

was on the 9th July 1951. No applications have been made, the date had expired viz., 6th November. As a matter of fact there was an Ordinance before. It - conferred the same rights and even in those two months nothing was done. We are doing it here because we had agreed to do it so that they might not complain that India had been guilty of non-observing the Agreement which it had solemnly entered into. I repeat once again what I said a few minutes ago that it is not a question as to who the Chief Commissioner is—whether he comes from outside or from Tripura. It is a simple matter. If the man who has gone returns before the 9th July, then he can take advantage of the Act. Has he applied before the 6th of November ? If he has, then his application may be considered. If he has not, then his application is rejected. Now, to the best of my information no such application has been made. There may be one or two, here or there. But supposing such a contingency does happen, then I gave the assurance elsewhere that I shall instruct the Chief Commissioner to look into that particular case, if it does happen, with favour, to look at it very favourably, and give it sympathetic consideration. What more is required ? I therefore, respectfully submit that the House may take this Bill into consideration and pass it.

MR. DEPUTY CHAIRMAN :
The

SHRI C. G. K. REDDY (Mysore) : Sir, I would like to have a little clarification. The hon. Minister said that there are allegations that Pakistan is breaking contractual obligations, that we are doing it and all that. Is he sitting in judgment between the two countries ? Or does he not know what really is happening in this country ? Or is he also of the view that we have been guilty ? I was not quite able to understand what the hon. Minister meant by his statement. Are we also guilty ? It would appear from his speech that he accused us of breaking certain contracts.

MR. DEPUTY CHAIRMAN : What he said was that Pakistan was accusing us.

SHRI C. G. K. REDDY : But he said, " This country accuses and that country accuses and I do not know, the whole thing is highly controversial ".

THE MINISTER FOR LAW AND MINORITY AFFAIRS (SHRI C. C. BISWAS) : I can mention for the information of the hon. Member that so far as the restoration of property to returning Muslims, who have returned within the appointed date, is concerned, it has not been quite so satisfactory as it should have been on our side of the border. I may mention the district of Nadia and the 24 Par-ganas. I did not want to mention this but if I am required to state the truth, I must say that there are thousands of holdings which have not yet been restored in Nadia to the returning Muslim emigrants.

DR. K. N. KATJU : I did not want the House to go into the details of West Bengal. Otherwise I know something of West Bengal, you know.

SHRI C. G. K. REDDY : I wish he had remained silent over this issue, instead of making such injudicious remarks.

MR. DEPUTY CHAIRMAN :
The question is :

That the Bill further to amend the West Bengal Evacuee Property Act, 1951 as extended to Tripura, as passed by the House of the People, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN :
We come to the clause by clause consideration now. There is no amendment to clause 2.

Clause 2 was added to the Bill.

MR. DEPUTY CHAIRMAN : The question is : That clause 3 stand part of the Bill.

SHRI B. GUPTA : Sir, I move...

DBPUry CHAIRMAN :
Do you want to move your amendment ?

Are you not satisfied with the assurance given by the hon. Minister ?

J/f. K. N. KATJU : I will repeat the same assurance.

MR. DEPUTY CHAIRMAN :
Why go through all that process ?

SHRI B. GUPTA : Sir, I shall just explain it after moving it. I move :

That at page 2, after line 4, the following be inserted:—

"* (3) If on account of such restoration of possession under sub-section (2), any refugee from East Bengal has to be evicted, the said refugee shall be provided with agricultural land of the value at least equal to the land from which he is so evicted within three months during which period he shall be provided with reasonable compensation by the Government."

Sir, since the hon. Minister is quite willing to give relief and alternative lands to such people—if I understood him aright—I think it is necessary that there should be some such provision as I have suggested here in the Bill itself, because the intention of the Bill is one and the administration of a particular measure in practice is quite another. There is no doubt that so far as the restoration to the Muslim who is coming back is concerned, I say, he should be immediately given back the land. We do not make it dependent upon anything. Neither do we bring in the theory of unilateral morality. Democratic morality, if I may say so, is a morality that attaches to a particular State regardless of what the other State may or may not do. We should cultivate that morality regardless of what the other State is doing. Therefore, Sir, I say, the Muslims should be given back their land when they come back, it is absolutely imperative ; but, with regard to the others, those who have in the meanwhile been in possession but get evicted, they should be given, under the law, certain compensation

and relief and alternative lands. Now, the hon. Minister, I understand, has given me a kind of assurance • but it has not been acted upon in Bengal. It is worse and I am not coming to it. Therefore, I request him to accept my amendment. After all, if the intention of giving compensation is there, there is no reason why it should not be translated into a juridical formulation so that the misbehaving officers may know how to behave.

MR. DEPUTY CHAIRMAN :
Amendment moved :

At page 2, after line 4. the following be inserted:—

"(3) If on account of such restoration of possession under sub-section (2) any refugee from East Bengal has to be evicted, the said refugee shall be provided with agricultural land of the value at least equal to the land from which he is so evicted within three months during which period he shall be provided with reasonable compensation by the Government."

The amendment and the clause are open for discussion. Hon. Minister.

DR. K. N. KATJU : Sir, on two grounds, I oppose it : Number (1) because there is no such provision either in the Bengal Act or in the Assam Act or even, on the other side, in the East Bengal Act. Leaving the East Bengal Act aside, and leaving out the evil or the mischief or the sympathetic consideration, in West Bengal they did not insert any such provision not did they do so in Assam. I do not want to set an example or a precedent for future in a case of pure academic interest because, as I said, there is no such mischief. I, therefore, oppose the amendment.

MR. DEPUTY CHAIRMAN : Do you want me to put your amendment to the vote ?

SHRI B. GUPTA : Well, Sir, put it to the vote.

MR. DEPUTY CHAIRMAN : The question is :

At page 2 after line 4, the following be inserted:

" (3) If on account of such restoration of possession under sub-section (2), any refugee from East Bengal has to be evicted, the said refugee shall be provided with agricultural land of the value at least equal to the land from which he is so evicted within three months during which period he shall be provided with reasonable compensation by the Government."

The motion was negatived.

MR. DEPUTY CHAIRMAN : The question is :

That clause 3 stand part of the Bill, The motion was adopted. Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

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

DR. K. N. KATJU : Sir, I move :

That the Bill be passed.

MR. DEPUTY CHAIRMAN : The question is :

That the Bill be passed.

The motion was adopted.

The Council then adjourned till a quarter to eleven of the clock on Monday, the 15th December 1952.