

SHRI B. RATH : I have been trying my best to attract your notice. Sitting here, it is very difficult to catch your eye, unless you look towards me.

SHRI M. C. SHAH : Sir, I have heard with rapt attention to all the speeches made by my hon. friends. I think, I have replied possibly to all the points that were raised, and I do not think that any further reply is necessary. One point requires mention, and that is, with regard to the point raised by my hon. friend Mr. Kunzru about the third auditor that is provided in clause 24, sub-section (6). I have spoken about that. With regard to the points raised by Mr. Rajah, I am afraid he was not present when I replied to his points. With regard to the disclosures also, I have already stated in the House and I am really fortified by a cable that I have received from the Chairman of the Industrial and Commercial Finance Corporation, United Kingdom, that they also don't disclose the names. I have enquired about this because there was a mention made in the Lower House that they disclose the names though it is a joint stock limited company. I have enquired about this and I have a cable that I am glad to say that there the policy adopted is that the names are not disclosed though I have already stated in this House, and the Prime Minister also assured, that this suggestion will be considered.

SHRI B. C. GHOSE : Does the hon. Minister know that the I.C.F.C. is a private institution ?

SHRI M. C. SHAH : As I have already explained, this point was raised in the Lower House that that institution discloses the names and hence the enquiry was made.

With regard to the constructive suggestions made, I can assure my friends that all those suggestions will be considered on their own merits and whenever helpful, then certainly Government will take into consideration those suggestions and try to put

them into effect. Sir, I commend the Bill.

MR. DEPUTY CHAIRMAN : The question is :

That the Bill be passed.

The motion was adopted.

THE ABDUCTED PERSONS. (RECOVERY AND RESTORATION) AMENDMENT BILL, 1952

MR. DEPUTY CHAIRMAN : We shall now take up the next Bill in the List of Business—Abducted Persons (Recovery and Restoration) Amendment Bill, 1952. Mr. Chanda.

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

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

Sir, this is purely a humanitarian measure and raises no political controversy and as such I hope the House will kindly give it a smooth passage. In brief, I may be permitted to refer to the historical background of the Bill. It refers to the tragic circumstances of 1947 when thousands of women and children were abducted on either side of the border. These were not normal crimes of a personal nature but they were part of a programme as a retaliatory measure. The situation was very grave and both the Governments realized the urgency of handling the matter jointly and the two Prime Ministers in a joint statement in September 1947, declared, "that forced conversions and marriages will not be recognized and farther the women and children who have been abducted must be restored to their families and every effort must be made by the Governments and their officers concerned to trace and recover such women and children." That is, just as Pakistan is pledged to this, we are also pledged that every woman who had been abducted from the other side would be recovered and restored to her family..

The two Governments' declaration was immediately given effect to by the Indo-Pakistan Agreement arrived at on 11th November 1948. It recognised the need of special legislation in both the countries for the recovery of abducted persons. The Pak. legislation is an Ordinance of a permanent nature covering the whole of West Pakistan. In our country we have dealt with this matter in a rather different manner. Immediately after the agreement which was arrived at on 11th November 1948, we passed an Ordinance on 31st January 1949 and it was extended on 30th July 1949. The Abducted Persons (Recovery and Restoration) Act, 1949, was passed by the Constituent Assembly of India on the 30th December 1949, which was valid upto 31st October 1951. The Act was extended by the President in the form of an Ordinance. Later, this was confirmed by the Parliament and the Act became valid up to 31st October 1952. In June a case was taken by an aggrieved person before our Punjab High Court and the decision of that court was that this Act was *ultra vires* of the Constitution. Both the Government of India and the East Punjab Government appealed before the Supreme Court and the Supreme Court recently has upheld the validity of the Act. The Act normally was due to expire on the 31st October and as the Parliament was then not in session and as it was considered very necessary that this restoration work should be continued, the President promulgated an Ordinance with its life for two months and the present Bill is to continue the provisions of the Ordinance which is due to expire soon.

The very fact that we have made periodical enactments recognizes that we want to review the situation from time to time and extend the period of validity to meet the need. We are convinced that a large number of unrecovered persons remain on this side of the border and in justice and on grounds of humanity, we feel that we should continue this work. The pre-

sent Bill is substantially the same as the Act it seeks to amend, except in two vital points. One is, it substitutes the words 'Central Government' for the words 'State Government' wherever that latter expression appears in the Act and secondly, it provides that an abducted person within the meaning of this Act who is removed from the States to which the Act extended to any other part in India may be taken into custody by a police officer duly authorised and for this purpose this particular provision will be made applicable to the whole of India. The reason for this proposed change is very simple. Because of the vigorous enquiry that we institute whenever we get reports of any abduction in any locality, the abductors move from the area, where this Act is applicable and go to areas where the jurisdiction of this Act does not extend and therefore we found it necessary that the jurisdiction of this Act should be extended to such areas which are not covered by the previous Act. It centralised, in short, the administration of this Act. With these few words, I move that the Bill be taken into consideration.

MR. DEPUTY CHAIRMAN : Motion moved :

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

SHRI RAJAGOPAL NAIDU (Madras) : Sir, I wish to ask one question by way of clarification. The hon. Minister has not given the figures as to how many persons had been recovered on this side of the border after the passing of the Act in 1949 and how many persons had been recovered that side of the country in Pakistan after the passing of the Act in 1949.

SHRI A. K. CHANDA : The list has been circulated.

SHRI RAJAGOPAL NAIDU : How many persons are, in the opinion of the Government, still to be recovered both in our country and in Pakistan ?

SHRI A. K. CHANDA : The number is still very large.

SHRI RAJAGOPAL NAIDU : I want a reply to that.

MR. DEPUTY CHAIRMAN : He will reply later.

SHRIMATI LILAVATI MUNSHI (Bombay) : Sir, so far as this measure is concerned, I have great admiration for the work that the Government has been doing with regard to the recovery of abducted women. But I have one submission to make in this connection. Five years have elapsed when the event of the first abduction started and I think this was mostly confined to those early months. There were many abducted women—Hindus and Muslims—on both sides. Most of these women have settled down in their respective homes. If my information is correct, many of these abducted women themselves are not happy over their recovery and they do not want to leave their present homes. I know of one woman who was recovered from Pakistan and who came here and was kept somewhere in the U. P. She herself ran away and then wrote a pathetic letter from Pakistan where she got back to her husband and child, and she said how happy she was and all that. Now, the same thing must be happening on this side also. So it is not a question of Hindu women or Muslim women. It is just a question of women and it is about that that I am speaking. Rightly or wrongly, things have happened which we could not prevent and these persons have settled down in their homes. In many cases they have married and they have children and they have formed affection for their new homes, for their husbands and children. Now if we suddenly pull them out from their homes and want them to go back to their relatives who may or may not be willing to take them back, or put them in some women's homes or children's homes, that would not be a good thing. I think this question requires to be viewed from the human point of view and not from the political point of view. It may be a political thing, we

recover these women and send them to Pakistan and Pakistan recovers the women on their side and sends them back to us.

SHRI B. C. GHOSE (West Bengal) : Pakistan does not send them.

SHRIMATI LILAVATI MUNSHI : No they may be sending. After all, we should not decide upon this question from the point of view of political exigencies. This is not a political question. It is a human question. Sir, the hon. Minister just now said that on grounds of justice and humanity we should continue this work. I say, it may be justice, but it is not humanity. Precisely on this ground I say we should allow these people to live in their homes. Of course, those women who want to go back on their own free will, should be helped to go anywhere they like and all possible help should be given to them to get back to their original homes. But we should not snatch them away from where they have settled down and where they have formed affections and send them away, and make their children illegitimate. I don't consider this to be a party question. It is on my conscience and that is why I am speaking out on this subject. I would submit that we have done enough in the past. Of course, much more should be done wherever a woman herself wants to go back to her original home. To her all possible help should be given. But we should avoid rendering the children parentless and sending them to different homes. I have seen these children's homes. They may be quite happy and looked after ; but this home for children is never a substitute for a home where they can live with their parents.

Sir, I do not want to speak much on this question. I hope this question will be viewed from the human point of view and not from the political point of view. That is all that I have to say.

PRINCIPAL DEVAPRASAD GHOSH (West Bengal) : Sir, I entirely agree.

with the sentiments expressed by the previous lady speaker (hon. Mrs. Munshi). If the intention of the Government is to cling to the letter of the law and to exert to the uttermost the powers conferred by the legislation that is now before the House, that is to say, to send back, wilfully, all the abducted women who happen to be in India—I do not know what is happening in Western Pakistan—if it is the intention of the Government to send all the women who can be traced and who really were abducted during this period since 1947, compulsorily, to Pakistan, then I should entirely agree with the sentiments expressed by the previous speaker that it would be an act of inhumanity. To compare big things with small—and I really do not know which is big and which is small—this policy may be compared to the forcible repatriation of prisoners of war in Korea over which the U.N. has been in such a tumult for the last few days. Practically the two things are on a par. After the disgraceful blunder of the partition of the country, still more disgraceful episodes occurred, as we know, on both sides of the newly created border. But all that is ancient history into which we need not go at any great length now. Awful things happened. Depths of bestiality were reached which even beasts would be ashamed of ; and thousands and tens of thousands of respectable women and children were abducted to satisfy the lust of infuriated mobs. There is no use dilating on these sad topics. Now when attempts are being made—I know that attempts have been made all these five years, more or less—now when attempts are still being made to complete the process of recovering and restoring these abducted women to their original homes, I must say that this is a most excellent thing, if these women and these children really want to go back to their original homes. All help that it is in the power of the Government to give should be given to them to go back to their original homes. But the first and primary consideration should be the free will and desire of the abducted persons themselves. As the

previous speaker has said, ladies are in a very delicate position on account of the circumstances which overtook them, for no fault of theirs. They have been compulsorily pushed into surroundings with which they had to adjust themselves wilfully and some of them might have got adjusted. They might have developed new connections, new alliances, new family ties. And just at the present moment it is quite possible that many of them do not like to go back to Pakistan. They would prefer to live here with the new associates and new connections, and it would be the height of inhumanity if compulsorily these women are sent back to Pakistan.

12 NOON As I said before, this question is some ~~thing~~ thing like the question of the forcible repatriation of the prisoners of war. I think the Government should give a distinct assurance to this House that the provisions of this Act will be acted upon to the best of their ability in the case of all abducted persons who are willing to return to their original homes ; and that no sort of pressure, direct or indirect, no compulsion, force or coercion would be used on unwilling persons in effecting their restoration to their original homes in Pakistan.

SHRIMATI SAVITRY NIGAM (Uttar Pradesh) :

श्रीमती सावित्री निगम (उत्तर प्रदेश) :

उपाध्यक्ष महोदय, भारत सरकार ने जिस दृढ़ता, धैर्य और कुशलता के साथ अपहृत महिलाओं के उद्धार का प्रयत्न किया है और सफलता प्राप्त की है वह सचमुच प्रशंसनीय है और हमें उसके लिये हृदय से धन्यवाद देना चाहिये । एक बार हमारे देशवासियों ने, चाहे वह पाकिस्तान के हों, चाहे वह हिन्दुस्तान के हों, जो बड़ी बड़ी भूलें की थीं और जो लूट और हत्या के कारण हमारी मानवता पर बड़ा कलंक लग गया था, उसे धोने और छुड़ाने का जो प्रयत्न हमारी ओर से हो रहा है वह प्रशंसनीय है ।

अभी पूर्ववक्ता बहन ने कहा कि जो बहनें सेटिल (settle) हो गई हैं, जो बहनें भली प्रकार से हिन्दुस्तान या पाकिस्तान में रहने

[Shrimati Savitry Nigam]

लगी हैं उनको वहां से हटाना उचित नहीं है क्योंकि स्वयं उनमें से बहुत बहने आना पसन्द नहीं करती। लेकिन मैं पूछती हूँ कि क्या संसार में, हिन्दुस्तान और पाकिस्तान में, कोई बहन ऐसी हो सकती है जो कि किसी लुटेरे के साथ या किसी हत्यारे के साथ अपना जीवन निर्वाह करना पसन्द करती हो ? क्या कोई ऐसी बहन हो सकती है जो यह पसन्द करे कि जिस व्यक्ति ने उसके घर को बर्बाद किया, उसके पति की हत्या की, उसके साथ वह खुशी से रहे ? मेरा कहना है कि जो बहने वहां जबरदस्ती रह रही हैं उनको निकालने के रास्ते में हमें कोई ऐसा विचार नहीं उठाना चाहिये। बल्कि हम उन कारणों का पता लगाये जिनसे वे यहां नहीं आना चाहतीं या पाकिस्तान नहीं जाना चाहती। उसका सबसे बड़ा कारण यह है कि उनको हमारे ऊपर विश्वास नहीं है। हमारी सामाजिक कुरीतियां उनको विश्वास नहीं होने देती कि दुबारा जब हम जायेंगी और पुनरुद्धार किया जायगा तो वही आदर और प्रेम अपने परिवार में मिल सकेगा जो उन्हें पहले मिलता रहा है। उन्हें मालूम है कि दोनों स्थानों में, चाहे पाकिस्तान हो या हिन्दुस्तान हो, लोगों के दिलों में वह प्रेम और आदर नहीं है और इसलिये वह नहीं आना चाहतीं। अन्यथा कोई भी बहन चाहे वह कितने भी मुख में रहती हो अपने पति और पुत्रों के हत्यारों और लुटेरों के साथ रहना कभी पसन्द नहीं कर सकती। इसलिये इस बारे में हमारे मन में जरा भी सन्देह नहीं होना चाहिये कि कोई बहन आने को तैयार नहीं होगी। परन्तु हमें ऐसा वातावरण पैदा करना चाहिये, उनको ऐसा विश्वास दिलाना चाहिये कि 'नहीं, तुम आओ, तुम्हारे परिवार वाले, तुम्हारे देश वाले, तुम्हारा फिर से आदर करेंगे और यदि परिवार वाले तुम्हारा आदर नहीं करते तो तुम्हारा पूरा देश तुम्हारा परिवार बन जायेगा और तुम्हारा पुनरुद्धार देशवासी करेंगे'। यदि ऐसा विश्वास उनको दिला दिया जाय तो मुझे पूरा विश्वास

है कि कोई बहन ऐसी होगी जो अपने परिवार वालों से फिर मिलना न चाहती हो, चाहे वह कहीं भी हो, हिन्दुस्तान में हो या पाकिस्तान में हो।

यही बात बच्चों पर भी लागू होती है कि जिस परिवार में उनकी मांओं के ऊपर इतना अत्याचार करने वाले रह रहे हों वहां कभी भी बच्चों का उचित लालन पालन नहीं हो सकता। उम वातावरण से कहीं अच्छा लालन पालन उनका यहां होम्स (homes) में हो सकता है जिन्हें कि चिल्ड्रेन्स होम्स (childrens' homes) कहते हैं, जहां सब प्रकार की मांओं की सहायता मिलती है और मांयें, जो अपनी पूरी शक्ति उनके लालन पालन में लगा देती हैं, उनका मातृत्व स्नेह और वात्सल्य उन्हें मिलेगा और इसके अतिरिक्त उनका उचित लालन पालन भी होता रहेगा।

अतः मैं एक बार फिर इस बिल का पूर्णतः स्वागत और समर्थन करती हूँ और मैं चाहती हूँ कि इस बिल को फिर से पास करने के साथ ही साथ अच्छी तरह से इसका प्रचार किया जाय और जो बहनें वहां से आती हैं और जिन परिवारों की है उन परिवारों के लिये ऐसा प्रचार करें कि लोग उनका अधिक से अधिक स्वागत करें और उनको हम लोगों पर विश्वास हो सके। इसके साथ साथ मैं श्रीमती मृदुला साराभाई को भी धन्यवाद देना चाहती हूँ जिन्होंने बहनों के उद्धार के लिये और मानवता की रक्षा के लिये इतना बड़ा कार्य किया और इस प्रकार हम लोगों के कलंक को धोया और हम लोगों को सहायता दी।

[For English translation, see Appendix III, Annexure No. 55.]

SARDAR BUDH SINGH

(Jammu & Kashmir):

سرڊار بڊھ سنگھ (جموں اور کشمیر):

جملاب دیہتی جیومین صاحب - جس

طرح مردوں - عورتوں اور بچوں کو ہندوستان اور پاکستان دونوں طرف برباد کیا گیا اور لوٹا گیا اس کی دو صورتیں ہیں - ایک تو یہ کہ مغربی پنجاب میں جو کچھ واقعات ہوئے ہیں ان سے جنوں اور کشمیر کے ساتھ اتنا تعلق نہیں ہے - یہ ایک علیحدہ بات ہے کہ وہاں جنگ ہوئی اور پاکستانی حملہ آوروں نے وہاں لوٹ مار کی اور انسانی ہستیوں، ان کی زندگیوں کو ہر عورتوں بچوں کو اور وہاں کی ملت کو برباد کیا - وہاں بہت سے بے گناہوں کو تباہ کیا اور بہتوں کے ساتھ زبردستی کی - عورتوں کی عصمت دہری کی گئی اور بلا لحاظ مذہب و ملت لڑکیوں عورتوں کو اغوا کیا گیا - تو اب سوال یہ پیدا ہوتا ہے کہ آیا جو جبراً ہمارے جنوں اور کشمیر سے لیجائے گئے ہیں اور بلا رضامندی سختی سے اور تشدد سے جن لوگوں کو اور ان بچوں کو عورتوں کو اور مردوں کو پاکستان میں قید کر رکھا ہے ان کو واپس لانا ہے یا نہیں لانا ہے - گر لانا ہے اور یقیناً لانا ہے تو کس طرح - یہ بھی سوال پیدا کیا گیا ہے کہ جو عورتیں اور لڑکیاں جبراً ادھر سے لائی گئی ہیں اور ادھر رکھی گئی ہیں یا جو ادھر سے ادھر لیجائی گئی ہیں اور ان کے بچوں کو جو وہاں پیدا ہوئے ہیں اب ان کو یہاں لایا جائے یا نہ لایا جائے اور آیا وہ واپس آنے کے لئے رضامند ہیں یا نہیں ہیں - جس طرح کہ ابھی میری ایک بہن نے ان لوگوں کے دردناک واقعہ کا ذکر کیا ہے میں سمجھتا ہوں کہ یہ

ہماری ذات کے لئے انسانی ہستی کے لئے انسانیت پر ایک بڑا کلنگ اور ایک بڑا بدنما دھبہ ہے جو ہمیشہ قائم رہے گا کہ اس ملک کے اندر معصوم بچوں کو عورتوں کو اور لڑکیوں کو یہاں زبردستی رکھا گیا ہے - یہ ہم سب کے لئے اور یہاں کے ہر مذہب کے لئے یہاں جتنے مندر مسجد اور گوردوارے ہیں اور جتنے دھرم کے تہیکیدار ہیں ان کی موجودگی میں یقیناً یہت ہی بڑا ہے ہم کو سوچنا چاہیئے کہ ان معصوموں کی آہیں اور گریہ وزاری پر دنیا والے ہمیں کیا کہیں گے - اور جس طرح معصوم بچوں عورتوں اور لڑکیوں پر ظلم و امتیاز یہاں اور پاکستان دونوں جگہ کیا گیا ہے وہ انسانیت کے اور دھرم کے خلاف ہے - ہمارے جنوں اور کشمیر کے بہت سے رفوچی بھپچارے اس ظلم کے شکار ہوئے ہیں جو ہندوستان میں آئے تھے اور کچھ باقی ہیں - حالانکہ ہندوستان کی گورنمنٹ نے ان کے ساتھ ہمدردانہ سلوک کیا اور ان کو راشن دیا مدد کی مگر وہ لوگ پھر بھی تڑپ رہے ہیں اپنے وطن جانے کے لئے - یہاں انہیں چاہے کتنی ہی سہولیت اور آرام دیا جائے لیکن ان کو اپنے یہاں کے پہاڑ دریا اور چشمے یاد آتے ہیں اور ان کے دلوں میں اپنے پیارے دیش کی جو تڑپ ہے اس کے مقابلے میں وہ یہاں کی سہولیت اور آرام کو کبھی نہیں دیکھیں گے بلکہ وہ اپنے وطن جانا پسند کریں گے - دیہیں بھگتی کا مسئلہ نازک ہے - دھرم ایک الگ چیز ہے - ٹھیک

[Sardar Budh Singh]

ہے کہ دھرم نے سانہ سب دھو ہو سکتا ہے۔ لیکن جو حب الوطنی کا جذبہ ہے وہ ہر ایک کے لئے ہے اور ہر ایک انسان میں پایا جاتا ہے تو کوئی وجہ نہیں کہ جو عورتیں اور بچے پاکستان میں قید ہیں یا ان کو قید میں رکھا گیا ہے یا زبردستی ان سے شادی کر لی گئی ہے یا نکاح کر لیا گیا انکو اپنا گھر وطن یاد نہ آئے کیا انکو بالکل چھوڑ دیا جائے اور ان کا کوئی خیال نہ کیا جائے اور انکو جانوروں کی طرح سے چھوڑ دیا جائے یہ دونوں ملکوں کے لئے شرم کی بات ہے اور انسانیت کے سخت خلاف ہے۔

اگرچہ ہم پاکستان میں نہیں جا سکتے لیکن ہماری بہن مردولا سارابائی ہماری ہند سرکار کی طرف سے اس کام کو بخوبی ہوشیاری سے اور بہادری سے انجام دے رہی ہیں اور انہوں نے اب تک اس کام میں بہت کچھ کامیابی بھی حاصل کی۔ گو کہ گورنمنٹ آف انڈیا کی طرف سے پاکستان کے پاس اس بارے میں کئی بار اور زیادہ کامیابی اور تیزی کے سانہ کام کرنے کو کہا گیا لیکن ادھر سے کوئی زیادہ ہمت افزائی نہیں ہوئی۔ لہذا اگر پاکستان اس سوال کے متعلق حق و انصاف اور ہمدردی اور ایمان سے کام نہ لے دے اور ان معصوم عورتوں اور بچوں اور لڑکیوں کو واپس آنے میں سہولیتیں نہ دے تو یہ یقیناً اس کے لئے باعث شرم اور انسانیت کے خلاف ہے۔ اور بے گناہ معصوم بچوں مردوں اور پھر عورتوں کو

زبردستی اپنے قبضے میں رکھنا اور لڑکیوں کو اپنے گھر میں قائل رکھنا ہر کسی انسان کے لئے باعث شرم و ملامت ہے اور یہ سراسر دھرم و ایمان کے خلاف ہے۔ ہماری طرف سے جو کام بہن مردولا سارابائی کر رہی ہیں وہ یہاں سے بہت سی مظلوم اور معصوم عورتوں بچوں کو نکال کر وہاں پہونچانے میں مدد دیا ہے اور اسی طرح وہاں سے بھی نکال کر یہاں لانے کا کام کیا ہے۔ اگر اب بھی یہاں کوئی ہندو کسی مسلمان معصوم عورت اور بچے کو زبردستی اپنے پاس رکھتا ہے تو وہ ہندو دھرم اور مہانما گاندھی کے ہندوستان کے لئے شرم کی بات ہے۔ جب تک وہاں کا ایک بھی لڑکا یا ایک بھی عورت مرد کوئی بھی یہاں قید ہے یا اسے کسی نے اپنے یہاں زبردستی رکھا ہوا ہے ان کو وہاں ان کے اپنے رشتہ داروں کے پاس نہ پہونچا دیا جائے اس وقت تک ہم مہانما گاندھی اور یقیناً جواہر لال نہرو اور اپنے ملک ہندوستان اور اپنے مذہب کو آزاد اور نہک نام نہیں رکھ سکتے اور اپنی آزادی کی سچی خوشی قائم نہیں رکھ سکتے۔ اگر ہم میں سے کوئی بھی خود اپنے یہاں ایسے معصوموں اور بے گناہوں اور پھر لڑکیوں و عورتوں کو زبردستی رکھیں گے تو کوئی وجہ نہیں کہ پاکستان میں جو بچے لڑکیاں اور عورتیں اغوا کئے گئے ہیں وہ واپس ہو سکیں۔ لہذا ہمیں انسانیت کا اخلاق کا اور پھر انصاف کا خیال کرنا ہے اپنے دھرم کا خیال کرنا ہے اور اپنے ملک کا خیال کرنا ہے کہ اس قسم کی چیز ہندوستان میں نہ ہونے دیں۔ اور اگر پاکستان بھی ایسا ہی نہیں کرتا

تو ہم لوگوں کو ایسی فضا پیدا کرنی چاہیئے کہ وہ ہمارے اخلاق اور ہماری انسانیت کو دیکھ کر ایسا کرنے پر مجبور ہو جائے۔ اس طرح کی عورتیں بچے جو بھی ایک دوسرے ملک میں ہیں واپس کرائے جائیں اگر ان کو ان کے ورتا یا ان کے والدین انہیں اپنے گھر میں ساتھ عزت و خوشی کے نہ لیں تو یہ ان کے لئے اور ان کے مذہبوں کے لئے چاہے وہ ہندو ہوں سکھ ہوں مسلمان ہوں کوئی بھی ہوں اچھا نہیں ہے یہ انسانیت کی ضمہر کے خلاف ہے۔ حالانکہ جن کی لڑکیاں بچے ایک دوسرے ملک کے لوگوں کے پاس ہیں یا قید ہیں وہ ہر حالت میں ان کو واپس لانے کے لئے تڑپ رہے ہیں اور وہ بخوشی ان کو اپنے پاس رکھنے کے لئے تیار ہیں۔

میں اس سے بھی سخت بل گا حامی ہوں تاکہ یہ کام اور بھی زیادہ مستعدی سے کیا جائے۔ جو لوگ اس بل کی مخالفت کرتے ہیں میری نظر میں وہ اچھی بات نہیں ہے۔ میں مردولا سارابائی کو اور ہندوستان کی گورنمنٹ کو مبارکباد دیتا ہوں کہ انہوں نے اس کام کو انجام دینے میں بڑی مدد کی ہے لیکن ابھی ہم اس کام سے اچھی طرح مطمئن نہیں ہوئے ہیں۔ جموں اور کشمیر کے جو بدقسمت لوگ اب بھی پاکستان کے کیمپوں میں قید و بند ہیں، پڑے ہوئے ہیں اور جن لڑکیوں اور عورتوں کو انہوں نے اپنے گھروں میں ڈال رکھا ہے ان کو دیکھ کر ہم کو دکھ ہوتا ہے اور ہمارا خون کھولتا ہے۔ وہ لوگ وہاں پر مصیبتوں

میں پڑے ہوئے ہیں۔ ہزاروں کی تعداد میں وہ کیمپوں میں قید ہیں ان کی گریہ زاری، آہ و فغان سے ہر ظلم و انہاداری پر قہر نازل ہوتا ہے۔ ہمارے پنڈت جواہرلال نہرو کو وہاں کی گورنمنٹ سے یہ کہنا چاہیئے کہ وہ ان بے گناہ معصوم عورتوں قیدیوں کو ان کے وطن واپس کر دے۔ جب اخلاقی طور پر حق و انصاف کی رو سے ہم سرخرو ہو جائیں گے کہ ہمارے پاس کوئی زبردستی سے کوئی لڑکی یا عورت کسی کے پاس نہیں ہے۔ تو پھر پاکستان کو سب بچوں عورتوں اور لڑکیوں کو واپس کرنا ہوگا کیونکہ وہ لوگ اپنے وطن اور اپنے رشتہ داروں کے لئے تڑپ رہے ہیں۔ کون نہیں جانتا کہ جبکہ ہماری اتنی فوج وہاں پڑی ہوئی ہے تو پھر کوئی وجہ نہیں کہ ان مظلوموں کو وہاں سے نہ لایا جاسکے۔ ہمیں صرف پہاڑ جنگل اور علاقہ ہی درکار نہیں ہے بلکہ ہمارے سب آدمی مرد عورت واپس آنے چاہتے ہیں۔ اور اس کے لئے صرف یہ شرط ضرور ہے کہ ہم یہ اعلان کر دیں کہ ہمارے یہاں اس قسم کا ایک بھی مسلمان بچہ عورت مرد کوئی بھی زبردستی سے نہیں رکھا رہے گا۔ اور کوئی باقی نہیں ہے تو جس وقت ہم اس طرح کا اعلان کر دیں گے تو یقیناً وہاں سے بھی وہ سب واپس آسکیں گے جن کے لئے ہم سب بھی تڑپ رہے ہیں۔ اور وہ بھی تڑپ رہے ہیں لہذا میں اس بل کی تائید کرتا ہوں اور امید کرتا ہوں کہ اس کام میں زیادہ سے زیادہ سختی اور تیزی کی جائے گی۔

[For English translation, see Appendix III, Annexure No. 56.]

DR. D. H. VARIAVA (Saurashtra) : Mr. Deputy Chairman, this Bill has been proposed by Government from a very humanistic viewpoint. I have heard certain speakers here, and I must say that this matter must be considered also from a psychological point of view. It is a fact that large numbers of women have been recovered from both sides of India and Pakistan. But in certain cases it has been ascertained that those who have been found either in Pakistan or in India have refused to go ; and I am sure that Shrimati Mridulaben, who has taken such a great part in recovering all these unfortunate people, has herself revealed this fact. Moreover, certain girls who were minor—were of the age of 12—are now 17. When they were at that age, they did not have a proper idea of what was being really done. They were absolutely innocent, and when they have lived for more than five years with certain people who have behaved well towards them, in those cases, those children who have now become women would certainly not like to return. So, my suggestion is that a thorough inquiry should be made as to how many people are on both sides, and when these people are discovered, the Committee which is going round should contact the relations of these unfortunate people and they must ascertain whether their relations are willing to take them back, whether they are married or unmarried, whether they have children or no children. If an assurance is given by the families of the abducted persons that they are willing to take them back, this fact must be made known to the abducted persons and they may be brought back or sent back. If, on the other hand, certain people are genuinely opposed either to returning to India or to going to Pakistan, then there must be provision in the Bill that they should declare before a magistrate that they willingly and without any pressure, want to stay in the country in which they are, and in that case I think they must be allowed to do so. A provision to that effect must be introduced in the Bill. I think that will remove

some of the objection. I can understand the feelings of my hon. friend here who has stated that it is a shame to keep one woman in India or allow one woman to remain in Pakistan. Morally that is certainly quite right, but when we see these things from a psychological point of view, it is not possible to follow this moral to the letter. We must look to the spirit of this legislation. It is certain that as long as the Central Government has not got full right to recover these people, it would be very difficult to induce State Governments to do so. So, I propose that this Bill should be passed with a proviso that those people who are not willing to return should make a declaration before a magistrate and on that declaration they should be allowed to stay either in India or in Pakistan.

I know it is very difficult to recover people from Pakistan, as has been pointed out. I do not know the exact percentage of women recovered from Pakistan, and I hope the hon. Minister will let us know the number, and also the number that has been sent to Pakistan from India. I think there must be great publicity so that those abducted persons may know that those relations of theirs who know about their existence are willing to accept them, and so I think more people will be willing to return to this country.

Another point is that there should be some secrecy about these things. I think those relations of abducted persons are rather shy of taking back the people who are in Pakistan because of a false sense of morality. I think that if a certain amount of secrecy is observed about these things they too will help to achieve the object of this Bill and also help in carrying on the functions with justice and humanity. I therefore support the Bill.

SHRI C. G. K. REDDY (Mysore) : Mr. Deputy Chairman, I do not know if I am really competent to contribute

whatever I can to this very delicate and yet important subject. Sir, hon. Members here, to whatever side they may belong, will agree with me when I say that the relationship between man and woman reaches the finest heights, and it also goes down to the most degrading depths. It is also true that this relationship which starts from the most degrading depths sometimes reaches the finest heights, and *vice versa*. So this problem, Sir, I should like to most humbly submit, should be considered on the facts as they are in the world, not as they should be. Actually the hon. Lady Members here should have been able probably to contribute much more than what we practical men can do in this respect. But unfortunately the two Lady Members who contributed what they could to this debate were almost in violent conflict. I am completely in agreement with the hon. Mrs. Munshi and quite sympathise with the attitude that has been expressed by Mrs. Nigam.

THE MINISTER FOR WORKS, HOUSING AND SUPPLY (SARDAR SWARAN SINGH): Agreement with one and sympathy with the other.

SHRI C. G. K. REDDY : I sympathise because in my opinion, the hon. Mrs. Nigam tried to tell us that we should behave and our attitude should be guided according to the things as they should be, and not as they are.

Sir, it is not as if it is only due to partition that this strange and most unfortunate relationship has come into play in this country or in the world. There are other occasions—in our country specially—when even though solemnised and respectable, marriages start off with a relationship almost akin to that between an abducted woman and another man. Are we not aware, Sir, that many of our girls are forced against their consent to marry men whom they thoroughly dislike? Are we not aware that even after that unhappy beginning—after

a few years of this remarkable companionship which more or less is thrust upon them—after five years, after some children are born, it is not possible for us to separate them? If we were to accept the contention of the hon. Minister and others who think like him that even against the consent of the women who have been abducted and who are living here, who ought to forcibly repatriate them—the Bill says it, unless I am mistaken, the Bill gives the power to forcibly repatriate women who against their will may have been made to live with other men, but today they do not want to break that relationship—if that is to be accepted, then, let us go a little further, let us go to the logical conclusion of trying to separate men and women of the same religion living here, living in this country for years together, whose beginnings were as unfortunate as these beginnings have been. Are we to seriously agree with the Government and the hon. Minister and with this Bill—with the powers that this Bill seeks to give to the Government and agencies which recover these abducted women? Are we to seriously agree with the views expressed therein that we must break up that relationship? Sir, as I have said, it may be, it started off because of some lustful acquisition of a man.

AN HON. MEMBER : Barbarous.

SHRI C. G. K. REDDY : Sir, five years have passed. It is not as if they started happening long after 1947. Anything that happened was before or immediately after August 15, 1947. Five years have passed and in many cases children have been born. I was most surprised that the hon. Lady Member should have more or less accepted the position of a mother leaving her children and going away. It is no fiction. It is a thing that is accepted all over the world and to which all of us must subscribe. The fact is that a mother will leave anything, the country, the man, the property, anything but not the children. Are we to seriously agree with

[Shri C. G. K. Reddy.]
 the hon. Member when she says that this should never have happened ? Therefore shall we undo all the fine things that may have happened afterwards ? It appears to me that it is most inhuman to break up relationship even if it has started in most unfortunate and most degrading circumstances, if it has developed into something which is the finest that the world has witnessed and is going to witness and is witnessing. It is most improper and it is a shame—I would go further and say—that even if that abducted woman has lived during the past five years or during the last two or three years and today is happy and contented, loving her man whom she did not accept according to the acceptable principles as a husband, loving the children which have been born to her in this relationship, it is a shame indeed that we should break up this relationship. It is not a political thing. When I say this, my attitude to our women in Pakistan, in like circumstances, is exactly the same. When I say this, I do not go into conflict with my other attitude to our own women-folk who have perhaps shed many many unhappy tears before they were able to strike a balance with the men with whom they were forced to live on either side of the border.

I can understand, Sir, if the Bill gives power to recover those women who still are living because of force being exerted on them. It is only right, it is perfectly right and most proper and the best thing for us is to recover those women who are still forced to live with men against their will. But to stretch that a little further becomes a crime of the first magnitude.

Sir, look at the other aspect. Look at the fundamental thing that is running along in this Bill, the powers that the Bill seeks to give to the Government. Sir, you are going to deny those—whatever the country they may belong to—the right to come here and

live here, you are denying in the name of propriety and morality—false morality, false propriety—to those individuals who have come here or who have been forced here, who have been living here, who want to live here, who have roots here. Sir, what are the roots again ? If you are born in one place or if you belong to a particular religion, those are not roots enough. Roots develop when you have lived with someone else, when there is a man and woman relationship, when children have been born, family ties have been developed. Those are the real roots. Is it proper that against the will of both the parties you should uproot these fine things that have gone deep into the earth ?

AN. HON. MEMBER : Yes.

SHRI C. G. K. REDDY : The hon. Member says, yes. There are other like him who in their false sense of righteousness should like to become most famous in our world for having contributed what they think to be a great blessing to these unfortunate women.

Look at the other aspect, Sir. Am I to understand from the hon. Minister and others who think like him that those who have been here or those of our women who have been in Pakistan and who have lived with their men for five years continuously, who have had children, are we to believe from them that they will have a happy welcome in their own home in their own country ?

SHRI B. K. P. SINHA (Bihar) : Oh, yes.

SHRI C. G. K. REDDY : Am I to understand that the hon. Member is serious when he says that this country has not been guilty of the most shameless conduct even against some of our girls who are being forcibly raped or otherwise assaulted ?

SHRI B. K. P. SINHA : That is all dead past.

SHRI C. G. K. REDDY : The hon. Member seems to think that the past is behind him. I do not know how he has cut himself away from reality. I can assure him that I am more idealistic than he is, otherwise I would not be sitting here. But still I do definitely believe that even the welcome that is expected from people, from whom these women have been uprooted, from whom they have been cut off during the last five years would be such as to make the lives of these unfortunate women on either side of the border very unhappy. Sir, I feel most definitely, from the depth of my heart, and many of those who feel like me would also agree with me when I say that to force women who do not want to go from here, who have live relationships here and who have developed the most fine feelings here, is indeed a crime and I would only suggest that those self-righteous people who think falsely and improperly that they are doing splendid work in this regard are perpetrating a crime for which they will not be forgotten at least by those who will have to resume their flow of unhappy and unfortunate tears.

SHRI M. P. N. SINHA (Bihar): Sir, I do not know how to deal with this problem and this Bill also. I for one feel that there is no need for such a measure being introduced after five years of that unfortunate happening. What is it that the Bill wants to effectuate? The idea is to recover women here who have settled down here, of course in the beginning under very adverse circumstances, in the families of certain people. You want to get them back by law. The point is how Government will get information about them. If they get information about a woman or a girl who has settled down here, in the beginning forcibly, and has got children and a sort of family, well if such a person is willing, I think it is against the fundamental right of a man or a woman to take her back forcibly. If they are living against their wishes, I think there are laws available in this country by which action can be taken.

Even today, if any person says, or even I say, that I am being detained against my wishes, I think there is a law for it and the Government are strong enough to take action against any offender. The point is whether you want to take away willing women or unwilling women. If it is a willing case, I think she should not be taken away. If it is an unwilling case, there are laws today which can be used against the persons concerned. My friend, Mr. Reddy, has very rightly stated that we want exactly the same thing in Pakistan for our women who had been abducted there, have settled down there and do not want to come away. I for one would not say that they should be forcibly brought back through the help of the Government of Pakistan or our own Government. Sir, it was unfortunate that this thing happened. I must say that I personally very much appreciate the efforts of Mridula Behn. She has accomplished an uphill task but I think it is better to try and forget things rather than to keep the wound festering. If it is a case of unwilling detention either in Pakistan or here, I think it should be taken notice of, but we should not try to reopen the whole question and thereby strain the feelings. I therefore see no reason for this Bill being introduced. Perhaps it is too much of kind work. It would have been better if the Bill had not been brought back. But I know it will be passed. If it is passed—there are so many laws which are not acted upon—I hope it will not be enforced too vigorously.

SHRI B. K. P. SINHA : Mr. Deputy Chairman, it seems to me from the debate that all are agreed that this is a good measure. All are agreed so far as the general purpose of this Bill and the original Act is concerned. Only one consideration has been advanced that in cases where women are not willing to cross over to the other side, the side in which their original homes lay, no compulsion should be used. I think that, if hon. Members had been in touch with the practical way in which this Act is being implemented, this consideration would not have been

[Shri B. K. P. Sinha.]
advanced, because even now I do not think that any compulsion is being used.

AN HON. MEMBER: That is the law.

SHRI B. K. P. SINHA : But there are rule-making powers under the law. I have got the report of the organisations concerned, signed by the officers in charge, both here and in Pakistan, of the recovery of abducted persons. I find from page 9 of the report that it is only when the recovered person wishes to cross the border that this case is treated as an undisputed case and the transfer made. I will read the lines:

"In cases where there is no dispute regarding facts and no resistance, and the recovered person wishes to cross the border, her case is considered normal and disposed of without its being placed before the Tribunal."

It does not say what happens to a person who is not willing to cross. But then, if a woman is restored to the other side, she has been given the option of living there for some time and then going back to the side in which she was living as an abducted woman.

SHRIMATI LILAVATI MUNSHI : Can any woman dare to go back like that?

SHRI B. K. P. SINHA : It is not very difficult. Mr. Munshi quoted the case of a woman who has gone back to Pakistan. I find from figures that near about 26,000 women were recovered during a certain period of time, and restored to their original countries. After living there for some time, only 6 cases out of the 26,000 went back to the side in which they were originally living as abducted women.

SHRI C. G. K. REDDY : Is there any evidence to show that it was all voluntary, that no force was exercised on them?

SHRI B. K. P. SINHA : It is not a court of law where I can give evidence. If you want, you can get it. Here is the report of the organisation which deals with such cases, and the report says that out of 26,000 cases, there were only 6 cases of this type. Two Hindu

women who came back to India expressed a desire to go back and they were allowed to go back, and four Muslim women who went over to Pakistan expressed a desire to come back to the Indian Union and they were allowed to come back. Therefore, to my mind, the whole criticism is beside the point. That practice is even now in vogue.

Then Dr. Variava or Mr. Reddy asked, if a woman had got children while living in an abducted state, what was going to happen to her. In this case, the law and practice is very humane, because it provides that the first claim on the children born during the abducted period is that of the mother. There is no question of the children being torn away from the mother. If the mother so desires, the illegitimate father cannot prevent the children from accompanying the mother. The mother has been welcomed with her children by her whole family, in several cases.

SHRIMATI LILAVATI MUNSHI : She might go back, but would children be welcomed?

SHRI B. K. P. SINHA : They will be very welcome. You have to revise your notions. A new situation had been created. Therefore our old notions, old traditions, old experiences went overboard.

SHRI C. G. K. REDDY : Disappeared at your will !

SHRI B. K. P. SINHA. It was due to the exigencies of the circumstances. I am speaking with some confidence, because I am in touch with this organisation and I was working actively in a similar organisation after the Bihar riots. In Bihar, and also in this part of the country, the whole mentality, the whole psychology of the people has changed. Even if the women come back with their children, their kith and kin are very ready to welcome them. There has hardly been a case in which they have been refused. On page 14, the report says:

"In many cases it is heartening to note that the relatives have taken back their

women with the children born during the abduction period, and adopted them as their own family children."

SHRI M. P. N. SINHA: In how many cases have they been refused?

SHRI B. K. P. SINHA: Very few cases. This is the report of the organisation concerned. There is guess on the one side and, on the other side there is the fact. I am inclined to put greater faith on facts than on guesses. Therefore, Sir, I think, that the fears and apprehensions of the hon. Members are unjustified and this measure deserves our full support. But then, I would like to bring to the notice of the hon. Minister that this amending Bill is incorporating a new section—section 5, and thereby, you are extending the operation of the Act, in other areas. In Pakistan, the operation of the comparable Pakistan Act is confined to West Pakistan and I will request the hon. Minister to bring it to the notice of the Pakistan Government and request them to incorporate the same provisions in their Act and extend the operation in Pakistan, because you will find that persons just to transgress the law, may carry the abducted women to parts of the country where the Act does not extend, that is Eastern Pakistan. Therefore, it should be brought to the notice of Pakistan that they should introduce a comparable Act or equivalent provision in their Act. I would also request the Government to bring to the notice of Pakistan that the rate of recoveries is rather meagre there compared to ours. It is almost half. Of course, we are not concerned with what they do. We must pursue a right path. But we must know what they do. The Government of India should take appropriate diplomatic measure and have talks with the Government of Pakistan so that the Rulers of Pakistan may be more watchful and the women who are there may be brought very soon to this place.

These are the suggestions that I have to make. I am in perfect agreement with this measure. I think the fears and apprehensions expressed on that

side are unfounded. I support this measure.

SHRI C. G. K. REDDY: Please do not make it a Party issue.

SARDAR SWARAN SINGH. Sir, I had no intention to intervene in this debate. But there are certain points which I think I might bring home to the hon. Members and which might be helpful in understanding the working and scheme of this legislative measure. As I had something to do with the implementation of this in the State, which suffered from the most virulent type of disease for which we are trying to find a cure I thought it my duty to place certain facts before the House.

Sir, a great deal has been said about one aspect. Where the woman has reconciled to her lot, where she has developed contacts, and where she has borne children, there is no point it is urged, in uprooting her from her surroundings; and consent in such circumstances being a vital thing, any legislative measure, which seeks to uproot her from her new surroundings is described as being repugnant to the ordinary notions of justice. There is, Sir, a lot in what is said if one examines it from a purely theoretical point of view. There is a catch and it lies in defining as to what is really consent. Consent lies in what is voluntarily given and not what is given under circumstances of helplessness for under influences—I do not want to use a strong word—pernicious influences. If it proceeds from pernicious influences, any expression given of one's mind cannot be regarded as having been given voluntarily, and it cannot be termed 'consent'. Therefore, to achieve the very objective of ascertaining the desires and wishes of the abducted persons, it is of very great importance that there should be an atmosphere which is conducive to the creation of that feeling of confidence, that feeling of absence of fear, that atmosphere where the influences are removed and thus an opportunity is given to the individual to express her desire and indicate her wish.

[Sardar Swaran Singh]

That, Sir, is the fundamental policy in this legislative measure. The first object is the recovery of the abducted person. Secondly, it is the placing of the abducted person in an atmosphere where the influences under which she has been placed, the fears that have been instilled into her mind, the fears that have got into her mind that she will be either murdered or will be unwelcome to her family if she crosses over to the other side, will be removed and she will be rehabilitated in mind in an atmosphere where she can clearly think. In the case of women, it is proverbial that they are prone to be very much influenced by the atmosphere in which they find themselves. Sir, the lawyer Members of this House will bear me out when I say that even when women who have been abducted go while under the influence of abductors to make statements before courts of Law, sometimes later on, when they are brought to their family atmosphere, they retract their statement and say that they made the earlier statements before the magistrate, under threats.

SHRI C. G. K. REDDY: The opposite influence will take place under the family atmosphere, and also under the influence of the relatives.

SARDAR SWARAN SINGH : The point therefore is that it is of great importance that an atmosphere should be created for an abducted person, who had been subjected to that tyranny for no fault of hers, where she is removed from all those influences and where she is placed in a position in which she can really exercise her own will. The scheme of the Bill envisages the removal of these abnormal influences. The abducted persons are placed in an atmosphere where there is no element of fear or coercion and they are then examined at considerable length by a sort of joint interrogation agency and all the facts are ascertained after they are kept in a neutral atmosphere for some time. Then, Sir, as was pointed out by my friend here, if the abducted person says that she wants to cross the border, then

it is an undisputed case. If there is any dispute, or if the case is complicated, then, the matter is referred to a joint Board consisting of officers representing the two countries and they go into the facts both of them together and if both agree that it is a case in which the abducted person should cross the border or should remain on this side, then that decision is regarded as more or less final. That, Sir, to my mind, is a good guarantee that two officers representing the two Governments, if they agree upon a particular course that should be adopted, then it is a fair guarantee that the will of the individual has played a great part in shaping their decision and in coming to that conclusion.

PRINCIPAL DEVAPRASAD GHOSH : But if the representatives of the two Governments happen not to agree?

SARDAR SWARAN SINGH: If the representatives of the two Governments do not agree, then if the abducted person is in India and *vice versa*, the matter is referred to an officer who is called a high-powered officer and he examines all the facts of the case and then he gives his own decision and even that decision is not final. Under the Act itself and in practice also I can say, the case is then referred to the Government concerned and the decision of that Government is final. Therefore, if we look at the practical working of this measure and the administrative steps that have been taken to implement this Act, I can say that the Act has worked quite well and the types of fears which have been expressed, I would say with the best of motives, really don't actually exist in practice. The Act has worked in quite a satisfactory way.

PRINCIPAL DEVAPRASAD GHOSH : May we have a categorical assurance on behalf of the Government of India that in cases of women who are unwilling to go back and cross the border, there will be no forcible repatriation?

SARDAR SWARAN SINGH : There is no question of any forcible repatriation. The word repatriation does not occur anywhere, nor is there any

mention of force. The scheme of the Act is quite simple and we need not complicate it by importing expressions which may appear to be very high-sounding and which, when analysed, don't lead us anywhere. There is no question of repatriation or anything of that nature and there is no point in importing it—either forcible or voluntary. The thing is quite simple. The abducted person is brought to a camp. The establishment of camps is envisaged under section 3 and then further action is taken under section 6; it says:

“Determination of question whether any person detained is an abducted person. (1) If any question arises whether a person detained in a camp is or is not an abducted person or whether such person should be restored to his or her relatives or handed over to any other persons or conveyed out of India or allowed to leave the camp, it shall be referred to and decided by, a tribunal constituted for the purpose by the Central Government.

(2) The decision of the tribunal constituted under sub section (1) shall be final. Provided that the Central Government may, either of its own motion or on the application of any party interested in the matter, review or revise any such decision.”

Therefore, the provisions of the Act are quite explicit and simple and we should not unnecessarily complicate it by importing expressions or slogans which don't have any meaning and which in practice, it may be difficult really to implement.

Then there is a warning that, I think, it is my duty to give, this is a measure which has got a certain amount of reciprocity between two neighbouring countries. It may be that we are determined to do our best and irrespective of what the other side does, we should go on pursuing a policy which we regard as just and proper. But, Sir, in a matter of this nature when we have succeeded in obtaining a certain amount of reciprocity, the effect thereof and the atmosphere that has been created thereby at least in the working of this measure and in the domain of recovery should not be spoiled by allegations or counter allegations and we should try to approach this subject not so much politically as some of the hon. friends have rightly pointed

out but purely from a humanitarian point of view. The humanitarian point of view is quite clear. A person has been abducted under circumstances over which she had no control. I have no hesitation in saying that this was an abduction under circumstances when the normal protection afforded by the general will of the people, viewing such an act with disfavour, did not exist. Therefore that person should be kept in an atmosphere where she is divorced from all those pernicious influences and is kept in an atmosphere where she is able to express her will and where a decision thereon is expeditiously arrived at by a sort of joint tribunal. I feel this is the most workable method and a just method. Our normal law of the land, as pointed out by my very respectable friend Dr. Ambedkar will not be.....

MR. DEPUTY CHAIRMAN: Will the hon. Minister take more time?

SARDAR SWARAN SINGH : I am practically finishing and I will not take more than 2 or 3 minutes. I am saying only this that the law of the land will not be quite helpful in a case of this nature for the very reason which I have just now submitted. Although things at our end are extremely settled down and are much better but still some sort of a measure of this special nature according to which the representatives of the two countries sit together and decide the issues in an expeditious manner is certainly a much better procedure than the normal law of the land. Therefore, neither in practice nor in theory there is any objection to the passage of this Bill. The position, as has already been stated by my friend who is in charge of the Bill, is under constant review from time to time and there is no intention to keep this measure permanently on the Statute Book of the land but the position will constantly be under review and if it is found that any change is necessary, Government will not hesitate to undertake the change.

The Council then adjourned for lunch till half past two of the clock.

The Council reassembled after lunch at half past two of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN : Dr. Shrimati Seeta Parmanand.

SHRI D. D. ITALIA (Hyderabad) : There is no quorum, it seems, Sir.

MR. DEPUTY CHAIRMAN : Yes.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh) : Is there quorum, Sir?

SHRI C. G. K. REDDY : There is no quorum. There are just 21, including the hon. Ministers.

SHRI B. K. P. SINHA : It is a privilege of the Chair not to see that there is not a quorum, and you may exercise that privilege, Sir.

AN HON. MEMBER : How is that?

(*At this stage some Hon. Members entered the Chamber.*)

MR. DEPUTY CHAIRMAN : There is quorum now.

DR. SHRIMATI SEETA PARMANAND : Mr. Deputy Chairman, Sir, I would not have considered it necessary to speak on this Bill for the simple reason that I do not come from that part of the country which is most affected ; and it is only people who come from these parts or areas and who know the actual conditions who can speak with greater authority. But I am speaking for two reasons. There was a remark from one hon. Member that it was rather strange and that he thought it would have been better if more women had spoken on this subject. So I thought I should speak, and say why we had not spoken. I thought I should speak also because our sisters outside, these abducted women and the families which have suffered should not feel that though there are so many women Members here, they have not thought over this subject or felt for them. There should not be any such misunderstanding and therefore I am speaking on this subject, though I should have preferred

that other people, the fathers and brothers of these persons had spoken.

Sir, I feel that this question cannot really be tackled on academic grounds. It is not an academic issue. So we cannot deal with it on psychological grounds or on ideological grounds. Neither of these two methods would do. We have to deal with it on the grounds of actual facts and circumstances. I admit that ordinarily it would be considered that after a stay of five years any woman would reconcile herself to the conditions in which she would find herself, particularly if she has any children. But we have to take into consideration the fact that these were not ordinary circumstances. To begin with there was the resentment and the hurt which that woman who unfortunately found herself in these circumstances must have felt ; and it is impossible that she would be able to get over that. It is perhaps considered that those women who have children would naturally like to live with the children and in the home where they happen to be. But I would like to go on the basis of facts and not on the basis of suppositions. I would like to go on the information and facts given by those who have worked in this field for the last five years with such devotion to the cause. People like Shrimati Mridula Sarabhai who have actual experience of these people, tell us these facts. I give this now so that the discussion afterwards could be curtailed. They tell us that these women who ordinarily would look happy and appear the mistresses of their houses if you were to visit them under normal conditions, would inwardly be pinning to get back to their old surrounding ; and circumstances. If a stay of five years at a place should bind them to those persons and places should it not be realised that several years' association before the event should bind them still more to the original homes? For that reason, these women, whenever they get a chance, come back. Ordinarily they do not, for they are mostly illiterate and they cannot get in touch with the people who can rescue them. But whenever they get a chance, they convey information beforehand and say, "when you

come to rescue us, please do not be misled by the fact that we would be resisting and saying and showing feigned reluctance to come with you. But please rescue us and when we are away we will tell you the real state of our mind." Sir, this is the reason why out of these 24,000 rescued persons only about ten or twelve have said they would go back. So we should not think there is any kind of real coercion, though apparently it may appear coercion. The people who go to rescue the women should be told, the authorities should be told that the women should be allowed to come and stay here for four or five days and after that, if still they want to go back, they should be allowed to go back.

Some people have expressed apprehension about the fate of the children. The law provides that in the case of those women on either side—for the law is reciprocal and in Pakistan it is an ordinance—the custody of the children born during this period would be with the mother. So the children will never be separated from the mother.

It is also necessary to remember that most of these women have been taken back into their families with open arms. This is a peculiar experience that we have after the partition. The people's psychology has changed and changed for the better and we have become more generous and more imaginative of the mental set-up of people's minds in abnormal times. I have been told by a very reliable authority that even husbands of women who had two or three children after abduction had been waiting for years in the hope that their former wives would come back, so that they may be able to welcome them back to their homes. Such a state of things we cannot expect in normal conditions. This I have learnt from a person whose *bone fides* and experience I have no reason to question.

Then, as I said, most of these women are illiterate and they do not know how to get in touch with persons or the Government to get rescued. So it would be necessary to have a machinery of this type functioning even after a period of five years. That may not sound logical. But we have to remember that

in these areas, in Western Pakistan and in PEPSU and other places there is the system of *purda* still prevalent and women have not got the freedom to go about in society and come to learn about outside ~~things~~. I would give one example, ~~things~~ In a certain part a girl was taken and she was abducted by a rich man who had a wife. This girl, did not know how to get in touch with the people in Pakistan. She went on listening to the radio for six months. This she did in the hope that somebody would perhaps be looking for her. But when she did not succeed in that way, she became intimate with the wife of the man and with her help she just addressed a letter to "The Officer in charge, Abducted Women, Karachi, Pakistan." Luckily the letter reached its destination—usually they do not—and she was rescued, and she is happy. Ordinarily apparent friendship with the wife of the family and all that would have made one thing that she would not like to go back. But in these cases, things as they appear on the surface are not so.

Lastly I would like to mention that even in normal conditions when anybody abducts a woman, it is considered the duty of the State to rescue the woman by making a search for her and unless she is of age, she is restored to her parents. But when women have been abducted in such abnormal circumstances as has happened in our country, is it not the duty of the State to have the necessary law to deal with the situation? Law is there because otherwise, without the help of law no progress can be made in making these investigations and in rescuing these women. Finally, Sir, all these women who have been restored back to their homes, have been visited by the officer in charge and they find that all of them are so happy—it is not possible for the officers to visit all of them, but they do visit as many as possible—and none of them who have chosen to remain here have regretted that decision.

Lastly, I would appeal to the House that whatever we say here, we should say with care because though we have our inward doubts, it would not be good to give expression to those doubts here.

[Dr. Shrimati Seeta Parmanand.]

and such legislation should be passed by a good majority, for the simple reason that the effect of such utterances coming from some responsible people will make the task of rescuing rather difficult.

I would give one more suggestion, finally, to Government. If Government were to bring such important legislation on which there is bound to be certain doubts on the part of the Opposite sides, without meaning any indifference to the cause, they should give hon. Members four or five days to think over the matter they should give them time enough to contact existing organisations like the one which is working under Shrimati Mridula Sarabhai, get facts and information and to judge for themselves before they speak in the House as to whether such a legislation, on account of the existing conditions, is really necessary or not. From that point of view, I would express here the feeling that this Bill really is of such a nature that all the Members should help to pass it quickly and save our time for consideration of other important legislative measures that will require more time.

(Shri Rajagopal Naidu Rose)

MR. DEPUTY CHAIRMAN : Do you want to speak?

SHRI RAJAGOPAL NAIDU : Yes, Sir. I have been getting up from the morning.

MR. DEPUTY CHAIRMAN : Be brief, please.

SHRI RAJAGOPAL NAIDU : Yes, Sir, I am always brief.

MR. DEPUTY CHAIRMAN, This Bill which is being made into law, extends the Act of 1949 by one year and four months and it has been pointed out by the hon. Minister that while Pakistan has passed an Ordinance of a permanent nature, we in India have passed the first Act only for a limited period just for the purpose of reviewing at the end of the period the situation to see how this Act works.

Well, Sir, I had put a question the moment the hon. Minister sat down as

to the number of persons recovered in our country since the passing of this Act. We have got here figures given of the number of abducted persons recovered at the time of the passing of ~~the~~ of the Act. Hence I wanted to know the number of our Hindu women who have been recovered, since the passing of this Act, from Pakistan. But, I am yet to get a reply from the hon. Minister. We have passed an Act for a limited period only just for the purposes of taking into account the situation, taking into account the number of persons recovered at the end of the period but, unfortunately, no such information is forthcoming from the Governmental side.

Well, Sir, I would like to know one thing on a point of information. I would point out the speech of Shri N. Gopalaswami Ayyangar, dated the 15th December 1949 in the Constituent Assembly. He has given these figures in his speech:

"We have now supplied a fresh list of 7,520 abducted persons yet to be recovered from Pakistan. In this number are included about 5,000 persons about whom definite clues were furnished and 2,000 of these specifically said to have been in the custody of Government servants of Pakistan" and so on and so forth.

Sir, I would like to get a definite and categorical reply from the hon. Minister as to how many of these 7,520 persons whose list has been supplied to the Pakistan Government, have been recovered and how many persons, who are the unfortunate wives of the Pakistan officers, about 2,000 of them, have been recovered. It is only this information that I want from the Government.

Sir, secondly, I do not know the purpose of centralising the whole Act. Of course I welcome the measure. The provisions of this 1949 Act had been extended to some of the States mentioned in clause 2 of the Bill, but, I am not able to understand the purpose of centralising the whole Act. The hon. Minister, at the time of moving the Bill said, "Our purpose is to centralise the whole thing". But he has not given any reasons. I would submit, Sir, that at least in his reply he should state as

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 those 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. Our's 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, does a "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 RECOVERY

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 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, *the* 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 impure 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 don't think, Sir. I ever said anything 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 Party 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 over-reach even the cause that they represent.

DR. D. H. VARIAVA : On a point of information, Sir. Has 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 camp 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 wish 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.]
would be forced to abandon their own daughters, their own sisters, to their own fate, and 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.

SHRI 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 *bona fide* 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