

SHRI B. B. SHARMA (Uttar Pradesh):

श्री बी० बी० शर्मा (उत्तर प्रदेश) : इस वक्त बोलने की कोई आवश्यकता नहीं है, बैठ जाइये ।

SHRI K. B. LALL:

श्री के० बी० लाल : आप क्यों परेशान हैं । इतनी देर तक नहीं घबड़ाये अब क्यों घबड़ाते हैं । अगर घबड़ाते हों तो बैठ सकता हूँ ।

मझे सिर्फ यही कहना है कि लीडरों को इस पर रंज तो जरूर है लेकिन दिल में आराम लेने की भी उतनी ही स्वाहिश है ।

SHRI P. SUNDARAYYA:

श्री पी० सुन्दरय्या : आपके दिल में आराम होगा, हमारे दिल में नहीं है । हमारे दिल में तो बहुत गुस्सा है ।

SHRI K. B. LALL:

श्री के० बी० लाल : जितनी बातें कही जा रही हैं उनका इम्तिहान तो उधर से होने वाला है ।

मैं इस बिल को सपोर्ट (support) करता हूँ और कहता हूँ कि यह बहुत मौजू है और वक्त पर आया है । जो कुछ और बातें हैं वे फिर हो सकती हैं, फिर संशोधन हो जायेगा लेकिन मैं इसको सपोर्ट करता हूँ । इससे हम लोग अपना कर्तव्य ठीक तरह से निभा सकेंगे और जनता की भलाई कर सकेंगे । उधर से बहुत उपदेश की बातें की गई और कांग्रेस के लोगों को उपदेश दिये गये । मेरा कहना है कि अगर ये उपदेश वे खुद पालन करते तो ज्यादा अच्छा होता उन्होंने जो कांग्रेस पार्टी से ज्यादा मुहब्बत दिखाई है

उसके बारे में मझे यह कहना है कि अपनी मां से ज्यादा मुहब्बत तो डाइन करती है ।

[For English translation, see Appendix VII, Annexure No. 326.]

SHRI SATYANARAYAN SINHA:

श्री सत्यनारायण सिंह : उपसभापति जी, मैं नहीं समझता था कि इस बिल में थर्ड रीडिंग (third reading) भी होगी, लेकिन हुई । न जाने कितनी बार इस हाउस (House) में और उस हाउस में मैंने यह बताने की कोशिश की कि किस उसूल पर गवर्नमेंट ने यह तय किया है कि वह इस बिल के सम्बन्ध में बिल्कुल निरपेक्ष रहेगी । मैं समझता हूँ कि हमारे दोस्त जो बार बार इस पर एतराज करते हैं वे ऐसा नहीं है कि इस बात को समझते न हों । मैं नहीं जानता कि समझ कर भी वे क्यों इस तरह की बहस करते हैं । अगर नहीं समझते हों तो जैसी कि अंग्रेजी में एक कहावत है, उसका उद्धरण मैं आपके सामने रख सकता हूँ और कुछ नहीं कर सकता वह यह है : "I can give reasoning but not understanding".

[For English translation, see Appendix VII, Annexure No. 327.]

THE VICE-CHAIRMAN (SHRI V. K. DHAGE): The question is:

"That the Bill be passed."

The motion was adopted.

THE DISPLACED PERSONS (COMPENSATION AND REHABILITATION) BILL, 1954

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

"That this Council concurs in the recommendation of the Lok Sabha

that the Council do join in the Joint Committee of the Houses on the Bill to provide for the payment of compensation and rehabilitation grants to displaced persons and for matters connected therewith and resolves that the following members of the Council of States be nominated to serve on the said Joint Committee :

1. Shri H. P. Saksena,
2. Moulana M. Faruqi,
3. Dr. Raghunath Singh,
4. Shri J. N. Kaushal,
5. Shri R. Thanhlira,
6. Dr. Anup Singh,
7. Shrimati Mona Hensman,
8. Shri I. B. Beed,
9. Shri C. L. Varma,
10. Shri D. Narayan,
11. Syed Mazhar Imam,
12. Shri H. C. Dasappa,
13. Prof. N. R. Malkani,
14. Shri T. Bodra,
15. Shri Pydah Venkata Narayana,
16. Lt.-Col. J. S. Mann, and
17. Khan Abdur Rezzak."

Sir, the House is well aware that for the last six years and more we have been trying to come to a satisfactory settlement with Pakistan in regard to the evacuee properties.

A large number of conferences and committees have been held, negotiations have been prolonged—meandering, see-saw,—but they have, at least so far as we are concerned, shown no light. Meanwhile, the sufferings of the displaced persons have been mounting, properties have been deteriorating and all sorts of complications have been increasing. Under the circumstances, we were left with no option except to undertake certain steps though Pakistan may not agree with us.

A few days ago I read out a statement in the Council in which I explained the policy of the Government

with regard to evacuee property as a result of which this Bill is before the Council. The time allotted for the discussion of this Bill is limited and it will not be possible for me to go into certain questions to which I made a reference in the other House the other day. Pakistan has been making a lot of fuss about the 1949 Agreement, that is what is known as the Karachi Agreement. More than once the Rehabilitation Ministers, and possibly some other Ministers, of Pakistan have accused us of violating the 1949 Agreement. We have not accepted that charge. A few months ago I made a formal offer to the Refugee Minister for Pakistan that the question as to whether we were responsible for the violation of the 1949 Agreement or Pakistan was responsible for the violation of that Agreement rendering that Agreement infructuous may be referred to an agreed judge and that we must abide by the decision of that judge. None-the-less, in spite of that offer, the Pakistan Minister for Refugees has gone on repeating the old theme that India is responsible for violating the 1949 Agreement. It will not be possible for me to go into the detailed arguments as to why I say that it is Pakistan which is responsible for violating the 1949 Agreement but I might say that so far as urban evacuee properties are concerned, in 1949 we agreed to try the exchange of those properties by private negotiations, that is, on individual basis. Exactly twenty-six days after that Agreement had come into force, Pakistan issued an order whereby persons going to Pakistan were required to take an income-tax clearance certificate. Now that meant a lot of botheration and that seriously affected the system of exchange of properties on private bases. We took up the matter with Pakistan and they agreed to make a relaxation for persons who were visiting Pakistan for fifteen days. The Council will realise that a fifteen days' period is none too long for a person to negotiate the sale of the property, to execute the necessary documents and to repatriate the sale proceeds.

[Shri A. P. Jain.]

Shortly after, they took another step, namely, they slashed down the rents of the evacuee properties. Rents from the refugees who had been allotted evacuee properties were slashed down by 80 per cent. that is, they were required to pay only 20 per cent. of the normal rent. Non-refugees, that is, the local people who were in occupation of the evacuee property, were required to pay 33 per cent. less, that is, they were required to pay only two-thirds of the rent. It is a well-known fact that the value of a property depends upon its rental proceeds. By this unilateral, arbitrary and unjustified action Pakistan at once wrote down the value of the evacuee properties in that country. In June 1949 an effort was again made to even out the differences, but it failed. And on the 26th of July 1949, Pakistan promulgated an ordinance whereby sale and exchange of evacuee properties were forbidden. We had no other option except to follow the same course, and four days later, on the 30th of July, we also took steps to forbid the sale and exchange of evacuee properties. Now in the light of these facts it is preposterous that Pakistan should accuse us of violating the 1949 Agreement. In any case, as I said, Sir, I have not got sufficient time at my disposal to go into the various other aspects of the 1949 Agreement and its implementation, but I make bold to say that the responsibility for making the 1949 Agreement infructuous is that of Pakistan and not ours.

I would, however, like to refer to the recent negotiations about the settlement of immovable evacuee properties between ourselves and Pakistan. On the 13th of October 1952 we formally made the following proposals to Pakistan. (1) The two Governments should take over the evacuee property left behind in their respective territories and compensate the evacuee owners according to the principle which may be decided upon by negotiation between the two Governments. (2) If direct negotiations prove unfruitful, the Government of

India would be prepared to refer the question of method of valuation to arbitration by an international tribunal agreed upon between the two countries. If it was so desired, the matter might be referred to an international court or to any *ad hoc* court consisting of the nominees of the two countries.

Pakistan replied to this letter on the 5th March 1953 and rejected not only our offer for government-to-government settlement but also a reference of the matter to an impartial body. Here I want to make it clear that our stand from the very beginning has been that the evacuee properties in the two countries should be exchanged on the Governmental level. During the course of our discussions with the representatives of Pakistan in June 1950, we told them that we would like that the evacuee properties in the two countries may be roughly valued and the difference between the values in the two countries be worked out. It is a patent fact that the refugees on this side have left far more valuable properties, both agricultural lands and houses, than the migrants of India to Pakistan have left here. And we further told the representatives of Pakistan that we would not insist upon the payment of the last pie, but we will be prepared to accept a reasonable amount well within the paying capacity of Pakistan. They did not agree. That has been our stand continuously. And why do we want exchange on the governmental level? Firstly because our experience of the exchanges of the properties on individual basis tried between January 1949 and June 1949, that is, over a period of four to five months, was very unhappy. Not more than a few dozen properties could be exchanged or sold on either side. Even when sales were negotiated, agitations were kicked up and the completion of the sale was made impossible. How many years, how many centuries would it take for lakhs of properties on either side to be exchanged? That is our objection number one. Number two. Experience has shown that only

bigger men have the means and the capacity to negotiate the exchange of properties. 80 per cent. of the evacuee properties on that side—maybe 75 per cent.—are of less than Rs. 5,000. Now a man who owns a property of Rs. 5,000 or less cannot go over to Pakistan. He has not got the means or the capacity to negotiate an exchange. The net result of private exchanges was that only big properties were exchanged, and we felt that private exchange will ultimately throw the entire loss upon the smaller man. Thirdly it is an admitted fact that the values of the evacuee properties on the two sides are not equal. Assuming that Pakistan does not accept our contention that the properties left by us on the other side are more valuable, even then some hard core, if all the exchanges have been completed, will be left over either on this side or on that side. We suggested to Pakistan to make any reasonable suggestion as to what will happen to this hard core, how it will be adjusted, how payments will be made about it, and up till now they have given us no satisfactory answer to that. For these reasons, Sir, we felt that the only rational solution was exchange on governmental level. In fact, we did not suggest anything novel. In Europe, when exchanges of property in two countries on account of migration were effected on any large scale, the general rule was exchange on government-to-government level.

DIWAN CHAMAN LALL (Punjab): May I interrupt my hon. friend? He has given us a figure of 80 per cent. of the properties of less than Rs. 5,000. What is the total value of that particular type of property?

SHRI A. P. JAIN: I cannot give you that.

DIWAN CHAMAN LALL: May I ask.....

SHRI A. P. JAIN: Let me finish.

DIWAN CHAMAN LALL: You have not got the figures?

SHRI A. P. JAIN: Let me not be disturbed when I am going on with my arguments. Then I will answer as many questions as you will ask me.

Then, Khwaja Nazimuddin suggested a settlement of all outstanding issues between India and Pakistan by negotiation and personal discussion. This thread was subsequently picked up by the next Pakistan Prime Minister, Mr. Mohammed Ali. As a result, the Prime Ministers of India and Pakistan had some general talk about the evacuee properties both in London and in Karachi. As a result of these talks, our delegation consisting of officers of my Ministry went to Karachi in July and they had fairly prolonged discussions for about a fortnight. I am leaving out the question of the movable properties because that does not concern this Bill.

Now in regard to the agricultural lands, according to the Karachi Agreement of 1949 it was agreed that the revenue records and certain other information might be exchanged between the two countries. In fact, Pakistan in 1949 had not ruled out the question of exchanging agricultural lands on government-to-government level. On the other hand, the Officers' Committee made up of two officers of India and two officers of Pakistan had recommended that agricultural lands in India and Pakistan should be exchanged on a government-to-government level. Their value should be worked out on the basis of the average selling prices prevailing in the country between the year 1927 and 1947 and the debtor country should pay to the creditor country in respect of the difference in the value of the landed property by means of general bearer bonds carrying an interest of 1½ per cent. free of income-tax—a very specific proposal. Now, during this interval a large number of records have been exchanged between India and Pakistan. In fact records representing less than 8 per cent. of the total land in India had to be sent to Pakistan and some records had to be received from Pakistan. Our officers suggested to the represen-

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tatives of Pakistan, "After all we have got most of the records; you have got most of the records. Now, come along and have a settlement." But they would not agree to it. Again in respect of the urban property our officers wanted the Pakistan representatives to give some details and also to say as to how the hard core left over will be adjusted or will be settled. They would not agree to anything. So far as immovable property is concerned, all our efforts to come to a settlement, even as late as July and August last year, ended in naught. The Council will remember that in the joint communique issued by the Prime Ministers of India and Pakistan in August last, it was mentioned that the officers of the two Governments will meet within one month to carry on further negotiations with respect to evacuee property. We made a suggestion to Pakistan that that officers' conference might be held in the third week of September but they did not agree to it. In October and November 1953 our Prime Minister wrote as many as three letters to the Prime Minister of Pakistan to expedite the conference and the settlement of the evacuee property question. These letters remained unreplied until February 1954, when Pakistan objected that the system of quasi-permanent allotment which we had adopted in respect of the urban evacuee property under the interim scheme had created a new situation prejudicial to the proposed discussion. In return we informed them that we have kept the title of the evacuees in tact, that they were not at all affected by the quasi-permanent allotment and therefore it should not stand in the way of further negotiations. Further we told them that quasi-permanent allotment was nothing new. It had been already effected in respect of agricultural properties both in Pakistan and in India. We again requested them to hold the conference. On the 12th April the Pakistan Prime Minister wrote that the meeting of the representatives of the two countries will have to be held over at present as it

would be some time before the Pakistan Government could examine the various issues relating to evacuee property. Now, if they have not been able to examine or to understand the issues during the course of six years and over during which this vexed and difficult matter has been pending before the two Governments, surely no new light would come to them in a few months. We had no other option except to reach the conclusion that Pakistan was not prepared to come to any satisfactory or rational settlement with regard to the immovable evacuee properties, and the reason is obvious. After the settlement they will have to pay us a big bill and they are not prepared to do it. Therefore much as we wished that whatever step we took should be taken in agreement with Pakistan, we were driven to the position that we should do something even if Pakistan does not agree. That, Sir, is the history, the reason why we have introduced this Bill.

Now, I will refer to a few important provisions of this Bill. Clause 4 of the Bill provides for application for payment of compensation by the displaced persons having verified claims. The Government will from time to time issue notifications in the Official Gazette calling upon particular clauses of displaced persons having verified claims to file their compensation applications. When these applications are filed under clause 5, they will be examined by the Settlement Officer who will determine the public dues. Now, public dues are defined in clause 2 (d). After the application has been examined and the public dues determined, the record will be forwarded to the Settlement Commissioner who will work out the amount of compensation and the method of working out the amount of compensation is given in sub-clause (2) of clause 6. Clause 7 refers to the method in which compensation shall be paid. It may be cash, in Government bonds, by sale to the displaced person of any property from the compensation pool and setting off the purchase money against the compensation

payable to him, by allotment of shares, debentures, etc. I am not specifying all the different methods, but those details can be found in clause 7. Clause 8 deals with cases where there is a dispute between two or more persons as to who is entitled to receive compensation. This also includes any dispute between the successors-in-interest of a deceased claimant. If the matter is a simple one, the Settlement Commissioner will pass the order. This order will be without prejudice to the right of the aggrieved party to have the dispute decided in a civil court. If it is a complicated matter, the Settlement Commissioner would ordinarily refer the case for decision to the civil court. Clause 9 deals with agricultural lands in Punjab and PEPSU which have been allotted on a quasi-permanent basis. They present a special problem and therefore a special provision has been made for it.

Clause 10, provides for payment of rehabilitation grant to displaced persons. Here, it may be pertinent to remark that the displaced persons include both the claimants and the non-claimants.

Clause 11 is very important because it defines what the compensation pool would be. It also provides acquisition of evacuee properties by a Gazette notification. And such a notification may relate to all evacuee properties generally, or any class of evacuee property, or of evacuee property situated in a specified area, or any particular evacuee property.

I come now to clause 12. This is of great importance. I will read it:

"12. *Compensation for evacuee property acquired under this Act.*— There shall be paid to an evacuee compensation in respect of his property acquired under section 11 in accordance with such principles and in such manner as may be agreed upon between the Governments of India and Pakistan."

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Even when we are enacting this Bill, we have taken care that the interests of the evacuees may not be adversely affected. As and when properties are acquired relevant entries will be made in the Books and when there is a settlement between ourselves and Pakistan, we shall pay to the evacuee on the basis of the principles that may be agreed upon between ourselves and Pakistan. Although all our efforts to come to a settlement with Pakistan so far have failed, we will go on pursuing our efforts to come to a settlement with Pakistan. That is why we have provided in this Bill for the evacuee property being converted into cash in a way. When, and if this settlement with Pakistan is arrived at, we shall give due credit to these properties.

Clause 13 will include all the evacuee properties acquired under clause 11, such cash balances lying with the Custodian as may be transferred to the compensation pool, and the Government's contribution. Government's contribution has already been determined and it consists of the loans so far advanced to displaced persons from West Pakistan and for their rehabilitation and the provision made till 1953 for their rehabilitation in future under the Five Year Plan or otherwise.

Clause 14 exempts the evacuee property from the processes of courts. It is a very necessary clause.

Clause 15 provides for the management of the evacuee compensation pool; there will be managers and managing corporations.

Clause 16 is another clause which we should take notice of. It provides for the creation of a Welfare Corporation. In 1952, the Rehabilitation Ministers' Conference recommended that compensation should be paid to educational and medical trusts. This clause provides that this compensation will not be paid to any individual trust but to the omnibus trust created by clause 16 and which will be utilised as given in sub-clause 4, namely:

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"meeting the expenses in connection with the administration of the Welfare Corporation,

rendering assistance to any trust entitled to compensation under this Act,

providing educational and medical facilities generally for the benefit of displaced persons,"

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Sir, another clause to which I would like to draw the attention of the House is clause 28. In clause 28, we have given protection to the allottees of the evacuee properties in case the ownership of that property is passed on to a third person. The allottee will be deemed to be a tenant for two years, that is, he will not be liable to ejectment.

So far as non-displaced allottees are concerned, they will be governed by the ordinary law of the land. In practically all the States there are Rent Control Laws and they will get adequate protection under those laws.

Clause 35 provides for the validation of certain acts which have already been done. The Council would be aware that Government accepted the scheme of interim compensation and some payments have already been made and other payments are being made under the interim compensation scheme. This clause validates all acts and things done under the interim compensation scheme.

Now, that is all, Sir, that I have to say about the main provisions of the Bill. If the hon. Member, Diwan Chaman Lall, wants to ask any questions, I am prepared to answer them.

DIWAN CHAMAN LALL: I am sorry, Sir, I interrupted the hon. Minister when he was dealing with this matter. It is a very difficult thing to deal with a complicated measure of this nature. The question that I wanted to put to my hon. friend was this: He said that 80 per cent of the urban property was under the value of Rs. 5,000, and what I

wanted to know was, "What is the total value of that property?" I ask this question in a constructive manner. If the value of that property is within a reasonable limit, we must try to find ways and means to give full satisfaction to the small owners.

SHRI A P JAIN: Sir, I very much appreciate the feeling of my hon. friend Diwan Chaman Lall. In fact, in working out the interim compensation scheme we have given a big weightage to the small owner. The small owner gets as much as 60 per cent. Even under the interim compensation, he may probably get a second dividend. Well, the person who has a very high claim, say for Rs. 50,000, gets only about one-sixth, that is about 15 per cent. I am sorry I have not got the figures of the value of this property, worth less than Rs. 5,000.

THE VICE-CHAIRMAN (SHRI V K DHAGE): Motion moved.

'That this Council concurs in the recommendation of the Lok Sabha that the Council do join in the Joint Committee of the Houses on the Bill to provide for the payment of compensation and rehabilitation grants to displaced persons and for matters connected therewith ~~the~~ ^{and} resolves that the following members of the Council of States be nominated to serve on the said Joint Committee,

- 1 Shri H P Saksena
- 2 Moulana M Faruqi
- 3 Dr Raghbir Singh
- 4 Shri J N Kaushal
- 5 Shri R Thanhlira
- 6 Dr Anup Singh
- 7 Shrimati Mona Hensman
- 8 Shri I B Beed
- 9 Shri C L Varma
- 10 Shri D Narayan
- 11 Syed Mazhar Imam
- 12 Shri H C Dasappa
- 13 Prof N R Malkani

14. Shri T. Bodra
15. Shri Pydah Venkata Narayana
16. Lt.-Col. J. S. Mann and
17. Khan Abdur Rezzak."

Any Member desiring to speak, may speak now.

SHRI KISHEN CHAND (Hyderabad): Mr. Vice-Chairman, I welcome this Bill though it is a very belated measure and now it is being referred to a Joint Select Committee. I would submit a few suggestions for the consideration of the Select Committee. They will be rather constructive suggestions and not a sort of criticism of the Bill.

Sir, the hon. Minister has stated that during the last five years there have been continuous efforts made by India to come to some sort of settlement with Pakistan, but every time Pakistan has found some way of wriggling out of the agreements arrived at. Sir, the refugees who have come from Pakistan have been suffering, for the last five years untold misery and the Government has only been making promises of giving them something and then postponing the thing. It is no use saying now after five years that Pakistan did not abide by the agreements. We should have realised that fact much earlier, in 1949-50 or so. We should have realised that it was not in the interest of Pakistan to abide by the agreements made. The property left by persons who have migrated from Pakistan to India is much larger, at least three times the property left by the Muslims in India who have migrated to Pakistan. When the difference between the two properties is in the ratio of 1:3, do you think it is in the interest of Pakistan to come to any reasonable terms of settlements? They are only trying to find certain excuses. Our Government should have realised in 1949 that Pakistan was not at all interested in such an agreement, and they should have, under the circumstances, taken unilateral action, instead of causing so much misery and suffering to the people.

And even now, Sir, there are certain points which should be very clear to the mind of the hon. Minister. The value of any property depends upon the purchasers. Sir, by mutual consent among purchasers it can be so arranged in Pakistan that there may be no offers for the properties left by Indians in that country. The net result will be that the value of the property left by Indians in Pakistan may depreciate up to 20 per cent. of its original value. And on the other hand, the value of the property left behind by Muslims in India has continuously appreciated right up to 1950. Just now, during the last one year or so, the value of the property has gone down slightly in India also; but as compared to the original value, it is still much higher. Now, if the exchange of property is done on a private and individual level, the result will be that the appreciated value of property left by Muslims in India at the present price level will be higher than the value of the property left by Indians in Pakistan on account of the depreciation in value there.

I will give you a concrete example, Sir. It has been estimated that the value of the property left by Indians in Pakistan is about one thousand crores of rupees. I do not vouch for these figures. But supposing it is a thousand crores of rupees, and if there is no offer at the full value of the property and only 20 per cent. prices are offered, the value of that one thousand crores will come down to only two hundred crores of rupees. On the contrary, supposing the value of the property left by Muslims in India was originally three hundred crores of rupees, then the appreciated value of that property will be nearly six hundred crores of rupees. The result will be that the value of the property left by Indians in Pakistan will be counted at two hundred crores of rupees, while the value of the property left by Muslims in India will be counted at six hundred crores of rupees; and our country will suffer by this arrangement. So, I would humbly submit to the hon. Minister and request him and to the

[Shri Kishen Chand.]

Select Committee to decide this problem on a government-to-government level and on the basis of a formula which I am going to suggest for their consideration.

My formula will be this. Every property in India as well as in Pakistan must be registered in the municipal records. Now if you look at those municipal records, you will find that there is always a rental value fixed, because municipal rates are charged on the rental value. So I would request the hon. Minister to fix the value of the property on the basis of rental value, as entered in the municipal records, whether it be in India or in Pakistan. The result will be that if there is a depreciation or an appreciation, it will all be related. It may be that the value of the property left by Indians in Pakistan may come down from a thousand crores of rupees to six hundred crores of rupees, but the value of the property left by Muslims in India will also not appreciate and will also come down from three hundred crores of rupees to two hundred crores of rupees. I would suggest humbly that the Bill should be so framed as to provide for this type of emergency. The book value should be entered on the basis of the formula that I have suggested. My formula will be, Sir, 250 times the monthly rental value. On the basis of the monthly rental value, if you fix the value of the property at 250 times, you will get the total value of the property left by Muslims in India; likewise you will get the total value of the property left by Indians in Pakistan. Then, Sir, after entering that value, the Rehabilitation Ministry should sell all this property on the basis of complete possession, giving full possession, so that they can get the maximum possible price for that property. That will really increase the pool, and Pakistan will not get the benefit of increased price. Pakistan, for accounting purposes, will only get the value arrived at on the basis of municipal records. The additional value will come to the Government's central pool. And I submit,

Sir, that if this policy is adopted, the pool will have enough funds to distribute cent. per cent. all claims up to Rs. 20,000, 60 per cent. of the claims above Rs. 20,000 and up to Rs. 1 lakh, and 50 per cent. of the claims beyond Rs. 1 lakh. But in assessing the claims and in verifying the claims the formula of '250 times the rental value' should be followed. Those who can prove their claims at a higher price because they have got more books and more records, even in their case the value should not be fixed at an arbitrary figure. If these things are followed, and if the necessary action is quickly taken by our Government, at least some of the grievances of our refugees can easily be redressed.

Then, Sir, there are refugees coming from East Bengal and we are keeping absolutely quiet. No consideration is being given to refugees from East Bengal. I am sure after three or four years the Government will realise that something has got to be done for them. Then they will again come forward with another Bill. I would therefore suggest to the hon. Minister in charge of this Bill that in the Select Committee the Bill should be so altered as to make due provisions for refugees from East Bengal also. We should not wait till the problem becomes serious and then try to remedy it.

Then I would submit that the compensation should be paid on a cash basis. You should not give them property in the place of the property left behind in Pakistan. With these words. Sir, I support the reference of the Bill to a Select Committee.

DIWAN CHAMAN LALL: Sir, I believe I am probably the only one here in this House who has been affected in a large measure and in an important measure by what has happened in regard to the evacuee properties left by us in Pakistan. I do not think there is any other Member of this House.....

AN HON. MEMBER: Mr. Mann is there.

DIWAN CHAMAN LALL But even Mr Mann will concede that he has not been affected in such a large measure as I have been. My stake is nearly a crore of rupees. But that is not the reason why I am getting up to speak on this motion moved by my hon friend, the Rehabilitation Minister. First of all, I should like to pay my tribute to the Prime Minister who has done everything that was humanly possible in order to make the Pakistan Government come to some sort of a sensible settlement in regard to this property matter. In fact, as the hon Minister said, the Prime Minister wrote a series of letters to the Pakistan authorities, to some of which he did not receive any reply and to others he received what can only be called evasive replies. But right through this period of six or seven years, I can testify to this fact myself, having been intimately in touch with the refugees, or displaced persons as they are now called, that no opportunity has been lost by the Prime Minister of India to try and get a settlement of this issue with Pakistan. If he has not succeeded and if my hon friend the Minister for Rehabilitation has not succeeded in getting some reasonable settlement out of the Pakistan authorities, it is not for the want of trying to get a settlement. But the position is this. It is admitted that properties left in India by those who have gone to Pakistan are steadily deteriorating. There is no doubt about that. Therefore something has got to be done in order to save those properties, and something has got to be done to come to some sort of arrangement whereby the last item of compensation will be paid to those who are in need of it. But let us face facts. The result of this confiscation is going to be this: My friend who spoke just now referred to property worth about Rs 1,000 crores left behind by the refugees from Pakistan. Let us take only the urban property now. The urban property has been reckoned, I believe, by my hon friend at Rs 550 crores. I think personally it is a low estimate. There are other kinds of properties which could have been included and which be-

cause of an executive order were not included in the reckoning. But let us put it at even Rs 550 crores. My hon friend has reckoned the property that is now available to the evacuee pool under this Bill will amount to Rs 100 crores. Now it is a difference of Rs 450 crores. The result of this confiscation is going to be that we shall be compelling—and quite naturally—the Pakistan authorities to do the same thing on the other side. In fact, we have invited them to do the same on the other side with the result that we shall be making a present of Rs 450 crores to Pakistan, which is the difference between our own urban property left on the other side and the urban property that has been left by evacuees in India. That is a very serious matter. Any hope that there might have been that there would be a settlement on a government-to-government basis, as my hon friend has said, has been shattered, though our Government has tried to get a settlement on a government-to-government basis. For a little while, as the hon Minister said, for a period of five months, the other method of exchanges was tried. What I am trying to draw my learned friend's attention to is this. If this is going to be the result, namely, that we shall be making a present of Rs 450 crores worth of property to Pakistan by this measure, then would it not be wise even now to leave the door open for purposes of widening out this pool to more than Rs 100 crores? After all, is there any objection or could there be any objection on the part of any refugee from Pakistan wanting this pool of Rs 100 crores to be expanded, let us say, to Rs 300 crores?

SHRI A P JAIN: How?

DIWAN CHAMAN LALL My hon friend asks, 'How?' What I am suggesting is this. If this particular door is left open and I hope it will be left open, and there is some sort of provision here which, I believe, means that the door will still be left open, then one should not be against

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the proposition that exchanges of property on the part of those who have sent their families to Pakistan but who themselves still remain here because of the fear of the evacuee law, lest when once they depart, their properties may be confiscated, should be permitted. The only objection that my hon. friend has raised to the question of exchanges is that the bigger holder will get away with it, while the smaller holder will be penalised. You may recall, Sir, that that was the reason why I asked my hon. friend to let me have the figure of the total value of the urban properties, of Rs. 5,000 and less, so that we should know what our commitments are to the smaller holders. If our commitments to the smaller holders amount, let us say, to Rs. 30 crores or less than a cent. per cent. settlement of that property should be easy of adjustment out of the pool created by the Government themselves which my hon. friend reckons to be Rs. 85 crores. If it can be done, nobody would be happier than myself. Even if the total amount is double this amount, i.e., Rs. 60 crores, even then it is capable of adjustment out of the Government pool of Rs. 85 crores. Now, in regard to the rest, I submit that the best method of dealing with it—I hope the Select Committee will take this into consideration—would be to create a Corporation on which Government should sit as well as representatives of the refugees—both of the smaller holders and of the bigger holders—and consider this very proposition of the distribution of this property either in cash or in kind and at the same time consider ways and means of enabling those who wish to exchange their property with property on the other side to do so. There is a pool of Rs. 100 crores in India, and there is a pool of Rs. 550 crores on the other side. We can widen out this pool of Rs. 100 crores by making it possible for those who want to exchange their property in India with property in Pakistan outside this Rs. 100 crores, to do so and exchange their property. What is the objection to it? The objection is

that the bigger holders will get away with it. But why should they not get away with it, provided the smaller holders are satisfied? After all, the bigger holders also have suffered under this scheme of partition. If they can satisfy themselves without putting any burden on the Government, why should they not do it? Government does not have to compensate them. They will compensate themselves by this particular method.

SHRI PYDAH VENKATA NARAYANA (Andhra): Will the other side agree to this exchange?

DIWAN CHAMAN LALL: My hon. friend asks whether the other side would agree to it. I do not know. I cannot vouchsafe for the Pakistan Government. We have had bitter experience of our dealings with the Pakistan Government, but certainly this is a method which is well worth trying. Recently we had some indications from Pakistan officials including the Minister of Rehabilitation there to whom I sent a representation that they are still willing to try this particular method. I do not know, but it has to be tried by the Government. It has got to be tried by people who are anxious that this pool of Rs. 100 crores should be widened out and made into Rs. 300 crores. There can be no objection to that. Can there be any objection, namely, that those people who desire to go to Pakistan and who are anxious to exchange their property with property left in Pakistan should be permitted to do so in order that this pool of Rs. 100 crores should be widened out? Remember that this pool of Rs. 100 crores of property belongs to people who have already left for Pakistan. I am now directing the attention of the hon. Minister to people who have not yet gone to Pakistan but who are willing to exchange their property with property in Pakistan in anticipation possibly that they may go there or in the anticipation that their families have gone there and need protection of some sort or other and would like to have property belong-

ing to them exchanged with property which people have left on the other side—there can be no objection to that. I am drawing his attention to this, namely, that we should not close our eyes, we should not close our minds to this other method merely on the ground or fear that the bigger land-owner will get away with it, coupled as my proposal is with the other point, namely, that satisfaction can be given to the smaller land-holder up to 100 per cent. out of the pool of the Government alone. Now if this matter is considered in the Select Committee and a way is found and negotiations are continued with the Pakistan Government, I am quite sure that the burden on the Government will be lessened to a very large extent and that compensation will become a matter for the individual through this particular Corporation that I am suggesting. These are ideas which I hope, my hon. friend will keep in view when he sits down with his Joint Select Committee and discusses these particular matters. I suggest further that there must be a close examination of this particular aspect of the problem. We are still tied to this, we have not yet closed the door to this particular method of finding some sort of accommodation for those who may not receive the necessary compensation under this unequal distribution of assets on both sides. We have therefore to try every method in order to satisfy as large a number and to as large an extent as possible of those who have suffered under this partition. Therefore, I do hope that all this talk about the larger and the smaller land-holder will cease because at no stage has it been suggested that the interests of the large land-holder or land-owner should be paramount in comparison with the interests of the smaller one. On the contrary we are all agreed that the interests of the smaller land-owner should be absolutely supreme and that everything should be done to give him the widest type of satisfaction even at the expense of the larger land-owner and if this can be achieved, I am quite certain that the Government of

India will have solved a problem which has baffled them for the last 7 years.

Naturally, even if Pakistan does not agree to this method and yet agrees to allow exchanges, as it does today I understand—I don't know what the legal position is but all my lawyer friends say in regard to this matter that even today an evacuee property in Pakistan can be exchanged with a non-evacuee property in India.

SHRI A. P. JAIN: No.

DIWAN CHAMAN LALL: This has been done. My hon. friend says, 'No', but there are cases, recent cases, in which this has been done and permission has been granted both by Pakistan and our Government, where evacuee property in Pakistan has been left by people in India—I don't happen to be one of those whose evacuee property has been exchanged—but there are people who have exchanged them and I think my hon. friend will find that even some officials have exchanged their properties in Pakistan with properties here. Now if non-evacuee property here in India can still be exchanged with evacuee property on the other side, now here is a door that is opened up which can be explored by my hon. friend in reference to the proposal that I have made before him and I do hope that this particular aspect will not be lost sight of merely because the Government of India for seven solid years has stood on the plea that they must enter into a settlement with Pakistan purely on a government-to-government basis. We have now come to the last stage of this government-to-government basis in this measure which has been put down by my hon. friend. Let us at the same time try the other method and see—I don't see any reason why it should not be tried—whether it is possible to get a larger pool than the Rs. 100 crores and thereby satisfy the largest number of displaced persons who have suffered as a result of this partition to the largest extent possible.

[Diwan Chaman Lall.]

This is a suggestion that I put to my hon. friend. Ways and means can always be found to get implementation of this suggestion and this is the reason why this suggestion I am making to the Select Committee and to my hon. friend for consideration and adoption if it can possibly be adopted. Now I don't want any attitude of this nature, "No, the door is closed". The door is never closed in matters of this type. No matter what rebuffs we may receive from Pakistan, we must go on trying not only in the interests of the Government but we must go on trying in the interests of those who have lost their all, their entire assets in Pakistan. There are cases, terrible cases, in which people who were extraordinarily rich in Pakistan are living today in tents, unable to make two ends meet. My hon. friend who is on this Select Committee Sardar Jogender Singh Mann knows case after case of this nature, and if those people can now be assisted in getting their properties exchanged to some extent, if nothing else, it is not a burden on the Government, it is an additional reason why this particular method should be explored because it will lighten the burden on the Government and at the same time assist large numbers of families who deserve assistance not only on the part of Government but the assistance and sympathy of all those who have seen what sufferings they have gone through. I therefore, once again, recommend to my hon. friend the necessity of trying to get a settlement on these lines, the necessity of exploring this particular method which to my mind, appears to be an eminently practical method and I would further suggest to my hon. friend this. I understand he said in the other House the other day that he has handed over the West Pakistan matter to the Deputy Minister who also is sitting here but between them I suggest that they should divide up particular aspects of this matter. It is a very important aspect and the burden of carrying the responsibility is so great that it is necessary that this should be divided up. Sir, East

Bengal has been mentioned. Sir, our sympathies go out to the East Bengalees and everything that we can do for the East Bengalees we should do but at the same time, it is necessary to devote as much attention as we can to this matter which will primarily arise out of this Bill. The primary concern is of West Pakistan and I do hope, Sir, that no ways will be closed, no doors will be closed and that every approach that can be made in order to widen out this aspect of compensation will be looked into and examined carefully and seen if it can be made a practical proposition.

SHRI B. GUPTA (West Bengal): Mr. Vice-Chairman, I have carefully looked into the Statement of Objects and Reasons of this Bill and it is stated therein that the Bill is meant to halt further deterioration of the properties and to facilitate the rehabilitation of displaced persons from West Pakistan. Sir, this is a most important problem and we have been discussing it for a number of years now. It is most unfortunate that even after 7 years of the partition of the country, we have not been able to solve this problem to the satisfaction of our people. Sir, when I discuss the question of the displaced persons, I do not have in mind merely the displaced persons from West Pakistan and from East Pakistan, but I also have in mind the displaced persons who have gone out of this country and today live in Pakistan. Sir, it is a problem, it is a social problem, it is a human problem and as such it is to be understood. If you look at this Bill, I don't think that the solution could be found by merely putting claims and counter-claims. I understand that the claims and counter-claims will be there because of the very nature of the problem itself but to my mind, the solution does not lie merely in that approach. Therefore, I am not, at this stage, very much interested in trying to tell you as to what I think about the valuation of the evacuee property in this country compared to that of the properties

left in Pakistan. That matter can be gone into later but I would like to direct the attention of the House to some basic issues that arise out of this problem.

Firstly, there is the question of rehabilitation of the displaced persons and undoubtedly we must do everything possible in our power to rehabilitate them. There is no doubt about it. Sir, they are the victims of certain political arrangement and it is our duty to see that we can wipe the tears from their eyes and settle them in human conditions.

It is most unfortunate that today, even seven years after the partition of the country, we should have millions of people not rehabilitated in their normal life and we have many still going begging in the streets of the cities and the villages. That is a tragedy that injures our feelings, that touches our hearts. Therefore, it is very right that steps should be taken to bring whatever little relief we can to these people who need it most urgently. That is one side of the problem.

Then there is the question of saving certain properties which are not being utilised for productive purpose. As has been pointed out by several hon. Members here large numbers of holdings and other properties are lying idle, running into waste, not being used, and that amounts to a sort of destruction of property. Should we allow that kind of deterioration to go on? That is the question. That is the point to be considered. We do want such properties to be put to proper use, to be used for the benefit of society. Therefore, that is another side of the problem.

But, above all, there is also the question of the Indo-Pak relationship. Sir, the relation between India and Pakistan is not a matter merely of diplomatic concern for us. It is not a matter which concerns the two Governments alone. It is a question which lies at the very root of all the other problems, for we know that

until and unless we are in a position to have very friendly and abiding relationship between the two countries, the question of the displaced persons will remain and it will not be solved. As we have seen it in the past, it is not merely the tragedy that took place soon after the partition when people were uprooted and they crossed the frontiers in both directions. Even after that tragedy we have found in West Bengal and East Bengal, similar exodus taking place in very recent years also in 1950, 1951 and even in 1952, when the passport business came up. Therefore, you see, this question of the displaced persons remains as long as we are not in a position to build up our relationship with the other country, as long as the relationship between the two countries is not on a proper basis, a basis which would make people secure in their own places and would not lead them to cross the border. That again is a very important point. Therefore, I think even if the efforts of the Government had failed in this direction, in the direction of building up the proper relationship between India and Pakistan, these efforts have to be continued. I certainly credit the Prime Minister of India with having a constructive and beneficial approach in this matter, because he has not permitted himself to be misled by communal or other propaganda. He has done something to counter this propaganda, placing this problem in his own way, about communal considerations. I think that approach should be there, and we should continue our efforts in the right direction. It is not enough merely saying we are not to blame, though of course that also has to be done when we are not to blame. If the facts justify, certainly we can say that we are right. But at the same time it becomes our duty to see that we do take some positive steps in the direction of building up the good relationship between India and Pakistan. That concerted effort has to be continued till the happy solution of the problem has been reached. I know that the attitude of certain officials in

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Pakistan has not been very helpful in this matter. I am aware that certain replies given by the Pakistan Minister for Rehabilitation have not been very helpful. But it must be said in all fairness, justice and good sense, that the attitude of some of our officials has not been satisfactory either. Sir, I would only refer to one instance. Take the case of the random manner, the arbitrary manner, the indiscrete manner in which the properties of the Muslims have been declared evacuee property in our country. Sir, care has not been taken to see that this power is not abused. Even after the applications had been made, by Muslims against such declaration, to get remedy, to get relief, the remedy has not been forthcoming in the manner it should have been forthcoming. I understand there are still several thousands of applications pending disposal and these are not disposed of expeditiously. Sir, I have a grievance on that score, because I am aware, as the House is aware, that large numbers of Muslims have been aggrieved by the arbitrary manner in which the Evacuee Property Act has been used. Sir, many refugees, displaced persons from India, who had gone to Pakistan returned to our country. We have many Muslims in West Bengal who have thus come back. Their properties had been taken away under one excuse or the other and these properties have not been restored to the genuine owners. It is a bad thing in itself that thousands of Muslims left this country. If they did leave, it was not because they liked to leave this country, but because we did not create a sufficiently good and helpful climate which would enable them to live in our country with a sense of security. Whenever I see our Muslims from West Bengal crossing the frontier into East Bengal, I do not blame the Muslims. I first of all ask myself—how does this happen in our secular State? We are supposed to be a democratic State; and yet we find our Muslim citizens feeling insecure

and crossing the borders of our country and heading towards something which they do not know. That is what we should ask ourselves. Therefore, that aspect has to be taken into account also.

Let us not confuse issues. It is necessary to try to solve this problem of evacuee property on the governmental level. Government's efforts have not yet succeeded. But these efforts have still to be made. It is also necessary to encourage, as I said, a settlement on a private basis if that is possible. Naturally here again, steps have to be taken to guard against landlords and the big people taking advantage of these things. There is a genuine fear, and that fear is absolutely justified by past experience, that the big men, whether they be Hindus or Muslims, gain all the advantages in our regime, whether they be in Pakistan or in India. Therefore, some guarantees have to be there to see that such abuses do not take place.

For these and other reasons it is important for the Government to intervene in the situation and see that the overwhelming majority of the evacuees, these displaced persons who own very little property, who are almost destitutes and who live on the starvation level, who have been thrown into the streets and have become a floating population, are given proper relief. So Government has got to come into the picture. That is very important. Therefore, I say that Government should step in and play a dominant part in the whole situation. It should not be left to private hands. To that extent Government's initiative is welcome. There is no doubt about that.

Sir, I should like to point out that it would be a profound mistake to argue that by enlarging the pool of evacuee properties, we are going to solve the question of rehabilitation of and relief for the displaced persons who live in India. Undoubtedly, if the resources are more you would be

in a position to give more relief to the people provided the relief and the rehabilitation policy is a sound one but I think, Sir, it would be expecting a little too much if we think that by enlarging the pool and by having more properties we are going to solve the question of rehabilitation. I think the solution of the problem lies essentially in changing the rehabilitation policy of the Government itself.

I would like to refer to certain very interesting facts. You will find from the reports issued by the Ministry to Rehabilitation that up to December 1953—I am citing one example—the Rehabilitation Finance Administration received 65,727 applications for loans and the total number of applications which were sanctioned is 15 thousand and odd.

SHRI A P JAIN On a point of order, Sir. Are we discussing the Ministry of Rehabilitation and the Rehabilitation Finance Administration or are we discussing this Compensation Bill?

SHRI B GUPTA Sir, the Minister himself has stated in the Statement of Objects and Reasons of the Bill that the object of this Bill is to help the rehabilitation of people. I am suggesting that there should be a change in the policy of rehabilitation and in support of my argument I am pointing out certain mistakes and certain gaps that are there in the policy. I think the hon. Minister for Rehabilitation who has as far as his own rehabilitation is concerned, done very well, should not get a little irritated about it.

SHRI A P JAIN I do not object to the reference to rehabilitation but it should be made at the proper time. This Bill here has nothing to do with the Rehabilitation Finance Administration.

SHRI B GUPTA Sir, it will only take more time. I was only making a passing reference and, with a little

patience on his part, I would leave this point very soon.

THE VICE-CHAIRMAN (SHRI V K DHAGE) I would just mention to Mr. Gupta that it is now past 12.47. We have to rise at 1.15. The Minister has also to reply before that and probably there may be some other Members also wishing to speak. Could he, therefore, make the speech as brief as possible?

SHRI B GUPTA That would be the disadvantage for anyone who has to speak within the time limit; however, I will try to be as brief as possible. That is what I am saying. I am leaving aside many points partly because of the time factor and partly because of the unnecessary irritation on the part of the Rehabilitation Minister. Sir, I do not want to cause any irritation anywhere nor do I want to draw heavily upon the time of the House.

There are certain proposals here for the appointment of a Chief Settlement Commissioner, Managing Officers and all that. Here I would like to make one observation. The mere appointment of such officials is not good enough. What we want is a popular rehabilitation policy. That is number one, number two is that you must seek the co-operation of the displaced persons and their representatives. That is one thing which has been totally neglected by the Government. I think that this problem is of such a dimension that you cannot solve it until and unless you get the co-operation of the displaced persons themselves and of the owners of the so-called evacuee properties. All parties to this matter should be brought into a co-operative effort so to say otherwise you cannot do much in this matter.

In this connection, the question of the Muslim evacuee properties comes in. I feel that until and unless the administration of these properties is democratised and until and unless the minority community is given proper representation in this matter there

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will always be chances and dangers of abuses of the existing law. There will be mal-administration rather than administration. Therefore, I would suggest that particular care should be taken to associate the members of the minority community with the affairs of administration of those properties. This is my yet another suggestion.

I would also like to have certain assurances with regard to West Bengal. I am not suggesting that you should have a replica of this measure for West Bengal to deal with the question of displaced persons from East Bengal but I think the question of rehabilitation of these people of East Bengal has also to be taken much more seriously into account than has been done hitherto. I would like to point out that whether you have such laws or not, whether that law relates to the question of displaced persons from the Punjab or from East Pakistan, an overwhelming majority of the displaced persons still remain to be rehabilitated in life. Even according to the Government figure we find that about 4,74,608 families had been what they call, rehabilitated on a "quasi-permanent basis" and on a "temporary basis" only 56,736 families had been rehabilitated. As far as East Pakistan is concerned, we find that only 2,82,352 families accounting for about 14,11,625 persons had been rehabilitated. These figures will tell you that the overwhelming majority—more than 60 per cent—of the people are still to be rehabilitated even according to the standards of Government for rehabilitation which is by no means satisfactory. On top of it, we have the problem of the East Bengal refugees trekking out of Orissa, coming to Calcutta and facing all kinds of difficulties. And they are being arrested, beaten up by the police. The hon. Minister for Rehabilitation the other day told us, "Nothing would be done with regard to them, that they had deserted, etc." To call the displaced persons as deserters is, I consider, an infamy. I consider it as

one of the greatest liels that has been uttered on the floor of this House. Unless and until Government give up the attitude of treating the displaced persons in this cavalier, irresponsible and inhuman manner they will not have done anything for the rehabilitation of these people. So, whatever may be the assurances in this measure or whatever assurances may be given by the Minister in his speeches, I think they will not come to any use until and unless the whole policy and the whole outlook is changed, until and unless the question of the displaced persons is taken as one of the major problems of our times and the Government direct all their constructive efforts for the solution of this problem.

As far as the hon. Minister for Rehabilitation is concerned, he has been in office for a long time and I wish he had risen to the occasion.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE) I don't think, Mr. Bhupesh Gupta this is called for. We are discussing a Bill with regard to the compensation to be paid. I don't think the Rehabilitation Ministry is now under discussion.

SHRI B. GUPTA I told you, Sir, that this whole thing relates to certain basic problems and now a Bill has been introduced and we are considering it generally. We are in a sort of general discussion where the outlook, the attitude and everything becomes, I suppose, relevant for discussion. I know, Sir, that if you had more time at your disposal, you would not have probably found it wise to give such a direction but I take it, Sir, that it is very important that I also conform to the time limit. That is the most important thing and that is the only real logic behind all this.

If I mention this measure, it will perhaps satisfy you that I am talking on this measure. But I do not want to put up a false show. I am talking about the basic principles. There are

certain good provisions in this Bill; I do not say that everything is bad here. But what I find here is halting and this Bill is not conceived with a democratic outlook. What is again missing here is the fact that we cannot solve the problem until and unless we keep constantly in view the question of the relationship between India and Pakistan. Because, whatever steps we may take, legislative or otherwise executive or administrative, they must never lose sight of the fact that we must not allow Pakistan to get advantage of this measure. There are reactionary elements in Pakistan who are out to create difficulties. On the contrary we should unilaterally behave in a right way, in a just way, so that the people of Pakistan are also inspired by this kind of thing and they might bring pressure to bear upon their Government to change their ways, to mend their ways. Sir, these possibilities do arise in the country today. Take for instance the question of relief and rehabilitation and the refugee question in general as far as West Bengal and East Bengal are concerned. Immediately after the elections the conditions have returned to normal and the problem there has become much less acute than it was before the elections. There is now a very good climate brought about there for approaching the problem in a very different way. Therefore whatever steps are taken, I would ask our Government to constantly keep in view the fundamental question of Indo-Pakistan relations being placed on a firm footing and after all if we do not solve that question and settle that matter, if we do not have Indo-Pakistan relationship placed on a proper footing, on a friendly and reciprocal basis, I do not think this kind of measures will take us out of the woods into which we have been placed over a number of years. Therefore I beg of the hon. Members of this House not to treat this matter as though it is a matter of claimant against defendant or plaintiff against defendant. It is a matter which concerns our two countries, the two people, which concerns the fate and

destiny of millions of people. Therefore with broadness of mind, with largeness of heart we should set about and settle this fundamental question which is yet to be settled to the satisfaction of the people of both India and Pakistan.

SHRI A. P. JAIN: Mr. Vice-Chairman, the debate has covered a wide scope. Mr. Bhupesh Gupta has dealt at large with the general relationship between India and Pakistan. That is important. But how far it was relevant for the purpose of this Bill I am not quite sure. Many things have been said which are of a general nature, having very little bearing on the measure under consideration. I will not attempt to answer those big issues because any answer to big issues involves plenty of time and they are not germane to this Bill.

There are some minor points which have been raised and which of course, I hope, the Select Committee will keep before it.

There are however two points with which I would like to deal. One is the question of East Bengal refugees. Mr. Bhupesh Gupta, I think, is quite right when he says that as a result of certain Governmental changes in East Pakistan the situation on this side as also on that side, so far as rehabilitation of refugees is concerned, has been very much eased, and if the political relations between India and Pakistan improve, I have no doubt that the suffering of the people on either side will diminish.

In regard to East Bengal it has been suggested that some similar measure may be enacted. Now the hon. Members making that suggestion seem to be unaware of the fact that the evacuee property law does not apply to the eastern region, and that is a good thing.

SHRI B. GUPTA: I did not say that.

SHRI A. P. JAIN: I am not talking of you. I referred to the hon. Members who made that suggestion.

1 P.M.

And, as I was saying, Sir, that is a good thing. Evacuee property law is an extraordinary measure meant to meet an extraordinary situation. It is the good fortune of the east that this measure has not been enacted for those areas, and therefore the particular problem with which the present Bill deals does not arise in the east. No property there is evacuee property in the sense it is evacuee property in the west. People have the right to sell, to transfer the property. Of course there are certain committees appointed under a different law, which look after the properties that have been left by the migrants, but they have not forfeited virtually the title to the property in the manner that has been done in the west and to think of introducing a similar law in the east would be something which will do immense injury to a large number of persons on the other side.

I am sorry that my friend Diwan Chaman Lall is not here. I wish he had the patience to hear the reply to certain very broad allegations that he has made and to certain suggestions which he has made. It is not for the first time that Diwan Chaman Lall has expounded his theory here. He has been writing to my Ministry as also to the Prime Minister in much the same strain as he has spoken. We have examined the question, and if it were possible for us to allow the bigger owners to exchange their properties without doing injury to the small man, we would have had no objection. His figures, I think, are wide of the mark.

Broadly speaking the proposition is that the property left on this side is about 20 per cent—I am talking of the urban property—in value of the property left on the other side. If it is possible to satisfy all the owners and there is any property left over, that will necessarily go to the big owners. We have worked out figures. We have been working for two years. We have got a very comprehensive

organisation and we have no doubt that if this problem is to be solved by private exchange, the small man will not only go to the wall, he will go into the ditch. He will be nowhere. But for him perhaps we could have thought of other ways. Diwan Chaman Lall suggested that people should be permitted to exchange evacuee properties on the other side with non-evacuee properties here. There is no bar legal or otherwise, to such exchanges. According to the prevailing law in the country, every Muslim is as much at liberty to sell his property or to transfer his property in any manner whatsoever he likes as any other national of India. There is no differentiation whatsoever in law. In practice however, a difficulty arises. If a person sells or otherwise transfers his property and then goes over to Pakistan, then, unless the transaction is *bona fide* and for valuable consideration, it will not be confirmed by the Custodian and in case a person after selling or transferring his property goes over to Pakistan, the confirmation of the Custodian under section 40 of the Administration of Evacuee Property Act is necessary in order to give firm title to the transferee. I know of a few cases in which some refugees have exchanged their evacuee properties in Pakistan with non-evacuee properties in India, but such cases are rare. They are the cases of certain influential officials or persons who have otherwise been able to influence the Pakistan authorities to give permission for such an exchange. It is not the rule. Under the evacuee property law of Pakistan, no evacuee property can be transferred by the owner without the permission of the Custodian. The same is the law here. Now neither on that side nor on this side is the permission easily given, and of a few cases that I know of, of course on this side, there was no permission necessary because a Muslim is as much entitled to transfer his property as any other national and a person who was here, whose properties have not been declared as evacuee property could certainly exchange that property with either non-

evacuee property in Pakistan or with the evacuee property in Pakistan. The permission necessary was that of the Custodian of Pakistan. I need not go into the reasons for which and when this permission was given, and the House will remember that a few days ago, when I made an announcement on behalf of the Government about the evacuee property, I said that the Government have decided to abrogate the application of the evacuee property law in respect of anything done or any action taken after 7th May last.

That makes the position even easier for cases which Diwan Chaman Lall has in mind. Because up till now a person who would enter into a deed of exchange or who would otherwise transfer the property was liable to be declared an evacuee if he went to Pakistan later. After the abrogation of the application of the evacuee property law, in future, any person who intends to go to Pakistan can transfer or exchange his property in any manner he likes and therefore the case of persons whom Diwan Chaman Lall has in mind, that is, migrants who own evacuee property in Pakistan, will be in a far easier position to effect exchange of their properties. If that be the angle to look at this Bill, then I think, instead of raising any objections against the provisions of the Bill, Diwan Chaman Lall should welcome it, because whatever limitations or whatever restrictions on such exchanges—not in law, but in practice they are existing—will now disappear. A big owner or a small owner, anybody who has got evacuee property in Pakistan, provided he can persuade the Custodian of Evacuee Property in Pakistan, can exchange his property with property here in India. It is a question of private exchanges which are absolutely free and which are not affected by this law. All that this Bill says is that properties which have already been declared as evacuee properties, together with certain other properties which the Government will contribute, will constitute a pool out of which compensation will be paid to persons who have verified claims. If

a person wants to go out of this law, if he does not want compensation out of this compensation pool, if he wants to exchange property in Pakistan with the property here in India, he can do so. There is nothing to stop him. And in future he will be in a stronger position to do so than he has been hitherto. As regards the broad question, as I said before Diwan Chaman Lall came in, we have given fullest consideration to the point of view which Diwan Chaman Lall has urged and it is after full and careful consideration extending over a long period that we have come to the conclusion that it is in the general interests of the refugees at large—the large number of people who have come here, particularly the smaller men—that we should, instead of allowing people to run into a race of private exchanges, do it in a systematic manner so that the smaller men get proportionately more than the bigger men. I will again say that exchanges of the type proposed by Diwan Chaman Lall are not at all affected by this measure. That is all that I have to say.

SHRI B. GUPTA: What are you going to do to restore properties of Muslim evacuees who have returned from East Bengal and are now in West Bengal? This is a point on which I would like the hon. Minister to say something on this occasion.

SHRI A. P. JAIN: That matter does not concern this Bill. So far as that is concerned, there is separate agreement between the Prime Ministers and that is being implemented.

SHRI B. GUPTA: According to the agreement the Muslims who have returned should have been given back their property, but they are not being given back their property.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE): The question is:

“That this Council concurs in the recommendation of the Lok Sabha that the Council do join in

[Shri V. K. Dhage.]

the Joint Committee of the Houses on the Bill to provide for the payment of compensation and rehabilitation grants to displaced persons and for matters connected therewith and resolves that the following members of the Council of States be nominated to serve on the said Joint Committee:—

1. Shri H. P. Saksena
2. Moulana M. Faruqi
3. Dr. Raghubir Singh
4. Shri J. N. Kaushal
5. Shri R. Thanhlira
6. Dr. Anup Singh
7. Shrimati Mona Hensman
8. Shri I. B. Beed

9. Shri C. L. Varma

10. Shri D. Narayan

11. Syed Mazhar Imam

12. Shri H. C. Dasappa

13. Prof. N. R. Malkani

14. Shri T. Bodra

15. Shri Pydah Venkata Narayana

16. Lt.-Col. J. S. Mann

17. Khan Abdur Rezzak.

The motion was adopted.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE): The Council stands adjourned *sine die*.

The Council then adjourned *sine die*.