

Proposal to Debar Indian Citizens of Foreign Origin from Contesting for High Offices

*21 SHRIMATI JAYAPRADA NAHATA:

SHRI AMAR SINGH:†

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether there is any proposal under Government's consideration to debar Indian citizens of foreign origin from contesting for high offices in the country; and

(b) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): (a) No, Sir.

(b) Since no such proposal is under consideration of the Government, the question of its details does not arise, the idea has been mooted by some of the important functionaries of political parties and a public debate is going on the subject. When the idea crystalises and some consensus emerges, the Government will consider how to implement it.

SHRI RAM JETHMALANI: May I add something more, Sir?

The question is addressed to the Ministry of Law, which is really a drafting Ministry. There is not such drafting proposal at the moment before my Ministry.

श्री अमर सिंह: सभापति महोदय, माननीय मंत्री जी क्या यह बताने का कष्ट करेंगे कि 1990 में दिनेश गोस्वामी समिति ने इस आशय पर एक विस्तृत रिपोर्ट दी थी, उस समय माननीय लाल कृष्ण आडवाणी जी और इसके इलावा कांग्रेस के तत्कालीन सदस्य हरकिशन लाल भगत जी भी उस कमेटी में उपस्थित थे, उस गोस्वामी कमेटी की रिपोर्ट के बारे में सरकार का क्या रुख है?

SHRI RAM JETHMALANI: Sir, I must confess to the House that I am not aware if the Goswami Committee had considered this particular issue. I will again look into the report and find out what it is about. I require a notice for this.

†The Question was actually asked on the floor of the House by Shri Amar Singh.

श्री अमर सिंह: क्या यह सत्य है कि संयुक्त राज्य अमरीका में सिर्फ वहां के नेचुरली बॉर्न सिटिजन राष्ट्रपति और उच्च पदों का चुनाव लड़ सकते हैं? अगर अमरीका में ऐसा है तो क्या इस तरह के आशय का हम लोग भी प्रस्ताव रखना चाह रहे हैं?

SHRI RAM JETHMALANI: Sir, I am aware of the stand of the party to which the hon. Member belongs. I must say, on behalf of the Government, that there is a great substance in this demand. But it has to be considered. The Government has its own priorities. The august House knows what is happening in the country. Our sense of priority requires that this must wait for a while.

SHRI EDUARDO FALEIRO: Sir, the hon. Minister says that there is a great substance in this demand. In the previous session, the Home Minister had spoken of cultural nationalism. The founding father of cultural nationalism was M.S. Golwalkar. As per his definition, Muslims and Christians are foreigners.

SHRI M. VENKAIAH NAIDU: Let him come to the question. *(Interruptions)* What is this. How can we continue like this?

SHRI EDUARDO FALEIRO: Your Government and your cultural nationalism goes by the definition of Golwalkar. Do you go by the definition of Golwalkar? *...(Interruption)...* Sir, the question is about Indian citizens of foreign origin. Cultural nationalism has been articulated. *...(Interruption)...*

MR. CHAIRMAN: Please don't bring in cultural nationalism. It is not concerned with this. *...(Interruptions)...*

SHRI EDUARDO FALEIRO: This is very important. I would like to know whether, in your concept of substance, will you go by the Golwalkar concept of foreigners which excludes Christians, Muslims. If not, why not?

SHRI RAM JETHMALANI: Mr. Chairman, Sir, I can assure the hon. Member that we will go by our own intelligence and understanding of things. We don't wish to go back to the past.

DR. (SHRIMATI) JOYASREE GOSWAMI MAHANTA: Mr. Chairman, Sir, on this subject, I would like to draw the attention of this House and also of the Government about the open border area between India and Bangladesh. Foreign nationals are infiltrating

into India from Bangladesh every day. While we are discussing this subject at this moment here, foreign nationals are infiltrating into India. Somehow they manage to get their names enrolled in the voters' list. They also manage to get passports. Every day we can see a huge crowd at the Guwahati Passport Office. Most of the people are daily wage labourers who are seeking passports. It is a very serious matter. Once they enrol their names in the Indian citizens list, in the Indian voters' list, obtain passports and obtain ration cards...

MR. CHAIRMAN: Dr. Joyasree, your supplementary does not arise out of this question.

DR. (SHRIMATI) JOYASREE GOSWAMI MAHANTA: Sir, this question pertains to Indian citizens of foreign origin. They are seeking passports every day. *...(Interruption)...* May I refer to a part of the question? "Whether there is any proposal under Government's consideration to debar Indian citizens of foreign origin from contesting for high offices in the country." Same is the case with one of our hon. friends in Parliament. There was a big hue and cry against that person, regarding that person's citizenship, in the last parliamentary elections. It is also pending. I urge the Government to enquire into that matter also. That person is also of foreign origin.

SHRI RAM JETHMALANI: The Government is absolutely conscious of this problem. So, adequate steps are being taken. We will certainly take steps to eject those who are illegally here. But I must seriously tell the hon. Member that this does arise out of the question which we are considering here.

SHRI K.R. MALKANI: Mr. Chairman, Sir, the Government will, no doubt, consider the law and practice in other countries on the subject. Our good friend, Mr. Amar Singh, has drawn attention to the law in the U.S.A. May I draw the attention of the House to the law and practice in Italy? An Indian girl married to an Italian, took Italian citizenship, settled down in Italy. She wanted to contest the civic elections. She was not allowed to contest the election, on the ground that she was not born an Italian. Would the Government take these matters into account while deciding on the issue?

SHRI RAM JETHMALANI: Most certainly we will consider all this.

SHRI JANARDHANA POOJARY: Sir, one of the main items on the main agenda during the last parliamentary elections was that Indian citizens who are of foreign origin should be debarred and there should be a legislation for this purpose. Now, from the reply given today, it is very clear. The reply to part (a) of the question is "No, Sir. But it is under serious consideration of the Government." It has been made very clear in the main reply as well as in replies to the supplementaries. Sir, the issue was raised during the last elections. Our party President contested the Lok Sabha elections from the Amethi constituency as well as from the Bellary constituency. In the Bellary constituency, I was in-charge of her campaigning. National leaders, including the Prime Minister and all the leaders, made this issue. (*Interruptions*). It was a main issue during the elections. Sir, the people of Amethi and the people of Bellary rejected the contention of this ruling party with contempt which it deserves. Even during the Bellary election campaign, that was the main issue. Sir, when the people of India, from the north and the south, have rejected it outright, with contempt, are the Government, with a political motivation, going to bring it forward or reject it as per the decision and verdict of the people of the country?

SHRI RAM JETHMALANI: Sir, I hope I have not, either unwittingly or otherwise, given any impression to the House that the Government will not carry out what it has promised in its election manifesto. I do not know what the hon. Member wants to say. Amethi and Bellary do not, by themselves, constitute the whole of India and whatever might have happened in these two constituencies does not decide finally what the Government is going to do upon this problem. This matter is a very serious matter which, if the hon. member persists, we will expedite.

SHRI M. VENKAIAH NAIDU: Mr. Chairman, Sir, the issue is not of membership of Parliament, but of high offices of President, Vice-President, Prime Minister and other related important high constitutional institutions. There is a commitment given by not only the NDA but also the Samajwadi Party and other important parties in the country. That being the case, as the Minister rightly said, there was a debate during the election. The people have given their verdict. The verdict is overwhelming. It was very clear. I do not

want to join issue with Mr. Janardhan Poojary because the Minister has already replied to that. My only question is, keeping in view the experience in different parts of the world and also the wish of the people, the commitment given by the NDA and also the other political parties in the country, will the Government take the initiative, consult the other Opposition parties also and bring the Bill either in this Session or in the coming Session of Parliament, that is, during the Budget Session? Can any time-frame be given to this because it is a very important issue which is agitating the mind of the entire country?

SHRI RAM JATHMALANI: Sir, I am afraid I cannot lay down any time-frame. But I can assure the hon. Member that this will receive urgent attention and now that Mr. Poojary has added...*(Interruptions)*... we will do our best.

SHRI JANARDHANA POOJARY: Sir, he has referred to me.

MR. CHAIRMAN: No, no. You have already put your question.

SHRI JANARDHANA POOJARY: He has referred to me now.

MR. CHAIRMAN: It does not matter. Reference does not mean that the Member should reply. *(Interruptions)*. Mr. Hanumanthappa.

SHRI H. HANUMANTHAPPA: Sir, the Minister has categorically said that no such proposal is under the consideration of the Government, the question of its details does not arise. But he continued to say that the idea has been mooted by some important functionaries and political parties. But, if that important person becomes a part of the Government, I think, there should be a bar for expressing such opinions when this idea is not under the consideration of the Government. Will the Minister assure to that extent? If that important personality is a part of the Government, unless the proposal is before the Government for consideration or the Government takes a decision, it is well expected that a part of the Government should not open his mouth publicly. Will the Minister assure to that extent?

SHRI RAM JETHMALANI: I am really unable to understand the hon. Member's criticism. But if you choose to address your question to a particular Ministry then you should know the rules of business,

you should know the division of subjects. I have said that it is not before my Ministry at the moment. (*Interruptions*).

SHRI H. HANUMANTHAPPA: Mr. Chairman, I have been misunderstood (*Interruptions*). You have said that the subject is not under the consideration of the Government. Well taken. But you have also said 'important functionaries'. I have no objection. If that functionary is a Government functionary, he is a part of the Government, it would be in the fitness of things that he does not speak out openly till the Government takes up the subject. The propriety demands it. What is wrong in it? You can say it as a Law Minister that as long as the matter is under the consideration of the Government, the Government functionary should not come out publicly. It is a common sense. You yourself mentioned yesterday about the common sense.

SHRI RAM JETHMALANI: I have made it very clear that the Government is going to consider this and will bring it up. But at the moment, it is not under the active consideration of my Ministry.

SHRI H. HANUMANTHAPPA: But a part of the Government should not speak it out.

श्री गया सिंह: सभापति महोदय, हमारे मन में इस संबंध में एक प्रश्न है। अभी इस पर काफी चर्चा हुई है और सरकार कहती है कि अभी नहीं, बाद में करेंगे। लेकिन, किसको करेंगे? देश का बटवारा होने के बाद जो लोग पाकिस्तान से हमारे देश में आए क्या उनको भी विदेशी मूल का मानेंगे या उनको छोड़कर मानेंगे? मंत्री महोदय से मैं यह जानना चाहता हूँ।

SHRI RAM JETHMALANI: Sir, any part of undivided India cannot be equated with Italy.

श्री बालकवि बैरागी: माननीय सभापति महोदय, मैं आपके माध्यम से मंत्री महोदय से जानना चाहता हूँ यहां जो प्रश्नकर्ता ने प्रश्न किया है, वह स्पष्ट है और प्रश्न यह है कि विदेशी मूल के भारतीय नागरिकों को देश में उच्च पदों के लिए चुनाव लड़ने से विवर्जित करने संबंधी क्या कोई प्रस्ताव सरकार के विचाराधीन है? तो सरकार उच्च पद किसे मानती है, उच्च पदों की सीमा क्या है, उच्च पद के अंतर्गत आप किन-किन पदों को उच्च मानते हैं? इसके बारे में क्या कोई स्पष्ट उत्तर, मंत्री महोदय, आप के पास है?

SHRI RAM JETHMALANI: Sir, many higher positions in the Executive, in Parliament, in the Judiciary, are fairly well-known. But

when the law comes to be drafted, careful consideration will be paid as to who should be the person who should suffer from this disqualification.

DR. ARUN KUMAR SARMA: Mr. Chairman, Sir, this is a very serious matter because Indian with foreign origin are participating in the election and they are electing their representatives. I want to cite one example. One convict from Nepal came to Assam and settled down there. He became an M.L.A. twice; he became an M.P. Now, he can contest for the office of the President of India. So, we cannot debar them because of this flexibility in our Constitution, in our laws. There are a number of laws which are outdated, which are redundant in the present context. I would like to know one thing from the Minister and also from the hon. Prime Minister who is present in the House. It has been stated that the Government is considering constitution a commission for amending the Indian Constitution, and that is the need of the hour. We feel that this is one issue only. There are many other issues. Our Constitution should be reviewed, and if necessary, we should go in for another Constituent Assembly. I would like to know from the hon. Minister whether they are actively considering to amend the Indian Constitution so that all these issues can be resolved once and for all and we can enter the next millennium with an updated Constitution.

SHRI RAM JETHMALANI: Sir, the hon. Member is aware that the party to which he belongs, in its manifesto has said that a commission will be appointed to review the working of the Constitution, without altering its basic character and that wherever some deficiencies are discovered, they will be set right. So, that is going to be done. But I fail to understand how this question arises out of the main question.

Sitting Judges of Supreme Court and High Courts

***22. SHRI V.N. GADGIL:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the total number of sitting Judges of the Supreme Court and the High Courts and on August 15, 1999;

(b) the number of those out of them who belong to Scheduled Castes and Scheduled Tribes; and