

[Mr. Chairman]

of all, I dispose of the amendments which were moved by Shri Mool Chand Daga.

I shall now put the amendments No. 3, 4 and 5 moved by Shri Mool Chand Daga to the vote of the House.

Amendments Nos. 3, 4 and 5 were put and negatived.

MR. CHAIRMAN : Now, I shall now put the resolution moved by Shri D.N. Reddy to the note of the House.

The question is :

“This House is of the opinion that there is an urgent need for electoral reforms so as to cleanse public life, and ensure free and fair elections which are now vitiated by the corrupt and unhealthy influence of power, money, caste, religion and other forms of corrupt practices and, therefore, recommends to Government to initiate wide-ranging discussions with all political parties, so as to arrive at a consensus for immediate implementation of poll reforms, which may reflect the popular will, of the people in a truly democratic manner.”

The motion was negatived.

MR. CHAIRMAN : We go to the next resolution of Shri Balwant Singh Ramoowalia.

17 17 hrs.

RESOLUTION RE : CONFERMENT OF SAME RIGHTS AS ENJOYED BY INDIAN CITIZENS ON PERSONS OF INDIANS ORIGIN LIVING ABROAD

[English]

SHRI BALWANT SINGH RAMOOWALIA (Sangrur) : Mr. Chairman, Sir, I beg to move :

“With a view to strengthen the emotional bonds of persons of Indian origin living abroad with the people of India and their culture, irrespective of

the fact whether they have acquired the citizenship of the country in which they reside, this House urges upon the Government to bring in suitable legislation and/or amendment to the Constitution to confer on them the same rights as are enjoyed by the Indian citizens including the right to vote and to contest elections to the Parliament and the State Legislatures.”

Sir, the major object of the resolution moved by me is that there are sentimental ties and sentimental bonds of the people of Indian origin who are, though living abroad—whose parents or whose family members or even though the whole family is living abroad with some of their relatives who are living in this country. Sir, these are the sentiments which have strong impact on the people living abroad though their forefathers left this country or they left this country. Sometimes, suppose the Prime Minister of this country—even during Mrs Indira Gandhi's time, when she visited—Shri Rajiv Gandhi visit any country outside, the people of Indian origin stand in queue and wait for the Prime Minister for hours and hours, though they have the citizenship of that respective country. The people having passports and citizenship of another country feel it proud and they explain it with pride that our leader is coming to this country, we are receiving the leader of our country. Sir, these ties and these relations should be strengthened.

What is happening now? People of Indian origin who are in other countries were compelled to opt for citizenship of that country due to one or the other reason.

But sometimes the situation is such that families are divided. The laws of our country are not justifying the sentiments. Suppose a person has gone abroad, he wants to make business in this country, he is permitted to invest money up to any extent in this country though under non-resident Indian category, he is living abroad and he can go for business in this country to any extent. But restrictions have been put that he cannot purchase agricultural land or sell agricultural land in this country. He cannot go in business

of agricultural type. This is a discrimination against the people of Indian origin living abroad.

If people of Indian origin holding passports of other countries, even close relatives, even father, mother or brother, he or she can neither purchase nor sell any type of agricultural property on behalf of non-resident Indians.

Lately, it was decided by the Government that agricultural property purchased by the Indians living abroad, or by their relatives or father or mother before 1st January, 1974 will not be permitted as a legal property. But after certain review, it was decided that property purchased up to 30th June, 1980 will be a legal property. After that, no permission will be given to any purchases which were made.

This is discriminatory. I want to urge upon you that our Government should not allow a process which delinks the persons of Indian origin from the mainland, from their motherland and from our country. Even there are large a number of people who live abroad whose children are born there. But they are sending their children to this country for education and whenever we visit foreign countries, in every family, the major emphasis is given on one point, that we do not want to be totally cut off from Indian traditions, Indian culture, our original way of life, original system and I know in many families, if they are Gujaratis, Punjabis and Bengalis, they may live in U.S.A., Canada or Britain, they have made special arrangements to teach their children how to speak their mother tongue Bengali, Gujarati, Marathi or Punjabi. From here we can well assess their sentiments, how strong sentiments they do have, to keep their family, their children, their coming generations, in touch with Indian civilisation and India.

A large number of remittances are sent by the people living abroad to this country. Remittances which are sent are scrutinised up to a certain level as to from where you got this money, how much has been sent, what is the number of draft and what is the address of the sender. This way or that way, harassment and

embarrassment is caused to the person who gets the money by the Inspectors. After all they get only legal money through cheque or draft from his relative abroad.

Keeping in view that we should not close our doors, we, the Indians of this country, should not reduce the area of the circle of relationship between people living here and the people of Indian origin living abroad. I urge upon the Government that they should confer upon the Indian people living abroad the right of citizenship though they might have acquired or they might have obtained the passport of any other country.

PROF. N.G. RANGA (Guntur): Are there any precedents for it to have dual citizenship?

SHRI BALWANT SINGH RAMOO-WALIA: Yes, I will quote.

Bangladesh and Pakistan are the two countries which have already given such facilities. I only urge to facilitate the people of Indian origin who live abroad so that they can play an active role in the development of our country also. That is No. 1. Then it will also enable them to keep their cultural ties intact with this country and the next generation may feel proud to be Indians.

With these words I urge upon the Government that they should accept the resolution to facilitate the people of Indian origin living abroad have the right to vote, the right to contest election and the right to have the same rights to be enjoyed by them which are usually enjoyed by Indian citizens here in the matter of property and in the matter of other facilities and other rights.

Thank you.

SHRI A. CHARLES (Trivandrum): The term 'Indian origin' is very vague. Can we have a definition of it from him?

MR. CHAIRMAN: You speak when your turn comes.

Now motion moved :

“With a view to strengthen the emotional bonds of persons of Indian origin living abroad with the people of India and their culture, irrespective of the fact whether they have acquired the citizenship of the country in which they reside, this House urges upon the Government to bring in suitable legislation and/or amendment to the Constitution to confer on them the same rights as are enjoyed by the Indian citizens including the right to vote and to contest elections to the Parliament and the State Legislatures.”

Now notice of amendments has been given by Mr. Mool Chand Daga. He is not present. So I take it that they are not moved.

Shri Vijay N. Patil.

SHRI VIJAY N. PATIL (Erandol) : Mr. Ramoowalia has put forth a very good idea, but it is not a practicable idea...

PROF. N.G. RANGA : That is it.

SHRI VIJAY N. PATIL : If you read the history of the world, different countries in different continents have tried to maintain their identity mainly through political power and then geographical entity, and cultural difference and other kinds of differences. We have seen in this world a country with a population of even 1 lakh like New Vanvetu which is a part of our Commonwealth and a country of the size of China. They are different countries. When a country has got more population like China or India, it is a natural thing that people will try to move out to other countries for the sake of trade or for seeking better opportunities and even for other reasons.

We have a golden past, a long heritage and history, and our people have travelled thousands of miles before people from European countries and other developed countries could do so centuries ago. They are settled there. They are also people of Indian origin. So, I do not

know what is the idea in Mr. Ramoowalia's mind by meaning the people of Indian origin. Whether people who migrated from India 2000 years ago and settled in Indonesia and other countries or whether people who migrated 20 years ago and their children are born there and they become voters in those countries also can vote in India, if they are given the citizenship and if they are given the right. The world has become very small. You can take breakfast in Chandigarh. Mr. Ramoowaliaji and can go to Singapore for lunch in the afternoon. So, when it has become so small that does not mean that politically we are losing the identities. We are coming closer economically and culturally. Every nation is proud of its political identity, its independence and sovereignty. In that case, if the person has acquired the citizenship of some country, there will be no meaning in the international law also. He has referred to countries like Bangladesh and Pakistan. I do not have much knowledge about the dual citizenship. But as we see in the international law and in our laws also, the Citizenship Act, even we refer to British Citizenship Act. We do not find such kinds of provision.

Now-a-days, you can find with the increased trade and our people residing in so many countries—in one family I have seen in Tanzania, there are citizens of different countries. The sister is citizen of U.S.A. The brother has settled in U.K. He has become a citizen there. The parents are citizens of Tanzania, a country in the African continent and like that. They are still maintaining their emotional bonds with India. They have got India Club there. Sometimes they would try to have clubs in the name of States also and many of the Gujarat people have gone there. I quote one village in Gujarat. It is called Dharmas. One individual from every family is residing abroad, just like people from Punjab, they go abroad for business. Here also, people from Gujarat, they go in large numbers. But we have not heard from them that for maintaining the bonds, “we require the citizenship ; we require representation ; we should be allowed to contest the elections in India”. It is not the case. Sometimes, of course, people would like to send their children for getting education in India, if they are staying,

on business, in under-developed countries where proper facilities are not available there. But even that is not the case in other countries. I have occasion to visit Indonesia. There I have seen Gandhi Memorial School. They are maintaining our heritage; they are observing our culture; they are pure Indians living by the habits. But they are completely happy with the Indonesian citizenship. The fact remains that when a man moves from one State to the other State, even he tries to settle there, if he finds good opportunity. Even in India we find that people who migrate from villages to cities and they settle there. Their children would not like to go to the villages where the parents once used to live—20 or 30 miles away. Here in this case, would those people who have gone thousand of miles away like to come back only to contest elections and to have emotional bonds? By contesting elections or getting representation or acquiring double citizenship, including the citizenship of that country, emotional bonds will not be developed. We have got different methods, different modes, of maintaining our relations with our Indian brethren abroad. We are propagating our culture, showing our cultural richness, to other countries through our Trade Fairs. Recently we had one Fair in Paris. So, it is not necessary to bring any such Resolution for giving double citizenship to the people who, by their own will, by their own desire, have already settled in different countries. Previously our people specially scientists, used to go abroad for better opportunities. Now we have started giving them good opportunities here itself, so that they can stay in India. As you know, in the beginning when our hon. Prime Minister started a new Ministry called the Ministry of Human Resources, people were sceptical and some people even criticised that this was not a very important Department. Now we find that we do not allow our unemployed graduates, our young talented people, to remain idle, we want to utilise their talents and training suitably and in our country itself. We know that kind of difficulties those Indians who are now settled in our neighbouring countries, specially in Sri Lanka, are facing. Thousands of years ago they went there. They are now citizens of Sri Lanka. Even then, the ethnic problem

has been started there and it is unfortunate that the ethnic trouble has not yet calmed down. We sympathise with such people. But we cannot say that we will bring them here and we will give them citizenship. To those who want shelter, in India, we can provide temporary shelter, but we have to see that they go back to their country where they were born and where they have got the citizenship. If you go back to history, you will find that some hundreds and thousands of years, ago, right from Mangolia people travelled down to the Indian sub-continent and settled in Punjab and Sind. Will it be possible for us today to say that those Punjabis whose forefathers came from Mangolia should be given Mangolian citizenship and they should also be given the right to contest elections and all that? Some Aryans came from some areas which are now in Russia and settled in north India. Now are we going to say that they should be given the citizenship of Russia and if they wish, they should be allowed to contest elections there? It will not be possible. Therefore, bringing Resolution of this kind only means that we should evolve some other methods to increase our ties with the people of the Indian origin so that India can be benefited and those who love India and who are of Indian origin can also get some advantage. We can take the help of the External Affairs Ministry here; we can request the Government to appoint the more and more Attaches whether our Indian brethren are more in number like in Great Britain, in African countries, and in our neighbouring countries our staff strength in the Indian Embassies can be increased. Those who want to maintain liaison with India can be allowed to come here more freely. If they want to establish some business, as we have the transfer of technology with other countries, sometimes we allow the establishment of industries with the foreign equity shares.

If the Indian people who have the citizenship of other countries want to come to India with a kind of venture or with a kind of investment, in that case we can urge Government to give them more opportunities, to give them special concessions instead of asking for citizenship or even representation and voting power.

[Shri Vijay N. Patil]

I am not in agreement even with what Mr. Banatwalla suggested earlier that the people who have gone abroad and are staying abroad should be allowed vote when the elections are there in India to Lok Sabha or to the State Assemblies. The things which are not practicable or desirable in the present context should not be allowed.

Of course, even with the countries where our Indian people are not in large number, when it comes to economic cooperation, sharing of common resources and common development, we have taken new stands. Some decades ago, the developed countries started the body by the name European Economic Community.

Our Prime Minister Shri Rajiv Gandhi has started the SAARC and to start with we have got the membership of seven countries and in this sub-continent, in this area we can share so many things in common. Sharing the hydel energy from rivers flowing from Himalayas, sharing the information given by the satellites through remote sensing for knowing the cyclonic information, whether or not rains are advanced, can be done by all the countries who are our neighbours. We can share the communication through one or two satellites and we can reduce the expenditure on such kind of facilities which can be used in common.

So, for that purpose it does not require a person from Bangladesh, from Sri Lanka or from Pakistan or for that matter a person from Afghanistan and other countries who once upon a time was an Indian should acquire the citizenship of India if he so desires. It is not necessary.

What a man wants is a comfortable life, a pretty good house to live in and if possible the maximum luxuries of modern life. These things can be obtained through economic cooperation. It is not a thing which is acquired through sharing of political power. We do not want political power to be made more complicated.

In different countries, in our adjoining countries also we have different kinds of

democracy and different kinds of Government whom we just tolerate but do not agree with the form. We believe in democracy. But that does not mean that every man can come and contest here and at the same time they can be given the citizenship.

What will happen if my cousin brother staying in Kenya contests the elections in Parliament and when the Parliament is in session he has to come from there. What if he also acquires the citizenship and becomes a member there? In this country itself a man cannot remain the Member of two Houses. He can either be a Member of Parliament or he can remain a Member of a State Assembly. So what will happen to a person who is a citizen of other country, a political representative over there and come here to contest and by chance gets elected. This will create many complications. We do not want any complications. We have got our own problems. Ours is a big country with huge population and having a federal structure. There are people especially in your party who want to propagate the idea of giving more and more powers to the States. We have already given lot of power. Whatever is required to be kept with the Centre is with the Centre, but even with that, when the Government in one State is not of the party, which is in power at the Centre, some misunderstandings develop, and people start saying more autonomy should be given to the State Government.

Ours is a Sovereign Democratic Republic. If you want people from other countries to be allowed on the pretext that they are of Indian origin, and their forefathers were staying in India, that will not be a proper idea. The idea is commendable, but it is not practicable, and when the thing is not practicable, it is not proper to insist more on that. As I have already said, we should find out different modes of bringing our brethren closer to the Indian culture. They should feel proud of India. It should not be understood—as it is understood in some countries—that Indians are only shopkeepers. I have heard that people know of India as a country of shopkeepers. Our Patils, Shahs and Mehtas have got shops

in the centre of the big towns abroad. So the people of that country think that Indians are only shop-keepers. Indians are not only shopkeepers but they are also scientists, fighters, adventurers, etc. Our people have gone to Antarctic. The expedition to Antarctic has been successful. We have got our foothold over there. So, we should give proper image of India and we should utilise our brethren to give proper information about India to the people of that country. Whatever wrong information has been spread by some people, who do not like to see the development of the Indian people through democratic process, and who try to malign Indians through the strong media at their disposal, we should try to counter that with the help of our brethren abroad. For that purpose whatever is necessary the Central Government and other voluntary agencies can be utilised instead of asking or allowing those brethren to come here and contest. We have already got lot of contesters here. In this country you find in some constituencies there may be two-three parties in the fray but there may be fifty or hundred individuals contesting individually. Do you want to add to that number? It is alright if a big man like Mr. Rath is able to contest from a parliamentary constituency in Maharashtra. But if Vijay N. Patil goes to Orissa and contests an election, who will vote for him? The people living in any part of the country want to know whether the candidate has been working for the people living in the constituency from where he is contesting the election. So, in that Constituency, people would ask what he has been doing for the last 10 or 15 years and what he is going to do for the next five years. What will happen if somebody contests the election from Africa or United Arab Emirates and, of course, he is a citizen of India and he wants to contest from a constituency. But what will the people think of him? The man is contesting from thousands of miles away. The Bhojpuri people had gone to Mauritius and after 300 years if one of them is coming back to India and asking the people in a particular constituency to vote for him, then the people would say that after election he will go back to Mauritius. So, is it practicable or is it possible? It is not possible. That is

why I think your idea is good but it is not practicable. With these words, I thank you for giving me the opportunity to speak on this subject.

SYED SHAHABUDDIN (Kishanganj) :
Mr. Chairman, Sir, my friend Mr. Ramoovalia has brought forward a Resolution which amounts to preaching polygamy in the era of monogamy. I have some knowledge about the way the foreign Governments function or the modern States function with regard to the grant of citizenship. They are increasingly very jealous of this right of citizenship; it is not easily granted to persons who are foreign origins. In many States, they tend to place certain conditions, sometime very impossible conditions. I do not know off hand of any State, of not in the contemporary world, which agrees to the grant of dual citizenship or to the very concept of a double nationality. Sir, as far as the voting right of the persons of Indian origin living abroad, who are Indian nationals, are concerned, they are to be treated on a different footing altogether. I had a long discussion with the Election Commission on that point and they pointed out certain practical difficulties in providing the facility of franchise to the Indian nationals who are residing abroad and I had the privilege of bringing forward a Private Member's Bill in the Rajya Sabha, in my last term in order to secure voting rights and I suggested a method or delimiting pattern of constituencies that can be viewed for those persons who are Indian nationals living abroad. For example, if Indian Nationals living in the Gulf region or West Asia numbered more or less comparable to the size of a constituency within India, then those Indian nationals could be constituted into a constituency for representation in the Indian Parliament, that is to say, those Indian nationals living abroad in a given pocket, could elect a representative to the Indian Parliament. That is a different matter. Here, Sir, we are talking about all rights, equal rights as enjoyed by the Indian citizens to be extended to another person of Indian origin who is living abroad and who is a foreign national. Frankly I find that it is very difficult to accept the idea or even to commend the idea and I do not think it shall be acceptable even

[Syed Shahabuddin]

to the countries which are today acting as hosts to persons of Indian origin. Then, there can be a number of practical difficulties. It can be sometimes clash of interests. It can lead, on occasions, to a clash of jurisdictions, it can lead to a conflict of laws and indeed, it will be very difficult to ask any person to acquire the technique of riding two boats at the same time. Therefore, I am inclined against the very concept of this Bill, not that I, in any way, devalue the emotional ties felt by persons of Indian origin with the mother country ; at least for the first few generations it is there. If I may say so, to the best of my ability, when we speak of persons of Indian origin, we were speaking of persons who either they themselves or their parents, or their grand-parents—I do not think, they go further than that—migrated to a foreign country. I am absolutely certain that in normal circumstances, the ties of kinship persists, the cultural ties do play a role, people do have a feeling for the mother country. But after that people become absorbed in their milieu, in their environment, in their economy, in the life of which they have become part and parcel and slowly they do not have very palpable ties or really very strong interests in the mother country. It is not only in India. This is so for all people of the world and people have been migrating throughout the world from one part of the world to the other. It is nothing new. One can, of course, argue that the State boundaries have stiffened in the modern times, whereas they were not so stiff and so precisely defined in the ancient times. One can argue that, but, by and large, people do tend to get absorbed in the host milieu. This is a fact of life and that is a fact of human nature.

When we speak of the same rights, this includes the Fundamental Rights also. To me immediately the question comes in which court do you enforce the Fundamental Rights ? In which country ? How do you enforce ? What jurisdiction do you have ? What instrumentalities do you have ? Simply, you have none. Even if you do grant Fundamental Rights to an Indian national, who is also a foreign national, and they are violated, let us say

by the authorities where he lives,—obviously, they cannot be violated by anybody living in India—then you have no jurisdiction to protect his Fundamental Rights. It would be an exercise in absurdity to think that the Government could protect the Fundamental Rights of an Indian citizen, who at the same time happens to be a foreign citizen and living in a foreign country and is oppressed by that foreign State. It becomes an impossible situation.

Similarly, let us talk of the economic situation. Surely, there is a right to invest, but there is also sometimes the duty to invest, duty to pay taxes. I would like to know if the persons of Indian origin,—who were foreign nationals were at the same time granted Indian citizenship, and were made to subject to Indian taxation system in order to fill the coffers of Mr. Poojary, who is sitting in front of me, and to give him more money for the poor of the country, will they willingly subject themselves to the Indian taxation authorities ? Nobody will accept that double taxation. The host country would not forgive them their taxes, and the Indian Government even if they imposed taxes, would not be able to collect them. Therefore, there also I find a tremendous difficulty.

Let us talk of the political aspect. I am reminded of a situation in which a conscription takes place. A nation faces an emergency and there is a conscription. I can visualise situations in which the conscription would act at cross purposes and shall subject Indian nationals to fight foreign wars on behalf of the foreign countries, wars which we might denounce as a nation. For example, American attacked Libya. Suppose the Americans were to use American citizens of Indian origin in their aggression against Libya. Here is an Indian State denouncing this act of aggression, and here are the Indian citizens, who happen to be American citizens also are fighting American wars against Libya.

18.00 hrs.

Again we are led into a terribly absurd situation. This also bears the other way

round. Citizenship also means to bear arms. Can we be permitted, as a State to call upon our nationals, who also happen of the other States, against the will of the host State to bear arms for our country in a time of distress ?

Finally Sir, as far as the cultural aspect is concerned, assimilation will become extremely more difficult because psychologically a person of Indian origin who is enjoying all the benefits of foreign citizenship, who at the same time is being allowed to have Indian citizenship, will be less inclined towards assimilation and identification with the culture of the country that he has adopted and to that extent, he will become less acceptable in that country.

Mr. Chairman, I am not so generous as my friend Shri Ramoowalia in granting Indian citizenship to persons who have deliberately, willingly, voluntarily, working out the costs and accounts, decided one way, decided to merge their destiny with the country of their choice. I wish them well. I have no grudge against them. I do not consider them unpatriotic I am very happy to live with that situation. But I cannot permit them double nationality, or as I said, an attempt to ride two boats at the same time.

My daughter was born in America. I made the option of giving her an Indian citizenship and getting her an Indian passport. When she was 18, I told her, "Daughter you are free. You can choose American citizenship if you like, because this will make your education and later even your marriage, easier" She refused.

MR. CHAIRMAN : Shri Poojary.

18.02 hrs.

PAPERS LAID ON THE TABLE—*Contd.*

[*English*]

THE MINISTER OF STATE IN THE
MINISTRY OF FINANCE (SHRI

JANARDHANA POOJARY) : I beg to lay on the Table a copy each of Notification Nos. 258/86-Customs and 259/86-Customs (Hindi and English versions) published in Gazette of India dated the 25th April 1986, together with an explanatory memorandum regarding exemption to crude palm kernel oil when imported for the manufacture of fatty alcohols from the basic customs duty in excess of 30 per cent *ad valorem* and from the whole of the auxiliary duty of customs leviable thereon under Section 159 of the Customs Act, 1962. [Placed in Libray. Sec. No. LT-2565 A/86].

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BUSINESS ADVISORY COMMITTEE

[*English*]

Twenty-third Report

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND TOURISM (SHRI
H.K.L. BHAGAT) : I beg to present
the Twenty-third Report of the Business
Advisory Committee.

18.03 hrs.

RESOLUTION RE : CONFERMENT
OF SAME RIGHTS AS ENJOYED BY
INDIAN CITIZENS ON PERSONS OF
INDIAN ORIGIN LIVING ABROAD—

Contd.

[*English*]

MR. CHAIRMAN : Shri Harish
Rawat.

[*Translation*]

SHRI HARISH RAWAT (Almora :
Mr. Speaker, Sir, the wordings of the
Resolution moved by hon. Shri Ramoo-
walia seems to be quite innocuous, but its
consequences will not be that simple.

[English]

MR. CHAIRMAN : You may continue next time. The House now stands adjourned till 11-00 on Monday.

18.03 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday, April 28, 1986/
Vaisakha 8, 1908 (Saka).*