

नियम की कोई कार्यविधि अवहेलना होती है या फर्ज कर लीजिए कर्मचारियों या अध्यापकों के साथ कोई ज्यादाती हुई तो क्या उसकी जांच कराना ठीक होगा या नहीं और जांच क्यों नहीं कराना चाहते ? अगर राजनीतिक तौर पर उनके साथ कोई व्यवहार किया गया, राजनीतिक कारणों से उन पर कोई दुर्व्यवहार हुआ तो उसकी जांच क्यों नहीं होनी चाहिए और स्वायत्तता के पीछे क्यों छिपाया जाए ? मैं यह जानना चाहता हूँ क्या मंत्री महोदय इस तरह के कार्यों की कोई जांच करेंगे ?

डा० प्रताप चन्द्र चन्द्र : जांच के बारे में मेरा जो कहना है, वह मैं पहले ही कह चुका हूँ ।

THE ENEMY PROPERTY (AMENDMENT) BILL, 1977—Contd.

SHRI JAGAN NATH BHARDWAJ (Himachal Pradesh): There were two more speakers and my name was there.

श्री कल्प नाथ राय (उत्तर प्रदेश) : आदरणीय उपसभापति महोदय, जो मंत्री महोदय की तरफ से एनीमीज्ड प्रोपर्टीज एक्ट का बिल लाया गया है, मैं इसका स्वागत करता हूँ । हिन्दुस्तान के बटवारे के बाद, 1947 के बाद हमारे देश के अन्दर जब

[The Vice-Chairman (Shri Shyam Lal Yadav) in the Chair.]

देश का विभाजन हुआ तो एक रिफ्यूजीस की समस्या पैदा हुई । लाखों लोग वेस्ट पाकिस्तान से हिन्दुस्तान आए और लाखों लोग हिन्दुस्तान से भाग कर पाकिस्तान गए । उस समय नेहरू-लियाकत अली पैक्ट बना जिसके अन्तर्गत यह समझौता किया गया कि जो हिन्दुस्तान से लोग पाकिस्तान जाएंगे और जो पाकिस्तान के लोग यहां पर आएंगे

तो जिन लोगों की सम्पत्ति दोनों मुल्कों में रह गई यह सरकार मूवेबल और इमूवेबल प्रोपर्टी के अनुकूल उनको कम्पनसेशन देगी और वे लोग वहां पर सैटल करेंगे । नेहरू-लियाकत अली पैक्ट सन् 1950 में हुआ, वह जैसे पहले था आज भी वही है । लेकिन शरणार्थियों की समस्या को हल करने का कोई बढ़िया ढंग से कदम उठाना चाहिये था, ऐसा नहीं हुआ ।

मैं वर्तमान मंत्री महोदय मोहन धारिया साहब पर विश्वास रखता हूँ कि वह इस समस्या को हल करने में अपनी कोई कोर कसर उठा नहीं रखेंगे । आदरणीय उपसभाध्यक्ष महोदय, हिन्दुस्तान के बटवारे के बाद हिन्दुस्तान और पाकिस्तान के बीच में कई जंग हुए जिसके कारण भी लाखों लोगों की जिन्दगी और सम्पत्ति बरबाद हुई । बहुत से लोगों की सम्पत्ति पर पाकिस्तान की सरकार ने और बहुत से लोगों की सम्पत्ति पर हिन्दुस्तान ने कब्जा कर लिया । आदरणीय उपसभाध्यक्ष महोदय, आप जानते हैं कि ईस्ट पाकिस्तान में जो माइनारिटीज के लोग थे वे करीब 35 प्रतिशत थे । सब से ज्यादा रिफ्यूजी इसी पाकिस्तान से भागकर हिन्दुस्तान में आए । जो हमारे माइनारिटीज के लोग ईस्ट पाकिस्तान में थे उनके हाथ में देश की इंडस्ट्री, लैन्ड प्रोपर्टी और मारकेट था अथवा जो माइनारिटीज के लोग ईस्ट पाकिस्तान में थे वह वहां की दौलत के, जमीन के और व्यापार के मालिक थे लेकिन जब ये लाखों की संख्या में 70-75 लाख के करीब भागकर हिन्दुस्तान आये तो नेहरू-लियाकत पैक्ट के अनुसार उन लोगों को उनकी सम्पत्ति के अनुकूल जो कम्पनसेशन मिलना चाहिए था, वह सरकार ने नहीं दिया, जो लाखों लोग बिना पैसे के भिखारी बन कर घूम रहे हैं उनके लिए कोई व्यवस्था नहीं की गई । आदरणीय उपसभाध्यक्ष महोदय, यह जनता सरकार जो आयी है, अभी पिछले दो महीनों में मैं कलकत्ता

[श्री कल्याण, राय]

स्टेशन पर मौजूद था, वहां ईस्ट पाकिस्तान के हजारों रिफ्यूजी घूम घूम कर भीख मांग रहे थे। लोगों ने बताया कि इस समय भी ईस्ट पाकिस्तान से रिफ्यूजी भारी संख्या में आसाम, त्रिपुरा और अरुणाचल प्रदेशों के इलाकों में जा रहे हैं, क्योंकि वहां की सरकार, बंगला देश की वर्तमान सरकार वहां उनकी सम्पत्ति को जब्त कर रही है, उनकी प्रापर्टी को हड़प कर रही है और उनको मार कर अपने देश से भगा रही है। यह एक बहुत बड़ी समस्या है जिसके ऊपर कि सरकार को सोचना चाहिए। अभी तक तो ऐसा हुआ कि जो लोग भाग कर आए उनमें जो सम्पत्ति वाले थे, धनवान थे या बड़े लोग थे, उन्होंने अपनी प्रापर्टी का क्लेम किया और उनको उनकी प्रापर्टी मिल गई। कहीं कहीं तो ऐसा हुआ कि जिनकी सम्पत्ति 10 लाख की थी उनको 25 लाख मिल गया लेकिन जो लोग बिल्कुल गरीब थे, हरिजन थे, आदिवासी थे, अशिक्षित थे, जो कि वहां की ज्यादातियों से परेशान होकर हिन्दुस्तान में आये, उनको कोई सम्पत्ति यहां नहीं मिली और न उनको बसाने के लिए इस सरकार ने कोई कदम उठाया। आदरणीय उपसभाध्यक्ष महोदय, इस रिफ्यूजी समस्या को हल करने के लिए एक कस्टोडियन आफिस बम्बई में है। अब ईस्ट पाकिस्तान के लोग जो लाखों की संख्या में हिन्दुस्तान आयेंगे, जो गरीब हैं, फटेहाल हैं, जिनके पास रहने के लिए मकान नहीं है, किराया नहीं है क्या वह अपनी प्रापर्टी को क्लेम करने के लिए कलकत्ते से बम्बई जा सकेंगे जहां कि यह भी नहीं मालूम है कि आफिस कहां होगा कहां नहीं होगा? हजारों मुसीबतों का मुकाबला इन शरणार्थियों को करना पड़ता है इसलिए मैं मंत्री महोदय से चाहूंगा कि उन्हें एक आफिस कलकत्ते में भी खोलना चाहिए, रिफ्यूजीज को इन्स्ट्रक्शन देना चाहिए, उनको इस संबंध में मानवतापूर्ण दृष्टिकोण अपनाना चाहिए क्योंकि लाखों

ऐसे रिफ्यूजी हैं जो कि जानते ही नहीं हैं कि अगर वह वहां से भागकर यहां हिन्दुस्तान में आये हैं तो उन्हें यहां सरकार की तरफ से रहने की या पैसे की सुविधायें मिल सकती हैं या नहीं। इसलिए इस मंत्रालय में ऐसे कर्मचारी होने चाहिए जो कि इन शरणार्थियों को, जिनमें आदिवासी हैं, हरिजन हैं, गरीब हैं जो अपने अधिकारों को नहीं जानते हैं, मानवतापूर्ण दृष्टिकोण अपनाकर सहायता कर सकें, उनको बसाने में सहायता कर सकें। आदरणीय उपसभाध्यक्ष महोदय, यह जो बिल रखा गया है, एनिमी प्रापर्टी ऐक्ट यानी, एक तरफ हम पाकिस्तान के साथ संबंध सुधारने की कोशिश कर रहे हैं, चीन के साथ अपने संबंधों को सुधारने की कोशिश कर रहे हैं, बर्मा से और लंका से संबंधों को सुधारने की कोशिश कर रहे हैं, जब हमारी नीति है दुनिया के अन्य मुल्कों से दोस्ती की, ऐसी स्थिति में हमें एनिमी प्रापर्टी ऐक्ट न कह कर नेबरिंग कन्ट्रीज प्रापर्टी ऐक्ट, इस प्रकार का नाम दे सकते तो यह बहुत अच्छी बात होती क्योंकि हम नेबरिंग कन्ट्रीज को एनिमी नहीं मान कर चलते हैं बल्कि उनको दोस्त कहते हैं और दोस्त बनाने के लगातार प्रयास कर रहे हैं। तो अगर उस देश में भी एक एनिमी प्रापर्टी ऐक्ट हो, इस देश में भी एक एनिमी प्रापर्टी ऐक्ट हो तो उसमें इस प्रकार की भावना को कि दुश्मन के मुल्क से यह प्रापर्टी पा रहे हैं, यह हम को लोगों के मन में नहीं लानी चाहिए।

आदरणीय उपसभाध्यक्ष महोदय, यह जो बिल लाया गया है, आर्डिनेंस के जरिए, मैं यह कहना चाहता हूं कि अभी जब 14 नवम्बर से पार्लियामेंट का सेशन हुआ तो आर्डिनेन्स लाने की क्या ज़रूरत थी? ये जनता सरकार के मंत्री और इसके बड़े बड़े नेता हमेशा कांग्रेस सरकार पर यह आरोप लगाते रहे हैं कि यह सरकार आर्डिनेन्स की सरकार है। लेकिन पिछले करीब 15

दिनों से हम संसद में विभिन्न बिलों पर बहस कर रहे हैं और देख रहे हैं सभी मंत्री एक आर्डिनेन्स के साथ यहां चले आते हैं। तो मैं चाहता हूं, आर्डिनेन्स किसी विशेष परिस्थिति में और किसी बहुत बड़े काम के लिए जारी किया जाता है। जब यह रिफ्यूजी प्राबलम 30 साल की प्राबलम है, इस संबंध में हमने 1958 में कानून बनाया, 1963 में हमने कानून बनाया, हमने रिफ्यूजीज के लिए तरह तरह के कानून बनाए। हमें इस ऐक्ट में जो गडबड़ियां हैं जिनके कारण लोग नाजायज फायदा उठाते हैं उनको दूर करने के लिए एक कांफ्रिहेंसिव्ह बिल के साथ इस पार्लियामेंट में आना चाहिए था। मोहन धारिया जी ऐसे व्यक्ति हैं, जब उनका दृष्टिकोण भी मानववादी दृष्टिकोण है, तो उन्हें यह चाहिए था कि इस समस्या के समग्र पहलुओं पर विचार करके कानून यहां लाते। मुझे विश्वास है कि इस दृष्टिकोण से लाते तो समस्या का ज्यादा अच्छी तरह से निराकरण होता।

आदरणीय महोदय, एक समस्या और है। हिन्दुस्तान के वंटवारे के बाद यह स्थिति हुई कि बहुत से लोग हिन्दुस्तान में हैं, एक भाई पाकिस्तान चला गया, एक भाई हिन्दुस्तान में है, एक ही प्रापर्टी है, दोनों को-शेयरर हैं, तो होता यह है कि जब कोई अच्छा कानून निकलता है तो यदि किसी परिवार के 4 व्यक्ति हैं और दो भाई पाकिस्तान चले गए और दो हिन्दुस्तान में रह गए, तो कभी कभी जो कार्यपालिका है, एक्जीक्यूटिव्ह है, वह इन दो भाइयों की सम्पत्ति को एनिमी प्रापर्टी कह कर हथिया लेती है। इस तरह के क्लेम को करने के लिए कोई नियम नहीं है जहां दो को-शेयरर कह सकें कि हमारी सम्पत्ति में अधिकारी दो व्यक्ति भाग के गये हैं, हम हिन्दुस्तान में रहने वाले हैं। इस तरह से किसी परिवार के आधे व्यक्ति पाकिस्तान चले जाते हैं, आधे व्यक्ति यहां रह जाते हैं, या आधे व्यक्ति वहां के यहां रह जाते हैं

और आधे व्यक्ति यहां के वहां रह जाते हैं। तो इन देशों में जो इस तरह की समस्या पैदा होती है, इस तरह की संपत्ति का निर्णय करने के लिए जिस तरह का ट्राइब्यूनल होना चाहिए, वह नहीं है। कभी कभी न्यायपालिका के लोग इसका बड़ा गलत इस्तेमाल करते हैं और बहुत से लोगों की संपत्ति को गलत ढंग से हथिया लिया जाता है। मैं अपने आजमगढ़ जिले के मुबारकपुर गांव का उदाहरण देना चाहता हूं, उसके साथ एक गांव और भी है, जहां एक परिवार के आधे व्यक्ति भाग कर पाकिस्तान चले गये थे, आधे व्यक्ति यहां रह गये, कलकटर के आदेश से उनकी संपत्ति को जब्त कर लिया गया अब यहां बच रहे लोग सिविल कोर्ट में और कलेक्टोरेट में मुकदमा दाखिल करें कि हम तो यहीं पड़े हुए हैं, हमारी सम्पत्ति को हड़पने का क्यों आदेश दिया जा रहा है और इस तरह के केसेज आज भी न्यायालय में विचाराधीन हैं और उन परिवारों को तरह तरह की कठिनाइयों का मुकाबला करना पड़ता है। तो जहां किसी संपत्ति में को-शेयरर व्यक्ति यहां रह जाते हैं ऐसी स्थिति में इस प्रकार की समस्या का निराकरण करने के लिए किस ढंग से इस बिल में प्रावधान किया जाए ताकि किसी के साथ कोई अन्याय न हो सके।

इसी प्रकार से दंडकारण्य में और छम्ब के इलाके में जो रिफ्यूजी बसाये गये हैं जैसा व्यवहार उन के साथ किया जाना चाहिए वह नहीं किया गया और उन को बहुत कम सहायता दी गयी है। 1971 के युद्ध में वहां के बहुत से गांव तहस नहस हो गये थे, जंग के अन्दर बर्बाद हो गये थे। बंगला देश की लड़ाई में भी वहां आस पास के बहुत से इलाके नष्ट हो गये थे और उधर के हजारों गांव उजड़ गये थे। उन लोगों को बसाने के लिये सरकार की तरफ से जो मदद दी गयी, और जो समयबद्ध कदम उठाये गये उन से भी उन शरणार्थियों की मदद ठीक से नहीं की

[श्री कलानाथ राय]

जा सकेंगी और अभी भी हमारी पिटीशनस कमिटी के लोग छम्ब के इलाके में गये थे। वहां के रिफ्यूजीज ने एक पिटीशन दिया था कि उन के साथ ठीक से न्याय नहीं हुआ है और सरकार से जो करोड़ों रुपये की सहायता मिलती है वह बीच में ही सरकारी कर्मचारी फर्जी लोगों के नाम पर खा जाते हैं और उन को जितनी सहायता मिलनी चाहिए वह उन को नहीं मिल पाती है। हमारी पिटीशन कमिटी के चेयरमैन श्री ब्रह्मानन्द पंडा जी के नेतृत्व में, जो कि जनता पार्टी के ही हैं, एक डेलीगेशन वहां गया था और वहां जा कर उन्होंने वहां के शरणार्थियों की स्थिति को देखा कि जो सरकार की तरफ से करोड़ों रुपया शरणार्थियों की मदद के लिये दिया जाता है उस का इस्तेमाल उन शरणार्थियों के लिये या उजड़े हुए लोगों के लिये, उन की मदद के लिये नहीं हो पाता है। इसी प्रकार का एक पिटीशन दण्डकारण्य के शरणार्थियों की ओर से भी आया था कि दण्डकारण्य में जो रिफ्यूजी अडमान और निकोबार में बसाये गये हैं सरकार की तरफ से जितने करोड़ रुपये की मदद उन को दी जाती है उस रुपये का डिस्ट्रिब्यूशन उस का वितरण ठीक ढंग से नहीं हो पाता। इस लिये मैं माननीय मंत्री महोदय से यह निवेदन करना चाहता हूं कि हमारे देश के अन्दर नेहरू लियाकत अली पैक्ट हुआ था और उसका मुख्य मंशा जो था, उस की जो मुख्य विचारधारा थी वह यह थी कि दोनों देशों में जो लोग उजड़ेंगे या दोनों देशों के जो लोग इधर उधर होंगे उन के साथ एक न्यायपूर्ण दृष्टिकोण सरकार अपनायेगी। तो मैं चाहता हूं कि नेहरू लियाकत अली पैक्ट जो 1950 में हुआ था उस के दृष्टिकोण को मद्देनजर रखते हुए जनता सरकार इस समस्या को हल करने का प्रयास करे और मेरा विश्वास है कि मोहन धारिया जी अवश्य ही इस समस्या को मानवतावादी दृष्टिकोण

से देखेंगे ताकि इन शरणार्थियों की समस्या को ठीक ढंग से हल किया जा सके।

धन्यवाद।

SHRI LAKSHMANA MAHAPATRO (Orissa). Mr. Vice-Chairman, Sir, the scope of the Bill is very, very limited. But all the same, there is something some havoc caused which should be made mention of. Sir, when the Bill was brought in, some Members were very much allergic to the word 'enemy property' because we are trying to better our relations. But the property that has been vested in our Government is an enemy property and it cannot be anything else now. We can think of bettering our relations and we can expect to have something better at a later time. And let us also hope that we will have no enemies nor any enemy property vested in us. But, as you know, Sir, in this world of classes and conflict between classes, to think of a situation, an ideal situation of a person or a country having no enemy is something which is far from reality Sir, during the last few months of our experience things have happened in a way that possibly the country is losing sign of its enemy. There are enemies in the country; there are enemies outside the country and they can also be properly met with. And, Sir, as far as getting charge of and administering the enemy property is concerned, the matter rests entirely with us. If we so like, if we are interested, we can sit across the table and solve it. In fact, we are trying to have it that way. Therefore, I am one with the other Members who participated in the discussion that we do hope to have a situation in the near future when there will be no enemy properties vested in us or a custodian appointed to take charge of it or administer it. Sir, it has been done during the last few years in a very nefarious way. Sir, this amending Bill is brought in to replace an Ordinance that

was promulgated earlier and the ordinance was promulgated on the last day of the six-month period that elapsed after the proclamation was revoked.

That was the maximum time for which the law could have remained in force. I cannot understand it. I know that the Government or the Ministers who are now ruling the country must have been overwhelmed by the results of the last elections. Therefore, they could not have borne this thing in mind. But what happened to the officers? Were they also so over-run that they could not see that the properties were there, that those properties had to be administered and that custodians had to be vested with powers to administer these properties? This is something which cannot be easily explained as an oversight. How has it missed their attention then? Certainly, some serious attention has got to be given to it. You will recall, Sir, how far some days, just before the beginning of the current session of Parliament, Ordinances were promulgated. Naturally, when they are promulgated in a hurry, full attention and thought is not bestowed on them. This is something which cannot be encouraged. We, therefore, very strongly deprecate such an attitude and mode which is being practised by the present Government. Such an attitude also reveals that proper attention is not being given to these matters. Otherwise, one could not have missed such a thing. Therefore, Sir, I now place before you certain matters, which I am very conscious were matters not done during Mr. Dharia's time, but which all the same should be brought to his notice. I will place the whole thing before the House so that the House may be vigilant about them, though they do not relate to the period when Mr. Dharia was there.

Sir, these enemy properties were to be dealt with according to a particular scheme that was announced in the year 1971 whereby the Government framed proposals with a view to giving relief to

persons, Indian nationals, who had come away leaving properties in Pakistan, and dealing with Pakistan nationals leaving properties in India. These people had to lose their properties and they became enemy properties and got vested in respective Governments. We, on our part wanted to give some relief to Indian nationals who lost their properties in Pakistan. So, a scheme was framed with a view to giving relief to them. But the scheme was not placed before Parliament. It is so regrettable because a big amount of our people's money we were to lose and if I lay the scheme before you, you will be able to appreciate that the scheme was such whereunder every Indian taxpayer was made to pay. Why should an Indian pay? And, if at all he has to pay, should not Parliament be consulted and should not Parliament have a say in the matter? But this was not done. And, the first time when this Parliament or this House was apprised of it was when it was raised by our veteran leader, hon. Bhupesh Gupta, in the Monsoon Session of 1976. Then only the House could know that a scheme had been framed and a resolution published in the year 1971 whereunder an Indian national losing property in Pakistan would be getting 25 per cent of his verified claim and that too as an *ex-gratia* payment. Now, every one of these words need serious examination. What is it that you are trying to give *ex-gratia*? Really, do you want to give relief? Who are the most deserving persons entitled to get this relief? Is it the ex-rajahs, is it the ex-zamindars, is it the ex-maharaja or is it the business people who had enough properties built up in this country much before losing properties in Pakistan. Whom you want to give relief? I have got a big list of persons, ex-rajahs, ex-maharajas, ex-zamindars and big business men who were made eligible to get this relief. I tell you, Sir, I have full figures with me. I do not know whether the hon. Minister will be correcting me. I think he will not be correcting me be-

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cause these are the figures which I feel are not very unreliable.

Therefore, from that I will tell you, Sir, that only 89 claimants have grabbed Rs. 9 crores out of Rs. 12 crores that was given to these people. More than 75 percent of it has gone to 89 claimants. And who are these claimants? Four or five claimants were from the same family. Therefore, ultimately only 10 families have got Rs. 9 crores. What does this notification or this scheme say? According to this scheme, one is allowed a maximum of Rs. 25 lakhs and in particular cases, on merits, one could get even more than Rs. 25 lakhs. Is it the way you are going to reduce the disparity of income between the different grades of people in this country? Is it the way you are going to help the needy, the poor and the affected? How many of the poor people who lost their property, have been given this money? That also I will tell you. Sir, I am speaking of the figures of 1976. I know the number must have swelled by now, because he said that after the time limit was extended to July 31, 1977, the number of claims has been as much as 2,000 and, therefore, that shows there was need to continue it. I know it was raised in the other House and I think some Members here also said that let it be extended further. I am not able to give my opinion this way or that way because either way there are advantages and disadvantages. But one thing is sure and that is that so far you have not done justice to the people who needed to be helped. You have just given big donations, grants and *ex-gratia* payments, to the underserving. This is a simple case of swindling. I do not want to take up more time of the House though I feel that I should indulge upon your generosity and request you to give me a little more time, but I think there are many speakers who would like to speak.

Sir, it started in 1971. As we were informed, the value of the assets seized of the Indian nationals is Rs. 109 crores whereas

on our side, we have only assets of the value of Rs. 29.04 crores of Pakistani nationals seized by Govt. of India. Now, as I told you, it was not a payment out of the assets that we seized. No, it is not like that. It was not a question of a Nawab losing property there and a zamindar getting property here. It was not a question of a zamindar of India who lost his property there, getting the property here because of a Nawab of East Pakistan losing his property here. It is not on that basis. You were to pay this money out of the Consolidated Fund. It was also not like the one which happened in the case of West Pakistan. It was not a pool as in the case of West Pakistan. Only out of the Consolidated Fund you were to pay at the rate of 25 percent to every one whether it was a claim of Rs. 10 lakhs or Rs. 25 lakhs or Rs. 1 crore or whether it was a paltry sum of Rs. 10,000 as claim. This was how these people were allowed to claim. Therefore, this scheme came in and on the basis of this scheme the best advantage was taken by the ex-Rajas, the ex-Maharajas and also the big business people and the poor Indian tax-payer had to pay for all these people who inflated their claims before the Custodian of Enemy Property. As I told you Sir, for the property lost there, a claim application has to be made. I have already said that members of the same family also made different claims and they got much more than what they deserve. Let us come to the other aspect of verification. Now, who has to verify. What is the machinery that was appointed or engaged for verification of these claims? The machinery of three persons, the Custodian of Enemy property, a Judicial Officer and a Revenue Officer, was engaged. You know, Sir, they were not required to make any physical verification. What they were required to do was to look at the papers, look at the documents and decide. I want to know, in all such matters how is it that they arrived at a particular assessment.

How do they verify the claims? It is up to the extent to which the claimant is

able to impress upon or influence them. This is how it has been going on all along. These big people, these big business people, this moneyed class, have been looting. Here also, they did the same way and devoured more money. That is why in this machinery of verification, there was scope for adhocism and also arbitrariness. That is why, as I told you, four million people from East Pakistan, displaced from East Pakistan, are moving about in the streets and they have not been rehabilitated, whereas, only ten families have been able to get Rs. 9 crores. Sir, in regard to the money paid so far, I will give you the figures in the range of Rs. one lakh and Rs. ten lakhs, from which you will be able to understand the horrors that have been committed under the cover, under the dispensation, of this Enemy Property Act. Eighty-nine former rajas, maharajas and landlords of East Bengal claiming over Rs. 10 lakhs each, and already received as I told you, Rs. 9,39,84,000. Fifty-two families with claims ranging between Rs. 5 and Rs. 10 lakhs, had received Rs. 92, 20,000. Then 290 claimants, in the range of Rs. 2 and Rs. 5 lakhs, had received Rs. 1,58,98,000. A total of 1284 persons with claims up to Rs. one lakh had received so far only Rs. 52 lakhs. 1284 persons—Rs. 52 lakhs and 89 persons—Rs. 9 crores. This is what I would like to point out. The property owners, numbering about 1750, had already received Rs. 12,42,57,000. Out of it, 89 families got the lion's share of Rs. 9 crores odd. As far as the others are concerned as I told you, nearly 1300 claimants got only Rs. 52 lakhs. Now, the figures have swelled up and as I told, you, I know for certain that the poor people must not have been able to prefer the bills. The other thing is that they do not know also where to go and how to do things. When this matter was raised . . .

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV) : Please conclude now. There are other speakers.

SHRI LAKSHMANA MAHAPATRO : I am concluding. This matter was raised

in Parliament on the 27th August, 1976, by hon. Shri Bhupesh Gupta and he wanted the revision of this particular scheme with a view to seeing that there would be equitable payment to the poorer people as, it was called *ex-gratia*, further because it was called relief, and the amount was to be paid from the Consolidated Fund of India. When this matter was raised, the Minister made a promise.

"On 3-9-76, the Minister, in his statement, *inter alia*, stated that the Government is having a second look at this scheme and that a proposal is under consideration to ensure more equitable payment to the poorer sections of the claimants."

He said :

"I would like to assure the House that the view put forward by the hon. Member would be given due consideration."

This is what he said. Naturally, it was expected that he would do something. When nothing was heard for a long time, Shri Bhupesh Gupta again demanded that until we are able to revise it in a proper way and until we are able to tell the poor people that they are being ensured a proportional payment out of this money . . . Please do not pay anything. Allow a parliamentary committee to go into the mischief that is already done and fix responsibility, that also he requested. But, Sir, as is generally done, in spite of such an assurance that the matter is engaging the attention of the Government and is being considered and something may be done in that direction, payments were made to the 89 families about whom I have just now given the figures. All that amount was paid after the assurance was given. This is how we are being assured in the House, this is how the office is moving or the Ministry is moving to keep up its promise. Sir, when Mr. Bhupesh Gupta was confronted with such a situation, he wrote a letter to the then Prime Minister drawing her attention to the promise that was made and the

[Shri Lakshmana Mahapatro]

payments that were being made by the Officers very briskly after the assurance was given on the floor of this House. I do not know what hurry was there to make the payments. It was raining in the month of August and still the payments were made to go in the drain. Nothing was done to the letter of Shri Bhupesh Gupta to the then Prime Minister. And, Sir, the same thing is happening in this Government which is talking of so many socio-economic changes and then bridging the gap between the rich and the poor and giving all facilities to the poor people, to the backward people to the rural people. All this is being talked of these days freely. Everyday and anywhere you go you will be hearing these things being spoken of and what did they do? At last, on the 5th of September, 1977, this is what the Ministry told Mr. Bhupesh Gupta :

“Proposal for more equitable payment to the poorer section of the claimants under the *ex-gratia* schemes i.e. payments of higher percentage of compensation to the lower value claims instead of the existing uniform rate of 25 per cent of the value of the verified claims vide Government of India Resolution dated 15th March, 1971. (copy enclosed) was considered in depth. In view of the problems of reopening numerous cases already decided and the financial implications which the proposal would involve, it has been decided to continue the existing scheme without any modification.”

So, Sir, what happened to that consideration? The decision was to stick to the old thing, allowing old things to happen and the result is that the poor man is not going to have anything. Millions of poor people coming from East Pakistan will not be able to get anything. They will not be able to satisfy the team of three going about to verify the claims. They will definitely suffer and they will not have an equitable share. Therefore, I will now urge upon the Minister, Mr. Dharia—I feel he

will be very sensitive to this problem of these poor people—to help us in the matter, because the things do not get closed by a decision of this type. It can still be reopened. Can't you make an order in relation to those claims for properties which you are yet to dispose of. There are 50,000 applications. Why can't you do something about it? What are the complications? What is the financial complication? You say you are definitely interested to give *ex-gratia* relief and if you are, why can't you have a slab system of making *ex-gratia* payments? Whenever any compensation was being paid under the Zamindari Act or any other Act, you know, richer people were paid less. the fear of reopening all the cases and financial complication should not stand in your way. Their cases should be considered on humanitarian grounds. Justice should be done to these people who have been running from post to pillar, who have been starving these days, who have not been rehabilitated all these days and who therefore, cannot produce documents. I demand a revision of the scheme and nothing should stand in the way for revising the scheme. This should be the attitude of the Government.

SHRI NRIPATI RANJAN CHOU-
DHARY (Assam): Sir, this is a simple Bill and I welcome it. I also congratulate the Minister for his announcement today in the House while moving the Bill about opening a branch of the office of the Custodian of Enemy Property in Calcutta to serve the people of the East better.

Sir, whenever we discuss the question of refugees from East Pakistan, normally all our discussions get a West-Bengal orientation, forgetting that three of the north-eastern States—Assam, Meghalaya and Tripura—also face the same problem which West Bengal faces.... (*Interruption*) Why do you object to it, I do not know. Sir, Shri Kalp Nath Rai mentioned about the refugees roaming at the railway platforms. This particulars sight is not very uncommon in Tripura and

Assam. Sir, 30 years have passed since Independence and we have not yet been able to rehabilitate the refugees from erstwhile East Pakistan, while the refugees from West Pakistan have all been rehabilitated.

[The Vice-Chairman (Sari H. M. Trivedi) in the Chair]

This exhibits some sort of discriminatory treatment towards the East Pakistan refugees. While giving compensation also, the East Pakistan refugees had not been given the benefit of the evacuee property also. For the extension of this benefit of compensation, they had to fight in this House; Members had to put pressure on the Government for the extension of this particular benefit, so, the point I want to stress is this. The Minister, while moving the Bill said that in order to facilitate, or give better facilities for getting compensation and other concession to the East Pakistan refugees who have lost their properties in East Pakistan, they are opening a branch office at Calcutta. But for the people of the north-eastern region, the problem remains the same. Though they have got some link with Calcutta, what about the poorer people for whom our friend Mr. Mahapatro was so much agitated? I also join him in this agitation. But, as is clear from the statistics furnished by Mr. Mahapatro the cases of people having claims below Rs. 1 lakh have not been considered. The bulk of the people who lost their property belong to the lower income group and their claims will naturally be less than Rs. 1 lakh. It will be very difficult for the small people, the poor people to get their claims settled. The verification and all that is a very complicated procedure and it will not be possible for them to come over to Calcutta go through all this complicated procedure and get this money. For getting a small amount they will have to spend Rs. 10,000 to 15,000, may be 20,000 to 25,000 rupees in the process. Previously one had to spend that much amount when the office was in Bombay

for going every time to Delhi, Bombay and Calcutta and also to go to the bank at Calcutta to show their papers—not once but twice or thrice. Now, Sir, what happens is that these small people cannot afford to spend that much of money with the result that ultimately they do not claim their compensation. So, my humble submission is that some steps should be taken to make this procedure easier. Another thing is, Sir, nowadays one has to go to Calcutta for verification. If the District Magistrates or the Agent or Manager of the local bank—now most of the banks are nationalised—are authorised to verify the papers and make the assessment locally, I think these poor claimants will be able to manage these things locally and get compensation. Otherwise, as Mr. Mahapatro says, claimants below one lakh of rupees may not get any compensation. The main problem was that so long the office was at Bombay and because of the complicated procedure it was not possible for them to fulfil all these things and go there to get their compensation and that is why many of them have not been applied yet. If the Minister agrees—he is catching my point—and if he is prepared to consider these points, then my humble submission will be that some more time should be given to those people who have not yet come forward with their claims and they may be given a last chance to make their claims by extending the time upto 31st March, 1978 at least, by giving proper publicity through the press so that those people can come forward with their applications and be benefited by that.

Sir, I do not want to take much time because this is a simple Bill. There is nothing to say against this Bill and also there is nothing to accuse the present Minister of because only recently he has taken charge of the Ministry and we have yet to see his performance. So, I support this Bill and I believe that the Minister will consider the suggestions that I am making.

[Shri Nripati Ranjan Choudhury]

Last but not the least, I want to make one submission. The previous Government had set up a Committee for studying the residual problem of rehabilitation of the refugees from East Pakistan, and that Committee also made some study. Meanwhile the elections came and after that the new Government took over. After that we do not know what happened to that Committee, whether they submitted their Report and, if so, what the thinking of the Government is. I would, therefore, request Mr. Mohan Dharia that he should also see what further steps can be taken because, though officially it is announced that rehabilitation is complete, rehabilitation in the eastern Indian States is not yet complete. I am not talking of Mana and Dandakaranya. About them the Minister knows fully well because both Mana and Dandakaranya are centrally administered. But it is the eastern Indian States of Assam, Tripura, Meghalaya and West Bengal—these are the four States—which are facing the refugee problem and where refugee rehabilitation is not yet complete. So, a lot of problems are there. I would request the Minister that if the Committee that was set up by the previous Government to study the residual problem of rehabilitation is still there, it should be activated and the study should be completed, and on the basis of their recommendations steps should be taken for solution of the residual problems.

With these words, Sir, I resume my seat.

Thank you very much.

SHRI PRAMATHA NATH BISI :
(Nominated) : Mr. Vice-Chairman, Sir, I shall not take much time of the House or make a long speech because Mr. Mahapatro and Mr. Choudhury have already covered some of my points. I shall try to be as brief and as pinpointed as possible. In fact, I would put some questions which will be easier for the Minister to

answer. After paying to the rajas and maharajas, as Mr. Mahapatro says, what is the total amount in the hands of the Custodian ? That is No. 1. The other question is that he has already said that there are 52,000 claimants and how the allocation may be made is the difficulty. Sir, it might come to Rs. 10 or Rs. 12 per claimant—something like that. How is it that some big rajas and maharajas—of course, this Government is not responsible for paying them—came to acquire Rs. 9 crores ? ... (*Interruption*). That will be answered by the Minister. It is not for me to answer. So long, the office was at Bombay. That is the strangest part of the thing. All the recipients are in West Bengal—at least, 95 per cent—or in other eastern parts of India, while the office was in the western most part of India, at Bombay. Who was benefited by it ? Certainly not these recipients; but some people must have benefited, for, otherwise, it would not have so easily occurred to some responsible officer or the Minister to locate the office at Bombay. It is good that it has now been shifted to Calcutta. But I can assure the Minister that the people of Calcutta do not know the address of the office. The address of the office should be published in the Calcutta papers daily and it should be announced over the radio and the television. The main papers of Calcutta English and Bengali, should publish it every day. Today is 5th of December and Mr. Mohan Dharia—his name is so sweet, but the man is adamant—says that there will be no further extension after such and such date. I hope some reflection will be set...

**SHRI NRIPATI RANJAN CHOU-
DHURY :** He never said so.

SHRI PRAMATHA NATH BISI :
Somebody said it somewhere. As Mr. Mahapatro has requested and Mr. Choudhury has also requested, I request him to give some extension because they do not know where the office is located.

I do not know what the procedure is.

SHRI LAKSHMANA MAHAPATRO:

As the Hon. Member just now said, sufficient money is not kept. They will get only Rs. 12 each. You also make a demand for sufficient money being kept.

**SHRI NRIPATI RANJAN CHOU-
DHURY :** Let them keep one rupee,
that will be sufficient;

SHRI PRAMATHA NATH BISI : The cumulative demand is already known to the Minister. The procedure is not known. Some application should be made to the Bombay office. The applications were made. Then what to do? If the office is at Calcutta, what is to be done? All these things must be clearly and legibly published both in English and in Bengali in the Calcutta papers and also announced on the radio and the Television.

In the meantime, our knowledge is that some self-appointed agents have cropped up. They are going to the likely parties and saying that if they give them so much, they will get them the original documents from Pabna or Rajshahi and other district towns and the people are being fleeced and cheated. So, these things must also be given out. The Government has not appointed any agent. Applications should not be received from any self-appointed agent. The Calcutta people, I mean the West Bengal people, are only cheated.

We somehow vaguely know in this House of Parliament that something is being done, that some office is being opened and that some procedure is being followed. In view of the procedural difficulty and in view of the fact that the office has been shifted just now from Bombay to Calcutta, a sort of extension should be thought of.

I do not grudge the rajas and the maharajas. They naturally know how to grab money. That is how the rajas and the maharajas are known to the people. I do not say that that money should be extorted; that is impossible. No Government can extract money that which has already been given, but what has been left should be suitably allocated. But some sort of extension is essential. I think that that is the general consensus. Thank you, Sir.

श्री रणबीर सिंह : उप-सभाध्यक्ष जी, विधेयक तो बहुत साधारण है और जैसा खान साहब ने कहा था, विधेयक का नाम बड़ा खतरनाक है—'दुश्मन की जायदाद'। किस दुश्मन की जायदाद है? डा० जाकिर हुसैन खुद जो हमारे प्रधान थे, राष्ट्रपति थे उनके भाई पाकिस्तान में थे। इसी तरह से भूतपूर्व राष्ट्रपति श्री फखरुद्दीन अली अहमद के बहुत से रिश्तेदार पाकिस्तान में हैं। वे सब हमारे दुश्मन हो गये। यह किस तरह का विचार है, यह बात मेरी समझ में नहीं आती है और फिर से बसाने की इसके पीछे जो धारणा है, उसके संबंध में भी विचार करने की जरूरत है। जैसा दूसरे माननीय सदस्यों ने कहा है, जहां तक फिर से बसाने का संबंध है, हमदर्दी के नाम पर पिछले 30 सालों में काफी गलत काम हुए हैं। जिस वक्त शाही जी बोल रहे थे तो मैंने यह कहा था कि कुछ भाइयों को यहां से खदेड़ दिया गया था। इस पर उन्होंने कहा कि आप जैसे जिम्मेदार सदस्य को ऐसी बात नहीं कहनी चाहिए। लेकिन वे इस बात को भूल गए कि उधर से आने वालों को बसाने में और यहां से वहां जाने वालों में दिक्कत का सामना करने वालों में अगर कोई पहला प्रदेश था तो वह हमारा पंजाब प्रान्त था। वहीं पर सब से पहले लोगों को बसाने का काम शुरू हुआ। अगर इस सारी कहानी को देखा जाये तो एक अजीब-सी स्थिति दिखाई देती है। हमारी कथनी और करनी

[श्री रणवीर सिंह]

में अन्तर दिखाई देता है। हम अपने देश में संविधान के मुताबिक धर्म, जाति या इस प्रकार की अन्य बातों में भेद नहीं करते हैं, लेकिन हमारे राष्ट्रपति के भाई को यहां पर जायदाद नहीं मिल सकती है। श्रीमन, हमारे एक साथी थे जिनका जिक्र श्री कृष्ण मेनन साहब ने यू०एन०ओ० के अन्दर भी किया था। वे थे श्री अब्दुल गफ्फार खां जो अम्बाला के रहने वाले थे और सन् 1947 के अन्दर जब झगड़ा हुआ, लड़ाई हुई तो उनके भाई हिन्दुस्तान से खदेड़ दिये गये। वे यहां पर अकेले रह गये। वे हमारे साथ देश की आजादी के लिए जेलों में रहे। देश की आजादी के आन्दोलन में उन्होंने बराबर का हिस्सा लिया। हमारे देश की सरकार ने उनको स्वाधीनता सेनानी मान कर बाद में उनको सहायता दी। वे हरियाणा सरकार में मंत्री भी रहे। उनका देहान्त जून, 1976 में हुआ। उनके एक सुपुत्र हैं और एक लड़की है। ये लोग उनकी जायदाद के हकदार हैं, लेकिन वे पाकिस्तान में हैं क्योंकि वे पहले ही यहां से खदेड़ जा चुके हैं। हम लोगों ने बड़ी कोशिश करके उन के पुत्र और पुत्री को हिन्दुस्तान में बुलाया और आखिर में 15-20 साल के बाद उन लोगों ने दर्शन किये। वे इतने सख्त थे कि उनके पत्रों का जवाब भी नहीं देते थे और न उनको पढ़ते थे। जो लोग पाकिस्तान चले गये थे उनको हम एवेक्यू कहते हैं और जायदाद का यह कायदा है कि जिसका उसमें हिस्सा होता है उसको वह हिस्सा मिल जाता है। इस कायदे के मुताबिक उनको जायदाद का हिस्सा मिल गया, लेकिन अम्बाला के अन्दर उनकी जो जायदाद थी वह उनके पास ही रह गई। मेरे पुत्र को यह अधिकार है कि वह मेरी जायदाद का हकदार है। लेकिन इसके विपरीत उनके पुत्र और पुत्री को यह अधिकार नहीं है क्योंकि उनको पाकिस्तान में खदेड़ दिया गया। यह हमारा देश है जिसके अन्दर जाति और धर्म का भेदभाव नहीं है। एक तरफ तो

एक धर्म के मानने वाले भाई जो पहले पाकिस्तान में थे और अपनी जायदाद वहां छोड़ कर आए उनको पाकिस्तान में छोड़ी गई जायदाद का मुआवजा मिलता है, लेकिन हमारे देश के अन्दर बसाने के नाम पर, हमदर्दी के नाम पर यह भी एक तजुर्बा हुआ और उस तजुर्बे में जैसी कि गलतियां होती हैं, वह हुई। चूंकि जो लोग स्कीम बनाते हैं, योजना बनाते हैं, वे भाई आम तौर पर अच्छे खाते-पीने घरों के होते हैं और गरीबों पर वह स्कीम, योजना बनाते समय, अपने को ही फायदा पहुंचाते हैं। गरीबों को बसाने के नाम पर भी वेस्टेड इन्टरेस्ट जो हैं, धनवान आदमी जो हैं, जो शक्तिशाली हैं, वही उसका फायदा उठाते हैं।

उपसभाध्यक्ष जी, इसके अन्दर जैसा कि मैंने बताया कि हमारे प्रदेश के अन्दर सीलिंग का कानून बना, जमीन का। मुझे आज भी याद है कि उस सीलिंग के कानून को हमारे प्रदेश की सरकार नहीं चाहती थी। केन्द्रीय सरकार और केन्द्रीय सरकार के योजना कमीशन ने कहा कि उनके लिये 50 स्टैंडर्ड एकड़ जमीन की सीलिंग की कम से कम छूट होगी चाहे वह खेती करते हों या नहीं करते हों। तो जो यहां के रहने वाले हैं, जिनके बाप दादा यहां के थे और खेती करते थे उनके लिये सिर्फ 30 स्टैंडर्ड एकड़ जमीन छोड़ी जाएगी। इस तरह सीलिंग के कानून में भी बसाने के नाम पर यह एक भेद-भाव का इतिहास है। तो अभी मैंने जैसा कि जिक्र किया, वह भेदभाव जो है, मुआवजे में करोड़पति और खरीदेगा। यह भेदभाव आज भी चलता है बावजूद इसके कि हमने समाजवाद को अपनाया है। उन्होंने इस चीज का जिक्र किया लेकिन दूसरे दृष्टिकोण से उन्होंने इसको देखा। आपको यह ज्ञान होगा कि जो भाई यहां के जागीरदार हैं, उनको भी मुआवजा मिला है और जो पाकिस्तान के जागीरदार यहां आकर के बसे हैं उनको

ज्यादा मुआवजा मिला है। यहां के मालिकों का मुआवजा कम है। तो यह मुआवजे की कहानी है। किम तरह से इशारा किया उन्होंने रीहैवलीटेशन का। आपको इस बात का पूरा ज्ञान नहीं है। आपको जो सदस्य पूर्वी भारत के हैं उन्हें पूर्वी भारत की समस्याओं का ज्यादा ज्ञान है। हमारे यहां मान्यता है कि एक हरिजन भाई जहां अपना मकान बनाकर रहता है, तो उस मकान के नीचे की जो जमीन है, उसका मालिक वहां के गांव का भूमिधर ही समझा जाता था। दूसरा भाई जो भूमिहीन होता था वहां बसता था उसको मकान के नीचे की जमीन का मालिक नहीं समझा जाता था। जो मुसलमानों के गांव थे, जहां भूमिधर मुसलमान थे और जब वह चले गये तो उनकी जो जमीन थी, वह भूमि निकासी के महकमें की जमीन मानी जाती थी लेकिन जिस जमीन के मालिक—भारत के थे बिना किसी मुआवजे के हरिजनों को मिल गई और उन्हें उसका मालिक बना दिया गया, हमारी सरकार ने। लेकिन जो एवेक्यू प्रापर्टी थी, उसके बारे में प्रदेश सरकार कोई कानून बना नहीं सकती थी जब तक कि भारत सरकार की मंजूरी इसके बारे में न हो। तो भारत सरकार के उस वक्त के रीहैवलीटेशन मिनिस्टर ने वहां देखा कि हरिजन जो पीढ़ियों से उन मकानों में रहते आये थे, उनको बेदखल किया गया। क्योंकि उनके मालिक पाकिस्तान चले गये थे और वह एवेक्यू प्रापर्टी बन गई। मकान हरिजनों के हैं परन्तु मकान के नीचे की जमीन उसकी है। बड़ी मुश्किल से हमने कहा कि कोई मुआवजा ले ले, इन बेचारे गरीबों का कसूर क्या है, ? अगर उस जमीन के मालिक पाकिस्तान चले गये तो उसमें इन बेचारों का कोई कसूर नहीं है। यह चीजें हम पाते हैं। एक भाई अमरीका में है। अमरीका का भाई यहां अपनी जायदाद रख सकता है और अगर वह गुजर जाता है तो उसकी जायदाद जो है वह उसके बच्चों को मिल सकती है। लेकिन जिसका एक भाई

यहां रहता है, पुत्र वहां है, बाप वहां हो, किसी का पुत्र इधर हो, घर वाला उधर हो तो वह आपस में आ जा भी नहीं सकते हैं। मैं मानता हूं कि यह जनता सरकार ने नहीं किया है। हो सकता है कि कुछ मंत्री हों, जो पहले भी थे। मोहन धारिया जी पहले भी उसमें शामिल थे। लेकिन मैंने देखा है कि जो पहले भी शामिल थे, उनको भी एक शौक होता है यह कहने का कांग्रेस के वक्त में ऐसा था। लेकिन अगर कोई गलत बात हो, तो इस समय देश में समय बदल आया है, तो ऐसे समय में उन गलत बातों को दुबारा नहीं चलने देना चाहिए आप किसी भी चीज को फायदे के हिसाब से देखें कि हम किस के फायदे पर चल रहें हैं। पाकिस्तान जाने वाल 29-30 करोड़ की जायदाद छोड़कर गये हैं, उस का कबजा लेने के लिए हमारी सरकार यह बिल एनीमीज प्रोपर्टी एक्ट यहां लाई है। 100 करोड़ रुपये की जायदाद है — हमारे भाई उधर से भारत में आये हैं और उनके रिश्तेदार उधर भी हो सकते हैं। हमारे प्रदेश में भी कुछ इलाके ऐसे हैं जिसमें आज भी मुसलमान भाई हैं। इसी तरह से पूर्वी एरिया में बहुत सारे भाई हिन्दुस्तान में आए और पूर्वी पाकिस्तान में प्रोपर्टी छोड़ आए तो जब कि अब शान्ति है कोई लड़ाई नहीं है। देशों का कोई झगड़ा नहीं है। फिर भी आपने जायदाद का झगड़ा खड़ा कर रखा है। भारत में आने वाले भाई जो आए हैं वे 100 करोड़ की जायदाद छोड़ कर आए हैं और जो भारत से गए वे 29 करोड़ की जायदाद छोड़ कर गए। अब हमारी सरकार यह कहे कि वह तो दुश्मन की जायदाद हो गई है, इसको नहीं छोड़ना है। मैं मानता हूं अगर भारत सरकार को नीति में तबदीली करनी है तो इस बात की करनी चाहिए, फरक्का के बारे में बात करनी चाहिए थी, वहां इस बात पर बात करनी चाहिए थी कि 29 करोड़ की जायदाद जो भाई हिन्दुस्तान से बंगलादेश गए हैं उनकी जायदाद मान ली जाए और जो हमारे भाई 100 करोड़ की जायदाद छोड़ कर आये हैं वह उनकी मानी जाए। इसके बारे में कोई

[श्री रणवीर सिंह]

फैसला करना चाहिए था। अंत में जैसा कि मैंने जिक्र किया था अपने दोस्त का कि उनके बच्चों को भी कोई आपत्ति हो, यह मेरी समझ में नहीं आता। यह तो दुश्मन की जायदाद बन नहीं सकती। एक तहसीलदार को नोटिस पाकिस्तान में जा नहीं सकता, पाकिस्तान से इधर नहीं आ सकता। तो मेरी मार्फत वह गया। अब बड़ी मुश्किल से अटल बिहारी वाजपेयी जी ही सिफारिश से उनको इजाजत मिली है कि दिसम्बर की 29 तारीख तक हिन्दुस्तान के अन्दर दाखिल हो सकत हैं। लेकिन तहसीलदार कहता है कि फलां तारीख तक नहीं पहुंचे तो जायदाद सरकार की हो जाएगी। अजीब तरीका है। धर्म के नाम पर हम कोई भेदभाव नहीं करते हैं। जाति के नाम पर हम कोई भेदभाव नहीं करते हैं। बांग्लादेश और पाकिस्तान हमारे दुश्मन नहीं हैं, दोस्त हैं, वहां जो रहने वाले हैं, इधर के किसी के रिश्तेदार हैं, किसी का साला इधर है किसी का बहनोई इधर है, किसी का बाप उधर है तो किसी का बेटा उधर है। हम उनको दुश्मन कहें, यह कोई अच्छी बात नहीं है और न ही यह कोई समझ की बात है। मैं श्री मोहन धारिया जी से निवेदन करूंगा कि इसके लिए विधेयक में संशोधन लाएं, ताकि इस ऐक्ट का नामकरण संस्कार दूसरा किया जाए। अतः इसको दुश्मन की जायदाद कहना बहुत गलत बात है।

SHRI MOHAN DHARIA: Mr. Vice-Chairman, the hon. Members have made several suggestions and I would have been too happy and glad to accept most of them. Unfortunately, so far as the Bill or even its name is concerned, what am I supposed to say because it is a *fait accompli*. I do share the feelings of the hon. Member that the property should not be treated as the property of the enemy. But it is not as if this has happened only after independence. It was

in 1939 that the office of the 'Custodian of Enemy Property' was created. This was before the Second World War. Since then this Act has been in operation. I agree that those who are our neighbours should not be treated as our enemies. It will be very wrong. The policy of the Government is very clear. India would like to have friends around us, not only friendly relationship with the adjoining countries. India would like to have friendly relationship with all countries of the world. We believe in friendship we believe in co-operation and we believe in co-existence. This Bill has nothing to do with that policy.

Anyway, I can say one thing, as I said earlier also in the Lok Sabha, that I am not happy that this Bill and the operations under this Bill should continue for long. We have to see as to what could be done so that its existence itself is lost and that shall be the endeavour of the Government.

Regarding compensation, Sir, I do appreciate the views expressed by my honourable friend, Shri Mahapatro and by some other friends also, I got the question examined, as I said on the floor of the House, to see whether it is possible to scrap this scheme and to have a new one. I would have been too happy if it could have been done. We tried. But unfortunately, here also we were faced with a *fait accompli* because, so far we have already paid compensation or, you can call it as *ex-gratia* payment, on the basis of the earlier scheme announced by the Government, that is, 25 per cent of the property, but not exceeding Rs. 25 lakhs. That was the order. Now, in case I scrap this scheme, it is possible that anybody can go to the court of law and just say that this is discrimination, discrimination as between citizen and citizen. I know that Mr. Mahapatro is an advocate, if I am not mistaken, and he may be the advocate pleading this case, I believe, according to the constitutional provisions.

**SHRI NRIPATI RANJAN CHOU-
DHURY :** When you are making *ex-
gratia* payment, you are not actually paying
compensation.

SHRI MOHAN DHARIA : So far as
ex-gratia payments are concerned, there
is the scheme and there is sanctity to it
and it can be challenged. That is what I
got examined and, therefore, I replied
that it might create a lot of complications
and that it is not the financial aspect alone
that is to be considered.

SHRI LAKSHMANA MAHAPATRO :
I am not able to agree with you. You are
not paying compensation, you are only
making *ex-gratia* payments and nothing
else.

SHRI MOHAN DHARIA : Perfectly
right. I would like to assure all my hon-
ourable friends that I have not given up the
matter and I am still examining the matter.
But, by and large, this was the view because
some other refugees, who were entitled
to it, who were entitled to get this *ex-gratia*
payment, could go to the court of law
saying that this was the scheme announced
by the Government and why advantage
was given to certain sections of the refugees
and why not to them. That was the point.

**SHRI NRIPATI RANJAN
CHOUDHURY :** Yes.

SHRI MOHAN DHARIA : And, Sir,
it is in this context that I have given this
reply. But if I am given a legally valid
advice that this cannot be challenged in
any court of law, then I am one with Mr.
Mahapatro in scrapping this scheme and I
do not have any doubt in my mind that the
scheme announced by the then Government
is not that scheme which can render
justice to the weaker or the poorer sections
of the refugees who have come to India.
The scheme should have been on a slab
basis and it is not just like this that for
property worth twenty-five thousand
rupees they should get the whole amount,

then for property above twenty-five thou-
sand but up to fifty thousand rupees so
much and for property worth fifty thousand
up to one lakh, fifty or sixty per cent and so
on. That is why I say that there should
be some reduction. Unfortunately, this
is what has happened. What has been
done is that we have straight way taken one
decision that 25 per cent of the claim
will be paid by way of *ex-gratia* payments,
a very wrong decision, and my friend is
perfectly right, and I am very much pained,
that this has happened. I was very much
pained when I went through the figures.
I would like to quote the figures and I
would like to take the House into confidence
as to what has happened so far.

SHRI LAKSHMANA MAHAPATRO :
If you have got the list of payments already
with you, kindly lay it on the Table of the
House.

SHRI MOHAN DHARIA : I would
read out the figures relating to the number
of claims paid up to the 31st July, 1976.
That is the break-up I have and I am not
having the break-up for the subsequent
period.

| | |
|-------------------------|---------------|
| Claims up to Rs. 1 lakh | 214 Nos. |
| Amount paid | Rs. 52,47,000 |

| | |
|---|-----------------|
| Claims from Rs. 1 lakh up to Rs. 5 lakhs | 290 Nos. |
| Amount paid | Rs. 1,58,98,000 |

| | |
|--|---------------|
| Claims from Rs. 5 lakhs to Rs. 10 lakhs | 52 Nos. |
| Amount paid | Rs. 92,22,800 |

| | |
|----------------------------|----------------|
| Claims above Rs. 10 lakhs, | 89 Nos. |
| Amount paid | Rs. 938,84,000 |

So, out of Rs. 12 crores for odd amount, the
amount that has gone to those whose claims
were above ten lakhs is Rs. 9,38,84,000,
that is, nearly 75 per cent or more than
75 per cent has gone to those whose claims
were above ten lakhs of rupees.

[Shri Mohan Dharia.]

And it has happened prior to 31st of July, 1976. It is most unfortunate that it has happened. How to reverse the process has become a problem. I shall be too happy and glad if this scheme could be scrapped and if there are no legal problems. What will happen is that the moment I scrap the scheme, somebody will go to the court of law. There will be stay order and these matters will be delayed till the arguments are over and the judgment is given. It will take years and years. This is the difficulty. If my friend could suggest some way out, I will be happy. I am sorry for what I am doing. It is just to carry forward what was done in the past.

AN HON. MEMBER : Enhance the payment for the lower slab.

SHRI MOHAN DHARIA: That is what I would like to do. But on account of the decision taken by the earlier Government, I cannot do anything at this stage. I shall be happy to enhance it. I am open for discussion. If you can give me some good suggestions which cannot be challenged in a court of law and are foolproof, I am prepared to reconsider.

SHRI NRIPATI RANJAN CHOUDHURY: The Minister can do it. You pay 25 per cent for the highest slab. You can give more for the lower slab. You can increase it up to one lakh of rupees.

SHRI MOHAN DHARIA: So far as those higher claims are concerned, they are over. They are the most clever people. Now with the remaining amount with me, I am supposed to satisfy so many claims. Therefore, I would like to take you into confidence and say very frankly that I would have to do it.

SHRI RANBIR SINGH: You can pay from the General Fund.

SHRI MOHAN DHARIA: We are paying from the Consolidated Fund.

The second objection raised, and rightly so, by Mr. Mahapatro is regarding the issue of ordinances. I must concede that we had better been vigilant. It would have been better to bring in an Amendment Bill in the last session. There would not have been this ordinance. This was not avoided. It should have been avoided. I have already told my officers that whatever Bills or Acts are to be amended or if they are likely to lapse for one reason or the other, we should not adopt this measure of ordinance. This country has suffered enough because of ordinances. We have no need for any further ordinances. Wherever ordinances can be avoided, should be avoided. Ordinances should come when it is beyond our control and when there is no other way out.

श्री कल्पनाथ राय : आपने समय पर क्यों नहीं किया ?

SHRI MOHAN DHARIA : मैं यही बतला रहा हूँ । Mr. Kalp Nath Rai, I have conceded that this is an area where it could have been avoided. I am sorry that it was not avoided. I would like to be absolutely fair. I do not want to defend a cause which is without reasoning and logic. It is not my nature. When this matter came up in the Lok Sabha and certain speeches were made about it, I had told them that this care would be taken. I have already instructed my officers accordingly.

Now, coming to the next point raised here, the total assets of Indian property still in Pakistan are of the order of Rs. 109 crores. Some questions were put by some hon. Members. The total assess of Pakistan property still in India are of the order of Rs. 29.40 crores. The payments made so far are of the order of Rs. 16.90 crores. The balance left is 12.50 crores. So the amount still with us is Rs. 12.50 crores and it is for this purpose that further decisions shall have to be taken.

श्री कल्पनाथ राय : पाकिस्तान की सरकार ने कितना दिया है ?

श्री मोहन धारिया : मैंने कहा नहीं कि उन्होंने जितनी प्रापटी ली उसकी कीमत 109 करोड़ रु०....

श्री कल्पनाथ राय : और उन्होंने कितना दिया ?

श्री मोहन धारिया : देने का सवाल नहीं है। वह उनको देगे जो वहां के रेफ्यू-जीज है। हमारी सरकार को देगे ऐसी बात नहीं है। हमारे दोस्तों ने तो कहा था कि यह जो लिमिट है इसको भी बढ़ा दिया जाय।

Sir, I would like to tell the House that this is being extended right from 1971 onwards. Every time it was extended. It was extended till 31st December, 1976. Again it was extended till 31st April, 1977. At that time, many of my friends, including Mr. Bhupesh Gupta who is not here, insisted that it must be extended further. I said, "All right, we shall extend it by two months." But he said that we must extend it by three months. Accordingly, taking the sense of this House, I extended that till the 31st July, 1977 as was urged here. This was published in 23 newspapers. Not only in two but in 23 newspapers it was very widely published. That was the suggestion from several friends and it was widely published accordingly.

SHRI JAHARLAL BANERJEE
(West Bengal) : Was it in Bengali also?

SHRI MOHAN DHARIA : In Bengal, Assam, Tripura and other areas it was widely published. Otherwise, we should not have received these 52,000 claims. The very fact that 52,000 persons have lodged their claims with the Custodian whose office is located in Bombay or was located in Bombay shows that there was wide publicity. Otherwise, how could 52,000 claims reach ?

Sir, the total number of old claims was 3,944 and out of them, only 183 have not been cleared because they have not been able to substantiate the claims they have lodged or some procedures are going on. Otherwise, the earlier claims have been cleared. It was also urged here that there should be some speed and that lethargy should be given up. Accordingly, it has happened and out of these 3,944 earlier claims, what is remaining is only 183 claims. I have been demanding all the while what the progress is. But, of course, there are certain difficulties particularly because of certain litigations also. There is litigation in between the claimants, there are also some stay orders and there are matters which are beyond the control of the Custodian. That is the reason why certain claims have not been settled so far. They are only 183. Otherwise, Sir, all the old claims have been settled. The new claims have come to the figure of 52,000. Here also, there was again a demand in both the Houses as to why this office is in Bombay. Here, I must say again, I do not know why the earlier Government did not take that decision. To be frank, after partition two offices were necessary, one in the western sector, in Delhi or somewhere in Punjab or in these areas, and one office in the eastern sector, may be in Calcutta—and I am prepared to consider Gauhati—or somewhere in these areas. So, two offices were very much necessary. It is most unfortunate and I do not know why it was not done and why the earlier Government sat on it. But, Sir, when it was brought to my notice I said, "there is no question of expenditure and I want that office should be opened immediately in Calcutta. A starting arrangement should be made and the Custodian should go over there." To ask these refugees who have suffered much to come to Bombay for the settlement of the claims is absolutely improper. Therefore, this House will be happy to know that this decision was taken and an office has already been opened and

it has started functioning in Calcutta now, and there is no problem. I shall take care of that.

AN HON. MEMBER: What is the address of that office?

SHRI MOHAN DHARIA: I shall give it later. Sir, there is one more point raised by some hon. friends. (*Interruptions*)

मैं यील्ड नहीं करता। इतना सवाल जवाब होगा तो यह तो सवाल जवाब का क्लास हो जायेगा।

I am not going to yield now. After my speech is over, I am prepared to reply some questions that you may like to ask.

Then, Sir, there is one more problem which was posed to me by some hon. Members. They said: It is all right that more than 52,000 people have lodged their claims but it was not possible for many of them to give the written documents or evidence along with the claims. We did not extend the time limit for filing the claims. They asked us that some more time should be given for filing this evidence. I am happy to announce that I have taken the decision and I am announcing it just now that we shall allow time for those who have already filed their claims till 31-1-1978 to file their evidence if they have not been able to do it so far. So, if they have not been able to file their evidence, they should do it by 31st January, 1978; whatever they have, written documents or whatever else it is. I am giving time till 31st January, 1978, so let them file by then whatever they have.

SHRI N. G. RANGA: (Andhra Pradesh); Why don't you extend time till 31st March?

SHRI MOHAN DHARIA: No, only up to 31st January we have extended the time.

SHRI NRIPATI RANJAN CHOUDHURY: 31st March is not far away. Why don't you extend the time till then?

SHRI MOHAN DHARIA: The point is that if we do that we shall be delaying the settlement of their own claims. You see, I am giving them one and a half months more. If they want to file their documents, I am giving them one and a half months more which is perfectly understandable. Let them file their documents. In fact, they get nearly two months because today is only 5th December and they get time up to the end of January 1978. Let them file their evidence if they have any. They are the sufferers. I have taken a very humane approach. My friend was unkind to me when he said that I was adamant. I am not. Whenever there is any reasonable demand, I always try to accept it. Therefore, Sir, I am prepared to take this much care. Again, I would like to make it very clear that, yes, there are several claims but I have already taken a decision that so far ...

SHRI N. G. RANGA: Why don't you extend time till the 31st of March?

SHRI MOHAN DHARIA: For what? No, no, that is not possible. Things will be further delayed. This settlement of claims will be further delayed.

Sir, I now come to another aspect, namely, that there are infirm people, incapacitated people, there are widows and there are orphans. I have already told the Custodian that so far as their claims are concerned, they should be settled without any delay and I have already told him that within a period of six months from the end of 31st January, or from 1st February, 1978, the claims of infirm and incapacitated people, widows and orphans should be settled. I do believe in timings. One of my friends

from this side asked; What is the time-schedule? This is the time schedule. I would like them to be settled within six months.

Then I come to small claims. It will be the endeavour—I am not saying the time-limit—that all small claims below one lakh of rupees should also be settled as speedily as possible, if possible within six months.

SHRI LAKSHMANA MAHAPATRO: The claims of infirm people, widows and orphans should get priority.

SHRI MOHAN DHARIA : These claims of infirm people, incapacitated people, widows, and orphans will be given priority.

SHRI JAHARLAL BANERJEE : Can these people deposit their claims with the District Rehabilitation Officers?

SHRI MOHAN DHARIA : So far as these claims below Rs. 1 lakh are concerned, I have taken the advice of the Custodian who is present here and he has said that small claims are proposed to be settled on the basis of documents without asking them to come over for personal discussions or for verifications. This is what he would like to do. Of course, some affidavit may be necessary; it could be made before the Magistrate....

SHRI N. G. RANGA: Provided the documents are available.

SHRI MOHAN DHARIA: Of course, if the documents are not available and if there is no evidence, at least from the Consolidated Fund of India you would not like me to pay something without evidence. You are a senior member and you know it. How is it possible?

SHRI RANBIR SINGH: Some gratuity can be paid.

SHRI MOHAN DHARIA: In all these matters I am prepared to take a very considerate and a humanitarian view, because they are our brothers and sisters. It is most unfortunate that this country was partitioned and those who have come either from Bangladesh or East Pakistan or West Pakistan are the worst sufferers in the country. They have suffered much more and I would not like that their suffering be enhanced and on this score if there are some more positive suggestions from the hon. Members, I would like to assure you that they will be given all possible consideration.

SHRI N. G. RANGA: What about the address?

SHRI MOHAN DHARIA: Yes, the address is: 4, Kiran Shankar Roy Road, Calcutta.

SHRI PRAMATHA NATH BISI: Am I to understand that the documents could be sent to this address and not to Bombay?

SHRI MOHAN DHARIA: Perfectly all right, because the Chief Custodian will be going and visiting Calcutta. I have told him to stay there and settle the claims. Whenever a hearing is arranged notices will be given to these claimants.

SHRI NRIPATI RANJAN CHOUDHURY: Could the documents be sent to Calcutta address or to Bombay?

SHRI MOHAN DHARIA: They could be sent here also.

SHRI SANAT KUMAR RAHA (West Bengal): I want to know whether Government can help in getting these documents and evidence etc. from Bangladesh through any machinery of the Indian Government there.

SHRI MOHAN DHARIA: If some thing could be done through our High Commissioner, we shall try. I can understand the difficulty.

SHRI PRAMATHA NATH BISI: I think the address of the Calcutta office and the procedure to be followed will be published in Calcutta newspapers.

SHRI MOHAN DHARIA: Yes...

AN HONOURABLE MEMBER: In Bengali newspapers.

SHRI MOHAN DHARIA: Not only in Bengali but also in Assamese and we shall take care that in all these areas, the whole procedure, the time limit extended and the address of the office are published.

श्री कल्पनाथ राय : मैं मंत्री महोदय से यह जानना चाहता हूँ कि यदि किसी एक परिवार में दो सदस्य हैं और यदि उनमें से एक व्यक्ति पाकिस्तान चला जाता है तो ऐसी स्थिति में आप किस प्रकार से प्रोपर्टी के संबंध में कोई निर्णय लेते हैं ?

श्री मोहन धारिया : इस संबंध में स्थिति यह है कि जो आदमी पाकिस्तान चला गया है और उसकी प्रोपर्टी यहां पर है तो यह प्रोपर्टी एक नाम पर बन जाती है। लेकिन इसमें ऐसा हो सकता है कि अगर उसका कोई दूसरा भाई है और उसका भी क्लेम है और वह कोर्ट में चला जाता है तो इसमें कोई रोक नहीं है। इस बारे में अगर कोई कानूनी मामला पैदा होता है तो उसमें कोई रोक नहीं हो सकती है। मगर एक बात जो हमारे मित्र ने उधर से उठाई है, मुझे ऐसा ख्याल नहीं कि किस माननीय सदस्य ने यह बात उठाई, उन्होंने ऐसा कहा कि जो वक्फ प्रोपर्टी है, जो सरकार ने अपने कब्जे में कर ली है, उसके बारे में आपका क्या विचार है ? मैं आपको यह कहना चाहता हूँ कि इस बारे में अगर कोई शिकायत हो चाहे वह वक्फ प्रोपर्टी के बारे में हो, चाहे धर्मालयों के बारे में

चाहे चैरिटेबल प्रोपर्टी या कस्टोडियन के बारे में हो, तो वह शिकायत मेरे पास आप भेज दीजिए, उनकी दुबारा इन्क्वायरी जरूर की जायेगी। यह मैं यहां पर कहने को तैयार हूँ।

श्री रणबीर सिंह : जिस प्रोपर्टी को गलत ढंग से ले लिया गया है, क्या उसको छोड़ दिया जायेगा ?

श्री मोहन धारिया : इन्क्वायरी के माने हैं कि सबके साथ इन्साफ हो। हम लोग इन्साफ देने के लिए इन्क्वायरी करायेंगे। जिस प्रोपर्टी को गलत ढंग से ले लिया गया है उसको छोड़ दिया जायेगा अन्यथा रख दिया जायेगा। मैं आपका ज्यादा समय नहीं लेना चाहता। मैंने यह बिल आपके सामने कन्सीडरेशन के लिए रखा है और मुझे उम्मीद है कि आप इसे स्वीकार करेंगे।

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): The question is:

"That the Bill to amend the Enemy Property Act, 1968, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI H.M. TRIVEDI): We shall now take up the clause-by-clause consideration of the Bill. *Clauses 2 to 11 were added to the Bill.*

Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI MOHAN DHARIA : Sir, I move : *That the Bill be passed.*

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI H.M. TRIVEDI) : The House stands adjourned till 11.00 A.M. tomorrow.

The House then adjourned at fifty-eight minutes past four of the clock till eleven of the clock on Tuesday, the 6th December, 1977.