

LOK SABHA DEBATES

LOK SABHA

Thursday, March 17, 1983 | Phalguna 26,
1904 (Saka)

The Lok Sabha met at Eleven of the
Clock.

[MR SPEAKER in the Chair].

ORAL ANSWERS TO QUESTIONS

SHRI KRISHNA CHANDRA HALDER: Before the Question Hour, the Railway Minister should make a statement.

MR. SPEAKER: Okay.

SHRI KRISHNA CHANDRA HALDER: About a hundred people have died yesterday in the accident; and instead of making a statement, he should resign, Sir. He is raising the fare and freight. And there is no difference in respect of accidents and there is no security of passengers. A hundred people have died.

अवकाश महोदय : आपकी पचास परसेन्ट डिमाण्ड पक्की हो गई ।

SHRI SATYASADHAN CHAKRABORTY: Sir, he promised security and safety. He must explain why this has happened. (Interruptions) No; he should resign. What has happened to his promise of security and safety? (Interruptions)

श्री रामावतार शास्त्री : गाड़ियां 16 घंटे लेट चल रही हैं ।

SHRI SATYASADHAN CHAKRABORTY: No safety; only taxation.

श्री रामावतार शास्त्री : न सिक्कोरिटी है, और न सेफ्टी है और न टाईम की पाबन्दी है ।

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SHRI SATYASADHAN CHAKRABORTY: He is like an unmoving locomotive. (Interruptions)

SHRI SATYASADHAN CHAKRABORTY: With your kind permission, should I draft his resignation letter also, Sir? (Interruptions)

MR. SPEAKER: You prepare his statement. If you had asked me to prepare his statement which he has to make, then I might have considered. (Interruptions)

SHRI KRISHNA CHANDRA HALDER: He should have been confident to run the Railway Ministry. (Interruptions)

PROF. MADHU DANDAVATE: I resigned in 1978 only because.... (Interruptions)

MR. SPEAKER: Shri R. L. Bhatia. Qn. 265.

New British Immigration Rules

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*265. SHRI R. L. BHATIA:

SHRI SUBHASH CHANDRA BOSE ALLURI:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government have studied the latest U. K. move to promulgate immigration rules w.e.f. 1 January, 1983 regarding permitting foreign husbands/fiancées to enter the U.K.;

(b) if so, whether these rules have divested British nationality from even Indians born in the U.K.

(c) whether Government have taken up the matter with the U.K. Government; and

(d) if so, the outcome thereof?

THE MINISTER OF EXTERNAL AFFAIRS (SHRI P. V. NARASIMHA RAO):
(a) Yes, Sir.

(b) No, Sir. It may, however, be clarified that under the New British Nationality Act which has been promulgated w.e.f. 1st January, 1983, children born in the U.K. who do not become British citizens by birth (i.e. children of parents neither of whom is a British citizen and neither of whom is settled in the U.K.) may now acquire British citizenship by registration after 10 years residence from birth in the U.K., provided they have not been out of U.K., for more than 90 days in any year.

(c) No, Sir.

(d) Does not arise.

SHRI R. L. BHATIA: Sir, the relaxation in immigration rules permitting foreign husband or fiancées to join their wives or husbands born in the U.K. was necessitated because of the fact that some British Indian residents who had British passports went to the European Human Rights Court and applied there. In accordance with the decision of that Court this amendment was necessitated and the British Government brought about this thing. The Joint Council for the welfare of immigrants has described this as a trick to sidetrack the issue of human rights implicit in the nationality. May I know from the hon. Minister whether the other family members like the old parents, father, mother or brother who are depending on them will be permitted to go to the U.K. or not?

SHRI P. V. NARASIMHA RAO: Generally, with regard to fiancées/husbands, the House may recall that there was a lot of difficulty which was brought to our notice and this was specifically taken up by us time and again, as a result of which this new rule has come. I cannot really connect it with the human rights thing because that is not relevant for the matter now.

SHRI R. L. BHATIA: But, on what basis was this amendment brought about?

SHRI P. V. NARASIMHA RAO: It may be so. But the point is, our policy is this. In fact, I had a talk with the British Home Secretary when I went to London and he promised to look into this and as a result of these efforts this change

has come and we should be happy about it so far as it goes.

SHRI R. L. BHATIA: It has a very limited effect. But still, I would like to ask you about Indian women who are residing in the U.K. and have British passports and are separated from their husbands, what should be their fate?

SHRI P. V. NARASIMHA RAO: This is about their husbands being admitted to go to the U.K. This is the position. If they are separated from their husbands then there is no one whom they can call from their country, obviously.

SHRI R. L. BHATIA: Some people have homes in London and their wives have settled in London. But they have gone outside London or outside the U.K. for work. They are not protected there because their organisation which is looking after all immigrants is objecting to this.

SHRI P. V. NARASIMHA RAO: This rule, rule 41 says:

"A man seeking to enter the U.K., for marriage to a woman settled here and who intends himself to settle thereafter should not be admitted unless he holds a current entry clearance granted to him for that purpose. An entry clearance will be refused, unless the Entry Clearance Officer is satisfied:

(a) that it is not the primary purpose of the intended marriage to obtain admission to the U.K., and

(b) that there is an intention, that the parties to the marriage should live together permanently as man and wife and see that the parties to the proposed marriage have met.

I mean, that all these conditions have been put here, presumably on the basis of certain experiences. Now we have to see that in genuine cases there is no hardship. This rule clearly indicates that in genuine cases whatever hardship is anticipated is sought to be removed.

MR. SPEAKER: Ladies first—Shrimati Geeta Mukherjee.

DR. SUBRAMANIAM SWAMY: But she is a communist.

SHRIMATI GEETA MUKHERJEE: Between gentlemen and ladies Mr. Swamy has coined a new definition.

DR. SUBRAMANIAM SWAMY: Communists are de-sexed. That is their general theory.

SHRI KRISHNA CHANDRA HALDAR: Send Dr. Swamy to Ranchi.

MR. SPEAKER: Is it an old theory or a new one?

DR. SUBRAMANIAM SWAMY: This is an old theory. In fact, they themselves say.

SHRIMATI GEETA MUKHERJEE: They never say. This is marxology and not marxism.

SHRI RATANSINH RAJDA: They believe that marriage is a capitalist institution.

SHRIMATI GEETA MUKHERJEE: The Minister has said in answer to Part (b) of the question that the provision made in the present law is satisfactory. You remember, Sir, I along with you went to UK in a delegation. You are quite aware of the seriousness of the problem. Under the present provision that is there if a child by any chance or for some reason or the other has to be out of UK for more than 90 days, then his 10 year thing is gone. As it is, this 10 year stipulation is a very serious thing, because at a stretch, it is very difficult as something may happen to the mother or to the child or some other unforeseen difficulties may crop up. On top of that, there is this condition of 90 days. Taking this into consideration I do not consider this to be satisfactory. I do not agree with him. Will the Minister say that they will take up this question with the UK authorities and put pressure on the UK Government for relaxing the rules further?

SHRI P. V. NARASIMHA RAO: I said that it is satisfactory so far as it goes. That has not been taken note of. Naturally it does not go as far as we want it to go.

The point is that paragraphs 128 to 131 apply only to unmarried dependent children, aged under 18, who were born in the

UK but, who, because neither of their parents was a British citizen or settled in the United Kingdom at the time of their birth, are not British citizens and are, therefore, subject to immigration control. But for this rule, these children would have been totally deprived of that facility. That facility has now been given. We will have to make it go further and that effort will continue.

DR. SUBRAMANIAM SWAMY: I can claim some special knowledge of the subject since in the Emergency I was there. (Interruptions) I do not have any fiancé or wife problem bringing over there. All are here.

MR. SPEAKER: A swamy is devoid of all the problems.

DR. SUBRAMANIAM SWAMY: I am above all these.

MR. SPEAKER: Only he himself can be a problem. That is something else.

DR. SUBRAMANIAM SWAMY: In Emergency I was in England.

AN HON. MEMBER: Without passport.

DR. SUBRAMANIAM SWAMY: A swamy does not need any passport. The overseas' communities helped me a lot.

AN HON. MEMBER: They always help the refugees.

DR. SUBRAMANIAM SWAMY: In September, I was again in England. I will say that this is a very ticklish area. Of course, I would say this ticklish because many of the people we are dealing are not really Indian citizens. In a sense, there is also a strong feeling in England itself that it is an interference in their internal affairs and they equate this to others taking interest in our country. Like we react adversely if somebody takes interest in communal riots within this country, they equate this with this. Of course, I do not agree with this. Anyway, Indian community in England is of the view that this problem will be greatly solved or lessened if the Government of India allows for dual citizenship.

Has this question been examined by the Government and what is their final decision?

PROF. MADHU DANDAVATE: There was a trouble in the Janata Party on dual membership.

MR. SPEAKER: So, let us be aware of it.

SHRI P. V. NARASIMHA RAO: The question of dual citizenship has been examined more than once and we have come to the conclusion that on the whole, the balance of convenience is against giving dual citizenship.

डिजिल लोकोमोटिव वाराणसी हेतु भूमि का अधिग्रहण करना

*268. श्री दयाराम शाक्य: क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या डिजिल लोकोमोटिव वर्क्स वाराणसी में वर्ष 1977 और 1978 में आयात किए जाने वाले उपकरणों का वहीं पर निर्माण करने हेतु फैक्ट्री का विस्तार करने के लिए काफी भूमि अधिग्रहण की गई थी ;

(ख) यदि हां, तो क्या बाद में फैक्ट्री पटियाला में खोली गई और यदि हां, तो निर्णय को बदलने के क्या कारण हैं ;

(ग) क्या सरकार का विचार, जिस काम के लिए भूमि का अधिग्रहण किया गया था वह काम न होने के तथ्य को ध्यान में रखते हुए, अधिग्रहण की गई भूमि उन किसानों को लौटाने का है जिनसे ली गई थी ; और

(घ) यदि नहीं, तो इसके क्या कारण हैं ?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI C. K. JAFFAR SHARIEF): (a) No, Sir.

(b) Sometime in 1977-78 a proposal was mooted to set up a separate factory for the manufacture of diesel components. The question of final selection of site for Diesel Components Works was entrusted to the Rail India Technical and

Economic Services Ltd., who submitted their Report in 1979. Based on their Report, a decision was taken to set up the factory at Patiala. The same is still under construction.

(c) and d). Do not arise.

श्री दयाराम शाक्य : श्रीमन्, 19 दिसम्बर, 1982 को मैं स्वयं मौके पर गया था जिनकी जमीनें अधिग्रहण की गई हैं, उन्होंने मुझे अपनी जमीनें दिखाईं। मंत्री जी की जो सूचना है वह गलत है। 1977 और 78 में डीजल इंजन के पुरजों के निर्माण का कारखाना वाराणसी के निकट ही बनाने का निर्णय लिया गया था परन्तु गृह मंत्री के दबाव पर यह निर्णय बदल दिया गया तथा पटियाला में बनाने का निर्णय लिया गया। अतः क्या मंत्री जी पुनः जानकारी प्राप्त करेंगे कि 1978 में इस कारखाने को बनाने के लिए जमीन भी अधिग्रहण कर ली गई थी या नहीं ?

SHRI C. K. JAFFER SHARIEF: Sir, the land acquisition has got nothing to do with the setting up of the diesel components factory in Patiala. This question was entrusted to the RITES for examination. The RITES organisation which further studied this question, came to the conclusion that Patiala would be a suitable site and, therefore, the factory was set up in Patiala. So far as the requirement of the land near DLW in Varanasi is concerned, it is purely for the other requirements like staff quarters and other needs of the Railways' activities in Varanasi. Therefore, there is no point in linking this question of diesel components factory with the land acquirement in Varanasi.

श्री दयाराम शाक्य : श्रीमन्, मंत्री जी के उत्तर से साफ जाहिर है और मैं जानना चाहूंगा क्या वे इस सदन को जानकारी देंगे कि यह जमीन उस समय किस कार्य के लिए अधिग्रहीत की गई थी और उस कार्य के लिए उसको उपयोग किया जा रहा है या नहीं ? जहां तक मेरी जानकारी है यह जमीन 1978 के बाद वैसी ही पड़ी हुई है, उसका कोई उपयोग