

have taken up other onerous tasks. As far as possible I would like to distribute to others and give opportunities to various hon. Members. I thank all the hon. Members who have assisted both myself and the hon. Deputy-Speaker from time to time, much against great inconvenience to themselves, in presiding over the House and in carrying on the deliberations.

12.10 hrs.

ADMINISTRATION OF EVACUEE
PROPERTY (AMENDMENT) BILL
—contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Mehr Chand Khanna on the 10th February, 1960, namely,—

“That the Bill further to amend the Administration of Evacuee Property Act, 1950 be taken into consideration.”

Shri D. C. Sharma may continue his speech.

Shri D. C. Sharma (Gurdaspur): I was submitting yesterday that a Bill which deals especially with the refugees, suffering humanity, should be drafted in such a way that it does not become invalid when referred to the High Courts, but taking it for granted that human wisdom is limited and that even the best of draftsmen cannot prepare such Bills, I would like to ask the Minister how much time has passed between the High Court declaring some of the provisions of the Act invalid and the bringing forward of this amending Bill.

I am not sure of the facts, but I am told that several months have elapsed, that all these months have kept the refugees in a state of uncertainty, and that a great deal of harm has been done to some of them. I would have liked the Ministry to bring forward
348(Ai)LS—3.

the amending Bill as early as possible so that there may have been no hardship caused to the refugees.

My second point is this. I find that there has been progressive decline in the qualifications for the appointments to the posts of Custodian, Deputy Custodian and other categories of officers. There was a time when the post of Custodian-General used to go to retired Judges of the High Court, but now I am informed that the Custodian-General is not a retired Judge, he is only a District and Sessions Judge. I have nothing to say against that gentleman, and for aught I know he may be a very worthy gentleman, but I cannot understand why the Ministry should go on appointing persons of lesser and lesser calibre to these posts. At the same time, they are adding to them more and more responsibilities. It is a very strange symptom of the policy of the Ministry: the progressive decline in the qualifications of these officers and the progressive addition in the responsibilities that they have to discharge. I do not know what logic there is, how these two things can be squared, how these two things are at par with each other. My feeling was that these officers should have been kept at a particular level of achievement, but this is not done. Now when these officers are not as highly qualified as they used to be, we are giving them arbitrary powers, we are making them more or less responsible for so many other things; they can assess rent, they can assess any damage that has been caused to the property, they can call upon people to show cause why this or that has not been done. I feel they should not be given these additional powers.

I hear that these officers are already overburdened with work, and I am told by some of the refugees that come to me, and that come to other Members of Parliament, that the way they deal with these cases is not in conformity with the highest judicial traditions and standards of our country; they do not devote as much time

[Shri D. C. Sharma]

to the disposal of the cases, to the study of these cases and to the hearing of these cases, as a normal civil, revenue or judicial or magistrate's court will do. If such is the state of affairs, I cannot understand why these persons should be given such autocratic powers.

I submit very respectfully for the consideration of the hon. Minister, who I know is a great friend of the refugees, that he should make provision for some kind of judicial review, some kind of judicial reassessment of these cases at the level of the Ministry. I know he would not like these cases to go to the District Judges and other functionaries of the civil courts, I know he is not prepared to accept that suggestion, but I would also say that in order to see that justice is done to these refugees, he should have some kind of judicial machinery to which persons who find themselves in disagreement with the pronouncements of the officers could go. I think this will give the Ministry higher prestige in the eyes of the people because they will know that the Ministry is meting out justice of the highest kind.

My third point is this. Clause 8 reads:

"Any power exercisable by a State Government by virtue of a direction under sub-section (1) may, unless otherwise provided in such direction, be exercised also by such officer or authority as the State Government may specify in this behalf."

I submit that this is very vague. Who is going to be the officer, what are going to be his qualifications. I know that already the work that used to be done by Commissioners is now being done by the Tehsildar, and the work of the Tehsildar is being done by the Naib Tehsildar; already there is a downgrading so far as these things are concerned. I would like to know who the persons are who will exercise the authority on behalf of the State Government.

The Ministry of Rehabilitation has to deal with difficult problems. I know these are human problems, and therefore it is not always possible to lay down any hard and fast rules, but I think there should be speedy execution of judgments, there should be speedy implementation of policies. If it has taken the Ministry a year or two or more than that to bring forward this Bill, I do not know what is going to be the fate so far as the implementation of this Bill is concerned.

The question of rent or damages is a very important one. On these two questions depend the working of this Bill when it is passed into an Act. What is going to be the rent? And what is going to be the damage? These are some points in the minds of refugees. These are the points which make the refugees worried. The hon. Minister said that these refugees went in procession towards Jaiselmer House and asked for protection. Of course, they went in procession. I am very sorry that they should go in procession. I am not in favour of their going in procession, but they go in procession because the Ministry of Rehabilitation does not apply that human approach to the solution of the problem of which it is so eloquent. It is only when that human approach is wanting that these refugees take a procession. Of course, I do not want them to take processions to any place. But that has happened on these two things, the rent and the damage. These, however, are to be parts of delegated legislation. It is like having a loan from Australia or some other country and saying, we are taking the loan, but so far as the interest is concerned, we shall decide it afterwards, so far as the mode of payment is concerned, we shall decide it afterwards and so far as the term of amortisation is concerned, we shall decide it afterwards.

This Bill which is very incomplete would have become complete if a schedule could have been given. This kind of schedule would have given

this Bill some completeness, but it is not there. So, I appeal to the hon. Minister that he should be so kind as to make this Bill a little more flexible, so that the human approach, of which we talk so much, of which all of us here talk so much, is introduced into this Bill.

Some Hon. Members rose—

Mr. Speaker: Whoever has spoken on the previous Bill may not stand now; they may give opportunities to others who have not spoken before.

Shri Achint Ram (Patiala): All those who want to speak on this Bill have spoken on the previous Bill also.

Mr. Speaker: Did Shri Ajit Singh Sarhadi speak on the previous Bill?

Shri Ajit Singh Sarhadi (Ludhiana): Yes.

Mr. Speaker: Then, I shall call Shri Achint Ram first, and then I shall call the others.

2 hours and 20 minutes are now left for this Bill. We started at about 12.10 p.m. So, we must finish this Bill by 2.30 p.m.

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): We shall finish before that. There is nothing much to be said on this Bill. Hon. Members are repeating the same arguments.

श्री अचिंत राम : माननीय अध्यक्ष जी, जैसा मैं ने पहले कहा था, यह बिल बहुत मामूली है। अगर इस को कंसलटेटिव कमेटी में या पार्टी की कमेटी में लाया गया होता तो आपस में घर में बैठ कर बातचीत हो जाती और शायद यहां स्पीचेज करने की नीबट ही न आती। लेकिन ऐसा करना शायद मुनासिब नहीं समझा गया और इस बिल को यहां सीधे ले आया गया। इस सदन में बोलने में एक मिनट में ५० रुपये खर्च होते हैं, इसलिये मैं तो समझता हूँ कि जितना कम समय लगे उतना अच्छा है।

लेकिन जब यह बिल यहां आ गया है तो इस पर इजहार राय करना मुनासिब है।

जैसा कि मैंने कल कहा था, इन तमाम प्रापर्टी का इन्तिजाम करने के लिये एक एड-वाइजरी बोर्ड की जरूरत समझी गयी, और मुझे बड़ी खुशी हुई कि मेरे मोहतरिम मंत्री जी ने यह ऐलान कर दिया कि इस बोर्ड की जिन्दगी मिनिस्ट्री के साथ कोटरमनिस होगी। मुझे खुशी है कि यह बात पहले ही उन के दिल में थी, लेकिन अल्फाज से वाजेह नहीं होती थी। उन्होंने जो यह ऐलान कर दिया उस के लिये मैं उन का बहुत धन्यवाद करता हूँ।

साथ ही मैं यह भी अर्ज करूंगा कि जिस उदारता से उन्होंने यह ऐलान कर दिया, उसी तरह से बोर्ड के जिन मेम्बरों ने इस्तीफे दे दिये हैं उन को फिर वापस आने की दावत दें। आप ने कहा कि बोर्ड में अच्छे अच्छे मीम्बर हैं। पर मैं समझता हूँ कि ठाकुरदास जी जैसे या लाला फीरोजचन्द जी जैसे तजरबेकार आदमी आपको कम मिलेंगे। ऐसा भी हो सकता है कि जो अब मेम्बर हैं वह भी रहें और ये लोग भी रहें। और इस तरह से उनकी खिदमात से फायदा उठाया जाय। ऐसा करना मुनासिब मालूम होता है। अगर वह किसी वजह से पहले चले गये, तो अब उन की खिदमात से फायदा उठाना चाहिये।

[SHRI MULCHAND DUBE in the Chair]

12.25 hrs.

जैसा कि मैंने कल अर्ज किया था, कुछ मामले हैं—जैसे कि इन्दिरा मार्केट का मामला— जो कि इस बोर्ड के सामने आने चाहियें। बोर्ड यह देख सकता है कि उन लोगों के साथ बेइन्साफी हुई है या नहीं। कुछ लोगों पर वहां मकान जबरदस्ती खोपे गये और फिर भी वह कुछ ज्यादा दे कर उन को लेने को तैयार हैं, लेकिन कहा जाता है कि उन को नीलाम किया जायेगा। अगर यह मामला बोर्ड के सामने आये तो इस का फैसला हो सकता।

[श्री अचिन्त राम]

मिनिस्टर साहब ने जो दूसरा ऐलान किया है उस पर भी उन को मैं मुबारकबाद देता हूँ। वह बात तो साफ है कि हम उन के साथ सहमत हैं। उन्होंने कहा कि अगर कोई प्रापर्टी जो कि इवैक्वी करार नहीं दी जानी चाहिये वही अगर वह इवैक्वी करार दे दी गयी है, उस के बारे में उन की स्वाहिसा है कि वह इंसाफ करें और उस को वापस किया जाये। मैं ने अर्ज किया था कि हम भी उन से इस मामले में पीछे नहीं हैं। उन का दिल भी यह तसलीम करता होगा कि जब मैं यह बात कह रहा हूँ तो उन से इसी मामले में पीछे नहीं हूँ, प्रागे ही होऊंगा। जिन अंसहाब की प्रापर्टी गलती से इवैक्वी करार दे दी गयी है वह उन को वापस दी जाये, लेकिन मैंने अर्ज किया था कि मिनिस्ट्री के सामने सब एक बराबर है। चाहे वह भ्रादमी ही जिस की प्रापर्टी गलती से इवैक्वी करार दे दी गई है, या दूसरा भ्रादमी ही जिस को वह प्रापर्टी दी गयी थी, उन दोनों के साथ इंसाफ होना चाहिये। आप ने पहले कहा था कि अगर रुपये की जरूरत होगी तो हम उस के लिये मुरारजी देसाई साहब के पास जा सकते हैं इसलिये कि पूल में रुपया कम होगा। और अगर जरूरत होगी तो उन को प्रापर्टी की जगह रुपया देना होगा। तो रुपये की जरूरत तो होगी और जो इस तरह की अनअथोराइज्ड जायदादें हैं उन के मामले हल करने में वक्त लगेगा। तो यह मिनिस्ट्री अभी खत्म कैसे हो सकती है।

मैं किंग्सवे का मामला आप के सामने पेश करना चाहता हूँ। वहां पर २५ हजार भ्रादमी प्राज बसे हुए हैं। वह एक स्लम है। आप जा कर देख सकते हैं। और मिनिस्टर साहब भी तसलीम करते हैं कि उन लोगों की हालत काबिले रहम है। वहां की हालत बहुत गन्दी है और बहुत से लोग वहां जा कर उस को देख चुके हैं। मैं तो कहूंगा कि अगर जरूरत हो तो इस हाउस के कुछ मेम्बरो को एक डेपुटेशन वहां की हालत को देखने के

लिये भेजा जाय और जा कर देखे कि वहां किस हाल में लोग रह रहे हैं। अगर कोई बाहर का भ्रादमी जैसे रूस के वजीरे प्राजम जा कर देखें तो वह क्या कहेंगे कि हिंदुस्तान में प्राजादी के बाद भी भ्रादमी किस हालत में रहते हैं। तो यह कैसे कहा जा सकता है कि काम खत्म हो गया। जो काम बाकी है उस को भी तो करना है। यह बात कही गयी है कि हमें कुछ उज्य तो नहीं है लेकिन जगह नहीं है उन को बसाने के लिये। मैं खुद फिरता रहा और हम को उन के लिये जमीन मिली। आखिरकार हमें खुशी हुई कि ६० एकड़ जमीन उन के लिये मिल गयी है और अब उन को बसाने की इन्तिजाम हो जायेगा। उन के लिये नये मकान बनेंगे। जब यह सवाल पेश किया गया तो कहा गया कि यह जमीन तो खाली हो जायेगी, उन के लिये बनेंगे। इस वक्त उन के दोनों लंग भिच भिच कर छोटे हो गये हैं। इस वक्त तो वहां टट्टियां बहुत कम हैं, गुसलखानों का कोई इंतजाम नहीं है, पानी का इन्तिजाम नहीं हो रहा है। प्राज कहा जाता है कि जो जगह वह लंग प्रोवाइड करने के लिये छोड़ी जायेगी। वह कहते हैं कि इस वक्त दो लंग से हट कर एक बटा आठ हिस्सा रह गया है। प्राधा लंग तो दीजिये। लेकिन हम कहते हैं कि इस काम को कारपोरेशन करेगा। बारह बरस तक यह मामला रीहैबिलिटेशन मिनिस्ट्री के पास रहा है और वे रिफ्यूजी रीहैबिलिटेशन मिनिस्ट्री के चार्ज के नीचे रहे हैं। अब उन लोगों को बसाने के लिये साठ एकड़ जमीन मिली है। कहा जाता है कि जो जगह खाली होगी, वहां पर मकान नहीं बनाये जा सकते हैं। व कहते हैं कि हमारे मकान गिरा दीजिये, वहां जमीन पड़ी है, जो मलबा होगा, उस को इस्तेमाल कीजिये, जो रेंट हम से वसूल किया है, उस को खर्च कीजिये। और जो और रुपया खर्ज होगा वह हम कित्तों में भ्रदा करेंगे। लेकिन इन तमाम बातों को किस को सुनाया जाये ?

हमारा बड़े से बड़ा एवान यही है पांच खी मेम्बरों का। इस के सामन कहते हैं। यहां स्पीकर साहब, मिनिस्टर साहब और कैबिनेट बैठी है, लेकिन कोई सुनता नहीं है। कहते हैं कि हमारा काम नहीं है। मैं यह कहना चाहता हूं कि मिनिस्टर साहब ने कल जो एलान किया, उस के मुताबिक वह श्री वेसाई के पास चलें और मेम्बरों, स्पीकर साहब और मिनिस्ट्रों को साथ लीजिये और उन से कहिये कि रुपये की जरूरत है, चाहे रुपया उधार दीजिये उस को हम वापस कर देंगे और अभी मिनिस्ट्री का काम हो रहा है और अभी बाकी है। मिनिस्टर साहब ने हम को जो यह खुशी की खबर सुनाई कि वह फाइनेंस मिनिस्टर के पास जाने के लिये तैयार हैं, अगर रुपये की जरूरत हो तो, उस के बारे में मैं यह भ्रज करना चाहता हूं कि रुपये की जरूरत है। टाइम उन के पास है। रेफ्यूजीज हर तरह की मदद देने के लिये और काम करने के लिये तैयार हैं। मैं उन से यह दरखास्त करूंगा कि कल उन्होंने जो एलान किया है, उस के मुताबिक वह फाइनेंस मिनिस्ट्री के पास जायें। पन्त जी के साथ उन के जो ताल्लुकात हैं, उन पर उन को विश्वास है और हम सब को भी विश्वास है। उस का वह इस्तेमाल करें। अपने लिये नहीं—मैं जानता हूं कि अपने लिये वह इस्तेमाल नहीं करेंगे—लेकिन रिफ्यूजीज के लिये जिन का उन के पास चार्ज है। मैं उन से यह कहूंगा कि वह इन्कार न करें कि मैं नहीं कर सकता और दूसरे यह काम करेंगे।

साहेबे सदर, मैं ने कल भ्रज किया था कि बहुत से भाई ऐसे हैं, जिन्होंने ने ग्रान्ट्स के लिये एप्लाई किया, लेकिन ग्रान्ट्स उन को नहीं मिलीं, क्योंकि टाइम बार हो चुका है। कई तारीखें मुकर्रर की गयीं। अगर बाकी तमाम चीजों के लिये वह वक्त मांगते हैं, तो मैं कहूंगा कि इन गरीब भ्रादरियों के लिये, जिन का यह पूल है और जो अपनी प्रापर्टी छोड़ कर भाये हैं और किसी वजह से अपने क्लेम नहीं दे सके हैं, मेहरबानी कर के वह उदारता से काम लें और जो उन का हक है, वह उन को

द। और फिर उन को दिया क्या गया है? वे पांच भ्रज रुपये की प्रापर्टी छोड़ कर भाये हैं। यहां पर रहा एक भ्रज रुपया—एक तिहाई आप जानते हैं कि यहां पर एक तिहाई का मोल बाजार में पड़ता है भाठ भाने, जो कि भ्रज बेड़ भाने रह गया है। सरकार ने प्रापर्टी डाणी है, तो वह भ्रज झाई भाने हो गई है। इस पर भी यह कहा जाता है कि तारीख नहीं रही है। मैं पहले पहले सुना करता था, कि पाकिस्तान से इतने भ्रज रुपया लेना है उस के लिये बात चीत की जायेगी। लेकिन भ्रज उस के बारे में भी कोई बात नहीं करता है। भ्रज कहते हैं कि काश्मीर का मामला है। इन तीन चार भ्रज रुपये का कोई जिक्र नहीं है, कोई खाता नहीं है। न प्राइवेट, न पब्लिक और न धोपन टाक का कोई जिक्र है। हमारे रेफ्यूजी भाई काश्मीर से भाए उन के क्लेम नहीं लिये जाते हैं। कहा जाता है कि वह पाकिस्तान हेल्थ टैरीटरी है, इसलिये क्लेम नहीं लिये जाते हैं। अपनी भरजी से थोड़ा बहुत दे रहे हैं। मैं यह कहना चाहता हूं कि खुदा के वास्ते मेहरबानी कर के जो प्रापर्टी वे वहां छोड़ भाये हैं, उस की लिस्ट तो बना ली जाये। उस को क्लेम मत कहिये। क्लेम का नाम मत लीजिये। सिर्फ इस ब्याल से लिस्ट बना लीजिये कि हमारा हक वहां पर मारा न जाये और यह पता लगा लीजिये कि इतनी प्रापर्टी फलां ने छोड़ी और इतनी प्रापर्टी फलां ने छोड़ी। इस से सरकार को पता चल जायेगा कि इतनी प्रापर्टी वहां लोगों ने छोड़ी है। पाकिस्तान से जो तीन चार भ्रज रुपया लेना है, उस को और डेबिट कर दीजिये। लेकिन आज इस काम को कोई नहीं करेगा। भन-भयोराइज्ड भाकुमेंट्स से जो रुपया लिया जायगा, उस से पूल बढ़ेगा और इस की मुझे खुशी है, लेकिन मुस्तहक लोगों को कुछ देन की बात भी होनी चाहिये।

श्री महोदय ने एक और बात फरमाई, जिस की मुझे खुशी है। उन्होंने ने फरमाया था कि जो मेम्बरान उठते हैं, वे मेरे मुताल्लिक तो जिक्र करते हैं कि आप ने अच्छा काम किया, सयाना काम किया, काबिले-तारीफ काम किया

[श्री अचिंत राम]

लेकिन मेरे स्टाफ के मुताल्लिक कोई बात नहीं करता। उन्होंने ने कहा कि अगर उस के मुताल्लिक कोई अच्छी बात करे, तो मैं खुश हूंगा। मैं एक छोटी सी सच्चाई भ्रज करना चाहता हूँ। सब बात तो यह है कि उन के बारे में हमारे दिलों में तारीफ है और मैं जाती तौर पर उन का बड़ा मममून और मशकूर हूँ और यह बात मैं ईश्वर के सामने और इस एवान के सामने कहता हूँ। मैं यह मानता हूँ कि इन के स्टाफ में, मिनिस्ट्री में ऐसे आदमी हैं, जिन के पांव की मैं खाक नहीं हूँ और मैं उन की तारीफ इसलिये नहीं करता हूँ कि शायद ये नाराज न हो जायें। मैं जान बूझ कर डिप्टी मिनिस्टर की भी तारीफ नहीं करता हूँ कि कहीं मिनिस्टर साहब नाराज न हो जायें, क्योंकि किसी को नाराज करना मैं मनासिब नहीं समझता हूँ। इन के अपसरों की तारीफ मैं इसलिये नहीं करता हूँ कि कहीं यह नाराज न हो जायें।

श्री मेहर चन्द खन्ना : क्यों ?

श्री अचिंत राम : अपनी अपनी तबीयत होती है।

एक माननीय सदस्य : माननीय सदस्य को उन की नीयत पर इतना शुबहा क्यों है ?

श्री अचिंत राम : मुझे उन को नीयत पर बड़ा भरोसा है। मैं इन की तारीफ करता हूँ। बाज बातों में मैं दिल से उन को अपना गुरु मानता हूँ और इन को अपने से सच्चा मानता हूँ। मेरी आंखों में मिनिस्ट्री के काम करने वाले भी हैं। वे बड़े नेक दिल और फरिश्ता-सीरत हैं, लेकिन मैं अपनी जबान को दबाये रखता हूँ कि किसी की तारीफ करने से कोई नाराज तो नहीं हो जायगा।

Shri Mehr Chand Khanna: It is a very unfair remark on the part of Lala Achint Ram to make. Certainly, I do not relish it.

Mr. Chairman: I think we might not say these things. These things had better be left unsaid.

श्री अचिंत राम : मैंने तो पहले ही उन को भ्रनसंड रहने दिया है। मैं तो बोलता ही नहीं हूँ। कल मिनिस्टर साहब ने यह बात कही थी कि अगर मेम्बर उन के स्टाफ का जिक्र करेंगे तो उन्हें खुशी होगी। मैं तो ऐसी बातों को भ्रनसंड, ही रहने देता हूँ, कहता नहीं हूँ। मैं तो मीठी मीठी बातें कहता हूँ, मैं ऐसी बातें कहता हूँ जिन से सब खुश रहें। ऐसे अपसर हैं, जैसे सेक्रेटरी साहब हैं; नाम लेने की बात क्या है —, जिन की सच्चाई और दियानतदारी को सब मानते हैं : मिनिस्ट्री में ऐसे भी काम करने वाले हैं, जिन का नाम लेने से मैं अपने आप को पवित्र समझता हूँ। यह खुशी की बात है, लेकिन साथ ही मैं यह भी भ्रज करना चाहता हूँ कि ऐसे भी असहाब मौजूद हैं, जिन का नाम बदनाम है और आप भी जानते हैं। भ्रमी होटल वालों की बात की गई। यहां दिल्ली में है। सब जानते हैं कि क्या चलता है। तमाम दुनिया जानती है। लेकिन क्या कहा जाये। करपान का जिक्र किया जाता है। अगर मेरा क्लेम नहीं मिलता है, तो यह खुली बात है कि दो सौ रुपये आफिशियल को दे दिये जायें, तो जल्दी पेमेंट हो जायेगी। इस का इलाज क्या करें ? अगर किसी से भी बात करें कि क्लेम नहीं मिलता है, तो वह कहता है कि दो सौ रुपये रखता हूँ और भ्रमी लेता हूँ। जहां नेकदिल और फरिश्ता-सीरत आदमी हैं, वहां ऐसे आदमी भी हैं।

सभापति महोदय : मैं जनाब से भ्रज करूंगा कि अगर आप के जाती इल्म में यह बात हो, तब तो आप इस को बयान कीजिये, वना जो शरूस इस हाउस में मौजूद नहीं हैं, उस के खिलाफ ऐसी बात करना नामुनासिब है। जो आप के जाती इल्म में नहीं है, उस के बारे में इस तरह कहना ठीक नहीं है। जरा इस पर ख्याल कीजिये।

श्री० रसुबीर सिंह (रोहतक) :
उन्होंने किसी का नाम नहीं लिया है।

श्री अर्चित राम : आप ने पहली दफा तशरीफ रखी है। आप ने कह दिया, तो अच्छी बात है, लेकिन मैं ने किसी का नाम नहीं लिया। जो मैं ने कहा, उस के लिये मैं चैलेंज करता हूँ और गवाहियां भुगतान के लिये तैयार हूँ। मैं ने यह कहा है कि लोग कहते हैं कि अगर कोई क्लेम नहीं मिला, तो दो सौ रुपया दो, मैं ले कर देता हूँ। मैं ने नाम नहीं लिया। आप को शायद गलतफहमी है। मैं ने तो यह भ्राम बात कही है। यह मिनिस्ट्री दो चार छः महीने और हैं। मैं ने उस पर जो चार्ज लगाया है और उस के खिलाफ यह भ्राम चार्ज है, इस को वह दूर करे। यह खुला चार्ज है।

श्री मेहर चन्द खन्ना : चार लाख और ८५ हजार क्लेम थे, जिन में से साढ़े चार लाख का फैसला हो चुका है। अब सिर्फ पन्द्रह बीस, पच्चीस हजार क्लेम हैं। अगर लाला जी कहते हैं कि हर आदमी को हर क्लेम में दो सौ रुपया देना पड़ा, तो मुझे अफसोस के साथ कहना पड़ता है कि मैं इन ब्यालात से सम्बन्ध नहीं कर सकता। अगर उन के पास कोई खास केस हो, तो वह बतायें। मैं देखने के लिये और एन्वायरी करने के लिये तैयार हूँ, लेकिन उन अफसरों के खिलाफ, जिन्होंने लाखों आदमियों के क्लेम्स का तीन चार साल में फैसला किया, इस किस्म का बोहतान लगाना लाला जी के लिये कोई शान के शायान नजर नहीं आता।

श्री अर्चित राम : मैं ने यह बात हरगिज नहीं कही कि चार लाख क्लेम्स में हर क्लेम में दो सौ रुपया देना पड़ा। You are putting in my mouth things which I have not said. मैं ने कहा कि हजारों क्लेमों में ऐसा हुआ और चार लाख रुपया तो गया ही होगा। चार लाख क्लेम तो मामूली बात है। मैं अब भी कहता हूँ मैं ने यह नहीं कहा कि हर क्लेम में रुपया देना पड़ा। रिपवत दी जाती रही है। यह मेरा चार्ज है और मैं उस पर स्टिक करता हूँ। शान के शायान की बात मैं नहीं करता।

श्री मेहर चन्द खन्ना : माननीय सदस्य ने बीसियों केस मुझे भेजे, लेकिन क्या उन्होंने ने ऐसा केस मुझे भेजा है, जिस में उन्होंने किसी के खिलाफ यह कहा हो कि उस ने रिपवत ली है, रुपया लिया है, उन्होंने ने मुझे इतने केसिज भेजे हैं, लेकिन कोई केस आज तक नहीं भेजा है, जिस में यह कहा गया है कि फलां अफसर ने रिपवत ली।

Shri D. C. Sharma: He wants to discuss it on the floor of the House.

श्री अर्चित राम : मैं ने इस बात को एक या दो दफा नहीं, कई दफा शाइस्ता तरीके से मिनिस्टर साहब के गोश-गुजार किया है।

श्री मेहर चन्द खन्ना : कोई इंसटेंस नहीं दिया माननीय सदस्य ने आज तक।

सभापति महोदय : सवाल यह है कि किसी खास मामले को वक्त और आदमी के लिहाज से साफ तौर पर बयान कर के मिनिस्टर साहब से आप ने कहा या नहीं। यह सवाल है सिर्फ। जनरल बात नहीं है।

श्री अर्चित राम : मैं यकीन से कह सकता हूँ कि अगर मुझे आज यह होसला हो, मुझे आज इस बात का पता हो कि तहकीकात की जाएगी, काम सिरे चढ़ेगा तो मैं आपको बताऊं भी, तब तो मैं बात भी करूँ। मेरा दिल बैठा हुआ है। आपसे मैं दयानतदारी से कहता हूँ कि अगर मुझे यकीन हो...

श्री मेहर चन्द खन्ना : जो केस आप बतलायेंगे मैं आपको यकीन दिलाता हूँ कि मैं उसकी होम मिनिस्ट्री की स्पेशल पुलिस इन्स्टेबलिशमेंट के जरिये तहकीकात कराऊंगा उसके पास उसको भेज दूंगा।

श्री अर्चित राम : जितनी प्लेजेंट बातें मैंने कहीं, जिन बातों के लिए मैंने शुक्रिया अर्दा किया आपका और आपके अफसरों

[श्री अचित्त राम]

का, वे तो सब मामूली बातें हो गई लेकिन अगर जरा सी सच्ची या अनपेक्षित बात कही, वह बात कही जिस को कि दुनिया कहती है, तो आप नाराज हो गए, इसका मुझे अफसोस है।]

आखिर में मैं आपका सहिब सदर, श्री माननीय मंत्री जी का शुक्रिया अदा करता हूँ। कल दौलता साहब ने बहुत सी बातें कहीं और कहा कि हमारी पार्टी ने यह किया और वह किया और उसने रूलिंग पार्टी को शिकस्त दी। मैं समझता हूँ कि इस तरह की बातें करना ठीक नहीं है। शिकस्तें तो रूलिंग पार्टी ने भी दूसरी पार्टियों को दी हैं लेकिन इस तरह की बातें नहीं कही जानी चाहियें।

उन्होंने यह भी कहा कि मिनिस्टर साहब परसनली मेहरबानी कर रहे हैं, यह भी मुनासिब नहीं है। परसनल मेहरबानी करने का कोई सवाल नहीं होता है।

मैं आशा करता हूँ कि जो बातें मैंने कहीं हैं उन पर विचार किया जाएगा और उन को दुस्त करने की कोशिश की जाएगी।

Shri Ajit Singh Sarhadi (Ludhiana):
Mr. Chairman, Sir, I regret, I cannot congratulate the hon. Minister on this Bill either, however much regard and appreciation I have otherwise for the services he has rendered to the displaced community. I am afraid he has not applied his mind sufficiently to the effect and the implications of this Bill.

In his opening speech, while sponsoring the Bill, he has summarily dealt with the reasons that have been given in regard to the previous Bill, the Displaced Persons (Compensation and Rehabilitation) Second

Amendment Bill, 1959, which equally apply to this Bill. I beg to differ from him.

The two Bills are quite distinct with distinct and separate implications, however identical and similar the provisions may be in them. I personally feel that this Bill is more unjustified and uncalled for than even the previous one. This pertains to the evacuee property which this Ministry has been dealing with since 1947-48. According to the hon. Minister himself, most of the property has been disbursed. From the figures of the claims satisfied which he has given us now, about Rs. 90 to Rs. 95 crores out of Rs. 100 crores—maybe even more—has been acquired and disbursed to the refugees. If that is so, then, very little must have been left scattered all over the country and we should have a better and brighter picture about it before we are being called upon to pass a certain Bill governing its administration.

I regret equally that in the Statement of Objects and Reasons no sufficient light has been thrown on the details, as to how much of the property is yet left, what is the expectation in rent, in damages and compensation for loss to enable this House to understand and have a clear picture about the legislation that we are embarking upon. If the property is very much less, if most of it has been acquired by the displaced persons by adjustment or by auction, then, I do not think it was at all necessary to embark upon legislation of this kind.

But, anyway, it is not for me to say. I wish a more clear picture had been placed before us. I would take the different provisions of this Bill and submit how they are unjustified. I need not recapitulate the points which

I had already taken while making my submission on the previous Bill. Those reasons which I gave then apply with greater force and more strength to this Bill for the reason that the provisions of this Bill are not only contrary to the basic principle which the hon. Minister enunciated in his last Budget speech in saying that the Ministry is to be liquidated at the earliest and the distinction between displaced persons and others is to be eliminated at the earliest, but go beyond that. The effect of this Bill, I would submit, would be to perpetuate the offices and the officials under the Ministry; it would be the perpetuation of the distinction and the difference between the displaced persons and others and would not enable the displaced persons to fit in the economy of the country by becoming one with others.

I need not also recapitulate the argument which I placed before the House then and which equally applies here that giving discriminatory treatment to the displaced persons in the matter of the assessment of rent, in the matter of the realisation of the rent, in the matter of the assessment of damages, and in the matter of assessment of the compensation is contrary to the provisions of the Constitution in as much as it is contrary to the equality in the eye of the law which the Constitution postulates.

Whether it will stand the test of time and the superintendence of the High Courts is besides the point and it is not for me to say here. But I need an assurance from the hon. Minister that he had opinion on this from his legal advisers—as to the correctness of these provisions—that if they are brought on the statute book they will not be declared *ultra vires*. I hope the hon. Minister would be able to assure the House that they are *intra vires* and he has got the best legal opinion available to the Government on the point.

Coming to the different provisions of the Bill, the Bill deals with 7 differ-

ent aspects of the administration of evacuee property. As I said, this deals with evacuee property, with that property which was declared evacuee property in 1947 and 1948. In between, if I am right in my recollection, there have been three or four amendments brought before this House and agreed to by us. There was an amendment in 1953 by Act XI, if I am right; there was another amendment in 1954 by another Act; and, there was a third amendment in 1956 which was passed during the regime of my hon. friend the Minister. There have been three amendments and each clause that has been proposed to be amended now was dealt with at that time too. What are the circumstances that were not present at that time but which have come forward later to necessitate this Bill? That is not clear either.

Now, clause 3 of this Bill seeks to amend section 10 of the principal Act. It seeks to empower the custodian with the right to acquire any property, whether by way of purchase or otherwise. This is a very important amendment. Firstly, it is not clear whether this acquisition by purchase or otherwise is acquisition under the Land Acquisition Act which is already on the statute or whether another method is adopted. But that is beside the point. What is the object of empowering the custodian to purchase any property that he likes. I could appreciate the justification of purchasing non-evacuee interests in the evacuee property. There could be some justification for the reason that a certain evacuee property is not being taken by the persons there and as such there is depreciation and there cannot also be separation of the two and as such the custodian should be authorised to purchase the non-evacuee property, by auction or otherwise. I have tabled an amendment on these lines. But here I beg the hon. Minister to consider these implications, after empowering the custodian for purchasing the non-evacuee interest. I was glad when I heard him saying that

[Shri Ajit Singh Sarhadi]

in this secular State no non-evacuee would be hit or would suffer. I entirely agree with every word he has said. I beg him to appreciate the implications of this. I will illustrate my point by the very illustration which he has given.

A house belongs to two individuals—one Rahamaddin and another Din Mohamad. They are brothers. Rahamaddin has migrated to Pakistan and Din Mohamad is in possession of a part of the house; he is a non-evacuee while the former has been declared as an evacuee and has gone outside the country. Now, you want to sell the share of this evacuee by auction or otherwise while Din Mohamad, who is a non-evacuee, refuses to purchase it. Now, naturally the evacuee property depreciates because Din Mohamad, a non-evacuee, refuses to buy it. If the house is so situated as could not be separated, what would happen? You want to authorise the custodian to purchase Din Mohamad's property because he is a non-evacuee. That is to say you want to displace him and make him an evacuee when he is not. This is hitting hard Din Mohamad who is a non-evacuee and this goes against the spirit when you say that you would not like to deprive a non-evacuee who is here. You are empowering the custodian to purchase his share and deprive him of his possession and displace him. But you are not making an alternative arrangement also. I would like the policy to be enunciated by the Ministry in this respect.

I know that by not purchasing the non-evacuee interests, the evacuee property suffers. I would allow the evacuee property to depreciate and to be sold for a penny rather than make a non-evacuee suffer and oust him from his house or a part of his house. I hope that the hon. Minister will see the amended Bill from this new angle. In this connection, I would draw the attention of the hon. Minister to my amendment or I would request the Government to

bring its own amendment. But if you allow the provisions relating to clause 3 to remain as they are, then I am afraid the damage would be increased.

There is another provision also which relates to section 8 of the principal Act. But I am afraid the hon. Minister has come very late in the day with this amendment. The powers of management which vest in the custodian are given in section 10 of the parent Act. One of the powers is given in item (i). There, it is stated that one of the powers of the custodian is to take such action as may be necessary for the management of the property... (*Interruptions*). Now, section 7 vests the property. I know that there have been rulings of the High Court and the validity of certain State Acts and Ordinances have been challenged. Of course legislation is necessary for validating certain vestments of the evacuee property. I concede that point. But this is only a sort of a corrective. I disagree with my friend Shri D. C. Sharma when he says that we should have foresight to eliminate the lacunae from the outset. However perfect the human machinery may be or however perfect a Bill may be, there is a High Court which in its wisdom declares certain Acts to be *ultra vires* and all that. You have got to have legislations of a corrective nature from time to time. But I certainly question the substantial amendments on the main and salient features of the Act which could have been, with a little foresight, done earlier.

Now, I come to clause 4. That has got different parts.

13 hrs.

The first part, Sir, which is a proposed amendment to section 10 of the principal Act, pertains to empowering the Custodian to realise rents from the displaced persons. It says:

"Where any person is in arrears of rent in respect of any evacuee property vested in the Custodian, the Custodian may, by order, require that person to pay the same within such time and in such instalments as may be specified in the order."

Now, what I respectfully submit is this, that we passed the principal Act in 1950, we amended it in 1953, we again amended it in 1954 and a third amendment was made in 1956. These amendments related to different items under section 10 which vests certain powers in the Custodian as the manager of the evacuee property. In one of the amendments you will find—I refer to (i) of section 10 of the principal Act—it says that the Custodian will be authorised to "take such action as may be necessary for the recovery of any debt due to the evacuee". On this the High Courts have held that the Custodian for the purpose of realisation of the rent of the evacuee property should have recourse to the ordinary law of the land by going to civil courts for realisation. These rulings have been given as far back as before 1953 when for the first time this section was amended. There have been subsequent rulings on the point. If we had got a clear picture about the powers of the Custodian pertaining to the realisation of the rent of the evacuee property before 1953—I am surprised—why was not an amendment brought in 1953, why was it not brought in 1954, why was it not brought in 1956? Empowering the Custodian now to realise the rent from his tenants by a different way than what the ordinary law postulates, I would submit, Sir, would not be just and proper. You have got, I am submitting, the ordinary machinery of law in your hands. Why not have recourse to that and allow the Custodian to go to the court of law?

I may submit for the consideration of the House that the individual who is in occupation of the house is not an unauthorised occupant. Accord-

ing to the very word he is a tenant. Rent is fixed. He is not paying it deliberately, inadvertently or otherwise. You want to realise it. You cannot realise it under the principal Act because the Custodian has only the right of management. You cannot realise it under case law, the High Court has laid down, because you must have recourse to the ordinary law by having court fee. Now you want to give that power to the Custodian. When the whole thing is liquidated you want him to realise it the way he likes, by attachment or through the Collector as arrears of land revenue. Sir, I submit, I take strong exception to this provision. This is neither just nor legal nor constitutional. It is not equitable either. It is not fair.

Now, let us see the next provision which also pertains to section 10. I am referring to the second part of the proposed amendment to section 10—section 10A(2). It is harder still. What it says is this:

"Where any person is deemed to be holding any evacuee property on behalf of the Custodian under sub-section (4) of section 8, the Custodian may, having regard to such principles of assessment of rent as may be prescribed, by order, assess the rent payable in respect of such property and that person shall be liable to pay the rent so assessed."

Sir, what this amendment proposes to do is this, that where the rent is not fixed and the tenant is deemed to be holding the evacuee property on behalf of the Custodian, the Custodian is empowered to assess the rent at his discretion. Now, I beg of you, and through you, Sir, I beg the House to consider the situation. It seems improbable that there will be any property of the kind, but, possibly, because of the slackness on the part of the officials there may be some where there has been no rent realisation all these years. All the same, if there is any such case, why should we have recourse to a special

[Shri Ajit Singh Sarhadi]

legislation for this purpose? Is it justified? The ordinary law of the land is there. The user is bound to pay the mesne profits for the use. Then, the Custodian enters the shoe of the evacuee and is a manager under section 10. I fail to understand why uptill now he has not taken objection to it. Now he will go taking the protection of this law as passed by this august and honourable House. With all the accumulated arrears on the evacuee he will now jump on him and realise it as land revenue. That seems rather—what can I say, possibly it may not be parliamentary, I would only say, it is not fair.

Here too you will appreciate, Sir, with all your legal knowledge and your status in the profession, that the man is a tenant and not an unauthorised occupant. Here again I submit that it rather looks unfair. I might also draw your attention to one thing. My personal feelings are that this point was under consideration by the Ministry at the time when the previous amendment was brought to the principal Act, and I am fortified in my assertion by the amendment which was brought to section 12 of the principal Act. To section 12 of the Act an amendment was brought in 1954 by Act 42 of 1954 by which a sub-clause, sub-clause 4, was added to section 12 of the principal Act. According to that the Custodian was authorised to cancel any lease or allotment of the evacuee property if the person in occupation failed to pay the rent. This governs both 10A(1) and 10A(2). This was brought deliberately because in 1950 Act, whereas the Custodian had powers of managing the property and of fixing the rents he had no right to cancel any lease or allotment for non-payment. He was not asked to take recourse to the relevant Rent Control Acts applicable to the particular State, but, all the same, in 1954, by Act 42 of 1954, this amendment was deliberately brought in order to empower him to cancel the allotment,

cancel the lease, whatever the nature of holding it was, of a displaced person in case the rent was not paid. I would ask respectfully, if in 1954 it was not thought fit to cancel the lease and the allotment because the man had been delinquent and a defaulter in respect of the payment of rent, what is the use of authorising the custodian now to realise that amount? Why was not the allotment cancelled? Because the men will be thrown out and the police will come in and I have seen it happen on many occasions. Therefore, I beg to submit that this provision is also against the Constitution, and in fact, leaving aside the Constitution, this provision is unjust and unfair. It is unfair to authorise the custodian and empower him to such an extent as is being done.

Again, the main or the hardest hit comes in the next provision, in clause 4 which seeks to put in a new section, section 10A. This amendment proposes that where any evacuee property is in unauthorised possession of any person, then also the damages can be assessed at the discretion of the custodian. The hon. Minister was very eloquent about the misfeasances and the misbehaviours of unauthorised persons. I know that he knows in what circumstances they became unauthorised. It was all due to the partition; after partition, they became stranded and penniless and were suffering and they were eager to find some shelter, some roof anywhere. So, the widows, children, old men and others occupied houses wherever they could find a shelter. They hardly knew the law of allotments and the ways in which allotments were made. With all the integrity of the personnel in the Rehabilitation Ministry, it did require a greasing of palm of some low official before the man could get an allotment order. Many did not get an allotment order. Many became unauthorised occupants suddenly and the very fact that these unauthorised occupants were there and were mis-

takenly there was admitted by the Rehabilitation Ministry itself. The Ministry passed orders, trying to regularise them. By the first order, they regularised the possession before 1954. By the second order or press note, they regularised the possessions in 1955, and a third time also, up to December, 1956—if my memory does not fail me—the unauthorised possessions were regularised. My submission is that the Rehabilitation Ministry itself appreciated the significance of the unauthorised occupants inasmuch as these occupations were not deliberate nor were they mischievous. It so happened because of the exigencies of time. I believe that even after 1956 or 1957, whatever the target date, there must be some people yet who are unauthorised occupants, unauthorised in the circumstances in which others were, and in respect of whom the hon. Minister regularised their possessions before 1957. Therefore, with regard to these unauthorised occupants, these unfortunate sufferers who were not aware of the procedure or who were not able to grease the palm of some low officials, I may say that to deal with them as is proposed now would not be fair. I may say again that I do not attack the integrity of the hon. Minister. As I said during the budget debate on the last occasion, I have the highest appreciation for the personnel of the Rehabilitation Ministry. They have done a lot, but no human individual is above human frailties, and there may be among the low officials some people whose palms have to be greased for getting an order. So, to deal with such matters in a way that is postulated in sub-clause (3) of clause 4; where the custodian is authorised to assess the damages as mesne profits for use and occupation in the way he likes and then realise them, is not fair and is not justifiable. It would also be inequitable.

I am sorry I have taken rather a long time, and I shall cut my points short. But I believe that the time that is allocated is quite sufficient for

us to permit me to proceed for a while.

Now, section 10A(4) as is introduced by clause 4 of the Bill gives perhaps the hardest hit. If the hon. Minister appreciates its implication and appreciates its significance, I think he would be the first person to spare this last or parting kick of the Ministry, if I may say so, to the refugees. The provision reads as follows:

“Where any person being in possession of any evacuee property vested in the Custodian has caused damage to any such property, the Custodian may assess the compensation payable on account of the damage so caused and may, by order, require that person to pay the compensation within such time and in such instalments as may be specified in the order.”

We are unearthing all the acts of omission and commission done by an individual during the last ten years. Whether the individual has done such an act is beside the point. The property may have been damaged and you are authorising the custodian to assess the damage to the property. Here I fail to understand what has been the reason for the Rehabilitation Ministry to come forward with this proposal in the 11th year of the Republic and the 13th year after partition. We had already a provision in the parent Act. It was a very stringent provision. I beg to draw the attention of this august House to section 32. This is a penal provision in the parent Act. It says:

“Any person who wilfully destroys or causes damage to any evacuee property or unlawfully occupies for his own use shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.”

This provision in the statute-book is as far back as 1950. This is to the

[Shri Ajit Singh Sarhadi]

effect that a person who causes any damage to the evacuee property is guilty under section 32 of the Act. This section, read with section 37, makes the provisions of the Bill very stringent. Section 37 lays down that "notwithstanding anything contained in the Code of Criminal Procedure, all offences under this Act shall be cognizable". I submit that when we had a provision to that effect, and when all officers in the Rehabilitation Ministry were aware that certain properties were being damaged, why was not recourse taken under this provision? They could stop all the mischief done to the property. But they remained silent. During the 13th year after partition and the 11th year of the Republic and the 12th year of the Act itself, they have come forward to legalise and authorise the custodian to assess all the damages and realise them as compensation from the poor refugees who may be in occupation or who may have even left. So, I submit that this new section 10A which is proposed to be introduced into the statute-book is most unfair and I beg to beseech the hon. Minister to reconsider whether this provision is at all necessary.

There is another aspect of the question. As I have said, I have got the highest regard and the highest appreciation for the integrity of the personnel of the Ministry at the high levels and indeed at all levels. But by empowering the custodian who will be doing all the assessment and who is a subordinate, may I ask whether it will not be introducing an element of temptation for corruption which might damage the position of the Ministry and the officials.

13.20 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

From this respect also, I would beg the hon. Minister to consider whether it would be satisfactory to go into things which have gone by.

Clause 5 seeks to amend section 27, authorising the Custodian-General

even to declare acquired property to be evacuee property. So far he had powers only to declare non-evacuee property; power to declare acquired property to be evacuee property was not there. There may be some cases; I do not know. I would certainly never like that the compensation pool should be enriched by unjustified deprivation of an individual, I would rather like that the compensation pool should suffer than be enriched in this manner. I would beg the hon. Minister to take into consideration the fact that 12 years have passed. If you declare evacuee property to be non-evacuee property and restore it to the rightful owner, what is the position of the person who has acquired it? That will have to be considered. This point has already been discussed in detail by Pandit Thakur Das Bhargava and I need not dilate on it further.

Clause 6 has been fully dealt with. This point was discussed at the time when an amendment was brought by Pandit Thakur Das Bhargava and the provisions of the Evidence Act also were referred to. Certain protection has been given; let us not take it off. I hope the hon. Minister would look into that again.

So far as clause 8 is concerned, this is just identical to clause 7 in the other Act which has been passed by the House. That clause was withdrawn there. Since the provisions are identical, I hope he will be withdrawing it here also.

In conclusion, I would crave the indulgence of the House and submit that the implications and the effects of this Bill are far more than the implications and effects of the sister Bill passed yesterday. It should be taken in that light because it deals with evacuee property which is yet to be acquired; it also affects property which has been in possession of the displaced persons since 1947 and this is unearthing and salvaging matters which are long-buried, which is fair neither to the administration nor to the Ministry.

श्री० रणबीर सिंह : उपाध्यक्ष महोदय, इस विधेयक के सिलसिले में जितनी टीका टिप्पणी हुई है, उस का कोई यह मतलब नहीं कि जो कुछ हुआ है वह सब गलत हुआ है। करोड़ों रुपये की जायदाद का इस महकमे ने बारह साढ़े बारह साल तक ठीक तौर पर इन्तजाम किया है और जैसा लाला भ्रचित राम जी ने कहा था कि लाखों भ्रादमियों के क्लेमस को भी निपटाया है। करोड़ों रुपये की जायदाद का इन्तजाम ही नहीं किया, उस को कायदे कानून के मुताबिक बांट कर जो भाई उधर से उजड़ कर आये हैं उनको उस का मालिक बनाया। लेकिन आज उस की इतनी टीका टिप्पणी क्यों होती है, इसकी वजह साफ है कि संसार में ज्यों ज्यों समय बीतता है, जो मसले हल हो जाते हैं, भ्रादमी उन को भूलता जाता है। कुछ मसले हल हो गये और हम ने देखा कि उस का अन्धे ढंग से निपटारा हुआ। जो बचे उन को हल करने के लिये ही उन्होंने यह संशोधन विधेयक रखा। इसी से साफ जाहिर है कि हमारी खराबियां थीं, कमजोरियां थीं, उन खराबियों और कमजोरियों को दूर करने के लिये उन को कानून की मदद चाहिये थी और इस लिये उन्होंने मौजूदा कानून को बदलवाना चाहा। कौन नहीं जानता कि इसी मंत्रालय ने चौधरी कमेटी को नियुक्त किया था और उस में कुछ बड़े बड़े भ्रादमियों और कुछ छोटे भ्रादमियों के कागजात को भी संभाला गया था। कल मंत्री महोदय ने मुझ से कहा कि जो कुछ खराबियां हैं मैं उन को बतलाऊं। उस कमेटी में बड़े बड़े लोगों की खराबियां सामने आईं जो कि आई० सी० एस० आफिसर्स थे। जलघर के बारे में कहा जाता है कि एक हिस्सा जो शहर के बीच में है, जो बिल्कुल शहर में है उस को देहात करार दिया गया और देहात करार देने के बाद बड़े बड़े अफसरों के नाम उस को एलाट किया। और भी बहुत सी चीजें हुईं।

छोटी छोटी खराबियां भी हुईं। मैं जानता हूँ, और मंत्री महोदय भी इस बात को मानते हैं, कि जो कुछ हुआ वह सारे का सारा ठीक था ऐसा नहीं कहा जा सकता।

इस विधेयक के सिलसिले में जो कुछ मैं कहना चाहता था उस में से काफी हमारे लाला भ्रचित राम जी ने कह दिया, सरहदी साहब ने भी कह दिया जिन को कहने का मुझे हौसला नहीं होता था। उन्होंने मुझे हौसला दिया। शायद आज से कुछ साल पहले वह ऐसी बात इस सिलसिले में न कहते जिस के बारे में उन्होंने आज जिक्र किया, और मैं करना चाहता हूँ। इसके अन्दर जितने क्लेजेज रक्खे गये हैं, जिस समय मंत्री महोदय ने इस विधेयक को सदन के सामने रक्खा था, उन को उस के कारण कुछ ज्यादा देने चाहिये थे। लेकिन शायद उन्होंने यह समझा होगा कि बजट के वक्त या दूसरे डिस्कशन के वक्त कई बातों को सदन के सामने रक्खेंगे जैसे कि कितना किराया बाकी है। करोड़ों रुपया बाकी है। लेकिन मैं समझता हूँ कि जिस वक्त इस कानून को तब्दील करने के लिये यह बिल रक्खा गया उस समय मंत्री महोदय को उन के कारणों का अपनी तकरीर में जरूर जिक्र करना चाहिये था। उन्हें सदन को बतलाना चाहिये था कि कितना रुपया किराये का बाकी है, कितने करोड़ रुपये के मकानों का नुक्सान हुआ है। उन्होंने जिक्र किया अगर दो भाई यहां थे, उन में एक भाई पाकिस्तान चला गया और एक भाई यहां रह गया, जब वह भाई पाकिस्तान गया तो यदि उसकी जायदाद को उसका भाई खरीद नहीं सकता अब हम लोग उस दूसरे भाई की जायदाद का जो कि इक्की प्रापर्टी हो गई बन्दोबस्त करने के लिए, दूसरा नान-इक्की हिस्सा भी खरीदना चाहते हैं।

श्री मेहर चन्ध खन्ना : यह बात नहीं है।

श्री० रणबीर सिंह : सेक्शन ३ जो है वह बिल्कुल साफ है इस सिलसिले में कि कस्टोडियन उसे खरीद सकता है। सवाल है कि कितनी परेशानियां थीं, कितने केस थे, मंत्रालय के सामने। और किन परेशानियों की वजह से उन्होंने यह संशोधन रक्खा और कहां कहां है वह परेशानियां, यह भी नहीं बताया। मैं आप से क्षमा चाहता हूँ क्योंकि आप भी उजड़ कर आने वालों में से एक हैं, लेकिन एक सच्चाई है कि इस मंत्रालय के अन्दर जो भाई उधर से आये, आम तौर से उन को ही ज्यादा नौकरियां दी गईं, और दी जानी चाहियें थीं क्योंकि उन के रिहैबिलिटेशन का सवाल था। आप जानते हैं कि जिस राज्य से मैं आता हूँ, और जिस राज्य से आप आते हैं वहां की बदकिस्मती है कि जिस कौम या जिस मजहब के मानने वालों की जायदाद को आप इवैक्वी मानते हैं उन के मजहब का कोई अफसर नहीं। उस जायदाद का इन्तजाम करने वाले जिसे आप इवैक्वी कहते हैं, आम तौर पर वही भाई हैं जो भाई उधर से उजड़ कर आये हैं, और उन की हमदर्दी जो भाई उजड़ कर आये हैं उन से है। उस हमदर्दी के जोश में अगर वह कुछ अपने अस्तयार से ज्यादा भी कर दें तो वह भी सही समझा जा सकता है, और समझ में आ सकता है कि वह ऐसा कर सकते हैं। मुझे मालूम नहीं कि यह समस्या कहां की है। बिहार की समस्या है तो शायद मुझे ज्यादा उज्य न हो, लेकिन अगर यह समस्या पंजाब की है तो मुझे उस में बहुत डर है। मंत्री महोदय ने यहां पर जो दो धारारें रखी हैं, एक तो ३ और दूसरी ५, उन में जो धारा ५ है वह सारी धारा ३ से खत्म हो जाती है। आज तक किसी को यह अधिकार नहीं था कि जो भाई यहां हैं, और जिस की जायदाद को इवैक्वी प्रापर्टी करार न दी गई हो, उस की जायदाद के ऊपर कोई हाथ उठाये। लोगों को तो शायद पहले से ही गिला था,

मंत्रालय को भी आज गिला है। इसी लिये उन्होंने सेक्शन ५ को यहां रक्खा है। कुछ ऐसी जायदादें हैं यहां पर जो इवैक्वी प्रापर्टी नहीं थीं, और न इवैक्वी प्रापर्टी मानी ही जाती थी, लेकिन फिर भी उस को इवैक्वी बना दिया गया। यह सेक्शन ५ इसलिये लाया गया है कि वह ऐक्वायर की हुई प्रापर्टी उन आदमियों को वापस मिल सके। कुदरती बात है। हम मानते हैं कि यहां गलतियां हुई हैं। लेकिन उन गलतियों के करने वालों के हाथ में आज आप एक दूसरी तलवार दे रहे हैं। मुझ को तो यह बहुत खतरनाक लगता है। शायद मुझ को यह ख्याल भी न आता, चुभता भी नहीं, अगर आज से पांच या दस दिन पहले एक वाक्या मेरे सामने न आता। रोहतक जिले के अन्दर एक सुभाष नगर गांव है। पहले तो उस का नाम कुछ और था, लेकिन अब उस का नाम सुभाष नगर है। उस में कुछ भाई हैं जो मुसलमान काश्तकार थे। वह अभी भी वहां हैं। वहां के एक भाई मेरे सामने आये उन का एक भाई साल या डेढ़ साल पहले पाकिस्तान चला गया। उस के रहने वाले मकान को एक भाई ने बोली में ले लिया है। जिस भाई को वहां पहले जमीन एलाट हुई थी वह अपनी जमीन को बेच गया। दूसरे भाई की जायदाद नीलाम हो रही है। वह वहां रहता है लेकिन उस के आधे मकान को दूसरे को बेचा गया। उस के खिलाफ अब अपील पेंडिंग है। लेकिन आज तो उस भाई की सुनने वाला कोई नहीं है। कल कोई दूसरा भाई, असिस्टेंट कस्टोडियन या कोई दूसरा छोटा बड़ा आदमी लिख देगा कि यह प्रापर्टी खराब हो रही है और मुझ को यह दूसरा हिस्सा भी खरीदने की इजाजत दी जाय। ऐसी हालत में उस बेचारे को जो अब तक किसी तरह अपना गुजारा करता आ रहा है, अपने मकान से भी जाना होगा।

मैं जानता हूँ कि कानून में जो मसविदा रखा गया है वह इसलिए रखा गया है कि अगर इवेक्वी प्रापर्टी घटती है तो उसकी वजह से पूल में घाटा न रहे। प्रसल में क्या होता है ? होता यह है कि अगर किसी प्रापर्टी की कीमत बढ़ती है और किसी आदमी को फायदा दिलवाना है, तो उस जायदाद की कीमत लगायी जाएगी और वह उसको पहले ज्यादा दिलायेंगे, वह खरीद कर नहीं सकता। पर दूसरे के पास तो क्लेम है। आप मानिए या न मानिए, इसमें सबूत देने की कोई बात नहीं है कि रुपये का क्लेम १२ आने, आठ आने और सात आने में बिका है। इस बात को सब आदमी जानते हैं। मंत्री महोदय को भी यह बात मालूम होगी और मंत्रालय को भी मालूम होगी। मैं जानता हूँ कि जिन लोगों को इन हालात में अपने क्लेम बेचने पड़े उनकी भी बहुत बड़ी मजबूरी थी। तभी तो उन्होंने रुपये की चीज को सात आने में दे दिया। जिन्होंने उनको खरीदा—चाहे किन्हीं हालात में खरीदा—उन्होंने उन भाइयों को कानूनी तौर पर एक्सप्टाइड किया, लूटा। मैं नहीं कह सकता कि कितने करोड़ के क्लेम इस तरह से अण्डर बिड किए गए लेकिन अगर हिसाब लगाया जाए तो यह एक बहुत बड़ी रकम होगी। जिन भाइयों को मजबूरी थी उनको हमारे इस इन्तिजाम से घाटा हुआ। हमारी भी मजबूरी थी हम उनको उसी वक्त क्लेम का रुपया नहीं दे सकते थे। लेकिन बहरहाल उनकी इस हालत का कुछ भाइयों ने फायदा उठाया।

तो मैं यह कह रहा था कि यह जो बात है जायदाद खरीदने की, मुझे इसमें आशंका है, मुझे आशंका है कि पहले जो चीज थी यह उससे भी ज्यादा खराब होगी। मैं नहीं चाहता कि यह अधिकार किसी छोटे मोटे अधिकारी के हाथ में हो। प्रब्वल तो इस

सदन को बताया जाना चाहिए था कि कितनी ऐसी प्रापर्टीज हैं कि जिनको हमें खरीदना जरूरी है। मैं तो समझता हूँ कि ऐसी प्रापर्टीज की लिस्ट, जिनको खरीदना आप जरूरी समझते थे, हमको पहले ही मिलनी चाहिए थी, लेकिन अगर अब तक नहीं मिली, और हमको अगर यह कानून पास करना है, तो कम से कम अब इस सदन के हर सदस्य को वह लिस्ट मिलनी चाहिए, ताकि अगर उनके हलके में कोई ऐसा मामला हो तो वह देख सकें कि किसी गरीब भाई से धक्का न हो सके। पंजाब में कायम रहना कितना मुश्किल है यह वह भाई जानते हैं जो उधर से आए हैं। पार्टीशन के १२-१३ साल बाद अब उनको फिर बेघर होना पड़ेगा। हम तो समझते हैं कि इस कानून का सबसे खराब नतीजा यह होगा।

इस कानून में उन्होंने एक अच्छी बात की भी झलक दिखायी है। अगर इसमें यह झलक न होती तो शायद यह पास भी न होता। मंत्री महोदय मेरी गुस्ताखी माफ़ करेंगे। मुझे पता लगा कि मंत्री महोदय वकील नहीं हैं, लेकिन अपनी बात मनवाने में वह किसी वकील से भी ज्यादा होशियार हैं। मैं मानता हूँ कि इस बिल का क्लॉज ३ कमी पास नहीं हो सकता था, अगर इसके साथ क्लॉज ५ भी न होता। मुझे मालूम नहीं, लेकिन शायद मंत्रालय के भाई भी बहुत होशियार हैं, उनके सामने बहुत समस्याएं हैं। शायद वह इस बात को समझें हों कि इस सदन का मन कैसा है और इस सदन के सदस्य किस ढंग से सोचते हैं। हो सकता है कि माननीय मंत्री का ध्यान उस तरफ न गया हो, तो मैं उनका इस तरफ ध्यान दिलाना चाहता हूँ। अगर आप चाहते हैं कि आपको दफा ५ के लिए यश मिले तो आप दफा ३ को हटा दीजिए और जो समस्याएं हैं उनको इस सदन के सामने फिर रखिये। सारी समस्याएं सदन के सदस्यों के सामने आएँ और उसके बाद

[श्री० रणवीर सिंह]

इसको लाया जाएगा तो मैं समझता हूँ कि यह एक अच्छा तरीका होगा।

बाकी बात तो बहुत अच्छी है। सरदार अजित सिंह सरहदी ने जिक्र किया क्लाइम ८ के बारे में। वैसे तो कोई आदमी इसकी खिनाफत नहीं कर सकता। आखिर देश के अन्दर हिमाब किताब तो सब का होना चाहिए। जो भाई उधर से आए हैं उनका भी होना चाहिए। लेकिन इस चीज को किम ढंग से चालू किया जाए। मुझे इस बात से इन्कार नहीं कि अफसरों को अधिकार दे दिए जाएं। लेकिन अफसर भी हमारी तरह के ही इन्सान होते हैं। जिससे वह नागज हो जाते हैं उसके टिकने के लिए जगह नहीं रहती। खुदा ही उसकी रक्षा कर सकता है। तो मैं चाहता हूँ कि चाहे इस बारे में मंत्रालय द्वारा हिदायत दी जाय या मंत्री महोदय हिदायत दें। मैं जानना हूँ कि मंत्री महोदय के पास बहुत बड़ा काम है। जो भाई वैंस्ट पाकिस्तान से आए थे उनकी समस्या तो किसी हद तक हल हो गयी है। कुछ उन भाइयों ने खुद अपनी समस्या हल कर ली है। उन्होंने अपने होमले से अपनी समस्या किसी हद तक हल कर ली है। लेकिन जो भाई ईस्ट पाकिस्तान से आए हैं उनका कुछ होमला भी कम है। गुहा साहब का तो गिला है कि मंत्रालय का होमला कम है। हमें तो दोनों का ही होमला कम दिखायी देता है।

श्री मेहरबान खन्ना : मैं आपको वहाँ ले चल कर दिखला सकता हूँ।

श्री० रणवीर सिंह : मैं ने जाकर देखा है। उनको जमीन मिली जिसमें अच्छा चावल हो सकता था। उनको मकान मिले हैं। लेकिन वह उस जमीन में कुछ नहीं कर पाये और पंजाब के राय सिखों ने वहाँ जाकर उनमें बहुत जमीन खरीद ली और आज उसमें

चावल पैदा कर रहे हैं। वह भाई भी उजड़ कर आए हैं और यह भी उजड़ कर आए हैं। फर्क यह है कि जो बंगाल से उजड़ कर आए हैं वह पंजाब वालों जैसे होमले वाले नहीं हैं।

एक माननीय सदस्य दोनों बहादुर हैं।

श्री० रणवीर सिंह : बहादुर हैं, इसमें मुझे इन्कार नहीं। बंगाल के भाई हमसे पढ़ने लिखने में, डाक्टरी वगैरह में हमसे बहुत ज्यादा हैं, लेकिन खेती के काम में हम से पीछे हैं।

एक माननीय सदस्य : बुद्धि में ज्यादा है।

श्री० रणवीर सिंह : मैं तो कह रहा हूँ कि बुद्धि में हमसे आगे हैं। बहादुर भी होंगे। लेकिन शरीर के मामले में हम उनसे आगे हैं।

उपाध्यक्ष महोदय : चौधरी कीनसी चीज चाहता है ?

श्री० रणवीर सिंह : मुझे तो दोनों की ही जरूरत है। हर पांचवें साल चुनाव आते हैं। उस समय तो अगर शरीर मजबूत न हो काम नहीं हो सकता लेकिन सदन में बुद्धि की आवश्यकता होती है।

तो मेरे साथी ने जो कि मेरे जिले से चुन कर आए हैं गिला किया। उनकी भाषा लगी थी केरल की और। वह समझते थे कि वहाँ वजारत की कुर्सी मिलेगी। वह समझते थे कि गायद पंजाब में भी कुर्सी मिल जाएगी। लेकिन केरल की कुर्सी तो खिसक गयी और ऐसा ७, जंतर मंतर रोड वालों की कोशिश से हुआ। इसी लिए वह अपने दिल के फफोले यहाँ फोड़ रहे हैं। अगर कम्युनिस्ट पार्टी के पास या दूसरी पार्टी के पास कोई ऐसी प्रापर्टी होती जो कि इक्वनी होती

श्रीर पोलीटिकल पार्टी के हाथ में होती और उनके साथ कोई दूसरे ढंग का व्यवहार किया जाता तो मेरी समझ में आ सकता था। लेकिन आज वह क्या चाहते हैं और क्या समझते हैं ? वह पोलीटिकल पार्टी जिसे हर पंच साल बाद मुकाबला करना पड़े तो वह कंगाल हो जाती है, वह किसी साहूकार के बराबर आकर बोली नहीं दे सकेगी। मैं तो समझता हूँ कि कई दफा जब हम लड़ लेते हैं तो लड़ने के बाद समझ की बात भूल जाते हैं।

हम सबको इस बात को मानना चाहिए कि यह रजिस्टर्ड बाडी हम से बेहतर नहीं है। इस देश के बनाने में अगर सियामी आदिमियों का हाथ नहीं है, तो मैं समझता हूँ कि यह देश बना ही नहीं है। मुझे इसमें कोई एतराज नहीं है कि उन बनाने वालों में आचार्य कृपालानी, गोपालन साहब, डांगे साहब और खुदावक्त राय साहब को और सब को शामिल कर लिया जाये। उनका जो तरीका है, काम करने का जो स्थान है, उसकी रक्षा होनी चाहिए। प्रजातंत्रवाद के नाम पर जो दुहाई दी जाती है और इस ढंग की बात को लूट कहा जाता है, वह गलत है, और गलत वकालत है और वह इस लिए है कि किसी का एक पार्टी से गिला है। लेकिन वह भूल जाता है कि कभी उसकी पार्टी के साथ भी ऐसा मामला आ सकता है और आया है। केरल में कितनी चीजों के ऊपर कम्युनिस्ट पार्टी के साथ रियायत नहीं हुई, यह सदन जानता है और यह देश जानता है।

उपाध्यक्ष महोदय : मैं चौधरी साहब से दरखास्त करूंगा कि वह अब खरम करने की कोशिश करें।

श्री० रणबीर सिंह : प्राक्सिर में मैं मंत्री महोदय से यह निवेदन करना चाहता हूँ कि

उस मेरे भाई ने जो टीका-टिप्पणी की है, उसका कोई बहुत ज्यादा असर वह न समझें क्योंकि वे तो दो चार भाई हैं, हारे हुए भाई हैं और हारे हुए भाई के शब्द का गिला नहीं करना चाहिए, असर तो उसका क्या होगा।

Shri Mehr Chand Khanna: Sir, as I said yesterday while moving this Bill for consideration that I do not wish to cover the same ground over again, I would even now like to avoid repeating those arguments. But I am sorry that all those arguments, which were stated on the floor of the House yesterday, have been repeated and some of my hon. friends have even made references to some of our housing schemes and colonies which have no bearing whatsoever either on the amending Bill or on the amendments that have been proposed by some of the hon. Members. I will deal with some of those general questions on another occasion.

As far as this Bill is concerned, my hon. friend, Professor Diwan Chand Sharma, made some remarks which, I believe, were based more or less either on ignorance of the provisions of the amending Bill or he had no idea whatsoever of the provisions of the parent Bill. He said that vast powers were being vested in certain officers and people had no right of approach to the Ministry. If he had only listened to my speech yesterday, I had made it abundantly clear that there is an appeal to the Chief Settlement Commissioner or the Settlement Commissioner. Then there is revision and after that there is a right of approach to the Ministry under section 33. So, any order that is passed either by officer A or by officer B, either under this Act or under the previous Act is appealable.

It rather came to me as a surprise that while on the one hand attacks were made on the Ministry, on the other

[Shri Mehr Chand Khanna]

hand an effort was sought to be made that even those powers which are being exercised by some very high officers either in the compensation organisation or in the Custodian General's organisation should now be centred in the Ministry. A remark was made that there was a time when the Custodian General in this Ministry was of the rank of a retired High Court Judge. Two, three or four Custodian Generals were appointed in this Ministry and every time an effort was made that we get a judge of high reputation both in ability and integrity so that on account of the abnormal provisions of this law, justice can be meted out to the aggrieved parties. But a time came not many months ago, a few months ago, when the work of this Ministry tapered off to a very great extent. The Custodian-General today, in my view, has not got the same amount of work that his predecessors had. So, we combined the office of the Custodian-General with that of the Chief Settlement Commissioner, and I have no hesitation in naming the officer who till a couple of months ago held this post, because my hon. friends, in spite of the remarks about some officers of the Ministry, have always been very appreciative of his work—I am referring to Mr. Johnson. Shri Ajit Singh Sarhadi and many other friends whoever had the opportunity of meeting him, have told me, and I think Lala Achint Ram also told me that he was not very happy over his transfer from Delhi to Dandakaranya.

Shri Achint Ram: Yes, quite right.

Shri Mehr Chand Khanna: He is one of our very fine officers, but realising the priority that we wished to give to the Dandakaranya scheme and to the rehabilitation of displaced persons from East Pakistan, I thought

that even if we had to undergo a little bit of hardship in the western region, I owed the refugees from East Pakistan a duty and it was on this consideration that Mr. Johnson was transferred.

After that fortunately we have been able to get another senior officer of the service, and he joined us only a few days ago. So, though I have not been able to and I have not thought it advisable to appoint a Judge of the High Court at this stage because the work does not justify it, I still have a very senior officer, an officer of the rank of a Joint Secretary in the Government of India, a senior ICS officer who is combining both the functions in him, the functions of the Custodian-General and the Chief Settlement Commissioner. The appeal lies to the Custodian-General. If there is any order of a Custodian or a Deputy-Custodian, for that procedure is properly laid down in the Act, and these appeals and revisions can be made.

So, I felt that when Shri D. C. Sharma made that criticism about the vesting of certain officers with certain powers and making them absolute, he was not justified because he was not apprised of the other provisions where relief is provided under the Act.

Another remark that Shri D. C. Sharma made was that though certain judgments or rulings had been given by certain High Courts, I took several months to come before the House. He accepted the position that validation was essential, that it must be done, but thought that I took many months in coming before the House. If a judgment is given by a High Court, and the judgment is not supported by another Judge of the same High Court and we feel that there

are contradictory opinions, then before I rush to Parliament, I have to go through certain stages. We have that matter examined in our own Ministry, we then go to the Ministry of Law, and sometimes we have even to go to the Solicitor-General. After the matter has been thoroughly discussed and the Government is satisfied that legislation either amending or original has to be brought before the House, the matter is taken up to the Cabinet. In my case, as you know, there is a Rehabilitation Committee of the Cabinet which has been functioning for all these years, and the powers of the Cabinet *vis-a-vis* this Ministry are centered in that Rehabilitation Committee of the Cabinet. After the approval of that Committee we have to go to the Minister of Parliamentary Affairs and see that he finds us time, on account of the legislation that is pending, the priority that a certain legislation has to receive etc., and seek his approval for bringing up the Bill before the House.

This Bill, or both these Bills, were brought before the House during the last session, but on account of lack of time, they could not be discussed. I wish to assure my hon. friend Shri D. C. Sharma—he is not present in the House—and other Members that if there has been any delay, it is not wilful; it is a delay which has to take place, and we would rather be on the safe side in taking a little extra time, in having the matter thoroughly examined, than come before the House and put up a legislation which may not stand the test of time.

He made a rather uncharitable reference, though in a veiled way, to some of my predecessors. The Evacuee Property Act, I think, was passed in 1950. Who knew the conditions then? I am prepared to confess that though I have been the longest in this Ministry, if some one were to ask me today to define the word "rehabilitation" fully, I may not be able to do it. So, the Act was passed in 1950 and either due to the judg-

ments given by certain High Courts, or on account of the legal opinion that we may receive, or on account of the ambiguities that may arise from time to time, if we come before the House, no aspersions should be cast on those Ministers who, years ago, had to pilot some of these Bills.

Now I come to my hon. friend Shri Ajit Singh Sarhadi. I heard his speech with very great attention. As regards clause 2 he had nothing to say; he just referred to it in passing, because he knows perfectly well what harm, if this Bill is not passed by Parliament, will be done to the refugees, to the evacuee pool and to the Government revenues. So, he referred to that only in passing, but he spent a great deal of his time on Clause 4.

Clause 4 is nothing new to what we discussed in another clause of the Bill that was passed by the House last evening. There you may have a managing officer, here you may have a Custodian. The position remains the same. So, I do not wish to take up the time of the House by repeating all those arguments as to why a District Judge cannot be introduced into our system today, how there is no longer need for him today though there might have been need for it three, four or ten years ago. I do not want to cover all that ground. There is, however, one thing on which I am in agreement with him, and I am grateful to him for having drawn my attention to it, and I am also grateful to Ch. Ranbir Singh. That is in relation to Clause 3. Where there is composite property and the evacuee interest has to be separated after adjudication, there we come up against certain difficulties. I wanted to seek powers to overcome those difficulties. It has never been my intention, or that of the Government, that I shall take powers with a view to purchase property which is not directly concerned with the Evacuee Pool or evacuee property as such. So, I have no hesitation in accepting the amendment which will be moved by Shri Ajit Singh, that is, to insert the words

[Shri Mehr Chand Khanna]

"non-evacuee interest in evacuee" after the words "acquire any" in that clause. I accept that, though it will come up later. I hope, Ch. Ranbir Singh will now accept by *bono fides* and intentions that in bringing clause 5 I had no intention of hoodwinking the House or taking powers which I wanted to use against the local persons in purchasing their property.

14 hrs.

Ch. Ranbir Singh: It was just a joke. I never meant it.

Shri Mehr Chand Khanna: Sardar Ajit Singh made one remark possibly because he was irritated over my speech yesterday, when I talked about the restoration of property to a Muslim national. My friend, Ch. Ranbir Singh just made a reference about Subhash Nagar. If that case comes before me, I shall certainly look into it. I said yesterday that it will be a very sad day when any Government which professes to be secular takes advantage of the unfortunate position of a national of India whose property should never have been declared as evacuee is declared as evacuee and we deprive him of all those benefits.

My hon. friend Shri Diwan Chand Sharma said yesterday that even in the case of amendments moved with the best of motives, I have tried to impute motives. That was never my intention at all because I know every Member of this House who brings forward something before the House does it with a view to helping the Government, with a view to seeing that the law that we pass is properly administered and that law commands the respect of the people in its fairness, in its justice, in its application. Ajit Singh said that I want to take powers with a view.....

Mr. Deputy-Speaker: I feel that when the hon. Minister is addressing them, or referring to them, some formality should be observed.

Shri Mehr Chand Khanna: Shri Ajit Singh Sarhadi and myself have been together for so many years, both coming from the same part. I used to call him Ajit. Here, I call him Sardar Ajit Singh.

Mr. Deputy-Speaker: Those freedoms might be exercised outside the House.

Shri Mehr Chand Khanna: I am sorry, Sir. I shall call him as Sardar Ajit Singh Sarhadi.

Shri Jagdish Awasthi (Bilhour): Shri Ajit Singh Sarhadi.

Shri Mehr Chand Khanna: About composite properties, it is rather a difficult process. First of all, we know that the house or a part of it is evacuee property; then the case has to come before the competent officer; he adjudicates; after that, separation of evacuee interests takes place. A part of it belongs to a Muslim who has gone away to Pakistan; a part of it may be belonging to his very brother who may be in India and may be in possession of that house. So, what we did was, in cases that came up before us where we found that a co-sharer, who is still living in that house—his brother has gone away to Pakistan—and the property has been declared evacuee to the extent of the Custodian's share. We gave him facilities by an order which was issued two or three or four years ago—I cannot recall exactly the date—where we said, "If the evacuee share is less than half, sell that share to the non-evacuee co-sharer at the price assessed by the competent officer and if he is not interested, then offer it to the allottee if he is a displaced person." So, we have already given that facility to the person who is a co-sharer in a house, maybe half, maybe two-thirds, maybe one-third. We have already given him the facility to purchase the share which will vest in the Custodian under certain conditions because we do not want to deprive him of that house. If there is

a big property and it can be separated by metes and bounds, then the question does not arise. But if it is a small house where his father has lived, where his fore-fathers have lived and the national is still living in India, but his brother has gone away to Pakistan, we have given him the facility to become the owner of that house. Under the Act, the Custodian has the power to sell his share, but the difficulty arose that in certain cases the other person who is a non-evacuee and is living in India says, "I am not willing to purchase the house; I do not want to purchase the house." Now, if he does not want to purchase the house and the Custodian has no power to purchase the property, then we have come up against cases where we found that the evacuee interests or the Government interests or the interests of the Pool were not being properly looked after. So, we are taking power in these exceptional cases to allow the Custodian to purchase the other share of the property and then the whole can either be allotted to a displaced person, if it is according to the rules, or it can be sold. But having accepted the amendment which Shri Ajit Singh has suggested that objection should not now arise.

As regards clause 6, we discussed it at great length yesterday. We gave powers to the Custodian General under section 27. We have to give similar powers to the Custodian General in the case of a property which has been acquired under section 12, because cases have come to our notice where the property has passed from the Custodian's Department and has become vested in the President under section 12. If we find now that that property should never have been declared as evacuee and the man whose property has been declared evacuee, just as Ch. Ranbir Singh said, is still living in India, still living in Subhash Nagar, still living in Rohtak, then our idea is to give those powers to the Custodian General to restore that property. I do not want to dwell upon that argument whether I should exercise

that power in the Ministry, or whether that power should be exercised by the Custodian General.

Now, I come to clause 7.

Shri Ajit Singh Sarhadi: On a point of clarification. The hon. Minister said that he wanted to vest the Custodian General with powers to declare an acquired property as a non-evacuee property. Now, if the acquired property has been transferred to a displaced person, either by way of adjustment or otherwise, what would be the position then? In that case, will a fresh allotment be made to him? How will he proceed in that eventuality?

Shri Mehr Chand Khanna: It is a very relevant question. If in the meanwhile the house has been allotted to a displaced person, and he is in possession of that house...

Shri Ajit Singh Sarhadi: And has been adjusted against his claims.

Shri Mehr Chand Khanna:... and it has been adjusted against his claim...

Shri Ajit Singh Sarhadi: Or purchased by him in auction.

Shri Mehr Chand Khanna:...or it has been purchased by him in auction...

Pandit Thakur Das Bhargava: And he has erected a substantial property over there.

Shri Mehr Chand Khanna:—my hon. friend Pandit Thakur Das Bhargava has drawn my attention to that important fact which I myself mentioned yesterday... and he has made some substantial improvements, in the belief that he is the owner of that property because that property has been given to him in satisfaction of his claim, then I shall have to consider, the Ministry shall have to consider whether we should deprive the displaced person of that house or the Mussalman to whom that house has to be restored, and whether under

[Shri Mehr Chand Khanna]

the law, we should give him something, as I said yesterday, whether some other property or some cash or some property and cash or some house. But I shall certainly see that a displaced person to whom I have allotted a house or sold a house, and who has taken it in good faith is not put to any loss. Whether he is allowed to keep on that very house or not is entirely a separate question; that will depend upon the merits of each case.

Now, I come to clause 7. I shall seek the permission of the Chair, as I did yesterday, to delete that clause, so that I could bring it in line with what happened yesterday.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Administration of Evacuee Property Act, 1950 be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We shall now take up the clauses.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Amendment of section 10)

Amendment made:

Page 2, line 3, after "acquire any" insert "non-evacuee interest in evacuee".

[Shri Ajit Singh Sarhadi]

Mr. Deputy-Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4—(Insertion of new section 10A)

Pandit Thakur Das Bhargava: I beg to move:

Page 2, for lines 9 to 39, substitute:

"10A. Where any person is in arrears of rent in respect of any evacuee property vested in the Custodian or where any person is deemed to be holding any evacuee property on behalf of the Custodian under sub-section (4) of section 8 or where any person is or has at any time been in unauthorised possession of evacuee property and has not surrendered possession though ordered to do so or has caused damages to any such property, the Custodian may sue such person for arrears or recovery of amount due as rent or damages for use and occupation or other damage as the case may be in the civil court and such court shall decide the suits in accordance with the general law of the land and the Civil Procedure Code shall be applicable to such suit."
(8)

Shri Ajit Singh Sarhadi: I beg to move:

(i) Page 2, lines 17 and 18, for "and that person shall be liable to pay the rent so assessed" substitute:

"and in case it is disputed by the occupant, shall refer such dispute to the District Judge nominated in that behalf by the State Government, whose decision thereon shall be final." (4)

(ii) Page 2, for lines 24 to 26, substitute:

"and may, by order, require that person to pay the damages and fix instalments for the payment of such damages; but if it is disputed by the occupant or the holder, shall refer such dispute to the District Judge, nominated in that behalf by the State Government, whose decision thereon shall be final." (5)

(iii) Page 2, omit lines 27 to 32. (6)

(iv) Page 2, lines 30 to 32, for "and may, by order, require that person to pay the compensation within such time and in such instalments as may be specified in the order", substitute:

"and in case the assessment is disputed, shall refer the matter to the District Judge nominated in that behalf by the State Government whose decision thereon shall be final". (7)

Mr. Deputy-Speaker: These amendments are now before the House. I suppose enough has been said already on this matter.

Shri Ajit Singh Sarhadi: I would not recapitulate the arguments I advanced earlier, but I still beg of the hon. Minister to consider whether he could not agree to the omission of lines 27 to 32 at page 2 of the Bill, namely sub-section (4) of proposed section 10A which postulates that the Custodian should be authorised even to assess the damages to the property and to assess the compensation in respect thereof.

This is a very novel provision, and it is found nowhere else. To assess the damages after such a long time would not be fair. Earlier, the criminal provision was there, and penalty could be imposed under section 32, and the offence was also cognizable. But, after a period of twelve or thirteen years, again to assess damages and ask for compensation would be rather unfair. I would strongly stress on this that the hon. Minister should consider this amendment, particularly, along with the others, of course, which I have moved.

Mr. Deputy-Speaker: Does Pandit Thakur Das Bhargava want to say anything on his amendment?

Pandit Thakur Das Bhargava: I have moved my amendment. That is all.

Shri Mehr Chand Khanna: I only want to give one assurance to the House in the matter of these damages,

348 (Ai) LS—5.

that if I find that there is a case where the damages which are assessed are heavy, I shall have the case examined at the level of my technical adviser in this Ministry, who is a very senior officer, namely a superintending engineer, and I shall see that no injustice is done. I am prepared to give this assurance to the House, and I would also make this request to hon. Members that if a case of this nature comes to their notice, I shall be very grateful if my attention is drawn to it.

Mr. Deputy-Speaker: I take it that the hon. Member is not pressing his amendments.

Shri Ajit Singh Sarhadi: I am pressing my amendments.

Mr. Deputy-Speaker: Then, I shall put the amendments to this clause to vote.

The amendments nos. 4, 5, 6, 7 and 8 were put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

New Clause 4A

Pandit Thakur Das Bhargava: I beg to move:

Page 2, after line 39, insert:

'4A. After section 16 of the principal Act, the following section shall be inserted, namely:—

"16A. The Central Government may in cases where it has acquired property under section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 at any time by notification published in the Official Gazette cancel such acquisition and order the restoration or the transfer of the property to such person as is deemed by it to be entitled to the property on such terms and conditions as it considers just and equitable.".

Mr. Deputy-Speaker: I shall now put the amendment to vote.

The question is:

Page 2,—

after line 39, insert,—

'4A. After section 16 of the principal Act, the following section shall be inserted, namely:—

"16A. The Central Government may in cases where it has acquired property under section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 at any time by notification published in the Official Gazette cancel such acquisition and order the restoration or the transfer of the property to such person as is deemed by it to be entitled to the property on such terms and conditions as it considers just and equitable."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 7

Mr. Deputy-Speaker: Now, we come to clause 7.

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): We are withdrawing it.

Mr. Deputy-Speaker: That shall have to be done by putting it to vote and the House rejecting it.

The question is:

"That clause 7 stand part of the Bill."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clauses 8 and 9 stand part of the Bill."

The motion was adopted.

Clauses 8 and 9 were added to the Bill.

Clause 1 (Short Title)

Amendment made:

Page 1, line 4, for '1959' substitute '1960'.

[Shri P. S. Naskar]

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1, for 'Tenth Year' substitute 'Eleventh Year'.

[Shri P. S. Naskar]

Mr. Deputy-Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Long Title was added to the Bill.

Shri Mehr Chand Khanna: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

14.19 hrs.

DOWRY PROHIBITION BILL—Contd.

The Minister of Law (Shri A. K. Sen): I beg to move:

"That the following amendments made by Rajya Sabha in the Bill to prohibit the giving or taking of dowry, be taken into consideration:—

'Clause 2

(1) That at page 1, at the end of line 9, after the word 'given'