

this as a matter of exception; though as a matter of convention, speeches should not be made on this occasion.

**Shri Alagesan:** Sir, I should define *khadi* for the benefit of the hon. Member. It is hand-spun and hand-woven. It includes handloom cloth also. I may tell him that we do purchase handloom cloth also; we purchase *khadi*, wherever it is suitable.

**Mr. Chairman:** The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1953-54 for the purposes of Railways, be taken into consideration."

*The motion was adopted.*

*Clauses 1, 2 and 3 were added to the Bill.*

*The Schedule was added to the Bill.*

*The Title, and the Enacting Formula were added to the Bill.*

**Shri Alagesan:** I beg to move:

"That the Bill be passed."

**Mr. Chairman:** The question is:

"That the Bill be passed."

*The motion was adopted.*

#### ABDUCTED PERSONS (RECOVERY AND RESTORATION) AMENDMENT BILL

**Mr. Chairman:** Let us now proceed to legislative business further consideration of the motion moved by Shri Anil K. Chanda yesterday about the recovery of abducted persons.

**Shri V. G. Deshpande (Guna):** Before we proceed further, let me say this. We were promised yesterday that certain figures regarding children of the abducted women would be circulated to hon. Members. No figures have yet been circulated to them and I request that further discussion on the Bill be held up till these figures are supplied.

**Mr. Chairman:** So far as I remember, this is what happened yesterday.

If there was any further information to be given, apart from the information already given yesterday, then it was to be supplied. I understand that no further information was supplied.

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** I have got the figures here collected, and if you will permit me, I will give the same.

**Shri S. S. More (Sholapur):** You were in the Chair yesterday, and as a matter of fact, I raised a point that in order to enable us to appreciate the problem, the gravity and the human aspect of it, we demanded that certain figures regarding women who are supposed to have been abducted from Pakistan, the period that they have been here, whether they are married, whether they have got children, etc. should be given to us so that we could appreciate for ourselves the human aspect of the problem. You were kind enough to support my suggestion. Since they have our separate investigation departments for this purpose, we assume that they must have all these figures on their own files. Why can the Government not make these figures available to us, so that we can come to a proper conclusion on the problem?

**Sardar Swaran Singh:** The figures relating to children recovered in 1953 are as follows. 859 were recovered in India, out of which 340 were taken by mothers to Pakistan and 519 were left in India. In Pakistan, during the same period, 132 children were recovered, out of which 92 were brought by mothers to India and 40 were left in Pakistan.

**Shri V. G. Deshpande:** These are not the figures that we asked for. We asked for the figures relating to the number of women that were abducted, the number of children born after abduction; we wanted the information because we should know what is to happen to those children.

**Sardar Swaran Singh:** We have not got the break-up of those figures.

**Mr. Chairman:** If the information is not available, it cannot be manufactured.

**Shri S. S. More:** I wish to make a submission. We have allotted large sums of money and the investigation department is working on such matters. If the department is working, it must have collected such figures—it is a natural assumption. If the assumption is correct, where is the harm in supplying the figures to us? As a matter of fact, so many women were moved from India to Pakistan and so many were brought from Pakistan to India. We want to know what has happened during these seven years. Were they married again? Even assuming that the marriage was illegal, we would like to know if it has resulted in the procreation of some children and if so, what is going to happen to those children. If the women have been acclimatised to the new ties, even under duress, what is going to happen? Are you going to tear as under those new ties? That is the problem I am addressing for your consideration and information.

**The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru):** The problem that the hon. Member has raised is a very important and basic problem, which has not much to do with numbers. They, of course, help us to understand the extent of the problem, but the real problem is—it is a very unusual and extraordinary problem—when certain new relationships have been created, whatever the conditions might have been, should they be sundered or broken up, or should they be allowed to continue? In general, an answer to that problem would be exceedingly difficult to give, because it really is a question of individual cases, the state of the relationship, how it is subsisting, whether it is stable or unstable, whether it is happy or unhappy. So many factors come in, so that a general answer would really not cover the ground, but generally speaking, the approach has been,

first of all, to find out where such cases have occurred. The process of finding out itself is not too easy. When such complaints are received, enquiry is made, and sometimes it leads to results and at other times it does not. Strictly speaking, the cases referred to, to begin with, contain—if you divide them into categories—probable cases, where, of course, there should be some effort *prima facie* even to begin with, others doubtful cases, others unlikely cases and so on. You can divide them into half a dozen categories, and in the enquiry, the doubtful cases would become probable cases if you get more facts. In the course of these years, we received from Pakistan and we also gave to Pakistan, long lists of cases—we could not guarantee nor could even Pakistan guarantee to the truth of them. If any person comes to us and says, his relative or daughter, or whoever it is, was abducted in Pakistan, it will be taken as truth as for the moment we have no means of checking it. We sent the name to Pakistan, and similarly they do. It is possible that there is no such abduction; it is possible that the person died long ago in the troubles, and because she was not there, it does not mean she was abducted; it is possible that she did not die, she was not abducted, but went to some other area. These things have happened and they can only be traced after due enquiry. The original lists prepared were entirely based on any vague allegation that somebody was abducted either in India or in the other place. Sometimes, the same names appear several times in the lists and it is very confusing to take these names without due enquiry. As the hon. Member himself hinted, the problem is not a political problem, but it is essentially a human problem affecting the individual lives of a large number of persons—affecting it originally,—that part is over—and, subsequently, because of the relationship, affecting it in another way, and children are born. What is to be done with the children? If I may say so, perhaps one of the most important factors to be borne in mind in dealing with this matter is

the future of the children—I do not minimise the other factors, the women concerned—and I think, on the whole, the future of the children is even more important, because they are to be the future citizens and should be given an opportunity to grow up in the normal surroundings. All these are very difficult factors. Therefore, right from the beginning, it has not been a question purely of governmental machinery working, although that machinery has to work, but an element, which normally is not supplied by Government, has also to be brought in, that is to say, an informal element of dealing with these unfortunate women in a friendly way and in an understanding way. Then again, the question arises: how is one to make an approach? The basic approach was that there should be agreement or consent of the woman concerned. How is that to be obtained? How are we to create conditions in which she really gives her opinion and does not give it under duress, or fear of consequences? This example, in an entirely different way of course, was referred to by me in connection with the Korean prisoners of war. When we put to them the question "Do you want to go back?", they gave an answer which had really little meaning, because they had been told so much, probably that their heads would be cut off, or something like that. Their answer was not a fair answer until they were given some chances of explanation or understanding that they would be properly treated. Ultimately the decision has to be theirs. First of all the woman concerned should be traced. Then we know that it is a solid case. Secondly she should be given a period of calm and friendly surroundings where she can possibly see her relatives, etc., find out how she is likely to be treated and then decide. I have no doubt in my mind—I had never had at any time about this matter—that no one should be sent across, if she is unwilling to be sent across. I am quite clear about that. But the difficulty comes about her being given full opportunities to make up her mind without any doubt about it.

That has been the general approach. But in applying that approach so many other points have to be taken into consideration. It is easy enough to say that, but every case has to be judged on its merits. We had a tribunal to decide it. Whether it went deeply into the matter in regard to each case, I have no personal knowledge. But that was the idea behind it. Lately we have been trying to understand this problem in its details, apart from its general nature, so as to lay greater stress on that major aspect which I have just mentioned. The future of the children should be very much taken into consideration and in regard to the woman, in the final analysis nothing should be done which is in the nature of a compulsion. In the early stage you may take her away and put her in a home, but in the final analysis I have no doubt that there can be and should be no compulsion.

Sometimes people compare the figures of recoveries from Pakistan and recoveries from India. The comparison can be made and should be made. But it has really no relevance in this matter. If there is, let us say, a single woman in Pakistan who wants to come to India and whose life may be happier by coming to India, to her own original home, we ought to do our best to get her and *vice versa*, regardless of other considerations, because each individual case, if properly handled and settled is that much of human gain. They are not chattel to be measured, as to how many women have been recovered that side and how many here. That I submit is not the right approach.

Then again there is this fact that all these matters can only be carried through by a measure of co-operation between the two Governments. It is obvious. One Government cannot do it, unless there is co-operation forthcoming from the other side. Therefore a co-operative machinery has developed. Occasionally an individual officer may not have functioned as he ought to have, but the machinery has

[Shri Jawaharlal Nehru]

been a co-operative one in this matter and it has functioned tolerably well.

Take this piece of legislation whose period is sought to be extended. Even apart from other considerations it is right and proper that we should extend it, so as to fit in with the general scheme. Any change that we make could be done only mutually and not unilaterally, because some types of legislation apply to both sides. That itself is an adequate reason for extending it. Obviously this way of dealing with the problem cannot be continued indefinitely. At some time or other it has to end, because passage of every year makes further difficulties. But taking everything into consideration we do feel strongly that we should carry on for another year or so. Of course, we have asked for extension by another quarter, because extension by a year comes at an awkward time in the middle of the Budget session and the House would be inconvenienced. Practically, it is for a year and we shall, in this period, in a sense, revise our method of approach, where it is considered necessary, and try, if possible, to finalise the problem.

I do submit, Sir, that in the circumstances, the right thing for the House to do is to extend the life of this measure and not to go into details, and meanwhile for the Ministry and others responsible to consider all the aspects—many of the aspects have no doubt been mentioned by hon. Members here—and deal with the problem as humanly and as rapidly as possible.

**Shri Sinhasan Singh** (Gorakhpur Distt.—South): In view of the statement that the hon. the Prime Minister has made I do not wish to take up the time of the House that I wanted to say on the Bill. The Hon. Prime Minister has said them all. He has rightly pointed out that there should be no compulsion, or human beings being transferred against their will.

The other point I wish to make is about children. The law provides that an abducted person would also in-

clude a child born from a female. In definition of abducted person it is given that an abducted person would mean "a male child under the age of sixteen years or a female of whatever age, who is, or immediately before the 1st day of March 1947 was, a Muslim and who, on or after that day and before the 1st day of January 1949 has become separated from his or her family and is found to be living with or under the control of any other individual or family, and in the latter case includes a child born to any such female after the said date." So, any child born after 1949 to any such abducted female is liable to be taken away, with its mother. Whereas a child born in India is an Indian citizen as provided by Art. 5 of the Constitution. According to article 5 of the Constitution—

"At the commencement of this Constitution, every person who has his domicile in the territory of India and—

(a) who was born in the territory of India; or

(b) either of whose parents was born in the territory of India; or

(c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement;

shall be a citizen of India."

As the figures quoted by the hon. Minister show that many of the children have not been sent, so, I suggest that the matter may be examined by the Ministry and if advised the Law be suitably amended.

**Shri R. K. Chandhuri** (Gauhati): Sir, I wish to say a few words, if I may.

When I saw my hon. friend, Sardar Swaran Singh taking notes on this Bill with assiduity and enthusiasm I was rather surprised. It was not normally his business to take part in a discussion on a Bill of this kind. But then I was reminded that he is the Minister of Housing and Supply and therefore he

had every right to take part in this important measure. But I would ask him, Sir, in the course of his reply to avoid any suggestion that may be interpreted to mean his zeal for meeting the housing needs not only of this country but also of Pakistan. Have we detached ourselves from this point of view? We consider that the speech which has been just delivered by the hon. Prime Minister should meet the situation very well and ease our anxiety and feelings. My doubt is whether we have a clear provision in the main parent Act to the effect that if a particular abducted person who, *sui juris*, is unwilling to leave India, whether the law entitles her to exercise that choice: that is what I wanted to know. If the present law does not entitle her to exercise that choice, then I submit that in the amendment of this Bill, we cannot make any provision to that effect and the result is that we should merely extend the Bill as it is; to that. I think majority of our people will most seriously object but if such a provision could be enacted in this Bill that if an abducted person does not wish to go back to Pakistan, she should not be compelled to do so.....

**Mr. Chairman:** May I just call the attention of the hon. Member to Section 6 of the parent Act? It says that first of all the question has to be decided whether a person is an abducted person or not; after that decision is taken, then discretion is given to the authorities. Section 6, reads thus:

"If any question arises whether a person detained in a camp is or is not an abducted person or whether such person should be restored to his or her relatives or handed over to any other person or conveyed out of India or allowed to leave the camp, it shall be referred to, and decided by, a tribunal constituted for the purpose by the Central Government."

**Sardar Swaran Singh:** And then sub-section (2) also.

**Mr. Chairman:** Section 6 (2) reads:

"The decision of the tribunal constituted under sub-section (1) shall be final."

Provided that the Central Government may, either of its own motion or on the application of any party interested in the matter, review or revise any such decision."

So, the power is there with the tribunal and while deciding the tribunal can take into consideration the wishes of the person abducted but they are not obliged to agree to the decision made by the abducted person; it is in their discretion and, finally, Government has got discretion. But before such a decision is taken or orders are issued by the Government, ordinarily the wishes or the final decision of the person abducted should be given preference and adequately taken into consideration. I do not know if that would not meet the needs of the point the hon. Member has raised.

**Shri R. K. Chaudhuri:** If that is the position of law, there should not be very serious objection; but an instance was brought to the notice of this House by Mr. Trivedi yesterday that a particular girl was abducted and she had a Muslim husband. The Muslim husband died and she was re-converted into Hindu religion and she married a Hindu. Afterwards she was compelled even in spite of the decision of the High Court, and she was arrested, and she was I think, as my friend said, sent back to Pakistan. That is not one instance; that is an instance to show that this law is treated as a dead letter.

Mrs. Joshi, who was talking on a very high plane yesterday talked about morality and that kind of things. I ask my hon. friend, the Minister of Works, Housing and Supply to tell us this. A woman has married here; she has been living with her husband for five years; and she has been having children. What will happen to those children if she was compelled to leave this husband again and go back to Pakistan? She lost one husband in India; she has got one husband in India; and she goes back to Pakistan leaving her Indian husband behind and she marries another husband in Pakistan. Is it morality? Can it be supported by any sense of morality?

[Shri R. K. Chaudhuri]

that you are compelling a woman who has a husband here whom she has taken as husband? You compel her to give up that husband and send her to Pakistan where normally she will get another husband. Is it morality?

Then again, I am asking about the children. What about the children if the woman does not want to take the children with her? What would happen to those children? If she takes those children with her what is the position of those children? Are you allowing those children to be taken away because the mother is generally entitled to the custody of the children up to a certain age? The father of those "illegitimate" children would not be entitled to the custody of those children and you are sending those children to become potential soldiers of Pakistan, to become potential *kala pahar*. They will always consider this base because they were compelled by the Government of India to leave their parents and go back to Pakistan and they will all have a feeling of animosity against India. I am afraid they may turn out to be the potential *kala pahar* of India.

So, I say this question should be carefully gone into. The Bill looks small and inoffensive. I want to make it clear: in the terms of what the hon. Prime Minister has said, whatever methods you may want to adopt, no woman should be compelled to leave India, or her husband, or her children, unless she voluntarily seeks to do so. That should be made clear. If this is clear, we can have no objection.

At the same time, I think it is a pertinent question to consider whether you should deprive these so-called abducted women of their right of citizenship of India. If any woman has attained the age of eighteen and has been living peacefully here without making any complaint—if anybody has made a complaint, it is a different thing—and she has been living here as an Indian, should we not take immediate steps to give them citizenship rights to make her children feel that they are

really citizens of India and not of Pakistan, whatever may have been the origin of their mother? They have the pure Indian blood and if we do so they would be good citizens of India and stand by India and would not have their allegiance towards Pakistan.

**Shrimati Maydeo (Poona South):** Mr. Chairman, I have been listening to the speeches on this Bill yesterday and today and I am really grieved to listen to these debates and discussions and the way in which this question is treated by the House as if women can be discussed anyhow in such a House. I feel that we must first consider how the society treats the unfortunate women and we must find out some method by which they should be treated better. I know of an example—leave aside this abducted woman—there are a great number of such examples—where one woman who was sent to a lunatic asylum for two or three months, when she became quite well, her father-in-law's people or the people on her mother's side, would not take her in the house and she was left stranded. This sort of treatment is given to women and now we are just discussing abducted women. We are discussing this question like anything. They are treated just as the Prime Minister said, as if they are some commodity or vegetable. We are discussing what will happen if she has one husband here and another there. Before that I feel that I should ask my hon. friends one question: just now, the hon. Minister told us that something like 500 children are left here. We are nearly 500 Members of this House. Is every Member ready to bring up one child among their children?

**Shri Gadgil (Poona Central):** Many of them have already too many.

**Shrimati Maydeo:** Are they doing anything constructive? Are they going to just tell the widowers to marry one recovered abducted woman each? Then only, I will think that they have some feeling and that they are going to solve this problem really, and that is how this should be solved.

Otherwise what is the use of discussing this?

**Shri R. K. Chaudhuri:** May I suggest that childless Members of Parliament...

**Mr. Chairman:** Order, order. Let the hon. Member proceed.

**Shrimati Maydeo:** The question before us is only to prolong the period or not to do so. And I do not think that two days' discussion is going to make any difference to it. So what I feel is that instead of discussing this the Chairman should apply guillotine and take votes.

**An Hon. Member:** It won't be possible.

**Shrimati Ila Palchoudhury** (Nabadwip): Mr. Chairman, Sir, may I put before the House certain points that occur to me, although I have no working knowledge of the legal aspects of the matter. That there should be two opinions about the question of extension of the period of this Act seems very surprising to me! If a boat capsizes and people are helpless and drowning, would you take away the rescue boats, put up your lifelines and leave them to their fate just because a few people were not able to avail themselves of the help extended? If even one life was saved, would it not be good enough reason to continue the work of rescue? If by the extension of the period of this Act we can only help a comparatively small number, let us by all means try our utmost to do so. In fact, I would go further and say, let the Tribunals and Committees that work in connection with this Act function for some time to come so that women give children who are restored to their families can feel, that they have somebody to back them, to whom they can turn to from whom there will be help and co-operation, if they find that they have not found their rightful place in their families or in society after their return.

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

These problems must be dealt with sympathetically and with a human outlook. As the hon. Prime Minister has

said, it is not a problem to be settled politically in any way. It is a very human and delicate problem and it must be looked at in that light.

Surely the choice of whether they will go back to where they came from must be left to the women and girls concerned. The children, I suppose, have to put up with the opinions of others to a certain extent. They must get protection and a calm friendly atmosphere, where they can decide for themselves, and surely children, must get all the consideration that is their right. Let every child feel that it will have security and love. That should be our first duty, in handling this difficult task. The machinery must work with a humanitarian outlook and it must work efficiently. On the other hand, the women concerned must be quite free to do what they wish, for their suffering does not bear speaking about, their misery is shared and held in the hearts of all women, and their claim on the sympathy of society and the legislatures must have priority.

That social conscience is changing and these women and children can find the security and affection that they deserve, is to be expected from the civilized world today. I would therefore plead, Sir, for the consideration of this House that we draw the veil of understanding and sympathy over their suffering, and while accepting the inevitability of things as expressed in the beautiful couplet of Omar Khayyam—

"Oh, Thou, who man of baser Earth didst make,

And who with Eden didst devise the Snake.

For all the sin, wherewith the face of man,

Is blackened, man's forgiveness give-and-take!"—

let us not decide to withdraw the lifeline of practical help through the extension of the period of this Act, to those who wish to avail themselves of it.

**Mr. Deputy-Speaker:** I will now call upon Shri Rajabhoj. But this ought not to be a precedent that if an hon. Member walks out in anger he will be called upon to speak later.

श्री पी० एन० राजभोज (गोला-  
पुर—रक्षित—अनुसूचित जातियाँ): उपाध्यक्ष  
महोदय, इस हाउस में हम अछूत समासदों  
की संख्या बहुत है और कभी कभी जब मैं  
अपने सवाल के लिये पूछता हूँ तो मेरे ऊपर  
अन्याय होता है। उस अन्याय के  
प्रति, चाहे मुझे आप की कृपा से बोलने को  
मिले या न मिले, लेकिन उस के लिये कवन  
करना तो मेरा धर्म है, फर्ज है।

**Pandit Thakur Das Bhargava (Gur-  
gaon):** Sir, I rise to a point of order.  
When the hon. Member was in the  
House before his return he wanted to  
move a cut motion which according  
to me was out of order. To that he  
took exception and in anger he walked  
out. He did as it suited him. But  
now he is commenting upon that inci-  
dent and saying that it was unjust for  
the Chair not to have allowed him to  
move his cut motions. I submit that  
either I should be given an opportu-  
nity to say why he was not allowed  
to move the cut motion, or he should  
withdraw these words. He should not  
make these remarks in contempt of  
the Chair.

**Mr. Deputy-Speaker:** There is no  
question of asking, or giving an oppor-  
tunity to, the hon. Member Pandit  
Thakur Das Bhargava to explain. It  
is my duty to support whatever  
rulings have been given by the Chair.  
The hon. Member Shri Rajabhoj came  
and requested the Speaker, saying  
that he was not given an opportunity.  
We did not know the circumstances. I  
thought this was a matter where he  
also wanted to speak. It is not that  
in every matter every Member can  
have a right to speak. But he had  
gone away in anger. That is why I  
started by saying that merely going  
away against the rulings of the Chair  
in protest would not entitle the same  
Member to come back and take ad-  
vantage of another person occupying  
the Chair and not knowing the back-  
ground.

I am exceedingly sorry. This is  
only a continuing Bill, and if Pandit

Thakur Das Bhargava had said from  
the Chair that something was not  
allowable under the rules.....

**An Hon. Member:** It was on a cut  
motion under the Railway Demands.

**Mr. Deputy-Speaker:** I see. The  
hon. Member ought not to refer to all  
that now. Even with respect to this  
Bill itself if he had said anything the  
hon. Member ought not to criticise  
any ruling that was given by the Chair.  
If I had known that the hon. Member  
wanted to refer only to this I would  
not have called him at all. Let him  
go to the subject matter before the  
House. And I would ask him to with-  
draw what he said.

**Some Hon. Members:** Yes, he must  
withdraw it.

**Mr. Deputy-Speaker:** Order, order.  
Sometimes hon. Members make it deli-  
cate for me to carry on. The hon.  
Member ought not to have said so  
against the Chair.

श्री पी० एन० राजभोज: मैं तो जनरल  
बात कह रहा हूँ।

**Mr. Deputy-Speaker:** He must not  
cast aspersions on the Chair.

श्री पी० एन० राजभोज : चैयर के  
लिये तो मेरी रिसपेक्ट है। मैं तो शिड्यूल्ड  
कास्ट की बेहतरी के लिये कह रहा हूँ।

**Mr. Deputy-Speaker:** Likewise he  
must say 'I am sorry, I withdraw the  
remarks that I made'.

श्री पी० एन० राजभोज : मैं ने चैयर  
के लिये कुछ नहीं कहा है, अगर उन्होंने  
ऐसा समझा है कि उन के लिये कहा है तो  
फिर मैं उस को वापिस लेता हूँ। जो ऐसा  
समझा है तो मेरा वैसा कहने का मतलब नहीं  
था। मैं ने तो हरिजनों के लिये कहा था।

**Mr. Deputy-Speaker:** ठीक है। All  
right. He withdraws.



श्री श्री० एन० राजभोज : उपाध्यक्ष महोदय जी, दलितों का सवाल बहुत बड़ा है और पाकिस्तान में जो हमारी भंगी लोगों की औरतें हैं, मेहतर जो हैं, जिन को कोई बाल्मीकी भी बोलते हैं, उन को वहां पाकिस्तान में काम करने के लिये रखा है। वह औरतें वहां मेहतर का काम करती हैं। वह इधर आना चाहती हैं, लेकिन जो उन का काम है वह फिर वहां उधर नहीं होगा, इसी लिये उधर हमारे मेहतर लोगों की महिलायें वहां हैं। जो आज यह सवाल इस बिल का यहां आया है, जिस को चन्दा साहब ने हाउस में रखा है, उस के बारे में जो मशीनरी है, वह मेरे ख्याल से ठीक नहीं है। उस मशीनरी का काम करने का ढंग ठीक नहीं है, क्योंकि यह जो सवाल है, इस के लिये कोई इंडिपेंडेंट संस्था होनी चाहिये। हमारे अछूतों के बारे में और सवर्ण हिन्दुओं के बारे में जो हमारी महिलायें दूसरे देश में रह गयी हैं, उनके लिये अभी बहुत कम कोशिश हो रही है। खाली यहां पर बोलते हैं, लेकिन काम नहीं हो रहा है। कल जो फिमर्स और आंकड़ें बताये गये, वह मेरे ख्याल से बहुत कम थे। मैं समझता हूँ कि वहां पाकिस्तान में हमारी हिन्दू महिलायें बहुत हैं और उन को लाने के लिये हमारी गवर्नमेंट की मशीनरी की तरफ से जो कोशिश होती है वह ठीक तरह से नहीं होती। हमें तो शक है कि जो आजकल मशीनरी बनी है वह जो कुछ काम कर रही है उस से मालूम होता है कि वह तो पाकिस्तान से मिलती है और कभी कभी पाकिस्तान वालों से मोहब्बत भी रखती है। हम तो चाहते हैं कि इस के लिये कोई सोशियल वेलफेयर एसोशियेशन जैसा इंडिपेंडेंट इंस्टीट्यूशन हो। हिन्दुस्तान में ऐसे कई प्रकार के इंस्टीट्यूशन हैं, हमारे पूना में भी है, जिन्होंने महिलाओं में काम करने के लिये अपना सारा जीवन दे दिया है। इस लिये किसी

इंडिपेंडेंट इंस्टीट्यूशन की यह काम देनी चाहिये। यह काम इस तरह का है जो वही लोग कर सकते हैं जो गवर्नमेंट को मानने वाले हैं, और गवर्नमेंट को सपोर्ट करने वाले हैं, यह काम हमारे अन्दर जो फिफ्थ काल्मिनस्ट्स हैं, ऐसे लोगों के हाथ में यह काम नहीं सौंपना चाहिये। यह बात भी सच है कि कोई भी स्त्री हिन्दू हो मुसलमान हो जिस का अपहरण हुआ है और सतीत्व लूटा गया है, उस के लिये हमारे हृदय में बड़ा दुःख और क्षोभ है और जिस ने यह बुरा कार्य किया चाहे वह पुरुष हिन्दू रहा हो या मुसलमान उसको हम अच्छा नहीं समझते। मैं अभी पिछले हफ्ते काश्मीर गया था और वहां मुझे कई भारत की हिन्दू महिलायें मिलीं और उन से मुझे मालूम हुआ कि वहां पर ठीक तरह से जैसा होना चाहिये यह कार्य नहीं हो रहा है। यह ठीक है कि हमारी मुदुला साराभाई वह कार्य कर रही हैं लेकिन कार्य जिस रीति से होना चाहिये वह नहीं हो पा रहा है, और मैं समझता हूँ कि इसका कारण यही है जो कि उन के साथ उन की काम करने की मशीनरी है वह ठीक नहीं है और हमारी कोशिश मशीनरी में सुधार लाने की होनी चाहिये। अभी परसों मैंने अखबार में पढ़ा था कि पाकिस्तान में अभी भी दो सौ के करीब हरिजन मर्द और औरतें रह गयी हैं, पाकिस्तान उन को वापिस नहीं करना चाहता क्योंकि उनमें से बहुत ज्यादा तादाद ने स्वीपर्स हैं और मुसलमान यह काम कर नहीं सकते हैं, इस वास्ते वह उन को अपने यहां रोके रखे हैं। हमारी गवर्नमेंट को इस तरफ ध्यान देना चाहिये और पाकिस्तान सरकार से उन को भारत वापिस लाने के लिये कोशिश करनी चाहिये और कोशिश खूब अच्छी तरह से होनी चाहिये और इस सम्बन्ध में हम सरकार को हर तरह का सहयोग देने को तैयार हैं। सरकार के

[श्री पी० एन० राजभोज]

अलावा इस काम को दूसरे जो इंडिपेंडेंट महिलाओं के इंस्टीट्यूशन्स हैं उन को भी इसे अपने हाथ में लेना चाहिये।

दूसरी चीज में यह अर्ज करना चाहता हूं कि हमारे देश में यह जाति पांत का भगड़ा बहुत है, कोई बाह्यण है तो कोई क्षत्रिय और क्षत्रियों में भी अलग अलग भ्रात्री हैं, या तो कोई वनिया है, यह बंधन मेरी समझ में ठीक नहीं है और हमें इंटरकास्ट मैरिज को बढ़ावा देना चाहिये। हमारे जो शडयूल्ड कास्ट के भाई हैं आज उन की आर्थिक अवस्था बड़ी दयनीय है, हमें उनकी आर्थिक दशा में सुधार करने की कोशिश करनी चाहिये। यह जाति पांत का चक्कर हमारे देश में बहुत है और यह जातिपांत का भेदभाव यहां हाउस में भी देखने में आता है, मैं चाहता हूं कि यह जल्दी से जल्दी खत्म हो....

Mr. Deputy-Speaker: Order, order. The hon. Member is saying that even now there is untouchability here in the Parliament. जातिपांत क्या होता है ?

The hon. Member ought not have passed such remarks.

श्री पी० एन० राजभोज : जातिपांत के भेदभाव के कारण पाकिस्तान से जो हमारी बहिनें आती हैं, उन की शादी होनी मुश्किल हो जाती है और इस ओर हमारे कांग्रेस में जो बड़े बड़े रिफार्मिस्ट्स नेता लोग हैं उन को ध्यान देना चाहिये और उनका जीवन सुधारने और सुखमय बनाने के लिये सच्चे दिल से कोशिश करनी चाहिये और यह तभी सम्भव हो सकेगा जब हम लोग इस देश में इस जातिपांत को सदा के लिये मिटा दें। वहां से आई हुई बहिनों के प्रति हमें सहृदयता का बर्ताव करना चाहिये, उन के लिये एजी-टेशन करना चाहिये और उन को हर प्रकार की सहायता और सहूलियत पहुंचाने की कोशिश करनी चाहिये। इस काम के लिये

जो हमारी मशीनरी वह दोषपूर्ण है और उसे हमें सुधारना चाहिये। हमारे चन्दा साहब ने हमें पूरे फंड्स और फिगर्स नहीं बतलाये और वह जल्दी में यह बिल पास करा लेना चाहते हैं। मेरे स्थान से यह बिल इतनी जल्दी पास नहीं होना चाहिये क्योंकि हमारे सामने पूरे पूरे फंड्स और फिगर्स नहीं रखे गये। आप की मैजारिटी है और गवर्नमेंट के पास वाइड पावर्स हैं, वह प्रेसीडेंट से आर्डर निकलवा कर कानून बना सकती है, ऐसी हालत में यह चार लाइन का बिल लाने की जरूरत ही क्या थी ? लेकिन अगर आप एक बिल यहां पर लाते हैं तो हाउस के सामने सारे फंड्स और फिगर्स रखने चाहियें, वैसे तो आप की मैजारिटी है आप दस लाख मंजूर करा सकते हो, जो चाहे करवा सकते हैं, लेकिन मैं आप को बतलाना चाहता हूं कि काम करने का यह ढंग उचित नहीं है और जब कि हाउस के सामने फंड्स और फिगर्स मौजूद नहीं हैं, मैं दस लाख रुपये की रकम मंजूर करना ठीक नहीं समझता हूं। इस के अलावा यह जो मशीनरी बनी है, वह ठीक नहीं है, उस में भी सुधार करने की कोशिश करनी चाहिये।

अन्त में, डिप्टी स्पीकर महोदय, आप ने मुझे जो बोलने का अवसर दिया, उसके लिये मैं आपको धन्यवाद देता हूं।

श्रीमती उमा नैहरू (जिला सीतापुर व जिला खेरी—पश्चिम) : जनाब डिप्टी स्पीकर साहब, कल से इस समय तक न मालूम कितनी बातें इस त्रिल में पेश आई हैं कि मैं बराबर यह सोच रही हूं कि इस बिल में अगर किसी को कुछ भी कहना है तो हम यहां की हाउस की बहिनों को कहना चाहिए। आज यह पुरुष और यह मर्द यह भाई लोग जो हमारे खैरखाह बने हैं, उन की एक एक बात छिपी हुई नहीं है और जाहिर है कि अगर दुनिया में अन्याय

स्त्री के संग होता है तो दूसरी तरफ उसमें पुरुष भी होते हैं, तो मैं यह कैसे कहूँ कि इस वक्त यह बिल जो हमारे सामने आया है, उस की जरूरत नहीं है। मैं आप को बताऊँ कि जिस वक्त पकिस्तान और हिन्दुस्तान का सवाल था और जब यह मुसीबत देश में आई थी और उस समय एक तरह का युद्ध था और युद्ध में हमेशा स्त्रियों पर वार होता है और जिस वक्त इन स्त्रियों के ऊपर वार हुआ, उस वक्त यह बिल जो आया है इस बिल के चलाने वालों ने निहायत बहादुरी और सच्चाई से और निहायत ईमानदारी से काम किया और उस समय वे इधर की जो औरतें उधर थी जहां तक हो सका उनको बड़ी बहादुरी से इधर वापिस लाये लेकिन इस सम्बन्ध में लोगों को एक आम शिकायत है कि हम उन औरतों को जो इधर की हैं उनको मजबूर करके उधर भेजते हैं या वहां से स्त्रियों को उसी तरह इधर लाते हैं, मैं नहीं जानती कि अभी तक ऐसा हुआ है मुमकिन है कि एक आध ऐसे केस हुए हों, लेकिन जो भी हो यह शिकायत वाकई बाजिब है और मैं इसे इंसानियत के खिलाफ समझती हूँ कि अगर कोई हमारी लड़की या बहिन जो अपने अजीजों या घर वालों में आना चाहे उसको हम न लायें जो चाहें अपने घर जाना या अपने रिश्तेदारों में जाना वह अपने घर वापिस न भेजी जायें। मुझे अपनी सरकार से सिर्फ इतना ही कहना है कि इस मामले में जबरदस्ती न बर्ती जाय। मैं चाहती हूँ गोकि इस बिल के लाने में और इस को चालू करने में हमने मजिस्ट्रेट और पुलिस की मदद ली और वह मदद लेना जरूरी भी हो गया था, लेकिन मैं इतना जरूर कहूंगी कि अब पांच वर्ष हो गये, हम वहां से लायें और यहां से भेजने का काम जारी रखें, लेकिन इस काम को कामयाब बनाने के लिये हमारी पुलिस और गवर्नमेंट की ओर मसीनरी है, उसमें

हयूमन टच का होना बहुत जरूरी है यह समझना चाहिये कि अगर पांच साल से कोई औरत किसी की वहां रह गयी हो या रिहैबिलिटेड हो गयी है चाहे इधर हो या उधर अगर उसकी इच्छा नहीं है, उसके इस बीच में दो, चार औलाद भी हो गयी हों और उसकी इच्छा नहीं है कि वह इधर जाय या उधर जाय, तो उसको पूरा हक होना चाहिये कि वह जहां उसका जी चाहे रहे।

मैं उन में से हूँ जिन को बहुत ही तकलीफदेह यह बात मालूम होती है कि बालिंग होने पर भी स्त्रियां यह फैसला नहीं कर सकतीं कि वह क्या करें। उस का फर्ज है कि वह खुद इस बात का निश्चय करें। बालिंग होने के बाद वह नन्हों मुन्नी सी बच्चों नहीं है कि उसके वास्ते गवर्नमेंट मसीनरी या और कोई इस बात का निश्चय करे। वह खुद अपने हालात की मालिक है और वह खुद ही निश्चय करेगी, यह मैं अपनी गवर्नमेंट से कहूंगी। लेकिन मैं यह भी कहूंगी कि हमें इस काम को बन्द नहीं करना चाहिये। यह बिल ऐसा नहीं है जिस को देख कर यहां पर लोग परेशान हों।

अभी मेरे एक आनरेबल भाई ने कुछ वहां की मेहतारानियों का जिक्र किया कि पाकिस्तान में बहुत सी हैं, लेकिन यह मुकदमा दूसरा है। यहां पर इस का कोई सम्बन्ध नहीं है। इस लिये इस को वह इस में न मिलायें।

मैं तहीं चाहती हूँ कि मैं हाउस का बहुत ज्यादा वक्त लूँ क्योंकि इस में कोई ऐसी बात नहीं है। लेकिन मैं यह जरूर कहना चाहती हूँ कि हम औरतें अपनी किस्मत की मालिक हैं और अपनी किस्मत का फैसला करना चाहती हैं। यहां पर

[ श्रीमती उमा नहरू ]

पुरुष लोग, जिन की कि मैजारिटी है, हम पर मेहरबानी रखें, इनायत रखें, हमारे ऊपर दया रखें। हम नहीं चाहती कि वह इस मामले में दखल दें हम जानती हैं कि हमारा कदम किधर जाना चाहिये। अगर मर्द लोग यह समझते हैं कि वह हमारे मालिक हैं, हमारे सरदार हैं, तो हमें रंज और अफसोस के साथ कहना पड़ता है कि जब इन्सान दूसरों को सम्भालने चलता है तो उसको अपनी तरफ खुद भी देखना चाहिये कि वह कैसा है, क्या वह इस काबिल है कि दूसरों को शिक्षा दे। इस लिये मैं ज्यादा न कह कर यह उम्मीद करूंगी कि जो कुछ मैं ने कहा है उस पर गवर्नमेन्ट गौर करेगी और सारा हाउस इस बिल को पास करेगा।

**Shri Gadgil:** This is a question in which the approach should be both moral and human. What I honestly feel is that in this particular matter, sometimes there is a tie between the moral aspect and the human aspect. Since the first Act was passed in 1948, there have been two occasions in which extension was sought in this House and one Ordinance was passed. There are cases of abduction which must have taken place long before September, 1947. To bring a motion of this kind every year or every alternate year is to embarrass many of us who are honestly inclined to approach this problem from the correct point of view. Yet, it seems that the figures of abducted women not still recovered from both sides of the border, with all the qualifications which were referred to by my hon. friend, make out a case for avoiding this hardy annual and placing this law permanently on the statute book. Morally speaking that is quite correct. If there is a single woman who is kept here against her will and who is anxious to go back, then it is the moral duty of this Government to provide

that it should be done. But, the question arises how long this will go on. If by merely acting on sentiments, we are to continue this, we have also to insist, not in any spirit of bargaining, but in the same moral atmosphere, on the recovery of at least those 2,000 abducted Hindu women who are still with the Pakistani officials. That was the statement made by Shri Gobalswami Ayyangar when first extension was sought.

**An Hon. Member:** In 1949.

**Shri Gadgil:** That is not the correct approach. What I would suggest to this Government is this. They may have 15 months' time if they so wish. But, let them assure this House that every effort will be made to finish this business, this very sorry, unpalatable business which creates conflict in the minds of most of us and some of us who are not accustomed to control their tongue say things or use expressions which not only embitter feelings here, but also feelings elsewhere. I am prepared to give another 10 lakhs of rupees. But, by the time this period of 15 months is over, let this special organisation be liquidated. I do not suggest that there should be no further efforts and the life line should be cut off as was suggested by one of the speakers. What I would propose to the Government is that this work should be transferred from the special machinery to the ordinary administration with necessary directions, and if necessary with additional finance.

There is one point. This Act has to be extended by another 15 months. As has been suggested by many hon. Members, the women concerned should not be transferred to Pakistan without their consent. Here, as I said, lies the conflict between the moral aspect and human aspect. There is no law of limitation in politics. There is no law of limitation in pure morals. Therefore, you cannot say that, because 7 years have gone, we must not do a certain thing. Not that. At the same time, the

other aspect, namely the human aspect, becomes much more emphatic and prominent. The initial thing was bad. It was a crime; it was a revolting thing. All that is admitted. But, time is the best healer. People get themselves reconciled to the situation as it develops and some other matters also occur, with the result that as time passes on, more and more, the original revulsion or original feeling gradually disappears. If children are born, there is an additional interest which binds the woman to a particular man. Then, the question really is not moral; it is human. Are we going again to disturb the course of life which was already disturbed once? I know what happened when we were dealing with the rehabilitation of refugees here. Many of them came to Delhi and somehow or other, they erected houses here and there, although almost in slum situations. When they were taken out to some other places, the plea that was always taken by some of the Members here was, you are again transferring them and practically uprooting them for a second time. There was great force in that. The same is the case here. There has been one uprooting. This will be another. Therefore, as was suggested by the hon. Prime Minister and also by other Lady Members, who are really concerned,—we cannot appreciate what they must be feeling—and I support this suggestion—no woman *sui generis*, when she is a major, when she has lived here for six or seven years, whether she has entitled herself to the citizenship of India or not, because the Indian Citizenship Act is still in the Law Ministry and is yet to be born,—this is another argument for expediting that matter which has been pending all these years—will it be wise, will it be in the best interests of the happiness of the lady concerned, whether the lady be willing or not, whatever be her wishes, to uproot her, to take her to the camp and then transfer her? Nobody knows what future awaits her. It may be that in Pakistan she may be received well. But, our experience here is that in many cases she is not well received, in some cases she is tolerated and in many cases, instead of being fixed up anywhere, she is thrown to find her way

by some means which it may not be very proper for me to say. The point is, while this Act remains in operation, I hope my hon. friend will assure us that whatever be the section,—the Chairman was good enough to say that there is power—, whether there is power or not, whatever is good is justified by the law which is higher than the law passed by this House or any House for the matter of that. If the hon. Minister gives us an assurance that no lady, if she is not willing to go away, will be transferred, that is good enough, and I do hope that this will be the last occasion when Government will put some of us in very great mental embarrassment and in fact will find out some way out of the dilemma where the moral consideration is opposed to the human.

**Sardar Hukam Singh** (Kapurthala-Bhatinda): It is a delicate subject of course, and some hon. Members—lady Members particularly, have taken exception to our taking part in the debate. I am not aware of any male hon. Member having indulged in anything that can be taken objection to. One lady Member has also said that she wants that the other Members should keep away, they should not discuss it and leave them alone. But it is not a question which concerns them alone. If we have our daughters or sisters there, we are equally concerned about their recovery, and it is with no sense...

**Pandit Thakur Das Bhargava:** Children and boys under sixteen.

**Sardar Hukam Singh:** Certainly, boys and girls. We are equally interested, if not more. That particular girl might be interested in herself or one or two children, but we are interested in more than that. Therefore, we feel that it is our duty that we should take it seriously and discuss all aspects of it.

We have been assured in the preliminary remarks by the hon. Minister who sponsored this Bill as well as by the hon. Prime Minister that it would be seen that no woman is sent to Pakistan against her wishes. This is quite good, and after a lapse of seven years it does not stand to reason now that

[Sardar Hukam Singh]

the woman should be sent away, snatched away from that family to which she has reconciled herself and where she is now living. But the question is whether that wish of hers is always taken heed of and that wish is given due respect.

Last time when this Bill was brought here I raised certain objections and I cited a particular instance. I gave all the details about that. It was printed in the debates. Our Prime Minister intervened in that debate and told the House that particulars of that case would be circulated to the Members. Now, that was a case where enquiry was pending and it was mentioned that it was conveyed to the hon. Prime Minister that enquiry was being made. But, while the enquiry was being made—we have got so many guarantees that there is a Tribunal which looks into the cases, that we have got our respected Members there whose veracity cannot be doubted, that unless both agree the girl cannot be sent—and before the enquiry could be concluded and the Tribunal could come to a finding, the girl was rushed to Pakistan and she remains there in spite of all protests. And even last time I was assured. Our Prime Minister said:

"I do not know the facts. Therefore I cannot say. If the House is interested, I shall arrange to place a statement on this case on the Table of the House, or, as the House will not be meeting for some time, it can be circulated. It can be sent to those Members who are interested."

Neither were the particulars circulated, nor were the papers placed on the Table of the House, and the fact remains that before the Tribunal could come to a finding whether that girl was an abducted one or not, she was taken away to Pakistan, and our recovery organisation helped in that abduction. And therefore it was that a famous Congress Member in the Council of States last time had to make this observation—that hon. Member has since

passed away—that this was a department not for the recovery of abducted persons, but for abducting persons. And actually we have these complaints.

Some hon. Members come up with canons of morality and they teach us that morality wants it. We also agree that this is a humanitarian work, that morality demands it. Nobody is against it. We all want that every woman who has been abducted and wants to come away must be given all facilities. We are not against it.

And then we are reminded that numbers do not count. Even if we have given three times as many as we have got, that should not stand in our way. I agree there. That should be no consideration. But we have to consider why we are getting so few. I do not say that we should not recover as many as we can, but at least we should go deeper into the facts. What are the reasons?

The hon. Minister made observations in his opening speech that Pakistan had been giving all co-operation. Very good. Then he gave the reason also that while the High Court of Punjab had declared this Act to be *ultra vires* and our work came to a standstill, even then Pakistan carried on work. It is unfortunate that he did not give us those figures of the persons who could be recovered during that period, but that was a short period and he says that numbers do not matter. It is a fact that we have given three times as many as they have returned. It was not a question of chattels. They were not goods, and I do not complain on that account. But why was it that in the beginning when these numbers were asked for we said we had left 33,000 in Pakistan? Then there was a large number of persons who were abducted in Kashmir. They were more than 20,000. Pakistan made a tall claim even in the beginning that about 50,000 persons had been abducted in India. Everybody said that that was a claim to lay the foundations for larger recovery and that it was not true. But even if that was true, if Pakistan had

been giving proper co-operation and if our recovery staff had been doing very well as we say when we praise our recovery staff, what reasons were there that we were getting so few. Either it must be admitted that the co-operation was not there from Pakistan, or that our recovery staff was not efficient and had not been acting according to the standard that was that demanded of them. It was just mentioned by Mr. Gadgil—and I repeat it—that there is instance of the want of co-operation from Pakistan, because Mr. Gopalswami Ayyangar told us in Parliament that there were at least 2,000 abducted women that were in the possession of public servants of the Karachi Secretariat. But though the question has been asked many a time, nobody has given us any information as to whether any of those women have been given back. Our recovery staff has been acting well, and the statement of Shri N. Gopalaswami Ayyangar was to the effect that we had supplied all the particulars about those public servants who had 2,000 women of ours, but even then, they did not return any of those women. Was this co-operation from the Pakistan Government, or was it the efficiency of our recovery staff? I have it with me, and I can prove it with facts even, that when a few girls were taken out of the possession of those public servants, our recovery staff returned them and said, that those public servants were not willing—and this I want to bring to your notice,—not that the girls were not willing, but that the public servant, that great man or this big lord, was not willing to part with the girl. This was what the recovery staff have been doing.

I have other facts also in my possession. I had been to Kashmir last summer, and there I met a gentleman who had gone to Pakistan and who had been going to Pakistan for the recovery of two girls, and it is on his authority I have it—and I have no reasons to doubt him—that there were some Pakistan officials who were earnest that those girls should be found. They happened to lay their hands on one girl, and found her, and the police officer of Pakistan was anxious that these Indian

staff of ours should hurry up in taking the girl, otherwise if some official—I need not name that official of our recovery staff—came to know of it, she would not permit that girl to go to India.

**Pandit Thakur Das Bhargava:** She?

**Sardar Hukam Singh:** Yes, she. I complained even last time, that Shrimati Mridula Sarabhai had not been conducting herself honestly. I was confronted then by Pandit Fotedar—I wish he had been here now, and he would certainly have supported me now. Last time, the hon. Prime Minister came to her rescue. I gave the instance then of one or two girls who had been so treated. Their families have been broken up here. I have got with me two dozen cases, where the girls were married here, some ten years before Partition and some others five years before Partition were living peacefully here, but were taken away from their homes. I wish the hon. Minister could give us those figures.

**Dr. Ram Subhag Singh** (Shahabad South): What is her position at present?

**Sardar Hukam Singh:** I do not know. I am told that she had been removed from that position, but I apprehend whether she might not come again. That is always my fear, and the fear of those who have lost their daughters and sisters. But there are certain indications—and some people are afraid of it—that she might come again and be entrusted with the same job.

**Dr. Ram Subhag Singh:** What is her position now?

**Sardar Hukam Singh:** I have no further knowledge.

**Shri S. S. More:** He does not know her whereabouts.

**Sardar Hukam Singh:** But our recovery organisation has been acting and conducting itself in this manner. It is a matter of shame to us. Nobody has taken care to know these facts, and our Government were justified in taking up their cudgels against us, whenever we cried, because they did

[Sardar Hukam Singh]

not know the facts. We tried to provide the facts. I have got with me two dozen cases relating to women who are in the custody of those Government servants in Karachi. Here is an application from one खानचन्द बल्द

गंगाराम, छावनी मुहल्ला लुधियाना।

The male member of the family was killed; and there were five ladies left. All of them were kept in Pakistan. And that poor man has given the name of the person, गुला रसूल के

पास, पाकपतन, जिला मांटगुमरी में।

He has supplied that information; his wife accompanied the recovery staff, but when she was just near the house where these girls were, and asking for at least one girl of hers, she was removed back, and so she could not get those girls of hers. Such are the facts. I do not know whether the House would bear with me, if I would read out the two dozen cases with me, because that would be a pathetic story showing how our people have been over-enthusiastic. I have already made it clear that if there is a Muslim girl here, who wants to go back to Pakistan, she should certainly have the full freedom to go. But circumstances are being created that she might be compelled to go, even if she does not want to do so. When she is taken to the camp, all kinds of pressure are brought to bear upon her.

**Shri E. K. Chandhuri:** That is true.

**Sardar Hukam Singh:** Our recovery staff has been telling those Indian girls who want to come back, that they would not be accepted even if they come to India, and that no parent would be prepared to take his daughter back. Though my hon. friend has made that statement, I differ from him. There is no Indian parent who is not prepared to accept his daughter or his wife, if she comes back. All of those that came have been accepted, and if any have been refused, let us have the figures of such cases. Every one has accepted them gladly. The Indian parents are anxious to get them back,

but that lady has been doing propaganda there and telling those girls that they would not be accepted in India, if they came here. Should this conclusion be accepted? Is it a fact that in spite of the efficiency of our recovery staff, and the fact that the Pakistan Government are really co-operating with us—as we are asked to believe—our girls are reluctant to come over to this side? Do they find better conditions there? Even when the people here are prepared to accept them, can it stand to reason that they would not be willing to come? I lay this charge on the recovery staff, that they have been deliberately putting pressure on them, that they should not come here. What the reasons are, I need not disclose...

**Several Hon. Members:** Why not disclose the reasons? (*Interruptions*).

**Sardar Hukam Singh:**...because that would not be a happy story.

**Shri Bogawat:** Let us have them on the floor of the House. (*Interruptions*).

**Sardar Hukam Singh:** Certain workers of this recovery organisation had to resign on account of this lady, because she was not working honestly. Their resignations were accepted, but nobody asked her to behave properly. Their resignations were accepted, and they had to go. That is an open secret, and everybody knows it, that those honest workers in this recovery organisation had to leave the department, because this lady would not allow them to work honestly.

**An Hon. Member:** Is it a fact?

**Sardar Hukam Singh:** Yes, it is a fact.

डा० राम सुमन सिंह : क्या पोजीशन है, सरदारजी, जरा बताइये।

**Sardar Hukam Singh:** I am not against the recovery of these abducted girls. They must be recovered. But as has been stressed by more than one hon. Member, we shall have to come to some point when we can say



that there were mistakes committed, heinous crimes committed, that they were compelled to commit them at that hour, and to submit to certain forces which they did not like themselves, yet, because they have lived now for seven long years, there should be an end of the matter. I am not against it. If there are honest cases, where the women want to go let us send them—we should not keep them. But the experience of the recovery organisation for the past few years has been unfortunate. I cannot comment on the working of the organisation since that lady has left, because the period is a short one. How they have fared, I cannot say. But it is no secret that so long as such a girl remained there every attempt was made to force her and compel her, even though she had married a Sikh or Hindu fifteen years earlier, to go away. When she found that there was no escape, then perhaps she might have expressed her intention to a superior officer, but my point is that circumstances were created where she was made to give her consent to go away.

6 P.M.

The hon. Minister stated that everything was going on smoothly, because he did not hear from them. This was a very strange and queer statement. Surely, when they had gone, they could not be expected to conduct correspondence with the hon. Minister. They left with bitterness. They felt that India had forced them to go away. Another argument was that they have not returned. Now, how can they return when you forced them to go away? It was not possible at all.

**Shri S. S. More:** Even if they returned, they might have been forced to go back.

**Sardar Hukam Singh:** Another point is about the problem of children. This is certainly important. We should have obtained facts as to how many children were taken to the camps along with the girls and how many were left behind in the homes. What do Government propose to do with those who

were left behind or have been brought here? Is this process to continue indefinitely?

**Mr. Deputy-Speaker:** What is the provision in the Bill regarding children born here?

**Pandit Thakur Das Bhargava:** They are treated, according to the definition, as abducted persons.

**Sardar Hukam Singh:** All children born here are treated as abducted persons. This is a very complicated question. We should call a halt to the present process and allow them to settle down. This sword of Damocles should not hang eternally over their heads. Even if they want to, these girls are not allowed to settle down. They have to run from one place to another even if they have been living with the abductor-husbands for several years. The moment a man makes a complaint that such and such a man has a Muslim girl in his house, the trouble begins. The Prime Minister stated that there should be some *prima facie* enquiry as to whether the case is really doubtful, but no care is taken to conduct an enquiry. These police officers want to continue, and if this Bill is continued, their life also will continue. So, they want to show results, and for that purpose, in their over-enthusiasm, they say that there are so many more abducted girls remaining to be recovered. In fact, some of the recoveries made by them during the last six months have been found to be not genuine cases, and if two hundred have been recovered, at least some four hundred or five hundred have been harassed unnecessarily. Sometimes, the police force has to pay something and sometimes the neighbour gets a chance of wreaking vengeance. This cannot be allowed to continue indefinitely. So, my humble submission is that we should call a halt to this. It is not serving the purpose. From what we have seen of this recovery organisation, we are fed up with this. The sooner it is wound up, the better would it be for the country and for those who were abducted and for the children also.

पंडित ठाकुर दास भार्गव : जनाब  
डिप्टी स्पीकर साहब .....

Mr. Deputy-Speaker: Is it in respect of West Pakistan only, or East Pakistan also?

पंडित ठाकुर दास भार्गव : Only West Pakistan. जनाब, जब यह बिल रेनुअल के वास्ते हाउस में आया तो दोनों मौकों पर मुझे इसके मुताल्लिक बोलने का इतिफाका हुआ था और इस वक्त भी गोकि देर हो चुकी है, मैं हाउस का थोड़ा सा वक्त खन्द जरूरी बातों की तरफ ध्यान दिलाने के लिए लेना चाहता हूं।

सबसे पहली बात जिसके बारे में मैं जिक्र करना चाहता हूं वह यह है कि जो सर्टिफिकेट हमारे आनरेबल मिनिस्टर ने दूसरी तरफ (पाकिस्तान) के काम करने वालों को दिया है, मैं उसके साथ होलहार्टेडली शामिल नहीं हो सकता। मैं जानता हूं कि पाकिस्तान में भी ऐसे असहाब मौजूद हैं जो हमारी तरह सोचते हैं और हमारी तरह से स्वाहिशमंद हैं कि यहां की जो हिन्दू, सिक्ख लड़कियां व औरतें और बच्चे वहां रह गये हैं, उनको यहां वापिस लाया जाय, लेकिन मैं यह भी अच्छी तरह जानता हूं कि ऐसे लोगों की तादाद वहां बहुत ज्यादा नहीं है और जो फ्रीर्स हमें सप्लाई किये गये हैं और जो तरीका और रकबा आज तक पाकिस्तान गवर्नमेन्ट का रहा है, उससे यही नतीजा निकलता है कि यह कहना क़तई ग़लत है कि जिस तरह हमारे यहां के लोग इसके अन्दर काम करते हैं उसी तरह से वहां वाले भी काम कर रहे हैं। यह फ़ैक्ट है कि पाकिस्तान गवर्नमेन्ट और उसके अधिकारी उस हद तक कोअपरेट नहीं करते हैं। पिछली दफ़ा जब यह बिल आया था तो

हमारे श्री गोपालस्वामी आयरंगर ने यहां पर बयान दिया कि मुसलमान आफ़िशयल्स के पास दो हजार के करीब हिन्दू व सिक्ख औरतें मौजूद हैं, तो वह औरतें यहां क्यों नहीं वापिस की जातीं। मुझ को मालूम है कि दूसरे मौके पर इस स्टेटमेंट को पाकिस्तान की तरफ से वाटर डाउन करने की कोशिश की गयी और कहा गया कि हिन्दुस्तान में यह बात ग़लत तौर पर समझी गयी, उनके कहने का यह मतलब नहीं था। मैं ने बर्ड रीडिंग पर पिछली दफ़ा अर्ज किया था कि अगर हिन्दुस्तान में एक भी ऐसा गवर्नमेन्ट आफ़िशयल है जिसके घर में कोई मुसलमान औरत एबडक्टेड मौजूद है तो गवर्नमेन्ट को उस अफ़सर को फ़ौरन बरखास्त कर देना चाहिए। मैं ने उस मौके पर यह बात कही थी और कहा था कि पाकिस्तान गवर्नमेन्ट को भी यही करना चाहिए। मैं अब से पूछना चाहता हूं कि गवर्नमेन्ट के पास क्या कोई ऐसी इतिला मौजूद है कि पाकिस्तान में कितने मुसलमान अफ़सर इस बिना पर वहां की सरकार द्वारा बरखास्त किये गये? वहां की गवर्नमेन्ट ने कितने अपने अफ़सरों को बरखास्त किया इस बिना पर कि वह हिन्दू औरतों को अपने घरों में रखे हुए हैं? मैं समझता हूं कि एक भी मिसाल शायद ऐसी नहीं है और शायद हमारी गवर्नमेन्ट ने इस बारे में पाकिस्तान सरकार से दरियाफ़्त भी नहीं किया है। मैं जनाबवाला इस बिल का मुखालिफ़ नहीं हूं, जैसा कि मैं ने हर मौके पर जाहिर किया, मेरी समझ में इस हाउस में एक भी मेम्बर ऐसा नहीं होगा जो इस बिल के उसूल के खिलाफ़ हो। जिस मुल्क की रबायतें ये हों कि एक औरत के पीछे, एक जानकी की के पीछे सारा हिन्दुस्तान सीलोन पर

चढ़ने को तैयार है, जहां पर हमने यह देखा कि विलायत से आई हुई एक औरत मिसेज एलिस जो अफगानिस्तान में ले जायी गयी, उस एक औरत के पीछे सारी अंग्रेज हुकूमत हरकत में आ गयी, उस देश के रहने वाले हम हिन्दुस्तानी एक मिनट के वास्ते भी यह नहीं चाहते कि हमारे देश के अन्दर एक भी मुसलमान बहिन पर अत्याचार हो अथवा उसके साथ जबर्दस्ती बर्ती जाय, हम उसको उसकी मर्जी के बगैर यहां पर नहीं रोकना चाहते, हम इस बात के स्वाहिशमन्द हैं कि बूढ़ बूढ़ कर एक एक मुसलमान औरत को वहां भेज दिया जाय जिसके साथ यहां पर जन्म हुआ हो या जो वहां जाना चाहती हो, लेकिन जैसी कि तरमीम भी आई है और हमारी बहिन श्रीमती उमा नेहरू ने भी कहा और जिसे भी हर साल कहता रहा हूं कि एक ऐसी औरत जो यहां पर इतने वर्ष रह चुकी है और उसके बच्चे यहां हो चुके हैं और वह यहां से वापिस नहीं जाना चाहती, हम यह नहीं चाहते कि ऐसी औरत को वापिस भेजा जाय। सरदार हुकम सिंह ने इस किस्म के कई एक दर्जन केसेज आपके सामने रखे और जब पिछली राफ़ा यह बिल रेनुअल के लिए आया तो मैं ने सन् १९५१ में हाउस के सामने एक मिसाल रखी थी और मैं ने एक चिट्ठी हाउस के सामने पढ़ कर सुनायी थी जो जालन्धर कैम्प से एक औरत ने अपने खाविन्द के पास भेजी थी। उस के बाद क्या हुआ? उस के खाविन्द ने एक दरखास्त दी थी, उस के पकड़े जाने के बाद, हैबियस कार्पस की पंजाब हाई कोर्ट में और जब पंजाब हाई कोर्ट में दरखास्त मौजूद थी तभी उस औरत को रिहा कर दिया गया। रिहा करने के कुछ अरसे के बाद उस औरत को एक नया बच्चा पैदा हुआ। जब इस का पता चला

कि उस औरत के बच्चा पैदा हुआ है तो बच्चा थोड़े ही दिन का था कि उस औरत को पकड़ लिया गया। वह औरत जाना नहीं चाहती थी, उस का खाविन्द भी नहीं चाहता था कि वह जाय, लेकिन उस औरत की मर्जी के खिलाफ़ उस को जबर्दस्ती भेज दिया गया। यह जो मैशीनरी बनी हुई है, यह नाकिस है। इस मैशीनरी के अन्दर कोई औरत इतनी मजबूत नहीं रह सकती कि वह जवाब दे कि मैं पाकिस्तान नहीं जाना चाहती। इस ऐक्ट के अन्दर अगर आप ने एक औरत को पकड़ा और उस को जालन्धर ले गये। जालन्धर में एनवारनमेन्ट बहुत अच्छे नहीं हैं। यह दुस्त है कि औरत को पकड़ने के बाद आप उस से पूछेंगे कि वह पाकिस्तान जाना चाहती है या नहीं। लेकिन अगर वह जाना भी चाहती होगी तो भी नहीं कह सकेगी कि मैं जाना चाहती हूं। मैं चाहता हूं कि इस से बेटर मैशीनरी हो। जिस वक्त औरत पकड़ी जाय उसी वक्त उस से न पूछा जाय। वह वक्त ऐसा नहीं होता है कि हिन्दू मर्द के साथ रहने के कारण वह सही सच्ची दिल की बात बता सके और आप उसकी रजामन्दी को सच्ची रजामन्दी समझ सकें। दूसरी तरफ़ मैं देखता हूं कि जब औरत को पकड़ा जाता है और उस को महीनों जालन्धर में रखा जाता है तो वह समझती है कि वह इस दुनिया से कट गई और अब उस के पास कोई चारा नहीं है सिवा इसके कि वह पाकिस्तान चली जाय। उस वक्त उस की जो मर्जी होती है वह असली मर्जी नहीं होती है। मैं देखता हूं कि उसकी स्वाहिश जानने के लिये जो मैशीनरी आप ने रखी है उस से असली स्वाहिश नहीं मालूम होती है। असली स्वाहिश तभी मालूम हो सकेगी

[ पंडित ठाकुर दास भार्गव ]

जब किसी तरह का प्रेशर उस के ऊपर न हो ।

कल मेरी बहन सुभद्रा जोशी ने कहा था कि जो औरतें बरसों तक एक हालात व कुर्रहवाई में रहीं वह नहीं चाहतीं कि वह दूसरे हालात व कुर्रहवाई में जा कर रहें । मैं यह मानने को तैयार हूं कि ऐसा हो सकता है कि तीन चार बरस तक औरत किसी घर में जबर्दस्ती रहे और उस के बाद वह अपने रिश्तेदारों से अपना रिश्ता कट करना न चाहे । लेकिन साथ ही मैं यह भी मानने को तैयार नहीं हूं कि अगर छः, सात साल के बाद कोई औरत ऐसी है जो इस इन्वायरनमेंट में जिस में कि वह पहले जबर्दस्ती रखी गई है, अब खुश हो और किसी अनसीन वर्ल्ड में भेजना उस के खुद के लिये अच्छा नहीं है, तो उस को वहां जबर्दस्ती भेजने की बात को हम सपोर्ट करें । इस बास्ते हमारे प्राइम मिनिस्टर साहब ने जो फार्मूला रक्खा है, मैं समझता हूं कि यह ऐवान उस को कुबूल करेगा । गोकि हम इस कानून को आज तरमीम नहीं कर सकते, लेकिन इस बारे में सभी मुत्तफिक होंगे । इस लिये अगर ट्रिब्यूनल की निगाह में यह बात साफ हो कि कोई औरत अपनी रजामन्दी से जाना नहीं चाहती तो उस को जबर्दस्ती न भेजा जाय और ट्रिब्यूनल उस के खिलाफ फैसला न करे । अगर हमारी मिनिस्ट्री इस तरह का कोई कानून पेश करे तो मैं समझता हूं कि हाउस के तमाम मेम्बरों की सपोर्ट उसे होगी और उस पर हमें अमल करना चाहिये जिस पर कि हमारे प्राइम मिनिस्टर साहब ने और बहन उमा नेहरू जी ने अपनी रजामन्दी की मुहर लगादी है ।

बच्चों का सवाल मैं जानता हूं कि निहायत मुश्किल सवाल है । कई वर्ष हुए मैं ने इस सवाल को उठाते हुए इस पर तबसरा किया था । मैं जानना चाहता था कि किस कानून के मातहत जो बच्चा हिन्दुस्तान में पैदा हुआ उसे जबर्दस्ती किसी दूसरी जगह भेजा जा सकता है । चाहे उस ऐडक्टेट ही करार दिया जाय लेकिन वह नेशनल आफ इंडिया है, वह यहां का रहने वाला है । इस के इस ऐस्पेक्ट को छोड़ कर भी मैं यह जानना चाहता हूं कि अगर एक स्त्री के बच्चा पैदा हुआ जिस के लिये उस की जायज शादी की कोई कानूनी गहादत मौजूद नहीं है, और उस औरत को जबर्दस्ती रक्खा हुआ था अगर अब वह जाना चाहती है तो उस की जो औलाद है उस को साथ लेजाना चाहती है सिवा इस के कि उसके रिश्तेदार उस को हराम का बच्चा कहें दूसरी बात नहीं हो सकती । यहां पर भी इस तरह से जो औरतें वापस आती हैं, उन के खाविन्द उनको वापिस लेने को तैयार हैं । लेकिन मैं इस बारे में अपने आनरेबुल मिनिस्टर चन्दा साहब से अर्ज करना चाहता हूं कि शायद बंगाल और पंजाब की कन्डिशनस एकसां नहीं हैं । पंजाब के अन्दर मुझे एक भी केस ऐसा मालूम नहीं जिस के अन्दर ऐडक्टेट औरत आई हो और उस को लेने से किसी ने इन्कार किया हो, यहां पर इन्कार नहीं हुआ और न होगा । यहां पर कई ऐसी सोसायटियां मौजूद हैं जो ऐसी औरतों की मदद करेंगी, लेकिन मैं अर्ज करना चाहता हूं कि यहां पर भी अगर कोई औरत मुसलमान का बच्चा ले कर आये तो उसे हम कैसे रख सकेंगे । उस औरत को हम खुशी से अपन यहां रखेंगे लेकिन उस बच्चे को कैसे हम अपना बच्चा कुबूल कर सकेंगे ? मेरी समझ में नहीं आता कि उन बच्चों को जिन को

कानून ने हराम का करार दे दिया है अगर वह यहां आयें तो कैसे हम उन को लेजिटिमेट मान सकते हैं। मान लें कि कोई औरत यहां से पाकिस्तान जाती है, उस की रजामन्दी भी ले ली गई है, उस का बच्चा है जो कि खुद उसके खाविन्द का है, उसका लेजिटिमेट बच्चा है, लेकिन आप इस कानून की रू से उसे लेजिटिमेट करार देते हैं, उस बच्चे का क्या होगा ?

मैं अदब से अर्ज करना चाहता हूं कि इस बारे में ज्यादा तवज्जह से काम लिया जाय और जो इस तरह के बच्चे हैं उन के वास्ते गवर्नमेन्ट कोई इन्स्टिट्यूशन कायम करे, कोई ऐसी चीज बनाये जिस से कि ऐसे बच्चों को ऐसी दिक्कत न रहे जिस तरह की कि ऐसे बच्चों के साथ रहती है जिन के साथ इल्लेजिटिमसी (illegitimacy) का स्टिग्मा रहता है। जनाब वाला, मैं अर्ज करना चाहता हूं कि कल एक सवाल मेरे दोस्त त्रिवेदी साहब ने आनरेबल मिनिस्टर से पूछा था कि आया वापिस हुई औरतों में कितनी कश्मीरन हैं। मैं नहीं जानता कि उस के सिलसिले में क्या असली वाक्यात हैं। क्या वह कश्मीरी औरतें शामिल हैं जिनके मर्द रिश्तेदार पहले भेजे जा चुके हैं अगर ऐसा है तो सरीहन यह धोकेबाजी की खराब मिसाल है—मिनिस्टर साहब ने फरमाया था कि यहां से करीब दो हजार औरतें पाकिस्तान भेजी गई थीं और पाकिस्तान से यहां पर सिर्फ ३२४ औरतें लाई गईं। जनाब वाला, मिनिस्टर साहब ने नहीं फरमाया कि कितनी औरतें वहां पर हैं, और शायद दुरुस्त तौर पर नहीं बतलाया है, क्योंकि हम इस काबिल नहीं हैं कि इस को बतला सकें कि कितनी औरतें हिन्दुस्तान की पाकिस्तान में रह गईं या पाकिस्तान की हिन्दुस्तान में रह गईं। लेकिन मुझे इस के मानने में कोई ताम्मुल नहीं कि

जब हम कश्मीर की तरफ नजर छोड़ते हैं, जब हम वहां की कहानियां सुनते हैं तो हम को पता लगता है कि कश्मीर से ही हजारों औरतें रेडर्स पकड़ कर ले गये। और मुझे कोई शुबहा नहीं है कि हिन्दुस्तान की बेशुमार कश्मीरी औरतें पाकिस्तान के अन्दर हैं और जो पाकिस्तान की औरतें यहां थीं उन से कहीं ज्यादा थीं, लेकिन हम फिगरर्स में क्या देखते हैं। फिगरर्स से देखते हैं कि यहां से इस साल में २०४० औरतें जाती हैं और वहां से यहां को सिर्फ ३२४ औरतें आती हैं। इस से साफ नतीजा निकलता है कि पाकिस्तान में अब तक पूरा कोआपरेशन नहीं मिल रहा है। उस तरह से काम नहीं हो रहा है जिस तरह से कि हम चाहते थे और हमें इत्मीनान नहीं है कि जिस तरह से हम काम करते हैं उस तरह से वहां पर काम हो रहा है। मैं तो कहता हूं कि हमारा काम और भी जोरों से हो। हम नहीं चाहते, हमारा यह कल्लचर नहीं है, हमारा यह मंशा नहीं है कि हम एक भी औरत को जो कि यहां से जाना चाहे उस को जबर्दस्ती अपने यहां रक्खें। राइचुअसनेस हमारा उसूल है, हम हर्गिज नहीं चाहते कि हमारे यहां इस तरह का अत्याचार हो, लेकिन मैं पूछना चाहता हूं कि गवर्नमेन्ट आफ इंडिया ने पाकिस्तान गवर्नमेन्ट पर क्या प्रेशर डाला, क्या इन दो हजार औरतों के बारे में जो आफिशियल्स (officials) के कबजे में थीं बात हुई ? मान लीजिये कि दो हजार नहीं भी थीं, पांच सौ थीं, चार सौ थीं, दो सौ थीं, उन के साथ पाकिस्तान गवर्नमेन्ट ने क्या किया ? अगर वह हमारे साथ कोआपरेट करते हैं तो उन को एक कलम ऐसे लोगों को बर्खास्त कर देना चाहिये जो कि अगर वह यह सुबूत देना चाहते हैं कि वह हमसे कोआपरेट करते हैं। मैं तो इस हद तक जाने को तैयार हूं कि

[पंथित ठाकुर दास भार्गव]

अगर वह अपना फर्ज अदा नहीं करते तो भी हम अपना फर्ज अदा करते चले जायेंगे लेकिन मैं चन्दा साहब से दस्वास्त करता हूँ जिन को कि ज्यादा हालात मालूम हैं कि आप यह करार तो न दें कि दरअसल पाकिस्तान वालों ने कोआपरेशन किया है। जो कुछ उन्होंने किया है मैं उस में जाने के लिये तैयार नहीं हूँ लेकिन मुझे मालूम है कि कई ऐसे पाकिस्तान के इलाके थे जहाँ कि हमारे आदमियों को जाने की भी इजाजत नहीं थी। पोलिटिकल रीजन्स के मातहत कहा जाता था कि वहाँ हमारे लोग जा नहीं सकते और औरतों को रिकवर नहीं कर सकते। मैं एक सवाल पूछना चाहता हूँ कि छः बरस जो यह काम किया गया उस में यह था कि जितने लोगों के क्लूज हम को मिल जाते थे और वह इन्फार्मेशन हम दे देते थे, लेकिन यह बात शुरू के मरहले पर ही दोनों गवर्नमेन्टों को मदद देती थी। क्या वजह है कि पिछले साल हमारे यहाँ से ११६२ औरतें गई थीं और इस बार नम्बर दो हजार से ज्यादा हो गया और क्या वजह है कि वहाँ से ४७४ औरतें पिछले साल आईं और इस साल यह नम्बर ३२४ रह गया। मुझे इन फिगरस से मालूम होता है कि दरअसल कोई रियल कोशिश पाकिस्तान में नहीं की जाती है कि यहाँ की औरतें वहाँ से लाई जायें। जनाब वाला, मुझे कहने की ज़रूरत नहीं है, हर एक मेम्बर का इस हाउस में यह फर्ज है और वह यह चाहता है कि एक औरत भी पाकिस्तान में ऐसी न रहे जो कि हिन्दुस्तान आना चाहती हो और जिस के रास्ते में ऐम्बेक्टर्स ने रुकावटें डाली हों। लेकिन यह चीज, जैसे कि हम चाहते हैं, उस तरफ से नहीं हो रही है, हम इस को छिपाना नहीं चाहते। हमारे दिल

मजबूत हैं, हमें कभी तसल्ली नहीं होगी, हमारी जेनरेशनस कभी भी माफ नहीं करेंगी ऐसे लोगों को जिन्होंने हिन्दुस्तान के साथ यह सलूक किया है।

मैं अदब से अर्ज करना चाहता हूँ कि अगर मिनिस्ट्री हमारा दिली कोआपरेशन चाहती है तो मैं चाहता हूँ कि उसके अन्दर जितना जोर है वह उसको पाकिस्तान की गवर्नमेन्ट पर उन औरतों को वापस लाने के लिए डालें। जहाँ तक हमारी मुसलमान बहनों का सवाल है हम चाहते हैं, और हममें से हर एक का यह फर्ज है कि हम उनको वापिस कर दें। हम नहीं चाहते कि हम इस बिल को सिर्फ १५ महीने के वास्ते ही और रखते। हम तो यह चाहते हैं कि जब तक एक भी औरत वापस लाने को है तब तक के लिए यह इन्तिजाम परमानेंट कर दिया जाय। यह डिपार्टमेंट, हम जानते हैं, बहुत अरसे तक नहीं चल सकता। ज्यों ज्यों वक्त गुजरता जायगा इसकी अहमियत कम होती जायगी। लेकिन जो औरतें वहाँ रह गई हैं उनको वापस लाने के लिये कोई परमानेंट इन्तिजाम होना चाहिए। कौन नहीं जानता कि काश्मीरी औरतों के साथ उन बूटस ने क्या क्या सलूक किया और उनको किस तरह से ले जाकर बेचा गया इसको हर एक शख्स जानता है। इन पुरानी बातों को याद करके हमारे रोंगटे खड़े हो जाते हैं। अगर आप हमारा दिली कोआपरेशन चाहते हैं तो हम चाहते हैं कि हमारी गवर्नमेन्ट पाकिस्तान की गवर्नमेन्ट पर पूरा प्रेशर डाले कि जितना उनके अस्तिथार में है वह कोशिश करें और उन तमाम औरतों को वापस करने में कोई तरीका बाकी न रखें। इन

अल्फाड के साथ में इस बिल को सपोर्ट करता हूँ ।

**Mr. Deputy-Speaker:** I would request hon. Members to be as brief as possible, as I intend calling upon the hon. Minister at about 6-30 or 6-35 P.M. so that we may finish the Bill today.

**Shri Tek Chand (Ambala-Simla):** I submit that some of those who have some experience and intimate knowledge of this matter may be given the opportunity of making their contribution to the discussion on the Bill.

**Shri R. K. Chaudhuri:** I suggest that the reply may be given tomorrow.

**Shrimati Renu Chakravartty (Basirhat):** I hesitate to speak on this particular Bill, because it is a very intricate and complex problem. We have not only to bring to bear the human aspect when we discuss the Bill, but we should remember the political implications behind it. It is not just an ordinary case of abduction. The political frenzy in which the abduction took place has to be taken into consideration. It is not a thing of the past, but even today, the political relations between Pakistan and India determine the rate at which we can succeed in getting back our women from Pakistan and send back their women from here. The political feelings underlying many of the speeches have been quite clear and we cannot get away from the political implications of the Bill. At the same time, it raises a very serious human problem also. In the course of the debate very serious charges have been made about the machinery of Government and many of us know how Governmental machinery functions. We have seen cases of persons disappearing after they have been taken to jail. Here in the two thousand odd cases of women who have been recovered, there have been 24 cases cited by Sardar Hukam Singh in which actually force has been used and that is certainly a thing which we must look into. When there have been such a large number recovered, certainly there is a case for continuing

the recovery work, but at the same time I must say that there is something wrong in the Government machinery. Member after Member has got up here and cited case after case of women having been taken away forcibly and uprooted from their surroundings. The question is what are we to do in the circumstances? The main deciding factor is the woman's volition, and how are we to do that? The question that arises is—can she utilise to the full her volition within the surroundings she lives? Even in ordinary cases of abduction, this is not possible. Therefore, we should bring her to a camp, and in this way she may be enabled to utilise her volition to a fuller extent. But I think there must be a time limit during which the explanations will take place. The woman must know that she is going to a camp for a limited time and it must be explained to her that she will be given every opportunity to meet her people on the other side, and after this is done, she will be in a position to make her choice between going back to her old surroundings or remaining in the new home that she has built up. This is the only basis on which the whole thing can function.

Now there is the question of the children. As a mother I have naturally thought over this matter very deeply. It is true that many of these women had children. Now they had other children earlier to abduction too. Now, why is it, as could be gathered from the figures given by the hon. Minister, that a large percentage of these women prefer to leave their children behind? Certainly I can understand it. It is because they are afraid of society. Secondly, which man will not be prepared to bear the burden of another man's children? Therefore, the children often remain back. But if as Pandit Thakur Das Bhargava pointed out, the children also automatically come under the purview of the Act, and are termed "abducted" it is a matter that has to be reviewed. These children are automatically snatched away from their father. The mother is unwilling to

[Shrimati Renu Chakravartty]

take them with her. The result is that the children are neither with their father nor with their mother. That, I think, is a very unfortunate position. The worst of it is that the child is left an orphan in a camp although it has a father living.

Lastly, Sir, I do feel that the whole system in which this matter is working should be reviewed. I do not deny for a moment the necessity of having some kind of a machinery for the recovery of women. But the machinery has come under fire again and again. Many of the charges made against it are very serious with the result that I think the whole thing has to be really reviewed. I would in this connection bring to the notice of the House the constitution of the tribunal. It is composed of two Superintendents of Police, one from Pakistan and the other from India. Now, Sir, I for one can never believe that such a Tribunal can do justice. A tribunal of this nature has to be constituted of people who have experience of dealing with human and psychological cases, with cases that need sympathy, and the police are the last persons who can do it. It is absolutely necessary that we must bring in a few women, and even men, who have experience in social matters and associate them with the work of the Tribunal, not leave it to the final verdict of two Superintendents of Police on either side.

In regard to these camps, we must see that the atmosphere there is healthy and homely. No compulsion should be thought of. It is a fantastic position. Member after Member has pointed out instances of compulsion in these camps. I myself have not visited any of these camps, though I would certainly like to do so. It is this compulsion against which we are fighting. I do not want any decision to be taken in an atmosphere of compulsion. What is the sense of uprooting them from their new homes, if they are going to be subjected to compulsion even in camps?

On principle no one can object to this Bill. But we must very seriously review the working of this measure, especially the anomalies that are brought about in the matter of the separation of the children. Of course, this contingency was not foreseen at the time the original measure was passed. So, though I would not object to the life of this measure being extended, I definitely think that the whole thing has to be reviewed. Without that, I think any further extension will not be desirable.

**Shri Tek Chand:** Mr. Chairman, I am willing to concede that no lapse or passage of time can obliterate from the tablet of human memory the gory spectacle that was witnessed and suffered seven years ago. I am also aware of the important human tendency that time is a great healer and the wounds howsoever severe, are healed by passage of time. These wounds take a long time for obliteration. In these circumstances, people who are uprooted once, if they have struck roots for the second time, do not like to be uprooted for the second time. In the case of these women who were unfortunately abducted or who fell a victim to certain temptations and whose relations are on the other side of the country, they have stayed here; they have found homes and in most cases happy homes;—they have borne children and it is not morality to tear them from the new homes; it is not morality to snatch away these children, bundle them together and send them across the border. I have known an instance personally and professionally where I have seen the father is crying; the mother is crying; the children are crying; they are all begging to remain together: yet the police, unfeeling and unmoved, is simply tearing them away. Is this morality? I have known instances where they beg and implore in the High Court but after the judgment of the Punjab High Court was reversed, the High Court is wringing its hands helplessly. The High Court has been made impotent even to declare whether



a person, falls within the category of abducted person or not. What is the nature, what is the conduct of the enquiry? I do not doubt the motives of the high officers; I am even willing to pay compliments to the deserving personnel who had gone in the remote parts of Pakistan and brought them back; all honour to them; all credit to them. But, I do not subscribe to the method, the policy and the procedure that goes on. Informers are engaged; out of temptation or out of hostility or party factions they lodge the information. I know of at least one case in my constituency, about the facts of which I am aware personally as well as professionally where there was a Muslim lady—elderly lady. She had a young daughter and she has a son and they were the local Muslims who had remained in this part. Because some non-Muslim had an improper eye on the young lady and wanted her, and the brother declined and refused, to give his sister away. It was stated that she was an abducted person and a curious thing happened. The mother was taken away from the home of her grown up son, the mother and the daughter and the small children were whisked away as if they had been abducted; as if the Muslim mother had been abducted by the Muslim son, they were whisked away and sent to Jullundur. We went to the Punjab High Court and said: You should look at the definition of an "abducted person"; how can a mother be treated as an abducted person in the house of her own Muslim son? The High Court said that because of the rigours of the law, because of the rigours of the interpretation of this Act, they have been made incompetent to sit in judgment over that matter and held it was for the officials to decide whether she was an "abducted person" or not; it was not within the ambit of their jurisdiction. The case was so shocking: the Muslim son wanted his Muslim mother, they had no relations in Pakistan; they were Muslims of this place. I had to interest some of the distinguished and hon. Members and it was after considerable difficulty that the Muslim mother was restored to her Muslim

child here and was not thrown away across the border. This is only one instance where things have been happening regardless of the motives and the objectives of the spirit of the Act. They are relying upon informers. You know very well, Sir, what class of people these informers are and what impels them to lodge informations.

On both sides they talk of morality. And what is morality? Pray, examine it. Morality in the case of a grown-up woman who is married is what is her independent, uninfluenced, unintimidated wish in the matter. Remove coercion, remove pressure, do not frighten the poor woman by your uniformed police, by your bayonets, by your concentration camps. Get her independent opinion. And in the case of a woman who has been living in this country for the last seven years, who has been bearing children to her husband, the only legal presumption—almost conclusive presumption—should be that she is living voluntarily and wants to live among her family, with her flesh and blood, in this country. That should be the presumption with which they ought to start. But what is it that you find? There are the children, there is the husband, there is everybody. They want to live together. You tear them asunder in the name of morality.

**Mr. Deputy-Speaker:** The hon. Member may kindly state the point.

**Shri Tek Chand:** My point is this, that two formulae I wish to place for the kind consideration of those who are called upon to administer this very delicate and difficult task. In the case of majors the yardstick should be their express wish; in the case of minors the yardstick should be their welfare. Therefore you have got to ascertain in such a case what are the wishes of that woman. And in assisting her to express her wishes let her come into contact with her relations in Pakistan, let her come into contact with her relations here, and let her consider her position coolly, calmly and dispassionately without the arm of the law being there in the concen-

[Shri Tek Chand]

tration camp. That is one suggestion I wish to make.

In the case of a woman with children the presumption should be that her wish is to stay in the place where the children had been born; and therefore make certain that though she has been bearing the children to the man, she really wants to leave him.

Then the question arises where the children should go. I would ask the Government, ransack all books on private international law and you will find that nationality goes with the birth in the territory. They are, according to our Constitution, the citizens of this country. What right have you to throw them beyond our borders? They are your citizens and they have a right to stay here. If they have committed any crime or offence, the only place to house them is the jails in this country. You cannot throw them across your borders—which you have been doing. That is not international law. That is unconstitutional. My suggestion with regard to the children is therefore this. I can understand a suckling baby, a small child in arms, needing the protection of the mother going along with the mother who after cool, dispassionate and deliberate consideration has come to the conclusion that she would rather stay with her relations in Pakistan. But so far as children of the Indian father are concerned, they are also his flesh and blood, and if they are not of suckling age but are, say, five years, then the father can look after them. This is a curious law containing a most artificial definition that the children who were unborn, who were un-conceived at the time of the abduction of the mother, are to be deemed as if they had been abducted. One can even understand a child in its mother's womb being regarded as having been abducted. But I cannot consider a child born some years after the alleged abduction to be treated as an abducted child. This, I submit, is a violation of the language, violation of the law, violation both of the letter of the law

and of the spirit of the law. Everybody has been talking of human approach. Human approach, I submit, is the wish of the major and the welfare of the minor. With this yardstick apply the law and you will find that a vast majority of those whom you are treating as abducted persons and whom you are thinking of transferring as if they were transferable chattel, in their heart of hearts they want to stay in the country, with the people with whom they have created ties of blood, ties of affection, ties of protection and ties of shelter.

Therefore, I pray let this law remain on the Statute Book, if it must, for a year, but remember, it should be treated in the case of those who have borne children and who are grown up, as if it were a dead letter. It is only to be utilised in those very rare and exceptional cases where, as a result of some intimidation, coercion or some diabolical influence, a woman, against her wishes, against her will, is being kept and in no other case should this law be enforced.

I am grateful to you, Sir, for this opportunity given to me.

**Shri Gidwani (Thana) rose—**

**Mr. Deputy-Speaker:** Is it necessary to speak any more on this, unless the hon. Member has got some very important points?

**Shri Gidwani:** Sir, I do not want to repeat what has been already said. I only want to suggest something. Just as the Government has recently appointed a committee which is to inquire into the working of infirmaries and widow-homes, so there should be a committee attached to this Department, composed of members who have been doing social work, because it has been conclusively proved from every section of this House—people who are wedded to the Congress, who are loyal to the Congress, in their speech have shown—that this machinery is not worked in a human way. It is working absolutely in a dangerous way and has done more harm than

good in many respects. So, this machinery must be scrapped, ended or mended. This is my first suggestion.

My second suggestion is that we are voting every year Rs. 10 lakhs. Last session I had put a question as to how many vehicles this organisation had and I was told that there were twenty-two vehicles—motor cars, station wagons and jeeps. I do not know for what purpose they are being used. I am aware,—you will excuse me, Sir,—that these staff cars in many departments are being used for picnics. Whether these vehicles are also being used for picnics and parties is the question. I want to know whether the money is being utilised properly for the purpose for which it is granted.

**Mr. Deputy-Speaker:** Is there no audit of these accounts?

**Shri Gidwani:** No, Sir. It is a department by itself. It was under a "super" Minister. I do not know whether the accounts were properly audited. I have no knowledge of it. But, this was the reply officially given to me. Therefore, I would suggest to the Minister that he should give a definite reply. I do not want to take his time. I want him to give us a definite assurance that in spite of this wretched law, the law would be administered as stated by the Prime Minister, that no woman shall be sent to Pakistan against her will, and that she shall be given enough opportunity to meet her relatives. I have also gone to Jullundur Camp where I saw babes in cradles, but the mothers had gone to Pakistan. I feel it is a very trying affair for the mother to leave her baby and go to Pakistan. But, that has been happening.

It is the first time that so many Members have spoken and expressed their opinion freely. Particularly I congratulate my Congress friends. After all it is they who are responsible for all that is being done and they could have brought this matter in their party meetings.

**Pandit Thakur Das Bhargava:** Do not malign the Congress Members by

congratulating them. They have always been doing their duty and are outspoken.

**Shri Gidwani:** At least on this occasion, very well, something was done. I hope the hon. Minister, Sardar Swaran Singh will give us a definite and categorical assurance that the same thing shall not be repeated, and that this organisation which deserves condemnation from every part of this House will either be mended or ended.

**Sardar Swaran Singh:** I admit at the outset that it is a complicated problem and the reactions which have been thrown out by the different hon. Members are such that no one can say in a dogmatic manner as to what is correct and what is incorrect. I do not propose to adopt that line. The problem was a peculiar one, and peculiar problems when viewed with an ordinary background and ordinary approach, are likely to result in a state of confusion. But, I am glad to note that there is almost unanimity of opinion on the question of the continuance of the recovery work, with modifications, of course. I am also glad to note that different sections of the House are in favour of approaching the problem not as a political problem. There may be political repercussions as pointed out by the hon. Lady Member from Bengal. But, our approach has to be human and moral. There has been difference of opinion as to what is the outcome of that human or moral approach and what will be the resultant effect of that approach. Some Members, viewing the question on the basis of that human and moral approach, have come to one conclusion and another set of Members have arrived at a different conclusion. If it were a case of an ordinary nature, it could have been said with a certain amount of confidence as to what is the correct yardstick by which it should be judged. But, the whole thing took place in a manner for which there is no precedent in history. Therefore, the normal concepts of legalistic approach will not yield any suitable

[Sardar Swaran Singh]

reply, not at least the correct and practical reply. Most of the criticism has been levelled against the organisation by picking out cases and by citing difficult cases. In a work of this nature, it will be very difficult for any one to say that all the cases have been handled in a proper manner. There may be mistakes; I cannot say that there has been no mistake. But, I would beg this hon. House to remember the extent of the problem and the amount of work done and then in the light of that volume of work, to judge the number of mistakes or the number of hard and difficult cases that have been cited.

I would, through you, Sir, like to remind the hon. House that with regard to the year in question, after this House discussed the question of extension last year, only one solitary case has been cited—the Alwar case which has been cited by my Barrister friend from Rajasthan. There was hardly any necessity to import all the heat for citing one case. Even that one case has not yet been decided and I may assure the House that that case will also be decided in consonance with the principles which were enunciated this afternoon by the Prime Minister. Besides that case, no other case has been cited which might have occurred during the whole of last year. Earlier cases have been mentioned. But, I would submit that when we are considering the question of extension, we need not go far back. We have to judge in the light of what is happening and what has happened in the near past.

**Sardar Wukam Singh:** I have to submit that I did not cite all the cases one by one. All of them occurred during 1953. I can pass them on to the hon. Minister.

**Sardar Swaran Singh:** There are always cases in which there may be one aspect and when they are scrutinised the result may be entirely different, but for obvious reasons I cannot go into individual cases. I will give a figure at this stage which will

show that the charge that as soon as a person is recovered and is taken charge of and sent to a home, transmission of that person to Pakistan is more or less automatic, is not correct. This contention or this allegation will be amply refuted.

**Shri S. S. More: How?**

**Sardar Swaran Singh:** I am giving the figure, if the hon. Member will be a little patient.

I gave the figure of the persons who were actually sent across during the year 1953. Now, besides those persons who were sent across, as many as 326 persons were restored to relatives in India during the year 1953 after recovery, that is, they were not sent across. When we compare this with the figure of about 2,000 being the number of persons who were sent across, this does represent about half the number sent across. It represents that body of persons who, after recovery and after enquiry and after investigation, were not sent across but were either set free or restored to their own relations here. Therefore, it cannot be said as was argued in certain quarters that the act of recovery automatically results in the imprisonment, so to say, of that person and she is automatically sent across. That is not correct.

I also gave this afternoon certain figures relating to the children which indicated that a very large number of children were not actually taken across, but were left behind. I will separately come to this question of children. At this stage, all that I wanted to say was that this allegation which has been levelled from certain quarters is incorrect, *viz.*, that a person after recovery is under duress or certain influences are made to work and an atmosphere is created in which there is no option left for the person concerned except to go across. That I would submit is not the correct position. And after the categorical statement made by the Prime Minister himself this afternoon

in this House no doubt should have been left in any quarter that these cases would be treated in accordance with the policy which has been enunciated by the hon. Prime Minister.

**Shrimati Renu Chakravartty:** Is there any time-limit for the stay in the camp?

**Sardar Swaran Singh:** That question of the stay in the camp is a bit difficult to decide, because there are always two points. On the one hand it is said that she should not be permitted to stay for less than a particular period for an obvious reason, viz., she should be there long enough for an atmosphere to be created in which she can express her will after getting into touch with her relatives and after having had opportunities of getting the whole thing explained by social workers. That is, there is always a minimum time-limit. There should also be a certain maximum time-limit so that within that time some decision should be taken with regard to that woman. Steps will now be taken to settle some broad time-limits. There are already some informal understandings on that point and some arrangement according to which they are not detained for a very long time. They will be expected to express their desire after being kept there for a certain maximum number of days. Perhaps it will also be a good arrangement if that will is ascertained not immediately after the recovery, but after that person is kept in a neutral, friendly atmosphere for some time—a minimum number of days—and after social workers have had time to contact that abducted person and after opportunity had been given for the relatives to meet her.

**Shrimati Renu Chakravartty:** There is nothing like a specified minimum time?

**Mr. Deputy-Speaker:** He said there is a time-limit.

**Sardar Swaran Singh:** Obviously, this is a matter of detail which cannot be put in the body of the Bill, but

if there is any suggestion on that point. I would beg the hon. Members to weigh this in their own minds. It is not a point upon which any suggestion can be made off-hand, that it should be 15 or 20 or 30 days, but something rough could be there. At the moment our arrangement is that even after the decision by the Tribunal, the woman is not moved across for another 15 days so that if anybody else has got any application to make or any revision petition to file, there should be some opportunity given for that. That is the time-limit within which we are working. But that obviously does not indicate the maximum time for which these abducted persons are kept in these camps, before their will is ascertained. However, I personally do not hold strong views on this point. If any suggestions could be given on this question of the period for which they should be kept in these camps, they would be most welcome, particularly from the lady Members of this House, because their advice will be of great value in determining what should be the approach to this problem.

**Shri P. N. Rajabhoj:** What about our advice?

**Sardar Hukam Singh:** Not from Shri P. N. Rajabhoj.

**Shri Gidwani:** What about removing the police atmosphere?

**Sardar Swaran Singh:** I am presently coming to that point. It has been suggested that the approach and the atmosphere right from the time of recovery up to the time of the disposal of the case, should not be official and there should not be any police atmosphere. I entirely agree with that proposition. But so far as the presence of the police, and their utilisation for recovery and guarding purposes are concerned, obviously we have to employ that agency, but so far as the camp is concerned, the atmosphere there is not police-ridden, and should not be police-ridden. And I am particularly in favour of some social workers, particularly lady workers, being associated with this work, so

[Sardar Swaran Singh]

that they can have ample opportunities to remove the complexes and psychological fears that might have been created. I am prepared to go even a step further and say that even in regard to the disposal of the cases, the Tribunal should have at its disposal, the advice of social workers, in some form or other, either in the form of advisers or in the form of assessors or in some other form; the advice of the social workers of both the countries could be made available to the Tribunal, so that the Tribunal can come to a decision after hearing their advice, in an equitable and proper manner.

I shall take only a few minutes with regard to the children. The problem is difficult and the legalistic approach which has been put forward from one or two quarters about citizenship, birth etc., I am afraid, is not tenable.

**Shri S. S. More:** Why?

**Sardar Swaran Singh:** It is not tenable, because these very points have already been urged in the High Court, and the High Court had held that they are invalid. That is my legalistic reply. But I am prepared to approach this problem, not from a legalistic or narrow angle, but from a human angle.

**Shri S. S. More:** But why have you ousted the jurisdiction of the High Courts?

**Sardar Swaran Singh:** I am not yielding.

**Shri S. S. More:** I am not challenging the particular hon. Minister, but the original Act which is sought to be extended now. I am asking this as a lawyer. As my hon. friend Shri Tek Chand has stated from his own personal experience, the courts have felt incompetent to go into these matters. I want to know why their jurisdiction has been ousted.

**Sardar Swaran Singh:** Although it is very tempting for me to argue the legal aspect, yet on this particular occasion, I must resist that temptation,

because the High Court went into this question, and came to the conclusion that the Act is *intra vires*, and that is an end of it. But this legalistic question apart, if there is any point worth considering, from a human and social point of view, from the point of view of the welfare of the children as the guiding principle...

**Shri S. S. More:** May I make one submission?

**Sardar Swaran Singh:** I am not giving way.

**Shri S. S. More:** Our anxiety is to safeguard the constitutional legalistic approach.

**Mr. Deputy-Speaker:** Order, order. All these points have already been urged either by the one side or the other. What is the new explanation that is required? Let lawyers keep quiet. (*Interruptions*).

**Sardar Swaran Singh:** I was saying that so far as the children are concerned, the figures given by me do indicate that a fairly large number of children are actually left behind. That perhaps answers the point which was made by my learned friend Shri Tek Chand. He himself was in doubt as to what should be done with regard to the children and he was trying to find some sort of different formulae about a suckling child who is in the lap of the mother and a child who has grown up. I am only reminding him through you, so that the complexity of the situation might be fully appreciated by this House that it is very difficult really to give any set formula. Broadly speaking, the welfare of the child should be the guiding principle and we propose to implement it. The welfare of the child will be the deciding factor in these cases. Therefore, the custody of the child, or its being sent across, is the point at issue. Whether you define that child as an abducted child or otherwise, that is the child about whom I am making my submission. I must refute with the utmost emphasis at my command the allegations that have been made against

Miss Mridula Sarabhai and also certain other social workers. The task that was being done was a very difficult and delicate task and regard being had to the number with which we are concerned, it is really unfair that allegations of that nature should be made, particularly against a person, on the floor of the House, who has not got the opportunity to refute those allegations. I want to place on record the appreciation of the Government for the splendid work done by her and by that large band of selfless social workers, most of whom are lady workers who have done this work at considerable risk and at considerable unpopularity. But I have no doubt in my mind that when these superficial approaches are gone and when we are restored to our normal way of thinking, posterity will remember this band of selfless workers with a deep debt of gratitude.

I have answered almost all the points that have been raised. I have purposely omitted to mention some of the small points, particularly something which was said about the staff and about the amount of expenditure. This point is constantly under review and no one will be more anxious than myself if, after going into that, it is found that either the transport is superfluous or any of the employees are superfluous—whether they are permanent Government servants or otherwise—we will take every step to ensure that not a pie more is spent than is absolutely necessary. With these words, I would commend this Bill for acceptance by the House.

**Mr. Deputy-Speaker:** The question is:

"That the Bill further to amend the Abducted Persons (Recovery and Restoration) Act, 1949, as passed by the Council of States, be taken into consideration."

*The motion was adopted.*

*Clauses 1 and 2 were added to the Bill.*

*The Title and the Enacting Formula were added to the Bill.*

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** I beg to move:

"That the Bill be passed."

**Shri M. S. Gurupadaswamy (Mysore):** I want to make one submission.

**Mr. Deputy-Speaker:** I will call upon Shri Chavda.

Motion moved:

"That the Bill be passed."

**Shri M. S. Gurupadaswamy rose—**

**Mr. Deputy-Speaker:** Merely because an hon. Member stands up and makes a request, until I call upon him to speak, he ought not to speak. I have no particular antipathy towards the hon. Member. But the other hon. Member has not spoken at all.

Now the hon. Member, Shri Chavda. The speech should be short and swift. It is already 7-5.

श्री चावडा (बनस्कंठा) : उपाध्यक्ष महोदय, मैं आभारी हूँ कि आपने मुझे इस समय बोलने का मौका दिया। इस बिल के बारे में बहुत साफसाफ बातें हो गयी हैं। उसकी चर्चा मैं में बहुत ज्यादा नहीं जाना चाहता। मैं ने आंकड़े देखे हैं। हमारे यहां से जो बहिनें भेजी गयी हैं और पाकिस्तान से जो बहिनें यहां लायी गयी हैं उन आंकड़ों को देखने के बाद दिल में यह बात आये बगैर नहीं रहती कि पाकिस्तान ने हमारे साथ जैसा व्यवहार करना चाहिए नहीं किया। मैं ने यह भी सुना कि यह भी जाहिर हुआ था कि वहां की मिनिस्ट्री के कुछ अफसरों के पास भी दो हजार के करीब बहिनें हैं। मैं यह समझता हूँ कि पाकिस्तान गवर्नमेंट को इसका पता जरूर होना चाहिए और अगर पता है तो शायद वह जानबूझ कर के इन बहिनों को नहीं भेज रहा है और हमारे साथ कोआपरेशन नहीं कर रहा है। इसलिए मैं सोच रहा हूँ कि हम जो इस

[ श्री चावदा ]

बिल की मुद्दा एक साल और बढ़ा रहे हैं इस दरमियान में शायद पाकिस्तान समझे और हमने जितना भलाई का व्यवहार उनके साथ किया है वैसा ही व्यवहार वह भी हमारे साथ करे और हमारी जितनी बहिनें वहां हैं उनको वापस आने का मौका दे। मैं आज के मौके पर साफ कह देना चाहता हूं कि मेरे दिल में यह बात बिल्कुल साफ हो गयी है कि पाकिस्तान जानबूझ कर के जो बहिनें पाकिस्तान में हैं उनको वापस देना नहीं चाह रहा है। सरकार का तो यह काम है कि वह कहे कि वह हमारे साथ कोभाषपरेषन कर रहे हैं। सरकारों का यह तरीका होता है। इसमें कोई शक नहीं कि हमारी बहुत सी बहिनें वहां हैं और अगर वह वापस नहीं आयीं तो हमें हर रोज के व्यवहार में पाकिस्तान के साथ डर रहेगा और अगर यह बहिनें वापस नहीं आतीं तो पाकिस्तान की सरकार पर कलंक रहेगा।

यहां कुछ मृदुला बहिन के बारे में और एडमिनिस्ट्रेशन के बारे में कहा गया। जहां तक मृदुला बहिन का सवाल है, मैं उनको जानता हूं। उन्होंने अपना सारा जीवन बहिनों की भलाई के लिए ही लगा दिया है। और उनके विषय जो कुछ कहा गया है उसको मिनिस्टर स्महब ने रिफ्यूट भी किया है। जो काम इस आरगेनाइजेशन ने किया है शायद वह हमारे एक्जक्शन के इतिहास में एक मर चीज हो कर रह जायगा। यह काम ऐसा हुआ है कि इस की वजह से हम हमेशा अपना सार ऊंचा रख सकेंगे।

कुछ भूलें जरूर हुई होंगी, लेकिन उन भूलों को देखते हुए भी काम अच्छा हुआ है। पाकिस्तान ने हमारे साथ अच्छा व्यवहार

नहीं किया, यह मैं कबूल करता हूं, लेकिन इसलिये कि कोई हमारे साथ बुराई करता है, हम उस के साथ बुराई नहीं कर सकते, क्योंकि हम तो भलाई करना चाहते हैं।

तो मैं इस मौके पर मृदुला साराभाई बहन को और उन के साथ जो आर्गेनाइजेशन ने काम किया है, उस को मुबारकबादी देता हूं कि उन्होंने बहुत अच्छा काम किया है और आयन्दा के लिये उम्मीद है कि जो वक्त मिला है उस में वह इतना अच्छा काम करेगा कि हमें दोबारा इस तरह के बिल को लाने का मौका न मिले। मैं आप का आभारी हूं कि आप ने मुझे बोलने का मौका दिया।

**Shri M. S. Gurupadaswamy rose—**

**Mr. Deputy-Speaker:** Normally, I expect hon. Members would not intervene in every debate. The hon. Member is doing it.

**Shri M. S. Gurupadaswamy:** I am sorry, I do not want to speak when such a remark is made.

**Mr. Deputy-Speaker:** I am not making any remark. There are certain persons who speak on every subject. When everything has been said on the subject, I did not expect the hon. Member to intervene in this. Ordinarily, he does not intervene in such matters. He has got a lot of other work. He has been contributing to the debates of this House in the matter of economics, in the matter of sericulture and other matters. Therefore, it is not denying the hon. Member any opportunity. The Chair knows that normally he is not taking part in such matters. There is no aspersion against the hon. Member. He is always alert, energetic, very enthusiastic and speaks well.

**Shri M. S. Gurupadaswamy:** I very much regret what you have said.



**Mr. Deputy-Speaker:** Even these remarks?

**Shri M. S. Gurupadaswamy:** What you said before, that I am intervening in every debate, on every subject.

**Mr. Deputy-Speaker:** There are five hundred Members. The hon. Member will bear with me; if all the 500 Members want to speak, shall I allow all of them to speak without exercising any discretion in this matter? Shall we sit all the 365 days? Unfortunately, we have only 365 days in the year. If every hon. Member stands up and says he has a right, I have also an equal right to say I cannot allow him. That is what I want to convey. There is no aspersion on the hon. Member in this particular matter.

**Shri M. S. Gurupadaswamy:** I am not questioning your right, Sir.

**Mr. Deputy-Speaker:** The hon. Member is getting up again and again and I am trying to close this at 7-15.

**Shri M. S. Gurupadaswamy:** I very much regret the remark that I am intervening in every debate.

**Mr. Deputy-Speaker:** So far as this Bill is concerned, I am yet to see what new points the hon. Member is going to add. We are in the third reading stage.

**Shri M. S. Gurupadaswamy:** I know I am intervening in this debate at the third reading stage. I know the procedure of the House.

**Mr. Deputy-Speaker:** Well, let us hear him.

**Shri M. S. Gurupadaswamy:** Mr. Deputy-Speaker, Sir, I want to make one observation and it is this. This department was functioning under the External Affairs Ministry. Originally, this was under the Ministry of Rehabilitation.

**Sardar Swaran Singh:** It has always been under the External Affairs Ministry.

**Shri M. S. Gurupadaswamy:** This matter relates to the problem of

restoring women who were abducted at the time of partition. The Rehabilitation Ministry is dealing with the question of rehabilitating those persons who have left their homes in Pakistan.

**Sardar A. S. Saigal (Bilaspur):** That is a different question.

**Shri M. S. Gurupadaswamy:** This matter is very much related to the problem of rehabilitation.

**An Hon. Member:** Not at all.

**Shri M. S. Gurupadaswamy:** I beg to submit that this function may as well be entrusted to the Rehabilitation Ministry and it is not necessary to continue this department under the External Affairs Ministry. That is my first submission.

Secondly, I want to know what are the reasons for removing the previous person from this department. No reason has been given so far either to the House or at any time....

**Mr. Deputy-Speaker:** What is the meaning of "previous person"?

**Sardar Swaran Singh:** This has no relevancy at the third reading stage, Sir.

**Shri M. S. Gurupadaswamy:** The removal of a person who was managing all these affairs previously....

**Sardar Swaran Singh:** Who says that? Who was removed?

**Shri M. S. Gurupadaswamy:** I want the reasons for that.

**Mr. Deputy-Speaker:** We are now in the third reading stage. The hon. Member can advance reasons why the Bill ought not to be passed, and he need not ask why the person has been removed. Does he mean to say that because the person is removed, the Bill ought not to be passed?

**Shri M. S. Gurupadaswamy:** I want to point out, Sir....

**Mr. Deputy-Speaker:** I want to point out that we are in the third reading stage. The hon. Member may say that

[Mr. Deputy-Speaker]

the Bill ought to be thrown into the waste-paper basket; he can advance arguments for that. But, because a person has not been put in charge of it, it is not a reason for throwing the Bill out.

Shri M. S. Gurupadaswamy: I only want to show that the machinery has not been working properly and it has not been manned properly.

Mr. Deputy-Speaker: The hon. Member is not adding anything to the argument which will enable the House to come to one conclusion or the other.

The question is:

"That the Bill be passed."

The motion was adopted.

The House then adjourned till Two of the Clock on Friday, the 26th February, 1954.

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