

-RL/DC-ASC/2U/4.00

SHRI RAJEEV CHANDRASEKHAR (CONTD.): This Bill is about exploring the middle ground of options that have to do with economy, trade and other forms of sanctions and other forms of pressures on Pakistan that go beyond doing nothing and doing only military action. Sir, there is a view that we must also declare Cuba and Israel. Parliament talks about who impacts us and who harms us. Cuba and Israel don't harm us. If some other country is affected by Cuba and some other people are affected by Israel, they will, in their Parliament, in their Legislature, declare them as terror States. This is India. We represent the people of India and the clear and present danger to the people of India is Pakistan. Therefore, the argument that we should drag in...(Interruptions)..

MR. DEPUTY CHAIRMAN: Now, please conclude.

SHRI RAJEEV CHANDRASEKHAR: Sir, let me conclude. I want to finish all the points. Give me three more minutes.

MR. DEPUTY CHAIRMAN: No. There is not much time.

SHRI RAJEEV CHANDRASEKHAR: These are the points raised. So it is my obligation to reply to them.

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MR. DEPUTY CHAIRMAN: Please reply in brief.

SHRI RAJEEV CHANDRASEKHAR: Sir, now you are disturbing my train of thought. The other point that was raised was that we should work with other countries. This is again a bit farcical because if we are the victims of terrorism, we have to take the first move on this issue rather than relying on other countries to work with us to declare our enemy a terror State.

Sir, there are last two points before I wrap up. My colleague, Dr. Manu Singhvi said about graded response and, there, I agree with my friend. I think the time for graded response is over. There is no need for us to investigate as to whether Pakistan is a terror State or not. We already know that it is a terror State and now, it is a question of debating options. I will just end by repeating what my colleague Dr. Swamy said. Just yesterday, the U.S. Congressman Ted Poe, the Chairman of the House Subcommittee on Terrorism has introduced HR 1449, the Pakistan State Sponsor of Terrorism Act of 2015. And during the interaction he said and I quote, "Not only is Pakistan an untrustworthy ally, Islamabad has also aided and abetted enemies of the United States for years. From harboring Osama Bin Laden to its

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cozy relationship with the Haqqani network, there is more than enough evidence to determine whose side Pakistan is on in the War on Terror. And it's not America's. It is not the world's. It is time we stop paying Pakistan for its betrayal and designate it for what it is: a State Sponsor of Terrorism.” Sir, I will end by requesting the Government that let the *status quo* not continue, that the Government explore options that go beyond just candle raising or military options and explore the all plethora of options that lie in the economic and trade area so that we can approach the issue of Pakistan and the relationship with Pakistan afresh. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Are you withdrawing the Bill?

SHRI RAJEEV CHANDRASEKHAR: Sir, I am withdrawing the Bill.

MR. DEPUTY CHAIRMAN: I hope the House agrees for the withdrawal of the Bill.

The Bill was, by leave, withdrawn.

(Ends)

MR. DEPUTY CHAIRMAN: Now, Dr. Sanjay Singh; not present. Shri Ahmed Patel; absent. Shrimati Renuka Chowdhury; not present. Shri Prabhat Jha; not present. Now, Dr. T. Subbarami Reddy. You can see

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the Post Script (PS); it says, "Subject to receiving of the President's recommendation under Article 117 (3) of the Constitution." President's recommendation मिला या नहीं मिला? What is the position? The Secretariat reports that the President's recommendation is not received. They have put it perhaps on the presumption that the President's recommendation may come today. I think your Bill will not lapse.

DR. T. SUBBARAMI REDDY: But we can get ratification.

MR. DEPUTY CHAIRMAN: No, no. The point is, next day when Bills will be taken, it will be there.

(Contd. by KR/2W)

KR/LP/2W/4.05

MR. DEPUTY CHAIRMAN (CONTD.): By that time, you also ensure that President's recommendation comes.

DR. T. SUBBARAMI REDDY: In that case, will I get priority over other Members who are absent?

MR. DEPUTY CHAIRMAN: You will get priority.

DR. T. SUBBARAMI REDDY: Would the Members who are absent get a chance after me? What is the rule?

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MR. DEPUTY CHAIRMAN: Members who are absent will go to the last. Your priority will be there; and they will lose the priority.

DR. T. SUBBARAMI REDDY: When this Bill is taken up, I will get an opportunity to speak.

MR. DEPUTY CHAIRMAN: I told you that Members who are absent , they will lose the priority. So, on the next day, when the Bill is taken up, your Bill will be taken up on priority, provided the President's recommendation is received.

DR. T. SUBBARAMI REDDY: I will pursue it with the Office of the President to give the recommendation.

MR. DEPUTY CHAIRMAN: Okay. Therefore, the next item is ..

संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री मुख्तार अब्बास नकवी) : उपसभापति जी, ऑनरेबल मेम्बर्स, जिनका नाम लिस्टेड था, वे प्रेजेन्ट नहीं हैं, लेकिन अभी इस लिस्ट में एनिमी प्रॉपर्टी वाला बिल लिस्टेड है, इसलिए आपसे रिक्वेस्ट है कि इस बिल को ले लिया जाए।

MR. DEPUTY CHAIRMAN: The only thing is the House should agree because it is a Private Members' time up to 5.00 p.m. Since all Private Members' Business is disposed off, and, therefore, the next item in the 'List of Business' can be taken up. I hope the House agrees.

SOME HON. MEMBERS: Yes.

MR. DEPUTY CHAIRMAN: Yes, the House is agreeing to it.

SHRI SUKHENDU SEKHAR ROY: Sir, most of the Members belonging to various political parties have left.

MR. DEPUTY CHAIRMAN: That is not my job. It is in the List of Business. What do I do?

SHRI JAIRAM RAMESH: Sir, this Bill is an important Bill.

MR. DEPUTY CHAIRMAN: Maybe, it is in the 'List of Business'. What do I do? This is an important Bill.

SHRI JAIRAM RAMESH: Sir, it is an important Bill, and a controversial Bill. It should not be passed through this manipulation ..(Interruptions)..

SHRI MUKHTAR ABBAS NAQVI: Sir, the Select Committee has already given its Report. The Select Committee of this House has given a unanimous Report.

MR. DEPUTY CHAIRMAN: Jairamji, there is no manipulation. It is listed in the 'List of Business'. Every Member knows it. So, what can I do? If it is listed in the 'List of Business', I will have to take it up. What else is the

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meaning? I appreciate and agree with Jairam Ramesh that it is a very important Bill, but it is for you take care of.

SHRI JAIRAM RAMESH: Sir, it is also a controversial Bill. It is an important Bill. It is a Bill that is coming through subterfuge.

MR. DEPUTY CHAIRMAN: What do I do?

SHRI MUKHTAR ABBAS NAQVI: Every Bill is important for us. Hon. Member, Shri Jairam Ramesh, I would like to inform you that every Bill is an important Bill; and this Bill is also important. The Select Committee has already submitted its unanimous Report.

MR. DEPUTY CHAIRMAN: Mr. Jairam Ramesh, please tell me if the Bill is listed in the 'List of Business', and if there is time, what the Chair should do? The Chair has to take it up, if you want to dispose of the Bill, you can do it. If you want to reject it, you can do it. But the Chair can't say, 'I will not do it'. I have to do my work. You take it up with the Government.

SHRI SUKHENDU SEKHAR ROY: So far as the position of the Chair is concerned, there can't be any dispute which you have stated. But the only thing is that the Leader of the Opposition is absent, Chief Whip, Deputy Leader..

MR. DEPUTY CHAIRMAN: What can I do?

SHRI SUKHENDU SEKHAR ROY: I am coming to that. Except the Ruling Party Members, all the leaders, deputy leaders and chief whips of the political parties are absent. Who will speak on behalf of different political parties? Possibly that is yet to be decided. I appreciate that it is in the list and some time is left. I appeal to the Government and the ruling party only half-an-hour time is left, we can adjourn the House and this could be taken up on the next sitting day. It is not that the Bill will not be taken up or the Bill will not be discussed. It will be taken up and it will be discussed. Only the problem is everybody thought that so many Bills are there on Private Members' day and this matter would not be taken up. That is the position. That is why I am requesting the Government, through you, Sir, let them consider that the matter be taken up on Tuesday. That is my appeal to the Government.

MR. DEPUTY CHAIRMAN: The point is when I was in the Lok Sabha, during Question Hour, usually four or five questions would come.

(Continued by 2X/KS)

Uncorrected/ Not for Publication-10.03.2017

MR. DEPUTY CHAIRMAN (contd.): Usually, four or five questions would be taken up. One day, it so happened that many Members were absent, and the 20th Question came up; the Minister was not there. The reply given was, “How do I know that all these twenty Questions would come up?” But it is not the fault of the Chair. It just so happened. So, if the Members are not there, what can I do? If the Government says it should be taken up because it is listed in the List of Business, then, I have to take it up. If there is anything else, let the Government speak. What is the Government’s view? The Government can react to what the Members are saying.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKHTAR ABBAS NAQVI): Sir, as far as this Bill is concerned, it is already listed. That is number one. Then, secondly, the Select Committee of this House has already recommended this Bill. Representatives of every political party were there in the Select Committee. So, then, इस पर डिस्कशन शुरू करेंगे। डिस्कशन होने के बाद जो भी डिसीजन होना है, वह हाउस को करना है।

...(Interruptions)...

MR. DEPUTY CHAIRMAN: Sukhenduji, listen to me.

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SHRI P. BHATTACHARYA: Mr. Deputy Chairman, Sir, there is no quorum.

MR. DEPUTY CHAIRMAN: That is a different thing. I will confirm about the quorum. But listen to me. ...(Interruptions)... Please sit down. I will allow you.

Sukhenduji and Jairamji, I understand the point you are making, that many of the Leaders and Members are not here today. But let me tell you, it is not the concern of the Chair. You should know that. The Chair has to go ahead as per the List of Business. Yes, once it is listed in the Business, if the whole House says that it should not be taken up, I can go by that. Here, the whole House is not saying that. Treasury Benches are saying that it should be taken up. So, my duty is to take up the Bill. You can call other Members and ask them to come. That is the only way.

Does the Leader of the House want to say anything?

SHRI MUKHTAR ABBAS NAQVI: Sir, the Minister is there. ...(Interruptions)...

SHRI T.K. RANGARAJAN: Just a minute, Sir. I want to make a request to you and, through you, to the Leader of the House that you

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should postpone this. Please, take it up on Monday or Tuesday. I request the Leader of the House. There are no Members here. Those who had given their names have left. I request the Leader of the House to postpone this.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI ANANTHKUMAR): Sir, we should not be wasting the time of the House.

SHRI JAIRAM RAMESH: Sir, this Bill is important. This Bill is controversial. It has gone to the Select Committee. The Select Committee has given its Report. Members from all political parties were present in that Committee. But, unfortunately, today, for a variety of reasons, almost the entire Opposition Benches are empty.

MR. DEPUTY CHAIRMAN: Whose fault is this? They are expected to be here.

SHRI JAIRAM RAMESH: Let me finish, Sir. I am not objecting to the taking up of this Bill. I am just saying that we should not take it up today; we should take it up when Members are present, and we should have it passed. That is what I am requesting. I am not saying that we should not take it up. ...(Interruptions)... And, Sir, I apologise on

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behalf of everybody who should have been present and who is not present.

THE LEADER OF THE HOUSE (SHRI ARUN JAITLEY): Sir, every hon. Member knows that this originated as an Ordinance. As far as an Ordinance is concerned, there is a life of an Ordinance, after which the Ordinance lapses. That date is also very near. On the 14th, the Ordinance would lapse. Therefore, this has to be decided one way or the other before that date so that the Government knows whether it is a law or not a law. Then, to say that people have voluntarily abstained them, and so we should not take it up, even knowing fully well that there is an outer date by which an Ordinance has to be approved or disapproved, is not proper. The Member who is seeking disapproval of the proclamation is also present. Let him start on his disapproval.

MR. DEPUTY CHAIRMAN: Well, in that case, those who do not agree with this, can exercise their vote accordingly. What else can I do, because the explanation is very valid? So, we have to take it up and decide either way.

Uncorrected/ Not for Publication-10.03.2017

Therefore, I am taking up the Statutory Resolution of Shri Subbarami Reddy. Please move your Resolution, if you want to.

**STATUTORY RESOLUTION
DISAPPROVING ENEMY PROPERTY (AMENDMENT AND
VALIDATION) FIFTH ORDINANCE, 2016 (NO.8 OF 2016)
AND
THE ENEMY PROPERTY (AMENDMENT AND VALIDATION) BILL,
2016**

DR. T. SUBBARAMI REDDY (ANDHRA PRADESH): Sir, I move:-

“That this House disapproves the Enemy Property
Amendment and Validation) Fifth Ordinance, 2016
(No.8 of 2016) promulgated by the President of
India on 22nd December, 2016.”

Sir, I have moved the Statutory Resolution disapproving the Ordinance as a matter of Parliamentary principle. Actually, the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016, was promulgated by the hon. President on 28th August, 2016. But I am not able to understand the purpose of this Ordinance. This is the fourth Ordinance that was issued in the year 2016.

(FOLLOWED BY RSS/2Y)

RSS/AKG/2Y/4.15

MR. DEPUTY CHAIRMAN: You have moved the Statutory Resolution! That is enough. Now, we will take it up.

DR. T.SUBBARAMI REDDY: Sir, I want to speak. I have a right to speak.

MR. DEPUTY CHAIRMAN: Okay.

DR. T. SUBBARAMI REDDY: The Bill was under the consideration of the Select Committee of Rajya Sabha, and the Committee has since reported back to Rajya Sabha, and given its report. It is a well-established Constitutional position that the Ordinance under Article 123 can be promulgated only in extraordinary circumstances. It is absolutely an independent legislation being brought out by the Executive under Article 123. In fact, the President of India has reminded the Government several times that Ordinance shall be promulgated only in extraordinary and compelling circumstances. I want to know from the Government what were the compelling circumstances and what made them to go to

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the President of India so many times. I expect a very valid and convincing explanation from the Government side. I do accept that in order to meet some extraordinary, urgent and emergent situations, we have to opt for the Ordinance route of legislation. But, I would like to know whether any exigency or contingency is existing in this Bill. I don't find that much exigency or emergency. This Bill seeks to amend the Enemy Property Act of 1968 and also another Act, the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

The Government of India has designated some properties belonging to the nationals of China and Pakistan. What is the urgency or exigency? If there is any urgency or exigency or situation necessitating the promulgation of an Ordinance, the Government and the hon. Home Minister have to explain and clarify the position before the House. The hon. Minister has given a statement stating reasons for issuance of the Ordinance. He says that it is because of judgments by the courts. The judgments by the courts came very early. We are opposing the Ordinance-route of legislation. So, I am saying that an Ordinance is always a *brahmaashtra*, very, very serious matter. The Ordinance is very important. So, I want a convincing explanation from

the Government of India. What made you to adopt the Ordinance-route for a legislation and that too, so many times? What was the necessity? The President of India last time also had stated that the Parliament should be respected and the Parliament is the sanctum sanctorum of democracy. Therefore, on this principle, I am opposing this Ordinance.

(Ends)

MR. DEPUTY CHAIRMAN: Now, the hon. Minister is to move the Bill.

गृह मंत्रालय में राज्य मंत्री (श्री हंसराज गंगाराम अहीर) : माननीय उपसभापति जी, मैं प्रस्ताव करता हूँ कि :

शत्रु संपत्ति अधिनियम, 1968 और सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 का और संशोधन करने वाले विधेयक पर, लोक सभा द्वारा पारित रूप में और राज्य सभा की प्रवर समिति द्वारा प्रतिवेदित रूप में, विचार किया जाए।

The questions were proposed.

MR. DEPUTY CHAIRMAN: Now, one name is there. Shri Javed Ali Khan.

SHRI JAVED ALI KHAN: Sir, I am not speaking today.

MR. DEPUTY CHAIRMAN: You are not speaking today. Then, who will speak?

SOME HON. MEMBERS: The Leader of the House.

THE LEADER OF THE HOUSE (SHRI ARUN JAITLEY): I am just opposing the motion which Dr.T.Subbarami Reddy has given, and supporting the Bill that the hon. Minister has moved, let me just explain the rationale as to what is the urgency and what is the rationale behind this Bill,

and I am sure, after hearing me, those who are conventionally having an alternative view, will also consider whether this view requires to be revised itself. First of all, what is the rationale and object behind having a law by which an enemy property is lost? Who is an enemy? An enemy is either a country or a citizen of a country against whom India goes to war with. And therefore, in the context of this legislation, we had a war in 1962 with China; we had a war in 1965 with Pakistan. When the war takes place, and many countries which go through that war process, have this legislation.

(Contd. by 2z/KGG)

KGG-SCH/2Z/4.20

SHRI ARUN JAITLEY (contd.): Pakistan also has a similar legislation. The object is that the enemy must not hold property in my territory. You

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never enrich the enemy. You always weaken the enemy when you are at war with the enemy. Therefore, any commercial interest of the enemy has to be weakened. जो दुश्मन देश है, युद्ध के दौरान उसकी सहायता नहीं होती। That is why, in 1962 when the war took place, the Defence of India Act was in operation; in 1965, the Defence of India Act was in operation. During those periods, the property which is vested either in the enemy or in a citizen of an enemy country, by virtue of the Defence of India Act and orders passed therein, transiently get vested in the custodian, which gets vested in the Government of India. This took place when the Congress Government was in power, and rightly so. But, since this was temporary, what happens to the future of those properties? After the war was over, that vesting has taken place in the custodian and what happens to those properties? So, in 1968, this principal Act was brought in by Mrs. Gandhi, a well thought out Act. The Act was that those who were, at the time of declaration of the war, either in the enemy State or a citizen of an enemy State, their property now in perpetuity will belong to the Government of India. It will be vested in the Government itself. That was the law. That is the principal law which held the test of time, which continues till today. Therefore,

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the Government of China or a citizen of China or Government of Pakistan or a citizen of Pakistan could not, after that, hold property in India because under the Enemy Property Regulations, of the Act of 1968, that property will be vested in the Government of India. This was the law. That law continued all these while.

One solitary case came up. The background of the solitary case must be known. The British Government, in the 19th Century, had given a grant in favour of some of the Indian rulers and, in this case, the grant was in favour of the ruler of the State of Mehmudabad, a State near Avadh, Lucknow. A large amount of land and property in Lucknow city, in the adjacent district of Sitapur was owned by them. This entire property, which was owned by them, vested in the Raja of Mehmudabad. In 1940, when the Pakistan Resolution was passed by the Muslim League, the Raja of Mehmudabad decided to throw his weight behind the Pakistan Resolution. He became one of the most ardent supporters of the person who created the State of Pakistan, Mohammed Ali Jinnah. In fact, he became a powerful force behind him. History books are now full of evidence of how he went all around the country that a dream of creating an Islamic State of Pakistan has been

Uncorrected/ Not for Publication-10.03.2017

made out. He would refer to the Mahatma and the Congress that they can't fulfill this dream because the Congress and the Mahatma represent Hindu nationalism. That was his case. I have voluminous evidence of what the Raja used to say. Once India was partitioned, the Raja decided to leave his properties behind and move out of India. He moved out of India and, for some reason, went and settled, in the first instance, in Iran. Thereafter, when Pakistan settled down, in 1957 he came to Pakistan, accepted the citizenship of Pakistan, became a Pakistani national and, on behalf of that country, went and established the Islamic Centre in London and lived there.

But, these properties continued to be in his name. He was a citizen of Pakistan living in London. In 1965, by virtue of the Defence of India Rules, the properties vested in the Government of India.

(Contd. by KLS/3A)

KLS/3A-4.25

SHRI ARUN JAITLEY (CONTD): By virtue of the 1968 law, they also vested in the Government of India, the custodian. In 1973, the Raja died. So, in 1973 when he died, he had lost title of these properties in 1965 because of the law which existed during Mrs. Gandhi's

Uncorrected/ Not for Publication-10.03.2017

Government and during 1968 during Mrs. Gandhi's Government. So, he ceased to be the owner of these properties in 1965. In 1973 he did not own these properties. Since he did not own these properties, nobody could have inherited these properties from him. But for one circumstance that in between he had sent his wife and son to India and they acquired Indian citizenship. Thereafter, the son went to London to study and then came back. When he came back, he subsequently contested elections, became a Member of the Legislative Assembly of U.P. He started agitating that these properties be given back to him. Now obviously he could get only those properties and inherit those properties from his father which his father owned in 1973. But the father had lost title of these properties by virtue of the legislation in 1965 and certainly in 1968. He could never get that title through his father in 1973. But for one, which in my respectful submission is miscarriage of justice, the Supreme Court said, 'now that the son is citizen of India, why should he be debarred?' Therefore, thousands of crores of worth of properties be transferred to the son. Now these properties have tenants, the whole of Hazratganj, who have been occupying these properties since the 1920s and the 1930s. So, the Supreme Court went

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ahead and said that they lose their tenancy and all of them must now give vacant possession to this man. The case went on. Now this was obviously erroneous because when a citizen of an enemy State loses properties in 1965, how could in 1973 his son inherit the property through him? At that time, we had Home Minister of the country and an eminent lawyer himself, Mr. Chidambaram, who exactly accepted the argument which I am giving that in 1973, the Raja's son could not have inherited the properties which the Raja had lost in 1965. So, he brought about a clarificatory Ordinance. Mr. Chidambaram's Ordinance as Home Minister was a correct Ordinance that in 1973 he could not get it. Now if there was some problem in the then Government and an Ordinance brought in for a correct purpose was allowed to lapse, then a second effort was made to bring in a law which did not succeed, that all right the Raja may have lost the property, but let us give it to his son. Now if this principle is accepted, what will happen is that tomorrow any person who is now a citizen of Pakistan has only to send one family member to India to say, "Now I am a citizen of India and acquire properties here and give my properties back." Now for families like mine, which have migrated from Pakistan in 1947, is there a reciprocal

Uncorrected/ Not for Publication-10.03.2017

obligation in Pakistan for this to happen? The obvious answer is, no. All properties left behind by those who are now Indian citizens under a similar provision were not only acquired by Pakistan but were auctioned and sold. So, what the present Government has done is to bring about a law which says that once the original citizen of Pakistan's properties were acquired by the Government and were vested in the Government of India, after 1965, when it became an enemy State, his successor cannot get that property. The Bill has been cleared by Lok Sabha. Some amendments have been suggested by the Select Committee which the hon. Minister has accepted. The note of dissent says, no, the Succession Act should prevail over this law. But the Succession Act will come into operation only in 1973. But in 1973, the Raja did not have the properties because the properties were lost in 1965.

(Contd by 3B/SSS)

SSS-MCM/3B/4.30

SHRI ARUN JAITLEY (CONTD): Therefore, if this principle is accepted it will open the floodgates of citizens, of what is in law regarded as an enemy, to come and say, 'one member of my family has come to India and, therefore, all the properties will be vested in him.' Sir, with utmost

Uncorrected/ Not for Publication-10.03.2017

respect -- whatever political signals people want to send, -- this is a security issue. It is an issue of principle. The rationale behind the principal legislation of 1968 is that you don't allow property or commercial interest of enemy in India, and an enemy is a person with whom India has gone on to war and on the date of the war if you are citizen of an enemy country, he loses his property forever. This is the law all over the world. So, let us not create only for vote bank politics an exception where enemies by this process, enemies by law, can then get to acquire properties in India. Therefore, the urgency is, if this Ordinance is allowed to lapse, the effect is going to be that -- that is why I opposed the motion of Dr. Subbarami Reddy -- the property goes back to a person and therefore, indirectly through a citizen of Pakistan gets back to somebody who is not entitled to have these properties. Therefore, this principle has surfaced in the context of one case and therefore, I have given the example of that case. That is the background. We can't ignore it, but the larger principle is, any country with which India has gone to war, its citizens cannot have property in India. That is the principle. If the House wants to negate that principle,

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let the House say, 'no'. Therefore, this Bill has its urgency and therefore should be cleared.

(Ends)

SHRI JAIRAM RAMESH: Sir, I have heard the Leader of the House with rapt attention. It was not my intention to negate the principles on which this Bill is being founded. By all means, pass this Bill. I was not questioning the basic principle that he was enunciating that an enemy should not have property in this country. All I am saying is, today for some reason -- there is no conspiracy -- the Opposition benches are totally empty. It is not your fault. It just so happens that everybody is absent and I know this Bill has exercised many people. My only request is to have this discussion on the next working day. That is what I am saying. I am totally in agreement with what the hon. Leader of the House has said. I am very sad that he has imputed motives to what I am trying to say. I have absolutely no doubt in my mind on the principles that he has mentioned. I know the facts and background of the Raja Mahmudabad case. All I am saying is that all the Members are not present here. Please postpone this for the next working day.

SHRI JAVED ALI KHAN (UTTAR PRADESH) : Sir, I just want to make a point. जब यह विधेयक सदन में लाया गया था तो इसे सदन की सेलेक्ट कमेटी के लिए प्रेषित कर दिया गया था। इस पर कमेटी के अंदर बहुत लम्बी बहस चली थी और अनेक प्रकार के विचार और सुझाव आए थे और कुछ सदस्यों ने उस पर नोट ऑफ डिस्सेंट भी दिया था। यह हमारी बदकिस्मती है कि आज सदन के अंदर हाजिरी कम है। जो तथ्य या जो बात माननीय नेता सदन ने कही है, उन सबसे मैं इत्तिफाक कर सकता हूं फौरी तौर पर। बहस की प्रक्रिया में उनका खंडन भी किया जा सकता है और जिस तरीके से उन्होंने तर्क पेश किए हैं, उससे असहमति भी व्यक्त की जा सकती है। लेकिन मैं यह कहना चाहूंगा कि यह बिल चूंकि विवादित बिल रहा है, इसलिए सेलेक्ट कमेटी को भेजा गया था, यह बिल बहुत इंपॉर्टेंट्स का बिल है, सिर्फ राजा महमूदाबाद का सवाल नहीं है, यह बिल एक खास किस्म का संदेश इस देश के एक खास वर्ग के लोगों के बारे में भी देता है, इसलिए मैं चाहता हूं कि जब सदन में उपस्थिति हो, कृपया मेरी बात को अन्यथा न लेते हुए जब उपस्थिति हो, जब सदन के सभी जिम्मेदार नेता, हालांकि सभी जिम्मेदार हैं, वे मौजूद हों। आज बहस पर बताइए कि कौन बोलेगा? कांग्रेस की तरफ से आपके पास कोई नाम नहीं है, सीधे मेरा नाम आ रहा है, बी0जे0पी0 की तरफ से बहुत सारे नाम नहीं दिए गए हैं, दूसरे कुछ अन्य लोगों के भी नाम नहीं हैं। तो कोई एक कंसेंसस बने और ठीक है कि आप चार बार अध्यादेश ला

چوکه ہیں، پانچویں بار بھی अध्यादेश ले आइए, अगली बार डिस्कस कर लेंगे। इतनी कोई अर्जेसी नहीं है, इसलिए आज मैं नहीं बोलूंगा।

جب یہ ودھیک سدن میں لایا گیا تھا تو اسے سدن کی سلیکٹ کمیٹی کے لئے پریشت کر دیا گیا تھا۔ اس پر کمیٹی کے اندر بہت لمبی بحث چلی تھی اور انیک پرکار کے وچار اور سجھاؤ آئے تھے اور کچھ سدسیوں نے اس پر نوٹ آف ڈسینٹ بھی دیا تھا۔ یہ ہماری بدقسمتی ہے کہ آج سدن کے اندر حاضری کم ہے۔ جو تہے یا جو بات ماڈنے نیتا سدن نے کہی ہے، اس سب سے میں اتفاق کر سکتا ہوں فوری طور پر۔ بحث کی پرکریا میں ان کا کھنڈن بھی کیا جا سکتا ہے اور جس طریقے سے انہوں نے ترک پیش کئے ہیں، اس سے اسپہمتی بھی ویکت کی جا سکتی ہے۔ لیکن میں یہ کہنا چاہوں گا کہ یہ بل چونکہ ووات بل رہا ہے، اس لئے سلیکٹ کمیٹی کو بھیجا گیا تھا، یہ بل بہت امپورٹینس کا بل ہے، صرف راجہ محمود آباد کا سوال نہیں ہے، یہ بل ایک خاص قسم کا سندیش اس دیش کے ایک خاص ورگ کے لوگوں کے بارے میں بھی دیتا ہے، اس لئے میں چاہتا ہوں کہ جب سدن میں اپستھی ہو، کرپیہ میری بات کو انیتھا نہ لیتے ہوئے جب اپستھی ہو، جب سدن کے سبھی نمہ دار نیتا، حالانکہ سبھی نمہ دار ہیں، وہ موجود ہوں، آج بحث پر بتائیے کہ کون بولے گا؟ کانگریس کی طرف سے آپ کے پاس کوئی نام نہیں ہے، سیدھے میرا نام آرہا ہے، بی۔جے۔پی۔ کی طرف سے بہت سارے نام نہیں دئے گئے ہیں، دوسرے کچھ دیگر لوگوں کے بھی نام نہیں ہے۔ تو کوئی ایک کنسینسس بنے اور ٹھیک ہے کہ آپ چار بار ادھیادیش لا چکے ہیں، پانچویں بار بھی

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ادھیادیش لے آئیے، اگلی بار ڈسکس کر لیں گے۔ اتنی کوئی ارجینسی نہیں ہے، اس لئے آج میں نہیں بولوں گا۔

(سماپت)

(3C/SC پر آگے)

SSS/NBR-SC/3C/4.30.

SHRI SUKHENDU SEKHAR ROY (WEST BENGAL): Sir, I don't know how much time is allotted to me.

MR. DEPUTY CHAIRMAN: You can speak. How much time do you want?

SHRI SUKHENDU SEKHAR ROY: Sir, I wish to speak for quite some time.

MR. DEPUTY CHAIRMAN: Yes; okay. You can speak for five minutes.

SHRI SUKHENDU SEKHAR ROY: Sir, so far as I understand, this Bill has been introduced by the Government in pursuance of the judgment of the Supreme Court in a particular case which the hon. Leader of the House mentioned. جیسا کہ جاوید بھائی نے بتایا، اس بیل کو کسی particular case کے سندربھ میں نہیں دیکھنا چاہیے، اسکا دوسری جگہوں پر بھی افسر پڑتا ہے، جیسے جو vesting of property کی بات کہی گئی، the 1968 Act allowed vesting of enemy properties in the Custodian after the conflict

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with Pakistan and China, as rightly pointed out by the hon. Leader of the House. After the 1965 War, we had the Defence of India Act and other provisions. They are all right. But, this Bill seeks to amend the Act to clarify that even in the following cases these properties will continue to vest in the Custodian. The first one is in case of enemy's death. It is all right. The second one is if the legal heir is an Indian. Here we have certain objections. I am saying this because if the legal heir is an Indian, then this Bill is depriving property to Indian citizens. If there is no title after 1965, then nothing is inherited by the Indian citizen! In such a case, there is no question of putting this under the definition clause. On the one hand, the Government is saying that after 1965 there is no title to property for enemy and, now, in the Bill, it seeks to amend that if legal heir is an Indian then also he is not entitled for title of property. If there is no title, how come this has come? So, this is contradictory in my view and this should be removed.

Secondly, Sir, enemy changes his nationality to another country. Hon. Leader of the House mentioned enemy going from Pakistan to London, etc. It is all right we can understand in that particular case.

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The question is that there are so many things which have not been included in this Bill.

When a few districts of Punjab and Bengal partitioned -- it was not partition of India -- and millions of evacuees came from the other part of Punjab and Bengal i.e., East Pakistan and West Punjab, how much compensation has been given by the Government of India to the evacuees? Nothing has been said in the Bill about it. They came here after selling their properties, because an enabling provision has been made that the Custodian can sell or dispose of property and after that where the sale proceeds would go and how they are utilized are not mentioned in the Bill. I would like to know whether, out of the sale proceeds, the evacuees or their descendants will get compensation from such sale proceeds or not. Nothing has been stated. After 1971, after emergence of Bangladesh, the evacuees of the erstwhile East Pakistan got only ex-gratia, not compensation, from the Government of India to the extent of 25 per cent of their total claim. Sir, 75 per cent of their total claim still remains. And, Sir, this Bill has been brought in a piecemeal way only to thwart the judgment delivered by the Supreme Court in a particular case. That is why I have objection, in principle, on

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this Bill. If the Government is serious to take into consideration all aspects relating to enemy properties, then, in my view, those issues should also have been addressed in a proper manner and for which a comprehensive Bill is required from the Government, not in a piecemeal manner.

(CONTD. BY USY/3D)

USY-GS/3D/4.40

SHRI SUKHENDU SEKHAR ROY (CONTD.): Secondly, I am not happy with the way the Bill has been taken up today. I am not blaming the Chair because it is listed in the business. It is a serious Bill which could not be discussed in a proper manner. We can understand the difficulty of the Government with regard to the deadline of 14th March, 2017. But, we could have discussed and passed this Bill on 14th March itself, after a threadbare discussion. That is why, in protest against the indifferent attitude of the Government not responding to the request of the Opposition, I stage a walkout.

(At this stage, the hon. Member left the Chamber.)

(Ends)

SHRI T.K. RANGARAJAN (TAMIL NADU): Sir, Mr. Jairam Ramesh and Mr. Sukhendu Sekhar Roy have raised a very valid point. We can pass the Bill after full discussion on the next working day. If the Government is not agreeing to this proposal, which we are making very honestly, we cannot support the Bill and I walk out from the House in protest.

(At this stage, the hon. Member left the Chamber.)

(Ends)

श्री राजीव शुक्ल (महाराष्ट्र): सर, जैसा कि जयराम रमेश जी ने कहा कि यह प्राइवेट मेम्बर्स बिल का टाइम है, सदस्यों को impression है कि पांच बजे तक प्राइवेट मेम्बर्स बिल का टाइम है। अगर सारे मेम्बर्स को यह पता हो कि बिल आने वाला है, तो लोग आते हैं। प्राइवेट मेम्बर्स बिल के समय में इत्तेफाकन यह बिल आ गया है और यह बहुत गंभीर बिल है। इससे बहुत से लोग बेघर हो जाएंगे। आज राजा महमूदाबाद वाली बात जो जेटली जी ने कही है, वह ठीक है। ऐसे तमाम मुद्दे हो सकते हैं, लेकिन इसमें बहुत से लोग ऐसे हैं, जिनके एक-एक घर में 10-10 लोग रहते हैं। यह सेलेक्ट कमेटी में ऑब्जेक्शन आया था। इसलिए मेरे ख्याल से नेक्स्ट वर्किंग डे पर इसको ले लें, तो बेहतर है। अगर ऐसा नहीं है, तो हम इसके

पक्ष में नहीं हैं कि इसको इस तरह से पास किया जाए और हम लोग वॉक आउट करते हैं।

SHRI JAIRAM RAMESH (KARNATAKA): Sir, I just want to say that we want to pass this Bill. We should pass this Bill when all the Members are present. It can be done on the next working day. But if the Government is insisting that it should be passed today itself, taking advantage of the absence of the Opposition, let us contribute to that absence. So, we are walking out.

(At this stage, some hon. Members left the Chamber.)

(Ends)

MR. DEPUTY CHAIRMAN: Mr. Rapolu, before walking out, you must say what you want to say.

SHRI ANANDA BHASKAR RAPOLU (TELENGANA): Sir, first of all, there is no quorum. Late Smt. Indira Gandhi had brought forward the Enemy Property Bill and the Eviction of Unauthorized Occupants Bill. This Bill was under consideration of the Government. Subsequently, it was referred to the Select Committee. Today, the full Opposition is not present. There is no quorum. So, in protest, I am walking out.

Uncorrected/ Not for Publication-10.03.2017

(At this stage, the hon. Member left the Chamber.)

(Ends)

MR. DEPUTY CHAIRMAN: There is quorum. Dr. Subbarami Reddy – not present. Hon. Minister can reply.

THE MINISTER OF HOME AFFAIRS (SHRI RAJ NATH SINGH): Sir, there is no need to reply because the Leader of the House has already spoken on it.

MR. DEPUTY CHAIRMAN: I shall now put the Resolution moved by Dr. T. Subbarami Reddy and Shri Husain Dalwai to vote.

The motion was negatived.

(Followed by 3e – PK)

PK-ASC/3E/4.45

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Enemy Property Act, 1968, and the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, as passed by Lok Sabha and as reported by the Select Committee of Rajya Sabha be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill. In Clause 2, there are two Amendments (Nos. 18 and 25) by Dr. T. Subbarami Reddy and Shri Husain Dalwai respectively. They are not here to move the amendments. I believe these have not already been moved. So, not moved.

Clause 2 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 3, there are two Amendments (Nos. 26 and 27) by Shri Husain Dalwai. He is not here and the Amendments are not moved.

Clause 3 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 4, there is one Amendment (No.28) by Shri Husain Dalwai. Shri Husain Dalwai is absent and the Amendment is not moved.

Clause 4 was added to the Bill.

SHRI SHANTARAM NAIK: Sir, there is no quorum.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKHTAR ABBAS NAQVI): Sir, there is quorum.

Uncorrected/ Not for Publication-10.03.2017

MR. DEPUTY CHAIRMAN: Mr. Secretary-General, please report to me if there is quorum or not. Please report if there is quorum. ... (Interruptions)..

AN HON. MEMBER: Sir, quorum is there.

MR. DEPUTY CHAIRMAN: Yes, quorum is there. Mr. Naik, you are also added to the quorum. ... (Interruptions)..

Now, in Clause 5, there are three Amendments (Nos. 19 and 20) by Dr. T. Subbarami Reddy, and Amendment (No. 29) by Shri Husain Dalwai. Both are absent and the Amendments have not been moved.

Clause 5 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 6, there are three Amendments (No.30) by Shri Husain Dalwai and (Nos. 3 and 4) by Shri Raj Nath Singh. Shri Husain Dalwai is absent. So, that is not moved. Shri Raj Nath Singh, are you moving?

**CLAUSE 6 - AMENDMENT OF SECTION 6 - PROHIBITION TO
TRANSFER ANY PROPERTY VESTED IN CUSTODIAN BY AN
ENEMY, ENEMY SUBJECT OR ENEMY FIRM**

THE MINISTER OF HOME AFFAIRS (SHRI RAJ NATH SINGH): Sir, I
move:

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- (No. 3) That at page 3, line 39, ***for*** the figure "2016" , the figure "2017" be ***substituted***.
- (No.4) That at page 3, line 43, ***for*** the figure "2016" , the figure "2017" be ***substituted***.

The question was put and the motion was adopted.

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

MR. DEPUTY CHAIRMAN: In Clause 7, there are four Amendments (Nos. 21 and 22) by Dr. T. Subbarami Reddy and (Nos. 31 and 32) by Shri Husain Dalwai. Both are absent. Therefore, the Amendments are not moved.

Clause 7 was added to the Bill.

MR. DEPUTY CHAIRMAN: In clause 8, there are four Amendments (Nos. 33 and 34) by Shri Husain Dalwai and (Nos. 5 and 6) by Shri Raj Nath Singh. Shri Husain Dalwai is absent. Therefore, the Amendments are not moved. But, Raj Nath Singhji, are you moving?

**CLAUSE 8 - INSERTION OF NEW SECTION 8A - SALE OF
PROPERTY BY CUSTODIAN**

THE MINISTER OF HOME AFFAIRS (SHRI RAJ NATH SINGH): Sir, I
move:

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(No.5) That at page 4, line 24, ***for*** the figure "2016", the figure "2017" be ***substituted***.

(No.6) That at page 4, line 25, ***for*** the figure "2016", the figure "2017" be ***substituted***.

(Followed by SK/3F)

SK/3F/4.50

The question was put and the motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Clause 10. There is one Amendment (No. 23) by Dr. T. Subbarami Reddy. He is absent. So, the Amendment is not moved. I shall now put clause 10 to vote.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Clause 12. There is one Amendment (No. 35) by Shri Husain Dalwai. He is absent. So, the Amendment is not moved. I shall now put Clause 12 to vote.

Clause 12 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Clause 13. There are two Amendments; Amendment (No. 24) by Dr. Subbarami Reddy and

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Amendment (No.36) by Shri Husain Dalwai. Both are absent. So, the Amendments are not moved. I shall now put Clause 13 to vote.

Clause 13 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Clause 14. There are two Amendments; Amendment (No. 37) by Shri Husain Dalwai and Amendment (No. 7) by Shri Raj Nath Singh. Shri Husain Dalwai is absent. So, his Amendment is not moved. Shri Raj Nath Singh, are you moving the amendment?

**CLAUSE 14 - INSERTION OF NEW SECTIONS 18 D AND 18 C -
EXCLUSION OF JURISDICTION OF CIVIL COURTS; APPEAL TO
HIGH COURT**

SHRI RAJ NATH SINGH: Sir, I move:

No. (7) That at page 6, line 13, ***for*** the figure "2016", the figure "2017" be ***substituted***.

The question was put and the motion was adopted.

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

Clauses 15 and 16 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Clause 17. There are six Amendments; Amendments (Nos. 38 and 39) by Shri Husain Dalwai.

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He is absent. So, these Amendments are not moved. Now, Amendments (Nos. 8 to 11) by Shri Raj Nath Singh.

CLAUSE 17 - INSERTION OF NEW SECTION 22 A -VALIDATION

SHRI RAJ NATH SINGH: Sir, I move:

No. (8) That at page 6, line 36, ***for*** the figure "2016", the figure "2017" be ***substituted***.

No. (9) That at page 6, line 41, ***for*** the figure "2016", the figure "2017" be ***substituted***.

No. (10) That at page 7, line 2, ***for*** the figure "2016", the figure "2017" be ***substituted***.

No. (11) That at page 7, line 10, ***for*** the figure "2016", the figure "2017" be ***substituted***.

The question was put and the motion was adopted.

Clause 17, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Clause 18. There is one Amendment (No. 40) by Shri Husain Dalwai. He is absent. So, it is not moved. I shall now put Clause 18 to vote.

Clause 18 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Clause 19. There are five Amendments (Nos. 12 to 16) by Shri Raj Nath Singh.

CLAUSE 19 - POWER TO REMOVAL OF DIFFICULTY

SHRI RAJ NATH SINGH: Sir, I move:

No. (12) That at page 7, line 15, ***for*** the figure "2016", the figure "2017" be ***substituted***.

No. (13) That at page 7, line 18, ***for*** the figure "2016", the figure "2017" be ***substituted***.

No. (14) That at page 7, line 19, ***for*** the figure "2016", the figure "2017" be ***substituted***.

No. (15) That at page 7, line 22, ***for*** the figure "2016", the figure "2017" be ***substituted***.

No. (16) That at page 7, line 23, ***for*** the word and figure "Ordinance, 2016", the words and figure "Fifth Ordinance, 2016" be ***substituted***.

The question was put and the motion was adopted.

Clause 19, as amended, was added to the Bill.

Clauses 20 and 21 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Clause 22. There is one Amendment (No. 17) by Shri Raj Nath Singh.

CLAUSE 22 - VALIDATION AND SAVINGS

SHRI RAJ NATH SINGH: Sir, I move:

No. (17) That at page 8, ***for*** lines 1 to 5, the following be ***substituted***.

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"22 (1) The Enemy Property (Amendment and Validation) Fifth Ordinance, 2016 is hereby repealed".

(2) Notwithstanding such repeal, anything done or any action taken under the Enemy Property Act, 1968 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act".

The question was put and the motion was adopted.

Clause 22, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Clause 1. There is one Amendment (No. 2) by Shri Raj Nath Singh.

CLAUSE 1 - SHORT TITLE AND COMMENCEMENT

SHRI RAJ NATH SINGH: Sir, I move:

No. (2) That at page 1, line 4, ***for*** the figure "2016", the figure "2017" be ***substituted***.

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, the Enacting Formula. There is one Amendment (No. 1) by Shri Raj Nath Singh.

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ENACTING FORMULA

SHRI RAJ NATH SINGH: Sir, I move:

No. (1) That at page 1, line 1, **for** the word "sixty-seventh", the word "Sixty-eighth" be **substituted**.

The question was put and the motion was adopted.

Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

(Followed by YSR/3G)

-SKYSR-KLG/4.55/3G

SHRI RAJ NATH SINGH: Sir, I move:

That the Bill, as amended, be passed.

The question was put and the motion was adopted

(Ends)

MESSAGE FROM LOK SABHA

THE ADMIRALTY (JURISDICTION AND SETTLEMENT OF MARITIME CLAIMS) BILL, 2017

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:-

Uncorrected/ Not for Publication-10.03.2017

“In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill, 2017, as passed by Lok Sabha at its sitting held on the 10th March, 2017.”

Sir, I lay a copy of the Bill on the Table.

(Ends)

MR. DEPUTY CHAIRMAN: Now, we shall take up Special Mentions. Dr. V. Maitreyan is not present. Shri Derek O'Brien is also not present. Both are absent.

There will be no sitting on the 14th March.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS

(SHRI MUKHTAR ABBAS NAQVI): Sir, there will be no sitting on 14.03.2017.

MR. DEPUTY CHAIRMAN: The House stands adjourned to meet at 11.00 a.m. on Wednesday, the 15th March 2017.

The House then adjourned at fifty-seven minutes past four of the clock till eleven of the clock on Wednesday, the 15th March 2017.