

Mr. Speaker: The Bill stands as No 4. Four and a half hours in all have been allotted for it. We must take all these Bills today. There is no harm if we take this now.

Shrimati Bena Chakravarty: May I just point out, Sir, if this is taken in precedence, it will create much confusion. Because, Members are functioning in parties. We have set apart certain Members to speak on these Bills. If constantly the order of business is changed like this, the Member who is supposed to speak on behalf of the party may not be present in the House. That is the difficulty. I do not want to say anything more.

Mr. Speaker: What is the hurry about this Bill?

Shri S. K. Patil: It is a non-controversial Bill. All the Bills have to be finished today.

Mr. Speaker: It is true. It may be that some Members may expect that this Bill would be taken up later on in the day and may come to the House only then. Unless the hon. Minister is going away somewhere else immediately.

Shri S. K. Patil: I cannot make that an excuse. If the House requires my presence, I must be present.

Mr. Speaker: I will call Pandit G. B. Pant.

CITIZENSHIP AMENDMENT BILL

The Deputy Minister of Home Affairs (Shrimati Alva). Sir, I beg to move

"That the Bill to amend the Citizenship Act, 1955, be taken into consideration."

This is a very small amending Bill by which we want to list three more independent countries that have become independent within the Commonwealth: Ghana, Federation of Malaya and Singapore. Singapore has already informed us that reciprocal arrangements have been made for the naturalisation of citizenship. As to the other two countries that we are putting on the list, we are anticipating reciprocal arrangements with them.

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In the Statement of Objects and Reasons it is made very clear that in order to enable the Government of India to notify on a reciprocal basis, the citizenship or nationality law of these countries as and when it becomes necessary, it is proposed to amend the Act to include these countries also in the First Schedule.

I do not want to say anything more as this is of a routine nature. I have explained why the three countries are proposed to be listed in the Schedule A.

Motion moved.

"That the Bill to amend the Citizenship Act, 1955, be taken into consideration."

Mr. Speaker: The motion is before the House. What about the amendment?

Shri Sadhan Gupta (Calcutta-East): Sir, I beg to move

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 17th day of February, 1958."

I have moved this motion for circulation because, I am opposed to the spirit of the Bill and I want to refer it to the country so that the country may give its verdict on a very important matter, namely, whether the country would support the maintenance and reiteration in this instance of the Commonwealth tie.

13 06 hrs.

[MR. DEPUTY SPEAKER in the Chair]

Let me make it clear that I am not opposed to granting facilities to the citizens of other countries to become citizens of our country on a reciprocal basis. I am not opposed to that principle. When we have to live in an international community, it is always better that we foster friendliest relations between the different countries. But, what I am opposed to is this: the slavish outlook of basing our citizenship law on a tie of which we need not be proud, or we need to be ashamed of our Commonwealth tie. It has been said repeatedly from the Government side that

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this tie does not in any way injure our prestige because this tie does not affect our Independence. It has also been said in defence of the tie, that we do not break old contacts, but we keep them and create new ones.

I should like to answer both these points. I would take the last point first, because it seems to be a more plausible argument. Why should we break old contacts? I am for contacts. I am for contacts with every country in the world. I am for the friendliest contacts with every Government. My party is also for the friendliest contact with every country. My party feels that this country should establish such contacts with every country. When I say every country, I mean every country: the Soviet Union as well as the United States; socialist countries as well as capitalist countries, Britain not excluded, the countries of the Commonwealth not excluded. What we are ashamed of, however, is that certain countries should be selected for conferring special privileges because they belong to a certain group of countries. I would understand the conferring of privileges because of their close relations with our country. For instance, as far as this Bill is concerned, I would gladly welcome the inclusion of Ghana as a nation which is entitled to the citizenship of our country, the nationals of which are entitled to citizenship of our country on a reciprocal basis. I would very gladly welcome that. It is not because Ghana is a member of the Commonwealth. It is because Ghana is a symbol of resurgent Africa and it has demonstrated that it follows an independent foreign policy and does not belong to any imperialist group, and so on.

Similarly, there are many Commonwealth countries whom we would gladly welcome, whose nationals we would welcome as citizens on a reciprocal basis. But, that is because of their particular relationship with us and their ties with us and their friendly contacts with us. For instan-

ce, Ceylon: we would welcome although there are outstanding problems. I wish the citizenship problem as between India and Ceylon were settled. But, with all these problems, there is considerable scope for friendly relations between India and Ceylon. Therefore, I would welcome Ceylonese citizens as our citizens on a reciprocal basis, of course.

But, Sir, what is the fun in welcoming every country because it belongs to the Commonwealth? What ties have we got with Australia, for example? What ties have we got with other countries?

Take the case of Malaya and Singapore. For all we know, Malaya and Singapore are moving closer towards the South-East Asia Treaty Organisation. If they go on closer to it, we cannot welcome Malayan nationals as our citizens,—I say again, if they move closer to the SEATO. We find that Malaya gives every facility to Britain, but when it comes to the question of Indian citizens, they are making a certain distinction between Malayabi Indians and others simply because of the fact that there is a Communist Government in Kerala. If they choose, they might fight their Communists, and though we have certain views about that, we need not express them here, we need not interfere in their domestic matters. I believe the Malayan Communists are able to take care of themselves. Let them fight out their own battles, and let them determine the rights and wrongs of that battle, but why should they discriminate against certain Indians on the ground that the men of their State have democratically chosen a certain form of Government. All this shows that it is not really a defence against Communists in their own State; it shows that they are veering towards imperialism, aligning themselves more and more with SEATO. The nationals of such a nation we cannot take as our citizens. Similarly, the same is the case with Singapore.

Therefore, what I wish to emphasize is: let us select countries on their own right, on their own merits and confer on them the right of reciprocal citizenship.

For example, it is a very sad thing that Burma is omitted from the list of countries. I may not be suspect of opposing Malaya because of my sympathy towards the Malayan Communists. Burma is also fighting her Communist, but there is no denying the fact that Burma is taking an independent stand as regards her foreign policy, and as a result, they earn the right of our respect and our friendship, and we have no objection to allowing Burmese nationals becoming our citizens on a reciprocal basis. But Burma is not included while Malaya is sought to be included. Nepal, our immediate neighbour, with whom we have so many cultural and traditional ties, is not included in this scheme whereas Singapore is included.

What is the principle behind it except a slavish attachment to the Commonwealth? Is that a way of making new contacts?

This contact is a very peculiar contact. It selects a certain group irrespective of their merits because that group once happened to be the slaves of Britain. It selects a certain group and sticks to that on the basis of that grouping alone, and confers certain privileges. Is that keeping a contact? It insulates us from close contacts with others. Why should we have closer contact with one group because it is a group? Why should we not treat them all alike? Why should not we treat Britain and China, for example, alike or on their own merits? Why should we not treat Burma and Ghana, for example, as equals? Why should we make a distinction? That is my objection, and I think there could be no answer to it. It cannot be defended on the ground that it is merely maintaining contacts. It is insulating ourselves from really rational contacts with others.

The other argument, that it has not hindered our independence, is also not a very great fact, not a very convincing fact. We know the different way in which we have treated the rising in Kenya and in Tunisia and Morocco. We have unhesitatingly condemned French repression in Morocco and Tunisia, but we have not condemned the British repression in Kenya or Cyprus. That shows that we are not independent. We are inhibited by certain ties, the Commonwealth tie in this instance from adopting a proper and democratic policy in international affairs.

Similarly, in the Egyptian affairs, the Prime Minister went out of his way to say that what Egypt has done is not the way he would have done. I cannot but think that this was because of our Commonwealth tie. Similarly, instances can be multiplied, and we have shown from time to time how the Commonwealth tie has really inhibited us from following a foreign policy according to our traditions and according what our foreign policy should be, according to the general lines of our foreign policy.

Therefore, I would oppose this Bill and ask this Bill be circulated for the purpose of eliciting public opinion. Let us evolve something which would put our international contacts on a more rational basis, on a more independent basis, and not tie us to a particular grouping based on the overlordship of a particular nation under whom we had suffered formerly.

Mr. Deputy-Speaker: The amendment is before the House.

Shri Nath Pal: I shall refrain from saying things which, though otherwise will be justifiable, will not be strictly relevant since we are not right now having a debate on the foreign affairs of India. I shall confine myself to certain issues that arise out of the proposal that is before the House today.

I certainly welcome the countries that are included here. It gives us great joy to know that we will be

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conferring the only honour that is within our reach, that of reciprocity of citizenship, to the people of Ghana. Ghana happens to be the first African country to emerge as a sovereign, free nation. We earnestly hope that that will be the beginning of the era of freedom for the whole of Africa, and I mean African Africa. Therefore, it gives us great joy that we will be extending and exchanging citizenship rights to the people of Ghana and with them.

The same can be said about the people of the Federation of Malaya and also of Singapore, whose emergence as free people has filled us with joy. We knew what it was to be under foreign yoke, and theirs happened to be the same master. We therefore welcome them in this new comity.

My regret comes on another account. There are certain omissions which are very regrettable. I do not know if the amendments will be strictly within procedure, and that is why I wanted this chance to say what I have to.

As the law stands today, we exchange these rights with South Africa. That is a very lamentable thing. We extend to them the rights which our Constitution confers on everybody who is fortunate enough to be born in India, and for this very honour of being born in this country, which we regard as the highest good luck, we are penalised in South Africa. Far from the rights which accrue to a citizen of South Africa, the Indians are not treated there as human beings too. The ghetto is the place to which we are segregated, and in spite of what the U.N. General Assembly and the special commission have been saying on the issue, that country has been defying the world conscience and denying to us the rights to which we are entitled. So, one regrets that to such a country we extend these rights, but we omit such countries with which we have been almost fierce in our affection and admiration, countries like Burma and Nepal.

These are two countries about which there have not been two opinions in this country. Burma from the community of interest and outlook and the past unbroken tradition of friendship should be the country with which we should find ways and means of exchanging, extending these rights. The same applies to Nepal. These means will have to be somehow made good, if we are not to render this concession of reciprocity of rights a ridiculous one. Those who are nearer to us in their affection and approach, who have stood by us in our hour of trial and who will do so in future, will be Burma and Nepal. Rightly therefore we should find ways and means of extending and exchanging these rights with these countries.

This is all that I have to submit.

Shri D. C. Sharma (Gurdaspur): I am afraid this Bill has more or less provoked a debate on the foreign policy of India, and as was said by my hon. friend Shri Nath Pai, we should never try to extend the scope of this Bill in that direction. We should have restricted ourselves to the very limited objectives of this Bill. Whether we should stay in the Commonwealth or not is a very big question, and I do not think this Bill is going to solve that question or to diminish the importance of that question or to aggravate whatever effects there are of that question or to hide whatever effects there are of that question. So, I do not think that is very relevant to this debate.

But I must say that so far as these three countries are concerned, we have definitely those ties with them, to which the hon. Member from the Opposition who took part in the debate first referred to. We do want contact with Ghana, and we are very proud that Ghana's relations with our country are very friendly. I have been reading in the papers that a trade and cultural delegation from Ghana is going to come to this country. I have also been reading in the papers that the people of Ghana hold this country in high estimation and also the leaders

of this country in great esteem. They have been saying that they have derived a great deal of impulse in their struggle for freedom, from our country. Moreover, Ghana belongs to a group of nations, which, to say the least, have won their freedom in a very legitimate manner, and it has shown the way to freedom for other countries in that continent. So, Ghana certainly is an example which has to be acknowledged by this country, but it is also an example which has got to be followed, I should say, by the other countries in that continent of Africa. So, I do not think there can be any difference of opinion about Ghana. We should always welcome Ghana.

I welcome also the Federation of Malaya. I think in Malaya we are going to have a multiracial kind of society. Malaya, therefore, is a very good example of the amity that can exist, and the harmony that can prevail, in a multiracial kind of society. There are so many Indians in Malaya, and from the accounts that I have read in the papers, they are as good citizens as other citizens in that Federation. This is also a new experiment. I do not know from where my hon. friend got this information that the people of Malaya are giving a very discriminatory treatment towards the people of Kerala. I do not know what the source of his information is. I have not come across any such information. I believe that the Federation of Malaya treats the inhabitants of all the States of India as Indians. They do not have one rule for the Punjabis, another for the people of Kerala, a third one for the Tamils and so on. I do not know how my hon. friend has got this information. I think it is more in the imagination of some of my hon. friends than in actual fact.

I find that in Singapore also, there is a large number of our countrymen. They work there as traders and also in various other capacities. I have met them. I have met some of our countrymen in Malaya, and I think,

from what I know about them, that they are doing very well.

So far as the question of contacts is concerned, our contacts with Malaya and with Singapore are real. We are only putting those contacts on a firmer and more durable and more friendly basis in this Bill. So far as our ties are concerned, our ties with Malaya and Singapore are strong already, and I think this Bill will make those ties stronger than before.

As regards Ghana, our ties may not be due to the presence of some of our nationals there. In fact, I had once asked a question in this House on that subject, as to how many Indian nationals there were in Ghana; so, I do not know whether, and if so, how many Indian nationals are there. Whether any Indian national is there or not, the fact remains that Ghana is a country which is very dear to us, so far as the desire for freedom and the desire for an independent foreign policy are concerned. I believe the Prime Minister of Ghana, Dr. Nkrumah, has said that they are going to follow the same kind of independent foreign policy as India.

Here, I would say that in the matter of citizenship our country has to go very cautiously and very slowly. We have begun with what may be called the Commonwealth of nations. Of course, South Africa is also there in it. I agree with Shri Nath Pai in what he said, because South Africa does not give encouragement when we look at the Commonwealth of nations. But one swallow does not make a summer. On the whole our ties with the Commonwealth of the nations have been friendly. And I dare say also on the floor of this House that our ties with the Commonwealth of nations have not affected our policy of any kind adversely in any way. Whatever you may say, you cannot deny that our Commonwealth ties have not stood in the way of our pursuing an independent policy.

Moreover, in human relations, we have got to begin somewhere, and

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even in this citizenship business, we have got to begin somewhere. It does not mean that we should stay all the time at the place where we begin. I think citizenship can be a kind of extending business, and an ever-extending business. So, having begun with these countries I shall forget for the time being that they are Commonwealth countries—I think this process should be a continuous process. This friendship has to be an ever-enlarging process, and I hope the day will not be far off when some of the countries to which my hon. friend has referred, will also have with us a reciprocal citizenship law. I would welcome it if we could extend this to Burma and Nepal also, because I know that our relations with Burma are the most friendly, if I can say so, and Nepal also is one of our good neighbours.

Now it is one thing to extend the scope of this Bill, and it is another to oppose whatever is there in this Bill, and it is a third thing to welcome this Bill. I would ask Government to consider whether this reciprocal citizenship can be extended to some of our neighbouring countries. I do not know what legal and constitutional difficulties there may be in that respect. But I think it will be worth the while for our Government to explore if this Bill can be made applicable to Burma and to Nepal.

Shrimati Alva: I do not agree with the suggestion made by Shri Sadhan Gupta. I do not know how he traversed new ground and brought in foreign policy. This is a very very simple Bill. We are within the Commonwealth and as the countries are getting independent, we want to enlarge the list. It is a Bill of a very routine nature. But Shri Sadhan Gupta felt that we had a slavish outlook and we were once again being led into imperialism and we were tied up. But Shri D. C. Sharma has replied him saying that citizenship is an ever-extending business. I think he is perfectly right in that observation.

One thing I want to say is that mutual citizenship is given on a basis of reciprocity. It is reciprocity that counts. Singapore has already a law and they have already informed us that they have given Indians this privilege. It is now our turn to give their people that privilege if they want it here.

The position about the other two, the Federation of Malaya and Ghana, is on the same basis. We anticipate that they will tell us that this mutual citizenship, relationship should come into existence. We do not want to come to this House again for that purpose, and so we have included those two countries also.

The only question remaining is about Burma and Nepal. I do not know why this House is interested again in Burma and Nepal because the original Act was passed only in 1956. Every possible point was covered and discussed. It was also made known to the House why Burma could not come in. First of all, there is no mutual relationship as regards citizenship. Though we are very friendly with Burma, with every country—Shri D. C. Sharma has said we want to be friendly and we want to have good relations with Burma—it is for that country to come forward. Then we can examine and consider the issue and then come to a reciprocity arrangement.

Shri Nath Pal: Why not anticipate in the case of Burma also?

Shrimati Alva: Let me finish my argument. Although we are very friendly with Burma, as the law stands, Indians there are treated as foreigners. They are subject to the provisions of the Burmese Foreigners' Regulation and the Registration of Foreigners' Act in the same way as other foreigners.

It will take some time. It is for Burma to come and ask for this arrangement. As I said, we are

friendly with Burma. May be that Burma has her own difficulties. We do not know her difficulties. We do not want to press them. They will come forward and we will also go forward. Perhaps we shall have it soon.

As far as Nepal is concerned, Nepalis come and go. If it is at a State level, then Nepal must suggest this to us. But we do not restrict the movements of Nepalis. Therefore, that also does not arise.

I do not think I have any further points to answer. South Africa is beyond the scope of this Bill. Therefore, I oppose the amendment.

Mr. Deputy-Speaker: I shall now put the amendment of Shri Sadhan Gupta, No 4, for circulation for eliciting opinion to vote. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 17th day of February, 1958".

The motion was negatived.

Mr. Deputy-Speaker: I shall now put the main motion to vote. The question is.

"That the Bill to amend the Citizenship Act, 1955 be taken into consideration".

The motion was adopted

Clause 2— (Amendment of First Schedule).

Shri Sadhan Gupta: I beg to move.

Page 1,—omit lines 9 and 10

I have already given my reasons.

Mr. Deputy-Speaker: He has also moved the amendment.

Shri T. B. Vittal Rao: He will be very brief this time.

Shri Sadhan Gupta: I want to answer some of the observations made by the Minister.

Mr. Deputy-Speaker: Is it very necessary?

Shri Nath Pai: No.

Shri Sadhan Gupta: Observations have been made on my speech.

Mr. Deputy-Speaker: All observations need not be replied to.

Shri Sadhan Gupta: But Minister's observations are important. Anyway, I would do it in a short time.

I am opposing the inclusion of Malaya and Singapore only for the reason that they do not seem to follow a foreign policy which is independent, and citizens of such countries would be quite dangerous for us to accept as our citizens even on a reciprocity basis. For instance, it is a strange thing—and our representative at the U.N. had occasion to comment on it—that the Federation of Malaya voted against the Indian line on the representation question of the People's Republic of China. Our representative had occasion to remark on that occasion that it was very strange that a new member should vote in order to keep somebody out. This is an attitude which we cannot support and which hinders friendly relations between two countries.

Therefore, I want to know what is the real attitude of Malaya in this respect. From what we find from reports, the attitude does not seem to be encouraging and does not seem to be such as would conduce to the creation of very friendly relations. This is why I am opposing the inclusion of Malaya and Singapore in this list.

Regarding Ghana, of course I heartily welcome that country and we will be proud to have nationals of Ghana as our citizens on a reciprocal basis.

Mr. Deputy-Speaker: The amendment is before the House.

Shri Nath Pai: We had an amendment. I had sent in a note in the name of Shri Surendranath Dwivedy.

[Shri Nath Pai]

That was amendment No. 1, the first to clause 2.

Mr. Deputy-Speaker: What is the significance of 'we'?

Shri Nath Pai: Members of the Party.

Shrimati Alva: Shri Sadhan Gupta's observation does not even lend itself to a reply. I have made myself very clear that when they acquire independence within the Commonwealth, we pursue a uniform policy. We give them this reciprocity arrangement for citizenship. The Federation of Malaya has acquired independence as Ghana and Singapore. So we included Malaya in this list. I do not think his insinuation as to how Malaya is going to act or has acted politically elsewhere concerns us here in this Bill. I oppose the amendment.

Mr. Deputy-Speaker: I shall now put amendment No. 2 to vote. The question is:

Page 1,—omit lines 9 and 10.

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That clause 2 stands part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

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

Shrimati Alva: Sir, I move that the Bill be passed.

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

MINES AND MINERALS (REGULATION AND DEVELOPMENT) BILL

Mr. Deputy-Speaker: Let us now take up the next item.

The Minister of Mines and Oil (Shri K. D. Malaviya): Mr. Deputy-Speaker, I beg to move* that the Bill to provide for the regulation of mines and the development of minerals under the control of the Union, as reported by the Joint Committee, be taken into consideration.

I do not wish to take much time of the House at this stage because I am sure hon. Members would like to say a lot of things about this Bill. There is a long list of amendments. The general principles underlying this Bill were discussed at the time of the reference of the Bill to a Joint Committee of both the Houses. The tenor of the debate then convinced me that there is general support for this Bill.

Since the Bill was referred to the Joint Committee, the clauses contained in the Bill received further consideration as a result of the deliberations of the Joint Committee which gave a lot of time, for which I am grateful to the hon. Members. They modified certain important clauses of the draft and the Bill as it now emerges from the Joint Committee is an improvement in certain respects upon the previous draft.

I would not like to go in detail about all the changes that have been incorporated in the Bill by the Joint Committee. But, clause 9 as it is before the House shows that the Members felt very strongly that the rates of royalty in the Second Schedule should also apply to minerals of holders of mine leases before the commencement of this Act including those granted before the

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