

**2235 Displaced Persons (Compensation and Rehabilitation) Amendment Bill, 1959** [7 MAY 1959]

technically it is within the competence of the Union Government to levy the tax though not in the form of sales tax".

We can levy this tax but not in the form of sales tax. I do not think hon. Members would very much like the tax to be levied because we are not losing revenue in any manner. The actual purchases made by the contractor will be taxed and, therefore, Government is not losing anything.

With these words, Sir, I again thank the Members for having supported this measure.

PANDIT S. S. N. TANKHA: If this tax can be imposed by the other State Governments, wherever they have a stipulation of this kind then why can't the Delhi State which is under Central administration levy this tax?

SHRIMATI TARKESHWARI SINHA: Because there should be some purpose behind that taxation proposal. If they are not going to earn much revenue by any levy of this particular tax, and the revenue comes in through the sales tax on the purchases made by the contractors, I do not see why Members should press this point. There is no question of losing any revenue at all. So, I do not think that it is very proper for the Members to press that point. We have achieved our end in view. With these words, I again thank the Members of the House for giving support to this Bill.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Bengal Finance (Sales Tax) Act, 1941, as in force in the Union Territory of Delhi, as passed by the Lok Sabha, be taken into consideration".

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause

consideration of the Bill. There are no amendments.

' Clause 2 to 18 were added to the Bill.

Clause I, the Enacting Formula and the Title were added to the Bill.

SHRIMATI TARKESHWARI SINHA: Sir, I move:

"That the Bill be returned".

MR. DEPUTY CHAIRMAN: • The question is:

"That the Bill be returned." The motion was adopted.

**THE DISPLACED PERSONS (COMPENSATION AND REHABILITATION) AMENDMENT BILL, 1959.**

THE MINISTER OF REHABILITATION AND MINORITY AFFAIRS-(SHRI MEHR CHAND KHANNA): Sir, I beg to move:

"That the Bill further to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954, as passed by the Lok Sabha, be taken into consideration."

As I said in the Lok Sabha, it is not a matter of very great pleasure to me to bring a motion of this nature before the House. For over eleven years now I have been associated with the Ministry of Rehabilitation—I should say from its very inception—and I have taken some part—I do not want to be very apologetic about it—in raising this fine structure and edifice brick by brick. We have spent large sums of money, nearly Rs. 200 crores on the relief and rehabilitation of displaced persons from West Pakistan and during all these years many measures have been taken and adopted to ameliorate the sufferings of the displaced persons and to take positive steps in the matter of their rehabilitation. So, when I made :

[Shri Mehr Chand Khanna.] a statement in the House the other day that the western wing of the Ministry is likely to be closed very soon, I gave about a year . . .

DR. R. B. GOUR (Andhra Pradesh) : Before you retire you want to put them in prison.

SHRI MEHR CHAND KHANNA: The question naturally arises why should I bring in a measure of this nature and my friend, Dr. Gour, is quite pertinent in asking me a question of that nature. In fact, I wanted to address that very question to myself and try and answer it. We have to remember one or two basic things. The most important thing that I wish to place before you is that when the Displaced Persons (Compensation and Rehabilitation) Act, 1954 was passed by both Houses of Parliament, there was a specific provision -in section 21 of that Act, to which I wish to draw the attention of the honourable House. There are three things specifically in section 21. The first is that any sum payable to the Government or to the Custodian in respect of any property in the compensation pool may be recovered in the same manner as arrears of land revenue. Number two, it is laid down that after all the formalities of appeals and representations have been gone through, the final word shall rest with the Settlement Commissioner about the determination 'Of the dues. And the third thing is that for the purpose of this section a sum shall be deemed to be payable to the Custodian, notwithstanding that its recovery is barred by the Indian Limitation Act of 1908. This is a very important section and there are three important provisions in that section. Number one, I repeat, that any sum that is payable to the Government -either on account of evacuee property or any property that, forms part of the compensation pool, can be realised as arrears of land revenue. Once the amount is determined by the hierarchy within the Ministry itself, the

ordinary laws of the land, that is, the laws of limitation, etc. shall not apply to Government dues as far as the Ministry of Rehabilitation, is concerned. That Bill was passed and became an Act five years ago. But a certain safeguard was inserted in clause 30 of that Bill. If any arrears are to be realised as arrears of land revenue, the first stage is demand, the second stage is attachment. An intermediate stage is even eviction. And the third and last stage is arrest. That is the ordinary law of the land and that is operative all over the country, whereby any Government dues can be realised or have to be realised as an arrear of land revenue. But as I have just stated, under clause 30, this exemption was inserted.

SHRI BHUPESH GUPTA (West Bengal): Can you arrest people if they do not pay income tax and are in arrears?

SHRI MEHR CHAND KHANNA: It says here:—

"No person shall be liable to arrest or imprisonment in pursuance of any process issued for the recovery of any sum due under this Act which is recoverable as an arrear of land revenue.

That was the safeguard or exemption inserted in the Act five years ago. Now, during these five years I am sorry to say—and I am reminded of one Urdu verse, which says: —

“मर्ज बढ़ता गया ज्यू जू दवा की ।”

डा० राज बहादुर गौड : दवा आपने नहीं की ।

श्री मेहर चन्द खन्ना : मैं आपको अर्ज करने लगा हूँ कि मैंने दवा क्या की है ।

The first thing that we did was that during the last five years we have spent nearly Rs. 50 to 60 crores on rehabilitation. Whereas in 1954 my rehabilitation programme may have been half-completed, though it may be challenged and disputed by some

of my friends opposite, I can, as Minister-in-charge say that we have achieved very substantial and important results. Another thing that we have done is this, that towards the end of 1955 we laid the foundation of the final compensation scheme. In 1954 when this exemption was given I under the Act, we had only started the interim compensation scheme. But towards the end of 1955 the final compensation scheme was passed and the rules framed by me were approved by this House. During the last 3 years, we have disposed of nearly four lakh cases out of about 4,70,000 claim cases. We have given compensation to the extent of Rs. 110 crores of which nearly half—between Rs. 50 and 60 crores—is in hard cash. In the matter of settlement of land we have allotted or given permanent rights in nearly twenty lakh standard acres. Twenty lakh standard acres might be tantamount to nearly fifty to sixty lakh ordinary acres. At the time of our allotment scheme, we standardised the entire land when it became evacuee property in Punjab, Pepsu and other parts of India and on the basis of that standardisation we allotted about 24 lakh standard acres to displaced persons.

I was saying that in the matter of about 20 lakh standard acres, we have even given permanent rights. We have made them the owners of these lands. Even at a conservative estimate of Rs. 450 per standard acre which is our yardstick, the land would be worth about Rs. 100 crores.

So what I was trying to place before the House was that during the last five years in the rehabilitation programme, in the compensation programme, we have achieved very important results. And not even that. Take into consideration the plight of the displaced persons. I can assure Dr. Gour that I know their condition better than what he does or he should or he can. I am one of them.

DR. R. B. GOUR: But better off. 16 RSD—5.

SHRI BHUPESH GUPTA: What did you say? You are one of them?

SHRI MEHR CHAND KHANNA: I am one of them.

SHRI BHUPESH GUPTA: Then they must be very happy.

SHRI MEHR CHAND KHANNA: They are happy. In fact, my friend, Shri Bhupesh Gupta, has even lost his following in East Pakistan since I have gone there, not to say of West Pakistan. They are happy and they are happy on account of the fact that we have tried to meet the various demands of the displaced persons. This House would remember that in the early stages, the limit of the allottable property was below Rs. 10,000; it was Rs. 5,000. We raised it to Rs. 10,000. The result has been that out of two lakh tenements and houses that we have built all over India, leaving aside a thousand or two, all these houses and tenements, have become allottable and the displaced persons can become owners of that property. We did something more, namely, we did not ask them to pay on the spot. We were entitled to do that—after all when Government pays compensation in hard cash to the extent of Rs. 50 or 60 crores, they would be quite within their rights to ask a displaced person to pay the price of the house that he is purchasing because that house is part of the compensation pool and if a displaced person pays today, his other brother who is a claimant gets it tomorrow. Government in spite of drawing upon their resources heavily, in spite of taking loans from abroad, very kindly gave me crores of rupees in hard cash with a view to paying off my displaced brothers.

Now, Sir, what we did was that we have raised the period of instalments. We have fixed it as eight instalments—20 per cent, of the price to be paid in the first instalment and the balance over a period of seven years. Now, the balance need not be paid in cash. The balance can be paid to the compensation pool through claims of their

LSHn Mehr Chand Khanna. Friends or relations or even outsiders. One thing which is very important and which is relevant to the issue, and to which I wish to draw your pointed attention is this, that today I have 'come before the House for the reason that my arrears have accumulated and have accumulated to the extent of Rs. 8 crores. But the thing that has to be remembered is this that as far as the allottable properties are concerned, I have just stated that out of two lakh units that we have constructed all over India as many as 1,98 OpO are allottable, and out of the evacuee property which is worth about Rs. 100 crores and the number of evacuee houses in the compensation pool is round about 2,75,000, most of them—a very appreciable majority of them—are also under that value of Rs. 10,000. They are also allottable

under the compensation Scheme. No rent is accruable. Sir, I repeat that no rent is accruable on an allottable property which is in possession of a displaced person from 1st of October, 1955 onwards. That is, if a D.P. is in possession of an allottable property and he wishes to exercise the option of becoming the owner^ of that property, I will not ask him to pay any rent from the 1st October, 1955 onwards and by implication another thing has happened. It is rather unfortunate. I have received a protest from Punjab, Delhi and all over. This property vests in the President and due to vesting in the President, no local tax can be charged. While on the one hand I am not getting any

rent, on the other, the local bodies are also not realising any taxes because they are not in a position to realise any taxes. Sir, I even went a step further and the step is this that normally if any landlord were to sell his house, he would like the arrears of rent to be cleared. No landlord would like to sell his property to a man who is very heavily in arrears because his reputation as a strict pay master cannot be a happy one. But what we have done in the Ministry of Rehabilitation is that we say to a displaced person, you need not pay the

arrears of rent at once; pay only 20 per cent, of the arrears of rent along with the first instalment today and the balance in seven instalments. I wish to draw the attention of my friend, Dr. Gour, there. Supposing he owes me Rs. 100 as the rent of a particular house, I am not asking him to pay me the rent at once. First of all, if the rent is due on account of an allottable property, no rent is accruable from the 1st October, 1955 onwards and then for the past arrears he will pay me only 20 per cent, of the rent due and the balance in seven instalments coterminous with the life of the instalments relating to the price of the property. So, even that we have done. Therefore, my position in coming before the House is this that every possible concession has been given to displaced persons—to pay off the arrears of rent.

Sir, the displaced persons are not the only occupants of my property. There are locals too and if my friend sitting opposite happens to be in possession of my evacuee property, and if he does not pay any rent as a result of being a tenant of my . . .

DR. R. B. GOUR: Try to adjust these things against their claims.

SHRI MEHR CHAND KHANNA: I will answer all your questions if you will just give me two minutes.

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): But please do not invite them to occupy your houses they will give you trouble.

SHRI MEHR CHAND KHANNA: If I was not in trouble on account of them, I won't be coming before the House.

I was trying to say and this will be of interest to you, Sir, suppose there is a local person—there are quite a number of local people who are occupying my evacuee property because these were the lands and houses of those Muslim evacuees who have gone away to Pakistan. Those locals are

also in arrears to Government, arrears are due against them and while they can be realised as arrears of land revenue, they also cannot be arrested in the process of it. If he happens to be my tenant, this, exemption equally covers him. Under section 30, Sir, there is quite a large number of locals who are occupying my property, they will not also pay my rents, and the result is that there is wilful neglect, there is wilful default and my arrears are very heavily accumulating. After all these arrears belong to the national exchequer.

SHRI M. H. SAMUEL: (Andhra Pradesh): What is the total of the arrears?

SHRI MEHR CHAND KHANNA: It is about Rs. 8 crores.

SHRI N. R. MALKANI (Nominated): What is the approximate percentage of wilful neglect of payment?

SHRI MEHR CHAND KHANNA: Well, it would be difficult for me to say that. But in spite of all the concessions, rehabilitation assistance, payment of compensation in cash, transfer of property and all that, they will not pay and unfortunately the feeling generally among my brethren is that you can do things with impunity. Today it is a political problem, not a human problem, and a premium is being placed on wilful neglect, on wilful default, and that is most unfortunate.

Sir, I wish to appeal to those friends of mine, I am not charging anybody—whoever they are—the position is this: It is not in the interest of the displaced person himself if he goes on wilfully neglecting and wilfully defaulting because, after all, action has to be taken against him, and if he does not pay and I have to take action against him, then the rent will accrue to the last day. It is only when he exercises his option of becoming the owner of the property, pays my 20 per cent, instalments and also the arrears of rent he becomes entitled

to the concessions; otherwise Dy wilfully neglecting and wilfully defaulting the position is becoming such that the arrears are accumulating. So, I have come before the House, Sir, to say that I want these powers. But there is one thing that I want to say, Sir. By implication, perhaps, Mr. Malkani tried to find out from me that there may be destitutes, there may be widows, there may be those who are not in a position to pay. If this Government can spend Rs. 200 crores on rehabilitation only in the western region—I am not talking of the eastern region—can give crores of rupees in the shape of compensation. It is not the intention of this Government to go and create distress where there is already distress. This Ministry is there with a view to alleviating the sufferings of the displaced persons, but if a man can pay and should pay and must pay and he does not want to pay, he will not be shown any consideration. But I repeat, Sir, that in the case of those unfortunate persons who are not in a position to pay whether it is a D. P. or a non-D. P. occupying my property, I can assure him, Sir, that his case shall be dealt with with the utmost sympathy and consideration, and it is for that reason that I am giving powers to my Chief Settlement Commissioner for asking the person concerned to come and appear before him, place his or her case before him and he shall give him or her a proper opportunity to be heard so that where any relief is to be given relief shall be given, but where the rent can be realised and the man is defaulting wilfully and trying to evade payment, my intention, Sir, is that we should not allow him to go scot-free at the expense of the Central exchequer, the general tax-payer.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill further to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954, as passed by the Lok Sabha, be taken into consideration."

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One hour is the time allotted. We have taken twenty-five minutes. There are nine Members to speak. So Congress Members will take five minutes each. Dr. Gour.

SHRI JASPAT ROY KAPOOR: Sir, can we not extend . . .

MR. DEPUTY CHAIRMAN: I am prepared to extend it by fifteen minutes.

SHRI JASPAT ROY KAPOOR: Sir, we have hardly any other thing to do today. We saved about two hours yesterday while discussing . . .

MR. DEPUTY CHAIRMAN: We saved only one hour of which some time has already been spent. We will extend it by fifteen minutes.

SHRI JASPAT ROY KAPOOR: We have not much work to do either today or even tomorrow. I propose that we may devote the rest of the day to this measure.

DR. R. B. GOUR: May I also submit that there is hardly any other business before us today . . .

MR. DEPUTY CHAIRMAN: We have still the Companies (Amendment) Bill and the other two Appropriation Bills.

DR. R. B. GOUR: . . .and tomorrow there is hardly five minutes of non-official business.

MR. DEPUTY CHAIRMAN: Tomorrow we have only 4½ hours and we may have to sit for half an hour during the lunch hour.

DR. R. B. GOUR: Mr. Deputy Chairman, I am sorry I shall have to oppose this measure. The hon. Minister for Rehabilitation . . .

MR. DEPUTY CHAIRMAN: The Opposition Members will take ten minutes each.

DR. R. B. GOUR: The hon. Minis ter said that he was himself a displaced person and that therefore he felt about the requirements of these dis-

placed persons and their anxiety much more than we here sitting opposite to him but unfortunately, Sir, I thought he was a very well placed person indeed, that he was not a displaced person and did not share that anxiety at all, because the case he wants to make out here is that out of the total amount of expenditure of so many crores of rupees on rehabilitation—It is Rs. 200 crores there—Rs. 8 crores are the arrears and the arrears are the result of wilful negligence on the part of certain of the displaced persons and all that. Unfortunately, Sir, the hon. Minister has tried to make out a case that he has been giving all sorts of concessions and it is only these displaced persons who are not taking the benefit of those concessions and that they are trying to ignore or deny the payments to the Government or to the Rehabilitation Department. In fact that does not seem to be the case, Sir. I would like to place before the House certain cases of wilful negligence on the part of the Department itself. Now, what is it? Well, that reminds me of a line in Urdu

چاہتے جو تم تو نہ آتا مجھے قرار کیا  
 کہتے ہو تیرے دل پر مجھے اختیار کیا  
 †[चाहते जो तुम तो न आता मुझे करार  
 क्या? कहते हो, तेरे दिल पर मुझे अख्तियार  
 क्या ॥]

He tries to tell us: "I would not do anything more; I have done everything." Unfortunately, it is not so.

SHRI N. R. MALKANI: Two wrongs do not make a right. If the other party is wrong that does not mean that the wrong they do is right.

SHRI MULKA GOVINDA REDDY (Mysore): Let us have a English translation of the Urdu quotation, Dr. Gour.

DR. R. B. GOUR: English translation is very difficult, Sir. He has understood it all right.

SHRI M. GOVINDA REDDY (Mysore): The House has to understand it.

t Hindi transliteration.

DR. R. B. GOUR: Now I think, Sir, Hindi language is not to be translated here. So, unless I have spoken in Malayalam I would not have to translate it.

AN. HON. MEMBER: For our benefit.

DR. R. B. GOUR: Let us not waste time on this

Now, Sir, I shall just give you an example. Andha Moghul is just within the reach of the hon. Minister, here in Delhi itself. Now, this was a jungle area before partition and after partition, when these people came, they began living in that area, cleared it themselves, erected their huts and established small business. Now, after four years of that it occurred to you that you must construct houses or take possession of that area. Now, ordinarily when the hut of any hut-dweller is sought to be removed, then the hut-dweller gets a prior charge over the building that you erect and he is to be given that; there is no doubt about that, even from the ordinary point of view. Now, what did you do? You constructed houses— suddenly you thought that it was a profitable proposition—and when you began charging them rent, a rent of more than Rs. 32 a month, the result was—as you yourself came to realise, particularly about those displaced persons who were not well placed even after the so-called rehabilitation—that they were unable to pay that rent and so, some time in 1955, I think by the end of September, 1955, you yourself stopped collection of rent. Now, you say: "All right; you can apply for the allotment of the house, for the purchasing of the house", and when this notification was issued, they did come to you and said: "Yes, we would like to take it. Let us see on what terms you are giving it". An officer was sent to tell them: "Gentlemen, this is the price you have to pay; these are the arrears of rent; these are the arrears in respect of water tax, electricity," this and that,

all sorts of things. But they wanted to ask you: "What is this?" There were so many clarifications that they sought. A sort of mass petitions were sent to you; they do not know what happened to them; they might have been thrown into the waste paper basket—I do not know. No consideration was shown to the clarifications they wanted to see, viz., what would happen to the rent or whether the compound will be there or not. This was not done. Now, later on you started saying that they are not paying arrears. Some of them have paid and the first instalment without getting these clarifications, without all these things. Even then no settlement was in sight. They wanted a settlement of this. They were prepared to take allotted quarters but they wanted to discuss with you the reasonable price, the terms of purchase and all those things according to their paying capacity, because, after all, you know from your experience that they were unable to pay the arrears of rent. That is why you yourself stopped collection of rent on 30th September, 1955. These are the facts.

Here are certain displaced persons for whom it is beyond their means even to pay the rent that you have fixed. They are prepared to pay if you give them certain consideration. As to how and in what manner the instalments will be paid or whether the arrears of rent that you are charging will form part of the cost that you are charging from them—on all these things they wanted a clarification. But you refused even to discuss. For settlement of these problems there were demonstrations and representations. They cried hoarse on these things. Even, Sir, at Jamnagar House there was a lathi-charge. This is the position. Here, every case is not a case that the displaced person is the villain of the piece because he is not paying the rent. And because you want to collect them as arrears of land revenue which you cannot collect, you put him in the jail. That

[Dr. R. B. Gour.] is not the case. Here the case is that they want a settlement but you are denying them a settlement. You are avoiding a settlement. Your department is callously behaving, behaving in a bureaucratic manner, inhuman manner. It is a human problem. It is not a problem of administration, of collecting certain arrears of land revenue. Just because your department is arrogant, they are behaving in a particular manner; you think you should realise it by putting them in prison.

SHRI MEHR CHAND KHANNA: Would they be satisfied if it is decided not to sell the property to them?

DR. R. B. GOUR: Why should you? They had constructed their houses there. They have got prior charge on that land. They cleared the whole area. You came after they cleared the whole area and occupied it. How can you say "Will they be satisfied if the houses are not allotted to them in that area? When they went there, you did not exist. You did not exist when they occupied that place and erected their own houses. You came into the picture only later. How is it now you come and say "we would not let you those houses". Why did you remove them? Why did you demolish their houses?

You say you will auction the houses. Tenders were called. Public auction did not materialise because the public of the area is opposed to your policy. They do not want it. You have failed in that because the entire people of that area are sympathetic with the people who are residing there—the displaced persons. That is why you could not do it. This you are not prepared to believe. You say it is the agitators trying to do these things. It is a human problem. That is why human sympathies are demonstrated there by all the people. Therefore, Sir, these problems are not problems of administration. These problems are not problems that can

be solved by the big stick. These problems cannot be solved by putting people in prison. They have to be solved by negotiation, by sympathetic understanding, by talking to them. You should go and talk to them. Have a settlement reached with them. Settle with them, understanding the dhncul-ties behind them. It is a human problem. The problem is not administrative. Therefore, this Bill has to be opposed. The original Act contemplated this fact, viz., that these people, who are displaced persons, cannot be put in prison because they have got many difficulties and disadvantages. Therefore, the original Act prevented you from putting them in prisons. Therefore, you want to take these powers, to put them in prisons. I humbly request the House to oppose this Bill and not allow the Minister to get away with a big stick and try to frighten the displaced persons.

SHRI N. R. MALKANI: Sir, I rise to support the Bill. I believe the hon. Minister himself is not quite happy about it, but I do rather think that this is a Bill which is not a day too late brought before the House. I am also myself a displaced person, though, as once the Chairman said, I am a displaced person who is very well placed. But I can really understand and enter into the feelings of displaced persons. Though I am supposed to be a well-placed displaced persons, none of us is really well-placed because everyone of us has had tragedies at home. Now, we must take the question of displaced persons, not in the narrow spirit of my friend, Dr. Gour, but in the broad way.

There are different kinds of displaced persons. There is a class of displaced persons called the claimants. It is now a fairly large class. In my own community there are large numbers of people holding, what is called, chits of papers—mere certificates—which cannot be in any way turned into cash or property, because the property is not there. It is



occupied and occupied by people who refuse to pay rent or refuse to buy it or even not allow others to go into buildings. There are a large number of such people whom I know. This class of people today are in a very difficult position; they cannot acquire property.

On the other hand, non-claimants are in possession of the property. They are in occupation. They would not purchase it, and to my mind, wilfully not purchase it. I am connected with this work for the last several years, from the very beginning for the matter of that.

My friend there was right when he said that the wrong is on both sides. Initially, the wrong may be with the displaced persons. But, Sir, the Government cannot exempt itself completely from the share of wrong. I must say that the machinery for recovery was extremely weak and inefficient. Having been in Rajasthan for a few years, I know that no efforts were made, no serious efforts were made to recover, and the arrears accumulated until it became so big a sum that refugees could not pay. There were malpractices and hidden understandings and so the rent allowed to accumulate until it became a problem by itself. Partly the Government itself is responsible for the accumulation of rent and creating this problem.

Another thing also from which the Government cannot exempt itself was this. The concessions are there—one, two, three; they may be even more. But I think if any concessions were made, they were made under pressure—unwilling, belated, not in time, not sympathetic, but under pressure. I know how the number of instalments was increased from four to eight. I was myself present when this matter was being discussed with Pantji. It was discussed for more than three or four hours until we said we had got to make concessions.

mere is also me puini auoui rem being recovered as part of the purchase price of the property. Originally, we insisted that it must be paid in a lump sum. We knew it was not possible and so we left it. To my mind, the Government is as much responsible for this recalcitrance among the refugees as the refugees themselves.

Sir, I must say one thing and it is this that among the refugees there are many honest people, men of adventure. Most of them are businessmen. They know business more than anything else. They know payment is to be made and it has to be made. If rent has to be paid, it must be paid. It is the Government which has taught them not to pay. Government has not cultivated that business morality in them which, to my mind, was sufficiently high.

Sir, lastly not only have we undermined their morality, which I dislike very much because they are men of adventure, men who have stood on their own legs, we have taught them to be recalcitrant, to press for more and more, and not to pay in time.

AN HON. MEMBER: Who has taught them all that?

SHRI N. R. MALKANI: We all have taught them. One thing you forget, viz., that this money has not to be pocketed by Government. It has to go to the pool and it has to come only from the people who can pay.

DR. R. B. GOUR: How can they pay?

SHRI N. R. MALKANI: It will come from the people who can pay. If they are not able to pay, they will not be asked to pay. As far as I know in Delhi—I have been here for the last several years and you know Delhi as well as I do—quite a large number can pay. Delhi has had the biggest slice of concessions all over the country. The rural people have suffered most all over the country.

[Shri N. R. Malkani.] and amongst the urban people, the Delhi people have gained the most, the most among all the urban people to my mind.

Sir, the money will go to the pool and the pool will be distributed among those who need it most today and today the claimants, especially the small claimants, are in greater need than the others, but even then the non-claimants are there—some of the non-claimants are there everywhere, in quite a good number. Sir, quite a large number of claimants today are not doing well and they are not doing well because their non-claimant brothers would not see to it that they are properly paid and compensated.

Sir, therefore, though this is an unhappy Bill, it is a necessary Bill, which has been brought too late, to my mind. I hope the Minister will realise what he expects through the **Bill** provided the machinery for realisation is made as efficient as it was inefficient before. Thank you.

SHRI M. H. SAMUEL: Sir, this is a small Bill.

DR. R. B. GOUR: Sir, he is also a displaced person from Andhra Pradesh but rehabilitated in Delhi.

SHRI MEHR CHAND KHANNA: What about the hon. friend from Hyderabad?

DR. R. B. GOUR: I have my root? in Andhra.

SHRI M. H. SAMUEL: This is a small Bill

SHRI N. R. MALKANI: But with a big stick.

SHRI M. H. SAMUEL: There is no much stick in the Bill either.

SHRI BHUPESH GUPTA: It is a small Bill, but an illegitimate Bill.

SHRI M. H. SAMUEL: It is not so but it is being tried to be made illegitimate. It is quite a sympathetic Bill

to my mind. \*or the first time I am speaking on this problem of displaced persons and, therefore, I just want to pay my tribute to these displaced persons. They suffered when the partition was done. A mighty drama was enacted, a drama, a saga of suffering bravery and courage and then man's successfully overcoming of adversity. I do not think anywhere in the world was such a thing done of such magnitude and with such success at any time. We are not witnessing a great deal of migration to Israel from several countries in Europe. People have migrated from one place to the other but they have always left a trail of bitterness and suffering and have not been consolidated to the extent that we have been able to do in the last ten years. For that, I feel that men in our Government and particularly Shri Khanna, who is himself a displaced person, who was a Minister in the NWFP, have done a great deal. Besides, the displaced persons themselves need to be paid a tribute for their achievement. They are all very self-respecting men. They would not go begging. They started business. They went into various avocations, started new trades and today perhaps many of them are far better off than the people who had not to go through "the difficulties of partition. For that also the Government is largely responsible. Shri Khanna has said that about Rs. 200 crores were spent for people from West Pakistan and it may be about Rs. 400 crores for people from West and East Pakistan, who number about 10 millions.

SHRI MEHR CHAND KHANNA: Rupees three hundred and thirty crores up to now.

SHRI M. H. SAMUEL: Well, about Rs. 330 crores for about 10 million people. It is a tremendous achievement and it is a great thing for them that they have been able to put themselves back in business and respectable living.

In the work that the Government has done, certain consequences followed; houses, infirmaries and colo-

nies had been built and certain arrears of rent had to be collected. The Government had spent a lot of money. Of course, it is our Government who have done it and I do not say that the displaced persons need be grateful to the Government. The Government had done its duty and it is only their duty that they had done. At the same time, as law-abiding citizens, they have to pay taxes. Some of them are the rents. They need have nothing to grudge about. There was no inclination on the part of the Government to put them into any difficulties, nor had the Government been unsympathetic towards the displaced persons. The very fact that section 30 was introduced in the Bill in 1954 to the effect that arrears should be collected as arrears of land revenue shows that the Government did not want to harass or put the displaced persons into any difficulties. Secondly, even in the present amending Bill there is a provision that if a person is not able to pay, he can be exonerated by the Chief Settlement Commissioner.

Now, Sir, I do not see any reason why anyone should come to the conclusion that the present Bill is going to send the displaced persons to jail if rents are not paid. It is true, you cannot get your arrears of rent by sending a person to jail; you can never collect arrears of rent by sending a person to jail. But the very provision in the Bill, I am sure, will make many displaced persons to abide by the law and pay the arrears of rent and not probably fall into the machinations of many political parties. Dr. Gour's speech made me feel that probably this question has now taken on a political colour.

DR. R. B. GOUR: I do not want to be drawn into the picture.

SHRI M. H. SAMUEL: But the very fact that you have taken interest in the matter has brought out the impression in my mind that this question is being taken to a political plane and that is not the way to solve this difficult problem.

DR. R. B. GOUR: But that is your guilty conscience.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI M. H. SAMUEL: Leave it out of politics and they will come to a proper settlement.

SHRI JASPAT ROY KAPOOR: Mr. Deputy Chairman, Sir, the hon. Minister at the outset said that it was no pleasure to him to place before us this measure. It is much less so to us to support it. But we have to lend our support to it under compelling circumstances, impelled by a sense of duty to do so. For, what is the position before us? The position before us is that over Rs. 8 crores are outstanding as arrears of dues not only from displaced persons but from non-displaced persons also in respect of properties, which have been declared evacuee property and in respect of such other properties which had been constructed by the Government and handed over to the compensation pool.

So, these over Rs. 8 crores are outstanding. If they are realised, they will go to this compensation pool. Who is then going to benefit thereby? Not the Government, not anybody else but only the displaced persons. Now, when we want to espouse the cause of the displaced persons, we have to consider whether we should adopt the type of attitude which my hon. friend, Dr. Gour, would have us adopt, the result of which would be that the displaced persons compensation pool would be pilfered or reduced or decreased, or whether we should adopt an attitude whereby this sacred compensation pool may be added to such an extent as it is possible to do. Now, if we are honest and sincere in our efforts to help the displaced persons, the obvious duty which devolves on us is to see that every possible pie which can be realized from anybody, displaced person or non-displaced person, must be realized and put in the compensation pool for the benefit of those who

[Shri Jaspat Roy Kapoor.] are not in possession of any property and who have been silently, patiently and peacefully waiting all these years in the hope that some fortunate day will arrive in their life when they will also be able to get something from the compensation pool. That is the position. Now, property worth about Rs. 40 crores, we are told, is in possession of displaced person? and also non-displaced persons and in respect of that, we have not been able to realize rent to the extent of over Rs. 8 crores. What are we to do? Our obvious duty is to do everything possible to realize this amount. My hon. friend Dr. Gour, who was also to a certain extent supported by Prof. Malkani, said that the Government itself had been responsible for accumulation of these heavy arrears. I cannot understand the reasonableness of this criticism. If the Government did not realize arrears all these many years by resorting to stringent measures, we should give them credit for it. In the earlier stages the displaced persons were not in a position to pay rent regularly and the Government did well and was wise in not adopting too strict measures. Now, after so many years when we find that in spite of their being in a position to pay, when they are, most of them, well-established, when we find that they are not willing to pay and they refuse to pay and are taking undue advantage of this lenient and sympathetic attitude of the Government, it becomes necessary for us to adopt stricter measures. If strict measures had been adopted before now, they would have been accused of treating the displaced persons in an inhuman way. If they have not done that and if they had treated them sympathetically, they are being criticised for neglect of duty, for negligence, carelessness and inefficiency. You cannot have it both ways. We have a proverb in Hindi:

DR. R. B. GOUR: That is exactly what the Ministry wants.

SHRI JASPAT ROY KAPOOR: It means 'Heads I win, tails you lose'. You cannot have it both ways. I think it was wise and well on the part of the Government not to have resorted to stricter methods for the realization of these arrears which have accumulated.

Now, we find that out of these over Rs. 8 crores, there are arrears in regard to acquired property to the extent of Rs. 4-8 crores. Then there are arrears in regard to unacquired property to the extent of Rs. 1;42 crores and arrears in respect of Government property to the extent of 3-04 crores, \*»i»he total being over Rs. 8 crores. "Let us see from whom this money is due. There are 4 or 5 classes of persons. One class is that of the claimants. The dues realisable from them are to be adjusted against their claims and they are **not** going to be affected by the provisions of this measure. Then there are non-claimants who are our main difficulty. Again there are non-displaced persons who are in possession of this property. This is a very important point which must be considered by all **hon.** Members that this Bill does not affect the displaced persons alone. It affects the property which is in possession of anybody, whether he is displaced or non-displaced and the realizations are to be made both from displaced and non-displaced persons whoever they might be. Then money is to be realized from destitutes but with regard to them, the hon. Minister has said that no strict measures will be adopted against them.

Therefore, we have to see what we have to do. The Minister has already said that many concessions have been given to these persons, namely, they are permitted to pay in 8 instalments. They can purchase the property not only with their own money but with the money belonging to claimants. All these facilities have been given to them and let us also not forget that the property worth about Rs. 10,000 with a displaced person, whether claimant or non-claimant, which they are permitted to purchase, its

value has gone up by nine times. What does it come to? Persons who are in arrears of rent in respect of properties which is in their possession will be permitted to pay only 20 per cent, now and 80 per cent, in 7 years. Then those instalments can be paid by adjustment against the claims if they have any, otherwise they can purchase the claim from the market which means if they purchase Rs. 8,000 worth of claim, they will have to pay only about Rs. 4,500 for this is the present market value. That means, in all, for Rs. 4,500 plus Rs. 2,000, total Rs. 6,500/-, they will get property worth nominally Rs. 10,000 and which, as a matter of fact, is worth about Rs. 20,000 or Rs. 25,000. These various concessions are there. If in spite of these various concessions they are not paying their rent not even getting it adjusted in this manner, certainly we are entitled and justified to resort to stricter methods but even here what do we say in this measure? We say that only those persons who are either reluctant to pay or refusing to pay, which words, I understand, mean if a person is in a position "to pay and yet neglects to pay and yet refuses to pay, then and then alone he will be proceeded against . . .

MR. DEPUTY CHAIRMAN: I have got 4 more speakers.

SHRI JASPAT ROY KAPOOR: My only excuse in requesting you to give a little more time is, this measure has been brought before us after its having been placed before the Compensation Advisory Board, which has been established under the provisions of this Act, of which I happen to be a member. I would like to mention here, for the information of this House, that the responsibility for this measure is as much of this Compensation Advisory Board as of the Government. Before bringing this measure here this proposal was referred to it and this Board consisted of displaced persons like Sardar Gurmukh Singh Masafir, Mr. Jag Pravesh

Chandra and Mr. Dayal Das. I also have been nominated to it, and Mr. Chandulal Parikh is its Chairman. We thoroughly considered this question and after giving our best consideration to it, and after giving consideration to the various facts and figures placed before us and even specific case of deliberate neglect and refusal to pay, we came to the conclusion that the Government would be justified in bringing this measure. Only two or three instances I will place before you.

MR. DEPUTY CHAIRMAN: That will do, Mr. Kapoor. Mr. Niranjana Singh.

SHRI JASPAT ROY KAPOOR: Of course, if that is the order of the Chair, I have to sit down quietly.

श्री निरंजन सिंह (मध्य प्रदेश) :  
उपसभापति महोदय, मैं इस बिल का विरोध करने के लिये खड़ा हुआ हूँ और मैं इसका विरोध केवल इसलिये करना चाहता हूँ कि इसमें ज्यादा गवर्नमेंट का हाथ है और अपनी रेसपासिबिलिटी को बचाने के लिये यह साधन यहां जुटाया गया है। अभी माननीय सदस्यों ने कहा कि किसी के बहकाने से ऐसा हुआ लेकिन हमारे यहां यह देखा गया है कि जब-जब इलैक्शन हुआ तब-तब उनसे यह कहा गया कि देखो हम तुम्हारी मदद करेंगे तुम हमारा साथ दो और ऐसा कौन कह सकता है, यह हाउस समझ सकता है। मैंने देखा है कि पहले तो प्राइसेज ही फिक्स नहीं हुई, और अगर हुई भी तो ज्यादा हुई। फिर उसके लिये रिप्रेजेंटेशन हुआ और रिप्रेजेंटेशन के बाद या तो कीमते कम की गई या रेंट कम किया गया। तो यह उन आदमियों की कठिनाई है जिन आदमियों ने इतने दिन तक इतना कर्जा अपने सिर पर रखा। इस सम्बन्ध में मैं सरकार से दो सवाल पूछना चाहता हूँ। जैसा कि एक माननीय सदस्य ने कहा, एक सवाल मेरा यह है कि जिनके ऊपर इन्कम टैक्स बाकी है उनको आप जेल में क्यों नहीं डालते हैं? उनके ऊपर

[श्री निरंजन सिंह]

कितने मुकदमे चले हैं और उनको कितनी सजायें आपने दी हैं ? जब उनके साथ आप ऐसा नहीं करते हैं तो रेफ्यूजीज के साथ आप ऐसा क्यों करना चाहते हैं ? मेरा दूसरा सवाल बहुत साधारण है । यदि एक टेनेंट है और वह किसानी करता है लेकिन लगान नहीं देता है, तो उसके साथ कभी यह नहीं होता है कि उसको जेल में डाल दिया जाये । एक दूसरी चीज मैं और बताऊँ । आपसे किराये पर मकान लेने के बाद जिन आदमियों पर किराया बाकी रह जाता है, उनमें से कितने आदमियों को इस सरकार के कानून के द्वारा जेल में डाला जा सकता है ? जिन आदमियों ने स्वतंत्रता के कारण अपनी सम्पत्ति को खोया, अपने ऐश व आराम को खोया और अपने घर और द्वार को छोड़ा, उन आदमियों के ऊपर यह ८ करोड़ रुपया बाकी है । आपके कितने आदमी ऐसे हैं जो गवर्नमेंट बिल्डिंग में रह जाते हैं और छोड़ कर चले जाते हैं और उनसे किराया वसूल नहीं होता है । कितने ऐसे आदमी हैं जिनके ऊपर लाखों रुपया इन्कम टैक्स का रहता है, लेकिन वे लोग अपनी फर्म का नाम बदल देते हैं और फिर फर्म का नाम बदलने के बाद उनसे आपका रुपया वसूल नहीं होता है । यदि ऐसे आदमियों को आप छोड़ सकते हैं तो जिनको स्वतंत्रता के लिये इतनी कठिनाई उठानी पड़ रही है उनको और कठिनाई में डालना कहां तक उचित है ? इसके लिये मैं यह फिर कहूंगा कि रिहैबिलिटेशन डिपार्टमेंट की ज्यादा जिम्मेदारी है । हमारे यहां से कितने पत्र आये, कितनी बातें हुई, लेकिन कभी यहां से उत्तर नहीं गया । यदि कभी उत्तर गया भी तो यह कह दिया गया कि उसके पास फाइल है, लेकिन उन फाइलों के आधार पर आज तक उत्तर नहीं गया । मुझे जबलपुर और रायपुर के सम्बन्ध में मालूम है कि वहां बहुत से कैसेज हुये और उन बेचारों ने कहा कि हमारे साथ बहुत ज्यादाती हो रही है, लेकिन उनको कभी

उत्तर तक नहीं मिला । जिन लोगों को आप को कम्पेंसेशन देना है उनसे आप कहेंगे कि हम इतने टर्म में तुम्हारी अदायगी करेंगे और जिनके लिये आपने घर बना दिया या जिनको आपने कोई प्रापर्टी दे दी, उनसे आप तुरंत रुपया लेना चाहते हैं । यह अन्याय है । आप कहते हैं कि आपका डिपार्टमेंट टूट रहा है, इसलिये आपको कुछ करके जाना चाहिये । यह आपके लिये ठीक है, लेकिन हम इसमें आपके साथी नहीं बनना चाहते हैं । हम यह कहते हैं कि यह ८ करोड़ रुपया कोई बड़ी भारी चीज नहीं है और सरकार खुद मानती है कि ज्यादा से ज्यादा चार करोड़ रुपये ऐसे होंगे जो डूब सकते हैं । हम यह मानते हैं कि जिनके पास पैसा है उनको बकाया देना चाहिये । हम उनको बेईमान नहीं बनाना चाहते । रुपया आप उनसे वसूल कीजिये लेकिन रुपया वसूल करने के माने यह नहीं है कि आप टाचर करके या हैरस करके उनसे रुपया वसूल कीजिये । इस नाते से मैं यह कहना चाहता हूँ कि यह जो आपका बिल है यह अनुचित है और यदि इसको न पास किया जाय तो ज्यादा अच्छा होगा ।

سردار بدھ سنگھ (جموں اور کشمیر):

جذاب ڈیٹی چیرومین صاحب - جب یہ ری ہیبیلیٹیشن اور گمپینسیشن کا ذکر آتا ہے یا کسپلنٹ پرسنس کا ذکر آتا ہے تو میں اپنے سٹیٹ کے دو لاکھ بدقسمت ریفریجیز کا ذکر کرنے پر مجبور ہو جاتا ہوں - ان کی ایسی دردناک حالت ہے کہ ان کو نہ آج تک ایک پیسہ کمپنیشن کا ملا ہے نہ آج تک ایک اچھا پختہ مکان ملا ہے نہ ان کو اچھی طرح سے مطمئن آباد کیا گیا ہے اور نہ ہی ری ہیبیلیٹیشن منسٹر صاحب

نے یا ان کے مستحکم نے ان کے لئے کچھ تسلی بخش کام کیا ہے - میں سات سال سے برابر یہی بکواس کر رہا ہوں اور چلا رہا ہوں لیکن ابھی تک کوئی قیادت جواب ہمیں نہیں دیا گیا کہ کیوں ہمیں معاوضہ نہیں دیا جاتا - ہماری کروڑوں اور اربوں روپیوں کی جائداد پاکستان میں رہ گئی اور ہمارے ہزاروں آدمی وہاں مارے گئے ، قتل کئے گئے ، لیکن ہمارے لئے نہ کوئی ایسا قانون ہے نہ کوئی ایسا ایکٹ ہے جس سے ہم گورنمنٹ پر دعوں کر کے اپنا روپیہ وصول کرسکیں - ہم نے پارٹیشن نہیں کیا - پارٹیشن گورنمنٹ نے کیا اور اس کا نتیجہ یہ ہوا کہ ہم برباد ہو گئے ، ہم تباہ ہو گئے ، ہزاروں قتل ہو گئے - ہم نے اپنے بچوں کو ، اپنے رشتہ داروں کو اپنے گھر والوں کو سڑکوں پر گولیاں کھاتے مرتے چھوڑ دیا - ہماری صورتیں ، لوکیاں تن کے کپڑوں میں نیم برہنہ اور پھر ہماری مصیبت کی ماری بہلیوں زخمی ہو کر ، خون آلودہ ہو کر ، یہاں پہونچیں اور دو بدر تھوکرین کھانے لگیں - میں منسٹر صاحب سے پوچھنا چاہتا ہوں کہ کیا کشمیر کے ریفوجیز کے لئے ایک بھی اچھا باصحت پختہ مکان بنا کر دیا گیا - ہاں جموں میں صرف ایک جنگل صاف کر کے ہموار کیا گیا اور اس میں ہماری بدقسمتی سے ایسی سنگین کوٹھریاں بنائی گئیں

جن میں رہنے والوں کو بہت ہی تکلیف ہے ، بہت ہی مصیبت کا سامنا ہے ، پھر بھی ان سے ۲۶ روپیہ ماہوار کرایہ حکماً لیا جاتا ہے - اور ارباب ان غریبوں سے مانتا جاتا ہے جو مزدوری کرتے ہیں اور بڑی مشکل سے اپنی گذر بسر کرتے ہیں -

اس کے ساتھ ساتھ جب میں یہ دیکھتا ہوں کہ یہاں کروڑوں روپیوں کا بقایا ہے ، یہاں ہزاروں مکان بن گئے ہیں ، بہت سی کالونیاں بن گئی ہیں تو میں دو چار سوال پوچھنا چاہتا ہوں - آپ مربانی کر کے ہمیں یہ بتلائیں کہ آخر ہم کتنے برس تک انتظار کریں گے کمپنیشن کا - ہم کتنے برس تک انتظار کریں گے اپنے مکانوں کے معاوضے کا - ہم کتنی صبر تک انتظار کریں گے اپنے علاقہ کی واپسی کا ، اپنی جائداد کے معاوضے کا اور اپنے آدمیوں کی جانوں کے معاوضے کا جو قتل ہو گئے ہیں ، جن کا خون ہو گیا ہے - آج اگر کہیں ایک معمولی سا قتل ہو جاتا ہے یا خون ہو جاتا ہے تو دنیا اسے آسمان پر اٹھا لیتی ہے - سارا ہاؤس پریشان ہو جاتا ہے - میں یہ پوچھنا چاہتا ہوں کہ کیا ہندوستان میں کوئی وکیل نہیں رہا ؟ کیا ہندوستان میں کوئی منصف نہیں رہا - کیا ہندوستان میں کوئی ہائی کورٹ کا جج نہیں رہا ؟ کیا ہندوستان میں

(سردار بدھ سنگھ)

کوئی گورنمنٹ نہیں رہی؟ جو ہمارا فیصلہ کرے، جو ہمیں بتائے کہ ہمیں کمپنیشن کیوں نہیں ملتا ہے۔ اور جب ہمارے مکان و بڑا علاقہ پاکستان میں رہ گئے ہیں تو ہم سے کرایہ کیوں لیا جاتا ہے۔ آج حالت یہ ہے کہ نہ ہمارا اپنا کوئی گھر ہے، نہ ہماری لڑکیوں و رشتہ داروں کا کوئی گھر ہے، نہ ہمارے رفیقوچی بھائیوں کا کوئی گھر ہے سب ادھر ادھر پڑے ہوئے ہیں۔

کشمیر اسٹیٹ ان کے لئے کہا کر سکتی ہے۔ وہ ویسے ہی بہت غریب ہے۔ اس کے پاس کوئی خاص ذریعہ نہیں ہے۔ ہم لوگوں کی ساری آبکاری کی ذمہ داری مرکزی ری پبلیکیشن منسٹر پر ہے، ری پبلیکیشن ڈیپارٹمنٹ پر ہے اور یہ گورنمنٹ آف انڈیا کا فرض ہے کہ جب تک ہمیں معاوضہ نہیں ملتا ہے تب تک ہمارے رہنے کے لئے اچھے مکانوں کا انتظام کرے۔ ہم ایسے تنگ و تاریک مکان نہیں چاہتے ہیں۔ جن میں نہ ہم رہ سکتے ہیں اور نہ ہمارے منسٹر صاحب رہ سکتے ہیں۔ جب ہم آرام سے رہتے چلے آ رہے تھے تو اب ذلت و دکھ کے ساتھ رہنا ہمارے لئے بہت مشکل ہے۔ اس لئے ہم یہ کہتے ہیں کہ یا تو ہمیں معاوضہ دو نہیں تو کرایہ ہم سے کیوں لیتے ہو۔

یہ ٹھیک ہے کہ بیچارے کہلے صاحب نے متوجہ ہو کر تنگ ہو کر

یہ بل پیش کیا ہے لیکن یاد رکھئے کہ جہاں کسٹمیسٹ پرسن کا نام آیا جہاں ان کی گرفتاری کا نام آیا رفیقوچی لوگ زمین آسمان ایک کر دیں گے۔ بڑی زبردست پے چیلنج کی آگ لگے گی اور لوگوں میں سخت ناراضگی پیدا ہو جائے گی۔ آپ کرایہ جائیداد و آمدنی سے اثر وصول کر سکتے ہیں لیکن گرفتاری کا کیا مطلب ہے۔ پہلے ان لوگوں کو مستثنیٰ کیا گیا پھر گرفتاری کا بل لایا گیا لیکن فی الحال ہمیں یہ دیکھنا ہے کہ یہ بل کس طرح سے جاری ہونا ہے اور ہمارا جموں و کشمیر والوں کا کیا حشر ہوتا ہے۔ جو چھوٹا موٹا کرایہ تین چار سال کا باقی ہے وہ ایک غریب آدمی کیسے دے سکتا ہے جس کے پاس ایک پیسہ نہیں ہے وہ مکان کیا خریدے گا دس ہزار کا جب کہ معاوضہ ایک پیسہ نہیں ملا۔ چیف سیکرٹری کمشنر کو تمام اختیار دئے گئے ہیں اور اس سے ہوگا یہ کہ ہر ایک مقدمہ میں لوگ پھنسیں گے۔ ہر ایک تحقیقات میں لوگ پھنسیں گے اور اس طرح بہت سے لوگ تباہ ہوں گے اور برباد ہوں گے۔ اچھے اچھے آدمی اپنا گھر بار چھوڑ کر یہاں آئے ہیں اور اب ان کو بڑی مزید مصیبت کا سامنا کرنا پڑے گا۔ آخر کچھ نہ کچھ انسانی ہمدردی ہونی چاہیئے۔ یہ ملک ہندوستان ہے، گاندھی جی کا ملک ہے اور یہاں



رفیوجیز پر کسی قسم کی زیادتی نہیں ہونی چاہیئے - ہمارے دوست کہتے ہیں جو خود ایک رفیوجی ہیں انہوں نے بڑی محنت سے ہم لوگوں کی خدمت کی کوشش کی ہے - لیکن بقایا دار دلی والوں کی حرکت سے مجبور ہو کر شاید ان کو یہ بل پیش کرنا پڑ رہا ہے مگر سخت بدنامی کا باعث ہے - میں یہ چاہتا ہوں کہ ہندوستان میں چلے لائڈو ہیں ، جتنے سینس ایبل لوگ ہیں ، جتنے منصف مزاج آدمی ہیں ان کو اور اس شام کو اس بات کا فیصلہ کرنا چاہیئے اور ہم کو صاف صاف جواب دینا چاہیئے کہ ہمارا کیا قصور ہے ؟ ہمیں معاوضہ کیوں نہیں دیا جاتا - میں یہ کہتا ہوں اس کے لئے آپ لوگ کیوں نہیں لڑتے ہیں - جبکہ آپ ذرا ذرا سی بات پر بحث کرنے میں بہت سا وقت صرف کر دیتے ہیں - میں پھر آپ سے اپیل کرتا ہوں کہ آپ خدا کے لئے یا تو ہمیں معاوضہ دلایئے یا ہمارا کرایہ معاف کروائیئے - اب آپ دیکھیئے کہ ہمارے یہاں کس قدر رفیوجیز کے رہنے کے لئے جموں میں جو مکان بنائے گئے ہیں ان کی حالت بہت خراب ہے کئی خالی پوے ہیں - نہ ان میں پانی کا خاطرخواہ انتظام ہے نہ ان میں بجلی کا پورا انتظام ہے - منسٹر صاحب خود وہاں دیکھ کر آئے ہیں - لیکن ابھی تک مجھے

منسٹر صاحب سے بات کرنے کا موقع نہیں ملا ہے - وہاں تئیسوں کی لائن ہے وہاں گز یا ڈیڑھ گز کی دسوئی اور باروچی خانہ ہے - بدھ سنگھ جو کہ منسٹر رہ چکا ہے ڈپٹی کمشنر رہ چکا ہے اور دیگر معزز رفیوجیز اس کے بچے کیا ایسے تلگ مکان میں آرام سے رہ سکیں گے اور وہ بھی جبکہ اس ڈیڑھ گز باروچی خانہ کے نزدیک کھلی تئیسوں ہوں ، تئیسوں کی لائن چلی جاتی ہو - کوئی پانی کا انتظام اور فلیش کا سسٹم نہ ہو - میں پوچھتا چاہتا ہوں کہ کیا وہاں کھلے صاحب رہ سکتے ہیں - اگر نہیں رہ سکتے ہیں تو پھر ہمارے لئے کمزور ایسی مجبوری ہے - ہمیں اس کا جواب ملنا چاہیئے -

[†] سرदार बुध सिंह (जम्मू और काश्मीर) : जनाब डिप्टी चयरमैन साहब, जब ये रिहैबिलिटेशन और कम्पेंसेशन का जिक्र आता है या डिस्प्लस्ड परसन्स का जिक्र आता है, तो मैं अपने स्टेट क दो लाख बदनकिस्मत रिफ्यूजीज का जिक्र करने पर मजबूर हो जाता हूँ। उनकी ऐसी दर्दनाक हालत है कि उनको न आज तक एक पैसा कम्पेंसेशन का मिला है, न आज तक एक अच्छा पुरता मकान मिला है, न उनको अच्छी तरह से मुतमैन व आबाद किया गया है, और ना ही रिहैबिलिटेशन मिनिस्टर साहब ने या उनके महकमे ने उनके लिये कुछ तसल्लीबल्लश काम किया है। मैं सात साल से बराबर यही बकवास कर रहा हूँ और चिल्ला रहा हूँ लेकिन अभी तक कोई डेफिनिट जबाब हमें नहीं दिया गया कि क्यों हमें मुआवजा नहीं दिया जाता। हमारी करोड़ों और अरबों रूपयों की जायदाद पाकिस्तान में रह गई और हमारे

[सरदार बुध सिंह]

हजारों आदमी वहाँ मारे गये, कत्ल किये गये, लेकिन हमारे लिये न कोई ऐसा कानून है, न कोई ऐसा एक्ट है, जिस से हम गवर्नमेंट पर दावा कर के अपना रुपया वसूल कर सकें। हम ने पार्टीशन नहीं किया। पार्टीशन गवर्नमेंट ने किया और उसका नतीजा यह हुआ कि हम बर तब हो गये, हम तबाह हो गये, हजारों कत्ल हो गये। हम ने अपने बच्चों को, अपने रिश्तेदारों को, अपने घर वालों को, सड़कों पर गोलियाँ खाते मरते छोड़ दिया। हमारी औरतें, लड़कियाँ तन के कपड़ों में नीमबरहता और फिर हमारी मुसीबत की मारी बहुत जल्मी होकर, खूनआलूदा होकर, यहाँ पहुँची, और दर बंदर ठोककर खाने लगीं। मैं मिनिस्टर साहब से पूछना चाहता हूँ कि क्या काश्मीर के रिफ्यूजीज के लिये एक भी अच्छा बासेहत पुस्तक मकान बना कर दिया गया? हाँ, जम्मू में सिर्फ एक जंगल साफ कर के हमबार किया गया और उसमें हमारी बदकिस्मती से संगीन कोठरियाँ बनाई गईं, जिनमें रहने वालों को बहुत ही तकलीफ है, बहुत ही मुसीबत का सामना है। फिर भी उन से २६ रुपया माहवार किराया हुकमन लिया जाता है। और वो किराया उन गरीबों से मांगा जाता है जो मजदूरी करते हैं और बड़ी मुश्किल से अपनी गुजर-बसर करते हैं।

इस के साथ साथ जब मैं यह देखता हूँ कि यहाँ करोड़ों रुपये का बकाया है, यहाँ हजारों मकान बन गये हैं, बहुत सी कॉलोनियाँ बन गई हैं, तो मैं दो चार सवाल पूछना चाहता हूँ। आप मेहरबानी कर के हमें ये बतलाइये कि आखिर हम कितने बरस तक इंतजार करेंगे कम्पेंसेशन का? हम कितने बरस तक इंतजार करेंगे अपने मकानों के मुआवजे का? हम कितनी उम्र तक इंतजार करेंगे अपने इलाके की वापसी का, अपनी जायदाद के मुआवजे का, और अपने उन आदमियों की जानों के मुआवजे का जो कत्ल हो गये हैं, जिनका खून हो गया है? आज अगर कहीं एक मामूली सा कत्ल हो जाता है, या खून हो

जाता है, तो दुनिया उसे आसमान पर उठा लेती है। सारा हाउस परेशान हो जाता है। मैं ये पूछना चाहता हूँ कि क्या हिन्दुस्तान में कोई बंगला नहीं रहा, क्या हिन्दुस्तान में कोई मुसिफ नहीं रहा, क्या हिन्दुस्तान में कोई हाई कोर्ट का जज नहीं रहा, क्या हिन्दुस्तान में कोई गवर्नमेंट नहीं रही, जो हमारा फ़ैसला करे, जो हमें बताये कि हमें कम्पेंसेशन क्यों नहीं मिलता है, और जब हमारे मकान बड़ा इलाका पाकिस्तान में रह गये हैं तो हम से किराया क्यों लिया जाता है? आज हालत यह है कि न हमारा अपना कोई घर है, न हमारी लड़कियों व रिश्तेदारों का कोई घर है, न हमारे रिफ्यूजी भाइयों का कोई घर है। सब इधर उधर पड़े हुए हैं।

काश्मीर स्टेट उनके लिये क्या कर सकती है? वो तो वैसे ही बहुत गरीब है। उसके पास कोई खास जरिया नहीं है। हम लोगों की सारी आबादकारी की जिम्मेदारी मरकजी रिहैबिलिटेशन मिनिस्टर पर है, रिहैबिलिटेशन डिपार्टमेंट पर है, और ये गवर्नमेंट आफ इंडिया का फ़र्ज है कि जब तक हमें मुआवजा नहीं मिलता है तब तक हमारे रहने के लिये अच्छे मकानों का इंतजाम करे। हम ऐसे तंग व तारीक टट्टियों वाले मकान नहीं चाहते हैं जिनमें न हम रह सकते हैं और न हमारे मिनिस्टर साहब रह सकते हैं। जब हम आराम से रहते चले आ रहे थे तो अब ज़िल्लत व दुःख के साथ रहना हमारे लिये बहुत मुश्किल है इसलिये हम ये कहते हैं कि या तो हमें मुआवजा दो नहीं तो किराया हम से क्यों लेते हो?

ये ठीक है कि बेचारे खन्ना साहब ने मजबूर हो कर, तंग होकर, ये बिल पेश किया है, लेकिन याद रखिये कि जहाँ डिस्प्लेस्ड परस-स का नाम आया, जहाँ उनकी गिरफ्तारी का नाम आया, रिफ्यूजी लोग जमीन आसमान एक कर देंगे। बड़ी ज़बरदस्त बेचैनी की आग लगेगी और लोगों में सख्त नाराजगी पैदा हो जायेगी। आप किराया जायदाद व आमदनी

से अगर, हो तो वसूल कर सकते हैं, लेकिन गिर-  
फ्तारी का क्या मतलब है ? पहले उन लोगों को  
मुस्तस्ना किया गया फिर गिरफ्तारी का बिल  
लाया गया । लेकिन फ़िलहाल हमें यह देखना  
है कि ये बिल किस तरह से हावी होता है और  
हमारा जम्मू व काश्मीर वालों का क्या हज़ार  
होता है । जो छोटा-मोटा किराया तीन चार  
साल का बाकी है, वो एक गरीब आदमी  
कैसे दे सकता है ? जिसके पास एक पैसा नहीं  
है, वो मकान क्या खरीदेगा दस हजार का  
जब कि मुआवज़ा एक पैसा नहीं मिला ?  
चीफ़ सैटिलमेंट कमिशनर को तमाम अख्तियार  
दिये गये हैं और उससे होगा ये कि हर एक  
मुकदमे में लोग फंसेंगे, हर एक तहकीकात में  
लोग फंसेंगे, और इस तरह बहुत से लोग तबाह  
होंगे और बरबाद होंगे । अच्छे-अच्छे आदमी  
अपना घर-बार छोड़ कर यहां आये हैं और  
अब उनको मज़ीद बड़ी मुसीबत का सामना  
करना पड़ेगा । आखिर कुछ न कुछ इंसानी  
हमदर्दी होनी चाहिये । ये मुल्क हिन्दुस्तान है,  
गांधी जी का मुल्क है, और यहां रिफ्यूजीज  
पर किसी किस्म की ज्यादाती नहीं होनी  
चाहिये । हमारे दोस्त खन्ना जी, जो खुद एक  
रिफ्यूजी हैं, उन्होंने बड़ी मेहनत से हम लोगों  
की खिदमत की कोशिश की है । लेकिन  
बकायादार दिल्ली वालों की हरकत से मजबूर  
होकर शायद उनको यह बिल पेश करना पड़  
रहा है, मगर सख्त बदनामी का बायस है ।  
मैं ये चाहता हूं कि हिन्दुस्तान में जितने लायर,  
हैं, जितने सेंसिबिल लोग हैं, जितने मुसिफ़-  
मिजाज आदमी हैं, उनको और इस हाउस को  
इस बात का फैसला करना चाहिये, और हम  
को साफ़-साफ़ जवाब देना चाहिये, कि हमारा  
क्या कसूर है, हमें मुआवज़ा क्यों नहीं दिया  
जाता ? मैं ये कहता हूं कि इसके लिये आप लोग  
क्यों नहीं लड़ते हैं, जब कि आप जरा-जरा सी  
बात पर बहस करने में बहुत सा वक्त सर्फ़ कर  
देते हैं ? मैं फिर आप से अपील करता हूं कि  
आप खुदा के लिये या तो हम मुआवज़ा दिलाइये  
या हमारा किराया मुआफ़ कराइये । अब आप  
देखिये कि हमारे यहां किसी कदर रिफ्यूजीज

के रहने के लिये जम्मू में जो मकान बनाये गये  
हैं उनकी हालत बहुत खराब है, कई खाली पड़े  
हैं, न उनमें पानी का खातिर-ख्वाह  
इंतजाम है, न उनमें बिजली का पूरा इंतजाम  
है । मिनिस्टर साहब खुद वहां देख कर आय  
हैं, लेकिन अभी तक मुझे मिनिस्टर साहब से  
बात करने का मौका नहीं मिला है । वहां  
टट्टियों की लाइन है, वहां गज या डेढ़ गज की  
रसोई और बावर्चीखाना है । बुघसिह जो कि  
मिनिस्टर रह चुका है, डिप्टी कमिशनर  
रह चुका है, उसके और दीगर मौअजिज  
रिफ्यूजीज के बच्चे क्या ऐसे तंग मकान में  
आराम से रह सकेंगे और वो भी जब कि इस  
डेढ़ गज बावर्चीखाने के नज़दीक खुली  
टट्टियां हों, टट्टियों की लाइन चली जाती  
हो, कोई पानी का इंतजाम और फ्लश का  
सिस्टम न हो ? मैं पूछना चाहता हूं कि क्या  
वहां खन्ना साहब रह सकते हैं ? अगर नहीं  
रह सकते हैं तो फिर हमारे लिये क्यों ऐसी  
मजबूरी है ? हमें इसका जवाब मिलना  
चाहिये ।]

4 P.M.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Mr. Deputy Chairman, even after hearing the very comprehensive statement which contained the touch of human feeling, I cannot give my support to this Bill. Before I give my reasons, I want to assure the Opposition that all of us consider this problem from the human angle. They have given an assurance and I hope that they will act according to that here, out side and in Calcutta.

Regarding certain statements made by my hon. friend, Dr. Raj Bahadur Gour, in regard to the Rehabilitation Minister, I do not want to take any brief on his behalf but I would say this that those who know him, those who know what he possessed in Peshawar will not say that he has been rightly placed.

DR. R. B. GOUR: But what did ) say?

SHRI AKBAR ALI KHAN: I want to pay my compliment to him for the

[Shri Akbar ALL Khan.] great work that he has done in this humane and great cause.

Sir, I oppose this measure for two reasons. I think the latest trend in modern jurisprudence is that so far as civil matters are concerned, more particularly in regard to the realisation of certain dues, the punishment of arrest or sending people to prison should be avoided. It is definitely against the present trend of things. In this particular matter, I feel that the person who has suffered so much, a person who has fought his misfortunes so boldly and has settled down under very difficult circumstances, should not be told that in case of non-payment of the dues he will be arrested and sent to prison. I am sure, Sir, that not only those who believe in the ideology of the Father of the Nation, Mahatma Gandhi, but even the others will not approve of this measure which says that in case of non-payment, the person concerned should be arrested and sent to prison.

SHRI JASPAT ROY KAPOOR: If you are in a position to pay.

SHRI AKBAR ALI KHAN: I am saying, take all the steps necessary which will enable you to realise the money through attachment and so on but I do not feel, Sir, that it would be in these particular circumstances fair to bring forward a measure of this type which enables Government to send these persons to prison. Apart from the psychological effect that you will create, what would you gain by sending these persons to prison? Would you realise your eight crores of rupees? You would not realise your money and if they are prepared to go to prison, then you will have this added disadvantage of inflicting this undesirable punishment on them and at the same time not getting the money that is due to you.

PANDIT S. S. N. TANKHA (Uttar Pradesh): Sending them to prison will not wipe off the debt. That amount will still be realisable.

SHRI AKBAR ALI KHAN: That is what I was saying. Take all measures which would help you to realise those debts.

PANDIT S. S. N. TANKHA: Those measures have already been taken but still the money is not forthcoming.

SHRI AKBAR ALI KHAN: There is-, no necessity in the circumstances to take this extreme step of sending them to prison.

PANDIT S. S. N. TANKHA: That is the only alternative.

SHRI M. GOVINDA REDDY: Otherwise, the amounts will have to be written off.

SHRI AKBAR ALI KHAN: I have no doubt that through this measure you will not be able to realise even a negligible portion because this only creates a psychological atmosphere. Once the persons who have suffered so much make up their minds, "All right, send us to prison", then it is difficult! They know that the greatest of people in this land have been to prison and if they take up such an attitude, what would be the advantage? I would suggest attachment of property; I would suggest realisation through other means.

SHRI JASPAT ROY KAPOOR: They have dishonestly alienated property.

SHRI AKBAR ALI KHAN: If they have, take special measures to trace that property and make changes in the law which will enable you to trace out such persons who dishonestly alienate property and will enable you to get back the property. These are people who have suffered so much and I am sure this House will not approve of their being arrested and sent to prison. I cannot support the measure.

SHRI MEHR CHAND KHANNA: Is it the contention of the hon. Member that they should be given preferential treatment?

SHRI AKBAR ALI KHAN: No preferential treatment.

श्री पा० ना० राज भोज (मुम्बई) : उपसभापति महोदय, मुझे बहुत संतोष होता है कि विस्थापितों का पुनर्वसन करने की समस्या कितनी जटिल थी कि इसका वर्णन नहीं किया जा सकता है लेकिन फिर भी हमारे योग्यता सम्पन्न पुनर्वसन मंत्री माननीय श्री मेहर चन्द खन्ना जी ने अपने अन्य साथियों के सहयोग से इस समस्या को कितनी स्फूर्ति से, कितनी खूबी से और कितने सुन्दर ढंग से हल किया यह सदन के सब सदस्यों को परिचित है।

DR. R. B. GOUR: Can the hon. Member be allowed to read his speech?

MR. DEPUTY CHAIRMAN: He is only referring to the notes.

श्री पा० ना० राज भोज : इनकी तो आदत पड़ गई है इसी तरह से बोलने की, मैं क्या कहूँ।

तो, इसी तरह से क्या अच्छा होता है यदि हजारों वर्षों से उच्च जातियों के पैरों तले कुचले गये आदिवासियों और हरिजनों का पिछड़ापन निकाल कर अन्य जातियों के सतह पर लाने का काम भी एक स्वतंत्र मंत्रालय के द्वारा किया जाता। आज भी यदि सरकार एक स्वतंत्र सामाजिक मंत्रालय बनाये तो हमें बहुत ऋणी होंगे। मैं यह भी चाहता हूँ कि जब यह मंत्रालय बन जाये तो हमारे मेहर चन्द खन्ना जी को यह सामाजिक मंत्रालय, सोशल वेल-फेयर मिनिस्ट्री दें तो अच्छा होगा।

यह जो ३३० करोड़ रुपये का सवाल है वह एक बहुत बड़ा सवाल है। यह इतना बड़ा सवाल है। इन लोगों को ऊपर उठाने के लिये कितनी मेहनत पड़ी होगी, कितना श्रम पड़ा होगा, यह आपको विचार करना होगा। यह जो बिल लाये है इस बिल के बारे में मैं यह कहना चाहता हूँ कि जब यह हालत थी कि लोग दस-दस और पन्द्रह-पन्द्रह हजार रुपया पगड़ी का देते थे और तब भी मकान का मिलना बड़ा मुश्किल था उस वक्त सरकार ने बिना कोई पगड़ी लिये सस्ते किराये पर उन लोगों को मकान दिये और उसका परिणाम यह हुआ कि

बहुत से शरणार्थी भाई आबाद हुए। वे सरकारी मकानों में रहे लेकिन अपसोस के साथ कहना पड़ता है कि ये लोग अब मकानों को चारगुना कीमत पर बेच रहे हैं और किराया भी नहीं देते हैं। तो यह किराया वसूल करने के लिये ही यह बिल यहां लाना पड़ा है। कोई भी यह नहीं चाहता है कि शरणार्थी को जेल में भेज कर उसको दुबारा उजाड़ा जाय। मेरे ख्याल से इस प्रश्न को बड़े अच्छे ढंग से हल करने का प्रयत्न किया गया है और जो थोड़ीसी समस्याएँ हल करने को बाकी हैं, जैसे कि पुराना किला के शरणार्थी हैं, किन्सवे कैम्प के हैं और श्री गंगा नगर के हैं, मैं चाहता हूँ कि ये छोटे-छोटे प्रश्न भी मानवतावादी के नाते से हल किये जायें। इनके लिये विचार करना चाहिये। मैं यह कहना चाहता हूँ कि पांच रुपये के किराये के लिये चीफ सेटलमेंट कमिश्नर को बड़ी पावर दी गई है और यह हम यकीन करते हैं कि डिजविग केसेज में उसको इस्तेमाल करके एक्जम्पेशन दिया जाय, माफी के दरवाजे में बन्द नहीं किये जायें और जेल का रास्ता भी तभी बतलाया जाय जब कि किराया . . . . .

DR. R. B. GOUR: Mr. Deputy Chairman, he says:

“पांच रुपये के लिये चीफ सेटलमेंट कमिश्नर को पावर दी गई है” What does mean by that?

श्री पा० ना० राज भोज : महोदय जी, इन साहब की तो आदत पड़ गई है ये ऐसे ही बोलते हैं। मैं चाहता हूँ कि चूंकि ये ड्रास्टिक पावर्स हैं इसलिये इन ड्रास्टिक पावर्स को बड़े संयम से इस्तेमाल करने की जरूरत है, यही मेरी प्रार्थना है।

मैं तीन बातें आपके सामने रखना चाहता हूँ, उपसभापति महोदय जी। आप बड़े दयाल हैं और मेरे ऊपर कभी-कभी दया करते हैं। मैं आपको जरिये से मंत्री महोदय जी से कहना चाहता हूँ कि सेटलमेंट कमिश्नर कोई जुडि-

[ श्री पा० ना० राज भोज ]

शियल अथारिटी नहीं है इसलिये उस पर कुछ जुडिशियल नियंत्रण होने की आवश्यकता है। दूसरा सजेशन यह है कि माननीय मंत्री जी हमें आश्वासन दें कि जेल में भेजने की पावर को सिर्फ एक्स्ट्रीम केसेज में ही इस्तेमाल किया जायगा और कांसिलियेशन और काम्प्रोमाइज की नीति का अधिकतर अवलम्बन किया जायगा क्योंकि एक तो यह शरणार्थी हैं और दूसरी बात यह है कि किराया देना या न देना यह सिविल ला है और इसके लिये जेलखाने में बहुत ही रेगुलर केसेज में भेजा जाता है। इस सिजसिले में मैकहूंगा कि मंत्री जी सभा को आश्वासन दें कि जितने केसेज में कैद की सजा दी जायगी उसका एक स्टेटमेंट सभा की मेज पर रखा जायगा जैसे कि एक स्टैटिस्टिकल स्टेटमेंट वकिंग आफ दि प्रिवेटिव डिटेंशन का हर साल रखा जाता है। इसी वास्ते मैं कहता हूँ कि इसको बड़े संयम और बड़े अच्छे ढंग से करना चाहिये। इसके अलावा जो दलित वर्ग के लोग हैं, जो कई कई जगहों पर पड़े हुए हैं जो कि नहीं दे सकते हैं, उनके ऊपर थोड़ा सम्हाल कर केसेज चलाना चाहिये, उनके लिये यह देखना चाहिये कि उनको ज्यादा तकलीफ नहीं हो और उनके ऊपर दया रखनी चाहिये।

SHRI AKBAR ALI KHAN: It is not 'cheap' Settlement Commissioner but 'Chief Settlement Commissioner'?

MR. DEPUTY CHAIRMAN: Order, order. Shri Sheel Bhandra Yajee.

श्री शीलभद्र याजी (बिहार) : उप-सभापति महोदय, एक्ट पर जो अमेंडमेंट हो रहा है उस पर बोलने की मेरी स्वाहिश नहीं थी लेकिन कामरेड डा० राजबहादुर गौड़ ने रिहैबिलिटेशन के बारे में जो यह कहा कि अभी "तथाकथित" 'सो काल' काम हो रहा है उसने मुझे भी उस पर कुछ कहने के लिये प्रेरित किया। मैं समझता हूँ कि विरोधी दल के कामरेड लोग जब बोलते हैं तो सत्य को बराबर छिपा कर बात करते हैं। वे यह देखने की कोशिश नहीं करते हैं कि 'सारे संसार के इतिहास में इस तरह की चीज नहीं हुई कि

करोड़ों की तादाद में यहां रिफ्यूजीज आए और उनको किस तरह से हुकूमत ने देश के हर कोने में बसाया और आज वे किस तरह जीवन निर्वाह कर रहे हैं।

मौजूदा जो अमेंडमेंट आया है, उसके बारे में मैं समझता हूँ कि हाउस के तमाम सदस्यों ने हमारे माननीय मंत्री खन्ना जी से गुजारिश की है कि इसका प्रयोग सख्ती के साथ नहीं होना चाहिये और उन्होंने आश्वासन दिया भी है कि रीजनल सेटलमेंट कमिशनर उनके केस पर गौर करेंगे। यह जरूर है कि जो शरणार्थी लोग हैं उनकी हालत बहुत खराब है इसलिए यह जो कानून लोक सभा ने पास किया है, पास तो इसको होना ही है और इसका एक साइकालाजिकल एफेक्ट भी उन लोगों पर होगा जो कर नहीं देने की इच्छा रखते हैं। जिन लोगों की बुरी माली हालत है उन पर सहानुभूतिपूर्वक व्यवहार होना चाहिये। उनकी माली हालत बहुत बुरी है इसी वास्ते वे किराया नहीं दे सकते हैं और ऐसी हालत में उनके साथ सख्ती करने की जरूरत नहीं है क्योंकि वे जानबूझ कर ऐसा नहीं करते हैं। मैं समझता हूँ कि रीजनल सेटलमेंट कमिशनर को जो अधिकार दिया गया है उसका वे दुरुपयोग नहीं करेंगे बल्कि दया के साथ उनके केस को देखेंगे। मैं पहले कह चुका हूँ कि यह बिल पास होने तो जा रहा है और इसका असर भी लोगों पर पड़ेगा लेकिन इसका सख्ती के साथ अमल नहीं होना चाहिये।

MR. DEPUTY CHAIRMAN: Mr. Khanna.

SHAH MOHAMAD UMAIR (Bihar): Sir, before the hon. Minister speaks . .

MR. DEPUTY CHAIRMAN: We have exceeded the time-limit.

SHAH MOHAMAD UMAIR: I seek your special permission to express only a few words in two minutes' time.

MR. DEPUTY CHAIRMAN: No. If I give you time, then there are two more Members to whom I have to give time.

SHAH MOHAMAD UMAIR: What is the harm?

MR. DEPUTY CHAIRMAN: I am sorry.

SHRI MEHR CHAND KHANNA: I have not got much to say except that I would like to refer to a few observations made by my hon. friends and colleagues here. I am told and the Government is reminded that we should not use the big stick, but deal with this problem as a human problem. To tell the Government of India to deal with the refugee problem as a human problem is something which does not behave of a Member of this House, even "if he is sitting on the Opposition Benches. The Government of India, I believe, is the one Government in the whole of the world today which have had to face the problem of rehabilitation of over 9 million displaced persons. There is no country in the world today which had to face such a big problem where rehabilitation measures have been taken on this scale. Government of India is the one Government in the world where every penny that has been spent either on relief, rehabilitation or compensation has come from the general revenues of the country and they have not taken a single penny's aid from any foreign country outside. There is no country in the world today where compensation has been paid for properties left in the migrant's country. It is only the Government of India which has paid compensation to the displaced persons for their physical assets left in Pakistan. One of the most recent examples of the Government of India is the Tibetan problem. In spite of what we have had to face, in spite of what we have had to undergo, and in spite of the heavy financial difficulties, the Government of India is even receiving refugees from Tibet and other countries. So, all along we have dealt with

this problem on a strictly human basis.

Now, Sir, I would like to just say a word or two to my friend, Sardar Budh Singh. He is quite justified in asking me what is going to be the fate of those displaced persons, who have come from the raiders-held area of Jammu and Kashmir, in the matter of compensation. This question has been raised before the House not once, but it has been agitated in the House and outside. Where human suffering is concerned, where losses are concerned, the people who have come from the raiders-held area of Jammu and Kashmir perhaps have suffered as much, if not more. In the matter of rehabilitation we have made no discrimination whatsoever. Whatever rehabilitation assistance is available to a displaced person from West Pakistan is equally available to a migrant from the raiders-held area of Jammu and Kashmir State. Now, according to my definition of a displaced person, and the rules under which a displaced person becomes entitled to payment of compensation, we pay compensation only to those persons who have come from West Pakistan and have sustained losses there. The area from which my friend, Sardar Budh Singh, has come in a part of India. It shall remain a part of India, and that is our contention. So, legally and technically, though it may not be a matter of great consolation to Sardar Budh Singh, we cannot invite claims for properties which are our own property, which are in our own country. And if they are held by enemies, we shall try and see that these properties are restored or we take possession of them. How long it will take, it is not for me to say. It is a matter which has been before the Government of India for a number of years. But I have taken positive steps to see that if a displaced person from that area is occupying an allotable house and he is not in a position to purchase it, I am not having this house sold over his head, either through auction or through tenders. I have given him the concession, firstly, I gave it till

[Shri Mehr Chand Khanna.] the end of 1957, then it was extended till the end of 1958. And now it has been extended to the end of 1959. If he wishes to purchase that house like **any** other displaced person from West Pakistan, according to the same terms and conditions, it is open to him. But if he is not in a position to purchase that house, that house shall not be auctioned or disposed of like any other house, which may be in the possession of a non-claimant displaced person. The Government is seized of this question of giving some kind of relief or some kind of assistance to our unfortunate brethren from Jammu and Kashmir. The decision has not been taken yet. It cannot be in the shape of compensation, as I have already told the House. Whether we can do something more in the matter of relief and rehabilitation, we are looking into the matter, but it is too early for me to make any announcement. As I have said that I am going to close the doors of this Ministry within about a year, my brothers from Jammu and Kashmir also have centred their hopes in me and feel that if I am going to close the western wing of this Ministry, they would like something to be done for them in the matter; I shall try to do something for them. Beyond that, I am not in a position to say anything.

Sir, my friend, Shri Akbar Ali Khan—I am sorry to say—is a Barrister . . .

DR. R. B. GOUR: Why are you sorry about it?

SHRI MEHR CHAND KHANNA: . . . and he has not actually appreciated the implication of this amendment nor has he studied section 21 of the Act of 1954. I stated at the very beginning that under this Act, it is enjoined upon me to realise my arrears as arrears of land revenue. That was conceded not today, that was conceded in 1954.

SHRI AKBAR ALI KHAN: That **was** amended.

SHRI MEHR CHAND KHANNA:  
| No, no. The amendment was in my favour. I read the amendment of 1956 and that is new section 7A or whatever you may call it. Under that I section, as I told you, the arrears due f either on account of Government property or custodian's property can be : realised as arrears of land revenue. I Whatever the consequences are, **they** flow from it.

DR. R. B. GOUR: But without imprisonment.

i SHRI MEHR CHAND KHANNA: ! I am coming to it.

I Whatever the consequences are, j they flow from it.

My friend who "was sitting there—I j think he comes from Madhya Pradesh, i Jabalpur—he talked about the kisans from whom<sup>^</sup> *taccavi* loan is due. That ; can be realised as arrears of land revenue with the last penalty that can / be imposed. When he came there, he realised that he had quoted against himself. So, I want to tell my friend, Shri Akbar Ali Khan this, if you want that preferential treatment should continue to be given to a D.P. in spite of wilful default and that he should not be accorded the same treatment as any national of this country, then the question is different. What I am saying is, in spite of all that we have done, in spite of the facilities that we have given, if a non-claimant today who never owned a house in Pakistan and who all along remained a tenant there is given in India the facility to become the owner of a house on the same terms as a D.P.—these people have lost property in West Pakistan of the value of over Rs. 500 crores and we only intend to give compensation to the extent of Rs. 185 crores—then that non-claimant must pay for the price for the house. Unless a decision is taken by the House, that property worth Rs. 50 crores which is with the non-claimants—because if they had claims they would have filed their claims and they would have been paid—compensation—that amount, is to be



written off, and they become the owners of that property.

SHRI H. D. RAJAH (Madras): Sir, 'the hon. Minister said that the D. P. is a non-national. Is it correct?

SHRI MEHR CHAND KHANNA: I never said that. 'Non-claimant' I said. If it is decided that past arrears should not be realised, the ultimate implication will be that no arrears will be realised.

DR. R. B. GOUR: Even after imprisonment, you will not be able to realise it.

SHRI MEHR CHAND KHANNA: That is for the House to decide. But I do enquire Sir, has not the time come? Have we not reached the stage when we should tell the D.P. that like any other national of this country he should discharge his obligations, he should pay what is due to the Government, he should pay what is due to his own neighbour, to his own colleague, to his fellow D.P.? As Shri Jaspat Roy Kapoor very rightly remarked, this is not going into the Government's coffers. To a man who has lost his property in Pakistan, you say, you have waited for nine or ten years, wait more; and to a man who never owned any property in Pakistan we should allow him to own all the property at the expense of his neighbour, not pay for it, not pay any arrears of rent and again default in future. Then, Sir, I can only tell Sardar Budh Singh that if this is going to be the attitude, he shall also have to wait till eternity. His main grouse against me today is that you are paying compensation to people who have come from West Pakistan. Why don't you do something for us too? I humbly submit, I have clearly stated one thing, that in the case of those who are not in a position to pay, I am not going to have any distress warrants issued against them. It is not the intention to put them in the lock-up, but those who can pay, why should they not be treated on a par with any other national of this country?

One small point and that is this that I want to draw the attention of my friends like Akbar Ali Khan and even Prof. Malkani to this. It rather hurt me when I heard from his mouth that all that we have done for the displaced persons was the result of pressure.

SHRI N. R. MALKANI: I know exactly what you have done; how much you have done.

■ SHRI MEHR CHAND KHANNA: He told me, if you raised the limit from Rs. 5,000 to Rs. 10,000 it was because of pressure. We had to sit in a meeting with Pantji for over three hours and the limit was raised. I do not think it is a very charitable remark for this Ministry. I can assure him—he has worked with me—that the farthest thing from my mind is to force the hands of a D.P. who is not in a position to pay. Throughout, my approach has been on a humane basis. My approach has been that 'to a D.P. who leans on his own legs, not on a brother D.P.; I try and give him the best possible satisfaction. I want to tell Shri Akbar Ali Khan—and I believe—that after my reading section 33 of the Act, he will change his line and not oppose the Bill, as he did before. There are certain residuary powers given to the Central Government and I am reading this section 33:—

"The Central Government may at any time call for the record of any proceeding under this Act and may pass such order in relation thereto as in its opinion the circumstances of the case require and as is not inconsistent with any of the provisions contained in this Act or the rules made thereunder."

So, there are inherent powers with the Government. If a case of distress or hardship comes to me, we can look into it and give him the necessary relief. I even invite my hon. friend the MPs. They write to me; every day I receive a very large number of letters from them. If a case of this nature comes to their notice, let the

2,385 *Displaced Persons (Compensation and Rehabilitation) Amendment Bill, 1959* [ RAJYA SABHA ]

LShn Mehr Chand Khanna.]

write to me and I can assure them that relief will be given. But I would beg of them that we should not place premium on wilful neglect and default—because crores of rupees are involved—by any step that we take which will have a very serious repercussion on our future realisations.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954, passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration.

Clause 2 was added to the Bill.

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

SHRI MEHR CHAND KHANNA: Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill be passed."

SHAH MOHAMAD UMAIR: Sir, I want to say a word.

MR. DEPUTY CHAIRMAN: I will allow only Shah Mohamad Umair.

SHAH MOHAMAD UMAIR: I want to say only one word by way of paying my personal compliments for the work which has been done in regard to the rehabilitation and relief of displaced persons. The historical rehabilitation work which this country has had to take up, I think, is the first of its kind in the history of the world and it has been achieved very successfully, so brilliantly. We must express our sympathies to those distressed people. The miseries and distress of people who have been buttered in Pakistan are not yet over. The complete relief which they could

have got they have not yet got at our hands. But whatever relief they have got under the Rehabilitation Ministry, that is a thing for which we cannot but pay a glowing tribute to the Minister concerned. I think that those who were in misery and distress ten years back are still in misery and distress today and in some degree I see the distress still remains to be compensated in a way so that they may forget their previous wounds; they are fit cases for consideration so far as compensation and other kinds of relief and concessions are concerned. I think that such people have nothing to fear on account of the provision in this Bill as regards realisation of arrear rents; we need not make much about it. I think the Rehabilitation Minister who has brought forward this Bill must have kept them in view and would see that this particular provision of the Bill may not be applied harshly to those people who are building up a new life.

MR. DEPUTY CHAIRMAN: He gave that assurance.

SHAH MOHAMAD UMAIR: Therefore, I think that he will have a soft corner for these poor and distressed people who need our sympathy and I hope they will continue to command our support and sympathy hereafter.

MR. DEPUTY CHAIRMAN: That will do.

SHAH MOHAMAD UMAIR: I shall end on this note that the Rehabilitation Minister deserves full compliments not only of those rehabilitated people but of all of us for having done so much in respect of rehabilitation of displaced persons in spite of the various limitations to which our resources are subject.

MR. DEPUTY CHAIRMAN: That will do. There is no time. Let him reply. Shri Mehr Chand Khanna.

Dn. R. B. GOUR: Let the hon. Minister tell us in reply to what Mr. Umair has just now said, as to how he is going to realise the amount from a family that has not paid the rent.

By putting the earning member of the family in jail and the rest of the family in distress? That I want to know. That is all.

MR. DEPUTY CHAIRMAN: He has given you the assurance.

SHRI MEHR CHAND KHANNA: If there be co-operation forthcoming from all sides I think there will be no need for it.

SHRI JASPAT ROY KAPOOR: Can I catch the eye of the Chair?

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed." The motion was adopted.

### THE COMPANIES (AMENDMENT) BILL, 1959

THE MINISTER OF COMMERCE (SHRI N. KANTJINGO) : • Sir, I beg to move:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Companies Act, 1956, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:

Shri Khandubhai K. Desai

Shri T. S. Avinashilingam  
Chettiar Shri P. D.

Himatsingka Shri Babubhai M.  
Chinai Shri J. S. Bisht Dr. R. P.  
Dube Shri Akbar Ali Khan Shri  
Awadeshwar Prasad  
Sinha

Shri P. T. Leuva  
Shri M. P. Bhargava  
Shri R. S. Doogar  
Shri J. V. K. Vallabharao,  
Shri H. D. Rajah  
Shri V. K. Dhage, and  
Shri Rohit M. Dave."

Sir, hon. Members are aware that Lok Sabha adopted this motion for reference of the Bill to a Joint Committee yesterday and I now seek the approval of this House to the recommendation of the Lok Sabha.

The Bill is very largely based on the recommendations of the Companies Act (Amendment) Committee which was appointed in May 1957 under the Chairmanship of Shri A. V. Vishwanatha Sastri, a former Judge of the Madras High Court, to examine the structure of the Act as well its contents with a view not only to removing its defects and deficiencies but also ensuring better fulfilment of the purposes underlying the Act. The Committee was appointed hardly after a year had elapsed since the enactment of the original measure, and based its recommendations on the representations which it had received from representatives of trade and industry, management of companies, representatives of shareholders and the legal and accountancy professions and from other interests concerned with the working of joint stock enterprises, relating to the practical difficulties experienced in complying with the provisions of the Act. The Committee submitted its Report in November, 1957. Copies of the Report have been already made available to Members of this House.

As mentioned in the Statement of Objects and Reasons, the amendments of the Companies Act as included in this Bill may be classified under the following heads: —

(i) amendments considered necessary to overcome practical difficulties experienced in the course of the working of the Act;

(ii) amendments of a clarificatory nature designed to remove drafting defects and 'obscurities' which have caused difficulties in interpretation of the statute; and

(iii) amendments considered necessary to ensure better fulfilment of the purposes of the Act, and to remove lacunae in the existing provisions.