

Monday, December 5, 1955

# LOK SABHA DEBATES

(Part I—Questions and Answers)

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LOK SABHA SECRETARIAT  
NEW DELHI

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LOK SABHA

Monday, 5th December, 1955

The Lok Sabha met at Eleven of the Clock.

(MR. SPEAKER in the Chair)

ORAL ANSWERS TO QUESTIONS

Colombo Plan

\*485. **Sardar Hukam Singh:** Will the Minister of Communications be pleased to state:

(a) when the Second part of the Report of the Experts from Standard Telephone and Cables Co. Ltd. England, sent to the P. & T. Department under the Colombo Plan was received by Government; and

(b) whether Government have considered the recommendations therein for expanding and speeding up the Telegraph and Telephone Communications?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) The Second part of the Report of the Experts was received in April, '55.

(b) Yes. The department has initiated action on the recommendations made by the Experts.

**Sardar Hukam Singh:** May I know if the Experts have suggested any methods for modernisation of telegraph offices as well?

**Shri Raj Bahadur:** That was the purpose of the experts' advice. As a matter of fact they have made recommendations in regard to the introduction of automatic system in the telegraph net-work and for the introduction of the co-axial cables in order to modernise the systems and expedite the transmission of messages and to relieve congestion on the lines.

**Sardar Hukam Singh:** Has Government made any assessment as to the additional expenditure that would be incurred in the implementation of the proposals made by the experts?

**Shri Raj Bahadur:** So far as the installation of new teleprinters is concerned including the cost of working and spare teleprinters, it is estimated that an expenditure of between Rs. 77 to Rs. 95 lakhs will be incurred. Secondly, the corresponding figures for an automatic switching system for all offices where the number of messages is more than forty per day will be of the order of Rs. 180 lakhs.

**Sardar Hukam Singh:** Have any concrete suggestions been made by them for speeding up the communications?

**Shri Raj Bahadur:** That is the purpose. The provision of co-axial cables as also the introduction of the automatic switching system in telegraph will expedite the transmission of messages and also effect some economy.

Dock Workers

\*488. **Shri Gidwani:** Will the Minister of Transport be pleased to state:

(a) whether it is a fact that the All India Port and Dock Workers Federation has submitted certain demands to Government;

(b) whether it is a fact that the strike was called off on the assurance of Government that the demands were being given active and sympathetic consideration; and

(c) if so, whether the demands have been considered and what is the decision taken thereon?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) Yes.

(b) The notice of a token strike was withdrawn when the measures that had been taken by the Port Authorities and Government to deal with the problems relating to Port labour were explained to the Federation.

(c) The demands relate to various categories of workers employed by the Port authorities as well as by Stevedores. The case of employees of major ports is under consideration by the Port Authorities concerned. Decisions have been taken on some matters. Others will be considered when the decision of the Bombay Industrial Appellate Tribunal on certain related matters is known. Several



of the demands of the Stevedore workers are linked with the recommendations of the Dock Workers (Regulation of Employment) Enquiry Committee which are under consideration by Government.

**Shri Gidwani:** Is it a fact that the labour was opposed to the Dock Enquiry Committee's recommendations regarding the piece rate system of payment, and what has been the decision of the Government regarding the same?

**Shri Alagesan:** That is not correct. The labour co-operated with the Enquiry Committee. The Enquiry Committee has made certain recommendations, and it has recommended the piece rate system.

**Shri Gidwani:** May I know which recommendations of the Committee have so far been accepted?

**Shri Alagesan:** I said that all the recommendations of the Committee are just now under the consideration of the Government.

**Shri T. B. Vittal Rao:** May I know when the report of the Enquiry Committee was received by Government and when the examination is likely to conclude?

**Shri Alagesan:** I think the report was received in September, and all the recommendations are under examination. In the meanwhile, as was stated in the answer, there was an award given in Bombay. That matter has again gone to the Appellate Tribunal. We are awaiting its result.

**Shri B. S. Murthy:** May I know whether the Federation has not made any representation against any recommendations of the Committee?

**Shri Alagesan:** I am not aware.

#### Wardha-Balarshah Railway Line

\*490. **Shri T. B. Vittal Rao:** Will the Minister of Railways be pleased to state:

(a) whether the relaying of the track on the Wardha-Balarshah section with heavier rails has since been completed; and

(b) if not, when it is likely to be completed and the reasons for the delay?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shah Nawaz Khan):** (a) and (b). Relaying between Hinganghat and Balarshah has already been completed and between Wardha and Hinganghat is likely to be completed by 31-3-56.

The delay in completion of the work has been due to non-availability of material in time.

**Shri T. B. Vittal Rao:** It is said that the delay is due to the non-availability of material. May I know which of the materials are non-available?

**Shri Shah Nawaz Khan:** For one thing, fish-plates. The hon. Member would probably like to know that there is a demand for 10,000 tons of fish-plates alone from the Railways outstanding, and it is these small outstanding which are obstructing the progress of the work.

**Shri T. B. Vittal Rao:** Is it a fact that the Bhadravati Iron Works stated that they would supply fish-plates and sleepers? Did the Railways take that or not?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** It is the Iron and Steel Controller who arranges the supply. He takes into consideration both the indigenous supply and also the orders for imports. It is after taking all these into consideration that we have not been able to get the supplies. This has been one of our sore points.

#### Exchange of Doctors Between India and China

\*491. **Shri Shree Narayan Das:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that Government have welcomed the system of exchange of doctors between India and China by way of co-operation during the recent visit of the Health Minister of China; and

(b) if so, the basis of such exchange of doctors?

**The Minister of Health (Raj Kumari Amrit Kaur):** (a) and (b). No formal proposal is before the Government. But any plans which contribute towards friendly co-operation between countries and mutual help are welcome.

**Shri Shree Narayan Das:** May I know whether in the course of her tour of China the hon. Minister observed any aspects of medical services in China by which India can benefit?

**Rajkumari Amrit Kaur:** Only this that, of course, they are in a position to employ all the medical graduates that come out from their colleges, and they are also in a position to send them wherever they like.

**Shri Shree Narayan Das:** Was anything observed by the hon. Minister with regard to medical education in that country which India can take advantage of?

**Rajkumari Amrit Kaur:** No, because our standards of education are really higher.

**Shri Kasliwal:** Is it a fact that at the recent Conference on Medical Education for Under-Graduates a delegation of Chinese doctors also came to India to attend that Conference?

**Rajkumari Amrit Kaur:** That is so; they came at my invitation.

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता हूँ कि चाइनीज डाक्टर जो हैं वे चाइनीज मेडीकल साइंस को जानते हैं या वेस्टर्न मेडीकल साइंस, यानी ऐलोपैथी को भी जानते हैं। और जब वे प्राये तो उन्होंने अपनी राय किस सम्बन्ध में दी थी ?

**राजकुमारी अमृत कौर :** चाइना में उन्होंने माडर्न मेडीसिन को स्वीकार किया है। उनकी पुरानी मेडीसिन में भी जो जड़ी बूटियाँ हैं उनपर तजर्बा किया जा रहा है और जो उनमें से मुफीद हैं उनको ले रहे हैं, लेकिन वे जो अपने नये डाक्टर बना रहे हैं उनको इस (याने पुराने) सिस्टम का नहीं बना रहे हैं। यहां पर वे लोग राय देने के लिये नहीं प्राये थे। वे तो यहां सुनने के लिये प्राये थे कि हमारी मेडीकल एजुकेशन किस तरह से चलती है, कैसे हमारे कोर्स हैं, कितने साल के हैं, और जो वे खुद कर रहे हैं उनके बारे में उन्होंने हमें बतलाया था।

#### Railway Officer's visit to U. S. S. R.

\*492. **Shri Dabhi:** Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1369 on the 2nd September, 1955 and state:

(a) which of the recommendations of the Railway Officers Team which visited the U. S. S. R. have been given effect to; and

(b) which of them are still under the consideration of Government?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahaswaz Khan):** (a) and (b). A statement is placed on the Table of the

Lok Sabha showing the recommendations which have been accepted, and have been implemented or are in the course of implementation. [See Appendix III, annexure 51]. The remaining recommendations are under examination.

**Shri Dabhi:** In the statement there is mention about the provision of sleeping accommodation for third-class passengers. May I know whether it is a fact that the sleeping accommodation consists of three-tier berths on which passengers cannot sit erect, and they cannot be expected for several hours....

**Mr. Speaker:** Order, order. This is an oft-repeated question. This has been repeated very often and replied to very often. He may put some other question, if he wants.

**Shri Dabhi:** Am I not allowed to put this question?

**Mr. Speaker:** I do not propose to spend the time of the House by repeating the same question by way of supplementary over and over again.

**An hon. Member:** But the difficulties are there.

**Shri Dabhi:** In view of the fact that the three-tier berth is very uncomfortable, do Government propose to remove one of the tiers and increase the special charges from Rs. 2 to Rs. 3 or Rs. 4?

**Mr. Speaker:** I have to disallow that also. This has been gone into by way of supplementaries more than twice.

**Shri Dabhi:** I do not want to put the same question....

**Mr. Speaker:** The very question could be disallowed also on the ground of being a suggestion for action. But I am not doing so; I will allow him. But let him put a question on a matter which has not been covered by supplementaries already. He is putting a question on a ground which has been covered by supplementaries previously.

**Shri Dabhi:** I will now ask whether they are going to remove any tier....

**Mr. Speaker:** That has been put by way of suggestion a number of times.

**Shri Dabhi:** May I know whether Government is going to increase the present charges and give more comfort to the sleeping passengers by removing one of the tiers?

**Shri Shahaswaz Khan:** We have no intention of increasing the present charges.

**Shri Shree Narayan Das:** May I know whether any assessment has been made as to the costs that would be involved if all the recommendations are implemented by the Government ?

**Shri Shah Nawaz Khan:** Since we have not made up our mind finally as to which of the recommendations we are going to accept, we cannot say what are going to be the costs.

**Shri Bhagwat Jha Azad:** May I know if any assessment has been made of the demand for sleeping berths in third class and may I know in how many trains these facilities are given ?

**Shri Shah Nawaz Khan:** No firm assessment has been made. We know the demand is quite considerable. At present, sleeping accommodation is provided on 4 broad gauge trains and 2 metre gauge trains—that is, special trains.

**All India Mental Health Institute,  
Bangalore**

\*494. **Shri Krishnacharya Joshi:** Will the Minister of Health be pleased to refer to the reply given to Starred Question No. 696 on the 12th August, 1955 and state:

(a) the special studies and research in mental health made so far by the All India Mental Health Institute, Bangalore; and

(b) whether this Institute has made any contribution to research in mental health in co-ordination with the International Institute ?

**The Minister of Health (Rajkumari Amrit Kaur):** (a) A statement is laid on the Table of the Lok Sabha. [See Appendix III, annexure No. 52].

(b) The Institute was only started on 1st April, 1954 and it is therefore too early for the institute to have made any definite contribution to research.

**Shri Krishnacharya Joshi:** May I know how many experts are engaged in this research work ?

**Rajkumari Amrit Kaur:** I think the staff sanctioned will consist of a Director, a Professor and Head of the Department of Psychology, one Associate Professor of Neurology, one Associate Professor of Neurosurgery, one Junior Professor of Neuropathology—these three have been advertised. Then, there are 3 Assistant Professors of Psychology, one Assistant Professor of Bio-Chemistry, one Research officer in Sanskrit, one Sister Tutor and various other personnel.

**Shri Krishnacharya Joshi:** From the statement it appears that pilot studies are being carried on in the relation between dreams, day dreams etc. May I know what is the difference between these two dreams ?

**Mr. Speaker:** Is it within the special knowledge of the hon. Minister ?

**Shri Krishnacharya Joshi:** May I know the total amount spent on this ?

**Rajkumari Amrit Kaur:** The Central Government is going to bear a total non-recurring expenditure of Rs. 1.8 lakhs 1 lakh for the hospital and 0.8 lakhs for equipment and also the entire expenditure of Rs. 1.563 lakhs for passengers and local costs of the experts, and the Mysore Government will bear the non-recurring expenditure of Rs. 4.7 lakhs on extension of the Institute building and for housing the All India Institute of Mental Health plus 50 per cent of their share of equipment.

**Shri Krishnacharya Joshi:** As it is an interesting subject, I would request the hon. Minister to lay a copy of the details of the research work.

**Mr. Speaker:** He wants a copy of the lists to be supplied to him. The hon. Minister may have a copy of the statement.

**Rajkumari Amrit Kaur:** Which statement, Sir ?

**Mr. Speaker:** The statement laid on the Table.

**Rajkumari Amrit Kaur:** Certainly, Sir.

**Indo-U. K. Air Agreement**

\*495. **Shri N. B. Chowdhury:** Will the Minister of Communications be pleased to refer to the reply given to Starred Question No. 1640 on the 9th September, 1955 and state when the bilateral Air Agreement between Indian and the United Kingdom is proposed to be reviewed ?

**The Deputy Minister of Communications (Shri Raj Bahadur):** It is proposed to hold the review as mentioned in the previous reply early in 1956.

**Shri N. B. Chowdhury:** May I know the reason for the delay in making a review of this and other allied matters ?

**Shri Raj Bahadur:** It was proposed to be held in November 1955 but the United Kingdom Government informed us of their inability to receive the Indian delegation at that time and so it has been postponed till early next year.

**Shri N. B. Chowdhury:** May I know whether the Government are satisfied that the terms of the present Agreement do not affect the interests of Air India International in any way ?

**Shri Raj Bahadur:** The purpose of the review is not a revision of the air agreement. The purpose is to make a review of the frequencies and capacities provided on the Services in the preceding 12 months and to lay down a schedule for the next 12 months.

## Nationalised Airlines

\*497. **Shri Jhulan Sinha:** Will the Minister of Communications be pleased to lay on the Table of the house a statement showing the improvements made in the Nationalised Airlines in respect of passenger amenities and operational efficiency after the Nationalisation?

**The Deputy Minister of Communications (Shri Raj Bahadur):** A statement is laid on the Table of the Lok Sabha. [See Appendix III, annexure No. 53].

**Shri Jhulan Sinha:** May I know whether there has been any decrease in the number of accidents after the nationalisation of the Airlines?

**Shri Raj Bahadur:** We think that the incidence of accidents is decreasing from year to year and during the year 1954, which was the first full year after nationalisation, there were no accidents to Scheduled Air Services.

**Shri Jhulan Sinha:** May I enquire if as a result of the increase in extra passenger amenities there has been any gain in the earnings of these lines?

**Shri Raj Bahadur:** We are having a very heavy traffic. As a matter of fact we are oftentimes unable to cope with the volume of traffic that we are getting and we are unable to provide a larger number of seats in planes.

**Shri Shree Narayan Das:** May I know what is the amount that is spent on these amenities annually?

**Shri Raj Bahadur:** I have not got the correct figure for that; I require notice.

**Shri Bhagwat Jha Azad:** May I know what percentage of our pilots have up to now taken training under the integrated training scheme introduced by the Ministry for operational efficiency?

**Shri Raj Bahadur:** This training has been introduced by the Airlines Corporation and not by the Ministry as such. 58 pilot officers were given training for Pilot in command endorsements up till August and 56 pilots holding B licences and Dakota endorsements who were newly recruited as officers were given further training under the scheme.

**Shri T. S. A. Chettiar:** If the lines are having very heavy traffic what is the reason for the loss that has been sustained every year?

**Shri Raj Bahadur:** Renewals, replacements, expansion and so many other things.

## वन्य पशु सम्बन्धी भारतीय बोर्ड

\*४९८. श्री भक्त दर्शन : क्या खाद्य तथा कृषि मंत्री ३० मार्च, १९५५ को दिये गये तारांकित प्रश्न संख्या १६६७ के उत्तर के सम्बन्ध में बताने की कृपा करेंगे कि :

(क) क्या वन्य पशु सम्बन्धी भारतीय बोर्ड की सिफारिशों तथा सुझावों पर अब तक कोई प्रतिष्ठित निर्णय किया गया है; और

(ख) यदि हां, तो क्या उस की एक प्रति सभा की टेबल पर रखी जायेगी ?

कृषि मंत्री (डा० पी० एस० बेसामुख) :

(क) जी, हां ।

(ख) एक विवरण सभा की टेबल पर रख दिया गया है [देखिये परिशिष्ट ३, अनुबन्ध सं० ५४]

श्री भक्त दर्शन : इस विवरण से यह स्पष्ट है कि अधिकांश सिफारिशों पर राज्य सरकारों का ध्यान आकषित किया गया है । मैं जानना चाहता हूँ कि क्या राज्य सरकारों से इस सम्बन्ध में समय समय पर रिपोर्ट मांगी जाती हैं और इस बात का ध्यान रखा जाता है कि इन सिफारिशों पर पूरी तरह प्रमल किया जाय ?

डा० पी० एस० बेसामुख : यह सूचना तो फिलहाल ही दी गयी है, और मालूम होता है कि सभी राज्य सरकार इस बात पर प्रच्छ्ठी तरह ध्यान दे रही हैं । अभी तो कोई रिपोर्ट नहीं मांगी गयी है, मगर हम इस पर विचार करेंगे ?

श्री भक्त दर्शन : इस बोर्ड में सिफारिश संख्या ८ की थी, उसका मंशा यह था कि जिन स्थानों में जंगली जानवरों की रक्षा करने की व्यवस्था की जा रही है वहाँ खेती की रक्षा से सम्बन्धित बन्दूकों के लाइसेंस वापस कर लिये जाय । क्या गवर्नमेंट के ध्यान में यह बात आयी है कि वहाँ-वहाँ जंगली पक्षियों की इस तरह रक्षा

की जा रही है वहां खेती का नुकसान बढ़ता जा रहा है? तो क्या इसके बारे में कोई व्यवस्था की जा रही है?

**डा० पी० एस० बेहामुख :** यह चीज तो प्रान्तीय सरकारों के अधिकार क्षेत्र में है। मैं नहीं समझता कि जैसा नतीजा आपने बतलाया है वैसा हो रहा है। जहां लाइसेंस ज्यादा होंगे वहां तो नुकसान कम ही होगा।

**श्री भक्त बर्षान :** इस बोर्ड ने यह सिफारिश की है कि दूसरी पंचवर्षीय योजना में इस मद में काफी रुपये का प्रबन्ध किया जाय। क्या मैं जान सकता हूँ कि इस मद के लिये कितने रुपये की मांग की गयी है, और मैं यह भी जानना चाहता हूँ कि योजना मायोग न इस सम्बन्ध में अपना क्या अंतिम निर्णय दिया है?

**डा० पी० एस० बेहामुख :** शुरू में हमने इसके लिए एक करोड़ रुपये की मांग की थी, लेकिन हमको इतना पैसा मिलने की प्राप्ति नहीं है।

**श्री विभूति मिश्र :** क्या सरकार के पास इस बात की तालिका है कि विभिन्न प्रदेशों में कितने खेतों में जंगली जानवरों द्वारा नुकसान किया जाता है?

**डा० पी० एस० बेहामुख :** यह तो आपकी सूबे की सरकार ही बतला सकेगी।

#### Moghalsarai Goods Yard

\*499. **Shri L.N. Mishra:** Will the Minister of Railways be pleased to state:

(a) whether there is any proposal to improve movement of coal and general goods traffic through Moghalsarai yard; and

(b) if so, the main features of the same?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) The capacity for movement, through Moghalsarai, of goods traffic, including coal, which has already been progressively increased from 1500 to 1900 wagons per

day during the last two years is proposed to be further stepped up to 2000 and, in due course, even beyond it as may be necessary.

(b) The increase is being brought about by augmentation of the line and yard capacity mainly of the concerned sections of the Eastern and Northern Railways and the capacity of Moghalsarai Yard itself coupled with the provision of additional locomotives and operating improvements.

**Shri L. N. Mishra:** May I know whether this improvement at Moghalsarai has improved the transshipment position at Manduadih?

**Shri Alagesan:** The capacity at Manduadih has been considerably stepped up.

**Shri N. B. Chowdhury:** May I know how the Government propose to meet the problem of transport bottleneck pending further development of the Moghalsarai goods yard, as expected?

**Shri Alagesan:** As I said, it has already been increased from 1500 to 1900 wagons per day and we are taking certain other steps by increasing line capacity, etc., to take it even up to 2,000 wagons per day.

#### Forestry Commission

\*500. **Shri D. C. Sharma:** Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 379 on the 3rd August, 1955 and state:

(a) whether Government have since finalised their proposal for the setting up of a Forestry Commission; and

(b) if so, when it will start functioning?

**The Minister of Agriculture (Dr. P. S. Deshmukh):** (a) The Inspector General of Forests has submitted his proposals for constituting the Forestry Commission and the same is under consideration of Government.

(b) The Commission is expected to start functioning from the beginning of Second Five Year Plan.

**Shri D. C. Sharma:** May I know what proposals the Inspector-General of Forests has put forward so far as the number of members of the Commission is concerned?

**Dr. P. S. Deshmukh:** This Commission, according to present proposals, will consist of six to nine people.

**Shri D. C. Sharma:** May I know if any foreign experts will be associated with this Commission, and if so, how many?

**Dr. P. S. Deshmukh:** There is no proposal at present for associating any foreign experts.

**Shri D. C. Sharma:** May I know if this Commission will be empowered to visit other countries also where forestry has attained a high degree of perfection?

**Dr. P. S. Deshmukh:** It is not one of the functions of this Commission to study forestry; we have already sufficient knowledge, but occasion may arise probably if they consider it necessary to undertake such a study.

**The Minister of Food and Agriculture (Shri A. P. Jain):** I may add that the question of setting up the Commission is under consideration and the hon. Member will do well to wait for a short while until things have crystallised.

#### L. L.O. Committee on Plantation

**\*501. Shri Bibhuti Mishra:** Will the Minister of Labour be pleased to state:

(a) the main decisions arrived at the third session of International Labour Organisation Committee on Plantation which was held at Geneva from the 17th to the 29th October, 1955; and

(b) how far Indian plantation labourers will be benefited from those decisions?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) and (b). These have not been communicated yet but will be examined on receipt.

I may, however, add that the report since received from our delegate shows that he has succeeded in persuading the governing body to place the subject of plantation labour on the agenda of the International Labour Conference so that a convention or recommendation may be adopted by the Conference on this subject at an early session of the International Labour Conference. The Government of India has been desiring this for some time past.

**श्री विभूति मिश्र :** कमेटी के जो फैसले होते हैं उनको प्लांटेशंस पर लागू करने के लिये क्या भारत सरकार कानूनी कार्रवाई भी करती है ?

**मम मंत्री (श्री खंडूभाई वेसाई) :** सरकार, कानूनी कार्रवाई लेती है ।

**श्री विभूति मिश्र :** ये जानना पड़ता कि चाय के और काफी के जो बायान हैं,

उन में जो मजदूर काम करते हैं और जिनके पास घरबार की सुविधाएँ नहीं हैं और मजदूरी भी कम मिलती है, उनको इस कमेटी के फैसले के अनुसार सरकार क्या सहूलियतें देगी ?

**श्री प्राविश्र प्रली :** इसके बारे में प्लांटेशन लेबर एक्ट १९५१ में पास हुआ था और उसकी बहुत सी प्राविजस को प्रमल में लाया गया है ।

#### Renewals of Railway Line Sleepers

**\*504. Shri M. S. Gurupadaswamy:** Will the Minister of Railways be pleased to state :

(a) the total mileage of sleeper renewals completed during the current year till the 30th September, 1955 ;

(b) whether it is a fact that the progress of work is not according to the schedule ;

(c) if so, the reasons therefor; and

(d) the steps taken for early execution of this work ?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shah Nawaz Khan) :** (a) About 408 miles.

(b) Yes, Sir.

(c) Non-availability of sleepers and/or fittings in time.

(d) All possible arrangements are being made to procure sleepers and fitting from indigenous sources and abroad to meet requirements.

**Shri M. S. Gurupadaswamy:** May I know the total mileage of railways on which renewals have still to take place?

**Shri Shahnawaz Khan :** Every year we have a programme for these renewal and generally we programme about 1,000 miles every year and most of the work is done after the monsoon.

**Shri M. S. Gurupadaswamy:** May I ask whether it is a fact that in the Southern Railway the renewals are done very slowly as compared to the renewals in the other Railways, and may I know the reasons for it?

**Shri Shahnawaz Khan :** In most cases the causes are beyond our control for one thing, the availability of wooden sleepers. There is an acute shortage of wooden sleepers. Also, orders for metal

sleepers or cast iron sleepers, which are imported, are placed by Ministries other than the Railway Ministry. We have to depend upon the availability of these materials.

**श्री एम० एल० द्विवेदी :** मैं जानना चाहता हूँ कि क्या माननीय मंत्री जी के ध्यान में यह बात आई है कि एक तरफ तो स्लीपर्स की बहुत ज्यादा कमी है और दूसरी तरफ हर साल कई लाख स्लीपर काश्मीर के पास भे जाते हैं, यदि हाँ तो इसको रोकने का क्या प्रबन्ध किया गया है ?

**रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री) :** मुम्किन है कि स्लीपर्स की इतनी कमी न हो जितनी कि आनरेबल मੈम्बर ने बतलाई है लेकिन जो हमारी कठिनाई है वह यह है कि जो दाम स्टेट गवर्नमेंट तय करती है, मुकर्रर करती है, वह उन रेट्स से जो हम तय करते हैं, बहुत ज्यादा होते हैं। अगर हम ब्राड गेज के एक स्लीपर के १८ रुपये तय करते हैं तो मांग होती है कि २१ रुपये, २२ रुपये और २३ रुपये तक स्लीपर के दाम हों। हमने दामों को बढ़ाना भी चाहा है लेकिन तब भी हमें इस के बारे में पूरी सफलता नहीं मिली है। इस बास्ते लकड़ी के स्लीपर रहते हुए भी जहाँ तक कीमत की बात है, स्टेट गवर्नमेंट मदद करना चाहते हुए भी नहीं कर पाते हैं।

**पंडित श्री० एन० तिवारी :** मेटल स्लीपर और वुडन स्लीपर के दाम में कितना फर्क है और मेटल स्लीपर वुडन स्लीपर के मकाबले में कितनी ज्यादा बेर चलते हैं ?

**The Deputy Minister of Railways and Transport (Shri Alagesan) :** I think the wooden sleepers' age is about 15 to 18 years, whereas the age of cast iron or steel sleepers is about 30 years; they are costlier to begin with, but in the long run they are cheaper.

## कोलम्बो योजना

**\*५०५: श्री भागवत झा आजाद :** क्या रेलवे मंत्री १६-६-५५ को दिये गये तारांकित प्रश्न संख्या १८८३ के उत्तर के सम्बन्ध में बताने की कृपा करेंगे कि :

(क) कोलम्बो योजना के अधीन अब तक आस्ट्रेलिया से कल कितने रेल के डिब्बे प्राप्त हुये हैं ; और

(ख) माल की पहली खेप किस तारीख को आई थी ?

**रेलवे तथा परिवहन मंत्री के सभासद्विध (श्री शाहनवाज खाँ) :** (क) कोई नहीं।

(ख) सवाल नहीं उठता।

**श्री भागवत झा आजाद :** मैं जानना चाहता हूँ कि देश की आवश्यकता के अनुसार जब कि देश में ही कोचिज नहीं बन रही है, तो क्या यह सवाल सरकार के विचाराधीन है कि विदेशों से भी डिब्बों का आयात किया जाए, यदि हाँ, तो किन किन देशों से मंगाने का विचार किया जा रहा है ?

**श्री शाहनवाज खाँ :** यह जो सवाल है यह तो सिर्फ कोलम्बो योजना के बारे में है। मेरा खयाल है जो सवाल अब आनरेबल मੈम्बर ने किया है वह इस सवाल से जरा बाहर मालूम होता है।

**श्री भागवत झा आजाद :** कोलम्बो योजना के ही अन्तर्गत क्या सरकार आस्ट्रेलिया के अलावा किसी दूसरे देश से भी डिब्बों के आयात करने का विचार कर रही है ?

**रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री) :** आम तौर पर हमारा विचार यही है कि हम सवारी डिब्बे बाहर से न मंगायें लेकिन कोलम्बो योजना के मातहत हमें सस्ते दामों पर वह चीजें मिलती हैं रेलवेज को चाहे न मिलती हों अगर गवर्नमेंट प्राफ इंडिया को मिलती हैं। इस वजह से

जब हमें ऐसी सहायता देने की बात होती है, तब उनके मुताबिक हम मंगाते हैं, और बाकी हम अपने देश में ही बनाते हैं।

**श्री भागवत झा आजाद :** श्री माननीय मंत्री जी ने कहा कि डिब्बों के मामले में हम संतोषजनक स्थिति में हैं और हमने बाहर से मंगाने भी बन्द कर दिये हैं। क्या मैं जान सकता हूँ कि हम अपनी जरूरत का कितना प्रतिशत भाग अपने यहां ही बना कर पूरा कर रहे हैं ?

**श्री एल० बी० शास्त्री :** हमारे यहां जितनी मांग है, उसे पूरा, हम अपने यहां बनाने की कोशिश करते हैं।

#### Influenza Vaccine

\*506. **Shrimati Maydeo :** Will the Minister of Health be pleased to state :

(a) when the pilot scheme for the manufacture of influenza vaccine from locally isolated strains will be started at Coonoor; and

(b) the steps taken in this direction?

**The Minister of Health (Rajkumari Amrit Kaur) :** (a) and (b). The pilot scheme for the manufacture of influenza vaccine from locally isolated strains has been in operation at the Influenza Centre, Coonoor since 1st November, 1954.

**Shrimati Maydeo :** May I know what will be the total cost required for this project, and whether the World Influenza Centre is giving any monetary help towards this?

**Rajkumari Amrit Kaur :** So far as the grants by the Government of India are concerned, they are Rs. 6,000 in 1954-55, and Rs. 9,505 in 1955-56, and for the year 1956-57 a budget provision for Rs. 25,500 has been made, including Rs. 13,500 for the purchase of the necessary equipment. As far as help from outside is concerned, we have received some strains from the World Influenza Centre and certain supplies also from the United States of America and Denmark.

**Shrimati Maydeo :** May I know what organic substance is necessary to prepare this vaccine, and will this organic substance be available in India in plenty or will it be necessary to import it?

**Rajkumari Amrit Kaur :** Certainly, Sir. After the research has been made, if the strains which we produce here, when we compare them with foreign strains are good will certainly produce them in our own country.

#### अमरीकी उपहार पार्सल

\*५१२. **डा० राम सुभग सिंह :** क्या साक्ष और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भारत अमरीकी करार के अधीन मुफ्त बांटने के लिये प्राये सामान के बोरों और पैकिटों पर अमरीकी झंडे का चिन्ह लगाना अनिवार्य है; और

(ख) क्या यह भी सच है कि इन चिन्हों की जांच भारत-स्थित अमरीकी अधिकारी करते हैं ?

**साक्ष और कृषि उपमंत्री (श्री एम० बी० कृष्णप्पा) :** (क) जी, नहीं।

(ख) प्रश्न ही नहीं होता।

**डा० राम सुभग सिंह :** प्रश्न के भाग (क) के उत्तर में मंत्री महोदय ने कहा कि "नहीं"। क्या अगर इस इंडो-अमेरिकन एग्रीमेंट के प्रतिरिक्त भी कोई गिफ्ट्स के पार्सल सरकार को मिलते हैं जिन पर अमरीका का इन्स्पेकशन स्टाफ यह चाहता है कि उन पर जरूर अमरीकी झंडे का मार्क लगा ही ?

**श्री एम० बी० कृष्णप्पा :** आपका प्रश्न यह था कि इंडो-अमरीका एग्रीमेंट के अन्तर जो गिफ्ट आते हैं उन पर झंडे का मार्क होता है या नहीं और उसके जवाब में मैंने कहा कि "नहीं"। लेकिन कुछ डायरेक्ट गिफ्ट इंडिया गवर्नमेंट को आते हैं और उन गिफ्ट्स के बोरों पर एक लेबल लगा होता है जिस पर यह लिखा होता है —

Gift of the people of America to the people of India.

**Dr. Ram Subhag Singh :** The hon. Deputy Minister just now explained that the direct gifts which have been received by the Government of India from the Government of the United States are required to be labelled with the American flag. May I know the quantity of that direct gift and what are the consideration which have led the Government of India to accept that condition of labelling those gifts with the American flag?



**Shri M. V. Krishnappa :** As direct gifts we got about 20,000 tons of food-grains consisting of 10,000 tons of wheat and 10,000 tons of rice. For these gifts as a gesture of goodwill, we accepted to put this label on the bags of foodgrains on which it has been written that it is a gift from the American people to the people of India.

**Mr. Speaker :** The question was whether the American flag is put on them.

**Shri M. V. Krishnappa :** Yes, Sir, on these labels there is a small American flag also.

**Dr. Ram Subhag Singh :** The hon. Deputy Minister said that as a gesture of goodwill they have accepted this condition of putting an American flag on the bags of these gift commodities. May I know whether the acceptance of this concession has encouraged the Government of the United States to issue a statement which goes against the interests of this country?

**The Minister of Food and Agriculture (Shri A. P. Jain) :** I do not see any relationship between the two.

**Dr. Ram Subhag Singh :** May I know whether the Government have given such concessions to other countries also, from whom such gifts have been received, and agreed to put their flags?

**Shri A. P. Jain :** We have no idea of discriminating between different countries.

**Dr. Lanka Sundaram :** May I know whether there is any proposal on the part of the Government of India to suggest to the United States Government to replace their flag with a caption denoting origin from the U. S. A.?

**Shri A. P. Jain :** Well, the matter is over now.

**Shri Bhagwat Jha Azad :** May I know whether it is in the interest.....

**Mr. Speaker :** Order, order. The hon. Minister has just said that the matter is over.

#### B. C. G. Campaign

\*514. **Shri Kamath :** Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 1340 on the 30th September, 1955 and state :

(a) whether all States have constituted a panel of expert doctors to investigate any complications after B. C. G. Vaccination;

(b) whether any State experts have investigated such complaints so far; and

(c) if so, with what result?

**The Minister of Health (Rajkumari Amrit Kaur) :** (a) No.

(b) Yes;

(c) All investigations have shown that the reported complications were not due to B. C. G. Vaccination.

**Shri Kamath :** May I know why all the States have not yet appointed a panel of experts; the answer to part (a) of the question was "No." I believe?

**Rajkumari Amrit Kaur :** The following States have constituted a panel of experts: Jammu and Kashmir, Cutch, Hyderabad, PEPSU, Rajasthan, Delhi, Andhra, Punjab and Ajmer. Three States have said that they have had no complications and there is no need to have any experts. Madras has already investigated some cases and I do not think there is any need for any more investigation. The rest have got replied.

**Shri Kamath :** Am I to understand that no deaths or any other untoward results consequent on or subsequent to B. C. G. vaccination have been reported from any of the States?

**Rajkumari Amrit Kaur :** No States have reported any deaths or any untoward results after B. C. G. vaccination.

**Shri Kamath :** Is it a fact, Sir, that medical and expert opinion is sharply divided on the efficacy and even the harmlessness of B. C. G. Vaccination, and is it a fact that mass vaccination as is done in India today without any record of persons or particulars and without any follow-up tests is tantamount to bacteriological warfare against the people, as Bharat Ratna C. Rajagopalachari has said?

**Mr. Speaker :** Order, order. It is only an expression of opinion. He may put another question.

**Shri Kamath :** The first part of my question may be answered, Sir.

**Mr. Speaker :** The difficulty with the hon. Member is that he is bringing in so many arguments, so many remarks, so many criticisms and all that kind of things that it ceases to be a question and it seems to be a criticism in the form of a question. That is the difficulty with the hon. Member. He may ask for information without any comments.

**Shri Kamath :** Within the limits imposed by you I will put another question, Sir. Is it a fact that as stated by the Madras and Andhra Health Ministers recently, the response to the Government Plan for B. C. G. Vaccination been adversely affected recently and, if so, what is it due to?

**Rajkumari Amrit Kaur :** Shri Rajaji has warned and some people have listened to his warnings in Madras. Therefore, the response to the B. C. G. Vaccination there has been somewhat curtailed. But, that does not apply to Andhra. Andhra is going ahead with B. C. G. Vaccination with the usual response.

**Shri Kamath :** Is the hon. Minister in a position to assure the House that mass vaccination in our country will be accompanied by a careful record of persons and other particulars and also by follow-up tests?

**Rajkumari Amrit Kaur :** As far as possible, a follow-up is carried out and in India in mass vaccination only non-positive cases are dealt with.

**Shri Kamath :** Is mass vaccination done septically and antiseptically?

**Mr. Speaker :** Order, order.

C. T. O.

\*515. **Shri S. V. Ramaswamy :** Will the Minister of Food and Agriculture be pleased to state :

(a) how much of the land reclaimed by the C. T. O. has been brought under cultivation since reclamation;

(b) whether there are reclaimed lands which have not been brought under cultivation;

(c) if so, what steps are being taken to bring that under cultivation;

(d) whether any attempt is being made to settle farmers from other thickly populated States; and

(e) whether any financial assistance is given to such settlers and if so, on what terms?

**The Minister of Agriculture (Dr. P. S. Deshmukh) :** (a) to (e). A statement is placed on the Table of the Lok Sabha. [See Appendix III, annexure No. 55].

**Dr. S. V. Ramaswamy :** In the statement I find that Rs. 14,60,044 acres have been reclaimed. May I know what is the cost and also, as some portions have not been brought under cultivation, have these lands gone back to kank infestation and, if so, what steps are being taken to prevent the loss?

**Dr. P. S. Deshmukh :** I have not got the total cost incurred, but the House knows the charges we made from the beginning and how we got some reductions also. It would not be very difficult to calculate the cost that way. So far as the land not cultivated is concerned we have no statistics. Actually, the portion uncultivated must be a very insignificant portion out of the total which was tractored.

**Shri S. V. Ramaswamy :** The statement says that a central mechanised farm of 10,000 acres is sought to be developed and 500 families are to be settled there. Of these 300 labourers would be from the Travancore-Cochin State and the remaining 200 would be from Bhopal itself. May I know whether these landless people have been settled, and, if so, what financial and other assistance has been given to them?

**Dr. P. S. Deshmukh :** We have worked out the whole scheme. So far, 120 families from Travancore-Cochin have already been settled. 80 more are expected soon, and a 100 a little later. The concessions given are quite numerous, but I may mention that they are also given a contribution for the building of a house or a hut as well as certain amounts for the purchase of implements and bullocks, etc. It is about Rs. 1,000 per family.

**Shri S. V. Ramaswamy :** The density of population in Travancore-Cochin is somewhere about 1,000, that of West Bengal is 800 and that of Madras is 600, as against 100 in Madhya Pradesh and Madhya Bharat. Are any steps being taken to see that people are shifted from densely-populated areas like these, to less densely populated areas?

**Dr. P. S. Deshmukh :** Evidently, the choice of Travancore-Cochin must be in a large measure based upon the density of population.

**Shri Nanadas :** What steps are being taken to provide irrigation facilities to the lands reclaimed by the C. T. O.?

**Dr. P. S. Deshmukh :** We have made several arrangements for the provision of irrigation. Some pumping sets have been put in and we are trying to give irrigation facilities to as many as possible.

**Shri Gidwani :** Is it proposed to get any price from them, for the lands, after a certain number of years?

**Dr. P. S. Deshmukh :** We are going to charge them, after they are properly settled, Rs. 75 per acre for irrigated land and Rs. 50 per acre for non-irrigated land.

#### Bridge over the River Krishna

\*516. **Shri B. S. Murthy :** Will the Minister of Transport be pleased to state :

(a) the present stage of the construction of the Regulator-cum-Road Bridge over the river Krishna at Vijay Wada on National Highway No. 5 and whether it is progressing according to the schedule;

(b) the amount so far spent; and

(c) whether it is a fact that revised estimates have been submitted, and if so, the additional cost involved and the reasons therefor?

**The Deputy Minister of Railways and Transport (Shri Alagesan) :** (a) The overall progress of the bridge part of the structure was 21 per cent upto 30th September, 1955. The progress is satisfactory.

(b) About Rs. 8.81 lakhs upto the end of September 1955.

(c) Yes. The additional cost involved is Rs. 20.51 lakhs. The revised estimate is under examination. In support of the increase in estimated cost, the following reasons have been stated by the Special Chief Engineer, Andhra.

(1) The rates provided for in the original estimate required revision in the light of current schedule of rates in Vijayawada circle.

(2) Lump sum provisions made for certain items were found to be inadequate on further examination, and

(3) certain items not provided for in the sanctioned estimate have to be provided now.

**Shri B. S. Murthy :** May I know whether it is a fact that inadequate supply of raw materials was responsible for not making such progress as was expected?

**Shri Alagesan :** In fact, we come in only for contributing that portion of the cost which relates to the bridge-part of the whole project. This is being handled by the Andhra State P. W. D. I am not aware of the supply position, but as far as we are able to understand, we are told that the progress is satisfactory up-to-date.

**Shri Nanadas :** May I know if the Government has fixed any target date for the completion of the works on this project, and, if so, what is the date?

**Shri Alagesan :** I am not aware of it.

### P. & T. Runners' Lines

\*518. **Shri Bahadur Singh :** Will the Minister of Communications be pleased to state :

(a) the number of runners' lines replaced by motor services during the year from 1st November, 1954 to 1st November, 1955 in different circles in the country; and

(b) the total mileage over which the motor services operated on 1st November, 1955.

**The Deputy Minister of Communications (Shri Raj Bahadur) :** (a) and (b). A statement containing the required information is placed on the Table of the Lok Sabha [See Appendix III, Annexure No. 56].

**Shri Bahadur Singh :** May I know what was the maximum duration of time taken by the runners' lines on any of these routes which have been replaced and what will be the maximum time now taken by the mail service on the same routes?

**Shri Raj Bahadur :** It is expected that during 1956-57, we shall be having as many as 686 lines given to motor and other means of transport.

**Shri Bahadur Singh :** May I know what will be the additional average expenditure on running a mail service for a particular route?

**Shri Raj Bahadur :** It is very difficult to calculate the cost. It sometimes proves economical and sometimes it does not.

**Shri Bahadur Singh :** What is the total mileage that is expected to be covered still in respect of the runners' lines, after the expiry of the next financial year?

**Shri Raj Bahadur :** As I said, in certain cases it might prove to be economical. The objective that we have got in view is not saving of expenditure but speeding up the transit of mails.

**श्रीमती कमलेश्वरिणी शाह :** क्या मैं जान सकती हूँ कि क्या सरकार को यह मालूम है कि जहाँ मोटरों नहीं जा सकती हैं वहाँ इन रनर्स या हरकारों को पैदल जाना पड़ता है और उनको बहुत कठिनाई होती है? क्या इस को ध्यान में रखते हुए सरकार रनर्स की तादाद बढ़ाने का विचार कर रही है?

**श्री राज बहादुर :** रनर्स बहुधा वहीं इस्तेमाल किये जाते हैं जहाँ मेल ले जाने के लिये मोटरों की सुविधा नहीं उपलब्ध होती है। जहाँ मेल ले जाने के लिये मोटर की सुविधा उपलब्ध हो जाती है वहाँ रनर्स के बजाय मोटरों से या बाइसिकिलों से ही उसे ले जाया जाता है।

**श्रीमती कमलेश्वरिणी शाह :** लेकिन ऐसे स्थानों पर जहाँ मोटरों की सुविधा उपलब्ध नहीं है वहाँ एक रनर के बदले में

चार रनर्स की जरूरत है खास कर पहाड़ी इलाकों में, उन स्थानों के लिये क्या सरकार रनर्स की तादाद बढ़ायेगी ?

**श्री राज बहादुर :** किस लाइन पर कितने रनर्स की आवश्यकता है इस पर स्थानीय अधिकारी दृष्टिपात करते हैं और जब जब जहाँ जहाँ जरूरत होती है वैसे ही उन की संख्या भी बढ़ा दी जाती है ।

#### Kazipet-Gudur Railway Line

\*521. **Shri T. B. Vittal Rao :** Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 2461 on the 30th September, 1955 and state at what stage is the survey for laying an alternative line between Kazipet and Gudur to relieve the congestion on the present track on this section?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shah Nawaz Khan) :** No decision has yet been taken.

**Shri T. B. Vittal Rao :** We were told in January of this year that this question is under examination. May I know when this protracted consideration will reach the stage of finality?

**Shri Shah Nawaz Khan :** Recently there was a meeting at which all the General Managers were called. The General Manager, Southern Railway, was asked to submit his estimates as soon as possible, but I might tell the hon. Member that there are two proposals under consideration. One is to lay a line from Kazipet to Nellore. The alternative suggestion is to have a line from Bezwada to Gudur. No decision has yet been taken as to which of these lines is to be constructed.

**Shri T. B. Vittal Rao :** The Parliamentary Secretary referred to some estimates. May I know in what connection do those estimates come in?

**The Deputy Minister of Railways and Transport (Shri Alagesan) :** There was a survey estimate of the alternative line. There was also the other estimate for doubling the line. As the Parliamentary Secretary just now said, the General Manager has been asked to submit estimates for doubling a length, roughly, of 25 miles and include the scheme in the next year's programme.

**Shri T. B. Vittal Rao :** May I know whether the need for this railway line is recognised on operational grounds, because the line between Kazipet and Bezwada has reached saturation point?

**Shri Shah Nawaz Khan :** The proposed line between Kazipet and Nellore would be 346 miles and the cost of this would be roughly Rs. 27.6 crores. The other line which would mean doubling or rather laying another track between Bezwada and Gudur would be much shorter. It is more than 100 miles shorter. If the duration of time for completion of the work is taken into account, the line from Bezwada to Gudur would be finished in a year and a half earlier than the other, and the cost also would be very much less. It is in the neighbourhood of Rs. 12 crores.

**Shri B. S. Murthy :** Apart from the removal of the bottle-neck at Bezwada, is it not a fact that the Kazipet-Macherla-Gudur line will open up a new line connecting the industrial area at Nandikonda project?

**Shri Shah Nawaz Khan :** That is so, but then the other considerations of time and the urgency of providing transport to cope with the requirements during the second Five Year Plan period are even more pressing.

#### उड्डयन

\*५२२. **श्री एम० एल० द्विवेदी :** क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत के विभिन्न हवाई प्रदुर्गों पर ग्यारह सर्वे-दिक् प्राकाशवाणी विस्तार यंत्र [धामनी डाइरेक्शनल रेडियों रेंजिस (वी० प्रो० प्रार०)] प्रमरीका किन शर्तों पर लगा रहा है;

(ख) इन यंत्रों के लगाने से उड्डयन में क्या सुविधायें मिलने लगेगी; और

(ग) इन यंत्रों के लगाने, देखभाल करने, और चलाने का खर्चा कौन देश देगा ?

संचार उपमंत्री. (श्री राज बहादुर) :

(क) तथा (ग). भारत-प्रमरीकी प्रौद्योगिक सहकारिता कार्य क्रम (Indo-U.S. Technical Co-operation Programme) के अन्तर्गत प्रमरीका की सरकार बिना किसी मूल्य के यह यंत्रसज्जा दे रही है । इस योजना के अधीन प्राप्त की हुई सब यंत्रसज्जायें भारत सरकार की सम्पत्ति होंगी और उनका खालन एवं संचारण अंतर्राष्ट्रीय नागरिक विमानन संघठन (International Civil Aviation

Organisation) के मानदण्ड और सिफारिश किये गये चलनों के अनुसार होगा और उनका इस प्रकार व्यवहार किया जायगा जिससे कि भारत के आर्थिक विकास के उद्देश्य को बढ़ावा मिलता रहे। प्रतिष्ठापन, संचारण और चालन की लागत भारत सरकार बहन करेगी।

(ख) यह विमान चालकों को मार्ग में अनस्थिर वितन्तु चालन सम्बन्धी सहायता (Static-free en-route radio navigational assistance) प्रदान करेगी और विपरीत मौसम की अवस्थाओं में अत्यन्त विश्वसनीय है।

श्री एम० एल० द्विवेदी : ऐसा मालूम होता है कि अमरीका भारत को ही नहीं बल्कि एशिया के अन्य देशों को भी यह यंत्र दे रहा है जैसे पाकिस्तान, बर्मा आदि। तो दूसरे देशों के मुकाबले में भारत को कितने अधिक या कम यंत्र दिये जा रहे हैं ?

श्री राज बहापुर : यह बतलाना तो कठिन है क्योंकि तुलना नहीं की गई है और करना संभव भी नहीं है। लेकिन जानकारी के लिये मैं यह बता दूँ कि सेक्रेटरी साउथ ईस्ट एशिया रीजनल एअर नैविगेशन कॉन्फरेन्स जो कि मेलबोर्न में सन् १९५३ में हुई थी और स्पेशल मिडल ईस्ट कम्यूनिकेशन मीटिंग जो कि रोड्स में १९५४ में हुई थी, दोनों में यह सिफारिश की गई थी कि भारत के कुछ हवाई अड्डों पर 'बेरी हार्ड फ्रीक्वेंसी ग्राम्नी डाइरेक्शनल रेडियो रेन्जेज' लगाये जायें ?

श्री एम० एल० द्विवेदी : क्या आप के पास कोई इस बात के अनुमान है कि सरकार का इन यंत्रों के हवाई अड्डों पर लगाने में कुल खर्च डालरों में या रुपयों में क्या होगा ?

श्री राज बहापुर : जी हाँ, जो यह यंत्र सज्जायें लगाई जा रही हैं उन की गिनती ११ है, लेकिन वह १० हवाई अड्डों पर लगाई

जायेंगी। उन पर डालरों में ४ लाख, २६ हजार व्यय होगा और रुपयों में २ लाख, ८४ हजार।

**Shrimati Maydeo :** I request that Question No. 530 also may be answered along with Question No. 525.

**Mr. Speaker :** Is it convenient for the hon. Minister to answer both?

**The Minister of Health (Rajkumari Amrit Kaur) :** Yes, Sir.

#### Contributory Health Service Scheme

\*525. **Shri Krishnacharya Joshi :** Will the Minister of Health be pleased to state whether Government propose to enlarge the scope and extent of the Contributory Health Service Scheme for Central Government employees so as to include non-Government employees also?

**The Minister of Health (Rajkumari Amrit Kaur) :** There is no such proposal at present.

#### Contributory Health Service Scheme

\*530. **Shrimati Maydeo :** Will the Minister of Health be pleased to state :

(a) whether an Advisory Committee with representatives of different sections of Central Government employees was constituted for the efficient running of the Contributory Health Service Scheme;

(b) how many meetings of this Committee have been held so far;

the main resolutions passed in these meetings; and

(d) which of these have been implemented by Government so far?

**The Minister of Health (Rajkumari Amrit Kaur) :** (a) Yes.

(b) Four.

(c) and (d). 'No formal resolutions were passed but certain recommendations were made. A statement showing the recommendations made and action taken thereon is placed on the Table of the Lok Sabha. [See Appendix III, Annexure No. 57].

**Shri Krishnacharya Joshi :** May I know the total number of Government employees who are benefited by this Contributory Health Service Scheme at present?

**Rajkumari Amrit Kaur :** The number of employees and their families that are benefited works out in the neighbourhood of about 3 lakhs.

**Shri Krishnacharya Joshi :** May I know whether any extra allowance is given to the doctors who are working or whether more doctors are employed after the introduction of this scheme?

**Rajkumari Amrit Kaur :** All the doctors are given a non-practice allowance, because they are not allowed private practice. Recently, the staff has also been increased because the number of persons making use of the scheme has increased.

**Shrimati Maydeo :** May I know how many treatment centres are there in Delhi and how many patients have so far come there and received treatment?

**Rajkumari Amrit Kaur :** I answered this question several times. I have figures for the numbers who have attended all the dispensaries since July, 1954. If you want, Sir, I will read them out.

**Mr. Speaker :** No.

**Shrimati Maydeo :** May I know how much loss the Government has been put to in giving treatment to the families of the Government employees?

**Rajkumari Amrit Kaur :** Government is not put to a loss but Government subsidises. Up to date, the Government have subsidised in the neighbourhood of Rs. 14 lakhs.

**Shri Bhagwat Jha Azad :** May I know whether this Committee also recommended that the Government employees covered by this scheme should have the option to make use of this scheme or not to make use of it?

**Rajkumari Amrit Kaur :** Well, Sir, the scheme is compulsory and the persons who get the benefits are so happy about it that no demands are made on the Government for opting out of it.

**Shri Bhagwat Jha Azad :** What are the reasons that weigh with the Government to force the employees to compulsorily join this scheme?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) :** The reason is common sense. We hope that there will be such schemes spread out more and more all over the country so that every person in India comes with such schemes; but we cannot do it because of our inability regarding finance and other. It is obviously desirable that we have such schemes for giving medical treatment etc. If they are not compulsory, they fail in their purpose. You cannot make arrangements for odd individuals; you can make it for all individuals.

**Shri Bhagwat Jha Azad :** What is the system of medicine that is being used?

**Shri Jawaharlal Nehru :** Scientific system of medicine, whatever that may mean.

#### Railway Amenities Committees

\*526. **Shri Gidwani :** Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 992 on the 19th September, 1955 and state :

(a) whether the Suburban Passenger Amenities Committees to enquire into the overcrowding on the Suburban section of Bombay, Calcutta and Madras have submitted their reports;

(b) if so, the recommendations made by these Committees, to deal with the problem of overcrowding; and

(c) whether Government have taken any action thereon?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) :** (a) The Suburban Passenger Amenities Committees referred to in the reply to Unstarred Question No. 992 on 19-9-55 have not yet been formed. However, a separate Committee to investigate into the problem of excessive overcrowding during peak hours in the suburban trains in the Bombay Calcutta and Madras areas has been appointed in September last.

(b) and (c). The Committee have not yet submitted their report and they are expected to do so by the end of this year.

**Shri Gidwani :** Are all the members of this Committee Officials or have non-officials been associated with it?

**The Minister of Railways and Transport (Shri L. B. Shastri) :** They are all officials.

**Shri Gidwani :** Pending the report of this committee, may I know whether any new measures have been adopted to remove overcrowding on these railways?

**Shri Shahnawaz Khan :** No special measures other than the usual measures have been adopted, namely, increasing the rolling stock, the number of locomotives etc. No extraordinary measures have been introduced.

**Shri T. B. Vittal Rao :** May I know whether this committee will also go into the question of the immediate need for the electrification of the Sealdah Division, because the Sealdah suburban section is considered to be the busiest suburban section in the world with 220 trains a day on steam traction.

**Shri L. B. Shastri :** The electrification of the Sealdah section will be taken up in the second phase; it cannot be taken

up immediately. We are first electrifying the Howrah Burdwan section. When we complete this section, we will go over to the other section.

## WRITTEN ANSWERS TO QUESTIONS

### X-Ray Units

\*487. **Shri V. P. Nayar** : Will the Minister of Health be pleased to state :

(a) the number of X-Ray Units considered necessary for India under the Health Plans in the Second Five Year Plan; and

(b) whether Government have ascertained from Bharat Electronics, the number of such Units which could be produced by them?

**The Minister of Health (Rajkumari Amrit Kaur)** : (a) The Health plans in the Second Five Year Plan have not yet been finalised, and therefore, no realistic estimate is possible at this stage.

(b) No.

### Employment Exchanges

\*489. **Dr. Satyawadi** : Will the Minister of Labour be pleased to refer to the reply given to Starred Question No. 80 on the 26th July, 1955 and state whether all the States have submitted their views on the recommendations of the Shiva Rao Committee regarding the future of Employment Exchanges?

**The Minister of Labour (Shri Khandubhai Desai)** : No; replies from some of the State Governments are still due. However, the Conference of Labour Ministers held in Hyderabad in the first week of November 1955 decided that Employment Exchanges should be transferred to States on the 31st March 1956.

### Kandla Port

\*493. **Ch. Raghbir Singh** : Will the Minister of Transport be pleased to state :

(a) whether it is a fact that the progress of work on Kandla Port Project has been rather slow;

(b) if so, the reasons therefor; and

(c) the steps taken to speed up the work?

**The Deputy Minister of Railways and Transport (Shri Alagesan)** : (a) to (c). In the initial stage the speed of execution of the works included in the main harbour contract was somewhat slow. This was due to the fact that the contracting firm which is a combine consisting of

Indian and foreign firms ran into difficulties due to lack of complete understanding between the partners. Government took timely action by pressing the contracting firm to reconstitute itself on a better basis. Penalties for delay were also imposed at certain stages and the work has now gathered satisfactory speed.

### Port Workers

\*496. **Shri Nambiar** : Will the Minister of Railways be pleased to state :

(a) whether Government have received any representation from the Vizagapatnam Harbour and Port Workers Union, Vizagapatnam complaining against classification of eye test to port lightening tindals a Vizagapatnam; and

(b) if so, the action Government have taken or Government propose to take on this?

**The Deputy Minister of Railways and Transport (Shri Alagesan)** : (a) The South Eastern Railway Administration has reported that they have received a representation from the Vizagapatnam Harbour and Port Workers Union, Vizagapatnam, complaining against the classification of the port lightening tindals at Vizagapatnam for the purpose of vision test.

(b) The matter is under examination by the Chief Medical Officer, South Eastern Railway.

### Delhi-Rajkot Air Service

\*502. **Shri Jethalal Joshi** : Will the Minister of Communications be pleased to state :

(a) when Delhi-Rajkot air service will be started; and

(b) the names of the cities to be touched by the service and the approximate time it will take to reach Delhi from Rajkot and *vice versa*?

**The Deputy Minister of Communications (Shri Raj Bahadur)** : (a) The Delhi-Rajkot air service has been started with effect from the 1st December, 1955.

(b) The service will touch Bikaner, Jodhpur and Ahmedabad on the route. Approximate time taken from Delhi to Rajkot or *vice versa* is five hours and 30 minutes.

### Air Lines Users Councils

\*503. **Shri S. K. Rasmi** : Will the Minister of Communications be pleased to state :

(a) whether there is any proposal to set up Air Lines Users Councils, for inter-national and overseas services;

(b) if so, the decision taken; and

(c) the main functions of these Councils?

**The Deputy Minister of Communications (Shri Raj Bahadur).** (a) No, sir.

(b) and (c) Do not arise.

#### Jharia Coal Fields

\*507. **Shri P. C. Bose** : Will the Minister of Labour be pleased to state :

(a) whether it is a fact that owing to scanty rainfall the water level of Topechanchi reservoir, the main source of water supply to the Jharia Coal Field, has remained very low;

(b) the alternative arrangement, if any, made to maintain water supply to the coal field during the coming hot season?

(c) the progress so far made with the scheme for additional water supply from Damodar river for which a large sum of money was granted by the Central Government; and

(d) the cause of delay in the execution of the scheme ?

**The Minister of Labour (Shri Khandubhai Desai)** : (a) Yes.

(b) and (c). A statement is placed on the Table of the Lok Sabha [See Appendix III, Annexure No. 58].

(d) There has been no delay in the execution of the scheme, which is to be completed by March, 1958.

#### Filariais

\*508. **Shri B. D. Shastri** : will the Minister of Health be pleased to state :

(a) whether any training centre to train officers on filariasis control has recently been started;

(b) if so the duration of the training course; and

(c) whether any proposal to make the training centre permanent, is under the consideration of Government?

**The Minister of Health (Rajkamari Amrit Kaur)** : (a) Yes. Two training centres have been established, one at Delhi and the other at Ernakulam (Travancore-Cochin State.) The latter is for field training.

(b) (i) Six weeks for Medical officers and Entomologists.

(ii) Four weeks for inspectors.

(c) The question of making the centres permanent will be considered after evaluation of antifilariais work done for a period of five years.

#### प्रन्तराष्ट्रीय श्रम संगठन (बेकारी की समस्या)

\*५०९. श्री प्रनिसद सिह : क्या श्रम मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि प्रन्तराष्ट्रीय श्रम संगठन ने भारत में बेकारी की समस्या का अध्ययन किया है और भारत सरकार को एक जापान भी दिया है; और

(ख) यदि हां, तो मुख्य सिफारिशें क्या हैं ?

श्रम मंत्री (श्री खंडुभाई देसाई) :

(क) जी हां, लेकिन अभी तक रिपोर्ट के मसविदे का एक भाग ही भेजा गया है।

(ख) बाकी रिपोर्ट प्रन्तराष्ट्रीय श्रम संगठन ने अभी तैयार करती है।

#### Air Services to Andaman Islands

\*510. **Sardar Iqbal Singh**: Will the Minister of Communications be pleased to state:

(a) whether it is a fact that Government propose to start air service to Andaman Islands; and

(b) when this proposal will be given effect to?

**The Deputy Minister of Communications (Shri Raj Bahadur)**: (a) and (b). A permit for the operation of a non-Scheduled air service to the Andamans has been given to Messrs. Airways (India) Ltd. who expect to commence the service shortly.

#### Food Reserve Godowns

\*511. **Shri R. N. Singh** : Will the Minister of Food and Agriculture be pleased to refer to the reply given to starred question No. 360 on the 3rd August, 1955 and state :

(a) the progress made so far in regard to the construction, of Food Reserve Godowns in the various States; and

(b) the amount spent upto the 30th September, 1955.



**The Minister of Food and Agriculture (Shri A. P. Jain) :** (a) The position at present in regard to construction of godowns is as follows :

- (i) Accommodation constructed lakh tons and owned by Government . . . 2.3
- (ii) Construction in progress . . . 0.27
- (iii) Plans and Estimates finalised and construction due to start . . . . . 1.93

(b) Upto the end of September 1955, a total sum of Rs. 153.19 lakhs has been sanctioned. Details of actual expenditure incurred against the sanction will be available in due course.

### All India Co-operative Congress

\*513. { **Thakur Jugal Kishore Sinha :**  
**Babu Ramnarayan Singh :**  
**Shri Asthana :**

Will the Minister of Food and Agriculture be pleased to state what steps have been taken for implementation by Government of the recommendations of the Patna Session of the All India Co-operative Congress regarding the limited functions and nominations of the representatives of Bihar Government on the State Co-operative Bank and the recognition of the All India Co-operative Union as the authoritative body for the education and training of Co-operative officers and workers ?

**The Minister of Food and Agriculture (Shri A. P. Jain) :** The Resolution related to the whole of India and was considered by the Conference of State Ministers held in April, 1955. It recommended that Government's nomination on the Board of Directors of a State partnered institution should not ordinarily exceed one-third and should not lead to interference with the day to day administration of the Society. This resolution was communicated to all State Governments including Bihar.

The All India Co-operative Union is being given representation on the Central Committee for Co-operative training and the programme of training of office-bearers and members of Co-operative Societies is being drawn up in consultation with the All-India Co-operative Union.

### Pisciculture

\*519. **Shri V. P. Nayar :** Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 1794 on the 6th September, 1955 and state :

- (a) whether the Government of

India have set any targets for raising the fish yield by pisciculture ; and

(b) if so, what are the quantities assigned to the various States in this regard ?

**The Minister of Food and Agriculture (Shri A. P. Jain) :** (a) No definite targets.

(b) Does not arise.

### Employees' State Insurance Scheme

\*520. **Dr. Satyawadi :** Will the Minister of Labour be pleased to refer to the reply given to Starred Question No. 536 on the 8th August, 1955 and state whether any final decision has since been taken for extending the benefits of the Employees' State Insurance Scheme to the families of insured workers ?

**The Minister of Labour (Shri Khandubhai Desai) :** No, Sir.

### Tankers

\*524. **Ch. Raghurib Singh :** Will the Minister of Transport be pleased to refer to the reply given to Starred Question No. 1483 on the 6th September, 1955 and state the steps so far taken by Government for the acquisition of a nucleus fleet of two medium-sized tankers ?

**The Deputy Minister of Railways and Transport (Shri Alagesan) :** The Government have already taken a decision to acquire a nucleus fleet of two tankers and they are at present having further discussions with the parties concerned in regard to the best manner of implementing this decision. The possibility of starting an Indian tanker owning company in the private sector is also being investigated in this connection. It is hoped that these preliminary investigations and discussions will be concluded before the end of December 1955, when steps will be taken to acquire the two tankers.

### Dum Dum Airport Incident

\*527. **Shri Jhulan Sinha :** Will the Minister of Communications be pleased to state :

(a) whether Government's attention has been drawn to a statement in the brochure published by the Secretary, Indian Chamber of Commerce, Calcutta with the caption "Nationalisation of Indian Airlines", about the incident at the Dum Dum Airport on April 26 this year where the pilot of the aeroplane concerned became untraceable at the time of taking off and another one had to be called back from his flight over half-way to Gauhati ; and

(b) if so, the full facts of the incident and the action taken in this regard ?

**The Deputy Minister of Communications (Shri Raj Bahadur)** (a) Yes, Sir.

(b) A statement is laid on the Table of the Lok Sabha [See Appendix III, annexure No. 59].

### ज्योतिर्मठ-बद्रीनाथ रोड

\*५२८. श्री भक्त बर्नन : क्या परिवहन मंत्री ३ अगस्त, १९५५ को दिये गये अतारंकित प्रश्न संख्या १९६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या ज्योतिर्मठ से बद्रीनाथ तक मोटर-सड़क बनाने के बारे में उत्तर प्रदेश सरकार से जो परामर्श हो रहा था, उसके बारे में कोई अंतिम निर्णय हो गया है; और

(ख) यदि हां, तो इस सड़क पर कुल कितना व्यय होगा और इस कार्य के लिये उत्तर प्रदेश सरकार द्वारा कितना धन स्वीकृत किया जायगा ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) जी, नहीं। घोड़ों के चलने के लिये जो मौजूदा रस्ता है उसे मोटर की सड़क बनाने के बारे में उत्तर प्रदेश सरकार अभी तक सोच रही है।

(ख) सवाल ही नहीं उठता।

### B. C. G. Campaign

\*529. **Shri D. C. Sharma**: Will the Minister of Health be pleased to state the measure of success achieved so far in Punjab under the B.C.G. programme ?

**The Minister of Health (Rajkumari Amrit Kaur)**: The object of this campaign, which is to vaccinate the majority of the vulnerable population of the State with B.C.G., has been largely achieved. The effects of the vaccination in reducing the T.B. mortality can only be assessed after some years.

### Fishing Craft Training Centre

\*531. **Shri M. S. Gurupadaswamy**: Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 380 on the 3rd August, 1955 and state :

(a) the progress made so far in establishing training Centres for fishermen proposed to be started at Tuticorin and Cochin ;

(b) the main purpose of these training centres ;

(c) the total estimated expenditure to be incurred in this regard ; and

(d) the share of the Central Government in the expenditure ?

**The Minister of Food and Agriculture (Shri A. P. Jain)**: (a) The details of the working programmes and equipment and the estimates of expenditure of the two training Centres have been finalised and approved. The training Centres at Tuticorin and Cochin will start functioning from May and June 1956, respectively.

(b) To train the local fishermen in the handling of mechanised boats and in mechanised fishing.

(c) Rs. 1,72,740/- during 1955-56.

(d) 50 per cent.

### Nutrition

\*532. **Shri V. P. Nayar** : Will the Minister of Food and Agriculture be pleased to state :

(a) the increase in the calorific value of the food expected to be made available to Indians under the Second Five Year Plan ;

(b) how much of this proposed increase will be due to the increased intake of (i) cereals and pulses, (ii) leafy vegetables, (iii) milk and milk products, (iv) meat, (v) eggs and (vi) fish ; and

(c) what are the additional production targets in respect of each of the above six items ?

**The Minister of Food and Agriculture (Shri A. P. Jain)**: (a) The calorific value of food *per capita* is expected to increase from about 1800 calories to 2,250 calories in 1960-61.

(b) Its break-down according to the different categories of food is not available.

(c) No physical targets have been worked out so far except in the case of cereals

and pulses. For cereals and pulses, a target of 10 million tons of additional production over 1955-56 has been tentatively fixed.

#### Saurashtra Railway Corruption Case

\*533. **Shri T. B. Vittal Rao** : Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 116 on the 26th July, 1955 and state the stage at which the disciplinary action initiated against the four gazetted officers of the ex-Saurashtra Railways for misappropriation of Rs. 13 lakhs stands ?

**The Deputy Minister of Railways and Transport (Shri Alagesan)** : The replies to the final 'show cause' notices served on the officers have been received and are under examination.

#### Catering on Railways

\*534. **Shri Dabhi** : Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1068 on the 24th August, 1955 and state :

(a) whether Government have since standardised the rates for meals served in Restaurants and in Dining and Buffet Cars on the Railways ; and

(b) if so, what are those rates ?

**The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shah Nawaz Khan)** : (a) and (b). The matter is still under consideration.

#### Water Supply and Drainage Schemes in Punjab

\*535. **Shri D. C. Sharma** : Will the Minister of Health be pleased to state :

(a) whether the Punjab Government have submitted any schemes for water supply and drainage in Municipal and Rural areas to be included in the Second Five Year Plan ;

(b) if so, the nature of the schemes ; and

(c) the estimated cost thereof ?

**The Minister of Health (Rajkumari Amrit Kaur)** : (a) The inclusion of certain schemes for water supply and drainage in municipal and rural areas in the Second Five Year Plan of the State has been proposed by the State Government. Actual schemes with engineering data have not been submitted so far.

(b) and (c). A statement showing the nature of the schemes and the estimated cost of each is laid on the Table of the Lok Sabha [See Appendix III, annexure No. 60].

#### World Health Organisation

\*536. **Shrimati Maydeo** : Will the Minister of Health be pleased to lay a statement on the Table of the Houses showing :

(a) the extent of assistance rendered by the World Health Organisation to India in 1953, 1954 and 1955 so far ; and

(b) the value of assistance given by way of sending international experts during the above period ?

**The Minister of Health (Rajkumari Amrit Kaur)** : (a) A statement is laid on the Table of the Lok Sabha [See Appendix III, annexure No. 61].

(b) The actual value of assistance on the international experts only is not available for each of these years, but it is usually 80 to 85 per cent of the total allocation for each year.

#### Granaries

\*537. **Sardar Hukam Singh** : Will the Minister of Food and Agriculture be pleased to state :

(a) whether Government have decided to erect two modern granaries ;

(b) if so, whether orders have been placed for necessary equipment and machinery required for these ; and

(c) when and where they are expected to be installed ?

**The Minister of Food and Agriculture (Shri A. P. Jain)** : (a) and (b). Yes, Sir.

(c) The two Elevators with a capacity of 10 thousand tons each will be erected at Hapur and Ludhiana. Complete shipment of all the parts is expected early 1956. Actual work of installation of the Elevators will then be taken up.

#### P. & T. Employees

264. **Shri H. N. Mukerjee** : Will the Minister of Communications be pleased to state :

(a) whether it is a fact that the Director General, Posts and Telegraphs has issued a circular banning unconfirmed employees from pursuing studies privately for improving their prospects ; and

(b) whether any action is contemplated in response to representation from employees in this regard ?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) An order had to be issued in the light of the experience that new recruits to the department selected on the basis of marks obtained at the high school or B.A. examination take up regular course of study outside office hour and treat their job in the Department just as a stipendial stepping stone for something better and they give up the job as soon as they achieve their objective. Their disinterested work gives rise to complaints and renders improvement of efficiency and services impossible. By such action they also stand in the way of other deserving people who would have got the employment but for their having been employed and would have given their best to the Department with undivided mind and loyalty. This restriction too, however, is meant to last only for a period of five years since the date of entry into service of an individual.

(b) No relaxations already made to exempt Government servants having five years aggregate service and those belonging to Scheduled Castes and Scheduled Tribes are considered adequate.

### बिहार में मलेरिया नियंत्रण

२६५. श्री श्री नारायण दास : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) बिहार के कौन-कौन से भाग मलेरिया नियंत्रण यूनिटों के कार्य क्षेत्र में ले लिये गये हैं ;

(ख) क्या यह कार्य कार्य-क्रमानुसार अच्छी तरह चल रहा है; और

(ग) क्या इस बारे में जनमत जानने का कोई प्रयत्न किया गया है ?

**स्वास्थ्य मंत्री (राजकुमारी भ्रमूत कौर):**

(क) बिहार में जो मलेरिया यूनिट काम कर रहे हैं उनके Headquarters इस प्रकार हैं :—

- |               |             |
|---------------|-------------|
| १. मुजफ्फरपुर | २. हजारीबाग |
| ३. रांची      | ४. पूणया    |
| ५. सहरसा      | ६. पूरलिया  |
| ७. पाकूड़     | ८. फरबीसगंज |

- |              |            |
|--------------|------------|
| ९. खयड़िया   | १०. दरभंगा |
| ११. जमशेदपुर | १२. मधुबनी |
| १३. सीतामढ़ी | १४. बेतिया |

(ख) जी, हाँ ।

(ग) ऐसा कोई खास प्रयत्न नहीं किया गया लेकिन इस स्कीम को चलाने में जनता पूरा सहयोग दे रही है ।

### Post Offices (Punjab)

65. { **Sardar Hukam Singh :**  
**Shri Bahadur Singh :**

Will the Minister of **Communica-tions** be pleased to state :

(a) the number of post offices opened during the period from the 31st December, 1954 to 1st November, 1955 in rural and urban areas of Punjab Circle which were considered backward in Post Office facilities ; and

(b) the loss estimated to be incurred during the first twelve months on opening these offices ?

**The Deputy Minister of Commu-nications (Shri Raj Bahadur) :**

(a) Himachal Pradesh	46
Bilaspur State	6
Kangra District	22
Jammu & Kashmir State	52
	<hr/>
TOTAL.	126
	<hr/>

(b) Rs. 26,336-13-3.

### रेलवे दुर्घटनायें

२६७. श्री अमर सिंह डामर : क्या रेलवे मंत्री ९ सितम्बर, १९५५ को दिये गये तारांकित प्रश्न संख्या १५९८ के उत्तर में सभा के टेबल पर रखे गये विवरण के सम्बन्ध में यह बताने की कृपा करेंगे कि पश्चिम रेलवे के भैरोंगढ़ रेलवे स्टेशन पर ६ जुलाई, १९५५ को जो दुर्घटना हुई थी वह उक्त विवरण में क्यों नहीं दिखाई गई ?

रेलवे तथा परिवहन उपमंत्री (श्री अल्लगेशान) : भैरोंगढ़ स्टेशन पर दो माल गाड़ियों में टक्कर लगने के कारण जो दुर्घटना हुई थी उसे शामिल नहीं किया गया था,

क्योंकि यह "भारी दुर्घटना" के वर्ग में नहीं आती। इस वर्ग में सवारी ले जाने वाली गाड़ियों की केवल ऐसी दुर्घटनाएँ आती हैं जिनमें जन-हानि हो और या लोगों को गहरी चोट पहुंचे और या लगभग २०,००० रुपये या अधिक की कीमत के रेल के सामान की हानि हो। इस तरह की दुर्घटनाओं के बारे में जो सूचना मांगी गयी थी, वह तारांकित प्रश्न १५६ के उत्तर में दे दी गयी थी। उस प्रश्न के उत्तर में "भारी दुर्घटना" की वह परिभाषा थी बता दी गयी थी जो रेलवे बोर्ड की १६-३-१९३० की अधिसूचना ( Notification ) नं० १६२६ टी के नियम ७ (२) में दी गयी है।

**सरसों**

२६८. श्री अमर सिंह डामर : क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५४ में भारत में सरसों का कुल कितना उत्पादन हुआ और देश में प्रयोग के लिये कितनी सरसों पेरी गई;

(ख) उक्त कालावधि में कुल कितनी मात्रा आयात और निर्यात की गई; और

(ग) सरसों पेरने वाली फैक्ट्रियों की राज्यवार संख्या कुल कितनी है ?

खाद्य और कृषि मंत्री ( श्री ए० पी० जैन ) : (क) सन् १९५४-५५ में सरसों और राई के कुल उत्पादन की अनुमानित मात्रा ६,६२,००० टन हुई। तेल और खल के रूप में पेरने के लिये सरसों और राई की ८,७२,००० टन की अनुमानित मात्रा थी। राई के अलग आंकड़े प्राप्त नहीं हैं।

(ख) सन् १९५४-५५ में १०७ टन सरसों और राई और ४७६.६ टन राई का तेल भारत से निर्यात किये गये। इस अवधि में इस बीज या तेल का कोई आयात नहीं हुआ।

(ग) राई के बीज पेरने वाली मिलों की अनुमानित संख्या ८२४ है। राज्यवार ब्योरा नीचे दिया गया है :—

आन्ध्र	१
आसाम	४०
बिहार	६०
बम्बई	६
मध्यप्रदेश	२०
उड़ीसा	५
पंजाब	१३६
उत्तर प्रदेश	३५०
पश्चिमी बंगाल	१२०
मध्य भारत	१६
पेप्सू	२०
राजस्थान	२०
सौराष्ट्र	१
दिल्ली	१४
कच्छ	१
मनिपुर	२
बिन्ध्य प्रदेश	१२
<hr/>	
कुल	८२४

**पश्चिमी रेलवे पर चोरियां**

२६९. श्री अमर सिंह डामर : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) ३१ दिसम्बर, १९५४ को समाप्त होने वाले वर्ष में पश्चिम रेलवे पर कुल कितनी चोरियां हुईं ;

(ख) कुल कितने मूल्य का सामान चुराया गया; और

(ग) कितने मामलों में अपराधियों को पकड़ा गया ?

रेलवे तथा परिवहन उपमंत्री ( श्री अल्लगोशन ) : (क) १,०००।

(ख) १,२०,५२६ रुपये ।

(ग) २०८ ।

### रेलवे जोनल समितियाँ

२७०. श्री धरमर सिंह डारमर : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि:

(क) देश में विभिन्न रेलवे जोनल समितियों में प्रादिवासियों के प्रतिनिधियों की कुल संख्या कितनी है; और

(ख) पश्चिमी रेलवे की जोनल समिति में मध्य भारत के प्रादिवासी प्रतिनिधियों के नाम क्या हैं ?

रेलवे तथा परिवहन उपमन्त्री (श्री प्रलोकानन) : (क) कोई नहीं, क्योंकि क्षेत्रीय रेलवे उपभोक्ता सलाहकार समितियों (Zonal Railway Users' Consultative Committees) के विधान में प्रादिवासियों या किसी दूसरे सम्प्रदाय के प्रतिनिधि रखने की व्यवस्था नहीं है ।

(ख) ऐसा कोई प्रतिनिधि नहीं है ।

### Demands of Railway Employees

271. Chaudhuri Muhammad Shafiee : Will the Minister of Railways be pleased to state :

(a) whether it is a fact that a 'Demand Charter' was pasted on the office of the Chief Medical Officer, Northern Railway, Delhi on the 18th August, 1955 by about 2,000 employees ;

(b) if so, the details thereof ; and

(c) the action taken in the matter ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) The Northern Railway Administration has reported that a 'Demand Charter' was pasted outside the office of the Chief Medical Officer on 18-8-55.

(b) A copy of the Demand Charter is attached. [See Appendix III, Annexure No. 62]

(c) The points raised in the Demand Charter and which call for further action are already under examination and necessary action on some of the items has already been taken by Railway Administration.

### Railway Employees

272. Chaudhuri Muhammad Shafiee : Will the Minister of Railways be pleased to state :

(a) the number of railway employees whose limbs have been broken while performing their duties and who have been admitted in Railway Hospitals in India, zone-wise, since the 1st January, 1955 ; and

(b) the number of such employees who have been cured and discharged ?

The Deputy Minister of Railways and Transport (Shri Alagesan) :

(a) and (b). A statement is attached [See Appendix III, annexure No. 63].

### Staff Quarters

273. Chaudhuri Muhammad Shafiee : Will the Minister of Railways be pleased to state :

(a) whether it is a fact that the rent for "Mitra type", (standard type) quarters is different on each Railway in India ;

(b) whether a number of representation<sup>8</sup> have been received in connection with the fixation of rent of this type of quarters.

(c) if so, the action taken thereon ; and

(d) the total amount spent on each quarter mentioned in part (a) above, including the cost of electric installation ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) Yes, Sir. Some representations have been received by the Railway Administration.

(c) The rents for this type of quarters have been fixed on provisional basis. Some anomalies are due to the fact that the assessed rents as on the pre-regrouped railways have not been integrated. The question of fixation of rents finally is under the consideration of the respective Railway Administrations.

(d) The costs vary from Railway to Railway and region to region depending upon the local conditions and specification and the costs prevailing. These costs range from:—

	Rs.	Rs.
'A' type	3,000 to	5,000
'B' type	5,500 to	9,400
'C' type	8,600 to	14,700
'D' type	13,900 to	20,800

### Employment Exchanges

274. **Dr. Satyawadi**: Will the Minister of Labour be pleased to state :

(a) the total number of persons employed in the various grades in each of the Employment Exchange Offices at present ; and

(b) the number of Scheduled Castes and Scheduled Tribes amongst them ?

**The Minister of Labour (Shri Khandubhai Desai)** (a) and (b).

	Class				Total
	I	II	III	IV	
(i) Total No. of officers	33	197	860	543	1633
(ii) No. of officers belonging to Scheduled Castes	4	14	96	114	228
(iii) No. of officers belonging to Scheduled Tribes:	—	2	20	19	41

Statement giving the requisite information in respect of each Employment Exchange is given in the accompanying statement [See Appendix III, annexure No. 64].

### Japanese Method of Cultivation

275. **Shri N. Rachiah**: Will the Minister of Food and Agriculture be pleased to state :

(a) the total acreage of land brought under Japanese method of paddy cultivation during 1954 and 1955 State-wise.

(b) the extent of increase in the production of rice after this method was introduced in the country ; and

(c) the period by which the country will become self-sufficient in rice production ?

**The Minister of Food and Agriculture (Shri A. P. Jain)** (a): Statement is appended. [See Appendix III, annexure No. 65].

(b) 890 mnds. of rice per acre during 1953-54 and 10.53 mnds. of rice per acre during 1954-55.

(c) The supply position of rice in the country is quite satisfactory at present and it is expected that it will not be necessary now to import rice during the next year for current consumption.

### Tourists

276. **Shri D. C. Sharma**: Will the Minister of Transport be pleased to state :

(a) the number of tourists who visited India during the period from the 1st July to the end of November, 1955 ; and

(b) the total amount of foreign exchange earned thereby during the above period ?

**The Deputy Minister of Railways and Transport (Shri Alagesan)** : (a) 2506 during July 1955. Figures for the period August to November 1955 are not yet available.

(b) The information is not available.

### Health Minister's Welfare Fund

277. **Shri Krishnacharya Joshi**: Will the Minister of Health be pleased to state :

(a) the total amount received for the Health Minister's Welfare Fund during 1955 ; and

(b) the total amount spent from this fund during the above period ?

**The Minister of Health (Rajkumari Amrit Kaur)**: (a) Rs. 66,923-11-0 up to 31st October, 1955.

(b) Rs. 22,881-4-9.

### Post Offices

278. **Shri Krishnacharya Joshi**: Will the Minister of Communications be pleased to state :

(a) the total number of Post Offices in India as on the 31st March 1955 ; and

(b) the target proposed for the Second Five Year Plan ?

**The Deputy Minister of Communications (Shri Raj Bahadur)** : (a) The information is being collected and will be placed on the Table of the Lok Sabha shortly.

(b) About 20,000.

**'Heron' Aircrafts**

279. **Shri M. R. Krishna** : Will the Minister of Communications be pleased to state.

(a) whether it is a fact that a large quantity of spare parts meant for the 'Heron' Aircrafts has been lost in transit; and

(b) if so, the value of the spare parts lost and who is responsible for loss ?

**The Deputy Minister of Communications (Shri Raj Bahadur)**: (a) Two cases containing engine spares for Heron aircraft meant for the Indian Airlines Corporation were misdelivered to other parties. These have since been traced.

(b) Does not arise ?

**Postal Life Insurance Scheme**

280. **Shri Heda** : Will the Minister of Communications be pleased to state :

(a) whether Government is considering the proposal to provide increased facilities for making the Postal Life Insurance Scheme available to larger section of people than at present ; and

(b) if so, what are those proposals ?

**The Deputy Minister of Communications (Shri Raj Bahadur)**: (a) and (b) Yes. The whole question is still under examination and nothing definite can be stated at this stage.

**दिल्ली में सड़कों के नये नाम**

\*२८१ श्री भक्त बर्दान : क्या स्वास्थ्य मंत्री २ सितम्बर, १९५५ को दिये गये अतिरिक्त प्रश्न संख्या ७३६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगी कि:

(क) क्या यह निश्चय किया गया है कि राजपथ और जनपथ के अतिरिक्त दिल्ली और नई दिल्ली की अन्य मुख्य सड़कों को भारतीय नाम दिये जायेंगे ;

(ख) यदि हां तो विभिन्न सड़कों के लिये क्या नाम चुने गये हैं ;

(ग) नये नाम किस आचार पर चुन गये हैं ; और

(घ) यह नाम किस तारीख से प्रयत्न में आयेंगे ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : (क) इस बारे में कोई निश्चय नहीं किया गया ।

(ख) से (घ). ये प्रश्न नहीं उठते ।

**Village Post Offices**

282. **Pandit D. N. Tiwary** : Will the Minister of Communications be pleased to state :

(a) the number of village post offices (extra-departmental) at present which are self-supporting (State-wise); and

(b) how many are run by the Department ?

**The Deputy Minister of Communications (Shri Raj Bahadur)** : (a) The information is being collected and will be laid on the Table of the Lok Sabha.

(b) There are 29,172 permanent Extra-Departmental Post Offices in India.

**Village Post Offices**

283. **Pandit D. N. Tiwary** : Will the Minister of Communications be pleased to state :

(a) whether Sitalpur extra-departmental Post Office in the Saran District of Bihar is self-supporting; and

(b) if so, why it has not been taken over yet by the Department ?

**The Deputy Minister of Communication (Shri Raj Bahadur)**: (a) No.

(b) It is running at a loss of Rs. 154/8/- per annum. Its loss would further increase, if it is converted into a Departmental Branch Office.

**Public Call Offices in Punjab**

284. **Shri D. C. Sharma** : Will the Minister of Communications be pleased to state :

(a) the places where Public Call Offices have been provided in the Punjab from the 1st January, 1955 up-to-date ; and

(b) the places where they will be provided during the current year ?



**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) and (b). A statement is placed on the Table of the Lok Sabha [See Appendix III; annexure No. 66].

### Agricultural Loans

**285. Shri D. C. Sharma:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any amount has been sanctioned by Government during 1955-56 so far, for granting loans to States to enable purchase by agriculturists of improved agricultural implements; and

(b) if so, the main conditions laid down for granting such loans?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) No.

(b) Does not arise.

### Rice

**286. Shri D. C. Sharma:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total quantity of surplus rice in the country at present:

(b) whether it is a fact that Government are trying to purchase rice from abroad; and

(c) if so, the reasons therefor?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) In present conditions of decontrol, it is difficult to give any estimate of total rice surplus in the country.

(b) No, Sir.

(c) Does not arise.

### Coffee Plantation Workers

**\*287. Shri D. C. Sharma:** Will the Minister of Labour be pleased to refer to the reply given to unstarred question No. 235 on the 8th August, 1955 and state the total number of coffee plantation workers in India during 1953-54?

**The Minister of Labour (Shri Khandubhai Desai):** 1,76,012 workers were employed in coffee plantations in India during the year 1953-54.

### Post Offices in Kangra

**288. Shri D. C. Sharma:** Will the Minister of Communications be pleased to state the names of new Post Offices opened in the district of Kangra in Punjab during the year 1954-55?

**The Deputy Minister of Communications (Shri Raj Bahadur):** A statement is laid on the Table of the Lok Sabha [See Appendix III, annexure No. 67]

### Import of Sugar

**289. Shri Raghunath Singh:** Will the Minister of Food and Agriculture be pleased to state the amount paid as freight on imports of Sugar from abroad in the years, 1952-53, 1953-54 and 1954-55?

**The Minister of Food and Agriculture (Shri A. P. Jain):** All the sugar imported from abroad during 1952-53, 1953-54 and 1954-55 was purchased on C.I.F. or C. & F. basis. The freight was therefore payable by the sellers in foreign countries. The amount so paid by them is not known.

### Delhi Transport Service

**290. Shri S. K. Razmi:** Will the Minister of Transport be pleased to state:

(a) the number of the old buses of the D.T.S. which have been declared unserviceable; and

(b) the procedure adopted for their disposal?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a)

58	during	1951-52
58	"	1952-53
83	"	1953-54
30	"	1954-55
18	"	1955-56

(b) Vehicles declared unserviceable on the recommendation of a Board appointed by the Delhi Road Transport Authority are disposed of by public auction through approved auctioneers. The Board consists of the General Manager, Works Manager, Chief Accounts Officer and Traffic Superintendent.

### Train Accidents

**291. Shri B. D. Shastri:** Will the Minister of Railways be pleased to refer to the reply given to unstarred question No. 689 on the 10th December, 1954 and state:

(a) the number of goods trains involved in accidents during the period 1954-55 and 1955-56 upto the 30th September, 1955;

(b) the total loss due to these accidents;

(c) how do these figures compare with previous figures; and

(d) the measures taken to stop the recurrence of such incidents?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) The number of accidents involving Goods trains, during the years 1954-55 and 1955-56 (upto September), was as follows:—

Year	Number of accidents to Goods trains.
1954-55	2509
1955-56 (upto September)	1327
<b>Total</b>	<b>3836</b>

(b) The approximate cost of damage to Railway property due to these accidents was Rs. 2,047,063.

(c) The incidence of accidents to Goods trains during the years 1954-55 and 1955-56 (upto September), shows a progressive decline as compared to the corresponding figures of the previous two years.

(d) Among the measures generally taken are:—

Effective disciplinary action against railway staff held responsible for accident.

Systematic examination and intensive inspection of Permanent Way, and Rolling stock etc.

More intensive patrolling of selected lengths of the Permanent Way in consultation and collaboration with State Governments, where necessary.

Grant of special priority of works required to enhance the margin of safety.

Education of staff in the safety rules through periodicals, circular letters etc.

Tightening up of supervision and control.

Frequent warnings to staff to remain vigilant and cautious and making them more safety minded.

Provision of refresher courses at training schools at regular intervals.

Provision of mechanical devices to minimise failure of the human element, such as inter-locking the Block instruments with Signals, replacing Paper Line Clear system of Working especially on the Metre Gauge sections, by token working with Block Instruments, Lock and Block Instruments on double line sections, conversion of 'Free' Block Instruments into Lock and Block Instruments, and so on.

Special 'drives' are instituted by the Railways and some Railways have standing Committees of high level officers for reviewing the position periodically and offering advice on preventive action to be taken. The Railway Board also from time to time issue directives to the General Managers calling their attention to certain special features, and emphasising the necessity for remedial and preventive action to avoid accidents.

The Latham Committee on Derailments made certain recommendations which are in the process of implementation, as are those of the Committee which reviewed the Report of the Railway Accidents Enquiry Committee—1954.

### Potato Cultivation

**292. Shri Ibrahim:** Will the Minister of Food and Agriculture be pleased to state the total acreage under potato cultivation during 1954-55 season?

**The Minister of Food and Agriculture (Shri A. P. Jain :** 6,65,000 acres.

### Compensation Claims

**293. Shri Ibrahim:** Will the Minister of Railways be pleased to state:

(a) the total amount of compensation and claims paid by Railways on account of:

(i) theft of property of private parties;

(ii) loss of properties of private parties;

(iii) damages to properties;

during the period from the 1st January to the 30th June, 1955; and

(b) the corresponding figures on account of the above during the period from the 1st January to the 30th June 1954?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a)

(i) and (ii). Theft and loss of property Rs. \*93,36,122

(iii) Damage to properties. \*16,03,380

(b) (i) and (ii). Theft and loss of property Rs. \*1,10,81,100

(iii) Damage to properties. \*18,56,924

\*These figures include also the amount of claims paid to Government Departments, as separate statistics of claims preferred by and paid to private parties and Government Departments are not maintained.

The figures for theft and loss are given together, as in many cases of non-receipt of consignments at destination, it is not possible to say if it was due to theft or otherwise.

### Trunk Telephones

**294. Shri Ibrahim:** Will the Minister of **Communications** be pleased to state:

(a) the number of industrial and commercial centres in the State of Bihar that have been connected by trunk telephone with other parts of the Indian Union; and

(b) how many such centres are still un-connected by trunk telephone?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) and (b). All important centres are already connected to the trunk telephone network.

### Telegraphic Delays

**295. Shri D. C. Sharma:** Will the Minister of **Communications** be pleased to state:

(a) the total number of complaints received in the Punjab Circle regarding delay in the delivery of telegrams both ordinary and express during 1954-55;

(b) the number of cases in which inquiries were held; and

(c) the number of cases in which postal employees were found negligent and punished?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) 410.

(b) 410.

(c) 236.

### Loud Speaker Arrangement in trains

**296. Shri V. P. Nayar:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that Government propose to have a Scheme in the next Five Year Plan to provide loud speaker arrangements in all bogies on long distance trains (over 300 miles) and in all important Railway Stations; and

(b) what steps, if any, Government propose to take to make the travelling public health-minded?

**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) The proposal to provide loud-speaker arrangements in passenger carriages is still in an experimental stage and its extensive use will depend on the results achieved. At many of the large stations loud speaker equipment is already provided and this will be extended as the need arises.

(b) The Railways have initiated a "Social Education" programme by the use of posters, loud-speaker announcements etc.,

the purpose being to make the travelling public more civic minded. The scope of this programme includes items pertaining to public health, such as cleanliness, use of spittoons etc.

आयुर्वेदिक अनुसंधानशालायें तथा चिकित्सालय

२९७. श्री बी० डी० शास्त्री : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि केन्द्रीय सरकार के पास ऐसे राज्यों के नामों के बारे में जानकारी है, जिन्होंने आयुर्वेदिक अनुसंधानशालायें और चिकित्सालय खोले हैं ?

स्वास्थ्य मंत्री (राजकुमारी प्रमत्त कौर) : इस बारे में राज्य सरकारों से सूचना मांगी जा रही है जो मिलने पर समा की मेज़ पर रख दी जायेगी ।

### Nationalisation of AIR Services (Nepal)

**298. { Shri Radha Raman:  
Shri B. D. Shastri:  
Shri Raghunath Singh:**

Will the Minister of **Communications** be pleased to refer to the reply given to starred question No. 2442 on the 30th September, 1955 and state at what stage are the negotiations between India and Nepal Government regarding nationalisation of the latter's internal Air Services?

**The Deputy Minister of Communications (Shri Raj Bahadur):** Negotiations for the operation of internal air services in Nepal have reached an advanced stage and the final reply of the Government of Nepal is awaited.

### Radiophoto and Telecommunication services

**299. Shri D. C. Sharma:** Will the Minister of **Communications** be pleased to state the names of the countries with which we have established direct Radiophoto and Telecommunication services during the current year?

**The Deputy Minister of Communications (Shri Raj Bahadur):** The following Radiophoto, Radiotelephono

and Radiotelegraph Services have been opened during the current year with other countries:—

*Date of opening*

*Radiophoto Services:*

- |             |           |
|-------------|-----------|
| 1. U. K.    | 2-3-1955. |
| 2. U.S.S.R. | 8-6-1955. |

*Radiotelephone Services:*

- |             |            |
|-------------|------------|
| 1. China    | 2-3-1955.  |
| 2. Burma    | 24-3-1955. |
| 3. U.S.S.R. | 4-6-1955.  |
| 4. Poland   | 26-6-1955. |

*Radiotelegraph Services:*

- |               |            |
|---------------|------------|
| 1. China.     | 3-1-1955.  |
| 2. Poland     | 21-6-1955. |
| 3. Yugoslavia | 30-6-1955. |

**Bikaner Mail**

300. **Shri Karni Singhji** : Will the Minister of Railways be pleased to state :

(a) whether there is any proposal to attach a direct coach from Delhi to Hanumangarh in the Bikaner Mail for passengers bound for Nohar and Bhadra from Calcutta ; and

(b) when it is likely to be implemented ?

**The Deputy Minister of Railways and Transport (Shri Alagesan)** : (a) No. There is no traffic justification for running such a through coach.

(b) Does not arise.

**Puri Konarak Road**

301. **Shri Sarangadhar Das** : Will the Minister of Transport be pleased to state :

(a) the date when Government sanctioned the construction of the road from Puri to Konarak ;

(b) the amount sanctioned for this purpose ; and

(c) the reasons for the delay in starting construction ?

**The Deputy Minister of Railways and Transport (Shri Alagesan)** :

(a) 6th November 1954.

(b) Rs. 16,70,700/- out of which two-thirds will be provided by the Government of India and the balance by the State Government.

(c) It is understood that the State Government have not so far been able to select a suitable contractor.

**Telegraph Offices in North Bihar**

302. { **Thakur Jugal Kishore Sinha** :  
**Babu Ramnarayan Singh** :  
**Shri Asthana** :

Will the Minister of Communications be pleased to state the names of places where telegraph offices will be opened during the current financial year in North Bihar ?

**The Deputy Minister of Communications (Shri Raj Bahadur)** : (i) Telegraph Offices already opened during 1955-56 :—

- |                      |               |
|----------------------|---------------|
| 1. Adapur            | 5. Murliganj  |
| 2. Amnaur            | 6. Narpatganj |
| 3. Banmankhi         | 7. Parihar    |
| 4. Belamuchhapakauni | 8. Warisnagar |

(ii) Telegraph Offices so far sanctioned and likely to be opened during the current year, subject to materials becoming available in time :—

- |                       |                      |
|-----------------------|----------------------|
| 1. Bakhari            | 23. Majorganj        |
| 2. Dhanaha            | 24. Minapur          |
| 3. Ghorashan          | 25. Sonbarsa.        |
| 4. Harsidih           | 26. Chauthan         |
| 5. Jogapatti          | 27. Dhamdaha         |
| 6. Mainataur          | 28. Kadwa            |
| 7. Patahi             | 29. Korha            |
| 8. Shikaripura        | 30. Raniganj         |
| 9. Sikta.             | 31. Alamnagar        |
| 10. Goghardiha        | 32. Bangaon          |
| 11. Herlankhi         | 33. Bhimnagar        |
| 12. Khutauna          | 34. Chattarpur       |
| 13. Kusheshwar Asthan | 35. Kishanganj       |
| 14. Ladania           | 36. Singheswarasthan |
| 15. Laukaha           | 37. Swarbazar        |
| 16. Laukahi           | 38. Tribeniganj      |
| 17. Madhepur          | 39. Baikunthapur     |
| 18. Madhwapur         | 40. Basantpur        |
| 19. Phulparas         | 41. Chandan          |
| 20. Singhia           | 42. Guthni           |
| 21. Katra             | 43. Kundahit.        |
| 22. Kurhani           |                      |

**Railway Claims**

303. { **Thakur Jugal Kishore Sinha** :  
**Babu Ramnarayan Singh** :  
**Shri Asthana** :

Will the Minister of Railways be pleased to state :

(a) the number of claims registered in 1954-55 ;

(b) how many of them are still pending ; and

(c) the reasons therefor ?

**The Deputy Minister of Railways and Transport (Shri Alagesan)** : (a) 3,62,956.

(b) 5,583 as on 31.10.1955.

(c) (i) Incorrect and incomplete booking particulars furnished by claimants in certain cases.

- (ii) Non-submission of beejucks and Railway Receipts by the claimants in spite of demands.
- (iii) Preferment of inflated and exaggerated claims.
- (iv) Due to necessity for making adequate departmental enquiries.
- (v) The Non-receipt of reports from Government Railway Police in cases of suspected running train thefts; and
- (vi) Delay in processing the cases in some of the railway claims offices, including delays in furnishing replies to references from the other railways.

#### Experimental Post Offices

304. { **Thakur Jugal Kishore Sinha:**  
**Babu Ramnarayan Singh:**  
**Shri Asthana:**

Will the Minister of **Communications** be pleased to state the number of experimental post offices, in the Sitamarhi sub-division of Bihar which have qualified to be converted into permanent post offices?

**The Deputy Minister of Communications (Shri Raj Bahadur):** Out of 120 experimental post offices opened in Sitamarhi sub-division from 15-8-1947, 73 have already been made permanent. It is expected that 8 more experimental post offices will be made permanent by 31-3-1956.

#### Public Call Offices

305. { **Thakur Jugal Kishore Sinha:**  
**Babu Ramnarayan Singh :**  
**Shri Asthana:**

Will the Minister of **Communications** be pleased to lay a statement on the Table of the Lok Sabha showing the expenditure and income from each Public Call Office in the district of Muzaffarpur as far as is available in 1955?

**The Deputy Minister of Communications (Shri Raj Bahadur): Expenditure:** As the Public Call Offices are looked after by officials of the Offices in which they are located it is difficult to estimate the part time cost.

**Income :** The income from each Public Call Office from January, 1955, to October, 1955, has been as under:—

	Rs.
1. Amgola	Nil
2. Desari	389
3. Hazipur	694

	Rs.
4. Mahanar	485
5. Muzaffarpur D.T.O.	6,498
6. Muzaffarpur Bar Library	146
7. Muzaffarpur Rly. Stn.	582
8. Runisaidpur	89
9. Sitamarhi	1,348
10. Sitamarhi Court	320

#### Air Fares

306. { **Thakur Jugal Kishore Sinha:**  
**Babu Ramnarayan Singh:**  
**Shri Asthana:**

Will the Minister of **Communications** be pleased to state the basis on which air fares are fixed?

**The Deputy Minister of Communications (Shri Raj Bahadur):** Air fares of the Indian Airlines Corporation were nationalised, with effect from the 15th July, 1955, on the following two broad principles:—

- (i) the fares, other things being equal, should not vary between two points served by two different connecting services independently, having regard to passenger convenience, competitive modes of transport, existing load factors and type of aircraft used;
- (ii) the fares should not be on the basis of a fixed rate per mile or on the basis of fixed rates per mile worked out for different mileage groups but should be based on other considerations like movement of the fares in the past, the resultant load factors, the competitive mode of transport, peculiarities of the areas served by air, traffic trend, the nature of terrain affecting the payload available and cost of operation etc.

2. The international fares on the air routes operated by the Air India International Corporation are determined by the International Air Transport Association of which the Air India International is a member. The International Air Transport Association does not have a set procedure either for determining the fares; but these are arrived at after examining the cost forecasts worked out by the Member Countries for the different geographical regions and routes having regard to other factors like traffic potential, rate which the market can bear, competitive routings etc.

#### Delhi Telephone Directory

307. **Shri R. N. Singh:** Will the Minister of **Communications** be pleased to state:

(a) the advertisement charges fixed for the front page of the Delhi Telephone Directory;

(b) the amount charged for the latest issue of the Directory;

(c) whether it is a fact that more than one party was prepared to pay the charges fixed for advertisement on the front page; and

(d) if so, the manner of selection?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) A

minimum rate of Rs. 15/- for every 100 copies of telephone directory printed.

(b) Rs. 6,800/- for August issue.

(c) The reply is in the negative for the latest, *is*, the August issue, but in the affirmative for the February, 1955, issue.

(d) Since there were two parties prepared to pay the same amount the party who had been allotted the front page in the earlier issue of Telephone Directory was given preference over the other.

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DEBATES**

**(Part II—Proceedings other than Questions and Answers)**

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## LOK SABHA DEBATES

### (Part II—Proceedings other than Questions and Answers)

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#### LOK SABHA

Monday, 5th December, 1955

*The Lok Sabha met at Eleven of the  
Clock*

[MR. SPEAKER in the Chair]

#### QUESTIONS AND ANSWERS

(See Part I)

12 Noon

#### MESSAGE FROM RAJYA SABHA

**Secretary:** Sir I have to report the following message received from the Secretary of Rajya Sabha:

"In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Hindu Succession Bill, 1955, which has been passed as amended by the Rajya Sabha at its sitting held on the 30th November, 1955."

#### HINDU SUCCESSION BILL

**Secretary:** Sir, I lay the Hindu Succession Bill, 1955 as passed by Rajya Sabha on the Table of the House.

#### DEMANDS FOR SUPPLEMENTARY GRANTS, FOR 1955-56

**The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat):** On behalf of the Minister

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of Finance I beg to present a statement showing Demands for Supplementary Grants in respect of the Budget (General) for 1955-56.

#### DEMANDS FOR EXCESS GRANTS, 1950-51

**The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat):** On behalf of the Minister of Finance I beg to present a statement showing Demands for Excess Grants in respect of the Budget (General) for 1950-51.

#### STATEMENT RE JOINT STATEMENT BY U.S. SECRETARY OF STATE AND FOREIGN MINISTER OF PORTUGAL

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** I seek your indulgence to say a few words about a matter which, I believe, has gravely exercised the minds of hon. Members of this House as well as others. This is the press report thus far of a joint statement which is said to have been issued by the Secretary of State, Mr. Dulles, of the United States of America and the Foreign Minister of Portugal. It is said to have been issued in Washington two days ago. I have already had a copy of a Short Notice Question. Other Members also have approached me in this matter and desired that Government should make their position clear. I entirely agree with those hon. Members who think that this is a very important matter. It is important. It is a matter of far-reaching consequences. Because

[Shri Jawaharlal Nehru]

of its importance, it is right that we as a Government should await formal confirmations and take other formal steps before I refer to this matter in this House. That is all I wish to say.

gives up his right to continue his speech.

**Sardar A. S. Saigal:** I will give it up.

**Shri Jawaharlal Nehru:** I wish to deal with only one aspect of this Bill on which some comments and criticisms have been made. The other aspects will be dealt with by my colleague, the Deputy Minister. This aspect is in regard to the references in this Bill to Commonwealth citizenship. They are in clause 2(1) (c), clause 5(1) (e), clauses 11 and 12 and the First Schedule.

CITIZENSHIP BILL—*Contd.*

**Mr. Speaker:** The House will now resume further discussion on the Citizenship Bill, 1955. Out of nine hours allotted for the general discussion on the Bill, about seven hours and 15 minutes have already been availed of and one hour and 45 minutes now remain. Thereafter clause by clause consideration of the Bill will be taken up for which five hours have been allotted.

I do not wish to discuss at any length the whole question of the Commonwealth relationship though I should refer to it briefly. I should like to refer, first of all, to certain statements made in the minute of dissent of some hon. Members to the effect that there are, because of this relationship, obligations on us which are irksome, repugnant and derogatory. I do not think that is a correct statement. I speak now not theoretically, but from the practice of the last few years. I should like the hon. Members who have put in this minute of dissent to point out anything which has been irksome, derogatory or repugnant, anything that has limited in the slightest our independent sovereign status or freedom of action, internal or external. I submit that there has been no such thing, and that in fact, we have exercised, because of it, a certain greater freedom of action in regard to external matters than we might perhaps have done.

I understand that the hon. Prime Minister wishes to intervene in the debate after Sardar A. S. Saigal. I do not know what time will be left and what time will be taken up by the Home Minister for reply. We have to consider the time allotment of one hour and 45 minutes. After Sardar A. S. Saigal, I shall call upon the Prime Minister.

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** I hope Sardar A. S. Saigal will be short.

**Shri M. S. Gurupadaswamy:** (Mysore): May I know whether the hon. Prime Minister is aware that in the British Nationality Act we are considered as British subjects?

**Sardar A. S. Saigal:** (Bilaspur): Let the hon. Prime Minister speak.

**Mr. Speaker:** What time will the hon. Minister take for reply?

**The Deputy Minister of Home Affairs (Shri Datar):** Half an hour.

**Shri Kamath:** (Hoshangabad): When the Prime Minister speaks, he need not reply.

**Sardar A. S. Saigal:** Let the Prime Minister speak.

**Shri Jawaharlal Nehru:** I am not aware of that. I think, if the hon. Member will read that, he will see it is not quite so. But, what the

**Mr. Speaker:** I can call upon the Prime Minister if the hon. Member



British Nationality Act may or may not say is totally immaterial. It is what we say that counts.

This House knows and the country knows that in regard to our internal and external policies we have functioned exactly as this House and the Government wanted to. The Commonwealth relationship does not come in the way in the slightest. We have often differed from the policies and practice of the other Commonwealth countries. We have discussed with them and differed. Only recently, if I may say so,—and this matter, no doubt, will have larger consequences—there was the pact which is called the Baghdad Pact, which, we think, is a most unfortunate and deplorable action of the countries who have joined it: deplorable not from our point of view, but from the point of view of peace and security. Though such action is taken, it has not affected our policy. On the other hand, I do think that our association in the Commonwealth has been of great help to the larger cause of peace and co-operation. I have no doubt that it has been so. I do not wish to take the time of the House in detailing this. But, this is the clear conclusion that I have come to.

We would like to extend that area of co-operation to other countries too. We do; if I may say so, I would mention Burma. With Burma our relations are of the closest, closer than with many Commonwealth countries. But, the fact remains that Burma is not in the Commonwealth. We develop these close relations with other countries. It is asked: Why is not Burma mentioned here? For the simple reason that the clause of reciprocity is there. It is not a question of our deciding; but the other country has also to decide and various other difficulties in regard to the laws of Burma. There are some laws which do not fit in with ours. Questions are raised in this House in regard to them. So that, I should like this House,

first of all, to keep in mind that by this Commonwealth relationship, there has been nothing which has come in our way, in the way of our dignity, prestige or freedom of action.

**Shri H. N. Mukerjee:** (Calcutta North-East): Could not we make a gesture to Burma for reciprocal rights of citizenship as far as our Citizenship law is concerned at present?

**Shri Kamath:** Nepal also?

**Shri Jawaharlal Nehru:** I am perfectly prepared to discuss this with the Government of Burma. The hon. Member will realise that in this matter it is not we that might perhaps dislike any such approach. But, it may be embarrassing to the other Government. We do not wish to embarrass the other Government. We on our part are perfectly willing. We cannot say anything in this matter, because, we are a country with a large population which tends to expand. Burma is a country with a relatively limited population. For obvious reasons, they do not like to have a large population there in their country coming in. It is entirely for them to consider: not for us. I would be very glad indeed to consider this matter in connection with Burma.

**Shrimati Renu Chakravartty** (Basirhat): But does South Africa like our giving them reciprocity? We are extending the citizenship rights to South Africa.

**Shri Jawaharlal Nehru:** We are not.

**Shrimati Renu Chakravartty:** Because that is a part of the Commonwealth.

**Shri Jawaharlal Nehru:** I beg your pardon. We are not. All that you can say is that we are prepared to offer reciprocal rights to any country provided they behave. That is all.

**Shri Kamath:** Any country outside the Commonwealth also?

**Shri Jawaharlal Nehru:** That is a separate matter. We will have to change the whole texture of our citizenship if we include every country in the world.

**Shri N. C. Chatterjee (Hoogly):** If the hon. Prime Minister is correct when he says that we are not giving any reciprocal rights with regard to the Union of South Africa, why does he not agree to the deletion of the Union of South Africa from the First Schedule?

**Shri Jawaharlal Nehru:** I hope that we are gradually working up to a stage when there will be world citizenship. That is a different matter. Meanwhile, we have to have citizenship laws.

In the course of the development of our Constitution, we had, the House will remember, a period before we became a Republic when we were called a Dominion. Of course, we had long decided to change that status and become an independent Republic. It took two or three years for us to frame our Constitution. Then we became an independent, sovereign Republic owing allegiance to no other authority, even nominally. This question of the Republic coming into the Commonwealth was a new conception, completely new conception from the point of view of the Commonwealth, because the Commonwealth till then was based on some kind of allegiance to the sovereign of the United Kingdom. Whether it could be fitted in or not nobody knew at that time, and so far as we were concerned, we rather doubted. We did not know how it could be fitted in, but we certainly desired for a number of reasons of vital import to continue our association. We thought that would be good for ourselves and for world peace. This was discussed at some length in the years 1948 and 1949 between us and the British Government and the other Commonwealth Governments, ultimately in the Commonwealth Prime Ministers Conference. It was

their suggestion then, and their desire, that there should be some kind of notional, nominal link of this kind merely to....

**Shri Kamath:** Sentiment?

**Shri Jawaharlal Nehru:** Not sentimental. There is no sentiment about it, but it is the other way. It is a notion which enables us to hold together, to meet etc., and after much thought the only way discovered was that the British Government should introduce some clause in their Nationality Bill to enable this association on the basis of reciprocity.

**Shri S. S. More (Sholapur):** Does the British Crown constitute a notional link?

**Shri Jawaharlal Nehru:** May I go on, Sir?

**Mr. Speaker:** Yes.

**Shri Jawaharlal Nehru:** There was no commitment etc., but certainly there was this measure of agreement. We told them we would like, we were prepared at the right time to include in our Nationality Bill some kind of clause or reference, some enabling clause, so that, on the basis of reciprocity, we could give the same treatment which we got in the other country. It is not a common thing for all Commonwealth countries. It depends on the reciprocal arrangement we have with that other Commonwealth country. In regard to the United Kingdom, the privileges that Indian nationals have are very great. In fact, they are almost one hundred per cent. In regard to other countries they are more limited; we give them limited privileges. In regard to South Africa, far from any reciprocity or privileges, there is, if I may use the word, hostility between the two countries. So that, it is entirely an enabling clause, entirely something which is in our power to give or not to give. I am presently going to propose a small amendment which I think the House will probably approve in regard to this particular matter in reference to South Africa.

I can very well understand the natural sentiment and desire of the House not to put in or include the name of the Union of South Africa in such a Bill. But I would submit that our including the Union of South Africa is not at all to our discredit. What do we say? We are merely enumerating certain countries which for the present are in the Commonwealth, and we are saying that "we will give you such privileges if you behave." We do not give them anything. It is a challenge to them to do so. Today, no South African can come to India. Leave out everything else and the question of Commonwealth citizenship, they cannot enter India, because no South African, according to the rules we have framed at present, can enter India. No South African goods can come to India. We are completely cut off from each other from that point of view. Only by a special permit can a South African come here, and they have been very rarely issued, for some humanitarian work. I think it is not quite fitting for us to cut out the name of South Africa from the Schedule. We give nothing. We have everything in our power. It simply means that we are prepared always to open the door for any proper compromise if the others behave. That has been our policy in regard to every matter, that we are always ready, not to give up our policy or any basic principle, but to treat with the other party, negotiate a settlement, however hostile it might be for the present. That applies to large world questions too. They are very big questions. If each country is hostile to the other and they take up an attitude of refusing to deal with each other, then there is no solution left except conflict. So that, I submit from the practical point of view, the theoretical or again of following the general policy we pursue, we should never finally close the door.

So far as this Bill is concerned, it is true, and I myself share that sentiment, it slightly hurts me even to mention South Africa in this connec-

tion. I accept that. Nevertheless, I think for wider reasons it would not be right for us to delete one country.

Then, the whole Commonwealth conception has been obviously a changing one, and it took a tremendous leap in a particular direction of change when an independent Republic owing no allegiance to any outside authority was associated with this Commonwealth.

**Shri V. G. Deshpande (Guna):** The Queen of England is the head of the Commonwealth, and that is the notional link.

**Shri Kamath:** Symbolic.

**Shri Jawaharlal Nehru:** Yes, that is a symbolic link. I am told that Pakistan is going to become a Republic.

There are two or three factors which I should like the House to bear in mind. The first thing is that there are a large number, many millions, of Indians abroad, abroad in what are called the British colonies today, and which I hope will cease to be British colonies and will develop themselves to freedom. There is no doubt that our Commonwealth connection helps us and helps them, helps us in dealing with them. Otherwise, all these millions of Indians would have to choose; they would either become absolute aliens in the country where they are living, or they have to give up completely their connection with India. Of course, when a country becomes independent like Ceylon, like Burma, naturally they have to choose, but forcing them to choose before they are independent puts them into a very embarrassing and false position. I do not think it is right that we should place these millions of our fellow-countrymen in that position.

Then also, look at it as this Commonwealth might develop. I hope that in the course of the next year, the coming year, there will be an

[Shri Jawaharlal Nehru.]

addition to the Commonwealth, the addition of Gold Coast. That will be a good thing when it comes off and I do hope it will come off and we are looking forward to it greatly. The addition of the Gold Coast again changes the entire character of this association of nations. Here is a full-blooded African nation for the first time being associated in this way. So, it is changing. If I may say so, the European character of it changes, and as it is, there are free Asian and African nations coming together, and I hope that subsequent steps may bring in perhaps Singapore and Malaya. So, the whole thing is a changing one. And from the world point of view, from the racial point of view, it is a good thing for these changes to take place. It may be that some members of the Commonwealth, notably the Union of South Africa may utterly dislike this change; it is very likely, because it goes against their basic policy. Well, they have to face their difficulty as to what they do in the circumstances, and not we. And I should like to place the burden of choice on them, whether they are so disapproved of these developments as not to tolerate them, and themselves retire into their own shells, if I may say so, cut off from the rest of the world. Why should I help them in the process? Why should I not have the widest sphere of influence, widest sphere of co-operation?

Therefore, I submit that from these wider points of view, it is desirable for us, more specially at the present day when these big questions arise, to have this Commonwealth link and association and thereby help in these larger causes of peace and solution of problems, world problems, apart from our own problems—they have helped undoubtedly. India can be influenced by other countries, but it should be remembered that India also can influence other countries, and has done so remarkably in the past few years.

I would therefore beg this House to accept this broad pattern which I

again say does not give the slightest privilege or special position to any country except on a basis of reciprocity. It is an enabling thing; that is, if the other party suggests, it is for us to determine. There is one amendment, however, which I would like to suggest for the approval of the House. If you will refer to clause 2 (c) of the Bill, you will find:

“‘citizenship or nationality law’ in relation to a country specified in the First Schedule means an enactment of the legislature of that country which, at the request of the Government of that country, the Central Government may, by notification in the Official Gazette, have declared to be an enactment making provision for the citizenship or nationality of that country;”

This is an enabling clause. But I would like to add to this the following:

“Provided that in respect of the Union of South Africa, no such notification shall be issued except with the approval of both Houses of Parliament.”

That is first of all an indication of the special way we look at the Union of South Africa in this connection. Secondly, we want in this matter to bring every step to both Houses of Parliament and not leave it to Government. I submit that if this proviso is added, some part at least of the sentiment we feel in this matter is met, and the broad advantages of the position are also maintained.

There is one small matter also which I might mention. In the First Schedule, some names are mentioned; their order should be changed; one or two names are not quite correct. That is a small matter.

Shri H. N. Mukerjee: May I ask a question? We have a repealing clause in this Bill, namely clause 19, where we say that the British Nationality Acts from 1913 to 1940 are repealed.

Why do we repeal these Acts and omit any reference to the British Nationality Act of 1948 which itself repeals these Acts, except on the supposition that certain British Acts and especially the British Nationality Act of 1948 is operable in India? It may not be part of our statute law but it operates in our country.

**Shri Jawaharlal Nehru:** How does it operate except in the measure that we do something in line with it? How can you say that it operates? We have been guided by it in framing our law. You may say that if you like. We have been guided by it in taking some action. But that law does not operate here obviously. How can that law directly operate here? It cannot.

**Shri H. N. Mukerjee:** I just want to understand. We specifically say that we are repealing certain British Acts. We go out of our way to do so, because it is not our business presumably to say that their Acts do not operate. But in regard to certain British Acts we say they do not operate. And there is another British Act which itself has repealed those British Acts which we say we are repealing. Therefore, my contention is that the British Nationality Act of 1948 which is specifically omitted from our repealing clause continues to operate as a law in our country.

**Shri Jawaharlal Nehru:** I confess this is a matter too deep for me. Some lawyer would have to answer that.

**Mr. Speaker:** That is what I was going to say. This matter is one of a drafting nature, really speaking, and one for legal experts. It may therefore better be left to be answered by the hon. Minister of Home Affairs.

**Shri H. N. Mukerjee:** We took advantage of the Prime Minister's presence.

**Mr. Speaker:** The Prime Minister lays down the policy and general principles and does not sit for drafting.

**Shri Kamath:** By your leave, may I put another small question? The Prime Minister can answer that....

**Shri Jawaharlal Nehru:** May I just say this? I am told that according to a provision in our Constitution, the British Acts before 1947, that is, before the changeover of Government, continue to apply. That is the real reason. The 1948 Act does not apply, because it came after the changeover of Government here.

**Shri Gadgil (Poona Central):** That was made clear last time.

**Shri Kamath:** May I remind the hon. Prime Minister that the First Schedule lists at least one country which is outside the Commonwealth, that is, the Republic of Ireland? If that can be so, what is the bar to including some other countries outside the Commonwealth?

**Shri Jawaharlal Nehru:** It is true that Ireland is outside the Commonwealth. But being outside the Commonwealth, it has continued, I believe to be considered in a special way by the Commonwealth. Naturally, so far as we are concerned, we all very gladly welcome that special way. They have these economic and other relations; and we merely welcome it; we must.

**Shri Kamath:** What about other countries outside the Commonwealth, which are just like Ireland?

**Mr. Speaker:** These questions can be raised later on. Let us proceed with the discussion now.

**Shri Gidwani (Thana):** I have only to refer to the clause dealing with the persons who migrate from Pakistan. I am opposed to the registration clause. Any person who comes to India from Pakistan must automatically be considered as citizen of India by descent and not by registration. Registration involves a lot of expenses.

As Pandit Thakur Das Bhargava put it the other day, it means that so much of money will have to be spent

[Shri Gidwani.]

by them. They will be moving about from one place to another waiting for a certain period and so on; and then, some officers according to their own whims sometimes decide things in such a way as to affect the persons adversely. Therefore, I see no reason why this registration clause should apply to them.

You are aware of the reasons that compelled them to leave their homes in Pakistan and come to India. It is enough that they have suffered all those difficulties.

[MR. DEPUTY-SPEAKER in the Chair]

So, where is the need to put further impediments in the way and put them to expenses and trouble? Therefore, I would appeal to the hon. Home Minister, and to the hon. Deputy Minister who has been dealing with the refugee problem in another capacity, to look at this question with sympathy as he has been doing in regard to other matters.

It is a very tedious process and it does more harm than good. What is the good of making people spend money, wait for some time and then register themselves? Apart from newcomers who may come hereafter, people who have come after 1948 also have to go through that process. I would, therefore, appeal to him to consider this aspect very sympathetically. Members from all parties representing all groups have approached this question with a very sympathetic attitude, and they have also appealed to him. It is not a question of standing on technicalities or on a question of procedure. Psychologically also it is very wrong that they should feel that they are not citizens of India when they come here and that they have to go through a procedure before they can be called Indians. They were Indians before partition; they wish to remain Indians when they come to India. There can be no question about their loyalty. Therefore, I would again appeal to him to consider this aspect with the

utmost sympathy and remove this clause of registration. They should be considered as Indians by descent.

**Shri Gadgil:** The fact that in clause 11 a reference has been made to Commonwealth citizenship has created unnecessarily a good deal of misunderstanding. The conception of Commonwealth citizenship came into prominence after the Statute of Westminster, and in fact when the several Dominions did not like that there should be one citizenship, namely, British citizenship, and each one of them wanted a special citizenship of its own, several enactments were made. The first Dominion to do so in this respect was the Dominion of Canada. In 1948, the Australian Nationality Citizenship Act was passed, in the same year, the New Zealand Citizenship Act was passed; the South African Citizenship Act was passed in 1949, the Rhodesia Citizenship Act in 1949, Ceylon Citizenship Act in 1948 and Pakistan Citizenship Act in 1951. In all these Acts, the main scheme is that a citizen of that particular dominion is a citizen of that dominion *plus* he is a citizen of the Commonwealth by virtue of the fact that that country is a member of the Commonwealth. It was, therefore, a sort of common clause formula that was incorporated in all the enactments. And that is exactly what clause 11 seeks to do here.

Now, this common clause is to the effect that under the law of the enacting country, any person who is a citizen of any other country of the Commonwealth by law shall have his Commonwealth citizenship and therefore, not an alien in virtue of that citizenship. The common clause had not in fact everywhere been adopted, though the definition of an 'alien' in every country of the Commonwealth does not include the citizen of any other country of the Commonwealth. In other words, the member of a Commonwealth country is not an alien in any other Commonwealth country, but is something less than that. In other words, he has certain privileges, though not necessarily

rights, which we are accustomed to predicate of any citizenship. I am glad that by the proposed amendment, anything that may be considered to be proper with respect to granting or conferring Indian citizenship on citizens of South Africa will be by notification and that that notification will be laid on the Table of this House. This reciprocity business is good so far as the rights of citizenship are concerned, but what really matter are the privileges which are incidental to this Commonwealth citizenship. If today our nationals, our citizens, visit South Africa, everybody knows what sort of humiliation and what sort of handicaps are there for them. Now, unless we accept the same principle of reciprocity in the matter of privileges—apart from rights of citizenship—I think the pride of this country and, in fact, considerations of justice, will not be fully satisfied. I am therefore of the view that the Government should keep this in mind, the necessity of not only not extending the rights of citizenship, but also not conferring or making available the concessions or privileges in virtue of a person being a Commonwealth citizen except on the basis of reciprocity. There need not be any statutory provision for this, but it will be enough if a clearcut pronouncement is made in that manner or in that regard. I know the present practice, that this is being done, but it should be accepted as a principle, in itself.

All the talk that Commonwealth means some subtraction from the conception of full sovereignty is merely theoretical. For practical purposes, history has shown what this country has done in the matter of foreign policy and other international matters, how independently it has acted and how the approach of this country has been very much practical and pragmatic. Theoretically it may mean anything, but so far as our sovereign independent Republic is concerned, there is not the slightest modification or the slightest subtraction from the full sovereignty which

the people of this country have taken to themselves on 26th January 1950.

Now, there is another point with respect to this Bill, namely, whether the oath should be to the Constitution of India or to the Republic itself. On this point, one must see what is enduring in the conception. The government of the day is a tenant as will of this House. So far as the Constitution of this country is concerned, it is, to some extent, subject to changes which may be approved in terms of the provisions of the Constitution. Any person can be loyal to the Constitution and can be disloyal to the country. Now, what is at the bottom that we want to prevent, and want to achieve? The conception of nationality, and more particularly the conception of a sovereign State, is not complete without an adequate and properly framed law of citizenship. And no law of citizenship is complete without an adequate provision for oath. What shall be the oath? After all, what is a country? Is it mere geography, is it mere history or does it include those eternal values for which the culture and the genius of the country stand? That idea is vague from certain points of view. But it is so clear, just as the air. We cannot point out this is the air; at the same time, we are very much conscious of it. Similarly, we may not be able to specify or define with accuracy the conception, that this is our country. But the fact is that it is something for which one lives and one dies.

Therefore, I am of the view that this may be changed and be substituted by the words 'Republic of India.' In the Constitution itself, there are certain things which cannot be changed, which are not subject to change—what are called fundamental categories in any Constitution. For example, the fact that our State is to be a Republic. All other provisions about bi-cameral system, proportional or direct repre-

[Shri Gadgil.]

sentation, this that and the other, whatever the provisions are or may be, can be changed. But the very foundation of our State is the idea of Republic. Therefore, it cannot be changed so far as the constitutional provision stands. It may be changed as a result of revolution, and if revolution happens, then all eternal values are backdated—they are completely eliminated. We are not contemplating a situation in which that can happen. (*Interruption*). Therefore, it is a mere idea. The Government, of course, as I said, is a tenant at will. The Constitution can be changed and we are changing it for the seventh time in the course of the last five years. Therefore, the thing that will not normally change is the idea of Republic. Therefore, I am of the view that this should be substituted and the oath should be to the 'Republic.'

Then, the third question is about procedure, whether the grant or deprivation of citizenship should be an executive act or a judicial process. I go by what is there in the world. Except in the United States of America, the process is executive. The Government of the day is responsible for the grant and for the forfeiture. There was only one country in the Commonwealth, namely, South Rhodesia, which first tried to provide that the process should be a judicial process absolutely. Then it came to the other view and changed the provisions and the present provision there is that it should be an executive act. There is a possibility that it may be abused. But, since, as I suggested last time at the consideration stage, there is a provision made for revision and also some provision that whatever the Enquiry Committee may agree to will normally be accepted by Government, I am still of the view that that is the best and it should not be a judicial process because that is not accepted by most countries in the world.

I again repeat that the proceedings of this Enquiry Committee should not

be public, because there are matters which involve the safety of the country, matters which involve very vital interests of this country; and if you insist on an open judicial trial it will not be in the best interests of the country. I am sure that although it is stated that the procedure will be prescribed, let the Government bear this in mind that it should not be a public enquiry at all.

There is one more point and I conclude. That is about the definition of the word 'person' I have read with great care and attention the minute of dissent by my esteemed friend and prominent lawyer from Bombay, Shri Nathwani. I see his point. But, the method he suggests is that if the corporation has 80 per cent. shareholders Indian, then it should be considered as Indian. Then, in other words, citizenship becomes a fluctuating matter. Today what we want is that citizenship must be a matter of certainty. Precisely, one must know whether one is a citizen or not. If that suggestion is accepted, then, this difficulty arises. But, at the same time, I see the force of his argument that when you confer the right of citizenship on an individual, if two or more come together, it seems somewhat illogical that they should not exercise the same right. Though the conception of citizenship is, in essence, individual, yet, because of modern progress in economics and in other matters, there is a necessity to, somehow or other, at least if not to grant, not to deny those rights which are provided for in our Constitution. The trend of judicial decisions, as has been pointed out by Shri Nathwani, is very liberal. I hope some formula will be found out whereby the citizenship to be conferred may be avoided, but, at the same time, the difficulty of a body of people all of whom are Indian being denied the right and status of citizenship may also be avoided. From that point of view, I think, the original clause, as it



stood, was the best because it left some discretion to the judiciary to give relief in appropriate cases.

**श्री बी० जी० बेशपांडे :** प्रभा जी प्रधान मंत्री का भाषण हुआ है उसको मैंने बहुत ध्यानपूर्वक सुना है। इसको सुनने के पश्चात् भी मेरा यह निश्चित मत है कि यह जो भारत का नागरिकत्व का विधान है जिसे कि हम आज बना रहे हैं और जिस के द्वारा हम कामनवेल्थ (राष्ट्र-मंडल) नागरिकत्व को स्वीकार कर रहे हैं, इसमें भारत के लिये एक गौण स्थान है जिसको कि कहा जाता है अंग्रेजी में सर्वाडी-नेट पोर्जेशन (अधीनस्थ स्थिति), वह हिन्दुस्तान को दी जा रही है। इसके बारे में जो सन्देह हमारे मन में थे वह सन्देह आज भी समाप्त नहीं हुये हैं। जब उनको बतलाया गया कि इंग्लैंड का १९४८ का जो नागरिकत्व विधान है उसको आप देखें कि उसमें क्या लिखा है तब उन्होंने कहा कि उसमें कुछ भी लिखा हो उससे हमें कोई वास्ता नहीं है। मैं बताना चाहता हूँ कि इंग्लैंड के साथ हमारे जो परस्पर सम्बन्ध हैं, रेसिप्रोसिटी (पारस्परिकता) के आधार पर जो नागरिकत्व का आदान और प्रदान हो रहा है, तब इंग्लैंड के विधान में क्या लिखा है, यह देखना बहुत ही आवश्यक है। यदि हम समझते हैं कि यह कामन-वेल्थ मिटिज़नशिप (राष्ट्रमंडल नागरिकता) है और इंग्लैंड के कानून में यदि यह लिखा गया है कि यह जो नागरिक बनेंगे वह ब्रिटिश सबजेक्ट या दूसरे शब्दों में ब्रिटेन के प्रजाजन वह बनेंगे तो रेसिप्रोसिटी के आधार पर हमें भी वैसा ही करना चाहिये था। इतने पर भी आप कहते हैं कि कौन से ज्यादा अधिकार उनको मिले हैं। उनके विधान को पढ़ने के पश्चात् एक इस बात का भी पता चलता है कि जब किसी देश का नागरिकत्व विधान बना हो उसके पश्चात् उस देश के नागरिकों को एक दरखास्त में पड़ती है कि हम को ब्रिटिश सिटि-

जनशिप (नागरिकता) मिले और उसके पश्चात् एक नोटिफिकेशन (अधिसूचना) द्वारा इंग्लैंड के सबजेक्ट (प्रजाजन) की पदवी, इंग्लैंड की गुलामी की पदवी हम को मिलने वाली है। इस पर भी यदि कहा जाये कि यह बराबरी के अधिकार हैं तो मैं समझता हूँ कि यह ठीक नहीं होगा। मैं ने बार बार पूछा परन्तु प्रधान मंत्री ने इस सवाल का जवाब देने से इन्कार कर दिया। आप पूछते हैं कि बताइये कि यू० के० को कौन सा ज्यादा अधिकार है, उसको कौन सा बड़ा स्थान प्राप्त है। मैं बतलाना चाहता हूँ कि जो इंग्लैंड की मुखिया है, जो वहाँ की महारानी है, क्या वह कामनवेल्थ की मुखिया नहीं है। इसके लिये उनके पास कोई भी जवाब नहीं था। मैं पूछना चाहता हूँ.....

**श्री कामत :** जवाब था पर संतोषजनक जवाब नहीं था।

**श्री बी० जी० बेशपांडे :** संतोषजनक तो क्या कोई जवाब ही नहीं था।

आज हिन्दुस्तान के मुखिया हमारे राष्ट्रपति डा० राजेन्द्र प्रसाद हैं। क्या कामनवेल्थ का हैड (राष्ट्रमंडल के प्रमुख) मैं पूछता हूँ, हिन्दुस्तान के राष्ट्रपति बन सकते हैं। यदि वह बन नहीं सकते तो हम कैसे कह सकते हैं कि दोनों को बराबर का स्थान प्राप्त है। पहले क्वीन (महारानी) आफ इंग्लैंड को एम्प्रेस (सम्राज्ञी) कहा जाता था लेकिन अब यदि उनको हैड आफ दी स्टेट (राज्य प्रमुख) कहा जाये तो ज्यादा अच्छा हो। आप तो कहते हैं कि वह सिम्बल (प्रतीक) है और उसको कोई अधिकार नहीं है। मैं समझता हूँ कि हम लोग अब भी गुलाम हैं या यह कहिये कि ब्रिटिश साम्राज्य का हम एक हिस्सा हैं। हम ने अपने अपने आपको रिपब्लिक कहा तो इससे हमारे बराबरी के अधिकार हो गये हैं यह मैं नहीं समझता हूँ। हाँ यह हो सकता है कि हम डोमिनियन स्टेट्स (अधिराज्य) हैं। जब हम में और उनमें कोई फर्क नहीं है तो मैं

[श्री वी० जी० देशपांडे]

पूछता हूँ कि हम ब्रिटिश साम्राज्य में क्यों हैं। आप कहते हैं कि हम आज़ाद हैं, मगर मेरी समझ में नहीं आया कि हम आज़ाद किस तरह से हैं।

मैं एक बार लखनऊ में गया था और वहाँ पर एक नवाब की कहानी सुनी थी। वह जो लखनऊ के नवाब थे, एक स्त्री उनके साथ रहती थी। उस स्त्री से पूछा गया कि क्या तुम नवाब साहब की बेगम हो, उतने जवाब दिया कि मैं बेगम नहीं हूँ। फिर उससे पूछा गया कि तुम्हारा उन पर अधिकार क्या है, तो वह कहने लगी कि जैसे बेगमों का उन पर अधिकार है वैसे ही मेरा अधिकार है। जो स्थान उनको प्राप्त है वही स्थान मुझे भी प्राप्त है लेकिन मैं बेगम नहीं हूँ, मैं एक स्वतन्त्र स्त्री हूँ। इस पर उससे पूछा गया कि जब तुम स्वतन्त्र हो तो तुम्हारा उनसे क्या सम्बन्ध है, तो वह कहने लगी कि हमारे जो परस्पर और स्वच्छंद सम्बन्ध हैं वह उसके प्रतीक हैं।  
He is a symbol of the free association between us. यानी जैसे नवाब साहब के साथ जो उनके खुले सम्बन्ध थे वही.....

श्री कामंत : हम तो अब दिल्ली में हैं।

**Mr. Deputy-Speaker:** For the story the hon. Member need not have gone all the way to Lucknow. However ingeniously he may do it, there is a veiled attempt to bring in an analogy which is not quite in taste.

श्री वी० जी० देशपांडे : बात यह है कि आप कहते हैं कि भारत के अधिकार वही हैं जो कामनवैल्य कंट्रीज़ के हैं, जैसे आस्ट्रेलिया के हैं या कनाडा के हैं। जब हम इंग्लैंड के राजा के बारे में, वहाँ के किंग के बारे में पूछते हैं तो आप कहते हैं कि यह हमारी

फ्री एसोसियेशन (स्वतन्त्र सम्बन्ध) है, वह तो केवल एक सिम्बल है। आप को गीण स्थान अवश्य प्राप्त हुआ है और इसी दृष्टि से यह जो कामनवैल्य सिटिज़नशिप की क्लाइज़ (खण्ड) आपने रखी है और उसको इस विधेयक में जगह दी है, यह मुझे स्वीकार्य नहीं है।

फिर आगे चल कर रेसिप्रोसिटी के बारे में आपने केवल धारा १२ में जिक्र किया है और जो धारा ११ है उसमें कहा गया है :

“Every person who is a citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India.”

यानी रेसिप्रोसिटी का कहीं सवाल भी नहीं आता है। केवल साउथ अफ्रीका और आस्ट्रेलिया और फ्रंट शेड्यूल में जो भी नागरिक आते हैं उन सब को इस विधेयक के पास होने के पश्चात् नागरिकत्व का अधिकार प्राप्त होगा। आगे चल कर राइट्स ऑफ सिटिज़नशिप जो है, सिटिज़नशिप का जो अधिकार है, इसके बारे में फर्क है। परन्तु सिटिज़नशिप का जो स्टेटस है वह हर एक कामनवैल्य कंट्री के बारे में एक दूसरा ही है.....

श्री कामंत : क्लाइज़ ५ देखिये और उसमें जो कमेटी ने कहा है वह देखिये।

श्री वी० जी० देशपांडे : कमेटी ने अच्छा किया है.....

**Mr. Deputy-Speaker:** If any hon. Member wants to make a suggestion, he may kindly get up.

**Shri Kamath:** Both of us cannot get up at the same time.

**Mr. Deputy-Speaker:** Then he cannot talk when another hon. Member is speaking. I am glad he has followed the rule to some extent, but let him follow it fully.

**Shri Kamath:** But this is always done in the House.

**श्री वी० जी० बेशपांडे :** मेरा आशय एक ही था कि कामनवैल्थ सिटिजनशिप के विषय में यह जो हमारा सिटिजनशिप का कानून यहां पर बन रहा है यह हमें इस तरह का इसलिये बनाना पड़ रहा है क्योंकि कामनवैल्थ का जो संघटन है उसमें भारत को एक गौण स्थान प्राप्त है। यदि ऐसी बात नहीं है तो इसकी एक ही कसौटी पर आपको परखा जा सकता है और वह यह कि आप इस शेड्यूल में एक आध दूसरा देश बाहर का इसमें डाल कर देखिये और यदि आप इसके लिये तैयार नहीं हैं तो मैं समझता हूँ कि आप पूरी तरह आजाद नहीं हैं। बात यह है कि नियंत्रण होता है, मैं उपमा नहीं देना चाहता हूँ लेकिन आप किसी दूसरे देश को इसमें डाल सकते नहीं हैं। भारत बंधा हुआ है ब्रिटेन के साथ और इसको गौण स्थान प्राप्त है, ऐसा मेरा कहना है और जब आप यह कहते हैं कि भारत एक स्वतन्त्र और सार्वभौम राज्य है तो यह एक उपहासास्पद और मेरे विचार में गलत बात है।

इस कारण यह कामनवैल्थ सिटिजेनशिप की बात को निकाल डालना चाहिये। यह मैं मानता हूँ कि बाहर हमारे करोड़ों लोग हैं और उन के हितों की रक्षा करना जरूरी है और इस लिये इस में नेपाल जैसे देशों को समाविष्टित करना चाहिये।

इस के अलावा एक ही बात आप के सम्मुख रखना चाहता हूँ। किसी भी व्यक्ति के नागरिकत्व को खत्म करने के बारे में आपने जो आप का पुराना कानून था उस में लिखा था कि अगर कोई व्यक्ति देश के साथ गहारी करता है तो उस की सिटिलेनशिप खत्म कर दी जाय। मैं आप से बिल्कुल

सहमत हूँ कि अगर कोई वेशब्रह्म करता है, गद्दारी करता है तो उस के नागरिकत्व को निकाल देना चाहिये, परन्तु जो इंडियन पेनल कोड (भारतीय दंड संहिता) है उस में धारा १२४ वैसी की वैसी कायम है। एक जगह, शायद पंजाब हाई कोर्ट में उस को विधानबाह्य घोषित किया गया था, उसके पश्चात् क्या हुआ मुझे पता नहीं। परन्तु परसों ही मध्य भारत में हमारे कार्यकर्ता को पोलिटिकल भाषण देने के सम्बन्ध में यह कह कर वह असन्तोष का निर्माण करता है धारा १२४ के अनुसार सजा दे दी गई है। यह बात तो ठीक है कि यह नैचुरलाइज्ड सिटिजन्स (देशीयकृत नागरिक) के बारे में है लेकिन अगर इस कानून के बनने के बाद इस प्रकार से राजनैतिक कारणों से किसी पर अभियोग चलाया जाता है और अभियोग चलने के पश्चात्.....

**श्री कामत :** सुप्रीम कोर्ट में अपील की है या नहीं ?

**श्री वी० जी० बेशपांडे :** अभी नहीं की है, अभी तो सजा हुई है। इस देश में धारा १२४ के अधीन किसी राजकीय प्रतिस्पर्धी के खिलाफ कार्रवाई हो सकती है ताकि वह नागरिकत्व के अधिकार से वंचित हो जाय और एलेक्शन (निर्वाचन) में भी न खड़ा हो सके। इस लिये मैं प्रार्थना करूंगा कि इस धारा की तरफ गौर से ध्यान दिया जाय और विशेषतया जो कामनवैल्थ सिटिजनशिप की धारारें हैं उन में परिवर्तन किया जाय।

**श्री बंसीलाल (जयपुर):** इस बिल के सम्बन्ध में मैं ज्वारेंट कमेटी को मुबारक बाद देता हूँ कि उन्होंने यह बिल सदन के सामने इस रूप में रक्खा। जहां तक इस बिल का सम्बन्ध है मैं मुझाव देना चाहता हूँ और वह यह है कि इस बिल को दो भागों में विभक्त किया जाय जिस से एक भाग

## [श्री बंसीलाल]

का तो केवल इंडियन सिटिजनशिप (भारतीय नागरिकता) से सम्बन्ध हो और दूसरा बिल इस प्रकार का लाया जाय जिस में अगर हो सके तो दूसरी कामनवेलथ कंट्रीज़ (राष्ट्रमंडलीय देशों) से मिल जुल कर और हमारे देश और उन की सलाह से कोई कामनवेलथ सिटिजनशिप (राष्ट्रमंडलीय नागरिकता) नाम का स्टेटस (स्थिति) बनाया जाय।

जितने भाषण इस सदन में हुये हैं उन में सब से अधिक जोर इस बात पर दिया गया है कि कामनवेलथ नाम का शब्द इस बिल में क्यों आ गया और कुछ कामनवेलथ कंट्रीज़ के नाम इस के फर्स्ट शैड्यूल (प्रथम अनुसूची) में क्यों मेन्वान (उल्लिखित) कर दिये गये और न केवल इस सदन में बल्कि सदन के बाहर भी देश के करोड़ों व्यक्तियों में यह चीज़ चर्चा का विषय बन रही है। आज जिस विदेश नीति पर हम चल रहे हैं उस के अनुसार कुछ देशों की, जिन को हम कामनवेलथ कंट्रीज़ के नाम से पुकारते हैं हमारे कानूनों में चर्चा ही क्यों उठाई जाती है, उन को विशेषता क्यों दी जाती है।

अभी माननीय प्रधान मंत्री जी को साउथ (दक्षिण) अफ्रीका के बारे में इस बिल में एक संशोधन करने के लिये कहना पड़ा। न केवल साउथ अफ्रीका का सवाल है बल्कि हमारे बाहिर की और जितनी कामनवेलथ कंट्रीज़ हैं उन का भी सवाल है। यद्यपि हम ने इस बिल में यह रक्खा है कि उन को हम सिटिजनशिप तभी देंगे जब वह हमारी कुछ शर्तों को मान लेंगी फिर भी मेरा यह सुझाव है कि इस बिल में से, जब इस सदन में क्लोज़ बार्डक्लोज़ डिस्कशन (खण्डशः चर्चा) चले तो हम क्यों न कामनवेलथ कंट्रीज़ सम्बन्धी सारे क्लोज़ेज (खंडों) को निकाल दें। मैं समझता हूँ कि तभी हम इस कानून को इस देश के प्योर स्टलिंग

बिल आफ सिटिजेनशिप (नागरिकता के विशुद्ध स्टलिंग विषयक) की तरह पर तैयार कर सकेंगे। हम मौजूदा हालत में इस को प्योर मेटल (विशुद्ध धातु) बिल नहीं कह सकते, यह ऐलाय या मिश्रित बिल है। इस में कोई सन्देह नहीं है कि हम को सिटिजेनशिप का बिल बनाने की आवश्यकता है, लेकिन यदि हम किसी प्रकार इस को पूर्ण स्वतन्त्र और प्योर मेटल बिल बना सकें तो अच्छा है। जो ऐलाय बिल आ गया है अर्थात् जिस में कामनवेलथ कंट्रीज़ का जिक्र है उस बिल में से हम अगर कामनवेलथ कंट्रीज़ को अलग कर दें तो अच्छा है। और यदि यह महसूस किया जाय कि कामनवेलथ सिटिजेनशिप के स्टेटस के बारे में हमारे देश में कोई कानून होना आवश्यक है तो ज्यादा अच्छा होगा कि हम उस कानून को कामनवेलथ कंट्रीज़ की सलाह से बनायें क्योंकि उस से हम को फायदा हो सकता है क्योंकि यह तो एक प्रकार की सिम्बालिक सिटिजेनशिप (प्रतीकात्मक नागरिकता) हम दे रहे हैं। इस में कोई सन्देह नहीं है जैसा कि हमारे माननीय प्रधान मंत्री जी ने भी कहा कि कामनवेलथ की वजह से ही साउथ अफ्रीका का जिक्र फर्स्ट शैड्यूल में आया है वरना मैं समझता हूँ कि हमारे सिटिजेनशिप के बिल में साउथ अफ्रीका का जिक्र आना भी हमारे लिये एक कलक की बात है। हम इस बात को नहीं भूल सकते कि हमारे देशवासियों के साथ साउथ अफ्रीका में किस प्रकार का व्यवहार होता है और शायद इसी कारण से माननीय प्रधान मंत्री जी को एक संशोधन का सुझाव देना पड़ा मगर केवल यही पर्याप्त नहीं है। यदि साउथ अफ्रीका हम से रिसिप्रोकल सिटिजेनशिप (नागरिकता का पारस्परिक आदान प्रदान) चाहता है यदि साउथ अफ्रीका हमारे देश में सिटिजेनशिप के स्टेटस का व्यवहार चाहता है तो हम उस पर विचार कर सकते हैं लेकिन वह सब के मिलजुल कर करने

की बात है। किन्तु मैं एक बात अवश्य कहूंगा कि हम दूसरे देशों के साथ जितने हमारे कामनवेल्थ कंट्रीज़ के देश हैं उन को आसानी से रख सकते हैं क्योंकि हमारे लाखों देशवासी उन कामनवेल्थ कंट्रीज़ में रहते हैं। और जो हमारे विरोधी दल के मित्र हैं उनको यह नहीं भूल जाना चाहिये कि अगर हम इस प्रकार का व्यवहार बाहर के कामनवेल्थ वालों से नहीं करेंगे तो हमारे देशवासी जो लाखों की तादाद में बाहर रहते हैं उनका क्या हाल होगा। मैं समझता हूँ कि इस बिल में क्वेश्चन आफ गिव एण्ड टेक (आदान प्रदान का प्रश्न) है। इस बिल में यह प्रावीजन (उपबन्ध) किया गया है कि हम बाहर वालों को नागरिकता का अधिकार अपने यहां उसी हालत में देंगे जब कि हमारे देशवासियों को भी उन देशों में इसी प्रकार का अधिकार दिया जाये।

I P. M.,

**श्री कामत :** अधिक गिव (प्रदान) है कम टेक (आदान) है।

**श्री बंसीलाल :** तो इस में जो यह बात रखी गयी है कि हम गेनर (लाभ में) होंगे, हमारे देश के लोगों का फायदा होगा, इसमें कोई शक नहीं है। हम एक कलम से सारे कामनवेल्थ के देशों को तो नागरिकता का अधिकार नहीं देते हैं। आप देखेंगे कि सेक्शन ११ में यह दिया गया है :

"Every person who is a citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India."

यह तो भ्रनक्वालीफाइड है। इसका अर्थ होता है कि कामनवेल्थ के किसी भी देश के नागरिक को हमारे देश में कामनवेल्थ सिटीजन का स्टेटस मिल जायेगा। लेकिन जो कामनवेल्थ देश हैं उनमें कोई इस प्रकार की सिटीजनशिप है नहीं। बाकी दूसरी धाराओं

से प्रकट होता है कि यह केवल सिम्बालिक स्टेटस (प्रतीकात्मक स्थिति) है। इसके कोई मानी नहीं हैं जब तक कि आगे दी हुई धाराओं के अनुसार हमारा देश उनकी नागरिकता को स्वीकार नहीं करता, और ऐसा करने में काफी बन्दिशें हैं। लेकिन फिर भी मैं इस बात को दुहराऊंगा, और शायद सदन इस बात को पसन्द करे कि इन दो चीजों को क्यों मिलाया जाय जब कि एक के बारे में विरोध है और दूसरी के बारे में विरोध नहीं है। हमारे देश के लिये यह खुशी की बात होगी अगर हम कामनवेल्थ सिटीजनशिप के लिये भी कोई बिल बनावें। यह जो बिल हमारे सामने आया है यह बहुत बेहतर से बनाया गया है लेकिन इसमें से कुछ क्लोजेज़ को निकाल दिया जाना चाहिये। और कामनवेल्थ सिटीजनशिप के स्टेटस के बारे में दूसरे कामनवेल्थ देशों से बात चीत करके दूसरा बिल हमारे सामने लाया जाये। मैं आशा करता हूँ कि मेरे इस सुझाव पर गम्भीरतापूर्वक विचार किया जायेगा।

दूसरी बात मैं यह कहना चाहता हूँ कि मेरे मित्र श्री नथवानी जी ने एक सुझाव दिया था पर मेरा ऐसा ख्याल है कि उस पर पूरा ध्यान नहीं दिया जा रहा है। वास्तव में वह सुझाव मानने लायक है। उनका कहना यह है कि जहां इस बिल में "परसन" (व्यक्ति) की परिभाषा दी गयी है वहां उसमें से "ऐसोसियेशन" (संस्था) को निकाल दिया गया है। यह उचित नहीं है। इस बारे में बम्बई हाईकोर्ट ने बम्बई स्टेट बनाम चमार बागवाला केस में प्रकाश डाला है कि पार्टनरशिप फर्म को सिटीजनशिप का राइट (अधिकार) मिल सकता है या नहीं। मैं समझता हूँ कि हम में से वे लोग जो कि कानून को ज्यादा नहीं समझते उनको इस परिभाषा की अहमियत नहीं मालूम हुई होगी लेकिन मैं समझता हूँ कि अगर हमने "परसन" (व्यक्ति) की परिभाषा में पार्टनरशिप फर्म (साझेदारी

[श्री बंसीलाल]

का साथ) को इनक्यूड (सम्मिलित) नहीं किया तो हमारे सामने बहुत सी कठिनाइयाँ उपस्थित होंगी और शीघ्र ही हमको उसके लिये संशोधन बिल लाना पड़ेगा। इसलिये चाहे "कम्पनी" (समवाय) को हम "परसन" की परिभाषा में न शामिल करें मगर फर्म (सार्थ) को रखने में तो कोई हानि नहीं हो सकती। अभी हमारे एक मित्र ने कहा था कि अगर हम ऐसा रखेंगे तो वह फ्लक्चुएटिंग बाडी (अस्थिर निकाय) हो जायगा। मेरा ख्याल है कि ऐसी बात नहीं है। अगर इस फर्म का एक भी मेम्बर ऐसा होगा जो कि इंडियन नेशनल (भारतीय राष्ट्रजन) नहीं होगा तो उस फर्म को सिटीजनशिप का अधिकार नहीं मिल सकेगा। इसलिये मैं समझता हूँ कि यह संशोधन मंजूर कर लिया जाना चाहिये और "परसन" की परिभाषा में फर्म को अवश्य शामिल कर लिया जाना चाहिये। यह सिटीजनशिप बिल तो अभी हमारे सामने आया है। इसके अलावा भी हमारे देश में ऐसे कानून हैं, संविधान है, जिनके अन्तर्गत रोज़मर्रा सिटीजनशिप का प्रश्न अदालतों में आता रहता है। अगर हम इसमें से फर्म को निकाल देंगे तो हमारे देशवासियों के सामने बहुत सी कठिनाइयाँ आ सकती हैं। हम अपने देश के हर व्यक्ति को तो नागरिकता का अधिकार देते हैं लेकिन अगर ऐसे दस व्यक्ति जिनको नागरिकता का अधिकार प्राप्त है एक एसोसियेशन (संस्था) बनाते हैं तो उनको यह अधिकार नहीं रहता। मैं समझता हूँ कि यह एक विरोधाभास होगा और हम को इस बात पर गम्भीरता पूर्वक विचार करना चाहिये।

**Shri B. S. Murthy (Eluru):** I have to add only two words on two points. No doubt, the Bill has emerged greatly improved after the deliberations of the Joint Committee, but there are one or two points where I have not been able to agree with the Joint Committee and after listening very

carefully to the able speech made by our Prime Minister my doubts have not yet been cleared.

The point is about the Commonwealth countries and I want to speak a few words on that. The Commonwealth countries of today are a sort of hotch-potch countries because no country is following any common purpose and each is pursuing a different ideal in pursuance of its own outlook on world affairs. Our neighbour, Pakistan is following one path and the Union of South Africa is following another.

I want to speak with special reference to the Union of South Africa. Our prime Minister has been pleased to state that there are today hostilities between India and South Africa. If that is so, why should we take this blanket provision of "Commonwealth countries"? We have the liberty, I think, to pick and choose out of these Commonwealth countries. Unless and until we agree in certain principles on which a country is able to reciprocate our feelings and sentiments I think it is not obligatory on the part of India to take the Commonwealth countries as per the list made in England or South Africa. Therefore, I think the time has come when we must have the freedom to pick and choose such of those Commonwealth countries as are deserving cordial treatment and reciprocity. The Union of South Africa itself has broken the citadel of the so-called Commonwealth countries. Today it is not only fighting with its neighbours and a peace loving country like India, but it is also defying the United Nations.

It goes out of the United Nations and comes in as and when it pleases the leaders of South Africa to do so. Therefore, such a country deserves not a treatment like this. We cannot treat Canada and Australia on the same par with the Union of South Africa and I think that the Union of South Africa may be omitted from the list of the Commonwealth countries included in the list in this Bill.

Again, our Prime Minister has been talking about 'Panch Shila'! 'Panch Shila' has come to stay.

**Babu Ramnarayan Singh** (Hazari-bagh West): Where?

**Shri B. S. Murthy:** In your mind. As long as a man is peace loving he cannot refuse to give his vote for 'Panch Shila'! India is peace loving and therefore the time has come to create a Commonwealth of 'Panch Shila' countries. Our Prime Minister was saying that though, no doubt, Burma is our neighbour and has accepted the 'Panch Shila' and it is quite willing to be very friendly with our country, as regards reciprocity of citizenship the Burmese may be afraid because it is a sparsely inhabited country and India is having over-population. In a matter of citizenship it is not a question of change of population from one country to another but it is a question of change of ideas, having an exchange of experiences, exchange of feelings and having a sort of unity of feelings. Therefore, when to our West Afghanistan, to our east Burma, to the north Nepal and so many other countries are willingly to be very friendly with us and also to help for the propagation of 'Panch Shila' and thus help to remove the tension in the world, why not we create a new citizenship based on Panch Shila? Therefore, I think it is high time that our Government took courage in both their hands and saw that the Union of South Africa is deleted from the Commonwealth countries and new names such as Burma and Nepal are added to the list of those countries who could have citizenship rights on reciprocity.

One more point and I shall have done. It is about providing an appeal to persons who have been deprived of their citizenship rights. I think in clause 10 a sub-clause may be added that if a person has lost his citizenship right, he can be given the right of appeal in the Supreme Court. It is not good to leave this power entirely to the executive. I do not

doubt that the executive will always misuse its power but it is always safe to place this right in the hands of the judiciary and make it justiciable, so I think it quite essential to make our citizenship Act fool-proof.

**Shri Datar:** I am obliged to the House for the general support that they have given to the provisions of the Citizenship Bill as amended by the Joint Committee. It is true that a number of points have been made and some complaints given expression to here, regarding the various aspects on which the Joint Committee could not see eye to eye with the views of some hon. Members on the other side. I shall try to reply to some of these points. The first point that I shall take would be the last one that was addressed to the Prime Minister when he was speaking. It was pointed out to him that under clause 19, the British Nationality and Status of Aliens Acts, 1914 to 1943, have been repealed in their application to India while the British Nationality Act of 1948 has not been mentioned here. I want to point out to this House the correct position so far as the applicability or otherwise of these laws is concerned. The House is aware that in 1947, before the transfer of power, the Independence Act was passed by the British Parliament, and so far as the various Acts were concerned, in section 6, sub-section (4), it was stated that:

"No Act of Parliament of the United Kingdom passed on or after the appointed date shall extend or be deemed to extend to either of the new dominions as part of the law of that dominion unless it is extended thereto by a law of the legislature of the dominion".

I am pointing out that under section 6, sub-section (4), it was stated that there were certain Acts which were already there. So far as these Acts of the British Parliament were concerned, before the coming into force of the Indian Independence Act they continued to apply. So, that was the position, but after the coming

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into force of the Independence Act, any British Act will not come into force automatically unless it is accepted by the legislature of that dominion, namely, either India or Pakistan. Therefore, as a result of passing of this Act, what happened was that the various nationality Acts passed by the British Parliament between 1914 and 1943 continued to remain in force. Therefore, in this Bill, we provided that the British Nationality and Status of Aliens Acts, 1914 to 1943, are hereby repealed, and this power of repeal has been given even apart from our own Constitution, by the Indian Independence Act itself. Therefore, this particular repeal has been provided for. But so far as the British Nationality Act of 1948 is concerned, this Act was passed in the year 1948. The Indian Independence Act was passed in 1947. Therefore, automatically the British Nationality Act would not apply to India unless the Indian Parliament assents to it.

**Shri Kamath:** Will you read section 18 of the Indian Independence Act?

**Shri Datar:** Yes:

*"Application for naturalisation pending at the commencement of the Act: Any application for the certificate of naturalisation or for the inclusion of the name of a child in a certificate of naturalisation may before the date of the commencement of this Act, but not granted at that time, be treated as if it were an application for a certificate of naturalisation under one of those Acts."*

That is quite correct. That is fully in keeping with section 6, because, by this Act,—the Indian Independence Act—these nationality Acts were not revoked at all. They continued to be in force and that is why it has been stated here very clearly in sub-section (4) that "No Act of Parliament of the United Kingdom passed on or after the appointed date" etc. So, the implication is that those Acts which

were passed before the appointed date will continue to remain in force. That is the reason why it has been made clear that so far as these earlier Acts are concerned, they are formally repealed. It may also be noted that so far as the British Nationality Acts of 1914 to 1943 are concerned, they are repealed in England also by the British Nationality Act of 1948. But so far as we are concerned, we had to formally repeal them, because, under the Independence Act, they actually continued in force until they were repealed by us. That is the reason why they have been mentioned. But so far as the British Nationality Act, 1948, is concerned, it does not apply to us at all, because it was passed after the Indian Independence Act. Therefore, the House will agree that so far as this legal position is concerned, what has been done is quite proper and neither these Nationality Acts of 1914 to 1943 nor the British Nationality Act, 1948, apply to India. This is the legal position so far as the various Acts are concerned.

[SHRIMATI RENU CHAKRAVARTY in the Chair.]

Now, I shall deal with certain other points not covered by the Prime Minister. The Prime Minister has pointed out that with regard to South Africa we have decided to place the matter before the Parliament in case it is considered necessary under clause 2, to give recognition to their Nationality Act on their request. Therefore, the amendment that we propose to add is like this:

*"Provided that no such notification shall be issued in respect of the Union of South Africa except with the previous approval of both Houses of Parliament."*

Therefore, you will find that instead of actually removing it, what we have done is, we shall be coming to Parliament, asking for the approval of Parliament provided we are satisfied that we should recognise South Africa on the basis of reciprocity. There-



fore, there are two safeguards: one safeguard is that the Union of South Africa will not request us to recognise their laws unless they have materially and radically departed from their present policy.

**Shri Kamath:** Shown improvement.

**Shri Datar:** Yes; and then, we shall examine the whole matter and unless we are satisfied that there has been a radical departure from their behaviour so far as this point of discrimination is concerned, we shall not be approaching Parliament at all. Ultimately, it is in your hands either to have this notification or not to have this notification. Therefore, you will find that by this amendment we have gone a great way in meeting the legitimate wishes of a number of hon. Members in this connection.

**Shri Kamath:** Will copies of that amendment be supplied to us?

**Shri Datar:** I shall give it to you now.

I would now deal with the other points. So far as the various commonwealth nationality acts are concerned, yesterday a question was asked as to whether they were treating us as foreigners or as their own people. As pointed out by the President's Order, it is true that we recognise the citizens of the Commonwealth countries not as foreigners in this sense that they would not be covered by the Foreigners Act in force. Certain concessions are given to them just as they have given certain concessions to Indian citizens. They have also stated that a citizen of India or other Commonwealth countries is not a foreigner. So, you will find that in all those countries we have got this common link. So far as citizenship rights are concerned, we are on the same footing with the English law, where a process of registration has been introduced. Beyond this, nothing has been done. My friend Shri Sadhan Gupta contended that in such cases we were giving inferior rights of citizenship to those who come in by registration. The

question of registration has to be appreciated properly. Apart from that, I would point out to my hon. friends that when once a man becomes a citizen either by registration or by naturalisation, he has got all the rights, the only restriction being that he is answerable to the deprivation clause and he has to take an oath. A number of persons are likely to come in by registration. Therefore, in such circumstances, it is advisable that we have an oath. The oath is again to the Constitution. The contention was raised by some hon. friends, including Mr. Kamath, that the oath should be to the Republic. I would like to point out that in the Pakistan Nationality Act also, even before they have finalised their Constitution, they say that there would be deprivation provided there is disaffection or disloyalty towards the Constitution of Pakistan.

**Shri Kamath:** Pakistan is no model for us; it has no Constitution yet.

**Shri Datar:** Even now, they have a Constitution in the form of the Government of India Act, 1935, as amended by them. So far as this Bill is concerned, even when we extend the rights of citizenship on a reciprocal basis to the citizens of the Commonwealth countries, we have introduced certain restrictive clauses. For instance, clause 5 says:

"Subject to the provisions of this section and such conditions and restrictions as may be prescribed...."

If you look to the various Nationality Acts either of Britain or other countries, you will find that they do not speak of anything subject to restrictions or subject to reciprocity. So far as Pakistan is concerned, they have taken all the powers themselves. They say that in proper cases, they can deprive any such citizen of his rights of citizenship. So far as other countries are concerned, they have provided a particular machinery. One point may be noted here. There is a very great difference between our approach to

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the question of British citizenship and the approach of other countries. Take for instance, Canada or Australia. In Australia, there is a provision that an Australian citizen is a British citizen. In other words, they are anxious to say that in addition to being an Australian citizen, he is also a citizen of the Commonwealth countries or a British citizen. In Canada also there is a similar provision. But so far as we are concerned, that is not our approach at all. It will be noted very carefully by this House that we have not stated that an Indian citizen under this Act shall have automatically the status of a British citizen, as it has been stated in the Acts of some other countries. Therefore, our approach has been a guarded approach based on certain principles of fellowship or comradeship. Beyond that, we have not gone to any extent.

**Shrimati Sushama Sen** (Bhagalpur South): There is one point I want to submit for a clarification. Indian women marrying foreigners cannot, under this Act, transmit their Indian nationality to their children, their offsprings.

**Shri Datar:** May I inform the hon. Lady Member that we considered this question in all its aspects? There are two points here. One is that the number of such persons would be very few; marriages of Indian ladies with foreigners are rare. Secondly— it is a more important point—thereby we shall be introducing not only a double nationality, but in some cases a nine-fold nationality. It has been actually worked out and it has been found that it would come to nine-fold nationality and would go on increasing. Therefore, we thought that in this particular case we might prescribe it only through the father and not through the mother. There is no other reason to discriminate on the ground of sex at all.

**Shri B. S. Murthy:** If the citizenship is transmitted through the mother, how is it that it would become a nine-fold nationality?

**Shri Datar:** For example, the father's nationality is one and the mother's nationality may be different. Both will be inherited by the child and the child itself would have the nationality of the country where it is born. Afterwards, when the child marries and when children are born to it, then the nationalities of other countries would be coming in.

I would point out one very important point so far as the clause relating to disloyalty or disaffection is concerned. It was pointed out by a number of hon. Members that the Constitution is changeable and what is changeable cannot be the subject-matter of an oath. So far as this question is concerned, all of us, Members of this House, have taken the oath to the Constitution. That is how we become valid Members of this House. Changeability or liability to change has no effect at all. Secondly, criticism of the Constitution, or I would go a step further, dissatisfaction with certain provisions of the Constitution do not in any way amount to or constitute disaffection or disloyalty. Disaffection and disloyalty are positive acts; so far as disaffection is concerned, it must have elements of unfriendliness or hostility. That is absolutely essential; mere dissatisfaction does not amount to an attitude of unfriendliness. I may be dissatisfied with my son, but that does not mean that he is hostile towards me or I am hostile towards him. A further degree of active feeling of unfriendliness or hostility is essential.

**Shri Kamath:** What would happen to a person who burns the Constitution?

**Shri Datar:** I am explaining the matter. So far as disloyalty is concerned, the House will kindly understand that it is not merely want of loyalty. My hon. friends Pandit Thakur Das Bhargava and Mr Chatterjee know that some years ago, even want of loyalty was considered to be disloyalty.

**Shri N. C. Chatterjee:** That was the definition of disaffection by Justice Strachey in the Tilak case "absence of affection".

**Shri Datar:** That is no longer the correct view at all. So far as disloyalty is concerned, we require elements of faithlessness or treacherousness. Unless there are any of these elements, either of unfriendliness, hostility, faithlessness or treacherousness, you will find that a man cannot be charged with having been disloyal or disaffected towards the Constitution. My submission is, we have taken the word Constitution as it is. What we swear is by the general provisions of the Constitution, subject to our right to get the Constitution amended in certain particulars.

My hon. friend asked me a question as to burning of the Constitution.

**Shri Kamath:** Dr. Ambedkar said that in the other House.

**Shri Datar:** That is very unfortunate. I replied there that it is extremely unfortunate that the author of the Constitution should go back upon what he himself has so well and eminently done.

**Shri Kamath:** I agree it is unfortunate, but what will happen to him? Will it be disaffection?

**Shri Datar:** So far as Dr. Ambedkar is concerned, it is beyond dispute because he does not come under this provision.

**Shri B. S. Murthy:** Why is Shri Kamath burning with.....

**Shri Datar:** Enthusiasm.

**Shri B. S. Murthy:** Ambedkar phobia.

**Shri Kamath:** You do not seem to understand.

**Shri Datar:** It is not necessary to go into that particular question.

The next question is that there ought to be a judicial machinery and not an executive machinery for finding out whether a man should be deprived of his rights of citizenship.

This question has been referred to and met by a number of hon. Members like Shri Gadgil and Pandit Thakur Das Bhargava. They have correctly pointed out that this question can only be gone into by the executive machinery and it may not be proper to have a judicial machinery. But, we have provided for a safeguard like the British Nationality Act, where we have stated that whenever there is a Committee of Inquiry, it should be presided over by a man of 10 years' judicial experience. That would be sufficient judicial experience. Even now, every important question are being entrusted to similar bodies. I would like to point to the House that though apparently or theoretically it is the judiciary that ought to decide such a question, actually, under the Constitution and under the rules, as in all the countries of the world except the U.S.A.—I have pointed out certain aspects as regards U.S.A.—it is always desirable that this power should be with the executive. The executive are bound down by a number of restrictions. It has been stated that the Inquiry Committee's report is ordinarily to be accepted. Secondly, it has been further added that no man's rights shall be taken away unless it is found that it is necessary in the public interest. Therefore, the question is whether a man's conduct is either inimical or treacherous to the country. If it is not, no action can be taken. In my opinion, the various safeguards or restrictions that have been placed are more than sufficient. There is no reason to entertain any misgiving on the lines suggested by Shri S. S. More, the other day, that such powers may be used for political purposes. Let this side of the House and that side of the House be sure that such powers would not be abused at all.

Then, I would like to refer to registration. It has been contended by many friends that a very large number of our own refugees from East Pakistan are likely to come and if they are all subjected to this particular process of registration, affidavit

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stamped applications, etc., it may be burdensome to them with the result that a large number of people will not come in. I would point out to this House that we are examining this question of registration. Apart from that, I may say that the procedure would be as simple as possible. In case registration is accepted by this House, we shall consider the question of payment of court fees, etc., with a view to give as much relief as possible to such persons and to treat their cases with the greatest measure of sympathy, consistently with the interests of India.

A very important point was raised by my hon. friend Shri N. P. Nathwani. He contended that we have made the definition of the word 'person' very stringent so as to exclude all corporate bodies or corporations. On this question, we have had the opinion of the Law Ministry. In view of the fact that a number of persons believed that perhaps some hardship was likely to be caused to incorporated bodies or such firms, etc., we had the matter examined by the Attorney-General himself. I may tell the House that he agrees that the word 'person' can only include a natural person and not an artificial person. On this matter, I would like, with your permission to read the opinion of the Law Ministry so that the whole position may become clear.

"The word 'person' has been defined for the purpose of the Citizenship Bill only. This Bill deals with the question of acquisition of citizenship and termination of citizenship and certain supplementary matters. Citizenship can be acquired by birth, descent, registration and naturalisation. It is not possible for a company or a corporate body to acquire citizenship either by birth or by descent or by naturalisation. Such a body cannot also satisfy the conditions which have to be fulfilled for the ac-

quisition of citizenship by registration. Similarly, provisions relating to termination of citizenship cannot apply to a corporate body. For the purposes of this Bill, an artificial person or a body corporate cannot be regarded as a person."

This is very important. We are not dealing here with the rights or obligations of citizens in general. We are confining ourselves solely to the question of the acquisition and termination of citizenship. So far as acquisition and termination are concerned, they cannot naturally apply to artificial bodies. This is what the Law Ministry has said further:

"This Bill does not at all deal with the rights of citizens. They have been dealt with under the Constitution and other laws. The rights which have been conferred on citizens either under the Constitution or under other laws are, as a rule, available only to natural persons. This is also admitted by Shri Nathwani in his note of dissent. It is obvious that the right to hold an office or to vote in an election which have been conferred on citizens can be exercised only by natural persons. The only difficulty which is anticipated is with reference to Article 19 of the Constitution. Article 19 guarantees seven rights which are enumerated in clauses (a) to (g). Of them, rights referred to in clauses (a), (b), (d) and (e) cannot be available to corporate bodies. Rights referred to in clauses (c), (f) and (g) may, under certain circumstances, be available to corporate bodies, also. The question whether these rights should be available to corporate bodies and if so, how far such rights should be available to foreign companies or corporate bodies are matters which can be dealt with suitably under other laws or by suitable amendment of the Constitution.

The present Bill does not deal with the rights of citizens and as a corporate body can neither acquire nor lose citizenship, it may not be proper to include a corporate body in the definition of 'person' for the purposes of this Bill."

Lastly, I would point out this. My hon. friend referred to two rulings. In A.I.R. 1951 Supreme Court 41, it may be pointed out that the Supreme Court did not hold that a corporate body can acquire citizenship. It merely held that a corporate body is a distinct legal personality and as such the fundamental rights guaranteed by the Constitution are available to corporate bodies also and not merely to individual citizens. It also held that a corporate body can come up to the Supreme Court under article 132 of the Constitution. It did not deal with the question whether a corporate body could acquire citizenship.

Then, we have a very recent ruling of the Allahabad High Court in A.I.R. 1955 Allahabad at page 595. There it has been clearly stated by Their Lordships of the Allahabad High Court that article 5 of the Constitution which deals with the creation of rights of citizenship applies only to persons and not to corporations. They have further gone on and stated that a corporation cannot be said to be a person under article 19. Therefore, we need not go into the technicalities of the law, but the short question, the very simple question that we have to answer is whether a corporation can acquire citizenship or whether the corporation's right of citizenship can be terminated. So far as this acquisition and termination are concerned, I submit that they can only apply to natural persons and not to artificial persons. And inasmuch as we have the highest legal authority regarding this question, I would submit that the definition that has been evolved by the Joint Committee is the proper one, but I want to assure my hon. friend and those who take the same view, that their rights will not be affected by whatever we do, because

our purpose is a limited or a restricted purpose, and if there are any difficulties actually caused, then certainly Government would consider them so far as the Constitution or other relevant laws are concerned.

**Sardar A. S. Saigal:** Besides the Allahabad High Court, is there any ruling by other High Courts on this point?

**Shri N. P. Nathwani (Sorath):** There are decisions of the Bombay, Madras and Calcutta High Courts which have conceded or held that a corporation is a citizen.

**Shri N. C. Chatterjee:** And may I remind the hon. Minister that in the Supreme Court of India, which is the highest authority, the present Chief Justice, Mr. Justice Mukerjee, has clearly said:

"The fundamental rights, guaranteed by the Constitution are available not merely to individual citizens but also to corporate bodies as well, except that the language of the provision or the nature of the right compels the inference that they are applicable only to natural persons."

And that was said in connection with the right to carry on business, the right to acquire and hold property.

**Sardar A. S. Saigal:** I would just request my hon. friend to read what Fazl Ali, Mukerjee and Das, J. J. say as reported at page 873 of Supreme Court Reports?

**Mr. Chairman:** Let the hon. Minister reply and if further clarification is required, that may be done.

**Shri Datar:** We can take it when we consider the particular clause.

I was submitting that the definition of the word "person" as introduced by the Joint Committee is perfectly unexceptionable and it is natural also, and therefore the word "person" has to be confined only to natural persons and cannot include artificial persons.

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I need not make a reference again to the form of the oath, because, the allegiance has to be to the Constitution if there is no King or titular head as in some of the Commonwealth countries. The Queen of England is neither the Empress of India nor the Queen of India. The Queen is a symbolic head of the Commonwealth. Beyond that it has no particular formal significance at all.

**Shri K. K. Basu** (Diamond Harbour): What is this symbol?

**Shri Datar:** I have already answered it and the Prime Minister has answered it. In place of the King we have stated that the oath must be to the Constitution as we have taken the oath to the Constitution, and similarly in all these cases whenever an oath has to be taken by a person who is newly to be made a citizen, then naturally he has to be loyal to the Constitution, he must also give an undertaking that he follows the laws of the land. It follows naturally that when this right is being conferred upon him, he has an obligation to follow the laws of the land. It does not take away from him full-fledged rights as a citizen.

Shri Anthony wanted to suggest that all the period between 1947 and the date of the coming into force of this Act should be excluded and all those who had become citizens of other countries should continue to be also citizens of India. That is rather a very wide point that he had made out. What we have stated is that if during the period of war any person for whatever reasons has taken up the citizenship of another country, or if it has been conferred upon him, relaxation could be granted and that he would continue to be a citizen of India. It is not possible to accept such a wide amendment as the one proposed by my friend Shri Anthony.

I think I have answered almost all the points.

**Shri Mulchand Dube** (Farrukhabad Distt.—North): The British Nationality Act seems to provide two kinds of citizenship: one is the citizenship of the Commonwealth and the other the citizenship of the country to which the person belong. I should like to know what is the difference in the rights of these two kinds of citizens?

**Shri Datar:** They have put the definition rather widely, because they have mentioned here in section 1 of their Act:

“Every person who under this Act is a citizen of the United Kingdom and Colonies or who is a citizen of the countries mentioned in sub-section 3.....—that is the Commonwealth countries—

“.....shall by virtue of that citizenship have the status of a British subjects”

And then they have gone further...

**Shri Shree Narayan Das** (Darbhanga Central): So, we have the status of British subjects.

**Shri Datar:** I am pointing out that this Act does not apply to us at all. Secondly, “British subject” and “Commonwealth citizenship” have the same meaning according to them. So, after saying all this, it is very interesting to note that they have provided for registration for Commonwealth citizens. You will find that in one of the sections where registration has been directly provided for. Therefore, under the English law, it is quite possible that British citizenship is valued not only in the United Kingdom but in some of the other Commonwealth countries also, because, as I have pointed out, some of the Commonwealth Citizenship Acts actually say that their citizens are automatically the citizens of the Commonwealth or British subjects. That is not what we have done. We are not British subjects at all, because their Act does not apply to us.

**Mr. Chairman:** Would it not have been better to have specified in the

definition what actually is meant by a Commonwealth citizen?

**Shri Datar:** If you will kindly read clause 11, you will find it, says:

"Every person who is a citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India."

The expressions that we have used and the expressions that are used in the English Act and also in similar Acts of certain Commonwealth countries are entirely different. They value British citizenship while there is no question of our accepting British citizenship at all, because this British Nationality Act has not been accepted. All that we say is that they have the status of a Commonwealth citizen in India.

**Mr. Chairman:** If "Commonwealth citizen" is defined, that point would have been clarified.

**Shri Datar:** A Commonwealth citizen is a citizen of one of the Commonwealth countries, and we have mentioned in the Schedule the various Commonwealth countries.

**Shri Shree Narayan Das:** On a point of information. The British Nationality Act of 1948 became an Act on 30th July 1948. When you are going to repeal all those previous Acts why not include this Act also?

**Shri Datar:** Possibly my hon. friend was not here when I replied to this argument.

**Mr. Chairman:** I think all the points have been answered by the hon. Minister. If any particular answer has not satisfied Members, that can be again raised in the clause by clause consideration. That will save time. Otherwise, time will be short for clause by clause consideration.

The question is:

"That the Bill to provide for the acquisition and termination of Indian citizenship, as reported by

the Joint Committee, be taken into consideration."

Those in favour of the motion will say 'Aye'.

**Some Hon. Members:** Yes.

**Mr. Chairman:** Those against may say so 'No'.

**Shri V. G. Deshpande:** No.

**Mr. Chairman:** Does the hon. Member want division?

**Shri V. G. Deshpande:** Yes.

**Mr. Chairman:** Since it is only one voice against, I think I may have a count by asking the hon. Members to stand in their seats.

**Shri V. G. Deshpande:** Not at this time. There is no quorum now.

**Mr. Chairman:** Then, this has to be held over, and taken up later.

**Shri A. M. Thomas (Ernakulam):** In that case, the clause by clause discussion cannot be had now.

**Mr. Chairman:** Does the hon. Member Shri V. G. Deshpande insist on having a count?

**Shri V. G. Deshpande:** Yes.

**Mr. Chairman:** That just means holding up the entire proceedings of the House for 40 minutes. Nothing will come out of it except that we will be holding up the proceedings.

**Shri V. G. Deshpande:** If that is the position, then I am prepared to withdraw my request.

**Mr. Chairman:** The question is:

"That the Bill to provide for the acquisition and termination of Indian citizenship, as reported by the Joint Committee, be taken into consideration."

*The motion was adopted.*

**Mr. Chairman:** We shall now take up the next stage. We have six hours left. If we have one hour for the third reading, we shall have five hours left for the second reading. Could we divide it between the clau-

[Mr. Chairman.]

ses according to their importance, and club together certain clauses, so that it will be easier to discuss? I was thinking that we might hold over.....

**Shri N. C. Chatterjee:** May I suggest that you might be pleased to hold over clause 5? Clause 5 deals with a very important matter, namely citizenship by registration. And you know that that involves the status and position of millions of refugees who have come from East Bengal. Pandit Thakur Das Bhargava and I have made certain suggestions to the hon. Minister and he is agreeable to consider them. It is a very important matter. If we can come to some understanding, of course subject to the pleasure of the House and your leave, it will be a good thing. So, I am suggesting that that clause could be held over till tomorrow along with relevant amendments in that connection dealing with the status and the citizenship rights of the migrants from India.

**Shri Datar:** I have no objection. We may take up the other clauses. I think possibly we have six hours left, out of 15 hours. Nine hours were given for the consideration stage.

**Shri B. S. Murthy:** The distribution of the time was nine hours, four hours and two hours for the first, second and third readings respectively.

**Mr. Chairman:** I have got the time allotment here, namely nine hours for the first reading, five hours for the second reading, and one hour for the third reading. So, we shall have 5 hours for the second reading. Since the hon. Minister is agreeable to hold over clause 5 till tomorrow, I propose to the House that we first take up clauses 2, 3, 4, 6 to 8 and 9 together.

**Shri Kamath:** Together?

**Mr. Chairman:** Together in the sense that I shall allow hon. Members to move their amendments to these clauses together and discuss them. Since we are holding over clause 5 in between, I left out clause 5 from the

group of clauses which I mentioned just now.

**Shri A. M. Thomas:** The clause dealing with termination of citizenship may be taken separately, for it cannot be clubbed together with the other clauses.

**Shri Kamath:** Deprivation clause also should be taken up separately.

**Mr. Chairman:** You want clause 9 to be taken up separately?

**Shri Kamath:** Let us go clause by clause.

**Shri Datar:** Clause 10 may be taken up separately.

**Mr. Chairman:** We shall take up clauses 2, 3, 4, 6, 7 and 8 together, and from clause 9 onwards we shall take them separately.

**Shri B. S. Murthy:** Why not take up clauses 8, 9 and 10 separately?

**Pandit Thakur Das Bhargava (Gurgaon):** Clauses 8 and 9 are practically on the same subject. So, you may be pleased to take them together.

**Mr. Chairman:** Would you like clauses 8, 9 and 10 to be taken separately?

**Hon. Members:** Yes.

**Shri Kamath:** If we take up clauses 2 to 7, that would be all right.

**Mr. Chairman:** So, we shall take up clauses 2 to 7 in one group, clauses 8 to 10 in another group, and the rest of the clauses in a third group.

**Shri Datar:** Minus clause 5.

**Mr. Chairman:** Yes, minus clause 5.

**Shri N. C. Chatterjee:** I along with Shri Kamath have given notice of an amendment to clause 2, namely amendment No. 1.

I beg to move:

Page 2, line 4—

add at the end:

“when three-fourths of the members of such company, association or body are not citizens of India”.



In the course of my speech during the general discussion, I had made a very important point in regard to this matter, and Shri N. P. Nathwani also has been pleased to emphasise that aspect. I find from Willis's *Constitutional Law*—you know that their Constitution was framed somewhere about 1781, and naturally they could not legislate or think about corporations, because a corporation as a juristic personality had not evolved in Anglo-Saxon jurisprudence at that stage—at page 851, that this is one of the great lacunae in the American Constitution. Willis is pointing out:

“Corporations may have been given protection in some respects to be referred to hereafter. But there are some respects in which they have not been given enough protection, and the writers submit that protection as a citizen is one. The Supreme Court has made a great deal of constitutional law for corporations in the matter of citizenship, but it has not yet made enough.”

The learned professor says again at the end of page 851:

“All it will be necessary to do to accomplish the result would be for the Supreme Court to declare that corporations are citizens for this protection. This step would be much shorter than the other steps that the Court has taken, and would seem to be the natural culmination of what it has already done.”

My hon. friend the hon. Minister was quoting the opinion of the Attorney General of India. His opinion is always entitled to respect. But what I am pointing out is that the highest court in this land has already settled the law and has already decided it; and the law is fairly clear, when the Chief Justice of India, Mr. Justice Mukherji says:

“Fundamental rights guaranteed by the Constitution are available to corporate bodies as well.”

Of course, there are certain rights which cannot be available to them.

What I am pointing out here is that if you have a definition of ‘person’ in this way, and say that the corporations are expressly excluded from the ambit of citizenship law, then you are from tomorrow making it impossible for the High Courts and for the Supreme Court to say that a corporation under article 19 shall have rights as a citizen.

Suppose there are 100 persons, all loyal Indian citizens, who have taken the oath of allegiance and loyalty to the Constitution, and who are neither disloyal nor disaffected. What crime have they committed, if they form a corporation, that they cannot enjoy the right to hold property, and that they cannot have the right to carry on business, trade, occupation, profession and so on.

Now, think of a firm, not even of a corporation which is a juristic personality. Think of a firm. A, a Bengali, B, a Punjabi, and C, a Madrasi, are fullfledged Indian citizens, perfectly loyal, perfectly docile, perfectly well affected or well-meaning; they are honourable citizens; they are self-respecting citizens, and they have formed a partnership, say X and Co. Why should you penalise that firm and say that that firm cannot acquire property? You are taxing that firm, you are levying income-tax, estate duty and other duties on that firm. What crime have they committed that you are trying to take away their rights?

**Shri A. M. Thomas:** What is the nature of the definition in the other nationality Acts?

**Shri N. C. Chatterjee:** I have not been able to go through them yet. I have just got this book. I do not know whether my friend has seen this book called *Laws concerning Nationality* which has been issued by the United Nations this year, and which has just come to India. I have borrowed it from the United Nations library. I have not been able to go through the whole of it, but if I can lay my hand on it, I shall be able to

[Shri N. C. Chatterjee.]

find it and show it to the hon. Member.

My point here is that the Supreme Court as well as the Calcutta High Court, the Rajasthan High Court, Chief Justice Chagla and two other judges of the Bombay High Court, and practically every High Court, excepting one so far as I remember, have all held that if the corporation consists of corporators who are 'all Indian citizens, then there is no reason why that they should not get the benefit of article 19.

2 P.M.

Article 19, as you know, says that every citizen shall have certain rights. It starts by saying:

"All citizens shall have the right.....to acquire, hold and dispose of property, and to practise any profession or to carry on any occupation, trade or business".

Sub-clauses (f) and (g) of clause 1 of article 19 are certainly available to corporations. My difficulty is this. In this Constitution, there is a special article whereby Parliament has been given the power to enact citizenship law. Now, Parliament, under the constitutional power given specifically by the Constitution, is enacting this law. If you do not say anything, I am perfectly happy; if you just omit those words, there will be no difficulty. But if you put them in, it is the clearest possible expression—that is my apprehension—of parliamentary judgment and intention of the highest legislature of this country, that the national forum is declaring today that corporations are not and shall not be citizens. How can from tomorrow, corporations, if they are deprived of the right to hold property possible go to the courts and ask for a writ of *mandamus* or *certiorari* under article 226 or invoke the prerogative right of the extraordinary power of the Supreme Court under article 32? Therefore, I was suggesting this to the hon. Minister, that even if he did not accept our amend-

ment, for which I was pressing and Shri N. P. Nathwani was pressing, why does he not delete these words. Leave it to the courts. Do not have a citizenship law where you clearly put an interdict, an embargo, on firms and corporations from being at all accepted as citizens.

Now, these articles 5 and 6, to which reference was made by the hon. Deputy Minister, were canvassed at great length before the Supreme Court. I was present in court when the Attorney-General was arguing; Mr. Amin was contending that that was not correct. After hearing the full arguments, the Supreme Court has held that it is still available to them. You remember that in the Sholapur case, the impugned Act was declared illegal because it really affected the powers of corporations as well as shareholders. Therefore, I am submitting that that point should be taken into account.

Then there is another amendment—No. 2—which I have. It is a very small matter. It says:

"Page 2—

after line 37, add:

'(3) Every foundling who was or is found as a deserted minor in India shall, until the contrary is proved, be deemed to have been born in India'".

I have taken it *verbatim* from an Act which is very well known and very well drafted, that is, the Irish Nationality Law. In the Constitution of 1937, there is a specific article, article 13, which reads thus:

"Every foundling who was or is first found as a deserted minor in Saorstat Eireann shall, until the contrary is proved, be deemed to have been born in Saorstat Eireann"—

that means, Ireland.

I think that this is a desirable provision, because, you know, we are signatories to the Declaration of

Human Rights where we have provided that we must legislate against Statelessness.

Then there is another amendment of mine, No. 3, relating to clause 4. The Bill, as it has emerged from the Joint Committee, says:

"A person born outside India on or after the 26th January 1950, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth".

What I am suggesting is this:

"A person born outside India on or after the 26th January 1950 shall be a citizen of India by descent if his father, or in the case of a child born out of wedlock, his mother is a citizen of India at the time of his birth".

That is the recognised law in almost all countries, whether you have *jus soli* or *jus sanguinis*. They always have this provision and this is practically the standard form in all the valid statutes prevalent in different parts of the world.

Then I have amendment No. 4—re: termination of citizenship. We have not yet come up to that.

**Mr. Chairman:** Before we proceed further, I would like to know what are the other amendments hon. Members would like to move to this group of clauses.

**Shri N. Sreekantan Nair** (Quilon *cum* Mavelikkara): I would like to move amendment No. 12 to clause 3.

**Shri Kamath:** I am moving amendment No. 11 to clause 2.

**Shri N. P. Nathwani:** I have amendment No. 109 to clause 2.

**Shri Shree Narayan Das:** I have amendments Nos. 76 and 110 to clause 2 and 43 to clause 3.

**Shri R. D. Migra** (Bulandshahr Distt.): I have amendments, No. 42 for a new clause, 2A, and No. 111 to clause 2.

**Shri Sadhan Gupta** (Calcutta South-East): I would like to move amendments, No. 44 to clause 3, No. 45 (*minus* clause (ii) of that amendment) to clause 4, No. 48 to clause 4, Nos. 60 and 61 to clause 6 and No. 62 to clause 7.

**Shri H. N. Mukerjee:** I have amendment No. 13 to clause 4.

**Mr. Chairman:** What about amendment No. 146 by Government.

**Shri Datar:** I will move that amendment, No. 146.

**Mr. Chairman:** The following are the numbers have indicate to be the Members here indicated to be moved: Amendments Nos. 1 (which has already been moved), 2, 3, 12, 11, 109, 76, 110, 43, 42, 111, 44, 45, (as amended) 48, 60, 61, 62, 13, and 146.

**Shri N. C. Chatterjee:** I beg to move:

(1) Page 2—

after line 37, add:—

"(3) Every foundling who was or is found as a deserted minor in India shall, until the contrary is proved, be deemed to have been born in India."

(2) Page 3—

for lines 1 to 12, substitute:

"4. (1) A person born outside India on or after the 26th January 1950, shall be a citizen of India by descent if his father, or in the case of a child born out of wedlock, his mother is a citizen of India at the time, of his birth."

**Shri N. Sreekantan Nair:** I beg to move:

Page 2—

after line 37, add:

"(c) at least one of the parents is a citizen of India."

**Shri Kamath:** I beg to move:

Page 1—

after line 4, insert:

"(a) 'India' includes the State of Jammu and Kashmir."

**Shri N. P. Nathwani:** I beg to move:

Page 2 line 4—  
add at the end:

“When any member of such company, association or body is not a citizen of India and further in the case of any incorporated body, it is not incorporated and registered in India”

**Shri Shree Narayan Das:** I beg to move:

(1) Page 2, lines 10 and 11—

omit “of Government”

(2) Page 2—

after line 13, insert:

“(2A) for the purposes of this Act, a person born in a train while the train is passing through the territory of a foreign country adjoining territory of India if his father is a citizen of India shall be deemed to be born in India.”

(3) Page 2—

after line 37, add:

“(3) Every founding either before or after the commencement of this Act, if found on the soil of India, shall be deemed to have been born in India.”

**Shri R. D. Misra:** I beg to move:

(1) Page 2—

after line 25, insert:

“2A. *Citizenship and nationality.*—A citizen of India, that is Bharat, may, for any purpose, in or outside India, describe his or her nationality by the use of the term ‘Bharati’ or ‘Indian.’”

(2) Page 2—

after line 25 add:

“(5) For the purposes of this Act a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.”

**Shri Sadhan Gupta:** I beg to move:

(1) Page 2—

after line 37, add:

“(3) Every person who is a citizen of India by virtue of article of the Constitution or is deemed to be such citizen by virtue of article 6 thereof or who, since the commencement of the Constitution has migrated or may migrate to India from Pakistan by reason of communal disturbance or from fear of communal disturbance or oppression, shall be deemed to be a citizen of India by birth.”

(2) Page 3—

(i) line 2—

for “his father” substitute:

“either of his parents”

(ii) line 11—

for “his father” substitute:

“either of his parents”

(3) Page 3—

after line 20 add:

“(4) Notwithstanding anything contained in this section, every person who is a citizen of India by virtue of clause (c) of article 5 of the Constitution or who, since the commencement of the Constitution has migrated or may migrate to India from Pakistan by reason of communal disturbance or from fear of communal disturbance or oppression, shall be deemed to be a citizen of India by descent.”

(4) Page 4, line 24—

after “age and capacity” insert:

“other than a person of Indian origin”

(5) Page 4, lines 24 and 25 —

omit “who is not citizen of a country specified in the First Schedule”

(6) Page 4 for clause 7, substitute:

“7. *Citizenship by incorporation of territory.*—(1) If any territory

becomes a part of India, every person ordinarily resident in, or having his domicile in such territory shall be a citizen of India as from the date on which such territory becomes part of India if he or either of his parents or any of his grand-parents was born in the said territory or in India.

(2) Without prejudice to the provisions of sub-section (1), the Central Government may, by order notified in the Official Gazette, specify the persons other than the persons mentioned in sub-section (1) who shall be citizens of India by reason of their connection with such territory, and those persons shall be citizens of India as from the date to be specified in the order."

**Shri H. N. Mukerjee:** I beg to move:

Page 3, line 2 and wherever it occurs in this clause—  
after "father" insert "or mother"

**Shri Datar:** I beg to move:

Page 1—after line 17, add:

"Provided that no such notification shall be issued in relation to the Union of South Africa except with the previous approval of both Houses of Parliament".

**Mr. Chairman:** All these amendments are now before the House.

**Shri Kamath:** I have moved my amendment No. 11 to clause 2 seeking to insert the definition of 'India' namely, 'India' includes the State of Jammu and Kashmir, and the subsequent sub-clauses will be re-lettered accordingly. The other day, the Deputy Home Minister referring to this amendment or the minute of dissent observed that if something is not excluded it is included. Perhaps, logically he is not far wrong. But, I would like to invite his attention to the provision in the Constitution, article 370 of the Constitution I wonder whether he has got a copy of the Constitution before him:

**Pandit Thakur Das Bhargava:** Madam, may I raise a point of order. Article 1 of the Constitution is quite clear.

"India, that is Bharat, shall be a Union of States.

(2) The States and the territories thereof shall be the States and their territories specified in Part A, B and C of the First Schedule."

This is so clear that to say it will include 'Jammu and Kashmir' is unnecessary. Will it exclude other areas?

**Shri Kamath:** I always welcome an interruption or intervention or point of order by my hon. friend Pandit Thakur Das Bhargava, an eminent legal luminary that he is. But, I would like to submit that this Bill, even after it has come back from the Joint Committee, lacks the usual provision which is normally contained in clause 1 of almost every Act that 'this Act extends to the whole of India.' That is a lacuna here.

**An. Hon. Member:** Except...

**Shri Kamath:** Sometimes except or sometimes including—whatever it is. The extent of the Act is nowhere defined. How far does it extend? I wonder whether Pandit Thakur Das Bhargava has noted that lacuna in this Bill. I will come to it later on. If this amendment is not accepted, I will come with my amendment to clause 1. I have two strings to my bow, Madam and more than two sometimes. May I briefly invite the attention of the Deputy Home Minister and also hon. Pandit Bhargava to this lacuna there?

**Pandit Thakur Das Bhargava:** Does it include Madhya Pradesh Does it include other parts of India if the lacuna is there?

**Shri N. Sreekantan Nair:** They are cross-talking, Madam.

**Shri Kamath:** I am referring to the point of order raised by Pandit Bhargava. He says, 'Are we legislating for somewhere outside India?'

[Shri Kamath]

It is not that we should out be clear. I would ask for clarity in this matter.

I now come back to my point. It was cut short by the point of order of Pandit Bhargava. Please refer to clause 1.

**Shri A. M. Thomas:** He has raised a point of order.

**Mr. Chairman:** I think it is more a point of information than a point of order.

**Pandit Thakur Das Bhargava:** If he means to have clarification, to which territory will this Act extend? He says Jammu and Kashmir is not included. I would say Bengal is not included, Punjab is not included and Madras etc., are not included. Then you must say that it applies to the whole of India not only to Jammu and Kashmir. Either it applies to the whole of India or it does not extend to any part of India whatsoever.

**Shri Kamath:** I hope it is not a point of order.

Article 370 (1) (b) (ii) says the power of Parliament to make laws for the said State of Jammu and Kashmir shall be limited—I need not read (i) but (ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

If you kindly turn to the Seventh Schedule which gives the jurisdiction and distribution of powers, item 17 in the first list, the Union List, relates to citizenship, naturalisation and aliens. That is one of the subjects included in the Union List. I would like to know from the Deputy Home Minister whether it is a matter which has been specified in the Order of the President as one of the matters with regard to which Parliament, with the concurrence of the Government of the State of Jammu and Kashmir, can legislate. That is a point which I want to raise; a concrete point.

**Mr. Chairman:** Has the hon. Member finished?

**Shri Kamath:** No.

**Mr. Chairman:** I think it is better he raised all his points together and they will be replied to by the hon. Minister.

**Shri Kamath:** But, he must give, rather lend his ear.

**Mr. Chairman:** He may state his point and that will be noted down.

**Shri Kamath:** There is no Minister not even a Parliamentary Secretary except the single Deputy Minister who is otherwise engaged.

**Shri Datar:** But, if he wants some information....

**Shri Kamath:** I do not mind your going over there. I am here thinking of your hearing me...

**Shri Datar:** Otherwise the whole House will have to wait for him; this is most harassing.

**Mr. Chairman:** Two together cannot speak.

This House has agreed that there shall be no division till half past two. We cannot insist on the quorum. Since we have agreed to that position till half past two we will have to see whether there is anybody else to help the Deputy Minister; otherwise, it may be difficult for him.

**Shri K. K. Basu:** Why not have a Parliamentary Secretary?

**Shri Kamath:** Except the Deputy Minister this Bill does not attract even one member of the Council of Ministers. It is very strange and very wrong. They are not giving any importance to this Bill at all. I would request you to convey it to the whip of the Congress Party, the Minister for Parliamentary Affairs that at least some of the Ministers should be present here.

**Mr. Chairman:** Before he continues, I would like to point out that we have already agreed to five hours for the second reading. I would propose for clauses 8 to 10—which are

the most important clauses and those for which the largest number of amendments are there—I would propose two hours for that. We have left over clause 5 and there are some more clauses. Clauses 11 to 19 and the Schedules, that again would require at least two hours. That leaves us really with one hour for the discussions that are now under way. So, I would propose to Members who went to speak—there are six or seven who are desirous of speaking—if we are really to keep to the schedule, in one hour all the Members will have to speak. I would propose that Members keep to 10 minutes limit.

**Shri Datar:** One hour for all these?

**Mr. Chairman:** I propose so because that is the only time that we have at our disposal.

**Shri Raghavachari (Penukonda):** Even that we have not got. Important clauses are from 10 onwards; for that two hours are necessary. Clause 5 and others have been left. Therefore, there will not be even one hour for these.

**Shri Kamath:** Now the Minister for Legal Affairs has come down. I do not know whether he has noted down the point which I have raised. I referred to the exclusion, that is, it does not include Jammu and Kashmir. I have invited your attention to article 370 of the Constitution clause (1) (b) (ii).

**An. Hon. Member:** He has not got a copy of the Bill.

**Shri Kamath:** This matter is in item 17 of the Union List. I want to know whether the President has specified this matter in his Order as one of the matters with regard to which Parliament can legislate with the concurrence of the Government of the State of Jammu and Kashmir. That is the point on which I would like to be enlightened.

If that has been done, if the President's order has specified this

item 17 as a matter in regard to which the Parliament can legislate with the concurrence of the Government of the State of Jammu and Kashmir, the next step arises. Have we, before this Bill was brought before this Houses, got the concurrence of the Government of Jammu and Kashmir? These are two steps necessary, the President's notification and, secondly, our obtaining the concurrence of the Government of Jammu and Kashmir. On the last occasion, which I referred to this point, Dr. Keskar, I believe, in connection with another Bill, said that we had not referred the matter at all to the Jammu and Kashmir Government and that it was too late to obtain their concurrence or even their opinion. Here, therefore, is a concrete point and an important point too, especially because of the Deputy Minister's observations the other day and Pandit Thakur Das Bhargava's interruption just now. It is important to know whether the President's order specified this matter as one of the matters in regard to which we can legislate. And then if that has been done, the second point arises whether we obtained the concurrence of the Government of Jammu and Kashmir for the legislation. If that has not been done, I will commend my amendment for the acceptance of the House.

**Shri Shree Narayan Das:** My amendment No. 76 is very minor. I would like to invite the attention of the hon. Minister to sub-clause (2) of clause 2—which reads:

“For the purposes of this Act, a person born abroad a registered ship or aircraft, or abroad an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.”

I do not understand the meaning of the words “aircraft of the Government of any country”. The aircraft may belong to private individuals also and then birth may take place in

[Shri Shree Narayan Das.]

private individuals' or firms' ship or aircraft. Therefore, I see no necessity for the words "of the Government" to appear here; it should be deleted and then that would be a better thing. So, my first amendment is for the deletion of the words "of the Government" in sub-clause (2) of clause 2.

My second amendment is No. 110 and if you will permit me I would like to make some small change so as to clarify the meaning because some words I have not been able to put there. My amendment will then read like this:

Page 2, after line 13, insert:

"(2A) For the purposes of this Act, a person born in a train while the train is passing through the territory of a foreign country adjoining the territory of India if his father is a citizen of India shall be deemed to be born in India."

The additional words are 'adjoining the territory of India'.

Shri A. M. Thomas: Why not include hackney carriages also?

Mr. Chairman: Let the hon. Member proceed and let him not be interrupted.

Fandit Thakur Das Bhargava: If the delivery takes place at the boundary of the two countries, then what happens?

Shri Shree Narayan Das: The present provisions in the Bill envisage certain eventualities and the purpose of my amendment is to provide for another eventuality because two foreign countries are just on either side of India, on the eastern side and on the western side, and we have agreed that trains will pass from this country to those two countries. Therefore, this eventuality is bound to arise. What I wish to point out is this. It has been provided in clause 4 that a person born outside India on or after the 26th January, 1950, shall be a citizen of India by descent

if his father is a citizen of India at the time of his birth, and in the proviso it is stated—

"Provided that if the father of such a person was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section unless—

(a) his birth is registered..."

Therefore, this creates some disabilities. Why should a person, who is just passing through a train and who is by accident born outside the territory of India in the train, be treated as a citizen of India by descent only and thus incur the disability that we are going to provide in clause 4? I would request the hon. Minister that—although this is a minor one—while we are enacting this measure, we should try to cover as many eventualities as possible and by our omission, certain future citizens should not be allowed to have disabilities of any nature.

My third amendment is to clause 3, that is amendment No. 43. I think my learned friend, Shri Chatterjee, has moved some amendment of that nature. Suppose a child is found on the soil of India and no one can say where he was born, then there must be some provision to cover that case. We can therefore add the words "unless otherwise proved that he was born in some other country". So long as that is not proved, a child who has been deserted and about whose birth there is no information, should be treated as born in India and like other persons born in India, should be treated as a citizen of India.

I would like to point out one more thing. Although I am not a lawyer, I feel that this is not the place for the word "person" to be defined. I know the hon. Minister replied to this point yesterday. This is only a regulation for the acquisition and termination of Indian citizenship. If you define the word "person" as some naturalised person as well as a



juridical person, it will create a confusion. The word "person" in this Bill only relates to a human person and not a person of an artificial nature like companies and corporations. If any doubts have arisen on account of the judgment delivered by any of the High Court or the Supreme Court on the question of fundamental rights, the right of acquiring property, etc., the best place for it is have an amendment in the Constitution itself. In my humble opinion, this is not the place where any amendment of the nature sought by Shri Chatterjee and Shri Nathwani should be inserted; the right place is the Constitution itself and an amendment may be made in the part dealing with fundamental rights.

**Shri Sadhan Gupta:** I am speaking on my amendments principally and on certain principles involved in the different clauses under consideration. I would straightway go on to clause 3, which is a very important clause in this Bill because it confers citizenship on the natives of this country. I have an amendment to this particular clause which is of very great importance to a section of people who have come away from Pakistan or who had settled in India before although they originated from Pakistan. My amendment No. 44 reads like this—it is for the addition of a new sub-clause (3) in clause 3—

"(3) Every person who is a citizen of India by virtue of article 5 of the Constitution or is deemed to be such citizen by virtue of article 6 thereof or who, since the commencement of the Constitution has migrated or may migrate to India from Pakistan by reason of communal disturbance or from fear of communal disturbance or oppression, shall be deemed to be a citizen of India by birth."

Now, I have indicated in the speech which I delivered at the First Reading stage that it was absolutely unjustified to treat the refugees on a

footing different from the children of this soil.

**Shri N. C. Chatterjee:** May I just interrupt my hon. friend and say that this amendment No. 44 is closely linked up with clause 5? Remember, Madam, that is with regard to migrants from East Bengal or migrants from Pakistan and if the hon. Minister has given an assurance that he wants to consider this matter then this can also be taken up tomorrow if you so please.

**Mr. Chairman:** The only difficulty is, as you see, this has been placed in clause 3 and we want to dispose of clause 3. So, if the hon. Member desires to have it here let him give his points here and it may be again reopened tomorrow when that clause comes up for discussion.

**Pandit Thakur Das Bhargava:** I have also got a similar amendment which is under clause 5. It is almost on the same lines as Shri Sadhan Gupta's amendment. Supposing this matter is disposed of today, then the difficulty will be that my amendment will.....

**Mr. Chairman:** It will become barred.

**Pandit Thakur Das Bhargava:** Therefore, I humbly submit to you and request Shri Sadhan Gupta through you, Madam, that he may be pleased to get this matter postponed and get a decision tomorrow. Let it be held over and it may be decided tomorrow.

**Mr. Chairman:** Then I think with the permission of the House we will allow this to be moved tomorrow rather than today and the number of the clause to which the amendment relates may be suitably changed. Instead of moving the amendment to clause 3 we can consider it as moved for clause 5. Is Shri Sadhan Gupta agreeable?

**Shri Sadhan Gupta:** The point is whether clause 3 will be voted today. If it is voted on today then there will be no scope of moving this amendment tomorrow. In that case I suggest

[Shri Sadhan Gupta.]

that the voting on clause 3 may be held over and that I may be allowed to speak on my amendments if I get a chance of speaking on the other clauses or, it may be that I can speak on the amendment today and the voting may be held over as far as clause 3 is concerned.

**Pandit Thakur Das Bhargava:** As a matter of fact, I have got a similar amendment on the very same lines and it goes under clause 5. Then it will mean that I will also speak today on clause 3 and the whole decision may be taken on clause 5. It will not be desirable that this particular matter is bifurcated into parts, and some part of it is taken up and voted on today and some other part tomorrow. I would, therefore, request Shri Sadhan Gupta to so amend his amendment and bring it on line with my amendment that it may come under clause 5 because it is really a matter under clause 5.

**Mr. Chairman:** May I just clarify the position? Shri Sadhan Gupta feels that 'citizenship by birth' is under clause 3 and that would be the place where he would like to move his proposal by having a similar amendment under clause 5 instead of in clause 3 in that case I think—if Shri Sadhan Gupta is agreeable—we may move it to clause 5. Would there be any difficulty in not moving it to clause 3 and moving it to clause 5?

**Shri Sadhan Gupta:** I have not seen the amendment of Pandit Thakur Das Bhargava and therefore I cannot say whether it will have the same effect. What I feel is that I want to give the refugees the status of citizens by birth and, therefore, I thought clause 3 would be the most appropriate place to incorporate this amendment. But, if it is possible to shift this amendment to clause 5 without prejudice to what I want to do then I have no objection to shift it to clause 5.

**Mr. Chairman:** I propose, with the consent of the House, that under the circumstances we may keep over the voting on clause 3 till tomorrow so that we can do clause 3 and clause 5 together. Will that be all right?

**Several Hon. Members:** Yes.

**Mr. Chairman:** The hon. Member may continue his speech now.

**Shri Sadhan Gupta:** I had just placed my amendment No. 44 and my object is this. Article 5 of the Constitution particularly sub-clause (c) of article 5 refers to people who had been long settled in India although they were not born in India or their parents were not born in India. Now, there is a considerable section of people of this kind, some coming from East Bengal, some, perhaps, coming from West Punjab and from the Frontier Provinces, but though belonging to those places they had long settled in some part of the territory of India, say, Calcutta, Delhi or such other places. This Bill treats them very shabbily because they are even threatened with deprivation of citizenship under clause 10. I maintain that these people, the kind of people that are likely to be covered by article 5 (c), are every inch as much natives of this country as people born on the soil of the present territory of India. Therefore, I would like to include them under 'citizens by birth.'

[Mr. Deputy-Speaker in the Chair]

Similarly, I would like to include people who come under article 6 of the Constitution, namely, the huge number of refugees who have come over from Pakistan. While I was making my speech in the First Reading stage I had expressed very strong sentiments against treating the refugees as foreigners, against imposing conditions as regards their registration and all that. Now, it is very desirable that these conditions should not exist. These conditions are an insult to them, an insult to their feelings as well as an insult to the

Contributions they have made to the freedom struggle. The Deputy Home Minister said: "What is the inferior citizenship to which it is objected?" Certainly, it is inferior citizenship because, first all they do not obtain their citizenship *ipso facto*; they have to register and that registration too they have to obtain not as a matter of right but as a matter of grace as the Government can refuse such registration. Secondly, they have to take an oath of allegiance. Now, it may be said: what is the difficulty with an oath of allegiance? My question is: what is the necessity of an oath of allegiance? If you say that a born citizen of India has not taken an oath of allegiance it is an insult to a particular section to say that they have to take an oath of allegiance before they can become citizens. That is why I have objection to the oath of allegiance.

Then again, there is threat of deprivation in the case of citizens under article 5 (c). So, all these certainly make them a very inferior class of citizens and I strongly resent this treatment. Therefore, I want to give them the status of citizens by birth.

At the same time, anticipating that this contention will not be accepted I have proposed a similar amendment to clause 4 which is amendment No. 48 where I propose to give them at least the status of a citizen by descent, but they should not be given any inferior status. Let me indicate clearly that I would not accept any inferior status to citizenship by birth; only out of evil necessity I can accept a status of citizenship by descent. These are all the points regarding clause 3 that I want to put forward.

Regarding clause 4, apart from the question of treating refugees as citizens by descent, there is one minor point and that is regarding differentiation between children of male Indian citizens and female Indian citizens. I have moved another amendment to clause 4 which is No. 45 minus clause 2 of that amendment. By that amendment I want

to provide that descent should not be traced only through the father and if the mother of the child is an Indian citizen when the child was born then he would also be a citizen by descent. I want to put the father and mother on an equal footing. Therefore, I recommend that amendment also to the acceptance of the House. I can understand that if both the parents are non-citizens then the child should not be an Indian citizen by descent. If, on the other hand, one of the parents is an Indian citizen in spite of being married to a non-Indian citizen, if the mother retains or chooses to retain her Indian citizenship, I do not see why the child should not get that Indian citizenship by descent. Let the child repudiate it later on if it wants to, but let the child have the right of claiming Indian citizenship by descent. So much with regard to clauses 3 and 4.

**Mr. Deputy-Speaker:** Hon. Members will bear in mind that we have spent as many as ten hours on general discussion, where many of the same points were discussed. I am not disallowing the hon. Member's points, but whatever has been said earlier, except for some little emphasis by way of reference, need not be repeated.

**Shri Sadhan Gupta:** I was only emphasising an important point.

In clause 6, I have two amendments, 60 and 61. By amendment No. 60, I wish to insert, "other than a person of Indian origin", after the word "full age and capacity." By amendment No. 61, I wish to exclude people of the Commonwealth as such from clause 61. The result is that the Commonwealth citizens should be entitled only to apply for naturalisation and a person of Indian origin, wherever he may reside, whether in a Commonwealth country or in any other country, should be entitled not to naturalisation but to come in by way of registration or otherwise to claim the citizenship of the country. Persons of Indian origin, wherever they reside, should

[Shri Sadhan Gupta] be treated on a higher footing. You know that we have a large mass of people of Indian origin spread through many countries of the world; due to our former slave status many of them went away to other countries and they have settled in those countries. Many of them might like to return here. For instance, the lot of Indians in Ceylon is very pathetic and some of them might want to return here. After this country has gained Independence, many Indians from those countries might like to return here. They should be honourably accepted and therefore, wherever they exist, they should be able to come in here by way of at least registration and certainly not by way of naturalisation. But, as things stand here, if they do not reside in a Commonwealth country, they can only come by way of naturalisation and be subject to all the difficulties that naturalised citizens are subject to.

Regarding clause 7, I have got an amendment—No. 62.—which I consider as very important. By that amendment, I propose a substitute clause 7 which would then read like this:

“If any territory becomes a part of India, every person ordinarily resident in, or having his domicile in such territory shall be a citizen of India as from the date on which such territory becomes part of India if he or either of his parents or any of his grand-parents was born in the said territory or in India.

Without prejudice to the provisions of sub-section (1), the Central Government may, by order notified in the Official Gazette, specify the persons other than the persons mentioned in sub-section (1) who shall be citizens of India by reason of their connection with such territory, and those persons shall be citizens of India as from the date to be specified in the order.”

Clause 7, as at present proposed, puts it entirely within the whims of the Government whom to make citizens and whom not to make citizens. The natives of the territory have not the right as such to claim Indian citizenship. For example Goa may be liberated. I am sure it will be liberated in no distant time. But the point is, after Goa is liberated, after the Portuguese are driven out from the country, the position of the natives of those places will be that they will not be able to claim Indian citizenship as a right. The Government may if it chooses, deprive a substantial section of them of Indian citizenship.

**Mr. Deputy-Speaker:** The Government there may go, but the Portuguese citizen might acquire property there and he may be a citizen of Portugal living in Goa and he would not go. Should he also automatically become an Indian citizen?

**Shri Sadhan Gupta:** I have provided for such cases. I have said that those who have domicile in that territory and those whose parents were born in that territory or those who were born in that territory or those whose grand parents were born in that territory or were born in India, would, *ipso facto* get the right of Indian citizenship. So, no Portuguese would come under this clause. But there may be Portuguese who were sympathetic. It may be necessary to give them the right of citizenship. It may be necessary not to drive them away to Portugal and subject them to oppression there. For them, I have included sub-clause (2). The Government can, in its discretion, give them the rights of citizenship. Therefore, for the natives the Indian citizenship would be *ipso facto*. For others who may want to obtain Indian citizenship, the Government may give them the right of citizenship. I think that is only a very

sensible provision, because, otherwise, it is really an insult to the children of those territories who might have played a great part in liberating those territories and who would naturally play a great part in liberating those territories. Therefore, I commend my amendment No. 62 also to the acceptance of the House.

श्री आर० डी० मिश्र : मेरी एमेंड-  
मेंट (संशोधन) क्लॉज (खण्ड) दो में  
यह है कि एक नई क्लॉज २(ए) जोड़ दी  
जाये, जो इस प्रकार है :

"2A. Citizenship and national-  
ity.—A citizen of India, that is  
Bharat, may, for any purpose, in  
or outside India, describe his or  
her nationality by the use of the  
term 'Bharati' or 'Indian'.

इस एमेंडमेंट (संशोधन) के देने का एक खास कारण यह है कि जब हम ब्रिटिश नेशनेलिटी एक्ट (ब्रिटिश नागरिकता अधिनियम) को पढ़ते हैं तो पता लगता है कि उसमें सिटिजन (नागरिक) के माने ब्रिटिश सब्जेक्ट (ब्रिटिश प्रजाजन) के दिये गये हैं और जितने भी कामनवैलथ कंटरीज हैं उन्होंने भी अपने यहां पर सिटिजन के माने ब्रिटिश सब्जेक्ट के ही लगाये हैं। इस बिल के अन्दर हम ने कामनवैलथ कंटरीज (राष्ट्रमंडलीय देशों) के सिटिजंस (नागरिकों) को कामनवैलथ सिटिजन (राष्ट्रमंडलीय नागरिक) का स्टेटस दिया है लेकिन इंडियन सिटिजन (भारतीय नागरिक) को कोई नाम या स्टेटस (स्थिति) हमने अपने आप नहीं दिया है। इससे मालूम पड़ता है कि ब्रिटिश नेशनेलिटी एक्ट के मूताबिक हम ब्रिटिश सब्जेक्ट हो जाते हैं। जब हमें अपना स्टेटस दूसरे देशों में बतलाने की आवश्यकता पड़ती है कि हमारा स्टेटस इंडिया में क्या है तो उसके लिये मैं ने कहा है कि हम यह कहें कि हम इंडिया के सिटिजन हैं और हमारी नेशनेलिटी भारती है या इंडियन है और अपनी नेशनेलिटी के

लिये केवल इन्हीं शब्दों का प्रयोग हम करे।

जब कांग्रेस ने देश की आजादी की आवाज उठाई तो त्रावणकोर कोचीन से लेकर काश्मीर तक और बंगाल से लेकर पश्चिम तक सारे देश में देशभक्ति की भावना आई, एकता की भावना पैदा हुई और सब ने मिल कर आजादी की लड़ाई लड़ी और आजादी हासिल की। लेकिन आज हम देखते हैं कि हमारे अन्दर प्रांतीयता की भावना पैदा हो रही है और यह कहते हुये सुना जा रहा है कि इस प्रान्त में यह यह भाषा बोलने वाले जिले आ जायें और इस प्रान्त में यह यह जिले आजाये। हम में एक सैपैरेशन (दमन) की भावना पैदा हो रही है जो कि दूर होनी चाहिये। आज ज़रूरत इस बात की है कि हर आदमी जो कि इस देश में रहता है यह महसूस करे कि मैं भारती हूँ, मैं हिन्दुस्तान का एक सिटिजन हूँ। लोगों में यह भावना कि मैं पंजाब का हूँ, त्रावणकोर कोचीन का हूँ, मद्रास का हूँ, चली जानी चाहिये। हम सब भारती हैं और भारती ही रहेंगे। अब हम यह जो एक्ट बनने जा रहा है इसमें हमें अपनी नेशनेलिटी बतानी चाहिये। इसको मैं एक बड़ा मौजू एक्ट समझता हूँ और मैं चाहता हूँ प्रत्येक भारत का नागरिक अपने को 'भारती' कहें और हर एक 'भारती' अपने आप को 'भारती' कहने में फख महसूस करे। दुनिया और देश के कोने कोने में जाकर अपने आपको यदि वह 'भारती' कहेगा और अपनी नेशनेलिटी 'भारती' लिखेगा तो इससे भारत के नागरिकों में एकता की भावना बहुत ज्यादा बढ़ेगी। सीलोन के सिटिजनशिप एक्ट (नागरिकता अधिनियम) में मैं ने देखा कि वहां पर उन्होंने कहा है कि सीलोन का सिटिजन अपने आप को सिटिजेन आफ सीलोन (श्रीलंका का नागरिक) कहेगा। लेकिन और जितनी कामनवैलथ कंट्री हैं वह कहीं है कि हम अपने आप को ब्रिटिश

[श्री आर० डी० मिश्र०]

सब्जेक्ट समझते हैं। ब्रिटिश नॉन्जेक्ट समझने में कोई बुराई नहीं है, इंग्लैंड अगर कोई जाय और उसको वही सुविधायें प्राप्त हों जो ब्रिटिश सब्जेक्ट को हासिल हैं तो इसमें कोई बुराई नहीं है। लेकिन हमारे साथ हमारा एक इतिहास है। हम अपने को ब्रिटिश सब्जेक्ट (ब्रिटिश प्रजाजन) समझना बुरा समझते हैं।

श्री जवाहरलाल नेहरू : मैं जानना चाहता हूँ कि आप किस मजमून पर बोल रहे हैं ? मेरी समझ में नहीं आता कि इस बिल से इसका क्या तात्लुक है।

श्री आर० डी० मिश्र : मैं चाहता हूँ कि हम इस बिल में सिटिजन के माने भारतीय दर्ज करें।

श्री जवाहरलाल नेहरू : आप को गलतफहमी कैसे हुई कि यह कुछ और है ?

श्री आर० डी० मिश्र : गलतफहमी यों हो जाती है कि हम ने इस ऐक्ट के अन्दर सिटिजनशिप के लिये अपना कोई स्टेटस नहीं बताया। कामनवैलथ के सिटिजनशिप के लिये आप ने कह दिया कि यह कामनवैलथ सिटिजन आफ इंडिया होगा। इस लिये इंडियन सिटिजन जो है वह अपनी नेशनेलटी भारतीय कहे, और उसका स्टेटस "भारती" हो।

रक्षक संगठन मंत्री (श्री त्यागी) : यानी आपको रघुवर दयाल मिश्र ने कह कर रघुवर दयाल भारतीय कहा जाय।

Mr. Deputy-Speaker: So far as nationality is concerned, an Indian citizen has to say he is an Indian.

Shri Jawaharlal Nehru: The hon. Member is quite mistaken. An Indian is an Indian and nothing else but an Indian. He does not call himself "Bharatiya" in foreign countries, because "Bharatiya" is not understood outside; nobody will understand it.

Do you want me to go about saying, "I am a Bharatiya and not an Indian"?

Shri Tyagi: You may call yourself "Jawaharlal Bhartiya"!

Pandit Thakur Das Bhargava: I beg to move:

Page 2, line 28,—

after "the 26th January, 1950" insert "and having his domicile in the territory of India"

In Article 5 of the Constitution, we submitted that those persons who are born in India must have the domicile of India to become citizens of India. Domicile is absolutely necessary; birth alone is not sufficient I would respectfully submit that mere birth would never give the status of a citizen to any person; it is the domicile plus birth which gives the status of a citizen. I have given my reasons on the previous day and as time is short, I will not repeat them. I would respectfully submit for the kind consideration of the hon. Deputy Minister that mere birth is not sufficient for becoming a citizen. Under article 5 of the Constitution, it is necessary that he must have the domicile. If a person has not got that domicile, he will not get the status of a citizen, whereas according to the present section, by mere birth a person gets that status. I therefore submit that according to all the principles accepted so far, domicile is absolutely necessary and it should be a part of the section.

Shri N. Sreekantan Nair: I have moved an amendment which is almost on the same lines as an amendment of Pandit Thakur Das Bhargava. My amendment is that as sub-clause (c) of clause 3, the following words should be added:

"(c) at least one of the parents is a citizen of India."

My submission is that if it is a question of domicile, the child cannot decide whether it would live in India or not. There are thousands of children born in India who are children

of Europeans, Chinese and persons of other nationalities. To confer citizenship rights on them, as though it is a very light matter, and giving them option later on to discard them is not proper. It is suggested here: let them discard it later. That, certainly, does not speak much of the citizenship rights of the Indians. We may also consider the question of extra-territorial loyalties insisted upon by some nations, namely, wherever a child is born, it must have loyalty to the mother country. That was one of the ticklish points between China and India till a few months back, when there was some sort of understanding between the two Prime Ministers. But that position still continues in theory as well as in practice. We do not want that obligation of extra-territorial loyalties to come in. Naturally, therefore, I want to suggest that one of the parents of the child must be of Indian origin, if the child is to be given Indian citizenship. Citizenship by birth can only be given to a person who is born in India as an issue of an Indian, either maternally or paternally. Otherwise, we will be bringing all sorts of difficulties. I have one more point to make and perhaps my friends Mr. Sadhan Gupta and Pandit Bhargava may not like it. We have to consider India as a whole and when we consider India as a whole, to confer *ad infinitum* the right to be considered as an Indian over those people who come from Pakistan will not be in the interests of India. We must at least have a time-limit for it. From 1947 onwards, we have been receiving them, giving them large amounts of money and so on. We have already given Rs. 235 crores; of course, it may not be sufficient, but to hold till infinity this right to be claimed as an Indian.....

**Mr. Deputy-Speaker:** His amendment requires that, for conferring Indian citizenship, on a child, at least one of the parents of the child must be a non-Indian.

**Shri N. Sreekantan Nair:** No, Sir.

**Mr. Deputy-Speaker:** I will read his amendment:

"A person shall not be such a citizen by virtue of this section if at the time of his birth—

(c) at least one of the parents is not a citizen of India."

Therefore, I thought that a real Indian cannot become a citizen of India. He must be a mixed Indian.

**Shri N. Sreekantan Nair:** It is a mistake. I meant "is a citizen".

**Mr. Deputy-Speaker:** We have corrected the mistake and I think the hon. Member may resume his seat.

**Shri N. Sreekantan Nair:** I want to say something more.....

**Mr. Deputy-Speaker:** I believe in international law, wherever a child is born, he is a citizen of that country by birth. He may have a double nationality and after he becomes a major, he may renounce one of them.

**Shri N. Sreekantan Nair:** That may not be quite fair.

**Mr. Deputy-Speaker:** I call upon Mr. Raghavachari.

**Shri Raghavachari:** The hon. Deputy Minister has moved an amendment, No. 146, and it has been circulated just now. I am not opposing the amendment; I welcome the amendment; that was suggested by the Prime Minister. But my only submission is that it is not appropriate in the place where the definitions are. It must more appropriately come under clause 12. The amendment says:

"Provided that no such notification shall be issued in relation to the Union of South Africa except with the previous approval of both Houses of Parliament."

The argument was that as far as South Africa was concerned, reciprocity was not available and therefore, there was serious objection to the inclusion of South Africa in the First Schedule. Therefore, the more

[Shri Raghavachari]

appropriate place is clause 12 where it is said;

"The Central Government may, by order notified in the Official Gazette, make provisions on a basis of reciprocity for the conferment of all or any of the rights of a citizen of India on the citizens of any country specified in the First Schedule."

That clause specifically refers to the conferment of these rights on the citizens of other countries mentioned in Schedule I, on the basis of reciprocity. The objection in this House was that so far as South Africa is concerned, reciprocity is not available and everybody was prejudiced against its inclusion. Therefore, this provision may come more appropriately in clause 12. It may be sub-clause (2) or sub-clause (3) as they may please. It is not, "Provided that....."; you may say, "No such notification will be issued.....". That would be more appropriate. Beyond saying this, I do not wish to take the time of the House.

One other point is about Jammu and Kashmir. There was some discussion that India includes Jammu and Kashmir. There is absolutely no doubt about it. The point is not that it is defined in the Constitution. When we come to interpret any enactment, we go to the General Clauses Act. If there is nothing in this Act, we do not go to the Constitution. I verified the General Clauses Act. It defines India to include all the States. There is no doubt about that. What I wish to say is only that we do not look to the Constitution to interpret any word, but we look to the General Clauses Act whenever there is any doubt.

**Pandit Thakur Das Bhargava:** Even in article 370 Article one has been secured and Jammu and Kashmir is therefore included.

**Shri Sinhasan Singh:** (Gorakhpur Distt.—South): I have two amendments, 112 and 115.

**Mr. Deputy-Speaker:** Is there not now the practice of sending chits

regarding amendments? I do not find amendment No. 112 here.

**Shri Sinhasan Singh:** I was not here. I beg leave to move these amendments.

**Mr. Deputy-Speaker:** All right. Hon. Members must be here hereafter.

**Shri Sinhasan Singh:** I beg to move:

(1) Page 3, line 1—

for "on or after" substitute "before or after".

(2) Page 3, omit line 34.

By the first amendment, I want the word 'on' to be substituted by the word 'before'. It will read as follows: instead of "A person born....on or after the 26th January, 1950", "A person born.....before or after the 26th January, 1950". I find all through this Act no provision for those persons who were born outside India before the 26th January, 1950, who were not registered in that country as a citizen and who came along with their parents to India. What will be their fate? If a person comes under clause 5, he can get himself registered here and become a citizen. But, after getting registered, there are disqualifications, one of them being removal from citizenship sometimes. But, persons getting citizenship under clauses 3 and 4 become permanent citizens of India and they cannot be removed under any other provision. So I say that if the word 'before' is substituted there, the clause will apply to persons born before the 26th of January, 1950 also.

**Mr. Deputy-Speaker:** That is provided under the Constitution.

**Shri Sinhasan Singh:** Provided they are living there. Article 8 provides for such instances, but says, provided they are living and registered in that country by the diplomatic or consular representative. The article reads:

"Notwithstanding anything in article 5, any person who or either of whose parents or any of whose grand-parents was born



in India...and who is ordinarily residing in any country outside India so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India by the diplomatic or consular representative....."

I put forward this eventuality. Suppose he is not registered? He was born there, he lived with his father and has come back to India. He is not registered there. What will be his fate? Under clause 4, persons born after the 26th January, 1950 will become citizens of India irrespective of registration, unless they were by descent. Only in case of descent they will require registration. Otherwise, they would be deemed to be Indian citizens. There is no provision for the persons that I have mentioned. If the word 'before' is there, that defect will be removed. There will be no difficulty, constitutional or otherwise in this.

My second amendment is about minor children of persons coming under clause 5.

**Mr. Deputy-Speaker:** These persons can come under clause 5(1)(b), by registration. Those persons who do not become citizens by descent, can become citizens by registration.

**Shri Sinhasan Singh:** I have one objection. This provides that they may get themselves registered here. By registration, they come under clauses 9 and 10 as regards termination of citizenship. There is a chance of these persons being removed from citizenship under clause 10. Once a person becomes a citizen under clauses 3 and 4, there is no such eventuality.

Then, I ask, why should the minor children of Indian citizens,—both mother and father being Indian citizens—be put to such a disability. I want them to come under clauses 3 and 4 so that they may not require any registration. They should be deemed to be Indian citizens by the very fact that they are children of Indian citizens. Shri Shree Narayan Das gave the instance of the train. In sub-clause (d) the provision that

if a person is born in the train in Pakistan and he comes back to India, he will be registered. Then, clause 10 would cover this person. I say, to avoid clause 10, this should be taken out, and suitable amendment made somewhere. By putting the word 'before' in clause 4, that eventuality will not be there. It is with this idea that I have moved these amendments and I hope they will be considered by the hon. Minister.

**Shri N. P. Nathwani:** My amendment is No. 109. It seeks to include within that definition of the word 'person' certain associations. The hon. Minister said that this definition will not affect the existing rights of associations. I beg to differ from him. My hon. friend Shri N. C. Chatterjee has very ably, precisely and concisely explained the reasons why it would affect the existing rights. For instance, this definition deals with two kinds of associations: an association of persons which is incorporated, that is to say, a company. The other kind of association is an association like a firm, which is not an incorporated one. It has been all along assumed and never seriously disputed that a partnership consisting of Indian partners is an association which is entitled to the status of a citizen within the meaning of article 19. By putting this definition here, the legislature has given an indication of its mind not to allow this status to be enjoyed by such an association. My hon. friend Shri A. M. Thomas asked the question whether in the Citizenship Act of any other country we had a provision conferring the status of citizenship on a corporation. As far as I know, there is no such provision. But, in none of these Acts there is a specific provision forbidding an association or corporation from enjoying such a right. My hon. friend Shri Shree Narayan Das said that this was not the occasion when we should try to provide for a corporation or association. I entirely agree. But in this Bill itself, you are seeking to exclude them from getting the status of citizenship. Though the Acts in other

[Shri N. P. Nathwani]

countries have remained silent as regards the status of citizenship, the courts have construed the position, and held that in certain circumstances, a corporation or association can acquire this status. I therefore suggest two things: firstly to delete the definition of the word "person", and in any event to omit reference to association of individuals which is not incorporated and of which all the members are Indian citizens.

Lastly, I shall submit this. The hon. Deputy Minister was pleased to say that the intention was to confine the definition of the word "person" to natural persons only. If that is so, please say so instead of having this round about definition. You can say "person" means a natural person, so that it may be left open still to the courts to say that an association which consists only of Indian citizens is still a citizen. I earnestly therefore appeal both to the hon. Minister for Legal Affairs and the Deputy Home Minister to consider this last suggestion of mine. What harm is there if you say a "person" means a natural person?

**The Minister of Legal Affairs (Shri Pataskar):** I would, first of all, like to intervene only for the purpose of answering some of the criticisms which have been made with respect to the point just referred to the hon. friend who preceded me.

This Act deals with the acquisition and termination of citizenship rights. Whatever rights there are which are already conferred by the Constitution are not tried to be in any way interfered with or dealt with by this Bill. This Bill, if we look to the provisions, only deals with the question of the acquisition of citizenship by one of these methods: by birth, descent, registration or naturalisation. And the definition which is given here is only for the purposes of this Bill. We do not mean to suggest and we cannot say that this definition of a "person" would apply in respect of

other measures also. In this Bill the acquisition of citizenship is confined only to persons within the meaning of the term as defined in this Bill which is that it does not include any company or association or body of individuals whether incorporated or not. I really fail to understand how it can be said that this is in any way interference with the rights that might have been conferred upon certain corporations or other bodies either by the Constitution or by some other piece of legislation.

My attention was drawn to a ruling of the Bombay High Court by my friend Shri Nathwani. Actually, I think that would support the contention which I am now placing, because, what does it say? There, it was a question of a firm which consisted of individuals, and at page 268, this is what they say:

"It is pointed out that out of the seven petitioners six are corporations and that corporations cannot be citizens within the meaning of the Constitution. With regard to the seventh it is contended that it is also not a citizen because it is an association or a firm and a firm also cannot claim the benefit of art. 19. In our opinion, there is no substance whatever in this contention. Petitioner No. 7 is the firm of Metro Motors. It is well known and well understood that a firm has no legal entity. It is merely a compendious name of the partners of whom it is constituted. Therefore, we have on the record not a corporation or a legal entity consisting of Metro Motors, but what we have on record before us is the partners of that firm, and the petitioners on oath state that both the partners of that firm are citizens of India and that allegation has not been denied in the affidavit in reply by the Government. Therefore, if we were called upon to give relief under art. 19, we could certainly have

given that relief at least to the seventh petitioner whose partners consist of citizens of our country.”

I think if such a case were again to arise with respect to partnership, whatever has been laid down in this Act will not in any way affect the rights of those people who are partners in the firm and who are citizens of India.

Whether we should also allow in this Bill companies or such other corporate bodies who are not individuals to acquire rights of citizenship within the meaning of this Act is, I think, a matter of great principle. There are also rulings of other High Courts, and I think it is needless to go into the different rulings. But the plain question is whether for purposes of this Bill we want companies also should be allowed to acquire the rights of citizenship. I think, situated as we are, for obvious reasons it would not be desirable nor safe that persons who are not citizens of this country forming a company or corporation should be allowed to acquire the right of citizenship. It can be easily seen that it would not be in the interests of our country at this stage. And I do not think there is any other country in the world where they would allow such corporations to acquire citizenship, so that foreigners who owe no allegiance to the country may get into such corporations and indirectly have the right which is enjoyed by the citizens of that country. Therefore, I would say that the definition is confined only to the purposes of this Bill and so far as firms are concerned there is absolutely no difficulty. As regards other corporate bodies, the matter may be considered separately under the appropriate Acts as to what rights we would like or not like to confer upon them.

I might draw the attention of the House to a recent decision of the Allahabad High Court which was only recently reported. I think there the point has been made clear.

“One of the questions for decision in that case was whether the expression ‘citizen’ used in Art. 19, Constitution of India, includes a corporation and Har-namsingh, J. after stating his reasons held as follows:

“I think that a corporation is not a citizen within Art. 19, Constitution of India. That being so, the Companies cannot raise the question that the impugned legislation takes away or abridges the rights conferred by Art. 19, (1) (f) and (g), Constitution of India.”

“Soni, J. observed in that case.

‘I am of the view that Art. 5 applies to natural born persons and not to artificial persons and a reading of the next Article of Part II in which Article 5 finds a place makes it abundantly clear that what is intended by the word ‘citizen’ is a natural born person and not an artificial person.

‘I am in respectful agreement with the views expressed in the decision by the learned Judges of the Punjab High Court and in my opinion a corporation cannot be held to be a ‘citizen’ within the meaning of Art. 19 of the Constitution of India.’”

I believe there will be agreement on the point that while passing this legislation, we need not indirectly confer rights upon any corporate body.

There is another matter to which I would like to refer. My hon. friend Shri Kamath referred to the question of Jammu and Kashmir. The position is that in the Constitution in Schedule I Jammu and Kashmir is a part of India. Article 370 of the Constitution reads:

“Notwithstanding anything in this Constitution...

(d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify:”

[Shri Pataskar ]

Now, I have before me an order which has been issued by the President, called the Constitution (Application to Jammu and Kashmir) Order, 1954. Clause 2 of that order reads:

"The provisions of the Constitution which, in addition to article 1 and article 370, shall apply in relation to the State of Jammu and Kashmir and the exceptions and modifications subject to which they shall so apply shall be as follows:—

....."

Then, a long list of several parts of the Constitution is given; and ultimately we come to the Seventh Schedule.

**Shri Kamath:** It includes citizenship.

**Shri Pataskar:** Now, the Seventh Schedule contains the Union List and the State List.

**Shri Kamath:** It lays down the distribution of powers.

**Shri Pataskar:** In the Union List, all the entries apply except that for entry 3, something else will be substituted, and in respect of certain other entries, there will be some modifications. Entries 8, 9, 33 and 34 are all excepted, and so on. Then, in entry 53, in place of the existing entry, something else will be substituted. Finally, we have entries 72 and 76, and here, the reference to the States shall be construed as not including a reference to the State of Jammu and Kashmir.

**Shri Kamath:** What about entry 17?

**Shri Pataskar:** So far as that entry is concerned, that is not taken out of the scope of our legislation at all....

**Shri Kamath:** That is specified in the order then?

**Shri Pataskar:** So far as entry 17 is concerned, there is no exception made, with the result that so far as citizenship is concerned, we can legislate and we have got the power to legislate

under this order of the President in relation to the State of Jammu and Kashmir. When we are having that power, naturally we need not now mention in this Bill that it shall not apply to the State of Jammu and Kashmir, because we have got the power to make it applicable to the State of Jammu and Kashmir. So, I think my hon. friends will be satisfied.

**Shri Kamath:** The order is satisfactory now.

**Shri A. M. Thomas:** Why is it that in this Bill there is no provision to the effect that it shall apply to the whole of India? Usually, in all enactments, we find a provision to the effect 'This Act shall extend to the whole of India' or 'This Act shall extend to the whole of India except the State of Jammu and Kashmir'. But no such clause is there in this Bill. Why is that so?

**Shri Pataskar:** Only in respect of certain matters where we have not got the power to legislate for Jammu and Kashmir, we mention it.

**Shri A. M. Thomas:** In all the enactments that we have passed so far, there is a clause to the effect that the Act shall apply to the whole of India, or in cases where the State of Jammu and Kashmir is excluded, there is a provision saying that it shall extend to the whole of India except the State of Jammu and Kashmir. But there is no similar clause in this Bill. Why has that been omitted?

**Shri Pataskar:** When we have got the power to legislate for the whole of India, why should we make any reference to any part of India at all?

**Mr. Deputy-Speaker:** Only when there are exceptions, they should be referred to, and we should say that this Act shall not apply to such and such parts and so on. I understand they are giving up the practice of saying 'excepting the State of Jammu and Kashmir'.

**Shri N. R. Muniswamy** (Wandi-wash): But there should be some clause defining the applicability of this law.

**Mr. Deputy-Speaker:** Only where an exception is made, it has to be mentioned. But where the law applies to the whole of India, why should we mention it?

**Shri N. P. Nathwani:** What is the objection to defining the word 'person' as meaning a natural person only? If the intention is that this definition should cover no one except a natural person, then why can we not say that 'person' means natural person?

**Shri Pataskar:** I only wanted to make the object quite clear, because there was so much of argument as to whether a corporation is a person or not.

**Shri N. P. Nathwani:** If you say that 'person' means only a natural person, then you are automatically excluding an artificial person, namely a company or a corporation. I understand their object to be that this should apply only to natural persons.

**Mr. Deputy-Speaker:** The object is not to allow the whole world to come in. At one end, there are the corporations which are not to come in, and at the other end, there are the natural persons to come in. In between also there may be some cases. So, it is always desirable to say that this does not include such and such cases. Let us not in anticipation say what 'a natural person' would mean. It may mean many things. The intention now is to exclude corporations and bodies of individuals.

**Shri C. E. Narasimhan:** (Krishnagiri): I wish to draw the attention of the hon. Minister to clause 6 which deals with citizenship by naturalisation. I am only worried about a particular phrase there, which seems to me to be somewhat funny and peculiar, and that is the phrase 'waive all or any of the conditions specified in the Third Schedule' in the proviso to clause 6(1), which reads as follows:

"Provided that, if in the opinion of the Central Government,

the applicant is a person who has rendered distinguished service to the cause of science, philosophy, art, literature, world peace or human progress generally, it may waive all or any of the conditions specified in the Third Schedule."

The Third Schedule lays down the qualifications for naturalisation under items (a) to (g). Item (e) reads:

"that he is of good character".

When Government wish to waive any of the conditions specified in the Third Schedule, do they intend to waive the condition specified in item (e) also? That is what I would like to know. It looks rather peculiar to me, and I would like to know whether it is a legal necessity or not.

**Shri Kamath.** A citizen like that cannot be a bad character.

**Shri Datar:** A number of very interesting points have been raised in the course of the debate, and I shall try to reply to them one by one. Two points have already been answered by my hon. colleague the Minister of Legal Affairs.

My hon. friend Shri Shree Narayan Das wanted to know what would happen to a person born in a train. He has tabled an amendment in this regard, namely amendment No. 110, which reads:

Page 2 after line 13 insert:

"(2A) For the purposes of this Act, a person born in a train while the train is passing through the territory of a foreign country if his father is a citizen of India shall be deemed to be born in India."

**Shri Shree Narayan Das:** I have got another amendment also.

**Shri Datar:** I am dealing with this amendment first. If that train has been moving through another country, and if that country has the same law as we have regarding the acquisition of citizenship by birth, then he will have been born in that country, and he will be the citizen of that

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country; and if he is the son of a citizen of India, then he will get also the citizenship of India by descent. Therefore, there will be no difficulty at all in regard to this matter.

A point was raised regarding un-certified ships etc. It will be found in sub-clause (2) of clause 2 that:

"For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an un-registered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country."

The hon. Member suggests that the word 'Government' should be removed from this clause. I would point out to my hon. friend that private ships or private aircraft, if any, will have to be got registered, and it is for that purpose that we have used the words 'a registered ship or aircraft'. We have not used the words 'by a private person' or 'by Government' there. So, if there is a ship or aircraft which is unregistered, then it will be recognised only if it belongs to Government; otherwise, it will not be recognised at all, because registration is compulsory so far as such aircraft or ships are concerned. That is why we have purposely used the words 'a registered ship or aircraft' with a comma thereafter. This does not mean that a registered ship or aircraft must belong to Government only; it might be of a private person. But when a private person owns an unregistered ship or unregistered aircraft, then it cannot be recognised for the purpose of this clause. That is all so far as this question is concerned.

My hon. friend Shri N. C. Chatterjee has brought in the question of foundlings; and we have amendments nos. 2 and 43 in this respect. Amendment no. 2 reads:

Page 2, after line 37, add:

"(3) Every foundling who was or is found as a deserted minor in India shall, until the contrary is proved be deemed to have been born in India."

In the other amendment, the words 'as a deserted minor' have not been used. So far as the word 'foundling' is concerned, it means a child which has been found. In case all the children who have been left over or discarded in India are to be taken into account, or the presumption is to be formed that they are born in India, then I would point a very practical difficulty, namely our neighbouring countries just throwing into India, and inundating India with a number of these children, and the presumption would arise that they are our children. Therefore, I would request that this practical difficulty should be taken into account and all these children should not be fathered on India.

**An Hon. Member:** They may be Stateless.

**Shri Datar:** They may be. That is a question which has to be considered independently. After they attain majority, they can take the citizenship of India or go elsewhere. But let not India be inundated with these unwanted children. Therefore, I am anxious that we should not accept this amendment.

Then, so far as clause 7 is concerned, Shri Sadhan Gupta wanted a particular amendment to be made. My submission is that whenever there is incorporation of any territory, Government should have authority to consider who are the citizens of India and who would not be the citizens of India. Therefore, you will find that clause 7 has left that authority to the Government. Naturally, Government will go on the principles laid down in this Act or in other allied Acts, provided that principle is not here. But in such cases, the policy of the Government always is to issue an Ordinance or to get a law passed after a

particular territory has been incorporated in India. You are aware that when Chandernagore came into India *de jure*, an Act was passed. As soon as Pondicherry also becomes *de jure* a territory of India, a similar Act will be passed. Therefore, under such circumstances, it is advisable to leave the matter in the hands of Government. Government would specify the persons who shall be citizens of India, and Government naturally would say that the other persons cannot be citizens of India. There might also be certain circumstances in which certain undesirable persons should not be considered as citizens of India through the incorporation of that territory. Therefore, advisedly comprehensive words have been used in clause 7. I would point out that they are quite correct.

Then a question was raised about domicile. On this question of domicile, whenever there is acquisition of the right of citizenship by birth, the question of domicile is not used at all. In fact, when this matter was considered before reference of the Bill to the Joint Committee, it was pointed out that there must be some provisions by which a person should get the right merely by the fact of birth, independently of any other considerations. This is a clause which is common to most countries, namely, when a child has been born in India, whatever the circumstances might be, that child ought to have the right of citizenship of India. We have got similar provisions in other Acts, and there is no question of this domicile being brought in, directly or indirectly, here. The question of domicile had to be approached in so far as the constitutional provisions were concerned, because therein we had to make a law regarding citizenship of persons living in India. That is not the question here at all. Here the general principle has been accepted—and it has been accepted in other countries also—that there might be circumstances where a person, by the mere fact of his birth, ought to get the right of citizenship of that country. It is only by such acceptance

that ultimately we might go towards the idea of world citizenship; otherwise, certain narrow ideas are likely to grow and certain difficulties or restrictions are likely to come in. Therefore, this is one of the ways in which we can ultimately go towards the idea of a world State, because if any person is born in India—he might be a Swiss, a French or anybody—provided he is born in India, he ought to have the right of citizenship of India; *vice versa*, if an Indian is born elsewhere, he also will have a similar right in that country.

Then a funny question was raised, as to what happens when a sovereign of a foreign country comes to India with his wife and that wife gives birth to a child in India. I would point out that the question follows as a necessary implication. If, for example, an Ambassador has a right of immunity, then much more so the King or the sovereign or the Head who appoints that Ambassador should also have the right of immunity. In that case, such a son or child—such a sovereign—will be exempted naturally from clause 3.

Then, Shri Raghavachari contended that the amendment that we have moved today regarding South Africa ought rather to be included under clause 12 instead of under clause 2. You will find in clause 2 that what we have said is, the definition of the word 'citizen' in relation to a country, specified in the First Schedule. That means an enactment of the legislature of that country which, at the request of the government of that country, the Central Government may by notification in the Official Gazette have declared to be an enactment making provision for the citizenship or nationality of that country. Therefore, the question relates to that of extension, and the issue of notification, say, in the case of South Africa will not be immediately had even if the executive government desires it, unless the matter is placed before Parliament and the previous approval of Parliament has been obtained. Therefore, this question has a great relation to

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the question of the issue of a notification and so this is the proper place for the amendment which I have moved today.

There is one amendment moved by Shri Sinhasan Singh, No. 112. He says that in line 1 of page 3 for the words "on or after", the words "before or after" should be substituted. I would invite his attention to article 8 of the Constitution, where provision has been made for the case he has in contemplation. It says:

"Notwithstanding anything in article 5, any person who or either of whose parents or any of whose grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted) and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India...."

So a specific provision has been made.

**Shri Sinhasan Singh:** I was referring to a case where a child was born in a foreign country but not registered.

**Shri Datar:** So far as registration of the child is concerned, we have got provision in clause 5. He can come in that way.

**Shri Sinhasan Singh:** But then such a child is subject to the disqualification in clause 10. He does not get a 'first class' citizenship. Such a child who comes back to India, without registering with the representative of India in that foreign country, will not be a 'first class' citizen.

**Shri Datar:** I understand the hon. Member to say that he will have to go through the formality of registration in certain cases. Either he can come under article 8, or if he does not at all come under article 8, as contended by my hon. friend, he will have to come through registration. Registration is a common process through which lakhs of persons have to go. Therefore, I

would submit that so far as this matter is concerned, this is also covered.

Then I come to my hon. friend, Shri C. R. Narasimhan's objection in regard to clause 6.

So far as this proviso is concerned, it is in respect of eminent persons, persons who are very great in certain lines. Therefore, the conferment of citizenship rights on them would be a matter of honour to us, such eminent persons can all be presumed to be persons of good character. If they are not of good character, then, in my opinion, they cannot be eminent. Therefore, good character should be presumed in such cases. For example, if there is some great scientist or any other eminent person whose character is not good, it is open to us not to recognise him at all. Therefore, I would assure my hon. friend that good character must be presumed with eminence; otherwise, that person would not be taken into account.

**Shri C. R. Narasimhan:** What I wanted to know is why should it be put like that? Why should it be waivable?

**Shri Datar:** For instance, we know that a person is good. Perhaps, it would be insulting for one of his eminence to be asked to say that he is a good man. We can presume that he is a good man.

**Shri K. K. Basu:** It depends on the Government; they will do it. If they are bad, they will accept a bad man.

**Shri Datar:** It is for you to put a good Government or a bad Government in office.

**Mr. Deputy-Speaker:** First I will put amendments to Clause 2.

The question is:

Page 1—

after line 17, add:

"Provided that no such notification shall be issued in relation to the Union of South Africa except with the previous approval of both Houses of Parliament."

The motion was adopted.



**Mr. Deputy-Speaker:** The question is:

Page 2, line 4—

add at the end:

“when three-fourths of the members of such company association or body are not citizens of India”.

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 1—

after line 4, insert:

“(a) “India” includes the State of Jammu and Kashmir”.

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2, lines 10 and 11—

omit “of the Government”

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2, line 4—

add at the end:

“when any member of such company, association or body is not a citizen of India and further in the case of any incorporated body, it is not incorporated and registered in India”

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2—

after line 13, insert:

“(2A) For the purposes of this Act, a person born in a train while the train is passing through the territory of a foreign country adjoining the territory of India if his father is a citizen of India shall be deemed to be born in India.”

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2—

after line 25 add:

“(5) For the purposes of this Act a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.”

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

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

*The motion was adopted.*

Clause 2 as amended, was added to the Bill.

**Mr. Deputy-Speaker:** Now, I will put amendment No. 42—clause 2A.

**Shri R. D. Misra:** I am not pressing it, Sir.

**Mr. Deputy-Speaker:** Has the hon. Member the leave of the House to withdraw his amendment?

The amendment, was, by leave, withdrawn.

**Mr. Deputy-Speaker:** Clause 3 will be taken up tomorrow.

**Mr. Deputy-Speaker:** I will now put the amendments to clause 4.

The question is:

Page 3,—

for lines 1 to 12, substitute:

“4. (1) A person born outside India on or after the 26th January 1950, shall be a citizen of India by descent if his father, or in the case of a child born out of wedlock, his mother is a citizen of India at the time of his birth.”

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 3, line 2 and wherever it occurs in this clause—

after “father” insert “or mother”.

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 3

(i) line 2—

for "his farther" substitute:

"either of his parents".

(ii) line 11—

for "his father" substitute:

"either of his parents"

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 3—

after line 20 add:

"(4) Notwithstanding anything contained in this section, every person who is a citizen of India by virtue of clause (c) of article 5 of the Constitution or who, since the commencement of the Constitution, has migrated or may migrate to India from Pakistan by reason of communal disturbance or from fear of communal disturbance or oppression, shall be deemed to be a citizen of India by descent."

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 3, line 1—

for "on or after" substitute "before or after".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That clause 4 stand part of the Bill."

*The motion was adopted.*

Clause 4 was added to the Bill.

**Mr. Deputy-Speaker:** Clause 5 will be held over.

**Mr. Deputy-Speaker:** Now amendments to Clause 6. The question is:

Page 4, line 24—

after "age and capacity" insert "other than a person of Indian origin"

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 4, lines 24 and 25—

omit "who is not a citizen of a country specified in the First Schedule".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That clause 6 stand part of the Bill."

*The motion was adopted.*

Clause 6 was added to the Bill.

**Mr. Deputy-Speaker:** Now amendment to clause 7.

The question is:

Page 4—

for clause 7, substitute:

"7. *Citizenship by incorporation of territory.*—(1) If any territory becomes a part of India, every person ordinarily resident in, or having his domicile in such territory shall be a citizen of India as from the date on which such territory becomes part of India if he or either of his parents or any of his grand-parents was born in the said territory or in India.

(2) Without prejudice to the provisions of sub-section (1), the Central Government may, by order notified in the Official Gazette, specify the persons other than the persons mentioned in sub-section (1) who shall be citizens of India by reason of their connection with such territory, and those persons shall be citizens of India as from the date to be specified in the order."

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That clause 7 stand part of the Bill."

*The motion was adopted.*

Clause 7 was added to the Bill.

**Clauses 8 to 10**

**Mr. Deputy-Speaker:** Now, the House will take up clauses 8 to 10. Two hours have been allotted. I think we have taken up a lot of time for the first group.

**Shri Kamath:** You are not extending the time, I think. We saved about two hours on the Stamp Bill.

**Mr. Deputy-Speaker:** The hon. Member is trying to bring this up every time. I will follow the schedule to the best of my ability. Now, what are the amendments to be moved?

**Shri N. C. Chatterjee:** I am moving amendments, 4, 5, 6, 7 and 8.

I beg to move:

(1) Page 5, line 19—  
after “voluntarily” insert (other than by reason of marriage).”

(2) Page 6, line 8—  
omit “or disaffected”

(3) Page 6—  
omit lines 15 to 17.

(4) Page 6, line 43—  
for “has for at least ten years held a judicial office” substitute:

“is or has been a Judge of the Supreme Court of India”.

(5) Page 7—  
after line 5, insert:

“10A. A woman who was an Indian citizen before her marriage with a person who was not a citizen of India and had renounced her Indian citizenship on account of such marriage may, within one year after the death of her husband or dissolution of her marriage, make a declaration that she wishes to resume Indian citizenship and shall thereupon again become an Indian citizen.”

**Shri N. R. Muniswamy:** I beg to move:

Page 5, lines 13 and 14—  
for “attaining full age” substitute:

“knowledge of such cessation of citizenship”.

**Shri Barrow** (Nominated—Anglo-Indian): Sir, are we taking up all the amendments first and then speaking? Then, I move 117. I have also sent in notice of two amendments this morning and I do not know whether they have been admitted or not.

**Mr. Deputy-Speaker.** Amendments Nos. 144 and 145? What is the reaction of the hon. Minister? Is he accepting them?

**Shri Datar:** I am not accepting them. But you may admit them for consideration.

**Mr. Deputy-Speaker:** All right

**Shri Barrow:** I beg to move:

(1) Page 5, lines 19 to 21—

omit “or has at any time between the 26th January, 1950 and the commencement of this Act voluntarily acquired,”

(2) Page 5—  
omit lines 16 to 27.

(3) Page 5—  
for lines 18 to 23 substitute:

“9 (1) Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, from the commencement of this Act, the citizenship of another country shall, upon such acquisition, cease to be a citizen of India.”

**Shri Shree Narayan Das:** I beg to move:

(1) Page 6, lines 8 and 9—  
for “Constitution of India as by law established” substitute “State”

(2) Page 6—  
after line 9, insert:

“(bb) that citizen has accepted any title from any foreign state, against the provision of article 18 (2) of the Constitution of India; or”

(3) Page 7,—  
after line 5, add:

“Provided that an appeal against such an order shall lie to the High Court.”

**Pandit Thakur Das Bhargava:** I beg to move:

- (1) Page 6, line 17—  
after "two years" insert "for any offence involving moral turpitude"
- (2) Page 6, line 8—  
omit "or disaffected"
- (3) Page 6, lines 42 and 43—  
for "(being a person who has for at least ten years held a judicial office)" substitute:

"(being a judge of the High Court or any person qualified to be a High Court judge)"

**Shri Sadhan Gupta:** I beg to move:

- (1) Page 5—  
for lines 10 to 12 substitute:
- "(2) Where a person ceases to be a citizen of India under subsection (1), every minor child of that person shall thereupon cease to be a citizen of India unless the other parent of such minor child continues to be a citizen of India:"

(2) Page (5)—  
after line 27, add:

"*Explanation.*—Marriage of a citizen of India with a person who is not a citizen of India does not by itself operate as voluntary acquisition on the part of such citizen of India of the citizenship of another country, notwithstanding that such persons acquire such citizenship under the law of that country."

- (3) Page 5—  
omit line 33.
- (4) Page 6—  
omit lines 7 to 9.
- (5) Page 6, line 8,—  
for "disloyal or disaffected towards" substitute "disloyal to".
- (6) Page 6, lines 8 and 9—  
for "the Constitution of India as by law established" substitute: "the Indian State".

- (7) Page 6, line 17—  
after "two years" insert:  
"for an offence involving moral turpitude;"
- (8) Page 6, lines 39 and 40—  
omit "other than clause (e) thereof."
- (9) Page 6, line 41—  
omit "and in any other case it may."
- (10) Page 6, lines 42 and 43—

for "(being a person who has for at least ten years held a judicial office)"

substitute: "(being a judge of the Supreme Court of India or of any High Court)"

- (11) Page 7, line 4—  
omit "ordinarily".

**Shri Kamath:** I beg to move:

- (1) Page 5, line 21—  
after "country" insert:  
"not included in the First Schedule"
- (2) Page 5—  
after line 23, add:—

"Provided that absence from India for a period of five-years from the commencement of the Constitution, except for specified reasons, shall automatically lead to the loss of Indian citizenship."

- (3) Page 6, lines 8 and 9—  
for "Constitution of India as by law established" substitute:  
"Republic of India".
- (4) Page 6, lines 8 and 9—  
for "Constitution of India as by law established" substitute "India."
- (5) Page 6, line 11—  
after "enemy" insert:  
"in such manner as to assist such enemy"
- (6) Page 6, line 16—  
after "been" insert:  
"convicted of a criminal offence involving grave moral turpitude, and".

(7) Page 6, line 44—

add at the end:

"in concurrence with the chairman".

(8) Page 7, lines 4 and 5—

for "ordinarily be guided by such report in making an order under this section substitute:

"in making an order under this section, publish and accept the findings of the Committee:

Provided that the Government shall have the power not to deprive a person of Indian citizenship notwithstanding the findings of the Committee."

(9) Page 7—

after line 5, add:

"(7) Any person aggrieved by an order made under this section may within a period of thirty days from the date of the order make an appeal to the Supreme Court of India."

(10) Page 5, line 9—

add at the end:

"except in the caste of person to whom the provision to subsection (1) of section 6 applies."

Shri H. N. Mukerjee: I beg to move :

(1) Page 5—

after line 38, add:

"Provided that the person deprived of such citizenship has been given an opportunity to show cause in writing why his citizenship should not be terminated and provided further that on such explanation being given in writing by the person concerned, the advice of the Supreme Court of India has been taken on the question of terminating the citizenship."

(2) Page 6, lines 42 to 44—

for "a Committee of Inquiry consisting of a chairman (being a person who has for at least ten

years held a judicial office) and two other members appointed by the Central Government in this behalf" substitute:

(3) Page 7—

(i) line 1—

for "Committee of Inquiry" substitute "Supreme Court of India";

(ii) line 2,—

for "submit" substitute "forward"; and

(iii) line 4—

omit "ordinarily".

Mr. Deputy-Speaker: All these amendments are now before the House. Clauses 8 to 10, both inclusive, along with these amendments will now be taken up for discussion.

Shri N. R. Muniswamy: My amendment No. 90 is with regard to clause 8, which says:

"Where a male person ceases to be a citizen of India under subsection (1), every minor child of that person shall thereupon cease to be a citizen of India:

Provided that any such child may, within one year after attaining full age, make a declaration that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India."

I have moved an amendment for the deletion of the words "attaining full age" and substituting in its place the words "knowledge of such cessation of citizenship".

It is a very simple amendment with no serious consequence and the Government can accept it for this reason that whenever a renunciation of citizenship is made by declaration of the father, his minor child's citizenship

(Shri N. R. Muniswamy)

is taken away automatically; because he is not a *sui juris* and is only a minor, whatever applies to the father is made applicable to the son also.

As regards the resumption of citizenship, after he attains majority, he has to resume it within one year according to the provision in the Bill. What I say is that there should be no twice over resumption of citizenship and so since we are allowing a chance for the minor to resume it within one year after he has attained his majority, we can allow it within one year after he is aware of such renunciation of citizenship by his father. After all, when the father renounces his Indian citizenship, the citizenship of the son is also taken away automatically because he happens to be a minor. The minor son may not be aware of that fact and so he must be given the chance to resume his citizenship only after he knows about the cessation of his citizenship. Therefore, what I want is that the minor son might be given an opportunity to resume his citizenship not merely after attaining majority, but within one year after he gets the knowledge of the fact of the renunciation of his citizenship. I would respectfully say that my amendment is quite reasonable and may be accepted. Within one year after getting the knowledge of the renunciation of his citizenship, he must go to the prescribed authority and make a declaration that he wishes to resume his citizenship. I request that my amendment may be accepted as otherwise he will be greatly handicapped in resuming his citizenship. After all we are dealing with double citizenship of an individual and when the father renounces the Indian citizenship because he happens to be a citizen of another country, the citizenship of his son, minor son, also goes away. Therefore, the son must have the right to resume his citizenship only after he gets knowledge of this fact. By accepting my amendment, no confusion or reaction will be created because we are not allowing resumption of citizenship twice over in the life-time of a man.

**Shri Shree Narayan Das:** My amendment No. 21 reads:

Page 6, lines 8 and 9,—

for "Constitution of India as by law established" substitute "State".

I think most of the Members who have taken part in the discussion were in favour of changing these words, that is, the words "disloyalty to the Constitution" or "disaffection towards the Constitution" are not necessary, and instead we should have "disloyal or disaffected towards the State". This is one of the conditions on which the citizenship right will be taken away by the Government and I think most of the Members expressed that we should have the word "State" instead of "Constitution of India as by law established". I need not go into the details now and I hope the hon. Minister will accept the general opinion expressed by the Members in this House.

My second amendment is No. 22, which reads—

Page 6,—

after line 9, insert:

"(bb) that citizen has accepted any title from any foreign State, against the provision of article 18(2) of the Constitution of India; or"

We have provided in the Constitution that no Indian citizen will accept any title from a foreign State, but so far as I am aware, there is no provision for penalising a person who accepts a title from a foreign State. I think that every Indian citizen must be prevented from accepting foreign titles as provided by article 18(2) of the Constitution. So far, there is no provision made for a penalty for a person who accepts foreign titles, whether he is a citizen by registration, by birth or by descent. I am going to suggest here that the acceptance of a title from a foreign State shall be one of the conditions on which a person will be deprived of his citizenship.

My third amendment is No. 31 which reads—

Page 7,—

after line 5, add:

“Provided that an appeal against such an order shall lie to the High Court.”

Most of the Members who participated in the discussion said that this should be made justiciable and that suggestion is worth considering. I hope the hon. Minister will kindly consider it favourably. As my friend, Shri Anthony, stated, once you have accepted a person as an Indian citizen, there should be no discrimination thereafter between a citizen and a citizen—whether he be a citizen by birth, by descent or by naturalisation. So long as the citizen is loyal to the State, he should not be deprived of his citizenship rights at the sweet will of the executive. Therefore, if there are proceedings against any one for failure of any of the requirements that they will have to observe, the appeals should lie to any of the high courts of this country. Therefore, I think the hon. Minister will accept this amendment also.

**Shri Kamath:** I have moved all my amendments.

**Mr. Deputy-Speaker:** Has he tabled some new amendments?

**Shri Kamath:** Yes, but they will come tomorrow and not today. Clause 1 will come tomorrow, I think. Am I right, Sir?

**Mr. Deputy-Speaker:** Yes.

**Shri Kamath:** All my amendments which have been moved by your leave relate to clause 8, except amendment No. 16 and amendment No. 73 which relate to clauses 9 and 10 respectively. I have moved amendment No. 7 which stands in the name of myself and my hon. friend Shri N. C. Chatterjee.

I will briefly dispose of the two amendments relating to clause 8, that is, amendment No. 63, first. In this amendment, I have sought to draw a

distinction between those who relinquish their Indian citizenship during war and to those to whom the proviso applies. According to the proviso to clause 6, the Government will waive all the conditions specified in the Third Schedule in the case of any person eminent in science, philosophy, art, literature, world peace or human progress on applying for citizenship, even though they do not fulfil the conditions necessary for naturalisation specified in the Third Schedule. Now, the point is, war is an unfortunate thing, and during war, loyalties, sentiments, patriotic feelings,—all come into play, and they cut across national frontiers, party loyalties, and what supersedes everything is the local or the national or patriotic sentiment. It is conceivable that a citizen of a foreign country, of another country, who has become an Indian citizen, in the event of an unfortunate war breaking out between India and that country, might elect to remain a citizen of his own country and relinquish Indian citizenship to be able to serve his own country better during war.

**Acharya Kripalani** (Bhagalpur *cum* Purnea): Good riddance.

**Shri Kamath:** Acharya Kripalani says ‘good riddance’. Yes; I endorse that suggestion. Therefore, in the case of those persons, I have sought to provide that as soon as they write to Government that they have relinquished their Indian citizenship, the Government should not wait for anything more. Government should accept that letter or application stating that he or she wants to give up Indian citizenship during war, and the Central Government at once should notify that person as having lost Indian citizenship or that the citizenship has been terminated. That, I suppose, is a most natural thing to do in the case of a person who, as a foreign national, had acquired Indian citizenship just for the asking because he has been eminent in his own field and who, during war, seeks to serve his own country in preference to India.

[Shri Kamath]

[SHERIMATI RENU CHAKRAVARTY in the Chair.]

The other amendment is No. 16. I would rather not move amendment No. 15. I moved it by oversight. I would like to move amendment No. 16 which is to clause 9, where I have sought to provide that any person who has been absent from India for a period of five years from the commencement of the Constitution, except for specified reasons, shall automatically lose Indian citizenship. The absence from India for a period of five years from the commencement of the Constitution, unless he explains why he was so absent, should lead automatically to the loss of Indian citizenship.

I will now come to the most important and one of the most vital clauses in the Bill, the deprivation clause—clause 10, and I have got nearly ten or 12 amendments to that one clause. So, I ask the indulgence of the House to expatiate a little on those amendments. The first amendment to this clause which I shall speak upon is amendment No. 7 which I have moved along with my friend Shri N. C. Chatterjee. It says that the Committee of Inquiry should be presided over by a judge of the Supreme Court. Some of the Commonwealth countries such as Australia and even that arch-devil of Apartheid, South Africa, have in their own citizenship laws incorporated some provisions according to which the Committee of Inquiry shall be presided over by a judge of the federal court or judge of one of the provincial courts who are more or less equal to our High Court judges, I believe. The fundamental proposition that I seek to enunciate in this connection is that if a citizen is sought to be deprived of his citizenship right by the executive, either it should be by a judicial proceeding, or, if that fails, in the ultimate analysis, it should be made justiciable. That is to say, when the executive deprives the person of his citizenship, he should have a right of appeal to the Supreme

Court against the order of the executive. This, I suppose, will be endorsed by all sections of the House, and I do not wish to dilate more upon this particular aspect of the matter.

The other day, I was rather amazed to find my hon. friend, Pandit Thakur Das Bhargava, seeking to justify this particular clause, saying that deprivation need not be made justiciable. My memory, if I am not mistaken, goes back to his fighting speech not on article 14 of the Constitution in the Constituent Assembly, as I said the other day but article 21 of the Constitution which refers to the procedure established by law. My hon. friend wanted to have due process of law, and I still remember the fighting speech he made in the party meetings—I should not refer to them, but it is only *en passant*, by the way—and later on in the Constituent Assembly. I am, therefore, surprised that he has taken a different stand today with regard to this provision.

**Shri N. R. Munsiwamy:** Wiser.

**Shri Kamath:** I will leave it for him to decide. I therefore suggest that this provision should be radically altered. If it stands in tact, I have no hesitation in a saying that it will detract very radically from the high principles that we have enunciated in our preamble to the Constitution and other tenets which we have sought to embody in different parts of the Constitution.

May I refer to another point in this connection, and that is, the various grounds on which an Indian citizen can be deprived of his citizenship. The first clause (a) is all right. Clause (b) refers to disloyalty and disaffection to the Constitution of India as by law established. I have already moved an amendment seeking to substitute it by the Republic of India or India. I cannot conceive how there can be disaffection towards the Constitution. I can understand disaffection towards a country, towards the State. But, disaffection towards the Constitution, in the sense of lack



of affection, as my hon. friend Shri N. C. Chatterjee said a little while ago, I cannot understand. How can one have lack of affection for the Constitution? Affection for India, or lack of it I can understand. Our people have learnt the word *Bharatmata*. Affection or disaffection to *Bharatmata*, one can understand. But, affection or lack of affection to the Constitution passes my understanding and my comprehension. My heart cannot certainly understand that and respond to that. Therefore I suggest that it would be preferable for us to have 'disloyalty or disaffection for India'—leave out the word *republic*; I am not keen on that—as one of the grounds for depriving a person of his citizenship rights. As regards States, there are as many as 26. I think it will be better to have 'India'.

Clause (c) refers to war time happenings. I want to stress this matter again here. Communication with the enemy as such, *per se*, should not be penalised because, I have found from experience that communication with the enemy may be such as to assist our own country, not necessarily to harm our country. Therefore, we must insert another clause to say, unlawfully traded or communicated with an enemy in such a manner as to assist that enemy. That should be penalised and that should be one of the grounds for depriving a person of his citizenship.

Now, I come to sub-clauses (3) and (4). The phrase 'public interest' has been a little bandied about by the Government spokesmen here on the Treasury Benches so often that we have lost confidence in their understanding of public interest. I for one have no hesitation, in saying that the phrase public good will not fare better at their hands. There is no amendment to the next clause because it is a simple one and the person has been given the right of representation. The last one is the operative clause with regard to the Committee of enquiry. First of all, I would like to suggest that the

Chairman should be a person who is, or has been a Judge of the Supreme Court and the other Members may be appointed by the Government with the concurrence of the Chairman of the Committee. Also, the Government in making the order under this section should publish and accept the findings of the Committee. My hon. friend Shri Gadgil said in his speech that it will be dangerous to publish the report and proceedings of the Committee of enquiry. I do not ask for the publication of the proceedings of the Committee or the report. I want only the findings to be published and accepted by the Government. If the findings are in favour of the person whom it is sought to deprive of citizenship, they must be accepted straightway. Even if they are against I have sought to give power to the Government nor to deprive him of citizenship in spite of the findings being against a person, Government should possess this power. But, if the findings are in favour of the person, they must be accepted. If it is not acceptable that the Chairman of the Committee should be a Judge of the Supreme Court, I have sought to provide by amendment No. 30 that any person aggrieved by an order made under this section may, within a period of 30 days from the date of the order appeal to the Supreme Court of India. If this is accepted, it may be argued that the Committee may be formally constituted as provided for in the section.

Lastly, I come to clause 2(d) regarding a citizen who has been convicted in any country and sentenced to imprisonment for a term of not less than 2 years. I wonder whether a citizen who is convicted say, in South Africa, for resistance to the laws of apartheid, and sentenced to 2 years or 3 years imprisonment, stands in danger of losing his citizenship in this country. Just now, we have heard the Prime Minister endorsing the sentiments of this House against South Africa. Suppose a person offends against the unnatural, sub-human, anti-human citizenship laws of that country and is convicted and

[Shri Kamath.]

sentenced there, does it mean that it should be one of the grounds for depriving him of his citizenship here? Therefore, my amendment seeks to provide that if at all this has got to be there,—I would be happy if it is not there and I have tabled an amendment along with Shri N. C. Chatterjee—we must provide, that the offence of which he is convicted shall involve grave moral turpitude. As I said, I would be happy if this provision is deleted and I would certainly support Shri N. C. Chatterjee's amendment.

I commend all my amendments to the acceptance of the House.

**Shri N. C. Chatterjee:** I have got three suggestions to make.

**Mr. Chairman:** Which are the amendments?

**Shri N. C. Chatterjee:** I have moved amendments 4, 5, 6, 7 and 8.

**Mr. Chairman:** Have you moved amendment No. 4 it is not here.

**Shri N. C. Chatterjee:** I have moved amendments 4, 5, 6, 7 and 8. The Deputy-Speaker possibly did not take down the numbers.

The most important matter is the deprivation of citizenship. It is a very serious matter. You are practically pronouncing capital sentence upon a man if you deprive him of citizenship and make him stateless. Of all the misfortunes that can befall a man in a civilised community the worst is that the State should drive him out and declare him an outlaw, outside the pale of organised community. Such a serious matter should not be left to the sweet will of the executive. However competent the Government may be, it is thoroughly wrong to say that deprivation of citizenship should not be made justiciable. You have ample powers to verify the antecedents of a man or woman before making him or her a citizen of India. You analyse all his or her antecedents, scan them properly and if you are thoroughly

satisfied that he or she is a desirable person or that he or she ought to be admitted to citizenship, welcome him or her. Immediately you do that, under the privileges deliberately conferred by the Constitution, that person gets certain basic fundamental human rights. Those rights have been imbedded in our Constitution and made fundamental rights: fundamental rights not mere words of platitude, not mere slogans, not mere utterances, not mere idealistic language. But, under article 32, the Supreme Court has been asked that they must vindicate those fundamental rights if there is any infringement. A constitutional obligation has been placed upon the highest court of this country. Wherever there is an outrage on a fundamental right of a citizen, the citizen shall have automatically the privilege to have direct access to the Supreme Court. I may remind the hon. Minister of the great judgment of Justice Patanjali Sastri in the "Crossroads" and "Organiser" cases. The Advocate-General and the Attorney-General argued that first of all the person who has been injured or thinks that a fundamental right has been taken away should go to the High Court and apply for a writ under article 226 and then if he is disappointed, resort to the Supreme Court. Mr. Sastri delivered the judgment. I think it was unanimous or practically unanimous. He said: "Nothing of the kind. That will be making a mockery of this Constitution. Immediately a man is a citizen under the Constitution, immediately he is a member of this commonwealth, this Constitution calls upon the Supreme Court to be the protector, the guardian, the defender of those rights and makes it obligatory on the part of the Judges of the Supreme Court that they shall immediately take cognizance of any violation or attempted infringement of that right."

What are you doing? You allow a citizen of India, if his property is taken away, if an imposition is made upon him illegally, if his right to

carry on business is interfered with to go up to the Supreme Court and ask the Supreme Court to issue a writ of *mandamus* or an appropriate writ or directional order, but when you are pronouncing death sentence upon the man, declaring that he shall be Stateless tomorrow, taking away the very prop upon which he lives, you say that there shall be no access to courts. That is thoroughly improper and with all the earnestness at my command I appeal to the Government that this is an attitude which they should give up. Why not associate at least a Supreme Court Judge? What is the fun of saying any Judge who has held any judicial office for ten years shall be the Chairman? That is most improper. That would be making a mockery of this Constitution. That will mean that your citizenship rights will be left to the tender mercies of the executive.

In this Parliament we have got Members who have been sentenced to three years' imprisonment simply because they shouted in the District of Manbhium and carried on an agitation against the suppression of their mother tongue.

**Dr. Ram Subhag Singh** (Shahabad South): No, no.

**Shri N. C. Chatterjee:** I say yes.

**Dr. Ram Subhag Singh:** That is wrong.

**Shri N. C. Chatterjee:** Not only that.

**Pandit D. N. Tiwary** (Saran South): This Bill should not be utilised as a platform for speaking on something else.

**Shri N. C. Chatterjee:** As a matter of fact, he has been released after 22 months he spent in jail. What I am pointing out is that a man may be sentenced to jail because he carries on agitation for a particular State or prohibition law or something like that, because he wants Vishalandhra or a *chota* province. There may be difficulties. There may be an emotional upsurge and he may be sent to

jail. Is it right that you should take away the man's citizenship, make him Stateless simply because he has been sentenced to jail for two years?

**Shri Altekar** (North Satara): The hon. House has given him leave without any division during that period of 22 months.

**Shri N. C. Chatterjee:** My friend has missed my point. My point is this, that under this Act if it is passed into law as it stands, he loses his citizenship, he may lose his citizenship. That is not fair. That is not proper. A man may commit a technical offence. A man may run down a person because of a breach of the traffic regulations and perhaps cause grievous injury. He may be sentenced to a term of imprisonment. It would not be right to deprive him of citizenship.

Therefore, I first of all submit: do not make deprivation of citizenship dependent upon executive fiat. Make it justiciable.

Then, do not allow this kind of clause to remain in your Citizenship Bill whereby you can take away a man's citizenship simply because within five years after registration or naturalisation he has been sentenced in any country to imprisonment for a term of not less than two years.

We have got a Member of Parliament, Shri T. K. Chaudhury, who has been sentenced to ten years imprisonment. It may be that a man from outside India is accepted as a good citizen. He may join the struggle there in Goa and he may be sentenced to a similar term of imprisonment. Am I to understand that for that action he will be liable to forfeit his citizenship?

Then, with regard to clause 9, I am making one submission for my hon. friend's consideration and that is this: In some countries I have found that they have said that a citizen of the country should not, simply because she has married somebody outside, be

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compelled to give up her citizenship. Look at clause 9, it says:

"Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, or has at any time between the 26th January, 1950 and the commencement of this Act voluntarily acquired, the citizenship of another country shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India."

I am submitting that after the word "voluntarily", these words should be inserted: "other than by reason of marriage". I have found that there are some countries in the world which do not make it compulsory for a person to forfeit her citizenship simply because she marries a foreigner. The latest citizenship law which has been enacted in the Czechoslovakian Republic says that if a woman by her marriage with an alien acquires the nationality under the law of his country, she shall lose her Czechoslovakian citizenship, but the People's Committee on an application made by her not later than six months after the marriage may decide that she retains her Czechoslovakian citizenship. I submit that this is a good provision. Do not make it compulsory that in every case where an Indian woman marries a foreigner, thereby she will automatically lose her citizenship of India.

In my amendment, I have also included that there should be restoration or resumption of citizenship, if the marriage is annulled or dissolution of marriage takes place or there is divorce, then the Indian citizen who lost her citizenship only on account of marriage should be allowed to resume her citizenship and no impediment should be created on that account.

**Pandit Thakur Das Bhargava:** I have moved amendments Nos. 66, 95 and 120.

I am glad that the Government have treated this question with discrimination and great judgment. I feel that there is a great difference between those citizens who are born in the country and have been domiciled there and those who become nationals by registration or naturalisation.

In regard to naturalisation, we have already seen that there is a separate provision in this Bill in the third Schedule where they go so far as to say that the man must be of good character etc. In regard to registration, I do not like the inclusion of the refugees in this clause. I maintain that there should be no registration for them. In respect of that matter I have already given notice of some amendments which will come up tomorrow. Today I am not moving them, but I maintain there should be no difference between citizens by birth or descent and refugees. They must have the same rights and obligations and their liability must be the same.

So far as refugees are concerned, I am glad that they are specially exempted from the operation of clause 10, but in regard to others, once we allow them to be registered and naturalised, my submission is we ought to treat them with consideration and at the same time, if possible, with great sympathy. As regards those persons, my hon. friend Shri Anthony was pleased to point out yesterday that according to him, once a person has become a citizen, then he has become a citizen for all purposes, and therefore there should be no law whereby the certificate of nationalisation or registration could at any time be cancelled. That was his view. But we find in the laws of various countries that such powers are always taken by Government and for good reasons. This may be a theoretical view; this may be correct or wrong; but we find in the laws of every country that such powers are enjoyed by the Governments of those countries.

And it is but fair that these powers should be enjoyed by the Government of our country also. After all, the Government of a country, especially the executive part of it, has got the duty to see that that country is protected, that the State is protected; and at the same time, the State should have as its citizens persons who are of good character, and who will contribute to the wealth of the State and also behave as good citizens and fulfil all their obligations.

As regards citizenship by birth or by descent, those persons who have come as refugees cannot go anywhere out of India. They must remain as the citizens of this country; they must live here, and they must die here, and therefore no Government should be empowered to cancel their citizenship; and that has been accepted in this Bill. As regards the others, as I have submitted already, the executive government is charged with the duty of seeing that the particular State in which naturalisation has been allowed is kept free from all kinds of attacks from foreigners who stay in that country for some time and afterwards become disloyal to that country.

So far as disloyalty is concerned, I am quite clear in my mind. That is a very good reason why the certificate of naturalisation or registration should be cancelled. So far as disaffection is concerned, my humble view is that we do not know the exact legal interpretation of it. So far as disloyalty is concerned, there can be no disloyalty unless there is disaffection. Disloyalty to a certain extent is a very concentrated form of disaffection. But unfortunately, so far as disaffection is concerned, there is no authoritative interpretation of it so far. Previously, in Bal Gangadhar Tilak's case an argument was made that disaffection may be said to be want of affection; then it was said that it must be positive distemper, or positive something else and so on. And lately, when we enacted our Constitution, we took away the word 'sedition' from article 19 because everybody in India thought that sedi-

tion should no longer be a crime. But ultimately we had again to put in the word 'sedition', and we did it by virtue of the Constitution (First Amendment) Act. Even now, so far section 124A and some other sections of the Indian Penal Code are concerned, we have not got any authoritative pronouncement on them. Sedition is really a part of disloyalty; and in fact, disloyalty may even be stronger than that. At the same time, I take it that if disaffection can be proved, disloyalty can also be proved by proving that the man made a seditious speech or that he wanted to undermine the stability of any Government.

This matter has come up before this House many times. The Supreme Court in Master Tara Singh's case said that section 124A and certain other sections of the Indian Penal Code were *ultra vires*. Then, we had the Constitution (First Amendment) Act, by which we again restored those sections and said that they would be deemed to have been there.

At the same time, even now I submit that after the pronouncement from the Supreme Court earlier, there is no authoritative pronouncement on the question what constitutes sedition, or what is the implication of section 124A of the IPC. In this House, I have many times submitted to Government that the word 'sedition' should be defined properly, for after the Supreme Court pronouncement, Government had not brought forward any measure to correctly define that word. Even today, the matter is one of first impression, if it comes before the Supreme Court.

So far as the word 'disaffection' is concerned, I am quite clear in my mind that it has got no authoritative pronouncement from any of the High Courts or the Supreme Court. Disaffection therefore may mean anything. I am therefore anxious that the word 'disaffection' may not be there in this Bill, though I want, and I would insist also, that the word

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'disloyalty' must remain, because even from our own citizens, we do not like any disloyalty. We want that so far as the State is concerned, the sanctity of the State should be preserved; we all love it, and in fact, many citizens will be even ready to sacrifice their lives for the security of the State. If a foreigner behaves in a different manner, then he is not entitled to remain here or to say that his certificate of naturalisation or registration should not be cancelled.

As regards the machinery, I beg to submit that I have heard Shri Kamath, Shri N. C. Chatterjee and Shri Frank Anthony with great respect yesterday and today also. I quite agree that this is a very serious affair because you make a person Stateless. He will not be able to go back to his home; and he may find himself in the same category as a person who after a conviction for more than two years will not be allowed to be reinstated in his own home State if there is some such provision there. Otherwise also, it is a very serious matter; I quite agree. I can appreciate what my hon. friends have been pleased to say.

My hon. friend Shri Kamath went further and reminded me of my speeches in the Constituent Assembly and said that at that time I fought for keeping the words 'due process of law' instead of 'Government established by law'. That is perfectly right that I fought for it. I do not want to refer to it now, but Shri Kamath knows very well, that his view, my view and the views of certain others on this matter did not succeed, and we got instead....

**Shri Kamath:** You have changed your view now.

**Pandit Thakur Das Bhargava:** And we have got in the Constitution the provision viz., Government established by law. My hon. friend Shri Kamath may not be so loyal to the Constitution, but I am going to be loyal to the Constitution which says that no person

shall be deprived of his life or personal liberty except according to procedure established by law. This is the present Constitution. We fought for 'due process of law', but then this is what we could get, and therefore we ought to accept it. This is the present Constitution, and I stand by it, even in spite of the fact that I had tried to get it changed at that time.

**Shri Kamath:** You held ardent views about it.

**Pandit Thakur Das Bhargava:** There is no question of any views on this. Here, we have got this Constitution, and we are bound by it. We have taken our oath of allegiance to it, and my hon. friend Shri Kamath need not be reminded that he had to give up now some of the pet theories that he had then advocated.

**Shri Kamath:** We can still change the Constitution.

**Pandit Thakur Das Bhargava:** When we change it, then we shall see what happens.

Shri N. C. Chatterjee was very eloquent,—and when he was so eloquent, we were all moved by it—and he was pleased to say that so far as the Constitution is concerned, article 32 is there which gives the right to move the Supreme Court. He says that all these fundamental rights have been guaranteed by the Constitution. Now, article 32 reads:

"The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed."

I have yet to find in this Part any fundamental right given to any foreigner that he will be allowed to continue as a citizen under the certificate of registration for ever, whatever faults he may commit in this country. There is no such law, and there is no such fundamental right. Therefore, it is entirely wrong to

suggest that their fundamental right is being taken away.

Now, what do we find in article 11 of the Constitution? We find:

"Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship."

So, this article specifically authorises this House to make provisions relating to the termination of citizenship. Therefore, my humble submission is that in the logic propounded by Shri N. C. Chatterjee, the premise is wrong. For, at the time when the person wants to move the Supreme Court after the order of Government cancelling the certificate of registration, he is no longer a citizen, and therefore he cannot go to the Supreme Court. How can he go to the Court under article 32, when he is not authorised at all to go to the Supreme Court for enforcement of any of the rights which are not fundamental? So far as this matter is concerned, it is not a fundamental right at all. Therefore, the argument that the fundamental right is being taken away, and therefore this matter should be made justiciable is quite wrong. Legally, it cannot be argued that this is a fundamental right and therefore article 32 applies.

At the same time I do agree that we must do justice to that person. Even if we deprive that person of his nationality, it does not matter, but we must do justice to him. For that purpose, a committee is sought to be appointed by Government, and according to one of the provisions here, the chairman of that committee has got to be a person with ten years of judicial experience. But I have given notice of an amendment to the effect that ordinarily he must be a High Court judge.

I submitted yesterday that as a matter of fact, sessions judges in this country, who have got ten years' judicial experience, can also sentence a

person, a citizen, to death, and the order is to be confirmed only by the High Court. Here in this case, it is quite true that ordinarily even sessions judges will be quite competent even in the case of an election petition to the effect that a person may be allowed to retain or not to retain his seat in this House. Even this is decided by district and sessions judges. At the same time, we have to see that the outside world is looking at us. Here is a man who, as a matter of fact, will be put to very great trouble, and in the words of Shri Frank Anthony, that trouble will be worse than death. I submit that he should be given the right to be heard and his case should be decided at least by a High Court Judge. I am, therefore, requesting that the Government may be pleased to accept the amendment which says that in place of those words, the words "being a Judge of the High Court or any person qualified to be a High Court Judge" be substituted. Such a person may become the Chairman of that Committee.

Apart from that, two other persons will also be there. I should think that there is ample guarantee that a judgment against the man will only be given if he has wronged, and if he has acted against the law. Therefore, I am quite convinced that it is idle to suggest that it is such a justiciable issue that the executive government of the day can have no say in the matter. According to me, it is only the executive government which can possess that right to decide this matter.

One more word, with your permission, and I have done. I have given notice of an amendment to say that the punishment given in clause 10(d) is too harsh—"that citizen has within five years after registration or naturalisation, been sentenced in any country to imprisonment for a term of not less than two years". What to speak of other countries? I would not ask a person to leave this country if he is sentenced to imprisonment for two years, so far as any offence is con-

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cerned. Suppose in defence of a certain person, a certain national of this country or in defence of a lady of this country a foreigner, who is a registered citizen, just exceeds the right of self-defence, and he is given a term of three years or five years or ten years. I fail to see why a person who has been convicted should, simply on that ground, be made Stateless. It is entirely wrong. Whether in this country or in any other country, unless and until the offence with which he is charged was one involving moral turpitude, unless and until we came to the conclusion that the man was not fit to be a citizen of this country, and he was of bad character, he should originally not have been granted citizenship, we should not take this step. If that person was convicted for an offence involving moral turpitude, I would agree that his registration may be cancelled; otherwise, mere conviction means nothing. As my hon. friend, Shri Kamath, just pointed out, in South Africa a person is convicted and sentenced to more than two years only for what every person in this House is anxious to secure viz. that the rights of these people in South Africa may be defended. If the offence involves no normal turpitude, we should not take this step. If he is actuated by the best of motives, by the highest of motives, that person should be T. K. Chaudhury who has been sentenced to ten years in Goa. Now, it is quite true that this rule will not apply to him. There are other examples, as Shri N. C. Chatterjee mentioned where this rule will not apply. They are all over-nationals. But suppose it was an Englishman or a Russian who acquired citizenship here by registration. He wants to go to Goa and there he is sentenced to five years. I would certainly support him. We all honour Shri T. K. Chaudhury and we will welcome him when he comes back.

So my submission is that it is entirely wrong to base rustication from

the country only on the basis of conviction. Let us see what the conviction is. The conviction may be for an offence committed with the highest of motives. We must put in here "for any offence involving moral turpitude". Otherwise, it is not justifiable.

In so far as (e) is concerned, I am very glad it has been put in, because, according to me, the question of domicile is the most important. The citizen of this country should have the domicile of this country. Really, as a matter of fact, the country does not belong to those who do not have domicile here; the country belongs to he who has got domicile here, whose parents live here, who himself lives here, who will die here, who is supposed to die here, whose bones will, as a matter of fact, mix with the earth of this country. I can understand those people having prior right. Those persons who come by naturalisation or registration are only here with the permission of this country, they are nationals here with the permission of the country and as such, those persons have not got an absolute right. So that the Government can have the right to deprive them of the right of citizenship. I am very sorry that I do not agree with Shri Frank Anthony in this respect. My submission is that all the three amendments I have moved may be accepted.

**Shri Frank Anthony** (Nominated-Anglo-Indians): Three amendments were moved by my hon. friend, Shri Barrow, which stand in his name as well as mine. They are Nos. 117, 144 and 145. As a matter of fact, amendment No. 117 contains certain errors. So I would not refer to it.

**Mr. Chairman:** He is not moving that amendment?

**Shri Frank Anthony:** It has been moved. But I am not pressing it, because there was some mistake in it.

Amendment No. 144 seeks to have lines 18 to 27 deleted from clause 9,



which means that the whole of sub-clause (1) of clause 9 should be deleted. Amendment No. 145 has for its purpose the amendment of the first part of clause 9(1). It reads:

"Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, from the commencement of this Act, the citizenship of another country shall, upon such acquisition, cease to be a citizen of India".

These amendments have been moved in order to underline the difficulties which I referred to in my previous speeches on this measure. I feel that clause 8 had a very specific purpose and intention. Clause 8 envisages renunciation of citizenship by a citizen of India who is also a citizen or national of another country, and it prescribes a certain specific procedure for renunciation, that is, that if he is a citizen of India and also the citizen of another country, he can only renounce his Indian citizenship first by declaring his renunciation and having that renunciation registered. That, I feel, is a very salutary provision, because if a person is riding or is purporting to ride two citizenship horses, then he should definitely be compelled to disclose his mind and his attitude. He must be required categorically to renounce his citizenship. He cannot be allowed to take the plea—'Whether you knew it or not, I was not mainly an Indian citizen; I was a UK citizen and under clause 9 I automatically cease to be an Indian citizen'. That is why the first amendment refers to the complete deletion of sub-clause (1) of clause 9. I cannot reconcile clause 8 with clause 9. Clause 8 envisages the procedure for registration. It is a very salutary measure. But clause 9(1) stultifies that procedure. Under clause 9(1) any person who voluntarily acquires the citizenship of another country shall, upon such acquisition, cease to be a citizen of India. So that clause 8 is meaningless. If an Indian citizen becomes a UK citizen, then as soon as he becomes a UK citizen, he ceases to be an Indian citizen—that is the mean-

ing clause 9. Now, under what circumstances can clause 8 ever come into operation, because clause 8 envisages the case of a person, a citizen of India and a citizen of another country, and it says, under these circumstances, he cannot renounce his Indian citizenship except by declaration and registration. But clause 9 completely repels that position. Under clause 9, as soon as he becomes a citizen of another country, automatically he ceases to be an Indian citizen.

**Pandit Thakur Das Bhargava:** Suppose he says he has not renounced his citizenship, whereas he has done some act by virtue of which his citizenship is terminated. Then clause 9(2) comes into operation. Some authority has to decide whether or not he had done something by virtue of which his citizenship is terminated.

**Shri Frank Anthony:** I am looking it from the other point of view. I am looking at it from the point of view of people, as I said, who are trying to ride two horses. Now, Government says, as soon as they acquire the citizenship of another country—in clause 9—they automatically cease to be Indian citizens. How does Government know that they have acquired U.K. citizenship? Can Government tell me how many members of my community have acquired U.K. citizenship? Clause 9 has no meaning because these people, as long as it suits them, will say that they are Indian citizens. Government will not know that. Today there are people in Government service who are U.K. citizens masquerading as Indian citizens. There are people in foreign firms masquerading as Indian citizens and they are, in fact, U.K. citizens. What is the purpose of clause 9 except to give these people this opportunity. Supposing they are in Government service. If India is to go to war, they will say, 'We became U. K. citizens long ago'. There are persons who are Secretaries in the Government of India and they will say, 'Oh! we became citizens of U.K. when we were Deputy Secretaries'.

**Pandit Thakur Das Bhargava:** It is exactly against them that this is enacted\*\*\* This is the purpose of clause 9.

**Shri Frank Anthony:** The proviso only envisages the occasions of war. The proviso only reserves to Government a certain right when India is at war. I gave that as an extreme example. So, if you want to conscript Indian officials when India is not at war, for certain purposes, whatever purposes they may be, they will turn round and say, 'you cannot conscript us; we have acquired foreign citizenship 10 years ago.' Under what circumstances have people to renounce their Indian citizenship by declaration and registration? Under 9, they will be deemed automatically to have renounced their Indian citizenship. Clause 8 becomes still-born in view of 9 (1). I say that Government in its own interests, should not have 9(1). I do not see the point in having it. In one breath you say that renunciation can only take place by declaration and registration and that is completely made meaningless by clause 9, because as soon as they acquire the citizenship of another country, they automatically cease to be Indian citizens. That is why, I would ask the hon. Minister to seriously consider this position. Clause 9(1) should go and leave clause 8 as it is, so that no Indian citizen will be deemed to have renounced his Indian citizenship unless he declares it and has it registered.

**Pandit Thakur Das Bhargava:** So that he can masquerade? Unless he makes a declaration he will continue as an Indian citizen. Under 9(2) an enquiry will be made whether he is an Indian citizen or not.

**Mr. Chairman:** Order, order; let the hon. Member continue.

**Shri Frank Anthony:** The point I am making is this. My hon. friend, Pandit Thakur Das Bhargava says that unless he renounces he masquerades. But, under 9(1) he will still

masquerade because Government has no way of knowing when he acquired the citizenship of another country. Government will never know when some of the government servants acquired U.K. citizenship; so, it becomes meaningless. At least, under clause 8, there is an obligation that a man will not be heard to say that he acquired U.K. citizenship 5 or 10 years ago. The Government can say, 'No, you should have renounced your Indian citizenship categorically and you cannot get the benefit of 9(1)'. There is no point in having a provision that as soon as he becomes a citizen of another country, he automatically ceases to be an Indian citizen. Government has no means to know that. I know what the position is with regard to U.K. Many members of my community have become citizens of U.K. without the knowledge of Government. Government has no access to U.K. registers. Certainly not. What is the meaning of saying that as soon as he becomes a U.K. citizen he automatically ceases to be an Indian citizen? Clause 8 should be there. No person, whatever he may do, will not be able to shed his obligations as an Indian citizen unless he says, 'I am doing it deliberately and advisedly and I am renouncing it and I am declaring it and registering it'.

If Government is not prepared to delete 9(1), then, I would request that at least amendment 145 be accepted. I am grateful to Government for having partly accepted my request that, at any rate, this provision of renunciation of citizenship and voluntarily acquiring the citizenship of another country should start from the point when this Act comes into operation. The period for which the Government has made this concession is between 1947 and the 26th January, 1950. I respectfully submit that there is no reason why Government should say that the whole period, the interregnum between independence and the coming into operation of the Bill should also be catered for.

\*Expunged as ordered by the Chair.

Only those that voluntarily acquired foreign citizenship from the date this Act comes into operation should be deemed to have automatically lost their Indian citizenship—even if they say they want to keep 9(1).

**Shri H. N. Mukerjee:** The amendment I have moved refers to clause 10, and the point regarding the deprivation of citizenship by purely administrative action. Already arguments have been advanced on this score and I need not amplify these arguments which have already been placed before the House. But, I feel, Madam, that Government owes it to the House to explain why it is not ready to accept the judicial process rather than the administrative process in regard to the apparatus of deprivation of citizenship.

I should say that in the first stage of the discussion before the Bill was referred to the Joint Committee, the hon. Home Minister had said that it is only in the United States of America that there is a provision for the judicial process before anybody is deprived of citizenship. Now, as the House knows, I am personally by no means enamoured of many things

which are current in the United States of America. But that is no reason why we should not copy certain good things if they are practised in the United States of America. There is no reason why we should be circumscribed the Citizenship Acts of different countries, even countries like South Africa—and yet we should be told that the United States of America has a certain provision regarding deprivation of citizenship which we are not going to accept.

I think it is very important that in regard to deprivation of citizenship we do adopt the methods which are current in the United States of America. This is necessary because the only safeguard which has been offered in the Bill is that Government will go into every single question and find out whether it is in public good that this deprivation order is being given effect to.

**Mr. Chairman:** Order, order. I think the hon. Member can continue tomorrow.

5 P.M.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 6th December, 1955.*

## DAILY DIGEST

[Monday, 5th December, 1955]

	COLUMNS.		COLUMNS.
MESSAGE FROM RAJYA SABHA	1281	Secretary reported a message from Rajya Sabha that Rajya Sabha had passed the Hindu Succession Bill, at its sitting held on the 30th November, 1955.	
BILL PASSED BY RAJYA SABHA—LAID ON THE TABLE	1281	Secretary laid on the Table the Hindu Succession Bill, as passed by Rajya Sabha.	
DEMANDS FOR SUPPLEMENTARY GRANTS, 1955-56	1281-82	Shri B. R. Bhagat presented a statement showing Demands for Supplementary Grants for expenditure of the Central Government (excluding Railways) for the year 1955-56.	
DEMANDS FOR EXCESS GRANTS, 1950-51	1282	Shri B. R. Bhagat presented a statement showing Demands for Excess Grants	
		for expenditure of the Central Government (excluding Railways) for the year 1950-51.	
		STATEMENT BY PRIME MINISTER	1282-83
		The Prime Minister made a statement regarding a joint statement reported to have been issued by the U. S. Secretary of State and the Portuguese Foreign Minister in Washington.	
		CONSIDERATION OF BILL	1283—1418
		Citizenship Bill, as reported by the Joint Committee was further considered. Motion to consider was adopted. Clause-by-clause consideration was taken up. Clause 2 was adopted as amended. Consideration of clauses 3 and 5 was held over. Clauses 4, 6 and 7 were adopted. Consideration of clauses 8 to 10 was not concluded.	