

THE
PARLIAMENTARY DEBATES

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(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Saturday, 6th December, 1952.

The House met at a Quarter to
Eleven of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

MOTIONS FOR ADJOURNMENT

RACIAL DISCRIMINATION AGAINST STUDENTS AND STAFF OF NIRMALA COLLEGE DELHI.

Mr. Deputy-Speaker: Before the regular business of the House is taken up, I want to refer to three adjournment motions notices of which I have received.

The first is by Shri Sreekantan Nair. The motion is in the following terms—it refers to the same question raised by Shrimati Renu Chakravartty:

"The situation that has arisen out of the strike of the students of the Nirmala College, Delhi, on account of the racial discrimination against the students and staff of Indian nationality by the American authorities of the College, and the refusal of the authorities to sanction the inaugural function of the College Union and the violent attack on non-violent *Satyagrahis*."

Now, what is the control that the Government has over this American Mission College?

Shri N. Sreekantan Nair (*Quiloncum Mavelikkara*): It is an educational institution, Sir, and it is an insult to the Indian nation as a whole. It is affiliated to Delhi University.

Mr. Deputy-Speaker: What is the control the Government of India has? Does it give any subsidy or grant or is it run directly by the Government?

Shri N. Sreekantan Nair: Subsidised.

Mr. Deputy-Speaker: Then the hon. Member, Shrimati Renu Chakravartty, has already tabled a short notice question with reference to this matter. Therefore, in the usual course the short notice question will be answered. May I know what the hon. Minister has to say?

مولانا آزاد: مجھے ایسی تک کویشن نہیں ملا ہے۔ لیکن گونہات تیار ہے کہ اگر کویشن مل جائے تو مدد کو وہ جواب دے دیا جائے۔

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): I have not received the question yet. If it is received, Government will be ready to answer it on Monday.]

Mr. Deputy-Speaker: I think the purpose is served. On Monday the hon. Minister will gather all the facts and answer both this and the short notice question. It is not necessary to pursue this adjournment motion.

EVICION NOTICES ON REFUGEES IN
BANDHABNAGAR COLONY

Mr. Deputy-Speaker: The second adjournment motion is by Shrimati Renu Chakravartty.

"That this House do now adjourn to discuss a matter of urgent public importance arising out of the eviction notices served on 200 refugee families of Bandhabnagar colony, Dum Dum, West Bengal, in pursuance of requisitioning land for the Central Government and their not being provided even sufficient opportunity to appeal against the eviction."

Who has given the eviction notices?

Shrimati Bess Chakravarty (Barrat): Eviction notices have been given by the competent authorities on behalf of the Central Government, that is, the District Magistrate.

Mr. Deputy-Speaker: The District Magistrate is an officer of the Provincial Government.

An Hon. Member: But he is the competent authority.

Shri T. K. Chaudhuri (Berhampore): There is an authority in Bengal known as 'competent authority'. They are competent only to evict refugees.

Shri K. K. Basu (Diamond Harbour): He is a provincial officer, but the provincial Government has nothing to say about it. That is the whole point.

Mr. Deputy-Speaker: It is not an action of the Provincial Government?

Dr. S. P. Mookerjee (Calcutta South-East): The requisition has been made on behalf of the Central Government. That plot of land is required by the Military Department, but the actual step has been taken by the District Magistrate, 24 Parganas, who is the competent authority to take action. But really the matter arises out of certain decision taken by the Central Government. That is how it becomes relevant.

Mr. Deputy-Speaker: The hon. Minister.

The Minister of Rehabilitation (Shri A. P. Jain): The position stated by Dr. Syama Prasad Mookerjee appears to be correct. The relevant Act provides under section 3 — "Where the competent authority is of the opinion that any property is needed or likely to be needed for any public purpose, being a purpose of the Union..." Now, 'competent authority' has also been defined in the Act. "Any person or authority authorised by the Central Government by notification in the Official Gazette to perform all the functions....." So far as that point is concerned, I have no objection, but if the Chair wants I can put the facts.

Mr. Deputy-Speaker: What is the position?

Shri A. P. Jain: I have not been able to ascertain the facts from the official sources. But accepting every one of the facts which the hon. lady Member has alleged in the notice and in a number of papers which she handed me over yesterday, the facts of the case appear to be that there is a certain plot of land in West Bengal near Dum Dum on which a few hundred

families of displaced persons are unauthorisedly quartered. A notice was issued by the Collector of 24-Parganas under section 3 of the Requisitioning and Acquisition of Immovable Property Act, 1952. Now, that notice called upon the owner or any other person in possession of the property to show cause within 15 days of the service of notice why the property should not be requisitioned. After the expiry of the period of that notice, a second notice was served by the District Magistrate under section 3 (2) and section 4 to the effect that the property be requisitioned.

There is a dispute as to whether the first notice calling upon them to show cause was served upon the Secretary of the Bandhabnagar colony. Assuming that no notice was served on the Secretary and the Collector of the 24 Parganas has passed an order of requisition under sections 3 (2) and 4 of the Act, the question is what is the remedy and whether this is an action of recent origin. The notice under sections 3 (2) and 4 was admittedly served on the 15th November, 1952, that is, about 21 days before. Now, whatever mischief arises out of that notice arises when it was served on the 15th of November, 1952 and, therefore, the allegation of the hon. lady Member that it is of recent origin is not borne out. In fact, the hon. lady Member has over-shot the mark. She says that the adjournment motion has become necessary because these persons have not been provided sufficient opportunity to appeal against the order of eviction. In the note given after the adjournment motion, she says that neither the West Bengal Government nor the Rehabilitation Ministry has been able to help the refugees to find out what is the appellate authority. Section 10 of the Act is very clear on the point and, if only the lady Member had cared to look at it, the difficulty would not have arisen. Section 10 says:

"Any person aggrieved by an order of requisition made by competent authority under sub-section (2) of section 3 may, within 21 days from the date of the service of the order, prefer an appeal to the Central Government."

That 21 days' period is going to expire today. It was open to the Secretary if he felt aggrieved, to file an appeal to the Central Government. He has not chosen to do that.

Dr. S. P. Mookerjee: He has done that. A representation has been sent to the Defence Ministry.

Shri A. P. Jain: If that appeal is pending, it will be decided by the Central Government. I fail to understand how any case for an adjournment motion has been made out.

Mr. Deputy-Speaker: Is not the appellate authority competent to issue a stay order? Is the appellate authority, the Defence Minister, competent to keep the order in suspense?

Shri A. P. Jain: I do not think there is anything to prevent him. In fact, no eviction is taking place today. The notice was served on the 15th November, 1952, asking them to clear the land. They have to clear the land within a period of 30 days. The notice will expire on the 15th December, 1952. If the mischief arises from the service of the notice, then the notice was served on the 15th November, 1952. If it arises from eviction, the eviction has not taken place. This adjournment motion may be a good advertisement but it has no substance whatsoever, as far as the merits of the case are concerned.

Dr. S. P. Mookerjee: I do not know what is the sarcasm for. The hon. Minister says that it is a good advertisement. There are 2500 people involved and they represented to the Government of Bengal that this colony should be recognised as one of the approved 'squatters colonies'. It is the scheme of the hon. Minister that some of these squatters colonies should be recognised by Government and steps should be taken so that these people may continue to live there. It is not a question of advertisement. If the hon. Minister were to be a squatter there and was asked to go out he could have realised the utter helplessness of the people and the hollowness of the sarcasm.

Shri A. P. Jain: The hon. lady Member came to me and gave me some papers. I addressed a query to the West Bengal Government. I told her that I had addressed the West Bengal Government and unless I got the facts, I could not do anything. And, today I find that an adjournment motion has been tabled in the House, which is nothing but an advertisement.

Shrimati Renu Chakravartty rose—

Mr. Deputy-Speaker: I shall give an opportunity to the hon. lady Member, I do not think it is proper for the hon. Minister to say that. Unnecessarily heat is being generated here by such expressions. The hon. Member might have seen the hon. Minister. But the hon. Member is not here by virtue of the Minister's vote but by virtue of the

votes of others. The hon. Minister admits that 200 families have been given notice to quit; nearly 2000 people are going to be affected by this. It is a serious matter. If the hon. Minister is not able to do anything to redress this it is open to them still to come to this House. I am really surprised that an hon. Minister who is only an agent in this House should complain against the Member coming to this and call it propaganda. I am sure the hon. Minister will not use such expression. He has repeated it in spite of the suggestions and protests from the other side.

12 Noon

Shri A. P. Jain: May I be given an opportunity to explain the position?

Mr. Deputy-Speaker: Yes.

Shri A. P. Jain: When the hon. lady Member approached me I said, 'I have addressed the West Bengal Government and I cannot do anything more than that at present'. So, where does the question of an adjournment motion arise, when the hon. Member knows that everything possible has been done?

Mr. Deputy-Speaker: What I feel is that it is open to any hon. Member to come to the Minister but does it debar the hon. Member from coming to the House? Has she given an assurance that she will not come to the House?

Shrimati Renu Chakravartty: I told him that I was going to move this motion.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): The position is this. What my colleague wanted to say is that it has been sufficiently publicised.

Dr. S. P. Mookerjee: He said, 'advertisement'.

Shri T. T. Krishnamachari: Advertisement is publicity.

Mr. Deputy-Speaker: I am glad that the hon. Minister did not intend to mean anything other than publicity. Anyhow, the word 'advertisement' need not be used by Ministers who are responsible; nor would I like such expressions to be used by the other side.

Shrimati Renu Chakravartty: May I make my position clear, Sir? The position is this. Even from the section which the hon. Minister read out we could not make out who is the appellate authority. Since the last day for appeal is the 7th December, we wanted to know from the Minister as

[Shrimati Renu Chakravartty.]

well as his departmental heads as to which was the appellate authority. Neither the West Bengal Government nor the Central Government were able to enlighten us. Therefore, I was quite within my bounds to ask what would happen in this case. Should a stay order be given or are they not going to be given a chance of appealing? That was my position. There was nothing wrong in that and I think it is just right that we should put forward the difficulties which have been experienced by refugees.

Mr. Deputy-Speaker: May I know who the appellate authority is?

Shri A. P. Jain: The Central Government is the appellate authority. It will go to the appropriate Ministry. It is not my duty to advise any particular person. The Act is there; it is for him to find it out.

Dr. S. P. Mookerjee: Under the Act, I could not find out who is the appellate authority. Let us know from the hon. Minister which Ministry in the Centre is the appellate authority.

Shri A. P. Jain: I believe, Sir, the Housing and Supply Ministry is the one which generally deals with the requisitions. Certainly, Sir, when an appeal is made to the Central Government, it will go to the appropriate Ministry.

Pandit Thakur Das Bhargava (Gurgaon): The appeal lies to the Defence Secretary.

Dr. S. P. Mookerjee: May I just say, Sir, a few words. I do not want to go into the merits of the case. So far as these people are concerned, they have been occupying this land since 1950. This was an entirely undeveloped area. It belongs to a private individual. They have removed the jungles, they have built roads, they have built temporary houses; they have sunk a tube-well and they have also opened a school. Now, they are just being asked to clear out of the area. It is the policy of the Rehabilitation Ministry that such colonies in suitable cases should be encouraged. They should be permanently rehabilitated. That announcement was made by the Prime Minister. Their application is before the Government and they want to be treated as one of the approved colonies. So, this is one of the cases where the Requisition Act should not be applied. Technically, whether the adjournment motion is in order or not, is a matter for you to decide. This is certainly a case in which the hon. Minister should take a sympathetic

view and speak to the Ministry of Defence so that the order may be withdrawn. We do not want to advertise, we only want to see that these three thousand people should not be put to inconvenience.

Mr. Deputy-Speaker: May I ask the hon. Minister at whose instance this requisitioning has been done?

Shri A. P. Jain: I have no facts with me, but as I understand from what has been said in the House, the land has been requisitioned at the instance of the Defence Ministry.

Shri H. N. Mukerjee (Calcutta North-East): Am I to understand from what the hon. Minister has said that in matters which pertain very definitely to the Ministry of Rehabilitation and refer to the conditions of life of refugees, the Ministry of Defence takes decisions and acts according to them without reference either to the Cabinet as a whole or to the Minister of Rehabilitation in particular?

Mr. Deputy-Speaker: Is it a fact that tube-wells have already been sunk and schools and other amenities have been provided?

Shri A. P. Jain: I have no information. At any rate, Government do not provide any school in these Squatters' Centres.

Mr. Deputy-Speaker: I think that for want of full facts this matter must stand over till Monday, when I expect the hon. Minister will take note of all that has been stated here and find out if really there has been so much difficulty, particularly for refugees who have been staying there for some time. He can ascertain the circumstances under which they are going to be evicted; what the superior need is for doing so; and so on. He may explain all this to the House before I make up my mind as to whether this motion ought to be entertained or not.

Shrimati Renu Chakravartty: I take it that they will not be evicted in the meanwhile.

Mr. Deputy-Speaker: I am sure no hasty action will be taken by Government in this matter when it is before the Parliament.

Dr. S. P. Mookerjee: For the information of the hon. Minister I may tell him that there are hundreds of acres of vacant land adjoining this particular area, and if they want to requisition certain lands for military purposes, those lands are there and they can be requisitioned without disturbing these people.

Mr. Deputy-Speaker: I am sure Government would take that into consideration.

Shri A. P. Jain: If you will permit me, I can clarify the position. The policy of this Ministry has been that wherever any lands have been unauthorisedly squatted upon, if the same is within certain financial sanctions, we regularise those colonies. If that is not possible due to it not being within the specified financial limit or for any other reason it is not considered in the public interest to regularise the colony, then we give them alternative accommodation. In this particular case, I do not know whether there are any lands lying in the adjoining area and I do not know why the Defence Ministry want this particular land. But if the refugees are evicted, we will give them alternative accommodation.

Mr. Deputy-Speaker: Not after they are evicted.

Shri A. P. Jain: It will be only after eviction. How can you give them alternative accommodation before they are evicted?

Mr. Deputy-Speaker: The hon. Minister must make arrangements to give them alternative accommodation before they are evicted if really this action is against their interests. Let us have some more facts about this matter. Naturally the House will expect that with respect to refugees who have been there for some time, as the hon. Minister himself has stated, every arrangement will be made to provide alternative accommodation to them. The only question is whether alternative accommodation needs to be thought of or provided before the eviction is made, unless it be that there is a state of emergency and this land has to be requisitioned for the purpose of defence. All these matters require to be clarified and the hon. Minister will try to obtain to get information about them and place it before the House on Monday. Therefore, this motion will stand over till then.

CYCLONIC STORM IN TAMILNAD AREA

Mr. Deputy-Speaker: I have received notice of another adjournment motion from the following hon. Members, Kumari Annie Mascarene; Shri Muniswamy; Shri Veeraswamy and Shri Anandan Nambiar. The motion seeks to discuss a matter of urgent public importance arising out of the havoc caused by the unprecedented cyclonic storm in Tamil Nad on the 30th November, 1952, destroying properties worth crores of rupees, thousands of

lives and houses and causing untold misery and bitter suffering to the people, especially of South Arcot, Tanjore and Trichinopoly districts. May I enquire how this is a Central subject?

Shri Nambiar (Mayuram): Here is a report that appeared in the *Dein Express* dated the 6th December, 1952. It says:

'TANJORE REPORTS 134 DEATHS IN RECENT CYCLONE

In the Tanjore district 134 people lost their lives and many others sustained injuries as a result of the cyclone, which swept the district on November 30. The Collector's report to the Government stated today, 'The loss of cattle is estimated at over 1000.' Not only that but the Central Government is vitally affected because the communications have been damaged. The trains are not running properly and the roads and custom houses have been affected. Many public buildings belonging to the Central Government are also affected. I may bring to your notice certain facts which are reported in the *Indian Express* dated the 5th December 1952. I shall read to you one or two passages only:

"NAGAPATTINAM IS WORST HIT BY CYCLONE GREAT DAMAGE TO PROPERTY FEARED 42 DEAD IN KARAIKAL

10 FEET OF WATER IN NAGAPATTINAM HOSPITAL

M. L. A.'s ACCOUNT OF CYCLONE HAVOC"

These are the headings. I shall now read a small passage from the statement of an eye witness:

"Loss of life and loss of property may be very great. I think the whole town has to be rebuilt and given a new name.

Many places are flooded between Tiruvarur and Nagapattinam. It will take many days to resume rail traffic. Karaikal is heavily flooded. The town looks like a floating raft."

The same is the case in regard to Nagapattinam port and there has been heavy damage in Trichy also. There is demand for relief from the Central as well as the State Government. The Trichy Town Congress authorities have stated in their communication that the cyclone has caused considerable havoc in the district and that plantain crops over a few thousand acres have been destroyed. Several huts have been destroyed, rendering a large number of people homeless.