is humanized and its methods are expeditious. What I find from its working is that it handles the affairs of the refugees in the most unimaginative manner. It does not put its heart into the woes of those people; it does not enter into their feelings and all that. Therefore I would say that my friend Mr. Guha should do something to see to it that the work of this Administration is done more expeditiously. And I should say that for that purpose we would need to have a more comprehensive Bill which does not leave the loaning to the sweet and tender mercy of this man or that man, this Board or that Board but which gives the man who applies for a loan some kind of a right, also to get it in time and not when it is too late. Therefore I say, with due

deference to my friend Mr. Guha, that he should bring forward a Bill which would gladden the hearts of the refugees. I know how sick they are of the working of this Administration. He should do something to tell them that they can be put back on their legs again so far as their financial rehabilitation is concerned.

Shri U. M. Trivedi: After reading this Bill, and some portion of it, and hearing the very nice arguments of some sincere friends, it appears to me that this Rehabilitation Finance Administration was created to provide some jobs, and not to give real benefit to the refugees. It was a story of some great financial wizard who made a big show that "we are going to give you so many crores of rupees" and then manipulated in such a way as to get more from them. Similarly, only on figure work it was shown "we are going to give you so much". When the poor refugees were given loans, they were asked to pay interest at the rate of 8 per cent. From where were they to get the money? Before they could rehabilitate themselves how are they going to give you this return? Is there any guarantee, or is it merely the Income-tax Officer's mentality that a man who goes into business must always give a return. We lawyers know how many people go bankrupt and how many file insolvencies. Every time, as soon as a war is over, just after a decade, insolvencies begin. Bankruptcies after bankruptcies are filed. We just imagine that a man is going to do business and therefore he must have a return. The Income-tax Officer will tell you: you must have a 10 per cent. return, I must have a particular income-tax from you. Similarly this Rehabilitation Finance Administration wants that "because we have given you a loan, we must have our 6 per cent., whatever happens". And then this peculiar Bombay Revenue Act comes and sits on some people: "If you don't pay, we don't care for the Civil Procedure Code and all those principles of

[Shri U. M. Trivedi]

law which have been put in the Civil Procedure Code, you go to jail for any number of days we want, because we want that this should be recovered as arrears of land revenue".

After all, these refugees have to live somewhere, in small villages, small towns. Government has built some houses at a cost of only Rs. 1,000 or Rs. 1,500 or Rs. 2,000 at the most. But what rent is Government charging? They are charging Rs. 7/-, Rs. 7-12-0, Rs. 8-15-0. Some sort of a mathematical calculation is made and you charge that rent from that poor man to whom a small sum of Rs. 2,000 or Rs. 3,000 has been made for carrying on some business. They do not realise that in the towns in which these tenements have been built, the rent is hardly six annas or twelve annas; sometimes it is one rupee. You charge from these poor refugees Rs. 7-12-0 and 8-15-0. When you write to the Rehabilitation Minister, he says, we are sorry, this is what we are going to do because in Bombay it has cost us so much, in Allahabad it has cost us so much, in Delhi it has cost us so much, and so we must squeeze from the people this amount. How are these people going to repay? We are not applying our mind directly to the problem before us. This is rehabilitation money. I for one would not care even if your 12 crores are not collected. It need not be collected. We have committed the greatest sin in up-rooting these men from the places where they were living, from their forefathers' places. We have earned our independence at their cost. What are you clamouring for? We are going to give them only this much and we are going to get from them so much. It is shameful. We must give up this interest. The whole question must be gone into properly with this end in view that this rehabilitation money that we are going to give is a sort of expiation money for all the sins that we have committed in up-rooting these people. We must also realise that we

must not have a very hard outlook so far as this collection business is concerned. It is just possible that a man may not be able to pay; it is just possible that he has not made any money in the investment that he has made. Nobody realises this from the very beginning. Some hon. Member was suggesting that some bad loans were advanced. One never knows; one enters into a business that he has been doing and he clamours for that type of the business and starts that even after rehabilitation. He may not have made any money out of it. He may not have been able to rehabilitate himself. His position must be considered. We cannot be hard upon him. We must be very careful in making the recoveries.

Another important feature of this Bill is this. Why should we have all these 600 and odd officers? I heard Shri A. C. Guha saying that 650 officers were employed for the purposes of this Rehabilitation Finance Administration. We should have got a special provision here that you can allow loans guaranteed by the Government, to the extent of 2 crores. There is another provision: for 12.5 crores you wanted to advance and for 2 crores, you say, all right, let the Scheduled banks advance, we will guarantee. What prevented the Government from giving all these moneys over to the Scheduled banks? Why did you enter into this duplicity? Why not hand over the whole money to the Scheduled banks and ask them to follow a particular procedure, follow a particular form and provision of securities and say, we will give you the loan? Why did you enter into all this botheration and take it on your head? All these banking classes, the people who do banking business would have done it much better than you have done. All these allegations of nepotism and jobbery that are being hurled on you would not have been there. On the contrary, out of the 12.5 crores, nearly 2 crores would be wasted in giving salaries to these officers. It will

be a sheer waste. I would urge the House to take into consideration all these points when the matter goes before the Select Committee.

Shri A. C. Guba: Mr. Speaker, I think that I should express my thankfulness to the Members who have contributed to this discussion. Some of the Members have been good enough to support the Administration and others had much to say against the working of the Administration. We really want to hear both sides of the picture and take advantage of all the information available to the Members. It would give us an opportunity to examine the working of the Administration thoroughly. As I have said before, all the information that was passed to us either on the floor of the House or through some private correspondence has been enquired into and we shall make further enquiries and we shall take whatever action is necessary.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Something has been said about the number of officials and staff. I think, to be exact, we have got:

| | |
|---|-----|
| Class I officers drawing a salary of over Rs. | |
| 600 | 20 |
| B Class officers drawing a salary of over Rs. | |
| 200 | 135 |
| Clerical | 316 |
| Class IV | 150 |

and the total comes to 621. I may say that at least 98 per cent. of these employees are refugees. Some Members have mentioned the gap between the pay that some of these officers were drawing before joining the Administration and the pay that they are now drawing. It should also be remembered in this connection that there is also a gap of 5 years or 4 years and these officers should have got some increments in the usual course. The Members have mentioned here only the present salary that these employees are getting in the Administration. But, they have

not mentioned the salary at which these employees were first appointed in the Administration. I think that the gap between their previous salary and the salary at which they were first appointed in the Administration will not be so big. Moreover, most of these officers being refugees, I think the employment that they had to take up just after migration to India may not give a correct picture of the employment or of the academic qualifications of these officers. Some of them may have been in a better employment in their previous home lands. But, after migration, they must have been compelled to take up any job that came their way.

Mention was made of the employment of a law officer. It has been stated that he was running a cloth shop. Even if you accept that after migration to India he was running a cloth shop, it does not mean that he had not got the requisite qualifications for a law officer. Before migration he was a practising lawyer at Peshawar and according to our information, he had been practising for about 18 years and was one of the leading advocates and commanded a fairly wide and lucrative practice. He was also appointed liaison officer by the NWF Government. I should say that the Member who mentioned this fact did so only because of lack of any intimate contact with refugee life. He does not know that professors, teachers and lawyers, after migration, have had to take to occupations which they would not have considered, even if worth considering. I have seen matriculates and educated men dipping themselves up to the waist in water and washing jute fibre: what is called retting. After a day's labour, they would have got one rupee or two rupees. I do not think that the hon. Member who has mentioned all this would conclude that a teacher or professor who may have found himself so engaged in that labour, should be condemned for ever and should not be appointed teacher or professor if any opportunity later on comes.

[Shri A. C. Guha]

6 P.M.

So, if this officer was running a cloth shop just before his employment as Law Officer of the Administration, it does not write off his academic qualifications for being a Law Officer and does not wipe away his legal career. So, Sir, I think this House should not take the impression that everything was wrong with this Administration. I have stated before, and even now I state, that no human institution can claim perfection, and this Administration set up by this House under a statute passed by this House also cannot claim perfection. There may be some scope for further improvement, and if any such suggestion comes to us, we shall take advantage of it, and we shall be thankful to every Member who brings such information to our notice.

I think Shri Sharma asked why there should be so many defaulters. He said that the number of defaulters is too high. Others, on the other hand, have contended that this Administration was too hard for realisation. This Administration occupies a peculiar position. It is not exactly a Bank, but it is neither a charitable institution. It is not functioning under the Rehabilitation Ministry. It is functioning under the Finance Ministry. Its purpose is not to give a grant or relief. Its purpose is to give loans with the expectation that the loans will be realised, with the expectation also that the interest also will be utilised. But, when this organisation was set up, the Government knew that this Administration would be running at a great risk in regard to the loans that would be advanced. It was a calculated risk that Government took when deciding to set up this organisation. Because of its peculiar character, being neither a charitable institution nor a regular banking institution, there must be some anomalies. It has to find a compromise between two extremes. Whereas some Members might consider that it is too lenient, that it has allowed so much

of its money to be defaulted, others may, on the other hand, complain that it has been too stringent, too hard for realisation. I heard in this House some Member mentioning Shylock in connection with this organisation. I think it is inevitable that criticism from both directions should fall on this organisation because of its peculiar nature.

Then, something has been said by Shri Mukerjee about audit. Just a year ago, this Bill was introduced in this House, and even then, the Government, on its own initiative, introduced this amendment of having its accounts being audited by the Comptroller and Auditor-General. But from this Shri Mukerjee seems to conclude or infer that Government must have found something awfully wrong with the accounts of this organisation, and so they have come to this decision. This inference of Shri Mukerjee does not seem to be quite logical. He may remember that in this House on several occasions questions were raised about the accounts and workings of various autonomous bodies, and the Finance Minister, about two years ago, gave an assurance that he would look into the working of all the autonomous bodies. And subsequently when some legislation was enacted either to form new autonomous bodies or to amend the Acts of the old autonomous bodies audit by the Comptroller and the Auditor-General was provided. This is a part of the general policy of the Government that the accounts of all such autonomous bodies should be audited by the Comptroller and Auditor-General. This decision of the Government does not and cannot lead to the conclusion of Shri Mukerjee.

Then, Sir, about the cost of the Administration, I have stated before that this Administration is of a peculiar nature. Hardly anybody would apply to a Bank for a loan if he has not got almost a sure case of getting the loan. But here, for this Administration, almost every refugee each of whom is in a very desperate condition

would like to apply for a loan and try his luck. Particularly when there was a fixed time limit—last time it was from July to September, 1951—every refugee would rush and submit an application for a loan so that he might not lose an off chance of getting a loan and getting settled through the loan of this Administration. So, most of these applications were, from the banking point of view, frivolous, or not worth considering, but yet, from the point of view of this Administration, every application has to be minutely scrutinised and local enquiries have to be made. I should add here enquiries were made practically in every part of India. So, the administrative cost of this organisation cannot compare with any organisation, any Finance Administration or Finance Corporation of any other nature. By the very nature of its work, its cost must be high. We cannot avoid this. Moreover, many of the Members here today and on many previous occasions, have made the point that this Administration has not been working expeditiously, that there is unusual delay in coming to a decision about an application. So, in 1951, when this Administration got about 42,000 applications, they had to engage extra staff so that the consideration of these applications might be finished expeditiously. That also has added to the administrative cost of this organisation.

I think some Member here mentioned that the administrative charges went up to about Rs. 1 Crore. That is not true. Some figure was given by us last year. It was due to tactlessness on our part, rather a mathematical miscalculation. Really speaking, the administrative cost is only about Rs. 70 lakhs during these five years, and I should say that is not a very high figure. The figure given last year was Rs. 98 lakhs, and in that figure was also included about Rs. 21 lakhs which was provided for writing off bad debts or loans that could not be realised. And there were other charges—stationery, postage.

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rent, telegrams etc. all of which would come to about Rs. 28 lakh, or something like that. So, I think the administrative charges, considering the very nature of the business, is not very high.

Then, Sir, as regards interest, according to the Act, the interest should not exceed six per cent. When this Act was passed, the bank rate was 3 per cent. Now it is 3½ per cent. The Government loans are taken at 4 per cent. So there is hardly any greater argument now to reduce the rate of interest than when the Act was passed. We are not making any profit out of this Administration. Nor are we going to run this Administration on its own profit, as Mr. R. K. Chaudhuri has suggested. We know that this Administration would be running at a loss.

Shri Gidwani: May I put one question, Sir? Are there any organisations to which Government have advanced loans free of interest?

Shri A. C. Guha: I do not think Government have advanced any loans free of interest. I am not sure.

Shri V. P. Nayar: The hon. Finance Minister is here. He can enlighten us.

The Minister of Finance (Shri C. D. Deshmukh): I cannot recall any case where loans have been advanced free of interest. There is sometimes a period over which no interest is charged, maybe the first five years or something like that. And sometimes a special concession rate is charged, as for instance, in the case of loans to shipping corporations. But I cannot recall a case where loans have been given free of interest.

Shri Gidwani: I would suggest that for five years, the same thing could be applied here.

Shri C. D. Deshmukh: That is another matter.

Shri V. P. Nayar: For five years at least.

Shri A. C. Guha: We know this Administration is running at a loss. And yet I am not ready to take the

[Shri A. C. Guha]

charge which Shri D. C. Sharma has made that it is going to become bankrupt. I do not know what he means by saying that this Administration is going to become bankrupt. It is not a profit-making institution of Government; it is an institution to help the refugees to rehabilitate themselves, but at the same time, it is not a charitable institution. We know that it will run at a loss, and Government have taken this risk deliberately and with full knowledge of the consequences.

Certain hon. Members have complained that conditions of payment are too stringent. Certain other hon. Members have complained that the number of defaulters is too high. The Administration has been trying to take as much precaution as possible to see that the money may be realisable. I think recently some improvements have been made by the Administration in these matters, as regards instalments and other things. It is for the Administration itself to see that the loans are easily available to the refugees, and I am sure that the Administration has been taking every step to ameliorate the sufferings of the refugees, and will do whatever is necessary. And the Act does not stand in the way of giving relief to the refugees in these respects.

Shri Gidwani: May I put one more question, Sir? Will the period for the recovery of loans, which has been extended to fifteen years, have retrospective effect for all the loanees?

Shri A. C. Guha: Surely, for all the loanees.

Then, Mr. R. K. Chaudhuri has mentioned certain things. He mentioned that 25 per cent. investment is mandatory on the part of the refugees, before they can be entitled to have any loans. I think this was a resolution passed by the Administration, and I think the Administration will surely take note of the sentiments expressed on the floor of this

House in this matter, in regard to delay in payment also, I think that complaint is not so acute as it was before. Then the hon. Member mentioned another thing in regard to the East Bengal displaced persons. In that respect also, I think the Administration has passed a resolution, recommending the re-opening of applications for the grant of loans, from the East Bengal displaced persons. Government are considering this matter, and any decision on this matter is likely to be delayed particularly because of the disposal of the pending applications. We do not like to add to the burden of the Administration, before the present accumulated applications are disposed of. Until that is done, we do not like to come to any decision on this matter. I think the number of pending applications now is about 8,000. Government may come to decision on this matter, in the near future.

Shri Gidwani referred to the case of one Bombay official arrested by the Special Police Establishment. He had to be released subsequently, as he was not a public servant, according to the opinion held by the Law Ministry. But the Administration has suspended the officer, pending further inquiry; and we shall see what action can be taken against him. This is a peculiar nature of the service of the officers engaged in this Administration, that they are not public servants.

Some hon. Members have made a mention of the high emoluments. I think they should also realise that these employees are employed in this Administration for two years, three years, or at the most for five years without any security of service; so they are not entitled to get any of the privileges of the Government service. They are not entitled to get pension, or even provident fund. So we should not only see the high emoluments they are getting, but also the various disabilities under which they have to work, having been put in an organisation which is purely temporary.

Shri Gidwani has made a suggestion that since the period of realisation of the loans will extend over a period of fifteen years, this organisation may also continue for fifteen years. But I should like to remind him that realisation would not require such a big staff. Only a small skeleton staff may be necessary for realisation. So, most of the officers run the risk of being discharged from service any day. That fact also should be taken into consideration, when we say something about their emoluments, and conditions of service.

I think I have dealt with most of the points raised in the course of this debate. Some Members had mentioned that the total sum available for disbursement was only Rs. 7 crores. But now we have given them Rs. 12½ crores; another Rs. 2 crores also will be available for the Administration, to advance as loans. Further, the interest and the instalments that will be collected will also be at the disposal of the Administration, to advance as loans. So, from Rs. 7 crores, we are increasing the amount to something above Rs. 15 crores. That is a big improvement. All the measures included in this Bill are of a very helpful nature, and must be welcomed by the refugees and their well-wishers. I see no reason why this Bill should be referred to a Select Committee, since this does not involve any question of principle. It is only for the purpose of increasing the amount available for the Administration. When the original Bill was before the House, it was sent to the Select Committee, and the latter considered the main principles, and after they reported on the Bill, it was passed by this House. So, I hope Shri Gidwani will not press for referring this Bill to a Select Committee.

With these few words, I hope the House will now be pleased to pass this Bill.

Sardar A. S. Saigal (Bilaspur): On a point of clarification, Sir. In the course of his speech, Shri H. N. Mukerji has said that as regards the

audit of the accounts of the Administration, it should be done with retrospective effect. I want to know what the hon. Minister has to say on this.

Shri A. C. Guha: We will consider it and if necessary, we shall do it. We have taken note of it.

Mr. Chairman: I will now put the motion of Shri Gidwani to the vote of the House.

Shri Gidwani: In view of what he has said, I desire to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Chairman: I will put the main motion to the vote of the House.

Shri Valiatharas (Pudukkottai): There is a doubt whether the number of Members present is 50.

Sardar A. S. Saigal: We are in quorum.

Mr. Chairman: Yes, there is quorum.

The question is:

“That the Bill further to amend the Rehabilitation Finance Administration Act, 1948, be taken into consideration.”

The motion was adopted.

Mr. Chairman: We shall now proceed with the clauses of the Bill.

(Clause 2.—Amendment of section 11)

Shri A. C. Guha: I beg to move:

In page 1, for lines 18 to 25 substitute:

“Provided that if, after the lapse of such period from the commencement of this Act as the Central Government may think fit to fix in this behalf, any sum of money earmarked for the purpose specified in clause (b) is

[Shri A. C. Guha]

found not to have been actually advanced for that purpose and is not, in the opinion of the Central Government, likely to be required for the said purpose, the Central Government may utilise the money for making advances from time to time to the Administration for the purpose specified in Clause (a), and when any such advance is made, the limit specified in clause (a) shall be deemed to have been correspondingly increased."

Sir, this is only a verbal amendment. The provision is there already in the proviso, but the language is not clear. So we have put this clear in explicit language.

Mr. Chairman: Amendment moved:

In page 1, for lines 18 to 25 substitute:

"Provided that if, after the lapse of such period from the commencement of this Act as the Central Government may think fit to fix in this behalf, any sum of money earmarked for the purpose specified in clause (b) is found not to have been actually advanced for that purpose and is not, in the opinion of the Central Government, likely to be required for the said purpose, the Central Government may utilise the money for making advances from time to time to the Administration for the purpose specified in clause (a), and when any such advance is made, the limit specified in clause (a) shall be deemed to have been correspondingly increased."

There is another amendment by Shri B. K. Das.

Shri B. K. Das: Could I also speak on my amendment.

Mr. Chairman: Of course. I thought when I called upon him, he would speak.

Shri B. K. Das: I beg to move:

In page 1, lines 12 and 13, for "twelve crores and fifty lakhs" substitute "fifteen crores".

My point in bringing this amendment is, as has already been referred to by several Members, that the list of loan applications should be reopened now, at least for the East Bengal refugees. Of course, the hon. Member, Mr. Sharma, also pointed out that the loan applications for West Pakistan refugees should be reopened. I am quite in sympathy with that proposal, but I feel that the loan applications for these East Bengal refugees should be reopened. In that case, the total amount of Rs. 14.5 crores that is to be made available to the Administration may not be sufficient. So I propose that the amount should be raised to Rs. 15 crores, so that when the loan applications are reopened now, the amount may be sufficient. It has been pointed out that there are 8,000 applications now pending before the Administration. I think that sanction for Rs. 10.5 crores has already been made for payment and if all the applications are disposed of, I think the rest of the money will be taken up by the remaining applications. So I feel that this amount may be augmented and the money made available to the Administration, so that when the list is reopened, there may be sufficient funds in the hands of the Administration for disbursement. We are now trying to give employment to the unemployed persons. Amongst the East Bengal refugees, the unemployment problem has become acute. Already the West Bengal Government is thinking in terms of giving employment to these persons. The bulk of them come from the refugee population. So I feel that the list should be reopened and further funds should be made available to the Administration. Sir, I move.

Mr. Chairman: Amendment moved:

In page 1, lines 12 and 13, for "twelve crores and fifty lakhs" substitute "fifteen crores".

Shri A. C. Gaha: As I have already stated, Sir, we have been, and are, increasing the amount to more than Rs. 15 crores, and if necessary, we shall further increase it, as we have been increasing it. I think for the present Rs. 14.5 crores plus the interest—that comes to Rs. 50 lakhs or more—will be quite enough to meet our purposes. Even if the applications are reopend for East Bengal DPs also, I think it will almost be covered. If we find that this amount is not sufficient on a future occasion we can increase the amount. I hope Mr. Das will not press his amendment.

Shri B. K. Das: Sir, I wish to withdraw my amendment in view of the assurances given by the hon. Minister.

The amendment was, by leave, withdrawn.

Mr. Chairman: The question is:

In page 1, for lines 18 to 25 substitute:

“Provided that if, after the lapse of such period from the commencement of this Act as the Central Government may think fit to fix in this behalf, any sum of money earmarked for the purpose specified in clause (b) is found not to have been actually advanced for that purpose and is not, in the opinion of the Central Government, likely to be required for the said purpose, the Central Government may utilise the money for making advances from time to time to the Administration for the purpose specified in clause (a), and when any such advance is made, the limit specified in clause (a) shall be deemed to have been correspondingly increased.”

The motion was adopted.

Mr. Chairman: The question is:

“That clause 2, as amended, stand part of the Bill.”

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Clause 4.—(Amendment of section 13)

Shri B. K. Das: I have got an amendment, No. 7.

Mr. Chairman: I am afraid that this amendment relates to sub-section (3) of section 13, whereas there is no amendment on behalf of Government to this section. So far as clause 4 of the Bill is concerned, it does not relate to sub-section (3).

Shri B. K. Das: Do I take it that you do not allow the amendment to be moved?

Mr. Chairman: I would like to hear from the hon. Member how he brings this amendment within the scope of this Bill.

Shri B. K. Das: If you do not allow it, I can't help it.

Mr. Chairman: I want to hear from the hon. Member if he wants to say anything in regard to the scope of the Bill.

Shri B. K. Das: Can I speak generally on the clause?

Mr. Chairman: Generally? Certainly, yes. So far as the amendment is concerned, I do not think he is pressing it.

Shri B. K. Das: I do not press it.

Mr. Chairman: He may speak on the whole clause, if he so likes.

Shri B. K. Das: Sir, the clause, as it has been sought to be amended, stands like this. Instead of 10 years, the time is extended to 15 years. I think, Sir, that this provision alone is not enough to give succour to the refugees. I feel that along with this, if the rate of interest that will be charged is lessened, then it would enable the

[Shri B. K. Das]

refugees to make payments in proper time and also have the proper benefit of this. What I beg to point out is that when the loan is of Rs. 5,000 and it is advanced by the State Governments, it is done at the rate of 3 per cent. but in the case of higher amounts above Rs. 5,000, that is loans that are advanced by this Administration, 6 per cent. is charged. Of course, this is done by regulation. Of course, the Administration has the option of bringing down the rate of interest but as it is the Government that has laid down the regulations, full 6 per cent. is charged. The language in which the provision of the Act is put is that they can charge up to 6 per cent. I will appeal to the hon. Minister to see that the regulation is so amended as to bring down the rate of interest which will give proper relief to the refugees.

Shri A. C. Guha: This is within the competence of the Administration.

Mr. Chairman: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

New clause 6

Amendment made:

In page 2, after line 43 insert:

"6. Repeal of Ordinance 2 of 1953.—(1) The Rehabilitation Finance Administration (Amendment) Ordinance, 1953 (2 of 1953) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken."

—[Shri A. C. Guha]

New clause 6 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting formula were added to the Bill.

Shri A. C. Guha: I beg to move:

"That the Bill, as amended, be passed."

Mr. Chairman: It is already 6-30. I adjourn the House till 1-30 P.M. tomorrow.

The House then adjourned till Half Past One of the Clock on Tuesday, the 17th November, 1953.