

SEA CUSTOMS (AMENDMENT)
BILL

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to move:

"That the Bill further to amend the Sea Customs Act, 1878, be taken into consideration."

This is a simple measure and is consequential to the President's Proclamation early last year extending our territorial waters to six nautical miles. The House is aware that every maritime State has what is called a "territorial sea" over which it can exercise sovereignty as complete as on its land territory. In some countries, this territorial sea extends to three nautical miles from the coast-line; in others, it extends to six nautical miles, which is the maximum width of the territorial sea recognised by international law. In this country, until some time ago, we have been assuming that our territorial sea had only a three-mile width, but on further examination, we came to the conclusion that we could, and should, claim the maximum of six nautical miles for our territorial waters. Hence the President's Proclamation was issued early last year.

According to international law and practice, certain limited powers on customs, fiscal, immigration and sanitary matters can be exercised by a maritime State even beyond its territorial waters, in the so-called 'contiguous zone'. This zone may extend up to a distance of six nautical miles measured beyond the outer limit of the territorial waters, that is to say, up to a distance of twelve miles from the sea coast. For this, however, a specific law is necessary, and that is why we have brought forward this piece of legislation before the House. Hon. Members would observe that we have, for the time being, confined our proposals only to our customs needs; should the necessity arise in course of time to extend a similar control over the contiguous zone with reference to our immigration and sanitary regulations, we shall come again to the

House and ask for the requisite powers. Meanwhile our customs needs are urgent and the provisions of the present Bill, which has been framed on the model of customs legislation in other countries, will assist us in checking smuggling.

Mr. Speaker: The question is:

"That the Bill further to amend the Sea Customs Act, 1878, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Insertion of new Chapter VIA)

Amendment made:

Page 1, line 11—

omit the word "section" appearing for the second time.

[Shri T. T. Krishnamachari]

Mr. Speaker: The question is:

"That clause 3, as amended, stand part of the Bill".

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 to 7 were added to the Bill.

Clause 1.—(Short title)

Amendment made:

Page 1, line 4, for "1956" substitute "1957".

[Shri T. T. Krishnamachari]

Mr. Speaker: The question is:

"That clause 1, as amended, stand part of the Bill".

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1, for "Seventh Year" substitute "Eighth Year".

[Shri T. T. Krishnamachari]

Mr. Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

Mr. Speaker: The question is:

"That the Title stand part of the Bill."

The motion was adopted.

The Title was added to the Bill.

Shri A. C. Guha: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

FOREIGNERS LAWS (AMENDMENT) BILL

The Minister of Home Affairs (Pandit G. B. Pant): Sir, I move:

"That the Bill further to amend the Foreigners Act, 1946, and the Registration of Foreigners Act, 1939, be taken into consideration."

This is a very simple measure. This Bill was introduced in this House in November last but owing to the pressure of other business, it could not be taken up and it dealt with a matter of some importance, and the situation called for urgent and immediate action. So an Ordinance embodying the provisions of this Bill was issued on the 19th of January. Now, I have the privilege of moving for the consideration of this Bill. The Foreigners Act was passed a long time ago. It dealt with the conditions as they existed before the advent of Independence. It became an anachronism thereafter. We were, however, not able to amend it as we had no citizenship law of our own. Last year, this House passed the Citizenship Act, and this Bill is almost a corollary to that Act. In the olden days, the definition of a 'foreigner' as

a citizen was governed by the conditions as then prevailed, and it was the Imperial aspect of the question which regulated the definition of a foreigner as well as of a citizen of India. Now, we have amended the definition with the result that all persons who are not citizens of India will be brought within the scope of a foreigner under this amending Bill. At the same time, we have taken power to exempt any of the Commonwealth countries from the operation of this Act. There is associated with it also the Foreigners Registration Act and an amendment will be made in that Act too.

A notification has been issued exempting some of the Commonwealth countries from this definition of foreigners, but even there we have the authority to apply the Act to any individual who may belong to any of the exempted countries even.

The need for this Act arose, as I said, because of our having no real definition of an Indian citizen, so long as we were under foreign rule.

Now, everyone who is a citizen of our country enjoys a distinct status, and others who do not share that status are rightly to be regarded as foreigners, but apart from that there are certain difficulties which had to be faced especially by the State Governments within the borders of their respective States. Some of the people who came to India either with passports or via or with permits from Pakistan and the neighbouring States could not be dealt with effectively. Similarly those who had been staying here without any such passports or visas could not be brought under the operation of any law, and we had no power to send them back in a really effective way.

These orders were passed, but they were not executed and we could not proceed against them. So there were many difficulties. We could not issue orders restricting their movement, or ask the State Governments to take such other precautions as we might have considered necessary. Now,