

File No. II 2-25-11

Collection No.

19

11

Pros. Nos.
Serial

Subject.

Sind Refugees

Previous References.

Later References.

Camp: 'Deon Court',
Dehra Dun,
12.6.1948.

My dear Jai Ramdas,

1000
28/6/48
Thank you for your
letter of the 10th June. I have
written to Balasaheb Kher about
it.

Yours sincerely,

The Hon'ble
Mr. Jai Ramdas Daulatram,
Minister for Food and
Agriculture, 1, York Place,
New Delhi.

M.



1, York Place,
New Delhi, the 10th June.. 1948.

My dear Vallabhbhai,

I have just received the following telegram from
Sind Congressmen at Bombay:

"EVERY MEMBER REFUGEE FAMILY INCLUDING LADIES ASKED
PRESENT POLICE STATION SIGN REGISTRATION FORM
RECORD IDENTIFICATION MARKS SEEKING ADVICE BEFORE
FINAL STEP"

I am afraid forcing ladies and others through this
process of signing and recording identification marks and
that also at the police station, will only lead to untoward
results and very unfortunate developments. I think the only
occasion for recording identification marks is when persons
are put into prison or when they are condemned as members of
a criminal tribe. How can any Provincial Government be
allowed to deal with these unfortunate persons in such a way.
I would request you to intervene immediately.

Yours sincerely,

Jairamdas

Hon'ble Sardar Vallabhbhai Patel,
Deputy Prime Minister of India,
Camp, Deradun.

3
Camp: Deon Court,
Dehra Dun,
24.6.1948.

My dear Jairemdas,

Please refer to your letter regarding the registration of refugees in Bombay. Balasaheb has now sent to me the correspondence that has passed between him and yourself. Since you are in direct contact with him, I think it is unnecessary for me to intervene. As far as I can see, Bombay Government do realise their responsibility in the matter.

Yours sincerely,

The Hon. Mr. Jairemdas Daulatram,
Minister for Food & Agriculture,
1 York Place, New Delhi.



Personal.

Secretariat,
Bombay, 18th June 1948.

My dear

Sardar Sahab

I received your letter of the 12th instant. I am afraid the man who sent that telegram to Jairamdas that women are compelled to go to Police Stations and show identity marks did not know all the facts. Our Refugee Act is almost a copy of the Government of India Act and is a very necessary measure; but Mr. - Shandasni and a few Sindhi friends thought otherwise and sought Jairamdas' help.

I enclose herewith copies of the correspondence which has passed between Shri Jairamdas and myself. You will see therefrom what the facts are and how anxious we are to see that the operation of the Bombay Refugees Act, 1948, does not lead to any harassment of the refugees. We are doing all we can and the reasonable among them have realised this and will do so more and more.

I shall bear what you say in mind

Yours

Surey

B.G.Kher

(B.G.Kher)

The Hon'ble Sardar Vallabhbhai Patel,
Deputy Prime Minister of India,
"Doon Court," Camp: Dehra Dun.

H.T. has E

U.S. 24/6

Personal.

1 York Place,
New Delhi, the 28th May 1948.

My dear Kher,

I am writing this with a heavy heart. During the last few weeks I have asked myself repeatedly whether something is wrong elsewhere or is it that there is something wrong within me. I seem to see things differently from what some of our Administrations are seeing. If as a result of a combination of circumstances I had not been implanted here as Central Government Member, I would have been like lakhs of other Indians who are now plain refugees within our beloved Motherland; and I would have been asked, if in Bombay, that if I did not ~~and~~ register myself within 15 days, I would be fined Rs.500/- though as a plain refugee I would, like thousands and thousands, have probably not even Rs.100/- with me at the end of a few months' stay in a place like Bombay. I would also have run the risk of being sent to prison under the same penal law. Our unfortunate country has had often to face natural calamities. It has been our privilege to do a little bit of humble service in trying to come to the rescue of the afflicted from famine or flood or earthquake. I ask myself if I have lost the power of assessing the situation correctly or else why do others, for causes which may be unknown, deal with thousands upon thousands of cultured refugees as if they were men with criminal intent. The bitterest of cries have reached me from the gentlest of hearts, and again I ask myself is something wrong with me that I should assess things like this or is it that things are misjudged elsewhere. I thought under a sympathetic and understanding rule of those who have served humanity all their life, it would have served the ends of administration if the penalty of loss of "facilities available to refugees" had at the most been prescribed by the new Bombay law which is now a damocles sword on these poor refugees. The attitude of a few ought not to make us deal with all as if they were like the few. The fear that they would not get loans, the fear that they will not be eligible for accommodation, the fear that they would not be otherwise rehabilitated would have been ample and more than ample guarantee that all registration would be completed within the narrow limit of time laid down by the new law. But again I ask myself whether I have changed in my conception of how to deal with our own people and stricken people or is it that things are viewed differently by others, who look upon the refugees as a criminal tribe who can be coerced into speedy registration only by threats of fine or imprisonment. Where are we driving our own people whose life is already one blank uncertainty. I am in no mood to blame anyone but India is passing through one of its greatest tragedies and the greatest tragedy of all is that the man who had the heart and vision to deal with conflicting duties with balance and help the stricken even while helping administration is now no more with us.

Yours sincerely,

Sd/- Jairamdas.

The Hon'ble Shri B.G.Kher,
Premier, Bombay Government,
Bombay.

My dear Jairamas,

I am pained and surprised to receive your letter of the 28th May 1948. I am pained because I feel that you have written this letter in a poignant state of mind. It is only natural that you should be distressed by the reports you are receiving from the unfortunate people who have migrated from Sind under conditions for which they are not responsible, and I share your feeling in this respect. But as practical men, it is no use brooding over the past but we must do our best and face the situation as hopefully as we can.

2. You seem to be under the impression that Bombay has taken the lead in imposing restraints on the liberty of the refugees. Actually the Government of India advised Provincial Governments to take steps to register all refugees not only in the interest of the refugees themselves but also as a measure of security. Please see Ordinance XXIV of 1947 of the Government of India, Section 6. This Ordinance in connection with registration was passed by the Government of India on 11th October 1947 and it was followed shortly afterwards by the U.P. Government who passed a similar enactment. We were very reluctant to enact a similar legislation but the events forced our hands. In November last about 4000 refugees from Sind occupied the Hospital Barracks of the Dharavi Municipal Hospital by force and all our efforts to persuade them to leave the Barracks in favour of the sick patients and to go to Visapur where a camp had been set up for them failed. The situation in which we found ourselves clearly established the necessity of registering the refugees and regulating their movements in order to enable us to preserve law and order in the camps and outside; to maintain sanitary conditions at the camps and to take measures for preventing epidemics. Our Act was actually passed at the instance of your Government in the year 1948. I fully realise that registration involves some inconvenience and that it also gives rise to a feeling that the refugees are looked upon as foreigners, but it is far from my mind and I can assure you, far from the minds of the people of this Province to treat the refugees as aliens. We are most anxious to help them and with that very object the Refugees Act has been passed so that Government will know the total number of refugees who have come into this Province, and they will be able to take effective measures to spread them out and to make satisfactory arrangements for their relief and rehabilitation. Voluntary registration was tried but it failed, and therefore we had no option but to enact the Refugees Act in March last. Although this legislation has now been brought into force, no action has been taken against anybody for failure to register himself. It is not our intention to prosecute any refugee until we are satisfied that the object of the provisions of the Act is fully understood by the refugees and the failure is due to an attitude of defiance. The penalty prescribed in the Act is identical with the penalty prescribed in the Ordinance (No. XXIV of 1947) issued by the Government of India and the Ordinance (No. X of 1947) issued by the Government of U.P. As experience had shown that with certain refugees loss of facilities etc. would have no effect, and that it was only the fear of punishment of fine and of imprisonment that might induce them to get themselves registered, we felt that a penal provision was necessary in the enactment (copy enclosed) whose main object was to ensure registration of the refugees. I think you are unnecessarily worried about registration. Cultured and educated people could easily go to a registering office and get themselves registered. I am sure if you had been one of ~~such~~ the lakhs of refugees you would straightway have gone and registered yourself as I am sure I would have done. It is only in cases where refugees have to be shifted owing to congestion in the camp or for any measure of permanent relief or for rehabilitation that resort to the provisions of this Act may have to be made for regulating their movements. If this Act had not been passed, it would be impossible to remove troublesome refugees to another camp and use of force in such cases would obviously create a situation which I am sure you would not like us to face.

3. I would be so grateful if you understood our difficulties.

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difficulties, refused to doubt your lifelong colleagues and condemned false and stupid attempts to discredit us in the way - the accompanying newspaper cuttings will show. There is not even a ghost of a basis for the malicious allegations against Morarji - I know as I was present.

4. I can assure you that we sympathize most sincerely with the refugees in their present plight and we should like very much to do whatever we can to help them in their distress. It was with this object that we wanted that the administration of relief camps etc. should continue with us, but you seemed to think otherwise and the administration of relief camps etc. was taken over from us by the Government of India. The refugees themselves have now demanded that the administration should be retransferred to this Province, and the Government of India have asked us to re-assume the responsibility which we have readily agreed to. We have now asked for the return of one or two of our officers who could be entrusted with this work, but the Government of India are not prepared to release them. I am mentioning all this not in a ~~sax~~ spirit of complaint but just to point out to you the difficulties which we have to encounter in the gigantic task that lies ahead of us and that while we are doing our best for the refugees, our actions are likely to be misunderstood by others. I am sure you will not be one of them.

With warmest regards,

Yours sincerely,

Sd/- B.G.Kher.

The Hon'ble Shri Jairamdas Doulatram,
Minister for Food,
Government of India, New Delhi.

Food Member of Cabinet.

1, York Place,
New Delhi, the-10th June 1948.

My dear Kher,

I have received your letter. I realise your difficulties but we have still to find our way out of them and do justice to suffering humanity which has sought shelter under you as representing the Congress for which many have given their all.

I had only emphasised that jail and fine for coercing mere registration as refugees was injustice and a cruel procedure. I still maintain that to send a refugee to jail or fine him simply because he does not register himself, is extreme injustice and cruel-heartedness. That a man like me is feeling like this may still be an indication that something is wrong somewhere.

I have just received the following telegram:

"EVERY MEMBER REFUGEE FAMILY INCLUDING LADIES ASKED
PRESENT POLICE STATION-SIGN REGISTRATION FORM RECORD
IDENTIFICATION MARKS SEEKING ADVICE BEFORE FINAL STEP"

I am afraid forcing ladies and others through this process of signing and recording identification marks and that also at police stations will only lead to untoward results and very unfortunate developments. I think the only occasion for recording identification marks is when persons are put into prison or when they are condemned as members of a criminal tribe. Congress women who went to jail fighting for India's freedom shoulder to shoulder with those of us who are now in office, are now to be forced by our own Government to show their identification marks including the late Congress President's niece at police station for having committed the sin of not agreeing to be converted or die in Pakistan and of coming for shelter to fellow individuals within Indian Dominion.

I don't know to what action the Bombay Government is driving the helpless Sind refugees. Words that come to my mouth are that "don't send them to jail but throw them into the ocean." Why should such words come to the mouth of one like me who has good relations with you. It is my prayer that something may yet happen to prevent a great blot on our own Government.

I hope Mrs. Kher and the family are doing well.

With kindest regards,

Yours sincerely,

Sd/- Jairamdas.

The Hon'ble Shri B.G.Kher,
Prime Minister of Bombay Government,
B o m b a y.

Secretariat,
Bombay, 16th June 1948.

My dear

I am in receipt of your letter dated the 10th June 1948.

I am afraid we are looking at the problem from different points of view. There is no question of coercion. In the larger interests of the refugees themselves and of the people among whom they have to live, we feel that it is absolutely essential to have full information about the persons who have come into this Province owing to the fear of civil disturbances in Pakistan. Since it is not possible to get such information voluntarily in all cases, we have been compelled to pass an Act. This need was demonstrated two days ago when 5/600 refugees from Punjab went and unauthorizedly occupied quarters constructed for Sindhi refugees by their own people and have refused to vacate.

There is no ground whatever for any law-abiding refugee to fear that the provisions of the Act would be used to harass him. Strict instructions have been issued to the Police in this respect and you may rest assured that prosecutions will not be launched lightly but only as a last resort when it is found that a particular person is deliberately defying to comply with the provisions of the Act, and even in such cases ample opportunity will be given to him to abide by the law before he is arrested or prosecuted. Registration is required under certain other Acts also and a penalty is provided if a person carries on a particular occupation without registration. No one objects to such a penalty on the ground that registration involves coercion.

In connection with the telegram quoted by you I reproduce below section 4 of the Bombay
Refugees

Refugees Act, 1948, from which you will see that we have specially provided that women, children, etc., should not be required to present themselves at the registration centre and that in their case the forms of registration should be filled up by the head of the family:-

"4. (1) Every refugee for the time being in the Province of Bombay shall, within fifteen days from the coming into operation of this Act or within seven days from the date of his arrival in the Province, whichever is later, register himself at the registration centre of the camp in which he is being accommodated or if he is being accommodated or is residing elsewhere than in a camp for which a registration centre has been established, at the registration centre of the area in which he is being accommodated or is residing:

Provided that a refugee who is the head of a family shall be responsible for the registration of members of his family for the time being with him :

Provided further that where a refugee is a female, a minor, a lunatic, an idiot or a person incapable by reason of being sick or infirm of attending at the registration centre, the person who may for the time being looking after such refugee shall be responsible for his registration.

(2) A refugee registering under sub-section (1) or a person responsible for registration of a refugee under the said sub-section (1) shall, to the best of his ability, correctly fill up, or cause so to be filled up, the form set out in the First Schedule."

Under section 5 of the Act the registering officer has to issue a certificate of registration in the prescribed form in which identification marks are required to be noted. This information can be given by the head of the family if he is in a position to do so. Otherwise the certificate will be issued without any description of identification marks or signature or finger-print of the refugee concerned

concerned. Strict instructions have also been issued in this matter, and in order to remove any misapprehension in the minds of people, a Press Note has been issued making the position very clear. I enclose herewith a copy of the Press Note for your information.

Besides the occasions mentioned by you when a person is required to describe his identification marks, there is one when a person applies for a passport. I do not wish to comment on what you have observed in the rest of your letter. Mr. Nicholas Vasirani has seen the Chief Secretary and any suggestions which he makes to avoid hardship will be given utmost heed.

With regards,

Yours

(B.G.Kher)

The Hon'ble Mr. Jairamdas Doulatram,
Minister for Food,
Government of India,
NEW DELHI.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Press Telegram.

X M4 New Delhi 2 Thru Ad
Sardar Vallabhbhai Patel ON

161

Continuation yesterday telegram Recd. Reports
of many families returning and other contemplating
returning being shelterless and treated as alms stop
Conversation with Islam Cases of suitable also reported
stop Bombay Act twenty two provisions for compulsory
registration and making neglect as cognizable offence
punishable with imprisonment. Remincent. Resolute
act-stop submit. Three immediate requests- first- issue
clear directive. Provincial and state govt- treat
refugees as Indian citizen and improve camp
conditions second Have Bombay act-
Rescued third ministry of Relief and
Rehabilitation be over Hauled and made
by office with vision and sympathy stop
apprehend situation otherwise will get out- of
control with lack of camp material and moral
run stop difficult- for true Congressmen silent
spectator of such tragedy but- owing hypocrisy
and Kashmir question patriotic consideration
preserve us from taking extreme measures which
might embarrass at Indian govt. stop urgent
therefore your intervention immediately =

Chothram Gidwan.

Ln 11

at-

16/12/42

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

PRESS TELEGRAM.

X M.H. New Delhi 2 Three Ads
Sardar Vallabhbhai Patel 04

Continuation yesterday telegram. Read Report
of many families returning and other contemplating
returning being shelterless and treated as alms stop
Conversation with Islam Cases of suitable also reported
stop Bombay Act twenty two Provisions for compulsory
Registration and making neglect as cognizable offence
punishable with imprisonment. Reminiscent. Resolute
Act - Stop Submit. Three individuals. Request - first - some
clear directive Provincial and state govt. treat
Refugees as Indian citizen and improve camp
conditions Second Have Bombay Act -
Rescind third Ministry of Relief and
Rehabilitation be over Hauled and made
by office with vision and sympathy stop
apprehend situation otherwise will get out of
control with losses facing material and moral
rein stop difficult for true Congress men silent
spectators of such tragedy but owing Hyderabad
and Kashmir questions Patriotic consideration
preserve us from taking extreme measures which
might embarrass at Indian govt. stop urgent
therefore your intervention immediately =
Chakram Gidwan.

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at -

16/12/42

10

SIND PROVINCIAL CONGRESS COMMITTEE REFUGEE RELIEF CENTRE

From:-
Prof. Ghanshyam J. Shrivastani,
Ex-Leader, Sind Assembly Congress Party,

UMRAOSINGH BUILDING
M-Block, Connaught Circus,
New Delhi 22.5.1948

My dear Sardar Valabh Bhai,

I am sending ^{you} herewith ~~you~~ extracts from two letters I have received yesterday. One letter is from Bhawnagar written by a responsible person and the other from Kotah written by a Sindhi refugee Congress Worker who has migrated to that place.

You will see from these extracts that the Sindhi Hindus have fallen from fraying pan into fire. They left Pakistan because of the zulims of Muslim League Governments only to face similar zulims at the hands of Indian Muslims. In many towns they have been ~~attacked~~ victims of muslim attacks. Instead of receiving sympathy from local people and officials, they have in most cases been held responsible for trouble and found themselves confined in lock-ups. The Muslim culprits have either ^{been} ~~are~~ set free or been dealt with mildly.

It appears to me that between Hindus of Pakistan and Muslims of India, the latter is a more favoured community in many respects. Not only ⁱⁿ Hindu Muslim troubles in India refugees from Sind are more victimised but in economic rehabilitation also preference is given to Muslims. Many Muslims who had opted for Pakistan are now returning to India. They are being re-instated in their former posts and refugees from Pakistan who were allowed to fill the vacancies created by their departure have been turned out or given notice to quit. I have learnt that about 20 refugees from Sind were taken ^{up} in the Excise Department in the Bombay Presidency have received notices to quit as Muslims who occupied those posts formerly have returned from Pakistan.

Hindu refugees in Ajmer who had been taken up in Railway Department have been, I am told, similarly treated. This is very unfair to them.

May I request you to kindly look into the above matters and see

P.T.O...

2.

that necessary instructions are sent to Provincial & State Governments and various departments of the Government of India. As for notices to Sindhis who were taken up in the Excise Department in the Bombay Presidency, I would request you to kindly send ^{an} ~~one~~ immediate letter to the Minister concerned to withdraw the notices. If the muslims who have returned had opted for Pakistan provisionally, their period of option expired in the month of Feb. 1948. I understand that they returned to India in April. However I am not sure of this.

Requesting favour of an early reply and thanking you.
With best regards,

Yours Sincerely,

Ghanshyam J. Shivdasani
(Ghanshyam J. Shivdasani)

Encl. 2

Dated 14th May, 1948

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Extract from the letter addressed to Prof. Ghanshyam from Bhavnagar.
~~CONFIDENTIAL~~

~~Dated 14th~~

" The Sindh Refugees have been selling vegetables near market for last one month. On 7th police under orders of the Collector surrounded them and asked them to go away as local municipality and contactors found them a competition in trade. They were denied the chance of self rehabilitation. While police surrounded them, and I was trying to soothe them along with Saurashtra Camp Officer, Muslims threw stones on them. About 15 muslims were arrested on the spot from a hotel and 3 muslim constables were arrested. The trouble spread in the town. A big mob of muslims killed three Sindhi Refugees. By 1 '0 clock we brought all refugees back in camp. After that all incidents of loot, arson and killing was going on between local Hindus and muslims for two days."

Umraosingh Bldgs,
M-Block, Connaught Circus,

New Delhi: 22nd May, 1948

Extract from letter by Ghanshyam Parmanad Kotah State addressed to Professor Ghanshyam dated 13th May, 1948.

Yesterday in Sabzi Mandi at about 9-30 A. M. 3 baskets of vegetables were sold by a muslim woman vendor to the Hindu (Sindhi) for Rs. 24/-. But again the same were given away to a muslim. Thereupon the Sindhi Refugee (buyer) asked the muslim vendor as to why he was giving the sold articles to that muslim. *

At this stage the husband of the vendor arrived on the scene and started abusing the Sindhi. There ensued wordy warfare in which three or four persons on either side participated. The whole dispute would have been averted at the intervention of some people. But soon a large group of muslims came and started attacking all the Sindhis ~~and~~ who were there and also others who were passing by. They numbered about 200. The assault was made with knife, stones and weights of the vendor. Several Sindhis were injured. Three or four of them have received serious injuries and one of them is in a precarious condition. All this took place in presence of ~~an~~ Muslim Policeman who it appears instigated the Muslims. His number is 1134 and his name is Md. Hussain.

A few Muslims have also received some injuries which are the result of Sindhis fighting in self-defence.

So for three Muslims have been arrested but against this eleven Sindhis have been arrested. All of them are in an injured state.

14
EXPRESS

Sardar Valabbhai Patel
Dehradun

AS PER YOUR ADVICE SEEKING MOHANLAL SAXENA FIRST STOP
SHALL COMMUNICATE AGAIN.

CHOITHRAM GIDWANI

From:- Dr.Choithram P.Gidwani, President Sind Provincial Congress Committee
Umraosingh Building, M-Block, Connaught Circus, New Delhi.

Copy of the telegram forwarded in confirmation by post.

H. L. Mansukhani
(H.L.Mansukhani)

Camp: Doon Court,
Dahra Dun,
1st June 1948.

My dear Dr. Choithram,

I have seen the correspondence between you and Shanker regarding the incident in Deoli.

I am surprised that you feel aggrieved on that ground. Enquiries which have been made confirm that the refugees were to blame. It is too much to expect that a mere Sub-Inspector can run the whole administration of the district and influence high officers like the Chief Commissioner, the District Magistrate or the Magistrate who conducted the enquiry. Even otherwise the Magistrates are not now functioning under the old regime and can be expected to take a detached view of the case. In any case, since the matter is before the Court, a judicial verdict would automatically be given.

I am also surprised at the attitude which you have taken in your letter. I have seen the correspondence which you had with Rajaji and was shocked to find that even a leader of your position could not rise above the past. You do not seem to be aware of the fact that some Sindhi refugees in particular have behaved in a manner which has aroused hostility instead of sympathy among the people with whom they are staying. Instead of using your influence to create better ~~friendship~~ such refugees, I am afraid your attitude will merely accentuate that hostility. I would still ask you to reconsider the matter and not be led away by mere sentiment, but to view the problem factually and make your contribution to the creation of more friendliness between the Sindhi refugees and indigenous population.

Yours sincerely,

Camp: Deen Ganga,
Dehra Dun,
1st June 1948.

Dr. Choithram P. Gidwani,
Umraosingh Building,
M-Blook, Connaught Circus,
New Delhi.

No details have been received on
the subject of the letter of the 2nd inst.

which was received on the 2nd inst.

and the same has been forwarded to the
relevant authorities for their consideration.

The matter is being handled as a
matter of internal security and the same
will be dealt with accordingly.

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will be dealt with accordingly.

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THE SIND PROVINCIAL CONGRESS COMMITTEE

REFUGEE RELIEF CENTRE

Umroasingh Building, M-Block, Connaught Circus, New Delhi

26th May 1948

Dear Shri Shankar,

I am in receipt of your letter dated 15th instant.

I will be failing in my duty if I do not convey to you my feelings after going through the contents of your above letter.

There is nothing new if the Magisterial Enquiry shows that 'the firing was justified and the refugees are to be blamed'. If that had not been so, the police officer who fired at the refugees and killed one of them, would not have continued to function as police officer in Deoli Camp. It was therefore that we were demanding an independent judicial enquiry into the whole painful episode.

As regards the enquiry from independent sources, you yourself say in your above letter that it 'appears to confirm it'. The word "appears" is significant and needs no comment. This leads me only to one conclusion that even after the advent of freedom, the old beauracratc regime not only continues, but seems to flourish particularly in the provinces of Ajmer-Merwara, which, you are aware,

Cont: Sheet No. II

26.5.1948

you are aware,

is, in no way democratically governed.

I now realise my mistake in expecting that the unfortunate refugees will get justice. Today, when lacs of refugees are undergoing untold sufferings, it seems to be of no concern to anyone, if one refugee is killed and a few others are made to suffer abject humiliations and ultimately meet the same fate.

You will excuse me for being rather a bit frank.

If you deem it necessary, you may kindly read this letter of mine to Sardar Sahib who is the real head of administration of Ajmer-Merwara.

Yours sincerely,

Chaitram P. Gidwani
(DR. CHOITHRAM P. GIDWANI)

Shree V. Shankar,
Private Secretary to the
Deputy Prime Minister,
Camp: Birla House,
MUSSOORIE

PROVINCIAL CONGRESS COMMITTEE REFUGEE RELIEF CENTRE

Udhoosingh Building,
N-Block, Connaught Circus

New Delhi May 30, 1948

Dear Sir, Sardar Vallabhbhai

I am sending to you herewith a copy of the telegram sent by me today to Shri B.G. Kher, premier of Bombay along with a typed copy of the Act referred to in the telegram.

I would urge you to kindly do whatever is possible to see that this Act is rescinded at once.

You can very well realize what resentment this insulting Act hurled on us by the Bombay Government has caused in our minds.

I shall feel grateful to hear from you what action you are taking in regard to this important matter.

Yours Sincerely,

Chaitram P. Gidwani

(Chaitram P. Gidwani)

HONOURABLE KHER
PREMIER BOMBAY

18/A

CONFERENCE OF REPRESENTATIVES OF REFUGEE ORGANISATIONS
OF WESTERN PAKISTAN HELD UNDER MY CHAIRMANSHIP ON TWENTYSECOND
MAY PASSED FOLLOWING RESOLUTIONS UNANIMOUSLY REGARDING BOMBAY ACT
NUMBER TWENTYTWO OF NINETEENHUNDRED FORTYEIGHT STOP RESOLUTION
READS THIS CONFERENCE HAVING CONSIDERED BOMBAY ACT TWENTYTWO OF
NINETEENHUNDRED FORTYEIGHT RECORDS ITS EMPHATIC PROTEST AGAINST
BOTH THE SPIRIT AND THE PROVISIONS OF THE ACT STOP WHEREAS
VOLUNTARY REGISTRATION HAS BEEN PRESCRIBED ELSEWHERE AS A LINK IN
THE CHAIN OF FACILITIES OF LOANS ETC TO BE PROVIDED BY THE
GOVERNMENT THE BOMBAY GOVERNMENT SEEMS TO REGARD REFUGEES AS A
FOREIGNER AND UNDESIRABLE ELEMENT IN THE BODY POLITIC STOP THE
ACT PROVIDES FOR THEIR COMPULSARY REGISTRATION ON PAIN OF
IMPRISONMENT OR FINE OR BOTH THUS CONSTITUTING FLAGRANT INFRINGEMENT
OF THE FUNDAMENTAL RIGHTS AS ENVISAGED IN THE NEW CONSTITUTION
AND VIRTUALLY BRANDING REFUGEES AS CRIMINALS STOP THE CONFERENCE
IS OF THE OPINION THAT THIS ACT RUNS COUNTER TO THE POLICY OF THE
NATIONAL GOVERNMENT OF INDIA AND ALL INDIA CONGRESS COMMITTEE AS
LAID DOWN IN ITS RESOLUTIONS PASSED IN ITS NOVEMBER AND SUBSEQUENT
SESSIONS STOP WITH ALL THE EMPHASIS AT ITS COMMAND THE CONFERENCE
APPEALS TO THE PRIME MINISTER OF INDIA AND THE CONGRESS PRESIDENT
TO INTERVENE AND USE THEIR GOOD OFFICES TO IMPRESS UPON THE
BOMBAY GOVERNMENT THE NECESSITY OF RESCINDING THIS OUSKIOUS
PEICE OF THE LEGISLATION STOP RESOLUTION MOVED BY NINCHALDAS
CHAIRMAN ADVISORY COMMITTEE MINISTRY OF RELIEF AND REHABILITATION
SECONDED BY SARDAR SANTAKISH NINZA CENTRAL CARRIED UNANIMOUSLY
STOP LEARN POLICE COMMISSIONER ISSUED NOTIFICATION CALLING UPON
ALL REFUGEES TO REGISTER BY FIFTEENTH JUNE STOP NEWS CAUSED
GREAT RESSENTMENT STOP URGE EARNESTLY RESCIND ACT STOP PLEASE
WIRE REPLY

CHDITERAM GIDWANI

FROM:- CHDITERAM GIDWANI

President and Provincial Congress Committee Refugee B. Centre
Ugasoning Building, N-Block, Connaught Circus, New Delhi.

19

BOMBAY ACT NO. XXII OF 1948

(First published after having received the assent
of the Governor, in the "Bombay Government Gazette"
on the 29th March 1948.)

An Act to provide for compulsory registration
and movement of refugees and for certain other purposes.

Whereas with a view to, securing public safety, maintaining order
, public health and sanitation and avoiding pressure on accommodation
it is expedient to provide for compulsory registration and movement
of refugees and for certain other purposes; It is hereby enacted as
follows:-

1. This Act may be called the Bombay Refugees Act, 1948.
2. It extends to the whole of the Province of Bombay
2. In this Act, "Refugee" means any person who has since the first day
of August 1947, entered the Province of Bombay, having left his
place of residence elsewhere on account of ~~such~~ civil disturbances
in that place or the fear of such disturbances.
3. In Greater Bombay the Commissioner of Police for the Greater Bombay
and elsewhere the District Magistrate shall, as soon as may be by
a special or general order, establish in respect of:-
 - a. each camp in which refugees are being accommodated and
 - b. each particular area specified by him, a registration centre for the
registration of the refugees, and shall appoint a person or a
committee of persons to be the registering authority in charge of
each such centre.
4. (1) Every refugee for the time being in the province of Bombay shall
within 15 days from the coming into operation of this Act or
within seven days from the date of his arrival in the province,
whichever is later, register himself at the registration centre
of the camp in which he is being accommodated or if he is being
accommodated or is residing elsewhere than in a camp for which a
registration centre has been established, at the registration
centre of the area in which he is being accommodated or is residing;
Provided that a refugee who is the head of the family shall
be responsible for the registration of members of his family for
the time being with him.

Provided further that where a refugee is a female, a minor,
a lunatic, an idiot or a person incapable by reason of being sick

or infirm of attending at the registration centre, the person who may be for the time being be looking after such refugee shall be responsible for his registration

(2) A refugee registering under sub section (1) or a person responsible for registration of a refugee under the said sub-section (1) shall, to the best of his ability, correctly fill up, or cause so to be filled up, the form set out in the first schedule.

5. The registering authority shall issue to every refugee registering under this Act a certificate of registration in the form set out in in the second schedule.
6. (1) If a Refugee ceases to reside at a address recorded in the certificate of Registration issued under section 5, he shall, within 7 days of any such change of address, intimate his new address to the Registering authority by which the certificate of Registration was issued and if the new address is within the jurisdiction of another Registering Authority, to that other registering authority, and shall at the same time forward the certificate of the registration to that other registering authority in order that the new address may be entered therein:

Provided that where a Refugee is not the head of the family, the Head of the family, and where a refugee is a female, the person who may for the time being be looking after such refugee shall intimate the change of address and forward the certificate of registration to the registering authority as aforesaid.

(2) Nothing in sub-section (1) shall apply where the change of address recorded in the certificate of registration is due to a temporary absence not intended to exceed 30 days in duration.

7. The Provincial Government may, by order in writing direct any refugee or class of refugee to reside in any camp or place or within any area or to leave any camp or place or area and go to and reside in any other camp or place or area in the Province of Bombay within a period specified in such order.
8. If any refugee fails to leave any camp, place or area, in accordance with an order made under section 7, he may be removed by any police officer or any person authorised by the Provincial Government in this behalf from such camp, place or area in such manner as may be specified by the Provincial Government by a general or special order.

[illegible]

БЛОКОВЕД ЛАВРЕНТИЙ ПИЛУС АНДРЕЕВИЧ ЗАДАЧА И РЕШЕНИЕ

THE FIVE

be thermometer for the registration of temperature of the liquid for

There is a small, dark, rectangular object, possibly a piece of wood or metal, lying on the ground. It is positioned horizontally and appears to be a component of a larger structure, possibly a door or a window frame. The object is dark in color, possibly black or dark brown, and has a rough, textured surface. It is located in the lower right quadrant of the image, near the bottom edge. The background is a light, sandy or gravelly surface, and the overall scene is dimly lit, suggesting an outdoor or semi-outdoor environment.

COUPLE OF THE SLOP IN ANTON DE TO NOUVEAU MONDE, 1910.

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accompanied by the following disclosure from the company in question:

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

[illegible][illegible]

ATAPTH 10 0348 1100 FRO-000486 1100-0-0000000 1 1100 100 71.

(1) PROBATION DEPARTMENT FOR FURTHER INFORMATION AND ASSISTANCE ON PROBATION, AT THE

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committee of persons to go and investigate. The committee

REGISTRATION OF THE AIRCRAFT, THE AIRCRAFT'S LOCATION, AND THE AIRCRAFT'S STATUS

10-10-68

5: CRYSTAL CRYSTAL TO ANTON LINDENBERG AND JOHN COCONO-TRUST-UNY

~~is abstract or derivative in character, and is not a statement of fact.~~

[illegible]

3. IN CHIEF OF POLICE ARE COMMISSIONERS OF WATER-BOAT AND BOAT BOARDS?

TO CHAT STICE OF THE LOSS OF BROTHER, MR. J. J. STICE.

Page 2 of 2

of winter 1973, elected the President of the Board, William J. G. G. G.

S. IN FIVE-YEAR PERIODS, BEING THE FOLLOWING: 1960-1964, 1965-1969, 1970-1974, 1975-1979, 1980-1984.

3. If charges to the credit of the insured be 30%

1. "THEY ARE NOT THE SAME" - THE DIFFERENCE BETWEEN THE TWO

NOTES:-

OF LOYALTY AND FOR COUNCIL OF THE DISTRICT: It is hereby certified that

THE U.S. GOVERNMENT PRINTING OFFICE: 1964

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THE HEADQUARTERS OF THE ARMY OF THE UNITED STATES

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Provided that where a Refugee is not the head of the family, the Head of the family, and where a refugee is a female, the person who may for the time being be looking after such refugee shall intimate the change of address and forward the certificate of registration to the registering authority as aforesaid.

(2) Nothing in sub-section (1) shall apply where the change of address recorded in the certificate of registration is due to a temporary absence not intended to exceed 30 days in duration.

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8. If any refugee fails to leave any camp, place or area, in accordance with an order made under section 7, he may be removed by any police officer or any person authorised by the Provincial Government in this behalf from such camp, place or area in such manner as may be specified by the Provincial Government by a general or special order.

Nothing in this section shall affect the liability of such refugee to the penalty provided in section 10.

9. (1) An officer authorised by the Provincial Government in this behalf may, by order in writing require a refugee or any person responsible for the registration under sub-section (1) of section 4, to get himself or the refugee for whose registration he is so responsible vaccinated against small-pox or inoculated against Plague, Cholera or Typhoid within fifteen days of such order, except where the certificate is produced from a registered medical practitioner or from a vaccinator or inoculator duly authorised by the Provincial Government in that behalf that such refugee has been vaccinated or re-vaccinated or inoculated, as the case may be, by him within 6 months immediately preceeding the date of the order.
- (2) Nothing in this section shall affect the liability of any person to get himself or any other person vaccinated or inoculated under any law for the time being in force.

10. Whoever refuses or without lawful excuse neglects to comply with the requirements of section 4 or section 6 or whoever gives particulars in filling the form under sub-section (2) of section 4 which are false and which he either knows or believes to be false or whoever contravenes any of the provisions of this Act or any rule made thereunder or any order made in pursuance of this Act shall, on conviction be punishable with imprisonment which may extend to three months or with fine which extend to Rs. 500/- or with both.

11. Every person or member of a Committee appointed as registering authority under section 3 and every person authorised by the Provincial Government to remove a refugee under Sc. 8 shall be deemed to be a public servant within the meaning of Sc. 21 of the Indian Penal Code.

12. No suit, prosecution or other legal proceedings shall lie against any person in respect of any thing in good faith done or intended to be done under this Act or any rule or order made thereunder.

13. The offences under this Act shall be cognisable.

14. The Provincial Government may, by order notified in the Official Gazette, direct that any power conferred or any duty imposed on

4. 22

it by this Act, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer, not being in the opinion of the Provincial Government below the rank of a Collector, as may be so specified.

15. (1) The Provincial Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:-
- (i) the preparation and maintainance of registers of refugees register -ed under section 4;
 - (ii) the matter of service on refugees of orders made under this Act; and
 - (iii) the vaccination and inoculation of refugees under section 9.

FIRST SCHEDULE

see section 4(2)

Form of Registration

GOVERNMENT OF BOMBAY

REGISTRATION OF REFUGEES

1. Name of applicant in full
(in capital letters with surname first)
2. Age
3. No. of dependent at present in the Province of Bombay, their relationship and ages.
4. Occupation, Profession or trade and monthly income prior to migration.
5. Address prior to migration, village, Tahsil district (in details)
6. Present Address (Building, Floor, Street, Road, etc etc)
7. Details of assistant received if any, either through official or through non-organization after migration if so, from whom or which organization.
8. Any moveable or imovable property either in the country from which migrated or elsewhere and its value,
9. Migration route
10. Details of identity documents or migration papers if any, with the applicant.

- 23
11. Period of residence from which migrated.
 12. Date and place of arrival in the province of Bombay.
 13. Whether he wishes to stay in the Province of Bombay if so how long.
 14. Whether willing to go outside the Province of Bombay. If so, the place he wishes to proceed to.

REMARKS.

Signature/Thumb impression and/or photograph of the applicant if available.

Place

194

Registering authority

The Bombay refugees Act 1948

**SECOND SCHEDULE
(see section 5)**

Form of certificate of registration

Government of Bombay

Political & Service Department

Serial No.

Reception Camp No.

Registration office No.

Name of refugee in full.

Address before evacuation.

Present address.

Name of head of family.

Identification marks.

Signature or finger print of refugees.

Office of registration.

Registered by .

Date

Place

194

Registering Authority

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INDIAN POSTS AND



TELEGRAPHS DEPARTMENT

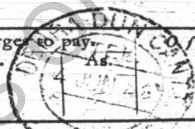
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15

NOTICE

This form must accompany any inquiry made respecting this telegram

Charged to pay Rs. As Office Stamp



Handed in at (Office of Origin) New Delhi Date 3 Dec 1946 Service Instructions 30

To Sardar Vallabhbhai Patel Recd. here at Shri 12 H. M.

refugee situation becoming grave
stop deputation on behalf of western
Pakistan refugee organizations
conference wishes to see you kindly
wire date time = Chattram
Jidoni Chairman

N.B.—The name of the Sender, if telegraphed is written after the text.

EXPRESS

(1) ~~Secretary~~ SARDAR VALABHEHAI PATEL DEHRADUN
(2) BABU RAJENDRA PARSAD ...
(3) SRI MATI RAMESHWARI MEHRU ...

CONTINUATION YESTERDAYS TELEGRAM RECEIVING REPORTS OF MANY FAMILIES RETURNING AND OTHERS CONTEMPLATING RETURN BEING SHELTERLESS AND TREATED AS ALIENS STOP CONVERSIONS TO ISLAM CASES OF SUICIDE ALSO REPORTED STOP BOMBAY ACT TWENTYTWO PROVIDING FOR COMPULSARY REGISTRATION AND MAKING NEGLECT AS COGNIZABLE OFFENCE PUNISHABLE WITH IMPRISONMENT RESCINDMENT OF ROWLATT ACT STOP SUBMIT THREE IMMEDIATE REQUESTS FIRST ISSUE CLEAR DIRECTIVE PROVINCIAL AND STATE GOVERNMENTS TREAT REFUGEES AS INDIAN CITIZENS AND IMPROVE CAMP CONDITIONS SECOND HAVE BOMBAY ACT RESCINDED THIRD MINISTRY OF RELIEF AND REHABILITATION BE OVERHAULED AND MANNED BY OFFICERS WITH VISION AND SYMPATHY STOP APPREHEND SITUATION OTHERWISE WILL GET OUT OF CONTROL WITH LAKHS FACING MATERIAL AND MORAL RUIN STOP DIFFICULT FOR TRUE CONGRESSMEN REMAIN SILENT SPECTATORS OF SUCH TRAGEDY BUT OWING HYDERABAD AND KASHMIR QUESTIONS PATRIOTIC CONSIDERATIONS PREVENT US FROM TAKING EXTREME MEASURES WHICH MIGHT EMBARRASS OR WEAKEN GOVERNMENT STOP URGE THEREFORE YOUR INTERVENTION IMMEDIATELY

CHOTHRAM GIDWANI

**From:- Chotthram P. Gidwani, President S.P.C. Committee Refugee R. Centre
Umraosingh Building, M-Block, Connaught Circus, New Delhi.**

Copy in Confirmation

*H. L. Mansukhani
Secretary*

28

Dr. Choitram Gidwani, N. Delhi.

Dt. 5.6.48.

EXPRESS

STATE

DR. CHOITRAM GIDWANI
UMRAOSINGH BUILDING
M BLOCK CONNAUGHT PLACE NEWDELHI

CONSIDER MATTER CAN BE SUITABLY REPRESENTED TO
MINISTER FOR RELIEF & REHABILITATION STOP STILL IF YOU LIKE TO COME
YOU ARE WELCOME ON WEDNESDAY NINTH AT FOUR P.M.

VALLABHBHAI



INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Class
Prefix

Code

Nil

Recd. from

Sent at

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Forwarded to at (Office of Origin)

New Delhi

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Sardar Vallabhbhai

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on

*as per your advice seeing
mohandas karamchand
Gandhi shall communicate again
- Chaitram Gidwani*

N.B.—The name of the Sender, if telegraphed, should be written after, but separated from, the text.

127 Mahatma Gandhi Road
Fort, Post Box No. 459
Bombay

June 7, 1948. 28

My Dear Sardar Sahib,

I am enclosing herewith two resolutions passed by the Managing Committee of the Sind Hindu Seva Samiti, Bombay. Do kindly pay your personal attention to this serious question.

In October 1947 Government of India had thought it fit to issue an ordinance requiring the refugees in Delhi to register. But even that ordinance did not contain any such provision regarding notifying change of address and the power to forcibly remove the refugees. Again, that was merely an ordinance to meet the emergent circumstances. As far as Bombay is concerned there is no emergency at all. In fact most of us have been in Bombay for the last 9 to 10 months and many of us have been living in our own privately hired houses. The Bombay Government also might refer to the Lucknow Ordinance. But again that was merely an ordinance to meet a temporary emergency. This is an Act of the Legislature of a permanent nature and it is much worse than the ordinances, which have long since expired.

I might inform you that many Sindhi refugees are contemplating not to have themselves registered and submit to the humiliations provided in the Act. That would create a delicate condition. I would, therefore, request you to have this Act scrutinized. I am informed that the Hon'ble Premier of Bombay is also referring the matter to you. The compulsory registration has been ordered by the Government to be completed before the 15th of this month. We have requested in our resolutions that immediate order should be issued suspending the execution of the orders regarding the registration, pending the final decision about the withdrawal of the Act. I attach a copy of a press report.

Thanking you in anticipation and with kind regards, I am,

Yours sincerely,

Nichaldas C. Vazirani

(NICHALDAS C. VAZIRANI)

Hon'ble Sardar Vallabhbhai Patel
Deputy Prime Minister
Government of India
New Delhi.

Please have
it when the
Chair is left to
see
and letter
H. D. Fort's &
regard come

Vallabhbhai

27/6

15

S. P. A.

SAYS A CORRESPONDENT

SCRAP THE REFUGEE ACT: IT'S INSULTING

The Bombay Refugee Act is in no way less insulting and repressive than the Ghetto and Peggung Acts of South Africa and the treatment meted out to the Negroes in U.S.A. writes a correspondent.

He says: "According to the Refugees Act, the refugees have got to register themselves at the nearest Police station, take an identity card and are required to report their arrival and departure and the change of address.

Over and above this the Government is empowered to order any refugee to reside in a particular area or locality or to leave a particular place and go and reside in another place, without assigning any reason.

In failing to abide by such an order any police officer or an authorised person can remove that refugee as required in that order.

Besides this the refugees are required to get vaccinated and inoculated. The refusal of such things is punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

What does all this show? The whole act on its face is so discriminating that it requires to be condemned and repealed.

This Act is restricting our right of citizenship and is a breach of the spirit of brotherhood of Indians.

Such an Act is deplorable at this time when the wounds of refugees are still bleeding.

Why are the refugees in Bombay treated like this? Are they not as good Indians as the people of Bombay? When we have got two refugee ministers, Shri Jairamdas

veral Central and Provincial services, what has made the Bombay Assembly members to treat the refugees in this manner?

Shock

This Act has really come to us as a shock. This Act is really worse than the colour bar prevalent in South Africa.

Are our sacrifices in the fight for freedom in vain? Did we fill jails and get our young and old men killed by bullets to get this treatment from our neighbours? No refugee with the least bit of self-respect can agree to the spirit and language of the Refugee Act.

This Act is in direct conflict with the fundamental principles of the Congress. Is it not a matter of shame? When non-Indians can stay in Bombay as citizens of Bombay why is differential treatment meted out to refugees? It is pity that the Government is using powers like this against uprooted and distressed people. It is humiliating.

On the one hand the Government of India is favouring the policy of toleration and brotherhood and on the other hand a province is misusing its power. Bombay Government has taken this unwanted step in spite of the fact that the Government of India is maintaining a refugee minister and have appointed responsible officers for that work in their Province.

Not Refugees

Moreover we are not refugees at all. We are simply emigrants and had to leave our homes and land because the Indian leaders brought the partition after which it was impossible to live there with any respect. Refugees are Indians and deserve the same treatment as Indians.

Bombay citizens should try to remove this injustice, this slur and this insult to us. Refugees are after all self-respecting people and cannot tolerate any insult hurled upon them."

29

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S. J. UTTAM SINGH,
Bombay Sindhi Association,
Bombay 5th June '48.

REFUGEE ACT XXII OF 1948

36
Resolution passed at a Meeting of the Managing
Committee of the Sind Hindu Seva Samiti
on the 3rd June 1948

The Managing Committee of the Sind Hindu Seva Samiti have carefully considered the various provisions of the Bombay Act No. XXII of 1948 "An Act to provide for the compulsory registration of refugees etc.", and are constrained to come to the conclusion that the provisions of the Act are obnoxious and deprive respectable Indian Nationals of their fundamental right of free movement in the Indian territory and deal with them not only as enemies but as members belonging to the notorious criminal tribes. They totally belie the assurances kindly held out by the beloved leaders of India, viz. Pandit Jawaharlal and Sardar Patel to the effect that the refugees would be treated as equals and as well as any other Indian. The Committee observe with regret that such an obnoxious Act should have been put into force with effect from the 1st June 1948 after the Government of India's decision to transfer the care and welfare of the refugees to the Provincial Governments. The Committee therefore strongly urge upon the Government of Bombay to take immediate steps to have this Act repealed and removed from the statute book.

The Act applies to all persons who have come to the Province of Bombay from Pakistan or elsewhere after the 1st August 1947 on account of civil disturbances or the fear of civil disturbances. Thus, the Act would apply even to persons who had their business as well as a place of residence in the Province of Bombay since several years but whose principal place of residence was outside the Province, and who have now permanently left that disturbed area and have been living in the Province of Bombay since the last ten months. As the definition of the word "Refugee"

stands, it applies to even persons who have come from other Indian Provinces or States. Such persons are defined as refugees even if they require no help or assistance from the Government.

Refugees are required to get not only themselves but their ladies and children registered at prescribed Police Stations, which in several cases are at a distance of 3 or 4 miles from their residences, and within the 15th of this month or within a week of their arrival. They have all to show their identity marks and produce identity documents. Failure on their part makes them liable to suffer imprisonment for a period of three months and they can be further fined upto Rs.500/-.

A provision of this kind can only be necessary for members of some notorious criminal tribes or for aliens in times of war. But this is not the only humiliation to which a refugee is subjected. If he changes his address even temporarily and shifts to another place of residence he has to notify the change within a week and if he fails to do so he incurs the liability of being confined to jail for a period of three months and of paying a fine upto Rs.500/-.

But even that is not all. The Provincial Government are invested with the power to order any refugee or refugees to reside in any camp or place or area and to leave any camp or place or area where he may be residing. Failure on his part to do so again makes him liable to the punishment mentioned above.

There are other uncalled for provisions, but we have confined ourselves to the most important ones.

It appears that the provisions of this Act have been drafted on the lines of the Acts regulating the movements of foreigners and criminal tribes and we

2

believe that even these Acts do not contain any clauses which militate to a greater extent against the liberty of individuals. What is worse is that all the above-mentioned failures or omissions are made cognizable criminal offences with the result that any police officer in charge of a police station, even a head constable, can arrest even the most respectable lady or gentleman without any warrant and put that person to harassment and worry.

The provisions of this Act have given rise to very strong righteous indignation among those who are designed to be the victims of it and we cannot condemn the Act too strongly.

We urge that, pending the withdrawal of the Act the orders regarding registration which have been issued, should be immediately suspended.

NANIK G. HOTWANE
HON. GEN. SECRETARY
SIND HINDU SEVA SAMITI

MGD.

We have carefully considered the provisions of the Refugee Act and are now in a position to state what we think about it.

The Act according to the preamble is aimed at securing public safety, maintenance of order, public health and sanitation and avoiding pressure on accommodation and certain other unspecified objects. The Act largely follows the Foreigners Registration Act, and the Criminal Tribes Act and incorporates all the obnoxious features of those pieces of legislation without there being any necessity for them. The Foreigners Registration Acts are passed during war times and are introduced to have full record of outside and unknown elements with a view to provide check over their movements which is so essential at a time of war. Even in times of peace a foreign national may with justification be required to notify changes in his address as it is essential for the public safety that non nationals should not be free to move ^{about} and indulge in activities which may prove detrimental to the State. In the case of the Criminal Tribes Act, it relates to the Tribes which have in the past given unmistakable proof of their participation in undesirable and subversive activities. But even in the case of Criminal Tribes the trend of modern legal opinion is to condemn legislation like this which suspects a whole tribe because of the past history of the tribe and the tendency at present is to place such the individuals under restraint as the Government is satisfied after enquiry deserve to be so treated in the interest of Public safety or order. In this connection a reference may be invited to the provisions of the Hur Act of the Sind Legislature where any one who is declared to be a Hur in the official Gazette becomes subject to these restrictions which are envisaged by the Act.

As we stated earlier, this Act reproduces many of the objectionable and derogatory provisions of the Foreigners Act, the Criminal Tribes Act and the Hur Act. It treats

all refugees as criminals, imposes restraint on their movements and confers powers upon the Provincial Government to remove the refugee from any place where he may be residing (even in his own rented or owned house) to any other place and may employ force for carrying out their orders. The plan of the Act in a nutshell is this:

It defines who is refugee (S.2) It provides for the compulsory registration of the refugee (S. 4) the notification of any change in the address of the refugee, Power to Government to direct that the refugee shall remove from any particular place where he may be residing to any other place (S.6) On the forcible carrying out of these orders (S.8) and for compulsory vaccination etc. (S.9) In default the refugee is punishable with imprisonment which may extend to (S.10). The offences are cognizable (S.13) which means that any Police Officer (meaning any constable even) may arrest a person contravening the provisions of this Act without any warrant.

The changes in address are required to be accompanied by the certificate to be issued and the certificate would then be forwarded to the Police Station in the jurisdiction of which the refugee would go to reside (S.6)

This is in main a summary of the important provisions of the Act.

There are only two considerations from which legislation like this can be judged (1) Does it help the refugee and (2) Is it needed in the interest of public safety. Judged from both these tests, the Act would appear to be useless and entirely unnecessary. It does not help the refugee in any way. It hurts where it should heal. The provisions for compulsory registration are unnecessary and irksome. No other Province has felt the need of any such legislation despite the fact that as against about 5 millions of refugees elsewhere, the Bombay Government has as yet received only 1½ lacs in the camps the rest having made their own arrangements.

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The definition of the word "REFUGEE" is wide and confusing. While we can understand the need of voluntary registration of certain classes of refugees who may need Government aid for rehabilitation or relief, the compulsory registration of all refugees regardless of whether they need Government help or not is sweeping. One can understand the need for legislation whereby the inmates of camps are made amenable to some discipline and their entry to, and exit from such camps regulated. But it irritates the refugee who has suffered for no fault of his to know that he is treated on the same lines as an alien or a criminal.

The particulars which are called for are neither necessary nor desirable. The reference to marks of identification is ridiculous. The provisions regarding the change of address are revolting as they tend to treat a national of India as if he were a Foreigner, and a suffering and persecuted class as if they were criminals. The powers vested in Government whereby they can control movement of all refugees (including those who may be owning property and be fully-rehabilitated) are incompatible with the "FREEDOMS" assured to every citizen of India by the constitution of FREE INDIA. To that extent this Act would appear to be ultra vires the Provincial Legislation.

In regard to vaccination etc. there are enough other provisions in the existing law which would serve the purpose. From the point of view of the refugees therefore there is hardly any provision which can be said to have been enacted for his benefit. No where while passing an order is Government required to give reasons for any such order. These orders are not subject to judicial scrutiny. Prosecutions can be instituted without reference to Government by any Police Officer. If we may be permitted to state our real feelings it would appear that the act is likely to be an engine of oppression on the poor refugee whose lot has been endless suffering ever since Pakistan was forced upon him.

The general feeling amongst the refugees is that the Act has been purposely so framed with a view to prevent their rehabilitation and assimilation into the life of the Province only with the object of propping up vested interests. We are of the opinion that the popular Congress Government should at once withdraw the Act. No refugee leader or organization was consulted when the Act was on the anvil and when its terms have been examined it has been found to be on a par with the most re-actionary legislation which has disfigured the statute book. Why there should be differentiation between the original inhabitants of this province and those who have come over following upon the partition of India is not easy to follow. Surely the refugee is not regarded as a "Sub-National" of India.

The Act confers no advantages upon Government. There is nothing in it which could not be achieved by a system of voluntary registration and checks accepted by the parties registering. It opens the door to corruption and official high handedness. It creates bitterness between the refugees and Government. It clothes the Police with extra ordinary powers and must entail considerable expense for Government on the setting up of an elaborate and expensive machinery with its motives behind doubted.

The refugee is anxious to be assimilated into the economy of the Province and to give his very best and fullest support to the Government and cooperate in every way for the building up of a proud nation. The Sindhi-Hindu has all along been Congress-minded and he has suffered because of these leanings. His trade and commercial connections have always been with the Bombay Presidency and the University of Bombay has been his temple of learning. It is tragic that a class of people like this should be treated as Foreigners and Criminals.

We would therefore think that the Government should

be requested to withdraw the Act. We are conscious of the depth and intensity of feeling in this regard and if this is not done there is every reason to fear that it will lead to the breaches of Act on a mass scale bringing about conflict between Government and a class of people whom the Government should be anxious to help and whom the Provincial Government seeks to rehabilitate in the province. We have just ended an era of bitter controversy and non-cooperation with the foreign Government. It would be tragic if the new National Government should start with demonstrations of ill will which we fear may take place if this Act is forced upon the refugees and which we are most anxious should in the fair name of the Congress be avoided.

We shall be happy to wait upon you and discuss the matter further with you.

Yours in Service,

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