

MR. CHAIRMAN : Clause 41. Shri Mool Chand Daga—absent. The question is :

“That clause 41 stand part of the Bill.”

The motion was adopted.

Clause 41 was added to the Bill.

MR. CHAIRMAN : Clause 42. The question is :

“That clause 42 stand part of the Bill.”

The motion was adopted.

Clause 42 was added to the Bill.

MR. CHAIRMAN : Clause 43. There is an amendment by Shri Mool Chand Daga. He is not present. The question is :

“That clause 43 stand part of the Bill.”

The motion was adopted.

Clause 43 was added to the Bill.

MR. CHAIRMAN : Clauses 44 to 62. The question is :

“That clauses 44 to 62 stand part of the Bill.”

The motion was adopted.

Clauses 44 to 62 were added to the Bill.

MR. CHAIRMAN : Now Clause 63. Notice of amendment has been given by Shri Mool Chand Daga. He is not present. The question is :

“That clause 63 stand part of the Bill.”

The motion was adopted.

Clause 63 was added to the Bill.

MR. CHAIRMAN : The question is :

“That Clause 1, Enacting Formula and long Title stand part of the Bill.”

The motion was adopted.

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

MR. CHAIRMAN : The Minister may now move that the Bill be passed.

DR. RAJENDRA KUMARI BAJPAI : Sir, I beg to move :

“That the Bill be passed.”

MR. CHAIRMAN : The question is :

“That the Bill be passed.”

The motion was adopted.

15.05 hrs.

[SHRI ZAINUL BASHER—in the chair]

MR. CHAIRMAN : We now take up item No. 10, Citizenship (Amendment) Bill.

15.05 hrs.

CITIZENSHIP (AMENDMENT)

BILL, 1986

[English]

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) : I beg to move :

[Shri P. Chidambaram]

“That the Bill further to amend the Citizenship Act, 1955, be taken into consideration.”

As the House is aware, our Citizenship law was enacted way back in 1955. Of late, a large number of persons of Indian origin have entered the territory of India from Bangladesh, Sri Lanka and other neighbouring countries, as well as from other African and Asian countries and are residing in India. With a view to make the conditions for the grant of Indian citizenship more stringent, it is proposed to make five amendments to sections 3, 5 and 6 of the Citizenship Act. The proposed amendment to the Act is intended to achieve the following :—

- (i) The persons born in India after the amendment will become citizens of India by birth only if at the time of his birth either of his parents is a citizen of India as against the existing provisions of accrual of citizenship of India to every person born irrespective of his parentage.
- (ii) There is also a proposal to raise the qualifying period of stay for grant of Indian citizenship from 6 months to 5 years in respect of persons of Indian origin. Further, in respect of provision regarding eligibility of citizenship through marriage is being extended to persons married to Indian citizens as against only women married to Indian citizens at present. However, the qualifying period of stay for this purpose would be 5 years against one year at present.
- (iii) Persons other than citizens of commonwealth countries will require a minimum qualifying period of 10 years stay for grant of Indian citizenship under Section 6(1) as against 5 years at present.

(iv) The definition of ‘Indian origin’ is also proposed to be changed in such a way that the person will derive Indian origin if he or either of his parents were born in undivided India as against the present provision of providing not only parents but any of his grand parents having been born in India as a sufficient condition to deem him to be of Indian origin.

With these words I commend the Citizenship (Amendment) Bill, 1986 for the consideration of the House.

MR. CHAIRMAN : Motion moved :

“That the Bill further to amend the Citizenship Act, 1955, be taken into consideration.”

SHRI H.A. DORA (Srikakulam) : I rise to oppose the Bill as the Bill itself is a retrograde measure. Secondly, it appears that the Bill is not a solution to the problem of clandestine entry of people of Indian origin into our country. Thirdly, it is a Bill even if enacted which cannot be implemented. There is no machinery provided for it and it remains a dead letter on the statute book. Fourthly it can be misused causing hardship to innocent persons and breeds corruption which has already been nationalised in this country. It has become a national commodity.

It is also contrary to the provisions laid down in our Constitution. I may first be permitted to say that my learned friend Shri Somnath Chatterjee opposed the very introduction of this Bill on the ground that it is opposed to Article 14 of the Constitution. Article 14 of the Constitution says—

“The State shall not deny to any person equality before the law or the equal protection of laws within the territory of India.”

Here the expression ‘shall not deny to any person equality before the law’ could not be denied to any person in India. He need not be a citizen of India.

Therefore, my submission is that the very basic human right that is manifested out of this particular article has now been frustrated by the very introduction of this Bill. On that particular day, of course I was not present on 4th, it appears that the hon. Minister contended that the introduction of the Bill could be opposed only on one sole ground, that is, constitutional impropriety. But is it not a Bill which is opposed to this sacred principle that is laid down under Article 14 of the Constitution that the State shall not deny to any person equality before law and equal protection of law? The introduction of this Bill, therefore, according to me, has rightly been opposed by my learned friend, Mr. Chatterjee, on that particular day.

That apart, I may be permitted to submit that clause 2 of the Bill says :

"In section 3 of the Citizenship Act 1955, for sub-section (1), the following sub-section shall be substituted, namely :—

"(i) Except as provided in sub-section (2), every person born in India,—

(a) on or after the 26th day of January, 1950, but before the commencement of the Citizenship (Amendment) Act, 1986."

The present law is that except as provided in sub-section (2), every person born in India on or after 26th January, 1950, shall be a citizen of India by birth. This is purely based on the basic principle of *Jus soli*. There are three basic points which are now to be taken into consideration at this particular stage—*Jus soli*, *jus sanguine* and naturalisation. *Jus soli* is the principle on which the concept of citizenship has been built up. *Jus soli* is now modified to the extent that a person born in India on or after the 26th day of January, 1950, but before the commencement of the Citizenship (Amendment) Act, 1986—we do not know when it will commence—and such person shall be the

citizen of India. Secondly, 'on or after such commencement and either of whose parents is a citizen of India at the time of his birth'. Why this discrimination is necessary? A person who was born on a particular date is a citizen of India even though his parents are not-citizens of this particular country, but a person born the fraction of a second thereafter is not a citizen of India even though his parents are not citizens of this particular country. So, this is a criminal discrimination that can be clearly visualised. I do not know why the hon. Minister has not visualised this particular aspect, and I am at a loss to understand as to how this particular thing is repugnant to Article 14 of the Constitution.

That apart, I may be permitted to submit that the Bill seeks to solve the problem of clandestine entry of people into our country diluting the principle that a person born in this country is *ipso facto* entitled to its citizenship. That is the law not only in our country but, I think, everywhere in the world, viz, *Jus soli*. That is *Jus soli*, Sir. Now, that *Jus soli* is completely frustrated and modified. I do not know why and what is the result that is going to be brought about by the introduction of this particular Bill. It appears that the paramount consideration that was shown by the introduction of this particular Bill is to prevent people clandestinely entering into our country. Would it be possible? Could you prevent the clandestine entry of these people by denying the right of citizenship to those persons who are born subsequent to a particular date, arbitrary date, which you are going to give at a later stage, after passing of the Bill? Could you prevent this? I may be permitted to submit at this particular stage, what happens to the influx of people into Assam which created so many problems. And I think, this is a Bill which is mainly intended—apparently not so—but it has got a deeper meaning than the papparent meaning, to dilute the Assam Accord that has been entered into by the Government with that of the Assamese people. There is a cut-off date in the Assam Accord. If citizenship is given to those people who are born in India up to the commencement of this particular Act of 1986, when it is passed,

[Shri H. A. Dora]

then what happens to the Accord? Does it not water down the Assam Accord indirectly? I am at a loss to understand as to how this Bill refuses to refer to those foreigners who are hitherto not identified by the Government there. According to the very Accord, the foreigners are to be identified; they are to be sent out of this country. They have not been identified so far and it creates another problem also. There are two types of foreigners now—the foreigners who are regulated by the Foreigners Act, and the persons who will be denied citizenship by virtue of the provisions of this particular Act. The persons who will be denied citizenship will become automatically the foreigners. A person who is not a citizen of India is a foreigner, according to the definition of the Foreigners Act. Therefore, they will also be foreigners, after the Bill is passed. What is it that you are going to do with them? There are innumerable persons of this type in this country. Are you going to eject them from this country? Is there any machinery for it? Did you at least, contain, even after the Assam Accord, the influx of Indian origin people into Assam? I am told that the persons clandestinely migrated to Assam even outnumber the Assamese in some parts of that particular State. That being the case, you are not able to control them. The Congress-I has been ruling this country right from 1947 barring 2½ years of Janata rule. It has not controlled the clandestine entry.

I may be permitted to submit an important aspect, here. In the Statement of Objects and Reasons of this Bill, it has been clearly accepted by the Government that a large number of persons of Indian origin have entered the territory of India from Bangladesh, Sri Lanka and some African countries and they are residing in India. You have accepted that there is a large number of persons entered into our country clandestinely. What have you been doing all the while? Did you take any steps to contain all these things? You have not done anything. On the other hand, shamelessly you accept that innumerable persons entered into our country across the border.

SHRI SOMNATH CHATTERJEE :
How many Home Ministers have changed?

SHRI H. A. DORA : There is another aspect that under the law, a person born in India after the commencement of the Citizenship Amendment Act will be entitled to citizenship only if either of his parents is a citizen of India. This involves production of certificates which can be procured in this country very easily at a smaller price and, therefore, my submission is that it does not serve any purpose except the purpose of breeding more corruption in this country.

SHRI BHOLANATH SEN (Calcutta South) : I rise to support this Bill. The very first thing that I would like to point out to my hon. friend here is that under the Constitution, in Article 11 which falls in Part II, regarding citizenship it has been said "Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship." Now a lawyer has raised the point that it is violative of Article 14. There again he is wrong because Article 14 is part of the Constitution. Similarly, Articles 16, 19 and 21, any article is part of the Constitution. Article 14 says that :

"The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

The law as it is in this country, equality before that law. If a man is a criminal, then he has to go to jail. If a man is honest, he does not have to go to jail. There is equality before the law, equal protection of laws within the territory of India. Under Article 19, the citizens will have certain rights. But there are many rights which the citizens have but the non-citizens do not have. This is so in every country whether it is England or America. We are a civilised State. We do not make any distinction between man and man. That does not mean that if a man is a

criminal; he would not face a punishment for the crime and if he is a non-criminal, he will have to go to jail. We do not classify like that. We give protection to all under the laws in the country including the latter that unless he is a citizen, he does not get the rights under Article 19. If he is not a citizen, even then, Articles 21 and 14 give him protection. There is no point in that aspect of the matter.

The other thing is that on which I myself feel a little bit confused. I wish to bring it to the notice of the hon. Minister that because of historical reason this very Act was amended after the Assam accord. This very Act having been amended after the Assam accord, what is happening is, more or less, that really, we are having two types of citizenship. One is those who come from Bangladesh to Assam. But if a man has come from Bangladesh to West Bengal, he stands on a different footing. His position is easier. He does not have to wait for ten years to cast his vote. He does not have to go through very many things that have been agreed to by Assam Accord. Now, citizenship is one. Everybody is a citizen of India. When he is made a citizen, what is happening is, if the people from Bangladesh had gone to Assam, even after they are made citizens, they cannot cast their vote for 10 years from the date of their being detected to be a foreigner. If they had come before 1966 then only the general law will apply and nothing else and he will be registered. He becomes eligible to cast his vote because of the distinction made in different sections. They have been dealt with separately.

Under the Constitution, no discrimination can be made on account of birth, religion or sex etc. Here, a man who has come from Bangladesh to Assam between 1966 to 1971 he has to wait for 10 years if he becomes a citizen, for casting the vote. West Bengal, is also surrounded by Bangladesh, Nepal as also by Bhutan and other States. Supposing a man from Assam had come via Bombay or from other place like Himachal Pradesh or Nepal, then what happens? He stands on a different footing. He can become a citizen and after becoming a citizen, he

can cast his vote. It is worth thinking whether there is any discrimination?

SHRI DINESH GOSWAMI (Guwahati) : I think you are wrong. If he is a citizen, he has the right to vote. In Assam, in spite of the fact that he is not a citizen, he is given all civic rights except the right to vote because Assam is unfortunately in a different position.

SHRI BHOLANATH SEN : It is like this. I am reading Section 4. A person registered under Sub-Section 3 shall have, as per the date on which he has been detected to be foreigner and till the expiry of 10 years from the date, the same rights and obligations as a citizen of India but shall not be entitled to have his name included in any electoral roll for any Assembly or Parliamentary election at no time before the expiry of the date.

SHRI P. CHIDAMBARAM : The right to vote is postponed.

SHRI BHOLANATH SEN : Yes. I have got the Assam Accord. There is no dispute. It was necessary at that time. It has been made like this. There is nothing wrong. You are putting restrictions with regard to immigrants. Why not the same restrictions regarding the right to vote after 10 years even if he becomes a citizen? I know personally of a case where in Nepal one man got registered as a candidate. During 1972-77 he also stood as a candidate from India. This sort of thing should not be allowed.

SHRI P. CHIDAMBARAM : You would like to make it more stringent.

SHRI BHOLANATH SEN : Yes. I am quite happy with the Bill. I want it to be made more stringent. After all, Bangladesh or India is over-populated, if I may use that expression. If people come and create problems in the political life and the political activities of the country, then we should be very careful. If you can do that, I will be only too happy.

SHRI NARAYAN CHOUBEY (Midnapore) : What is the U.K. Government doing ?

SHRI BHOLANATH SEN : They do not have problems like that. I am happy to see today in the Papers that just because the British Government has raised the fees for visa, Indian Government has also raised equally the fees for visa ranging from 20 pounds to 25 pounds. I am really very happy. We are no less a country than any other country in the world.

The other aspect of the matter is that, in West Bengal now elections are coming. Large number of people cross-over from Bangladesh. What do they get ? They get a ration-card. With that ration-card, they go and cast the vote in favour of their friends.

SHRI SAIFUDDIN CHOWDHARY : Who allowed them to come ?

SHRI BHOLANATH SEN : I am not in the Government there, your people are in the Government there. Your Chief Minister does not care to say anything. It is happening in Malda, in West Dinajpur where people are coming and it is happening even in Calcutta including my constituency. I went to the Eastern Calcutta, they said that people are coming. The only thing that they require is a ration card. Any MLA can give it. The number is increasing. The regular population suddenly increases at the time of elections. This also is a thing which should be taken into account seriously. Since you have taken up the Citizenship Amendment Act, I should submit that provision regarding voting should be restricted.

I remember that there was a trouble originally in Assam. People come to Cooch Behar in North Bengal, but they did not go back although the problems were over. When I went to see them, they said that because West Bengal was providing them food, they were staying there. India is making progress undoubtedly more than what many of our neigh-

bouring countries are making. The more we are advanced, the more will be the immigration into this country. There is no doubt about it. Please make it strong, more strict and more stringent. I hope you will do it in a short time, preferably before the elections.

SHRI SRIBALLAV PANIGRAHI (Deogarh) : Mr. Chairman Sir : I thank you for giving me an opportunity to participate in the debate on Citizenship (Amendment) Bill. Sir, I rise to support this Bill because its provisions are quite welcome and were very much needed.

Five provisions only are being amended in this Act, as explained by the Hon. Minister. I don't like to go into them. Three modes are provided in our citizenship Act to acquire citizenship—the first is automatically, the second is by way of registration and the third is by way of naturalisation. Acquiring citizenship automatically is being amended. Anyone who is born even today acquires citizenship just by virtue of his birth in India irrespective of the citizenship of his parents. This is now being amended. It is provided that if a child is born in India, he can acquire citizenship provided one of his parents is also an Indian. I would like to ask my friends from the opposition sides as to what is there to oppose in this.

In totality crores of people have crossed Indian border, and they have come over to India right from the days of partition; a regular and incessant flow of refugees has been there to India. India is quite liberal in its approach to accommodate them. When people come out of distress, human considerations played a vital part with the Government of India. At the time of Bangladesh war, 90 lakhs of—something in the vicinity of one crore—Bengali people came over to India. Many of them have settled here and they are begetting children. Those children would acquire citizenship rights automatically. Sir, are we not having problem of population in our country ? At the time of partition, India had a population of 35 crores. Now it has doubled. How to contain this fantastic growth in population is our problem. It is the need of the

hour. If we encourage people to come from Nepal, Bangladesh, Sri Lanka or African countries wherever there is some trouble and once having come they do not seek to go back even after the things have settled down there and if the Citizenship Act is not made more stringent then what will happen to our economy? No doubt, we have made long strides in our economic development but the population addition by way of infiltration is also eating into the vitals of our progress which we have made in the economic field. Therefore, we welcome this attempt to make these provisions more stringent in the amending Bill.

There are five categories of people who can acquire right of citizenship by way of registration. Earlier I referred to Mr. Chatterjee three modes but under the mode of registration there are five categories of people coming for registration and one such category is there that if a person has just stayed for six months in India and puts an application, the only point taken into consideration is how long he has stayed and if he has stayed for a period of six months then he is qualified to acquire citizenship. Is it proper in the present circumstances? Therefore, it is a welcome amendment that the period has been enhanced to five years.

Sir, there is nothing to oppose in the present Bill. If for opposition sake our friends from the Opposition want to oppose it they may do so but if you look from the national interest point of view then there is nothing to oppose. The present Bill is both a mixture of stringency and liberalism. Earlier only 'women' who were marrying Indians were entitled to citizenship right. Now instead of the word 'woman' as a matter of natural justice the word 'person' has been put. So it will apply equally to both men and women.

The third amendment relates to persons from non-Commonwealth countries. In their cases we have doubled the period from five years to ten years. But my point is whether the period of stay should be the sole point for consideration. Further I would like to say that all citizens of a country are nationals but not *vice*

versa. All the nationals are not necessarily citizens of the country. There should not be a confusion between the two. At the same time I would like to point out that nationality can be acquired but not citizenship. Citizenship must be endured and it should imply a willing acceptance of obligations out of national pride. If that pride is not there, if willing acceptance of obligations is not there, many of us morally will not be entitled to be called citizens and to exercise citizenship rights. If all the people will be citizens and they do not realise what their rights are what their duties are towards the nation, what their obligations are towards the nation, what will happen to the country? That is a very important point and should be taken into consideration.

Citizenship like civilization is built on restraints. In the words of an American journalist of the 18th century, Mr. Samuel Harrison Smith:

"The citizen enlightened will be a free man in its truest sense, too well informed to be misled; too virtuous to be corrupted. He will know his rights and he will understand the rights of others; discerning the connection of his interest with the preservation of these rights, he will firmly support those of his fellow men as his own, immutable in his character, inflexible in his honesty, he will feel the dignity of his nature and cheerfully obey the claims of duty."

It is hard to think of a better definition of citizenship than this.

Until, we the people of India develop high level of patriotism and commitment to the progress of our country, we can be only Indian nationals, not Indian citizens, in true sense of the term. It is a thought structure and a value system which is needed for this citizenship concept. For acquisition of citizenship, some sense of patriotism, not a period of stay—

[Shri Sriballav Panigrahi]

for how long somebody has been staying here—should be required. What is required is how patriotic he is. So many types of people are trying to become Indian citizens. In today's context, many people are trying to play mischief and sabotage. We are passing through difficult political situation. We know how the law and order is being disrupted and how attempts have been going on to weaken the nation.

While I welcome the amendment, at the same time, I would request the hon. Minister to give thought to these aspects also and make an overall improvement in this regard.

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Chairman, Sir, It seems that the Statement of Objects and Reasons of the Bill does not clearly disclose the intention of the Government. The leading members of the ruling party have advanced two more reasons for bringing forward this Bill, one is to control the population in this country and the other is to stop influx of the refugees. The Minister did not in his opening speech refer to these aspects. But I can imagine that it is a very amazing measure to control over population by putting restrictions on the acquisition of citizenship. Therefore, the Statement of Objects and Reasons suppresses more the intention of the Government than it reveals.

What is this Bill? It is a clear attempt to negate the civilized approach to a very important question, affecting human rights and human liberties. We are really surprised at the very casual approach that is being made towards the question which is of paramount importance. The Statelessness is a very serious matter and is almost a curse and that is what will be the result of this law, if passed, and unfortunately, in view of the whip, it will be passed. I cannot avoid the impression that this is another sickening instance of surrender to chauvinistic elements and forces of disruption and divisiveness in this country. Sir, citizenship is too important a matter and it should not be

dealt with in an insensitive manner. The law of citizenship should not be tinkered or changed in dribbles without proper thinking and proper appreciation of the entire situation. In 1985, there was an amendment to this Citizenship Act, and we have come again in 1986 with another amendment. Is it a matter where you approach it on an *ad hoc* basis? From time to time you cannot change the law, putting every thing into uncertainty. The 1985 amendment was really a sequel to the Assam Accord, which we call a product of unholy compromise and which has brought today untold misery to thousands of people in Assam. I am not going into the question of minority or majority, but the people who are staying in Assam are today facing serious difficulties and are living in misery.

Now this is followed, just within one year, by the present Amendment Bill, which according to me is an attempt to deny ordinary human rights to people, the vast majority of whom are forced to come over to this country to avoid oppression or repression and to enjoy such minimal basic human rights which they cannot have in the country from which they are forced to come away. Now, these people are being actively denied any sense of participation or belonging in this country. Do not please forget that these people are of Indian origin. If those, who are coming over here, because of various governmental restrictions, time consuming processes, corruption, etc., cannot acquire citizenship within a reasonable time, their children born in this country, will be expressly denied citizenship. This is a very sad day in our country, when we are considering a Bill like this.

Our founding fathers of the Constitution had incorporated the provisions in part 2 of the Constitution. Now Mr. Sen, a very eminent lawyer tried to anticipate my submissions and probably wanted to give some help to the Minister, although the Minister who is also an eminent lawyer, does not require such help.

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): Not as eminent as you are!

SHRI SOMNATH CHATTERJEE: Oh no! I am nothing.

On that day, both Thiru Chidambaram...

SHRI C. MADHAV REDDI: What?

SHRI SOMNATH CHATTERJEE: Thiru. Thiru Chidambaram. Do you mind it Sir?

SHRI P. CHIDAMBARAM: No. Not at all.

SHRI SOMNATH CHATTERJEE: If Shri Bholanath Sen, the distinguished member, were to be born in this country after the passage of the law, he would have to prove that his parents were Indians.

SHRI SAIFUDDIN CHOWDHARY: Today is his birthday.

SHRI SOMNATH CHATTERJEE: I congratulate him.

SHRI P. CHIDAMBARAM: What did you say? Please say it again,

SHRI SOMNATH CHATTERJEE: If Mr. Sen were to be born after the passage of this amending Bill, he would have to prove that his parents are citizens of India, before he could become a citizen of India. Now, am I right?

SHRI A. CHARLES: We have no doubt about our parentage.

SHRI SOMNATH CHATTERJEE: Is it a joke? Is it humorous? I do know what sort of people you are having

here! I treat it with the approach it needs to be treated.

Now, a reference has been made to Article 11 of the Constitution. The Article 11 of the Constitution gives power to the Parliament to make laws relating to the citizenship. Of course, it does. But it was said, the other day, by our hon. Minister and today by Mr. Sen, and both tried to say as if it has an over-riding effect of other provisions of the Constitution.

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): I did not say that.

SHRI SOMNATH CHATTERJEE: Then what is it said? I said, it has to be subject to the Article 14 of the Constitution." Now, it says, notwithstanding anything in the foregoing provisions of this part, namely, Part 2, Articles 5 to 10, whatever is there laws can be made. But that does not mean that you pass any and every law. The founding fathers of the Constitution did not contemplate that you will pass thoughtless inhuman and barbaric laws. Sir, what is the position today? You feel very amused.
(Interruptions)

Please don't include his time in my time.

MR. CHAIRMAN: Your time is already over.

SHRI SOMNATH CHATTERJEE: A large number of persons of Indian origin have entered the territory of India from Bangladesh, Sri Lanka and some African countries and they are residing in India. One would have expected the hon. Minister to explain to this House and to this country what is the estimation according to this Government. Why are they coming over to this country? Not a single word has been said by any of the

[Shri Som Nath Chatterjee]

hon. Members here regarding this. Government has taken a serious view of the entry of persons clandestinely into India. Now, whose responsibility is it to stop this clandestine entry into India? Now, you want to change the law relating to the citizenship to cover up your inefficiency, to protect your borders, to stop clandestine entry into this country. Sir, is there any reason for these people coming or not? Are they coming for protection of their life and liberty? It is being glibly said, 'well we are too much populated and because of this, we keep people out'. Then, drive them away. You have already made a compromise in Assam. Today, thousands and thousands of notices are being issued to people who are being required to prove today; the onus is now on them, that they are Indian citizens.

Sir, this type of compromise, *ad hocism*, that feelings of separatism cannot help this country to proceed in a united manner.

Sir, I would like to know from this Government, how many people, according to them, have come over to India, who are referred to in the Statement of Objects and Reasons and during which period? When did you realise this what type of clandestine entry and at which points of entry into this country. That I would like to know. Over which period of time, this has happened? What is being made stringent? being made stringents?

Sir, our founding fathers, after a good deal of deliberations provided this and you are aware in 1947, we became independent but our Citizenship Act did not come, until 1955. Pandit Govind Ballabh Pant piloted this Bill, the great Home Minister for whom everyone is proud in this country. What did he say, when he moved the Clause by Clause consideration of this Bill on 5th of August 1955? He said, while dealing with the acquisition of citizenship or formation of right of citizenship on birth, "the mere fact of birth in India, invests one with the right of citizenship in India. That is a Catholic provision and it gives the opportunity to every-

one who is born in this country, to serve this country." This was a laudable principal which actuated, persons like Pandit Govind Ballabh Pant. We have come down on the standards of Home Ministers, but let us not come down on the principles of human approach. He said further—I quote :

"We have adopted a liberal attitude in framing the law. We have tried to frame a law which, while fully serving the needs of our country, will ensure the status of dignity which Indian citizenship will carry with it."

These are the objects. It says : "You are born in this country. I shall give you dignity as a citizen of this country. You can serve this country. You happen to have been born here" This was not a concept which, for the first time, only India envisaged. There are a large number of countries in this world where, as my friend pointed out, the factum of birth automatically confers citizenship.

I would request the hon. Minister to take the country into confidence. He may not take this House into confidence because we are present here, whom he would like to avoid. But is it not the result of this, that very very large number of people, according to them, who are in India, who have come over to India? What will be the nature of their citizenship? Don't they become consigned to the position of perpetual Statelessness? Is it the object of this Government that people living in this country will have to suffer the indignities and insecurity of Statelessness? With great humility I submit : 'Let us not make this a partisan matter. This should not be a partisan matter. The matter of citizenship is a matter of enduring nature. It is of an enduring character. People should know all over the world how we behave, how we look at this problem, at the human aspect of the matter.'

I am very sorry that Mr. Sen, for whom I have respect, brought in the

question of elections into this. Let him try to take action. I know that when Mr. Sen took the point of the voters' list being manipulated in West Bengal in 1982, the Supreme Court said: 'It is all bunkum.' Therefore, I should have expected that politics would not be brought in here. This should be a bi-partisan or multi-partisan matter, in the sense that citizenship is too important a matter, which should not be considered from a narrow political angle of gaining some electoral benefits here and there.

It seems that a sort of an immigration law is being introduced in this country in a back-handed manner, by amending the citizenship law in the manner it is being done. I would like to know from the hon. Minister, as I have said: 'Please tell us how many people will be affected; and what is the procedure. Suppose there is a person living in this country for years together, and there is somebody born here. I do not know how my citizenship will be proved in this country. I do not know how Mr. Chidambaram will prove his citizenship, and how will the Prime Minister prove his citizenship.'

(Interrupt o...)

A child who will be born tomorrow after this Bill is passed, after the commencement of this Act—how does he prove his citizenship? This has to be elaborated. People have to be taken into confidence. What is the distinction made now? Suppose this Act comes into force, let us say, on the 1st December; upto 30th November whoever is born in this country is an Indian citizen. On 1st December, as Mr. Amal Datta rightly pointed out that day, somebody born of parents X and Y will be a citizen by the reason of that. But, after that particular date, children of the very same persons will not be citizens of India.

16.00 hrs.

Unless he is able to prove that first his parents are citizens of India, it is not possible to do it. It is heartlessness. It is an inhuman approach. I challenge that this is contrary to Article 14 of the Constitution of India; Article 14 does not confer a right on a citizen; it confers

a right on a person. I hope there will be some persons who will come before the appropriate forum and challenge it, although because of the brute majority in the House, you may pass all sorts of laws; but there are some forums where people have to go, people will be forced to go there and let us hope that this barbaric law will not stand the scrutiny of the courts of law in this country.

KUMARI MAMATA BANERJEE (Jadavpur): To protect the interest of the country, to protect the unity and integrity of the country, I rise to support this Citizenship (Amendment) Bill. The government's intention is very clear regarding this amendment. It has been stated in the Statement of Objects and Reasons that a large number of persons of Indian origin have entered the territory of India from Bangladesh, Sri Lanka and some African countries and thus there is a necessity of amending this Citizenship Act. Now citizenship can be acquired not only by birth but at the time of birth either of his parents, mother or father should be citizens of India. I think this amendment will not create any confusion and it will help the greater interest of this country. In fact, Parliament had made the Citizenship Act in 1955, and the Act has been amended from time to time; and today our government has brought another amendment. Everybody knows now that we are passing through a crucial time especially from the unity and integrity point of view; some parochial forces, communal forces, are trying to destabilise our country. We had lost our great mother, Smt. Indira Gandhi. We had lost Gen. Vaidya and so on. There was an incident on 2nd October, 1986, at Raj Ghat. Even there was a conspiracy to blow up the Parliament House. This conspiracy is going on everywhere. Even

16 01 hrs.

[SHRI VAKKOM PURUSHOTHAMAN *in the chair*]

Pakistan has already acquired nuclear weapons. Even Sri Lanka are trying to establish anti India broadcast. These

[Kumari Mamata Banerjee]

things are happening within the country and outside the country. I think this is the proper time to bring this amendment. This amendment is not only enough to protect the interest of the country but government should take more and more bold steps to protect the interest of our country.

I am really surprised to see the version of some opposition parties. I think there should be no partisan view regarding this because this is a very important issue; this is to protect the common interest, May I quote Mrs. Indira Gandh.'s views. She said, "I cannot understand how anyone can be an Indian and not to be proud." She further stated: "We would like to build up this country in such a manner that if Indian citizen's name is mentioned anywhere or if an Indian citizen goes anywhere, there goes with him a new life, a new ideology and a new thought." I am really surprised to know the views of some of the opposition parties. They are only interested to protect their own interest, to save their own interest; and they are really vested interest people. May I quote some of the views expressed by the opposition parties? Shri Ramoo-walia has already brought a Bill on dual citizenship in the last session. I have seen it. I would like to quote from the Bill of an opposition member. It says: "I would like to request the government to follow the example of Pakistan which confers a double citizenship." That is people who live abroad are also the recognised citizens of Pakistan. This is the view of double standard people. I am really sorry to say that this is the view of the double standard people, the people who are not interested to protect the interest of the country. They are now making a reference to Pakistan. Some of the hon. members have mentioned that China is not doing any harm. Some times I wonder why the Government is not bringing in another Bill which allows such people who are not interested in India to quit India and allow them to go to Pakistan, China or anywhere they like. I do not know why the Government is not bringing such a Bill to ask those people to

quit India'. What is India, what is Pakistan, and what is China or Russia? We are a democratic country.

SHRI NARAYAN CHOUBEY : Russia is coming! Mr. Gorbachov has been invited.

KUMARI MAMATA BANERJEE : We are having a democratic life. We are having liberal citizenship Act, we are having our good Constitution. Everybody is happy with it.

(Interruptions)

MR. CHAIRMAN : Do not interrupt. You continue, Miss Banerjee.

KUMARI MAMATA BANERJEE : It is a fact that some people are coming from Bangladesh, there are so many refugee camps, some people are coming from Bangladesh and going to Tripura, Assam, everywhere. It is true. What is happening is at the time of elections these people are coming from Bangladesh, they are staying in West Bengal, they are not doing anything, their ration cards have to be signed, and then they are going to some other States. Again, they are coming and going.

MR. CHAIRMAN : No commentary please. You continue.

KUMARI MAMATA BANERJEE : I would like to tell one thing to our hon. Minister. It is a fact that people are coming from Bangladesh. But Tripura, Assam, Manipur, even Rajasthan and Punjab have a border line, they have a border with other countries. It is not possible for the Border Security Force alone to protect the entire border area. People from these States are moving from one State to another State. Some times they are some sides. Some of them are involved in smuggling, some are corrupt also. Therefore, our Government must seal the border in the interests of the country.

Another thing. There is a minority population in Assam. They are now

thinking of asking for citizenship rights. I want to mention that it is not in the interests of the country or even of Assam. Even the AGP Government is trying to bring forward a Bill, called the Illegal Citizens Migration Amendment Bill, 1986. The minorities cannot be protected by it. Our Government must take steps to protect the interests of the Assamese people.

(Interruptions)

If you are not interested you may go.

(Interruptions)

I would like to make a request to our hon. Minister. There is now a provision that a Member of Parliament or an MLA must recommend or sign the ration card. But what is happening is, several people are coming to meet us, they are asking us to sign letters, and we do not know whether they are real citizens or not. The authority of signing the ration cards or passport application forms must be seized from the MPs and MLAs. Otherwise, we will be in danger. Because, we do not know who are those people who are coming into India. I once again request the hon. Minister to take away this authority from the Members of Parliament and Legislative Assemblies.

(Interruptions)

I am requesting the hon. Minister in the interests of the unity and integrity of the country to protect the interests of the country and this House also. We of the Congress Party are the champions of the cause of the people, we are not affected by the vested interests of the people. We have to protect the interests of the country.

[Translation]

SHRI DHARAM PAL SINGH MALIK (Sonepat): Mr. Chairman, Sir, I rise to support the Citizenship (Amendment) Bill, 1986. In this connection, the opposition parties have said that this amendment is not proper because it will adversely affect the citizenship rights of persons of Indian origin. I would like to say a few things in support of this amend-

ment. According to the Act as it exists now, even if a person enters clandestinely or comes as a tourist to India and gives birth to a child that child will automatically become an Indian Citizen. This is not in our interest.

Secondly, there are certain categories of persons who have entered India either as refugees or clandestinely. Their children can become Indian Citizens by birth even though they themselves might not be citizens of India. Now, it has been made compulsory that their children can get Indian Citizenship only if at the time of birth either of their parents is a citizen of India. I feel that through this amendment, we shall be able to check rising population to a large extent, particularly of those who are entering India clandestinely. I think one of the main reasons for law and order problem in the border States—which is very bad as compared to other States—is that a large number of refugees and illegal occupants are residing there permanently. This amendment will help in improving the situation there. Besides, these illegal occupants are engaged in smuggling which has assumed menacing proportions. In the process, they deprive us of the customs duty. We can be saved of that financial loss too. Apart from this, when foreigners start becoming Indian citizens, it can prove to be detrimental to our political system as it happened in Assam. A time came when the foreigners outnumbered the locals in some areas and even snatched away all the employment opportunities from them. This created a big problem for the *bona fide* Assamese. I am of the view that it would have been better had this amendment been moved much earlier as it would not have created the situation to get citizenship on three grounds and also would not have culminated in Assam situation. It is our foremost duty to cooperate with the Government in this regard and support this Bill wholeheartedly. I would like to give a few suggestions in this regard. With a view to preventing automatic adoption of citizenship of India by birth, it is proposed to amend the Act to provide that every person born in India will become citizen of India by birth only if at the time of his or her birth either of his parents is a

[Shri Dharm Pal Singh Malik]

citizen of India. A person who has been living in India illegally for the last 10 to 20 years should not be granted citizenship.

I fully share the apprehension expressed by the Opposition Members who have pointed out that this will create a problem in the case of illegitimate children, who will have to prove that either of their parents is a citizen of India. But it has been categorically stated in the Bill that these amendments will be enforced on those foreigners who wish to acquire citizenship and not on the children of Indian citizens who will be automatically treated as Indian citizens. We shall not scan 100 year old history because if this is done it would lead to chaos. The Indian citizens are scions of Aryans who invaded India and of the Bhills who were the natives. But if a foreigner wants to adopt Indian citizenship, he or she will have to prove that they have married an Indian boy or a girl, as the case may be. It is only then that citizenship would be granted in that case. There should also be a provision in the Bill to ensure whether the person has come to stay in India legally or illegally; the country whose citizenship he holds and why does he want to give it up. If the person is not able to give a proper and satisfactory reply, the Government should have a right to process his case from a political angle. If someone wants to adopt citizenship of this country, he should be asked to produce a certificate to the effect that he has given up the citizenship of the country of which he is a citizen. He should duly produce a certificate to this effect to the Government and if the Government is satisfied that the person who wants to adopt citizenship of this country does not pose any danger to the unity, peace and political stability of this country, he should be granted permission in this regard. Similarly, the Government should provide identity cards to every citizen of 18 years of age and above in at least border States so as to strike at the root of the problem. There will be very little chance of fraud if the person has his own identity card and there will be a check on the persons who come as refugees or

enter clandestinely from the border areas. The number of such cases from Madhya Pradesh and Bihar might be less but the number can be more in Punjab, Rajasthan, Jammu and Kashmir and West Bengal. I would, therefore, suggest that identity cards should be provided to the persons of 18 years of age and above in the border areas to safeguard the unity of the country and to keep the border areas safe. With these words, I support the amendment to the Bill and conclude.

[English]

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Chairman, Sir, I rise to oppose this obnoxious Bill because I think it is not only morally and socially obnoxious, it is Constitutionally questionable, it is a legal absurdity, it is politically motivated and, above all, it is administratively impracticable...

(Interruptions)

AN HON. MEMBER: Communal also.

SHRI SYED SHAHABUDDIN: Indeed it is so. It is directed against a particular community. The Bill looks very innocuous on the face of it. But it has a very long term implication. This is a deviation from the conceptual approach of the founding fathers. It is a distortion of the catholic outlook and universalist approach that inspired them. After all they were not blind people. They were experienced men. At the time that the Constitution was framed and at the time that the Citizenship Law was enacted, India was facing a veritable stream of immigration. We had a very dark horizon. But even in that atmosphere of gloom the founding fathers did not lose their long term approach. They did not lose their balance. My friend Shri Somnath Chatterjee has told what Shri Govind Ballabh Pant as Home Minister while introducing a Bill said in the Lok Sabha. I would like with your permission to repeat what he said when he introduced the Bill at its reading in the Rajya Sabha. He said—

"We have a very liberal provision so far as citizenship by birth is concerned. Every person who is born in this country, whether of Indian parents or of others, will be treated as a citizen of this country. We have in that way taken a cosmopolitan view and it is in accord with the spirit of the times and with the temper and atmosphere which wish to promote in the civilized world. Many other countries have dealt with this subject in a niggardly way. That is only persons born of parents who are citizens of those countries can by citizen there. Here, our provision goes much further. Anyone who is born in this country is entitled to be regarded as a citizen of this country. That is also in accordance with our traditions of tolerance and brotherhood."

I would like to know what has happened to our cosmopolitan view? What has happened to our crusading spirit, to our desire to be in accord with the spirit of the time? What has happened to the temper and atmosphere we wish to promote in the civilized world. What has happened to the tradition of tolerance and brotherhood that Shri Govind Ballabh Pant talked about in 1955.

I, feel that infiltration was a possibility then, infiltration is a possibility to-day. That is a continuous situation but you are adopting a wrong remedy for a disease through this piece of legislation. Any piece of legislation in the face of an inefficient Government, in the face of the Government which does not know how to protect our borders simply is of no avail.

I would like to point out that this Bill has many inbuilt coundrums, many inbuilt legal problems if I may say so. Assuming that the father has only applied for citizenship and a son is born before or after the date of his application on the soil of India. Irrespective of whether he is a major or a minor, the fate of the son also continues to be hanging until such

time as his father's application is decided. This child cannot move even one step forward. You have perpetuated the disease of statelessness.

Take another example. The father has acquired citizenship. But the son is born before the date of acquisition. There is no provision in this law which says that once a man has acquired citizenship, his children will automatically become citizens. The son has to be registered. He has to go through the same process of registration under Article 6. That is how I look at this piece of legislation. That also perpetuates, at least elongates the state of statelessness.

Take another case. Father claims to be a citizen. There are hundreds and thousands of such cases of people in our country whose status of citizenship has not been determined. They include many genuine citizens. That is why we had the Assam Accord to solve a very grave problem in our country. Now in such a situation where a person claims to be a citizen under the Constitution of India, under the Citizenship Act as it stands to-day and the State does not recognise his claim and the matter is subjected to administrative procedures. What happens then? So, in this way you are merely amplifying the problem of statelessness. I do not call it a vice, I do not call it a crime that every modern nation to-day tries to eliminate, tries to reduce to a manageable proportion the problem of statelessness. Here we deliberately wish to elongate it, wish to expand it, wish to perpetuate it; I simply cannot understand the logic.

Mr. Chairman, Sir, there is, of course, a point of discrimination and I leave that, of course, to Mr. Chatterjee and Mr. Sen to decide, but *prima facie* it appears absurd that before a certain date, a certain class of persons are entitled to citizenship and after that date they are not. Mr. Chairman, Sir, if we had a system of birth registration, a system of registering on foreigners, if we had a system in which every citizen carried an identity card, I would be for this piece of legislation. But

[Shri Syed Shahabuddin]

it is not so. Our Government does not even know how many foreigners live in this county, our Government does not even know who enters and who goes out. There is no system of registration of every birth that takes place, there is no system under which every citizen even in the border district carries an identity card. That is why you will have enormous problems, and lakhs of citizens will be subjected to continuous harassment at the hands of the executive, particularly an executive which is politically motivated or politically inspired or if it has a communal tendency.

Mr. Chairman, Sir, there are situations in every part of the world where *jus soli* and *Jus sanguinis* are in conflict. This law does not provide anywhere any mechanism whereby you resolve the contradiction between *jus soli* and *jus sanguinis*. Every State has a sovereign right to adopt whatever it likes as the basis of citizenship. All right, we are going to change our system from *jus soli* to *jus sanguinis*, but there are bound to arise many conflicts of laws. Supposing foreign nationals of a State which observes *jus soli* have children in India. They are neither here nor there. We do not recognise them because their parents are foreigners: their own State does not recognise them because they were born on the soil of India and not on their own soil. How do you resolve this conflict? Where is the mechanism in this law to resolve the conflict?

Mr. Chairman, Sir, I come to this question of infiltration. Mr. Chatterjee has raised this question. No one in this House is in favour of infiltration. Every one wants that the Government should act effectively, efficiently and close the doors to infiltration. Why should there be clandestine entry into our country? No country can afford to share its resources or its earnings for all times with foreign nationals. That is universally accepted. But who are these people whom you are today condemning as infiltrators? We have only figures for the period 1961-71. The number of these who have come

after 1971 is not known. The Government of Assam and the Central Government do not wish to hold a census in Assam because they do not want their wrong assumption to be exposed before the bar of the nation. But for the period between 1961 and 1971 there is an estimate made by the Registrar General of India. The estimate is that 925,000 people roughly were, are additional to the natural growth. And who are these people? 250,000 persons registered in the displaced persons' camps, 400,000 other refugees whom we gave shelter in our country as refugees. It is a shame, Mr. Chairman, that to the people whom we sheltered in our country after a lapse of time, we say 'You are not entitled to protection and to shelter.' It is absolutely a shameful act for any civilized country in the world. Yes, there were clandestine entrants. Their number may be 3 per cent or 5 per cent, no more. But for the inefficiency of the Government, for the sin of 3 per cent or 5 per cent, you are punishing the other 95 or 97 per cent against the law of humanity, against the law of kindness and compassion against the law of a civilization, against our liberal outlook, against our claim to promote a higher civilization in the world.

Mr. Chairman, I would therefore finish by saying: Please do not play politics, please do not surrender to the forces of violence, please do not cultivate the forces of chauvinism. Let this country be an example for the world, let this country preserve and promote a higher culture, be an example of a higher civilization. This Bill, Mr. Chairman, is an obnoxious measure because it negates the higher aspirations of the Indian Republic. Thank you.

[Translation]

DR. G. S. RAJHANS (Jhanjharpur): Mr. Chairman, Sir, what else is left to speak after my hon. friend Syed Shahabuddin has taken his turn? From the speeches of Shri Shahabuddin and Shri Somnath Chatterjee, one could gather as if heavens have fallen. I would like to submit only a few points. A lot has been

said about the provisions in the Bill which needs no repetition. I would like to say one thing that after all, cut-off date will have to be fixed. If the Government had been committing mistake till date or it might have come to the knowledge of the Government belatedly; can they not mend the mistake now and say :

[English]

Thus far and no further.

[Translation]

If one narrates as to how many people have been smuggled into the country clandestinely and who is behind it, it will take at least two days to narrate it. They have been brought into the country for political reasons. They tell them, "you become our voters, we will protect you". I am not referring to any particular person, but the whole country knows what has happened. Some people have come from Bangladesh, some from Sri Lanka, Pakistan and even from African countries and the process still continues. The Central Government or the Tamil Nadu Government have been alert enough to expose the militant foreigners. The whole world praised our efforts. One should have enough courage to face the truth.

As you know, China and Taiwan parted company in 1949. Will the Government of Mainland China give citizenship of their country to the people of Taiwan? Now, when their links with Hong Kong have also been established, will the Government of mainland China give citizenship rights to the people of Hong Kong also? An hon. Member belonging to CPM was talking of inhumanity, Will he say this in their case also? The Government of China engaged lakhs of persons in road construction in Tibet and killed them in the process. Will he talk of inhumanity about them also? I was much surprised when I heard him saying so.

I would like to say that the Citizenship Act is being made stringent the world over. There was a time when a child born aboard a ship belonging to Britain

was also considered the citizen of Britain but now the people of Asian countries are being expelled from Britain. (Interruptions) I was just going through a news in the "London Times" that a number of Americans are living in Britain and they are enjoying many privileges. But a movement has started there to expel these American from there. The Americans bring huge amount of money with them because they are a rich nation and also trace their origin to the Anglo-Saxon race, then why the Britishers are not prepared to accord citizenship to the Americans? You might be knowing that Canada had in the past liberalised their Citizenship Act to a great extent, but now they have also made it more stringent. You cannot make your point by putting arguments only. You will have to face the truth also. The conditions prevailing in 1955 are not there in 1986. So, one should not quote out of context what our Founding Fathers had said. Our Founding Father had said many things. But how many of them are actually practised? Their source of inspiration is in China and ours is here. Now the time has come when they should practise what they preach and face the truth. Their agents bring the people from Bangladesh here through the borders by making false promises to them. You can see how those girls are exploited in Delhi, Bombay and other places. They are our sisters. Do not mislead them and bring them here to be disgraced. How long will you use the politics of votes? Whatever suits you, you call it right by ascribing it to the Founding Fathers and call those things as wrong which do not suit you. This Bill should have been brought much earlier. At least, you will have to fix cut-off date somewhere. You plead for granting citizenship to the people of Indian origin automatically. The Sinhalese as well as Tamils living in Sri Lanka are of Indian origin. Will they also be accorded Indian citizenship? The people of Chinese origin are living in Singapur, Hong Kong and also in Taiwan. You tell your Godfather to accord them Chinese citizenship. You should try to understand the matter and face the reality.

I would like to congratulate the Government for bringing forward this Bill even though it is a belated measure.

[English]

SHRI A. CHARLES (Trivandrum) : I stand to support this Bill with all the power that I command in the larger interest of this country. I am a little surprised to see that some of my friends on the other side have criticised this Bill, only with political motivation. They have even gone to the extent of saying that the Bill is unconstitutional and that it offends Article 14 of the Constitution. My friend Mr. Balnath Sen very clearly stated in House that it does not offend Article 14 and even thereafter, several friends on the other side are repeating that it does violate Article 14. What is the scope of Article 14 of the Constitution? It says that :

“The State shall not deny to any person equality before the law or equal protection of the law.”

To me it appears that the scope of Article 14 has already become a settled law in view of the hundreds of judicial pronouncements. It allows reasonable classification. The scope of Article 14 is very clear. There is some distinction between a citizen and a non-citizen. I do not think there is discrimination or distinction against the scope of Article 14 of the Constitution and I would only plead with the Members not to have a closed mind on this subject.

Some of my friends have said that we are slowly drifting away from the very catholic approach being followed by the founding fathers as if they are upholding the high ideals of our founding fathers. I am glad for their praise of our founding fathers of the Constitution. But what about Article 11 of the Constitution? It clearly allows this Parliament to frame laws or to make any law with regard to the acquisition of citizenship after its commencement. So, this amendment now being proposed is well within Article 11 of the Constitution. Again what is the international law on the subject? There is already a prohibition recognised by international law that no one can be a citizen of two independent nations.

Another criticism is that the Government of India is keeping silent and not doing anything to prevent this large scale exodus. I may ask my friends, what are the State doing? Is it the responsibility of the Central Government alone to prevent exodus? Are the State Governments sleeping or is it only because it is politically convenient for them that they are keeping silent? This is a larger issue. Will they agree to create a security-belt to prevent such exodus? These are all questions to be considered in the longer interest of the country. I feel, as a dutiful citizen, it is the responsibility of every Member of this august House to see that our nation is protected. Surprisingly two points have been made by members on the other side. Some of my friends on this side said that this Bill is necessary to prevent large-scale population and for the security of the nation. One of my friends on the other side has stated that it does not come under the Statement of Objects and Reasons given under the Bill. What does the Statement of Objects and Reasons say? How does it read? It states that a large number of people of Indian origin have entered the territory of India from Bangladesh, Srilanka and some African countries and they are residing in India. Government has taken a serious view of that. Why? What is the reason? Because, such a large-scale exodus will affect the interests of this great nation. One of the problems raised here is that of population explosion. The statistics show that even if our message of family welfare that a married couple should have only two children and if every family and every married couple accepts that message and implement that message, even then by 2050 A. D., our population will be 150 crores. Will this nation afford to meet this population explosion? Then can we have the luxury of allowing this exodus without any restriction? Hence, I would request my friends on the other side to consider all this.

We have to think about the security of this country. What is the present position? There are many unscrupulous agencies operating on both sides of the border making business of arranging illegal entry of individuals, anti-nationals

and anti-social elements into our country. It is also a well-known fact that many citizens go out of this country without any proper travel document and they stay on there for years. They become anti-nationals. They are trained in many ways to work against this country. Some of them become terrorists. And, one fine morning somehow they manage to come back. Recently, Government have laid down rules that citizens who go out of the country without permission of the Government and stay on there for more than three years, should be deemed to have voluntarily relinquished the citizenship of this great country. These are the restrictions brought forward to protect the interests of this country; unity of this country; integrity of this country and the very existence of this country. I would strongly plead my friends on the other side to consider this country as a great nation and look forward to bringing this country prosperous and keep the integrity of this country, in tact. So wholeheartedly I support this Bill. I am not going through individual clauses. But one or two clauses are there which I feel that they are very essential because automatically a citizen should not be conferred citizenship by birth alone. Even in the case of non-nationals, whose parents and grand parents have been here, that does not mean by birth alone their children should be given citizenship.

I congratulate the Minister for bringing another clause for giving equal rights for men also. As per the existing Bill, only women who have been married to a citizen of India can, after a few years, get citizenship. That has been now extended to men also. I think that gives equal protection to men and women.

With these words I once again give my whole-hearted support to this Bill. I would plead that this Bill be passed unanimously in the larger interests of this country.

MR. CHAIRMAN : Shri P. V. Narasimha Rao will now make a statement regarding demands of Junior Doctor' Federation of Delhi Hospitals.

16.44 hrs.

STATEMENT RE : DEMANDS OF
 JUNIOR DOCTORS' FEDERATION
 OF DELHI HOSPITALS

[English]

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P. V. NARASIMHA RAO) : The Residency Scheme was introduced in the Central Government Medical Colleges and Hospitals in 1914 in replacement of the System of House Surgeons and Registrars. This system has been in force for the past 12 years. From a brief Review of its functioning, one can say that it has not been without problems. The Junior Doctors had been on strike in 1980 and are now on the threshold of another strike.

One feature of the Scheme is that as a result of the difference in the method of selection, there is a consequent hiatus between the emoluments being given to the Resident Doctors recruited under this programme on the one hand and those of the medical graduates possessing the same qualification who join Government service, on the other. Superintendents of the Hospitals and the Heads of Institutions are also not entirely happy with the Scheme as dissatisfaction among Resident doctors leads to disruption of work in the Hospitals.

Discussions with the heads of Medical Institutes and others well informed in the area of Medical care show that the time is opportune for reviewing the entire scheme with the objective of ensuring that its functions to the satisfaction of all concerned including the Resident Doctors, the heads of the Institutions and Governmental authorities. There is need to assure the medical graduates who join the scheme that the remuneration given to them would be on par with which they would be normally entitled if they enter Government service and also the safeguards and service conditions which should have been otherwise available to them. This would also mean