

Mr. Deputy-Speaker: The question is :

Pages 5 and 5—

omit lines 34 and 35, and 1 and 2 respectively.

The motion was negatived.

Mr. Deputy-Speaker: The question is :

“That clause 12 stand part of the Bill.”

The motion was adopted.

Clause 12 was added to the Bill.

Clauses 13 and 14 were added to the Bill.

Clause 15.— (Provision of Section 18 etc.)

Pandit Thakur Das Bhargava: Sir, I beg to move:

Page 5, line 32—

after “all appeals” insert:

“pending at end”.

I gave my reasons yesterday, I do not want to repeat them. If the hon. Minister has not been impressed by those reasons, I do not think he will be impressed by any reasons that I may advance now. I place my amendment for the acceptance of the hon. Minister and the acceptance of the House. So far as my reasons for the same are concerned, I do not want to add anything.

Shri Mehr Chand Khanna: I gave my reply yesterday, Sir.

Mr. Deputy-Speaker: The question is :

Page 5, line 32—

after “all appeals” insert:

“pending at end”.

The motion was negatived...

Mr. Deputy-Speaker: The question is:

“That clause 15 stand part of the Bill.”

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16 was added to the Bill.

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

Shri Mehr Chand Khanna: I beg to move:

“That the Bill be passed.”

Mr. Deputy-Speaker: The question is:

“That the Bill be passed.”

The motion was adopted.

DISPLACED PERSONS (COMPEN-
SATION AND REHABILITATION)
AMENDMENT BILL

Mr. Deputy-Speaker: Before we take up the next Bill I want to point out that we have already overdrawn our time by about two hours and fifteen minutes. Now we should make an attempt to see that the Bill is finished by three o'clock when we take up the discussion over the railway disaster.

The Minister of Rehabilitation (Shri Mehr Chand Khanna): Sir, I beg to move:

“That the Bill to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954, be taken into consideration.”

I have already explained the reasons for which it was necessary to amend the Administration of Evacuee Property Act, 1950. Some of the amendments in that Act have necessitated consequential amendments to the Displaced Persons (Compensation and Rehabilitation) Act, 1954, also. Firstly, in certain cases evacuee properties, which are restorable under provisions of Administration of Evacuee Property Act, have already been acquired and allotted to displaced persons. In some cases, it may not be expedient or practicable to restore the whole or any part of such original property. Therefore, it is necessary that some provision should be made to

give alternative property or cash compensation to the evacuee owner; hence the addition of section 20(A), which will enable us to do so.

Secondly, as mentioned already, some doubts had been cast on the powers of the Custodians to recover certain types of dues under section 48 of the Administration of Evacuee Property Act. Section 21 of the Displaced Persons (Compensation and Rehabilitation) Act, which was based on section 48 of Administration of Evacuee Property Act, also has to be amended on the same lines.

We have taken this opportunity to remove certain other difficulties which were being experienced in the implementation of the Compensation Scheme. Coming to section 2(d) (iii), the existing definition of "Public Dues" contained in clause (iii) of sub-section (d) of section 2 of the Act does not cover the dues of a Corporation, or other bodies, or individuals, to whom house building loans were granted by the Ministry of Rehabilitation for construction of houses and who in turn sold these houses to displaced persons. The Sindhu Resettlement Corporation which constructed houses for displaced persons at Gandhi Dham is one such body. By the proposed amendment, it is intended to include the amounts due from displaced persons to these corporations or bodies, in the definition of "Public Dues".

With regard to section 2(e), the land claims of displaced persons from West Punjab and those of Punjabi extraction, were registered under the East Punjab Refugees (Registration of Land Claims) Act, 1948, and under the corresponding Patiala Ordinance and PEPSU Act, and they were allotted agricultural land in Punjab and PEPSU, under the Quasi-permanent Allotment Scheme. These allotments are now being made permanent. Some of these claimants, however, could not be allotted land so far. It is estimated that about 3,000 of such claimants had not been allotted any land, the claims of about

1,000 had been partially satisfied, and in about 4,000 cases lands could not be allotted as the claims were still under verification when the lands were acquired. This will make a total of about 8,000 cases. As all evacuee land in these States has since been acquired under section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, no land can be allotted except under that Act and against 'verified claims'. A 'verified claim' means a claim registered under the Central Displaced Persons (Claims) Act, 1950. It is now proposed to include in the definition of a 'verified claim', claims registered on or before the 31st May, 1953, under the said Punjab or PEPSU Acts, and verified as such, which could not be satisfied either wholly or partially, by allotment of evacuee lands under the Quasi-Permanent Allotment Scheme. It is also proposed to allot these 8,000 unsatisfied claimants, lands in Punjab on the same scale as admissible under the Quasi-Permanent Land Allotment Scheme.

Then about section 11(2). The existing sub-section (2) provides that all payments made by the Central Government in respect of maintenance allowance to displaced persons shall be recoverable by the Central Government out of the Compensation Pool. It has since been decided, and I am sure the House would welcome the decision, that all this expenditure which is about Rs. 137 lakhs should be treated as relief expenditure on displaced Persons and should be met out of the general revenues. In other words the Compensation Pool will benefit to that extent. It is proposed to delete sub-section (2).

With regard to section 19, the existing section 19 provides for the cancellation of any allotment for lease of an acquired evacuee property and gives powers to the managing officers to eject one whose allotment or lease has been cancelled. However, he has no such power in respect of Government built property or in respect of an unauthorised occupant or a trespasser. It is necessary to

[Shri Mehr Chand Khanna]

evict the trespassers in order to make proper use of the properties according to the Compensation Scheme. Hence this amendment has become necessary.

Then I come to section 20(1)(d); Section 20, sub-section (1), clause (d) provides for the transfer of shares of an evacuee in a company. It restricts such transfer to a displaced person only. There is no such restriction in the case of any other acquired evacuee properties which can be sold freely to any person. It is intended to remove this restriction in the case of the evacuee shares by a suitable amendment of the sub-section.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954, be taken into consideration".

Now, there is an amendment by Pandit Thakur Das Bhargava. Does he intend to move it?

Pandit Thakur Das Bhargava (Gurgaon): Of course.

Mr. Deputy-Speaker: He may proceed.

Pandit Thakur Das Bhargava: I beg to move:

"That the Bill be referred to a Select Committee consisting of Lala Achint Ram, Shri C. P. Gidwani, Shri N. C. Chatterjee, Shri Mehr Chand Khanna, Shrimati Renu Chakravartty, Shri U. M. Trivedi, Babu Ram Narayan Singh, Shri D. C. Sharma, Sardar Iqbal Singh, Shri Basanta Kumar Das, Dr. Ram Subhag Singh, Shri M. L. Agrawal, Shri Hem Raj, Sardar T. S. Akarpuri, Shri B. P. Jhunjhunwala, Shri Ranjit Singh, Shri N. C. Kasliwal, Shri Krishnacharya Joshi, Shri J. K. Bhonsle, Shri Bahadur Singh and the Mover, with instructions to report by the 1st December, 1956."

I gave some arguments while I made the same motion with regard to the other Bill, saying that that Bill

should be referred to the Select Committee. That Bill, happily or unhappily, is now finished. So far as this Bill is concerned, I want that, in addition to the arguments I submitted yesterday, I may be allowed to put in some more arguments today on this Bill.

This measure—the Displaced Persons (Compensation and Rehabilitation) Act—was placed on the statute-book in 1954, and it is usual, when an amending Bill comes up, to review the operation of the Act and see how that Act has been fruitful—whether of good results or bad results—and what the defects have been in the administration of that measure. If these defects were pointed out at length, I think much more time than has been allotted to this Bill will be required, and I do not think I will be justified in going into the various defects and the difficulties that we have experienced in regard to that measure which we passed in 1954.

At the time when that enactment was on the anvil, and when the Select Committee was considering it, I, as Chairman of the Select Committee on that Bill pointed out that, as a matter of fact, that Bill was a mere skeleton and the life had to be put into it through the rules. An Advisory Board was appointed to consider those rules and in answer to my submission at that time,—I do not wish to repeat all the things—I was assured by the hon. Minister of Rehabilitation that the rules would be passed almost unanimously and that every kind of facility would be afforded to the Members of this House and the general public to see that the rules are such as would be generally acceptable. An Advisory Board was appointed, the rules were framed by the Ministry and then referred to the Board for their advice. The Advisory Board framed certain rules which were submitted to the Ministry in due time. But, I am very sorry to submit that the rules framed by the Advisory

Board were not accepted by the Ministry, and in regard to very fundamental and material things, changes were made by the Ministry at its own will. When the rules were being framed, the Advisory Board took every precaution to see that the will of the Ministry was also given effect to. After all, they have to administer the law. The Advisory Board had not to administer it. The responsibility is that of the Ministry. The Advisory Board could only advise regarding the policy. Therefore, the Advisory Board called the responsible officers of the Ministry and with their consultation, and almost with their consent, enacted many of the rules, and made its report. But even after that, it so happened that many of the fundamental recommendations were not accepted by the Ministry and they made changes in the rules.

The rules were then brought before the House. Some of them were changed here and there or amended, and others were not. But, at the same time, I, as the then Chairman, occupying the chair, submitted for the consideration of the Ministry as well as to House that the rules could be changed as these rules were not in the nature of law of Persia or Medes. Now I understand that some of the rules have been changed and are sought to be changed. Therefore, I am submitting that in a measure of this kind, whatever has been accepted by the Ministry or by the House, or whatever has been made under the rules, are, of course, not sacrosanct, and that as our experience goes and as and when difficulties are revealed, we ought to be enabled to bring the difficulties to the notice of the Ministry and the Ministry should, in their wisdom, accede to popular wishes. After all, this is a matter in which the greatest satisfaction should be given to the refugees.

The Government have said that a sum of Rs. 185 crores worth of property lies in the compensation pool. When this Act of 1954 was on the anvil, a report was made by the Select Committee, in which all the 51 Members including the Minister asked the

Government to be pleased to add to the pool. We wanted that some more money should be given to the pool and when the final speech was being made by the hon. Minister of Rehabilitation at that time, he also said that the doors were not closed and that it would be seen if anything could be done subsequently to add to the part. When the rules were under discussion, I had reminded the hon. Minister of Rehabilitation, who is adorning this Ministry now, to be kind enough to use his efforts with the Government and to get some more money for this pool. I do not know how far he has succeeded. His best wishes and best efforts may or may not succeed. I cannot blame him if he has made his efforts and has not succeeded. But, at the same time, I would request him to join us in our attempt to get more money.

I know that in what I am going to say with regard to the amendments, it is not only he that can deliver the goods. He can only help us and go to the Government with his begging bowl; not only that; he should tell the Government of the real needs of the people, how the refugees are feeling and how, in spite of the Rs. 300 crores that have been spent by the Government by way of relief and rehabilitation, there is so much dissatisfaction among the refugees, not because of the administration only of the Ministry, but because the amount given is so meagre that full justice cannot be meted out to their needs, etc., of the refugees.

I have just prefaced these remarks with a view to ask the hon. Minister to use all his powers and all his determination and all his obstinacy to coerce the Government, to plead with them, to beg of them and do his best to compel them to add to the pool in any manner. If he cannot succeed there, I am afraid that with the best of his intentions, he will not be able to do all that he wishes to.

I am not here to put the entire blame on the Ministry. I know that the Ministry's powers are limited. The Ministry's resources are limited. They cannot do what they like. After all

[Pandit Thakur Das Bhargava]

the amount given is limited, and they cannot meet all their commitments and all that we wish them to do or they themselves wish to do. If we want that there should be greatest satisfaction among the people, it is absolutely necessary that something should be done by the Government. If they cannot add to the pool, at least let them lend money to the pool. If the money is not lent as desired by the Ministry, I am afraid that the people will have to go to the Government in various ways and beg of the Government to strengthen the hands of the Ministry by lending them more money.

13-29 hrs.

[SHRI BARMAN in the Chair]

In this connection, I would like to refer to the report of the Advisory Board which submitted for consideration of the Ministry that they should make efforts to dovetail a scheme of building houses to the claimants as well as non-claimants on the basis of the low income group scheme. I do not know what the financial commitment of this would be, but, at the same time, if this proposal were accepted, the entire problem of the refugees would have been solved. After all, now, to the ordinary people in the low income house group, 30 instalments are allowed. They are given money on easy terms, whereas for the refugees who are in a helpless situation, who are more helpless, the amount of instalment is so meagre that there is bound to be dissatisfaction. We knew it from the very start. When I consider that not only the resources of the refugees are meagre and they are helpless people, but also that the prices of those properties have been raised to an unconscionable extent, I shudder to think of the consequences. The previous Rehabilitation Minister, Shri A. P. Jain, said in this House during the discussion of the previous Bill of 1954 that he did not want to disturb the possession of any refugee. On many occasions before he had said the Government

had taken the liability and the responsibility of providing every person with a house and gainful employment. In these words the commitments were made. I know that when they started building houses for the refugees, the entire set of houses was meant for the refugees as such, not for claimants or non-claimants, but for both. Now subsequently when the Bill was passed, it may be said that when these houses were made over to the compensation pool, the prices of the houses was to be distributed by way of compensation.

Then, the policy changed. When the houses in Patel Nagar etc. were constructed, easy instalments were given not on the basis of the market value, but on the basis of the construction. Easy instalments were fixed, so that those people may be able to pay those prices and become owners. Those persons themselves built certain parts of the properties. In fact, I may just remind the hon. Minister and the Ministry how things have developed. I hope they will agree with me that this aggravation in the market value has taken place as a result of the habitations that have cropped up as a result of the efforts of the refugees in places which were long uninhabited and which were in a very dirty condition. In 1947, they were places where nobody would dare to go even in the day time. Stray dogs and other wild animals were staying there and the places were in a very bad condition. Now the market value has risen because the refugees have come and built their houses and because the Government has built the properties for them. The market value in 1947 was not the same as in 1956. When you are going to give this compensation in 1956, may I ask on what basis you are giving it? On what basis did you attest those claims for compensation? Not on the value of 1956. Why did you not give the compensation straightaway as soon as the claims were ascertained and verified? I know it was difficult; it was impossible.

Amendment Bill

I may submit for the consideration of the hon. Minister that when the compensations were appraised on the basis of a different value, then these properties should not be taken at the market value of 1956. In 1954, when the Bill was there before the House, Shri A. P. Jain said, market value has risen a great deal. I do not want to charge the entire aggravated value; I will be content with 8 annas of the rise in value. That was what he said. Even that we did not like. On the contrary, when the Advisory Board made the recommendation, it submitted a formula for the acceptance of the Ministry, as follows: The cost of acquisition of the land, which was practically negligible, plus the cost of construction, and then 10 per cent over that amount minus depreciation. If the price had been fixed according to this formula, whatever instalments you might have fixed, people would have been able to take them at this price. It is a concession you have given to the non-claimants that they can own property. Having given this concession, if you put it in a manner in which they cannot avail of the concession, it means you are giving by one hand and taking away by the other. This is not proper.

I am submitting that there is a great agitation at present among the refugees. It was so much that a person was on the verge of death only yesterday. I must congratulate the hon. Minister for his having agreed to save his life by agreeing to have a conference with those people. Nothing is lost by conferences. After all, he can do what he likes and what he thinks proper. But, he has really made a good gesture. I cannot vouch for it, but I understand from the papers that the hunger-strike has been called off, because the hon. Minister agreed to have a conference.

Shri Mehr Chand Khanna: Most of what the hon. Member has stated is not correct. I do not want to take his time, but I shall certainly say something about it when the opportunity arises.

Pandit Thakur Das Bhargava: My information is based on what I read in the papers. I do not know what has happened. If the hon. Minister has not contradicted me, I would have believed the newspaper report to be correct, because I know the hon. Minister to be a sympathetic person.

Shri Mehr Chand Khanna: May I add that some refugee gentlemen came to see me and I told them, "I never refuse to see my refugee brethren. In the morning, I see anybody and everybody who comes to see in my house, subject to my other engagements. To see me in office, appointments have to be made." On Sunday morning, a batch of refugees came to see me. They said they represented a section of the refugee population and a member of the party had gone on hunger-strike. They placed before me their point of view and I placed the Government point of view before them. Then they said, "can we come to see you again?" I said, as long as I happen to hold the portfolio of the Rehabilitation Minister, displaced persons can always come and see me; my doors shall always remain open to them.

Pandit Thakur Das Bhargava: I am glad that even this opportunity was taken by the people to give up the hunger-strike. I myself am very much opposed to hunger-strikes. When they came to me, I said that I could not be a party to it, though I knew the Minister would certainly hear what they had to say. But at the same time, it would be rather encouraging those who resort to hunger-strikes. I am dead opposed to it. This sort of pressure on the Government is entirely unjustified. There are other means. We are here to apply all the pressure and the hon. Ministers are here to hear us. Anyhow, I am glad the strike has been called off. If he had died, nobody would have heard me and the hon. Minister. The people will say, these people are very hard-hearted; they do not even agree to a conference.

I have submitted for the consideration of the hon. Minister two amend-

[Pandit Thakur Das Bhargava]

ments Nos. 14 and 16, wherein I have said that the number of instalments shall not be less than 12 annual instalments. I will revert to it again. As regards clause 2, I have to submit several things to the hon. Minister, and I hope he will agree with me. As a matter of fact, as time passes, it becomes more and more difficult for the Ministry and the hon. Minister to agree to what we are saying and to the inclusion of more claims. We also feel diffident in advancing those claims at a belated hour. But, in these cases where the justice of the claim is so plain or transparent, we cannot but bring it to the notice of the hon. Minister. I have, therefore, confined myself only to three questions. There are many more questions in which the decisions of the Ministry have not been accepted—we have to accept—people were not happy with the decisions. These three matters have been repeated *ad nauseum* and I will repeat them for the consideration of the hon. Minister, because I do not know of a stone which does not melt if you go on pouring water on it. It is in that spirit that I am making my submissions. This is not the first time that I am saying these things.

I would respectfully beg of him, if he could not respect my humble submissions, to look at what the Punjab High Court has said. The latest decision of Justice Khosla of the Punjab High Court is well known to the hon. Minister. I have got the Bill of 1950 in my hand which authorised the Government to indicate the classes of property for which compensation was to be given. I submitted before, and I repeat it, that class of property does not mean the class of persons owning property. At the same time, some of the matters are so clear that I do not think that the Ministry will be well advised in clinging to their decision. What does Justice Khosla say in his judgment? I came across a case in which a Sikh gentleman brought to me his verified claim. He wanted Rs. 130,000 for his properties. Only a sum of Rs. 27,000 was allowed, on the basis that he owned many houses

and out of the many one of them was worth more than Rs. 20,000. He was allowed more than 4 acres of land. Only one house was allowed for compensation and all the other houses of the value of Rs. 103,000 were ignored. I do not know why. Some gentleman in the Ministry made it a rule that only individual property of more than Rs. 20,000 will be taken into consideration, and the rest will be ignored. This was the most tyrannical piece of conduct for any official. I am glad he was not the Minister. A Minister would never be capable of such an atrocious decision. This decision was taken and it was a wrong decision. The Minister did not undo it. The difficulty is, a responsible officer of the Ministry did it, they are experienced officers and they have to be relied upon. They did it in view of the fact that our means are limited and even 15 per cent compensation could not otherwise have been given. The only way in which the amount could be raised to 66 per cent. for claims of Rs. 2000, etc., was because many claims were ignored. How much of property has been ignored, I beg to ask. Pakistan turns round and says, you have got only so much of properties, only Rs. 515 crores. We used to say, the Minister used to say, properties worth Rs. 2000 crores remain there. I believe much more property remains there. Have you considered movable property and the properties which have been ignored by the Ministry? After Justice Khosla's judgment that it was not justifiable not to verify these claims and not to give them compensation for these claims, it is a moot question what the Ministry will do. All these claims should be revived. All those persons who held rural buildings of the value of Rs. 10,000 and who owned four acres of land, properties more than Rs. 20,000 in value and people who held more lands, all these people should be now compensated, if the ruling of the High Court is to be respected. If the ordinary canons of justice are to be applied, I would ask, why should you give compensation to

a person who owns some property of the value of Rs. 21,000, and why should the rest of properties worth a lakh of rupees, not be taken into consideration? It is not justice. I would therefore beg of the hon. Minister now, to respect the decision of the Punjab High Court and to agree to include all these claims which have been ignored so far. This is not the first time that I have been complaining. I have complained of it before. I think the enormity of the decision is so patent that nobody in his senses could say that it is a right decision. I do not know how the Ministry will give effect to it. I am afraid the Ministry's work will be increased and there will be delay also in these cases. But, so far as these persons are concerned, who owned property like this, they will be too glad and they will congratulate the Minister and the Ministry if they just obey the decision of the Punjab High Court. That is the aspect of the matter.

Today, the hon. Minister is very anxious to satisfy the claims of those people in the Punjab whose claims have not been satisfied wholly or partially. For that purpose, he wants to introduce this change in clause 2 (2). May I call your attention to the number of people who are the victims of the tyranny of this Ministry? When the papers were received, allotments were made on paper. Thousands of persons who got four acres or less were not aware that these allotments had been made. The lands have not so far been given to them. Either they surrendered or they came to the officers and said, we want to get these allotments cancelled. They were cancelled by the officers. Because of the cancellation of these allotments, of their surrendering these allotments, of their being unaware of these allotments, nothing has been given to these people. They are the poorest in the land. Shri Ajit Prasad Jain said in his interim scheme, there are one lakh who never took possession. I beg to ask, what offence have they committed. If any person had a house worth Rs. 50,000 and he is allotted 1/20th of an acre, his claim for

Rs. 50,000 goes away. Is this justice? Is this fair? Should he not be allowed to say, I forego my claim for the land, let me get compensation for the house? The land was said to be allotted under an act which was passed in 1950. The lands were allotted after that. So far this rule is concerned, it came later in point of time so that the persons who got an allotment had no opportunity to choose either to forego the land or the rural houses. The rural houses are worth much more than these lands and the penalty has proved so grievous. I have known cases, I have seen with my own eyes cases, of a person getting 1/4th of an acre of 1/20th of an acre and his claim or her claim for Rs. 10,000, 15,000 has been set aside, has not been verified. These people who voluntarily surrendered their claims or whose claims were cancelled, with what face can the Minister meet? They are the poorest in the land and you do not give them anything. You have raised the compensation ceiling from Rs. 50,000 to 2 lakhs to the rich people. In the case of these people who got no land, on the basis of paper allotment, their compensation claims have been set aside. You still call it justice. In the case of people whose claims have not been satisfied in whole or partially, the hon. Minister feels the qualms of conscience that they have not been paid wholly or partially. But, in the case of people in whose name the paper allotment is still there, and who have not been given anything, he has nothing to say. I have sought to put in an amendment. Even my amendment does not go far enough.

Mr. Chairman: May I suggest to the hon. Member one thing? It is an amending Bill. Of course, the hon. Member has tabled amendments practically on all the sections. Only two hours have been allowed for the consideration of this Amending Bill. Instead of mentioning all these points now, if he takes the opportunity while he moves his amendments, that would be better. One or two other Members may be given an opportunity to make

general observations. He has tabled amendments practically to every section.

Pandit Thakur Das Bhargava: I Will accept your advice.

Mr. Chairman: Only two hours have been allotted; that is the difficulty.

Pandit Thakur Das Bhargava: Sir, You have been too long in the House and you know that it is practically useless to move amendments. Therefore what I do is this. I place my amendments before the Minister, because the reasonableness of the amendment is not the deciding factor. The deciding factor is something else. So, my usual rule now is to place my amendments before the hon. Minister, to make one speech and give all the amendments and then to sit and only take a very few minutes, almost infinitesimal amount of time, while moving my amendments. If you like, I can speak on the amendments as they come.

Mr. Chairman: I think that would be better. He can put forward the particular arguments that he wants to place in favour of the amendments.

Shri Mehr Chand Khanna: If the Member speaks now—his amendments are the same—then there will not be any speech required on the amendments.

Mr. Chairman: What I suggest is that the hon. Member himself has tabled amendments. There may be one or two other Members who want to make some general observations on this Bill. Let them have some opportunity, because only two hours have been allotted.

Pandit Thakur Das Bhargava: I was submitting about amendment 4 which wants to insert the words:

"including the claims of allottees of agricultural land who for

any reasons whatever were not given the lands allotted and whose claims to compensation for rural houses were rejected as a result of allotment of agricultural land"

One fine morning 6,500 claims were rejected—they were verified claims—on the plea that some persons were allotted some lands. Many of them were not really allotted. Allotment is defined in one of the Acts as taking possession of land. In these cases the allotment is only on paper, no possession has been given or taken. I am not saying they should be given both these things. That is not for me to say. Much water has flowed under the Ganges, and I cannot propose a thing like that, though it is very just. I only want those persons whose claims have been cancelled, who have nothing absolutely, should be given the rural houses if not land, or land. Something may be given, so that they may not say that the Ministry, though it gave lakhs of rupees to others, did not give anything to them who are the poorest in the land.

Now I come to clause 3. As you have warned me, about lack of time I will not describe the miserable conditions of the Rajasthan, Bharatpur and Alwar refugees. I have been submitting for the consideration of the hon. Minister and also responsible officers of the Ministry off and on, and requested them personally to, at least, go there once and look at the miserable condition and if they are satisfied that they are in a bad condition, it is their duty to see that some relief is given to them. But what has been done to them? The lands were leased out, and the leases were taken as allotments. They were ordered not to file claims because they had been given lands. If any of them did, the claims were rejected because they had been allotted land and now the rules require that they ought to pay another Rs. 450 per acre for the lands allotted. So, they are asked to pay and their

Amendment Bill

claims were not considered at all and they have not been given any compensation. I want their cases to be considered. On another occasion Shri Khanna was pleased to reply to my request that he would consider the claims of these people. He did consider their case, but my difficulty is he never went there, he never asked any of his officials to go there and look into the conditions. He treated the Ganganagar refugees and these refugees in the same way. He gave 15 allotments to the Ganganagar refugees who have got irrigated lands. It is all right. But so far as these people are concerned, I cannot utilise my time and the time of the House better than by repeating my request and submitting with all the emphasis at my command to Shri Khanna that he should go there himself. That is the best thing. If he goes there or sends Shri Bhonsle, everything will be all right. I have got no fears on that score. Or he may send any responsible officer there. They are all human beings. I have yet got faith in them, they will do the right thing, but unless he does it, I do not think he is competent to decide their cases. Their condition is too miserable for words. Ten thousand families have gone away from there, and the rest are passing their lives in utter misery. I would again repeat my request and say that their claims should be considered. At least they should be allowed to put in their claims, and those claims which have not been brought before the Ministry because of their notifications should be allowed to be filed because you are asking them to pay Rs. 350 per acre. Either you do not charge the price of the land, or ask them to file their claims. You cannot have it both ways. In regard to these three classes of persons I have specifically requested the Minister to consider them when he considers the other claims of the people of the Punjab.

In regard to the claims under clause 2(ii) there is one point which I wish to bring to the notice of the

hon. Minister. I understand from the Statement of Objects and Reasons which he has been pleased to give in this Bill that he wants that claims of these persons should be satisfied out of evacuee agricultural land in the Punjab. If that is so, it is all right. I think it is quite fair. But if he wants to give compensation to these persons outside the Punjab, then other people who live outside the Punjab have got an objection, not I. I do think every person who has a claim must be compensated either from Punjab land or elsewhere. But at the same time, I will not be right in not ventilating before the hon. Minister the ideas of those who want to take objection to this.

Shri Mehr Chand Khanna: I have not followed what he said. Will he clarify?

Pandit Thakur Das Bhargava: This compensation which will come under clause 2(ii) will be given out of Punjab evacuee lands or from other lands. This is the question. In the Statement of Objects and Reasons you have made it absolutely clear, and there is nothing against it, but there are some persons who have apprehensions. I told them that the Statement of Objects and Reasons is quite sufficient so far as I am concerned. But if the point is made clear, their apprehension would be allayed. So, I take it there can be no objection so far as that is concerned.

Shri Mehr Chand Khanna: You have already pointed out about the difficulties of some others. You said: "I want to point out about the difficulties or the criticism of others", not any person who is not of Punjab or of non-Punjabi extraction. You do not want to refer to them?

Pandit Thakur Das Bhargava: No, I do not want. As a matter of fact, this only refers to those who are in the Punjab. For the others you have already given a promise to give and they will all get their compensation as usual. In the rules it is quite clear.

Amendment Bill

[Pandit Thakur Das Bhargava]

Now I come to the question of maintenance. In the original Bill we had a provision about maintenance that it should be recoverable. Now, I find it is to be omitted in clause 3. So far so good. I think previously it was the idea of the Government that this amount of money paid by way of maintenance grant will not be recoverable. Now I find that in regard to Kingsway widows etc., this amount has already been recovered.

Shri Mehr Chand Khanna: Am I to understand from the hon. Member that the amounts given as maintenance grants have been treated as public dues under the compensation scheme?

Pandit Thakur Das Bhargava: Yes, exactly so.

Shri Mehr Chand Khanna: I wish he would send me that case. I would have it looked into.

Mr. Chairman: I shall just intervene and tell both the hon. Member and the hon. Minister that while they are making their speeches, they should address the Chair because otherwise there would be difficulty in reporting.

Pandit Thakur Das Bhargava: I was referring to maintenance grants. I understand that it is strange information that I have given to the hon. Minister. He thinks that no money has been recovered. If no money has been recovered, the position is quite all right, but if money has been recovered, as I am informed, that amount should be refunded, and I have put in certain amendments to this effect. It is but fair that it should be refunded.

Shri Mehr Chand Khanna: It will be refunded.

14 hrs.

Pandit Thakur Das Bhargava: Now, so far as 20A is concerned, I do not want to make any further comments since the hon. Minister has been kind enough to accept the principle of the

amendment that I wanted to make. Therefore, many of the amendments go away.

I come to clause 7. As regards clause 7 also, there have been some arguments in this House and it will not be profitable to repeat those arguments. I stand unconvinced by the arguments of the hon. Minister and Malviyaji with reference to the law of limitation, and the right of the Settlement Officer. I will take only two minutes to dispose of the arguments that have been advanced.

In the first place, they say that they want to see that work is expedited. Whether the work will be expedited or whether it will be prolonged will depend upon how the law of limitation is allowed to have its play. If you allow it to come into play much of the work would be reduced and no recovery need be made. No injustice would be there. For several years the things have been going on and at the end of the whole period you now change the law. Previously, they were feeling that they were happy. Now, is it prolonging or curtailing the work? You did not recover any amount before it has become barred by limitation and if you do not apply that now, much of the delay will be eliminated. My friend says, it has happened like this before. It has happened in the Compensation Act. There is a world of difference between the two. There is a world of difference between the case of a person who has to pay something to another person and he charges what is due to him from the proposed amount due to that person and says that he has no more to pay, and a case where you go after a man 7 or 8 years later and dog him wherever he goes and arrest him and get money out of him. This principle has been there all these 7 or 8 years. Why are you changing this at this late hour? There is no justification except that you want to realise the money. This is because you said that these properties were worth 100 crores or rupees and you want to realise that money so as to be able to make up

Amendment Bill

the amount. This is not going to the coffers of Government or the coffers of the hon. Minister. This is going to the pool. At the same time, look at it from the point of view of the individual against whom you will now proceed. The law of limitation is there and you are keen to seize the opportunity of realising to the last pie whatever is due. I say we should not depart from the general rule of law; it has been the law of the land. We should not depart from that after so many years.

I wish to call the attention of the hon. Minister to another particular matter. Some persons from my constituency came to me and gave me a copy of the judgment of a Settlement Officer. There were some uninhabited properties called the *kholas* in Ballabgarh. They were worth about Re. 1/- or Re. 1/8 per yard. They were rented by many people there and some people also raised some structures because there was a paucity of houses. After getting those *kholas* worth about Rs. 100 or Rs. 150, they put up some houses. But, when the question of payment of compensation came up, the question of evaluation of these *kholas* was taken up. Some of these structures were even constructed with the permission of the Custodian; but some were not. But the structure was valued at Rs. 2247/-. The refugees had not spent more than Rs. 1200 or Rs. 1300 on the construction of these houses and the *kholas* were taken for Rs. 100 or Rs. 150/- or were taken on a rental of Re. 1/- or Rs. 2/- per year. It is not only the value of the structure but the enhanced value which is twice the amount spent on it is taken into account when settling compensation. It is valued at Rs. 2247/-.

Mr. Chairman: Even if the house has been constructed by him?

Pandit Thakur Das Bhargava: Yes. It is great injustice. I want to bring this to the notice of the hon. Minister. I have given notice of amendments in this connection. I say that the value of buildings constructed by the claimants shall not be included. The only

price to be included is the price of the land; but, here even the value of the construction he has made, the enhanced value is taken from him. I submit that I want to have this amended.

I have to submit another thing for your consideration. It is this. I was speaking of instalments and I shall revert to it, with your permission.

Mr. Chairman: The hon. Member can speak on the rest of the points when he is moving his amendments. He has already taken about one hour.

Pandit Thakur Das Bhargava: About instalments also I have given amendments.

Mr. Chairman: The amendments are there and he will have to move them; he can speak then.

Pandit Thakur Das Bhargava: I do not want to take much of the time. Two hours for this Bill is too small. Though I am a member of the Business Advisory Committee by which this Bill was given this much time, I was at that time engaged in the discussion on the Harmful Publications Bill. Otherwise, I would have seen that proper time had been allotted to this. What is two hours for a matter of this nature?

I was submitting and I want to submit it for the consideration of the hon. Minister that on account of pressure on the Ministry we should not make concessions to the non-claimants to such a large extent that the paying of compensation may become difficult. There is a note which has been released by the hon. Minister. He has tried to have a proper balance between claimants and non-claimants. I have had the good fortune of reading that also. I am submitting for the consideration of the House one or two points which are very pertinent to that matter.

I submit that all these houses, whether Government built or otherwise, were actually meant for the refugees in general and not for claimants. This was the subsequent policy.

[Pandit Thakur Das Bhargava]

Secondly, the hon. Minister's predecessor and he himself have been telling people that it is the responsibility of the Government to rehabilitate these people. Rehabilitation includes gainful employment and shelter. Therefore, every person is entitled to shelter. Many of these persons have contributed to the making of these houses in certain colonies. The hon. Minister himself is responsible for extending that concession to the non-claimants. If a concession is given it must be given reasonably. It must be given in such a way that people may be able to take advantage of it. I do not claim that I know more of the helplessness of the refugees than the hon. Minister himself. But, at the same time, I also claim to have some knowledge and I can speak on the basis of what I have seen and known. I say, these people, thousands of them, will not be able to take advantage of the concession and they will have to be evicted after 2 years.

Shri Ajit Prasad Jain said that he will not disturb a single person because if he is disturbed then again it will become Government's responsibility. The Government will have to see that they get shelter. Therefore, the only remedy is to go to Government and to ask for more money, though, I understand, the hon. Minister is not so bankrupt as he has made out. After all, he got Rs. 40 crores, on account of his efforts, from the Finance Minister. Rs. 20 crores were given last year and Rs. 20 crores more will be given, even though that may not be enough, I realise. At the same time he knows better than I do that according to the scale, there will be about Rs. 20 or Rs. 30 crores which will remain with the hon. Minister after discharging this. That was the figure that was given. That may be wrong.

Shri Mehr Chand Khanna: That is not correct.

Pandit Thakur Das Bhargava: The figure given was correct, but the fact may or may not be correct. The

money may not be there. Even if the money is not there, is it not for you as the representative and guardian and trustee of these unfortunate people to see that you get these people somehow the help they need. Did you not see what happened yesterday? Yesterday a bridge collapsed in Madras and the hon. Minister concerned had to resign because it was his duty to see that the Railways were safe for travel. It is your duty to see that these helpless people are rehabilitated, and if you do not succeed, you have to resign. You know that Shri Ajit Prasad Jain had to resign because the compensation was not paid. It is your responsibility to see.....

Shri Mehr Chand Khanna: My predecessor was stepped up.

Pandit Thakur Das Bhargava: You will be kept up! The Minister of Rehabilitation is to rehabilitate people. If you find that they cannot be rehabilitated, what is the use of your sitting there? I am only saying these words in order to strengthen your hands, because I am sure that you may be able to say to the Government to "Accept my resignation on this basis. I give my resignation or else you allow me to go on and bring some help to these people." These people want help and you are capable of giving it. It is absolutely true that 90 per cent will not be able to take advantage of this, which means that you are bringing the Government into contumely and contempt. Government are giving them the concessions but they are not able to take advantage of those concessions. The Advisory Board submitted for six instalments and now the times have changed and you have doubled the price of the property and therefore it is submitted that you should at least double the number of instalments, and you must give not less than 12 instalments. This will not involve such a big amount as Rs. 30 or Rs. 40 crores. This may be much less. I am no expert and I do not know. My estimate is Rs. 30 crores and with

that you may be able to relieve them. I do not want to ask for Rs. 30 crores by way of gift; I want them to be given as loan so that you may be able to discharge your responsibility and bring succour to these people who are helpless and who in their desperation know nothing else except to come to you and resort to hunger strike and all that.

There are many other matters which I want to bring to the attention of the Minister. If I get some time more, I will certainly speak and mention the things that have been going on. I have got the priority list with me. If you will kindly give me five minutes more, I will mention them.

Mr. Chairman: I hope he will finish within five minutes.

Pandit Thakur Das Bhargava: I will certainly finish within that time.

The first thing that I will ask the hon. Minister to do is to kindly revert back to the prices of 1947, and this will rehabilitate the persons greatly.

Secondly, so far as these auctions are concerned, I will request him to publicise all these properties. I will further ask him to bring all Public Dues Officers and Loan Officers in one place, in one building, so that within two days this information could be passed from one to the other.

14-15 hrs.

[**MR. DEPUTY-SPEAKER** in the Chair]

Four months should not be taken for finding out what are the loans, etc.

The hon. Minister just promised to us that he would finish all his work within a certain time. That time will pass and ultimately we will have to ask him again to expedite his work. I think at least 10,000 cases per month should be disposed of. They have not been able to rise up to the defence, I do not know the cause. I will only request him to kindly finish them as early as possible.

So far as units are concerned, he has conceded something to the Khan Market people. I do wish that he took

a similar view in regard to the other people. We receive general complaints; we receive letters and letters, we see officers and speak to them, but nothing happens after that. I know of cases in which the men applied through me for a claim. They are in the priority list, and yet those priority claims have not been so far compensated, and even no reply has been given to our letters and complaints.

Even in regard to priorities, where the claimant's age is 65 and above, there were 5,940 cases, and out of them only 397 have been disposed of. Therefore, about 5,400 cases still remain, in which the persons are above 65 years of age, with one foot in the grave. They will get their compensation after the grave has engulfed them. (*Interruption*). I am more than 65; I am not an applicant; now will you give me anything. At the same time I have got friends who really need this compensation. There was a claimant who approached Shri Jhunjunwala with a long letter of complaint. I advised him to send it to the hon. Minister. He is over 65 and is still waiting for getting this compensation. Perhaps as soon as the compensation comes, he will die. Out of 5,940 cases, you have disposed of 397 cases.

Mr. Deputy-Speaker: If he dies now, that will be out of disgust. If he dies then, that will be out of joy.

Pandit Thakur Das Bhargava: As regards students having verified claims, we all congratulated him for coming to the help of these students. Out of 91, nine were given help. So, should I take back my congratulations? Kindly give them as soon as possible, because acceleration or expedition is the essence of the matter.

I would wish the hon. Minister to be in a position to give an assurance that all these priority claims will be finished within two months. It will be a great satisfaction to all the refugees in the land.

Mr. Deputy-Speaker: Now I must request the hon. Member to conclude.

Amendment Bill

Pandit Thakur Das Bhargava: I thank you and your predecessor for having given me so much time and so I have to curtail my speech now without being able to bring all the facts that I wanted to bring.

Mr. Deputy-Speaker: Amendment moved:

"That the Bill be referred to a Select Committee consisting of Lala Achint Ram, Shri C. P. Gidwani, Shri N. C. Chatterjee, Shri Mehr Chand Khanna, Shrimati Renu Chakravartty, Shri U. M. Trivedi, Babu Ram Narayan Singh, Shri D. C. Sharma, Sardar Iqbal Singh, Shri Basanta Kumar Das, Dr. Ram Subhag Singh, Shri M. L. Agrawal, Shri Hem Raj, Sardar T. S. Akarpuri, Shri B. P. Jhunjhunwala, Shri Ranjit Singh, Shri N. C. Kasliwal, Shri Krishnaacharya Joshi, Shri J. K. Bhonsle, Shri Bahadur Singh and the Mover with instructions to report by the 1st December, 1956."

Shri Gidwani (Thana): I do not want to repeat what my friend, Pandit Thakur Das Bhargava, has said. I endorse every word of his speech.

The purpose of this amending Bill is such that there can be no opposition to it, but on questions of general importance, dealing with the compensation issue, I will not take the time of the House and repeat the same thing. I will mention just three or four points.

One point is about the prices fixed for the Government properties in colonies. If the Government today is realising enhanced prices in auctions from certain properties, should they not also accept the principle that they should accept the marketable price of those houses which are in the different colonies far away from cities? Their value is very little in comparison to the cost which the Government is charging there. I have received a number of complaints. When Shri Bhonsleji visited Ahmedabad, he must have seen some of the houses built there in the colonies. I do not know how they were built. Even now, after 7 or 10 years, they

are in a dilapidated condition, and the prices were fixed very high. I am told, subject to correction, that in the Sardarnagar Colony at Ahmedabad, Rs. 9 per square yard has been calculated as the price of the land, while in the neighbouring Kubernagar Colony, which has been established there for a pretty long time as a local township or village, the value of the land is about Rs. 2 per square yard. This I came to know when we applied for a plot for the school, and then we were told that the land price at the Colony was about Rs. 9 per square yard. I do not know it, but it is a matter for enquiry. This is the general complaint all over that the prices are very heavy and the construction work in most of these colonies is very defective. I do not blame the Government, the Central Government, for this. Work was carried on in many places where they had no control over the construction, but it is very hard on people who are living there to be charged high prices when the value at those places is very low as compared to the prices that they are being charged. It is a matter for thorough enquiry.

In at least one or two colonies—I am aware of it in Nagpur—even Mr. Johnson who had seen those places had appointed some officers and I am told some concessions were given. If some concession was given in Nagpur, it is not a solitary place. I find a number of similar cases and similar concession should be given in respect of these cases also. In distant colonies if you were to auction the houses, you will not get this price. There is a colony called Gandhinagar in Kolhapur and some vacant houses, when auctioned, would not even fetch one-third of the price paid by the Government. Only one principle should be adopted. When I raised this question, Shri A. P. Jain said that they would be sold at the marketable value. If it is to be charged in one place, the same principle should be applied to other places also.

Pandit Bhargava spoke so much about the rural agriculturists. In

Amendment Bill

regard to non-Punjabis, there are several difficulties. They have not been allotted enough land. Or, a person living in Bombay has been allotted land in Hyderabad and a person at Aligarh has been allotted land in Sultanpur or some far away place. Firstly; they cannot make use of that land. Even if the land has been allotted to them, they are not getting possession, after spending hundreds of rupees and after going there. The *kisans* refuse to give possession. Is this compensation? On the top of it, the claim for rural property is rejected. A double wrong is done to them and thus they have got practically no compensation.

There is this discrimination between urban claimants and rural claimants. In the case of urban claimants, if they have got land as well as houses, they get compensation for both. The same principle is not applied to the rural claimants. Why? Again, if the urban claimants do not accept any allotable property, their claim is not satisfied to that extent. If the rural agricultural claimants do not accept any allotment for physical reasons, they are treated differently. I know the case of a man aged seventy years getting eight or nine acres of land about 200 miles away from where he resides. He cannot go there to cultivate the land. He has not been able to get possession of the land nor could he make any use of it. His rural property worth a little less than 19,000 is lost. It is very hard and unfair.

We have put certain urban claimants in the priority category. Their number is increasing. I am glad about it. I saw there were people whose sons were getting education in U.K. They must be fairly rich, comparatively. Then, there are people whose sons are studying in the engineering colleges or getting education in the military college as cadets. They are all getting 8,000. But, in the case of rural claimant—a widow or an old man suffering from cancer or TB and if he possesses 18 acres and 4 *guntahs*, such persons are not put in the priority category. I wrote to the 501 L.S.D.—3

Minister about this. These persons are not physically in a position to look after their property. Priorities have been fixed on humanitarian grounds. In my opinion, he has gone even beyond that and it is not even mere humanitarian ground. A person whose son is studying in England is getting cash compensation. That has been done for various reasons. But, in the case of these unfortunate widows and old men who had only agricultural land, you will not give them cash up to 18 acres; the rest may be given as you have done in the case of urban property. Why this discrimination? I have not been able to follow or swallow this. I am told that some representations came to him and another priority category was announced. But, why not accept our suggestion? There may be difficulties. He has written to me that we will have to apply the same thing in the case of Punjab. I do not know how many Punjabis will be there. If a Punjabi agriculturist is suffering from TB or cancer—a person holding 19 acres—or some other disability, should he not get that advantage? You are giving cash to so many urban claimants. Why should the claim of an agriculturist, remain satisfied to that extent, even if he did not accept some allotment, while, in the case of the urban claimant, it will be settled sometime afterwards? If that is the spirit in which we give compensation to the rural claimants, I say that it is against the declared objective of the Congress—the establishment of the socialist pattern of society. The rural people who are backward and who cannot look after themselves also deserve our sympathy—not only the urban people. I would, therefore, suggest to the hon. Minister to review the whole question of compensation, having in view Pandit Thakur Das Bhargava's remarks and Shri Khosla's judgment, and to revise the whole policy.

There is another case also.

Mr. Deputy-Speaker: I agree with the hon. Members that when the amending Bill is being discussed, the principles in the original Bill relat-

[Mr. Deputy-Speaker]

ing to that, comes under discussion but we should not go into the minutest details and give cases one after another.

Shri Gidwani: It is just to show the enormity of the problem. Seventy displaced persons were allotted land in U.P. It was Government waste land; and it was allotted on account of the Grow More Food campaign. They got taccavi loan also. After one year, that land was surrendered. Government took back the land and the Collector very properly and justly converted the rural loans into urban ones. Now, they are not in possession of that land. You will be surprised to know that all their claims for rural houses and property have been rejected though they were verified. The hon. Minister has said that he cannot open this question because the same principle will have to be applied to other cases also. But all these different conditions require sympathetic reconsideration. Otherwise our scheme will fail.

About the maintenance allowance, I am glad that Pandit Thakur Das Bhargava mentioned that point and Shri Mehr Chand Khanna also agreed that if there are certain cases in which it has been recovered from compensation the amount will be refunded to them. I had also received some complaints previously, but I do not want to say anything more.

Then I want to say something about the pace of work. It is now the end of 1956. We were told that the whole work will be over within three or four years. At the rate at which we are proceeding, I do not know how many more years it is going to take. If the delay is due to inadequacy of staff that must be made up. I know, on account of certain things that happened, the Government has to be very careful. Certain bogus applications were filed and, therefore, the Government has to be very vigilant. I share their view in that. But that does not delay the process. If more staff is needed we must appoint more. As regards money, if nothing else, our Minister is very clever in the art of persuading the Finance Minister to get

more money. After all it will be a sort of a loan. Formerly it was said that the work will be over and, therefore, the Government will not give more money. Now that the East Bengal problem is continuing—and heaven knows when it is going to be over—there is no dearth of money. After all it will be a book entry. If the loan is advanced for that purpose, or even from the general Grant, and the work finishes in two years instead of taking five years, there will be no more expenditure and, on the contrary, there will be some saving.

Sir, I again repeat that instead of rehabilitating these people, who are non-claimants, something should be done to give them relief. When the Government has launched so many schemes—low-income housing scheme and other housing schemes for Government officers—I think the time has come when the Government should give some help to these people by way of loan etc. It will only be a book entry and our Ministry may reimburse the same as soon as they recover the amount, or these houses may be transferred to them. It will be very wise, it will be very prudent and it will also be human if we revised the whole scheme and settle the instalment issue to the satisfaction of those who can afford to pay.

श्री मेहर चन्द खन्ना : जनाब वाला, जो बिल (विधेयक) मैं ने अभी पेश किया था वह एक बहुत लिमिटेड नेचर (सीमित प्रकार) का था। जो बिल आज पहले पास हुआ, ग्रमेंडमेंट ब्राफ दि इक्विवी प्रापर्टी ऐक्ट (निष्क्रांत सम्पत्ति अधिनियम का संशोधन) उस के कुछ कांसिक्वैशाल चेन्जेज (प्रानुबंधनिक परिवर्तन) थे, जैसा मैं ने अपनी तकरीर में भी कहा था। लेकिन इस बिल के मताल्लिक तो सिवा इस के कि मेरे दोस्त पंडित ठाकुर दास भार्गव ने यह कहा हो कि इसे सेलेक्ट कमेटी (प्रचर समिति) में ले जाया जाय, बाकी जो तमाम चीज जेरे बहस आई वह कम्पेन्सेशन स्कीम (प्रतिकर योजना) आई। मैं बड़े गौर से सुनता रहा

कि शायद कोई भाई कहे कि साहब, तुम यह गलती कर रहे हो, तुम्हारी यह तरमीम दुरुस्त नहीं है। लेकिन इस का चिक्र नहीं हुआ। जैसा मैं अर्ज कर चुका हूँ, मुझे खुशी है कि आप इस वक्त कुर्सी सदारत पर बैठे हैं क्योंकि आप इस तमाम प्राबलेम (समस्या) को जानते हैं। अगर मैं गुस्ताखी नहीं करता तो मैं अर्ज करूँ कि आज की तकरीरों और उन तकरीरों में जो कि पिछले साल सितम्बर के महीने में इसी एवान (सभा) में की गई थीं, शायद कोई कामा या सेमीकोलन का फ़र्क ही होगा कोई और ख़ास फ़र्क नहीं है। जो तरमीम आज आ रही हैं और मेरे मोहतरम (सम्माननीय) दोस्त पंडित ठाकुर दास भार्गव ने दी हैं, उन में से कोई तरमीम ऐसी नहीं है जो कि उन्होंने सितम्बर के महीने में पेश न की हो और इस हाउस में पूरी तौर पर जेरे बहस न आई हो और उस का फ़ैसला न हुआ हो। आज मैं उन तमाम बातों की तरफ़ नहीं जाना चाहता, लेकिन दो तीन चीज़ें हैं जो कि ज़रूरी हैं और उन के बारे में अर्ज कर दूँ।

पंडित जी ने कुछ ताना दिया इस बात का कि एंडवाइज़री बोर्ड (मंत्रणा बोर्ड) की जो सिफारिशात हैं, उन पर आम तौर पर झमल नहीं किया जाता, या उन को माना नहीं जाता। मैं ने पहले भी कहा था और अब भी कहता हूँ कि यह बात दुरुस्त है कि मैं ने उन की बात को १०० फी सदी तो नहीं मानी हो, ७० फी सदी मानी हो, या ७५ फी सदी कहिये, ८० फी सदी कहिये। मैं ने हत्तुल-मकदूर (यथासम्भव) कोशिश की है कि जो भी उन की सिफारिशात हैं, उन पर झमल करूँ। अब सवाल पैदा होता है कि जो किस्तें हैं, इंस्टालमेंट्स हैं वह थोड़े हैं। चूंकि मेरे मोहतरम दोस्त ने, जो कि खुद एंडवाइज़री बोर्ड के मेम्बर हैं, बारह बरस की किस्तों का चिक्र किया है, जो कि मैं ने अखबार में पढ़ा है, शायद मेरे पास मिनिस्ट्री में भाई हों, लेकिन मुझे देखने का मौका नहीं

मिला। दो तीन रोज़ दूये उनकी मीटिंग हुई।

मैं ने हत्तलमकदूर कोशिश की है कि एंडवाइज़री बोर्ड की जो भी सिफारिशात आई हों, उन के मुताल्लिक आम तौर पर चिक्र न करूँ, लेकिन चूंकि खुद वह मेम्बर हैं और उन्होंने चिक्र किया है अपनी १२ बरस की नई सिफारिशा का, इसलिये मुझे आज कहना पड़ता है कि इसी एंडवाइज़री बोर्ड ने, जिस के सात मेम्बर हैं, सिवा चेंबरमैन (सभापति) के, हमारे बख्शी साहब, जो बीमार हैं, चेंबरमैन बदला हो, बख्शी साहब की जगह श्री चन्दु लाल पारीख आये हों, बाकी तमाम के तमाम मेम्बर साहबान वही हैं जो थे। उनका नाम पंडित ठाकुर दास भार्गव हैं, उन का नाम सुचेता कृपालानी है, उन का नाम श्री सिषवा है, ज्ञानी गुस्मल सिंह मसाफिर हैं, डा० अनूप सिंह हैं। आप ने एक बरस हुआ सिफारिशा की थी कि किस्तें पांच होनी चाहियें। साथ ही यह भी सिफारिशा की जो कि जायदाद की एलाटेबल लिमिट (आवंटन योग्य सीमा) १०,००० हो, जितनी दूकानें और मार्केट्स (बाज़ार) शहर में बनी हों, उन को नीलाम कर दिया जाये। मैं ने इस जगह उन की बात नहीं मानी। एक दूसरी जगह एंडवाइज़री बोर्ड की बात को समझ लीजिये कि ८० फी सदी तक मानी। जहां आप ने पांच बरस कहा, मैं ने चार बरस माना। जो दूकानें कोलोनीज (बस्तियों) के बाहर हैं, उन में, आप चूंकि दिल्ली को जानते हैं, गफफार मार्केट समझिये, खान मार्केट समझिये, भगत सिंह मार्केट समझिये, देशबन्धु गुप्त मार्केट समझिये, बहुत सी मार्केट्स हैं, हर एक शहर में बनी हैं। मैं ने यह मुनासिब समझा कि जब १०,००० की तमाम जायदाद को हम एलाटेबल कर रहे हैं, तो शायद मेरे लिये यह मुश्किल हो कि मैं तमाम दूकानें जो कालोनीज के अन्दर हैं उन को तो एलाटेबल कर दूँ और जो दूकानें और मार्केट्स बाहर हों, उन को एलाटेबल न करूँ। तो

[श्री मेहरचन्द खन्ना]

मैं उनकी इस सिफारिश से एक कदम आगे बढ़ा। लेकिन जहाँ उन की पांच बरस की सिफारिश थी वहाँ मैंने चार बरस की मानी। इस हद तक उन की सिफारिश को मैंने नहीं माना। अब आपने सिफारिश की है कि बजाय पांच बरस के बारह बरस हो जाये। मैं अर्ज कर चुका हूँ कि मैंने उन की सिफारिश को नहीं देखा, अखबार में पढ़ा है। मुझे नहीं मालूम कि आया गुज़िस्ता सितम्बर से लेकर इस साल के दौरान मैं कौन से नये हालात पैदा हुये हैं जिन हालात ने ऐडवाइज़री बोर्ड को मजबूर किया है कि वह जो उन की पांच बरस की सिफारिश थी, उस को बारह बरस तक बढ़ायें। मुझे उस के रीजन्स (कारण) दिखायें। अगर दरहकीकत कुछ माकूल रीजन्स हैं तो आज तो मेरे लिये कहना मुश्किल है कि मैं क्या करूंगा, लेकिन ऐडवाइज़री बोर्ड की जो सिफारिश आती है, मैं उस को गीर से देखता हूँ। लेकिन अगर नान-क्लेमेंट (नैर-दावेदार) आज मौजूद हैं तो नान-क्लेमेंट एक बरस पहले भी मौजूद थे। अगर इक्की प्रापर्टी पहले थी तो आज भी है।

श्री च० छ० नायर (बाह्य दिल्ली) : लेकिन पेंमेंट (भुगतान) आज करना पड़ रहा है।

श्री मेहर चन्द खन्ना : जब आपने पिछले साल ये रूल्स पास किये थे उसमें आपने मुझे चार बरस में पेंमेंट वसूल करने का अधिकार दिया था। आप उसमें शामिल ह।

मैं सिर्फ यह अर्ज कर रहा था कि मेरा कसूर सिर्फ इतना है कि मैंने पांच के बजाय चार कर दिया और मेरा कुछ कसूर नहीं है। हमने क्या किया है? हमने यह किया है कि जिस की पाकिस्तान में कोई जायदाद नहीं थी, जिसका पाकिस्तान में कोई मकान नहीं था, हमने हिन्दुस्तान में उसे रिज़र्व ग्राइस (सुरक्षित मूल्य) पर जिस पर क्लेमेंट

(दावेदार) को जायदाद मिलती है, हमने सहूलियत दी मालिक बनने की। और जनाबा, एक बड़ी सहूलियत और दी है। आज कहा जाता है कि तुम्हारा जो इवैल्युएशन (मूल्य निर्धारण) का तरीका है वह दुरुस्त नहीं है। असल में बात यह है कि दिल्ली हिन्दुस्तान का दारुलखिलाफ़ा (राजधानी) है, गोपालन साहब भी यहां बैठते हैं, त्रिवेदी साहब भी यहां बैठते हैं और भार्गव साहब भी यहां बैठते हैं और हुकूमत भी यहीं है। तो दिल्ली के भाई आम तौर पर हमारे लीडर साहिबान को काफी आसानी से मिल सकते हैं।

श्री गिडधानी : उनका असर आप पर होता है लेकिन बाहर वालों की कोई सुनवाई नहीं होती।

श्री मेहर चन्द खन्ना : जरा सुन लीजिये। लेकिन जो भाई रिवाड़ी में बैठा है जो पलवल में बैठा है, चाहे हमारे मोहतरिम दोस्त ठाकुर दास जी की कंस्टिट्यूंसी (निर्वाचन क्षेत्र) ही क्यों न हो, मैं उन से पूछूंगा और उनसे कहूंगा कि आप मुझे अभी नहीं फिर राय दें कि जो आपने फार्मूला (सूत्र) बनाया है कि एकचुअल कास्ट (वास्तविक लागत) के बेसिस (आधार) पर १० पर सेंट (प्रति शत) तुम ज्यादा लगा लो, आया यह फार्मूला रिवाड़ी पर भी मैं लागू कर दूँ और पलवल पर लागू कर दूँ। वहाँ तो हालत यह है कि नान-क्लेमेंट्स किसी जायदाद के नजदीक नहीं आना चाहते।

पंडित ठाकुर दास भार्गव : क्या यह दुरुस्त नहीं है कि पलवल और मुडगांव में भी कीमतें आपने बहुत ज्यादा कर दी है?

श्री मेहर चन्द खन्ना : यह बिल्कुल दुरुस्त नहीं है।

उपाध्यक्ष महोदय : मैं यह बतला देना चाहता हूँ कि हमने यह फैसला किया है कि तीन बजे तक इस बिल को खत्म कर दिया जाये।

श्री मेहर चन्द खन्ना : मैं पांच मिनट में खत्म कर दूंगा ।

परसों इन्होंने फरीदाबाद के भाइयों की बड़ी दाद दी और उनकी बड़ी तारीफ की । चूंकि मैं भी पठान हूं, मैं भी उठ कर बैठ गया कि आज मेरे भाई ने पठानों के नाम से मेरे सिर पर भी सेहरा बांध दिया । खैर, मैं कहना चाहता हूं कि आपके हलका नियाबत में जो कीमतें लगाई गई हैं, फरीदाबाद में, उनमें मैं ने आपके फार्मुले के मुताबिक जो १० पर सेंट लगाना था वह भी नहीं लगाया । हमारी जायदाद है बोर्डर (सीमा) पर । गिडवानी साहब जानते हैं कि जूनायद में है, पिम्परी में है, कोल्हापुर में है और दूसरी जगहों पर है । लेकिन आज वह वहां खाली पड़ी है, कोई लेने वाला नहीं है । तो इसलिये मैं बड़े अदब के साथ कहना चाहता हूं कि आपका जो फार्मुला है उसको मैं स्वीकार नहीं कर सकता क्योंकि मेरे सामने जो सवाल है वह हिन्दुस्तान के शरणार्थियों का सवाल है, इस मिनिस्टरी के सामने जो सवाल है वह उनकी आबादकारी (बसावट) का सवाल है और सिर्फ दिल्ली की थोड़ी सी जनता का ही नहीं है । हम कोशिश करते हैं कि इन्साफ हो ।

आपने जिक्र किया कि हम चाहते हैं कि लोग बेदखल न किये जायें । तो जनाबे वाला, आपकी इजाजत से मैं इस एवान को अपने बोनाफाइडीस (सद्भाव) की सब से बड़ी दलील यह देना चाहता हूं कि जहां हमन नान-क्लेमेंट्स के लिये यह फैसला किया है कि उनका ३०० तक कर्जा माफ हो, जहां उनको यह हक है कि जो अच्छी चीज है उसको वे खरीद लें और जो चीज उनको नापसन्द है उसको वे छोड़ दें, यह हक क्लेमेंट्स को नहीं है । जहां उन को यह हक है कि चीप टेनेमेंट्स स्कीम (सस्ती गृह योजना) के नीचे ५०० रुपया जो उनको बतौर ग्रांट मिला है वह माफ कर दिया जाये, क्लेमेंट के लिये नहीं है, वह इसलिये कि वह डिसेरप्ट

न हो, इस लिये कि वह यानी नान क्लेमेंट बैठा रहे ।

जनाबे वाला, अभी थोड़े दिन हुये हमने कहा है कि अगर कोई नान-क्लेमेंट्स किसी फ्रेंड (दोस्त) को, किसी रिलेशन (रिश्तेदार) को, किसी भी क्लेमेंट को अपने साथ एसोसियेट (सम्मिलित) करना चाहता है तो हमारी मिनिस्ट्री उसको इजाजत देती है ताकि एक भाई का तो क्लेम चुकता हो जाये और दूसरा भाई जो है वह मालिक का मालिक बना रहे । अगर हमारे दिल में थोड़ा सा भी यह खयाल होता कि हमने इससे कोई फायदा उठाना है तो हम ये सूलियतें नहीं देते ।

यहां पर कस्टोडियन प्रापर्टी का जिक्र भी किया गया है और कहा गया है कि हम नाजायज तौर पर लोगों से फायदा उठा रहे हैं । जनाबे वाला, सितम्बर, १९५६, में यानी दो ही महीने हुये हैं, हमने एक प्रेस नोट निकाला है और उसमें यह साफ तौर पर कहा गया है :

"It has been decided that no attention should be paid to improvements, etc., in respect of which written permission of the Custodian has not been obtained. Where such permission is forthcoming, the property should be evaluated as a whole as it exists now, and from this should be taken out the value of improvements, additions, etc., to arrive at the correct evaluation of the property."

इसकी एक कापी मैं भागवत जी को भी भेज दूंगा ।

सिर्फ एक दो चीजें और हैं जिनका जिक्र करके मैं खत्म कर दूंगा । आप फरमाते हैं कि बेवा बहनों को जिनकी तादाद कोई ५,००० या ६,००० है उनमें से सिर्फ दो सी या तीन सी को ही आज तक कम्पेंसेशन मिला है और ज्यादा को नहीं मिला है । यह चीज दुस्त है । क्यों ज्यादा को नहीं

[श्री मेहर चन्द खन्ना]

मिला इसको मैं अर्ज कर देना चाहता हूँ। पहले तो हमारी मिनिस्ट्री ने इंटरिम स्कीम (अन्तरिम योजना) के नीचे सिर्फ चार या पांच प्रायोरिटीज (प्राथमिकताएँ) रखी थी। होते होते उनको १८ कर दिया गया और उसमें टी० बी० के मरीज, कैसर के मरीज, वे भाई भी जिन की दिमागी हालत अच्छी नहीं, वे लड़के भी जो कालेजों में पढ़ते हैं, स्कूलों में पढ़ते हैं, पहले की बेवार्यों हैं जिन की पहले अर्जियाँ मंगाई गई थीं इत्यादि को शामिल कर लिया गया। तो प्रायोरिटीज ५ से १८ हो गई। हमने कहा कि देखा जाये कि इनमें ज्यादा बलनरेबल (आक्राम्य) कौन है। तो जनाब वाला, हम ने यह कहा कि १३ या १४ प्रायोरिटीज को मोर (अधिक) बलनरेबल समझा जाये ६५ साल के ऊपर के बूढ़े भी थे और १९५३ से बाद की बेवार्यों भी थीं।

मैं ने कहा कि १९५३ के पहले की बेवा भी वैसे ही बवा है जैसी कि कल की है। खैर, जहाँ तक १०,००० से नीचे के जिन के क्लेम हैं उनके बारे में मुझ से तसल्ली मांगी गई है और जनाबे वाला, मैं बड़े अदब के साथ यह एक्शोरेंस (आश्वासन) देना चाहता हूँ कि जहाँ तक इन प्रायोरिटीज का ताल्लुक है और उसमें मैं बेवामों को भी शामिल करता हूँ, उसमें ६५ बरस के जो बूढ़े हैं उनको भी शामिल करता हूँ, उन सब को ३१ मार्च, १९५७ से पहले आसिबाय इनमें कुछ रह जायें तो रह जायें, बाकी सब को मैं खत्म कर दूँगा। मैं यह भी कहना चाहता हूँ कि मैं १०,००० की प्रायोरिटी को भी शुरू करने वाला हूँ और उसमें से भी कोशिश करूँगा कि जितने ज्यादा से ज्यादा ऐसे हों जिन को कम्पेन्सेशन मिल सकता हो, मिल जाये।

मैं गिडवानी साहब को एक चीज कहना चाहता हूँ। अभी उन्होंने जिक्र किया कि जिन का १८ एकड़ का क्लेम है, उनमें कुछ बेवार्यों हैं, कुछ यतीम हैं, उनकी तरफ हमने आज तक

ज्यादा ध्यान नहीं दिया है पहले हम इन्हीं प्रायोरिटीज पर चल रहे थे। अब हम ने यह फ़ैसला किया है कि उस चौथी प्रायोरिटी को भी रख देंगे और कोशिश यह करेंगे कि हमारे उस रूल के मातहत उन को जो मिलना है, उन को भी मिलना शुरू हो जाय।

श्री गिडवानी : किस रूल के मातहत ?

श्री मेहर चन्द खन्ना : जो रूल बनाया गया है। इस वक्त मुझे याद नहीं है। शायद वह रूल नम्बर ६५ है।

श्री गिडवानी : रूल में तो यह है कि अगर १८ एकड़ से ज्यादा हो, तो नहीं मिलेगा।

श्री मेहर चन्द खन्ना : पंजाब की क्वा-सार्ड-परमिनेंट एलाटमेंट स्कीम (अर्ध-स्थायी आर्बंटन योजना) का जो एक स्केल ७५ पर सेंट तक जाता है, वह तो मैं लेने के लिये तैयार हूँ, लेकिन अगर उस स्कीम से कोई डिस-एडवाण्टेज (असुविधा) हो, तो मैं नहीं ले सकता। इस सिलसिले में हम ने दो बातें की हैं। एक तो यह किया है कि पहले पंजाब में कोई कैश (नकद) नहीं था, लेकिन हम ने रूरल क्लेम्ज (ग्रामीण दावे)—एग्रोकल्चरल क्लेम्ज (कृषि दावे)—में भी किडोज (विधवाधर्मों) के लिये कैश रखा है। दूसरा काम हम ने यह किया है कि पंजाब में किसी देहाती को यह इजाजत नहीं कि वह अपने रूरल क्लेम के बदले अरबन (नगरीय) जायदाद खरीदे—वह नहीं खरीद सकता, लेकिन हम ने यह सोच कर कि चूँकि गैर-पंजाबी को आज तक जमीन लेने का मौका नहीं मिला, इसलिये हम ने उस को यह भी सहूलियत दी है कि अगर वह शहरी जायदाद खरीदना चाहे, तो खरीद सकता है।

जनाबे वाला, चूँकि समय खत्म हो रहा है और पांच मिनट में आप ने इस बिल

को पास कर देना है, इसलिये मैं इस पर ज्यादा बहस नहीं करना चाहता हूँ। सिर्फ यही कहना चाहता हूँ कि हमारी स्वाहिसा है कि पेस आफ़ वर्क (कार्य की गति) जितना बढ़ा सके, वह बढ़ाया जाय।

श्री श्री० कृ० नायर : जो नान-क्लेमेंट है वे दो चार साल में पेमेंट नहीं कर सकेंगे। वे क्या करें? उन के लिये कोई रास्ता निकालना चाहिये।

श्री मेहर बन्धु खन्ना : दुनिया में...

Mr. Deputy-Speaker: I will now put the amendment for reference to the Select Committee to the vote of the House. The question is:

"That the Bill be referred to a Select Committee consisting of Lala Achint Ram, Shri C. P. Gidwani, Shri N. C. Chatterjee, Shri Mehr Chand Khanna, Shrimati Renu Chakravarty, Shri U. M. Trivedi, Babu Ram Narayan Singh, Shri D. C. Sharma, Sardar Iqbal Singh, Shri Basanta Kumar Das, Dr. Ram Subhag Singh, Shri M. L. Agrawal, Shri Hem Raj, Sardar T. S. Akarpuri, Shri B. P. Jhunjhunwala, Shri Ranjit Singh, Shri N. C. Kasliwal, Shri Krishnacharya Joshi, Shri J. K. Bhonsle, Shri Bahadur Singh, and the Mover, with instructions to report by the 1st December, 1956."

The motion was negatived.

Mr. Deputy-Speaker: I will now put the original motion to the vote of the House.

The question is:

"That the Bill to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of section 2)

Pandit Thakur Das Bhargava: I beg to move:

(1) Page 2, line 10—

after "has not been" insert "actually"

(2) Page 2—

(i) line 12, after "Act" insert:

"and further includes any such claim registered in respect of property held in trust for a public purpose of a religious or charitable nature"; and

(ii) after line 13 add—

'(iii) in clause (e), the words "but does not include" and part (ii) shall be omitted.'

(3) Page 2, line 12—

after "Act" insert:

"including the claims of allottees of agricultural land who for any reasons whatever were not given the lands allotted and whose claims to compensation for rural houses were rejected as a result of allotment of agricultural land".

(4) Page 2, line 12—

after "Act" insert:

"and further includes the verified claims of the refugees now living in Bharatpur and Alwar areas in Rajasthan to whom evacuee lands were leased out but whose claims were rejected on account of allotment of evacuee lands as also the claims of all displaced persons in Rajasthan who were not allowed to file their claims for compensation in respect of rural houses on the ground that they were allotted evacuee lands for more than four acres after their claims are called and verified".

Mr. Deputy-Speaker: These amendments are before the House.

पंडित ठाकुर दास भार्गव : बाकियों के बारे में मैं पहले ही कह चुका हूँ। मैं अपनी ग्रमेंडमेंट नम्बर २ के बारे में यह कहना चाहता हूँ कि जिस को नहीं मिला है, उस के बाद एक लपड़ "एक्चुअली" (वस्तुतः) रख दिया जाय।

आनरेबुल मिनिस्टर को याद होगा कि हम ने जो बिल बनाया था, उस में से पब्लिक नेचर (सार्वजनिक प्रकार) के जितने ट्रस्ट्स (प्रत्यास) थे, उन को निकाल दिया था। उस वक्त—१९५४ में—गवर्नमेंट ने सिलेक्ट कमेटी में श्रीर बाहर भी यह यकीन दिलाया था कि गवर्नमेंट ट्रस्ट्स को खूब रुपया देगी। इस का जिक्र सिलेक्ट कमेटी की रिपोर्ट में दर्ज है। मैं भोंसले साहब का शुक्रिया अदा करना चाहता हूँ कि खन्ना साहब ने कालिजों वगैरह को मदद देने का जो काम उन के सुपुर्द किया था, उन्होंने उस को निहायत खूबी के साथ पूरा किया है। लेकिन मैं अर्ज करना चाहता हूँ कि हमारी इंस्टीच्यूशन (संस्थाओं) को काफी रुपया नहीं दिया गया है। कहां तीन करोड़ रुपये—जिस की मालियत के ट्रस्ट रह गये—श्रीर कहां पचास लाख रुपये। गवर्नमेंट ने कहा था कि पूल (संग्रह) में से निकालने से उस में जो कमी होती है, उस को पूरा किया जाय और पूल में श्रीर रुपया दिया जायगा। टंडन जी ने हमारी मुखालिफत की थी। हम महसूस करते हैं कि जो कुछ उन की शिकायत थी, वह बजा थी। अगर आनरेबुल मिनिस्टर इस को शामिल नहीं करना चाहते, तो वह हम को एश्योर (आश्वस्त) करें कि वह आईन्दा गवर्नमेंट के खजाने के स्ट्रिग (रस्तियों) जरा ढीले करेंगे और इस तरह के ट्रस्ट्स को ज्यादा रुपया इनायत फरमायेंगे।

श्री मेहर चन्द खन्ना : जनाबे वाला, मैं एक मिनट में इस का जवाब दे देता हूँ। ट्रस्ट्स को कम्पेंसेशन (प्रतिकर) देना है या नहीं, यह लिगेसी (उत्तराधिकारी)

मेरे पास आई है उस सिलेक्ट कमेटी से, जिस के चेंबरमैन पंडित ठाकुर दास भार्गव थे। उन्होंने फंसला किया कि ट्रस्ट प्रापर्टीज (प्रत्यास सम्पत्तियों) को कम्पेंसेशन स्कीम से खारिज कर दिया जाय।

श्री गिडवानी : वह इसलिये कि पूल (संग्रह) को इफेक्ट (प्रभावित) न किया जाय।

श्री मेहर चन्द खन्ना : मेरे सामने जो कुछ आया, वह मैं आप को बता रहा हूँ। यही चेंबरमैन थे, इन्हीं की सिलेक्ट कमेटी थी और इन्हीं ने फंसला किया था। मेरे हाथ तो बन्धे हुये थे कि मैं किसी ट्रस्ट प्रापर्टी को कम्पेंसेशन नहीं दे सकता। वहां बात खत्म हो गई। जो कुछ हम कर सकते हैं—श्रीर वह हम कर रहे हैं—वह यह है कि जो भी स्कूल, कालिज और अस्पताल बन रहे हैं, उन को पूरी मदद दी जाय। इस सिलसिले में मैं रेफ्यूजी (शरणार्थी) संस्थाओं को एक बड़ा भारी काम्पलीमेंट (समादर) देना चाहता हूँ कि जो काम हम को करना चाहिये था, हमारी मिनिस्ट्री को करना चाहिये था, उस को वे कर रहे हैं। हम उन के मशकूर हैं और मैं पब्लिकली (सार्वजनिक रूप से) अपना ग्रीटीच्यूड (कृतज्ञता) जाहिर करना चाहता हूँ, लेकिन साथ ही मैं यह भी कहना चाहता हूँ कि हम उन को मदद कर रहे हैं। हम ने लाखों रुपये दिये हैं। इस वक्त तक हम एक करोड़ रुपये के करीब रेफ्यूजी संस्थाओं को दे चुके हैं, जिन में श्री गिडवानी के बम्बई में बड़े अच्छे कालिज भी हैं।

श्री गिडवानी : उस के लिये हम शुक्र-गुजार हैं। अगर आप अच्छा काम करेंगे, तो हम उस की तारीफ करेंगे ही।

पंडित ठाकुर दास भार्गव : हम आप के मशकूर हैं।

उपाध्यक्ष महोदय : सिर्फ भार्गव साहब और गिडवानी साहब की संस्थाओं को ही न दिया जाय, और संस्थाय भी तो हैं।

श्री मेहर खन्ड खन्ना : पिछले दिनों मैं आगरे गया था। वहाँ मैं ने एक भाई का स्कूल भी देखा था। मैं ने उन से इफ़रार किया था कि मैं उन की मदद करूँगा। मैं यहाँ पर उन साहब का नाम नहीं लूँगा। मैं ने उन से कहा था कि इस काम को मेरे छोटे भाई करते हैं, मैं इस को उन के हवाले कर दूँगा। मैं अर्ज करना चाहता हूँ कि हमारे पास जितने फंडज़ हैं, उन फंडज़ की लिमिटेडशन्ज़ (परिसीमाओं) में हम इन संस्थाओं की जितनी भी खिदमत कर सकेंगे, वह हम जरूर करेंगे, क्योंकि मैं उन को अपना काम समझता हूँ।

Mr. Deputy-Speaker: The question is:

Page 2, line 10—

after "has not been" insert "actually".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2—

(i) line 12—

after "Act" insert:

"and further includes any such claim registered in respect of property held in trust for a public purpose of a religious or charitable nature"; and

(ii) after line 13, add—

'(iii) in clause (e) the words "but does not include" and part (ii) shall be omitted.'

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 12—

after "Act" insert:

"including the claims of allottees of agricultural land who for

any reasons whatever were not given the lands allotted and whose claims to compensation for rural houses were rejected as a result of allotment of agricultural land."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 12—

after "Act" insert:

"and further includes the verified claims of the refugees now living in Bharatpur and Alwar areas in Rajasthan to whom evacuee lands were leased out but whose claims were rejected on account of allotment of evacuee lands as also the claims of all displaced persons in Rajasthan who were not allowed to file their claims for compensation in respect of rural houses on the ground that they were allotted evacuee lands for more than four acres after their claims are called and verified".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 (Amendment of section 11.)

Pandit Thakur Das Bhargava: I am moving amendment No. 6.

Mr. Deputy-Speaker: It is in respect of clause 2. The hon. Member did not move it then. I have passed the clause.

Pandit Thakur Das Bhargava: I missed it due to over-sight.

Mr. Deputy-Speaker: I have every sympathy for the hon. Member and his amendment, but I am helpless. The clause has been voted upon by the

Amendment Bill

[Mr. Deputy-Speaker]

House. How can I go back to the amendment to that clause? Is the hon. Member moving his amendments Nos. 7 and 8 to clause 3?

Pandit Thakur Das Bhargava: Yes, Sir. I beg to move:

(i) Page 2—

for clause 3 substitute:

"3. In section 11 of the principal Act, for sub-section (2), the following shall be substituted, namely:—

"(2) Any sum recovered from the compensation of any claimant in respect of any payment made before or after the commencement of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, in respect of maintenance allowance to displaced persons shall be refunded to the claimants and no such recovery shall be made in future in respect of maintenance allowance paid by the Government."

(ii) Page 2, line 15—

add at the end:

"and shall be deemed to have always been omitted and if any amounts in respect of payment of maintenance allowance have been recovered from any claimant such amount shall be refunded to him."

The hon. Minister has agreed to the refund of the maintenance allowance. So, he can choose either of these two amendments for the acceptance of the House.

Mr. Deputy-Speaker: These amendments are before the House.

15 hrs.

श्री मेहर चन्द खन्ना : मैं ने तो पहले ही अर्ज किया था कि पहले जो मेन्टिनेन्स एलाउंस (गुजारा भत्ता) था वह कम्पेन्सेशन प्ल (प्रतिकर संग्रह) से जा रहा था। गवर्नमेंट ने १३६ लाख रुपया प्ल में इजाफा कर दिया, और अब जो मेन्टिनेन्स एलाउंस है वह बतौर ग्रांट (अनुदान) के तसब्बुर होता है। तो अगर किसी बहिन या भाई का पुराना मेन्टिनेन्स

एलाउंस बतौर पब्लिक ड्यू (सार्वजनिक देय) तसब्बुर हुआ है, और वह उसके कम्पेन्सेशन से काटा गया है, मेरे सामने अगर वह केस लाया जाये तो मैं उसको रिफंड करने के लिये तैयार हूँ।

Pandit Thakur Das Bhargava: How will he do so? He has no authority. I am giving him the authority. Supposing you do not get the power. How will you refund? you will not be able to refund even if you are minded to refund. Accept any of these amendments and then you will be able to refund.

Mr. Deputy-Speaker: If the law requires that maintenance allowance is also one of those debts....

Shri Mehr Chand Khanna: No longer it is required. We have got the amendment. I have examined the question. I do not think there will be any difficulty.

Pandit Thakur Das Bhargava: When it has been recovered, how can it be refunded?

Mr. Deputy-Speaker: He will have the matter looked into and if he requires an amendment of the particular law, he will bring forward one.

Pandit Thakur Das Bhargava: When we know that he wants to refund, the money he has taken, I am only arming his hands. How will he be able to refund if he has no power?

Mr. Deputy-Speaker: I think he has not examined the point in that light, so far as I can see.

Pandit Thakur Das Bhargava: He should have examined.

Mr. Deputy-Speaker: Does the hon. Member want me to put these amendments to the House?

Pandit Thakur Das Bhargava: Yes.

Shri Mehr Chand Khanna: Maintenance money is not covered by the definition of public debt. The question does not arise.

Pandit Thakur Das Bhargava: How will you refund unless you have powers? He has recovered. The only way to refund is to take these powers.

Shri Mehr Chand Khanna: I have given an assurance as to what the intention of the Government is. If I find myself placed in any difficulty, I shall certainly bring forward an Amending Bill before the House.

Mr. Deputy-Speaker: The question is:

Page 2—

for clause 3, substitute:

"3. In section 11 of the principle Act, for sub-section (2) the following shall be substituted,— namely:—

"(2) Any sum recovered from the compensation of any claimant in respect of any payment made before or after the commencement of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, in respect of maintenance allowed to displaced persons shall be refunded to the claimants and no such recovery shall be made in future in respect of maintenance allowance paid by the Government."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 15—

add at the end:

"and shall be deemed to have always been omitted and if any amounts in respect of payment of maintenance allowance have been recovered from any claimant such amount shall be refunded to him."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted

Clause 3 was added to the Bill.

Clauses 4 and 5 were added to the Bill.

Mr. Deputy-Speaker: I seek the permission of the House to take another five minutes so that we can finish this and sit after Five for this.

Clause 6— (*Insertion of new section 20A*)

Shri Mehr Chand Khanna: During the course of the discussions, it was brought to my notice by Pandit Thakur Das Bhargava that there was some lacuna. I have had the matter examined. I propose an amendment like this. I beg to move:

Page 3, lines 3 and 4—

for "has made an application" substitute: "is entitled to the restoration of any evacuee property on an application made by him in this behalf"

I do not want to make any speech because this matter has been discussed threadbare.

Pandit Thakur Das Bhargava: Will these words remain: 'notwithstanding anything contained in the Evacuee Property Act'? If these words remain, the amendment of the hon. Minister, in spite of his best intentions will be infructuous. Remove these words and put in the other words so that it may be effective.

Shri Mehr Chand Khanna: I have discussed this with my legal pundits. I have no difficulty.

Pandit Thakur Das Bhargava: I hes- I will move all my amendments relating to clause 6. In spite of my persuasion, the hon. Minister has not been able to accept my amendment.

I beg to move:

(i) Page 3, line 3—

before "Where any" insert:

"Subject to the provisions of section 16 of the Administration of Evacuee Property Act, 1950"

[Pandit Thakur Das Bhargava]

(ii) Page 3, lines 10 and 11—

omit "notwithstanding anything contained in the Evacuee Property Act and this Act"

(iii) Page 3, lines 10 and 11—

for "notwithstanding anything contained in the Evacuee Property Act and this Act" substitute "subject to the provisions of the Evacuee Property Act and this Act"

(iv) Page 3, line 12—

add at the end:

"in cases where an order for restoring the property has been passed under section 16 of the Evacuee Property Act or where the Civil Court has held the evacuee or his heir is entitled to the restoration of the property"

(v) Page 3—

omit lines 24 to 30.

Mr. Deputy-Speaker: The question is:

Page 3, line 3—

before "Where any" insert:

"Subject to the provisions of section 16 of the Administration of Evacuee Property Act, 1950"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, lines 10 and 11—

Omit "notwithstanding anything contained in the Evacuee Property Act and this Act"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, lines 10 and 11—

for "notwithstanding anything contained in the Evacuee Property Act and this Act" substi-

tute "subject to the provisions of the Evacuee Property Act and this Act"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, line 12—

add at the end:

"in cases where an order for restoring the property has been passed under section 16 of the Evacuee Property Act or where the Civil Court has held the evacuee or his heir is entitled to the restoration of the property"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3—

omit lines 24 to 30.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, lines 3 and 4—

for "has made an application" substitute

Pandit Thakur Das Bhargava: I rise to a point of order. When these amendments have been lost, no amendment on the same point can be accepted.

Mr. Deputy-Speaker: These are different amendments.

Pandit Thakur Das Bhargava: The same amendment; kindly see.

Mr. Deputy-Speaker: I have seen just now, the hon. Member was of the opinion that unless these words are removed, the amendment would not be effective. Now, he says they are identical.

Pandit Thakur Das Bhargava: These were identical amendments and not cumulatively which have been affected.

Mr. Deputy-Speaker: I do not agree with the hon. Member, I am sorry.

The question is:

Page 3, lines 3 and 4,—

Pandit Thakur Das Bhargava: I want to raise another point of order. This point is of vital importance. If you accept the amendment of the hon. Minister, it would mean that the provisions of the other Act which we have just passed will not be effective. After all, I withdrew my amendment there on the supposition that the hon. Minister will move the right amendment. The relevant sections of the Evacuee Property Act can only be effective if these provisions are given effect. It would mean, if you accept this amendment, if the Government is of the view that property should be restored without any enquiry, the property will be restored, if you do not take away these words 'notwithstanding anything contained in the Evacuee Property Act'. This will introduce a change in the law that we do not want to accept unless you give a proper procedure in the Bill. It will not be fair to accept this amendment.

Mr. Deputy-Speaker: This is not a point of order. Pandit Thakur Das Bhargava is afraid of the effect that it will have. His complaint is this. He withdrew his previous amendment on the undertaking that an amendment will be brought forward, and that the Government has not kept that promise. That is a different matter.

Pandit Thakur Das Bhargava: This amendment has not been circulated. We have not had time to consider this and suggest amendments.

Mr. Deputy-Speaker: The hon. Member will realise that I cannot help him in this situation.

Pandit Thakur Das Bhargava: The rule is that an amendment given on the same day is not accepted because

Members have no time to suggest amendments to that amendment. What rule is applicable in my case should be applicable in all cases.

Mr. Deputy-Speaker: By agreement, we decide to waive that notice. Government said that they will bring forward the amendment and the hon. Member agreed to withdraw that amendment.

Pandit Thakur Das Bhargava: I wanted to see a proper amendment.

Mr. Deputy-Speaker: That is not possible now.

The question is:

Page 3, lines 3 and 4—

for "has made an application" substitute "is entitled to the restoration of any evacuee property on an application made by him in this behalf"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7.—(Substitution of new section for section 21)

Pandit Thakur Das Bhargava: I beg to move:

(i) Page 4—

omit lines 12 to 22.

(ii) Page 4—

omit lines 23 to 24.

Mr. Deputy-Speaker: The question is:

Page 4,—

Omit lines 12 to 22.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4—

omit lines 23 to 26.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

“That clause 7 stand part of the Bill.”

The motion was adopted.

Clause 7 was added to the Bill.

Mr. Deputy-Speaker: New amendment No. 16.

Pandit Thakur Das Bhargava: I beg to move:

Page 4, after line 26, insert:

“7A. In sub-section (2) of section 40 of the principal Act.

(i) in clause (f), the following words shall be added at the end, namely:

‘but in such valuation the value of buildings or part of buildings constructed by the claimants or allottee shall not be included; and

(ii) in clause (j), the following words shall be added at the end, namely:

‘including fixation of instalments which shall not be less than twelve annual instalments’.”

I have already made my submissions. I would only refer to one point. As we are pressed for time, I do not want to reply to all the arguments made out by the hon. Minister. But, I must say that he has not been fair to the Advisory Board or myself. He will find no reference to this question of twelve instalments there. He has forgotten as a matter of fact that according to our formula, the price of the properties would not have been half as much. We said five annual instalments plus the original six. If the price had not been increased to

this extent, five instalments might probably have been sufficient. With this increased price to an unconscionable extent, to say that the Advisory Board is responsible is...

Shri Mehr Chand Khanna: I never said so.

Pandit Thakur Das Bhargava: You take the responsibility. I do not want to take the time of the house in replying to the other matters. I shall only say that he ought not to be so hard-hearted towards non-claimants. He ought to consider the question from the correct stand point and see that this amendment is accepted. He has not even given a proper reply in this matter.

Mr. Deputy-Speaker: The question is:

Page 4—

after line 26, insert:

“7A. In sub-section (2) of section 40 of the principal act—

(i) in clause (f), the following words shall be added at the end, namely:

‘but in such valuation the value of buildings or part of buildings constructed by the claimants or allottee shall not be included; and

(ii) in clause (i), the following words shall be added at the end, namely:

‘including fixation of instalments which shall not be less than twelve annual instalments’.”

The motion was negatived.

Mr. Deputy-Speaker: The question is:

“That clause 8 stand part of the Bill”

The motion was adopted.

Clause 8 was added to the Bill.

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

Shri Mehr Chand Khanna: I beg to move:

"That the Bill, as amended' be passed"

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed"

The motion was adopted.

MADRAS—TUTICORIN TRAIN
DISASTER

Mr. Deputy-Speaker: We have got two hours for this. I have already received about half a dozen chits, and I am sure as many more would be anxious to speak. So, we shall have to place a limit on the speeches. I hope 15 minutes for the leader and ten for others will do.

Shri Frank Anthony (Nominated—Anglo-Indian): It depends on the contribution they make.

Shri Vallatharas (Pudukkottai): Yesterday it was stated.....

Mr. Deputy-Speaker: If the House agrees to sit, I have no objection.

Shri Veeraswamy (Mayuram—Reserved—Schedule Castes): The House has already consumed 15 minutes.

Mr. Deputy-Speaker: Is the House agreeable to sit longer?

Some Hon. Members: No, no.

Mr. Deputy-Speaker: The sense of the House is that it is not prepared to sit longer.

Some Hon. Members: We are prepared to sit longer.

Mr. Deputy-Speaker: Let the hon. Member proceed and we will see. I hope he will be able to finish his speech within 15 minutes.

Shri Vallatharas: I solicit your permission to initiate the discussion on this topic, namely the situation arising out of the accident to the Tuticorin Express on the morning of the 23rd November, 1956.

First of all, I express my heartfelt feelings of gratitude and indebtedness to the leader of the House for agreeing to a discussion on this matter, and also to the Hon. Speaker who was so kind to have it at the earliest opportunity possible. I am also indebted to this House in the sense that this House was able to appreciate with the greatest sympathy and with due regard the feelings of the people in the South who are immediately affected by this accident.

At the end of four years of our parliamentary life we have reached a very critical stage in which departmental integrity and efficiency have come to be gauged. Difference of opinion in the Cabinet and with the Prime Minister may lead to resignation of Ministers. Political issues of grave importance may also lead to resignation of Ministers, but in this case an incident in which certain lives were lost through an accident to the railway carriages has been the cause for the resignation of a Minister and the creation of an atmosphere in which this House has begun to feel already how to get things repaired and maintained in full utilitarian service to the public in future.

Personally I am not endowed with such efficiency as would suit the situation. In this country everywhere we hear of serious floods in which several villages and masses of people have been swept away over night. In other cases there are incidents and incidents—in the air, for example, and in factories in which lives were lost. There were cases in which the vagaries of Nature which could not be controlled by human agencies were responsible for the havoc done. But I must emphasize the fact that under no circumstances can we ever tolerate the vagaries of human beings or human institutions in which human species are employed as servants to render service to humanity. That is why feelings run high. Our feelings, though great in respect of the devastations on the