

[Dr. Katju]

and outside, consider ourselves specially fortunate that it should have been given to us to see the birth of this great republic. My hon. friend may not accept it and his heart goes back to the French Revolution, or whatever it is. We are trying our very best absolutely in every way that we can transform the life of the people of this country.

श्री के० के० बसु : यह गलत बात है ।

Mr. Deputy-Speaker: The question is:

That the following amendment made by the Council of States in the Bill to regulate certain conditions of service of the Judges of High Courts in Part A States, be taken into consideration:

"That for the existing enacting formula of the Bill, the following be substituted, namely:—

'Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:—'

The motion was adopted.

Dr. Katju: I beg to move:

"That the amendment made by the Council of States in the Bill be agreed to."

Mr. Deputy-Speaker: The question is:

"That the amendment made by the Council of States in the Bill be agreed to."

The motion was adopted.

DISPLACED PERSONS (COMPENSATION AND REHABILITATION) BILL.

Mr. Deputy-Speaker: Before the hon. Minister starts, I should like to say that this matter was brought before the House as a special Bill. As to what time has to be allotted to this Bill has not been considered by the Business Advisory Committee.

The House may decide as to what time it will take.

The Minister of Rehabilitation (Shri A. P. Jain): I think we should finish it by 1-15 P.M. today.

Mr. Deputy-Speaker: Two and a half hours. How long does the hon. Minister propose to take?

Shri A. P. Jain: Twenty-five to thirty minutes.

Mr. Deputy-Speaker: In the end?

Shri A. P. Jain: Not much time; all things said here will have to be taken into account by the Joint Select Committee.

Mr. Deputy-Speaker: Can we finish in two and a half hours?

Shri Raghavachari (Penukonda): We have a programme to follow as recommended by the Business Advisory Committee. If this new Bill which was not considered by that Committee should be interposed now, it might result in that programme being upset and the House may have to be further extended. That is the only point. We will have to guard against such a contingency.

Mr. Deputy-Speaker: Then, finish this as quickly as possible.

Shri K. K. Basu (Diamond Harbour): Let us begin and see.

Shri A. P. Jain: So far as I understand, the time taken by this Bill will not disturb the other programme of the House and there will be no necessity to extend the sittings of the House because of the discussion on this Bill.

Mr. Deputy-Speaker: What time shall we allot for the consideration motion?

Shrimati Renu Chakravartty (Basirhat): This Bill is only going to the Select Committee.

Mr. Deputy-Speaker: All right. The hon. Minister will take 25 to 30 minutes

initially. If there is to be any reply, we will see. This matter will be finished by 1-15.

Shri A. P. Jain: I beg to move:

"That the Bill to provide for the payment of compensation and rehabilitation grants to displaced persons and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 49 Members, 33 Members from this House namely: Shrimati Subhadra Joshi, Shri Gurmukh Singh Musafir, Lala Achint Ram, Pandit Thakur Das Bhargava, Shri Hira Singh Chinaria, Shri Naval Prabhakar, Shri Bibhuti Mishra, Shri Ramchandra Majhi, Dr. Pashupati Mandal, Shri Daulat Mal Bhandari, Shri Muhammed Khuda Baksh, Shri Rameshwar Sahu, Shri Khushi Ram Sharma, Shri Venkatesh Narayan Tivary, Shri Yeshwantrao Martandrao Mukne, Shri Raghubar Dayal Misra, Dr. Hari Mohan, Shri Ramraj Jajware, Shri Krishna Chandra, Shri Shankar Rao Telkikar, Shri P. Kakkan, Shri T. R. Neswi, Shri K. G. Deshmukh, Sardar Hukam Singh, Shri Pisupati Venkata Raghavaiah, Shri Nikunja Behari Chowdhury, Shri Bahadur Singh, Shri Jaswantraj Mehta, Shrimati Sucheta Kripalani, Shri Choithram Partabrai Gidwani, Sardar Lal Singh, Shri Jagannathrao Krishnarao Bhonsle, and Shri Ajit Prasad Jain and 16 members from the Council;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects, the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations

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and modifications as the Speaker may make;

that this House recommends to the Council that the Council do join the said Joint Committee and communicate to this House the names of members to be appointed by the Council to the Joint Committee."

In order to correctly appreciate the provisions of this Bill and the necessity for introducing it, it is necessary to go broadly into the history of our negotiations with Pakistan in respect of evacuee property. I will take the House back to 1947 when in the first Inter-Dominion Conference it was decided to set up a Committee of two officers from each Dominion to consider the question. That Committee unanimously recommended that the Dominion in which the evacuee agricultural property is situated shall acquire it on payment of fair value, except that part thereof wherein the Government concerned has accorded permission to exchange or sale by private negotiation or has allowed restoration. The fair value was to be assessed by a Joint Valuation Board according to the average prices prevailing for similar land between June 1927 and June 1947 and the difference between the total value in the two countries was to be paid in the form of bearer bonds of a general issue bearing 1½ per cent. interest free of income-tax. In other words it was accepted in principle that there should be an exchange of the agricultural property on a government to government level and that the debtor country should pay to the creditor country in respect of the difference of the value of the agricultural property in the two countries by the issue of bearer bonds bearing interest.

In regard to urban property, the recommendation was that the Government of the Dominion in which the evacuee property is situated shall provide facilities to evacuees as also to private agencies working on their behalf to enable transfer to be effected by sale, exchange or otherwise. To

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put it shortly in respect of urban property, the recommendation was that sales and exchanges may be effected by the individuals. The recommendations of this officers' committee were finally considered by the Inter-Dominion Conference in January, 1949 and an agreement was arrived at which is the well-known Karachi Agreement.

In regard to agricultural property, this Conference decided that, with a view to collecting the data, which would enable an early decision to be reached regarding the disposal of agricultural property, to exchange copies of revenue records and of existing records bearing on the question of land prices.

In regard to urban property, it was agreed that the evacuee owner shall have the right to transfer his property by sale, exchange or otherwise, subject to such rights as may have been acquired by the Provincial or the Dominion Government as the case may be. Further, it was also agreed that the Custodian will prepare for the six-monthly period ending 30th June and 31st December each year in duplicate for each locality giving particulars of evacuee urban immovable property situated therein, the names of the evacuee owners and the lease money assessed, with an additional column showing the rent collected, deductions made therefrom and the balance payable to each evacuee owner. This arrangement would apply *mutatis mutandis* to rents of agricultural properties.

Pakistan has been relying all along on this Karachi Agreement, but we have to see to what extent Pakistan has adhered to the provisions of the 1949 Agreement, i.e., the Karachi Agreement. Twenty-six days after the Karachi Agreement was signed, Pakistan, without consulting India, promulgated an Ordinance under which every visitor to Pakistan was required to obtain an income-tax clearance certificate testifying that no income-tax was due from him before

he could leave Pakistan. This made the provision with regard to the exchange of urban evacuee properties very difficult to work. When we took up the matter with Pakistan, they made an exemption for fifteen days visits, but even that was too short. Things did not end there, but on the 16th February, 1949 Pakistan issued an order, again without consultation with India, slashing rents on all urban evacuee property. The Muslim refugee occupants of non-Muslim property were given a remission of as much as 80 per cent. of their rents, further reduction being allowed for prompt payment of rent. In the case of non-refugees, a remission of 33 per cent. was also allowed. By this arbitrary reduction of rent, Pakistan correspondingly reduced the value of these properties. What was then the use of entering into an agreement that properties would be exchanged at a private level when by an arbitrary act Pakistan could reduce the value of these properties so radically?

In order to even out things, another conference was held in June, 1949, but nothing came of it.

Following the conference, on the 26th July, 1949, Pakistan promulgated an Ordinance banning the sale and exchange of evacuee property. We had no other option except to take similar steps on the 30th July, 1949. Now, to harp on the private exchanges of property in the face of what was done by Pakistan, completely making it impossible to make any exchange of this property, is something which I would say is extremely, to put it very mildly, unbecoming.

With regard to agricultural properties, the revenue papers have been exchanged to a large degree, but the very important condition of the exchange of accounts of the rents has not been fulfilled. It is a fact which can hardly be controverted that both so far as lands and urban property are concerned, refugees on this side have left far more valuable properties

than the migrants from India to Pakistan. It was not in the interests of Pakistan to furnish these accounts, because, as a consequence of these accounts, they would have to make remissions of the balance and they had no intention of doing so.

Things went on hanging for some years. There was a complete stalemate. In June, 1950, during the course of the Indo-Pakistan Conference, we again took up the matter of immovable property, agricultural land and urban properties. We made a suggestion to the Pakistan delegation that the properties might be exchanged at governmental level; their values might be assessed in an *ad hoc* manner, and the difference between the values of the properties in the two countries be determined roughly. The debtor country should be prepared to pay the amount agreed upon between the two countries. We also made it clear that we would not insist on the payment of the last pie; we were prepared to come to a settlement on a figure which might be well within the paying capacity of Pakistan. Nothing came of it.

Then, on the 13th October, 1952, we made formal proposals to the Pakistan Government. Those proposals were that the two Governments should take over the evacuee property left behind in their respective territories and compensate the evacuee-owners according to the principles which may be decided upon by negotiation between the two countries. If direct negotiations proved unfruitful, the Government of India would be prepared to refer the question of the method of valuation to arbitration by an international tribunal agreed upon between the two countries. If it was so desired, the matter might be referred to an international court or any *ad hoc* court consisting of the nominees of the two countries. Again we met with disappointment.

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On the 5th March, 1953, the Pakistan Government rejected our proposal

not only for a government to government settlement, but also for a reference of the matter to an impartial body. Shortly after, however, Khwaja Nazimuddin suggested that a settlement of all outstanding issues between the two Governments by negotiations and personal discussions might be attempted. The same thread was picked up by Mr. Mohammed Ali, and the Prime Ministers of India and Pakistan had a sort of general talk about the problem of evacuee property in London and in Karachi. In consequence, we sent our officers' delegation to Karachi, and discussions were held in the months of July and August. Unfortunately, with regard to immovable property, during the course of these discussions, there could be no settlement. In regard to agricultural property, our officers pointed out to Pakistan that practically all the records had been exchanged, and that both India and Pakistan were in possession of the facts. Only some records in regard to the non-agreed areas which represented less than eight per cent. of the total evacuee agricultural land in India remained to be exchanged. We suggested that these comparatively few records should not stand in the way of a settlement. They, however, refused to commit themselves to a government to government settlement in regard to the agricultural property. Again, in regard to urban property, they said they were not prepared to discuss the full implications of the suggestion to effect exchanges and sales privately. Now, there is one aspect of it, which is rather an important aspect. No one can say that the values of the evacuee properties in the two countries are equal, and therefore, some hard core will be left over. What we have all along been urging upon Pakistan is: "Assuming that we agree to the exchange of properties by individuals, what will happen to this core of the property? Do you agree to make payment for the core of the property that is left over, after all the exchanges have been effected". To that they have never given any satisfactory answer. We have also asked them, "How long do you want to give trial to the system of

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private exchanges?" We have got some past experience, namely from January to June 1949, and during that period of five to six months, only a few dozen properties could be exchanged or sold in the two countries. Even when there was some possibility of the sale of properties in Pakistan, an artificial agitation was kicked up, and the sale became impossible. It will thus be seen that all our efforts to come to a settlement about evacuee properties at a government to government level have been turned down by Pakistan.

Undeterred by their continuous refusal, we went on pursuing a settlement by negotiation. When the two Prime Ministers met in August, it was agreed that a further conference would be held within one month. The House will recall that a Press Communique was issued to that effect. We suggested to Pakistan to hold a conference in the third week of September. They did not reply. Our Prime Minister wrote a number of letters to the Prime Minister of Pakistan continuously pressing upon him to convene a meeting of the officers of the two Governments, and to come to a settlement with regard to all kinds of evacuee properties. We received a communication from Pakistan last February, in which they alleged that quasi-permanent allotment of urban evacuee property contemplated under the interim compensation scheme had created a new situation prejudicial to the proposed further discussions. We made it clear to them that we had kept the title of the evacuees intact, and that it had not been affected by our quasi-permanent allotments, and therefore, it should not stand in the way of a settlement by negotiation.

Ultimately, on the 12th April, we got another communication from the Prime Minister of Pakistan, that it would take some time before the Pakistan Government could examine the various issues relating to evacuee properties. The question of evacuee property has been before India and before Pakistan, for the last six years and more, and at this

stage, they say, that they would take more time to consider this question. In the light of the dilatory and obstructive tactics that have been followed by Pakistan, we are left with no doubt that they do not want a settlement, and therefore, we were driven to the necessity of taking some steps.

I find that in today's *The Statesman*, Mr. Shoab Qureshi, the Pakistan Minister for Refugees has characterised our action as indefensible, unilateral and immoral—I believe the report is correct. In the light of what I have said, can it be said that the action is indefensible? We have been driven to take this action, by the obstructive attitude of Pakistan. Unilateral it is, because we had no other option, and Pakistan was not prepared to come to a settlement. As regards its being 'immoral', let us examine that question with respect to evacuee properties. The position today is that they are fast deteriorating. Every rainy season, a large number of houses—may be several hundreds—collapse. In fact when I see a report in the newspaper that a house has collapse, I have a depressing feeling that it might be an evacuee property house; and in many cases, my feeling has turned out to be correct. In the city of Delhi, there was a report that a house had collapsed, and four persons had been buried and killed. I made inquiries and found that it was an evacuee property house. Similarly, a report appeared that in Amritsar, a house had collapsed and some persons had died. On enquiry, I found that it was an evacuee property house. In Bombay and other places also, a large number of evacuee property houses is going to ruins. In fact, the municipal authorities of Bombay have issued notice against the Custodian, to prosecute him for keeping the houses in such a dangerous condition, dangerous not only to the occupant, but also to the passers-by and the neighbours.

In these circumstances, we felt that if any further delay occurred, there might be no evacuee property left to argue

about; it would mean a national loss to us and it would mean a national loss to Pakistan. Even then, Pakistan has not cared to see or to appreciate our point of view. The House is well aware that all the agricultural lands and most of the urban properties have been allotted to the refugees both here in India and in Pakistan. They have been using those properties for the last six years or so.

Shri Mulchand Dube (Farrukhabad Distt.—North): The hon. Minister is not audible in the House.

Mr. Deputy-Speaker: The loud speaker arrangement has failed. Perhaps if the hon. Member comes nearer, he will be able to hear better.

The Minister of Law and Minority Affairs (Shri Biswas): The electric current is gone.

Shrimati Renu Chakravartty: He may speak louder.

Shri A. P. Jain: It would be impossible either for India or for Pakistan to conceive that all these large numbers of persons, numbering millions, should be dislocated from either lands or houses. In a way, at least so far as the use of the property is concerned, it has become frozen. So any system of private exchange, if it is to be effective, must mean disturbance of millions of persons who have been settled on land and in houses and other types of property both in India and Pakistan, and such a contingency at least so far as I am concerned, is inconceivable. It will mean misery, utter misery, to millions of persons on either side.

As I said a few minutes ago, the question about the hard core—assuming that all the properties in India and Pakistan are exchanged—i.e. property that may be left over either on this side or on that side, remains. I make bold to say that a large amount of property will be left over on the other side. What about that? Pakistan has never offered any solution about this hard core. So taking all these things into consideration, any dislocation would mean misery to

large numbers of persons. Pakistan's refusal to make any reasonable and rational suggestion about the hard core that may be left over, even if we assume theoretically that it is possible to exchange properties left us with no option except to take the step which we have taken. And to call this step 'immoral' is the height of perversity, I must say.

Now, this is the history of evacuee property which has compelled us to take this step, and I say that the action which we have taken has come none too soon. Mr. Shoaib Qureshi is also reported to have said that he would never agree to a government to government settlement of the issue. To this, I say that we shall never agree to an individual exchange and sales of property unless a satisfactory guarantee is given to us about the payment in respect of the hard core that is left over. In fact, after what Mr. Shoaib Qureshi has said, that there is no ground left for further negotiations, even that question does not arise.

Now, after this brief introduction, I will refer to some of the important provisions of the Bill. Clause 4 of the Bill provides for applications for the payment of compensation. Now after the application has been received, under clause 5 the settlement officer will determine the public dues due from the claimant. 'Public dues' are defined in clause 2, namely, arrears of rent in respect of any property allotted or leased to the displaced person, any amount recoverable from the displaced person on account of loans granted to him by the Central Government or a State Government or the Rehabilitation Finance Administration, the amount of purchase money or any part thereof and any interest on such amount or part remaining unpaid and recoverable from the displaced person on account of transfer to him by the Central Government or a State Government of any property or any interest therein, and any other dues which may be declared by the Central Government by notification in the Official Gazette to the public dues recoverable from the displaced person. After the determination of the public

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dues, the application will be forwarded together with the relevant record to the Settlement Commissioner for the determination of compensation. In determining compensation, the Settlement Commissioner shall deduct the amount, if any, of the public dues recoverable from the applicant and where any communication is received from any tribunal under section 32 of the Displaced Persons (Debts Adjustment) Act 1951, the debts payable by the applicant in accordance with the provisions of that Act, and any other dues that may be prescribed. The House will remember that when the Displaced Persons (Debts Adjustment) Act, 1951 was enacted, an express provision was made in it that the amount under any decree passed under that Act could be recovered only after certain adjustments and deductions from the compensation. Now this compensation can be paid either in cash, or in Government bonds, or by sale to the displaced person of any property from the compensation pool and setting off the purchase money against the compensation payable to him, or by any other mode of transfer to the displaced person of any property from the compensation pool, and setting off the valuation of the property against the compensation payable to him, or by transfer of shares or debentures in any company or corporation or in such other form as may be prescribed. All this has been laid down under clause 7. If there is a dispute between two or more persons as to who is entitled to receive the compensation—this also includes any dispute as to who are the successors-in-interest of any deceased claimant—the following procedure will be adopted. The Settlement Commissioner may, after making inquiries in such manner as may be prescribed, decide the dispute; if it is a simple matter, he will himself decide the dispute. If it is a complicated matter, he will refer the dispute for the decision of a civil court. Even where he chooses to decide the dispute himself, the person aggrieved will have the right to go to the civil court. Section 9 deals with agricultural properties in

PEPSU and Punjab where certain notifications were issued and lands were settled on a quasi-permanent basis. This is a special provision introduced with a view to effect an easy settlement of those properties. Section 10 provides for payment of rehabilitation grants to displaced persons. Here it may be pertinent to observe that the displaced persons who will be entitled to the rehabilitation grant will not only be those who have filed claims, but also others.

Chapter III is a very important chapter. Section 11 provides for the acquisition of title in evacuee property for a public purpose that is for the relief and rehabilitation of displaced persons, including payment of compensation to such persons. This property will be acquired by the issue of a notification as referred to in subsection (2) and the notification may relate to all evacuee property generally, or any class of evacuee property, or all evacuee property situated in a particular area, or any particular evacuee property. The House is well aware that there are various kinds of properties—agricultural property, rural houses, urban houses, business premises, industrial premises, etc., and it is, therefore, necessary that the Government should have a wide power to issue notifications in respect of all evacuee property generally, or any class of evacuee property, or evacuee property situated in a specified area, or any particular type of evacuee property.

Section 12 is a very important section. It lays down that "There shall be paid to an evacuee compensation in respect of his property acquired under section 11 in accordance with such principles and in such manner as may be agreed upon between the Governments of India and Pakistan". We have not yet abandoned the hopes of a final settlement and we do not want that this law should come in the way of a final settlement with Pakistan. As and when we acquire a property, we shall make a book entry to the credit of the evacuee about

the value of that property, and when there is a settlement with Pakistan with regard to evacuee properties in the two countries, we shall be prepared to give credit to the evacuee in accordance with the principles agreed to between the two countries.

Section 13 deals with the compensation pool, which shall consist of all evacuee property acquired under section 11, such cash balances as are lying with the Custodian and contributions made by the Government of India to the compensation pool. The contribution by Government has already been defined and it is "the loans so far advanced to displaced persons from West Pakistan, the properties built by the Government for their rehabilitation and the provision made till May 1953 for their rehabilitation for the future under the Five Year Plan or otherwise...."

Section 14 provides that any property forming part of the compensation pool will be free from attachment, etc.

Section 15 provides for the management of the compensation pool. Government may appoint either managers or managing corporations who will have the right to manage the property and dispose it of.

Section 16 is another important provision. It provides for the setting up of a welfare corporation. The Rehabilitation Ministers' Conference in 1952 recommended that compensation may be paid in respect of the properties left by educational and medical trusts in Pakistan. This section provides that the compensation so payable will not be given to the individual trust, but it will be given to this omnibus corporation which will utilise it for the purpose of catering to the educational and medical needs of the displaced persons.

Another important section, to which I would like to draw the attention of the House, is section 28, which provides that "where a displaced person is in lawful possession of any property comprised in the compensation

pool which is transferred to another person under the provisions of this Act, then, notwithstanding anything contained in any other law, the displaced person shall, without prejudice to any other right which he may have in the property, be deemed to be a tenant of the transferee for a period of two years from the date of the transfer and shall not be liable to be ejected during that period". We thought that in order to minimise the chances of dislocation, the displaced person should have a minimum period of two years during which the tenancy is secured. So far as non-displaced persons are concerned—and there are quite a large number of them—they will be covered by the ordinary law of the State. In practically all the States, there are rent laws which give some protection to the tenants and the non-displaced persons will get the same protection.

Section 35 provides for the validation of certain action taken before the commencement of the Act. The House is aware that we have already formulated a scheme for the payment of interim compensation, which is being worked upon, and this section will validate all the acts done and payments made under the interim compensation scheme, by virtue of law.

These are the important provisions of law, which I thought I might bring to the notice of the House. We have taken care to make the Bill as comprehensive as possible. In fact, in a Bill of this nature, provisions of a general nature have got to be there, because the problem, with which this law deals, is one of vast complexity, and the enacted law will have to be supplemented by by-laws, rules and regulations. I hope the House will accept the motion made by me.

Mr. Deputy-Speaker: Let me place the motion before the House, but I have been informed by the Minister of Parliamentary Affairs that the Government wants to include one more name in the list of members of the Joint Committee.

Shri A. P. Jain: Yes, Sir. I want to add a 34th name and it is that of Shri Mohd. Hifzur Rahman.

Mr. Deputy-Speaker: I will put it as the 32nd name and the Deputy Minister's and the Mover's as the 33rd and 34th names.

Motion moved:

"That the Bill to provide for the payment of compensation and rehabilitation grants to displaced persons and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 50 members....."

Shri A. P. Jain: Please make it as 51 Members and let there be 17 from the other House.

Mr. Deputy-Speaker: Agreed.

Motion moved:

"That the Bill to provide for the payment of compensation and rehabilitation grants to displaced persons and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 51 members, 34 members from this House, namely, Shri-mati Subhadra Joshi, Shri Gurmukh Singh Musafir, Lala Achint Ram, Pandit Thakur Das Bhargava, Shri Hira Singh Chinaria, Shri Naval Prabhakar, Shri Bibhuti Mishra, Shri Ramchandra Majhi, Dr. Pashupati Mandal, Shri Daulat Mal Bhandari, Shri Muhammed Khuda Baksh, Shri Rameshwar Sahu, Shri Khushi Ram Sharma, Shri Venkatesh Narayan Tivary, Shri Yeshwant-rao Martandrao Mukne, Shri Raghubar Dayal Misra, Dr. Hari Mohan, Shri Ramraj Jajwara, Shri Krishna Chandra, Shri Shankar Rao Telkikar, Shri P. Kakkan, Shri T. R. Neswi, Shri K. G. Deshmukh, Sardar Hukam Singh, Shri Pisupati Venkata Raghavaiah, Shri Nikunja Behari Chowdhury, Shri Bahadur Singh, Shri Jaswantraj Mehta, Shrimati Sucheta Kripalani, Shri Choithram Partabrai Gidwani, Sardar Lal

Singh, Shri Mohd. Hifzur Rahman, Shri Jagannathrao Krishnarao Bhonsle and Shri Ajit Prasad Jain and 17 members from the Council;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make;

that this House recommends to the Council that the Council do join the said Joint Committee and communicate to this House the names of members to be appointed by the Council to the Joint Committee."

I want to suggest to the House that the discussion on this Bill may be over by 1 o'clock. I am informed by the Minister of Parliamentary Affairs that in that case a message can be carried to the other House so that they can take the necessary action. Otherwise there will have to be a separate sitting of the other House. I propose allowing fifteen minutes to each speaker. The debate will be over by 1 o'clock, and I will put the motion for consideration at 1 o'clock.

Shrimati Renu Chakravarty: When will the debate, as far as Members are concerned, conclude?

Mr. Deputy-Speaker: I hope fifteen minutes for the Minister would do.

Shri A. P. Jain: I will require only five minutes.

Mr. Deputy-Speaker: I do not propose to call hon. Members who are on the Select Committee.

Shrimati Renu Chakravarty: Mr. Deputy-Speaker, we have heard the long history of this evacuee property and compensation pool. It has really been a long and painful history of broken promises, and what is worse, the heart-breaks that have accompanied it as far as the refugees on both sides are concerned. From time to time, as the relations between Pakistan and India have improved, we have made certain progress; again when we have fallen apart; then the whole thing has come to a standstill; acrimonious controversy has started. It is a peculiar situation that has arisen out of the peculiar relation between India and Pakistan who are so closely related to each other. Behind all this is the imperialist intrigue, as a result of which we have come to such a position that there is absolutely no chance at the moment of any sort of settlement. As a result of this background, we have to realise that it is the common people who have suffered throughout, and when we bring forward a Bill of this nature, we must see that the common people, whether they are Hindus or whether they are Muslims, do not suffer. We on our part know what it is, what an amount of suffering the refugees have undergone and we are quite agreeable that something must be done about the evacuee property and the refugees who have been expectantly waiting for years and years should get their legitimate share. In spite of everything, in spite of the unilateral action that we have had to take, there is in this Bill a clause whereby some sort of a settlement between India and Pakistan is still needed. I forget the exact number of the clause but it says that the compensation which Government will pay to the evacuee will be held in trust, till there is a settlement between India and Pakistan. The possibility of a settlement between the two countries on the basis of common goodwill and understanding is still open. Therefore, it is from this point of view that I am going to make a few remarks, so that we may see that the refugees get the maximum benefit, and

yet, at the same time the Muslim evacuees, who have still claims outstanding, also do not suffer.

Sir, we have heard again and again, certain policies being enunciated by the Minister on the floor of the House giving guarantees that the houses, lands and other properties of the small holder, whether they are Muslims or Hindus, will be safeguarded, and those who have left for legitimate reasons do not suffer. Even in our parts, to which this Bill does not apply, we have seen how, in spite of the Minister's assurances that such property will not be touched for refugee rehabilitation the machinery that functions has brought about hardships. Mr. Jain knows it. I have brought specific cases to his notice. That is why in regard to this Bill I would like to have certain matters clarified.

The first thing I would like to know is what is evacuee property. Now there is a pool of certain properties which have been taken over by the Custodian. I remember, in the course of the discussion on the Evacuee Property Bill, sometime in August 1952, certain amendments were incorporated which made matters easier for evacuees—for instance, the term 'intending evacuee' was done away with. There are many cases in which those people who have come back under this category have preferred appeals against Custodian's claims. They have contended against the decision of the Custodian to take over their properties. Now what is going to happen to those pending appeals? Will such properties form part of the evacuee pool, or will a decision be given on such appeals, and it is only then that such properties will be taken over by Government. The position has to be clearly stated in this respect.

[PANDIT THAKUR DAS BHARGAVA in the
Chair]

As a matter of fact, I remember listening to the speech of an hon. Member in this House when amend-

[Shrimati Renu Chakravartty]

ments were introduced to Evacuee Property Bill who had cited certain specific instances. I definitely remember a case where the Bombay High Court had said that it was a matter in which though the High Court had no jurisdiction they were of opinion that the property could not be declared evacuee property. The hon. Minister then gave an assurance that he would look into it personally; I do not know to what extent it has been honoured. As far as I know—this appeal is still hanging fire although almost two years have passed.

The second point I wish to make is this. There are certain people who have come back in accordance with the terms of the Delhi Agreement. Some of them have come back quite recently. Now, what is to happen to their property? These are matters on which we want a clarification. We do, of course, want that our refugees should get at least a part of the value of the property that they have left behind from the evacuee pool the value of which is fast diminishing on account of deterioration. Yet at the same time we should see that no injustice is done to the genuine cases of the Muslim evacuees.

Coming to the Bill itself, I want to make certain observations. In the first place I would like to take clause 28. Now in Delhi we know there are hundreds and hundreds of families who have been in possession of property which is today evacuee property. Not all of them are displaced persons; some of them are ordinary workers living in them; some of them are small traders; some of them are very poor people who have somehow or other managed to live in these houses for years. Now the hon. Minister says that the ordinary Rent Control Order will apply to them. As far as I know, the Rent Control Order says that if anybody wants his house to be returned to him for his own use, that house has to be returned to him. Of course, it would be perfectly legitimate for any refugees who have been allotted a house against his claims to ask for the return of his house; it

would be perfectly legitimate for the people who are living in them to ask that they should be provided with alternative accommodation. The same guarantee which is given to the displaced persons should be given to the poor people who otherwise would be thrown out in the streets. If they are going to be ejected, where are they to go to?

I remember about a year and a half ago we had a similar Bill relating to Tripura. The land of Muslims who had migrated to East Pakistan had been taken by the East Bengal refugees. The question then arose as to what was to happen to East Bengal refugees, when the evacuees returned from East Bengal. We made a plea for the provision at that time that within a specified time-limit alternative arrangements should be made for them. Here the Select Committee could insert a clause to the effect that alternative housing arrangements should be made for those who will be ousted. Otherwise, we will bring about untold hardships and suffering on hundreds and hundreds of families. This way also, the same case will be there. That is one very important point.

Shri Syed Ahmed (Hoshangabad): On a point of order, there is no quorum. There are hardly forty persons present in the House.

Mr. Chairman: I shall ring the quorum bell. There is now quorum.

Shrimati Renu Chakravartty: That is the point which I wanted to make both for the Minister's consideration as well as for the consideration of the members of the Select Committee because I think that it is a very important point to be taken into consideration and it must be so worked out that there is some sort of a settlement whereby the refugees are able to get their legitimate share and there is an end of their suffering and at the same time people who are going to be ejected will be guaranteed some shelter.

There are two other small points which I should like to make before the House at this stage. That is about clause 10, sub-clause (2). Here it is correctly stated that the maintenance allowance which is being given for the poor widows will be taken out of the compensation pool. That is correct, but at the same time I would like one point to be clarified. Will these be made recoverable against verifiable claims of the widows themselves? Here you may say that it is not so. But, if you look into the definitions, you will find that sub-section (iv) of sub-clause (d) of clause 2 says 'any other dues which may be declared by the Central Government by notification in the Official Gazette to be public dues recoverable from the displaced person'. I would like this to be categorically stated because there are widows who might have some claims—at least there may be some and I would like that this sum should not be made recoverable against that. I do not think that it is a very big amount but even then what has been given out from the general funds of the Government should, I do not think, be taxed from the general compensation pool as far as maintenance allowance goes.

The last point is a small point. I would like to have some sort of a clarification from the Minister. That is about Chapter IV which deals with appeals to the Settlement Commissioner. It has been suggested that any person who is aggrieved by the order of the Settlement Officer may appeal to the Settlement Commissioner. But if the difference between the amounts claimed by the officer and the applicant is less than Rs. 1,000 in such cases appeals cannot be preferred. I think the hon. Minister has done this because he feels that the amount of expenditure and the delay involved will not be commensurate with the amount that is outstanding. I think that even in such cases we should allow the right of appeal. After all, it is quite possible that the Settlement Commissioner may make mistakes and for those who had

suffered so long for certain claims and who want to put forward their cases even if it is a small amount, even Rs. 10, or Rs. 15 may be big; it is big for those who have nothing. We should allow appeals and they should not be deprived of this right. This right should not be taken away from them although the amount is small and such parties should be given full rights.

These are a few points which I should like to make at this stage of the discussion and I must say that we still depend on settlement between the two countries. It is no doubt difficult. There are other extraneous matters and that is why we are unable to come to a settlement yet. We have to go on trying. Therefore whilst we are glad that, after a long time during which our West Pakistan refugee brethren have been waiting expectantly and seeing before their eyes the evacuee pool deteriorating more and more, and some sort of an end has come to this, we must see also that no great injustice is done to our Muslim brethren and that those who have justifiable claims are not put to further hardship.

श्री ए० एन० विद्यालंकार (जालन्धर): सभापति जी, जो बिल इस समय सदन के सामने पेश है, में समझता हूँ शरणार्थी सम्पत्ति सम्बन्धी समस्या जो कि बहुत उलझी हुई है, उसका एक हल है। बहुत अर्से से यह मांग थी कि जो लोग पाकिस्तान से आए हैं और वहाँ पीछे पाकिस्तान में जो कुछ अपनी सम्पत्ति छोड़ आए हैं, उसका कुछ मुआविजा उन्हें दिया जाय और इस सम्बन्ध में काफी अर्से तक इन्तजार करते २ और काफी वायद सुनते २ वह थक गए थे। दूसरी तरफ मंत्री महोदय ने काफी विस्तार से इस बात को स्पष्ट किया है कि पाकिस्तान के साथ बात चीत करके इस मामले को सुलझाने के जितने प्रयत्न किये गये वह किस प्रकार असफल रहे और उनके सफल होने की अब कोई आशा नहीं दिखाई देती। इस बात की आशा करना कि पाकिस्तान के साथ इन् प्रपर्टीज के तबादले का कोई फौसला होना

[श्री ए० एन० विद्यालंकार]

सरकारों के जरिये हो जाय, वह इस समय मौजूदा हालात को अगर हम देखें तो नामुमकिन जान पड़ता है। दूसरी तरफ जनता यानी जो जायदाद वाले हैं और जो पाकिस्तान से आए हैं और यहां से जो लोग अपनी जायदाद भारत में छोड़ कर पाकिस्तान गए हैं, वह आपस में कोई फँसला कर सकें, यह भी नामुमकिन है, यद्यपि गवर्नमेंट ने इस बात की काफी इजाजत दी और मौका दिया कि इस तरह की प्रापरटीज का तबादला हो जाय लेकिन पाकिस्तान गवर्नमेंट ने जो इसके सम्बन्ध में फँसला किया और जो समझौता किया उस पर अमल नहीं किया और उसकी वजह से वह भी नामुमकिन हो गया और उसके बाद गवर्नमेंट के पास कोई और चारा और रास्ता नहीं रह जाता जो वह अस्विकार करती सिवाय उस कार्यवाही के करने के जो इस बिल के अन्दर दर्ज हैं।

जिस समय गवर्नमेंट की तरफ से श्री गोपाल स्वामी आर्यंगर ने वायदा किया था कि जो रफ्यूजीज आए हैं उनको हम कुछ मुआविजा देंगे, उस मुआविजे के अन्दर तीन आइटम्स थे जिनसे यह आशा की जा सकती थी कि जो भाई उधर से अपना घर बार और जायदाद वगैरह सब कुछ छोड़ कर आये हैं, उनको मुआविजा दिया जा सकेगा। पहला यह जुज था कि अगर पाकिस्तान से हमारा समझौता हो जाता तो पाकिस्तान से कुछ रुपया हमें मिल सकता था। दूसरा यह कि जो लोग पाकिस्तान जाते वक्त यहां भारत में अपनी प्रापरटीज छोड़ गये हैं, उससे हमें कुछ रुपया मुआविजा स्वरूप मिल जायगा और तीसरा आइटम उसका यह था कि गवर्नमेंट की तरफ से कोई अलीहदा गान्ट उनको दी जा सके जिससे उनकी क्षतिपूर्ति हो सके। जो बिल आज हमारे सामने पेश है और जिस हालत में हम आज पहुँच गए हैं उससे यह स्पष्ट है कि जहाँ तक पहले आइटम यानी पाकिस्तान से मिलने वाली रकम का सवाल है, वह तो खत्म हो गया और उसके हमें मिलने की कोई आशा नहीं है। दूसरा आइटम वह है जिसमें उधर पाकिस्तान जाने वालों द्वारा

छोड़ी गई जायदादों से शरणार्थियों को मुआविजा देने की बात है या गवर्नमेंट की तरफ से कोई अलहदा रुपये की गान्ट उनको देना है, जाहिर है कि यह दूसरा और तीसरा आइटम ऐसा है जो एक बड़ी कमी या एक बड़ा अन्तर को पूरा नहीं कर सकता और वह अन्तर वह है जो कि हमारे उधर से आने वाले भाइयों द्वारा छोड़ी हुई जायदादों में और यहां से जो उधर गए हैं उनके द्वारा यहां छोड़ी गई जायदादों की कीमत के अन्दर है। यह आशा करना तो मैं समझता हूँ कि बहुत ज्यादाती होगी कि जो कुछ अन्तर है वह तमाम अन्तर गवर्नमेंट पूरा करे और पूरे का पूरा मुआविजा जो कुछ हो वह गवर्नमेंट आफ इंडिया भर दे, यह तो गवर्नमेंट के रिसोर्सेज के बाहर की बात है और ऐसी आशा करना उनके साथ बहुत ज्यादाती करना होगा। मैं यह अनुभव करता हूँ कि जो जायदाद यहां पर मुसलमान भाई छोड़ गए हैं और जो कुछ गवर्नमेंट ने अब तक गान्ट दी है, उससे और जो कुछ मुआविजा उन जायदादों से मिलने वाला है वह बहुत काफी नहीं है, वह बहुत कम है और अपर्याप्त है और वह वास्तविक जरूरत को पूरा नहीं करता। मैं श्री अजीत प्रसाद जैन की इस बात के लिये तारीफ करता हूँ और मैं समझता हूँ कि यह उनके प्रयत्नों का फल है। उन्होंने इस दिशा में काफी कोशिश की है और अपनी मिनिस्ट्री के अन्दर भी और बाहर भी पाकिस्तान गवर्नमेंट से बातचीत करके जो प्रयत्न किये हैं उनके लिये तमाम हाउस उन्हें धन्यवाद देगा और तमाम हमारे भाई जो उधर से आए हैं वह धन्यवाद देंगे, लेकिन मैं इस बिल का समर्थन करते हुए एक बात उनके सामने यह रखना चाहता हूँ कि जो लोग पाकिस्तान से आए हैं उनके बारे में मैं कहना चाहता हूँ, मैं उन बड़ी बड़ी जायदाद वाले भाइयों की बात नहीं करता क्योंकि वह तो शायद इस बिल को पसन्द भी न करें और वह तो स्वाहिशमन्द होंगे कि कोई ऐसा तरीका निकल आये जिससे कि आपस में इन जायदादों का तबादला हो जाय और उनके पास ऐसे साधन हैं और वह उसको

कर भी सकते थे। मैं इस बात को तसलीम करता हूँ और मंत्री जी की तारीफ करता हूँ कि उन्होंने सार प्रश्नों को बड़ी जायदाद वालों की दृष्टि से नहीं देखा, बल्कि जो लोग गरीब हैं और थोड़ी जायदाद वाले हैं उनकी दृष्टि से उन्होंने इस सार प्रश्न पर विचार किया है और जहाँ पर उन्होंने मुआविजा देने की स्कीम बनाई है उन्होंने इसी दृष्टि से विचार किया है। मैं निवेदन करना चाहता हूँ कि वह थोड़ा सा आगे बढ़ें और वह इन दो श्रेणियों को सदा ध्यान में रखें एक तो वह जिनके कोई क्लेमस नहीं हैं और दूसरे जिनके क्लेमस बहुत थोड़े हैं और जिनको बहुत कम मिलने वाला है, उनकी दृष्टि से सार सवाल को देखें और यह विचार करें कि आया जो कुछ रकम हम उनको मुआविजा स्वरूप देने जा रहे हैं उससे वह रिहैबिलिटेट हो सकेंगे या नहीं, उनको इतना मुआविजा तो मिलना ही चाहिये जिससे वह पूरी तौर से बस जायें, उनके पैर टिक जायें और वह आगे बढ़ने के लिये तैयार हो जायें। मैं आपको बतला देना चाहता हूँ कि मैं इस प्रश्न को सिर्फ एक रंप्यूजीज की दृष्टि से ही नहीं देखता, मैं इस दृष्टि से भी इसको देखता हूँ कि जो भाई वहाँ से आए हैं वह अब यहाँ के सिटीजन हैं और यहाँ के सिटीजन होने के नाते हमारी गवर्नमेंट का यह फर्ज है कि उनको पूरी तरह से रिहैबिलिटेट करें और उनको इस लायक बनायें ताकि वह आगे बढ़ कर अपना जीवन अच्छी तरह से बिता सकें। इसीलिये मैं समझता हूँ कि जहाँ तमाम मुल्क की जिम्मेदारी हमारे ऊपर है तो यह रंप्यूजीज भी अब तो हमारे देश के सिटीजन हैं और यह एक जिम्मेदारी हमारे ऊपर और बढ़ गई है और गवर्नमेंट को इनके लिये भी इन्तजाम करना है। मैं जानता हूँ कि श्री अजीत प्रसाद जैन चाहते हैं कि उन्हें एक माँका मिल जाय और गवर्नमेंट की तरफ से उनको इसके वास्तु कोड़े और एड अथवा गान्ट मिल जाय तो वह बड़ी खुशी के साथ रंप्यूजीज को और ज्यादा कम्पेनसेशन (प्रतिकर) या सहायलयत पहुँचा सकेंगे। मैं चाहता हूँ कि गवर्नमेंट की तरफ

से मिलने वाली इमदाद में कुछ न कुछ और इजाफा (वृद्धि) करने का रास्ता निकाला जाय और अगर यह एड फॉरन एक साल के अन्दर सम्भव न हो तो कुछ सालों के अन्दर उसको फँलाया जाय लेकिन कुछ न कुछ अतिरिक्त सहायता गवर्नमेंट की तरफ से अवश्य उनको दी जानी चाहिये। आज हालत यह है कि जिनको कम्पेनसेशन मिला है वह इतना थोड़ा और अपर्याप्त है कि उनका गुजारा नहीं चल सकता। पिछले दिनों में यह शिकायत हुई थी कि जिन विडोज को कम्पेनसेशन मिल गया है उनको सरकार के संरक्षण में जिन आश्रमों में वह रह रही हैं वहाँ से उनको जवाब मिल जायगा या उनके जो बच्चे स्कूलों के अन्दर दाखिल हैं वहाँ से उनको हटा दिया जायगा और गवर्नमेंट उनको हजार या दो हजार रुपया देने के बाद तमाम जिम्मेदारी से छूट जायगी, मैं समझता हूँ कि हमारे लिये ऐसा करना मानवता और ह्यूमैनिटी की दृष्टि से उचित न होगा.....

श्री ए० पी० जैन : यह ठीक नहीं है। हम किसी से भी जान को नहीं कह रहे हैं, जो वहाँ से जाना चाहती हैं वही जा रही हैं लेकिन जो नहीं जाना चाहेंगी वह वहीं पर रहेंगी।

श्री ए० एन० विद्यालंकार : मैं यह जानना चाहता हूँ कि जो आश्रम से चली जाती हैं, आया उसके बाद भी उसका कोई क्लेम गवर्नमेंट के ऊपर रहता है या नहीं रहता है और उसकी क्या अवस्था होती है। मैं इस बात से खुश हूँ कि आप इस बारे में किसी को मजबूर नहीं करते लेकिन रहते हुए भी जो उनका हजार अथवा दो हजार का क्लेम होता है, वह रकम सारी खत्म हो जाती है तो उनकी अवस्था क्या होगी, उनके बच्चों की क्या पोषीशन होगी। दूसरी बात मैं यह कहना चाहता हूँ कि प्रापरटी का डिस्पोजल और बंटवारा हम किस तरीके से करते हैं उसके ऊपर भी हमको विचार करना है और मुझे तो इस बात में सन्देह है कि अगर हम प्रापरटी का आसरा करेंगे उसका नीलाम करेंगे तो हमें उसकी उचित कीमत नहीं मिल पायेगी। हमारे मंत्री महोदय सांचत

[श्री ए० एन० विद्यालंकार]

होंगे कि उनके नीलाम करने से कीमत ज्यादा मिलेगी लेकिन मुझे खेद के साथ कहना पड़ता है कि नीलाम करने से और तमाम के तमाम इवैक्यूयी एल को मार्केट के अन्दर डाल देने से कीमत कम हो जायगी और जो वह मिलने की आशा रखते हैं वह कीमत उनसे नहीं मिलेगी।

अब कम्पिटिंट आथारिटीज (सन्धम अधिकाशियाँ) की तरफ से या बैंकों की तरफ से जो प्रापर्टी उनके पास रहन थी उसको बेचा गया है और बेचने से जो कम कीमत मिली है वह इस बात की मिसाल है कि अगर आप प्रापर्टी को आक्शन करते हैं तो उससे कुछ बहुत मिलने वाला नहीं है। अगर आप मुझसे जाती तौर पर पूछेंगे तो मैं कहूंगा, मैं जानता हूँ कि बहुत सार भाई इस तौर पर सोचते हैं कि उनको कैश मिल जाय तो अच्छा है, कि अगर आप दूर दृष्टि से देखें तो कैश मिलने से समस्या हल नहीं हो सकती। आज आप कुछ कैश दे देंगे, अभी हमको मदद भी मिल जायगी, लेकिन इससे समस्या बनी रहेगी। जो रिपयूजीज हैं उनका जो क्लेम बनता है उसके मुआवजे में अगर उनको हाउस मिल जाय, जितना काइन्ड के अन्दर मिल सके, मिल जाय उसके बाद कैश की शकल में दिया जाय। कैश देंगे तो वह तो कुछ दिनों में खत्म हो जायगा और आप देखेंगे कि सम्पूर्ण समस्या वेंसी की वेंसी ही बनी हुई है। अब तक जो कैश पेंमेंट्स हुए हैं उनकी दशा मालूम ही है। कितने कर्जे दिये गए हैं? यह तो ठीक है कि जो कर्जा दिया गया है वह मुआवजे में सम्मिलित हो गया है, लेकिन समस्या वेंसी की वेंसी बनी हुई है। मैं जानता हूँ कि हमारे बहुत से रिपयूजी भाई हैं, डिस्प्लेस्ड पर्सन्स हैं वह मेरी बात को कभी पसन्द नहीं करेंगे, लेकिन मैं कहता हूँ कि अगर दूर दृष्टि से हम देखें तो हम काइन्ड की शकल में जितना ज्यादा से ज्यादा दे सकें, हाउस की शकल में दे सकें उनको हिन्दुओं की प्रापर्टी के जो क्लेम्स हैं उनके लिये दे दिया जाय तो ज्यादा बेहतर है बनिस्बत इसके कि आप कैश की शकल में

जमा करके दें। मैं समझता हूँ कि दोनों दृष्टियों से बिल का उद्देश्य पूरा हो सकता है। मैं समझता हूँ कि प्रापर्टी को आक्शन न किया जाय जिसमें कि काइन्ड के तौर पर देने से ज्यादा फायदा हो सके।

आखिर मैं मैं कहना चाहता हूँ कि जो हमारा कानून चल रहा है, उसमें जो सबसे ज्यादा महत्वपूर्ण चीज है वह इसकी अपीलें हैं। मैं जानता हूँ कि इस समय हमें इसकी जरूरत है कि क्लेम्स आयें और क्लेम्स की तस्दीक हो लेकिन कोई तरीका ऐसा निकले कि जिससे डिस्प्लेस्ड पर्सन्स को एक दरवाजे से दूसरे दरवाजे पर और दूसरे दरवाजे से तीसरे दरवाजे पर दरखास्तें लेकर, अपने क्लेम्स को लेकर जाने में जो परेशानी होती है, भटकना होता है उससे अवकाश मिले। ऐसे नियम रक्ख गए हैं कि जब भी क्लेम्स लेकर जाओ, यह कहा जाता है कि उनकी तस्दीक ही नहीं होती। यह जो परेशानियाँ होती हैं उनका आप कह देंगे कि अब हम इस तरह का फौसला आप कह देंगे कि अब हम इस तरह का फौसला कर चुके हैं और इस पर कोई विचार दुबारा नहीं हो सकता। लेकिन अगर इन्डिवाजुअल केंस पूछे जायेंगे तो ऐसे हजारों लोग हैं जिनको रियल हाईशप है। इसलिये मैं कहता हूँ कि आप इसके अन्दर कोई प्राविजन रखिये कि जिसमें हार्ड केंसेज पर फिर विचार हो सके। कोई रास्ता रखिये चाहे इस बिल में हमको कुछ प्रबन्ध करना पड़े, चाहे गवर्नमेंट को इसके लिये कोई बिल ही लाना पड़े लेकिन हार्ड केंसेज के लिये कोई न कोई प्राविजन जरूर रखिये वरना बहुत सारे केंसेज इस वक्त भी हैं जिनको बहुत सहायता की जरूरत है। उनको किसी वजह से न जानने की वजह से, वाकीफयत न होने की वजह से या और किसी वजह से, आफिशल मेशीनरी के ठीक तरह से काम न करने की वजह से, अगर मदद न मिल सके, फिर उनको अपने क्लेम्स से महरूम होना पड़ेगा। मैं जानता हूँ कि बहुत से केंसेज हैं जिनहोंने दरखास्तें दीं और किसी टीकनकल

गाउंड के ऊपर उनकी दुस्वस्ति पड़ी रह गई । अब वह जगह जगह जाते हैं, मैं नहीं कहता कि अगर ऐसे कंसज अगर मिनिस्टर साहब के पास आयें तां वह ठीक नहीं हो जायेंगे, बल्कि शायद ठीक ही हो जायेंगे, लेकिन मैं चाहता हूँ कि एंसा कोई तरीका रक्खा जाय जिससे इस तरह की परेशानियों और तकलीफों का हल निकल सके ।

इन शब्दों के साथ मैं बिल का समर्थन करता हूँ और आशा करता हूँ कि सेलेक्ट कमेटी जब इस बिल की डिर्टल्स पर विचार करेगी तो इन बातों को अपने सामने रक्खेगी ।

12 NOON

Mr. Chairman: I request all hon. Members to be brief as I have to call the hon. Minister at 12-50 and there are many speakers anxious to speak.

Shri M. L. Agrawal (Pilibhit Distt. cum Bareilly Distt.—East): Sir, I support the motion that the Bill be referred to a Select Committee as suggested by the hon. Minister for Rehabilitation. In view of the interim compensation scheme it is all the more welcome. After such long waiting and suffering it brings a ray of hope to the displaced persons. The hon. Minister has in his statement laid on the Table of the House recently and in his speech today commented on the reasons which have led to the bringing up of this Bill before the House. The Government of India were very keen on the settlement of immovable property on either side of the border, but the Pakistan Government is certainly not so. It wants that the settlement should be made on an individual basis and therefore, it never agreed to the suggestion of the Government of India that that it should be done at a governmental level. Because the Government of India was keen, therefore, they even agreed in the beginning of 1949 to give a trial on the individual basis of transfers, but they soon found that the Pakistan Government although it professed its liking for that scheme actually did

not like that scheme; on the other hand they sabotaged the scheme and did not play the game and with that result in view fanatical feelings were worked up against Hindus and fictitious and fantastic claims of income-tax were got up so that if they sold their property, the sales would be profitless to the vendors. Therefore, the Government of India would not carry on with the scheme any further. Since then the Government of India has been trying to have this question settled. The hon. Minister has stated in his statement laid on the Table of the House that as many as 12 reminders have been sent, but to no purpose. The real reason of Pakistan's reluctance and prevarication on this point is that the value of the evacuee property in Pakistan is anything between 5 to 10 times the value of the property on this side of the border. Therefore, they may go on saying that they are ready to come to terms, but actually they are not. They agreed to individual transfers, but when it was actually put into effect, they were putting all sorts of obstacles and made it impossible for persons to exchange their properties on individual basis. Under the circumstances the hon. Minister is quite justified in bringing this Bill which again is not a Bill which confiscates the properties or which seeks to extinguish the rights and title of the evacuees on that side of the border. Clause 12 of the Bill provides that compensation shall be paid to an evacuee in respect of his property acquired after a settlement has been made on a governmental level with the Pakistan Government. Pakistan does not like it because it does not want to lose anything and it wants to grab the whole property without any compensation. That is why Mr. Shoaib Qureshi has come out with a statement today that it is 'immoral' and 'indefensible'. What else can any Government bent on getting this problem settled in a fair and equitable way, do than what the Government of India has done already? Therefore, I submit that the bringing up of this Bill was inevitable and I

[Shri M. L. Agrawal]

would say that the hon. Minister has tackled this complex problem successfully. A Bill of this kind has to provide for many complex things. Because the problem is very complex, to have all necessary things incorporated in the Bill, requires some care and the hon. Minister has, I think, succeeded in that. I would only refer to one or two points in the Bill.

The first point in the Bill is about clause 7. In clause 7, there are two things: (a) the Central Government may by rules provide for (a) the classes of displaced persons to whom compensation may be paid and (b) the scales according to which, the form and manner in which and the instalments by which compensation may be paid to the different classes of displaced persons. The same provisions are repeated in parts (b) and (c) of clause 36(2) relating to rule-making powers. I submit that this was a matter which should have come before the House because the question of categories is important. The hon. Minister has stated about the possibility of giving compensation to other categories of displaced persons who have not benefitted by the interim compensation scheme. Here also, the hon. Minister wants to lay down that Government may prescribe by rules. We want to know what are the categories. I may give an example of one category. There are some displaced persons who have got their claims verified by the tribunals appointed by the hon. Minister and these claims are of a high order. These persons, for the last 7 years have neither got houses, nor any shops, nor any loans, nor any other concessions which were so numerous during controls. I submit that such persons require top priority in giving relief of compensation. If the hon. Minister had given some indication of the categories in the Bill, we could have made suggestions. In the absence of it, I can only appeal to the hon. Minister to keep this category in mind. I have already stated that the charge of the Pakis-

tan Government that we are going to confiscate property is quite unfounded. We have made provision for compensation.

The most important thing in this Bill is what appears in the financial memorandum. According to it Rs. 185 crores would be the value of the assets in the compensation pool besides some other agricultural land in Punjab, PEPSU and other States. I understand that out of this, Rs. 100 crores will be the value of evacuee property and Rs. 85 crores, Government contribution. I would submit that if we had certain other facts before us, we would have been able to appreciate things better. We have not yet any information from the Government as to what is the estimated value of the property left by the evacuees from Pakistan. We do not know what is the total value of the claims verified by the refugees. We do not know even the estimated value of the immovable properties of the evacuees here in this country. We would have liked to know the new categories to whom the hon. Minister wants to admit to the benefits of this scheme. From the statement of the Minister in Pakistan and from the past experience with the dealings of the Pakistan Government, their obstructions and their reluctance to come to an understanding, it is quite clear that we are not going to get a pie from Pakistan, on account of evacuee property. Therefore, that is all that the displaced persons would get. In the circumstances, I think that finally to say that we will give Rs. 185 crores only to the displaced persons would not be proper. I am not one of those who think that the Government has not done its utmost for the relief and rehabilitation of the displaced persons. I think this Government has done more than any Government could have done within the limits of its resources, but still I think the Government should take into consideration the fact that after all the foundations of our Republic were

laid, so to say, on the bones of these displaced persons. Their blood has cemented the walls of the edifice of our Republic, and therefore, we can and we should make greater sacrifice for giving them something more. We may not give them just now. I do not say now and here we should increase the amount of this pool, but in course of time during the period in which you want to rehabilitate them and give them compensation you must try to give them more. What that quantum of additional money should be I am not in a position to say. I leave it to the Government to find some more funds and add to the pool, especially in view of the consideration that we are not going to get anything, not even a farthing from the Pakistan Government in respect of the immovable property left there.

In clause 14, the Bill has provided immunity to assets from processes of courts. I may point out in this connection that by one provision in the Administration of Evacuee Property Act, 1950, the hon. Minister had stayed execution of the unsecured decrees of creditors. Questions were put several times in the House, and the hon. Minister said that these decrees would be considered later on. So, those creditors got their claims registered with the Custodians, but nothing has happened afterwards. This is the second ban on those creditors. If the Government intends that those decree-holders should not get anything, let it say so clearly so that there may be no false hopes, no uncertainty in the case of those creditors. I am not pleading for those creditors, but a clear statement must be made that those whose claims have been registered with the Custodian cannot realise them.

I do not want to take any more time. I support the Bill.

Shri Raghavachari: I am not intimately connected with this subject of displacement and this compensation and refugees, yet on behalf of the Party I wish to make some submis-

sions. Those who are intimately connected with this in our party are chosen to be Members of the Select Committee. They will certainly do the best they can.

Before I go on, I only wish to say a sentence that it is unfortunate that though 34 Members are on the Select Committee, most of them are not here and we have to be constantly bothered about the quorum. I am not criticising those people, but am pointing out how the time of the House is not properly utilised.

Apart from that, I only wish to stress two or three points, and nothing more. It is really welcome that even after seven years hope is still coming here and yet, the compensation that is likely to be given to the people, under the proposed scheme, is not going to be even a tenth or fifteenth part of the rupee that they have actually left and lost in the other country, not to speak of the innumerable difficulties, losses of their kith and kin and, other emotional sufferings that they have been put to. At one stage, it was estimated that the property that was left in the other country was more than Rs. 1000 crores. Even at the reduced scale, it is now believed to be not less than Rs. 500 crores. The estimate made of the properties that have been here left by those who have gone to the other country is said to be about Rs. 100 crores. But as the hon. Minister has rightly conceded, in these seven years, most of these immovable properties have further deteriorated, and he was referring to certain incidents in Bombay, where notice has been given, that the houses were so dangerous to the passers by that they must be pulled down. So, after all this process of delay and deterioration, what will be the amount that would be realised by way of sale of these properties, after a few more years? I am afraid it may not even be Rs. 100 crores. So, this huge difference between the values of the properties left in that country, and those available in this country is

[Shri Raghavachari]

never going to be realised from Pakistan: the hon. Minister himself takes it to be a zero, for there is no hope of getting anything, except possibly in the imagination of people.

Here, I wish to submit one fact, and that is that the refugees must have some compensation, which is reasonable, and which is believed to be a sum that will not dissatisfy them. I want to invite the attention of the hon. Minister,—and through him, that of Government—to the assurance and the promise made by the late Shri N. Gopaldaswami Ayyangar, to the effect that the contribution of Government will be such that the actual compensation ultimately received by the displaced persons will be such that it will be a sufficient or a substantial compensation. But is this proposed one sufficient or substantial compensation? I have already submitted that it is not going to be anything of a compensation at all, not to speak of its being substantial. Under these circumstances, though it might be stated to be not strictly and exactly within the scope of this Bill, I want to stress that it is the duty of Government, not only because of the suffering these people have been put to, but also because of the promises and assurances that have been made by Government, to see that something will be contributed to make it a substantial thing, which will not dissatisfy them. This is a matter to which Government have to give a little more attention. What is now proposed is that the loans which you have already advanced, and the sums that you have already contributed may also go to this pool. All that might probably come to about Rs. 70 crores or Rs. 80 crores. It is true that it is a heavy sum, but the amount of suffering undergone by these people is so big that what you have contributed is very little when compared with the sufferings that they have undergone. That is one point on which I do not wish to elaborate further. I plead on behalf of those people and

request Government to take a view consistent with their promises and assurances, and do something really in the matter, to secure for the refugees a substantial compensation.

The other point that I want to submit is this. Clause 4 of this Bill relates to the applications for payment of compensation, which in its turn refers to a verified claim. Already, over this period of seven years, there have been, many a time, attempts to determine the quantum of claim that is due to each individual. The definition of verified claim is as follows:

“any claim registered under the Displaced (Persons) (Claims) Act, 1950 (XLIV of 1950) in respect of which a final order has been passed under that Act or under the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954)”.

I take it that the compensation which anybody can claim now is a thing which has already been determined.

Shri A. P. Jain: Yes.

Shri Raghavachari: If that is so, in the process of that determination, any number of irregularities in procedure, and certain injustices and hardships have actually happened. I understand that in that process they used to give notices to people, to refugees. The refugees, we expect, would not have a permanent place of residence; they change their home every day and go to some other place. Something is sent to a particular address. It does not reach the man concerned and then he does not come in time. Therefore, the claim is rejected. There have also been instances, as we gather from replies in answer to questions here, where postal orders and other things have actually been submitted to the Ministry and yet those are cases in which, as if there has been no applications sent, the claims are rejected. Therefore innumerable instances are to be

found when these people could not all be enabled to come within the time limit and then press their claims and get them finally included or even considered as claims. It might be asked: how is it possible to reopen the whole matter? In this Bill, powers have been taken by the Government in such general language; necessary powers to do justice have been kept in the hands of the Government, so that they might issue instructions and do justice. So I request that the definition of 'verified claim' might be so changed as to include and provide for a re-examination of just cases, where material is to be produced by the claimant that he has sent the application, and yet the claim is rejected on technical grounds. The burden of proof in such cases must be cast on the Government that the claim is really considered and rejected. Otherwise, the matter will have to be looked into, reconsidered, re-examined and justice done. That is so far as the definition of verified claims is concerned which goes along with clause 4. Otherwise, there is bound to be not only insufficiency of compensation for many people under the present circumstances, but also there is the fact of serious disappointment in many others that their claims have not even been considered. That is a very painful thing for anybody who has left all his property to be told 'I do not even look into what you say'. That is what I wish to submit to the Select Committee and the Minister in charge.

I wish to say one other thing. The other day I remember the Minister in charge stated that he would write off and not claim loans that have been advanced upto Rs. 300 or so. No doubt, to that extent it is a relief to those poor people who have received some Rs. 300 and eaten it away or spent it and are still in misery. But what happens to another person who has borrowed Rs. 400? No doubt, when you set a limit, at some stage some hard border cases will come. I agree. But when there is a man who has borrowed more than Rs. 300—say Rs. 350 or Rs. 400

—you do not write off anything. I am only submitting that the limit of this writing off of Rs. 300 might practically be extended to all people who have taken loans not more than Rs. 1000; those who have borrowed more than Rs. 1000 or Rs. 2000 may possibly be in a position to repay. That is how I feel. You may modify the thing and then extend this relief which you have decided to give to other people who because of poverty may not be in a position to repay.

Then I find there is another thing—what is called 'public dues'. Public dues mean and include arrears of rent. They have lived in houses and quarters over years and the rent has got accumulated and the little compensation of 1/10th or 1/16th that you give is taken off by this adjustment and very little is left. I heard the Minister saying that Pakistan wrote off some arrears of rent; that was what he was submitting. I am not saying that you should adopt that course. But please consider whether some of these irrecoverable arrears of rent might not be written off, because otherwise there will be not only dissatisfaction, but the injustice of the case will be so severely felt that there will be universal dissatisfaction. That is another matter on which I request that some consideration be given by the Select Committee. I have seen some provision here about ejection from the houses to the effect that for two years the tenant shall not be ejected from the house. There is also a provision that the occupant could be ejected even by using force by the officers authorised by the Government for the purpose. You have no doubt taken power to see that property is not immediately taken out of the hands of those people who are occupying, in the matter of allotment of compensation. I take it that some consideration would also be given to this matter of ejection and I submit that there is need for some safeguards and that some more precautions should be taken; otherwise with such wide powers as this a tenant is likely to

[Shri Raghavachari]

be unceremoniously thrown out or ejected.

These are some of the suggestions that I wish to submit for the consideration of the Select Committee.

श्री टंडन : सभापति महोदय, सबसे पहले मैं गवर्नमेंट को बधाई देता हूँ कि उन्होंने इस विधेयक को सामने रक्खा है। यह प्रश्न बहुत वर्षों से लटक रहा है, लेकिन अन्त में इतने वर्षों बाद भी बहुत धूम धाम कर गवर्नमेंट इस परिणाम पर आई कि अब हम पाकिस्तान का मुँह न देखें और उन भाइयों की सहायता के लिये जो पाकिस्तान से आए हुए हैं कुछ करें। अब उन्होंने यह फैसला किया है और इस पर वे बधाई के पात्र हैं।

मैं इस विषय में दो एक सुझाव देना चाहता हूँ। एक सुझाव तो मेरा यह है कि जो इस विधेयक की धारा १२ में कम्पेंसेशन प्ल की बात कही गई है, उस में गवर्नमेंट ने यह तो स्वीकार किया है कि वह भी उसमें कुछ धन अपनी ओर से मिलावेगी। यह बात धारा १२ (सी) में कही गई है। कितना मिलावेगी यह नहीं बताया गया है लेकिन इस विधेयक के साथ १६ पृष्ठ पर एक नोट है उससे यह मालूम होता है कि मोर्ट टॉर पर १८५ करोड़ रुपयों की जायदाद इस समय गवर्नमेंट के पास बांटने के लिये है। प्रश्न यह है कि इसमें गवर्नमेंट और कितना मिलायेगी। जो प्रतिकर हमें देना है वह तो बहुत अधिक है। अगर इस धन में थोड़ा ही मिलाया गया तो बहुत थोड़ा ही पल्ले पड़ेगा उन भाइयों के जो पाकिस्तान से आए हैं। आपने जो विधेयक का अभिप्राय दिया है उसमें यानी स्टैटमेंट आफ आब्जेक्ट्स एंड रीजन्स में कहा है कि इसमें वह रुपया जो पाकिस्तान से मिलेगा वह भी जोड़ा जायेगा। यह तो एक कल्पना की बात है और बहुत आशा नहीं है कि हमें शीघ्र कुछ मिलने वाला हो। जो जायदाद हमारे आदमी पाकिस्तान में छोड़ कर आये हैं और जो जायदाद वहाँ से गए हुए लोगों की हमारे पास है, उनके अन्तर

difference की चर्चा है और यह कहा गया है कि आप उसको पाकिस्तान से लेने का यत्न करेंगे। आप यत्न करें, परन्तु मेरा सुझाव है कि उस अन्तर को गवर्नमेंट अपने पास से मिलावे। आप उतनी ही रकम इसमें मिला दें जो अन्तर के कटने पर आती है, जिसकी चर्चा स्टैटमेंट आफ आब्जेक्ट्स एंड रीजन्स में की गई है, और फिर स्वयम् पाकिस्तान से वसूल करके अपने हिसाब में रख लें। यह सेलेक्ट कमेटी के विचार करने की बात है। मैं चाहता हूँ कि इस बात पर पहले गवर्नमेंट विचार करे। हाँ, रुपया शायद बहुत अधिक होगा और गवर्नमेंट कह सकती है कि इतना रुपया वह अपने पास से कहां से देगी। यह ठीक है! हमको अपनी गवर्नमेंट का भी ध्यान रखना है। इस सम्बन्ध में मेरा सुझाव है, कई वर्ष पहले भी मैंने सुझाव दिया था, और आज भी मेरा सुझाव है कि इसके लिये एक विशेष टैक्स लगाना चाहिये कुछ भी उसका नाम हो, लेकिन एक विशेष टैक्स लगाना चाहिये और उस टैक्स में मेरा अपना विचार है कि अच्छी रकम मिलेगी। मुझे आशा है कि टैक्स को हम प्रेम पूर्वक देंगे। जो पैसा इस टैक्स में आये उससे पाकिस्तान से आये हुए लोगों को हम सहायता दें। जिन्होंने कोई मुसीबतें नहीं उठाई हैं, और जो यहाँ के रहने वाले हैं उनसे इतनी ही सहायता हम चाहते हैं कि वह कुछ पैसा दें। जो भाई वहाँ से भाग कर आए हैं, उन्होंने जो मुसीबतें उठाई हैं वह बहुत हृदय विदारक हैं और यहाँ पर आज उसकी चर्चा करने की जरूरत नहीं है।

सच बात यह है कि हमारी स्वतंत्रता का मूल्य सबसे अधिक उन भाइयों ने दिया है जो पाकिस्तान से भाग कर यहाँ आए हैं। उन्होंने केवल धन ही नहीं खाया, अपने भाइयों और घरवालों को खाया, अपना घर खाया। जिन्नी कड़ी मुसीबतें उन्होंने उठाई हैं हम लोगों को तो उसका कोई अंश भी नहीं उठाना पड़ा। तब आज अगर हम से उनकी सहायता के लिये टैक्स

द्वारा कुछ रुपया मांगा जाय, कुछ अरब रुपयें क्यों न हों, तो मेरा निवेदन यह है कि हम लोगों को उधर के लोगों के लिये प्रसन्नता के साथ देना चाहिये। गवर्नमेंट इस विषय में कुछ आगे बढ़े, साहस से कदम उठाये। अगर इतना साहस गवर्नमेंट नहीं करती तो मैं यही कह सकता हूँ कि गवर्नमेंट अपने को इतिहास के पन्नों में निन्दनीय कहलायेगी। जिन लोगों ने स्वतंत्रता के लिये सबसे ज्यादा कष्ट उठाया है, उनकी मुसीबतों को मैंने देखा है, आज भी देख रहा हूँ, आज भी यह बेचार टुकड़े टुकड़े के लिये घूमते हैं। मुझे को कुछ थोड़ा अनुभव है। मैं यह भी जानता हूँ कि गवर्नमेंट ने सहायता की है, लेकिन वह सहायता उन लोगों की मुसीबतों को देखते हुए बहुत थोड़ी रही है। मैंने घुस कर उन भाइयों की हालत को थोड़ा देखा है। किस तरह से यह रह रहे हैं? मुझे को याद है, मैंने अहमदाबाद में देखा, आज भी वह दृश्य मेरे सामने है। शायद ४० फीट के लगभग चौड़े और ५० या ६० फीट के लगभग लम्बे गाँदाम में मैंने २२ कुटुम्बों को रहते देखा जिनके सब प्राणी मिला कर ५० या ६० होते थे। यह देख कर कि वह किस तरह से रह रहे हैं, मेरी आंखों में आंसू आ गए।

यह एक जगह की बात नहीं। इस तरह के उदाहरण मुझे कई जगह पर देखने को मिले और मुझे विश्वास है कि मंत्री जी को मुझे से ज्यादा इस विषय में अनुभव होगा क्योंकि वह तो बहुत परिश्रम के साथ झाँड़े धुपे हैं। मुसीबतों के बारे में तो किसी को सन्देह नहीं है। प्रश्न यह है कि गवर्नमेंट कहां से पैसा लाये कि सहायता करे। यही वास्तविक प्रश्न है। पाकिस्तान से मिलेगा आज हम नहीं जानते। पाकिस्तान की अपनी रकम को हमें छोड़ना नहीं है, वह जब मिले हम उसको लें। लेकिन जब तक वह रकम नहीं मिलती है गवर्नमेंट अपने पास से उतनी रकम मिलाये। जब वह रकम पाकिस्तान से वसूल हो जाय तो उसको अपने पास रखले। इसके लिये मैं सुझाव दूंगा कि या तो गवर्नमेंट टैक्स लगावे और या उधार ले। गवर्नमेंट के पास दो ही रास्ते हैं। मैं

कहता हूँ कि इसके लिये एक खास लोन उठाया जा सकता है। उसमें से रुपया दिया जाय। पाकिस्तान से मिलेगा तो उसको सरकार अपने पास रखेगी। यह दो ही रास्ते हैं। जो रकम वहां हम छोड़ आए हैं और जो रकम हमें यहां मिलेगी उसका जो अन्तर है उसके लगभग वह टैक्स या लोन हो। मैं यह नहीं कहता कि जो बड़े बड़े लखपति और करोड़पति हैं गवर्नमेंट उनको पूरा पूरा मुआवजा दे लेकिन हां इतना मुआवजा तो दे कि वे अपने काम में, अपने रोजगार में लग सकें। लेकिन ऐसे लोग बहुत थोड़े हैं। अधिकतर छोटी छोटी स्थिति के लोग हैं और कुछ सार्वजनिक संस्थाएँ हैं।

सार्वजनिक संस्थाओं की वहां बहुत बड़ी बड़ी रकमें छटी हैं। मेरा यह सुझाव है कि उनको तो पूरी तरह से मुआवजा देना चाहिये क्यों वे सार्वजनिक संस्थाएँ बराबर दूसरों का काम करती हैं। इस विषयक में एक दफा है जिसमें ट्रस्ट का लफ्ज इस्तेमाल किया गया है। लिखा है कि आप उनके लिये बेलफेअर कारपोरेशन बनायेंगे। धारा १६ में यह शब्द है :

“For the purpose of rendering the assistance to trusts entitled to compensation.”

ट्रस्ट की परिभाषा इस बिल में मैं देख रहा था लेकिन मुझे को नहीं मिली। ट्रस्ट की परिभाषा इसमें नहीं दी गई है। सिलेक्ट कमेटी को मैं सुझाव देता हूँ कि वह इसकी परिभाषा दे और इस परिभाषा के भीतर उन संस्थाओं को लावे जो जनता की सेवा करती हों चाहे वे ट्रस्ट एक्ट में न आती हों। ट्रस्ट एक्ट तो एक खास कानून है और उसमें ट्रस्ट एक खास कानूनी शब्द है। मैं चाहता हूँ कि वह सब संस्थाएँ जो दूसरों के लिये काम करती रही हैं और जिनका धन पाकिस्तान में रह गया है वह सब ट्रस्ट की परिभाषा में आएँ। जिन संस्थाओं की रीजिस्ट्री एक्ट २१ सन् १९६० के अन्तर्गत हुई है या दूसरी रीति से जो संस्थायें किसी भी रूप में कुछ एजुकेशनल या मेडिकल

(श्री टंडन)

कैम्ब्रिज दाने वाली हैं उनकी रक्षा के अभिप्राय से यह वेलफेयर प्लान बनेगा। मेरा सुझाव है कि खाली इन्हीं दो प्रकार की संस्थाओं में गवर्नमेंट की सहायता परिमित नहीं होनी चाहिये बल्कि जो भी संस्थायें जनता की सेवा करती थीं, और उनके पास पैसा था और उनका पैसा वहाँ छिन गया और आज वह संस्थायें गरीब हो गई हैं उन सब संस्थाओं को आपको पूरा रुपया देना चाहिये। व्यक्तियों के लिये मैं नहीं कहता लेकिन अगर आप संस्थाओं का पूरा रुपया न दें तो यह बहुत अन्याय होगा। आप पूरी तरह से उनकी सहायता करें और इस सहायता के लिये मैंने जो सुझाव दिये हैं उनके अनुसार कार्य करें। या तो एक विशेष प्रकार का लोन आप सामने रखें या टैक्स लगावें। मेरा तो विश्वास है कि यह टैक्स भी लोग प्रसन्नता से देंगे। यह टैक्स इस अनुमान से हो कि किसकी क्या हैसियत है। उस पर आप चार में विचार कर सकते हैं। मेरा सुझाव है कि इन दो रास्तों से आप प्लान में पर्याप्त धन रखें और जो संस्थायें हैं उनके पैसों में काट कपट तनिक भी न करें। जितनी संस्थाएँ हैं उनको पूरा रुपया दिया जाय। यह मेरा सुझाव है।

Shri D. C. Sharma (Hoshiarpur) :
I want to ask myself one question. What was my feeling when I was listening to the learned discourse of the Rehabilitation Minister? Perhaps three or four years ago if I had listened to a discourse like that, my feelings would have been those of congratulation. I would have said to myself : Here is the hon. Minister trying to close a chapter which has been very unhappy and which has been full of so much suffering, disappointment and frustration. But I could not bring myself to that point, to-day and offer my congratulations to the hon. Minister. But I have nothing but sympathy for the hon. Minister. I want to ask him one question. He gave a whole history of the negotiations with Pakistan, date-wise, chapter-wise, clause wise. He unrolled before us a long scroll.

We all listened to him in patience. I ask him this question. Were these seven years spent—I would not like to say spent—were these seven years misspent, wasted, were these seven years used to play with the fortunes and lives and property of the refugees here only to be called in the end “You are immoral, your action is indefensible, your action is unilateral”? Politics is a game of foresight, of wisdom, of understanding the person with whom you are dealing. I do not say that the Pakistan Minister is our enemy. It is a game, and I think that in this game the Pakistan Minister has foiled us very badly. If we had wanted to get beautiful, flowery and charming epithets, we could have had them some years before. And today we are being called immoral. I think the word ‘moral’ has assumed some new meaning in the dictionary which is available in some parts of the world that our action is being called immoral. Of course it is unilateral because it cannot be otherwise. But I must say that I do not agree with the Rehabilitation Minister that he has made this action unilaterally subject to a clause, a clause which will remain inoperative, a clause which is a dead-letter, a clause which was a dead-letter before it was born and which will remain a dead-letter for all time to come. You remember, Sir, I put a question to the hon. Minister as soon as the statement was made by the Pakistan Commissioner, and in answer to that question he said that he would make a statement. Then he made a statement on which I put a Short Notice Question. And in answer to my Short Notice Question, he made some statements. Well, I want to ask one question. How is it that our action is being described as ‘indefensible’. According to what canons of international law? According to what canons of moral law? According to what canons of history, and according to what precedents in history? I must say, that all these years we have followed the events very meekly and humbly. Well, there

is no harm, but I would ask one question. What is the net result of all this after all these seven years of tedious waiting for the evacuees, who have come here? The evacuee pool has been gradually dwindling. I think some Members have referred to the way in which the evacuee pool has been dwindling. No doubt, there have been rules and regulations, for safe guarding the property but at the same time, the evacuee property has lost much of its value. The hon. Minister himself said that the evacuee properties now stood in a state of disrepair and what could be valued at something at one time, can only be valued at something less today. What have we gained. The evacuee property which was going to be something like the horn of plenty.—I do not want to use the word 'horn'—the sole safeguard for evacuees, has gradually diminished and yet we have done all this to be called in the end 'immoral', and to have our action described as 'indefensible'. Therefore, Sir, I have no end of sympathy with our Rehabilitation Minister. I must say that he has done well. Under the circumstances, he has acted according to his best lights, but I should say that his best light has not been such as to have given hope, encouragement and happiness to the several millions of refugees who have settled here.

Now, Sir, the Bill is good so far as it goes; I have no doubt about it. I think this Bill has been subject to some kind of criticism; of course I am talking about the general principles of this Bill at this time. I know the hon. Minister means well, but I would say, that even now it is up to the hon. Minister to make good that promise which has been constantly made to the refugees all these years. What was that promise? You know, Sir, I do not know much of arithmetic, and with reference to some kind of formula 'X, Y, Z', which has been evolved, I do not know what 'X, Y, Z' means. If we can think of the refugees' rehabilitation seated on a three-legged stool, I must say that of those there legs, the biggest leg has been

broken and only two small legs remain now, and I wonder whether the evacuee pool will have a stable equilibrium or not. It is trembling this way and that way. Therefore, I would suggest to the hon. Minister that he should give this evacuee pool some kind of stable equilibrium by adding to it not only what he has said in the financial memorandum of this Bill, but also more that he can get out of the Government. I do not want to make any suggestion. The hon. Shri Tandonji has made some suggestions and I should think it would be too much for me to make any suggestion one way or the other. I would only say to the Government that they should see to it that this Bill is made as adequate as possible and they should make contributions to this pool as liberally as possible. Otherwise, this Bill, when it becomes law, will not give as much relief and joy to the people as it should.

There is another point which I want to bring to your attention.

Mr. Chairman: I am sorry the hon. Member will have to finish in one minute. I propose to call the hon. Minister at ten minutes to one.

Shri D. C. Sharma: Five minutes: Sir. The hon. Minister said that he wanted only five minutes.

Mr. Chairman: Let not the hon. Member waste two or three minutes over this.

Shri D. C. Sharma: I beg to submit that it is not only with reference to the evacuee pool that I want to draw your attention to. I also want to say that our experience of the interim compensation scheme and other schemes which have been brought into operation in the Rehabilitation Ministry has not been. I am very sorry to say, very happy. That is because the administrative machinery which has been brought into being to work out these schemes has proved utterly inadequate. I do not want to use the word "calious." There are people outside this House who may use that word. I would like to say that

[Shri D. C. Sharma]

that machinery has been a machinery which bungled, which was inefficient and which was not geared up to the right point of efficiency. Therefore, I felt frightened when I read the long list of officers: the Chief, the Deputy, the Assistant, this and that. I felt that the refugees might be ground down by this weighty administrative machinery which is being brought into operation. I would therefore request the hon. Minister that he should see to it that this machinery which is being brought into existence works more in a humane spirit and in a less legalistic spirit in the petty sense of the word. I would say that this Bill should become law as soon as it can and I hope that it will bring some kind of relief to the refugees. Of course, it is not the same kind of relief which they have been demanding and looking forward to for all this time. Still, this is some relief and I am thankful to the hon. Minister for the small mercy that he has shown to us in these difficult times.

Sardar A. S. Saigal (Bilaspur): On a point of information, Sir, जिन लोगों के यहां पर समापित जी, ६ हजार, ८ हजार या १० हजार के करीब रफ्यूजीज रहते हैं यदि आप उनको बोलने का चांस नहीं देंगे तो यह कहां तक वाजिब होगा....

Mr. Chairman: The House has already accepted the situation. It was said that the hon. Minister will be called upon to reply at five minutes to 1 o'clock. The Bill will come again before the House. Hon. Members will get an opportunity.

सरदार ए० एस० सहगल : लेकिन समापित जी. बात असल यह है कि मध्य प्रदेश में जहां इतने ज्यादा रफ्यूजीज रहते हैं, उनका सवाल हम लोगों के सामने है और हम लोगों को उनके साथ डील करना पड़ता है, इसीलिये हम कहना चाहते हैं कि वह आदमी इस कमेटी में नहीं है....

Mr. Chairman: Order, order. I have already heard the hon. Member. If the hon. Member speaks in this strain and insists that he should be given an opportunity to speak because he represents 6,000 refugees, there are many others who represent many more thousands.

Sardar A. S. Saigal: It is only in one district.

Mr. Chairman: It is not a question of this particular Member or that particular Member being allowed. Many hon. Members have taken part in the debate. It has already been settled that this Bill will be finished by 1.15. I am very sorry. The Bill has to be sent to the other House.

सरदार ए० एस० सहगल : मेरी यह अर्ज नहीं थी। मैं तो आपसे यह अर्ज करूँ कि कम से कम उस प्राविन्स के लोगों को जहां से इतने ज्यादा रफ्यूजीज आते हैं उनको चांस दिया जाय और वहां से सेलेक्ट कमेटी में कोई नहीं है.....

Mr. Chairman: Order, order. I will not allow the hon. Member to speak any further. Does he mean to say that the hon. Members who have already spoken had no right to speak?

Sardar A. S. Saigal: I do not say that.

Mr. Chairman: What is the matter, I do not understand. If he insists that he should have been given an opportunity, he means to say that those Members who have already been called upon to speak should not have been allowed to speak. It is an aspersion on the Chair,—an unnecessary aspersion.

Sardar A. S. Saigal: If you think so, Sir, I withdraw. That is not my impression.

Mr. Chairman: What is the point? Does he want that the debate should be prolonged? He is not for prolongation of the debate. He cannot be given any more time. The only thing that he can imply by his speech is that

those Members who have already been called upon to speak, should not have been allowed to speak.

That is the only implication.

Sardar A. S. Saigal: I did not say so.

Mr. Chairman: Order, order. The hon. Member should have got the period of Debate decided when the Deputy-Speaker was here. The whole House accepted it. I cannot change it at this stage.

श्री ए० पी० जैन : श्रीमान् जी यहाँ पर बहुत से प्रश्न उठाए गए। जो थोड़ा सा समय मेरे पास है उसमें मैं तमाम प्रश्नों का जवाब तो शायद न दूँ सकूँ, लेकिन जो दो चार मोर्ट मोर्ट प्रश्न उठाए गए हैं, उनका उत्तर देने का प्रयत्न करूँगा।

मिस्र रणु चक्रवर्ती ने एक प्रश्न यह उठाया कि जिन मुकदमों में अभी आखिरी फाँसला नहीं हुआ है, किसी किस्म की कोई दख्खानत या मामला चल रहा है, तो उसमें क्या किया जायेगा? हमारी कई मंशा नहीं है कि किसी उस जायदाद के बारे में हम नोटिफिकेशन जारी करें कि जिसके बारे में कोई मुकदमा चल रहा है, या उसका मामला अभी तय नहीं हुआ है। जिनका मामला साफ हो चुका होगा उनके ही बारे में नोटिफिकेशन जारी किया जायेगा। यही असल उन इवैक्वीज के बारे में, जो कि पाकिस्तान चले गए थे और दिल्ली एग्रीमेंट के मातहत हिन्दुस्तान में लौट कर आ रहे हैं, लागू किया जायेगा।

एक प्रश्न उन्होंने यह भी उठाया धारा २५ के बारे में कि उस वक्त तक किसी आदमी को इवैक्वी मकान से बेदखल नहीं किया जायेगा जिस वक्त तक कि उसको दूसरी जगह रहने के लिये न दी जाय। मैं अफसोस के साथ कहता हूँ कि मैं इस असल को नहीं मान सकता क्योंकि जहाँ तक पुरुषार्थियों का सम्बन्ध है वहाँ तक उनको दो साल का किराया दे दिया गया है, लेकिन जहाँ तक दूसरे आदीमियों का सम्बन्ध है उनको उन्हीं कानूनों के मुताबिक रक्षा मिलेगी जो हिन्दुस्तान के दूसरे

मालिकों के ऊपर लागू होते हैं क्योंकि यह मोटा सा असल है कि जायदाद की जो कीमत है वह इसके ऊपर मुन्सर होती है कि उसके ऊपर कौसा किरायदार बैठा हुआ है, कितने दिनों के लिये वह बैठा हुआ है, और किन किन शरायत के ऊपर बैठा हुआ है। गवर्न-मन्ट कोई बजह नहीं समझती कि जो यहाँ पर लोकल्स बैठे हुए हैं उनको उनसे ज्यादा हक मिले जो कि कानून के अन्दर उनको मिलते हैं। बहरहाल यह मेरा विचार है। यह तो सेलेक्ट कमेटी के सामने जायेगा। मेरी जो राय थी वह मैंने दे दी है।

धारा १० (२) के बारे में मैं समझता हूँ कि उनको कुछ भूम है क्योंकि धारा १० (२) में जो कुछ दिया गया है वह केवल इतना दिया गया है कि गवर्नमन्ट ने कुछ रुपया दिया था मन्टनेन्स लॉन्स बांटने के लिये, और वह रुपया इस शर्त पर दिया गया था कि जो निकासी जायदाद है, उसका जो रुपया है, उसी से इस को वसूल किया जायेगा, यह तो उसी की रक्षा करने के लिये दिया गया था। जहाँ तक बूढ़ी स्त्रियाँ और बूढ़े आदीमियों का सम्बन्ध है जिनको कि मन्टनेन्स लॉन्स मिलता है, उनको तो हमने प्रायरीटी लिस्ट के अन्दर रक्खा है और उनको हम मुआवजा दे रहे हैं और इसके मुआवजे में जो रुपया दिया गया था उसको हम उनके मन्टनेन्स एलाउंस में से नहीं काट रहे हैं और न काटने का इरादा है।

धारा २३ के बारे में उन्होंने एक बात कही कि हर एक मामले में अपील होना चाहिये। उन्होंने खुद इस बात को माना है कि जितनी अपील होती है और जितने रिवीजन होते हैं, उन में कुछ न कुछ समय लगता है। बहरहाल यह जाहिर है कि जब सेलेक्ट कमेटी के सामने यह बात आयेगी, और जिस तरह की सेलेक्ट कमेटी की राय होगी मामलों पर गौर करने के बाद कि कितना वक्त लगेगा और कितना नहीं लगेगा, वैसे किया जायेगा। हम इसमें अपनी कोई खास राय नहीं रखते।

एक सवाल मुकुन्द लाल जी ने उठाया है। और वह सवाल था थर्ड पार्टी क्लेम व। इस

[श्री ए० पी० जैन]

वक्त जो मौजूदा मुआवजे का कानून है उसमें उन्होंने कहा कि जिनका रुपया इवैक्वीज के ऊपर चाहिये था, उनको इस बात का हक है कि वह अपना क्लेम रीजिस्टर करा सकें। वह रीजिस्टर हो गये हैं और उनके क्लेम के अधिकार के लिये हम इसमें उचित प्रबन्ध रखेंगे क्योंकि हमारी मंशा नहीं है कि हम उसमें किसी का पैसा लें। यह दूसरी बात है कि क्या शरायत हों, क्या उनकी जरूरियात हों। इन तमाम बातों पर गौर किया जायेगा लेकिन ऐसी बात नहीं है कि उनको पैसा देने का कोई इरादा न हो।

बहुत सी बातें क्लेमस के बारे में कहीं गईं। आपको याद होगा कि कुछ दिनों पहले इसी सेशन के अन्दर एक कानून इस भवन ने पास किया है क्लेमस के वैरिफिकेशन के बारे में। उसमें इस बात की पूरी गुंजाइश रखी गई है कि जो क्लेम दाखिल हुआ था अगर उसके बारे में कुछ शिकायत हो उसका रिवीजन हो सकता है, और उस वक्त भी जब उस पर बहस हो रही थी तो मैंने यह आश्वासन भवन को दिया था कि उसमें सुओ माटो रिवीजन के अस्त्यार दिये गये हैं। जो ऐसे मामलात में इल्म में लाये जायेंगे कि जिनमें कुछ सख्ती हुई है या दूसरी वजह से उसका रिवीजन होना चाहिए तो हम दोबारा उनकी जांच पड़ताल करा लेंगे। चूंकि बहुत सी दरखास्तें आई हैं और हम उनकी जांच पड़ताल करा रहे हैं इसीलिये मैं समझता हूँ कि इस कानून में हमें उन्हीं क्लेमस को मानना पड़ेगा जिनका वैरिफिकेशन हो चुका है, यह दूसरी बात है कि दूसरे कानून के मातहत जहाँ पर कोई ताकत रखी गई है, उसका दोबारा वैरिफिकेशन करा सकें।

एक सवाल जो बहुत से आनरबल मंत्रियों ने उठाया वह यह है कि कुछ वीद्द की जाय उस धन में जो कि गवर्नमेंट इस कम्पेंसेशन पूल के अन्दर डालना चाहती है। यह मामला एक बर्ष के ऊपर हो गया जब गवर्नमेंट के सामने

आया। जो कुछ भी श्री गोपालस्वामी आयंगर साहब ने एलान किये थे, जो बातें मैंने कहीं, जो बातें गवर्नमेंट के दूसरे मंत्रियों ने कहीं, या गवर्नमेंट की तरफ से जो आश्वासन दिये गये थे, उन तमाम के ऊपर पूरे तौर से ध्यान दिया गया और उसके बाद एक फॉसला हुआ। उस फॉसले के अनुसार एक विज्ञापित जारी की गई और वह फॉसला वही था जो कि आम्बेड्स एंड रीजिन्स में दिया हुआ है। यानी जो कर्ज पुरुषार्थियों को जो कि पश्चिमी पाकिस्तान से आये हैं, दिया गया है, जो जायदाद गवर्नमेंट ने बनाई है उनको बसाने के लिये मई, १९५२ तक उनके बसाने के लिये, फाइव इअर प्लान या दूसरे किसी तरीके से जो प्राविजन है, वह सब का सब गवर्नमेंट की तरफ से कम्पेंसेशन पूल में डाला जायेगा। मैं यह बतलाना चाहता हूँ कि गवर्नमेंट को जो कुछ इस सम्बन्ध में कम्पेंसेशन पूल में डालना था उसका अन्तिम निर्णय हो चुका है। अभी हाल में एक शार्ट नोटिस क्वेश्चन पूछा गया था, उस स्टेटमेंट के सम्बन्ध में जो कि भवन के सामने रक्खा था, कि मैं कोई आश्वासन दिला सकूंगा या नहीं कि गवर्नमेंट की तरफ से उसमें कोई रुपया डाला जायेगा। चुनांचे मैंने नहीं चाहा कि बाहर कोई आशय्ये बंधें क्योंकि आशय्ये बंधने के बाद फिर उनके टूटने से सबसे बड़ी नाउम्मीदी होती है, रायें अपनी अलग अलग हो सकती हैं, श्रद्धयें टूटन जी की यह राय है, और मैं नहीं कहता कि उनकी राय में कोई तत्व नहीं है, लेकिन बहरहाल जो लोग इस वक्त गवर्नमेंट को चला रहे हैं उन्होंने इस मामले पर भी विचार किया कि कोई टैक्स लगना चाहिये या नहीं लगना चाहिये। गवर्नमेंट मौजूदा हालत में कितना रुपया दे सकती है और कितना नहीं दे सकती है, इस बारे में भी पार्लियामेंट इस निर्णय पर पहुँची थी कि जो कुछ हो रहा है उसका एक मर्तबा एलान कर दिया जाय। अब मैं नहीं देखता कि गवर्नमेंट की तरफ से कोई और पैसा मिल सकेगा।

Mr. Chairman: The question is

“That the Bill to provide for the payment of compensation and rehabilitation grants to displaced persons and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 51 members, 34 members from this House, namely, Shrimati Subhadra Joshi, Shri Gurmukh Singh Musafir, Lala Achit Ram, Pandit Thakur Das Bhargava, Shri Hira Singh Chinaraia, Shri Naval Prabhakar, Shri Bibhuti Mishra, Shri Ramchandra Majhi, Dr. Pashupati Mandal, Shri Daulat Mal Bhandari, Shri Muhammed Khuda Bakash, Shri Rameshwar Sahu, Shri Khushi Ram Sharma, Shri Venkatesh Naryan Tivary, Shri Yeshwantrao Martandrao Mukne, Shri Raghubir Dayal Misra, Dr. Hari Mohan, Shri Ramraj Jaware, Shri Krishna Chandra, Shri Shankar Rao Telkikar, Shri P. Kakkan, Shri T. R. Neswi, Shri K. G. Deshmukh, Sardar Hukum Singh, Shri Pisupati Venkata Raghavaiah, Shri Nikunja Behari Chowdhury, Shri Bahadur Singh, Shri Jaswantraj Mehta, Shrimati Sucheta Kripalani, Shri Choitram Partabrai Gidwani, Sardar Lal Singh, Shri Hifzur Rahman, Shri Jagannathrao Krishnarao Bhonsle, and Shri Ajit Prasad Jain, and 17 members from the Council;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects, the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make;

that this House recommends to the Council that the Council do join the said Joint Committee and communicate to this House the names of members to be appointed by the Council to the Joint Committee.”

The motion was adopted

MEMBER SWORN

Sardar Iqbal Singh (Fazilka-Sirsa)

Shri Raghavachari (Penukonda): May I in this connection rise on a point of almost a privilege? This is in respect of another Member whose election has been declared. The matter has not yet been communicated. This is in connection with the election of Shri Ashok Mehta who has been elected. You know that when a man is declared elected, he has the right to come....

Mr. Chairman: The notification has been received. He is certainly welcome to come and take the oath.

Shri Raghavachari: My point was that as he was entitled to come and take the oath in the morning, he would have participated in the debate that was going on here. The rule provides that the Returning Officer shall forthwith send the communication to the Election Commission and the appropriate authority. In this case, he must have communicated it to this House. Though the declaration was made three days ago, on the ground that two holidays intervened, it has been held up. In this case, they should have taken action forthwith and the question of holidays should not have come in the way. Why should they have taken so much time to communicate the information? The gazette notification is not necessary for this. Section 66 provides:

“When the counting of votes has been completed, the Returning Officer shall forthwith declare the result of the election in the manner provided by the Act or the rules made thereunder.”