

[Diwan Chaman Lall.]
 been to Kashmir I want to take this opportunity of saying how much the people of Kashmir look forward to their close connection with India. That very great learned leader of our people, Dr Radha Kumud Mookerji, asked what the position was in regard to the integration of Kashmir with India.

SHRI A. C. GUHA: He used the term "accession".

DIWAN CHAMAN LALL: That matter has been settled.

MR DEPUTY CHAIRMAN: It has been answered. Dr. Mookerji was not here when Mr Guha made his speech.

DIWAN CHAMAN LALL: Let me say this

SHRI KISHEN CHAND. Is he within his rights in answering the points which you considered to be irrelevant?

DIWAN CHAMAN LALL: I am perfectly within my rights on the third reading of this measure

MR DEPUTY CHAIRMAN: You need not answer Mr. Mahanty. Both he and Dr Mookerji were not present when Mr. Guha made his speech.

DIWAN CHAMAN LALL: I am perfectly within my rights, Mr. Deputy Chairman, in saying what I desire to say in regard to this measure on the third reading of this Bill. What I want to say is this: Let there be no mistake about it that the people of Kashmir—and I have gone through village after village in Kashmir and spoken to the leaders who have fought for the regime and against the regime, spoken to the Ministers of the Government including the Chief Minister who is doing a wonderful job of work—are determined to see that this step that is now being taken leads to

the greater glory of Kashmir. The next step will be the taking of the necessary precautions to develop the industries of Kashmir. Kashmir has got all the resources, and I see no reason why this taxation measure should not be utilised for the purpose of setting Kashmir on the path of progress, greater progress than even India or any other State of India has so far achieved. So, I congratulate my hon friend on bringing this measure to the floor of this House.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE ADMINISTRATION OF EVACUEE PROPERTY (AMENDMENT) BILL, 1954

THE MINISTER FOR REHABILITATION (SHRI A P JAIN): Sir, I beg to move:

"That the Bill to abrogate the evacuee property law in respect of persons who have done or do any act on or after the 7th day of May, 1954, which if done before that date would have rendered them subject to that law and to amend the Administration of Evacuee Property Act, 1950, for that purpose and certain other purposes, as passed by the Lok Sabha, be taken into consideration."

Sir, the Sabha will agree with me that the evacuee property law is an extraordinary law. There is no parallel to this legislation on the Statute Book of any civilised country. We had to pass this law on account of the extraordinary circumstances arising out of the partition. There was no escape from it, but now more than seven years have passed and the question before us is whether there is any further need to retain this law on the Statute Book. The Sabha will also agree with me that

this law has weighed rather heavily on a section of the people here in this country. During the seven years and more that have passed since the partition, India has attained a large amount of stability. There is peace and tranquillity everywhere. The minorities are living in a state of peace. They are enjoying the same rights as any other citizen of the country. They are carrying on their usual avocations. They have equality before the law. In fact, the effects of the partition have disappeared today, and therefore the time has arrived when this extraordinary law should be abrogated. It may be said that some persons are still going to Pakistan. In fact, all over the world people go from one country to another either in search of trade and business or enterprise or otherwise, and may be some persons are going and some persons may wish to go to Pakistan, but I maintain that the extraordinary conditions, which resulted from the partition, do not exist in this country any longer. After giving a good deal of consideration, Government decided to abrogate the evacuee property law with effect from the 7th May 1954. Clauses 3 and 8 of the Bill are intended to give effect to that decision. In respect of the property which had become evacuee property before the 7th May, the position may be summarised as follows.

Any property which had become evacuee property and had been declared to be evacuee property before the 7th May continues to be evacuee property. The Sabha will remember that the other day a Bill was passed for giving compensation to displaced persons and one of the provisions of that Bill was that evacuee properties could be acquired by Government and thereafter put into the compensation pool. There are certain properties which had become evacuee properties before the 7th May. And in respect of which proceedings are pending, these proceedings will continue and a provision to that effect is made in clause 3 of the Bill.

Again, there are certain properties which had become evacuee properties before the 7th May 1954 but in respect of which proceedings have not been initiated. A provision has been made that in respect of such properties, proceedings can be initiated if the owner of the property had gone over to Pakistan and was a resident of Pakistan on the 7th May 1954. Certain explanations have been added defining what will constitute residence in Pakistan on the 7th May 1954. Even so, the operation of clause (b) of the proviso is confined to a period of six months only. No proceeding will be initiated under that provision after the expiry of six months from the enactment of this law.

These are the main provisions of the Bill, but before I sit down, I would like to make a reference to two other provisions in this Bill. One relates to section 16. The Sabha would be aware that so far there is no limitation on time during which a person may file an application under section 16. As I said a few minutes ago, this Sabha has already decided that all evacuee properties should be acquired and put into the compensation pool. It therefore follows that only those properties should be put into the pool which are free from disputes. Under section 16 of the Administration of Evacuee Property Act, a person is entitled to file an application for the restoration of this property under certain circumstances.

Clause 5 of the Bill proposes to put a limitation of 60 days during which a person can file application under section 16. But before he is entitled to file that application, he must have gone through all the processes of law before the Assistant Custodian, Custodian and the Custodian General provided under the Administration of Evacuee Property Act. I think that in the present circumstances, that is a very helpful provision inasmuch as it gives a definite right to the person affected to file an application under section 16. At the same

[Shri A. P. Jain.]

time it does not stand in the way of the properties being transferred to the compensation pool within a reasonable time. Another provision which might attract the notice of the Sabha is clause 2. The necessity for enacting that clause arose on account of a judgment recently given by the Supreme Court in Abu Bucker *Versus* the Custodian General. In that case, during the pendency of the proceedings under the evacuee property law, the evacuee died. There is no provision in the evacuee property law according to which the heir of the deceased could be brought on record. In fact such a provision exists under the Civil Procedure Code but that was not made applicable to proceedings under the evacuee property law. Neither is there any provision corresponding to the provision in the Indian Insolvency Act whereby if an applicant dies during the pendency of the proceedings, the proceedings continue as if the man were alive. The Supreme Court felt that in the absence of these provisions, the proceedings abated. We have consulted the highest legal authorities in the Government and both from the point of view of juridical principles and morality, we have been advised that this lacuna must be made up and therefore we have provided that if the evacuee dies during the pendency of the proceedings, the proceedings will continue. In fact under the Muslim law a person owns property in full ownership. Unlike the joint Hindu family the heir of a Muslim has no vested interest in the property and it is also an accepted principle of jurisprudence that a person who derives title from another does not derive a larger title than was possessed by the original owner. If there is a mortgage on the property of a Muslim who dies, the heir inherits the property subject to the mortgage. If there is any limitation or restriction attached to the property, the heir naturally inherits subject to that restriction or limitation. Here in this case the property of Abu Bucker had come under the limitations prescribed by the Ad-

ministration of Evacuee Property Act and his sons could not inherit anything larger than what was possessed by Abu Bucker. Therefore we have regularised the position and brought it in line with natural justice. I need not refer to the other provisions of the Bill which are of a comparatively minor character but if any question is raised in respect of those provisions, I shall take the opportunity to reply to them while answering the debate.

MR. DEPUTY CHAIRMAN: Motion moved:

“That the Bill to abrogate the evacuee property law in respect of persons who have done or do any act on or after the 7th day of May, 1954, which if done before that date would have rendered them subject to that law and to amend the Administration of Evacuee Property Act, 1950, for that purpose and certain other purposes, as passed by the Lok Sabha, be taken into consideration.”

MR. DEPUTY CHAIRMAN: Mr. Mahanty. I have to remind Members that we have only 2 hours for this.

DIWAN CHAMAN LALL (Punjab): I hope you will give a little more time for this.

MR. DEPUTY CHAIRMAN: Otherwise we will have to miss the lunch hour tomorrow. I have to inform hon. Members that in case the time is extended over this Bill, we will have to forego the lunch hour tomorrow.

SHRI KISHEN CHAND (Hyderabad): Are we sitting till 5 or 6 today?

MR. DEPUTY CHAIRMAN: We are sitting till 6.

DIWAN CHAMAN LALL: I hope hon. Members will be ready to miss the lunch time tomorrow.

MR. DEPUTY CHAIRMAN: If the House agrees, we will sit through the Lunch hour tomorrow. Is it agreed?

HON. MEMBERS: Yes.

SHRI S. MAHANTY (Orissa): Sir, I will be very brief. Nonetheless I oppose this Bill. My opposition emanates from certain doubts. I don't oppose this Bill in any spirit of chauvinism. I am amenable to reason but my opposition to this Bill emanates from certain doubts. The hon. Minister in the course of his speech made certain observations about the *raison d'être* for bringing this piece of legislation in Parliament. He said that there is no more need for having the evacuee property law on the Statute Book of this country. Sir, this reminds me of a saying:

“शिरः नास्ति, नास्ति दर्दः”

That means if you have no head, you have no headache. In a village there was a certain quack. He was once approached by a peasant to cure his headache. He chopped off his head. If there is no head, then there can be no headache. Now the pattern of the logic underlying this piece of legislation reminds me of that village quack. Now the hon. Minister is of the opinion that they have solved the whole problem of evacuee property and therefore there is no more need for Administration of Evacuee Property Act of 1950 which therefore can be abrogated. But as I said earlier, I am enumerating my doubts. Number one is this. We are told that the urban properties left in West Pakistan is to the tune of Rs. 1,000 crores; as against that Rs. 1,000 crores worth of urban property—not to speak of the rural properties—the properties which have been left by the Muslim refugees in India is very insignificant. Now this Evacuee Property Act of 1950 under section 7 laid certain restrictions on the transference of the disposal of that evacuee property. Necessarily we would have expected that when the Government is thinking of augmenting their compensation pool, and when they are sympathetic to the proposition that the pool should be increased, we

expected that this section 7 of the Evacuee Property Act of 1950 would have continued to prevent the evacuee property from being transferred or from being disposed of otherwise so that it might have gone to augment the evacuee property pool. My opposition arises out of this fact. So we would have naturally expected that that evacuee property should continue to have been protected by section 7 of the Administration of Evacuee Property Act of 1950 and that would have gone to augment the compensation pool. Instead of that, when Government is pleading their inability to augment that compensation pool, there is no justification why this piece of legislation should be brought here. We might try to solve this problem by saying that this problem does not exist but in sincerity I ask this House to consider how the Government is going to face the situation, and compensate the refugees in India. There is no gain-saying the fact that the Statute Book of no civilized country has such a law in it. But in no civilized country has such a communal carnage taken place. The circumstances were extenuating and I do not think that the reactions of those circumstances do not exist now. The hon. Minister in the course of his speech said, if I heard him correctly, that those extraordinary conditions do not exist any more. When he referred to extraordinary circumstances, he was probably making a reference to the communal riots. Of course, that atmosphere or extraordinary condition so far as it relates to the communal riots does not exist now, but the aftermath of those extraordinary conditions still do exist and they do exist in a very great degree.

Sir, I do not want to take up much time of the House, I am not conversant with this problem; nonetheless as I said earlier, my opposition to this Bill arises out of this point that there is no consistency in the policy of the Government of India towards the problem of the evacuee property. With these words, Sir, I resume my seat.

KAZI KARIMUDDIN (Madhya Pradesh) Mr Deputy Chairman, I congratulate the hon Minister in charge of this Bill for bringing out such a measure and permanently solving the problem which has created so much of bitterness particularly as he has referred, in a particular section of the community, namely, the Muslims Not only that, I congratulate him particularly on the feelings he has expressed that at some stage or other in this country this problem was to be solved, as in no civilized country such an Act exists Of course, my hon friend, Shri Mahanty, has said that in order to increase the pool, this Act should be continued But I must tell him that this will be a vicious circle, for in order to increase the pool you go on continuously having a measure which in substance related only to a time when there were communal riots The Minister in charge has very rightly said that the riots that occurred at that time were due to fear and in the disturbance people left this country But now those conditions do not exist and for this reason those provisions of the law relating to the declaration of evacuee property have to be superseded.

I must, however, tell the Minister in charge that in the working of the Administration of the Evacuee Property Act, there have been much harassment and many troubles It is common knowledge that in an atmosphere of hostility and suspicion people were not in a position to sell their properties even though they never migrated to Pakistan but had settled down in India The transferred rights were suspended even in the case of those people who had settled down here. That fear has now gone practically and so I feel that this is a measure certainly for the lasting good of the Muslim community of India, and it is for that purpose that this measure has been brought in Mr Mahanty is probably of the opinion that the only object of the Administration of Evacuee Property Act was to increase the pool for the people who had come from Pakistan. That is not so. If only

he had read the discussions that took place at the time that Act was enacted he would have seen clearly that in both the countries people had left their properties unmanaged, unlooked after and it was for this reason that the Government had to bring in this measure and look after these properties, and collect the incomes for those who had left this country It is really unfortunate that the Ministry could not settle the problem with the Government of Pakistan Otherwise, if the properties had been exchanged, or if they had been sold and the moneys conveyed to those who had gone over to Pakistan, and from there to those who had come over here, then this question of pool would not have arisen at all. But this measure had to be brought in as a special measure because there was no settlement between Pakistan and India But Mr. Mahanty probably thinks that this is a retaliatory measure and that therefore the pool should be increased and therefore this measure should be continued

SHRI S. MAHANTY: Sir, even if the rights to property are suspended. . . .

MR. DEPUTY CHAIRMAN Order, order He is not yielding.

SHRI S MAHANTY: I only want to inform him that I do not. . . .

MR. DEPUTY CHAIRMAN: Yes, but he is not yielding

SHRI S MAHANTY But he himself is silent

MR DEPUTY CHAIRMAN: Maybe, but he is standing and no two persons can stand at the same time.

SHRI S MAHANTY. I did not mention it in that sense.

KAZI KARIMUDDIN. The result of this provision was that really very great bitterness was created between several sections of society and this feeling of hostility and bitterness was always there and practically it was affecting the secular administration

existing in India. Now the Government of India had no other alternative but to sell the properties because there was no option left to them to provide for these refugees who had come to India and now the present Bill for the amendment of some of the provisions has been brought before this House in its present form.

Sir, I have very serious objections to clause 2. It has been said that because of a ruling of the Supreme Court, the proceedings of an evacuee who has died cannot be legally continued, and hence this clause. I have no objection to such a provision in the case of a man who has no legal representatives living in India. After such a man's death, we do not know where his heirs are, whether they are living or not. They cannot be brought on record. But I have to submit that if a man dies in Pakistan and his heirs whether collateral or sons are in India, or if the man in India dies and his son or legal heirs are in Pakistan, they shall not be entitled to a share under this law, because when the father died he was living in Pakistan.

DIWAN CHAMAN LALL: And now?

KAZI KARIMUDDIN: And now if a man dies in Pakistan and his heir is living in India, that man is deemed to have left and even if he dies, the question of inheritance in my opinion, will not arise. I wish and hope that I am wrong and the hon. Minister will kindly explain the clause concerned. But my interpretation of this clause is that if no legal representatives are brought and the proceedings continue as they are, it only means that after the man's death, even those sons and collateral heirs who live in India, will not be entitled to inherit this property because it would be said that all rights of ownership had been suspended. The property remains evacuee property for it was evacuee property during the life-time of the father.

DIWAN CHAMAN LALL: And *vice versa*.

KAZI KARIMUDDIN: Yes, that is so, the man dies in Pakistan and the heirs live in India or *vice versa*.

Therefore, I submit that this is a provision which will work to the detriment of those who have settled down in India and whose parents have left for Pakistan.

I will give an instance. A man dies in Pakistan and his only son lives in India or, he has no issue at all but his heirs are living in India. Then, is it the fault or sin of those heirs in India? Just because that man migrated to Pakistan, you will deny the right of inheritance to the heirs here. What was after all, the fault of the man? Due to disturbances he had gone away from here and if his sons or heirs live here, why should they not be entitled to a share? Therefore, my submission is—I have given notice of an amendment—that this proceeding shall drop if his heir or heirs are citizens of India, to the extent of their shares and I hope the Minister in charge will take this point of view into consideration.

Now, the object of this amending Bill, as has been rightly pointed out by the Minister in charge is that this thing should end. That should be concluded; if explanation III is read my submission is that several cases—thousands of cases—will arise. Explanation III is so dangerous that any false allegation can be made by anybody against anybody, “yes, on a particular day you had gone to Pakistan stealthily and then come over” and there will be two witnesses.

SHRI A. P. JAIN: I do not want to interrupt the hon. Member but I seek a clarification. How can this case arise in the face of what we have laid down? We have provided that on the 7th May the man must be a resident of Pakistan.

KAZI KARIMUDDIN: I will read explanation III: “A person who had left Pakistan for India on or after the 18th day of July 1948, and who was in India on the 7th day of May 1954,

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shall, unless he came to India under a valid permit for permanent return or for permanent resettlement, issued under the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), be deemed to have been resident in Pakistan on the 7th day of May 1954, within the meaning of clause (b) of the first proviso". What is required for an action against such a man would be evidence.

SHRI A. P. JAIN: Not at all; there is a full list of persons who have returned on permanent settlement permits and permanent re-settlement permits. That list is with the Government.

KAZI KARIMUDDIN: Supposing there is an assurance coming from the Minister in charge that this does not contemplate those persons who have illegally and secretly gone there and have come back in the meantime, my objection will vanish from that point but if this remains, there will be hundreds and thousands of false allegations made against people.

I again welcome, Sir, the provisions of this Bill and I am really glad that this creates rights in property to be enjoyed by even Muslims in India when they were feeling that the rights of transfer were suspended to a very great extent; in an atmosphere of hostility and bitterness when they went to sell their property, it was supposed that they wanted to run away to Pakistan, which was responsible for the property fetching very low prices and those Muslims were in a very awkward position when they wanted to alienate a property. I again congratulate the Minister in charge. The object of the amending Bill is very laudable and I hope it will work in the same spirit in which it has been presented.

DIWAN CHAMAN LALL: Sir, it seems to me that my learned friend is going to have an easy time in regard to the passage of this measure, and so far as he is going to have an

easy time, I congratulate him on the courage with which he has brought this measure and has presented it to this House. Mr. Deputy Chairman, it does require an enormous amount of courage to deal with a matter which affects the lives of several million people and their future and which if it works to their detriment, might be a very serious matter indeed. I do not know—and I hope that I am wrong in my suspicion and in my fear—that my hon. friend has completely satisfied himself that the interest that he has—to serve all the refugees or the displaced persons who have come away from West Pakistan—would be completely safeguarded by the passing of this measure. If he is so satisfied, nobody would be happier than myself but it is necessary to look into this measure to see how far it fulfils the hope that my learned friend has that injustices done to our own population—whether to the indigenous population or to any other population—would be put right by the passing of this measure. Now, Sir, the original measure which was passed is described by my hon. friend, the Minister, as a measure unparalleled in the history of civilised nations. That is perfectly correct; at the same time, so was the situation completely unparalleled in the history of civilised nations. Millions of people, leaving everything behind in Pakistan, moved out because of that false and tragic theory propounded, namely, the two-nation theory, by those who are responsible for the partition of India. They moved out, leaving every bit of their possessions behind. Now, it was the duty of this Government and I must say that the Government, in most difficult circumstances, did, to a large measure, fulfil that duty, to try and protect the unprotected, to try and assist the indigent, to try and support those who were without any support whatsoever, the victims of this tragic theory. The Government did their best and one of the first things that the Government did was to try and evaluate the amount of property which these displaced persons had left behind in Pakistan and try, at the same time, to find ways

and means also of protecting the property of those emigrants from India who had left India and had gone away to Pakistan. That was the basis of the Evacuee Property law, not merely the protection of that property but the taking into account by the Government of India of that property for the purpose originally of exchanging that property with the property that we people had left behind in Pakistan. You will remember Mr. Deputy Chairman, that that was the original basis and the Government of India attempted to arrange the exchange of the properties on a Government to Government basis. Their proposition was—originally and it continued to the last—a plea to the Government of Pakistan that they should come to an understanding as to the value of the quantum of that property left behind by us and also an agreement regarding the value of the property which had been taken charge of under this extraordinary measure and then an attempt made either to exchange *en bloc* the properties here with the properties in Pakistan or some *via media* found for the purpose of wiping out the two quantities and arrive at some figure which might be reasonable as to what should be paid by Pakistan to their refugees and what should be paid by us to our refugees. Unfortunately, for seven long years, this proposition continued to be mooted between Karachi and Delhi and no satisfaction could be had from the Government of Pakistan. My hon. friends were asked by many of us to try the other method of an exchange and a sale on a private basis. We even went so far as to suggest that these properties might be put into a common pool governed by a public corporation and that an attempt should be made to come to an understanding with the Government of Pakistan so that these properties in this corporate pool might be exchanged with properties in a corporate pool on the other side. It was obviously some method suggested for the purpose of easing the deadlock which had arisen between the two Governments, one Government—that is our Government—suggesting a Government to Govern-

ment handling of the property matter, and the other, the Government of Pakistan, not accepting the Government to Government level settlement of this matter. I have a suspicion that one of the reasons why the Government of Pakistan did not accept this policy of the Government of India—it was originally the suggestion of the Government of Punjab—was the great fear that they had, because the displaced persons from West Pakistan had left behind property which we considered to be of the value of about a thousand crores of rupees, urban property. What we find now it that our Muslim brothers from here who have gone back to Pakistan, who migrated to Pakistan, have left property which is evaluated by the Government of India at about Rs. 100 crores. So obviously their fear is that they did not want to tie themselves down to a Government to Government level settlement because it would have meant accepting a liability of about Rs. 900 crores, or, if I take the figure of my hon. friend, namely, Rs. 550 crores, even then the difference would have been Rs. 450 crores and it is possible that the Government of Pakistan, afraid of facing up to a figure of this nature—that Government of Pakistan which had recently to obtain a loan ten million pounds for its ways and means position, from Great Britain, obviously was not in a position to accept a liability of that nature. Now it is possible that that was good reason which operated in the mind of the Government of Pakistan in refusing this settlement of a Government to Government basis. I have no doubt in my own mind and I want to make this point quite clear that had a settlement on a Government to Government basis been arrived at, it would have been a very good thing. The only objection that we had was this that although year after year the settlement was offered year after year that settlement was refused by Pakistan. Hence an alternative method might have been adopted. I am quite aware of the fact which I was reminded of by the Deputy Minister for Rehabilitation

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 the other day in regard to this matter of exchanges that during a certain period of a few weeks.

THE DEPUTY MINISTER FOR REHABILITATION (SHRI J. K. BHONSLE):
 Months.

DIWAN CHAMAN LALL: Months! Six months I think, it was six months. Six months make 24 weeks and 24 weeks is a very few weeks. So during a period of a very few weeks this matter was tried out by both Governments, I must say, by both Governments rather unwillingly, because I see the cohort of the officials sitting there in that gallery and there is not any single one amongst them who in his heart of hearts was in favour of this method of exchange, private exchanges of property. It was their pet theory, it was their pet scheme to do it on a Government to Government level and I do not think that either on this side or on the other side a fair chance was given for the purpose of the trial of an exchange of properties on that basis. Be that as it may, very few cases occurred of these exchanges, 29 cases of exchange and one of sale, but one must not draw the conclusion that the theory failed in practice. The fact is that there was not the will to get it through. There were not the conditions at that time operating in favour of such a scheme. Therefore we reverted back again to the old method. Now what is the principle behind what my hon. friend is now wanting to do? The original principle was this that if a Muslim had left India and left his property behind, then his property was taken over by the department and it became evacuee property. The ownership of that continued with the evacuee but the administration of that property vested entirely in my hon. friend's department. There was a second category. The second category was that of intending evacuees, that is to say, a gentleman who had sent his family to Pakistan and because of the fear that his property

might be taken over he himself sat here in charge of that property because he was the owner. There is no question of any joint Hindu family. He stayed here himself in charge and did not leave India having only sent his family away because he was afraid that his property might fall into the evacuee pool and he declared an intending evacuee.

Those, Mr. Deputy Chairman, were the two categories of persons whose property was taken over. Where it was proved that he was an intending evacuee his property was taken over, for instance, if he attempted to sell it it was obvious that he was selling it because he wanted to get away with the money. So his property was taken over by my hon. friend's department and it fell into the pool. What is happening now is under this measure there are no longer any evacuees, there will be no longer any evacuees except those who have already been declared as such and certainly there will no longer be any intending evacuees. The whole category of them is wiped out with one stroke of the pen.

KAZI KARIMUDDIN: They have already been paid.

DIWAN CHAMAN LALL: So it has already been repealed. No person is any longer any intending evacuee. Now what will happen after the passing of this measure? What happens today is, if a gentleman goes off to Pakistan his property is taken over and put into the pool. That is correct; is it not? What will happen if after the passing of this measure a gentleman, who sent his family abroad to Pakistan, has been waiting here looking after his own property, also sells it and clears off to Pakistan? My hon. friend said that under the exchange regulations it would be difficult for him to take his money out of the country to Pakistan. My experience as a lawyer is that it is never difficult for any of these gentlemen to take

SHRI A. P. JAIN: For a certain kind of people.

DIWAN CHAMAN LALL: Yes, for certain men and there the certain kind of people who have been waiting here, waiting here for my hon. friend to pass this measure so that they can get away to Pakistan, yes, those are the people. Now those are the very people that I should have thought that my hon. friend would have made provision for, for that certain kind of people, the wrong kind of people, that you would have made some provision for them so that they do not rob the evacuee pool of that sustenance of support and augmentation that we are all looking for. In so far as that certain kind of persons is concerned—and I have a fear that it is a very large number—there is no protection any longer as far as the evacuee pool is concerned. They will be able to join their families in Pakistan having taken the proceeds of their properties which they sell without let or hindrance. Now that is a serious matter. I have not the slightest doubt. My sympathies are all together, with my hon. friends even though some of them have sent their families to Pakistan. My sympathies are with them. They are citizens of India today but it is quite obvious that they do not intend to remain citizens of India tomorrow and for that purpose they get rid of their properties and go away. Is there no duty that lies upon the shoulders of my hon. friends here and on my hon. friends over there to see to it that some provision is made for the purpose of not allowing them to rob the evacuee pool in this particular manner? Now there are administrative difficulties, my hon. friend says, certainly, but it is up to him to find some ways and means whereby that particular type of person, that he and I both object to, should not get away with the loot, that he should pay the penalty if penalty it is, for his particular action. Now I submit that not only have we a duty to our friends but we have also a duty to our friends, the displaced persons. If it were pos-

sible for my learned friend to announce for instance that the evacuee pool that is now considered to be a 185 crores of rupees.. .

SHRI A. P. JAIN: You mean compensation.

DIWAN CHAMAN LALL: Yes, the compensation pool which is a 185 crores of rupees including the rehabilitation amount could be augmented either by action of the Government or by some other means and brought up to a level commensurate with the sacrifices that have been undergone by the displaced persons, if we could be certain that that could be done, the question would not arise, I would not be standing here to speak about this matter. But my fear is this and I want my hon. friends to keep that particular point of view, that we are by this one stroke of pen creating a situation under which the compensation pool will no longer be augmented. Therefore a double duty rests upon the shoulders of my hon. friend. Since he is sponsoring this measure there must be some announcement by him. I have not the slightest doubt that he will make the necessary attempt to persuade the Government towards making that announcement. There should be some announcement (a) in regard to the augmentation of the compensation pool since the source, which is the only source for its augmentation is now going to be blocked completely. You are blocking that source. What 4 P.M. other source are you going to have for the purpose of adding to the compensation pool? I hope my hon. friend will take steps to see that something is done in regard to that matter. Certain suggestions were made here the other day. One of my learned friends made a very good suggestion. I remember in Punjab for purposes of preventing monuments of artistic beauty from going into decay, the old Punjab Government passed a measure putting a surcharge on land revenue, a small surcharge which does not hurt anybody, not even the poorest classes of the peasantry. There was

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a suggestion made that a property tax might be considered in order that alternative sources of revenue may be found for the purpose of augmenting this compensation pool. I should have thought that instead of this one-sided measure it would have been better if my hon friend were at the same time to announce certain steps to be taken by the Government for the purpose of augmenting this compensation pool in order that justice should not only be done to them about whom my colleague spoke just now but that justice should be done to the people who deserve that justice should be done to them. I do not want it to be understood that I stand for any discrimination between Hindu or Mussalman or between one category of Indian citizens and another category of Indian citizens, but the circumstances of this division of India, this partition of India, have created a position which we have to face realistically. We cannot shut our eyes idealistically to the realities of the situation. We have got to face that situation. We know that there are categories of people who have gone away to Pakistan; we know that there are categories of people who are wanting to go to Pakistan. We know that property is the one matter that is involved. Therefore we should not loosen our hold upon properties of that nature which are capable of being released by people whose intention it is to go away to Pakistan. We have already, by the virtual extinction of the titles to our properties in West Pakistan by the passing of the previous measure, made a present of those properties to Pakistan I said, and I repeat, that our estimate of that urban property was about a thousand crores. Remember, Mr. Deputy Chairman, when we talk about compensation, we talk about bricks, mortar and land but very large amount of moneys were involved in movable property. It is all gone. If not the same amount, perhaps it was slightly less than Rs 550 crores. Therefore I suggest that the present that we have made to Pakistan is on the whole—property movable and im-

movable—round about a thousand crores. We have got instead property worth about a hundred crores, Rs. 100 crores according to official estimates. We have made a present, but need we go on making more presents? If a man sells his property and clears out to Pakistan and uses dubious methods in order to take away the proceeds of that property, need we go on making a present of that money to Pakistan? Is there no method that we can find to stop that particular leakage of good assets which could be utilised for the benefit of the refugees who have come away from Pakistan? I am merely making a constructive suggestion and it is for my hon. friend to consider what ways and means can be found. I wish I knew what ways and means could be found, but this is the way of shutting your eyes completely and saying, "This is a terrible nightmare, this problem of the displaced persons and I want to end it at all costs" and particularly at the cost of the displaced persons.

DR. RADHA KUMUD MOOKERJI (Nominated). Is there any chance for the principle of reciprocity in this matter?

DIWAN CHAMAN LALL: My hon. friend Dr. Radha Kumud Mookerji suggests a constructive method. Is there any chance? I do not know. My learned friends might have tried. I have tried myself. I believe it was on the 20th April last year that a speech was made by the Pakistan Minister that this matter regarding evacuee property shall end that there would be no further discussions or something to that effect. I think our Prime Minister at that time was in Colombo. We were all very distressed about it and I remember asking a representative of ours, unofficial, to proceed to Pakistan. He held discussions with the Minister there and with other Ministers and he came away with a proposal which I communicated to the Prime Minister and the Prime Minister communicated it to my hon. friend the Minister for Rehabilitation. But obviously both the Prime Minister and the hon. Minister were more or less

justified in looking at any proposal that came from Pakistan with a great deal of suspicion. It was a scandalous state of affairs that the Prime Minister of India should write about this matter to the authorities of Pakistan and often not even get a reply and eventually when he did get any reply, it was an evasive reply. That, I should have thought, was the time when the services of people who knew intimately about this might have been utilised. An unofficial delegation might have been sent out. This method might have been tried. I do not know what might have been the result. I think the method of reciprocity might have been suggested to them. In fact it was suggested originally on the basis of Government to Government level exchange of properties. It is too late now to talk about that matter. It is not too late to tell my hon. friend that the displaced persons are exceedingly dissatisfied with what has been done for them so far in regard to the compensation pool, that they hope that he as their representative in the Government of India will utilise every opportunity to impress upon his hon. colleague who is sitting next to him, upon the Prime Minister and upon his other colleagues in the Government to see to it that the necessary finances are made available for the purpose of giving at least a fifty per cent. compensation out of the compensation pool. Whose recommendation is it? It is not my recommendation; it is the recommendation of the Joint Select Committee of both Houses, a unanimous recommendation, a recommendation which is backed by every Member on the floor of this House—and I have not the slightest doubt a recommendation which is backed by every Member on the floor of the other House, which is backed by the organisations of the refugees, and which is backed by the public at large. And backed as it is, it is our duty on an issue of this nature to see that something is done.

Now, can my hon. friend do something in regard to this matter? I hope he will throw some light on it as to

what steps he is prepared to take in order to augment this pool which will henceforth not be augmented by the ordinary method under the Evacuee Property law which had been in force. I do not know if anything else has taken place in the mind of those people, but a great deal of despair has come on in the hearts of the displaced persons at the great tragedy that looms up before them. I have not the slightest doubt that the hon. Minister and the Deputy Minister, both being very humane persons, will give some assurance to the displaced persons that while they are taking this step to put an end to the augmentation of the pool through the ordinary operation of the law which has been in existence for seven years, they will do something in lieu and give an assurance to the displaced persons that they will get their proper share of the compensation which they demand.

My suggestions to my hon. friend are these. Firstly, even after the passing of this measure if he can take authority to put an end of any such activity on the part of the citizens of India who desire to sell their property for the purpose of escaping to Pakistan, if he can take some authority to put an end to that, he should do so. That is proposition No. 1. My hon. friends will agree with me that it is not fair that as a result of the passing of this measure people of that nature should take advantage of this measure in order to defraud this country and defraud the displaced persons of this country, and by selling their properties clear out to Pakistan. It is not fair, it is not just and it is not proper for the Government to give them a chance to do a thing like that. At the same time, I entirely agree that there should be no discrimination as far as the classes in India are concerned who are capable of transferring their property. But these are special circumstances and the special circumstances have got to be kept in view; if the transfer is for this *mala fide* purpose that transfer has to be put an end to. So my first

[Diwan Chaman Lall.]

suggestion is this: in spite of passing this measure, the hon. Minister should take certain powers into his own hands in order to prevent this sort of situation arising of which I have made mention in my speech. My second suggestion to him is this. I beg of him not to lose this splendid opportunity that he has of unanimity in this House, unanimity of the Joint Select Committee, to press upon the Government, firstly, to declare that whatever compensation pool there is, will be guaranteed by the Government. Am I right, Mr. Deputy Chairman, in saying that, when my hon. friend met the Ministers of Rehabilitation in Srinagar, this was a unanimous recommendation of that conference? Am I right also in saying, Mr. Deputy Chairman, that the Rehabilitation conference called in Srinagar—attended by my hon. friend and attended by all the Rehabilitation Ministers at that time—unanimously agreed that the compensation pool should be enlarged? This was one of the unanimous recommendations. If now he has got the backing of the Joint Select Committee and of both Houses, of the refugee organisations and on top of that the backing of his own conference of Refugee Ministers, surely the time has come when he should not lose a moment in getting a decision out of the Government of India as to how far (a) they are going to guarantee this pool and (b) they are going to augment this pool, by an amount which I consider to be Rs. 300 crores as the minimum—it may be a little less, according to the decision of the Joint Select Committee, i.e., about fifty per cent. But even if it is fifty per cent. it amounts to about Rs. 300 crores and the Government of India will have to find the necessary funds.

Now, Mr. Deputy Chairman, I do not think this is an occasion for any heat to be generated about this measure. The Government of India in their wisdom have come to a certain decision, right or wrong. They want to wipe out the past as quickly as possible, but

in wiping out the past as quickly as possible, let them not at the same time wipe out the future of the displaced persons. It is necessary to keep their interests alive. A little reference was made by my friend the Deputy Minister the other day about the advantages that rich refugees from West Pakistan would derive if a certain thing happened. I think there is some misapprehension under which my hon. friends are labouring. The misapprehension is that any refugee from West Pakistan is any longer rich. A man whose property is a crore of rupees has left all that property behind. He has not brought anything back with him here. A man whose property was only worth Rs. 10,000, he has left that behind. As far as the ruination of the displaced persons is concerned, there is no rich man, there is no poor man. There is no distinction—They are all ruined—completely and wholly. Let this idea that is still lurking in the minds of my hon. friends not stay there any longer. Let them not consider that there are any displaced persons who brought away any resources. Many have come here and done well. They have stood on their feet without the assistance of the Government. They have made good. They are made of that stock. They are not made of a cowardly stock, but a very brave stock, and the least that we can do to this great, brave race of the Punjabis is to stand by them in their hour of need, so that they may become the great nation that they once were. They are doing their level best to do for themselves what others could not do for them. But the time has come now when this final chapter has got to be closed, this final bill has got to be settled, on this sorry business and when this happens it is up to my hon. friend to be generous, to be humane, to take courage in both hands and face his Government colleagues and demand full justice for the displaced persons.

SHRI RAJENDRA PRATAP SINHA (Bihar): Mr. Deputy Chairman, after the very fine and learned speech of my

esteemed friend, Diwan Chaman Lall, it is very difficult for me to add or to improve upon it. But even then I seek the indulgence of the House for a few minutes in order to lend my support to all that my learned friend Diwan Chaman Lall has said. I would like to dispel any impression, if there has been any created, that the Bill that is before us is opposed by displaced persons only: this Bill is opposed by a very large mass of people living in this country, because we are vitally interested in the rehabilitation of the displaced persons and to our great distress we have found that the Government is not forthcoming to do all that is possible to do to compensate the refugees. As has been rightly pointed out by my friend, if the Government had made a simultaneous declaration that they were going to increase the compensation pool in such and such a manner, we would never have objected to this Bill. But, Sir, we fail to understand their sympathies and their solicitude for one class of persons in this country and their utter disregard and callousness for another set of persons who had been afflicted by this partition. Sir, as has been rightly said, we are now going to stop altogether the expansion of the compensation pool by this Bill, because, Sir, we have to analyse the consequences that are likely to flow out of this Bill, if enacted. My learned friend, Diwan Chaman Lall, has already explained the repercussion of passing this measure. I would only add, Sir, that this Bill will be taken advantage of by the Muslim vested interests staying in this country, I do not say all of them, but many of them who have sent their families away to Pakistan and are themselves here only to safeguard and to manage their properties. Sir, it is a well-known fact that the social conditions and the economic conditions in Pakistan are such that the vested interests can flourish there better than they can in India. Sir, we have abolished zamindaris, and the middle-man's interests in the land tenure in this country. Probably soon we shall be fixing cell-

ings on land. There is a good chance of nationalisation and socialisation of industries in this country; the dividends will be limited in this country; all these things are sure to happen, Sir, in the coming Five Year Plans, if we really serious about them and if we are going to implement them. So, there are bound to be restrictions on the unlimited play by the vested interests with their properties. But such things are not happening in Pakistan. The political, social and economic conditions there are quite different, and they encourage the growth of capital there. Therefore, Sir, I am pretty sure that the vested interests here, in India, will always try to dispose of their properties here and migrate to Pakistan. Now, this Bill will give an incentive to this tendency. We are entitled to ask this question of the hon. Minister as to how he is going to safeguard such consequences flowing out this Bill.

Sir, as I said, this is the only method to augment the compensation pool by bringing in the properties of the Muslims who migrate from this country. Now, if that source is also being stopped, then there is no scope for enlarging the compensation pool, I suggested, Sir, and I understand that no less a person than Shri Purshottamdas Tandon, in the other House, also suggested, that we should have a property tax and/or a surcharge over land revenue above a certain minimum level to augment this compensation pool. If we are not going to have that, Sir, then, it is absolutely essential that this source of augmenting the compensation pool, which is there, should be allowed to remain. Sir, the Government was optimistic to the point of being foolish by trying in vain for four years to arrange at Governmental level a settlement of the evacuee property in Pakistan and in India. And they did not permit any private exchange of properties; they did not permit private individuals to help them in this matter. And I would warn them that they are repeating this mistake, and such a step as they

[Shri Rajendra Pratap Sinha.]
have taken is more foolish than the
steps that they had taken.....

MR. DEPUTY CHAIRMAN: Mr.
Sinha, the word "foolish" is unparlia-
mentary. You will please withdraw
it

SHRI RAJENDRA PRATAP SINHA:
I withdraw it. I would say 'improper'.
They have brought forward this im-
proper Bill which will ultimately aff-
ect the compensation pool.

Thank you, Sir.

श्रीमती सावित्री निगम (उत्तर प्रदेश) :
उपसभापति महोदय, आज जिस कानून को
रिपील करने के लिए हम सब यहां इकट्ठे
हुए हैं वह उस समय पास किया गया
था जब कि देश की हालत बिल्कुल नार्मल
नहीं थी और उस समय की हालत को
देखते हुए यह जरूरी था कि ऐसा
कानून पास किया जाता। श्रीमन्, अब
जब कि हालत नार्मल हो चुके हैं तब एक
सेकुलर स्टेट के लिए यह कानून जरा
भी शोभनीय नहीं रह जाता। ऐसी
हालत में इसके रिपील करने का, इसके
खत्म करने का, हम सभी को स्वागत
करना चाहिए और मिनिस्टर महोदय को
कांग्रेसुलेट करना चाहिए कि उन्होंने
इतना साहसपूर्ण काम किया है।

श्रीमन्, जातिपात के आधार पर किसी
प्रकार का भी भेदभाव करना हमारी
परम्परा और हमारे विधान के सर्वथा
विपरीत है। हां, मैं यह मानती हूं कि
इस बिल के पीछे जो उद्देश्य है उसकी
ओर भी हम उदासीन नहीं हो सकते
और कम्पेनसेशन पूल के जरिए से उन
तमाम रिफ्यूजी भाइयों को मुआवजा
देना है जिनका कि किसी तरह से नुकसान
हुआ है। परन्तु, श्रीमन्, हमें कभी भूल

कर भी अपने दिमाग में ऐसा ख्याल
नहीं लाना चाहिए कि हम या हमारी
सरकार कभी ऐसी अनैतिकता कर सकती
है कि वह अपने उन मुसलमान भाइयों
का प्रापर्टी को छीन कर उनको दुखी
बनाए। जैसा कि अभी एक स्पीकर
महोदय ने कहा कि हमारे मुसलमान
भाई पहले से ही दुखी हैं क्योंकि उनके
कुछ घर वाले वहां चले गए हैं, अपने
घर वालों के दुख से वे पहले ही दुखी
हैं तो फिर उनकी जायदाद छीन कर,
उनको दुखी बना कर, इस तरह से उनका
हक छीन कर इस पूल को बढ़ा कर
मुआविजा देने की बात हम कभी भी
मन में नहीं ला सकते हैं और सर-
कार को ऐसा करने के लिए सजेस्ट
करना तो बहुत दूर की बात है।

श्रीमन्, अभी दीवान चमनलाल साहब
ने फरमाया। उनसे मेरा एक प्रश्न है।
मान लीजिए कि एक दो प्रतिशत लोग
बेईमानी भी करते हैं तो क्या यह उचित
है कि हम एक या दो प्रतिशत लोगों
के लिए उन तमाम लोगों के, जो कि
ईमानदार हैं, जो कि हिन्दुस्तान के नाग-
रिक हैं और हिन्दुस्तान में रहना चाहते
हैं, उन तमाम मुसलमान भाइयों के, हकों
को मारें और उनको नुकसान पहुंचायें।
कहीं दो चार प्रतिशत लोग बेईमानी कर
के अपनी प्रापर्टी बेच कर के पाकिस्तान
न चले जायें इस कारण क्या हम यह
अनुचित कार्य करें कि उन सब लोगों
के हकों को मारे जो कि ईमानदारी के
साथ यहां पर रहे हैं? यह सर्वथा
अनुचित है और चाहे एक, दो प्रतिशत
लोग बेईमानी भी करें और नुकसान भी
पहुंचाये तो भी हम बड़ी खुशी से उस
नुकसान को बर्दाश्त करने के लिए तैयार

हैं लेकिन हमें कभी भी अपने तमाम मुसलमान भाइयों के हकों की ओर आंख उठा कर भी नहीं देखना चाहिए जो कि हिन्दुस्तान के सम्मानित नागरिक हैं और जिन्हें कि हिन्दुस्तान में हर तरह की सुख सुविधा पाने का पूरा पूरा अधिकार है ।

श्रीमन्, कौन नहीं चाहता कि पाकिस्तान हमारे सुझाव को मानता और हमारी सरकार ने हर प्रकार से कितनी कोशिश की है यह किसी से छिपा नहीं है । हमारी सरकार ने तरह तरह के प्रपोज़ल्स बना कर कई बार भेजे कि गवर्नमेंटल लेविल पर आपस में समझौता हो जाय और हमारे देश के लोगों को उतनी ही प्रापर्टी मिल जाय जितनी कि वे पाकिस्तान में छोड़ आए हैं और पाकिस्तान उसको पे अप कर दे, लेकिन, श्रीमन्, अपने किसी भी पड़ोसी राष्ट्र से हम केवल प्रार्थना ही तो कर सकते हैं । श्रीमन्, हम अहिंसावादी हैं और हमारे देश की जो नीति है वह अहिंसावादी है इसलिए सिवाय नम्रता से प्रार्थना करने के और हमारे पास चारा ही क्या था । हम सभी यह चाहते थे कि पाकिस्तान मान ले और एक्सचेंज आफ प्रापर्टी हो जाय लेकिन वह नहीं हुआ । इसके लिए बार बार एक बीती हुई कहानी को दुहराने से कोई लाभ नहीं है ।

श्रीमन्, यह भी मैं मानती हूँ कि, अपैरेंटली तो कुछ ऐसा नहीं पता चलता, लेकिन मैं यह भी मानने के लिए तैयार हूँ कि जितना हमारे रिफ्यूजी भाइयों का भला या हित होना था वह नहीं हो सका है । और हो भी कैसे सकता है, आप ही बताएं श्रीमन्, कि जो लोग

अपना सब कुछ खो कर आए हैं, जो सुविधाएं उनको पंचाब की हरी भरी ज़मीन में प्राप्त थीं वे सब सरकार उनको लौटा ही कैसे सकती है । श्रीमन्, जो सुख सुविधाएं उनको वहां प्राप्त थीं उनको उसी रूप में यहां दिलाना यह हमारी सरकार के लिए ही नहीं कोई भी दुनिया में राज्य हो उसके लिए पूरी तरह से संभव नहीं है । हां, मैं यह मानती हूँ कि उनके लिए जो कंपेंसेशन पूल निर्धारित किया गया है उसको बढ़ाया जाना चाहिए और जो भी ईमानदार या उचित ढंग हो उसके द्वारा उसको बढ़ाया जाना चाहिए । तो मैं इस बात पर सब से अधिक प्रसन्न हूंगी यदि आपने जो ३ करोड़ रुपये का पूल रखा है उसे आप बढ़ा कर १० करोड़ कर दें । हमारे उस पूल को बढ़ाने का ढंग बहुत ही नैतिक होना चाहिए । वह तरीका हमारे देश की जो सुन्दर परम्परा है, हमारे संविधान की जो उच्च कोटी की धाराएं हैं उनके अनुकूल होना चाहिए यह चीज नहीं होना चाहिए कि दूसरे का हक छीन कर, एक भाई को दूसरे के खिलाफ भड़का कर या लड़ा कर, अपने रिफ्यूजी भाइयों को मदद दें । ऐसा हर्गिज नहीं होना चाहिए । इस काम को हम एक शानदार तरीके से कर सकते हैं । इसलिए हमें कोई ऐसा तरीका सोचना चाहिए चाहे हमें नये टैक्स ही क्यों न लगाने पड़ें जिससे कि यह तीन करोड़ रुपये बढ़ा कर दस करोड़ कर कर दिया जाय और मैं समझती हूँ कि इस सदन का कोई भी ऐसा व्यक्ति न होगा जो इस बात से इंकार करे और इसका समर्थन न करे ।

श्रीमन्, एक बात मुझे और कहनी है । वह यह है कि मेरी यह हार्दिक कामना है इस प्रकार की भावनाएं फैला कर हमें, लोगों में आपस में जो

[श्रीमती सावित्री निगम.]

एक दूसरे के साथ सद्भावना है, विश्वास है, उस नहीं तोड़ना चाहिए।

अंत में मैं इस मंत्र का पूरा पूरा समर्थन करती हूँ जो कि पुराने एक्ट को रिपील करने के लिए लाया गया है।

सید مظहर امام (पंजाब) : جناب

دیپٹی چیئرمین صاحب میں اس بل کا خیرومقدم کرتا ہوں۔ قبل اس کے کہ میں کچھ عرض کروں میں آنریبل منسٹر صاحب کا شکریہ ادا کئے بغیر نہیں رہ سکتا۔ وہ اس لئے کہ وہ ایک ایسا بل لئے ہیں جس سے کہ صحیح معنی میں یہ سمجھا جائے گا کہ اب تک یہاں کے مسلمانوں کو اپنی پراپرٹی کی بابت جو دقتیں پیدا ہو رہی تھیں اور جو قدر انہیں لگا ہوا تھا وہ اس ایکٹ کے پاس ہونے کے بعد ایک حد تک ختم ہو جائے گا۔ اس لئے میں حکومت کا اور خاص کر کے آنریبل منسٹر صاحب کا شکریہ ادا کرتا ہوں۔

قبل اس کے کہ میں اس بل کے بعض کلاز پر کچھ کہوں میں چاہتا ہوں کہ چند دوستوں نے جو تقریریں کی ہیں ان میں جو شبہات انہوں نے ظاہر کئے ہیں اور جو اس بل کے مفاد بہتر طریقے سے وہ نہیں بتا سکتے ہیں ان کے متعلق میں کچھ عرض کروں۔ میں یہ صاف طور سے عرض کرنا چاہتا ہوں

کہ جہان تک ان مسلمانوں کی پراپرٹی کو لینے کا سوال ہے جو کہ پاکستان چلے گئے ہیں اس کام میں ہندوستان کا کوئی بھی مسلمان رکارڈ ڈالنے کے لئے تیار نہیں ہے اور نہ کوئی مسلمان یہ چاہتا ہے کہ ایسے لوگوں کی جائداد کو ایویکویٹی نہیں دیکلیئر کیا جائے یا حکومت ان کی جائداد کو نہ لے اور یہ کہ جو ہمارے رفہوجی بھائی پاکستان سے آئے ہیں ان کو وہ نہ دی جائے۔ دراصل یہ سوال پاکستان اور ہندوستان کی سرکاروں کے درمیان تعلق رکھتا تھا۔ مجھے آفسوس ہے کہ جیسا کہ میرے دوستوں نے بھی کہا کہ یہ معاملہ طے نہیں ہو سکا۔ اب سوال یہ ہے کہ جو ہمارے رفہوجی بھائی یہاں آئے ہیں ان کی جو جائداد پاکستان میں ہے وہ زیادہ ہے اور اس کو میں چیلنج نہیں کرتا۔ وہ زیادہ ہو سکتی ہے اور ان کے لئے یہاں جو کمیونیشن پول ہے وہ انکی پاکستان کی جائداد کے لحاظ سے کم ہو سکتا ہے۔ مگر یہاں ہندوستان کے باشندے جو مسلمان ہیں ان کا سوال پیدا نہیں ہوتا ہے۔ اب جس صورت سے بھی یہاں کی حکومت پاکستان سے جائداد لینے کی کوشش کرے اس کے بارے میں میں ہاؤس کو یقین دلانا چاہتا ہوں کہ ہندوستان کا ہر مسلمان سرکار کے ساتھ ہے۔ ہندوستان کے مسلمان سرکار کا ساتھ دینے کے لئے

اس بات پر تیار ہیں کہ ہمارے ریویجی بھائیوں کی جو زیادہ جائداد پاکستان میں رہ گئی ہے اس کی قیمت کو ہر ممکن طریقے سے واپس دلانے کی کوشش کرے۔ سوال جو ہے وہ یہ ہے کہ پردہ کی آڑ میں یعنی کہ جو مسلمان ہندوستان سے چلے گئے ہیں ان کی وجہ سے ان مسلمانوں کو جو ہندوستان کے باشندے ہیں جن کو آپ نے فل سٹیزن شپ دے رکھا ہے جن کے لئے برابری کے حق کانسٹی ٹیوشن میں دئے ہوئے ہیں جنکو ہملوگ اناجائے کر رہے ہیں کوئی تکلیف نہیں ہونی چاہیئے۔

جو جائداد ملنے والی ہے اس کے بارے میں جو ایکسپلیمینٹیشن بل میں دیا گیا ہے اسے اگر میرے دوست سلہا صاحب پڑھیں تو انکو یہ پتہ چل جائے گا کہ اس جائداد کو جو پاکستان کا وہ مسلمان جس کی کوئی جائداد ہندوستان میں ہے لیتا ہے اگر وہ ایویکوئی ڈیکلیر نہیں ہوئی ہے تو اسے ایویکوئی ڈیکلیر کیا جائے۔ اگر ہمارے دوستوں کا مطلب یہ ہے کہ ہندوستان کے باشندے مسلمانوں کی جائداد کو بھی ایویکوئی ڈیکلیر کیا جائے تاکہ یہاں کامپینڈیشن پول بڑھے تو میں سمجھتا ہوں کہ اس بل پر اعتراض ہو سکتا ہے۔ مگر میرے دوستوں نے اپنی تقریروں میں آنریبل منسٹر صاحب کے سامنے

ٹھیک سے یہ بات پیش نہیں کی کہ ان کا مطلب کیا ہے۔

श्री राजेन्द्र प्रताप सिन्हा : मेरा एतराज यह था कि जो मुसलमान यहां से अपनी जायदाद बेच कर पाकिस्तान जाना चाहते हैं, उनकी जायदाद ले ली जाय।

سید مظہر امام : جناب والا! یہی

تو اصلی چیز ہے جس پر غور کرنا ہے۔ سوال یہ ہے کہ چار کروڑ کی پاپولیشن مسلمانوں کی یہاں ہے اور ان چند مسلمانوں کی وجہ سے جو پاکستان جانا چاہتے ہیں آپ ان سب لوگوں کی بزنس اور تمام پراپرٹی یہاں روکنا چاہتے ہیں اور اسے بھجئے نہیں دینا چاہتے۔ آخر آپکے اختیار میں پاسپورٹ ہے ایکسچینج آف کرنسی ہے اور آپ قانون بنا کر کے یہاں سے لوگوں کو دولت یا بزنس دوسری جگہ لیجانے سے روک سکتے ہیں۔ آپ چاہے پاکستان جانے کی کسی کو اجازت دیں یا نہ دیں مگر اس آڑ سے آپ یہ رکھنا چاہتے ہیں کہ کوئی مسلمان اپنی جائداد کو نہیں بیچ سکتا۔ ہمارے سلہا صاحب کو یہ اختیار ہے کہ وہ اپنی جائداد بیچ سکتے ہیں۔ میں ان سے پوچھنا چاہتا ہوں کہ کیا یہ ہمارے لئے انصاف کی چیز ہے کہ کسی کی جائداد اس لئے کوئی خریدنے کو تیار نہیں ہو سکتا ہے کیونکہ وہ مسلمان ہے اور ممکن ہے کسی وقت وہ پاکستان چلا جائے

[سید مظہر امام]

اگر کسی آدمی کو روپیہ سے پیسے کی کوئی سخت ضرورت ہے بیماری کے لئے ضرورت ہے یا لڑکی کی شادی کے لئے ضرورت ہے یا اور کوئی دیگر ضرورت ہے اور اس کو مسلمان ہونے کی حیثیت سے خریدار نہ ملے اس شک کی بنا پر کہ وہ پاکستان چلا جائے گا تو یہ کوئی انصاف کی اور واجب بات نہیں ہے۔ ہاں میں اس چیز کو غلط نہیں کہوں گا اگر آپ ان لوگوں کے لئے جو چاہے سو کریں جو کہ ظاہراً حرکت کرتے ہیں، اس میں مجھے کوئی اعتراض نہیں ہے۔ مگر میں یہ چاہتا ہوں کہ محض اس کی وجہ سے تمام مسلمانوں پر ایک پابندی لگائی جائے وہ ہرگز نہیں ہونا چاہیئے۔ اس لئے میں ہاؤس سے اپیل کروں گا کہ وہ اس مسئلہ پر فور کرے۔ حکومت نے اس بل میں یہ جو سوال اٹھایا ہے وہ اسی وجہ سے اٹھایا ہے کہ ہاؤس اس پر غور و خوض کرے کہ یہ چیز ہٹانا کہاں تک مناسب ہے۔

اب سوال یہ ہے کہ اگر آنریبل منسٹر صاحب اس طرح کا بل لاتے کہ جو لوگ پاکستان چلے گئے انکی جائداد ایویکونٹی ڈیکلیر نہ ہو تو میرے خیال میں ہمارے دوستوں کا اعتراض صحیح ہو سکتا تھا کہ صاحب آپ تو ایویکونٹی پراپرٹی کے

سوال کو ہی ختم کر رہے ہیں۔ ایسے مسلمانوں کی جائداد جو یہاں سے ملک چھوڑ کر پاکستان چلے گئے ہیں چاہے وہ کم رہی ہو یا زیادہ رہی ہو اس کو آپ نے لے لیا۔ مگر ان کا ایویکونٹی پراپرٹی کا پول زیادہ ہونا چاہیئے یا کم ہونا چاہیئے اس کے لئے ہندوستان کے مسلمان ذمہ دار نہیں ہو سکتے۔ اب رہا اس کو حاصل کرنے کا سوال اور اس مسئلہ پر پاکستان کے ساتھ فیصلہ کرنا۔ اس کے بارے میں پہلے بھی میں نے عرض کیا ہے کہ جنسی کوشش کریں آپ اس کے لئے ہندوستان کے مسلمان آپ کے ساتھ ہیں۔ پاکستان نے نہیں دیا یا نہیں دے رہا یہ اسکی غلطی ہے اور اسکو میں ایک نہایت ظلم سمجھتا ہوں کہ کسی شخص کی جائداد پر بنا معاوضہ دئے قبضہ کر لیا جائے۔

دوسری چیز جو مجھے عرض کرنی ہے وہ یہ ہے کہ حکومت نے جو یہ بل بنایا ہے اس سے یہ بات صاف ظاہر ہے کہ جو لوگ پاکستان میں ایسے ہیں جو ہندوستان کے باشندے نہیں رہے اور پاکستان میں ۷ مئی تک رہے ان کی جائداد ایویکونٹی ڈیکلیر کی جائے میں اس کو تسلیم کرتا ہوں۔ مگر آپ کے کلاز ۳ سے جیسا کہ کریم الدین صاحب نے آپ کے سامنے اسے پیش

کیا ہے ایک غلط فہمی پیدا ہو سکتی ہے -

श्री ए० पी० जैन : गलतफहमी कैसे पैदा होती है ?

سید مظہر امام : جی ہاں اسی کو میں عرض کرنا چاہتا ہوں - وہ یہ ہے کہ اگر کوئی شخص ۱۹۴۸ کے بعد سے ہندوستان میں آیا ہے اور وہ ۲۹-۱۹۴۸ء، ۵۱-۱۹۵۰ء، ۵۳-۱۹۵۲ء یا ۵۴-۱۹۵۳ء تک بھی یہاں رہتا ہو تو اس کے اوپر دفعہ ۱۰۷ کے ماتحت یہ نوٹس دیا جا سکتا ہے کہ اس درمیانی عرصہ میں تم پاکستان گئے تھے اس وجہ سے تمہاری جائداد ایویکونٹی ڈیکلہر کی جاتی ہے -

श्री ए० पी० जैन : रिटर्न परमिट दिखा दीजिये । बस मामला खत्म हो जाता है ।

سید مظہر امام : صحیح ہے - مگر میرے کہنے کا مطلب یہ ہے کہ ۱۹۴۸ء سے جو لوگ آئے تھے کیا انکو یہاں رہنے کی اجازت دیدی گئی - تو جہاں تک کلاز کا تعلق ہے مجھے اس سے کوئی عذر نہیں ہے - آپ نے یہ لکھا ہے کہ جو سٹیجین پاکستان میں ہے اُسکی پراپرٹی ایویکونٹی ڈیکلہر کی جائے - لیکن میرا کہنا یہ ہے کہ جو چار سال سے ہندوستان میں رہے ہیں اور ان کو یہاں سے جانے کا آرڈر نہیں دیا جاتا ہے تو انکی کہا صورت ہوگی -

آپ نے اسکو جانے کے لئے کیوں مجبور نہیں کیا - اور جب وہ نہیں جاتا ہے تو پھر اُسکی پراپرٹی کیوں ایویکونٹی ڈیکلہر کی جاتی ہے - اگر کوئی پاکستان کا سٹیجین یہاں چلا آیا اور اس کی رپورٹ انسپکٹر نے کسٹوڈین سے کر دی کہ وہ ستمبر ۱۹۵۴ء میں پاکستان میں تھا تو اس کی پراپرٹی ایویکونٹی ڈیکلہر کی جاتی ہے -

श्री ए० पी० जैन : आप क्या चाहते हैं ?

سید مظہر امام : میں یہ چاہتا ہوں کہ یہ جو مسلمان یہاں رہتے ہیں ان کے خلاف یہ کارروائی نہ کی جائے - اس بات کی روک تھام حکومت کی جانب سے کی جانی چاہیئے -

श्री ए० पी० जैन : अगर वह चोरी स चला आया हो ।

سید مظہر امام : اگر وہ چوری سے چلا آیا ہو تو آپ اسکو پکڑیئے اور کارروائی کیجئے اس بارے میں ہم آپکے ساتھ ہیں - میں ہوگز اس طرح کے لوگوں کی حمایت نہیں کروں گا - میں حکومت کا ساتھ اس بارے میں دوں گا - مگر میرا کہنا یہ ہے کہ اس کی وجہ سے جو اندین سٹیجین ہیں ان کے اوپر اس طرح کی کارروائی نہ کی جائے اس بات کو حکومت کو دموو کر دینا چاہیئے - اگر چوری سے چلا آتا

[سید مظہر امام]

ہے تو ان لوگوں کو بچانے کے لئے اس کو بھی یہی ہمدردی کا اظہار نہیں کرنا چاہنا ہوں۔ لیکن اس بارے میں ایکسپلینیشن ۳ میں جو صورت دی گئی ہے اس سے کوئی بچاؤ نہیں ہوتا میرا آپ سے عرض ہے کہ جو صورت مناسب سمجھیں وہ کریں۔

دوسری بات جو مجھے عرض کرنی تھی وہ یہ ہے کہ اس بل کے ذریعے ایک انڈین سٹیٹن کو کسی پاکستانی کی ایویکونٹی پراپرٹی کو ان ہیروٹ کرنے کی اجازت نہیں ملتی۔ یہ بات درست ہے۔ اور مجھے اس میں کوئی اعتراض نہیں ہے۔ مگر اس کے ساتھ ہی ساتھ میں یہ کہتا ہوں کہ اگر ایک انڈین سٹیٹن ہے اور اس کا ایک وارث پاکستان میں رہتا ہے تو اس کو تو آپ ان ہیروٹ کرنے دیتے ہیں یہ بات مناسب نہیں ہے۔ یا تو آپ ان ہیروٹ کے سوال کو بالکل ہی ختم کر دیجئے یا جو انڈین سٹیٹن ہیں ان کو بھی ان ہیروٹ کا حق دیا جائے۔ یہ ایک صورت ہے۔ اس کے متعلق میرا عرض یہ ہے کہ اس پر آپ یا تو کچھ مناسب ترمیم کر دیجئے جس سے کہ ہندوستان میں رہنے والے لوگوں کو ان ہیروٹ کا فائدہ ہو یا پھر اس کو بالکل ہی ختم کر دیجئے۔

دوسری صورت یہ ہے کہ اگر ایک انڈین سٹیٹن ہے اور اس کے چار بیٹے ہیں اور ان میں سے ایک تو پاکستان میں رہتا ہے اور تین ہندوستان میں ہیں۔ اگر وہ ہندوستانی سٹیٹن ہو جانا ہے تو اس کی جائداد کا ایک چوتھائی حصہ جو لوگ پاکستان میں ہے اس کے پاس چلا جانا ہے۔ دوسری طرف اگر کوئی پاکستانی ہو جانا ہے اور اس کا کوئی لوگ یہاں ہے تو اس کو اس کا حصہ نہیں ملتا ہے۔ تو یہ چیز کسی طرح مناسب نہیں معلوم ہوتی۔ یہ دونوں باتیں میں نے آپ کے سامنے رکھ دی ہیں اور مجھے امید ہے کہ آپ ان پر غور کریں گے اور اگر میری بات مناسب ہے تو اس پر ضرور عمل لائیں گے۔

آخر میں میں پھر یہی کہنا چاہتا ہوں کہ جو لوگ پاکستان چلے گئے ہیں انکی وجہ سے جو مسلمان ہندوستان میں رہتے ہیں ان کے ساتھ کسی طرح کی بے انصافی نہ ہونی چاہیئے۔ انہیں بھی اسی طرح کی زندگی بسر کرنیکی سہولیت دی جانی چاہیئے جس طرح کہ ہندوستان کے اور باشندگان کو حاصل ہے۔

جیسا کہ مسز نگم نے ابھی فرمایا ہے اور ہمارے کچھ دوستوں نے بھی اس ہاؤس میں کہا ہے کہ معاوضہ

के लिये एवाम पर टिकस लकिया जाना चाहिये तो मैं आप को यकीन दलाना चाहता हूँ कि हम रफिजुजी बहानियों की हर तरह से मदद करना चाहते हैं और अगर आपकी मदद गिल्टी सरकार की, तो हमें कोणी टिकस लकिया नही तो इस में हलदुस्तान के मुसलमानों को डरा भी अदरुअस नही हो सकता - वरु खुशी से ये मदद करिये - हम उन लुगों की उन बहानियों की जो तबाह व बरिबाद हो कर आये हैं हमें हर मुसलमान मदद करने को तयार हैं और इस में हम लुगों को कोणी अदरु नही है -

ان الفاظ کے ساتھ میں اس
بل کا خیر مقدم کرتا ہوں -

(Transliteration in Hindi of above
speech.)

सैयद मजहर इमाम (बिहार) : जनाब डिप्टी चैयरमैन साहब, मैं इस बिल का खैरमकदम करता हूँ। कबल इसके कि मैं कुछ अर्ज करूं मैं आनेरेबिल मिनिस्टर साहब का शुक्रिया अदा किये बगैर नहीं रह सकता। वह इस लिये कि वह एक ऐसा बिल लाये हैं जिस से कि सही मानों में यह समझा जायेगा कि अब तक यहां के मुसलमानों को अपनी प्रापर्टी की बाबत जो दिक्कतें पैदा हो रही थीं और जो डर उन्हें लगा हुआ था वह इस ऐक्ट के पास होने के बाद एक हद तक खत्म हो जायेगा। इस लिये मैं हुकूमत का और खास कर के आनेरेबिल मिनिस्टर साहब का शुक्रिया अदा करता हूँ।

कबल इसके कि मैं इस बिल के बाज क्लोज पर कुछ कहूं मैं चाहता हूँ कि चन्द दोस्तों ने जो तकरीरें की हैं उन में जो शुबहात उन्होंने जाहिर किये हैं और जो इस बिल के मफाद बेहतर तरीके से नहीं बता सके उनके मुताल्लक में कुछ अर्ज करूं। मैं यह साफ तौर से अर्ज करना चाहता हूँ कि जहां तक उन मुसलमानों की प्रापर्टी के लेने का सवाल है जो कि पाकिस्तान चले गये हैं इस काम में हिन्दुस्तान का कोई भी मुसलमान रुकावट डालने के लिये तैयार नहीं है और न कोई मुसलमान यह चाहता है कि ऐसे लोगों की जायदाद को एवेकुई नहीं डिकलयेर किया जाये या हुकूमत उनकी जायदाद को न ले और यह कि जो हमारे रिफ्यूजी भाई पाकिस्तान से आये हैं उन को वह न दी जाये। दरअसल यह सवाल पाकिस्तान और हिन्दुस्तान की सरकारों के दरमियान ताल्लुक रखता था। मुझे अफसोस है कि जैसा कि मेरे दोस्तों ने भी कहा कि यह मामला तै न हो सका। अब सवाल यह है कि जो हमारे रिफ्यूजी भाई यहां आये हैं उनकी जो जायदाद पाकिस्तान में है वह ज्यादा है और इसको मैं चैलन्ज नहीं करता। वह ज्यादा हो सकती है, और उनके लिये यहां जो कमपेन्सेशन पूल है वह उनकी पाकिस्तान की जायदाद के लिहाज से कम हो सकता है। मगर यहां हिन्दुस्तान के बाशिन्दे जो मुसलमान हैं उनका सवाल पैदा नहीं होता है। अब जिस सूरत से भी यहां की हुकूमत पाकिस्तान से जायदाद लेने की कोशिश करे उसके बारे में मैं हाउस को यकीन दिलाना चाहता हूँ कि हिन्दुस्तान का हर मुसलमान सरकार के साथ है। हिन्दुस्तान के मुसलमान

[संयद मजहर इमाम]

सरकार का साथ देने के लिये इस बात पर तैयार हैं कि हमारे रिफ्यूजी भाइयों की जो ज्यादा जायदाद पाकिस्तान में रह गई है उसकी कीमत वह हर मुमकिन तरीके से वापिस दिलाने की कोशिश करे। सवाल जो है वह यह है कि परदे की आड़ में यानी कि जो मुसलमान हिन्दुस्तान से चले गये हैं उनकी वजह से उन मुसलमानों को जो हिन्दुस्तान के बाशिन्दे हैं जिनको आप ने फुल सिटी-जनशिय दे रखा है जिनके लिये बराबरी के हक कान्स्टीट्युशन में दिये हुये हैं जिनको हम लोग एन्जोय कर रहे हैं कोई तकलीफ नहीं होनी चाहिये।

जो जायदाद मिलने वाली है उसके बारे में जो एक्सप्लेनेशन बिल में दिया गया है उसे अगर हमारे दोस्त सिन्हा साहब पढ़ें तो उनको यह पता चल जायेगा कि उस जायदाद को जो पाकिस्तान का वह मुसलमान जिसकी कोई जायदाद हिन्दुस्तान में है लेता है अगर वह इवेकुई डिक्लेयर नहीं हुई है तो उसे इवेकुई डिक्लेयर किया जायेगा। अगर हमारे दोस्तों का मतलब यह है कि हिन्दुस्तान के बाशिन्दे मुसलमानों की जायदाद को भी इवेकुई डिक्लेयर किया जाये ताकि यहाँ कम्पेनसेशन पूल बड़े तो मैं समझता हूँ कि इस बिल पर एतराज हो सकता है। मगर मेरे दोस्तों ने अपनी तकरीरों में ग्रानैरेबिल मिनिस्टर साहब के सामने ठीक से यह बात पेश नहीं की कि उनका मतलब क्या है।

राजेन्द्र प्रताप सिन्हा : मेरा एतराज यह था कि जो मुसलमान यहाँ से अपनी जायदाद बेच कर पाकिस्तान जाना चाहते हैं, उनकी जायदाद ले ली जाये।

संयद मजहर इमाम : जनाबे वाला यही तो असली चीज है जिस पर गौर करना है। सवाल यह है कि चार करोड़ की पापुलेशन मुसलमानों की यहाँ है और उन चन्द मुसलमानों की वजह से जो पाकिस्तान जाना चाहते हैं आप उन सब लोगों की बिजनेस और तमाम प्रापर्टी यहाँ रोकना चाहते हैं और उसे बेचने नहीं देना चाहते। आखिर आपके अखतियार में पास्पोर्ट है, एक्सचेंज आफ करेंसी है और आप कानून बना कर के यहाँ से लोगों को दौलत या बिजनेस दूसरी जगह ले जाने से रोक सकते हैं। आप चाहें पाकिस्तान जाने की किसी को इजाजत दें या न दें मगर इस आड़ से आप यह रखना चाहते हैं कि कोई मुसलमान अपनी जायदाद को बेच नहीं सकता। हमारे सिन्हा साहब को यह अखतियार है कि वह अपनी जायदाद बेच सकते हैं। मैं उनसे पूछना चाहता हूँ कि क्या यह हमारे लिये इनसाफ की चीज है कि किसी की जायदाद इस लिये कोई खरीदने को तैयार नहीं हो सकता है क्योंकि वह मुसलमान है और मुमकिन है किसी वक्त वह पाकिस्तान चला जाये। अगर किसी आदमी को रुपये पैसे की कोई सख्त जरूरत है, बीमारी के लिये जरूरत है या लड़की की शादी के लिये जरूरत है या और कोई दीगर जरूरत है और उसको मुसलमान होने की हैसियत से खरीदार न मिले इस शक की बिना पर कि वह पाकिस्तान चला जायेगा तो यह कोई इनसाफ की और वाजिब बात नहीं है। हाँ मैं इस चीज को गलत नहीं कहूँगा अगर आप उन लोगों के लिये जो चाहें सो करें जो कि जाहिरा हरकत करते हैं। इम में मुझे कोई एतराज नहीं है। मगर मैं यह

चाहता हूँ कि महज इस की वजह से तमाम मुसलमानों पर एक पाबन्दी लगाई जाये वह हरगिज नहीं होना चाहिये । इस लिये मैं हाउस से अपील करूंगा कि वह इस मसले पर गौर करे । हुकूमत ने इस बिल में जो सवाल उठाया है वह इसी वजह से उठाया है कि हाउस इस पर गौर व खोज करे कि यह चीज हटाना कहां तक मुनासिब है ।

अब सवाल यह है कि अगर आनेरे-बिल मिनिस्टर साहब इस तरह का बिल लाते हैं कि जो लोग पाकिस्तान चले गये उनकी जायदाद इवेकुई डिक्लेयर न हो तो मेरे खयाल में हमारे दोस्तों का एतराज सही हो सकता था कि साहब आप तो इवेकुई प्रापर्टी के सवाल को ही खत्म कर रहे हैं । ऐसे मुसलमानों की जायदाद जो यहां से मुल्क छोड़ कर पाकिस्तान चले गये हैं चाहे वह कम रही हो या ज्यादा रही हो उसको आप ने ले लिया । मगर उनका इवेकुई प्रापर्टी का पूरा ज्यादा होना चाहिये या कम होना चाहिये इसके लिये हिन्दुस्तान के मुसलमान जिम्मेदार नहीं हो सकते । अब रहा उसको हासिल करने का सवाल और इस मसले पर पाकिस्तान के साथ फंसला करना, इस के बारे में पहले भी मैं ने अर्ज किया है कि जो भी कोशिश आप करें उसके लिये हिन्दुस्तान के मुसलमान आपके साथ हैं । पाकिस्तान ने नहीं दिया या नहीं दे रहा यह उसकी गलती है और इसको मैं एक निहायत जुल्म समझता हूँ कि वसी शरू की जायदाद पर बिना मुआवजा दिये कबजा कर लिया जाये ।

दूसरी चीज जो मुझे अर्ज करनी है वह यह है कि हुकूमत ने जो यह बिल

बनाया है इस से यह बात साफ़ आहिर है कि जो लोग पाकिस्तान में ऐसे हैं जो हिन्दुस्तान के वाशिन्डे नहीं रहे और पाकिस्तान में ७ मई तक रहे उनकी जायदाद इवेकुई डिक्लेयर की जाये मैं इसको तसलीम करता हूँ । मगर आप के क्लाज ३ से जैसा कि करीमउद्दीन साहब ने आप के सामने उसे पेश किया है एक गलत फहमी पैदा हो सकती है ।

श्री ए० पी० जैन : गलत फहमी कैसे पैदा होती है ?

संयव मजहर इमाम : जी हूं, उसी को मैं अर्ज करना चाहता हूँ । वह यह है कि अगर कोई शरू १९४८ के बाद से हिन्दुस्तान में आया है और वह सन् १९४८-४९, सन् १९५०-५१, सन् १९५२-५३ या सन् १९५३-५४ तक भी यहां रहता हो तो उसके ऊपर दफा १०७ के मातहत यह नोटिस दिया जा सकता है कि उस दरमियानी अरसे में तुम पाकिस्तान गये थे इस वजह से तुम्हारी जायदाद इवेकुई डिक्लेयर की जाती है ।

श्री ए० पी० जैन : रिटर्न परमिट दिखा दीजिये बस मामला खत्म हो जाता है ।

संयव मजहर इमाम : सही है । मगर मेरे कहने का मतलब यह है कि सन् १९४८ से जो लोग आये थे क्या उनको यहां रहने की इजाजत दे दी गई । तो जहां तक क्लाज का ताल्लुक है मुझे इस से कोई उज्जर नहीं है । आप ने यह लिखा है कि जो सिटीजन पाकिस्तान में है उसकी प्रापर्टी इवेकुई डिक्लेयर की जाये । लेकिन मेरा कहना यह है कि जो चार साल से हिन्दुस्तान में

[संयद मजहर इमाम]

रह रहे हैं और उनको यहां से जाने का आर्डर नहीं दिया जाता है तो उनकी क्या सूरत होगी। आपने उसको जाने के लिये मजबूर क्यों नहीं किया। और जब वह नहीं जाता है तो फिर उसकी प्रापर्टी क्यों इवेकुई डिक्लेयर की जाती है। अगर कोई पाकिस्तान का सिटीजन यहां चला आया और उसकी रिपोर्ट इन्स्पेक्टर ने कस्टोडियन से कर दी कि वह सितम्बर सन् १९५४ में पाकिस्तान में था तो उसकी प्रापर्टी इवेकुई डिक्लेयर की जाती है।

श्री ए० पी० जैन : आप क्या चाहते हैं ?

संयद मजहर इमाम : मैं यह चाहता हूं कि जो मुसलमान यहां रहते हैं उनके खिलाफ यह कार्रवाई न की जाये, इस बात की रोक थाम हुकूमत की जानिब से की जानी चाहिये।

श्री ए० पी० जैन : अगर वह चोरी से चला आया हो।

संयद मजहर इमाम : अगर वह चोरी से चला आया हो तो आप उसको पकड़िये और कार्रवाई कीजिये इस बारे में हम आपके साथ हैं। मैं हरगिज इस तरह के लोगों की हिमायत नहीं करूंगा मैं हुकूमत का साथ इस बारे में दूंगा मगर मेरा कहना यह है कि इस की वजह से जो इन्डियन सिटीजन हैं उनके ऊपर इस तरह की कार्रवाई न की जाये इस बात को हुकूमत को रिमूव कर देना चाहिये। अगर चोरी से चला आता है तो उन लोगों को बचाने के लिये मैं कभी भी हमदर्दी का इजाहार नहीं करना चाहता हूं। लेकिन इस बारे में एक्स-

प्लेनशन ३ में जो सूरत दी गई है उस से कोई बचाव नहीं होता। मेरी आप से यह अर्ज है कि जो सूरत मुनासिब समझें वह करें।

दूसरी बात जो मुझे अर्ज करनी थी वह यह है कि इस बिल के जरीये एक इन्डियन सिटीजन को किसी पाकिस्तानी की इवेकुई प्रापर्टी को इनहेरिट करने की इजाजत नहीं मिलती, यह बात दुहस्त है। और मुझे इस में कोई एतराज नहीं है। मगर इसके साथ ही साथ मैं यह कहता हूं कि अगर एक इन्डियन सिटीजन है और उसका एक वारिस पाकिस्तान में रहता है तो उसको तो आप इनहेरिट करने देते हैं, यह बात मुनासिब नहीं है या तो आप इनहेरिट के सवाल को बिल्कुल ही खतम कर दीजिये या जो इन्डियन सिटीजन हैं उनको भी इनहेरिट का हक दिया जाये। यह एक सूरत है। इसके मुतालिक मेरी अर्ज यह है कि इस पर आप या तो कुछ मुनासिब तरमीम कर दीजिये जिस से कि हिन्दुस्तान में रहने वाले लोगों को इनहेरिट का फायदा हो या फिर उसको बिल्कुल ही खतम कर दीजिये।

दूसरी सूरत यह है कि अगर एक इन्डियन सिटीजन है और उसके चार बेटे हैं और उन में से एक तो पाकिस्तान में रहता है और तीन हिन्दुस्तान में हैं, अगर वह हिन्दुस्तानी सिटीजन मर जाता है तो उसकी जायदाद का एक चौथाई हिस्सा जो लड़का पाकिस्तान में है उसके पास चला जाता है। दूसरी तरफ अगर कोई पाकिस्तानी मर जाता है और उसका कोई लड़का यहां है तो उसको उसका हिस्सा नहीं मिलता है। तो यह चीज किसी तरह मुनासिब नहीं

मालूम होती। यह दोनों बातें मैंने आप के सामने रख दी हैं और मुझे उम्मीद है कि आप इन पर गौर करेंगे और अगर मेरी बा. मुनासिब है तो इस पर जरूर अमल करेंगे।

आखिर में मैं फिर यही कहना चाहता हूँ कि जो लोग पाकिस्तान चले गये हैं उनकी वजह से जो मुसलमान हिन्दुस्तान में रहते हैं उनके साथ किसी तरह की बेइन्साफी न होनी चाहिये। उन्हें भी उसी तरह की जिन्दगी बसर करने की सहूलियत दी जानी चाहिये जिस तरह कि हिन्दुस्तान के और बाशिन्दों को हासिल है।

जैसा कि मिसेज निगम ने अभी फरमाया है और हमारे कुछ दोस्तों ने भी इस हाउस में कहा है कि मुआवजा के लिये अग्राम पर टेक्स लगाया जाना चाहिये तो मैं आप को यकीन दिलाना चाहता हूँ कि हम रिफ्यूजी भाइयों की हर तरह से मदद करना चाहते हैं और अगर उनकी मदद के लिये सरकार की तरफ से कोई टेक्स लगाया गया तो उसमें हिन्दुस्तान के मुसलमानों को जरा भी एतराज नहीं हो सकता। वह खुशी से यह मदद करेंगे। हम उन लोगों की, उन भाइयों की जो तबाह व बरबाद हो कर आये हैं हर मुमकिन मदद करने को तैयार हैं और इसमें हम लोगों को कोई उजर नहीं है।

इन अल्फाज के साथ मैं इस बिल का खैरमकदम करता हूँ।

قاضی احمد حسین - (بہار) :

جناب ڈپٹی چیئرمین صاحب! مجھے نہایت خوشی ہے کہ جو تقریریں

اس بل کے سلسلے میں ہو رہی ہیں ان سے ایسا معلوم ہوتا ہے کہ ہم لوگ ایک صحیح نتیجہ پر پہنچنا چاہتے ہیں اور جو تقریفوں مسلمانوں کو ہوں ان کی طرف ہماری توجہ ہے - جب یہ قانون میرے پاس آیا اور اس میں شک نہیں کہ بہت ہی کم وقت میں یہ میرے سامنے آیا اور میں کوئی قانون دان آدمی نہیں ہوں ایک دیہات کا رہنے والا ہوں پھر بھی میں نے اس قانون کو سمجھنے کی کوشش کی - جب میں نے کلاز ۳ کو پڑھا تو مجھے ذرا شبہ ہوا اور اب ایسا معلوم ہوتا ہے کہ میرا وہ شبہ صحیح بھی تھا - جن صاحبوں کی طرف سے اس پر اعتراضات کئے گئے ہیں وہ اپنی جگہ پر صحیح ہیں کہ جو مسلمان چلے گئے اور پھر آ جائیں تو ان کا کیا ہوگا - تو یہ واقعی سوچنے کی چیز ہے - میں یہ سمجھتا ہوں کہ جو شخص ایک دفعہ چلا جائے اور پھر واپس آجائے تو اس کے لئے کچھ نہ کچھ کیا جانا چاہیئے - لیکن جو صورت حال ہندوستان میں ہے جیسا کہ قاضی کریم الدین صاحب نے بیان کیا ہے تو اس سے یہ ماننا پڑے گا کہ پارٹیشن سے پہلے جو کمیونلزم یہاں پر تھا اس کے بعد اور بھی بٹرنس پیدا ہو گئی - حکومت میں جو لوگ ہیں ان کو اس بات کا تجربہ ہوگا اسکے متعلق میں کچھ باتیں آپ کے

[قاضی احمد حسین]

سامنے رکھنا چاہتا ہوں کہ مسلمانوں کے گاؤں کے گاؤں ایسے ہیں کہ مسلمان یہاں موجود ہیں اور ان کے مکان اور جائداد ایویکونٹی قرار دی گئی اور ایسے بہتیرے گاؤں ہیں - اور تو اور مسٹر عاصف علی جب اڑیسہ کے گورنر تھے تو ان کی دہلی میں جو پراپرٹی تھی اس پراپرٹی کو کسٹوڈین نے ایویکونٹی فیکلٹی کر دیا - اس ایک ہی واقعہ سے یہ اندازہ ہوگا کہ جو ہمارے کارکن متحکے میں ہیں ان کے کام کا کیا تھلک ہے - اس بات سے حکومت پر اچھی طرح ظاہر ہو سکتا ہے - اسی طرح دیہاتوں میں بہت سے مسلمانوں کے رہائشی مکان ہیں لیکن وہ گاؤں سے باہر رہتے ہیں تو ان کے مکان بھی نکاسی قرار دیدئے جاتے ہیں -

اس میں کوئی نہ کوئی غلطی کہیں پر ہے - اور جب ایسی صورت حال ہو تو ایک دو چوروں کی وجہ سے سنکڑوں نہکواروں کو پکڑنا مناسب نہیں ہوگا -

آئی اے۔ پی۔ جین : سولہوی ساہب،
ایسا نہیں ہے۔

قاضی احمد حسین : ایسا ہے
کہ نیک چور قرار دئے گئے ہیں -

آئی اے۔ پی۔ جین : اس میں کوئی بات
ایسی نہیں ہے کہ ہماندار آدھاروں
کو پکڑ لیا جاسے۔

قاضی احمد حسین : آپکی

بات صحیح ہو - لیکن اس دفعہ
میں اس بات کی گنجائش رکھی
گئی ہے کہ جو لوگ سنہ ۴۸ کے بعد
آگئے ہیں وہ بھی ایویکونٹی قرار
دئے جا سکیں گے - اس کا مطلب
یہ ہوا کہ وہ سنہ ۴۷ میں گئے ہوں
اور پھر آگئے ہوں ایویکونٹی ہوں گے -
ان کے آنے کے دو ہی طریقہ ہو سکتے
ہیں یا نو چوری سے آئے ہوں یا پھر
پرمت لے کر آئے ہوں - اگر کوئی
شخص پرمت لے کر آیا ہے اور پھر
چوری سے ادھر ادھر بھاگا پھرتا ہے
اس کے لئے جو کچھ کیا جائے تھلک
ہے - لیکن جیسا مجھے شبہ ہوا
کہ چوری سے آنے کا یہ مطلب ہے کہ
کوئی آدمی چوری سے کسی راستہ
سے چلا آئے تو اگر ایسا ہو سکتا ہے
تو اس کو روکنے کا کوئی دوسرا طریقہ
نکالنا چاہئے - یہ ایسا کلاز اس میں
ہے کہ اگر اس کا غلط استعمال ہونے
لگا جیسا کہ بہت سے لوگوں نے غلط
استعمال کیا ہے تو یہ چیز ہملوگوں
کے لئے مصیبت کا باعث ہوگی -
میں اس بات کو واضح کر دینا چاہتا
تھا اور مجھے اہمیت ہے کہ آپ اس
پر فور کریں گے - مجھے بڑی خوشی
ہے کہ آپ اس بل کو لائے ہیں
اور ہماری تکلیفوں کو دور کرنا چاہتے
ہیں -

ایک بات میں اور عرض کرنا چاہتا تھا جو کہ مجھے کھٹکتی ہے اور جو بات کھٹکتی ہو اس کو دل میں رکھنا مناسب نہیں ہوتا ہے۔ میرا اپنا خیال یہ ہے کہ جو مسلمان اپنی جائیدادیں یہاں چھوڑ گئے ہیں ان جائیدادوں کو ریفوجیوں کی امداد دینے کی ایک بنیاد بنایا جائے یہ خود بخود دل کے اندر ایک ایسی بات پیدا کرنی ہے کہ اس جائیداد کو زیادہ کہا جائے۔ چاہے جو بھی ہو یا جس طرح بھی ہو اسے زیادہ کہا جائے اسکی وجہ سے ریفوجی اور مسلمان کے درمیان بٹرنس پیدا ہو سکتی ہے اور ہمارے دوستوں کے درمیان بھی پیدا ہو سکتی ہے۔ میں سمجھتا ہوں کہ اس پر بھی غور کرنا چاہیئے اور اس بنیاد ہی کو ختم کر دینا چاہیئے۔ یہ تھیک ہے جو مسلمان وہاں گئے ہیں یا جاتے ہیں ان کی جائیداد کو لے لینا چاہیئے اس لحاظ سے کہ جو آدمی یہاں نہیں ہے اور اس کی جائیداد یہاں ہے تو اس جائیداد کی مالک گورنمنٹ ہی ہو سکتی ہے اور گورنمنٹ کو ہی لینا چاہیئے۔ لیکن ریفوجیوں سے یہ کہنا کہ مسلمان یہاں اتنی جائیداد چھوڑ گئے ہیں اور اتنی ہی تمکو ملیگی یہ تھیک نہیں ہے۔ جو ریفوجیوں یہاں آئے ہیں وہ بھی ہمارے بھائی ہیں وہ ہماری محبت سے یہاں آئے ہیں یا ہمارے مخالفین

کے ظلم سے یہاں آئے ہیں انکی مدد کرنا ہم میں سے ہر ایک کا فرض ہے۔ اور پورے ملک کو اس میں اعتراض نہیں ہوگا۔ ہم انہیں اپنے بھائی کی طرح سے رکھیں گے لیکن یہ جائیداد کی بنیاد نہایت خطرناک ہے۔ اگر یہ بنیاد قائم رہی تو جو زہر انگریزوں نے یہاں پھیلایا تھا اور جو ابھی تک موجود ہے اس کی سوجوگی میں بہت ممکن ہے کہ ہمارے جیسا آدمی بھی مسلمانوں کی طرف کھینچنے لگیں۔ اور ہمارے وہ دوست جن پر ہم بہت اعتماد کرتے ہیں وہ ہندوؤں کی طرف کھینچنے لگے۔ اس لئے ایک کاروباری کی طرح سے یہ لین دین کا طریقہ کسی طرح بھی مناسب نہیں ہے۔ اس کو درست کرنے کے لئے اگر آپکو کوئی دوسرا بل بھی لانا پڑے تو آپ اسکو لے آئیے تاکہ ریفوجیوں کو اپنا بھائی سمجھیں اور ہم ان کے لئے سب کچھ کرنے کو تیار ہو جائیں اور ہم لوگوں کے درمیان بلاوجہ بٹرنس نہ پیدا ہو۔

اس کے بعد جو قاضی صاحب نے کہا ہے اس کی میں تائید کرتا ہوں۔ جیسا ہم نے بیان کیا کچھ اور شہدے بھی ایسے ہیں جنکو اگر آپ مٹا سکیں تو بہت اچھا ہو۔ آخر میں میں پھر یہ عرض کرنا چاہتا ہوں کہ ہم اپنی گورنمنٹ کے

[قاضی احمد حسین]

بہت مشکور ہیں کہ اس نے ہماری
مصیبتوں کو کم کرنے کی کوشش کی
ہے اور میں سمجھتا ہوں کہ اس بل
میں جو غلطیاں رہ گئی ہیں ان
کو دور کرنے کی کوشش کی جائیگی
انہا کہہ کر میں اس بل کی ترمیم
کے ساتھ تائید کرتا ہوں۔

(Transliteration in Hindi of above
speech.)

काजी अहमद हुसैन (बिहार) : जनाब
डिप्टी चेरमैन साहब, मुझे निहायत
खुशी है कि जो तकरीरें इस बिल के
सिलसिले में हो रही हैं उनसे ऐसा मालूम
होता है कि हम लोग एक सही नतीजा
पर पहुंचना चाहते हैं और जो तकलीफें
मुसलमानों को हैं उनकी तरफ हमारी
तवज्जह है। जब यह कानून मेरे पास
आया और इसमें शक नहीं कि बहुत
ही कम वक्त में यह मेरे सामने आया,
मैं कोई कानूना आदमी नहीं हूँ एक
देहात का रहने वाला हूँ, फिर भी मैंने
इस कानून को समझने की कोशिश की।
जब मैंने क्लॉक ३ को पढ़ा तो मुझे
ख़ाशुबहा हुआ और अब ऐसा मालूम
होता है कि मेरा वह ख़ुबहा सही था।
जिन साहबों की तरफ से इस पर एत-
राजात किये गये हैं वह अपनी जगह
पर सही हैं कि जो मुसलमान चले गये
और फिर आ जायें तो उनका क्या होगा
तो यह वाकई सोचने की चीज़ है। मैं
यह समझता हूँ कि जो शख्स एक दफा
चला जाय और फिर वापस आ जाय
तो उसके लिये कुछ न कुछ किया जाना
चाहिये। लेकिन जो सूरत हाल हिन्दु-
स्थान में है जैसा कि काजी करीमुद्दीन
साहब ने ब्यान किया है तो इससे यह
जानना पड़ेगा कि पार्टीशन से पहले जो

कम्युनिलिज्म यहा पर था उसके बाद
और भी बिटरनेस पैदा हो गई है।
हुकूमत में जो लोग हैं उनको इस बात
का तजुर्बा होगा। उनके मुताल्लिक मैं
कुछ बातें आपके सामने रखना चाहता
हूँ कि मुसलमानों के गांव के गांव ऐसे
हैं कि मुसलमान यहां मौजूद हैं और
उनके मकान और जायदाद इवैकुई करार
दी गई और ऐसे बहुतेरे गांव हैं।
और तो और मिस्टर आसफ अली जब
उड़ीसा के गवर्नर थे तो उनकी देहली में
जो प्रापर्टी थी उस प्रापर्टी को कस्टोडियन
ने इवैकुई डेकलेयर कर दिया। इस एक
ही वाक्या से यह अन्दाज़ा होगा कि जो
हमारे कारकुन महकमीने हैं उनके काम
का क्या ढग है। इस बात से हुकूमत
पर अच्छी तरह जाहिर हो सकता है।
इसी तरह देहातो में बहुत से मुसलमानों
के रिहायशी मकान हैं लेकिन वह गांव
से बाहर रहते हैं तो उनके मकान भी
निकासी करार दे दिये जाते हैं। इसमें
कोई न कोई गलती कही पर है। और
जब ऐसी सूरत हाल हो तो एक दो
चोरों की वजह से सैकड़ों नेकोंकारों
को पकड़ना मुनासिब नहीं होगा।

श्री ए० पी० जैन : मौलवी साहब,
ऐसा नहीं ।

काजी अहमद हुसैन : ऐसा है कि नेक
चोर करार दिये गये हैं ।

श्री ए० पी० जैन : इसमें कोई बात
ऐसी नहीं है कि ईमानदार आदमियों को
पकड़ लिया जाय ।

काजी अहमद हुसैन : आप की बात
सही हो। लेकिन इस दफा में इस बात
की गुजायश रखी है कि जो लोग सन
१९४८ के बाद आ गये हैं वह भी इवैकुई

करार दिये जा सकेंगे। इसका मतलब यह हुआ कि वह सन् १९४७ में गये हों और फिर आ गये हों इवैक्यूड होंगे। उनके आने के दो ही तरीके हो सकते हैं या तो चोरी से आये हों या फिर पर्मिट लेकर आये हों। अगर कोई शरूस् पर्मिट लेकर आया है और फिर चोरी से इधर उधर भागा फिरता है उसके लिये जो कुछ किया जाय ठीक है। लेकिन जैसा मुझे शुबहा हुआ कि चोरी से आने का यह मतलब है कि कोई आदमी चोरी से किसी रास्ते से चला आये। तो अगर ऐसा हो सकता है तो इस को रोकने का कोई दूसरा तरीका निकालना चाहिये। यह ऐसा क्लोज इसमे है कि अगर इसका गलत इस्तेमाल होने लगा जैसा कि बहुत से लोगों ने गलत इस्तेमाल किया है तो यह चीज हम लोगों के लिये मुसीबत का बाइस होगी। मैं इस बात को वाजे कर देना चाहता था और मुझे उम्मीद है कि आप इसपर गौर करेंगे। मुझे बड़ी खुशी है कि आप इस बिल को लाये हैं और हमारी तकलीफों को दूर करना चाहते हैं।

एक बात मैं और अर्ज करना चाहता था जो कि मुझे खटवती है और जो बात खटवती हो उसको दिल में रखना मुनासिब नहीं होना है। मेरा अपना ह्याल यह है कि जो मुसलमान अपनी जायदादें यहां छोड़ गये हैं उन जायदादों को रेफ्यूजियो को इमदाद देने की एक बुनियाद बनाया जाय यह खुद बखुद दिल के अन्दर एक ऐसी बात पैदा करती है कि इस जायदाद को ज्यादा किया जाय। चाहे जो भी हो या जिस तरह भी हो इसे ज्यादा किया जाय। इसकी वजह से रेफ्यूजी और मुसलमान के

दमियान बिटरनेस पैदा हो सकती है और हमारे दोस्तों के दमियान भी पैदा हो सकती है। मैं समझता हूँ कि इस पर भी गौर करना चाहिये और इस बुनियाद ही को खत्म कर देना चाहिये। यह ठीक है कि जो मुसलमान वहां गये हैं या जाते हैं उनकी जायदाद को ले लेना चाहिये इस लिहाज से कि जो आदमी यहां नहीं है और उनकी जायदाद यहां है तो उस जायदाद की मालिक गवर्नमेंट ही हो सकती है और गवर्नमेंट को ही लेना चाहिये। लेकिन रेफ्यूजीज से यह कहना कि मुसलमान यहां इ जायदाद छोड़ गये हैं और इतनी तुम को मिरेगी यह ठीक नहीं है। जो रेफ्यूजीज यहां आये हैं वह भी हमारे भाई हैं। वह हमारी मुहब्बत से यहां आये हैं या हमारे मुखालिफिन के जूल्म से यहां आये हैं। उनकी मदद करना हममें से हर एक का फर्ज है और पूरे मुल्क को इसमें एतराज नहीं होगा। हम उन्हें अपने भाई की तरह से रखेंगे लेकिन यह जायदाद की बुनियाद निहायत खतरनाक है। अगर यह बुनियाद कायम रही तो जो जहर अप्रेजों ने यहां पैलाया था और जो अभी तक मौजूद है उसकी मौजूदगी में बहुत मुमकिन है कि हमारे जैसा आदमी भी मुसलमानों की तरफ खिंचने लगे। और हमारे वह दोस्त जिन पर हम बहुत एतमाद करते हैं वह हिन्दुओं की तरफ खिंचने लगे। इस लिये एक कारोबारी की तरह से यह लेन-देन का तरीका किसी तरह भी मुनासिब नहीं है। इसको दुरस्त करने के लिये अगर आपको कोई दूसरा बिल भी लाना पड़े तो आप उसको ले आइये ताकि रेफ्यूजीज हम को अपना भाई समझ और हम उनके लिये सब कुछ

[काजी अहमद हुसैन]

करने को तैयार हो जायें और हम लोगों के दमियान बिला बजह बिटरनेस न पैदा हो ।

इसके बाद जो काजी साहब ने कहा है उसकी मैं ताईद करता हूँ । जैसा हमने बयान किया कुछ और शुबहे भी ऐसे हैं जिन को अगर आप मिटा सकें तो बहुत अच्छा हो ।

आखिर में मैं फिर यह अर्ज करना चाहता हूँ कि हम अपनी गवर्नमेंट के बहुत मशकूर हैं कि उसने हमारी मुसीबतों को कम करने की कोशिश की है और मैं समझता हूँ कि इस बिल में जो गलतियाँ रह गयी हैं उनको दूर करने की कोशिश की जायगी । इतना कहकर मैं इस बिल की तरमीम के साथ ताईद करता हूँ ।

SHRI B. GUPTA (West Bengal): Sir, I want to say a few words.

MR. DEPUTY CHAIRMAN: You want to speak?

SHRI B. GUPTA: Yes, for just five minutes only.

MR. DEPUTY CHAIRMAN: Very well, only five minutes.

SHRI B. GUPTA: Sir, we thought we would not speak on this subject, but the speech of the hon. Member, Diwan Chaman Lall, would give the impression to the country, when he spoke in the name of both sides of the House, that we all shared his point of view. We do not, because I think his approach is wrong. Although in certain portions we support him, his approach is entirely from a different angle, his is entirely a different outlook. Sir, it is most unfortunate for both our countries that

it has not been possible for India and Pakistan to settle matters outstanding between them in a friendly and amicable manner. And nobody regrets that more than we do. But we feel that our approach should always be such as would keep open the door for a settlement by mutual discussions between our two countries. While discussing these matters, that aspect of the question should always be kept in view. I am not going into the question of whether Pakistan has played its part or not. It is not necessary to discuss all that here. But when we discuss such questions, when we bring in measures such as this one, we should always remember that India and Pakistan are two countries which must at all times strive for developing friendly relations and they should settle their problems in a friendly manner by mutual discussions. Of course, there are difficulties and obstacles in the way and I do not under-rate them. At the same time our approach must always be to strive for mutual settlements.

Then Diwan Chaman Lall said that he is for the augmentation of the pool. We also are for the augmentation of the pool, but we do not want it to be augmented in the way that he wants it to be augmented, nor do we view that question from the angle from which he looks at it. Sir, first of all, when you talk of evacuee pool or rather the compensation pool, we must keep in mind that only properties of genuine evacuees are meant. But there have been cases where properties of Muslims have been very unjustly and wrongly declared evacuee property. I understand that about eight to ten thousand applications to get redress of these wrongs are still pending. Now if you continually stress the augmentation of this pool and try to bring in more and more Muslim property, you would lend yourselves into a situation when you would be taking away properties of Muslims who are really not evacuees. Sir, Diwan Chaman Lall mentioned about the person who

lives here and whose sons and family members are in Pakistan, and the man says he is the owner of the property here. I am sure he is certainly aware of the Dayabhaga system of law. The property belongs to a particular person and there is no coparcenery there.

5 P.M.

It may be that some relatives, sons or brothers, may live in one country or the other. For that reason alone, the properties should not be declared evacuee property. Sir, the matter has to be gone into deep, keeping in view that we function in a different set of circumstances under which the rules guiding relationship between the foreign countries—shall we say, between India and France—do not apply. We must have our own ways which correspond with the realities of the situation, the situation that obtains in our part of this world, that is to say, between these two countries. Therefore, I would urge that it would be a mistake to link up the question of the compensation pool always with the size of the evacuee properties obtained. If that is the outlook, then all the time we would be grabbing Muslim properties. The pool can be augmented also by Government contributions and that is what we have been saying. If money is not adequate enough for proper relief and rehabilitation to those unfortunate people, then of course the Government should find money. Our stand on this question has been that it is the duty of the Government of India and, for that matter, the State Governments to see that the people who have been uprooted—uprooted from their soil—are speedily resettled in life. As far as money is concerned, money can be found from internal resources and, of course, from the property left behind by the genuine evacuees who have migrated to the other country. That is our stand. There are parties in India who are talking about the evacuee pool and the compensation pool as if the whole question depends on how much properties you can grab from

the Muslims. The repercussions of such an attitude are very serious and are giving rise to grave misgivings in the minds of the minority community, giving a handle to the communal elements in the administration who very wrongly seize properties which are not really evacuee properties and seek a kind of justification for doing the wrong thing. This is a totally wrong policy and, therefore, we are opposed to any such kind of approach.

Diwan Chaman Lall said—I do not blame him—that the rich people have left crores of properties in Punjab. I do not know, Sir, how many were in that fortunate position, the *crorepaties*. I do not know how many there were in Punjab before partition. I assume there were some and I suppose my hon. friend was very near it, if not really one. Suppose the *crorepaties* had left their properties there; if we had a democratic system these multi-millionaires would, in any case, have lost their properties. They would have gone to the poor people and if the partition had not taken place, if normal conditions had prevailed, the Hindus and Muslims would have become masters of the land.

MR. DEPUTY CHAIRMAN: It is time Mr. Gupta. You wanted five minutes and have taken ten minutes so far.

SHRI B. GUPTA: Another point that I would like to mention is this.

MR. DEPUTY CHAIRMAN: You put on your instrument so that you can hear me.

SHRI B. GUPTA: One minute more, Sir. Whether it is five minutes or ten minutes, we shall continue.

Diwan Chaman Lall said that they came leaving properties behind. Certainly the zamindaries could not be carried in the portfolio bags or in the suit cases but the titles could be brought and I know for certain that

[Shri B. Gupta.]
many of the landlords who came from East Bengal and settled in Calcutta are very well off. They have built very big houses and have entered into all kinds of transactions. Am I then to understand that all these multi-millionaires who came over from West Pakistan to East Punjab or, for that matter to Delhi, came absolutely empty-handed, that they did not have any bank accounts, that they did not have jewellery, that they did not have other properties, that they did not have investments in the Llodys Bank or in the Imperial Bank? Where have those things gone? Have they just disappeared or are they still there? Therefore, Sir, it is no use trying to shed too much of tears for these millionaires. They are very well settled, evacuee or non-evacuee, and most of them are very happy. If we have a little sympathy and time and money left, let us use them for the poor people, for the small men and for the people who really need help, the middle classes, the peasants and the workers. Therefore, I would beseech the hon. Minister and the hon. Deputy Minister not to yield to that pressure. As soon as this compensation pool comes into existence, pressure will be brought to bear upon the Government to give the rich 10 per cent, 15 per cent. or whatever it is. They should not come into the picture at all until and unless every poor man, real destitute has been satisfied, compensated and rehabilitated in life. That is what we should aim at and nothing else, Sir.

MR. DEPUTY CHAIRMAN: The hon. Minister.

SHRI AKBAR ALI KHAN (Hyderabad): Could I have two minutes, Sir?

MR. DEPUTY CHAIRMAN: I have called the Minister.

SHRI PRASADARAO (Andhra): I want one clarification, Sir.

MR. DEPUTY CHAIRMAN: I have already called the Minister.

SHRI H. C. DASAPPA (Mysore): He wants a clarification. Perhaps.....

MR. DEPUTY CHAIRMAN: Have you any question to ask?

SHRI PRASADARAO: I want a clarification, Sir.

MR. DEPUTY CHAIRMAN: What is the clarification?

SHRI PRASADARAO: Sir, the refugees have already represented that there is an Ordinance issued by the President in 1952 whereby the property of the Muslims mortgaged with Hindus or Sikhs will be taken over by the Custodian without payment of compensation if the mortgage period is above twenty years or with appropriate compensation if the period is less but that in the case of lands of Hindus and Sikhs mortgaged with the Muslims, the owner will be compelled to pay the loan or, failing that, the land will be put to auction. This is improper and I think equal treatment should be given or the debts should be wiped out.

MR. DEPUTY CHAIRMAN: You have made a small speech.

SHRI A. P. JAIN: Sir, if the criterion to judge this Bill is what Diwan Chaman Lall laid down, namely, how it affects the various sections of our people, the refugees and the displaced persons, I have no doubt that this Bill has been brought up at the appropriate time.

[THE VICE-CHAIRMAN (SHRI R. C. GUPTA) in the Chair]

Now, Diwan Chaman Lall has also touched upon many aspects of the problem not altogether relevant to the purposes of this Bill. The quantum of the compensation pool and how it should be augmented—whether it should be augmented by the Government or at the expense of the minority community—are questions which are more relevant to the Bill which was under discussion here in this House the other day. In any case,

I have been greatly pained to find that more than one hon. Member of this House has said that the Act should be continued because it will add to the compensation pool. That outlook, to my mind, Sir, is a vicious outlook. The compensation pool is not to be increased at the expense of the Muslims living here nor was that the object of the original Act, although time passed and conditions changed—as it happened—and the evacuee properties now constitute part of the compensation pool. Nonetheless, the Muslims have their own rights, the refugees have their own rights and the two should not come into conflict. One point raised by Diwan Chaman Lall was that there is a danger of the flight of capital from India to Pakistan and that we should stop it. That is a question on which there was absolute unanimity in the other House and, I believe, there is full unanimity in this House. There is no Indian who would like that Indian capital should go to Pakistan or to any other country except for our legitimate purposes.

I was asked as to how I am going to stop the flight of capital to Pakistan. Hon. Members are aware that the Muslims today possess not only immovable properties but they also have movable properties and cash with them. What have you provided to stop the flight of that cash from India to Pakistan? Assuming that every Muslim is a potential evacuee who wants to go to Pakistan after selling his property; you can stop him from sending out the cash in the same manner as you stop him now from sending his cash resources, or his money from here to Pakistan. After this Bill is passed, if a Muslim sells his property, and gets cash, we will apply the same exchange control, even tighten it and stop him from taking the cash to Pakistan. In fact I have requested the Ministry of Finance to carefully examine this question and to plug any possible loopholes that there might be which may enable the flight of capital from India to Pakistan.

Well, Sir, illegal smuggling of currencies from one country to another is not a phenomenon which is peculiar to India, but all over the world some smuggling of currency from one country to another goes on. It is stopped by exchange controls and not by making the property of the people unsaleable either by law or in effect. I mention that the proper method to stop the flight of capital to Pakistan or to any other country would be to tighten exchange control. If any person is found to smuggle money from India to Pakistan he must be punished and punished heavily, but it would be, as I said in the other House, something less than civilised if we deprive the people of their right to deal with their property freely merely because there is an apprehension that some money may go from here to Pakistan.

Now, Sir, two objections have been raised by Mr. Karimuddin and they have been supported by Mr. Mazhar Imam and my friend the Moulana Sahib sitting at the back of the House. Their first objection is with regard to clause 2. I tried my best to understand their arguments and I must confess that I have not been able to understand those arguments. In my opening address I said that every Muslim owns his property in full right; he can sell it away; he can drink it away; he can give it to his concubine; he can do whatever he likes with it. There is no vested interest of an heir, of an evacuee, so long as the owner lives. If a Muslim mortgages his property then the son inherits the property subject to the mortgage, not free from the mortgage. If there is any disability or restriction attached to the property, the heir can under no circumstances inherit larger rights than his predecessor possessed. That is a proposition of law which none can deny. Why is it then being said that if the father came within the mischief of the evacuee property law and his property was liable to be declared evacuee, because the father dies during the pendency of the suit the property should not be declared evacuee

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property? I have tried my best but I have not been able to understand their logic. A very queer argument has been advanced. It is said that if an Indian national who is not an evacuee dies and his heirs are in Pakistan, the heirs do not inherit the property, why is it that if an evacuee living in Pakistan dies and his heir are Indian nationals they do not inherit the property? All this is a great injustice. Let my hon. friends know that this is a law of status; this is a law which deals with persons who do certain things and thereby acquired certain status. If a person does anything mentioned in section 2 (d) of the evacuees law, his property should in all circumstances become evacuee property. This is the law of status. This is not a law of inheritance. We are not laying down the line of inheritance so that we might consider the equities between one kind of heirs and another kind of heirs. That, Sir, is the legal aspect. But I do not want to depend upon legal quibbling. I want to justify this provision by absolute moral standards. The property of an Indian national who goes over to Pakistan becomes evacuee property in India. In Pakistan our refugees have left properties three, four or five times more valuable than what the Muslims have left here. It is a well known fact that the migrants from India to Pakistan are enjoying the properties left behind there by the Hindus just as we have allotted the properties or we are going to distribute the properties of the Muslims among the refugees who have come over here. Now an evacuee Muslim father gets the property in Pakistan left by the Hindu refugee because he has gone over to Pakistan and we make a gift of his property which is evacuee property to an heir because he is an Indian national. They benefit both ways and the refugees suffer both ways. He has left the property in Pakistan and that must go to the father. Here it must go to the son because here is an Indian national. I have not been able to understand this logic. Now, Sir, firstly

take the case of a man who dies during the pendency of its proceedings. Should his son inherit the property? Take another case where the property has been declared evacuee property and the evacuee living in Pakistan dies. Why should not the son who is an Indian citizen living here inherit the property merely because in one case the father has died during the pendency of the case and in another case he dies afterwards. Then, Sir, no man lives for ever. If "A" gets property because his father has died during the pendency and "B" gets property because his father dies now, why should not "C" whose father may die 10 years hence get the property? Every evacuee must have one or another heir, at least a very distant heir, residuary living in India, and if we proceed logically, the whole of the evacuee property must go to the heirs. If that is the logic, I maintain, Sir, that is an immoral logic, a logic which has no force behind it, and I think, Sir, that what we have provided in law has ample justification juridically, morally and from every point of view.

Then, Sir, another objection was raised about clause (d). What do we say there? We say that if a Muslim has gone over to Pakistan after the 1st March 1947 and on the 7th day of May when this law became operative he is a resident of Pakistan, his property could be proceeded against during the next six months if a proceeding has not been started before. Is that wrong? Why do people have sympathy for persons who have settled in Pakistan? I have full sympathy for people living in India. But I have no sympathy at least so far as the property questions are concerned for people who have gone over to Pakistan. Now in explanation 3 we have provided a concession to the effect that if a person has returned to India on the basis of a permanent return permit or a permanent resettlement permit proceedings will not be started against him. It is surprising that it is the concession which is being made subject of a complaint. The existing law is that of persons

who migrated to Pakistan only those who have returned before the introduction of the permit system on the 18th July 1948 or who have returned on permanent resettlement permits up to, I believe, 18th October 1949, are entitled to the return of their property.

Those who have come after the relevant date are not entitled to return of the property. Nonetheless we have made a concession that in the case of persons who have returned after the relevant date on a permanent resettlement permit we will not start fresh proceedings if the proceedings had not been already started. I am sorry to find that a concession which we have shown, is being used as an argument to oppose a very proper provision. Those who return on permanent settlement permits or on permanent resettlement permits have documents with them. If any case is started, they can produce the documents. We also have a list of persons to whom we have granted permanent resettlement permits. I do not know what difficulty will arise. And why do we have sympathy for persons who have surreptitiously come to India without a permit? Why do you have sympathy for law-breakers? I have none.

So far as the administration of the evacuee property law is concerned, much has been said that harassment was caused to people, notices were issued to this man, to that man and so on. Now, I am not prepared to say that mistakes have not been committed. Mistakes were committed. Even the highest judicial courts are liable to err; even the Supreme Court may err. But you have to take notice of the extraordinary condition through which we have passed, I maintain that this law has been administered with great care, with great caution. Sir, the law was an extraordinary one. At one time a person who had been dislocated from his usual place of residence could be declared an evacuee. Where was the fault of the Custodian if he had declared persons

who had left their normal places of residence and gone over to another place as evacuees? Well, the law has been changing and we have been restoring properties in fairly large number.

The manner in which these things are exaggerated can be judged by one event to which I would like to refer. Recently a deputation of some Members of Parliament including Mr. Mazhar Imam waited upon the Prime Minister when I was also present. It was stated there that Muslims were being oppressed; cases of persons who had been declared non-evacuees were being indiscriminately reopened. And one Member of the deputation said, "Within my knowledge 125 cases have been reopened since the 7th May 1954" when instructions were issued not to start fresh cases against persons for doing anything after that date. I rubbed my eyes and said, "What, 125 cases?" I had made a rough enquiry and I said that not more than five or seven cases had been reopened but the gentleman would not accept it. Then I obtained a complete list of persons who had been declared as non-evacuees and against whom proceedings had been started again. The total number was eight. I wrote to the Leader of the deputation that only eight cases had been reopened. But no reply has been received up till date and I repeat only eight cases were reopened. And what were these eight cases? In each of these cases the person who had been declared a non-evacuee before he had gone over to Pakistan. I have every sympathy for persons who have suffered because the law weighed heavily against them and during the last four years and a few months that I have been in this office I can say, Sir, with a clear conscience that I have tried my utmost to see that no harassment is caused to the minority community. The law is extraordinary and therefore we must be all the more cautious. It pains me that tales of harassment, of injustices done, of this and that are repeated over and

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over again. So far as the present provision is concerned, I can assure the Sabha that we shall take action only when we are fully satisfied that the person has migrated to Pakistan and he is in Pakistan, or he is in India on a temporary permit or has come without any permit. Sir, if it were not my intention to put an end to harassment, there is no reason why I should have brought forward this measure. This itself should be a sufficient guarantee. With these words, Sir, I hope the House will accept the motion.

THE VICE-CHAIRMAN (SHRI R. C. GUPTA): The question is:

"That the Bill to abrogate the evacuee property law in respect of persons who have done or do any act on or after the 7th day of May 1954, which if done before that date would have rendered them subject to that law and to amend the Administration of Evacuee Property Act, 1950, for that purpose and certain other purposes, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI R. C. GUPTA): Let us take clause by clause consideration.

Clause 2 was added to the Bill.

THE VICE-CHAIRMAN (SHRI R. C. GUPTA): There are amendments to clauses 3 and 4, but Kazi Karimuddin is not here.

Clauses 3 to 10 were added to the Bill.

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

SHRI A. P. JAIN: I move that the Bill be passed.

THE VICE-CHAIRMAN (SHRI R. C. GUPTA): Motion moved:

"That the Bill be passed."

SHRI AKBAR ALI KHAN: Sir, when I stand up, I do not stand up to say much on the Bill, as much has been said about it, both for and against, but I want to express a personal note of congratulation to Diwan Chaman Lall who has vehemently opposed the Bill and Shri A. P. Jain who has strongly advocated it. Sir, if I were in the position of Diwan Chaman Lall, probably I would not have been so broad-minded and so balanced in the expression of views as he has been. I am sure, Sir, although he looks very young—probably his good habits have stood in his favour—he is about ten years older than I am and is a veteran public leader. Since 1921, the advent of non-cooperation movement, we have held Diwan Chaman Lall in great esteem. I quite appreciate the feelings of those who have lost their property, who have suffered and who have undergone all troubles and difficulties and after all that to keep restraint and to keep balance, is really, I think, a matter of great credit and congratulation. And I give my full credit not only to him, the spokesman of the refugees, but through him to all my refugee friends. The only other thing that I want to say is this. We all know, as Diwan Chaman Lall and others know, that in the regime of which he referred, the Muslim League and its policy, there were innumerable Muslim families where there were two brothers, one stood for the League and the other stood fast for the Congress. There was no sacrifice which these persons, who believed in the non-communal creed hesitated to make for that noble cause. They suffered considerably. Would he like that for those who have gone to Pakistan and for whom such a law would be perfectly justified others who have stood by the non-communal ideal should also suffer? I am sure he will not like it. Even a single man, who has suffered in the past or one who is a loyal citizen and was put up to all conveniences, should also suffer directly or indirectly even after the independence! Even now should one feel that he has not got

all the rights of citizenship which his other fellow citizens belonging to other religions have and enjoy? It would be extremely unfair and unjust in my humble opinion. I am sure, Sir, so long as this evacuee law remains on the statute book, that feeling of equal citizenship will be lacking. This must be removed without delay. We want to build a new India which the father of the nation envisaged. I have said in my speech in connection with the compensation pool that my fullest sympathies go to my brother refugees. I have expressed not only regret but disappointment at the attitude of the Pakistan Government not to settle this matter on the governmental level. I have also suggested that in order to compensate and in order to increase the pool, we should increase a certain proportion in the income-tax law or in the estate duty law, or levy a surcharge, because that is perfectly justified. Refugees have lost everything. Even if we give them every pie in compensation, whether rich or poor, we will not compensate them for the sufferings that they have undergone. But this is an entirely different proposition. We should not mix up the compensation pool or their suffering with the evacuee property. These must be treated entirely as two different problems. Two different considerations should guide us in dealing with these matters.

THE VICE-CHAIRMAN (SHRI R. C. GUPTA): We have already exceeded the time.

SHRI AKBAR ALI KHAN: Only one minute, Sir, It is our duty, and legal and moral duty, to give adequate amount of compensation to these persons. So far as the other thing is concerned, evacuee law was an emergency law, not to be found in any other progressive country. I think that with Shri Jawaharlal Nehru at the head of our Government and with Shri Ajit Prasad Jain at the head of this Ministry, we could not expect anything else other than the Bill

which has been put forward for this purpose to finish evacuee law for future. I think it is correct that the property that has been left over in Pakistan is much more and on the governmental level every effort should be made to get this matter settled. But because of the unreasonable attitude of a certain Government it would be extremely unfair to inflict a disability on the citizen of this great State. Such emergency laws which have partly served the purpose should not be tolerated any more. So I humbly offer my heartiest congratulations to the Government for the bold step that they have taken in order to clear the atmosphere for better cordial relations and in order to remove this blot from our statute book. One word more and I have finished. In order to build the new world that we want to make-guided by certain high moral principles we are confronted with big problems—we are at a very crucial stage in international affairs, we give a lead to Asia, we give a lead to Africa, we give a lead to the world—for peace and co-existence. In view of this great task ahead, let us be united and strong. Let us feel in our thought, in deed, in our feeling and in our outlook that we have to live for India and we have to die for India.

THE VICE-CHAIRMAN (SHRI R. C. GUPTA): Hon. Minister.

SHRI A. P. JAIN: I have nothing more to say, Sir.

THE VICE-CHAIRMAN (SHRI R. C. GUPTA): The question is:

“That the Bill be passed.”

The motion was adopted.

THE MADHYA BHARAT TAXES ON INCOME (VALIDATION) BILL, 1954

THE VICE-CHAIRMAN (SHRI R. C. GUPTA): Now, we take up the Madhya Bharat Taxes on Income (Validation) Bill, 1954. I have to mention that under Rule 162, clause 2, of the Rules