

having even a reasonable discussion on the subject.

MR. CHAIRMAN: We will see about it when the thing comes up.

**THE CITIZENSHIP BILL, 1955—
continued**

SHRI KISHEN CHAND (Hyderabad) : Mr. Chairman, I had just started speaking on this Citizenship Bill and I must point out that under clause 3 any person born in India whether of Indian parents or of foreigners, will have the right of Indian citizenship by birth. I was submitting that we have a big land border with several large countries who are our neighbours and they are coming to India for short visits and so it is possible that large numbers of children may be born to these visitors in a short period and if they all become eligible for Indian citizenship by birth-right, I submit that we are indirectly encouraging dual citizenship. Several hon. Members pointed out yesterday that according to our Constitution the Government has guaranteed certain privileges to every Indian citizen and we are not able to fulfil that guarantee. If we, in this indirect way, increase the privileges of citizenship and extend it to foreign visitors, I submit that it is laying undue burden on our Government. They become citizens of India and when they grow up, they can demand that they must have the privileges of full education, medical facilities, a guaranteed employment, etc. As it is, our Government is not able to provide all these facilities for those who are born and resident in our country. Why should we really include others against their will?

Therefore I suggest that, if they desire Indian citizenship, the parents should ask for registration. My submission is that without registration, if the parents are not Indians, Indian citizenship should not be given to them, whether they are born in India or j

born in their own country. After all, if their parents are citizens of some other State, the children will automatically be citizens of that State to which the parents belong.

Then the definition of 'undivided India' as given in (h) on page 2 is this:

" 'undivided India' means India as defined in the Government of India Act, 1935, as originally enacted."

I would like greater clarification about the position of Indian States. I submit that though under the Government of India Act 1935, the Indian States were included, still if there is a clearer definition given, it will add to clarity.

Then I come to the question of registration. Here the definition is: "persons of Indian origin who are ordinarily resident in India and have been so resident for one year immediately before making an application for registration." Now, since 1950, during the last 5 years, lakhs of people have migrated to India and are refugees. I would request the Select Committee to consider whether they cannot add a clause where special privileges are given to these refugees who have come to India because they cannot be considered to be ordinarily resident in India and it is possible that they may not have resided for one year at the time that they are applying for citizenship of India. Therefore a separate clause should be provided that for refugees this condition of "ordinarily resident" in India or this condition of having resided one year is not applicable and that if they are certified refugees, they can *ipso facto* become citizens of India by registration.

Then I come to the question of Commonwealth citizenship. If you see the list of Members of the Commonwealth, you will find that most countries do not permit Indians to become citizens of their countries. For instances, in Australia it is a very restricted number and under very great restrictions

[Shri Kishen Chand.] that citizenship is granted to Indians. Likewise in Canada. About Ceylon, hon. Members have already discussed day before yesterday how difficult it is for persons of Indian origin to get citizenship rights in Ceylon. Likewise in New Zealand. The Union of South Africa is absolutely outside the pale of any Indian becoming a resident there. In the circumstances, what is the benefit? It is only persons of these countries that can easily become citizens of

India while citizens of India cannot become the citizens of that country. Certain missionaries have been taking advantage of this clause of citizenship of the Commonwealth and they have been registering themselves as citizens of India and getting certain privileges. I don't want to go into this history here, how partially under the garb of spreading education, these missionaries have been carrying on propaganda of their religion converting the Adivasis and the Scheduled Castes to Christianity and somehow or other in certain cases sowing the seeds of anti-Indian propaganda. Under the circumstances, I would request the hon. Minister piloting this Bill to consider what are the advantages of having this citizenship of the Commonwealth. We are restricting these special privileges to these few countries. The hon. Minister pointed out that we should really aim at world citizenship and when we are aiming at world citizenship, by narrowing down the list to only Commonwealth countries, we are making unnecessary distinctions. I think it would have been much better if we had included in this list all the 58 countries who are Members of the United Nations. Then there would have been a certain principle involved that we give equal facilities to everybody to become citizen of India. For other countries there are naturalization laws which are slightly stricter than the registration laws and that means you are making a distinction between the citizens of Commonwealth countries and the citizens of other countries. I submit that it is not in the right spirit.

Then there is a clause here on page 3— explanation to clause 5 reading as follows:—

"For the purposes of this section, a person shall be deemed to be of Indian origin if he, or either of his parents, or any of his grand-parents, was born in undivided India."

I submit that restricting it to only grand-parents born in India is too narrow. I think up to seven generations, if any of his ancestors was born in India and he is a descendant of that ancestor, then he should be counted as a person of Indian origin. To restrict it to the grand-parents only is not fair.

SHRI V. K. DHAGE (Hyderabad): That means "Sapindas".

SHRI KISHEN CHAND: In our Hindu society, those within seven generations are considered "Sapindas".

DR. W. S. BARLINGAY (Madhya Pradesh): But ours is a secular State and not a Hindu State.

SHRI KISHEN CHAND: Let us not mention the word "Sapinda". I was not using it. I was only referring to seven generations; but some other hon. Member brought in that issue. Suppose there are persons of Indian origin, people who happened two or three generations back to have migrated and gone to other lands, to colonise other countries, if they want to come back to their motherland, I think we should be proud of them and we should welcome them and give them certain facilities for becoming citizens of India.

With these words, Sir, I support the motion for referring this Bill to the Select Committee.

THE PARLIAMENTARY SECRETARY
TO THE MINISTER FOR EXTERNAL
AFFAIRS (SHRIMATT

LAKSHMI MENON) : Mr. Chairman, I there are two or three points in this Bill which I think should be brought to the notice of the Joint Select Committee so that they may not go by default. Sir, the right to belong to a country and the right of citizenship are very important rights and we should not treat the matter in a light manner, nor import into the discussion our prejudices, racial, political or other. It is also necessary that our citizenship laws should conform to our policies, domestic and foreign.

Judged from these points of view, I find that the Schedule attached to this Bill, I mean the First Schedule which is copied directly from the British Nationality Act, with some meaningless omissions, should be brought to the special notice of the Committee. In this Schedule, Sir, we find all the Commonwealth countries taken from the British Nationality Act, but omitting the Protectorates and the Trust Territories. This produces an anomalous position. For instance, in Africa, the inhabitants of Kenya will have the Commonwealth status and can, if they want, become Indian citizens, but not the inhabitants of Uganda because Uganda happens to be a Protectorate while Kenya is a Colony. In the same way, the inhabitants of the Gold Coast can have citizenship rights in India if they so desire, but not the inhabitants of Togo-land, because Togoland happens to be a Trust Territory.

Secondly, this First Schedule prevents in a sense the grant of citizenship to some of those countries which are more closely allied to our country by bonds of culture and other affinities which we cannot ignore. After all, citizenship should be based on reciprocity and if that is so, why should we exclude, for instance, countries which are friendly to us and which are very closely united to us by bonds of culture, of religion, by ethnical and other relations, like Burma, Indonesia, Thailand, Japan and other countries in Asia? Therefore, I would suggest that the words "specified in the First

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Schedule" may be omitted both in clause 11 and in clause 12.

The other point that I want to bring to the notice of the Select Committee relates to clause 4 which deals with the subject of citizenship by descent. | In sub-clause (1) of that clause it is stated:

"A person born outside India on or after the 26th January, 1950, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth."

I would ask, what happens to the mother? If the mother happens to be an Indian citizen and had married an alien, should not the child of those parents also have the same right? Therefore, I would suggest that instead of having the words "if his father" we might use the words "if either of his parents" in this sub-clause.

Sir, the rights of nationality should be based on accepted international principles and these involve two ideas. The first is that every one must have a nationality, so that one may not

become stateless. The other is that every one must have the right to choose his nationality. For instance, a woman, if she marries an alien, should not *ipso facto* be denied the nationality which she has acquired by birth or by any other process, especially by birth. Therefore, I would plead that when the Committee goes into this question, they should see to it that no citizen of India, man or woman, loses the right of choice of nationality in consequence of marriage, but retains the right of option or choice, to renounce the citizenship or to retain it as she or he wishes. Of course, in the case of the male citizen the difficulty does not arise according to this Bill. I shall state the reason why I suggest this. Suppose an Indian woman marries an alien, she may not immediately acquire the right of citizenship in her husband's country. That

is one reason. Secondly, she may not want to be the citizen of another country although she has married a

[Shrimati Lakshmi Menon.] man from that country. Therefore, why not give the right to the husband to acquire the citizenship of his wife? As a matter of fact, this is done in many countries. Take for instance a woman who is devoted or is employed in certain work in India and she marries an alien who is willing to settle down in India and become an Indian citizen. There is no provision in this Bill to enable him to get Indian citizenship.

SHRI J. S. BISHT (Uttar Pradesh): The husband can become a naturalised citizen.

SHRIMATI LAKSHMI MENON: Secondly, I want to bring to the notice of the Committee that even if a woman chooses the nationality of her husband and thus loses—I do not say renounces, but loses—her Indian nationality, in case she seeks to come back to the land of her birth, say because of the death of the husband or divorce, she should be given the right to come back to Indian citizenship. Sir, this is not a novel suggestion, for it is accepted in many countries. Take for instance the case of a woman who marries an alien, a friendly alien. She acquires the nationality of her husband. Suppose he dies. Then, if say, within three years, she wishes to come back to the land of her birth, she should be allowed to do so.

SHRI V. K. DHAGE: Why not give a similar right to the husband?

SHRIMATI LAKSHMI MENON: But in the case of the husband, that question does not arise. The Bill is so wonderfully framed that it does not cause any inconvenience to the husband.

SHRI V. K. DHAGE: In regard to the husband also, if he marries an alien, why not give him this facility?

SHRIMATI LAKSHMI MENON: That depends upon the law of his country, the law of his nativity.

The third point that I want to refer to relates to registration and the qualifications for naturalisation.

[MR. DEPUTY CHAIRMAN in the Chair.]

In the Third Schedule, in item (e) we find this provision:

"(e) that he has an adequate knowledge of a language specified in the Eighth Schedule to the Constitution;"

In this, I would like to replace the words "a language" with the words "any of the languages specified in the Eighth Schedule to the Constitution or Hindi by preference." I shall explain the reason why I make this suggestion. In many countries, especially in Australia for instance, although there is no ban on immigration, there is always a language test.

This is how they do it. If he is an Indian national, they give him a test in Gaelic or Icelandic. The same thing may be done here if you want to exclude any person for your own reasons. Since the Central Government is given enormous powers, it is quite likely that justice may not be done in the case of people who want to come back to India and be citizens by giving them a test in a language in which they are not familiar. For instance, a test can be given in Telugu to a person who does not know anything but Hindi or a test may be given in Hindi to a person who does not know it. If the process of citizenship is to go along with the integration of people the correct thing would be to have the national language as the language to be used for such tests so that we may not increase the divisions that already exist in the country.

These are the three suggestions that I would like to bring to the notice of the Joint Select Committee.

DR. RADHA KUMUD MOOKERJI (Nominated): Sir, I think the fundamental political principle to which all

States subscribe is the right of the State to regulate its social composition and to control it. In the light of this fundamental principle, I think, this Citizenship Bill has to be judged. In the past, this country has suffered very grievously for want of proper attention in regard to its social composition. In the British days, for a long time, concentrations of certain populations were allowed to go on in certain areas. Now, these populations, taken as a whole in undivided India, constituted National Minorities; then events took a different course and the result was that the whole country was broken up and divided into two States. My suggestion is that we should not propose new laws which would create afresh some of these disastrous communal problems arising out of the composition of the population of a State. The evil which brought about this division did not end there; it led to other problems, especially the most important problem presented by the refugees. Now, the question is: What should be the conditions of registration for citizenship in regard to these refugees in a new State? These refugees are still bound to the State they left by many ties. In fact, they are uprooted from the surroundings in which they have lived for generations. These refugees have come with a new psychology in order to live in a different State altogether. There is something like the effects of environment. These refugees, therefore, will take time to achieve a sort of psychological adjustment to the new situation in which they are placed. If we keep in mind these fundamental psychological difficulties, then it will be necessary for the authorities to consider what kind of a citizenship by registration may be allowed to them and under what conditions.

Registration is to precede a period of probation, if I may say so. This provision of probation means that all the parties should find out to what extent under new conditions the persons who have applied for citizenship of India will be prepared to reconcile themselves permanently to the new

environment. My suggestion is that the rules in regard to registration must be considered taking into account the evils that have induced quite a vast number of displaced persons to come over here and also with reference to the fundamental difficulties that they face. There is also the danger of a divided loyalty. It might so happen that the refugees who have applied for citizenship in India may have their relations in the State which they have left. In that case there is also another psychological difficulty in their ability to settle down in the new environment.

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): Many of the permanent citizens of India have relations in the neighbouring country.

SHRI BHUPESH GUPTA (West Bengal): They may have relations. How does it matter?

DR. RADHA KUMUD MOOKERJI: I do not mean that; I mean the particular psychological problems created in the minds of the refugees. Their families might be divided in two parts, one part may be choosing to live in India and another part elsewhere. In such a case, what I propose is that full citizenship by registration should not be given straightway but should depend upon the stages of mental preparation for the change. One year has been suggested in the Bill, but I say.....

SHRI BHUPESH GUPTA: You are the only Bengali saying such a thing. You are the only one out of 2,50,00,000.

DR. RADHA KUMUD MOOKERJI: I did not like to be very explicit; I want it to be explicit only to the extent to which I think it should be explicit.

SHRI H.P. SAKSENA (Uttar Pradesh): But you should be explicit enough for us to understand you. DR. RADHA KUMUD MOOKERJI: What is the question put? I shall answer it.

SHRI BHUPESH GUPTA: The learned Professor is a distinguished person; he wants distinction in this matter also.

SHRI JASPAT ROY KAPOOR: What does the hon. Member suggest? A mental test?

DR. RADHA KUMUD MOOKERJI: I suggest that time is necessary for these radical adjustments to take place.

SHRI JASPAT ROY KAPOOR: One year has already been provided in the Bill.

DR. RADHA KUMUD MOOKERJI: One year will be too short a period.

SHRI BHUPESH GUPTA: You want it to be more?

DR. RADHA KUMUD MOOKERJI: I want it to be three years.

(Interruption.)

MR. DEPUTY CHAIRMAN: Order, order. No conversation across the benches.

DR. RADHA KUMUD MOOKERJI: My second point is this. The refugees unfortunately are labouring under a disadvantage, namely, that they offer a very fruitful field for social service to the foreign Missionaries, especially those who are well financed. The refugees come with a frustrated outlook and unstable minds and they fall easy victims to the work of these foreign Missionaries. In such cases, there should be stricter rules as regards giving rights of citizenship to the foreign agencies which come out for purposes of religious and cultural activities. I have a specific remedy to suggest. Clause 10 deals with the deprivation of citizenship rights and subclause 2(b) says:

"that citizen has shown himself by act or speech to be disloyal or disaffected towards the Government established by law in India,"

In view of the various difficulties in the social field created by the foreign

Missionaries, I should like to add, a* the end of this sub-clause, the following:

"or acts in ways that are prejudicial to the interests of the country".

I think this kind of safeguard will be necessary to deal with the circumstances that I have in view. Similarly, the Tribal people also offer a very rich field for supposed social service. There also, the foreign Missionaries, who want to have citizenship rights on account of their desire to pursue these social missions, must be subjected to this provision that I have suggested. On the whole I suggest that we should adopt the remedy of tightening the rules as regards acquisition of citizenship rights by registration. Because, as I said, by new laws we should not create difficult communal problems. We should be very very careful about the social composition of the country. We should try to see that the country is rendered socially as homogeneous a unit as possible and therefore it is better that citizens from foreign countries should not be very much encouraged to settle down here.

My next point is 'Commonwealth Citizenship'. I am afraid that this Bill does not very well define what is meant by 'Commonwealth Citizenship'. It does not give us a clear idea of the contents of this Commonwealth citizenship.

ip right. I find that this Bill is mainly based upon the U.K. Citizenship Act and therefore from that point of view I should like to suggest that perhaps a part of the U.K. Act has not been included in this Citizenship Bill, the part that relates to the laws which are applicable only to aliens and not to the citizens of the Commonwealth, especially laws in regard to rights to property and other things. So I think, Sir, that in the conception of Commonwealth Citizenship this omission should be rectified and there should be included in the rights of Commonwealth Citizenship this important right that the citizens of the Commonwealth will not be treated as aliens, in line with the laws that are specified in the U.K. Act.

Lastly I wish to repeat the fundamental position that every State has the authority to regulate its social composition and from that point of view and considering our great historical sufferings in the past on account of the inability of the State to properly discharge its duties towards the fundamental composition of the State, I in view of these difficulties that we have gone through in the p

ast it is very necessary that we should proceed very cautiously in regard to the rules by which registration of citizens of an alien State may be permitted to become citizens of India and therefore my two suggestions are, firstly, that we should add some words as safeguards, namely, in addition to disaffection or disloyalty to the State by which a person may lose his citizenship, he should also lose his citizenship if he acts in ways which are considered to be very prejudicial to the interests of the State. Under this safeguard I have in view.....

SHRI BHUPESH GUPTA: Here it is stated 'Government'.

DR. RADHA KUMUD MOOKERJI: So under these safeguards I have in view some of the mischievous activities upon which some foreign agencies might be tempted to embark in order to misguide our own people.

Lastly, Sir, as I said, I want this omission to be rectified in the contents of Commonwealth Citizenship; we should definitely include this right, namely, that the Commonwealth citizens will not be treated as aliens in regard to certain fundamental matters referred to in the U.K. *Act*.

SHRI S. C. KARAYALAR (Travancore-Cochin): Mr. Deputy Chairman, I rise to support the principle of the Bill and the motion for reference to the Joint Committee.

Sir, this is a very important Bill as it affects citizenship from which all rights flow. This is not a new subject; ■ this subject has been partly dealt with !

in the Constitution. The Constitution refers to citizenship at the commencement of the Constitution. That is provided for in articles 5, 6 and 8 of the Constitution. Article 5 lays down that a person will be a citizen of India by birth on two conditions, that is, he must have his domicile at the commencement of the Constitution in the territory of India and he must have been born in the territory of India; that is to say, to acquire citizenship by birth two essential conditions are stipulated, that is, domicile in the country and birth. The spirit of the provision is that domicile enters into the concept of citizenship. What do we find in this new Bill? In this Bill, Sir, provision is made for the acquisition of citizenship by any person who is born within the borders of the Indian territory. To me it occurs, Sir, that clause 3 of this Bill goes against the fundamental principle embodied in article 5 of the Constitution. Article 5 emphasises that domicile should be an essential constituent in the citizenship of a person, but this principle is entirely ignored in clause 3 of this Bill. What is the consequence or what are the implications of this new provision? Any person who is born in India of alien parents will also be entitled to citizenship of India, irrespective of all considerations, without domicile. Another consequence that flows from this is that a child born of alien parents in India will have his domicile of origin in some other country, yet he will have Indian citizenship. He will have his foreign domicile and he will be deemed to have his domicile in India according to this clause. That is apparently contradictory to the accepted principles of international law, that is, a newborn child acquires the domicile of his parents. This means that without actual domicile in India a child can acquire citizenship. Also, Sir, as a matter of policy this should not be allowed, namely, to provide cheap citizenship to all people born in India of foreign parents. That is against the spirit of the Constitution as embodied in article 5. I should like to suggest that domicile should be *made*

(Shri S. C. Karayalar.) an essential condition for acquiring citizenship in India. Otherwise this seems to be throwing the gate open to all kinds of people to acquire citizenship in India. I personally am against throwing open citizenship to anybody who is born in India unless it is accompanied by the condition of domicile also, in consonance with the spirit of the Constitution as embodied in article 5.

Now I come to article 9 of the Constitution. Article 9 of the Constitution lays down that a citizen of India ceases to be a citizen of India the moment, he voluntarily acquires the citizenship of a foreign State. The idea that is contained in this article is that the Constitution is against the acquisition of dual citizenship—that is how I understand it; that is the spirit of the Constitution. On principle also I am very strongly in favour of accepting the proposition that nobody should be allowed to acquire double citizenship or dual nationality, because very often it will happen that the nationality of one person comes into conflict with the nationality of the same person under another State law so that I am very strongly in favour of embodying the principle that is contained in article 9 of the Constitution. If you analyse the provisions of this Bill, you will find that there is provision for the acquisition of Indian citizenship by foreigners under the clause relating to naturalisation. Sir, on the one hand it is impossible for the Indian citizen to retain simultaneously his Indian citizenship and the foreign citizenship but it is possible for a foreigner, for an alien to acquire Indian citizenship and retain his foreign citizenship. This is rather an anomalous situation. While an Indian cannot acquire foreign citizenship, a foreigner can acquire Indian citizenship. That seems to me against the spirit of the Constitution, against the general principle that no person shall have citizenship simultaneously of two countries. This amounts to a type of discrimination against the Indian

national because an Indian national cannot acquire foreign citizenship but a foreigner can acquire Indian citizenship under certain conditions.

Sir, under this Bill citizenship may be acquired by several means, by birth, by descent, by registration, by naturalisation and by incorporation of territory. The citizenship laws of

[some countries provide for collective naturalisation of the citizens of a particular territory by treaty also. Conditions may arise when it should be possible for collective naturalisation by a treaty. Therefore a provision should be made in this Bill for collective naturalisation of citizens of a particular territory. Citizenship by naturalisation confers a conditional status. That means that the status is conferred upon a person under certain conditions. When those conditions cease to exist, that status ceases. The conditions under which a citizen acquires citizenship by naturalisation are laid down here and loss of citizenship owing to failure of those conditions is inflicted by an order of the Government. Sir, objection has been taken to the Government having powers to deprive a person of his citizenship by an executive order. Sir, I understand that in the United States, the process of naturalisation is a judicial process. It is left to the courts. I think a provision may be made in our law for naturalisation by judicial process. That, I think, will set at rest all the difficulties about deprivation of citizenship by the Government by executive action. I do not want to enter into details. I have made certain general observations, namely, that citizenship should always go along with domicile; that citizenship should not be conferred only by the fact of birth—this will be a very wholesome principle—and that it should not be possible for a person to have simultaneously citizenship of two countries because the two citizenships may come into conflict with one another. I urge these points very strongly and I hope the Select Committee will take them into consideration.

SHRI AKHTAR HUSAIN (Uttar Pradesh): Sir, I wish to offer some comments but I am not quite sure whether it is necessary to do so. The reason of the fact that whatever had to be said or could usefully be said has already been stated in the lucid exposition of the aims and objects of the Bill. In dealing with the material provisions embodied in this Bill in the speech of the hon. the Mover has elucidated all points. The Members of the Select Committee, if the Bill is referred to it after this motion is passed by the House, will have to take into consideration the various aspects which would enable the cherished rights of citizenship to be enjoyed by as many Indians as possible. While we are anxious to extend this right to a large number of people we should also bear in mind the desirability of excluding people who would not be an asset either to this country or to another. For this reason it appears necessary that we should be particular about the number of people or the class of people on whom we confer this right of citizenship. This right has been provided for in the Constitution but the power was left to this Parliament to embody such provisions as Parliament may in its wisdom decide to incorporate and I believe that wherever there has been a departure from the provisions embodied in the Constitution, it has been a healthy departure based on the experience of eight years of working of the Government in free India.

The first comment that I would like to make is that there should be a definition of the word 'child' in the Bill. This word has been defined in various other Nationality Acts. I find it in the Australian Act and I will read it out just to show how it is material for the purposes of our country. This is what it says: "A child includes an adopted child, a step-child and a child born out of wedlock." Now, in our country an adopted child occupies a very important position. Supposing it is intended by a citizen of this country to adopt a child who is already a citizen of another country by birth, would it

be possible to confer the rights of citizenship on him unless we have a definition of that kind? Therefore, I would earnestly suggest to the Select Committee to consider the desirability of adding the definition of the word 'child' in the Bill that may finally emerge out of the deliberations of the Select Committee.

Another matter which should deserve the attention of the Select Committee is about descent through females. Now, the House is aware that the Constitution provides for extending the right of citizenship to persons either of whose parents was born in the territory of India; that is to say, the descendants of both the males as well as the females have been granted the right of citizenship by the Constitution. I do not know why the framers of the Bill decided to restrict it only to the children or descendants of males. The reason why I wish this privilege to be extended to the descendants of females also as provided in the Constitution is that there may be cases in which Indian girls may marry foreigners. An Indian female may after marriage go to a foreign country and lose her Indian citizenship. And then if unfortunately the marriage ends either by dissolution or divorce or by the death of the husband, the poor girl will have no place to go to. She may find herself in unsympathetic surroundings and it may be absolutely impossible for her to maintain herself and her children in the foreign land. She should not lose her citizenship and her right to come back to her own country must be specifically reserved.

The next comment that I beg to make for the consideration of the Select Committee is the desirability of maintaining existing clause 10 relating to deprivation of the right of citizenship. We heard some very unfavourable comments from the other side. The leader of the Communist Party expressed a large number of vague and indefinite apprehensions that it would be used for the purpose of crushing political opponents. Now, our Government is strong enough to

[Shri Akhtar Husain.] deal with political opponents. The intention is that this provision should be retained so that people may be apprehended who are guilty of subversive activities, people who act against the interests of the State in such a manner that the very foundations of the State are endangered. Now it is not intended to utilise the provisions of this clause 10 for purposes of crushing a number of talkative opponents. Our Constitution based as it is on democratic principles, guarantees the right of the Opposition to express itself against the Government of the day. That is a cherished right which has been guaranteed by the Fundamental Rights contained in the Constitution. And for my hon. friends on the other side to express apprehensions that this will be misused, for the purpose of crushing political opponents is just

SHRI BHUPESH GUPTA: On a point of personal clarification

SHRI AKHTAR HUSAIN:to lower the Government in the esteem of other people.....

SHRI BHUPESH GUPTA: Sir,.....

MR. DEPUTY CHAIRMAN: Order, order.

SHRI AKHTAR HUSAIN: It has never been used in the past. Therefore, there need be no apprehension of its being used in the future. Now, if there had really been any occasion on which recourse to such provisions had been taken, one could understand the apprehensions. We have got the Preventive Detention Act and so many other Acts. They can be used, but they have not been used in fact to silence opponents. We know that not a single instance has been quoted up till now before this House when the extraordinary powers which are calculated to guarantee the safety and integrity of the State have been misused, for the purpose of crushing any political opponent. And I submit that it is idle on the part of the other side to contend that there is any genuine apprehension of these provisions

being misused against political opponents. How can any Government which follows the Constitution ever think of crushing its political opponents by means which would amount to silencing our political opponents or which would mean denying to them the Fundamental Rights that have been guaranteed by the Constitution? I submit that it is not right or proper on the part of the Members of the Opposition to utilise every opportunity in season or out of season to run down the Government or to lower it in the estimation of the people, because we are a democratic country. At the present moment we are following democratic methods and we do not feel very pleased when unjustified and wholly baseless apprehensions are given expression to in the Parliament: of the country.....

SHRI BHUPESH GUPTA: This is not the Fascist Grand Council; this is Parliament.

SHRI AKHTAR HUSAIN: It is very difficult to advance an argument which pleases my hon. colleague and I may be forgiven if I do not reply to the argument he has advanced now. He did not cite a single instance in support of his case to show that the apprehension was well founded or could, in fact, be reasonably entertained by any person.

SHRI BHUPESH GUPTA: Would he kindly yield?

SHRI AKHTAR HUSAIN: Sorry Sir, I cannot oblige my friend. If my learned friend has really any grievance, he can certainly put forward instances where, in fact, such powers have been misused. Now, we are extremely anxious that these powers conferring the rights of citizenship should be utilised to the best advantage for the promotion and advancement of the interests of the country. We consider that it would be proper to extend this right on a reciprocal basis to other countries, who have extended this right to us.

I heard an hon. Member suggesting that there were certain omissions in

the First Schedule

of the Bill. She suggested that British Protectorates or other countries over which the United Kingdom is acting as Trustees should be incorporated in the First Schedule. Now, I think, there are very good reasons why the framers of the Bill have not included these areas. Those territories are under the management of the United Kingdom for a temporary period. The relationship between those countries and the Commonwealth countries or between them and the United Kingdom is not of a permanent character; and, therefore, when the United Kingdom itself has refrained from extending the privileges of its own Nationality Act to them, there is no reason why we should go a step further and include them in our own and extend that reciprocity basis to them, till such territories become members of the Commonwealth.

Another suggestion that the hon. Mrs. Lakshmi Menon made was that we should extend this to our neighbouring countries. Now, Sir, she mentioned the name of a few countries in South East Asia

many of whom have got a very large surplus population and I do not wish anything to be done by this Bill which would enable the neighbouring countries to dump their surplus population on our country and add to our difficulties. It is certainly a good idea to extend good relations of neighbourliness to countries that adjoin our own; but I am not a believer in having a large portion of the surplus population of other countries. Such people may not be an asset to our country. Therefore, in extending the right of reciprocity to other countries which may or may not be included in the First Schedule, I would like the Select Committee to bear in mind that we should be extremely careful about including those countries which have a surplus population. That will create a great deal of difficulty and it would not be right to burden ourselves with the surplus population of other countries.

Sir, we believe that the Bill as framed is a good measure. Of course, it will be improved when it goes to the Select Committee under the guidance of the hon. Mover who is an experienced parliamentarian with the richest experience in the country and whose stock of administrative ability is inexhaustible. We can trust that the

Bill would undergo many improvements where there is scope for improvement and I wish to assure the Members of the Communist group, again, that there is no apprehension of the Bill, becoming more stringent or any provision being retained in the Bill, or being newly incorporated in the Bill which would touch the tender conscience and the democratic instincts of the hon. Mover who would be guiding the destinies of the measure and helping it to become law. I believe that the measure was overdue and the passing of the motion by this House would enable this work to be expeditiously taken up.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2-30 P.M.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at half-past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

THE DEPUTY MINISTER FOR HOME AFFAIRS

MR. DATAR : Mr. Deputy Chairman, I was very happy to find that there has been general approval of the provisions of this Bill though suggestions have been made for its improvement and in some cases, suggestions for radical omissions, as has been pointed out by Member after Member as also by the hon. Home Minister. This Bill will be going to the Joint Select Committee, and there the Committee will have full authority to deal with this Bill as it pleases and to make it as perfect as possible. Therefore, at this stage, it is not necessary for us or for the other party to put before this House

[Shri B. N. Datar.] any categorical positions so far as the various provisions are concerned. But, Sir, when certain suggestions have been made and also objections taken, it is the duty of Government to point out as to why in the draft Bill we have incorporated certain provisions and it is only with this idea that I am placing before the House certain points which require proper consideration at their hands.

In the first place, I shall point out that there has been some misapprehension about the scope of this Bill. Now, when we deal with a Citizenship Bill, it has to be clearly understood that, so far as the rights and privileges as also the obligations of a citizen are concerned, they are governed by the Constitution and other laws of the land and here, within the scope of the Citizenship Bill, we are dealing only with certain matters such as the acquisition of citizenship and termination of citizenship and a few other incidental matters. We are not dealing with the question of rights, obligations or other matters which have been dealt with by other sections of the laws as also by the Constitution. For example, it would be found that, so far as the Constitution is concerned, in the Fundamental Rights Chapter, there are various sections where reference has been made to the rights of citizens, for example, in articles 15, 16, 18(2), 19, 29 and 30 as also 58(1) (a), 66(3) (a), 124, 32, 17, 76(1) and 117 amongst others. But in the same Constitution and in particular in the same part which deals with the Fundamental Rights, there are certain references to those who are not citizens and there, the word that has been used is a 'person', namely, that a person can have certain rights —

he has been conceded certain rights, though he is not a citizen of India. Therefore, you will find that, here, we are not dealing with the question of rights or obligations. Those have to be left entirely to the Constitution and also to other Acts that we have.

Then, Sir, the second point that we have to notice is that when the Cons-

titution was framed and then at the commencement of the Constitution,¹ we had to consider the question of who were the citizens of India so that they would be entitled to become enrolled, as a matter of right, on the electoral rolls for the General Elections which came about in 1951 and 1952. Therefore, in Part II of the Constitution, the question of citizenship at the commencement of the Constitution was dealt with for this specific purpose. But in article 10 and more

specifically in article 11, it has been stated that it is open to Parliament to make laws regarding acquisition of citizenship, termination of citizenship and other like matters. It is in pursuance of these provisions in articles 10 and 11 that the present Citizenship Bill has been drafted and has been placed before Parliament for consideration.

Now, a number of points were raised and some Members criticized the way in which wide rights regarding citizenship have been given or, as certain Members contended, foisted upon other persons. In such cases, we have to take into account two circumstances. One is that when we lay down the citizenship law, we have also to consider the question of its bearing as also the bearing of general rights of citizenship of Indians living in other countries. You will find that, so far as the Commonwealth countries are concerned, there are about 32 lakhs of Indians who are residing in various parts of the Commonwealth. There are other Indians who are living in other countries also. Thus, broadly speaking, it will be found that about 45 lakhs of people, Indians, are residing in countries other than India and they are entitled to certain rights; they have been enjoying certain rights also. Now, in any law that we might pass, we should not affect adversely the rights of these Indians abroad so far as they can be protected and, therefore, we come across or we have to tolerate certain provisions, though, otherwise, they may or may not be proper. That is how the idea of dual citizenship has come in. In fact, in

most of the countries, it will be found that the idea of dual citizenship has been taxing many brains and many constitutional lawyers also. Therefore, some years ago, a conference was held and certain principles—broad principles—were laid down. It is known as the Hague Convention. It was in 1930 or 1932. Therefore, however much we might disagree or depart from the dual citizenship theory, still as a matter of fact, it does remain because there are certain laws and circumstances according to which you are a citizen of another country and your children might be the citizens not only of that country, but of some other countries also. So, this circumstance has to be very properly appreciated when we consider the question of dual citizenship. Dual citizenship has naturally certain risks also because, after all, when we have a certain region or State, then, naturally, the loyalties of the State have to be properly fostered. For example, a person is a citizen of more States than one. Then a time is likely to come when his loyalties, so far as different States are concerned, would come into conflict. So, that is one view why there is a feeling that the scope of dual citizenship should not be extended.

On the other hand, we have also such circumstances as the one that I have pointed out, namely, the residence of the nationals of one country in another and their enjoyment of certain rights. Take for example the case of the United Kingdom. There is a citizen of the United Kingdom. His citizenship is continued even though he might acquire some other citizenship. If voluntarily with a view to give up or renounce the citizenship of one country a man acquires the citizenship of another, then different considerations arise. But when, for example, without any particular exercise of volition on his part, he gets the citizenship, then the question arises whether such citizenship should be completely prohibited, or whether certain common principles should be evolved. That is what, to a

certain extent, the Hague Convention has done. And in all these cases, the principle that is followed is that, as far as possible, this doctrine should not be allowed a very wide scope. But you cannot dispense with it completely. That is how the position has arisen, so far as this dual citizenship is concerned.

Now, Sir, take for example the other question, to which objection was raised by a number of hon. Members, regarding the wide character of clause 3. Now it is a principle which has been accepted in most countries, that there ought to be such a wide clause, so far as the conferment of citizenship rights by birth alone is concerned. In the U.K., and in a number of other countries belonging to the Commonwealth, or even in other countries, this principle has been followed. And you will find that in the following of this principle there has been a beginning of what can be called 'world citizenship'. And therefore it is that for this purpose the very act of birth of any person in India, except the categories of persons who are diplomats or who are in the embassies—and this is accepted by almost all the civilised countries, except perhaps a few—gives a right of citizenship to that particular person.

This morning, Sir, an hon. Member raised the question of domicile, and he pointed out that in the Constitution domicile, as also birth, have been clubbed together. That was quite all right, because then very peculiar conditions were obtaining. India had been divided into two independent nations, and therefore, the question of domicile, which includes a very active exercise of mind, was absolutely essential. And in article 5, it has been made clear by the words "at the commencement of the Constitution". And, therefore, the question of domicile was perfectly proper there. Now, if, for example, in clause 3, we put in a further condition that there ought to be domicile, then great difficulties will arise, and these very people—the Indians in other countries—will be

[Shri B. N. Datar.] subjected to similar conditions. That way, they are likely to lose the advantages that they are getting there, and the advantages that they are likely to get there by being, or continuing to be, the citizens of India. Therefore, Sir, all these considerations have to be taken into account, and this is the reason why the question of domicile has not been included in clause 3. And this is one of the few clauses which ultimately will lead us to world citizenship. I do not know when all that is possible, but at least in every civilised country, there ought to be such a common clause, according to which it ought to be open to a child born in that country— of whatever parentage or of whatever nationality— to be entitled to the rights of citizenship. That is why this general principle which has been laid down in all cases has been accepted.

Then, Sir, I would pass on to the next clause, namely, clause 4, where the question of descent has been decided. Now, my hon. friend, Shrimati Lakshmi Menon, raised a very pertinent question as to why we do not put in the word 'parent' in clause 4(1) instead of keeping the word 'father' there. Now, in most of the laws, except the U.S.A—I speak subject to correction—the same principle has been followed, not with a view to take away the rights of women at all, because such cases will only be few and far between, where the question of claiming the right of citizenship by descent through a mother will arise. But, sometimes, it will lead to great anomalies also, and will introduce or import not merely a dual citizenship, but, I might point out, a multiple citizenship. Therefore, a case has been worked out according to which such anomalies are not likely to be created. Now, if it is recognised that citizenship can also be transmitted through a mother, the position will become much worse. In fact, in certain cases, it may be possible for one person to have a citizenship of eight countries at a time.

SHRIMATI LAKSHMI MENON: It is not possible. It is a hypothetical case, Sir.

SHRI B. N. DATAR: I have purposely used the word 'possible'. And sometimes hypothetical cases become real. Now, supposing an Indian woman marries a Japanese national and gives birth to a child in the U.K. Now that child will have three nationalities, namely Indian, Japanese and the U.K.'s. And when this child comes of age and marries a girl, who also happens to have three nationalities, their offspring will come to possess six or seven nationalities, and in some cases even more nationalities, if they also acquire the nationality of another country by naturalisation. It is for this reason, Sir, that this particular restriction has been placed, not by us for the first time, but by a number of countries including the U.K.

Then, Sir, another objection was raised regarding clause 4, namely, that after one generation, if, for example, citizenship by descent is to be required, then registration has to be resorted to. It will be found, Sir, that so far as this citizenship by descent is concerned, the question arises whether the man desires to continue his nationality rights in respect of India, or whether he has voluntarily taken up the nationality of another country. In order to avoid all cases of conflict, all that is required now is that he should get himself registered. Nothing more than that is to be done, so far as this is concerned. Now supposing a mother gives birth to a child in India, then that child will be a citizen of India by birth. And if, for example, the father is in Pakistan or in some other country, he will also acquire the citizenship rights of that country by descent. That is how this dual citizenship is created.

Then, Sir, something was said about clause 5. So far as clause 5 is concerned, that clause has been purposely put in for bringing on the electoral rolls all those refugees who have

come to India after the commencement of the Constitution, but who have not yet been recognised as citizens of India. Sir, two objections were raised. One was that there ought to be no re-

gistration at all. It will be found, Sir, that registration is a process of acquiring citizenship. And we shall see that all those persons have no difficulty in the matter of registration, and we shall see that in the case of all those persons who have come in, namely, the refugees—a very large number of them, especially in West Bengal—the process of acquisition of citizenship is as easy and without any difficulties as possible. Therefore, it is our desire that by the time the next 'general elections take place, there would have been on the electoral roll almost all those persons so that they can exercise this very valuable right of franchise.

SHRI H. P. SAKSENA: Why not all, why almost all, may I ask?

SHRI B. N. DATAR: I desire that all must be but unfortunately a man here or a man there might remain. It is quite likely. What I promise, especially to my hon. friend Mr. Gupta, is that Government will take very proper steps and organized steps to see that all these persons who have come from East Bengal are duly registered and the process of registration is made as easy as possible, but he would agree that for the purpose of carrying on a proper administration, registration has got to be there, without its difficulties, without its numerous technicalities and therefore this is a clause which has been specially introduced. You will also find that only one year's period has been laid down. It is not a very long period. A suggestion was made in the other House and I don't know whether it was made here also, that this period should be reduced to six months. That is a question which the Joint Select Committee will also consider.

PROF. G. RANGA (Andhra): I only want a little clarification here in

regard to sub-section (3) of clause 4 which says: "any male person born out of undivided India". Does it include 'woman' or not? Generally speaking 'man' includes 'woman'.

SHRI W. S. BARLINGAY: That has to be taken along with the context.

SHRI B. N. DATAR: Anyhow this point will be duly considered. As the time at my disposal is limited, I should like to pass on.

So far as clause 5 is concerned, I have only to point out that we have not taken marriage as a determining factor by itself. If, for example, a marriage was taken as a determining factor, then naturally the citizenship of the husband might also be the citizenship of the wife. That is not what has been laid down. In fact it is open to a wife to have or to continue to have her own nationality unless she chooses to take the nationality of India. The Bill does not follow the rule that the nationality of the wife automatically follows that of the husband. This is where the provisions have been very liberal. So far as citizenship by registration is concerned, my hon. friend, Shrimati Lakshmi Menon, will find that we have used, in the Explanation, the words: "or either of his parents or any of his grand-parents". It was found that we might go to the extent of further liberalising the provision and that is the reason why we have done this.....

SHRI W. S. BARLINGAY: That is only in clause 5—not in clause 3.

SHRI B. N. DATAR: I only read the Explanation, which reads:

"For the purpose of this section a person shall be deemed to be of Indian origin if he, or either of his parents, or any of his....."

We have not used the word 'father'.

Then so far as oath of allegiance is concerned, something was stated the other day. I am afraid that we should

[Shri B. N. Datar.] not minimise the importance of this oath of allegiance to the Constitution. That is absolutely essential. If a person who takes the oath is an illiterate person, then the sanctity of the oath and also the implications of it have got to be duly explained to him. Therefore both in sub-clause (2) of clause 5 and in sub-clause (2) of clause 6, we have introduced the doctrine of the oath of allegiance. So far as naturalisation is concerned, naturalisation of the man is something like adoption so far as the family is concerned. What adoption is in respect of a man in a family, naturalisation' is so far as his relations with the new country are concerned. Therefore it is open to any person to naturalise himself provided he follows the rules. Then a question was asked as to what would happen if, for example, an Indian woman had been married to a foreigner. In that case it would be found that if, for example, an Indian woman has been married to a foreigner and if that alien desires to be an Indian citizen, then he can come in through the process of naturalisation. It is thus that an Indian woman and the naturalised husband might remain together or become together the "citizens of India."

Then a very great objection was raised to certain other provisions especially regarding the deprivation clause. Now it was suggested by some that this deprivation of citizenship should apply to all including the citizens of India who don't come under the provisions of this Act or who are already citizens of India. It has been stated that the deprivation would follow the acquisition of rights either by naturalisation or by registration. That is the reason why it finds a place here. Deprivation of citizenship has not been considered as a punishment under the ordinary laws of the land—under the penal laws of the land—and if for example, it is considered advisable to have the deprivation of citizenship itself as a punishment, just as we have various methods of punishments, that would be common

to others but so far as this particular deprivation is concerned, it is confined only to those who are citizens by registration or by naturalisation as it has been pointed out.

Then Dr. Mookerjee suggested some change so far as the expression in clause 10(1) (b) was concerned. It says: "Disloyal or disaffected towards the Government established by law in India." He suggested that we might put in the expression:

"Whose conduct is inimical to the interests of India".

That is a question which will be considered by the Joint Select Committee. My friend Mr. Bhupesh Gupta need not be apprehensive that this clause would be used so far as citizens are concerned whenever they make any speeches against the Government as such. Merely making speeches is not spreading disaffection as it is. Now we have got similar provisions in almost all the countries and I am quite confident that the Joint Select Committee would consider this provision and also make it as proper—if at all it is considered improper—as it considers necessary.

Then it was contended that in such cases whenever there is going to be a deprivation, then there ought to be a judicial process or a procedure should be followed according to judicial processes under which it ought to be a question to be decided by the courts of the land. In most of the countries it will be found that what is done is the executive process and such cases will not be very large at all. Such cases are bound to be few because India is not a country where immigration is allowed on a very large scale or is supported. These are cases which arise when certain persons desire to be citizens of India and 'the number of such persons would not be large.

3 P.M.

Before deprivation is decided upon, a certain process analogous to the pro-

cess followed in the courts of law is laid down here, namely, the man will be given an opportunity to show cause. After his reply is received, the whole thing will be considered by a committee of which the chairman will be a man with a fairly long period of judicial experience. These are executive matters in respect of which Government has to be trusted and, therefore, it would be extremely difficult and expensive in addition to causing long delays if this matter is allowed to go through the usual judicial process. This is not done in most of the countries except again U.S.A. where the position is entirely different from the one that we are having. As a special case, they are having a number of matters which are otherwise completely executive in character taken through a judicial process. That is not a kind of law by which we are governed. We have to take the example of other countries where the position is similar to the one that we have in this country.

There are only one or two important points with which I shall deal. Certain people felt considerable misapprehension regarding what they called the discrimination shown in favour of Commonwealth countries. What has been done has to be understood very clearly—clauses 11 and 12 as well as the definition in clause 2(1) (c). Clause 11 says, "Every person who is a citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India". This has to be understood very clearly. It might be found that, so far as Indians in the U.K. are concerned, they are given a higher status. After the passing of the British Nationality Act, a difficulty arose as to whether by that Act the rights of the Indians were adversely affected. The U.K. passed a special Act by which the rights of the Indians continued to be what they were before unaffected by the Nationality Act so far as U.K. was concerned. So far as we are concerned, what has been done is this: We have

considered them as Commonwealth citizens. In this case, it is very necessary to understand the implications. The status of a Commonwealth citizen should not be equated with the rights and status of Indian citizenship. The two are entirely different. Certain further processes have to be gone through. The particular law regarding citizenship of that country has to be considered by the Government of India as the particular nationality law. Here comes clause 2(1) (c) which says, " 'citizenship or nationality law', in relation to a country specified in the First Schedule, means an enactment of the legislature of that country which, at the request of the Government of that country, the Central Government may, by notification in the Official Gazette, have declared to be an enactment making provision for the citizenship or nationality of that country." The first principle that has been laid down is that that Government has to approach us. At that time, it is open to us to consider whether this particular law is discriminatory in character or whether the principles are quite right and above reproach. This is the first safeguard so far as the conferment of the rights of Indian citizenship upon such persons is concerned.

There is also another factor to be borne in mind. Citizens of any Commonwealth country referred to in the First Schedule will not automatically, even after this process, be citizens of India. The principle of reciprocity has to be accepted and this is what has been stated clearly in clause 12. "The Central Government may, by order notified in the Official Gazette, make provisions on a basis of reciprocity for the conferment of all or any of the rights of a citizen of India on the citizens of any country specified in the First Schedule". Here also, the word is "reciprocity". For example, if there is reciprocity in respect of ten rights of citizenship, the ten rights, out of the bundle of rights of citizenship of India, would be conferred upon them. Therefore, the principle of reciprocity will be fol-

LShri B. N. Datar.] lowed and a country like South Africa —though it *in* a Commonwealth country—if it does not extend to Indians there the same rights which are claimed here, naturally, under this clause, no rights of citizenship can be conferred upon citizens of such countries. It is also not conceived that they can come to us unless they abrogate or materially change their laws. These are the two provisions that have been laid down so far as Commonwealth countries are concerned. We have also introduced Ireland along with the Commonwealth countries. So far as the Commonwealth countries are concerned, they are a historical group; we have accepted to be a Member of the Commonwealth for certain purposes which do not affect adversely the interests of India. It is only for this purpose that Commonwealth citizenship has been recognised as also the right of conferment of Indian citizenship subject to certain restrictions.

Certain hon. Members suggested the inclusion of Burma or any other South East Asian country. Such countries will be recognised provided there is also a similar desire on the part, say, of Burma, Indonesia or any other country. It is quite likely that their case also might be considered on the same footing as that of the Commonwealth countries. It does not rule out the possibility of giving citizenship rights to people of such countries. As one hon. Member rightly pointed out, we have connections with "hem, cultural as well as other, and it is conceivable that we might, in the course of some time, evolve formulae according to which, so far as citizenship rights are concerned, these countries and India might come together. This does not, in any way, rule out the possibility of their coming together.

So far as naturalisation is concerned, this applies to other countries. This is what clause (a) of the Third Schedule says:

"(a) that he is not a subject or citizen of any country where citi-

zens of India are prevented by law or practice of that country from becoming subjects or citizens of that country by naturalisation;"

Thus, so far as the Bill is concerned, it has taken into account all these circumstances and it has done nothing that is against the self-respect of India or against the legitimate interests of Indians in other parts of the world.

These are some of the provisions which I thought I might explain so far as the drafting was concerned. It was very good of one hon. Member to have suggested that this Bill has been drafted more carefully than others; I would take it as a compliment so far as this Bill is concerned; so far as others are concerned, I would say that we would put in more effort to make the draft as complete as possible.

Lastly, Sir, I hope that when this Bill comes back from the Joint Select Committee, it will come back in a more perfect form and that it will have the approval of all the Members of this House and the other, without any discord.

DR. W. S. BARLINGAY: Mr. Deputy Chairman, I must confess I belong to that class of people who think that even the ordinary concept of 'nation' or 'country' is more or less outmoded now. It appears to me, Sir, that these concepts 'my country' and 'my nation' and all similar concepts are more or less species of what I might call 'sublimated parochialism'. But at the same time I do recognise that this is a world where man is divided from man by several obstructions, cultural, linguistic, parochial; and all kinds of obstructions there are which divide man and man in this world. Although I would be one of those who do away with the citizenship laws of the various nations, although I would like to be a citizen of the whole world, and would like to do away with all laws dealing with citizenship rights altogether, although I am one of those, still I realize that there are limitations to my point of view in the present world. Of course I

am glad that, so far as this Bill is concerned, we have not at any rate accepted the canons of religion or race to divide man from man. That is one great thing, Sir, about this Bill that strikes me. It is not true, Sir, as some people do imagine that this Bill is merely a copy of what obtains in other countries. This is not so, Sir. To describe it as such would be very very unfair. We in India, Sir, having sat at the feet of Mahatma Gandhi have learnt to think in terms of citizenship of the world, but we should not imagine that all the world thinks in those terms. We have still amongst us the forces of feudalism and slavery and all kinds of forces in this world, colonialism and what not. Take for instance the case of Burma. In Burma, Sir, it is not true to say that they are not recognising the forces of race or religion. There you will find that unless a person is Burmese in origin he cannot acquire the status of a citizen. But that is not so fortunately in this country. This is due to the influence of our great teacher Mahatma Gandhi. Having said that much I now come to the provisions of the Bill.

I feel, Sir, that there are certain difficulties in some of these clauses. I am now referring to clause 5. There you have the phrase "Indian origin". Fortunately in the Explanation all that is explained and the Explanation reads like this: "For the purposes of this section, a person shall be deemed to be of Indian origin if he, or either of his parents, or any of his grandparents, was born in undivided India." I am glad that this explanation has been given, but at the same time I must say that the words "Indian origin" smacks a little of racialism and I do not like the words. If some other words could have been used it would have been very much better.

SHRI KAILASH BIHARI LALL (Bihar): You may suggest one.

DR. W. S. BARLINGAY: It is not for me to say; it is for the draftsmen to consider it.
70 R.S.D.—4

SHRI H. C. DASAPPA (Mysore): Bharat citizenship?

DR. W. S. BARLINGAY: Some-thing of the kind. I do not like the words "Indian origin"; it does smack of racialism to some extent.

SHRI M. GOVINDA REDDY (Mysore): Objection is to the word "Indian" or the very fact of Indian origin?

DR. W. S. BARLINGAY: "Indian origin". It says "persons of Indian origin who are ordinarily resident in India" which means people who believe in this religion and that religion, who are not Europeans. It smacks of something like that. That is what I was thinking of. Of course I do not know of an alternative.

Then the second point which I wish to raise is this. I was not here, Sir, when Shrimati Lakshmi Menon spoke on this Bill but I believe she raised it too and I say this subject to correction. What I feel is that this Bill is not fair as between the sexes. It does discriminate between the two sexes. Take for instance clause 3, sub-clause (2) of the Bill, it says:

'A person shall not be such * citizen by virtue of this section if at the time of his birth his father " etc.

And why not the mother, Sir? What is the idea in limiting these cases only to the father?

SHRI M. GOVINDA REDDY: It cannot be "father and mother".

DR. W. S. BARLINGAY: Then you say "parents"; why say 'father'? "Father" excludes "Mother". That is the whole point.

PROF. G. RANGA: Quite right.

DR. W. S. BARLINGAY: In the same way clause 4(1) reads;

"A person born outside India on or after the 26th January, 1950, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth."

[Dr. W. S. Barlingay.] And why not the mother. Sir? Now *you* will find—and Mr. Datar very tightly pointed it out—in the Explanation to clause 5(1) the wording used is not the father or the mother; the word used is 'parents'. Then why not use the same word both in clause 3 and in clause 4? What is the objection to that? I do not see any objection to that sort of thing. On the contrary it is just possible, Sir, that on the ground of discrimination this Act may be declared *ultra vires* of the Constitution. It is just possible. I do not say that it will be, but that is a matter for serious consideration, for serious thought.

Then, Sir, although, as everybody knows, I am not a Communist and I am not afraid of this Government in any way, I wish to say that so far as clause 10(2)(b) is concerned, a distinction has got to be made between a Government established by law in India, and the State or the Republic of India. The Government is a much narrower concept while what I feel and what really the draftsmen had in view is not the Government, not this or that particular Government, which is a much narrower conception. What the author of this Bill probably had in view was the Republic of India. Now that is an entirely different matter. On the other hand, this present phraseology "Government established by law in India" very much smacks of that old phraseology, namely, "British Government established by law in India." There is no such thing

SHRI M. GOVINDA REDDY: There cannot be a Republic without Government.

DR. W. S. BARLINGAY: Who says "No"? But you will realize that "Republic" is a much wider conception and what we are really concerned with is not disaffection towards the Government, that narrow conception of the executive; what we are concerned with is disaffection towards the State, towards the Republic of India

and with all respect, Sir, I have got my own doubts about it and I feel that this is a point to be considered. I would in this connection point out.....

SHRI BHUPESH GUPTA: Dicey's Constitution will do.

DR. W. S. BARLINGAY: Here is the Preamble to the Constitution:

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all its citizens"

I do not want to read further. What we have established in this country and what we really cherish in our hearts is not this or that particular Government. What we cherish in our hearts is this Sovereign Democratic Republic of Bharat. That is the most important thing and if you want to prevent disaffection towards any thing, it is towards this Republic and not towards this or that executive Government. Unfortunately, it seems to me that we have borrowed that phraseology.....

SHRI BHUPESH GUPTA: But don't you see they want affection?

DR. W. S. BARLINGAY: With all respect I submit that we have to get rid of this concept of the Government established by law. It smacks of that old phraseology; we have got to grow out of it. I speak subject to correction; it is possible I may be wrong, but I submit that this distinction has got to be made.

SHRI BHUPESH GUPTA: In many respects they are copy-book politicians

DR. W. S. BARLINGAY: I do not share your views altogether, Mr. Gupta, although we might agree on some points.

MR. DEPUTY CHAIRMAN: Please go on, Dr. Barlingay. In this clause are a number of speakers.

DR. W. S. BARLINGAY: I will take only a minute or two more. Now, please refer to clause 5(1)(c). There I submit, there is discrimination. I feel that Shrimati Lakshmi Menon might have pointed this out already. It says, "women who are, or have been, married to citizens of India" etc. What about men who may be married to Indian women? The provision ought to be symmetrical. You are talking of women who are, or have been, married to citizens of India. Consider that symmetrically; there should also be men who are, or have been, married to citizens of India, that is, females, I do not see why we should have here males only.

This is all what I wanted to submit, with regard to this Bill. Lastly, Sir, I would once again say that it is a great good fortune that we are a secular State and we are not swayed by considerations of race and religion so far as citizenship of this country is concerned.

SHRI SATYAPRIYA BANERJEE (West Bengal): Mr. Deputy Chairman, I rise to give the Bill its due. In spite of what the hon. Mr. Datar has said, the opinion that I formed of the Bill on my first reading of it remains unchanged. The Bill is of very fundamental and supreme importance. Of that there is no doubt and we all agree on that point. But the Bill is a curious amalgam of wide Catholicism and narrow sectarianism—Catholicism, when they say that everybody who is born in India becomes a citizen of India; it provides for dual citizenship as a midway to world citizenship and it also provides for Commonwealth citizenship; and narrow sectarianism when you refer to the clause 10(2) (b) relating to deprivation of citizenship. A citizen can be deprived of his citizenship if that citizen has shown himself by act or speech to be disloyal or disaffected towards the Government established by law in India. A citizen in this clause means a citizen who has become a citizen by registration or by naturalisation or by virtue only of

clause (c) of article 5 of the Constitution and they have been singled out for this purpose. Those who have acquired citizenship by birth are excluded from it. A citizen whether by naturalisation or by registration or according to clause (c) of article 5 of the Constitution or by birth must have the same rights conferred on him as conferred on other citizens and every citizen of India who has acquired citizenship has the right, not only the right but the duty, to criticise the Government, to be disloyal to the Government and to preach disaffection towards that Government. That has been the divine duty.....

SHRI M. GOVINDA REDDY: Divine duty? Do you believe in divinity?

SHRI SATYAPRIYA BANERJEE: That has nothing to do with that divinity.

SHRI M. GOVINDA REDDY: What is divine duty?

SHRI SATYAPRIYA BANERJEE: Divine duty is solemn duty. Therefore, Sir, this narrow sectarianism which has been betrayed in this Bill should be done away with.

SHRI J. S. BISHT: But you have been speaking against the foreign missionaries preaching sedition and this is for such men

SHRI SATYAPRIYA BANERJEE: But every citizen who has acquired citizenship by these means should be

MR. DEPUTY CHAIRMAN: Please continue, Mr. Banerjee.

SHRI SATYAPRIYA BANERJEE: Therefore that should be very seriously considered by the Joint Select Committee. Much has been said about giving citizenship to the refugees. Something has been done; certainly I do not deny it but much more yet remains to be done. What has been their fault? They have been refugees not because they wanted to be but because of the bungling of those leaders at that time agreeing to the

[Shri Satyapriya Banerjee.] division of the country and the partition of Bengal and the Punjab. If those leaders are at fault, the time has come here and now to make amends for the fault; to give every refugee who wants to come and reside in India the right of citizenship and the procedure to give that right shall be made as simple as possible *viz.* if they swear on an affidavit that they have come to India to remain in India without any intention of going back. That very simple fact will entitle them to the citizenship rights of India. I hope the Joint Select Committee will take this fact into consideration.

Commonwealth citizenship! It smacks of relationship with the British Empire euphemistically called Commonwealth. You are still looking up to them for all the guidance that is necessary for constructing your country. In Schedule I, we find the following countries:—United Kingdom, Australia, Canada, Ceylon, New Zealand, Pakistan, Southern Rhodesia, Union of South Africa and the Republic of Ireland. Sir, it is lamentable that South Africa is there but nowhere in the Schedule are mentioned the names of Nepal and Bhutan; the names of Burma and Indonesia with whom we had been in deep cultural contact for centuries. Political contact we have had with the United Kingdom only for less than 200 years. But we have partially snapped that contact. We shall be very happy if that contact is snapped altogether. Therefore, it is in the best interests of the people of this country not to think of the Commonwealth.

The hon. Pandit Pant yesterday quoted the Preamble and this Preamble has been quoted by many and just now by Dr. Barlingay. The Preamble says:

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to Secure to all its citizens:

JUSTICE, social, economic and Political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity of the Nation;

In our Constituent Assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this Constitution."

What does it amount to? Just now a distinction was sought to be made between Government and State. Governments may go; governments may come. But the State remains for ever, the State remains as a geographical entity. But that geographical entity may assume the shape of a sovereign democratic Republic; it may also assume the shape of a peoples' democratic Republic or a sovereign socialist Republic. Therefore, if I preach that this Constitution should go and yield to another Constitution, new, which has for its aim the establishment of a peoples' democratic or socialist Republic, I do not think the Fundamental Rights that are guaranteed to the citizens of India will stand in the way. The Bill is fairly exhaustive so far as the acquisition of citizenship is concerned. I do not deny that. But, so far as the deprivation and termination of citizenship are concerned, it is defective. I will request the Joint Select Committee to see to it that the defects pointed out by the Members of the Opposition will be taken heed of by the Select Committee.

There is clause 7. Citizenship can also be acquired by incorporation of territories, if any territory becomes a part of India—most certainly not by conquest, not by aggression—a territory which really belongs to India which has been a part of India, I mean Goa. The inhabitants of Goa will be citizens of India as a matter of course and it is for the Government of India now to see to it that this becomes a fact in the very near future. Coming events cast their shadows before. I take clause 7 in that light. There have

been many defects pointed out by the Members of this side. I hope the Members of the Joint Select Committee will look into them and correct them and make the Bill as full, complete and rich as is possible.

SHRI H. C. DASAPPA: Mr. Deputy Chairman, I rise to accord my most hearty welcome to the Bill before the House. I do not think, at this rather late hour, that I should detain the House, though there have been quite a Dumber of points which I think deserve to be considered and discussed. If only those who followed my hon. friend, the Deputy Minister closely, had also followed his arguments, I think much of the trouble would have been over. The main thing with regard to this measure is about the attitude we must adopt towards this most important, vital question affecting the future of India and through it, the world— should it be merely a consideration of the present circumstances and taking, what I might say, a short-sighted view of the objectives that we should have before ourselves or should it be that we have a longer range of view and a wider objective? As I see the opinions in the House, I feel that this is more or less the deciding factor as to the final shape that the Bill is going to take. I welcome this wholeheartedly because it embodies in itself that higher objective to which I referred and to which the hon. Minister also referred, namely that we are thinking in terms of a much wider brotherhood of mankind than what we have been accustomed to all these years. After all, Sir, the world is undergoing a process of evolution, almost of a revolutionary character, and the progress of science has made the world much smaller and brought the distant parts of the world much nearer. Therefore, I think that we must reconsider many of our opinions. It is only India which is peculiarly fitted to contribute something by way of bringing about this world brotherhood. Sir, it is in accord with our own past traditions and the culture that we

have inherited over centuries. And it is also consistent with our genius that we should not think in those narrow terms in which, I am afraid, certain Members are thinking, but think of it in a bigger way. If you judge the history of India during the past centuries you will find this country has been giving refuge to most of the people whom other States have banished from their own lands. They have found hospitable asylum in this land. Therefore, I feel that this measure having been framed with that background is a thing which merits our wholehearted appreciation and support, and if there is any function which the Joint Select Committee does, it is to strive further towards this end and not to curtail its course in any way.

I think I had better refer to just one or two points, Sir, which the hon. Members have raised. Now with regard to the provision for giving citizenship rights to those who are born in the country, there were some hon. Members who thought that such a provision was too wide. They pointed out that it is possible for the people of non-Indian origin to take advantage of that clause. That is, I think, clause 3. It has been fairly well-recognised that this Bill follows, more or less, the pattern of the Nationality Act of England. Sir, I have listened to my hon. friend, Mr. Bhupesh Gupta, who was very vehement in saying that no foreigners should take advantage of this clause. It is possible for a Britisher, he said—he is always at daggers drawn against Britishers, and, of course, with Americans, their cousins—to get into Parliament in course of time, and guide the destinies of.....

SHRI BHUPESH GUPTA: I did not say that. I never said "destinies".

SHRI H. C. DASAPPA: I may just quote his own words. I generally do not speak without reference.

SHRI BHUPESH GUPTA: I said 'up to Parliament' and not so far as guiding destinies.

SHRI H. C. DASAPPA: It comes to that. He can even be Prime Minister of India, if he comes up to Parliament. Well, Sir, I am surprised that the people who have international leanings should be talking today in these terms. May I remind him that there have been giants like Dadabhai Navroji who had adorned the British Parliament, the Mother of Parliament, and there was not one single voice there which ever echoed the thoughts of my friend, Mr. Bhupesh Gupta. And, Sir, one of his own fraternity Mr. Saklatwala was in the British Parliament.

SHRI BHUPESH GUPTA: Dadabhai did not go there to exploit the British people.

SHRI H. C. DASAPPA: Sir, I think, he is talking in such a way as just to suit the occasion, oblivious of well-known facts, and I am afraid, he will not carry conviction to the House.

Then, Sir, with regard to the question of descent, I am afraid, the friends, who have been criticising that they should not be treated as citizens by descent, are not altogether correct, because we have got to draw some distinction. If a person is born out of India, well, he has got a choice of selecting his citizenship or his nationality. And if he further gets children, as Mr. Datar, the hon. Minister, observed, we should naturally leave it to him to exercise his option. We in India cannot take it for granted that he would prefer the citizenship of India. And therefore I say that he must be treated as one who can at least indicate his desire whether or not he would like to have the citizenship of India. I do not think, Sir, that there is anything wrong in such a healthy provision as that.

Then, Sir, with regard to the question of citizenship by registration, I would like to have one point clarified in this House. And that is with regard to sub-clause (b) of clause 5 (1), where it is stated that "persons of Indian origin who are ordinarily resident in any country or place outside undivided India," could get

registered as Indian citizens. Now it must be left to them to register themselves, if they so choose, as citizens of India. The term 'a person of Indian origin' is defined here in the Explanation a^ one who himself was born in undivided India, or either of his parents, or any of his grand-parents, was born in undivided India. Now I pose this question, and I hope my friends will be able to apply their mind to it. Supposing, either of his parents who were born in undivided India, say, in Pakistan—Pakistan is included in it—had taken the citizenship of Pakistan; then can the son take advantage of this and claim Indian citizenship, and have himself registered as a citizen of India? This is a poser that I am placing before my friends, because in clause 8(2) it has been stated that "where a person ceases to be a citizen of India under sub-section (1), every minor child of that person shall thereupon cease to be a citizen of India;". Now such a provision is not to be found in clause 5, which means that though a child's father has already adopted the Pakistani citizenship—I am giving only an instance—it is possible for that minor child to take advantage of this Explanation, which only says that either of his parents, or any of his grand-parents, must have been born in undivided India. I want the Select Committee to consider that if, for instance, either of his parents or grand-parents has already exercised his right of citizenship of Pakistan, or any non-Indian citizenship, then it should not be open for his child to claim the Indian citizenship on the basis that his grand-parents were born in undivided India. I think I have made myself quite clear. Sir, if such a provision cannot be added to clause 5(1), it should be added to sub-clause (3) at least. Now, sub-clause (3) reads as follows:

"No person who has renounced, or has been deprived of, his Indian citizenship, or whose Indian citizenship has terminated, under this Act shall be registered as a citizen of India and* sub-section (1) except

by order of the Central Government."

[would like to have it modified as , follows :

"No person, or the child of that person, who has renounced, or has been deprived of, his Indian citizenship, or whose Indian citizenship has terminated, under this Act shall be registered as a citizen of India under sub-section (1) except by order of the Central Government."

Now, that, I think, is a very necessary safeguard.

SHRI J. S. BISHT: He would come under sub-clause (e).

SHRI H. C. DASAPPA: Sub-clause (e) is about the First Schedule. Then I would refer to the question of naturalisation. I *nd that with regard to naturalisation, *one* of the conditions is:

"That he has an adequate knowledge of a language specified in the Eighth Schedule to the Constitution."

My difficulty is this. Today the French Possessions in India have come into our possession and so also, if, not today, Goa will come into our possession sooner or later. I see also that some of the men in the ex-French possessions may be opting in favour of French nationality. Some citizens of India today have as their mother-tongue, the English language. The Anglo-Indians and not a few of the Christians have as their mother-tongue the English language.

SHRI B. N. DATAR: They would come under clause 7—incorporation of territory.

SHRI H. C. DASAPPA: That is about Goa.

SHRIMATI LAKSHMI MENON: English is one of the languages in the Schedule.

SHRI H. C. DASAPPA: My hon. friend says that English is one of the languages in the Schedule but it is not. I wish it were so. Then I have no argu-

ment. If English was one of the languages in the Eighth Schedule, I have no further argument. Therefore what I say is we need not have that clause in that form. It may be, those people who have English as their mother-tongue, who have French as their mother-tongue may seek naturalisation. This idea is rather obsolete. It may be that Australia has got this or England has got this because they have only one language there. It would lead to a kind of chaos if naturalisation means that you get people who don't know any of the languages of the country. Here it is a multi-lingual State that we have in India. People in the North don't understand the language of the South. That is a matter which the hon. Home Minister will kindly consider.

I will then pass *on* to the question of deprivation of citizenship.

MR. DEPUTY CHAIRMAN: Hurry through, Mr, Dasappa, there are still three more speakers.

SHRI H. C. DASAPPA: I am so sorry. I will wind up whenever you give the call.

MR. DEPUTY CHAIRMAN: I don't give the call. Give them each 10 minutes at least.

SHRI H. C. DASAPPA: A very contentious provision is that which deprives a citizen of his right if he exhibits disloyalty or disaffection towards the Government established by law. I think this is a very wholesome provision and I myself was inclined to suggest that these words 'by act or speech' may be removed. Let it be as general as possible, *e.g.*,—

"That citizen has shown himself to be disloyal or disaffected towards the Government established by la-.v in India".

Therefore we can either remove those expressions 'act or speech' or you¹ may say 'act or speech or otherwise' so that it may give a certain scope. I can envisage a number of situations where a man may neither act overtly nor may

[Shri H. C. Dasappa.] make any speeches but be more mischievous than a time-bomb or an atom bomb. That is one thing.

Then Mr. Barlingay was talking about disaffection towards the Government established by law in India. Mr. Barlingay as well as Mr. Banerjee said that it is not correct. All that I can say is that it cannot be any other thing because tomorrow if a set of people take into their heads, these people who infiltrate into the country, to work against the Government established by law—all on the plea that they are trying to build up the State and strengthen the Republic of India and supposing they try to tamper with the military merely on the plea that the country is not well administered now would it not be risky? They may plan a *coup-d'etat* and try to get hold of the Government. That may just keep up a show that their activities are the interest of the country and for the progress and welfare of the people of this land—it is possible for them to argue like that. But what is enjoined here is that they should adopt only the constitutional means and anything savouring of disloyalty ought to meet with due punishment by way of withdrawal of citizenship.

Then with regard to clauses 11 and 12 I have one or two points, I believe the hon. Home Minister and the Deputy Minister as well as many others have echoed the fine sentiment" that we are leading towards world citizenship and if we can now have a common clause which will apply to a good many countries, that will only hasten the realization of that goal. There is no doubt about it but I am afraid that the clause, as it is, is a thing with which we are not very happy because it confines the First Schedule only to a few particular States. I would beg of the hon. Minister to consider this aspect of trying to reserve to the Government itself, if necessary by previously coming to the Parliament, the right to notify other nations and States with

whom they have some reciprocal arrangements so that we could have these rights for the mutual advantage of the Nations. There are certain other points. I feel that in regard to the « question of disposal of applications under clauses 5 and 6, when the authority is not the Central Government but a prescribed authority other than the Central Government, there should be a right of appeal to the Government.

MR. DEPUTY CHAIRMAN: You must close.

SHRI H. C. DASAPPA: I will say this much that the country's future is safe in the hands of our leaders—the Prime Minister and the Home Minister—who are cast in a grand mould. It would be good to strive towards the ideal to which I have referred viz., of a universal citizenship and* I hope that the day is not far off when it will be realized, sooner than we think.

SHRIMATI MONA HENSMAN (Madras): Mr. Deputy Chairman, I have a few points to place before the House and I have too much respect for you in the Chair to do more than bring my points before you. I have noted them down in case I wander from them, as I know the time allotted to me is short.

I am very grateful to the hon. Member of the Treasury Bench who has spoken, for having sought to allay our fears and raise our hopes, shall I say, on all matters concerned with this Bill, and I hope, Sir, our fears are not merely lulled to sleep. I trust that the Select Committee, when it meets, will indeed fulfil the promises given and expectations that have been offered and follow the lines that they have laid down.

4 P.M.

Sir, I have a few doubts, practical doubts to bring before the hon. Minister and this House at this stage and these require a little clarification—for instance, of the clause about voluntarily renouncing Indian citizenship. Some cases have come to my personal know-

ledge of Ceylon and Pakistan citizens. A young man, for instance, after our Constitution was evolved and after we got our independence this young man of Indian parentage whose grandparents had come from Ceylon, took over the citizenship of Ceylon and went there and worked. Now he wishes to return to India. But he has renounced voluntarily the citizenship of the country of his mother and father and he had taken voluntarily the citizenship of his grandparents' country, as is allowed by the law of the two countries. And then, as I said, he returns to India, feeling that the background here, the education, the atmosphere and everything else is congenial to him. When he returns thus how will he get back the citizenship of this country? I trust the Select Committee will go into this question—I do not ask assurance from the Treasury Bench at this moment—but I trust the Committee in the report that they will produce, will make this point very clear, as to how, how quickly, when and under what circumstances and provisions such voluntarily renounced citizenship of India can be restored when reclaimed. Meanwhile, one or two of these people are having young children. They are at the moment citizens of Ceylon, not having renounced that citizenship. But they have come here with the intention of becoming citizens of India. What happens to the children born during this interval? There is this legal lacuna. Such cases have in fact occurred. Therefore, I would request the hon. Ministers in charge of the Select Committee and the Bill to make the position very clear as to what is going to happen in future or else confusion will arise.

Regarding the doubt about Pakistan parentage and the position as an undivided country, the hon. Member who spoke before me has already dilated on this and so I will not dwell upon it now.

I do, however, feel that the question of the Indian woman marrying an alien has not been adequately dealt 70 R.S.D.—5

with by the Treasury Bench, even though those who are in charge of this Bill had assured us six times over that the child may become the citizen of this or the other nation. But it has been the fact that up to now, if an American woman marries an Indian he may remain a citizen

of India, but she may go yearly or rather annually to the Consulate and retain her American citizenship. The children will have to choose afterwards from which country they will demand citizenship. There is no doubt or issue about this. There is no ambiguity here. Nobody is going to claim two citizenships or dual rights in each country, I maintain that as the woman is the person who maintains and who also dignifies citizenship in the eyes of the child, that she, as the proper guardian, should be able to choose, if she has married a foreigner, to retain her citizenship of India, if she wants to. Of course, if she wishes to accept the citizenship of the foreigner she may do so, and then be able to return to Indian citizenship if the marriage is annulled or if he dies. Then it becomes a case of naturalisation or registration in some other form. Anyway, I feel that we should include a woman as one of the branches of the parentage that will be able to govern the claim to citizenship. This I would put before the Select Committee in all seriousness.

I would next submit that citizenship should not be acquired in less than five years. I dare to say that five years should be the least period. Many nations have done this. We cannot maintain or acquire the mentality of the Pancha Shila or of Satyagraha or any of our policies of peace in one or two or even in three years. Even now, with all our training, with all our co-operation and with all our background, there are various interpretations and very sincere interpretations of Satyagraha today. Therefore, I maintain that if a person of another nationality is to be received into the citizenship of this country, the probation period for this shall I say—before he can accept the full responsibilities and rights—the probation period or *h*

[Shri H. C. Dasappa.] waiting period or the period of training for him should be five years. Sir, here I may submit that under

the British regime, in our University in Madras, we had many students from Travancore who were, as you know, under the Travancore State Government. These students had to wait five full academic years before they could expect or be admitted to scholarships in British Indian colleges or go abroad on Indian money. Therefore, I should think, this period of five years that I am now suggesting is not too much to ask. After all, once a person is a citizen he has to be admitted into the Army, into the Navy, and the Defence Services. You cannot keep such men out of any ammunition factories. You cannot keep them out of what is far more important, institutions of instruction. You cannot keep them out of the teaching profession. The A.I.C.C. knows very well what the A.C.C. is doing, what the Seva Sangh and the Bharat Seva Sangh is doing. If a person with any mentality other than that of the policy of the country can be admitted as a teacher, a person who has had a background elsewhere, who has in all sincerity followed a different tradition for more years of his life outside the country than inside it, if such men begin to train our children, we cannot say what will happen, because we know that once education is embarked upon, you cannot follow from the books what the person is teaching. It is the person's example that counts, the words that he utters and the interpretation that he gives to the various forms of national policies, these are the things that matter. We will be the last to learn if anything goes wrong. We will come to know only later of the 'teachers' discipline or indiscipline in these matters. Therefore, as we cannot deny any office in the State or in the sphere of education to those who have entered fully into the responsibilities and privileges of citizenship so I would ask the Select Committee earnestly to consider whether there should not be a period of training-

ing for citizenship. In religion, when a person changes his religion, he does not go blindly

from one to the other. We have a mental, moral and spiritual insight which is trained by those whom we want to follow, to whom we go later on. In the same way, our national objectives and our purposes of citizenship are not merely political. They do not only savour of this House or that House or the Constitution, but they savour of the spirit of moral armament. I say moral armament in the sense of the Pancha Shila or Satyagraha. We have a monopoly perhaps of that background. No foreigner who has been living outside this country, who has not been born within this country can really absorb that fine atmosphere until he has been with the people of this land, with the leaders of this land and followed our customs and all that. We know how we have been interpreted, or rather we know how we have been misinterpreted, how our foreign policy has been sometimes called a policy of sitting on the fence instead of a policy of peace. Of course, it may seem like that to those who have not been brought up here, who have had no access to the minds of those who framed the Constitution. Therefore, I would seriously say that a period of five years should be considered by the Select Committee, for nothing less than that would to my mind, suffice.

The question of deprivation of citizenship is a matter which will come before the Select Committee, but there are some people, whether they are foreigners or others who have been guilty of black-marketing, of breaking the law, of not giving true returns, of evading taxes etc. etc.—they may also have to be given a warning.

Lastly I submit that those countries who do not permit us to be their citizens, who do not permit Indians to become citizens of their States, to them we should reciprocate in the same manner. I do not demand a tooth for a tooth or an eye for an eye. But the citizens of those countries who esteem so highly the people of this country at

not to admit them to their rights should not be admitted into the citizenship of our country, because if those States do not value our citizens, let us not make them our citizens.

Thank you, Sir.

SHRI H. P. SAKSENA: Sir, the Citizenship Bill which is before us is to be sent to the Select Committee and I commend it to the Members of the House to so send it. Citizenship right is a very precious and a very valued right which perhaps we are getting for the first time in the history of our country. As the debate progressed, I found that hon. Members of this House also rose proportionately in their moral stature and from recommending new things and suggesting improvements in the Citizenship Bill they began to think and speak in terms of Utopia, in terms of universal brotherhood and all that. I wonder what my friends were thinking when the enemy was knocking at the doors, at the frontiers of India, at Gilgit and Muzaffarabad and all that. A friend rightly suggested that during the regime of His Majesty The Hydrogen Bomb it is not very wise and proper to be disregarding the interests of one's own country and to be thinking of the welfare of the entire world. Catholicity of view is always a precious thing which everyone of us must develop and cultivate but not at the cost and at the sacrifice of the interests of one's own country.

Sir, this Citizenship Bill, I have noticed, bears the impress of a highly improved draftsmanship and I am positive and certain that the change has been brought about by the great change that has taken place in the Ministry and in the head of the Ministry from which this Bill has emanated.

Sir, this Bill has been engaging my anxious study and attention but the more I have tried to understand it the more I have got complicated and involved in its intricacies and complexities. I thought it was a very simple Bill and I would be able to understand it much easier and much sooner than

I did other Bills, but then, Sir, to my utter disappointment I find that while I stand before you to speak on this Bill I have not understood most of what it contains. For instance, there are things which are not to my palate—that is the whole difficulty. There is the mention of the 'Commonwealth countries'. Although our country is a member of the Commonwealth, still it is not very much to my liking and I do not want that our country should go nearer and nearer to Commonwealth more than it is absolutely necessary and essential. I want my country to be detached from Commonwealth as quickly and as wholly and completely as possible. So it is not much to my liking that we have in the First Schedule mentioned all conceivable countries of the Commonwealth which is nothing else but another name for the old Commonwealth of Britain, United Kingdom consisting of course of Scotland and all that, Australia, Canada, Ceylon, New Zealand, Pakistan, Southern Rhodesia, Union of South Africa and the Republic of Ireland, but there is no mention of the countries nearer home. Is it not a preferential treatment that we are extending to the Commonwealth countries? Well, some friends whom I consulted because I wanted to get mastery over the contents of the clauses of this Bill—which I never unfortunately got even after consultation with others, more eminent friends—said that many advantages and benefits will accrue to us by according this preferential treatment to the Commonwealth countries. Well, there may be.

SHRI JASPAT ROY KAPOOR: It is reciprocal.

SHRI H. P. SAKSENA: 'Reciprocal' I can understand and while you thought of reciprocity you thought you should include the Union of South Africa, which even refuses to talk to us, in this list. Sir, I most humbly enquire whether it is upto the dignity of our great country to be including the name of South Africa in the list of the countries with which we want to have reciprocal relations, the name of a

[Shri K. P. Saksena.] country which even refuses to talk to us, which flouts the dictates and the injunctions of the United Nations and all that. Well, the less said about it the better because I have no intention and no object of criticising the Bill for the sake of criticising it. I simply want to say that there are some matters in this Bill which are not to my likings

SHRI H. C. DASAPPA: South Africa may come round one of these days.

SHRI H. P. SAKSENA: Well, we can live in pious hopes till eternity.

SHRI BHUPESH GUPTA: We shall amend the Act.

SHRI H. P. SAKSENA: Now, Sir, my friend Mr. Bhupesh Gupta for whom I have great affection.....

SHRI J. S. BISHT: You are sailing in the same boat to-day.

SHRI H. P. SAKSENA: My hon. friend Mr. Bisht must have had sense and intelligence enough to understand that Mr. Bhupesh Gupta, a believer in totalitarianism, and I a firm and staunch believer in democracy, can never travel in the same boat. Well, this House again, Sir, is a House in which everybody can say anything he likes and this applies even to my friend Mr. Bisht. Now I am not going to waste my time in these questions and answers.

He wanted to draw a distinction between "Government" and "State". I thought he was intelligent enough to understand that 'Government' and 'State' are two different things. No body has ever confused the 'State' with 'Government'. But then he got himself so mixed up

SHRI BHUPESH GUPTA: There was one man, Louis XIV.

SHRI H. P. SAKSENA: Why are you talking of Louis XIV? You have already brought about the revolution.

MR. DEPUTY CHAIRMAN: Only three minutes left. Do not go to Louis XIV.

SHRI H. P. SAKSENA: Now, disloyalty to Government and disloyalty to State are two different things and no one should confuse the one with the other. Now it is only the disloyalty to State that may deprive, as I understand it, a person of his citizenship rights, but never, in my judgment, can a person be deprived of his citizenship rights for showing his disaffection or even disloyalty to the Government of the day. Of course Government has got its own weapons. It can deal with the person according to the law of the land. That is a different matter. But the right of citizenship is a right which cannot be so lightly taken away.

Sir, my friend Mr. Kanhaiyalal Vaidya wanted some guarantee from Government. The Government under which we are working is in itself a guarantee of the actions that it will take towards the amelioration of the conditions of the downtrodden, the poor and the havenots. Now no additional guarantee is needed in that direction.

I was very much satisfied with the explanatory remarks made by my hon. friend Mr. Datar when he assured the House that almost all the refugees will be given the right of citizenship.

MR. DEPUTY CHAIRMAN: It is time, Mr. Saksena.

SHRI H. P. SAKSENA: I have spoken for only five or six minutes.

MR. DEPUTY CHAIRMAN: You have taken ten minutes.

SHRI H. P. SAKSENA: If that is so. I again support the passage of the Bill to the Select Committee and hope that

some of the glaring omissions and incongruities that are found in the Bill will be looked into *

SHRI M. GOVINDA REDDY: Sir, at this stage I have only two points to make and that is with regard to the termination and deprivation of citizenship. When we provide for acquisition of citizenship by naturalisation we have to think of the consequences of such a step. Many hon. Members of this House have pointed out those consequences and therefore I am not adverting to them. My point is that when we provide for acquisition of citizenship by naturalisation and when we also do not provide for its termination excepting in two ways, that is, voluntarily giving up and deprivation, would it be desirable to allow that state of affairs to prevail? A citizen of whatever category is entitled to all the rights of citizenship guaranteed under the Constitution. He can become a Member of Parliament; he can become the President of India. All these things are open and as hon. Members have pointed out, there are attractions for outsiders to get into India to become citizens of India. The object of making it liberal is very worthy of commendation and I am at one with it. But the circumstances under which these wide provisions were made in the Constitution in other countries like that of U.K. and the circumstances prevailing now and that may prevail hereafter are quite different. The world has changed a lot and now as Dasappaji was telling us, we have to anticipate infiltration from other countries, countries whose ideology differs from ours, countries who are anxious to spread their ideologies. This is not a new thing. This is a force which we have seen in this world. Supposing they become naturalised citizens of this country and begin to change and begin to carry on disaffection towards this country, the Government have no remedy; the State has no remedy. Unless we find them guilty of disloyalty to the State we cannot remove them from citizenship. Either they have to voluntarily give up or they have to be deprived of citizenship under clause

10. The conditions mentioned in the Third Schedule do not at all warrant any remedy under such circumstances. Sir, citizenship by naturalisation is a citizenship which is limited. It is a citizenship which should be conditional and what is the condition that we have provided for? The conditions which we have provided for are not conditions which guarantee the good conduct of a naturalised citizen after he enrolls himself as a citizen of this country. Therefore I would like the Select Committee to go into this question and see whether termination of citizenship under the circumstances that I have explained cannot be provided for. It is admissible. We cannot now place ourselves on the level of the U.K. or any other country. When the Nationality Act was passed there, conditions were different. When we are passing this, we have to take a far reaching view of things and then provide for them.

The other thing is this. Unfortunately, in this country polyandry prevails. Under clause 4 if a woman who belongs to any of those areas where it exists—of course, they are very small—stays outside the country and if there is a child born to that woman, that child cannot now by virtue of clause 4 become entitled to citizenship. Would it not be better to provide for such a thing also? We have under our other laws legitimised illegitimacy. If that is so, apart from conferring a status on the woman and entitling her to citizenship, would it not be advisable also to make that provision? This is all that I had to say and I commend this motion to the House.

THE MINISTER FOR HOME AFFAIRS (SHRI GOVIND BALLABH PANT): Sir, I had the opportunity of listening to some of the speeches that were delivered while I was present in the House. I have also acquainted myself with the observations that were made by hon. Members when it happened to be away. I have throughout noticed that the points that have been raised here were discussed at great length in the Lok Sabha. I had occasion to clarify, explain or elucidate the provi-

[Shri Govind Ballabh Pant.] sions that appear in the Bill and I had hoped that thereby I had succeeded in removing a lot of misunderstanding and misgivings. I am not sure if hon. Members who have commented on the clauses of this Bill have had time to go through the remarks made by me in the Lok Sabha. In any case, the arguments advanced here did not indicate that they had taken the trouble of examining what I had the temerity of saying in the Lok Sabha.

SHRI H. C. DASAPPA: Some of them at least have seen it.

SHRI GOVIND BALLABH PANT: Well, I am thankful to them. But I said this only to express my regret for having to repeat most of what I said there.

SHRI S. N. MAHTHA (Bihar): We do not get the proceedings of the Lok Sabha until after three months are over.

SHRI GOVIND BALLABH PANT: I do not blame anybody for not going through the reports of those proceedings. Something does appear every day in the papers but it is true that the reports in the regular form are received long after the day when the discussions are held. However, I made these introductory remarks only to offer an apology for repeating what I have already said elsewhere. I was not present here when the Deputy Minister spoke. It is possible that I may be reiterating what he has already said. For that too, I hope I will be excused.

Sir, I heard a lot about the Commonwealth citizenship or about the attitude of the framers of this Bill towards the countries which are mentioned in Schedule I. If hon. Members had examined the matter dispassionately, I have little doubt that they would have welcomed the scheme of the Bill. What is Commonwealth citizenship? One hon. Member here observed that one had to take an oath of allegiance to the Commonwealth in order to be regarded as a Commonwealth citizen. I'ven. i am not aware of any form of such oath; nor do I know if

this idea had ever struck anyone. Commonwealth citizenship is no more than a notional concept today. It indicates only the urge of people who are interested in the unity of various nations in the promotion of amity and goodwill. It represents their urge towards a wider fellowship of nations and nothing more than that. In our own country, especially those of us who have been associated with the Congress, have cherished the hope that some day or other all nations will come closer and closer and ultimately we will have a world federation embracing within its compass all members of this big family of humanity. This Commonwealth citizenship only indicates the road through which perhaps we may advance towards that objective; but it imposes no liability, no obligation on any one. So far as the conferment of any rights or the enjoyment of any rights of citizenship in our own land is concerned, we are complete masters of the situation. Even in the olden days when the British were here, no rights could be acquired by any country which formed part of the British Empire except on the basis of reciprocity. We had a Reciprocity Act even then. But now there can be no doubt about the minimum demands that will have to be fulfilled if the self-respect of our country is to be preserved. Hon. Members will notice that under clause 2 of the Bill, no one can be regarded as a citizen unless and until the citizenship law of that country has been notified in the Official Gazette by the Central Government. So long as such a law is not notified, no one living in any of the Commonwealth countries is entitled to be treated as a citizen of that country and such notification can be issued only at the request of the country concerned. South Africa will not have the audacity and the impudence to apply to us for the issue of such a notification with regard to their own citizenship Act. If it ever does, its request will be summarily rejected and turned down; so that there is no possibility of any South African citizen being given any privilege here. Moreover, if hon. Mem-

bers will read clause 11, I think they will see that it is only on the basis of reciprocity that rights of citizenship can be conferred on anyone. There is no possibility of any reciprocity between South Africa and India today. So, there should be no apprehensions on this account. The position is quite clear and does not admit of any ambiguity, anomaly, or doubt. So far as that goes, there is no difficulty.

But I would like hon. Members to remember certain facts which are germane to the situation and to the position of our own country vis-à-vis certain other countries. Many of our nationals are today living in countries which are included in what is known as the Commonwealth. In U.K. itself there are thousands of Indians who are engaged in honourable vocations, professions, trade and business. If you take the number of Indians living and earning their living in countries which form part of the Commonwealth, you will find that as compared with the rest of the world, the largest number live in these countries. So, while

we are not subjected to any obligation, we do by simply using certain expressions acquire certain privileges and rights for our people living in those countries. After all, as compared, even today, with the number of Indians in the United Kingdom who are maintaining themselves in a very decent and dignified way, the number of Englishmen in this country, is, I presume, much smaller. If you take the United Kingdom and other countries and colonies which are included in the Commonwealth, then the number of Indians is considerable. So let not mere prejudice obsess us. Firstly, on principle, we stand for the larger family of nations and we cannot gain by being narrow-minded even with regard to matters which do not in any way impose any liability or disability on us but bring us rather certain advantages. I hope that those who are usually asserting that they stand for equality and for progress, for the uplift of the underdog, those Members and those associated with them will rather try to

bring other parts of the world closer to India, than to concentrate on creating further differences and creating a gulf or widening it. That does not help anybody. We have no malice against anyone. We have stood aside from all blocs. We have not merged ourselves into or with any one and we are determined to maintain our independence. The Bandung conference was the first step towards the promotion of such a feeling in Asia and Africa. But such feeling even if generated will develop only in course of time and when it has reached a mature stage, I think, we will be happy to have some sort of common citizenship for the peoples of the free countries of Asia and Africa too. Let us work for that; but let us not on that account cherish feelings of hatred, bitterness or animosity against any country. Gandhiji has left us a precious heritage and we can at least try to respect it to the extent little men like us can manage to do so.

Sir, the next point on which some emphasis has been laid relates to the deprivation of the rights of citizenship which are acquired by registration or by naturalisation. I may just submit that the law in other countries, in the United Kingdom, is exactly like what we have in our own Bill here. If hon. Members will refer to clause 20 of the British Nationality Act, 1948, they will find that the deprivation clause in that Bill is almost identical with the clause that we have here, but for the reference in our clause to "Government established by law in India," instead of "His Majesty" in that Act. So, even the most advanced countries, I think, where the spirit of freedom and democracy has had the opportunity of growing during the last many centuries, have adopted this method for preserving the integrity and security of their own countries. I do not quite see why we should find it, in any way, risky. This clause applies only to the privilege of citizenship that is conferred on one through registration or naturalisation. One who acquires citizenship by birth enjoys it, and he cannot be deprived of it whatever may be except when he chooses to

[Shri Govind Ballabh Pant.] renounce it. Now, it is open to the State and to the Central Government under the scheme of this Bill to confer or not to confer such rights on anyone. It is only a concession that this Bill -nooses to extend to certain classes of people. So, if a provision is made in this Bill for the purpose of enabling the Central Government on the one hand to grant such privilege generously, and on the other, also to provide some sort of a safeguard against the misuse of such Tights, I do not see why there should be any objection to that, because we can refuse to confer such rights altogether. But we do not want to adopt that course. So, what is given can be taken away, if the donee fails to behave in a reasonable, decent, and appropriate manner. We are not to blame if he forfeits what we have given to him. It is stated by some Members that one year's imprisonment should not subject one to any such penalty. It does not necessarily. If hon. Members will see, there is a clause here which says that "The Central Government shall not deprive a person of citizenship under this section unless it is satisfied that it is not conducive to the public good that that person should continue to be a citizen of India." The simple point is this, whether a person who has been granted such a privilege should continue to be a citizen of India when such continuance is not in the interest of the country. I think no one will urge that such a person should be given a license to persist in his wrongful course. It is in his interest, and in the interest of the country, that he Should move to some other regions to indulge -n his nefarious activities.

Some objection was also taken to the words "towards the Government established by law in India". Well, we have not been able to find any other expression to replace it. Of course in a country like ours, suppose you have to use the expression "towards the President", that would also mean "towards the Government established hv Taw in India", and we cannot say.

towards some *vague*, nebulous and amorphous thing, which cannot admit of any definition, and with which the State is not connected in any way So, no better expression could be found. Moreover, what business has a man, who has been given the privilege of citizenship by way of concession, to indulge in activities which are detri mental to the State.....

SHRI BHUPESH GUPTA: Your formula is 'Government' here.

SHRI GOVIND BALLABH PANT: I am unable to catch the words of Shri Bhupesh Gupta.

SHRI BHUPESH GUPTA: I said, Sir, that what is stated here is 'Government'. And since there is this distinction, I said that the matter should be considered.

SHRI GOVIND BALLABH PANT: Well, I wish he and those associated with him could make a distinction between the State and the Government. They are interested more in uprooting the State completely than in criticising the acts and omissions of Government in a constitutional way.

SHRI BHUPESH GUPTA: Sir, I think I-might explain it. We want to change the Government even under this Constitution and within the present framework of the State. The hon. Minister should not labour under any illusion.

SHRI GOVIND BALLABH PANT: There has been no doubt about your intentions. You want everything to go lock, stock, and barrel. You may make a start anywhere, but th_e end in view is known very well here. Anyway, Sir, that is something beside the point.

What I have to say is this, that we are only an infant democracy; we have just started on a new career, and we have to b_e more cautious than others. And, so long as the country reposes confidence in any set of people who have to discharge the responsibility of administering the affairs of 350 millions, it should not bo open to a person

of a dubious character, who has been given the privilege of citizenship only by sufferance and concession, to inter-Here with the way the affairs of this great country are administered by their accredited representatives of these 350 millions. So I say that this is quite a salutary provision, and as I observed just a minute ago, it has been taken almost bodily from the English Act .

Sir, something has also been said about the clause in the Bill allowing the people living in Pakistan to acquire the right of citizenship, if they had been here for a year. It is difficult to distinguish between displaced persons and ordinary individuals who may have come here. So, we have to make a provision so as to allow all persons, who have come since the partition and who are residing here, to apply for registration. Some hon. Members here raised the question as to why registration was considered necessary. They also raised the objection as to why doubtful loyalty in the cases of some people should not be taken into account. They will see that registration is necessary so that persons who have come from Pakistan may not be indiscriminately admitted as citizens, but those who are not worthy of enjoying that status are left out. This provision therefore, while not making any discrimination against any person, leaves ample opportunities for excluding the undesirables. There need not be any worry about that. So far as registration by the citizeniof Pakistan who are in Pakistan is concerned, that is not permissible under the Bill. It must also be remembered that if a person has already been registered as a citizen in other States, and seeks registration here, he will not, as a rule, get it. For, if a person who had been registered as a citizen here, voluntarily acquires the citizenship of the other States, then his rights are terminated. So if anyone who has been registered as a citizen of India also seeks registration as a citizen of Pakistan or vice versa, then the clauses to which I have

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referred will enable us to make necessary and suitable decisions.

Some question was also raised as to why only persons could be registered if the male agnate or male predecessor was a citizen of India. That is, why persons who are born of Indian mother even if their father be not Indian, are not entitled to be registered as citizens of India? I may say that this is the rule in all countries that citizenship through descent must be in the paternal line. Otherwise it would lead to many anomalies. Suppose a citizen of Argentina, for example, marries an Indian woman and the latter gives birth to a child in Bolivia, then the child has triple citizenship because if descent through mother gives the right then he is an Indian citizen; being the son of a citizen of Argentina, he has the citizenship of Argentina; being born in Bolivia, he has also the citizenship of Bolivia; so that he immediately acquires triple citizenship and if he were again for a moment, married to a woman of say, Moscow—I don't know what law is recognized there

SHRI BHUPESH GUPTA: Since you know the Bolivian law, you shouie know the law in Moscow.

SHRI GOVIND BALLABH PANT.

.....and if she gives birth to a child somewhere in Mexico, then the child will have, I think, five-fold citizenship at once. So it is to avoid such anomalies that most of the countries have confined citizenship by descent only to the paternal line. In our case, it is natural that it should be so. For, in our country, from times immemorial, we have accepted the line of succession in the paternal genealogical line. I am glad that the Succession Act now is going to make a change, but so far as the deep-seated sentiments of the people go, they can think only of the continuance of the lineage in the paternal line. Such a provision is much more in accord with and quite congenial to our own environment.

Some observations were also made about the exclusion of the woman

[Shri Govind Ballabh Pant.] from the law but I think there we have given greater freedom to women than in many other countries. If an Indian husband marries a foreigner, the wife can be registered as an Indian citizen at her will but if an Indian woman marries a foreigner, she is not deprived of her citizenship. She is free to choose her own course. So women have been given greater liberty here than in many other countries. They are not deprived of their rights simply by marrying a foreigner, and a foreigner, if she marries an Indian, has the option to be registered as an Indian citizen. I don't see why women Members should not hail these provisions as they further ensure I think the achievement of their passion for equality, liberty—I will leave out fraternity.

Sir, there is a provision here about the renouncing of citizenship. It is an important provision and it has been made deliberately with a view to enable some of the Indians who are at present living in other lands and suffering many disabilities to renounce their Indian citizenship if they are accepted as citizens of the lands in which they are living. For, sometimes, the pretext is put forward that as they are Indian citizens, they are not entitled to the full privileges of citizenship in the country which they have developed and where they have lived for generations. So, while an Indian may acquire the right of citizenship by birth, if he becomes entitled to the citizenship of any other land according to the laws of that land, he will be free to renounce the citizenship of India. But the choice rests with him. He is not to be forcibly deprived of his birth-right so far as the citizenship of India is concerned.

The conferment of the right of citizenship and as a corollary thereof, the deprivation or extinction of such rights is essentially an executive affair. In all countries except perhaps America and a few of its satellites, the authority is vested in the Government. So

we have done it in this country too. There is a provision in the British Act which gives the right to the Government. It says:

"The Secretary of State, the Governor or the High Commissioner as the case may be, shall not be required to assign any reason for the grant or refusal of any application under this Act, the decision on which is at his discretion and the decision of the Secretary of State, Governor or the High Commissioner on any such application shall not be subject to appeal or review in any court."

This is section 26 of the British Nationality Act. So the power is vested in the executive but so far as this section relating to deprivation is concerned, it is laid down here that:

"If the person who is affected by these proceedings wants an enquiry to be made by a Committee, then a Committee of Enquiry will be appointed of which the Chairman shall be a person who has at least judicial experience of ten years."

So, the judicial forum too is provided so that if there be any chance of any injustice being done it may be averted and the case may be considered on its merits.

This motion is only for reference of the Bill to Joint Select Committee. As I said at the outset, it is a national measure. It should be the endeavour of all of us to make it as perfect as it can possibly be. Whatever I have said here in order to clear misunderstandings and misapprehensions, will not in any way debar me from making any changes or agreeing to any changes that may be considered necessary for the good of the country and for its security, integrity and progress. So I hope that this motion will be accepted unanimously by the House and when the Bill comes back, it will be found that the Select Committee had applied its mind to it only with the sole desire of making it better than it is; and when we all are determined to do so. I hope this House will accept the Bill

on its return from the Select Committee, without feeling any tremors about its being as good a piece of legislation as can possibly emerge from a dispassionate, patriotic and close examination of the provisions of the Bill.

MR. DEPUTY CHAIRMAN: The question is:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to provide for the acquisition and termination of Indian citizenship, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:

1. Shri K. Madhava Menon
2. Shri Jaspat Roy Kapoor
3. Shri Akbar Ali Khan
4. Shri Sri Narayan Mahta
5. Shri B. P. Agarwal

6. Diwan Chaman La II
7. Dr. R. P. Dulie
8. Shri P. T. Leuva
9. Shri Trilochan Dutta

10. Dr. H. N. Kunzru
11. Shri B. C. Ghose
12. Shri J. V. K. Vallabharao
13. Shri M. P. N. Sinha
14. Shri Amolakh Chand, and
15. Shri Govind Ballabh Pant (the Mover)."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 11 i.M. tomorrow.

The House then adjourned at five minutes past Ave of the nlock till eleven of the clock on Friday, the 9th September 1955