

toms Duties Drawback (Chokes for Fluorescent Lamps) Rules, 1957; [Placed in Library. See No. S-178/57].

(3) SRO. 2396, dated the 20th July, 1957; [Placed in Library. See No. S-179/57].

(4) SRO. 2397, dated the 20th July, 1957, containing the Customs Duties Drawback (Sacharun) Rules, 1957; [Placed in Library. See No. S-180/57].

(5) SRO. 2399, dated the 24th July, 1957; [Placed in Library. See No. S-181/57].

(6) SRO. 2400, dated the 24th July, 1957, containing the Customs Duties Drawback (Jute Manufactures) Rules, 1957. [Placed in Library. See No. S-182/57].

WEALTH TAX BILL

The Minister of Finance (Shri T. T. Krishnamachari): On behalf of my colleague, the Law Minister, I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the levy of wealth-tax, be extended up to the 17th August, 1957."

The House will be interested to know that the Committee have been quite assiduous. They have so far held 9 sittings; they have completed about 31 clauses and it is expected that they will finish the work in regard to the Wealth-tax Bill in another two days. As holidays are intervening, the request is made to the House to postpone the time for the presentation of the Report till the 17th August 1957.

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the levy of

wealth-tax, be extended up to the 17th August, 1957."

The motion was adopted.

EXPENDITURE TAX BILL

Shri T. T. Krishnamachari: On behalf of my colleague, the Minister of Law, I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the levy of a tax on expenditure, be extended up to the 26th August, 1957."

The House might know that the Committee have been holding sittings very largely for hearing evidence. They have held 7 sittings. They have not taken up the clause by clause consideration of the Bill and it is hoped that they will be able to complete the work well below the day indicated. I therefore request the House to give extension of time for presenting the Report to the 26th August, 1957.

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the levy of a tax on expenditure, be extended up to the 26th August, 1957."

The motion was adopted.

DEMANDS FOR GRANTS—contd.

MINISTRY OF REHABILITATION—contd.

Mr. Speaker: The House will now resume further discussion of the Demands for Grants relating to the Ministry of Rehabilitation. Out of 8 hours allotted for the Demands of this Ministry, 2 hours and 39 minutes have already been availed of and 5 hours and 21 minutes now remain.

The list of cut motions moved on the 9th August 1957, relating to the Demands of this Ministry has already been circulated to Members on the 10th August 1957.

I will call upon the Minister of Rehabilitation and Minority Affairs to reply to the debate at...

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): I shall take about an hour.

Mr. Speaker: I will call upon him at 17:00 hours. We will sit till 18:00 hours.

Shri T. B. Vittal Rao (Khammam): There is another discussion at 17:30 hours.

Shri Harish Chandra Mathur (Pali): There is a half-hour discussion at 17:30 hours.

Mr. Speaker: Would the hon. Minister like to start at 17:00 hours and resume tomorrow, or would he like to start and finish today once for all?

Shri Mehr Chand Khanna: The latter would be better, if I can start at 16:30 hours.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): This process of prolonging the time, I would respectfully submit, should not be encouraged. Prolonging the time means prolonging the session. Every day we add an hour or two which means days and weeks at the end of the session; we do not know where to find the day or week.

Shri Mehr Chand Khanna: I can start at 16:15 hours and finish by 17:15 or 17:30 hours.

Mr. Speaker: He will begin at 16:15 hours and finish by 17:30 hrs. Then the cut motions will be disposed of and Demands put to vote. Thereafter, there will be the half-hour discussion.

Shri A. S. Sarhadi may now resume his speech.

Shri A. S. Sarhadi (Ludhiana): I was trying to make out the point on Friday that in the context of the circumstances in which partition took place resulting in the forced migration of about 5 million people and the

terrible losses suffered by them, the legal liability for recouping those losses was on the Government of India. This liability was admitted in the pronouncement of the late Shri Gopala-swami Ayyangar while committing the Government of India to pay compensation for the losses they suffered. I make bold to say that such a commitment implies payment of full compensation.

What we are now told is this, that the final figure of Rs. 185 crores is not to be exceeded unless the Pakistan Government gives something in lieu of the properties that are left there. Of course, that position can be taken up by the Government of India, and we also appreciate the efforts being put in by the Ministry of Rehabilitation in doing its best to get something out of the Pakistan Government in lieu of those properties. But what I would respectfully submit is that the way in which this question of evacuee property is being dealt with with the Pakistan Government is not the proper way. Problems between the Indian Government and the Pakistan Government comprise one integrated whole and those issues cannot be split up. The Pakistan Government wants the waters of the eastern rivers against the agreement of 1948. They want to deal with that question separately, and in order to keep international peace and goodwill, we show them all sorts of concessions. But I would submit that the entire question, whether it be of waters of the eastern rivers, whether it be our demand for compensation for our losses in Pakistan or the immovable property we have left there, is one whole question and should be dealt with as a whole. If the Pakistan Government is allowed to have the waters of the eastern rivers despite the agreement of 1948, at the same time refusing to discharge the properties which it has expropriated of the displaced persons, it would be dealing with the question in a piece-meal way and would be enabling those people to follow the policy of 'heads I win, tails you lose'.

Therefore, I would ask the Minister

[Shri A. S. Sarbadi]

of Rehabilitation—I know he is a very strong man, an efficient man too, has got feelings for the displaced persons also—to stress upon his colleagues to deal with this question as one whole. There should be no settlement, and no water should be given from the eastern rivers unless they discard the properties which they have expropriated of the displaced persons. If this question is dealt with as a whole, I am sure he will be doing a service to the refugees from the western source by getting something out of the properties our people have left there. But if on the other hand, the question is dealt with separately, I can assure him that it will be extremely difficult for him to have anything out of them in lieu of the properties that people have left there.

The second point is this. The pronouncement of the Government is there that the displaced persons are to be reimbursed out of the Rs 100 crores worth of evacuee property left by the Muslims, Rs 85 crores allocation made for them by Government and no more. But here the Minister of Rehabilitation will please see that in the First Year Plan the allocation for the benefit of these displaced persons, if I recollect correctly, was Rs 66.08 crores and the amount that was expended was Rs 43.08 crores, which means that Rs 23 crores allocated for the purpose and to the benefit of the displaced persons was not spent in the first five years. This is an amount which belongs in a way to the refugees, which was allocated for the purpose, and there is no reason why this amount should not be added to the evacuee pool out of which they are to be reimbursed. They have got a strong case that these Rs. 23 crores which were not spent for their benefit, which obviously seems to have lapsed, should be expended for their benefit.

Another point which I beg the hon. Minister for Rehabilitation and through him the Government of India to consider is this. About 47 lakhs or

nearly 5 million people have come from West Pakistan. Most of them have spread themselves on their own initiative in the rest of the country. They have enriched the economy of the country. They have gone away to every nook and corner of India and we are proud of it. I wish that my friends from East Pakistan, the Bengalis will do the same thing. I think their culture is lovely, their language is beautiful and wherever they go they will be able to maintain their culture and language on account of its inherent strength as the Punjabis have done. The Punjabis have gone to Kanpur, Lucknow and even Madras and have made their own colonies. Anyway that is their concern. What I want to tell the Minister is this. There is no gainsaying one fact that by the influx of the refugees into Delhi and other places of India, the properties of the Government of India have appreciated to a very great extent. There has been an unearned increment that has accrued to the Government of India. Would the hon. Minister of Rehabilitation appoint a committee to go into that unearned increment, if he finds that there has been an unearned increment? Why not the value of that unearned increment go to the evacuee pool for the purpose of disbursement to the evacuees? I think their case is logically strong that this should also go to the evacuee pool. I will not further dilate on this subject. I would only say that in the interests of justice, fairness and fair play this is essential that whatever the Government has benefited by must be given back to them. I do not say that Government is exploiting the miseries of the refugees, I know it would offend them. But I would say with all the force at my command do not take advantage of the miseries of the refugees and displaced persons, whatever advantage has accrued to you by their influx, by their efforts, by their exertions, by their bettering the economy of the country, that must go to them and for Heaven's sake assess that unearned increment in the

property of the Government and let them have that.

Dealing with this subject, I come to another important point from my point of view, and I draw the attention of the Minister to Rule 65 of the Evacuee Rules

Shri Mehr Chand Khanna: Is it Compensation Rules?

Shri A. S. Sarkadi: Yes Rule 65 I will draw his attention to its meaning It says

- (1) Any person to whom four acres or more agricultural land have been allotted shall not be entitled to receive compensation separately in respect of his verified claim for any rural building the assessed value of which is less than Rs 20 000
- (2) Any person to whom less than four acres of agricultural land have been allotted, shall not be entitled to receive compensation separately in respect of his verified claim for any rural building the assessed value of which is less than Rs 10,000"

What this Rule postulates is this A person whose verified claim of land is 4 acres or less is not entitled to have his house claim verified if it is less than Rs 10,000 in value My hon friend the Minister of Rehabilitation knows very well that most of the people who have come from the northern districts of united Punjab belong to the commercial classes They were living in the villages doing either petty shopkeeping money-lending business or business of that kind They had good residential houses either built by themselves or built by their ancestors The houses might be of less than Rs 10,000 or between Rs 10,000 and Rs 20,000 They have all migrated now and have settled down in towns The main business they did on the other side was commerce or trade The lands which they had there was incidental, which came to them either on account of the moneys

which they had given on loan or somehow Most of the refugees that have come even did not know of the existence of any ownership of the land, but in the Jama Bандis and the record of rights their names appeared. Therefore, the Government allotted lands, though they were not aware of such allotments It looks surprising, I would say, that it looks rather astounding that a person who has got a small area of land of 10 marlas as his holding in West Pakistan should be deprived of his claim to Rs 9,000 of his house, which he got verified Ten marlas of land would not be worth more than Rs 40 or Rs 50 For this Rs 40 or Rs 50 he has to lose a claim of Rs 9,000 because without his knowledge, without his application, without his request a certain allotment has been made to him, of which he is not aware and which he has not taken possession of I would submit that this is not only unfair and unjust and inequitable, but I would ask your permission to say that it is obnoxious There are thousands of refugees with claims for less than Rs 10,000 and between Rs 10,000 and Rs 20,000 who have been given allotments and who have not taken possession So, I respectfully pray that this Rule should be amended to the extent that option should be given to the displaced persons concerned either to take the land or if they refuse to take the land and get allotments cancelled, he should get his verified claim paid like others If that option is there I submit that Government would be able to have land and these people would be able to have their claims paid I say that this is a demand which is most justified and I wish the Minister of Rehabilitation would concede that He was so kind to concede many other things which my hon friend Pandit Thakur Das Bhargava submitted the other day

The third point to which I want to call attention is this This is also equally important The hon Minister has prescribed that persons having been allotted agricultural land in

[Shri A. S. Sarhadi]

urban areas in Punjab would only have them adjusted against their claims if the value is below Rs. 10,000. This he has done to bring it on par with the claims of house occupiers in the towns. I am afraid that when he gave sanction to these rules, and particularly this rule, he did not know, probably, the valuation of such lands. If only an area of the value of Rs. 10,000 is to be adjusted against the claim, it would not be more than an acre or $1\frac{1}{2}$ acres which is not an economic holding. It will have its effect on food production also.

Shri Mehr Chand Khanna: What is the value of an acre?

Shri A. S. Sarhadi: It would come to about Rs. 50 per marla near about a town if its value is put in a town like Jullundur, then the price would work out to Rs. 10,000 per acre. What I submit is the lease already given for a block of 5 acres. If in the case of industries the figures of Rs. 50,000 is put up for the purpose of adjustment against claims, there is no reason why in the case of agriculture the same value is not put up. Then, the holdings that would be adjusted against the claims would be as much to make it an economic holding and the displaced persons would be able to look after that. He must bring the agricultural industry on a par with other industrial establishments and the area should be at least 5 acres or to the tune of Rs. 50,000 which the individual claims. Otherwise, the economic holdings of the individuals would not be more than an acre or $1\frac{1}{2}$ acres under no circumstances can such holdings be called economic holdings.

The hon. Minister knows that many people have come from certain tribal areas of the NWFP. They had been forced to migrate, they had been squeezed out from the tribal tracts. He has tried to do his best to accommodate them as much as possible. In the matter of verification of their claims, a condition has been put. I have myself seen a letter that was

issued from the Chief Settlement Commissioner's office which said that before the claim was verified, the claims for immovable property must be supported by documentary proof. Now, there is no registration there. They do not pay such taxes as property tax as there are no municipal committees or corporations. There are no registration offices. It is a most anomalous position.

Shri Mehr Chand Khanna: Is the hon. Member referring to compensation applications or rehabilitation grants?

Shri A. S. Sarhadi: I am not referring to the grants, they are different. I am referring to the claims applications for compensation which are the basis of grants. I am subject to correction. He would also appreciate that the grants are incommensurate with the claims, they are very much less. I would refer to rule 65 in this connection. You are giving grants in certain cases. A person who has a claim for a house worth Rs. 7,000 and has got a claim of about ten marlas of land, because he has his claim for 10 marla land his other claim for Rs. 7,000 is rejected. The grant given is only Rs. 300. This aspect also needs looking into.

I would, therefore, submit that no documentary proof should be asked for. They should be permitted to give applications for verification of their immovable property which they had left. It should be left to the discretion of the claims officers whether to believe the evidence or call for any other proof and they can exercise their discretion in a judicious manner and have other proofs so that there may not be false fabricated claims.

At present there are about 400 families which have been stranded from those areas. Nothing has been done so far for them. I entirely agree that the Government is doing its best for them and is giving them doles but doles have a demoralising

effect. Look at the demoralising effect on the future education of the children. It is time that they are settled somewhere at places where they desire so that they may be able to support themselves.

I would also draw the attention of the hon. Minister to the Sindhi refugees whose allotments are not being made permanent. I need not dilate on this point; the hon. Minister knows it very well. This case has been hanging fire for a long time. If the records have not come back, the fault is not theirs. When the Pakistan authorities were approached, they were throwing the blame on the Government of India that the records from this side have not gone. Whatever it might be, I would pray that, in case the total allotment could not be made permanent, at least 75 per cent should be made permanent so that they should have some security.

I entirely agree with what my hon. friend, Pandit Thakur Das Bhargava has said about the Kamala Market and the people who are living in the fort area. I do not think that the Government should go on any other basis than 'no-loss-no-profit'. These people have settled in the fort area by sheer energy and adventure and they have rehabilitated themselves on a portion which was lying waste. If they are turned out from that place, they should be given some alternate accommodation.

My last and the most important point is about the trust properties and the gurudwaras and other historical institutions. We have got very serious misgivings about it. There is no difficulty in the solution of this problem and about the properties and the income which belonged to the historical shrines if the Government of India makes a determined effort to settle the whole question, an integrated whole, and not allow Pakistan to gain in piecemeal dealings.

To a question I put the Prime Minister on free pilgrimage to Shrines in Pakistan, I was told that the Pakistan Government was co-operat-

ing. I am afraid it is not so. Extensive properties attached to the historical and sacred institutions are being expropriated and I feel that a time has come now when the Government of India should deal with it properly. That is a sacred trust of the 10 million people and in that I include the refugees from East Pakistan. That question is now in your hands and the posterity will look how you discharge it. It is not an easy problem. It is a colossal and stupendous problem. It is, however, a sacred trust in your hands. If you discharge it in an efficient way and rehabilitate the people in the proper manner, your name will adorn the pages of history; if you do not, posterity will condemn you.

QUESTION OF PRIVILEGE

IMPERSONATION BY BIRENDRA KUMAR MAZUMDAR

Mr. Speaker: I want to make a statement on the person who impersonated the other day as a Member of this House. He was sent to the hospital for examination. The House will recollect that on the 15th of July, 1957, a person who gave his name as Birendra Kumar Mazumdar has committed contempt of the House by posing as an elected Member of the House and signing the role of Members as such. I was authorised by the House to send Birendra Kumar Mazumdar to a medical board for examination of his mental state and to take such further action as I might think fit on the advice of the medical board. The Medical Board has observed Shri B. K. Mazumdar for a sufficiently long period, and examined him individually and collectively on two separate occasions. The Medical Board has stated that Shri B. K. Mazumdar is a person of unsound mind, and his is a case of schizo-phrenic reaction, a type of insanity. In view of this medical report I have decided not to take any action against Shri Mazumdar.

13 hrs.

A copy of the medical report of the said Medical Board appointed to ex-