

to why the whole thing is centralised now and, secondly, Sir, I would very much appreciate if the persons who had abducted, that is the abductors, were punished. I find that there is no provision at all anywhere in the Act so as to punish a person who abducted. Unless that provision is enacted both here, in our country, as well as in Pakistan—unless the Pakistan Ordinance also is amended likewise—that will not instil any sort of fear amongst the abductors. If a declaration is to be made by our Government that whoever has got an abducted lady in his House should come forward and declare that such a lady is with him on the pain of prosecution, things will not improve. For the last so many years I do not know whether I am correct, but my information is, Sir that all roads were leading only to Lahore and no road was leading to Delhi. Abducted persons had been recovered on this side and sent to Pakistan and from Pakistan very few had been sent to our country. I do not know whether this is a true statement of facts, but the hon. Minister would certainly enlighten me on that. I have got my own doubts because the figures were not given, and I feel that a large number of persons had been sent to Pakistan and only very few persons had been sent from Pakistan to this country.

Lastly, Sir, I would once again request for a categorical reply for the question I asked. Out of the 2,000 and odd Indian women who are wives of Pakistan officers, mentioned by the hon. Shri N. Gopalaswami Ayyangar on the floor of this House how many of them have been recovered and, if all of them have not been recovered what steps are Government taking to recover these unfortunate women.

SHRI P. SUNDARAYYA (Madras) : Sir, this is an Act on which every body has to calmly and patiently give his opinion. This is not a question of political parties taking advantage of the most barbaric situation that had developed at the time of the partition of India and, nobody wants to take advantage of the distress of our women folk and children belonging either to the

Indian Union or Pakistan who have been abducted during that insane period, at the time of partition. That is why, we are all grateful and we all appreciate the efforts made by the Government and by the Central Relief Organisation to recover these unfortunate victims. When we get up here and speak in connection with this Bill, our intention is not to oppose this Bill, but only to draw the attention of the Government and of the persons who are carrying on this recovery work under very difficult conditions to certain aspects of the situation. I do agree with Shrimati Lilavati Munshi and also with the other speakers who support her point of view. We do want even now any woman who has been victim, either in Pakistan or in India, to be recovered if she wants to be sent back to her original home. There is no difference over that among any one of us. **But** the point, as Shrimati Lilavati Munshi herself put it, is whether after five years, when many of these women have settled down, and have borne children also in many cases, is it necessary, when they themselves do not express a wish—whatever the difficulties they may be suffering in the beginning—to be sent back? Is it necessary, in such a case, on the part of Government or of the organisation for the recovery of abducted women, to go and find out who is the abducted woman, and then try to bring her to a detention camp, where all facilities would be given to her to mix with old friends and with relations, make her stay there for a few months, and then let her make up her mind either to go back to her original family from which she had been abducted or to the place where she had been living for the last five years? It is from this angle only that this question has to be approached. I do not want, and it is very wrong on the part of Members, to compare how many women we have restored to Pakistan and how many Pakistan has restored to us, and say that Pakistan has not been doing its duty. It is not a question whether Pakistan has been doing its duty or not. If we have recovered certain women who have been abducted by certain persons in India,

[Shri P. Sundaryya.]

and those women express their willingness to go back to Pakistan, then it is our duty to send them irrespective of whether Pakistan does its duty or not. If there are women in India who want even now to be sent back to Pakistan, then certainly Government must take all necessary measures.

I have gone very carefully through the report submitted by the Recovery organisation, and in that I find a sentence which says that as long as a single abducted woman is there in either of the countries till that time the organisation is necessary, because it is necessary to recover every abducted woman. For all our appreciation for the manner in which this organisation has worked, I cannot agree with this attitude. What is the procedure that the Government adopts ? First remove them to detention camps and allow them to stay with old friends or with relatives, and let them make up their minds. Those women have been settled; they have been living as wives for five years and in many cases have also borne children. Why this process after five years ? Why subject those women to all this even when they do not ask for it ? To be removed, to be re-educated—if I may use that expression—or their minds to be remoulded, so that they can be sent to their original families ? Why all this procedure ? And for an atmosphere should be created in the detention camp. If the women want to stay, after five years, in Pakistan or in India with their erstwhile abductors with whom at first very unwillingly, or in great anger with all their womanly feelings outraged, they were forced to live but to whom in the course of five years they got accustomed, if they do not want to be repatriated, if they do not come forward themselves or intimate that they want to go back to their original families, why should the Government, on receiving a report, first remove them from their families and keep them in detention camps for a few months, and then try to send them back to where they don't want to go ? This procedure is unnecessary.

From the report as well as from the speech of the hon. lady Member, Shrimati Seeta Parmanand, it appears that there are cases of women who are finding it difficult to contact the Recovery Organisation or the respective authorities and intimate their desire to be sent back to their families. But how does this Organisation reach them ? After all, they have first to reach the Organisation, even after six months, even after five years, and intimation should be given, and only then will arise the question of Government going and seeing them and doing anything. When that is the position, why should the Government and the Recovery Organisation first remove the woman ?

Sir, we are not going to oppose this Bill. If the Government and the organisation that is dealing with it feel that this Act will enable them to recover those women and to help those women who want to be repatriated to their original homes, certainly you can keep this Act. But we request Government and the persons who have been doing this recovery work under great difficulties to consider these aspects. Because this Act is there, it does not necessarily mean that they should go and see that every woman is brought to camp and an atmosphere is created and then let her make a decision to go back or not. They must confine their activities only to those women who want to be sent back. If they take this much precaution, that would be helpful for all the people. Otherwise, by raking up the wounded past once again you will be creating many more difficulties. The Bill says that it will extend up to February 28th 1954. I hope that that will be the last date and that there will be no further extension of the Act. Either we shall have by that time recovered all the women who are willing to go back, or we shall have stopped this work by that time, because if you follow the principle that as long as a single abducted woman is there this Act should continue, I do not know for how many years we shall have to keep this Act on the Statute Book, and that is not necessary.

SHRI A. K. CHANDA : Mr. Deputy Chairman, my task has been made considerably lighter by the intervention in the debate of my esteemed colleague, the hon. Minister Sardar Swaran Singh and of the hon. lady Member Shrimati Seeta Parmanand.

The question of consent has been very lucidly explained by Sardar Swaran Singh with reference to the law. There is no question of any forcible repatriation in the terms used on the other side of the House. Ours is entirely a humanitarian task, and I assure the House that we have not been and will not be cruel in our mission of mercy.

The question of children has also been raised, and I would say that in the Act it is provided that the first claim for the child born during the abduction period will be that of the mother. As long as she decides to keep the child with her, none can separate it from her.

SHRI C. G. K. REDDY : According to the Act, 'dependent child' include children ?

SHRI A. K. CHANDA : Of course. Certainly.

3 P.M.

Sir, a question has also been raised whether persons have been sent down to Pakistan against their wishes. Of the 16,919 persons till now restored to Pakistan only four Muslim persons have chosen to come back to India and out of 8,326 who were sent from Pakistan only two chose to go back. That conclusively proves that the restoration work is not done without the consent of the parties concerned.

I have been asked, to supply figures. The figures are here. Before the Act was passed 9,362 have been sent from India to Pakistan and we have received from Pakistan 5,510. Since the passage of the Act we have restored to Pakistan 7,557 and we have received from Pakistan 2,816. And thousand Muslims have been restored to their relatives in India itself.

I need only add here, Sir, that this is not a question of barter. These victims are not prisoners of war that we shall proceed on a *quid pro quo* basis. It is entirely a humanitarian task and no matter whether Pakistan returns to us the abducted women from our country or not, we should try to restore and return to their country, to their normal life, whomsoever we could restore in our country.

SHRI RAJAGOPAL NAIDU : My point is only about the recovery of our women in Pakistan.

SHRI A. K. CHANDA : Sir, we have done better work in this field than the Pakistan people have.

With regard to the figures of persons not yet restored, I will read out what we have, to, say on this matter :

"COLLECTION OF INFORMATION AND REFERENCE"

The Inter-Dominion agreement lays down :

"The responsibility for obtaining information in respect of abducted persons will be that of the Recovery Squad of the Dominion in which the abducted persons are known to be residing. Each Dominion, however, may furnish such information as may be available to the other in respect of abducted cases known to be in the other Dominion."

Yet, however, to help the Central Recovery Office on either side the claims of relatives who crossed the border, have been compiled and during these four years abducted persons' lists have been sent to India by Pakistan and *vice versa*. The names in those lists run into thousands and, therefore, a special investigation section is working on the lists on both sides. The result of the check up has convinced workers and authorities on both sides. However much one may try, it is humanly impossible to prepare a reliable list."

The hon. Member Mrs. Lilavati Munshi has referred to the hardships which may occur in cases where the persons, have settled down to the new conditions during the last five years. It is quite possible, Sir, there will be cases where the persons who had been abducted have got reconciled to their fate and are living happy and contented in their new homes. But there are many persons who still cry for help and they cry to us that they should be restored to their normal life and should be

[Shri A. K. Chanda] recovered. And therefore, Sir, this work cannot be given up at this stage. But the life of the proposed Act is only for another one year and four months and the whole question will again be reviewed.

It has been, Sir, a great pleasure to hear from many Members of the House tributes being paid to Shrimati Mridula Sarabhai and her loyal band of workers who have been carrying on this great work in a very noble manner and I would also like to associate Government in the expression of these grateful thanks to that noble lady.

SHRI C. G. K. REDDY : May I just ask for clarification? The hon. Minister for Works, Housing and Supply tried to define legally what 'consent' meant. And he also said that they will be put in a position where they would be giving their consent or otherwise without any influences working on them. I should like to know from the hon. Minister in charge of the Bill what is the position of persons who are put into the camps and asked to choose whether they will stay in Pakistan or India, whether influence is not brought to bear on them by either our officials or Pakistan officials or their own fathers and mothers and relations ?

SARDAR SWARAN SINGH : Sir, the working of the camps is like this. Camps are established for keeping the recovered persons. For instance, Muslims who might be the abducted persons on this side of the border, are sent after recovery to a camp and one such camp is in East Punjab at Jullundur. That is under the management of our Government and there is no question of any pressure being brought to bear upon any person who is in that camp. It is no doubt correct that permission is accorded for the relatives to see that abducted person but that cannot be said to be the exertion of any pressure or creating circumstances in which her free choice is not given expression to. Therefore,

the atmosphere is not in any way such where there is any scope for exertion of any type of pressure.

SHRI RAJAGOPAL NAIDU : Only one point, Sir.

MR. DEPUTY CHAIRMAN : I think sufficient reply has been given. I will now put the motion to 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.

MR. DEPUTY CHAIRMAN : We shall now take up the clause by clause consideration of the Bill. There are no amendments to this Bill.

Clauses 2 to 9 were added to the Bill.

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

SHRI A. K. CHANDA : Sir, I move :

That the Bill be passed.

SHRI C G. K. REDDY : Sir, I rise just for two minutes to register my protest. It is not a political decision although very unfortunately an hon. Member who happens to be a Minister also tried to impute political motives to the opposition to this Bill.

SARDAR SWARAN SINGH : Who did it ?

SHRI C G. K. REDDY : The hon. Minister for Works, Housing and Supply.

SARDAR SWARAN SINGH : I never said so.

SHRI C G. K. REDDY : He said that. He can refer to the proceedings of the House.

SARDAR SWARAN SINGH : I j don't think, Sir. I ever said anything j of that nature.

SHRI C. G. K. REDDY : If that is so, well, I will leave that point but tell him that so far as the opposition to this Bill is concerned, it comes only from me as an individual and unlike the Whip that may be existent on the other side of the House, there is no Whip so far as my Pa'ty is concerned. The reason why I am opposing this Bill is this. The explanation the hon. Ministers—two of them—have jointly given to this House regarding the freedom with which the abducted person is made to choose where she is going to be, is not satisfactory, so far as I am concerned. When I say this, Sir, possibly the hon. Minister and most Members would feel that it is most unfair to say that their own parents, when they come to visit them in the camp, do exercise influence. My contention is that they do and very often with the self-righteous indignation with which our Government agency is working, they often connive with this organisation with mistaken self-righteousness. They do exercise influence. I say this with considerable pain, because I am aware of the position and I also would like to pay my compliments to this organisation up to a limit. There are institutions and agencies invested with certain powers who sometimes over-reach themselves and overreach even the cause that they represent.

DR. D. H. VARIAVA : On a point of information, Sir. His not the father or the brother of the abducted persons a right to influence them, to induce them to come back to their own home ?

SHRI C. G. K. REDDY : I was coming to that. I am saying all this because I feel that in many cases the recovery has resulted in more misery than there was before. Sir, naturally if we lose our sisters or wives, we feel for them. We do entertain great attachment for some time and then afterwards when we try to see them or talk to them, naturally our emotions carry us away and we are likely to be influenced. I do not contend that this influence does not have a very lasting

significance or a very happy ending, because the result of that momentary reunion does not last very long. After a few days have passed by, I have known of several instances where this emotion has worn off, the interest in the dear ones has worn off, not only because it has been so long but also because the society in which we live does not take kindly to such unfortunate persons. I referred to it this morning when I said that society stood in the way but one hon. Member tried to twit me by saying that that was all past and that we are now living in the glorious present where tolerance and mercy flow in unlimited quantities. But I know the reality is that society works against the father and the brother and does not take kindly to these poor womenfolk. After some time, these poor womenfolk, with their children tied to them, have been forced to lead a life much more degrading than what they are living today. So, I feel that if the Government could devise some other method without bringing in their relations, it would be better. After all, a pimp is shut off from any influence that can be brought to bear by the wicked persons who abducted the persons. In that camp, without bringing in the relations—the Government is entirely neutral in the matter and there is no doubt that the Government wants to do justice to these womenfolk whether they are Indians or Pakistanis and I wholeheartedly concede they are neutral in the matter—they could find out from those poor unfortunate women, after they have been removed from the homes of those who had abducted them, whether they want to go back to the man or go back to their families. Why bring in the whole regiment of relations to cry and embrace which always happens as it should be ? My contention is that this motion born out of the reunion which is a very natural thing, which is a very fine thing, does not last not only because we cannot wash of the past but also because the society in which we live, not only here but also in Pakistan, does not take kindly to the last five years, and they

[Shri C. G. K. Reddy.-J. -would be forced to abandon their own daughters-, their own sisters, to their own fate, find that is the reason for the objection that I have. I ' have this painful duty of saying 'No', to this Bill, even if I am the single Member in this House to do so. I repeat again that it is on my own, as an individual, that I am expressing this opinion. I do not represent the party's opinion. If the party agrees with this, it is, for them to do so., So, far, as this-Bill is concerned, ,I, am a conscientious, objector to the coercion with which these womenfolk are being sent back, with a good intention perhaps, which, will be defeating itself and which will force them in many cases to lead a, life which would be more degrading than' what it has been so far.

SHRI KARTAR SINGH (PEPSU) : Sir, I support the Bill, but I want to place a few facts before the House. The hon. Minister has stated that no force is brought to bear on the abducted persons in the camp. But we all know what happened in the camp at Jullundur, the place from which my hon. friend hails, and now I shall tell you what happens in Patiala. I am a lawyer and I have conducted some of these cases. What happens is that the Sub-Inspector or, the Inspector of the department (ordinarily police Inspector or Sub-Inspector) charged with the duty, of the recovery of the abducted persons, with their staff of constables, are shown the abducted persons who are recovered and taken into custody. They have a camp in Patiala in PEPSU. , The, abducted persons are formally brought to the camp. Then the relations of the persons with whom the persons concerned were staying for three, four or five years, i.e. to say the alleged abductors come to Patiala with the object of moving the High Court in the matter that no force was used against the abducted persons who were living with them 'of their, free will for the last many. years and that they should not be removed out of the jurisdiction of the court. And what are the instructions of the Department in the matter? First the persons

abducted are brought to Patiala. The alleged abductors come there to move the High Court in the matter and the staff also comes to know that the High Court is going to be moved under section 491 of the Code of Criminal Procedure or under article 226 of the Constitution of India for the abducted person to be brought up before the High Court and set at liberty as there was no abduction. What is done is that, in majority of cases immediately in an hour or two or on that very day, the departmental officers remove them i.e., the alleged abducted persons out of the jurisdiction of the court and take them to Ambala or Jullundur. That had not happened in a case or two but in a majority of cases, so that an obstruction is placed in the way of persons who want to move the High Court for getting justice. When the person concerned is moved to another place out of the jurisdiction of the particular court where an application can be filed, or had been, filed, the case is lost by the party and the application becomes infructuous. I have been a counsel in some of these cases ; I knew the facts and I had brought them to the notice of the authorities concerned. I sometimes wonder whether this is a department for the recovery of abducted persons or a department to abduct persons. I say all this with full responsibility. This is what is actually happening there. I support this Bill. For my part I won't mind whether the act is extended for one year or even for more than one year. But my submission is that this is a Department more for abducting persons rather than for the purpose of recovering persons who had been abducted. These facts had been brought to the notice of the authorities concerned by the people there. .

Secondly, if per chance an abducted person is not removed out of the jurisdiction of the High Court and a date is fixed for the appearance and for recording of the statement of the alleged abducted person, if you go to the High Court, you will find such calm and quiet atmosphere outside the court, and within its precincts. You

will find the Inspectors and Sub-Inspectors (with full police, force there and they would not allow anybody to see the abducted person. No alleged abductor or his relations is allowed to see her and she is kept in constant fear to obtain a statement from the abducted person that she does not want to go back to the person with whom she had lived all these years. The Bill has my full support, but the manner in which the Act is being worked does not inspire confidence and has not yielded good results. If it had been worked in the true spirit, such difficulties would not have been experienced. With these words, I support the Bill,

Sri R. A. K. CHANDA : I have nothing to add, Sir.

MR. DEPUTY CHAIRMAN:- The question is :

That the Bill be passed, The motion was adopted.

THE INFLUX FROM PAKISTAN (CONTROL) REPEALING BILL, 1952

MR. DEPUTY CHAIRMAN : The hon. Mr. Bhonsle :

THE DEPUTY MINISTER FOR REHABILITATION (SHRI J. K. BHONSLE) : SIR, I beg to move :

That the Bill to provide for the repeal of the Influx from Pakistan (Control) Act, 1949, as passed by the House - of the People, be taken into consideration.

Sir, as the House is aware, traffic between India and Pakistan was since the middle of 1948 regulated by system of permits. The Indian law which regulated entry into India of persons coming from Pakistan was the Influx from Pakistan (Control) Act of 1949 — Act XXIII of 1949. In practice, exemptions were issued to facilitate freedom of movement in the eastern zones. In such cases, therefore persons coming from East Pakistan were exempted from being in possession of a passport except for those in West Pakistan, who desired to

come into India through East Bengal. In April this year, the Government of Pakistan for the first time communicated to the Government of India its intention to replace the permit system by a system of passport. This proposal was considered by us on merits and as the House is aware, we were averse to increasing in any degree the hardship of the people who have to make *bonajidej* visits from one country to the other. Especially we were averse to the introduction of restriction for the first time on traffic between East Bengal on the Pakistan side and the Indian States bordering East Bengal. Such traffic had been free of all restrictions till then and the restrictions which the passport system would impose on them amounted for the first time to a negation of the freedom of movement granted to these people under the Prime Ministers' Pact of April 1951. The Government of Pakistan could not see eye to eye with the views of the Government of India. In the circumstances, the Government of India could only try to ensure that the hardships of the people who have to make journeys from one country to other were minimised as far as possible. It was agreed with the Pakistan Government that the permit system be replaced by a system of passports with effect from 15th October 1952. The repeal of the Permit law was a necessary corollary of the introduction of the passport system and hence the Government promulgated the Influx from Pakistan (Control) Repealing Ordinance, 1952, which repealed the Influx from Pakistan (Control) Act of 1949. The Bill now before the House is designed to convert the provisions of the repealing Ordinance into an Act.

The Bill is a simple one containing the usual repealing clause. The only feature of the Bill which might call for any comment is the savings clause. It is designed to continue in force the penalties attracted under the Influx from Pakistan (Control) Act in respect of those who having come to India on a permit date prior to 15th October 1952, have continued to stay on

[Shri J. K. Bhorsle] in India and committed or may commit a breach of the permit conditions. That is all.

MR. DEPUTY CHAIRMAN :
Motion moved :

That the Bill to provide for the repeal of the Influx from Pakistan (Control) Act, 1949, as passed by the House of the People, be taken into consideration.

SHRI V. S. SARWATE (Madhya Bharat) : Sir, the Bill is said to be a simple Bill. I do not know whether I can agree with this remark. But before dealing with the other provisions of the Bill, I would submit that the last clause, clause 3 (2), is unnecessary or superfluous. The General Clauses Act and all its provisions are assumed to be included in whatever law that may be passed. So, there is absolutely no necessity for that part of the clause, that is for the words, "For the removal of doubts it is hereby declared that the provisions contained in sub-section (1) shall be without prejudice to the general application of section 6 of the General Clauses Act, 1897 (X of 1897)". Even if that provision is not there, it would not make any difference. The only thing that Section 6 of the General Clauses Act says is that the making of a new law would not affect the previous operation of any enactment. That fact has been taken note of by law and even if you do not mention this clause here, there will be no difference. The hon. Minister should think over the necessity of this clause.

As regards the provisions of this Act, I fail to understand why this system of permit should be replaced by a system of passports. What is the benefit of passports over the system of permits ? The statement of objects does not make this clear. I have compared the Passport Act with Act XXIII of 1949 which makes it necessary for any person coming into India from Pakistan to have a permit while the passport system will only enable the Government to make certain rules by which certain persons entering into India might be made to require passports under certain conditions.

But the difference thus is this Permit Act is compulsory while the other was only an enabling Act. But by section 4 of the Permit Act there is power given to Government to make rules by which Government could provide for the exemption, either absolutely or on conditions, of any person or class of persons from the requirement of being in possession of a permit or from the operation of any rule made under that section. Now there is no question left regarding influx from West Pakistan. The question is regarding influx from East Pakistan. If the Government wishes that there should not be any trouble or that facilities should exist for persons coming in from East Pakistan, they have only to make rule under this providing for exemptions on certain conditions. Just as the mover explained that they wanted that there should be no difficulty in the way of people coming from West Pakistan.....

SHRI J. K. BHONSLE : It is wrong. I said from East Pakistan.

SHRI V. S. SARWATE : Whatever may be, you have taken certain action. Under this provision I fail to understand why then Government wants this measure by which every person is required to have a permit. What follows is this that the Government are to make rules under the Passport Act. The Passport Act is an enabling one. Government can make certain rules under it. By this they are giving away the powers that they already have got. Where is the advantage in this ? I don't mind what is the agreement between the Pakistan Government and the Government of India. #The Government of India have already passed a law. Have they anywhere agreed that that law will be repealed ? If not, they are in no way bound to repeal that Act. The 1949 Act has certain advantages over the 1920 Act of Passports. The mover should explain to us what is the advantage of passports over permits. I don't understand that because the Pakistan Government introduce the system of passports, therefore the Government of

India must also reciprocate and introduce this system of passport. They have already the system of permit. So this is not necessary. Therefore I feel that this Bill seems to be superfluous and is not in any way advantageous to the Government. So I submit that unless he explains this more satisfactorily and says what is the need for doing away with the present system we cannot support this.

THE MINISTER FOR LAW AND
MINORITY AFFAIRS (SHRI C. C.

BISWAS) : With reference to the remarks which my hon. friend has made, may I point out that he is labouring under a misapprehension. I shall first deal with the first point he made. If I heard him aright, he contended that in view of the provision in sub-clause (2) of clause 3, sub-clause (1) is redundant. The General Clauses Act Section 6 provides that the repeal of any enactment does not affect the operation of the Act which is repealed thereby. Quite true, but if he will look at sub-clause (1) of clause 3 he will find that there is specific reason given why this sub-clause has been incorporated in the Bill. It is a fact that the introduction of the passport system has put an end to the Influx from Pakistan Control Act, and that Act is therefore being repealed, and the repeal will not affect the validity of any permits which might have been issued under the previous Act. The question however is, supposing a permit was issued and then in violation of the conditions of that permit a person tries to go back to Pakistan or *vice versa*, whether and how in such a case, the man can be punished for the breach of this permit. It might be argued that the permit is no longer in force. Whatever that may be, there is a breach of the permit. Is it suggested that for such a breach of the permit, the offender will go unpunished? It is only to secure that object that this specific provision has had to be made. It says this :

"Any person who commits a breach of any of the conditions of the permit or against whom a reasonable suspicion exists that he has committed such breach, may be prosecu-

ted, punished or proceeded against under section 5 or section 7 of this Act hereby repealed as if this said section had continued in force.

In order to remove all doubt, about the matter, there was this proviso. That is all. There is no question of enacting something repugnant or superfluous. Nothing of this kind. What would be the use of allowing such an argument to be raised at all? It is much better to put an end to all possible doubts on the question. That is the object.

The other question which has been raised is, "Why did you do away with the permit system and why are you having the passport system in its place?" That is another story. Right or wrong, the passport system is now in force. There is already an Act which has been passed by Pakistan, and on our side although a similar enactment has not yet been passed, still the position is that the passport system is in operation on both sides of the border. If that be so, it automatically means a termination of the permit system. Movement between the two countries was so long regulated by the permit system. Whether that was good or bad, that is an entirely irrelevant question so far as this Bill is concerned. The Passport System has been introduced in supersession of the permit system which was in force for the purpose of regulating traffic between the two countries. Therefore, the Influx from Pakistan Control Act, 1949, automatically came to an end. It has been repealed by an Ordinance and the Ordinance is now made into a law. There is no change except what is consequential on the introduction of the Passport System. I submit the question as to whether the Passport System is good or bad, whether it should have been introduced or not is an entirely different proposition with which we are not concerned at this stage. That may be a question of policy or may not be a question of policy, that might be good or bad but there it was—whether Pakistan forced it upon us and we had to submit to it or we had both concurrently introduced this system in both countries—that is entirely irrelevant.

[Shri C. C. Biswas.] Now that the passport system is there, the permit system must go. No doubt, Pakistan's contention is that the permit system was an out-moded system and that it should be replaced by something better. Now so far as the Western zone is concerned, this is a claim which may be granted as having some plausibility. But what is the case as between East Bengal and West Bengal? Between East Bengal and West Bengal, there was absolute freedom of movement and no restriction. So whatever the restriction be, whether passport or permit system, it would be repugnant to the preceding state of things. So far as Western Pakistan and India are concerned, the matter stands on a different footing. You have had to take out a permit before you could cross the border. Very well. That meant that for every journey that you made, you had to take a permit. But if you have a passport system, on the international basis, it is valid for five years and this will do away with the necessity of applying for and obtaining a permit or Travel document on each occasion. Certainly, as between two countries where already a permit system was in operation the passport system would be better. That is all that is in it. I submit that the other considerations do not arise at the present stage.

SHRI J. K. BHONSLE : Sir, I have

MR. DEPUTY CHAIRMAN : The question is :

That the Bill to provide for the repeal of the Influx from Pakistan (Control) Act, 1949 as passed by the House of the People, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN : Now we take up the clause by clause consideration of the Bill. There are no amendments to this Bill.

Clauses 2 and 3 were added to the Bill. Clause 1, the Title and the Enacting formula were also added to the Bill.

SHRI J. K. BHONSLE : Sir, I move :

That the Bill be passed.

MR. DEPUTY CHAIRMAN :
Motion moved. :

That the Bill to provide for the repeal of the Influx from Pakistan (Control) Act, 1949, as passed by the House of the People, be passed.

SHRI B. GUPTA (West Bengal) : Mr. Deputy Chairman, it is most unfortunate that today we should have entered into the position when the people of the two countries would be required to take passports for travelling from one country to the other. We thought, Sir, that after the partition of the country, efforts would be made on either side to so create a situation that we could heal our wounds, that the two countries would develop better and congenial relations, that the people of one country would be free to extend their hand of friendship and fraternity to the people of the other-country. But that has not been possible. That has not been at all possible, not because the people have lost their elemental patriotism. That has not been possible because certain reactionary forces not only in this country, but also in Pakistan, have seen to it that we do not develop the relations that should be developed. Behind all this, Sir, we know, lie the machinations of Britain and America who flourish on the differences and conflicts between our countries and who flourish on the hostilities and warlike situations prevailing there. That is why today we find that even after five years, after five years since the partition of India, notwithstanding all the bitter lessons of the past, we have had to come to the system of passports. The hon. Minister has said that it cannot be helped. Permit has given way to passport. This system creates conditions for bitterness as we have already noticed. There are politicians in our country who want retaliatory action against Pakistan just as there are politicians in Pakistan who want retaliatory action against India and those politicians are responsible not only for the miseries that have

already beset us, but also the miseries that loom ahead of us. Sir, I have

noted that the hon. Minister has pleaded, a kind of helplessness. I know, Sir, that the Government is desirous of considering the whole matter of passport and is prepared to give it up provided the Government of Pakistan would do the same. In so far as this declaration of the Government of India is concerned, we certainly welcome it but it is not merely a question of declaration today. What is essential is to act upon such declarations. What is essential today is to take practical steps, consistent with the exigencies and the realities of the situation so that this passport which is a cursed system, which has already brought about so much of sufferings on both sides of frontiers, would go. It is no use expressing helplessness in this matter. Government has got the power and if it has got also the good-will, I have, not a doubt in my mind, Sir, that the entire country will rally to all creative and positive measures that may be taken to abolish this system. It is a nightmare through which we are passing. Sir, East Bengal and West Bengal—I am talking about that part of India and Pakistan from where I come—are separated by artificial barriers which have been created by people of bad faith, barriers which have resulted from the failure on the part of the Government of India to take practical steps in good time to stop it, barriers which have come there because the communalists today flourish in the country, barriers which are there because the zamindars and monopolists want such a system. Sir, I wish the Government had realised that thing. I know, Sir, that there are some politicians, communal politicians who think that sanction should be applied against Pakistan just as there are politicians in Pakistan also who do some amount of sabre rattling from their side. We have to fight against these politicians because they are the politicians who are responsible for all that bloodshed, for all that misery, for all that destitution, for all that refugee problems that have arisen since the partition of the country. It does not behove any responsible and powerful Government to give in to these people. After all, it is not the two

countries that had been separated. It is the humanities that have been torn asunder; it is the economic life that has been disrupted today; it is the social ties that have been broken and disrupted today; and yet, in West Bengal, we find in Dr. Bidhan Chandra Roy, the Chief Minister, a person who believes, in encouraging the forces that want to create warlike conditions, hostile conditions between India and Pakistan, especially East Bengal, and West Bengal.

Sir, we have had a lot of agitation in our part. One side of the agitation—one part of this thing—was led by Dr. Syama Prasad Mookerji, the redoubtable communalist leader who flourishes in communalism and whose political bank fails the moment communal tension disappears.

MR. DEPUTY CHAIRMAN :

The hon. Member should avoid mentioning names.

SHRI B. GUPTA : I am talking about the passport system.

MR. DEPUTY CHAIRMAN :

Please avoid names. No personal attacks. ... « ' s ■ ■ -

SHRI B. GUPTA : I will not mention the honourable names. They are so honourable! That honourable gentleman of Bhowanipore, whose name I will not mention, demanded sanctions against Pakistan. And, on the other side, his counterparts, the honourable gentlemen from Dacca, demanded that some strong action should be taken against the Government of India, and demanded that the Government of India should be brought to its senses. That is how they began their skirmishes on both sides.

And what has been the result? Migrations have taken place. Refugees have come, uprooted from their soil, and they have been left absolutely helpless in the street of Calcutta. There was none of these leaders to