

mention that in this we have given the utmost assistance to these Union Territories to come up to the level of the other parts of the country. As a matter of fact, Pondicherry has retained its identity, Goa, Daman & Diu also retained their identity. It was the ardent desire of our late Prime Minister that the personality, separate composite culture of the Union Territories which were merged in the Indian Union should be kept up. So, accordingly, all the Plan outlays have gone up considerably and as a matter of fact, Rs. 99,227 lakhs more has been given in the Sixth Five Year Plan; in the Fifth Five Year Plan Rs. 65,405 lakhs was the outlay. Whereas in the Sixth Plan Rs. 1,64,633 lakhs has been the outlay, for the development of the Union Territories. So, union territories are receiving our utmost attention so far as economic, social and legislative facilities are concerned. I also congratulate the people of Mizoram as they have opted for the mainstream of national life. They have come out of regionalism to nationalism. I congratulate the people for the excellent verdict that has been given in this election.

MR. DEPUTY-SPEAKER : The question is :

“That the Bill further to amend the Government of Union Territories Act, 1963, as passed by Rajya Sabha, be taken into consideration.”

The motion was adopted.

MR. DEPUTY-SPEAKER : Now, I take by clause by clause discussion.

The question is :

“That clauses 2 to 4 stand part of the Bill.”

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

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

SHRI P. VENKATASUBBAIAH : I beg to move :

“That the Bill be passed.”

MR. DEPUTY-SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.

17.37 hrs.

BUSINESS ADVISORY COMMITTEE Sixty-second Report

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS, SPORTS AND WORKS
AND HOUSING (SHRI BUTA SINGH) :
With your kind permission, I beg to present the 62nd Report of the Business Advisory Committee to the House.

17.38 hrs.

HALF-AN-HOUR DISCUSSION

U.K. Curbs on Entry of Indians

SHRI BRAJAMOHAN MOHANTY (Puri) : At the outset, I want to submit before this House that it is a tragedy of history that in the United Kingdom, whose people fought for the abolition of racialism and generated the spirit of freedom all over the world, today in the same country racial discrimination is making its way through the back-door. In European countries nowadays I do not mean the socialist countries but all the rest-irrespective of ideologies, racial discrimination is penetrating into the system. Even in France, the Communist Party of France was opposed to the settlement of black people in the suburbs of Paris. We have to remember that once upon a time those countries were isolated which were practising racial discrimination. But today in Europe, the heartland of the modern civilisation, racial discrimination has been penetrating into the system. In the United Kingdom, you know that the immigration laws which are now in operation, were condemned by the Church of England and also by the European Human Rights Commission. But those laws are still being practised through the back-door. You know that there has been the published procedure and the secret instructions. Both are in conflict with each other. Certain rights given by the published procedure are being denied by the secret instructions. Now, when the matter was brought to the notice of the Home Minister he said that the published procedure would be modified to conform to the secret circular which denies the right to the migrant to have private contact, to have talks with their relatives, to have a telephone talk with the High Commissioner. This is now being denied. We

have to take into consideration how the Indian people -- not only the Indian people but the people of the sub-continent are being harassed, humiliated and inhuman treatment is being to them. Now there has been a pretence -- an attempt by U.K. itself. Two types of procedures are being followed -- one is published procedure and the other is unpublished procedure. Why this is being done is because if the unpublished instructions are made public, then the British people themselves will suffer the consequences in Australia and New Zealand. So, they want these instructions to be kept in secret. But they have not been able to keep them in secret and the things have been made public. The European Human Rights Commission has been taking note of it. So, certain objections regarding the immigration laws have already been met and certain modifications and rectifications have been made.

So far as the Indians are concerned, 33 per cent of the husbands have been denied entrance into U.K. even though their wives are settled there. Similarly, 63 per cent of the wives have been denied entrance although their husbands are settled there. How is this being done? This is not being done under the published procedure, this is being done under the secret circular. Now more powers have been given to the Immigration Officers. At the lowest level they have vast discretionary powers. They say that the evidence about the marriage is not adequate. So, it is their discretion. Therefore, the people are suffering now. They are not given any opportunity, not even those who are detained. From the answer given by the External Affairs Ministry, 1,400 persons from India have been detained and none of them had the opportunity of personal contacts. So, this is a very serious problem. We are fighting against racism in South Africa and unless we are very careful, unless the Indian Government is very careful, racism will feature even in some of the countries of Europe.

Now, our difficulty is that our marriage system is not being accepted. The Immigration law says that unless the husband and wife have met previously, the marriage will not be accepted. That means, the negotiated marriage, which is the custom in Asia, is not being accepted. So, it is a challenge

to our very system, it is a challenge to our culture and that must be taken into consideration.

In the background of what I have said, my submission is that there must be thorough investigation through different agencies. So far as the answers given by the Ministry are concerned, they say: "We have no information that there is a secret circular". But that secret circular has subsequently been made public. Even the Home Ministry of U.K. have accepted that such an instruction is there. In their letter to the Secretary of the Civil Liberties Organisation, the Home Ministry has admitted that such an instruction is there but they say that it is not that the secret instructions will be modified but the published procedure will be modified to conform to the secret instructions. That means, the injustice, the inhuman treatment will be a permanent feature so far as the people immigrating to that country are concerned. This is a very dangerous sign. So, my specific question is whether the matter has been taken up with the U.K. Government, whether the matter has been taken up with the European Human Rights Commission and whether the matter has been taken up in the Commonwealth Conference that was held recently? The issue should not be limited to the extent that the persons immigrating to U.K. have been harassed but it should also be kept in view that we are fighting against racism, against the racist forces wherever these may be either in U.K. or in USA or in France. That is the crux of the problem. I would also like to know whether the Government have collected any information from our High Commission in U.K. or whether the Government have taken up the matter with the U.K. Government as to why this secret instruction is there, why the Indians are being harassed and whether they are going to change their immigration laws so that they may be in conformity with the Convention on Human Rights in Europe? This has to be confirmed or clarified and rectified.

Our custom of marriage must be respected. Suppose an Indian lady is settled there or her husband is there, the request is rejected on the ground that she is not born in India. In that way, naturally, a lot of restrictions are put under some guise or pretext and secretly and clandestinely the

total quota is restricted. They have not the courage to do it openly because they are afraid of the international repercussions for the House of Commons has accepted that immigration cannot be stopped, immigration will be there because UK is a free society. That is why they are stopping immigration clandestinely by taking such measures so that no person from the Indian sub-continent or from the Commonwealth countries or from Pakistan will emigrate. This should be put an end to and, as a matter of fact, racial discrimination in any form should not be endorsed and should be protested against.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI P.V. NARASIMHA RAO): Sir, in the first place, I would like to inform the hon. Member that there is some discrepancy between the information which he has furnished to the House just now and the information that we have. According to our figures, the percentage of persons rejected at the airport, not allowed entry at the airport, is not as alarming, is not as much as he puts it. In fact, percentage-wise it is very little and, therefore, it does not present a picture of an alarming problem being faced by the people from India or Asia on entry. It comes to less than around 0.5 per cent. I would not insist on percentages being taken as absolute. In terms of numbers involved, it was ranging from 425 in 1973 to 1,043 in 1982. As I have informed the House earlier, there is a trend of increase in these numbers, and we have taken note of that. That is why we have taken further steps to see that our High Commission is constantly in touch with the Immigration Authorities. They go to the airport and they find out if there are any special difficulties being faced on any given day by those who are travelling from India in getting entry and, whenever there is a problem, the matter is promptly taken up by the High Commission with the Immigration Authorities, or the Home Ministry, as the case may be. So, I am satisfied that whatever our High Commission in London need to do, they are doing. The only other point which has been raised by the hon. Member is about spouses and fiancées. It is a fact that in the case of any male there is no difficulty. But, in the case of females resident in the United Kingdom, this right

is restricted to British citizens, who alone are permitted to bring their foreign husbands or fiancées, provided that in the view of the British Immigration Officer the marriage was not entered into primarily to obtain admission to the United Kingdom, that each party intends to live with the other, his or her spouse and that the parties to the marriage have met. These provisions clearly indicate that there have been in the past violations of the law and, since they have been brought to their notice, it is within their jurisdiction to see that according to this rule a certain authority will have to satisfy himself that a particular case is not a fake one. This is something which is normally done in all Governments. I agree with the Hon. Member that in the guise of this, genuine cases should not be put to hardship. I would like to assure him that to the extent possible we are looking into such cases, and whenever cases like this, cases of hardship are brought to the notice of the High Commission, we are as I said, taking prompt action in representing to the government and are trying to help those who are involved.

Now, this being a domestic legislation, as no other country can object to our Legislation, we cannot possibly object to their Legislation. The only thing that can be done in view of the very good relations that we have with the United Kingdom and in view of certain historical background, is to see to it that no undue hardship is caused to anyone going from India; that their rules are not so implemented as to cause hardship. This is perhaps the intention of the Hon. Member in raising this question. On that I can assure him that whatever is possible is being done.

Sir, I would like to confine myself to the subject-matter of the question. There are many other ancillary items like the Nationality Act and so on. Those we have discussed sufficiently in both the Houses.

So, strictly the point that arises out of the Unstarred Question has been raised and to that extent I would like to give a categorical assurance to the Hon. Members that whatever is possible is being done already. And if he has any queries or any information that that rejections are more than what I have

just stated, he could share that information with me. I will cross-check again and if there is anything that needs to be corrected or correct information to be given to him, I shall see that it is given to him.

श्री हरिकेश बहादुर (गोरखपुर) : उपाध्यक्ष महोदय, इस सम्बन्ध में मुझे कुछ ज्यादा नहीं पूछना है। मैं मंत्री जी से जानना चाहता हूँ कि जब से यह कानून ब्रिटेन में बना है, तब से भारत सरकार ने उनके साथ इस संबंध में क्या बार्ता की है? जैसे कि दुनिया की तमाम दूसरी एजेन्सीज ने इन सबाल को लेकर कुछ आवाज उठाई थी और वहाँ की सरकार से कहा था कि वह इस तरह की चीजों का विरोध करते हैं, ऐसा नहीं होना चाहिये, परन्तु भारत मूल के बहुत से लोग वहाँ रहते हैं जिनका आना-जाना वहाँ रहता है, वहाँ पर उनके पारिवारिक संबंध हैं, लेकिन जो वहाँ नये कानून बन रहे हैं, इससे एक प्रकार की परेशानी तमाम लोगों के साथ आ सकती है।

जिनके संबंध पहले ही उन लोगों के साथ हैं, जो वहाँ रहते हैं, इसलिये कम-से-कम उनको आने-जाने की सुविधा रहे, इसके लिए भारत सरकार को ब्रिटेन की सरकार से बात करके कोई ऐसा रास्ता निकालना चाहिये जिससे लोगों को परेशानी न हो।

हमारे देश के बहुत से लोग वहाँ जाकर वहाँ की सरकार की भी एक तरह से मदद करते हैं, बहुत से क्षेत्रों में उन्होंने जो काम किया है, उससे वहाँ की सरकार को लाभ मिला है, उस देश को लाभ मिला है। उन लोगों ने वहाँ की प्रगति में भी योगदान किया है। इन बातों को ध्यान में रखते हुए वहाँ की सरकार को हमारे देश के लोगों के साथ नरमी का व्यवहार करना चाहिये। आशा है इस दृष्टि से माननीय मंत्री जी कोई बात करेंगे और इस प्रकार की कार्यवाही करने की कोशिश की जायेगी। मेरा बहुत संक्षिप्त सा सवाल है, आशा है माननीय मंत्री जी अवश्य इसका उत्तर देंगे।

प्रो० अजित कुमार मेहता (समस्तीपुर) : उपाध्यक्ष महोदय, मैंने प्रश्न का जवाब देखा था। उसमें सरकार द्वारा अनभिज्ञता प्रकट की गई है कि इस प्रकार का कोई गुप्त सर्कुलर ब्रिटेन में प्रचारित किया गया है। मुझे इस बात से आश्चर्य होता है कि गुप्त सर्कुलर की जानकारी प्रैस को है, सब लोगों को है कि उसमें क्या है।

श्री पी० बी० नरसिंह राव : किस अखबार में निकला है, थोड़ा बताइए। हम कैसे कह दें कि हमें जानकारी नहीं है। आप इतना तो हम पर भरोसा कीजिए।

प्रो० अजित कुमार मेहता : पेंटीओट 3 नवम्बर, 1983 और उसके बाद टाइम्स आफ इंडिया 14 फरवरी, 1984—इनमें निकला है कि गुप्त सर्कुलर प्रचारित हुआ है। गुप्त सर्कुलर में क्या है और क्या नहीं है, इसकी जानकारी न भी हो, लेकिन इतना जरूर है कि उसके अनुसार काम हो रहा है।

श्री पी० बी० नरसिंह राव : कोई अखबार यह कहे कि गुप्त सर्कुलर निकाला है, तो हमें यह तो मालूम है कि अखबार में निकला है। लेकिन क्या निकला है या नहीं, यह नहीं मालूम है। यही उस जवाब में कहा गया है।

प्रो० अजित कुमार मेहता : मैं यह कहना चाहता था कि जो भारतीय मूल के लोग हैं और एशिया के लोग जो वहाँ जाते हैं, तो नई-नई बाधाएँ इमिग्रेशन डिपार्टमेंट के द्वारा पैदा की गई हैं। तो इस संबंध में हमारे दूतावास को छानबीन तो करनी चाहिए थी कि ऐसा क्यों हो रहा है। इमिग्रेशन डिपार्टमेंट का इतना कड़ा रुख पहले तो कभी नहीं था। जिसमें कि भारत के लोग वहाँ जायें तो अपने दूतावास से या अपने लोगों से फोन पर भी सम्पर्क स्थापित न कर पायें, जिसे कि अपना बचाव का पथ प्रस्तुत करने में आसानी हो।

जैसा कि ब्रजमोहन महन्ती जी ने भी चर्चा की है, यूरोपियन कमीशन आन ह्यूमन राइट के अलावा ज्वाइंट कमीशन आफ वेलफेयर आफ इमिग्रेंट्स ने इस बात की चर्चा की है कि इमिग्रेशन का कानून नहीं है या मंत्री जी ने भी इस बात की चर्चा की है कि फंक मैरिज का बहाना लेकर ब्रिटेन में जो लोग चले जाते थे, उसको रोकने के लिए उन्होंने 1971 में कानून बनाया था। उस कानून का शुरू से तो पालन नहीं कर रहे थे, जैसा कि आपने भी बताया है। तो एकाएक वे क्यों उस कानून का कड़ाई से पालन करने लगे। वास्तव में क्या फंक मैरिज का बहाना लेकर लोग वहां जाकर बसने का प्रबन्ध करते थे, या इमिग्रेशन को कबं करने के लिए ब्रिटेन ने यह रुख अपनाया। इसकी छानबीन तो वहां के दूतावास को करनी चाहिए थी।

उपाध्यक्ष महोदय, वहां के गृह विभाग के एक प्रवक्ता ने कहा है—

“We are not against the tradition of arranged marriage as such, but it is a matter which has to be decided by the Immigration office at its discretion.”

मतलब यह कि अरेंज मैरिज वहां का इमिग्रेशन आफिस ही डिसाइड करेगा। उसमें निर्णय लेगा कि इसको अरेंज मैरिज कहा जा सकता है या नहीं। मैं यह जानना चाहता हूँ कि हमारे वहां के दूतावास ने इस संबंध में क्या कार्यवाही की है और इस रिपोर्ट के प्रकाशित होने के बाद ऐसे कितने कैसे दूतावास के सामने आए हैं और उनको समाधान करने के लिए दूतावास ने प्रयास किया है—यह मैं माननीय मंत्री जी से जानना चाहता हूँ ?

18.00 hrs.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI P.V. NARASIMHA RAO): I would like to point out first that although there has been an increase in the actual numbers of rejections since 1973, the increase needs to be looked at from the point of view of the increased total numbers

also. Whereas 425 were rejected out of 85480 in 1973, 1043 have been rejected out of 2,10,000 in 1982. So, that is why I say percentagewise it is around 0.5. In absolute numbers there has been an increase. Even so, we have take it up with the authorities there and wherever this question of marriage has been raised, we have told them that the tradition of arranged marriages is very much there in our country. Therefore, they should not look at a marriage which has been pleaded by an Indian couple just as they would look at a marriage in a European society. So, this distinction has been brought to their notice with the result that rejections have appreciably come down. But where there is a flagrant case, a very clear case of a fake marriage or a marriage which normally an official would consider not genuine, then we cannot say that in that case he should not use his discretion. This is what I have been suggesting all these cases are being looked into whenever hardship is brought to our notice. Beyond this, I am afraid, we cannot interfere in their domestic legislation. I do not know whether there has been any recent provocation for bringing up this matter before the House. I would like to know from Shri Mohanty and others if they have come across any such evidence to show that there has been a sudden spurt in these things and, therefore, some special hardship is being caused. Otherwise, I thought that the matter was finding its own level. At some time in the past, a year or so earlier, both Houses were very much agitated about the Nationality Act. When the Nationality Bill it was in the House of Commons, in Parliament, we made representations and as a result of our strenuous efforts certain amendments were brought which have to a very large extent alleviated the hardship. Then in other cases also where there is still some inconvenience, legal methods have been found so that those who wanted to become nationals, take nationality of U.K., are enabled to do so. On that question, I would not dilate in detail because that does not arise from this discussion. So, I would like to say that all that needs to be done is being done. If there are any special circumstances which have been brought to the notice of any hon. Member, I would be happy to take that information from him.

So far as we have made enquiries there has been no such increase either in the

incidence or in the harshness in the implementation of these rules.

Thank you.

PROF. AJIT KUMAR MEHTA: One point has not been taken care of. You have not replied to that point. Has our Embassy made any effort to know the existence of such a confidential circular ?

SHRI P.V. NARASIMHA RAO : We have already stated in reply to the Unstarred Question that we are not aware of a confidential circular.

PROF. AJIT KUMAR MEHTA : But after the publication in the Press.

SHRI P.V. NARASIMHA RAO : Please tell me how does any Government or a High Commission or an Ambassador try to find out what secret instructions have been given and do I tell on the floor of the House that we have made all enquiries about the secret instructions and still we did not get any

information ? It is too much to ask and too much to tell. Shri Mohanty has come up with some information. I have noted it. I will take it from him, recheck and see what could be done if there is anything to be done. If the information does not appear to be correct, then I will tell him that it is not correct. So, I have already noted the points raised.

MR. DEPUTY SPEAKER : Hon. Members, there would be no sitting of Lok Sabha tomorrow, it being May Day.

The House stands adjourned to reassemble at 11.00 a.m. on Wednesday, 2nd May, 1984.

18.06 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, May, 2 1984/Vaisakha 12, 1906 (Saka)
