[7 December, 2004]

1.00 P.M.

THE DISPLACED PERSONS CLAIMS AND OTHER LAWS REPEAL BILL, 2004

गृह मंत्रालय में राज्य मंत्री (श्री माणिक राव गावित) : महोदय, मैं प्रस्ताव करता हूं कि विस्थापित व्यक्ति दावा अधिनियम, 1950 और कुछ अन्य अधिनियमनों का निरसन करने वाले विधेयक पर विचार किया जाए ।

The question was proposed

MR. DEPUTY CHAIRMAN: Hon. Members, it is one o'clock. This is a very short Bill and if there are only a few Members who want to speak, we will sit for 10-15 minutes and finish it. We will be adjourning for lunch up to 3.00.

SHRI FALI S. NARIMAN (Nominated) : Sir, I would like to say a few words on this Bill.

MR. DEPUTY CHAIRMAN: Mr. Bachani, no time is allotted for discussion on this Bill. So, you can just take a few minutes because it is a Repeal Bill.

SHRI LEKHRAJ BACHANI (Gujarat): Sir, I request the hon. Minister that the Displaced Persons Claim Act of 1950 may not be repealed through this Bill, and it should be extended, at least, for two years because so many cases and appeals are pending under this Act in Gujarat and Rajasthan. Even in Jammu and Kashmir, so many persons are displaced and they are residing in other States. Their claims are pending there. They are on the street and no provision has been made for them in this Bill. Therefore, I humbly request the hon. Minister to be kind enough not to take any hasty step to repeal this Act and extend this Act, at least, for 2 years so that the pe/sons who have left their immovable properties worth crores of rupees in Pakistan-still some of their cases and appeals are pending with the competent authorities-are able to get their claims. Those Claim Officers, Regional Commissioners and other officers have been given civil court powers to decide these cases. Therefore, if this Act is repealed, then, all those claimants and appellants will go home. Then, there will be no forum for them to submit their claims. If any alternate arrangement or legal arrangement is made, then it can be said that something is being continued for those persons whose claims are pending. Therefore, I humbly submit to the hon. Minister that he should take pity on those displaced persons who have left their parental houses, immovable properties, State and country and

whose claims are pending in different States of our country. Even in my district of Banaskantha and Kutch, there are so many people who are agriculturists. The Government has given them land, but still their cases are Sir, I would not take much time of the House. Here, I not finalised. would like to give even my example. For the land which my father left in Pakistan, the claim was sanctioned, yet we have not received the claim amount from the Government. Sir, for the persons who had left India and gone to Pakistan, there is a pool and from that pool the claim is being paid. We know that the cases of displaced people from Jammu and Kashmir are guite pitiable. Those people have no businesses of their own and they do not have houses of their own. So, at least, we must do some justice to these people. The Government should do something for these people. Sir, heavens will not fall if this Act is extended for another two years. If this Act is repealed through this Bill, then these displaced persons will be left in the lurch. A grave injustice would be caused to those poor people who have suffered so much. Keeping that in mind, I request the hon. Minister to please take pity on those persons and extend the Act for another two years.

Sir, without taking much time of the House, I would request the hon. Minister to instruct the concerned officers to dispose of the pending cases and appeals of these displaced persons quickly, For this purpose, this Act should be extended, at least, for two years. The pending cases of the displaced persons from Jammu and Kashmir should also be finalised early. In this way, justice would be done to these people. At least in the Upper House, we can consider this thing in the larger interest of the people. We should not make decisions in haste that will cause injustice to anybody. Thank you.

DR. (SHRIMATI) NAJMA A. HEPTULLA (Rajasthan): Sir, I just want to know from you one thing. The Minister has moved a motion to repeal the Bill. But he didn't give any reasons as to why he wants to repeal the Bill. In all the cases of withdrawal or otherwise, whenever they bring in a legislation, they have to give the reasons for it. Since this is the property of the House, even for withdrawal, they have to give reasons. He should give proper reasons as to why he wants to withdraw it.

श्रीमती सविता शारदा (गुजरात) : इस पर थोड़ा विचार करके – रिपील करते ।...(व्यवधान)...

[7 December, 2004]

RAJYA SABHA

उपसभापति : स्टेटमेंट आफ़ आब्जेक्टस में दिया गया है । आप कुछ एक्सप्लेन करना चाहें तो कीजिए क्योंकि स्टेटमेंट आफ ऑब्जेक्टस में डिटेल्स दी गई है । आप बिल विदड्रा कर रहे हैं, लेकिन फिर भी आप कुछ कहना चाहें तो कह दीजिए ।

गृह मंत्री में राज्य मंत्री (श्री माणिक राव गावित) : उपसभापति महोदय; जैसाकि अभी सदस्य महोदय ने उत्तर और पश्चिमी पाकिस्तान के बारे में बताया है कि ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: The Home Minister will come and reply. But let us complete the discussion. *...(Interruptions)...* The reply will be given by him. Let us complete the discussion first. *...(Interruptions)...* In the Statement of Objects and Reasons it is given. But let us complete the debate. The Home Minister is coming at 2.30 P.M. He will reply to the debate. Will that be all right?

DR. (SHRIMATI) NAJMA A. HEPTULLA: Sir, the Minister should say as to what they want to do in the House.

श्री माणिक राव गावित : सर, पाकिस्तान में अचल सम्पत्ति के संबंध में विस्थापित व्यक्तियों को दावे के पंजीकरण और सत्यापन की व्यवस्था करने, निष्क्रांत सम्पत्ति को प्रशासित करने, ऎसी सम्पत्ति में, जिसमें अन्य दूसर व्यक्ति भी दिलचस्पी रखते हैं, निष्क्रातों के हितों को अन्य व्यक्ति के हितों में पृथक करने की व्यवस्था करने, विस्थापित व्यक्तियों को मुआवजा और पुनर्वास अनुदान का भुगतान करने तथा विस्थापित व्यक्ति दावे अधिनयम,1950 के अंतर्गत

(सभापति महोदय पीठासीन हुए)

लम्बित पडी कतिपय कार्यवाही को निपटाने के लिए अन्य कानूनों के साथ – साथ विस्थापित व्यक्ति दावा अधिनियम, 1950, निष्क्रान्त सम्पत्ति (पृथक्करण) अधिनियम, 1951, विस्थापित व्यक्ति (दावें) अनुपूरक अधिनियम, 1954 और विस्थापित व्यक्ति (प्रतिकार और पुनर्वास) अधिनियम, 1954 अधिनियम के लिए किए गए थे। दावों, मुआवजों तथा पुनर्वास के मुख्य कार्य वर्ष 1970 के अंत तक, कमोबेश पूरे कर दिए गए थे। बाद में तात्कालिक एवं श्रम और पुनर्वास मंत्रालय (पुनर्वास विभाग) जो उक्त पुनर्वास कार्य के लिए उत्तरदायी था, ने भी यह निष्कर्ष निकाला था कि केवल थोडी – सी ही अर्जित निष्क्रान्त शहरी और कृषि भूमि अथवा सम्पत्तियों का निपटारा किया जाना बाकी था और इस प्रयोजन के लिए किया जा रहा व्यय, कार्य की मात्रा एवं अनेक निपटान से प्राप्त आय के अनुपात में नही था। निष्क्रान्त सम्पत्तियों के प्रबंध में व्यय में मितव्ययिता लाने के लिए केन्द्रीय सरकार ने उक्त अधिनियमों के प्रयोजन की समानरूपी तरीके से शेष परिसम्पत्तियों को निपटाने के लिए संबंधित राज्य सरकारों के साथ प्राथमिक और वित्तीय संबंध के लिए प्रबंध किये थे और राज्य सरकारों को विभिन्न पैकेज देश में अधिशेष निष्क्रांत सम्पत्तियां हस्तांतरित कर दी थी । इस व्यवस्था में निपटान नही की गई निष्क्रांत सम्पत्तियों पर से केन्द्र सरकार के स्वामित्व को वास्तविक रूप में समाप्त कर दिया था। निबटान न की गई निष्क्रान्त सम्पत्तियों पर से केन्द्र को वास्तविक रूप में समाप्त कर दिया था। निबटान न की गई निष्क्रान्त सम्पत्तियों पर से केन्द्र सरकार के स्वामित्व से संबंधित राज्य सरकारों को हस्तांतरण हो जाने के बाद राज्य सरकारों द्वारा यह सूचना दी गई कि उक्त अधिनियमों के अंतर्गत अनेक दावे अभी भी विभिन्न न्यायलयों में

RAJYA SABHA [7 December, 2004]

दायर किए जा रहे है। इसके अलावा केन्द्र सरकार के ध्यान में यह बात भी लाई गई है कि दावाकर्त्ताओं से संबंधित अनेक व्यक्ति स्वयं को उनकी कालोनी का वारिस बताकर जमीन के लिए बार – बार अपनी मांगें रख रहे हैं ...(व्यवधान)... जांच से पता चलता है कि इस ...(व्यवधान)...

श्री सभापति : माननीय मंत्री जी , एक मिनट रुकिए, आप उद्देश्य और कारण पढ़कर सुना रहे है?

श्री माणिक राव गावित ः जी ।

श्री सभापति : ये तो सभी ने पढ़े हुए हैं । ये सभी को सर्कुलेट हुए है, सभी ने पढ़े हुए हैं । आप और कुछ कहना चाहते हैं ?

श्री माणिक राव गावित : सभापति जी, जो माननीय सदस्या ने पूछा ...(व्यवधान)...

श्री सभापति : माननीया सदस्या को जवाब तो गृह मंत्री जी देंगे । आप इंट्रोडक्शन के साथ कुछ और कहना चाहते हैं, जो स्टेटमेंट ऑफ ऑब्जेक्टस एण्ड रीजन्स में नही है, वह बात कहना चाहते हैं तो कह दीजिए ।

श्री माणिक राव गावित : जवाब देंगे । ...(व्यवधान)...

श्री सभापतिः मैंने सुन लिया।

श्री माणिक राव गावित : चर्चा के बाद जवाब देंगे, हम नोट कर रहे है .

श्री सभापति : नोट तो कर रहे है, परन्तु स्टेटमेंट ऑफ ऑब्जेक्ट्स एण्ड रीजन्स के अलावा और कुछ बात कहना चाहते हैं कि यह बिल क्यों पेश कर रहे हैं, बता दीजिए ।

श्री माणिक राव गावित : नही, इससे अधिक नही है।

श्री सभापति : ठीक है ।

SHRI RAVULA CHANDRA SEKAR REDDY (Andhm Pradesfi): Sir, the Statement of Objects and Reasons was read out by the hon. Minister. I would tike to put a few questions. How many cases are pending as of now. State-wise and stages of the cases? According to the hon. Minister, there are fraudulent claims that crores of rupees are being taken away by persons who are ready not responsible for this, not eligible for this. I would like to know from the hon. Minister how many bogus cases are registered and has any action been initiated against those people who have indulged in these activities? What will happen to the cases that are still pending after the Act is repealed? Every precaution has to be taken to accept genuine claims; and genuine claimants are given money. I would like to know ffom the hon. Minister what is the status of the evacuee properties in Andhra Pradesh, particularly in Hyderabad? All these things should have been narrated by the hon. Minister. Apart from reading the Statement of Objects

[7 December, 2004] RAJYA SABHA

and Reasons which is already printed and circulated among the Members, Sir, I would like to request, through you, that the hon. Minister should come out with all these details. Thank you.

SHRI FALI S. NARIMAN (Nominated): Thank you Mr. Chairman, Sir. I was only trying to draw the attention of the hon. Minister to 'two facts. Paragraph 3 of the Statement of Objects and Reasons seems to suggest that there are still a large number of claims which are the subject matter of pending litigation in the court and it appears that this is an attempt to put an end to all this because a large number of persons happen to be unscrupulous. But has the Government seriously considered the information delivered by the State Government as to how many are genuine claims and how many are unscrupulous claims? This is my first point. Secondly, if you will please see; the effect of the General Clause Act is that whenever an Act is repealed, all pending proceedings continue, until and unless there is some specific mention about it. Therefore, once your intention is to put an end to all these proceedings in paragraph three of the Staterhent of Objects and Reasons, we do not find any substantive provisions in the section itself saying that all proceedings will now come to an end. You have to either make up your mind with regard to this because the apprehension of all the Members is that all the proceedings will come to ah end, whereas the General Clause Act says the contrary. But your Statement of Objects and Reasons seems to suggest this because there are unscrupulous persons. This should not happen.

Now, Sir, as a matter of fact, just one or other thing is that section 9 of the Civil Procedure Code, really, as the Supreme Court has repeatedty said, almost confers a fundamental right on every person to institute a suit, whether the suit is a vexatious suit or a frivolous suit. He has a right to institute that suit. No one can take⁴ that right away. Therefore, there must be much more data. And, at least, if the hon. Minister had circulated the recommendations of the Care Group, perhaps, we could have got something .out of it. But, unfortunately, we are totally unaware of what the Care Group, which is mentioned in paragraph 4, has recommended. I would, therefore, urge upon the hon. Minister to please consider this. The Bill could be moved *a* little later. There is no hurry about it. It could be moved in the next session, if necessary. And, you have to make some provision as to what you want to do with regard to the pending proceedings; what you .vant to do with regard to future proceedings. With regard to future proceedings, I would respectfully suggest that you should

make . '.tear that the Act will stand repealed within a year from now. Then, there is no difficulty. Everyone will file the claims, suits, etc. And, if they are frivolous, they will be dismissed by the courts. But we cannot take upon ourselves the assumption that they are frivolous because the State Governments said ."It's frivolous". That's all, Sir.

श्री संजय निरुपम (महाराष्ट्र) : सभापति जी, वर्तमान स्थिति में जो कानून है, उसको पूरी तरह से रद्द करने के लिए यह बिल लाया गया है। इस बिल के उद्देश्यों को जब मैं पढ़ रहा था, तो दूसरे पैराग्राफ में लिखा हुआ है, " The major works of claims,compensation and rehabillitation, more or less,have been completed."More or less' का मतलब क्या हुआ ? इसका मतलब यह है कि कुछ केसेज अभी हैं। या तो यह कह दें कि completely, पूरी तरह से एक भी मामला किसी भी अदालत में, किसी भी राज्य में लंबित नही पड़ा हुआ है। अगर More or less हैं, तो जैसा अभी नारीमन साहब ने कहा कि ऎसी कोई जल्दबाजी नही होनी चाहिए। मान लीजिए कि यह बिल हमने पास कर दिया, और वर्तमान व्यवस्था में जो कानून है, उस कानून को पूरी तरह से निरस्त कर दिया, उसके बाद अगर कुछ केसेज खड़े हो गए, उसके बाद अगर कुछ दावे आ गए, कुछ क्लेम्स आ गए,तो फिर उनका निपटारा कौन करेगा ?

सभापति महोदय, मैं मुंबई से आता हूं । मुझे पूरी तरह से जानकारी है कि मुंबई के आस — पास बहुत सारे ऎसे इलाके हैं, जहां पर पार्टिशन के जमाने में, पाकिस्तान से आकर लोग रहे । इनमें उल्हासनगर एक बहुत बडी बस्ती है, जहां पर मुख्य तौर से सिंधी समाज के लोग रहते हैं । आज भी उनके केसेज़ चल रहे है, आज भी उनके क्लेम्स चल रहे हैं, आज तक उनका निपटारा नही हुआ है। हमारे शहर में एक बहुत महत्वपूर्ण बिल्डिंग हैं, जिसका नाम है "जिन्ना हाऊस" । "जिन्ना हाऊस" के लिए लगातार पाकिस्तान ने अपना क्लेम किया, इधर हमने भी अपना क्लेम रखा, लेकिन इस बारे में आज तक यह बात समझ में नही आई है कि सचमुच यह "जिन्ना हाऊस" हमारे पास हैं या नही । "जिन्ना हाऊस" के बारे में पाकिस्तान का जो क्लेम था, पूरी तरह से उनके दावे को खत्म किया गया या नही, पाकिस्तान ने हमारे स्टैंड को स्वीकार किया या नही ? अब राजस्थान के जो सीमावर्ती क्षेत्र हैं, पंजाब और जम्म – कश्मीर के जो सीमावर्ती क्षेत्र हैं, सबसे ज्यादा वही क्षेत्र प्रभावित हुए हैं । फिर दिल्ली में चांदनी चौक और अजमेरी गेट का क्षेत्र बहत ज्यादा प्रभावित हुआ है । ऎसे में, मेरा भी सरकार से यही निवेदन है कि इस बिल को तत्काल यहां पर पास कराने के बजाय, इस बिल में इस प्रकार का एक प्रोविजन लाया जाए, एक ऎसी व्यवस्था दी जाए, जैसे नारीमन साहब, जो कि कानून के इतने बढे जानकार हैं, उन्होंने सजेशन दिया कि अगर यह रिपील किया जाए तो कम से कम यह एक साल बाद रिपील हो, ताकि इस बीच अगर किसी के पास कुछ कहने के लिए हो, किसी का कोई दावा हो, तो वह इस क्लेम को, इस बिल के अंतर्गत, सरकार के समक्ष, अलग – अलग अदालतों में, अलग – अलग राज्य सरकारों के पास जाकर रख सकता है।

SHRI SHARAD ANANTRAO JOSHI (Maharashtra): Thank you, Mr. Chairman. Sirr I have gone through the Statement of Objects and Reasons very carefully. And, I must say that I am really totally at a loss. The refugees came in 1947-48. And, up to 1950, most of them had really arrived

[7 December, 2004] RAJYA SABHA

here. By 1970, it says, most of the work was done. And, after that the left over was handed over to the SUte Governments for settlement. And, in the next paragraph, it says, There are a large number of cases, now, pending with the State Governments." A contradiction is involved in it. When we say that the cases were largely closod, were these cases not there at all before 1970? Or, did they come up later on? In any case, it is wrong that simply because some of the cases are frivolous, fraudulent, even those who might be genuine sufferers should be denied justice. The second thing that is not understood is that if by 1970 most of the work was over, as far as the Central Government is concerned, then the Acts, which are sought to be repealed, the Acts of 1950, 1951, 1954, relate to a date which is prior to the date of the transfer of the particular administration of displaced people's properties to the State Governments. Mr.. Chairman, Sir, I have a serious doubt. Without trying to accuse any particular party, I would like to say that some local people are trying to eye the properties that lie unclaimed, and, therefore, are in an unseemly hurry to close the cases. What is necessary is that an instruction should be issued to the concerned State that all these cases should be settled within a specified time limit. If necessary, separate course should be adopted for the purpose. But to simply say, in a very peremptory way, with the repeal of the Act the cases will not go further, means that somebody must be trying to pocket the property, which was left by the refugees who left for Pakistan and this is something that needs to be taken very seriously.

SHRI RAVI SHANKAR PRASAD (Bihar): Mr. Chairman, Sir, I would like to raise certain questions for the hon. Minister and would appreciate a very satisfactory reply for this. These five enactments, which are proposed to be withdrawn today, are not law simpliciter. They were basically designed as an instrument to give a healing touch to a large mass of people who had suffered pain and torture because of vagaries of history and partition in which they had no role to play. This basic objective of these 4-5 enactments is indeed very important. Can we say today that that pain has been completely healed; it no more exists? I was going through the objective of it. I would like to know from the hon. Minister this. A core group was constituted on 7th February 2003 and the report was submitted in March 2003. That core group is entitled to submit its report. But it is such a gigantic task of all India ramifications, wherein a minute assessment is to be made as to whether all the pending cases have been settled or not. How can such a great task be achieved within a short span of one month? Therefore, a very clear query for the hon. Minister is: Was any extensive

survey done? Was the core group in possession of some kind of a report by some expert agency, which knew the ground realities? We are absolutely in the dark about it. Let us see it from one more point of view. Those people were displaced from Pakistan. We have seen that, from Pakistan people of eminence, having great properties, were forced to leave their premises and they came to toil in this country. We know from our professional experience -and I am sure, Shri Fali Nariman also knows --that many cases continued for a long time. Merely because there is an apprehension that some heirs may lodge false claims, it cannot be the basis for repealing the law altogether. The apprehension of abuse or the possibility of filing a false case can never become the basis for repealing any law. The subsequent query is, Mr. Minister, even if there is one case in existence, what is the mechanism to settle that dispute? Yes, clause 12 of the General Clauses Act is there, but, after all, people' need to know their rights as well. You cannot jettison their right merely by saying that the law no more exists. I think that the matter is being brought rather in a great hurry. It has other ramifications too. Our Kashmiri Pandits have been displaced from Kashmir. Many have become victims of terrorism. What kind of signal do we propose to give to their rights? And if substantive laws are sought to be, withdrawn today, what kind of message are we going to give to them? These are also important issues. Yes, we never sought to withdraw in a hurry. You might know it that when we were in power, the report had come and we were applying our mind. Therefore, Sir, we had done a lot. We need not say anything. We did not bring the repeal Bill in a hurry as you are trying to do. Therefore, Sir, today, I am only saying that the Government need to consider all this and should not seek to repeal the Bill in a hurry. Some caveats and safeguards have been provided by Narimanji. I would say that for two years the repeal of the Act Should be deferred. Let the Government take this House into confidence, let them have a complete survey about the number of cases pending... (Interruptions)...

SHRI SANJAY NIRUPAM: With amendments.

SHRI RAVI SHANKAR PRASAD: Yes, with amendments. Why I am saying so because as Mr. Nirupam pointed out, kindly see paragraph two of the Statement of Objects and Reasons. "The major works of claims compensation and rehabilitation more or less had been completed by the year end of 1970. Subsequently, the erstwhile Ministry of Labour and Rehabilitation which was responsible for the aforesaid rehabilitation work

also concluded that only a limited number of acquired evacuee urban and agricultural lands or properties had remained to be disposed of..." Therefore, there is a complete state of uncertainty even by authoritative accounts as mentioned in this Statement of Objects and Reasons. Therefore, for these reasons, I would request that this Repeal Bill be deferred for two years and let the Government come and take the House into confidence about the actual state of affairs. I would very sincerely urge that a mechanism need to remain in place for these persons.

SHRI R.S, GAVAI (Maharashtra): I have nothing to add to whatever has been said by my learned friends here, particularly, Shri Narimanji. As such, let us think in a positive way. The approach is totally negative. What is the urgency of repealing this Act? I do understand that sometimes there is an urgeney for an Ordinance or for a Bill. But t don't feel that there is any sort of urgency here. It has been mentioned in the Statement of Objects, and Reasons very clearly that the major works of claims compensation and rehabilitation more or less had been completed. 'Major' means may be major. The erstwhile Ministry of Labour and Rehabilitation was responsible for rehabilitation of these people. Secondly, the State Governments had a large number of cases^and those numbers remain. So, the persons who came from Pakistan to India were not tourists. Due to certain exigencies and circumstances they had to come to India to take shelter. I have got some knowledge as I have worked in that field. The State Government of Maharashtra had one such Committee, and we found that many of those people were devotees or patriots, They dedicated themselves and sacrificed to the cause of the nation, namely, India. Therefore, in repealing this Act, there seems to be a negative approach, not a positive one. So, let us have a positive approach in this regard. I support my learned friend, Narimanji when -he said that at least prior notice ought to be given for two years. Let it be completed. Without giving any prior notice, we are treating them as if they are criminals or offenders. If we repeal this Act now, then, I think, we would be doing great injustice to these people. So, let the wisdom fall upon the Home Minister that ihstead" of repealing this Act just now, have a time for two years and give sufficient time for them. Thank you.

श्री संजय निरुपम (महाराष्ट्र) : चेयरमैंन सर, मेरे ख्याल से इस बिल को स्टेंडिंग कमेटी को रेफर किया जाना चाहिए। उसके बाद पूरे अमेंडमेंटस के साथ सरकार यह बिल लेकर आए, फिर बहस हो और बिल पास किया जाना चाहिए।

3.00 P.M.

श्री सभापति : सदन की कार्यवाही अपराह्न 3 बजे तक के लिए स्थगित की जाती है।

The House then adjourned for lunch at twenty-nine minutes past one of the

clock.

The House reassembled after lunch at three of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

श्री संजय निरुपम : उपसभापति जी, मुझे दो बातें करनी हैं । आपकी अनुमति से मैं कहना चाहता हूं कि लंच के पहले हम लोग एक बिल के ऊपर चर्चा कर रहे थे, जो डिस्प्लेस्ड परसन्स प्रॉपर्टी क्लेम बिल है । उस बिल के संदर्भ में हमने बताया कि ये सारे कानून आप रिपील तो कर रहे हैं लेकिन आज भी सरकार स्वयं निश्चित नही है । यह सरकार एकदम पूरी तरह से नही कह सकती कि सारे मामले खत्म हो गये हैं । ऐसे मामले भरे पड़े हैं । सारे मामले जब भरे पड़े हैं तो उन सारे कानूनों को तत्काल रिप्लेस करने के बजाय ...

उपसभापति : संजय जी, बातचीत हुई है । अब डिबेट कंटीन्यू होगा । इसको यहाँ खत्म करके बाद में इसको रिप्लेस दिलवायेंगे ।

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Sir, we can take the decision immediately; there is no problem. Since he has raised this issue, we can clinch this issue within two minutes time.

श्री संजय निरुपम : मेरा यही निवेदन था सरकार से कि फिलहाल उस बिल को विदड़ाॅ किया जाय, वापस लिया जाय और उसके बाद तैयारी करके, उसमें कुछ एमेंडमेंटस वगैरह करके, फिर से आइये, उस पर चर्चा करेंगे, यह एक विषय था। उप सभापति जी,मेरा दूसरा विषय यह था कि बी.ए.सी. की मीटिंग में हमने तय किया था कि सोमवार और मंगलवार को सरकार के सारे विधेयक आयेंगे और बुधवार और गुरुवार को हम अपने जो भी डिबेटस चाहते हैं, उस पर चर्चा करायेंगे।

उपसभापति : यह हम वहां तय करेंगे । This is a matter not to be discussed on the floor of the House.

श्री संजय निरुपम : एक मिनट, सर । वह जो हमने डिसीजन लिया था, उसको सुरेश पचौरी जी ने इस सदन में पढ़कर सुनाया कि यह हमारा निर्णय है । इन्टरनल सेक्योरिटी का सब्जेक्ट अगले हफ्ते आना था । फिर अचानक ऎसी क्या मजबूरी आ गयी कि अचानक रात को तय किया गया कि आज इन्टरनल सेक्योरिटी पर डिस्कसन करेंगे । यह इतना गंभीर विषय है । हमारे पास ऎसी कोई तैयारी नही है । इसलिए मेरा कहना है कि सरकार सबसे पहले तो स्पष्ट करें कि क्या मजबूरी थी कि इंटरनल सेक्योरिटी का सब्जैक्ट आज लिया गया? दूसरा, हो सकें तो इंटरनल सेक्योरिटी का सब्जैक्ट या तो गुरुवार को लेकर जाया जाए या अगले हफ्ते लेकर जाया जाए ।

उपसभापति : इसके ऊपर चेयरमैन के चैम्बर में डिस्कसन हो गया है और वह सब बता दिया हैं क्योंकि it has already been discussed in *the...(Interruptions)...*

SHRI SANJAY NIRUPAM: With whom was it discussed?

श्री मूल चन्द मीणा (राजस्थान) : आपसे आंतरिक सुरक्षा पर डिबेट की बात हुई थी ?

श्री संजय निरुपम : हां, लेकिन आज नही थी, अगले हफ्ते । सरकार ने भी कहा था कि अगले हफ्ते लेकर आयेंगे । लेकिन फिर ऎसी कौन सी मजबूरी थी कि अचानक आज इसको लेकर आया गया ?

उपसभापति : सब पार्टी लीडरों से यह विषय उठाया गया था और सही उठाया गया था । सब पार्टी लीडरों की मीटिंग में यह डिस्कस हुआ है कि किस – किस आधार पर यह लिया गया है । इस पर डिसकस हुआ था । अगर आप इसके ऊपर फिर चाहते हैं तो यह अलग बात है । मगर यूजुअली जो चेयरमैन के चैंम्बर में डिस्कस होकर एक डिसीजन होता है, we usually respect the decision.

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, the decision was to keep the debate alive.

MR. DEPUTY CHAIRMAN: No, no, you are...(*Interruptions*)... As far as the debate on The Displaced Persons Claims and Other Laws Repeal Bill, 2004 is concerned, we will keep the debate open...(*Interruptions*)...

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, I may be permitted to say...(*Interruptions*)...Sir, we would like to participate in the debate. We are the sufferers. We are the victims.

MR. DEPUTY CHAIRMAN: Which debate?

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, this debate on internal security situation. We would like to participate. We wanted the debate. We were given the understanding that it will be coming up on Thursday.

MR. DEPUTY CHAIRMAN: No, no. See, this debate will continue. Let us start the debate.

श्रीमती सुषमा स्वराज (उत्तरांचल) : उपसभापति जी, मैं इसमें कुछ कहना चाहूंगी । उपसभापति जी, जो बात हमारे सांसद साथी, संजय निरुपम जी ने और चन्द्र शेखर रेड्डी जी ने उठार्द है वह बात बिल्कुल वैध भी है और सच भी है । आप स्वंय बी.ए.सी. की मीटिंग में उपस्थित थे । उस समय यह तय हुआ था कि सोमवार और मंगलवार को विधायी कार्य होगा, यानी लेडिस्लेटिव बिजनेस, जो गवर्नमेंट लायेगी । बुध और बृहस्पत को जो हम चर्चाएँ मांग रहे है, उन चर्चाओं में से किन्हीं दो विषयों की चर्चाएं ली जायेंगी और शुक्रवार को एक ध्यानाकर्षण प्रस्ताव और प्राइवेट मेंबर्स बिजनेस हुआ करेगा, यह सब की सहमति से तय हुआ था । उसी हिसाब से यह हुआ कि सोम और मंगल को सरकार कार्य दे देगी और इस बार के बुध और बृहस्पत के लिए दो चर्चाएं तय हो गयी थी । बुधवार के लिए महंगाई, बढ़ती हुई मूल्य वृध्दि

RAJYA SABHA [7 December, 2004]

और बृहस्पतवार के लिए विदेश नीति । ये दोनों चर्चाएं तय हो गयी थी, लेकिन कल संसदीय कार्य मंत्री जी ने अपने यहां एक बैठक बुलाई, जिसमें उन्होंने कुछ नेताओं को भी बुलाया । इधर से, भारतीय जनता पार्टी कि तरफ से, मैं गयी थी, नीलोत्पल जी गये थे। वहाँ उन्होंने अपनी एक मजबुरी हमारे सामने रखी की आज के लिए कोई भी विधायी कार्य सरकार के पास नही हैं । कोई लेजिस्लेटिव बिजनेस नही है । बिजनेस क्रिएट नही हो सका । लोक सभा से पारित होकर बिल यहाँ आते है, उनमें जो प्रक्रिया पूरी होनी थी, वह प्रक्रिया पूरी नही हो पायी, तो इसलिए उन्होंने हमसे कहा कि आज कोई चर्चा ले लीजिए। हमने यह भी कहा कि जो चर्चायें बुध और बृहस्पत के लिए लगी हुई हैं, उन्हीं चर्चाओं को एक – एक दिन आगे खिसका देते हैं, क्योंकि उसके लिए हमने भी अपने स्पीकर्स तैयार कर रखे थे । हमने उनसे यह कहा कि आप आज राइजिंग प्राइसेज ले लीजिए क्योंकि उसके लिए हमारे स्पीकर तैयार हैं। क्योंकि उसके लिए हमारे स्पीकर्स तैयार हैं, लेकिन चिदमबरम जी को आज लोक सभा में रहना था. तो उन्होंने कहा कि हमारे फाइनेंस मिनिस्टर, जो इस चर्चा का जवाब देंगे, उन्हें लोक सभा में रहना है। फिर हमने यह भी कहा कि अगले दिन जो विदेश नीति पर चर्चा है, उसको पहले दिन ले लीजिए क्योंकि हमारे यहां से यशवंत सिन्हा जी बोलने वाले थे: हमने कहा कि हमारे स्पीकर्स तैयार है, वह ले लीजिए, लेकिन नटवर सिंह जी यहां नही थे, हरियाणा में थे, उन्होंने कहा, वे उपलब्ध नही हो रहे , उनसे बात नही हो पा रही । फिर हमने यह भी कहा कि कल जो पैट्रोलियम पर कॉलिंग अटेंशन हमने लिया, उसको आज ले लीजिए, तो उन्होंने कहा कि मणि शंकर अय्यर जी ईरान गए हुए हैं, वे उपलब्ध नही हो पाएंगे । फिर हमने कहा कि फारमर्स सुसाइड पर, चूंकि चन्द्रशेखर रेड्डी जी बहुत ज्यादा चाह रहे थे इसी हफ्ते, हमने कहा की वह ले लीजिए । वहीं से श्री शरद पवार से बात हुई, वे चर्चा के लिए तैयार नही थे। तब फिर सरकार ने यह कहा क्योंकि इन चारों चीजों को हम नही कर सकते इसलिए अगले हफ्ते के लिए जो इंटरनल सिक्युरिटी रखा है, आप उसको ले लीजिए। हालांकि हमको बहुत दिक्कत थी क्योंकि इंटरनल सिक्यूरिटी के हमारे स्पीकर्स को हम अगले बुधवार की बात कह चुके थे कि इस पर चर्चा अगले बुधवार आएगी, लेकिन चूंकि एक मजबूरी में सरकार फंसी है और एक दिक्कत हैं तो अपोजीशन का भी यह कर्त्तव्य बनता है, धर्म बनता है कि अगर सदन को चलाना हैं तो किसी तरह से हम सहयोग करें, तो हमने बुधवार वाले अपने स्पीकर्स को बदला और हमने कहा कि ठीक है, हम इंटरनल सिक्युरिटी ले लेते है। इस तरह से इंटरनल सिक्युरिटी आज लगी।

उपसभापति : यह अच्छा किया आपने पूरी डिटेल में बता दिया।

श्रीमती सुषमा स्वराज : मैं यह चाहूंगी कि इंटरनल सिक्युरिटी की यह बहस आज के दिन के साथ आप और दिन भी चलाएं ताकि आज वाले स्पीकर्स बोल लें, लेकिन जिन लोगो को अचानक आज पता लगा है कि इंटरनल सिक्युरिटी पर चर्चा होनी है, वे कल या अगले दिन बोल लें। इस तरीके से यह इंटरनल सिक्युरिटी पर चर्चा आई, सरकार को बहुत बडी दिक्कत थी।

उपसभापति : यह ऐक्सप्लेन भी सुषमा जी ने कर दिया कि किन दिक्कतों और कारणों के कारण आज यह इंटरनल सिक्युरिटी लाया गया। हालांकि यह बात पार्लियामेंट्री अफेयर्ज मिनिस्टर ने कही और बी0ए0सी में भी तय हुआ है कि सोमवार और मंगलवार को गवर्नमेंट बिजनेस होना चाहिए और बुधवार व वीरवार डिस्कशन के लिए आना चाहिए। This is an exception. Now the hon. Home Minister will explain on the Displaced Persons Claims and Other Laws Repeal Bill, 2004. After that, if any

[7 December, 2004]

discussion is there, we can take up that later also, as has been decided, and then we can start discussion on internal security.

SHRI SHIVRAJ V. PATIL : Sir, this Bill is before this House and we have no difficulty in accepting any suggestion given by the hon. Members or your good self. I was told that some Members want that this Bill should go to the Standing Committee. We have no objection. Let it go to the Standing Committee. We are not In a tearing hurry to get this Bill passed.

उपसभापति : स्टेंडिंग कमेटी इसलिए नही हो सकती क्योंकि Lok Sabha has already passed this Bill. लोक सभा में यह बिल पास हो गया है क्या?

श्री संजय निरुपम : लोक सभा में अमेंडिड बिल वापिस जा सकता है, ऎसा कुछ नही है।

उपसभापति : सवाल यह है कि वहां के जो स्टेंडिंग कमेटी के मैंबर्स है technically, they have already voted for this Bill.

श्री संजय निरुपमः वहां यह बिल पास नही हुआ।

MR. DEPUTY CHAIRMAN: Has this come from Lok Sabha?

SOME HON. MEMBERS: ' No, Sir.

MR. DEPUTY CHAIRMAN: Then, K can go to the Standing Committee.

श्रीमती सुषमा स्वराज : सर, दोनों चीजों का प्रावधान है। वहां से पारित हो गया है तो यहां सिलेक्ट कमेटी बन जाएगी, अगर पारित नही हुआ तो स्टैडिंग कमेटी की जाएगा। दोनों चीजों की व्यवस्था नियमों में है।

उपसभापति : वही कह रहा हूं । The opinion is that it can be referred to the Department-related Standing Committee.

SHRIMATI SUSHMA SWARAJ: Because it has not been passed by Lok Sabha.

MR. DEPUTY CHAIRMAN: If there is a ... (Interruptions)

SHRI LEKHRAJ BACHANI: It is not necessary to send this matter to the Standing Committee because there were reasons behind the discussion which we have heard today that this Act of 1950 may be continued, at least, for two or three years.

MR. DEPUTY CHAIRMAN: The Chairman has also taken a view that this should go to the Standing Committee. It is within his rights.

SHRI SHIVRAJ V. PATIL: Sir, this issue can simply be decided by sending it to the Standing Committee. That is a demand by the Members and we accept it.

MR. DEPUTY CHAIRMAN: So, this Bill will be referred to the Standing Committee.

SHRIMATI SUSHMA SWARAJ: It should be sent to the Standing Committee.

STATEMENT BY MINISTER

Revitalization of North Eastern Council

THE MINISTER OF TRIBAL AFFAIRS AND MINISTER OF DEVELOPMENT OF NORTH EASTERN REGION (SHRI P.R. KYNDIAH): Sir, the North Eastern Council (NEC) was established in 1972 through an Act of Parliament, the North Eastern Council Act, 1971, for securing the balanced development of the North Eastern Region and for inter-State coordination. In addition, the Council was entrusted with the task of reviewing the measures taken by the North Eastern States for the maintenance of security and public order in the region.

The NEC Act was amended in 2002. The amended NEC Act provides that NEC will function as the Regional Planning Body for the North-East and will formulate specific projects and schemes, which will benefit two or more States. In addition, the NEC will review the implementation of projects and schemes and recommend measures for effecting coordination in the matter of implementation of such projects and schemes. The NEC Act also provides that NEC will review the measures taken by the North Eastern States for the maintenance of security and public order and make necessary recommendations to the States.

Pursuant to a decision of the Union Cabinet in July 2003, to include *inter alia,* 'Revitalization of NEC in the list of Priority/Thrust items for 2003-04, and a directive to the Ministry of DoNER to draw up a time-bound Action Plan for its implementation, an 11-Member Committee was constituted to recommend measures to operationalise the revised mandate of the NEC and to revitalize it.

The Committee held wide ranging consultations with Members of the North Eastern Council, senior State Government officials, intellectuals,