

MOTIONS RE DISPLACED PERSONS (COMPENSATION AND REHABILITATION) RULES—concl.

Mr. Speaker: The House will now take up further consideration of motions relating to modification of the Displaced Persons' (Compensation and Rehabilitation) Rules, 1955, moved on the 13th August, 1956.

The time allotted was 3 hours. The time already taken is 1 hour and 20 minutes. The balance is 1 hour and 40 minutes. Who are the hon. Members who would like to take part in this debate today?—Shri Gidwani, Pandit Thakur Das Bhargava, Lala Achipt Ram, Shri D. C. Sharma, Sardar A. S. Saigal, Shri Radha Raman and, of course, the Minister. Pandit Thakur Das Bhargava has taken already about 30 minutes. If he can conclude within 15 minutes today. I will be able to give some time to the other hon. Members.

Pandit Thakur Das Bhargava (Gurgaon): I shall try to finish within 15 minutes, though I do not think I will be able to cover all the points within that time.

First, of all, I would like to draw the attention of the House to the original amendments to the Income-tax Act which, as a matter of fact, are the predecessors to these rules and also to the Finance Act, 1956. From page 2129 of the *Parliamentary Debates* dated 30th March, 1949, you will see that I then moved the following amendment:

"Rs. 5,000 in the case of every Hindu Undivided family which satisfies as at the end of the previous year either of the following conditions, namely:—

- (a) that it has at least two members entitled to a share on partition who are not less than 18 years of age;
- (b) that it has at least two members entitled to a share on partition neither of whom is a lineal descendant of the other and both of

whom are not lineally descended from any other living member of the family;"

You will be pleased to see that two classes have been mentioned here. Firstly, all members of the family who are entitled to partition and who are more than 18 years of age. Secondly, number of the family from a separate branch with the condition that the age may not be more than 18. When moving that amendment. I submitted certain points which appear at page 2130 of the *Parliamentary Debates* dated 30th March, 1949. The points are as follows:

"As regards the other aspects of this amendment, I would only submit that while making a compromise we have taken good care to see that it does not give any sort of preference to a Hindu over a non-Hindu and therefore we have excluded even such Hindu undivided families who are paying income-tax on," etc.

Then,

"it contemplates two cases firstly when there are adult sharers and secondly when there are two sharers adult or otherwise provided they form the nucleus of separate branches".

So, both the branches were considered. One branch consists of the father and the son, and the second branch where it is not necessary that the boy should be more than 18 years of age.

Then, the hon. Minister of Finance brought in a Bill. The Indian Finance Amendment Bill,—on the 11th August, 1950, and the Bill was passed on the next day. An Amendment was then made. But how did he (the Finance Minister) understand the position? He said as follows through an amendment of his:

"An Hindu undivided family would have to satisfy either:

- (1) that the family should have at least two members

over the age of 18 years who are entitled to claim partition, or

- (2) that the family should have two members and entitled to claim partition, neither of whom is a lineal descendant of the other and both of whom are not lineal descendants from a common living ancestor”.

The two conditions were:

“neither of whom is a lineal descendant of the other and both of whom are not lineally descended from any other living member of the family”,

so that, if he belongs to another branch, even if he is less than 18 years of age, he could be counted for the purpose of income-tax. That was how he understood it. In moving this, he made it clear why this was necessary. He said that the husband, the wife and the minor son would also come under the provisions of this rule if the words “entitled to a share on partition” were put in, because the wife is entitled to a share on partition, though she is not entitled to claim partition. When this Bill was before the House, I raised an objection and said that in Punjab, the son is not entitled to claim partition. My friend says that the son was not contemplated at all at that time. When this Bill was discussed, it was specifically raised by me that according to the custom in Punjab, the son was not entitled to claim partition, whereupon Shri Deshmukh put an explanation like this in the Bill.

“Explanation.—For the purpose of this paragraph, in the case of every Hindu undivided family governed by the Mitakshara law, a son shall be deemed to be entitled to claim partition of the coparcenary property against his father or grandfather, notwithstanding any custom to the contrary.”

So, the custom in Punjab was abrogated and the son was regarded

as a person entitled to claim partition. This was the amendment made in 1950; namely, for the words “entitled to a share on partition” the words “entitled to claim partition” shall be substituted. This continued up to 1954. I have got the Finance Act, 1951 and I will read from it:

“(a) that it has at least two members entitled to claim partition who are not less than 18 years of age; or

(b) that it has at least two members entitled to claim partition neither of whom is a lineal descendant of the other and both of whom are not lineally descended from any other living member of the family.”

These are exactly the words which were there in the original amendment. But, you will be pleased to see that the words were changed in 1955-56. They were changed like this:

“The limit referred to in the above proviso shall be—

(i) in the case of every Hindu undivided family which as at the end of the previous year had—

(a) at least two members entitled to claim partition Rs. 8,400.

(b) at least four members entitled to claim partition Rs. 12,600.

Provided that in the case referred to in sub-clause (a) none of the members and in the case referred to in sub-clause (b) none of the minimum number of four members,—

(a) is less than eighteen years of age; or

(b) is lineally descended from another member.....”

This is very important; I want to bring to your notice the difference between the two:

(b) is lineally descended from another member or along with

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another member is lineally descended from any other living member of the family not entitled to claim partition....." etc.

The words "not entitled to claim partition" were added in the 1955-56 Act. It means that persons less than 18 years of age or less did not as before come under the contemplation of the law, so far as this matter is concerned. As a matter of fact, something was done by the Finance Ministry which took away the rights of line of a separate branch altogether and they were denied the benefit of the proviso. When the Compensation Bill was before this House, an amendment was moved by Shrimati Sucheta Kripalani, to which I have already made a reference. It was agreed by Shri Ajit Prasadji that the principles of the income-tax would be incorporated in this. But, when the rules were made and laid before us, in that there was no reference to the joint Hindu family. When the rules came before the Advisory Board, the Advisory Board made a report, which was accepted by the hon. Minister. In the Advisory Board report, we made the position absolutely clear. We stated like this:

".....to avoid any complaints on the basis of excessiveness of relief to such joint families, the Board has accepted the principles underlying the provisions given in the First Schedule of the Finance Bill, 1955, some of which have been in force for several years now. The Board has incorporated in the draft rules a new rule based on these principles. After the amount of compensation is determined according to these rules, the amount is to be apportioned among the members of the family, according to the provisions of the Hindu Law."

Para 2 is very important. It means this: "While making this recommendation, we are conscious of the fact that this will entail further examination of the claim applications and, on the

basis of the existing scale of compensation, they may require some additional funds and there may even be some necessity for some revision of the scale. We feel that in the interests of justice *inter se* between the various categories of claimants, this recommendation has to be accepted and implemented." All the reasons and grounds brought forward by the Minister today, namely, that more money has to be found, all the applications will have to be scrutinised etc., were all considered by the Advisory Board and they said that this recommendation must be given effect to.

The Minister of Rehabilitation (Shri Mehr Chand Khanna): What is the date of the recommendation?

Pandit Thakur Das Bhargava: This was long before the rules were framed and brought to this House. The scale was put before the Board and the Board, after examining the scale, made certain suggestions. The scale was sanctioned by the hon. Minister and incorporated in the rules. The amendment they suggested for this purpose ran thus:

"(1) In the case of every Hindu undivided family which on the 14th day of August, 1947, had at least two members entitled to claim partition, the compensation shall be determined by dividing the value of the verified claims into two equal shares, assessing the compensation on each of the two shares on the basis of the scale prescribed in rule 20 and adding up the compensation on both the shares. Thereafter the amount so determined shall be apportioned by the Settlement Commissioner among the members of the family according to the provisions of Hindu Law.

(2) In the case of every Hindu undivided family which on the 14th day of August, 1947 had at least four members entitled to claim partition....." etc.

The proviso is important. We said,

“Provided that in the case referred to in (1) none of the members and in the case referred to in (2) none of the minimum number of four persons is less than 18 years of age or is lineally descended from another member or along with another member is lineally descended from any other living member, of the family entitled to claim partition”.

This is exactly what obtained from 1949 to 1954. After examining the provisions, we made this recommendation but this recommendation was not accepted by the hon. Minister and he framed the rules in accordance with the provisions of the Finance Act, 1955.

That is not all. We know how the hon. Minister reacted to these rules when they were before this House. I will refer to the statements made by the hon. Minister himself which would go to show that as a matter of fact the plea that has been put forward now is a faked plea, an absolutely wrong plea, namely, that he did not know that the son as such was entitled to a share—I mean an adult son. I will refer to his own speech which would show that this is not so. I am reading from the cyclostyled proceedings of the 14th September, 1955, page 13042. The hon. Minister spoke as follows:

“लाला अर्चित राम इससे भले ही इतिफाक न करें लेकिन हमने पंजाब में यह किया है कि वहां पर भी एक बाप और उसके चार बेटों को पांच हिस्सों में जमीन बांटी है। अगर वह नाम जानना चाहेंगे तो मैं प्राइवेटली (निजी रूप से) उनको उनके नाम बतला दूंगा। यह नहीं किया कि बाप का एक हिस्सा और जो चार उसके जवान बेटे हैं और जो बड़े हैं उनको हमने इगनोर (उपेक्षा) कर दिया हो, उनके क्लेम (दावे) को हमने रद्द नहीं किया।”

This was about the grants. When we come to the actual rules, when these amendments were moved, Shri N. C. Chatterjee had raised the objection that there should be no distinction between adult sons and minor sons and both had absolute and inherent right by birth. This is found in page 12966. In reply the hon. Minister stated as follows:

“अब जहां तक खानदान मुश्तरका (संयुक्त परिवार) का सवाल है उसके बारे में पंडित ठाकुर दास भागवंत की थोड़ी सी मदद चाहूंगा। खानदान मुश्तरका और एक नाबालिग मेम्बर का सवाल वह तो हिन्दुस्तान के एक बड़े वकील ने उठाया है।”

Shri D. C. Sharma (Hoshiarpur): Probably he referred to you.

Pandit Thakur Das Bhargava: He referred to Mr. N. C. Chatterjee. I am not a bada vakil at all. The hon. Minister further said:

“अब मैं कुछ ज्यादा कानून नहीं जानता हूँ लेकिन मैं यकीन दिलाता हूँ कि मैं उसका एग्जैमिन कराऊंगा। एग्जैमिन कराने के बाद अगर रूल में अमेंडमेंट (संशोधन) की जरूरत हुई.....

He was going on when I interrupted and said:

“दस वर्ष से यह प्राविज्डन (उपबन्ध) फाइनेंस बिल (वित्त विधेयक) में चली आती है और आपने भी वही किया है”।

This is his reply, which is most important.

“यह ठीक है, यह दुरुस्त है। चटर्जी साहब भी कहते हैं कि उससे इसका कोई ताल्लुक नहीं पड़ता। यह एक चीज मैंने आप की सेवा में रखी थी जब आप सदर की कुर्सी पर रौनकअरौज (सुशोभित) थे। वह चीज यह है कि मान लीजिये कि तीन भाई थे और एक भाई पाकिस्तान में आने से पहले मर गया और उसके दो या तीन नाबालिग बच्चे हैं। दो भाई पाकिस्तान से हिन्दुस्तान में आ गये.....

श्री मेहर चन्द खन्ना : यह असली चीज है जो आप कह रहे हैं। यह ठीक है और दुस्त है। आपने जो अभी चीज पढ़ी वही दुस्त है।

My hon. friend's interpretation is not correct.

Pandit Thakur Das Bhargava: I will read it again. I said then.

“दस वर्ष से यह प्राविजन फाइनेंस बिल में चली आती है और आपने भी वही किया है”

श्री मेहर चन्द खन्ना : यह ठीक है यह दुस्त है।

Pandit Thakur Das Bhargava:

Does he want to eat away his words? While he was speaking, I interrupted him.

श्री मेहर चन्द खन्ना : जरा उसके आगे तो बढ़िये। He has not read it in the proper context. Let him read further.

Mr. Speaker: Read the latter portion also.

Pandit Thakur Das Bhargava: I will read the other portions also. But he cannot force me to read it. He can read it, if he wants.

“दस वर्ष से यह प्राविजन फाइनेंस बिल में चली आती है और आपने भी वही किया है”।

Further on he says:

“बाक़ी रहा यह सवाल कि उनको आये हुए आठ वर्ष हो गये, क्लेम तो आज देने लगे और इस में तुम ने नाबालिग की उम्र ले ली १४ या १५ अगस्त, १९४७ की, यह कुछ नावाजिब नजर आता है। हमारा इरादा यह है कि हम इसको भी एग्जिमिन करायें और देखें कि कहीं इस में कोई खास दिक्कत पैदा तो नहीं होती। तो हमारा इरादा यह है कि २६ सितम्बर, १९५५ जिस दिन कि क्लेम दाखिल होने की आखिरी तारीख है उस दिन हम जो मुश्तरका खानदान हैं उसमें जो

नाबालिग हैं, कानून के लिहाज से भी नाबालिग है और फाइनेंस ऐक्ट के हिसाब से भी नाबालिग है तो वह नाबालिग ही ले लिया जायें। अगर वह बालिग है उस दिन तो हम कंसिडर (विचार) करने के लिये तैयार हैं।”

This was the statement made by him. Whom did he refer to? In respect of the minor sons he has stated that they must be minors at the relevant date to be entitled. So far as the major son is concerned, he has stated that if they were minors in August 1947 and now they have become majors, they will be entitled. He wanted to give advantage to the major son. Otherwise, the advantage could not be extended to major sons. The son should be a major on the 26th September 1955. It could not have any other meaning. As a matter of fact, he wanted to give this advantage to those boys who were above nine years of age on 15th August 1947. It is quite true that even Ministers have minor sons and they will be able to take advantage of this. I have no objection of that. But they must be majors on the 26th September 1955. He has himself stated in his speech a few days back that he wanted to rehabilitate himself. I have no objection to his rehabilitation or to the rehabilitation of any other persons because all of them stand on the same footing.

Now the hon. Minister says that he had no knowledge, he did not know, that major sons would be included. That is an absolute myth. There is another explanation to it. You will kindly see that another amendment was made, which the hon. Minister was pleased to accept, which reads:

“after sub-rule (2), insert:

“(2A) Notwithstanding anything contained in sub-rule (2), where a deceased member of a Joint Hindu Family has left sons all of whom are less than eighteen years of age, such sons shall, for the purpose of computation of compensation, be reckoned as one member of the family.”

What does this mean? It can only have one meaning. It says that notwithstanding anything contained in sub-rule (2), not only sons above 18 years of age but even minors could be given advantage of rule (2A). Now he says that he did not know that sons above the age of 18 were not excluded by the provisions. It is not at all correct. If it is so, I would humbly ask the hon. Minister to kindly explain to me what is the meaning of this Explanation if the son is excluded? The Explanation reads like this:

"For the purposes of this rule, in the case of every Hindu undivided family governed by the Mitakshara law, a son shall be deemed to be entitled to claim partition of the co-parcenary property against his father or grandfather, notwithstanding any custom to the contrary."

This Explanation is consistent with the fact that the son as such was included. Now to say that the son was not included is absolutely wrong. I can read out the entire speech which he made to show how he came to that conclusion. It is a case of *suppresio veri* I am very sorry that he acted in this manner. On the 13th September when he was arguing his case he said that he was only clarifying and was not doing anything new. At that time I interrupted him. While reading the proviso, you will kindly look into this, he only read a part of the proviso, he did not read these words which really are the crux of this case. While reading this proviso, he read:

"Provided that in the case referred to in clause (a) none of the members and in the case referred to in clause (b), none of the minimum number of four members.....

(i) is less than 18 years of age,
or

(ii) is lineally descended from another member or along with another member is lineally descended from any other living member of the joint family.."

There he stopped. The words "not entitled to claim partition" were not read by him. In that way he wanted to throw dust in the eyes of the Members of this House. He did not read the whole thing. He read only a portion as if a portion is the whole. It is absolutely wrong. You will be pleased to see that if this proviso is read, it is not susceptible of any meaning which is against the construction which I am placing before you. You have to read the whole of this rule and a plain reading of this rule will establish that it is impossible to exclude the son, it is illogical to exclude the son and it cannot be that the son could not have been within the contemplation of this Parliament when it passed this rule. Kindly read the words. The words are:

"is less than 18 years of age; or
(ii) is lineally descended from another member or along with another member is lineally descended from any other living member of the joint family not entitled to claim partition".

These words "not entitled to claim partition" govern the whole sentence. If it does not relate to the previous part the whole sentence becomes meaningless. Supposing we take it separately, as it has been contended by the hon. Minister—he has refused to read it along with the clause—what does it mean? Every person born in the Hindu family is descended from another member. If he is not, he is not entitled to partition. So the whole thing is meaningless. There is no comma, no full stop and no semi-colon. The words "not entitled to claim partition" is applicable for both parts and it should be taken in that context. If it is not so, it would be meaningless. It cannot be that any

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son, who is 18 years of age is denied the right to claim partition. I will just explain to you why this difference has been made.

2 P.M.

You will be pleased to see that in Hindu law by *Mullah* there are two classes of persons, mentioned one who are entitled to claim partition, the others who, though they are members of a joint Hindu family and are members of the coparcenary, are at the same time not entitled to claim partition. This has been brought out clearly in *Mullah* and *Maine* and in *Gopal Shastri's* book. I have brought them with me here, so that the House may feel convinced that, as a matter of fact, the persons who are entitled to a share are not the same who are entitled to claim partition. For instance, the mother and daughter; they are members of a Hindu family; even the widowed daughter, and even wives of coparceners. The list of persons who are not entitled to claim partition, though they are coparceners, their list is also given. For instance, an illegitimate son, a congenital idiot or lunatic, or even a blind, impotent, deaf or incapacitated person—they were not entitled to partition, though their offsprings may have been entitled.

If you see *Mullah* and *Maine*, you will be pleased to find that these two classes were separately considered by the Finance Act of 1955, and in 1955 the distinction was between persons entitled to claim partition and persons not entitled to claim partition. Out of those not entitled to claim partition the rule is, from these books, that the offspring of those persons is entitled to claim partition. Because, it is only a personal infirmity or disqualification which is not transmitted to the progeny.

Therefore, if these words were not there in the Finance Acts of 1955 and 1956, it will mean in regard to those persons who are not entitled to claim partition, that even their offsprings would have been entitled to claim

partition; whereas, according to this new Explanation and this new thing introduced in 1955 and 1956, the offsprings of those persons, whether those persons are alive or not, are not entitled according to the Finance Acts, and therefore they cannot be benefited by the provisions of this law.

The position is very clear. But my friend would not read these words. Just as we have the adage "नमाज मत पढ़ा कर, झगर नापाक हो।"

he does not read the words, "झगर नापाक हो।"

he only reads the words "नमाज मत पढ़ा कर।"

Again, for "सच बोलो मझ झूट बोलो"

he reads "सच बोलो मत झूट बोलो"

instead of "सच बोलो, मत झूट बोलो"

Some words he omits and reads only the words which suit him and says 'this is the provision'. I think he ought not to have resorted to a subterfuge like this.

Apart from other considerations which I will place before you subsequently, so far as the reading of these books is concerned, so far as the clear meaning of the law is concerned and the history of the law is concerned it is plain even to a blind man that an adult son was included among those who were sought to be benefited by this rule as well as the Finance Act.

Now, the question arises as to whether on other grounds we should read into it these words. May I humbly ask him, in a Hindu joint family, if son is not the soul of the entire system of the family, who else is it? How else is the Hindu family constituted? As soon as a son is born, he gets an inherent right; by virtue of his birth he becomes entitled.

One mistake that is made by those who do not understand what the real meaning of these rules is about a minor son. It is assumed that these

who are counted as units will only get shares and not others. It is not so. According to the rules that we have made, all this inheritance will be divided according to the principles of Hindu Law, but for the purposes of calculation an adult son will be regarded as one unit. That is all. Now, according to what my hon. friend has done, he wants that the adult son may not be regarded as such. Kindly look to his amendment. What does he say? Let me find out what is the meaning of his present amendment. He says that if the father is alive, then his adult sons, or his sons—what to speak of adult sons—shall be regarded as zero. He is probably influenced by the principle of representation, which is not relevant here. In a representation, if the father is alive he gets the share. But it is not a question of getting share here. The position is that the entire proceeds of the claim will be divided between the claimants who are claimants for it according to the Hindu Law, but only for calculation whether the son should be regarded as a unit or not, the question is relevant. But according to him the position is like this. Suppose a person has five sons, A, B, C, D and E. According to him, A and B are to be excluded, because the father is alive. So far as C is concerned, suppose he is dead, he says that the widow of C may be given a right; and he says also that if he has got minor sons, then the minor sons may also be regarded as one unit. So, instead of one man, the dead son, he wants that two units may be regarded.

Shri Mehr Chand Khanna: No.

Pandit Thakur Das Bhargava: Then again, it is not all. Suppose a person has two minor sons and a major son also. What is going to happen to him? According to my hon. friend the major son will not get any right.

May I ask him to read the rule? According to the rule, those persons are such as are entitled to claim partition. May I ask him if a widow

is entitled to claim partition? When the rule is passed, he will say, "I did not understand the rule in the way in which Parliament understood it; my intention was this, whatever have been the intention of the Parliament" Sir, I am one of those who framed these rules and also got these amendments passed. Nobody's intentions are to be looked to. Only the wording of the rule passed is material.

My humble submission is this. It is very clear as to who are not entitled to claim partition. The widow is not entitled; the minor son is not entitled absolutely—even he has a qualified right according to Hindu Law—. When you say in the rule members who are entitled to claim partition, and you want such persons only to be reckoned the list must consist only of those who are really entitled to claim it. And minor sons have no absolute right to partition. If this condition is waived so far as widow and minor sons are concerned, may I ask him this question? He fully knows that so far as the Hindu joint family is concerned, an illegitimate son is a member of the joint Hindu family. Will the widow of that illegitimate son and the minor son of that illegitimate son be entitled? According to this they will be entitled—which is neither Hindu Law nor good law; and whom as a matter of fact, the framers of the Hindu Law never wanted to be included.

It is not all. According to him, the widow of a deceased member—which means the mother of the father—will be included, if she is a widow. And if there are several widows, the step-mothers will be included. And the grandmother of that man will also be included—because she is a widow of a deceased member. He does not say when the member should have died. He only says 'widow of a deceased member'.

He is afraid of the living sons, that they will divide the property and they will increase the number; but

[Pandit Thakur Das Bhargava]

instead of one person who has died he has increased the number to his widow and minor sons, to the illegitimate son's widow and minor sons. And then, suppose the father is living, and his son is dead, and the grandson is not also living, but his widow and minor sons are there. They will also be included—because they were also members of the joint Hindu family. I cannot understand this logic. Instead of one member, he increases the number by six and yet wants to include them when neither the Hindu Law nor the Finance Act nor the Parliament even contemplated to include.

I would have congratulated him, if he had done the right thing—that every member of the coparcenary should be given the right to be included. Though with a view to see his hands strengthened and so that he was not asked to do the impossible, we did not increase the number. We said only those entitled on the 15th August, 1947, they alone should be entitled. He himself agreed to the increase of the number to a very great extent, for which we all congratulated him. He not only wants us to take back our congratulations, but at the same time every family of the refugees which has got sons will have no mind to congratulate him on this attempt of his. This attempt is absolutely not illogical, but is ignoble also.

Apart from that, there is another amendment which has not so far been.....

Shri Mehr Chand Khanna: The hon. Member has already spoken for 35 minutes. He spoke for half an hour the other day. Some other hon. Members wish to take part. Also I need some time to reply. Unless you extend the time for this debate, I think personally, other Members should also be given an opportunity. I would need half an hour.

Mr. Speaker: We started at 1-48. The time at our disposal is the balance of one hour and forty minutes. I assume 12 more minutes may be given. It comes to 3 o'clock.

Pandit Thakur Das Bhargava: Whether you will give me time or not, I object to any Minister rising up and telling the Speaker that as a matter of fact this man ought to be asked to discontinue. It is entirely wrong.....

Shri Mehr Chand Khanna: I never said that. I am very sorry. What I just said is

Mr. Speaker: The hon. Minister or any other Member need not bring it to my notice. I am here to regulate the debate.

Shri Mehr Chand Khanna: I may be permitted.....

Mr. Speaker: The hon. Minister can say what time he wants and what time I am going to allot. So far as other Members are concerned, they are sufficiently capable of taking care of themselves. Naturally, any Member who speaks looks to the Chair and it is the Chair that regulates. Any hon. Member can say that he would also like to speak and I will pull up. I am myself pulling up. The hon. Minister will no doubt see that the hon. Member resents and does not want that his opportunity to speak should be regulated by the Minister.

Shri Mehr Chand Khanna: I am not trying to regulate. I am only suggesting this. You have fixed one hour and forty minutes for the debate.

Mr. Speaker: I am also watching I am bearing all this in mind. The hon. Minister will tell me what time he wants.

Shri Mehr Chand Khanna: I need at least half an hour.

Mr. Speaker: The hon. Member will kindly conclude his speech as early as possible, in less than three minutes.

Pandit Thakur Das Bhargava: May I submit one thing for your consideration? It is quite true that three hours were allotted. We have saved 11 hours in other matters. If I have said anything which is irrelevant, it is the right of every member to object to that. This subject is very important and it affects so many helpless persons.

Mr. Speaker: I will give one more hour for these rules having regard to the number of hon. Members who want to speak. We have some time from other items. We started at 1-35. This will go up to 4-35. I will call the hon. Minister at 4 o'clock exactly. He will have 35 minutes. There are five other hon. Members. The hon. Member will kindly expedite.

Pandit Thakur Das Bhargava: I will expedite. I have said much of what I wanted to say. I beg of you to see why this debate is being elongated. Instead of concentrating upon these rules, the hon. Minister spoke about his powers in the House and he spoke about his exploits. I think that has no relevance to this. I submitted a word or two in reply. You asked me to come to the rules. I would just like to expose his exploits also. I will take some time with your permission....

Mr. Speaker: He cannot go on indefinitely. I cannot give the hon. Member more than ten minutes.

Pandit Thakur Das Bhargava: I will finish in ten minutes. I was submitting about the adult son. This is a right which is inherent in every joint Hindu family. Last time, we passed the Hindu Succession Bill. What did we do? So far as the father's share is concerned, we first of all, set aside the share of the sons and after that was set aside, the father's share was apportioned between the sons and daughters. So far as the son is concerned, under the Hindu law his rights are fully established. Today, nobody can say that the son has no right and it depends on the good will of the Minister to give him any

such rights. Not only that. On the contrary, I would go further and say that the son's rights are so well established that the son can alienate the property, he can throw away his property and do whatever he likes with his property. Therefore, my humble submission is, to exclude the son is to get the Hamlet play enacted without Hamlet. So far as logic is concerned, so far as reason is concerned, so far as the Hindu law is concerned, so far as any canon of law is concerned, we cannot ignore the son and we cannot speak of a Hindu family without the son. It is much better you take away the joint Hindu family from these rules rather than to say that a son will not be included. I would like to examine this within the time allotted to me. So far as the exploits of the hon. Minister are concerned, he has told me that he has done everything for all these people. I have seen some of his exploits and they are worth recounting. Not that I do not appreciate what he has done. I congratulated him from my place here on what he has done. At the same time, I wish to refer to the powers he has shown in replying to the humble interjection of Shri D. C. Sharma, you are too powerful. I am also of the same view that he is too powerful. No person on earth will be able to carry the House with him in these rules. I am afraid he will get these rules passed in spite of us. I will only recount some of his exploits. He said that only refugees have got the monopoly of helping the refugees. Shri Ajit Prasad Jain, Shri Jawaharlal Nehru, and Sardar Patel have done so much for the refugees. They are all non-refugees. Then, Shri Ajit Prasad ji said that he will not dislodge a single person—these are his words in this House—claimant or on-claimant refugee if he pays the price. My friend has got the credit of dislodging thousands and lakhs of persons. Shri Ajit Prasad ji said that he will take the market value; not the full market value, but eight annas. But, he has taken the market value and much more from the refugees.

Mr. Speaker: How are they relevant?

Pandit Thakur Das Bhargava: They are as relevant as his saying that he has distributed Rs. 72 crores among these people.

Mr. Speaker: That is another matter I would request the hon. Member to confine himself to the rules. This is not general discussion.

Pandit Thakur Das Bhargava: I will obey; but this part of the hon. Minister's speech will remain unreplied.

Mr. Speaker: The hon. Member has said enough.

Pandit Thakur Das Bhargava: I have not said enough. I shall refer to two or three things and finish in three or four minutes. These are the exploits.

Mr. Speaker: Again and again reference to exploits may not look good. All that he can say—I will only appeal to the hon. Member...

Pandit Thakur Das Bhargava: Let exploits go away. What he has done is this. He first makes irrational rules. Naturally agitation takes place, pressure is brought and then he chooses to agree to take only one condition away and thus he takes the credit to himself. When the Advisory body purposed to the fixation of value of allotable properties, he would not agree. When full pressure was brought on him, some even at his own instance, when people went to him with their torches and lanterns, he agreed.

Mr. Speaker: Is it part of the rule today?

Pandit Thakur Das Bhargava: It is part in this way. So far as compensation and relief to them is concerned, it does not concern them to say this after 11 months, the Home Minister did not obey the rule, treating this House lightly. We pass a rule. He would not obey. He himself issues the ukase of the Moghul. He says

that the sons will not be given their right. This is not fair. He is guilty of contempt of this House, I would go further and say. After 12 months, to tell this to the refugees who were expecting that all persons will get this right, that right is to be taken away, is it fair? Is it not playing with the rights of the refugees? He is playing with the rights of the refugees. You may remember, Sir, you were pleased to send these rules to the Subordinate Legislation Committee.

[MR. DEPUTY-SPEAKER in the chair]

4.19 P.M.

For your consideration, Sir, I submit that in the Advisory body it was said that the Finance Ministry's interpretation is this. We said that all the legal luminaries, Justice Mahajan, Bhakshiji and Shri N. C. Chatterjee interpreted like this. He did not relent. He passed his ukase and did not give any compensation according to the rules which we propounded. This is not all. We have the Subordinate Legislation Committee of which Shri N. C. Chatterjee is the head. The hon. the Speaker was pleased to send this rule to that body. They considered it. That is the right body for enacting these rules and not any department. It is part of the Parliament's duty to frame these rules. We have not got the time, and so we have given this power to the Ministry. The Subordinate Legislation Committee have opined—the report is in this House—that this amendment is not justified and there is no justification for taking away the rights of the sons. My humble submission, therefore, is that he wrongly included my name in this advisory body and he must be repenting now. The rule as passed should be respected. The Committee on Subordinate Legislation also took the same view. I am a very humble man, I am not in the habit of throwing challenges, but I very respectfully throw a challenge that if any person, any good lawyer, any Supreme Court

Judge or High Court Judge were to go through the rules and come to the conclusion that a son above the age of 18 was not included, I will not only apologise but do all that he wants me to do, that is, if my interpretation is wrong, but if his interpretation is wrong, I only want him to take it back.

I know his difficulties, but then he himself is responsible for those difficulties. I would have sympathised with him, I would have helped him had he come with a clean slate and a clean hand. He came here saying that the rule is this and several times suggested that according to the rule passed by us an adult son is not entitled. This is entirely wrong. As a matter of fact, at the time the rule was framed, his department went into the question because this question came up, and now for him to say, and to frighten us and the Government, that if we do not pass this rule more money will have to be provided is entirely wrong, because the Government has given Rs. 185 crores and out of that between the different categories of refugees the money is to be distributed. It is not that we are doing a new thing now. We passed the rules, all these things were referred to us and we framed the scale. There is no new difficulty. He ought to accept the rule which was passed by this House and not come to the House saying that the mind of the House was the same as his or that the House was wrong. The House may be wrong. Let him show his difficulties. We are not in the frame of mind that we will not reconsider, but he has not come in that frame of mind.

I may have said some hard things, but he himself is responsible for that. He reminds me every moment I am a non-refugee. I do not care to be reminded that I am a non-refugee because I have to do my duty according to my lights, and for him to claim what he has claimed has provoked me to say some things which I would not have said but for the provocation.

Mr. Deputy-Speaker: Shri Achint Ram.

Shri Radha Raman (Delhi City): I have an amendment to move.

Mr. Deputy-Speaker: I will give Shri Radha Raman an opportunity subsequently, after the hon. Member Shri Achint Ram has spoken, but as in the meantime he has indicated his intention to move his amendment, that amendment shall also be deemed to have been moved.

Pandit Thakur Das Bhargava: Will I get an opportunity to speak on that amendment? That amendment is not before the House. Because it is an entirely new thing and an inspired thing...

Mr. Deputy-Speaker: That will be seen later. Now we have this amendment as well as the original amendment of the Government before us.

Shri Radha Raman: I beg to move:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following sub-rule be substituted for sub-rule (3) of the rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 as further amended by the Notification No. SRO 1161 dated the 30th April 1956, laid on the Table on the 21st July, 1956, namely:

'(3) For the purposes of calculating the number of members of a Joint family under sub-rule (2), a person who on the relevant date—

(a) was less than eighteen years of age; or

(b) was a lineal descendant in the male line of another living member of the joint family;

[Shri Radha Raman]
shall be excluded:

Provided that where a member of a joint family has died during the period commencing on the fourteenth day of August, 1947, and ending on the relevant date leaving behind on the relevant date all or any of the following heirs namely,—

(a) a widow or widows;

(b) a son or sons (whatever the age of such son or sons);

but no lineal ascendant in the male line, then, all such heirs shall, notwithstanding anything contained in this rule, be reckoned as one member of the joint family.'

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution. "

Mr. Deputy-Speaker: Motion moved:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following sub-rule be substituted for sub-rule (3) of the rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

'(3) For the purposes of calculating the number of members of a joint family under sub-rule (2), a person who on the relevant date—

(a) was less than eighteen years of age; or

(b) was a lineal descendant in the male line of another living members of the joint family; shall be excluded:

Provided that where a member of a joint family has died during the period commencing on the fourteenth day of August, 1947, and ending on the re-

levant date leaving behind on the relevant date all or any of the following heirs, namely,—

(a) a widow or widows;

(b) a son or sons (whatever the age of such son or sons);

but no lineal ascendant in the male line, then, all such heirs shall, notwithstanding anything contained in this rule, be reckoned as one member of the joint family.'

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

लाला अचित राम (हिसार): आज कंपेंसेशन (क्षतिपूर्ति) के रूलस (नियम) के मुतालिक जो डिस्कशन (चर्चा) जारी है, उस में गवर्नमेंट ने जो पोजीशन (स्थिति) ली है वह यह है कि जैसी हालत पहले थी, वैसी ही है, उस में कोई तरमीम नहीं की जा रही है। सिर्फ क्वैरिफिकेशन (स्पष्टीकरण) करने की ही इवाहिश है और इस मौके का फायदा उठा कर जो माइनर बच्चे हैं और बिड़ो हैं उन को फायदा पहुंचाया गया है। जैसा हमारे मंत्री जी का रेकार्ड है, और यह जो उन का दावा है कि जब से वह तशरीफ लाये तब से उन्होंने ऐसे ऐसे काम किये, उस का मतलब जो है उस को मैं दोहराना नहीं चाहता। उन्होंने कहा कि वह अपने को रिफ्यूजी (शरणार्थी) समझते हैं। आज रिफ्यूजी भी यह समझते हैं कि उन का नुमा-इन्दा कैबिनेट में बैठा हुआ है और वह उन के खयालात की तर्जुमानो कर रहा है जिस से कि उन को फायदा पहुंच रहा है। लेकिन जो उन का दावा है वह इस तरमीम के साथ बिल्कुल मुनासिब नहीं मालूम होता है। जो तरगोम पेश की गई है, अगर उस का असली मतलब देखा जाय तो यह पता चलेगा कि दरहकीकत पहले जो फैसला किया गया, उस से कुछ इन्हेराफ किया जा रहा है, और लड़कों को जो हक था, अब उन को उस से महरूम किया जा रहा है।

बाज दफा मुंह से ऐसे अल्फाज निकलते हैं जिन का मतलब कुछ नहीं होता, लेकिन उस से कुछ तकलीफ हो जाती है। आज डिबेट (बादविवाद) में जो हीट आई उस का यही कारण है, नहीं तो वह ऐसी शकल न लेता। आज बहुत से भाई समझते हैं कि जो कुछ खन्ना साहब ने श्रीर भोंसले साहब ने किया वह तमाम हिन्दुस्तान के अन्दर काबिले तारीफ है श्रीर उन्होंने उस से काफी नाम पैदा किया है। लेकिन अगर डिस्पैश-नेटली (भावुकता के बिना) सोचा जाय श्रीर क्लस को देखा जाय तो जो गक्सलेशन (व्याख्या) नं० २ है :

“For the purposes of this rule, in the case of every Hindu undivided family governed by the Mitakshara law, a son shall be deemed to be entitled to claim partition of the coparcenary property against the father or grandfather, notwithstanding any custom to the contrary.”

अगर गवर्नमेंट की बात को तस्लीम किया जाय, तो पता चल जाता है कि इस को यहां पर किस लिये दर्ज किया गया है। मैं समझता हूँ कि इस के होते हुए लड़के को महरूम करने का इंटरप्रेशन (निर्वचन) करना या महरूम करना, दोनों ही नामुनासिब हैं। इस के अलावा जो चीज सामने पेश की गई, उस लैंग्वेज (भाषा) के अन्दर कोई नहीं है। जैसा ऊपर कहा गया कि

“is lineally descendant from another member”

तो यह दोनों को गवर्न करता है। “Family not entitled to” यह चीज दोनों को गवर्न करती है, जिस से यह भी उस का मतलब है :

“not entitled to claim partition”

पंडित ठाकुर दास भागव ने जो कुछ कह दिया है, उस में यह सब कुछ आ जाता है। जो सन्सीडियरी लेजिस्लेशन कमेटी (सहायक विधान समिति) है उस ने भी यह फैसला किया, साथ ही जो ऐडवाइजरी कमेटी (मंत्रणाकार समिति) है उस ने एक दफा, दो दफा, तीन दफा यह फैसला किया कि उस का यह इंटरप्रेशन (निर्वचन) है, लेकिन इन बातों को छोड़ कर मेरे दिमाग यें यह बात आती है कि आया जो रिफ्यूजीज का मास है, उस के लिये कौन सा इंटरप्रेशन ठीक है। उस के बाद मेरे दिल में यह खयाल आया कि शायद यह इंटरप्रेशन उन लोगों के हक में हो जो कि बड़े बड़े आदमी हैं और बड़ी बड़ी प्रापर्टी (सम्पत्ति) करोड़ों रुपयों की छोड़ कर आये हैं और उन के पास रुपया जाय। लेकिन जरा गौर करें कि जो ज्वायंट फेमिली सिस्टम (संयुक्त परिवार पद्धति) है वह बड़े बड़े खानदानों में ही नहीं है, गरीब आदमियों के दम्पति भी ज्वायंट फेमिली सिस्टम है। इसलिये हमें उन का खयाल भी रखना चाहिये। हम जो भी फैसले करते हैं उस का कुछ न कुछ मकसद होता है, लेकिन उस के होते हुए भी हमें कोई ऐसा काम नहीं करना चाहिये जिस से गरीब आदमियों को चोट लगे। आज जो भी कदम हम उठाते हैं, उस में हमें इन आदमियों का खयाल कर के काम करना चाहिये। लड़के इस में न आयें, ठीक है, बड़े बड़े आदमियों के लड़के इस में नहीं आयेंगे। लेकिन जब बड़े आदमियों के मुताल्लिक यहां पर बहस हुई उस वक्त मैं ने यह प्रमैडमेंट दिया था कि सीलिंग (अन्तिम सीमा) जो हो वह ५०,००० रु० की हो, दो लाख की न हो। मुझे इस से कोई चोट नहीं लगती अगर बड़े बड़े आदमियों को दो लाख रुपया मिले, लेकिन जब आप ने एक तरफ से यह फैसला कर लिया है कि कुल १८५ करोड़ रुपया दिया जाने वाला है, तो आखिर वह रुपया बंटे कैसे? वह इस तरह से न बंटे कि गरीब आदमी को नुकसान पहुंचे। इसी लिये मैं ने अर्ज किया था कि जो सीलिंग है वह दो लाख रुपया न रख कर ५०,००० रु०

[लामा अर्चित राम]

रखी जाय। लेकिन उस वक्त मेरी बात नहीं मानी गई। मैं कहता हूँ कि अगर दो करोड़ ही सीलिंग रखनी है तो कानूनी मसले में ऐसा इंटरप्रेटेशन दीजिये कि जिस से जो गरीब खानदान हैं, उन की हालात के मुताबिक हो। मैं नहीं चाहता कि आप इस तरह से फैसला करें कि खन्ना साहब की कोशिशों से जो बातावरण बना है वह बेकार हो जाय और हमारा फैसला जो था वह भ्रान्ति होल रिफ्यूजीज (प्रायः विस्थापितों) के खिलाफ जाय। आप इस को देख कर अपना फैसला करें कि तमाम वायुमंडल जो बन गया है वह खराब न जाय क्योंकि मैं समझता हूँ कि ऐसा होना न रिफ्यूजीज के भले के लिये है न मिनिस्ट्री के भले के लिये और न गवर्नमेंट के भले के लिये है। आज सुबह हम मौलाना आजाद साहब के पास भी गए इन्पुटेशन ने और कहा कि ऐसी राह निकालनी चाहिये जिस से हमारा तमाम काम ठीक से चल सके और हमारे पार्लियामेंट के मेम्बर उस को मंजूर करें और उनकी समझ में यह बात आई।

Shri U. M. Trivedi: On a point of order. I would like to know if the hon. Member is pleased to speak about winning over refugees for party politics, or does he mean to say that the refugees were disloyal to the State. Perhaps he used "Government" inadvertently instead of using the word "State". Does he mean refugees were disloyal to the State of India, and that they want to pay something to please them for the sake of the Congress Party? Is that his suggestion?

Mr. Deputy-Speaker: None of them, I suppose.

लामा अर्चित राम : मैं यह अर्ज कर रहा था कि जब यह तजवीज सामने आई तब यह सवाल उठा कि क्या आप चाहते हैं कि कम्पेंसिशन न की रकम को बढ़ाया जावे। खन्ना साहब ने भी कहा था कि अगर ऐसा हुआ तो खर्चा

बहुत बढ़ जावेगा और उन्होंने यह भी कहा था कि उनको और ज्यादा रुपये की मांग करनी पड़ेगी और उनको किसी के आगे हाथ फैलाने पड़ेंगे। मैंने यह कहा था कि हमें खन्ना साहब पर पूरा विश्वास है और अगर उनको और रुपया मांगने की जरूरत होगी तो हम सब उनके साथ होंगे और हम भी उनके साथ मिल कर हाथ फैलायेंगे। अब भी जो कुछ मिला है वह बहुत ही कम है, सिर्फ २० फीसदी है और यह कुछ भी नहीं है। वैसे भी मैं चाहता हूँ कि उनको हाथ फैलाना ही चाहिये। लेकिन अगर आप यह समझते हैं कि आपको हाथ नहीं फैलाना चाहिये और साथ ही साथ यह भी आप चाहते हैं कि १८५ के अन्दर ही गुजारा हो तो मैं समझता हूँ आपको कोई न कोई तजवीज निकालनी ही होगी और आपको इस मसले पर गौर करना ही होगा। ऐसा करने के लिए अगर जो सीलिंग आपने फिक्स की है, उसको भी बदलना पड़े तो आपको ऐसा भी करना होगा। अगर सीलिंग को कम किया गया तो मैं मानता हूँ कि बहुत से लोगों को कुर्बानी करनी पड़ेगी। तो जब हम मौलाना आजाद साहब से मिले थे तो उन्होंने कहा था कि इस मामले को एग्जिक्यूटिव कमिटी में लाया जाए और वहाँ पर इस पर गौर हो सकता है। हमें चाहिये कि हम इसका कोई न कोई हल अवश्य निकालें। इसके लिए एक कमिटी बनाई जा सकती है जो कि कोई न कोई हल निकालने में मदद कर सकती है। तो अगर गवर्नमेंट पांच, दस या बीस करोड़ रुपया दे भी देती है तो उससे मैं समझता हूँ कोई असर पड़ने वाला नहीं है। यह कहा गया था कि ५०,००० के बजाय अगर दो लाख की लिमिट कर दी गई तो बहुत ज्यादा फर्क नहीं पड़ेगा। मुम्किन है यह ठीक हो। लेकिन जो एक्ज्यूटिव पोजीशन है, उसे हमें देखना है। हमें देखना यह है कि अब हम क्या करें। तो मेरी तो तजवीज यही है कि एक कमिटी बनाई जाय जो इस सारे मामले पर विचार करे और हमें बताये कि इसको एक्सेप्ट (स्वीकार) कर के क्या असर पड़ सकता है।

अगर आप इस काम को नहीं चला सकेंगे तो स्कीम कोलेप्स (टूटना) तो नहीं होगी लेकिन रफ्तार बहुत धीमी हो जायेगी। लोग आज भी कहते हैं कि जो रफ्तार है वह बहुत धीमी है और बहुत डिले हो रही है और इसे तेज किया जाना चाहिए। मैं यह नहीं कहता कि कोशिश नहीं हो रही है। कोशिश अवश्य की जा रही है कि इस रफ्तार को तेज किया जाए। मैं खुश हूँ कि माननीय मंत्री जी ने जो काम किया है उससे उन्होंने अपने लिए नाम पैदा कर लिया है और अच्छा रसूल पैदा कर लिया है। आज भी वह अच्छा काम कर रहे हैं और उनके जो अफसर हैं वे भी अच्छा काम कर रहे हैं। लेकिन जो छोटा स्टाफ है, मैं कोई शिकायत करने की भावना से ऐसा नहीं कह रहा हूँ, वह अच्छा और ठीक काम नहीं कर रहा है। वह भी ठीक तरह से काम करे, इस का भी तरीका आपको निकालना चाहिए। आपने कहा है कि आप १० लाख रुपया हर रोज देंगे और मैं यह भी मानता हूँ कि आपकी स्वार्थिता है कि १५ लाख रुपया हर रोज दिया जाए। यह सब चीज अच्छी है। लेकिन उसको एक्जुअल प्रेक्टिस (वास्तविक प्रयोग) में लाया जाना चाहिए।

तो मैं यह कह रहा था कि एक कमिटी बनाई जाए जो कि सारे मामले पर गौर करे। अगर इस स्कीम को प्रेक्टिस में लाने से कोई ज्यादा असर पड़ने वाला नहीं है तो तो यह ठीक है लेकिन अगर इस तरह से १८५ करोड़ से गुजारा नहीं हो सकता तो स्कैल को कम करने का सुझाव आपको वह दे। मैं ठाकुर दास जी के बारे में कुछ नहीं कह सकता। मैं समझता हूँ कि एक रिफ्यूजी न होते हुए भी जितनी सेवा उन्होंने रिफ्यूजीज की की है वह शायद ही किसी दूसरे ने की हो। उनकी तरह का आदमी मिलना मुश्किल है। वह इस तरह को और उस तरह को भी लीड देने वाले हैं। उन्होंने जो खिदमत की है, वह बेमिसाल है। उधर खन्ना साहब ने भी एक रिफ्यूजी होने के नाते बहुत बड़ी खिदमत की है और उनकी

हमदर्दी इन लोगों के ही साथ है। इस वास्ते मैं समझता हूँ कि कोई हल निकालना मुश्किल नहीं है। तो इस वास्ते, डिप्टी स्पीकर (उपाध्यक्ष) साहब, हर कोई यह महसूस करता है कि रिफ्यूजीज का भला हो और खास तौर से उन का जो कि गरीब हैं, भला हो। इस चीज से कोई भी इन्कार नहीं करता है।

तो आखिर में मैं यही दरखास्त करता हूँ कि आप एक कमिटी बनावें जोकि इस मामले पर गौर करे और इस बिल की कंसिड्रेशन (विचार) को, जिस तरह से कि पहले किया गया था, कि दो तीन या चार रोज के लिए पोस्टपोन (स्थगित) कर दिया गया था, पोस्टपोन कर दिया जाए ताकि वह कमिटी कोई हल निकाल सके।

श्री राधारमण : सब से पहले मैं अपनी एमेंडमेंट (संशोधन) इस सदन के सामने रखना चाहता हूँ। इस सम्बन्ध में जो उसूल कम्पेंसेशन (प्रकर) के लिए हम ने कुछ अर्सा हुए पास किए थे, अब उनमें कुछ नए सुझाव बजौर साहब की तरफ से इस सदन के सामने रखे गए हैं। हमारी बंदकिस्मती है कि इन रूलज का पहले तो फंसला करने में और फिर उसके बाद इस सदन के सामने रखने में बहुत काफ़ी देर लग गई और अभी भी इन पर अमल करने में कुछ अड़चन दिखाई पड़ रही हैं। जो तरमोंमें इन उसूलों के सुधार के लिए आज इस सदन के सामने हैं उनमें करीब करीब सभी पर इतिफाक नज़र आता है। सिर्फ एक ही धारा १६ है जिस के मातेहत सब-रूलज बने हैं, उस पर काफ़ी वाद-विवाद हुआ है और कुछ मतभेद नज़र आते हैं। यह बात इस सदन के सभी माननीय सदस्य जानते हैं कि सरकार की तथा सारे देश की हमदर्दी उन भाइयों के साथ है जो पाकिस्तान से हिन्दुस्तान आए और यहां आ कर बसे। न सिर्फ उनको इधर आना ही पड़ा बल्कि उनको सारा धन और सम्पत्ति भी वहीं पर छोड़नी पड़ी और उनकी हालत पहले पहल काफ़ी

[श्री राधा रमण]

अबतर रही और अब भी कुछ बहुत ज्यादा सुधार उसमें नजर नहीं आता है। यही कारण था कि सरकार ने तथा हमारे बजीर साहब ने बहुत ज्यादा सोच विचार करने के बाद यह फैसला किया कि चूंकि हमारे पास जो रकम देने के लिए है वह सीमा-युक्त है, वह बहुत महहूद है, मिनिमम और मैक्सिमम लिमिटेड फिक्स (अधिकतम सीमा निर्धारित) कर दी जायें। इसी चीज को ध्यान में रख कर यह रूज बनाये गए। मैं समझता हूँ कि इस सदन के हर एक माननीय सदस्य की यह स्वाहिस है कि जितनी भी ज्यादा से ज्यादा रकम हम उन शरणार्थियों को, जो कि घनिक नहीं हैं, जो कि कमजोर हैं, दे सकते हैं दें और यदि किसी शरणार्थी की अवस्था अच्छी है तो उस रकम को कम कर दिया जाए ताकि सामाजिक दृष्टि से हम गरीब शरणार्थियों के साथ न्याय कर सकें।

यह जो धारा १६ है इस धारा में हमने यह फैसला किया था कि इसके अन्तर्गत जो कम्पेंसेशन की रकम बनती है, उसका किस तरह से बटवारा किया जाए और किस तरह से यूनिट करार दिये जायें। यह तय पाया था कि जहाँ एक ज्वायंट फैमिली है, एक मुश्तरका खानदान है और उसके दो या तीन सदस्य हैं तो उनको दो यूनिट मान कर चला जाएगा और चार हों या उससे ज्यादा हों तो उनको तीन मान कर चला जाएगा। इसी पर यह फैसला हुआ कि अगर रकम, मान लीजिये, ६०,००० है और दो या तीन उस ज्वायंट फैमिली के मेम्बर हैं, तो उस रकम को दो यूनिट मान कर चला जाएगा यानो ३०,००० का एक यूनिट होगा और जितने भी उस फैमिली के मेम्बर होंगे, ज्वायंट फैमिली के, उसको उसमें बांट दिया जाएगा। अगर उनकी संख्या चार या चार से ज्यादा हो तो वह रकम तीन यूनिट समझी जाएगी और तीन के भूतमिक उक्तो हिस्सा मिलेगा। उसमें यह भी तय किया गया था कि सब मिला कर उस मुश्तरका

खानदान में जितने भी मेम्बरान होंगे इस यूनिट के मुताबिक ही हिस्सा पायेंगे और उनमें उन लड़कों का हक जो माइनर होंगे या जो विडोस (विधवाएं) होंगी भी तसलीम किया जाएगा यानी उनको भी यूनिट का एक हिस्सा मन्ना जाएगा। १४ अगस्त, १९४७ से लेकर, जब कि पार्टीशन हुआ था, २६ अप्रैल, १९५१ तक बहुत से मुश्तरका खानदानों में तब्दीबी हो गई—अगर किसी खानदान के तीन, चार या पांच मेम्बरान थे, उन में से किसी भाई या किसी दूसरे भादमी की डैय (मृत्यु) हो गई और उसकी बेवा और लड़का रहा, तो उन को यूनिट में कोई हक नहीं मिलता था। इस संशोधन के द्वारा मैं ने इस बात की स्वाहिस की है कि उस की बेवा या लड़के को उस का हक मिलना चाहिए। यह समझना चाहिए कि आज भी मुश्तरका खानदान का वह शस्स खिन्दा है, मौजूद है। अगर उस वक्त उस को हक मिलता था, तो आज भी मिलना चाहिए। इसकी वजह यह है कि हम समझते हैं कि जो खानदान पाकिस्तान में बड़ी अच्छी हालत में—आसूदा हालत में—था और पार्टीशन के बाद वह लुट-पिट कर, अपनी सारी धन सम्पत्ति खो कर हिन्दुस्तान में आया, और यहां आने के बाद अगस्त १९४७ से सितम्बर १९५६ के बीच में उसका स्वर्गवास हो गया तो उसकी बेवा और बच्चे को उस का हक मिलना चाहिए। अगर कम्पेंसेशन के फैसले के वक्त उस शस्स को वह हक मिलता तो उस के जरिये उस की बीवी और बच्चे को भी हक मिलता। इस की वजह यह है कि अगर यह हक तस्लीम नहीं किया जाता तो इस का नतीजा यह होगा कि जिन मुश्तरका खानदानों में जो मेम्बर १९४७ में मौजूद था, लेकिन कम्पेंसेशन का फैसला होते वक्त—३० अप्रैल, १९५६ को—मौजूद नहीं था, तो उस की बेवा और बच्चों को कोई हक हासिल नहीं होता है, जो कि बड़ी नावाजिब बात है। यह एक ऐसी मुश्कल है, जो कि उस खानदान के लिए बड़ी तकलफ का बायस बन सकती है और

इस तरह उस खानदान के साथ इन्साफ़ नहीं होता है। इस लिए यह जरूरी है कि इन मुशतर्का खानदानों में, जिन में धीरत और बच्चे अपने पति और पिता से इस दरमियान में जुदा हो चुके हैं, उन को हक मिलना चाहिए।

Shri D. C. Sharma: Mr. Deputy-Speaker, Sir, I have listened to the exposition of the amendment which has been moved by my hon. friend, Shri Radha Raman. I think this amendment is based upon a kind of logic which any person would fail to understand.

Shri Radha Raman wants to do justice to those who are dead, but he wants to be a party to do injustice to those who are living. I do not understand the logic of this amendment. If a man died, his widow would get something and his son would get something.

Pandit Thakur Das Bhargava: More-over he must die before the 26th September, 1955 and after 15th August, 1947.

Shri D. C. Sharma: But if a man is living, his children would be deprived of their rights. We all perform *shradha*. We all know of one kind of *shradha* and we are performing it. But it is left to the ingenuity of Shri Radha Raman to give us a new version of *shradha* which is to be embodied in the notification which has been issued by Government.

I think this is an amendment which is not going to do any good to the refugee.

I have been a Member of this House for the last four years, and I have noticed one tendency here, and it is that the rules have been liberalised in favour of the refugees. Maulana Azad, Pandit G. B. Pant and so many others have taken a hand in giving the refugees more concessions. The limit was raised from Rs. 50,000 to Rs. 2 lakhs. I am not going into details; I am only referring to the tendency which has been operative all these days. But what do I find in

this blessed notification which is bad in law, worse in logic and worst in humanity? I find that the whole policy of Government, which has been liberal and generous to the refugees, is being negated. And why is it being negated? It is because the Rehabilitation Ministry has become the plaything of ingenious persons. The Rehabilitation Ministry does not know its own mind. It is changing its mind from day to day. What do you think of a Ministry which does not know its mind and which goes back to-day upon what it said yesterday and will go back tomorrow upon what it is saying today? This is what has been happening.

We had these rules and we discussed these rules and we passed these rules. And then there comes the notification. Was the Ministry sleeping? Was not the Ministry awake when it brought forward these rules? Did it not take everything into consideration? Did it not look at the whole thing from all points of view? No. It did not. It passed those rules in a state of semi-somnolence, if not in a state of somnolence. Now, after one year it wakes up and brings in an amendment. Not only that. Pandit Thakur Das Bhargava has said that the amendment which has been put forward today is an inspired amendment. You know that even that notification is going to be amended now. I ask: can our Government machinery function in this way? Can we be playing with the refugees like this? One day you say one thing, another day you say another thing, I put it to you, Sir, that this is putting the whole Government of India in a kind of awkward hole, and I think this is not desirable.

I do not think the Rehabilitation Ministry has the monopoly of wisdom in this world. These rules that we passed received the blessings of the Advisory Board. Who constituted the Advisory Board? The Board was constituted by the Rehabilitation Ministry. It is a statutory body. The notification was referred to the

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Advisory Board. They said, 'No; it is not in keeping with the spirit and letter of the law'. But the Advisory Board's recommendations were turned down.

Bakshi Tek Chand was Chairman of the Advisory Board for some time. In a note which he has sent to the Advisory Board, he has said:

"Now that the rules have raised expectations in every Hindu family that the benefit has been extended, any attempt of minister-pretation of the rules..."—

these words do not come from a man who does not know law; these are from an ex-Judge of the Punjab High Court, a man whom our own Rehabilitation Ministry appointed Chairman of the Advisory Board:

"will be regarded as a breach of the promise contained in the rule conferred by Parliament. Not that it will be only legally wrong to do so....."

I would ask you to mark the words. The Minister said he did not know law; nor do I. But other people know law and we can accept the interpretation they give. He says:

"Not that it will be only legally wrong to do so, but morally also if it would not be justifiable now to deprive a person of the benefit which the Ministry and the Parliament agreed to confer by enacting these rules."

This is the opinion of Bakshi Tek Chand, the Chairman of this advisory body. Now, this Ministry, in its all knowing wisdom is trying to rule out that thing.

My hon. friend, Pandit Thakur Das Bhargava: referred to the financial side. I cannot understand this; I fail to understand this. The Finance Ministry gives one definition of the Joint Hindu family and the Ministry of Rehabilitation gives another definition of the Joint Hindu family. There is one ~~thing~~ **thing** for income-tax and there is another ~~thing~~ **thing** when it comes to giving

relief to the persons. It is a spectacle of a house divided amongst itself. Whom are we to follow? If there is a difference between the Ministry of Finance and the Ministry of Rehabilitation, I as a layman, would vote with the Ministry of Finance because I think, they are better interpreters of these financial rules than the Ministry of Rehabilitation. This is the spectacle we are seeing.

Again, there has been a lot of talk about the joint Hindu family. Every Hindu knows what a joint Hindu family is. A joint Hindu family is known in custom, known in law, known in sacrament and in so many other things. We all know that. So many commentators have given us the interpretation of the joint Hindu family. The structure of the joint Hindu family has remained firm and secure and intact all these years. But, here comes the Ministry of Rehabilitation to give a new trend to the joint Hindu family, a trend which goes against the law of succession which we have just passed. I think this is fundamentally wrong. Nobody has power to give an interpretation of the joint Hindu family which is not sanctioned by law or by custom or by those sacred traditions which we have had. But, here are the pundits of the Rehabilitation Ministry who are trying to give us a new interpretation of this joint Hindu family. Is that fair; is that just; is that practicable? I would, therefore, appeal to you to see to it that this kind of injustice is not perpetrated.

You know it very well that we have in this House a body called Subordinate Legislation Committee and that Committee is presided over not by a Member of the Congress Party but by a Member of the Opposition an eminent ex-judge of the Calcutta High Court, a distinguished parliamentarian and, I should say, a person who is known for his legal acumen everywhere. This question was referred to the Subordinate Legislation Committee. What was the verdict of that

Committee? I know; an hon. Member of that Committee said, 'We are to discuss this question on merits and we discussed it on merits'. That Committee is representative of the whole House and to that Committee were also invited those persons who had sent amendments to the rules. That question was thrashed fire-dbare there. What was the verdict of the Subordinate Legislation Committee? The verdict was that this notification is not tenable and is not valid.

Now, you ignore Hindu law. you ignore the Finance Act and you ignore the testimony of an eminent judge of the High Court who was the Chairman of the Advisory Board, you ignore the views of the Subordinate Legislation Committee and you come here with a notification and an amendment of the rules, which, I think, is neither here nor there.

It has been said that this is being done for administrative reasons. What are those administrative reasons? Is administration meant to serve men or are men meant to be subordinate to administration? It is a new conception of administration that we are getting from the Rehabilitation Ministry and that conception is that the administrator is not there to serve the public but the public is there to wait upon the convenience of the officer. It will involve no end of labour. What are you meant for if you are not going to put in labour on that score? The administration is there.

I will refer to the claim form of a displaced person for building plots in urban areas and other things. What is the position?

When we are speaking here, the hon. Minister is having a chat with another hon. Member. I would request him not to disturb us while we are speaking because of us.....

Shri Mehr Chand Khanna: My col-

Mr. Deputy-Speaker: The hon. league, Shri Bhonsle is here. He is listening.....

Shri D. C. Sharma: But you have no right to talk like that

Mr. Deputy-Speaker: The hon. Member brought it to my notice and before I could give my opinion, the hon. Member has given his verdict also.

Shri D. C. Sharma: Is it wrong, Sir, to ask the hon. Minister not to have such private talks?

Mr. Deputy-Speaker: The hon. Member may continue his speech.

Shri D. C. Sharma: Now, there is the question, how did he acquire the property; whether it is ancestral property acquired by inheritance or is it purchased. The whole data is already with the Rehabilitation Ministry. I do not see why there should be so many difficulties in the solution of this problem.

Again, a new hare has been started and that is that if this rule is given effect to it would cost the Government a great deal. It is a new hare and every day the Rehabilitation Ministry is starting new hares. What does this hare mean? It means that the funds that are at the disposal of the Rehabilitation Ministry will not be adequate to meet the demands if this notification which has been issued now were not given assent to. As my hon. friend, Pandit Thakur Das Bhargava said—and others have also said—we do not want to raise the pool which is already there. It is only a question of adjustment. In view of all these things, I would say that I do not see any reason why there should be any difficulty in the acceptance of this rule.

I said at the beginning that there is nothing in the new rule which can commend itself to anybody. The legal point has been argued very extensively and very ably by my learned friend Pandit Thakur Das Bhargava and I do not want to repeat those arguments which he has already advanced. But, I would say that there is no distinction between a non-refugee and a refugee. The label does not matter. Anyone who thinks well of a refugee is a refugee and anyone who does not think well of a refugee, even if he is

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a refugee in the technical sense, ceases to be a refugee. I would say in all humility and with all earnestness that this new rule should not be brought into force.

We have other rules also. We have been rehabilitating schools and colleges. Everyone who comes to me says that hitherto there has been no trouble, no bother, no vexation.

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Everyone says that. But when you come to these rules for compensation, you find that every day there is something new which is bound to disturb the equilibrium of the people. It is not merely a question of rupees, annas and pies, though that also is very material; it is not a question of a few thousands here and a few thousands there. That also is material. But I tell you it is a psychological problem. I would request you, to ask the Ministry not to give too many psychological jolts to the refugees. The refugees are receiving new psychological jolts every day. I think this is not going to be the last psychological jolt. There will be more psychological jolts in store for them. I would beg of you, and through you the Rehabilitation Minister, not to give any more psychological shocks to the refugees. I know he is very good at heart, but what is the good of professions if you do not put those professions into practice? I would, therefore, request him to make up his mind once and for all, and not amend a rule which has already been amended, and then get that rule amended, and then send in another amendment to have that rule again amended through a private Member. Sir, I think this is not conducive to the dignity of our Rehabilitation Ministry and I would say that the whole thing should be looked at from the human angle and from the psychological angle. If that is done, I am sure the interpretation which my hon. friend Pandit Thakur Das Bhargava has put upon it will carry weight and will be passed.

सरदार अ० सि० सहगल (बिलासपुर) : रिहैबिलिटेशन मिनिस्ट्री (पुनर्वासि मंत्रालय) ने जो कम्पेन्सेशन और रिहैबिलिटेशन (पुनर्वासि) के रूल सन् १९५५ में बनाये थे उनके क्लाज (खण्ड) १९ में तबदीली करने के लिए यह विषय पेश किया गया है। इस पर मैं अपने विचार आपके सामने रखना चाहता हूँ। इन रूल्स में सफा ३ पर क्लाज ७ के सबसेकशन (घारा) ३ में यह दिया गया है :

"For the purposes of this Rule the expression "Member of family" means any of the following relatives of the applicant who is residing with him or is wholly or partly dependent upon him."

इसमें आप देखेंगे कि कौन कौन लोग दिये गये हैं। ये लोग इस प्रकार हैं :

"father, mother, husband, wife son or unmarried daughter"

ये लोग मेम्बर्स आफ फैमिली में आते हैं। इसके साथ ही साथ जो रूल १९ आप अमेंड करने जा रहे हैं उसके एक्सप्लेनेशन २ को आप देखें तो उसमें यह दिया हुआ है :

"Explanation II—for the purposes of this rule, in the case of every Hindu undivided family governed by the Mitakshara law, a son shall be deemed to be entitled to claim partition of the coparcenary property etc., etc."

मेरे कहने का मतलब यह है कि एक हिन्दू ज्वाइंट फैमिली से जो कि मिताक्षरा ला से गवर्न होता है और जो कि अनडिवाइडेड (अविभाजित) है, एक लड़के को निकालना कहां तक वाजिब होगा। अब आपके रूल पुराने हैं उसमें आपने दिया है :

"(a) two or three members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into two equal shares and calculating

the compensation separately on each such share."

जिस वक्त आप देखते हैं कि फैमिली के मेम्बर चार से नीचे हैं तो दफा ७ की सब बलाज तीन के मुताबिक आपको लड़के को भी देने थे। मगर अब आप अगर लड़के को अलग करते हैं तो मैं नहीं समझता कि वह कहां तक सही होगा। इसके अलावा इस रूल में लिखा है :

"(b) four or more members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into three equal shares and calculating the compensation separately on each such share."

अगर किसी फैमिली में चार से अधिक आदमी हैं और यदि वे क्लेम करते हैं तो आप उनको तीन हिस्सों में बांटने की बात करते हैं। मैं तो अर्ज कलंगा कि ऐसे हजारों फैमिलीज हैं जिन्होंने गैर वाजिब तरीके से अपने क्लेम आपके सामने रखे हैं। कुछ लोगों ने आपके रूल के मुताबिक ईमानदारी से अपना क्लेम किया है। लेकिन ऐसे फैमिलीज में से भी आप लड़के को निकाल रहे हैं। इस सिलसिले में मैं अर्ज कलंगा कि हमने इस सदन में जो हिन्दू सक्सेशन बिल पास किया उसमें भी हमने लड़के को हक दिया है। मैं तो यह अर्ज कलंगा कि जो आपको १८५ करोड़ रुपया मिला है उसमें से ही आप इनके क्लेम्स को एडजस्ट कर दें और लड़के को भी हक दें। अगर आपको हमारी राय मंजूर हो तो मैं अर्ज कलंगा कि आप इस हाउस से १०, १२, १५ जितने मेम्बरों को मुनासिब समझें एक कमेटी बना लें और उसके सामने यह जो रूल आप अमेंड करना चाहते हैं रखें। मैं यह मानने के लिए तैयार हूँ कि जो कुछ आपने अभी तक हमारे शरणार्थी भाइयों को बसाने के लिए किया है एक अद्वितीय चीज है और वह स्वर्णक्षरों में लिखा जायेगा। इसमें कोई

दो रायें नहीं हो सकतीं। लेकिन आप एक नया रूल बनायेंगे। पहले जिसके मुताबिक आप अब तक काम करते रहे हैं, और अब आपके सामने कुछ दिक्कतें आ गयी हैं, इसलिए आप उसमें तबदीली करना चाहते हैं। इस वक्त हमारे मिनिस्टर आफ सीगल एफेअर्स (विधि कार्य मंत्री) भी मौजूद हैं। मैं आपके मार्फत अर्ज करना चाहता हूँ कि उनसे भी इस बारे में सलाह ले ली जाये। अगर वह समझते हैं कि दिक्कतें हैं और इसको बदलना चाहिए तो बतलाया जाये कि वे कौन सी चीजें हैं जिनकी वजह से इसको बदला जा रहा है। लेकिन मैं अर्ज कलंगा कि लड़के को हक न देना ठीक नहीं है। यहां पर मान लिया गया है कि मिताक्षर ला के मुताबिक लड़के को हक मिलना चाहिए। हम ने श्री हिन्दू सक्सेशन (उत्तराधिकार) बिल पास किया है उसमें भी लड़के का हक रखा है। तो फिर जब कम्पेन्सेशन मिलता है तो लड़के को क्यों अलग रखा जाये। मैं इसको वाजिब नहीं समझता। इसलिये मेरी राय है कि इस तरमीम पर विचार करने के लिए इस हाउस के मेम्बरान की एक कमेटी बनायी जाये और उसके सामने यह तरमीम रखी जाये और उसके निर्णय के बाद इसको सदन में लाकर पास किया जाये तो अच्छा होगा। मैं समझता हूँ कि जो आपको मंत्रालय के बड़े लोग हैं वे आपको इसमें पूरी मदद करेंगे। लेकिन बना कमेटी के मेम्बरों की सलाह के इस तरह से उनकी सलाह लिए हुए इस तरह का रूल लाना उचित नहीं होगा और मैं पुनर्वास मंत्री महोदय से निवेदन कलंगा कि इस बात में वे जल्दी न करें और जितना अच्छा नाम उन्होंने और उनके मंत्रालय ने इस देश में पैदा किया है, उस पर आंच न आने देना चाहिए और इस थोड़ी सी चीज के लिए लोग उन पर किसी तरह की छोटकशी करें, इसका मौका नहीं देना चाहिए।

The Minister of Legal Affairs (Shri Pataskar): I have no desire to enter into a discussion with respect to the main point of difference as to whether

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in every case of the joint family, the son should be taken into account for the purpose of determining the number as contemplated in rule 19. Rule 19 which is now tried to be amended is a rule which has been introduced for a very specific purpose. The general principles of Hindu law, I think, have got some bearing no doubt on the question which is under discussion. But to understand the basis of this rule, it would seem that when compensation was proposed to be paid to persons, naturally all persons had to be treated alike, but there was a peculiar question so far as joint families are concerned. If joint families were to be treated as one person, then it was thought that under the peculiar features of the Hindu joint families—with respect to the other people, it was different matter and the question does not arise—naturally it was desirable that some exception must be made with regard to the way in which we should treat these joint families. Therefore, the whole idea seems to have started—whether in this Act or in the original Act, I will not enter into an argument because reasoning by analogy is not always good and in this particular case I do not think it is of much help—that the joint family should be treated a little differently in view of the peculiar conditions obtaining there. A joint family should get some more relief. Otherwise, if this rule was not there, the position will be like this. Supposing X was a person, he would get compensation on a certain basis; if Y was a joint family, and if we want to treat the whole of that family also as a person or as one unit, then Y would be entitled to the same thing as X got. But X consisted of so many other members interested in this. The idea started with trying to give some sort of a liberal concession or equitable consideration so far as the joint family is concerned. Therefore, we have to look at this problem not from all the incidents of a joint Hindu family—that will be beside the point—but we have to start with the idea

that we want by this rule to give some liberal treatment to the joint Hindu family as contrasted with an individual person. Looking at it from this point of view, naturally the question must have arisen that a joint family may consist of 3 members, 20 members, 15 members or 5 members, which is an uncertain factor, and some device had to be evolved, some method had to be followed by which we can see to what limit Government should go in the matter of giving liberal treatment to the joint Hindu family. It is from that point of view that we should look at the rule as it was framed. I believe there was no difference of opinion from this point of view.

While no doubt it is desirable to take these peculiar features of the joint Hindu family into consideration, the idea was that we must evolve some rule; otherwise, that also will not be equitable because in a joint family there may be so many members. What they tried to do in rule 19 was this:

“Where a claim relates to a property left by the members of an undivided Hindu family in West Pakistan (hereinafter referred to as the ‘joint family’) the following provisions shall apply. Where a joint family consists of—

(a) two or three members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into two equal shares and calculating the compensation separately on each such share;”

They started by saying that two or three members were entitled to claim partition because a joint family may consist of so many members, and as we all know there are members who are entitled to claim partition and there may be members who may not

be entitled to claim partition. They started by saying two or three members entitled to claim partition, and if there are two members, they will get two shares; if there are three, then also they will get two shares. Further the rule lays down—

“(b) four or more members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into three equal shares and calculating the compensations separately on each such share;”

If there are four members, naturally it should be computed as if there were three members; if there are five, six or ten, it shall be taken as if it consisted only of three members, and on that basis the compensation should be paid and it should be distributed among the rest of the members of the joint family. That is a different matter.

It is from this point of view that the whole idea started to treat the joint Hindu family on a more liberal basis because it was thought that as compared with an individual, there are certain disadvantages as well which it is likely to suffer.

“Provided that in the case referred to in clause (a) none of the members and in the case referred to in clause (b) none of the minimum number of four members.”

Having started with this idea, there was another difficulty which confronted them. A joint family may consist of two major members and might consist of 3, 4, 5 or 6 minor members. Therefore, it was laid down that it is much better that we delete or do not take into account the minor members of the family. The rule says, therefore—“(i) is less than 18 years of age; or” That is they are minors.

There was another exception introduced here, and these are all exceptions to the ordinary principles of Hindu law. What was tried to be done by Government was to arrive at an equitable basis by which some

more relief should be given to the joint families as compared with individual persons. From that point of view let us see what clause (ii), which has been a subject matter of so much discussion in the House, says:

“(ii) is lineally descended from another member. . .” For instance, it may be that the joint family consists of three brothers. As we know, there is what is called the doctrine of representation. Suppose there is to be a partition between them—I am deliberately not taking the case of a father and his son—it may be that one brother has one son, another brother has three sons and the third has more sons. It is not desirable nor consistent with the principles of partition, which obtains under the Hindu law, to take into account all these. It will not work equitably. It is, therefore, stated that we will take only those persons. In the first instance, we exclude minors. In the next place, we exclude all those who are lineally descended from another member or along with another member are lineally descended from any other living member of the joint family not entitled to claim partition. Unfortunately, after having listened very carefully to the arguments of my friend, Pandit Thakur Das Bhargava, I can only say that the arguments which he has advanced only lead me to think that probably the whole thing has not been put as clearly as it should have been, because at the moment what we can say is that it is capable of some interpretation other than the one which has been put upon it by Government so far as these matters are concerned. What the rule lays down is—

“or alone with another member is lineally descended from any other living member of the joint family not entitled to claim partition”

It is now open to argument that, supposing there are three brothers and one of the brothers is the son of a person who is not entitled to partition on account of the fact that he

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was a born idiot or belonging to other categories which are excluded from claiming partition, then what will happen? Here you exclude lineal descendants of any member as well as, along with any member lineally descended from any other living member of the joint family. That idiot may be living and he might have got sons. But if that idiot's father himself was not entitled to take any share, naturally he would not be entitled to take the same.

Pandit Thakur Das Bhargava: That is wrong according to Hindu law. He is entitled.

Shri Pataskar: Sir, I have listened patiently to the hon. Member. I expect from him the same treatment. I do not want to enter into any argument. I am only pointing out what I think is the interpretation. I have already said that I concede, the way in which this clause (2) is now worded is capable of an interpretation which is tried to be put upon it by some hon. Members of this House. I shall fairly concede that. But, having conceded that, I would like to suggest that you consider what is the Government's present intention. You should judge what they are trying to do from the point of view as to what they are doing is fair or not. It is therefore that the present amendment proposed wants to make it clear as to what the intention of the Government in the matter is. It is from that point of view, apart from all other considerations, that, as a matter of fact, this amendment should be looked at.

Pandit Thakur Das Bhargava: Then why was the explanation added?

Shri Pataskar: I am, therefore, saying, when we are considering a positive amendment which is proposed by the Government, with all the historical research as to how it happened—that may be very interesting—let us look at the amendment which the Government has proposed and see what the intention of the Government is.

Lala Achint Ram: You should answer the question put by Pandit Thakur Das Bhargava.

Shri Pataskar: I am not here as a student to answer questions. I think it must satisfy any reasonable man when I say, so far as the wording of clause (2) is concerned, it is no doubt a little ambiguous and it should not have been so. It is clear that the amendment has been proposed. Whatever objections there may be to the clause should be on the merits of the amendment proposed. It would not carry us any further even if we might go on discussing for hours as to whether that is or that is not capable of that particular interpretation. I would, therefore, like, in my own way, to request the hon. Members to examine what is tried to be proposed so far as the present amendment is concerned. Let us therefore look at 19(1) which says:

"Where a claim relates to a property left by the members of an undivided Hindu family in West Pakistan (hereinafter referred to as the joint family) compensation shall be computed in the manner hereinafter provided in this rule.

(2) Where on the 26th September, 1955 (hereinafter referred to as the relevant date), the joint family consisted of:—

(a) two or three members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into two equal shares and calculating the compensation separately on each such share."

I think there is no change and there is no dispute about it. Then sub-clause (b) says:

"(b) four or more members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into three

equal shares and calculating the compensation separately on each such share."

Now comes the clarification by clause (3):

"(3) For the purposes of calculating the number of joint family under sub-rule (2),

(a) the following persons shall be excluded, namely:—"

This is really an attempt to clarify the matter regarding which.....

Pandit Thakur Das Bhargava: You are changing and not clarifying.

Shri Pataskar: You may call it 'changing'; I am not quarrelling for words.

Pandit Thakur Das Bhargava: When it is 'changing' it is sabotaging. Why don't you say that?

Shri Pataskar: What is now tried to be done is to make it clear as to whom shall you exclude while calculating the number of members in a joint family. We say:

"(i) except as otherwise provided in clause (c), a person who on the relevant date was less than 18 years of age;"

Minors are excluded and I think there was no dispute on the former wording. Then:

"(ii) a person who on the relevant date was a lineal descendant in the male line of another living member of the family entitled to claim partition;"

That, I submit, is just trying to make the whole position clear. They want to exclude the lineal descendants of members themselves. Then sub-clause (b) says:

"(b) a person who on the relevant date was a widow of a deceased member of the joint family shall be included."

Here it is a case of inclusion and not exclusion. What is tried to be proposed is ~~more~~ liberal. They want to say that if a person has died and a widow is left then, though she may not be a member according to the present rules that govern the system of joint Hindu family in that area, she should be taken as a member. I think that, everyone will agree, is a thing which rather improves the rules to the advantage of the joint families concerned rather than otherwise. Then sub-clause (c) says:

"(c) where a deceased member of the joint family has left sons all of whom are on the relevant date less than 18 years of age, such sons shall together be reckoned as one member of the family."

This is to meet some peculiar cases as you are excluding lineal descendants. Supposing there is a brother, a person X and he has left all minor sons, according to (a)(i) all minor sons are excluded. All these minor sons are lineal descendants of that person and naturally ought not to be excluded because their ancestor had a share in it. It is from that point of view that this provision has been made that in such cases they shall be taken as one member.

These are two distinct conditions which make an improvement in the rules, an equitable improvement so far as the administration of the rules is concerned. With respect to the disputed sub-rule (2) I might say that the Government is trying to make its intention perfectly clear that they do not want to include in this not only the members of the joint Hindu family but their male descendants also. Whether they are entitled to claim partition or not is a different matter.

From that point of view I would appeal to the hon. Members that all discussion with respect to the rule not complying with every principle of the joint Hindu family is not cor-

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rect. That is not the right approach to the appreciation of this question, because, after all, it would have been open to any Government to say that a joint Hindu family is as good a person as any other person in law and, therefore, it was only entitled to the same amount of compensation, and on the same basis, as any other person would get. But, under certain peculiar circumstances, they wanted to provide something for the joint family. Therefore, what we should judge is as to whether what is being tried to be done by the Government, in order that their intention may be clear, is right or not. And I believe, considering the difficulties which are inherent, when you start making one concession as a joint family and on account of the peculiar nature, then you will have to do many things. They have tried to exclude the minors, they have tried to exclude all the lineal descendants because the member himself is there, and even if there was a partition among the brothers naturally the sons of the brothers should not have a share, but they can have a share in that brother's share. Theoretically it may be argued that they were also entitled to claim partition. That may be. But we are not dealing with the whole question of the Hindu law. We are not trying to incorporate in these rules all the principles of Hindu law. We are only trying to make some sort of an equitable adjustment, some sort of concession, so that in the matter of receiving compensation the joint families may be treated in a little better way, a little more equitably and a little more differently than what a person would ordinarily be. It is from that point of view I think, probably, this rule should be looked into.

The only thing that the rule is trying to do, as compared to the original rule, is that it tries to make the position perfectly clear. The original rule was capable of an interpretation by which, probably, there would have been some confusion. The new rule

tries to remove that. From that point of view I think the amendment of Shri Radha Raman is acceptable. It would carry out the very same intention. It says:

"This House resolves that in pursuance of sub-section (3) . . . etc.

(3) For the purposes of calculating the number of members of a joint family under sub-rule (2), a person who on the relevant date—

(a) was less than eighteen years of age; or

(b) was a lineal descendant in the male line of another living member of the joint family; shall be excluded."

I found that the drafting there was not so clear as it should be. From that point of view I recommend the amendment by Shri Radha Raman. It further says:

"Provided that where a member of a joint family has died during the period commencing on the fourteenth day of August, 1947, and ending on the relevant date leaving behind on the relevant date all or any of the following heirs, namely,—

(a) a widow or widows;

(b) a son or sons (whatever the age of such son or sons);

but no lineal ascendant in the male line, then all such heirs shall notwithstanding anything contained in this rule, be reckoned as one member of the joint family."

So, rule 19(1) which was the subject-matter of so much heat during the discussion was at least to some extent rather ambiguous and therefore it was decided that it would be better if the Government made their intentions clear. That is why the hon. Minister in charge of this Bill and who is in charge of the administration relating to the displaced persons

brought in this rule as amended. Whether anybody is going to get something less or more because of this amendment, I do not know.

So far as the question of joint family is concerned, there is bound to be some hardship one way or the other. There was a question, "Why do you exclude the minors?" Minors are also entitled to partition under circumstances. Therefore, we have to give some sort of fair treatment as far as it lies in our power and as far as it could be done consistently with the peculiar features of the Hindu law. Therefore, there is no point in saying that the minors should not be excluded, or in saying that the son of a living father should not be excluded. It may be that there are a few hard cases where a joint Hindu family consists of a father and two sons only, in which case the sons will not be taken into account. That may or may not be true. But in all such matters, we have to arrive at some sort of rule by which we may decide how to carry out the task. So far as I can see, this rule tries to remove the ambiguity. There were hot words exchanged. After all, what are the Government going to do? The Government are trying to give some more concessions which probably the displaced persons would not be entitled to, but for the existence of rule 19.

Pandit Thakur Das Bhargava: Not taking away concessions, but conferring concessions!

Shri Pataskar: Subsequently, the Government thought that this rule was capable of a wrong interpretation, and therefore they thought that it must be made clear. Whether one accepts it or not is a different matter, and it is for Parliament to decide what is best in the circumstances. To impute anything unfair to anybody is not good. I am not referring to any Minister, because I have heard a lot of discussion as to who did it and for what. But I think the action of any minister is the action of the Government, and for whatever has

been done rightly, the credit goes to the Government. Similarly, for whatever mistakes that have been committed, the discredit for them also goes to the Government. That is the view which we naturally take and there is no question of any partiality or anything like that.

If we look into the whole thing, we will realise that what the Government are doing is to make rule 19 clear and enable it to apply to an extent which is perhaps more than originally intended. I hope the rules will be accepted by the House.

श्री गिडबानी (याना) : मेरा विचार तो यह था कि मैं केवल इन रूल्स (नियमों) पर ही बोलूँ, लेकिन हमारे मिनिस्टर साहब ने अपने भाषण में सारे रीहैबिलिटेशन के मामले पर अपने विचार जाहिर किए। इस लिए आशा है कि आप मुझे भी इस बारे में कुछ कहने की आज्ञा देंगे।

उपाध्यक्ष-महोदय : अगर आप समझते हैं कि उन्होंने ठीक नहीं किया, तो आप उस में क्यों जाते हैं ?

श्री गिडबानी : जनाब, मेरी बुनियादी बात यह है कि इस हाउस ने—लोक सभा ने—ये रूल्स बनाए और श्री पाटस्कर, जिन के लिए मेरे दिल में बड़ी इज्जत है, ने भी यह माना है कि उन के वे मायने भी हो सकते हैं, जो कि पंडित ठाकुर दास भार्गव ने बताए हैं।

पंडित ठाकुर दास भार्गव : वह खुद भी रूल्स बनाते वक्त भेम्बर थे, उन्होंने गलती तब क्यों नहीं बताई ?

श्री गिडबानी : बस्सी टेकचन्द, जो कि पंजाब हाई कोर्ट के जज रह चुके हैं, श्री बटर्जी और दूसरे जितने बड़े बड़े वकील हैं, उन सब की राय यह थी।

मैं अपने मित्र से एक सवाल करना चाहता हूँ। उन्होंने एक स्टैंचुटरी एडवाइसरी बोर्ड (सिविलित मंत्रणाकार बोर्ड) बनाया।

[श्री गिडवानी]

उस में उन्होंने सिर्फ उन्हीं लोगों को रखा, जिन को उन्होंने पसन्द किया। मेरे जैसे तुच्छ सेवक को उन्होंने इस लायक नहीं समझा। उन्होंने समझा कि यह तो बेकार भ्रादमी है। न ही उन्होंने डिप्टी स्पीकर साहब को रखा।

उपाध्यक्ष-नहोवय : अब गिला करने का क्या फायदा ?

श्री गिडवानी : जिन लोगों को आप ने पसन्द किया, उन को आप ने चुन लिया। आप ने छः भ्रादमी चुने। उन्होंने एक नहीं, दो नहीं, तीन दफ़ा आप को मखिरा दिया, लेकिन आप ने उस को नहीं माना। मेरा बुनियादी एतराज (आपत्ति) इस बात पर है कि धाया यह जम्हूरियत है—प्रजातंत्रवाद है या जो मिनिस्टर के मन में आए, वह वही कर ले। मैं इस हाउस के सामने यह बात रखना चाहता हूँ कि उस ने यह कानून बनाया और उस के मुताल्लिक पंडित ठाकुर दास भागवत ने यह चैलेंज किया कि कोई भी हाई कोर्ट या सुप्रीम कोर्ट (उच्चतम न्यायालय) का जज बताइये, जो कि इस के दूसरे मायने निकाले। हमारे मिनिस्टर साहब ने अपने दिल की पसन्द के लोगों को स्टैचुटरी एडवाइज़री बोर्ड का मेम्बर बनाया। उन्होंने दो तीन बार राय दी कि आप के मायने गलत हैं। इतना होने पर भी आज तक उस के मुताबिक अमल नहीं किया गया। मैं अर्ज करना चाहता हूँ कि यह एक बिल्कुल एतराज की बात है—न होने लायक बात है, जो कि किसी ऐसे मिनिस्टर को, जो कि खुद रेफ़्यूजी है, नहीं करनी चाहिए। मैं उस के दिल को जानता हूँ। अगर वह समझता कि इस में कोई गलती है, तो वह दूसरे दिन अमेंडमेंट लाता, लेकिन यह अमेंडमेंट आई है, बेशुमार लोगों की शिकायतें सुन कर, लोगों के मुभावजे का तफ़सिया कर के, इतने महीने के बाद। मैं यह कहना चाहता हूँ कि पालियामेंट (संसद्)—लोक सभा में—जो कुछ पास होता है, किसी मिनिस्टर (मंत्री) का उसके

खिलाफ जा कर अपने मन की बात करना जम्हूरियत (लोकतन्त्र) और प्रजातंत्र के खिलाफ है और मिनिस्टर को कोई अख्तियार नहीं है कि वह इस तरह की कार्यवाही करे।

अगर आप एक स्टैचुटरी एडवाइज़री बाडी बनाते हैं, तो लोग उस में अपना टाइम देते हैं और उस पर टैक्सपेयर (करदाता) का रुपया खर्च होता है। बहुत से लोग उस में बाहर से आते हैं। इस सब के बावजूद उस बोर्ड की सिफ़ारिशों को रद्दी की टोकरी में डाल दिया जाता है। समझ में नहीं आता कि यह कैसी जम्हूरियत है।

जहां तक मेरा ताल्लुक है, मैं खुद कोई प्रापर्टी (सम्पत्ति) रखने वाला नहीं हूँ। मैं तो यह कहता हूँ कि प्रापर्टी होनी ही नहीं चाहिए, लेकिन इस का मतलब यह नहीं है कि जो कानून बने, मैं उस को लात मारूँ।

उस कमेटी के मुताल्लिक मैं एक बात और कहा चाहता हूँ। उस के चेयरमैन, बख्शी टेकचन्द, ने इस्तीफ़ा दे दिया। आप को सुन कर हैरानी होगी और मुझे तो यह सुन कर बड़ा दुख हुआ कि पंडित ठाकुर दास भागवत के मुताल्लिक यह कहा जाता है कि वह नान-रेफ़्यूजी हैं, लेकिन मैं यह पूछना चाहता हूँ कि एडवाइज़री बोर्ड का चेयरमैन कौन है ? वह है सेठ चन्दलाल पारिख। मैं जानता हूँ कि वह बड़ा अच्छा और लायक भ्रादमी है और कौंसिल आफ स्टेट का मेम्बर है, बड़ा मिल-भोनर है, करोड़पति है, लेकिन मैं यह पूछना चाहता हूँ कि क्या हमारे मिनिस्टर साहब को इन छः भ्रादमियों में कोई ऐसा योग्य भ्रादमी देखने को नहीं मिला, जिस को वह चेयरमैन (सभा-पति) बनाते ? न पंडित ठाकुर दास भागवत, न श्री फ़िरोज चन्द, न ज्ञानी गुरमुख सिंह मुसाफ़िर, न डा० भनूप सिंह और न श्रीमती सुचेता कृपालानी, जिन को वह बार बार बहिन कहते हैं, उन को योग्य दिखाई दीं और

उन्होंने एक नान-रेफ्र्यूजी को चेयरमैन बना दिया। उस ने भी पिछली मीटिंग में कहा कि यह गलत है, इस के मायने यही है। मैं मानता हूँ कि रेफ्र्यूजी और नान-रेफ्र्यूजी का सवाल वहीं उठाना चाहिए, लेकिन मैं यह पूछना चाहता हूँ कि बावजूद इन सब बातों के क्यों नहीं इन बातों को माना गया।

उस दिन हमारे मिनिस्टर साहब ने यह बताने की कोशिश की—लोगों पर यह असर डालने की कोशिश की कि इतने लोग क्लेम भरने वाले हैं। उन्होंने बताया कि ढाई, तीन, चार लाख एग्जीक्यूटिविस्ट क्लेमेन्ट (कृषिक दावेदार) हैं और साढ़े चार लाख अरबन और रूल प्रापर्टी के क्लेमेन्ट हैं। इस का मतलब है कि पचास लाख मालदार हो गए। मैं ने उस वक्त भी इस बारे में कहा था और बाद में मैं ने राजेन्द्रनगर और पटेलनगर और दूसरी कालोनीज में जा कर दर्याफत किया तो मुझे मालूम हुआ कि करीब पचास फ्रीसदी (प्रतिशत) क्लेमेन्ट हैं और पचास फ्रीसदी नान-क्लेमेन्ट हैं। पता नहीं, उन को मालूम होगा। लेकिन कहीं इस से गैर रिफ्यूजीज के अन्दर यह इम्प्रेशन (भाव) न फैल जाये कि सब लोग मालदार हैं, सब लोगों को क्लेम मिल गये हैं। उन के क्या क्या क्लेम हैं, कितनी जायदाद है, उस में मैं नहीं जाना चाहता, लेकिन यह गलत असर पैदा हो सकता है। मैं ने दो तीन आदमियों से पूछा, उन्होंने मुझे जो फिगर्स बताये वह ये हैं कि ईस्ट पटेल नगर में जहां पर बड़े अच्छे अच्छे अफसर रहते हैं वहां भी ६० परसेन्ट रिफ्यूजीज क्लेमेन्ट्स हैं और ४० परसेन्ट नान-क्लेमेन्ट्स हैं, लाजपतनगर में ५०, ५० परसेन्ट हैं और राजेन्द्रनगर में ५०, ५० परसेन्ट हैं।

मैं एक बात और भी कहना चाहता हूँ और वह यह है कि मुझे बड़ी खुशी हुई, मिनिस्टर साहब ने कहा कि मैं ने प्रायिर्टी क्लेमेन्ट्स (प्राथमिकता वाले दावेदार) बनाये। बड़ी मेहरबानी की कि बीमारों को प्रायिर्टी दी

जिन को तपेदिक था, कैसर था, उन को प्रायिर्टी दी, एक दफा मैं ने यह भी कहा कि फेशल पैरालिसिस (मुख सम्बन्धी स्तम्भ रोग) वालों को भी इसी तरह से मदद देनी चाहिये, तो कहा कि सारी पैरालिसिस वालों को तो करना चाहिये लेकिन खाली मुंह को पैरालिसिस वालों को नहीं की जा सकती। अब तो मैं डाक्टरों भूल गया हूँ, घाठ नौ महीने तक सिर्फ प्रैक्टिस को है, लेकिन उसी वक्त मैं ने पढ़ा था कि जब किसी को फेशल पैरालिसिस होती है तो जो दिमाग की आर्टरी (नस) होती है उस में आम्ब्लुक्शन हो जाता है, उस से आदमी की हालत ऐसे हो जाती है कि किसी वक्त भी उस का दिमाग खराब हो जाये और वह मर जा सकता है। लेकिन खैर, मैं एक बात पूछना चाहता हूँ कि जिन बड़े बड़े आदमियों के लड़के विलायत पढ़ने गए हैं, उन को प्रायिर्टी लिस्ट में रखने की क्या जरूरत है? The fathers of those who have gone to foreign lands have been put into the priority category. एक तरफ तो जिन को फेशल पैरालिसिस हो गई है उन को प्रायिर्टी के लिये नहीं गिना जाता, लेकिन मैं हैरान हूँ कि दूसरी तरफ ऐसे आदमियों को गिन लिया जाता है जिन के बच्चे विलायत में हैं। कई आदमी ऐसे होंगे जिन के बच्चे पहले ही विलायत

इस वक्त कंडिशन (हालत) यह है कि : He must be already there in a foreign land and a certificate must come from there that he is studying there. उन को भी ८,००० ६० नकद दे दिया गया प्रायिर्टी क्लेम में रख कर। बहुत ठीक है, बेटा पढ़ तो गया। लेकिन मेरी समझ में यह बात नहीं आई कि क्या वह फेशल पैरालिसिस वाले से ज्यादा जरूरतमन्द है?

कभी आप नये नये रूल लाते हैं, कानून बनाते हैं, लेकिन क्या आप ने कभी यह सोचा कि जो हमारे रूल हाउसिंग क्लेमेन्ट्स (ग्रामावास दावेदार) हैं उन का क्या हाल है? मैं

[श्री गिडवानी]

उन का बहुत ज्यादा जिक्र नहीं करना चाहता क्योंकि हमारे श्री ठाकुर दास जी भागवत ने और मैं ने भी पहले कई दफा उन का जिक्र किया है। लेकिन मेरी कम्बस्ती यह है कि मैं सारे हिन्दुस्तान में फिरा करता हूँ। अभी मैं इटावा गया तो देखा कि वहाँ पर एक ७० या ८० बरस का बुढ़ा जिनदा है। उस का क्लेम १०,००० से १० या २० रुपया कम था। उस को तीन एकड़ जमीन मिलती है शाहजहापुर में। अगर वह यह तीन एकड़ जमीन नहीं लेता, तो क्या हो ? और वह ले ही नहीं सकता क्योंकि वह ७० या ८० बरस का है, उस ने दख्खिस्त दी कि वह जमीन कैसल हो जाये, वह जमीन कैसल (रद) हुई, मैं ने मि० तनेजा को लिखा कि उस की जमीन कैसल हो गई, उसे हाउसिंग प्रापटी में से मिलना चाहिये। मि० तनेजा बड़े हमदर्द हैं, मैं उन की कद्र करता हूँ, मैं उन की कोई शिकायत यहाँ पर नहीं करना चाहता, वह कानून के पाबन्द हैं, मैं ने ऐसे अफसर कम देखे हैं जो हमदर्दी अपने दिल के अन्दर रखते हों। उन्होंने मुझे बतलाया :

I am afraid that claim cannot be held. His claim has been properly rejected in accordance with the rules.

अब हमारे रूल्स क्या हैं कि किसी भी आदमी को किसी हालत में अगर लैंड मिलती है और वह न ले, भले ही वह पत्थर हो, बिल्कुल मिट्टी हो, उस को पूरा पोजेशन भी नहीं मिला, उस से कोई पैदावार भी न हो, एस्टिमेंट्स कमेटी में भी सवाल उठा, हमारे सामन्त साहब को मालूम है, जहाँ जहाँ हम गए यह शिकायत की गई कि यह क्या कानून है, कि अगर हमारा ६६६६ रु० का एक एक क्लेम हो तो भी हम को तीन एकड़ जमीन मिले, और हम न लें तो हम को कंपेन्सेशन न मिले ?

Even if I have ten claims each claim of the value of Rs. 9,999 I am not entitled to compensation for my rural housing property, if I have been allotted three acres of land.

यह क्या कानून है ? जहाँ कैसल भी हुई है, उन लोगों ने जा कर दख्खिस्त भी दी है कि हमारी जमीन कैसल हुई है, लेकिन कोई सुनवाई नहीं होती। मैं ने बार बार लिखा कि मैं चाहता हूँ कि उन के साथ न्याय हो, उन को प्रायर्टी कैटेगरी में लाना चाहिये, उन आदमियों के बारे में भी आप को सोचना चाहिये, लेकिन कोई हमारी बात नहीं सुनता है।

इस के सिवा मेरे ध्यान में एक बात और आई और जो रूल ३१ और ३१ हैं उन के बारे में मैं ने मिनिस्टर साहब के पास लिख कर भेजा है कि जब मैं सौराष्ट्र गया तो जैतपुर में इस के बारे में शिकायत की गई। रूल ३० में है :

"Payment of compensation where an acquired evacuee property which is an allottable property is in occupation of more than one person: If more persons than one holding verified claims are in occupation of any acquired evacuee property which is an allottable property, the property shall be offered to the persons whose net compensation is nearest to the value of the property and the other persons may be allotted such other acquired evacuee property which is allottable as may be available."

इस के सिवा रूल २६ में भी यह है :

"Where any person having a verified claim who is in sole occupation of an acquired evacuee property, which is an allottable property, refuses to accept the transfer of such property in full or part satisfaction of the compensation payable to him—

(a) the payment of compensation due to such persons shall be postponed."

इसके बारे में मैं भी कहना चाहता हूँ कि इन वि कस आफ एक ऐस बस एप आप देखिये।

[MR. SPEAKER in the Chair]

3-46 P.M.

जो आदमी शहर में है अगर वह ऐलाटेबल प्रापर्टी नहीं लेता है तो उस का क्लेम रद्द नहीं होता। लेकिन रूल प्रापर्टी के बारे में यह है कि अगर किसी को जमीन मिले और वह न ले, भले ही वह रद्दी हो, बेकार हो, तो उस का क्लेम पूरा हो गया मान लिया जाता है।

If he does not accept, his claim is deemed to have been satisfied.

रूल के बारे में एक कायदा और अरबन के बारे में एक कायदा। मैं चाहता हूँ कि हमारे मिनिस्टर साहब इन सब बातों को सोचें।

दूसरी बात मैं ने यह कही कि अगर ऐलाटेबल प्रापर्टी में दूकानें भी हैं तो दोनों को अलग अलग कर के देना चाहिये। मुझे खुशी है कि उन्होंने उस का जिक्र किया। लेकिन कल ही सौराष्ट्र से मेरे पास एक आदमी आया उमने लिख कर दिया है :

“According to Rule No. 22, every shop is allottable property if occupied by a displaced person and the value of which does not exceed Rs. 10,000. Rule No. 30 mentions the natural partition of the evacuee property occupied by more than one displaced person. If the property can suitably and conveniently be partitioned, it is to be partitioned for the rehabilitation of displaced persons. The settlement authorities are afraid of doing it and also doing contrary in the view of Simla Conference resolution which stops unnatural partition. We also agree . . .” etc.

They want that if it is a shop, it should be allottable. That is the interpretation of the rule. मेरे कहने का मतलब यह था कि अरबन और रूल प्रापर्टीज के बारे में जो कुछ अभी

तक हुआ है, उस से लोगों को तसली नहीं हुई, लोगों को बड़ी तकलीफ होती है। एक आदमी बम्बई में रहता है, उसे जमीन मिलती है हैदराबाद में। और जमीन ऐसी है जहां टैनेन्ट्स (किसान) ने कुछ दिया नहीं, और उसका रूल हाउसिंग क्लेम रद्द हो जाता है। यह बात मेरी समझ में नहीं आती। इसी तरह से सारे हिन्दुस्तान में हो रहा है। जहां जहां पर रिफ्यूजीज रहते हैं, खास कर सिंधी रिफ्यूजीज, उन के साथ यह हो रहा है जिस से उन को बड़ी तकलीफ है। तो मैं चाहता हूँ कि सारे मामले पर सोचा जाये और फिर उन के साथ इंसाफ करने की कोशिश की जाये। यह कहना कि इस तरह से हम लोग एक एक रूल ला कर अमेंडमेंट करते हैं और जो पार्लियामेंट करती है उस पर बाद में अमल नहीं किया जाता यह ठीक नहीं है। आज जो कुछ यहां पर हुआ वह इसी का नतीजा है। मैं अपने दोस्त श्री मेहर चन्द खन्ना साहब से पूछना चाहता हूँ कि आखिर यहां पर श्री ठाकुर दास भार्गव जैसे कानूनदां और बुजुर्ग आप से इस तरह से बात क्यों करते हैं? उनके दिल में कोई अपनी गरज नहीं है, वह खुद कोई रिफ्यूजी नहीं हैं।

लेकिन चूंकि वह रिफ्यूजीज भी तकलीफों को अच्छी तरह से जानते हैं, आपके एड-वाइजरी बोर्ड (मंत्रणाकार बोर्ड) में भी रहे हैं, उन्होंने लोगों की हालत को देखा है, इस वास्ते उनके दिल में तड़प है, उनके दिल को उनकी हालत को बेख कर दुख हुआ है, जिस को कि उन्होंने इस सदन के सामने जाहिर किया है। मैंने तो अपने दिल के दुख और रंज का इजिहार करना छोड़ दिया है। मैं तो अब तक यह समझने लग गया हूँ कि अगर आपके दिल को भी दुख पहुंचता है और फिर आप कुछ करते हैं तो आप अपने कर्तव्य का ही पालन करते हैं। मुझ से जो सेवा हो सकेगी मैं करने को तैयार हूँ। अगर आप अपने कर्तव्य का पालन

[श्री गिडवानी]

नहीं करते हैं तो आप जाने । मैं तो अपना फ़र्ज पूरा करूँगा । मैं आपके पास आऊँगा, मैं आपके अफसरों के पास आऊँगा, आपको चिट्ठी लिखूँगा, आपके अफसरों को चिट्ठियाँ लिखूँगा, फिर अगर आपकी इच्छा हो तो आप करें और आप की इच्छा न हो तो आप न करें । लेकिन मैं इस वक्त धरबन और रूल रिफ्यूजीज के बारे में जो डिस्ट्रिक्मिनेशन किया जा रहा है उसको बताना अपना फ़र्ज समझता था ।

इससे रूल रिफ्यूजीज को बहुत ज्यादा तकलीफ का सामना करना पड़ रहा है । उनको बहुत ज्यादा मुसीबत का सामना करना पड़ रहा है । आज इसका असर यह हो रहा है कि उनको दो एकड़ जमीन देकर उनसे १०,०००, २०,००० और ३०,००० की जमीन खींची जाती है और इतने पर भी जो जमीन उनको दी जाती है वह बेकार होती है जिससे कि उनको कोई फायदा नहीं होता है । मैं चाहता हूँ कि आप इन बातों पर गौर करें और जो तकलीफ़त हैं उनको दूर करने की कोशिश करें । मैं इस हाउस का ज्यादा वक्त लेना नहीं चाहता । मैं कानूनदान तो नहीं हूँ जैसे कि हमारे भाई टाकुर दास जी हैं लेकिन मैं चाहता हूँ कि जो एमेंडमेंट्स उन्होंने दी हैं, उन पर आप गौर करें ।

आखिर में मैं एक ही बात कहना चाहता हूँ । मुझे एक फारसी की कहावत याद आ गई है जिसे मैं आपको सुनाना चाहता हूँ और मैं चाहता हूँ कि माननीय मंत्री जी भी उसको सुन लें :

अतुरभास्त कि खुद बनूयद न
न कि अतार बिगूयत ।
परफ़्यूम वह है जिस की
खुद नू आयें ।

इसी तरह से आप जो भी काम करते हैं उसकी तारीफ़ आप ही को नहीं करनी चाहिये बल्कि बात तो तब बनेगी जब लोग आपकी तारीफ़ करेंगे । वह एक पुरानी बात है जो आपको समझनी चाहिये ।

मैं एक और अर्थ करना चाहता हूँ । आज हम आखिरी मंजिल पर पहुँच चुके हैं । बरसों से हम यह चिन्ताते आये हैं, यह पुकार करते आये हैं कि हमारो दर्द को जानने वाला कोई मंत्री नहीं है । इसी वजह से सरकार ने आपको मंत्री बनाया । तो एक बात जो मेरे दिल में खटकती रहती है और जिस को मैंने आज तक नहीं कहा है मैं चाहता हूँ कि उसे मैं अब कह दूँ । जो काम आज तक न्योगी जी ने नहीं किया, जो काम मोहन लाल सक्सेना जी ने नहीं किया, जो काम अजित प्रसाद जैन जी ने नहीं किया, वह काम आप ने कर दिया है । अब तक जितने भी एडवाइजरी बोर्ड्स बनते आये हैं, उनका चेयरमैन हमेशा एक रिफ्यूजी ही हुआ करता था । क्या आपको रिफ्यूजीज में से कोई ऐसा भला आदमी नज़र नहीं आया जिसको कि आप चेयरमैन बनाते ?

क्या आपको इस काम के लिये कोई योग्य रिफ्यूजी नहीं मिला ? क्या आपको इस एडवाइजरी बोर्ड के छः मੈम्बरोँ में से कोई भी पसन्द नहीं आया ? आप बंसल साहब को बना दें मुझे कोई एतराज नहीं । आपने जो उनम से किसी को नहीं बनाया इसका मतलब यह है कि उन से किसी में भी आपका विश्वास नहीं है । यह सोचने की बात है, इन्ट्रोस्पेक्शन की बात है । आप ऐसा काम करते हैं जिससे कि आप उनमें से किसी का विश्वास प्राप्त नहीं कर सकते हैं । मैं ज्यादा कहना नहीं चाहता । मैं चाहता हूँ कि आप और हम मिल कर काम करें और इस मामले को जल्दी तय करें और आपस में कोआप्रेट करें ।

अन्त में मैं एक बात आपके सामने रखना चाहना हूँ। आपको वही काम करना चाहिये जिससे कि भावाम का भला हो। मैं इतना ही कह कर खत्म करता हूँ :

यह बागे बहार दुनिया चन्द राब,
देख लो इसका तमाशा चन्द रोब ।
यह बञ्जीरी चन्द रोब,
यह ग्रामीरी चन्द रोब ।

Sardar Hukam Singh (Kapurthala—Bhatinda): I am thankful to you for giving me this opportunity. I was also tempted to say a few words and I am sorry that I have inconvenienced you as well. It is to be regretted that certain things have happened during the course of the discussion. Perhaps certain members were rubbed on the wrong side, which was not desirable, and so the outcome is not very good. But I have one complaint against the hon. Minister, he set the ball rolling. If he had not done it, perhaps we would not have been in this condition. He has stated that all claimants have filed their claims. There were about five lakhs of rural claimants and just the same number of urban claimants. He wanted to say everybody has filed his claim. I do not say that he had done anything unfair. He only wanted to make a point that there are no persons left now; everybody has come and filed his claim.

But there is one snag in that argument. There have not been separate claims. One can have a rural claim and an urban claim as well. Therefore, it cannot be 5 lakhs on the rural side and five on urban side and 10 lakhs in all, and all the refugees have been exhausted. That is not an argument which can well be put here. He has not taken care of that particular point particularly when there is, he knows, a large number of non-claimants. We are hearing every day here that properties have been given to those persons who have no claims at all. Therefore, that argument

cannot hold good. Even now there may be persons who have not been able to file claims. But I am not here at this moment to argue on their behalf.

It has been stated that Government or the Ministry has given many concessions. The words were "concession after concession" to those joint Hindu family members and some other displaced persons. When that compensation scheme was brought forward and placed before the House—I am reminded of it now—the then Minister said: "here is a pool and I am only a trustee." He was only a sarpanch and this amount had to be distributed equitably and fairly. Government would not pay a single pie more. If that be the case and the Minister is only a trustee to distribute that amount, it is a definite and positive amount; it cannot vary. So far as these properties are concerned, they are definite—100 crores plus 85 crores: 185 crores. The properties may fetch more or less but the items are there and it will not increase as the Government is not going to contribute any amount towards that pool. So the only business of the Minister is to distribute that 185 crores fairly and equitably among those persons who are claimants and who have filed their claims. Where does the question of any concession come? There cannot be any concession and if the Minister has given any concession then I should complain that he has not been fair because if he gives more to one section then he deprives the other section of something. If he pays more to Peter then certainly he has robbed Paul. Otherwise he cannot pay more to Peter because there is no amount coming from the Government. There is no question absolutely of giving concessions. He could not argue that way. If he had said that it was but fair that the joint Hindu family ought not to be treated merely as an individual and something more should be done for that and we can go so far and no further, that argument could be understood,

[Sardar Hukam Singh]

if he said like that. But that was not what he said and, therefore, it amazed me because that rather exhibited an attitude that could not be reconciled to the sentiments and the susceptibilities of the displaced persons. Of course, he has claimed that he himself is also a displaced person. Nobody doubts that.

Mr. Speaker: It is not too plain?

Sardar Hukam Singh: Nobody doubts that. He is really a *bona fide* genuine displaced person, much more than perhaps myself or any other person. But that too does not mean that he should be the sole *custodian* of all the sympathies or concessions or whatever you may call that are to be extended to the displaced persons.

4 P.M.

I pay a tribute to my friend Pandit Thakur Das Bhargava. Since the time I came here I have found that he has been watching the interests of the displaced persons very zealously and he has guarded those interests by his eminent advocacy, and labours. Nobody can conceal that fact. We are all obliged to him. But there is no comparison to be made here. We can give credit to both of them. The hon. Minister, Mr. Mehr Chand Khanna, is a sympathiser of the displaced persons. He may say—we may acknowledge it—that he is their biggest sympathiser. But I would also say that even then Pandit Thakur Das Bhargava may not be anything less. He is also—we acknowledge that—he is one of our most sympathetic friends and he has acted in that manner throughout this period.

Now, the question is not as to who is the sympathiser or any comparison between them. The question is whether this amendment that is brought here affects adversely the persons whom we want to benefit. This is the only question that ought to have been considered. If the hon. Minister had only said, "Of course, the joint Hindu family is an individual, and we have only considered it

so far that something should be done for it"—as was just now explained by the Minister of Legal Affairs that "we can only go so far, and it is not possible to acknowledge the son also as one worthy of recognition so far as these benefits are concerned"—, then that would be a different question. But the dispute arose over the construction of this amendment and the implications that it had.

The House has heard all the arguments of Pandit Thakur Das Bhargava made so elaborately. I give him this credit, and I must say that I agree with him so far as his interpretation is concerned. And even the Minister of Legal Affairs has admitted this much at least, that so far as the wording of the amendment goes, as it stands just at present, it is capable of being interpreted like that. I understood him to say like that.

Shri Pataskar: I said the former rule 19 was rather ambiguous.

Sardar Hukam Singh: The former rule was capable of that? But the question is very simple. Leaving aside the other things, the question is whether the son is going to get a share or not. That is the first question.

Pandit Thakur Das Bhargava: Let him have the courage to say that the adult son was not to be reckoned as a unit according to rule 19.

Sardar Hukam Singh: He has said it already.

Pandit Thakur Das Bhargava: He has not said.

Sardar Hukam Singh: He has said that the son has to be excluded. We have now come to that stage. He has made it clear. I am sure this is also the position of the hon. Minister of Rehabilitation as well. Now there is no dispute about it. The Minister of Legal Affairs has said that the son is not going to be recognised as claimant of a different share when the father is alive. He has said it.

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Now, Pandit Thakur Das Bhargava and other friends, including myself, feel very much that if really Hindu joint family, undivided family, is going to be recognised as something more than an individual, then the son should be the first person who should get such benefit. If the son is going to be deprived of it, we do not know what other members have got greater claim on that benefit. (An Hon. Member: Daughters!) If they have given some benefits to daughters, it is a different thing. We are talking just at present only about the son, whether he should have that different share or not. Today we have come to the position when Government says "No". They say that they cannot go to that extent. We on our part feel that it should be extended to the son as well. Now, the Minister has given the reasons for his not conceding that. He has said that there are many difficulties. Perhaps he thinks that they are insurmountable; he feels that the whole compensation scheme shall be delayed; he feels that the whole thing, whatever has been done, will be upset; he thinks it might take many long years from now if we make that change just at present.

Now, calmly and coolly we can sit down and consider it. What I wish to say is, if the Minister can take credit, he should take credit for the speed with which this work is going on, for the fairplay that he is exhibiting, and for the justice that he is giving to the beneficiaries who are entitled to compensation. They cannot take any claim or credit for having given any concessions.

So my point was that if this is the difficulty, concrete things have not been told to us, that this would involve such and such financial implications, these would be the difficulties that would be presented and they will not be capable of being overcome easily. We have no data at present by which we can proceed and give our verdict whether there are really such insurmountable difficulties. And the time involved would also be

such that we cannot wait at this moment and then set the clock back afterwards and see whether we can proceed with it. That has to be gone into now. When the feelings are so intense, when we think that the son should get a share on his own behalf and that the claim should be divided when there are the father and the sons, then certainly we are entitled to be told as to what are those concrete difficulties. What are those definite and positive things the Minister has in mind which cannot be overcome at this moment?

So, Sir, this is my opinion. Now, a proposal has been made that a Committee might be appointed. Or the Minister might appoint his own Committee. And this discussion might be postponed for some time. Let that Committee come up with some concrete data and try to convince the House that so much shall be the additional burden that the Pool shall have to bear.

Just now one hon. Member suggested—he gave that hint—he had an interview with the Education Minister and perhaps an indication was given that the share of others might be reduced. That also is to be seen first, to what extent is the share going to be reduced. Unless that is worked out and the hon. Members are told hereabout it, we cannot take a jump just at once, when we feel so much for the son, and agree to this amendment that he has proposed.

Therefore, I support that idea of appointing a Committee, which has just now been made, and making an enquiry. It is not a subject where we cannot reconcile ourselves. We can adjust ourselves when we are told about those difficulties.

Lala Achint Ram: And the Committee can report in two or three days.

Sardar Hukam Singh: As soon as may be possible. We can certainly adjust ourselves when we are given the reasons which may be there. That is the best solution under the circumstances we are placed today.

Pandit Thakur Das Bhargava: Sir I have to make a submission. When you were not here, the Deputy-Speaker allowed Shri Radha Raman to move his amendment after I had finished my speech. That relates to a basic point and I require two or three minutes to make my comments on that amendment. That amendment was not before me when I made my speech. So if you would allow me.....

Mr. Speaker: When was it tabled?

Pandit Thakur Das Bhargava: It was not moved then.

Sardar Hukam Singh: After Pandit Thakur Das Bhargava had already begun his speech on that day, that amendment was received. Normally that would not have been admissible. But because Government was prepared to accept—and ordinarily if Government are prepared to accept, such amendment is allowed to be made—I allowed it.

Pandit Thakur Das Bhargava: It was circulated only this morning.

Sardar Hukam Singh: We had that day before yesterday also. He will remember, I showed it to him.

Pandit Thakur Das Bhargava: It was circulated, but it was not moved before I finished my speech.

Sardar Hukam Singh: How could it be moved in-between when the hon. Member was speaking?

Mr. Speaker: Does he want to speak on that? The papers were all with him.

Pandit Thakur Das Bhargava: Only two or three minutes.

Mr. Speaker: That amendment was also there.

Pandit Thakur Das Bhargava: It was not there. I did not know that it was moved and I could not comment on it. It was circulated today. And the speech has been made after I finished. Both Shri Pataskar and the hon. Member have spoken after I had spoken.

Mr. Speaker: I did not disallow any amendment.

Pandit Thakur Das Bhargava: But it was not moved on that day. It has been moved today. On that day it was not moved; it was not even on the Order Paper. It came in subsequently.

Mr. Speaker: Does the hon. Member believe that for want of counter arguments, the House will.....

Pandit Thakur Das Bhargava: After all, when a new thing comes, it is fair that it should be commented upon by those who have given notice of other amendments already.

Mr. Speaker: All right; but only three minutes.

Pandit Thakur Das Bhargava: In regard to the new amendment, I am very sorry, I cannot support it. In the first instance, it strikes at the very root of sub-section (2) of rule 19. According to my reading, if a certain person is a nephew of a certain person and is above 18 years of age, he is entitled under rule 2. This takes away that right. Supposing a person dies leaving minor sons and major sons, the major sons come under rule 2. They are independent units. This takes away that right. I do not know why. It is strange that even the existing right is to be taken away by virtue of this amendment.

The second point is, the hon. Minister who is in charge of this matter wants to change rule 19. This amendment is more royalist than the king. The hon. Minister is agreeable to give the right to the widow of a deceased member. This has taken away that right also. It says only the widow of a certain person who died at a certain time. According to the amendment of the hon. Minister, any widow of a deceased member is entitled to be treated as a unit, that is, mother, grandmother and every-body else. Even this is taken away.

Shri Pataskar gave very great credit to the hon. Member for liberalising this. I also give credit that he has liberalised this.

Another point, is this. Why should a person die between two particular dates for one to get the benefit? Only if a person dies between fourteenth day of August 1947 and 26th September 1955, he gets the benefit. If the death is a day sooner or later, he will not get any benefit. This is absolutely illogical and has no sense in it. The hon. Minister gave a right to a minor son. This goes away. I understand that they seek to confer some benefit; on the contrary while wanting to extend, it makes it narrower. Then, the Explanation is not there. I want to know why the Explanation is not there. Originally the words entitled to claim partition are there. They are not in the amendment. Unless a person is entitled to claim partition, how can he get this right? He cannot be counted as a person entitled to claim partition. I would only submit that so far as the amendment goes, it should not be accepted by the House.

I do not want to comment upon what Shri Pataskar has said, because you gave permission only to speak on the amendment. I should like only to make one comment with your permission.

Mr. Speaker: No more; I am very sorry.

Pandit Thakur Das Bhargava: I shall reserve my comments to a future occasion. Though he wanted to support him, he has not supported the hon. Minister. That is the tragedy of the whole thing.

Lala Achint Ram: Will you permit me to make the motion that the matter be referred to a Committee to report before the 25th of August?

Mr. Speaker: I am not going to allow any amendment or motion unless the hon. Minister or the whole House agrees.

श्री मेहर चन्द खन्ना : डा० गडवा जी ने अपनी तक्रारी एक फ़ारसी मिसरे के साथ खत्म की तो मैं अपनी तक्रारी भी फ़ारसी के एक मिसरे के साथ शुरू करता हूँ और मैं यह कहना चाहता हूँ :

“हरच भ्रज दोस्त फी भ्रद्व नकोस्त”

दोस्त से जो कुछ भी भ्राये वह भ्रच्छा है और मैं उसको प्यार की नज़र से देखता हूँ और इज्जत की निगाह से देखता हूँ। इससे ज्यादा खुशी की बात और क्या हो सकती है कि . . .

Mr. Speaker: It is stated in the Constitution that whenever appropriate expressions are not available for English terms, he must go to Sanskrit.

Shri Mehr Chand Khana: Whatever comes from a friend is welcome. That is the literal translation of this Persian saying.

मैं यही कह रहा था। पहले दिन जब बहस हुई और भ्राज की भी बहस मैं जिन्होंने हिस्सा लिया वे मेरे दोस्त हैं और उन्होंने पहले दिन से लेकर भ्राज तक मिनिस्ट्री के साथ और मेरे साथ रेफ्यूजीज की जो भी तक्रालीफ़ात आती हैं उनको समझने में और हल करने में मेरा हाथ बँटाया है। अगर मुझे पंडित ठाकुर दास भार्गव की इज्जत का खयाल न होता और अगर मुझे उन पर यह विद्वान नहीं होता कि वे रेफ्यूजीज के दोस्त हैं और दिल से उन के साथ हमदर्दी है तो जब वह ऐडवाइज़री बोर्ड बनने लगा था तो मैंने बतौर मिनिस्टर के ही नहीं उनको उसमें शिरकत करने की दावत दी थी बल्कि खुद भी उनके पास गया था और उनसे यह दरल्बास्त की थी कि वे इस बोर्ड की मेम्बरी को स्वीकार करें। जब इंसान एक बोर्ड बनाता है और बोर्ड में अपने साथियों को लेता है तो मैं यह जानता हूँ कि उस पर यह एक धीरे-धीरे फ़र्ज़ थायद हो जाता है कि उस बोर्ड की जितनी

[श्री मेहर चन्द खन्ना]

भी सिफारिशात हों उनको इज्जत की नजर से देखे और उनको समझने की और उन पर धमल करने की कोशिश करे।

आज बोर्ड ने बहुत सी सिफारिशात की हैं और मैं बिला शक कह सकता हूँ कि गो कि बोर्ड ऐडवाइजरी (मंत्रणा बोर्ड) है लेकिन ७५ फीसदी और ८० परसेंट तक मैं ने उसकी सिफारिशात को स्वीकार किया है। अब यह कह देना कि हमेशा के लिए गवर्नमेंट की तरफ से यह ऐलान कर दिया जाय कि जो भी बोर्ड की सिफारिश होगी उसको मिनिस्ट्री मानेगी, यह जरा मुश्किल सी बात है। मैं यही कह सकता हूँ कि ग्रंडरस्टैंडिंग के साथ, सिम्पैथी (सहानुमति) के साथ और कंसिडरेशन (विचार) के साथ जो भाई भी अपनी सलाह मुझे भेजेंगे मैं उस पर गौर करूँगा और कोशिश करूँगा कि उनके नुकतेनिगाह को समझूँ और समझ कर उस पर जहाँ तक बन पड़ेगा धमल करने की कोशिश करूँगा। जब मैंने पंडित ठाकुर दास भागव को बोर्ड की मेम्बरी की दावत दी थी तो मैं यह जानता था कि वे नौन रेफ्यूजी (विस्थापित नहीं) हैं। जब मैंने श्रीमती सुचेता कृपालानी को बोर्ड की मेम्बरी की दावत दी थी तब भी मैं जानता था कि वे नौन रेफ्यूजी हैं, और आज जो मैंने श्री चंद्र लाल पाख्रिख को दावत दी है तो उसमें कोई शकम्भे की बात नहीं है। ये भाई रिहैबिलिटेशन मिनिस्ट्री (पुनर्वास मंत्रालय) से काफी गहरा सम्बन्ध रखते हैं। सन् १९५२ में एक कमेटी बनी थी जिसका कि वोकेशनल (व्यवसायिक) और टेकनिकल ट्रेनिंग के साथ ताल्लुक था। पाख्रिख साहब उसके मेम्बर थे और उन्होंने और दूसरे लोगों ने तमाम देश का दौरा किया और मुझे हर मामले में रेफ्यूजी की बेहतरी और बहबूदी के लिये राय दी। आपका ताल्लुक रिहैबिलिटेशन फाइनेंस एडमिनिस्ट्रेशन (पुनर्वास वित्त प्रशासन बोर्ड) के साथ है और आज वे तीन चार वर्ष से उस

बोर्ड पर काम कर रहे हैं, साथ मैं यह भी कहूँगा कि दीगर मेम्बर साहबान जो उस में आयें हैं वे उनसे पहले से काम करते रहे हैं। मैंने उनको एक शरणार्थी के नाते से और उस शक के नाते से जिसके कि दिल में शरणार्थियों के लिए दर्द है, बोर्ड में आने की दावत दी है। वे इस मिनिस्ट्री के साथ पिछले तीन, चार वर्ष से कोआपरेट करते रहे हैं और मुझे उन्होंने काफी हेलप दी है। लेकिन अगर आज एक असूल बना दिया जाय कि इस बोर्ड में सिवाय एक रेफ्यूजी के दूसरा कोई नहीं हो सकता तो मैं जानता हूँ कि पंडित ठाकुर दास भागव, जिनके कि दिल में रेफ्यूजीज के लिए दर्द है और जिनकी कि मैं कद्र करता हूँ, वे उस बोर्ड में नहीं आ सकते थे और इसी तरह श्रीमती सुचेता कृपालानी भी नहीं आ सकती थी। हमें उस चीज को एक लिमिटेड (सीमित) दायरे (क्षेत्र) से नहीं देखना चाहिये बल्कि देखना यह चाहिये कि रेफ्यूजीज की खिदमत ज्यादा से ज्यादा कौन कर सकता है और उसमें हमारा कितना भला है।

दूसरे जो डिप्टी स्पीकर ने लफज "कंसेशन" (रियायत) के बारे में कहा, तो लफज "कंसेशन" मेरे मुँह से गलती से निकल गया होगा। जो मैंने पहले दिन कहने की कोशिश की थी वह यह थी कि इंटैरिम स्कीम (अन्तरिम योजना) जो हमारी बनी थी वह इंटैरिम स्कीम एक हद तक जाती थी। उस इंटैरिम स्कीम में ५२ हजार की लिमिट थी। ८ हजार रुपये से ज्यादा कैश नहीं मिल सकता था और चन्द एक कैटेगरीज (श्रेणियाँ) थीं जिनके कि साथ वह स्कीम महदूद थी।

उस स्कीम में न हिन्दू खानदाने-मुश्तर्का का जिक्र था और न इस बात का जिक्र था कि कौन लीनियल डिसेंडेंट (संतति) है, भाई है, पोता है या चाचा है, वगैरह। उस में सिर्फ एक यार्डस्टिक थी और वह

[श्री मेहर चन्द खन्ना]

है कि स्पीकर साहब ने उसी वक्त फरमाया था कि आप के ये झलफाज अनपालिया-मेंटरी हैं, लेकिन जब मैं आपने फरमाया था कि वे अनपालियामेंटरी नहीं हैं।

Mr. Speaker: I feel that it is unnecessary. Such strong words need not be used, however eminent a Parliamentarian may be. The Minister is not guilty of theft of anybody's property, nor a डाकू or a robber. It is very wrong. I think no person should be said to be guilty of theft. There is no question of thieving. Of course there are other words in the English language which can be effectively used. I do not want such words should be used attributing dishonesty. They are unparliamentary. Theft implies dishonesty, dishonest deprivation of something for private use. Theft accompanied by use of force is robbery. These expressions might have been avoided.

Pandit Thakur Das Bhargava: With your permission, may I just state that these words were used on 14th September, 1955. It was stated that the allotment was made in 1948 and the rules were passed that whoever had been allotted four acres would lose all right to property to the extent of Rs. 10,000. In that context it was said that this was unfair that you give this concession and take away those rights. This is the reference to the context of those words. I never meant he was guilty of theft or he is guilty of dacoity.

Shri D. C. Sharma: The hon. Minister said that he comes from a land of dacoits. Is that parliamentary?

Mr. Speaker: I am afraid if one side had said something and the other side kept quiet, I could have intervened and said it was wrong. They have balanced each other. Now, the hon. Minister may go on.

Shri Mehr Chand Khanna: There is only one thing I wish to submit. Shri A. P. Jain took charge of this Ministry

at a very difficult time. He worked very diligently. He worked very hard. I saw his work at a very close quarter. I was sitting with him for 4½ years. Any disparaging remarks made about a Minister who worked under very difficult conditions certainly is not fair to him or to that Ministry. As far as I am concerned, I take with very good grace what my elder brother has attributed to me or said about me.

Mr. Speaker: Inasmuch as this has been referred to, for future guidance I would say the word "theft" in relation either to a Member or a Minister, or to say that he has committed dacoity is not parliamentary. I am really sorry this has been used and counter-used. They have balanced each other as I have said. There is nothing to decide, but hereafter such expressions need not be used.

Shri Mehr Chand Khanna: I said about myself, coming as I do from the North-West Frontier Province, perhaps as a Pathan I could be called a dacoit, and I do not take any offence to it.

Mr. Speaker: I think the hon. Minister.....

Shri Mehr Chand Khanna: I am calling him an elder brother and I have said in case I made any remarks to which he has taken offence, I offer him an unconditional apology.

Pandit Thakur Das Bhargava: You may kindly see the context. If you do not approve, I take them back.

Mr. Speaker: Even in the context we need not use the word.

Sardar Hukam Singh: Do not appeal to the Chair to hold it to be parliamentary!

Pandit Thakur Das Bhargava: It is a symbolical way of expressing.

Mr. Speaker: Either in English, Hindi or Urdu, he need not resort to these words "theft" or "robbery". The

hon. Minister does not come from a land of dacoits. Nobody likes it.

श्री नेहरु बन्द खान्ना : सैर, उस बात को मैं छोड़ देता हूँ। मैं अर्ज कर रहा था कि उस ने अपनी इन्टैरिम कम्पेन्सेशन स्कीम (अन्तरिम प्रतिकर योजना) में यह कहीं भी नहीं लिखा कि किसी को कुछ ज्यादा मिलेगा। उसमें यह था कि पाकिस्तान में जो जायदाद रह गई है उस के क्लेम पेश किये जायें। क्लेम आये और उनको असेस किया गया और एक स्केल के मुताबिक बाद-अज़ा उन क्लेम्ज को बिना पर लोगों को कम्पेन्सेशन मिलना था। यह बात हमारी स्कीम में थी और हम इस को साल, सवा साल तक चलाते रहे। अप्रैल १९५५ का जिक्र है कि हमारे रोहैविलिटेशन मिनिस्टर्ज (पुनर्वास मंत्री) की कांफेस हुई, उसमें यह सवाल आया। हमारे एक मिनिस्टर साहब ने कहा—मैं उन का नाम नहीं लेना चाहता हूँ, उनका पंजाब से सम्बन्ध है—कि पंजाब से बड़े बड़े खानदान आए हैं—मैं उनका नाम भी नहीं लेना चाहता हूँ—और उनकी लाखों करोड़ों रुपये की जायदाद थी। वे तीन चार भाई हैं, जिन में दो तीन भाई भेजर हैं और वे जिन्दा हैं और कुछ माइनर हैं। उन्होंने कहा कि अगर आप अपने पुराने रूल के मुताबिक उन को एक यूनिट रखें, तो वह खानदान तो तबाह हो जायगा। उस वक्त यह फैसला हुआ, जैसा कि रूल १९ में दिया गया है। मेरे आनरेबल कालीग (साथी) ने बड़ी वजाहत के साथ उस को साफ़ किया है। मैं उसके लीगल एस्पेक्ट (विधि सम्बन्धी पहलू) में नहीं जाना चाहता हूँ। मैं सिर्फ़ यही कहना चाहता हूँ कि गवनेमेंट की जो इन्टेन्शन (विचार) है, वह साफ़ है। उस के मुताबिक हम ने एक नया रूल बनाया और उस लाइट में (दृष्टि से) हम ने उन फ़ैमिलीज को सट्टेन कंसेशन (रिययातें) दिये।

अगर हिन्दू खानदान मुस्तर्का का सवाल होता तो एक लीगल इंटरप्रेटेशन (निर्वचन) होता। मैं आप की खिदमत में एक बात अर्ज करना चाहता हूँ कि हम को वह फ़ैमिली लेनी थी जिस का जो कम्प्लेक्शन (रूप) १५ अगस्त, १९४७ को था जिस रोज़ कि हिन्दुस्तान का बटवारा हुआ, उस वक्त उस फ़ैमिली में जो माइनर थे और जो भेजर थे उन का खयाल करना था। हम से कहा गया कि अब ८ या ९ बरस गुजर चुके हैं, १९४७ में जो बच्चा ११ या १२ बरस का था, उस को हिन्दुस्तान में आये हुए ८ या ९ बरस गुजर चुके और २६ सितम्बर, १९५५ को उस की उम्र १२ बरस में ८ बरस शामिल कर के २० बरस लगाए। हम एक कदम आगे बढ़े और बढ़ने के साथ यह फैसला किया कि अगर किसी के दो या तीन भाई हैं और वह १५ अगस्त, १९४७ को नाबालिग था, और कानून के मुताबिक हम आज उस को बालिग नहीं बना सकते तो उस को हम ८ बरस का कंसेशन देते हैं, या इस हद तक रूल्स को लिबरलाइज (उदार बनाना) करते हैं और उस को इस कैटेगरी में लाते हैं।

हम ने एक और चीज की जो कि उस दिन बतलाई थी। पता नहीं मेरे बड़े भाई उस को क्यों नहीं समझ सके। मैं कहना चाहता हूँ कि फर्ज कीजिये आज हम यह कंपेन्सेशन दे रहे हैं, तीन भाई हैं, ए और बी जिन्दा हैं, सी मर चुका है और सी की विडो (विधवा) है, माइनर (अवयस्क) बच्चे हैं। अगर वह भाई आज जिन्दा होता तो दो शेरर बनते, तीन बनते, उस के मुताबिक आज हम तसव्वर कर रहे हैं कि उस की फ़ैमिली एक यूनिट है। मुमकिन हो कि कानूनन यह चीज जायज न हो, लेकिन ईक्विटी के लिहाज से और जस्टिस के लिहाज से जरूरी है। अगर वह मरा न होता तो उस को दूसरे भाइयों की तरह कंपेन्सेशन कुछ मिल जाता। जो उजड़ गये, जिन का सब कुछ पाकिस्तान में रह गया, जिन के यहां एक कमाने वाला था वह चला

[श्री मेहर चन्द खन्ना]

गया, उस के लिये हम ने यह किया है कि उसे जिन्दा माना और जिन्दा मानते हुए वह २५ परसेन्ट या ३३ परसेन्ट या एक तिहाई, जो कुछ भी तह हो जाय, वह पा जाय। तो मैं कह रहा हूँ कि हम उस की फैमिली को एक यूनिट तसव्वर करते हैं, चाहे उस की फैमिली में एक विडो हो, दो विडो हों, तीन माइनर हों, चार माइनर हों। हम उस से कुछ ले नहीं रहे हैं, दे ही रहे हैं, हम आगे बढ़ रहे हैं और यह कर रहे हैं, जैसे जैसे कंसेशन स्कीम चलती है। जैसे मैं ने उस रोज अर्ज किया था, मेरे पास न कोई रेकार्ड है, न प्रेसिडेंट्स है, न कोई और खास चीज है, जैसे जैसे लोगों की तकलीफात सामने आती हैं, हम उन तकलीफात को देखते हैं, हम उन का हल निकालने की कोशिश करते हैं और इम्प्ताफ पर मबनी जो हल होता है उस के लिये कोशिश करते हैं।

आज हमारे गिडवानी साहब नाराज हो गए कि जिन लोगों के बच्चे इंग्लिस्तान में पढ़ रहे हैं उन को कैश क्यों देते हो। मेरा बच्चा कोई इंग्लिस्तान में नहीं पढ़ रहा है, न मेरे रिस्तेदार का पढ़ रहा है, मेरे पास कैसेज आये कि हमारा बच्चा इंग्लिस्तान में पढ़ रहा है, उस को हमें कैश देना पड़ता है हर महीने। आप हमें मजबूर करते हैं कि हम जायदाद खरीदें, हम खरीदने के लिये तैयार हैं, लेकिन हमारा बच्चा जो है वह तकलीफ में है, हम एक शरणार्थी हैं, लड़के का २०० या ३०० ६० माहवार का खर्च है जो कि हम नहीं दे सकते। दो तीन बरस में उस की तालीम खत्म हो जायेगी, उस से हमारे घर का नाम चलने वाला है, बड़े बाप के लिये सहाय हो सकता है, हम चाहते हैं कि उस के लिये कैश रुपया दे दो ताकि वह अपनी तालीम खत्म कर ले। कोशिश हम कर रहे हैं कि जो भी तकलीफ जदा भाई हो, उस की तकलीफ अगर हम से दूर हो सकती है तो उसे करें। मैं उस के लिये कोई क्रेडिट भी नहीं स्लेना चाहता, मैं क्या चीज हूँ, आखिर,

गवर्नमेंट है, पार्टी है, हिन्दुस्तान है, यह तमाम चीजें हैं। मैं तो कैबिनेट का एक अदना खादिम हूँ। आप समझ लीजिये कि अगर कुछ नाम भी होता है तो हिन्दुस्तान का होता है, मेरी मिनिस्ट्री का होता है तो गवर्नमेंट का नाम होता है। अगर गवर्नमेंट का नाम होता है तो हिन्दुस्तान का नाम होता है, पार्टी का होता है, मेरा उस में क्या नाम है? यह ऐसी मिनिस्ट्री है जिस के लिये मुझे कई दफा कहना पड़ता है कि जो इस में नाम करने की खातिर आता है उस के लिये बेहतर है कि वह इस से दूर रहे। इस में नाम नहीं, इस में शान नहीं, न इस में आकर बाहर जाने का काम है, यहां तो हमेशा यहीं रहना होता है और हर रोज बातें सुनी जाती हैं। आप ने आज सुना, उस दिन सुना, जम्हूरियत की शान देखिये कि मुस्लाफि पार्टी में से तो कोई शब्स नहीं बोला, लोग बोले तो अपनी पार्टी के, जो कुछ कहा अपने चन्द भाइयों ने कहा। मैं तो जम्हूरियत की कद्र करता हूँ, मुझे इस से क्या नाराजगी हो सकती है? अगर आज मेरे भाई अचिंत राम जी कुछ कहते हैं तो अपना समझ कर कहते हैं, अगर प्रोफेसर दीवान चन्द शर्मा कुछ जोर से बोलते हैं तो चूँकि उन के दिल में एक दर्द होता है इसलिये कहते हैं। इस लिये तो नहीं कहते कि उन का कुछ फायदा है, यह तो उन्हीं को मालूम होगा, मुझे नहीं मालूम कि उन का क्लेम क्या है, लाख या दो लाख, लेकिन जिस ने अपनी जिन्दगी डी० ए० वी० कालेज को दी हुई हो उन की जिन्दगी की सारी कमाई इतनी ज्यादा नहीं हो सकती कि उन के पास १८ या ३६ लाख की जायदाद जाने वाली हो। उन के पास कौन चीज जाने वाली है, लेकिन वह समझ रहे थे कि एक चीज जिस का मुल्क पर अच्छा असर हुआ था उस के बजाय गवर्नमेंट कोई ऐसी चीज करने जा रही है जिस से बुरा असर होने वाला है। वह जो कुछ समझ रहे थे, एक भाई की हैसियत से, एक बुजुर्ग की हैसियत से, एक शरणार्थी की

हैसियत में। मैं इस चीज की कद्र करता हूँ, लेकिन मैं कहना चाहता हूँ कि जो गवर्नमेंट का मकसद नहीं था, वह आप हमारे मुँह में कैसे डाल सकते हैं। उस रूल में वाजेह है कि जो माइनर है वह एक्स्क्लूडेड है, जो लीजिअल डिसेंट है वह एक्स्क्लूडेड है। अब हम ने यह रूल पास किया।

जब कम्पेन्सेशन रूल पास हुए २६ या २७ सितम्बर को, पहली दफा जब यह बात उठी, ऐडवाइजरी बोर्ड में उठी पिछली १८ या २० अक्टूबर को, मैं ने नहीं उठाई, वहाँ से एक इशारा आया कि जो रूल बना है उस में कुछ ऐम्बिगुइटी (द्वयर्थकता) है, तकलीफ़ सी है, इस के माने यह नहीं होते, इस के माने यह होने चाहिये। मेरे पास चिट्ठी आई। मैं ने ला मिनिस्ट्री को कंसल्ट (परामर्श) दिया कि मेरा मकसद तो यह था, उन्होंने कहा कि जो कुछ आप कह रहे हैं वह दुरुस्त है इस रूल के मुताबिक। फाइनैस मिनिस्ट्री को कंसल्ट किया।

Pandit Thakur Das Bhargava: Can that advice be placed on the Table of the House? May I request the Minister to kindly place on the Table of the House the advice given by the Law Ministry and the Finance Ministry, that the contention of the hon. Minister was right, and the consistent conduct of the Finance Ministry itself was wrong? He says that the Finance Ministry gave this opinion. We want that their advice may be placed on the Table of the House.

Shri Mehr Chand Khanna: I have made a categorical statement that I have consulted the Ministry of Law and the Ministry of Finance; and that is enough for my purposes. मैं यह प्रश्न कर रहा था कि हमारा इंटेंशन क्या है। हमारा इंटेंशन यह था कि हिन्दू ज्वार्येंट फैमिली जो कि इन्टेरिम स्कीम में एक यूनिट थी, उसे कंसेशन दिया जाय। हम ने उस को लिबरलाइज किया और कंसेशन दिया। मैं खश हूँ कि मैं

कानून नहीं जानता, पंडित ठाकुर दास ने भी उस के ऊपर ख़ुशी जाहिर की, मैं उन का मश्कूर हूँ कि जो कानून बनाने वाले हैं, जिस का यह काम है, जिस मिनिस्ट्री ने यह रूल बनाया है, जिस मिनिस्ट्री ने यह अमैंडमेंट्स भेजे हैं उस ने कहा है कि जो तुम्हारा इंटर्-प्रेटेशन है, जो तुम्हारे इंट्रक्शनस हैं, वे बिल्कुल दुरुस्त हैं। मुझे लीगल चीज में जाने की कोई ज़रूरत नहीं। आखिर गवर्नमेंट का कोई इंटेंशन भी तो होता है। मैं फ्रेजिअलाली (शब्दावली) में नहीं जाना चाहता, मेरा उस से कोई ताल्लुक नहीं।

Pandit Thakur Das Bhargava: The Finance Ministry's conduct is there. There is no question of phraseology. The Finance Ministry's consistent interpretation is there.

श्री मेहर चन्द खन्ना : जो कुछ मैं ने पहले कहा था वह भी वही है और जो कुछ आप कह रहा हूँ वह भी वही है कि सिर्फ़ यह बात है कि जब ऐडवाइजरी बोर्ड से इशारा हुआ कि ऐम्बिगुइटी है तो मैं ने कहा कि उसे क्लैरिफ़ाई कर दिया जाय। मैं ने खुद कुछ नहीं कहा। मेरी तरफ से जो कुछ आया वह आप भाइयों की तरफ से आया, ऐडवाइजरी बोर्ड से आया, और आप के कहने के ऊपर मैं ने क्लेरिफिकेशन (स्पष्टीकरण) की है। अब उनकी इच्छा है कि वह मेरी क्लेरिफिकेशन को पसन्द करें या न करें। लेकिन मैं तो गवर्नमेंट की तरफ से यह कह सकता हूँ कि जो हमारी इंटेंशन है वह साफ़ है और हम ने उसको साफ़ अलफ़ाज में दर्ज कर दिया है ताकि उसमें किसी किस्म की गलतफहमी न रहे।

अब बाकी सवाल रह जाता है हमारे भाई अर्चित राम जी का तथा हमारे इंडी स्पीकर का कि एक कमिटी बननी चाहिये। मैं तो यही कह सकता हूँ कि कमिटी बनाइये, मुझे कोई इन्कार नहीं है। जो भी चाहे कमिटी को बना सकता है। जिस बड़े नेता को आप मिले हैं, वह मेरे भी नेता है, और अगर वह कोई कमिटी

[श्री मेहर चन्द खन्ना]

बनाना चाहते हैं तो बना सकते हैं, मुझे कोई इन्कार नहीं है। लेकिन जहां तक आज की पोजिशन का ताल्लुक है या जो एमेंडमेंट गवर्नमेंट की है, पंडित ठाकुर दास जी की है और हमारे भाई राधा रमण जी की है, वे सब हाउस के सामने हैं और उन सब का आज ही फैसला होना है। बाकी अगर आप इसके लिए कोई कमिटी बनाते हैं और वह इस क्वेश्चन को रिओपन करना चाहती है, तो इसका भी इस हाउस को अस्तित्वाय है। आज एक चीज हो जाए कल दुबारा उस को रिओपन कर लेने का अस्तित्वाय भी इस हाउस को है और मुझे इस से कोई इन्कार नहीं हो सकता। लेकिन जहां तक रिहैबिलिटेशन मिनिस्टरी का ताल्लुक है, मैं साफ अल्फाज में कह चुका हूँ कि हमारी इंटेंशन तो बिल्कुल साफ है और यह इंटेंशन आज भी वही है, जो कि पहले थी।

इन अल्फाज के साथ मैं अपने भाई ठाकुर दास जी से प्रार्थना करूंगा कि वह अपनी एमेंडमेंट्स को वापिस ले लें और जो राधा रमण जी की अमेंडमेंट है, मैं उस को स्वीकार करने के लिए तैयार हूँ। उसका मतलब जो कि ठाकुर दास जी ने दिया है वह नहीं है, उसका मतलब वह है जो कि मैंने दिया है। हम चाहते हैं कि उस आदमी के, जो कि मर चुका है, जो जा चुका है, खानदान को वही हक मिले जो कि उसके जिन्दा होते हुए मिलना था। वह साफ है कि मरे हुए के खानदान को उससे बैटर राइट नहीं मिल सकता जो कि अगर वह जिन्दा होता तो मिलता।

इन अल्फाज के साथ मैं चाहता हूँ कि गवर्नमेंट की जो एमेंडमेंट है उसके साथ जो श्री राधा रमण की एमेंडमेंट है उसको यह हाउस एक्सेप्ट कर ले और मैं पंडित ठाकुर दास जी से दरखास्त करता हूँ कि वह अपनी एमेंडमेंट्स वापिस ले लें।

Mr. Speaker: Shall I put all the motions moved by Pandit Thakur Das

Bhargava and Shri D. C. Sharma, together?

Pandit Thakur Das Bhargava: As you like, but I think putting them one by one would be better, because they are on different subjects.

Mr. Speaker: I wanted to know if he was withdrawing them.

I will now put the motions one by one.

The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following amendment be made in sub-rule (2) of rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

omit 'on the 26th September, 1955 (hereinafter referred to as the relevant date)'.
'

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following amendment be made in sub-rule (3) of rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 as further amended by the Notification No. SRO 1161, dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

omit clause (a) (ii).

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following amendment be made in sub-rule (3) of rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

omit clause (b).

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following amendment be made in sub-rule (3) of rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

after clause (b), insert:

'(bb) a person who on the relevant date was the mother of a deceased member of the Joint Family shall be included;'

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following amendment be made in sub-rule

(3) of rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

after clause (c), add:

'(d) where the deceased member has left no sons but only a widow such widow shall be regarded for the purposes of this rule as one member of the family.'

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following amendment be made in rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

after the Explanation, add:

'Explanation II.—For the purpose this rule in the case of every undivided Hindu family governed by Mitakshara law a son or grandson and in the absence of sons and grandsons, the widow referred to above in this rule shall be deemed to be entitled to claim partition of the coparcenary property against his father or grandfather or other members of the family as the case may be notwithstanding any text of Hindu Law or custom to the contrary.

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, for the amendments to Rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 made by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, the following be substituted, namely:

(1) In the proviso to sub-rule (2) of rule 19 for 'that in the case referred to in clause (a) none of the members' substitute:

'that in the case referred to in clause (a) none of the minimum number of two members and in the case of those members two of them'

(2) In the proviso to sub-rule (2) of rule 19, in part (i), after 'is' insert 'or are'

(3) After sub-rule (2A) of rule 19, insert:

'(2B) Where a deceased member of the joint family entitled to claim partition has left sons all of whom are less than 18 years of age such sons shall together be reckoned as one member of the family and where the deceased member has left no sons but only a widow such widow shall be regarded for the purposes of this rule, as one member of the family.'

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was negatived.

Mr. Speaker: The question is:

"This House resolves that in pursuance of sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the following

sub-rule be substituted for sub-rule (3) of the rule 19 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, as further amended by the Notification No. SRO 1161 dated the 30th April, 1956, laid on the Table on the 21st July, 1956, namely:

'(3) For the purposes of calculating the number of members of a joint family under sub-rule (2), a person who on the relevant date—

- (a) was less than eighteen years of age; or
- (b) was a lineal descendant in the male line of another living member of joint family;

shall be excluded:

Provided that where a member of a joint family has died during the period commencing on the fourteenth day of August, 1947, and ending on the relevant date leaving behind on the relevant date all or any of the following heirs, namely:

- (a) a widow or widows;
- (b) a son or sons (whatever the age of such son or sons);

but no lineal ascendant in the male line, then, all such heirs shall, not withstanding anything contained in this rule, be reckoned as one member of the joint family'.

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

The motion was adopted.

GOVERNMENT PREMISES (EVIC-TION) AMENDMENT BILL

The Minister of Works, Housing and Supply (Sardar Swaran Singh): I beg to move:

"That the Bill further to amend the Government Premises (Evic-