

**ESTIMATES COMMITTEE
(1981-82)**

(SEVENTH LOK SABHA)

TWENTY-FOURTH REPORT

MINISTRY OF EXTERNAL AFFAIRS

**OVERSEAS INDIANS IN WEST ASIA, SRI LANKA, MALAYSIA,
BURMA, INDONESIA AND SINGAPORE**

PART III

SOUTH EAST ASIA

(BURMA, MALAYSIA, SINGAPORE & INDONESIA)

Presented to Lok Sabha on ~~9~~ **9 MAR 1982**



**LOK SABHA SECRETARIAT
NEW DELHI**

March, 1982/Phalguna, 1903 (Saka)

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(1681-82)

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Shri A. N. Bhatla—Senior Financial Committee Officer.

INTRODUCTION

I, the Chairman of Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Twenty fourth Report on the Ministry of External Affairs—Overseas Indian in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part III—South East Asia (Burma, Malaysia, Singapore and Indonesia). Part I of the Report regarding Overseas Indians in West Asia was presented to the House on 28 April, 1981, and Part II of the Report regarding Sri Lanka was presented on 19 March, 1982. This is the third and last report in the series.

2. The Committee took evidence of the representatives of the Ministry of External Affairs on 29 January, 1982. The Committee wish to express their thanks to the Officers of the Ministry for placing before them the material and information which they desired in connection with the examination of the subject and giving evidence before them.

3. The Committee also wish to express their thanks to Shri V. H. Coelho and Shri V. Siddharthacharry, former diplomates for giving evidence and making valuable suggestions to the Committee.

4. The Committee also wish to express their thanks to all other institutions, associations, bodies and individuals who furnished memoranda on the subject to the Committee.

5. The Report was considered and adopted by the Committee on 18 March, 1982.

6. For facility of reference the recommendations|observations of the Committee have been printed in thick type in the body of the Report. A summary of the recommendations|observations is appended to the Report.

S. B. P. PATTABHI RAMA RAO,

Chairman,

Estimates Committee.

NEW DELHI;

March 18, 1982.

Phalguna 27, 1903 (Saka)

CHAPTER I

BURMA

(i) *Stateless Indians/Grant of Burmese citizenship*

1.1 Indians are one of the main minorities in Burma and their large number is a part of history and the result of common colonial heritage of India and Burma. It was inevitable therefore that a large number of Indians went and settled down in Burma ever since the end of nineteenth century. They went to Burma without any citizenship papers and majority of them have continued to be without them.

1.2 A large number of Indians in Burma did well in whatever trade they were engaged in. Thus, to the average Burmese, the Indian who came to his country in the wake of colonial rule was considered as an economic exploiter. Indians' reaction to seek safeguards and political protection from the British Governor further alienated them from the Burmese. Against this background in May 1930 came the first anti-Indian riot involving the killing of Indian labourers, a grim revelation of the loss of Burman good-will and upsurge of nationalist movement for separation of Burma from the British India.

1.3 After the withdrawal of British rule from Burma in 1948 which brought an end to the political oppression, the Burmese started implementing the policy of Burmanisation in all Government services and other nationalisation measures to end "economic dominance". However, many Indians continued to stay on in Burma and earn their livelihood.

1.4 In 1963, the Government of Burma launched the wholesale nationalisation programme which resulted in the mass exodus of Indians from Burma.

1.5 Problems of Indians arose as a result of the alienation of the Indian community and aggravated on account of their clamour for special protection and claim for land compensation. The Burmese took drastic measures to eliminate the exploitation of the poor man by the privileged rich and establish a clean and efficient administration. As for the disabilities imposed in Burma on foreigners living

in that country or leaving that country for good, every Government has its own policy in these matters and there is nothing much that the Government of India could do about it.

1.6 The problems resulting in consequence of the Burmese nationalisation measures and other steps to eliminate the interests of foreigners have been the subject of constant study by the Government of India. The Government of India has all along been trying to persuade the Government of Burma to protect the interests of Indians in Burma. It may be mentioned that the measures taken against the foreigner were against all alien elements and not particularly against Indian community. It is a different matter that the Indians were the worst hit because of their considerable interests in Burma at that time.

1.7 The laws in Burma concerning the foreigners are uniform and non-discriminatory. The Ministry of External Affairs informed the Committee that whenever it had come to the notice of the Government of India that there has been discriminatory action against the Indians in process of implementation, attention of Government of Burma had been drawn for redressal of the grievances of the Indian community. Talks at the highest level have been taking place from time to time to persuade the Burmese authorities to adopt a more fair and humanitarian attitude. While the Indian community is now able to live in Burma, obtain occupation and living there is no doubt they suffer from some disadvantages because of the laws applicable to all persons of foreign status. Apart from the above, the Embassy and the Ministry have been taking up from time to time individual cases of harassment and victimisation of Indians. Ambassador and other officials in Burma keep in touch at all levels to secure as much relief as possible for the persons of Indian origin.

1.8 A former diplomat stated before the Committee:—

“By and large, the people (of Indian origin) at the lower economic level have remained in Burma and they form the weaker section. They do not have a voice, an organisations. They are stateless. They are not Indian citizens, therefore they are not our responsibility. You can take that view.”

“Even the applications of those who had applied (for Burmese citizenship) in time have not been disposed of though so-

many years have passed. So, the major problem of the people of Indian origin there is their nationality status."

1.9 In a memorandum furnished to the Committee by certain Indians in Burma, it has been stated:

"We have been living in Burma for four generations, but we have not been provided the right of citizenship in spite of our sincerity towards this country. In fact, we have been deprived of our this right though we respect and act according to the Constitution of this country. Actually, the most appropriate action was that after having been entirely adapted to the whole environment of this country by our last four generations citizenship would have automatically been conferred upon us."

1.10 Commenting on these views the Ministry stated that due to a combination of circumstances, principally the functioning of the registration authorities the inaccessibility of several regions of Burma when the Government of Burma started national registration and also due to the ignorance of persons residing in the interior areas away from the metropolis and district towns, a sizable number of persons have remained without registration on the National Registry. They are "documentless persons". Owing to these difficulties, a very large number of persons of Indian origin have remained without any kind of registration i.e. Union Citizenship, National Registration or Foreigners' Registration. These persons are *ipso facto* Burmese citizens according to the Burmese laws, though it is altogether a different matter that they neither made formal applications for Burmese citizenship nor for Indian citizenship. This problem has been discussed at great length at the Prime Minister's level and the Burmese assured that resident foreigners, who could play a useful role in the new social order that Burma is building, would be given facilities to enable them to live and work in Burma as citizens, should they to desire. Various assurances that Burmese have been giving from time to time to the Government of India about absorbing farmers and other workers have been brought to their notice. Since the majority of the documentless persons are farmers and workers, it is expected that options for Burmese citizenship submitted by the vast majority of them in 1979 would be accepted. Since the large majority of documentless persons are reasonably settled, the Government of India feel that they should become citizens of Burma. Repatriation of such persons could create more problems for them.

1.11 The Ministry added that our Embassy in Burma had all along endeavoured to educate the people of Indian origin that they should take up the citizenship of the country of their residence. Over the decades, but especially after April, 1979 when the Burmese Government had called for options from the resident foreigners as well as stateless persons whether they would like to acquire Burmese citizenship, the Indian Embassy officials undertook extensive tours of the country-side to meet with and speak to people of Indian origin. Indian public were approached through Indian associations ensure registration of option for Burmese citizenship. Notices in various Indian languages were distributed by representatives of Indian Associations in Burma.

1.12 A large number of persons of Indian origin are understood to have already filed their option for Burmese citizenship. It is understood that these are being processed by the Burmese authorities.

1.13 In a memorandum from an association of Indians in Burma it was brought to Committee's notice that:—

“Consequent upon the rise of Independent Burma the people have been anxiously waiting for the citizenship of Burma under Nationality Law and Ordinance since 1956. On 30th June last (1979) almost all the adult people of Indian origin have shown their willingness before township people's Council to get Burma's nationality under the Ordinance of the Burma Government.”

1.14 Asked to give a statistical picture of Stateless Indians in Burma, Secretary Ministry of External Affairs stated in evidence:—

“The problem in Burma is that the Burmese Government itself has not got the data. There is no complete national census in Burma and even information which is available with the Burmese Government is not always complete because the administration is somewhat far flung and not very well coordinated. With these reservations I will give the information to the extent I can.

The Burmese began this process of national register in 1958. It was suspended in the 60s and resumed in 69. It is still continuing. In fact, very recently in 1978 the Burmese mounted a fresh drive to try and get foreigners who have not so far registered, to register. There is no precise figure of the persons of Indian origin. According to estimates made by our embassy and by the Indian organisations in Burma, there might have been five to six

lakh persons of Indian origin in 1958. It is estimated that today there are three to four lakh persons of Indian origin in that country. Of these, approximately, 50,000 have acquired Burmese citizenship. It is also estimated that 50,000 are holding foreigner's registration certificates. It means that there are approximately two lakh people who do not have any document and, therefore, be called stateless persons."

1.15 The Committee drew the attention of Secretary (External Affairs) to the statement made by the Ministry that documentless persons of Indian origin were *ipso facto* Burmese citizens according to Burmese laws and asked him to clarify it, Secretary (External Affairs) Stated:—

"In section 4(2) of the Union Citizenship Act of Burma which is still in force, although a new Bill is now under consideration in the Burmese Parliament, any person descended from ancestors who for two generations atleast made any of the territories included within the Union their permanent home and whose parents and himself were borne in any of such territories shall be deemed to be a citizen of the Union of Burma. Under Section 6(2) of the same Act a Minister may issue a certificate of citizenship to such a person, which is a conclusive proof. In our view most of the persons of Indian origin are qualified under this legislation for citizenship."

1.16 The witness added that even when a citizen fulfilled all these conditions, there was a certain measure of discretion in the way the Burmese Government granted the citizenship certificates. Government of India had taken up the question of grant of citizenship with the Burmese Government right from 1948. He further added that "It has been our policy that persons who have settled down in another country should, as far as possible, be given citizenship of that country and we have tried to persuade the Burmese Government to be liberal to grant the citizenship to our people who have settled there. We have been taking it up at the highest level over the last many years. We took it up again most recently when the President of Burma was here. But there is not such a great desire on the part of the Burmese Government to grant citizenship to people of foreign origin and here I would like to make it clear that this is not restricted to only people of Indian origin. It applies to a large number of Chinese also and so the process is a long one....."

(ii) *Repatriation of Indians*

1.17 The Ministry informed the Committee that about one lakh sixty two thousand Indians left Burma under the Government of India repatriation programme. During 1977-78, 13 flights were operated by the Government of India to clear the backlog of cases of destitute Indians.

1.18 Asked about the number of destitute Indians who wished to be repatriated but who were still there in Burma, the Ministry stated that the position (as in January, 1981) was that 1371 persons had obtained NOCs (No Objection Certificates) and many of them had also been cleared by the NIB (National Intelligence Bureau) for leaving the country. In the final analysis 1149 persons had completed all formalities. As it had happened in the past, it was likely that all the NOC/NIB cleared persons might not wish to come to India as the conditions in Burma were settled. Moreover, disenchantment of some of the expatriates, who had been making clandestine attempts to return to Burma, was another factor which could change the mind of prospective repatriates.

1.19 In a memorandum from an association of 'Stateless Indians in Burma on the issue of facilities for repatriation, it was stated that:—

“A number of Indians await repatriation due to some circumstances. Many people have got their travel papers prepared and await ship. Many people belong to split families. Arrangements of ship for all of them should be made immediately.”

1.20 The Ministry stated that the position (as in October 1981) was as follows:—

“The total number of active cases (since 1977) pending with Government is 1124. In addition, 216 pre-1977 cases appear to have lapsed because individuals concerned have not approached the Embassy subsequently perhaps due to change of mind. Repatriation of these cases could be considered from the next year. Of course, in the really hard cases, repatriation is expected to be arranged during the current financial year itself (1981-82).”

1.21 Giving the latest appreciation of the position Secretary (External Affairs) stated in evidence (January 1982):—

“We have been examining these cases of whom there are about a thousand persons who are awaiting repatriation and on a case by case examination, we have come to the conclusion that there are about 150 people who have really no means of sustenance and no job. Therefore, they must be repatriated and arrangements are now on to bring these people within two months.”

Secretary, Ministry of External Affairs informed the Committee in March, 1982:—

“At the Estimates Committee oral evidence, I had mentioned that we expected 150 people of Indian origin in Burma to be repatriated to India. This was the position which obtained at that time. A fresh consideration has had to be given to the matter since then. It has now been decided by the Government that no repatriation may be carried out during the current financial year.”

(iii) *Working and Living Conditions*

1.22 With regard to working and living conditions of persons of Indian origin in Burma who have not acquired Burmese citizenship, the Ministry had stated in the Preliminary material that:—

- (i) generally they work no daily wages/meagre salaries and lead a hand to mouth living and there is no stability in their avocations;
- (ii) Those people as other foreigners, are not allowed to move from the places of their residence to any other address without prior permissions of the authorities concerned, which is not normally given and if given, takes lot of time;
- (iii) FRC holders and stateless persons are not eligible for higher technical education or for admission to vocational institutes.

1.23 Difficulties faced by people of Indian origin in the field of social, educational and matrimonial activities had also been brought to the Committee's notice by Indians in Burma. It had also been reported that for newly married couples, change of address is a formidable problem with the result that, for considerable time after marriage, spouses could not live together.

1.24 In a memorandum received from Indians in Burma it was stated that "all the foreigners or those who have not yet been given citizenship except Burma's citizens have to obtain permits to perform a journey from one city to another."

1.25 Asked whether the Government had attempted to sort out these matters bilaterally with the Burmese Government in order to improve the lot of Indian nationals/Stateless Indians living there, the Ministry stated that "with nationalisation and closure of business houses employment opportunities shrank. For foreigners avenues of work and sources of livelihood became extremely limited.

1.26 The existing hardships of Indians in Burma are known to the Government of India and the Government of India have been doing their best to relieve them. However, it has to be kept in mind that it is not only the Indians who suffer from the disabilities imposed by the Burmese regulations but also other foreigners. While the Government of India may not have been able to bring about a change in the Burmese laws which are according to their own policy, the Government of India has been making every effort to instill a consciousness among the Burmese authorities for the need to exercise discriminative judgement and humanitarian criteria in the process of implementing their regulatory measures."

1.27 Secretary (External Affairs) stated in evidence:—

"The Burmese Government is extremely cautious about higher education. The competition for these facilities exists among their own citizens. They do not allow higher education to anybody other than their citizens and in fact any citizen who leaves the country is first asked to pay back in certain cases as much as Rs. 5 lakhs as the cost of higher education. In these circumstances, to expect them to extend these facilities to people who are considered to be foreigners does not make very good sense."

The witness added that:—

"the number of institutions is very limited. So, normally for selections in any institutions even for arts and science colleges, the boy should not only be matriculate but he has to be recommended by the security council of the local district. So it is a very difficult process for any child to get higher education.As regards educational facilities we do not think it worthwhile to make any effort."

1.28 On the question of residence permits, Secretary clarified in evidence:—

“As regards the question of residence permits, I should explain that in Burma it is necessary even for Burmese citizens to get permission from the authorities whenever they change their residence. For foreigners, of course, the procedure is very much complicated. It is quite possible that there may be more of these cases. But I believe that in the normal course, they settle these problems themselves. The Burmese citizens have also to get the permission.”

(iv) *Detention of Indians*

1.29 It was seen from the information furnished by the Ministry that the overwhelming majority of Indians in Burma did not possess any valid documents and since nationalisation special drives had been conducted by the Burmese authorities to apprehend and prosecute the documentless persons of alien origin. There was a feeling of insecurity and fear among the Indians and a large number of people wished to go to India.

1.30 The Ministry also stated that there were several detainees of Indian origin in various Burmese jails prosecuted for various offences under the Foreigners' Registration or Immigration Act. The Burmese authorities did not inform the Embassy about the arrest of any individual presumed to be Indian national. Government of India/Indian Mission had not been informed about the total number of Indian detainees in various jails in Burma. The Embassy has been regularly pursuing cases of each and every detainee with the concerned authorities for their expeditious deportation/release.

1.31 The Ministry further stated that all possible consular assistance is provided by our Embassy to the detainees. The Ministry added that “With an easy passable 1000 miles odd border, the lure to go across would always remain for a variety of reasons, e.g., to meet relations and friends, trading with the other side, including smuggling. By a series of our approaches we have somewhat succeeded to instil a consciousness in the Burmese about the futility of punishing innocent border trespassers. It has also been emphasised that, in any case, border intruders should not be detained in jail beyond the requirements of law. As far as border intrusions are concerned, these are difficult to stop all along the long border.”

1.32 The Ministry also informed the Committee that “Apart from the above, the Burmese also arrest from time to time resident Indians who are without valid documents, e.g., non-renewal of FRCs, stay permits etc. Approaches are made to the Burmese at

all possible levels informally and in writing for their release on humanitarian considerations.”

1.33 Explaining the latest position Secretary (External Affairs) stated in evidence (January, 1982):—

“At present, there are according to our information 155 detenus of Indian origin in Burmese jails. The number of people of Indian origin detained for lack of proper documents under the Foreigners’ Registration Act, for default in payment of Government fees, etc. is 29. All these matters of detention have been raised with the Burmese Government at various levels at different times. We have to do this. It is our duty and we will continue to do it in the future. Last time a high level representation was made about 3 years ago when the Minister of State visited Burma. Our Ambassador has been of course raising this matter with the Burmese Government from time to time. The result of these efforts has been that in October, 1979, the Burmese Government has sent us a list of Indian nationals in their jails. We now find that there is some effort on their part to inform us when an Indian national is in jail, although it may be that sometimes it is about 5 to 6 months after a person has been put in jail.”

1.34 Asked to give the year-wise break-up of 155 Indians in Burmese Jails, Secretary informed the Committee that nobody was arrested before 1964. He furnished the following figures with regard to arrests of Indians from 1965 onwards:

.. Year	No. of persons arrested	
1965	..	1
1969	..	2
1970	..	1
1971	..	1
1972	..	3
1974	..	2
1975	..	47
1976	..	33
1977	..	15
1978	..	38
1979	..	8
1980	..	1
1981	..	3
		<hr/>
	Total:	155
		<hr/>

Secretary added:—

“Of these, we are informed that 29 have been detained for various offences under the Foreigners’ Registration Act, 114 persons have been detained for illegal entry into the country and only 12 have been detained for civil and criminal offences.”

The witness further added:

“Our Embassy has been regularly taking up the question of release and deportation of detenus from jail. It is the normal practice in Burma that when anyone is convicted under the Foreigners’ Registration Act, they are sent for deportation under the relevant laws. The Embassy has been visiting various detenus in the jails at least when they are in Rangoon. The main delay, I understand, is because the detenus are first to be processed through the local court, then brought to Rangoon jail, then final proceedings are completed and then deportation takes place. It is at the local level that most of the delay takes place.....”

1.35 Secretary informed the Committee that there were 9 people in Rangoon who did not want to be deported because their families were still in Burma and they had asked for revocation of these orders. The Embassy was trying to get this sympathetically considered.

1.36 According to the information available with the Embassy, there was no detenus in jail in whose case trial had not commenced.

1.37 The witness further stated that most of them out of the 143 detenus were expected to be released within six months.

Asked what kind of assistance is provided to the detenus, the witness added:

“It would be mainly in trying to make arrangements for their return to India and in trying to get the whole process of trial expedited and to help maintain contact between the detenus and their families.”

Asked, whether any of the detenus applied for legal aid, the witness stated:

“I do not think so.”

(v) *Compensation for nationalised property of Indians in Burma.*

1.38 The Ministry had informed the Committee that the Government of Burma nationalised all business/trade etc. in 1963—65. The issue of payment of compensation for nationalised assets of Indian nationals had been hanging for several years. The amount of compensation given in a few cases was inadequate and unsatisfactory. There were a large number of blocked assets in Burma belonging to L.I.C. and G.I.C. of India for which the Burmese had not taken any decision about payment of compensation for the same or their repatriation to India.

1.39 The Ministry stated that the question of payment of compensation for nationalised properties of Indians in Burma had been the subject of negotiations between the Government of India and Burma since 1974. There had, however, been no tangible progress. This matter had been raised with the Burmese authorities from time to time at very high levels. Acute foreign exchange position of Burma could be one explanation for this stalemate. As regards L.I.C. assets, these are still held up in Burma. Preliminary discussions have been held with the Burmese for transfer of surplus assets to India. Another round of talks at Rangoon has been suggested. Burmese response is awaited.

1.40 In a memorandum furnished to the Committee it was stated that:—

“During 1964—74 due to nationalisation and professional restrictions (in Burma) about 1.75 lakhs Indians repatriated to India. They could not get the compensation of their property so far. Government should make efforts to ensure the payment of such compensation to them.”

1.41 Commenting on this the Ministry informed the Committee that “in the wake of nationalisation measures adopted in 1963 and 1965 many Indians left behind assets and properties on their departure for India. No authentic estimate of the value of properties is available. In 1973, Government of Burma invited applications for compensation of nationalised assets. According to our Embassy in Rangoon, 1948 applications for compensation were received by Burmese authorities on time and 943 after the last date for filing applications.

1.42 As regards progress in the settlement of claims, the Ministry stated that the Burmese Government had slowly started paying compensation in instalments in a few cases with respect to persons who were staying in Burma. But it appears that they have

yet to take any decision regarding people who have left Burma for good. The Ministry had no information regarding the claims which were filed after the due date. Indian Embassy, it is stated, have taken up the question of compensation with the Government of Burma from time to time. The Government of India have also proposed to the Government of Burma that a financial delegation might go from India to Burma to discuss the outstanding financial issues. No response has been received from the Government of Burma so far.

1.43 Asked about the total value of assets and properties of Indians nationalised by Burmese Government and the number and value of claims filed and settled, Secretary (External Affairs) stated in evidence:

“We can only make certain estimates regarding the assets and properties ————— the Burmese Government nationalised essentially the shops and the trading establishments. But, in the case of Indians, they had to surrender all their property, that is, houses and so on to the Burmese Government. It does not apply to people settling there. We cannot estimate how much more property there is with Indians who might leave later. I think that the over-all claims that have been filed amount to something of the order of kyats 24 crores. The Burmese Government have given their estimate of the total assets of all Indians who have left Burma and may leave Burma in the region of kyats 8 crores. They say that there are liabilities in the shape of taxes and so on which may amount to as much as kyats 2 crores. According to them, the total value of Indian assets was only about kyat 6 crores. Against this, they made us an offer of some kyat 3 crores. We thought that this was not a satisfactory offer. We have tried to see whether they would settle the long pending claims of expatriates. So far, unfortunately, all our efforts have proved absolutely of no value and we, of course, continue to raise this matter. But we have received no response whatsoever.”

The witness added that:

“The Government of India has incurred an expenditure of over Rs. 5 crores by way of grants for relief, establishment, education and also Rs. 19 crores, for rehabilitation loans to repatriates from Burma. We have also been able to obtain some agricultural land which has been

allotted to some of these repatriates. This is not entirely satisfactory because of the fact that we are unable to make and have not made any headway with the Government of Burma. There is, at the moment, nothing more that we can do except to negotiate with them."

(vi) *Miscellaneous issues*

Reading Material

1.44 The Ministry of External Affairs informed the Committee that there was acute dearth of reading material in Hindi and other regional languages of India in Burma. The requests received from the representative associations of resident Indians for the supply of newspapers and magazines, etc. were met after getting approval of the local press intelligence department. This procedure is not only cumbersome but also time consuming, with the result that these associations get newspapers and magazines very late. The position regarding the religious books is also similar.

1.45 In a memorandum from an association of Indians in Burma it was stated that text books on spiritual subjects were immensely needed.

1.46 The Ministry stated in this regard that Government were aware of the needs of the people of Indian origin in Burma for books/literature on Indian history, culture, etc. A large quantity of books have already been supplied to Indians in Burma. Requests made by them from time to time are complied with to the extent possible. Arrangements are being made to send 200 copies each of Ramayana and Mahabharata for the people of Indian origin in Burma. Most recently, 5 copies of Chaturved Bhashya have been sent to our Mission for distribution.

1.47 The Ministry further stated that according to Burmese regulations, no printed material can be imported into Burma without specific permission of the Government. Also, apart from the printed material received by Foreign diplomatic missions, even the news bulletins, press releases issued by them in Burma have to be submitted to the Directorate of Press Intelligence, for scrutiny and approval, prior to their circulation/distribution. Nevertheless the Embassy has been successful in the distribution of some material to the Indian community. Apart from the films shows by the

Embassy within its premises, the local cinemas also exhibit Hindi films. Their number is, however, limited as import of films from abroad is on a very restrictive basis.

1.48 During evidence, Secretary stated:

“The policy of the Government of Burma is that no foreign material whether by post or from an Embassy should be made available to anybody excepting with their Censorship and with their permission. As a result of this condition reading rooms have been closed down in all the Embassies. No Burmese can go out to any Embassy to take out any material from them.

The Indian Embassy is subject to the same restrictions as other Embassies. We have been making some efforts to provide certain amount of Hindi literature, that has been asked for. But, there is not very much that can be done in the circumstances.”

Demand for a Hindi Typewriter

1.49 The All Burma India Congress, Kyauktaga Branch (Burma) had requested the Government of India for the supply of a Hindi typewriter for the benefit of Hindi knowing people there. The Ministry had stated (Nov., 1980) that “the request is under examination of the Ministry of External Affairs.”

1.50 In January, 1981 the Ministry informed the Committee in reply to a question that action had already been completed for purchase of a Hindi typewriter. The typewriter was being air-freighted to Rangoon for presentation to the All Burma India Congress.

Secretary (External Affairs) stated in evidence:

“A typewriter was asked for in 1975 but it was sent in 1977. It does not seem to have gone to the people for whom it was meant. We have sent another typewriter to these people.”

When the delay on the part of the Ministry in sanctioning the typewriter was pointed out to the witness, he stated:

“I can only say that it was a pity.”

1.51 The migration of Indians to Burma dates back to the end of 19th century. They went to Burma without any citizenship papers

and a majority of them have continued to be without them. After the withdrawal of British rule from Burma in 1948, the Burmese implemented the policy of Burmanisation in all Government services and took a number of other nationalisation measures. However, many Indians continued to stay on in Burma and earned their livelihood. In 1963 Government of Burma launched the wholesale nationalisation programme which resulted in the mass exodus of Indians from Burma. The main problem of Indians in Burma is that even though they have been living in Burma for generations, a large number of them have not been able to acquire the rights of citizenship in spite of their keenness to acquire Burmese citizenship.

1.52 The Burmese Government started the process of national registration in 1958. Due to combination of certain circumstances principally the functioning of registration authorities, the inaccessibility of several regions of Burma and also due to the ignorance of the persons residing in the interior areas, a sizable number of persons have remained without registration on the National Registry. They are 'documentless persons.'

1.53 According to the Ministry there is no precise figure available of the persons of Indian origin in Burma. According to estimates however, the Ministry thinks that there might have been 5-6 lakh persons of Indian origin in 1958. Today their number is estimated to be between 3-4 lakhs. Of them approximately 50 thousand have acquired Burmese citizenship and another 50 thousand are holding foreigners' registration certificates. Approximately 2 lakh persons of Indian origin who do not have any document can be called stateless Indians in Burma.

1.54. In the opinion of the Government of India the 'documentless persons' in Burma are ipso facto Burmese citizens in terms of Section 4(2) of the Union Citizenship Act of Burma which is still in force there. But the discretion of Burmese Government which is inherent in any authority in such matters stands in the way of these persons getting citizenship of Burma.

1.55 The Committee are informed that in 1979, the Burmese Government started a fresh drive to invite options from the residents, foreigners as well as stateless persons, whether they would like to acquire Burmese citizenship. The Indian policy in this regard has been that persons who have settled down in another country should, as far as possible, be given citizenship of that country. A large

number of persons of Indian origin are stated to have filed their option for Burmese citizenship and their options are being processed by the Burmese authorities.

1.56 The Ministry has informed the Committee that Government of India has been taking up the question of grant of citizenship to persons of Indian origin in Burma with the Burmese Government right from 1948. Even though assurances have been given by Burmese Government from time to time, there have been no tangible results so far. The Ministry has clarified that the Burmese reluctance in this regard is not restricted to only people of Indian origin. It applies to all aliens without discrimination though it is a different matter that Indians have been worst hit.

1.57 The Committee realise that this is quite a complex issue. It has defied solution so far though Government of India has been trying to persuade the Burmese Government even at the highest level to be liberal enough to grant Burmese citizenship to people of Indian origin who have settled in that country. It is a human problem and has to be viewed with compassion. The Committee trust that Government of India will not relent in its efforts to persuade Burmese Government to adopt a more fair and humanitarian attitude towards the Indian community in Burma.

(Sl. No. 1)

1.58 1,62,000 Indians have so far left Burma under the Government of India's repatriation programme. The total number of active cases for repatriation pending with Government of India since 1977 were 1124 as in October, 1981. Secretary, Ministry of External Affairs, had informed the Committee in evidence (January 1982) that after examination of all these cases, the Ministry had come to the conclusion that there were about 150 people who had really no means of sustenance and no job and, therefore, deserved to be repatriated; and that the Ministry was making arrangements for their repatriation. In March 1982, the Ministry informed the Committee that on fresh consideration, it had been decided that no repatriation may be carried out during the current financial year (i.e. 1981-82). The Committee feel that in dealing with such cases, besides other considerations which the Government may have, Indians, who belong to split families, should receive special consideration and if they are destitute and eager to rejoin their families in India, preference should be given to them.

(Sl. No. 2)

1.59 Reports about restriction imposed by Burmese authorities on movement of Indians from one place to another without prior permission and their non-eligibility for higher or technical education have reached the Committee. It is stated that even for newly married couples, change of address poses a formidable problem. Secretary, Ministry of External Affairs, informed the Committee that in Burma it was necessary even for Burmese citizens to get permission before changing their residence. For foreigners including Indians procedure is very much complicated. Similar is the position regarding higher education. Burmese authorities do not allow higher education to anybody other than their own citizens and even in respect of their own citizens selections for admissions to higher education are made on the recommendations of Security Council of the local District. Secretary (External Affairs) was not very hopeful about any relief for Indians in Burma in the matter of admission to higher institutions. It has saddened the Committee beyond words. The Committee, nevertheless, hope that the Ministry would continue to move and urge Burmese authorities to show magnanimity to Indian children in the matter of higher education and to act with compassion in genuine cases of hardship in the matter of movement from one place to another.

(Sl. No. 3)

1.60 155 Indians are detained in Burmese jails at present. Of them 105 have been in jails for more than 5 years. In fact, some of them are there for over 10 years. 139 are detained in the jails for offences under the Foreigners Registration Act and for illegal entry into the country. 12 are detained for civil and criminal offences. The Ministry expected (January, 1982) that most of the detenués might be released within 6 months. Indian Embassy, it is stated, pursues cases of Indians with the authorities and tries to get the process of trial expedited. It has also been approaching Burmese authorities at all levels for the release of Indian detenués on humanitarian consideration. The Embassy also maintains contacts with the detenués in jails. The Committee hope that the Government of India would continue to make efforts to secure release of Indian detenués as early as possible. The Committee also expect that Indian Embassy would not neglect any Indian detenué in the jail, help maintain contact between the detenués and their families, and periodically assure them of its concern for their welfare and release. The Indian Embassy should also not hesitate providing legal aid to the detenués wherever needed.

(Sl. No. 4)

1.61 The issue of payment of compensation for nationalised assets of Indian nationals has been hanging fire for several years. Though no precise estimate of the assets and properties nationalised or left behind by Indians is available, the value of overall claims filed by Indians is placed around Kyats 24 crores according to Indian estimate. The Burmese Government has put it at Kyats 8 crores of which Kyats 2 crores are sought to be claimed against the liabilities of Indians concerned in the shape of taxes etc. Against the balance of Kyats 6 crores, the Burmese Government made an offer of Kyats 3 crores which the Government of India does not consider to be satisfactory. Government of India has so far failed in its efforts to get reasonable compensation from Burmese Government. The Committee expect that the Ministry would not relent and would continue to press the Burmese authorities till full compensation is paid by them for all the assets nationalised or left behind by Indians regardless of the fact whether the Indians concerned are still in Burma or have come back.

(Sl. No. 5)

1.62. There is acute dearth of reading material so far as Indians in Burma are concerned. Though Government of India has provided some literature for Indians in Burma with the permission of the Burmese authorities, the Ministry has pleaded inability to do much in the matter as under the Burmese regulations, no printed material can be imported into Burma without specific permission from the Burmese Government. This policy of the Government of Burma applies to all foreign material. In this matter too, there is need to make constant efforts to persuade the Burmese authorities to relax restrictions at least in respect of religious, spiritual and non-political literature and text books.

(Sl. No. 6)

1.63 It is a matter of regret that a request for the supply of a Hindi typewriter by All Burma India Congress received as far back as 1975 took more than six years to be complied with. If even in such matters the Ministry is not able to act fast Indians faith in its capacity and sincerity to help them will be shaken. The Ministry will do well to impress upon its officers not to let redtapism come in the way of doing such small favours to Indian community abroad.

(Sl. No. 7)

CHAPTER II

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MALAYSIA

(i) *Stateless Indians*

2.1 According to a rough, unofficial estimate the number of "Stateless" persons in Malaysia is 1,50,000 "which perhaps include Indians settled there who are non-Malaysians as well as Stateless persons of Indian origin".

2.2 At the time of Malaysia's Independence in 1957 there was a large number of Indians over a million or so in Malaysia. According to the law at that time they were almost eligible to become Malaysian citizens. For that there was an essential qualification viz. they ought to have the elementary knowledge of Malay language. There was also a provision for citizenship by naturalisation for which were some stringent provisions of residents in Malaya. Up to now in Malaysia approximately 13 lakhs people of Indian origin have acquired Malaysian citizenship.

2.3 Secretary (External Affairs) stated in evidence that—

"A certain number of them did not take either Indian citizenship or Malaysian citizenship. Some even got the British citizenship. We estimate that there are somewhere between 20,000 and 40,000 who do not have any citizenship. Still, I think, it is possible for them to take out having made the effort to obtain one or the other citizenship. Still, I think, it is possible for them to take out citizenship by a naturalisation should they wish to make their efforts. I also mentioned that possibly if they so desire, they can try and get the Indian citizenship by registration which some of them are now doing. They have to be permanent residents in Malaysia. As far as we know, they do not lack in employment. The only difficulty that they really have is the travel documents because these are given to them rather restrictively."

2.4 In a memorandum furnished to the Committee by an association of Stateless Indians in Malaysia, it was stated that if a person belonging to stateless category wishes to travel to India, he is subjected to the following formalities:

- “(a) He is not issued with any passport or travel documents by the Indian High Commission in Malaysia;
- (b) He has to obtain an Emergency Certificate from the Malaysian Immigration which is only valid for a period of six months from the date of issuance and can only be used for two-way journey i.e. from Malaysia to India and India to Malaysia before the lapse of 6 months from the date of issue. The fee chargeable for the certificate is \$ 39.60;
- (c) On arrival at the Indian Port of call at Madras, the Madras Police after scrutinising the papers, grant only 3 months visa. But if the person overstays then the police of that district will have to be informed and the person will have to undergo further scrutinising by the Police authorities;
- (d) If the passenger wants to stay with relatives and friends or to visit places of interest in India for more than 7 days than he has to inform the nearest police authority giving the particulars of his stay. This procedure we understand is only meant for criminals;
- (e) The police thereafter forward all papers concerning the passenger to the police Station for investigation. That local police personnel cause all kinds of hardship on the passenger and treat him as if he is a criminal or even worse. After such investigation, the Dy. Superintendent of Police will then issue a letter of authority authorising the passenger to stay. This involves considerable delay, hardship and expenses in travelling from one place to another and wasting considerable time waiting for the police officers to investigate”.

2.5 The Association made the following suggestions for acceptance by the Government of India:

- (i) Firstly, to request the Malaysian Government to issue an emergency certificate to the stateless persons for a period of at least one year;
- (ii) Secondly, to permit the High Commissioner of India in Malaysia to grant a visa in India for at least one year period for convenience sake;
- (iii) Thirdly, to order not to impose complicated formalities by the Indian Police whilst investigations;

- (iv) Fourthly, to treat us as Indian nationals and not like criminals while entering into our own country”.

2.6 The reaction of the Ministry to the aforesaid suggestions was as follows, seriatim:—

- (i) Emergency certificates are issued by our Mission and re-entry visas by the Malaysian Government and not *vice versa*. Government have noted the request for appropriate consideration. It may, nevertheless, be added that demand for extension of the validity of re-entry permits for the stateless Indians could be construed by the Malaysian Government as evidence of lack of strong desire on their part to permanently settle in the country of their domicile and to that extent weaken case for the grant of Malaysian citizenship to them.
- (ii) The consideration of this request is contingent upon a favourable response to the request at (1) above by the Malaysian Government. Government have noted it for suitable action at the appropriate time.
- (iii) The formalities prescribed for the stay in India of foreigners of Indian and non-Indian origins are prescribed with a view to safeguard national interests without in any way causing undue disability or inconvenience to the persons concerned.
- (iv) Foreigners or stateless of Indian origin cannot be considered Indian nationals. They are, however, treated with due courtesy as respectable citizens visiting India. The matter is, however, primarily for the Ministry of Home Affairs.

2.7 Asked, what was the final view of Ministry regarding the period of validity of re-entry permits, Secretary (East) stated in evidence;

“This is something which naturally the Malaysian Government have decided in their own wisdom. They have very strict barriers.. I think they cannot allow any stateless people to get longer period than 6 months. This is something about which they are quite adamant”.

2.8 Asked, whether it was fair to treat “Stateless” Indians settled abroad, while they are on a temporary visit to India, as foreign nationals for the purpose of police formalities and whether it was not possible to simplify procedures of police investigations so as to

make them less cumbersome and less time consuming, Secretary (East) stated in evidence:

“This has been prescribed by the Home Ministry. This is somewhat cumbersome. We will see whether they can be streamlined....At present, for foreigners, we have a system of reporting to the police. It is somewhat cumbersome. We will try to reduce it”.

2.9 Asked whether the Ministry of External Affairs had taken up the matter with the Home Ministry, Secretary replied:

“I propose to take it up”.

(ii) *Entries in the Re-entry permits for Indian nationals in Malaysia*

2.10 The Ministry had stated in the Preliminary Material that Indian passport holders, like other foreign nationals with permanent resident status, were required to obtain Re-entry Permit before going out of Malaysia. This Re-entry permit is not given unless the entries like name, father's name date of birth, etc. as entered in their Indian passports tally exactly with those in the Identity cards issued by Malaysian authorities. Though the discrepancies in any such entries are mainly due to the mistakes committed while preparing Identity Cards, the Mission makes appropriate observations in the passports to satisfy the Immigration Authorities so that the passport holders are not denied Re-entry Permits.

Because of the disinclination of Malaysian immigration to alter entries in the Identity Cards so as to conform to the particulars as noted in the Passports of the individuals, the Indian Mission has been taking the necessary remedial measures. Earlier, not many problems were raised by the Malaysian Immigration authorities in the issue of re-entry permits on this account. However, the problem became somewhat acute in 1980, when the local immigration authorities insisted that the particulars of person concerned as noted in his Identity Cards should tally with those in his Indian travel documents. The remedy would appear to lie in the holders seeking change in the passport entries so as to conform to their particulars as noted in their Identity Cards.

2.11 The following statement shows the number of cases having discrepancies in regard to various entries as entered in the Indian

Passports and in Malaysian Identity Cards which were brought to the notice of Indian Missions and in which corrections were carried out:

	1978	1979	1980
Discrepancies in the name of bearer	38	151	688
Discrepancies in the name of father	39	187	784
Discrepancies in the date of birth	36	33	56
TOTAL:	113	371	1528

2.12 Asked whether the Indian Mission had informed all Indians about this, Secretary (East) stated in evidence:

“This seems to be the position today also. Indian Mission advises those concerned that their passports and identity cards may be brought to them for renewal. We hope that this problem will not arise in future.”

(iii) *Grant of Visa*

2.13 It was stated by the Ministry in the Preliminary Material that Indian visitors were kept on tenterhooks in the matter of grant of visa or permission to stay in Malaysia till the very last moment. Even when permission to stay was granted it was for very short period.

The Ministry further stated that:

“The question has been discussed with the Malaysian authorities and it is hoped that a more sympathetic consideration will now be given by the Malaysian Immigration authorities to genuine requests of Indian citizens for extension of stay in Malaysia for valid reasons. The Mission also helps Indian citizens as and when they approach it wherever they are satisfied of the genuineness of the case.”

2.14 Asked, about the present position in this regard, Secretary stated in evidence that:

“As a result of our recommendations although officially the visa was only for two weeks, they have extended for three months and subsequently for six months. We are finding that they have responded to our requests. Now, the extension is for three to six months.”

Loss of Passport and issue of Duplicate Passport.

2.15 From the information furnished by the Ministry, it is seen that in case of loss of passport by an Indian, the issue of duplicate passport often takes about a month as the passport particulars have to be verified from India and during this period, the Indian visitors cannot travel out of Malaysia. For this period of forced stay Indian visitor has to obtain a letter from the High Commission almost every week in order to get a stay from the Malaysian Immigration authorities.

2.16 The Ministry was asked whether the Mission had taken up the question of streamlining this procedure and whether the Mission had examined the possibility of cutting short the time to verify passport particulars from India so as to minimise the inconvenience caused to Indian visitors. The Ministry stated:

“In case of loss of passport by an Indian citizen, the High Commission has to verify the particulars of the lost passport from the Passport Issuing Authority in India or abroad before issuing a duplicate. Such references are made telegraphically in urgent cases at the cost of the applicant. In other cases, the Mission approaches passport issuing authorities by letter through bag and reminders are sent in case of delay.

Instructions have already been issued to all Passport Issuing Authorities in India and abroad to take expeditious action for verification of such particulars.

The Mission have also been authorised to issue duplicate passports of restricted validity in urgent cases, pending verification, if they are satisfied about the bonafides of the applicant.”

(iv) *Indian Women Married to Malaysians*

2.17 In a memorandum received by the Committee, it is stated:

“The plight of Indian wives of Malaysians is deplorable. The poor illiterate women are misguided and deprived of their right by taking away their Identity Cards. They issue receipt and ask them to produce it and get back their Identity Cards when they return. But later the Immigration authorities claim it as surrender of IC under National Registration Act 1959/1960 Regulation 15(1) of which the women are unaware.

Malaysian Government is harassing women through pregnancy test and a deposit of \$ 500—for a stay of three months with their husbands. They arrest wives of Malaysian citizens who overstay there.

According to reliable sources, there are more than 500 Indian women who are affected by this inhuman treatment.”

2.18 In another memorandum submitted to the Committee it is stated:

“Indian women cannot have their babies delivered there as they will automatically become the citizens of that country; whereas, Singapore citizens’ wives can have babies born in Johore Bahru on humanitarian grounds.”

2.19 The Ministry stated that Indian women married to Malaysians (of Indian origin) are often allowed to stay in Malaysia only for a limited period pending finalisation of their entry permit. Periodical extensions are granted at the discretion of the Malaysian authorities. Though, of late, there has been an increase in the number of such cases which have come to the notice of our Mission, the hardship to which Indian women are put to, continues to be the same as there is no guarantee of grant of permanent stay even after the statutory five-year uninterrupted stay.

2.20 The Ministry further stated that Government was aware of the problems of Indian wives of Malaysian citizens. The question has been discussed with the Malaysian authorities. The Ministry has been informed that there is no discrimination in the application of Malaysian immigration rules to foreign wives of Malaysian citizens whatever their citizenship.

2.21 The Ministry added that on February 5, 1980, the Malaysian Government issued a new set of regulations under which:

- (a) Foreign women married to Malaysians and whose application for entry had been rejected could appeal to the Home Minister but before March 6;
- (b) Foreign women married to Malaysians who lost their permanent residence status were required to re-apply before March 6;
- (c) Foreign women married to Malaysians after March 6 should have lived with their husbands for a period of five continuous years to apply for permanent residence;
- (d) Foreign women living with their Malaysian husbands overseas and who were married before February 6, 1980 could apply for permanent residence through Malaysian Missions overseas before March 6.

2.22 It has further been provided that the authorities would allow these women to stay in Malaysia on visit passes on a year-to-year basis for five years after which they could apply for permanent residence.

2.23 In the Ministry's opinion the aforesaid provisions should help to alleviate to a great extent the difficulties of foreign women married to Malaysian citizens before February 6, 1980.

2.24 Asked how many 'Indian' wives of Malaysians were affected by the Malaysian regulations and whether cases of:

- (a) depriving Indian wives of their identity cards,
- (b) harassment in the shape of pregnancy test,
- (c) compulsory deposit of \$ 500 for short stay, or
- (d) restrictions on confinement of Indian women for child birth in Malaysia had come to the Ministry's notice, Secretary stated in evidence that:

"We have no exact figures regarding the number of such wives. Our estimate is that they would be about 1,800. There has been no specific complaint received in the High Commission that any Indian wife was deprived of her identity card. We are also not aware of any women of Indian origin or Indian women of having been subjected to pregnancy tests or having been prevented

from having a child born in Malaysia, or \$ 500 being deposited. We are not aware of these special restrictions on Indian wives. Restrictions are uniformly, applicable to all foreign nationals of European or Indian origin or of any other country there. As we have pointed out, there has been a substantial improvement and some relaxation was there, again I think largely as a result of our representation. In fact, when the Foreign Minister was there recently, the Deputy Prime Minister (of Malaysia) was good enough to take our views into account and make things easier. In fact, they have become easier now."

2.25 Asked whether the Ministry had made some verification about complaints of this nature, Secretary added:

"We have verified. We have gone through these documents and the Malaysian Government was also consulted. I think if the Malaysian Government undertook some pregnancy tests, it will be very difficult to hide. There may be harassment from local people or some local officials asking for the deposit of identity cards or taking money. But this happens in every country. In that case some onus attaches both to the given and taker. We will take it up if we receive any complaints. But recently our feeling is these are only stray cases. That was the impression we got during our Foreign Minister's visit also."

(v) *Detention of Indians*

2.26 The Ministry informed the Committee that Indian citizens in Malaysia, like other foreign nationals are liable to be arrested, charged and imprisoned. After the completion of the sentence they are detained pending arrangements by local authorities for their deportation either at their own cost or at the expense of the sponsors. Sometimes these persons do not possess valid travel documents. Some of these detainees write to the Mission directly for help in grant of travel documents and early release from detention. On receipt of requests, the local Immigration authorities are approached for complete details of the case and after due enquiries travel documents are issued. The officers of the Mission visit them in the local prison when such a visit is warranted. In the last three years there were 25 adults and 4 minors who were under detention. The detainees greatly appreciated the assistance rendered by the Mission in their cases.

2.27 Giving the latest position, Secretary stated in evidence (Jan., 1982):

"At the moment, there is only one Indian national in jail. He is there for drug trafficking."

As regards information about arrest of Indians, the witness added that:

"The Malaysians do not always inform us promptly about these cases. Sometimes, we get the information from the Indian association. But we have found that whenever we have approached the Malaysian Government for assistance, that assistance is readily given."

(vi) *Protection of Temples*

2.28 In a memorandum submitted to the Committee it was alleged that about 162 temples had been destroyed in Malaysia with the knowledge of the government. A few temple guards who tried to protect one temple, were still in prison after a trial. There were certain elements there who want to wipe out Hinduism from that country completely.

2.29 Commenting on the above allegations, the Ministry stated that:

"There were a few cases of desecration of Hindu temples in Malaysia in 1978 and 1979. It is, however, incorrect to say that these cases occurred with the knowledge of the Malaysian Government. This matter has been the subject of discussions between the two governments through diplomatic channels. The Malaysian Government have informed us of the various steps they have taken. We appreciate the seriousness with which the Government of Malaysia and the people of Malaysia view these acts of vandalism and we are satisfied that they are taking adequate action to avoid their recurrence."

2.30 Asked whether the Ministry could say that there had been no such cases after 1979 and whether the Government was satisfied that as a result of the steps taken by Malaysian Government there was no likelihood of recurrence of such incidents, Secretary stated in evidence that:

"There has been no case after 1979. I cannot give an absolutely categorical assurance because who can say what fanatics will do. But the feeling is much better."

2.31. At the time of independence of Malaysia in 1957 there were over a million or so Indians there. Upto now, approximately 1.3 million people of Indian origin have acquired Malaysian citizenship. At present there are somewhere between 20—40 thousand persons of Indian origin in Malaysia who have not acquired Malaysian citizenship. This is probably due to the fact that they have not made efforts to obtain Malaysian citizenship because even today it is possible for them to take citizenship by naturalisation.

2.32 Stateless Indians in Malaysia are experiencing certain difficulties in coming over to India. They feel that the procedural requirements of obtaining emergency certificates and re-entry visas and police formalities should be made less stringent. The Committee feel that their suggestion to the Indian Government to persuade Malaysian authorities to issue re-entry visas to the stateless persons for at least a period of one year and not six months as at present, merits sympathetic consideration. Within the limitations of official proprieties the Ministry may consider as to what it can do in the matter. (Sl. No. 8)

2.33 Similarly the Ministry may also consider favourably their request to grant them emergency certificates to visit India for a period of one year. This would, of course, be contingent on their getting re-entry visas from Malaysian Government for identical period. (Sl. No. 9)

2.34 The Committee do not think it is fair to persons of Indian origin to be treated strictly like foreigners while on a temporary visit to India. Police formalities, the Committee are told, have been prescribed by the Ministry of Home Affairs to safeguard national interests. The Ministry of External Affairs has, however, admitted the police formalities, the Committee do not suggesting streamlining of the police formalities, the Committee do not wish to under-rate the need for safeguarding national interests. But the Committee do feel that the persons of Indian origin should be treated in India with due courtesy and consideration so that they carry pleasant memories of their visit to the land of their ancestors. The Committee would like the Ministry of External Affairs to take up this matter with the Home Ministry for a satisfactory solution. (Sl. No. 10)

2.35 Indian passport holders having permanent resident status in Malaysia face a problem in getting Re-entry Permits before

going out of Malaysia. Re-entry Permits are not given unless entries in Identity Cards issued to Indians by Malaysian Government tally with those in their passports. Where the entries do not tally, the Malaysian authorities insist on correction in the entries in the Passports of the Indians so as to conform to the particulars noted in the Identity Cards. The problem became somewhat acute in 1980 when as many as 1528 discrepancies were pointed out in the Indians passports. To avoid difficulties and delays, the Indian Mission in Malaysia has informed those concerned that the Passports of Indians may be brought to the Mission for renewal or correction.

The Committee appreciate the steps taken by Indian Mission in this regard and hope that Indian passport holders would not be put to any inconvenience on this account. (Sl. No. 11)

2.36 Another difficulty which Indian visitors to Malaysia face is in the matter of grant of visa or permission to stay in Malaysia which, it is stated, is held up till the very last moment. Even when permission is granted, it is for a very short period. The Committee are glad to learn that at the initiative of Indian Mission the Malaysian authorities have now started giving visa extensions to Indians for a longer period. The Committee hope that the Indian Mission would, whenever, approached by Indian visitors render all possible assistance to them to get visas well before the deadline and for a reasonably long period. (Sl. No. 12)

2.37 The Committee find that in the case of loss of passport by an Indian, the issue of duplicate passport often takes about a month or so. This much of time is considered necessary by Indian Mission to verify the particulars of the lost passport from the Passport Issuing Authority in India or abroad before issuing a duplicate. This could be a common problem in all countries and could cause a lot of inconvenience to Indian visitors abroad who might lose their Passports. The Committee would suggest that Indian Missions abroad should be advised to come to the rescue of genuine and bona fide cases by issuing duplicate passports of restricted validity without delay or by such other timely steps as may be considered necessary. The Committee would also suggest to the Ministry to make a selective review of the time taken by Indian Missions abroad in issuing duplicate passports in order to satisfy itself that the time taken is not unreasonable and not more than the minimum. (Sl. No. 13)

2.38 Certain reports alleging harassment of Indian wives of Malaysians have reached the Committee. It was stated that sometimes on some pretext their identity cards were taken away and not returned; Indian women were harassed through the requirement of pregnancy tests and a deposit of 500 dollars for stay of three months with their husbands, and were also arrested for over-stay. The Ministry has stated that it has received no such complaints. According to the information with the Ministry there is no discrimination in the application of Malaysian immigration rules to foreign wives of Malaysian citizens whatever be their citizenship. The position has substantially improved with enactment of new Malaysian Regulations (February, 1980) which would help to alleviate to a great extent the difficulties of foreign women married to Malaysian citizens. The Ministry has stated that there may have been a few individual cases of harassment from local people or local officials. The Ministry has assured that if such cases are brought to its notice, it would look into them. The Committee would like the Ministry to alert the Indian Mission in Malaysia to be more vigilant in regard to the reports of harassment of Indian wives of Malaysians so as to ensure that there is no discrimination against Indian wives vis-a-vis other foreigners in Malaysia and that the dignity and honour of Indian wives is not disregarded in any way even at local level.

(Sl. No. 14)

2.39 Indian citizens in Malaysia like other foreign nationals are sometimes arrested, charged and imprisoned for violation of local laws. Indian Mission, it is stated, render all possible assistance to such detainees. The Committee, however, note with concern that at present information about the arrest of Indians in Malaysia is not automatically passed on by Malaysian authorities to Indian Mission. The Committee would like the Ministry to persuade Malaysian authorities to evolve a system of automatic communication of information in such cases to Indian Mission so that the Mission could contact the Indian detainee without delay and render necessary assistance.

(Sl. No. 15)

2.40 The Committee are glad to note that desecration of Hindu temples which took place in Malaysia in 1978-79 is now a thing of the past. There has been no such case after 1979. The Committee are also happy to be told that the Government of Malaysia, views such acts of vandalism with seriousness and has taken adequate action to avoid recurrence of such incidents.

(Sl. No. 16)

CHAPTER III

SINGAPORE

(i) *Stateless Indians*

3.1 Explaining the position of Stateless persons in Singapore, Secretary (External Affairs) informed the Committee that the origin of the Stateless persons of Indian origin in Singapore was almost the same as in Malaysia 'Indian origin' is a loose term embracing all from the Sub-Continent. In Singapore the total number of persons of Indian sub-continent origin is about 1.6 lakhs, of whom 1.22 lakhs have acquired Singapore citizenship out of this Indians proper could be around 74,000. The Indian passport-holders number about 2,600. There are about 2,000 persons who are Stateless i.e. about 1.25 percent. It was open for them to opt for either Singapore or Indian or British citizenship. They did not exercise the option, or perhaps they wanted to keep the option open.

3.2 The Ministry stated that most of the Stateless Indians hold permanent residence status. A number of them take stateless letters from the Indian Mission and apply for Singapore citizenship or certificates of Identity. Such of those who have not been given Singapore citizenship or who desire to obtain Indian citizenship apply to the Mission for the same. These cases are referred to State Governments in India for verification. The Mission has registered 253 persons during the past three years.

3.3 Yearwise details of Stateless persons who applied for were registered as Citizens of India during 1979-80 are as follows:

Year	No. applied for	No. Registered
1970	537	205
1971	346	423
1972	402	185
1973	197	505
1974	540	210
1975	582	292
1976	328	550
1977	135	228
1978	81	105
1979	46	101
1980	39	47

3.4 The statement above includes the number of persons who applied before 1970 but registered between 1970—80. 4,134 persons were registered prior to 1970 i.e. between 1955 and 1969.

3.5 No cases are pending with either the Ministry or the Mission. All cases are referred to State Governments within a maximum period of ten days depending upon the rush of work. Persons are registered within two weeks, once clearance is given by the State Government. 227 cases ranging between 1970 and 1980 are pending with State Governments.

3.6 The processing of each such case is dependant on clearance from State Governments. According to information furnished by the Ministry (January 1981) some cases had been cleared in six months and some were pending for ten years.

3.7 Explaining the position further, Secretary (External Affairs) stated in evidence that:

“All applications for registration for Indian citizenship are referred to the State Governments. The State Governments do not always have a target date for giving their clearance. This is where major delays take place. We try to keep on reminding them to expedite cases. In 1981, 227 cases were pending with the State Governments. We can say that this problem of stateless persons would be eliminated within a reasonable time frame.”

The witness added that:

It should be made clear that registration is not necessarily linked with repatriation. It is simply a matter of getting Indian citizenship. Most of these people are permanent residents and they are employed. Therefore, they are not to be automatically repatriated. As and when they retire or wish to come back to India, they can come, because they have got the passport.”

In a post evidence note (March 1982), the Ministry informed the Committee of the latest position as follows:—

“Regarding delay in registration of Indian citizens, the High Commission of India in Singapore has reported the num-

ber of cases pending with State Governments in India for over five years as follows:—

	1973	1974	1975	1976
Punjab	3	3	1	Nil
Tamil Nadu	Nil	Nil	3	Nil
Other States	Nil	Nil	Nil	Nil

The High Commission of India in Kuala Lumpur has stated that they have no applications pending for over five years. They, however, have some cases for less than four years. The High Commission has further indicated that normal time by the State authorities in Kerala to process the case is 3—6 months while in the case of Tamil Nadu and Uttar Pradesh, it is 6—9 months. It may kindly be noted that the Central Government have urged the State Governments to expedite clearance of the pending cases.”

(ii) *Customs Clearance*

3.8 In a memorandum submitted by an association of Indians in Singapore it was stated that Indians living in Singapore occasionally visit India by sea and air routes to see their families and friends residing in India. They bring certain goods to India for use by their family members and friends. It is an ordeal for them to deal with customs authorities at the check points in India particularly at Madras and Nagapattinam where, it is alleged, they are plundered by Customs officials in the guise of imposing duty on goods.

3.9 The Ministry stated that Customs clearance of Indians abroad on their arrival in India is outside the purview of the Ministry of External Affairs.

3.10 In this regard a former diplomat stated before the Committee:

“There is a feeling that the customs in Madras and even in Bombay, rightly or wrongly, are defrauding these people. They feel that they have to give a part of their goods in order to satisfy the customs officers. Perhaps, in some cases they are right, I would not like to accuse the customs as a whole, but there are some individual officers who do it. And if one does it, ten are suspected. My solution is at two bases. There is a big ship, Chidambaram, plying to and fro (Singapore-Madras). One of the

things I have suggested is that we should try to clear these people on the ship itself.

* * * *

I myself travelled in that ship to watch and I must say that I am completely satisfied with this system of clearing the luggage on the ship before landing. In that way you can save a lot of time and there is no heart-burning."

* * * *

With regard to air luggage also I have an unorthodox solution. There is not much luggage which goes through air. We can have a customs officer posted at Singapore, as we have one at Hong Kong, though it is for entirely different reasons. In Hong Kong the customs officer is to ensure that there is no gold. I would suggest that we should post such an officer and give him authority to clear them. People who have brought their luggage earlier to the base can be cleared straightway and the seal put. There is a precedent to this."

3.11 During evidence the Committee asked whether cases of harassment of Overseas Indians at the hands of Customs Officials in India had come to the notice of Ministry of External Affairs and though the Customs Staff were under the control of Finance Ministry, whether the Ministry of External Affairs should not accept responsibility to save Overseas Indians from harassment on their short visits to India. Secretary (External Affairs) stated:

"The Ministry of External Affairs has a responsibility in such cases of harassment and in fact we have been taking these matters up with the Finance Ministry over the years. As a result, the attitudes have changed, the customs procedures have been reduced, but they are still, I would say, not entirely satisfactory. We would continue to put as much pressure as we can on the Ministry of Finance. Now, as you know, there are only two levels of customs duty. There is now this green channel etc. There were many improvements which have taken place and we claim some credit for them and I think it is our responsibility to continue to take these matters up, but to accept that we will eliminate cases of smuggling or cases of harassment or cases of complaints will not be possible. We can only try as much as we can."

3.12. Asked about the Ministry's reaction to the suggestions made by a former diplomat that customs clearance in the case of passengers coming to India by sea should be done on the ship itself and that in case of passengers coming by air, the customs clearance in as many cases as possible should be done at the starting point by a Customs Officer and the baggage sealed, Secretary stated in evidence:

“About the two suggestions, these are technical matters which I think the customs people would have to look into. If there is any way which would be easier to clear the people, I am sure we would try to put it up to the Finance Ministry. The only problem that I see in these two suggestions is that you cannot give customs clearance in the ship if the baggage is put in the stores. The other problem is that if you do the customs clearance, as has been suggested in the case of air travel, you have to seal the baggage. Even if the baggage is sealed and you clear the person, this still does not prevent him from getting certain items of very high value in the hand bag. So I anticipate some technical difficulties, but I think these ideas are worth examining.”

3.13 There are about 26,000 Indian passport holders in Singapore and about 2,000 'stateless' persons of Indian origin. It was open to the stateless persons to opt for either Singapore or Indian or British citizenship. They did not exercise the option or perhaps they wanted to keep the option open. Such of the stateless persons, who have not been given Singapore citizenship or who desire to obtain Indian citizenship, apply to the Indian Mission for the same. Their cases are referred to State Governments in India and once clearance is given by the State Government concerned, they are registered with the Indian Mission as citizens of India. In 1981, 227 cases were pending with the State Governments and the Ministry expect that the problem of stateless persons would be eliminated within a reasonable time frame. The Committee were astonished to learn that some cases referred to State Governments for clearance have been pending since 1973. The Committee would like the Ministry to take up at a high level all such cases as are pending with the State Governments for a long time with a view to decide their disposal expeditiously.

3.14 An association of Indians in Singapore has brought to the Committee's notice the problem of harassment which Indians of Singapore face at the hands of customs officials at check points in India particularly at Madras and Nagapattinam. It is alleged that they are "plundered" by customs officials in the guise of imposing duty on goods. The Ministry of External Affairs has accepted that, even though customs staff are under the control of Finance Ministry, the former has a responsibility to ensure that Indians coming to India are not harassed at the customs. With the change of customs procedures, the position is stated to have improved but still it is not entirely satisfactory. The Committee would expect that as promised by Secretary (External Affairs) in evidence they would take up the matter with the Ministry of Finance and streamline the working of customs set-up at Madras and Nagapattinam with a view to avoiding any harassment to Indians or even others coming there from South-East Asia.

(Sl. No. 18)

3.15 The two suggestions made by a former diplomat regarding customs clearance on board the ship itself in the case of passengers coming to India by sea and at the starting point in the case of passengers coming by air merit consideration. The Committee would like the Ministry of External Affairs to discuss both these suggestions with the Ministry of Finance with a view to evolving a suitable and satisfactory arrangement for customs check up for the Indians in South-East Asia on their visit to India.

(Sl. No. 19)

CHAPTER IV

GENERAL MATTERS

(i) *Problems of Indian Workers*

4.1 Referring to the problems faced by Indian workers (in South East Asia) a former diplomat stated before the Committee:—

“Most of the people who get jobs unfortunately get the jobs which are not taken by others. Therefore, the jobs necessarily are different and the conditions for those jobs are different. But there is a lot of misunderstanding and when contracts are entered into, neither the Indian Mission nor the actual worker is aware of it. It is only the middle man who is aware of it, and his interest is to gloss over any of the shortcomings.

I have also made a remark, namely, with regard to the salaries and incomes. Sometimes they are swindled. We should see that in the contract it is stipulated that the money will be paid into a regular bank account—I would say in an Indian bank—so that there is no doubt as to the exact amount that is being paid to a worker. Then we would have the authority to see that there are no unauthorised deductions.”

4.2 Dealing with these matters, Secretary (External Affairs) stated in evidence:—

“The cases of such recruitment are very limited. There is no recruitment really for either Malaysia or Indonesia. There have been some cases of labour being recruited to Singapore and in most cases we have had no complaints. The real complaints have come about agents who cheated people by promising them non-existent jobs and taking them on some others' visas. Of course there is no visa required for Singapore. The number is not very large. It may be a couple of hundred or so. We make arrangements for repatriation of these people. We do in such cases blacklist of travel agency or whether agency which makes this fraud. But I cannot say we can totally prevent them

because as long as people went to go out and find jobs some of them are tempted to give false information. But it is not like that you mentioned. It is really a minor matter. I think we have taken adequate measures to deal with it. As I said, we do have a number of highly paid regular trained people working all over the world. They are perfectly in order. I would not wish to comment on the suggestion of bank account."

(ii) *Associations of Indians*

4.3 There are a number of associations of Indians in each country. With regard to liaison between the Indian Missions and the Associations of Indians abroad, a former diplomat suggested to the Committee:—

"the Mission should encourage for formulation of an Indian Council to which all these bodies and associations can send one Member and then form a Confederation."

4.4 Reacting to the above suggestion, the Ministry informed the Committee that Government of India had issued the following policy guideline to Consular Officers in this regard:

"At a post where the Indian community is large and for geographical and social reasons not well integrated, the Consular Officer may find it desirable to organise at his post if it does not already exist—Community Council, representative of the various Indian societies, clubs, etc. Such an organisation is useful in coordinating the activities of Indian community as a whole, particularly on special occasions such as the visit of Indian Ships or of distinguished Indian visitors. The members of the Council should represent as widely as possible a cross section of Indian community and should include one or two ladies."

4.5 Asked whether there were such 'Community Councils' working in Burma, Malaysia, Singapore and Indonesia, Secretary (External Affairs) stated in evidence:—

"The position in these countries is somewhat unique because of the very large Indian migration. In the case of Burma, possibly since 60 or 70 years, there has been an overall organisation known as the All Burma Indian Congress which is connected very much with the representative organisations, although there were number of other or-

ganisations representing linguistic group, cultural group, religious group and so on. Of course, this organisation which had very distinguished people had now come down with the diminishing of the middle class urban population which provided most of the leadership. But it still continues to exist. Our Minister was there recently and they organised a meeting of all the organisations.

In Malaysia and Singapore, one has to bear in mind that the majority of the Indians are citizens of those countries. In Malaysia, they have organised it in a very strong political organisation, known as Malaysia Indian Congress (MIC). The MIC will act as the focal point of the Indian political activities. There are other organisation, but mostly the people cannot distinguish themselves between the Malaysian citizens and others. For example, in the Kerala Samajam, you will find both. They are all mixed together. But there is Bharat Club which functions as representing Expatriate Indian citizens—not really so much of cultural, political and economic part. The same applies to Singapore.

In the case of Indonesia, the population has been coming down. I do not think that it is really necessary to have any such organisation.”

(iii) *Complaints and References received from Indians Abroad*

4.6 The Ministry informed the Committee that during the year 1977 to 1979, Indian Mission in Malaysia had received 442 complaints of various nature like:

- (a) Complaints of tresspass/enroachment in properties held in India by others;
- (b) Complaints of appropriation of property by other family members on exercise of powers by authorised agents beyond those delegated to them;
- (c) Complaints of inordinate delay by banks in India in releasing funds of fixed deposits or in getting permission of Reserve Bank for repatriation of such funds;
- (d) Delay by local authorities in settlement of pension or Employees Provident Fund arrears; and
- (e) Complaints from persons in India of non-receipt of proceeds of states of their deceased relatives in Malaysia.

4.7 The Ministry stated that on receipt of such complaints, the State Governments/authorities concerned are requested to take suitable action and the results conveyed to the complainants etc.

4.8 The need for having some sort of institutional arrangement in the Ministry of External Affairs which could act as an information centre and provide guidance to Indians settled abroad in regard to their problems with Central and State authorities in India and help them sort out their problems, had been expressed in many quarters.

4.9 The Committee asked whether there was any cell in the Ministry to act as a centralised information and guidance centre for supply of information or guidance to overseas Indians on matters concerning the Central or State authorities in India or the references received from Indians abroad were dealt with by different Divisions in the Ministry. The Committee also asked as to what in the Ministry's opinion would be an ideal set-up to deal with such references from Overseas Indians, Secretary (External Affairs) stated in evidence:

"It is not possible for Government to undertake specialised guidance. For us to take upon ourselves the kind of jobs that are being done by an accountant or by a lawyer or people of this kind, would be dangerous. This we should not try. Having said that, I concede that people living abroad have a certain difficulty in reaching the authorities. We do have a system by which Missions are provided with regulations concerning customs, investments, income-tax and so on. If they require clearance about import licence and so on, they deal directly with CCI. Similarly, from my own experience I can say that when people have written to me about allotment of flats, we have written directly to the State Government and got back the information. I think, that is the best method. But we should be careful not to overload this system by trying to provide a highly technical advice which can be given by technical people. Subject to that, we are trying to give valuable service."

4.10 Asked whether the Ministry was satisfied that the Missions were properly equipped to supply information in respect of all types of enquiries from Overseas Indians, Secretary (External Affairs) stated:

"I do not say that I am completely satisfied. There is difficulty. As far as the Central Government is concerned, even in specialised subjects like taxation laws, investment

laws, in major Missions we do have people who are from the India Investment Centre. But when it comes to land tenure or land taxation, I do not think, we really would be able to get satisfactory information because, we find that the legislation on the subject changes very fast. They do not bring us upto date. Even if we write to the State Governments sometimes we do not get replies. I remember a case in Maharashtra. That was regarding derequisitioning of flat. In spite of my taking up the case with the case with the Chief Secretary, I got no reply for six months. Our setting up a cell will not improve the position. If the State Governments do not reply in time, we cannot do any better.'

4.11 Asked, how the UK High Commission and US Embassy were dealing with such problems, Secretary added:

"What the Americans do is they maintain a list of the branches of the American Bar Association, the American Association of Accountants and so on for each city. If somebody goes to them with an individual problem, say in Chicago, they give the address of the Bar or Accountants Association and request them to write to them."

4.12 The Committee asked as to how an Indian residing abroad could get information say, in regard to house-building in Punjab, tenancy laws in Gujarat or despatch of life-saving drug for a relation in India, should he require any such information. Secretary stated that regulations relating to many of such matters changed very frequently in the States. It would not be possible for the High Commissions to take the responsibility of supplying information on such matters especially when the position was changing so frequently.

4.13 The Committee find that there have been complaints about recruiting agents who are alleged to have cheated Indian workers by promising them non-existent jobs in South-East Asian countries and taking them there on visas of some other persons. Though the number of such cases is stated to be not very large, the Committee feel that measures to prevent such happenings should be made fool-proof. If as recommended by the Committee in para 2.62 of their 16th Report on Overseas Indians in West Asia (1980-81) the bona fides of recruiting agencies who are openly and regularly publishing advertisements in the press for making recruitment for foreign em-

ployers are checked before they can publish their advertisements in the papers and if a systematic monitoring system is practised by the Ministry to keep a watch on the advertisements to detect unauthorised recruiting agencies, much of the mischief can be nipped in the bud. Similarly, if Protectors of Emigrants exercise their powers effectively and in a spirit of service to the Indian workers intending to emigrate, the ruse that the recruiting agencies might be playing on these workers could be detected well before they leave the Indian shores. The Committee also look forward to the Overseas Manpower Corporation which is proposed to be set up by the Government to deal with matters of employment abroad in preventing any fraud being played on the workers. The Committee hope that the Ministry of External Affairs would too play its part through its agencies in India and through its mission abroad to protect the interests of Indian workers. (Sl. No. 20)

4.14 The Committee are happy to note that policy guidelines has been issued by the Ministry to Consular Officers abroad asking them to set up a community council in each country abroad as a representative apex body of various Indian associations, societies, clubs, etc. functioning in that country in order to coordinate the activities of Indian community as a whole. This is a very welcome step. The Ministry has informed the Committee that representative bodies of Indians at apex level are already there in Burma, Malaysia, Singapore, in Indonesia because of the declining population of Indians it is not necessary. The Committee would, however, advise the Ministry that such a good concept as that of a "community council" should be translated into action wherever there is a large number of associations of Indians and such an apex body is not there already. (Sl. No. 21)

4.15 The Committee find that though the Ministry at the headquarters and the missions in foreign capitals deal with the references received from Indians abroad in the matter of supply of information or advice in various fields, the mechanism for dealing with these matters does not appear to have been fully systematised. The Ministry has conceded that Indians living abroad have a certain difficulty in reaching the authorities in India for getting their problems resolved or in getting information in regard to State laws and procedures and matters concerning their properties and domestic and personal disputes. The Committee are aware of the limitations of the Ministry and the missions and do not expect them to supply information or advice on technical matters or legal disputes for which they are not equipped. But they feel that the Ministry should be able to evolve a mechanism under which the Missions should be able to

supply to Indians in the country of their accreditation as much information on general developments in India and States as possible and where the information required by Overseas Indians is not readily available with the Missions, they should be required to obtain it from the Ministry for onward transmission to the persons concerned. The Ministry at the headquarters too may not be in a position to reply at its own level to all enquiries received through the Missions. In such cases, it should be the duty of the Ministry to take up the matter with the State Governments or public or other authorities concerned to get the relevant information or, atleast, communicate the names and addresses of the authorities or organisations concerned to the Indians abroad through their missions to enable them to take up the matter directly with them. The Committee expect the Ministry and the Missions to act to their maximum capacity to bridge the information gap between Indians abroad and the situations and authorities inside the country. (Sl. No. 22)

S. B. P. PATTABHI RAMA RAO,

Chairman,

Estimates Committee.

NEW DELHI:

March 18, 1982

Phalgun 27, 1903 (Saka)

APPENDIX

SUMMARY OF RECOMMENDATIONS|OBSERVATIONS

Sl. No.	Para No. of the Report	Recommendation/Observation
1	2	3
		<i>Stateless Indians/Grant of Burmese Citizenship</i>
1	1.51 to 1.57	<p>The Ministry has informed the Committee that Government of India has been taking up the question of grant of citizenship to persons of Indian origin in Burma with the Burmese Government right from 1948. Even though assurances have been given by Burmese Government from time to time, there have been no tangible results so far. The Ministry has clarified that the Burmese reluctance in this regard is not restricted to only people of Indian origin. It applies to all aliens without discrimination though it is a different matter that Indians have been worst hit.</p>
2	1.58	<p>The Committee realise that this is quite a complex issue. It has defied solution so far though Government of India has been trying to persuade the Burmese Government even at the highest level to be liberal enough to grant Burmese citizenship to people of Indian origin who have settled in that country. It is a human problem and has to be viewed with compassion. The Committee trust that Government of India will not relent in its efforts to persuade Burmese Government to adopt a more fair and humanitarian attitude towards the Indian community in Burma.</p> <p>1,62,000 Indians have so far left Burma under the Government of India's repatriation programme. The total number of active cases for repatriation pending with Government of India</p>

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since 1977 were 1124 as in October, 1981. Secretary, Ministry of External Affairs, had informed the Committee in evidence (January 1982) that after examination of all these cases, the Ministry had come to the conclusion that there were about 150 people who had really no means of sustenance and no job and, therefore, deserved to be repatriated; and that the Ministry was making arrangements for their repatriation. In March 1982, the Ministry informed the Committee that on fresh consideration, it had been decided that no repatriation may be carried out during the current financial year (i.e. 1981-82). The Committee feel that the dealing with such cases, besides other considerations which the Government may have, Indians, who belong to split families, should receive special consideration and if they are destitute and eager to rejoin their families in India, preference should be given to them.

Working and Living Conditions

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1.50

Reports about restriction imposed by Burmese authorities on movement of Indians from one place to another without prior permission and their non-eligibility for higher or technical education have reached the Committee. It is stated that even for newly married couples, change of address poses a formidable problem. Secretary, Ministry of External Affairs, informed the Committee that in Burma it was necessary even for Burmese citizens to get permission before changing their residence. For foreigners including Indians procedure is very much complicated. Similar is the position regarding higher education. Burmese authorities do not allow higher education to anybody other than their own citizens and even in respect of their own citizens selections for admissions to higher education are made on the recommendations of Security Council of the local District. Secretary

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(External Affairs) was not very hopeful about any relief for Indians in Burma in the matter of admission to higher institutions. It has saddened the Committee beyond words. The Committee, nevertheless, hope that the Ministry would continue to move and urge Burmese authorities to show magnanimity to Indian children in the matter of higher education and to act with compassion in genuine cases of hardship in the matter of movement from one place to another.

Detention of Indians

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1.60

155 Indians are detained in Burmese jails at present. Of them 105 have been in jails for more than 5 years. In fact, some of them are there for over 10 years. 139 are detained in the jails for offences under the Foreigners Registration Act and for illegal entry into the country. 12 are detained for civil and criminal offences. The Ministry expected (January, 1982) that most of the detenus might be released within 6 months. Indian Embassy, it is stated, pursues cases of Indians with the authorities and tried to get the process of trial expedited. The Committee hope that the Government of India would continue to make efforts to secure release of Indian detenus as early as possible. The Committee also expect that Indian Embassy would not neglect any Indian detenus in the jail, help maintain contact between the detenus and their families, and periodically assure them of its concern for their welfare and release. The Indian Embassy should also not hesitate providing legal aid to the detenus wherever needed.

Compensation of nationalised property of Indians

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The issue of payment of compensation for nationalised assets of Indian nationals has been hanging fire for several years. Though no precise estimate of the assets and properties nationalised or left behind by Indians is available, the

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value of overall claims filed by Indians is placed around Kyats 24 crores according to Indian estimate. The Committee expect that the Ministry would not relent and would continue to press the Burmese authorities till full compensation is paid by them for all the assets nationalised or left behind by Indians regardless of the fact whether the Indians concerned are still in Burma or have come back.

Miscellaneous issues

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1.62

There is acute dearth of reading material so far as Indians in Burma are concerned. Though Government of India has provided some literature for Indians in Burma with the permission of the Burmese authorities, the Ministry has pleaded inability to do much in the matter as under the Burmese regulations, no printed material can be imported into Burma without specific permission from the Burmese Government. This policy of the Government of Burma applies to all foreign material. In this matter too, there is need to make constant efforts to persuade the Burmese authorities to relax restrictions at least in respect of religious, spiritual and non-political literature and text books.

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It is a matter of regret that a request for the supply of a Hindi type-writer by All Burma India Congress received as far back as 1975 took more than six years to be complied with. If even in such small matters the Ministry is not able to act fast, Indians faith in its capacity and sincerity to help them will be shaken. The Ministry will do well to impress upon its officers not to let redtapism come in the way of doing such small favours to Indian community abroad.

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Stateless Indians in Malaysia

- 8 2.31 Stateless Indians in Malaysia are experienc-
to ing certain difficulties in coming over to India.
2.32 They feel that the procedural requirements of
obtaining emergency certificates and re-entry
visas and police formalities should be made less
stringent. The Committee feel that their sugges-
tion to the Indian Government to persuade
Malaysian authorities to issue re-entry visas to
the stateless persons for atleast a period of
one year and not six months as at present,
merits sympathetic consideration. Within the
limitations of official proprieties the Ministry
may consider as to what it can do in the matter.
- 9 2.33 Similarly the Ministry may also consider
favourably their request to grant them emergency
certificates to visit India for a period of one year.
This would, of course, be contingent on their
getting re-entry visa from Malaysian Government
for identical period.
- 10 2.34 The Committee do not think it is fair to per-
sons of Indians origin to be treated strictly like
foreigners while on a temporary visit to India.
Police formalities, the Committee are told, have
been prescribed by the Ministry of Home Affairs
to safeguard national interests. The Ministry of
External Affairs has, however, admitted that the
formalities are cumbersome. In suggesting
streamlining of the police formalities, the Com-
mittee do not wish to under-rate the need for
safeguarding national interests. But the Com-
mittee do feel that the persons of Indian origin
should be treated in India with due courtesy and
consideration so that they carry pleasant memo-
ries of their visit to the land of their ancestors.
The Committee would like the Ministry of Ex-
ternal Affairs to take up this matter with the
Home Ministry for a satisfactory solution.

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Re-entry Permits

- 11 2.35 Indian passport holders having permanent resident status in Malaysia face a problem in getting Re-entry Permits before going out of Malaysia. Re-entry Permits are not given unless entries in Identity Cards issued to Indians by Malaysian Government tally with those in their passports. Where the entries do not tally, the Malaysian authorities insist on correction in the entries in the Passports of the Indians so as to conform to the particulars noted in the Identity Cards. The problem became somewhat acute in 1980 when as many as 1528 discrepancies were pointed out in the Indians passports. To avoid difficulties and delays, the Indian Mission in Malaysia has informed those concerned that the Passports of Indians may be brought to the Mission for renewal or correction. The Committee appreciate the steps taken by Indian Mission in this regard and hope that Indian passport holders would not be put to any inconvenience on this account.

Grant of Visa

- 12 2.36 Another difficulty which Indian visitors to Malaysia face is in the matter of grant of visa or permission to stay in Malaysia which, it is stated, is held up till the very last moment. Even when permission is granted, it is for a very short period. The Committee are glad to learn that at the initiative of Indian Mission the Malaysian authorities have now started giving visa extensions to Indians for a longer period. The Committee hope that the Indian Mission would, whenever, approached by Indian visitors render all possible assistance to them to get visas well before the deadline and for a reasonably long period.

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2.37

The Committee find that in the case of loss of passport by an Indian, the issue of duplicate passport often takes about a month or so. This much of time is considered necessary by Indian Mission to verify the particulars of the lost passport from the Passport Issuing Authority in India or abroad before issuing a duplicate. This could be a common problem in all countries and could cause a lot of inconvenience to Indian visitors abroad who might lose their Passports. The Committee would suggest that Indian Missions abroad should be advised to come to the rescue of genuine and *bonafide* cases by issuing duplicate passports of restricted validity without delay or by such other timely steps as may be considered necessary. The Committee would also suggest to the Ministry to make a selective review of the time taken by Indian Missions abroad in issuing duplicate passports in order to satisfy itself that the time taken is not unreasonable and not more than the minimum.

Indian Women married to Malaysians

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2.38

Certain reports alleging harassment of Indian wives of Malaysians have reached the Committee. It was stated that sometimes on some pretext their identity cards were taken away and not returned; Indian women were harassed through the requirement of pregnancy tests and a deposit of 500 dollars for stay of three months with their husbands, and were also arrested for over-stay. The Ministry has assured that if such cases are brought to its notice, it would look into them. The Committee would like the Ministry to alert the Indian Mission in Malaysia to be more vigilant in regard to the reports of harassment of Indian wives of Malaysians so as to ensure that there is no discrimination against Indian wives *vis-a-vis* other

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		<p>foreigners in Malaysia and that the dignity and honour of Indian wives is not disregarded in any way even at local level.</p> <p><i>Detention of Indians</i></p>
15	2.39	<p>Indian citizens in Malaysia like other foreign nationals are sometimes arrested, charged and imprisoned for violation of local laws. Indian Mission it is stated render all possible assistance to such detainees. The Committee, however, note with concern that at present information about the arrest of Indians in Malaysia is not automatically passed on by Malaysian authorities to Indian Mission. The Committee would like the Ministry to persuade Malaysian authorities to evolve a system of automatic communication of information in such cases to Indian Mission so that the Mission could contact the Indian detainee without delay and render necessary assistance.</p> <p><i>Protection of Temples</i></p>
16	2.40	<p>The Committee are glad to note that desecration of Hindu temples which took place in Malaysia in 1978-79 is now a thing of the past. There has been no such case after 1979. The Committee are also happy to be told that the Government of Malaysia, views such acts of vandalism with seriousness and has taken adequate action to avoid recurrence of such incidents.</p> <p><i>Stateless Indians in Singapore</i></p>
17	3.13	<p>There are about 18,000 Indian passport holders in Singapore and about 2,000 'stateless' persons of Indian origin. It was open to the stateless persons to opt for either Singapore or</p>

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Indian or British citizenship. They did not exercise the option or perhaps they wanted to keep the option open. Such of the Stateless persons, who have not been given Singapore citizenship or who desire to obtain Indian citizenship, apply to the Indian Mission for the same. Their cases are referred to State Governments in India and once clearance is given by the State Government concerned, they are registered with the Indian Mission as citizens of India. In 1981, 227 cases were pending with the State Governments and the Ministry expect that the problem of Stateless persons would be eliminated within a reasonable time frame. The Committee were astonished to learn that some cases referred to State Governments for clearance have been pending since 1973. The Committee would like the Ministry to take up at a high level all such cases as are pending with the State Governments for a long time with a view to decide their disposal expeditiously.

Customs Clearance

18

3.14

An association of Indians in Singapore has brought to the Committee's notice the problem of harassment which Indians of Singapore face at the hands of customs officials at check points in India particularly at Madras and Nagapattinam. It is alleged that they are "plundered" by customs officials in the guise of imposing duty on goods. The Ministry of External Affairs has accepted that, even though customs staff are under the control of Finance Ministry, the former has a responsibility to ensure that Indians coming to India are not harassed at the customs. With the change of customs procedures, the position is stated to have improved but still it is not entirely satisfactory. The Committee would expect that as promised by Secretary (External Affairs) in evidence they would take up the matter with

the Ministry of Finance and streamline the working of customs set-up at Madras and Nagapattinam with a view to avoiding any harassment to Indians or even others coming there from South-East Asia.

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3.15

The two suggestions made by a former diplomat regarding customs clearance on board the ship itself in the case of passengers coming to India by sea and at the starting point in the case of passengers coming by air merit consideration. The Committee would like the Ministry of External Affairs to discuss both these suggestions with the Ministry of Finance with a view to evolving a suitable and satisfactory arrangement for customs check up for the Indians in South-East Asia on their visit to India.

Problems of Indian Workers

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4.13

The Committee find that there have been complaints about recruiting agents who are alleged to have cheated Indian workers by promising them non-existent jobs in South-East Asian countries and taking them there on visas of some other persons. Though the number of such cases is stated to be not very large, the Committee feel that measures to prevent such happenings should be made fool-proof. If as recommended by the Committee in para 2.62 of their 16th Report on Overseas Indians in West Asia (1980-81) the *bona fides* of recruiting agencies who are openly and regularly publishing advertisements in the press for making recruitment for foreign employers are checked before they can publish their advertisements in the papers and if a systematic monitoring system is practised by the Ministry to keep a watch on the advertisements to detect unauthorised recruiting agencies, much of the mischief can be nipped in

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the bud. Similarly, if Protectors of Emigrants exercise their powers effectively and in a spirit of service to the Indian workers intending to emigrate, the ruse that the recruiting agencies might be playing on these workers could be detected well before they leave the Indian shores. The Committee also look forward to the Overseas Manpower Corporation which is proposed to be set up by the Government to deal with matters of employment abroad in preventing any fraud being played on the workers. The Committee hope that the Ministry of External Affairs would too play its part through its agencies in India and through its mission abroad to protect the interests of Indian workers.

Association of Indians

21

4.14

The Committee are happy to note that policy guidelines has been issued by the Ministry to Consular Officers abroad asking them to set up a community council in each country abroad as a representative apex body of various Indian associations, societies, clubs, etc. functioning in that country in order to coordinate the activities of Indian community as a whole. This is a very welcome step. The Ministry has informed the Committee that representative bodies of Indians at apex level are already there in Burma, Malaysia, Singapore and Indonesia because of the declining population of Indians it is not necessary. The Committee would, however advise the Ministry that such a good concept as that of a "community council" should be translated into action wherever there is a large number of associations of Indians and such an apex body is not there already.

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*Complaints and references received from Indian
abroad*

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4.15

The Committee find that though the Ministry at the headquarters and the missions in foreign capitals deal with the references received from Indians abroad in the matter of supply of information or advice in various fields, the mechanism for dealing with these matters does not appear to have been fully systematised. The Committee are aware of the limitations of the Ministry and the missions and do not expect them to supply information or advice on technical matters or legal disputes for which they are not equipped. But they feel that the Ministry should be able to evolve a mechanism under which the Missions should be able to supply to Indians in the country of their accreditation as much information on general developments in India and States as possible and where the information required by Overseas Indians is not readily available with the Missions, they should be required to obtain it from the Ministry for onward transmission to the persons concerned. The Ministry at the headquarters too may not be in a position to reply at its own level to all enquiries received through the Missions. In such cases, it should be the duty of the Ministry to take up the matter with the State Governments or public or other authorities concerned to get the relevant information or, at least, communicate the names and addresses of the authorities or organisations concerned to the Indians abroad through their missions to enable them to take up the matter directly with them. The Committee expect the Ministry and the Missions to act to their maximum capacity to bridge the information gap between Indians abroad and the situations and authorities inside the country.

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