

Property (Tripura Amendment) Bill

of all the suggestions that have been thrown out by the various Members who have spoken on the measure. I am also very glad to note the satisfaction evinced by the Members on such a measure as this being placed on the statute book. I can assure them that all the suggestions will be carefully gone into by the Select Committee. I am as anxious as any one of them that this measure shall not be a dead letter, that it shall be rigorously enforced and that it will enable us to deal with what I agree is a growing menace. I hope, therefore, that the motion for reference to Select Committee will now be approved and that we shall go ahead as rapidly as we can.

Mr. Deputy-Speaker: I will now dispose of all the amendments. Mr. Veeraswami has a motion for circulation. Does the hon. Member press his motion? He is not here. I am bound to place it before the House.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon, by the first day of the next session."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the Bill to make provision for the prevention of adulteration of food, be referred to a Select Committee consisting of Shri Santosh Kumar Dutta, Shri Lokesh Mishra, Dr. Ram Subhag Singh, Shri Kailash Pati Sinha, Shri Hira Singh Chinaria, Shri Amarnath Vidyalkar, Shri Bheekha Bhai, Sardar Raj Bhanu Singh Tewari, Shri K. G. Deshmukh, Shri Vajjanath Mahodaya, Shri T. Madiah Gowda, Shri Halaharvi Sitarama Reddy, Shri K. Periaswami Gounder, Shri Maneklal Maganlal Gandhi, Shri Rajaram Giridharlal Dubey, Shri Hoti Lal Agarwal, Shri Biswa Nath Roy, Shrimati Uma Nehru, Shri Narayan Sadoba Kajrolkar, Shri C. R. Narasimhan, Shri R. V. Dhulekar, Dr. Indubhai B. Amin, Sardar Lal Singh, Shri K. Kelappan, Dr. Ch. V. Rama Rao, Shri Tridib Kumar Chaudhuri, Shrimati Sucheta Kripalani, Shrimati Indira A. Maydeo, Shri Hirendra Nath Mukerjee, Shri Shankar Shantaram More, Dr. Punjab Rao Deshmukh, Shrimati M. Chandrasekhar, and the Mover, with instructions to report by the last day of the first week of the next session."

The motion was adopted.

Mr. Deputy-Speaker: I hereby appoint the hon. Rajkumari Amrit Kaur as Chairman of this Committee.

The House will now adjourn and meet again at 2-30 p.m.

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

The House reassembled after Lunch at Half Past Two of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

WEST BENGAL EVACUEE PROPERTY (TRIPURA AMENDMENT) BILL

The Deputy Minister of Home Affairs (Shri Datar): I beg to move:

"That the Bill further to amend the West Bengal Evacuee Property Act 1951, as extended to Tripura, be taken into consideration."

This is a very simple and non-contentious measure. The history of this provision is also very short. On 8th April, 1950, there was an agreement entered into between the Prime Ministers of India and Pakistan and certain terms were settled as a result of which certain action had to be taken relating to the care and custody of evacuee properties in East Bengal, West Bengal, Assam and Tripura. Accordingly, the West Bengal Evacuee Property Act, 1951 and amendments thereto were passed, and subsequently were made applicable to Tripura by a notification.

So far as the notification was concerned, it was issued by the Central Government on 9-5-51. Then, a question arose as to whether such an act can be extended to Tripura by a notification. Certain rulings of the Supreme Court were to the effect that it was not open to the Central Government or to any Government to extend Acts by a mere notification. When this ruling came out, the House was not in session. Therefore, the President issued an Ordinance, and now after the commencement of this session, the proposal is to have a regular Act. The Act will be known as The West Bengal Evacuee Property (Tripura Amendment) Act of 1952. The terms are almost the same except in two important particulars.

It was agreed that a certain date should be mentioned known as the "appointed day". The agreement was

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that those persons or evacuees who returned either to India or to Pakistan before the appointed date would have their lands restored to them. Therefore, a procedure was laid down in the various laws. Accordingly, a period was laid down in Bengal. Subsequently, there was a conference between the Chief Secretaries of these States in India and Pakistan. They came to the conclusion that the West Bengal Act should be made applicable to Tripura and the date or the appointed day should be advanced by two months. So, that was the agreement which ultimately was given effect to. The date that had been originally fixed was 9-5-51. Then, it was settled that in view of the peculiar conditions of Tripura, this date should be advanced by two months, viz., 9-7-1951. Therefore, now, the position is that those evacuees who returned to Tripura before 9-7-1951 would have the advantage of getting their property back provided, as laid down in Section 3, they file an application before the 6th day of November, 1952. That is term number one.

Secondly, it was also agreed at the conference of the various Chief Secretaries that this Act or these provisions should be specifically made applicable to a class of cultivators who are in that part of the country known as *bargadars*. In Clause 3, a definition of *bargadar* is given for the purpose of this Act, as:

"Explanation: For the purposes of this section, a *bargadar* means a person who, under the system generally known as *adhi, barga* or *bhag*..."

bhag means share—

"...cultivates the land of another person on condition of delivering a share or quantity of the produce of such land to that person."

At this stage, it is not necessary to go into the question as to whether a *bargadar* is a tenant or a cultivator. For the purposes of this Act, this particular definition has been given, and the object is to extend the benefit of the provisions of this Act to all *bargadars* so that if they file an application as laid down in Section 5(A), the Collector holds an enquiry and after he comes to the conclusion that they were *bargadars*, he would order that the property be restored to them.

So, in these two respects modifications have been made—one in respect of advancing the date known as the "appointed day" by two months, and secondly, making this Act specifically applicable to what are known as *bargadars*. In other respects, the provisions are the same. Therefore, I submit that this Bill may kindly be taken into consideration.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the West Bengal Evacuee Property Act, 1951, as extended to Tripura, be taken into consideration".

Dr. S. P. Mukherjee (Calcutta-South-East): I was surprised to hear the hon. Minister saying that this was a simple and a non-contentious measure, and that it was nothing but an attempt to give effect to the agreement between India and Pakistan arrived at on 8th April, 1950—an agreement known as the Nehru-Liaquat Ali Agreement which, as is known to the House and to everyone outside, is as dead as mutton. There may be some juice in mutton, but there is no life in this particular agreement. And for any Minister now to seriously get up and say that this is nothing but an attempt to implement the terms of the agreement is certainly an insult to his intelligence, and an insult to the intelligence of this House.

What is the scope of this Bill? Undoubtedly some difficulty has arisen regarding some judgment passed by the Supreme Court, and therefore, there may be a technical reason for passing this Bill in order to give longer life to the Ordinance which was passed a few months ago. The whole basis was that if migrants who came away from East Bengal to West Bengal returned to East Bengal, they would get back their properties within a certain date and under certain conditions. And similarly migrants who went away from West Bengal or from other parts of India to East Bengal, if they returned to their old territory, would get back their property. It was not a unilateral agreement. As is known to this House, it is not something we in the opposition have said, but repeated statements have been made by Ministers including the Prime Minister that one of the main violations of the agreement on the part of Pakistan has been its failure to return the property to those who had gone back to East

Bengal. Only the other day, Mr. Biswas said that a large number of such cases have been brought to the notice of the Government, but Government was helpless. Government had drawn the attention of the East Pakistan Government but restoration of such properties had not yet been made. And the other day when we had the debate on East Bengal, Member after Member got up and said that one of the reasons which have led to the conditions of insecurity has been the failure on the part of the Pakistan Government to restore the properties in East Bengal to those who had gone back to East Bengal. You will remember, Sir, I read out a secret circular which had been issued by the Pakistan Government, a directive to the District officers that such properties were not to be restored to the returning evacuees. And, as a matter of fact, this has been deliberately and persistently violated by Pakistan. And today, for the Government to come seriously and ask the House to pass a Bill like this or to declare that the Government of India will fulfil its part of the obligation under this provision though Pakistan has persistently failed to do so, is something which is really amazing.

The other day, the hon. Minister of Rehabilitation—he is just entering the House—Mr. Ajit Prasad Jain made a statement that in the recent exodus about 70,000 Hindus have come from East Bengal to Tripura alone, the particular area which we are now discussing. Only yesterday a statement was issued that this has led to a very serious situation in that small part of Indian territory. Now they have occupied perhaps some of the lands which were deserted by the Muslims who had gone back to East Bengal. There are cases of border incidents which have been reported in this area. Incidents have been reported where the Muslims have entered into Indian territory, within Tripura, and have hoisted the Pakistani flag. Incidents have been reported where they are coming into Tripura and forcibly taking away paddy and other agricultural products. Now, is it to be suggested that Government will enforce this legislation—because there is no sense in passing it, if the Government does not intend to enforce it—and by use of force turn out people who have been occupying all these lands? The hon. Minister did not explain what exactly was the position today.

Now I may refer to Clause 3 of the Bill. The proposal is that any evacuee who has returned and applied before 6th November 1952 in writing to the Collector for being restored to possession as a bargadar, will automati-

cally be entitled to repossession. I would like to know from the hon. Minister how many such applications have been received on or before 6th November. That would be a practical way of testing the necessity of this piece of legislation. If it appears that there are hundreds of such applications which have already come, and which cannot be considered according to the law as it stands, well, we are prepared to discuss it, for then, that will be a situation which will have to be taken into consideration. But supposing no such application has been received by 6th November or the number of such applications that have come is very small, and especially the number of *bona fide* persons affected is very small, then where is the occasion for this legislation? Here I should make another reference. A similar situation arose in West Bengal, where a large number of Hindus who came from East Bengal had occupied land vacated by Muslims who had gone away to East Bengal and at one time in accordance with the strict interpretation of the Nehru-Liaquat Ali Agreement, an attempt was made to push out these Hindu refugees who had settled there, and offer the land to Muslims who were returning from East Bengal. It created a law and order problem, and it also created fresh problem of re-displacing displaced persons who were somehow rehabilitated. So the West Bengal Government decided that this part of the Nehru-Liaquat Ali Agreement would not be put into operation at once, but after proper arrangements had been made for re-rehabilitating these Hindu refugees who had settled on land deserted by Muslims. I know that that evoked strong protest from Pakistan, but the position was clarified by the Chief Minister of West Bengal, and he stuck to his gun, probably with the support of the Central Government. The situation was already bad enough, and Government was not prepared to allow the situation to deteriorate, by turning out people who had been settled on lands, especially on the eve of the agricultural season. Now, there is no such consideration thought of with regard to this Bill.

If I may draw your attention to sub-clause 2 of the new clause 5A, it is laid down therein as to how the Collector is to enforce...

Mr. Deputy-Speaker: There is already a local Act. Where is the need for this?

Dr. S. P. Mookerjee: That affects West Bengal. This affects Tripura. Tripura is not under the administrative jurisdiction of West Bengal, but is directly under the Central Government.

[Dr. S. P. Mookerjee]

In this sub-clause it is provided:

"...and for such purpose, the Collector or the officer, as the case may be, may use or cause to be used such force as may be necessary."

That means it contemplates forcible eviction of people who had settled down, merely for the purpose of giving the land back to people who may not exist or who are of doubtful loyalty to our country, and who are already creating sufficient trouble.

So far as the definition of the terms 'bargadar', 'adhi', 'barga' is concerned, as you know, a number of cases have been reported where these people are having the best from both the borders. They are working on their own land in East Bengal, and they are also trying to get some advantage of the land which was supposed to belong to them, or with which they were associated in some way previously. Obviously it is not possible for me to repeat what I have said. The Home Minister has just arrived and I would request him very earnestly to consider whether there was any occasion for this Bill at all now. The ordinance was passed, and it dealt with certain cases then existing. The ordinance has lapsed now, the Nehru-Liaquat Ali Agreement does not exist today. One of the main points in the Agreement was that there would be no passport, and that there would be completely free movement; and because there was going to be free movement, this question of restoring land either to Hindu migrants or to Muslim migrants, as the case may be, had a special importance. But now since this Chinese wall has been created, and the passport system had been introduced, which is now being operated in a very scientific manner, to the detriment of the interests of Hindus either wishing to go back to East Bengal, or of those who wish to come away from East Bengal to India, there could be absolutely no occasion for placing such an Act as this permanently on the Statute book. I would suggest to the hon. Home Minister that there is no special hurry about it, and that we should seriously apply our minds to the new situation which has arisen after the introduction of the passport system, and then after consultation with such Members of the Opposition, who may be specially interested in this piece of legislation, Government might consider the desirability of bringing forward any legislation later on. In my humble opinion,

this is not at all necessary. If we receive any such applications later on, from a large number of cases of bona fide people, who are certified by our Chief Commissioner at Tripura then there will be ample time to consider the matter; either pass another ordinance after this session comes to an end, or do it in some other way. But now to give effect to a part of the so called Nehru-Liaquat Ali Agreement which has been flagrantly violated by Pakistan, especially in respect of this particular matter, where that Government has failed persistently to restore land to those Hindus who had gone back to East Bengal, is really something which seems to me to be most amusing and hypocritical.

We should not proceed with this Bill now. We should have a discussion later on, and then decide what particular course of action we should adopt. With these words, I oppose the Bill as introduced.

Shri Tandon (Allahabad Dist.—West): Tragic and hypocritical.

Dr. S. P. Mookerjee: Thanks to my hon. friend Babu Purushotamdas Tandon, I shall withdraw the word 'amusing', and say 'tragic and hypocritical'.

Shri Gadgil (Poona Central): Comical also.

Shri A. C. Gaba (Santipur): This Bill proceeds from the Delhi Agreement of 1950 between the two Prime Ministers. The relevant clause is clause 6 of that agreement which reads thus:

"(vi) That in the case of a migrant who decides not to return, ownership of all his immovable property shall continue to vest in him and he shall have unrestricted right to dispose of it by sale, by exchange with an evacuee in the other country, or otherwise. A committee consisting of three representatives of the minority and presided over by a representative of Government shall act as trustees of the owner. The Committee shall be empowered to recover rent for such immovable property according to law."

"The Governments of East Bengal, West Bengal, Assam and Tripura shall enact the necessary legislation to set up these Committees."

Accordingly, Sir, the West Bengal Government passed the West Bengal

Evacuee Property Act of 1951 and in clause 11 of that Act it has been laid down:

"The State Government shall by notification in the official Gazette constitute an Evacuee Property Management Committee of West Bengal."

Then—the Committee shall be a body corporate known by the name of the Evacuee Property Management Committee of West Bengal....."

It has also been provided in the Delhi Agreement that this Committee will collect rents and revenues and will send them to the evacuee to whom the property belongs. But in this House on several occasions the question was raised about the rents of requisitioned urban property. We have not been able to elicit any information as to how this urban property which the Government of East Bengal have requisitioned, how the income or revenue accruing from them is being utilised. As far as my knowledge goes no proprietor has yet been able to get any rent or any income out of the urban property left by him. Moreover, it has been alleged that the requisitioning of urban property was done more for a political purpose than for administrative reasons. The purpose was to drive out the middle class town Hindus and to deprive the masses of the necessary leadership and to destroy their morale. So, as for the terms of the Pact, this evacuee property provision has not been respected by the East Bengal Government.

I shall say also that through forces of circumstances it has not been possible also for the West Bengal Government to respect it in all its implications, as has been pointed out by the previous speaker, Dr. Mookerjee. It is not a question of the West Bengal Government being unwilling to do this or that, but it is a question of circumstances and they cannot get beyond those circumstances. When lakhs of Hindu migrants have come and settled on the abandoned lands, it is not possible for them to oust them. It becomes not only an economic issue; but it becomes also an issue of law and order. In the Delhi Pact the date fixed was 31st December 1950 within which a migrant was to return to his own property and then he would get back the property. But according to this Act, now as provided by this amendment, that date has been fixed as 15th June 1951 and the application date will be upto 6th November 1952. So in a way we are extending the life of that period by

near about two years—I do not know for what purpose.

Then there was a joint statement by the two Minority Ministers of the two Governments that every attempt will also be made to derequisition such requisitioned houses. May I humbly ask the hon. the Home Minister in how many cases the Government have been able to derequisition those houses and return them to the real owners. I think they have not been able to cite a single case. If under pressure of certain influence, the East Bengal Government might have been persuaded to derequisition one or two houses, immediately some other occupants must have entered those houses and occupied them either illegally or with the connivance of the officers of East Bengal Government. That being the case I can safely say that this Delhi Agreement, at least the provision regarding evacuee property thereof, has not been respected and has not been properly worked.

Then, I shall also refer to another clause of the joint statement by the two Ministers of the two Governments. As regards rural property, they say: "In all such cases the overriding consideration should be the restoration of all immovable property to the migrant at the earliest possible date". Here also I would ask the Government in how many cases the Hindu migrants who have returned to East Bengal have been able to get their immovable properties restored to them. I know of several cases where not only agricultural property, but even the residential houses which had been occupied by Muslims could not be recovered for the occupation of the returning migrants. Just near about the town of Barisal—a mile off—there is a big village named Khasipur which was a predominantly Hindu village. But after 1950 Khasipur has become nearly 95 per cent. Muslim and all the big houses, some pucca palatial houses, have now been occupied by the Muslims and those who want to return or those who have returned to East Bengal have not been able to occupy those houses.

Then I do not know what is the purpose of this special provision here about the bargadars. I think the Hon. Home Minister will remember that in this House on several occasions the question was raised about a sort of tenants—the jirati tenants—who occupy some borderlands in Tripura, but most of whom live in East Bengal. They come and cultivate those areas in Tripura and

[Shri A. C. Guha]

take away the paddy and the crop to East Bengal. It is not only a question of land being restored to this or that man, but it is also a question of our food supply. I think about several lakhs of maunds of rice and paddy are taken away in this way. So why this special provision about these bargadars? The bargadars are to be given a special privilege. The bargadar who holds no tenancy rights stands on a towed footing as compared to the ordinary tenant. I do not know why this special privilege should be given to the bargadar.

Then I would also like to draw the attention of the Home Minister to certain developments in the economic structure of East Bengal. I think he knows that the East Bengal Government has abolished the zamindari system. It has practically affected only the Hindu zamindars. I hold no brief for the zamindari system or the zamindars; but when a particular economic measure or an administrative measure in the garb of an economic measure is directed against a particular community or a particular section, I think this Government should take special notice of that. And when the zamindari system is abolished there, why is this Government going to give certain rights to these bargadars. How the Hindu bargadars on that side are being treated now specially after the abolition of the zamindari system and how the Hindu middle class tenants of East Bengal are faring after the abolition of the zamindari system—all these things should be taken into consideration by this Government before they can propose such a legislation.

Lastly, before I conclude I would seriously ask the Home Minister to consider what would happen to the crop the bargadars may cultivate on the border territory. They will be mostly border territories. But where will the crop go? Will the crop go to East Bengal or will it remain on this side? For these last four years it has not been possible for this Government to retain the crops on the border territories on this side. Mostly they have gone to the East Bengal side. I think that point also should be considered by this Government.

So I do not actually understand what is the urgency of having such a legislation in view of recent developments in communication and economic connection between these two countries and the fate that has befallen the Delhi Pact on which this whole Act depends.

Also, I think this House is entitled to have the report of the Managing Committee both of the West Bengal Government and the East Bengal Government. I do not like that the Muslim migrants on this side should be discriminated against or that the Hindu migrants on that side should be favoured. I think the House should get some idea of the activities and the doings of the Managing Committees of Assam, West Bengal as well as of East Bengal. Only then can this House pass such a Bill with a clear conscience.

3 P.M.

Shri N. C. Chatterjee (Hooghly): To say the least, it is somewhat fantastic in the context of things which have happened for this Parliament solemnly to indulge in statutory effort to further implement the Delhi Pact. Now, Sir, what is that Pact? I hope the hon. Minister, Dr. Katju, has got a copy of that Pact, if it is worth keeping any longer. What is the opening clause? The opening clause is:

"The Governments of India and Pakistan solemnly agree that each Government shall ensure to the minorities throughout its territory, complete equality of citizenship, irrespective of religion, full sense of security in respect of life, culture, property and personal honour, and freedom of movement within its territory and freedom of occupation, speech and worship subject to law and morality."

These strike us as empty words if we do remember what happened in Pakistan since that Pact, and several hon. friends have spoken about it. What is the operative clause of this Nehru-Liaquat Ali Pact? The first clause is, 'There shall be freedom of movement in the two States or countries.' Now, has not Pakistan been unilaterally guilty of violation of the fundamental principle of that Pact? The very system of passport in spite of our protests means a defiance of the basic principle of that Pact. Does it not mean that it is a deliberate violation, that it is going against all canons of decency? It is a deliberate and conscious frustration of this bilateral contract when it says there shall be no freedom of movement between the two countries. What is the use of implementing this Pact, when they have broken the basic and cardinal principles of that Pact? What are you going to do? What clause are you implementing? You are implementing Clause 5. I do not think the hon. Minister has had

time in the midst of his diverse pre-occupations to apply his mind to the position of bargadars at all. If he had, he would not have come forward to this Parliament with this Bill in the present form. What is that clause 5? Rights of ownership in and rights of occupancy of immovable property of a migrant shall not be disturbed. If during his absence such property is occupied by another person, it shall be returned to him, provided he comes back by the 31st December, 1950. The exact words of clause 5 I am quoting:

"Where the migrant was a cultivating owner or a tenant, the land shall be restored to him provided he returns not later than 31st December, 1950."

They know there may be exceptional cases. Therefore they have provided that in exceptional cases if a Government considers that the migrant's immovable property cannot be returned to him, the matter shall be referred to the appropriate Minority Commission for advice. You know, Sir, what has happened to the Minority Commission set up in Pakistan. Even the Government of Pakistan had a sense of humour. They had one Hindu as a member of the Minority Commission. That Hindu has been clapped in prison and he has been kept in jail for one year. And the Pakistan Government has solemnly issued a Gazette notification in which it says that the Hindu member of the Minority Commission constituted under the Delhi Pact has absented himself for more than three meetings, and therefore, it is declared that his seat is vacant. Therefore, it is now a pure "Pak" Commission without any member of the minority community there. Sir, let me read the opening words of clause 5 once more.

"The rights of ownership in or rights of occupancy of immovable property of a migrant shall not be disturbed."

Now what is this bargadar? I hope, when he was the Governor of Bengal, His Excellency—Dr. Katju knew something or heard something of the bargadar system. There is an Act—I do not think my hon. friend has had the time to look it up, called the West Bengal Bargadar Act (Act II of 1950), which got the assent of His Excellency the Governor on the 15th of March, 1950. I do not know whether he read it when he gave his assent to it. According to the definition in section 2(b) of that Act, a bargadar

"means a person, who under the system generally known as *adhi*,

barga, or *bhag*, cultivates the land of another person on condition of delivering a share of the produce of such land to that other person".

Now, Sir, he has got no rights of ownership in the land. He has not got any right of occupancy in the land. He is neither settled ryot nor an occupancy ryot; he is really a tenant-at-will. This Bargadars Act of West Bengal describes not merely the rights of bargadars of West Bengal but the same conditions of tenure prevail throughout East Bengal and also Tripura. There is a distinct section, section 5—Termination of cultivation by a bargadar. It says:

"The owner of any land cultivated by a bargadar shall be entitled to terminate the cultivation of such land by the bargadar on one or more of the following grounds—

(a) that the owner desires to cultivate the land by himself or by members of his family or by servants or labourers, and

(b) that the bargadar has misused the land or has wilfully neglected to cultivate it properly."

Therefore it is in effect a mere licence for one season which may be repeated or which may not be repeated. It may be repeated only if the owner does not cancel his licence and he does not want to cultivate it himself. And if he wants to do it, then the bargadar has no right whatever. I may respectfully submit for the hon. Minister's consideration that he is really going or trying to go much further than what Mr. Liaquat Ali wanted the Government of India to implement. Why are you bothering yourself to confer certain rights on the bargadars when they really do not come within the purview of this agreement? If you do not accept our contention that it is dead, only to pursue a policy of appeasement or what is euphemistically now called the policy of the 'healing touch', if you want to gladden the heart of Pakistan, you can do it. What I am submitting is this; even if you want to do it, you are doing something which is not expected or warranted or demanded in justification of this clause 5. This clause itself says that in certain exceptional cases if this property cannot be restored, you can go to the Minority Commission. Has Pakistan Government implemented this clause? My hon. friend, Mr. Guha has given you instances where they have not done it. Then why this hurry? Apart from anything else, you should not do it in the

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case of bargadars. I shall tell you why. This is not merely a legal point. This is not merely a point of construction of a statute. In the year 1940 there took place the Dacca riots. Then came the Raipura riots, then the Methikanda riots. I visited those affected parts of the Dacca district. Thousands and thousands of people left their hearths and homes and crossed the Meghna near Bhairav and came to Tripura. Tripura, my hon. friend will come to know when he goes there is only about 6 miles from Akhaura station. Now, they all went there and took refuge. In 1950 when there was the great carnage in Dacca and Mymensingh and there was a big scale massacre near about Bhairav, thousands of people went and took shelter in Tripura and they have actually been cultivating the lands which had been left there. Sometimes, they were cultivating them as bargadars or sometimes the Hindus who were not cultivating the lands themselves while living in East Bengal, were letting out the lands to non-Hindus who were bargadars cultivating on the seasonal licence basis. Now, these people have been squeezed out. They have been deprived of their land in East Bengal and they have been cultivating the lands in Tripura either by themselves or through their servants or through hired labour. How can you say that any Muslim bargadar who was there or any man who was a bargadar before the creation of Pakistan and had left that place, if he now comes back he will be immediately handed over that land? That would not be fair. That would be detrimental to hundreds and hundreds of people who are the owners of the land and who have started cultivating it themselves during the last three or four years. Why should you do it?

The other point is about clause 6 of this wonderful Nehru-Liaquat Pact. That clause says:

"In the case of a migrant who decides not to return the ownership of all his immovable property shall continue to vest in him and he shall have unrestricted right to dispose of it by sale or exchange with any evacuee in the other country or otherwise."

Unfortunately, this clause has been deliberately violated by the Government of Pakistan. This is not my opinion alone. I shall read to you the editorial of a Congress paper in Calcutta, whose editor was himself a resident of East Bengal.

An Hon. Member: What is the name of the paper?

Shri N. C. Chatterjee: Amrita Bazar Patrika. I hope the hon. Minister remembers it.

Dr. N. B. Khare (Gwalior): It does not matter whether it is Congress or non-Congress.

Shri N. C. Chatterjee: Anyhow, it is a Congress paper and a paper of standing with a certain amount of responsibility. It says:

"So far as the evacuees from Pakistan are concerned, many obstacles are being placed in the way of the disposal of their property. In some cases permission for sale or exchange is not given at all. In many other cases where a transaction for sale is concluded, then evacuees from Pakistan often get only a fraction of the sale proceeds. A deduction is made on behalf of the Pakistan Government, as income-tax. There again in many places in Pakistan so-called 'Welfare Committees' have been instituted, who also realise a portion of the sale proceeds. In the case of a non-Muslim evacuee he is often unable to get his account registered in Pakistan. The result is that property left in Pakistan has to all intents and purposes come to be owned by the Pakistan Government or has been allowed to pass into the hands of Muslim refugees."

This is what is happening to the poor refugees or evacuees from Pakistan in deliberate violation of clause 6 of the Delhi Pact. The hon. Minister is shortly going to Agartala and Tripura. Let him get the facts for himself. The Statement of Objects and Reasons clearly states that "the Chief Commissioner of Tripura did not think that these modifications were necessary or feasible." What is his present report? Why did he say so? What was his ground? His ground was that thousands and thousands of people had been squeezed out of East Bengal and were coming back to their lands left by the evacuees and they were actually cultivating the lands and that was the only means of their subsistence. The Chief Commissioner, a man responsible for the lives of this uprooted and disturbed humanity, had said that these modifications were not necessary or feasible. Then the Chief Secretaries' Conference took place in pursuance of the Delhi Pact and Pakistan complained that we were not doing our part and

that we must pass an Act. Therefore, an Ordinance was passed to please Pakistan and to please them still further we are going to make it an Act now.

I want to ask the hon. Minister: has the Chief Commissioner stated anything now? Has he been consulted? Has he said that this is now feasible or possible? Has he gone back on what he solemnly said some time ago? What is his latest report? Let the hon. Minister consult him and find out the facts. Let him find out what will be the effect of this legislation. I tell you, Pakistan will never mend its ways, whatever we may do to placate her or the ruling elements there. The only effect would be that thousands of evacuees who have come from East Bengal and who are actually living on these lands and whose only means of sustenance are these lands would be seriously disturbed.

डा० ऐन० बी० खरे : महोदय, मैं भी इस विधेयक के विषय में

कुछ माननीय सदस्य : अंग्रेजी में ।

डाक्टर ऐन० बी० खरे : नहीं, नेशनल लेम्बेज में । महोदय, मैं भी इस विधेयक के विषय में अपने विचार थोड़े से शब्दों में प्रकट करना चाहता हूँ । हुआ, आप को मालूम है कि ८ अप्रैल सन् १९५० के शुभ मुहूर्त पर इस इंडिया की राजधानी में इंडो पाकिस्तान का निकाह हो गया जिस को बोला जाता है नेहरू लियाक़त पैकट और इंडो पाकिस्तान पैकट । उस निकाह की जो शर्तें हैं वे बहुत सी हैं । वे शर्तें अभी हमारे सम्माननीय मित्र श्रीयुत चैटर्जी ने हाउस के सामने पढ़ कर सुनाई हैं और आप ने उन को सुना है । उन को सुन कर हमें ऐसा मालूम होता है कि वे शर्तें ऐसी ही हैं जैसी कि हमारे हिन्दुओं के वैदिक विवाह में हैं :

“धर्मेच अर्थेच कामेच नाति चरामि,
आति चरामि, नातिचरामि ।”

तो ऐसी हमारी यह सरकार है । सब दुनिया जानती है कि यह जो निकाह है यह टूट गया है । पाकिस्तान ने निकाह की शर्तें तोड़ कर, ठुकरा कर हिन्दुस्तान यानी भारत को तलाक़ दे दिया है, यह दुनिया जानती है । मगर इस हालत में भी हमारी सरकार ऐसी उत्सुक है कि उस निकाह की जो शर्तें हैं उन को पूरी करने के वास्ते वह इस विधेयक को हाउस के सामने लाने के लये तैयार हुई है । हम को इस में ताज्जुब मालूम होता है । हमारी इस सरकार में बड़े बड़े देश भक्त हैं, इस में जगत्मान्य व्यक्ति हैं, सब तरह के होशियार व्यक्ति हैं । यह होते हुए मैं इस को कैसे कहूँ कि यह सरकार की नालायकी है, नादानी है या नामर्बागी है, ऐसा मैं कभी नहीं बोलूंगा ।

बाबू रामनारायण सिंह : नामर्दगी तो जरूर है ।

डाक्टर ऐन० बी० खरे : अजी, जरा सुनिए तो क्या है । सुन कर आप की तबियत खुश हो जायेगी । मैं यह कहूंगा कि इस में इस सरकार ने अपनी हिन्दु भावना का पूरा परिचय दिया है । आप जानते हैं कि हिन्दुओं में नारियों के पतिव्रता धर्म का बड़ा महत्व है । पति कुछ भी करे, चाहे लात मारे, फटकारे, खाने को न दे, छल करे, कपट करे, सब कुछ करे, तो भी पतिव्रता नारी ऐसी होती है कि वह उस पति की सेवा ही करती जाती है । पति लात मारता है तो वह उस का पांव दबाती है । वह मुक्का मारता है तो भी लजीज अच्छे अच्छे खाने बना कर वह उस को खिलाती है, न जाने वह क्या क्या करती है । तो हिन्दु समाज में पतिव्रता नारी जैसा काम करती है उसी तरह इस सरकार ने और सब बातों में हिन्दुत्व का त्याग करते हुए भी उस हिन्दुत्व को नहीं त्यागा है, इस के लिये मैं उस को बधाई देता हूँ ।

[डाक्टर एन० बी० खे]

फिर इसके आगे चलिये । नारी क्या करती है कि वह चाहती है कि ऐसा ही पति आगे के सात जन्म में मिल जाय । इस के लिये पतिव्रता नारी व्रत भी करती है, सावित्री त वगैरह करती है, ज्येष्ठ सुदी पूणिमा को वह व्रत होता है । तो मेरे काल में आज ज्येष्ठ सुदी पूणिमा के व्रत क ही यह सरकार पालन कर रही है, इसलिये मैं सरकार को इस के लिये बचाई देता हूँ ।

Shrimati Renu Chakravarty (Basirhat): The tragic part of the question that is under discussion is that it is the ordinary man—both Hindu and Muslim—that has suffered. As far as bargadars go, both Muslims and Hindus are suffering. This Bill seeks to make out that we are going to give the bargadars a very good deal, but what actually have we done for those bargadars who have come over from East Bengal? In the last few months or even a year, a big proportion of the refugees have been bargadars and peasants and we also know of cases where these people have been given some kind of land. We have gone to the hon. Minister and taken up the cases where land which is unfit for cultivation has been given to them. They have been unable to grow any crop there and have had to abandon the lands, and they have been considered as useless people by government and they have been told they are not going to be given any further help. Now over here this Bill is seeking to throw out those bargadars who have already settled themselves. Now before we bring this Bill, it is necessary to clarify that we are not going to throw out any bargadars who have settled themselves on land without giving them alternative cultivable land. That is absolutely essential, because we feel that it is necessary for both the bargadars, Hindus or Muslims, to be re-settled.

A few days ago during Question Hour this point was raised as to whether there was land which could be given over for the rehabilitation of the refugees, especially rural refugees in Tripura, but I am afraid there was no satisfactory answer to that. We have been told by certain Members here that there are large tracts of land which can be given to them. Therefore, what I should like to say is this that we must make a provision that any bargadar who has to give up his land should within a specified time limit be

given alternative cultivable land without which he cannot be thrown out. I lay particular stress on the time-limit. I do not think we should make the Muslim bargadar who generally is very poor suffer because certain things have been done by the Government of East Bengal. Therefore we must be very clear about this before we pass this Bill.

While on this subject, I should like to bring to the notice of the hon. Minister and of this House the case of many colonists who are being ejected from their homesteads which they have built up on land which happens to belong to very big, rich and influential people. For instance, I have got before me the ejection notices given to Bandhabnagar colonists because that land belongs to Manguram Bangur, one of the biggest Marwari landlords of Bengal. It is no use your saying that you are trying to do this for this person and that for the other person. Before we bring in any legislation we must be clear that no ordinary man is made to suffer, whether he be Hindu, or Muslim.

Shri T. K. Chaudhuri (Berhampore): I have certain doubts about the operation of this Bill when it becomes enacted. The Statement of Objects and Reasons says that this measure emerges out of certain agreements arrived at at the Chief Secretaries' Conference held sometime in 1951. I would like to know what are the reasons that weighed with the Secretaries and the Government to extend special facilities to evacuee bargadars from Tripura alone and why no corresponding facilities have been extended to bargadars who have migrated from West Bengal or Muslim bargadars who have migrated from West Bengal or Assam and came back subsequently.

Now, so far as bargadars are concerned in West Bengal they do not enjoy the benefits conferred on evacuees by the West Bengal Evacuee Property Act. But here Muslim evacuee bargadars from Tripura who return would be restored to the possession of their cultivable land and if necessary force will be applied by the Government to restore to them the possession of their lands. There is no mention in the Bill about bargadars who are already in possession of those lands. May be they have come from East Bengal; they in possession of those lands. Maybe local people. They have been actually cultivating those lands. Where will these people go? Under the West Bengal Evacuee Property Act, evacuees have some protection. Restoration or

delivery of the possession of property to returned evacuees is not possible when some other person is occupying that particular land or that particular property. It is not always possible to turn him out. The case has to be referred to the Minority Commission. But when the West Bengal Evacuee Property Act is extended to Tripura no such protection is afforded and persons who are actually cultivating these lands may be turned out and the lands restored to bargadars. I would like the hon. Minister to make this position clear. Otherwise, the Bill as framed would work havoc on the Hindu cultivators. All of them are not migrants from East Bengal; many of them are local people. But they it is who are now actually cultivating the land. They have no rights under the Tripura law and they will simply be thrown out which is intolerable. This matter should not be looked upon from the communal point of view or from the point of view of India versus Pakistan. We should look at it from the human point of view and also from the point of view of the economy of that small State. Where will these people go and what would be the condition of the state of cultivation and agriculture in those areas in which you intend to bring in Muslim evacuees and restore them the possession of their *barga* rights and throw out the Hindu *bargadars*? These questions should be clarified before this House can agree to the enactment of this Bill.

Mr. Deputy-Speaker: Dr. Katju.

Shri Meghnad Saha (Calcutta—North-West): Sir, we want to speak.

Mr. Deputy-Speaker: Any hon. Member coming from Tripura?

It is like the snow-ball gathering momentum!

Shrimati Benu Chakravarty: Sir, it is a very important Bill.

Mr. Deputy-Speaker: Hon. Members, when they are interested in speaking, they very often rise at the earliest opportunity. But as the debate goes on and when the debate is expected to close—not that I am in a hurry—somebody just takes a hint and rises. I am not casting any aspersions against any hon. Member. But I was looking to various people and when I call upon the hon. Minister, two or three people get up. Let them stand up in the first instance, so that I may know all who want to talk, what time it will take and I may tell the hon. Minister.

Dr. S. P. Mukerjee: Has the end of the snow-ball touched the heart of the Minister?

Shri Meghnad Saha: As I come from East Bengal and have knowledge of

the rural conditions, I can add something to this debate.

I think the Bill which the Government is bringing forth here is a very hasty one. So far as Tripura is concerned, the Hindus have migrated into Tripura from the neighbouring districts for ten years. My hon. friend Mr. Chatterjee referred to a riot that took place in 1940 when hundreds and thousands of Hindus were driven out from their homes and homesteads in Raipura and other places—more than a hundred thousand—and they took shelter in the State of Tripura. And the Maharaja of Tripura at that time braved the British Government and gave them shelter for a long time and supplied them with the necessities of life.

After that this Hindu migration from East Bengal has been going on into Tripura for over a long time. I was there for about a week just six months ago. We found that the number of migrants in the Tripura State exceeds the local population. Most of them are Hindus and many of them have taken to agriculture, because land is available in Tripura and as they have no other means of livelihood they are cultivating the land which they could occupy themselves.

Under these conditions, to bring out a Bill like this which will throw thousands of refugees from their only means of livelihood is a great cruelty. The name of the *bargadar* always evokes here a certain amount of sympathy. The *bargadar* has no rights at all. In our part of the country, in East Bengal, the *bargadar* is a tenant-at-will. He may cultivate the land for one year; he may not cultivate it the next year. He is simply a labourer. Now, we are talking here of the rights of the *bargadars*. But what are the rights? He has no rights. Up to this time even the Pakistan Government has not taken any steps for recognizing any right of the *bargadar*. The *bargadars*, who used to come from the neighbouring district of Comilla, are mostly Muslims, and they used to be employed as labourers. What is the right they are asking for?

In the course of the last three or four years all this land is being cultivated by the Hindus, and it is their only means of livelihood. Now, without providing for them, you are trying to throw them out. Sir, this I consider is the working of the Nehru-Liaquat Ali Pact in one direction. But there is no reverse probability. You are not doing anything for the Hindus who will be completely deprived of their only means of livelihood.

[Shri Meghnad Saha]

Coming to this point about the question of evacuees, this only shows that the mind of the Government, when they want to operate the Nehru-Liaquat Ali Pact, is working only in one direction. Now, take the city of Dacca, the biggest city in Eastern Pakistan. It had a population of 200,000 before partition, 70 per cent. of it were Hindus—1,40,000. They owned 80 per cent. of the houses there. Now there are only 5,000 Hindus left there, and they have been completely forced out of their houses in Dacca. I know it because I come from Dacca. Most of my relatives are inhabitants of Dacca, and they have come to Calcutta. When you pass on the streets of Calcutta you find shops springing up on both footpaths. Who are these people? They are the people who have been forced out of their homes and hearths in Dacca. In spite of the fact that four or five years have passed I know that in almost 99 per cent. of the cases they have not been able to recover their homes in Dacca, and in the urban areas. And they are living in the streets of Calcutta. There may be a few rich men who have been able to find a house here and there. But most of these people who had left their hearths and homes in the city of Dacca—1,40,000 inhabitants—they are living in the streets of Calcutta.

Please do not be generous in one direction only. It will create a revolution after some time if you do that. I would therefore request the hon. the Home Minister that he should drop this Bill. He should make enquiry on the spot; he should make enquiry about the conditions of these refugee inhabitants who are leading a sub-human existence in the streets and suburbs of Calcutta. And some of the ladies of these houses who were settled near about Asansole are committing suicide. You should not add to their misery. Study their conditions properly, and after that bring a Bill which may be acceptable to this House.

In the mean time I do not think you should be over-generous towards Pakistan. If you want to be generous to the inhabitants of Pakistan I do not object; but charity begins at home and you should also remember the people who have lost their hearths and homes which they have worshipped and adored for thousands of years and which they cannot yet forget.

Shri Gidwani rose—

Mr. Deputy-Speaker: I think there has been enough discussion. Dr. Katju.

Dr. Katju: I had the benefit of reading that portion of the speech, which I did not actually hear, of my hon. friend, the Member for South-East

Calcutta. It was on the usual lines, and the other speeches proceeded much along the same way.

Now, having seen the misery of the evacuees and the people who have come from East Bengal, it would be wrong on my part to say that I sympathise with them: I share their joys and sorrows. The sorrows predominate. And it is not a question of lacking in sympathy. But I respectfully suggest that in this type of sentimental sympathy we have overlooked the very simple provisions of this Bill. I am very sorry that I was not here—I was engaged elsewhere—to move the Bill for the consideration of the House. But you will please remember what actually happened. There was that Pact in April 1950.

It had to be implemented at that time. Now followed conferences on Governmental level,—Chief Secretaries' level. There was a conference on the 2nd or 3rd December 1950. Then there was one in March 1951 and then followed another in December 1951. Now, in pursuance of the March 1951 conference, it was agreed that there should be legislation in East Bengal, West Bengal, Assam and Tripura. In West Bengal legislation was enacted. In East Bengal the same thing happened and in Assam followed the same thing. In Tripura which was then under a Chief Commissioner, the Act could not be enacted and it had to be done by a notification. Now in this Act, the Bengal Act, or the Assam Act, there was an appointed date; "appointed date" meant that an evacuee must return home before he was entitled to make any application. I want to make it clear it is not a case of an evacuee from East Bengal or an evacuee from West Bengal walking over to Dacca or going over to Dacca or *vice versa*. He must return by an appointed date. There are two things to be considered. The return of an evacuee to Tripura, to West Bengal, to Assam, by a particular date. Similarly the return of an evacuee from East Bengal or to East Bengal by an appointed date. Now the House will notice that the "appointed date" was formerly given as the 15th of June, 1951. It has now been made 9th of July, 1951. This extension by about three weeks was done at the express instance of the Chief Commissioner who pointed out that there was some administrative difficulty. The result is that anyone who wants to take advantage of this Bill, must have returned to Tripura and settled there again as an Indian citizen by the 9th of July 1951. It is not a case of anyone returning at any time and then making an application and saying "please give me this relief or that relief or third relief".

You must come and settle down. That being so, the other date is the date of the application. Now that has been extended from time to time. We put it down in the Ordinance as 6th of August and that has now been changed, because of this Bill, to 6th November. I submit, Sir, that it makes really no difference. Of course, I saw refugees with my own eyes, in those terrible days of 1950, the opening days. Things happened of which we were all ashamed, Hindus and Muslims of East Bengal were ashamed, we were ashamed in West Bengal, Howrah and everywhere. Many people ran away. The others simply fled. Those who came back home on the 9th July 1951 say "We want our property." What is the answer? My hon. friend referred to what has been done in Bengal, in Calcutta about rehabilitation and all that. I am aware of it. But supposing a person who had been evacuated in this fashion returns from Dacca or anywhere else and returns to Calcutta or returns to Dacca and says "This house is mine, I want to get it back". The person in possession is a trespasser. Under the Civil Law, my hon. friend Mr. Chatterjee will tell you, the period for recovery of possession is twelve years. If I leave my house in Delhi unoccupied—but the legal title is in my name—and somebody in my absence walks into the house for any purpose, very humanitarian purpose, and I am hard-headed, I come back, I do not go to the Civil Departments, I go to a Civil Court and say "I want my house back." The Civil Judge is entitled to adjudicate upon that case. If he does give a decree, I am entitled to be restored to possession. Similarly, therefore, please remember that after that pact—I am not concerned with the other provisions of the pact—so far as this particular item is concerned, the only fact is this, that property should be restored.

Please remember one thing more. This is only an amending thing. Therefore attention has not been drawn to it. The parent Act is a big one. There is section 24 in it and section 24 proceeds on these lines. You are an evacuee, you come back; if you make an application within the period allowed, then the property will be returned to you and the civil authorities will assist you, but supposing you do not make an application by that time. Then the period given is, I believe, middle of June 1953. He can make an application by that date and it should be taken notice of.

Another point. Either the land will be returned and he will be back in possession or compensation would be given to him or the rents of the property which have been collected will

be given to him. My respectful submission to you, Sir, is that all those points which have been made—I may be pardoned for saying that—have been made in a sort of retaliatory way which I easily appreciate having seen Calcutta for myself, having seen the refugee camps I appreciate the spirit underlying it but so far as this Bill is concerned, it deals with a very minor matter. Legislation is there, it is working in West Bengal, it is working in Assam. Nobody has suggested that it should be overruled. So far as Tripura was concerned, we first had the Bengal Act extended. Then it was said "Well, this is not quite regular". Then the Central Government issued a notification.

There have been some decisions of the Supreme Court where it is said that parliamentary legislation should intervene in regard to Tripura and not an executive notification. A point was made that the Chief Commissioner of Tripura should be consulted. It was at his instance that it was considered proper to move an Ordinance to be enacted. Then, under the Constitution, we have got to do this. Speaking with all humility, most of the speeches which had been made had been influenced with the events which occurred in September, October, the passport system and all those sentiments (interruption). I shall deal with the points which my lady friend, Shrimati Renu Chakravarty made some time back but so far as this particular legislation is concerned, that has nothing to do with either the passport system or any others. I mean, I repeat myself again, it applies to persons who have returned before the 9th of July 1951.

People have settled in Tripura, in Calcutta, in Dacca. They are not the persons who are coming backwards and forwards. But, the thing has simply washed itself out, so far as that particular clause of the Pact is concerned. As regards the other conditions which remain to be executed, you may make any argument you like. But, for the clauses which have spent themselves out, which have been worked out, I submit, any arguments based upon these subsequent developments are not applicable. The vital date is 9th July 1951. That has passed 18 months back. There is no answer to his claim. That is my short submission on that point.

Then, comes the bargadari business. I know something about bargadari, having studied it, though not as carefully as my hon. friend Mr. Chatterjee and other people. But, I did my best and I know something about the tenure. The question is this. If a man left owing to the disturbances in January, 1950 or February, 1950, if by his tenure

[Dr. Katju]

he had got no title and his title was washed out, if he had remained in Tripura, he would not have got back possession, this Bill does not give it to him. It all depends on his title. It is not as if the Act was intended to confer some additional title upon any one. The object was that instead of taking lengthy proceedings in civil courts and doing this, that or the other thing and spending money and running from pillar to post, he goes to the Collector, and the Collector looks into the matter and gives relief.

Thirdly, in spite of the feelings which have been shown on that side of the House, I do make a strong appeal—that is what we have been taught on this side of the House at least—that we must carry out our undertaking. This undertaking was given that this sort of legislation will be passed; not only given in the Pact, but it was repeatedly given, as I said, in December, 1950, in March 1951, and December, 1951. Legislation has taken place. Good or bad, people have benefited from it or suffered from it in Assam; people have benefited from it or suffered from it in the whole of West Bengal. Here is a tiny little place, Tripura. Because of technical difficulties, we had to pass an Ordinance and we have to bring this Bill. The whole question is this. Are we to say that, because of the events that have taken place in September, 1952, October, 1952, and troubles arising out of passport disputes, we will not carry out our pledged word, which was repeatedly given and emphasised in the whole of 1950 and 1951, and we will back out? I submit that this will not be the proper thing to do. This will not advance our own credit. We will not very much elevate in our own eyes. I should like to assure the House that so far as my information goes, and the papers go, this thing had to be done because we wanted to put the undertaking, 'ship-shaped', in proper legal phraseology.

As regards the point made by hon. Shrimati Renu Chakravartty that people should not suffer and there should not be any large scale removals.....

Shrimati Renu Chakravartty: Alternative land should be given.

Dr. Katju: There is other land available. I shall see to it. I hope it to be there.

We have given our undertaking. That has been acted upon in Assam. That has been acted upon in West Bengal. We must do our job. We must stand by our pledged word. In the first place, from the papers I have seen that the number of removals or dispossession is not very large. Secondly, it

has already taken effect. Applications must have been made. Please remember that the Ordinance was passed in August or September. That gives a date. By that date applications must have been made and finished.

Shri V. G. Deshpande (Guna): May we know the number of cases that have so far been disposed of?

Dr. Katju: I cannot give you the exact figure. But, from the Chief Commissioner's report, I gather that the number is not very large. This is what I gather. Secondly, it is the bargadari system itself; if there is no right, there is no right. I ask the House in all humility not to take this matter as if it is a sort of a vehicle for wreaking vengeance and giving them a blow; for what you have done, we are going to do this. There are people suffering in Calcutta and so on. Everybody knows that. But, this is not the remedy.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

The remedy lies elsewhere, in other ways. Tripura men are very few. Now, I repeat again—I have repeated it three times—speaking as a lawyer, what remedy have you got? If the courts of justice are functioning, if a man says, I went to Dacca, I have returned after three years, two years, or three months, there is my house in Chowringhee or Burra Bazaar or Harrison Road, I find some man occupying it, he has no title whatever, I never sold it, I never gifted it, he is a trespasser, I want it back, what answer would you give? No answer. Similar is the case here. If there is no title then, it is a clear matter. I hope this explanation would appeal to hon. Members and I do suggest respectfully that there is really not much foundation for the criticism that has been made. I can quite understand their feelings and appreciate it very much. So far as the alternative land is concerned, we will do our best.

Dr. S. P. Mookerjee: May I ask one question, Sir? The hon. Minister just now said that all that was being done was to give to the returning evacuees certain rights which already they had under the law. But, the wording here is that the bargadar will be entitled to re-possession of the land "notwithstanding anything contained in any other law for the time being in force or any contract to the contrary...." which means, even if their right had been extinguished, what is now attempted to be done is to nullify the provisions of any such existing law. That is one question. The other question is, so far as I can interpret, the

Nehru-Liaquat Ali Pact of 1950, *bargadars* really are not covered by clause 6 of that Agreement. In fact, this was not included previously. At the instance of the Chief Secretaries' Conference, *bargadars* are being included. What I am asking is this. Has similar legislation been passed in East Bengal, even in theory recognising the right of *bargadars* to get back whatever interests they had in the land which they had vacated? So far as I know, such a law has not yet been passed in East Pakistan. I would like to know from the hon. Home Minister.

Dr. Katju: The answer to that is this. I may just read a para. from the Chief Secretaries' Conference proceedings:

"As regards Tripura it was agreed (by all the Secretaries) that while adopting the West Bengal Bill for that State, specific provision shall be included to confer the same rights on *bargadars* as to restoration of property as had been provided in the Assam law, and would be provided in East Bengal and were implicit in West Bengal....."

Dr. S. P. Mookerjee: Has that been passed in East Bengal? I know that a resolution has been passed. Has East Bengal passed a law? That is what I am asking.

Dr. Katju: I cannot give a definite answer.

Dr. S. P. Mookerjee: That is an important point. Before our Parliament proceeds to give effect to a bilateral agreement, we should know what the other Government has done.

Dr. Katju: If you want a specific answer to that question, I shall give. Not today, but tomorrow. But supposing they do not pass it, you have done it in West Bengal, you have done it in Assam. We must set an example that we are prepared to carry out our undertakings.

4 P.M.

Shri A. C. Guha: I would like to know from the hon. Minister whether this Government has got any idea about the working of the Evacuee Property Management Committees in West Bengal, Assam and East Bengal; how they have been functioning and whether any revenue or rent coming from these properties have ever been handed over to the evacuees as provided in the Delhi Pact?

Dr. Katju: That goes deeper. I have not the information as to how far these Managing Committees have been able to tackle the question. My hon. friend knows much better that in Calcutta it is very difficult to get rent from the refugees who have settled down in different parts. Presumably, it is the same thing in Dacca.

Shri A. C. Guha: Several times this question was raised, and every time the Government has been saying that they have not got the information. We are passing a law and setting up certain committees, and if we do not know how these committees have been functioning and how the property rights of the evacuees have been maintained by these Committees, what is the purpose of passing this law? Government must try to secure some information about the working of these committees and place it before the House.

Dr. Katju: May I deal with that? They are two different questions. If you apply on or before a specific date, then you get back the property.

Shri A. C. Guha: That is not the question. Evacuee Property Managing Committees have been set up in West Bengal, East Bengal and Assam. The Delhi Pact is now two years old, and information ought to be available as to how these Committees have been working, whether they have got possession of any of the evacuee property, whether they have been able to hand over any rent or revenue to the evacuees etc.

Dr. Katju: I was trying to answer that question when you repeated it. If you apply before a certain date, you get back the property. If you do not, then there is the Managing Committee. The Managing Committees are in Calcutta, in Dacca—in West Bengal and East Bengal. My hon. friend knows very well what is the condition of the Managing Committees in West Bengal.

Dr. S. P. Mookerjee: And in East Bengal? No one knows?

Dr. Katju: Worse probably. Let us take it that way if it pleases you. The Committees have nothing to do with the business here. That is a separate complaint. Nobody is taking rent from these properties because this Act has come into operation. Please remember that so far as 1953 is concerned, that Act is functioning. I suggest that really there should be no difficulty about this Bill.

Dr. S. P. Mookerjee: With reference to the question Mrs. Renu Chakravarty has put, may we take it that if this Act is put into operation, the Government does not intend to evict refugees who have settled on land, by force unless and until alternative land has been made available to them? The hon. Minister said that he would look into the matter, but we would like to get an assurance from him.

Dr. Katju: I shall do my best. I do not want to be tied down, but I shall do my best. The contingency may

[Dr. Katju]

never arise. I would beg you to remember what you are seeing in Calcutta.

Shrimati Renu Chakravartty: The hon. Minister says that already this is being put into operation in West Bengal. What has happened in West Bengal? We would like to have some information about it. What has happened to these *bargadars* who have already come there, and have now been thrown out? Have they been given alternative land?

Dr. Katju: My hon. friend will consider how that point arises. If they were returned land in 1951 in pursuance of the Pact, and then they are turned out again in 1952, say in August, well, a new situation arises. Take other steps; either enter into another pact, or do what you like.

Shrimati Renu Chakravartty: But those that fall within the purview of this Bill?

Dr. Katju: I shall bear that in mind. I am going to make a specific enquiry. I shall look into it.

Shrimati Renu Chakravartty rose—

Mr. Chairman: All these questions do not relate to this Bill directly.

Shrimati Renu Chakravartty: Yes, it does.

Mr. Chairman: After the hon. Minister has given an assurance, I think it should satisfy everybody. These matters are irrelevant to this Bill, and have an ancillary importance.

Shrimati Renu Chakravartty: It is very relevant. It is a question of what we are going to do.

The Minister of Rehabilitation (Shri A. P. Jain): In fact, the practice in West Bengal has been that nobody, whether he has been settled according to law or he has taken forcible possession of an evacuee land, is evicted unless alternative land is given to him. That is the practice which we have been following.

Dr. Katju: It will be the same in Tripura.

Shrimati Renu Chakravartty: But a time limit has to be put, because we know how Government functions. You

go on from year to year saying that you have not yet got the necessary land, and both the migrant and the incoming refugee suffer.

Shri A. P. Jain: The time limit is there. The man must have come before 9th July, 1951, and he must have made an application before 6th November, 1952. So there is no necessity of fixing any further limit.

Shrimati Renu Chakravartty: The hon. Minister has not understood my question. My question is this: from the time that orders are issued that the land will be returned, is there any fixed period of time within which the alternative rehabilitation is given, and the original land is returned to the original possessor?

Dr. S. P. Mookerjee: I think they will not be evicted until alternative land is provided.

Mr. Chairman: This point has been disposed of. The hon. Minister has already replied that he will do his best if such cases arise in which such alternative land is not given.

Dr. S. P. Mookerjee: Does that fall within the portfolio of the hon. Minister? He is only for law and order.

Dr. Katju: This is a State subject.

Mr. Chairman: The question is:

"That the Bill further to amend the West Bengal Evacuee Property Act, 1951, as extended to Tripura, be taken into consideration."

The motion was adopted.

Mr. Chairman: Now, I take up the clauses.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

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

Dr. Katju: I beg to move:

"That the Bill be passed".

Mr. Chairman: The question is:

"That the Bill be passed".

The House divided: Ayes: 149; Noes: 41.

Division No. 2]

AYES

[4.20 P.M.]

Abdus Sattar, Shri
Achal Singh, Seth
Achint Ram, Lala
Achuthan, Shri
Akarpuri, Sardar

Amrit Kaur, Rajkumari
Asad, Maulana
Balasubramaniam, Shri
Bakshi, Shri
Barman, Shri

Barupal, Shri
Basappa, Shri
Bhagat, Shri B. B.
Bhargava, Pandit Thakur Das

Bhawanji, Shri
Bhonsle, Major-General
Bidari, Shri
Birbal Singh, Shri
Bogawat, Shri
Bose, Shri P. C.
Brajeswar Prasad, Shri
Buragohain, Shri
Charak, Shri
Chaturvedi, Shri
Chaudhary, Shri G. L.
Chavda, Shri
Chaudhri, Shri M. Shaffee
Dabhi, Shri
Das, Dr. M. M.
Das, Shri B.
Das, Shri B. K.
Das, Shri K. K.
Datar, Shri
Deb, Shri S. C.
Desai, Shri K. K.
Deshmukh, Dr. P. S.
Deshpande, Shri G. H.
Dholkia, Shri
Digambar Singh, Shri
Dwivedi, Shri D. P.
Ebanexer, Dr.
Elayaperumal, Shri
Fotedar, Pandit
Gandhi, Shri Feroze
Ghandhi, Shri M. M.
Gandhi, Shri V. B.
Ghose, Shri S. M.
Giri, Shri V. V.
Gounder, Shri K. P.
Guha, Shri A. C.
Hazarika, Shri J. N.
Hem Raj, Shri
Ibrahim, Shri
Iyyani, Shri E.
Iyyanni, Shri C. R.
Jagjivan Ram, Shri.
Jain, Shri A. P.
Jajware, Shri
Jayashri, Shrimati
Jena, Shri K. C.

Jena, Shri Niranjan
Jha, Shri Bhagwat
Joshi, Shri Jethalal
Kajrolkar, Shri
Kakkan, Shri
Kala, Shrimati., A.
Karmarkar, Shri
Kasliwal, Shri
Katju, Dr.
Keshavalingar, Shri
Kekar, Dr.
Khongmen, Shrimati
Krishna Chandra, Shri
Krishnamachari, Shri T. T.
Krishnappe, Shri M. V.
Kureel, Shri B. N.
Laskar, Prof.
Lingam, Shri N. M.
Madiah Gowda, Shri
Mahodaya, Shri
Majhi, Shri E. C.
Malliah, Shri U. S.
Malviya, Pandit C. N.
Malviya, Shri K. D.
Mandal, Dr. P.
Maydeo, Shrimati
Mehta, Shri Balwant Sinha
Mishra, Shri Bibhuti
Mishra, Shri L. N.
Mishra, Shri Lokenath
Mishra, Shri M. P.
Mohiuddin, Shri
More, Shri K. L.
Nanda, Shri
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Pannalal, Shri
Pant, Shri D. D.
Rachiah, Shri N.
Raghubir Sahai, Shri
Raj Bahadur, Shri
Ram Das, Shri
Ram Subhag Singh, Dr.
Ramanand Shastri, Swami
Ramaswamy, Shri S. V.
Ranbir Singh, Ch.

Rane, Shri
Reddy, Shri H. S.
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Sakhare, Shri
Samanta, Shri S. C.
Sanganna, Shri
Shah, Shri B. B.
Shahnawaz Khan, Shri
Sharma, Prof. D. C.
Shobha Ram, Shri
Shukla, Pandit B.
Siddhannajappa, Shri
Singh, Shri D. N.
Singh, Shri H. P.
Singh, Shri T. N.
Singhal, Shri S. C.
Sinha, Dr. S.
Sinha, Shri B. P.
Sinha, Shri Jhulan
Sinha, Shri N. P.
Sinha, Shri S.
Sinha, Shri Satya Narayan
Sinhaan Singh, Shri
Sodhia, Shri K. C.
Somana, Shri N.
Subrahmanyam, Shri T.
Suresh Chandra, Dr.
Suriya Prasad, Shri
Tandon, Shri P.
Telikar, Shri
Thimmalah, Shri
Thomas, Shri A. M.
Tripathi, Shri K. P.
Tudu, Shri B. L.
Upadhyay, Shri Shiva Dayal
Upadhyaya, Shri S. D.
Vaishnav, Shri H. G.
Vaishya, Shri M. B.
Venkataraman, Shri
Vidyalankar, Shri
Vyas, Shri Radhelal

NOES

Ajit Singh, Shri
Amin, Dr.
Bahadur Singh, Shri
Banerjee, Shri
Basu, Shri K. K.
Chakravartty, Shrimati Renu
Chatterjee, Shri N. C.
Chaudhuri, Shri T. K.
Chowdary, Shri C. B.
Chowdhury, Shri N. B.
Damodaran, Shri N. P.
Das, Shri Sarangadhar
Deogam, Shri
Deshpande, Shri V. G.

Gidwanl Shri C. P.
Hukm Singh, Sardar
Jaisooriya, Dr.
Kelappan, Shri
Khare, Dr. N. B.
Mangalagiri, Shri
Mascarene, Kumari Annie
Mishra, Pandit S. C.
Mookerjee, Dr. S. P.
Mukerjee, Shri H. N.
Murthy, Shri B. S.
Nathani, Shri H. B.
Pandey, Dr. Natabar
Punnoose, Shri

Ramnarayan Singh, Babu
Randaman Singh, Shri
Rao, Shri P. R.
Rao, Shri P. Subba
Reddi, Shri Ramachandra
Saha, Shri Meghnad
Singh, Shri B. N.
Soren, Shri
Swami, Shri Sivamurthi
Trivedi, Shri U. M.
Veeraswami, Shri
Verma, Shri Ramji
Waghmare, Shri

The motion was adopted.