

to take immediate suitable measures to improve their lot and to reduce their sufferings.

12.20 hrs.

CITIZENSHIP (AMENDMENT) BILL,  
1986—Contd.

[English]

MR. DEPUTY SPEAKER : Now, we will take up Item No. 10, Clause by Clause consideration of the Bill, further to amend the Citizenship Act, 1955. Clause 2, Shri Mool Chand Daga. Are you moving.

SHRI MOOL CHAND DAGA (Pali) : No, I wanted...

MR. DEPUTY SPEAKER : You are not moving. Then, you leave it. Now, the question is :

"That Clause 2 stand part of the Bill."

The Motion was adopted.

Clause 2 was added to the Bill.

(Interruptions)

SHRI MOOL CHAND DAGA : I wanted to speak, but I was not allowed to speak.

MR. DEPUTY SPEAKER : I asked you, you didn't move.

Clause 3

(Amendment of section 5)

MR DEPUTY SPEAKER : Mr. Daga, are you moving your Amendment ?

SHRI MOOL CHAND DAGA : I beg to move :

Page 2, line 2,—

for "five" substitute "three" (3)

MR. DEPUTY SPEAKER Now, Mr. Mohanty.

SHRI BRAJAMOHAN MOHANTY (Puri) : Sir, he is trying to convince the Minister, otherwise, he will withdraw.

SHRI MOOL CHAND DAGA : That is all right.

MR. DEPUTY SPEAKER : Mr. Mohanty, are you moving ?

SHRI BRAJAMOHAN MOHANTY : I shall only try to convince the hon. Minister.

MR. DEPUTY SPEAKER : You first say, whether you are moving or not and then you can convince him.

SHRI BRAJAMOHAN MOHANTY : That is all right.

MR. DEPUTY SPEAKER : First you tell, are you moving the Amendment ?

SHRI BRAJAMOHAN MOHANTY : No, Sir.

MR. DEPUTY SPEAKER : Then, you leave it. Now, Shri Daga.

SHRI MOOL CHAND DAGA : Now, the one amendment, which I have moved, wherein, it is said that "either of whose parents". I ask, "either of whose parents ? Why not both ? If, both the parents are citizens of India, then he should be treated as citizen of India.

Then, I ask for the insertion of one phrase "whose parents" ? If either of them goes, then what will happen ? So, I said, this is a harmless amendment and is very necessary. Please accept this Amendment.

Then, in the other Amendment, I have asked for the addition of the word "or" at the end of page 1, line 13. That should be accepted. I say, there is no harm in it.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) : Sir, I am not quite clear about, what the hon. Member Shri Daga has in his mind. I think, he is referring to Clause 2 of the Bill.

MR. DEPUTY SPEAKER : No. We are discussing Clause 3 of the Bill. Clause 2 is already over. It has been adopted.

SHRI P. CHIDAMBARAM : He is talking about Clause 2, Sir. Please ask him to speak about Clause 3. He is talking about Clause 2.

MR. DEPUTY SPEAKER : I had asked Dagaji, are you moving the Amendment for Clause 2. He said "no". After that, if you are speaking about Clause 2, then what is the use.

SHRI MOOL CHAND DAGA : Since, you asked me to move, I moved.

MR. DEPUTY SPEAKER : No, no. You said, no.

SHRI MOOL CHAND DAGA : You are running very fast. I know that.

*(Interruptions)*

SHRI BRAJAMOHAN MOHANTY : You should allow us to make our points.

MR. DEPUTY SPEAKER : No. I asked, whether you are moving ? You didn't reply. When first I ask you whether you are moving, you should say 'yes' or 'No'. Then only you can speak. Without that, you are moving. How can you speak on that amendment ?

SHRI MOOL CHAND DAGA : You are going too fast, Sir.

MR. DEPUTY SPEAKER : We have to go fast, Mr. Daga Ji. We cannot go very slow. Mr. Daga, what about clause 3 ? You have already moved your amendment to it. Are you speaking on that amendment ?

SHRI MOOL CHAND DAGA : Yes.

MR. DEPUTY SPEAKER : You can now speak on Clause 3.

SHRI MOOL CHAND DAGA : What was the object of the Bill ? It was that anybody can become a citizen of India after a period of six months' stay. I ask why you have fixed a period of five years

now. What is the sense in putting it as five years now ? Generally people who come to India and settle in India get the right of voting in local bodies' elections after a period of three years. In local bodies' elections we generally find that those citizens participate who are residing in India. You are saying that they can do so after five years of stay. That is too much. Therefore, I have reduced it, saying that it should be a period of three years. That is my suggestion.

MR. DEPUTY SPEAKER : Mr. Minister—now you can speak only on Clause 3.

SHRI P. CHIDAMBARAM : Now, in Clause 3 we are amending Section 5 (1) (a) of the parent Act. In Section 5 (1) (a) there, the residential qualification fixed is six months, and it is being increased to five years. Mr. Daga suggests that we increase it from six months to only three years. On the contrary, Mr. Brajamohan Mohanty suggests...

MR. DEPUTY SPEAKER : He did not move.

SHRI P. CHIDAMBARAM : I am only pointing out the contrast. Mr. Mohanty says that we should increase it from five years to seven years. It is a matter of policy. It is a matter of judgement. Government thinks that five years is a reasonable qualification before a person can be said to have accepted the responsibilities of citizenship. I am sorry I cannot accept this amendment.

MR. DEPUTY SPEAKER : Mr. Daga, are you withdrawing your amendment.

SHRI MOOL CHAND DAGA : I am not pressing.

MR. DEPUTY SPEAKER : Does Mr. Daga have the leave of the House to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

Amendment No 3 was, by leave, withdrawn.

MR. DEPUTY SPEAKER : Now the question is :

[Mr. Deputy Speaker]

"That Clauses 3 and 4 stand part of the Bill"

The Motion was adopted.

Clauses 3 and 4 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clause 1, Enacting Formula and the Title stand part of the Bill."

The Motion was adopted.

Clause 1, Enacting Formula and the Title were added to the Bill.

MR. DEPUTY SPEAKER : Now the Minister...

SHRI P. CHIDAMBARAM : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : Does any hon. Member want to speak now ? All right.

Motion moved :

"That the Bill be passed."

Mr. Shahabuddin.

SHRI SYED SHAHABUDDIN (Kishanganj) : Sir : At this stage I again wish to appeal to Government not to force this measure, which shall create many, many complications—administrative and political—in the years to come.

As I said yesterday, if we had a system of registering every birth, if we had a system of identifying and keeping a tag no every citizen and of knowing the national status of every person who is residing in India, then surely this could have been a practicable proposition. As it is, it is not. We have lakhs of people today whose citizenship and status are indeterminate. And by virtue of this enactment, this state of Statelessness will not be limited to them, but will be carried on from generation to generation, from father to son and

to the grandson, and thus it will be perpetuated, and will be a never-ending process.

Government have not yet given us any facts on the basis of which one could come to a judgement. We have only guesses. I had asked Government yesterday : why don't you have a census in Assam to determine how many people have infiltrated or immigrated or come into, or intruded into Assam or into Indian during the last 10 or 15 years ? Government is silent on that. Government has no idea about the number of people who have come; and Government is tarring everybody with the same brush.

I would like to point out that we face a tremendously difficult situation with regard to Sri Lanka. It occurs to me that when we enacted this Act in 1955, we had in our mind the persons of Indian origin who were born on the soil of Sri Lanka coming into India and being granted not only asylum but a guarantee about citizenship not only for themselves but for their progeny also who were born on the soil of India. Assuming this proposed law was then in force, all those 15 lakh people, who have acquired Indian citizenship coming from Sri Lanka since 1954 would not have been able to have that status or privilege. That is why I am saying that this is a misconceived notion of protecting the integrity of India. You must protect the integrity of India of defending it against infiltration.

SHRI P. KOLANDAIVELU (Gobichettipalayam) : No, it is not from 1954; it is from 1964.

SHRI SYED SHAHABUDDIN : But this was applied also with retrospective effect. People had been coming into India, but the Agreement came later; and then it regularised the status of those who had already come in; and it was also agreed to regularise the status of all those who were to come in. Therefore, we are faced with a situation where you are banging the doors and by enacting this legislation you are really diverting the attention from the primary task of safeguarding the border of the country and you are also putting into the mind of the country a sense of shame, because today we are disowning those about whom we have always felt responsible,

Parsis came into India a thousand years ago. Suppose this law was in force then where would all the Parsis be? Their fathers were not born in India; their fathers were born in Iran or somewhere. Our country has had a tradition to which Shri Pant referred when he introduced the citizenship Bill in the Lok Sabha and in the Rajya Sabha. That is why I suggest that government should work out necessary logistic arrangement, work out a foolproof system about safeguarding the border, about determining the citizenship of every person residing in India whether he is a foreigner or he is a citizen and have a perfect system of registering every birth. Then you come with this Bill and I shall support it. But, today, it is vicious; it is also against national interest and administratively impossible.

SHRI INDRAJIT GUPTA (Basirhat) : This amending Bill seeks to change substantially, I should say basically the practice which has been in force for the last 36 years continuously. Therefore, it is an important piece of legislation. For the moment, I won't go into the question as to whether it will pass the constitutional test of Article 14, that is the headach of the government; they must have been assured by their legal advisors that it is a sound legislation. But as far as, not being a lawyer, I can say that there have been some instances in the not so distant past when this legislative practice of arbitrarily fixing a particular date which has no principle or no policy behind it to justify the selection of that date; and on the basis of that date dividing the citizens of the country into two categories and discriminating between them, has been struck down by the Supreme Court on the ground of it being violative of Article 14; and all the people who were born before a particular date that is the date on which this Bill will come into force will continue to have benefit to the extent that those who were born in this country would become citizens of India by birth; whether anybody born in this country subsequent to the date of legislation coming into force will be a citizen by birth only if one of his parent is already an Indian citizen. I do not know whether this will really hold water. Of course, I agree with the Minister that if this had been given retrospective effect, there would have been chaos and it would have been really led to a very undesirable state of affairs.

SHRI SOMNATH CHATTERJEE (Bolpur) : That would have amounted to deprivation !

SHRI INDRAJIT GUPTA : It would have led to all sorts of things. Now, as far as this provision is concerned, my party does not oppose it.

Why? Because we have in mind that due to unnatural division of the country which took place all these problems have arisen. The Statement of Objects and Reasons has referred to large numbers of people coming in from Sri Lanka, and Bangladesh and from some African countries. It does not mention Nepal; it does not mention Pakistan. I do not know why. I mean, in that case the same standards should be applied to people who can cross the border easily both from Nepal as well as from Pakistan; and people do come. But here they have mentioned specifically only two countries and referred to some African countries. I do not know what are those African countries and from where people have been coming clandestinely. Of course, there are large number of Africans in this country as students and so on, we know that. I do not know to whom he refers as Africans coming here clandestinely. Perhaps, he might shed some light on this when he replies. Anyway, as far as those people are concerned, who, due to the partition of the country later had to come back to this country as refugees, *bona fide* refugees, people who were compelled either by political persecution or by some economic deprivation, their property being taken away, or something like that, compelled to come back to India from wherever they had gone after partition. I hope that the Government is not contemplating to go back on the commitment which was already made in the tradition of this country in the past, from Pandit Nehru's time, and of course that is not a legislation, it is only a commitment; a commitment was made, that such *bona fide* refugees who seek asylum or shelter in India, will be given shelter here. They will not be thrown out or chucked out. We wish this Bill included that it is directed at people who are not coming in here as refugees but to others coming for any other purpose. I hope this is the position of the Government still, and the Government should make it clear. If they want this legislation to have

[Shri Indrajit Gupta]

the support of the country, it should be accompanied by a reiteration of that assurance and that commitment. The Government may say that there is no problem of refugees in future. How do we know? We do not know. Of course big problems had come up at various times during the last 36 years. These people have come. They are here, they are absorbed in the country. Nobody can chuck them out or do anything about it. But we do not know, we cannot say, what will happen in future, in Bangladesh or in Sri Lanka or in Pakistan, which may compel people, innocent people, to leave those countries and seek shelter. In such a case, at least we should bear in mind the commitments which were given in the past and we stand by them.

The population problem is a different question. That should not be mixed up with this. Even if you prevent everybody from outside coming here your population will continue to increase by leaps and bounds unless some other measures are taken. That is a different question.

So, as far as this provision is being made, now to get citizenship by birth, one of the parents should be an Indian citizen, all right, I support this, because I think that there is nothing wrong in that, that practice is there in many countries of the world. And at the moment, in the prevailing situation it is not going to create any very serious complication.

But the other provisions of the Bill, which in the name of stringency have very drastically increased the periods required for them originally to apply for registration, somebody who is not a citizen has come to this country and applies for registration for Indian citizenship, it was six months and it is now becoming five years. I can understand instead of six months if it is made one year or two years or even three years. But what is the reason of switching over from six months to five years? Assuming there is a person who understandably wants to register as a citizen of this country, he will not be allowed even to apply for registration until he has been residing here for five years and this is not clear as to what will be his status during those five

years. During the period his application for registration is pending, he is a stateless person. He is not an Indian citizen.

SHRI BHOLA NATH SEN (Calcutta South) : He is an Indian national.

SHRI INDRAJIT GUPTA : What is an Indian national? This is a new category which is being introduced by some Members. He is not an Indian citizen and, therefore, he is applying for registration. For 36 years what was the difficulty you had when the provision was that he or she must ordinarily be a resident for six months before he or she could apply for registration? What was the great difficulty or crisis that you faced because of this that from six months you have to increase it immediately to five years? I think, these are unnecessary hardships being put on people who want to register themselves as Indian citizens. They will have to fulfil all the other qualifications, whatever they are. This is simply for applying for registration. Why should it be made five years instead of six months? I do not understand this. I think, this is unnecessarily severe in the name of stringency. This is not going to prevent people coming from outside if they are under compulsion to come. If the idea is to prevent the entry into India, you do not want unauthorised entry, you do not want clandestine entry, we also do not want it. We do not want huge number of people to remain in this country, whose citizenship status is undetermined. It is in our interest that their citizenship status should be determined as soon as possible. If they are eligible for registration, they should be registered within a reasonable time. If they are not eligible for registration, well, they cannot be citizens. Then the Government will have to deal with them in a different way. But by making this eligibility period as five years instead of six months, I think, this is not at all convincing as to why this is being done. Simply to say that we have to be stringent, it does not make any sense. This is talking like Margaret Thatcher. You should not take a page out of her book. In the beginning, I know, in England there was a provision that anybody who was born in the UK was eligible to be the UK citizen by birth. I know that some people of this country who were born in the UK and whose both parents were Indians, became

UK citizens. I do not know whether Margaret Thatcher still retains that provision or not. That was the position here also. Possibly we borrowed it from the UK because we borrowed many things from the UK. And for 36 years this went on like this. Now to introduce this provision that at least one parent should be Indian citizen, in my opinion, is all right; there is nothing wrong in that. But these provisions which are introduced here, the qualification period for registration, the qualification period for seeking naturalization, the periods have been increased from 7 years to 12 years and from 4 years to 9 years. What is the greater security or greater stability of the population that you are going to get as a result of this? I do not agree with these at all. The first clause I am willing to support, because, I think, it is necessary now provided it is accompanied again by the Government policy assurance that in future if cases occur of genuine refugees, people, who are persecuted in those countries, come here for shelter, we will not go back on our commitment and we will stand by that commitment. Then it has some meaning. Otherwise, the implications would be quite serious and undesirable.

So, I would like the Minister to clarify these points.

**SHRI BRAJAMOHAN MOHANTY (Puri)** : This Bill is in the right direction. I am happy that the hon. Minister has said that this is only one step taken for introducing a clause of rigidity in the law of citizenship.

I want to point out one thing. Now the self-styled Commander-in-Chief of "Khalistan" is a citizen of India. The people who are agitating in Jammu and Kashmir in favour of Pakistan and for plebiscite, are citizens of India. So, how can both the things continue? No doubt, when the Citizenship Act was passed, that was a different period, the period of partition. The shadow of partition overshadowed all other considerations. But now the things have changed. You know about the Nepalese people how they are doing mischief here. So, there should be a certain degree of rigidity and, therefore, I say that the Bill is in the right direction...

One thing I would like to know from

the hon. Minister. Article 11 of the Constitution gives power... (Interruptions)

**SHRI SYED SHAHABUDDIN** : Does the Government agree that the Nepalese people are committing mischief in this country?

**SHRI BRAJAMOHAN MOHANTY** : I will answer to that. The Government during the Question Hour has admitted what is being done by some organisations in Jammu and Kashmir and that they are actively working for merger of Kashmir..... (Interruptions)

**SHRI SYED SHAHABUDDIN** : I am talking about Nepalese.

**SHRI BRAJAMOHAN MOHANTY** : So, Sir, both the things should not continue. My submission is let the hon. Minister examine as to what can be done about Article 11 of the Constitution which gives power to this Parliament. Both the things cannot continue together. That is one aspect of the matter.

Another thing to which I would like to invite the attention of the hon. Minister is section 5 of the Citizenship Act. Section 5 gives power to the Government that restrictions for allowing registration can be prescribed. But during all these years no restriction has been prescribed. So, naturally, my submission is that that aspect should be examined.

The third thing I would like to point out to the hon. Minister is the oath of allegiance. Is it adequate? It requires to be examined. Somebody may say he has faith and allegiance in the Constitution of India but he does not say that he has no allegiance in the Constitution of any other country of the world. Of course, under the Indian Citizenship Act, the allegiance to both the countries will not be tolerated but as a matter of fact, they can continue with it. Somebody may say he has allegiance to the Constitution of Pakistan. The 1973 Constitution does not operate there. It has been abrogated. So, somebody may say he has faith and allegiance in the Pakistan's Constitution as well as in the Indian Constitution. That is why my submission is that oath and allegiance should be legally

[Shri Brajamohan Mohanty]

examined and appropriate provisions should be made.

Another thing which has been referred to is regarding our diplomats having foreign wives. That is a very nice topic. I am very happy that the Government of India has taken a rigid stand that no foreign lady would be allowed to marry our diplomats. That is all right. Government should stick to it. Thank you very much.

**SHRI P. CHIDAMBARAM :** Sir, three hon Members have requested for clarification on certain points and they have made certain observations. I do not think Mr. Shahabuddin was present in the House when I replied to the debate yesterday. Mr. Gupta was also not here, and that is perhaps why some of these questions are being raised again.

As far as Constitutionality is concerned, I can only repeat that Government has received good advice that the Bill is primarily Constitutional. As far as the new clauses (a) and (b) are concerned, which have been introduced in the Bill, the difference is that earlier we rested solely on the principle of *jus soli*; today we are moving away, like many other countries have moved away, to the principle of *jus sanguinis*, coupled with the element of *jus soli*. This is not unknown to many many countries in the world and I think, for the reasons which I said yesterday, we are perfectly justified in moving to the principle of *jus sanguinis* with an element of *jus soli*.

Shri Shabbuddin mentioned that this Bill will effect people in Assam. Yesterday, I made it clear and I wish to make it clear once again that the Assam Accord has been taken care of in Section 6A which was introduced earlier this year and made part of the Act. If you will kindly see the Citizenship Act, Section 6A is a self-contained scheme and every step that is necessary to be taken in pursuance of the Assam Accord is contained in Section 6A. In fact Section 6A contains its own definition and it contains its own substantive provisions and it contains its own procedural provisions. This Bill seeks to amend only Sections 3, 5 and 6 and no impact, I repeat

'no impact' is there on the Assam Accord. There is no intention of diluting the Assam Accord.

People who have come into Assam and who are eligible for citizenship will be governed by Section 6A for the period which is provided for in the Assam Accord *viz.*, people who came prior to 1966 and then people who came between 1966 and 1971. I need only point out that two hon. Members from Assam who spoke on the Bill recognised this position and that is why they have also supported this Bill.

Shri Indrajit Gupta asked me which are the African countries from which people are coming? Some people of Indian stock, Indian origin have come in from Uganda, Tanzania and Kenya. We are not against people coming in. If you will kindly see the Statement of Objects and Reasons we are concerned about clandestine entry of a large number of people. People come into this country clandestinely. Naturally we must be on the guard. We must be vigilant. We must tighten up our laws, so that people in other countries do not think that anybody can get into India at any time and after a period of time they can acquire citizenship.

**SHRI H.A. DORA (Srikakulam) :** What about Nepal and Pakistan? (*Interruptions*)

**SHRI P. CHIDAMBARAM :** Pakistan has not been (*Interruptions*). I do not wish to discuss each country separately. So far as Nepal is concerned...

**SHRI H.A. DORA :** That question has not been answered.

**SHRI P. CHIDAMBARAM :** I am answering. So far as Nepal is concerned, the House is aware it is governed by certain provisions of the Indo-Nepal Treaty and, therefore, just as the Indian citizens are entitled to go to Nepal and enjoy certain rights, Nepal citizens are also entitled to come to India and enjoy certain rights. That is the sum and substance of the Articles 6 and 7 of the Indo-Nepal Treaty which was discussed in the last Session of Parliament.

Shri Indrajit Gupta asked a question— are you not fixing an arbitrary date?

**SHRI INDRAJIT GUPTA :** Is there no clandestine entry from Pakistan ?

**SHRI P. CHIDAMBARAM :** As far as people from Pakistan are concerned, Government has said that borders are under constant watch and we do not encourage any one from Pakistan to enter India and in fact B S F. and other forces have taken very stern measures against people entering from Pakistan. We are talking of clandestine entry and not entry with proper documents.

**SHRI H.A. DORA :** Are you sure about it that there is no clandestine entry from Pakistan ?

**SHRI P. CHIDAMBARAM :** I do not say nobody enters clandestinely. All I can say is that we are vigilant against clandestine entry.

**SHRI INDRAJIT GUPTA :** What about people with visa who stay on after the visa period has expired ?

**SHRI P. CHIDAMBARAM :** I am answering that.

Shri Indrajit Gupta asked me, can you fix an arbitrary date ? May I tell him with great humility—every Act has a date of commencement. When no date of commencement is fixed, the date of commencement is the date on which President gives his assent. Today, most legislations fix the date of commencement of the Act. Such a provision is provided for in this Act also. We have to fix the date of commencement of the Act. Yesterday, I explained that while fixing the date of commencement, we shall take into account the possible hardship to children who may be born during the period the Bill is being debated and passed. And we shall fix the date of commencement so that people will now notice that on and from this date the primary principle of citizenship in this country is *jus sanguine* with an element of *jus soli* and not *jus soli* alone. It is a well-known legislative device and I see no difficulty in fixing a date of commencement of the Act.

Sir, again a question was raised : 'Why are you raising the period from 6 months to 5 years ?' All I can answer is that while we think 5 years is reasonable, hon. Member Mr. Mool Chand Daga thought that 3 years

is reasonable; hon. Member Mr. Mohanty thinks that 7 years is reasonable. We have to fix a certain period. So we think that 6 months is too short for any one to come and settle down in this country and understand and accept the responsibilities of citizenship. Six months is too short to detect clandestine entry, six months is too short to find out what activities a person indulges in during his stay in India. So, on the one hand we have to make it clear to people who want to come to this country that acquiring citizenship is not so easy any more. They have to stay here for a reasonable length of time, they have to understand the responsibilities of citizenship in this country and we must have enough time...

**SHRI INDRAJIT GUPTA :** What is their status during those 5 years ? I have put a specific question.

**SHRI P. CHIDAMBARAM :** I am answering it. I am coming to that. I have noted it. I have noted all your questions. You asked me about 6 months, then you asked me about the status. I have noted them all, I am coming to them one by one. Please allow me to answer. If anything is left over, then I will answer again.

We think, Sir, that 5 years is a reasonable period both for the applicant and for the Government, particularly for the Government, to find out what activities he indulges in and to also detect any one whom we hear has come in clandestinely, We think 5 years is necessary and so 5 years are kept. So, the question was asked : What is the status ? The answer is simple in law. Any person who is not a citizen of India is, as far as Indian laws are concerned a foreigner. A foreigner may have the citizenship of another country, he may not have the citizenship of another country. But to Indian law he is a foreigner. A foreigner can come into India and remain in India only with a proper visa. We are granting visas for genuine applicants who come into this country; we are extending visas from time to time, but if the person does not have a visa in the sense that he has come into this country without visa, or he remains in this country after the expiry of visa, let me make it clear, Sir, he is a foreigner, he is liable to expulsion. We are not compromising on that, we do not want people

[ Sri P. Chidambaram]

to come into this country without a visa, we do not want people to overstay in this country beyond the expiry of the period of visa. We intend to take strong action. Then there are considerable difficulties. There are tremendous difficulties in detecting persons and expelling them, but we intend to strengthen vigil; we are not going to allow the people to come into this country without proper documents or overstay in this country after the expiry of the visa. In fact, many many countries in the world to which, I am sure, hon. Members have been, are very strict about people entering without documents and overstaying the period for which they have been given visas.

Sir, hon. Member Mr. Mohanty has made some very useful suggestions about exercising the power to terminate citizenship in certain cases. He has also said that we must review the restrictions and the conditions we impose for granting citizenship. He has also asked us to examine their origin. Sir, I may tell him that all these points are constantly under review and we shall keep his suggestions in mind. (Interruptions). We shall keep his suggestions in mind and we will review them.

In conclusion, may I submit that as I said, this is the first place to begin with in respect of citizenship laws. We have to do more to prevent people coming into this country clandestinely, we have to prevent uninterrupted, clandestine influx of people in to this country and I think we have made a good beginning. I once again appeal through you, Sir, to the hon. House to support this measure.

SHRI INDRAJIT GUPTA : You have not answered specific questions.

SHRI P. CHIDAMBARAM : I have answered every point you raised.

SHRI INDRAJIT GUPTA : I am not talking now about the people who have entered clandestinely. Somebody has come here and he wants to apply for registration, he cannot apply according to your Amendment Bill until he has already been resident here for 5 years. I wanted to know,

13.00 hrs.

what would be the legal status of those persons during those five years ?

SHRI P. CHIDAMBARAM : If he has a visa, he is a foreigner resident in India.

SHRI INDRAJIT GUPTA : Will you extend his visa for 5 years ?

SHRI P. CHIDAMBARAM : We are extending visas for people. We are extending visas for people whose activities are not undesirable and who have a genuine reason to come to India and stay in India.

SHRI INDRAJIT GUPTA : So, will you give him a visa until his application for registration is disposed of ?

SHRI P. CHIDAMBARAM : If we find that his stay here is not desirable, we will expel him. If we find that his stay here is not undesirable, we will extend the visa, if he has a genuine reason to stay in India. If he has no reason to stay in India, we will not extend his visa.

SHRI INDRAJIT GUPTA : What about the commitment of *bona fide* refugees ?

SHRI P. CHIDAMBARAM : We must wake up to the modern world. No country in the world has an open door policy. I know countries which are very tight in this respect. We are not going to have loose and liberal provisions. We are going to have provisions which are tight but which will be applied fairly and in a non-discriminatory fashion. If a man has got a genuine reason to come to India, if he has a genuine reason to stay in India and his activities are not undesirable, he will be given a visa to stay in India.

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

MR. DEPUTY SPEAKER : Now we adjourn for Lunch, and meet at 2.00 p.m.

13 02 hrs.

The Lok Sabha then adjourned for Lunch till Fourteen of the Clock.