CONSTITUENT ASSEMBLY (LEGISLATURE) OF PAKISTAN DEBATES
Monday, the 9th April, 1951
OFFICIAL REPORT

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The Constituent Assembly (Legislature) met in the Assembly Chamber, Karachi, at Eleven of the Clock, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

STARRED QUESTIONS AND ANSWERS

BHARATI RAIDS ON EAST PAKISTAN VILLAGES

448. *Mr. Nur Ahmed: Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state:

(a) the total number of Bharati raids on East Pakistan borders in 1949 and 1950;

(b) whether it is a fact that the raids on East Pakistan villages by the Bharati armed policemen from West Bengal and troops from Tripura State increased considerably in November, 1950;

(c) if so, the steps taken to prevent such raids in future; and

(d) the result of the same?

The Honourable Dr. Mahmud Husain: (a) to (d) Necessary information is being collected and will be placed on the Table of the House as soon as possible.

BORDER RAIDS BY AFGHAN NATIONALS

449. *Mr. Nur Ahmed: Will the Honourable Minister of State for States and Frontier Regions be pleased to state:

(a) the measures adopted by Government to prevent border raids by Afghan nationals and Forces on Pakistan territory;

(b) the result of the same;

(c) whether any such border raid occurred since November, 1950, up to January 1951; and

(d) if so, their number?

The Honourable Dr. Mahmud Husain: (a) Adequate precautions have been taken to prevent and repel raids into our territory by Afghan nationals. The forces available for this purpose cannot, for obvious reasons, be disclosed.

(b) We consider ourselves sufficiently protected.

(c) Yes.

(d) Six.

TREATIES WITH FOREIGN STATES

450. *Mr. Nur Ahmed: Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state:

(a) whether any treaty of commerce, navigation and friendship has been concluded with the United States of America;

(b) if not, the causes of the delay in concluding such a treaty;

(c) the names of the countries with which such treaties of commerce, trade and friendship have been concluded up to January, 1951; and
(d) the names of the countries with which treaties of mere friendship have been concluded?

The Honourable Dr. Mahmud Husain: (a) No.
(b) Negotiations are still in progress.
(c) & (d) No Treaty of Commerce, Trade and Friendship has been concluded with any country. Many Trade Agreements have, however, been negotiated; and with Iran, Iraq, Syria, Indonesia and the Phillipines Treaties of Friendship have also been signed.

AIR LINES OPERATING IN PAKISTAN

451. *Mr. Nur Ahmed: Will the Honourable Minister for Defence be pleased to state:—
(a) the number of air lines operating scheduled services in Pakistan in January, 1951;
(b) the names of air lines which are operating at a loss;
(c) whether any scheme for rationalization or nationalization of Pakistan air lines has been prepared;
(d) if not, the reasons therefor;
(e) whether Government are paying any subsidy to any of the air lines operating in Pakistan; and
(f) if so, the amount of subsidy?

The Honourable Mr. Liaquat Ali Khan: (a) One.
(b) Ms. Orient Airways Ltd., were running at great loss but recently there has been an improvement in their finances. I believe these losses have cut down considerably.
(c) & (d) Various schemes for further expansion, including the question of nationalisation, are under consideration.
(e) No, Sir.
(f) Does not arise.

RAIDS ACROSS EAST AND WEST PAKISTAN BORDER BY INDIAN TROOPS

452. *Mr. Nur Ahmed: Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state:
(a) the number of raids across the East and West Pakistan borders by Indian troops and police in 1948, 1949 and 1950, separately;
(b) the amount of loss of property in such raids in each of these years;
(c) the number of casualties in these raids each year;
(d) the preventive measures adopted in this matter; and
(e) the result of the same?

The Honourable Dr. Mahmud Husain: (a), (b) & (c) Necessary information is being collected and will be placed on the Table of the House as soon as possible.
(d) & (e) Necessary steps have been taken to prevent the recurrence of such raids and to inflict severe punishment on the offenders. Periodical meetings are held between the Civil and Police authorities of the bordering States and Provinces of India and Pakistan to enquire into the border incidents in accordance with the decisions reached at the Indo-Pakistan Conferences held at New Delhi in December 1948 and April 1949.
REMOVAL OF DISABILITIES ON PAKISTAN NATIONALS IN EAST AFRICA

453. *Mr. Nur Ahmed: Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state:

(a) the steps taken by Government to remove the disabilities on Pakistan nationals resident in East Africa;
(b) whether Government have made any representation to the Government of the United Kingdom against the introduction and enactment of Immigration Ordinance of 1948, in East Africa; and
(c) if not, the reasons therefor?

The Honourable Dr. Mahmud Husain: (a) As the Pakistan Nationality Law has not yet been passed, it is not possible to state who are Pakistani nationals in East Africa. The question, therefore, of removing disabilities has not been tackled.
(b) & (c) Do not arise.

SELF-DEFENCE OF EAST BENGAL

454. *Sri Dhananjoy Roy: Will the Honourable Minister for Defence be pleased to state:

(a) whether he is aware that East Pakistan is surrounded by foreign territories;
(b) whether any measure has been taken for her defence by the local population;
(c) the number of regiments raised in East Bengal; and
(d) the ratio of recruitment for these regiments between East Bengalis and non-East Bengalis?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir.
(b) & (c) It is not in the public interest to disclose the measures taken for the defence of East Pakistan or to give the number of regiments formed in East Pakistan but I assure the Honourable Member that every effort will continue to be made to make the defences of East Pakistan strong and to encourage the people of that part of the country to take their full share in these efforts.
(d) The Defence Forces of this country are open to all Pakistanis and equal opportunities are afforded to all those who wish to join them. It is not desirable to fix any quota for any particular province or area.

ESTABLISHMENT OF NAVAL AND AIR TRAINING CENTRES AND MILITARY ACADEMY IN EAST PAKISTAN

455. *Sri Dhananjoy Roy: Will the Honourable Minister for Defence be pleased to state:

(a) whether Government are aware of the demand of East Pakistanis for establishment of a Naval Training Centre at Chittagong, a Military Academy and an Air Training Centre at suitable places in East Pakistan;
(b) whether it is a fact that candidates for the above purposes from this part of Pakistan find great difficulties in course of training at other places;
(c) if the answer to parts (a) and (b) above be in the affirmative, whether Government consider the desirability of establishing such Training Centres in East Pakistan; and
(d) if so, the measures adopted so far?

†The answer to the question was laid on the Table, the Questioner having exhausted his quota.—Ed. of Deb.
The Honourable Mr Liaquat Ali Khan: (a) to (d) Attention of the Honourable Member is invited to my reply to Mr. Nur Ahmed’s starred question No. 247, dated the 31st March 1951.

RECRUITMENT OF EAST PAKISTANIS IN DEFENCE SERVICES

456. *Sri Dhananjoy Roy: Will the Honourable Minister for Defence be pleased to state:

(a) if he is aware—
(i) that a large number of East Pakistanis want to be recruited in Air, Sea and Land Forces, and
(ii) that under the existing recruitment rules, they cannot be recruited for their physical height and other measurements; and

(b) if the answer to (a) above be in the affirmative, whether he is considering the desirability of having the existing recruitment rules relaxed in the case of East Bengalis?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir.

(b) The attention of the Honourable Member is invited to the reply given by me to part (a) of starred question No. 91 asked by Mr. Nur Ahmed on the 25th March, 1951.

UNEMPLOYMENT OF OPTEEES FROM ARMS AND AMMUNITION FACTORIES IN INDIA

457. *Sri Dhananjoy Roy: (a) Will the Honourable Minister for Defence be pleased to state whether Government are aware that a large number of persons, who opted for East Bengal from Cossipore and Ichapur Gun and Carriage Factories and other Arms and Ammunition Factories in India, are now out of employment in East Bengal?

(b) If the answer to part (a) above be in the affirmative, (i) where have they been employed; (ii) what work have they been given; and (iii) how many of them have not yet been employed?

(c) Do Government propose to establish Arms and Ammunition Factories in East Bengal?

The Honourable Mr. Liaquat Ali Khan: (a) No, Sir.

(b) (i) Those who opted for Pakistan including those from Cossipore and Ichapur factories have been employed in the Ordnance Factory, Rawalpindi.

(ii) & (iii) They have been given work in accordance with their skill and trade. Of the original optees, 16 workmen and 45 supervisory and clerical staff have not been employed as they are unwilling to come to West Pakistan.

(c) Attention of the Honourable Member is invited to my reply to starred question No. 146 asked by Mr. Ghayasuddin Pathan on the 5th March, 1949 regarding establishing of Ordnance Factories in East Pakistan.

TRAVEL AGENTS

458. *Mr. Abul Kasem Khan: (a) Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state the names of Travel Agents through whom Air, Sea and Railway bookings are made for officials and non-officials going abroad on behalf of the Government of Pakistan?

(b) How many of these Agents are (i) Pakistanis, and (ii) non-Pakistanis?

†The answer to the question was laid on the Table, the Questioner being absent.—Ed. of Deb.
(c) Are they all approved Agents of the International Air Transport Association?

(d) What is the total value of bookings made from the 1st January, 1950, to-date, giving a statement mentioning against the name of each Travel Agent the business given to him month by month?

The Honourable Dr. Mahmud Husain: (a)
(i) Messrs Thomas Cook & Son
(ii) Messrs Travelogue
(iii) Messrs International Travels Ltd.
(iv) Messrs Air Aids
(v) Messrs Shahpar Ltd.
(vi) American Express Inc.

(b) (i) 4 Pakistanis
(ii) 2 Non-Pakistanis

(c) All except one.

(d) Rs. 6,25,351. It will be unfair to Companies to have their private affairs disclosed in this manner.

DRIGH ROAD AIR PORT HOTEL AND RESTAURANT

459. *Mr. A. M. A. Hamid: (a) Will the Honourable Minister for Defence be pleased to state the name of the contractor to whom contract for the Drigh Road Airport Hotel and Restaurant has been given?

(b) What are the terms and the period of his contract?

(c) On what date were the tenders invited?

(d) Is it a fact that the contract was given to the old contractor after keeping the other tenderers in suspense for several months?

(e) Is it a fact that there were other contractors who submitted tenders on more favourable terms to Government than those of the present one?

(f) What amount is being received from the present contractor, and what was the highest offer received from the other tenderers?

(g) Is it a fact that, by doing so, Government have lost an income of about Rs. 95,000 per year?

(h) Is it a fact that this contractor is neither a Pakistani national nor a refugee?

(i) What are the reasons for preferring this contractor to refugees and Pakistani nationals?

The Honourable Mr. Liaquat Ali Khan: (a) The contract has been given to the firm of Khan Sahib Rashid & Son.

(b) The same terms on which the firm was given the contract last year. But, for the sake of continuity, the contract has been given for two years.

(c) The tenders were invited in the second week of September, 1950.

(d) & (e) No, Sir. There were several tenderers who offered better financial terms to Government. But those who had so tendered were not suitable to run a Restaurant and Hotel at an international airport like Karachi.

(f) Government are receiving from him not less than Rs. 6,600 per month plus Rs. 3 per day per bed actually occupied.

(g) No, Sir.
(h) The firm to whom the contract has been given is a Pakistani registered firm and the proprietor has extensive business both in East and West Pakistan.

(i) It is the firm policy of Government to provide a suitable contractor for running the Hotel and Restaurant at the International Airport of Karachi. The person so selected should have extensive experience of hotel and restaurant catering and should be in a position to handle important passengers of all nationalities passing through Karachi.

ADVISORY COMMITTEE TO THE MINISTRY OF DEFENCE

460. *Mr. Serajul Islam:* (a) Will the Honourable Minister for Defence be pleased to state the names of members of the Standing Advisory Committee to the Ministry of Defence elected by the Pakistan Parliament for the year 1950-51?

(b) Is it a fact that not a single meeting of this Committee has been convened so far? If so, why?

(c) Has the Ministry of Defence kept the members of this Committee informed from time to time of all Defence schemes undertaken and the manner in which the budgeted amount has been spent? If not, why not?

(d) Did the Ministry of Defence at any time arrange for the members to visit various military units and camps?

The Honourable Mr. Liaquat Ali Khan: (a) The following were elected members of the Standing Advisory Committee for the Ministry of Defence for the year 1950-51:

- The Honourable Mr. Nurul Amin.
- Syed Ghulam Bhik Nairang.
- Mr. Ahmad E. H. Jaffer.
- Shri Kamini Kumar Dutta.

(b) Yes, Sir. Meetings were twice fixed but as the dates were not convenient to certain members of the Committee, no meetings were held.

(c) & (d) No, Sir. No meetings were unfortunately held and it was, therefore, not possible to give any information to the members of the Committee. I would, however, like to point out that it is not necessary that all Defence schemes should be put up before the Committee or visits by the members should be arranged to various military units and camps. I shall, however, be glad to provide facilities that may be necessary in case any Honourable Member wishes to visit any particular unit or establishment.

RECRUITMENT TO DEFENCE FORCES

461. *Mr. Abdul Monem Khan:* Will the Honourable Minister for Defence be pleased to state:

(a) the total number of youths admitted to the different Military Training Centres of Pakistan during the last three years;

(b) the number of trainees each year from East and West Pakistan, separately, during the same period;

(c) the number of Recruiting Officers engaged from the Eastern and Western Wings during the said period;

(d) whether Government consider that, in view of its peculiar geographical situation, East Bengal, should be made self-supporting from the military point of view; and
(e) if the answer to part (d) above be in the affirmative, the steps, if any, Government have taken in that direction?

The Honourable Mr. Liaquat Ali Khan: (a), (b) & (c) It is not in public interest to disclose the information asked for.

(d) & (e) The present methods of warfare make it impossible for any one area or theatre of war to be completely self-supporting from the military point of view. The defence of any particular area is dependent upon its strategic position, its vulnerability and the probable forces that the enemy may be able to employ against that area. We will continue our efforts to make East Pakistan’s defences as strong as possible so as to ensure that that part of our country does not suffer because of the distance that separates it from West Pakistan. It is not possible for me to disclose details of the measures taken so far or proposed to be taken in future to achieve that end.

Mr. Abdul Monem Khan: Will the Honourable the Prime Minister be pleased to state the number of Air Force recruiting centres in West Pakistan and the number in East Pakistan?

The Honourable Mr. Liaquat Ali Khan: It is not in public interest to disclose that information.

Mr. Abdul Monem Khan: Will the Honourable Minister be pleased to state whether all the recruiting centres have got maximum limit for recruitment?

The Honourable Mr. Liaquat Ali Khan: What is the question, Sir?

Mr. President: Mr. Abdul Monem Khan! After you have asked your question......

The Honourable Mr. Liaquat Ali Khan: Will the Honourable Member kindly repeat his question? I am afraid I have not understood what he wants.

Mr. President: Mr. Abdul Monem Khan! You should resume your seat after having asked your question. You may now ask the question.

Mr. Abdul Monem Khan: Will the Honourable Minister be pleased to state whether any maximum limit has been fixed for a particular Centre for Air Force Recruitment? If so, what is that limit?

The Honourable Mr. Liaquat Ali Khan: There is no particular limit fixed for any one particular centre. There is always a limit fixed for over-all recruitment from the whole of Pakistan.

Mr. Abdul Monem Khan: Is the Honourable the Prime Minister aware that there are eight Air Force Recruitment Centres in the whole of Pakistan—seven in West Pakistan and one in East Pakistan?

The Honourable Mr. Liaquat Ali Khan: I do not know from where the Honourable member has got that information.

REEMPLOYMENT OF REFUGEE OFFICERS

462. *Mr. M. H. Gazder: Will the Honourable the Prime Minister be pleased to refer to his reply to Starred Question No. 82, dated the 11th May, 1948, regarding the re-employment of superannuated persons in Government Departments and semi-Government institutions, and state:

(a) the number of superannuated persons at present employed—

(i) in the different departments of the Government of Pakistan; and

(ii) in the semi-Government institutions such as the Industrial Finance Corporation, Refugee Rehabilitation Finance Corporation, Port Trust, Improvement Trust, etc., along with their
names, ages and the posts to which they have been appointed and their scales of pay;

(b) whether Government are aware that there is a large number of young, highly qualified and experienced ex-gazetted officers and civilians from the provinces of Bharat; and

(c) whether Government consider the desirability of employing the persons mentioned in part (b) above in preference to the superannuated persons as a matter of general policy; if not, the reasons therefor?

The Honourable Mr. Liaquat Ali Khan: (a) (i). It has not been possible to collect full information for want of time. Figures have so far been received only in respect of 12 offices where 46 superannuated persons are employed.

(a) (ii). The Government of Pakistan are not concerned with the employment of persons in semi-Government institutions.

(b) Yes, Sir. Displaced officers are eligible for appointment to regular vacancies under the Central Government only in response to advertisements issued by the Pakistan Public Service Commission. In making recruitment to the General Administrative Reserve in 1948 and 1950 and to the Special Finance Wing of the General Administrative Reserve in 1951, provision was made for displaced officers of the age of 30 and above by specifying in the advertisement that the lower age limit should be 30 years.

(c) Government have laid down stringent restrictions on re-employment of superannuated persons in Cabinet Secretariat O. M. of the 9th January, 1951, a copy of which is laid on the Table of the House. But cases sometimes arise where lack of younger officers with experience of particular problems makes re-employment necessary.
3. Where there are exceptionally strong administrative reasons for granting an extension of service, instead of re-employment, to a Government servant to whom F. R. 56 (a) applies, no such extension of service should be allowed without the prior concurrence of the Cabinet Secretariat (Establishments Branch).

4. No re-employment should be made or extension of service granted to a person to whom F. R. 56 (b) applies, after the age of 60 years, without the prior concurrence of the Cabinet Secretariat (Establishments Branch).

5. It should be noted that these instructions do not apply to class IV Government servants.

E. A. FRANKLIN,
Deputy Secretary to the Government of Pakistan.

To
All Ministries|Divisions, etc.

Mr. M. H. Gazder: May I know why as many as 46 superannuated officers have been employed when there are so many young officers available?

The Honourable Mr. Liaquat Ali Khan: Sir, I thought I had given the answer to that question in the last sentence of my reply wherein I stated 'but cases sometimes arise where lack of younger officers with the experience of particular problems makes re-employment necessary'.

Sardar Asadullah Jan Khan: Will Government kindly direct the Rehabilitation Department to maintain and circularise a list of refugee Government servants for employment for the sake of efficiency and rehabilitation?

Mr. President: You are asking Government to issue a circular.

Sardar Asadullah Jan Khan: Yes, Sir.

Mr. President: That is a request for action.

Mr. M. H. Gazder: Sir, I want to know whether the Honourable the Prime Minister has examined the cases of 46 officers as to whether in their place younger people can be appointed?

The Honourable Mr. Liaquat Ali Khan: I thought, I had answered that question.

Mr. M. H. Gazder: Sir, I want to know whether he has personally examined.

(No answer)

SECURITY COUNCIL'S RESOLUTION ON KASHMIR

†463. *Mr. Ahmad E. H. Jaffer: (a) Will the Honourable Minister for Kashmir Affairs be pleased to state whether his attention has been drawn to the recent Press Conference addressed by the Prime Minister of India in which he has made disparaging remarks against our Foreign Minister and the Government of Pakistan and made certain statements which indicate that the Government of India do not intend to fulfil the obligations under the International Agreement regarding the holding of a fair and impartial plebiscite in the Jammu and Kashmir State?

(b) Do Government propose to make a statement on the floor of the House explaining their view-point regarding the latest resolution of the Security Council and the further action they propose to take to counteract India's intransigence?

The Honourable Mr. Mushtaq Ahmad Gurmani: (a) Yes.

(b) Yes.

Mr. Ahmad E. H. Jaffer: May I ask the date when the statement is going to be made? May I hope this will be made before the end of this session?

†Prior permission for asking other questions having been obtained the question was not put and the answer was laid on the table.—Ed. of Deb.
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The Honourable Mr. Mushtaq Ahmad Gurmani: Sir, I am making a request to the Honourable President and as soon as time is allotted, I will make the statement.

LANGUAGE IN WHICH CREDENTIALS ARE PRESENTED BY PAKISTANI AMBASSADORS

464. *Mr. Ahmad E. H. Jaffer: Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state the language in which our Ambassadors present their credentials to the Heads of various foreign States?

The Honourable Dr. Mahmud Husain: English.

PAKISTANIS IMPRISONED, HANGED AND KILLED IN AND DEPORTED FROM MALAYA

465. *Mr. Ahmad E. H. Jaffer: (a) Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state the number of Pakistanis imprisoned, hanged and killed in Malaya due to political reasons after the conclusion of the World War II?

(b) How many Pakistanis have been banished or deported from Malaya for the same reasons and during the same period?

The Honourable Dr. Mahmud Husain: (a) & (b) Six Pakistanis (ex-Military personnel) were involved in the "Christmas Island Mutiny Case". They were court martialled and sentenced to death. On our request their death sentence was commuted to life imprisonment and they are now serving sentences in jails in Singapore. Question with regard to their transfer from Singapore Jail to jails in Pakistan is under consideration.

SOLUTION OF OUTSTANDING DISPUTES BETWEEN PAKISTAN AND INDIA

466. *Mr. Ahmad E. H. Jaffer: (a) Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state the outstanding disputes between Pakistan and India at present?

(b) What action has been taken for their solution?

(c) What disputes, if any, were agreed to for solution in the Inter-Dominion Conferences but remained subsequently unsolved and for what reasons?

The Honourable Dr. Mahmud Husain: (a) The main disputes between India and Pakistan, relate to:

(i) Jammu and Kashmir.
(ii) Junagadh and neighbouring States that have acceded to Pakistan.
(iii) Canal Waters.
(iv) Evacuees' property.
(v) Pakistan assets withheld by India.

(b) & (c) The Honourable Member's attention is invited to correspondence on "No War Declaration" which was placed on the Table of the House on the 28th November, 1950.

Mr. Ahmad E. H. Jaffer: Has any further correspondence or any further development taken place between the two Governments since the 28th November, 1950, when the correspondence was placed on the Table of the House?

The Honourable Dr. Mahmud Husain: No, Sir, excepting in the monetary field.
COLD STORAGE PLANTS

467. *Mr. Ahmad E. H. Jaffer: (a) Will the Honourable Minister for Food and Agriculture be pleased to state the number of Cold Storage Plants in Pakistan?
(b) Do Government propose to encourage the installation of such plants?
(c) If so, how?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) The total number of cold storage plants in Pakistan is 12.
(b) Yes.
(c) The policy of the Government is to encourage private enterprise in putting up a chain of cold storage plants at various centres in Pakistan. Necessary assistance to every industrialist who is desirous of setting up cold storage plants is provided by assistance in the procurement of such plants from abroad, supply of raw material for the construction of factories, procurement of land and electric power, etc., etc. In addition, Government are now considering setting up cold storage plants at their own cost for certain specific commodities, such as potato seeds.

MANUFACTURE OF CHEMICAL FERTILIZERS

468. *Mr. Ahmad E. H. Jaffer: (a) Will the Honourable Minister for Food and Agriculture be pleased to state the total quantity and value of chemical fertilizers imported into Pakistan in 1950?
(b) Are there any factories which manufacture chemical fertilizers in Pakistan? If so, what is their annual production?
(c) If the answer to part (b) above be in the negative, are there any schemes under contemplation to manufacture such fertilizers in Pakistan?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) The total quantity and value of chemical fertilizers imported into Pakistan during 1950 are of the order of 18,000 tons and Rs. 40 lakhs respectively.
(b) No.
(c) Yes.

CATTLE CENSUS

469. *Mr. Ahmad E. H. Jaffer: (a) Will the Honourable Minister for Food and Agriculture be pleased to state whether census of cattle is taken for the whole country at regular intervals like the census of human beings?
(b) If so, at what intervals and in what years has cattle census been taken since August, 1947?
(c) What is the total number of (i) cows, and (ii) buffaloes according to the last cattle census, and how many of these are milk-yielding?
(d) What has been the total quantity of milk yielded by the above two categories of cattle during the last year?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) Yes.
(b) Normally Livestock Census is taken at intervals of five years. The last census was held in undivided India during 1945, and thus the first All-Pakistan Livestock Census was to be held during the year 1950. But for the sake of economy this was deferred since it was decided that

Prior permission for asking other questions having been obtained the question was not put and the answer was laid on the table.—Ed. of Deb.
Livestock Census should be held jointly with the Agricultural Census. Arrangements are now being finalised for holding the Agricultural-cum-Livestock Census in 1952 or 1953 and an announcement to this effect will be made shortly. However, a special census of Red Sindhi cattle in Sind, Karachi and Las Bela State and a cattle census in the Punjab were organised during the year 1949.

(c) The estimated number of cows and buffaloes in Pakistan based on the 1945 and special census of 1949 is as follows:

(i) Adult cows (over 3 years) — 8,449,000.
(ii) Adult she-buffaloes (over 3 years) — 2,898,000.

Of these, 3,384,000 cows and 1,631,000 she-buffaloes, are estimated to be milk-yielding.

(d) About 155,827,000 maunds.

Mr. Ahmad E. H. Jaffer: Are any steps being taken by Government to preserve the cattle wealth of the country and if so, what are they?

The Honourable Pirzada Abdus Sattar Abdur Rahman: Does this arise? He only wanted the figures.

The Honourable Mr. Muhammed Habibullah Bahar: Will the Honourable Minister please tell us the total quantity of milk-yield province by province?

The Honourable Pirzada Abdus Sattar Abdur Rahman: I want notice, Sir.

RECRUITMENT TO GENERAL ADMINISTRATIVE RESERVE

Chowdhury Moazzem Hossein (Lalmia): (a) Will the Honourable the Prime Minister be pleased to state if it is a fact that Government have recently advertised for 46 posts for 'the General Administrative Reserve?

(b) What is the number of applications received for these 46 posts from the several provincial or administrative units?

(c) Will Provincial quotas be observed by the Pakistan Public Service Commission in the recruitment to these posts?

(d) Are these applicants from among persons employed in the Finance and Commerce Ministries or the State Bank of Pakistan or the National Bank of Pakistan? If so, how many from each of the organizations mentioned and how many of them are permanent and temporary?

The Honourable Mr. Liaquat Ali Khan: (a) Yes.

(b) 308.

(c) The recruitment policy will be observed by Government and not by the P. P. S. C.

(d) Twenty-eight of these candidates are employed in the Ministries mentioned by the Honourable Member and one in the State Bank of Pakistan. As some of these candidates have not stated in their application form whether they are employed in a permanent or a temporary capacity, it is not possible to state exactly how many of them are permanent and how many are temporary.

Sardar Asadullah Jan Khan: Will Government be kind enough to ensure that a substantial proportion of refugee Government servants is selected to this cadre?

Mr. President: Mr. Asadullah Jan this is also a request for action. You can ask for information, but you cannot ask the Government to take a particular line of action. That is no question.

Sardar Asadullah Jan Khan: Very well, Sir.
APPEAL OF CLASS IV SERVANTS

471. *Chowdhury Moazzem Hossein (Lalmia): Will the Honourable the Prime Minister be pleased to state:
(a) whether it is a fact that the right of appeal of the Class IV servants against punishments such as fine, discharge, suspension, withholding of increments and dismissal, imposed on them for refusal to do private work has been restricted to the next higher authority;
(b) if so, whether Government consider the desirability of widening the scope of appeal of the Class IV servants in order to ensure justice; and
(c) if not, the reasons therefor?

The Honourable Mr. Liaquat Ali Khan: (a), (b) & (c) As refusal to do private work is not a ground for punishment, no question of submitting appeals in that connection should arise. But, as in the case of other Government servants, the right of appeal is restricted to the next higher authority, and Government are not aware that there is any need to extend this right in the case of any particular class of Government servant.

Shri Dhirendra Nath Dutta: Will the Honourable Minister please state is it a fact that some complaints have been laid before the Cabinet Secretariat stating individual cases of such punishment?

The Honourable Mr. Liaquat Ali Khan: Will you repeat the question please?

Shri Dhirendra Nath Dutta: Is it a fact that some complaints have been laid before the Cabinet Secretariat stating individual cases of such punishment?

The Honourable Mr. Liaquat Ali Khan: I am not aware of that, Sir.

Shri Dhirendra Nath Dutta: Is the Government aware that in many cases the complaint is made against the appellate authority and, therefore, no relief can be expected from such appeal.

The Honourable Mr. Liaquat Ali Khan: No case in which the Class IV Government servant has complained of being punished for refusal to do private work or on other ground has come to the notice of the Cabinet Secretariat.

CONFIRMATION OF EMPLOYEES OF GOVERNMENT OF PAKISTAN

472. *Mr. Azizuddin Ahmad: Will the Honourable the Prime Minister be pleased to refer to the answer given by him to part (f) of my starred question No. 145 asked on the 3rd October, 1950, and state whether Government have since arrived at any decision in regard to confirmation of employees of the Government of Pakistan with retrospective effect from dates earlier than the date of partition? If no decision has yet been arrived at, do Government propose to expedite a decision in the matter?

The Honourable Mr. Liaquat Ali Khan: The matter involves some complicated issues and is still under the consideration of Government.

FIXATION OF PRICE OF WHEAT FLOUR

473. *Mr. Serajul Islam: (a) Will the Honourable Minister for Food and Agriculture be pleased to state whether he is aware of the wheat and wheat flour crisis in Karachi caused by the acute shortage of these food commodities during the period from the 25th February, 1951, to the 15th March, 1951? If so, what are the reasons therefor?
(b) Is it a fact that the price of wheat during the above period rose to Rs. 30 per bag of 2½ maunds, i.e., Rs. 12 a maund?
CONSTITUENT ASSEMBLY (LEGISLATURE) [9TH APRIL, 1951

(c) Is it a fact that Government have fixed the price of wheat flour at Re. 0-4-9 per seer or Rs. 11-14-0 per maund in retail and made it penal to sell it above this price?

(d) Are Government aware that the price of wheat during the period mentioned in (a) above was Rs. 12 per maund, i.e., Re. 0-5-6 per seer?

(e) What are the reasons for the fixation of price of wheat flour at Re. 0-4-9 per seer?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) The attention of the Honourable Member is invited to the Press Note issued by the Ministry of Food and Agriculture on the 9th March, 1951, which explains the reasons. A copy thereof has been laid on the Table of the House.

(b) & (d) Wheat prices in the black market went higher than the controlled price but not as high as Rs. 30 per bag.

(c) Yes.

(e) Government wheat has been released to the Mills at the rate of Rs. 9-12-0 per maund F. O. R. Karachi including bag and the price of wheat atta at Re. 0-4-9 per seer has been fixed, in consultation with the Mills, on the basis of cent. per cent. extraction.

E. No. 861.

GOVERNMENT OF PAKISTAN
MINISTRY OF FOOD AND AGRICULTURE
Karachi, March 9, 1951

Press Note
RATION QUOTA OF FOODGRAINS

From the beginning of the Rabi crop (May 1950) Government discontinued rationing of wheat and removed all control on its movement and prices. Thereafter the consumers and trade were free to import any quantity of wheat products into Karachi. As prices of wheat in Karachi after decontrol went up, Government intervened and fixed a control price for atta. Whenever millers found it difficult to obtain wheat at reasonable prices to enable them to sell atta at the controlled price Government intervened to arrange supply of wheat for them. Lately similar difficulty was felt by the Flour Mills and at their request Government have again intervened and arranged supply of wheat for them which is being despatched to the Mills.

Due to unexpected delay in arrival of wheat in sufficient quantity the Mills for a few days will not be in a position to produce as much atta as is required for consumers in Karachi at the rate of 1\seer per day per adult and 1\seer per day per minor. Wheat is however being rushed to Karachi Mills and in a few days' time the Mills supply position will improve. In the meantime, due to short production the ration shops will be able to issue atta at 1\seer per day per adult and 1\seer per day per minor. The remaining half can be taken by consumers from the ration shops in the form of rice and/or maida. The price of maida has been reduced -6\per seer.

CONTROL OVER THE PRICE OF WHEAT

474. *Mr. Serajul Islam: (a) Will the Honourable Minister for Food and Agriculture be pleased to state whether it is a fact that the wheat flour supplied by the Government-controlled mills is adulterated?

(b) Do Government get wheat at a lower price than the one available in the open market in Karachi? If so, from where?

(c) Do Government propose to supply the wheat, so obtained, to the public and businessmen as well as in as much quantity as they require? If not, why not?

(d) If the answer to part (a) above be in the affirmative, what are the other food-grains mixed, and in what proportion?
(e) Do Government propose to control the price of wheat in order to keep the price of wheat flour at Re. 0-4-9 per seer or the controlled rate fixed from time to time? If not, why not?

(f) Do Government propose to lift the control on the price of wheat flour to ensure unrestricted supply of the wheat flour? If not, why not?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) No.
(b) Government release their own stocks at fixed prices.
(c) No. The majority of the population of Karachi eat atta produced by the Roller Flour Mills. The capacity of the other mills which are stone Chakkies cannot even meet one-tenth of the demand of the public, and it was open to the people who wanted ‘chakky’ atta to obtain wheat freely from anywhere in West Pakistan as the movement of wheat throughout West Pakistan was free until April 3, 1951. Question of supply of whole wheat from the new crop to public is under consideration.
(d) Does not arise.
(e) The retail price of wheat in Karachi is already controlled at 0-4-0 per seer.
(f) No. If the control is lifted, the price of atta will shoot up and the commodity will disappear from the markets as happened immediately after de-rationing of wheat in the beginning of the wheat season even though supplies of wheat were abundant throughout Western Pakistan and prices were low.

RAID BY INDIAN ARMY MEN AT BHOLISIMLI

475. *Mr. Ahmad E. H. Jaffer: (a) Will the Honourable Minister for Defence be pleased to state whether his attention has been drawn to the armed raid by the Indian army-men at Bholisimli on the Jammu-Pakistan border near Phukian when the Indian army men, encamped in the Indian Occupied territory, trespassed into Pakistan to harass the Pakistanis and to run away with the cattle grazing near the border?
(b) If so, has any protest been lodged with the Indian Government about this particular raid? If not, why not?
(c) What is the number of casualties sustained, and the amount of property lost by the Pakistani citizens in the raid?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir.
(b) Yes, Sir.
(c) There were no casualties among our nationals but it is understood that some heads of cattle were hit by stray bullets. The raiders were not able to take away any of our cattle.

AMALGAMATION OF FUNCTIONS OF TRADE COMMISSIONERS AND AMBASSADORS

†476. *Mr. Nur Ahmed: (a) Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state whether any steps have been taken to amalgamate the functions of Pakistan Trade Commissioners and Ambassadors abroad to effect economy?
(b) If so, at what places? If not, why not?

The Honourable Dr. Mahmud Husain: (a) The functions of Ambassadors are of diplomatic nature and their rank is higher than that of Trade Commissioners. There can be no question of Ambassadors functioning as Trade Commissioner. Where diplomatic Missions are opened, the Trade Officers are attached to those Missions.

†The answer to the question was laid on the Table, the Questioner having exhausted his quota.—Ed. of Deb.
(b) It is proposed to attach the Pakistan Deputy Trade Commissioner in Milan (Italy) to our Legation in Italy as Commercial Secretary. He will, however, remain a Deputy Trade Commissioner for Switzerland and Austria where there are no Pakistan Missions.

2. There was a Trade Commissioner in Australia but when subsequently a High Commission was opened in that country the Trade Commissioner was absorbed as Commercial Secretary in the High Commission.

3. It is also proposed to open a High Commission in Ceylon and the office of the present Trade Commissioner will be merged in the High Commission.

MONOPOLY PROCUREMENT AND SUPPLY OF SEA SALT TO EAST PAKISTAN

†477. *Mr. Nur Ahmed: Will the Honourable Minister for Food and Agriculture be pleased to state:

(a) the details of the scheme for monopoly procurement and supply of sea salt to East Pakistan and its distribution and sale there;
(b) the success or failure of this scheme brought into operation in 1950-51; and
(c) the total cost of and income from this scheme in 1950-51?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) Salient points of this scheme are as follows:

1. Central Government purchase sea salt from manufacturers at Karachi at controlled rate and ship it to East Bengal where Central Government's agents receive and store it.

2. The salt is issued to nominees of East Bengal Government at a fixed price.

3. The Provincial Government plan distribution of the salt within the province. The Central Government's agents deliver the salt to the nominees of East Bengal Government according to quotas fixed by that Government.

4. Provincial Government fix the wholesale and retail prices within the Province.

(b) The scheme has been introduced very recently, and it is too early to comment upon the success or failure of the scheme. But this much can be said that inspite of initial difficulties, salt prices since its introduction have come down.

(c) It is not possible to give the exact cost of and income from the salt shipped under this scheme during 1950-51 at this stage. The cost is however estimated at Rs. 40,00,000.

AMOUNT DUE TO PAKISTAN ON ACCOUNT OF WAR CLAIMS

†478. *Mr. Nur Ahmed: Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state:

(a) the amount of compensation due to Pakistan from various Foreign Governments as War (the last Great War) Claims;
(b) the amount paid up to 1950-51;
(c) the amount of such claims still due;
(d) the causes of non-realisation; and
(e) the names of the countries from which such compensation is still due?

† The answer to the question was laid on the Table, the Questioner having exhausted his quota.—Ed. of Deb.
CONFIRMATION OF 60 PER CENT STAFF

480. *Mr. Ghayasuddin Pathan: (a) Will the Honourable the Prime Minister be pleased to state whether it is a fact—

(i) that orders for the confirmation of 60 per cent. of staff employed in the Ministries, Attached and Subordinate Departments were issued by the Cabinet Secretariat in June, 1949, and

(ii) that the subordinate staff in certain Offices, such as, the Civil Aviation Department and subordinate offices of Radio Pakistan, has not yet been confirmed?

(b) If so, what is the cause for the delay, and who is responsible for it?

(c) Is he aware that there is discontentment amongst the members of staff in those offices on account of the delay in their confirmation?

(d) Do Government consider the desirability of expediting a decision in the matter? If not, why not?

The Honourable Mr. Liaquat Ali Khan: (a) (i) Yes, Sir.

(a) (ii) Most of the subordinate staff in Attached Departments and Subordinate Offices, except those under Radio Pakistan, have been confirmed and the cases of the remainder are under active consideration.

(b) to (d) The delay has been due to the fact that in many cases, the personal records of the officials concerned were either incomplete or missing as a result of Partition. In order to ensure that nobody's claims were overlooked, it was necessary to complete those records before allowing confirmations. This necessitated protracted correspondence with the authorities in offices situated in various parts of Pakistan and, in certain cases, with the Government of India. Every efforts is, however, being made to expedite confirmations as far as possible.

COMPENSATION FOR PROPERTIES ACQUIRED OR REQUISITIONED DURING SECOND WORLD WAR

481. *The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Minister for Defence be pleased to state:

(a) the number of people in Feni, Noakhali, Chittagong, Cox Bazar, Comilla and other Sub-Divisions of East Bengal whose land and properties were acquired or requisitioned by Government during the Second World War for military purposes;

(b) the number of cases where land and properties have been de-requisitioned;

(c) whether full compensation has been paid in all cases; and

(d) if not, the reasons therefor?

The Honourable Mr. Liaquat Ali Khan: (a) The number of people affected in different districts of East Bengal is approximately 2,64,000.

(b) In 84 cases properties and in 380 cases land has been released and restored to the owners.

(c) No, Sir.

The question was not put and consequently it was treated as withdrawn.—— Ed. of Deb.
Under Article 9 of the Indian Independence (Rights, Properties and Liabilities) Order 1947, the responsibility for payment of compensation in such cases devolves on the Government of India. The Government of Pakistan are doing their best to press the Government of India for an early settlement of the claims.

The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Prime Minister be pleased to state the total claims involved?

The Honourable Mr. Liaquat Ali Khan: I should like to have notice of that question.

The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Prime Minister be pleased to state whether he is aware that the persons from whom the land has been requisitioned are living a miserable life?

The Honourable Mr. Liaquat Ali Khan: I am sure there must be great hardship for them.

The Honourable Mr. Muhammad Habibullah Bahar: May I ask whether this question was discussed in any Conference with India?

The Honourable Mr. Liaquat Ali Khan: Yes, Sir; it has been discussed before and I am hoping that it will be discussed again in the very near future.

The Honourable Mr. Muhammad Habibullah Bahar: Is the Government prepared to give compensation to those people whose land is now being occupied by our own Government aerodromes and other military purposes?

The Honourable Mr. Liaquat Ali Khan: I have said that under that Order it is the responsibility of the Government of India to pay compensation and we shall make every effort to see that the Government of India fulfil that obligation.

The Honourable Mr. Muhammad Habibullah Bahar: May I ask if our Government is prepared to pay compensation for land which is occupied by our own Government now for aerodromes and other military purposes?

Mr. President: Will you please repeat your question?

The Honourable Mr. Muhammad Habibullah Bahar: Sir, the answer given by the Honourable the Prime Minister to part (d) of the question is:

"Under Article 9 of the Indian Independence Order, 1947, the responsibility for payment of compensation in such cases devolves on the Government of India."

Am I to understand that this order also applies to the land that is now being occupied by our own Government for aerodromes and other military purposes?

The Honourable Mr. Liaquat Ali Khan: It applies to all those cases where land was acquired before 1947. If any land has been acquired by the Government of Pakistan after 15th August 1947, then naturally the Government of Pakistan is liable to pay compensation for that land.

Mr. Serajul Islam: Pending the payment of compensation by India, may we know whether the Government of Pakistan will make at least part payment of this compensation to the people who are affected?

The Honourable Mr. Liaquat Ali Khan: I have already answered this question on a previous occasion.
DETENTION OF CERTAIN PERSONS AT BAIRUT FOR QUARANTINE

482. *The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state:

(a) whether Government are aware that some prominent Pakistanis, including Pakistan Ambassador in Iran and two members of the Constituent Assembly were detained at Bairut for quarantine on their way back from the Haj last year, though they all had their health certificates with them;

(b) if so, the reason therefor; and

(c) the steps taken by Government to avoid recurrence of such incidents in the future?

The Honourable Dr. Mahmud Husain: (a) No, Sir.

(b) & (c) Do not arise.

The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Minister be pleased to state whether he is prepared to make an inquiry into this matter?

The Honourable Dr. Mahmud Husain: If any specific information is given, then surely I would inquire into the matter; but at the moment I do not know anything about it.

The Honourable Mr. Muhammad Habibullah Bahar: I have already given the specific information that the Ambassador of Pakistan in Iran and two prominent members of the Constituent Assembly were detained for quarantine though they had their health certificates with them?

The Honourable Dr. Mahmud Husain: We have heard of it for the first time.

PILGRIMAGE TO HEDJAZ

483. *The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state:

(a) the number of pilgrims from Pakistan, province by province, who visited the holy places in Hedjaz, Iraq and Iran last year;

(b) the number of such pilgrims expected this year;

(c) whether any restriction was imposed last year by the Saudi Arabian Government on the pilgrims from East Bengal on the plea that cholera broke out in that province;

(d) the number of East Pakistanis who could not perform the Haj due to this restriction;

(e) whether there was any proposal to hold a conference at Jeddah to settle the matter;

(f) if the answer to part (e) above be in the affirmative, the date on which conference was held, and the result thereof; and

(g) if the answer to (e) above be in the negative, whether Government consider the desirability of holding such a conference in the near future?

The Honourable Dr. Mahmud Husain: (a) Approximately 890 pilgrims from Karachi, 1,916 from Sind, 4,265 from the Punjab, 410 from N.-W.F.P., 288 from Baluchistan and 3,888 from East Pakistan visited Hedjaz by sea or via Iraq and Iran. Numbers of those who went by air or only to Iraq and Iran are not available.

(b) It is not possible to say until we know the shipping space available. Position in this respect is not clear yet. It is not possible to estimate the number of pilgrims who are likely to visit holy places in Iraq and Iran.
(c) Yes.
(d) 1,000 approximately.
(e) Yes.
(f) The conference has not been held as yet.

(g) The Expert Committee on International Epidemiology and Quarantine of the World Health Organisation considered this question at their meeting on October 16, 1950 and decided that the restrictions imposed by Saudi Arabian Government were in excess of the International Sanitary Conventions. The Government of Pakistan have requested the Saudi Arabian Government to implement World Health Organisation's decision and withdraw these restrictions. In view of the clear decision of the W. H. O. the Government of Pakistan do not consider it necessary to discuss it again at Jeddah.

The Honourable Mr. Muhammad Habibullah Bahar: Arising out of the answer to part (g) of the question, will the Honourable Minister be pleased to state whether the Saudi Government have replied to the suggestions made by the Pakistan Government?

The Honourable Dr. Mahmud Husain: Not yet.

The Honourable Mr. Muhammad Habibullah Bahar: In view of the importance of the case, will the Honourable Minister see that the reply is received as early as possible?

Mr. President: That is also a request for action.

PILGRIMS' CAMP AT CHITTAGONG

484. *The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state:
(a) whether there is any proposal to construct a Pilgrims' Camp at Chittagong;
(b) if so, whether any progress has been made in this direction during the last twelve months; and
(c) if not, the reasons therefor?

The Honourable Dr. Mahmud Husain: (a) Yes.
(b) The construction work began in the middle of October 1950 and so far more than half the building programme has been completed.
(c) The question does not arise.

The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Minister be pleased to state when will the building programme be completed?

The Honourable Dr. Mahmud Husain: I hope in the near future.

The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Minister be pleased to state whether it is likely to be completed before the next Haj season?

The Honourable Dr. Mahmud Husain: I hope so.

The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Minister be pleased to state what is the total cost involved in the building programme?

The Honourable Dr. Mahmud Husain: Sir, I have not got the figures before me.
The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Minister be pleased to state the number of Hajis who will be accommodated there when the building programme is completed?

The Honourable Dr. Mahmud Husain: I want notice of that question, Sir.

COMPENSATION TO PEOPLE OF FENI, COMILLA, CHITTAGONG AND COX BAZAR

485. *The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Minister for Defence be pleased to state:

(a) the total amount of loss sustained by the people of Feni, Comilla, Chittagong, Cox Bazar and the other places of East Bengal due to enemy action during the Second World War;

(b) the number of people involved in different places;

(c) whether any compensation has been paid to those people; and

(d) if not the reasons therefor?

The Honourable Mr. Liaquat Ali Khan: (a) to (d) I would refer the Honourable Member to the reply I gave to his starred question No. 139 on the 4th January, 1956, on the same subject.

The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Minister be pleased to state whether there is any chance of these people getting compensation?

The Honourable Mr. Liaquat Ali Khan: Sir, the world lives on hope!

INCIDENTS AT BORDERS OF TIPPERAH AND COOCH BEHAR STATES

†486. *The Honourable Mr. Muhammad Habibullah Bahar: Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state:

(a) the number of incidents that took place at the borders of Tipperah and Cooch Behar States, district by district, after the establishment of Pakistan;

(b) whether any difficulty was experienced by the Pakistanis, owning land in the Tipperah and Cooch Behar States, in bringing their paddy home;

(c) the steps taken by Government in this connection; and

(d) if the answer to (b) above be in the affirmative, whether the position has since improved?

The Honourable Dr. Mahmud Husain: (a) to (d) Necessary information is being collected and will be placed on the Table of the House as soon as possible.

RATION SHOP NEAR "C-D" TYPE GOVERNMENT QUARTERS ON GARDEN ROAD EAST

487. *Mr Serajul Islam: Will the Honourable Minister for Food and Agriculture be pleased to state:

(a) whether it is a fact that there is no Ration Shop in the vicinity of "C-D" type Government quarters, Garden Road East, Karachi; and

(b) if so, whether Government propose to open a Ration Shop in that locality in the near future; if not, the reasons therefor?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) No. There are two Ration Shops already in the vicinity.

(b) Does not arise.

Mr Serajul Islam: May we know how far these shops are from these quarters?

†The answer to the question was laid on the Table, the Questioner having exhausted his quota.—Ed. of Deb.
The Honourable Pirzada Abdus Sattar Abdur Rahman: Within a furlong.

RECRUITMENT OF EX-INDIAN NATIONAL ARMY PERSONNEL IN PAKISTAN ARMED FORCES

†488. *Mr. Nur Ahmed: (a) Will the Honourable Minister for Defence be pleased to state whether any ex-Indian National Army personnel has been recruited in the Pakistan Armed Forces?
(b) If not, why not?

The Honourable Mr. Liaquat Ali Khan: (a) & (b) Attention of the Honourable member is invited to my reply to his starred question No. 85, dated the 3rd October, 1950.

RECOGNITION OF AZAD KASHMIR GOVERNMENT BY PAKISTAN

†489. *Mr. Nur Ahmed: (a) whether the attention of Government has been drawn to a news item published on the first page of the TIMES OF INDIA, Bombay, dated the 28th March, 1951, in which it is stated that Pakistan may recognise Azad Kashmir Government and enter into a treaty of accession with the Government of Azad Kashmir;
(b) if so, how far the statement is correct;
(c) if not, whether any steps have been taken to counteract the statement; and
(d) if not, the reasons therefor?

The Honourable Mr. Liaquat Ali Khan: (a) Yes.
(b) There is no basis for this report.
(c) No.
(d) It is impossible to contradict every false report that appears in any section of the press.

APPOINTMENT OF PAKISTANIS IN PAKISTAN DIPLOMATIC MISSIONS

†490. *Mr. Nur Ahmed: (a) the steps taken by Government up to 1950 to appoint Pakistanis in all Pakistan Diplomatic Missions in foreign countries;
(b) the result of the same;
(c) the percentage of Pakistani and non-Pakistani staff in Pakistan Embassies in London and America in 1950; and
(d) the reasons for not appointing Pakistanis to all posts, especially those involving trust?

The Honourable Dr. Mahmud Husain: (a) Immediately after the establishment of Pakistan, it was difficult to man our Missions abroad entirely with Pakistanis because we had to take into account the services of those non-Pakistanis, who were previously employed under the Government of India and who had opted for Pakistan.

1. We have since formed the Pakistan Foreign Service to which all Pakistanis are eligible and recruitment for which has been done through the Pakistan Public Service Commission. All the Gazetted posts in our Missions abroad are held by P. F. S. officers, except in a few cases where non-Pakistan Foreign Service officers, who were appointed before the formation of the P. F. S. are still holding posts. They will be soon replaced by P. F. S. officers.

†The answer to the question was laid on the Table, the Questioner having exhausted his quota.—Ed. of Deb.
2. Government contemplate forming a subordinate Pakistan Foreign Service Grade “B” for Ministerial staff, which will be open to Pakistanis only.

(b) In the older Missions which were set up soon after Partition non-Pakistanis staff are being replaced by Pakistani staff as and when vacancies arise. But in the new Missions which were opened last year, recruitment has been confined largely to Pakistanis sent from Pakistan.

(c) The figures are as follows:—

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<thead>
<tr>
<th>City</th>
<th>Pakistanis</th>
<th>Non-Pakistanis</th>
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<tr>
<td>London</td>
<td>21%</td>
<td>79%</td>
</tr>
<tr>
<td>Washington</td>
<td>10.5%</td>
<td>89.5%</td>
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(d) As has been explained above we had to take into account non-Pakistanis, who had opted for Pakistan. But it can be stated that in all posts involving trust under this Ministry only persons who had Pakistan domicile or those who intend to acquire this domicile, are now employed. Because of the conditions of service it is proving extremely difficult to fill all ministerial posts by Pakistanis and keep them contented.

APPOTNMENTS IN CABINET SECRETARIAT

491. *Mr. Abdul Monem Khan:* (a) Will the Honourable the Prime Minister be pleased to state the number of Deputy Secretaries, Under-Secretaries, Welfare Officers, Assistant Secretaries, Private Secretaries and Superintendents in the Cabinet Secretariat of the Government of Pakistan?

(b) What is the number of employees in the said posts from Sind, Baluchistan, N.-W. F. P. and East Bengal?

The Honourable Mr. Liaquat Ali Khan: (a) Deputy Secretaries—2.
Under Secretary—1.
Welfare Officer—1.
Assistant Secretaries—6.
Private Secretaries—2.
Superintendents—6.
(b) None from Sind, Baluchistan, and East Bengal. One from N.-W. F. P.

Mr. Abdul Monem Khan: Will the Prime Minister be pleased to state whether Government have laid down any policy in order to secure a fair representation in the Cabinet Secretariat Services from the different Provinces of Pakistan? If not, why not?

The Honourable Mr. Liaquat Ali Khan: Sir, as far as initial recruitment to the Services is concerned, the policy has been laid down and it is followed in every case.

Mr. Abdul Monem Khan: Will the Prime Minister be pleased to state, whether it is desirable that as the Cabinet Secretariat is the most important Department for laying down policies for recruitment in various Services it should be manned from the different Provinces equitably?

The Honourable Mr. Liaquat Ali Khan: Sir, the Cabinet Secretariat is manned by suitable persons and when the selection is made all the cases from all the Provinces are considered.

Mr. Abdul Monem Khan: Will the Prime Minister be pleased to state whether some of the Assistant Secretaries in the Cabinet Secretariat have been given more than one extension and cases of further extension are still pending?
Mr. President: That is a different question.

The Honourable Mr. Liaquat Ali Khan: That is a different question. It does not arise out of this.

HIGH COMMISSIONER'S OFFICE IN U. K.

492. *Mr. Abdul Monem Khan: (a) Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state the monthly expenses of the Office of the High Commissioner for Pakistan in the United Kingdom?

(b) What is the salary and allowances of the High Commissioner?

(c) Is the High Commissioner provided with a rent-free residence?

(d) What are the terms of the contract with the present High Commissioner, and when is his term due to expire?

(e) Do Government propose not to re-appoint him after the expiry of his term?

(f) What is the number of Muslims and non-Muslims in the High Commissioner's office?

(g) When do Government propose to employ all Pakistani staff in the High Commissioner's Office?

(h) Are Government aware of (i) the news published in the Press about the inefficiency of the Education Department of the High Commissioner; if so, what steps are proposed to remedy it; (ii) the disunity amongst the members of the staff, and their non-cooperation with the High Commissioner; if not, do Government propose to make a thorough enquiry in this matter; and (iii) the Press reports about confusion in the Accounts Section of the High Commissioner's Office, and the visit of the Secretary, Finance Ministry, to rectify it?

(i) Do Government propose to place on the Table of the House the report of the Finance Secretary on the accounts of the High Commissioner's Office?

(j) Is it a fact that Mr. Thompson, Director of Purchases in the High Commissioner's Office, is an ex-employee of the Indian Government and that there are certain complaints against him? If so, what are the reasons for retaining him in service?

The Honourable Dr. Mahmud Husain: (a) These work out to approximately Rs. 63,000 p.m.

(b) The salary of the High Commissioner is Rs. 3,000 p.m. and his foreign allowance is Rs. 3,500 p.m.

(c) Yes.

(d) The High Commissioner has not been employed on a contract basis. The tenure of his service has not been fixed.

(e) Does not arise.

(f) There are 70 Muslims and 454 non-Muslims on his staff, comprising all categories.

(g) We have to take into account the fact that at the time of Partition a large number of non-Pakistani employees of the old Indian High Commission opted for Pakistan. We cannot dispense with their services off-hand. They will be replaced by Pakistanis as vacancies arise. At the same time it must be stated that it is not always possible to employ Pakistanis in all the posts. There are certain categories of class IV posts which can be most economically filled locally, such as peons, messengers, etc.
UNSTARRED QUESTIONS AND ANSWERS

(h) Yes. The complaints were investigated, but found to be incorrect. It is the constant endeavour of Government to improve the efficiency of their offices. Government are not aware of any disunity. Nor are they aware of any instances of non-cooperation between the staff and the High Commissioner. There may be an occasional disharmony between members of the staff, but such instances are not unusual in large offices and do not warrant a thorough enquiry. Government have seen a Press report in this connection. The report is not correct and the Finance Secretary has not paid any visit to London to rectify any alleged confusion.

(i) Does not arise

(j) Mr. E. H. Thompson opted for service with Government of Pakistan from the Office of the High Commissioner for India (Undivided), and is therefore continuing in the office of the High Commissioner for Pakistan in the United Kingdom as Director of Purchase. Government have received no complaint against him.

VISAS GRANTED TO VISITORS FROM EUROPE AND ASIA

†493. *Mr. Nur Ahmed: Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state:

(a) the total number of visas granted to visitors from all European countries in 1948, 1949 and 1950;

(b) the number of visas granted to visitors from Asiatic countries in these years; and

(c) the number of visas granted to visitors from each European and Asiatic country, separately, in these years?

The Honourable Dr. Mahmud Husain: (a) (b) & (c) The information is not readily available. It will have to be collected from all over the world and when collected it is not likely to be of much use or interest. Grant of Visa does not mean that person obtaining it necessarily makes use of it.

UNSTARRED QUESTIONS AND ANSWERS

REPORT ON ENTOMOLOGICAL PROBLEMS OF PAKISTAN

190. Mr. Nur Ahmed: Will the Honourable Minister for Food and Agriculture be pleased to state:

(a) whether Mr. E. S. Easter, Entomologist of Food and Agricultural Organisation visited Pakistan in October, 1950;

(b) if so, whether he has submitted any report on the entomological problem of Pakistan; and

(c) If so what it is?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) Yes.

(b) Not yet.

(c) Does not arise.

† The answer to the question was laid on the Table, the Questioner having exhausted his quota.—Ed. of Deb.
TECHNICAL ASSISTANCE TO PAKISTAN FROM FOOD AND AGRICULTURAL ORGANISATION OF UNITED NATIONS

191. Mr. Nur Ahmed: Will the Honourable Minister for Food and Agriculture be pleased to state:

(a) whether Mr. H. A. Vogel, Chief of Economic Productions and Development Branch of the Food and Agricultural Organization of the United Nations visited Pakistan in October, 1950;

(b) if any agreements were made with him for technical assistance to Pakistan; and

(c) if so, what they are?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) Yes.

(b) Details of the various agreements which Government wanted to enter into with the Food and Agriculture Organization of the United Nations were discussed with Mr. H. A. Vogel and other representatives of the Organization.

(c) A General Basic Agreement, and under that a series of Supplemental Agreements have been concluded with the Food and Agriculture Organization for obtaining technical assistance on the following subjects:

1. Land and Water Development.
2. Irrigation Engineering.
4. Land Use and Soils.
5. Farm Mechanisation and Fertilisers.
6. Agricultural Economics.
7. Agricultural Statistics.
8. Marketing.
10. Enquiry into agricultural problems.
11. Medicinal plants.
12. Wood Chemistry.
15. Forest Education.
16. Rinderpest Vaccine.
17. Mass Vaccination for Control of Rinderpest.
18. Parasitology.
19. Planning and Development of National Programme for the control of Foot and Mouth Disease.
20. Poultry.
23. Organization and operation of milk production and marketing programme.
25. Wool Research.

A number of other subjects are under active examination of the Ministry.
192. Mr. Nur Ahmed: Will the Honourable Minister for Food and Agriculture be pleased to state:
(a) whether Government propose to set up an Inter-departmental Nutrition Committee at Karachi to make researches and to advise on nutritional problems of Pakistan; and
(b) if so, when?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) An Inter-Departmental Committee on Nutrition has been set up by the Ministry of Health and Works, Health Division. The question whether this Committee would meet the situation or a full-fledged Nutritional Council for Pakistan should be set up is however, still under active examination.
(b) Does not arise.

193. Mr. Nur Ahmed: Will the Honourable Minister for Food and Agriculture be pleased to state:
(a) the number of agricultural development plans approved by the Development Board up to the 31st January, 1951;
(b) the number of the agricultural development plans approved by the Development Board which have been fully or partially implemented up to January, 1951 province by province; and
(c) the total amount of contribution made by the Central and the Provincial Governments for the implementation of these plans up to the 31st January, 1950?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) 107.
(b) (i) East Bengal—27.
(iii) Sind—2.
(iv) N.-W. F. P.—15.
(c) Rs. 97,02,000.

Information relating to the exact amount spent by the Provinces for the implementation of these plans up to 31st January 1950 has not been received from the Provinces yet and will be placed on the Table of the House when received. This Government have laid down a condition that Provincial Governments must contribute at least an amount equal to the Central grant for the implementation of these plans.

RECOMMENDATIONS OF ARMED NATIONALISATION COMMITTEE

194. Mr. Nur Ahmed: Will the Honourable Minister for Defence be pleased to state:
(a) the main recommendations of the Armed Nationalization Committee appointed to examine terms and conditions of service in the three Armed Services; and
(b) which of these recommendations have been accepted by Government and implemented?

The Honourable Mr. Liaquat Ali Khan: (a) The Armed Forces Nationalisation Committee recommended that nationalisation of the Armed Forces without impairing their efficiency should be achieved by 1st January, 1951, with the following exceptions:
(a) Army,
(i) Certain technical Branches will continue to require the services of British Officers for varying periods up till 1954-56.
(ii) It would be possible to nationalise all staff appointments up to 1st Grade by 1951, but it would be advisable to retain certain British officers in higher appointments, i.e., Directors, beyond 1951 so as to enable Pakistani officers to obtain essential experience in command of troops.

(b) Navy.

Certain technical Branches will continue to require British officers up till 1951.

(c) Air Force.

Given all existing aids, e.g., R. A. F. Volunteers, courses abroad and equipment the Air Force could be fully nationalised by 31st March 1951, with the exception of 61 pilots and about 600 Group I airmen.

The Committee put forward certain amendments for permanent peace-time establishment, age and service structure of Pakistan Armed Forces, promotion rules and age limits for retirement.

(b) The Government have accepted the above recommendations in toto.

Recommendations of the Nationalisation Committee in respect of Pak Army have been implemented.

Those in respect of R. P. N. and R. P. A. F. could not be fully implemented owing to the expansion of these Services ordered by Government and consequent increase in the number of officers and also owing to the difficulties of training senior officers and the lack of experienced officers in higher ranks. The position is, however, under constant review by the Government and monthly returns have been instituted according to which Armed Forces Headquarters have to submit to the Ministry of Defence for the information of the Hon'ble Prime Minister the number of non-Pakistani personnel serving with the Armed Forces.

RECOMMENDATIONS OF CENTRAL GOVERNMENT REGARDING AGRICULTURAL STATISTICS

195. Mr. Nur Ahmed: Will the Honourable Minister for Food and Agriculture be pleased to state:

(a) the names of the provinces of the Federation of Pakistan which have adopted the recommendations of the Central Government for the improvement in the present methods of compiling and collecting agricultural statistics;

(b) the names of the provinces which have not adopted such recommendations; and

(c) the causes of non-adoption?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) Nil.

(b) None of the provinces have yet adopted the recommendations made for the improvement of agricultural statistics.

(c) The recommendations sent by the Central Government are being examined by the Provincial and State governments, and it will take time before they are adopted by them.

RANDOM SAMPLE SURVEY FOR ESTIMATING MAJOR CROPS

196. Mr. Nur Ahmed: Will the Honourable Minister for Food and Agriculture be pleased to state:

(a) the names of the provinces of the Federation of Pakistan which have undertaken to conduct random sample survey for estimating the yield of major crops such as rice, wheat, jute and cotton as impressed upon by the Central Government; and
(b) the names of the provinces which have not done so?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) Punjab. 
(b) East Bengal, Sind, and N.-W. F. P.

REPORT OF HIGH POWERED AGRICULTURAL ENQUIRY COMMITTEE

197. Mr. Nur Ahmed: Will the Honourable Minister for Food and Agriculture be pleased to state:
(a) whether any High Powered Agriculture Enquiry Committee to investigate \textit{inter alia} the possibilities of extending mechanical cultivation in Pakistan on a large scale has been set up; 
(b) if so, whether the Committee has submitted any report; 
(c) if so, whether Government propose to present the report in the Assembly for discussion; and
(d) if not, the reasons therefor?

The Honourable Pirzada Abdus Sattar Abdur Rahman: (a) Yes. 
(b) No. The Committee was set up very recently. 
(c) & (d) Does not arise.

FOOT AND MOUTH DISEASE RESEARCH STATION

198. Mr. Nur Ahmed: Will the Honourable Minister for Food and Agriculture be pleased to state:
(a) whether any Foot and Mouth disease Research Station has been opened at Karachi; and
(b) if not, the reason for delay in setting up such a station?

The Honourable Pirzada Abdus Sattar Abdur Rahim: (a) No. 
(b) Government have asked for the services of an F. A. O. expert to advise and assist in the planning and development of a national programme for the Control of Foot and Mouth diseases. This expert is expected to arrive in Pakistan fairly soon. It is intended to set up a Research Station as soon as he has had time to study the problem and to make recommendations to Government.

PAKISTAN COUNCIL OF WORLD AFFAIRS

199. Mr. Nur Ahmed: Will the Honourable Minister for Foreign Affairs and Commonwealth Relations be pleased to state:
(a) whether any Pakistan Council of World Affairs with the main object of promoting the objective study of Pakistan in relation to international questions have been set up in Pakistan; and
(b) if not, the reasons therefor?

The Honourable Dr. Mahmud Husain: (a) No Sir, but we have in Pakistan an Institute of International Affairs. The object of the Institute is to encourage and facilitate the understanding of international affairs and of the circumstances, conditions and attitudes of foreign countries and their peoples and to promote the scientific study of international politics and economics.
(b) Does not arise.

ELECTION OF MEMBERS TO VARIOUS COMMITTEES

Mr. President: I have to inform the Honourable Members that upto 12 noon on Saturday, the 7th April, 1951, the time fixed for receiving nominations for elections of members to the various Committees, motions in
Mr. President,

The nominations as specified below against each committee have been received:

<table>
<thead>
<tr>
<th>Name of the Committee</th>
<th>Members nominated</th>
</tr>
</thead>
</table>
| 1. Standing Advisory Committee for the Ministry of Foreign Affairs and Commonwealth Relations | 1. Mr. Ahmad E. H. Jaffer  
2. Mr. Bhupendra Kumar Dutta  
3. Mr. Asadullah  
4. Mr. Shahedul Haque  
5. Begum Jahan Ara Shah Nawaz |
| 2. Council of Technical Education for Pakistan              | 1. Mr. Abdul Wahed Khan  
2. Moulavi Ebrahim Khan |

As the number of candidates in each case is equal to the number of vacancies, I declare the candidates mentioned above to be duly elected to the respective committees.

THE SEA CUSTOMS (AMENDMENT) BILL

The Honourable Pirzada Abdus Sattar Abdur Rahman (Minister for Food and Agriculture & Law): Sir, I beg leave to introduce a Bill further to amend the Sea Customs Act, 1878.

Mr. President: The question is:

"That leave be granted to introduce a Bill further to amend the Sea Customs Act, 1878."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

The Honourable Pirzada Abdus Sattar Abdur Rahman (Minister for Food and Agriculture & Law): Sir, I beg leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

Mr. President: The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898."

The motion was adopted.

THE POST OFFICE (AMENDMENT) BILL

The Honourable Pirzada Abdus Sattar Abdur Rahman (Minister for Food and Agriculture & Law): Sir, I beg leave to introduce a Bill further to amend the Post Office Act, 1898.

Mr. President: The question is:

"That leave be granted to introduce a Bill further to amend the Post Office Act, 1898."

The motion was adopted.

THE POST OFFICE (AMENDMENT) BILL

The Honourable Pirzada Abdus Sattar Abdur Rahman (Minister for Food and Agriculture & Law): Sir, I beg leave to introduce a Bill further to amend the Post Office Act, 1898.

Mr. President: The question is:

"That leave be granted to introduce a Bill further to amend the Post Office Act, 1898."

The motion was adopted.
Mr. President: Now we take up the Pakistan (Administration of Evacuee Property) Ordinance, 1949. We were dealing with amendment No. 13 by Mr. Dhirendra Nath Dutta.

The Honourable Dr. Ishtiaq Hussein Qureshi (Minister of State for Refugees and Rehabilitation): Sir, I was in possession of the floor of the House at that time.

Mr. President: Yes.

The Honourable Dr. Ishtiaq Hussein Qureshi: Sir, the point raised by my friend from the other side that this clause is not verbally included in the Indian Act is quite correct. Actually this clause was taken from the Indian Ordinance. In deference to the wishes of my friends opposite, the Government Whip has given notice of a new amendment. In view of that amendment, Sir, I oppose the amendment moved by my friend, Shri Dhirendra Nath Dutta. Let this be taken first, Sir. Then, Dr. Mahmud Husain will move his amendment.

Mr. President: (to the Honourable Dr. Mahmud Husain): Yes. You may move your amendment. I shall put this amendment to vote later on.

The Honourable Dr. Mahmud Husain (Minister of State for States and Frontier Regions): I beg to move:

"That in sub-clause (a) of Clause 2 of the Bill—

(i) the word 'or' occurring at the end of the sub-clause (c) of the proposed Clause (3A) be omitted;

(ii) sub-clause (d) of the proposed Clause (3A) be omitted; and

(iii) to the proposed Clause (3A) as so amended the following be added at the end:

'and includes any person against whom an intention to settle in the territories now comprising India or in any area occupied by India is established from his conduct or from documentary evidence'."

Mr. President: Amendment moved:

"That in sub-clause (a) of Clause 2 of the Bill—

(i) the word 'or' occurring at the end of the sub-clause (c) of the proposed Clause (3A) be omitted;

(ii) sub-clause (d) of the proposed Clause (3A) be omitted; and

(iii) to the proposed Clause (3A) as so amended the following be added at the end:

'and includes any person against whom an intention to settle in the territories now comprising India or in any area occupied by India is established from his conduct or from documentary evidence'."

Shri Dhirendra Nath Dutta (East Bengal: General): Sir, we have received copy of the short notice amendment just now but may I with your permission propose an amendment to this amendment. Of course it will be a short notice amendment, as this amendment has just now been placed before us and we can either oppose it or propose an amendment to an amendment.

Mr. President: What is the amendment; may I know?

Shri Dhirendra Nath Dutta: In sub-clause (iii) of the amendment just now moved the words 'from his conduct or' be omitted. It will read like this: 'and includes any person against whom an intention to settle in the territories now comprising India or in any area occupied by India is established from documentary evidence.' So the words 'from his conduct' be deleted.

Mr. President: I will allow this amendment.
Shri Dhirendra Nath Dutta (East Bengal: General) : I move.

"That in the proposed amendment in sub-clause (iii) in the third line, the words 'from his conduct or' be omitted."

*Mr. President, I want to make a few observations. Here it is stated that intending evacuee will include a person who intends to settle in the territories comprising India or in an area occupied by India. But if this intention is found from documentary evidence then it is all right but it is also said that this intention can be established from his conduct. This is a very vague word. The word conduct is also not defined and it is very vague and may include anything. It is a very comprehensive expression and it should not find a place in a piece of legislation. Of course if it is found by documentary evidence then it is clear that the intention to settle in India is there and he may be declared an intending evacuee. But to say 'from his conduct' is a very vague expression; it is too comprehensive. It has not been defined and it can include anything. So I submit that 'from his conduct' be deleted."

The Honourable Dr. Ishtiaq Husain Qureshi: Sir, I oppose the amendment moved by Mr. Dutta.

Mr. President: Dr. Qureshi I have to put the amendment to the House. Amendment moved to the amendment of Dr. Mahmud Husain to the effect:

"That in clause (iii) of that amendment the words 'from his conduct or' be omitted."

The Honourable Dr. Ishtiaq Husain Qureshi: Sir, I oppose this amendment for two reasons: firstly 'conduct' is not an undefinable word and has an objective standard in law. Secondly it was the desire of my friends that this difference between the Indian legislation and our legislation should be removed and the Indian legislation is quite clear on this point. I would read out the words which are almost exactly the same: 'and includes any person against whom any intention to settle in territories now comprising India or in any area occupied by India is established from his conduct or from documentary evidence.' Therefore, Sir, I oppose this amendment.

Mr. President: The question is:

"That in the amendment of Dr. Mahmud Husain in the last but one line the words 'from his conduct or' be omitted."

The motion was negatived.

Mr. President: The question is:

"That in sub-clause (a) of Clause 2 of the Bill—
(i) the word 'or' occurring at the end of the sub-clause (c) of the proposed Clause (3A) be omitted;
(ii) sub-clause (d) of the proposed Clause (3A) be omitted; and
(iii) to the proposed Clause (3A) as so amended the following be added at the end:—
‘and includes any person against whom an intention to settle in the territories now comprising India or in any area occupied by India is established from his conduct or from documentary evidence’.

The motion was adopted.

Shri Dhirendra Nath Dutta: I move:

"That sub-clause (b) of Clause 2 of the Bill be omitted."

Sir, sub-clause (b) says that the words 'or cash deposit in bank shall be omitted."

Mr. President: You want to omit an omission.

The Honourable Dr. Ishtiaq Husain Qureshi: I find, Sir, that amendment 17 does not fall through unless my friends do not want to move it.

Mr. President: That has not been moved.

* Speech not corrected by the Honourable Member.—Ed. of Deb.
Shri Dhirendra Nath Dutta: However, I do not like to move No. 17. I do not want to take up the time of the House. In sub-clause (5) the words 'cash deposit in a bank' shall be omitted.

The Honourable Mr. Fazlur Rahman (Minister for Commerce and Education): You have no arguments in support.

Shri Dhirendra Nath Dutta: I have not got a copy of that particular book and therefore I cannot quote it. I, therefore, do not move it. Evidently it was done because the cash deposit in a bank was intended to be evacuee property but formerly it was not an evacuee property and it cannot be an evacuee property and there was no such provision in the Indian law.

Mr. President: Have you moved your amendment?
Shri Dhirendra Nath Dutta: Yes. Sir, I have moved it.

The Honourable Dr. Mahmud Husain: In a way.

Mr. President: Amendment moved:
"That sub-clause (b) of Clause 2 of the Bill be omitted."

The Honourable Dr. Ishtiaq Husain Qureshi: My friend is under a slight apprehension. The position is that the Indian evacuee property legislation does not exclude cash deposits in banks. They have exempted this item by notification, and we are amending our law accordingly. The advantage in making exemptions by notification is that if one Government does one thing the other can follow suit.

Mr. President: The question is:
"That sub-clause (b) of Clause 2 of the Bill be omitted."
The motion was negatived.

Mr. President: I am calling Clause 2 now.
The question is:
"That Clause 2, as amended, stand part of the Bill."
The motion was adopted.
Clause 2, as amended, was added to the Bill.
Clauses 3 to 9 were added to the Bill.
Clause 10 was added to the Bill.
Clause 11 was added to the Bill.

Mr. President: The question is:
"That clause 12 stand part of the Bill."

Shri Dhirendra Nath Dutta: Sir, I move, ...............  

Mr. President: You cannot move it. You can oppose the clause.

Shri Dhirendra Nath Dutta: *Sir, I oppose that Clause 12 stand part of the Bill.*

Sir, by this Clause another section is sought to be introduced, i.e., Section 19A. It lays down:

'No order shall be made by the Custodian under the provisions of sub-section (3) of section 18 or of clause (a) of sub-section (2) of section 19 in respect of property which is subject to an allotment order under the Pakistan Rehabilitation Ordinance, 1948, to the extent that it is so subject, and before making any such order the Custodian shall first ascertain from the Rehabilitation Authority having jurisdiction whether and to what extent the property is so subject, and his order shall notwithstanding the aforesaid provisions be such as to save the full effect of any allotment order to which the property is subject.'

It comes to this, Sir, that if an evacuee returns to Pakistan and wants to get back the land, he cannot have the land if that land has

*Speech not corrected by the Honourable Member.—Ed. of Deb.*
already been allotted to a refugee, because the intention of the law is such that the evacuee property shall be maintained and when a person who went to India for certain causes returns, he may get his land, but in this particular legislation it is said that if this land is allotted to a refugee, he will not get it back on his return, because it is said there that the order of the Custodian ‘shall notwithstanding the aforesaid provisions be such as to save the full effect of any allotment order to which the property is subject.’ Therefore no order can be passed if the land is in the possession of a refugee. That takes away the root of the principles of this Act itself. Sir, the spirit of the Act is this that an evacuee on return shall get back the land if he intends to settle in Pakistan and remain as a citizen and a national of Pakistan, but he will not get back the land if his land has already been allotted to a refugee. So, I submit, Sir, that it takes away the very object of the legislation. I, therefore, oppose this clause.

The Honourable Dr. Ishtiaq Husain Qureshi: I am afraid my friend is, once again, under a misconception. The position is that in this country there are two authorities which deal with evacuee property, namely, (1) the Custodian who represents the interests of the evacuees and (2) the Rehabilitation Authority.

Now, Sir, at the time of restoration the Custodian, according to the Indian Law, has the authority to impose such terms and conditions as he may think fit to impose. Here, the same authority has been given to the Custodian, that when allotment has been made by a rehabilitation authority and certain terms and conditions are prescribed, the Custodian, when he restores the property, shall not ignore the terms and conditions on which the allotment had been made. So actually the spirit is absolutely similar and it is essential that the Custodian should possess this authority. Therefore, I oppose the amendment.

Mr. President: The question is:
“That clause 12 stand part of the Bill.”

The motion was adopted.
Clause 12 was added to the Bill.

Shri Dhirendra Nath Dutta: Sir, I move:
“That in Clause 13 of the Bill, the proposed sub-clause (ga), be omitted.”

Sir, Clause 13 says:
“In sub-section (2) of Section 20 of the ‘Ordinance for clause (g) the following clauses shall be substituted, namely:
‘(ga) direct any banking company to furnish such information as the Custodian may require with respect to any remittance made by any person to any place outside the territories now comprising Pakistan after the twenty-eighth day of February, 1947.’”

Mr. President, Sir, you will see that it is said: ‘....any remittance made by any person wherever he may be to any place outside the territories now comprising Pakistan after the twenty-eighth day of February, 1947.’ This information should not be asked for. Besides, the banking company should not be required to give such information. These are all confidential matters. Not only this, it is said: any information with regard to any person of any remittance .......Sir, I submit there is no such provision in the Indian Act, and, therefore, I request the deletion of this sub-clause.

Mr. President: Amendment moved:
“That in Clause 13 of the Bill, the proposed sub-clause (ga), be omitted.”

The Honourable Dr. Ishtiaq Husain Qureshi: Sir, once again, my friend is not quite correct when he says that there is no such provision in the Indian Law. I would refer him to Clause 10 sub-clause (g) of the
Indian Act—Powers and duties of the Custodian generally—and I will read out the Clause. It says:

"The Custodian may require any banking company to furnish such information as the Custodian may require with respect to remittances made after the fourteenth day of August, 1947; to any such area outside India as may be specified by the Custodian either generally or with reference to any person or class of persons."

I, therefore, oppose the amendment.

Mr. President: The question is:

"That in Clause 13 of the Bill, the proposed sub-clause (ga), be omitted."

The motion was negatived.

Mr. President: The question is:

"That Clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Shri Dhirendra Nath Dutta: Sir, I beg to move:

"That in Clause 14 of the Bill, after sub-section (3), of the proposed section 23A, the following new sub-section be inserted:

(4) That any order by the custodian declaring a person to be an intending evacuee is subject to an appeal to the Honourable High Court within whose jurisdiction the property of the declared intending evacuee is situated. The appeal shall be filed within ninety days from the date of the order appealed against and subject to other provisions of the Limitation Act on a fee to be prescribed by the Central Government."

* Sir, this deals with Clause 14 in which a new section—Section 23A—is proposed to be inserted by which the Custodian may declare a person an intending evacuee. But, Sir, there is no provision for an appeal as against the order of a Custodian. In the Government of India Act there is a provision for an appeal to the Custodian-General. Not only this, under Section 25 of the Act passed by India any aggrieved person under section 7 of Section 22 can prefer an appeal in such manner and within such time as may be prescribed, to the District Judge nominated in this behalf by the State Government. Mr. President if you would refer to Chapter V of the Act passed by the Government of India, you will find that there is a provision for appeal, provision for a review and a provision for revision. There is a provision for appeal to the District Judge—not to the Executive Officer. There is a provision of appeal to the District Judge. Sir, I hope my friend would agree that there should be a provision for appeal to the High Court. I hope the House will accept this.

Mr. President: Amendment moved:

"That in Clause 14 of the Bill, after sub-section (3) of the proposed section 23A, the following new sub-section be inserted:

(4) That any order by the custodian declaring a person to be an intending evacuee is subject to an appeal to the Honourable High Court within whose jurisdiction the property of the declared intending evacuee is situated. The appeal shall be filed within ninety days from the date of the order appealed against and subject to other provisions of the Limitation Act on a fee to be prescribed by the Central Government."

Shri Kamini Kumar Datta: Sir, I support this amendment. This "intending evacuee" class of persons, Sir, is newly created by this amended bill and this amendment of Mr. Dutta is of a very limited scope. It is only applicable in case of the intending evacuees. It does not apply to those to whom the other provisions of the Ordinance or Act are applicable. As has already been made clear, when that clause itself was under discussion, as to who is an intending evacuee. The definition is

* Speech not corrected by the Honourable Member.—Ed. of Deb.
very comprehensive: Even if the intention of the person is made out from what is called conduct—both the expressions are of a very liquid character and are very flexible. "Intention" is always determined by conduct—that is the only test. Here it is only to be inferred. Once that inference is made, he is liable to be declared an intending evacuee. Sir, this is an important matter and it is to be considered whether the order of the Custodian should be the final order in this respect or whether at least an appeal should be applied to the highest tribunal in the province—at least to the Honourable High Court? It does not speak and does not aim at a series of appeals—only one appeal to the High Court. Remembering, Sir, the drastic character of this expression "intending evacuee" and not ignoring that the expression is of such an elastic character that a number of persons can be netted within the definition of intending evacuee, it is a very legitimate claim that the person who would be made the victim of the order at least ought to have a right of appeal to the Honourable High Court. The Honourable Member moving the amendment has referred to the Indian legislation in this respect that in some cases appeal has been allowed to the District Judge and in case where the District Judge has to reverse the order, he has been given the directive that he may refer the matter to the Honourable High Court. So, even taking the analogy of that law—of course, here I do not mean to say that we are to follow the Indian law in all its letter, but looking to the principle which is being followed in respect of this Act; here we are following the footsteps of the Indian law—the spirit of the Indian law ought to be maintained and instead of an appeal being made to the District Judge, it should be made to the Honourable High Court. The amendment proposed is more speedy and easier: that the party aggrieved may appeal to the Honourable High Court within a specified time and after payment of the prescribed fee. It would at least be a consolation that his grievances would be considered by the High Court. So, Sir, I support this amendment, and commend it for the acceptance of the House.

The Honourable Dr. Ishtiaq Husain Qureshi: Sir, there is one fundamental difference between the organisation of the Custodian’s Department in this country and in India: Our law lays it down in Chapter II, Section (5) that no person shall be appointed a Custodian unless he was at any time, before the 15th day of August, 1947, a Judge of a High Court in British India, or (b) has, after the aforesaid date, been a Judge of a High Court in India or (c) is or has been a Judge of a High Court in Pakistan.

We lay it down that only a High Court Judge shall be the Custodian. Having laid that down and provided that a person of the status of a High Court Judge shall hear the final appeals, I do not see any need for prolonging litigation further by providing another appeal to the High Court. Therefore, Sir, I oppose the amendment.

Mr. President: The question is:

"That in Clause 14 of the Bill, after sub-section (3) of the proposed section 23A, the following new sub-section be inserted:

'(4) That any order by the custodian declaring a person to be an intending evacuee is subject to an appeal to the Honourable High Court within whose jurisdiction the property of the declared intending evacuee is situated. The appeal shall be filed within ninety days from the date of the order appealed against and subject to other provisions of the Limitation Act on a fee to be prescribed by the Central Government’."

The motion was negatived.

The Honourable Dr. Mahmud Husain: Sir, I beg to move:

"That in Clause 14 of the Bill, in the proposed section 23B, after the words ‘any transfer made otherwise than’ the word ‘with’ be inserted.

Sir, it is a verbal amendment."
Mr. President: Amendment moved:

"That in Clause 14 of the Bill, in the proposed section 23B, after the words 'any transfer made otherwise than' the word 'with' be inserted."

The Honourable Dr. Ishtiaq Husain Qureshi: Sir, I accept the amendment.

Mr. President: The question is:

"That in Clause 14 of the Bill, in the proposed section 23B, after the words 'any transfer made otherwise than' the word 'with' be inserted."

The motion was adopted.

Shri Dhirendra Nath Dutta: Sir, I move:

"That in Clause 14 of the Bill, in sub-section (d) of the proposed section 23C, for the word 'for' occurring in the third line, the word 'of' be substituted."

I think, Sir, it is a verbal amendment. If you look at the proposed sub-section 23C(d) it is said that "the Custodian may by order in writing, prohibit the transfer to any place in India or in any area occupied by India for any sum of money belonging to any such person or subject such transfer to such conditions ......." So, Sir, I say 'for' is not a happy expression, it should be 'of'.

Mr. President: Amendment moved:

"That in Clause 14 of the Bill, in sub-section (d) of the proposed section 23C, for the word 'for' occurring in the third line, the word 'of' be substituted."

The Honourable Dr. Ishtiaq Husain Qureshi: Sir, I accept the amendment.

Mr. President: The question is:

"That in Clause 14 of the Bill, in sub-section (d) of the proposed section 23C, for the word 'for' occurring in the third line, the word 'of' be substituted."

The motion was adopted.

Shri Dhirendra Nath Dutta: Sir, I move:

"That in Clause 14 of the Bill, after sub-section (d) of the proposed section 23C, the following new sub-section be inserted:

'(e) Any person dissatisfied with an order passed under clause (c) may prefer an appeal to the Honourable High Court within ninety days from the date of the order on a fee to be prescribed by the Central Government'."

'Sir, my Leader was just telling me that when it suits the Custodian, he will follow the Indian Act and when it does not suit him, he will not follow the Indian Act, the reason being is this. Sir, it has been laid down that the Custodian shall have the qualifications of being a Judge of the Honourable High Court. No person shall be appointed a Custodian unless he has been before the 15th day of August, 1947, a Judge of the High Court in British India or has after the aforesaid date, been a Judge of the High Court in India or in Pakistan. You will find, Sir, that in India the Custodian General is Mr. Sri Utra Ram who was a retired Judge of the Punjab High Court. So, Sir, if a person is appointed as executive authority, whoever he may be, he does not continue to be a judicial authority as well. So, Sir, by this amendment an opportunity for appeal is provided because there may be a mistake of one person for which an appeal is made to another person to correct the mistake. After all here in this case there is a provision for appeal in India against the Custodian who has been really a Judicial Officer whether he may have been a Judge of the High Court at some time, but, if he is appointed by the Government, he will be considered as executive officer. Therefore, Sir, I submit there should be ample provision for appeal in the case of intending evacuees.

*Speech not corrected by the Honourable Member.—Ed. of Deb.*
Mr. President: Amendment moved:

"That in Clause 14 of the Bill, after sub-section (d) of the proposed section 23C, the following new sub-section be inserted:

‘(e) Any person dissatisfied with an order passed under clause (c) may prefer an appeal to the Honourable High Court within ninety days from the date of the order on a fee to be prescribed by the Central Government’.”

Shri Kamini Kumar Dutta: Sir, while moving this amendment, we do not forget the fate of the amendment proposed to clause 23A, still we think it our duty to point out that the aim of this amendment is a very salutory one. It has been said that the Custodian should be one of the status of the High Court Judge, but after all, it would be his own judgment alone which will be final. We know, Sir, that even the Judges of the Supreme Court do not agree with each other. We find 80 per cent. of the judgments are not unanimous. There is difference in the opinion of different judges even of the Supreme Court. So, Sir, why should we assume infallibility in the case of the Custodian here only. It is quite possible he might make an honest mistake and an opportunity should be given for rectifying that mistake. Moreover, Sir, here the Central Government has reserved the power to give a direction to the Custodian and the Custodian can refer any matter to the Central Government. So, he is apparently under the control of the Government and he is not exactly in a position of a judicial officer. So, the matter which affects the right and the status of the people of the country, is a matter which ought to be judicially determined in a judicial tribunal and, Sir, the right of appeal ought to be conferred.

The Honourable Dr. Ishtiaq Husain Qureshi: Sir, I have already said that there is a difference between the Custodian’s Organisation in this country and in India. The Custodian General in India may be a High Court Judge today; he may not be a High Court Judge tomorrow, because the law does not provide for it. So far as the question of the infallibility of the Custodian of the status of a High Court Judge is concerned, I would say that the Custodian has the power of review, so that if a case is brought before him, any judicial error that might have crept in can be removed.

Then, my friend has said that the Central Government has certain powers for issuing instructions to the Custodian. These instructions, I may point out are meant for .......... I will read out clause 17:

“The Central Government may, for the purpose of regulating the administration of any evacuee property, make such order or direct such action to be taken in relation there to as in its opinion the circumstances of the case require and as is not inconsistent with any of the provisions of this Ordinance.”

This is meant for administrative purposes and not for judicial purposes. So far as judicial matters are concerned, the Custodian may, of his own accord, in accordance with our law, refer matters to the Central Government, but there has been no case,—Sir, I would like to emphasise this—where the Central Government has disagreed with the recommendations of the Custodian in the determination of the status of a person whether he is an evacuee or not.

Shri Sris Chandra Chattopadhyaya: But Government may disagree.

The Honourable Dr. Ishtiaq Husain Qureshi: Government may disagree, it is quite true, but the Government has no intention of disagreeing. The point was raised earlier by my friend Mr. Sukhdev about which he made a long speech saying that the Indian Act and our proposed Ordinance were not in line with each other.

Shri Sris Chandra Chattopadhyaya: Do not quote the Scriptures!

The Honourable Dr. Ishtiaq Husain Qureshi: I am afraid sometimes the Scriptures have to be quoted and I cannot help it, otherwise their
believers will not be convinced. Sir, I really do not see any need for the prolongation of the litigation which will be in no one's interest. Therefore, I oppose the amendment.

Mr. President: The question is:

"That in Clause 14 of the Bill, after sub-section (d) of the proposed section 23C, the following new sub-section be inserted:

'(e) Any person dissatisfied with an order passed under clause (c) may prefer an appeal to the Honourable High Court within ninety days from the date of the order on a fee to be prescribed by the Central Government."

The motion was negatived.

Shri Dhirendra Nath Dutta: Sir, I move:

"That in Clause 14 of the Bill, the proposed section 23E be omitted."

* I know that there is a similar provision in the Indian Act, but that section is illegal and ultra vires. We have no jurisdiction because that section deals with the:

"Where any person declared to be an intending evacuee has whether personally or through a member of his family acquired, whether before or after the eighteenth day of October, 1949, any right to, interest in or benefit from any property treated as evacuee property under any law for the time being in force in India or in any area occupied by India for a consideration which, in the opinion of the Custodian, is neither reasonable nor adequate, the Custodian may, after causing notice thereof to be given to such person and affording him a reasonable opportunity of being heard and after holding such inquiry as the circumstances of the case permit, determine, by order in writing, the amount, if any, by which the consideration, in his opinion, falls short of the real value of the property so acquired, and require such person to pay the amount to the Custodian within such time as may be specified in the order."

It comes to this that the Custodian here will determine the consideration of a property executed in India. That, Sir, I submit cannot be done because this document has been executed in India. Whether the consideration mentioned therein is sufficient or not will be determined by a court or a person interested with this authority by the Government of India. I submit that here the Custodian cannot scrutinise the consideration that is embodied in a document which has not been executed in our State but which has been executed in India. I, therefore, submit that this provision is absolutely illegal and ultra vires. It really comes to this. If a person who is declared to be an intending evacuee purchases a certain property in India for Rs. 1,000 and the Custodian here in Pakistan thinks that the value of that property should have been 1 lakh of rupees, he may require that person to deposit the sum of Rs. 99,000 here. If he does not deposit that amount, he will sell all the property that is in his name in Pakistan. That is preposterous. I hope nobody who is in his senses can support the insertion of such a section in the Act itself. I, therefore, oppose the insertion of section 23E and I hope my amendment will be accepted by the House.

Mr. President: Amendment moved:

"That in Clause 14 of the Bill, the proposed section 23E be omitted."

The Honourable Dr. Ishfaq Husain Qureshi: Sir, my friend the Leader of the Opposition will accuse me of reading from the Bible but the Bible has section 23. However, so far as the merits are concerned, this is not ultra vires. The intention, I believe, is that the Custodian will have to be adequately satisfied that the proper consideration has not been paid. If there is not sufficient evidence, he will not accept that position. If there are any difficulties in the way of producing evidence, they will act as safeguards for the people who indulge in such transactions. I really do not see that the points raised by my friend really arise. I, therefore, oppose the amendment.

*Speech not corrected by the Honourable Member.—Ed. of Deb.
Mr. President: The question is:

"That in Clause 14 of the Bill, the proposed section 23E be omitted."

The motion was negatived.

Shri Dhirendra Nath Dutta: Sir, I move:

"That in Clause 14 of the Bill, to sub-section (3) of the proposed section 23E, the following be added:

'Any persons dissatisfied with an order passed under sub-section (1) may prefer an appeal to the Honourable High Court within ninety days from the date of the order on a fee to be prescribed by the Central Government'."

Sir, I know the fate of my amendment. Still, I feel it my duty to lay it before the House that against such an order there should be a provision for appeal.

Mr. President: Amendment moved:

"That in Clause 14 of the Bill, to sub-section (3) of the proposed section 23E, the following be added:

'Any persons dissatisfied with an order passed under sub-section (1) may prefer an appeal to the Honourable High Court within ninety days from the date of the order on a fee to be prescribed by the Central Government'."

The Honourable Dr. Ishtiaq Husain Qureshi: Sir, for reasons which I have already advanced, I am not in a position to accept this amendment.

Mr. President: The question is:

"That in Clause 14 of the Bill, to sub-section (3) of the proposed section 23E, the following be added:

'Any persons dissatisfied with an order passed under sub-section (1) may prefer an appeal to the Honourable High Court within ninety days from the date of the order on a fee to be prescribed by the Central Government'."

The motion was negatived.

Mr. President: The question is:

"That Clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clauses 15 to 18 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. Ishtiaq Husain Qureshi: Sir, I move:

"That the Bill as amended, be passed."

Mr. President: Motion moved:

"That the Bill, as amended, be passed."

Mr. Nur Ahmed (East Bengal: Muslim): Sir, I support the motion about the passing of this Bill. Sir, the Honourable Minister in charge of this Bill very lucidly explained the purposes of this Bill. He assured the House that the Government of Pakistan have no intention of retaliation or expropriation of evacuees' property. Sir, things have happened elsewhere in India which have compelled the Government to bring the law in the matter of the administration of evacuee property on a par with that of India.

Sir, in 1949 a solemn agreement was concluded between India and Pakistan. It was settled that the scope of the Evacuee Property Act shall be confined to certain areas in India: in those areas from where there has been a migration of the minority on a large scale. Now contrary to the terms of this solemn Agreement the scope of evacuee property has been extended to Bombay and other areas from which no large scale migration of Muslims has taken place. Bombay is a province in which the Muslims were economically very advanced. They had got large properties and very extensive trade and industry. After the extension of the Act in Bombay there was a cry that the Muslims who are citizens not of Pakistan
but of India are being treated as evacuees and their properties are taken
charge of by the Custodian as evacuee properties. Sir, intense suffering
has been caused to those citizens of India. Notwithstanding all this, the
Pakistan Government did not bring in any Bill to bring the Evacuee
Property Act on a par with India but as we find that contrary to the terms
of solemn agreements with India, in India the evacuee properties are not
being administered according to the terms of the Agreement the Govern-
ment had no alternative but to bring forward this Bill.

Sir, it is a matter of grief that whereas the East Bengal Government
carries out every letter of the Indo-Pakistan Minorities Pact, in West
Bengal a large number of the Muslim evacuees who return there have not
been able to get their properties back. Sir, I can assure the evacuees
who have migrated to India that the policy of the East Bengal Govern-
ment is very liberal, but the interests of the large number of Muslim
evacuees from India should be protected and they should be justly treated.
This Bill has been brought forward for these reasons.

Sir, I support the motion for consideration and the passing of this
Bill.

Shri Sris Chandra Chattopadhyaya: I oppose this Bill entirely and
want it to be rejected in toto. When even such a simple provision in the
Bill is rejected by the Honourable Minister, I must oppose the passing of
the Bill entirely.

Mr. President: The question is:

"That the Bill, as amended, be passed."

Mr. President: The "Ayes" have it. Ayes have it; Ayes have it.
Opposition Benches: Noes have it.

Mr. President: You are a little too late. I have said "Ayes have it"
three times.

The motion was adopted.

THE PAKISTAN REHABILITATION (AMENDMENT) BILL

The Honourable Dr. Ishtiaq Husain Qureshi (Minister of State for
Refugees and Rehabilitation): Sir, I move:

"That the Bill further to amend the Pakistan Rehabilitation Ordinance, 1948,
be taken into consideration."

Sir, I need not make a long speech in connection with this Bill. Most
of the amendments are consequential, because the House would notice
that a number of definitions in this Ordinance must be identical with the
definitions in the Evacuee Property law. The only difference is the exten-
sion of the principle of appeal from Boards to the Government.

With these few words I commend the motion to the House.

Mr. President: Motion moved:

"That the Bill further to amend the Pakistan Rehabilitation Ordinance, 1948,
be taken into consideration."

Mr. President: Will you move your amendments, Mr. Dutta?

Shri Dhirendra Nath Dutta (East Bengal: General): Which amend-
ments, Sir? Most of the amendments I do not like to move.

Mr. President: The question is:

"That the Bill further to amend the Pakistan Rehabilitation Ordinance, 1948,
be taken into consideration."

The motion was adopted.
Mr. President: We now take up the Bill Clause by Clause. Clause 2, Mr. Dhirendra Nath Dutta.

Shri Dhirendra Nath Dutta: Sir, my friend was just telling us that most of the amendments are consequential and definitions of “evacuee” and “intending evacuee” have already been considered while we were dealing with the other Bill. I do not know whether you will find them in order, or not in order, if we again consider the definition of “evacuee” and the “intending evacuee” here.

Mr. President: That is not in order.

Shri Dhirendra Nath Dutta: Then the question of my moving these amendments to Clause 2 does not arise.

Mr. President: Then none of these amendments can be moved.

Shri Dhirendra Nath Dutta: So far as Clause 2 is concerned.

The Honourable Dr. Mahmud Husain: Sir, I beg to move:

“That in sub-clause (a) of Clause 2 of the Bill—

(i) the word ‘or’ occurring at the end of sub-clause (c) of the proposed Clause (4A) be omitted;

(ii) sub-clause (d) of the proposed Clause (4A) be omitted; and

(iii) to the proposed Clause (3A) as so amended the following be added at the end:—

‘and includes any person against whom an intention to settle in the territories now comprising India or in any area occupied by India is established from his conduct or from documentary evidence’.”

Mr. President: Amendment moved:

“That in sub-clause (a) of Clause 2 of the Bill—

(i) the word ‘or’ occurring at the end of the sub-clause (c) of the proposed Clause (4A) be omitted;

(ii) sub-clause (d) of the proposed Clause (4A) be omitted; and

(iii) to the proposed Clause (4A) as so amended the following be added at the end:—

‘and includes any person against whom an intention to settle in the territories now comprising India or in any area occupied by India is established from his conduct or from documentary evidence’.”

The Honourable Dr. Ishtiaq Husain Qureshi (Minister of State for Refugees and Rehabilitation): Sir, this is a consequential amendment and I accept it.

Mr. President: The question is:

“That in sub-clause (a) of Clause 2 of the Bill—

(i) the word ‘or’ occurring at the end of sub-clause (c) of the proposed Clause (4A) be omitted;

(ii) sub-clause (d) of the proposed Clause (4A) be omitted; and

(iii) to the proposed Clause (4A) as so amended the following be added at the end:—

‘and includes any person against whom an intention to settle in the territories now comprising India or in any area occupied by India is established from his conduct or from documentary evidence’.”

The motion was adopted.

Mr. President: The question is:

“That clause 2, as amended, stand part of the Bill.”

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.
Shri Dhirendra Nath Dutta: Sir, I move:

"That in sub-clause (c) of Clause 4 of the Bill, in the proposed clause (ddd), the following be omitted:

'together with such penalty as that Authority may deem fit but not exceeding eight times the land revenue payable in respect of that land'."

*Clause 4 deals with Section 8 of the Ordinance, which deals with power to make orders. As you will see there is a clause (dd) and after that a new clause is sought to be inserted which reads.

"Confiscate with the use of such force as may be, growing crops raised on any land by a person ejected or liable to be ejected from such land under clause (b), and recover from him as arrears of land revenue such reasonable rent for his use of the land as the Rehabilitation Authority may fix together with such penalty as that Authority may deem fit but not exceeding eight times the land revenue payable in respect of that land.'"

Mr. President, you are aware that in many cases the real owners will be evicted or persons who have been authorized by the real owner may be evicted and therefore on eviction reasonable rent for the use of the land may be realized in a particular case and there should be no provision for penalty. So I want to delete the words 'together with such penalty as that Authority may deem fit but not exceeding eight times the land revenue payable in respect of that land.' So I want to delete the provision relating to penalty.

Mr. President: Amendment moved:

"That in sub-clause (c) of Clause 4 of the Bill, in the proposed clause (ddd), the following be omitted: .....

'together with such penalty as that Authority may deem fit but not exceeding eight times the land revenue payable in respect of that land'."

The Honourable Dr. Ishtiaq Husain Qureshi: Sir, it seems to me that the position in certain areas of Pakistan is not very well known to my friend. There is considerable land belonging to evacuees which is under unauthorised occupation not of evacuees or intending evacuees but other people. Therefore for the purpose of punishing people who have been fraudulently in occupation of evacuee property this penalty is proposed, which is quite modest. It would not be correct not to impose any penalty whatsoever and the authority may fix a penalty or it may not fix a penalty if the facts of the case do not justify it. Therefore I am afraid I cannot accept this amendment.

Mr. President: The question is:

"That in sub-clause (c) of Clause 4 of the Bill, in the proposed clause (ddd), the following be omitted:

'together with such penalty as that Authority may deem fit but not exceeding eight times the land revenue payable in respect of that land'."

The motion was negatived.

Mr. President: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Shri Dhirendra Nath Dutta: Sir, I move:

"That sub-clause (a) of Clause 6 of the Bill be omitted."

Shall I move all the amendments and read them together? So, I further move:

"That sub-clause (c) of Clause 6 of the Bill be omitted."

and

"That sub-clause (d) of Clause 6 of the Bill be omitted."

and

"That in sub-clause (d) of Clause 6 of the Bill, in the proposed sub-section (6), for the word 'thousand' occurring in the ninth line the word 'hundred' be substituted."

and

"That in sub-clause (d) of Clause 6 of the Bill in the proposed sub-section (6) for the words 'five hundred' occurring in the twelfth line, the word 'fifty' be substituted."

* Speech not corrected by the Honourable Member.—Ed. of Deb.
Sir, I want to make my position clear because Clause 6 deals with Section 13 of the Ordinance. Section 13 of the Ordinance deals with power of appeal, revision and review of the Rehabilitation Officers. The power of appeal or review or revision is now sought to be taken away to a certain extent. You find that in sub-section (1) of Section 13 of the Ordinance it is stated:

"(a) Any person aggrieved by an order under this Ordinance may prefer an appeal:
(b) to the Rehabilitation Commissioner where the order, whether original or appellate, has been passed by a Deputy Rehabilitation Commissioner."

Now if an order was passed by the Assistant Rehabilitation Commissioner there is provision for appeal to the Deputy Rehabilitation Commissioner and that is the first appeal and there is provision for an appeal to the Rehabilitation Commissioner against the order passed by the Deputy Rehabilitation Commissioner, whether passed in the original order or an appellate order. You are aware there was provision for second appeal and that when order is passed by the Deputy Rehabilitation Commissioner, appeal lies to the Commissioners. That is sought to be taken away. That is sought to be taken away by new clause (a) and I object to it. I was just telling the House, through you, Sir, that really in this particular clause the appeal, review and revision orders are sought to be taken away to a certain extent. I oppose this sub-clause (a). Clause (c) deals with sub-section (5) of Section 13 of the Ordinance. Sub-section (5) is this:

"The Rehabilitation Commissioner or Additional Rehabilitation Commissioner may, after giving notice to the parties concerned, review his own order."

That is he was given wide power to review order not only on technical grounds when there is apparent mistake but on questions of law and fact. Mr. President you are aware that an order can be reviewed after a person has passed it on questions of fact and on questions of law. But here by sub-section (5) of Section 13 of the Ordinance the Rehabilitation Commissioner was given the authority to review his own orders on any matter whether on question of fact or on question of law. But now that power is sought to be curbed because the proposed sub-section (5) is this:

"The Rehabilitation Commissioner or Additional Deputy or Assistant Rehabilitation Commissioner may, after giving notice to the parties concerned, review his own order, so far as justice may require, to correct errors or supply omissions which are apparent on the face of the record."

Mr. President, practically the whole power of review of his own order has been taken away because he has been given power only to correct errors or supply corrections which are apparent on the face of the record. Sub-section (5) of Section 13 gave him wide power to review his own order on questions of fact but that principle is sought to be taken away. So, Sir, I submit that in this particular case an attempt is made to take away the powers which have been given to the Rehabilitation Commissioner.

Then, Sir, I come to sub-clause (d) of Clause 6 of the Bill. It is a new clause which is sought to be introduced. I think it is better to read the clause. It says:

"An order in appeal or revision under this section may, if the Authority making the order is of opinion that the appeal or application in revision is frivolous or vexatious, award special costs against the appellant or applicant and in favour of the respondent or the other party, to the extent of one thousand rupees in the case of an order by the Rehabilitation or Additional Rehabilitation Commissioner, and to the extent of five hundred rupees in the case of an order by a Deputy Rehabilitation Commissioner."
So, Sir, the object of this Clause is that the people making an appeal should think twice, rather a hundred times whether an appeal should be preferred at all, because power has been given to the Rehabilitation Commissioner that if he finds the appeal to be frivolous or vexatious, he may award special costs against the appellant or applicant and in favour of the respondent or the other party, to the extent of one thousand rupees or five hundred rupees as the case may be. Sir, under Section 250, Cr. P. C. or Section 35A of the new Civil Procedure Code, there is a provision for imposing a fine to the extent of Rs. 50. Here, in this case it has been laid down that if it is found that really the appeal is frivolous or vexatious according to a certain Appellate Officer, he shall award special costs in favour of the respondent to the extent of Rs. 1,000, in the case of an order by the Rehabilitation Commissioner or Additional Rehabilitation Commissioner, or to the extent of Rs. 500, in the case of an order by a Deputy Rehabilitation Commissioner. So, Sir, by this sub-clause it is intended, in a way, to take away the right of appeal, because a person who wants to prefer an appeal will have to think a hundred times before he actually makes an appeal, and if it is found to be frivolous by the Appellate Officer, special costs will be awarded to the extent of Rs. 1,000 or Rs. 500 as the case may be. I, therefore, submit, Sir, that this power should not be given, especially in civil matters. I, therefore, want to delete that clause, but if the clause is not deleted, I want to revise the amount. It has been laid in sub-clause 6 that really the costs will be awarded to the extent of Rs. 1,000. I submit that it should be reduced to Rs. 100 only, and in the case of Rs. 500 it should be reduced to Rs. 50. As my Leader has said, in the Criminal Procedure Code the extent of the imposition of fine is Rs. 50 only, but in this case the special costs are Rs. 1,000 and Rs. 500. Sir, it is preposterous to think that if the appeal is found to be frivolous and vexatious by one person, the Appellate Officer, he will award special costs to the extent of Rs. 1,000 or Rs. 500 as the case may be. That will scare away the people who may be thinking of preferring appeals. Sir, this clause has been inserted only to take away the power that has been given under Section 13 of the Ordinance. I hope the Government will accept my amendment that, so far as review orders are concerned, sub-clause (d) should be deleted and that the amount should be reduced from Rs. 1,000 to Rs. 100 and from Rs. 500 to Rs. 50, as the case may be. With these few words, I move my amendments for the acceptance of the House.

Mr. President: Amendment moved:
"That sub-clause (a) of Clause 6 of the Bill be omitted."

Amendment moved:
"That sub-clause (c) of Clause 6 of the Bill be omitted."

Amendment moved:
"That sub-clause (d) of Clause 6 of the Bill be omitted."

Amendment moved:
"That in sub-clause (d) of Clause 6 of the Bill, in the proposed sub-section (6), for the word 'thousand' occurring in the ninth line the word 'hundred' be substituted."

Amendment moved:
"That in sub-clause (d) of Clause 6 of the Bill in the proposed sub-section (6) for the words 'five hundred' occurring in the twelfth line, the word 'fifty' be substituted."

Shri Kamini Kumar Datta (East Bengal: General): Sir, I rise in support of these amendments. Although these amendments are very small, yet they are of much importance. The general rule is that when an amendment is made into law, it should be of a progressive character, but here in this case, Sir, we find that the amendments are of an oppressive character.
Now, Sir, there was the power of review in the existing law and in the amendment the power of review has been taken away. There is no doubt the right of review is given in order to correct errors or omissions which are apparent on the face of the record. This is what we call in the ordinary proceedings in a civil court that the Court has an inherent right to correct clerical errors if they are so apparent. Even without any legislation there is inherent right in all tribunals, in all Judges to correct errors which are so patent that they ought to be corrected. They do not really express an intention. So by this clause 6 the original power of review has altogether been withdrawn. It is to be considered, Sir, whether it is a healthy provision. As I said in respect of another amendment, why the standard of infallibility should always be assumed, man is liable to error, error in respect of judgment, error in recording the order. Here, practically what is aimed that if there be any apparent error in the recording of the order, that can be rectified, but if that officer is inclined to come to a different conclusion, if he finds that there has been an error in the application of the Act, there has been an error of judgment, that right has been withdrawn from him. That power has been taken away. It is to be considered whether it is really equitable and whether such a law ought to be enacted.

Then, Sir, as has been already said, appeals have been discouraged. Provision has been made for imposition of penal fines, completely debarring appeals. In the case of some appeals the penalty to be imposed is Rs. 1,000 and in case of others Rs. 500. Even in respect of a frivolous complaint, such penalty has not been provided and in the case of civil suits, there is a provision that even if a contested suit is found to be extremely frivolous, there is such a thing as penal costs, which has been assessed at the maximum of Rs. 1,000 where the suit involves a higher amount. But here in this case, where there has been an appeal or a revision, the penalty imposed is Rs. 1,000 or Rs. 500, which ought to be reduced. Sir, it would be better, Sir, to state frankly that no revision should be allowed, no appeal should be allowed and all the officers who would be doing their functions under this Act are absolutely infallible and their orders are final orders.

The Honourable Dr. Ishtiaq Husain Qureshi: Sir, the position is a little complex. I agree with my friends when they say that the appeals have been restricted. I would like to give the causes; I will give an instance. An Assistant Rehabilitation Commissioner allots to a needy family a house which is under unauthorised occupation of a person who occupied it without any authority. When this person goes with the allotment order, the gentleman who is in possession goes to the next officer and during the time that the appeal is pending he gets a stay order and in this way from the Assistant Rehabilitation Officer to the Deputy Rehabilitation Officer; from the Deputy Rehabilitation Officer to the Rehabilitation Commissioner and from the Rehabilitation Commissioner, to the Central Government the case goes on. I may point out, Sir, that under Section 13 there is an appeal lying with the Central Government, so that actually once it has been considered necessary to rehabilitate a family, the person who is in unauthorised occupation of the premises can simply put off his being evicted from that house for a considerable time, some times for months. Therefore, it has been considered necessary that the number of appeals should be reduced so that frivolous appeals do not stand in the way of rehabilitation. I myself am not very much in favour of penalising appeals, but unfortunately experience has been unsatisfactory in this connection and rehabilitation work has been hampered by frivolous appeals. I, therefore, am not in a position, Sir, to accept all the amendments but I would be quite willing to accept the last two amendments where in the penalty
for frivolous appeals has been reduced. The reason is that if the scope of appeals is reduced, I think simultaneously the penalty for frivolous appeals should not be very high.

Mr. President: I am putting the amendments to vote. The question is:

"That sub-clause (a) of Clause 6 of the Bill be omitted."

The motion was negatived.

Mr. President: The question is:

"That sub-clause (c) of Clause 6 of the Bill be omitted."

The motion was negatived.

Mr. President: The question is:

"That sub-clause (d) of Clause 6 of the Bill be omitted."

The motion was negatived.

Mr. President: The question is:

"That in sub-clause (d) of Clause 6 of the Bill in the proposed sub-section (6), for the word 'thousand' occurring in the ninth line the word 'hundred' be substituted."

The motion was adopted.

Mr. President: The question is:

"That in sub-clause (d) of Clause 6 of the Bill in the proposed sub-section (6), for the words 'five hundred' occurring in the twelfth line, the word 'fifty' be substituted."

The motion was adopted.

Mr. President: The question is:

"That Clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 to 10 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. Ishtiaq Husain Qureshi: Sir, I move:

"That the Bill, as amended, be passed."

Mr. President: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

Mr. President: The House stands adjourned till 4 P.M.

Shri Sris Chandra Chattopadhyaya (East Bengal: General): May I make a suggestion . . . . . . . . ?

Mr. President: The House has adjourned.

The Assembly then adjourned for Lunch, till Four of the Clock in the Afternoon.

The Assembly re-assembled after Lunch, at Four of the Clock, in the Afternoon, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

The Honourable Dr. Mahmud Husain (Minister of State for States and Frontier Regions): Mr. President, Sir, may I just state that tomorrow being the non-official day, my idea is that as there would not be sufficient work for the sitting, we might make use of tomorrow, after the
non-official business is over, and take up the official business. If you would kindly agree—and if the House will agree—a revised agenda for tomorrow could be issued.

Mr. President: After the non-official business is finished, I do not think there is any objection to the rest of the time being devoted to the official business.

Some Honourable Members: Very well, Sir.

Mr. President: Then, that will be done.

THE COTTON BILL

The Honourable Mr. Fazlur Rahman (Minister for Education and Commerce): Sir, I beg to move:

"That the Bill to provide for measures to safeguard international trade in cotton be taken into consideration."

Sir, to meet the crisis in cotton trade arising out of the world wide shortage of cotton, tightening up of supplies by U. S. A. and an increased demand, the Cotton Ordinance, 1950 was promulgated on the 18th December 1950. It gives the Central Government power to fix minimum prices of cotton, to regulate ginning and pressing charges, to direct ginning factories to buy cotton and pay not less than the minimum price for it, to deal in cotton and to register and regulate trading and movement of cotton. The Ordinance also gives the Central Government power to intervene in cotton trading in an extensive way and to regulate all dealings in cotton and ancillary matters such as storage, baling and movement and to appoint a Cotton Board to exercise the powers conferred by the Ordinance.

The objectives of this measure were an assurance of a fair price to the farmer, stabilising of the market and facilitating prompt performance of internal and foreign contracts. A Cotton Board was accordingly established on the 23rd December 1950 to supervise and control the export trade in cotton in its various stages. The important problems entrusted to the Board were scrutiny of expert contracts; overhauling of trading practices to obviate future crisis; inquiry into cotton trade in stages between factory and export; examination of marketing practices from the ginner onwards, particularly by the regulation of forward transactions, charges and margin of profit, insurance and storage; the control of trading Associations including their recognition and sanction to their by-laws; and report on long-term plans. The activities of the Board during the last three months have settled things to an appreciable extent and the unrest which once prevailed amongst the trade as to the uncertain conditions then obtaining has by now diminished.

The Cotton Bill, 1951, seeks to continue the powers vested in Government by the Cotton Ordinance, 1950, and orders issued thereunder.

With these words, Sir, I commend my motion for the acceptance of the House.

Mr. President: Motion moved:

"That the Bill to provide for measures to safeguard international trade in cotton be taken into consideration."

Seth Sukhdev (Sind: General): Mr. President, Sir, I am not at all prepared to discuss this Bill. It is such an important Bill and I do not know why this Bill was not circulated for public opinion. If it was not the desire of the Government to circularise it, it ought to have gone to the Select Committee and I never thought that this Bill will come so suddenly. Sir, I had no opportunity even to go through it. It contains six pages of closely printed matter and it seems to have been very hurriedly
prepared. They have not given any opportunity to Cotton Associations to give their opinion, to criticise clause by clause—what clause is not for their benefit and what clauses they further require. I do not know why the Honourable Minister for Commerce wants to dispose of this matter so quickly.

Sir, the whole Bill, as I have gone through it just now, makes it a war-measure and brings all such clauses as if the cotton merchants were criminals and every offence should be punished by sending them to prison or heavy fines. I do not know from whence our Honourable Minister has got this Bill. It has given me a shock. It says in clause 9(3) (a):

"... to enter and search any place in the manner specified in the warrant; and

(b) to seize any books or other documents found in or on such place which should have been produced in compliance with a requisition issued under sub-section (2) or which the police officer has reason to believe to contain the information required to be furnished under that sub-section."

I do not know whether this Bill is for the protection of cotton trade or to over-turn all these good merchants, most of them are Muslim merchants, —they have come from India and established the economy of Pakistan—should be treated in such a way. I do not know if honourable members on my left—all Muslim members—will put light to this strange and extraordinary Bill. Clause 18 says:

"No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Pakistan Penal Code."

Sir, it has given me a shock. I do not know what to speak on such a strange Bill. I had thought of moving a number of amendments; today I could prepare only one or two. If I had been given time, I would have prepared lot of amendments and would have criticised each and every section.

The Honourable Mr. Fazlur Rahman: I am sorry for you.

Seth Sukhdev: It is Muslims who will suffer—your own brethren. And also if anybody of them gets up and defends them—poor people—they are under the control of the Muslim League Party discipline and whatever you decide in the Party, they have to go by that. It is a sorry state of affairs. Sir, clause 6 says:

"6. (1) The Central Government may, by a general or special order, requisition any factory or any place, whether open or enclosed, and use the same for ginning, pressing or storing cotton and for purposes incidental to the purposes of this Act, whether such cotton has been purchased by or on behalf of the Central Government or not."

What is this? With the exception of a few factories, the rest are in the hands of the Muslims. So where is the necessity for this legislation? Why have you brought all these clauses, I do not understand? Then, Sir, clause 7 says:

"(1) Where cotton is offered for sale to the occupier of a ginning factory, he shall buy the same and pay a price for it not less than the minimum price fixed for such cotton under section 3 or under any other law for the time being in force."

So, he shall be forced to purchase cotton. And if he is forced to purchase cotton, will his cotton also be purchased by Government? I do not know if there is any clause which says that the Government will purchase cotton at a fixed price. If so, who is to fix such prices of cotton? I had thought that there should be some Committee of officials and non-officials which should fix the selling price of cotton if there was no buyer in the market. Sir, this Bill has been prepared in great haste. Mr. Faruqi, who is the Chairman or the administrator of the Cotton Board came to the Cotton Association and said that the ordinance was for a short time to
[Seth Sukhdev.]

get over the crisis which had taken place, but I see from this Bill that it is going to be a permanent thing. If it is the view of the Government to nationalise the whole industry, then it is another matter. Then, Sir, so far as the compensation is concerned, Government will fix it. Whether the factory owner agrees to the compensation or not, he has got to accept it.

These are the general remarks that I can offer on this Bill. I have not been able to study it thoroughly because I was engaged with that weighty Bill of Evacuee Property which has taken away all my strength and now we are faced with this Bill which is a bolt from the blue for cotton merchants and ginners. It is true that this Bill will mostly affect the Muslims but they are also my brethren. We have to live together. They, being new in trade, do not understand these things, I understand, these all rights. I have been the Director of the Karachi Cotton Association for a number of years and one time its chairman. We have been in this trade for the last three generations I know what calamity this Bill will bring to cotton dealers. They were formerly dealers of skins and wool and they have now become cotton merchants and I am sorry for them. I do not want to add more. I have given notice of amendments and I will move them at the appropriate time. With these few words, I resume my seat.

Mr. Ahmad E. H. Jaffer (Sind: Muslim): Sir, I sincerely sympathise with my friend Seth Sukhdev. I am surprised along with him so far as this Bill is concerned. But I am not a cotton merchant; Seth Sukhdev is. He is an expert on cotton matters and he has rightly said that for the last three generations his family has been in this trade. But, Sir, there is one point which I want to bring to the notice of the Honourable Minister for Commerce. I had an occasion to make these very remarks before also on the floor of the House.

On occasions like this when such important Bills are brought before the House it is very necessary that copies should be sent to all the Chambers of Commerce in Pakistan. As Honourable friend Mr. Sukhdev has remarked, this Bill was not sent to the Cotton Associations. There are two Cotton Associations in Karachi. One is called the Karachi Cotton Association and the other the Pakistan Cotton Association. On a matter like this, these two important Associations should have been consulted. I do not know what the Honourable Minister for Commerce will say on this point. If he has already consulted them, well and good. But if he has not consulted them, he should consult them now. On matters like this which affect the commerce and trade of the country, it is very desirable that the Chambers of Commerce should also be consulted. My friends who are in the trade have often told me that “your Assembly has a very peculiar way of doing things. Bills are introduced in the morning and the next day they are passed into law”. I think we should not pass such legislation in a hurry and I appeal to the Government that in future whenever Bills of such importance are introduced, sufficient time should be given to the public to read them. Such Bills should invariably be circulated at least a fortnight before they are taken up by the Assembly. This will give a chance to the various Associations to meet together, discuss them and then arrive at a decision and forward it to the Government. Not only this, the view of trade and commerce will be very useful to the Government because they will be a sort of guidance to them. It cannot be said that the Government is always right; they are also likely to err as other human beings. So, it is very necessary that people who are in the trade and who are experts on these matters should always be consulted. I earnestly hope that this will be the policy of the Government in the future.
Shri Dhirendra Nath Dutta (East Bengal: General): *Sir, it appears to me that there has been a meeting of the Board of Directors of the Pakistan Cotton Association with regard to this Bill and they have passed a resolution on the 3rd of April, 1951, which runs as follows:—

“This meeting of the Board of Directors of the Pakistan Cotton Association Ltd. views with great concern the proposed legislation of the Cotton Bill wherein the Government propose to reduce entire cotton trade to a position of nullity and leaves absolutely no scope or freedom to the merchants dealing in the trade. It may be recalled that even the Ordinance was not welcomed by the trade although it was an emergency measure to weather the storm of cotton crisis experienced by our country last year and that it has outlined its utility, and any further lease of life to it is not justified.

The Board feels that they have given no cause to the Government for legislating such an Act. It is equally disappointing to find in the Bill that at every step penal clauses with a punishment of imprisonment are provided which not only shock the sense of feeling of free trade in a free country but also discourage all commercial adventures.

The Board urges upon the Government with all the responsibility at its command to abandon the said Bill which is not warranted by the circumstances nor justified on the experidency of an honourable trade like cotton. The Board, however, would like to discuss with the Government any apprehension in their mind and to co-operate with them in dispelling such misgiving from their mind.”

Sir, this is the resolution that was passed by the Pakistan Cotton Association. I would like to know from the Honourable Minister for Commerce whether any such discussion as is contemplated in the resolution has taken place with the members of the Cotton Association. If so, what was the effect of it?

Sir, this Bill seems to me to be a war measure. We are living a life of regimentation in all spheres of life. It seems to me that we are living in a totalitarian State although it is said that we have a democratic Government. Really speaking, we have got the same regimentation as is to be found in a totalitarian State without the advantages and the benefits which accrue from such State. The totalitarian State gives food to the poor and the hungry, clothes to the naked, medicine to the diseased and education to the illiterate. We have not got those benefits but we have got the regimentation of the totalitarian State. Sir, this is really a war measure. I do not know if there is such an emergency as to call for this legislation. The Pakistan Cotton Association have urged upon the Government to abandon this Bill and they have regretted that a penal clause should have been inserted in the Bill. I would therefore suggest that the Government should hold a discussion with the members of the Cotton Association and take their advice. If after the discussion they find that there is still need for such a Bill, then they can bring a modified Bill before this House. I do not know if there is a necessity for such a measure. Even if there is an emergency, that emergency can be met by an Ordinance. I, therefore, suggest that the Bill should be dropped as suggested by the Pakistan Cotton Association.

Mr. Nur Ahmed (East Bengal: Muslim): Sir, I strongly support the motion for consideration of this very useful Bill. Sir, the provisions of this Bill have been discussed in all aspects by the Honourable Members who have taken part in this debate before me from one point of view, that is the middleman’s point of view. Sir, I find that there is the same thing in their speeches which reminds us of our old mentality. Unfortunately we still seem to be living in the state of mind that the Pakistan Government is not our Government and that whatever it does we must oppose, and we should look upon it with a suspicious eye. Sir, we do not remember that it is our own Government and not the alien Government.

*Speech not corrected by the Honourable Member.—Ed. of Deb.*
of the old days, which used to forget the interests of the masses when enacting a law. Sir, I apprehend, with all respect, that it is from that point of view that this Bill has been discussed. Sir, is it not the duty of the Government to look to the interests of the vast millions who grow jute or cotton and to see that these growers of cotton get proper price? I remember the promulgation of this Ordinance at a time when there was a fall in the price of cotton and the cotton growers were suffering badly. Government came with the Ordinance in question to their aid. Sir, it is really a matter of great gratification that Government is always alive to the interests of the masses who live by growing cotton. The primary purpose of this Bill is that when Government finds that the middlemen exploit the grower and make huge profits it can raise its price but there is another very far-reaching purpose of this Bill. Sir, when prices soar up some of the traders who enter into contracts with foreign countries do not fulfil the conditions of their contracts and what is the effect? The effect is that the good name and the good reputation of Pakistan is likely to be blemished. Government have provided in this Bill that if any contractor who contracts to export cotton fails to do so for any reason, Government will step in and fulfil the terms of the contract. Sir, we should look upon this Bill from the point of the grower and also from the point of the good reputation of Pakistan. Sir, there is great necessity of this Bill. Some Honourable speakers have said that it is not democratic. What is democratic? If a Government which is a democratic Government does not look after the interests of its people then who will? Sir, I cannot support this contention. I think this Bill is a very useful Bill. It will do immense service to the persons by regulating cotton market for all time also by maintaining reasonable prices for the growers of cotton and by preventing speculative trade in cotton and keep up the good name of Pakistan in international markets.

With these few words, I support the motion.

Mr. M. H. Gazder (Sind: Muslim): Sir, I rise to support this Bill and my reason, Sir, is that by this Bill Government has tried to ensure a fair price to the agricultural producers. I have got my sympathy with the middlemen and speculators, but, Sir, they have played havoc with the agricultural producers. During the last season they purchased cotton because prices were going up and when Government came down with an export duty and prices fell these gentlemen refused to honour their contracts. They would not pay to the producers what prices they had offered and when the produce was ready they refused to take delivery and honour their contracts. You know, Sir, the agriculturist is always under debt and economically he is very weak. In fact, he requires loans to finance his agricultural operations before every season and when a crop is ready he likes to sell and get cash, and in case of cotton he can only sell it to the ginners. Now the ginning factories are owned by these cotton merchants who are also speculators in cotton and they try to depress prices and refuse to purchase cotton from the producers when they bring it to the factory, and as these poor fellows have to sell they accept any price. Government, Sir, has done a very good thing and it should do that because after all they should look after the interests of the producer and by this Bill they are taking power to fix minimum prices for cotton in different areas for different qualities and if any merchant refuses to purchase cotton when brought by a producer he is bound to be penalized. I think, Sir, this is a very salutary provision and it was the duty of a National Government like ours to do that. I am very happy they have done it and I strongly support this measure for this reason.
Sir, these ginners and cotton merchants played havoc with our agriculturists when prices started going down but when the prices started again going up they ran here and there and asked Government to see that those producers who had promised to sell to them do honour their contracts. Then they sought the Government’s help to purchase cheap at the hands of the producers. The producers themselves then refused to honour the contracts because they could get better prices.

Sir, as regards this Control Board, all I would like to tell the Government is to advise them not to have any man who has dealings in cotton on this Board because, if my information is correct, one of the fellows who did dishonour all his contracts has been put on that Board. I am sure I am wrong.

The Honourable Mr. Fazlur Rahman: It is a Board of officials.

Mr. M. H. Gazder: I am very glad, Sir, to be corrected because my information was wrong. As regards these severe penalties I hope, Sir, some of the members of this House do remember that when sugarcane was brought to sugar factories in India and factory owners referred to purchase it, those cultivators were not being helped by purchase of that sugar-cane at a fair price. Then actually riots occurred. Here also riots did not occur but agriculturists suffered terribly. This is a right measure at a right time that Government has brought. I do not know why our friends are crying against this measure. There are penalties, severe ones, provided in this Bill but no prosecution would be filed without Central Government’s approval. Not only that, but if a man who is being proceeded against can prove his bona fides that he was not responsible for what had happened the Central Government has taken power to withdraw proceedings or to take no action against him. There is no question of any action being taken against any innocent person but people who want to squeeze blood out of poor agriculturists must be severely dealt with. For these reasons I strongly support this measure.

The Honourable Mr. Fazlur Rahman: Sir, the speech of Mr. Sukhdev I should describe as a mischievous speech. I am not surprised that he was shedding tears for the Muslims which is not usual with him. He has made out a point as to why the Bill has been brought before this House so quickly and he could not read even the Bill and he has been able to put only a few amendments today, but he forgot conveniently and deliberately, I should think so, that he has not placed these facts before the House, which are known to the Members of this House that the Bill was on the Table of the House and he only just now went through the Bill and could read only one clause. That shows the mischievousness.

Shri Dhirendra Nath Dutta: This is unparliamentary.

The Honourable Mr. Fazlur Rahman: As regards the consultation of Cotton Association; whether that was done or not, now, Sir, this is a Bill which is seeking to replace an Ordinance to enact it into an Act. When the Ordinance was enacted all cotton interests were consulted; the Provincial Governments were consulted, everyone who is interested including the associations and their executive bodies were consulted. There is no reason why they should now raise objection that when the Bill was introduced before this House they have not been consulted. The explanation is there. Why Mr. Sukhdev has come at this late hour to complain like this because he found himself alone and he could not persuade some of his friends in the cotton trade to take up the cause. I can venture to suggest that when he found that they passed a resolution like the one not of the Association but only of a limited people that he came to the House with the resolution.
An Honourable Member: Of Board of Directors.

The Honourable Mr. Fazlur Rahman: Now they have come up and Mr. Sukhdev thought that this is an opportunity when to give some fling at the Government. Now I do not think that he deserves more notice at this stage than this. My answer to Mr. Sukhdev has disposed as a welfare measure because this Bill was intended to help the poor speech of Mr. D. N. Dutta. I thought that he will welcome this measure as a welfare measure because this Bill was intended to help the poor cultivators, to help the interests of traders and to put down speculation and all those malpractices which go in the name of business in the trade.

Shri Dhirendra Nath Dutta: We have seen the working of the Jute Board and we will see the Cotton Board too.

The Honourable Mr. Fazlur Rahman: The Jute Board has secured the welfare of the people of the East Bengal otherwise the Province of East Bengal today will be on the verge of famine. That is another question. Now there is one explanation for this. He has been there from the British days and he has not been able to shake his habit of criticising the alien Government even when the Government is his own. He still feels that he should proceed with the same criticism and in the same strain, otherwise there was nothing in his speech which can be replied to. Now he says it is against democracy and so on but these are things which do not require any answer. With these words I move the motion.

Mr. President: The question is:

"That the Bill to provide for measures to safeguard International trade in cotton be taken into consideration."

The motion was adopted.

The Honourable Dr. Mahmud Husain: Sir, I beg to move:

"That in sub-clause (a) of Clause 2 of the Bill, after the word and comma 'Limited,' occurring in the third line, the words and commas 'or the Pakistan Cotton Association, Limited,' be inserted."

Mr. President: Amendment moved:

"That in sub-clause (a) of Clause 2 of the Bill, after the word and comma 'Limited,' occurring in the third line, the words and commas 'or the Pakistan Cotton Association, Limited,' be inserted."

The Honourable Mr. Fazlur Rahman: Sir, I accept the amendment.

Seth Sukhdev: I have no objection to oppose this amendment but here I should remind The Honourable Minister that when foreigners—foreign commercial missions—come to our city they generally ask one question: 'why there are two Cotton Associations.............

Mr. President: Mr. Sukhdev has that got anything to do with these commas and words?

Seth Sukhdev: Yes, Sir. It has to do.

They (foreign missions) cannot understand and look to our cotton members for explanation. But our members simply cast down their heads and they do not know what reply they should give. Sir, in the first year of partition I had the fortune of being the Chairman of Karachi Cotton Association, Ltd., and at that time this new Association,—Pakistan Cotton Association, was formed and then I requested the then Minister, I think he was the same Minister, the Honourable Mr. Fazlur Rahman, through his Secretary—European Secretary—that we should bring some sort of compromise and have one Association otherwise we would be the laughing stock of the whole world.

Now, I find that the names of both the associations have come. I am glad there would not be any jealousy among them now, but I would request him that next year the Honourable Minister should bring forward an amendment and take away one association and in the meanwhile he
should bring a compromise between the two associations and make them one. It would be a great honour for him and for the whole of Pakistan to have one association which is doing the same trade.

The Honourable Mr. Fazlur Rahman: Sir, the Pakistan Cotton Association came into existence due to the activities of members like Mr. Sukhdev, because they did not allow the Muslim traders to carry on in the Karachi Cotton Association. It is wrong to say that Government brought the Pakistan Cotton Association into existence. When the Muslim traders found that they did not have enough opportunities extended to them by the other Association, they formed this Association and Government only recognised the existence of these two associations. Government had never intended to bring the two associations into existence. It was due to the activities of members like Mr. Sukhdev that Muslim traders had to form another association. Now that the Pakistan Cotton Association can claim a very large membership, Mr. Sukhdev is putting forward the suggestion that the two associations should be combined. It is for them to do so. I believe Mr. Sukhdev is on very friendly terms with them. He should now approach them and say: “Let us combine together.” I am sure that would be the better method than to approach the Government, in whom he does not find any good.

Mr. President: The question is:

“That in sub-clause (a) of Clause 2 of the Bill, after the word and comma ‘Limited,’ occurring in the third line, the words and commas ‘or the Pakistan Cotton Association, Limited,’ be inserted.”

The motion was adopted.

Mr. President: The question is:

“That Clause 2, as amended, stand part of the Bill.”

The motion was adopted.

Clause 2 as amended was added to the Bill.

Seth Sukhdev: Mr. President, Sir, I move:

“That in sub-clause (1) of Clause 3 of the Bill, after the word ‘different’ where it occurs for the second time, the words ‘qualities of cotton and for different’ be inserted.”

Mr. President, Sir. I am sorry I have to comment on this. This Clause has been drafted very hastily. It appears that the Commerce Minister does not know anything about cotton. It ought to have been piloted by the Agriculture Minister who knows what it is. My friend, Honourable Fazlur Rahman, knows nothing of cotton. He knows only to criticise Seth Sukhdev, an Opposition member. Mr. President, he should appreciate that there is an Opposition Bench. It is only through Opposition that Government knows how the other side looks at their actions and they can correct their mistakes. Unfortunately, our two or three Ministers do not appreciate it. I hope in future they will appreciate our criticism. It is in the best interests of Pakistan, and we try to criticise them to put them in a proper balance of mind and if they take to it quite nicely, I think our country will greatly benefit.

Sir, there are at least five or six varieties in cotton—289, LSS, NT, 4F, Desi, etc., etc. I have said in my amendment that the words ‘qualities of cotton and for different’ be inserted, so that the sub-clause in the light of my amendment will read: “The Central Government may, by notified order, fix a minimum price or prices below which cotton shall not be bought or sold, and may fix different prices for different qualities of cotton and for different areas.” The Honourable Minister has put in the Bill: “The Central Government may, by notified order, fix a minimum price or prices below which cotton shall not be bought or sold, and may fix different prices—of what? …..” Here I have added different
prices of different varieties of cotton in different areas. That is all that I want to say and I think this is a very sensible amendment. There is no use the Honourable Minister for Commerce looking to the Honourable Minister for Agriculture and I hope he will accept it.

Mr. President: Amendment moved:

"That in sub-clause (1) of Clause 3 of the Bill, after the word 'different' where it occurs for the second time, the words 'qualities of cotton and for different' be inserted."

The Honourable Mr. Fazlur Rahman: My friend could not even appreciate that this amendment is unnecessary, because the prices always refer to the qualities.

Mr. President: The question is:

"That in sub-clause (1) of Clause 3 of the Bill, after the word 'different' where it occurs for the second time, the words 'qualities of cotton and for different' be inserted."

The motion was negatived.

Seth Sukhdev: Mr. President, Sir, I move:

"That in sub-clause (2) of Clause 3 of the Bill, for the words 'that cotton' occurring in the third line, the words 'that quality of cotton' be substituted.

Sir, I do not want to make any speech on this. It is quite clear. My friend, Honourable Fazlur Rahman, does not appreciate wit or humour. Therefore, I do not speak anything.

Mr. President: Amendment moved:

"That in sub-clause (2) of Clause 3 of the Bill, for the words 'that cotton' occurring in the third line, the words 'that quality of cotton' be substituted."

The Honourable Mr. Abdul Hamid (East Bengal: Muslim): The Honourable Member while moving the amendment does not speak for the benefit of the Government Benches alone. We also would like to know for what reasons a particular amendment has been moved. If he does not give reasons, then we shall have to say that the amendment has been tabled simply to waste the time of the House.

Prof. Raj Kumar Chakraverty (East Bengal: General): According to you.

The Honourable Mr. Fazlur Rahman: Sir, I oppose the amendment.

Mr. President: The question is:

"That in sub-clause (2) of Clause 3 of the Bill, for the words 'that cotton' occurring in the third line, the words 'that quality of cotton' be substituted.

The motion was negatived.

Mr. President: The question is:

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. Nur Ahmed: Sir, I beg to move:

"That in Clause 4 of the Bill, after the word 'have' occurring in the eighth line, the word 'all' be inserted."

Mr. President: Amendment moved:

"That in Clause 4 of the Bill, after the word 'have' occurring in the eighth line, the word 'all' be inserted."

The Honourable Mr. Fazlur Rahman: Sir, I accept the amendment.

Mr. President: The question is:

"That in Clause 4 of the Bill, after the word 'have' occurring in the eighth line, the word 'all' be inserted."

The motion was adopted.
Mr. Nur Ahmed: Sir, I beg to move:

“That in Clause 4 of the Bill, the word ‘accordingly’ occurring in the eighth line, be omitted.”

Mr. President: Amendment moved:

“That in Clause 4 of the Bill, the word ‘accordingly’ occurring in the eighth line, be omitted.”

The Honourable Mr. Fazlur Rahman: I accept the amendment, Sir.

Mr. President: The question is:

“That Clause 4, as amended, stand part of the Bill.”

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

Mr. Nur Ahmed: Sir, I beg to move:

“That to sub-clause (2) of Clause 6 of the Bill, the words ‘from time to time’ be added at the end.”

Mr. President: Seth Sukhdev! Would you like to move your amendment?

Seth Sukhdev: Yes.

Mr. President: Mr. Nur Ahmed! I think it is better if you move your amendment later on.

Seth Sukhdev: Sir, I beg to move:

“That in sub-clause (2) of Clause 6 of the Bill, for the words ‘as the Central Government may fix’ the following be substituted:

‘as may be agreed upon between the Central Government and the occupier, or, failing such agreement, as may be determined by a Judge of the High Court having jurisdiction in the area in which the factory or place is situated and nominated by the Chief Justice of that High Court. The decision of such Judge shall be final and binding on the parties and shall not be questioned in any court of law nor shall anything in the Arbitration Act, 1940, apply to the proceedings before such Judge.’”

Mr. President, Sir, the Honourable the Commerce Minister has put in Clause 6, Section 2: . . . . If any “such factory or place is requisitioned under this section there shall be paid as compensation such rent at such intervals as the Central Government may fix.” Sir, the Central Government will requisition the factory and the Central Government should fix the compensation! How can that be possible? Is it equity; is it justice? Sir, it is, therefore, to protect the interest of the factory owner or the occupier and protect the honour of the Government that they should not be criticised by the public or in papers that they are doing injustice, they are giving very small compensation, I have amplified this clause and brought the High Court which is the repository of justice, into existence. I hope the Honourable Minister for Commerce will appreciate my amendment and accept the same.

Mr. President: Motion moved:

“That in sub-clause (2) of Clause 6 of the Bill, for the words ‘as the Central Government may fix’ the following be substituted:

‘as may be agreed upon between the Central Government and the occupier, or, failing such agreement, as may be determined by a Judge of the High Court having jurisdiction in the area in which the factory or place is situated and nominated by the Chief Justice of that High Court. The decision of such Judge shall be final and binding on the parties and shall not be questioned in any court of law nor shall anything in the Arbitration Act, 1940, apply to the proceedings before such Judge.’”

Shri Dhirendra Nath Dutta: Sir, I have got a similar amendment. There is a verbal alteration.
Mr. President: That will come afterwards.

Shri Dhirendra Nath Dutta: This is the same thing; the effect will be the same.

Mr. President: If the effect is the same, what is the necessity of moving it?

Shri Dhirendra Nath Dutta: This is a verbal alteration. I have taken it from an Act of the Government.

Mr. President: If you like you may move it.

Shri Dhirendra Nath Dutta: Sir, I beg to move:

"That after sub-clause (2) of Clause 6 of the Bill, the following new clause be added:

'(3) If any dispute arises as to the amount of compensation payable under sub-section (2), it shall be referred to the arbitration of a person who is or has been a High Court Judge and his award shall be final and binding on the parties and shall not be questioned in any court of law nor shall anything in the Arbitration Act, 1940, apply to the arbitration.'"

*Mr. President, Sir, in supporting the amendment, as well as the amendment of Seth Sukhdev I want to say a few words. This process of requisitioning of property we find for the first time during the war-time, under the Defence of India Act. Under that Act there was a provision for compensation in respect of property which was requisitioned. It was provided that if there was a dispute between the owner and the Government, the matter used to be referred to an arbitrator appointed by the Government and the decision of the arbitrator was deemed to be final. That was the provision under that Act. Then, Sir, in the subsequent Acts that have been passed with respect to the requisitioning of property—both in the Centre and in the Provinces—there is a provision like this that if there is a dispute regarding the amount of compensation, the matter should be referred to an arbitrator appointed by the Government, whose decision shall be final. Just now the Government has put forward a Bill further to amend the Motor Vehicles Act with the object of nationalisation of the transport. There you will find, Sir, that under proposed section 43C it has been laid down that if any dispute arises as to the amount of compensation it shall be referred to an arbitrator who will be a High Court Judge and his decision shall be final and binding........

Mr. Honourable Mr. Fazlur Rahman: Is that acquisition or requisition?

Shri Dhirendra Nath Dutta: *It is acquisition. But under the Defence Act when there was a dispute, there was no such thing as you have provided. It is a well-known principle of law, recognised all over the world, that in the matter of requisitioning of property also when there is dispute as to the amount of compensation, then the matter is referred to an arbitrator. Of course, Sir, in the matter of acquisition, generally it is done under the Land Acquisition Act—immovable property. In the Bengal Act on the subject you will find that the matter is referred to an arbitrator. You are aware, Sir, that during war-time the District Judge used to be appointed as an arbitrator. We have dealt with so many cases. The decision of the District Judge used to be final. This principle should be followed where there is democratic rule. When there are two parties, the matter must be referred to a third party. Therefore, I hope, even during the war-time it has been done, this should be accepted. With these words, Sir, I support the motion and as well as move my motion for the acceptance of the House.

* Speech not corrected by the Honourable Member.—Ed. of Deb.
Mr. President: Now, let me put the motions.

Amendments moved:

“That in sub-clause (2) of Clause 6 of the Bill, for the words ‘as the Central Government may fix’ the following be substituted:

‘as may be agreed upon between the Central Government and the occupier, or, failing such agreement, as may be determined by a Judge of the High Court having jurisdiction in the area in which the factory or place is situated and nominated by the Chief Justice of that High Court. The decision of such Judge shall be final and binding on the parties and shall not be questioned in any court of law nor shall anything in the Arbitration Act, 1940, apply to the proceedings before such Judge.’”

and

“That after sub-clause (2) of Clause 6 of the Bill, the following new clause be added:

‘(3) If any dispute arises as to the amount of compensation payable under sub-section (2), it shall be referred to the arbitration of a person who is or has been a High Court Judge and his award shall be final and binding on the parties and shall not be questioned in any court of law nor shall anything in the Arbitration Act, 1940, apply to the arbitration.’”

Shri Kamini Kumar Dutta: Sir, I rise in support of the amendment moved by Seth Sukhdev.

Sir, under section 6 (1) power of requisition of factories is being vested in the Government. Requisition implies, Sir, that there must be some compensation paid for the requisition of the property and indeed, I venture to say that if there will be any law of requisition of property without providing for payment of compensation, that would violate section 299 of the Government of India Act. The whole law would be invalid and repugnant to the general principles of law. So, compensation is obligatory and mandatory. Compensation has to be assessed and has to be paid—whether it is permanent acquisition or it is requisition for a limited period or for a limited purpose. The difference between acquisition and requisition is this that in the case of acquisition, the amount of compensation is large and in the case of requisition it may be less, but the compensation has to be given. I use the word ‘give’ intentionally because there is a proposed amendment of section 299 by which in order to avoid the effect of the word ‘payment’ the expression ‘give’ or ‘given’ has been used. I may say here the expression ‘give’ has also been used in the Constitution of India. Here, it seems that both the States are moving in the same line. There also they have not used the word ‘payment’ but they have used ‘give’. However, compensation has to be assessed, has to be awarded and has to be paid. Then, this simple question would be that how the compensation is to be determined. It can be done by two processes—either by agreement, if both the parties would agree, the amount agreed upon would be the amount of compensation, but, if there is no agreement, then, the only other course open in all the civilised countries and administrations of the world, would be either a tribunal appointed for the purpose or by arbitration and generally the procedure followed is by appointing an arbitrator. If there be no provision for appointing an arbitrator, the only other provision would be to nominate a tribunal or to select a particular tribunal for the purpose and the nomination of the arbitration has been found to be more proper, equitable and satisfactory. The only other question would be who ought to be the arbitrator? As here, the Government itself would be the debtor. To give the debtor the right to fix the amount of his liability, I think would be repugnant to the elementary principle of law and I doubt if this clause would go before any Court to be decided whether this provision is legal or not. I dare to say it may be found by the highest court of the country that to give
right to the debtor to fix its own liability is repugnant to the basic principles of law. The law would be found to be invalid and repugnant to the sense of justice.

So, Sir, this amendment has really made a suggestion which is very helpful that if the parties agree, the agreed amount would be the compensation and in the failure of an agreement, it ought to be decided by an arbitrator and the arbitrator in a case like this where it affects a trade of very high magnitude and quality, the arbitrator ought to be a Judge of the Honourable High Court and of course in the case of a Judge of the High Court, the appointment must be by the Chief Justice. He should be the appointing body. I find nothing objectionable in the proposed amendment. Really by this Bill you take the absolute power of requisitioning a factory and you take the possession of the property. And then Government will be liable for compensation. That compensation has to be ascertained and determined and certainly, Sir, Government itself is liable for payment and therefore, it cannot be the ascertaining body of its own liability. There must be a third party—either a court or an arbitrator. An arbitrator is the best of the two. An arbitrator from amongst the Judges of the High Court would be a person in whom neither of the party can have any objection.

Sir, with these few remarks, I commend the amendment of Seth Sukhdev for the acceptance of the House.

The Honourable Pirzada Abdus Sattar Abdur Rahman (Minister for Food and Agriculture & Law): Sir, I would not have intervened in this debate had my honourable friend Mr. Kamini Kumar Dutta not raised the question of section 299 of the Government of India Act. I am surprised, Sir, that an experienced lawyer like him should have distinguished between requisition and acquisition in that form that the only difference between the two was that in one case the compensation paid was to be more and in the other the compensation was to be less. I thought,—and I think he also knows—that acquisition means acquisition for ever. The right of property goes and you acquire it. Requisitioning means taking the property for temporary use for which you pay the rent. That is the difference and not the question of amount of compensation whether it should be more or less. If he had read the words of the section, sub-section 2 of clause 6, it says:

"if any such factory or place is requisitioned....................

and not acquired.............

"...... under this section, there shall be paid as compensation such rent at such intervals as the Central Government may fix."

It is a question of paying the rent; as to what rent should be and that is what really should be for requisition. Therefore, the question of section 299 of the Government of India Act does not come at all, where it is only a question of acquiring and not requisitioning under that section. And therefore, what rent should be has been accepted by either legislation that the Government or a Government officer should fix the rent of the acquired premises. You have got the Rent Control Act, you have got several other legislations in this sub-continent of India and Pakistan by which when the property is acquisitioned by Government, the Government should fix the rent for it. That is what you are doing in Karachi and still there are arguments that it is a novel procedure against justice and against the law. Therefore, I would suggest that it is a very plain matter. It is requisitioning for the purpose of using it as mentioned in sub-section and for which rent is being paid. Rent will be determined by Government. Therefore, there is nothing wrong about it.
Shri Dhirendra Nath Dutta: Is it not a fact that under the Defence of India Act, in the matter of requisition of property the compensation was determined by an Arbitrator?

The Honourable Pirzada Abdus Sattar Abdur Rahman: Have I not told you that in matters of rent, these are fixed by the Government?

Shri Dhirendra Nath Dutta: But when there is a dispute between the parties, the matter is decided by the Arbitrator. In Bengal they have passed a Requisition Act.

Mr. President: The question is:

"That in sub-clause (2) of Clause 6 of the Bill, for the words 'as the Central Government may fix' the following be substituted:

'as may be agreed upon between the Central Government and the occupier, or, failing such agreement, as may be determined by a Judge of the High Court having jurisdiction in the area in which the factory or place is situated and nominated by the Chief Justice of that High Court. The decision of such Judge shall be final and binding on the parties and shall not be questioned in any court of law nor shall anything in the Arbitration Act, 1940, apply to the proceedings before such Judge.'"

The motion was negatived.

Mr. President: The question is:

"That after sub-clause (2) of Clause 6 of the Bill, the following new clause be added:

'(3) If any dispute arises as to the amount of compensation payable under sub-section (2), it shall be referred to the arbitration of a person who is or has been a High Court Judge and his award shall be final and binding on the parties and shall not be questioned in any court of law nor shall anything in the Arbitration Act, 1940, supply to the arbitration.'"

The motion was negatived.

Mr. Nur Ahmed: Sir, I beg to move:

"That to sub-clause (2) of Clause 6 of the Bill, the words 'from time to time' be added at the end."

Mr. President: Amendment moved:

"That to sub-clause (2) of Clause 6 of the Bill, the words 'from time to time' be added at the end."

The Honourable Mr. Fazlur Rahman: Sir, I accept the amendment.

Mr. President: The question is:

"That to sub-clause (2) of Clause 6 of the Bill, the words 'from time to time' be added at the end."

The motion was adopted.

Mr. President: The question is:

"That sub-clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Shri Dhirendra Nath Dutta: Sir, after what has been said by the Government it is useless to move any amendments. But I do move my following amendment Sir, I move:

"That for sub-clause (2) of Clause 7 of the Bill, the following be substituted:

'(2) If he fails to buy the cotton so offered to him or buys it at a price below the minimum price fixed for such cotton he shall be deemed to have contravened the provision of this Act and shall be liable to any punishment which may be imposed on him for such contravention.'"

Sub-clause (2) of clause 7 runs as follows:

"If he fails to buy the cotton so offered to him or buys it at a price below the minimum price referred to in sub-section (1), then without prejudice to any punishment which may be imposed on him for having contravened a provision of this Act the Central Government may order that the factory of which he is the occupier shall be confiscated to the Government and worked thereafter in such manner as it may see fit to direct."
Then, it comes to this. If he contravenes the provisions of this clause, not only will he be liable to the punishment for such a contravention but he will have to undergo some other punishment. As you know, Sir, there is a provision that for any contravention he shall be liable to a sentence of three years rigorous imprisonment and he may also be fined or he may get both. But in this case it has been definitely decided that it can be imposed upon him for mere contravention. And there is a provision for the confiscation of the factory also. This is really, to say the least, barbarous. I, therefore, submit that if he really fails to buy the cotton offered or if he buys it at a price which is below the minimum price, he shall be deemed to have done contravention and shall be liable to a punishment provided in this Act. But the question of the confiscation of the factory should not arise.

Mr. President: Amendment moved:
"That for sub-clause (2) of Clause 7 of the Bill, the following be substituted:
(2) If he fails to buy the cotton so offered to him or buys it at a price below the minimum price fixed for such cotton he shall be deemed to have contravened the provision of this Act and shall be liable to any punishment which may be imposed on him for such contravention."

The Honourable Mr. Fazlur Rahman: Sir, I fail to understand for whose benefit my friend Mr. Dhirendra Nath Dutta had been pleading in this House. If the Government comes forward with a measure which is intended to help the poor cultivator and which is in the interests of the cultivator, it is described as barbarous. I do not know what words I should use for those who characterise a beneficial measure which is for the benefit of the poor cultivator as barbarous. I think I should resist the temptation of using some harsh word.

Now, Sir, there is the minimum price and the ginner is bound to buy it at that price according to the law. He has no reason to refuse it. Nor has he any reason to sell it below the minimum price. If the ginner behaves properly, he is not liable to any punishment. As you know, Sir, Mr. Dutta has so many times in the past agitated for the benefit of the jute growers of Bengal and he himself knows how the middleman exploits the jute growers of Bengal. So, if the Government with that experience in another field has brought a measure to prevent the middleman from exploiting the poor cultivator, he describes the Government as barbarous. I leave it to his convenient conscience to decide whether it is he who deserves that epithet or the Government.

Mr. President: The question is:
"That for sub-clause (2) of Clause 7 of the Bill, the following be substituted:
(2) If he fails to buy the cotton so offered to him or buys it at a price below the minimum price fixed for such cotton he shall be deemed to have contravened the provision of this Act and shall be liable to any punishment which may be imposed on him for such contravention."

The motion was negatived.

Mr. Nur Ahmed: Sir, I move:
"That in sub-clause (3) of Clause 7 of the Bill, after the word 'liberty' occurring in the first line, the word 'after' be inserted."

Mr. President: Amendment moved:
"That in sub-clause (3) of Clause 7 of the Bill, after the word 'liberty' occurring in the first line, the word 'after' be inserted."

The Honourable Mr. Fazlur Rahman: Sir, I accept the amendment.

Mr. President: The question is:
"That in sub-clause (3) of Clause 7 of the Bill, after the word 'liberty' occurring in the first line, the word 'after' be inserted."

The motion was adopted.

Mr. Nur Ahmed: Sir, I move:
"That in sub-clause (4) of Clause 7 of the Bill, after the word and the comma it', the word 'after' be inserted."

*Speech not corrected by the Honourable Member.—Ed. of Deb.*
Mr. President: Amendment moved:
“That in sub-clause (4) of Clause 7 of the Bill, after the word and the comma ‘if’, the word ‘after’ be inserted.”

The Honourable Mr. Fazlur Rahman: Sir, I accept the amendment.

Mr. President: The question is:
“That in sub-clause (4) of Clause 7 of the Bill, after the word and the comma ‘if’, the word ‘after’ be inserted.”
The motion was adopted.

Mr. President: The question is:
“That Clause 7, as amended, stand part of the Bill.”
The motion was adopted.

Clause 7, as amended, was added to the Bill.
Clause 8 was added to the Bill.
Clause 9 was added to the Bill.
Clause 10 was added to the Bill.
Clauses 11 to 14 were added to the Bill.

Shri Dhirendra Nath Dutta: Sir, I move:
“That in sub-clause (2) of Clause 15 of the Bill, for the word “three” occurring in the third line, the word “two” be substituted.”

Sir, I think it would be better that I also move the other amendment, if you allow me to do so.

Mr. President: Which one?
Shri Dhirendra Nath Dutta: No. 22, Sir, because that deals with punishment.

Mr. President: Yes, you may move that.

Shri Dhirendra Nath Dutta: Sir, I also move:
“That in sub-clause (2) of Clause 15 of the Bill, the words “or with both” occurring in the fourth line, be omitted.”

Sir, the object of the amendment is clear. Section 15 lays down that—

“(1) Any person who contravenes or fails to comply with an order made or a direction given under this Act shall be punishable as if he had contravened a provision of this Act.

(2) Any person who contravenes any provision of this Act shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.”

*Sir, I want to reduce the sentence to two years or with fine but I want to delete “or with both”. It will come to this that he may get a sentence of two years or with fine but not both.

I have certainly noticed that my friend, Mr. Fazlur Rahman has suddenly grown a friend of the jute growers and the cotton growers and he was just telling us that by establishing such Boards the interests of the growers will be served. I have got experience of these Boards and I have seen that the interests of the jute growers are not served because really the jute growers do not enjoy the benefit. Actually it is the middlemen who do enjoy the benefit of it, Sir.

But, Sir, in this case it is not the question of the jute growers or the cotton growers but we shall have to consider the punishment that has to be meted out. Of course, I refer to the Resolution of the Pakistan Cotton Association and they say, Sir, that there are certain penal clauses in the Bill which they cannot support. It is really a war measure and in laying down punishments I think we should be very careful. I think the heavy

* Speech not corrected by the Honourable Member.—Ed. of Deb.
punishment does not serve the purpose for which it is intended and therefore I suggest that instead of three years it should be two or with fine but I do not want that they should have both the imprisonment and fine.

With these words I move the amendment for the acceptance of the House.

Mr. President: Amendments moved:

“That in sub-clause (2) of Clause 15 of the Bill, for the word “three” occurring in the third line, the word ‘two’ be substituted.”

and

“That in sub-clause (2) of Clause 15 of the Bill, the words ‘or with both’ occurring in the fourth line, be omitted.”

The Honourable Mr. Fazlur Rahman: Sir, the Government do not consider that the punishments provided here are disproportionate to the offence. Therefore, Sir, I oppose the amendments.

Mr. President: The question is:

“That in sub-clause (2) of Clause 15 of the Bill, for the word “three” occurring in the third line, the word ‘two’ be substituted.”

The motion was negatived.

Mr. President: The question is:

“That in sub-clause (2) of Clause 15 of the Bill, the words ‘or with both’ occurring in the fourth line, be omitted.”

The motion was negatived.

Shri Dhirendra Nath Dutta: Sir, I move:

“That in sub-clause (3) of Clause 15 of the Bill, the word ‘member’ occurring in the second line, be omitted.”

Sir, the other amendments also deal with sub-clause (3); so with your permission, may I move them also?

Mr. President: All right.

Shri Dhirendra Nath Dutta: Sir, I also move:

“That in sub-clause (3) of Clause 15 of the Bill, the words ‘or other officer’ occurring in the third line, be omitted.”

and

“That in sub-clause (3) of Clause 15 of the Bill, the words ‘and servant thereof’ occurring in the fourth line, be omitted.”

Sir, the sub-clause (3) reads:—

“(3) Where any person as aforesaid is company or other body corporate, every member, director, manager, secretary or other officer and every agent and servant thereof shall be punishable as if he had contravened a provision of this Act.”

*Sir, if it is a company, you know how a company is managed. It says “every member”. I do not understand what a member of the company means? Does it mean a shareholder? If it means a director I can understand that the director shall be punished and if managed by a Manager he can be punished; if it is managed by a Secretary he may be punished, but, Sir, I fail to understand what is meant by “every member” shall be punished. If it means every shareholder then the affairs of the company are managed by a Director. Sir, this is something which I cannot understand.

Then, Sir, “or other officer”. It may mean that any employee getting Rs. 20 or Rs. 30 a month shall also be punished and “every agent or servant thereof”. What does he know, Sir, of the management of the Company? How can he be punished, because he is a person who does not know anything about the management of the company? Now if any

* Speech not corrected by the Honourable Member.—Ed. of Deb.
of these persons contravenes the provisions of this section he can be punished. So, Sir, if these amendments are accepted, the sub-clause will read:—

"(3) Where any person as aforesaid is a company or other body corporate, every director, manager, secretary and every agent shall be punishable as if he had contravened a provision of this Act."

Sir, I hope my friend on the other side of the House will appreciate that every "member", "or other officer" "and servant thereof" cannot be held liable for the actions of the director and therefore I suggest that these amendments should be accepted by the House.

Mr. President: Amendment moved:

"That in sub-clause (3) of Clause 15 of the Bill, the word 'member' occurring in the second line, be omitted."

and

"That in sub-clause (3) of Clause 15 of the Bill, the words 'or other officer' occurring in the third line, be omitted."

and

"That in sub-clause (3) of Clause 15 of the Bill, the words 'and servant thereof' occurring in the fourth line, be omitted."

Seth Sukhdev: Mr. President, Sir, I want to support the amendment moved by my friend, Mr. Dhirendra Nath Dutta. Sir, the provision made has given me such a shock that I feel sure that the Honourable Minister has not himself read it: perhaps his Secretary has taken a para. out of some war-time Ordinance and put it there. I do not know, Sir, whether he has read it. He should clarify that point. Sir, why has he not added "wife and children", for, if the father goes into the jail, who is to support them. His property is to be confiscated; he is to be sent to jail and he will be heavily fined—Rs. 2 or 3 or 5 lakhs because they have earned a lot of money in cotton. Government have also earned Rs. 25 crores but they would not go to jail.

Mr. President, I think the Honourable Minister should take my speech seriously. I am glad he is laughing. Sir, directors, shareholders, who are simply sleeping partners why should they get punishment for the wrong done by a managing director or a manager? Why poorly paid clerks, in cotton trade, who go to give delivery be punished with 2 years' rigorous imprisonment for the sake of giving delivery for which he gets only Rs. 80 or 100 as pay. The manager who has done the act he may be brought to book; nobody has any objection to this.

Shri Dhirendra Nath Dutta: Petty paid servants.

Seth Sukhdev: Even peons are included; what all this for? I find that the Honourable Minister is reading it; I am glad he is reading that paragraph and I think he will accept the amendment of my friend. With these words I resume my seat.

The Honourable Mr. Fazlur Rahman: Sir, this is again covered by the reasons that I have already given that the Bill has been made strict and therefore I oppose the amendment.

Mr. President: The question is:

"That in sub-clause (3) of Clause 15 of the Bill, the word 'member' occurring in the second line, be omitted."

The motion was negatived.

Mr. President: The question is:

"That in sub-clause (3) of Clause 15 of the Bill, the words 'or other officer' occurring in the third line, be omitted."

The motion was negatived.

Mr. President: The question is:

"That in sub-clause (3) of Clause 15 of the Bill, the words 'and servant thereof' occurring in the fourth line, be omitted."

The motion was negatived.
Mr. Nur Ahmed (East Bengal: Muslim): Sir, I move:—

"That in sub-clause (4) of Clause 15 of the Bill, after the word 'observance' occurring in the eighth line, the words 'of the provisions' be inserted."

Mr. President: Amendment moved:—

"That in sub-clause (4) of Clause 15 of the Bill, after the word 'observance' occurring in the eighth line, the words 'of the provisions' be inserted."

The Honourable Mr. Fazlur Rahman: Sir, I accept the amendment.

Mr. President: The question is:—

"That in sub-clause (4) of Clause 15 of the Bill, after the word 'observance' occurring in the eighth line, the words 'of the provisions' be inserted."

The motion was adopted.

Shri Dhirendra Nath Dutta: Sir, I move:—

"That in sub-clause (4) of Clause 15 of the Bill, for the word 'may' occurring in the eleventh line, the word 'shall' be substituted."

*I want to make my position clear. Sub-clause (4) of Clause 15 lays down that:

"No person shall be prosecuted under this Act unless he has been given an opportunity by the Central Government to show cause, within such time as the Central Government may specify, why he should not be prosecuted, and if it is made to appear to the satisfaction of the Central Government at any time before the institution of the prosecution that he has used due diligence to enforce the observance of this Act and that the offence has been committed without his knowledge or against his consent the Central Government may forbear further proceedings against him."

Here I want to use the word 'shall' for the word 'may' which has been used because you find that the Central Government shall forbear further proceedings before the commencement of the proceedings if the person complained against has used due diligence to enforce the observance of this Act and the offence has been committed without his knowledge or against his consent. Now here the word used is 'may'. The Central Government may or may not forbear proceedings, so I want that when the offence has been committed without his knowledge or against his consent then why it should be 'may'; it must be 'shall'. The question of 'may' does not arise. I see the Advocate-General is here and we are glad that he is here today. He must have been witnessing what is being done by his Government in respect of similar legislation and with respect to last legislation which has been passed. He has seen how persons who cannot be said to be guilty are harassed and persecuted. Such laws act against civil liberties. This is a question of ordinary principle of penal action that when there is no knowledge and when the act is done against the consent then the question of 'may' does not arise. It is a question of 'shall'. We can understand if persons who are guilty of the offences are punished but persons not guilty should not be punished. This is the ordinary principle of criminal law and here the civil liberties of the people are in danger if such law is passed. I am sorry to find that when absolutely no offence is committed by any person, my friend's reply is that he has made it stringent. You have made it stringent to punish innocent people. What is this country coming to! There is no objection to guilty being brought to book but persons who are not guilty should not be punished. With these words I move this motion for acceptance.

Mr. President: Amendment moved:—

"That in sub-clause (4) of Clause 15 of the Bill, for the word 'may' occurring in the eleventh line, the word 'shall' be substituted."

The Honourable Mr. Fazlur Rahman: Sir, Mr. Dhirendra Nath Dutta has wasted his breath unnecessarily. Sir, 'may' here means 'shall'; that is better drafting and I am not going to accept the drafting of Mr. Dhirendra Nath Dutta.

* Speech not corrected by the Honourable Member.—Ed. of Deb.
Mr. President: The question is:

"That in sub-clause (4) of Clause 16 of the Bill, for the word ‘may’ occurring in the eleventh line, the word ‘shall’ be substituted."

The motion was negatived.

Mr. President: The question is:

"That Clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clause 16 was added to the Bill.

Shri Dhirendra Nath Dutta: I move:

"That in Clause 17 of the Bill, for the word ‘three’ occurring in the last but one line, the word ‘two’ be substituted.

Sir, I want to reduce the punishment and I also move with your permission:

"That in Clause 17 of the Bill, the words ‘or with both’ appearing after the word ‘fine’ be omitted."

I do not like that a person should be sentenced to imprisonment and with fine, i.e., two forms of punishment. With these words I move the amendment.

Mr. President: Amendments moved.

"That in Clause 17 of the Bill, for the word ‘three’ occurring in the last but one line, the word ‘two’ be substituted.

and

"That in Clause 17 of the Bill, the words ‘or with both’ appearing after the word ‘fine’ be omitted."

The Honorable Mr. Fazlur Rahman: For the reasons stated before, I oppose these amendments.

Mr. President: The question is:

"That in Clause 17 of the Bill, for the word “three” occurring in the last but one line, the word “two” be substituted."

The motion was negatived.

Mr. President: The question is:

"That in Clause 17 of the Bill, the words “or with both” appearing after the word “fine” be omitted."

The motion was negatived.

Mr. President: The question is:

"That Clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

Clause 18 was added to the Bill.

Mr. President: The question is:

"That Clause 19 stand part of the Bill."

Do you want to say anything, Mr. Dutta?

Shri Dhirendra Nath Dutta: *I oppose the inclusion of Clause 19. I oppose the motion “that clause 19 stand part of the Bill”. Clause 19 deals with power to hold summary trial and there is provision in such cases to award sentences of three years or with fine or with both. People who are carrying on trade should not be dealt with summarily. I think summary trial cannot be applied in cases like these when there is provision for three years sentence and for fine and I submit that section 19 has no scope and this should be deleted.

The Honourable Pirzada Abdus Sattar Abdur Rahman: Sir, I will say only one thing which I hope my Honourable friend being a lawyer knows that in a summary trial the punishment will be up to six months, and if the punishment is to be given beyond six months, then there will be a regular trial. Therefore, I do not see any reason in his objecting

* Speech not corrected by the Honourable Member.—Ed. of Deb.
The Honourable Pirzada Abdus Sattar Abdur Rahman: If it is to be a summary trial, then the punishment is automatically restricted to six months. If he has to give punishment for more than six months, then he will have a regular trial.

Mr. President: The question is:
“That Clause 19 stand part of the Bill.”
The motion was adopted.
Clause 19 was added to the Bill.
Clauses 20 and 21 were added to the Bill.

The Honourable Dr. Mahmud Husain: Sir, I beg to move:
“That in Clause 22 of the Bill, the brackets and the figure ‘(1)’ occurring in the first line be omitted, and for the words ‘against any person for’ occurring in the second line, the words ‘in respect of’ be substituted.”

Sir, I also beg to move:
“That sub-clause (2) of Clause 22 of the Bill, be omitted.”

Mr. President: Amendment moved:
“That in Clause 22 of the Bill, the brackets and the figure ‘(1)’ occurring in the first line be omitted, and for the words ‘against any person for’ occurring in the second line, the words ‘in respect of’ be substituted.”

Amendment moved:
“That sub-clause (2) of Clause 22 of the Bill, be omitted.”

Mr. Fazlur Rahman: Sir, I accept the amendments.

Mr. President: The question is:
“That in Clause 22 of the Bill, the brackets and the figure ‘(1)’ occurring in the first line be omitted, and for the words ‘against any person for’ occurring in the second line, the words ‘in respect of’ be substituted.”

The motion was adopted.
Mr. President: The question is:
“That sub-clause (2) of Clause 22 of the Bill, be omitted.”

The motion was adopted.
Mr. President: The question is:
“That Clause 22, as amended, stand part of the Bill.”
The motion was adopted.
Clause 22, as amended, was added to the Bill.
Clauses 23 and 24 were added to the Bill.
Clause 1 was added to the Bill.
The Title and the Preamble were added to the Bill.

The Honourable Mr. Fazlur Rahman: Sir, I beg to move:
“That the Bill, as amended, be passed.”

Mr. President: The question is:
“That the Bill, as amended, be passed.”
The motion was adopted.
Mr. President: The House stands adjourned till 6-5 P.M.

The Assembly then adjourned for Asr Prayers till five Minutes Past Six of the Clock, in the Evening.

The Assembly re-assembled after Asr Prayers at Five Minutes Past Six of the Clock, in the Evening, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.
The Honourable Khwaja Shahabuddin (Minister for Interior, Information and Broadcasting): Sir, I beg to move:

"That the Bill to preserve the provisions of the Bengal Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947, and the Assam Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947, by an Act, and to make certain declarations in connection therewith, be taken into consideration."

Sir, I do not want to take much time of the House; it is a very short Bill. The Statement of Objects and Reasons sets forth the reasons why it has been necessary to enact it. You will find, Sir, that these ordinances were promulgated by the Governor-General before Partition, in 1947 and had a life of six months in the first instance. It is considered open to question, whether sub-section (3) of Section 18 of the Indian Independence Act, 1947 (which provides that the laws existing immediately before Partition shall continue until other provision is made by a legislature or authority having power) extends to continuing legislation which begins with a limited life, as the Ordinance in question did. It is, therefore, proposed to replace the Ordinance by an Act having effect from the date of Partition. Continuance of the Ordinance which confers the same powers on officers of the army and the air force as vest in police officers not below the rank of an Assistant Sub-Inspector in relation to areas declared as "disturbed" under the Bengal Disturbed Areas Ordinance, 1947, and the Assam Disturbed Areas Ordinance, 1947, is administratively very necessary. The object of this Bill is to replace the Ordinances and thus to remove all doubts and to provide protection and full validity to all acts done or purporting to be done under the Ordinance.

Mr. President: Motion moved:

"That the Bill to preserve the provisions of the Bengal Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947, and the Assam Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947, by an Act, and to make certain declarations in connection therewith, be taken into consideration."

Sardar Shaukat Hyat Khan (Punjab: Muslim): Sir, whenever Khwaja Saheb rises from his set he invariably moves something which terrorises people and they wonder with apprehension as to what it is that Khwaja Saheb brings out of his bag to tie down their hands and feet. So Khwaja Saheb has lived up to his reputation and presented a measure to tie down the hands and feet of people.

On the one hand, he harps on democracy saying that he stands for democracy and is going to establish such an ideal democratic state which had never existed in the world before nor would it ever have its equal in future. Sir, I admit that such a democratic state never existed before, nor would it, God forbid, ever exist because, on the one hand, it is boasted that we are the champion of democracy while, on the other, they suppress the free expression of opinion. If you are so bent on gagging public opinion, why not move a resolution to dissolve the Assembly altogether and end this farce of election and voting so that people may be saved from this unnecessary botheration. Do away with the so-called Democracy so much talked of by our friends on that side, so that the world may know that now the democracy is gone and the rule of the rod has been openly introduced. It was only by chance that you got this power in your hands which you abuse by arbitrarily passing Acts like the ones passed under the British regime.

Sir, is not the Safety Act enough to put any innocent person you like in jail and keep him there as long as you please? Is this Act not enough
that you are bringing in this Disturbed Areas Act? Such an Act was required only in 1947 when there were riots and disturbances everywhere particularly in East Punjab, West Punjab, and the Police had failed to control them. It was then that this Act was enforced in those areas and the army put down these riots. At that time there was some justification for this. Now that there are no riots or communal disturbances of any kind in the Punjab, N-W.F.P., or East Bengal, the enactment of this law is quite uncalled for. In the Punjab especially where the minority community is hardly one per cent., communal disturbances are out of question. If disturbances occur on a large-scale in future, and you see that the Police fail to cope with the situation, you can suppress them by declaring martial law.

Sir, by enacting this law you want to use the army bayonets in place of the Policeman's baton against the people. I, therefore, repeat that this is a very obnoxious and reprehensible measure. It will never redound to the glory of Pakistan. It will besmirch its fair name and we shall have to hang down our heads in shame. I ask how long you will go on crushing the people and denying them their rights and liberties.

I say that this Disturbed Areas Act is unnecessary for the Punjab Frontier and Bengal. You should enforce it in this very Assembly Hall, where wrongs are perpetrated and the ministers and Members of this Assembly create disturbances which are not likely to occur anywhere else. You can use not only the Policeman's baton but also the army bayonets in this Assembly Hall.

Sir, if you are providing a clause in this Act whereby you will invest military officers with powers to interfere in the civil administration in order to maintain law and order, why not do away with the civil administration altogether. This grant of civil powers to the military will demoralise the rank and file of the army. It would be, therefore, better to keep the army out of the civil administration otherwise we would not be able to run the administration on proper democratic lines. On the one hand, you talk of democracy and on the other, you enact laws which render the civil administration ineffective.

In the end I would ask persons drunk with power who are framing such laws, “Would not such laws put a blot on the fair name of the country—laws which definitely mean the end of democracy, less freedom and more slavery.” With these words, I oppose the Bill.

Mr. Abdul Waheed Khan (Punjab: Muslim): Sir, whenever the question of investing the Police or other Departments of the Government with more powers comes up before this House, some of our friends and specially those about whom Ghalib had said,

"Hay tum dost, jiski' dashman uska Asman kion ho."

Your friendship alone will encompass the ruin more effectively than will a bolt from the blue.

begin to knit their brows, fret and fume in their soul and their hearts are rent with pain in sympathy, as it were, with the whole world.

Sardar Shaukat Hayat Khan: What about you?

Mr. Abdul Waheed Khan: Don’t worry about me. You mind your own self.

"Tu jagi mere nahin banta na ban apna to ban."

If you do not help me, you had better help yourself.

Whenever such a question was brought before this House, these gentlemen were to criticise it in spite of knowing it fully well that no Government today—including those which are held by them as ideal, be they...
THE EAST BENGAL DISTURBED AREAS (SPECIAL POWERS OF ARMED FORCES) BILL

[Mr. Abdul Wahid Khan]:
Russian, British or American—fails to invest its Departments with maximum powers with a view to using them in the hour of need. No Government can work even for a day without these powers. But when any such step is taken in Pakistan our critics perhaps imagine this country to be the Heavenly Kingdom of Jesus or the Utopia of Plato. When it is admitted that all the Governments of the world arm their Departments with such powers as a safeguard against any emergency with a view to curbing the activities of any disruptive elements which may threaten the well-being of the State. I fail to understand, how far it is proper to condemn the Government of Pakistan when it adopts the same measures in the interest of the State. Sardar Shaukat Hyat Khan comes from the Punjab. He fully knows the words which were on the tip of everybody's tongue in the Punjab when the Government disclosed the military conspiracy and took immediate steps to suppress it. At every meeting before the Punjab elections these gentlemen used to demand the withdrawal of the Safety Act. But from the day the conspiracy was disclosed everybody began to say that he wanted the Safety Act to be retained. Im spite of the fact that the Act under consideration will not come into force at once except when it is necessary to do so or any difficulty arises, these gentlemen have chosen to oppose this measure. It is a well known fact and there is no doubt about it that the best form of Government is one in which neither the Police has an occasion to make its existence felt nor the courts are called upon to sit in judgment, and in which the people live up to the laws of nature. But in a country which bases its life on some form of civilization, no farsighted Government can omit to strengthen its hands with such laws as may be used when necessary, to suppress the disruptive and mischievous elements. The real point is to see that such laws are not used improperly or unnecessarily. I would ask my young friend, Sardar Shaukat Hyat to point out whether the Public Safety Act was misused at any time on any occasion in any part of the country and, if so, to cite any such instance. The Public Safety Act has been in force in the Punjab for the last two years. These persons used to raise the slogan before the elections that the Public Safety Act was an instrument to put the opponents in prison. But they must have seen for at least three months in connection with the elections that not a single person was imprisoned by the Government of Pakistan. The Act now before the House is to be put only in case of a disturbance in any part of the country. If, however—may God forbid it—this Act is misused, every member of this House has the right to raise his voice against it.

Shri Dilhrendra Nath Dutta (East Bengal: General): "Sir, I rise to oppose the motion that the Bill be taken into consideration.

Mr. President, Sir, you are aware that this Bill is to extend certain ordinances that were passed in the year 1947 with respect to certain areas of Bengal as well as of Punjab and North-West Frontier Province. You are aware, Sir, that these Ordinances were passed in certain emergency. That is admitted. There were serious disturbances in those areas and this Ordinance was passed to meet the situation. It is an admitted fact that there is no such emergency now and peace prevails in East Bengal, the Punjab and the North-West Frontier Province and therefore there is no justification for extending the Ordinances to these areas now. Sir, it may be contended that this is a small measure and that we are giving certain powers to the military officers. Not only this, we are giving power to the executive to declare by notification under section 3 of the Bengal Disturbed Areas Act certain areas as disturbed areas. This is a wide power and as soon as it is given to the military, it really comes to

* Speech not corrected by the Honourable Member.—Ed. of Deb.
a declaration of martial law to a certain extent. Such a measure can be justified only if there is a necessity for it and there are certain disturbances. I do not understand why in the peaceful conditions that prevail in the country there should be a necessity for a power like this. I, therefore, oppose the consideration of this Bill.

The Honourable Khwaja Shahabuddin: "Sir, as a rule I do not consider that the speeches of my Honourable friend Sardar Shaukat Hyat Khan deserve any notice because they are ordinarily of a law level and are intended for a particular class of people and therefore it is better not to take any notice of them. But on this occasion his speech is not only not worth taking notice of but unfortunately he has spoken without realising the subject on which he was speaking. And what is most unfortunate is that he has succeeded in misleading my esteemed friend Mr. Dhirendra Nath Dutta in believing that what he was advocating was a fact. I think my friend Mr. Dutta did not pay attention to this Bill. Sir, we are not taking any new power or enacting an Ordinance or any new Act for these disturbed areas. Actually, in Bengal and in other provinces an Act exists which is called the Disturbed Areas Act. It is, I think, section 5 of that Act under which the police has got certain powers to arrest and take certain action. What is meant by this Bill is that along with the police the military will also have the same powers. The Ordinance is also in force now. But because a doubt has arisen whether technically or legally those Ordinances are in force now, this Bill has been brought before the House in order to give that necessary enabling power if a situation arises in any province where the Disturbed Areas Act is in force, then along with the police the military will also have certain powers to take certain action.

Shri Dhirendra Nath Dutta: This can be done by notification under the Bengal Disturbed Areas Act.

The Honourable Khwaja Shahabuddin: "Not under this Act but under the Act which is now in force in the provinces. That is where my friend has been misled. By this Act we are not conferring any new power or any new authority on the executive of Bengal but we are only giving them the power to declare an area as a disturbed area. That power they already possess under the Bengal Disturbed Areas Act. Under that Act if a notification is made and if any particular area in the province is declared a disturbed area, then the police will have certain powers. Sir, anybody can understand why this Act is necessary. It is a very easy matter. Nobody can say that in any province no occasion would arise when the peace and the law and order will not be disturbed and therefore it will not be necessary to take any action to bring the situation under control. It may be necessary that the civil authorities may call the military to their aid to quell the disturbances and it is only to allow the civil authorities to take the help of the military, if such a situation may arise, that this Bill has been enacted.

So much with regard to this Bill. As I said in the beginning, I usually take no notice of the speeches of my friend Sardar Shaukat Hyat Khan. But there is one thing which I feel tempted to point out. Even today I am surprised he did not feel ashamed to cast an aspersion on the representative character of the House. He said that the present Government is getting all sorts of measures through this House which is a very docile House. For the last two or three months he has been going round all over the Punjab to convince the people that this House and this Government have got no representative character, and if anybody can claim a repre-

* Speech not corrected by the Honourable Member.—Ed. of Deb.
sentative character, it is Sardar Shaukat Hyat Khan and his great Leader, Mian Muhammad Iftikharuddin. And what is the result he has achieved? One member in the Punjab Assembly out of 197!

Mr. President: The question is:

"That the Bill to preserve the provisions of the Bengal Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947 and the Assam Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947, by an Act, and to make certain declarations in connection therewith, be taken into consideration."

The motion was adopted.

Mr. President: We shall now take up the Bill clause by clause.

Clauses 2 and 3 were added to the Bill.

Clause 4 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. President: The question is:

"That the Bill be passed."

The motion was adopted.

THE PUNJAB DISTURBED AREAS (SPECIAL POWERS OF ARMED FORCES) BILL

The Honourable Khwaja Shahabuddin: Sir, I move:

"That the Bill be passed."

The motion was adopted.

THE PUNJAB DISTURBED AREAS (SPECIAL POWERS OF ARMED FORCES) BILL

The Honourable Khwaja Shahabuddin (Minister for Interior, Information and Broadcasting): Sir, I beg to move:

"That the Bill to preserve the provisions of the Punjab Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947, by an Act, and to make certain declarations in connection therewith, be taken into consideration."

Sir, this is a similar Act and on the same lines and I do not think it is necessary for me to make any further observations on the subject.

Sir, I move.

Mr. President: The question is:

"That the Bill to preserve the provisions of the Punjab Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947, by an Act, and to make certain declarations in connection therewith, be taken into consideration."

The motion was adopted.

Mr. President: We now take up the Bill clause by clause.

Clauses 2 and 3 were added to the Bill.

The Honourable Dr. Mahmud Husain (Minister of State for States and Frontier Regions): Sir, I move:

"That Clause 4 of the Bill be renumbered as sub-clause (1) of that clause, and that after the sub-clause as so renumbered, the following new sub-clause be added, namely:

'(2) The West Punjab Disturbed Areas (Special Powers of Armed Forces and Validation of certain Acts) Ordinance, 1948 is repealed'."

Mr. President: Motion moved:

"That Clause 4 of the Bill be renumbered as sub-clause (1) of that clause, and that after the sub-clause as so renumbered, the following new sub-clause be added, namely:
"(2) The West Punjab Disturbed Areas (Special Powers of Armed Forces and Validation of certain Acts) Ordinance, 1948 is repealed."

The Honourable Khwaja Shahabuddin: Sir, I accept the amendment.

Mr. President: The question is:

"That Clause 4 of the Bill be renumbered as sub-clause (1) of that clause, and that after the sub-clause as so renumbered, the following new sub-clause be added, namely:

"(2) The West Punjab Disturbed Areas (Special Powers of Armed Forces and Validation of certain Acts) Ordinance, 1948 is repealed."

The motion was adopted.

Mr. President: The question is:

"That Clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Khwaja Shahabuddin: Sir, I move:

"That the Bill, as amended, be passed."

Mr. President: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

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THE NORTH-WEST FRONTIER PROVINCE DISTURBED AREAS (SPECIAL POWERS OF ARMED FORCES) BILL

The Honourable Khwaja Shahabuddin (Minister for Interior, Information and Broadcasting): Sir, I beg to move:

"That the Bill to preserve the provisions of the North-West Frontier Province Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947, by an Act, and to make certain declarations in connection therewith, be taken into consideration."

Mr. President: Motion moved:

"That the Bill to preserve the provisions of the North-West Frontier Province Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947, by an Act, and to make certain declaration in connection therewith, be taken into consideration."

The motion was adopted.

Mr. President: We now take up the Bill clause by clause.

Clauses 2 and 3 were added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Khwaja Shahabuddin: Sir, I move:

"That the Bill be passed."

Mr. President: The question is:

"That the Bill be passed."

The motion was adopted.

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THE OPIUM (EXTENSION TO THE PUNJAB) BILL

The Honourable Mr. Ghulam Mohammed (Minister for Finance and Economic Affairs): Sir, I move:

"That the Bill to extend the Opium Act, 1857, to the Punjab, be taken into consideration."
The object of this Bill is very simple. After partition, opium, which used to be supplied for medical and other purposes by certain parts of India, could not be obtained from those parts as there were some difficulties in the way. The Punjab Government approached the Central Government to authorize them to start experiments for the cultivation of opium for our domestic purposes. It is to cover that action and to control the cultivation that it is necessary to extend the provisions of the Opium Act of 1857 to the Punjab.

Mr. President: Motion moved:
"That the Bill to extend the Opium Act, 1857, to the Punjab, be taken into consideration."

Sardar Shaukat Hyat Khan: Sir, if the Government feels any attachment to opium, they may, with all pleasure, get it grown wherever they like. But we would be much beholden to them if they just let the Punjab alone. As it will not be proper to bring about the end of the Punjab by administering opium to it, you may kindly get it grown somewhere else.

Mr. President: The question is:
"That the Bill to extend the Opium Act, 1857, to the Punjab, be taken into consideration."

The motion was adopted.

Mr. President: We now take up the Bill clause by clause. Clause 2 was added to the Bill. Clause 1 was added to the Bill. The Title and the Preamble were added to the Bill. The Honourable Mr. Ghulam Mohammed: Sir, I move:
"That the Bill be passed."

I would like to take this opportunity to say only that Mr. Shaukat Hyat Khan was jointly responsible with the Government of which he was a member, to make that request to the Centre. Sir, this opium is being cultivated in the Punjab for medical purposes and not for drugging as he has insinuated. I would say—

"Ai bad-e saba ein hama awarda-e tust."
It is all your doing, 0 morning breeze.

Sardar Shaukat Hyat Khan:
"Adab Arz."
Thank you very much.

The Honourable Mr. Ghulam Mohammed: Sir, I feel that Mr. Shaukat Hyat Khan has indulged, as is usual with him, for the sake of cheap jibe and some publicity value, in a most unnecessary and mischievous insinuation.

Sardar Shaukat Hyat Khan: Because you have not got the answer.

The Honourable Mr. Ghulam Mohammed: Because the answer is quite clear. Sir, opium is being cultivated to supply our hospitals and those adults who are certified by the doctors under the old Opium Act. Including, Sir, Mr. Shaukat Hyat Khan. If he wants to get it certainly the Government will consider his request. I have some sympathy for him.

Mr. President: Motion moved:
"That the Bill be passed."
The motion was adopted.
CONSTITUENT ASSEMBLY (LEGISLATURE) [9TH APRIL, 1951

THE PAKISTAN CITIZENSHIP BILL

The Honourable Khwaja Shahabuddin (Minister for Interior, Information and Broadcasting) : Sir, I beg to move:

"That the Bill to provide for Pakistan citizenship be taken into consideration."

Sir, the House will recall that I moved a similar Bill in the Constituent Assembly and the Bill was referred to a Select Committee. While we were engaged considering the Bill in the Select Committee we were advised by our legal advisers that it would be more proper and appropriate if this Bill is taken up in the Legislature instead of the Constituent Assembly. Accordingly, the Bill was withdrawn from the Constituent Assembly and was introduced here and today it is for consideration.

Sir, before I try to explain briefly the main provisions of the Bill, I want to take this opportunity of expressing my grateful thanks to the members of the Select Committee who, although it was not possible for them to put in a formal report, still on my request scrutinized the Bill thoroughly and the Government have benefited by their advice very much. The present Bill has been drawn up in the light of those discussions and advice given in that Select Committee.

Sir, the salient feature of the Bill is that citizenship at the commencement of the Bill extends to all persons who or whose parents or grandparents were born in the territories which now comprise Pakistan, but who have not migrated from it on the birth of Pakistan. This implies that persons born in this area who have since then left it, forego all claims to Pakistani citizenship. This loss of citizenship reciprocates the provisions of the Indian Constitution. The right to citizenship after the commencement of the Act shall accrue for reasons of birth, descent, migration and naturalization.

A person whose father is a Pakistani shall be a citizen of Pakistan, but if his birth has occurred in a foreign country, he can be a Pakistani citizen only if his birth had been registered at a Pakistan Consulate in that country or at the nearest Pakistan Consulate, or if his father was in the service of the Government of Pakistan at the time of his birth abroad.

A person who has migrated to Pakistan from any of the territories of undivided India, shall become a citizen of Pakistan on his having a domicile of one year. The condition of domicile can be waived by the Central Government generally or in special cases. This acquisition of Citizenship extends to the wife and children of the immigrant.

Any person born in the Indo-Pakistan sub-continent but now living abroad can claim Pakistan citizenship, after a domicile of one year in Pakistan, but the Central Government have power to waive this condition of domicile in any case they deem fit. This privilege extends automatically to all those living abroad on Pakistan Passports irrespective of their period of domicile in Pakistan.

The Central Government can grant Pakistan citizenship to persons who have naturalized under the Naturalization Act of 1926. This relates to persons of foreign nationality who have ordinarily resided here for five years, have an adequate knowledge of any of the principal vernaculars notified by Government, are of good character and by taking an oath of allegiance have become naturalized.

Women do not take after the nationality of their Pakistani husbands automatically, but only on application, except where they are themselves Commonwealth citizens. The reverse of this is also true, i.e., a Pakistani woman shall not lose her Pakistani status by marrying an alien.

* Speech not corrected by the Honourable Member.—Ed. of Deb.
[The Honourable Khwaja Shahabuddin.]

Any minor can be registered a citizen of Pakistan on application by his Pakistani father or guardian. If any territory becomes a part of Pakistan its inhabitants shall become the citizens of Pakistan on such terms and conditions as may be specified by order.

Dual citizenship shall not be permitted except in cases where the laws of the other country do not allow renunciation of citizenship. We do not ourselves allow renunciation and must therefore, recognize a similar situation obtaining elsewhere. Only a naturalized Pakistani and none else, can be deprived of his citizenship by the Central Government, if he has obtained his certificate of domicile or naturalization through fraud or false representation, or has been disloyal to Pakistan or has engaged or associated with the enemies of Pakistan during a war. Even under such circumstances no naturalized Pakistani shall be deprived of his citizenship unless such deprivation is necessary in the public interest. This deprivation can be effected only after inquiry by a Committee and after due notice of it to the person concerned.

In order to enable Pakistani residents abroad (Interruptions) 

Sir, it is very difficult to go on with the speech or read anything while such large talks are going on behind me.

In order to enable Pakistani residents abroad to gain citizenship of the country of their adoption, the Central Government can on application or suo moto retract from them their Pakistani citizenship.

A citizen of Pakistan will have the status of a Commonwealth citizen, and will be entitled to privileges conferred on such citizens by the British Nationality Act of 1948. Citizens of Commonwealth countries can acquire Pakistani citizenship on application. Decision in such cases will largely depend on consideration of reciprocity of treatment meted out to our own national in that country.

The rights conferred by this Bill will be justiciable and recourse could be had to courts of law on interpretation or redress against any decision under the Act.

The offence of giving false information in regard to matters affecting citizenship under this Act, is made an offence under the Pakistan Penal Code.

The relevant provisions of the Naturalization Act, 1926, are being separately brought before the House through an amending Bill to make it conform to this Act.

Sir, these are the main features of the Bill and I need not reiterate the reasons which demand our enacting this law urgently. This Act will not only meet the day to day requirements of the administration but will act to our dignity and status and consolidate a feeling of unity and pride in a common citizenship. Sir, I commend the motion for the acceptance of the House.

Mr. President: Motion moved:

"That the Bill to provide for Pakistan citizenship be taken into consideration."

The motion was adopted.

The Honourable Dr. Mahmud Husain (Minister of State for States and Frontier Regions): Sir, clause by clause consideration may be postponed till tomorrow.

Mr. President: The House stands adjourned till 11 A.M.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 10th April, 1951.

GPPK—6 CA—17-11-51—770