

**THE SAURASHTRA (ABOLITION OF LOCAL SEA CUSTOMS DUTIES AND IMPOSITION OF) PORT DEVELOPMENT LEVY REPEALING BILL**

**THE MINISTER FOR HOME AFFAIRS AND STATES (SHRI KAILAS NATH KATJU) :** I move :

That the Bill to repeal the Saurashtra (Abolition of Local Sea Customs Duties and Imposition of) Port Development Levy Ordinance, 1949, as passed by the House of the People, be taken into consideration.

The object of the Bill is very simple. It is intended to replace the Ordinance which provided for the abolition of certain port duties. I need not detain the House any longer on this.

**MR. CHAIRMAN :** The question is :

That the Bill to repeal the Saurashtra (Abolition of Local Sea Customs Duties and Imposition of) Port Development Levy Ordinance, 1949, as passed by the House of the People, be taken into consideration.

The motion was adopted.

**MR. CHAIRMAN :** The question is :

That clause 2 stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

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

**SHRI KAILAS NATH KATJU :** I move :

That the Bill, as passed by the House of the People, be passed.

**MR. CHAIRMAN :** The question is :

That the Bill, as passed by the House of the People, be passed.

The motion was adopted.

**THE DISPLACED PERSONS (CLAIMS) AMENDMENT BILL**

**THE MINISTER FOR REHABILITATION (SHRI AJIT PRASAD JAIN) :** Sir, I beg to move :

That the Bill to amend the Displaced Persons (Claims) Act, 1950, as passed by the House of the People, be taken into consideration.

12 noon.

**MR. CHAIRMAN :** Motion moved:

That the Bill to amend the Displaced.....

**PROF. G. RANGA :** Has not the Minister to say anything, Sir ?

**MR. CHAIRMAN :** I thought that he had none.

**SHRI A. P. JAIN :** I want to speak on this Bill.

**MR. CHAIRMAN :** He may proceed.

**SHRI A. P. JAIN :** The Bill is a very simple one. As the House is aware, the Displaced Persons (Claims) Act was passed in 1950. It came into force on the 18th May 1950 and it has been there for 2 years. In pursuance of that law the Displaced Persons were asked to file their claims in respect of the property left behind in Pakistan by the end of September 1950. The claims did not come quickly enough and the time had to be extended by another month, i.e., by the month of October. Altogether about 10,50,000 claims sheets were received. 9 lakhs of these claims sheets relate to the urban properties and the remaining 1,50,000 claims sheets relate either to agricultural land or to industrial concerns. So far as the 9 lakhs of claims sheets relating to urban properties are concerned during a period of about 16 months, we have been able to process more than 7 lakhs and today less than 2 lakhs of claims sheets are left over to be processed. The work of processing these claims was a difficult one, because our Claims Officers could not visit the locality and inspect the properties. Secondly, the Displaced Persons came under

[Shri A. P. Jain.]

rather difficult conditions. Many of them, I should say a very large number of them, came in such a hurry that they could not bring titles of the properties with them. We tried to enlist as many Claims Officers as we possibly could. That enlistment was also limited by the factor that we wanted to recruit as Claims Officers only those persons who had some knowledge of West Pakistan. Our recruitment was, therefore, confined to displaced persons. With all the efforts that we could make, we have been able to appoint about 260 or 270 Claims Officers, and as we went on appointing more and more officers, we found that the quality went down and I did not feel safe in making more appointments. In fact our Claims Organisation is a vast organisation in size and bigger than the Civil Court organisation of most of the States in India. Sometimes complaints have been made that our work of assessing claims has been slow. I do not plead guilty to the charge. I think we have done well in establishing such a vast organization within this small period and processing no less than 7 lakhs of claims. I do hope that the work of assessing the remaining 2 lakhs of claims will finish much earlier than the period of extension which I seek from this Council. I hope that the work will finish within the next four months. It may be that some claims with regard to the agricultural property may still be left over, but by and large, the bulk of the claims of the urban properties will, I hope, be finished within the next 4 months. The two reasons why I seek an extension by a year are these. We find that some displaced persons do not appear on fixed dates before the Claims Officers. It is not our intention to bar out a person because he has been prevented by reasons beyond his control from appearing before the Claims Officer. If the Claims Organization ceases to exist, I shall have no power to reopen the claims even in hard cases. There might be widows, there might be persons suffering from tuberculosis ; they might have been admitted in a hospital and may have been prevented

from appearing before the Claims Officer. It is intended that we should give relief to such persons by reopening their claims. Then, the law as it stands at present provides for revisions and appeals etc. The work of original processing of claims will continue for the next 4 months and with regard to the claims that may be processed, at the end of 4 months, there will be revisions and appeals and they will take some time to decide. It is more with a view to fasten, what I might call the loose ends that I seek extension for one year. I might also take this opportunity of mentioning that these claims are being processed with a definite object. In 1950 the Government issued a Communique making it clear that these claims are being processed with the object of giving compensation to the displaced persons in respect of the properties left behind by them in Pakistan. What would be the quantum of compensation was left undetermined, because it will depend upon what we might get in Pakistan and what the Government of India might contribute to the Pool from its own resources. The latter will, of course, depend on the financial position of the Government of India at that time. Along with the processing of these claims, we are getting the evacuee property valued and the latest figures of that valuation are that out of 2,83,559 properties, 1,13,458 properties have already been evaluated. The Communique to which I had made reference made it clear that the compensation to the displaced persons will come out of (1) from the evacuee properties left by the migrants in India ; (2) whatever we might get from Pakistan by way of difference between the values of the properties left behind in Pakistan and the values of the properties left here by the migrants ; and (3) any contribution which the Government of India may make to this Pool, which will, of course, depend upon the financial position of the Government of India at that time.

It was therefore necessary, in order to take up the scheme of paying com-

compensation, that the evacuee properties should be evaluated. I appointed a Committee consisting purely of displaced persons, presided over by Dr. Bakshi Tek Chand, to suggest a scheme for the equitable distribution of the evacuee property in India on the basis of the properties left by the displaced persons behind in Pakistan. That Committee submitted a very valuable report. We have partly acted upon the recommendations of that Committee. Hon. Members will be aware that recently a Communique was issued by the Government of India postponing recovery of small loans from displaced persons who have filed claims until such time as compensation is paid to them. It has given the displaced persons great relief. I want to assure this Council that I am most anxious to complete this work at the earliest possible date, and I can say with a safe conscience that I have made every effort to do that. But, the work of assessment of claims depends as much on the alertness of our officers as upon the co-operation of the displaced persons. To begin with, claims came slowly. We found that many times the claimants failed to appear before their Claims Officers. It was open to the Claims Officer to dismiss the claim summarily and consign it to the record room. But, I have given instructions that no claim should be consigned to the record room unless it became absolutely necessary to do so. I do hope that I shall get more co-operation from the displaced persons. I am not complaining against them. What I emphasise is this. The speed of the processing of the claims does not depend only upon the officers ; it also depends upon the speed and quickness with which the displaced persons co-operate in producing evidence, in appearing before the court and in their completing the work. I know that the matter of compensation is agitating the minds of the displaced persons. I am not in a position today to give any details of the scheme ; nor is it necessary for the purposes of this Bill to give the details of the scheme. But, I

give an assurance to this House, an assurance based upon the solemn assurances given by the Government of India before, that we are making every effort to expedite the processing of the claims, the evaluation of the property and the distribution of the compensation. I do hope that this Council will give consent to this Bill being taken into consideration.

MR. CHAIRMAN : Motion moved :

That the Bill to amend the Displaced Persons (Claims) Act, 1950, as passed by the House of the People, be taken into consideration.

PROF. N. R. MALKANI (Nominated) : Sir, I refer to the Statement of Objects and Reasons appended to the Bill. I appreciate all the objects and the principle behind the Bill, which is to extend the period from two to three years in order to scrutinise the claims properly. But, I cannot see my way to appreciate the reasons given by the hon. Minister.

One reason is that he could not have enough Claims Officers. I rather think that the organisation of Claims Officers was defective. At least I can say this that the Officer placed in Jaipur was not given Rajasthan as his region so that all the refugees may approach him at any time and get their claims verified. But, the man in Jaipur would have to go to Nagpur, Meerut, Bombay, one does not know where. When he does go there, the refugees are not properly informed. The reason was that they were not given an area where the refugees lived; but they were given refugees of a region in Pakistan. Men coming from Sukkur, for example, may be in Calcutta, in Calicut and Bombay. One Claims Officer goes round to meet the residents of Sukkur. The e is not a Railway in India in which the Claims Officers are not always travelling, almost to no purpose. I would be obliged to my friend the hon. Minister if he could tell us what was the pay and the travelling allowances drawn by

[Prof. N. R. Malkani.]

these Claims Officers. I think it exceeds their pay.

Another reason given by the hon. Minister is that the Claims Officers are unable to go to the site and evaluate the land or house property. I rather think it is easier to find the wholesale value of mangoes and melons than to go and evaluate each melon separately. We are here going to evaluate property in certain regions. You can certainly enunciate a reasonable formula that lands or houses in a particular region could be evaluated at a certain ratio. If a man has to evaluate each price of land and each property, I rather think it would take not years, but perhaps decades to complete the job. I therefore cannot see my way to agree to this reason that because our Claims Officers were not able to go on to the spot, there has been delay.

I may say that today the Rehabilitation Department is working more satisfactorily than before. I believe there is more honesty. There are very few relief camps also and there is no opportunity for corruption. I believe it is also more efficient. But, I am bound to say that the delays today are as heart-breaking as they were. The procedure is very elaborate and everybody sits on the head of everybody else. Each Department, in its own way, is thinking itself to be superior and there is interminable correspondence to no purpose. I may draw your attention to the working of the Rehabilitation Finance Administration. My figures may not be complete; I am open to correction. Up to December 1951, applications received were 65,000; sanctioned 9,000! Amount allotted 10 crores; amount sanctioned 7.89 crores; amount paid 3.80 crores! I cannot understand this. This is a highly centralised organisation and the provision of funds that has been made is very large. Ten crores have to be distributed. I think it is not a small period since this Rehabilitation Finance Administration has been working. It has been

working for three years; but the money has not yet been paid. I also learn that the administration charges are exorbitant. I do not know why. I hope the hon. Minister will throw light upon it.

In this connection, I would remind the hon. Minister that I hope he is under no illusion that rehabilitation has been completed. I think it would take a generation if not two to be, what is called, emotionally, psychologically rehabilitated. It will depend upon so many factors. I am only limiting myself to physical and material rehabilitation. I must say it is very incomplete. Again I am open to correction. As far as I know, the Department has spent Rs. 147 crores on rehabilitation upto 1952. It surprises me to know that Rs. 67 crores have been simply given away as grants for relief in the past. Do you call that rehabilitation? To some extent, perhaps to a substantial extent, this rehabilitation of putting them in camps for three years, was so much money wasted. Forty-six crores have been spent on housing. I would like to know the amount set apart for housing. I was myself in the Rehabilitation Department for four years—one year with the Government of India and three years in Rajasthan. I myself know that in many States housing programmes have lagged behind—I know it was so in Rajasthan—for various reasons. I would like to know the sums earmarked for housing and the progress that housing has made so far.

I am of opinion that if you give them loans, but do not give them houses your loans become irrecoverable.

SHRI N. GOPALASWAMI : Sir, I rise on a point of order. Is it at all desirable that the debate on the Bill which has got a provision of a very limited scope should be enlarged into a discussion of the operations of the Rehabilitation Ministry?

PROF. N. R. MALKANI : I wanted to say that the rehabilitation

has been incomplete, and therefore it must be expedited. As you know, there is a great slump now all round and the slump has hit the refugees the hardest. It is true the middle class people have been hit, but more than that the refugees have been very hard hit. I therefore plead that the refugees must be given first preference, and as far as possible and as soon as possible, the hon. Minister should announce what they are going to get and when they are going to get it.

SHRI J. R. KAPOOR (Uttar Pradesh):

श्री जे० आर० कपूर (उत्तर प्रदेश) : अध्यक्ष महोदय, मैं इस विधेयक का समर्थन करता हूँ, किन्तु हर्ष नहीं, खेद के साथ तथा दुःख के साथ। क्योंकि इस विधेयक के द्वारा हमसे यह कहा जाता है कि इस वक्त जो मौजूदा कानून बना हुआ है उसकी अवधि दो वर्ष की थी और वह समाप्त हो गई, तथा एक वर्ष के लिये इसकी अवधि और बढ़ा दी जाय। उसका कारण यह है कि इस दो वर्ष की अवधि में हम जिस काम के हो जाने की आशा और विश्वास करते थे वह नहीं हो पाया है। यह बड़े खेद की बात है, और इससे शरणार्थियों और हम सबों को ही दुःख और निराशा हुई। मुझे याद है कि यह कानून गत दो वर्ष हुए जब भूतपूर्व संसद् में हम लोगों के सामने उपस्थित किया गया था, तो उसमें इस विधेयक की कोई अवधि नहीं रखी गई थी। हम लोगों ने जो उस समय उस संसद् के सदस्य थे इस बात पर जोर दिया था कि उसकी कोई निश्चित अवधि रख दी जाय, ताकि सरकार को और हमारे अफसरों को यह बात हमेशा याद रहे कि उस निश्चित काल में उनको इस काम को खत्म कर देना है। वर्ना यदि यह ढिलाई से हुआ, तो इससे शरणार्थी लोगों की बहुत हानि होगी। हमें उस समय हर्ष हुआ था यह देख कर कि भूतपूर्व मंत्री महोदय श्री मोहनलाल सक्सेना ने इस बात को स्वीकार कर लिया। हालांकि उस समय हम यह चाहते थे कि इसकी अवधि एक

वर्ष रखी जाय, और उन्होंने स्वीकार भी कर लिया था कि वह इसकी अवधि एक वर्ष ही रखेंगे, लेकिन उनके महकमे के अफसरों ने उन्हें यह सलाह दी कि एक वर्ष में यह बड़ा काम खत्म नहीं हो सकता, इसलिए इसकी अवधि दो वर्ष कर दी जाय। और दो वर्ष में उन्हें आशा थी कि यह काम खत्म हो जायगा। लेकिन अब जब दो वर्ष से ऊपर हो गये तो भी हम देखते हैं कि हमारा काम खत्म नहीं हुआ है। यह दुःख की बात है और निराशा की बात है।

लेकिन इसके लिये मैं सरकार को ज्यादा दोष देने को तैयार नहीं हूँ क्योंकि परिस्थिति ऐसी हो गई जिसके कारण यह काम दो वर्ष में समाप्त नहीं हो सका। इस काम से कुछ थोड़ा सा सम्बन्ध मेरा भी था और वह सम्बन्ध यह था कि माननीय मंत्री महोदय ने जब यह निश्चय किया कि इस काम के लिये अफसर नियुक्त किये जायें, तो उन्होंने इस सम्बन्ध में सलाह देने के लिये एक छोटी सी कमेटी नियुक्त कर दी, जिसका मुझे भी आपने सदस्य बनाया था। हमारे माननीय मंत्री महोदय बड़े निपुण और चतुर हैं, बड़ी होशियारी से काम करना जानते हैं और जब कोई कठिन काम उनके पास आता है और उसमें आपको कोई दिक्कत दिखाई देती है, तो फौरन ही आपका यह मुझाव होता है कि उस दिक्कत में कुछ और लोगो को भी साथ ले लिया जाय ताकि इसकी सारी कौ सारी जिम्मेदारी उनके ऊपर ही न रहे, बल्कि दूसरे लोग जो इसकी आलोचना करते, उनका पहले से ही मुह बन्द हो जाय। श्रीमन्, मंत्री महोदय जी ने जो कमेटी नियुक्त की थी, उसने इस बात पर पूर्ण रूप से बहुत दिनों तक विचार किया कि किस तरह से ज्यादा से ज्यादा अफसर नियुक्त किये जायें ताकि यह काम बहुत कम समय में समाप्त हो जाय। हम लोगों ने बड़े प्रयत्न किये कि बड़ी संख्या में योग्य अफसर इसके लिये नियुक्त कर लिये जायें और इसके लिये हमने तरह तरह के

[Shri J. R. Kapoor.]

सुझाव भी दिये। मुझे यह कहने में हर्ष होता है कि सभी सुझाव, जो हमने माननीय मंत्रीजी को दिये थे वह उन्होंने माने। लेकिन बावजूद इस के २६० या ३०० से ज्यादा सुयोग्य अफसर मंत्रालय को नहीं मिल पाये। यही कारण है कि दो वर्ष बीत जाने पर हमारा यह काम पूरा नहीं हुआ। यदि अफसर नहीं मिल पाये तो इसका दोष सरकार के ऊपर नहीं होना चाहिये।

एक कारण इन अफसरों के न मिलने का यह भी था कि यह एक विशेष प्रकार का काम था। इस काम को वही ज्यादा अच्छी तरह से कर सकते थे जिनको पश्चिमी पाकिस्तान की जायदादों का अनुभव हो। दूसरी बात यह भी थी कि केवल यह अनुभव होना ही इस काम के लिये आवश्यक नहीं था बल्कि उन लोगों को इस काम में न्याय करने का भी अनुभव होना चाहिये था। जो इस प्रकार का न्याय कर चुके हों, जो वकील रह चुके हों, उन लोगों में से यह अफसर लिये जा सकते थे। उन लोगों में से २७० से ज्यादा अफसर नहीं मिल पाये। एक बात अवश्य थी कि हमने एक सुझाव पेश किया था, जो आप मानने में असमर्थ रहे। वह यह था कि अगर ज्यादा तनखाह इन लोगों को दे दी जाती तो हमें ज्यादा तादाद में यह अफसर मिल जाते। यह काम थोड़े समय के लिये था और अस्थायी काम था इसलिये अच्छे और अनुभवी शरणार्थी वकील, जिन्होंने तीन साल में प्रैक्टिस यहां जमा लो हो उनसे यह आशा करना कि हमें अपनी वकालत को छोड़ कर थोड़े से रुपये की नौकरी के लिये यहां आयेंगे एक बेकार आशा करनी थी। इसलिये हम लोगों ने यह सुझाव दिया था कि उनकी तनखाह बढ़ा दी जाय तो कोई हर्ज नहीं है। अगर दो-तीन लाख रुपया उनकी तनखाह देने में ज्यादा लग जाय तो कोई हर्ज की बात नहीं। लेकिन मंत्रालय ने अपनी असमर्थता इसलिये प्रगट की कि वित्त-मंत्रालय

इस बात के लिये अनुमति नहीं दे रहा है। इस कारण उन लोगों को ज्यादा तनखाह नहीं दी जा सकती। यह अच्छा होता कि यदि वित्त-मंत्रालय इस स्थिति को एक विशेष परिस्थिति समझ कर अपनी अनुमति दे देता। लेकिन वित्त-मंत्रालय के सामने भी यह कठिनाई थी कि एक बार अगर ज्यादा तनखाह दे दी जाती तो सारे दफ्तर में उसी तरह के काम करने वालों को देनी पड़ती। अगर स्टैनोग्राफरों को ज्यादा तनखाह देनी पड़ती तो सब मंत्रालय के आदमी इसी तरह की तनखाह की मांग करते। इसके कारण एक बड़ी आर्थिक स्थिति सरकार के सामने पैदा हो जाती। बहरहाल कुछ भी कारण क्यों न हों, हमको योग्य अफसर उम्र समय नहीं मिल सके।

MR. CHAIRMAN : Time up.

SHRI C. G. K. REDDY : There is no time-limit for Bills, Sir.

MR. CHAIRMAN : What I would suggest is this. Let us confine our discussion to the principles of the Bill. There is an Ordinance, which is being replaced by an Act. The question is regarding the extension of the Act from two to three years. It is not a general discussion on refugees' rehabilitation, their sufferings, etc. We may have another opportunity for having a detailed discussion on this particular point, but now let us limit ourselves to the questions which are involved in the Bill.

SHRI C. G. K. REDDY : After the experience of the working of the Act, we have a right to know why the Government want an extension. And that is the point that is being dealt with by the hon. Member.

SHRI J. R. KAPOOR :

श्री जे० आर० कपूर : अध्यक्ष महोदय, मैं मन्त्रतापूर्वक निवेदन करना चाहता हूँ कि जहां तक बिल का सम्बन्ध होता है उस में विचार करने के

लिए समय की अवधि नहीं होती है। फिर भी आप जैसी आज्ञा देंगे, मैं उसका पालन करूंगा।

श्रीमन्, मैं तो यह समझ रहा था कि जो कुछ मैं निवेदन कर रहा हूँ वह इस बिल के अन्दर बड़ी आसानी से आ जाता है। मैंने एक ~~और~~ शरणार्थियों और रिहैबिलिटेशन (rehabilitation) के बारे में नहीं कहा। संभव है कि यह मेरी बदकिस्मती है कि मैं इस समय यहां पर हिन्दी में बोल रहा हूँ, इस कारण मैं अच्छी तरह से, अध्यक्ष महोदय, मैं आपके सामने अपनी बातों को नहीं रख रहा हूँ। यही मेरी बदकिस्मती है।

मैं तो यह कह रहा था कि इस बिल में जो अवधि बढ़ाने के लिये मांग की गई है उसके यह कारण हैं। दूसरी बात जो मैं कहना चाहता हूँ वह यह है कि जो कठिनाइयां इस मंत्रालय के सम्मुख आई हैं और जिसके कारण दो वर्ष में काम समाप्त नहीं हो सका, वह कई प्रकार की है। एक तो यह है कि शरणार्थियों ने अपने दावे इसके सामने पेश नहीं किये। मुझे याद है कि सन् १९५१ के शुरू तक भी यह दावे पूरे तरीके से शरणार्थियों ने इसके सामने नहीं भेजे। यहां तक हुआ कि हम लोगों को इस बात की आवश्यकता पड़ी कि हम भी इस काम में मदद करें। मुझे और हमारे मित्र पंडित ठाकुरदास भार्गव और वक्शी टेकचन्द जी और अन्य लोगों ने, जो इस काम से दिलचस्पी रखते थे, उन्होंने विशेष रूप से एक अपील निकाली। हम लोगों ने शरणार्थियों से इस प्रकार की अपील निकाली कि वह अपने दावे जल्दी जल्दी पेश करें ताकि उनका निबटारा जल्दी हो सके। हमने यह भी उनसे कहा कि यह बात तुम्हारे ही हित के लिये है। हमारे मंत्रीजी ने ठीक ही कहा कि शरणार्थियों ने अपने दावे ठीक समय पर पेश नहीं किये, गोकि इसके बारे में कई बार उन लोगों से अपील की गई थी। फिर भी उन्होंने

दावे पेश करने में देरी की। यही कारण हुआ कि इस चीज के लिये अवधि बढ़ानी पड़ी ताकि शरणार्थी अपने दावे पेश कर दें। ~~अब~~ महोदय, इस अवसर पर मैं उन क्लेम्स अफसरों की तारीफ किये बिना नहीं रह सकता जिन्होंने अपना काम बड़ी योग्यता के साथ किया; बावजूद इसके कि उनके सामने बहुत सी कठिनाइयां उपस्थित थीं। उनको अपना काम करने के लिये विशेष साधन नहीं मिले थे। यह काम बड़ा कठिन था और जगह जगह पर उनको करना पड़ता था। जहां भी वह जाते थे उनको रहने के लिए ठीक स्थान नहीं मिलता था। इस तरह की कितनी ही कठिनाइयां उनके सामने थीं। लेकिन बावजूद इन कठिनाइयों के होते हुए भी मुझे यह कहना पड़ता है कि भिन्न भिन्न रियासतों ने, भिन्न भिन्न राज्यों ने, उनके साथ उतनी सहानुभूति और सहयोग नहीं दिया जितना कि उनको देना चाहिये था। कितनी ही बार यह प्रश्न उठाया गया कि जब जब भिन्न भिन्न राज्यों में क्लेम्स अफसर जाते हैं, तो उनके ठहरने के लिये राज्य की सरकारें आसानी दें। लेकिन यह आसानी और सुविधा इन अफसरों को कभी भी प्राप्त नहीं हुई। बावजूद इन तकलीफों के इन अफसरों ने अपना काम बड़ी योग्यता के साथ किया। यदि कोई व्यक्ति दिल्ली में चीफ क्लेम्स आफिस के प्रधान कार्यालय में जाकर देखता तो वह यह देख कर चकित रह जाता कि किन कठिनाइयों का सामना करते हुए यह अफसर अपना काम कर रहे हैं। कितने ऊंचे दरजे के अफसर, जिनमें भूतपूर्व डिस्ट्रिक्ट मजिस्ट्रेट हैं, भूतपूर्व डिस्ट्रिक्ट जज हैं और अन्य बहुत से काबिल लोग हैं, किस तरह से छोटी जगह पर, कितनी गर्मी पर, जहां पर कोई बिजली का पंखा नहीं है, जहां पर कोई खस की टट्टी नहीं लगी हुई है, वह लोग प्रातःकाल से लेकर शाम तक अपने काम में व्यस्त रहते हैं। जब मैं अपने मित्रों के साथ उन अफसरों का काम देखने के लिये गया

[ Shri J. R. Kapoor. ]

तो मेरा मस्तिष्क उन के त्याग और उन के काम को देख कर.....

DR. P. C. MITTRA : What is the necessity of discussing the conduct of officers here ?

श्री जे० आर० कपूर : मेरे माननीय मित्र को किसी बात की आवश्यकता नहीं प्रतीत हो रही है। शरणार्थियों की समस्या के बारे में जब हम इस कौंसिल में विचार करते हैं तो हमारे कुछ माननीय मित्रों को दुःख होता है और वह इस समस्या को पूर्ण रूप से विचार करने के लिए तैयार नहीं होते हैं।

श्रीमन्, जिस समय इस भवन में बजट पर आम बहस हो रही थी उस समय किसी ने भी शरणार्थियों के बारे में एक शब्द भी नहीं कहा। मेरा मतबल यह नहीं है कि जो काम उस वक्त नहीं हो सका उसके लिए इस समय मांग की जाय। लेकिन मैं यह समझता हूँ कि हम लोगों को स्पष्ट रूप से बतला दे कि हमारा क्या ध्येय है और हम क्या चाहते हैं। जिन अफसरों ने बड़ी योग्यता के साथ काम किया, उनको हम तारीफ भी करें तो इसमें कोई खराब बात नहीं है।

मेरे माननीय मित्र श्री मलकानी जी ने बड़े जोरों के साथ इन अफसरों की आलोचना की। उन्होंने कहा कि यह अफसर सारे देश में घूमते पाये गये। उन्होंने इसके साथ ही साथ यह भी कहा कि यह विचित्र बात थी कि शरणार्थियों को दिल्ली बुलाया गया, अपने क्लेम्स लिखाने के लिये। इसके साथ ही साथ उन्होंने यह भी कहा कि इन क्लेम्स अफसरों की नियुक्ति ऐसी जगह की जानी चाहिये जहाँ पर कि शरणार्थी लोग बसते हैं ताकि वह वहाँ पर जाकर उनके क्लेम्स लिख लें और उन लोगों को कष्ट न हो। यह दोनों चीजें, जो उन्होंने कहीं, एक दूसरे से कितनी विरुद्ध हैं।

मैं इस सम्बन्ध में उनको यह बतलाना चाहता था कि इन अफसरों को इसलिये देश के अन्दर घूमना पड़ा कि शरणार्थी, जिनके क्लेम्स होते थे, वह देश के भिन्न भिन्न स्थानों में थे। यह उचित नहीं समझा गया कि शरणार्थियों को अपने यहाँ बुला कर उनको कष्ट दिया जाय। बल्कि जहाँ तक हो सके शरणार्थियों को हर प्रकार की सहूलियत दी जाय। यही कारण था कि इन क्लेम्स आफिसरों को सारे देश में घूमना पड़ा, सिर्फ शरणार्थियों को सहूलियत देने के लिये।

आपने एक बात कही कि क्लेम्स आफिसर को यह आदेश दे देना चाहिये था कि किस फारमूले (formula) के अनुसार वह क्लेम्स का कैलकुलेशन (calculation) करें। यही बात हुई है और मुझे मालूम हुआ कि यही आदेश क्लेम्स आफिसरों को दिये गये थे और उन्होंने फारमूला बना लिया था कि फलों स्थान के इस प्रकार की सम्पत्ति का यह मूल्य होगा और दूसरे स्थान को सम्पत्ति का यह मूल्य होगा। मुझे आश्चर्य तो यह है कि बावजूद इसके कि जैसा प्रौफेसर मलकानी साहब ने बतलाया, तीन वर्ष तक इस डिपार्टमेंट के भिन्न भिन्न कामों में आप लगे रहे, लेकिन आपको यह बात नहीं मालूम हुई कि यह आदेश क्लेम्स आफिसरों को दिया गया था।

[For English translation, see Appendix I, Annexure No. 28.]

MR. CHAIRMAN : That will do. The hon. Member has taken more than 15 minutes.

SHRI J. R. KAPOOR : I will take a few minutes more, Sir.

MR. CHAIRMAN : No ; 15 minutes is too much.

SHRI J. R. KAPOOR : I have something more important to add.

MR. CHAIRMAN : No Shri Mukand Lal Puri.



SHRI M. L. PURI (Punjab) : Sir, a further period of one year is being asked for for the verification of claims. I have absolutely no objection to it. I wish the period had been shorter, that it had been six months only. But as it is, one year is not too long. The real question is that the promises of the Government and the promises which the hon. Minister for Rehabilitation had made during the election days should be implemented now as soon as possible. In some of the election meetings the hon. Minister for Rehabilitation said that the question of payment of compensation to the refugees was under the consideration of Government and would be soon decided and implemented. I wish only to request him to see that there is no further avoidable delay in the payment of this compensation and that the compensation is on as liberal a scale as possible. The refugees are really at the end of their last resources, and this payment of compensation is as great an element in their rehabilitation as the granting of relief to the poor or the building of houses. I request him not to waste any more time in taking steps to pay the compensation. He can take any amount of time that he likes in assessing claims still unassessed.

SHRI B. GUPTA (West Bengal) : Sir, we come from a province which has been partitioned. We have some experiences which may be very useful. What we feel that the poor displaced persons and the persons who belong to the poorer classes have no means of even access to the refugee rehabilitation machinery. That is why, Sir, we feel that if these measures are to be effective, the machinery should try to seek the co-operation of the refugees and other popular organisations. A popular machinery should be set up in order to get as much information as possible in order to successfully work out the scheme. That is exactly what should be done. But now what happens is that the zamindars who are coming from East Bengal in our part of the partitioned country have all the facilities of giving the accounts of their properties and have recorded them whereas the poorer people,

the artisans, the peasants and others, are left with no means of even having any to these rehabilitation authorities or authorities who are dealing with such matters. Therefore, Sir, I submit that it is very essential not merely to have some legislation on these matters, but the Government must also chalk out a kind of approach that will inspire the people to come to it. That will get the people closer to it and that will be really of help in getting the materials that are wanted for ascertaining the properties left by them. Therefore, I would ask the Government to consider this matter urgently. The whole machinery now is in the grip of a small bureaucratic coterie surrounded by a number of Congressmen who have made a business out of the rehabilitation affairs. That should be put a stop to when you ask us to give you the extension of this legislation.

PROF. G. RANGA (Madras) : Mr. Chairman, I cannot do better than endorse the excellent suggestions made and also the criticism made by my hon. friend Mr. Puri. I would only like to draw the special attention of the House to the very last suggestion that he has made that irrespective of the time limit imposed, the Government should give every possible facility to the evacuees and displaced persons to lay their claims before the Government as quickly as possible. I am glad that the Minister has told us that he did not agree with his own Department that the time limit should be strictly observed, and every facility would be given to the displaced persons to register their claims. That would to some extent meet the objection raised by my hon. friend from West Bengal.

Secondly, I would like to know, Sir, whether this scheme is expected to benefit the displaced persons who have come over from East Pakistan because there is no mention made here either in the Statement of Objects and Reasons or in the explanatory speech made by my friend. I would like that these people also should be given the benefit under this scheme.

Thirdly, Sir, if you pay this compensation, it should be on a graded

[Prof. G. Ranga.]

scale so that smaller people will get a higher percentage of the same and the rich people a lower percentage. I think that that would be a fair thing and will help the poor class of people.

Lastly, I would like to remind the hon. Minister of the book written by that famous patriot—once our colleague in the Indian National Congress—Choithram Gidwani “Broken Pledges”. Sir, this Government and the Prime Minister had taken too long a time to accept the principle of paying compensation to our unfortunate brethren. I am glad they have at long last accepted that particular principle. But unfortunately they have not adopted the principle of making provision for a special tax, in whatever shape it might be, to raise the revenues over a period of years. Sir, in European countries, soon after the war, they instituted what is known as reconstruction surcharge on most of the luxury commodities that were being sold in the country. It rose up to 15 per cent. and I would like my friend the Minister in charge of Rehabilitation and also the Government to consider this matter and institute some such scheme and create a special fund from which they may be able to meet the demands of these people for suitable compensation.

KhWAJA INAIT ULLAH (Bihar) :

خواجہ عنایت اللہ (بہار) : صرف ہم کو منسٹر صاحب سے اتنا کہنا ہے کہ کاہم (claim) کو ایڈمٹ (admit) کرتے وقت جوائنٹ فیملیز (joint families) کے متعلق کلیم آفیسرس (Claim Officers) کو بہت تکلیف ہوتی ہے۔ بہت سے ایسے ہیں جو کہ وہاں جوائنٹ فیملی میں تھے لیکن یہاں آ کر وہ ادھر ادھر دوسرے دوسرے صوبوں میں پھیل گئے ہیں۔ اور الگ الگ ہو گئے۔ ہیں۔ تو اس کے متعلق کوئی ایسا آسان

طریقہ نکالا جائے کہ وہ اپنے اپنے حصہ کو وہاں ایڈمٹ (admit) کرا سکیں اور اگر الگ الگ حصہ میں ایڈمٹ نہ ہو سکے تو جب کسی بھی حصہ دار کو روپیہ ملے لگے تو اس میں سے اپنا حصہ لے لیں۔  
بس مجھے اتنا ہی عرض کرنا ہے۔

[For English translation, see Appendix I, Annexure No. 29.]

SHRI A. P. JAIN : Sir, the debate that has taken place in this House can be divided into two parts. Many things have been said about the rehabilitation in general and some things have been said with respect to this particular Bill. So far as the first part of the debate is concerned, I do not propose to take the time of the House as there will be very many occasions when I shall have the opportunity to answer some of the criticisms which have been levelled against my Ministry. But, Sir, I cannot help saying one thing. I felt a little flattered when my friend Mr. Jaspat Roy Kapoor said that I had the habit of entrapping people. I tried that experiment on Mr. Malkani who, Sir, has worked for not less than three years in my Ministry but I am sorry that I have failed to entrap him. He was the Director in charge of the urban rehabilitation in Rajasthan and if there have been delays, I think he is as much responsible for them as anyone else.

One point that was made out by Mr. Malkani was that we have laid down a bad scheme. Our Claims Officers are attached to different areas in Pakistan and therefore they have to travel all over the country in order to process claims. That is true that the Claims Officers are attached to the divisions which are situate in West Pakistan. We gave a lot of thought to that problem and I think that the scheme which we have laid down is the best and the only possible scheme. I ask, Sir, from Mr. Malkani and other members whether they come across any person who knows about all the properties situate in different parts of

the country, e.g., properties in Assam, in Travancore, in Saurashtra, in Madhya Pradesh, in U. P. etc.? We felt that if one man is given the charge of a regional area in India, he shall have to deal with the properties which would be spread over the whole of West Pakistan and it is not possible for a man to have an idea of the values of the properties situate over vast areas of West Pakistan. Therefore we decided upon the scheme, and I say a very wise step, to divide the whole of West Pakistan into 240 or 250 regions and we assigned one region to each of these Claims Officers so that he may be able to assess the comparative values of the properties of which he would have some idea. I think, Sir, that the whole of my organisation would have collapsed if I had acted upon the suggestion made by Mr. Malkani.

Then he said : "Why are the individual properties being valued?" I must confess that I was surprised to hear that complaint from him. I have said that we are going to give compensation on the basis of the value of the properties left behind by displaced persons. If the individual properties are not valued, how can we distribute compensation? I am unable to understand that.

PROF. N. R. MALKANI : I simply said, "evolve a common formula for valuing properties in a particular region."

SHRI A. P. JAIN : Properties are not valued by formulae. Properties are valued as individual properties. There may be 50 properties, 100 properties or 1,000 properties of all types and patterns, big and small, situated in one region. What formula can be evolved for them? I am sure that it is impossible to work out a formula for all sorts of properties.

Therefore, Sir, I say that the scheme which we adopted is a practical scheme which involves the least delay. Two questions have been asked by Mr. Ranga. Does this scheme apply to East Bengal, the eastern region? I say, 'no', the reason being that the

provisions of this Bill do not apply to the eastern region. So far as the displaced persons coming from East Bengal are concerned, they continue to enjoy not only the ownership of the property, but they can realise their rents and make use of their property. There was neither any necessity nor any occasion to apply this scheme to Bengal. Mr. Ranga has again suggested that we must give graded compensation, that is, to the poor we must give a higher percentage of compensation than to the richer. I am grateful to him for that suggestion. It is not a new suggestion. While making allotment of land on quasi-permanent basis, we kept that in mind. While the owner of 10 acres of land got 75% of his land in Pakistan, the owner of more than 5,000 acres may have got only 5% or some such thing. I shall fully bear what Mr. Ranga said in mind.

Mr. Ranga has again suggested that some sort of tax should be imposed for the purpose of raising money for compensation. The Prime Minister has made the views of the Government clear about it on more than one occasion. I am only repeating what he said. Taxation in India comes on all classes of people. While one can think of imposing a particular kind of tax for the purpose of rehabilitation, to think of imposing a tax for the purpose of paying compensation for properties, is something which is inconceivable. I am sorry that I cannot support my hon. friend.

SHRI S. D. MISRA (Uttar Pradesh) :

श्री एस० डी० मिश्र : श्रीमन् इस सम्बन्ध में एक जानकारी करना चाहता हूँ।

[ I want an Information in this connection, Sir.]

SHRI A. P. JAIN : I am not yielding the floor.

My friend, Khwaja Inait Ullah, has raised the question of joint families. I can assure him we are dealing adequately with them.

Now, before I conclude, I must say that I fully share the opinion of Mr. Puri that there should not be any

avoidable delay. I also share his opinion that the compensation should be on as liberal a basis as possible.

PROF. N. R. MALKANI : And as quickly as possible.

SHRI A. P. JAIN : When I say there should not be avoidable delay it means that. It is an unnecessary interruption, Sir.

PROF. N. R. MALKANI : I am sorry, Sir.

SHRI A. P. JAIN : I can assure the hon. Members of this House that I shall bear all these things in mind and so far as it lies in our power, I shall not disappoint them.

SHRI S. D. MISRA :

श्री एस० डी० मिश्र : श्रीमान्, इस सम्बन्ध में मैं एक जानकारी प्राप्त करना चाहता हूँ और वह यह है कि यह कम्पेंसेशन (Compensation) जो गवर्नमेंट आफ इंडिया देना चाहता है, उसके लिये क्या गवर्नमेंट आफ इंडिया आशा करती है कि पाकिस्तान गवर्नमेंट देगी।

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

KHWAJA INAIT ULLAH : That is not to the point.

MR. CHAIRMAN : The question is :

That the Bill to amend the Displaced Persons (Claims) Act, 1950 as passed by the House of the People be taken into consideration.

The motion was adopted.

MR. CHAIRMAN : The question is :

That clauses 2 and 3 stand part of the Bill.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

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

SHRI A. P. JAIN : Sir, I move :

That the Bill, as passed by the House of the People be passed.

MR. CHAIRMAN : The question is :

That the Bill, as passed by the House of the People, be passed.

SHRI S. D. MISRA :

श्री एस० डी० मिश्र : श्रीमान् अध्यक्ष महोदय, मैं इस बात का समर्थन करने के लिये खड़ा हुआ हूँ कि निर्वासित व्यक्तियों के सम्बन्ध में जो यह विधेयक है, इसको पारित किया जाय। परन्तु मैं दो एक बातों के सम्बन्ध में जानकारी प्राप्त करना चाहता था, इसलिये मैं उन्हें मंत्री महोदय के समक्ष रखता हूँ। हमें इस विषय में बड़ी खुशी है कि जितनी जायदादें पाकिस्तान में निर्वासितों की छूट गई हैं, उसके लिये हम क्लेम पे (pay) कर रहे हैं और उसका कैलकुलेशन (calculation) करा रहे हैं। लेकिन शरणार्थी लोग, जो इस देश के रहने वाले हैं, वे इसमें ज्यादा दिलचस्पी रखने हैं कि वे इस बात की जानकारी करें कि क्लेम हो जाने के बाद उनको क्या कम्पेंसेशन (compensation) मिलेगा। हम तो इस देश में यह देख रहे हैं कि जो निर्वासित लोग हैं, उनकी आशा दूर होती जा रही है और केवल इस बात से दूर होती जा रही है कि वे लोग इसको देख रहे हैं कि करीब पांच साल हो गये, हराको क्लेम की जानकारी करते हुए। अभी मंत्री महोदय ने यह बात कही कि हम तीन मदों को ले कर क्लेम्स को पे (pay) करने वाले हैं। उन्होंने एक बात का जिक्र किया कि पाकिस्तान से कुछ रुपया लेंगे। मेरी तो यह समझ में नहीं आया। इधर तीन-चार साल में सरकार ने पाकिस्तान से रुपया मांगने की कोशिश की और सरदार वल्लभभाई पटेल साहब ने तो यह भी सुझाव रखा था कि इतनी लार्ज लेवल (large level) पर अगर पाकिस्तान से वहां की जनता निकाली जाती है तो वहां की प्रापर्टी का एक्सचेंज हो। मैं समझता हूँ कि मैं गलत नहीं हूँ। मेरा ख्याल है कि पाकिस्तान गवर्नमेंट ने यह जवाब दिया

कि वह एक भी पैसा इस कम्पैन्सेशन के लिये नहीं देगी ।

दूसरी बात सरकार ने यह कही है कि एक कांट्रीब्यूशन गवर्नमेंट का होगा । यह बात मेरी समझ में नहीं आई कि कितना कांट्रीब्यूशन (contribution) सरकार करने जा रही है । अगर इस समय सरकार यह ऐलान कर दे कि इतना रुपया या अमुक रकम हम कांट्रीब्यूट करेंगे, तो हम सरकार को विश्वास दिलाते हैं कि इससे शरणार्थियों को बड़ा विश्वास होगा और उनको बड़ी आशा होगी । अभी तो हालत यह है कि केवल एक ही मद रह जाती है जिससे कि कम्पैन्सेशन दिया जा सकता है और वह है इवैक्यू प्रापर्टी, जो कि हिन्दुस्तान में छूटी हुई है । केवल उसी जायदाद से यह सोचा जा रहा है कि कम्पैन्सेशन दिया जायगा । यह भी देखा जा रहा है कि यह जो इवैक्यू प्रापर्टी है उसका मूल्य तीन-चार साल के अन्दर घटता जा रहा है । मैं उत्तर प्रदेश के अनुभव से कह सकता हूँ कि बहुत सी जायदादें इस प्रकार की हैं कि उनका मूल्य घटता जा रहा है । बहुत से मकानात ऐसे हैं कि जिनमें वाइट वाशिंग नहीं होती, रिपेयर्स नहीं होती और वह गिरते जा रहे हैं । तो ऐसी सूरत में जब इवैक्यू प्रापर्टी की कीमत गिरती जा रही है और जब तक सरकार की तरफ से यह आश्वासन न मिले कि कितना रुपया सरकार कम्पैन्सेशन के ये देने जा रही है, तब तक शरणार्थियों को विश्वास नहीं हो सकता, क्योंकि पाकिस्तान सरकार की ओर से कोई रुपया संभवतः नहीं दिया जा रहा है । मैं समझता हूँ कि मंत्री महोदय कम से कम यह आश्वासन देंगे कि सरकार कितना देना चाहती है और कितना रुपया पाकिस्तान से वह आशा करते हैं ।

इन शब्दों के साथ इस बिल का मैं समर्थन करता हूँ और आशा करता हूँ कि इसको पारित किया जायगा ।

[For English translation, see Appendix I, Annexure No. 31.]

SHRI C. G. K. REDDY : Sir, I should like to say many things. But we have no time. So far as this Bill is concerned, I have a definite opinion to express on it. But unfortunately there are only five minutes left, and unless this House agrees to sit longer than now scheduled or carry this Bill over for the next session, it is not possible for me to speak on the Bill now.

MR. CHAIRMAN : There is one more Bill before us now, for consideration. The hon. Member may kindly say what he has to just now.

SHRI C. G. K. REDDY : I am sorry, Sir, it is not possible for me to say it within five minutes. I have a right to speak and I should have an opportunity to do so, so long as I have got something sensible to say.

MR. CHAIRMAN : I hope you had an opportunity earlier. You have an opportunity now also. I had called on you but if you were not here, it is not my fault.

SHRI C. G. K. REDDY : If it is the opinion of the House, that it cannot sit any longer, then I will sit down, after saying that it should go on record that I have an opinion to express on this Bill, but that I have not been allowed to do so.

SHRI M. L. PURI : Sir, this is an important subject which will involve a lot of discussion from all sides of the House ; therefore I request that the House be given some more time on this Bill, Sir.

SHRI B. K. P. SINHA : Sir, this is the third reading stage of the Bill. In the third reading, generally amendments accepted are subject matters of discussion. If new things are introduced, then only there is a discussion.

MR. CHAIRMAN : What I would say is that when the motion was first put that it should be taken into consideration, before the question was put every hon. Member here had the