

(III) Report of the Comptroller and Auditor General of India for the year 1980—Union Government (Commercial)—Parts II and III [Placed in Library. See No. LT-2076/81.]

# **PETITION REGARDING POLLUTION OF HUSSAIN SAGAR LAKE, HYDERABAD**

MR. DEPUTY CHAIRMAN: Presentation of petition by Shrimati Roda Mistry.

SHRIMATI RODA MISTRY (Andhra Pradesh): Mr. Deputy Chairman, Sir, I rise to present a petition signed by Shri Amar Nath Burman...

SHRI BHUPESH GUPTA (West Bengal): Sir, I want to say something on this.

MR. DEPUTY CHAIRMAN: First let her finish.

SHRIMATI RODA MISTRY: ...and fourteen others of Hyderabad regarding pollution of Hussain Sagar lake located in the city and matters connected therewith.

SHRI BHUPESH GUPTA: Sir, I have one request to make. Whenever we present a petition, my request, through you, to the Petitions Committee is that the consideration of such a petition should be expedited. Otherwise, there is no point in making petitions.

MR. DEPUTY CHAIRMAN: The Petitions Committee will keep your observations in view.

## **CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE**

The plight of refugees from West Punjab sitting on dharna in Pakistan territory near Jammu because of denial of Indian citizenship to them

SHRI LAL K. ADVANI (Gujarat): Sir, I rise to call the attention of the Minister of State in the Ministry of

Supply and Rehabilitation to the plight of refugees from West Punjab who are sitting on dharna in Pakistan territory near Jammu because of denial of citizenship to them—I would say that the expression 'Indian citizenship' is not correct; citizenship means Kashmiri citizenship—in spite of 33 years stay in India and the action taken by the Government of India in this regard.

MR. DEPUTY CHAIRMAN: Here also you do not say 'Indian' All right. The hon. Minister.

THE DEPUTY MINISTER IN THE MINISTRY OF SUPPLY AND REHABILITATION (SHRI P. K. THUNGON): Sir, the Government of India in the Department of Rehabilitation has not received any report from the Government of Jammu and Kashmir about the reported "Dharna". The Government of Jammu and Kashmir had intimated some time back that the number of persons who came over to Jammu and Kashmir from West Pakistan is not known as no census for this purpose was ever conducted. This matter has, however, appeared as a news item in a section of newspapers including the New Delhi Edition of the Indian Express dated the 9th March, 1981 in which the number of West Pakistan displaced persons allegedly engaged in the "Dharna" is stated to be 3000. The Government of Jammu and Kashmir has also not reported this matter officially so far to us.

2. As regards the question of Indian citizenship to the displaced persons from West Pakistan who have settled down in Jammu and Kashmir State after the partition of the country in 1947, the Minister of State in the Ministry of Home Affairs had in reply to Unstarred Question No. 7040 in the Lok Sabha stated on 6th August, 1980 that the persons of Indian origin who had migrated in 1947 from the territories now included in Pakistan, were deemed to be the citizens of India under Article 6 of the Constitution of India.

SHRI LAL K. ADVANI: Sir, I am sorry to note that the Minister has not replied or given any explanation as to what is happening on the border, why it is happening and what the Government of India's stand is in the regard. I am sure that the attention would have been drawn this morning to a statement formally issued by the Chief Minister of Jammu and Kashmir, Mr. Sheikh Abdullah, in which he has said that so far as the rehabilitation of these displaced persons is concerned, it was entirely the responsibility of the Government of India and that the State Government had, on compassionate grounds, given the temporary shelter. These are the words that he has used though I am really surprised at these words being used in relation to a section of the population that has come to India in 1947. And, Sir, most of these are the Scheduled Caste people, Harijans, from the districts of Sialkot and Shakargarh in Pakistan.

Sir, at the outset I would like to say that this matter should be looked at as a human problem and from the humanitarian angle. Let it not become a hanging match between one party and another or between the State Government and the Central Government. But at the same time neither the State Government nor the Central Government can evade issues or be unequivocal about what their particular stand is.

So far as this particular *dharna* is concerned, it may have arisen because of the failure to rehabilitate them. But the specific issue that they have raised while going on the *dharna* is that though they have been living in Kashmir since 1947 for 33, 34 years now, they are not the citizens of the Kashmir State. They have the right to vote in elections to Parliament, but they do not have the right to vote in elections to the State Assembly or to the civic body. The right to vote is one aspect which is a political one, but what is more directly relevant to their livelihood,

to their living, to their existence, is the right to hold property. They do not have that right because they are not citizens. Therefore, they do not have property.

Sir, these persons who came from Sialkot and Shakargarh, do not belong to the category to which a person living in Delhi belongs, to which a person living in Lucknow belongs. On that particular issue, there can be a long debate. My own view would be that there should be no two classes of citizens. But because of various circumstances, because of international commitments and all that, the other side may argue that Kashmir has a special status and that therefore, the Kashmir citizens are separate from the Indian citizens. Mr. Om Mehta is here. He would be aware of both the sides of the whole debate. But I say that so far as these persons are concerned who came from Pakistan, who had no residence and who had no domicile in any part of India outside Kashmir, when they came they came and settled in Jammu and Kashmir. I see no reason why even after 33 years they should be denied the right of enjoying the full citizenship rights as any other who lives in Jammu and Kashmir.

Sir, in Jammu and Kashmir there are various categories of displaced persons, various categories of refugees. Some of them came from that part of Kashmir which is now under Pakistani occupation—Occupied Kashmir. In their case, very often the plea taken, as was taken when our Petitions Committee went there, was that if we were to grant them certain rights we would be, by implication, abandoning our right to that part. We will not be willing to do it.

Sir, my specific point in this regard is that these problems of rehabilitation, these problems of resettlement, can be properly tackled only if we know the dimensions of the problem. Now, in this very statement the

Minister says that they do not know how many they are. And depending on the statement given by the State Government, they say:

"The Jammu and Kashmir Government had intimated some time back that the number of persons who came over to Jammu and Kashmir from West Pakistan is not known as no census for this purpose was ever conducted."

Now, this is hardly the way of running a Government, running the Rehabilitation Ministry. How can you run the Rehabilitation Ministry if you accept a statement of this kind? It is the responsibility of the Government of India, particularly when the Jammu and Kashmir Chief Minister says that he holds it the responsibility of the Government of India, to rehabilitate these people. They should know how many they are. My first question is, in order to understand the dimensions of the problem, I would like to know how many displaced persons are there who have settled down in Jammu and Kashmir. How many of them came from Occupied Kashmir. How many of them came from other parts of Pakistan right at the time of partition? How many of them came after 1965 or 1971? These are the various categories. Those who came after 1971 are the Chhamb refugees whom we have to some extent rehabilitated. Sir, I would like to quote from the Petitions Committee Report which makes this observation:

"It is a pity that where as refugees of 1965 and 1971 Indo-Pak conflicts have almost been rehabilitated . . ."

I think this is not correct, but then the impression given to the Petitions Committee was that so far as they are concerned, they have been rehabilitated.

"... the persons displaced as long back as in 1947 are still pleading their case for proper re-

settlement. The displaced persons of 1947 cannot, therefore, be blamed for voicing their genuine grievances which they have been suffering for a long time. The problems of these displaced persons need sympathetic consideration and call for a humanitarian approach by all concerned, including the Central Government and the Government of Jammu and Kashmir."

Sir, this is from the Petition Committee's 62nd Report presented to this House on the 13th June, 1980, that is, only last year. I would like to know from the Minister what steps have been taken in pursuance of the report given by this Committee. There are very specific suggestions. For example, there is the suggestions which says:

"Since these displaced persons still feel insecure, and rightly so, for fear of being dispossessed of their land, the Committee recommends that the suggestion made by the representatives of the Department of Legal Affairs to the effect that the evacuee land could be given to the displaced persons on a term-lease basis be considered and implemented by the Department of Rehabilitation in consultation with the State Government."

What has been done in pursuance of this recommendation? This is a very specific recommendation because it meets the sense of insecurity among the displaced persons. I have seen a report in which they have actually made this complaint. The refugees said that the State Government, while giving benefits to other refugees belonging to Kashmir area occupied by Pakistan, left these Pakistani refugees high and dry. This is their complaint. Furthermore, I have seen another point which says in this Petitions Committee Report. "It was pointed out to the Committee that a colony had been constructed at Rajouri for settling the displaced persons, but instead of settling the displaced persons there, the

[Shri Lal K. Advani]  
colony was allotted to the State Government officials. The Committee feels that it is not a very happy situation and that the resettlement colony meant for the displaced persons should be allotted to them only.' These are certain specific recommendations of the Petitions Committee apart from endorsing a broad humanitarian approach to the problem. I would like to know what has been done in pursuance of these recommendations.

Lastly I would like to know from the Government what its specific stand is. I can understand that these refugees can be given citizenship rights only if the State Government agrees. But whether or not the State Government agrees, what is the Government of India's stand? Does it think it desirable, does it think in all fairness, does it think it necessary, that these people should be given citizenship rights? So far as the broader aspect of the dual citizenship is concerned, that can be discussed separately on a different level. So far as these specific recommendations are concerned, I strongly hold that they should be given full citizenship rights not only of India but also Jammu and Kashmir State.

THE MINISTER OF STATE IN THE MINISTRY OF SUPPLY AND REHABILITATION (SHRI BHAGWAT JHA AZAD): Sir, at the very outset I would say that I fully agree with the honourable Member when he emphasised, and he emphasised it very strongly, that it is a humanitarian ground. Our friends, who had left their hearths and homes where they had their origins for generations, and come to this side of the country, are now facing trouble, and it is our bounden duty to do all that we can for them. The honourable Member has raised very important questions, particularly with regard to what is happening just now to our friends who, according to the press reports, are there. The second one is a wider question about the general refugee conditions, their resettlement

in Jammu and Kashmir, the report of the Petitions Committee, etc. There are various other reports also. I would like with your permission, Sir, to say that on this second question which is a wider one, there should be another occasion to reply in detail on the points that he has asked.

As regards the first part of the Calling-Attention that he has raised, it is true that they have not been given the right of citizenship so far as their voting in the Assembly elections is concerned. They have been given the right only for voting in Parliamentary elections. We have drawn attention of the State Government in the past. The reason being given is that there is a separate Constitution for the State of Jammu and Kashmir and there is an Act of 1954 under which they say there are two important things under which you can acquire the full citizenship rights in the State. One is under the Representation Act one should be a permanent resident of the State meaning thereby that one should have immovable property in the State. The second is that one should be there ten years before this Order came into force. They judge these cases on these two grounds, that they were not there ten years before the commencement of the Constitution Order came into force in 1954 and secondly, that they have no immovable property. If property is there, as the honourable Member said, those things are correct, but they came there after 1947 from Sialkot and Shakargarh in a very distressed and difficult situation. They settled on lands which were evacuee property. Now the Government has given them not the right of legal ownership but the right of possession only. On these grounds they are saying that it is not possible to regard them as full citizens and give them the right. In the past it was taken up with the Home Ministry and they replied that for all practical purposes they are the full citizens of this country. This I have referred to in

my reply. We shall again take up this question with the State of Jammu and Kashmir. As regards the census, as the honourable Member has said, in 1979 we got the information that there were 2752 families. The honourable Member asked for the entire figure. I would say that in this country, either in Jammu and Kashmir State, either from West Pakistan or from East Pakistan, as they came, they came through camps where they were registered; we got their number fully registered. We know how much we have spent. But there are a large number of people who came not through camps and without registration. For them we have no census. Therefore, in this particular case we cannot answer the wider question the hon. Member has raised. At present the situation is what I have said.

SHRI LAL K. ADVANI: I am aware of the legal problems and the legal difficulties. What I was stressing again and again is a different thing. Is the Government of India of the view that these people should be given the citizenship right? I can understand that this can happen only with the consent of the State Government. But if it is the view of the Government of India, then the situation becomes different. Or, has the Government of India no view at all? I have a view and I have expressed my view. I would like to know the view of the Government of India regarding this.

MR. DEPUTY CHAIRMAN: The Minister has expressed his view.

SHRI LAL K. ADVANI: He explained the position and by implication he favours it. But I would like to know it from him specifically.

SHRI BHAGWAT JHA AZAD: I have already said that the Home Minister in reply to Unstarred Question No. 7040 in the Lok Sabha stated on the 6th August 1980 that the persons of Indian origin who had migrated in 1947—they had also migrated—from the territories now included in Pakistan were deemed to

be the citizens of India under article 6 of the Constitution. That is why I pointed out that for all practical purposes they are Indian citizens. In this case difficulty arises because of the Jammu and Kashmir commencement of the Constitution Order, 1954, under which two important conditions should be fulfilled. They should have ownership rights over immovable property. Now they have only possession rights. Secondly, they must be there ten years before the order was issued. These two stand in the way. We are telling the State Government—the Home Ministry also—that this should be looked into.

श्री अब्दुल रहमान शेख (उत्तर प्रदेश): मैं डिप्टी चेयरमैन साहब, 33 साल पेशतर से भाग कर के मुल्क के मुख्तलिफ हिस्सों में पंजाब में, यू0 पी0 में, दिल्ली में और दूसरे प्रदेशों में आबाद हुए, उनको को पूरे हक मिल गये और वह वहां आबाद हो गये लेकिन जो लोग जम्मू काश्मीर में दाखिल हुए उन की कितनी मिजरेबिल कंडीशन है, कितने एजीटेशन उन को लडने पड़े और आज वह किस हाल में है इस के बारे में मुझे बहुत मायूसी हुई गवर्नमेंट का जवाब सुन कर। 20 फरवरी से सुचेतगढ़ जो पहले जम्मू-काश्मीर और ब्रिटिश रुल्ड सियालकोट डिस्ट्रिक्ट का बार्डर था वहां पर ये लोग घरना दे कर बैठे हुए हैं और 28 तारीख को मैंने वहां खुद विजिट किया। जिस दिन पहली बार उन्होंने स्टेट का बार्डर पार कर लिया और वे नो मन्स लैंड चले गये उस पर बी एस एफ के और पाकिस्तानी रेंजर्स ने उन को रोका, तो मुझे अथारिटीज ने कहा और मैंने जा कर उन को समझाया और समझा बुझा कर उन को वापस लाया कि आप अपनी टेरीटरी में वापस आइये और यहां आंदोलन कीजिए। वहां यह सारा मामला खड़ा हुआ लेकिन सेंट्रल गवर्नमेंट इस से अवैध नहीं है। उस को अभी तक पता

[श्री अब्दुल रहमान शख]

नहीं है और मैं समझता हूँ कि यह मुजरिमाना गलत है। उस को पता नहीं है कि देश में क्या हो रहा है। इसी से पता लगता है कि उस को देश की बातों का किस हद तक पता लगता है। बहरहाल, इन रिफ्यूजीज ने 1947 में जो अनडिवाइड्ड गुरदासपुर डिस्ट्रिक्ट की एक तहसील पाकिस्तानों में थी शक्करगढ़ वहाँ से और स्यालकोट से आ कर यहाँ 1947 में अपने को सेटिल किया और इन में बहुत से हरिजन हैं। मोर दैन 35 परसेंट इस में हरिजन हैं। अब उन लोगों के बारे में जो हिंडरेंस बताये हैं आप ने वह यह है कि सिर्फ उन को असम्बली में वोट देने का हक नहीं है। लेकिन सिर्फ इतनी ही बात नहीं है। जम्मू काश्मीर में स्टेट, सब्जंक्ट का एक कानून है 1947 के पहले का और वह महाराजा के टाइट से लागू है। जो स्टेट का सिटीजन नहीं है उस को वहाँ कोई सर्विस नहीं मिल सकती है। वह लोग वहाँ किसी तरह का इम्प्लामेंट क्लेम नहीं कर सकते उन को वहाँ जमीन जायदाद बनाने का कोई हक नहीं और वे अपना मकान नहीं बना सकते वहीं वे कोई इंडस्ट्री नहीं लगा सकते वह कोई लोन नहीं मांग सकते। तो यह 50, 60 हजार लोग वहाँ 33 साल से बैठे हैं और वे उस उम्मीद पर बैठे हैं कि सेंट्रल और स्टेट गवर्नमेंट उन के लिये कोई रास्ता निकालेगी, लेकिन आज तक उन को यही दिखाई पड़ता है कि उन का फ्यूचर डार्क है और उन की जनरेशन सिवाय गुलामी करने और मजदूरी करने के लिए और कुछ नहीं कर सकती। पिछले साल कुछ नहीं हुआ। स्टेट गवर्नमेंट ने उन को यकीन दिलवाया था कि हम सेंट्रल गवर्नमेंट से मामला टेकअप करके कोई हल निकालेगी। लेकिन एक साल गुजरने के बाद उन लोगों ने दोबारा यह सिलसिला शुरू किया। अब उन्होंने जिस तरीके से आंदोलन

शुरू किया, आठ तारीख को 5 हजार लोग बार्डर क्रॉस करके पाकिस्तान के इलाके में घुस गये और वहाँ जाकर घरना लगाया। पाकिस्तानी रेजर्स ने उनको वार्न किया और कहा कि निकल जाओ नहीं तो गोली चलायेगे। उन्होंने पाकिस्तान के अफसर को एक मैमोरंडम दिया कि जियाउल हक साहब को कह दो कि हमको उधर भी सिटीजनशिप नहीं मिलती है, तो हमको वहाँ बसने दो हम वहाँ बसने के लिये तैयार हैं। पाकिस्तान के लाहौर टी. वी ने यह 10 मिनट तक समाचार रिले किया किस तरह से वहाँ जाकर उन्होंने यह न्यूज ली, यह कितना सेंसिटिव एरिया है, कितना सेंसिटिव इश्यू है, लेकिन हमको इल्म नहीं है कि वहाँ आज क्या हो रहा है। मैं इस संबंध में सिर्फ यह कहना चाहता हूँ कि अगर वहाँ पर इन लोगों को आपने बसाना है और आपके आईन की हिंडरेंस के कारण वह वहाँ नहीं बस सकते, तो यह सेंट्रल गवर्नमेंट की कंस्टीट्यूशनल ओबलिंगेशन है, इससे आप बच नहीं सकते। आप के और स्टेट गवर्नमेंट के बीच यह बातचीत होनी चाहिये कि उनको प्रोप्राइटरशिप या सिटीजनशिप दिया जा सकता है या नहीं। इस बारे में बहुत पहले ही फैसला हो जाना चाहिये था लेकिन 33 साल से यह क्यों नहीं हुआ ?

जो लोग पाकिस्तान में इसी तरह से रहने के लिये यहाँ से गये थे, इसी कंडीशन में गये थे, पाकिस्तान में उनको पूरी प्रापर्टी मिली, उनको पूरी तरह रिहैबिटेड करके सिटीजनशिप राइट मिली है। लेकिन जो वहाँ से यानी मकबूजा काश्मीर से आये उनको जो यहाँ की इवेश्यू प्रापर्टी थी वह उनको नहीं दी गई, अलाट नहीं की गई। क्यों नहीं की गई। जबकि वह सिटीजन है स्टेट के, तब भी उनको प्रोप्राइटरशिप नहीं दी गई। अब होता यह है

कि जो टैम्पोरेरी अलाटमेंट हुई है रिफ्यूजीज को, जब भी कोई माइग्रेट होकर वापस आता है तो वह उन से रिस्टोर हो जाती है, रिफ्यूजी की जमीन कैन्सल हो जाती है। इस तरह मैण्डर तहसील में हुआ है। इससे बहुत जगह लिटिगेशन और कम्प्यूतलटेशन पनपने लगा था जिसको बड़ी मुश्किल से तय किया गया। इसका हाकिमी तौर पर फैसला करना चाहिये।

श्रीमन् जम्मू और काश्मीर रिफ्यूजी ऐक्शन कमेटी ने राज्य सभा को एक पिटीशन दिया, दस महीने पहले अपनी रिपोर्ट कंफ़ीट करके गवर्नमेंट को दे दी है। अभी तक यह मालूम नहीं है कि उस रिपोर्ट पर गवर्नमेंट क्यों नहीं फैसला कर रही है। यह जेरे वहम आया और स्टेट गवर्नमेंट ने कहा कि हम उन लोगों को प्रापराइटरशिप राइट दे सकते हैं जब कि सेंट्रल गवर्नमेंट 37 करोड़ रुपये हमको देगी जो उन लोगों के नाम पर बौंड्स की शकल में थें रखेंगे यह बात सेंट्रल गवर्नमेंट मान चुकी है, तब हम उनको प्रापर्टी अलाट कर सकते हैं। 37 करोड़ रुपये की वह डिमांड जो पेटिशन कमेटी की सिफारिश के मुताबिक स्टेट गवर्नमेंट ने सेंटर से मांगी है। आज तक सेंट्रल गवर्नमेंट पूरा करती नहीं है, और मामला इसी तरह लटका हुआ है। इसलिये मुझे गवर्नमेंट से जो सवाल पूछने हैं वह यह है कि क्या गवर्नमेंट बतायेगी राज्य सभा की पिटीशंस कमेटी की रिपोर्ट पर अमल न करने के रीजन्स क्या है और उस पर कितनी देर में अमल करेगी ?

दूसरे मैं पूछना चाहता हूं कि वहां रिफ्यूजीज को जो जमीन अलाट हुई है, उनके नाम पर स्टेट गवर्नमेंट ने जो रूपया बौंड्स की शकल में मांगा है और कहा है कि लेंड तब इनको मिलकियत में देंगे जब उनका कपेसेशन उनके नाम जमा करेंगे, उनके लिये सेंट्रल गवर्नमेंट क्या करने वाली है ?

तीसरे मैं यह पूछना चाहता हूं कि यह जो पाकिस्तान से आये हुए लोग

है, पाकिस्तान से 50-60 हजार की फिगर्स आई है . . . . (व्यवधान)

श्री उधसभापति : आपने फिगर को बढ़ा दिया है। 50-60 हजार नहीं है . . . (व्यवधान)

श्री लाल कृष्ण आडवाणी : आज की रिपोर्ट यही है . . . (व्यवधान)

I do not know. The Minister does not have the figures.

MR. DEPUTY CHAIRMAN: I am not saying anything about what has been said in the statement.

श्री अब्दुल रहमान शेख : पांच हजार लोग बार्डर क्रॉस किये हैं, आज की प्रेस रिपोर्ट्स हैं। . . . (व्यवधान) मैं इस स्टेटमेंट की रिपोर्ट कर रहा हूं। इनकी रिपोर्ट्स मुकम्मिलन नहीं आई हैं। बिनाती हैरानगी की बात है कि जो लोग वहां धरने पर पड़े हुए हैं उनकी फिगर्स भी नहीं है इसलिए मैं यह भी पूछना चाहता हू कि ये जो पाकिस्तान से आये हुए लोग हैं इनको वहां सविसेज में और इंडस्ट्री में लगाने या दूसरे इंफ्लायमेंट देने के लिए सरकार क्या कर रही है ? . . (व्यवधान)

MR. DEPUTY CHAIRMAN: It is a State subject. You know it better than anybody else. So, do not bring in the State subject. You know, we have a separate Constitution for Jammu and Kashmir. Therefore, do not bring in all these matters. They are not responsible for that. So, please put the question. You know all these things.

श्री अब्दुल रहमान शेख : जनाब मैं पूछना चाहता हू कि जम्मू काश्मीर का संपरेट कास्टीट्यूशन है, यह मुझे मालूम है। मैं उस एसेम्बली में रहा हूं जो मालूम है . . . (व्यवधान)

MR. DEPUTY CHAIRMAN: That is why I say that.

श्री अब्दुल रहमान शेख : लेकिन मैं समझता हूं कि क्या सेंट्रल गवर्नमेंट और स्टेट गवर्नमेंट मिलकर इस मामले को

[श्री अब्दुल रहमान शेख]

सैटल नहीं कर सकती हैं ? यहां से आप एक पार्लियामेंट्री कमेटी बैठाइये जो इसको देखे कि तमाम उस कास्टोडियूशन में क्या अमंडमेंट्स पासिबल है, स्टेट गवर्नमेंट उनसे ऐग्रो करती है कि नहीं ? अगर नहीं, तो क्या आप ओवर आल इन लोगों को यहां रखना चाहते है या इनको स्टेट से बाहर किसी जगह आबाद करना चाहते है और आकूपाइड काश्मीर रिफ्यूजीज के बारे में पार्लियामेंट्री कमेटी की जो रिपोर्ट थी उसको आप इम्प्लीमेंट करने जा रहे है या नहीं ।

श्री उपसभापति : उन्होंने जवाब कर दिया है । पार्लियामेंट्री कमेटी का सवाल इसमें नहीं है ।

श्री अब्दुल रहमान शेख : होम मिनिस्टर साहब जन्मू गये थे . . . (व्यवधान)

MR. DEPUTY CHAIRMAN: That is a different matter. (Interruptions) The Calling Attention does not concern this. (Interruptions)

SHRI LAL K. ADVANI: It concerns . . . (Interruptions) I would expect the Government should be informed. After all, what is the other occasion? He says that you raise it on another occasion.

MR. DEPUTY CHAIRMAN: Calling Attention relates to the present situation.

SHRI LAL K. ADVANI: I would not like the Chair to come in. This is very relevant. (Interruptions)

श्री अब्दुल रहमान शेख : मैं यह चाहता हूं कि मेरे इन सवालों का जवाब आना चाहिये ।

श्री उपसभापति : ठीक है । आप बैठ जाइये । (व्यवधान)

श्री बी० सत्यनारायण रेड्डी (उत्तर प्रदेश) : यह सवाल जो पैदा हुआ है वह किस वजह से पैदा हुआ है यह तो पता लगाना चाहिये । (व्यवधान)

श्री अब्दुल रहमान शेख : आप अगर कंकलूड नहीं करने देना चाहते तो मामला साफ नहीं होगा । मैं यह दर्खास्त करता हूं कि जो सवाल मैंने आपसे किये उनका जवाब आना चाहिये और ये भी पूछना चाहता हूं कि स्टेट के साथ कोई ऐसी कमेटी म्कारर करने के लिये तैयार है जो सारे मामलात को थोरोली डिस्कस करके उसका कोई वे-आउट निकाले और 30 साल से जो दरबंद है वह हमेशा के लिये सैटल हो जाए और ला एंड आर्डर को प्रोब्लम भी खत्म हो जाए ?

श्री भगवत झा आजाद : उपसभापति जी इस बात में इनको कठिनाई इसलिये हो रही है शायद यह समझते है कि सरकार को इल्म नहीं है और सारी सूचनाएं नहीं है । जो प्रश्न अभी आपने उठाया और जो हमारे सामने हैं वे सम्पूर्ण विस्थापितों के प्रश्नों को जोड़ देते हैं । इसकी सूचनाएं मेरे पास नहीं है । ऐसी बात नहीं है । हम कह सकते है कि यह प्रश्न आज के बहने का नहीं है जब प्रश्न उठेगा कि पश्चिमी पाकिस्तान से कितने कितने लोग आए तो वह फिगर मैं दे सकता हूं लेकिन जब वह प्रश्न ही नहीं आया तो मैं कैसे जवाब दूं । पूर्वी पाकिस्तान से कितने लोग आए इसकी फिगर भी मैं दे सकता हूं । सब कुछ मेरे पास है । मैं क्या नहीं कह सकता । बात यह है कि इस देश में बहुत से ऐसे लोग आये पश्चिम से भी और पूर्व से भी जो हमारे कैम्पस के सहारे हमारी आजादी के बिना बड़ी हिम्मत और साहस के साथ स्वयं बस गये । इनमें से अधिकांश व्यक्ति ऐसे है जो सियालकोट शक्करगढ़ से आए । उन्होंने जमीन दखल की और बस गये । मैं यह कह रहा हूं कि इस बारे में हमारे पास सारी फिगर है । आपने तीन प्रश्न किये है । उसमें एक महत्वपूर्ण प्रश्न है । आडवाणी साहब ने जो कहा उसके बारे में मुझे पहले कहना चाहिये था । उन्होंने ठीक



कहा कि इस संबंध में राज्यसभा की पेटिशन कमेटी ने एक रिपोर्ट दी है उस रिपोर्ट पर हम बहुत गम्भीरतापूर्वक विचार कर रहे हैं। यह विश्वास मानिये कि जिस रूप में आप कह रहे हैं सरकार भी उसी रूप में मानती है। जो लोग अपना घरबार छोड़कर अपने देश की आजादी की रक्षा के लिये त्याग करके आए उनके बारे में हमें कुछ करना है। इसलिये पेटिशन कमेटी की रिपोर्ट के ऊपर हम गम्भीरता से विचार कर रहे हैं। बहुत सी बातें जो आपने पढ़कर बताई उसमें एक प्रश्न है कि एडवाक ग्रांट के बारे में दूसरा है जो जर्मन हमने दो जम्मू कश्मीर में वह बहुत कम मिली है। जब स्वर्गीय पंडित जवाहर लाल नेहरू थे उन्होंने कहा था कि 35 सौ रुपया टोटल दिया जाए शायद आपने भी पढ़ा होगा, जिसमें से 25 सौ रुपया उनको जमीन के रूप में दिया गया जहां कमी है उसका हम देख रहे हैं। आपने जो कमेटी की बात उठाई वह भी हम देख रहे हैं। आपने बहुत अहम प्रश्न किया कि क्या एक पार्लियामेंटरी कमेटी बनेगी जो इन सारे सवालों को देखें तो मैं बताना चाहता हूँ कि यह बहुत बड़ा प्रश्न है। आप गृह मंत्रालय से या प्रधान मंत्री जी से पूछिये कश्मीर के संविधान में भारतीय तुलना में क्या कठिनाइयाँ हैं आप भी जानते हैं हम भी जानते हैं। कुछ कारणों से ये कठिनाइयाँ उठ जाती हैं। जो हमारे अन्तर्गत आती हैं उन्हें हम देख लेंगे और देख भी रहे हैं।

SHRI KRISHNA CHANDRA PANT (Uttar Pradesh): Sir, the Minister has rightly spelt out the limits of the question. We are not discussing the general question of the Constitution of the Jammu and Kashmir State. Nor are we discussing Art. 370. That is not under discussion. But the question under discussion is very much our concern and should be the concern of the Jammu and Kashmir Government. Both from the

human angle and the circumstances which are now before the House, there are three kinds of refugees who entered Jammu and Kashmir in 1947 which was the first batch, then in 1965 and later on in 1971. We are not discussing the refugees who came in 1965 or 1971. We are only discussing the refugees who came in 1947. Therefore, this is really one of the residues of the aftermath of partition. The whole country is morally obliged to find a solution to this problem and that includes the Government of Jammu and Kashmir. Therefore, our approach has to be confined to finding a solution to this problem. I would like to underline the desperation of these persons who have been in India for so long and have not yet got these basic rights which the other citizens have and to which references have been made by other friends. I won't repeat them. They have even tried to cross into Pakistan. Can you imagine it? Just imagine whether there would be any Indian who left Pakistan in 1947 and who today are holding a dharna to recross into Pakistan. Just think of the desperation which is driving them to this course of action. We in this House must look at the problem from the point of view of these people. A question of numbers has been raised. I think in 1947 one crore refugees came into India. I do not know how many came into Jammu and Kashmir. Some figures indicate that it is as high as one lakh. I do not know. Unless some mention is made of the numbers, this discussion may be in a vacuum. I think a mention was made of a figure of 3000 appearing in some newspaper reports and J & K Government says 3000. There is another report saying that 5000 people are sitting in dharna. There is also a mention of some other figure of 2000. If it is a question of 2000 or 3000 persons, then I am surprised that the problem is still there. But, in my view, the problem is much larger. So, let us know the outlines of the problem. Let us know how many people are involved. That would help both the J. & K. Govern-

[Shri Krishna Chandra Pant]

ment and the Government of India in solving this problem. It would be much easier in that case. I hope that the Minister can give us some idea of the numbers involved. What are the handicaps these people suffer from? As Sheikh Sahib mentioned, many of them are Harijans. He referred to a law of 1954 of J. & K. and the orders under that Act. Now one of the grounds for permanent residence is to hold an immovable property. How many landless labourers are there in J. & K. who don't hold any kind of immovable property? Yet they cannot be denied citizenship rights. But they are denied in reality under the Tenancy Act of J. & K. even that right. They cannot take employment there under the Government. Their children cannot go to the professional school or institutions of higher learning. They cannot hold property. Sheikh Sahib said that they cannot get loans, cannot start any industry and even the other normal protections are not available to them. They cannot vote in the State elections. Therefore, their children also suffer discrimination. It is against this background that this matter has to be considered. I would like to pinpoint this fact that these people, after they came from Pakistan, did not go to any other part of India. So the question of Indian citizens becoming the citizens of J. & K. does not arise. These are the refugees who have settled there, remained there for 30 odd years and should be given all these rights. It is possible for him not to compromise on the overall principle of dual citizenship which is practised under the J. & K. Constitution and to limit the problem to these numbers. Then perhaps a solution can be found. Therefore, my specific question is whether the Government of India has discussed this matter with the Jammu and Kashmir Government in the light of this limited problem and the effect that this limited question has on the citizenship question without enlarging the whole argument which

then becomes impossible for solution. Has that been done? What has been their response? And if there is some difficulty that the Jammu and Kashmir Government cannot overcome, what other positive, concrete solution do they have in mind?

SHRI BHAGWAT JHA AZAD: Sir, the last question is most important and that is whether we have discussed with the J. & K. Government about this. As I have said about the citizenship right, among the demands of the refugees, we have referred this question also. But this is one of the most important ones which has been sometimes taken up by the Home Ministry. And now, since the House is unanimous on this, we will again take up this question with the Government of Jammu and Kashmir. Sir, there is one difference. The hon. Member has said, "Why do you say about this immovable property condition? Are there not landless labour?" They are there. But the second condition that this should have been there before the commencement of the Constitution Order of 1954, ten years before. Those landless were there ten years before and, therefore, they are citizens...

SHRI KRISHNA CHANDRA PANT: Which month of 1957? They may also have been there. It would be a matter of a couple of months this way or that way even under the second clause.

SHRI BHAGWAT JHA AZAD: 1954. And I would ...

SHRI KRISHNA CHANDRA PANT: That means, the Act and not the order

SHRI BHAGWAT JHA AZAD: Therefore, I would say that in this case what the difficulties are of the Jammu and Kashmir Government, I think, every detail is known to all the Members who have the full information about that. We are trying to hammer on that and trying to find out the way of what can be done. Sir, I forgot to reply to one important question raised by hon. Rehman

Saheb that there are cases where these refugees who came and got the land, and if those who evacuated are coming back, they are being dispossessed. Some friends also told me. Now, the hon. Member also told me. And I would like to have a few such cases—And I have told those who came to see me, Mr. Rattan and other refugees—so that I can address this question to the Jammu and Kashmir Government. Sir, here I want to emphasise this. The hon. Members, Pantji, Advaniji and Rehmanji have pointed out this. It is really a very important question and we are trying to do our best. And it is surprising that those who came are forced to go. We will take up this with the Jammu and Kashmir Government seriously.

श्री अब्दुल रहमान शेख : इसमें कितना बक्त्त लगेगा ?

श्री भगवत झा आजाद : अगर मेरे हाथ में होता तो इसमें शाम तक का समय लगता, पर यह मेरे हाथ में नहीं है, दूसरे के हाथ में है।

MR. DEPUTY CHAIRMAN: Let us hear the other side.

SHRI KRISHNA CHANDRA PANT: Sir, I had asked an important question. I asked: What are the dimensions of the problem? What is the number involved? Some idea, some assessment must be there.

MR. DEPUTY CHAIRMAN: He has already said that.

SHRI BHAGWAT JHA AZAD: I have already said and it is a question of repetition. There are two dimensions. I said that so far as this particular issue is concerned, we got the last communication from the Jammu and Kashmir Government who put the figure in 1979 at 2,752. About the other dimension which the hon. Members are saying that it might be larger, as I told you, Sir,

we do not keep the number and the census of those who themselves had the courage and the conviction to settle there. Therefore, now, we will again try to find out what the present number is. But this is the number so far communicated to us.

SHRI LAL K. ADVANI: Is it 2,752 families?

MR. DEPUTY CHAIRMAN: He said families.

SHRI BHAGWAT JHA AZAD: I said families.

SHRI GULAM MOHI-UD-DIN SHAWL (Jammu and Kashmir): Sir, I have already heard and as far as the motives of my friends are concerned, I will not attack them. But the question is that we will not allow another Assam in Jammu and Kashmir State. Let us be crystal clear about it. It is not we who asked them to go or not to sit there on our own land. It is the State subject certificate and law and the Act enacted by the Maharaja long before the independence of the country. At that time it was incorporated in the State Subject Act that a person must have either of the two qualifications. I want to correct my friend here who says that both the conditions must be there, that, firstly, he must be a permanent resident of that State and, secondly, owning property there. A person cannot own property there in the State of Jammu and Kashmir unless and until he is a State subject. And as far as the Act of 1954 or the Order issued under that is concerned—that was enacted there—, that too says '10 years before', and that comes to 1944. Please set the record correct. As far as these refugees are concerned, my friend says out of sentiments that they are Harijans. Ours is a secular State. We are not concerned with whether they are Muslims, Hindus or Sikhs or Harijans. Whosoever it be, whosoever wants to settle in Jammu and Kashmir State, cannot buy property or

[Shri Krishna Chandra Pant]

get employment in State service unless and until he is a State subject and that Act is there.

Now, the question arose that as far as these persons are concerned, after the partition of the country they were living in that part which is now Pakistan, they were not citizens of the State of Jammu and Kashmir, and from Shakargarh or Sialkot they entered the State and forcibly occupied some land. Now we have the Agrarian Reforms Act there under which land is given to the tiller but the real owners of this property are somewhere, who are yet to be identified by the Centre. That is to say that the Evacuee Property Act and the Agrarian Reforms Act in the State has graciously, out of magnanimity, allowed them to retain the possession of that land on a temporary basis so that when the matter of those refugees and the evacuee property between the two countries is settled, that too can be settled there.

Now, the hon. Minister has said that they are taking up the issue. My submission in this regards is that nothing should be done—we request for that, we plead for that, we appeal for that—which will jeopardise the interests of that hilly State, a sensitive State, where we have very meagre financial resources.

As far as the question of refugees of 1965 or 1971 is concerned, my friend has said that the refugees were resettled and they own land there. They were not refugees when the conflicts arose in 1965 or 1971. They were the citizens of the State who had to evacuate to the other side when the occupation took place and when the occupation was vacated they returned to their homes and hearths. It is not the question that the State Government has shown any favour to them. They are there whether they are Hindus, Muslims or Sikhs. But when the ceasefire took place and lands were vacated, which were occupied forcibly by the other side,

they occupied their lands and their own property. Just for clarification I may say that it is not the possession of land, possession of land can be as a tenant or on hire-purchase or whatever that is, but the thing is that it must be the ownership of land which can entitle him to get the citizenship rights of that State. My friends has raised the question here that the State Government is doing discrimination against them. There is no such thing absolutely. But so far as these 2700 persons are concerned, we want them as other migrant labour is there, but the question of their owning property and having the right of vote in the State Legislature is not possible because they are not State subjects. How can we help them? Of course, as far as the Centre is concerned, it can help them and should help them on humanitarian grounds. We have no grudge. But it should not be at the cost of the State exchequer or, much less, the property owned by the citizens of the State of Jammu and Kashmir. Thank you, Sir.

श्री अब्दुल रहमान शेख : मि० मोहि-उद्दीन शाल के कहने पर कि किसी रियासत के बाहर के आदमी को वहाँ सिटीजनशिप राइट नहीं दिया जाता, जनाव मैं सैकड़ों ऐसे कैंसेज पेश कर सकता हूँ जिनमें बड़े-बड़े सरमायेदारों को सिटीजनशिप राइट दिये गये हैं। श्री जम्मू और काश्मीर के स्टेट सब्जेक्ट सर्टिफिकेट इश्यू किये गये हैं क्योंकि वे लाखों के मालिक हैं लेकिन जो गरीब हैं उनको नहीं देते हैं।

SHRI GULAM MOHI-UD-DIN SHAWL: I refute the charge. As far as this is concerned, I refute the charge. You can prove it.

श्री अब्दुल रहमान शेख : मैं यह साबित करता हूँ.. (व्यवधान)

SHRI GULAM MOHI-UD-DIN SHAWL: I refute the charge. It is a baseless charge. He helped them in all respects so that he creates destabilisation type of a situation in the

State just as he wants it in other States. There is no question; we will not allow it.

SHRI BHAGWAT JHA AZAD: Sir, the hon. Member holds his own opinion but I may only point out a few instances how the Jammu and Kashmir Government have been considerate. Let him not say that nothing has been done. The very fact that these persons have been given the right to vote in Parliamentary elections is an admission of the fact that they are kind to these persons. Number two, they have given lands to them, though they have not so far accepted their property rights. That is another proof. Number three: An amount of Rs. 3,500 was decided to be paid to these persons—to each family—by the late Pandit Jawaharlal Nehru, and we sanctioned this amount of Rs. 3,500 for each family, out of which Rs. 2,500 have been paid to the rural families in the form of land. This is another proof. So, what the hon. Member is saying is not the fact. The fact is, Jammu and Kashmir Government are considerate to them and we are trying to talk to them and find out from them where the discrepancies are, and if the people are coming back from the other side, the State Government should consider giving some other land to them. So, the hon. Member's saying that "we will not allow it" is not the question; we are allowing it, Jammu and Kashmir Government has done it, I have given you the cases already.

श्री अब्दुल रहमान शेख : यह 35 से  
जो लोग आकूपार्ड काश्मीर से आये हैं  
उन में से कई को नहीं दिया है,

SHRI BHAGWAT JHA AZAD: I have given you 1-2-3 points by which Jammu and Kashmir Government has agreed, and on the further question, we are trying to talk to them.

SHRI MANUBHAI PATEL (Gujarat): Sir, this is not a limited problem of a limited State or of a limited nature. This is a national problem because it was none of the faults of these persons, the refugees, who had to leave their hearths and homes and come to a place where they are suffering now, and they have come to the point of desperation so much that they have now put their lives at stake. It is unfortunate if an hon. Member of this august body takes a stiff attitude towards this problem. I do not think it will be helpful in solving the problem or will be helpful in requesting the State Government or getting the sympathy of the State Government to help the Central Government in solving this problem. Ultimately, the State Government is a part of the Union Government, it is not a foreign land. And for the sake of convenience, if you have agreed to certain arrangement, it does not mean that any State Government can take a different attitude or a different line from the Central Government, because in problems like this where the main aspect is the humanitarian aspect, no political consideration or party consideration should come in. I am sorry that the hon. Member from Jammu and Kashmir has taken a stiff line as if he was talking on behalf of the State Government, whereas the hon. Minister just now said that the State Government is trying to help in solving the problem.

MR. DEPUTY CHAIRMAN: His party is the ruling party there.

SHRI MANUBHAI PATEL: If he passes such remarks, it is unfortunate...

SHRI GULAM MOHI-UD-DIN SHAWL: My submission is to set the records straight. I am not speaking on behalf of Jammu and Kashmir Government but as far as that State is concerned, I am a citizen of that State.

SHRI MANUBHAI PATEL: As a citizen, it is allright. But he cannot

[Shri Manubhai Patel]

say 'we would not allow'. It is not we. Ultimately, it is the State. Who is not going to allow them? As a citizen of India, I can move in any part of the country. It is my Constitutional right. If one takes a technical attitude, it will be very difficult. I do not want to use harsh words. But on whom the State of Jammu and Kashmir thrives today? On whose financial help? On whose support? Practically, a lion's share is being utilised by that State and the whole country is sacrificing in order to maintain that border State because we believe that it is a part and parcel of our country. We have said, it is the crown of India. Hence, we should not take that attitude. If we take that technical attitude, it will be very difficult for any border State even... (Interruptions) It will be very difficult... (Interruptions)

MR. DEPUTY CHAIRMAN: Mr. Shawl, you have made your point.

SHRI MANUBHAI PATEL: Sir, the record should be put straight and the background must also be very clear. In this background, I would request the Government to consider certain recommendations made by the Petitions Committee. The Petitions Committee is a responsible body created by this House and if these recommendations are not respected, it will mean an insult to the House.

MR. DEPUTY CHAIRMAN: He has already said it. He has replied that he is considering this. He has assured that he is considering this. Do not repeat the same thing.

SHRI MANUBHAI PATEL: When the Petitions Committee consisted of Members of Parliament, where is the necessity of a second Parliamentary Committee to go into this and recommend some other things? These are the recommendations made by the Petitions Committee, after examining so many witnesses, after touring the whole area, after taking the risk of going up to the border even, to study this problem. This is not also a partisan attitude or a partisan view.

This Committee consisted of all Party Members. It is practically the recommendation of **this House**. As far as the legal position is concerned or as far as the position of the External Affairs Ministry is concerned, I can understand that. But as far as the financial position is concerned—may I invite the attention of the hon. Minister—where is the difficulty? As far as the legal position or the position of the External Affairs Ministry is concerned, I can understand that, because these are very delicate matters and we would not like to interfere with that. But there are certain things to which even the Law Ministry and the External Affairs Ministry would agree. When this is so, where is the difficulty for the Government to agree to certain things and implement them? This report was submitted in June. Now, nine months have gone by. Why is the Government sitting tight on that? During these nine months, have you not screened this report and have you not gone through the recommendations made by the Committee? As far as the question of proprietary rights on the land they have occupied is concerned, I can understand that some difficulties may be there. But can it not be leased out for 50 or 90 years and it is possible...

MR. DEPUTY CHAIRMAN: They are already in possession.

SHRI MANUBHAI PATEL: There is no legal difficulty. Will the Government consider it? I am putting the question.

MR. DEPUTY CHAIRMAN: That point has already been replied to. You need not make that point again.

SHRI MANUBHAI PATEL: Then, there is the question of registration of claims. While paying the amount to the registered claimants, the difficulty with the Government is that there is no proper registration.

MR. DEPUTY CHAIRMAN: This is not the point.

SHRI MANUBHAI PATEL: May I know from the Government whether, in order to solve this pro-

blem of registration of claims, even without registering, would they give...

MR. DEPUTY CHAIRMAN: How can they?

SHRI MANUBHAI PATEL: Sir, you hear me properly. (*Interruptions*) I will convince you.

MR. DEPUTY CHAIRMAN: Everyone is convinced on this point. This is not part of this Calling Attention. You are unnecessarily going beyond it.

SHRI MANUBHAI PATEL: Sir. I will convince you.

MR. DEPUTY CHAIRMAN: This is beyond the scope of this Calling Attention.

SHRI MANUBHAI PATEL: Sir, Why were they in desperation to cross the border? This is because they have been suffering. If this problem is solved, they will come back. (*Interruptions*) I am putting the question. Sir, the hon. Minister has stated that the number is round-about 2,000 or so. Is it difficult to pay *ex-gratia* a total amount of Rs. 12,000? This is the solution. They are prepared to  
1 P.M. solve the whole problem if *ex-gratia* payment of Rs. 12,000 is made to the State Government.

MR. DEPUTY CHAIRMAN: You have not followed his reply. You have not followed the point. (*Interruptions*). That is not the point. You are unnecessarily taking the time of the House. You should know the point.

SHRI MANUBHAI PATEL: Will the Government consider advancing this amount to them in order to solve this problem? Then there is the question of the land which was occupied by these displaced persons—about 26 canals or so. When the others also have come back, it has become very difficult.....

MR. DEPUTY CHAIRMAN: That is a different thing.

SHRI MANUBHAI PATEL: These are the root causes of the problem. Will the Government treat them, in order to solve this problem, at par with Chhamb refugees so that the problem is solved?

MR. DEPUTY CHAIRMAN: Mr. Patel. I am sorry, you are not clear about the problem. You are raising a different point of Chhamb and Jaurian. (*Interruptions*).

SHRI MANUBHAI PATEL: This is the root cause of the whole issue. That is the whole problem. Why have they gone away? Why is the Government not solving the problem? The Minister says that if it were left to the Rehabilitation Ministry he would have solved it by the evening. If it can be solved by the Rehabilitation Ministry, let it solve the problem not before the evening. but before the end of this month. If that is done, I am sure the refugees or the displaced persons who are forced to take this decision and who have become desperate, who have staked their lives, will not do that. It is our responsibility and I tell you that it is the duty of the Government, the Government is duty-bound to see that they did not suffer because of them or because of their action. It has been none of their fault. They are suffering because of the overall national problem of partition in those days. If you solve their problems, which is not difficult for you, it will raise the prestige of the Government also.

SHRI BHAGWAT JHA AZAD: Sir, the very fact that I said that had it been left to us we would have done it by the evening. only shows that there are some difficulties in the problem. That is why we could not do it. It should be appreciated that they are not the only people who are affected. As I said, there are lakhs of other people who came--about 45 lakhs from the west and about the same number from the east—and the problem has been solved. This problem is there because in 1947 they crossed over and I have already ex-

[Shri Bhagwat Jha Azad]  
plained, as the hon. Member also knows, what the reasons are. There is certain order under which we have to work. They have to be given some concession. All I say is this that the Petitions Committee has made a good report. All the Members were there. I have gone through every line of the Petitions Committee's report. I know what you want to say in the report, that you want Rs. 12,000 to be given as *ex-gratia* payment, you want that land, 48 kanals, be given, all that I remember, but we have some difficulties. In the beginning we had taken a decision that a total of Rs. 3500 will be given. Rs. 2500 will be taken as the price of the land and Rs. 1000 being given towards their resettlement etc. Now they are saying and I am fully aware of that that an amount of Rs. 2500 should be given to them in full. (Interruptions). All that we know, but there are difficulties and as I told you, those difficulties are known to the hon. Members. It is not a one-sided affair. I have to request the Jammu and Kashmir Chief Minister, Shri Abdullah. He is also a human being. He has to consider the question about land. Now the problem is, he has got his own problems in his own State. So, I have to talk to them, argue with them, make them agree and settle the issue. We will do our best in the light of what the hon. Members have suggested and also in the light of what the Petitions Committee and other reports have recommended.

श्री तीरथ राम अमला : (जम्मू और काश्मीर) जनाब डिपुटी चैयरमेन, यह जो शेख रहमान साहब ने फरमाया कि जम्मू और काश्मीर में ये जो बाहर के रेफ्यूजीज जाकर आबाद हुए हैं, अगर वे वहां इंडस्ट्री लगाना चाहें, कोई कारखाना लगाना चाहें तो उन्हें जमीन नहीं मिलती। मैं अर्ज करूंगा कि यह गलत है। उन्हीं को नहीं बल्कि जो आज भी स्टेट सबजेक्ट नहीं हैं वहां इंडस्ट्री लगाना चाहता है तो लगा रहा

है, उन्हें जमीन मिली है, और मिलती है। यह मुश्किल बात नहीं है।

श्री उपसभापति : लीज पर मिलती होगी।

श्री तीरथ राम अमला : हन्ड्रेड इयर्स की लीज है, कोई मुश्किल नहीं है। रहा रिफ्यूजीज का मसला तो वह बड़ा दर्दनाक मसला है। स्टेट गवर्नमेंट और हमारी सेंट्रल गवर्नमेंट दोनों मिलकर किसी तरीके से उसको हल करें तो हल निकल सकता है। अगर उन पर कोई हल थोपा जाता है तो हमारे कानून ऐसे हैं कि हल नहीं निकलेगा, नहीं निकलेगा।

एक बात मैं मिनिस्टर साहब से पूछूंगा। यह मसला कई साल से चला आ रहा है। जनता गवर्नमेंट तीन साल हुकूमत में रही। उस वक्त भी यह मसला था। मैं मिनिस्टर साहब से यह पूछूंगा कि आज ये लोग हरिजन और शेड्यूल्ड कास्ट लोगों का बार-बार जिक्र करके उन के नाम पर बहस कर रहे हैं, जब इन को हुकूमत थी तीन साल तो इन्होंने शेख साहब को इस मामले में कितनी बार लिखा, क्या मुझाव दिए और उन का क्या नतीजा हुआ ?

श्री अब्दुल रहमान शेख : मैं एक बात साफ करना चाहता हूँ।

श्री उपसभापति : आप को सब बात पता है (व्यवधान)

You know everything. No, please, I will not allow this.

श्री अब्दुल रहमान शेख : मेरा पर्सनल एक्सप्लेनेशन है।

MR. DEPUTY CHAIRMAN: Let me see what is the personal explanation. You will make political allegations.

श्री अब्दुल रहमान शेख : मुझे एक सेंटस के बारे में कहना है।



**श्री उपसभापति :** आप हर बात का जवाब दोगे ।

This will mean a long reply.  
(Interruptions) Please sit down.

**श्री अब्दुल रहमान शेख :** इन्हीं ने कहा कि इंडस्ट्री लगाना चाहें तो बाहर के लोग लगा सकते हैं । सिर्फ बड़े सरमायादार लगा सकते हैं (व्यवधान) जिन लोगों के पास नहीं है, जमीन ही नहीं और प्रापर्टी नहीं वे लोग कैसे ले सकते हैं और . . . . इंडस्ट्री कैसे लगा सकते हैं ?

**श्री उपसभापति :** बैठिए । आप को तो पोलिटिकल स्पीच देनी है । आप बार-बार उसी बात को कह रहे हैं ।

**श्री अब्दुल रहमान शेख :** मेरे बारे में एक बात कही गयी ।

**श्री उपसभापति :** आप के बारे में नहीं कहा गया ।

You are not the Government there.

**SHRI BHAGWAT JHA AZAD:** To the best of my knowledge and subject to correction, no such effort was made during that period. Now that the hon. Members are very serious and telling us so, certainly we shall look into the matter and from our side we will make all possible efforts.

**SHRI MANUBHAI PATEL:** Your Rehabilitation Ministry's record will have to be considered. It was your duty. It is a continuous process, whether it is this Government or that Government. Why do you reply like that? (Interruptions).

**SHRI BHAGWAT JHA AZAD:** What for are you shouting? What did you hear? (Interruptions)

**SHRI MANUBHAI PATEL:** There was no Janata Government in Kashmir. The Kashmir Government was there. (Interruptions) If you say about Janata Party regime, in Kashmir it was your Government. Why do you enter into this? We have not entered into this.

**श्री तीर्थ राम अमला :** आप ने तीन साल में क्या किया ? उस वक़्त वह शैड्यूल्ड कास्ट नहीं थे ।

**श्री अब्दुल रहमान शेख :** तीन साल की बात करते हैं, आप ने तीस साल में क्या किया ? और जनता सरकार ने तो साल में चालीस हजार छम्ब एरिया के रिफ्यूजीज को बसाया ।

**MR. DEPUTY CHAIRMAN:** Order please. Now we have to take up special Mentions. But there are a large number of Members who want to speak and we shall not be able to finish it. So, if you agree, we can take it up after lunch at 2 o'clock.

सदन की कार्यवाही 2 बजे तक के लिए स्थगित की जाती है ।

The House then adjourned for lunch at nine minutes past one of the clock.

The House reassembled after lunch at three minutes past two of the clock, The Vice-Chairman (Dr. Rafiq Zakaria) in the Chair.

**REFERENCE TO THE STRIKE BY THE EMPLOYEES IN PUBLIC SECTOR UNDERTAKINGS ALL OVER THE COUNTRY ON THE 11TH MARCH, 1981.** ..

**THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA):** Special Mentions. Shri Dhabe. (Interruptions).

**SHRI SHRIDHAR WASUDEO DHABE (Maharashtra):** Mr. Vice-