

[Shri Gulzarilal Nanda.]

Finally, Dr. Kunzru mentioned about some Commission in the U.S.A. which helps the Government there. I looked into the matter; I have got all the facts with me. That particular body there is an *ad hoc* one which advises the President and also lays down certain principles. The matter ends there. We have here a continuing body, the C.W. and P.C., which not only gives advice but actually works out a whole plan. So, it is not as if they in U.S.A. have got anything better than what we have got for co-ordinating, and for a phased programme for the whole country. They have also devised some methods of overcoming these difficulties of conflicting interests but what we are doing here is, I believe, much better.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys be referred to a Joint Committee of the Houses consisting of 45 Members; 15 Members from this House, namely:—

1. Shri G. Ranga
2. Shri M. Govinda Reddy
3. Shri S. Venkataraman
4. Shri Jagannath Prasad Agrawal.
5. Shri H. P. Saksena
6. Shri Krishnakant Vyas
7. Syed Mazhar Imam
8. Shri M. H. S. Nihal Singh
9. Shri Jagannath Das
10. Shri Vijay Singh
11. Shri N. D. M. Prasadarao
12. Shri Surendra Mahanty
13. Shri S. N. Dwivedy
14. Shri N. R. Malkani
15. Shri Jai Sukh Lal Hathi

and 30 Members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of Members to be appointed by the Lok Sabha to the Joint Committee; and

that the Committee shall make a report to this House by the 21st November, 1955."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2.35 P.M.

The House then adjourned for lunch at thirty-five minutes past one of the clock till thirty-five minutes past two of the clock.

The House reassembled after lunch at thirty-five minutes past two of the clock.

MOTIONS RE AMENDMENTS TO DISPLACED PERSONS (COMPENSATION AND REHABILITATION RULES, 1955.

MR. DEPUTY CHAIRMAN: You can sit and speak.

THE MINISTER FOR REHABILITATION (SHRI MEHR CHAND KHANNA): I am just moving the motion now.

I beg to move:

"That this House concurs in the following motions passed by the Lok Sabha at its sitting held on the 14th

September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(1) That the following be added after sub-rule (3) of rule 17 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

“Provided that nothing in this sub-rule shall apply where any such person purchases any property forming part of the compensation pool in which case the purchase price may be adjusted against the compensation payable to him in accordance with these rules, notwithstanding that the amount to be adjusted exceeds fifty thousand rupees.

Explanation.—In its application to a Hindu undivided family, the limit of fifty thousand rupees shall apply to each share referred to in sub-rule (2) of rule 19.”

(2) That the following amendments be made in Rule 19 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

(i) after sub-rule (2), insert:—

“(2A) Notwithstanding anything contained in sub-rule (2), where a deceased member of a Joint Hindu Family has left sons all of whom are less than eighteen years of age, such sons shall, for the purpose of computation of compensation, be reckoned as one member of the family.”

(ii) after Explanation II, add:—

“Explanation III.—For the purposes of this rule, the ques-

tion whether a person is less than eighteen years of age, shall be determined with reference to the date 26th September, 1955.”

(3) That the following amendments be made in sub-rule (1) of rule 22 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

(i) in clause (a), for “five thousand rupees” substitute “ten thousand rupees”; and

(ii) in clause (b)—

(a) omit “in a rural area or in a town other than those mentioned in Appendix X”; and

(b) for “two thousand rupees” substitute “ten thousand rupees”.

(4) That the following be substituted for sub-rule (2) of rule 25 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

“(2) Where the value of the property exceeds the net amount of compensation payable to the applicant, the applicant shall be required to pay the balance—

(a) in one lump sum; or

(b) in instalments, as follows:—

(i) In the case of property other than an industrial concern—

(a) Where the value of the property does not exceed, in the case of a shop in a rural area or in a town other than those mentioned in Appendix X, and in the case of any other property, five thousand rupees, the total equal annual instalments shall be—

(b) Where the value of the property exceeds the limits specified in the schedule of the compensation 1955.

Specified in clause (a) of the property consists of a shop in a rural area or in a town other than those mentioned in Appendix X, and in the case of any other property, five thousand rupees, the total equal annual instalments shall be—

(i) Where the value of the property exceeds the limits specified in the schedule of the compensation 1955.

(ii) Where the value of the property exceeds the limits specified in the schedule of the compensation 1955.

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(a), or where the property consists of a shop situated in a town specified in Appendix X, in two equal annual instalments.

(ii) In the case of an industrial concern, in instalments spread over a period not exceeding two and a half years, or

(c) by adjustment against compensation payable in respect of the verified claim of any other person."

(5) That the following be substituted for clause (ii) of rule 26 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

"(ii) in the case of any other property—

(a) where the value of the property does not exceed, in the case of a shop in a rural area or in a town other than those mentioned in Appendix X, two thousand rupees and in the case of any other property, five thousand rupees, if he pays at once 20 per cent. of the value thereof and agrees to pay the balance in four equal annual

(i) in clause (a), for "Rs. 5,000" substitute "Rs. 10,000", and
 (ii) for clause (b), substitute—

"(b) every Government built shop valued at Rs. 10,000 or less."

(7) That the following amendments be made in rule 41 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

(i) before the existing proviso to sub-rule (1), add—"Provided that where the value of the property exceeds, in the case of a shop in a rural area or in a town other than those mentioned in Appendix X, two thousand rupees and in the case of any other property, five thousand rupees and such value is covered by the amount of net compensation payable to such person to the extent of 33-1/3 per cent. of the value of the property.";

(ii) in the existing proviso to sub-rule (1), for "Provided that" substitute "Provided further that where the provisions of the preceding proviso do not apply"; and

(iii) in sub-rule (2), for "shall be payable in four equal annual instalments" substitute—

'shall be payable—

(i) where the value of the property does not exceed in the case of a shop in any rural area or in any town other than those specified in Appendix X, two thousand rupees and in the case of any other property, five thousand rupees, in four equal instalments; and

(ii) where the value of the property exceeds the limits specified in clause (i) or where the property consists of a shop situated in a town specified in Appendix X, in two equal annual instalments."

(8) That the following be substituted for rule 42 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

"42. Government built residential property in occupation of non-claimants.—Where a displaced person who does not hold a verified claim is in occupation of a Government built property which is an allottable property, the property may be transferred to him if he makes an initial payment of—

(i) where the value of the property exceeds, in the case of a shop situated in any rural area or in any town other than those specified in Appendix X, two thousand rupees and in the case of any other property, five thousand rupees, 33-1/3 per cent. of the value of the property; and

(ii) where the value of the property does not exceed the limits specified in clause (i) or where the property consists of a shop situated in a town specified in Appendix X—

(a) 33-1/3 per cent. of the value of the property if the property is situated in an 'A' class colony;

(b) 25 per cent. of the value of the property if the property is situated in a 'B' class colony;

(c) 20 per cent. of the value of the property if the property is situated in a 'C' class colony; and

agrees to pay the balance of the purchase price—

(1) in case falling under clause (i) above, in two equal annual instalments; and

(2) in case falling under clause (ii) above, in four equal annual instalments."

(9) That the proviso to rule 45 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, be omitted.

(10) That the following amendment be made in clause (b) of rule 46 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

omit "subject to the proviso to rule 45".

(11) That the proviso to rule 48 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, be omitted.

(12) That the following proviso be added to sub-rule (3) of rule 95 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

"Provided that any such application may be entertained after the said date if the Settlement Commissioner is satisfied that the applicant was prevented by sufficient cause from filing the application in time."

(13) That the following amendments be made in rule 97 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

(i) for the existing proviso, substitute—

"Provided that—

(a) he has not accepted such allotment of the agricultural land or such allotment has been cancelled;

(b) he does not hold a verified claim in respect of any other kind of property, that is to say, for any urban property or for any substantial rural building"; and

(ii) after the first proviso, add—

"Provided further that where any such person is given a rehabilitation grant under rule

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97A, he shall not be given a rehabilitation grant under this rule."

(14) That the following new rule be added after rule 97 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:-

"97A. Rehabilitation grants to persons allotted agricultural land up to two standard acres in Punjab and Patiala and East Punjab States Union.—Any person who has been allotted two standard acres or less of agricultural land in the State of Punjab or Patiala and East Punjab States Union under any notification specified in section 10 of the Act may be given a rehabilitation grant at the rate of Rs. 450 per standard acre of the area allotted to him:

Provided that—

(a) he has not accepted such allotment of the agricultural land or such allotment has been cancelled;

(b) he does not hold a verified claim in respect of any other kind of property, that is to say, for any urban property or for any substantial rural building."

SHRI BHUPESH GUPTA (West Bengal): On a point of submission. I understand that this discussion has to be completed in the course of the day, but I find from the proceedings in the other House that they have taken about three days, not of course full days, and a lot of discussion has taken place there over this motion and I do not think it is proper that it should be so hurried in this manner here especially when certain rules call for some amount of scrutiny and all that. It is most regrettable that the Government had not so arranged its time that we do get some opportunity to discuss some of the issues raised in these Rules.

MR. DEPUTY CHAIRMAN: The motion is before the House for discussion. The Rules will have to be approved and passed by the Houses of Parliament within thirty days from the date on which they are laid on the Table, and thirty days will expire by today. So we have to finish this discussion today, and, if necessary, we will sit beyond five.

SHRI BHUPESH GUPTA: Sir, I think I should begin my speech by protesting against the fact that the Government should not have given us, in spite of the fact that they knew that it would lapse today, some reasonable time for discussing this matter. I know, Sir, that these things have been gone into by very competent persons elsewhere and there is no doubt that the other House has also discussed it at some length and has given this thing their best thoughts. Yet we feel that, when such proposals are brought before us, we should be given ample, at least reasonable, opportunities for expressing our views on the matter; our views should not be taken for granted. That is what I would like to tell the hon. Minister. Otherwise the whole thing becomes a farce. I am a little zealous of the position of this House in this respect and I suppose the hon. Minister belongs to this House. Sir, I am not one of those who believe in competing as to whose claim is what in respect of the two Houses; nonetheless I feel that a reasonable standard of behaviour should be laid down whenever Government thinks of bringing such proposals before us. Now, naturally, at this stage it is not possible to go into the details of the very many things that have been stated here, much as we would like to do so, because if I took some time it means the other Members will not have much time left for them. Therefore I would only touch on some of the very main points and that too very briefly.

First it is known by now that the administration of this whole affair has not been to the satisfaction of the displaced persons. There have been lots

of bunglings and in some cases also malpractices. Unfair things had been done in respect of certain categories of refugees. They are mostly poor people; that is why we had a number of demonstrations before the Parliament, also elsewhere and I think the Minister will at least agree that there is some amount of discontent amongst the displaced persons over this matter. Here, Sir, the Rules are of great importance, because, whatever the law may be, very much depends on how you administer such laws. Very much depends on what machinery you set up for administering the law and, in this case, what rules you frame. To some extent the machinery that is there is conditioned by the Rules under which such machinery has to function, or the Rules which have to be given effect to. Here I find certain alteration has been made with regard to the maximum in the interim Rules that existed and it was laid down that Rs. 50,000 would be the highest limit to compensation. Rs. 50,000 is too big an amount for us, as far as we are concerned, to many of us on this side of the House. For the hon. Minister I know—I suppose he has a verified claim of about 1½ crores—Rs. 50,000 is nothing—that I can understand. But we should have thought that the amount has been fixed at a fairly reasonable level. Now I find that it is being raised to Rs. 2 lakhs, that is to say, the ceiling, the maximum would be Rs. 2 lakhs, may be to claimants who have verified claims of properties which may run into Rs. 1½ crores and so on, and I have before me in this House some hon. Member who had got very huge properties left there, whose claims have been verified and settled at over a crore of rupees. Sir, as you know, we have very tender feelings for all people, generally speaking, but I feel that, when we are dealing with the question of rehabilitation of displaced persons, we should be guided by how quickly we settle them and help them, those who do not have any means of livelihood, those who are much down in the social ladder, those who are really deprived of opportuni-

ties and avenues of life. Such persons should be in the picture before us before anybody else comes into the picture. Now for instance if I were to consider the case of my hon. friend Diwan Chaman Lall who at one time had and even now has got plenty of properties there in Pakistan, I would say that even if he did not have any property he is such an intelligent person, an equipped person, an educated person that he can find his feet anywhere. He always can. Therefore I know that even if I were not to leave him anything, a gentleman of his intellectual stature, equipment and education would not be hard pressed in society. He will make.....

SHRI RAJENDRA PRATAP SINHA (Bihar): Can there be personal references like that, Sir?

PROF. G. RANGA (Andhra): Does not matter. He is praising.

PROF. N. R. MALKANI (Nominated): We have no objection.

SHRI BHUPESH GUPTA: I am giving an example here.

MR. DEPUTY CHAIRMAN: He will also give you examples.

SHRI BHUPESH GUPTA: The only thing is, I may not be there then, but I am glad to hear him always. I am only giving an example here. There are such people, but there may be other people who have got properties, left huge properties there, but they lack one thing. They have not the intelligence, the equipment, education—proletariat in intellect. Now one may have pity for them; one may have sympathies for these people, 'haves' in the material sense but 'havenots' in the intellectual sense, no equipment, none whatsoever except that they were born in very favourable and affluent circumstances. For such people we need not bother at the moment very much except that we should see that they are placed in a certain position where they can earn their living; certain opportunities of

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life should be made open to them. If they are not educated some arrangement should be made for their education. If they are not really equipped for doing any work, either by brain or by brawn, something should be done so that they can undertake certain socially useful work. Beyond that I am not prepared to consider their case, especially when there are millions of our people, the peasants, the workers, the artisans, the small shopkeepers, who have been uprooted from their soil and driven to this position of destitution and distress for no fault of theirs and who desire to be resettled in life and who constitute, Sir—and that is most important—the majority of the refugee population about whom we are making these Rules. Therefore, they need special consideration. If we had plenty of money it might be that we could think of being a little generous for the upper ladder. We are told that our fund would be about Rs. 185 crores, out of which Rs. 150 crores is estimated as evacuee property. Now the Government have augmented this sum by putting in another Rs. 35 crores or so and I am told the hon. Minister is not going to spend any money from that Rs. 35 crores for helping the people. Now the actual fund that you have got in your hands is very limited indeed and has, therefore, to be spent very carefully, with your eyes fixed on the vast sections of refugee humanity who are still on the streets or are living in hovels without being employed in gainful occupation. Such people should be uppermost in our mind today. Here certain social values come in, some social morals come in, but we should not go by business accounting or laying down certain *pro rata* rate of compensation and all that. Therefore, I think that this maximum compensation limit has to be reduced. I am very sorry if I really injure the financial interests of some rich refugees. It is not my intention to give a blow to them. That we leave for other occasions. For the simple reason that we do not have enough money, and we have got so many of our people

to resettle in life, we cannot afford to give *pro rata* to these poorer people. I do not see why the hon. Minister should not accept the suggestion that has been made in the other House that the compensation to be paid should be fixed at Rs. 50,000.

Here another question comes in. Who are these people who have come from Pakistan? I can understand about some people, for instance, a scientist, an engineer, who had got huge property and who required to be compensated to enable him to pursue his vocation or his profession. I can understand a kind of consideration being made to them. But when big landlords come from Pakistan (if I were in the Pakistan Constituent Assembly, I would have said the same thing)—some of them are very big ones—I do not think they need any particular consideration at this stage, especially when they have big properties in this country. According to them the compensation payable may be small but according to us it is big compensation. Even the Congress party has reconciled itself to a position that the compensation payable to the bigger categories should be reduced. I think that outlook, that principle, that approach should be applied here because the funds are limited and the people who really need compensation are so numerous today. I know that my point of view would be very keenly and ably contested by very eminent people but I would request them in anticipation to ponder over this aspect of the matter. If you had left one crore of rupees, two lakhs would not make much difference to you. I also know of persons who had left one crore of rupees in Pakistan but they have nothing here. Then, very often it also happened that people who had accounts in Pakistan banks at that time—crores of rupees—had accounts in Delhi and some other places within the Indian Union. Take Bengal. Some people, who are now displaced, had huge property in East Pakistan and had plenty of properties in Calcutta. They can fall back upon those proper-

ties. However, I would be prepared to consider their cases if they produce a kind of inventory of their existing properties in India.

Now before the hon. Minister sanctions two lakhs or anything of that sort, I would ask him to find out whether the person, the claimant, has got any property in India, quite apart from what he had left in Pakistan, and the value thereof. Without even finding that out you are laying down the law which applies to a person who has left large property there and has huge property here, and which also applies to a person who may not have any property here. Therefore, it is inequitable as between the two categories. Supposing X, a wealthy person, left one crore worth of property in Pakistan and has fifty lakhs worth of property here in India. Now his case should be treated a little differently from a person who has left similar property there in Pakistan but has no property in India. Now, Sir, this rule does not make the least discrimination. It dispenses justice in a manner which goes against, if I may express it, natural justice. Sir, this is a very important point. I think the hon. Minister should reconsider this matter. I know he is in a hurry to finish before sunset.

Then, Sir, about the smaller people, eviction is the most important point. In this connection, there is a great deal of fear amongst a large section of the refugees that as a result of the formulation and administration of these Rules many of them might get evicted from the shops they possess, or from the lands or dwellings in which they have found shelter today. Now, I have very carefully gone through the speeches the hon. Minister had made. Indeed he has climbed down a little and for the better. But the point is that I do not get that measure of assurance which would go to secure that no such people are evicted. I find that in certain places like Alwar, Bharatpur and Ganganagar, people had gone there and started cultivating lands. Now they have been asked to pay the price of these lands. I am

talking about displaced persons. I do not see as to why the Government should take such a view of this matter. Now these people had settled down in life and they had really got hardly a few years to find their feet. Now immediately if you confront them with a demand for price and all that sort of thing irrespective of whether they are in a position to pay, you create confusion, panic, uncertainty and anxiety. This is something which should not at all be created in the case of refugee persons.

Then, sir, the smaller applicants—whether one has got verified claim or not—should be treated on an entirely different plane. You have to draw a line, a social line so to say, before you are thinking of such rules, not to speak of implementing them. It is necessary always to put emphasis on helping those people who need your help most. Unfortunately, the rules here do not really guarantee that justice which is really called for. I don't say that there is nothing in that direction. Certainly there are certain rules which have been framed with a view to improving matters. Certainly there is a tendency also amongst Government to improve matters but they are doing it in a very halting manner. They are doing it in a very limited way and the grace of it is taken away when you come to certain other rules which have been formulated here. Therefore, Sir, this is another aspect of the matter to which I would like to draw your attention.

Now, about the persons who are occupying evacuee property but who do not have verified claims, a distinction has been made between those who have got verified claims and those displaced persons who do not have verified claims. I do not say that it is not permissible to draw a distinction, nor do I say that such a line should not be drawn in certain cases. It is not my contention at all. What I say is when you are dealing with poor refugees this distinction should not be made too much because, as you know, the overwhelming majority of the displaced persons who are today in India

[Shri Bhupesh Gupta.]

had very little property to claim for and some of them did not have any title to properties. Therefore I say that that distinction should not be drawn and, as you also know, many of them could not go through the procedure which is required for establishing verified claims. By and large the overwhelming majority of the displaced persons remain perhaps without proper claims being made on their behalf with the Government. That is the position. When this is the position and when you are taking the human aspect of the matter into consideration, I think the rigid division should not be made in respect of such persons. It is most strange that in some cases a displaced person cannot claim compensation if he had been given four standard acres of land. If anyone has been given four standard acres of land he cannot claim any compensation for his rural house in Pakistan unless the price of the house is over Rs. 20,000. If that is so, I ask the hon. Minister how many people in the countryside, except the few fortunate landlords, have houses in the countryside of the value of Rs. 20,000 or more. He should ask himself this question. A large number of the rural population has been really put out of the ambit of certain rules by this provision that their claim would not stand if they had been given four standard acres of land in this country and if their houses in Pakistan—rural houses—did not have a value of Rs. 20,000 or more. I say, Sir, this is absolutely unfair. There is no equity in it. There is no social approach in it. You should really take whatever claims they have got and in respect of their houses in Pakistan and deal with them and give compensation to them. Imagine, Sir, if I have a palace in Lahore in Pakistan and if I am a multi-millionaire I shall be entitled to compensation here; but if I happen to be one who has got a small hut or some small house in Pakistan in a village and if I have been given four standard acres of land here, my claim will not even be entertained. I say this is very unjust and this is socially very wrong and it

would really result in very great troubles, confusion and suffering on the part of a very vast section of the refugees. This is another point I would like the hon. Minister to think about, if he is still in a mood to think about such matters.

Sir, there are many other things, as you go through these Rules and I know that hon. Members will deal with many of them here. Some of them have to be gone into very carefully. All kinds of variations have been made that they do not suggest that certain principles had been followed in framing them.

MR. DEPUTY CHAIRMAN: The principles are laid down in the main Act. These are only rules. We are now concerned only with the amended Rules. We are not concerned with other things.

SHRI BHUPESH GUPTA: I know what I am concerned with. I know that I am concerned with the fact that the Government has raised the ceiling for compensation from Rs. 50,000 to Rs. 2 lakhs. I am entitled to speak on it and advance whatever arguments.....

MR. DEPUTY CHAIRMAN: You have spoken about it.

SHRI BHUPESH GUPTA: Sir, you must have read these Rules very carefully and you will find that the point on which I am speaking at the moment, that is, housing, is there in the Rules and I do not think we should read the proceedings of the other House.....

3 P.M.

MR. DEPUTY CHAIRMAN: We have got very little time and there are many speakers.

SHRI BHUPESH GUPTA: Therefore I say, Sir, that if I am allowed to finish without any interruption, it would be easier for everybody. Sir, as I was saying, there are a number of rules which do not suggest any principle having been observed and which smack of arbitrariness in them.

sir, I would like the Government to consider these things and I would request the hon. Members to direct their attention to the various anomalies and to the lack of principles in certain respects that is so self-evident in the Rules that are before us.

Finally, I would like to say that we do stand for rehabilitation of all people and for the use of this method of compensation. We want genuine evacuee properties here to be utilised for rehabilitating those people who have come from Pakistan, uprooted from their soil, just as we would like the evacuee properties there to be utilised for the resettlement and rehabilitation of our Muslim brethren and sisters who have gone from our country. There is no doubt about it and I feel that it will be a mistake for us to imagine that we can do so only through these Rules. The real rehabilitation depends not on the augmented pool only; real rehabilitation depends on the entire economic policy of the Government. You must open out new avenues of gainful employment for those people who still remain to be rehabilitated in life. That is the real way. For that the Government should not merely rely on this kind of properties that they get from the evacuees here but they should really spend whatever amount is necessary. I am told that in the other House examples were given. Whatever amount is necessary to bring about speedy and effective rehabilitation of these people, we should be prepared to spend. We should now try not only to close this chapter but also see that all these people who have come over to this country become a part and parcel of our country not only in a notional and legal sense but in the facts of our economic life. We want really to create a situation where these people would not talk of those horrid days of partition which led to bloodshed, destitution and suffering. We want the problem to be so tackled that the refugees feel that a kindly hand has been extended to them to resettle them in life, and that no other consi-

derations stand before the well-being of the refugee people. That is how the whole question should be approached and I would request the Government to proceed in this manner with that social outlook and with that broadness of mind and generosity in approach.

DR. ANUP SINGH (Punjab): Mr. Deputy Chairman, let me first join those who have already complimented the Ministry of Rehabilitation and the present Minister for his piloting the Act and now bringing before the Houses the Rules. I think if we consider the magnitude of the problem and the limitation of our resources and the vast number of very intricate and technical problems which are involved in the disposition of this Act and its implementation, we will be all inclined to be more sympathetic to the efforts that have been made by the Ministry than some of us or some of the critics have been so far. I feel the concessions that have been made or the pronouncements made by the Minister in the Lok Sabha are very encouraging and I think they have satisfied quite a large number of people who were very critical up till now. As I gather it, there have been four major modifications in the previous attitude and the Rules. One is that the limit of the property that is to be auctioned has been raised from Rs. 5,000 to Rs. 10,000. I have had an occasion to talk to some people who feel that this has been a very major concession and I must compliment the Ministry and the present Minister for responding to the demand of the people. The second concession concerns a very large number of the rural population and the people in the Punjab who have been primarily affected by partition represent a very large number of the rural population. The value of their houses in the previous rules or the rules as had been framed was cut into half. And I personally felt all along that that decision was arbitrary and without any justice. A large number of deputations have been pouring into Delhi and till day

[Dr. Anup Singh.]

before yesterday, some of them were present here, who felt that that wrong should be rectified. I am very glad to note for that section a major concession has been made which has satisfied quite a large number of people. The Minister has also assured that he will try to seek the help of the Government to augment the present pool; he will explore all possible avenues to see whether something more can be added to it, so that the demands of most of the people are satisfied. And, also, in the case of those people who have not submitted their claims so far, very substantial concessions have been made.

Having said this, I will now come to one or two points which, I think, should be more carefully scrutinised and looked into. For once I find myself in the very happy position of wholeheartedly supporting my friend Mr. Guha in two demands, that is....

SHRI BHUPESH GUPTA: Not Mr. Guha.

DR. ANUP SINGH: Mr. Bhupesh Gupta. The first one relates to Rule 65 and I would like to read it, in case some of the Members may not have the copy before them. Rule 65 of the Compensation Rules says:—

“(1) Any person to whom four acres or more of agricultural land have been allotted shall not be entitled to receive compensation separately in respect of his verified claim for any rural building, the assessed value of which is less than Rs. 20,000.

(2) Any person to whom less than four acres of agricultural land have been allotted, shall not be entitled to receive compensation separately in respect of his verified claim for any rural building the assessed value of which is less than Rs. 10,000.”

I submit, Sir, that this rule is not justified. There are a number of cases—the exact number I do not happen to know, but I am sure the

Ministry does—where people submitted their claims for rural houses to the tune of Rs. 23,000, Rs. 24,000, Rs. 27,000, and they were cut down to Rs. 19,900 or Rs. 19,700, whatever the case may be and a communication went to the applicant that he should show cause why his claim should not be cut down. I know of several cases where the notification did not reach them in time. And I also happen to know of some people who felt that the burden of proof is on the Government. If a man has honestly submitted his claim, to the best of his knowledge and says it properly, I think it should be up to the Government to say why it should have arbitrarily and unilaterally cut down the amount from Rs. 23,000 to Rs. 19,800. And the feeling has been—and I think with a good deal of justice in some cases—that it was cut down to bring it below Rs. 20,000 so that the man will not receive a single penny. There have been instances where a man had four houses and he submitted a separate claim for each one. The value was cut down to Rs. 19,000, Rs. 18,000, Rs. 16,000. In the aggregate his claim will be Rs. 16,000 plus Rs. 17,000. Merely because one single unit or house is not above Rs. 20,000 he does not receive a single penny. That, I think, is certainly unfair and I would request the Minister to once more examine that issue. I am fully aware of the fact that some people inflated their claims. Some of them were smart enough. Instead of putting it slightly above Rs. 20,000, they put it at Rs. 30,000, or Rs. 32,000. And the gentleman in the Ministry looking at these very impressive figures had cut it down to Rs. 23,000 or Rs. 22,000 and the man got away with it. But those who were more honest and more conscientious and put it slightly above Rs. 20,000—not anticipating that there will be a drastic cut merely to bring it below Rs. 20,000—were the ones who have been left holding the bag and they are receiving nothing. I feel that that Rule certainly puts a premium on sharp practices and dishonesty and I for one feel that this Rule should be abrogated and some

new means should be devised to take care of these cases. I am fully aware of the argument that the Minister is going to offer very eloquently and very persuasively. He would say, "If I reopen this whole thing how can I implement the act."

"यह गाड़ी नहीं चलेगी, कैसे मैं चलाऊँ".

Perfectly true. There is so much demand and the pool has to be equitably distributed. But I feel that without stopping the thing, without in any way holding back what has already been done, some way could be found to entertain these claims and a separate provision could be made. Separate funds, separate resources, could be tapped. I for one do not feel that just because something that was moving might be held back, for a few days or months, a large number of people, thousands of them perhaps, should suffer. Nobody should suffer and I think it is up to the Ministry, up to our Government, to find some means of rectifying the wrong that has been done to a very large section of the rural population.

As regards those non-Punjabis who have been given land in Alwar, Bharatpur and Bikaner, I fully support what has been said, that there is no justification for refusing to entertain the rural claims of these people and at the same time asking them to pay for the land. If you are asking them to pay for the land that was given to them for rehabilitation and small grants, you must either entertain the rural claims and adjust them against the price of the land, or allot land to them. Those are the two major points which I would urge the Ministry to consider, rather re-examine these two propositions.

There are a number of people who never submitted any claim. Our people, unfortunately, are illiterate, a vast majority of them living in small villages. I happen to know personally that most of them have to hear from somebody, some relative, if they come to town, that such and such notification has appeared in the press. And even then the exact interpretation of

those rules is not very clear to those people and I would say that no case, no matter what the grounds may be, negligence or lack of information, should be rejected. Such cases should be looked into very sympathetically, and so far as possible every legitimate claim, whether it was submitted or may be applied for now, should be taken care of.

Now, Sir, the major problem that we are facing is the implementation of these Rules. Having studied these Rules carefully and having had the privilege of being one of the members on the Advisory Board—of course, I *speak entirely on my own*—I, for one, am fully convinced that the Government should put more money into this pool—I am not sure how many crores, fifty or sixty or seventy crores whatever may be the figures and I think fifty crores at least the minimum. I do not want to be optimistic, but I feel that in the present way things are going, these Rules will not be implemented. It is not going to be an easy job to collect the arrears and the dues and the rent from the people who do not have ample resources. So far as the Ministry is concerned, the proposition is very simple. How can they pay unless they collect? The whole disposition of this thing is contingent upon what they receive. It is a very simple, element arithmetical proposition—if and when we receive and whatever we receive, we will certainly distribute it and try to expedite it. I would certainly request the Minister and plead with the Government to find some money some where. I am fully aware of the fact that this argument has been repeated—and with a great deal of justice—where is the money. "We are engaged in a vast net-work of various projects, enterprises and industrial projects. The second Five Year Plan must take priority." That is perfectly true. But, as I understand the second Five Year Plan, our approach rather is that it must be built up from below. It is the plan of the people, rather than anything being imposed from above. It rests upon the whole-hearted

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cooperation of the people, compensation is the integral part of that Plan. If you want to satisfy these people and do not want to treat their demands as something separate from the second Five Year Plan, you must look at the whole picture in its totality. Then, I think we can satisfy lakhs and lakhs of people. They are an asset. They will be there to shoulder the responsibility and to help in the implementation of the second Five Year Plan. I would, therefore, urge that this problem should be treated as an emergency should be treated, as part of the second Five Year Plan. Wherever the Government is in a position somehow to find resources for the second Five Year Plan, this item should also be treated as part of that.

Lastly, I would say that I do not know what the hon. Minister had in mind when he held forth a little hope—not a promise—that he would get in touch with the Pakistan authorities and if he succeeded in his efforts—he was quite cautious about it—that money would certainly go to the refugees and would not go into the General Revenue. There again, I feel that it is far better for us to face the situation realistically. Let us not cheat our refugee friends any more. They have waited for eight long years. They have suffered enough now, towards the tail-end, we are bringing these Rules to hold forth this hope before them. Maybe, some money is coming from Pakistan. I hope it does. All of us wish that Pakistan will redeem her pledge and reciprocate the kind of treatment that we have been according her. But, unfortunately, if past experience is any guide—I think we should not be over-optimistic about it—it should be made very clear that the chances of receiving any money from that source are rather remote. So, we will have to fall back on our own resources.

At the end, I would like to make two suggestions which I think might help the situation in expediting the implementation of these rules and in disposing of the claims. I think there

should be a section, a separate section, set up in the Ministry—call it by any name, call it “Complaints Section”—and its only job should be to look into the complaints that come from all over. I happen to know of many people who have written letters to the Ministry and in many cases, there has not even been an acknowledgment. Because I am a Member of the Advisory Board, many people come to me, as they go to other members. They send reminders after reminders. They get no reply—I think, not as a matter of courtesy, but as a matter of ordinary routine procedure. When any complaint or any application comes from a distressed person in particular, the Ministry should see to it that at least the letter is acknowledged within ten days, fifteen days or one month. It does not make any difference. The speed and the time will depend entirely upon the personnel and equipment that you have there. It gives a man at least some kind of psychological satisfaction that the Ministry in Delhi is not altogether oblivious to his demands. You may be doing all that you possibly can and I am sure you are. But to a man who lives in Jullundur or Ludhiana, who has written ten letters to the Ministry and who never receives even an acknowledgment—leave alone getting his claim settled—this will at least give him the psychological satisfaction that you are looking after his interests. I would request the hon. Minister to look into this proposition, if it is feasible. I feel that it is at least desirable that a separate section should be set up to look into these complaints, acknowledge them and try to expedite matters. After all, all these Rules are naturally designed to help the situation to improve. Unless there is a human approach—which has been referred to by so many speakers in the other House and I think it is worth repeating—for looking at this problem from a human angle, not the mere juggling with the mechanical side of it which, of course, cannot be ignored, and unless there is that zeal and the spirit behind it, it will be very difficult to finish this job.

I have had occasion to associate myself with high officers of the Ministry and I pay them the highest compliment. They are capable people, who have a thorough grasp of the problem and they are sympathetic. But, unfortunately, in the lower ranks, in the people who are working actually in the disposal of the applications—and I speak from a little personal experience—I do not find that spirit which is the essential, indispensable, requisite for this kind of thing.

PROF. G. RANGA: How are they so bad, when the top is so good?

DR. ANUP SINGH: Well, perhaps that spirit has not yet percolated to the bottom. Anyway, I can say these officers are conscientious. But you go to Metcalf House. The place is overcrowded. I think I am not exaggerating when I say that sometimes, you find five or six people, where only one is needed, and some of them actually said many, many things. For example, “साहब अगर यह जाब खत्म हो गया, then what will we do?” So, their applications are being tossed back and forth and some at least have been lost. I have had a number of letters saying that “My application and my claim cannot be traced.”

Speaking from personal experience—and I am not saying that this should be looked into, but I can speak with authority—my own uncle came to Delhi and gave me his claim personally. I said that I would hand it over and see what could be done about it. I will neither mention his name nor the number of the claim—I do not remember it. This was about one and a half years ago. The latest information is that the claim is missing. Naturally my uncle writes to me, “The claim is of one who is at least related to you and you cannot trace that claim. And you happen to be a member of the Advisory Board. What are you doing about other people?” It naturally puts me in a very awkward position. I said, “I do not want to make any personal enquiry.” But since I know this case,

it was really surprising to me that the claim should be just missing. Every time I went to Metcalf House it is said “साहब मिलने ही वाला है,” as if something is just coming up. A week after that, you go there, it is still being traced. So, I am inclined to think that there must be a very large number of other cases.

I will wind up by saying that whatever we are going to give to the people either in the form of property or cash, it should be done expeditiously. They have waited long enough and even now, there is a feeling—a pessimistic

feeling—“साहब यह तो हो गया but who knows when we will get anything, may be two years, three years, four years, and especially after the announcement that it may take three or four years.” If the Ministry says ‘three years’, it must be at least nine more years, and some people have become very sceptical. So, I would request the Minister and his staff to see to it that whatever is coming—although very meagre and very belated—should come quickly and expeditiously, and with grace.

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): Mr. Deputy Chairman, I feel particularly happy today for the long-awaited day has after all arrived. The displaced persons had been waiting and looking forward for this day with anxious eyes for the last so many years. It is this hope of getting compensation that has sustained.....

MR. DEPUTY CHAIRMAN: Mr. Kapoor, you please speak only on the amendments that are before the House, not on the general distribution of compensation, and all that. We are concerned only with the amendments now. The Rules have already been framed and placed before the House. The time is very limited.

SHRI JASPAT ROY KAPOOR: I thought, Sir, that I would be on safe grounds if I followed in the wake of the two hon. friends who just preceded me. And I do not know, Sir, what the motion before us is. I think the

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 motion before us is that we should take the Rules into consideration.

MR. DEPUTY CHAIRMAN: Only the amendments that have come from the Lok Sabha.

SHRI JASPAT ROY KAPOOR: In that case, Sir, would it not be more desirable that the amendments that have to be moved by my friends, Diwan Chaman Lal and Prof. Malkani, be also formally moved, because I would like to say a few words on those amendments also?

MR. DEPUTY CHAIRMAN: Then you can speak on those amendments.

SHRI JASPAT ROY KAPOOR: Even before they are moved?

MR. DEPUTY CHAIRMAN: They will be moved after the House accepts these amendments.

SHRI JASPAT ROY KAPOOR: All right. So that means that I will have another chance of speaking on the amendments when they are moved.

MR. DEPUTY CHAIRMAN: Yes.

SHRI JASPAT ROY KAPOOR: Then, Sir, so far as the amendments which have been moved to these Rules are concerned, I am happy to support them. And as I support these amendments, Sir, my mind goes back to the year 1947 when so many of our brethren from West Pakistan had to leave that place under very distressing circumstances. This question of compensation, Sir, was raised soon after the displaced persons came over from West Pakistan. And though at an earlier stage, the idea was vague, still, by about the month of July, 1949, it was for the first time that a responsible spokesman of the Government, no less a person than the late Shri Gopalaswamy Ayyangar, acceded to the principle that compensation shall be paid to displaced persons. And he then had initiated that the displaced persons shall be paid compensation out of a pool which shall consist of three items. firstly, the evacuee property left behind here by those who have gone away to Pakistan, secondly, the Government contri-

bution, and thirdly, anything that may be made available to us from the Pakistan Government.

Sir, so far as the first two items are concerned, they are before us in the pool. But, of course, nothing we have in the shape of the third item. Today, we hear from our hon. friend, Mr. Khanna, that he will make earnest efforts to persuade the Pakistan Government to make some contribution to our pool. Well, as a statesman and as a representative of the Government of India, of course, it is his duty to do so. But I am sure, neither he, nor any one of us, can be under any delusion that we are going to get anything substantial from the Pakistan Government. And it is, therefore, idle to build hope on that probability, for let us not forget that the Pakistan Government is not giving us even the movable property that our people have left behind. Only the other day, we were discussing the Bill relating to savings deposits, during the course of the debate on which we were told that the displaced persons have left about a crore of rupees worth of deposits there. That is not a very big amount, and even that amount is not being transmitted to us. Therefore it is no use our hoping that we shall be getting anything out of the property which our people have left there. That being the position, Sir, we have, for the time being at least, got to content ourselves with the pool money which is in our hands, and which is to the extent of about Rs. 185 crores or so. Now this pool money, Sir, may be distributed amongst the displaced persons in whatever way we like, in consultation with the displaced persons. Rules have been framed on the subject, and from time to time, they have been amended. But the displaced persons—all of them—have not been satisfied. In the very nature of things, it is impossible to satisfy every displaced person, because there are conflicting claims. If you satisfy one set of persons, you have to dissatisfy others, and if some people are to get more under these Rules, the other set of persons, it means, will get less. So,

unless and until this entire pool is increased, well, it is impossible to satisfy all the displaced persons. I would therefore submit, Sir,—and associate myself with my hon. friend who just preceded me—that this pool money should be increased to such an extent as may be possible to be increased, keeping in mind the available resources with the Government.

Sir, ever since this question has been taken up, in the early stages of the year 1949, I have been suggesting and submitting that a sort of rehabilitation tax should be imposed in the country in order to augment this pool; I suggested that more particularly for the reason that that would have a very good psychological effect on the displaced persons, for every citizen of this country must be made to realise that the displaced persons' cause is his own cause, and the entire country is one. They should be made to feel that displaced persons are blood of our blood and flesh of our flesh, and if they are in distress, we should not remain happy and peaceful. And whatever the other persons, the permanent citizens, of this country have with them, they must share it with those brethren of theirs who came all the way over from West Pakistan. After all, they were very patriotic citizens of this country, and they have not come over here because they wanted partition, but they have come over here because partition has been thrust over them. And even after partition, they would not have come over here, but would have remained there, wishing good luck to our country, only if peaceful conditions had obtained there. But they have been forced out of that place, and when they were walking over the border, the Indo-Pakistan border, they were longingly looking forward to this path of India, wishing all the way that they must reach it as soon as possible. And as soon as they crossed the border, they cried from the bottom of their hearts 'Jai Hind' and 'Jai Bharat'. And, Sir, after they have come over to this country, they have shown commendable spirit of self-sacrifice. They have not been

much of a burden to this country. They have established themselves on their own legs, on their own resources, to a very large extent. They have added to the economic advancement of this country. Wherever you go, from North to South and from East to West, you find them standing on their own legs. Even in the South, Sir, where I had recently been, I was surprised to find many Punjabis establishing themselves in various kinds of trades and professions. Such are the people, Sir, and we should, therefore, do everything possible not to damp their spirit.

Sir, on this occasion, I would like to offer my congratulations to the Government of India as a whole for the very good work that they have done for the displaced persons. The task was a tremendous and a huge one. Nowhere in any country have so many displaced persons had to cross over from one place to another. The other day, Sir, one of the hon. Members in the other House quoted the example of rehabilitation of Germans in Germany. They wanted this Government to emulate their example. I don't know whether they have been able to do more than what our Government has been able to do. Obviously the magnitude of the problem there could not be as big as it is here. Surely not 60 or 70 or 80 lakhs of people are displaced there.

SHRI J. S. BISHT (Uttar Pradesh): Yes, there were.

SHRI JASPAT ROY KAPOOR: Be that as it may. Of course we should not be slow to learn anything from any country but to say that we have been slow in looking to the interests of the displaced persons is something which is absolutely not correct. Today we should express our gratitude to the late Shri N. Gopalaswamy Ayyangar who did such a great deal for the displaced persons and today it would not have been possible for us to have this pool with us but for the statesmanship of late Shri N. Gopalaswamy Ayyangar. At the time when the Constitution was framed, the question arose as

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to whether we should have in the Chapter on Fundamental Rights an absolute provision in Article 31 that every person has a right to possess property and that the Government shall not have the right to dispossess and terminate the right of any person to possess that property. At that time I raised the question.....

MR. DEPUTY CHAIRMAN: We are not concerned with all that past history.

SHRI JASPAT ROY KAPOOR: For the simple reason.....

MR. DEPUTY CHAIRMAN: You have not said one word about the amendments. You have to wind up, please. I will call the Minister to reply at four.

SHRI JASPAT ROY KAPOOR: I am just coming to the amendment after completing this sentence or this point. Along with that, we must offer our congratulations to the other various Ministers—Mr. Mohanlal Saxena, Mr. K. C. Neogy, Mr. A. P. Jain and last but not the least, Mr. Mehr Chand Khanna, who has been associated with this affair ever since the beginning when he was not a Minister. He has been Adviser to this Ministry and rightly now he is the Minister for Rehabilitation and this is the crowning glory of his career probably that he has now been able to place before us these compensation Rules and more particularly when he has been able to persuade himself to place these amendments before us which will, I am sure, go a long way to satisfy the displaced persons. I give my fullest support to these amendments and I have only one or two suggestions to make with regard to these amendments. In amendment 8 and in some of other amendment also it has been provided that in the case of those persons, the displaced persons, who are occupying Government or other buildings, it will be open to them to purchase them and set off their claims against the value of those buildings,

and if their claims are of a lesser amount than the value of those buildings, it will be open to them to pay the balance of that amount by instalments. That is as it should be. But then, may I suggest in this connection something for the consideration of the hon. Minister, whether he would not consider it advisable to give an additional facility to such persons by enabling them to have the balance of this amount advanced to them by the Rehabilitation Finance Corporation or even by the State Bank against the mortgage of these buildings. This will not only be helping those persons but the hon. Minister will be helping himself because he has rightly said that the sooner these displaced persons who purchase these buildings pay the instalments, the better it is for the rest of the displaced persons because unless and until the amount is realized and goes into the pool, it will not be possible to pay those displaced persons who don't purchase any buildings. I would therefore submit that rather than wait for two, three or more years during which period these displaced persons are called upon to pay the instalments, would it not be more advisable and more advantageous to provide these displaced persons with money advanced to them by the Rehabilitation Finance Corporation or State Bank on some reasonable interest so that the pool may have a larger amount of liquid money straightaway at its disposal and the whole problem of paying compensation may be resolved within a couple of years? They have waited long enough and if you go on asking them to wait for many more years, it reduces the utility of compensation to a great extent. May I repeat a proverb in Hindustani?

“ का वर्षा जत्र कृषि सुखाने, ”

Of what avail is rain when crops have dried? Similarly, after 4, or 5 or 6 years, when many people have died and some have already died in expectation, what is the use of compensation? Nothing can be done for them for the dead. But so far as those who are living are concerned let us not frustrate their hopes any more and

let all be paid compensation, whatever it be, as speedily as possible, and this suggestion of mine is one which, if accepted, would enable the Minister to pay the compensation in a very short period of time. May I also suggest that even at this stage, a rehabilitation tax might be imposed. This is the fit and proper time because.....

MR. DEPUTY CHAIRMAN: We are not concerned with it now.

SHRI JASPAT ROY KAPOOR: Lastly I would suggest that these amendments should be further amended inasmuch as full payment might be made to displaced persons upto the extent of Rs. 5,000. I know it will involve some more money and it was therefore that I was submitting, believing that I was relevant in making that suggestion along with this proposed amendment, that this additional money should come from a rehabilitation tax. When Mr. Malkani's amendment is taken, I hope I will be given an opportunity to speak.

सरदार रघुवीर सिंह पंजहजारी (पंप्) : उपसभापति महोदय, यह खुशी की बात है कि आज आठ वर्ष के असें के बाद शरणार्थी भाइयों को बसाने के लिए हमारे सामने रूल्स लाये गये हैं। चाहिये यह था कि रूल्स के मुताबिक हर एक शरणार्थी को चाहे वह दहाती क्षेत्र का हो या शहरी क्षेत्र का, उसे एक ही तरीके से देखा जाता, मगर अफसोस के साथ कहना पड़ता है कि इस आठ वर्ष के असें के बाद भी उसे इस नजरिये से नहीं देखा गया। दहाती शरणार्थियों की आवाज यहां तक बहुत कम पहुंचती है। इन रूल्स के बनाने वालों ने दहाती और शहरी शरणार्थी के बीच एक दीवार खड़ी कर दी है, जिसे मैं समझता हूं एक डिमोक्रेटिक गवर्नमेंट के लिए मुनासिब नहीं है। आज दहाती शरणार्थियों के साथ सौतेली मां की तरह (स्टैप मदरली (ट्रीटमेंट) किया जा रहा है। आज हम यह देख रहे हैं कि दहाती शरणार्थी को इग्नोर कर दिया गया है और शहरी शरणार्थी को ज्यादा से ज्यादा दिया जा रहा है। इसके साथ ही साथ मैं

इन रूल्स में यह भी देख रहा हूं कि जहां शहरियों को ज्यादा दिया गया है वहां पर उन दहातियों को, जो पाकिस्तान बनने के बाद काफिला बनाकर, मुसीबतों को भेलते हुए, ठोकर खाते हुए, अपने बाल बच्चों को कुरबान करते हुए, अपनी सारी चीजों को लुटाते हुए, दहातों से हिन्दुस्तान में आये, हिन्दुस्तान में आकर चुपचाप गांवों में बस गये, किसी तरह का वावला नहीं मचाया और अपना इंतजाम खुद किया, गवर्नमेंट ने शहरों में मकान बनाने के लिए जो पचास करोड़ रुपया खर्च किया उसका एक परसेंट भी दहाती शरणार्थियों के लिए रिहायशी मकान बनाने पर खर्च नहीं किया। दहाती शरणार्थियों ने अपनी मेहनत मजदूरी से मकान बनाकर अपनी रिहायशी का इंतजाम किया। यही नहीं उन्होंने अपने पांवों के बल जमीन जोतकर अपने बाल बच्चों को पाला और हिन्दुस्तान का फूड प्रब्लम साल्व किया। आज हम सब देख रहे हैं कि हिन्दुस्तान के अन्दर जो फूड प्रब्लम पाकिस्तान बनने पर हो गया था, वह दहाती शरणार्थी भाइयों की कड़ी मेहनत से दूर हो गया। आज यह खुशी की बात है कि हमारे मुल्क को दूसरे मुल्कों से अनाज नहीं मंगाना पड़ रहा है और न उनके सामने सर नीचा करना पड़ रहा है। इसकी खास वजह यह है कि हमारे दहाती भाइयों ने बगैर किसी शोर व गुल के बगैर किसी इमदाद के, अपनी तकलीफों को दूर किया। हम सब लोगों का यह फर्ज था कि उन लोगों की ज्यादा से ज्यादा मदद की जाती मगर सरकार की ओर से जो कर्ज उनको बैल और बीज खरीदने के लिए दिया गया वह भी उनसे वसूल किया जा रहा है। मुझे अफसोस के साथ कहना पड़ता है कि सरकार की ओर से जो २०० या २५० रुपया का कर्ज उनको दिया गया है, जिसके बारे में कहा जाता है कि उनसे वापस नहीं लिया जायेगा तो फिर क्या वजह है कि बीस बीस और चालीस चालीस रुपये के लिए उनके मकान नीलाम किये जाते हैं, उनको बाहर निकाला जाता है, उनके बैल, गायें और भैंसों को नीलाम किया जाता है, जिन से वे

[सरदार रघुवीर सिंह पंजहजारी]
अपने बच्चों को दूध पिलाते हैं और खेती बाड़ी करके उनकी और अपनी परिवारिश करते हैं। जो दहाती शरणार्थी अपनी मेहनत मजदूरी से गांवों में बस गये हैं और अपने परिवार की परिवारिश कर रहे हैं उन्हें आप दर व दर ठोकरें खाने के लिए इन रूल्स से बाहर निकाल रहे हैं। बजाय इसके कि वह रुपया माफ होता, आज चालीस चालीस रुपये के लिये उनके मकानों को नीलाम किया जाता है, उनके बैलों, गायों और भैंसों को भी नीलाम किया जाता है। चाहिये तो यह था कि इन रूल्स के मुताबिक उनके साथ कुछ और रियायत की जाती, लेकिन हो यह रहा है कि आज हमारे ऊपर हमारी गवर्नमेंट बड़ी मेहरबानी यह कर रही है कि जिसके पास दस एकड़ स्टैंडर्ड जमीन है उसको चार सौ रुपया कम्पेंसेशन दिया जायगा और जिसके पास पचास स्टैंडर्ड एकड़ जमीन है उसको छः सौ रुपया कम्पेंसेशन दिया जायगा। अगर गवर्नमेंट के मकानों के बनाने के फीगर्स लिये जायें तो उन फीगर्स के मुताबिक सात रुपया पर स्क्वायर फिट मकान की बनवाई लगती है। अब अगर १८ बाई २२ का एक छोटा कमरा भी बनाया जाय, तो उसके ऊपर, ढाई तीन हजार रुपया खर्च आता है। मेरी समझ में नहीं आता है कि चार साढ़ चार सौ रुपया देने से उसका क्या फायदा होगा। यह तो वही मसल हुई कि किसी बच्चे का पेट भूख से कुलबुला रहा था और वह रोटी के लिये चिल्ला रहा था उसको एक टुकड़ा दकर और प्यार दकर उसके आंसू पांछ दिये कि तो बेटा एक टुकड़ा खा लो और फिर आगे सोचेंगे। मेरी समझ में नहीं आया कि वह दहाती लोग जिनके जबान नहीं हैं, जिनके पास प्रेस नहीं हैं, जिनके यहां मिनिस्टर्स की कारें नहीं पहुंच सकती हैं वह किस तरीके से अपनी मुसीबतें यहां तक पहुंचायें। जो लोग हवाई जहाज से उड़कर यहां आये, जो अपना रुपया और मूवबल प्रापर्टी साथ ले कर आये, जिनके लिये यह फैसला किया गया था कि ५० हजार रुपये तक क्लेम दिये जायेंगे और उससे ज्यादा कुछ नहीं हो सकेगा, आज

उनके लिये भी सोचा जा रहा है। लेकिन जो दहाती थे, जिनके पास मकान थे, जिनके पास जमीनें थीं, उनकी जमीनों को २५ परसेंट से लेकर ६५ परसेंट तक कट कर दिया गया है। चाहिये यह था कि उनको वही जमीनें दी जातीं और उनको रिहैबिलिट किया जाता, लेकिन आज हो यह रहा है कि उन जमीनों के ऊपर साढ़ तीन सौ और साढ़ चार सौ रुपया पर एकड़ जमीन की कीमत लगा दी गई है। अगर यह कहा जाय कि किसी के पास लाहौर के पास जमीन थी या यह समझ लिया जाय कि किसी के पास दिल्ली से आठ मील के अन्दर जमीन है और उसकी कीमत दो हजार रुपया या तीन हजार रुपया है, तो जिन के पास नारनाल या हरियाना के इलाके में जमीन है, उसकी कीमत लाजिमी तौर पर कम होगी। एसी हालत में जब कि २५ परसेंट से ६५ परसेंट तक जमीन पहले ही कट कर दी गई, मैं यह समझता हूं कि साढ़ तीन सौ या साढ़ चार सौ रुपया पर एकड़ जमीन की कीमत मुकर्रर करना उनके साथ बड़ी बेइसाफी होगी।

इसके अलावा मैं यह अर्ज करूंगा कि जो आदमी दहात से आये थे, उनके पास बड़ी बड़ी हवेलियां थीं, बड़े बड़े मकान थे। पहले उनसे यह कहा गया कि चूंकि तुम्हें जमीन मिल गई है, इसलिये तुम्हारे मकानों का क्लेम लेने के लिये कोई तैयार नहीं है। आज यह कहा जा रहा है कि जो रफ्यूजीज हैं या जो नहीं भी हैं जिनके वहां मकान थे या नहीं थे अगर उन्होंने ३१ जुलाई सन् १९५२ तक अपने क्लेम नहीं दिये हैं, वह अगर क्लेम करेंगे तो उसको हम मानेंगे। लेकिन मेरी यह समझ में नहीं आता है कि जो लोग दहातों से आये हैं, जिनके पास मकानात थे, जायदाद थीं, उनके क्लेम क्यों नहीं लिये जाते हैं और उनके क्लेम्स को लेकर क्यों नहीं उनको वेरीफाई करके उनके मकानों की कीमतें दी जाती हैं। कहा यह जाता है कि उन मकानों की कीमत कैसे मुकर्रर की जाय। हर जगह पटवारी होते हैं, पटवारी के ऊपर तहसीलवार होते हैं और तहसीलदार के ऊपर दूसरे रवेन्क

आफिसर होते हैं। उनकी मदद से कीमत मुक़रर की जा सकती है। यहां आकर जिन जिन दहाती शरणार्थियों ने मकानों पर कब्जा किया है उनके सिलसिले में यह तरीका अख्तियार किया जाय कि अगर काइ आदमी दस हजार की कीमत का मकान पाकिस्तान में छोड़ आया है और यहां जिस मकान पर उसने कब्जा किया है उसकी कीमत पांच हजार रुपया है तो उसे यहां के मकान की कीमत काट कर बाकी पांच हजार रुपये बतौर कम्पेंसेशन के दिये जायें। मैं उम्मीद करता हूँ कि हमारे रीहैबिलिटेशन मिनिस्टर साहब दुबारा इस पर गौर करेंगे और दहाती शरणार्थियों के लिये वह जितना ज्यादा से ज्यादा कर सकते हैं करेंगे। मैं यह समझता हूँ कि इन रूल्स में दहाती शरणार्थियों के लिये कोई फायर्दमन्द चीज नहीं है और ये बिल्कुल नातसल्लीबख्श रूल्स हैं।

SHRI RAJENDRA PRATAP SINHA: Mr. Deputy Chairman, I would like to make a few observations on Rule 17 in which it is said that where the maximum compensation that would be paid would be only Rs 50,000 the cash compensation could be up to Rs. 8,000. The hon. Minister, while explaining this rule in the other House said that in certain hard cases, compensation could be paid in cash up to Rs 8,000 under this clause to persons who are entitled to higher compensation. And he stated a few examples, like widows and infirms and persons living in homes, minors and the like. I hope, Sir, that these were only given as instances and by way of examples and that he was not giving an exhaustive list of hard cases. I say this because there are some other hard cases also which should receive his attention. As examples, I may mention the cases of people who have been afflicted by T.B or cancer. Such people also would require attention in this connection. So I submit that payments to such people who are suffering from such diseases should be made very expeditiously, because there is no point in making any payment after they are dead and gone. They

actually need this money very urgently for getting cured of their diseases.

I also find that in the case of hard cases the applications should be made before October 1954. It is quite all right putting a time limit like that in the case of the old and infirm persons. But there can be no time-limit put in the case of applications from those who have contracted diseases like T.B. or cancer, because the person can contract the disease even after October 1954 and I do not see any reason for differentiating a person who had contracted the disease before 1954 October and the one who had contracted it after October 1954. All of them should be treated as hard cases, and their applications entertained and sympathetically considered for being given compensation in cash. Even to such persons who are otherwise entitled to receive higher amounts of compensation and as such are entitled to allotment of properties, you should make some small payment in cash at this stage. That will be more helpful to them than allotment of property of Rs. 20,000 or Rs. 25,000. What happens is that such a person is asked to bid for properties, but he has not the money to bid for a property worth Rs 15,000 or Rs. 20,000 or Rs 30,000. In such cases what is happening is that in the market other people buy up these claims and pay to these people very much smaller sums, something like eight or ten annas in the rupee because they want to take advantage of the situation in which these persons are placed.

I would, therefore, submit, Sir, that such cases should be classified separately. There should be a separate section in the Ministry for people suffering from tuberculosis and cancer so that cases of these people might be examined from time to time. The number of such people will not be much—hardly a few hundreds—and payments to this class of persons should be made in cash up to Rs 8,000 in spite of the fact that the total claim may be of a higher value.

[Shri Rajendra Pratap Sinha.]

There is only one more point that I want to mention. I would not like to take much of your time. I am glad that the headquarters of our hon. friend, Mr. Khanna, is in Bengal to enable him to give more attention to the persons who had come over from East Pakistan. I quite appreciate that there is a great amount of urgency to settle their problems and the Minister's presence there would help in quick settlement of these problems. This, however, should not mean that the affairs of the people who have come from West Pakistan are to be neglected. I submit that just because the Minister is absent from the headquarters at Delhi, the disposal of work here should not suffer on any account. I, therefore, submit that our Deputy Minister should particularly be saddled with the responsibility of paying compensation expeditiously to the persons who have come from West Pakistan; he should see to it that this matter is not delayed because of the fact that the headquarters of the Minister has been shifted from Delhi to Calcutta. That is very important. The policy matter would, of course, be dealt with by the Minister in charge of this subject but the day to day matters should be left to the Deputy Minister so that the whole scheme of payment of compensation can go forward quickly. There is no point in making payment in a delayed manner. After all, eight years had already elapsed and when we are going to pay now, every effort should be made to complete the entire payment of compensation as quickly as possible.

MR. DEPUTY CHAIRMAN: The hon. Minister.

SHRI KANHAIYALAL D. VAIDYA (Madhya Bharat): I want two minutes, Sir.

MR. DEPUTY CHAIRMAN: I have already called the Minister. I said earlier that the Minister will reply at 4 P.M.

DIWAN CHAMAN LALL (Punjab)
On a point of information, what is going to happen after the hon. Minister has spoken?

MR. DEPUTY CHAIRMAN: The amendments will be put to the House.

DIWAN CHAMAN LALL: Some of us, Mr. Deputy Chairman, also want to say something on this particular matter before the hon. Minister speaks and I should be very grateful if you would allow us to say something because I am sure it will help my hon. friend, the Minister, to make up his mind.

MR. DEPUTY CHAIRMAN: You have got your amendments.

DIWAN CHAMAN LALL: Apart from my amendments, I want to make a few general observations.

MR. DEPUTY CHAIRMAN: Then you will not speak on your amendments?

DIWAN CHAMAN LALL: I do not want to speak on my amendments.

MR. DEPUTY CHAIRMAN: In that case, you can speak. Let Mr. Vaidya finish.

श्री कन्हैयालाल दाँ० वैद्य : उपसभापति महोदय, जहाँ तक इन नियमों का सवाल है और इसमें जो संशोधन किये जा रहे हैं उनका सवाल है, मैं उनका स्वागत करता हूँ लेकिन मैं एक सुझाव माननीय मंत्री महोदय के सामने रखना चाहता हूँ। हम सब काम डिसप्लोस्ड परसंस के लिये कर रहे हैं लेकिन हिन्दुस्तान के शहरों और कस्बों में हम देखते हैं कि यहाँ से जो लोग पाकिस्तान चले गये हैं उनकी जायदादों के ऊपर जो लोग कब्जा किये हुये हैं वे सब के सब डिसप्लोस्ड परसंस नहीं हैं बल्कि ४० या ५० फी सैकड़ा दूसरे लोग भी हैं जिन्होंने कि कब्जा कर रखा है। आप यह सब काम इसलिये कर रहे हैं कि जो लोग डिसप्लोस्ड परसंस हैं उनको राहत दी जाए और जो रकम उनको देनी को है उसकी बसूली में उनकी मदद करें। अब

आप १० हजार रुपये तक की जायदाद का नीलामी नहीं करेंगे तो वह दूसरा लोग जो कि हिन्दुस्तान के रहने वाले हैं वे भी डिस्प्लेस्ड हो जायेंगे। आपको लिटीगेशन में ले जायेंगे और बिना अदालतों में जाये उन जायदादों पर कब्जा मिलने वाला नहीं है। इसीलिये आपको 4P.M कोई ऐसा रास्ता निकालना चाहिये कि जिन लोगों को आप फायदा पहुंचाना चाहते हैं और इसके लिये जो आप कोशिश कर रहे हैं वह लिटीगेशन में न पड़ जायें और जो आपका मकसद है वह केवल कागज पर ही न रह जाय। जो लोग उन जायदादों पर कब्जा किये हुये हैं वे भी हिन्दुस्तान के रहने वाले हैं। यह ठीक है कि डिस्प्लेस्ड परसंस के मुकाबिले में आप उनके केस को कंसीडर न करें लेकिन अगर उनको रहने के लिये जगह और धंधा करने के लिये दुकानें नहीं मिलेंगी तो वे भी डिस्प्लेस्ड परसंस की पंजीशन में हो जायेंगे। इसीलिये मेरा निवेदन है कि उनके लिये भी कोई रास्ता निकालना चाहिये।

इस सुझाव के साथ मैं इन नियमों का समर्थन करता हूँ।

DIWAN CHAMAN LALL: Mr. Deputy Chairman, I am grateful to you for giving me this opportunity of saying a few words before the hon. Minister gets up to make his declarations. I think this will help him to concentrate on certain points that, in my opinion, are important in the interests of the refugees as well as of the pool which he is going to administer. This problem, Mr. Deputy Chairman, is not a problem of statistics. It is not a problem of rupees, annas and pies. It is essentially a human problem and these Rules, therefore, have to be looked at from that particular angle, whether they are in consonance with the spirit of humanity that should guide the administration in dealing with the question of compensation and rehabilitation.

I want hon. Members to remember that compensation is only a small portion of the problem confronting

my hon. friend's Ministry. There are six million refugees from West Pakistan. The total number of verified claims—I speak subject to correction—I believe, is only 390,000; 70,000 claims, over and above the 390,000 claims, were rejected. Some were rejected on the ground of the agricultural issue that was raised in regard to the amendment of the Rules, namely, people who had two and four acres—in the case of those who had two acres even if they had a house worth Rs. 9,000, it was not worthy of a claim and, in the case of those who had four acres, a house worth less than Rs. 20,000 was not considered worthy of consideration. I understand—again I speak subject to correction because, in these matters, it is very difficult to find out the statistics, the statistics are not to be found anywhere—20,000 claims—as I said, I speak subject to correction—were rejected on the ground of *ex parte*. People probably did not know about them; they were called but did not appear and with a stroke of the pen 20,000 claims were rejected. Even if we take the figure of 390,000 claims admitted—roughly 400,000 or four lakhs—out of a total refugee population of sixty lakhs, there is still left 56 lakhs of people for whom my hon. friend has got to find some sustenance, some support and some aid. The problem of compensation, looked at from this point of view, is a smaller problem in reality than the problem of helping the refugees as a whole which is a very, very important matter indeed. Where did these people come from? They marched out because you were unable to give them protection; the Government of India was unable to give them protection. Some of us, ordered by the Prime Minister, were roaming about West Pakistan and I remember going to Sargodha where there were about 100,000 odd refugees assembled after the Partition. Riots were taking place all round. I went to the General Officer Commanding, General Lovett, and asked him, "Are you prepared to give me a guarantee that you will save this town?" A surprising answer was given to me. "It is a tall order to ask me to save

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this town but I can give you the guarantee that I will save this town if you can get me two Companies of Indian troops". I sent a wireless message to the Prime Minister asking him to send two Companies. That, I believe, was done and the town was saved. Not one single incident happened in that town and the Hindus, Muslims and Sikhs continued to roam about the place and continued to listen to the 6 o'clock news of All India Radio, night after night, without a single incident. It was a serious matter, very serious matter indeed. These people came away because we were unable to give them protection.

Now, my hon. friend, Mr. Bhupesh Gupta, talked about the Rs. 50,000 limit. I think he has entirely misconceived the entire argument. I took down his words. I am sorry he is not here.

I have got a great deal of regard for him. He is a very sincere individual and a very honest individual. But his enthusiasm often carries him astray, particularly his enthusiasm in causes in which he believes theoretically I took down his words and he said "I do not want to injure the rich people." By 'rich people', Mr. Deputy Chairman, he meant no other person than the refugee who was a large claimant, who has come away from Pakistan. What he should remember is this. There are no rich people left amongst the refugees; those who came away leaving a crore of rupees worth of property have not got one single bit of property this side. They have left everything that side and they are just as poor to-day as any of the poorest of the refugees who come away from West Pakistan and it is absurd to try and draw a distinction, particularly class distinctions of this nature amongst the refugees; especially by a gentleman who does not believe in class distinctions to try and create these class distinctions is absurd. My friend knows and you, Mr. Deputy Chairman, know perfectly well during your last visit, the memorable visit of

the delegation that you had the honour to lead to Soviet Russia, what the position there is. When Mr. Bhupesh Gupta puts down the limit of Rs. 50,000/- to be given to a man who has left property worth a crore of rupees in Pakistan—Rs. 50,000 to be given to him in perpetuity for all time to come in settlement of his claim—he forgets that in the country that he comes—I beg your pardon—the country that he supports, that in that country an artist's salary is more than Rs. 50,000/- a month which he is trying to lay down as the maximum for those refugees who through no fault of their own came away. Not only did they come away through no fault of their own, but again my hon. friend's Ministry—he was not the Minister at the time—but all the cohorts lined up in that official box there, each one of them joined hands in order to prevent these people from exchanging and selling their property. They laid down a strict law: No, under no circumstances will these people be permitted to exchange their property or to sell their property whenever one could have done so. Why? They thought the richer ones, the better ones would get away with it, but others will not. When they could have satisfied themselves without any burden being placed upon the Government to the total extent of their claims you did not permit them to do so. And now when it comes to the question of compensation you say: Take my rate, Rs. 50,000/- or Rs. 2,00,000 as the case may be. It seems to me an absurd state of affairs. When people in important positions were able to do so, to exchange their properties or sell their properties, you did not allow these people to do so under a law and then you say: No, they shall not be given the necessary compensation.

Now, Sir, I would like to hear what my hon. friend is going to say to this House to make certain things quite clear. One of the things that I want him to clear is this. Take the case of the total pool—the figure given is Rs. 185 crores. I would like him to tell this House what exactly is the

figure, how much of the amount that is supposed to lie in or come into the pool has already been frittered away or paid away to people who do not come into the category of those who actually deserve the compensation which the pool is intended to serve.

SHRI MEHR CHAND KHANNA: To assist.

DIWAN CHAMAN LALL: "Assist" is a difficult word. My hon. friend could have assisted at the time had he agreed to the proposition of sales and exchanges. It is up to him now to serve. That was the time to assist; now the time has come to serve. Now I want him to tell us what money has been taken out of his bag and given on loan basis, which should have been utilised for the purposes of compensation. Is it a fact that Rs. 10 crores have been paid to mortgagees under a special law that was passed? Where was my friend, Mr. Bhupesh Gupta, at the time, talking about classes. Rs. 10 crores! I do not know the exact figure—this is a figure that was given in various discussions. 30,000 mortgagees have been paid. 35,000 or 40,000 more mortgagees have still got to be paid—not paid out of the Consolidated Fund, not paid by the Government of India, but paid out of the compensation pool, which is meant to serve the purposes of the refugees!

PROF. N. R. MALKANI: They have been paid fully with interest.

DIWAN CHAMAN LALL: My hon. friend tells me "fully with interest" from the date *ab initio* of the mortgage without any question asked as to the real amount, as to whether the amount put into the mortgage was correct or incorrect, without even going through the ordinary process of the law and paying court fees. No. Where was my friend Mr. Bhupesh Gupta at that time?

SHRI MEHR CHAND KHANNA: Are you referring to the Evacuee Interest (Separation) Act?

DIWAN CHAMAN LALL: Yes, I am referring to the Separation of

Evacuee Interest Act. Now if money had to be paid it should have been paid out of the Consolidated Fund. Why rob the pool which already is so exiguous, in a matter of this description? Now if that is the position, I take it that about Rs. 30 crores have been paid out as loans. Then we are faced with the proposition that instead of Rs. 185 crores we shall probably come down to a figure somewhere between Rs. 120 and 130 crores of rupees. That is where my friend should tell us as to what he is doing to persuade the Government to come out with the funds that are necessary for this purpose because, after you have satisfied in this manner—which is an unsatisfactory manner in itself—the claims of those who are to be paid compensation, you still get that great mass of people, 56 lakhs of people who will continue to be your responsibility. They are not claimants. Even if you take one claimant as possessing a family unit of five, even then there are 40 lakhs of people, 4 million people, who have come away from West Pakistan who need your protection. They still will continue to be your responsibility.

I agree with my hon. friends in this House who paid compliments to my hon. friends and to their supporters in the Ministry. Each one of them deserves everything good that you can say of them. My hon. friend the Deputy Minister has got a heart of gold. He said in some other place that if he had golden bricks to offer—he has got a heart of gold—he would offer golden bricks and I do not have the slightest doubt that with his great energy he will be able to assist in this second task which I am going to place before you now, Mr. Deputy Chairman. The second task is the quick liquidation of this matter. It is hanging fire now for a period of nearly eight years. There is no justification for it to continue any longer than the absolutely minimum period necessary, even if that means the disbanding of this particular Ministry and the setting up in its place of a Social Welfare Ministry which, I hope,

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both my hon. friends the Minister and the Deputy Minister will, if it is formed and set up, adorn and do justice to.

(Interruption.)

One of them is a refugee Minister, so he knows all about the refugees. The other is a humanitarian; he has done well by the refugees I must say. But while we pay compliments, Mr. Deputy Chairman, let us not forget the people who have really assisted in this matter. Let us not forget the refugees themselves on the one side who have behaved in a most exemplary manner. Imagine the six million people, 60 lakhs of them coming away destitute with no means of subsistence of any kind making homes for themselves in a foreign country.

My friend said: Give us an inventory. I will give him my inventory. I possess no property of any kind and I can speak, I think, for my hon. friend the Minister too. Neither of us possessed any property of any kind outside our own Province—'Province' means the Punjab as well as the Frontier Province because he and I were neighbours up on a little hill station. We built two lovely houses there which we shall never see.

SHRI MEHR CHAND KHANNA: We are neighbours now too.

DIWAN CHAMAN LALL: We are neighbours now in distress. We shall never see those beautiful houses, Mr. Deputy Chairman.

The next thing is for you to wind up this thing as quickly as possible. While we are paying compliments let us not forget that this pool of Rs. 185 crores—from a little over Rs. 100 crores it became Rs. 185 crores—was brought into being through the exertions of one man, and I am disclosing no secret when I say that it was Maulana Abul Kalam Azad who stood firm by this, that this property also should be added to the compensation pool. All credit to him for what he did for the refugees. And I think it ought to be placed on record as to what he did.

All praise to the Leader of this House, Mr. Deputy Chairman, who during the last few days of great strain and stress upon the hon. Minister, the Deputy Minister and some of us sat for hours and hours and came to honest, straightforward conclusions in regard to compensation, which helped us achieve unanimity in regard to this matter. I am referring to the Leader of the House, Pandit Pant.

When we are dealing with them, let us not forget the other man whose heart has really bled for the refugees. I remember, and you will pardon me, Mr. Deputy Chairman, for mentioning this fact. One night, in those dark days, at 9 o'clock, my telephone bell rang and a voice spoke: "I am the Private Secretary to so and so. He wishes to speak to you". And then came the Prime Minister's voice. I am repeating the words that he said to me that night. Addressing by my name he said: "You know, I can face bullets, but I am unable to face the sufferings of the refugees". That was the Prime Minister of India, Pandit Jawaharlal Nehru. Let us not forget what he did at that time and how he roamed the streets of the towns of West Pakistan at the risk of his own life trying to bring solace and comfort to these people.

Sir, there are very few things to which I would like to invite hon. Minister's attention in reference to the amendments that I have given notice of. I have spoken to my hon. friend. I do not intend to waste the time of the House in regard to these matters and I have not the slightest doubt that he will deal with all these matters to the satisfaction of each one of us so that there is no doubt left as to the meaning and the significance of the Rules that we have got. Now, it is perfectly true that some things have happened, which should not have happened. The first of those things is the stoppage of the cash payments. I do not know under what rule and under what authority the compensation order goes to stop the cash payments. The Act is there. The law cannot be circumvented. I

hope my hon. friend will be able to tell the House that these cash payments will not be stopped and that they will be continued as the law provides.

Now, Sir, the second thing is this. there are many plots available with the Delhi Improvement Trust, and many plots available with the Ministry itself—some evacuee plots. None of them should be handed over to anybody else but the refugees themselves who have a claim and their claims should be satisfied in regard to this. If necessary, let the Government of India give the money out of the Consolidated Fund to the Improvement Trust. Why not get hold of areas right from Gurgaon to Mathura Road? I would say that plots all round Delhi should be made available to these refugees who have got claims and a reasonable price should be fixed for these plots. Improvement should be effected; water supply, electricity, sanitation and drainage should be made available so that they can satisfy some portion of their claim by building a roof over their heads. Nothing, Mr. Deputy Chairman, is more important to a man,—particularly a refugee, than having a little plot of his own with a little house built on that, where he and his family can live in comfort. I want my hon. friend not to forget this particular aspect of the problem.

Now, Sir, I have nothing much more to say excepting the points which I have already discussed with my hon. friend and I wish him the best of luck. I wish his Deputy Minister the best of luck. They did not listen to me at the time when I was asking them to allow exchanges and sales of property. All this burden would not have fallen on their shoulders. But then they did not listen. Now I hope they will listen to me, that they should not relent in their efforts to persuade the Central Government, of which they are members, to provide extra finances year after year until the rehabilitation problem is settled satisfactorily. And it will take years to settle that particular problem.

SHRI H. P. SAKSENA (Uttar Pradesh): Is there no question of disbanding the Ministry?

DIWAN CHAMAN LALL: You can convert it into a welfare Ministry. You can change the name but the problem is a serious problem. I wish my hon. friend and his Deputy every success in the task before them. If they continue in this sincere spirit, I am fully confident they will have the backing not only of this House but of the entire nation.

PROF. N. R. MALKANI: I would like to say a few words. I welcome the Rules which are now before us for discussion, especially the amendments which have come from the other House. But I do suggest, Sir, it is not very fair to this House to bring these amendments to us on the 15th and tell us that these must be passed before 5 or 6 o'clock today. Our amendments, might as well go into the wastepaper basket; they are of no value. It is treating this House with scant courtesy. I have got to appeal to the good sense and the goodwill of the Minister.

SHRI AKBAR ALI KHAN (Hyderabad): They are being accepted.

PROF. N. R. MALKANI: There are certain other things also left out.

Sir, the Rules are quite comprehensive but I think they are more inclined towards the urban side than towards the rural side. This discrimination was pointed out and it has now been removed by the other House. I am very grateful that you agree to this. But it hurt us. . . .

SHRI MEHR CHAND KHANNA: What was it that hurt you?

PROF. N. R. MALKANI. Halving of rural property. It had no justification; you realised it and you agreed to do justice. Yet the smell of it, the odour of it in two or three ways remains and should be removed. As Dr. Anup Singh said, in Ganganagar, for instance thousands of people were settled on land by way of rehabilitation on evacuee lands. They

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 went there under compulsion to be rehabilitated. They have been rehabilitated for the last six, seven or eight years. They had no agricultural claims. Now they have 12 or 15 acres of land—dry land—you say that they should pay for that land but if they have any rural claim they should not be entitled to the rural claim. You want them to pay for the land that you have given them. He would say, "What about my rural property? Why don't you pay me for that. I have hardly any money and you want me to pay for land in four instalments". Is that fair. You ask him to pay for the land, but he asks you to pay him for his rural property. You do not pay for his property but you ask him to pay for this land. There are many cases of that kind.

Take another case. That is more serious. I am talking of Rule 65 which Dr. Anup Singh read in detail. I do not know how that Rule came in. It is a very unjust and unfair Rule, every bit of it. The claims of a man having four acres of land or more with claim for rural property for Rs. 20,000 or below are cancelled. Sir, here is a paper which was circulated by the Ministry. It says:

"Since, as a rule, a rural house was allotted along with the land, the claims filed by such allottees for small rural houses were rejected."

Do you call property worth Rs. ten thousand or twenty thousand a small rural house. You yourself in Rule 57 say that you have got to allot a house in addition to a land. You have fixed grades of houses from (A) to (H). Where the land is ten acres or more you allot a house of the value of Rs. 2,500. This is some fair limit to the value of the house. When you have no available house you allot say, a plot of 450 sq. feet and Rs. 600. That would be a small property; that would be a small house. I can understand that but when it comes to this man, you say, a house of the value of 'Rs. 10,000 and Rs. 20,000—it is a small property'. When you have got to give property,

you give property worth a thousand rupees but so far as a man's rural claim is concerned, his claim of Rs. 10,000 is cancelled out; his claim of Rs. 20,000 is cancelled out. It is only four acres of land and no more. Is it fair, Sir? He may have four properties, five properties, six properties of the aggregate value of much more than Rs. 10,000/- or Rs. 20,000 but for you it does not matter at all. I think it is extremely unfair. This Rule should never have found a place here. On your own report, you were concerned with only what is called small rural houses. Houses of the value of Rs. 20,000 cannot by any means be called small rural houses. Take another case and I would call it—excuse me for saying so—a swindle. I learn that in U.P. people who have not so far been allotted any land are suddenly being allotted land now; two acres, three acres and four acres are being thrust on them. And they dare not refuse it. They are being compelled to accept it and immediately their rural claim is cancelled out. It is being done deliberately and advisedly so that their rural claim may be cancelled out; Don't you think, Sir, that it is perfectly fair that that man should be allowed to reject that allotment thrust on him artificially? Should he not say, "I do not want your four acres at all. Please allow me to have my rural claim and pay me for it." Sir, he should have been given the option not to accept these four acres which are absolutely worthless as against his claim of the value of Rs. 10,000, Rs. 15,000 or Rs. 20,000. I do think this is a great injustice. You should put a stop to it and those officials who are indulging in this should be checked immediately.

Sir, take another case—the gardens. You have fixed the value of a standard acre at Rs. 350 and Rs. 450 in your own way; not according to my satisfaction or the satisfaction of the refugees. You did it probably because that was the valuation in the Punjab and that is the valuation for the whole of India, for the non-

Punjabis also. It was unfair to us at least and by 'us' I mean non-Punjabis. I do not want to be communal.....

SHRI MEHR CHAND KHANNA:
You mean provincial?

PROF. N. R. MALKANI: Yes; let me say "provincial". We were hurt by that; we were injured by that in this sense that whatever the valuation, they got land for land—two-thirds of it but we got no land at all. What we got was land in patches. Men who had 3,000, 4,000 and 5,000 acres got land of 4, 5 and 10 acres. Prof. Ganshyam who is a well known man of Sind had property worth Rs. 18 lakhs. They are several brothers and they have got 100 acres in all and his share is only 10 acres or so. He belongs to leading family, a distinguished family, a very respectable family, and he is given ten acres today. Fortunately, it is irrigated land; fortunately, all the land forms a block. And fortunately also it is in a good place in Hyderabad in Mir Laik Ali's place. The rest of us are extremely unfortunate in every sense. The land given to us is not irrigated; it is not in a block; it is scattered and you know yourself very well, much better than I do, that you have given us only 1½ lakh acres of so-called standard acres whereas our claim is to the tune of 9½ to 10 lakh standard acres. When will the rest be given? It is not being given to us. If it is given, it is given to us in such a way that the rural claims are cancelled out. Either be fair to us and give us the land that is due to us or at least give us land on which a man can make a living. Give me 30 acres, 40 acres in one block, in one patch, in one place, and then say, 'Your rural claim is cancelled out'. I can understand that. But you say, "We have given you some land; you will get the rest when we get more land." And then generously you make an appeal to every one of us Members to go back to our States and appeal to the Ministers and the Ministers make an appeal to their officers. "Kindly give

them more land." You know that it is not being given to us. And when given to us, possession is not given to us. And when the possession is given to us, we cannot work with the tenants there. It is extremely difficult for people who have come from Sind to get on. The land is given in patches, in the interior. And possession is not given; nor any encouragement or facility is given to acquire possession. Where possession is given, the tenants would not co-operate; the whole village would not co-operate and meanwhile the rural claim is cancelled out. Sir, I do believe that the agriculturists who came from Sind or from Baluchistan have been treated most unfairly whereas the urban people have been to my mind treated more fairly as Delhi people have been treated most generously, most magnanimously. Have you compared the two? They are poles asunder. We are all displaced persons, but just for a minute be honest to yourself. How have you treated the displaced persons in Delhi and how have you treated displaced persons in the interior, say, in Ganganagar and you see the vast difference between the two. He is not here; he does not come to you. He has no representation. He does not bother you. He does not come to you with flags. And therefore he is forgotten and forsaken. He is lost. He is in a desert in Ganganagar. And here it is not claimants; it is non-claimants who are more important than claimants. You belong to Delhi; you represent Delhi; you are surrounded by Delhi; you are entombed by Delhi. You have been very generous to them; you have been very kind. I have no objection but at least be fair to the rural man; be fair to the agriculturist, the very backbone, the very marrow, the very foundation of our economy. At least be fair to me. You are seeking every opportunity for using, I won't say subterfuge, because it would not be parliamentary.....

SHRI MEHR CHAND KHANNA: It is all right.

PROF. N. R. MALKANI: See to it that the agriculturist gets good land. What he gets today is valueless. It is not fair at all.

- As I was saying, coming to garden land, if there are gardens in U.P. there were gardens also in Sind. People used to think that Sind was a desert. A part of it was; a fragment of it but the rest was really a garden. You know it very well.

SHRI JASPAT ROY KAPOOR: That produced flowers like Mr. Malkani.

PROF. N. R. MALKANI: Thank you very much for the compliment. I hope I deserve it. So, Sir, we had gardens there also. Now, gardens have been lumped with *barani* land at the rate of Rs. 350 or Rs. 450 as the case may be. And when a man is allotted land here and is given garden land, he is charged Rs. 5,000 or Rs. 6,000 for the so-called garden. It is just bamboo or mango growing garden. And the moment we say that our garden has been paid only Rs. 350 or Rs. 450, you say, "that is the rate we pay in Punjab." Whatever we say, the answer is, "that is the rate we pay in Punjab". You are practically shutting our mouth. We cannot open it at all. You say, "it is too late; we cannot do it. The amendment of Mr. Malkani? Oh, by 5 o'clock today the debate should be all over." You can plug my mouth like that; you can shut me up like that. But that is not fair. I will not have the feeling that I have been treated fairly. Sir, I must go out with a feeling that there has been fairness. Sir, your predecessor used to look rather hard, a little grim, and I used to think that I could cut no ice with him. But when I met him in the Select Committee on the Rehabilitation Bill, I was surprised and pleasantly surprised. He was smiling all the time, yielding all the time, standing firmly where necessary and making changes wherever he found it was right. Even when we were unfair, he used to say, "go ahead Mr. Malkani, but you yourselves will suffer" and later on that we realised we would

And, Sir, when the Bill came out of the Select Committee, it was completely changed, transformed; it became a different thing. There were so many changes which he accepted in order to be fair to every party. Sir, you are also trying to be extremely fair. You have been fair to us in the other House, generous also to Delhi but you have not been fair to us, much less generous to us, in this House. But nothing can be done now. It is too late. I know I am shouting in vain and wasting my breath. But you will kindly bear in mind, "be fair to us". The rural sector and the urban sector should be fairly treated, equally treated, and, if possible, the agricultural sector must be treated generously. What do you say, Prof. Ranga, to that?

PROF. G. RANGA: But who is going to be generous to the agricultural sector?

MR. DEPUTY CHAIRMAN: It is getting time, Prof. Malkani.

PROF. N. R. MALKANI: Sir, I will not speak on my amendments—I am making a substantial speech now and finishing it—because the amendments do not mean anything today in this House.

SHRI MEHR CHAND KHANNA: You are speaking on your amendments now.

PROF. N. R. MALKANI: Yes, Sir. There is no life in my amendments. One thing more I would say. Of course, it has been said before by my learned and eloquent friend in front of me, Diwan Chaman Lall. I cannot improve on it, but I cannot resist the temptation to repeat it and it is this. This is a scheme not of rehabilitation, but of compensation where the claimants have to be considered and not the non-claimants. For the last seven or eight years, and it is continuing, we have been rehabilitating. But please see to it that this scheme is not converted into one of rehabilitation. It should be a scheme for compensation. There are about three lakhs of claimants yet. See to it that they

have a feeling that they are satisfied. It is no use my talking about the enhanced pool. We have been crying hoarse to add to the pool. Nothing has happened, but something might come as a god-send and the pool may increase. But I want you to give an assurance, to underwrite that the pool will not be less than Rs. 185 crores. You say Rs. 100 crores is the present value of evacuee property. It used to be valued at Rs. 350 crores in those good old days. But now you say it is Rs. 100 crores, but are you sure of Rs. 100 crores? I am not. I have seen the property being neglected for the last eight years—doors taken out, wooden work taken out, no repairs done at all. It has very much deteriorated. People have been paying no rents at all for the building. They are treating it as strangers property. Just to tell me that it is worth a hundred crores of rupees, I am not sure of it at all. Who is going to purchase at that price?

Sir, you yourself told us, not confidentially but openly in the Committees, that Rs. 35 crores are loans, big and small. Even the big loans are not being recovered; much less the smaller loans. You can do so with great charity, with generosity but what about the claimants? They have got to be satisfied, at least on a scale which is extremely moderate. Their moderate claims have got to be paid. Now take the Government built property of Rs. 50 crores. Sir, you yourself said it is being frozen. By raising the limit from Rs. 500 to Rs. 10,000 for auction it is all practically frozen. And will you give me the assurance that within three or four years these instalments would be paid regularly and recovered? Sir, I want to tell you that I have also a little experience of administration. I have found the loans were payable and they were not recovered in time. The rent was payable and it was not recovered by the Government in time. And for six months and twelve months they would not recover. After a year or two suddenly the Government man comes and says: "give me arrears for two years; pay

me for three years." And then I say: "What are you talking about? How can the poor man pay for two or three years, the whole rent lumped together? He cannot pay rent even for a month. How do you expect that he will pay for years?" So, you will find there is no regular machinery for recovery. What are the arrears of rent in Delhi itself with which you have been so magnanimous? What is the rent which is recoverable—and now you expect instalments to come forth regularly? My good wishes. Perhaps, if I am your elder, I may give you my blessings. But if the monthly rent is not recoverable, what about the instalments? Therefore, see to it that the instalments are recovered, and if they are not ^{recovered} legal steps must be taken and see to it that every instalment is paid or property auctioned. And then the Government must have a prior claim. The property does not belong to the occupant. He is not the owner; he is only a tenant. Please see to it that the property is not transferred; the property is not tampered with. Please see to it that the pool is not congealed and frozen. Please see to it that the pool is not reduced or minimised—until it becomes thin vapour. And please see to it that whatever is realised is paid into the pool for compensation. It is a difficult job, a thankless job, but it is a necessary job. Up till now, in two years, we have paid off 50,000 special category claimants about Rs. 10 crores in cash approximately. Here we had got people collected together in urban places and homes whose claims could be easily verified, for whom payments could be easily made as a whole. It has taken, say, two years to pay off fifty thousand claimants. Many more claims remain to be paid. What is the value of those claim and at that rate how many years will it take? It is simple arithmetic, not complicated mathematics. And at that rate when will the compensation be forthcoming and will the people be properly paid for their claims? Sir, I would request you to look into these matters closely. I have moved a special amendment

[Prof. N. R. Maikani.]

which is now a valueless thing; it is mere air. I have said in my amendment that bonds should be issued by Government. I cannot press for it just at the present moment. You will not listen to it. Government is deaf about this thing. But keep your mind open and see that one of these days you do listen to this cry that compensation should be paid quickly. Within four years the Ministry might become transformed into something else, into a Social Service Ministry; but compensation must be paid and rehabilitation must be completed in the next four years.

Sir, I think I have said whatever I had to say. A few small things remain. Rehabilitation is going on fairly satisfactorily. But I would again make a small request—to you. Help the people to stand on their own legs. Let them work. Give them money to start some industries, some cottage industries and small scale industries. Give them some five horse power engines or electric power. Give them a loan of Rs. 5,000 or Rs. 10,000, so that they can properly lead a life in economic freedom. This should be a part of the next Five Year Plan; it should fit in the next Five Year Plan. I myself come from and belong to a township in Khandla. It is a lifeless township in the sense that it has no industries at all. One or two industries which are there do not get the help that they require. Therefore, please see to it that the townships which have come up now but which are lifeless and which have no industries are revived and some new life is put into them.

Sir, I do not want to say anything more. I do not want to waste your time. I hope you will bear in mind, and the Government will bear in mind to remove the difference between rural and urban people; between agricultural and urban people and when you get a chance.

श्री मेहर कन्व खन्ना : जनाब डिप्टी चेंबरमैन साहब, जिन अमेंडमेंट्स का मैंने नोटिस दिया है उनको आप दो हिस्सों में तकसीम कर सकते हैं। एक तो वह हिस्सा है जिसका शहरी आबादी से ताल्लुक है और दूसरा हिस्सा का दहाती इलाके से ताल्लुक है। मैं पहले शहरी आबादी का जिक्र करूंगा। काश, कम्युनिस्ट पार्टी के लीडर श्री भूपेश गुप्त हाउस में मौजूद होते। आपने बहुत ही सुनहरा उसूल हमारे सामने रखा और कहा कि शरणार्थी और शरणार्थी के दरमियान इंसाफ होना चाहिये और अगर एक शरणार्थी क्लेममेंट है और एक शरणार्थी नानक्लेममेंट है तो उसमें किसी किसिम का इम्तिआज या डिस्टिक्शन नहीं होना चाहिये। साथ ही आपने यह भी फरमाया, मैं भी एक बंचारा शरणार्थी हूं और उसकी तकलीफ को तो मैं खुद जानता हूं, जो उसको बीमानी है उसमें मैं खुद भी मुबतला हूं, उसको जहां तक भी हो सके डिस्ट्रस्ट नहीं किया जाय, उसको उठाया नहीं जाय और जो एक गरीब शरणार्थी है, जिसका क्लेम बहुत थोड़ा है, उसको ज्यादा से ज्यादा मदद की जाय। उसूल, मैं खुद कहता हूं, कि बहुत ख़बरत है और इसी उसूल पर या इन्हीं उसूलों पर, जहां तक मुआवजे की स्कीम है जो कि आज आपके सामने पेश है, पूरा तौर पर उसका इन्हसार है। हमारी स्कीम के जो फंडामेंटल्स हैं जो बीसस हैं, वहीं हैं जो कि श्री भूपेश गुप्त ने आपके सामने रखे। लेकिन जहां तक उनके दलायल का ताल्लुक है, मुझे अफसोस के साथ कहना पड़ता है कि या तो शायद यह बात है "To a jaundiced eye, everything looks Yellow" और अगर मैं यह अन्वैरिटेबल क्लियर न लूं तो शायद यह कहूं कि जहां तक यह कम्पेंसेशन स्कीम है, उन्होंने शायद उसे पढ़ा तक नहीं। उनको मालूम ही नहीं है कि कम्पेंसेशन स्कीम के माने क्या हैं और उसका रिहैबिलिटेशन से क्या सम्बन्ध है। उन्होंने इस स्कीम को पढ़ा ही नहीं हालांकि ये रूल्स तकरीबन एक महीना हुआ, एंवान की मंजूरी पर रखे गये। आज यह शिकायत करना कि साहब, थोड़ा सा वक़्त रह गया है, हम इसमें क्या बात कर सकते हैं,

इसमें हमारा क्या कस्ूर है। एक महीना हुआ रुल्स आपको दिये हुए, वे तो आपके सामने थे, आप उनका मुतालया कर सकते थे। लेकिन मुतालया तो किया नहीं, एक स्पीच करनी थी बड़ों जोर शोर से कर दी। न उनको फिगर्स मालूम हैं, न उनको बेसिस आफ दी स्कीम मालूम हैं, लेकिन उसका जो एक सुनहरा उसूल था वह एक तरफ रख दिया। अगर वे होते तो मैं उनसे कहता कि हमारी जो एवेक्यूयी जायदाद हैं वह तकरीबन २ लाख ७५ हजार यूनिट्स हैं। उसमें से ढाई लाख के करीब तो मकान हैं और २५ हजार या ३० हजार के करीब दुकानें हैं। इन २ लाख ७५ हजार यूनिट्स में से हैं ३०, ४० हजार मकानों को छोड़ कर बाकी २ लाख ३० हजार या २ लाख ४० हजार के करीब जो मकान और दुकानें हैं उनकी मालियत १० हजार रुपये से कम हैं। जो गवर्नमेंट ने प्रापर्टी बनायी जिसकी कीमत ५० करोड़ रु० हैं वह एक लाख पचास हजार के करीब यूनिट्स हैं। आप नुमाइंदा हैं तमाम हिन्दोस्तान के। आपने शरणार्थियों की जगहें जो कि गवर्नमेंट ने बनाई हैं देखी होंगी। शायद महमूद चन्द हों जिनकी कीमत १० हजार रु० से ज्यादा हो, तकरीबन तमाम की एक, डेढ़ लाख यूनिट्स जो हैं उनकी कीमत १० हजार रु० से कम हैं। तो या रिवाय ३०, ४० हजार यूनिट के डेढ़ लाख या गवर्नमेंट बिल्ट और २ लाख ३० हजार, या २ लाख २५ हजार, निकासी यूनिट्स यानी पौने ४ लाख के करीब जो यूनिट्स हैं उनकी मालियत १० हजार से कम हैं। गवर्नमेंट ने अब १० हजार तक की लिमिट रखने का फैसला किया है गो कि हम इसकी मिकदार पहिले ५ हजार रखना चाहते थे क्योंकि अगर आप ५ हजार तक रखें तो वह जायदाद ७० करोड़ की बनती है और अगर आप उसको १० हजार तक लावें तो वह जायदाद तकरीबन ११०, ११५ करोड़ के पहुँचती है। कुल जायदाद १५० करोड़ की है, और अगर आप फिगर्स देखें तो डिपुटी चेंयरमैन साहब, ८० फीसदी प्रापर्टी तां ५ हजार से नीचे हैं और १२ फीसदी के करीब प्रापर्टी यानी ६०, ६२ परसेंट जो बनती हैं वह १० हजार तक पहुँच जाती हैं। तो हमारा

यह फैसला है और हमने यह एलान किया है कि इसमें कोई भी शरणार्थी अगर बैठा है, चाहे वह क्लेमेट है या वह नानक्लेमेट है, वह एक ही उसूल के मातहत, एक ही तरीके से चाहे किश्तें दो हों, ३ हों, ४ हों, ५ हों—हमने किसी किस्म का डिस्टिंक्शन नहीं किया। कर सकते थे अगर करना चाहते क्योंकि क्लेम तो उसका है जिसने पाकिस्तान में जायदाद छोड़ी जिसकी पाकिस्तान में बाप दाद से लेकर जब तक कि मुल्क का बंटवारा हुआ कोई जायदाद होती तो वह क्लेम दता और बजाय नानक्लेमेट के वह क्लेमेट होता तो हम कर सकते थे और कह सकते थे कि नहीं, चूँकि यह कंपेंसेशन स्कीम है और इराका अलग कंपेंसेशन देने से उन भाइयों और बहिनों को जिनकी ५०० करोड़ की जायदाद पाकिस्तान में रह गई है, आपका पूल सिर्फ १५५ करोड़ है। १०० करोड़ की निकासी जायदाद, ५० करोड़ की सरकारी बनायी हुई जायदाद, ३५ करोड़ के करीब आपके पास लॉस हैं या कर्ज हैं जो कि हमने दिये थे उनको नुकसान पहुँचगा। जो क्लेम हमने मंगाये हैं जिन पर कि भाई अन्पर्सिह जी ने नुकताचीनी की कि जुल्म किया, बहुत से क्लेम आपने रद्द कर दिये, और मलकानी साहब भी बहुत नाराज थे, तां मैं बैठ बैठ साँच रहा था और एक फारसी का शेर मुझको याद आया :

من از بگائگان هو: نذالم
که بامن هو: که د آں آشنا کرد

†[मन अज बेगानगां हरगिज ननालम कि बा मन हरचे कर्द आं आशना कर्द।]

मैं सोच रहा था कि यह क्या माजरा है।

श्री ज० आर० कपूर : इसका मानी क्या है ?

श्री मंहर चन्द खन्ना : मानी यह है कि मुझे बेगाने से या गैर से गिला नहीं है। अगर मुझे कोई दुख हो रहा है तो उससे हो रहा है जो कि मेरा अपना आशना है, जो मेरा दोस्त है, जिसने मेरे साथ काफी अरसे तक काम किया।

[श्री मेहर चन्द खन्ना]

एवान को यह सुनकर कुछ ताज्जुब भी होगा और खुशी भी—ताज्जुब होगा मलकानी साहब को जो जरा कोस रहे थे और खुशी होनी चाहिए, श्री भूपेश गुप्त को, जो इस समय एवान में नहीं हैं, और उनकी पार्टी को कि उन साढ़े तीन या पाँच लाख आदिमियों, यानी कि जिनके जायदाद की कीमत १९० या १९५ करोड़ रुपये की हैं, उनमें से दो तिहाई शरणार्थी भाई बीहिन वे हैं जो कि नानक्लेमेंट हैं। तो इन लोगों को जो सहायित्व द रहे हैं उसके क्या मानी हैं। मानी यह है कि हम उनसे कह रहे हैं कि तुम्हारे पास यह जो ७० या ५० करोड़ रुपये की जायदाद है, जिसका यह नकशा गवर्नमेंट ने बनाया है, जिस पर कि तुम्हारा कोई अधिकार नहीं था, लेकिन इसलिए कि दुखी भाई हो, वहाँ बैठे हो ५, ७ बरस से, तुमने वह घर बनाया, वह दुकान बनाई, अगर तुम खरीदना चाहते हो तो एक क्लेमेंट की तरह से तुम भी खरीद सकते हो।

तो यह उसूल हमने सामने रखा। उसूल क्या था, वह यह था कि रिफ्यूजी और रिफ्यूजी के दर्मियान इंसफ हो और जितना भी कम डिस्ट्रिक्शन कम हो सके उतना कम हो। बाकी हमने अपने पास क्या रखा, ७ परसेन्ट जायदाद, चाहे उसकी कीमत २५ करोड़ लगा दें, चाहे ३० करोड़ लगा दें। वह जायदाद बड़ी भारी कीमत की है, लाख लाख की है, दो लाख की है, ४ लाख की है, ५ लाख की है।

बहुत जोर दिया गया दूसरे एवान में, तुम एसा करो, अपने हाथ में पावर लो, ताकत लो, रूल्स के जरिये कि दो लाख और चार चार लाख की जो जायदाद है, वह गवर्नमेंट को अख्तियार है, जिस को चाहे रिजर्व्ड प्राइस पर एलाट कर दें। मैंने कहा यह पावर हम नहीं लेना चाहते, क्योंकि आप रोज सुनते हैं, काफी नुकताचीनी होती है, बातें बनती हैं, इसलिए हमने अपने हाथ खुद बंधवा लिये ताकि वह जायदाद जो कि बड़ी भारी मालियत की है बाजार में बिके। उसको खरीदने में कोई रुकावट नहीं है चाहे शरणार्थी हो, चाहे क्लेमेंट हो, चाहे नानक्लेमेंट हो, चाहे वह हमारे हिन्दुस्तान का नेशनल हो,

उसे मुकम्मल तौर पर उस जायदाद को खरीदने का अख्तियार है।

अब, सवाल जो दूसरा हमारे सामने आया वह यह था कि तुमने छोटें लोगों पर कोई खास तबज्जो नहीं दी, तबज्जो दी है तो बड़े लोगों को तरफ। मुझे यहाँ पर कहना पड़ता है कि हमारे गुप्त साहब दो ढाई बजे के करीब रूल्स की कापी लेकर, एक दूसरे के बाद पन्ना उलट रहे थे। अगर वे सफा नम्बर ४५ पर पहुँच जाते तो उसमें उनको एक स्कैल मिलता। मैं भाई रज्जाक साहब से, जो उनके पास बैठते हैं कहूँगा कि अपने लीडर को मुतवज्जह करके बतलायें जबकि वे वापस आ जायें। अगर आप उन रूल्स को देखेंगे तो आपको मालूम होगा कि जहाँ तक छोटें क्लेमेंटों का ताल्लुक है, पाँच सौ रुपये से लेकर ४५ हजार रुपये तक के जिसके क्लेम्स हैं, हमने यह फैसला किया है कि इनको ही सिर्फ गवर्नमेंट का ५५ करोड़ का कंटीन्यूशन मिलेगा। मैंने अभी कहा था कि हिन्दुस्तान की निकासी जायदाद १०० करोड़ रुपये की है। पाकिस्तान में जो जायदाद लोग छोड़कर आये हैं वह पाँच सौ करोड़ रुपये की है यानी सिर्फ बीस परसेंट बनती है, वन फिफ्थ बनती है। अगर हम इसको प्रॉरंटा तौर पर बाँटते—मैं आपके सामने एक मिसाल रखना चाहता हूँ—जिस भाई का एक हजार रुपया था, उसको सिर्फ दो सौ रुपया मिलता। हमने क्या किया, ४६६ उसको और दें दिया और उसको ६६६ कर दिया, यानी ६६ परसेंट कर दिया और यह फैसला किया कि जो गवर्नमेंट का ५५ करोड़ का कंटीन्यूशन है, उसमें से ५० हजार तक के क्लेम वालों को ग्रांट दी जायेगी। आगे जो बड़े आदमी हैं उनको गवर्नमेंट के कंटीन्यूशन में से किसी किसम की सहायता और, भाई दीवान चमन लाल के अलफाजों में, सर्विस नहीं मिलेगी।

हम इससे भी आगे बढ़ें। आगे यह बढ़ कि हमने यह फैसला किया कि एक लाख वाले को २० परसेंट देंगे और १५ लाख तक पहुँचें। उनके बाद हमने यह फैसला किया कि १५ लाख के क्लेमेन्ट्स को हम सिर्फ ११ परसेंट देंगे। एक लाख से १५ लाख तक, २० परसेंट से १६ परसेंट

१८ से १८ लाख, १८ से १९, इस तरह से एक परसेंट से लेकर ६ परसेंट तक जो फर्क पड़ता है वह हम गरीब भाइयों को देते हैं। यह नहीं किया कि जिसका हक बीस परसेंट बनता है, उसकी सिर्फ कटाँती की, और हम ऊपर की तरफ ले गये। हमने यहां तक ही किराया नहीं की बल्कि हम एक कदम और आगे बढ़े। हम १८ लाख के बाद एक प्रीजिंग प्वाइंट पर आ जाते हैं जहां किसी भाई का ५० लाख या एक करोड़ का वलम था, उसको हमने विल्कल नजर अंदाज कर दिया। यहां पर यह कहा जाता है कि छोटे क्लेम्स वालों के साथ नाइंसाफी हुई है, जुल्म हुआ है तो मैं यह कहता हूं कि इसी हद तक हमने बेइंसाफी की कि उन पर इससे ज्यादा रियायत नहीं की।

अब मैं थोड़ा सार देहाती क्लेम्स के बारे में कहना चाहता हूं और उसके बाद जो छोटी छोटी बातें हैं उनका जवाब दूंगा जिनका मेरे अमेंडमेंट के साथ ताल्लुक है। मलकानी साहब ने इस बारे में जो कुछ कहा, वह दुरुस्त है। इसलिए दुरुस्त है कि जो जमीनें सिन्ध, बहावलपुर, बिलीचिस्तान और सबे सरहद के भाइयों को मिलनी थी वह आज तक नहीं मिली, बहुत कम तादाद में मिली। लेकिन मेरे भाई जो पीछे बैठते हैं, जो अब उस तरफ चले गये हैं, अब मैंने उनकी तकरीर सुनी तो मुझे अचम्भा हुआ। मैं आपको बहुत जल्द थोड़े से लफ्जों में यह बतलाना चाहता हूं कि साहब हमने क्या किया और हमें करना क्या चाहिये था। करना तो यह चाहिये था कि हम एक पूल बना लें, उसमें देहाती भी आते और शहरी भी आते। हमारे जिन भाइयों ने देहाती और शहरी क्लेम किये हैं, उनका एक ही स्केल बनाते और चीज को बांट देते। मगर हमने यह नहीं किया, हमने शहरी पूल और देहाती पूल अलाहिदा, अलाहिदा कर दिया। यहां तक ही नहीं किया। चेंबरमैन साहब, मैं आपको बतलाता हूं कि हमने क्या किया, जिसके मुताल्लिक आज हमें कुछ बुरा कहा जा रहा है, गिला किया जा रहा है। हमने यह फैसला किया कि पांच वर्ष से पेशतर से पंजाब और पेप्सू सबे में पंजाबी और उन

शरणार्थियों को जो पंजाबी नस्ल के हैं (Punjabi and those of Punjabi extraction) उनके मासिवाय किसी को जमीन नहीं मिलेगी। इस तरह से हमने पंजाब और पेप्सू में ४॥ लाख शरणार्थी भाइयों को २४ लाख स्टैंडर्ड एकड़ जमीन दी। जो दूसरे प्रान्तों के भाई यहां आये, जिनको जमीन मिलनी है, उनको मासिवाय एक लाख स्टैंडर्ड एकड़ के और कुछ नहीं दे सके। उनको हमने २४ लाख स्टैंडर्ड एकड़ जमीन पांच वर्ष हुये दी और आज १५ अगस्त सन् १९५५ से उस जमीन को हम पर्मनेंट एलाटमेंट की शक्ल में उन भाइयों को दे रहे हैं। अगर उस जमीन की कीमत आप चार साढ़े चार सौ रुपया एकड़ लगायें, जाँ कि हमने मुकर्रर किया है, तो उस जमीन की कीमत सौ करोड़ रुपया से ज्यादा बनती है। यह चीज हमने की। जहां शहरी क्लेम्स के आज आप रूल्स पास कर रहे हैं वहां देहाती क्लेम्स के लिये, खासकर पंजाब और पेप्सू में, आज से पांच वर्ष पेशतर एक किस्म की कम्पेंसेशन की स्कीम जारी की गई थी। अब इसके लिये हमें अच्छा कहा जाय या बुरा ? मैं तो यह कहूंगा कि जो हुआ बहुत अच्छा हुआ। जहां सरहद, बहावलपुर, बिलीचिस्तान और सिन्ध के भाई ज्यादा दुखी रहे, उनको हम जमीन नहीं दे सके, वहां कम अब कम साढ़े चार लाख पंजाबी भाइयों को सौ करोड़ रुपये की जमीन हवाले कर दी।

और देहाती मकान थे। इसकी वजह साफ थी कि हमने उन मकानों की निस्फ कीमत क्यों लगाई। आपमें से बहुत से भाई ऐसे होंगे जिनका देहाती से ताल्लुक होगा। इसमें कोई शक नहीं है कि देहात में मकान की जो लागत होती है वह तकरीबन वही होती है जो शहर में होती है। लेकिन अगर आप देहात का मकान बेचना चाहें तो मासिवाय उस भाई के जो कि जमींदार है, जो कि वहां रहता है, उस मकान की सिर्फ यूटिलिटी वैल्यू है। उस मकान की मार्केट वैल्यू जो है वह शहर के मुकाबिले में कुछ नहीं हो सकती। हमने इसी ख्याल से उसकी निस्फ कीमत लगाई थी। इस पर हंगामा हुआ और जरूर हुआ। अब अगर उसे पूरा किया

[श्री मेहर चन्द खन्ना]

जा रहा है तो उसका असर उन २४ लाख स्टैंडर्ड एकड़ पर नहीं पड़ता। वह २४ लाख स्टैंडर्ड एकड़ ६५ परसेंट था। जो जमीन पाकिस्तान में रह गई थी उसके मुकाबिले ६०, ६५ परसेंट के करीब वह जमीन मिली थी। उसको हमने एलाट किया गॉर्कि अर्बन प्ल ५५ करोड़ का है और जो क्लेम्स हैं वह ५ सौ करोड़ के हैं। इस तरह से अर्बन प्ल २७ परसेंट बनता है। बमुकाबिले उस ६०, ६५ परसेंट के। साहब सद्र, आप यह सुन कर हैरान नहीं होंगे कि उन दहाती मकानों के मुताबिले, जो कि काफी जोर से बाबला किया जा रहा है, इन चार लाख क्लेम्स में से डेढ़ लाख क्लेम्स दहाती क्लेम्स हैं और उनकी मालियत सौ करोड़ रुपये से ज्यादा की है। ये जो पांच सौ करोड़ के क्लेम्स वीरफाई हुये हैं और जो हमारे पास चार लाख क्लेम्स हैं उनमें से डेढ़ लाख क्लेम्स दहाती मकानों के हैं और उनकी मालियत जो है वह सौ करोड़ से ज्यादा की है। अब कहीं यहां तकलीफ हुई हो, कहीं वहां तकलीफ हुई हो, मैं जानता हूं कि जब आप पचास लाख शरणार्थियों से डील करते हैं, जिनकी करोड़ों रुपये की जायदाद वहां रह गई है तो यह कहना मुश्किल है कि हर एक के साथ मुकम्मल तौर पर इन्साफ हुआ है, मुमकिन है कि कहीं हमारी कमजोरी हुई हो। लेकिन हमने शरणार्थियों की खिदमत करने में कोई कोताही नहीं की। हमारा जो गोल है वह एक ही है कि जितनी भी जल्दी हो सके उसको कम्पेंसेशन दिया जाय और वह जो नुकसान उसने पाकिस्तान में उठाया है अगर उसकी हम पूरे तौर पर तलाफी नहीं कर सकते तो कम अज कम जितना भी करना है उतना जितनी भी जल्दी हो सके हम करें।

अब आप यह सोचिये कि जहां तक जमीन का ताल्लुक था वह तो पंजाब और पेश्वा में बंट गई। जहां तक ६ लाख स्टैंडर्ड एकड़ का ताल्लुक है जो कि हमें सिंधियों को और दूसरों को देनी है वह आज हमारे पास पूरे तौर पर मौजूद नहीं है। जमीन तो है, राजस्थान में भी है, गंगानगर में भी है, अभी एक भाई साहब ने यह फरमाया

था कि उन भाइयों के पास भी है जो कि हिन्दुस्तान के नेशनल हैं। लेकिन अगर उनसे लोगें तो वह कहाँ जायेंगे। हम चाहते हैं कि जमीन जल्दी हमारे हाथ में आये, ताकि जिन भाइयों का जिक्र मलकानी साहब ने किया उनको हम जमीन दे सकें। लेकिन यहां तो यह चीज पैदा हो रही है कि नानक्लेमेंट्स ७०, ८० करोड़ की जायदाद अपने हाथ में ले सकते हैं और वह भाई जिन की पाकिस्तान में कभी कोई जमीन नहीं थी आज उनके पास जमीन है। मलकानी साहब इसको ज्यादा जानते हैं, क्योंकि राजस्थान से उनका जरा नजदीक का और गहरा ताल्लुक है। कि दड़ी भारी तादाद में जमीन उनके पास है। अगर आप यह कहें कि वह दुखी भाई हैं और रिहैबिलिटेशन मिनिस्टरी का यह फर्ज है कि वह उनको रिहैबिलिटेट करे तो यह कहना ठीक हो सकता है, लेकिन मैं मलकानी साहब की यह दलील नहीं समझ सका कि जिस की कभी पाकिस्तान में जमीन नहीं थी और आज चूंकि वह जमीन ले चुका है, इस लिये उससे वापस न लो, तो जिस को अभी क्लेम देना है उसको हम कहां से लाकर दें। अगर निकासी जायदाद है तो वह कम्पेंसेशन में जायगी। अगर निकासी जायदाद नहीं है तो ठीक है उस पर हिन्दुस्तान के नेशनल का जरूर हक है। जिसकी पाकिस्तान में जमीन रह गई है, उसको अगर हम उस जमीन के एवज में एवजाना देते हैं, तो मैं यह नहीं समझ सकता कि जब मैं शहरी भाई से उसकी कीमत जो कुछ भी है जो नानक्लेमेंट के पास है वसूल करना चाहता हूं और जरूर वसूल करूंगा, तो दहाती भाई से क्यों न वसूल करूं, जब कि उस क्लेम वाले भाई को क्लेम नहीं मिल सकता, जब कि नानक्लेमेंट से कीमत वसूल न हो। तो सरदार साहब का यह दलील पेश करना कहां तक ठीक है कि वह आ चुके हैं, वह बैठे हुये हैं, उनको अब उठाइये नहीं। आज से पांच वर्ष पेशतर अगर यह उसूल मेरे सामने आता तो मैं समझ लेता कि जो जमीन जानी थी वह जा चुकी। लेकिन आज अगर मैं बतौर मिनिस्टर के तस्वीर के दोनों रुख नहीं देखता तो मेरे लिये अपने आपको यह जस्टीफाई

करना कि शरणार्थी और शरणार्थी के निर्माण में जोस्टिस कर रहा हूँ शायद मुश्किल हो जाय। सरदार साहब ने बड़े जोर से कहा कि पल को एक कर लो। मैं माँ अद्दुबाना तौर पर इस हाउस के सामने यह अर्ज करना चाहता हूँ कि कहना तो बहुत आसान है लेकिन वह समझे नहीं कि इस पेशकश का असर क्या पड़ेगा। सार्द चार लाख भाइयों को हमने पंजाब में और पंप्सू में जमीन दी। उन भाइयों ने उसमें हल जाता, उन भाइयों ने शायद कर्जा ले कर उस जमीन को अच्छा किया, दिन और रात उसमें अपनी जान लगाई।

सरदार रघुवीर सिंह पंजहजारी : वही कर्जा तो आप वसूल कर रहे हैं।

श्री मेहर चन्द खन्ना : जरा ठहरियें। तो अगर मैं यह सोच कर कि नान सबस्टेंशियल हाउसेज के क्लेम नहीं आ सके इसीलिये उनके मुताबिक जैसा उन्होंने बताया हुक्म दे दूँ तो यही होगा कि मुझे उस कुर्बे की मिट्टी उसी कुर्बे से निकालनी पड़ेगी। आज वह जो सौ करोड़ रुपये की जायदाद है जिसको कि हम मुस्तकिल तौर पर परमानेंट एलाटमेंट कहते हैं, जिनको हम सनद दे रहे हैं उसके लिये यह करना पड़ेगा कि मुझे यह हुक्म देना पड़ेगा कि उस एलाटमेंट को बन्द करें और नये सिर से देखें कि कौन कौन से भाई हैं जो कि रह गये हैं। अगर एक आदमी १० एकड़ ले चुका है और ६ एकड़ का हकदार है तो उनके ख्याल के मुताबिक वह उस से काट लें और जो भाई रह गया है उसके हवाले कर दें। लेकिन यह कर नहीं सकते। बहुत आगे बढ़ गये हैं। पंजाब पांच वर्ष में बहुत आगे बढ़ा है। पंजाबियों ने उरा पंजाब को जो कि वीरान था सरसब्ज कर दिया है। अब अगर आज उनके ख्याल के मुताबिक, मेरे ख्याल के मुताबिक नहीं, उनके ख्याल के मुताबिक, जो आदमी रह गये हैं उनके लिये नये सिर से स्कीम को रिवाइज करें तो मेरे ख्याल से यह इंसफ नहीं होगा। मैं यह अर्ज करना चाहता हूँ कि हमने कोई खास नेटिफाई नहीं की, किसी के साथ अमदन या अमलन बेइंसाफी नहीं की। मुमकिन है कि

गलती से कोई चीज रह गई हो लेकिन उसके लिये यह कहना कि साहब मिनिस्ट्री ने बहुत जुल्म किया है, मेरे ख्याल में इंसफ नहीं है। जसपत राय जी कपूर तो एक कदम और भी आगे बढ़ गये। उन्होंने बड़े अच्छे अलफाज में कहा कि दुकानें एलाट कर दीं, बड़ा अच्छा किया। लिमिट ५ हजार से १० हजार बढ़ा दी, उसके लिये शुक्रिया अदा करता हूँ। आपने आगे कहा कि जो ५०-५० हजार आदमियों का कंस रिजर्वेट हो गया था, जिनके पास छोटी छोटी जमीनें थीं, उनके लिये आपने फँसला कर दिया सो बहुत अच्छा किया लेकिन फिर एक पते की बात उन्होंने कही कि रिहैबिलिटेशन फाइनेंस एडमिनिस्ट्रेशन के पास चले जाओ और १०० करोड़ रुपया और ले लो.....

श्री ज० रा० कपूर : आपने गलत समझा।

श्री मेहर चन्द खन्ना : जरा ठहरियें।

श्री ज० रा० कपूर : मुझे गलत समझ कर आप जो बात कहेंगे वह व्यर्थ ही होगी। मेरा मतलब यह नहीं था।

श्री मेहर चन्द खन्ना : जरा एक मिनट ठहरियें।

श्री ज० रा० कपूर : एक मिनट नहीं आप एक घंटा लीजिये लेकिन मुझे गलत इंटरप्रेट न कीजिये।

श्री मेहर चन्द खन्ना : आपने यह कहा कि ५० करोड़ रुपया हमारे नानक्लेमेंट के जिम्मे है और चूंकि हम चाहते हैं कि क्लेमेट्स को कम्पेंसेशन बहुत जल्दी मिल जाय ताकि जो सात या आठ वर्ष से दुखी भाई हैं उनको और ज्यादा तकलीफ न हो, तो उनके लिये तुम आर० एफ० ए० से यह कोशिश करो कि उनको कर्जा दिला दें। मैं आपके अलफाज कोट कर रहा हूँ, अपने दिमाग से। मुमकिन है कि कुछ गलती हो...

श्री ज० रा० कपूर : सिर्फ इतनी गलती है कि मैंने यह कहा था कि जो आगे के इन्स्टालमेंट आप उससे लेना चाहते हैं उन इन्स्टालमेंट्स के बराबर का रुपया उधार दिलाइये। आज जो इन्स्टालमेंट्स चाहते हैं वह तो उन्हीं से लें

[श्री ज० रा० कपूर]

लेकिन अगर मान लीजिये पांच हजार में से दो हजार उसने दे दिया हैं और तीन हजार बाकी बचा हैं तो उसके लिये मैंने कहा था कि आप रुपया उधार दिला दें। इससे तो आप अपनी ही मदद करंगे..

MR. DEPUTY CHAIRMAN: No speech, Mr. Kapoor.

SHRI JASPAT ROY KAPOOR: I am not making a speech, Sir.

श्री मेहर चन्द खन्ना : मैं आनरीबल मेम्बर का मशकूर हूँ कि उन्होंने यह फरमाया कि उस ५० करोड़ में से नानक्लेमेंट से जो वसूल करना हैं उसको दिला दें, यानी २० परसेंट का जो पहला इंस्टालमेंट हैं उसको निकाल कर, ५० करोड़ में से १६ करोड़ निकाल कर, जो ६४ करोड़ रुपया रह गया हैं उसके लिये आर० एफ० ए० से कर्जा दिला दें। मैं खुश होता अगर वह यह कह दें कि तुम गवर्नमेंट के पास जाओ और गवर्नमेंट से यह कहा कि जो ५०, ५५ करोड़ रुपया जो पहले पूल में दिया हैं उसको अंडरराइट कर दें। मैं इसको समझ जाता। मान लिया कि आर० एफ० ए० फाइनेंस मिनिस्ट्री के मातहत हैं लेकिन उससे कोई फर्क तो पड़ता नहीं। आखिर जो रुपया आना हैं वह तो गवर्नमेंट के फाइनेंस से आना हैं। तो यह बात कि जिसकी पाकिस्तान में जायदाद नहीं थी उसको मालिक बनाओ और मालिक बनाने के लिये जो ६० या ७० करोड़ रुपया चाहिये उसके लिये गवर्नमेंट के पास जाओ और गवर्नमेंट से कहा कि वह अंडरराइट कर दें, कोई आसान बात नहीं हैं। गौरी मैं उनका मशकूर हूँ कि इससे मेरा हाथ एकदम खुल जाता हैं, जो दुखी भाई हैं उनको हम बहुत जल्दी कम्पेंसेशन अदा कर सकते हैं और कम्पेंसेशन की रफ्तार बहुत तेज हो सकती हैं लेकिन मुझे सोचना पड़ेगा और मेरे पास इस आर्गुमेंट का जवाब बहुत मुश्किल से होगा कि जो सारी उम्मीदें पाकिस्तान में किरायेदार रहे उनको हिन्दुस्तान में मालिक बनायें और मालिक बनने के लिये बजाय इसके कि वह खुद पैसा दें हम पैसा किसी

और से ले आवें और उनको दें। इसके लिये मुझे कुछ थोड़ा सोचना पड़ेगा और अपने आप को जरा कनीवेंस करना पड़ेगा, क्योंकि अगर मैं खुद कनीवेंस हो जाऊं तो शायद दूसरे को भी कनीवेंस कर दें, लेकिन अगर खुद ही कनीवेंस न होऊं तो फिर क्या करूं।

श्री ज० रा० कपूर : उससे जो इंस्टालमेंट लेना चाहते हैं उस पर कुछ सूद लेंगे या नहीं या क्या इरादा हैं ?

श्री मेहर चन्द खन्ना : मुझे रूल याद तो नहीं हैं लेकिन शायद इंस्टालमेंट का सूद १ परसेंट हैं या २ परसेंट हैं।

श्री ज० रा० कपूर : अगर मेरी बात मानी जाय, तो जो लोन लेंगे उनको ४ या ५ परसेंट देना पड़ेगा और इसमें उनको फायदा नहीं होगा बल्कि आप को ही फायदा होगा। जब उनसे ४ या ५ परसेंट मिलेगा तो आपको फायदा ही होगा।

श्री मेहर चन्द खन्ना : एक, दो चीजें और हैं जो कि मुझे कहनी हैं। बहुत से भाई ऐसे हैं जिन्होंने कि आज तक क्लेम दाखिल नहीं किया हैं। तो जो नास्वान्दा थे, जिनको कुछ तकलीफात थीं, जिनके लिये कुछ वज्हात थीं उनके मुताल्लिक गवर्नमेंट ने फैसला किया हैं कि वे क्लेम दाखिल कर सकेंगे। इसका पहले ही एलान हो चुका हैं यह कोई नई बात नहीं हैं। और एक नई बात यह हैं कि जो भाई २१ जुलाई, १९५२ के बाद मगरबी पाकिस्तान से हिन्दुस्तान में आये हैं वे अपने क्लेम हमारे पास दाखिल कर सकते हैं, और अगर कोई भाई २१ जुलाई, १९५२ से पेशतर आया हैं, क्योंकि एक्ट की मियाद वहां खत्म होती हैं इसलिये अगर वह खास वज्हात की बिना पर क्लेम दाखिल नहीं कर सका और उसके पास सबूत हैं, तो हम उसका क्लेम देखने के लिये तैयार हैं। अब यह कहा गया कि साहब हर एक का क्लेम, जो पाकिस्तान से आया हैं चाहे उसके पास सबूत हैं या नहीं हैं, ले लिया जाय; यह बात नहीं मानी जा सकती हैं। आखिर दुनिया में कुछ फाइनेंशल सेफगाइड्स भी होते हैं, कुछ चीजें होती हैं, जिनको कि देखना पड़ता

हैं। जो भी क्लेमेंट हैं और इन दो शरायत को पूरा करते हैं, जिनको कि मैंने आपके सामने रखा, उनके क्लेम को देखने का हम तैयार हैं। यही नहीं अगर किसी क्लेमेंट का क्लेम एक्स-पाटी तौर पर रद्द हो चुका है तो उसके मुताल्लिक भी पांच कैंटगरीज बनाई हैं। कोई नाबालिग है, बेचार किसी के मां बाप थे लेकिन मर गये, बच्चा छोटा रह गया और वह कुछ कर नहीं सका, कोई हमारे भाई कहीं जम्मू या काश्मीर में लड़ाई लड़ रहे हों या मुमकिन है कहीं हमारे फार्म इम्बेसी में काम कर रहे हों, तो इन हालात में जो भाई बहनें हैं जिनके क्लेम रह गये हैं या रद्द हो चुके हैं या नामंजूर हो चुके हैं हम द्वारा उनको देखने के लिये तैयार हैं। हम एक कदम और भी आगे बढ़ें हैं और हमने यह फैसला किया है कि अगर किसी का क्लेम इन्फैंटीक्वेंट नोटिस की वजह से, जो हमने दी हो, कैंसिडर न हो सका हो तो हम उसको भी देखने के लिये तैयार हैं। जो अल्फाज हैं उनको मैं पढ़ दूँ ताकि उसमें किसी को गलतफहमी न रहे। अल्फाज ये हैं :

"Where the claim filed shows that no notice had been given to the claimants or the notice given was inadequate."

तो हम यह जिम्मेदारी अपने सिर पर लेते हैं। उनके क्लेम जो हैं उनको हम जरूर देखेंगे। सिंह साहब ने, जो कि मेरा ख्याल है मेरे सामने बैठे हैं, फरमाया.....

DR. ANUP SINGH: May I ask a question?

SHRI MEHR CHAND KHANNA: Let me finish.

आपने फरमाया कि साहब, बीमार होते हैं, टी० बी० के मरीज होते हैं, गरीब बेवाएं होती हैं, यतीम बच्चे होते हैं, आपने उनको कैंश देना बन्द कर दिया है। यह दुरुस्त नहीं है। हमारा यह फैसला है कि कैंश हम दो, तीन हालातों में देंगे। एक तो है मार्जिनल एडजस्टमेंट। फर्ज कीजिए एक आदमी का क्लेम है और समझ लीजिए कि वह २० हजार रु० का है और उसने

१६ हजार या राढ़ १५ हजार रुपये की जायदाद खरीद ली। अब उसका हजार, डेढ़ हजार बाकी रहा, उसमें वह क्या रोजगार करे। १० हजार के नीचे की जायदाद तो हमने लॉकअप कर दी। इन हालात में जहां मार्जिनल एडजस्टमेंट की जरूरत होती है वहां हमने कुछ कवायद बनाए हैं। हमने यह फैसला किया है कि जो बिचार छोटे छोटे क्लेमेट्स हैं, किसी का ५०० का, या हजार का क्लेम है, उनके लिए कम से कम हमारा यह इरादा है कि "अलिफ" से वसूल किया जाय और "बे" को दिया जाय क्योंकि इस मामले पर उसली चीज मबनी है। हम उनके क्लेम को रोकना नहीं चाहते। इसलिए हमने यह फैसला किया है कि उन हालात में भी जहां कि छोटे क्लेमेट्स हैं, उनको हम कैंश देंगे और इसके अलावा जो इनफर्म हैं, जो बेबा हैं, जो यतीम बच्चा हैं हमारी जां माताएं, बहिनें होम्स वर्गों में रहती हैं जिनका मंटीनेन्स अलाऊन्स बन्द कर दिया गया है, इनको भी हम कैंश ५ हजार तक, जैसा कि हमारी स्कीम में पहले था, देंगे। साथ ही टी० बी० पेशेन्ट्स और डिसएबल्ड पर्सन्स जिसमें कि अंधे, लूले (ब्लाइंड एंड क्रिपल) शामिल हैं उनको भी हम कैंश देंगे क्योंकि हम जानते हैं कि एक बिचारा अंधा आदमी है या क्रिपल है तो उसको अगर हम जमीन देंगे तो वह उससे क्या करेगा। शहरी जायदाद की हालत में भी हमने फैसला किया है कि हम कैंश देंगे। अभी मलकानी साहब ने अपनी जमीन के मुताल्लिक जोर दिया, तो मैं खुद मानता हूँ कि हमें उनको जमीन देने में कुछ देरी हुई, यह दुरुस्त है। लेकिन अब हमने एक फैसला कर दिया है कि जहां हमें जमीन मिलती है हम उनको जितनी भी जल्दी हो सकेगा जमीन देंगे और साथ ही.....

श्री एन० आर० मलकानी : अगर जमीन देना है तो मिहरबानी करके जगह पर दीजिए, काफी दीजिए और वक्त में दीजिए।

श्री मेहर चन्द खन्ना : मैं उसका भी जवाब दूँगा। मेरे ख्याल में यह रूल नंबर ४६ है जिसमें हमने यह फैसला किया है कि अगर मलकानी

[श्री महर चन्द खन्ना]

साहब एक जगह जमीन नहीं लेना चाहते और हमारे पास काफी जमीन नहीं है देने के लिए और अगर दूसरी तरफ हमारे १० दुरखी भाई हैं जिन्हें कि मान लीजिए मलकानी साहब की १०० एकड़ जमीन हमसे लेनी है तो उसके लिए हमने यह रुकावट लगा दी है। शुरू में शायद २५ या ३० एकड़ से ज्यादा जमीन हम नहीं देंगे। तो जो वह बकाया जमीन रह जाती है, उनको तकलीफ है, वे इंतजार नहीं कर सकते और उनकी जमीन थोड़ी है तो उस रूल ४६ के तहत अगर मलकानी साहब उस दहाती क्लेम के मुताबिक साढ़ चार सौ ८० स्टैंडर्ड एकड़ तक हद तक और साढ़ ३ सौ ८० स्टैंडर्ड एकड़ दूसरे हद तक केंश कराना चाहते हैं तो वह शहरी जायदाद एकदम खरीद सकते हैं। पहले तो उनको डर यह था कि अगर शहर में आयेंगे तो एक रुपये का आठ आना मिलेगा। अब जब कि आपके ८ आने का एक रुपया भी हो गया और आपको यह अधिकार भी हो गया कि आप बजाय दहात के शहर में जायदाद लेना चाहें तो कोई मुमानियत नहीं है तो फिर हमें या हमारी मिनिस्ट्री को उसके लिए कसूरवार ठहराना मेरे ख्याल में नामुनासिब और नाजायज नजर आता है।

एक और चीज ब बड़ जोर से फर्माते हैं कि साहब, यह जो बागात है आपने उन बागात का क्या किया। हमने बागात का वही किया है जो कि हमने नहरी जमीन ले कर किया है, या चाही जमीन या बारानी जमीन के लिये किया है। हमने उसलन एक स्टैंडर्ड बना कर, एक याड्रीस्टक बनाकर उन जमीनों को कंवर्ट किया है एक स्टैंडर्ड एकड़ में। पंजाब में कोई ६०, ७० लाख एकड़ आर्डिनरी जमीन रह गई थी उसको हमने २४ लाख स्टैंडर्ड एकड़ में कंवर्ट कर दिया है। इसी तरह हमने ग्रावज को भी उसी याड्रीस्टक से स्टैंडर्ड एकड़ में कंवर्ट किया है। तो मैं कह रहा था कि उनके जो ग्रावज हैं, उनकी जो सरसब्ज जमीन सक्कर बराज के नीचे हैं, चाहे वह कहीं पर हो, चाहे उनकी जमीन सिध डिजर्ट के नीचे हो, मगर हम उसको स्टैंडर्ड एकड़ में कंवर्ट करेंगे और उसके मुताबिक

उनको यहां जमीन मिल जायेगी। अब यह कहना कि आपका यह याड्रीस्टक गलत है, मैं समझता हूं, इसमें तो डिफरेंट ऑपिनियंस हो सकती हैं, लेकिन इस मामले में मैं समझता हूं, उनको कोई खास शिकायत नहीं होगी चाहिए।

यह कहा गया है कि जो दो हजार तक या पांच हजार तक के क्लेम हों उनको पूरा दे दिया जाय। लेकिन इसका इंप्लीकेशन नहीं समझा गया। जहां पंजाब में हमारे पास ६० परसेंट जमीन थी वहां हमने कट लगाया और किसी भाई को ७५ परसेंट से ज्यादा नहीं दिया। हमारे पास ३७ परसेंट अर्बन प्ल है, और उसके लिए यह कहना कि दो हजार या पांच हजार वालों के लिए १०० परसेंट कर दो, इसका रिपरक्शन शायद किसी ने सोचा नहीं कि वह जो दहाती भाई हैं उसको हम क्या जवाब देंगे। अगर हमें इंटर सी जस्टिस करना है तो यह नहीं हो सकता कि हम दहाती भाई के लिए तो कट लगाएं और ७५ परसेंट कर दें और शहरी के लिए जहां दो हजार या चार हजार या पांच हजार का क्लेम हो उसको १०० परसेंट कर दें। मा-सिवाय इसके कि उसका फाइनेंशियल इम्प्लीकेशन बहुत हेंवी हो जायगा, हम यह चीज नहीं कर सकते क्योंकि अगर आप पांच हजार तक हंडरेंड परसेंट करते हैं तो यह नहीं हो सक्ता कि जब ६ हजार के क्लेममें आयेंगे तो हमारे हिसाब से ३७ परसेंट या ४० परसेंट उनके लिए रखा जाय। इतना गैप रहना नामुमकिन बात है और हमें इस चीज को एडजस्ट करते हुए एक गूडेंड बेसिस पर लाना होगा।

अब एक चीज रह गई जिसके मुताबिक दीवान चमन लाल जी ने बड़ जोर शोर से जिक्र किया। उनका वह आर्गुमेंट भूपेश गुप्त जी के लिए मुताबिक किया गया था। भूपेश साहब तो यहां हैं नहीं। मगर मैं एवान को बतला दूं कि वह चीज क्या है। वह चीज यह है कि पांच बरस हुए एक एक्ट पास किया गया जिस एक्ट का नाम है "सप्रेशन आफ एवेक्यूयी इंटरैस्ट"। श्री कपूर इस बात को बहुत अच्छी तरह जानते हैं क्योंकि वे उस समय दूसरे हाउस में हुआ

करते थे। उस एक्ट के मातहत यह कहा गया था कि अगर कोई भाई जो कि हिन्दुस्तान से चला गया है, उसने यहां के किसी भाई से कर्ज लिया और जायदाद उसके पास रहने हैं, तो उस भाई को मुकम्मल अख्तियार हैं कि वह जायदाद जो निकासी जायदाद करार दी गई है, उसमें जो अपना हिस्सा है वह अलाहिदा कर ले। उसके लिए यह सहूलियत है कि जितना भी उसका अस्ल था, वह अस्ल कायम रहेगा। इसके अलावा पांच परसेंट तक उसे सूद उस दिन तक देता रहेगा जब तक वह फीजकली सैपरेंट नहीं होता। साथ ही दीन मुहम्मद की जायदाद पर सेंट साहब को किसी तरह की अदालती स्टैम्प फी नहीं देनी होती। उसका जो हिस्सा अलाहिदा होगा वह हमारी मिनिस्ट्री करेगी, हमारे कम्पीटेंट आफिसर करेंगे अपीलेंट अफसरान करेंगे। उसका जो हिस्सा होगा उसको मुकम्मल तौर पर, सोलह आने देने के बाद अगर कुछ बच जायेगा तो वह निकासी पूल में आयेगा। अब इस तरह के कंसेज की तादाद एक लाख से ज्यादा है। २५ हजार का फैसला तो हो चुका है, २५ हजार का एडजुडीकेशन हो चुका है, मगर सैपरेशन नहीं हुआ। ५० हजार के करीब कंसेज बकाया है। ऐसे भी कंसेज हुए जहां पर बहुत कुछ हमारे रिफ्यूजी भाइयों का मिला है। ऐसे कंसेज में काफी मिक्चर में रकम आई है। इसके साथ ही साथ ऐसे भी कंसेज हैं जहां हमने दो लाख और तीन लाख रुपया अदा किया है और उसके लिए न कुछ सीलिंग है और न कोई लिमिट है। इसके साथ ही साथ इस चीज का दूसरा पहलू भी है। अगर हिन्दुस्तान के किसी आदमी ने दीन मुहम्मद को कर्ज दिया है और उसके पास जायदाद रहने है तो हमें यहां के नेशनल को पैनलाइज नहीं करना चाहिये। हमने जो ८५ करोड़ रुपया पूल में डाला है वह हिन्दुस्तान के रिवन्यूज में से आया है, यहां के एक्सचेंजर से आया है। लेकिन "ए" को जिसने "बी" को कर्ज दिया है इसलिए पैनलाइज किया जाय कि "बी" पाकिस्तान चला गया है, मेरे ख्याल में दुरुस्त नहीं है। जब इस मामले में निचले हाऊस में बहुत जोर दिया गया तो मैंने कहा

कि इस तरह के मामलों को फिर से रीएजामिनेशन करने के लिए स्टेट गवर्नमेंटों के पास जाना पड़ेगा, उनसे रंजूलेशन पास कराने होंगे और फिर सेंट्रल गवर्नमेंट को एक अर्मेन्डिंग बिल लाना पड़ेगा जो मुझे इतना आसान नजर नहीं पड़ता। टाइम इतना लग जायेगा कि हमारी गाड़ी यहां से आगे चली जायेगी, न मालूम कलकत्ते हो या बम्बई हो और उसका कोई खास फायदा नहीं होगा।

इससे ज्यादा मैं नहीं कहना चाहता, मैंने आप लोगों का एक घंटे से भी ज्यादा वक्त ले लिया : मेरे एमेन्डमेंट जो हैं, उनसे फाइनेन्स के ऊपर काफी बोझ पड़ेगा। लेकिन अवाम की यह स्वाहिश थी, उस हाउस की भी यह स्वाहिश थी, बाहर से जो हमारे रिफ्यूजी भाई आये हैं उनकी भी यह स्वाहिश थी कि हम एक कदम और आगे बढ़ें। आज मैं यह देखता हूं कि आप सब लोग इस चीज के बरीखलाफ नहीं हैं बल्कि आप सब चाहते हैं कि हम एक कदम आगे बढ़ें। मगर मैं यह नहीं कहना चाहता कि हम एक कदम और आगे बढ़ेंगे। मैं किसी को कोई गलत विश्वास दिलाना नहीं चाहता और न किसी को कोई गलत उम्मीद दिलाना चाहता हूं। एक चीज मैं आपके सामने रख देना चाहता हूं। जहां तक मेरा मिनिस्ट्री से ताल्लुक है, मैं हमेशा कोशिश करूंगा कि इस मामले को ह्यूमैनिटैरियन वे पर हल किया जाय। हमें ह्यूमन वे पर इस चीज को हल करना होगा। इस प्रब्लम को हल करते वक्त हमें ह्यूमैनिटैरियन एस्पेक्ट से देखना होगा और प्रीवेटल मैनर से हल करना होगा। इस मिनिस्ट्री के साथ मेरा बतौर मिनिस्टर थोड़े असें से ही सम्बन्ध हुआ है और मैं काफी इसके बारे में जान गया हूं मगर जब मैं कलकत्ता गया तो मेरी आंखें वहां की हालत को देखकर खुल गई। वहां पर जो मैंने मिजरी देखी उससे मेरा पक्का यकीन हो गया कि इस ह्यूमन प्रब्लम को हमें एक ह्यूमन मैनर से जितनी जल्दी हो सके हल करना होगा। रूल्स हमने इसलिए बनाये हैं ताकि उनमें कुछ लीकेंज न हो। दुनिया में हर किस्म के आदमी होते हैं और उनमें तरह तरह की

[श्री मेहर चन्द खन्ना]

कमजोरियां होती हैं। मैं इस बात की कोशिश करूंगा कि रूल्स को हमारा अफसरान सख्ती के साथ न काम में लायें। लेकिन एक चीज मैं आपके सामने रख देना चाहता हूं। वह यह है कि हम रूल्स को इस तरह से इंटरप्रेट नहीं करेंगे जिससे दुखी भाइयों की तकलीफ और ज्यादा हो जाय। बल्कि हमारी कोशिश यह रहेगी कि रूल्स को अच्छे तरीके से और ह्यूमैन-टैरियन मैनर पर इंटरप्रेट करें ताकि लोगों को किसी तरह की तकलीफ न हो और जहां तक हो सके आसानी ही हो। इन लफ्जों के साथ मैं अपने अमेंडमेंट्स एंवान के सामने रखता हूं और उम्मीद करता हूं कि वह इसे कबूल करमायेगा।

DIWAN CHAMAN LALL: May I with your permission ask the hon. Minister to give us a little explanation in regard to the Explanation in reference to his first amendment and in regard to the question of the minors in order to avoid any unnecessary discussion about the amendments that we have tabled? You will notice that there is the Explanation in regard to sub-rule (3) of Rule 17, that is in the first amendment of my hon. friend. What is the implication of this Explanation?

SHRI MEHR CHAND KHANNA: The position is very clear, Sir. What we have laid down is this that in a joint Hindu family the members of which can claim partition, if there are two or three members, they are entitled to two shares. If they are more than three—four, five, six or seven—then they are entitled to three shares. That is our position. Now if two brothers or three members are entitled to two lakhs of rupees, then those two lakhs of rupees will be equally divided between the two brothers, that is, rupees one lakh each.

The three members of that family who may be entitled to less than, say, upto the extent of two lakhs or one lakh each, can receive compensation from us in the shape of property.

DIWAN CHAMAN LALL: Will they

be permitted to bid upto the extent of the compensation permissible?

SHRI MEHR CHAND KHANNA: They will be permitted to bid up to the extent of compensation available to them under the Rules. Next comes the question about the minor. Now the question about the minor can be divided under two heads. A family comprised of three brothers before the 15th of August, 1947 and unfortunately one brother was killed. The deceased brother has two or three sons. They have now come over to India. For purposes of this Rule, the family will be 2 plus 1 unit, irrespective of the fact that the deceased brother may have left two or three or four sons. The deceased brother will be treated as one unit.

Now as far as a minor in India is concerned, we could have easily taken the stand that we want to keep the character or the complexion of the family as it existed at the time of partition. We are not doing that. We are taking the age as at 26th September 1955 as the age of a member of a family, and that will be the determining factor whether it is under 18 or not.

MR. DEPUTY CHAIRMAN: The question is:

"That this House concurs in the following motion passed by the Lok Sabha at its sitting held on the 14th September 1955, for modification of the Displaced persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced persons (Compensation and Rehabilitation) Act, 1954:—

(i) That the following be added after sub-rule (3) of rule 17 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

"Provided that nothing in this sub-rule shall apply where any such person purchases any property forming part of the compensation pool in which case the purchase price may be adjusted against the compensation payable to him in accordance with

these rules, notwithstanding that the amount to be adjusted exceeds fifty thousand rupees.

Explanation.—In its application to a Hindu undivided family, the limit of fifty thousand rupees shall apply to each share referred to in sub-rule (2) of rule 19.”

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

“That this House concurs in the following motion passed by the Lok Sabha at its sitting held on the 14th September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(2) That the following amendments be made in rule 19 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

(i) after sub-rule (2), insert—
“(2A) Notwithstanding anything contained in sub-rule (2), where a deceased member of a Joint Hindu Family has left sons all of whom are less than eighteen years of age, such sons shall, for the purpose of computation of compensation, be reckoned as one member of the family.”

(ii) after Explanation II, add—
“Explanation III.—For the purposes of this rule, the question whether a person is less than eighteen years of age, shall be determined with reference to the date 26th September, 1955.”

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

“That this House concurs in the following motion passed by the Lok Sabha at its sitting held on the

14th September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(3) That the following amendments be made in sub-rule (1) of rule 22 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

(i) in clause (a) for “five thousand rupees” substitute “ten thousand rupees”; and

(ii) in clause (b)—

(a) omit “in a rural area or in a town other than those mentioned in Appendix X”; and

(b) for “two thousand rupees” substitute “ten thousand rupees.”

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

“That this house concurs in the following motion passed by the Lok Sabha at its sitting held on the 14th September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(4) That the following be substituted for sub-rule (2) of rule 25 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

“(2) Where the value of the property exceeds the net amount of compensation payable to the applicant, the applicant shall be required to pay the balance—

(a) in one lump sum; or

(b) in instalments, as follows:—

[Mr. Deputy Chairman.]

(i) In the case of property other than an industrial concern—

(a) Where the value of the property does not exceed, in the case of a shop in a rural area or in a town other than those mentioned in Appendix X, two thousand rupees and in the case of any other property five thousand rupees in four equal annual instalments.

(b) Where the value of the property exceeds the limits specified in clause (a), or where the property consists of a shop situated in a town specified in Appendix X, in two equal annual instalments.

(ii) In the case of an industrial concern, in instalments spread over a period not exceeding two and a half years, or

(c) by adjustment against compensation payable in respect of the verified claim of any other person.”

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

“That this House concurs in the following motion passed by the Lok Sabha at its sitting held on the 14th September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(5) That the following be substituted for clause (ii) of rule 26 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

“(ii) in the case of any other property—

(a) where the value of the property does not exceed in the case of a shop in a rural area or in a town other than those mentioned in Appendix X two thousand rupees and in the case of any other property five thousand rupees, if he pays at once 20 per cent. of the value thereof and agree; to pay the balance in four equal annual instalments from the date of the initial payment;

(b) where the value of the property exceeds the limits specified in clause (a) or where the property consists of a shop situated in a town specified in Appendix X, if he pays at once not less than 33-1/3 per cent. of the value of the property and agrees to pay the balance in two equal annual instalments from the date of the initial payment.”

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

“That this House concurs in the following motion passed by the Lok Sabha at its sitting held on the 14th September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(6) That the following amendments be made in rule 36 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

(i) in clause (a), for “Rs. 5,000” substitute “Rs. 10,000”; and

(ii) for clause (b), substitute—

“(b) every Government built shop valued at Rs. 10,000 or less.”

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

That this House concurs in the following motion passed by the Lok Sabha at its sitting held on the 14th September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(7) That the following amendments be made in rule 41 of the Displaced Persons Compensation and Rehabilitation Rules 1955, namely:—

(i) before the existing proviso to sub-rule (1) add—

“Provided that where the value of the property exceeds in the case of a shop in a rural area or in a town other than those mentioned in Appendix X two thousand rupees and in the case of any other property five thousand rupees and such value is covered by the amount of net compensation payable to such person to the extent of 33-1/3 per cent. of the value of the property.”;

(ii) in the existing proviso to sub-rule (1), for “Provided that” substitute “Provided further that where the provisions of the preceding proviso do not apply”; and

(iii) in sub-rule (2), for “shall be payable in four equal annual instalments” substitute “shall be payable—

(i) where the value of the property does not exceed in the case of a shop in any rural area, or in any town other than those specified in Appendix X, two thousand rupees and in the case of any other property five thousand rupees, in four equal instalments; and

(ii) where the value of the property exceeds the limits specified in clause (i) or where

the property consist of a shop situated in a town specified in Appendix X, in two equal annual instalments.”

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

“That this House concurs in the following motion passed by the Lok Sabha at its sitting held on the 14th September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(8) That the following be substituted for rule 42 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

“42. *Government built residential property in occupation of non-claimants.*—Where a displaced person who does not hold a verified claim is in occupation of a Government built property which is an allottable property, the property may be transferred to him if he makes an initial payment of—

(i) where the value of the property exceeds in the case of a shop situated in any rural area or in any town other than those specified in Appendix X, two thousand rupees and in the case of any other property, five thousand rupees, 33-1/3 per cent. of the value of the property; and

(ii) where the value of the property does not exceed the limits specified in clause (i) or where the property consists of a shop situated in a town specified in Appendix X—

(a) 33-1/3 per cent. of the value of the property if the property is situated in an ‘A’ class colony;

[Mr. Deputy Chairman.]

(b) 25 per cent. of the value of the property if the property is situated in a 'B' class colony;

(c) 20 per cent. of the value of the property if the property is situated in a 'C' class colony, and

agrees to pay the balance of the purchase price—

(1) in case of falling under clause (i) above in two equal annual instalments; and

(2) in case falling under clause (ii) above, in four equal annual instalments.”

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

“That this House concurs in the following motion passed by the Lok Sabha at its sitting held on the 14th September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rule, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(9) That the proviso to rule 45 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, be omitted.’

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

“That this House concurs in the following motion passed by the Lok Sabha at its sitting held on the 14th September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(10) That the following amendment be made in clause (b) of rule

46 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

Omit “subject to the proviso to rule 45”.

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:—

“That this House concurs in the following motion passed by the Lok Sabha at its sitting held on the 14th September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(11) That the proviso to rule 48 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, be omitted.’

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

“That this House concurs in the following motion passed by the Lok Sabha at its sitting held on the 14th September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(12) That the following proviso be added to sub-rule (3) of rule 95 of the Displaced Persons Compensation and Rehabilitation Rules 1955, namely:—

“Provided that any such application may be entertained after the said date if the said Commissioner is satisfied that the applicant was permitted by sufficient cause filing the application in time.”

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That this House concurs in the following motion passed by the Lok Sabha at its sitting held on the 14th September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(13) That the following amendments be made in rule 97 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

(i) for the existing proviso, substitute—

"Provided that—

(a) he has not accepted such allotment of the agricultural land or such allotment has been cancelled;

(b) he does not hold a verified claim in respect of any other kind of property, that is to say, for any urban property or for any substantial rural building"; and

(ii) after the first proviso,

"Provided further that where any such person is given a rehabilitation grant under rule 97A, he shall not be given a rehabilitation grant under this

rule."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That this House concurs in the following motion passed by the Lok Sabha at its sitting held on the 14th September, 1955, for modification of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954:—

(14) That the following new rule be added after rule 97 of the Displaced Persons Compensation and Rehabilitation Rules, 1955, namely:—

"97A. Rehabilitation grants to persons allotted agricultural land upto two standard acres in Punjab and Patiala and East Punjab States Union.—Any person who has been allotted two standard acres or less of agricultural land in the States of Punjab or Patiala and East Punjab States Union under any notification specified in section 10 of the Act may be given a rehabilitation grant at the rate of Rs. 450 per standard acre of the area allotted to him:

Provided that—

(a) he has not accepted such allotment of the agricultural land or such allotment has been cancelled;

(b) he does not hold a verified claim in respect of any other kind of property, that is to say, for any urban property or for any substantial rural building."

The motion was adopted.

MR. DEPUTY CHAIRMAN: Diwan Chaman Lall, what about your amendment?

DIWAN CHAMAN LALL: I do not want to move my amendment. What I want to say is that I accept the position in regard to the first amendment as explained by the hon. Minister. He has made the position quite clear. In regard to the second, I am still at a loss to understand why a minor under the age of 18 cannot be considered a coparcener when under the law he is a coparcener even when he is in the womb of his mother. What strange logic has persuaded the Ministry to come to this particular conclusion, I cannot understand. After all, the minor's interest is much more important when we are consi-

[Diwan Chaman Lall.]
 dering the refugee problem. I would beg of my hon. friend to reconsider this matter at the proper time.

SHRI MEHR CHAND KHANNA: It does not commit me to anything.

DIWAN CHAMAN LALL: It does not commit my hon. friend to anything but it does commit him to a sense of logic.

PROF. N. R. MALKANI: I am sorry to say that I have no assurance with regard to those people who had no agricultural claim, who are settled on land and have a rural claim. What will be done about their rural claim? There is another discrepancy or some discrimination in treatment. In rule 29 it is said:

"Where any person having a verified claim who is in sole occupation of an acquired evacuee property, which is an allottable property, refuses to accept the transfer of such property in full or part satisfaction of the compensation payable to him.—

(a) the payment of compensation due to such person shall be postponed to such date as the Central Government may, by general or special order, specify;"

Giving the consequences of refusal of acceptance of allotment, Rule 60 says:

"Where any person is offered allotment of agricultural land under these rules, he shall communicate his acceptance of the allotment to the Settlement Commissioner within such period being not less than one month as may be fixed by the Settlement Commissioner. If no reply is received within the period fixed by the Settlement Commissioner allotment shall be deemed to have been accepted."

Why this differential treatment. It should be postponed in both cases.

MR. DEPUTY CHAIRMAN: What about your amendment?

PROF. N. R. MALKANI: I am not moving my amendment but these points may be clarified. I would draw special attention of the House to my amendment to rule 17. I do not want to press my amendment, but I do want to say that this is an important amendment and it should not be rejected off-hand. Government may take its own time and think over the matter. Later on I do believe that, if necessary, they will adopt something of this nature since, as I have seen, the Ministry wants cash very badly to the tune of thirty or forty crores.

MR. DEPUTY CHAIRMAN: So there is no motion at all. You cannot go on making speeches.

PROF. N. R. MALKANI: I would emphasise that it is very important. I would like to draw your attention to a very tragic thing which is happening today in India. There are a number of people who have verified urban claims. They are selling them at 50 per cent. of the market cost because they have no assurance that compensation will be paid to them quickly.

SHRI MEHR CHAND KHANNA: Properties are being sold all over India. You can tell these kind friends of mine that they can bid for them and cash their claims by auction.

PROF. N. R. MALKANI: You have frozen so many properties that you will not be in a position.....

MR. DEPUTY CHAIRMAN: It is all very irregular that you make a speech without any motion.

There are two messages from the Lok Sabha.

SHRI JASPAT ROY KAPOOR: Sir, I crave your indulgence.....

MR. DEPUTY CHAIRMAN: No indulgence now.