

does not really materially affect the amendment. I do hope the House will agree to the amendment.

Mr. Deputy-Speaker: The question is:

That the following amendment made by the Council of States in the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration:

"That in clause 7 of the Bill at the end of clause (a) of the proposed section 132A of the principal Act, the words 'so operating' shall be added."

The motion was adopted.

1 P.M.

Shri T. T. Krishnamachari: I beg to move:

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

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

The House then adjourned till Half Past Three of the Clock

The House reassembled at Half Past Three of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

ADMINISTRATION OF EVACUEE
PROPERTY (AMENDMENT) BILL

The Minister of Rehabilitation (Shri A. P. Jain): I beg to move:

"That the Bill further to amend the Administration of Evacuee Property Act, 1950, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Lala Achint Ram, Shrimati Subhadra Joshi, Shri Jagannathrao Krishnarao Bhoonsle, Shri Narendra P. Nathwani, Shri H. C. Heda, Shri Nemi Chandra Kasliwal, Shri Ram Pratap Garg Pandit Chatur Narain Malviya, Shri Jwala Prasad, Giani Gurmukh Singh Musafir, Shri Syed Mohammed Ahmad Kazmi, Col.

B. H. Zaidi, Shri Digambar Singh, Shri Mulchand Dube, Shri Kanhaiya Lal Balmiki, Shri Syed Ahmed, Pandit Lakshmi Kanta Maitra, Shri Basanta Kumar Das, Pandit Thakur Das Bhargava, Shri Radha Charan Sharma, Chaudhri Hyder Husein, Shri Rohini Kumar Chaudhuri, Shrimati Sucheta Kripalani, Shri V. P. Nayar, Shri Vishnu Ghanashyam Deshpande, Shri Bhawani Singh, Dr. Manik Chand Jatavvir, Shri Avadheshwar Prasad Sinha, Shri P. N. Rajabhoj and the Mover with instructions to report by the last day of the first week of the next session."

Mr. Deputy-Speaker: I may not be available.

Shri A. P. Jain: Well, then, Sir, somebody will deputise for you.

Mr. Deputy-Speaker: If my name is there, I have to preside. Therefore, my name may be removed. I will appoint some other Member as the Chairman.

Shri A. P. Jain: Will, I drop your name.

In moving this motion, I know that I am treading on somewhat tender ground. Evacuee property law has been one of the controversial subjects in this House. On the one hand, it has been represented that this law has been invented as a sort of steamroller to crush a certain section of the community; on the other hand, accusations have been made that evacuee property has been thrown away recklessly. They have described the Minister as a great Moghul who throws away the evacuee property according to his whims and according to his caprices. I submit that both these charges are completely unfounded.

I will refer to two statements that were made by two hon. Members of this House, senior Members for whom I have great regard, during the general discussion on the Budget. One statement was made by my friend Sardar Hukam Singh and another by Dr. Syama Prasad Mookerjee.

Sardar Hukam Singh (Kapurthala-Bhatinda): Am I a senior Member?

Shri A. P. Jain: Sardar Hukam Singh stated:

"A large number of Muslims have returned and their property has been restored to them. In Bombay, Delhi and U.P. alone.

[Shri A. P. Jain]

it was estimated that property worth Rs. 500 crores would be available for this pool, and now what do we find? After these Chatriwalas' and 'Japanwalas' have got their properties restored to them. It is estimated that the pool would only be of the value of Rs. 50 crores, or at the most of Rs. 70 crores. If the Government has behaved that way and the refugees have been thinking all the time that the pool would be available only to them, and that it might be distributed as soon as possible, may I ask whether the refugees are not justified in saying: Let that pool alone?"

Dr. Syama Prasad Mookerjee—unfortunately, he is not present in the House—made almost a similar statement, perhaps a little more guarded. He said:

"That total value has come down from five or six hundred crores of rupees to 75 or 100 crores of rupees. Of course, we have not got the exact figures, but what an astonishing diminution that we have ourselves agreed to suffer because we wanted to placate a section of the Muslims who have decided to leave India and go away to Pakistan."

During the course of my reply to a question put in this House as to what were the properties that had been restored to the Muslims under the provisions of Evacuee Property Act, I said on the 16th July, 1952, that all these properties had been returned under well-defined policy decisions. I categorised those policy decisions. The first important decision which the Government had taken was that properties be restored to persons who had been declared evacuees, but who had, in fact, never left India.

Under this decision properties were restored to Meos of Matsya and Gurgaon, to the Muslims of Ambala and Gurgaon districts in the Punjab, and about 42 persons to whom individual certificates for restoration were issued—it was learnt after inquiry that though they were declared as evacuees, they had not left India. That is one category of persons.

The second category of persons to whom property has been restored were the Muslims who had migrated

from Uttar Pradesh during the period February to May 1950. In their cases the Government of India agreed to restoration and resettlement after the Nehru-Liaquat Pact of April 1950. The number of persons who come under this agreement was 23,991.

The third category consisted of persons whose cases are governed by notification No. SRO 260 dated the 3rd July 1950 issued by the Government of India exempting certain classes of persons from being treated as evacuees under section 2 (d) (i) of Act XXXI of 1950. There were four such cases of restoration. Besides, in three cases relating to the foreigners restoration of properties had been made.

The House is well aware that a number of Ordinances and Acts have been passed which relate to evacuee property, during the last five years. Earlier, these were all State laws. In 1949 a model Bill was circulated among the States, to which the State laws more or less conformed. Later on, Ordinance No. 27 of 1949 was issued, which was applicable to the whole of India and that Ordinance was later on converted into the Administration of Evacuee Property Act in April 1950. Now the definitions of the evacuee property in all these Ordinances and laws have varied from State to State. In fact, in the earlier stages, the term 'evacuee property' bore a different connotation than what it does today. It was because those Ordinances and enactments were measures which were provided for the protection of the properties of the evacuees. The properties could be restored to them in the earlier stages merely for the asking. It was later on in response to or rather on account of the reactions of the policy followed by Pakistan, that certain restrictions were placed on restoration, and instead of being something that was beneficial, it became something that was restrictive for the rights of the evacuees.

For the enlightenment of the hon. Members of this House, I shall refer to certain definitions which have found place in the various Ordinances and enactments.

The first law that was passed was the East Punjab Administration of Evacuee Property Ordinance of 1949. In that Ordinance "evacuee" meant "any person displaced from his usual place of habitation". The same definition was there in the East Punjab

Administration of Evacuee Property Act (Act XIV of 1947). In that Act "an evacuee" was defined "as a person ordinarily resident in or owning property.....or sharing business with in the territories comprised in the province of East Punjab.....and who on account of civil disturbances or of fear of such disturbances or the partition of the country, cannot personally.....supervise his property or business.....or enforce his rights". I have left out some portions which are not relevant to the present discussion and which occur in the middle of the two paragraphs that I have read out. It will be seen that under this definition, in Punjab a person could be declared an evacuee if he left his ordinary place of residence and migrated either to another *mohalla* or another quarter of the same town or to another town and not outside the State of East Punjab.

Similarly, in Uttar Pradesh according to the first Ordinance issued in 1947, an evacuee means a person whose place of residence is in the United Provinces, and who has departed therefrom on account of communal disturbances and any class of person whom the provincial government or an officer authorised in that behalf by the provincial government may declare to be an evacuee. Under this definition a person who had not migrated from India but who had migrated from Uttar Pradesh to another State could be declared an evacuee. The same definition was more or less repeated in the enactment that followed, namely the Uttar Pradesh Act No. X of 1948. There also the evacuee was defined exactly in the same manner as in the Ordinance.

In Bombay also the same thing happened. In the first Act passed in Bombay in 1949 an evacuee was defined as a person who leaves or has since the 15th August 1947 left the said territories for any place outside that province. Under that definition, any person owning property in Bombay who could not supervise that property could be declared an evacuee. It will thus be seen that at one stage, persons, who had not migrated to Pakistan or who had not received any allotment of evacuee or abandoned property in Pakistan could be declared as evacuees.

When the Administration of Evacuee Property Act was passed in 1950, and

things became more crystallised, a rational definition was attached to the term "evacuee" which meant a person who migrated to Pakistan on account of disturbances or fear of disturbances or on account of the setting up of the two dominions, or a person who was resident in Pakistan but who could not make adequate provision or arrangements for the supervision of his property, or a person who under certain circumstances had received an allotment of abandoned or evacuee property. It became abundantly clear that many properties which had under law been declared as evacuee property and which continued to vest in the Custodian should no longer be treated as evacuee properties.

I do not believe that there is any hon. Member in this House, whether sitting on that or this side, who would say that although a person may not have left India for Pakistan, yet on account of certain definitions—technical definitions—contained in the earlier Act enacted under quite different circumstances, should be treated as an evacuee, although the whole conception of "evacuee" has now changed.

Now I want to give the House an idea as to how much property has been released under each of these categories, namely, where a person did not migrate to Pakistan but his property was declared evacuee property under certain definitions laid down in the earlier legislation. In the district of Gurgaon restored 37,137 acres of land. In Alwar 4,360 persons—how many families they constitute, I cannot say—were restored 70,802 acres of land, in Bharatpur 46,942 persons were restored 76,020 acres of land. Besides these 280 families in Ambala were restored 15,605 acres of land and 111 families of Muslims who were not Meos were restored 12,979 acres of land. Altogether these classes were restored 2,12,544 acres of land as against nearly 55 or 60 lakhs acres of land which became evacuee property.

Now, in 42 individual cases of persons who had not migrated to Pakistan but had remained in India and whose properties were restored, the total value of the properties—I am giving a rough estimate prepared by the Custodian, but it would not be

[Shri A. P. Jain]

far too wrong—was Rs. 18,82,420. Then, under the Prime Ministers' Agreement.....

Sardar Hukam Singh: Could the hon. Minister repeat this last figure?

Shri A. P. Jain: In these 42 cases, property worth approximately Rs. 18,82,000 was restored. Then comes the Prime Ministers' Agreement. According to that Agreement, nearly 24,000 persons who had migrated to Pakistan between February and May 1950 returned to India. 461 applications for restoration were received up to 28th June 1952. Out of these applications, properties have been restored to 287 up to that date and the approximate value of those properties is Rs. 2,50,000.

Now, in the third category are the persons who are covered by the July 1950 notification. It comprises two categories of persons; those who had migrated to Pakistan and had returned to India before the introduction of the permit system and those who had migrated to Pakistan and had returned under a permanent resettlement permit upto, I believe, 18th October 1949—subject to correction. Now in this category properties have been restored to four persons, Mr. Mohammed Din Chatriwalla and three others. Why we took action under section 16 was due to the reason that the Custodian General had ruled that the notification was not applicable retrospectively, that is, if the property had been taken under any law which had preceded the law now in force but otherwise satisfied the conditions laid down in the notification, it could not be restored. Now the total value of these properties is estimated to be about Rs. 34,23,000 and the last category consists of four cases in which Government has exercised power in its discretion which does not come under any well defined principle, but there were good reasons for restoration. Out of these four cases, three were the cases relating to foreigners, that is, Iranis and others, and I think there need hardly be any objection to that. The fourth person who was an Indian and who had migrated to

Pakistan, I understand, has again migrated to Pakistan and that property has become evacuee property.

I have gone into these details because exaggerated allegations have been made in this House and a number of papers, who are interested in giving a false picture have commented on them in a highly reckless manner. When Sardar Hukam Singh and Dr. Syama Prasad Mookerjee made those allegations, I submit, highly exaggerated allegations, I was not in a position to give full details. But I take this opportunity to make it clear that whenever Government has acted under section 16 and restored property, it has acted under well accepted principles, principles either accepted by this House expressly or principles which can be inferred from the legislation or other resolutions or opinion expressed by this House. And I daresay that there has not been a single case in which I have to offer any apology. I think all that we did was done fairly and justly.

4 P. M.

Before I come to the specific provisions of this Bill, I want to make the policy of the Government clear. We have laid down the definition of an evacuee in the 1950 Act and we accept that definition. The property of any person who comes under the mischief of that law is taken over by the Custodian. But there are odd cases—and category of cases—in which properties were taken under various Ordinances and various laws prevailing in different parts of the country creating confusion, and the definitions under the changed conditions do not hold good. Some of those properties have been restored; others which have not been restored, may be restored in future. It is also the policy of Government that while the property of those who have migrated to Pakistan, or who have got allotments or who have purchased or exchanged properties with evacuee or abandoned properties in Pakistan, will become evacuee properties, at the same time this law is not meant to operate against any section of people who are living in India, and if any provision of this law is found to operate against any section of our people we must amend

it. In making proposals in this Bill we have taken care that while the evacuee pool does not suffer, at the same time if any provision of this Bill acts or discriminates against any citizen of this country, whatever may be his caste or creed or religion, then such provision needs modification.

The last Act, as I said, was passed in April, 1950. During these two years and few months we have found that the whole atmosphere in the country has changed. At that time there were quite a number of persons who were thinking of migrating or who had migrated to Pakistan. Today as a result of the secular policy that we have been following, as a result of the peace and tranquillity that we have been able to establish in this country, all sections of the people, whatever may be their religion or caste or creed, are feeling more and more secure and, whatever may have been the rationale for enacting certain provisions at that time, in certain cases that rationale has disappeared. I have not got full figures of persons who have permanently migrated to Pakistan. In fact, I have good reason to say that Pakistan is strict these days and the Pakistan authorities do not permit the migration of whole families to Pakistan. They do not issue permanent settlement permits to Indian nationals who want to migrate to Pakistan as a family unit. There may be cases in which the wives or children were left over here and they issue permits for them to reunite. There might be stray cases where they might have granted permanent settlement permits but the policy of Pakistan today is that they do not want whole family units of Indian nationals to migrate to Pakistan under their permanent permit system. Therefore, broadly speaking, the only way in which an Indian national, if he wants to migrate to Pakistan is through what we call illegal traffic, through Barmer and Khokhrapar. I have collected the figures—and our figures are fairly accurate—of persons who have migrated through Barmer to Pakistan. After the conclusion of the Nehru-Liaquat Pact in April, 1950, during the nine months beginning from 1st April to end of December, if 1000 persons migrated per day during the year 1951, 330 migrated, and during the first six months of 1952, 150 migrated to Pakistan. A certain amount of movement always takes place between neighbouring countries and I dare say that the reduction in the number of persons who are perma-

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nently migrating to Pakistan by itself shows that we have been able to instil an amount of confidence in the minorities for which India should rightly be proud of. It, at the same time, shows that normal conditions are being restored. It also shows that some of the rigidities of law which had to be introduced on account of certain prevailing conditions in April, 1950, have lost much of their force and there is a case for modification.

In suggesting these amendments we have placed three principal view points before us. Firstly, where the existing law works hardship upon any section of our people, we have tried, or rather we have mitigated the rigour of the provision—either altogether repealed or modified it. Secondly, certain provisions of the Administration of Evacuee Property Act have not permitted the displaced persons to take full advantage of evacuee property and wherever necessary we have suggested an amendment of the law. Thirdly, it was felt that administratively there were certain defects and we have made suggestions to remove those defects.

Now I will take the provisions of the Bill one by one. The two most important provisions of the Bill are, firstly, the deletion of Chapter IV relating to intending evacuees, and, secondly, the modification of existing section 40 which relates to confirmation. In order to understand the full significance of our proposal to delete Chapter IV, namely the provisions relating to intending evacuees, let us understand what an intending evacuee means. That expression has been defined in section 2(e). It means a person against whom an intention to settle in Pakistan is established from his conduct or from documentary evidence. But certain acts have been defined in that clause which raise a presumption that a man is an intending evacuee. Firstly, an "intending evacuee" is a person who transfers to Pakistan his assets or any part of the assets from India. There are two exceptions to that: Any transference of money for the maintenance of his family in Pakistan or in the due course of business. These two categories are exempted under this provision. Now, the second provision is if a person has acquired by way of purchase or exchange, in certain circumstances, either through himself or through one of his relatives any right to, interest in or benefit from any property which is treated as evacuee or abandoned property in

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Pakistan, and if he has executed any document, whether registered or not registered, exchanging his property here with any property situated in Pakistan. These are the categories of persons who can be declared as intending evacuees, but in order that a person may be so declared, one or more of the acts mentioned above must have been committed before the 18th October, 1949. It should be clearly understood that if he commits any of these acts after the 18th October 1949, he does not become an intending evacuee but an evacuee.

So far as the provisions which affect persons who have committed one or more of these acts after the 18th October 1949 are concerned, by which they become evacuees, the original provisions are maintained intact, but in so far as persons who by virtue of committing any of these acts during the period 14th August 1947 to 18th October 1949 become intending evacuees are concerned, we propose to delete those provisions. In other words, no person shall hereafter be declared an intending evacuee, although he might have committed any one or more of those acts between the 14th of August 1947 and 18th October 1949. I suggest that there is a perfectly good and legitimate reason for making this provision. Since the 18th October 1949, nearly three years have expired, or by the time this Bill becomes law three years would have expired. If by committing any such act a presumption arose against a person that he was intending to migrate to Pakistan, then that presumption would be substantially rebutted by his continuously living in India for three years. After all, we have to consider the disabilities imposed upon intending evacuees. An intending evacuee cannot transfer his property in any manner whatsoever without the permission of the Custodian. He has to keep the accounts in the particular manner that the Custodian prescribes. He is also under an obligation to allow access to his accounts to the Custodian and he has to obey any other reasonable instruction issued by the Custodian with regard to his property. The property of an intending evacuee does not vest in the Custodian, but certain disabilities are placed upon an intending evacuee. I submit that those disabilities not only operate against our own citizens who no doubt may have wanted to migrate at one time but who today do not want to migrate from India and who have given ample proof of their intention to stay but impose restrictions

and limitations on the use of their property by citizens in regard to their trade, business, industry and other economic activities. The conditions have changed and any person who will hereafter be declared as an intending evacuee would have resided in India at least for three years after committing the act which imposed upon him the penalty of being declared an intending evacuee. For these two reasons, I submit that the time has come today when this provision regarding intending evacuees should not find a place on our statute book. It does good to nobody. It does not add anything to the evacuee property pool. At the same time, it does a lot of harm to one section of our people. In fact, I have been of late receiving a large number of representations and come across a number of heart-rending cases in which some Muslim citizen of India wanted to sell his property but people were afraid to buy it or at any rate were not willing to pay the full price for it because they thought that that citizen may be declared an intending evacuee or because the transaction may not be confirmed under section 40.

I have taken care to consult different sections of the people before making these suggestions regarding intending evacuees and also regarding the modification of section 40. I have also consulted some of the refugee associations, and some of the refugees have met me in their individual capacity. A number of deputations of Muslims have also seen me, and I feel that the difficulty is a genuine one. The Chief Minister of Saurashtra wrote to the Prime Minister that there was a certain Muslim in that State who wanted to sell his house to maintain his cattle because there was scarcity of fodder but no purchaser was forthcoming because nobody was sure whether that Muslim would not subsequently be declared an intending evacuee and the sale may not be confirmed. There was the case of a nationalist Muslim—a person as much devoted to the motherland as any hon. Member here—who even refused to attend the marriage of his relatives in Pakistan, who wanted to mortgage but found difficulty in doing it. That state of things, I submit, is not good. Therefore, the next important change that we have suggested in the Bill is with regard to section 40 of the present Act. That section says that if any person, who subsequently becomes an evacuee, had transferred any of his properties after the 14th August 1947, no title to that property

will vest with the buyer unless the sale has been confirmed by the Custodian and certain time-limits have been prescribed, viz. an application for confirmation must be made within two months after the transaction has been entered into, or within two months after the person has become evacuee. If the Custodian finds that it was a transaction entered into in good faith and for valuable consideration, he confirms it. If he finds that the transaction was entered into with a view to migrate to Pakistan, to cash the immovable property and take the money to Pakistan, he does not confirm it. If he finds that the transaction was prohibited by law, he does not confirm it. Similarly, if he finds any other good reason for not confirming that transaction, he does not do so.

I want to give some statistics regarding the cases which have come under this section 40. Excepting a few States like Ajmer, Bilaspur and Coorg from whom I have not got the figures—and this does not make any substantial difference—in the rest of the States of India confirmation has been accorded in 5,254 cases and it has been refused in 2,438 cases. (*Shri Gadgil*: The value of the property?) I have not got the value of the property accurately, but in the cases in which the transactions have been confirmed the value of the property is less than Rs. four crores.

Now, the changes which we propose to make in section 40 may be summed up as follows:

Any person who wants to transfer his property may go to the Custodian and explain to him his needs. He may need money for investment in his business; he may need money for the marriage of his daughter; he may need money for the payment of his debt; he may need money for his genuine needs in India and if the Custodian gives him the permission, the transaction becomes good. It will never be challenged.

If the person has continued to remain in India for two years after entering into a transaction, it will not be challenged. If he migrates to Pakistan, or if he otherwise becomes an evacuee within two years of entering into a transaction, that transaction can be challenged. I think a residence of two years in India should disprove any connection between the present transaction and his migration to Pakistan. Even under the present law if a transaction is a *bona fide* one and for full consideration, it will be confirmed. But none the less the word of Damocles goes on hanging

over the man's head indefinitely. He may migrate after ten years; he may migrate after five years. We think that the limit which we propose is reasonable, that is if he has continued to reside in India after entering into a transaction for two years, well and good and the transactions will not be challenged. If he migrates within two years then of course things will have to be looked into—whether it was a *bona fide* transaction and for valuable consideration or not. Then, it will be confirmed or rejected as the Custodian finds.

The third exception which we propose to make is this: that any transaction of a value of less than Rs. 5,000 once a year may need no confirmation. While we do not want that any Indian capital should migrate to Pakistan, yet we do not want to cause any hardship to the poorer class of people. A person once in a year can transfer property upto the value of Rs. 5,000. He cannot make a second transfer. If he makes a second transfer, his first transfer also becomes liable to cancellation. This, I think, will give complete protection to almost 95 per cent. and perhaps more of our citizens.

Then, Sir, wherever we find that a transaction is not a *bona fide*, but according to the judgment of the Custodian, some valuable consideration has passed, that valuable consideration is registered as a simple debt due to the purchaser. I might explain it a little more clearly. A transfers a property to B. A becomes an evacuee subsequently and this transaction is not approved. The transaction is not approved. The Custodian finds that a sum of Rs. 5,000 has passed in that transaction. It is open to the purchaser to have it registered as a simple debt. Now we have provided that in respect of such transactions where it is found that the transaction was entered into *bona fide*, but the consideration paid was not adequate, or where the application was barred by time, but it is found that the transaction was *bona fide*, but was not for full consideration, the Custodian will apply the provisions of the Separation of Evacuee and Non-evacuee Interest's Act which are reproduced here. That is he will divide the property into two parts: one which will represent the valuable consideration which has passed and the other the portion in respect of which no consideration has passed. The portion in respect of which no consideration has passed will vest in the Custodian. He will act in one of the four manners:

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namely the Custodian will divide the property, that he will sell the property and distribute the sale proceeds; or he will take the value of his share and pass on the entire property to the other party, or retain the whole property and pay the value of the other man's property. All those provisions have been applied here in respect of the transaction that has already taken place. We have also made section 41 much clearer.

Mr. Deputy-Speaker: This Bill is going to the Select Committee. I am only suggesting to the hon. Minister that he need mention only the major points. He has already taken an hour.

Shri A. P. Jain: Section 41 is a clarification and it removes some of the drafting defects which existed in the existing section 41.

Mr. Deputy-Speaker: The hon. Minister need mention only the main points of the principle.

Shri A. P. Jain: In clause 4 of the Bill the Central Government is taking to itself the power to appoint a Custodian. The present position is somewhat anomalous. While the Central Government is responsible to this House for the administration of evacuee property law, the Custodians in the States are appointed by the States. In certain cases we found that difficulties arise. We wanted a particular type of officer. We could not get that type of officer. The authority that appoints the officer should be the authority responsible for the administration of the law. Therefore, we have suggested amendments in clause 4 so that henceforth the power to appoint Custodians in the States should vest in the Central Government and not in the State Governments. The amendment in clause 5 is not very important. It does not change the provision of the present law. It is only a drafting readjustment.

Clauses 6 and 7 relate to certain difficulties which arose in the administration of the law which caused hardship to the refugees. Under the present law any lease which had been entered into before the 14th August 1947 cannot be annulled by the Custodian. Many cases occurred in which a sitting tenant, who of course, was in occupation before the 14th August 1947 has sublet into a third person or is not using it for the purpose for which it was let out. The refugee is deprived of the proper-

ty while the other man is not using it for his own purposes. We have suggested that the Custodian have the power in such cases to oust the tenants.

Clause 7 gives the Custodian the power to attorn a tenant to whom he has let out the tenancy rights in a property, and all the terms and conditions of the lease will be binding on the non-evacuee owner. The amendment to clause 16 clearly codifies the position which we took up during the several discussions that took place with regard to the Chatrivala's case. The contention of the Custodian General was that the Government certificate was only an enabling certificate; it was not binding upon him and it was open to him either to honour or not honour it while we considered it to be final.

Clause 9 relates to occupancy rights. It has been made clear that the occupancy rights shall not be defeated by any device. A person who migrates to Pakistan shall not be allowed to abandon occupancy rights by entering into an arrangement with his landlord and thus defeat the purposes of the law.

The last important amendment is with respect to section 52. As I mentioned the Custodian General was of the opinion that notification under section 52 could only be prospective and not retrospective, that is, it could not apply to properties which have been taken over by the Custodian under any law which was in force prior to the Act of 1950. It has been made clear that the notification may apply to the past transactions as well. We have limited the exercise of this power in respect of any class of persons or class of property and not in cases of individuals, because wherever a case with respect to individuals arises, that will come under section 16. There was a certain amount of duplication, and I thought that it must be removed. We must be clear in our mind in what cases we have to exercise power, under section 52 and in what cases under section 16.

These are the important provisions for the consideration of the Select Committee. I, therefore, commend this motion for the acceptance of the House.

Kumari Annie Mascarene (Tiruvandrum): May I know the standard of assessing the value of property?

Shri A. P. Jain: So far as possible, the market value.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Administration of Evacuee property Act, 1950 be referred to a Select Committee consisting of Lala Achint Ram, Shrimati Subhadra Joshi, Shri Jagannathrao Krishnarao Bhonsle, Shri Narendra P. Nathwani, Shri H. C. Heda, Shri Nemi Chandra Kasiwal, Shri Ram Pratap Garg, Pandit Chatur Narain Malviya, Shri Jwala Prasad, Giani Gurmukh Singh Musafir, Shri Syed Mohammad Ahmad Kazmi, Col. B. H. Zaidi, Shri Digambar Singh, Shri Mulchand Dube, Shri Kanhaiya Lal Balmiki, Shri Syed Ahmad, Pandit Lakshmi Kanta Maitra, Shri Basanta Kumar Das, Pandit Thakur Das Bhargava, Shri Radha Charan Sharma, Chaudhri Hyder Husein, Shri Rohini Kumar Chaudhuri, Shrimati Sucheta Kripalani, Shri V. P. Nayar, Shri Vishnu Ghanashyam Deshpande, Shri Bhawani Singh, Dr. Manik Chand Jatav-vir, Shri Avadheshwar Prasad Sinha, Shri P. N. Rajabhoj and the Mover with instructions to report by the last day of the first week of the next session."

There is an amendment in the name of Sardar Hukam Singh. Is he also a member of the Select Committee?

Sardar Hukam Singh: No. I am not, Sir. I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1952."

We have just now had a very clear exposition of the evacuee law by the hon. Minister for whom I have got very great respect. He made certain personal references also about me and Dr. Mookerjee. He was of the opinion that we have made certain exaggerated statements. He tried to say that very little property has been allowed to escape and the pool had not suffered at all. It is possible because we, who sit on this side, have no access to the Government records, our sources are certainly either from newspapers or from hearsay evidence, there may be occasions when we might make mistakes. I cannot deny that the statement might be exaggerated. I can assure the hon. Minister and the House also that there was never any intention on my part to put forward an exaggerated statement, if I knew

the facts were otherwise. I was waiting all along whether the hon. Minister could tell us what that evacuee pool is just now because it was attributed to me and rightly too, I had stated that the pool had been reduced to about something between Rs. 50 and 70 crores, as was read out by the hon. Minister. At one time it was given out that this evacuee property would bring us about Rs. 350 crores and we were living in the hope that probably these refugees—poor victims of this partition—would at least get something like eight annas in the rupee. Now, we are told, be it by the newspapers or other persons, and if it is wrong I might be corrected by better information given to us by the hon. Minister, that there was a possibility of our getting something more, that the pool had been reduced to 50 crores or 70 crores. If we are told there are 200 or even 150 crores, being the value of the property that had been left behind, though it may be only an approximate value, there would be no need for anxiety or concern over this matter. But, that has not been done.

This question of evacuee property and the compensation that they have to get are very intimately connected with the fate of the refugees. The very word 'compensation' is perhaps offensive to some of the spokesmen of Government. Now it has been modified into 'recompense'. Whatever it might be, I cannot claim that I am well versed in that language and even if I use the word 'compensation' and offend some spokesmen of the Government. I hope I would be excused because I have no intention to offend anybody. It has to be seen that the refugees have been looking forward to the time when this evacuee property law, that was there on the statute book, would be worked out in such a manner that whereas, on the one hand, honest Muslim would be threatened and be obliged to leave this country or be deprived of the benefits of this property, attempts would be made honestly and scrupulously to bring in all properties that really belong to those persons who had no intention of living here, who had either left this country altogether or who had sent away their families, their wives and children, and who had taken advantage of the allotment of properties there. Nay, more. Many of them were carrying on business in that country, and had spent large sums of money to finance their businesses. We thought that perhaps those persons would be brought within the clutches of the present law that we have got and that this pool would

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mean something upon which all the refugees had been laying their hopes.

But, we find to our utter regret that that has not been done. The law has not been worked with that intention. The policy of our Government has been from the very start, since the date the Partition took place, to bring back all those that had left and give them their property. We have no objection to that. The refugees do not want that any Muslim should be molested. Those who want to live here as loyal citizens of India have as much right, rather better rights—I have no grudge against them even if they get better rights—to live peacefully and enjoy their properties and deal with them as they like. But, what happens in Pakistan must have repercussions here, and if there is a gulf between the way in which the refugee thinks that this law should be worked, and the lofty ideals which the Government spokesmen entertain within their minds, it is only natural that some concessions should be made to the refugees in view of the state of affairs through which these poor victims have been passing. Whereas from the very start the Pakistan Government had taken up the attitude that they must squeeze out every Hindu and Sikh from their territory—this should be an eye-opener to the Bengalees as well that they have to undergo the same fate—whereas from the very start the Pakistan Government have been working with the intention that every Hindu and Sikh should be turned out and their whole property grabbed and no opportunity given to him to come back and enjoy any part of it, we have been working on the lines that normal conditions should return, that the properties should go to the rightful owners, and that all the rents and benefits and income accruing from those properties should be enjoyed by the owners who, unfortunately, left this country on account of circumstances brought about by reasons that were beyond our control.

It is creditable that our spokesmen tried their best to come to terms with the Pakistan Government and several conferences, perhaps six, were held with the Pakistan authorities that they might be persuaded to enter into some agreement whereby something could be got out of it. But, it is regrettable that the sixth Conference which was held on 25th June 1949 at Karachi should end in a fiasco. Our great politician Mr. Gopalswami Ayyangar came away frustrated because the

Pakistan authorities refused to have a talk on a Government-to-Government basis. When he had exhausted all his resources, all his diplomacy, and whatever he had in him as an experienced administrator, then, perhaps, he decided to look into the affairs of the evacuee property law that was prevailing in our own country. Immediately after that, he convened a meeting of the refugee representatives and about the 21st or 22nd July 1949, some of the spokesmen of the Government and a few refugees met here and considered the question whether something could be done for these refugees who have been crying for such a long period, and whether anything could be given to them. I may just for a few moments talk of compensation and evacuee property together because they are interlinked, and I shall come to the Bill, shortly. At that time, Mr. Gopalswami Ayyangar made it clear that compensation would be given. Nobody doubted that that was the due of the refugees and he also pointed out the sources: the evacuee property left by the Muslims, any amount that we could get from Pakistan and a handsome contribution by the Government itself which would not dissatisfy the refugees. These three sources were counted upon at that time by Mr. Gopalswami Ayyangar. Of course, subsequently, the Prime Minister made it clear that even this word was not proper, and that compensation could not be given unless it was an amount that could accrue from evacuee property or anything that we might get from the Pakistan Government. So far as the Pakistan Government is concerned, that is a buried matter now, I suppose. Another brochure.....

Pandit A. R. Shastri (Azamgarh Distt.—East *cum* Ballia Distt.—West): Must not be buried.

Sardar Hukam Singh: The Government itself says that the Pakistan Government has confiscated all properties. It is no use carrying on now this imaginary ownership when even the rents are not received and the owner is not entitled to get any benefit out of it.

After those conferences, we have heard nothing—no talk, no conference, nothing of the sort, because Pakistan thinks that is a closed chapter now, and our Government also came to the conclusion that this matter was closed unless they thought it best to resort to war which they were not prepar-

ed to do in any circumstances because that would create problems instead of solving them, and they could not get anything from Pakistan. Therefore, the only source left was this evacuee property and the refugee naturally was looking to it and is very much concerned whether this pool gets itself reduced in any way, whether any legislation that is passed, any amendment that is made, affects that pool which is the only hope on which he lives. That conference in July, 1949, decided to appoint a Law Committee so that some draft may be prepared which could become the law. As has been explained by our hon. Minister, previously there was no Central law. The States had promulgated Ordinances on that subject, but there was no Central law which governed the whole of the territory, and from what we learn, a draft was prepared. It got the approval of the Cabinet, even the Prime Minister signed it. I am told—if I am wrong I stand corrected—and it was going to be sent for publication. It had reached the Law Department with directions that it should be published as an Ordinance the next day, but some influence intervened. The whole thing was changed overnight, and the Ordinance that came out was much more liberal than even those laws that were working in the States. Natural consequences followed. There was a great flow of money and many evasions of law, and many properties were sold in consequence of it. Under that law, I can only say that even the builders of Pakistan had been receiving large amounts from our country. A great drain had been going on in those days, and in the *Tribune* of December 8, 1949, it was reported that a sum of Rs. 85,000/- had been paid to Mr. Liaquat Ali Khan alone, besides other amounts paid to Mr. Jinnah and others. We have no grudge against the Muslims who are living here. I have already said, and I repeat it, that I do not claim to be a better patriot than those Muslims, and even if the Minister had not repeated it, I would have confessed it. Certainly. But the result of that law was that though it was intended to plug the holes, to stop the flow that was going on, it was changed suddenly—and I have reasons to believe, because certain statements were made then, that it was done at the instance of the Jamiat-ul-Ulema. They approached the Prime Minister, they got it amended to their satisfaction, and the law was the result of what they wanted, and not what the Government wanted, or what the refugees wanted.

Now, we have been told that the Government has been holding the equilibrium, that they have been taking the unbiased view that no section of the community in the country should be effected adversely and that the property which is really evacuee property should not escape, but my charge is that from the very beginning that old policy of placating the Muslim community, of cajoling them, has been going on and is continuing even now. And what was the result? It is put down that out of 800 houses and 16 business concerns taken over under the U.P. Evacuee Property Ordinance in August, "not less than 250 houses and six business concerns have been released so far under the new Evacuee Property Ordinance recently promulgated by the Central Government and objections against others are still pending". Perhaps some releases will be made elsewhere in U.P. and other places. I have not got the figures. I have no sources to find them out. Probably all of them might be released.

I submitted a little while ago that while our law was very liberal as compared with that of Pakistan Government—I do not want to say that we should follow what Pakistan does, I do not say that, but there are limits. Reactions must be here also. We are also human beings, and I do not believe in sermonizing lofty ideals and principles every time, but I believe in looking to the interests of my country; what is best for my country, what is best for the citizens of this country—that should be the idea, that is the most lofty ideal, that is the commendable position that we can take.

Whereas there were stricter laws in Pakistan on 15th October, 1949, they passed another Ordinance specifically laying down that if one man left Pakistan, then all his relatives, be they however distant from him even remote relations of his, would lose all their property. The whole property of all his relations would become evacuee property. In that law, there was no provision as to appeal—the Custodian was not to give any notice to the evacuee that he should show cause—the onus of pointing out the property which was evacuee was on the occupier himself, and the onus of proving that it should be non-evacuee was on the claimant. It was presumed that every property was evacuee. Let the person who wants to claim prove that it is non-evacuee. In spite of all that, it was laid down that the property vested in the custodian since 1st March, 1947, that is, six months be-

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fore Partition, and if there were circumstances to show that the person was living in Pakistan and he succeeded in satisfying all the conditions—that none of his relatives had gone to India and that he was occupying that property—if he proved that, which often looked impossible, then there was the Economic Rehabilitation Ordinance of Pakistan, and the property was taken away under that Ordinance saying that it was required for the country and it could not be given to him. And our Ordinance which was subsequently replaced by the present Act—this first Central Ordinance passed on 18th October, 1949, as I have suggested already, at the instance and with the consent and appreciation of the Jamiat-ul-Ulema—laid down that the Custodian would give notice, that full opportunity to defend would be given to the person against whom notice had been given, that it would be on the Custodian to prove that it was evacuee property, and because the Custodian had no sources to prove that—he had no independent evidence, he could not produce witnesses—therefore, large properties, crores worth, were restored on a mere statement of those claimants. We had no option but to release those properties because our law was so liberal.

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In spite of this liberal measure certain directives have been issued from time to time—perhaps I would be contradicted, but I stand on a firm footing because I consider that the information I received is a credible one. And though the cases have been cited as very few in number, that there were only 16 cases in which exemption certificates have been given, there were many cases where these properties were released. The cases of Japanwalas and Chatriwalas have been, I am told by the hon. Minister only four. This number is a little one, but there have been a few other cases where the Government has interfered. But I must say though I differed with the Custodian-General Mr. Achru Ram, on the attitude that he took—I say it publicly, and I do maintain it—and it was his attitude that prevented the Government from issuing so many certificates because he took the attitude that the Custodian-General was the person who was authorised to scrutinise and see even after the grant of the exemption certificate whether a man was entitled to restoration of property or not. The hon. Minister put it down in a pithy way that an exemption certificate gave him, the holder, only permission to

step up to the Custodian-General, he could only climb those steps and present himself before the Custodian-General. I am not discussing here the merits of those provisions, but it was a fact. Now when that section is being changed, of course it is a relief that there would be no such casualty as of Mr. Achru Ram, but really there would be many certificates now coming up because it was not left now to the Custodian-General to verify whether the claimant coming up before him really deserves the restoration of property or not, because the Custodian-General shall only have to see whether he is the rightful owner or not, and whether the title is correct or not. If he is the owner, he is not to see whether he is an evacuee or whether he has transferred his assets, or whether he has brought any property there and so on. It is not for him now, because the Central Government has taken over all those powers so that it cannot stand this inquiry and mischief by any Custodian. It was a judicial enquiry before, but now it is being taken over by the Central Government who would be the ultimate authority in the matter. Once the exemption has been given, the Custodian-General would only have to look into the title, and nothing else. If the Custodian-General finds that that person is the owner of the property for which the certificate has been given, then the Custodian-General shall have to restore the property to him.

In spite of this liberal interpretation of these directives and exemption certificates, there were cases where the Custodians had evidence before them on which they could come to the conclusion that the property was evacuee property. But my complaint is that responsible officials and high dignitaries—and there were two or three Central Ministers also—had written to the Custodian-General, and as a result large properties were released. If I do not name them, my veracity might be questioned. Therefore, I want to give further material, so that an inquiry may be made about them. The names are:

1. Hamdard Dawakhana, 2. Coronation Hotel, 3. Jai Hardwares, 4. Alama Mashruqii Press, 5. Mohammed Umar & Sons, 6. Abdul Khaliq, Druggists, 7. Mohammed Ashruf, 8. Basheera Begum, 9. Begum Jahanara, 10. Haji Mohammed Ismail.

There were several other cases also, where high placed officials and some Ministers as well felt interested. When the Custodians were just going to decide on the evidence before them

that the property was evacuee property, these people have intervened, and these people have intervened, and written letters—they did not come to the witness box and speak as witnesses, because their veracity might be questioned—and on these letters, the property has been declared as non-evacuee property.

Pandit A. R. Shastri: Please mention the names also.

Sardar Hukum Singh: That also would be disclosed if the opportunity came, but I do not think I should disclose those names just at present. At one time we are told that the pool has not been affected nor is it the intention of the Amending Bill to disturb the pool that is there. But I remind the hon. Minister that he himself once told us that this evacuee property would bring to us about Rs. 350 crores.

Shri A. P. Jain: When did I say that?

Sardar Hukum Singh: That was in one conference, and my hon. friends will corroborate me, and I could quote to him from some document as well. I would like to know now what is left of that? What is the pool now. Which would probably be distributed among those refugees? We have been told that the Government cannot contribute anything, and the hon. the Prime Minister has made it clear.

I might make a mild complaint now against my hon. friend. In a light mood the other day when the debate on Rehabilitation was going on here—perhaps jocularly or in a ridiculing manner, I could not decide which—he said that “so much is talked of refugees, but what is happening now to them? They are living, eating and producing children”. Of course, the hon. Minister has objection to that also, in that case he could bring in other measures. But that was felt by us very much. We resented it. I tell you, Sir, that I and so many others did resent it, because it was not a light subject which could be discussed this way. We are producing children and we are living as well. We are told that our condition is better than that perhaps of most of the Indians in other parts of the country. We felt that remark within ourselves. What have we done? Was it due to any thing that we had done that we meet this fate? If this socialism was to be applied and brought into force in India, was it to be tried first on these poor refugees? We thought we had a
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good place in the hearts of our brothers here. But if it is judged from the whole situation that our condition is better than that of others, then we fear that perhaps something worse also may come. We have no hesitation in sharing the woes and miseries of our brethren and we say that if this revolution is to come round, let it come, we do not mind it, we are prepared to suffer, we have suffered and we are prepared to suffer now. But to remind us that we are producing children yet or we are living in a condition which is better than most other Indians, is not just. I know, and I again repeat, that the spokesmen of the Government have got a tender heart for the refugees, but certainly all these things are to be judged by the net results that are being produced and such utterances—though the hon. Minister is very cautious in his words—do shut out all the hopes that we have got.

This is a fact that there is a large number of Muslims who keep their families in Pakistan. Their children are there. It has been permitted under the present Act that they can maintain their children there, that they can send money to continue their business and they are continuing their business and large amounts of money have been sent to Pakistan. They are carrying on their business there and they are good citizens here. They are maintaining their children there. Under the rules, a limit has been prescribed for the amount that is to be sent. But I assure you there is no check on the large amounts that are going out. Think of the position. A young Muslim might be fighting in Kashmir against us and he is being financed and money is remitted to him by his father here. A very good idea when we say that we stick to lofty principles.

Then, there is another thing. There are in Delhi alone about 3,500 houses, I am told.

Shri A. P. Jain: I might correct you. There are only 121.

Sardar Hukum Singh: I am told that there are 321. . .

Shri A. P. Jain: No, 121. Which houses, you mean in the Muslim zones?

Sardar Hukum Singh: Exactly, 3,500 according to my information, which must be wrong, I say, but I cannot believe they are 121. The Custodian is not allowed to go there. Possession has not been taken. The Jamiat is keeping possession of them and distributing as it likes. It is not

permitted that any Hindu or Sikh might go inside that. They are Muslim zones for the past five years and that is being continued up to date. 121—what right have they? Is this loyalty to India that they can keep those doors closed? Those zones are closed to everybody. Even the Custodian cannot go and take possession of them. People are lying on the streets, but these houses must be kept intact and we should wait till the right owner comes!

And now this Bill is giving facilities to them that they should come and occupy. They will come and occupy them. If this Bill is passed, I am sure our pool will be depleted. The hon. Minister thinks only of those properties which have been taken possession of and are being administered as evacuee property. I am also thinking of those properties which are still properties of the intending evacuees. There is a chance that some portion at least would be declared if the laws have been strictly adhered to. Now we are completely giving them up—all those properties. We are told today that, "we have tried them. It is a handicap to these loyal citizens. For three years we have kept these and they have given sufficient proof that they intend to stay." This argument does not appeal to me. They have sent away their wives and children, their families are living there. The law does not allow them to dispose of the property. They are here simply waiting for an opportunity to sell them away and we are giving them that opportunity. The Minister utilised that as a proof of their loyalty by assuming that because they have not alienated them for the last three years therefore they are good citizens. We have not allowed them to dispose of them. Now the Minister says that that is proof that they are good citizens, they have not disposed of them. That is queer reasoning which I could not follow. We have ourselves under the law placed this obstruction. We have prohibited them, the law did not allow them to dispose of them. Now we take it as a proof that they have not disposed of them, and this is sufficient proof of their loyalty to the country, that they mean to stay here, and why should not facilities be provided for them? This I could not understand and I do not agree with the hon. Minister that they have changed their attitude or their mental makeup. If they had done that, they would have brought back their families. They could do that if they were here. They did not do it. Their business is there, their interests are there, they have acquired properties there. We

have even allowed our public servants to continue to keep their families there and they are in our service here. I do not wish to point out any particular person and say that he might not be honest or true to this country but at least generally I can say that we cannot depend on such persons who do not find India safe for their families even after five years. And we are now coming up now with a regret: "We have dealt with you very severely and now we want that we should make amends".

Then again, I have dealt with the exemption under section 16; 'intending evacuees', that Chapter is being eliminated now. We are told that the main provision is there and we have included it under the evacuee property. The first date was 14th August 1947. Whoever transferred his assets after 14th August 1947 or acquired any property there could be declared an intending evacuee. Now we are bringing that date nearer—to 18th October 1949—and we just say that those old transfers, old acquisitions need not be taken into account because we have got proof of their good behaviour now. I wonder whether this would do us good, whether all those persons would not escape. They are not here. It is not because our State is not secular or that they find any difficulty here, but that is a new country, some of them find new opportunities there, they have their large and flourishing business there and therefore they want to leave, for their own benefit to have greater chances of acquiring more money. So the result of this amending Bill would be that they would take away all the money that they could get. They would sell away their property, remove their assets and go away. We are told that we have made this amendment, that if a transferor leaves within two years after the transfer then this can be questioned. Supposing it is questioned, who would be the sufferer? If a Muslim satisfies the Custodian and gets a certificate that he means to live here, but he wants the money for some business and sells away his property, the poor Indian who buys it will suffer. That Muslim runs away with the money to Pakistan and then we say it is open to question. Objection would be taken. The Custodian would not confirm it, but who would suffer? That Indian who has paid the money. The money might have been taken by the Muslim. The property would be taken by the Custodian who is here and what about the poor Indian who has to suffer? You would thereby add something to the pool, but at whose cost? And not at the cost of the Muslim who has

left but at the cost of the Indian who has been duped. Such cases are occurring even now. I was told of a case that has just occurred a few days ago.

Mr. Deputy-Speaker: Is an Indian refugee able to sell his house in Pakistan?

Sardar Hukam Singh: No, Sir, because as soon as the Karachi Agreement was entered into providing for exchange and sale of property, simultaneously Pakistan introduced the system of the income-tax clearance certificate. And under that system anybody that goes there to sell or exchange his property has to sacrifice something more than what he has already left there. Over and above the value of the property lying there he has to obtain money from India so that he can obtain an income-tax clearance certificate and be able just to return to India. There he has to face a large debit of income-tax and he would be detained unless he can ask his relatives here in India to send him some money whereby he can clear off the arrears and then be allowed to come back.

Now, a case has just occurred in Lucknow, perhaps, where a retired military pensioner was in need of a house. A Muslim had got a certificate that he had satisfied the Custodian of his intention to stay in India and he sold that house to that military pensioner. Subsequently, after about two months the Muslim went away. The house was taken possession of by the Custodian, the sale was not confirmed. The poor man lost his earnings which he had piled up throughout his life. That money had been taken away by that Pakistani. The Custodian took away the property and that man was left to bewail and bemoan his fate.

Pandit Thaker Das Bhargava (Gurgaon): Such cases have occurred in other parts of the country also.

Sardar Hukam Singh: My hon. friend says such cases have occurred elsewhere also.

Mr. Deputy-Speaker: Are they not liable to pay income-tax here?

Sardar Hukam Singh: No, Sir. We are a secular State and we have certain principles to which we stick.

Babu Ramnarayan Singh (Hazari-bagh, West): Lofty ideals!

Sardar Hukam Singh: In summing up, I would say that I have pointed out all these facts because this pro-

perty is the only property from which compensation or recompense is to be given to these refugees. It has been made clear by the hon. Minister as well as by the Prime Minister that nothing can be paid out of Government funds. Therefore, the refugees feel nervous whenever any Bill is brought here concerning the evacuee property. Government might listen to them or not, that is a different thing. They might care for their views or not, that also is quite a separate issue. But they are at least entitled to this much courtesy, that they should be consulted. The hon. Minister has told us that he has consulted refugee associations. So far as the All-India Refugee Association here is concerned they telephoned to me that they have not been consulted. I know of one or two other associations also who have conveyed the same message to me. The hon. Minister has also told us that he has consulted certain individual refugees who had come to him. Maybe—I do not say I am entitled to be consulted I am nobody—but if hon. Members on this side of the House have been consulted and their opinion has been taken, I have no objection. But even if hon. Members have been consulted I would say that there are refugee associations, regular registered bodies, and when this is a matter of so great concern to them they have a right to be consulted. My only prayer is this. There is no hurry about this Bill. It is not as though something is going to happen within a month or two and the law requires this amendment. It can wait for another two months. Those refugees should at least be heard. They should have a chance to speak in the matter, their opinion should be invited, and after that is done Government may proceed with whatever legislation it wants to. That is the purpose of my amendment which I want to press.

Mr. Deputy-Speaker: Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion therefore by the 30th November 1952."

What is the reaction of the hon. Minister?

Shri A. P. Jain: I am sorry I cannot accept this amendment. Of course, there will be ample time and I will be prepared to give every opportunity to refugees as also to others to make their representations before the Select Committee.

[Shri A. P. Jain]

Mr. Deputy-Speaker: There are two months now and if it is intended that their opinion should also be taken without prejudice to the Select Committee it can be done.

Shri A. P. Jain: I will be prepared to take their opinion and if necessary also to call them before the Committee. I think that will meet the case of the hon. Member.

पंडित ए० शार० शास्त्री : मैं अपने मित्र सरदार हुक्म सिंह से एक प्रार्थना करना चाहूंगा कि सिलेक्ट कमेटी के जो सदस्य हैं, उन के पास रेफ्यूजी एसोसियेशनस् (Refugee associations) के लोग और दूसरे लोग अपनी अपनी राय दे ही सकते हैं और सिलेक्ट कमेटी अवश्य ही उन सब बातों पर विचार करेगी और जो कुछ इस ऐक्ट में बदलाव करना उचित होगा, उसको करने को वह तैयार रहेगी, इसलिय मैं चाहता हूँ कि आप अपना अमेंडमेंट वापिस ले लें और यह सिलेक्ट कमेटी का प्रस्ताव स्वीकार कर लिया जाये।

उपाध्यक्ष महोदय : वह अमेंडमेंट सिलेक्ट कमेटी के सामने भी आ सकता है।

सरदार हुक्म सिंह : मेरे हृदय में अपने मित्र के लिये बहुत सम्मान है और मैं उन को इस नक मशविरा देने के लिए धन्यवाद देता हूँ, लेकिन मैं चाहता हूँ कि वह मुझे कृपया माफ़ करें, क्योंकि मैं अपने अमेंडमेंट को वापस नहीं लेना चाहता।

Mr. Deputy-Speaker: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1952."

The motion was negatived.

Mr. Deputy-Speaker: The question is

"That the Bill further to amend the Administration of Evacuee Property Act, 1950 be referred to a Select Committee consisting of Lala Achint Ram, Shrimati Subhadra Joshi, Shri Jagannathrao Krishnarao Bhonsle, Shri Nandera P. Nathwani, Shri H. C. Heda, Shri Nemi Chandra Kasliwal, Shri Ram Pratap Garg, Pandit Chatur Narain Malviya, Shri Jwala Prashad, Gian Gurmukh Singh Musafir, Shri Syed Mohammad Ahmad Kazmi, Col. B. H. Zaidi, Shri Digambar Singh, Shri Mulchand Dube, Shri Kanhaiya Lal Balmiki, Shri Syed Ahmad, Pandit Lakshmi Kanta Maitra, Shri Basanta Kumar Das, Pandit Thakur Das Bhargava, Shri Radha Charan Sharma, Chaudhri Hyder Husein, Shri Rohini Kumar Chaudhuri, Shrimati Sucheta Kripalani, Shri V. P. Nayar, Shri Vishnu Ghanashyam Deshpande, Shri Bhawani Singh, Dr. Manik Chand Jatav-vir, Shri Avadheshwar Prasad Sinha, Shri P. N. Rajabhoj and the Mover with instructions to report by the last day of the first week of the next Session."

The motion was adopted.

Mr. Deputy-Speaker: I appoint Pandit Thakur Das Bhargava to be the Chairman of this Committee.

FORWARD CONTRACTS (REGULATION) BILL

Mr. Deputy-Speaker: The House will now take up the next Bill, the Forward Contracts (Regulation) Bill. Shri T. T. Krishnamachari.

Pandit A. R. Shastri (Azamgarh Dist.—East cum Ballia Dist.—West): What is the business before the House now?

Mr. Deputy-Speaker: The only business before the House is reference to Select Committee of the Forward Contracts (Regulation) Bill. That is the only outstanding business. The hon. Minister evidently expected that the previous motion would go on till six o'clock today. He has been sent for. Hon. Members may kindly read the Bill.

Parliamentary Secretary: The House may adjourn for some fifteen minutes.