

Bill, 1960

THE MINERAL CONCESSION RULES, 1960

SHRI K. D. MALAVIYA: Sir, I also beg to lay on the Table, under subsection (1) of section 28 of the Mines and Minerals (Regulation and Development) Act, 1957, a copy of the Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) Notification G.S.R. No. 1398, dated the 11th November, 1960, publishing the Mineral Concession Rules, 1960. [Placed in Library. See No. LT-2503/60].

**THE BOMBAY BOARD AND FACULTY OF
AYURVEDIC AND UNANI SYSTEMS OF
MEDICINE (RE-ORGANISATION) ORDER,
1960 AND RELATED PAPER.**

THE MINISTER OF HOME AFFAIRS (SHRI GOVIND BALLABH PANT): Sir, I beg to lay on the Table, under subsection (5) of section 4 of the Inter-State Corporations Act, 1957, a copy each of the following Notifications of Ministry of Home Affairs: —

(i) Notification G.S.R. No. 1089, dated the 14th September, 1960, publishing the Bombay Board and Faculty of Ayurvedic and Unani Systems of Medicine (Re-organisation) Order, 1960.

(ii) Notification G.S.R. No. 1124, dated the 23rd September, 1960, publishing a corrigendum in Government Notification G.S.R. No. 1089, dated the 14th September, 1960.

[Placed in Library. See No. LT-2430/60 for (i) and (ii)].

**MESSAGE FROM THE LOK SABHA
THE PREVENTIVE DETENTION (CONTINUANCE)
BILL, 1960**

SECRETARY: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary of the Lok Sabha:

"In accordance with the provisions of Rule 96 of the Rules of

Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Preventive Detention (Continuance) Bill, 1960, as passed by Lok Sabha at its sitting held on the 5th December, 1960."

Sir, I lay the Bill on the Table.

SHRI BHUPESH GUPTA (West Bengal): Are we going to take up this Bill in this session?

MR. CHAIRMAN: Yes.

SHRI BHUPESH GUPTA: Can it be postponed till the next session?

MR. CHAIRMAN: Do you want it postponed?

SHRI BHUPESH GUPTA: Yes.

MR. CHAIRMAN: We have not concluded this session and we will put it through in this session.

SHRI BHUPESH GUPTA: There are other important items of business.

**THE MAHENDRA PARTAB SINGH
ESTATES (REPEAL) BILL, 1960**

THE MINISTER OF HOME AFFAIRS (SHRI GOVIND BALLABH PANT): Sir, I beg to move:

"That the Bill to repeal the Mahendra Partab Singh Estates Act, 1923, and to provide for matters incidental thereto, as passed by the Lok Sabha, be taken into consideration."

Sir, the Bill is simple and short. It is, I believe, altogether non-controversial. So I do not propose to take more than a few minutes. Raja Mahendra Partab Singh, as he was then called, went over to Germany during the First World War and allied himself with an Indian party there and he devoted himself to all activities that could possibly be carried out

even in a distant land for the emancipation of India from alien rule. Thereafter, from Germany he went to the German Mission at Afghanistan and there, he established a provisional Government of India, he himself being the President of that Government. So he incurred the displeasure of the then Government and in 1916, his properties which were considerable in a way, were then attached under Regulation III of 1818 for treasonable activity. He continued his labours for the freedom of India and in 1923, the Act which the Bill before this House now seeks to repeal, was passed. By this Act of 1923, the properties of Raja Mahendra Partab Singh were confiscated. There was also a provision that they would be granted to his son, Prem Partab Singh. Then, I think, in 1924, a *Sanad* was given by the British Government and by means of that *Sanad*, the properties belonging to Raja Mahendra Partab Singh were transferred to Prem Partab Singh. Prem Partab Singh died in 1947 and after his death. Amar Partab Singh, the son of Prem Partab Singh, became the owner of those properties by succession. Some of these properties were, I believe, disposed of by Prem Partab Singh. Now, Amar Partab Singh is the owner of these properties. He is twenty years of age. This estate was formerly under the management of the Court of Wards, but now I believe, Raja Mahendra Partab Singh is look'ng after the properties. So this Bill is being passed in order to remove this blot from the Statute Book, this Act of 1923, which purported to punish Raja Mahendra Partab Singh for his patriotic activities. These and his consuming passion for the independence of the country were mainly responsible for the action taken by the British Government, against him. This Act of 1923 says that he had been guilty of treasonable activities and, therefore, his properties which had been attached previously in 1916 were being confiscated. The Act of 1923, so far as its operation goes, was exhausted when the property was confiscated and

the *Sanad* had practically served the purpose for which it was meant, when the property was transferred to Prem Partab. But there were one or two conditions in that *Sanad*. One of them said that this property would remain with the grantee, that is, the son of Raja Mahendra Partab, but he will not be allowed to use any income or any part of this property for the advantage or benefit of Raja Mahendra Partab. So we have brought this Bill in order to repeal this Act of 1923. It is altogether insufferable that such an Act should continue to find a place on our State Book even though it may have become obsolete and the condition that no income or part of this property should be used for the benefit of Raja Mahendra Partab has to be abrogated. This Bill proposes to do so.

Raja Mahendra Partab was a pioneer in this line. He ran immense risk when he went over to Germany during the First World War and still more when he established the provisional government of India in Afghanistan

श्री गंगा शरण सिंह (बिहार) :
आदरणीय सभापति महोदय, यह बात सही है, जैसा कि मौननीय गृह मंत्री ने कहा कि जो बिल हमारे सामने पेश हुआ है इसमें विवाद की कोई गुंजाइश नहीं है। राजा महेन्द्र प्रताप भारतीय क्रान्तिकारियों की अगली पंक्ति में रहे हैं। परिस्थिति बदलने पर आज के लोग शायद उनके महत्व और उनके कारनामों का ज्ञान उतना न रखते हों जितना कि उस जमाने के लोगों को था। राजा महेन्द्र प्रताप ने अपने त्याग, अपने

in 1916 or so. So the least that we can do now is to repeal this Act and also along with it, repeal the condition that is contained in the *Sanad* which is prejudicial to the interest of Raja Mahendra Partab. So I move that this Bill be taken into consideration.

The question was proposed.

[श्री गंगा शरण सिंह]

जोश और अपने उत्साह से देश के क्रांतिकारी नौजवानों में और दूसरों में भी एक प्रेरणा का संचार किया था और बहुत से मामलों में उनकी पद्धतियों से जो सहमत नहीं होते थे वे भी उनके त्याग, उनके बलिदान, उनके उत्साह और उनके जोश के कायल थे। आज की परिस्थिति में शायद उनकी बहुत सी बातें—उस जमाने की भी और आज की भी—वह बहुत परिस्थिति के अनुकूल और व्यावहारिक नहीं रही हों लेकिन उस जमाने में जो प्रकाश, जो चिराग उन्होंने जलाया था उससे बहुतों को रोशनी मिली थी और गर्मी भी पहुंची थी। मुनासिब यह था कि यह बिल आज नहीं बल्कि इससे बहुत पहले आता। आजादी मिलने के १३ वर्ष बाद नहीं बल्कि बहुत पहले इसको आना चाहिये था। यह एक दोष इसमें मुझे लगता है। दूसरा यह है कि जहां तक भावात्मक शान्ति और संतोष का प्रश्न है वह तो इस बिल से हो जाता है लेकिन राजा महेन्द्र प्रताप को जो क्षति हुई, जो परेशानियां हुईं, उनको जो घटा उठाना पड़ा, इस बिल में उसका कोई उल्लेख नहीं किया गया है और न इस कानून के चलते उनको कोई सुविधा प्राप्त हो सकेगी। जहां तक मुझे स्मरण है, उस हाउस में शायद यह कहा गया कि उसमें कानूनी दिक्कतें हैं। अगर उसमें कानूनी दिक्कतें हैं तो जिस तरह से हमारे माननीय गृह मंत्री ने यहां यह विधेयक प्रस्तुत किया है उसी तरह से उसके लिये भी विधेयक प्रस्तुत कर सकते थे जिससे कि उनकी जो क्षति हुई है उसकी कुछ पूर्ति की जा सके और सही मानों में उनको कुछ प्राप्त हो सके, इस कानून से फायदा हो सके।

जहां तक इस विधेयक का प्रश्न है इसमें विवाद की, विरोध और मतभेद की कोई गुंजाइश नहीं हो सकती। इन्हीं दो शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI SURENDRA MOHAN GHOSE (West Bengal): Mr. Chairman, Sir, I welcome this Bill; but at the same time I consider that it is a very belated one, for I feel that immediately after attaining independence we should have done something to repeal this Act of 1923 and along with that done something to compensate Raja Mahendra Partab for what he would have got if he had not joined this revolutionary movement and had remained loyal to the British Government at that time. If he had remained loyal to them, I do not know whether he would have got these privy purses and other things like the other Princes in India after the attainment of independence. If that is the case, then there is no justification for penalising Raja Mahendra Partab, because he joined in the patriotic effort to make India free.

In this connection, Sir, we have to remember also that Raja Mahendra Partab's activities were not isolated ones, isolated from the freedom movement which was going on in India secretly and openly after the suppression of the 1857 movement. In order to have a proper understanding of the services rendered by Raja Mahendra Partab and other compatriots of his time in those days, we have to remember that after the suppression of the 1857 movement there were going on in this country secret attempts as well as open public agitation for achieving complete independence of India. Those days, there used to be two schools of thought in the Congress, one led by Lokmanya Tilak and the other which was called the moderate school. Shri Aurobindo and other leaders joined the movement led by Lokmanya Tilak. In that movement it was their idea that they would resort to open agitation and also keep themselves prepared, if needed be secretly, to overthrow the British Government by whatever means possible. That was the difference between these two schools. You know, Sir, and other Members of this House might also know, that many of our

nationalist leaders including the late revered Maulana Saheb were in that secret revolutionary activity. I may tell you from my own personal knowledge that Maulana Saheb was in close touch with Raja Mahendra Partab when the latter was in Kabul. So, the movement was carried on both inside and outside India, and in their days they did yeomen service for the emancipation of our country. That being so, it is not sufficient that we simply repeal the Act of 1923. We must do something so that the property may be restored to Raja Mahendra Partab because the property was confiscated for no fault of his.

There is talk about the *Sanad*. The entire property is now vested in his grandson. There is now no condition attached to the *Sanad* and there is no specific mention that the grandson should help Raja Mahendra Partab. The grandson may or may not allow Raja Mahendra Partab to take charge of the property. In my opinion, something should be done for the restoration of the property to Raja Mahendra Partab which he deserves.

There is another thing. It may not be in the mind of our Government at present but there was some attempt made; on the part of some people to make a distinction between these two movements, the one led by Lokmanya Tilak and at one time by Shri Aurobindo and others. The second movement believed in violence, they - said. Whereas the fact is that we all believed in the efficacy of nonviolence afterwards. When these revolutionary activities were first started, those were the only effective methods known at that time all over the world for achieving lost freedom. If we go into the background of these movements a little more, then we will find that because of the activities of these revolutionary, Mahatma Gandhi was brought into Indian politics prominently. Because of Raja Mahendra Partab and other revolutionaries and their activities, the Rowlatt Act was passed and Mahatma

Gandhi came in to protest against the Rowlatt Act. After the declaration of *hartal* in protest against the Rowlatt Act the Jalianwala Bagh tragedy happened which brought in afterwards the non-cooperation movement under the leadership of Mahatma Gandhi. Therefore, we should not think today that the activities of Raja Mahendra Partab and other revolutionaries were actually against the spirit of Indian nationalism or against the spirit of the Indian people. In those days many of our leaders who joined this non-violent non-cooperation movement under Gandhiji's leadership were in revolutionary activities and were revolutionaries themselves. Again I say, Sir, from my personal knowledge that Deshabandhu C. R. Das was one of the founders of the secret revolutionary society which was established in Bengal under Shri Aurobindo's leadership. Afterwards, in 1920, he joined the non-violent non-cooperation movement under Gandhiji's leadership.

In this connection, I would like to draw attention to two facts. One was the urge for making India free and independent and the other, which was working from time immemorial, was the urge for realising the unity of humanity. During the First World War, Shri Aurobindo wrote a series of articles on the "Ideal of Human Unity" from a political angle. He anticipated some of the movements which came afterwards after the war in Europe. In his Book, "Ideal of Human Unity", after analysing the forces at work at that time during the war, he said that as against the idea of some people who were thinking in terms of a dictatorship of the proletariat in Italy and Germany there would be dictatorships in Italy and Germany of a totalitarian type, a dictatorship of another kind.

SHRI P. N. SAPRU (Uttar Pradesh): That was worse.

SHRI SURENDRA MOHAN GHOSE: He anticipated these things in his book. After the Versailles Treaty, he wrote,

[Shri Surendra Mohan Ghose.]

"You have tried to bring Prussian militarism under your heel but in spite of that, the whole of Europe will come under the heel of German militarism and England shall have to fight singlehanded against that aggression when it comes. During that catastrophic period, the British people will realise that granting of India's independence and autonomy instead of weakening them will be a perennial source of strength for the progress of humanity."

He predicted all these things in that series. We find that from other quarters also this ideal of unity is coming up. Raja Mahendra Partab also believed in a kind of world federation. There was the idea that today or tomorrow the whole of humanity must be united, and as a matter of fact, Shri Aurobindo wrote in that book that a world state in the future was not only a probability but a certainty. We are today just on the threshold of such coming events. So, we should not minimise the activities of those days because they believed in some other methods.

While supporting the Bill, I would make an earnest appeal to our Home Minister to consider the desirability of doing something more to compensate the loss of property and other things to Raja Mahendra Partab. Thank you, Sir.

SHRI D. A. MIRZA (Madras): Mr. Chairman, Sir, I am not a lawyer to speak on the legal aspect of the Bill. I am a *tyagi* and I speak for another *tyagi*, to plead on his behalf. Raja Mahendra Partab's sacrifices to the country are great. At a time when the national movement was only in the making, was in the cradle, Raja Mahendra Partab had the courage to cry *jehad* against the British Government. Giving up all his property, abandoning his kith and kin, blood and flesh, he left his country to fight for the freedom of the country from a foreign land. His sacrifices to the movement are great and it is the duty

of the Government to see that the Raja Saheb is well established. In addition to this repealing Bill I want to know what positive relief the Raja Saheb will be getting. Today he is holding the trusteeship; as a natural guardian he is looking after the estate of his grandson. Next year, when the grandson attains majority, what guarantee is there that the grandson will look after him? Sir, sacrifices must be rewarded; I do not say rewarded, but they must be recognised; they must be appreciated. At the

[MR. DEPUTY CHAIRMAN in the Chair]

clarion call of Mahatma Gandhi, students, lawyers and others giving up their everything, rallied round the flag of the Congress. They never knew that their sacrifices were going to be rewarded. Nobody knew that India would be an independent country when the battle was raging in those days. I am talking of the days of twenties and thirties. Nobody had even an atom of hope that India would achieve freedom. It was out of their love for the country, it was out of their love for the Congress, it was out of their love for Mahatma Gandhi that they rallied round the Congress. May I respectfully ask this of the Government? Are you going to let them down? Are you going to abandon those *tyagis* who sacrificed their all? I am talking not only of Raja Mahendra Partab; there are many *tyagis* in India today who have to be looked after by the Government. How is it that we are today sitting in this Parliament of free India? It is because of the sacrifices of those great patriots, who were sent to the prisons, who were sent to the gallows and today we cannot afford to forget those illustrious countrymen of ours—the youth of India, Bhagat Singh, Sukh Dev, Raj Guru and Jitendra Nath Das— who sacrificed everything, who gave up their life, who are considered to be martyrs of India's freedom.

The second thing that I have to bring to the notice of the Government is that there is dissatisfaction in the

country today. There are many who are aggrieved; there are many *tyagis* who feel that their sacrifices are not appreciated or recognised. Nowhere, Mr. Deputy Chairman, do I find an instance like ours. When the Government changes, the whole system changes; take for instance, Russia, China, Germany, Egypt, Iraq and other places where, with a change in the Government, the old things are abandoned; they are sent out. New things are set up; new governmental machinery is set up. But here we, as a democratic institution, as people who have ample faith in democracy, adhere to the old ways and to the old system. Now, Sir, the people who sacrificed their all did not do it to be rewarded. They thought that it was their duty as citizens of India or patriots of India to sacrifice their all to achieve that was nearest and dearest to them—I mean freedom—and India achieved freedom because of their efforts, because of the leadership of Mahatma Gandhi, Pandit Jawaharlal Nehru and Govind Ballabh Pant and today we are here as law-makers of a free India, of a free country. Are we to forget them? Are we to give them up? Now, people who were British stooges, who called our Prime Minister 'Quisling', to whom the Congress was a red rag, who did everything in their power to wipe out the Congress and to curb the independence movement, are today in key positions. So my submission, Mr. Deputy Chairman, is this. With all humility, on my bended knees, I would beg of this Government to see that these *tyagis* who gave up their all in the fight for the freedom of the country are not abandoned. Today I am happy to hear that our Home Minister is magnanimous enough and as a true leader of our country and of mankind, has made some provision for those *tyagis* and their children. May he live long and under his guidance may India prosper.

Now, this Bill, as it is, is going to be passed. Even if it is passed, what positive relief is Raja Saheb going

to get? We talk of the *sanad*. Come to my house and I will show you the *sanaa* mat was given to my great grandfather as JNawab of Masulipat-am. Such *sanads* must be torn as under and must be burnt; the *sanads* given by a foreign Government should never be respected. The first clause in that *sanad* is . . .

SHRI BHUPESH GUPTA (West Ben-gai): I hope he has torn that particular *sanaa* relating to the Nawab of Masulipatam.

SHRI D. A. MIRZA: That has been torn; that has been burnt. I will tell you . . .

SHRI BHUPESH GUPTA: Thank you very much that is a good job done.

SHRI D. A. MIRZA: . . . that I was the first in my town who declared *ixiaa* giving up my college, but, he is just interrupting me only to show that he has returned from Russia. He wants his presence to be felt. In fact, the first clause in the *sanad* is that you should be loyal to King George V, his successors and his descendants.

MR. DEPUTY CHAIRMAN: You come to me Hill; don't go to me *sanad*.

SHRI D. A. MIRZA: I am referring to the *sanaa* mentioned there. Loyalty to King George which is an act of loyalty according to me *sanaa* is treason according to me. So, that clause must be removed from the *sanad*. The other clause says that the moneys derived from the estate should not be used for the benefit of Raja Saheb. I want that thing to go. Granting that also, I would ask, what guarantee is there that he will get anything from his grandson? If you want to help the Raja Saheb, the present grandsons must be divested of the property and it should be given back to the Raja Saheb. But I do not want to go to that extent because he has already got his one foot in the grave. He is an old man. Let the property be with the grandson but when he ceases to be the manager of the estate, may I appeal to the Government to see that some provision is made for him to

[Shri D. A. Mirza.]

exist? Just as the ruling chiefs—the British stooges and enemy No. 1 of India—are given privy purses, I want some such thing to be given to the Raja Saheb. So, Sir, I respectfully once again request the hon. Home Minister to consider this and see that some provision is made for the Raja Saheb to live, taking into consideration his great sacrifices to the country, and may I also request him to see that the other sufferers, who suffered for the political emancipation of our country, are also looked after?

SHRI BHUPESH GUPTA: Mr. De-puty Chairman, this is undoubtedly a non-controversial Bill to which we must extend our warm and wholehearted support. There cannot be two opinions about it. But I agree with hon. Members who spoke before me and complained that this was a belated measure. It should have been brought forward much earlier. But then the inheritors of our freedom movement have come to such a pass that even to pass a measure of this kind they take twelve or thirteen years. That is the misfortune, the tragedy of the independence struggle, that is, they have not left very many competent inheritors. Raja Mahendra Partab comes from a State which has produced many illustrious fighters for national liberation, in the independence struggle, and today you will see in that very State it is difficult to find a Chief Minister. Such is the tragedy of life. However, in this connection I would like to make certain observations, because it is the policy which has to be discussed here. As far as the clause of the Bill is concerned, nobody can say anything about it. It can be improved upon, but generally we support it. What is most important is, since we are privileged to have Raja Mahendra Partab with us, whether it is to his satisfaction. I take it that he accents it. If he thinks it is all right then I have no complaint whatsoever even with regard to the minute details in this Bill. I was not here when this was debated in the other

House and I do not know exactly what happened there. Now, Sir, as an hon. Member opposite, Shri Surendra Mohan Ghose, has said, he is an illustrious fighter representing a current of political activity and movement which played an important part in creating the great freedom struggle, in building it up and getting us independence. Naturally when we deal with such measures, we recall those days in our mind and pay a tribute to the great and selfless services rendered by Raja Mahendra Partab and others in the struggle for India's emancipation at a time when very few people had the courage to get up and say: 'I stand for the full independence of the country'. Today it is very simple. It may not be understood by this generation. But go back to 1913, 1914, 1915 and 1916 when there were very few people even among the leaders of the nationalist movement, who dared to say that they stood for complete, full independence. Not only did these people say that they were in favour of full independence and proclaimed it, but they also devoted and dedicated their life in the heroic struggle for the achievement of that goal. Somebody threw bombs. Others took to revolvers. These are not important matters today, but they struck against the enemy of our country, British imperialism, and in doing so they forgot all their interests as Raja Saheb did. Well, today we find Indian princes being fed by the hon. Government opposite with privy purses running into crores of rupees. And here was a Raja, here was a big landlord who forgot everything, who sacrificed everything who took the hazardous journey abroad and plunged into the freedom struggle. It is a great thing. And as we are passing this Bill I cannot but share with you some of my sentiments in this matter. As a boy, when we heard about his activities, I was inspired by his activities. I remember those days in jail with many others, hundreds of others, in the early 30's in prison. I can tell you that many who went to the gallows many of our colleagues who went to the Andamans,

many who remained with us in the Bengal jails for years on end, were inspired by the heroism, sacrifice and selfless devotion of such a band of patriots as Raja Mahendra Pratab. Today we may not share his political views. Today he may not share our political views. But when we look back, we recall with pride, with emotion and sentiment, the great sacrifice and struggle of these heroic pathfinders who blazed freedom's path with their flames. That is the most important thing to remember. Naturally our heart goes out to them. But then Raja Mahendra Partab had many other colleagues. Sometimes I come across people, old, worn out in age, who have made tremendous sacrifices in the freedom struggle. The hon. Member, Shri Surendra Mohan Ghose, knows many of them. Today they are not in active politics. In Punjab, in Bengal, in Delhi and other places the colleagues and fellow-fighters of Raja Mahendra Partab live in abject poverty, in humiliation and in sorrow. They do not have even proper clothing to wear. Are we to permit such things? Is it not open to us, for the Government, to discuss the matter and find out these people, draw up a list of them all over the country and make adequate, decent provision for them? I would consider it a supreme national duty which crosses all party barriers, no matter what political opinions they hold. We know that many of them are politically inactive. They have become old. But it pains my heart when I see these people who were connected with the Delhi bomb case, for example. They are starving. I come from a State where in those days when Raja Mahendra Partab was conducting the struggle, that struggle was echoed in Bengal by a band of patriots. Worn out in health and old today they are, suffering from poverty and want. I am sure in Punjab, UP, and other places there are many of them. I was told that the mother of Chandrasekhar Azad about whom you read in Jawaharlal Nehru's Autobiography was in extreme poverty, nobody to look after her. I say these

are questions of policy. They have to be gone into. Therefore, my humble submission to the Government on this occasion—because this is the only occasion when we can bring forward such things—is that a committee should be appointed, because fortunately amongst us there are people like Shri Surendra Mohan Ghose and many others. Shri Govind Ballabh Pant himself is a very important fighter. Today he brings the Preventive Detention Bill and I have a quarrel with him. Yesterday I was not quarrelling with him. In fact, when we heard that an attack was made on him by the police, it roused our anger and I can tell you we felt like doing something against the British on the spot. That was how we reacted. Today he brings forward the Preventive Detention Bill. However, there are many others. They should take counsel with each other. A committee should be set up. A list of those patriots, those who have made supreme sacrifice and who have suffered and who have continued through years of suffering, braving all kinds of British tyranny, should be drawn up. A list of these people, living men, should be drawn up. We cannot revive the dead, but we can look after the living. A list of them should be drawn up and the Central Government should take charge of them, so that in the remaining few days that are left for them it is not said that they are not looked after. We are strong enough. We are a free country. We have got enough resources. We have got a fund of goodwill with which we can surround these people who fought for freedom at a time when the talk of freedom was a very difficult job indeed. There are many of them and we can only co-operate in this respect. Unfortunately even in this matter all kinds of discrimination come in. I think it would be a good thing if such a veteran political leader like Shri Govind Ballabh Pant, our Home Minister, took the initiative in this matter. It will be remembered because Home Ministers will come and go, as we all are likely to come and go. But an act of that kind by him will be re-

[Shri Bhupesh Gupta.] membered by generations that would follow. That is what I would suggest.

Secondly, he mentioned in this connection Raja Saheb's activities in Afghanistan and Germany. I do not know why he forgot to mention Soviet Russia. Probably it was a mere omission. The Rajah was received by Lenin after the Bolshevik Revolution and Lenin gave his full support to the Indian independence movement. Ask Raja Saheb. He will tell you that inspiring tale. Not only that Lenin talked to the Raja Saheb's servant or attendant who was with him and found out the condition of the poor people. The Raja Saheb himself was impressed that he was a great leader. How wonderful is it that Lenin, the head of the State and Party took so much time to talk to the servant or the attendant there in order to find out the conditions? Now, why did the Raja Saheb go to the Soviet Union? Russia at that time was the Federated Republic. It was the October Revolution which attracted him. The Raja Saheb was not merely a revolutionary fighter for independence. His sympathies were with the poor, with the down-trodden, with the workers, with the peasants. That is why after the October Revolution when the Soviet State had come into existence, he got attracted towards it. Therefore, it shows that here was a man who fought for independence with the idea of doing something good to his people, with the idea of taking the blessings of independence to the farmers in the villages and in the countryside, to the down-trodden millions. Today we are happy to say, whatever may be his philosophy and politics, that deep and abiding sympathy for the poor lives in his heart. I had a talk with him one day. What little he had, he had made over to a charitable trust for schools and so on. It is not a question of property, but it is our attitude that counts here. Our tributes to his services would not lie

because we cannot reciprocate in terms of money and gold. We can reciprocate in the same way as our gesture to the princes by Rs. 50 lakhs of privy purse, but this devoted son of India who had dedicated all his life to the service of the country cannot be rewarded in that manner. I know this. He would consider it to be an insult. But an attitude should be there, and I think the greatest, the most important and the most effective way of paying our tribute to Raja Saheb and fellow freedom-fighters like him is to take care of all those who are still living with us, and Government should do something about it. I just make this suggestion for the Home Minister to consider.

Then, Sir, about the other thing I need not say very much. After all he is with us today. Many of them are not with us in Parliament but they are outside. But I only say that I do meet such people who were colleagues of the Raja Saheb, who were contemporaries of the Raja Saheb—although personally I was not known to them—who were carrying on the struggle which the Raja Saheb was conducting from Afghanistan or Germany. They are there among us. Are we looking after them? Are we seeing to their welfare in the remaining part of their lives? We are not. Something should be done about it. In every country after freedom is achieved such people are looked after. I have talked to many of them. They do not like to seek election. They do not like to go to the nearest Congress office to flatter or placate some Congress leader or for that matter any party man in order to get nomination. They live in silence. They live a life of seclusion. It is we who must reach them, find them out wherever they are, uplift them from conditions of sorrow and silent tears into conditions of a life of joy and happiness. That should be our responsibility, and what is our leadership there for? Leaderships of the various parties should be

in a position to produce a list of such people, say, in three or four months' time. We all will co-operate together in this, Communists, Praja Socialists and others. All should co-operate and do something about it. I think that would be the right way of paying tribute to the services which the Raja Saheb rendered. This way it is very very important. To me it is not important because it concerns some property matters, and I hate to talk about property in this connection. Now, it is symbolic of a new approach, it is symbolic of a new spirit, a spirit that has remained subdued. It should be a pointer to what we must do. The spirit of this Bill, the magnanimity of this Bill, the patriotic gesture in this Bill, should be extended to those who did not leave huge properties to be confiscated and then to be treated in this manner but who lost everything on the same. Many other patriots are there, and that should be done. This is my humble suggestion. I fully support the measure and I hope that before the term of the hon. Home Minister, the Leader of this House—a veteran politician himself, a great fighter in those days of struggle for independence—before his term ends, let us under his leadership pass a measure or make arrangements so that every patriot is looked after—every patriot of this category of valiant fighters, no matter where he lives, whether a hero of 'Komagathamaru' or of the Chitta-gong Armoury Raid Case or of the Lahore Bomb Case or of the Delhi Conspiracy Case, wherever they live, we should take charge of them. We should find them out, and U.P. has got many of them. We should do something for them. This is all that I would appeal for to the Home Minister to be done. We fully support this Bill, and even if it is a belated measure, it is good that he has brought it forward. I will not complain that it is belated, because what is gone is gone, but he has brought it forward. I congratulate him for bringing it forward because it revives certain good, noble sentiments in our hearts. It helps us to recall our great

and glorious past which produced such valiant heroes and settles freedom-fighters as Raja Mahendra Partab Singh.

DR. H. N. KUNZRU (Uttar Pradesh) : Mr. Deputy Chairman, this Bill, I am sure, has been brought forward in recognition of the courage and patriotism shown by Raja Mahendra Partab throughout his life. He voluntarily exiled himself in order to serve India according to his likes. We may not agree with all that he has done, but we must pay our tribute to the honesty and singleness of purpose that have characterised him through-out his life. It is right, therefore, that this Bill should have been brought forward.

The purpose of the Bill, I suppose, is to give relief to Raja Mahendra Partab Singh, but what does the Bill do? In the first place it repeals the Mahendra Partab Singh Estates Act of 1923 which deprived him of his property. In the second place it removes those restrictions from the *Sanad* conferred on his son by Lord Reading which prevented him from helping his father in any way or alienating the property granted to him in favour of his father. But what will be the effect of the repeal of the Act just mentioned by me and the removal of the restrictions, to which I have drawn attention, from the *Sanad*? The property will remain where it is. Raja Mahendra Partab will not get a pie of it as a matter of right. He will still depend on the goodwill or rather the charity of those who have got the property because he was deprived of it by the British Government. Now, I do not know whether the property is intact or has passed into the hands of people unconnected with his family. I take it that a good portion of it is still intact because the *sanad* provided that no part of the property should be alienated except with the consent of the Government of the United Provinces of Agra and Oudh. I suppose that the Government has taken care to see that the property is not reduced to such an extent as to prevent Raja Mahen-

[Dr. H. N. Kunzru.]

dra Partab Singh's grandson from discharging the duties that devolved on him as the head of his family. What harm will accrue if the property which belongs to Raja Mahendra Partab Singh's grandson is restored to him? Will any injustice be done to any party? Have any transactions been entered into since the Mahendra Partab Singh Estates Act of 1923 was passed that make it impossible or inequitable for the Government to restore the property to Raja

P.M. Mahendra Partab? If there are any difficulties in the Government's way in this matter, the least that they can do is to make some provision for the maintenance of Raja Mahendra Partab Singh. He should not, after his grandson becomes a major, be dependent entirely on his charity. The previous speaker said that he assumed that the Bill that is now before us was placed before the Lok Sabha because it gave satisfaction to Raja Mahendra Partab Singh. I do not think, Sir, that this is a correct assumption. I believe that Raja Mahendra Partab, Singh is dissatisfied with the provisions of the Bill and feels, like many of us, that if the present Government wanted to recognise his patriotism, he should have been given back his property.

As regards the larger question raised by Shri Bhupesh Gupta, I can say nothing about it on this occasion. Perhaps, the Government is already helping people whom it regards as political sufferers. I do not know whether they belong exclusively to the Congress Party or whether others not belonging to the Congress Party have also been regarded as political sufferers and helped to maintain themselves and their families.

SHRI BHUPESH GUPTA: I thought he knew that information. But I would not express anything now. That will introduce a controversy on such a solemn occasion.

PANDIT S. S. N. TANKHA (UTTAR Pradesh): I believe it is only those

persons who apply for it who are given any aid by the Government, but this is not a very correct procedure to adopt.

DR. H. N. KUNZRU: I am not fully conversant with the designation of a political sufferer or the procedure that is being followed in giving an allowance to a person who is regarded as a political sufferer. Perhaps, the Home Minister will give us information on these points. I will only repeat that in my opinion the Bill does not go far enough and that the least that Government can do is to provide for the maintenance of Raja Mahendra Partab Singh from the income of the estate that belonged to him.

MR. DEPUTY CHAIRMAN: We shall meet again at 2-30 P.M. The House stands adjourned till 2-30 P.M.

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

The House reassembled after lunch at half past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

SHRI H. P. SAKSENA (Uttar Pradesh): Mr. Deputy Chairman, Sir, I pay my unqualified homage to the services and sacrifices of my valiant friend, Raja Mahendra Partab Singh. He worked at a time when it was very difficult, when it was very difficult to raise a voice against the established British imperialism. So whatever we can do for him or for his family is always a matter of praise and grace for the successor Government. I belong to the successor Government but then I am sorry to admit that we have not been able to do anything as it was our duty to for those who sacrificed their all for the country at a time when it was very difficult to make sacrifices. So I hope that some substantial arrangements will be made so that the last days of Raja Mahendra

Partab may not be spent in worry and anxiety.

SHRI JASWANT SINGH (Rajas-than): Mr. Deputy Chairman, Sir, the provisions of the Bill are very simple and there is not much to say on the provisions themselves. Various speakers have spoken about the services of Raja Mahendra Partab in various spheres, particularly at a time when many people, even bolder, were afraid of taking the steps that he took by the courage of his conviction. But, Sir, I would confine myself to the provisions of the Bill and not dwell on the partiotic actions that he took and the national feeling that he displayed for the cause of freedom of the country since various other speakers have dilated on that subject and it is not necessary to say anything more.

Sir, first of all it will be seen that Raja Mahendra Partab returned to India soon after the advent of independence to our country and it is after something like twelve or thirteen years or even more than that that a Bill has been brought forth to do something to set right the injustices and hardships that Raja Mahendra Partab suffered at the hands of an alien Government. Sir, during the course of the discussions it also came out that some of the political sufferers have been rewarded even though their services to the country were not as much as those of Raja Mahendra Partab. My friend Dr. Kunzru, had pointedly asked the Government to let the House know as to whether the political sufferers who had been already rewarded belonged only to the Congress Party or to other parties also and how far they had been rewarded. We know that in certain cases thousands and thousands of rupees have been given to political sufferers of the Congress Party. We do not object to that because, when somebody has suffered for the cause of the country and there are no means for him to subsist, it is the duty of the Government, particularly a nationalist Government, to

, see that the political sufferers are properly rewarded and that in the end of their lives they lead fairly comfortable lives.

SHRI H. P. SAKSENA: We do not want any reward for our sacrifices.

SHRI JASWANT SINGH: But, then my friend, Mr. Saksena, say* that they do not want any reward. Then I would, through him, ask the Government to take back the money which has been given by way of reward to so many Congress political workers and sufferers.

DR. W. S. BARLINGAY (Maharashtra) : By way of reward?

SHRI JASWANT SINGH: Whether it is a reward or something else is a matter of opinion.

Now, Sir, I come to the Bill. The Home Minister in his characteristic way very eloquently referred to the services of Raja Mahendra Partab. But we have now to analyse as to how far the Bill goes to compensate him or to appreciate the services that he had done to the country at a time when even bolder people probably would not take even half as many steps as he took by the courage of his conviction. Now, here what we are actually doing? What we are doing is this that we are repealing the Mahendra Partab Singh Estates Act of 1923 and we are providing for matters incidental thereto. Secondly, in clause 3 of this Bill it is stated that certain conditions attached to the *Sanad* of 1924 will have no more effect. Now, by repealing that Act of 1923 how far are we helping him? There is no question of compensation and very rightly Mr. Saksena said that certain services cannot be compensated. I agree. And similarly my friend, Dr. Barlingay, also said that there could not be any reward for the services. Truly speaking that should be the real spirit. But in this world human frailties have an overriding effect, and in spite of the fact that we believe in

[Shri Jaswant Singh.] certain principles, something tangible has to be done. Apart from that, now we want to undo the injustice that had been done to Raja Mahendra Partab by an alien Government, and now how far are our nationalist Government doing justice to him? Our remarks should only be confined to this fact, whether we are doing him justice. When there is no question of reward and no question of compensation to Raja Mahendra Partab. Here we are repealing that Act of 1923. Then we are saying that the conditions attached to the *Sanad* of 1924 given by Lord Reading to his son shall cease to have any effect. Now, unfortunately for him, in his lifetime, his son was dead. Now, his grandson is there who is a minor and it is lucky for Raja Mahendra Partab to see the day when he has come back to his country, which is a free independent country for which cause he raised his arm, and he has lived to see the day as a free citizen of this great country. But has justice been done by this Bill? Firstly, 12 to 13 years have elapsed and Raja Mahendra Partab is not at all happy. At these years justice has not been done to him. Now, the Lok Sabha has passed this Bill and it has come to us. Has it satisfied him in any way? Whether it has satisfied him or not. We cannot go by the satisfaction of the parties, but has justice been done? There are two things in this Bill. With regard to both these things, so far as Raja Mahendra Partab Singh is concerned, nothing has been done to him as far as his position is concerned. His grandson is now a minor and he is acting as his manager. In a year or two, his grandson will pass on to him. But as far as he is concerned, he had left vast properties, both rural and urban, and under this *Sanad* none of these properties could be alienated because the fear was that probably by alienation the property could be passed on to Raja Mahendra Partab Singh. Therefore, it can be presumed that all the pro-

SABHA], *Estates (Repeal) Bill, 1960* properties which he left a long time back, over 50 years back, are intact. Now, how far is he going to benefit from the properties which legitimately belonged to him? There is no question of compensation. The only question is of justice being done to him. The alien Government had confiscated some of his properties which had to revert to him. In due course of time when his time comes to go away naturally his successor, whoever it may be, whether it is the grandson or the great-grandson, would as his legitimate successor, will inherit all these properties and it is only right. If the Government was fair to Raja Mahendra Partab and if the Government had felt that they were undoing the injustice done to him by an alien Government—and he was expecting his own national Government, the Government of his free country, to do justice to him—then this Bill does not meet the case at all. Even now I hope it will be realised after hearing the speeches from the various quarters of the House. I do not think that there was a single speech since morning which has not considered this Bill inadequate to do justice to Raja Mahendra Partab Singh.

SHRI J. S. BISHT (Uttar Pradesh): But there are constitutional difficulties. The Government is bound by the constitutional laws.

SHRI JASWANT SINGH: I do not know which article debar the Government.

SHRI J. S. BISHT: Article 19 gives the right to every citizen to hold property. Under article 31 a property can be acquired for public purposes on payment of fair compensation. How can we take it from the grandson and for what public purpose?

SHRI JASWANT SINGH: If a certain property had been taken by an alien Government and confiscated and if it is restored to him. I do not think the question that Shri Bisht raises arises at all. I am not a lawyer but

from commonsense I can say that it will be agreed to if this question is gone into. In the courts, if, by mistake, an injustice has been done, the higher court will certainly restore the property which one legitimately owned. Similarly, here, who was the owner? The owner was Raja Mahen-dra Partab Singh. It was confiscated from him because the alien Government felt that he was not loyal to that Government and that he was a rebel. He had exiled himself from this Government to fight the battle of freedom for the country and therefore they had confiscated his property and bestowed it on his heirs. When the nationalist Government comes into power, when the country becomes independent, when the country realises the services he has rendered and the Government realises these services and appreciates them, I personally feel that the objection raised by Mr. Bisht would not hold water if the Government restores the property to the original owner. After all who is the grandson? He belongs to the same family and he will inherit the estate in due course. I therefore do not agree with the objection raised. I have known many cases in the law courts where . . .

SHRI J. S. BISHT: I am only pointing out the legal difficulty.

SHRI JASWANT SINGH: But I do not accept the legal difficulty pointed out by my friend. Therefore this Bill does not go far enough to do justice to Raia Mahendra Partab Singh whose services are memorable to this country and which have inspired many of our leaders to join the battle of freedom.

قاضی احمد حسین (بہار) : جناب

دیپتی چیمبرین صاحب - راجہ مہندر
پرتاب سنگھ صاحب کے متعلق بہت
کافی باتیں اس ہاؤس میں آچکی
ہیں اور میں سمجھتا ہوں کہ جو

لوگ ان کو پہلے سے نہ جانتے ہوں گے
اب جان گئے ہونگے - راجہ صاحب
مولانا بڑکت اللہ صاحب بھوپالی -
مولانا عبیداللہ صاحب سمدھی تارک
ناتھ داس آرزو ان نے جیسے بہت سے
دیپٹی پریسی ہندوستان کو آزاد کرانے
کی کوشش میں ہندوستان سے باہر
گئے اور آزادی کی راہ میں انہوں نے
بہت سی تکلیفیں اس راہ میں
اٹھائیں - اس کا تذکرہ آج کے سامنے آچکا
ہے اور ان حضرات کے کارناموں کو مجھے
تفصیل سے جاننے کا موقع سنہ 1914
میں ہوا جب مولانا آزاد مرحوم نے ان
کے مفصل حالات ہمیں بتائے - ان کے
کارناموں نے ہمارے اندر ملک کی
منحبت، جوش اور قربانیوں میں بڑی
اہمیت پیدا کر دی تھی - ہونا تو
چاہیے یہ تھا کہ بارہ سال پہلے ہی
راجہ صاحب کی جائیداد انکو واپس
مل جاتی - بعض قانونی دقتیں بیان
کی جانی ہیں لیکن ان کا حل کرنا
ہی تو ہمارا اور آپ کا کام ہے اور ہماری
حکومت کا کام ہے اور ایسی کون سی
دقت ہے جو نہ حل ہو سکتی ہو -
بہرحال اب ایسی صورت پیدا ہوئی
چاہیے کہ راجہ صاحب کی جائیداد
ان کو مل جائے - جب یہ بل آیا تو
میں نے پہلی نظر میں یہی سمجھا
تھا کہ اس بل کے ذریعہ ان کی جائیداد
واپس دلائی جائیگی لیکن ایسا نہیں
ہے - اس موقع پر مجھے حکومت سے
یہی کہنا ہے کہ جلد از جلد کوئی

Several points have been raised. I think the best tribute has been paid by the British Government itself. By passing this Act, the Mahendra Partab Singh Estate, Act, they themselves have paid the highest tribute that could be paid. We remember that during those days when a slogan like Mahatma Gandhi-ki-jai or Bharat Mata-ki-jai was itself an offence in this country which visited on the people heavy penalties, confiscating the estate of a person and declaring him an offender and depriving him of the use of it, was the greatest tribute that could be paid to the services and patriotism of the person. The Act which we are now repealing, however obnoxious, is itself a tribute.

Several points have been raised. One is that the repealing Bill has come late. No doubt it has come late but perhaps the Government thought—because its provisions had become obsolete since that Government was no longer in office and nothing prevented the owner, Raja Mahendra Partab from deriving the benefit of his estate,—; that it was not necessary to repeal it immediately after independence was achieved. That may be one of the reasons. As regards restoring the property to him, I do not think the Government is lacking in willingness to do that, to restore the property to Raja Mahendra Partab. But according to the law I don't think it can be done because it is vested in his grandson now and it cannot be divested except according to legal processes.

SHRI BHUPESH GUPTA: What is then the use of this Bill?

SHRI M. GOVINDA REDDY: This is only for removing this blot from our Statute Book. This Bill is for removing this ugly thing from the Statute Book and this Bill is doing it. That is all that this Bill seeks to do. With the law as it is, once an estate is vested in a person, he can be divested of it only according to the

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process of law. AH that the Government can now do is to acquire that property from the grandson and that can be done only for a public purpose and by paying compensation to the grandson.

SHRI P. D. HIMATSINGKA (West Bengal): It will enable the grandson to pay him the income.

SHRI M. GOVINDA REDDY: Yes, it will enable the grandson to pay him the income. With the removal of this Act, Raja Mahendra Partab will, I suppose, be entitled to the proceeds of this property.

There is another instance which we should remember on this occasion, and that is the imprisonment of the Maharaja of Nabha. For having entertained patriotic sentiments he was kept in confinement at Kodaikanal and I think he passed away in confinement. There are several such instances. There is a lot of force in what several hon. friends have said with reference to those patriots who had sacrificed and who have fallen into difficulties on account of their sacrifices. Something needs to be done by Government for them.

There were two points raised in this connection. One was whether any pecuniary compensation should and could be paid to these persons. Shri Bhupesh Gupta was very vehement on this point. No doubt, there are thousands of cases which deserve such monetary compensation. Even now, of course, the hon. Home Minister has some discretionary fund and he has been liberally using this discretionary fund for helping the people who have sacrificed and who have suffered during the course of the freedom struggle. That has gone a long way or some way at least, in helping these people. But what I am referring to is not monetary compensation alone. There are many who have sacrificed and who need recognition, recognition of their services by society and by the Government. That will be the requisite compensation for many of

[Shri M. Govinda Reddy.] these people. I think there is need for the Government to go into this question and make a list of the persons who have rendered considerable service and to accord them some sort of recognition. It is easy to find out ways and means of giving them this recognition. Now, the President is awarding titles and honours and it is easy to confer some sort of public recognition to such people. I think there is need for such a thing. For all the troubles and tribulations that they have undergone, if there is some sort of social and governmental recognition, they will feel happy. In this connection I support the sentiments of all those who have pleaded for such recognition.

SHRI BHUPESH GUPTA: You want honours to be given?

SHRI M. GOVINDA REDDY: I do not want to take more time of the House, Sir, and I conclude by saying that I support this measure.

श्री भगवत नारायण भार्गव (उत्तर प्रदेश) : उपसभापति महोदय, इस बिल का इस सदन में स्वागत किया गया है परन्तु मैं तो समझता हूँ कि इस बिल का स्वागत करने का कोई कारण नहीं है। यह बिल बिल्कुल सारहीन और तत्वहीन है।

डा० डब्ल्यू० एस० वर्लिंगे : सारहीन है, यह ठीक है। पर तत्वहीन है, यह कैसे ?

श्री भगवत नारायण भार्गव : मैं समझता हूँ कि जिस समय गवर्नमेंट ने इस बिल को तैयार कराया उस वक्त उसने इस बात पर विचार नहीं किया कि इस कानून के पास होने से किसी को कोई लाभ होगा या नहीं। जिनके संबंध में यह बिल यहां लाया गया है उनको अगुमाव भी लाभ इससे नहीं हो सकता है। मैं जानता हूँ कि कांस्टीट्यूशन में यह प्राविधान है कि जो प्रापर्टी वेस्ट कर दी गई वह डाइवेस्ट नहीं की जा सकती है, परन्तु इसके साथ ही कांस्टीट्यूशन में यह भी प्रावि-

धान है कि किसी प्रापर्टी से कोई वंचित नहीं किया जायगा जब तक कि उसको कम्पेनसेशन न दिया जाय। वह प्रापर्टी चाहे ब्रिटिश गवर्नमेंट ने डाइवेस्ट की हो या इस गवर्नमेंट ने की हो, उसमें कोई अन्तर नहीं आता है, उसके पदचिह्नों पर ही यह गवर्नमेंट आकर बैठी है। हमारा कांस्टीट्यूशन सन् १९०३ में नहीं था और अगर उसके अनुसार आज हम किसी की प्रापर्टी को डाइवेस्ट करें और फिर कहें कि वह वेस्ट हो गई, हम डाइवेस्ट नहीं कर सकते, यह बात गलत होगी इसलिये मेरा निवेदन यह है कि गवर्नमेंट को बड़ी गम्भीरता-पूर्वक इसके ऊपर विचार करना चाहिये। हमारे सदन में अनेक वक्ताओं ने इस प्रश्न को सामने रखा है। चाहे पहले गवर्नमेंट ने इस पर विचार न किया हो परन्तु अब उसे विचार करना होगा। आज की डिबेट जब अम्बारों में निकलेगी तो सारे देश में एक प्रकार का तहलका मचेगा। हमारे देश में अनेक रणवीर, त्यागवीर शहीद हुए हैं जिनकी कि जायदादें ब्रिटिश गवर्नमेंट के समय में जब्त की गई, उनके संबंध में गवर्नमेंट ने आज तक क्या किया है इसके ऊपर अनेक धारणाओं और भावनाओं का प्रादुर्भाव होगा। इस बिल में गवर्नमेंट का जो उद्देश्य है उसमें हम लोग बिल्कुल सहमत हैं और हम उसको हर तरह का समर्थन देना चाहते हैं परन्तु साथ ही यह भी चाहते हैं कि हमारे देश की बेदी पर जिनका बलिदान हुआ उनकी जायदादें अगर किसी भी प्रकार से छीन ली गई हों और उनको किसी प्रकार का मुआविजा दिया जाना संभव न हो तो उन्हें उनकी जायदादें लौटाई जायें। अगर नहीं लौटाई जाती हैं तो इसमें एक बड़ा असन्तोष देश में होगा।

यह तो अभी हाल की बात है। एक पुरानी बात झांती की महारानी लक्ष्मीबाई की है। उनकी जायदादें जब्त हुई और आज तक उनकी जायदादें मौजूद है परन्तु उनके पोते और परपोते मारे मारे फिर रहे हैं, दाने दाने को तरस रहे हैं और उनके लिये कुछ नहीं

किया गया है। उनके रहने का जो महल था वह अभी हाल ही में गवर्नमेंट आफ इंडिया ने अपने कब्जे में लिया है, पहले वह उत्तर प्रदेश गवर्नमेंट के हाथ में था। उनके परपोते और पोतों ने अपना रिप्रेजेंटेशन भी गवर्नमेंट को दिया लेकिन कुछ नहीं किया गया। मेरा कहने का तात्पर्य यह नहीं है कि इस बारे में गवर्नमेंट की सहानुभूति नहीं है परन्तु संभव

है कि कुछ कानूनी बाधाएँ सामने आती हों। तो हमारी गवर्नमेंट बैठी ही इसलिये है कि हमारे देश के रणवीरों के साथ अन्याय न हो और इसके लिये कानून की जो बाधाएँ हों उन्हें दूर करे। अगर कांस्टीट्यूशन को भी इसके लिये संशोधित करना पड़े तो उसको भी करने के लिये उसे तैयार होना चाहिये। अगर ब्रिटिश गवर्नमेंट ने हमारे देश के त्यागवीरों को कुचला और मारा और पीटा और उन्हें बर्बाद किया और उनके मकालों में, जायदादों में आग लगा दी, तो उसका यह मतलब नहीं है कि आज हम अपने देश को स्वतंत्र कर के उन सब बातों को भूल जायें और हम अपने देशवासियों के प्रति न्याय करने के लिये कटिबद्ध न हों।

यह कहा जाता है कि अगर राजा साहब को कोई मेनटेनेंस का अधिकार होगा तो उस प्रापर्टी से मेनटेनेंस मिल सकता है। "अगर" उसमें लगा हुआ है। मैं भी थोड़ा सा कानून जानता हूँ। आज जो हिन्दू ला है उसके अनुसार राजा साहब को कोई मेनटेनेंस का राइट नहीं मिल सकता है क्योंकि वह डेस्टीट्यूट नहीं है। कोई दूसरी शर्त हिन्दू ला में नहीं है जिसके अनुसार एक पुत्र या पोता अपने पिता या पितामह का समर्थन कर सके, केवल एक शर्त है और वह यह कि वह डेस्टीट्यूट हो। राजा साहब न डेस्टीट्यूट हैं और न वह डेस्टीट्यूट क्लाने के योग्य हैं और न वह इस बात को पसन्द करेंगे। राजा साहब एक त्यागवीर हैं। उनका सारा जीवन त्यागमय रहा है।

अगर यह कानून न भी पास हो तो भी उनके ऊपर कोई असर नहीं आता है और अगर पास हो तो भी कोई असर नहीं आता है। उन्हें रुपये का मोह नहीं है, जायदाद का मोह नहीं है। यह तो हमें देखना है कि हम अपने त्यागवीर और रणवीर देशभक्तों के प्रति क्या करते हैं, गवर्नमेंट को देखना है कि हम क्या करने जा रहे हैं। वह चाहें या न चाहें, हमारा जो कर्तव्य है उसका हम पालन करते हैं या नहीं ?

मैं गवर्नमेंट से आपके द्वारा अपील करता हूँ कि उसके बड़े बड़े कानूनी मुशीर बैठे हुये हैं, बड़ी बड़ी बाधाओं को उन्होंने दूर किया है, बड़ी बड़ी योजनाएँ बनाई हैं और बना सकते हैं, यह जानते हुये भी कि कांस्टीट्यूशन में यह बाधा है उसको दूर करने का उद्योग अनेकों बार उन्होंने किया है, तो क्या यह एक ऐसा मौका नहीं है ? क्या इस बात के लिये हमारे देश की आवाज नहीं उठ रही है कि राजा साहब जैसे त्यागवीर, जिनका जीवन त्यागमय रहा है उनकी मदद के लिये गवर्नमेंट सब बाधाओं को दूर करके फिर से एक बिल लाये। इस बिल को इस वक्त पास हो जाने दीजिये और फिर से एक संशोधित बिल लाइये— और उसमें ऐसा प्राविधान करे कि जिससे उनको इज्जत के साथ, सम्मान के साथ उनकी जायदाद वापिस मिल सके या उसका कुछ मुआबिजा उनको मिल सके। अब मैं समझता हूँ कि हमारे सदन में जो आवाजें उठी हैं, हर ओर से, हर पार्टी की ओर से, उनका गवर्नमेंट सम्मान करेगी और ऐसा अबसर आयेंगा कि इस बिल को शीघ्र ही संशोधित किया जायगा।

3 P.M.

SHRI HARIHAR PATEL (Orissa): Mr. Deputy Chairman, the hon. Members who spoke before me have already explained the heroic part played by Rajya Mahendra Partab and the very great sacrifices undergone by him. It is not necessary for me to re-¹peat them. The House is unanimous

(Shri Harihar Patel.) in its desire that, if possible, the property of which he was deprived should be restored to Raja Mahendra Partab. When this Bill was brought before the House, naturally we expected that the Government was trying to give effect to that desire of the House and thus restore the property to Raja Mahendra Partab, but after going through the Bill one finds that it lacks in substance and it is difficult to understand whether Raja Mahendra Partab will gain anything by our supporting this Bill. It does not confer any benefit on him and I do not understand the purpose for which this Bill has been brought before this House. It was explained by the hon. Minister that he could not go far due to constitutional difficulties. It was pointed out that the property having been vested in the grandson it was difficult to divest him because of the constitutional guarantees given to him. I do not agree with his interpretation, his explanation of the *Sanad*. If you look at the *Sanad*, you will find that the property on forfeiture vested in the Government; the Government never got itself divested of the property. It was given to Prem Partab Singh with certain restrictions. I will read the relevant sentence in support of my contention. It reads as follows:

"To hold the same unto and to the use of the said Prem Partab Singh and his heirs upon the same terms as the said Mahendra Partab Singh held the same."

This does not say that he will have the estate for ever. I do not agree with the hon. Minister that the property vested in Prem Partab Singh at all. It vested in the Government and it is even now vesting in the Government only. Prem Partab Singh only got the right to use the property. The restrictions are mentioned in the *Sanad*. If one goes through the *Sanad* this is the impression that one will get. Moreover, under the *Sanad*, Government reserved the right to forfeit the estate from Prem Partab if there was

any breach of the conditions of the *Sanad*. If we go through condition No. 4, we will find that the door has I been kept open to bring back Raja Mahendra Partab into the joint family at any time. That is the impression one gets. By this Bill, Raja Mahendra Partab has been exposed mercilessly to the grace and kindness of his grandson. It is quite competent on the part of the Government to bring back Raja Mahendra Partab into the joint family, restore his status in the family and give him the property, but that has not been done on the plea that the Constitution stands as a bar. If the estate is governed by the Constitution and Raja Mahendra Partab's grandson or the heir was protected by articles 19 and 13, the conditions laid down in the *Sanad* became void the day our Constitution came into force. It is absolutely unnecessary to bring this Bill in this House because the restrictions became void the moment our Constitution came into force. I do not agree with the view that the Government is under a handicap in its efforts to restore the property to Raja Mahendra Partab. If, however, it feels that it is under some handicaps, then it should find out ways and means to overcome those handicaps, and restore the property to Raja Mahendra Partab. It should give effect to the desire of the House and give him some definite benefit and not give this poor consolation—I would not even call it a consolation—as envisaged in the Bill.

DR. W. S. BARLINGAY: Mr. Deputy Chairman, I did not want to speak on this Bill because the object of it is so very obvious and hardly of a controversial nature but some remarks made during the course of the debate have provoked me to say just one word.

It has been stated by some of the Members—although I believe quite inadvertently—that this is a case of giving some compensation or a reward to a person who has served the country. Some people also talked of compensation for services rendered. I am

sorry that this sort of language should have been used in this connection. Those of us who are Hindus know very well that everyone of us owes three kinds of debts, namely, *pitru tin*, that is the debt which we owe to our ancestors, *rishi rin*, that is the debt which we owe to the sages, and in our modern times those sages are no other than those people who serve us in several ways like the patriots or people who render us some sort of social service, and *dev rin*, the debt which we owe to the gods. The proper concept to use in this connection is not the concept of reward—there is no question of a reward being given to Raja Mahendra Partab; there is no compensation also for services rendered—but the concept of duty, the concept of a debt that we owe to Raja Mahendra Partab. This is what I really wanted to emphasise.

So far as the Bill is concerned, it seems to me, with very great respect to the hon. Minister—and I understand his difficulties—that this piece of legislation is really of a negative character. I do not understand at all as to what Raja Mahendra Partab is going to gain by the passage of this Bill, although the Bill itself is to enable the present incumbent of **the gaddi** to render such help to Raja Mahendra Partab as he may desire. The *Sanad* prevented this being done till now and all those restrictions have been removed by this Bill. This is all that this Bill aims at **and** it is of a negative nature. I entirely agree with Mr. Bhupesh Gupta in what he said. I feel that the Government owes a duty to Raja Mahendra Partab and it must do something positive in this matter, not merely confine itself to negative remedies.

Th's is about all that I wanted to say in this connection. I thank you for giving me some time to speak on this Bill.

SHAH MOHAMAD UMAIR (Bihar): Sir, I do not know how to thank you for the courtesy which I am receiving all through and for your giving me

time to speak. It is not without a considerable degree of relief, satisfaction and admiration that I want to express my views on the greatness, large-heartedness and the genuine, sincere and generous gesture of the Home Minister and the Home Ministry in bringing forward this Bill for the benefit of a person who is not only known here, whose name is not confined to this country alone but who is known throughout Western Europe, throughout Asia and in various parts of the world for the gallant fight and the gallant stand which he took against the ruling power. Raja Mahendra Partab took that gallant stand at a time when nobody could have even conceived that a person from this country which was under the heels of the British power would even think of going out of the country and preach for its freedom. Raja Mahendra' Par-tab not only went out of the country but he established a provisional government and gave a challenge to the British Raj and to the British Administration and he raised his slogan from different parts of the world outside the border of India which I think must be remembered with pride by every one of us. Whether we see eye to eye with Raja Mahendra Partab in his politics or not, let me assert that one does not wholly disagree with him and the example of service, sacrifice and gallant fight which he has set before the country will live for posterity to learn the lesson of patriotism from him.

Sir, some friends here referred to the question of violence and nonviolence. I say that the Government has not taken any such thing into consideration. Whether one belongs to a violent party or a non-violent party, it is no consideration. The Government of India has extended its support, sympathy and proper recognition to all the people irrespective of whether they were violent or nonviolent. Let me tell my hon. friend—I find that he is not present here just now—that Mahatmaji tried his best to save Bhagat Singh whom the country will remember, whom history will

[Shah Mohamad Umair.] remember. He was not a member of a non-violent party; he belonged to a wholly violent group and in spite of that, Mahatmaji fought for him with the Governor-General. He fought for his release and for saving him from the gallows. Of course, Mahatmaji could not succeed but his efforts to save him show the spirit of recognising patriotic people without any distinction of violence or non-violence. And let me tell my hon. friend that Mahatmaji was not unknown in India and his non-violent creed did not come to India only in 1920 or 1921 the Rowlatt Act was passed. Mahatmaji was known to all the world—at least to South Africa and India—when he was waging a non-violent fight in South Africa in 1906. Of course he was living there and the fight went on in Africa. From there he came to India and with him he brought the non-violent creed and nonviolent policy. And let me tell you that this gallant soldier, Raja Mahendra Partab, showed his gallant spirit not only at a time when the country was eclipsed on all sides but at a time when the patriotic spirit could be nursed only within the four walls of the House. It was at such a time that Raja Mahendra Partab went out of the country and began preaching for the independence of the country from outside the borders. This gallant soldier ought to have been recognised long before no doubt but I think that everything is done in proper time. This is very good and this admiration on the part of the Home Ministry and the Home Minister will go down in history that they have recognised this great soldier at least at this time. If it is done in a proper way, it will serve a great purpose. Of course, merely annulling the previous law will not help Raja Mahendra Partab; you must go a step forward and do something positive to re-establish his property, to reestablish his past dignity and his past interests. You have to do something more after passing this legislation.

My hon. friend, Mr. Saksena, said that people should not think in terms

of reward. I want to remind my hon. friend that those who sacrificed everything for the sake of the country did not do so for the sake of any reward. There is no doubt about it. But may I ask Mr. Saksena, when the reward goes in wrong directions, when people who do not deserve to be rewarded, when people who stand condemned from their boyhood and who still stand condemned, are recognised, should we not ask as to what happens to those people who have really sacrificed, those thousands and thousands of political sufferers, whom the country may not know, whom the Government may not know, but who served as pillars in the struggle for freedom in the remotest corners of the country? If you reward the reactionaries and others who really do not deserve to be rewarded, then what happens to those who have in the name of patriotism and freedom sacrificed their everything for the sake of the country? Do not think that anybody who serves the country is hankering after reward but you must see that your reward or recognition is properly directed. If you do not do that, then these thousands and thousands of political sufferers who are still living in the remotest parts of the country will not only feel condemned and possibly they may go out of the way also. That is the reason why there should be no such consideration as to whether one belongs to a violent party or a non-violent party. These revolutionaries are no more members of violent parties. They are still with us; but they are not being properly recognised; they are not being properly nursed and that is why they take to different courses. Of course, I do not see eye to eye wholly with Raja Mahendra Partab but at the same time one cannot deny that Raja Mahendra Partab has got a point of view which has to be taken into consideration very seriously, if not today, tomorrow by every one of us.

Sir, I once more congratulate the Home Ministry and the Home Minister on this repealing Bill and I would request that whatever may be its corollary, that also should be followed in.

practice. As my friend, Mr. Bhupesh Gupta, said, there are also other persons who have suffered for the sake of the country and although they were revolutionaries. But I say that they have now become part and parcel of our country. There are such people in Bengal, Bihar, Orissa and other places and they also have to be looked after.

And I think the provisions, if not in terms of this Bill, at least in terms of some other legislation, must be applied to those revolutionary sufferers also. The people belonging to the Congress have suffered heavily; they are suffering and they are destined to suffer in the future also, even to the last day of their life and they may not be recognised by the administration or by the society. Of course, some have been recognised and that is quite good. There are persons who are looking forward not only to be recognised. They want some sort of encouragement to do something more for the *country* and for the nation.

With these words, I support this Bill wholeheartedly. I congratulate not only the Government of India, the Home Ministry and the Home Minister, but also congratulate Raja Mahendra Partab for the recognition which he has received from the Government, from the people and from both Houses today.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): Mr. Deputy Chairman, I am grateful to hon. Members of all the parties for the universal support that they have given to the provisions of this Bill. I also join in the tributes of praise and admiration that have been showered upon Raja Mahendra Partab for the great national work that he did, especially in times of the greatest difficulty.

Now, Sir, a number of hon. Members, including my friends, the lawyers, have taken exception to the provisions of this Bill and my friend,

Dr. Barlingay, pointed out that the Bill was of a nugatory character. To a certain extent it is. There is no dispute about that point. But may I place before the House the exact Constitutional position so far as not only the provisions of this Bill are concerned but also of another Bill which was brought forward in the other House by an hon. Member as a private Member's Bill? Now, in that Bill the hon. Member of the other House had included a provision that the property should be taken back from the grandson of Raja Mahendra Partab and restored to Raja Mahendra Partab Singh. When that Bill was under consideration, the Government had to look into the constitutional position, especially so far as the taking away of property from one citizen and giving it to another was concerned. When that Bill was under consideration, the Prime Minister himself intervened in the debate and pointed out that the Government was fully at one with the objects that the hon. Member had in sponsoring his Bill. He also further pointed out that this piece of legislation ought not to remain on the Statute Book at all. But he stated that the question required further considerations in consultation with the State Government and also with our law officers. After his assurance to this extent, that particular provision was fully considered, may I point out, at the highest level. Thereafter, Government had to come to certain conclusions because of the provisions of the Constitution by which we are governed since its inauguration in January, 1950. Under the provisions of the Constitution, may I point out there are a number of difficulties which it would be very difficult for us to surmount? Before I deal with the constitutional provisions, I shall point out a few facts about this particular matter. In or about 1916 the then British Government had attached the property of Raja Mahendra Partab on the ground, according to them, of treasonable activities. It is true that he had taken certain actions in the highest interests of the nation, but according to them highly embarrassing

[Shri B. N. Datar.] to the British Government. He had established a provisional Government in Afghanistan. He had gone to Germany and other countries also. Therefore, the first act that the then British Government did was to attach his property. Had the matter remained only at the stage of attachment, then the successor Government, namely, the present Government of India would certainly have taken steps for the cancellation of the attachment. But the then Government, as we know, were not satisfied only with the question of attachment. In 1923 they brought forward a Bill before the then Central Legislative Assembly, as I believe it was called, and that was passed. In the provisions of that Bill two points were made clear. One was that the property was to be completely taken possession of or annexed to the Government. The other was that the then Governor-General was also empowered to grant the property by a fresh *Sanad* to the son of Raja Mahendra Partab. This fact may kindly be noted. So, when the particular Bill was passed, the property was taken possession of and in 1924 the then British Government, the Governor-General granted this property to the son of Raja Mahendra Partab. His son was Raja Prem Partab Singh. Now, the property was granted to him. May I further point out that the property consisted, to a large extent, of a zamindari in the UP. State. It had also certain pieces of property, to which I shall be making a reference gradually. May I point out that so far as the law was concerned, the law was completely exhausted when the property was taken possession of or annexed to the Government by the then Government, of India. Then, subsequently tile property was given to Raja Mahendra Partab's son under a *Sanad*. Therefore, we come across a position that by 1924, both the Act of 1923 and the *Sanad* of 1924 came to be virtually exhausted in the sense that whatever had to be done was fully done. They laid down certain conditions. Those conditions also have been mentioned in the *Sanad*. An hon.

Member, Shri Harihar Patel, raised a question whether a hereditary title was conferred by the *Sanad*. Without going into the legalities of the law, may I point out for his consideration that in the *Sanad* the words "the grantee and his heirs" have also been mentioned? Therefore, subject to other considerations, *prima facie* at least, it granted a hereditary title.

SHRI HARIHAR PATEL: It is also mentioned: 'to the use of . . .'

SHRI B. N. DATAR: Let the hon. Member allow me to continue. There was a particular condition which related to his maintaining the fullest loyalty to the British Government. So far as that condition is concerned, after the attainment of independence, after the transfer of power from the British Government to India, it has become absolutely infructuous and we should not give it the honour of purposely repealing it. Therefore, it is not a question of a particular condition as one hon. Member suggested. Now, two conditions were further laid down in the *Sanad*. One was that out of the properties of this estate, no provision should be made by way of maintenance for Raja Mahendra Partab. The second condition which was more stringent was to the effect that no portion of the zamindari or other property should be alienated to Raja Mehendra Partab. In other words, the *Sanad* purported to give the property to the son and laid down two stringent conditions under which even indirectly Raja Mahendra Partab could not receive any benefit from this estate. Thereafter, a number of things happened which also might be taken into account. In 1947 his son, Raja Prem Partab Singh, died leaving his son, Raja Amrit Partab Singh, who is at present living. As you are aware, Sir, subsequently the UP. Government also took in hand the question of the abolition of zamindari estates, and therefore a special law was passed and in the implementation of that law this zamindari estate also

came to be abolished. So far as compensation is concerned, a part was paid to the Court of Wards which had assumed the management of this particular property on behalf of the minor. Some time ago the Court of Wards in U.P. relinquished their superintendence over the estate. After all Raja Mahendra Partab is the grandfather, and under the Hindu Law, as my hon. friends know, he is entitled to be the guardian of his grandson. Therefore, when the superintendence was given up by the Court of Wards, Raja Mahendra Partab assumed the guardianship of the whole property to the extent that it remained. So far as this property is concerned, as I have pointed out, a large portion of the property has gone. Then the Court of Wards also had to sell some of the property for the purpose of repayment of the debt of the ward or the minor. For that also some property has gone. Certain other properties remain—for example, some bhoomidari land, houses and shops at some places, and then cash and zamindari cash bonds; this is all the property that remains now. Knowing all these facts, let us now take into account the provisions of the Constitution in this respect.

When the Constitution came into force on 26th January, 1950, certain particular things were created and I am inviting the attention, specially to article 13 of the Constitution, of all the hon. Members in general and lawyer Members in particular, because some lawyers made reference to certain circumstances which were not exactly in consonance with the Constitution—Under article 13 (1) it is stated:

"All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void."

We have to take this fact into account that there was an Act passed by the Indian Legislature. Under that Act, by virtue of the *Sanad* to which a reference was made in the Act, the Raja Saheb's grandson has become the fullest owner of the property. This fact should not be lost sight of. Then further on it is stated:

"The State shall not make any law which takes away or abridges the rights conferred by this part and any law made in contravention of this clause shall, to the extent of the contravention, be void."

Then in article 19 (f) we have got the right of all citizens, and may I point out, though it might be superfluous, that Raja Mahendra Partab's grandson is also a citizen who holds this property? The clause says: "All citizens shall have the right to acquire, hold and dispose of property." Then you would kindly see that there is article 19(5) which says:-

"Nothing in sub-clauses (d), (e) and (f) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions", etc.

Some hon. Member suggested that some arrangement should be made by which the Raja Saheb would be entitled to some maintenance or to some allowance, whatever that may be. But the restrictions that have been referred to ought to be reasonable restrictions in the interests of the general public. That also might be kindly noted. Under these circumstances a question arises as to whether we can do anything by way of taking away the property from one citizen and giving it to another though the relationship is such that one person happens to be the grandfather and the Other happens* to be the grandson

[Shri B. N. Datar.]

The next question that arises under the Constitution is whether the property can be acquired at all. So far as acquisition is concerned, we cannot take the property at all under any circumstances. Let us note it very clearly that our Constitution does not make any provision for divesting an estate vested in one person at the commencement of the Constitution in particular and giving it or restoring it even to another person. Therefore, I would invite your particular attention to article 31, which says very -clearly:

"No person shall be deprived of his property save by authority of law."

And "property" has been referred to, as I stated, in article 19(f). Then some hon. Member suggested that the property should be acquired. But even acquisition is not so easy as some hon. Members consider it to be. Now, certain stringent conditions have been laid down, for instance—article 31(2)—

"No property shall be compulsorily acquired or requisitioned save for a public purpose", etc.

Then there is the question of payment of compensation, etc. That also has been laid down. I would also invite the attention of the hon. House to article 14, which says:

"The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

Sir, when this particular matter had to be taken into consideration, in the Bill that was pending before the other House there was a clause, clause No. 4, which dealt with this specific question. We had the opinion of the highest legal authorities which the Government of India had the advantage of having, and they came to the conclusion that this is a matter in

which Parliament can enact only to the extent of repealing the Act. Parliament cannot include in any such Bill any provision for the purpose of taking back the property from, say, the grandson of Raja Mahendra Partab and giving it back to him. This is now the exact position. I would not like to make a further reference to this except to the extent of saying that when a property has to be acquired, it cannot be acquired for helping or benefiting one person. It ought to be a class or category of persons and it ought also to satisfy the definition of 'public purpose.' Therefore, the question was considered in all its aspects, and it was pointed out that this particular clause, clause 4 of that other Bill which contained this provision, could not be included in the Bill and much less accepted by Parliament on account, firstly, of the constitutional difficulties, and secondly, as I pointed out, on account of constitutional propriety also. As I have already pointed out, all of us are of the view that he is a man who has done the greatest service to the country at a time **when** it was very difficult even to say that he was a patriot, even to think of India's nationalism. Now, what we have been able to do, within the limitations which have been placed upon us, is to repeal the Act. In fact, in the other House, the Speaker put this question to me. He asked, "What would be the object of the repeal of this Act?" I stated that that was under the present circumstances a piece of legislation which was not of a proper character at all and that piece of legislation ought to be removed from the Statute Book. And under those limitations, as I have pointed out, this is all that we are doing so far as the repeal of the Act of 1923 is concerned. Naturally, according to our ideas of nationalism, he ought not to have been victimised in the way that the then British Government did. It was therefore an Act which was highly improper, an Act which was, if I may say so, an anti-national Act, and therefore it is our duty to remove that stain from the Statute **Book. So,**

.after consulting the highest opinion, we came to the conclusion that all that Parliament could do in this respect was to repeal the Act.

Then a question was raised regarding the *Sanad*. So far as the *Sanad* is concerned, it is an executive matter though it is governed by the provisions of the Act and inasmuch as a direct reference was made to the *Sanad* in the Act of 1923, we considered it properly with the advice that we had. There were two conditions which were highly repugnant,—those in respect of allowing the present owner of the property to give allowance or to give the property itself to him. Now, those two conditions also have been repealed. Let this matter "be understood very clearly. So far as the *Sanad* itself is concerned, it should not be given the honour of getting a statutory repeal because it is an executive act, though it was in pursuance of a statute. Now, hon. Members will agree with me that these were the difficulties under which we had to work and therefore on behalf of the Government, an assurance was given to Parliament that the Government of India itself would bring forward a Bill on the lines that had been pointed out. Under these circumstances, you will agree that there is no reluctance on the part of the Government in going to the extent that most of the hon. Members including also some lawyers wanted it to go. And the highest legal opinion pointed out that in India, we have absolutely no law by which a piece of property can be taken from X and given to Y. Only under certain circumstances can a property be acquired but that also can be done provided it is in the public interest and not only for any person however high that particular person may be. That is our difficulty. Now, I fully agree that not only Raja Mahendra Partab "but a number of other persons also— revolutionaries and nationalists—for nearly forty or fifty years, if not more, carried on an incessant struggle—the

revolutionaries in their own way and the nationalists under the guidance of Gandhiji and others—and the combined result of the selfless work of all these people has been the achievement of independence, and therefore I shall now address myself to the general question that was raised by a number of hon. Members. They suggested that something should be done. My hon. friend there rightly took exception to the expression 'reward'. There is no question of any reward. Hon. Members who made a reference to it wanted recognition and some active appreciation; it is not a question of reward at all. So, under these circumstances, the question that falls to be considered, though it does not deal with this Bill at all, is one to which I shall address myself as briefly as possible because a number of hon. Members raised that question and that question ultimately boils down to this. There are a number of political sufferers in the country, and may I assure my hon. friend, Shri Bhupesk Gupta, and others that the words 'political sufferer' have been used in the most comprehensive sense namely all those who have suffered in the course of the struggle for independence? Now, Sir, some of them might have followed Gandhiji's lead of non-violence; others might have followed other methods but we do not make any distinction between one political sufferer and another, and as I have pointed out, this question has been before Parliament almost since 1948. In fact, when this question first came up before Parliament in the form of a non-official Resolution, the view of the then Home Minister of India, Sardar Vallabhbhai Patel, was thus:—

"The question of relief to political sufferers and/or their families has been sought to be raised in Parliament from time to time through non-official Resolutions. This matter has been engaging the attention of Government also."

As early as 1948, the late Sardar Patel took the decision—please note

[Shri B. N. Datar.] the words, "took the decision"—that so far as the question of financial assistance to political sufferers was concerned, as distinct from concessions in the matter of employment, no such assistance should be given from public funds, since it would create a most embarrassing precedent. That was the view that he took and therefore the matter was not pursued. So far as the question of employment or re-employment is concerned, the House already knows that on a number of occasions, almost from 1948, a number of orders and office memoranda have been issued according to which certain concessions have been given to those political sufferers who were either dismissed from government service or who, on account of their participation in political activities, could not join government service. And those rules have been followed as liberally as possible and a number of Government servants who had been dismissed or who had resigned purposely for the purpose of national work, have been given all the benefits possible. The present Home Minister, when he took over charge considered this question again. He thought that we might take up the question of giving some financial assistance to the political sufferers.

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair.] And from 1955-56 onwards, we have been granting certain amounts to them after taking into account the nature of the service that they have rendered. That we follow is this. There are people who have suffered imprisonment, who have suffered certain privations of a serious type, and we have taken into account their condition, especially their indigent condition. Now, to these people various amounts have been granted. And this is being done even now. In addition to this scholarships are also being granted. The Education Ministry have considered this question and here before me I have an office memorandum of, the Ministry of Education

where the expression 'political sufferer' has been defined very clearly. It means a person who suffered imprisonment or detention of not less than six months or who died or was killed in action or in detention or was awarded capital punishment or became permanently incapacitated due to firing or lathi charge, etc., or lost his job or means of livelihood or a part or whole of his property on account of participation in the national movement for the emancipation of India. Since then we are also giving grants of scholarships and other educational facilities to the children of political sufferers. May I also make one more reference to what Sardar Vallabhbhai Patel then decided? He stated that, so far as the grant of any concessions or benefits apart from what I referred to were concerned, it was generally the responsibility of the State Governments, and I am very happy to find that a number of State Governments have taken this question in hand. In addition to educational facilities, Sir, in some cases lands have been granted and in certain other cases money grants also have been made. Therefore, Sir, it would not be proper, as some hon. Members stated, that we have neglected all these people, and again I repeat, Sir, whenever we deal with political sufferers, the State Governments as also the Central Government, view political suffering from a larger perspective, and they do not mind which particular methods, whether violent or otherwise, were followed by them, and the definition that I have read out to you just now fully satisfies the conditions that have been laid down. Under these circumstances, Sir, may I point out that even on the general question which was raised by a number of hon. Members we have done whatever was possible. Beyond this it is very difficult at present to go, though I would like to place before this House my humble submission that we have been doing whatever is possible; specially the State Governments have been taking very important steps in this direction.

DR. W. S. BARLINGAY: May I ask a question. It has been brought to my notice that a representation has already been made to the hon. Minister with regard to the condition of the heirs of the Rani of Jhansi, and I do not think, as far as I am aware, Sir, that any proper heed or any proper attention has been paid to that application. I should like the hon. Minister to say what he has been doing in that connection.

SHRI B. N. DATAR: Sir, at present I am not aware as to whether that representation has been made either to the Madhya Pradesh Government or to us. All the same, I shall try to look into this matter; I shall look into 'his matter.

Now, Sir, I shall refer only to a few points by way of summary. Though it is true that technically, by the repeal of the Act of 1923, the Raja Saheb would not himself get the property of which he was divested in 1923, still it is true, Sir, that there has been a repeal of this Act, and the repeal itself, may I submit, is a great vindication of the stand of bravery and sacrifice that he took and carried on for so many years against heavy odds.

Then it was stated that this was a belated Bill. So far as that is concerned, Sir, I have already pointed out that inasmuch as the Act and the *Sanad* had both exhausted themselves there is very little that could be done, but we have now done whatever is necessary for the purpose of vindicating the honour not only of Raja Saheb but also of the country, because a very bad law is going to be removed from the Statute Book of India. Under the circumstances, Sir, I believe that I have answered and cleared the whole ground so far as the present Bill is concerned, and my hon. friend Dr. Barlingay, would agree that the approach, to the extent that it is a negative one, has been due to circumstances beyond our control, i

SHRI HARIHAR PATEL: I would like to seek a clarification. The hon. Minister explaining the restrictive conditions No. 4 put in the *Sanad* said that alienation was prohibited to Raja Mahendra Partab. But it is not so. If you read it, you will find that alienation has been prohibited to anybody during the life-time of Raj* Mahendra Partab, and what is the purpose then behind this prohibition, if not to retain control over disposition of the estate in the Government?

SHRI B. N. DATAR: The whole *Sanad* itself has become absolutely —what I stated—infructuous, and therefore there is no point in giving it an honour by having it repealed through a statute.

SHRI HARIHAR PATEL: What is the necessity of repealing then the Act?

SHRI B. N. DATAR: There is absolutely nothing; it is only of historical interest; nothing more.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The question is:

"That the Bill to repeal the Mahendra Partab Singh Estates Act, 1923, and to provide for matters incidental thereto, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): We shall now take up the clause by clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill

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

SHRI B. N. DATAR: Sir, I move:

"That the Bill be passed."

The question was proposed.

SHRI H. P. SAKSENA: Mr. Vice-Chairman, Sir, in my remarks I never intended to forget or omit the other patriots whom it is our duty to honour, including those of the violent fighters, and I do not distinguish between a violent and a non-violent fighter because the battle was fought for the freedom of the country. To us a violent fighter was as dear as a non-violent fighter, but by emphasising this I do not depart from my lifelong adherence to the principle of non-violence. That is all that I wanted to say.

SHRI BHUPESH GUPTA: Sir, I would not have spoken but for the concluding remarks the hon. Minister has made. First of all, Sir, it is not a question of violence or non-violence. It is one of the historical myths when people say that it was solely by the non-violent movement that freedom was achieved. All kinds of movements took place including armed struggle against the British. It might have been on a miniature scale, but they all contributed to winning independence. Of course, the then Congress party and the non-violent creed were an important part—no one will deny. But that is not the issue; I do not know why that is brought in.

Now, the question is this: when I spoke, I made it clear that I did not know what happened in the other House in the course of the debate.

I was always under the impression that in sponsoring a motion of this kind, the Government would take care to ascertain the possible reactions or views on the part of the person to whom the measure relates, namely Raja Mahendra Partab in this case but I understand from a number of speakers who have just spoken here that the Bill is not to his satisfaction. Do I understand that the Law Ministry or the Ministry of Home Affairs did not care to consult him or get him consulted through certain other persons? He may not

discuss this subject but it was open to the Home Ministry to have his views because we would not like in this Bill, a controversy to enter suggesting that Raja Mahendra Partab would not like a measure of this kind. Probably he was not satisfied with this. Therefore, they should have done it. In the course of his reply, the Minister should have made the position clear as to how the Bill was prepared. When it was discussed in the Lok Sabha I was in Moscow and when I was reading this I looked at the paper to find out if anything had been said by Raja Mahendra Partab Singh. I did not find him speaking on this. Obviously, he would not like to speak. Anyway that is a point to be clarified.

About the legal complexities etc. let us not talk about them because they can be easily remedied. Whenever you need, you can bring forward even a constitutional amendment, some for good purposes and some for bad purposes and all kinds of things you have done. Why cannot they do it? If it is a question of restoring the properties confiscated by the British, we could have done so by special legislation if necessary by a special restricted amendment of the Constitution to that effect. The Constitutional amendment need not be enlarged. It can be restricted to that specific objective and it could be passed in two minutes. Only the time that the Government required for registering the vote will be required for it. Therefore, let us not take shelter behind this constitutional argument that we have consulted about all these and nothing is possible. It is possible. Anyway, as I said. I am not at all suggesting that these things should be viewed from the point of view of the pecuniary or material advantages that will accrue to Raja Mahendra Partab because even without this Bill, if we were so minded, we can find money out of the exchequer to look after people like him.

[MR. DEPUTY CHAIRMAN in the Chair] That is not the point. The whole approach I was talking about. You were not here when the Minister was speaking. It is good that he touched *kn* that point. He read out a letter <3r a speech—I do not know—from Sardar Patel in 1948 to satisfy us that everything is being done for looking after the political sufferers, the definition having been widened. I wish he had not read out that letter because it is meaningless. It has not been fulfilled, everybody knows, whatever it was and the Minister should not comfort himself with the notion that everything is being done in the States. I did not say all that but now I repeat it. I say this because he has mentioned it. In the States the political sufferers are not getting, by and large, any effective assistance from the Government. He said that Government jobs are available. Some of them are 60 years old, for no fault of theirs. Are they to apply for Government jobs at 60 or 65? I can understand some of them becoming Ministers but we cannot expect all of them to get into Government as Grade II, I, HI and IV officers, not at all. Always you write about age-limit and they are all debarred by age. There is the older generation like Raja Mahendra Partab. Therefore, do not bring in this argument. Are they to go to Birla Brothers or the Tatas to ask for jobs because they suffer? It is even more humiliating. They would not get jobs that way. The point is that they are suffering today. They are old. Many of them are of the older generation. They are not in a position to get jobs or even to seek jobs. What are we to do with them? Then there are younger people also. Some are earning, I know. All of *us* are political sufferers, some post-independent sufferers and some pre-independent sufferers but all the same *we* are sufferers. Now many of the political sufferers are not with us because in Parliament, in the Lok Sabha there are only 500 seats and in the Rajya Sabha there are 200 odd, and so they cannot get it that way.'

What are we to do with them? He said that they could get jobs. No, they cannot; this is the position. In some cases, in Andhra for instance, there has been a lot of discrimination about it, and the definition has not been properly applied. Discriminatory attempts are made and in the course of implementation, there is a certain partisan attitude. People belonging to no party do not like to go and register. In Bengal things are done through permits, taxi permits, bus permits and so on. A few favourites get them. By and large, from my experience, these people are not Communists. Many of them took part in politics before I was born. Therefore, Communism was not there and before the Bolshevik revolution, they took part. What are we to do with them? Then in the twenties and thirties, people took part in the revolutionary struggle and also in the non-cooperation movement. Some of them, for various reasons, did not get jobs and we receive letters. They write letters as believers in God. So do not think that they are all Communists. In Bengal we have a large number. We have asked, in Bengal at least, those who are active members of the Communist Party not to apply for political relief from the Government because others are waiting there who are not actively in politics. Therefore, we have advised our party members who have suffered not to go in for this kind of assistance from the Government but there are many Congressmen, there are people belonging to other parties who sympathised with the Congress. I speak for all of them. Many of them are not getting anything because here are some coteries, a few favourites, who are given and many people feel humiliated to make an approach when the coteries dominate in this matter. So this is not being implemented, the assurance you gave to the nation. The time has come for a review. I would therefore urge on the Government that a national register should be prepared regarding all political sufferers coming under Sardar Patel's definition or category, those who have been iwlti-

[Shri Bhupesh Gupta.] cal sufferers and who need help on their application or on the application of their dependents. Let a national register be prepared of those living people, political sufferers and let the matter be dealt with. Every State can prepare it, and let the Central Government give leadership in this matter. The Government can make an announcement. Let all those political sufferers coming under the definition of Sardar Patel, given some 12 years ago, if they needed the help of the Government, apply to the State Government. An announcement can be made and I think applications will be forthcoming. Let a national register, State-wise, be prepared and let the Central Government take the responsibility for seeing that these minimum needs are met. Those who have got employment will not ask for it, those who are well-placed will not ask for it. Only those who are in very straitened circumstances or difficult conditions of life will apply and it will not be a very long list for a country like India with such a long past of political struggle.

Sum D. A. MIRZA: Who are the post-independent political sufferers?

SHRI BHUPESH GUPTA: I wonder if the hon. Member is one. But I do not know, I am sorry. There are some, that is the trouble with the Congress today. There are more post-independent patriots than pre-independent patriots today in the Congress. I know that many of you are pre-Independent patriots.

(Interruptions.)

I do not know what the Prince of Masulpatam was doing but I was in a British jail in the early thirties as a boy of 16 if that will satisfy you. Anyway let us not go into it. It is a very trivial point. When you want to be personal in this matter, this is for your information. I do not know if that will give you enlightenment. Anyway I am not concerned with political parties at all. I respect poli-

tical sufferers who need help, even if they are members of the Congress party. Not all of them are here in the House.

SHRI H. P. SAKSENA: I agree.

SHRI BHUPESH GUPTA: I fight for every one of them. Therefore, I give this suggestion. A review has to be made now, assuming that there is something in what I say today. There is no harm in making a review. Let a review be made in this as in other cases and let them have a very considered national register of such persons. Let such a national register be prepared and in the very process of its preparation we will have a review and then you will really know who in terms of the Government's policy are the persons who are entitled for help. Once this list is prepared, those who have not yet been helped we can go and give help without all this discriminatory policy that is practised in certain States. We still see even Congressmen suffering. Would you believe it? Many Congressmen, supporters of the Congress, have approached me over this matter to tell me how they are being treated and they want me to speak, because they know nobody will raise his voice from their party or the party to which they owe allegiance in the Bengal Assembly, for certain obvious reasons. That is the position. As far as my party is concerned, you may not have any review. But because the Congress party has many more sufferers, I want them to be helped. As far as the revolutionary movement is concerned, I mean of those old days, like the one in which Raja Mahendra Partab participated, the number of those persons will be very small. Give them assistance and if you think that the Communist party should be disqualified for being Communists, well, we will consider that point calmly and quietly. We are not in any hurry for assistance. But the policy should be laid down. A clear cut policy should be laid down. According to the late Sardar Patel's proposition, everybody

should be entitled to get such assistance as long as he was a political sufferer, if he had done six months in a prison or something like that. He did not draw a line between Communists and others. It all came in later on. That is not my complaint. It is not a question of Congress or Communists. It is not a party question at all. It is a question of principle. We always owe a duty to these men. It is a national obligation which we all must share and fulfil. That is why I am making this suggestion. I give you this suggestion only in the hope that the hon. Minister in the Home Ministry would consider this thing, because there is something wrong here. Things have not gone on properly and I think there is a lot to be done and this has to be done as a solemn obligation on the part of the whole nation.

SHAH MOHAMAD UMAIR: Sir, just one point of clarification from the hon. Home Minister. I hope you will not mind Sir, if I say one word. I have always been attracted by you, Mr. Datar, by your scientific and logical way in the House and I think I still believe that the way in which you have put the case of the political sufferers in this House is a correct one. There is no doubt about that.

DR. W. S. BARLINGAY: Please address the Chair.

SHRI BHUPESH GUPTA: But he is attracted by the Home Minister.

SHAH MOHAMAD UMAIR: The thing is, when there are two attractions, one has to concentrate only on one. I say that with what the hon. Home Minister, Mr. Datar, has said I agree, with the major part of it at least. I agree that the major part of political sufferers in this country have got much support from the Government. There is no doubt about that. Crores and crores of rupees have been given to political sufferers in the remotest parts of the country and in all the States. But I would like to ask one thing from the hon. Minister.

Does he know how the States have been working in this matter of helping the political sufferers and how things are still going on? I have a suggestion to make. I think if he could have an encyclopaedia prepared of political sufferers, that would serve a great object and it would be an act of service to future generations also. If you keep such an encyclopaedia before you, you will find that there are lots and lots of political sufferers, genuine political sufferers who have suffered imprisonment five or six times and who are now leading a very difficult life, who live in destitution and are at present in disgraceful conditions. They are not being looked after, in spite of the fact that their cases have been brought to the notice of the Central Government and the State Governments again and again. There is no doubt that what the Government has been doing for them has been very generous. They have helped political sufferers. Let me also say that they have helped non-political sufferers also, even those who were not in the freedom struggle. In the words of Jagannath Azad—I hope my hon. friend, Mr. Datar, will not mind if I quote Jagannath Azad here:

I implore you and tell you that you should be more generous to those political sufferers who are the pillars of

“जहाँ हर संगे पारा को गुहर की शान
हासिल हो
वहाँ पत्थर को भी लाल व गुहर कहना
ही पड़ता है।”

* आज हमारे सामने यह सूरत पैदा हो गई
है। हर जगह के ऊपर यह दोस्त और दुश्मन हैं।
दोस्त के साथ तो दोस्ती है ही, दुश्मनों के साथ
भी हम जेनरस हैं।

our independence, the pillars of our country and who have given of their sweat and blood for bringing about this present regime. You should not ignore them and I think many of them have been ignored. I can give you a list.

श्री पा० ना० राजभोज (महाराष्ट्र) :
कृपा करके वह शेर फिर कह दीजिये ।

शाह मुहम्मद उमेर : जगन्नाथ भ्राजाद ने
कहा है :

“जहां हर संगे पारा को गुहर की
शान हासिल हो ”

“संगे पारा” यानी पत्थर का टुकड़ा ।
वह कहते हैं :

“जहां हर संगे पारा को गुहर की शान
हासिल हो,

वहां पत्थर को भी लाल व गुहर कहना
ही पड़ता है ।”

तो भ्राज हर जगह के ऊपर, हमारे स्टेट से ले
कर यहां तक ये बातें फेली हुई हैं । जगन्नाथ
भ्राजाद का यह शेर गलत नहीं है ।

It applies certainly to our present generation. Of course, I am quite conscious of the sympathetic consideration which the Government have given to political sufferers. But I want to draw the attention of my Home Minister to this matter. He always attracts me and I still feel proud of Mr. Datar for he has got a vision which enables him to look deep into the merits of things. You will at least take up the case of the political sufferers. Thanks to the case of Raja Mahendra Partab that this matter has been brought into this House and in both Houses of Parliament today. I hope the Government will give their attention to this matter. There are political sufferers before your eyes and there are political sufferers behind your back. There are political sufferers in the remotest corners of the country. I think you should look at all of them

equally. I know you have given aid, financial aid to political sufferers, even to those persons who were convicted for theft of buffaloes and cows. Those who had been to jail for stealing buffaloes and cows and who were with me in jail, after coming out of the jail they got rewards as political sufferers. (*Interruption.*) My hon. friend, Mr. Saksena, says it is not so. Of course, everybody has served the country not for the sake of any reward. But when one sees such rewards being given to such criminals, one feels sad. After all, only the wearer knows where the shoe pinches. I do hope you will try to prepare the encyclopaedia that I have suggested, in your regime, an encyclopaedia of political sufferers, without any distinction of caste, creed or political distinction, and then that will be a sort of a mirror. You will look into it and see how political sufferers are being treated and then you will be in a position to help those political sufferers who are groaning in the corners of their houses and on the death-bed. They have passed their life in the service of the country, but now they are passing their days groaning and waiting for death.

SHRIMATI T. NALLAMUTHU
RAMAMURTI (Madras): Will the hon.
Member please translate that Hind' passage
for our information? It sounded so well.

SHRI B. N. DATAR: My hon. friend just now made some reference to State Governments and Mr. Bhupesh Gupta also made some comments which were not correct. I should like to dissociate myself completely from what the two hon. Members have stated. So far as the aid that the State Governments are giving to the political sufferers . . .

SHRI BHUPESH GUPTA: Is the hon.
Minister prepared to face an enquiry?

SHRI B. *N. DATAR: There is no question of facing anything. It is a question of replying to the hon. Member's arguments, nothing more. I should like to point out that this is not the forum for criticising the

alleged acts of omission and commission of the State Governments. Some hon. Members made reference to this and, therefore, I pointed out that this was a question more for the State Governments than for the Central Government. All the same, Sir, I pointed out in detail as to what was being done at the State level as also at the Central level.

So far as the objection of my hon. friend is concerned, the less said the better. I do not understand what the hon. Member meant by saying that we should review this legislation. It is a very strange and odd expression; there could be no question of reviewing any legislation.

SHRI BHUPESH GUPTA: Which legislation?

SHRI B. N. DATAR: Unfortunately for the hon. Member but fortunately for the country we are governed by a Constitution and we do not want any . . .

SHRI BHUPESH GUPTA: On a point of personal explanation, Sir. Nobody said that this legislation should be reviewed.

SHRI B. N. DATAR: The hon. Member talked of a review of this piece of legislation. My hon. friend himself said that.

SHRI BHUPESH GUPTA: No. I thought I alone needed this hearing aid but it seems he also needs one. What I said was that there should be a review of the entire position of assistance to the political sufferers, not this legislation.

SHRI B. N. DATAR: I was pointing out that we wanted to have a piece of legislation which would not be struck down by the judicial courts, and here may I remind hon. Members that there is a recent ruling of the Supreme Court which says that any such legislation by means of which property can be taken from one person and

given to another would be an act of expropriation which We cannot do at all.

SHRI M. GOVINDA REDDY: But that is his philosophy.

SHRI BHUPESH GUPTA: Misguided philosophy of yours.

SHRI B. N. DATAR: Under these circumstances, we have to move within limitations, the proper limitations, of the Constitution, and we cannot go behind the Constitution.

SHRI B. N. BHARGAVA: Why **not** then amend the Constitution to remove the difficulties?

SHRI B. N. DATAR: We are not going to amend the Constitution for the purpose of robbing one and giving property to another.

SHRI BHUPESH GUPTA: Is it robbing?

SHRI HARIHAR PATEL: But **that** is what you are doing very often.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed." The

motion was adopted.

CHE BILASPUR COMMERCIAL CORPORATION (REPEAL) BILL, 1960

THE MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR) : Sir, I beg to move:

"That the Bill to repeal the Bilaspur Commercial Corporation Act, 2005, Bikrami and to provide for certain matters incidental thereto, as passed by the Lok Sabha, be taken into consideration."

This is a very simple and non-contentious Bill. This relates to the former State of Bilaspur which now forms part of the Himachal Pradesh Territory. While that State was functioning as a separate entity, in or about