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"Import and Sale of Japanese Cloth":

(2) Fifth Report of the Public Accounts Committee on the Appropriation Accounts (Railways) and (Posts & Telegraphs), 1949-50 and Audit Reports thereon.

[Placed in Library. See IV. O.O. (60).]

INDIAN TARIFF (AMENDMENT) BILL

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):
I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934."

The motion was adopted.

Shri T. T. Krishnamachari: I introduce the Bill.

ADMINISTRATION OF EVACUEE PRO-PERTY (AMENDMENT) BILL

Mr. Deputy-Speaker: The House will now proceed with other Bills, Shri A. P. Jain.

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

the Administration of Evacuee Property Act, 1950, as reported by the Select Committee, be taken into consideration."

The report of the Select Committee has been before the House for some time. The Select Committee has made certain changes which are not of a major character but which none-theless improve the Bill very gready. It is not recessary for me to give any explanation about the changes made by the Select Committee, because they are detailed in the report and speak for themselves. Two minutes of dissent have been appended to the Select Committee report. One of them is by Shrimati Sucheta Eripalani. In fact that minute is more an expression of opinion than any major difference from the majority report. Shri Deshi ande has appended another minute of dissent. His whole approach to the problem is contrary to the approach with which I brought

this Bill before the House. Our intention was to remove the hardships which the Evacuee Property Alt has been causing upon those of our nationals who have no intention of migrating to Pakistan.

Mr. Deputy-Speaker: There is too much talk in the House. I request hon. Members not to carry on any conversation inside the House.

Shri A. P. Jain: Shri Deshpande warts to make the provisions of the Administration of Evacuee Property Act more rigid, which naturally will add to the difficulties of those to whom we wanted to give some relief. Therefore, it is not possible to see eye to re/e with the various matters which he has urged in his minute, because they go contrary to the very spirit of the Bill. In fact all along that I have been in charge of this Ministry I have been feeling that the Evacuee Property law is an extraordinary law, which has been forced upon us mainst our desire and agminst our desire and agminst our intentions. If Pakistan had played the game that is, if the displaced persons who have come over from West Paristan had been allowed to enjoy their properties, to receive the rents and to benefit out of those properties, we would not have felt the necessity of prolonging this legislation. But Pakistan has acted otherwise and therefore we have been forced to keep this legislation on the Statute Book. I am happy that we are reaching a stage now, preferably in agreement with Pokistan, when the necessity for the Evacuee Property law may cease to exist. The House is aware that we have certain schemes under consideration for the disposal of the evacuee properties and if that comes about, as I hope, the necessity for this law will be very much diminished and I do hope that the socner this law terminates the letter it is for everyone of us.

I will add one word more. Among the list of amendments that have been tabled by various Members of the House. I find that some relate to the jurisdiction of the civil courts. They have a ggested that the civil courts should have jurisdiction in this matter and that matter. Now the whole scheme of the evacuee property law has been to exclude the jurisdiction of the civil court and to create a hierarchy of officers who are dealing with evacuee matters. Maybe there have been difficulties; maybe that sometimes justice may not have been done—and it is not always done even in the civil courts—yet on the whole

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[Shri A. P. Jain]

we have found that the special hierarchy which we have created has been administer the able to law well. I am not. fairly whether any induction of the jurisdiction of the civil court will be helpful. Therefore, we did not include the question of the jurisdiction of the civil court in the original Bill; nor was it before the Select Committee.

So far as my experience goes, I would like to avoid all interference of the civil court in the evacuee property matters. Yet, if it is found to be necessary. I would be prepared to consider this question separately. But in the Bill as it stands, it is not possible to consider the question of giving any jurisdiction to the civil courts, because that goes against the very fundamental scheme of the Act, as it stande

With these remarks I would conclude and await the reactions of the hon. Members of this House and at the end I may deal with the points that are raised.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Administration of Evacuee Property Act, 1950, as reported by the Select Committee, be taken into consideration."

I have received notices of certain amendments, not only to clauses, but one for circulation and another for Select Committee. I am of the opinion that these are dilatory motions. I would like to hear from hon. Members what their reactions to these motions are.

G. Deshpande (Guna): When the Bill was originally moved in this House and when a motion was made for circulation of this Bill for eliciting public opinion, the hon, Minister had given an assurance on the floor of the House that the representatives of the refugee associations would be given a chance to appear before the Select Committee and place their points of view. Then we found that certain refugee associations—particulary the All-India Refugee Association—did want to appear before the Select Committee. But ultimately we found that they were not given a chance to represent their views. This is a Bill which involves the interests of millions of refugees and that is why we want that before the Bill is passed public opinion should be allowed to express itself. This is

a controversial Bill—particularly the definition of "intending evacuee." While in Pakistan there is such a provision, in this Bill that provision is sought to be dropped. Then there is a great deal of controversy in regard to Custodian-General's powers being When such curtailed. measures which affect the interests of millions of people are being passed, we want that the persons concerned should be This motion is not moved. consulted. for the purpose of delaying matters, but for raising certain specific issues. If the Chair gives me a chance to speak I shall present my case in detail

Mr. Deputy-Speaker: The Member was a Member of the Select Committee. Was any memorandum submitted by any of these associations to the Select Committee?

Shri V. G. Deshpande: The All-India Refugee Association had applied that they should be allowed to present their memorandum and put their case before the Committee.

Mr. Deputy-Speaker: They could have sent their memorandum by post: did they do so?

Shri V. G. Deshpande: They did not, because they had no time. In the Select Committee I made it clear that the Committee should announce that if there are any refugee associations which want to make representations on this issue they should be given a chance. The case of those associations which voluntarily sent memo-randa was considered. Now I find that a large number of refugees are coming to us and they are saying that this provision about lease is very very/ harmful. This provision is greater injustice to Hindus than to the course of pro-This provision is doing Muslims, because the owners of properties have left and those who are lesseed are Hindus. Thus we find that a large number of refugees are affected by this provision.

Shri A. P. Jain: Only one letter was received and that was from Mr. Choithram Gidwani. The letter is Only one letter The letter is dated the 19th September 1952. It was not a memorandum. I shall, for the benefit of the House, read out the letter and my reply. Mr. Gidwani wrote to me on the 19th September 1952:

"As the time of the introduction of the Evacuee Property Amendon behalf of Government that the refugee associations will be permitted to place their point of view before the Select Committee regarding the same. The All India Refugee Association would very much wish to place their viewpoint before the Committee. I shall feel highly obliged if you kindly let me know the date on which the Committee wishes to hear us."

This letter was handed over to me on the 20th and the reply which I sent to him was as follows:

"A copy of your letter was handed over to me at about 8 A.M. today, (that is 20th September, 1952) by Shri Achint Ram during the first sitting of the Select Committee. The original letter (that is the letter which Shri Gidwani sent me) reached me at about 12-15 P.M. during the second sitting of the Committhat the displaced persons would be permitted to place their views before the Select Committee some months ago, but your Association did not approach me with their request earlier. Even now when the Select Committee has been meeting for the last four days your request has come on the very last date and that too unaccompanied by any memorandum containing the points which you wanted to raise and your Associa-tions' views thereon. Your let-ter was placed before the Committee. As the Committee had practically concluded its work by the Committee's inability to meet your Association at this late stage."

In fact at the time the letter was received the Committee had finished all its proceedings and only the signature remained to be appended.

Shri Gidwani (Thana): May I say a few words? We did not know that the Select Committee was meeting. We had no information that it was meeting. None of us was informed about it. Nor were any associations given intimation that they would be asked to give evidence, as on former occasions, for instance in connection with the Debt Conciliation Bill and then we sent it our representative. This time no such information was given. From a friend we learnt that the Select Committee was meeting and we sent a letter, the reply to which was read to you by the hon. Minister. And we had no opportunity to place our point of view on this question. Therefore it is very important, not only from the refugee point of view, but I

consider it from the national interests also that more time should be given to consider this Bill.

Mr. Deputy-Speaker: I would also ask the hon. Member why it shou'd be re-committed to Select Committee. Once for all let me dispose of both the things. The hon. Member has given notice of a motion for re-committal to a Select Committee. What are the special grounds for that?

Shri Gidwani: The same grounds that I advanced, so that the Select Committee may go into the matter and consider all the aspects of the question. Even now the hon. Minister stated that there would be no need of the Bill in the near future because the whole scheme is being worked out to dispose of this property. Therefore, in the light of the new scheme before Government it may be necessary to change the whole thing, or drop the whole thing.

Mr. Deputy-Speaker: I have heard sufficiently. May I know when the reference to Select Committee was made. The Bill was introduced in August. The report of the Select Committee was in November.

Shri'A. P. Jain: In fact the Select Committee finished its deliberations on the 20th September, 1952. The report was drawn up, and we met in November only to sign the report.

Mr. Deputy-Speaker: That is all right. That is, there was the instruction to report before the last day of the first week. There was no session immediately thereafter until it was presented. So the introduction of the Bill was on 4th August 1952, the date of reference to Select Committee was 11th August 1952, and the date of presentation of the report of the Select Committee was 5th November 1952. There were nearly three months between the date of reference to Select Committee and the date of presentation of the report.

One of the Members, Mr. Deshpande, who has now tabled a motion for circulation was himself a Member of the Select Committee. When once the matter is referred to a Select Committee, people know that the Bill is before the country. And the refugees are not all over the country. Most of the refugees are here. Even now there is nothing preventing them from having suitable modifications of particular clauses by tabling amendments.

In the circumstances I do not feel that anything has been placed before the House to consider as to why this [Mr. Deputy-Speaker]

ought to be circulated. All reasonable opportunities were there.

So far as Mr. Gidwani is concerned, there is a rule that any hon. Member, though he is not a Member of the Select Committee, can participate in the deliberations.

Shri V. G. Deshpande: He was not a Member of the House then.

Mr. Deputy-Speaker: Hereafter it will be observed.

Therefore I do not think I should allow either of these motions.

We will now proceed with the discussion on the original motion.

Sardar Hukam Singh (Kapurthala-Bhatinda): I was very anxious to listen to the speech of our hon. Minister for Rehabilitation this afternoon. The refugees have been waiting till this time for him to come up with some definite proposals now because Government had already taken so long and they expected that by now the Government must have been in a position to declare what is going to be done to this evacuee property. Of course the message of the New Year this time shocked those unfortunate people as the Finance Minister, according to reports in the press, gave a decision, or, to say the least, had not agreed to the proposal of the Rehabilication Minister to contribute something to the Central Pool that was meant to be distributed amongst the displaced persons. The year before, on the same august day when the year 1952 began, we heard the Rehabilitation Minister going round for election speeches and he raised the hopes of displaced persons that this was coming very soon. But this time it was revealed, either the Rehabilitation Minister had never consulted the Cabinet or the Finance Ministry, or his speeches and announcements had not been listened to by them or had nct come to their notice, or the Finance Ministry had assumed, might be, an innocent ignorance that this bolt came for the refugees.

The Minister of Revenue and Expenditure (Shri Tyagi): I object to the hon. Member making a distinction between one Minister and the other. I think the Finance Minister shares in what the Rehabilitation Minister does. Government acts as one unit. It is really unfair that a fault should be attributed to only the Finance Ministry.

Pandit Thakur Das Bhargava (Gurgaon): Moreover it is not 'innocent ignorance.' The hon. Ministers have said so many times, in this House and outside, that compensation will be given. There can be no innocent ignorance about it.

Sardar Hukam Singh: Quite right. I wanted these declarations, though they come from our friend Pandit Thakur Das Bhargava who is occasionally in the Chair and not from the Ministry. But I am glad if this is the position of the Government, and I want it to be declared unequivocally that the Government is committed to this. (An Hon. Member: The reports may bewrong). Yes, but the Ministry has to come with the declaration that the reports are wrong. I would be glad to know that the reports are wrong. But I am entitled to know what the position of the Government today is.

Pandit Thakur Das Bhargava: Ask the Finance Minister directly.

Sardar Hukam Singh: I am asking. Even today there were some tempting words that fell from the mouth of the hon. Minister that the Government was considering a scheme whereby the evacuee property was to be disposed From the list of Bills that we have received during these sessions we find that there was conspicuous omission in such Bills of what was going to be done about this property. That, of course, caused great anxiety in the minds of the displaced persons. There was a Bill to give compensation to displaced persons but there was no mention of any Bill which could deal If really with this evacuee property. the Government—as was evident from the words that we listened to this afternoon—has come to a decision, then that must be disclosed to us so that the whole controversy might be a set at rest. The refugees are not anxious that they might get this proit. If if this Bill They never desired it. perty. is causing any hardship, this should go, this Act should go. is found that it is not in consonance with the ideals that we possess, the displaced persons are in perfect agreement with the Government They are not anxious that they should get this property. Let it be given as a gift. Let this Act be wiped out altogether from the Statute Book. What they are concerned with is when such declarations are being made, that there is no budget provision or there is no provision for finances, so far as the evacuee property is concerned, we would like to know whether it is going to be made available to the pool or

not. Then certainly, the refugees feel nervous that such provisions are going to be made. If it is decided that this Act must go, we would not have any objection. Let this go. We It is not to do not want that. It is not to our benefit but what the refugees are concerned with is whether they are going to get compensation or not. were many announcements and declarations by Government spokesmen including the Prime Minister that there could not be any question of compensation except the property that is left behind by the Musim migrants. But today we learn that the Minister is very anxious that this Act should go but he mentioned that the Government is considering action to be taken so far as the disposal of this property is concerned. I request the Prime Minister even now, if he is in a position to make a definite statement. We want to know in what way this property is going to be disposed of, how the proceeds are to be utilised, whe-ther they would be for the benefit of the refugees or whether he has any other proposals to make.

Administration of

So far as the Select Committee's recommendations on this Bill are concerned, the Minister said that as far as the scheme is concerned, it excludes the operation of the Civil Code. Quite right but I find that it has called for a clarification—Section 7. When the amended Bill came it was considered by Government that only the title could be enquired into by the Custodian though that had given rise to many disputes last time between the Custodian and the Government spokesmen but this is now being set at rest and when a certificate is given, it would only be the title that would be enquired into by the Custodian. Then the Select Committee has made it further clear or added something new that if he has not the title, then in the case of rejection, he can go to the civil court and establish his title. So, even in the recommendations of the Select Committee. a new provision is being brought in by which jurisdiction is being given to the civil courts which did not exist before. Therefore, this position taken up by the Minister that he is not prepared to accept the jurisdiction which will be given to civil courts does not stand to very good reason because the Select Committee itself has now added that clause also.

Then about leases and other things also there is a provision. We are apprehensive that it would work against the interests of the displaced persons because now the Bill says that the conditions on which the original leases

were given should not be altered. Originally, the lessors, the original owners nad given those properties on lease for certain periods, and if they had been handed over to any refugees, they were expected to continue the allotment in respect of tenancy rights; but now it is laid down that so far as the original terms of duration and other conditions were concerned, it would not be possible for the Custodian to vary them. Therefore, that also would work against the refugees who might have to vacate those places or get those leases restored.

Then again, when Sections 40 and 41 are being amended, there is one Now it has been laid down danger. that a certificate would be given to a person who is an Indian citizen that he can sell his property. That is right and he would be at liberty to effect that sale but if after that sale is effected and within two years of that transaction, he decides to leave this country for Pakistan, then this transaction cannot be opened. Who would be the sufferer? In the first place the owner must have thought of the money that his property will fetch.
Mostly it would be the displaced persons who would be affected because
they are in great need of acquiring property and they purchase it because the Custodian has granted them the certificate that they are entitled to sell it. The poor refugee cannot know or visualise that that gentleman would be leaving within two years after the sale. He pays the money by borrowing or otherwise but unluckily, within those two years of the transaction, the gentleman decides to leave this country and proceed to Pakistan. Then that question would come up before the Custodian and if he cancels that sale, that transaction is set aside. It is only that refugee who would lose. It would be put in the evacuee pool but not at the expense of the owner who has committed this act but at the expense of the innocent person who has This would already lost something. not be of any gain either to the refugee Therefore, my reor to the country. quest is that when once that certificate has been given and the Government and the Custodian have decided that he can effect that sale, then there need not be any difficulty. If he is allowed, let him take away the money because otherwise also, he would not be the loser. He would get everything that he desires according to his heart's content but it is only the Indian nationals who would be the losers. Therefore why penalise them?

Pandit Thakur Das Bhargava: It is not so. If the consent is not given, and the man lives here for two years

[Pandit Thakur Das Bhargava] the transfer would be immune as also if the consent is given. It is no longer open to anybody

Sardar Hukam Singh: That is not the view that I take from the amendment that has been put up here. So I would request the Rehabilitation Minister to disclose what he knows, I want to know whether he has consulted his Finance Minister and his friend the right and has come to a deciston, whether the Government is going to contribute anything, whether they have made up their minds as to the disposal of this property etc. cause, these unfortunate displaced persons from West Pakistan have been waiting so long and are now in a condition where they are not able to suffer any longer. They have been looking to this source of compensation to enable them to stand on their legs, some of them at least.

Shri V. G. Deshpande: The hon. Minister, while moving the Bill for consideration, said that there was a fundamental difference between my approach and the approach of the Mover of the Bill and hence he could not appreciate the minute of dissent given by me. I tried hard to see where the fundamental difference in approach was Because in my minute of dissent I have made it clear that I do not want the members of any community who are residing in India to suffer on account of this Administra-tion of Evacuee Property Act, and that I want no discrimination to be made against any person simply because he belongs to a certain commu-I happened to see the Bulletin of the Congress party published from 4th August to 8th August 1952. That Bulletin, referring to this Evacuee Property Act says that the Bill makes a number of important concessions to Muslims. Perhaps that may be the I am not able to find ifference lies. That is a difference where the difference lies. non-communal party and every day we are hearing long sermons about communalism: they are impartial to all communities. In my approach also I want just a fair and impartial treatment to all communities. But. making concessions to Muslims at the cost of Hindus may be non-communal and perhaps that may be the difference in his approach and my approach.

My personal view is this and I have made it very clear, that I do not want that those Muslims who are living here should suffer and that if there are any provisions in this Administration of Evacuee Property Act which do injustice to them, they ought to be So far as this question is removed.

concerned, there can be no difference of opinion. But, when we went to the Select Committee and when we read the provisions of the Bill as it was introduced originally and the Bill as it is amended, we find that it transgresses these limits. In the Administration of the Evacuee Property Act.
there are one or two considerations which we have to keep before our eyes. One of the considerations is eyes. One of the considerations is that the evacuee pool ought not to be diminished. We have to see whether any of the provisions of this Bill affect evacuee pool. If the evacuee pool is diminished, we should certainly stand to protest against that.

Then, there is another thing. I do not mind even their giving concessions to Muslims, because in this non-com-munal Government, attending the National Sikh Conference is not communal, giving concessions to Muslims is not communal, but protesting where injustice is made to the Hindus is very communal and rabid communalism and that ought to be stopped. I say, give concessions to Muslims, but at least to those living in India. In this Act we find that you are doing away with the provisions regarding intending evacuee. You want to give concessions to Muslims who want to leave India and go to Pakistan. I want to raise my voice of protest against this provision. What do we find here? The provision which deals with intending evacuee is done away with. We are told that when that provision has been done away with, we have amended the definition of evacuee so as to bring certain portions of intending evacuees under the definition of evacuee itself. But I may draw the attention of the House to the fact that in the original Act, the intending evacuee referred to the date 15th August, 1947 (An Hon. Member: 14th August, 1947 (An Hon. Member: 14th August—14th August—this Bill wants thaf ".....who has, after the 18th day of October, 1949.....". I know of persons who have transferred their property, from 14th August 1947 to 18th October 1949, to Pakistan, who, account of this provision regarding on account of this provision regarding intending evacuee, could not transfer their other property and they who are waiting in India all along to go to Pakistan and to dispose of their remaining property. The only hurdle, maining property. The only hurdle, the only obstacle in their way of going to Pakistan was this provision regarding intending evacuee. As soon as this is done away with, as soon as this additional concession is given to Muslims, these Muslims are only waiting to dispose of their remaining property. Once that property is disposed of they can straightaway go to Pakistan. This is my first objection.

Then, I beg to point out that this clause about intending evacuees forms part of the Pakistan Administration of Evacuee property Act. Here also there is a fundamental difference in the approach. They believe in the healing touch: not to the Hindus of Jammu; there, they use bullets. So far as Pakistan is concerned, our great Government has got the healing touch just like Jesus Christ, and therefore, they want to remove Pakistan's ills by the healing touch. I want that a policy of reciprocity, should be that a policy of reciprocity should be followed. As long as there is a provision for intending evacuees in the Pakistan Administration of Evacuee Property Act, there is no justification for our doing away with the provision for intending evacuees. Therefore, I would again appeal, that even at this late stage, that whatever be our anxiety to give more concessions to Muslims, this provision for intending evacuees should not be done away with.

There are other clauses and there are other parts of this new Amendment which I must refer to. The first part is this. We know of instances where one person is living here and all his dependants are living in Pakistan. His wife may be there; his children may be there. There are such instances in Delhi here. Our Act makes provision that he can send money to them from here for years together. For six years all his nearest dependants may be there; still you would not declare him to be an intending evacuee. I feel that there must be a provision by which. persons whose nearest dependants, that is wife and children, are staying in Pakistan, and against whom intention to opt to Pakistan is established by documentary or other evidence, should be declared as evacuees if not intend-ing evacuees. We find that the argu-ment is advanced that what was covered by intending evacuee. we have included in the definition of evacuee. My own feeling is, there are many instances with which I do not wish to bore the House, where the relatives are living in Pakistan, the relatives who were in Government of India have left this country, and under such circumstances, at least there should be this provision: where the nearest dependants are staying in Pakistan. no exception should be made in their

There is another question of restoring property to evacuees. Previously, there was a provision that the Custodian-General could exempt anybody from this provision or restore property. There was the notorious case of Chatriwala. I hear that Chatriwala's case is pending in different courts even at this stage. I do not know exactly what has happened to Chatriwala's case. Mr. Achru Ram had resigned on this issue. Now, we find that this law is being amended. The Custodian-General is in a way a quasi-judicial authority who can apply his mind to the cases and give an impartial judgment. Our Government has made it a point of prestige, and as has been pointed out in the minutes of dissent, when this issue came up even though the majority of the Select Committee was with us, it had to be dropped because Government feels that they should have the power to decide these things. My view is that it should not be left even to the Custodian-General, but there should be some judicial officer, say a District and Sessions Judge, who should be empowered to decide such cases, and to decide to whom the property should be restored. It is said that there were only four cases where Government was given power to make exceptions, and Government itself admits that out of these four cases—in his last speech the hon. Minister gave this data to us—three were foreigners, and the fourth alone was an Indian and then they say that he also went to Pakistan. They had he also went to Pakistan. They had restored the property, and they found that this Indian Muslim whose pro-perty they had restored, ultimately went away back to Pakistan. These are the instances, and therefore this are the instances, and therefore this House is not prepared to allow the Government to function for this purpose, and we want that a judicial officer, say a District and Sessions Judge, should decide these things finally. At least the Custodian-General should have the right to decide to should not have the right to decide to whom property should be restored.

Evacuee Property (Amendment) Bill

I would particularly draw the attention of the hon. Minister to one clause. By the original law, the leases which were entered into before partition or, say before 15th August. 1947, could not be gone into. Now, an amendment has been made that whether the leases were made before or after partition, they can be gone into. Then it has been amended in the Select Committee that it can be done only in two cases, viz., if it is sub-let, or if it is used for a purpose other than that for which it was let out. I have tabled an amendment, and I feel the hon Minister should have no oblection to accepting that amendment. These are not the only two cases, but whatever the oppression of the Rent Control Act,—because this type of property is situate in all parts of

[Shri V. G. Deshpande]

India and in different States whatever be the law, if that lessee contravenes or makes any breach of these Rent Control Acts, then alone should he be ejected from the premises, and in no other case that should be done. Apart from this, my main contention is that the time has not come for this. At least as long as this provision for intending evacuee is there on the statute of the Pakistan Government, it should not be changed in our law.

Shri Gidwani: I rise to oppose this Bill for two reasons: one, it affects adversely the refugee interests and the other, it affects very seriously the national interests.

As regards the refugee interests, as my friend Sardar Hukam Singh told the House, it is linked up with the question of compensation. I would read to you, Sir, a letter which I had written on behalf of the All-India Refugees' Association to the Prime Minister on 27th December, 1950, when he made a public speech regarding this compensation issue:

"Dear Shri Jawaharlalji,

I presided over a conference of displaced persons which was held in the Constitution Club on Monday, the 25th December. Copies of mv address and the resolution passed by the Conference are enclosed.

I wish to draw your attention towards the attitude of a section of the participants. They strongly accused me of adopting mild policies, and not giving them the right lead necessitated by the continuously deteriorating condition of displaced persons. The speakers who called for direct action were loudly cheered by the participants. I write this to intimate you that your statement has intensified the sense of frustration and resentment.

I would request you to let us know the final decision of the Government in respect of compensation. With thanks,

Yours sincerely, Choithram P. Gidwani."

To this, I received a reply from Mr. Dharma Vira.

Mr. Deputy-Speaker: Order, order. The hon. Member started by saying that he wants to oppose this Bill. That is not a matter which can be debated at present. The scope of the debate

on the report of a Select Committee is narrow. Rule No. 98 reads:

"The debate on a motion that the Bill as reported by the Select Committee be taken into consideration shall be confined to consideration of the report of the Select Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill."

The Principle of the Bill has been accepted. Whatever has been done in the Select Committee can be a subject-matter here. Alternative suggestions might be made, viz., that the Select Committee might have done this as against that. That is the limited scope.

Shri Gidwani: I said the Select Committee should have dropped two or three clauses—Nos. 7 and 15—and said that this question was linked up with compensation. Therefore, I was reading this correspondence.

Mr. Deputy-Speaker: If all those main clauses are dropped except the preamble and Clause 1, what stands? The principle of the Bill has been accepted and therefore we have to remember the limited scope. The hon. Member may have all that' in Lismind, and then vote against this Bill. In the third reading he can say: "No, this Bill is not at all being improved. We reject the Bill." But, at this stage, he should confine himself only to the report of the Select Committee.

Shri Gidwani: I am opposing certain Clauses of the Bill, Clauses No. 7 and 15.

In his reply, he said:

"The Prime Minister has received your letter of December 27, in which you have enquired about the final decision of the Government in respect of compensation. The policy of Government in this matter has been clearly stated on many occasions by Shri Gopalaswami Ayyanger and the Minister for Rehabilitation. Briefly, it is as follows:—

Displaced persons are entitled to compensation from the property left by Muslim migrants from India. They are also entitled to any compensation that may be received from Pakistan....."

This is from Mr. Dharma Vira, dated December 30, 1950. He says the policy has been enunciated by Shri

Gopalaswami Ayyangar. Then, I wrote a letter to Shri Gopalaswami Ayyangar, and I will read that letter also to you:

Administration of

"Dear Shri Gopalaswami Ayyangar,

I hope you have received a copy of my letter dated 27th December addressed to Shri Jawahar lal Nehru regarding the question of compensation to the displaced people.

Two days previous to the arrival of hon. Khwaja Shahabuddin, Pakistan's Minister for Rehabilitation, for the discussion of the Evacuee property question, a joint conference of officials and non-officials was held in your room under your chairmanship. Hon. Shri Ajit Prasad Jain, Shri N. C. Chandra, Shri Meharchand Khanna, Shri Achruram, Dr. Lehana Singh, late Minister for Rehabilitation (Punjab) and other officials from the Government of India and East Punjab Government were present. From the non-official side, Bakshi Tekchand, Shri Jaspatrai Kapoor and myself were present. You were kind enough to invite our opinion regarding the various aspects of this question.

In view of the claims that had been invited from the displaced persons, our discussion turned to the particular aspect of compensation. On our pointed enquiry regarding the Government's plan, you assured us that the Government had full intention to compensate the displaced persons. Further, going into the details of the plan, you narrated the following steps for the implementation of it.

There would be three sources from which such compensation would be paid. Firstly, the properties left by Muslims in India, say X, secondly, such difference in values of respective properties as may be realized from Pakistan, say Y; and lastly, a substantial amount from the Government of India, say Z, that you assured 'would not dissatisfy the displaced persons'....."

From these two letters I have read to you, it will be clear that the evacuee property is one of the important sources from which compensation is to be paid to the displaced persons. Therefore, all the refugees from Western Pakistan—because, for the present, this Bill affects only refugees from Western Pakistan whose number is about 50 lakhs are very much interested in it.

An, Hon, Member: More than that...

Shri Gidwani: Therefore, I oppose Clauses 7 and 15 of the amended Bill. Clause 7 of the Bill as amended readsas thus:

"16. Restoration of evacuee property.—(1) Subject to such rules as may be made in this behalf, the Central Government or any person authorised by it in this behalf may, on application made to it or him by an evacuee or by any person claiming to be the heir of an evacuee, and, on being satisfied that it is just or proper so to do, grant to the applicant a certificate stating that any evacuee property, which has vested in the Custodian and to which the applicant would have been entitled if this Act were not in force, shall be restored to him."

4 P. M.

Now, the procedure regarding the declaring of any person an evacuee is this. First, the Deputy Custodian declares a person as an evacuee. Then if the aggrieved party feels anything wrong about it, it makes an appeal to the Custodian. Then there is an appeal to the Custodian-General, and finally to the High Court. In some cases, I am told, it may even be referred to the Supreme Court. When there is such a big machinery of judicial officers all along, the fact that the Government are demanding this extraordinary power shows that they do not have any faith in the judiciary.

You will remember that I was a Congressman and I was attending every session of the Congress there. We had been demanding from 1885 that there should be no interference by the executive in the judiciary. What is now sought to be done is nothing but the interference of the executive or the Government in the decisions of the judiciary. You will remember recently there was the case of Mr. Chatriwala. on which Shri Achru Ram resigned. In that case, the High Court of Punjab had decided against Chatriwala. When the latter went to the Custodian-General, the Custodian-General gave certain decisions, and he was made to resign on that account. If the purpose of the amending Bill is thus to enable Government to interfere in this manner in the decisions of the judiciary, then where is the question of dealing with these cases on judicial and legal principles? Assuming such wide powers by the Government as are contemplated in this clause, is nothing but a defiance

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of law, especially when in this present age, our Government claims to be democratic. socialistic. and also claims to be governed by law. They want to restore property to persons who had been declared as evacuees by the highest Courts of the land. That is the object of this amending Bill. It is a very serious encroachment on the evacuee property pool. I may be excused if I say that if this Bill is passed, some influential persons would be benefited by it. That is my misgiving. I will not be far wrong if I say that that seems to be the object of this amendment. The evacuee property pool would thereby become reduced and seriously affected.

Under Clause 15, the Government would be clothed with much wider powers than even those contemplated in this Clause 7, for Clause 15 reads as under:

"For section 52 of the principal Act, the following section shall be substituted, namely:—

'52. Power to exempt.—The Central Government may, by notification in the Official Gazette, declare that all or any of the provisions of this Act or of the rules made thereunder shall not apply, or shall be deemed never to have applied, or shall cease to apply, or shall apply only with such modifications or subject to such conditions, restrictions or limitations as may be specified in the notification, to or in relation to any class of person or class of property."

If so, I do not see any reason at all why there should be any Act or any law regarding evacuee property. The whole thing should be abrogated. That is what I personally feel about it. I do not want to say anything more because I am not a lawyer—and there are many lawyers of repute in this House. But if these two clauses are going to give power to the Government to override the judicial decisions, then where is the need for any law at all? Let the hon. Minister of Rehabilitation be appointed as the sole judge, and let him deciare whomsoever he chooses as an evacuee or non-evacuee, and accordingly restore property. I shall have no quarrel with that proposition. The hon. Minister referring to Mr. Deshpande's remark stated that it was a question of difference in approach only. After all, this evacuee property is going to be the property of those refugees who have been physically and morally suffering. And now if any part of it is

going to be given away in charity to those whose loyalty has been suspected, or who are of doubtful loyalty then the pool would become reduced to that extent. It is not I who have declared them as evacuees. It is the courts that have declared them as such or intending evacuees. According to the definition in the original Act, an evacuee meant any person who had left for Pakistan and an intending evacuee meant

"any person, who, after the 14th day of August, 1947,—

- (i) has transferred to Pakistan his assets or any part thereof situated in any part of the territories to which this Act extends:
- Provided that the transfer to Pakistan of any reasonable sum of money in accordance with the rules made in this behalf by the Central Government for the purpose of financing any transaction in the ordinary course of his trade or for the maintenance of any member of the family of such person shall not be deemed to be a transfer of assets within the meaning of this sub-clause, or
- (ii) has acquired, if the acquisition has been made in person, by way of purchase or exchange, or if the acquisition has been made by or through a member of his family, in any manner whatsoever, any right to, interest in, or benefit from any property, which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan,......
-and includes any person against whom an intention to settle in Pakistan is established from his conduct or from documentary evidence;.....

These were the people who were declared by judicial authorities as intending evacuees, and it is these people who are going to be benefited. I am told that the number of such people is about one thousand—subject to correction. And these one thousand people were declared as such not by me, who being a refugee, may have refugee mentality, nor by Mr. Deshpande, who has a difference in approach, and therefore thinks differently but by competent courts, judges and Custodians appointed by Mr.

Ajit Prasad Jain and his Government. It is these people who are going to be benefited, after the passing of this amending Bill, people who, after the 14th day of August, and before the 18th day of October 1949, were de-clared as intending evacuees. If the present Bill is passed, then they will be free to sell their property here and then go to Pakistan. It may be said that their number is very small, and so what does it matter if a few people take away their property from the pool? I am opposing these two claupool? I am opposing these two clauses, clauses 7 and 15, not only in the interests of the refugees, but also in the national interest. Hon. Members may laugh at this. when I say this, and say that we being secular, are becoming generous and just to our minorities, whom we do not want to harass. We have before us the previous experience of some Members of the previous Parliament, who swore vious experience of some Members of the previous Parliament, who swore loyalty to the Congress Government. There was Mr. Khaliq-ul-zaman first. Then there was another gentleman from Bihar who recently left for Pakistan. All these people were there sitting with you, after swearing loyalty to India, but ultimately they took away what property they could, and left for Pakistan. In this very Parliament after I was elected. I put Parliament after I was elected. I put a question sometime back, about Mrs. Janak Kumari Asghar. who went to the Deputy Custodian, for getting her property, so that she could sell it here and then go to Pakistan. She had and then go to Pakistan She had written on her visiting-card, that she was the cousin of Mr. Nehru. and so the Deputy Custodian was feeling very nervous about it. Fortunately, Mr. Achru Ram happened to go there, and he told the Deputy Custodian not to get nervous about it, and that he would enquire into the matter. But ultimately what happened? She also went away with whatever money she could, to Pakistan, Hundreds of such cases are happening every day. J put a question, in the last session of Parliament about 17 officials of the Rajasthan Government. That question was not answered in the last session. But I got this letter from your Parliament Secretariat:

"PARLIAMENT HOUSE

NEW DELIHI.

19th January 1953.

From Shri D. N. Majumdar.

Under Secretary.

To: Shri C. P. Gidwani, M.P.

Subject: Starred question No. D.2028 for the 15th November 1952 regarding removal, of cash to Pakistan by officers of Rajathan Government.

Sir.

With reference to your starred question No. 2028 for the 25th November 1952 on the above subject (copy enclosed) which was not admitted for answer during the last session, I amdirected to forward herewith the information asked for in the question which has since been received from the Ministry of States...".

What is that question?

"Whether the attention of the Government of India has been drawn to a statement made by Shri Amritlal Yadav, Rehabilitation Minister of Rajasthan State in the State Legislative Assembly that the Tehsildar of Dholpur has crossed over to Pakistan with Rs. 1,00,000 belonging to Government and the Treasury Officer of Jaipur too had left for Pakistan also taking away some amount of Government money, but the Minister could not give the exact figure as he stated that the accounts were being examined;

"Whether the Government of India are aware that there were about 17 officials of Rajasthan Government including the former Principal Private Secretary of Shri Jai Narain Vyas, the Chief Minister of Rajasthan, who had been declared intending evacuees and have transferred part of their assets to Pakistan;

"Do Government propose to take any action to recover these amounts from the two above-mentioned officers;

"Do Government consider it in the national interests to take any precautionary measures to protect their funds from being taken away to Pakistan by other officers in the similar manner?"

This is the reply which I have received from the Secretariat:

"The facts of the case as reported by the Rajasthan Government are that a case of embezzlement of a little over rugees one takh from the Sub-Treasury at Dholpur was detected in July 1951. The responsibility for this embezzlement has to be apportioned between the Cashier. Shri Harak Chand and Shri Salamat Ali Khan. Tehsildar of Dholpur, who was also the Sub-Treasury Officer. While the immediate responsibility for the cash was that of the Cashier, the administrative and

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controlling officer was the Tehsildar in his capacity as the Sub-Treasury Officer. The case is under investigation and it is not possible at this stage to say how much of the funds embezzled were appropriated by the Tehsildar and how much by the Cashier. It will not therefore be correct to say definitely that the Tehsildar of Dholpur has crossed over to Pakistan with rupees one lakh belonging to Covernment. belonging to Government. The Tehsildar was suspended and taken into custody but was released on bail. He subsequently jump-ed bail and is understood to have gone to Pakistan. There is, how-ever, some property in his name in Jaipur and all action permissible under law will be taken by Government."

"The Additional Treasury Officer of Jaipur, Shri Abdul Wahab has also migrated to Pakistan. The accounts for which he was responsible are under scrutiny and it is not possible to say whether he has taken away any Govern-ment money and if so, what amount.

"It is a fact that 17 officials of the Rajasthan Government including Shri Altaf Ahmed Kherie"who was the Principal Private Secretary to the Chief Minister—
"have been declared intending evacuees. Shri Kherie has however filed an appeal in the court of Custodian, Rajasthan, against the orders of the Deputy Custodian. The Government of Rajasthan are not aware that after their declaration as intending evacuees, any assets have been transferred by any of these officials to Pakistan" ...I say, Sir, he alone is declared evacuee who sends part of his assets to Pakistan..."But if any of these persons is detected to be transferring his assets to Pakistan, it is open to Government to take steps to declare him an evacuee and take over his property."

"If any amounts are found to be due from Shri Salamat Ali Khan (Tehsild**ar, Dholpur)** Abdul Wahab Shri or (Additional Treasury Officer, Jaipur) the Rajasthan Government will take action to realise them from the properties left by these persons which are at present in the possession of the Custodian of Evacuee Property."

"Every possible precaution is being taken and will continue to be taken by the Rajasthan Government to prevent illicit transfer of funds from Rajasthan to Pakistan."

Evacuee Property

(Amendment) Bill

This is the official reply from your office. So it is not that the officers who have been declared intending evacuees are prefectly loyal. During the last two or three years they have been transferring their assets to Pakistan even though pretending to be law-abiding citizens of our secular State. There it is. Even those who are in the Government—the Principal Secretary of a State Governmenthave been declared intending evacuees. Still most of them when they are re-leased on bail, jump the bail and go over to Pakistan. This is not my state-ment, but it comes from the Rajasthan Government after enquiry from the Government of India.

Then the other thing is that when this Government was given such wide power and if I had previous experience that they had acted fairly and honestly, then I would remain silent. But I know how influences are brought to bear on judicial officers. The Custodians find it very difficult to decide cases on merit. Particularly now after the resignation of Shri Achhru Ram, many of them are demoralised. I know how in the beginning letters were sent, interfering with the functions of the Custodians, even by Ministers. Private Secretaries and not only by officials, but even by non-official organisations. I will tell you how the Jamiat-ul-Ulema has been functioning in this matter. So many things are heard and so many things are reported of which no direct evidence can be found. This is one of the cases reported in Bombay:

"One Fordil Khan Sayed Ullah-Khan was declared an evacuee in December 1949 by the Deputy Custodian of Bombay. He filed an appeal before the Custodian who dismissed the appeal in February 1950, as a result of which further properties of Fordil were notifled as evacuee properties. Fordil Khan filed a second appeal before the Custodian which was however heard by the Additional Custodian, who also dismissed the appeal in May 1950. Fordil Khan then ran up to the High Court for quashing the order of the Additio-nal Custodian. The trial judgement however dismissed the petition in November 1950. The matter then came before the Division Bench where it came out that the

applicant had already filed a revision petition before the Custodian General which had been dismissed. The Division Bench however dismissed Fordil Khan's "ppeal in April 1951, but gave him permission to file fresh appli-April cation before the High Court on any new point of law. When the fresh application petition filed oy Fordil Khan came before the High Court. Fordil Khan categorically stated in his affidavit that he was not aware of any revision petition before the Custodian-General. It was not filed at his instance or under his instructions. The fact was naturally brought to the notice of the Custodian-General who called upon the Advocate Shri V. D. ed upon the Advocate Shri V. D. Misra, who had appeared on behalf of Fordil Khan to explain the anomaly. The Advocate explained that he had filed the revision petition, at the pehest of one Mohamed Siddique Karachiwala, who was introduced to him by Mr. Hafizar Rahman of the Jamiat-ul-Ulema, Delhi. Mr. Karachiwala Ulema, (who it appears was the representative of the Central Organization, on the Jamiat Relief Committee, Bombay) confirmed in his letter to Shri Misra, that he not only instructed Shri Misra to file the petition on behalf of Fordil Khan, but also instructed Mr. Misra similarly on other evacuee cases. The High Court subsequently dismissed the fresh petition."

Sir, this is only one instance. So many things have been happening. I have got the decision of the Custodian in which the Minister had written a letter that so-and-so should be declared a non-evacuee. There was one case in which I cannot give you the judgment of the court—as I told you the Minister wrote a letter.

Au Hon. Member: Who is that Minister?

Shri Gidwani: He has retired. Dr. Ambedkar, if you want the name. Then there are others also. I will give you the names. If an enquiry is made there will be revelation. I have no doubt about it There are not only letters. There are various other ways of influencing people. Therefore, I say I feel that they have some people in view whom they want to oblige. I feel that certain categories of persons are going to be declared non-evacuees and by that, the evacuee pool is going to be decreased. As Sardar Hukam

Singh said, we are concerned only with the evacuee properties. We have no quarrel with persons. If you may give. We do not quarrel. What about my property? That is the question. After all, as I have said before we have no quarrel with the Muslims who have gone; we have no quarrel with the Muslims who are here. It is a matter of right. I have got a house in Hyderabad, Sind, and it has been taken by somebody. I should get his property. I am legally and morally entitled to it. That is how I look at the question. But if the Government says, 'No, we want to give it to same persons whom for political reasons we want to oblige that is what the Congress bulletin meant. There were probably some persons through whom at the time of election votes were obtained, then that is a different matter. You may do is a different matter. You may do what you like Our question is definite. Pandit Jawaharlal Nehru says that we will get compensation from the evacuee property pool, assurances were given to us by Shri Gopalaswami Ayyangar to whom you paid tributes on that day on two occasions. One assurance was given by him in a Conference of 60 persons that the compensation shall be paid to us. He stated "Who said that compensation shall not be paid; it shall be paid. It may not be paid in the form in which you may desire; it shall be partly paid in cash, partly in kind and partly in some kind of bonds, but it shall be paid." In the second conference in which I was present he said. 'We will give you compensation. First will be the evacuee property pool; it will be wholly yours. The second, contribu-tion from Pakistan. When Bakshi Tek Chand and myself told him—I am not talking of history. Shri Alit Prasad Jain was there—I am not talking from imagination—that Pakistan will give nothing, then he said, Do not worry, if you do not get any money from Pakistan, the Government of India shall pay from its rement of India snall pay from its resources'. When we said, 'You will pay Rs. 10 and say we cannot pay more he said, 'No, it shall be something substantial.' Here are officers who were present then. It is a matter of fact; it is in the minutes of the proceedings of that Conference. If anybody now says that there was no Government commitment, then I say it is a breach of faith on their part and they do not deserve to keep to those chairs. I want to tell the hon. Minister that the evacuee property should be ours. I will tell him some facts. I say that any rupee that goes to Pakistan is utilised for the jehad of Kashmir. I know that for a fact.

[Shri Gidwani]

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Some Hindus are still living in Sind. They are doing little business. Everyone of them is asked to contribute to the jehad fund for Kashmir. I am quite sure that if any money goes from here certainly part of it is going to be subscribed to jehad fund. With this money bullets are purchased and they are used against us. I have worked for the country for the last 47 years and do you think today I can forget my nationalism? As a refugee I say all this evacuee property should be for our nationals. You read what is happening in Pakistan, and how Pakistan is utilising this money. We are the creators of Pakistan and I will are the creators of Pakistan and I will also say we are the preservers of Pakistan. We are Brahma and Vishnu (Interruption) and we want to be Shivas, if possible. Therefore, I say this is not a question of Dr. Gidwani. I have no property. I had a little house, I had given it away to my hand the I had constructed house, I had given it away to my younger brother. I had constructed one Congress House in Hyderabad, Sind, and one in Karachi. One was constructed for Rs. 25,000, in 1924. I had another house constructed for the nad another house constructed for the Congress after the Karachi Congress out of the balance of the Karachi Congress fund which is worth Rs. 2 lakhs, and it is in the hands of the Pakistanis When we ask for compensation you, probably do not know how much of property we have lost. Sixty or seventy per cent, of the people will hardly get two, three or four thousand rupees. We have persons who have filed claims to the tune of who have filed claims to the tune of three crores. There is another boint of view. A third point of view. How long is the matter going to be hanging fire? How long are you going to have this? So much goes from the rethis? So much goes from the re-fugees' pockets every day. There are officers getting Rs. 3000 per mensem in the Rehabilitation department. That is a different matter. When you say that the whole thing is going to be settled soon and that the evacuee property is going to be utilized for compensation pool, why bring in this Bill and fritter away the little that you have? The displaced persons have suffered. I have my sympathy with them. I will not allow this Government to pass section 7 or section 15. If you pass these sections, you can scrap the whole Act, and do what you scrap the whole Act. and do what you like. I say you will be doing great injustice. Therefore, I appeal to Shri Ajit Prasad Jain. His approach may be different from my approach. I know it is. I know he does not see eye to eye with me. The wearer alone throws where the shoe pinches. The knows where the shoe pinches. The refugees have been uprooted from their homes. A number of them are

today virtual beggars. I see their misery every day. I am reminded of a Persian Couplet which I read in a book in 1942 while in prison written by a Frontier Pathan, probably Private Secretary of Khan Abdul Ghaffar Khan. While describing the conditions of the N.W.F. at that time he had said:

Evacuee Property (Amendment) Bill

مرا در دیست در دل کر گویم زبان سوزد و گر دم در کشم ترسم که صفر استفا سوزد 'There is pain and anguish in my heart. If I utter it, it will blister my tongue. Were I to suppress it, it will eat the very marrow of my bones.

Shrimati Renu Chakravartty (Basirhat): I would like to move my amendments.

Mr. Chairman: We are at the consideration stage.

Shrimati Renu Chakravartty: After having heard the previous speaker. I should just like to say a few words. Yesterday also we considered the condition of the refugees and within the very restricted scope of discussion it was quite clear how terrible the sufferings of the refugees all over northern India were. It is true that thousands and thousands of refugees from West Pakistan as well as Esst from West Pakistan as well as East Pakistan who have come to India are today suffering inmeasurably. At the same time, it will not be right to put those sufferings on those Muslims who are going to remain here, or due to certain circumstances have gone away and have again come back. or due to the prevailing uncertain condi-tions have had to go and come back between 1947 and 1949. Therefore, I feel that when we declare ourselves a secular State, the interests of all com-munities should be protected. Certain people may have gone to Pakistan for other reasons, but the majority of the ordinary Muslims have gone away because the conditions appeared to be such that they felt they were not safe. Recently, I know how things happened in my province and influx started from East Pakistan People were frightened and Muslims from West Bengal began to migrate I know the things that happened all along the border in my constituency. Muslims came to me and asked me whether it was possible for them to whether it was possible for them to stay. Due to fear, they went to Pakis-tan and when conditions improved, they came back and with the full in-tention of remaining here as our nationals. Therefore, we should see this side of the picture also. As a matter of fact, I know that nearly 40,000 Muslims from several places in

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my area, from Rajarhat, Bistupur, Nimta, Kharda, Madhyamgram went away during 1948-49. They have come back, but they have not yet been able to get back their homes. They have seen the Minorities Minister again and again, but to no purpose. Therefore, it would not be right to question Therethe national sentiment of everybody who has left during 1947-49. Many of them have come back again, and in their cases provision should be made for resettlement in India. They should be allowed to keep their property and they should not be called evacuees.

The second point that I would like to mention is this. Many cases have been cited of people who have gone over to Pakistan. I know of certain cases in which Muslims have been declared as evacuees in spite of the fact that they are citizens of India. As a matter of fact, I would quote the case of Iqbal Hussain, a resident of Gorakhpur, who is a member of the City and District Branch of the Praja Socialist Party Executive He contested the elections to the House of the People. This is a sufficient proof regarding him and his bona fides cannot be chal-lenged. Yet, he has been declared an evacuee. Also, I have received a let-ter saying that many innocent Muslims in Gorakhpur have been declared as evacuees without giving sufficient reasons. These are some of the hardships of the Muslims. Not only is it necessary, therefore, to have this Bill, but certain weaknesses in the Bill it-self should be removed. For instance, a new clause has been inserted. It says that-

"if the acquisition has been made by or through a member of his family, in any manner whatso-ever, any right to, interest in or benefit from, any property which is treated as evacuee or abandoned property.....

then, he too will be considered an evacuee. It is true that some people try and acquire property through the backdoor but that is not always the case. Therefore, I would like an amendment to be made, to the effect that only those members of the family who are wholly dependent, should ly who are wholly dependent, should be treated as evacuees, and not any member of the family. It may be that a brother or somebody who is not dependent may acquire property and may go away. That does not mean that that person also automatically becomes an evacuee

The other point that I should like to mention is that there are certain other clauses in which very large powers have been given to the Custodian. My submission is that these 485 PSD

powers should be restricted. Referring to page 12, line 49, I would suggest that there should be a clause whereby there is an appellate authority over the Custodian. Some sort of appeal should lie to the Custodian General. These are some of the points that I wished to mention.

It is time that we had a Bill like While people may go over this. Pakistan without sufficient grounds, we should also see that several of them may go over there because of the fear caused by the conditions prevailing here. Therefore, provision should be made for those who are really bona fide nationals of India and who went to Pakistan only because of certain conditions. They should not be treated as evacuees, and their property should not be jeopardised in any way and should be restored to them.

पंडित ठाकुर दास भागेव : जनाव चेयरमैन साहब, यह जो नया ऐमेन्डमेन्ट बिल (Amendment Bill) है उस के उसूलों और उस बिल (Bill) को मैं आम तौर पर सपोर्ट (support) करने के लिये खड़ा हुआ हं। इस बिल (Bill) के ऊपर जो तकरीरें अब तक हुई हैं वह कई ऐसी बातों के बारे में हुई हैं जो इस बिल (Bill) से डाइरेक्टली (directly) ताल्लुक नहीं रखतीं लेकिन फिर भी उन का बड़ा भारी ताल्लक इस बिल के साथ है। जिस बक्त पाकिस्तान और हिन्द्स्तान में इतना बड़ा भारी एग्जोडस हो रहा था उस वक्त हर्गिज यह स्याल नहीं था कि जो चालीस पचास लाख आदमी पाकिस्तान से यहां आये हैं अपना सारा माल मता, सारी जायदाद और सब कुछ छोड़ कर आये हैं उन का वह सारा माल मता, और उन की जायदाद पाकिस्तान गवर्नमेन्ट प्रैक्टिकली (practically) जन्त कर लेगी और न कभी उन मसलमानों को जो यहां से वहां गये कभी यह ख्याल था कि यह जायदाद जो उन के खुन और पसीने से बनी थी उस जायदाद की तरफ हिन्द्सान निगाह करेगा । चुनाचे जब दोनों गदर्नभेन्टों के दम्यान मुआहिदात हुए और मुआहिदा यह था कि जो रेन्ट (rent) और जो फायदा

[पंडित ठाकर दास भागव]

Administration of

उन जायदादों से होगा वह पाकिस्तान गवर्नमेन्ट यहां के उन अश्लास के बास्ते इकट्ठा करेगी जो वहां से यहां आये हैं और यहां की गवर्नमेंट उन लोगों के बास्ते इकट्ठा करेगी जो यहां से पाकिस्तान चले गये हैं। यह जो नया नया कानन उस वक्त बना वह बना था उन अहलास के वास्ते, उन अक्लास के इन्टरेस्ट (interest) में जो पाकिस्तान चले गये थे. और पाकिस्तान म जो उस वन्त कानन बने थे वह हमें मालम हुआ था कि उन लोगों की भलाई के लिये बने थ जो कि वहां से यहां चले आये थे। लेकित आज इस बात का मुलाहिजा फरमायें कि आज उस जायदाद की तरफ जो सरीहन पाकिस्तान वालों की थी हमारे शरणार्थी भाइयों की निगाह है, और निगाह ही नहीं, इतनी मर्तबा में ने मि० गिडवानी को यह कहते हुए सुना कि यह एवैक्वी प्रापर्टी (evacuee property) हमारी है। मैं अदब से पछना चाहता हं कि किस क़ायदे की रू से यह जायदाद उन की है ? अगर कोई शख्स पाकिस्तान चला जाय हमेशा के वास्ते और जायदाद की मांग न करे तो कानून के मुताबिक वह गवर्नमेन्ट को एस्चीट जाती है। मैं कोई कानून ऐसा नहीं जानता कि जिस की रू से कोई शख्स यह कह सकता कि यह जायदाद उस की नहीं है जिस की यह पहले थी। लेकिन मामला यहीं पर खत्म नहीं हुआ । थोड़े ही अर्से के बाद पाकिस्तान गवर्नमेन्ट ने ऐसा कानुन पास किया कि उन का तो कहना ही क्या था जो यहां चले आये और जिन की जायदाद वहां पर रह गई, लेकिन जो आदमी अब तक वहां रह गय थे उन के खिलाफ ऐसे इवेक्यूई (evacuee) कानून के जरिये नहीं, एक और कानून के षरिये पाकिस्तान गवर्नमेंट ने ऐसे अहकामात रोजमर्रा जारी किये, कि वह अक्लास जो वहां रह गये थे उन की जायदाद जबर्दस्ती से लेना शरू कर दिया। एक ऐसे कानन के मातहत जिस के लिये बयान किया गया कि यह ऐसे अश्लाम के, ऐसे नैशनल्स (nationals) पाकिस्तान के हक व हितों में हैं, उन की जायदादों को छीनना शरू कर दिया जिस पर किसी कानन के मातहत, किसी उसूल के मातहत उन को कोई हक नहीं था, सिर्फ लुट खसोट के उसूल पर यह किया गया जिस में जो वहां की माइनारिटीज (minorities) हैं उन को जबर्दस्ती निकाल दिया जाय। इस गरजं से वह कानुन बना और उस की रू से न सिर्फ वह जायदादें ही छीनी गईं, बल्कि उन लोगों की जबर्दस्ती हिन्द्स्तान के अन्दर ढ़केला गया । यह काम यहीं पर खत्म नहीं हुआ, जिस वक्त शुरू शुरू में हम ने इस हाउस (House) में शरू किया कि ईस्टर्न (eastern) पाकिस्तान से, ईस्टर्न (eastern) बंगाल माइनारिटी (minority) निकाला जा रहा है तो पहले तो बंगाल गवर्न-मेन्ट ने यह कबल ही नहीं किया कि वहां से लोग निकाले जा रहे हैं, लेकिन आखिर में जब उन्होंने एक धक्का दिया, दो धक्के दिये, तीन धक्के दिये तज हमे ने देखा कि किस तरींके से पाकिस्तान की पालिसी (policy) चली आ रही है कि वहां की माइनारिटीज (minorities) को निकाल दिया जाय था उन की जबदंस्ती मसलमान बना दिया जाय।

ऐसी सूरत में मुझे नजर नहीं आता कि हमारी गवर्नमेन्ट क्या करती । में यह जानता हुं कि यह जितने कानून हैं यह उन उसूलों के म्ताबिक जिन को कि हम कान्नी उस्ल मानते हैं अब ठीक नहीं हैं। पहले यह स्याल किया जाता था कि पाकिस्तान से २० पर सेंट

किराया वसूल होगा, लेकिन बाद को मालूम हुआ कि वहां किराया वसूल ही नहीं होता। हमारी गवर्नमेन्ट फिर भी किराया वसूल करती रही और दस पर सेंट बसूल करती रही। शरणार्थियों से भी किराया वसूल किया जाता रहा और आखिर थोड़ा सा रुपया भी जमा किया गया। और गवर्न मेंट का यह मंशा नहीं था कि यहां पर जो इवेक्वी प्रोपर्टी (evacuee property) है यह पाकिस्तान के वास्ते न बनी रहे या इस पर कब्जा करती या इस पर बद निगाह करती । मैं अर्ज करूं कि आज गिडवानी साहब की जो कि एक पूराने कांग्रेस मैन हैं और कांग्रेस के उसुलों पर चलते आ रहे हैं, शिकायतें दूरस्त है, और वह यह वाक्या दूरस्त फरमाते हैं कि जिस वक्त पाकिस्तान से हिन्दू और सिख आते थे ईस्टर्न (eastern) पंजाब में, तो उस वक्त उन को यह भी इजाजत नहीं थी कि वह अपने साथ एक घड़ी या पिस्तील या एक मशीन भी ला सकते और सिर्फ जो कपड़े उन के जिस्म पर थे उन्हीं को पहन कर वह यहां आये। लेकिन मुझे उन दिनों का एक वाकया याद है कि हमारे यहां से उन्हीं दिनों एक मुसलमान एक लाख रुपये का सोना ले कर हवाई जहांज से चला गया। जनाब वाला, इतना ही नहीं। हमारी गवर्नमेन्ट कई तरह से उन उसुलों की पाबन्द थी। इतना ही नहीं, बल्कि हमारी गवर्न मेन्ट के जो लीडर्स (leaders) हैं उन के दिल बहुत सोफ्ट (soft) है। रेसीप्रासिटी (reciprocity) को नहीं समझते। हम यहां रोज लड़ते रहे कि रेसीप्रासिटी (reciprocity) को बरता जाय क्योंकि यह इंटरनेशनल (international) चीज है। लेकिन रोजमर्रा यही जवाब मिलता रहा कि अपीजमेन्ट(appeasement) ही ठीक है, जो चल रहा है वही ठीक है। मुझे मालूम है कि बम्बई से करोड़ों रुपये की जायदाद और करोड़ों रुपया

चला गया जो कि रोका जा सकता था लेकित हमारी गवर्तमेन्ट ने नहीं रोका। अगर वह रुपया रोका जा सकता तो आज यह कम्पेन्सेशन (compensation) दिक्कत ही न होती । आज यह सवाल ही पैदा न होता कि इन को १६ आना मआवजा नहीं दिया जा सकता । मैं अपनी गवर्नमेन्ट से अदब से अर्ज करना चाहता हं कि आज हमारे यहां चार मिलियन मसलमान हैं। हमारे अपने कांस्टीट्युशन में दफा १९ लिखी हुई है जिस को मैं फंडामेंटल राइट (fundamental right) समझता हं और में अदब से पूछना चाहता हुं कि कौन से कानून के नीचे मैं किसी एक मुसलमान को जो हिन्द्स्तान में रहता है उस के फंडामेन्टल राइट (fundamental right) से महरूम कर सकता हं जो कि आप ने रखा हुआ है। या तो हम अपना कांस्टीट्यूशन (Constitution) न बनाते । अब हमारी शिकायत जो हमारे दिल से निकलती है उस का जवाब हम को अपने कांस्टीट्यूशन (Constitution) से मिल जाता है कि दफा १९ के मताबिक हर एक आदमी को हक है कि वह अपनी जायदाद को डिसपोज आफ (dispose of) कर सके। लेकिन साथ साथ, जनाव मुलाहिजा फरमायेंगे कि यह इवेक्की प्रापर्टी (evacuee property) का कानुन जो बना वह भी मौजूद है। आज मुझे यह सून कर खुशी ही रही है कि इस में तबदीली होने वाली है और अब यह कानून खत्म होने वाला है। दरअसल यह जितने इवेन्त्री लोज (evacuee laws) हैं यह जितने जल्दी खत्म हो जायें उतना ही अच्छा है। और मेरे नजदीक इन का कोई कानुनी जवाब नहीं है सिवा इस के कि पार्लियामेन्ट ने इन को इनेक्ट कर दिया। वाके में इस कानून को जस्टीफाई (justify) नहीं कर सकता हं। जो बात मेरे दोस्त श्री हुक्म सिंह ने कही है और जो शिकायत श्री गिडवानी ने की है उस को मैं न तो भूल

Evacuee Property

(Amendment) Bill

[पंडित ठाकुर दास मार्गेव]

सकता हं और न बरदाश्त कर सकता हूं। उन की बात में मैं वजन देखता हं। लेकिन अगर यह शिकायत न की होती तो भी मैं एक पालियामेन्ट के मेम्बर होने की हैसियत से बहत जोर से अर्ज करना चाहता हं कि इन पांच सालों में जो कुछ यहां पालियामेंट में और दूसरी जगह गवर्नमेन्ट के मिनिस्टर्स (Ministers) ने कहा है उस को देखते हए कोई गवर्नमेन्ट दुनिया के अन्दर अपने उसूल पर कायम नहीं रह सकती जिस के रेसपांसिबिल मिनिस्टर (responsible Minister) बार बार यह बयान दें कि तम को सब को मआवजा मिलेगा और फाइनेन्स मिनिस्टरी (Finance Ministry) यह कह दे कि हमारी कम्पेन्सेशन (compensation) देने की कोई जिम्मेदारी नहीं है। मैं अदब से अर्ज करना चाहता हं कि श्री अजीत प्रसाद जैन गवर्नमेन्ट को उतना ही रिप्रे-पोट (represent) करते हैं जितना कि भौर कोई मिनिस्टर गवर्नमेंट को रिप्रज़ेंट (represent) करता है। इन्होंने बार बार यह ऐलान किया, एक दफा नहीं दो दफा नहीं, बीसियों दफा, कि मुआवजा दिया जायगा। और में चाहता गवर्नमेन्ट उस एक एक लफ्ज पर पाबन्द रहे जो कि इन्होंने कहे हैं, गवर्न मेन्ट के किसी मिनिस्टर के बयान की कोई वकत ही नहीं रह जायेगी । मैं अर्ज करना चाहता हं कि सिर्फ इन्होंने ही नहीं यह ऐलान किया, बल्कि भरी सभा में. जिस में मैं भी मौजुद था, स्वर्गीय श्री गोपाल-स्वामी ने यही ऐलान किया था कि इन लोगों को कम्पेन्सेशन (compensation) दिया जायेगा। वह कानफ्रेंस उन्हींने बुलाई थी। इस का मतलब यही था कि चाहे जितना भी हो लेकिन गवर्नभेन्ट कंट्रीब्य्शन (contribution) जरूर करेगी । वह वक्त मुझे याद है, वह दिन मुझे याद है। रिहैबि-लिटेशन मिनिस्टर (Rehabilitation

Minister) ने यह दिया था बल्कि श्री गोपालस्वामी ने यह बयान दिया था जो कि सूपर मिनिस्टर (Super Minister) दिया । उस के श्री हुक्म सिंह साहब एक रिजोल्यशन (resolution) पालियामेन्ट में लाये कि शरणार्थियों को आठ आना उन की जायदाद हे की कीमत का दिया में ने उस रिजोल्युलशन (resolution) मर अमेंडमेन्ट (amendment) भेजा था और उस पर बोलते हुए मैं ने इस हाउस (House) में कहा था, कि सरदार हुक्म सिंह को क्या अख्तियार था, उन के पास शरणार्थियों का कौन सा मुख्तारनामा था कि वह आठ आने लेने को तैयार हैं। मैं ने उस वक्त कहा था कि श्री गोपालस्वामी कम्पेन्सेशन (compensation) के बारे में गवर्नमेन्ट की पोजीशन (position) साफ कर चके हैं। गवर्नमेन्ट तो कम्पेन्सेशन (compensation) देगी। यह मैं ने इस हाउस (House) में अर्ज किया था और गवर्न मेन्ट ने यह नहीं कहा था कि कम्पेन्सेसशन (compensation) देने की हमारी कोई जिम्मेवारी नहीं है। इतना ही नहीं, श्री अचिन्त राम साहब ने एक सवाल पृष्ठा था हमारे प्राइम मिनिस्टर (Prime Minister) साहब से और हमा रे प्राइम मिनि-स्टर (Prime Minister) साहब ने भी कुछ ऐसे अल्फाज इस्तैमाल किये जिन का मफहम साफ था कि गवर्नमेन्ट जो कुछ कंट्रीब्यूशन (contribution) कर सकेगी करेगी। लेकिन आज फाइनेन्स मिनिस्टी (Finance Ministry) का अखबारों में यह स्टेट-मेंट (statement) निकलता है कि गवर्नमेन्ट का ऐसा इरादा नहीं है। यह स्टेटमेन्ट (statement) बहुत परेशान और हैरान करने वाला है। मैं तो इस पर एक मिनट के वास्ते यकीन नहीं

कर सकता। मैं तो यह समझता हूं कि जो गवर्नमेन्ट के एक मिनिस्टर के बाद इसरे ने भी लफ्ज कहे हैं उन को गवर्नमेन्ट परा करेगी। में श्री अजीत प्रसाद जी को जानता हं और जो बातें में कह रहा हूं अगर वह सही न होतीं तो वह मेरा गला दबा देते । मैं जानता हं कि वह कितने जबरदस्त हैं। लेकिन वह यहां मौजद हैं और मझे कंदेडिक्ट (contradict) नहीं करते यह इस बात का सरीह सब्त है कि श्री अजित प्रसाद जी अपने अल्फाज के पाबन्द हैं जो कि उन्हों ने एक बार नहीं दो बार नहीं बहुत बार दूहराये हैं कि इन लोगों को सही कम्पेन्सेशन (compensation) दिया जायगा में अर्ज करूं मझे तो यकीन ही नहीं आता कि यह अखबारों की बात दूरस्त है। यह मामला कैबिनेट (cabinet) के सामने जा चका है और श्री अजीत प्रसाद जी बार बार फरमा चुके हैं कि वह अपने अल्फाज के पाबन्द है। ऐसी हालत में मैं नहीं समझता कि कोई दूसरा मिनिस्टर (Minister) उन के कहे हए को झठलायेगा । श्री गोपालस्वामी के कहे हुए अल्फाज मेरे लिये निहायत इज्जत के काबिल है और मुझे यकीन नहीं आ सकता कि आज कोई शख्स उन के वादों को **झ**ठलाने का ख्याल कर सकता है। इस वास्ते श्री गिडवानी साहब ने जिस वक्त यह फरमाया कि शायद फाइनेन्स मिनिस्टर (Finance Minister) साहब को यह मालूम हो और यह उन का इनोसेंट इगनोरेंस (innocent ignorance) हो, उस वस्त में ने कहा था कि इनोसेंट इगनोरेंस (innocent ignorance) नहीं बल्कि इगनोरेंस (ignorance) कहना ठीक होगा।

It is not innocent ignorance. Call it ignorance, I would be satisfied.

Dr. Khare (Gwalior): Malicious mischief!

पंडित ठाकर बास भागेव : डाक्टर खरे साहब गैर जिम्मेदाराना तरीके से जो चाहें फरमा सकते हैं, लेकिन में उस को स्वाद नहीं करता। उन को तो हक है कि वह चाहे जो कहें। लेकिन मैं तो अपनी गवर्नमेन्ट में यकीन रखता हं, में यकीन करता हं उस के वादों में और ऐसे बुज्गों के वादों में कि जिन्हों ने हमारे सामने बादे किये. और बतौर मेम्बर पालियामेन्ट के जिस वक्त में ने अमेंडमेंट (amendment) पेश किया उस वक्त भी में ने इस बात को दहराया । में समझता हं कि गवर्नमेंट हरगिज ऐसा कदम नहीं उठायेगी जिस से कि गवर्न मेन्ट को. या उस के मिनिस्टर साहिबान को या उन अशसास को जो कि गवर्नमेन्ट में यकीन रखते हैं रूड शोक (rude shock) पहंचे और वे समझे कि गवर्नमेन्ट एक तरफ तो बादा करती है और दूसरी तरफ से तोड़ती है।

ऐसी सूरत नहीं होने की है, मैं इस का यकीन नहीं कर सकता। इस वास्ते जहां तक कम्पेन्सेशन (compensation) का सवाल है मुझे कोई श्वहा नहीं है कि गवर्नमेन्ट कम्पेन्सेशन (compensation) जरूर देगी। क्या कम्पेन्सेशन (compensation) देगी यह गवर्नमेन्ट ने हम को नहीं बताया। लेकिन यह सरीह है कि गवर्नमेंट जब अब तक ८० करोड रुपया रीहै बिलिटेशन (rehabilitation) पर खर्च कर चुकी है तो इस वास्ते कोई ऐसी रकम देगी जो कि गवर्नमेन्ट के शायाने शान हो । इस को में मानता हं कि मेरा देश गरीब है। मैं चाहता था कि जो आदमी वहां से आये, जितने शरणार्थी हैं जिन की क़ब्रों पर हम ने यह स्वराज्य हासिल किया है, उन को जितना भी आराम हम पहुंचा सकें वह थोड़ा है। हमारा फर्ज है कि जितनी खिदमत इन की हो सके वह थोड़ी है। और गवर्नमेन्ट ने जिस तरह से काम किया और जिस शान के साथ

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रिलीफ और रीहैबिलिटेशन (relief and rehabilitation) का काम तो जैसा में ने चन्द रोज हुए अर्ज किया था, यह इसी गवनंमेन्ट का हिस्सा था । मेरे स्थाल में शायद दुनिया की तारीख में कोई भी ऐसी गवर्नमेन्ट नहीं है जिस ने यह काम इतनी मेहनत के साथ और इतनी हिम्मत के साथ किया हो। मैं ने खुद जा कर कलकत्ते में कैम्प्स (camps) देखे हैं। मैं ने पंजाब में कैम्पों (camps) को देखा है। शायद ही कोई जगह ऐसी बची हो जहां पर कि मैं रिलीफ और रिहे बिलिटेशन मिनिस्ट्री (Relief and Rehabilitation Ministry) की तरफ से नहीं गया होऊं। मैं ने वहां जो हालत देखी है उस की मैं ने सस्त से सस्त नुक्ता चीनी की है। लेकिन साथ ही मैं यह भी जानता हं कि गवर्नमेन्ट के जरिये कितने हैं, वह क्या कुछ कर सकती है। कैसे इतने सारे आदिमयों को जो उजड़ कर आ जायें पूरा (relief) पहुंचाया सकता है। लेकिन मेरा दावा है कि गवर्नमेन्ट ने जितना काम किया है वह निहायत ही आला पैमाने का है। मुझे इस वास्ते हरगिज यकीन नहीं होता कि इतना अच्छा काम करने पर गवर्नमेन्ट यह ऐटीट्युड (attitude) लेगी कि वह कम्पेनसेशन (compensation) नहीं देगी ।

अब मैं इस सवाल को छोड कर जनाब की खिदमत में इस बिल (Bill) की चन्द दफात के बारे में अर्ज करना चाहता हं। मुझे बड़ा अफसोस होता अगर मेरी राय श्री हुकूम सिंह साहब के साथ इत्तिफाक़ करती कि इस बिल (Bill) के अन्दर ऐसा प्रावीजन (provision) किया गया है कि अगर कोई कस्टोडियन (custodian) से इजाजत भी हासिल कर ले तो भी फिर वह ट्रांसफर क्वरचन (transfer question) किया जा सकता है। में अब जनाब की तवज्जह इस कनैक्शन (connection) में दफा १२ पर सब सैक्शन (sub-section) ६ की तरफ दिलाऊंगा जिस के अन्दर साफ तौर पर दर्ज है कि ऐसा मन्शा इस बिल (Bill) का नहीं है। चुनांचे इस में दफा ५ में तो यह दर्ज है :

Evacuee Property

(Amendment) Bill

Nothing contained in sub-section (1) shall apply to the transfer for valuable consideration of any such property as is referred to therein in any of the following cases, namely:

(a) where the transfer has been made with the previous approval of the Custodian before the commencement of the Administration of Evacuee Property (Amendment) Act, 1952.

इस से साफ है कि अगर इस ऐक्ट (Act) के नाफ़िज होने के पहले कनसैंट (consent) ली गयी है तो फिर उस कनसेंट (consent)की मौजुदगी में वह सारा दांसफर रीबोप्न (trasnfer reopen)हो जायगा, सो मंत्रा नहीं है। आगे दफा ६ में यह दर्ज है :

Where the transfer is made after the commencement of the Administration of Evacuee Property (Amendment) Act, 1952, and-

(i) the value of the property transferred is less than three thousand rupees:

Provided that the transferor does not transfer any other property belonging to him within a period of one year from the date of the transfer; or

(ii) the value of the property exceeds three thousands rupees but the transfer is made with the previous approval of the Custodian or in the prescribed cases with the previous approval of the Custodian General.

इस के सरीह माने यह हैं कि चाहे जिस सुरत में, इस ऐक्ट (Act) के नाफिज

होने से पहले अगर ट्रान्सफर अप्रवल (transfer approval) गया है तो उस ट्रांसफर (transfer) को कोई क्वरचन (question) कर सकता। अगर इस ऐक्ट के नाफिज होने के बाद कोई अप्रवल (approval) ले लिया गया है कस्टोडियन (custodian) का तब भी उस टांसफर (transfer) का कोई क्वरचन (question) नहीं कर सकता। अगर रूल्स (rules) ऐसे बन जायें कि ५० हजार या २५ हजार से ज्यादा की जायदाद हो तो कस्टोडियन जनरल (custodian general) इजाजत लेनी जरूरी हो तो उस इजाजत लेने के बाद उस ट्रांसफर (transfer) को क्वश्चन (question) नहीं किया जा सकता । इस वास्ते इस में श्री हुकुम सिंह साहब का जो बड़ा ओबर्जेक्शन (objection) है वह मैं समझता हूं कि वैलफाउडेड (well-founded) नहीं है। यह एक लम्बा सैन्शन (section) है जनाब बाला कानन के मामले में हम को हर मामला साफ रखना चाहिये इस बास्ते अगर का बीबजैक्शन (objection) दूरुस्त हो, जो मैं समझता हूं कि दूरुस्त नहीं है तो मैं अर्ज करूंगा आनरेबिल मिनिस्टर साहब की खिदमत में कि इस को दुरुस्त कर दिया जाय। मेरी राय में इस की दूरुस्ती की कोई जरूरत नहीं है।

अब मैं जनाब की तवज्जह कुछ चन्द उसूलों की बाबत दिलाना चाहता हं जिन के बारे में हमारी बहन श्रीमती रेण चक्रवर्ती ने तक़रीर फरमाई। आप ने उसूल को टीक बयान किया कि यहां पर हम को सिर्फ यही नहीं देखना है कि रिफ्युजीज (refugees) का इंटरैस्ट (interest) यहां पर हमारे जो मुसलमान भाई रहते हैं और जो हमारी ही तरह के सिटीजन्स

Evacuee Property (Amendment) Bill (citizens) ह, उन की तरफ भी हम को देखना है। लेकिन में उन की खिदमत में निहायत अदब से अर्ज करूंगा कि आज के दिन जो कानून मौजूद है वह काफी तौर पर उन के हक की हिफाजत करता है। जो अमेंडमेंट (amendment) मेरी बहन ने दी हैं वह जरूरी नहीं हैं, आज का कानून वही है। उस में कोई दिक्कत नहीं है क्यों कि आज के दिन अगर कोई शस्स जलाई १९४८ से पहले अगर पाकिस्तान जा कर भी वह वापिस आ गया तो उस की प्रोपर्टी (property) बापस कर दी जाती है। उस की प्रौपर्टी (property) पर कोई आंच नहीं आने पाती । इसी तरह से मैम्बर आफ दी फैमिली (member of the family) की तारीफ इस ऐक्ट (Act) में दी हुई है जहां लिखा हुआ है कि वह उस के ऊपर डिपेंडेंट (dependent) होना चाहिये। यह नहीं है कि वह अलग रहता हो और फिर कोई ऐसा फेल कर दे तो भी उससे जिस के ऊपर वह डिपैंडेंट (dependent) महीं है और जिस से अलग रहता है, उस पर कोई आंच आवे और उस को कोई नक्सान पहुंच जाय । इस वास्ते गो उन की राय दूरस्त है, लेकिन चुंकि यह मामला पहले ही कानन में है, इस वास्ते में अर्ज करूंगा कि वह इस का मुलाहजा फरमा लेंगी और देखेंगी कि अगर जरूरत न हो तो इस अमेंडमेंट (amendment) को प्रैस (press) नहीं करेगी. क्योंकि आज का कानन भी वही है ।

इस के बाद जनाब वाला की खिदमत में में उस बारे में अर्ज करूंगा जिस के बारे में बहत जोर की बहस की गई। श्री देशपांडे और श्री गिडवानी साहब ने बहत जोर दिया है और यहां तक कहा है कि एग्जीक्य्टिव (executive) और ज्युडिशियरी (judiciary) और सिविल कोर्टस court) की क्या हिस्दी (history) है, सन्

[पंडित ठाकुर दास भागंब]

Administration of

१८८५ तक की पूरानी तवारीख तक उन्हों ने बयान कर डाली है। मैं निहायत अदब से अर्ज करना चाहता हं कि दर असल यह जितने भी कान्न इवैक्युईंज (evacuees) के बारे में हैं यह सब लालैस ला (lawless ' law) हैं। इस के अन्दर जैसा हमारे आनरेबिल मिनिस्टर साहब ने फरमाया, सिविल कोर्टस (Civil Courts) को बहुत कम दखल दिया गया है। आप सारे ऐक्ट (Act) का मलाहजा फरमावें, चाहे वह हिन्द्स्तान का हो या पाकिस्तान का हो. जितने भी कान्न हैं उन के अन्दर सिविल (civil) कान्न और सिविल ला (civil law) को बहुत कम जगह दी गई है। शुरू ही में चन्द लायर्स (lawyers) की गवर्नमेन्ट ने एक कमेटी बनाई थी और फिर उस की रिपोर्ट (report) पर एक (ordinance) आर्डिनेन्स गया था । उस वक्त हमारे देश के बड़े बड़े अच्छे मशहर वकील उस कमेटी में शामिल थे और इत्तिफाक से मैं भी उस का मैम्बर था। में ने उस में अर्ज की थी कि जहां तक नान रिफ्यजीज (non-refugees) का सवाल है उन के इंटरैस्ट (interest) को भी गवर्नमेन्ट को देखना है और मैं ने अर्ज किया कि ऐसी सूरत में कोई ऐसी दफा भी बनाई जाये कि अगर कोई शस्स समझता हो कि सिविल कोर्ट (Civil Court) में उस के खिलाफ हुई बेइन्साफी कीं दूरुस्ती कराई जा सकती है तो उस को वहां जाने की इजाजत हो । लेकिन बाकी जितने मैम्बर साहबान उस कमेटी में थे उन्हों ने इस को मंज्र नहीं किया और उस की वजह साफ थी, क्यों कि कोई यह पसन्द नहीं करता था कि हर एक मामले को हाई कोर्ट (High Court) तक ले जाया जाय और इतने दिनों तक मामले को लटकाया जाय । उस वक्त यही डर था

कि इस में रिफ्युजीज (refugees) का इंटरैस्ट सैकीफाइस (interest sacrifice) हो जायेगा। चनांचे उस ला (law) में यह तो हक दिया गया कि ऐसा शस्स की जिस को इवैक्युई (evacuee) करार जाय तो उस को तो राइट (right) दिया गया कि वह सिविल कोर्ट (Civil Court) में जा कर अपने केस (case) की रिप्रैजेंट (represent) कर सके और जो यहां के रहने वाला है अपनी जायदाद को वापस ले सके. लेकिन और किसी को कोई हक नहीं दिया गया कि सिविल कोर्ट (Civil Court) में अपना (case) ले जाय और कहा गया कि जो जजमेंट (judgment) कस्टोडियन (custodian) का है वह नाफिज होगा।

Evacuee Property (Amendment) Bill

इसी तरह से मैं अदब से कहंगा कि चन्द और भी बेइन्साफियां यहां के लोगों के साथ हुई । यहां पंजाब में कुछ ऐसे जिले थे फिरोजपुर, करनाल और दूसरे जिले, कि जहां बड़े बड़े मसलमान लैंड लाई (landlord) थे। तो जब नया कानन पंजाब में बना जिस की रू से जमींदारी खत्म हो गई. तो उस की वजह से ऐसे आदमियों को जिन का मुद्दत दराज से कब्जा उन की जमीन पर चला आया था और जो बरसों से काइत, करते थे, आज वह उस कानून की रू से आक्रेपेसी टैनेट(occupancy tenant) बन जाते, वह मालिक बना दिये जाते। अगर आज वह मुसलमान यहां होते, फिरोजपुर या करनाल या और जगह के नवाब अगर भाज यहां होते तो जिन के पास उन की जमीनें कब्जे में थीं, उन को बेदखल नहीं किया जा सकता था। वे उस के मालिक करार दे दिये जाते । लेकिन आज वे जमीनें हमारे रिफ्युजीज (refugees)

अलाट (allot) हो गयी हैं तो सरकार ने यह कहना शुरू किया कि उन को बेदखल किया जाय । यह सख्त बेइन्साफी थी ।

Administration of

इसी तरह से मैं जानता हं कि कितने ही आदिमयों के साथ बेइन्साफी हुई। लेकिन इस गरज से कि जो हमारे माई हिन्द्स्तान में पाकिस्तान से उजड कर आये हैं, उन के साथ बेइन्साफी न हो, हम ने यहां के लोगों के हक का स्थाल नहीं किया। मैं इस की कोई शिकायत नहीं करता, क्यों कि ऐसे मौके पर किस प्राइवेट प्रोपर्टी (private property) के हक्क को मैं देखं जब कि इतना मास (mass) सैकीफाइस (sacrifice) हो रहा हो। में इस की कोई शिकायत नहीं करता। लेकिन में कहंगा कि उन लोगों के बारे में जो बहत गरीब हैं, जो किसान हैं, जिन का पूरतों से कब्जा था. उन के बारे में में अदब से अर्ज करूंगा श्री अजीत प्रसाद जी की खिदमत में कि जहां तक उन किसानों का सवाल जो इतनी पीढियों से अपनी जमीन को बोते चले आये हैं, उन क याल करना चाहिये। वह इवैक्युई ला (evacuee law) के मातहत बेदखल कर दिये गये। उन को बेदलल नहीं करना चाहियेथा। उन को जमीनें वापस मिलनी चाहियें।

मैं अदब से अर्ज करूंगा कि इस बारे में वह ला (law) को फिर देखें और जो तरमीम मनासिब हो वह पंजाब में या यहां कर दें।

इस के अलावा जनाबवाला में अर्ज कर रहा था कि दफा १६ की तरफ तवज्जह ंदिलाई गई और कहा गया कि १६ का कानून ऐसा सख्त कानून है, जिस के जरिये गवर्नमेन्ट पता नहीं क्या करना चाहती है। अभी मेरे लायक दोस्त गिडवानी साहब ने परानी दफा ५२ का जिक्र किया

श्री गिडवानी : मैं पुरानी दफा नहीं

बतला रहा हूं, नई का जिन्न किया ₹, में बंधा नहीं हुं।

Evacuee Property (Amendment) Bill

5 P.M.

पंडित ठाकुर बास भागंब : आप को बांध कौन सकता है बंध तो वही सकता है जो अपने आप को बंधवाना चाहे। में अदब से अर्ज करूंगा कि यह जो दफा १६ (१) की जगह थी और जो दफा १२ में है. यह निहायत गौर खौस के बाद बनाई गई थी और ऐसे वक्त बनाई गई थी और इस गरज से बनाई गई थी कि अगर कोई बेइन्साफी हो तो गवनंमेन्ट उस को रोक सके। आज सिविल कोर्टस (Civil Courts) में हम देखते हैं और यह हो सकता है कि बहत सी चीजों में नाइन्साफी हो जाय. लेकिन यह कानुन तो इस गरज से बनाया गया है कि अगर गवर्नमेन्ट किसी के साथ इंसाफ करना चाहे तो इस दफा की रू से कर सके. साथ ही अगर कोई अफसर बेईमान हो, तो वह इस के जरिये अगर चाहे तो किसी के साथ तरफदारी भी कर सकता है। इस सिलसिले में मेरे लायक दोस्त ने अभी हमें बतलाया कि हमारे मिनिस्टान और बड़े मौअज्जि मिनिस्टर साहबान इवैकुई प्रौपर्टी (evacuee property) बारे में खत लिखते रहते हैं और सिफारिशें करते रहते हैं उन की शिकायत दूरस्त है ं और मैं ने भी इस का कई मर्तबा जिक्र किया है और यह चीज हुई, लेकिन आखिर सब इनसान देवता तो हैं नहीं और इस वजह से जरूर ऐसी बातें हो जाती हैं जो न होनी चाहियें और हम उन चीजों की तारीफ नहीं करते, हम उन को कन्डेम (condemn) करते हैं, तो हमें देखना यह है कि गवनंमेन्ट को यह अस्तियार देना जायज है या नहीं। में इत्तिफाक से उस सेलेक्ट कमेटी (select committee) का चेयरमैन(chairman) था और हमारे सामने यह सब सवाल आये और हम ने उन को देखा और उन पर सोच

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Administration of

पिंडित ठाकर दास भागंब] विचार किया। मैं जनाब से अर्ज करूंगा कि ৰিল (amending bill) में सेलेक्ट कमेटी (Select Committee) को उतना ही अखित्यार है जितनी दूर की वह अमेंडमेंट (amendment) जाता है। पहले की दफा और इस सोलह दफा में बहुत थोडा फर्क है, पुरानी दफा के मातहत गवर्नमेन्ट के सर्टिफिकेट (certificate) देने के बाद कस्टोडियन (custodian) यह देख सकता था कि ऐसे आदमी का टाइटल (title) दुरुस्त है या नहीं अब भी यही कानून रक्खा गया है, इस में क्या फर्क है ? मेरे दोस्त ने छतरीवाले के केस (case) का जिक्र किया था, मैं ने भी इस हाउस (House) के अन्दर उस का जिक किया था, लेकिन क्या मेरे दोस्त भल गये कि यह पूराना कान्न उस वक्त बना था जिस वक्त नेहरू लियाकत पैक्ट (pact) की स्याही भी नहीं सुख पाई थी और इस वास्ते उस वक्त का माहौल कुछ और ही तरह का था। इस ऐक्ट (Act) के बनते ही हमारे पिछले रिहैबिलिटेशन मिनिस्टर (Rehabilitation Minister) স্থা मोहन लाल ने बयान दिया कि जो लोग १८ जुलाई सन् ४९ (?) तक वापिस आयेंगे उन को उन की जायदाद वापिस हो सकेगी, अब इस में चाहे छतरी वाले हों या बे छतरी वाले, चाहे दस करोड़ की प्रोपर्टी (property) का सवाल हो या दस रूपये का, सब के साथ एक ही कानून के जरिये बर्त्ताव किया जायेगा, और यह होना ही चाहिये, आखिर यह कानुनी गवर्नमेन्ट है डैमोक्रेसी (deniocracy) बिलीव (believe) करती है और अगर यह कानून न चले तो में अर्ज करूंगा कि सब मामला ही खत्म हो जायगा, जब जाय-दाद की वापसी के बारे में एक उसूल हम ने बना लिया, तब हमें उस पर जम कर चलना

है फिर चाहे कितनी ही बडी जायदाद का मामला हमारे सामने क्यों न पेश हो, क्यों कि आखिर जो उसल हम ने अपनाया वह तो सब के वास्ते हैं, मेरे दोस्त चाहते हैं कि रिफ्युजीज (refugees) का पूल (pool) कम न होना चाहिये और मैं भी यही चाहता हं कि उस पल (pool) को कम न होना चाहिये, लेकिन साथ ही मैं यह भी हुं कि अगर हमारे यिनिस्टर साहब चाहें कोई भी हों, जैसे हमारे श्री मोहनलाल ने अगर एक बयान दे दिया, तो फिर हम को उस पर जमे रहना है और उस पर अमल करते जाना है चाहे उस से फायदा या नकसान क्यों न हो, ठीक उसी तरह अगर हमारे मिनिस्टर श्री अजीत प्रसाद जैन ने बयान दे दिया है कि रिफ्यजीज (refugees) को कम्पेन्सेशन (compensation) मिलना चाहिये, तो हमें उस बात पर पाबन्द रहना चाहिये और उस से हटना नहीं बाहिये । इसलिये यह हम पर लाजिम है कि हम जो बयान दें और पोलिसी (policy) बतलायें, उस पर पाबन्दी के साथ अमल करें अरी हम उस से दूर न भागें।

जनाबवाला, मैं ने जरूरत से ज्यादा वक्त ले लिया है। अब मैं थोड़ा इन्टेर्निडग इवैक्युई (Intending evacuee) के के बारे में अर्ज करना चाहंगा कि आया हम इन्टेन्डिंग इवैक्ई(Intending evacuee) के प्राविजन (provision) को इस ऐक्ट (Act) में रक्खें या न रक्खें। यह कहना दुरुस्त नहीं है कि इनटेन्डिंग इवैकुई (Intending evacuee) को हटाने से कोई एक तरफा कार्यवाही हुई है। अगर जनाब वाला, इस बिल (Bill) की दफ़ा दो को मुलाहिजा इन्टेन्डिंग फरमायेंगे कि पायेंगे इवैक्ई (Intending evacuee) की जो तारीफ की गई है वह तारीफ तबदील की गई है। चुनांचे जो अशसास पहले इवैक्ई (evacuee) नहीं बनते श. वह अब

इस दफा २ के जिम्न ४ और ५ की जद में जो जाजायेंगे वह इवैक्ई (evacuee) बन जायेंगे और उन की जायदाद इवैकुई प्रोपर्टी बन जायेगी. आप देखेंगे कि इस तरह जो तबदीली की गई है उस से इवैक्ई पूल को सप्पोट (support) ही किया गया है। यह कहना दूरस्त नहीं है कि इनटेन्डिंग इवैक्ई को हटाने से उस सारे पूल को कम करने की कोशिश की गई है, इनटैन्डिंग इवैकुई ऐक्ट किस तरह बना, वह सारी हिस्ट्री (history) अगर में बयान करने लग जाऊं तो बहुत वक्त लग जायेगा। लेकिन में इतना जरूर अर्ज करना चाहता हं कि आखिर इनटेंडिंग इवैकुई का प्रैक्टिकल प्रोपोजीशन (practical proposition) क्या है और आप देखेंगे कि जिन की जायदाद इवैकूई प्रौपर्टी बन चुकी है, उस पर कोई असर नहीं पड़ता है। अगर जनाब वाला, आखिरी जिम्न को देखेंगे तो पायेंगे कि दफा १७ के मातहत जो जायदाद इवैकूई प्रापर्टी बन चुकी है, उस को हाथ नहीं लगाया है बल्कि यह लिखा है :

The repeal of Chapter IV of the principal Act shall not affect—

अब मैं गिडवानी साहब की अस्ली शिकायत पर आता हूं जिस में उन्हों ने फरमाया है कि जिन अशखास को इनटेन्डिंग इबैकुई डिक्लेयर (declare) किया जा चुका है, उन की एक तरह से इस दफा १७ की रू से उन की निस्वत यह करार दिया जा रहा है कि उन पर कोई पाबन्दी नहीं होगी।

में खुद भी नहीं जानता कि जिन को कोर्ट (court) इनटेन्डिंग इवैकुई करार

दे चुकी है उन को इनटेन्डिंग इवैकूई की लिस्ट (list) में हटाने से क्या फायदा होगा, लेकिन साथ ही में यह भी जानता हं कि अगर इस को नहीं हटाया जाता है तो पोजीशन (position) बिल्कूल इन-कनसिसटेंट (inconsistent) इल्लाजिकल (illogical) हो जाती है और में समझता हूं कि आप ने इस में से जो यह इजाजत दी है कि कोई भी शस्स तीन हजार रुपये तक की मालियत की जायदाद बगैर इजाजत के ट्रांसफर (transfer) और डिस्पोज आफ़ कर सकता है और पाकिस्तान को जा सकता है दृहस्त और माकुल है और मैं उन आदमियों में से हं जो यह समझते हैं कि अगर कोई शस्स पाकिस्तान को जाना चाहता है तो वह मेरी निगाह में न डिस्लायल (disloyal) है और न ही वह कोई बरा काम करता है। अगर आज मैं पाकिस्तान में होता तो मुझे भी हिन्द्स्तान में आने की स्वाहिश होती और उस के वास्ते में अपने आप को बुरा नहीं समझता । में नहीं समझता कि अगर कोई शस्स अपनी कम्युनिटी (community) में जाना चाहता है तो वह क़सूरवार है और ऐसे लोगों के जाने में क्यों रुकावट डाली जाती हैं, वह डिस्लायल (disloyal) नहीं है अगर वह अपने मुल्क में जाना चाहता है। हमारे श्री अजीत प्रसाद जैन को ऐसे केसेज (cases) मालूम हैं कि जिस वक्त क़हत के दिनों में जो शस्स अपने जानवरों की परवरिश के वास्ते रुपया कर्ज न ला सके और जो अपनी जरूरतों के वास्ते भूखे मरते हुए भी और अपनी जायदाद को बेच कर भी अपना और अपने बच्चों का पेट न पाल सके जो किसी तरह भी अपनी जरूरतों को जायदाद से पूरा न कर सके, को सरीहन बड़ी सक्ती की बात है । इन बातों भी बुनयाद पर जो स्पीच हमारे

⁽a) any property which has vested in the Custodian under section 22 of the principal Act before the commencement of this Act. or

⁽b) any proceeding pending under that section on such commencement.

Evacuse Property

(Amendment) Bill

Administration of

पिंडित ठाक्र दास भागव मिनिस्टर साहब ने दी उस असर हुआ। हाऊस पर को हम नहीं चाहते कि लोगों को बेजा तकलीफ हो। इस वजह से यह तीन हजार की रकम कायम की गई फिर अगर कोई 📝 गरीब आदमी है वह जाना चाहता है तो उस को तकलीफ न हो। इस रकम से वह अपना काम भी चलाये और अगर जाना चाहता है तो चला भी जाय। यह उसूल था और में समझता हं कि अगर मेरा काबू होता तो में किसी आदमी को यह न वाहता कि जो पाकिस्तान जाना चाहता है वह यहां रहे। अभी मेरे लायक दोस्त ने मिस्टर खली-कुञ्जमा और हुसैन इमाम साहब का जिक किया। उस वक्त जब यह कानून बन रहे थे तो वह लोग पंडित जी के कान में जा कर गुफ्तगृ किया करते थे। हम तो श्री मोहन लाल जी से ही कहते थे कि ऐमेन्डमेंट (amendment)करो, यह करो, वह करो, उनके तमाम पहलू बयान किया करते थे, और हर तरह से डिबेट (debate) किया करते थे। मझे वह दिन याद है जब अजीत प्रसाद साहब नें एक सवाल के जवाब में यहां पर हुसैन इमाम साहब से यह कहा था कि हम आप को जाने की इजाजत देते हैं, आप की बीबी को जाने की इजाजत देते हैं लेकिन आप अपनी जायदाद यहां पर छोड़ जाइये। उन की मालूम था कि वह किस तरह से यहां से जाने की कोशिश कर रहे हैं। ऐसे बहुत से आदमी हैं जिन के खिलाफ मेरे दोस्त के पास शिकायतें हैं। शरू दिन से मेरी यह शिकायत थी कि जो लोग यहां से जाना चाहते हैं मैं उसूलन उन के खिलाफ नहीं, लेकिन असल में जिस तरह पाकिस्तान हमें निकाल रहा है उस से मेरी छाती पर सांप लौटता है। यह कैसे हो सकता है कि यहां से लोग अपनी कुल कायदाद या उस की कीमत ले कर वहां

चले जायें। और वहां से जो आयें वह आदमी सिर्फ अपने जो कपडे पहने हुए हों वह ही ले कर आवें। में ने शुरू में बहस की थी कि रिषयुजी यह नहीं कह सकते कि इवैक्वी (evacuee) जायदाद उन की है लेकिन जब कि गवर्नमेंट ने करार दे दिया कि यह जायदाद उन को दी जाय, तो उस जायदाद का पूल (pool) कम न यह उन को कहने का पूरा हक है। सरकार उन को कम्पेन्सेशन (compensation) दे जो वह कम्पेन्सेशन (compensation) अपनी जायदाद का मांगते हैं तो सरकार इवेक्वी जायदाद का चाहे सो करे। इनटेन्डिंग इवेक्की के बारे में अर्ज है कि अब वक्त काफी हो चका है जो कुछ हम इस बिल में चाहते हैं उस की ब्नियाद क्या है। जितने इवैक्वी प्रापर्टी वाले थे या जो इन्टेन्डिंग इवैक्वी थे. क्या वह पांच बरस के बाद भी खश्म नहीं हए । कितने आदमी इवैक्वी बने थे, आखिर उन की तादाद तो देखिये। सारे हिन्द्स्तान में उन की तादाद 2-3 हजार से ज्यादा न थी उन में से बहुत सौं की जायदाद इवैक्वी बन चुकी। जिन को जाना था वह चले गये, सारे हिन्दूस्तान से, जो यहां के इन्टेन्डिंग इवेक्वी थे अब उन के अन्डे बच्चे यहां बाकी नहीं रहे । इसलिये यह ऐसी चीज नहीं है कि जो इन्टेन्डिंग इवैक्वी (intending evacuee)हों उन की प्रापर्टी का इतना फर्क पडता हो। और फिर जिन को इंटेन्डिंग इवैक्वी कहा जाता था उन को इवैनवी डिक्लेअर (evacuee declare) करने में आप ने इतनी देर लगा दी। जिस को कस्टोडियन ने इंटेन्डिंग इवैक्वी डिक्लेअर नहीं किया उस के लिये कौन सी चीज रह गई जिस से यह मालम हो जाय कि वह इन्टेन्डिंग इवैक्वी है बाई डाकमेन्टरी इवेडिन्स (bv documentary evidence) और बाई कान्डक्ट (by conduct) । आज मैं कहना चाहता हूं कि यह जितनी बातें थीं बाई कान्डक्ट Administration of

(by conduct) बाई डाक्सेन्टरी एवि-हेन्स (by documentary evidence) या और कुछ, इस का जितना फायदा या नुकसान होना था वह सब का सब खत्म हो चुका। और कोई भी इन्टेन्डिंग इवैक्वी दिखाई नहीं पडता। और अगर है तो यह दफा ४० और ४१ मौजद है जिस के ऊपर आप ऐतराज नहीं करते, जिस के ऊपर किसी ने भी ऐतराज नहीं किया है । जिन लोगों के लिये हमारे मिनिस्टर साहब मैगनैनिमिटी आफ हार्ट दिखाना चाहते थे कि हम उन को जायदाद बेच कर गुजारा करने दें, उस के खिलाफ कोई भी बात नहीं कही गई है। आप ने दफा ४० को रक्खा है तो मैं निहायत अदब से कहना चाहता हं कि यू हैव स्वालोड दि कैमेल, य आर स्ट्रेनिंग ऐट दि नैट (you have swallowed the camel; you are straining at the gnat) में अपने दोस्त श्री देशपांडे से सहमत हं। उन्हों ने जो भी फरमाया में उस चीज की कद्र करता हं यानी यह कि वह नहीं चाहते कि इवैववी पुल कम हो। मैं उन के इस जज्बे की भी कद करता हं कि जो लोग यहां रहते हैं उन के साथ बेइन्साफी न हो, हम किसी के खिलाफ बेइन्साफी नहीं चाहते, चाहे वह हिन्दू हो या मसलमान । हमें अपने दिमाग को ठीक रखना चाहिये। मैं उन के साथ सहमत हं। लेकिन इस बारे में जो कुछ गवर्न मेन्ट का रवैया रहा है उस से मैं यह महसूस नहीं करता कि उस का खास असर इवैक्बी प्रापर्टी पर हो। इस लिये मैं नहीं देखता कि इस का कोई खास असर पड़ेगा अगर कोर्ट ने किसी को इन्टेन्डिंग इवैनवी डिक्लेअर कर दिया और मिनिस्टर साहब उस के बॉखलाफ जा कर यह डिक्लेअर (declare) कर देते हैं कि हर एक आदमी को बह डिक्लेअर्ड इवैक्वी हो या न हो उस को अपनी जायदाद पाने का अस्तयार है बशर्ते वह ऐपूवल (approval) ले ले कस्टोडियन का या कस्टोडियन जनरल का । अगर वह

एप्रवल (approval) न हो तब भी वह नाजायज है। आज पांच छः बरस बाद और दरिया में बहुत सा पानी गजर जाने के बाद हालात ऐसे नहीं हैं अगर यह ऐक्ट पास किया जा रहा है तो इस के लिये ज्यादा तरददद की जरूरत हो।

Evacuee Property (Amendment) Bill

जनाब वाला, मैं उन आदमियों में से हं जो चोइथ राम गिडवानी साहब के इस बारे में असल से सहमत हैं। मैं जानता हं कि जो गवर्नमेन्टल मामली मामले होते हैं उन में रेसिप्रोसिटी (reciprocity) पर फैसले होते हैं लेकिन जहां इन्सानियत का मामला हो. जहां फंडामेन्टल राइटस (fundamental rights) का मामला हो, मैं कतई इस के खिलाफ हं दूसरों की नकल करें। पाकिस्तान में कुछ हो, पाकिस्तान अपने कानन मनासिब तरीके से बनाये न बनाये, हमारी गवनं मेन्ट को और हम को ऐसे कानन बनाने चाहियें जो दूरुस्त हों, जो फेअर (fair) हों। मैं ने अभी औरतों के वापिसी के बारे में देखा कि वहां से औरतें आती हों या नहीं, हमारे सारे हाउस का एक ही जवाब इस बारे में था। जहां तक फंडामेन्टल राइटस (fundamental rights) का सवाल है, जहां तक मारेलिटी (morality) का सवाल है, हमारी गवर्नमेन्ट की जो ऐप्रोच (approach) हो वह बिल्कूल दूरुस्त होनी चाहिये। इस में कोई इवैक्वी नहीं है, इस में कोई शरणार्थी का सवाल-नहीं है। जनाब वाला, मैं हुकूम साहब और गिडवानी साहब को जानता हूं। आप उन से बात कीजिये उन के दिल में कोई नफरत का जजबा नहीं है, वह कभी नहीं चाहते कि पाकिस्तान वालों के खिलाफ हम कोई नाजायज बात करें, या मुसलमानों के साथ बेइन्साफी करें। यही रवैया देशपांडे साहब का है। हमारी सेलेक्ट कमेटियों (select committee) म और यहां पर घनश्याम

साहब का यही सोच है और इस के लिये में उन को म्बारकबाद देता हं।

Shri V. G. Deshpande: I may point out that Ghanshyam is my father's name; my name is Deshpande.

Pandit Thakur Das Bhargava: I am sorry for the mistake. When real Ghanshyam was here he was father of everybody.

तो में जनाबवाला की खिदमत में अर्ज कर रहा था कि जहां तक इस अम्र का ताल्लुक है अगर इन्टेंडिंग इवैक्वीज के लिये अगर हम यही ला (law) पास कर दें तो इस में कोई लम्बी चौड़ी मुखालिफत किसी को नहीं है। और इस लिये मैं इन सब दफात को सपोर्ट (support) करता हं क्यों कि इस में जितने भी सैक्शन्स (sections) और क्लाजेज (clauses) हैं वह सारे के सारे दूहरत और मुनासिब मालुम होते हैं।

एक दफा की तरफ हकूम सिंह साहब ने तवज्जह दिलाई जिस में उन्हों ने कहा कि वह डिस्प्लेस्ड पर्सन्स (displaced persons) के खिलाफ हैं। लेकिन मैं अर्ज करूंगा यह दूरस्त नहीं है। सन् १९४७ के पहले जो लीजेज थे उन लीजेज के बारे में जो तरमीम है वह बिल्कुल दुरुस्त है। सन् १९४७ के पहले कस्टोडियन पैदा ही नहीं हुआ था इस लिये उस के पहले के जो कंट्रैक्ट (contract) हैं उन के साथ खेलना जायज नहीं है। मेरे दोस्त लाला अचिन्त राम साहब की इस बारे में एक तरमीम है। मैं कहना चाहता हूं कि उसूल यही सही है कि पहले के जितने ऐक्शन्स (actions) थे, कंट्रैक्ट्स (contracts) थे चाहे वह किसी के भी हक में हों, या खिलाफ हों, उन के साथ हम न खेलें। इसलिये सेलेक्ट कमेटी (Select Committee) ने जो कुछ किया है वह बिल्कुल दूरस्त है और में इस बिल (Bill) को सपोर्ट (support) करता हं।

श्रीमती सुचेता कृपलानी (नई दिल्ली) : सभापति महोदय कई सदस्यों ने बिल (Bill)

(Amendment) Bill के ऊपर काफी विचार प्रकट किये हैं। इसलिये मुझे बहुत ज्यादा नहीं कहना है। मगर मैं, जो कि सेलेक्ट कमेटी (Select Committee) की एक मेम्बर थी, जिस शक्ल से यह बिल आया है उस से मैं पूरी तरह सहमत नहीं हं। इसीलिये मैं दो चार शब्द कहना चाहती हं।

Evacuee Property

माननीय रिहै बिलिटेशन (Rehabilitation) मंत्री ने शुरू में ही दो चार शब्द कह कर यह बिल (Bill) पेश करते हुए उन्हों ने एक बात बहुत ठीक कही कि वह बहुत खुश होते अगर इस ऐक्ट (Act) का काम खत्म हो चुका होता और इस समय इस से ज्यादा टीक बात वह नहीं कह सकते थे और यह मेरे दिल की भी बात है कि इस ऐमेनर्डिंग बिल (amending Bill) की जरूरत न होती।

हम लोग खुद हैरान थे कि पांच साल बीतने के बाद आज इस वक्त इस ऐक्ट (Act) में अमेंडमेंट (amendment) लाने की क्या जरूरत थी क्यों कि यह तो थोडे ही दिन के लिये बना था। जैसा कि ठाकुर दास जी ने कहा कि यह ऐक्ट (Act) ठीक एकट (Act) नहीं है। मजब्री हालत में ही हम नेयह इवैक्वी प्रापर्टी ऐक्ट (Evacuee Property Act) पास किया था। जब मुल्क का बटवारा हुआ था उस बक्त अगर हम ईमानदारी से अपना सामान ला सकते और जो लोग यहां थे वह अपना सामान ले जा सकते तो कोई दिक्कत नहीं होती लेकिन पाकिस्तान नहीं चाहता था कि जो हमारे लोग वहां से आवें वह सामान ले कर आ सकें। जब कोई चीज प्राइवेट (private) तरीके से तै नहीं हो सकी तो सरकार इस नतीजे पर पहुंची कि स्टेट ट्रस्टेट अरेंजमेंट (state to state arrangement)से हम कुछ फ़ैसला करवा सकते हैं तब यह ऐक्ट (Act) पास किया गया था । 669

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में जानती हं कि जो बात चोइथराम जी ने कही यह उन ८० हजार रिफ्यजीज (Refugees) के दिल की तड़प है जो कि हमारे मुल्क में हैं। यही तड़प उन के मृह से निकल रही थी । उन्हों ने 'मेरी जायदाद' जो शब्द इस्तेमाल किया था इस पर ठाकूर दास जी ने ऐतराज किया। उन का मतलब यह नहीं था कि यह हमारी प्रापर्टी (property) है। उन का मतलब यह है कि जब यह फ़ैसला हो गया कि स्टेट ट्रस्टेट अरेंजमेंट (State to State arrangement) होगा उस वक्त उन को हक है यह कहने का कि यह हमारी प्रापर्टी (property) है। क्यों कि जो इवैक्वी प्रापर्टी (evacuee property) का जो पूल (pool) है उसी से तो आप रिफयुजीज (refugees) को देंगे। आपने बार बार यही कहा ह। पहले आप ने इन्कार किया कि कुछ नहीं देंगे फ़िर सरकार थोड़ी नरम पड़ी और कहा कि हम कुछ देंगे। पहले तो सरकार को कम्पेन्सेशन (compensation) शब्द से बड़ा डर लगता था। पीछे वह यह कम्पेन्सेशन (Compensation) का शब्द कहने लगे। उस के बाद उन्हों ने कहा कि जो इवेक्बी प्रोपर्टी(evacuee property) का पूल (pool) है उस में से देंगे। हम सब जानते हैं कि पाकिस्तान में हमारे लोगों ने जो जायदाद छोड़ी है वह उस से कई गुना ज्यादा है जो कि पाकिस्तान जाने वालों ने यहां छोड़ी है। मगर हम ने जो पाकिस्तान में जायदाद छोडी है उस से हम को कुंछ मिलने वाला नहीं है हम को उस की उम्मीद नहीं है। तो जो कुछ भी आज यहां रिफ्यूजी ज (refugees)को मिलेगा वह इसी पूल (pool) से मिलेगा । तो मैं दो चार सवाल माननीय मंत्री महोदय से पूछना चाहती हूं जिन का जवाब वह देना पसन्द नहीं करते । में यह पूछना चाहती हं कि यहां पूल (pool) में जो इवैक्वी प्रापर्टी (evacuee property) है उस की पूरी रकम कितनी

है और जो रिफ्यूजीज (refugees) आबे हैं उस की रकम कितनी है। जो इबैक्बी प्रापर्टी (evacuee property) का पूल (pool) बना था वह आज कितना रह गया है। अगर आज रिफ्यूजी जो कि पूल (pool) के घटने के बारे में चिल्लाता है तो इस में वह कुछ बेजा बात नहीं करता क्योंकि वह जानता है कि इसी में से उस को कुछ मिलने वाला है। फ़िर एक बात और है जिस की तरफ़ डा० चोइथराम गिडवानी ने भी उन की तवज्जह दिलाई है। आप के मिनिस्टर गोपालस्वामी जी और श्री अजीत प्रसाद जी ने बार बार कहा कि तुम को कुछ न कुछ देंगे, चाहे उन्होंने कम्पेन्सेशन (compensation) शब्द इस्ते-माल न किया हो। लेकिन यकायक अखबारों म निकल जाता है फ़ाइनेन्स मिनिस्टर (Finance Minister) साहब की तरफ़ से कि कुछ नहीं मिलने वाला है। आप कहते थे कि इस वक्त यह बिल (Bill) न आता तो बहुत ठीक होता । अगर पांच स ल में आप लोग सारा इवेक्वी प्रोपर्टी (evacuee property) का मामला खत्म कर देते तो यह बिल (Bill) आप को न लाना पड़ता। लेकिन हमें यह शिकायत है कि एक मंत्री एक ज्बान से बोलता है दूसरा दूसरी ज्बान से बोलता है। हमें मालूम नहीं होता कि हम कहां हैं। मैं तो यह अर्ज करूंगी कि इस. बिल को लाने के पहले आप सब अपने दरवाजे बन्द कर के बैठते और देखते कि आप के झोले में देने के लिये क्या है। फ़िर एक राय हो कर पबलिक (public) के सामने आते । अगर सन् १९४७ में रिफ्यूजीज (refugees) को यह मालूम हो जाता कि उनको कुछ नहीं मिलने वाला है तो बह तसल्ली कर के बैठ जाते। वह अपना इरादा पक्का कर के बैठ जाते। लेकिन आप हर दो चार दस महीने बाद कहते रहे कि तुम्हें देंगे, क्लेम्स (claims) का इतना बड़ा ढकोसला बनाया, सैंकड़ों आदमियों से फ़ैहरिस्त ली.

Administration of (श्रीमती सुचेता कृपलानी)

दो दो दफ़ा। गरीब आदमी रेल का किराया सर्च कर के अपना जेवर बेच बेच कर अपने क्लेम (claim) का डाले हैं। आज उन को मालुम नहीं कि उन को कुछ मिलेगा या नहीं। इसलिये आज मैं जानना चाहती हं अपने रिफ्युजीज (refugees) की तरफ़ से कि आपका क्या इरादा है। आप इन को कुछ कम्पेन्सेशन (compensation) देना चाहते हैं या नहीं, आप की पालिसी (policy) क्या है। यहीं मेरा सवाल है। इसी लिये मैं ने आप से यह सवाल भी पूछा है कि हमारे यहां इवैक्वी प्रापर्टी (evacuee property) का कितना पैसा इकट्ठा हुआ है। कितना इवैक्वी प्रापर्टी (evacuee property) का पूल (pool) घटा है और हम कितनी जायदाद छोड़ आये हैं। इसी बिल (Bill) से यह सवाल लागू है यह बात नहीं है, लेकिन कुछ हद तक इस का बेसिस (basis) इस बात पर है। इसलिये मैं आप का ध्यान इस तरफ़ दिला रही हूं।

में खद सिलेक्ट कमेटी (Select Committee) में थी। इस बिल (Bill) का उसल यह है कि जो हमारे मुसलमान भाई मल्क को छोड़ना नहीं चहते हैं और उन को अपनी जायदाद जायज तौरसे बेचने में दिक्कत हो रही है उसको दूर किया जाय । उसूलन हमको इससे कोई ऐतराज नहीं है कि आप ने इनटेंडिंग इवैक्वी (intending evacuee) का क्लाज हटा दिया। मगर जो इंटेंडिंग इवैक्वी डिक्लेअर (intending evacuee declare) हो न्के हैं, जिनको कानून के जरिये जांच करके इंटेंडिंग इवैक्वी डिक्लेअर (intending evacuee declare) कर दिया गया है, उन के ऊपर से भी आप यह बंधन हटाये दे रहे हैं। मैं ने सिलेक्ट कमेटी (Selec: Committee) में यह सवाल पूछा था कि आप इस ढ़ंग के इंटेंडिंग इवैक्वी (intending evacuee)

को क्यों छोड़ रहे हैं। इन को छोड़ने से ये लोग जायदाद ले कर पाकिस्तान चले जायेंगे तब आप ने कहा कि हम जाने वालों को वैरियर पर रोक देते हैं और मुल्क का धन बाहर जाने नहीं देंगे । किस तरह से आप इन को बैरियर (barrier) पर रोकते हैं और किस ढंग से प्रापर्टी नहीं ले जाने देते यह मेरी समझ में कुछ नहीं आया। अभी चोइथराम जी ने आप को राजस्थान का उदाहरण दिया जिस से पता चलता है कि आप लोगों का यह काम कैसा ढीला चलता है, जो जाने वाला है, जिस का इंटेंशन ऐस्टे-(intention established) है उस को आप क्यों छोड देते हैं। ज्यादा अच्छा होता कि आप प्रापर्टी (property) का मसला जल्द से जल्द हल कर देते कि इस ऐक्ट (Act) की जरूरत नहीं रहती। आप यह फ़ौसला कर दें कि किस ढंग से देंगे और कितना देना है। जितना देना है दे दीजिये। लेकिन जैसे जैसे वक्त बीतता जा रहा है यह प्रापर्टी (property) घटती जा रही है। पूल (pool) से कुछ चीज निकलती जाती है, मुसलमान वापस आते हैं और अपनी प्रापर्टी (property) ले लेते हैं, और बहत सी प्रापर्टी खराब हुई जा रही है, जैसे कि मकान मरम्मत न होने की वजह से खराब हुए जा रहे हैं। और इस तरह से पूल (pool) घटता जा रहा है। इसी लिये चोइथराम जी ने यह सवाल उठाया था कि हमारी प्रापर्टी (property) घट रही है।

Evacuee Property (Amendment) Bill

इस के अलावा में एक और बात की तरफ़ आप का ध्यान दिलाना चाहती हूं। आप ने सेक्शन (section) ५२ में जनरल ऐग्जेम्पज्ञन (general exemption) ले लिया है। मैं वकील नहीं हूं लेकिन मैं समझती हं कि अगर कहीं ऐग्जेम्पशन (exemption) दिया जाता है तो उस का लिमिटेड स्कोप

(limited scope) होता है। आप ने तो सारा ऐग्जेम्पशन (exemption) रखा है।

Shri A. P. Jain: Is it coming for the first time by this amending Bill?

Shrimati Sucheta Kripalani: No. I told you even from the very beginning that it was a lacuna. It should not have been there.

अगर एक बार आप ने कानून बनाते वक्त एक गलती की तो क्या उस को बार बार दूहराते रहें । यह तो हमारी डिमाकेसी (democracy) की स्पिरिट (spirit) के खिलाफ है। आप ने इस को इतना वाइड (wide) बना दिया कि आप चाहें तो मर्जी माफिक कानन को कारवीई रद कर सकते हैं। एँडिमिनिस्देशन (Administration) को इतना ज्यादा अधिक हैरगिज नहीं होना चाहिये अगर ऐसे ही अधिकार लेना हो तो कानुन बनाने की क्या जरूरत है, जो मन चाहे करिये मगर में कहंगी इतना अधिकार लेना डिमा केसी की स्प्रिट के खिलाफ है। मैं बहुत पसन्द करती अगर इस कान्न को खत्म कर दिया जाता। इस एक बात में ही मैं आप से पूरी तस्ह सहमत हं।

बौषरी रणबीर सिंह (रोहतक) : कई भाई हैं जिन को जोश है कि इवैक्वी पूल (Evacuee pool) किसी तरह घटने न पावे । कई भाइयों को जोश है कि कोई ऐसा कानन न बने जिस से किसी के ऊपर कोई पाबन्दी लगती हो। लेकिन जिस को ऐडमिनिस्देशन (administration) चलाना है उस को बीच का रास्ता अस्तियार करना होता है। जोश तो न सही, पर ख्याल हमें भी परा है कि इवक्वी पूल (Evacuee pool) न घटे और इवैक्वी पुल (Evacuee pool) आसानी से घटने नहीं दिया जाता है। लेकिन जोश में आदमी को सोचने की बुद्धि कम हो जाती है और ठीक बात को वह ठीक नहीं कहता और कई दफा ठीक बात उसे गलत दिखाई देती है। अभी बावू ठाकुर दास जी ने बताया, 485 PSD

एक बहिन ने कुछ अमें डमेंट (amendment) दिया था उन्हों ने बताया। मैं वकील नहीं हूं, लेकिन बाबू ठाकुर दास जी ने बताया कि इस अमें डमेंट (amendment) की कुछ जरूरत नहीं है। किसी के लिये डरने की कोई गुजायश नहीं है। यह बात कही तो बड़े खुले शब्दों में गई है कि इस देश में जो मजहब है मुसलमान ईसाई वगैरा वगैरा उन के लिए हम कोई फर्क नहीं करना चाहते।

लेकिन उस जोश में जिस चीज को वह कहते हैं उस को भूल जाते हैं। जोश के अन्दर कुदरती बात है कि वह दूसरी बात को भूल जायें। आखिर इवैक्वी पूल (Evacuee pool) का जोश है कि वह ज्यादा बढ़े। तो हो सकता है कि उस जोश में उस को गलत ढंग से बढ़ाने की कोशिश करें और उस को वह समझें कि वह ठीक है।

श्री गिडवानी जी ने कहा और उन्हों ने इस को साबित करने की कोशिश की कि वह एक बहुत पूराने कांग्रेसी हैं। कांग्रेसी तो थे/लेकिन अब तो हैं नहीं। उन्हों ने बताया कि हम ने यह प्रस्ताव पास किया था कि हमारी ज्यु-डिशियरी (Tudiciary) अलहदा हो, एग्जी-क्यटिव (Executive) अलहदा हो और ज्यडिशियरी (Judiciary) में एग्जी-क्यटिव (Executive) कोई फीयरेंस (interference) नहीं करें। लेकिन एक अजीब बात है कि उन्हों ने किस तरह से एग्जीक्यटिव (Executive) का इंटर-फीयरेंस (interference) करना बताया। वह समझते हैं कि अगर कान्न के अन्दर कोई अमेंडमेंट (amendment) और कोई तबदीली हो तो यह भी एक इंटरकीयरेंस (interference) है। मैं उन से कहता है कि अगर इसी का नाम इंटरफीयरेंस (interference) है तो फिर इस पालियामेंट (Parliament) को बनाने की क्या जरूरत है ।

बाबू रामनारायण सिंह: जरूरत तो कोई नहीं है।

बीबरी रजबीर सिंह: अगर यह बात है तो अच्छा होता कि आप यहां के लिये खड़े नहीं होते। आप के लिये तो रास्ता खुला था, आप के ऊपर कोई पाबन्दी तो थी नहीं कि आप पालियामेंट (Parliament) के मैंम्बर (member) बनें। अगर आप चाहते हैं कि पालियामेंट (Parliament) नहीं रहे तो आप के लिये तो अच्छा था कि न आप बाहे होते और न आप को लोग चुनते।

सीर में अर्ज कर रहा था कि उन का भजीब ढंग है। इंटरफीयरेंस (interference) के वह अजीब माने निकालते हैं कि कानून को तबदील करने का नाम भी इंटरफीयरेंस (interference) है। बात यह है कि देश के बन्दर कुछ ऐसे हालात थे कि जिन को हर एक माई अच्छी तरह से जानता है। हमारे भाई कहते हैं कि कांग्रेस का एक प्रस्ताव था। तो जिस तरह से वह यह कहते हैं मैं भी उनसे कहता है कि कांग्रेस का ही और भी प्रस्ताव था और यहां कांस्टीट्युऐंट असेम्बली (Constituent Assembly) का भी आदेश था कि जमीन को जो बोने वाले हैं वह उसी के पास रहे। हेकिन यु० पी० (U. P.) के अन्दर जमींदारी मबोलीशन ऐक्ट (Abolition Act) पास किया गया, बिहार में पास किया गया, उन का क्या नतीजा निकला । अदालत में कान्न है जाने की वजह से वह रही की टोकरी में रह गये थे बहुत अच्छे कानून थे वे कानून इस देश में तभी लागू किये जा सके जब कि वे विधान का भाग बना दिये गये। अगर इस धारी बीज का नाम इंटरफीयरेंस (interference) है तो फिर तो इस पालियामेंट (Parliament) का काम ही क्या है। फिर तो बस सिर्फ जजेज (Judges) का

ही काम रह जायगा और देश के अन्दर लैजिस्लेचर (legislature) की तो कोई भी जरूरत नहीं रहेगी।

बाबू रामनारायण सिंह : और बहुत , काम रहता है ।

बीघरी रणबीर सिंह : फिर गिडवानी जी को यह शिकायत है कि मंत्री महोदय को इवैक्की पूल (evacuee pool) या इवैनवी इंटरैस्ट (Evacuee interest) का कोई ख्याल नहीं है। लेकिन मैं कहना चाहता हं कि मुझ को इस से उल्टी शिकायत है कि मंत्री महोदय को री है बिलिटेशन (rehabilitation) का मिनिस्टर नाते एक जोश आ गया है। जिस तरह से कुछ भाइयों में इवैक्वी पूल (evacuee pool) का जोश है उसी तरह से रीहैबिलिटेशन (rehabilitation) का जोश हमारे मिनिस्टर साहब में भी आ गया है। जैसे उन्हें गिला है कि कांग्रेस का रिजोल्यशन (resolution) है तो मैं भी कहता हं कि कांग्रेस का एक और भी रिज्ञोल्यूशन (resolution) ह कि जमीन जो है वह जभीन के बोने वाले तक पहुंचे। मैं एक कानन की तरफ इशारा करना चाहता हूं। पंजाब स्टेट (State) में मुजारों के फायदे के लिये बिल (Bill) पास किया गया । वहां पर एक नहीं, कम से कम एक तिहाई मैम्बर (member) भाई ऐसे होंगे जो रिपयुजीज (refugees) थे और मेरी यह शिकायत है कि जो भाई यहां रिहै बिलिटेशन (rehabilitation) के डिपार्टमेंट (department) सैकेटरीज (Secretaries) हैं, डिप्टी सैकेटरीज (Deputy Secretaries) हैं, शायद उन के दिल में दर्द है उन से भी ज्यादा दर्व मैम्बरों के दिल में, इन रिफ्यजीज (refugees) के लिये हो। पंजाब असेम्बली (Punjab Assembly) ने

एक कायदा बनाया । वह एक दूसरे किस्म के स्यालात को देखते हुए बनाया कि जो आदमी उधर से आये हैं, उन को भी हमें बसाना है और जो आदमी यहां पर हैं. जो जमीन की काश्त करते हैं और जिन को कि हमारे प्रान्त के अन्दर जमीन के ऊपर हक हों, जैसे कि और जगह हैं जो कि जमीन को बोते हैं, तो उन दोनों के ख्यालात को देखते हुए और उन के हक को ध्यान में रखते हुए कायदा बनाया है। लेकिन यह जो हमारी रीहैबिलिटेशन (rehabilitation) की मिनिस्ट्री (Ministry) है उन्होंने पंजाब के बिल (bill) को आज तक मंजूरी नहीं लेने दी है। इस वास्ते में कहता हूं कि उन को मिनिस्टर साहब को भी एक तरह से रीहैबि-लिटेशन (rehabilitation) का जोश हो गया है।

में मिनिस्टर साहब को अच्छी तरह जानता हूं। मैं जाती तौर पर जानता हूं कि हम ने अजमेर मेरवाड़े का मुजारे का कानून बनाया था उस में वह भी सिलैक्ट कमेटी (Select Committee) में मैम्बर (member) थे और मैं भी था। मझे याद है कि उस वक्त उन्हें कितना जोश था मुजारों का और कितना ख्याल था, कि जमीन जो बोये उस के पास ही रहे। लेकिन जो वह ख्याल है वह रीहै बिलिटेशन (rehabilitation) के जोश में कुछ हवा में उड़ गया और आज वह बिल्कुल यह समझते हैं कि सब से पहले काम यह है कि (refugees) बस जायें, चाहे वह बसाना इस ढंग से हो कि जो पहले बसे हुए हों, वह उजड़ जायें। मैं आप के द्वारा मंत्री महोदय से अर्ज करनी चाहता हूं कि पंजाब के अन्दर एक नहीं ९० ऐसे गांव थे जिन के मालिक मुसलमान थे और मैं किसी ऐसी जगह की जमीन और खेतों का जिक नहीं कर रहा हूं बल्कि ऐसे खेतों का जिक कर रहा हूं जो कि पंजाब की जमीन का है

कि जहां पर जमीन के लिये इतनी कशमकश है। दूसरे सुबों की निस्बत जो बिल (Bill) आये थे तो वहां भी भौरूसी मुजारे बनानें का एक कानून था। उस में कुछ साल मुकरैर थे कि इतने साल तक जो कोई आदमी खेती करेगा, एक ही खास शर्त पर करेगा, तो उस को मौरूसी मुजारा, बना दिया जायेगा ताकि कोई आकुपैंसी टैनेंट (Occupancy tenant) न बन सके। जमीन को एक मुजारा बोता था उन्हीं शर्तों पर, लेकिन काग़ज में दूसरी शर्त पर दूसरे आदमी का नाम लिखा जाता था। ९० गांवों को उन्हों ने बसाया जो जाज मुजारे हैं। उन्हों ने बंजर जमीन को आबाद किया और आज उन्हीं को मुजारे के कान्न से जो थोड़ी बहुत सिक्युरिटी (security) देना चाहते हैं वह सेफ्टी (safety)भी उन को नहीं मिल रही है, वह भी नहीं मिलने दी जाती, क्योंकि मंत्री महोदय का ख्याल है कि रिफ्यूजी (refugee) का बसाना पहला काम है ।

में पंजाब से आता हूं। पंजाब में ही ऐसे भाई ज्यादा हैं जो उजड़ कर आये हैं। उन से मुझे बहुत हमदर्दी है। लेकिन में यह समझता हं कि अगर कोई बसने वाला इस तरह बसता हो कि जिस से दूसरे बसे हुए उजड़ें तो यह कोई अच्छी पोलिसी (policy) नहीं है। एक और बात है लेकिन खैर, मैं उस सिलसिले में नहीं जाना चाहता क्योंकि वह मेन बिल (main Bill) नहीं है। मंत्री महोदय से एक अर्ज करना चाहता हं कि वह जिस तरह से मैं ने इन भाइयों से कहा कि वह एक ही जोश में न रहें, उसी तरह उन से कहता हूं कि यह जो जोश जायज और नाजायज तरीके से आ गया है उस को छोड़ दें। बसे हओं को भी बसने दें, क्यों कि वह कान्न खाली ऐसी जमीन के लिये नहीं था कि जो इवैक्युई लेंड (Evacuee land) हो। वह तमाम पंजाब की जमीन के लिये कानून था

[बौधरी रणवीर सिंह]
और खास तौर पर जो इवैक्युई लैंड (Evacue^e
land) है वह तो इस तरह की थी वहां
उन मुजारों का फायदा होने वाला था जिन की
पीढ़ी दर पीढ़ी वहां काश्त करती आई है।
वह ऐसी शर्त पर काश्त किया करते थे कि
कहीं एक श्पया बीघा की शर्त थी तो ,वह
शर्त भी उड़ा दी गई और उन से साझा, बटाई,
ली जाती है। लेकिन पंजाब में उस कानून से
उन को मौका नहीं मिला।

इसी सिलसिले में दूसरी बात यह अर्ज करना चाहता हूं कि मंत्री महोदय बड़े सोशिय-(Socialistic) विचार के थे. लेकिन बसाने के जोश में उन के तमाम कायदे और कानुन कुछ उलटते से दिखाई देते हैं। अब यहां एक नयी क्लाज (clause) है, जिस के तहत अगर कोई आदमी फर्ज कीजिये कि किराएदार रिफ्युजी (refugee) हो या मुजारा रिपयुजी (refugee) है, मालिक हिन्दू है, इधर का रहने वाला, तो नये कानून में जो मालिक है उस को कुछ ज्यादा रक्षा मिलने जा रही है, पहले से ज्यादा। पहले जो उस में कुछ अस्तियार था, अब वह आप के कस्टोडियन (Custodian) को कोई अख्तियार नहीं रहेगा। मैं चाहता हं कि आप उस में कुछ तबदीली कर सकें तो आप तबदीली करें, जिस से किरायेदारों और मुजारों के लिये कुछ फायदा हो।

तो जैसा मैं ने पहले कहा मैं इतनी ही आप से अर्ज करता हूं कि जिन को आप बसाना चाहते हैं बसाइये और मेहनत से बसाइये, लेकिन इस तरह से न बसायें कि बसे हुओं को उजाड दें।

लाला अधिन्त राम (हिसार): मोहतरम प्रधान जी, आप के सामने मंत्री जी ने बिल (Bill) पेश कर दिया और उस पर खासी तकरीरें हो गयीं, श्री गिडवानी और सरदार

हक्म सिंह की तकरीरें हुई। मिनिस्टर साहब ने बहुत मस्तसर और सादे अल्फ़ाज में तकरीर की और जो तकरीर उन्हों ने इस सिलसिले में फ़रमाई वह बहुत मामुली जान पड़ती थी, इनटेंडिंग इवैक्ई (intending evacuee) (definition) में से **डै**फ़िनीशन निकाल कर उस को इवैक्ई (Evacuee) में दर्ज कर दिया, बिल्कूल सीधी बात थी, हमारे इंडियन नेशनल्स (Indian Nationals) को बिजनेस फ़ैसिलिटीज (business facilities) मिल जाय, उन को यहां ' काम मिल जाय, सीधी और मामुली बात थी और बड़ी अच्छी माल्म पड़ती थी। लेकिन ज्योंही इधर अपोजीशन (Opposition) की तरफ़ से बौछार शुरू हुई और उन की बात कुछ माकुल भी मालूम पड़ती थी। एक ने कहा भाई यह कम्पेन्सेशन (compensation) की बात है, साठ लाख आदमी यहां आये और रुपया खर्च किया गवर्नमेंट ने कोई १४७ करोड. अस्सी करोड अब तक खर्च किया मकानों और कर्जी पर और कोई साठ एक करोड़ को पांच वर्ष में खर्च किया, उन को फ़िर बसाने के लिये अगर हिसाब लगायें तो आप की मालम पडेगा कि वह कितना नाकाफ़ी होता है, पचास, साठ लाख बाहर से आने वाले आदिमियों पर साठ पैंसठ करोड़ रुपया पांच साल में खर्च हो, तो उस से क्या बनता बिगड़ता है, इस में कोई शक नहीं कि हमारे भाइयों ने बातें जोरदार कहीं। फिर उन्हों ने हमें यह भी बतलाया कि जब हम सरकार के लोगों के पास फ़रियाद ले कर जाते हैं कि हम बेकार हैं, हमें काम दो, तो सरकार की तरफ से जबाब दे दिया जाता है कि वह आम तौर से बस गये हैं और उन को कहा जाता है कि सरकार बसा तो रही है, लेकिन उस के लिये उन से सबूत पेश करने को कहा जाता है उन से कह दिया जाता है कि इनक्वायरी (inquiry) (survey) करायेंगे, लेकिनः

न इनक्वायी (inquiry) होती है और न सर्वे (survey) होती है, यह सब देख कर और सुन कर बड़ी अजीब बात मालूम पड़ती है और उन को मैं कैसे गलत कहूं। मैं आप को बत-लाऊं कि प्रेसीडेंट साहब जब पहली बार बोले तो रिफ्युजीज (refugees) का कोई जिक नहीं था, हम ने समझा भूल से उस का जिक करना छोड़ गये, मगर दूसरी दफ़ा और फ़िर तीसरी तफ़ा भी शरणार्थियों का प्रेसीडेंट साहब के भाषण में कोई जिक्र नहीं था, अब इस को हाफ़जे की गलती कैसे कहा जाय, एक बार भूल गये, दोबार भूल गये और तीसरी बार भी उस का जिक न करें अब क्या करें, और आप की शिकायत को गलत कैसे कहं, गलती एक बार हो सकती है, हमेशा नहीं, तीन बार लगातार उस का जिक नहीं किया जाता है, बड़ी मुश्किल की बात बन रही है, मैं क्या करूं, गवर्नमेंट की तरफ़ से इन्नोसेंसी मालूम पडती है और उधर से बड़े जोर का दावा किया जाता है, क्या करा जाय, उन भाइयों की बात तो सच्ची मालूम पड़ती है।

अब दूसरी बात आप कहते हैं कि वह जो दफ़ा ७ और १५ है, उस के अन्दर गवर्नमेंट अख्तिया-रात ले रही है और आगे से भी ज्यादा अस्तियारात गवर्नमेंट उस के जरिये ले रही है, और उस के मबूत कोटेशन (quotation) देते हैं, गलत बातें तो वह कहते नहीं होंगे, शरीफ़ आदमी हैं, और रिफ्यजीज(refugees) के प्रेसीडेंट हैं और अपनी बात को साबित करने के लिये चिट्ठियां खतूत पेश करने को तैयार हो जाते हैं। अब किसे गलत कहूं और किस की बात को सही मानुं। हमें तो देखना है कि इन मौजूदा हालात के अन्दर क्या पोजीशन (position) है और क्या किया जाना चाहिए ? यह दुरुस्त है कि हमारे भाइयों ने जो अभी कहा है और इस बिल (Bill) को अपोज (oppose) किया है वह अपोजीशन (opposition) गलत बुनियाद पर कीयम

नहीं है, आप की बातें तो सारी सच्ची हैं कम्पेन्सेशन (compensation) की बात आप की वजनदार मालूम पड़ती है। इनटेन्डिंग इवैकुई (intending evacuee) को निकाल देने से क्या नुकसान होगा, । एक पैसे का नुक्सान भी हम बर्दास्त न करना चाहेंगे, क्योंकि आप हमें कुछ देते नहीं, । हमें कुछ दे दीजिये। आप की बातें तो सारी माक्ल जान पड़ती हैं, हम को कम्पेन्सेशन (compensation) दो, वह सब दुरुस्त है। लेकिन हमें तो सारे मौजूदा हालात का अन्दाजा कर के देखना चाहिये कि आया हमारे मिनिस्टर साहब जो करना चाहते हैं वह माकूल है या नहीं। यह गलतफ़हमी कम से कम मेरे अन्दर नहीं है। अगर कुछ लोग यह महसूस करते हों कि कम्पेन्सेशन(compensation) के सवाल पर हमारे मंत्री जी कम महसूस करते हैं, मुझे पूरा और पक्का यकीन है कि रिफ्यूजीज (refugees) को मदद करने के वास्ते और उन को कम्पेन्सेशन (compensation) देने के वास्ते हमारे मंत्री जी दिल से महसूस करते हैं। वह दिल से चाहते हैं कि हमारे रिपयुजी (refugee) भाइयों को कम्पेन्सेशन (compensation) मिले और उस के लिये जितनी उन की ताकत है उन्हों ने किया है और मुझे पूरा यकीन है वह अपनी ताकत भर उस के लिये प्रयत्नशील हैं और यह ख्याल करना कि वह इस के लिये कोशिश नहीं कर रहे हैं ग़लत है और दूरस्त नहीं है।

दूसरे जो आप ने सात और पन्द्रह के बारे में फ़रमाया, मैं समझता हूं कि उस में बजन जरूर है। लेकिन मैं साफ़ साफ़ कहना चाहता हूं सेलेक्ट कमेटी (Select Committee) में आप में से कितने ही साहबान शामिल थे, और मैं भी था,। कम से कम मेरे दिल में यह यकीन हो चुका था कि दफ़ा ७ और १५ में श्री अजीत प्रसाद जैन चाहे कितने ही अस्तियारात ले लें, लेकिन वह कोई ऐसी गलत बात नहीं करने बाले

[लाला अचिन्त राम]

हैं जो रिफ्युजीज (refugees) के इंटरेस्ट (interest) के खिलाफ हो। Those rights will not be misused यह मझे पक्का यकीन है कि उन के दिल में रिफ्युजीज (refugees), का हित है और उन पर हमें यकीन करना चाहिए। मैं समझता हं कि जो अखित्यारात गबर्नमेन्ट ले रही है वह भले के लिए ले रही है और हमें उस पर भरोसा करना चाहिये। लेकिन आप जो अपोजीशन (opposition) में बैठे हैं, वह तो आप शक की बुनियाद पर बैठे हैं। आप का शक गलत है। शक करना मुनासिब और जायज नहीं है। आज के हालात सन् १९४७ के हालात से बहुत मुस्तलिफ हैं। आज हालत बिल्कुल बदल गयी है। जो इनटेन्डिंग इनैक्ई (intending evacuee) हैं वह आज वहां जाने को तैयार नहीं हैं।

Shri Kazmi (Sultanpur Distt.—North cum Faizabad Distt.—South-West): छौटे आ रहे हैं ।

लाला अचिन्त राम : वहां रोटी नहीं है, कपड़ा नहीं है, बाहर से अनाज मंगाना पड रहा है। करांची से जो मेरे दोस्त आये हैं उन्हों ने मझें बतलाया कि वहां पर ब्री हालत हो रही है, खाने पीने की हालत बहुत नाजुक है। आज सन् १९५३ में हालत यह है कि यह कानुन बन जाने के बाद भी कि जो पाकिस्तान जाना चाहे जा सकता है, लोग जाने को तैयार नहीं हैं। वहां आज हालत अच्छी नहीं है, और यहां वह देखते हैं कि स्टैबिलिटी (stability) है और वह महसूस करते हैं कि हम यहां खुशी से सेफली (safely) रह सकते हैं और यहां से जाने की कोई जरूरत नहीं है और हम यहां पर अपना कारोबार कर सकते हैं। अभी हमारी ईस्ट बंगाल (East Bengal) पर

और उन्हों ने और मैं ने हिस्सा लिया। हमारा कहना है कि आने जाने के लिये कोई पासपोर्ट पर बंदिश न हो, सब चीज खुली हो, लेकिन पाकिस्तान ऐसा करने में झिझकता है। हमारी दरस्वास्त है कि आज पासपोर्ट सिस्टम (passport system) उड़ जाना चाहिये। यहां आने और जाने के लिये कोई रुकावट न हो, जहां चाहें लोग आ जा सकें। आज के हालात में कोई रुकावट मुनासिब नहीं मालूम पड़ती। अभी पासपोर्ट सिस्टम (passport system) के बारे में कान्फेंस (conference) भी हुई थी, और प्रेसीडेंट साहब ने अपने ऐड़ैस (address) में भी जिक्र किया था कि पहले से पाकिस्तान का ऐटीट्यूड(attitude) जरा बेहतर है। आप मेरे बेहतर कहने पर हंसते हैं। में समझता हं कि आप की हंसी का जवाब तो एक ही है कि चलो लड़ाई कर लो। लेकिन जब लड़ाई की बात आती है तो आप की तरफ से यह साफ किया जाता है कि हमारा यह मतलब नहीं है, हम पाकिस्तान से लड़ाई नहीं करना चाहते, हम नहीं चाहते कि पाकिस्तान से परसों लड़ाई छिड़ जाये। लडने के लिये आप तैयार नहीं है।

Evacuee Property (Amendment) Bill

दो बातें कैसे चलें। या तो लड़ना है या फैसला करना है। जब कहा जाता है कि अगर आप लड़ना चाहते हैं, कल लड़ाई करना चाहते हैं, कल लड़ाई करना चाहते हैं, तो लड़ाई की बात करो, तो उस के लिये आप तैयार नहीं हैं। जब मुलह की बात कहो तो हंसते हैं। आप तय कीजिये एक बात। हम ने बात चीत जारों की थी। बात का असर यह हुआ कि उन की तबियत कुछ बदली है, रवैया बदला है, आपस में खत व किताबत हुई है। हमारे प्राइम मिनिस्टर और पाकिस्तान के प्राइम मिनिस्टर में। मुमकिन है कि मुलाकात भी हो, और अपकात है कि पाकिस्तान ही हों से सकता है कि पाकिस्तान

को भी फायदा पहुंचे और आप को भी पहुंचे। इस वक्त हालत यह है कि रूपया नहीं है। बहुत सारी जायदाद जो मसलमानों की थी. करीब १०० करोड़ रुपये की थी, उस से करोड़ों रुपया ज्यादा तो हम डिफेंस (defence) के लिये खर्च कर रहे हैं। इस के अलावा गवर्नमेंट की फाइव इअर प्लान (Five Year Plan) को देखते हुए हम जोर भी नहीं दे सकते। पाकिस्तान के मुकाबले में तैयारी में रुपया यहां पर खर्च हो रहा है जिस की आज कल बहुत कमी है। जब सूलह की बात कहते हैं तो हंसते हैं। तो यह चीज चल नहीं सकती। आज लड़ाई की बात न हो तो हम गवर्नमेंट पर जोर भी दे सकते हैं कि चलो बीस करोड़, तीस करोड़ या एक अरब रुपया इस के लिये निकाल लो। लेकिन जिस तरह से खर्च हो रहा है और हमारा हौसला होता नहीं कि हम लड़ें, उस तरह से काम नहीं चल सकता। इस लिये भें कहता हं कि आप अपनी पोलिसी (policy) को सोच विचार कर कन्सिस्टेंट (consistent) बनाइये। मौजदा हालात के अन्दर रास्ता यही है। अगर आप की बातें जायज हैं तो इसं के लिये मैं यह कह सकता हं कि श्री अजीत प्रसाद जी और दूसरे मंत्री पूरी पूरी कोशिश करेंगे, इस का मेरे दिल में पक्का यकीन है।

एक बात में कहता हूं कि आप के दिल में मंत्री जी के लिए गलत फहमी नहीं होनी चाहिये। में समझता हूं कि उन्हों ने सारी बातें कैबिनेट (Cabinet) के सामने पेश की होंगी और हमारे प्राइम मिनिस्टर साहब को भी शराणेंथियों के लिये बड़ा दर्द है और इस हाउस के अन्दर उन्हों ने कई मर्तबा सवालों के जवाब में वादा किया है कि जैसी हमारी फाइनेन्शल कंडीशन (financial condition) होगी उस के मृताबिक हम कश्येन्सेशन (compensation) जरूर देंगे। मैंकहता हं कि मुझे कतई यकीन है कि इस बात की जितनी फिक होनी चाहिये कोई अकेले पंडित जी की बात नहीं कहता, आन दि होल (on the whole) सब के लिये कहता हं, कि रिपयुजीज (refugees) के मामले में जितना काम हका है काफी नहीं है सब को मालम है। गवर्नमेंट ने और पंडित जी ने जितना काब किया है उस की हम निन्दा भी करते रहे हैं। और इस बात में में आप के आगे रहा है. लेकिन इस के बावजुद जितना काम हुआ है वह काबिले तारीफ है, इस को भुलाया नहीं जा सकता । इन हालात के अन्दर में दर्खास्त करूंगा कि जो बिल (Bill) आप के सामने पेश किया गया है वह बहुत मामूली बिल है। इस के अन्दर कोई लम्बी चौड़ी बातें नहीं हैं कि इस को मंजूर न किया जाय ! इसलिये में चाहंगा कि इस को पास कर दिया जाय ।

अभी मेरे अमेंडमेन्ट (amendment) की बात कही गई। में कहता हूं कि में ने अमेन्डमेट (amendment) दिये वे वह रिपय्जीज (refugees) के इन्टरेस्ट में ही थे, आप के अन्दर मी रिपय्जीज (refugees) का इन्टरेस्ट (interest) है। इस लिये अगर आप कोई ऐश्योरेंस (assurance) दे सके जिन से रिपय्जीज (refugees) का इन्टरेस्ट (interest) सफर न हो तो मेरी तसल्ली हो जायगी। इतना कह कर में इस बिल (Bill) को सपोर्ट (support) करता हूं।

कर्नल जैदी (जिला हरदोई—उत्तर-पश्चिम व जिला फरक्विबाद-पूर्व व जिला शाहजहांपुर— दक्षिण): मि० चेअरमैन, में हाउस में देख रहा हूं कि अंग्रेजी से सब लोगों ने मुंह मोड़ लिया है, इसलिये में भी इस वक्त यह हिम्मख नहीं कर सकता कि में अंग्रेजी में बात चीत करंड

[कर्नल जैदी]

मंत्री महोदय के मुताल्लिक बहुत से इशारे किये गये और बहुत सी बातों में उन का नाम रेकार्ड (record) किया गया है। उन की बाबत अगर आप की इजाजत हो तो में एक शेर पढ़ दूं जो उन पर पूरी तरह से 'उतरता है, वह शेर यह है:

मोमिन की नजर ने मुझे काफिर समझा, काफिर यह समझता है कि मुसलमां हूं मैं। एक तरफ तो माननीय मंत्री के ऊपर बौछार है कि वह किसी खास कम्युनिटी (community) या किसी खास शख्स को ख्याल कर के उस को फायदा पहुंचाना चाहते हैं, और बहु त से वह लोग, जिन की बाबत लोग यह समझ रहे हैं कि उन को फायदा पहुंचाने में ही मंत्री जी लगे रहते हैं, समझते हैं कि बह बड़े तंग नजर हिंदू हैं और वह हमारे हकूक की हिफाजत नहीं करते। हमारा जो पैदायशी हक है, जो र म।रा फंडामेंटल राइट (Fundamental right) है वह पैरों तले रौंदा जा रहा है, और हमारे मंत्री जी बैठे सुन रहे हैं। दरअसल वह बड़ी हमदर्दी के लायक हैं। सच बात तो यह है कि जहां तक हो सका उन्हों ने शब की सेवा करनी चाही है, सब के हुकूक का जहां तक हालात ने उजाजत दी ख्याल रक्का है।

सभापित जी, सब से पहले में यह कह देना जरूरी समझता हूं कि जहां तक रिपयू जीज (refugees) का ताल्लुक है और जहां तक उन की खिदमत और उन को फायदा पहुंचाने और उन को रिहैबिलिटेट (rehabilitate) करने का सवाल है, वहां में अपने किसी दोस्त से कम जोश नहीं रखता हूं। में समझता हूं कि हमारा बहुत बड़ा फर्ज, हम में से हर एक का और हमारे देश का और हमारी गवनंमेन्ट का बहुत बड़ा फर्ज है कि हमारे लाखों भाई जो परेशान हो कर जो तब।ह हो कर, जो अपना सब कुछ जाया

कर के हिन्दुस्तान में आये हैं और हिन्दुस्तान की पनाह में आ कर बैठे हैं उन की हर तरह से सेवा की जाय। लेकिन हमें समझना यह है कि इस का मतलब क्या है। चन्द बातें मेरे कुछ दोस्तों ने कहीं जिन का मतलब में ठीक तरह पर नहीं समझ सका। मसलन मुझे यह अन्देशा है कि इस बिल (Bill) के मुताल्लिक जो असली मकसद है उस को भुला दिया गया और लोगों के दिल में यह ख्याल आ रहा है कि इवैक्वी प्रापर्टी पूल (evacuee property pool) पर इस का क्या असर पड़ेगा। यह एक कुदरती बात है। रिफ्यूजीज (refugees) या उन के लीडर्स (leaders) या उन के नुमाइन्दे इस हाउस (House) में या इस हाउस के बाहर बिल्कुल ठीक बात कर रहे हैं अपने फायदे के ख्याल से वह यह देखते हैं कि किस कानून का इवैक्वी प्रापर्टी पूल (evacuee property pool) पर क्या असर पड़ रहा है। जाहिर है कि जिस चीज से वह पूल (pool) बढ़ेगा वह उन्हें खुश करेगी और जिस चीज से वह पूल (pool) कम होगा उस से उन्हें रंज होगा। लेकिन का मतल्ला यह नहीं कि जिस वीज से पूल (pool) बढ़े वह सब जायज है और जिस से श्रटे वह नाजायज ह । मसलन हमारे भाई ने कहा कि इट इज माई मनी (It is my money), देशपांडे साहब ने कहा कि "दिस इज टु डिटर्मिन हुज लायलटी इज सस्पेक्टेड" (this is to determine whose loyalty is suspected) में समझ नहीं सका कि इन लफ्जों का मतलब क्या है। जो शस्स, जो मुसलमान हिन्दुस्तान में रहने वाला पाकिस्तान से ज्यादा हमदर्दी और मुहब्बत रखता है या पाकिस्तान जाना चाहता है, या जा चुका है उस से मुझे और इस हाउस में किसी को कोई हमदर्दी नहीं होनी चाहिये। मैं जो कुछ कह रहा हूं इससे मुराद वह लोग हाँगज नहीं हैं जो कि या तो पाकिस्तान चले गये या पाकिस्तान जाना चाहते हैं और किसी मजबूरी की वजह से हिन्द्स्तान में बैठे हुए हैं। मुझे उन से बिल्कुल इमदर्दी नहीं है। लेकिन क्या यह मतल न है कि जिस को इवैक्वी (evacuee) बना दिया गया, या जिस की प्रोपर्टी पूल (property pool) में आ गई वह सचमुच हिन्दुस्तान छोड़ कर पाकिस्तान जाना चाहता है ? या क्या यह इस बात का सबूत है कि वह हिन्दुस्तान से नफरत करता है या डिसलायल (disloyal) है ? फिर यह भी कहा गया कि 'दीज पीपूल हैव बीन डिक्लेअर्ड इवैक्वीज बाई जुडिशल अथारिटीज (these people have been declared evacuees by judicial authorities) इस में भी बहुत कुछ शक की गुंजायश है। कहां हैं जुडिशल अथारिटीज (judicial authorities) को अरुत्यारात ? मिनिस्टर साहब ने खुद यह फरमाया कि इस कानून के हुकूक में जुडिशरी (judiciary) और जुडिशल अथारिटीज (judicial authorities) को रक्खा गया है।

6 P.M.

कर्नल जीदी: इस कानून में कहीं जो पाईट्स आफ़ ला (points of law) हैं उन पर भी किसी हाई कोट (High Court) या भुप्रीम कोर्ट (Supreme Court) को अपील (appeal) या रेफ़रेन्स (reference) करने की इजाजत नहीं है।

श्री गिडवानी : है।

कर्नल खीबी: हम में और किसी और साहब में जिन्हें इस बात पर ऐतराज था फ़र्क इतना ही है। अगर कोई गलती हुई है या किसी के साथ नाइन्साफ़ी हुई है तो उस की इसलाह की जाती है बस इस से ज्यादा नहीं है। मैं चन्द मिसालें पेश करूंगा। मिसालों के बगैर यह बात समझ में नहीं आ सकती।

एक शस्स उस वक्त पाक्स्तान गया जिस वक्त कि परमिट (permit) का कोई कायदा नहीं था। बाद में परिमट (permit) का कानून हो गया । जब उस ने हिन्दुस्तान बापस आना चाहा तो उस को हमारे हाई कमिश्नर (High Commissioner) ने टेम्पोरेरी परिमट (te mporary permit) दे दिया और कहा कि हिन्दुस्तान में पहुंचने पर तुम्हारा परमानेंट परमिट (permanent permit) बना दिया जायगा । वह आया और यहां मर गया । हिन्द्स्तान के हाई कमिश्नर (High Commissioner) के टेम्पोरेरी परमिट (temporary permit) पर वह हिन्दुस्तान आ गया । कुछ अर्से के बाद वह मर गया। गवर्नमेंट ने उस परिमट (permit) को परमानट (permanent) कर दिया। इस के बावजूद भी उस की तमाम प्रोपर्टी (property) इवेक्वी प्रापर्टी (evacuee property) हो गई। अब यह कहना कि this is my money and it is being given to those whose loyalty is suspected. इन लफ्जों का मतलब मैं नहीं समझ सका। इसी सिलसिले में मैं ने आप से यह किस्सा बयान किया कि एक आदमी चन्द दिन के लिये उस वक्त पाकिस्तान गया जब कि कोई परमिट (permit) का कायदा नहीं था। इंडियन हाई कमिश्नर (Indian High Commissioner) से टैम्पोरेरी परमिट (temporary permit) ले कर वापस आया और उस का वह परमिट](permit)परमानेंट (permanent) बना दिया गया और वह मर भी गया। और उस की औलाद से यह कहा गया कि उस की तमाम प्रोपर्टी (propery) इवैक्वी प्रापर्टी (evacuee property) है। यह मामला जब बम्बई हाई कोर्ट (High Court) में गया तब बम्बई हाई कोर्ट ने उस की बाबत जो बातें कही हैं उन में से (चन्द सुनाना चाहता हूं।

Evacuee Property

(Amendment) Bill

[कर्नल जैदी)

"We are prepared to assume in Mr. Palkiwala's favour that the view taken by the Custodian General of the application of the notification of the 3rd July is erroneous. But the question is whether we have any juridiction to interfere with his decision. Now, in construing the notification of the 3rd July 1950 and in giving to it a particular effect the Custodian General was undoubtedly acting with jurisdiction."

And this is the significant part—
"In the exercise of his jurisdiction, however, he came to an erroneous decision in law."

तो मसलन ऐसा केस (case) या और कोई केस (case) ऐसा हो जिस में कि किसी के साथ नासमझी की बिना पर या हालात न मालम होने की बिना पर या और किसी वजह से नाइन्साफ़ी हुई है और उस की प्रोपर्टी (property) उस की वापस मिल जाती है तो में नहीं समझता कि इस में क्या शिकायत की बात है। लेकिन यहां रोंगटे खड़े करने वाले किस्से बयान करना और यह दिखाना कि बहुत से मुसलमान चले गये पाकिस्तान अपना रुपया ले कर और उन में से बाज लोग ऐसे थे जो यहां रहने का दावा करते थे। एक साहब का नाम लिया गया कि इसी बिलिंडग के अन्दर खड़े हो कर उन्होंने हलफ़ उठाया था कि वह इस झंडे के लिये आखिरी कतरा खून बहा देंगे और उस के बाद वह गर वफ़ादार साबित हए और इस किस्म की तमाम चीजें बयान करने से मतलब क्या है। अगर हम चाहते हैं कि एक हिन्दस्तान बने, अगर हम चाहते हैं क सब को एक दूसरे से हमदर्दी हो किसी किस्म का कोई फ़र्क न रहे तो यह नाख्रागवार वातें क्यों बयान की जाती हैं। अगर एक तरफ़ खलीकुज्जमां का नाम लिया जाता है तो उस के साथ यह भी कम से कम बतलाया जाता कि हमारे यहां ऐसे भी लोग हैं जिन्होंने अपनी जानें हिन्दुस्तान के लिये दे दीं जैसे कि क्रिगेडियर उस्मान, तो समझ में आता कि बाके इस म कोई मच्चाई है। लेकिन यह कहना कि कुछ लोग रुपबा ले कर चले गये बिल्कुल

इर्रेलेवेंट (irrelevant) बातें आप हरगिज इजाजत न दीजिये कि कोई हिन्दुस्तान से पाकिस्तान रुपया न भेजे याः हिन्दुस्तान के साथ गद्दारी न करे। लेकिन जहां जहां कोई गलती हुई है वहां अगर मिनिस्ट्री (Ministry) यह चाहे कि इन्साफ़ करे तो उस पर क्यों ऐतराज होना चाहिये। अगर उस का असर उस पूल (pool) पर पड़े और वह दर चार या पांच पर सेंट (percent) कम हो जाय तो उस का सदमा हमें नहीं होना चाहिये । मैं बिल्कुल इत्तिफ़ाक करता हूं अपनी उन बहिन और भाइयों से जिन्होंने जोरों से यह मतालबा किया है, कि हमारी सरकार रिफ्युजीज (refugees) के लिए पूरी मदद दे और हम सब को कि हमारी सरकार की तरफ़ से रिफ्यूजीज (refugees) के लिये बडी रकमें निकाली जायेंगी और मुहैय्या की जायेंगी। हम सब के लिये यह खुशी की बात होगी कि इन रिपयूजीज (refugees) के साथ जो वायदे किये गये हैं वह पूरे किये जायें और शानदार तरीके से पूरे किये जायें।

दूसरी बात यह है कि जो मुसलमान गैर वफ़ादार हो, जो पाकिस्तान रुपया भेजना चाहे, जिस को वहां से हमदर्दी हो, जो वहां चला गया हो, आप हरगिज उस के साथ हमदर्दी न कीजिये। किसी मुसलमान को भी नहीं चाहिये कि उस के साथ हमदर्दी करे। लेकिन जो लोग आज यहां बैठे हुऐ हैं

श्री गिडवानी : वह हमारे सिर आंखों पर बैठें।

कर्नल जैबी: तो फिर कोई फ़र्क नहीं है। तो में समझता हूं कि अगर यह स्पिरिट (spirit) काम करेगी तो गालिबन इस बिल (Bill) की कोई लम्बीचौड़ी मस्तालिफ़त नहीं होगी। हमारी एक बहिन ने यह कहा कि यह बहुत अच्छा सवाल है लेकिन इंटेंडिंग इवैक्वीज (intending evacuees) को क्यों माफ़ किया जा रहा है। जब उन का कसूर कानून से साबित हो गया है तो फ़िर उन को क्यों माफ़ किया जा रहा है। शायद इस के मुताल्लिक थोड़ी सी गलतफ़हमी है। कोई शरूस जो कि एक लाख रुपये का आदमी है अगर वह किसी भी वजह से १४ अगस्त सन ४७ के बाद पाकिस्तान रुपया भेज दे तो वह इंटेंडिंग इवेक्वी (intending evacuee) हो गया। अगर उस के अपने किसी रिश्तेदार 🖁 के लिये या (business) के लिये कुछ रुपया भेज दिया, तो वह इंटेंडिंग इवैक्वी (intending evacuee) हो गया। उस वक्त यहां मार काट मच रही थी, खुन बह रहा था, ऐसे वक्त अगर किसी ने जो कि एक लाख का आदमी है दो चार रुपया भेज दियातो वह कानून की रूसे इंटेंडिंग इवेक्वी (intending evacuee) हो गया । इस कानून में यह नहीं बतलाया गया ह कि वह अपनी दौलत का कितना हिस्सा भेज दे। अगर कोई एक लाख रुपये का आदमी एक हजार रुपमे यहां से इस ख्याल से भेज देता है कि अगर मुझे भागना पड़ा तो दो महीने रोटी तो मिल जायेगी, तो बह इंटेंडिंग इवेक्वी (intending evacuee)हो जाता है। और जिस वक्त उस ने यह रुपया भेजा था उस वक्त यह कानून भी नहीं था। लेकिन इस कानुन के मृताबिक वह इंटेंडिंग इवेक्वी (intending evacuee) हो गया । अब सब को माल्म है कि रुपया नहीं भेजना चाहिये। अब जो रुपया भेजे उस को इसी मंत्री महोदय ने और इसी मिनिस्ट्री ने यह तै कर दिया है कि वह इंटेंडिंग इवेक्बी (intending evacuee) नहीं बल्कि (evacuee) माना जायगा । अगर किसी ने १४ अगस्त सन् १९४७ के रुगभग रुपया भेजा और आज हिन्दुस्तान में

बैटा हुआ है और आज हम उस से कहें कि त्रम इवेक्वी (evacuee) तो यह बड़ी नाइन्साफ़ी की बात होगी। मुझे सिर्फ़ इतना और कहना है कि बाज ऐसी मिसालें हैं कि जिन्हें देख कर थोड़ा सा अफ़सोस होता है। लेकिन यहां यह कहा रहा है कि मुसलमान अपनी जायदादें फ़रोस्त कर के चले जायेंगे। लेकिन कोई समझदार इन्सान, और इस हाउस में भी बहुत कम ऐसे हैं जो यह समझते हों कि इस कानून की वजह से मुसलमान अपनी जायदाद बेच देंगे। वह अपनी जायदाद बेच नहीं सकते। यह कानून यहां तब बढ़ा है कि जामा मिलिया जो कि एक बड़ा नेशनल इंस्टीट्युशन (national institution) है और सारे हिन्दूस्तान में उस का नाम है और उस की तारीफ़ है, उस की पांच छः लाख की किताबें थीं करोल बाग में और उस वहशत के जमाने में कूछ लोगों ने उन को जला दिया । वह तमाम नुक्सान हो गया । खैर वह नुकसान तो हुआ ही। वह इमारत भी तबाह हो गयी और अब जामा मिलिया ने यह मुनासिब ख्याल किया कि उस जमीन को फरोख्त कर दें क्यों कि उनकी परमानेंट बिल्डिंग (permanent building) ओखले में बन गयी है। साल भर से वह कोशिश फर रहे हैं कि उस जमीन को कोई खरीद ले लेकिन हर शस्स यह कहता है कि अगर यह इवेक्वी प्रापर्टी (evacuee property) हो गयी तो क्या होगा। आखिर कस्टोडियन साहब को दरखास्त दी गयी और चन्द रोज हुए उन्हों ने यह सरटीफ़ाई (certify) किया है कि This property is not evacuee property and does not belong to anyone who has migrated to Pakistan. को यह दिखाया गया और उंस से गया कि देखों अब तुम उस को सरीद सकते हो। उसने कहा कि कल को अगर यह इवेस्बी प्रोपर्टी (evacuee property)

Evacuee Property (Amendment) Bill

[कर्नल जैदी]

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हो गयी और आप लोग पाकिस्तान चले गये न्तो क्या होगा । उस को समझाया गया कि यह जामा मिलिया की प्रापरी (property) है किसी आदमी की नहीं है, वह तो एक संस्था है। यह तो यहीं रहेगी। फ़िर तुम को क्या फ़िक है। उस ने कहा कि आप यह इस प्रापर्टी 'लिखवा दीजिये (property) को बेचने की इजाजत है। और जो कोई खरीदेगा उस को कोई नुकसान नहीं होगा तो हम लेने को तैयार है। यह मैं ने मिसाल दी ऐसे इंस्टीट्यूशन (Institution) की जो कि हिन्दुस्तान में एक खास दरजा रखता है और जिस का काम करने वाले डाक्टर जाकिर हुसैन और प्रोफ़ेसर मुजीब जैसे आदमी हैं। तो जब जामिया मिलिया को ऐसी परेशानी हो सकती है कि साल भर से उस की जमीन नहीं बिकती और अब कस्टो-डियन के सर्टिफिकेट (certificate) देने से भी कोई काम नहीं चलता, तो मालूम हुआ कि मुसलमानों को अपनी जमीन बेचने में द्रतारियां होंगी, चाहे उस की कितनी ही जरूरत बेचने की क्यों न हो। इस बिल में कोशिन की गई है कि उन को कुछ सहलियतें दी जायें। मुझको उम्मीद है कि जो जायज सहिलयतें मसलमानों को दी जायें और उन नोगों को जिन के मुताल्लिक यह अन्दाजा हो जाय कि इन पर शुबहा गलत था, उन की कोई ऐसी हरकत नहीं थी जो कि गलत हो, तो हमारे भाई हिन्दूस्तान की हमेशा की रवादारी और हमेशा की खुशादए दिल का सब्त देते हुए इस बात को खुशी से मंजूर करेंगे और यह कहेंगे कि, हां, हम को बड़ी खुशी है कि इन लोगों के साथ बेहतर बरताबा करने की तजवीज हमारे सामने आई है, इसको हम मंजूर करंते हैं। यह फ़िक न करें कि यह इवेक्वी पूल (evacuee pool) कम हो जायेगा। अगर सुदाने चाहाती यह पूल (pool) कम नहीं होगा और अगर कम हो

जायगा तो हम सब कोशिश करेंगे कि यह ज्यादा से ज्यादा हो। लेकिन यह न कहिये कि पूल (pool) की खातिर किसी का गड़ा कट तो कटे लेकिन एक कतरा भी पूल (pool) का कम न हो। मैं उम्मीद करता हूं कि यह कोई भी भाई नहीं चाहते।

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आखिर में मैं यही अर्ज करूंगा कि तमाम चीजों को देखते हुए यह एक अच्छा बिल (Bill) है और यह इस काबिल है कि यह हाउस (House) इस को मंजूर करे।

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That the question be now put."

Mr. Chairman: The question is:

"The the question be now put."

"That the question be now put."

Shri A. P. Jain: I am thankful to the hon. Members who have participated in this debate for the dispassionate manner in which the problem has been approached.

One question, which is important no doubt, but not quite germane to this Bill, has been raised by a large number of Members who have spoken. That is the question of compensation. The hon. Member Shrimati Sucheta Kripalani said that there must be an authoritative pronouncement about it. I quite agree with her, but I am sorry that at the same time she made a complaint that I am not speaking out anything. I am waiting for that authoritative pronouncement on the question, of compensation which naturally is agitating the mind of every displaced person today. A schene has been prepared. It is under the consideration of the Government at the highest level. It will not be appropriate for me to say anything about matters on which the Government has not come to a final decision. But I can assure you that so far as my Ministry is concerned it has done its part and now it is pending consideration at the final stages.

Mrs. Sucheta Kripalani said that Ministers are speaking with different voices. No doubt a certain item of news has appeared with regard to a certain Ministry in the newspapers, but I have not seen any statement from any Minister which has gone against any of the commitments which have been made by the Government or by Ministers in regard to compensation. I no doubt have made a num-

ber of statements with regard to compensation in this House and elsewhere. I stand by everyone of those statements which I have made. May be that certain persons—I have seen some news items in the papers—are doubting whether I was authorised to make those statements. One of the hon. Members here, Sardar Hukam Singh, said something of the kind. Now, a Minister who makes a statement, which he has no authority to make, will have to pay for it by his head and I will be prepared to pay for it by my head, if I have made a statement which I was not authorised to make. That is all that I want to say about compensation, which will come before the House and the public in no distant time.

Then the question has been raised about the evacuee property pool. Let us see what is the evacuee property pool. To my mind evacuee property pool means any property which under law has become evacuee property up till now and any property which may become evacuee property under the law which may be prevailing henceforth. It is within the competence of this Parliament to pass a law which affects the volume of Evacuee properties. There are certain amendments in the Bill which will affect the evacuee properties in future. But it is open to this House to pass that law or not. But once it becomes law, evacuee property will mean evacuee property which becomes such under the new law. That is one way of looking at the evacuee property.

Now two more objections have been raised, rather unfortunate objections. One was that there has been interference with the discretion of the Custodians. Some instances have been cited. It has been said that a certain Minister wrote to a Custodian or some Parliamentary Secretary or rivate Secretary or some other person high up wrote to the Custodian. Now, those are matters of old history. In regard to the administration of evacuee property during the period of two and a half years that I have been Minister I challenge any hon. Member sitting on this side or the other side to produce one letter that has been written to the Custodian, or one instance in which the judgment of the Custodian has been interfered with. It is true that we have got powers under Section 52. I have got powers under Section 52. I have exercised them in the case of Chattriwala. It is a public property. The matter has come before the House and it has been discussed more than once and what I have done in that case and all the other cases is

the only and the correct decision that should have been taken. I dare say that I am not afraid of taking any step which is a correct step even if it may displease some of my friends.

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Pandit Thakur Das Bhargava: Nobody has complained against you.

Shri A. P. Jain: I will exercise the powers under Sections 16 and 52. I will exercise them caenly. It will be open to the Members of this House to examine any of the cases and if it is found that I have functioned malafide or I have functioned dishonestly, well, I will not be worthy to remain where I am.

[MR. DEPUTY-SPEAKER in the Chair]

It is true that the powers under sections 16 and 52 are extraordinary powers. But this is an extraordinary law under which extraordinary powers are necessary. The House cannot forget that the evacuee property law and its administration, to a certain extent, depends upon our agreements with Pakistan. There have been a large number of agreements, I am sorry that most of them have not been fulfilled by Pakistan. Whatever may be the Evacuee Property law, certain exceptions have to be made on the basis of those agreements.

Then, the Evacuee Property law has been changing from time to time. At one time a person who had not gone over to Pakistan, who had nothing to do with Pakistan, but who was dislodged from his usual place of residence to another State, or sometimes within the same State, became an evacuee. The question arose: should that person be treated as an evacuee any more? The law has been changed, and under the present law a person who has not left India, cannot ordinarily be declared, as an evacuee. So, certain policy decisions have been taken. One of them is that if a person had not gone to Pakistan but was dislodged on account of disturbances or conditions of insecurity from his usual place of residence, such person's property should not be kept as evacuee property and should be restored. I hold that is a good and honest thing

Then, there was a certain notification of the 3rd July under which persons returning before a particu'ar date were entitled to restoration of property. That was the undertaking given in this House. A notification was issued. The question arose whether that notification applied to previous acts and ordinances or it applied only to the present law. The view of the Government both at the time of giving the undertaking as later on,

[Shri A. P. Jain]

was that the notification was useless unless it was made to apply retrospectively. There was a defect in the notification and we have rectified it.

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Both with regard to section 16 and section 52, I say they are the old laws existing. We have interpreted it in a particular manner. There has been some difference of opinion about it. All that I have done is 'hat I have brought the provisions of sections 16 and 52 in consonance with the view upon which we have worked, and it is the right of every Government and of every Ministry to put forth a legislation of that kind.

Therefore, I say that so far as these provisions are concerned I think they are necessary, for this extraordinary law. We have acted upon them; we propose to act upon them. Suppose, a hard case comes up. For instance, the hon Member, Mr Zaidi, pointed out a case in which the High Court made certain observations. And, recently I came across a case in which the Bombay High Court made certain observations saying that although they had not got jurisdiction to decide the case, yet there were certain relevant matters which had not been considered by the Custodian-General and which have a bearing on the case. The case came before me. I sent it to the Law Ministry for examination. I have not taken the final decision, but the Law Ministry has very largely agreed with the observations of the High Court. In such cases, I propose to exercise that power, because wherever there is an error it must be corrected, whether the decision goes in favour of A or in favour of B.

The Evacuee property pool is important for the refugees. It is important for me Because I am one of those who believe that the real solution of the rehabilitation problem depends upon the payment of compen-sation. To the extent that the Evacuee property pool is diminished, the possibility of giving proper compensation diminishes. Therefore, I am most anxious to preserve it; but not by depriving a person of his legitimate rights to the property. May be one case, may be ten cases, may be one hundred cases, wherever I find that an error has been committed by the Custodian or by the Custodian-General, where I find that there is a case for interference, not on account of any prejudice, or on account of likes or dislikes, or on account of personal grounds, but because an error has been committed—an error of law or of fact—or there are other good reasons, I

will exercise my discretion under section 16 or section 52, whichever section is applicable.

But I dare say that in regard to all the cases in which I have restored property under section 16, all individuals may not agree, but I have acted conscientiously. I have acted honestly. People may differ from me But they cannot accuse me that I have frittered away the property. I am prepared to stand the test. One person may not agree or another may not agree. because there is always disagreement among us. But the disagreement must be an honest one. Everyone must play his part honestly. That is with regard to the Evacuee property pool.

Several points have been raised. and I am thankful to my friend, Pandit Thakur Das Bhargava, who has answered quite a large number of issues that were raised by various Members. There are, however, two or three points about which I would like to say a few words.

of 'intending One is the question evacuee'. Objections have raised as to why we should exempt persons who have been declared as intending evacuees by competent offi-cers. Apart from what my friend, Mr. Achint Ram, has said, namely, that the conditions are changed. I would like to draw the attention of the House to sub-section (3) to section 26 of the Administration of Evacuee Property Act. It lays down that a person need not remain an 'intending evacuee' for all times after he has been declared as an 'intending evacuee once. He is put on a sort of apprenticeship. It is open to him to present a petition for the revision of the order six months after the order has been passed. Thus a pro-vision has been made in the law for a review from time to time. Now, who is the person who can become an 'intending evacuee'? A person who has done one of the acts mentioned in section 2(e), namely one who has sent some money to Pakistan or has acquired evacuee or abandoned property under certain circumstances there or who had entered into a deed of exchange, etc., certain legal inferences are drawn from these actions. That action must have been done beoctober, 1949, three and a half years have expired and the presumption, which arose, I think, stands totally rebutted since he has been living in India all along. That is one reason why we have given the general amnesty, i.e., we feel that after the expiry of this period of three and a half years, any intention that could be inferred from certain acts that he did stands rebutted today.

I would take this occasion to correct a little misunderstanding which could arise and which arose from certain observations made by my friend, Pandit Thakurdas Bhargava, with regard to certain clauses which have been added to the definition of evacuee. He said that—I am referring to sub-clause (1) of clause 2—the evacuee property pool will be augmented thereby. That is not the position Even under the existing law, a person who sends money under certain circumstances or who acquires abandoned or evacuee property in Pakistan after 18th October, 1949, becomes an evacuee by a joint interpretation of clause 2(e) and (f). That is the position which has been maintained. It has not been affected either one way or the other. The only difference has been that the resultant effect of clause 2(e) and (f) has been transferred to clause 2(d). So, the position remains the same. It neither augments the pool nor it takes away anything from the pool.

Mr Zaidi, during the course of his speech, said that evacuee property questions are not being decided by judiciary and he found support from certain observations which I had made. I said that the jurisdiction of the civil court has, in general, been kept out from the Evacuee Property Act. That does not mean that the Custodians act otherwise than according to law. The important provisions of the Civil Procedure Code are applicable to the proceedings before the Custodians. The manner and the principles in which the Custodians should function have been laid down in the law. They are a kind of special officers who exercise judicial powers. Therefore, to say that evacuee property questions are not being decided in a judicial manner would be an incorrect statement.

Pandit Thakur Das Bhargava: Under section 16. power has been reserved to Civil Courts.

Shri A. P. Jain: Yes. Another objection was raised to what I said this morning that on the whole the question of the jurisdiction of the civil court does not form the subject matter of the Amending Bill.

Another hon Member—I forgot his name—referred to clause 7 of the Bill in which it has been made clear that

if an application under section 16 is rejected, there will be nothing to prevent the applicant from establishing his title through the proper civil court. We have brought nothing new but it is just a clarification of the position as it stood. I would refer to the original section 16, suo-section (3) which says that such restoration shall not prejudice the rights, if any, in respect of the property which any person may be entitled to enforce against the persons to whom the property has been restored. Now, the effect of this provision is that if the property is restored to a wrong person, then the right person can claim the property in a civil court; but if the application had been wrongly rejected, he had no such remedy. We have only rationalised the position but on the whole the scheme of the Act has been maintained as it is. These are my observations with regard to certain points which have been raised and, on the whole, I feel—there may be a difference of opinion here or there—the Bill, I think, will receive a good reception. I hope the House will pass the motion.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Administration of Evacuee Property Act, 1950, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2- mendment of Section 2 etc.

Shri V. G. Deshpande: I beg to move:

- (i) In page 7, line 13, for "the 18th day of October, 1949" substitute "the 15th day of August, 1947".
- (ii) In page 7, line 17, for "the 18th day of October, 1949" substitute "the 15th day of October, 1947".
 - (iii) In page 7, after line 23, insert:
 - "(vi) whose wife and children are staying in Pakistan continuously for more than two years and against whom an intention to settle in Pakistan is proved by his conduct and other documentary evidence".
 - (iv) In page 8, omit line 5.

Mr. Deputy-Speaker: You may speak on all these amendments or on the clause as a whole.

Shri V. G. Deshpande: I have moved that in page 7, line 13, for "the 18th day of October, 1949" substitute "the 15th day of August, 1947".

The purpose of this amendment is that in the new definition of an evacuee they have omitted the intending evacuee whereas in the definition of the intending evacuee, it was given that—

"any person who has transferred his property or any assets to Pakistan after the 15th day of August, 1947....."

Now they have substituted the 18th day of October, 1949. My submission is that those persons who have transferred their assets to Pakistan in between the 15th day of August 1947 and 18th day of October, 1948 escape the consequences of this measure. My hon, friend Mr. Zaidi pointed out that if a person who has a property of one lakh rupees transfers Rs. 4,000/- just with the sole object of sometimes going to Pakistan if need arises, he should not be declared as an intending evacuee. There may be cases where a person has transferred Rs. 96,0007- out of

his property worth Rs. one lakh to Pakistan and has retained only Rs. 4,000/- here and is waiting for Mr. Jain to get this measure passed so that he may dispose it of and run away to Pakistan. Such cases will be exempted from the operation of this law and therefore. as I have said, those who want to remain in India we have no quarrel with them. In fact, I have every love and affection for them. I was feeling that hon, friend Mr. Zaidi was opposing the Bill when, he said that for those who intended to go to Pakistan, he had no affection. My opposition is only to those persons who are intending to go to Pakistan. My hon, friend Mr. Bhargava does not want to go against them also. I can understand his point of view that anybody may like to go to Pakistan. There is nothing wrong. My feeling is this. I have no objection or quarrel with even those persons who want to go to Pakistan but I am a human being. I do not stay in the heaven and I have not risen to those spiritual heights whereby I would allow Muslims to have the best of both the worlds because Pakistan is very

strong and would not allow any property to come here and my Government is very liberal, very generous and spiritually very high, therefore, Mus'ims here should get the property of the Hindus there,—exchange it for a very small sum—and then again enjoy properties here. In fact, in their own interests, I do not want this. In the definition of evacuee property, this change has been made; for 14th August, 1947, it is 18th October 1949. I want this to go by my amendments Nos. 3 and 4.

Can I speak on all the amendments now?

Mr. Deputy-Speaker: All of them together and the clause.

Shri V. G. Deshpande: An exception has been made in the case of a person who is staying here if he sends some money to Pakistan to a member of his family. What I want to say is this. 'Member of his family' is a very wide term. Suppose there is a joint family. A brother is a member of the family; his grown up son is a member of his family. If he begins to send money in the name of these people, all his earnings, all his property may go away there. Therefore, I want to help the hon. Mr. Jain. His intention is that there should not be any genuine case of hardship. Any member who is wholly dependent upon the person residing here should not be made to suffer. Therefore, I have suggested the change that instead of having the words only "member of his family", we may have "wholly dependent on him".

Then in the definition of evacuee, I want this clause to be inserted by amendment No. 6, that is, to add this clause. What I want to add is the clause:

"(vi) whose wife and children are staying in Pakistan continuously for more than two years and against whom an intention to settle in Pakistan is proved by his conduct and other decumentary evidence."

I think that no Member of this House should have any objection to this clause being inserted in the definition of evacue. What we say is, the person has been staying here continuously for two years and we should have no cause for suspecting his bonafides, and his intention. I feel here is a case of a person who is staying here fust to rob the evacuees of their property. His wife and

children are staying there. Not only that. These words I have taken from the original definition of intending evacuee': against whom an intention to settle in Pakistan is proved by his conduct and other documentary evidence. My anxiety is that those persons against whom this intention to opt out to Pakistan has been established should not get advantage of this generosity on the part of this Government. Therefore, in the pre-sent definition of 'evacuee' you may add this clause:

"against whom an intention to settle in Pakistan is proved by his conduct and other documentary evidence."

An objection has been raised and I am told that by this clause you practically retain the 'intending evacuee' clause there. I say, certainly my intention is that those who intend to go to Pakistan, must come under the operation of the Adminis-tration of Evacuee Property Act. In fact the object of this new Act is to allow some people to escape. I say, if the intention to settle in Pakistan is proved, they should not be allowed to escape. I do not say that some people, on account of suspicion should be declared as intending evacuees. We may appoint a competent authority, may be a judicial authority or a Custodian. If by his conduct and by documentary evidence, his intention is proved, that man should be declared an evacuee. I understand that there is a difficult. there is a difficulty, and that is why my opposition to the whole Bill is there, and that is why I have proposed this amendment No. 7 where I

In page 8, omit line 5.

Because in line 5 they say that clause (e), i.e., the clause pertaining to intending evacuees, should be omitted. I say let the clause per-taining to intending evacuees remain. As I have said, as long as it is on the statute book of Pakistan, it should remain here also. I am not saying this—let me not be misunderstood—in any spirit of revengefulness, in the spirit of a tooth for tooth, an eye for an eye, that because they are trouban eye, that because they are troub-bling Hindus, we must trouble and per-secute loyal and innocent Muslims here. What I am saying is that this question of intending evacuees is very important. Some people feel that that danger has passed away as flye six years are over but my feel five, six years are over, but my feeling is that that is not the case. We 485 PSD

have seen that in the case of Bengal yesterday we have bassed sums worth crores of rupees for the sake of people from Pakistan who have come here and settled here. The wound of and settled here. Pakistan is still alive, and those who want to remain blind to the situation. may do so. I am a very great admirer of their generosity and spiritual heights, but as a realist I face realities as they are, and I am not prepared to accept that there are now no Muslims left who do not in-tend to go to Pakistan as I am not prepared to believe that there are no Hindus left in Pakistan who do not intend to come to Hindustan. My feeling is that. I say that they should not go. I want that our Government should do everything whereby they should do everything whereby they should have a feeling that they should not go. But, at the same time, if there are any persons whose intention to migrate to Pakistan is proved and established by documentary evidence or by their conduct, I feel that this clause (a) should not be omitted. clause (e) should not be omitted. As I have said, you cannot declare as an evacuee a person who is an intending evacuee. There is some lacuna, some contradiction. Therefore, I again spheal to them to omit this line 5 which wants to omit this definition of an intending evacuee. I want that this category of intending evacuee should remain because the problem remains

Evacuee Property

(Amendment) Bill

I do not say anything in a spirit of retaliation or revengefulness. I say that this provision should be retained. This is all I have to submit regarding the amendments to Clause 2.

Mr. Deputy-Speaker: Amendments moved:

- (i) In page 7, line 13, for "the 18th day of October, 1949" substitute "the 15th day of August, 1947"
- (li) In page 7, line 17, for "the 18th day of October, 1949" substitute "the 15th day of October, 1947"
 - (iii) In page 7, after line 23, insert:
 - "(vi) whose wife and children are staying in Pakistan continuously for more than two and against whom an intention to settle in Pakistan is proved by his conduct and other documentary evidence;"
 - (iv) In page 8, omit line 5.

Evacuee Property (Amendment) Bill

भी पी॰ एन॰ राजभोज (शोलापुर---रक्षित-अनुसूचित जातियां) : मुझे बहुत कुछ बोलना था लेकिन हमारे ब्हिप (whip) ने क्लोबर (closure) लगा दिया है इसलिये नहीं बोलना चाहता। मेरा कहना यह है कि हिन्दुस्तान में रहने वाले किसी पर भी अन्याय करने के खिलाफ हैं। चाहै वह मुसलमान हो या ईसाई हो। लेकिन आज इंटेंडिंग इवैक्वी (intending evacuee) की धारा को समाप्त करने से यह नतीजा हो रहा है कि उधर से आने वालों को प्रापर्टी (property) दे दी जाती है और गरीब शरणार्थियों को नुक्सान होता है। मेरे पास काश्मीर से एक पत्र आया है। हमारे काश्मीर के भाई सब लोगों के साथ बहुत अच्छी तरह से रहते हैं ऐसे कहते हैं। लेकिन मुझे दु:ख के साथ कहना पड़ता है कि जम्मू में शिड्युल्ड कास्ट (scheduled caste) वालों को उन लोगों की जमीन मिली जो कि पाकिस्तान चले गये थे, लेकिन इस कानून के अनुसार जब वह वापस आयेंगे तो उन की वह जमीन जो कि शिड्यूल्ड (scheduled caste) मिली थी वह चली जायगी। तो मैं अपने मिनिस्टर साहब से पूछना चाहता हुं कि जो लोग आये हैं उन को जो जमीन मिलेगी वह परमानेंट (permanent) तौर से मिलेगी या जब मुसलमान आ जायोंगे तब उन से ले ली जायेगी। मेरे पास इसी तरह की चिट्ठी आई है। उस में लिखा है कि जम्मू काइमीर में जो जमीन उन को मिली थी वह जब मुसलमान वापस आते हैं उन को देदी जाती है। शरणार्थियों में बहुत से शिड्यूल्ड कास्ट (scheduled caste) के भी हैं। इस के अलावा आप शरणार्थियों के लिये तो इतना करते हैं लेकिन जो हजारों क्यों से आप के यहां अछूत लोग हैं उन के लिये क्यों नहीं कुछ करते । इस वारते इस बिल

(Bill) पर श्री देशपांडे जी ने भी कुछ कहा है। मेरे पास भी चिट्ठी आई है। इसके लिये कोई क्लेरिफिकेशन (clarification) मिनिस्टर साहब की तरफ से होना चाहिये कि जो जमीन जिस को मिल जाये वह हमेशा के लिये उस को मिल जाये । अगर ऐसा नहीं होगा तो जो मुसलमान वह उन की जमीन ले लेंगे। तोजो अमेंडमेंट (amendment) देशपांडे जी ने दिया है उस को मंजूर करना चाहिये। और कई सवाल हैं लेकिन इस वक्त में हाउस का ज्यादा वक्त नहीं लेना चाहता हं। मैं सिर्फ मिनिस्टर (Minister) महोदय से यह कहना चाहता हूं कि वह यह बतलावें कि शिड्यूल्ड कास्ट (scheduled caste) की क्या परिस्थित होगी । अब और भी दूसरे लोगों को, करीब करीब हजारों लोगों को उठाने के लिये कस्टोडियन (Custodian) की तरफ से नोटिस (notice) चला गया और नोटिस (notice) में लिखा है कि तुम अभी चले जावो । अभी कानून में ऐसा लिख दिया है तो उस में भी करीब करीब १/६ शिड्यूल्ड कास्ट (scheduled caste) के लोग हैं। तो यह जो रूलिंग (ruling) है, कानुन है, उस में कुछ फर्म (firm) होना चाहिये जिस से सारे लोगों के लिये भी कुछ हो । हम हिन्दू लोग संगठित नहीं हैं । मुसलमान चाहे मुस्लिम लीग के हों, चाहे कांग्रेस वाले हों, अन्दर से एक भाई भाई बन कर काम करते हैं। हमारे अन्दर क्या है? यह अछूत है, बनिया है, ठाकुर है, यह है वह है, इस तरह की हालत है। यह होना चाहिये कि जो सच्ची बात है वह सच्ची बताई जाये और जो झुठी बात है उस को झुठी बताना चाहिये। इन लोगों के साथ तो हमारा हर वक्त झगड़ा रहता है, क्योंकि यह लोग भी कोई हमारे दोस्त हैं, ऐसी बात नहीं है।

जहां तक अछ्तों का अच्छा होता है हम किसी पार्टी के साथ दोस्ती करते हैं, जहां तक ब्रा होता है, हम झगडा कर लेते हैं।

20 FEBRUARY 1953

तो मेरा कहना यह है कि जहां तक रिपयुजी (refugee) लोगों का सवाल है इस के अन्दर भी अछतपन का झगडा नहीं होना चाहिये, उन के साथ अन्याय नहीं होना चाहिये। जो सह़लियतें उन को मिल रही हैं वह मिलनी चाहियें। रिपयुजी (refugee) के लिये जितना देना हो, देदो, लेकिन यह न करो कि इस में भी अछ्तपन हो ।

सरवार हुकम सिंह : चिट्ठी तो दे वीजिये ।

भी पी० ऐन० राजभोज : वह तो जरुर दे दूंगा। मैं जम्मू जा रहा हूं। वहां इनक्वायरी (enquiry) कर के आऊंगा तो सब बताऊंगा । न इस पार्टी में हूं न उस में हूं । हमारी तो इंडिपेंडेंट (independent) आवाज है, वही रखना चाहता हूं।

इतना ही बोल कर मुझे स्पीकर महोदय ने जो बोलने का चान्स (chance) दिया है और जो बात करने का मौका दिया है उस के लिये में धन्यवाद देता हं।

Shri Mulchand Dube (Farrukhabad Distt.—North): I would like to speak a few words on the amendment that is just now being discussed. The proposed sub-clause (v) does not seem to me to be quite clear. It seeks to make a distinction between acquisitions made by person and the acquisitions made by members of his famiby in the one case, it is only by way of purchase or exchange, while in the other case, it is 'in any manner whatsoever'. The sub-clause reads:

"(v) who has, after the 18th day of October 1949, acquired, if the acquisition has been made in person, by way of purchase or exchange, or, if the acquisition has been made by or through a nem-ber of his family, in any manner whatsoever, any right to, interest

in, or benefit from, any property which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan."

I do not quite understand the principle underlying the differentiation that is being made between acquisition in person and acquisition through the members of a person's family. I, therefore, propose for the considera-tion of the hon. Minister, whether he could alter the clause in the following manner:

"(v) who has, after the 18th day of October 1949, acquired directly or indirectly, by way of purchase or exchange, or gift accepted by him, any right to, interest in, or benefits from any property....."

I suppose that this would make it quite clear. In that case, the explanation giving the definition of a 'member of the family' may have to be deleted. I put this for the consisideration of the hon. Minister, so that if he chooses, he could make this amendment.

Shri A. P. Jain: With regard to amendments Nos. 3 and 4, the intention is that those who were treated as tion is that those who were treated as intending evacuees under the present law—by 'intending evacuees' I mean persons who suffer disabilities under section 19—should be treated as evacuees. I am sorry I cannot accept that amendment. If a person goes to Pakistan after selling his property then section 40 is there and any transaction outered into by him by way saction entered into by him by way of sale, purchase etc. tioned under section 19. can be ques-

Then there is, though it has not been moved, amendment No. 5—wholly dependent on him'. I am afraid that the hon Member has not seen the definition of member of the family' contained in the original Act, i.e. 'member of the family means any member of the family of any person who is wholly dependent upon the earnings of such person'. So that is unnecessary.

Then with regard to amendment No. 6, he wants to make the clause even harder than what it is at present because only those persons who commit one of the acts mentioned in clause 2(e), viz., send money or acquire property or do any of those acts, become evacuee. Mere intention to become evacuee. Mere intention to migrate as can be inferred from certain other acts does not render a person as evacuee even if that occurs after the 18th October 1949. Therefore, this amendment is not eccept able to me.

I oppose all the amendments.

Mr. Deputy-Speaker: The question is:

Administration of

In page 7, line 13, for "the 18th day of October 1949" substitute "the 15th day of August 1947".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 7, line 17 for "the 18th day of October 1949" substitute "the 15th day of October 1947"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 7 after line 23, insert:

"(vi) whose wife and children are staying in Pakistan continuously for more than two years and against whom an intention to settle in Pakistan is proved by his conduct and other documentary evidence."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 8, omit line 5,

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 4 were added to the Bill.

Clause 5.—(Amendment of Section 12)

Mr. Deputy-Speaker: Mr. Deshpande,

Shri V. G. Deshpande: I am moving my amendment, Sir. I thought the House would adjourn, because there was no adjournment for tea even, and we are interested in the Bill. It was not adjourned even for half an hour.

Mr. Deputy-Speaker: I am so sorry. The hon. Member is taking interest. Whoever takes interest suffers. Shri V. G. Deshpande: I beg to move:

Evacuee Property

(Amendment) Bill

In page 8, for lines 42 to 50, substitute:

"Provided that in the case of any lease granted before the 14th day of August 1947 the lessee has rendered himself liable to eviction by virtue of any law for the time being in force in the State in which the property is situate."

In fact, section 12 of the principal Act was amended by the Select Committee. The original Act was: "where such allotment, lease or agreement has been granted or entered into after the 14th day of August 1947".

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It was found out that those who had obtained such leases or allotment before the fourteenth day of August could not be interfered with and even if there were some lapses on their part the Custodian of Evacuee Property could not be interfered with and even the original Bill it was suggested that in place of "entered into after the 14th day of August 1947" they had better put, 'or after the 14th day of August 1947.'

Then, it was pointed out that the Custodian should not have this power and he should not be in a position to misuse it. Therefore, the powers were restricted only to those two cases, 'sub-let, assigned or otherwise parted with the possession of the whote or any part of the property leased to him or has used or is using that property for purposes other than that for which it has been leased to him'.

Then, we pointed out that even this will leave many undesirable things and the power may be misused and therefore this amendment which has been suggested is this:

In page 8, for lines 42 to 50, substitute:

"Provided that in the case of any lease granted before the 14th day of August. 1947 the lessee has rendered himself liable to eviction by virtue of any law for the time being in force in the State in which the property is situate."

I need not speak much on this amendment, I hope the hon. Minister will accept this amendment because this covers all the points. There can be no difficulty in accepting this amendment.

Mr. Deputy-Speaker: Amendment moved:

In page 8, for lines 42 to 50, substitute:

"Provided that in the case of any lease granted before the 14th day of August, 1947, the lessee has rendered himself liable to eviction by virtue of any law for the time being in force in the Stafe in which the property is situate."

Shri A. P. Jain: This clause was thoroughly discussed. There were two points of view; one that the Custodian should have all the powers with respect to persons who have been living on evacuec property before the 14th August, 1947. There
was the other school of thought which
said "these are the persons who have
been continuing in occupation from
normal times;" let abnormal powers
not apply to them. Therefore a sort of compromise was struck wherein only belatant cases, namely, where the pre-15th August, 1947 tenant had sub-let the tenancy rights or had used the property for purposes other than those for which it was let might be dealt with by the Custodian under his summary power. But, in any other case the Custodian must go to a court of law. I think that is a healthy provision because whatever might be said. yet the normal law should function as it is, and, particularly, in the case of persons who have been in occupation for a long time, whether it be the Custodian, who is to sue, or any other landlord. Therefore, I am sorry I cannot accept the amendment.

Mr. Deputy Speaker: The question

In page 8, for lines 42 to 50, substi-

"Provided that in the case of any lease granted before the 14th day of August, 1947, the lessee has rendered himself liable to eviction by virtue of any law for the time being in force in the State in which the property is situate."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 5 stand part of the Bill."

Evacuee Property (Amendment) Bill The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 7.— (Amendment of section 16 etc.)

Shri V. G. Deshpande: This is a very important amendment I am moving, Sir. I beg to move:

In page 9, lines 47 and 48,—for "the Central Government or any person authorised by it in this behalf" substitute "an evacuee judge to be appointed by the Central Government from amongst the present or retired Judges of High Courts."

The provision that is proposed in this Bill is:

"Restoration of evacuee property.—(1) Subject to such rules as may be made in this behalf, the Central Government or any per-son authorised by it in this behalf may, on application made to it or him by an evacuee or by any person claiming to be the heir of an evacuee, and, on being satisfied that it is just or proper so to do. grant to the applicant a certificate stating that any evacuee property which has vested in the Custodian and to which the applicant would have been entitled if this Act were not in force, shall be restor-ed to him."

This is a very sweeping power and while giving this power the House ought to think very seriously. The hon. Minister has given an assurance. I do not doubt his bona fides. As he had said, we may differ from his judgment, but whatever he has done, he has done honestly and with the best of motives. Whatever he or his colleagues in the Cabinet have done has been done with the best of motives. But the best of motives should not be the only criterion. The interests of the country, of the refugees and of justice should also be borne in mind. We do not want any Minister to be vested with such powers. I would call this a lawless law in fact. The provision says that they can proceed as if this Act did not exist. It tem-porarily suspends the Act. I do not want such a power to be given to the Minister. So long as Mr. Jain occupies this post, matters may be dealt

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with great honesty, but we do not know whether he will continuously and for limitless times occupy this onerous post.

Sardar Hukam Singh: He will wind up the whole thing.

Shri V. G. Deshpande: If he does so, I do not know what will happen.
My contention is that if the House
wishes these decisions to be taken. then the power should be given, not to any Government or to any person authorised by it, but there should be a post of Evacuee Judge created from among the present or retired judges of the High Court. If this is done at a the High Court. It this is done at a judicial level, there would be no objection at all. My point is that if any Minister were to do it. he can do it for political reasons. I do not say that political reasons are not always honest reasons. They may have certain high ideals, which according to the are not very good. Every day me are not very good. Every they talk of communalism. My feeling is that tomorrow they may cancel the community projects, because the word "community" figures there. I do not know what a Government in its perverse zeal can or cannot do. according to its notions of secularism. nationalism and all kinds of 'isms'. In the end, justice may be sacrificed. That is why I want that the power should not be given to a Minister. I do not even mind an executive officer working under a Minister being entrusted this job, but even a Minister with the best of motives should not be given this power. He may use it even for getting votes. I should not say it, but this is my fear. I do not say that the present Ministers are doing so. but if a certain party is in majority in certain parts, such considerations can come into play. Worse parties may come into power. So, they may use this power for getting electoral success. They may misuse it. That is why I suggest that this should not be That is made a party question, and my am-endment should be accepted.

Deputy-Speaker: Amendment Mr. moved:

In page 9, lines 47 and 48 for "the Central Government or any person authorised by it in this behalf" substitute "an evacuee judge to be appointed by the Central Government from amongst the present or retired Judges of High Courts".

Pandit K. C. Sharma (Meerut Distt.—South): This designation "Evacuee Judge" denotes a fantastic conception. A judge should be valued as an honest and well-meaning man. These perversities should end. It is the height of perversity to use the word "evacuee" before "Judge."

Sardar Hukam Singh: Why should my hon, friend feel so much simply because the title is "Evacuee Judge"?
We entrust certain functions to a judge, whoever he might be, and whether we call him Evacuee Judge or hon. Judge, it matters little. The name can be changed. It is only the duties entrusted to him that matter. All that my hon, friend Mr. Deshpande suggested was that because this work connected with evacuee property is going to be entrusted to him he might be called "Evacuee Judge." There should be no reason why exception should be taken to it.

Then the hon. Minister said with some vehemence that wherever he felt satisfied he had given certificates and he would give certificates. We have no objection. Wherever he feels satisfied he is competent to give certificates. He is all in all; he has the power and he can exercise it. We on this side at least cannot by any means object to it. But we shall be grateful if he would be kind enough to tell us what is the number of cases in which he has exercised this power under Section 16, and also the number of cases in which he has exercised his power under Section 52. We would also like to know whether it was after some High Court or judicial authority had taken objection to the way in which the Custodian had exercised his discretion that this power was exercised and if so whether the Law Minis-Can he also give try was consulted. us an assurance that in future also he would exercise his discretion in this manner under these sections only when cases have been examined by the High Courts or by his Ministry, or whether there would be other reasons. It is quite all right to feel satisfied, but he should have some grounds to feel so.

Pandit Thakur Das Bhargava: There is no doubt about the fact that Sections 16 and 52 invest the executive with extraordinary powers. But all the same. I have to submit that in the present stage of evacuee property law this power is absolutely neces-sary. I do not want to repeat what fell from the hon. Minister himself previously, that this law has peen changing. Previously, when we started, if any person or the family of a person had not gone to Pakistan but to another province or place in India even then the property became evacuee property. In such hard cases where is the power to do justice to these people?

I remember another case. On account of agreement between Pakistan and India some properties were regarded as non-evacuee properties, for instance the shares in certain companies, etc. According to our law as it then stood, there was difference of opinion; the Custodian-General was of the opinion that these shares were evacuee property, whereas according to the Agreement and according to the notification of Government it was not evacuee property. In such cases when the law has been changing, there is no point in not having a law under which the Executive can do justice.

Even in criminal courts, where death sentence is given the Executive is given the power of reprieve. I know of cases in which courts have giver, orders for hanging a person and we have approached the authorities and convinced them that the man was innocent and he was given reprieve. So, these powers are given to do justice.

Sardar Hukam Singh: Mercy petitions.

Pandit Thakur Das Bhargava.
Quite right. I should say it is a
divine power of doing justice. I am
not in favour of divine power. But
when the entire law is such that it
cannot be justified on altruistic principles, I am of the opinion that this
power is absolutely necessary.

If you will kindly see section 52 it has been changed; it has been rationalised. It does not deal with individual properties, it deals with classes of property or classes of persons. The only power under which justice can be given is section 16. I am perfectly satisfied that the present hon. Minister or any other hon. Minister has not abused this power so far. They have always been used for the purpose of doing justice. There is no room for apprehension in our minds. If anything wrong is done here is the legislature and the matter can be brought before it. I therefore say that this section should remain. So far as the question of evacuee judge is concerned, I am very happy that my hon. friend Sardar Hukam Singh has come to the help of my hon, friend Mr. Desh-

pande. At the same time I do not know what is the meaning of the word "Evacuee Judge". If you say "refugee" I can understand.

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Shri V. G. Deshpande: I meant Evacuee's Property Judge.

Dr. S. P. Mookerjee (Calcutta South-East): Like Rent Controller.

Pandit Thakur Das Bhargava; That person has to be found out of the cadre of High Court Judges.

Dr. S. P. Mookerjee: In charge of evacuees.

Pandit Thakur Das Bhargava: Are there any evacuees from whom a High Court Judge can be found out?

Mr. Deputy-Speaker: I am afraid there is a misapprehension. It is something like the Divorce Court. The Court does not marry. If the hon. Minister agrees with the substance of the amendment, the phraseology can be modified.

Pandit Thakur Das Bhargava: What is that judge? Let it be Evacuee Property Judge. What are his functions?

Mr. Deputy-Speaker: The point is this. Instead of clothing the Central Government with the power, he wants a High Court Judge to carry out all those functions which are now vested in the Central Government under this section.

Pandit Thakur Das Bhargava:
Let us examine this provision all the same. Suppose Government appoints a judge. What will be his functions? This section speaks of two kinds of cases, cases in which powers have been reserved for civil courts in the first instance. Suppose the Government gave a certificate, and even then the Custodian-General did not accept the title. The power has been reserved to the person, whose case is not accepted by the Custodian-General, to go to a civil court. Even that has to be changed. And then the question of title has to be decided, and it has again to be seen by the Custodian-General. So this mere amendment will not serve the purpose. Unless there is something which changes the entire section, this amendment if accepted would make it worse, it will be meaningless.

Shri A. P. Jain: I oppose the amendment.

Mr. Deputy-Speaker: The question is:

In page 9, lines 47 and 48, for "the Central Government or any person authorised by it in this behalf" substitute "an evacuee judge to be appointed by the Central Government from amongst the present or retired judges of High Courts."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 3.— (Substitution of new section etc.)

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

- (i) In page 10, line 36, before "where" insert "(1)"; and
 - (ii) In page 11, after line 4, insert-
 - "(2) Where any person acquires or has acquired any rights under a Provincial Act or a State Act in respect of any property by reason of being in possession of that property, whether in pursuance of a grant, lease, or allotment made by the Custodian or otherwise, the acquisition of such rights shall not in any way affect or be deemed to have affected the rights and powers conferred on the Custodian under this Act in respect of that property".

The necessity for moving this amendment has arisen on account of certain land reform laws that are being passed in States, in particular in Uttar Pradesh. The Zamindari Abolition Act has been passed there and certain other enactments have also been passed as a result of which persons to whom the Custodian had granted leases for a short period, a period of one year or two years, have applied for what are known as bhoomidari rights. Persons who had taken unlawful possession when some Muslims migrated to Pakistan have also applied for acquisition of bhoomidari rights. The provincial laws are not very clear in that respect, and certain difficulties of interpretation arose. I had extensive correspondence with the Government of Uttar Pradesh and they agreed that some such clarification was needed. The question then arose whether the clari-

fication should be made by the State in their laws or we should make it here and this clause has been put in here with a view to clarifying the position, i.e., a temporary allottee who acquires his rights from a Custodian or a person who has trespassed on the evacuee land is not entitled to the bhoomidari rights or the higher rights of occupancy because the property is a special kind of property which is meant to be utilised for the benefit of the displaced persons. That is in regard to the application. All other things will have to be worked out but this amendment, I believe, is necessary.

- Dr. S. P. Mookerjee: How will the insertion of this clause affect the laws which might have been passed by the State Legislatures?
- Shri A. P. Jain: Under the Concurrent List we are entitled to pass that law.
- Dr. S. P. Mookerjee: It is done with the approval of the States.
- Shri A. P. Jain: I will not put an amendment without referring to the States.
- Mr. Deputy-Speaker: The question is:
- (i) In page 10, line 36, before "where" insert "(1)"; and
 - (ii) In page 11, after line 4, insert-
 - "(2) Where any person acquires or has acquired any rights under a Provincial Act or a State Act in respect of any property by reason of being in possession of that property, whether in pursuance of a grant, lease, or allotment made by the Custodian or otherwise, the acquisition of such rights shall not in any way affect or be deemed to have affected the rights and powers conferred on the Custodian under this Act in respect of that property".

The motion was adopted.

Mr. Deputy-Speaker: The question is.

"That clause 8, as amended. stand part of the Bill".

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9, was added to the Bill.

Clause 10,- (Amendment of section 24)

Administration of

Col. Zaidi: First of all. I have to remove the impression inadvertently created by me that I looked upon the functioning and the existence of these officers as non-judicial. All I meant was that their work is not subjected to review or appeal by the civil courts and I apologise for creating the misunderstanding in the minds of the hon. Minister. So far as this proposed amendment is concerned, I certainly was of the opinion that on substantial points of law, it would be a good thing to give some power to the High Court but it was pointed out by the hon. Minister that this is against the fundamental set up of the very Act. I do not quite accept that be-cause even in taxation Statutes like the Income-tax Act where the whole thing is left to the departmental officers. in the last resort there is some little reference allowed to the High Although the whole struc-Court. ture does not contemplate the inter-ference of civil courts, still, in view of the hon. Minister's assurance even at the beginning of his speech this evening, I do not press this.

Mr. Deputy-Speaker: The question is:

"That clause 10 stand part of the Bill".

The motion was adopted.

Clause 10 was added to the Bill.

Clauses 11 and 12 were added to the Bill.

Clause 13.— (Substitution of new sections for sections 40 and 41)

Shri Mohiuddin (Hyderabad City): I beg to move:

In page 12, for lines 9 to 13, substitutes—

"(i) the value of the property or the aggregate value of the properties transferred is less than three thousand rupees:

Provided that the transferor does not transfer property belonging to him of a value of three thousand rupees or more within a period of one year from the date of the transfer;".

Mr. Deputy-Speaker: Shrimati Renu Chakravartty not in her seat; those amendments not moved.

Col. Zaidi: I am not moving Amendment No. 14.

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

(i) In page 12, lines 38 and 39, for the Custodian has rejected any application for confirmation thereof" substi-

tute "any application for confirmation thereof has been rejected".

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(ii) In page 12, line 46, after "Custodian may" insert:

"and shall where the application for confirmation was rejected by the Custodian General, if the Custodian General so directs".

Mr. Deputy-Speaker: Amendment 23 not moved.

These three amendments 12, 16 and 17 are moved. Amendments moved:

In page 12, for lines 9 to 13, substitute:

"(i) the value of the property or the aggregate value of the properties transferred is less than three thousand rupees:

Provided that the transferor does not transfer property belonging to him of a value of three thousand rupees or more within a period of one year from the date of the transfer;".

In page 12, lines 38 and 39, for "the Custodian has rejected any application for confirmation thereof" substitute "any application for a confirmation thereof has been rejected".

In page 12, line 46, after "Custodian may" insert:

"and shall where the application for confirmation was rejected by the Custodian General, if the Custodian General so directs".

Shri Mohiuddin: Amendment No. 12 is only an amendment to make the intention of the Bill and the wording of the particular clause clear. The existing clause of the Bill reads:

- "(c) Where the transfer is made after the commencement of the Administration of Evacuee Property (Amendment) Act, 1952,
- (i) the value of the property transferred is less than three thousand rupees:

Provided that the transferor does not transfer any other property belonging to him within a period of one year from the date of the transfer;".

Now. if, according to this wording, a transferor has transferred property of the value of Rs. 500/- within one year, he exhausts the concession given to him under this clause, while the intention of the clause as originally passed by the Select Committee was

[Shri Mohiuddin]

that the maximum value of the property which he could transfer in one year is Rs. 3,000. The amendment that I have moved makes that point clear so that his right to transfer a maximum of Rs. 3,000 a year is retained. That is why I have moved this amendment: Instead of lines 9 to 13, the following words be substituted:

"the value of the property or the aggregate value of the properties transferred is less than three thousand rupees:

Provided that the transferor does not transfer property belonging to him of a value of three thousand rupees or more within a period of one year from the date of the transfer;".

I hope the hon. Minister will accept this amendment.

Shri A. P. Jain: I accept the gist of the amendment, but I have redrafted it. I would rather put it in a different form. I move the following in substitution of Shri Mohiuddin's amendment:

In clause (c) of sub-section (2) of section 40, as substituted by clause 13—

- (a) for sub-clause (i) and the proviso thereto, the following sub-clause shall be substituted, namely:
 - "(i) the value of the property or properties transferred in any one year is less than three thousand rupees; or";
- (b) In sub-clause (ii) the words "the value of the property exceeds three thousand rupees but" shall be omitted.

Col. Zaidi: The only other thing that I may be permitted to say is that the original proposal regarding the fixing of a slightly higher amount so far as the poorer sections of the people are concerned was modified by the Select Committee and the amount was reduced to Rs. 3,000. The capital value of any property is very, very small relief, and I wonder if the hon. Minister would be pleased to take into consideration fixing of a higher amount as contemplated originally.

Shri V. G. Deshpande: My submission is that the limit of Rs. 5,000 is high. A point was raised that poor men who want to go back to Pakistan after receiving the property should not be opposed. I realise the sincerity of the proposal, but now a suggestion is being made that in the

interests of the poorer people, the limit should be raised from Rs. 3,000/-to Rs. 5,000. Poor people sending. Rs. 5,000 and richer people sending. Rs. 10,000/- is very funny. If their claims and if their professions about loyalty to India are true, they should not think of sending. Rs. 3,000 or Rs. 5,000/- or such big sums to Pakistan. My submission is that this should not be allowed, and the limit may be even lessened if possible.

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Col. Zaidi: On a point of personal explanation, nothing is farther from my mind than to suggest that any man should be allowed to send Rs. 5,000/- to Pakistan or even Rs. 1,000/-. All I suggested was that if personal reasons like marriage of a daughter or a call of business or any litigation or some other genuine grounds compel a person to sell his property, he may be allowed to do so to a limit of Rs. 5,000/-. There is no question of transferring money from India to any other country.

Pandit K. C. Sharma: But, if he is not allowed to sell his property above Rs. 3 000/, it is in the interests of the man himself, because then he would be made to work harder and harder. He will benefit and the people will benefit.

Mr. Deputy-Speaker: The question is:

In clause (c) of sub-section 2 of section 40, as substituted by clause 13—

- (a) for sub-clause (i) and the proviso thereto the following sub-clause shall be substituted:
 - "(i) The value of the property or properties transferred in any one year is less than three thousand rupees; or";
- (b) in sub-clause (ii), the words "the value of the property exceeds three thousand rupees but" shall be omitted.

This is only a formal verbal amendment in substitution of Amendment No. 12 moved by Mr. Ahmed Mohiuddin.

The motion was adopted.

Mr. Deputy-Speaker: Now, the other two amendments moved on behalf of Government.

Dr. S. P. Mookerjee: He has not spoken.

Mr. Deputy-Speaker: He need not speak. Nobody has spoken against them. Therefore, the hon. Minister need not explain. Further, these are only formal. The question is:

In page 12, lines 38 and 39, for "the Custodian has rejected any application for confirmation thereof" substitute; "any application for confirmation thereof has been rejected".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 12, line 46, after "Custodian may" insert:

"and shall where the application for confirmation was rejected by the Custodian General, if the Custodian General so directs".

The motion was adopted.

Pandit Thakurdas Bhargava: I would like to speak just for half a minute. Clause 13 has been liberalised by the hon. Minister in a very good way, and I must pay my tribute to him. The liberalised provision will meet cases in which the transfer was held to be out of date or in which it was proved that as a matter of fact the transfer was made in good faith, but the consideration was inadequate. In many cases, the officers have not confirmed such transfers. Justice is being done by this provision to those cases. I want to record my appreciation of what the hon. Minister has done.

Mr. Deputy-Speaker: The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clauses 14 to 17 were added to the Bill.

Clause 1 was added to the Bill.

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

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

"That the Bill as amended, be passed,"

Mr. Deputy-Speaker: In Clause I, 1953 should be inserted instead of 1952 since the Act has not been passed in 1952. So, in clause 1, and in other clauses where such a consequential amendment is necessary, the necessary amendments will be made by the Parliament Secretariat.

Sardar Hukam Singh: Now, Sir.....

Mr. Deputy-Speaker: There is notime left for any speeches. Hon. Members will know that from Monday onwards, for three days there will be General discussion on the Railway Budget. Immediately afterwards the demands for grants are taken up. Tomorrow, we are not meeting. After the Railway Budget, the General Budget is presented, and then it will go on till the 4th of April. Therefore if it is possible, we shall finish this Bill today. The other Bills would not be taken up now.

Sardar Hukam Singh: I forego my right. Sir.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

Mr. Deputy-Speaker: The House will now stand adjourned till 2 P.M. on Monday the 23rd February, 1953.

The House then adjourned till Two of the Clock on Monday, the 23rd February, 1983.