[Shri Dinesh Singh.]

from several hon Members about the repercussions on Indians of the legislation recently enacted in Nepal concerning land and tenancy rights. I should, therefore, like to place before the House the information available to the Government

The recent legislation in Nepal deals mainly with following Acts—

1. Land Reforms Act, 1964;
2. The Ukhada Land Tenure Act, 1964,
3. Mulki Ain promulgated in 1963;
4. Nepal Citizenship Act, 1964;
5. Foodgrains (Control) Order; and
6. Facilities to Industrial Enterprise Act, 1961;

and tends to draw distinction between the rights of Nepalese citizens and foreigners. In the ordinary course Indian citizens being foreigners would have been classified as such. However, under the Treaty of Peace and Friendship signed by the two countries in 1950, both countries agree to give the nationals of the other equal treatment with their own nationals. As such any provision made to discriminate against Indian citizens by equating them with other foreigners would appear to be in violation of this Agreement. When I say this, I should also point out that Government of India had recognised in 1950 that it might be necessary for some time to afford Nepalese nationals in Nepal protection from unrestricted competition from outside. However, it was agreed that the nature and extent of this protection will be determined as and when required by mutual agreement between the two Governments

The Nepalese Government should have, in our opinion, consulted the Government of India before bringing in any legislation or taking any other action which would restrict the rights and privileges of Indians *vis-a-vis* Nepalese citizens.

We are fully conscious of our obligations under this Treaty and it is our endeavour to give Nepalese citizens complete equality with the citizens of our country

We hope that the Government of Nepal would also fully respect the provisions of the Treaty I have mentioned and give equality to Indian citizens in Nepal on par with their own nationals

We have brought this matter to the attention of the Government of Nepal in June this year when an *Aide Memoire* was handed over to the Ambassador of Nepal in India This matter was also discussed during the visit of the Prime Minister to Nepal in October We have had further discussions with the Nepalese Ambassador and we are hoping that the Government of Nepal will give their urgent and earnest attention to this matter We also propose to request the Government of Nepal to ensure that lands or properties lost by Indians under the provisions of this Act be restored to them.

I place on the Table of the House a brief note giving the details of the recent legislation together with brief descriptions of earlier legislation referred to by me [*See* below.]

DISCRIMINATORY PRACTICES IN NEPAL AGAINST PERSONS OF INDIAN ORIGIN AND INDIAN NATIONALS

Discriminatory Land Legislation in Nepal

A Treaty of Peace and Friendship between India and Nepal was signed in 1950 Article 7 of the Treaty provides that

"the Government of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one

country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature".

2. While the nationals of Nepal residing in India continue to receive the same facilities and treatment which are available to Indian nationals, the Government of Nepal have taken measures which place certain disabilities on foreigners including Indians and are in conflict with the provisions of the Treaty mentioned above. These are:

(a) *Land Reforms Act, 1964.*—According to this Act no person shall sell, give away or otherwise relinquish his rights on any immovable property in favour of any foreigner, foreign corporate bodies or foreign nations without the prior approval of the Government of Nepal. In case such rights have been relinquished and taken up the property shall be confiscated and shall accrue to the Government of Nepal.

(b) *The Ukhada Land Tenure Act, 1964.*—This Act provides for termination of existing ownership rights over the lands being cultivated by tenants under the share cropping system. The rules framed under the Act provide for registration of the land in the name of the Nepalese nationals only.

3. Besides the land legislation noted above, there are certain other practices being followed in Nepal which create disabilities in Indians:

(i) *Restrictions on acquisition and disposal of immovable properties.*—The new Mulki Ain of Nepal promulgated in 1963 on this subject bars foreign citizens from inheriting or acquiring as escheat any immovable property in Nepal unless they acquire Nepalese citizenship and settle down there.

(ii) *Discriminatory treatment under the Nepal Citizenship Act, 1964.*—According to this Act, people who are not of Nepalese origin have to stay in Nepal for 12 years while those of Nepalese origin for a period of 2 years to qualify for acquisition of naturalised Nepalese citizenship.

(iii) *Discrimination in the field of trade and Commerce.*—Under the Foodgrains (Controls) Order, Indians as non-Nepalese are not allowed to engage in foodgrains trade.

Similarly under the Facilities to Industrial Enterprises Act of May 1961, cottage and village industries requiring a capital investment of not more than Rs. 50,000 can be established only by Nepalese nationals. Indian nationals wishing to open small commercial establishments such as hotels, restaurants etc., are finding it difficult to get necessary permission from the Nepalese authorities even when recommended by our Embassy.

1*st December*, 1966

SHRI D. THENGARI (Uttar Pradesh): May I know whether these restrictions on Indian citizens are just an inadvertent slip or they are due to some shift in the foreign policy of Nepal so far as India is concerned?

SHRI DINESH SINGH: I do not think there is any question of shift in the foreign policy so far as India is concerned. The Government of Nepal has given certain protection to their nationals and we feel that the Treaty should be honoured and people of Indian origin in Nepal should not be discriminated against.

SHRI G. MURAHARI (Uttar Pradesh): I would like to know from the Government whether they are aware

[Shri G. Murahari.]

of the fact that there are about 35 lakhs of Nepalese who are Napalese by constitution and in legal terminology but who actually live in the southern part of Nepal and whose ancestors have been Indians and also whether he is aware of the fact that these people are also being discriminated against in Nepal and that there is a kind of suppression going on of these peop e in Nepal.

SHRI DINESH SINGH: Sir, it is difficult to say what the exact numbers involved are in this matter. We are trying to find out what the entire repercussions are and our Embassy is looking into it. But it is true that a large number of people are affected by this legislation and that is why we have taken it up very strongly with the Government of Nepal.

SHRI BHUPESH GUPTA (West Bengal): One suggestion I want to make before I ask the question. The hon. Minister seems to be making the statement *suo motu*. We do not think anyone of us had given any notice of this. It is good that he is making this statement *suo motu*. The practice is good. But why he did not come and tell us why the Government stopped the Democratic Republic of Vietnam circulating the Report of the World Bank of the Americans suddenly by a dictatorial order.? It has appeared in the Press. *Suo motu* he should come and make it.

Now with regard to this question, we are now told that the treaty obligations are not being kept. We have not seen the treaty; in such cases copies of the treaty should have been laid on the Table of the House earlier so that we can see and ask questions. Now has it occurred to the Government that many of the things are happening because there is a completely authoritarian regime where there is no democracy, no parliamentary system or anything of the kind and many eminent democratic leaders are still in jail or are hounded? The entire system is like that. When the system is such how does the Government expect that that Government is going to function in a different way taking into account the interests of the minorities not national minorities but minorities who belong to another nation. The whole thing is linked with . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Bhupesh Gupta, come to your clarification. What is your question?

SHRI BHUPESH GUPTA: The question is emerging out of the clarification.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Yes, yes. Please be very brief.

SHRI BHUPESH GUPTA: That is a different matter but you see the question is emerging.

Therefore, I spay why the Government is not taking up the entire question from the point of view of normal political relations in which certainly the Government should make its opinion known with regard to many of the things that are happening; not that they are binding on Nepal. Finally we have issued a letter asking the Government to intervene in the matter of some political leader and that should also be taken up.

SHRI DINESH SINGH: What system Nepal has is for the people of Nepal to decide. We should not try to interfere in it at all. That is a matter of internal affairs. We have accepted the Government of Nepal; we accept the King of Nepal as the Head of the Government and we have friendly relations with them. Regarding the question of taking it up on a general political level that is exactly what we have done. We have taken it up through diplomatic channels and we hope that the Government of Nepal will give urgent consideration to it.

SHRI C. D. PANDE (Uttar Pradesh): Sir, we . . .

SHRI BHUPESH GUPTA: About Vietnam?

SHRI C. D. PANDE: No Vietnam here.

Sir, these two countries, Nepal and India are so situated geographically that it is difficult to believe that there is any difference between the two and the fact is that a large number of Nepalese are settled in India. They come for seasonal employment to Naini Tal, Almora and other places in their thousands every year and our people also go there. There is no passport system between the two countries and the nationals of both countries are moving across freely from India to Nepal and from Nepal to India. That being the situation, I want to know whether the Government will bring to the notice of the Nepal Government that this will not be workable because there are large numbers of them in the Terai area, in Tanakpur, in Kheri-Lakhimpur etc. We have got this Treaty of 1950 and certainly we cannot be put on par with other foreign countries because under the 1950 Treaty the nationals of both the countries have been given certain mutual facilities and therefore any abrogation of this Treaty will put India on par with other far-off countries. It is quite understandable that Nepal may restrict entry into her territory of Englishmen, of Americans and of people of other countries but for Indians to be treated like this will be very unthinkable and it will have some bad consequences also.

SHRI DINESH SINGH: That is exactly what we have done so far. In fact, the Treaty of 1950 has only taken into account the traditional bonds existing between the two countries and the two peoples.

श्री राजनारायण (उत्तर प्रदेश) : प्रश्न साफ है : माननीय मंत्री जी ने जो बातें कहीं उसमें नैपाली और गैर-नैपाली की बात है । मैं यह स्पष्ट जानना चाहता हूं कि जिनके पिता और पितामह भारतीय थे मगर वे अब तराई पर उनके साथ नैपाली नागरिक हैं, क्या उन नैपाली नागरिकों के साथ अब वैसा ही व्यवहार नहीं होता जो पहाड़ी पर नैपाली रहते है उनके साथ होता है ? तो मेरा प्रश्न यह है कि जो भारतीय नैपाली नागरिकता पा चुके हैं और वहा रहते है उनके साथ जो दूसरा व्यवहार हो रहा है, व दूसरे दर्जे के नागरिक माने जा रहे है, उनके सम्बन्ध में सरकार क्या कहती है क्योंकि वे 1 करोड़ आबादी में करीब 40 लाख है ।

श्री दिनेश सिंह : सरकार कुछ नही कर रही है और न कुछ कर सकती है । जो नैपाली नागरिक है, उनकी जो तकलीफें है, उनके लिये उन्हें नैपाल की सरकार को देखना चाहिये ।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Pandit Tankha.

SHRI G. MURAHARI: He has contradicted himself twice.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Please take your seat. I have called Pandit Tankha.

PANDIT S. S. N. TANKHA: (Uttar Pradesh): I would like to know from the hon. Minister whether from a reading of the Act, to which he has referred in his statement, it appears to be discriminatory against Indian nationals and also against the terms of the treaty with India.

SHRI DINESH SINGH: There is no discrimination against Indian nationals. Indian nationals, under this arrangement, have been treated on a par with foreigners. Our contention is that Indian nationals are not to be treated on a par with foreigners, but that they should be treated on a par with Nepalese nationals, according to the Treaty.

SHRI G. MURAHARI: Mr. Vice-Chairman . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): No please. Mr. Dharia.

SHRI LOKANATH MISRA (Orissa): Before you take up the business of the House, I have another point.

(Some hon. Members stood up)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): No more please. I have allowed every Member who stood up to ask for clarifications.

SHRI G. MURAHARI: He has contradicted himself while answering supplementary questions.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): No further clarification, Mr. Gaure Murahari.

ENQUIRY *RE* STATEMENT BY COMMERCE MINISTER

SHRI LOKANATH MISRA (Orissa): Sir, about three days back we had a statement by the hon. Commerce Minister. He said that he would be having talks with merchants and manufacturers, after which he would give us a detailed statement about cotton textiles. I am told that the talks are over already and the House would expect a statement from the hon. Commerce Minister. The matter is being taken up elsewhere tomorrow morning through a Calling Attention Notice. Naturally I would like this House also to have an opportunity, so that the statement is made, under your direction, tomorrow.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Your views will be communicated.

श्री राजनारायण : एक सवाल मैं मध्य एशिया के बारे में पूछना चाहता हूं ।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): No, please, Mr. Rajnarain. We have passed on to another subject.

श्री राजनारायण : मैं कुछ वैरिफिकेशन चाहता हूं, जो मंत्री जी ने बयान दिया है, वह क्यों दिया है ?

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : उसी समय खड़े होकर बोलना चाहिये था ।

RESOLUTION *RE* PREVENTION OF INTRUSION OF BIG MONEY AND USE OF GOVERNMENT MACHINERY IN ELECTIONS.—*contd.*

SHRI M. M. DHARIA: Mr. Vice-Chairman, I was referring to the interpretation of liberty in our Constitution. I do believe that rights and responsibilities go hand in hand. There cannot be any bifurcation of rights and responsibilities. Unfortunately today liberty is being misinterpreted as licence and when we look at the role of the Opposition Parties . . .

SHRI LOKANATH MISRA: All the Opposition Parties?

SHRI M. M. DHARIA: Not all, but some of the Opposition Parties. I would like to say the other day while Mr. Rajnarain was speaking he said that those who are elected to Parliament or to Assemblies should not be detained without trial and he also said that Mr. Dharia would agree with his contention. I am here to say that I do agree with that contention, provided all the Members of all the Opposition Parties and also of the Party in power, those who are elected either to an Assembly or to Parliament, are prepared to see that the decorum of democracy is maintained in this country at all levels. Today what happens is those who are elected are not prepared to take care of democracy and if it comes to that there is no other alternative for the Party in power but to see that democracy is not only maintained, but also protected. If there are any restrictions on