

LOK SABHA DEBATES

Date 10.12.2014

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Tuesday, 23rd August, 1955.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12-05 P.M.

PAPERS LAID ON THE TABLE

REPORTS OF DEVELOPMENT COUNCIL

- (i) FOR HEAVY CHEMICALS (ACIDS AND FERTILISERS); (ii) FOR INTERNAL COMBUSTION ENGINES AND POWER-DRIVEN PUMPS; (iii) FOR BICYCLES AND (iv) FOR SUGAR

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): I beg to lay on the Table a copy of each of the following papers, under sub-section (4) of section 7 of the Industries (Development and Regulation) Act, 1951:—

(1) Report of the Development Council for Heavy Chemicals (Acids and Fertilisers) for the year ended the 31st March, 1955. [Placed in Library. See No. S-264/55]

(2) Report of the Development Council for Internal Combustion Engines and Power-Driven Pumps for the year 1954-55. [Placed in Library. See No. S-265/55]

(3) Report of the Development Council for Bicycles for the year 1954-55. [Placed in Library. See No. S-266/55]

(4) Report of the Development Council for Sugar for the year ended the 31st March, 1955. [Placed in Library. See No. S-267/55]

COFFEE RULES

Shri T. T. Krishnamachari: I beg also to lay on the Table a copy of the Coffee Rules, 1955, under sub-section (3) of section 48 of the Coffee Act, 1942. [Placed in Library. See No. S-268/55]

RUBBER RULES

Shri T. T. Krishnamachari: I beg also to lay on the Table, with your permission, a copy of the Rubber Rules, 1955, under sub-section (3) of section 25 of the Rubber Act, 1947. [Placed in Library. See No. S-269/55]

ABDUCTED PERSONS (RECOVERY AND RESTORATION) CONTINUANCE BILL—Contd.

Mr. Speaker: The House will proceed with the further consideration of the following motion moved yesterday by the hon. Sardar Swaran Singh,

"That the Bill to continue the Abducted Persons (Recovery and Restoration) Act, 1949, for a further period, be taken into consideration."

The Minister of Works, Housing and Supply (Sardar Swaran Singh): I have no intention to make any lengthy speech. This legislative measure has come up for discussion before this hon. House on a number of occasions. On the last occasion, it was discussed in February, 1954 when the Parliament decided to extend its life till 31st May, 1955. The position of this work as it stood at the end of the year 1953 was reviewed in considerable detail. A number of hon.

[Sardar Swaran Singh]

Members of this House took part in that discussion and certain figures were placed before the House on behalf of the Government. After this, in May 1954, a conference took place between the representatives of the Government of India and the Government of Pakistan to review the position with regard to recovery work. At the end of these discussions, an agreement was arrived at and the Government issued a communique. I will not go into the details of the agreement that was arrived at between the two Governments. But, there are two or three important points to which I want to draw the attention of this House.

The two Governments agreed about the general approach that should be brought to bear on the implementation of the decisions arrived at, and in the agreement itself both the Governments reiterated the attitude that should be adopted with regard to this work. Both the delegations reaffirmed the determination to recover and restore all abducted persons as speedily as possible. For the furtherance of this humanitarian cause, it was agreed that progress made in recovery and restoration and the problems arising therefrom should be reviewed from time to time and effective measures taken to complete this work as early as possible and that with this end in view, every effort should be made to create an atmosphere where the woman can shed her fear complex and prejudices created in her mind since abduction, which can be ensured only if the recovered person is in a position to think and decide her future in a free and friendly atmosphere. Then, it was agreed that there should be a Joint Fact Finding Commission to ascertain the extent of outstanding work in either country. This is what the Agreement which was arrived at between the two Governments provided:

“The principle and the desirability of a Fact Finding Commission was accepted, and it was

decided to entrust the task to the two H.P.O.s who will be assisted each by one whole-time officer not below the rank of a Deputy Commissioner, and that the assessment should be completed within six months; further that a programme for the joint and expeditious verification of the lists should be drawn up immediately. Adequate staff should be deputed for the purpose, and it should be ensured that this assessment does not in any way retard the speedy recovery of abducted persons.

The terms of reference of the Fact Finding Commission will be:—

- (i) to assess the extent of outstanding work of recovery in the two countries; and
- (ii) to advise the two Governments on measures to be adopted for speedy conclusion of recovery work in both the countries.”

[MR. DEPUTY-SPEAKER in the Chair]

The scheme of the work of this Fact Finding Commission and its constitution envisaged joint action by the two Governments. For various reasons this Fact Finding Commission could not start work and could not be in a position to start work for quite some time. Discussions took place about the personnel of the officers of the Deputy Commissioner's rank who had to be appointed to assist the two H.P.O.s in this work. There was considerable delay in actually setting up this Commission and in the matter of the nomination of the two Deputy Commissioners by the two Governments. Actually, it was only in February, 1955 that the two Deputy Commissioners who were to assist the two H.P.O.'s actually started this work. This Fact Finding Commission has been looking into this recovery work and in the course of the last 4 or 5 months, it has examined a number of witnesses, official as well as non-official. A number of social workers including ladies in either country have

given evidence before this Commission and have put forward a number of viewpoints about the future set-up of the recovery organisation and as to what should be the general approach with regard to this problem. The report of the Fact Finding Commission is expected to be submitted to the two Governments by the end of this month. One cannot be very optimistic, regard being had to an international matter of this complex nature, that this report will actually be coming by the end of this month, and a lapse of two weeks or so will not be something which is unexpected. It will take some time before the recommendations are examined and this is a work which cannot be disposed of unilaterally by one country. International co-operation and joint action by the two Governments has been the approach with regard to the handling of this work. Therefore, even after the receipt of this report and examination thereof, the two Governments' representatives will have to meet and discuss as to what further action, if any, is necessary to be taken. It is for this reason that the present life of this Act was extended by an Ordinance only for a period of six months till the end of November. This will enable the examination of that report by the Fact Finding Commission, and then, in the light of that report, Government will know as to what is the extent of the outstanding problem and what should be the approach with regard to its handling. There can be various approaches whether any legislation is at all necessary thereafter, whether the whole thing could not be handled by the social workers, whether there should be any joint agency in which both the Governments could be represented either at official level or at non-official level will be points which are naturally to be gone into after this report is received. There was one other point of importance which was contained in that agreement which was arrived at between the two Governments. That relates to the procedure for ascertaining the wishes of the recovered person. On this point you

know, Sir, that there was a strong feeling expressed from various sections of this hon. House, and it was pressed, and quite rightly, that no person should be sent across to the other country against that person's wish. The Prime Minister also made the Government position quite clear when this measure came up for discussion in February, 1954 before this House, that no woman will be sent across against her wishes and that in the ultimate analysis it will be the desire of the recovered woman which would be the deciding factor in the final decision of her being released in this country or of sending her across to the other country. This thing was actually agreed upon between the two Governments and also the procedure was settled as to how it should be tackled. I will not read the text of that entire agreement, but the procedure was agreed upon according to which after the recovery, the wishes were ascertained and if she did not want to go, then she was kept in a home for some time and thereafter, after meeting her natural relatives if she still said that she did not want to go, she was not sent across, but was released.

Shri V. G. Deshpande (Guna): When was this agreement arrived at—in which month,—because our experience is not that even up to this time.

Sardar Swaran Singh: I do not know why the hon. Member should feel that way. This was arrived at in May, 1954, and I will presently give figures to indicate the actual picture that emerged out of the implementation of this agreement.

Shri V. G. Deshpande: I may tell that in May, 1955 I have brought a case to the notice of the Prime Minister and the Home Minister, but we could not get any redress.

Sardar Swaran Singh: I wish the matter had been brought to my notice. I am dealing with it, not the Prime Minister or the Home Minister, and if the hon. Member even now gives that case, I am prepared to look into it.

Shri U. M. Trivedi (Chittor): I think if it is not too late I can bring it to his notice even today, this evening. It is a very hard case where a woman is being driven out of this country with her four children.

Sardar Swaran Singh: I thought the hon. Barrister Member would be a little more considerate because he himself raised a particular case in the course of the debate last year and I had given an assurance that she would not be sent across against her will. Her will was ascertained and she was not sent. So, I expected he would really concede that point, because in that particular case about which he showed considerable amount of agitation when this Bill came up before this House in February last year, it was gone into and after considerable discussions, although there was a very strong viewpoint to the contrary also, ultimately it was found that the woman did not want to go and, she was released.

Our friend, the hon. Member Shri Deshpande, said his experience has been to the contrary. I will give figures to indicate the number of persons who were recovered during the year 1954 and up to the end of June 1955, because the figures thereafter are not very authentic and I will give only those figures which are authentic.

Up to the end of December, 1953, the figures had been given in the course of the debate in February last year. During 1954, 2,111 persons were recovered.

Shrimati Sucheta Kripalani (New Delhi): From where?

Sardar Swaran Singh: From India.

Shri V. G. Deshpande: How many from Pakistan?

Sardar Swaran Singh: From 1st January, 1955 to 30th April, 1955—465; from 1st May 1955 to 30th June, 1955—291. These are recoveries in India. I am sorry I am giving these figures separately because up to the

end of April, 1955 these figures have been agreed to by both the Governments.

Shri Nand Lal Sharma (Sikar): What are the corresponding figures for Pakistan?

Sardar Swaran Singh: If you show a little patience—I will not hide anything.

This indicates the total number of persons recovered up to the end of June, 1955. Out of this the total number of persons sent to Pakistan in 1954 was 1,114. By the simple process of subtraction the substantial figure of about 1,000 emerges which gives the number of persons who were not sent to Pakistan.

Out of the 465 who were recovered during the first four months of 1955, 249 were sent to Pakistan. And then out of the third figure I gave of 291, 119 persons were sent across to Pakistan.

The relative figures with regard to Pakistan are to this effect: During 1954 the total number of persons recovered was 247 out of which 160 were brought to India. From 1st January 1955 to 30th April 1955, 130 were recovered out of which 99 came over to India. For the third period, the months of May and June, out of 79 recovered in Pakistan, 49 came over to India.

Shrimati Sushama Sen (Bhagalpur South): What happened to the rest?

Sardar Swaran Singh: They were mostly released in the country of recovery as a result of the implementation of this agreement. If they were unwilling to cross over, then they were either restored to their relatives in the country of recovery or were permitted to go to whatever place they wanted to. This is what has happened in both the countries.

I may also give the total figures up to the end of June this year, ever since this work started to get an idea of the magnitude of this pro-

blem, and that will show the large amount of very solid work that has been achieved by this organisation in a human field. Up till the end of June 1955, the total number of persons sent to Pakistan after recovery is 20,623, and the corresponding figure for persons recovered in Pakistan and sent over to India is 8,992, which is roughly nine thousand. So, as a result of the efforts of this organisation, as many as thirty thousand persons have actually been restored to their families and relations, and some sort of rectification of that great evil had been attempted; and after the great disruption that had taken place in the wake of Partition, a certain amount of solace was sought to be imparted as a result of the functioning of this organisation.

I wanted to mention these figures to show that a very large number of persons and a very large number of cases were handled by this organisation. While handling such a colossal problem, where thousands of persons are involved—in fact, as many as thirty thousand were actually sent across the borders of the country from either side—if there are complaints in a couple of cases which might have come to the notice of one hon. Member, or even in a fairly large number of cases, that should not be surprising, because, after all, the persons who have to handle these things are normal human beings, and they have their failings, and sometimes the sources of information may not be quite authentic, and coloured, versions may sometimes be given leading to the recovery of a wrong person; or a hundred and one other things like that may happen. I would therefore, beg this House not to judge too harshly the entire organisation and its functioning merely because there are stray cases in which things did not shape in the form desired, or did not come up to the high standard which is naturally expected by this House in doing a work of this nature.

There was another matter in which hon. Members evinced a lot of interest, when this matter came up for

discussion last year, and that was the vexed problem with regard to the handling of children. The hon. Prime Minister in the course of his intervention in February 1954 had very clearly stated that this problem of dealing with children was a really very complex problem. I have no hesitation in saying that as time passes, the problem becomes still more complex. And for any man to hold any pedantic views or any views of a nature, which cannot be controverted, will, I think, be too much really to say. The fact is that these unfortunate cases took place about eight years or so ago. During this time, a number of things have happened. New ties have developed, and children have been born. What should be done to those children? The hon. Prime Minister had said that in dealing with these children, the future of the children or the welfare of the children will be the sole consideration. The situation is not quite easy. On the one hand, we have to see that there was a woman who for no fault of hers by a conspiracy of very gruesome circumstances found herself either stranded or the victim of either the lust or some other wicked motive of bad people, and thus found herself in a helpless position. In many cases, probably she has passed hands, and gone over from one to another, and in this process, children have been born. Is it a case in which opportunity should be given to that woman to breathe a little free air, and after breathing that free air and after meeting her natural relatives, to express her will finally as to what she wants to do? Or has a stage come when we should really write off those women, whether they are in India or in Pakistan, and be content with this idea that the lapse of time now has brought us to a situation where we could say that let us leave them to their own fate? Opinions on a subject of this nature, which is a highly complex social problem, may vary. And personally, for myself, I would really like to be guided by the observations that the hon. Members of this House may have to make on that score.

[Sardar Swaran Singh]

But there is one thing which appears to be clear, and that is that the whole thing happened in circumstances over which those unfortunate women had no control. Society perhaps will not be justified in treating them just as chattel and leaving them to their own fate, but it should provide some method by which they can come out from that fear complex and from that terrible atmosphere, and then express their wishes after breathing a little free air as to what they want to do.

So far as the question of children is concerned, action has been taken both at the social and the official levels to ensure that their future is not marred, and that something should be done really to rehabilitate them. There could not be any other method but to leave the choice to the woman who decides to go across as to what she wants to be done with regard to the children. If she says that she wants to take the children or one out of the two, or two out of the three, etc. then generally her wishes are the predominant factor in deciding the fate of the children. That, I think, is something which does not appear to be unreasonable. After all, the wishes of the mother are also a good guide to the best interests of the child. And if we have acted on that basis, I think this presumption is not unreasonable.

With regard to the children that are left behind, they are generally taken care of by what are called abducted fathers, an expression about the tenor of which I am not very much enamoured; but that is the way of describing a social creature that is the outcome of the terrible happenings of Partition. If the abductor father does not take any interest, then the children are kept in the children's home.

I would give some figures to indicate as to how this choice has actually been exercised, and what has been the picture that has been emerging with regard to these children. In the

year 1954, these post-abduction-born children who were taken to Pakistan by their mothers numbered 163, as against 578 that were left behind in India. During the first four months of 1955, i.e. from 1st January to 30th April the number of children that were taken by their mothers to Pakistan was 36 as against 148 that were left in India. And during the two months, May and June of 1955, 23 children were taken across to Pakistan as against 39 who were left behind in India. The total for the period for which figures are available is something like this; 461 children were taken by their mothers to Pakistan as against 1271 that were left behind.

So far as Pakistan is concerned, in 1954, 22 children were brought by their mothers to India as against 17 that were left behind. In the first four months of 1955, ten children were brought, and 17 left behind. In May and June of 1955, 18 children were brought as against 2 that were left behind.

Now, there is another subject about which lot of interest is shown by the hon. Members of this House, about the functioning of the Indo-Pakistan Tribunal. This tribunal decides the cases of those women who express their desire not to go over to the country other than the country from which they are recovered. The tribunal has to decide two things. Firstly, it has to decide whether the person recovered is an abducted person and secondly, whether that person has to be sent across.

I will give some figures to indicate as to what has been the result of the work of this joint Indo-Pakistan Tribunal, and how have the cases been decided in implementation of the decision that was taken in May, 1954. I have got the figures from 1st April, 1954 to 30th June 1955.

Shri S. S. More (Sholapur): Why were not these figures circulated before?

Sardar Swaran Singh: It is not necessary because I am giving these figures here.

Shri S. S. More: We find it difficult to digest them and draw necessary conclusions. The figures are sufficiently elastic and evasive. What conclusions can we draw when they are supplied to us on the floor of this House?

Sardar Swaran Singh: Really it is a question of summing up; I am only adding here. All these figures are contained in the printed debates,—most of them in the printed debates of this House. Questions have been put from time to time and those figures have been given.

Shri S. S. More: So, we have to do some research work. Is that so?

Sardar Swaran Singh: The hon. Member raised that point on the last occasion also. But, I thought that circulation will not be better than incorporation in the debates and if that has escaped the notice of hon. Members, I can say only that I thought that presentation in this form will be helpful.

Shri S. S. More: It is something.

Sardar Swaran Singh: I am really doing the drudgery for the hon. Members, for they do not want to do any research and they avoid it. I have got the figures from April 1954 to June 1955.

Shri N. C. Chatterjee (Hooghly): What are they?

Sardar Swaran Singh: I am happy that my hon. friend after his return from abroad, after his arrival in this hon. House wants...

Shri N. C. Chatterjee: You have figures for which period?

Sardar Swaran Singh: From April 1954 to June, 1955.

Mr. Deputy-Speaker: He is not one of the recovered.

Shri S. S. More: He was abducted for some time.

Sardar Swaran Singh: He is not recovered nor is he discovered.

The total number of cases of Muslim persons recovered that were handled by this Indo-Pakistan Tribunal during these 15 months was 932.

Pandit Thakur Das Bhargava (Gurgaon): Every case is handled by them.

Sardar Swaran Singh: If, after recovery, the woman says she wants to go immediately, then the case need not go to the Tribunal.

The number of such cases is very small but, to be more exact, I thought I might describe them in this form. The number of persons involved in these 932 cases was 1924; the number is larger because sometimes there are children recovered along with the women. Out of these, 985 persons were sent across to Pakistan and 939 persons were restored to relations in India or were allowed to go wherever they liked, which indicates that half the persons who were actually recovered were not sent across. I am citing these figures to indicate the untenability of the normal criticism that is levelled in such cases that as soon as some persons are recovered, sending them across is more or less automatic and that their fate is decided more or less and that the cases in which those persons are actually released here are very small. This indicates that practically 50 per cent of the persons who were recovered were actually released in India, either restored to their relatives or permitted to go wherever they wanted to go.

Pandit Thakur Das Bhargava: This includes the number of children also who were sent to Pakistan. What is the number of those persons who elected to live here and who did not wish to go—out of the 932 recovered?

Sardar Swaran Singh: Out of those 932, as many as 173 wanted to stay on here and they were actually permitted to go to whatever place they wanted, including restoration to relatives in India.

The relevant figures with regard to Pakistan are—total number of cases

[Sardar Swaran Singh]

214 involving 368 persons (non-Muslims). Out of them, the number of persons restored to relations in Pakistan is 23 cases with 83 other persons,—probably children—and the number of those restored to relations in India, that is, brought over to India, is 191 cases with 285 others,—who were probably children. The percentage is approximately the same in either case, human nature being the same all over.

Shri C. K. Nair (Outer Delhi): May I know if children born after the partition of India were sent along with their mothers?

Sardar Swaran Singh: I took some time to elaborate this point about the disposal of children and I said in an earlier part of my submission that the wish of the woman has been the predominant factor in taking a decision about the interest of the child. And, generally, when the woman wanted to take the child, we have not stepped in unless the case was one which required our intervention or we felt that it was not in the interests of the child that it should go with the woman.

In the agreement it was also provided that against the decisions of the tribunal, the parties aggrieved have got the right of appealing to the Government. There has been appeals to the Government and I think it is necessary to give some figures to indicate as to how these appeals have been disposed of and what has been the result.

Shrimati Sucheta Kripalani: If I may interrupt, we would like to know what is your machinery for hearing the appeals.

Shri N. C. Chatterjee: Who actually heard these appeals?

Shri V. Deshpande: Social workers?

Sardar Swaran Singh: I do not know why my friend is so much averse to social workers. I would have been happy if good social work-

ers were available to hear such appeals. Unfortunately, they are not available and Government has to hear those appeals.

Shri V. G. Deshpande: There is an iron curtain one cannot go into.

Sardar Swaran Singh: Iron is not such an impregnable thing these days and if you really probe into these curtains you will probably find that there is no curtain at all. I would really appeal to the hon. Member not to have that iron curtain before his eyes and try to look beyond that iron curtain which, unfortunately, he has thought fit to draw in front of his own eyes.

If these solid figures I have given about the number of persons recovered, about the number of persons who have been released after enquiry will not satisfy him, then, I think that even an oxygen curtain can be a big obstacle, not to speak of a big iron curtain. No one can show light to a person who refuses to see.

I was saying that appeals had come to the Government. While I was going to give those figures, a query was put as to what was the machinery for hearing appeals. It is not a tribunal sort of thing or any particular officer who has been designated to hear those appeals, nor is it customary to give any regular hearing in the form of inviting any elaborate arguments. The number of such cases has been rather few, because, by and large, people appear to be satisfied with the functioning of the tribunal, as I have indicated, by the large number of cases in which they themselves have not decided to send the person across. Therefore, by and large, there is satisfaction, and the few cases that come up are examined in the Ministry by senior officers, and the ultimate decision has to be taken by the Minister himself.

Shrimati Sucheta Kripalani: If I may again interrupt, by which Ministry is it examined? Because this

is placed under the External Affairs Ministry, and the Minister dealing with it is himself.

Sardar Swaran Singh: The officers in the External Affairs Ministry who are dealing with this matter are supposed to be subject to my orders.

Shrimati Sucheta Kripalani: Of the External Affairs?

Sardar Swaran Singh: Yes.

Pandit Thakur Das Bhargava: He says final orders are passed by the Minister.

Sardar Swaran Singh: The figures are these: the number of cases released by orders of the Government of India: 43 women with 86 children; the number of cases released by orders of the Government of Pakistan: 3 women with 5 children; the number of cases that are still pending with the Government of India on the 20th August 1955: 3; the number of cases with the Pakistan Government on 20th August 1955: 8.

I am grateful for the indulgence that has been shown to me to enable me to place these figures before this hon. House. I collected these figures in view of the strong desire expressed on the last occasion that all these figures should be given in the opening speech rather than that the matter should be left to be fished out by queries from hon. Members.

As I have said earlier, the Fact Finding Commission is already functioning. The Commission is likely to give its report by the end of this month—may be another two weeks. The whole matter will be gone into again, and some sort of decision will have to be taken as to what should be done to tackle the outstanding cases. The House will expect me to give some estimate of the number of cases still outstanding. This number cannot, from the very nature of the circumstances, be very exact. Clues have been given from time to time, sometimes more than one member of the family have actually recorded their

complaints or clues at more than one agency, and therefore, the total list is really illusory. But there are, roughly, still about 4,000 to 5,000 cases where final investigation has yet to be made in either country, where it cannot be said as to whether the person recovered has died or whether the person exists or does not exist and whether it is a case of recovery or not. But the number of cases is about 5,000, taking both the countries together, roughly about half the number, about 2,500 or a little less than that in this country, and a little over 2,500 on the other side, about which the investigation has not yet begun—actually the investigation has not yet taken place in these cases. I gave some figures about the number of persons who actually crossed, roughly about 30,000. That means that the actual number of cases that must have been investigated is much larger because in a large number of cases, either the recovery could not be held or it was found that the person is dead or is not traceable. Therefore, from the very nature of the problem on account of this dispersal all over, and the circumstances in which that thing happened, it was really a very colossal problem.

Shri Nand Lal Sharma: May we know the number of persons involved in these cases?

Sardar Swaran Singh: Obviously not possible; each case will really involve one person; children that might have been born will be the only addition. But it cannot be really stated as to whether those cases can be recovered. I am not stating that, because those are cases in which further investigation has to be carried out to find out what was the fate of those cases.

As has been the practice in this problem, our approach has been human and not political. I am aware of the criticism that can be levelled that the number of persons who had been recovered from Pakistan and sent over to us is only half the number that was sent across to the other side.

Shri Nand Lal Sharma: Less than half.

Sardar Swaran Singh: 4999 recurring? I cannot be very mathematical in this matter, but the figures are there. I would ask this House not to consider this problem merely by numbers. The 9000 and odd persons who came over to India, who had been separated from their relatives and have now again rejoined their families here in India are really those individual cases of happiness, and any amount of mathematical calculation or working of percentage, to my mind, will not be a very correct approach.

Shri D. C. Sharma (Hoshiarpur): Has he calculated also the amount of unhappiness that is caused to people here and elsewhere?

Sardar Swaran Singh: It is really in an effort to decrease that unhappiness that this work is being carried on. Opinions may differ, but, by and large, the organisation is now functioning in a manner where there cannot be any reasonable criticism that our people are being pushed across in an unsocial manner or in a manner which is against the wishes of those persons. If there are any further suggestions for improving the work, hon. Members are most welcome to put them forward. There may perhaps be a further discussion after the report of the Fact Finding Commission is received, as to what should be the best way of tackling the problem when it is on its last legs and what should be the best way of doing something either by way of any social work or by way of any governmental work.

With these remarks. I commend the motion for acceptance by this hon. House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to continue the Abducted Persons (Recovery and Restoration) Act, 1949, for a further period, be taken into consideration".

Shri U. M. Trivedi: May I make one request in the beginning? The hon. Minister has given very useful figures in his speech; not a single minute of his speech has been a waste. But he has taken more than 50 minutes. Therefore, this time must be extended so that we may be able to express our views; otherwise, we will be very much handicapped. This is a very important Bill.

Shri Kamath: (Hoshangabad): The whole day may be allotted. That will be good.

Mr. Deputy-Speaker: I am not able to follow.

Shrimati Sucheta Kripalani: We want extension of time. The hon. Minister has taken 50 minutes.

Shri U. M. Trivedi: And he will take some time to reply also.

Mr. Deputy-Speaker: The total number of hours allotted for this is 3 hours, out of which the hon. Minister has taken 51 minutes. Let us see how many hon. Members want to participate.

Shrimati Sucheta Kripalani: The Bill merely seeks to extend the duration of the Act. Therefore, ordinarily there would not be much to say on this matter. But I would like to say a few words because, as the hon. Minister has already referred to, there is considerable misunderstanding and considerable anxiety about the work that has been done by this Department both in the House and outside.

I may be very grateful to the hon. Minister for making a detailed speech and giving us a lot of information. As a matter of fact, he has replied to many of the questions which I would have put to him.

He has clarified various issues, but I would still like to say a few words because there are two opinions about the desirability of the continuance of this organisation. There is an opinion that for eight years this work has gone on and now it is not desirable to go on recovering women after such

a long period. On the other hand, there is another opinion that as long as a single woman is kept with an abductor against her will, it is our sacred duty to recover the woman and bring her back. There is considerable dissatisfaction over the figures that we get from time to time of recoveries. Recoveries in India are on a much larger scale than recoveries in Pakistan, and naturally it is a matter of grief and disappointment to us that our women are not being recovered. For these two reasons we must take this opportunity to consider the entire administrative machinery and the policy followed in the matter of recovery. It is quite natural that for this kind of work there should be a temporary department, but I do not approve of the policy of Government of getting extension for short periods. By this Bill we are extending the life of this organisation for a few months. When the people who are working in an organisation do not know how long they will be there or know that they will be there only for a few months, it is but natural that they cannot put their heart and soul into their work as they suffer from a feeling of insecurity about their future. If the extension is for a very short time, it tends to increase inefficiency in the organisation. Secondly, there is another aspect in this particular kind of work. The work is to recover women who have been abducted. If the abductors know that after a certain date this work will be stopped, then they are encouraged to put forth greater efforts to keep such women in hiding, up to the deadline. Therefore, this hampers the work of recovery as the abductors put up greater resistance against recovery.

Mr. Deputy-Speaker: How can they be sure that the Act may not be further extended?

Shrimati Sucheta Kripalani: There is always the possibility that the Act may not be extended. It works both ways. The workers feel a sense of insecurity and the criminals get the opportunity to behave in a more recalcitrant manner. Therefore, we

should assess properly as to what is the dimension of the work remaining and how long it would take to complete the work and then fix the time, and try to complete the work within that period.

About the policy, I am very glad to hear what the hon. Minister has said. I could see from the trend of his speech that the Government are of the view that this work should be conducted more on humanitarian lines rather than on lines of mere maintenance of law and order. It is now time to think whether it is advisable to recover women after eight years. Shri Deshpande and Shri Trivedi mentioned certain hard cases. I also know of similar cases I remember in the early days of partition when I went to Jullundur, I was astounded to see some of these cases. I remember one case. There was a Muslim woman, a widow, who had become a Sikh. Her two little children had also become Sikhs. They were recovered and were kept in the Jullundur home. This woman said "I have nobody in Pakistan; I am a widow. I have my own little piece of land. I had to change my religion out of fear, but I want to live in my own place. I do not want to go to Pakistan." But our agreement with Pakistan was such that we had to send her back compulsorily. I came across another case where the woman had been converted. Meanwhile her men-folk had also changed their religion and had become Sikhs. I should think that it is natural that a woman, when she is recovered, should be restored to her family even if they were converted. Our agreement was such that any Muslim woman recovered had to be sent back to Pakistan irrespective of the fact that her family members were here. I saw her men-folk looking helplessly at her from outside the barbed wire.

Pandit K. C. Sharma: (Meerut Distt. —South): I do not think there can be any such law.

Shri U. M. Trivedi: There is. He is living in oblivion.

Shrimati Sucheta Kripalani: This case was brought to my notice by the lady who was in charge of the home. She said "My heart breaks to separate her from her family but I am helpless." At that time Shri Gopalaswamy Ayyangar was looking after this department. I pointed out these anomalies to him. I do not know whether the policy has been changed or not. But these cases demonstrate the need of change in the policy.

Recovery work is a delicate work. In this work individual's feeling and sentiment have to be taken into consideration. It has to be viewed not as a problem of law and order but as a very delicate human problem. Therefore, in such work each case must be considered carefully. In each case the head of the organisation should exercise his discretion. No hard and fast rules should be laid down. The hon. Minister has pointed out that if the woman does not wish to go, they have been following a policy of sending her back to the so-called abductor. If necessary, that has to be done. A general reorientation of policy is needed.

A proper administrative machinery should also be set up to implement the new policy. Larger number of social workers should be associated in this work.

The hon. Minister told us that in 1954 the Inter-Dominion Conference took two important decisions. One was to set up a Fact Finding Committee to assess the outstanding work and to suggest ways and means for expeditious work. The second was to open special homes where the recovered women would be given facilities to stay with their own relations so that they may get an opportunity to make up their minds as to whether they should go back to the abductor or remain with their own families. I am giving these details to show that work has not been going on expeditiously. The decisions were taken in May 1954. But the hon. Minister told us, that for assessment work the

machinery was not set-up till February 1955. I am told that a very highly placed officer of the Deputy Commissioner's rank was appointed to do this work. How much work has been done and how many districts have been surveyed by him. I would very much like to know.

The other decision was that special homes should be started in India as well as in Pakistan where these recovered women should be kept and given an opportunity to stay with their families, to enable them to make up their minds and decide as to what they should do. Even this home was not started for a whole year. The decision was taken in May 1954, but the home in India was started as late as May 1955 while the home in Pakistan has not yet been started. We would like to know the reason for the delaying in setting up the Fact Finding Committee because one of the objects of the Committee was to suggest ways and means for expeditious work. The very body that was to suggest ways and means for expeditious work did not start functioning for a whole year. Then again, while our home was set up in one year's time, the Pakistan home has not yet been set up. I would very much like to know from Government what steps they have taken to compel the Pakistan Government to start such a home.

Now I come to the administrative machinery. We all know that a very well-known social worker of India was associated with this work in the early stages and a considerable amount of work was done. About 30,000 women were recovered, but now she is no longer associated with this work.

Shri Kamath: Isn't she? Are you sure?

Shrimati Sucheta Kripalani: You can give your views when you speak. She was a very influential woman; she had influence in very high quarters. Therefore, even if official authority or power was not given to

her, she could do things, exercise discretion and bring drive and force in her work. It is not a very good and satisfactory way of work. If the Government wants to give responsibility to some person, that person should be given full power and authority in order to carry on the work effectively. She did not have the power but she used to carry on her work by these extra-governmental methods. But now the lady, who is in charge, has not got that influence with the Government. Therefore naturally the work suffers. I want to know how much power she has been given and whether she has sufficient power and discretion to do her work efficiently.

Sardar Swaran Singh: Actually there is no successor to that influential social worker; if there is any successor, I think I am the successor.

Shrimati Sucheta Kripalani: If you are the successor, I shall be very happy. If you are the successor, you will have to dissociate yourself from the work of the Ministry of Works, Housing and Supply and devote all your time only to this. If you do that, I have no objection. Whoever is at the top that person must have sufficient power and discretion. I will tell you what the difficulties are. It is an emergency department; so many things have to be done in a hurry. For example, a woman comes; she is in a bad state of health; she is pregnant and she must be admitted into the home immediately. Because the person in charge has not got the powers to admit her, the file goes on moving from the bottom to the top officials. By the time the file has moved, the woman is in a desperate condition. Again the office may have to spend certain amounts of money for rushing somebody from one place to another. But she can't do it. She must wait for formal sanction. Such red tape hampers work.

Therefore, my point is, firstly you must decide whether you want to continue this organization. If it is

necessary to continue it, then I would urge you to review the policy. The policy which was all right in 1947 may not suit today and an entire re-orientation of the policy may be necessary. After deciding on the policy, set up a proper administrative machinery and whoever is in charge, give that person full authority so that she can make that organisation work efficiently. If you do not give full authority, efficient work is not possible. I do not minimise the good work that has been done. But there are enough difficulties in the work and these must be removed for the sake of good and efficient work.

Now, I would like to say a few words about the Tribunal. Formerly I understand that the Tribunal consisted of police officials; but now certain social workers are associated with the Tribunal; that is good. Then there is the appeal. If the appeal from the Tribunal goes to the Minister, it means that it does not go to the Minister direct but it goes to the Under Secretary, Deputy Secretary, Secretary, and so on.

Sardar Swaran Singh: Actually it lies to the Government under the Agreement.

Shrimati Sucheta Kripalani: I understand. That is why I want to say that if it goes by the ordinary routine method, then there can be no expedition in the case. You should set up some machinery to hear appeals. The Minister himself should be responsible. If he likes, he can associate with himself certain social workers having legal knowledge. Women social workers with legal knowledge would be best.

The Hon. Minister also told us that the Tribunal did not go into details. I mean the body which hears appeals. But it should go into details and the woman should have an opportunity to come and place her difficulties before this higher body. There should be another woman associated with the body so that she would feel no hesitation in placing all her difficulties. Therefore, I feel that there is

[Shrimati Sucheta Kripalani]

much that needs to be changed if this organisation is to at all work. It should either be run properly or wound up. There is enough confusion in the running of the department.

This body is under the Ministry of External Affairs but the Minister in charge is the hon. Minister in charge of Works, Housing and Supply. There is a third body which deals with all matters dealing with India and Pakistan—that is the Ministry of Rehabilitation. Why cannot all these activities be brought under one proper Ministry so that the work can go on well? As long as there are various authorities under which a department has to work, naturally there will be delay and inefficiency. Nobody will feel the responsibility. In Bengali we have a saying that a mother who belongs to too many children is never taken to the Ganges after her death. The fate of this organisation is like that. There are too many people in charge of it. Who is really responsible? I have some experience of such work. If I have about five masters to serve, my work will not be done. It is therefore proper that all their activities should come under the Rehabilitation Ministry. If that is not possible let it be under one Ministry and let that Minister be responsible. I would again emphasise the need of new programme and policy. I will suggest that a committee of some Parliament Members and other social workers should be appointed to go into the matter to suggest what should be the policy, for how long this department should be run and what should be the proper administrative machinery for efficient conduct of the work of this department.

सरकार इकबाल सिंह (फाजिलका सिरसा):
सब से पहले अगर इस बिल की तारीफ को दंसा जाय जब से कि यह शुरू हुआ है तो पता चलेंगा कि पहले आर्डिनेन्स आता है, फिर बिल आता है। फिर दोबारा बिल आता है,

फिर आर्डिनेन्स आता है, फिर बिल आता है, इस के बाद बिल लेंस हो जाता है और आज फिर बिल आया है। जिस मॅंशिनरी का यह हाल हो और जिस मॅंशिनरी के नीचे काम करने वालों का यह खयाल हो कि मालूम नहीं कितने दिन तक यह आर्डिनेन्स चले और उस के बाद पता नहीं किस शकल में बिल आवे, वह मॅंशिनरी और उस के नीचे काम करने वाले किस तरह से ठीक ठीक काम कर सकते हैं? मॅं समझता हूं कि अगर सरकार ने पहले ही दिन से इस को इस ढंग से लिया होता कि यह काम ६, ७ साल तक या ६, १० साल तक करना है तो ज्यादा बेहतर काम हो पाता क्योंकि जो काम करने वाले हैं अगर उन को यह मालूम हो कि कितने दिन में उन को यह काम पूरा कर देना है तो वह ज्यादा अच्छा काम कर सकते हैं। यह बड़ा मुश्किल काम है और आदमी की खांज करने फिर दूसरे दंश में जा कर बरामद करने और उस को ठीक जगह पर पहुंचाने में काफी वक्त की जरूरत है। यह बिल पहले आर्डिनेन्स की शूरत में आया उसी आर्डिनेन्स को आज हम २० नवम्बर, १९५५ तक के लिए बिल की शकल में ले आये हैं। यह ठीक है कि एक फॅक्ट फाइन्डिंग कमिशन बना है, उस के फॅसले के बाद हो सकता है कि किसी नई शकल का बिल आवे या इस बिल की ही शकल को बदल कर दुबारा पेश किया जाय, लेकिन अगर आप यह समझते हैं कि इस ढंग से हमारा काम चल जायेगा, तो इस से यह बेहतर होता कि इस चीज को शुरू से ही रख कर, इस चीज को एक शकल दे कर, साल ब साल एक रफ्तार से काम चलाया जाय, और कदुरती तौर पर इस के नतीचे अच्छे निकलते।

इस बारे में ज्यादा न कहते हुए यही कहना चाहता हूं कि इस बिल के पीछे सब से पहले एक इन्सानियत का जजबा है, उस के बाद कुछ हमारे फॅसले हैं जो कि हमारे प्राइम मिनिस्टर और पाकिस्तान के प्राइम मिनिस्टर

कं दम्यानि हुए हैं कि हर उस आदमी को, जो अपनी स्व्याहिशत के खिलाफ इस दंश में या उस दंश में रह गया हो, बरामद करना है। दूसरं जब तक एक भी बहन इस तरफ या उर तरफ रह गई है, उस वक्त तक यह काम चालू रहना चाहिये। अगर आप यह समझें कि यह वक्त की बात है, यानी आठ साल हो गये, अब इस काम को करने की शायद जरूरत नहीं, अब इस काम को उस जजबे के साथ करने की जरूरत नहीं जिस के साथ पहले किया जाता था तां में समझता हूं कि यह उसी तरह होगा जैसे कि आठ साल तक एक आदमी कैद में रहे और उस के बाद आप यह सोचें कि चूंकि यह आदमी आठ साल तक कैद में रह चुका है और बेल का आदी हो गया है, इस लिये इस को जेल से छोड़ने की जरूरत नहीं है। अगर आप इस चीज को जायज नहीं समझते हैं तो फिर इन बहनों के मामले में आप इस को कैसे जायज समझ सकते हैं? अगर एक बहन को उसके ख्यालात और जजबात के खिलाफ एक आदमी उठा कर ले गया और आठ साल तक वह उस के कब्जे में रही उस के बाद आप यह समझें कि अब उस बहन को उस के हाल पर छोड़ देना है तो यह उस कैदी की मिसाल के ही मुताबिक होगा।

सब से बड़ी चीज यह है कि जो फौवट राईनिंग कॉमिशन बना है उस के नीचे जो आदमी काम करते हैं उन को बड़ी मुश्किल हालात में काम करना पड़ता है फिर भी उन को यह समझना चाहिये उन का यह एखलाकी फर्ज है कि जो बहनें इस तरफ रह गई हैं उन को उस तरफ भेजना है और जो उर तरफ रहे गई हैं उसको इधर लाना है। हालांकि इस दंश के वायुमंडल में इस समय ऐसे ख्यालात भी चलते हैं जिस में कि लांग इधर की औरतों को उधर भेजना नहीं चाहते, लेकिन उधर से लाना चाहते हैं। अगर हम भेज नहीं सकते तो कुदरती चीज है कि हम उधर से लाने के भी इकट्ठार

नहीं हो सकते। यह ठीक है कि इस तरफ से ज्यादा बहनें उधर चली गई हैं और उधर से बहुत कम आई हैं, लेकिन अगर हम इस चीज को सोचें और इन्सानियत के ढंग से सोचें और इस पर ध्यान न दें कि पाकिस्तान क्या कर रहा है तो आगे चल कर पाकिस्तान के एखलाकी जजबात भी ज्यादा मजबूत होंगे, जैसे कि आज हिन्दुस्तान के हैं। मैं यह आशा करता हूं कि हम अपने एखलाक के साथ, हिम्मत के साथ, अपने काम को चालू रखेंगे और कुदरती तौर पर हालात बेहतर होंगे। पाकिस्तान वालों को भी अपना रवैया बदलना पड़ेगा। आप नें यह दंशा होगा, और जो फौवट्स हमारा सामने रखें गये उन से भी पता चलता है, कि इस तरफ से जितनी बहनें गईं और उस तरफ से जितनी बहनें आईं उन में पहले बहुत ज्यादा फर्क था और आज एक और दो का ही फर्क रह गया है। लेकिन इस बात को मैं छोड़ता हूं। असली सवाल यह है कि जब तक एक भी बहन इस तरफ या उस तरफ है उस वक्त तक यह हमारा इखलाकी फर्ज है कि हम इस डिपार्टमेंट को अपना पूरा सहयोग देकर, इस को पूरी ताकत बस्था कर, चलायें। सब से ज्यादा जो मुश्किल काम है वह यह है कि इस चीज का किस तरह से फैसला किया जाये कि कोई बहन इस तरफ रहना चाहती है या उस तरफ जाना चाहती है। इस चीज का फैसला करना और भी ज्यादा मुश्किल हो जाता है जब, हम उन हालात को देखते हैं जिन हालात में कि वे रहती हैं या उन के रखे जाने का खयाल होता है। यह एक इन्सानी मसला है और आप इस को कोई सेंट रूल बना कर हल नहीं कर सकते। जिन हालात में वह रहती हैं उन हालात के असरात से अपने खयालात भी वह बदल सकती हैं। इस वास्तु आप इस मसले को हल करने के लिए कोई खास रूल नहीं बना सकते या नहीं कह सकते कि इतने परसेंट जरूर छोड़ दी जायें या इतने परसेंट को उधर भेज दिया जाए या इधर रख लिया जाए। आप यह नहीं कर सकते

[सरदार इकबाल सिंह]

हैं। आप को हर एक कंस को इन्सानी पहलू से हैं। आप को हर एक कंस को इन्सानी पहलू से देखना होगा। आप को देखना होगा कि किन हालात में से गुजर कर वह आई हैं, किन हालात में वह रखी गई हैं, किन हालात के उस पर असरात हुए हैं और इन सब चीजों को देखने के बाद आप को किसी नतीजे पर पहुंचना होगा। यह एक खासा मुश्किल काम है। इस चीज को जो लोग जब करते हैं और खासतौर पर जो आपने ट्रीब्यूनल इस काम के लिए बनाया है उन पर इस चीज को देखने और सही फैसले पर पहुंचने की बड़ी जिम्मेवारी आती है। इस सिलसिले में मैं यह अर्थ करना चाहता हूं कि उस ट्रीब्यूनल के फैसले के खिलाफ जो अपील हो वह अपील आम अपीलों की तरह नहीं सुनी जानी चाहिये, उस को किसी आम रूटीन ढंग से नहीं हैंडल करना चाहिये। इस काम के लिए एक सैक्रेटरी हो। चाहे मिनिस्टर साहब खुद डील करें क्यों कि यह एक ऐसा मसला है जो कि आम रूटीन ढंग से डील नहीं किया जाना चाहिये। बाबकल इसके बारे में लोगों को यह भी नहीं पता कि हैंड कॉन है और कॉन इस काम का इंचार्ज है और आया इस का हैंड कोई डिप्टी सैक्रेटरी है या कोई सैक्रेटरी है। आजकल पहले अंडर सैक्रेटरी होता है फिर डिप्टी सैक्रेटरी होता है और इसी तरह से दूसरे अफसर होते हैं। इस लिए यह एक बहुत लम्बा सा प्रोसीजर हो जाता है। मैं यह आशा करता हूं कि जो अपील हो वह सीधे सैक्टरल गवर्नमेंट के पास आए और यहां पर चाहे सैक्रेटरी इन के साथ डील करें या मिनिस्टर साहब करें। इस तरह से इन अपील का डिपार्टमेंटल ढंग से निपटारा किया जाना चाहिये।

सब से बड़ी बात जो मैं कहना चाहता हूं और जिस के बारे में मैं ने अपनी एक एमेंडमेंट भी दी है वह यह है कि इस बिल को कम-अब-कम अगले साल तक जरूर लागू रखना

चाहिये। आप ने इस बिल को २० नवम्बर तक बढ़ाने के लिए कहा है और २० नवम्बर में अब सिर्फ दो ही महीने बाकी हैं। अभी एक कुछ कीसस ऐसे हैं जो इस तरफ भी और उस तरफ भी ट्रीब्यूनल के पास पड़े हुए हैं। कुछ लिस्ट हिन्दुस्तान की सरकार के पास हैं और इसी तरह से कुछ लिस्ट पाकिस्तान की सरकार के पास हैं जो कि पाकिस्तान ने हिन्दुस्तान को और हिन्दुस्तान ने पाकिस्तान को दी हैं। यह लिस्ट इतनी बड़ी हैं और जो कीसस हैं वे इतने कम्प्लिकेटेड हैं कि २० नवम्बर तक इन को सत्म नहीं किया जा सकता। उन में से कई कीसस ऐसे हैं जिनके बारे में यह भी पता नहीं चलता कि फलां हमारी बहन फलां जिले में है आया वह जिन्दा है या मर गई है या जिन की बाबत यह भी पता है कि फलां आदिमियों के पास वे हैं उन का पूरा पता लगाना अभी बाकी है। अगर आप इस चीज को छोड़ देंगे तो यह एक बड़ी बड़बुदाफी होगी। जब तक यह मसला मौजूद है और जब तक आप के पास यह सबूत मौजूद है कि फलां जिले में फलां आदिमी के पास हमारी बहन है और जब तक उस के बारे में आखिरी फैसला नहीं हो जाता उस वक्त तक मैं समझता हूं इस काम को बन्द नहीं करना चाहिये। फैंक्ट फाइंडिंग कमिशन जो फैसला दे यह जरूरी नहीं है कि वह सब पर जरूर लागू किया जाए। लेकिन जब तक एक भी बहन हमारी उस तरफ है या कोई भी बहन इस तरफ है हम को इस काम को जारी रखना चाहिये और इस बात को सोचना चाहिये कि वे किन हालात में वहां रहती हैं या उन को किन हालात में रखा जाता है। इस सवाल को हल करना हमारा इस्लामी फर्ज है। जो भाई उन को छोड़ कर आए हैं और जो उन को छोड़ने पर मजबूर हो गए थे और जिन हालात में उन को वहां रखा जा रहा है उन का हिन्दुस्तान के प्रति एक कर्ज है और हिन्दुस्तान को उसकी जिम्मेवारी लेनी होगी। ये बहने जिन हालात में वहां रह गई उन

हालात पर इन का कोई जोर नहीं था। तो अगर आप सोचते हैं कि यह काम दो तीन महीनों में पूरा हो जाएगा यह ठीक नहीं है। यह काम इतने थोड़े असें में पूरा नहीं हो सकता है। इस काम के पूरा होने से पहले यह बिल लैप्स हो जाएगा और फिर आप को ऑर्डिनेन्स जारी करने की जरूरत महसूस होगी। उस दौरान में आपका जो काम होगा वह तेजी से नहीं चल सकेगा। अगर इस बिल की मयाद को बढ़ा दिया गया तो उस दौरान में आपको कई फैसेल करने पड़ेंगे। जो फेक्ट फाइंडिंग कमिशन के फैसेल होंगे यह जरूरी नहीं कि वे सार के सार हिन्दुस्तान की सरकार पाकिस्तान सरकार से मनवा ले। मैं मानता हूँ कि इन फैसेलों को मानने का काम आप के जिम्मे हो तो आप उनका जल्दी फैसेल कर सकते हैं लेकिन जब कोई फैसेल किसी दूसरी सरकार के साथ करना होता है तो यह बात जरा मुश्किल सी हो जाती है : यह बात भी सही है कि हमारा दश में बहुत सार ऐसे आदमी हैं जो इस काम को नहीं चलने देना चाहते और उस दश में भी बहुत से ऐसे आदमी हैं जो यह नहीं चाहते कि यह काम अच्छी तरह से चले। मैं अर्ज करना चाहता हूँ कि अगर आप ने इस एक्ट को एक साल तक और लागू नहीं किया तो इस एक्ट के लैप्स होने के बाद आप का काम अधूरा रह जाएगा और यह ठीक तरह से नहीं चल पायेगा।

मैं एक बात और कहना चाहता हूँ और वह यह है कि जो औरतें लाई जाती हैं और कैम्पों में रखी जाती हैं उन के कौंसिल का फैसेल बहुत ज्यादा देर तक नहीं किया जाता है। मैं चाहता हूँ कि हिन्दुस्तान की सरकार को पाकिस्तान की सरकार के साथ जब भी कोई नया फैसेल किया जाए उस वक्त इस बात का भी फैसेल कर दिया जाए कि हर एक कंस का फैसेल ज्यादा से ज्यादा दो या तीन महीने के अन्दर हो जाना चाहिये और इस असें से ज्यादा

असें तक कोई भी कंस फेइंडिंग नहीं रहना चाहिये। डी० ए० बी० कालेज लाहौर में कई औरतें अभी बँठी हुई हैं जिन के कौंसिल का अभी तक भी फैसेल नहीं हुआ और इसी तरह से और भी कैम्पस हो सकते हैं जहां पर कि यह औरतें बँठी हुई हों। अगर उन के कौंसिल का जल्दी फैसेल नहीं किया जाता तो यह एन मुमकिन है कि जो खयाल उन का पहले था वह बदल जाए और वह भी मुमकिन है कि उन को कोई और फैसेल अंडर ह्यूमरस या किसी क्रिम के दबाव के नीचे आ कर करना पड़े। इस वास्ते मैं समझता हूँ कि जो भी कंस बरामदगी का हो उस का फैसेल ज्यादा से ज्यादा दो या तीन महीने के अन्दर हो जाना चाहिये। आप को चाहिये कि आप पाकिस्तान सरकार से भी यह बात मनवाने का यत्न करें।

जो बच्चों के बारे में कहा गया है कि यह एक बड़ा मुश्किल मसला है और यह फैसेल करना बड़ा कठिन है कि इनको हिन्दुस्तान में रहना चाहिये या पाकिस्तान में भेजना चाहिये। मैं समझता हूँ इस बात का फैसेल करना उसकी मां पर छोड़ देना चाहिये। यदि वह चाहे तो उस को अपने साथ ले जाए और अगर चाहे तो यहीं घर में रहने दिया जाए। जब मैं यह बात कहता हूँ तो यह भी मुमकिन है कि उन बच्चों को इस दश की समाज में उन को वह दर्जा न दिया जाए जो कि उन को मिलना चाहिये। इस वास्ते इस बात का फैसेल उसकी मां पर ही छोड़ देना चाहिये।

इतना कह कर मैं इस बिल का समर्थन करता हूँ और यह आशा करता हूँ कि गवर्नमेंट इस को कम से कम एक साल के लिए लागू करेगी और उस दौरान में नये एग्जिमेंट के बारे में पाकिस्तान के साथ सलाह करने के बाद जिस नतीजे पर पहुँचेगी उस के मुताबिक एक और बिल इस हाउस में लाएगी। अगर गवर्नमेंट इस बिल को लागू नहीं रखती और

[सरदार इकबाल सिंह]

दो महीने के बाद यह लैप्स हो जाता है तो मैं समझता हूँ कि जो इस्लाफी फर्ज गवर्नमेंट पर आबद होता है वह उसको पूरा करे पर अदा नहीं करेगी।

इतना कह कर मैं इस बिल का समर्थन करता हूँ।

Shrimati Sushama Sen: I am grateful to the hon. Minister for having made such a frank statement on the floor of the House. He has not over-estimated the work and from all points of view it seems reasonable that a Bill of this kind should be passed. As is agreed by all, abducted persons' recovery and restoration is to be taken on purely humanitarian grounds and no political issue should come into this. We were glad to hear from the hon. Minister, when this Bill came up last February, that the Pakistan Government are co-operating and they have shown their friendly atmosphere in this respect. This is the most essential thing that is necessary for the recovery of these unfortunate persons, who, for no fault of their own, have been brought to this position. Our sympathy and hearts go out to these unfortunate sisters of ours who are placed in this dreadful situation.

The question is that the magnitude of the problem, as was pointed out by the Minister, is enormous and it is a huge social problem and it has to be tackled very carefully and very tactfully. I have no doubt this is one of the reasons why there has been such a considerable delay. Eight years have elapsed. I believe the original figures were 35,000 from Pakistan out of whom 15,000 have been recovered and brought to India, and from India to Pakistan there were 30,000 and out of this—I do not know if I am quite correct—about 20,000 have been sent and there are about 10,000 left, who are still to be sent from India to Pakistan and there are about 15,000 to come from Pakistan to India. This is a huge figure

and I cannot understand how the hon. Minister said that within November we may be able to complete this work.

Sardar Swaran Singh: If I may clarify, what I said was, we will have the report of the fact-finding Commission. We will give thought to it and after benefiting by the observations that the hon. Members of this House may have to make, we may have some alternative proposal as to whether we should continue it in this form or in some modified form. This is what I said.

Shrimati Sushama Sen: I am thankful to the Minister for having clarified this point. But most people say that within these eight years, the abducted women are settled down or have adjusted to their conditions and are more or less happy and so why disturb them and bring them back to places where they may not be acceptable in their former homes or society. But this is not a fact. We know that both from Pakistan and from India these unfortunate women are longing to get to their respective homes. There may be a few instances where they would not like to return, because—and this is most important—they have borne children. The question of children is a very intricate and very delicate question and it has to be gone into thoroughly and proper steps taken so that these children are properly cared for, whether they are left in Pakistan or brought to India. There may be a few instances where they would not like to return, as I said, and they shall not be forced to return. The wishes of the women are predominant and if they are given the option to choose, and they wish to return to their own homes either to bring their children with them or, if they so desire, they can leave them to the care of the father, or if the father does not care to keep the children, the children are to be sent to the State children's homes. Here, I would like to stress a word of warning, namely, that the States must establish proper children's homes. I

am not satisfied with the progress they are making. The helpless, unfortunate children should be under the care and protection of good and properly-run homes. I do not know of the condition in Pakistan, but certainly in our own country, we have need for good children's homes and I would appeal to the Government to see that this question relating to the children of the abducted persons must not be a constant source of worry and anxiety to the already over-suffering women.

Regarding the women coming back to their homes, I do not think the Hindu homes are so inhuman as not to welcome them back. The abducted women who are left as they are may be all right and for the time being, perhaps all is well, but one must understand that there is a great difference between these unfortunate women and those who are legally married couples. The abductor is fully aware that he is not responsible to any one for maltreatment of the abducted person. So any kind of rough handling of the abducted women has to be prevented. It has often been the case that these abducted women get into disfavour of the abductor and then the abductor comes to sell the abducted women. There have been cases where a girl has been sold not once but several times. So this question has to be carefully considered. One cannot imagine the dreadful condition of such victims. Take it that the abducted person is ill-treated by the abductor, but what happens when he dies? She is left at the mercy of the villagers and no one can claim her and so this anomalous condition of women cannot be allowed to remain. At least some legal status should be given to them. When all these marriage laws are being made here, some sort of legal status should be given to those who prefer to remain where they are, either in Pakistan or in India. I think this is a most important point.

It is imperative that every woman who wishes to return home is given a chance to return. I believe those

women who are unwilling to come to their own homes, their own country, are kept in a special camp and are given a chance to meet their own relatives in order to make up their minds, and that if they are still unwilling, they are not brought home. I suppose this is the condition? This arrangement has been made after the decision of the tribunal. The woman is not moved across for another fifteen days. The Minister asked on the last occasion whether this time of fifteen days was enough or not? In my opinion, I do not think that we should let these women remain for fifteen days. It is much too long. I think a week should be sufficient, because, after all, the whole case has been decided by the tribunal, and so, why should they be left in these concentration camps, as it were, for fifteen days and be handled by all sorts of persons? I think we should reduce the period to one week. I think that should be enough.

Regarding the tribunal, I do not deny for a moment the necessity of having some kind of machinery for the recovery of women. But the tribunal consists of two Superintendents of Police, one from Pakistan and the other from India. I can never believe that such a tribunal can do justice. A tribunal for this purpose has to be constituted of people who have experience of dealing with human and psychological cases, cases that need sympathy. The police are the last persons who can do it well. It is, therefore, absolutely necessary that we must bring in a few women who have experience of this kind of social work. I believe there are women. We have just heard Shrimati Sucheta Kripalani saying that the women are not given a free hand and so they cannot do their work in an efficient way. There are many things that they have to go through and it is very difficult for them to act or do the proper thing. I for one think that we should have many more social workers attached to this tribunal and police superintendents alone should not constitute the tribunal. This is my considered opinion.

[Shrimati Sushama Sen]

While on principle no one can object to this Bill, we must seriously consider the removal of the anomalies to which I referred—the anomalies in the matter of separation of the children. As I have already said, I do not deny for a moment the necessity of having some kind of machinery for the recovery of abducted women and children. There is no doubt that the machinery has been very slow and the whole thing has to be very carefully reviewed, as a large number of cases still remain to be investigated and the report of the joint fact-finding commission which was constituted under the Indo-Pakistan Agreement of May, 1954, for the purpose of assessing the extent of outstanding work in India and Pakistan and to advise the two Governments of measures to be adopted for the speedy conclusion of recovery work, is still awaited. Therefore, there was no alternative but to the life of this Act. But I would earnestly request the Minister in charge to see that speedy recovery work is done and not feel content with this belated measure.

With these words, I support the measure.

Shri U. M. Trivedi: I feel that this Act as it stands today should not be extended for a day more, but it should terminate here and now. The hon. Minister in his opening address very honestly placed certain figures before us. It would have been much better if these figures had been supplied to us a little earlier. However, in what little time we could get to study these figures, we have studied them; but it does not lead one to think that this Act should continue. I do not know what happens to those who try to uphold the dignity of women when they want to apply their minds to this Abducted Persons (Recovery and Restoration) Act. They forget their chivalry; they forget that a woman is also a citizen of India. The fundamental rights are meant not only for men, but they are also meant for women and children. It has been said, that no woman was

to be sent out after May 1954 against her wish. But have we followed that principle of not sending out women out of our country?

Before proceeding further, I will give an illustration of a particular case to which the hon. Minister referred. I feel hesitant in speaking more about it, because the matter is *sub judice* before the Supreme Court and I was responsible for keeping that woman in India only by an order of the Supreme Court and not by the courtesy of the Government of India. The unfortunate position that we have to consider with reference to these ladies is this. Once a Muslim woman converts herself to Hinduism, she is what we call an apostate. Apostasy itself dissolves the marriage tie. Once the marriage tie is dissolved, she has, by no provision of international law, the same domicile as that of the husband. If she is a citizen of India, she remains a citizen of India and she has got a right to live where she is. This Act offends against this fundamental principle that if a person has got the choice of domicile, she cannot be forced out of our country to go into another country where she does not want to go.

Instances can be given where a woman divorced her husband long long before the partition of our country was dreamt of. Even in the year 1947 when this unfortunate incident took place in our country, the woman had borne already some children to the man to whom she was married. She was a Hindu; and yet, when the partition took place and when the divorced husband went away, out of spite, he made reports that he had got his wife living at such and such a place in the company of such and such people and she might be brought. The recovery organisation here runs after such people, catches hold of them, brings them before the Tribunal. The Tribunal gives a summary decision and the woman with her four or five children is spirited away to Pakistan. There she has to spend a good deal

of money to get back to her motherland. Through dishonest methods and through the help of the dishonest police of Pakistan, she comes back. What is her position under the international law? Is she still a citizen of India or is she a citizen of Pakistan? This Act does not come to her rescue and the only position that arises before the Government is this, namely, whether any Pakistan national, coming with a Pakistan passport who had been sent away by our recovery organisation can still remain in India. Further complications arise. Therefore, we have to decide whether this summary procedure which is provided for under this Act should continue to remain in force. Very often the Tribunal goes on deciding things which are not within its purview. It goes to the extent of deciding that the divorce which had been obtained by the woman against her husband is a fake one. Those who are familiar with Muslim law know that the difficulties of women are very great. It is the man who says "Talak" three times and the woman is divorced. The man remains in the other country and he disowns his *talak*, putting this woman in a false position. This tribunal which has absolutely no power to decide any civil right sits on this and decides this matter. It decides that the divorce did not take place and sends away the woman. Sometimes it goes further. In one case, a woman got herself converted under the Arya Samaj long before partition, and this Tribunal sat over it and said "your conversion is not valid." Who is this Tribunal to decide this? What authority has been vested in this Tribunal to decide this question in a summary manner? We have to look into it whether this Tribunal set up under this Act by this recovery organisation should continue to do this damage to the women of our country. We have to take into consideration the various aspects of the choice for a woman provided for in our Constitution. We do not obstruct anybody changing her religion. Is it because she is a woman that she is not allowed to change her religion? If she has changed her

religion, why should this recovery organisation which set up the Tribunal be allowed to go into the question whether such a change of religion is valid or not? It cannot; but it does because certain people who had sit upon it did not look at it from that angle.

I know and I acknowledge that the present hon. Minister for Works Housing and Supply, since he has come to be in charge of this work, has been very sympathetic, but that is not very helpful. Members sitting on my left and Members sitting on my right, as soon as this debate was opened, were surprised to see how it was that the hon. Minister for Works, Housing and Supply was entrusted with this work.

Shri Nand Lal Sharma: For the supply of women.

Shri U. M. Trivedi: I do not agree with that.

Shri Nand Lal Sharma: Supply of abducted women, I say.

Shri U. M. Trivedi: I have nothing to do with that point. I am lawfully sorry that such an unbecoming interruption should have taken place.

With great respect to the hon. Minister....

Mr. Deputy-Speaker: Did the hon. Member say, supply of women?

Shri Nand Lal Sharma: Supply of abducted women I said.

Mr. Deputy-Speaker: I am very sorry for the remark. It is very wrong. We are dealing with a serious matter. What is this humour?

Shri Nand Lal Sharma: If it is taken in a bad sense, I beg to withdraw. I am very sorry. I never meant any sarcasm.

Shri U. M. Trivedi: The point which I was making was this. We have got a new problem which has arisen on account of the Partition of our country, and that is the rehabilitation of the refugees. This problem is also a part and parcel of rehabilitation. One cannot understand why

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this should be handed over to the External Affairs Ministry and be not left in the hands of the Rehabilitation Ministry, to which Ministry people will naturally look for finding out their relatives and getting relief. People do not know that the hon. Minister for Works, Housing and Supply could be in charge of a department which is ordinarily put in the charge of the External Affairs Ministry and which is not in the charge of the Rehabilitation Ministry. If one has to look for a certain thing, one goes to a particular place where it could be likely to be found. There he finds that it is with another department. When he goes to that place, he is told that he has to go to still another department that is the Works Housing and Supply Ministry. Why is this rigmarole created with regard to the administration of this particular subject? With great regard to the hon. Minister, it is not he as an individual that counts. It is the duty which counts, it is the Ministry which counts, which should handle this subject. I submit therefore that there is great force in what Shrimati Sucheta Kripalani demanded that the administration of this organisation must not be left in the hands of the External Affairs Ministry, it should be left definitely in the hands of the Rehabilitation Ministry, where generally people who are affected, who are refugees or relatives of refugees must naturally go, where their other problems lie.

A point was made by the hon. Minister in his very able elucidation of this point that we allow a woman to have freedom to breathe and to think, and then, devoid of all other influences, she of her own accord may be left to decide whether or not she would go. That is a very nice point. But, the illustration which I gave to the hon. Minister shows—if he likes I can supply the papers to him—the character of the freedom that a woman could have got. She was sent away from here, kept for 15 days in a camp, and then spirited away to

Lahore. From Lahore, with all those surroundings and that atmosphere, all Muslims and not even a single Hindu, she managed to come back to this country, not willing to live with the person with whom she was sent. What further proof we can get of a women's desire not to go to that country, not wanting to stick to that country. Still they want to force a woman to go to that country. It is such hard cases which open our eyes to see that all is not right at the place which we call a tribunal, which decides in a free atmosphere. There is no free atmosphere there. It is a concentration camp and in that concentration camp women are forced to say what the person who supervises there wants them to say. My humble submission is this. I agree that there must be an organisation. We must not put a stop to the recovery work. I also say that no abducted woman of any community should feel that she is still kept under pressure. Let her go away, even if it be after 8 years. It should be our duty to find out such women and if they want to go, they must be allowed to go, they must be made to go. But, the organisation must be of a separate type. It must not be a recovery organisation. There must be a proper civil law. A proper enquiry must be there. The term abduction is so wildly used in this connection that it does harm to the word abduction itself. All concepts of abduction have disappeared from this definition. If there is an abduction, if there is a proper abduction coming within the provisions of the Indian Penal Code, we have got the Indian Penal Code to put into action. There is no abduction at all. If there is, I say you provide a machinery of that type so that women may be recovered not only today, not only tomorrow, but at any time, and if she wants to go, let her be sent. But, let not houses be broken, families be broken for the sake of satisfying the whim of certain people, for satisfying that they are doing work only for the sake of doing. Some people want to do work and if they have no work, they think it is enough to go up a bamboo and come down. That should

not be the idea behind providing them with work. It is not enough that we think in terms of doing something of an international obligation which we have entered into with Pakistan. Leave aside that question. When that question crops up, it is a matter for irritation, in this sense, that we know and history knows that if there was abduction of one woman in India—one Muslim woman—as compared to that, there has been abduction of at least 100 women from the Hindus. So, in that proportion of 1 to 100 recovery should have been there. It is not so. It is not that we should put it up in that light. We should always try to discharge our obligation which we have undertaken, not in terms of what Pakistan does. We should forget what Pakistan is doing. The moment we feel that we should retaliate and we should not send any women, it does not do credit to us, to our integrity and honesty. We should try to do what we want to do and not make it in relation to what they are doing. If we want to do it, let us do it in a proper legal manner. Let us not do it in the manner in which we are doing. The Fact Finding Commission, whosoever is doing that work, is working; God knows what. As the hon. Minister put it, we must repose great confidence in good workers. That also is a relative term. Who is a good worker? He may be a very pleasant person to talk to the Minister. But, he may be against the very idea of sending away women like this. Therefore, the question is not about good worker. I think right worker must be the proper word to be used for this. There must be the right sort of worker for this purpose. At the same time, the organisation must not be left in the hands of those persons with whom unfortunately it has been left. They may have done work. They say that so many were restored. I do not know how many hearts must have burnt, what pangs people suffered. I remember the case of a woman who was brought by the police in an illegal manner, actually abducted, when she was removed from Alwar. And notwithstanding the order of the High Court of Rajas-

than that she was not to be removed, the police force from Delhi was taken, 200 police surrounded the small town of that man and took away that woman and her grand-children and spirited her away to the camp at Jul-lunder, and nobody knows even up to now where she has gone. We wonder under whose order the police acted and this actual abduction of the so-called abducted person took place. The abduction has been full and complete. It could only be possible on account of this some sort of hush hush policy which has been pursued under this Abducted Persons Recovery Act. Therefore I say that this Act shall not remain on the statute-book of India. It is a blemish on our capacity to administer. It should stop. We cannot allow this hush hush policy.

The hon. Minister said that we have got an organisation, we have got some method of appeal. What is that method of appeal? Might be that we do appeal to her good sense. That is a different thing. But, is the administrative machinery such that we can go in a regular appeal? Is an advocate provided for the lady? Is the advocate allowed to say something, allowed to put her case, allowed to lead evidence, or is anybody else allowed to lead evidence? It is a summary trial and two officers sit, and it has been our persistent policy always to oblige Pakistan where we can oblige. And this obsession is so much in our officers also that whenever they get an opportunity of obliging Pakistan in this way, they do. The Pakistani official who sits there is always obliged by our very blind officers. The net result is that our women are always sent away, agreed or not agreed, across the border. It is for this reason that I say, and I do submit that you will agree with me, that in this important measure we should see that not a single woman of India against her will is sent across the border, and for putting a stop to this, the only method is to stop this measure. If you still feel we have to do justice, then do

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it in some other way by providing a proper machinery so that the real abducted person is brought, the whole evidence is heard, everything is there on record, and then send her away openly, so that everybody may know that you have done justice.

Shri B. C. Das (Ganjam South): The present Bill reminds us of a very dark chapter in India's history, when the worst bestial passions overwhelmed men and men forgot the best traditions of civilisation. This Act came into being to meet the situation arising out of that abnormal tragedy. This Act shows that in spite of our tragic lapse, we do not for ever forget our traditions of civilisation and culture. That is why even in those difficult days when passions ran high we met the Pakistan Government, came to an understanding with them and tried to execute certain measures for recovery of abducted women. This is a humanitarian measure and it is a measure intended for an abnormal purpose, and it is a challenge to our self-respect, to our humanity, that we as human beings should also function, not as Hindus alone, not as Indians alone, but as men.

It is an irony, it is a cruel joke, that my friend Shri Trivedi invokes fundamental rights to prevent restoration of those abducted women, those battered souls, those human beings, those personalities who have been trampled under foot, who have been brutally treated by the brutes in those wild days of human massacre, in that communal frenzy. So, it is no use invoking fundamental rights. It is better to invoke one's best human passions. Let us think that we are men, that we are also human beings when we approach this question. Therefore, if I have any objection to the present Bill or if I give half-hearted support to this Bill, it is not because I am one with Shri Trivedi, because Shri Trivedi and we are poles apart. He does not think a Muslim is also a man. Perhaps he does not think a pucca Pakistani is a man. Therefore, he thinks...

Shri U. M. Trivedi: I do not know from where he gets this impression that I do not consider a Muslim to be a man. He must have read somewhere. He does not even know to which party I belong. I believe that a Muslim is also a man, and the hon. Member is also a man.

Shri B. C. Das: But the tenor of his speech indicates that. He was emphasising that there are hundred abductions in Pakistan to one in India. One should hang one's head in shame even when there is one abduction in India. We do not care what happens in Pakistan. They may go down, but we as human beings must be careful that no abduction takes place here. We should behave in a civilised fashion in this country. Shri Trivedi as a human being ought also to understand this.

Mr. Deputy-Speaker: Why should, with respect to abducted women, hon. Members fight among themselves?

Shri B. C. Das: Eight years have elapsed since the holocaust, since the great tragedy, and the Act came into being in 1948. Many things have happened since then. Circumstances have changed, and those victims of the communal frenzy, those abducted women who lived here in India or in Pakistan, in these eight years must have developed certain other ties, because with the passage of time they have also become mothers, they have got children and other ties have also developed. So, this Act should have been changed in the light of the experience of these eight years. Unfortunately, the Government every time comes only with a Bill to extend the period of the old Act. The whole Act is not placed before the House so that amendments could be suggested. It is not proper. It is very unfair that the Act is not placed before the House for the House to go through every clause and find out which clauses have become obsolete so that they could be changed.

Last year when this measure came before the House, there were serious

allegations against the administration of this Act. Charges were made about the bureaucratic approach, about coercion and doubts were expressed about the work as yet to be done. I am glad in 1954 May after that debate in this House, after the Bill was passed, there was an agreement between India and Pakistan. There, certain decisions have been taken. But it is one thing to have agreements on paper. Let us see how those agreements have been implemented. That has to be found out.

The Minister has admitted that the agreement took place in 1954 May, but the fact-finding commission came into being perhaps some time in March, 1955—ten or eleven months after the agreement. Why? Why such a long delay? You wanted a fact-finding commission to expedite matters, but to form a fact-finding commission it took ten months. It shows how sluggishly the mind of the Government works, how apathetic Government is. Government cares only for the form, not the substance. If the real spirit of the Government is to help the unfortunate victims of abduction, they could have been more energetic and more alert and the commission could have been immediately formed. It would not have taken ten months to form that commission, but unfortunately it took ten months.

Then, to find out the real desire of those hesitant women it was decided that special homes should be built, but India took more than a year to build the special homes. And so far Pakistan has not built special homes. Why did India take one year? And I would also ask why this Government kept quiet, or this machinery kept quiet, for such a long time and did not flood the Pakistan Government with reminders to expedite building of the special homes? Why this long delay? I would tell you this long delay is due to the machinery that has been set up, the old mentality that functions here. I understand that a special officer was appointed soon after the agreement—
 a pensioned officer drawing Rs. 700

as pension and an extra emolument of Rs. 1,000. We find that soon after his appointment he goes on leave. He is appointed for a specific social and humanitarian work which needs his immediate attention, but he goes on leave. That is so very unfortunate. If our officers function in this sluggish and bureaucratic way, then you cannot expect the work to proceed quickly and the results to come so soon.

2 P.M.

And what were the other provisions in the agreement? According to the agreement, the high-powered officers of both Pakistan and India had to meet at least once in two months. But I learn that during this period of one year and more, these officers have met only four times. Why is it that even the minimum number of meetings prescribed has not been observed? Why have these officers not met oftener than they did? Especially when the agreement was not being implemented, one should have expected, more meetings and it was but proper, that these high-powered officers should have met oftener than six or seven times, the minimum prescribed in the agreement. But unfortunately they met only for four times, far below the minimum prescribed.

Also, according to the agreement, the members of the tribunal were expected to meet the high-powered officers and discuss with them the difficulties that arose in their day to day dealings. But I do not know how many times the members of the tribunal met the high-powered officers. Perhaps they did not meet at all.

So, it happens that decisions are taken only on paper, but things are functioning in the same old way. This supplies handle to my hon. friends like Shri U. M. Trivedi, who are out to sabotage this humanitarian measure.

I am afraid that when this Bill becomes an Act, it will not yield substantial results, not because the Bill itself is bad, but because Government

[Shri B. C. Das]

has set up a machinery which is as bureaucratic, as wooden, as apathetic and as indifferent as any Government machinery. This is a humanitarian measure. And the work to be done under this Act is a humanitarian one. For that, special type of people are needed. We want officers and staff who can undertake the work, that the Act envisages, with great zeal. And who could be the special type of worker? Whom do we want for this special type of work? We want people with crusading zeal, people with a social outlook, people full of the milk of human kindness, and people with vision and sympathy. They alone can tackle this problem, and not those who are officers and who only think in legalistic terms or function in a bureaucratic way. These officers wait for months and months to get a reply from Pakistan. They cannot write to Pakistan and meet the officer concerned and get the work done by him; they stand on ceremony, and they want to adopt red-tapism in order to get things done. Such people cannot be entrusted with the extraordinary type of work that a measure of this nature requires. We want this Government to wake up. We do not blame Pakistan. Pakistan has not got a better form of Government than we. Their Government is more reactionary than ours. So, do not blame Pakistan. If you can move energetically, if you can be more alert, if you are more social-minded, and if you put into practice what you say, then I am sure Pakistan would also be moved. You set an example first, and your example will be followed by Pakistan. On the other hand, what is the position? You set up a fact-finding commission only after ten months, and you set up a home only after a year has passed. That shows how sluggish, nay, snail-like your progress is.

Sardar Swaran Singh: For the information of the hon. Member, I might say that both the Governments had to agree before either the home or the fact-finding commission could

start functioning. I am prepared to take my part of the blame. But it was something in which two Governments were concerned really.

Shri B. C. Das: My contention is that the other party may be very sluggish and indifferent, but it is our bounden duty to force the hands of the other party. For that, we require extra energy, more alertness, and more social-mindedness, qualities that are needed to discharge these responsibilities. We should not be so sluggish as to take ten months for setting up a fact-finding commission. Why could our high-powered officers not meet oftener than four times? Why did not the External Affairs Ministry put pressure on their counterparts in Pakistan to get things expedited? I feel that they should have done that. But they have not done it. That is the unfortunate thing.

I have no objection to the extension of the life of this Act. But what I object to is that the Government are so sluggish. They should become more alert, more social-minded, and more responsive to the criticisms of the House.

When we discussed this matter last year, it was suggested that ladies should be associated with the tribunal, and that the tribunal should not consist of police officers only. A crime-searching police officer may be good at tracing culprits, but he is not fit for understanding human psychology, and for satisfying those human needs which those battered personalities so badly require. If police officers preside over tribunals, what happens is that they view things from the narrow point of view of a policeman. They would be ever suspicious, and they would always hold a person guilty and try to convict the person who comes before them. That is to say, if the woman is desirous of remaining in India or in Pakistan, the judgment would be otherwise. More often, a police officer would give a wrong verdict, and he would not try

to understand human psychology. Why are Government so reluctant to associate ladies, who worked so magnificently in those hard days, with this tribunal? We have got many ladies with a social outlook, who are selfless...

Sardar Swaran Singh: I might inform the hon. Member that a lady social worker is already associated with the tribunal; and she is functioning.

Shri B. C. Das: I am thankful to the hon. Minister for this information. But the lady associate is an adviser only. She is not a member of the tribunal. I do not know what her functions are. Why should she not be a full-fledged member of the tribunal? Why should you make a police officer a member of the tribunal? Instead of police officers, we could have ladies. The policeman's function is only to trace culprits. Let Government develop social outlook in regard to this matter, and associate more of social workers. Also, let them appoint officers who can function energetically and with social-mindedness and missionary zeal.

With these words, I support the Bill.

श्रीमती शिबराजवती नेहरू (जिला ससनऊ-मध्य): यह जो बिल मंत्री महोदय ने पेश किया है, मैं समझती हूँ कि यह उचित ही है, मगर मैं चाहती हूँ कि इसकी अवधि एक साल से ज्यादा न बढ़ाई जाए और एक साल तक जो कार्य इसके अंतर्गत करना है उस को जारी रखा जाए। इस अवधि के शीतन के बाद मैं चाहती हूँ इस काम को समाप्त कर दिया जाए। इस अवधि में जो औरतें पाकिस्तान से भारत लाई जा सकती हैं उन को यहां लाया जाए और यहां से जो पाकिस्तान भेजी जा सकती हैं उन को वहां भेज दिया जाए। इस काम को करते हुए आठ वर्ष पूरे हो गये हैं, और आठ वर्ष एक युग होता है। इस तरह से एक युग बीत चुका है। जो

स्त्रियां वहां पर रह गई हैं मत्तार्ये बन गई हैं, बाल बच्चों वाली हो गई हैं, घर घराने वाली हो गई हैं और जो छोटी थीं वे अब युवतियां हो गई हैं। उन को अब वहां से पकड़ कर यहां लाना उनके ऊपर एक इन्सानियत के नाते कोई दया करना नहीं है बल्कि उन को एक मुसीबत में डालना है। ऐसा करना उन पर अन्याय करना होगा। हम नें सुना है बहुत सी स्त्रियां जो वहां से इधर आती हैं वे बेचारी खुद कहती हैं कि हम तो अपवित्र हो गई हैं, और हम खुद वापस आना नहीं चाहती थीं, और हमें अब हमारा भाग्य पर छोड़ दिया जाए। हम यह नहीं चाहतीं कि अब हम घर जाएं क्योंकि वहां जानें से न तो हम को सुख मिलेगा और न हमारे घरों में हमारे जो भाई हैं, या मां बाप हैं या हमारे जो पति हैं उन को ही सुख मिलेगा।

यहां यह कहा जाता है कि पाकिस्तान से तो यहां स्त्रियां कम आती हैं, परन्तु यहां से पाकिस्तान अधिक जाती हैं। उसका भी एक कारण है और वह कारण यह है कि हमारा समाज ऐसा है कि जो पाकिस्तान से स्त्रियां आती हैं, उनका बड़ा अपमान होता है और उनको अच्छी तरह से नहीं रखा जाता है। मुझे मालूम है कि मेरे एक फ्रेंड की बहिन एक बहुत अच्छे घर में ब्याही थी। उसका भाई हजारों रुपया खर्च कर के बड़ी मुश्किल से उसको पाकिस्तान से निकाल कर लाया। जब वह हिन्दुस्तान में आई, तो उसके पति ने बड़ी मुश्किल से समाज के दबाव के कारण उसको अपने घर में रखा। परन्तु उसने उस स्त्री को एक नौकरानी बना कर रखा—अपनी बीबी की हींसयत से नहीं रखा। उसको रोटी कपड़ा तो दिया, परन्तु दूसरा विवाह कर लिया।

इस किस्म की स्त्रियां पाकिस्तान से जो बचें ले कर आती हैं, उनकी भी कोई इज्जत या कद्र नहीं होती है, उनकी बुरी हालत होती है। बच्चों के लिए आम तौर पर यह कहा

[श्रीमती शिवराजवती नेहरू]

बाता है कि अपने दृश के बच्चों का पालन-पोषण करना हमारा कर्तव्य है और उनके लाभ के लिए हम को सब काम करने चाहिए। परन्तु इन बच्चों के बारे में कहा जाता है कि उनके लिए चिल्ड्रन्ज-होम बनाए जायें, क्योंकि वे लोग, जिनकी स्त्रियाँ उन बच्चों को पाकिस्तान से ले कर आती हैं, उन्हें अपने घर रखने के लिए तैयार नहीं हैं। आखिर उन स्त्रियों को घरों में क्या आराम और सुख मिलता होगा, जिनके बच्चे उनसे अलाहिदा कर दिए गए हैं और जिनको घर में अपमान मिलता हो। मैं समझती हूँ कि उनको कोई सुख या आराम नहीं मिल सकता। इतने वर्ष बीत चुके हैं—आठ वर्ष बीत चुके हैं। इस बात को अब खत्म करना चाहिए और अब इसके लिए और ज्यादा समय नहीं देना चाहिए। बंशक अब भी जाँ स्त्रियाँ पाकिस्तान से जाना चाहें, उनको जरूर यहाँ लाया जाय—यह हमारा फर्ज है, परन्तु इस के लिए अब सोशल वर्कर्स से काम लेना चाहिए। अब किसी कानून की अवधि बढ़ाने की आवश्यकता नहीं है।

इन चन्द शब्दों के साथ मैं इस बिल का समर्थन करती हूँ।

ठाकर लक्ष्मण सतगं चार्क (जमो
 १ कश्मिर) : जनब والا - जो بل
 مسودا ابھی پیش کیا گیا ہے۔ میں اس
 کی تائید کرنے کے لئے کہوا ہوا ہوں -
 اور آپ کے ذریعے اپنے خیالات مسجور
 ہاؤس کے سامنے پیش کرنا چھتا ہوں -

آج ہلدوستان کو آزاد ہوئے آتھوار
 برس جا رہا ہے اور یہ سب مسجور
 کو اچھی طرح سے معلوم ہے کہ قریب
 قریب اسی لاکھ شرنارتھی پاکستان سے

ہلدوستان میں آئے ہوئے ہیں - ان
 اسی لاکھ خاندانوں میں سے شاید ہی
 کوئی خوش قسمت خاندان ہوگا جو
 فخر سے یہ کہہ سکے کہ اس کا کوئی
 نزدیک رشتہ دار وہاں مارا نہیں گیا
 یا اسکی بہو بیٹی وہاں نہیں رہ
 گئی - لیکن اس عرصے میں کسی
 بھی پبلک باتی کی طرف سے یا
 گورنمنٹ کی طرف سے یہ اندازہ نہیں
 کیا گیا ہے کہ جو شرنارتھی پاکستان
 سے یہاں لے ہوئے ہیں - ان کی جو
 بہو بیٹیاں پاکستان میں رہ گئی ہیں
 انکی کل تعداد کتنی ہے - ہماری
 گورنمنٹ نے ایک ریکوری سیکشن بنایا
 ہوا ہے - میں سمجھتا ہوں کہ جہاں
 اس محکمہ کا یہ فوض ہے کہ ہلدوستان
 میں جو ابتدائے عورتیں لوگوں نے
 اپنے پاس رکھی ہوئی تھیں - ان کو
 ان کے رشتہ داروں کے پاس پہنچا دیا
 جائے - وہاں اس پر یہ ذمہ داری بھی
 عائد ہوتی ہے کہ اگر وہ سو فیصدی
 صحیح اندازہ کر سکیں - لیکن
 کم از کم یہ تو بتائیں کہ ہلدوستان
 کی قریب قریب کتنی لوگیاں اور
 بہنیں اب بھی قیدی کی حیثیت
 سے پاکستان میں موجود ہیں :-
 جناب والا - میں آپ کے ذریعہ ہاؤس
 کے سامنے یہ عرض کئے دیتا ہوں کہ
 ریاست جمنو کشمیر کے ضلع میر پور
 اور ضلع مظفر آباد کی لوگیاں پاکستان
 کے علاوہ دوسری جگہ بھی پہنچائی

جا چکی ہیں۔ لیکن کسی کو بھی اس بارے میں فکر نہ ہو اور کوئی خاص کوشش نہ کی گئی کہ کوئی پورا راستہ ان لڑکیوں کو واپس لانے کا نکالا جاسکے۔

جناب والا۔ میں یہ عرض کرنا چاہتا ہوں کہ جہاں ہم فخر کے ساتھ کہہ سکتے ہیں کہ ہندوستان نے ہومینٹیٹریوں اصولوں کی بناء پر یہ پکا ارادہ کر رکھا ہے کہ یہاں پر جتنی بھی ایجنڈا تھیٹھ عورتیں ہونگی۔ ہ ہندوستانی کوشش کریگا۔ ہماری گورنمنٹ کوشش کریگی کہ انکو اپنے رشتے داروں کے پاس واپس بھیج دیا جائے۔ وہاں اس بات کا بھی دیکھنا ضروری ہے کہ آزاد ہندوستان کی ان میں فرق پوتا ہے اگر ہماری بہو بیٹیاں تھدی کی حیثیت سے پاکستان میں رکھی جائیں۔ اور ہم اس سے مسر نہ ہوں۔ ہم خود تو ہومینٹیٹریوں اصولوں کی باتیں کریں اور اس کے مطابق کام بھی کریں لیکن اس کے بدلے میں کچھ نہ چاہوں۔ آج کل کلچر کا زمانہ ہے۔ سترہ بیگ کی باتیں بہت اچھی ہیں۔ لیکن اگر کوئی ملک یا گورنمنٹ عملی دنیا کے میدان میں آئے تو اس کو پریکٹیکل باتوں کا دھیان رکھنا پوتا ہے۔ جن گھروں کی بہو بیٹیاں آج ہی پاکستان میں قود ہیں۔ ان کے خیالات اور ان کی تکلیف کو

ہمیں محسوس کرنا ہگا۔ مجھے بڑا دکھ ہوا جب چند ملت پہلے ہماری ایک بہن نے جو کہ یو۔ پی۔ کی طرف سے ہاؤس کی نمائندہ ہیں یہ کہا کہ ہم نہیں چاہتے کہ نومبر کے بعد وہاں سے عورتیں یہاں آئیں اس لئے کہ ہندو سماج میں ان کے لئے جگہ نہیں ہے کیونکہ ان کے بارے میں یہ سمجھا جاتا ہے کہ وہ پتہ ہو گئی ہیں۔ اگر ہمارے ہندو سماج میں کوئی خاصی ہے۔ کوئی کمزوری ہے۔ تو کہا اس ہاؤس کے اتنے نمائندوں کا جن میں مرد بھی ہیں اور عورتیں بھی ہیں۔ یہ اخلاقی فرض نہیں ہے کہ وہ ان خاصہوں اور کمزوریوں کو دور کرنے کی کوشش کریں۔ اگر ان عورتوں کو انکے خاندانوں میں واپس نہیں لیا جاتا تو گورنمنٹ کا یہ فرض ہے کہ وہ اس قسم کے ہومز بلائے جن میں عورتوں اور بچوں کو رکھا جائے۔ لیکن یہ کہنا بہادری اور مردمی نہیں ہے کہ وہ بے کسر عورتیں پاکستان میں رہیں کیونکہ ہمارے سماج میں کوئی کمزوری ہے۔ خاص کر ایک ستدی کے صلہ سے اس قسم کی بات سن کر مجھے اور بھی دکھ ہوا۔ یہ بات انہوں نے شاید اس وجہ سے کہہ دی کیونکہ نہ تو ان کو کسی دفعہ وحی سے واسطہ پڑا اور وہ بوقت سے بہت دور رہتی ہیں۔ ان کو یہ احساس نہیں ہوا کہ کسی شخص کا کرا، خون کھول سکتا ہے جب اس کو یاہ

[تھا، لکشمی سنگھ چارک]

آتی ہے کہ میری بہن یا بہو پھینچے
پاکستان میں رہ گئی ہے۔ وہ
سرنارتھی کی حیثیت سے ہندوستان
میں آیا اور گورنمنٹ کی طرف سے
کوئی مدد نہ کی جائے۔ میں تو یہ
کہنا چاہتا ہوں کہ جب تک ایک
بہو ہندوستانی عورت پاکستان میں
اپنی مرضی کے خلاف رہتی ہے
تب تک اس قانون کو جاری رکھنا
چاہیئے۔ اگر کوئی عورت نہ نسا جائے
تو بات دوہری ہے۔ وہاں تو مجبوری
ہے۔

اس کے علاوہ ایک قابل غور بات
یہ ہے کہ جہاں ہم نے بیس ہزار سے
زیادہ عورتیں یہاں سے بھیجی ہیں۔
وہاں پاکستان کی طرف سے صرف
۹۸۰۰ کے قریب عورتیں آئیں۔
جناب والا۔ میں یہ کہنا چاہتا ہوں
ہمارا محکمہ اس معاملے میں بہت
سست رہا ہے۔ ہمارے پاس سہی
اعداد شمار نہیں ہیں۔ مجھے اچھی
طرح معلوم ہے کہ آپ کے محکمہ کے
دیکارے مکمل نہیں تھے۔ اس لئے
ہمارے افسر سنہ ۱۹۵۳ء اور سنہ ۱۹۵۵ء
میں لاہور گئے اور وہاں اعداد شمار
انکے کرتے رہے تاکہ معلوم ہو کہ کتنی
تعداد ہے ان عورتوں کی جو ہم نے
بھیجی ہیں۔ پاکستان نے دنیا
میں سب جگہ اس بات کا پراپیگنڈا
کیا۔ آپ فارین میگزین پڑھئے
جہاں جہاں پاکستان کے نمائندے

ہیں۔ کہا ہو۔ این۔ آر۔ میں اور
نہا دوسرے ملکوں میں۔ وہ یہ کہتے
ہیں کہ ہم نے آٹھ ہزار عورتیں
بھیجی ہیں اور ہندوستان نے بیس
ہزار۔ ہندوستان نے زیادہ عورتیں
اپہذکت کی تھیں۔ سر ظفر اللہ
Security Council میں کہا کرتے تھے
کہ ہندوستان نے زیادہ ظلم کیا ہے۔
اس نے زیادہ عورتیں اپنے گھروں میں
رکھی ہیں۔ وہ صحیح ہو رہا ہے۔
یہ ہے ہمارے ہومینٹیٹیرین پروگرام کا
جواب۔ اور آپ اس پراپیگنڈا کا کیا
جواب دیتے ہیں؟ آپ کہتے ہیں
کہ ہم یہ ہومینٹیٹیرین کام کا
سلسلہ جاری رکھینگے اور اس طرح سے
ان کو دوست کر لینگے۔ جناب والا۔
میں آپ کے ذریعے اس ہاؤس سے اور
منسٹر صاحب سے ملنے ڈیپٹی سیکریٹری
کونٹاک کہ یہ بات عملی دنیا سے ذرا
دور کی بات ہے۔ خولی دنیا میں
شاہد یہ ممکن ہو۔ لیکن اگر ہمیں
دنیا میں زندہ رہنا ہے تو ہمیں ایک
دنیا دار انسان کی طرح اپنا لہن دین
کرنا ہوگا۔

میں آپ کے سامنے جموں و کشمیر
کی مثال رکھنے جا رہا ہوں۔ وہاں
ہم نے کوشش کر کے ایک ایک افواشا
عورت کو جو کہ پاکستان، جتنا چاہتی
تھی وہاں بھیج دیا۔ اور ان کے
رشتے داران کو واپس کر دیا۔ اس کے
ساتھ بے میر ہماری نصف سے زیادہ

عورتیں ابھی پاکستان میں ہوں اور پاکستان کا بورڈ کراس کر کے ان کو آگے بھیج دیا گیا ہے۔ ایسے حالات میں بھشک قانون بڑھائے۔ لیکن دس برس کے لئے رکھئے لیکن طریقہ کوئی اور اختیار کرنا پڑیگا۔ اگر میں یہ بات کہتا تو برا مانا جائیگا کہ ہم چار عورتوں میں تو چار ہی ہیں۔ اس کو اخلاقی کمزوری سمجھا جائیگا۔ دیکھئے میں سرور یہ بات بھی لکھی۔ لیکن عمل کی دنیا میں جہاں ہم کو ایسے سوداگروں سے واسطہ پڑا ہے جو انسان کو انسان نہیں بلکہ سودا کرنے کی کوئی چیز سمجھتے ہیں۔ ہم کو کوئی اور ہی طریقہ اختیار کرنا پڑیگا۔

ابھی منسٹر صاحب نے فرمایا ہے کہ جن عورتوں کو بھیجنا ہوتا ہے ان کو اس بات کا موقع دیا جاتا ہے کہ وہ فیصلہ کریں کہ وہ جانا چاہتی ہیں یا نہیں۔ لیکن میں چاہتا ہوں کہ بچوں کے بارے میں بھی اس طرح کا فیصلہ کیا جائے۔ آپ یورپ کی کاتھولک کورس کی دستوری کو دیکھیں تو آپ کو معلوم ہوگا کہ جب ماں اور باپ الگ ہوتے ہیں تو عدالت بچوں کے معاملے میں اس بات کا موقع دیتی ہے کہ اگر وہ باپ کے ساتھ جانا چاہتے ہیں تو باپ کے ساتھ جائیں۔ اگر ماں کے ساتھ جانا چاہتے ہیں تو ماں کے ساتھ جائیں۔ اس

لئے جب گورنمنٹ اس معاملے پر غور کر رہی ہے تو اس بات پر بھی سوچے کہ بچوں کو اس بات کا فیصلہ کرنے کا موقع دیا جائے کہ اگر وہ باپ کے ساتھ رہنا چاہتے ہیں تو باپ کے ساتھ رہیں۔ ان کو زبردستی ماں کے ساتھ نہ بھیج دیا جائے۔

ایک بات میں اور عرض کرنا چاہتا ہوں کہ گورنمنٹ آف انڈیا کوئی ایسا پروگرام بناوے جس سے یہ بھی پتہ لگ سکے کہ ہماری کتنی اثوا کی ہوئی عورتیں پاکستان میں ہیں۔ عام لوگوں کا اور بہت سی سوسائٹیوں کا یہ خیال ہے کہ ہماری قریب ۷۰ یا ۸۰ ہزار عورتیں پاکستان میں ہیں۔ اور ان کے مقابلے میں یورپ ۸۹۰۰ واپس آئی ہیں۔ قانون کے ذریعے ہم گورنمنٹ کو طاقت سے لہس کرتے ہیں۔ لیکن ساتھ ہی گورنمنٹ سے بھی یہ اسد رکھتے ہیں کہ وہ اس بات کی احتیاط رکھیں کہ اس قانون کو عمل میں لانے میں گورنمنٹ کے افسر لوگوں کو ہراساں نہ کریں۔ اور جو اس کے ساتھ سختی کا طریقہ چلتا ہے اس کو روکا جائے۔ چند دن ہوئے جب میں انٹر سیشن میں جسو گیا تو مجھے سے کچھ مسلمانوں نے یہ شکایت کی کہ سالہ ۴۷ میں جسے گروہ ہوئی تھی۔ بہت سی عورتیں ایک فیملی سے دوسری فیملی میں چلی گئیں۔ کچھ کیسز میں

[تھاگر لکھن سلگھ چارک]

کہا گیا تھا کہ طلق دے دی گئی ہے - مگر جو گورنمنٹ آف انڈیا کے افسر وہاں اس کام کے لئے رہتے ہیں انہوں نے بجائے ایسے معاملوں کو عدالت میں بھیجنے کے خود ہی فیصلہ کر دیا طلاق صحیح ہے یا نہیں - خود اپنی طاقت سے ان کو پکڑ کر اور مار پیٹ کر کے ادھر سے ادھر کو دیا - تو جہاں آپ ہاؤس کے سامنے آتے ہیں اور پوری پارر مانتے ہیں - وہاں آپ کے افسروں کو یہ بھی دیکھنا چاہئے کہ چھوٹے افسر جو کام کرتے ہیں - وہ لوگوں کو ہراساں نہ کریں - اگر یہہ طریقہ جاری رہے گا تو یہہ دقتیں پڑھتی ہی جائیں گی اور لوگوں کو امن چین نہیں مل سکے گا -

میں اس بل کی تائید کرتے ہوئے ہاؤس سے استعما کرونگا کہ اس بل کو پوری مدد دی جائے - ہمارے قانون دان دوست مسٹر ترویدی نے کہا ہے کہ قانون میں عورت کو حق حاصل ہے کہ اگر وہ نہ جانا چاہے تو نہ جائے - اس کے لئے تو مسٹر صاحب نے خود فرمایا ہے کہ جو عورتیں نہیں جانا چاہیں ان کو زبردستی نہیں بھیجا جاتا - اور اسی لئے ۱۹۴۷ میں سے قریب نصف یہاں رہ گئیں - لیکن اس قسم کا فیصلہ وہی عورت کر سکتی ہے جس کو کچھ دنوں آزادی کے

طریقے سے رکھا گیا ہو - ہم کو قانونی الجھلوں میں پھنس کر عورتوں کو یہاں رکھنے کی کوشش نہیں کرنی چاہئے - میں تو سمجھتا ہوں کہ یہ ہر ایک ہندوستانی کا اخلاقی فرض ہے کہ وہ اس معاملے میں گورنمنٹ سے کوآپریت کرے اور جو مسلمان عورت یہاں اپنی مرضی کے خلاف رکھی جا رہی ہو اس کو رکور کر کے گورنمنٹ کے حوالے کر دے -

[English translation of the above speech]

Th. Laxhman Singh Charak (Jammu and Kashmir): I have taken the floor to support this Bill on which I want to make a few comments.

It is the eighth year of India's freedom. The hon. Members of the House know that about eight million displaced persons from Pakistan have sought refuge in India. Among these eight million, there might be a few fortunates who have not lost a relative or whose wives or daughters have not been abducted in Pakistan and are still there. During these eight years no public body nor the Government have taken the trouble to estimate the number of abducted women still in Pakistan. There is a Recovery Section set up by the Government which, while it is charged with the responsibility of recovery and repatriation of abducted women in India, has also the responsibility of estimating, if not accurately, at least to a near figure, the number of Indian abducted women still in Pakistan. I may tell this House that girls abducted from the Districts of Mirpur and Muzaffarabad in Jammu and Kashmir State, have been taken to places other than Pakistan also. But nobody has worried about them and no efforts have been made to recover and repatriate them.

While we are proud that India is strongly determined on the basis of humanitarian principles to recover and repatriate all the abducted women still in India, we should also remember that it is derogatory to the self-respect of free India if its daughters are kept like prisoners in Pakistan, without our doing something about it. It is strange that we should talk about humanitarian principles and also act upon them without asking for reciprocal treatment. We are passing through very bad times, to wit the *Kaliyug*. It is all right to think as our ancestors used to in the Golden Age, i.e. the *Satyug*, but when a country or a Government enters the sphere of practical politics, it will have to take note of practical considerations. We shall have to realize the feelings of the families whose womenfolk are still in Pakistan. I was very much grieved to hear an hon. lady member from U. P. say that she did not want that these unfortunate women should come to India after November, because there was no place for them in the Hindu Society as they were considered to have fallen. If there is any shortcoming in our Hindu Society, is it not the moral duty of all the Members of this House—both men and women—to try to overcome this shortcoming? If these women are not accepted by their families, it is the duty of the Government to establish Homes for the care of such women and children. But to say that these poor women should continue to remain in Pakistan simply because there are some weaknesses in our society, is not a proof of our gallantry or manliness. Such a thing coming from a lady has grieved me very much. Perhaps she said this because she never came in contact with a refugee or because she is too far from the border. She cannot realize the resentment of a person who is reminded of the fact that his sister or daughter is still in Pakistan, and who is not accorded any help by the Government in this matter when he has come to this country as a displaced person. I will go so far

as to say that this law should remain in force till there is even one single woman left in Pakistan against her wishes. It is another matter if some woman does not like to come back.

Then, there is another aspect which needs consideration. Whereas we have recovered and sent to Pakistan more than 20,000 abducted women we have received only 9,800 from that country. I wish to point out that our Ministry has been very slack in this respect. Unfortunately we do not have complete facts and figures of such women. I know fully well that the records of our Ministry were not complete and so our officers went to Lahore and collected facts and figures of the women who have to be repatriated by us. Pakistan has started a propaganda campaign in this connection. Foreign magazines would tell us that wherever there are Pakistan representatives they have been saying that whereas Pakistan has repatriated only eight thousand abducted women India has sent back twenty thousand; and they have concluded thereby that more women were abducted in India than in Pakistan. Sir Mohammed Zafarulla used to say in the Security Council that more atrocities were committed in India and that more abducted women were in India than in Pakistan. So, this is the reply to our humanitarian programme. How do you counter this propaganda? You say that you would continue this humanitarian programme and would set matters right. Sir, I would respectfully urge through you, the House and the hon. Minister, that this is far from a practical approach to life. This might be possible in a land of dreams, but if we have to exist in the world we will have to be business-like and worldly.

I want to cite the example of Jammu and Kashmir where we sent back every woman who wanted to go back to her relatives in Pakistan. As against this more than half of our abducted women are still in Pakistan and they have been sent beyond the borders of Pakistan. Under these circumstances, do extend the life of

[*Th. Lakshman Singh Charak*]

this Act not for one year but for ten years. But we will have to adopt some other method for achieving our ends. If I say that we should repatriate abducted women from India in the same proportion in which we get our women from Pakistan it might be taken as a sign of moral weakness. It does look unseemly but in the practical world in which we find people who consider human beings as chattels, we will have to adopt some method other than the one we are following at the present time.

The hon. Minister has just now said that while sending women after their recovery their wishes about going to Pakistan are ascertained. I wish that children should also be given an opportunity to say whether they want to go to Pakistan. If you study the procedure of divorce courts in Europe, you will find that after a divorce is granted the children are given an opportunity to state whether they want to live with their father or mother. So, when the Government are considering this question they should also consider this aspect of the problem and give an opportunity to the children to stay with their fathers if they so like. They should not be forcibly sent along with their mothers.

I wish to point out that the Government should formulate a programme whereby the exact number of abducted women still in Pakistan can be ascertained. Many people and organisations are of the view that about 70 or 80 thousand abducted women are still in Pakistan whereas only 8,900 have been sent back to India. We, this House, clothe the Government with power under this law but we also expect them to see that the Government officials do not harass the people in the administration of this law. The harshness accompanying the administration of this law should be done away with. During the inter-session period I had an opportunity to go to Jammu where certain Muslims

complained to me that in certain cases of women who had gone to other families during the disturbances of 1947, it was claimed that they had been divorced and the recovery officials of the Government have, instead of taking such cases to the courts, themselves decided the question of whether they were actually divorced or not. They have forcibly removed women from one home to another. So, when the Government come to the House asking for full power their officers should see that the subordinate officials who are on the spot should not harass the people. If they continue as they have been doing until now our difficulties will go on increasing and the people will not get a moment's peace.

While declaring myself in favour of this Bill I would request the House to give it their full support. Our legal expert, Shri Trivedi, has stated that under the law a woman is fully competent to exercise her choice in the matter of going. She may not go if she does not want to. The hon. Minister has himself stated that women are not sent against their wishes and that is the reason why about half of the two thousand women are still here. Only a woman who has been given full freedom can take a decision of this nature. We should not lose our way in the legal maze and should not try to keep women in India. It is the moral duty of every citizen of India to cooperate with the Government in this respect and to recover and hand over to Government every Muslim woman who is being kept against her wishes.

श्रीमती सुभद्रा जाशी (करनाल): मैं तो खास इस चीज के लिए आपसे इजाजत चाहती हूँ कि जो अर्मेडमेंट सरदार इकबाल सिंह ने पेश किया है उसकी ताईद करूँ। सूचना बहिन ने भी कुछ इस अर्मेडमेंट की तरफ इशारा किया है। यह सचमुच बहुत मुश्किल हो जाता है जो दो दो महीने और छः छः महीने का बार बार एक्सर्टेशन दिया जाता है। यह सच है कि इससे रिकवरी के काम में बहुत

मुश्किल पेश आती हैं। यह तो एक मामूली साइकलाजीकल बात है कि एसी हालत में जां काम करने वाले हैं वह नहीं जान सकते कि उनको कितना काम करना है और उसका कितनी मंहेनत से करें। और यह बात भी सच है कि एबडक्टर्स भी इस सं फायदा उठाते हैं। वे सोचते हैं कि शायद इसके बाद यह कानून आगे एक्सटेंड न किया जायें। इस लिए वे उतनें अर्सें के लिए किसी तरह से उस औरत को इधर उधर कर देते हैं।

बार बार जब यह कानून हाउस में आता है तो हमको कई आनरैबल सदस्यों की स्पीचें से एसा मालूम होता है कि एबडक्टर्स को हॉसला मिलता है। कुछ स्पीचें से तो एसा मालूम होता है कि वे सदस्य रिक्वरी में कम इंटरस्टेड हैं और एबडक्शन में ज्यादा इंटरस्टेड हैं।

श्री बी० जी० ईशवाण्ड (गुना) : एसा क्या लगता है ?

श्रीमती सुभद्रा जोशी : स्पीचें से एसा मालूम होता है। बार बार हाउस के सामने एक नया तरीका लाया जाता है। इससे पहले जब एक बार यह कानून हाउस के सामने आया था तो कुछ मेम्बरों ने कहा था कि रिक्वरी न हो। इस बार एसा नहीं कहा है। पर एक नया तरीका अख्तियार किया गया है। यह तो नहीं कहा जाता कि रिक्वरी न करो पर अइचनें पेश की जाती है और बहानेबाजी की जाती है। आज यहां एक नई बात पेश की जा रही है कि यह काम किसी एक मिनिस्टर के अंडर हो। मैं घंटे भर से इस बात को सुन रही हूं। समझ में नहीं आता कि इस के पीछे क्या राज छिपे हुआ है। लेकिन मैं समझती हूं कि कुछ राज जरूर इसके पीछे छिपा है। मैं देखती हूं कि यहां तरह तरह की बातें पेश की जा रही हैं। कहा जा रहा है कि अगर औरतों को भेज दिया जायेंगा तो बच्चों की परवरिश कैसे होगी। कहा जाता है कि इन आठ सालों में उनके बच्चे

हो गये हैं और अगर उनको भेजा जायेंगा तो फौमिलीज डिसेरट हो जायेंगी। इसलिए उन औरतों को जबरदस्ती बंधा रखा जाय। अगर हुकूमत कोई एसा कानून बनाये कि बच्चों की परवरिश के लिए माताओं की सरविसेज को रिवाजीजीशन कर लिया जायें तो मुझे एतराज नहीं। लेकिन मैं यह मानने के लिए तैयार नहीं कि चूंकि एक खास जगह पर बच्चों की परवरिश होनी है इसलिए उन औरतों को उनकी मर्जी के खिलाफ वहां पर रखा जायें। यह कोई बहुत इन्साफ की बात नहीं मालूम होती।

एक और बात यहां कही गयी है। कहा गया है कि कुछ बहिनों ने अपना मजहब बदल लिया है। इसलिए उनको नहीं हटाया जा सकता। हमने देखा है कि समाज ने कई दफा एसें कायद बनाये हैं कि जिनके मुताबिक गलत गलत कामों पर धर्म की छाप लगा दी गई है और उनको ठीक मान लिया गया है। एसा इसलिए किया जाता है ताकि दूसरे लोगों को उस काम में सहानुभूति हो जायें। लेकिन आज हम काफी जागृत हो गये हैं। एक जमाना था कि एक खास तरह की शादी होती थी जिसको गद्दस विवाह कहते हैं। कोई आदमी किसी औरत को जबरदस्ती उठा ले जाता था और उसको शादी समझ लिया जाता था। अगर आज किसी औरत को उसकी मर्जी के खिलाफ एबडक्ट कर लिया जायें तो उसको हम इस तरह से नहीं देख सकते चाहे कोई उस पर धर्म की छाप भले ही लगा दे। हम यह नहीं मान सकते कि अगर किसी ने धर्म बदल लिया तो वह किसी दूसरी दुनिया में जा गयी। उसके साथ हमको कोई दूसरा सलूक करना चाहिए, या इस बजह से उसकी हींसियत में कोई फर्क हो गया।

और भी कई बातें कही गयी हैं। यह भी कहा गया है कि कुछ गलत फेसिबल हैं रिक्वरी कर ली गयी और गलती से औरतों को इधर से उधर भेज दिया गया। इसका

[श्रीमती सुमित्रा बोशी]

बहुत प्रचार किया जाता है। मिनिस्टर साहब ने बतलाया है कि फिंगर्स में कुछ गलती इस वजह से हो गयी है कि एक औरत के बार् में उसके रिश्तेदारों ने चार चार जगह रिपोर्ट लिखा दी है। इसी तरह जो गलत रिकवरी हो जाती है उसको भी सरकुलेट किया जाता है और उसको ५० गुना तक बढ़ा दिया जाता है। क्योंकि जो औरत एबडक्ट हुई है उस के रिश्तेदार तो ज्यादा से ज्यादा चार जगह रिपोर्ट लिखाते हैं, लेकिन जो गलत रिकवरी हो जाती है उसको तो बहुत ज्यादा सरकुलेट किया जाता है। जो लोग एबडक्टर्स से सम्बंधी रखते हैं या जो उनमें दिलचस्पी रखते हैं वे और पालीटीकल पार्टियां सब मिल कर इसका प्रचार करते हैं और ऐसा मालूम होता है कि गलत ही गलत रिकवरी हो रही है, यानी कोई ठीक रिकवरी हो ही नहीं रही है। लेकिन मैं हाउस से प्रार्थना करूंगी कि वह इन बातों के फेर में न पड़े जायें। हो सकता है जैसा कि मिनिस्टर साहब ने कहा, कि कोई गलत काम हो गया हो। एक माननीय सदस्य ने आर्डिनरी ला का भी जिक्र किया। लेकिन इससे कोई इन्कार नहीं कर सकता कि इस कानून की वजह से आज हजारों बच्चियों अपनी माताओं के पास पहुँच चुकी हैं और हमारी छाती से लग चुकी हैं। हम चाहें तो कह सकते हैं कि हमारे रिकवरी के मुहकमे ने अच्छा काम नहीं किया, यह नहीं किया वह नहीं किया। पर क्या किसी की हिम्मत थी उन दिनों में कि इस सवाल को उठाता ?

जब जरा आठ साल पहले की हालत देखें जो कि हमारे यहां थी। मुझे मालूम है कि जो आर्डिनरी कानून था उसके मुताबिक कोई भी काम हो सकता था। आर्डिनरी ला के बार् में मैं आपको बतलाऊं कि मुझे मालूम हुआ कि एक थाने में कोई थानेदार साहब कोई ८, १० या १५ बहनों को और साथ में उनके जो एबडक्टर्स थे, उनको भी पकड़ लाये और सब

को बंद कर दिया और कहने लगे कि इनके जो पति थे, उनकी रिपोर्टों पर इन सब की गिरफ्तारी हुई है और यह सब के सब जेल जायेंगे। यह औरतें भी जेल जायेंगी और इनके जो एबडक्टर्स हैं, वे आदमी भी सब जेल जायेंगे। जेल जाकर उन बहनों ने सोचा कि हसबैंड्स की रिपोर्टों पर तो हमको पकड़ कर जेल में बंद कर दिया गया है, तो उन्होंने ऐसा कहा कि भाई हमका तो वहीं पर फिर से वापिस पहुँचा दो और सब बहनों का बयान लेकर दारोगा साहब उनको वापिस पहुँचा आये। हमको कहा गया कि यह तो आर्डिनरी ला है, यह इसी तरह से चलता है। आर्डिनरी ला का हमें खूब तजुर्बा है और हम जानते हैं कि इस तरह का काम करने के लिए हमें कितनी दिक्कत और परेशानी उठानी पड़ती है। मजिस्ट्रेट साहब के पास जाकर कैसे रिपोर्ट करतें हैं और मजिस्ट्रेट साहब को लड़की का नाम, हुलिया, पता और न मातृम दिया गया इतिहास देनी पड़ती है और यह मजिस्ट्रेट साहब की मरजी पर है कि वह कितने दिन में उसके लिए वारंट जारी करें और कब और कैसे लड़की निकाली जायेंगी और क्या क्या इन्वॉयरी होगी। तो यह सब आर्डिनरी ला की बातें हैं। लेकिन जिन हालात में यह सब काम किये गये और यह हादसे पैदा आये, हमारे मुल्क में और पाकिस्तान में, वह ऐसे एक्सट्राआर्डिनरी हालात थे जिन को कि हम आर्डिनरी ला से इतना कुछ हल कर सकते थे, इसमें मुझे शक है। मैं समझती हूँ कि आर्डिनरी ला से हम उनको टॉकल नहीं कर सकते थे और मैं कई दफा सोचती हूँ कि अगर कहीं यह सब काम रिकवरी का करने के लिए कोई आर्डिनरी मुहकमा छूँता और आर्डिनरी तरीके से यह रिकवरी का काम हुआ होता तो कितनी लड़कियां अब तक रिकवर हो पातीं और रिकवर होने के बाद उनका क्या हथ्र होता, कितनी लड़कियां अपने घरों में जातीं और कितनी लड़कियां एबडक्टर्स के पास जातीं और कितनी

लड़कियों का पता ही नहीं लगता कि वह कहाँ गईं और न मालूम किस की बीबी कहाँ पहुँच पाई जाती और किस की बीबी कहाँ पहुँच जाती, यह कहा नहीं जा सकता। दरअसल एक बड़ी मुश्किल हमारे सामने पेश आ जाती। तो इस आर्गनाइजेशन का काम देखते हुए और यह देखते हुए कि कई हजार लड़कियाँ इसके द्वारा रिक्वर होकर अपने अपने घरों में वापिस पहुँची हैं, मैं इस संस्था को बगैर बधाई देने नहीं रह सकती। यह सचमुच में उस आर्गनाइजेशन में जो वर्क्स हैं, उनके लिए यह बड़ा भारी ट्रिब्यूट है, अब यह जो कहा जाता है कि उस जमात में गुड शांशल वर्क्स और राइट सार्ट आफ वर्क्स की कमी है। मैं तो कहूँगी कि यह कामयाबी उनके लिए एक बहुत बड़ा ट्रिब्यूट है और मैं हाउस के सामने उनको वह ट्रिब्यूट पेश करना चाहती हूँ और मैं समझती हूँ कि इतनी हजार लड़कियों को एंबडकर्स के पास से निकाल कर उनको उनके घरों में वापिस पहुँचाना कोई मामूली बात नहीं है। इस लिए मैं समझती हूँ कि आज उस संस्था और उसके काम करने वालों के बारे में नुक़्तचीनी करना हमको कुछ ज्यादा ज़ेबा नहीं मालूम देता। असलता हम यह कहें कि उनको रिक्वरी का काम और ज्यादा तेज़ी से करना चाहिए और इस बात को मैं भी महसूस करती हूँ कि पाकिस्तान पर जितना सम्भव हो मारल प्रेशर या और कोई किसम का प्रेशर डाला जाय जिससे कि वह अपने यहाँ रिक्वरी का काम तेज़ी से करे और कोई बजह नहीं है कि यहाँ पर पाकिस्तान में रिक्वरी का काम तेज़ी से न हो। मुझ को याद है कि एक दफ़ा यहाँ से रिक्वरी का एक मिसन आया था और उसने यहाँ पर हमसे कहा था कि आपके देश में बहुत सी एंबडकर्स लड़कियाँ मौजूद हैं, उनको रिक्वर करो। मैं आपसे सच कहती हूँ कि हमारे तो सिर उनकी इस बात को सुन कर शर्म से झुक गये और हमने उनसे कहा कि आप जब यहाँ पर आकर हमसे कहते हैं कि इस मुल्क में कोई आपकी बहन, कोई

लड़की या किसी की बीबी खोई हुई है तो हम बहुत शर्म महसूस करते हैं, साथ ही हमने उनसे ज़रूर किया कि इसी तरह आपको भी महसूस करना चाहिए। यह स्थिति किसी भी मुल्क के लिए गर्व का विषय नहीं हो सकती। आप भी अपने वहाँ से ऐसी लड़कियों को निकालें और हम भी अपने मुल्क से ऐसी लड़कियों को निकालेंगे। एक चोरी की हुई स्त्री, एक छिनी हुई बहन या किसी की पत्नी को अपने घर में रखना सिर्फ उसी के लिए खराब नहीं है, बल्कि वह हमारे लिए भी खराब है और हमारे खानदान के लिए भी खराब है और आगे आने वाली पीढ़ी के लिए भी खराब है और मैं नहीं समझ सकती कि कोई भी खानदान इसमें गर्व महसूस करेगा कि उसकी जाने वाली संतान यह कहे कि हमारे यहाँ फलां औरत जां थी, उसको मेरा भाई छोरी करके लाया था, या मेरा चाचा या दादा उठा कर ले आया था।

इसके अलावा मैं समझती हूँ कि आज जो अक्सर बहनों से कहा जाता है कि अब इस काम को बन्द किया जायें, अब तो इसके चलते 6 वर्ष हो गये और अब इसकी ज़रूरत नहीं रह गयी है, मुझ को ऐसा सुन कर बहुत रंज होता है। ज़रूरत इस बात की है कि इस काम को और तेज़ी से चलाया जायें और मैं तो आनरबुल मिनिस्टर से यह भी कहूँगी कि हम लोगों को और दूसरे और लोगों को भी जो इस काम में दिलचस्पी लेते हैं, उनको मौक़ा दें कि वह अपने सुभाव पेश कर सकें कि किस तरीके से ज्यादा रिक्वरी हो सकती है, किस तरह से यहाँ भी रिक्वरी का काम चलाया जा सकता है और यहाँ पाकिस्तान में भी चलाया जा सकता है।

एक बात मैं और उपाध्यक्ष महोदय कहना चाहती हूँ। हमारे चन्द एक आनरबुल मंत्री उन मुसलमान औरतों के साथ जो यहाँ से रिक्वर करके वापिस यहाँ भेजी जाती हैं, उनके साथ बड़ी हमदर्दी दिखलाते हैं लेकिन जो

[श्रीमती सुभद्रा जांशी]

मुसलमान नागरिक हमारा दंश में बसते हैं और जो मुसलमान बहनें यहां अपने मुसलमान शहरों के पास रहती हैं, उनके साथ हमारा इन आनरबुल मंत्रियों की हमदर्दी कम मालूम होती है और आये दिन बाजारों में मीटिंग्स की जाती हैं और उनके खिलाफ कार्यवाही करने की मांग की जाती है और कहा जाता है कि उनको इस मुल्क से निकाल दिया जाये और यहां पर उनको रहने न दिया जाये। जब मैं दंखती हूं कि यह लोग इनके साथ तो हमदर्दी नहीं दिखाते लेकिन उन लावारिस बहनों के साथ बड़ी हमदर्दी दिखाते हैं तो मुझे बड़ा ताज्जुब मालूम होता है। इस लिए मैं अपने आनरबुल मिनिस्टर से प्रार्थना करूंगी कि वह सरदार इकबाल सिंह के अमेन्डमेंट को स्वीकार कर लें और इस काम को दो तीन महीने के लिए नहीं बल्कि एक साल के लिए इसको एक्सटेंड कर दें और इस विषय पर स्टडी करें और इस सवाल को हल करें। मैं दंखती हूं कि जब कभी इस तरह का बिल हमारा सामने आता है तो यह सवाल उठाया जाता है कि रिकवरी होनी चाहिए या नहीं होनी चाहिए, यह चीज हर बार सामने आती है, मानों कोई हम बहुत बड़ा अहसान करते हैं जो उनको रिकवर करके लाते हैं और बाद में उनको उनके घरों में वापस भेजते हैं। मुझे इस बात से खुशी नहीं होती, बड़ा अफसोस होता है कि जब बार बार यह सवाल उठाया जाता है कि अब इस काम को आगे जारी रखा जाये या बन्द कर दिया जाये, या इस काम को चलते अब ६ वर्ष हो गये या ८ वर्ष हो गये और अब रिकवरी क्यों की जा रही है। मेरी समझ में तो यह बात तय है कि यह रिकवरी का काम तब तक चलता रहेगा जब तक एक भी लड़की इस मुल्क में या उधर पाकिस्तान में एंबेडवर्टेड बच रही है। औरत कोई जमीन और जायदाद तो है नहीं कि जिसके कब्जे में है, उसी के कब्जे में बह बनी रहे।

अभी हाल में उपाध्यक्ष महोदय, इस संसद ने एक महत्वपूर्ण कानून पास किया है कि अगर खास हालात में विवाहिता पत्नी भी अपने पति से अलग होना चाहे और उससे सम्बन्ध विच्छेद करना चाहे तो कानून ने उसको भी मुक्ति प्रदान की है तो फिर उन एंबेडवर्टेड औरतों के बारे में जिनका कि कोई सोशल स्टैंडर्स नहीं हैं, जो कि चोरी से ले जाई गई हैं, जो कि परेशान हैं और जिनहोंने कि कभी यहां पर इज्जत की जिन्दगी नहीं हासिल करना है, उनके लिए हम हर साल कहे कि अब तो इतने साल इस काम को करते हो गये, अब तो यह काम बंद किया जाना चाहिए और उनको एंबेडवर्टेड के पास रहते इतने साल हो गये, इसलिए अब उनको वहीं पर रह जाना चाहिए, यह चीजें हमारा लिए कोई गौरव की बात नहीं है। इसलिए मैं तो आनरबुल मिनिस्टर और हाउस से प्रार्थना करूंगी कि वह इस कानून को लम्बा एक्सटेंशन देकर इस सवाल को स्टडी करें और जिन भाइयों को इसके काम के तरीके पर एतराज हों, उनको मौका दें कि वह अन्य तरीके हमको सुझा सकें ताकि दोनों मुल्कों में यह रिकवरी का काम जल्दी पूरा हो क्योंकि ज़ाहिर है कि जो बहनें आज इस तरह की जिन्दगी बसर कर रही हैं, वह बहुत परेशानी और शरमिंदगी की जिन्दगी बिता रही हैं और यहां पर बहुत से केंसेज का चिक्र किया गया। एक केंसे मैं भी जानती हूं कि पाकिस्तान में एक गांव में एक हिन्दू एंबेडवर्टेड लड़की को रिकवर किया गया तो पास के गांव में जो एक दूसरी हिन्दू एंबेडवर्टेड लड़की फंसी हुई थी उसने अपने छुटकारे के लिए स्वतंत्रता के लिए कि मुझे भी निकाला जाये लेकिन वह रिसर्च स्टाफ वहां नहीं पहुंच सका और इसका नतीजा यह हुआ कि उस लड़की ने आत्महत्या कर ली। उसने अपने दिल में सोचा कि जब यहां दरवाजे तक आकर भी मुझे नहीं निकाला तो अब क्या निकालेंगे और निराशा होकर उसने अपनी जान दे दी और मैं समझती हूं कि इससे हमारी

उन परेशान बहनों को जो इधर या उधर जबर्दस्ती फंसी हुई हैं, बड़ी निराशा होती होगी और इस चीज का उन पर बुरा असर पड़ता होगा। इसीलिए जरूरत इस बात की है कि हमको ऐसा तरीका खोजना चाहिए जिससे यह रिकवरी का काम जल्दी हो।

मैं आनरबल मिनिस्टर को इसके लिए बधाई देती हूँ जो उन्होंने यह कहा कि बच्चे कहाँ रहने चाहिये, यह उनकी माँ की मरजी पर छोड़ देना चाहिए, मैं भी समझती हूँ कि जो हालात हैं उनमें माँ के अलावा कोई दूसरा इस चीज का फैसला नहीं कर सकता कि उसके बच्चों की अच्छी जिन्दगी कहाँ रहने पर बन सकती है और इसको बच्चों की माँ पर ही छोड़ देना चाहिए।

इसके साथ ही साथ मैं उस अमेंडमेंट की भी तार्जिह करती हूँ।

श्री नन्व लाल शर्मा:

नमः परमहंसास्वादित्र चरणकमल चिन्मकरन्दाय भक्त जन मानसनिवासाय श्री रामचन्द्राय ॥

माननीय उपाध्यक्ष महोदय, अपहृत व्यक्तियों की प्राप्ति और परावर्तन के सम्बन्ध का यह विधेयक प्रधानतया दो प्रकार की भावनाओं से पूर्ण है। एक है चरित्र की भावना, मारल स्टैन्ड, और दूसरी है राष्ट्रीय भावना अर्थात् नेशनल स्टैन्ड। चरित्र के दृष्टिकोण से हम इस बात को अच्छी तरह समझते हैं कि भारतीय संस्कृति का यह मूल सिद्धान्त है कि परस्त्री को माता की दृष्टि से देखा जाये। कभी भी किसी की बहन बहू या बेटे के ऊपर बुरी दृष्टि रखना, यह भारतीय संस्कृति का कभी ध्यान नहीं रहा और आप लोगों ने अपने इतिहास में भी अच्छी तरह से स्पष्ट किया होगा कि रावण भी जिस समय राम की प्रतिमूर्ति बन कर सीता के पास जाता था तो वह कहता था कि मुझे सार्व विश्व की स्त्रियाँ माता दिखलाई देती हैं।

इस के साथ साथ राष्ट्रीय दृष्टिकोण भी यह कहता है कि हम को अपने घर में किसी प्रकार के अत्याचार, अनाचार, दुराचार या अविचार की किसी प्रकार आज्ञा नहीं देनी चाहिये। यह बात सोलह आने सत्य है। परन्तु जहाँ हम यह देखते हैं कि राम की सेना में आई हुई सुलोचना पर कोई बुरी आंख उठा कर नहीं देख सका वहाँ राम की सारी पल्टन में एक भी बन्दर ऐसा नहीं जो जब तक सोने की लंका की इंट से इंट न बजा दे तब तक एक भी सीता को वहाँ छोड़ने के लिये तैयार हो।

आज जो महानुभाव इस विधेयक की तीव्र बढ़ाने का विरोध कर रहे हैं उन का दृष्टिकोण केवल इतना है कि उन को अपनी इस सरकार से इस समय यह भय लग रहा है, उनको यह विश्वास नहीं पड़ रहा है कि वह पाकिस्तान में पड़ी हुई दीवियों को प्राप्त कर के किसी प्रकार से भारत में पहुँचा सकती हैं। कारण यह है कि आज के अभिभाषण से मुझे बड़ी निराशा हुई। आज हमारे माननीय मंत्री महोदय ने कहा कि चार, पांच हजार दीवियाँ दोनों ही दिशाओं में पड़ी रह गई, और दो डायरे हजार के लगभग पाकिस्तान में हैं।

Sardar Swaran Singh: I did not say that, even with regard to cases which have been investigated all the recoveries have not taken place.

Shri Nand Lal Sharma: I am talking of the cases which are yet to be investigated.

Shri N. C. Chatterjee: May I have an idea as to how many persons are concerned in this?

Sardar Swaran Singh: That can be anybody's guess. But it can be given only after the report of the Fact Finding Committee is out.

श्री नन्व लाल शर्मा: मैं धन्यवाद करता हूँ कि इस बात को स्पष्ट कर दिया गया। अभी हमारी सरकार को इस बात का निश्चय नहीं

[श्री नन्द लाल शर्मा]

हैं कि कितनी हमारी दीवियां अभी पाकिस्तानी बुर्क में पड़ी हुई गोमांस पकाती हैं और खून के आंसू रोती हैं। अभी हम को इस का भी पता नहीं है कि उन को निकाल कर प्राप्त करने की क्षमता हमारा वश की है या नहीं।

हम एक चीज देखते हैं। स्टेटमेंट आफ आब्जर्वेटर्स एंड रीजन्स में आप ने कहा है कि इंडो-पाकिस्तान एग्जिमेंट, नवम्बर, १९४८ के प्लस्वरूप यह एंबेडवर्टेड पर्सन्स रिकवरी एंड रस्टोरेशन एक्ट १९४९ में स्वीकृत हुआ। मैं पूछना चाहता हूँ कि आप के दिल्ली एग्जिमेंट के अनुसार कौम कौन सी बातें पाकिस्तान ने पूर्ण कीं? अभी मेरे पास मिनिस्ट्री आफ रिहैबिलिटेशन का पत्र पहुँचा है। यह भी आप के इंडो-पाकिस्तान एग्जिमेंट में था कि पूर्वी पाकिस्तान के अन्दर शरणार्थियों की रक्षा करेंगे, वहाँ के अल्पसंख्यकों की रक्षा करेंगे। लेकिन आज यह शब्द मेरे पास आते हैं :

"The rate of influx which was below 10,000 persons per month during last year has increased to over 20,000 per month since January 1955. The Government of India have viewed with great concern this ever-increasing migration from East Pakistan."

यह आज की कथा है जो कि उस पत्र में दी हुई है जो कि आज मेरे पास पहुँचा है। हम बड़े अचम्भे में आते हैं कि आप के इंडो-पाकिस्तान एग्जिमेंट की क्या दुर्दशा दूसरे दिश वाले कर रहे हैं और एक आप है कि केवल एक प्रोटैस्ट के सिवाय कुछ नहीं कर सकते हैं, आप इतने निराश्रित हैं। यह बड़ा खेद की बात है कि एक साबरन गवर्नमेंट जो अपने को पूर्ण शक्तिशाली मानती हो उस के नागरिकों की दाढ़ी मूँड मूँड कर उसी के मुँह में डाल दी जाये और कह दिया जाये कि यह फ्रांस नहीं है, यह गोवा है, आप इस

तरह से सत्चागृहियों को भेज कर हम से गोवा नहीं खाली करवा सकते, और हम इस के उत्तर में यह कहते रहें कि हम तो महात्मा बुद्ध के पुजारी हैं, हम अशोक स्तम्भ की पूजा करते हैं, हम अहिंसात्मक रूप से अपना काम करते रहेंगे। जीवन लेना हमारा कार्य नहीं। मैं निवेदन करता हूँ, और यह शब्द मैं एक बार नहीं दस बार कह चुका हूँ कि हमारा प्राइम मिनिस्टर ने पहले ही पूर्वी पाकिस्तान के लिये यह शब्द कहे थे कि हम भाई से लोगों के लिये सार भारत की स्वतंत्रता को खतरा में नहीं छोड़ सकते। मैं कहता हूँ कि इस शब्द को जीने का अधिकार नहीं है जिस का एक भी व्यक्ति शब्द के कब्जे में हो और जिस को छोड़ने की हिम्मत वह न रखता हो। अंगूठों की एक लड़की मिस एरिस अफरीदियों के कब्जे में आई थी, मुझे याद है, अंगूठों ने समूचे क्षेत्र को तोषाँ और हवाई जहाजों से बम वर्षा कर उड़ा दिया था। सार क्षेत्र को साफ कर के एक लड़की को छोड़ा कर लाये थे।

हमारा यह अनुमान है कि २०, २५ हजार के बीच में हमारी बहनें और बहू बेटियाँ पाकिस्तान में कैद में पड़ी हैं, और आप की हिम्मत नहीं है कि आप उन से कुछ कह सकें। वह आप के सामने यह कह रहे हैं कि हमारे पास तो कुल दो, ढाई हजार फेंसिंग बाकी हैं। इस लिये मैं निवेदन करता हूँ कि मैं अपने कम्प्लिन्स सिच के उन शब्दों का समर्थन करता हूँ। वह कहते हैं कि यदि आप एकस्टन्शन चाहते हैं तो हमें एकस्टन्शन स्वीकार है, लेकिन आप यह तो बतलाइये कि आप क्या कदम उठाना चाहते हैं। आप अगर बिल का स्वरूप बदलना चाहते हैं तो हमें बतलाइये कि आप यह यह काम करने के लिये तैयार हैं जिस से हम अपना मार्ग निर्धारण कर सकें। जिन भाइयों ने वहाँ अन्याय किया उस को आप जरूर हटाइये, लेकिन दूसरे दिश के अन्ध जो अन्याय अपनी माँ बहनों

पर किया गया उस अन्याय का आप कैसे परिमार्जन करेंगे ? उस का तो आप कोई उपाय सोचिये। अन्याय करना बुरा है परन्तु दूसरों के अन्याय को सहना उख से भी बुरा है। किसी के साथ पाप करना बुरा है पर दूसरों के पाप और अपराध को सहन कर के उस के पाप करने की वृत्ति को प्रोत्साहित करना और उस से आग के लिये हमारे देश के लोगों के प्रति दूसरों के मन में यह भावना उत्पन्न करना कि वह कबल हाथ जोड़ने वाले हैं, प्रोटेस्ट करने वाले लोग हैं, इस लिये हम चाहें जो कुछ करते जायें, यह कुछ नहीं कर सकेंगे, यह और बुरा है। इस लिये जो हमारे माननीय मंत्री महादेव ने फिगर्स के सम्बन्ध में ४६.६६ रिफॉरिंग कहा उसे सुन कर मुझे कुछ अचम्भा सा हुआ क्योंकि हमारे पास एक रिपोर्ट, एक्सटर्नल एफेअर्स मिनिस्ट्री की गरी की हुई है जिस के अन्दर यह था कि पिछले वर्ष के अन्दर २०,२५४ थे रैस्टोर्ड टु पाकिस्तान और उस के बदले में ८,८४४ थे रैस्टोर्ड टु इंडिया। अब वह ४६.६६ होता है या क्या होता है इस का अनुमान स्वयम् मंत्री महादेव लगा लेंगे। इस के अतिरिक्त इस सम्बन्ध में मैं और कुछ नहीं कहना चाहता हूँ। मैं अपने दशवासियों से अपने बन्धुओं से यह प्रार्थना करूंगा, वह अपील करूंगा कि उन के पास कोई सूचना किसी बहन के बारे में हो तो वह स्वयम् उस को निकालें और पाप के भग्नी को सामने ले अवै, लेकिन इस का मतलब यह नहीं है कि हमारा सामान्य कानून आज कुछ कर नहीं सकता है, पिछले दिनों चाहे जो कुछ भी स्थिति रही हो, लेकिन आज इमर्जेंसी मेजर्स के लिये कोई स्थान नहीं रहा। अब तो ऐसा नहीं कि वह आर्डिनरी कानून काम न कर रहा हो। या इस प्रकार के जो रिप्रेजेंटेटिव एलिमेंट्स हैं वे इतने बलवान हो रहे हैं कि आप को अपना काम करने में या होम मिनिस्ट्री के काम करने में ठकावट डाल सकते हैं। एंसी कोई बात नहीं है। तो फिर जो आर्डिनरी कानून है

उस को बलवान बनाना चाहिये और आपको जो आजकल ढाके ढाले जा रहे हैं उन में देश की रक्षा करनी चाहिये।

रैस्टोरेशन के प्रश्न के बारे में मैं यह कहना चाहता हूँ कि यह कहा गया है कि इतनों को भारत में ही उनके सम्बन्धियों को रैस्टोर कर दिया गया और इतनों को रैस्टोर कर के पाकिस्तान भेज दिया गया। मैं पृष्ठना चाहता हूँ और आप को इस बात का ध्यान होना चाहिए कि भारत के अन्दर अभी भी कम से कम चार करोड़ मुसलमान रहते हैं और जो लोग पाकिस्तान चले गए हैं उन के सम्बन्धी भी यहाँ पर रहते हैं, कितने हिन्दू इस वक्त पश्चिमी पाकिस्तान के अन्दर रहते हैं और कितनी दूबियों के सम्बन्धी वहाँ पर इस वक्त रह रहे हैं ? यह बात समझ में नहीं आती कि कैसे पश्चिमी पाकिस्तान के अन्दर हिन्दुओं को पुनः रोक लिया गया जब कि वहाँ हिन्दू का नाम तक नहीं रहा। मैं यहाँ पर आप को बताना चाहता हूँ कि पश्चिमिस्तान के अन्दर, जिस को कि आप ट्राइबल टैरिटरि कहते हैं, वहाँ से अभी थोड़े समय से मेरे पास एक दूबी आई है, जो इस समय भी मेरे मकान पर है जिस के पति का वहाँ दहान्त हो गया है। यह दूबी बड़ी मुराकिल से वहाँ आ सकी है। उस को एबडिक्टड परसेंस की लिस्ट में रख लिया गया जब कि न तो वह पश्चिमी पाकिस्तान के किसी महकमे ने उसे खाँजा और न ही एबडिक्टड ही थी, वह तो फ्रॉण्टियर टैरिटरि जिस को कि ट्राइबल टैरिटरि कहा जाता है वहाँ की रहने वाली थी और वहाँ से यह आई। जिन परिस्थितियों में वह वहाँ रह रही थी उन परिस्थितियों में मैं कहूँ कि वहाँ यहाँ अब भी विद्यमान हैं। वह बातें बतलाती हैं कि किस प्रकार से उन के साथ वहाँ पर व्यवहार किया जाता है और किस प्रकार के अत्याचार वहाँ हो रहे हैं। एक स्त्री के साथ एक मुल्ला ने निकाह कर लिया और दूसरी को विवाह के लिए मजबूर किया और तब उसने

[श्री नन्द लाल शर्मा]

इन्कार किया। तो जिस प्रकार उसको पटक कर मार दिया गया। इस लिए:

वृजन्ति ते मृद धियः परामवं
भवनन्त मायाविषुष्ये न मायि नः॥

जो मूर्ख ठग के साथ ठगी करना नहीं जानता वह अवश्य परामव पाता है, जो आप की स्त्रियों कम दू, आप को अपहृत व्यक्तियों की संख्या कम बतायें और आप को इंटरनेशनल जगत में खराब करें, मैं पूछता हूँ उस के साथ कैसा सलूक होना चाहिये। पकिस्तान वाले कहते हैं कि हिन्दुस्तान में ५०,००० के करीब व्यक्ति अपहृत कर लिये गये थे जिन में से केवल २०,००० ही लौटाये गए हैं और इस के विपरीत पाकिस्तान में अपहृत व्यक्तियों की संख्या बहुत कम है और इस लिए आठ नौ हजार ही वापस किये जा सके हैं। हम आप से कहते हैं कि यदि आप इंटरनेशनल जगत में राज्य का गौरव रखना चाहते हैं, राज्य सत्ता को बनाये रखना चाहते हैं तो आप को अपनी पातिसी बदलनी पड़ेगी। अगर आप यह कहें कि हमारा यहां बहुत बुरा हुआ और दूसरों के बार्त में आप यह कहें कि यह तो हमारी सुनते ही नहीं तो इस से काम नहीं चलेगा। मिनिस्टर फार माइनारिटी एफेयर्स से कई बार प्रश्न किये गए और हमेशा उन्होंने यही कहा,

"We have protested but, I am sorry there is no response."

ऐसी दशा में जब हमें अपने मिनिस्टर्स से यह उत्तर मिले कि उन के अन्दर कोई शक्ति नहीं है और वे कुछ नहीं कर सकते हैं तो उस सूत्र में जनता में हकूमत के प्रति निराशा फैलना, जनता के प्रतिनिधियों में जो यहां आए हैं, उन में निराशा फैलना एक स्वाभाविक सी ही चीज है। ऐसी दशा में हम हकूमत से क्या आशा कर सकते हैं। मैं समझता हूँ कि इस रूप में इस विधेयक को आगे बढ़ाने से कोई लाभ नहीं होगा।

अगर सरकार विधेयक को लाना ही चाहती है तो इस को इस रूप में लाये जिस से कि हमें विश्वास हो जाए कि हमारी जो बहिनें बंटीयां वहां पर रूठ गई हैं लाई जा सकेंगी।

इस भवन में मेरी बाईं ओर बैठी एक दूवी ने कहा कि हिन्दू परिवारों के अन्दर कई लोग ऐसे हैं जो उन दूवियों को अपने घरों में रखना नहीं चाहते हैं और यह नहीं करना चाहते हैं और वह नहीं करना चाहते हैं। मैं समझता हूँ कि यह सिवाय प्राणगंडा के और कुछ भी नहीं है। मैं बताना चाहता हूँ कि नवाखली में जिस वक्त पहले पहल कल्लेआम हुआ उस वक्त बड़े बड़े सनातनियों ने आर्थोडोक्स लोगों ने और श्री स्वामी कारपात्री जी ने कहा कि उन एचडिक्टड दूवियों को गंगा स्नान करावा कर के एक दिन व्रत रखवा कर अपने घरों में ले लिया जावे। स्वयं मनु ने यह शब्द कहे हैं :

सर्वान्वल कृतानर्थान अकृतान्मनुरद्वीत् ।

बलपूर्वक जो कर्म करगाया जाता है वह कर्म न करने के समान होता है। ऐसे कर्म के करने वाले को पाप नहीं लगता। ऐसी परिस्थितियों में यह कहना कि हमारी हिन्दू जाति उन को लेने के लिए तैयार नहीं है, भ्रूटा प्राणगंडा है और भारतीय संस्कृति को खराब करने के लिए किया जा रहा है।

Mr. Deputy-Speaker: Shri Deshpande will have five minutes. After that I will call the hon. Minister.

Shri Kamath: I want to speak; I will take only five minutes.

Mr. Deputy-Speaker: I will call him during the Companies Bill.

Shri Kamath: But Sir, I want to speak on this Bill, and not on the Companies Bill.

Mr. Deputy-Speaker: I have already called upon Shri Deshpande.

श्री श्री० श्री० वृंशापांड : यह जो विधेयक प्रस्तुत किया गया है और जो हम इस का विरोध कर रहे हैं वह इस लिए नहीं कर रहे हैं कि जो स्त्रियां इधर रह गई हैं उन को पाकिस्तान न भेजा जाए। हम चाहते हैं कि जो स्त्रियां इधर रह गई हैं उन को उधर भेज दिया जाए और जो उधर रह गई हैं उन को इधर लाया जाए। इस के बारे में कोई मतभेद नहीं है। परन्तु मैं देख रहा हूँ कि हेतु के बारे में भूठों आरोप लगाकर नृपियों को छिपाने का यत्न यहां हो रहा है। जो हम इस बिल का विरोध करते हैं उसका एक कारण है। आज सात साल से यह जो अपहृत माताओं का संघठन है यह एक विकृत मनोवृत्ति से एक परवर्तित एप्रोच से अपना काम कर रहा है। इस की मनोवृत्ति यह रही है कि पाकिस्तान के अन्दर जो हिन्दू दीवियां हैं उन को छुड़ाने के कोई विशेष यत्न नहीं हुए हैं। हो सकता है कि इसका पाकिस्तान में ज्यादा विरोध होता हो। परन्तु परिणाम प्रत्यक्ष है। बताया गया है कि पाकिस्तान में 2000 स्त्रियां पाकिस्तान के कर्मचारियों के पास हैं। मुझे पता नहीं कि यह बात कहां तक ठीक है। संभव है कि यह बात फेक्ट फाइंडिंग कमेटी के सामने आ जाए। हम ने यह भी देखा है कि वहां से सामाजिक कार्यकर्त्री स्त्रियां उधर से इधर आई हैं परन्तु यहां कार्यकर्त्री स्त्रियां जैसे कि हमारी सुचेता बहन हैं और बाकी और स्त्रियां हैं उन को वहां काम करने जाने नहीं दिया गया। इस में एक विशेष मनोवृत्ति के लोग काम करते रहे हैं।

इसके अलावा यहां की परिस्थितियां और यहां की परिस्थितियां भिन्न रही हैं। जिन स्त्रियों का जन्म यहां हुआ और जो विधवा हो गईं चूंकि उन के बहुत से सम्बन्धी यहां पर ही रहते थे इस लिए बहुत सम्भव है कि वह वापस जाना न चाहती हों और अपने सम्बन्धी जो उन के यहां रहते हैं उन के पास ही रहना चाहती हों। ऐसी स्त्रियों को बर्दस्ती भेजने के प्रयत्न हो रहे हैं। उस वक्त जिस वक्त यह विधान लागू किया गया

था शायद उस वक्त इस की आवश्यकता है और शायद उस वक्त एमर्जेंसी पैदा हो गई हो। परन्तु आज छः सात सालों के पश्चात ऐसा कानून जिस में हाई कोर्ट या सुप्रीम कोर्ट हस्तक्षेप न कर सकें हों इस की आवश्यकता महसूस नहीं होती। ट्रीब्यूनल के सामने स्त्रियों की इच्छा देसी जाती है परन्तु प्रत्यक्ष उदाहरण हमारे सामने हैं। एक मुस्लिम स्त्री को जबर्दस्ती यहां से पाकिस्तान भेजा जा रहा था और इस के बारे में बहुत प्रयत्न भी हो रहा था लेकिन वह यहां पर उसी सुरत में रह पाई जब कि सुप्रीम कोर्ट ने स्टैंडार्ड जारी कर दिया। एक तो हमारा विरोध इस बिल के बारे में जो कारण मैं ने अभी बताया है, इस लिए है।

दूसरी बात जिस लिए मैं इस बिल का विरोध करता हूँ वह यह है कि जो हिन्दू स्त्रियां अग्रहृत कर ली गई हैं उनको वापस लाने में आज जब कि छः सात साल हो गए हैं इस बारे में कुछ भी नहीं किया गया है। एक ही काम इतनी दूर से चला आ रहा है। यहां से हजारों ही स्त्रियां पाकिस्तान भेजी गईं। आजाद काश्मीर में हजारों स्त्रियां आज हैं और उन की चिट्ठियां भी यहां आई थीं। मैं ने यह चिट्ठियां एक्सटर्नल एफेयर्स मिनिस्ट्री को भेजी थीं परन्तु आज तक उस पर कोई ध्यान नहीं दिया गया है। पूर्वी पाकिस्तान से हजारों लोग यहां आ रहे हैं और वहां पर भी जो स्त्रियां एचडकट कर ली गई हैं और जो अत्याचार उन पर हो रहे हैं, उनको भी लाने की कोई कोशिश नहीं हो रही है। इसके बारे में कोई प्रयत्न नहीं हो रहे हैं। मैं मानता हूँ कि आज तक कोई और मंत्री महोदय इस काम को कर रहे थे और जब वे बदल गए हैं और नये मंत्री महोदय आ गए हैं। वे कौन कौन से कार्यकर्त्ताओं और कार्यकर्त्त्रियों की सहायता से कार्य करने वाले हैं, इसका मुझे पता नहीं है।

इसके आगे शायद यह कोई काम कर सकते हैं। परन्तु यह कानून केवल दो महीने के लिए लाया गया है और मंत्री महोदय ने अन्य

[श्री वी० जी० दंशपांडे]

हैं कि उसके बाद फॉक्ट-फाइंडिंग कमेटी का निर्णय दख कर कार्यवाही की जायेगी। शायद उसके बाद मंत्री महोदय यहां नया विधेयक लकते हैं। यह भी हो सकता है कि इस का आर्गनाइजेशन दूसर तरीके का हो। मैं तो यही कहना चाहता हूं कि इस थोड़े से समय में—दो महीने में—कोई बहुत फर्क नहीं पड़ने वाला है और इस विषय में हम अपना विरोध मंत्री महोदय के सम्मुख पेश करना चाहते हैं। आज तक जिस प्रकार से कार्य हुआ है, उसमें न तो उधर से हमारी स्त्रियां ही आ सकी हैं और न ही यहां की स्त्रियों के स्वातंत्र्य के प्रति कोई सद्भावना दिखाई गई है। हमने कई केंसेज ऐसे देखे हैं, जिनसे हमने यही धारणा बनाई है कि आपके हृदय में स्त्री का मूल्य एक सम्पत्ति-वैटल—से ज्यादा नहीं है। यह न दसते हुए कि कोई स्त्री क्या चाहती है, कहां रहना चाहती है, उसकी इच्छा क्या है, केवल यह जान कर कि वह मुसलमान थी, पुलिस उसको पकड़ कर ले जाती है और यह समझ कर कि वह मुसलमान होने से ही पाकिस्तान की सम्पत्ति है, उसको पाकिस्तान भेज दिया जाता है। इस प्रकार के कार्य स्त्री के मूल्य को घटाने वाले और स्त्री के सम्मान को गहरी चोट पहुंचाने वाले हैं। उधर से तो कोई स्त्री आई नहीं, उधर की स्त्रियों को चुन चुन कर भेज कर क्यों आसेप ले रहे हैं? आजाद कारमीर और पूर्वी पाकिस्तान की अपहृत महिलाओं को वापिस लाने का कोई प्रयत्न नहीं किया जा रहा है।

3 P.M.

अन्त में मैं एक ही बात कहूंगा। दो महीने के पश्चात् आप जो कोई भी कानून बनाए, जो परिस्थिति है, आपकी जो मनोवृत्ति है, आपकी जो मशीनरी है, उसको देखते हुए वह आशा करना व्यर्थ है कि आप पाकिस्तान से बहुत सी स्त्रियों को लड़वा लयेंगे। यहां से जाने वाली स्त्रियों के बारे में हम कहेंगे कि इस बारे में आर्डिनरी कानून बना लो। वह प्रिजम्पान मत कीजिए कि कहीं किसी

स्त्री का पति पाकिस्तान में रहता है या वह मुसलमान है, इस लिए उसको पकड़ कर पाकिस्तान भेज दिया जाये। जब तक वह कोर्ट में अपनी इच्छा प्रकट नहीं करती, कानून के मुताबिक मीजस्ट्रट के सामने नहीं कहती कि मुझे यहां बचदंस्ती रखा हुआ है और मैं पाकिस्तान जाना चाहती हूं, नियमित रूप से एडवांकेट आए, एविडंस आए, तब तक उस को कहीं भेजा न जाए। इस समय आप जो कुछ कर रहे हैं, वह इस विकृत मनोवृत्ति के कारण कर रहे हैं कि हम बड़े धर्म-निरपेक्ष हैं और इसका नतीजा केवल यही है कि हम मुसलमानों की स्त्रियां पाकिस्तान भेज रहे हैं। मैं आपसे कहूंगा कि केवल यह बताने के लिए कि हम बड़े धर्म-वीर हैं, आप पाकिस्तान में रहने वाली बेचारी हिन्दू दीवारों को दुख न दीजिए और यहां की मुस्लिम स्त्रियों का स्वातंत्र्य अपहरण न कीजिए। इतनी ही मेरी प्रार्थना है।

Shri Barman (North Bengal-Reserved-Sch. Castes): This is a simple Bill by which the hon. Minister has asked the House to extend the Recovery and Restoration Act up to the 30th day of November, 1955. It is also stated in the Statement of Objects and Reasons that the Government expects, when the Joint Fact Finding Commission will submit its report, that the matter will again come up before the House, and, as the hon. Minister says, we shall have to decide what course of action to take.

To speak frankly, I support the continuance of this Act upto 30th November, 1955 and, even after that. I want this Government to establish a machinery on both sides of the border—in Pakistan as well as in India—which may continue the task of recovering and restoring all abducted women at last for another 20 years.

It is true that subjects like this, whenever they come up before this House for discussion, are not only heart-rending and painful but also sickening. It pains us to think that,

at a time when this country was partitioned and both Hindus and Muslims enjoyed sovereignty in separate parts of India, they could not protect their womenfolk. It is a shame, as has been said by one of my sisters, that when an abducted woman is recovered her husband is not willing to take her. It is a shame, I say, for that husband who has protected his own life and sacrificed his wife at the hands of abductors. I know that the circumstances are such that both the Governments of India and Pakistan could not help people in this task of recovering the womenfolk of both the Governments from the hands of abductors; but whatever that might be, it remains the duty of both the Governments to recover and give shelter to each and every woman of either Government who is in the hands of abductors so long as she is willing to come over from the other side. Of course, it is a difficult task. We find from the report that was once submitted to this Government by Shri Ghulam Haider, Officer-in-charge, Central Recovery Office, Lahore and Shri R. K. Balbir, Officer on Special Duty, Central Recovery Organisation, New Delhi, that the task is a difficult one. I shall read only one paragraph from that report and that will give us an idea as to how difficult the task is and will serve as a reminder. If both the Governments have not yet been able to recover the last woman who is willing to be rescued and brought over from the other side, this will throw some light about the circumstances under which both the Governments have to work. In para 2 it is said—I shall only read a part of it:

"In 'abduction areas' called by us as 'affected areas', the atmosphere is not conducive to voluntary escape; invariably there is lack of local co-operation in helping an abducted person to contact the proper authorities who can save her. The women are in the hands of the 'bullies' of the village, or the abductors are under their protection, and hence there is no chance for escape."

I do not know what is the exact position in the year 1955; perhaps, this Joint Fact Finding Commission will be able to tell us how far their task is easy or difficult today and on that we can assess how far the Government has been successful in its efforts and how far its attempts have been earnest or not.

Sir, we have also received a report some time back that there are certain areas in Pakistan where even those persons who were entrusted with the task of recovery had no entry. I do not know whether that position exists even today or whether the whole of Pakistan is now free from any such restrictions. I hope we will get all this information when the Fact Finding Commission submits its report.

My last request to Government is that there must be some machinery existent on both sides to help every woman whom they ran trace; to rescue her and give shelter to her. It is the duty of both the Governments to give shelter not only to the children but also to the woman who may not be accepted by their husbands or by their relatives. It is their moral duty and I hope the Governments will not fail in that duty.

Sardar Swaran Singh: I am grateful to the hon. Members who appear to have given a lot of thought to this complex problem. Some of the suggestions that they have made require serious consideration and, as I said at the outset, in such a complex and difficult problem, for anybody to be dogmatic and to say with certainty as to whether this or that is the correct solution would, perhaps, be overstating the case. I am happy to note that by and large there is general agreement about the proposition that this humanitarian work should be continued and effort should be made to ensure that for such of the unfortunate women who may after remaining in proper and free atmosphere for some time like to go over to the other country, circumstances should be created in which they can exercise that will of theirs. It is also heartening to find that in spite of certain objections and strong feelings

[Sardar Swaran Singh]

that certain Members of this House have, about what has happened in the other country, there is on the whole a uniformity of opinion that we should do our duty irrespective of what is done in the other country. It has no doubt been strongly stressed that circumstances should be created by which recovery of these abducted persons in this country and in the other country is facilitated. So far as this objective is concerned, this is unexceptionable. What, however is the best way to ensure that? There may be a difference of opinion here. Can we do that by strongly criticising what has been done elsewhere and can we attain that by using strong invectives and very strong language? I feel that much purpose is not served by adopting that attitude. Nothing has been suggested that could have been done and which has remained undone except the usual long stick with which everything has been sought to be lumped together. I fail to see the relevance of bringing in the Goa matter or even the East Pakistan issue in this question of recovery of abducted persons.

Shri Nand Lal Sharma: Foreign policy is also involved in this case.

Sardar Swaran Singh: I thought that this matter could be disposed of and decided on much simpler grounds than by these high-sounding theories of foreign policy. This appeared to be a small humanitarian subject and to toss about the womenfolk, whether they are here or in the other country, and to tie them with foreign policy and things of that nature, I thought, will not be a correct approach and will not be the approach for which India always has taken credit.

Shri Nand Lal Sharma: A word by way of explanation. Because our women are already, there, in certain foreign countries, I alluded to it. Not otherwise.

Sardar Swaran Singh: Somehow or other, when we use such strong language, we forget...

Shri B. S. Murthy (Eluru):...strong action.

Sardar Swaran Singh: Quite right, but we forget that strong words are not always strong action and those who use strong words generally are found to be failing when the time for strong action comes.

Shri Nand Lal Sharma: That lies with the Government.

Sardar Swaran Singh: Therefore, we have decided to use moderate language, to show humility in this approach, rather than that spirit of bravado which, when the real time for solid action comes, does not come up to the expectation. Only high feelings would be aroused as a result of strong language. To expect that we on this side should do this thing and that thing and the others should do much more than that is perhaps something which is against human nature, and by adopting an attitude with regard to the persons here and to expect that others should adopt an entirely different attitude or should have a different law is something which I have not been able to understand! On this side, normal law should be restored and we should forget all that happened during that unfortunate time; and on the other side, you say that something dynamic, something great, something out of the way should be done! How can the two ideas go together or how the two ideas can be compromised? I must confess that I could not comprehend the import of this approach.

So far as general matters are concerned, the stress that has been laid about the association of larger numbers of social workers appears to be the correct approach. I may say that already a fairly large number of social workers are associated with this work at various levels: at the stage of enquiry, at the stage of helping them in the social camps; at the stage of rehabilitation psychologically, which is so essential in such cases. Social workers, a predominantly large

number of them being lady workers, have always remained associated with this type of work. I shall be only too glad to take the advice or to carry on consultations with such of the hon. Members of this House who may have anything to suggest as to what could be the best way of solving this rather intricate problem. From that angle, certain suggestions have been made, and the suggestions that the approach should be from the social angle rather than from the official angle is good and indeed that has been the approach so far; and an increasing effort will be made to bring in the social angle to a greater extent as compared to what we have been doing so far.

A large number of Members who have participated in the debate have said that these short extensions create a certain amount of uncertainty amongst those who are interested in the implementation of this policy and that it may also create a certain feeling amongst the abducted persons that they are perhaps not being cared for and that, though against their will, they will sometimes try to resign themselves to their fate, and therefore, that urge to be restored to an atmosphere of freedom disappears. There appears to be considerable force in that opinion, and one of the hon. Members has actually tabled an amendment saying that the Act may be extended till November, 1956, and before then there will be the report of the Fact-finding Commission. But in view of the almost unanimous desire that has been expressed that all efforts should be made to recover these persons from India as well as that efforts should be continued to see that conditions are created in which such of the non-Muslim women or other abducted persons as might still be in Pakistan territories might be recovered and brought over to us, Government will be inclined to accept this amendment. I may further say that after the report of the Fact-finding Commission is received, the matter will be examined again and the views which have been expressed by the hon. Members on the floor of the House will be given due weight and if, as a result of the findings of the Commission, any change

is necessary, the Government will not hesitate to come before this House to ask for alterations in the statutes as they will exist on that occasion. But, if a result of that, it is considered necessary that the procedure is to continue with such modifications, of course, of a procedural nature like strengthening the Tribunal or greater association of social workers or to give it more a social aspect rather than an official one, apart from these things which are more or less procedural, if no other fundamental change is necessary, then perhaps it will be a pressure upon the valuable time of this House if, again after three months, I have to come for extension. It is from that angle that the Government will be inclined to accept the amendment that this might continue till November, 1956. But if any change is necessary, then we will come for that alteration.

I have already taken much time. Most of the points that have been raised have been answered by some of the other hon. Members and I only want to end by saying that I have been greatly benefited by the observations which have been made and they will be examined with great care and every effort will be made to carry on this work in a truly humanitarian spirit, and the social aspect which has been stressed so much will be given increasing weight.

Mr. Deputy-Speaker: The question is—

“That the Bill to continue the Abducted Persons (Recovery and Restoration) Act, 1949, for a further period, be taken into consideration.”

The motion was adopted.

Clause 2—(Amendment of section 1 etc.)

Amendment made:

In page 1, line 10,

for “1955” substitute “1956”.

—[Sardar Iqbal Singh]

Mr. Deputy-Speaker: The other amendment of Shri Trivedi seeking to substitute August or November is barred.

[Mr. Deputy Speaker]

The question is:

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

The motion was adopted.

Clause 2, as amended was added to the Bill.

Clause 3, Clause 1, the Enacting Formula and the Title were added to the Bill.

Sardar Swaran Singh: I beg to move:

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

Shri Kamath rose.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

Shri Kamath: I must protest against this attitude. You are very fast, we cannot keep pace.

Mr. Deputy-Speaker: The hon. Member is faster than myself. He will have ample opportunity on the Companies Bill.

Shri S. S. More: That does not mean that he cannot speak on this Bill.

Shri Kamath: I cannot speak on Companies Bill in this connection.

Mr. Deputy-Speaker: It is not as if every hon. Member should speak on every subject.

Shri Kamath: I was going to speak on entirely different points, the administrative set-up.

Mr. Deputy-Speaker: The hon. Member appeared only at the fag end of the discussion. Some hon. Members do not take interest. I know the name of every hon. Member who was sitting here and rose or sent chits. I called 12 hon. Members. The hon. Member comes in like a lightning at the end, and wants to speak.

Shri Kamath: I did not send a chit, but I rose thrice.

Mr. Deputy-Speaker: I am going to next item.

Shri Kamath: Most unfair, most unfair.

Mr. Deputy-Speaker: It can never be said about me.

Shri Kamath: On this occasion, you have been very unfair. I am walking out.

COMPANIES BILL—contd.

Mr. Deputy-Speaker: The House will now take up clause by clause consideration of the Companies Bill

The first group consists of clauses 1 to 80 and 9 hours have been allotted for it. As usual, clause 1 will be held over until all the clauses and schedules of the Bill have been disposed of. Hon. Members who wish to move their amendments to these clauses will kindly hand over the numbers of their amendments, specifying the clauses to which they relate, to the Secretary at the Table within 15 minutes and they will be treated as having been moved subject to their being otherwise admissible.

Shri K. K. Basu (Diamond Harbour): Are all the amendments to these clauses taken as moved.

Mr. Deputy-Speaker: Whosoever is not here, his amendments will not be treated as moved. I do not treat every amendment that is tabled as moved. Those hon. Members who are present need not all move their amendments. The normal procedure is that I ask every hon. Member to get up, then ask "Do you move this amendment?" He might say, "No, Sir; I will move some other amendment", and so on and so forth. So, in order to avoid waste of time, I am asking hon. Members who are present to send chits giving the numbers of the amendments which they would like to move. 15 minutes have been given for this purpose. I will treat those amendments as moved and I will also read out the numbers of the amendments taken as moved. In the meanwhile, discussion may go on. I will not treat as moved the amendments of those hon. Members who are not present. Others who are present should send chits to the Table. This is for the purpose of saving time.

Shri S. S. More (Sholapur): Does It