

Singh, Shri R. K.
Singh, Sardar Swaran.
Sinha, Shri B. K. P.
Sinha, Shri R. P. N.
Sobhani, Shri O.
Sumat Prasad, Shri.
Surendra Ram, Shri V. M.
Tajamul Husain, Shri.
Tanta, Shri R. P.
~~Thanka~~, Pandit S. S. N.
Thanhlira, Shri R.
Vaidya, Shri Kanhaiyalal D.
Valiulla, Shri M.
Varma, Shri C. L.
Venkataraman, Shri S.
Vyas, Shri K.

The motion was negatived.

MR. CHAIRMAN: Now let us take the main motion.

The question is:

"That an Address be presented to the President in the following terms:—

"That the Members of the Council of States assembled in this Session are deeply grateful to the President for the Address which he has been pleased to deliver to both the Houses of Parliament assembled together on the 15th February, 1954.",

The motion was adopted.

THE ABDUCTED PERSONS (RECOVERY AND RESTORATION) AMENDMENT BILL, 1954

[MR. DEPUTY CHAIRMAN in the Chair.]

THE DEPUTY MINISTER FOR EXTERNAL AFFAIRS (SHRI A. K. CHANDA): Mr. Deputy Chairman, I beg to move:

"That the Bill further to amend the Abducted Persons (Recovery and Restoration) Act, 1949, be taken into consideration."

Sir, a little over a year ago, the subject-matter of this Bill was discussed in this House and I do not want to take up the time of the House by referring to the subject-matter of the Bill again. The work, which we have been carrying on for the last six or seven years, yet remains unfinished and it is desirable that this work should continue to be done. Therefore, I pray that the House may agree to allow us to let this law continue to be in force till the 31st day of May 1955.

I may mention that in Pakistan this work is being carried on on the authority of a permanent Ordinance and that Ordinance is still in force. Therefore, it is very desirable and reasonable that we should have this law here. With these few words, I commend the Bill to the House.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill further to amend the Abducted Persons (Recovery and Restoration) Act, 1949, be taken into consideration."

SHRI B. K. P. SINHA (Bihar): Sir, we want some information. What is the exact machinery we have for this purpose? What recoveries have been effected since we last extended the Act? What amount are we spending per year for our organisation? Unless we have all this information, no proper discussion is possible.

MR. DEPUTY CHAIRMAN: Has the Minister any information?

THE MINISTER FOR WORKS, HOUSING AND SUPPLY (SARDAR SWARAN SINGH): Sir, I do not exactly know how to tackle the various points which have been raised, but I can well appreciate the natural desire of hon. Members to know something about the working of the Act. It has been enquired as to what the provision in the Budget is and what is the extent of expenditure which is

[Sardar Swaran Singh.] being incurred by us. The figures are something like this:

1950-51	.. 10.5 lakhs
1951-52	.. 8.25 "
1952-53	.. 8.1 "
1953-54	.. 9.98 "

So far as the organisation is concerned, on an earlier occasion, that was explained in considerable detail. This work is being done on the basis of mutual consultation and agreement with the Government of Pakistan. We have got, broadly speaking, an organisation functioning both in India as well as in Pakistan, of which there are two important wings. One relates to an organisation which is in charge of the actual recovery work, and the other can be said to be in charge of the disposal of the cases after recovery. There are certain matters of considerable importance, for instance, the procedure relating to the custody and care of the recovered persons, the establishment of camps, supervision, and all that. That, roughly speaking, is the organisational set-up of this organisation.

The third point that has been raised just now relates to the actual figures. In a matter of this nature, it will not be very wise to rely upon the figures which are more or less clues furnished with a view to put the machinery into motion and to proceed further with the actual recovery or investigation, as the case may be. But there are certain figures which are published in both the countries relating to the persons recovered and restored to the countries concerned. And the figures relating to that are roughly of this nature. This is of importance to note, because we are approaching this Council for extension of the life of the present statute -which expires on the 28th of February. The number of persons, who have actually been recovered and restored, their figure for the year 1954, i.e., from 1st of January 1952 to 31st December 1952, was 1,162, whereas

for the year 1953, i.e., from 1st of January to 31st of December, the number was as large as 2,040. We have already got at the moment recovered persons who are in the camps and whose number would be anywhere between 200 and 300. Therefore, the problem is there. Recoveries are taking place. Persons are actually in the camps, who are awaiting decision by the tribunals. Therefore, it is of prime importance that a statute of this nature, which is based on a certain agreement between the two Governments, and which has yielded results, and which is approached not from any political angle but from a purely humanitarian angle, should be given a further lease so that the unfinished work might be completed.

SHRI H. P. SAKSENA (Uttar Pradesh) : These are the figures of those abducted persons whom you recovered and restored to Pakistan. What are the figures of Pakistan having recovered abducted persons and restored them to India? This is what I want to know.

SHRI P. SUNDARAYYA (Andhra): At the same time we would like to know also the earlier figures of recovery relating to the previous years.

SHRI KISHEN CHAND (Hyderabad): I would also like to have information from the hon. Minister regarding the number of women held in Pakistan and the number that has been recovered from there and handed over to India.

SHRI B. K. P. SINHA: My information is that some of the women, who are recovered, have children. Do they take them along with them? My information is that some of them do not take those children. In that case, I would like to know the arrangements made for their maintenance and upkeep.

SARDAR SWARAN SINGH: Now, dealing with the points which have been raised now. I want to say at

the very outset that in a case of this nature we should approach the problem from a broad point of view and not merely from the point of view of bartering one thing against the other.

SHRI B. K. P. SINHA: We want information. That is all.

SARDAR SWARAN SINGH: I am not denying the information, nor should I be denied the opportunity to express as to how I feel about this problem, because merely giving figures is not enough to understand the significance of those figures, and to assess the value that has to be derived from those figures and to chalk out our own further programme.....

SHRI B. C. GHOSE (West Bengal) : Sir, that is not necessary at all. The Minister is giving a homily. Let us have the figures. We do not deny the things that the Minister has been saying. We also understand the humanitarian side of it.

SARDAR SWARAN SINGH: I do not want to give a homily, nor am I prepared to take a homily. And it is really surprising that a mere statement on the basis of facts should be taken as something which has been described in that manner. What I was saying was this. I fail to understand as to why there should be any question about the figures, for instance, relating to Pakistan, unless there is something in the mind of somebody, either in a lurking form or in an obvious form, that we have to balance one against the other.

SHRI P. SUNDARAYYA: Not necessarily.

SARDAR SWARAN SINGH: I will be very happy if it is not there. But I do want that we should approach this problem from a broad point of view.

Now, coming to the actual figures, the figures relating to the earlier years with regard to our own country are as follows: Up to the end of the

year 1949, *i.e.*, up to 31st of December 1949, the total is 12,552. For the year 1950, it is 1,413. For the year 1951, it is 1,974. And for the rest I have already given the figures. The progressive total up to the end of the year 1951 would be 15,939, and for the two years, *i.e.*, 1952 and 1953, adding up the figures that I gave earlier, the total would be 19,141. Now, without giving the break-up for the various years, the progressive total up to the end of 1953—of persons recovered in Pakistan and restored to India—is 8,684.

SHRI H. C. MATHUR (Rajasthan): Now let us have the figures for 1952-53—the break-up also.

SARDAR SWARAN SINGH: Up to December 1949 the figure is 6,272. For the year 1950 it is 871; for 1951 it is 743; for 1952 it is 474 and for 1953 it is 324.

Another question has been put relating to the children. It is no doubt correct, as was pointed out by hon. friend here, that a report has come that some of the recovered women have children. This is correct. And the definition of the abducted person in the Act does visualize the recovery of such children also. Now the pertinent question is as to what happened with regard to these children. This is a very important problem and a problem which requires to be tackled with a certain amount of vision and forethought, and this is becoming more important and more complicated as time passes on, because in many cases the number of children that are actually recovered may be more than one. In these cases, generally, the welfare of the children is the main consideration, and being of a very tender age an opportunity is given to the recovered woman to take the children, if she likes, along with her. But the actual experience shows that in a very large number of cases—I may say in a preponderatingly large number of cases—the children are left behind, and then they are taken care-of either by the so-called abductor of"

[Sardar Swaran Singh.] whom those children are born or they are kept in a children's home. That is the present factual position so far as the children are concerned.

SHRI H. D. RAJAH (Madras): Sir, this Bill, which seeks to extend the life of this Act by another year, must be conditioned upon certain other factors and not only the factors which were enumerated by our Minister. I am in full sympathy with the idea behind it. But I would like to know from the Minister as to how many more persons are supposed to have been abducted and still unrecovered and kept in the respective countries, whether this Government has data and whether those in this country have registered their number of abducted persons. This House should be taken into full confidence by the Minister, which he has not done. My point is again, that from 1947 to 1954, seven years have, elapsed. These so-called abducted persons in their respective

countries have been, I presume, leading a normal life. By extending this Act, are you trying to disrupt that normal life or are you recovering these persons on the basis of their own applications to the respective Governments? You say that this is to be considered more on a humanitarian basis than on any other political footing. But politics are the foundation of these troubles. I am really at a loss to know why we should be so chary about the number of persons of Indian origin who have been abducted and still kept in Pakistan. I wish to have an answer categorically from the Minister as to what data he has got. how many of us are still left there, and what steps you have been taking to influence the Pakistan Government to recover those people and send them back to us. I would also like to know whether you have got a register of people who are still to be recovered from Pakistan or whether they have been converted to another faith. You do not give this House any information on vital points.

"You come with an Act; you request this House; you pass this; you pass

•that and are done with it. We are not

prepared to accept your contentions. We should be fully informed about the nature, the extent, the details connected with this Act, the working of the Act, a report in connection with the Act, and all those things must be placed before this House.

Now, our hon. Minister was good enough to give us certain figures so far as the persons collected here and sent to Pakistan are concerned. But you must have a register of people who have been abducted in Pakistan and who are still in that country. What have you done for them? How many of them are still there according to your data? Have you given those figures? Therefore, it is better that you collect and give us more data with regard to the persons who are still in the other country and the number of persons, according to you, who are still in our country to be recovered.

Seven years is not a small period. As our hon. Minister himself has said, we are now entering into a complex problem of life. An abducted person, with three or four children, in this country, has to be compulsorily restored to a person on the other side of the border, who perhaps might have already got three or four wives, according to the *Shariyat*. In this country I know in a secular State, we will be still recovering and taking hold of that lady who is an abducted person and will hand her over as the fourth wife again. On the other hand, our people, who are still there and who have been taken and kept there, are not even in a position to make a representation to our country in a proper way even if they have to come back. I presume that so far as our people in that country are concerned, they have been victimized not only with regard to the question of abduction but even with regard to their change of faith. Have you got any data? Now, I want you to give the statement to this House telling that so many are still there. It is not merely a matter of humanitarian consideration, but it is a matter of political expediency. And have

we made representations to the Pakistan Government to see that all of them are collected and given back to us? If you show such a statement, we will be all with you; we shall help you and see that your demand is reinforced by popular public opinion. But you are fighting shy of it. I do not want to be accusing you of a chicken-hearted temperament. Whenever a question with regard to Pakistan arises, you people are mellowed down. Your heart is beating like a chicken's heart. You do not have a strong heart. I say shame upon you. You are not worthy of a Government who can put demands on a reasonable basis to the neighbour who has not reciprocated your action. I want, my Government, our Government, to deal with the problem in a stronger way, in a proper way. If that is done, we are all with you and will vote for this Bill.

SHRI H. P. SAKSENA: It was my privilege to say what I had to say in reply to what the hon. Minister said, but my hon. friend intervened. I treated the subject purely as a matter for the Rehabilitation Ministry. If the hon. Minister came out in a different form and in disguise for the Rehabilitation Minister, it was not my fault that I committed a mistake.

Now, I thank the hon. Minister for supplying me with some facts and figures, but my conscience is not yet satisfied. I wanted to have so many things in clarification of the provisions of this Bill. We are asked to extend the life of the Act; for what purpose? It is mentioned under 'Objects and Reasons' only in a very brief form. My hon. friend, Mr. Rajah, has raised some specific points on which information is needed. The Minister has given us the figure of eight thousand and odd abducted persons restored to us by Pakistan. I have forgotten the number that he has given of the other side. Will he kindly give it?

SHRI H. P. SAKSENA: Sir, I express my extreme dissatisfaction with the manner in which this Bill has been placed before us. I do not find the Minister in charge of the Rehabilitation Ministry here in the House. He is not here to give us any figures. Nothing of the sort. Nothing has been supplied to us.

SARDAR SWARAN SINGH: I am entirely in the hands of the House.

PROF. G. RANGA (Andhra): You can give the answer at the end.

SHRI P. SUNDARAYYA: Has the hon. Member finished his speech?

SARDAR SWARAN SINGH: On a point of explanation, Sir, This problem has got nothing to do with the Rehabilitation Ministry; External Affairs Ministry is handling it and the Minister in charge is here in the Council and I am also present here. So, whatever information is necessary, that will be given. My hon. friend, Mr. Ranga, wanted information on many aspects. Now I want to know as to what he is asking for. What is the information he is now seeking?

MR. DEPUTY CHAIRMAN: He has finished.

SHRI H. P. SAKSENA: I have not got the figures of the persons who have been returned by India to Pakistan.

MR. DEPUTY CHAIRMAN: He has given the figures.

SHRI P. SUNDARAYYA: Mr. Deputy Chairman, this Act again comes up for another extension for another fifteen months. This also came last year for extension.

SHRI B. K. P. SINHA: Mr. Deputy Chairman, I object to the manner in which this information is given.

SARDAR SWARAN SINGH: For one year.

MR. DEPUTY CHAIRMAN: Mr. Sinha, if you want explanation on this point, this can be given later. Let Mr. Saksena continue.

SHRI P. SUNDARAYYA: At that time there was a long debate on that. Many Members on both sides of this House, not only in this House but also in the whole of our Parliament, were concerned to know as to why the Government wanted to continue this agony.

SARDAR SWARAN SINGH: Agony?

SHRI P. SUNDARAYYA: Yes, agony, certainly. It is not a question concerning the Opposition and the Congress Party alone. Members on both sides put that question, not out of any political consideration. I do not agree with my friend, Mr. H. D. Rajah, when he says that we have to negotiate with Pakistan either by strength or by other means. It is not a question of bargaining. Even last year we did not approach this question in any spirit of bargaining. I remember well that last year, Members on both sides appealed to the Government to consider very seriously and very soberly whether this extension was necessary, whether this was even in the interests of the abducted persons themselves either in this country or in the other country. At that time—I cannot be sure about it—I do not say an assurance but an answer was given to us that the Government also was anxious to see that this Department finished its job as early as possible, and some kind of impression was conveyed to us that that would be the last extension. But again after a year we find the same Act coming up for an extension of fifteen months. This is not a Government *versus* Opposition question. It is now seven years. I am not at all bothered whether Pakistan has sent back more or we have sent back more, whether Pakistan has returned only 40 per cent, of the persons we have returned. I am not bargaining like that. We are not here to bargain in human lives. It is not that I am asking. After seven years, to the abducted persons—mostly women—children have born. And after seven years of living with their so-called captors—let us take it even as six years—as husbands and wives, do you

think that the psychology—human psychology—of these persons would be such that they would be anxious to return to their old conditions? Of course, to start with, it was forcible, which was very inhuman and heinous. Initially, they would have hated their miserable life—I can concede it. But will not these long seven years make ordinary human beings reconcile themselves to their new lives? If it is so, why should this Act come up for extension year after year? I do not know for how many years more you want to keep on these things. Why do you want to continue this and sprinkle chilli-powder on wounded hearts? For how many years do you want to continue doing this? If we take life as normal and human in which people get accustomed and reconciled to things after some time, why should we continue this? Is it not necessary for the Government to end this thing and not again bring it year after year saying that there are still abducted persons here and abducted persons there and, therefore, they should continue this? Last year, the Minister concerned said that, in the normal course, they were not forcibly taking or restoring any woman merely because she was an abducted woman, and that it was only after very careful enquiry and finding out that she was really anxious to go back, that she was restored to her old relatives. After seven years? Last year, it was six years, this year it is seven years and next year, it will be eight years. That was the claim made by the officials of the Department and the Minister also at that time. That claim was challenged by a number of Members in both the Houses. How far is that statement correct? Again, we are faced with the same problem. In these years, they have borne children. The Minister himself said just now that, in most cases, it was not one child but more than one child. It may be two or more. It is said that only those of them who want to go back would be recovered and restored. It is also said that most of them do not want to take their children with them. They want to leave their children be-

mna ana go aione. This is an unheard of thing. How can the Minister or anybody believe that a mother who has given birth to a child, under whatever conditions it may be—I know of many cases where women, who have borne children even after rape, do not hate their children; in fact, they hug them—would like to leave her children behind and go alone? This is an astonishing statement from the Minister. This is something fishy. It is something beyond me to imagine that a mother would leave her children and would like to go alone. It is beyond our imagination, how it could happen. We can think of only one answer that the mothers want to go away leaving the children under compulsion or some other mysterious reasons for which we cannot find an answer. I can understand a mother being fed up with the social life here or the treatment given here or even fed up with the captor with whom she was forced to live. When she wants to go back hoping that better life would be there among her circles or people, among whom she had been brought up from childhood before she was captured, at least she would demand that her children are taken along with her. But that is not what is happening. She is prepared to leave the children here and go there, which is something which beats our imagination. On the top of it, there were a number of cases before the various courts filed by women, who had been recovered and whom the Government wanted to send back to Pakistan. We have heard of three or four such cases only, and it was for the Minister to have come and given the exact number of such cases. The women had filed the cases saying that they had been forcibly taken away from their families and that they should be restored back. I do not know how many such cases are there. Recently, I have seen in the Press that the Government has come with a proposal to change the rules for handing over the captured persons from this country to Pakistan, which shows that there had been earlier some compulsion in spite of the express wishes of these recovered women to

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remain with their husbands or captors. As far as I remember, the Press report says that the Government has decided that they have to take into consideration the will of the woman and that only if she gives her assent, she would be sent. On that there were some controversies with the officials of Pakistan government and ultimately after our explaining the stand—it was reported—the Pakistan officials also agreed to this amendment. Now it is the duty of the Minister to enlighten us as to the actual procedure because they have to keep in mind the criticism which we made last time—which Members from both sides made—and try to convince us that this was necessary at all. The Minister has not only not done it, but has, in fact, come with a bare statement, as if it is a casual thing, that after all for seven years it existed and so why not let it exist for another 15 months. This kind of thing is not really the way in which we are to treat this problem. As such, do you want us to continue this agony and vote with you in extending this Bill? You say that it is an agreement between Pakistan and us and therefore, naturally, we cannot repudiate that agreement, and the Pakistan Government also has extended or agreed to extend the law in their country for another year or 15 months and so let us also extend it. Is that an argument before us? Why should not we take it up with the Pakistan Government and say, "Now it is too long, seven years are over, and let us be done with it"? If it had not been possible for either this Government or Pakistan to recover these unfortunate victims for seven years it is no use now trying to open up old wounds. As such, it is very difficult for us to support this Bill. And I would appeal to the Government—of course, Government has a majority and naturally will carry this Bill as it usually does—not to do so. Do you want to continue it? Is it not now time for us to let things cool down? Let me not be misunderstood; I am not bargaining that we are sending 20,000 women and Pakistan has re-

[Shri P. Sundarayya.] covered only 8,000 and, therefore, we should not send any woman till Pakistan sends all women.

SHRI GOVINDA REDDY (Mysore): You do not mind leaving them there.

SHRI P. SUNDARAYYA: You have not followed what I have been arguing for the last fifteen minutes. I was saying that when these women had been there for seven years, let them be in Pakistan or anywhere.

SHRI GOVINDA REDDY: That is what I say.

SHRI P. SUNDARAYYA: If you want me to say it. I will say that you will be incapable of recovering any woman from Pakistan and that has been proved by the record. I did not want to say that. Do not say that we are anxious to leave the women there, as if you are the only people who are anxious to safeguard the honour of our womanhood.....

SHRI GOVINDA REDDY: I only wanted to know your opinion.

SHRI P. SUNDARAYYA: ... as if we are not anxious to guard and protect the honour of womanhood and you are the only people prepared to stand up to the honour of womanhood. Do not claim that thing only for yourself.

SHRI GOVINDA REDDY: I did not lay claim to it. On the other hand, the hon. Member said that it is all nonsense to recover these women now. "You have been unable to recover them for seven years and so why bother about them?", that is what he said. I wanted to understand him clearly.

SHRI P. SUNDARAYYA: I cannot make him.....

SHRI H. D. RAJAH: I suppose he is speaking in English which Mr. Reddy understands.

SHRI P. SUNDARAYYA: I cannot make or put more sense in the hon. Member. All that I had to say is this. If this is the way in which he understands this, then I cannot help him and nobody can help him in this world. My only appeal to the Government is this. It is not a question of leaving our women there or keeping Pakistani women here. They are women after all. They have been living like this for seven years. Why do you want these matters again to be raked up and why do you allow your Police to poke their nose in the affairs of these women after seven years? You were incapable of recovering them' all these seven years in spite of your laws and appeals to the people. The time has come to stop this thing and not allow your Department and the Police to go on poking their nose in every individual home on some ground or other and create trouble. It is from that angle that I appeal to the Government to consider seriously whether it is worth while to prolong these things. Please open negotiations with the Pakistan Government and say that both of you have failed and that seven years are long enough and, therefore, let us end this matter here. Let us try to heal up the wounds and not open them up. With that view, I appeal to the Minister to kindly reconsider the matter and withdraw this Bill from this House and take up the matter with the Pakistan Government and with their own officials.

SHRI S. MAHANTY (Orissa): Mr. Deputy Chairman, I rise to oppose this Bill. The hon. Minister appealed to us to consider this piece of measure in a humanitarian spirit, and in that spirit alone, I consider this Bill does not deserve our support for one reason alone that it opens up a gaping wound in thousands of hearts which are in the process of being healed up. What right has this Government to tear up women from the surroundings to which they have become adjusted? I ask, "Is our Hindu society willing to receive them with the honour that they deserve?" No

O P. M.

I have heard stories of some abducted women, who had been recovered and brought back to India, having committed suicide, owing to certain foolish notions of our society. Without changing these notions how dare you suggest that we should recover the abducted women and then bring them over here, from the frying pan to the fire? That is indeed inhuman. And then again, on the admission of the Minister himself, in most cases these women leave behind them their children. As Mr. Sundarayya said just now, this is a most unnatural phenomenon and if they have been constrained to do so, they have done it under force of circumstances. I do not desire this •to be perpetrated.

The hon. Minister has done well to give us the figures of the abducted women, who have been recovered in India and in Pakistan. But my complaint is that we are not being supplied with a report of this particular Department. We do not know what has been the financial implications of this abducted women's recovery organisation functioning under the Government of India.

MR. DEPUTY CHAIRMAN: He has given the figures.

SARDAR SWARAN SINGH: I gave the figures. Probably my hon. friend was not present then.

SHRI S. MAHANTY: I am sorry. But what I venture to think is that the results have not been commensurate with the amount that has been spent. Moreover, serious complaints have been heard against the head of this recovery organisation in India. I do not want to bring here any personal charges; but all the same I must state that very serious allegations have been heard and we do not know what is the.....

PROF. G. RANGA: About what?

SHRI H. D. RAJAH: What is the allegation?

SHRI S. MAHANTY: Various allegations have been made to the effect that the person or persons connected with this organisation were working as foreign agents or spies. But I do not know whether the Government of India have thought it fit to institute an enquiry into that matter or not. You may have your personal feelings or relations with any one, but let not that come into the picture of the administration. Let the Government of India be not the place to give your own favourites certain prizes, however much they may deserve it.

I do not wish to speak anything more on this most inhuman Bill, for this reason alone at least, that this brings back many sad tales to my memory and is liable to make us sentimental.

SHRIMATI LILAVATI MUNSHI (Bombay): Sir, last year I spoke on this matter when it came before this House. This time also, exactly after one year, the same Bill has come and the hon. Minister has asked us to look at it from the humanitarian point of view and not from the political point of view. Exactly that is the reason, why I am standing up here to speak, because we also want this question to be looked at from the humanitarian point of view and not from the political point of view.

It has already been urged here that seven years have elapsed and these abducted women—most of them—must be having children, not one but many. They may be either Hindus or Muslim* and they may be either in India or in Pakistan. I am not considering that aspect of the question. But the question is this. She has lived in a house for all these seven years and formed new ties. She may have children. In these circumstances, you take her out, you uproot her from that home, and what do you give her in return? Do you give her respectability? No. A new home? No. Children? No, they are left behind on the other side in many cases. Is she a welcome person in the house into which she is brought

[Shrimati Lilavati Munshi.] back? In many cases she is not. She may marry again if somebody is good enough to marry her or she may do something else. In such cases, I do not know what they do in such circumstances. You uproot them from the homes in which they have been living for the past seven years. You upset her whole life. And you say you are doing something hurnaai-tarian. But I do not understand what aspect of humanitarian work this is. The question of children also is there. As has been pointed out, in most cases, they are left behind with the abductors. In some cases, they are brought back here and then put into children's homes where they have neither a father nor a mother to look after them. That also is not a desirable thing. After all, whatever sort of a home it may be, it is one's own home and there is a father or a mother who looks after the child. If you leave the child with the abductor it is bad enough because it is separated from the mother. If you put the child in an asylum, then also it is bad for him, bad for his growth, for his future and bad for his happiness. It is bad for the mother and the father as well.

Well, this is a question of women. Women are not chattels to be given to one person or to the other. We know that at that time there was a great tragedy and a great many number of women had to go there and a great many had to come here. Of course, if any woman wants to go back, or if she wants to be thus rescued, by all means, help her. There is no doubt that such women should be helped and sent back to their homes. Whether their people are willing or unwilling to take them back is a different question; but she goes back with her own free will. But in a number of cases she is not a willing party who wants to be rescued. She may be a willing party in some cases, but *not* in every case and yet you just uproot her. You take her out forcibly and then put her in some camp. It has just been mentioned that from here she can go wherever she likes, that she can choose with her own free

will. But, first of all, let us understand the circumstances. Many women are ignorant. They do not know what the law is. They are too frightened to do anything about themselves. They have no home, because the homes, where they were, have been broken up and they are brought in a camp. In a camp a woman is in unfamiliar surroundings. She is surrounded by officials. She is asked where she would like to go. She does not know whether she will be taken back into her original home. Under such circumstances, she does not know what to do, and it is very difficult for her to exercise her free choice.

Then again, somehow there is a feeling in the minds of many that in order to run this Department, this work is being kept on.

SHRI H. D. RAJAH: You are correct.

SHRIMATI LILAVATI MUNSHI: I do not know. About Rs. 10 lakhs are being spent on this. If you want to run this Department, I will show you how to run it on correct lines, that is, you should run it for every woman who is abducted. As we all know, there are thousands of women in this country, who are year after year uprooted, who are abducted from their homes, maybe that they are led astray by somebody, or maybe " that they leave their homes for economic reasons and then they are turned into prostitutes. If we are a Welfare State, why should we not run this Department for the benefit of all such unfortunate women? Then we can say that we are really helping women. That is the humanitarian point of view, because you are really helping women.

SARDAR SWARAN SINGH: May I assure Mrs. Munshi that we are not running it for the fun of running a Department?

SHRI H. D. RAJAH: That is the suspicion.

MR. DEPUTY CHAIRMAN: Order. order.

SHRIMATI LILAVATI MUNSHI: I merely mentioned what people say. I do not say that it is correct.

SARDAR SWARAN SINGH: You should accept it when I say it.

SHRIMATI LILAVATI MUNSHI: I accept it but because the Members are expected to give information of what is said about a particular matter, I am passing it on to you.

Government is very anxious to help women. There is no doubt about it. There is the Social Welfare Board which is, particularly, set up to help women and children. If you ask every woman Member of the House, you will find that all of us are interested in a question of this kind. But what have we done? Why are we persisting in disrupting homes when people are unwilling to come out? Why do we not help those who can be helped, who can be put back in life as respectable citizens in our land and who can be very useful citizens?

There are many arguments, one can advance, about children. I do not want to put any vehemence nor do I want to appeal. There is no question of appeal, because after all the Minister must be feeling that it is the right course that he is pursuing and whether somebody appeals to him or not, he must pursue, if it is a right course. But here is a suggestion, you may keep in mind. You may keep as *one* of the objectives the helping of abducted women who want to be helped and who want to be brought out. At the same time, you extend the scope of the Department and help other women who are in need of help. That will be rendering a great service to womenkind.

PROF. G. RANGA: Much worse.

SHRIMATI LILAVATI MUNSHI: No; I was in jail myself three times and I know of many women who, for economic reasons, follow this kind of profession and become prostitutes. Many hill district women. I know, are married ostensibly, taken to Calcutta or

ueihi or such other places and sold. They cannot get out of it and ultimately get used to that kind of life. If they are helped in the beginning, certainly they could be rescued and set up as respectable citizens.

This is a work in which I am very much interested. I know that our Government also is very much interested because in the Five Year Plan the subject of women and children is also dealt with. This Department can render real service to women by including all women, abducted or willingly going out with somebody and ultimately finding themselves in the streets. All sorts of women can be helped. This is the suggestion that I have to make and I hope you will consider it and adopt it, if possible.

PROF. G. RANGA: Mr. Deputy Chairman, I am in agreement with what fell from the lips of my hon. sister, Mrs. Munshi, excepting the last suggestion. I am not at all in favour of extending the operations of this wonderful Department so that it might be able to create much more misery in many more homes than it is capable of doing now. If women, other than those who had been abducted during that holocaust, are to be saved then I would prefer that the Social Welfare Board takes up that function rather than that that function should be entrusted to this Department that has come into existence.

I am in agreement with the point of view raised before this House that since it is now seven years after these unfortunate women have come to be taken into their new homes—and they have come to settle down there—it would not be a human thing, indeed it would be inhuman in most cases, to try to disturb them, to create this challenge all the time to their new husbands, to their new relatives, that any one of these days these women are likely to be espied by somebody else and are likely to be taken away and that, therefore, they should be kept in strict seclusion as if they are prisoners, they are suspects and they are

[Prof. G. Ranga.]

people who are likely to run away or fly away. It is difficult for anybody to imagine the misery of these women under the constant challenge of this Department. What must be their fate? What must be their social position? Could they possibly be enjoying any kind of freedom at all in their new homes, any security of tenure of life or any security of happiness? Now, why should we continue this terrible stigma for them, this trouble and this challenge? Why should we keep the Damocles' sword hanging over them and for how long are we going to do it?

It was, I think, Swami Rama Tirth, who said that every one's body comes to be made up of new cells once in every seven years.

SARDAR SWARAN SINGH: Do you believe it?

PROF. G. RANGA: He said that on the basis of what the scientists themselves had said. He was not some of the *Naga* or *Nanga Swamis*.

SHRI H. D. RAJAH: '*Nanaa*' is better.

PROF. G. RANGA: He was a first class mathematics graduate and he mentioned what the scientists themselves had said. Here are these women, who have been there in their new homes for the last seven years and you want to keep this Damocles' sword hanging over them. There is very much force in the suggestion made by Mrs. Munshi that you must leave it to them; such of those who are still anxious to go back to their earlier homes—whether they have their husbands on that side or not—should fiend their request to the Social Welfare Board or even to this Department, if you are so minded to keep this wonderful Department in being. It and when they do send in their request, you may extend your hand of friendship to them or help them but why should you keep your agents to koerj a watch over these people, bur-

row into areas, social crevices, in order to catch hold of them? If it had been in the earlier days, there would have been some justification for it and that is the reason why all these years I did not raise my voice, and I am rising today in my seat to raise, my voice against continuing this method because it is already more than seven years, too long a period, apart from the other idea that we are unable to get back our own women while we are obliged to send back women from this side. There is some force in the other idea too; let us not fight shy of it. Mr. Rajah was- not wrong in advancing that view. Was it not a fact that our own representative conferred with the representative of Pakistan over this matter of mutual exchange or, rather, reciprocal exchange of these ladies? Why did we do it then? We did it not this way that "you give one woman, we will return another". No, but it was, first of all, a gentleman's understanding and, later on, an agreement, "you try your best, your honest best to send away the abducted women here and we also would do the same". It went on for some time as merely a gentleman's agreement. Later on, it came to be put down in writing and the third stage was reached when they wanted to enact a law like this. We were asked to enact it and we have had it all these years. The very reason, why it was not enacted as a sort of permanent piece of legislation on the Statute Book but as a temporary piece of legislation, was because they considered this matter to come to an end at some stage or other, earlier, if possible.

I wish to ask the Government to consider whether seven years is not a long enough period when they should be able to say: "All right then; let us stop this process now" instead of, under this Bill, catching hold of them, as it were, and then bringing them over into these camps and then subjecting them to an examination by your psychiatrists and then deciding whether they should be sent away or not. Mr. Sundarayya drew our attention to

the inhuman side of these women having to decide upon giving up their children born here and then going over there. We all know how these children are likely to be treated on the other side. We have had some taste of it in the past, the manner in which our people were treated on the other side. It is quite possible that these women mothers, as they are, can better understand what might be in store for these children than we can, because they had had some experience of those families on the other side before they were abducted. So naturally they might be thinking that there would be kindly feeling towards their children and so leave them here in spite of the pangs that such separation would be causing them than to take them over along with them, although it would be more human for them to take them with themselves.

Now considering all these things, I would like the Government to take the earliest possible opportunity of taking whatever action would come to be possible for them, constitutionally or rather diplomatically, in order to end this misery. I can easily imagine how difficult it would be, from a diplomatic point of view, straightaway for the Government to say: "We agree with you; we are not going to continue this Act" because this Act has arisen out of an agreement that they reached with the other Government. Therefore, I possibly, they have got to keep it on until they are able, first of all, to discuss it with the representatives of the other Government and when they fail to reach any agreement at all, give them fair notice of our intention not to continue this piece of legislation any longer on the Statute Book. I can imagine all these difficulties, but then is there nothing else for the Government to do? Would it not be possible for them to administer and to prune this overgrown Department? Let my hon. friend look into the manner in which this Department has gone on growing, and see whether it is still growing or whether there has been any sort of effort made, from year to year.

in order to reduce our expenditure and the number of people who have been employed on its rolls and so on, whether they cannot possibly prune this Department and see to it that this Department would function more as an advisory body than as a punitive body, a police body or a C.I.D. body and a coercive body, whether this Department could not possibly be abandoned as a Department and its functions be handed over to the Social Welfare Board and so on. In the meanwhile, while they go on making these efforts, I would like the Government to take up this matter at the earliest opportunity with the representatives of the other Government and discuss this matter with them, place the views of this House and, I dare say, of the other House also, frankly before them and then tell them: "Look here, it is impossible for us to continue it any longer. It will not be possible for us to approach Parliament again and again for continuation of this Act. You know your own performance and we know our performance best too." Therefore, I think, it should be possible for them to put an end to this kind of social coercion and cruelty even though they may be obliged to keep it on the Statute Book for some time longer. It is only in that conditional manner, rather in this helpless manner, I am obliged to say: I cannot straightaway oppose this Bill and at the same time I am not in favour of this Bill.

SHRI P. SUNDARAYYA: I am only making a suggestion to the hon. Minister that instead of seeking to extend the life of the Act up to the 31st May 1955, he can have it extended by this amending Bill till, say June or October of this year, so that the Government might carry on negotiations with Pakistan in the meantime, and if it was thought necessary, as a result of the negotiations with Pakistan that the Act should be further extended, he might bring another amending Bill at the proper time.

SARDAR SWARAN SINGH: We are not thinking on the lines of diplomat-

L&araar Swaran bmgh.j ic negotiations in regard to this mat ter. We are doing this work on social and humanitarian grounds.

SHRI GOVINDA REDDY: Sir, the objections to this Bill and to the very Act itself are two. One is: "It is now seven years past since the women were abducted and the very fact that you have now come here for the extension of the life of this Act shows that you have not been able to recover fully all the abducted women and, therefore, what is the use of continuing this Act?" The other is; 'Our women having been compelled to live for such a long time as seven years, away from their kith and kin, with unknown people, it should be presumed that they have reconciled themselves to their sad fate and to their new circumstances, that they are happy there and that separating them from those "households would be a cruel act towards them and therefore, why do you disrupt their homes?"

The logic underlying these two arguments seems to me to be very curious. Let us take the first point. Mr. Sundarayya, in a very excited mood said: "You cannot do it. You have not been able to relieve them and so why do you want to extend the life of the Act?" Well, people are taken away by force by stronger people and sold as slaves. The argument when stretched would come to this: "You are helpless to release them. Why do you make attempts to release them?" Well, our nationals in South Africa are suffering from racial oppression. Our nationals in Ceylon are suffering and our nationals in foreign settlements in India are suffering. As anybody can see, we are helpless in these cases. But are not hon. Members asking the Government to take steps to redress their grievances and sufferings in those parts and to relieve them of their distress? I do not suppose our friends would certainly believe in such a heartless argument, as this, in the case of abducted persons. We all know, under what circum-

I tances these women were kidnapped. These were not like the stray cares of women being abducted here and there in the country, as was referred to by Mrs. Munshi. This was mass scale abduction and, therefore, the Government of the country had to attend to it. I do not think that they seriously contend that the Government should not have made any attempt to recover them.

PROF. G. RANGA: YOU have maae them already.

SHRI GOVINDA REDDY: We have made them. Supposing it is possible even now to recover them, should not the nation make an attempt to recover them? I think this matter should be left to the Government to decide. Of course, it is a long period no doubt and the ordinary presumption would be: "When you have not been able to recover all of them even within such a long time, you may not be able to recover at all" There is that presumption. There would be nothing wrong in entertaining that presumption. But it is a matter which should be left to the Government to decide. If the Government feels that they are still capable of recovering some, well, nothing should come in the way of their doing it.

The second objection is that we should presuppose that because they have lived for such a long time with an unwelcome partner, they ore reconciled to this fate and that they are happy there. Well, I do not suppose anybody would concede this argument When one is not permitted to come away from that man, from that country, when one is forced to remain there, one is helpless. What can she do? How do you know that she is unwilling to come away? It is only when the authorities ascertain that they are willing to go that they will be able to recover them. Unless an attempt is made to find out where the *?oman is, what her intentions are, how can we know that people are quite happy

there? So for this purpose at least the Government should make an attempt and, therefore, for this purpose at least the Act should be there. And naturally the Department should be I there. To put forward the view that* because they have lived for such a long time there that we would be disrupting their happy family if we tried to recover them is an unwarranted supposition. As we all know, we iruy presume that most of these forced unions are not happy. It U force of circumstances that makes them live with them and it is the denial of liberty that is making i them live with them. And who should judge it? Not we, sitting here. Those authorities who go there and find out these relations, it is they who are in a better position to judge. Therefore, the argument that this scheme should be given for these supposed reasons is, in my opinion, quite fallacious. I agree with many of the hon. Members that the Department has not placed the relevant facts before us. In fact, this is not the first time that such a request has been made to the Government. We should know how this Department is working. We should know how many have been recovered month by month, under what circumstances, how the authorities are administer ing this Act and all that. These are all relevant facts which this House should know. It is as the hon. Minister was saying, a human matter. We have to look at this Bill from a human point of view and, therefore, we are all the more concerned to know how this Department has been able to function. There are wild allegations against those who are in this Department. Without authority I cannot mention them here, but there are wild allegations which most of us have heard. Well, the Government should see that this Department functions faultlessly. At any rate, after this long lapse of time this Department should, in my opinion, be reduced to the absolute minimum, and where, after ascertaining the wishes of the woman, they find that the woman is reconciled to her fate '.

and is willing to stay on, in my opinion, she should be allowed to stay on. In these matters, the Government are the best judges. Although they have not taken the House into confidence and have not placed all the facts before us, still we should leave the matter for them to decide. Therefore, I give my support to this Bill.

SHRI M. P. N. SINHA (Bihar): Sir, I am one of those.....

Mr. DEPUTY CHAIRMAN: Please do not repeat the arguments. If there are any new points, you may make them.

SHRI M. P. N. SINHA: If they will be as many as there are Members. Sir, this is the whole point. I am one of those people who supported this measure and thought that it was only meet and proper that this kind of action should be taken, but I am now convinced that after this long lapse of seven years, to continue this Act by giving it an extension is not proper. During these long seven years, they must have become reconciled. The women might have got children. Now to bring them back is not proper.

May I ask one question? How long are you going to keep this measure on the Statute Book?

MR. DEPUTY CHAIRMAN: I have to remind you that all these points have been already raised.

SHRI M. P. N. SINHA: No, Sir. I am asking a question.

MR. DEPUTY CHAIRMAN- There 's no use repeating the arguments.

SHRI M. P. N. SINHA: Then I want to ask another question. But then, Sir, I want to know, with due respect, whether you think that there will be 240 points in a measure to be argued here. That is for my guidance. I am a layman and a fool also perhaps, but I want to know whether it will be possible for all measures to have as many new points as there are Members in the House.

MR. DEPUTY CHAIRMAN: But that is no justification for repetition.

SHRI M. P. N. SINHA: Another point I want to know is whether the Government have in their possession any information or statistics about those women who have been rescued and sent back to the other country, whether they have been taken in the family from which they were abducted and whether they are treated there in the same manner as before. That is a very important point and I think it is a new point. The point is whether you are taking away the woman from a home which has now become to all intents and purposes her home and sending her to the other side of the border without knowing whether she will be taken in the family with good grace and whether she will be living there happily.

For example, I will ask the Government one thing. Supposing a woman was happily living and had one or two children also. She had made the new home her home. And suppose she was taken away and sent to the other side. The question is whether she feels happy about it or not. Have you any agency to find it out? If you have no agency, will you try with the other Government to find out by giving a list of those women who have been rescued and sent back whether they are happy and how many of them—what percentage—were taken in the old family? If you do this without being sure about the future of women whom you have rescued, then it is not proper. It is *gunah belazzat*. Today, there may be thousands who are leading an unhappy life. They are neither here nor there. So, I would urge upon the Government to find out through the same agency in the other country whether those who have been rescued and sent back forcibly or with their consent are now happy and satisfied with their life. So, I think that this *tama-sha* should be closed. Whatever has happened has happened. Many wrong things happen in this world; we should reconcile ourselves to them. We have done our best for the last seven years.

Otherwise, mere snoma De one ining If you want to measure the feeling of this House I would request the Government to leave the Members free. We are all hon. Members here;

we have got our own minds. Do not make it a

party question. Leave it to the House and see the result.

SYED MAZHAR IMAM (Bihar):

سید مظہر امام (بہار): کیپٹی

چیرمین صاحب - میں اس بل

(Bill) کے متعلق دو تین باتیں آپ کے

سامنے عرض کرنا چاہتا ہوں - ہمارے

بعض دوستوں نے یہ سوال اٹھایا ہے کہ

جو عورتیں یہاں سے پاکستان گئی ہیں

اور پاکستان سے یہاں آئی ہیں وہ

وہاں پر آرام کے ساتھ ہیں یا نہیں

مگر میں اس (measure) کو

اس نقطہ نظر سے دیکھتا ہوں کہ جن

لوگوں نے عورتوں کو اپنے پاس رکھا ہے

یا بھگایا ہے انہوں نے سوسائٹی (society)

کے ساتھ جرم کیا ہے - وہ اس بات کے

مجرم ہیں کہ انہوں نے جبراً کسی

عورت کو اپنے پاس رکھا ہے - اس لئے

سوسائٹی اور قانون کے ناطے انہوں نے

جرم کیا ہے اور وہ مجرم ہیں اس لئے

ایسے شخص کو اس بات کی اجازت

نہیں دی جانی چاہئے کہ وہ روپیہ

پیسے یا کسی اور صورت سے وہ کسی

عورت کو اپنے پاس رکھے - اگر وہ عورت

اس کے ساتھ رہنے کے لئے بھی تیار ہے

تو بھی سوسائٹی کو اس کے ساتھ رہنے

کی اجازت نہیں دینی چاہئے - اگر

اس طرح سے سوسائٹی کی طرف سے

قدم اٹھایا جائے تو آگے کے لئے کسی بھی

آدمی کو اس طرح کے کارروائی کرنے کی ہمت نہیں ہوگی - خواہ وہ پاکستان میں ہو یا ہندوستان میں - دونوں گورنمنٹوں نے اس مہاجر کو اختیار کیا ہے اور میں امید کرتا ہوں کہ اس قانون کو آگے بھی جاری رکھا جائے گا تاکہ جو عورتیں اس طرح سے دونوں ملکوں میں رہ گئی ہیں ان کو اپنے اپنے ملکوں میں لایا جاسکے - اور انکے عزیزوں سے ملایا جاسکے -

بعض لوگوں نے یہ بھی سوال اٹھایا ہے کہ اس طرح کی عورتوں کے پاکستان اور ہندوستان میں بچے ہو گئے ہیں اور ان کو اب نہیں لانا چاہئے - مگر مہاجر کہتا ہے کہ سوال یہ نہیں ہے کہ اگر ان کے بچے ہو گئے ہیں تو ان کو نہ لایا جائے بلکہ حقیقت یہ ہے کہ جب سوسائٹی کے اندر اس طرح کے جرم کئے جاتے ہیں تو اس کو سوسائٹی کو کبھی بھی برداشت نہیں کرنا چاہئے اور نہ اس کی اجازت دیلی چاہئے کہ وہ اس طرح کی عورتوں کے اپنے گھر میں رکھے -

دوسری بات جو مجھے عرض کرنی ہے وہ یہ ہے کہ ہمارے دوست مسٹر سندھیا نے ابھی کہا ہے کہ اس بل کو جاری ہونے سے سات سال گزر چکے ہیں کب تک اس کو اور آگے جاری رکھا جائے گا - تو مہاجر کہتا ہے کہ چارہ سات سال ہو جائیں یا چودہ سال ہو جائیں اس چہر کو تو جاری رکھنا ہی

چاہئے - اس طرح کے کام جلدی میں نہیں کئے جاسکتے ہیں اس کے لئے کافی وقت لگتا ہے اور صبر سے کام لینا پڑتا ہے - اس لئے جب تک اس طرح کی عورتوں کے لئے فری مومینٹ (free movement) کی اجازت نہیں دی جانی تب تک ان عورتوں کا پتہ نہیں چل سکے گا - اس بات کو سب تسلیم کرتے ہیں کہ یہ ایک پیچیدہ معاملہ ہے اور جس طرح سے یہ ڈیپارٹمنٹ (department) کام کر رہا ہے وہ قابل تعریف ہے - اس کام میں جلدی کا کوئی سوال نہیں ہے - میں تو اس کام کیلئے انکا کہہ سکتا ہوں کہ اس ڈیپارٹمنٹ نے بالخصوص مردوں سارا بائی نے جو خدمات اور کام کئے ہیں وہ بہت ہی قابل تحسین اور قابل مبارکباد ہیں - انہوں نے وہ کام کر دکھایا ہے جو دوسرا نہیں کر سکتا تھا - پاکستان و ہندوستان میں اکثر گھروں میں جا کر انہوں نے ان عورتوں کا پتہ لگایا یہ کوئی آسان کام نہیں ہے - حقیقت یہ ہے کہ انہوں نے اور اس ڈیپارٹمنٹ نے اب تک جو کچھ بھی اس سلسلہ میں کام کیا ہے وہ ایک اہم کام ہے اور قابل تعریف ہے اس کے لئے انہیں مبارکباد دی جانا چاہئے -

ان الفاظ کے ساتھ میں اس بل کی پوری تائید کرتا ہوں -

[For English translation, see Appendix VII, Annexure No. 30.]

SHRI H. C. MATHUR: Mr. Deputy Chairman, the casual and cursory manner, in which this Bill was placed before this House, very clearly indicated that the Government had given no thought whatsoever to the implications and repercussions of the measure which they have brought forward. It appears to me and I have no doubt, that it was absolutely in a routine manner that they just thought of bringing this measure for another year's extension. Knowing a little bit, as I do, how the administration is run, I feel that the people in charge of this organisation just submitted a report that the year was at a close and they must get the Act extended. And some routine negotiations and letters are exchanged without, as a matter of fact, realising what the implications of such measures are. I was left with no doubt about the routine manner in which I had been brought forward when the hon. Deputy Minister placed this Bill before this House without giving any facts, without giving any figures and without giving any justification, thinking it to be an absolutely routine matter. It was only when certain hon. Members in this House asked for certain facts and figures that these facts and figures were provided, and certainly, these facts and figures which have been provided are very disappointing. I hope the hon. Minister will take note of the fact that this is perhaps the first time that my friend, Mr. Sundarayya, representing the Communist Party, got the fullest support from Mrs. Munshi representing the Congress Party. I think it can be.....

SARDAR SWARAN SINGH: It is the other way round. This was Mrs. Munshi's stand last year and somehow Mr. Sundarayya.....

SHRI H. C. MATHUR: I would have no hesitation if it satisfies the hon. Minister to place Mrs. Munshi's name first and say that Mr. Sundarayya and Mrs. Munshi are together at least to day on this measure. And I have no hesitation in saying that if there has been any speech by Mr. Sundarayya with which I cent, per cent, agree, it is

his today's speech on this measure. I wish to repeat and request the hon. Minister to give a real consideration to the implications of this measure. I would not like to repeat all the arguments. It is not necessary to do so, and I do not want to take the time of the House. But I must state that if I oppose this Bill, it is absolutely on the humanitarian considerations. It is only from the facts provided by the hon. Minister that I know that in a preponderating majority, in an overwhelming majority, in most of the cases, the abducted women, who are sent back, leave their children behind. What does that indicate? I am not repeating that argument which has been made out in an exceedingly nice manner by Mr. Sundarayya and supported by Mr. Ranga. What I mean to say is this. Is it your humanitarian work to separate these children from their mothers? What is the result and the sum total of your action? The result of your action is that the children are separated from their mothers. Those mothers who have got a tender heart for their children and who are forced to go under a set of certain circumstances, leaving their children behind, go only as martyrs to face a still greater agony. I know that a very great agony had been inflicted on them. I know the set of circumstances and the force of circumstances under which they had been victimised. I have not the least doubt that if we could have recovered these women during the first year or during the second year, and if we could have found a better home and a better place for them, we would have certainly done some service.

Then, I have seen that Mr. Govinda Reddy never made a more puerile speech than he did today. And, he imported very strange analogies. He drew the analogy between the conditions of abducted women and the conditions of our brothers of Indian origin in Africa. What is that analogy? I cannot understand it. We will never stop asking for those atrocities to be stopped. We were deeply shocked, and we would never have hesitated to do anything to rescue our women and

to give them better homes and oeuor conditions, if we could. But what do we find? What happens today? It is the women whom you are going to tear away from a set up in which they have, unfortunately, been forced to live. They have not gone there of their own liking. I know it is a great crime that has been done, but unfortunately, we were helpless and we could not do anything to save them in the set of circumstances over which, in spite of our best efforts, possibly we had no control. Admit it and say that you have done your very best and that you have failed to do the fullest justice in these cases. If you have done your very best and if you have not been able to achieve the results, it is none of your fault. But now, to go on tinkering with the problem and giving a greater agony to the women, and still greater iy to the children, has no justification.

Another thing, which I would like the hon. Minister to explain is this. What was his impression when he came here last time with this Bill? Did he think that during this one year he was going to achieve the object and complete a certain part which had been left to be completed? Did he think that within one year's time he would be able to do what was left to be done and that nothing further would remain to be done? What has happened during this course of one year which he could not anticipate at that time and which necessitates him to bring forward this measure for another year's extension? We should definitely like to know the mind of the Government. We should like to know whether they want this Bill in perpetuity, and that perpetuity is to be satisfied by coming every year to this House, or this is the last time for which they have come. May we also know, whether all the actual facts are in possession of the hon. Minister? He has given us no facts and no figures about the mag- I nitude of the unfinished task. Let us know as to how many abducted women, according to his estimate, or according to his information, still remain on the other side, and whom he is anxi-

ous to rescue, ana ior wni.cn ne inuuu this organisation is justified in continuing. As a matter of fact, on principle, on humanitarian considerations and on any other consideration, I oppose this Bill—every part of this Bill. But if it is necessary to satisfy the diplomatic relations with Pakistan, there would be no objection to that. We are not going to be unreasonable. I do not know what the commitments of our Government with Pakistan are. But if the hon. Minister throws some more light on this point, we will be able to say what we think about it. So. I should like to know what the commitments of our Government are, what actually is in their mind and what actually is their basic policy and principle in this matter. Let us have at least some indication of how the mind of the Government is working in this matter. Thank you. Sir.

SHRI KISHEN CHAND: Mr. Deputy Chairman, hon. Members probably do not know the fact that up till now it was compulsory for any abducted woman, who was put in a camp, to be transferred to Pakistan, and the objection raised by hon. Members is against that compulsion. It has been pointed out that if a woman has settled down of her own will in a particular home, it is not right to break up that home and send her to Pakistan against her will. But this was the law so far. It is established beyond doubt that these women are going against thejr will by the fact that they leave their children behind, they do not take their children to Pakistan where they will not be welcomed. But now, in the present Bill, it has been made optional, and if you keep it optional on account of agreement with Pakistan, then this Bill becomes harmless and there is no need for this Bill. If any woman of her own will wants to go from India, she has to apply to the District Magistrate and she will be given fullest opportunity for going away from India. Why do you want this Department and why do you want this Bill. This Bill was only necessary when we had a clause of compulsion. The moment you remove this clause, the Bill becomes unnecessary. No-

[Shri Kishen Chand.] body can stop a woman, who wants to go away from India, against her will in this country, in particular if she points out that she is an abducted woman. The present method adopted so far of breaking up a home and taking away the woman forcibly and putting her in a camp with no other alternative except going to India or Pakistan was very unfair. I do not see any reason for this Bill to be moved, especially, When the option is there. I, therefore, suggest that this Bill may not be moved.

SARDAR SWARAN SINGH: Sir, I want to say at the outset that there was no intention on the part of any one to treat this matter in a casual manner. No Bill which is to be placed on the Statute Book and which is on the Order Paper of any Legislature can be regarded as a measure which is being treated in a casual manner. Then, again, one of the hon. friends over there from Rajasthan was pleased to say that it appears that the matter was dealt with in a more or less routine manner. I do not know why he should have that impression. In all these matters, particularly in matters where we have to go in for legislation, each case has to be considered in a number of Ministries with the utmost care and it is only when it is found absolutely necessary that a matter should be enacted that any particular measure is placed before any of the hon. Houses of Parliament. So I would say that it is a little unfair to suggest that a legislative measure is treated either in a routine manner or in a casual manner.

Then, again, it has been said that the facts and figures were not supplied. The hon. Members of this Council, the hon. Members of Parliament, are entitled to know all the facts, and, if I may say so, with the little experience that I have had of legislation and piloting thereof here and elsewhere, whenever any legislative measure is placed before the House, the person in charge is not supposed to give each and every fact, and if any points are made, he has to answer those points and it real-

ly becomes very difficult to know as to what are the particular aspects, and what are the particular facts and figures in which the hon. Members would be interested.

SHRI M. P. N. SINHA: Please answer it now.

SARDAR SWABAN SINGH: I will attempt to answer them in my humble way. I do not want to hit back at this very moment. But we are always reminded of our own duties, our failing here, or our lacking there. But this Act has been in operation for about a year. Most of the hon. Members have given thought to it, put forward their ideas, their views, which I greatly value. But during all this year, was any attempt made by any one of them by tabling a question here or by asking any information either on the floor of this House or outside?

SHRI B. C. GHOSE: Sir, on a point of order. This is unfair. If a Bill is brought forward, at least a report of the working of the organisation should have been supplied to the hon. Members.

SHRI H. D. RAJAH: If this Bill had been preceded by the report, we would have been much enlightened and much of the criticism would have been avoided.

MR. DEPUTY CHAIRMAN: Government never doubted your wisdom to support the Bill.

SHRI H. D. RAJAH: We are only making helpful criticism.

SARDAR SWARAN SINGH: I can not understand.....

SHRI B. C. GHOSE: That was an aspersion on the part of the Minister to say that Members have not asked questions and are therefore, not interested in this particular matter. That was not fair, Sir

SARDAR SWARAN SINGH: My friend is getting excited unnecessarily. But the point I am making is that any information which any of the hon. Members of Parliament wants to know is always available and so far as the

relevant figures are concerned about which some interest was shown from a section of this hon. House, though figures have been readily supplied. Now, I do not appreciate as to what remains by way of a ground of grievance on that score.

Then, the main objection has been, more or less, one of a procedural character and the other about the wisdom of continuing this enactment. Under the procedural head, I would group all those various points that have been raised in which attempts have been made to criticise the working of the Department. I want to reassure and repeat what I said earlier that it was nobody's intention merely to continue this enactment for running the Department. There are a very large number of Departments under this Government and it is no particular pleasure to have this small Department which is not really a Department as such but an organisation, which has grown, which was created to meet an abnormal situation and which is continuing to function and perform a very difficult and delicate task in very difficult circumstances. I expected that all sections of this hon. House would rather appreciate the good work done by the Department.

PROF. G. RANGA: We did all that on the previous occasions, my dear friend.

SARDAR SWARAN SINGH: Mr. Ranga was very generous.

SHRI S. MAHANTY: Who is the present head of this organisation?

SARDAR SWARAN SINGH: No question of any one. The Minister in charge is in overall charge of it. There is no question of an executive head of this organisation. Under the scheme no one need be the head of the organisation.

6 P.M.

SHRI M. S. RANAWAT (Rajasthan): Have you got any head of Department or not?

SARDAR SWARAN SINGH: I say that there is no Department as such. It is only an organisation. It consists of various wings, as I said earlier.

SHRI M. S. RANAWAT: You gave us some Wing Commanders' names.

SARDAR SWARAN SINGH: I do not have that military complex from which my hon. friend over there is suffering, who can think only in terms of Wing Commanders and the like. There might be humble servants without any title of 'Commander'. In this organisation there are various wings. Some of them are doing social work. Some of them are doing honorary work. The function of some of them is of a judicial character. Some are doing recovery work. There is no overall head. There should not be any overall head in a case of this nature. Co-ordination is done by the External Affairs Ministry.

SHRI M. S. RANAWAT: Can you give us some more names. You have only given us three or four names. We only want to understand what kind of people you are having.

SARDAR SWARAN SINGH: I fail to understand, even though I have given anxious consideration to this, as to how the principle of the Act or a motion for extension of its life, is linked up with the names of the various organisations or of the people who are in charge of those organisations. There is a Tribunal. There is a head of the Police. There is a high-powered officer. If my hon. friend is so inquisitive about the names, I can give them to him. Our head of the Tribunal is one Pandit Thakur Das. He and his opposite number on the other side decide cases of a judicial nature. Then we have got one in charge of recovery work. He is a Deputy Inspector General of Police of Punjab, an officer of the name of Kanwar Sham Singh, who is an LP. And then we have got another officer in the Ministry who co-ordinates all the work, any person of the status of Joint Secretary. I fail to understand all these suggestions and insinuations as if anything.

[Sardar Swaran Singh.] is being hidden behind these names. There is absolutely nothing of the kind. Now that this doubt on the question of Wing Commanders and others is dispelled. I hope that hon. friends will now view this problem in a calmer way.

My hon. friend, Mr. Ranga, for whom I have got the greatest respect and regard, appreciated the work of the Department last year but suddenly he has changed his feeling. I must say that he has not adduced any factual information before this hon. Council as to what has transpired during this year which has resulted in this Department incurring his displeasure.

PROF. G. RANGA: One more year.

SARDAR SWARAN SINGH: Now, during the last year, according to the figures that I gave at the commencement, the number of recoveries is larger, as compared with the earlier year. The number of cases that went to the court is smaller and of the cases that were taken to court, all were decided in favour of the organisation, which means that, even in cases where this matter was examined judicially, even in the High Courts, the steps taken by the organisation were upheld. I should have thought that with this record Mr. Ranga would not have changed the good opinion he had of this organisation on the last occasion, particularly when, as I have said, he did not say anything about what happened during this year, except his theoretical remark about the time factor, to which I am presently coming.

Therefore, so far as the working of the organisation is concerned, I want to place on record my deep appreciation of the very difficult and delicate task that has been done by all its various branches and I want to record a note of appreciation, particularly, with regard to the splendid work which has been done by the social workers most of whom are ladies and they have done work here in India and in Pakistan and their help in solving this difficult

and intricate problem has been of very great and immense value and the social workers from Pakistan also, some of whom are ladies, have done very good work both in the maintenance and running of camps as also in giving the clues and assisting generally in the matter of recoveries.

SHRI BASAPPA SHETTY (Mysore): Is it in Pakistan?

SARDAR SWARAN SINGH: Some of these ladies from Pakistan have been working even in India as in charge of the camps, lady doctors and others.....

SHRI H. D. RAJAH: Are Indian ladies working in Pakistan also conversely?

SARDAR SWARAN SINGH: They are. My hon. friends will not misunderstand me if I say with regard to most of these criticisms on the Question of lapse of time and the consequent reluctance that they naturally feel—most of these hon. Members are outstanding in their own ways—that I have a complaint that their approach to this problem is very theoretical. Quite naturally. Now, I am not bound by geographical considerations but Mr. Ranga is from Andhra. Mr. Sundarayya from Andhra or Hyderabad—I don't know from where.....

SEVERAL HON. MEMBERS: Andhra.

SARDAR SWARAN SINGH: But he has got his leg in Hyderabad also. Mr. Rajah from Madras. Mr. Mahanty from Orissa and there is my hon. friend from Hyderabad and also another from Bihar—every one of the hon. Members of this hon. Council is a very wise man, very wide awake man but this is a problem with which we in the North were faced, and this cannot be judged by the type of theoretical consideration which you are weighing in this matter because you do not know this aspect and merely because you see that six years or seven years have passed, you say "Now the time has come and we should stop; last month or so the time had not come". This is a

consideration very valid and quite natural; any man with an analytical mind, with a philosophical mind, with a theoretical mind is bound to react that way and I do not grudge that but I do beg that section of this hon. Council to weigh this problem not by this theory of limitation, not by judging the number of years that have passed, but by judging the results thereof. During last year we have restored 2,000 of these unfortunate women to their relatives in Pakistan. It is well to say whether we have actually pursued each of them to their various homes in all the various parts of Pakistan to find out whether they are happy or not. If there is no complaint—and we have got our organisation functioning there also—and in the absence of any such complaint, we, yourself and all of us can reasonably presume that they are more or less rehabilitated in the *new* homes to which they have gone. My hon. friend Mr. Rajah with his vehemence and eloquence wanted an assurance that the woman who is going back to the other side should go as the first wife and not as the second or third or fourth wife. It is very difficult for me or for anybody to assure him of that. Most of these unfortunate women were unmarried and perhaps they are still unmarried there living with their father or mother or cousins or uncles. Moreover, with all our progressive ideas, we ourselves have not been able to pass an enactment on our side to restrict the number of wives to one, two or three. We are still thinking over that matter and to expect a very high degree of puritanic approach from the other side that any woman that goes from here will go as the first wife whereas she could come here as the hundredth wife on this side is an argument which I cannot understand.

SHRI P. SUNDARAYYA: May I know from the hon. Minister whether he can give us one instance of a man having a hundred wives here? Apart from princes and others in olden days, is there any such instance now?

SARDAR SWARAN SINGH: I admit Sir, that I overstated my case. Let it 132 CSD.

be a second wife; even that is bad enough. I am only saying that to say that they can marry four wives and, therefore, the implication is that the women go as second or third wives and so on, is an argument which is not a very fair or valid argument, because there are considerations of equal importance prevailing in our own land and we cannot pick holes in the fabric of another country unless we have set our own house in perfect order. I may have overstated the argument by saying 100 wives, in the heat of the argument, but I know I should not be thus carried away, because to be carried away in the heat of the argument is the privilege of the other side.

Well, I was saying that so far as this question of the lapse of time is concerned, we cannot approach this problem from any point of limitation. And when I said that their approach is theoretical, I did not mean any affront to them, nor do I under-rate or under-estimate their wide knowledge of things and affairs of the world. But this particular problem with which this unfortunate country was faced in the wake of the partition was a peculiar problem, the solution of which cannot be found by the application of general logic or general principles or general theories. It is a special problem, complex in its nature, not easy of solution, having aspects on which there can be more than one point of view. Of course, I do not grudge anyone having his own point of view. But this is a problem which has to be judged not by theories, but by actual practice, and the figures that I have indicated at the beginning do amply justify that the work that they have done in very difficult and special circumstance is not such as can be easily brushed aside. Nearly 2,000 such women have been restored to the other side and between 300 to 400 persons are still in the camp and this shows that the problem does exist. And I would go a step further and say that in a case of this nature where the approach is to be humanitarian and social rather than legalistic or theoretical, even if there is only one woman who is being kept back against her

Lbardar Swaran bingh.J will, it is well worthwhile spending even crores of rupees to recover that woman and give her an opportunity so that she can freely exercise her will, and if she wants to be restored, she should be restored.

PROF. G. RANGA: Congratulations on your heroism.

SARDAR SWARAN SINGH: I am happy that from the unwilling lips of Prof. Ranga has leaked out this congratulation

I was saying that in a case of this nature, length of time, which is of very great importance in normal circumstances, loses all its significance if we examine all the background which I do not want to repeat, because all those circumstances are known to all the hon. Members. The fact is that a large number of women have been recovered from this side as well as from the other side. Here the number is 324 for one year, or roughly one woman every day. But we should never test this in terms of numbers. But the figures that I have given amply show that the problem is there and the proposals now before the House only amount to a continuation of the existing things, because the problem is still existing and it requires a solution. There are some unfortunate women who, when the various com-plex fears from which they are suffering, are removed, and when they are placed in a neutral home where they are permitted to hear and meet their relatives, would like to and be prepared to exercise their free will. If the woman feels that she should be restored and the tribunal decides that she should be thus restored¹, she is restored. This is a thing which is actually being administered and we cannot stop it simply because it is now six years or seven years since partition. It will be a very bold thing for anyone to say that seven years is long enough.

It may well be long enough and I am not really in conscience in a position to join issue with them if it is

only a question of theory but I have unfortunately the fact, before me where women have actually been recovered who wanted restoration to their families, both here and there. Therefore, we will be really doing a good turn to all our unfortunate women, whether Muslim or Hindu, by affording an opportunity where they can be restored, where they can go to neutral places and meet their relatives. Then, in a neutral and friendly atmosphere, the representatives of the two countries meet and decide as to what is in the best interests of the women and children and the decisions, by and large, are such which have not created any complex social problems as was the fear expressed by certain sections of this hon. House but have actually resulted in restoring happiness to a number of families. You have to imagine the case of an old mother and father whose daughter is left on the other side and, even after six or seven years, when she comes, you can imagine the amount of happiness, the amount of satisfaction brought into that family. That is the consideration which should weigh with the hon. Members of this House.

SHRI H. D. RAJAH: Sir, on a point of information.

MR. DEPUTY CHAIRMAN: Not at this stage.

SHRI H. D. RAJAH: Sir, I want to know whether this Bill is going to be extended next year. From the way in which the Minister has replied it looks like that.

SHRI H. C. MATHUR: I raised this particular matter in my speech.

MR. DEPUTY CHAIRMAN: If there is need, the Government will come before the House.

The question is:

"That the Bill further to amend the Abducted Persons (Recovery and Restoration) Act, 1949. be taken into consideration."

The motion was adopted.

whole of the last one year no Member from this side put even one single question to elicit information on this matter. I agree that we failed in our duty in this regard, but let me remind the hon. Minister that we do not have a secretariat of 50,000 employees to follow the day to day events of everything, and it is the duty of the Government, when it, at least, brings this question in the form of a Bill and asks our consent to it, to tell us how happy the women were. Of course, you cannot fully recover the abducted people as they are spread all over the country. Of course, you cannot find out every home in Pakistan, in which they are, to find how they are, but at least we can expect the Government, with its huge machinery, to find out how happy those 8,000 and odd women, who have returned back and whom we have been able to recover in our country, are. And if the Government had given us other information—I don't bother about statistical information—if they had produced before us the happy letters of the whole families, at least we would have some satisfaction that after all they have been accepted and at least some are happy. If that were the case, We would have thought that we are doing something good. Even that satisfaction is denied to us because the Government, in all its wisdom, thinks that they are the only persons that could understand this problem and that people coming from the South, from Bihar or from Hyderabad or from Bengal do not know anything about this.

The most amazing part of the hon. Minister's speech was when he said: "When the daughters, after six or seven years of separation, have been restored to their parents, you must see how happily the parents have welcomed them back, how happy the parents were to see their daughters to be back with them." I would humbly even now ask the Government: "Is the joy of the re-union on the part of the parents the main consideration on which you proceed, or is it the happiness of the abducted?"

the happiness of the abducted

Then he also said that the hon. Members were so much less interested in this matter, because during the

L&hn P. Sundarayya. J woman who is being removed from certain conditions and her future the main consideration?" I think everybody will agree with me that it is primarily—not only primarily but wholly—the happiness of the woman concerned and her future and not her parents. I would like to know if the women, who are being recovered, are really anxious to go and they have really chosen to go back. There may be certain cases, in which they really want to go, but that is not the point we are arguing. If the women are really anxious to go back to their own homes even after six or seven years, why do they leave their children back? They are leaving their children back because they know that they are going to lead not a life of happiness or of respect, but they are going from one tragedy to another tragedy. As such, though it may mean very great sacrifice on their part with all their motherly heart bleeding, still they are rather forced to keep their children back and go there with a little hope that at least they may be recognised by their people when they do not go back with any additional burden to the family apart from their own. It is all right, if they had gone back with their children. Naturally, every mother would surely like to take her children, but they know that they would be a great burden on the families and that their children would be treated much more badly and that is exactly why they are forced to give up their children. It is not a theoretical question. I do not imagine that. It is a humanitarian question. A man who has got any feelings will certainly accept that. When a mother leaves her children it is only under extreme duress, when there is no other go but to leave the children. Therefore, there is no use the Minister coming here and saying that on these issues there is no point in going by theory. We have got more practical experience on these than most of the hon. Members there. Not only Shrimati

Munshi, ask every woman Member on that side. Why did you not allow

mem 10 have me opportunity to speak? They would have told you Even now, give freedom to vote. Ask every Member either on the Congress side or on this side to vote freely. I do not mean to say it will not be passed. You may carry the Bill. I am not bothered about it. At least the Government will come to know how strongly the Members are feeling on this matter and what is the opinion of this House. A good chunk on both sides of the House feels that the earlier the whole thing is ended the better. In the course of my discussion, I made a suggestion to the hon. Minister to conclude a diplomatic deal on this issue with Pakistan. If it required time, take three months; take six months. But do not ask for 15 months to proceed with recoveries. If you have already entered into diplomatic negotiations, carry them on and settle the issue so that this may be ended. Even that, for some reason or other, is not acceptable to them. Now you have got the majority and if you use the whip you will get it all right. But still, I am not speaking on this from the political angle or from the party angle. This Bill may be passed here, but there is another House. There will be some more time before it comes up there for discussion. I even now appeal to the Government to take it up on human considerations and do that at least in that House if not here. I can understand, the hon. Minister on his own cannot do anything unless he consults the Cabinet. Certainly, I would request him to take it up in the Cabinet and bring forward an amendment in the other House that the period be extended only by three months or at the most another six months, by which time they can conclude an arrangement with the Pakistan Government so that the whole thing can be over and this sore can be left to heal. This is my last request and I hope the hon. Minister will consider it seriously and not jocularly brush it aside. If they continue to do it, it is not a question of wounding our feelings; it is a question of wounding the feelings of the whole of humanity, of every reasonable human being. At least on

these questions, be a little more considerate and humane and do the job for the sake of humanity.

SHRI H. P. SAKSENA: I want just to say one sentence at this stage.

MR. DEPUTY CHAIRMAN: Not at this stage. Are you opposing the Bill?

SHRI H. P. SAKSENA: No. I am supporting the Bill. In doing so I beg to submit that I was a victim of misunderstanding to which you also put your seal of acceptance. I had hardly opened my mouth and had just asked for some information, for certain facts and figures

MR. DEPUTY CHAIRMAN: Mr. Saksena, I asked you twice whether you had finished your speech and you said, 'yes'.

SHRI H. P. SAKSENA: All that I want to tell the Minister in charge...

MR. DEPUTY CHAIRMAN: I am very sorry.

SHRI H. P. SAKSENA: And I support the Bill simply because I know that even after 14 years of exile, abducted Seeta was brought back by Ram and, therefore, there is no harm if we continue this law for another 15 or 16 months.

MR. DEPUTY CHAIRMAN: The hon. Minister.

SHRI H. C. MATHUR: Mr. Deputy Chairman

MR. DEPUTY CHAIRMAN. I have just called the hon. Minister to reply.

SHRI H. C. MATHUR: I have only one point.

MR. DEPUTY CHAIRMAN: At the third reading stage you are intervening.

SHRI H. C. MATHUR: I raised two points in my speech and although the hon. Minister spoke for a long time, he has like a shrewed lawyer definitely evaded my two questions. I had asked.....

MR. DEPUTY CHAIRMAN: He knows the questions.

SHRI H. C. MATHUR: No, Sir. He

MR. DEPUTY CHAIRMAN: He said that as long as there was one woman, it was worth while making the attempt. He gave that answer.

SARDAR SWARAN SINGH: Sir, in the final motion that is before this hon. Council for the passage of the Bill, I have not to say many things. My hon. friend from Rajasthan has made a point of his grievance. His point was that last year when we came for extension, we asked for a year's extension; and now again we are coming for an extension of 15 months. I thought that should not be a point of grievance but a point upon which we should take the House into confidence. I can assure my hon. friend that we do not want to prolong the life of this measure even for a day longer than what is necessary. As some of the hon. Members have pointed out, it was quite easy to place this statute on the Statute Book for a much longer term, or even on a permanent basis with this provision that it could be terminated as any statute could be terminated by bringing in a statute of repeal. But, if its life is being extended, that obviously indicates the desire of the Government not to prolong it even for a day longer than what is necessary. But if, however, at the end of that period it is found that the position still remains in which it is necessary to continue the enactment, then we come to this hon. Council, come before Parliament and say, "This is what has happened during the interval, and because the problem is still left, we want that its life should be extended."

Then, as regards the points which have been raised by the leader of the Communist Party, I do not say that what he has said is something which is not said from the humanitarian point of view. The amount of feeling that he brought while speaking is quite an index to the depth of feeling on the point. All that I wanted to say, without challenging the warmth of his feeling on this particular

[Sardar Swaran Singh.]

matter, was that in this particular problem we cannot bring about any abstract theory. But all that is necessary today is that if the problem still remains, then it has to be tackled. It is, I admit, a very complex problem. Ultimately the welfare of the human beings has to be taken into consideration. But in the heat of the moment sometimes we are prone to exaggerate things. I do not know whether we can call the new surroundings a home at all—something which was forced on her. But what I mean to say is simply this that all these various aspects, all these various circumstances—the people are affected by anything that happens—have to be taken into consideration, and it is more or less always a question of balancing as to whether the one outweighs the other. At the moment it is felt that the peculiar circumstances and the tragic circumstances that prevailed in the year 1947 created a situation in which many of these unfortunate women found themselves in a position of helplessness. We have to consider now whether it is worth while creating an atmosphere in which they are recovered, placed in a neutral home and then afforded an opportunity of getting their case decided by the representatives of the two countries or cutting them off from their earlier relations. The whole idea is that all these points have to be weighed and what is best in the circumstances has to be done. And I need hardly assure this hon. Council that in the actual administration of this Act every care will be taken to see that the welfare of the family, the welfare of the lady and the welfare of the children are taken into consideration, and it will be seen that it is administered as a humanitarian and as a social measure and not as a legalistic or as a threatening measure.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

I THE ABSORBED AREAS (LAWS) BILL, 1953—continued

MR. DEPUTY CHAIRMAN: Mr. Datar to reply.

THE DEPUTY MINISTER FOR HOME AFFAIRS (SHRI B. N. DATAR) : Sir, we had two speeches from the Members opposite, and only one point was made, the point that I had already anticipated, and in respect of which an amendment has also been moved by my hon. friend, Shri, Sundarayya. All the objections that they have, relate to the applicability of one or two of the Acts that are sought to be made applicable to the absorbed areas, and the main ground of attack relates to the Whipping Act. So far as this Act is concerned, I have already told the hon. House that the Government of India are trying to ascertain the opinion of the State Governments as to the propriety or otherwise of maintaining this form of punishment. From the trend of opinions that we have received, it appears that a very large number of the State Governments are in favour of retaining this form of punishment, though they desire that the scope of the Whipping Act should be confined only to certain offences, the number of which should be curtailed as far as possible.

Now, there is also another aspect that should be taken into consideration. That is that in considering this particular Bill it is not necessary to go into the larger question as to whether the Acts, which are sought to be made applicable to the absorbed areas, are proper or are not proper. They are in force in the rest of India, and therefore, for the sake of uniformity of administration, it is absolutely essential that these Acts should be made applicable to the absorbed areas. Even on the question of propriety I would point out to this hon. House that the case, in which whipping, as a form of punishment, has actually been given to the offenders is extremely small or almost negligible. And I would point out to this House that I have got certain figures in respect of