

money comes from the Consolidated Fund of India. The other snag is that the programmes are not given adequate publicity. The schemes are circulated in English language and, at best, in Hindi. My case is that the schemes must be prepared and circulated in regional languages such as Urdu, Marathi, Gujarati, Punjabi, etc., so that the targeted groups become aware of them. Also, the model project proposals should be made available only in regional languages so that the beneficiaries face no difficulty in obtaining advantage under these schemes. This is not happening in Jammu and Kashmir.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2.30 P.M.

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

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

GOVERNMENT BILL

The Citizenship (Amendment) Bill, 2005

MR. DEPUTY CHAIRMAN : Shri Shriprakash Jaiswal, Minister of State in the Ministry of Home Affairs, to move the motion for consideration of the citizenship (Amendment) Bill, 2005

गृह मंत्रालय में राज्य मंत्री (श्री श्री प्रकाश जयसवाल): महोदय मैं प्रस्ताव करता हूँ:

कि नागरिकता अधिनियम, 1955 का और संशोधन करने वाले विधेयक पर विचार किया जाए।

माननीय उपसभापति महोदय, हमने इस माननीय सदन में दो दिन पहले नागरिकता (संशोधन) अधिनियम, 2005 प्रस्तुत किया था। इस अधिनियम का उद्देश्य पूरे विश्व में फैले हुए अप्रवासी भारतीयों को अपनी मातृभूमि के साथ दोबारा संबंध स्थापित करने की आकांक्षा की पूर्ति करना है।

महोदय, डा. एल.एम. सिंघवी की अध्यक्षता में अप्रवासी भारतीयों की उच्च-स्तरीय समिति ने ऐसे भारतीयों, जो दिनांक 26 जनवरी, 1950 के बाद भारत से प्रवास कर गए थे और जिन्होंने

अन्य देशों की नागरिकता ग्रहण कर ली है तथा अपनी मातृभूमि के साथ मानसिक एवं भावनात्मक संबंध रखते हैं, उनको दोहरी नागरिकता देने की सिफारिशों की है। सरकार ने इस सिफारिश को स्वीकार कर लिया और वर्ष 2003 में नागरिकता अधिनियम, 1955 में संशोधन किया ताकि पाकिस्तान एवं बंगला देश को छोड़कर 16 विनिर्दिष्ट देशों में रह रहे भारतीय मूल के व्यक्तियों को प्रवासी भारतीय नागरिकता, जिसे दोहरी नागरिकता के रूप में जाना जाता है, प्रदान की जा सके। ये देश हैं-यू.एस.ए.यू.के., आस्ट्रेलिया, न्यूजीलैंड, कनाडा, फिनलैंड, फ्रांस, ग्रीस, ऑयरलैंड, इजराइल, इटली, नीदरलैंड, पुर्तगाल, स्वीडन, स्विट्जरलैंड और साईप्रस गणराज्य यह नागरिकता (संशोधन) अधिनियम, 2003 दिनांक 3 दिसंबर, 2004 से लागू हो गया था।

महोदय, सरकार को उपर्युक्त 16 देशों के अतिरिक्त अन्य देशों में रह रहे भारतीय मूल के व्यक्तियों से बहुत से अभ्यावेदन प्राप्त हुए हैं, जिनमें उन्होंने कहा है कि उन्हें भी दोहरी नागरिकता प्रदान किए जाने पर विचार किया जाना चाहिए। दोहरी नागरिकता प्राप्त करने के लिए प्रपत्र और प्रक्रिया को सरलीकृत किए जाने के लिए भी विभिन्न क्षेत्रों से अभ्यावेदन प्राप्त हुए हैं। अभ्यावेदनों की जांच के उपरांत जनवरी में मुंबई में आयोजित प्रवासी भारतीय दिवस 2005 के अवसर पर प्रधानमंत्री ने कहा कि सरकार ने, पाकिस्तान और बंगला देश को छोड़कर सभी देशों में रह रहे भारतीय मूल के व्यक्तियों को दोहरी नागरिकता की सुविधा प्रदान करने का निर्णय लिया है। बशर्ते कि उनका देश अपने स्थानीय कानूनों के तहत किसी न किसी रूप में दोहरी नागरिकता की अनुमति देता हो। प्रधानमंत्री जी ने यह भी कहा कि दोहरी नागरिकता प्राप्त करने के लिए प्रपत्र और प्रक्रिया को सरल बनाया जाएगा और उन लाभों को विनिर्दिष्ट किया जाएगा, जिसके वे पात्र हैं।

सरकार ने प्रधानमंत्री के वक्तव्य को लागू करने के लिए निम्नलिखित कदम उठाए हैं।

दोहरी नागरिकता प्राप्त करने के लिए प्रपत्रों और प्रक्रिया को सरल बनाने हेतु नागरिकता नियम, 1956 में संशोधन किया गया है।

फायदों का विशेष उल्लेख करते हुए संगत अधिनियमों के अन्तर्गत अधिसूचनाएँ जारी की गईं।

वे निम्नानुसार हैं:

- (i) भारत आने के लिए बहुप्रवेश, बहुप्रयोजन, आजीवन वीजा।
- (ii) भारत में कितनी भी लम्बी अवधि तक रहने पर पुलिस प्राधिकारियों को रिपोर्ट करने से छूट।

(iii) कृषि या बागान संपत्तियों को छोड़कर वित्तीय, आर्थिक और शैक्षणिक क्षेत्रों में अनिवासी भारतीयों के समान अधिकार।

मैं इस सम्बन्ध में इस माननीय सदन के सदस्यों को आश्वासन देना चाहूंगा कि उन्हें कोई मताधिकार लोक सभा/राज्य सभा/विधान सभा/विधान परिषद के चुनाव लड़ने, राष्ट्रपति, उपराष्ट्रपति, उच्चतम न्यायालय/उच्च न्यायालय के न्यायाधीश जैसे संवैधानिक पद धारण करने के अधिकार नहीं दिए गए हैं।

सरकार ने पाकिस्तान और बांग्लादेश को छोड़कर सभी देशों के भारतीय मूल के व्यक्तियों को दोहरी नागरिकता देने के अवसर देने के लिए नागरिकता अधिनियम, 1955 में संशोधन करने के लिए कदम उठाए हैं। सम्बन्धित मंत्रालयों के साथ परामर्श करने की प्रक्रिया में लगे समय के कारण, विधेयक को संसद के बजट सत्र में पेश नहीं किया जा सका।

प्रवासी भारतीय दिवस, 2005 पर प्रधानमंत्री जी द्वारा दिए गए वक्तव्य ने प्रवासी भारतीयों में काफी उत्सुकता और उत्साह पैदा किया। सभी देशों के प्रवासी भारतीयों को दोहरी नागरिकता देने के बारे में प्रधानमंत्री के वक्तव्य के बाद सरकार के निर्णय के कार्यान्वयन में होने वाले विलम्ब के कारण प्रवासी भारतीयों द्वारा चिन्ता व्यक्त की जा रही थी क्योंकि संसद का सत्र चालू नहीं था और राष्ट्रपति जी इस बात से सन्तुष्ट थे, ऐसी परिस्थितियाँ मौजूद हो गई थीं, जो उनके द्वारा तत्काल कार्रवाई करने के लिए आवश्यक थीं, 28 जून, 2005 को नागरिकता (संशोधन) अध्यादेश, 2005 (2005 का अध्यादेश 2) प्रख्यापित किया गया।

हमारा इस स्कीम को जल्दी ही लागू करने का प्रस्ताव है। प्रवासी भारतीयों को भारत के प्रवासी नागरिक के रूप में अपने पंजीकरण के उपरान्त न केवल किसी भी समय और किसी भी प्रयोजन के लिए और कितनी भी लम्बी अवधि के लिए अपने देश का दौरा करने का अवसर मिलेगा, बल्कि वे राष्ट्रीय अर्थव्यवस्था में खुले दिल से सहयोग देकर उचित विकास के राष्ट्रीय लक्ष्य में भी योगदान कर सकेंगे।

मैं इस माननीय सदन से अनुरोध करता हूँ कि नागरिकता (संशोधन) अध्यादेश, 2005 के स्थान पर नागरिकता (संशोधन) विधेयक, 2005 पर विचार किया जाए और इसे पारित किया जाए।

The question was proposed.

MR. DEPUTY CHAIRMAN: Shri Ajay Maroo.

श्री अजय मारू (झारखंड): धन्यवाद, उपसभापति महोदय। नागरिकता संशोधन विधेयक (2005) पर विचार व्यक्त करने का मौका देने के लिए मैं आपका आभारी हूँ। मैं इस विधेयक

की मूल भावना से सहमति व्यक्त करता हूँ। और इसके कतिपय प्रावधानों से अपना विरोध भी व्यक्त करता हूँ।

महोदय, सबसे पहले 9 जनवरी, 2003 को, जब एनडीए की सरकार थी और तत्कालीन प्रधानमंत्री, माननीय श्री अटल बिहारी वाजपेयी जी ने प्रथम प्रवासी दिवस पर भारतीय मूल के अप्रवासियों को दोहरी नागरिकता देने की घोषणा की थी, उस वक्त एन.डी.ए. सरकार का इरादा बिल्कुल स्पष्ट था। उस घोषणा का मुख्य उद्देश्य यह था कि भारतीय मूल के अप्रवासी बिना किसी दिक्कत के भारत आ जा सकें, यहां के उद्योगों में पूंजी निवेश कर सकें, विभिन्न क्षेत्रों में अपना योगदान कर सकें और अपने देश से भावनात्मक रूप से अधिक-से-अधिक जुड़ सकें। लेकिन साथ-ही-साथ इस बात का भी ध्यान रखा गया था कि देश की आंतरिक सुरक्षा के साथ किसी भी कीमत पर समझौता न हो। महोदय एन.डी.ए. सरकार की स्पष्ट नीति थी कि देश की सुरक्षा सर्वोपरि है, इसलिए शुरुआत में दोहरी नागरिकता की सुविधा को 16 देशों के भारतीय मूल के अप्रवासियों तक सीमित रखा गया था जिस में संयुक्त राष्ट्र अमेरिका, ब्रिटेन, कनाडा, आस्ट्रेलिया आदि देश शामिल थे। महोदय, तत्कालीन प्रधान मंत्री श्री वाजपेयी जी की इस घोषणा को मूर्त रूप देने के लिए मई, 2003 में संसद में आवश्यक कानून पेश किया गया था और इसे सभी वर्गों का समर्थन मिला। महोदय, 10 जनवरी, 2004 को दूसरे प्रवासी भारतीय दिवस पर भी एन.डी.ए. सरकार ने अपनी नीति साफ तौर पर सभी के सामने रखी। तत्कालीन उप-प्रधान मंत्री माननीय श्री लाल कृष्ण आडवाणी जी ने अपने भाषण में इस की विस्तार से चर्चा की। महोदय, एन.डी.ए. सरकार की नीति एक-एक कदम रखकर आगे बढ़ने की थी, लेकिन वर्तमान यू.पी.ए. सरकार एकाएक छलांग लगाने की नीति पर चल रही है जिसमें कुछ खतरे भी हैं माननीय प्रधान मंत्री डा. मनमोहन सिंह ने तीसरे प्रवासी भारतीय सम्मेलन में जोकि इस वर्ष जनवरी माह में मुंबई में आयोजित हुआ था, दोहरी नागरिकता के दायरे को इतना व्यापक बना दिया कि आने वाले दिनों में इस कारण कई समस्याएं आ सकती हैं। अब पाकिस्तान और बांग्लादेश को छोड़कर दोहरी नागरिकता के दरवाजे सभी देशों के अप्रवासियों के लिए खोल दिए गए हैं। महोदय, इस विधेयक के अंतर्गत उन सभी विदेशी भारतीयों को भारत की नागरिकता प्रदान करने की बात की गयी है जो 26 जनवरी, 1950 के पश्चात भारत से प्रवास कर गए थे बशर्ते उनके वर्तमान देश के कानून इसकी इजाजत देते हों। महोदय, भारतीयों को नागरिकता देने के लिए भारत में निवास की अवधि को दो वर्ष से घटाकर एक वर्ष कर दिया गया है। इसी तरह अन्य औपचारिकताओं में भी काफी कमी कर दी गयी है। महोदय, जैसे कि मैंने इस बात को लेकर आपत्ति की कि इस विधेयक का प्रारूप तैयार करते समय आंतरिक सुरक्षा से जुड़े मुद्दों को नजरंदाज तो नहीं कर दिया गया है, आज हम इस जमीनी सच्चाई को नजरंदाज नहीं कर सकते कि आतंकवादी संगठन दूसरे देशों में जड़े जमाने के लिए और घुसपैठ के लिए नए-नए तरीके अपना रहे हैं। हमारा देश भी कई आतंकवादी

संगठनों के निशाने पर है। उन्होंने हाल ही में कई घटनाओं को अंजाम भी दिया है। कई विदेशी राष्ट्रों में ऐसे संगठन सक्रिय हैं जो भारत को प्रत्यक्ष या अप्रत्यक्ष रूप से नुकसान पहुंचाना चाहते हैं और भारत को खंडित करने के प्रयास में लगे हैं। दुर्भाग्य से ऐसे कई संगठनों के मुखिया ऐसे व्यक्ति हैं जो भारत में पैदा हुए और बाद में विदेशों में जाकर बस गए। ऐसे तत्व वर्तमान विधेयक की उदारता का लाभ न उठा सकें, इस की व्यवस्था की जानी चाहिए। मैं मानता हूँ कि अप्रवासी भारतीयों की अधिकांश संख्या ऐसे लोगों की हैं जिन्हें इस देश की प्रगति और विकास में सचमुच दिलचस्पी है, जो अपनी मेहनत से कमाए धन का कुछ हिस्सा अपने पूर्वजों के देश में लगाना चाहते हैं। ऐसे अप्रवासियों का स्वागत है, लेकिन जैसे कि हमारी पार्टी के अध्यक्ष माननीय लाल कृष्ण आडवाणी जी ने पहले कहा था कि सभी अप्रवासी भारतीयों को बिना किसी भेदभाव के नागरिकता प्रदान करने की घोषणा देश की आंतरिक सुरक्षा के लिए खतरा पैदा कर सकती है।

महोदय, मैं आपका ध्यान विधेयक की धारा 4 के कुछ प्रावधानों की ओर आकृष्ट करना चाहूँगा जिसमें कहा गया है कि केन्द्रीय सरकार ऐसे व्यक्ति को भारत के विदेशों नागरिक के रूप में रजिस्टर कर सकेगी जो दूसरे देश का नागरिक है, किंतु संविधान के प्रारंभ के समय या उसके पश्चात किसी समय भारत का नागरिक था या जो दूसरे देश का नागरिक है, किंतु संविधान के प्रारंभ के समय भारत का नागरिक होने के लिए पात्र था या जो दूसरे देश का नागरिक है, किंतु ऐसे राज्य क्षेत्र का है जो 15 अगस्त, 1947 के पश्चात भारत का भाग बना है।

महोदय, मैं आपका ध्यान विधेयक की धारा 4 के कुछ प्रावधानों की ओर आकृष्ट करना चाहूँगा जिसमें कहा गया है कि-

“केन्द्रीय सरकार ऐसे व्यक्ति को भारत के विदेशी नागरिक के रूप में रजिस्टर कर सकेगी-

जो दूसरे देश का नागरिक है, किंतु संविधान के प्रारंभ के समय या उसके पश्चात किसी समय भारत का नागरिक था, या

जो दूसरे देश का नागरिक है, किंतु संविधान के प्रारंभ के समय भारत का नागरिक होने के लिए पात्र था; या

जो दूसरे देश का नागरिक है, किंतु ऐसे राज्यक्षेत्र का है, जो 15 अगस्त, 1947 के पश्चात भारत का भाग बना है; या

जो किसी ऐसे नागरिक का पुत्र-पुत्री या पौत्र-पौत्री है”।

इस प्रावधान के द्वारा दरवाजे पूरी तरह खोल दिए गए या कहना चाहिए कि दरवाजों को हटा लिया गया।

महोदय, हम सब इस तथ्य से अवगत हैं कि न सिर्फ भारत में बल्कि अन्य कई देशों में आतंकवादी गतिविधियों में हमारे कुछ कश्मीरी युवकों को बहला-फुसलाकर शामिल किया गया है और जिन्हें हमारे एक पड़ोसी देश में प्रशिक्षण भी दिया जा रहा है। यह ठीक है कि पाकिस्तान और बांग्लादेश में रहने वाले लोगों को रजिस्ट्रेशन की सीमा से बाहर रखा गया, लेकिन यह भी सच है कि ब्रिटेन, कनाडा तथा कुछ अन्य देशों में भारतीय मूल के ऐसे नागरिकों की काफी बड़ी संख्या है जो किसी-न-किसी रूप से भारत-विरोधी गतिविधियों में संलग्न हैं। उपसभापति जी, मुझे आश्चर्य है कि ऐसे तत्व इस विधेयक की धाराओं का दुरुपयोग कर सकते हैं। इस सरकार ने सत्ता में आने के बाद जिस प्रकार पोटा कानून निरस्त किया, जिससे आतंकवादी संगठनों को प्रोत्साहन मिल रहा है, उससे चिन्ता होना स्वाभाविक है। हाल ही में माननीय प्रधान मंत्री जी ने अपने ब्रिटेन और अमेरिका यात्रा के दौरान जो वक्तव्य दिए, उनसे हमारी चिन्ता और बढ़ गई है। महोदय, एक ओर विदेशों में बसे भारतीय मूल के लाखों नागरिक हैं, जिनकी संख्या करीब ढाई करोड़ हैं, जो इस देश के शुभचिन्तक हैं और अपने संसाधनों का उपयोग भारत की तरक्की में करना चाहते हैं, ऐसे लोगों का स्वागत है दूसरी ओर ऐसे तत्व भी हैं, जो अपने संसाधनों का इस्तेमाल भारत को कमजोर करने में कर रहे हैं और हमारे देश में बदअमनी फैलाने के लिए नए-नए तरीके खोज रहे हैं। ऐसे तत्वों से सावधान रहने की जरूरत है। भारत एक धर्म-निरपेक्ष लोकतांत्रिक देश है, यही हमारी ताकत है, इसलिए मेरा अनुरोध होगा कि विधेयक के प्रावधानों और नियमों पर फिर से विचार किया जाए और नागरिकता प्रदान करने की शर्तों को थोड़ा कठोर बनाया जाए। महोदय, आपने मुझे अपने विचार व्यक्त करने का अवसर दिया, इसके लिए मैं आपका आभारी हूँ। धन्यवाद।

SHRI ANAND SHARMA(Himachal Pradesh): Thank you, hon. Deputy Chairman, Sir. I rise here to support the Bill, which has been moved by the hon. Minister of State for Home Affairs, The Citizenship (Amendment) Bill, 2005. This Bill meets the aspirations and wishes of all those people of the Indian origin who are living in various parts of the world and though they have either migrated abroad, adopting other countries or many of them were born in other countries but because of their lineage, because of the citizenship of their ancestors, they can claim through this Bill now the overseas citizenship of India. I compliment the Prime Minister and the Government for following the assurance, which was given at the last Pravasi Bhartiya Divas in January, 2005. In response to the wishes and requests which the Government had received—the representations as the Minister has informed—from various countries that they should also be included for this overseas citizenship of India and also for the simplification of the processes involved, from the statement of the Minister

it is clear that the processes have been simplified especially with regard to multiple entry, multipurpose visa and also the exemption from reporting to the police authorities for their stay in this country and also parity with NRI in financial, economic and educational fields. This will not only allow them to visit the country, stay in the country, but also contribute in the economic development and educational development of this country.

As we are aware that many of the people of Indian origin living in various parts of the world have excelled. They have made notable contributions to the land or the countries of their adoption. They have distinguished themselves because of achievements in scientific fields, in space research, in nuclear research. If you go by the names, even in countries like America whether in NASA, in nuclear technology, you will find a large number of people of the Indian origin in very senior positions. Similarly, in corporate field, there are a large number of Indians as CEOs of large conglomerates even in developed countries like the USA and the UK. Therefore, I was a bit surprised when I was listening to my distinguished colleague from the other side. This is one such step, one Bill, which should have unanimity. There should be complete support. We must not look for controversy on everything which is otherwise positive or look out for criticism of the Government which is not fair, which is not correct. Why I am saying so, Sir, is when I was referring to the people of the Indian origin in other countries, they have enriched the social and cultural milieu of those countries. They participated in the developmental process of that country. They have exposure and experience, and they also have an emotional bond with the land of their ancestors. That is why this need which you are referring to was felt. You were claiming credit and giving credit to the former Prime Minister and the NDA Government for first bringing the Bill in 2003. I have no conflict with that because that is the fact of history that the Bill was brought. But when that Bill came, I was not a Member at that time of this House but I was a bit intrigued by the list of countries in the Schedule and today the objections which have been raised answer all the questions, that the earlier list, Mr. Deputy Chairman Sir, was discriminatory. That list reflected a mind-set of the then Government and the party to which my distinguished colleague belongs, the mindset which was discriminatory on communal lines.

[THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI) *in the Chair.*]

When you talk of internal security, to justify exclusion of a large number of people of Indian origin living in important countries, that in fact, confirms what your thinking was and by citing the internal security that you were more protective, that is what Schedule of your NDA Government Bill was. I never wanted, in fact, this debate to have any difference of opinion but I have been provoked by this observation that you have Australia, Canada, Finland, France, Greece, Ireland, Israel, Italy, Netherlands, New Zealand, Portugal, Sweden, United Kingdom, Switzerland, USA. Yashwant Sinha is here and I know that this issue would have been discussed. He can surely inform us more about the thinking of that period. But, Sir, when we look at the concentration of people of the Indian origin, the countries which stand out because of the exclusion from the earlier Schedule, i.e South Africa and Malaysia. In South Africa, people of the Indian origin are 1.6 million and in Malaysia they are 1.8 million. In both these countries people of the Indian origin have participated in the freedom struggle. In the case of South Africa, it started with Gandhiji. But, two of the important organisations—Trans-Vaal and Natal Indian Congress—were part of the liberation struggle and were fighting, in the name of the Indian National Congress, against the apartheid regime here. In Malaysia, again, it was the Malaysian Indian Congress, which is, today, again, a part of the ruling coalition. In both these countries, the contributions, the sacrifices of the Indian community, which gave front-ranking leaders to the glands of their adoption, has been acknowledged and respected. They hold senior positions in Government and in administration. It was a person of Indian origin who was the Minister of Internal Security in the first Government under Mr. Nelson Mandela. It was a person of Indian origin who was the Chief Justice of South Africa, Justice Ismail Mahomed, who died of cancer. I can reel out names, both of this country and of Malaysia where you have one of the most respected and senior most Cabinet Minister, Shri Syed Samuvelu. What justification was there to exclude these two countries completely from the Schedule? This Government, this Prime Minister, has responded to their wishes, the wishes of the people of these two countries and the People of Indian Origin to be included, to be given the same respect which has been extended to those living only in the Western countries or in America. That is why I said that your policy was discriminatory and through this Bill this has been corrected. I will still

urge you, please withdraw such objections because what you did in the first place by citing internal security was not correct. Even if that was the assessment of the then Home Minister, Shri Advaniji, that was not based on facts, that was based on their mindset and which this House should clearly reject by adopting this Bill unanimously. With these words, I support this Bill. Thank you.

SHRI YASHWANT SINHA (Jharkhand): Sir, I just take a minute because hon. Member referred to my name during his speech.

First of all, I absolutely deny the charge that there was anything communal in it. That is, unfortunately, an allegation which is in their mindset. It is not in our mindset

The second one is a very simple question I would like to ask Mr. Anand. Nobody is denying the contribution of the people of Indian origin in Malaysia, in South Africa, in Fiji, in Mauritius and all over the world. The simple point is: Do these countries have a law which permits dual citizenship? South Africa and Malaysia do not have such laws. The simple point is, we included in our Schedule the countries which had laws, which permit dual citizenship and countries which did not have such a law were excluded and there was a provision in the Act itself that more countries could be included through a simple notification. This is the point on which I wanted to seek clarification from him.

SHRI ANAND SHARMA: Thank you for the information that you have given. The Bill makes it clear that this privilege of overseas citizenship will be extended to the people of Indian origin in those countries which accept dual citizenship. That itself is clear. Nobody is disputing that. But, it was your colleague ...(*Interruptions*)... Please, I think, again, you are selective in hearing. Where you not hearing your own colleague who opened the discussion? It was he who said quoting Mr. Advaniji. It was not me. Please go by the record. He said that 'our Government was careful by not opening the doors; we were careful by having a short list.' He cited internal security. So, he must stand corrected.

श्रीमती चन्द्रकला पांडे (पश्चिमी बंगाल):माननीय उपसभाध्यक्ष महोदय,प्रवासी भारतीयों को दोहरी नागरिकता देने का जो यह विधेयक लाया गया है,इसके पीछे सरकार की मंशा

3.00 P.M.

बिल्कुल स्पष्ट है, इसलिए मैं इसका समर्थन करने के लिए खड़ी हुई हूँ। इससे पहले कि मैं इस बिल पर कुछ बोलूँ, मैं दो सुझाव या दो निवेदन सरकार के सामने प्रस्तुत करना चाहूँगी। पहला तो यह कि सरकार को उन भारतीयों के बारे में भी सोचना होगा, सोचना चाहिए, जो खाड़ी के देशों में रोजी-रोटी के लिए गए हुए हैं और इन प्रवासी भारतीयों का देश के विदेशी मुद्रा भंडार में योगदान पहले से कहीं अधिक बढ़ गया है। गल्फ क्षेत्र में ही देखें तो लगभग 30 लाख प्रवासी भारतीय रहते हैं, जो अपनी अधिकतर कमाई इस देश में भेजते हैं, परन्तु अपने इस योगदान के बावजूद काम की तलाश में विदेश गए भारतीयों को वहां अनेक प्रकार की दिक्कतों और मुसीबतों का सामना करना पड़ता है। पिछले साल का ही अगर उदाहरण लें तो कुवैत में काम कर रहे अनेकों भारतीयों को उनके मालिकों द्वारा जबरदस्ती ईराक भेज दिया गया था, जहां अमरीकी सेना ने उन्हें कई महीनों तक बंधक बनाए रखा और इनका भरपूर शोषण भी किया। विदेशों में बसे भारतीय सम्मान के साथ अपना जीवन यापन कर सकें, इसके लिए भी मैं वर्तमान यू.पी.ए. सरकार से गुजारिश करना चाहूँगी।

दूसरी एक और बात, जैसा कि मुझे जानकारी है कि अमरीका में एक कानून है "सामाजिक सुरक्षा गारंटी स्कीम"। यहां के भारतीय अगर वहां काम करने जाते हैं तो उनकी आमदनी से कुछ प्रतिशत रुपये जमा किए जाते हैं और उसे दस वर्ष के बाद लौटाने की बात होती है, लेकिन अगर किसी कारण भारतीयों को अपना काम छोड़ कर यहां आ जाना पड़ता है, दस वर्ष पूरे नहीं हुए होते और यहां तक कि नौ वर्ष या साढ़े नौ वर्ष भी हुए होते हैं तो वे रुपये उन्हें वापस नहीं मिलते। इस तरह वहां की सरकार के पास करोड़ों बिलियन रुपया जमा होता जा रहा है, जबकि हमारी सरकार इस टोटलाइजेशन पैक्ट पर अभी तक कुछ नहीं कर पाई है। मैं चाहूँगी कि मिनिस्टर साहब इस तरफ भी तवज्जोह दें।

यह विधेयक जो लाया गया है, 9 जनवरी, 2005 को इसकी घोषणा की गई थी। घोषणा का दिन भी एक बड़ा ही महत्वपूर्ण दिन है। आज से कई दशक पहले, करीब नौ दशक पहले, राष्ट्रपिता महात्मा गांधी इसी दिन अफ्रीका से भारत वापस आए थे। यह दिन पिछले तीन वर्षों से 'प्रवासी भारतीय दिवस' के रूप में मनाया जा रहा है। मुझे अपने एक बड़े ही वरिष्ठ मित्र की बात सुन कर दुःख हुआ कि जिन लोगों ने इसकी पहल की थी वे ही आज कहने लगे कि इसमें बहुत सारे लेकूना हैं, बहुत सारे छिद्र हैं। कुछ ऐसी चीजे हैं जिस पर हमें राजनीति से ऊपर उठ कर बातें सोचनी चाहिए और यह मुहावरा लागू नहीं करना चाहिए कि 'कृष्ण करे तो लीला, राम करे तो पाप', यह सबके लिए समान होना चाहिए। इस विधेयक के तहत विदेशों में बसे भारतीयों को नागरिकता मिलना इस बात पर निर्भर करने की बात कही गई है कि वे जहां बसे हुए हैं, उन देशों में इसकी अनुमति उन्हें पूरी तरह मिल जाती है। इसमें कोई संदेह नहीं है कि उन लोगों को इस

निर्णय से यथेष्ट प्रसन्नता मिलेगी। 26 जनवरी 1950 को भारत एक सार्वभौम सत्ता सम्पन्न देश बना। उसके बाद से काफी लोग रोजी रोटी की तलाश में अन्य देशों में गए और अपनी मेहनत तथा लगन से उन्होंने जहां अपना नाम रोशन किया वहीं अपने देश के लिए भी यथेष्ट सम्मान अर्जित किया। यह एक सच्चाई है कि विदेशों में रहते हुए भी भारत के साथ उनके घनिष्ठ सम्बन्ध बनाए रखने की ललक तीव्रतर रही। जब हम बाहर जाते हैं और हमें भारतीय मिलते हैं तो कभी-कभी उनकी बातों से यह ललक जाहिर होती है कि हमें अपनी उन गलियों की भी याद हैं, हमें अपने उन मोहल्लों की भी याद है और हम उस दोस्त के लिए छटपटा रहे हैं, तड़प रहे हैं, जो हमें गालियां देकर सम्बोधित किया करता था। विदेशों में सब कुछ मिल जाता है, लेकिन अपनी मिट्टी से उनका वह भावनात्मक लगाव जुड़ा रहता है और यह विधेयक अगर उनकी इस भावनात्मकता को संरक्षित करने और उसे पोषित करने के लिए लाया गया है तब निःसंदेह यह एक बहुत ही सराहनीय पहल है। इस विधेयक के तहत दोनों पक्षों को लाभ पहुंचेगा। एक तरफ प्रवासी भारतीयों को भारत में आवगमन अथवा लम्बे समय तक रहने की छूट मिलेगी तो दूसरी तरफ ये प्रवासी भारतीय पूंजी निवेश भी करेंगे। मैं यहां यह स्पष्ट करना चाहूंगी, एवं कहना चाहूंगी कि वामपंथी विदेशी कंपनियों के अलावा अगर ये लोग भी आते हैं और निर्बाध पूंजी निवेश करते हैं तो इन पर भी कुछ बंदिश होनी चाहिए। यहां जो हमारी सरकारें हैं, उन्होंने इस देश को सशक्त रखने की कोशिश की है, इसे सशक्त रखा है, जैसे ये यहां के लोगों को रोजगार की गारंटी दे। या यहां की जो तकनीक है, उसे उन्नत बनाए और उत्पादन ज्यादा हो सके, तो मैं यह गुजारिश करना चाहूंगी कि अगर प्रवासी भारतीय दोहरी नागरिकता प्राप्त कर लेते हैं और वे इस देश से प्यार करके, यहां पूंजी निवेश करना चाहते हैं, तो इस देश के विराट जनसमूह के हितों को अपने ध्यान में रखें और केवल अपने निहित स्वार्थों की रक्षा न करें।

महोदय, इसमें यह प्रावधान होना चाहिए कि भारत और आम आदमी के हित की भी रक्षा हो। पहले प्रवासी भारतीयों को नागरिकता देने के लिए सोलह देशों की बात कही गई थी, जो इस विधेयक में है। मैं सोचती हूँ, बाद में आवश्यकता के अनुसार इसे प्रसारित करने की भी व्यवस्था होगी। पाकिस्तान और बंगलादेश को इसमें शामिल नहीं किया गया है। इसके राजनीतिक कारण हैं, लेकिन आज हमारे देश में कई जगह, जिस तरह कुछ बंगलाभाषियों को, देश के विभिन्न भागों में, जब-तब घुसपैठिए करार कर तंग किया जाता है, इस पर भी गंभीरता से विचार करने की जरूरत है। दोहरी नागरिकता का अर्थ होगा, वह उस देश के अतिरिक्त, जहां वे बसे हुए हैं, भारत का भी नागरिक माना जाएगा, लेकिन उसे मताधिकार प्राप्त नहीं होगा। इस विधेयक के पास होने के बाद उस कुतर्क और उस वितंडावाद से भी बहुत कुछ मुक्ति मिल जाएगी, जो इस देश की अनेक राजनीतिक पार्टियां समय-समय पर एक बेसुरा राग छेड़ती रही हैं कि विदेशी मूल के किसी व्यक्ति को देश के सर्वोत्तम पद पर बैठने का अधिकार छीन लेना चाहिए, भले ही वह विदेशी

भारत का बन चुका हो और हमसे भी अधिक भारतीय क्यों न हों, भारत उसकी धड़कन बन चुका हो, लेकिन उसे किसी ऊंचे पद पर बैठने का अधिकार नहीं होना चाहिए-यह गलती भी दूर करनी चाहिए। हमारे देश के एक महान कवि ने भारत को पारिभाषित करते हुए कहा कि-

“भारत नहीं स्थान का वाचक,

गुण विशेष है नर का,

एक देश का नहीं,

शील वह है भूमंडल भर का।

जहां कहीं एकता अखंडित,

जहां शांति का स्वर है,

देश-देश में,

वहीं अगर देखें,

भारत भास्कर है”।

महोदय, हमारी कुछ अच्छाइयां हैं, हमारे कुछ गुण हैं, हमारी कुछ वैचारिक प्रतिबद्धताएं हैं। अगर पूरे विश्व के भारतीयों को एकत्र करके हम देश की समस्याओं-भुखमरी, बेरोजगारी, और भी बहुत सारी समस्याएं, जो आज हमें विश्व स्तर पर परेशान कर रही हैं, उनसे लड़ने की चेष्टा कर सकें, तो यह एक बहुत ही महत्वपूर्ण कदम होगा। देश में गरीबी, बेरोजगारी, कुपोषण और अशिक्षा जैसी समस्याओं का सामना करने के लिए जरूरी है कि आर्थिक विकास की वार्षिक वृद्धि दर कम से कम आठ प्रतिशत तक हो। भारत एक मजबूत अर्थव्यवस्था वाला देश बने, यह हम सभी चाहते हैं। हाल ही में एक सर्वेक्षण किया गया, जिसमें बताया गया कि यदि मजबूती के हिसाब से देखा जाए, तो भारतीय अर्थव्यवस्था का स्थान अमेरिका, चीन और जापान के बाद चौथे नंबर पर है। जब हम उदारीकरण की राह पर चल ही पड़े हैं, तो जिन लोगों का भावनात्मक संबंध हमसे बना हुआ है, उनसे हमें बड़ी आशा भी रखनी चाहिए। इतना अवश्य है कि आज विश्व स्तर पर आतंकवाद और ड्रग माफिया की घटनाएं तेजी से बढ़ रही हैं। इस विधेयक की आड़ लेकर कहीं कोई इसका दुरुपयोग न कर सके, इस पर भी हमें मजबूती से विचार करना होगा और चिन्हीकरण की प्रक्रिया, निगरानी की प्रक्रिया को ठीक रखना होगा।

अंत में, मैं यह कहना चाहूंगी, प्राचीन भारत का व्यक्ति भले ही कुएं का मेंढक रहा हो, लेकिन “चरैवेति-चरैवेति” सिद्धांत को भी हम मानते रहे हैं और अपनी अनेक समस्याओं को लेकर

देश-विदेश में आना-जाना हमेशा से बना रहा है। आज सूचना तकनीक के विकास के बाद, खास करके इंटरनेट के विकास के बाद, पूरा विश्व एक कुटुंब बन चुका है और इस कुटुंब की साझी परेशानियां हैं, इस कुटुंब की साझी मुसीबतें हैं, इस कुटुंब की साझी बेरोजगारी, भुखमरी की परेशानियां हैं, जनसंख्या की परेशानियां हैं, ग्लोबल वार्मिंग की परेशानियां हैं। अगर सारे विश्व के लोग मिलकर इन परेशानियों से जूझने के लिए एकजुट हो सकते हैं, तो बहुत ही अच्छी बात है। अगर हम समस्त विश्व के भारतीयों को एकजुट करके इनसे लड़ने के लिए मोर्चा तैयार करते हैं, तो वह दिन दूर नहीं जब पूरे विश्व के लोग हमारी ओर आशा की नजर से देखेंगे। महोदय, आपने मुझे मौका दिया, इसके लिए धन्यवाद।

श्री नन्द किशोर यादव (उत्तर प्रदेश): आदरणीय उपसभाध्यक्ष महोदय, आपने इस सदन में इस महत्वपूर्ण नागरिकता (संशोधन) विधेयक, 2005 और नागरिकता अधिनियम, 1955 के संशोधन विधेयक पर बोलने का अवसर दिया, इसके लिए मैं आपका धन्यवाद करता हूँ। यह जो बिल लाया गया है, इसकी अधिकांश बातों का मैं समर्थन करता हूँ। इसमें कुछ ऐसी बातें हैं, जिन पर मैं बाद में प्रकाश डालूंगा। मैं उन बातों से अपने आप को सहमत नहीं कर पा रहा हूँ। सरकार जो यह विधेयक लाई है कि 26 जनवरी, 1950 के बाद जो लोग अपनी रोजी-रोटी के सवाल को लेकर, नौकरी करने के दृष्टिकोण से या व्यवसाय करने के दृष्टिकोण से, दूसरे देशों में चले गए, हम उन लोगों को नागरिकता देने का काम करेंगे। यह सही है कि किन्हीं कारणों से लोगों ने अपने देश से दूसरे देश में जाकर परिश्रम और मेहनत की और अपने श्रम के बदौलत अपने नाम को और भारतवर्ष के नाम को ऊंचा करने का काम किया। विदेशों में रहते हुए भी भारतवर्ष के प्रति उनकी अगाध निष्ठा रही, भावनात्मक लगाव रहा। वे निश्चित रूप से भारत वर्ष में आना चाहते हैं और यहां की नागरिकता अपनाना चाहते हैं। यह भी सही है कि आजादी के इतने दिनों बाद भी अनेक ऐसे क्षेत्र हैं, जिनके बारे में आदरणीय आनन्द शर्मा जी ने और अन्य माननीय सदस्यों ने अपने विचारों में कहा कि तमाम ऐसे क्षेत्र हैं, शिक्षा का क्षेत्र है, स्वास्थ्य का क्षेत्र है, गांवों में बेकारी की समस्या है और पूरे देश में कुपोषण का सवाल है, इन सारे सवालों का हल करने के लिए हम बराबर संघर्ष कर रहे हैं और आने वाले समय में हमको और सरकार को इस बारे में और अधिक मेहनत करने का काम करना होगा और निश्चित रूप से आज जब हम दोहरी नागरिकता की बात कर रहे हैं तो इस देश में ऐसे लोग आएंगे तो इन क्षेत्रों में निश्चित रूप से मजबूती के साथ, जैसे कि इस बिल का उद्देश्य है, मूल भावना है, उस क्षेत्र में काम करने का प्रयास करेंगे। लेकिन साथ ही साथ सरकार को और हम सबको यह भी सोचना है कि जब हम दोहरी नागरिकता की बात कर रहे हैं तो हम उनको ऐसा वातावरण देना होगा, जिन उद्देश्यों को लेकर और जो हमारी सोच है, जिसके तहत आज हम दोहरी नागरिकता के इस बिल पर चर्चा कर रहे हैं, हमको ऐसा वातावरण बनाना होगा कि उन क्षेत्रों में, जिनका उल्लेख मैंने अपने विचारों में किया है, इस क्षेत्र में वे लोग

काम कर सकें। मैं इस बिल के अधिकांश भागों का समर्थन करता हूँ, लेकिन इस बिल में जो एक बात है कि “परन्तु कोई व्यक्ति, जो पाकिस्तान, बांग्लादेश या ऐसे अन्य देश का, जिसे केन्द्रीय सरकार, राजपत्र में अधिसूचना द्वारा विनिर्दिष्ट करे, नागरिक है या रहा था, भारत के विदेशी नागरिक के रूप में रजिस्ट्रीकरण के लिए पात्र नहीं होगा” तो मेरा आपके माध्यम से, सरकार से अनुरोध कि पाकिस्तान और बांग्लादेश हमारे भाई थे, किन्हीं कारणों से देश बंटा। जितने लोग पाकिस्तान में रह रहे हैं या बांग्लादेश में रह रहे हैं, सभी आतंकवादी नहीं हैं या हमें उनको इस दृष्टिकोण से नहीं देखना चाहिए। इसके बारे में भी हमको पुनः विचार करना चाहिए और उनको भी इस दोहरी नागरिकता के दायरे में लाना चाहिए। क्योंकि जहां तक हमारी पार्टी का सवाल है, हम पाकिस्तान, बांग्लादेश और भारत को जोड़कर एक महासंघ बनाना चाहते हैं। तो उसके माध्यम से मेरा अनुरोध है कि इस बारे में भी सरकार पुनः विचार करने का काम करे। इसके साथ ही जो यह बिल आया है, मैं इसका समर्थन करता हूँ। बहुत-बहुत धन्यवाद।

SHRI C. PERUMAL (Tamil Nadu): Mr. Vice-Chairman, Sir, on behalf of my party, the AIADMK, I rise to put forth my views on the Citizenship (Amendment) Bill, 2005. This Bill is in fulfilment of the promise made by the hon. Prime Minister on the 'Pravasi Bhartiya Divas'.

So far, persons of the Indian origin belonging to only 16 nations were permitted to avail of this dual citizenship facility. But this Bill allows persons of the Indian origin from all the countries, except Pakistan and Bangladesh to avail of the dual citizenship. On the face of it, this seems to have removed the discrimination between nations. It is said that persons having dual citizenship will be entitled to come to India at will and stay as long as they desire. They will not be under police vigilance either. I would like to say a word of caution that anti-social and anti-national elements can misuse this provision to come to India and create law and order problem.

The authorities who process the applications forms for dual citizenship should be persons of impeccable integrity so that undersirable persons are not given this facility. Once there was a serious law and order problem in Tamil Nadu due to the entry of anti-social and anti-national elements. That gun-culture was ended only when our respected leader Dr. Puratchi Thalaivi became the Chief Minister of Tamil Nadu, then only Tamil Nadu became a garden of peace.

I have a few points to make. Clause 7 (a) (ii) says "who is citizen of another country, but was a citizen of India at the time of, or at any time

after the commencement of the Constitution." I think this provision will give room for the misuse of discretionary power. If a person has all along been a citizen of another country without having been a citizen of India, it will be difficult to trace his antecedents. Therefore, I would like to know: who would decide about such person's eligibility and on what basis?

The Bill is silent about persons of foreign origin who became Indian citizens but renounced Indian- citizenship later to become a citizen of their own or some other nation. I would request the hon. Minister to clarify this point because it will not be fair to leave such issues to the interpretation of the judiciary. I hope the hon. Minister would clarify the points raised by me. With these words, I conclude. Thank you.

SHRIMATI N.P. DURGA(Andhra Pradesh): Mr. Vice-Chairman, Sir, I support the Bill moved by the Home Minister. The long-pending demand or desire of the people of India's origin was made a reality by the NDA Government by amending the same Act, which we are amending now, in 2005. There are about 25 million Indians living in 110 countries. It is good that you are giving dual citizenship to all Indians who are staying in other countries. But, have you ever conducted any study as to how many countries, of the 110 countries where you have the Indian Diaspora, allow dual citizenship in their local laws? If yes, I request the Minister to give us the details of such a survey or study.

The second point I wish to make is, through this Bill, the Government of India is allowing the people of Indian origins, (PIOs) to have all privileges of an Indian citizen except the voting right. The Government might be thinking that, probably, if voting rights are given to PIOs, they may influence political fortunes of the parties. I would say that there is no reason for any such apprehension since voting pattern in India is based on constituencies and by giving them voting rights the idea of 'Indianness', as has been stated by the Prime Minister, would be strengthened. Hence, I request the Minister to consider giving them voting rights as well.

The third point I wish to make is that you are not treating the PIOs, who get dual citizenship, at par with the NRIs for tax purposes. This becomes clear if you look at the rights that you have given to NRIs and the rights you are going to give to PIOs. You are granting them the rights in economic, financial and educational fields on parity with NRIs. However,

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you are not giving them the right to acquire agriculture or plantation properties. Why is it so? I request the hon. Minister to explain the reasons behind this.

Now, the Government of India, through this Bill, has decided to give dual citizenship indiscriminately to all Indians who have settled abroad. Does this indiscriminate sanction of citizenship not affect the security of the country because taking advantage of this, many gangsters, underworld dons, smugglers, etc. will become citizens of the country as you have eliminated the only layer available to scrutinise their credentials by giving them exemption to register themselves? Now, the overseas citizens are also exempt from police reporting. And, as a part of it, you are introducing "U" type of visa. I request the hon. Minister to explain this whole thing clearly in the House.

The next point is that I understand that the Indian Missions abroad have been authorised to grant Overseas Citizen of India Card within 15 days. Here, I would like to know from the hon. Minister, when there are serious charges of offences against a person of Indian origin residing in a particular country, in such a situation, are you going to give them the OCI Card? If you do that, does it not amount to giving an elbowroom to breach Indian security and, ultimately, allow a security threat to India? I request the hon. Minister to explain this point.

With these words, I conclude my remarks on the Bill. Thank you.

PROF. P.J. KURIAN (Kerala): Sir, this is an Amendment Bill to provide Overseas Citizenship of India not only to the 16 countries which were included in the previous Amendment Bill but also to all other countries excepting Pakistan and Bangladesh. Even with regard to Pakistan and Bangladesh, one hon. Member has suggested that those two countries also should be included. I will come to that later. Since he has said this, I would like to express my views.

This idea of Dual Citizenship to the people of Indian Origin had actually not originated from the NDA Government, as they claim so. But, actually, Shri Narasimha Rao, when he was the Prime Minister, brought forward this idea, and he said that the question of dual citizenship to the PIOs could be considered. So, the idea was thrown open since then. Secondly, the philosophy behind it is that the NRIs or the Indians, who are abroad,

are not a brain-drain, but they are a brain bank. That was announced first by late beloved Rajivji, because I remember, in those days, in late 70s and early 80s, there was a clamour that those who went abroad were a brain-drain to our country. Even I believed so. I had an opportunity of being the Chairman of the IIT, Delhi for a couple of years. Until then, I believed that those who went abroad posed a brain-drain to our country. I conducted a study to see how many students were going abroad. Later on, I felt that those who have gone abroad are our assets. They do not constitute a brain-drain, but they are an asset to us. I remember even what Rajivji said when I approached him with this idea of doing something for preventing the brain-drain.

He said, "It is not brain-drain. You should keep in mind the brains there. Those people also have a brain bank from which we can draw in future". So, that was his vision. I say this only to bring home the point that the idea behind it was already there. But I would further go back and say that by giving citizenship to people of the an origin we are expanding the scope of our citizenship. But my point was that this idea had been there much earlier in our country. What was the idea? It was the idea of universal citizenship, or, oneness of mankind. Where does it come from? It has already been there in our scriptures, in our Vedas and Upanishads. It is this country which proclaimed to the world for the first time the oneness of mankind. That is our heritage and tradition. We believe in '*vasudhaiva kutumbakam*'. Sir, I always keep this watch with me. This watch was given by the Speaker, Lok Sabha when I was a Member of Lok Sabha, on the Golden Jubilee of our Independence. I always keep it with me because there is this inscription here which says '*vasudhaiva kutumbakam*' which means that the whole world is one family. So, this is in keeping with that tradition that we are enlarging the scope of our citizenship. It not just for getting some investments here. Now, America has dual citizenship. I agree. And they have that dual citizenship for political considerations, for economic considerations, also because of the Israeli Jews who are there is large numbers in the USA. So, they have to. That is their political or economic or social consideration. But, here, if somebody says that we are doing it for investment, I beg to differ. It is much more than that. This is a step in keeping with that great philosophy of the oneness of mankind in this country. Sir, much before the Bill was brought forward, this idea was there, as propound by Narasimha Raoji and as expanded by Shri Rajivji and even before that in our philosophy.

The second point is that this is a fulfilment of a commitment made by our Prime Minister. This is very important. I have seen the date on which he made this commitment. It was on 5th of January. Within six months, the commitment is being fulfilled. Well, another feather on the cap of the UPA Government, fulfilling the commitment, and we have also said that in the Common Minimum Programme that we will be doing everything possible to strengthen our diaspora and also to improve and increase the relationship between them and us. Yes, it is correct. By this measure, we are expecting, we want greater cooperation of the NRIs and the people of the Indian origin in the development of our country. Equally, we want them to feel a sense of belonging to the country because they have an emotional attachment to the country because their grandparents or great grandparents might have migrated from here. Naturally, the emotional attachment will be there. In addition to that, they would like to have physical connection also with this country. So, it is in accomplishment of those aspirations of NRIs and people of the Indian origin that this Bill has been brought forward. At the same time, as it has already been said, it is advantageous to us that we expect FDI because a large number of our diaspora are very well-off, they are in very high position. It is a great potential which we can tap and which we should tap. As I have already said, it is a deposit there. It is a brain bank. It is a deposit and an asset for us which we should draw. This is an attempt also to draw from that deposit. That is why everybody is welcoming it. Sir, I bet that we have not succeeded to the extent we want. A couple of years back, I had the occasion to go to China. Everybody is saying that China is getting much more FDI than India. But, if you analyse it, you will find that they are getting the FDI mostly from those Chinese who are living abroad. It is also because China was liberated much earlier than us, and made their economy free (*Interruptions*).

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Prof. Kurian, please carry on (*Interruptions*).

PROF. P.J. KURIAN: You see, China liberated much earlier than us. Because of that, they could get much more FDI than us, and they are much ahead of us. Unfortunately, we got delayed due to so many reasons. And even now, we are half-hearted. There is another reason for that. I am not going into that. Therefore, I am sure, it will, 2 certainly, boost the FDI which we expect to get from other countries.

श्री रुद्रनारायण पाणि (उड़ीसा): सर, वह पैसा जो आएगा फिर उस को एफ.डी.आई. कहना अन्याय होगा। उस का नाम एफ.डी.आई. रखना उचित नहीं होगा।

PROF. P.J. KURIAN: Sir, now, I would like to say something about the note of caution which has been expressed here. Sir, I also, to some extent, associate myself with that note of caution because through this amendment you are giving them so many facilities. The hon. Minister has explained about the multipurpose visas and all that. They can come and stay here; they need not report to the police. So, a lot of facilities and privileges are being given to the people of the Indian origin staying abroad and much more will be coming. But, remember one thing. Even in those Indian citizens, there may be a few who are not as patriotic and they may be selling this country. Even in this country, we have such people. So, it is not that we can indiscriminately allow these PIOs to enter and do that. Remember what happened in Britain, recently. Those who were born in Britain, maybe they are of the Palestinian origin, those who were born and brought up and those who ate the bread of Britain, they only were responsible for the recent sabotage. Therefore, I agree that this law should be implemented very cautiously. The visas should be issued very, very discreetly, very, very carefully. Very honest officers and officers of integrity should be there; otherwise, certainly, there is a scope for danger. There is some hidden danger also. Therefore, I am requesting the Government to please take note of the word of caution which has been expressed here. The first speaker explained it in detail, though I do not fully agree with him. However, I say that point has to be taken care of.

Sir, I completely disagree with the views expressed by my previous speaker, Mr. Yadav. He said that citizens from Pakistan and Bangladesh should be included in this, I don't know why he said that. Sir, here I also like to express my personal views. Sir, this law was first amended by the Vajpayee Government. In that amendment and also in this amendment, Pakistan and Bangladesh have been excluded for genuine and right reasons. Those reasons are very convincing. There is no reason to reconsider that and those countries should be certainly excluded. That is what I wanted to say.

Then, I would like to further say that Indian diaspora means not only the people of Indian origin. The NRIs are our citizens; a large number of Indians are citizens of this country who are abroad, working over there, doing such a great service to the nation that they are sending a lot of money to India as foreign exchange. Especially, in my State, Kerala, more than a million are abroad and Kerala's economy is based on that. Why do we get such a boom in our foreign exchange? It is not because of FDIs alone; but it is mainly because of the remittances from the people who are working abroad. What do we think about these NRIs.

It is good that we provide those people of Indian origin, who are citizens of other countries, the citizenship, dual citizenship. It is fine. But what about the citizens of India who are working abroad? Here, I want the Minister to give a total consideration to what I am saying. I want the hon. Minister to consider it very seriously. It is a Constitutional obligation that every citizen should be provided with the voting rights. It is an obligation on the Constitution. I am an Indian. I am here. Suppose I go abroad for one or two years and work abroad. Why do I go abroad? If I go abroad, maybe; for other reasons. But why do millions of people go abroad? Because they do not get jobs here. It is not their fault that they are going there. It is our fault that we are not able to provide them with jobs. When they are going abroad, the country is benefited in terms of foreign exchange which we badly need. Then what happens? They come at the time of voting. In Kerala I see thousands coming, because from the Gulf countries it is just a three-hour travel to Kerala. It takes less time than flying from Delhi to Kerala. They come but they cannot vote. I will explain why. You are not allowing them to vote because the Representation of the People Act, 1950 says so. I do not know why it has so far not struck my learned friend, Mr. Jairam Ramesh, who is a well versed man in everything. The problem is with the Representation of People Act, 1950. It should have been amended much before. According to that, a person to vote should be 'ordinarily a resident of India.' The learned former Chief Election Commissioner is sitting here. A person should be ordinarily resident of India. In the year 1950, when the law was enacted, it was okay because at that time there were not enough Indians going abroad and working. Only a few of them would go abroad and work in the 50s. Over the last 54 years, millions of Indians are working abroad. But we are denying them the voting rights. This is wrong, this is discrimination,

this is injustice. And this has to be corrected. That is what I am saying. How can we correct it?

SHRI JAIRAM RAMESH: (Andhra Pradesh): Sir, the former Chief Election Commissioner is here. My understanding is that anybody with indian passport is entitled to vote in this country. I do not know why this fear. I hope this would be clarified by the Minister.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): The hon. Minister, in his reply could clarify on this.

PROF. P. J. KURIAN: The problem is, Sir, during the enumeration, the officers come to houses and would ask as to who are all in the house.

Father and mother are there. They ask where are the children? For the Gulf, if the son is in Chennai, his name will not be entered in the voters' list. If his son or a daughter is in Gulf, his name will not be entered in the voters' list because the Act says that the voter should be ordinarily a resident of India. My experience is that because of this a large number of people from own State who in the Gulf countries are unable to vote. From my State a large number of people are in Gulf countries and they can come easily during election time and vote. But they cannot vote. I have contested seven Lok Sabha election and in every election...*(Interruptions)*... I won six only unlike you.

SHRI N. K. PREMACHANDRAN: You won because they could not vote. ...*(Interruptions)*...

PROF. P. J. KURIAN: Then you should be happy to support me... *(Interruptions)*... You must support it.

SHRI N. K. PREMACHANDRAN (Kerala): I would like to know whether an NRI can become a Member of Parliament...*(Interruptions)*...

PROF. P. J. KURIAN: Please do not interrupt me ...*(Interruptions)*... I should have disturbed you in the morning when you said some* here. I thought you are my colleague so I forgave you.... *(Interruptions)*... Okay. The point that I am making is that a person who is ordinarily a resident of India only his name will be entered in the voters' list. Therefore, my suggestion to the hon. Minister is that he should bring a small amendment to the Representation of the People Act, 1950. I have a suggestion or my
'Expunged as ordered by the Chair.

version to make for this amendment. There should be an amendment to section 20 of the Act of 1950 and in sub-section 20, after sub-section (1 A) the following sub-section shall be inserted, namely, "(1-AA) A person absenting himself from his place of ordinary residence owing to his employment abroad shall not by reason thereof cease to be ordinarily resident therein." Sir, if this amendment is made, all of them can vote. During the enumeration or whenever voter list is registered, in addition to his address, the passport details should also be taken and included in the Voters' list. When the person comes with a passport and shows the passport, he should be allowed to vote. This can be done easily. It will have no other complications. It is only giving them a statutory right which is already conferred on them and which we have denied to them. It is our Constitutional obligation, according to me, to do that. I Will request the hon. Minister to give a careful consideration to this and do it. The hon. Minister can see that every section of the House is supporting this. Everybody is supporting it. This is good for everybody. As Mr. Premachahdran said, his parties will get more votes. I have no problem with that I would submit that whether he gets more or we get more votes, but, I think this is a discrimination against those people who are helping us by remitting such a huge amount of foreign exchange. Sir, I will conclude after submitting one more point. This morning ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Prof. Kurian, you mentioned something about*. In this House, Members normally or otherwise do not*. In any case, *is unparliamentary word. So, we will expunge that.

PROF. P. J. KURIAN: You can correct that word. Instead of that I amend and say, 'things which are not in conformity with facts.' I amend it like that if you permit. Sir, he is my friend, I will support him. I do not agree that the Police had beaten him. One more point which I want to bring to the notice of the hon. Minister. Sir, a number of Indian citizens.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Prof. Kurian, you have taken the time of your party. ...*(Interruptions)*...

PROF. P.J. KURIAN: I will complete. I have just one more point. ...*(Interruptions)*..

*Expunged as ordered by the Chair.

SHRI N.K. PREMACHANDRAN: Sir, ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): I think we will stop at that. Next time we can take it up. ...(*Interruptions*)... He said you are his friend.

SHRI N.K. PREMACHANDRAN: He has taken my name and he has referred to my statement which I made in the morning. I still stand by the Statement. I am ready to prove my statement and the statement which is being given by the Government of Kerala is absolutely false, in contradiction to the facts. I can prove it. I am ready to submit evidence also. I have submitted everything. That is why I am seeking this august House.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): I think that issue was settled in the morning. We are on a separate subject altogether. Prof. Kurian, please continue. Nothing else is going on record except Prof. Kurian's speech. ...(*Interruptions*)...

PROF. P.J. KURIAN: In any case I will support him when he complains about beating. I did not support that he is beaten. I did not support. Sir, my last point is.

SHRI MANOJ BHATTACHARYA (West Bengal): Sir, in the morning he supported. In the morning he supported and the House supported. Is it not a question of privilege of this House? Now after five to six hours he is withdrawing his support. Now he says he did not support. I am surprised, Sir.

THE VICE-CHAIRMAN. (SHRI DINESH TRIVEDI): Prof. Kurian, are you yielding? Please carry on. ...(*Interruptions*)... Please continue ...(*Interruptions*)... Nothing is going on record. Please sit down. ...(*Interruptions*)... Please continue and conclude.

PROF. P.J. KURIAN: My last point is a request to the Hon. Minister. Sir, a number of Indian citizens are languishing in jails in other countries, especially in Pakistan and Middle East. I do not know why serious consideration is given to this. In Middle East, the pitiable thing is, those who are in jail for small, minor crimes have been arrested and put in jails. The condition in the jail is very bad. It is very difficult to get an advocate. However, they don't have a separate system of judiciary as we are having. Therefore, the conditions of those who are languishing in jail are very

pathetic. I want the hon. Minister to conduct a survey on how many Indian citizens are languishing in the jails of various countries and I would also like him to take concrete steps. One thing I am suggesting is that, every Embassy should take it up with the other country. We should have an advocate. I am not saying an 'Indian advocate'; you can have an advocate from that country. At least those countries where considerable number of persons are in jail, we should have an advocate to help and assist these people in jail and help them to come out of jail. This has to be done. Look at one person, a Brazilian who was killed by the Police, of course, inadvertently. It was an accident. How many Ministers flew to Britain? How seriously they have taken it? I would say that those who are languishing in jails are our brothers and sisters. They went there? Please take some steps, a little more than what you are taking today, to help those poor brothers who are in jail. With these words I wholeheartedly support the Bill. Thank you very much.

श्री मंगनी लाल मंडल (बिहार):माननीय उपसभाध्यक्ष जी मेरी मान्यता है कि सरकार के द्वारा जो यह विधेयक लाया गया है उस पर सदन में सर्वानुमति है। क्योंकि भारतीय जनता पार्टी की ओर से इसका विरोध नहीं हुआ है, केवल अपनी राय रखी गई है। वैसे प्रो. कुरियन साहब ने बहुत सारी बातें विस्तार में कही हैं और मैं भी इस विधेयक पर चर्चा करूंगा। मेरा ऐसा मानना है कि सरकार के द्वारा यह बहुत ही सुविचारित विधेयक लाया गया है और मैं इस बिल की सभी धाराओं से सहमत हूँ और इसके समर्थन के लिए खड़ा हुआ हूँ। प्रो. कुरियन एवं माननीय सदस्य श्री नन्द किशोर यादव जी ने, जो सदन में अभी नहीं हैं, पाकिस्तान और बांग्लादेश का उल्लेख किया है। श्री नन्द किशोर यादव जी भी समाजवादी आंदोलन से आए हैं और मैं भी समाजवादी आंदोलन से आया हूँ। एक समय था जब हम भी 'भारत-पाक महासंघ' का नारा लगाते थे जब भारतीय जनता पार्टी के लोग कहते थे कि 'कौन करेगा भारत को अखंड-भारतीय जनसंघ, भारतीय जनसंघ, किन्तु एन.डी.ए., सरकार ने जो विधेयक 2003 में 1955 के विधेयक को संशोधित करके नया कानून लाया तो एन.डी.ए. ने भी भारत पाकिस्तान और बांग्लादेश महासंघ की परिकल्पना का खयाल नहीं किया, इसलिए मैं समझता हूँ कि पाकिस्तान और बांग्लादेश में भारत से गए हुए लोग नहीं हैं, यहीं के हैं। अतः मैं इसका विरोध करता हूँ और सरकार ने जो निर्णय लिया है, उसका मैं समर्थन करता हूँ। महोदय, माननीय मंत्री जी ने यहां उद्देश्य के बारे में प्रकाश डाला है, लेकिन असली उद्देश्य जो इसकी पृष्ठभूमि में, इसके गर्भ में है, उसके बारे में प्रो. कुरियन साहब ने थोड़ा प्रकाश डाला।

माननीय प्रधान मंत्री जी ने जब 61 देशों के NRIs को संबोधित किया था तब उन्होंने कहा था कि अगले दशक में भारत का जो आर्थिक एवं बुनियादी ढांचा है, उसे दुरुस्त करने के लिए, ठीक

करने के लिए, सुदृढ़ करने के लिए हमें 150 बिलियन डॉलर्स की आवश्यकता होगी और जब 150 बिलियन डॉलर्स की आवश्यकता होगी और उसकी परिपूर्ति होगी तब सात-आठ प्रतिशत विकास दर का जो हमारा लक्ष्य है, उस लक्ष्य को हम प्राप्त कर सकेंगे। इसके पीछे यही पृष्ठभूमि है, यही मंशा है, यही भावना है।

महोदय, मैं बिहार से आया हूँ, कलकत्ता मेरे नजदीक था, आजकल कलकत्ता की आर्थिक स्थिति कुछ जर्जर है, लेकिन कलकत्ता का मनीऑर्डर गांव-गांव जाता था।

श्री आर.पी. गोयनका: नहीं है।

श्री मंगनी लाल मंडल: नहीं समृद्धि तो मुम्बई की ओर चली गई है, यह बात तो सही है।

श्री आर.पी. गोयनका: नहीं-नहीं जर्जर नहीं है।

श्री मंगनी लाल मंडल: अच्छा ठीक है, मैंने मान लिया, मैं अपनी बात वापस लेता हूँ। लेकिन मेरी राय में कलकत्ता की स्थिति अब वह नहीं है, जब वहां से गांवों को मनीऑर्डर जाता था, मैं उस लेबर की मनीऑर्डर इकोनॉमी को जानता हूँ कि जो लेबर की मनीऑर्डर इकोनॉमी है, यह एन. आर. आई. इकोनॉमी उसी का विस्तारित रूप है। इसके पीछे हमारी यही भावना है कि यहां के जितने लोग विदेशों में जाकर बस गए हैं, भाव यह है कि कई माननीय सदस्यों ने यहां लगाव के बारे में चर्चा की है और श्री शर्मा जी ने भी इसकी चर्चा की। भावनात्मक लगाव है, यह बात सही है, लेकिन भारत को अब तक भावनात्मक लगाव की वजह से नहीं मिलता रहा है। चीन के बारे में प्रो. कुरियन साहब ने ठीक ही कहा है कि अमरीका में जितने लोग सबसे अधिक विदेशी हैं, उसमें चीन का प्रथम स्थान है। आप दूसरों की बात छोड़ दीजिए, साम्यवादी देश जिनकी ओर इशारा करते थे, मार्क्सवादी कम्युनिस्ट पार्टी के साथ दीपांकर मुखर्जी यहां नहीं हैं, साम्यवादी होने के बावजूद चीन ने अपना दरवाजा खोल दिया था और चीन से सबसे अधिक पैसे इन्हेरेट होते रहे हैं। अतः अमरीका के मूल निवासियों की अपेक्षा चीन से आए लोग अधिक हैं, जो अमरीका के नागरिक हो गए।

हमने बहुत देर से दरवाजा खोला और जो भी दरवाजा खोला, हमने बहुत अच्छा किया —चाहे एन.डी.ए. सरकार ने किया हो या हमारे माननीय प्रधान मंत्री डा. मनमोहन सिंह ने अपनी प्रतिबद्धता के अनुकूल इस बिल को व्यापक स्वरूप दिया हो, जिससे विश्व में फैले हमारे भारतीय मूल के लोग हैं, वे अपना पूंजी-निवेश यहां कर सकें और हमारी इकानॉमी, हमारी समृद्धि में से सहायक बन सकें, सहयोगी बन सकें। इन्हीं बातों के साथ इसमें जो चौथी अनुसूची है, उसमें संशोधन किया है। पाकिस्तान और बांग्लादेश को कानून में, प्रक्रियाओं में सरलीकरण किया गया है। अब इसका नियम बनेगा, नियमावली बनेगी, तो नियम और नियमावली में और स्वीकृत

किया जाएगा। मैं समझता हूँ कि सरकार के मनसूबे सुविचारित हैं, भारत के हित में हैं, भारत की आर्थिक समृद्धि के लिए लाभदायी हैं। इसलिए प्रधान मंत्री जी को मैं धन्यवाद देता हूँ और इस बिल का समर्थन करता हूँ।

श्री तारिक अनवर (महाराष्ट्र): उपसभाध्यक्ष महोदय, अगर यह कहा जाए कि पिछली सरकार यानी एन.डी.ए. की सरकार ने जहां कुछ अच्छे काम किए, उनमें से शायद यह भी एक अच्छा काम उन्होंने किया था। भारतीय मूल के लोगों की यह मांग बहुत दिनों से चली आ रही थी कि उनको अपने देश में आने का अधिकार दिया जाए और जिस धरती, जिस भूमि को, किसी कारणवश, उस समय की जो भी स्थिति रही हो, उनको अपना देश छोड़कर दूसरे देश में जाना पड़ा, जबकि यह एक सच्चाई है कि कोई भी व्यक्ति अपने घर को, अपने परिवार को या अपने गांव को छोड़कर जाना नहीं चाहता है। आज भी हम लोग देखते हैं कि मजबूरी के कारण, जैसा अभी मंगनी लाल मंडल जी ने कहा कि बिहार से हमारे बहुत से मजदूर, चाहे वे दिल्ली में, मुम्बई या कोलकाता में, कहीं भी जाते हैं, तो उनकी कुछ मजबूरी होती है। अपनी रोजी-रोटी की तलाश में उनको वहां जाना पड़ता है। उसी तरह से, उस समय की कुछ परिस्थिति रही होगी, जिसके कारण लोगों को विभिन्न देशों में जाना पड़ा और वहां की नागरिकता उनको स्वीकार करनी पड़ी। आज जब से इस स्थिति में है कि वे भारत में कुछ योगदान कर सकते हैं, भारत के आर्थिक विकास में कुछ सहयोग कर सकते हैं, तो अगर हम उनकी मदद लेते हैं, तो इससे अच्छा काम हम समझते हैं कि नहीं हो सकता। इसलिए यह जो सभी सरकार ने, हमारे गृह राज्य मंत्री जी जो संशोधन लाए हैं, मैं समझता हूँ कि पिछली एन.डी.ए. की सरकार जो नागरिक संशोधन विधेयक लाई थी, उसमें जो कमी रह गई थी, उसको दूर करने का काम इस सरकार ने इस विधेयक में किया है। मैं समझता हूँ कि जिस प्रकार से पहले हम लोगों ने 28 दिसंबर, 2003 को आम सहमति से इस विधेयक को पास किया था, उसी तरह आज भी पूरे सदन को आम सहमति से इस संशोधन को पास करना चाहिए, क्योंकि विदेशों में जो लोग हैं, उनकी नजर इस बात पर है कि भारत की सरकार ने उनके लिए जो फैसला लिया है, किस तरह से आने वाले समय में, उससे उनको सुविधा मिलने वाली है, उनको उससे क्या मदद मिलने वाली है।

(श्री उपसभापति पीठासीन हुए)

उपसभापति महोदय, सभी लोग जानते हैं कि आज जो भारतीय मूल के लोग बाहर रहते हैं, वह यकीनन भावनात्मक तौर पर हमारे देश से जुड़े हुए हैं, क्योंकि जैसा मैंने कहा कि कुछ कारणवश उनको वहां जाना पड़ा, लेकिन आज भी उनको लगता है कि भारत उनका देश है, भारत में उनके लिए स्थान है और हम अगर उनके लिए दरवाजा खोलते हैं तो उससे उनको तो लाभ मिलेगा ही, उससे उनकी जो भावनात्मक इच्छा है, वह पूरी होगी।

4.00 P.M.

लेकिन इसके साथ ही साथ हमारे देश को भी उससे काफी मदद मिलने वाली है हमारे विपक्ष के साथी ने भारतीय सुरक्षा के बारे में कहा है, यह बात सही है कि हम सभी लोगों को भारतीय सुरक्षा की चिंता होनी चाहिए। लेकिन जिस प्रकार से सरकार ने इस बात को स्पष्ट किया है, मंत्री जी ने इस संशोधन को पेश करते समय इस बात को स्पष्ट किया है कि उनको किसी भी संवैधानिक पद पर आसीन होने का अवसर नहीं मिलेगा, इस बात का इसमें पूरा ध्यान रखा गया है। चाहे वह सांसद हो, विधायक हो या कोई भी संवैधानिक पद हो, उनको अवसर नहीं मिलेगा। इस बात का ध्यान सरकार ने इस बिल में, इस विधेयक में रखा है। मैं यह कहना चाहूंगा कि इस विधेयक को, हम सब लोग एक साथ मिलकर, आम राय से इस सदन में पास करें, ताकि जो लोग विदेश में रहते हैं, हमारे भारतीय मूल के नागरिक हैं, वे हमारे देश में जो योगदान कर रहे हैं, हर क्षेत्र में योगदान कर रहे हैं, उनकी उस योग्यता का, उनकी उस सलाहियत का भारत को लाभ मिले। जो हमारी समस्याएं हैं और जो हम आर्थिक विकास की लड़ाई लड़ रहे हैं, हम स्वास्थ्य के क्षेत्र में लड़ाई लड़ रहे हैं, शिक्षा के क्षेत्र में लड़ाई लड़ रहे हैं, वे इसमें सहयोगी बन सकें और हमारी मदद कर सकें। इसलिए इस संशोधन का हम समर्थन करते हैं।

SHRI N.K. PREMACHANDRAN: Thank you, Mr. Deputy Chairman, I fully support the Citizenship (Amendment) Bill, 2005. Sir, this Bill has been brought to this House to fulfil the commitment made by the hon. Prime Minister in the Pravasi Bhartiya Diwas, held in January, 2005.

Sir, this is a long pending demand of overseas Indians to have this dual citizenship. The former Government, the N DA Government, also made so many assurances to provide dual citizenship to overseas Indians. It is limited to 16 countries as per the existing legislation. But now it is going to be extended to almost all the countries, except Pakistan and Bangladesh.

Sir, in this Amendment Bill, I would like to make a point very clear. Our country is not actually utilising the capacity or the potential of overseas Indians as well as non-resident Indians. If we go abroad and meet the Indian Diaspora, a series of complaints, which are being made by nonresident Indians as well as overseas Indians, are that the Government of our country is not giving much care to overseas Indians; their potential is not being tapped and their capacity is not being utilised for the economic development of our country.

Sir, still I feel that overseas Indians as well as non-resident Indians can play a very vital role in the economic development of our country, in the social progress of our country.

My submission is that the Government of India should have a very specific scheme and should have a plan to utilise the potential of overseas Indians and non-resident Indians. Their love and affection is towards our nation; their affinity is towards our nation; they are ready and willing to invest here and help the country according to their capacity. But we are not promulgating or we are not formulating such schemes as to attract their investment. We are not doing something in their favour. So many issues are there. I am not going to elaborate all these things.

As Professor P.J. Kurian has rightly said, the right to vote for nonresident Indians is the need of the hour. I fully support his view. Lakhs and lakhs of people are staying abroad, doing hard work there, and bringing foreign exchange to our country. But they are not having their legitimate political right to vote. It means it is the denial of a fundamental right to a person or a citizen of our country only because of the reason that he is not an ordinary resident of India.

Sir, we are having this experience. That is why I put a specific question to him during his speech. A big controversy is going on in our State regarding the right to vote for an NRI and an NRI becoming a member of a particular elected body. This matter is now pending in a court also. I also fully support that the Representation of People Act has to be amended so that these Non-Resident Indians have the right to vote because they are not permanently residing there. Maybe, they are not ordinarily residing in India, but that doesn't mean that they are permanently residing in Gulf countries or any other country. So, I am also fully supporting the point of the Government of India, especially this UPA Government, that the major foreign exchange earning group of our country who are staying outside in Gulf countries, in Middle-East countries and in European countries, should be given the right to vote so that they can be proud of their country, so that they also become part and parcel of the political forces of this country. And this is a fundamental and legitimate right that may not be denied to them and for which such an amendment is required. I also fully support that point.

i would like to suggest another point regarding the Pak citizens. Sir, it is a very, very sensitive issue spreading in our country nowadays, especially in my State, Kerala. There are about 300 persons who are having the Pakistani citizenship; they are born and brought up in Kerala.

But at the time of partition, they had gone to Pakistan just for employment. Unfortunately, they have got the passport of Pakistan also. And, now; subsequently, they have come back. They are having all the documents like ration card. They are staying in India for the last 25 to 30 years. These 300 persons, who are staying in Kerala and who are permanent residents of our country, are Indians, but it is quite unfortunate that so far their citizenship has not been recognized by the concerned authorities. Most of these people are now more than 70 years of age. Their children, their grandchildren, their father—all of them are having Indian citizenship; and most of them are in a very, very bad condition. And for the last ten years, this demand for getting the Indian citizenship is there. The Home Ministry has assured several times that this matter will be taken very seriously and it would be favourably considered. But, Sir, nothing has been done so far. This fact has to be taken care of because those people are purely Indians; they are born and brought up in India. The only thing is that at the time of partition, they had gone to Pakistan for employment and they have acquired Pakistani citizenship and passport. Only because of that reason they have been denied the right to have the citizenship of India. It is quite an unfortunate thing. Most of them are in Malabar part of Kerala and this demand is there. When we talk to the Government of India, especially the Home Ministry officials, they are saying that the State Government of Kerala is not submitting the proper records as far as the citizenship is concerned. I would like to make it clear. I am seeking a clarification from the hon. Minister of State for Home Affairs as to what is the difficulty in approving or recognising their citizenship so that they can be proud to be Indians and be sons of this soil. What is the difficulty? I am seeking a clarification when the hon. Minister replies. That is the second point.

The third point which I would like to put is regarding the Totalisation Pact which is applicable in US. Sir, in US whoever earns a salary while working, has to deposit a social security fund and a considerable amount has been deposited in the social security fund. They will be getting back the benefits after ten years. That means, after 40 quarters, they will be getting back the benefits. Suppose, they leave that job before ten years, then this money will be deposited or it will be taken by the Government of US. So, this money or this benefit is not going to the worker or to the country concerned. But if you are a party to the treaty—US is having a

treaty with 20 other countries—in such a case, the Totalisation Pact, if your country is a party, definitely, this amount will be sent back to the country. That would be benefiting to the workers. Twenty countries have entered into a pact or agreement or treaty with US. What prevents India from having a treaty with US? Millions of workers who are overseas Indians or NRIs who are working in US will be benefited because huge amount of money is going to the exchequer of US. It is not benefiting the workers; it is not coming back to our country.

So, to have ten years' continuous employment in U.S.A. is a very difficult thing, especially in the IT companies, and also in many other companies. It is very difficult to have continuous employment. If a person has not completed ten years' tenure, definitely, it will be confiscated by the Government; it will go 1 to the Government fund. By when are you going to have an agreement or a treaty that will benefit the workers?

Coming to the Bill, I am going to seek two clarifications. One is regarding the dual citizenship. In the proposed amendment in Section 7A it is stated: "The Central Government may, subject to such conditions and restrictions..." Sir, I would like to know what are these restrictions and conditions. I fully appreciate the spirit, but the thing is that the Central Government may, by notification, or may, by rules, prescribe these conditions and restrictions. But my suggestion is that these conditions and restrictions should not take away the right to have dual citizenship. This is the complaint which is being made by the overseas Indians or the NRIs. These rules and regulations or restrictions always take away their legitimate right. I would like to seek a clarification from the hon. Minister regarding these restrictions and conditions.

There is another amendment for acquiring citizenship of India. According to clause 7A (iv), a person "who is a child or a grand-child of such a citizen" is eligible for registration. What does 'such a citizen' mean? Is it meant for the entire clauses of 'A' or is it only meant for sub-clause (iii)? I would like to seek a clarification regarding this, whether all the children or grand-children of such citizens under those sub-clauses (i), (ii), (iii) and (iv) are eligible for having dual citizenship. Whether it is applicable to only sub-clause (iii) or whether it is applicable to clause A as a whole; these are the two clarifications which I want to seek as far as the Amendment Bill is concerned. I once again urge upon the Government,

and especially the Ministry of Home Affairs, to very seriously consider these two issues concerning the right to vote of the NRIs as well as the Overseas Citizens of India who are seeking citizenship of India for the last ten years. On these two matters, I want to have a reply. With these few words, I once again support this Bill. Thank you very much, Sir.

SHRI SU. THIRUNAVUKKARASAR (Madhya Pradesh): Sir, I thank you for giving me this opportunity to speak. Sir, I rise here to support the Bill. This Bill is going to replace the Citizenship (Amendment) Ordinance promulgated on 28th June, 2005. Sir, the amendment was really made in 2003, and it was notified in 2004 during the NDA regime when hon. Vajpayeeji was the Prime Minister. Sir, the entire credit goes to Vajpayeeji and also to the then NDA Government headed by the BJP. Sir, Prof. Kurian was mentioning that it was an idea of Mr. Narasimha Rao, and it is a very old and ancient idea. He may be corrected, it might be the idea of Mr. Narasimha Rao or it might be the idea of Pandit Jawaharlal Nehru, but it materialised, it came into force only during the NDA regime. The credit goes to Vajpayeeji.

Sir, there are only two small amendments. One is, they are going to reduce the period of residence in India from two years to one year for the persons registered as Overseas Citizens of India to acquire Indian citizenship. We Welcome it.

Another aspect is to expand the scope of grant of Overseas Citizenship of India to Persons of Indian Origin of all countries except Pakistan and Bangladesh. Sir, in the original Amendment or in the previous amendment Act, in the Fourth Schedule, 16 countries have been included. Our friend, hon. Member Anand Sharma was attacking us, was attacking the previous Government by saying that they were very selective in selecting the countries. And he said that they were very communal in selecting the countries.

Sir, I don't find any logic or sense in his criticism. I would like to quote from the hon. Prime Minister Manmohan Singh's speech made in Mumbai and I quote:

"The Government has received several representations against the original approach of notifying some selected countries for this facility. I do hope that a day will come when every single overseas citizen-

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RAJYA SABHA

I repeat when every single overseas citizen—who wishes to secure Indian citizenship will actually be able to do so. I pledge you that I will work in that direction".

The reaction of the hon. Opposition Leader of the Lok Sabha, Shri Advani, to this was, and again I quote:

"The criterion of identifying these 16 countries was that their local laws allowed dual citizenships. Our Government had also made it clear that more countries would be added to this list based on two guiding factors—enablement by the local legal system and considerations of India's national security".

Sir, I again quote from Advaniji's speech and it says:

"It is precisely because of these national security considerations that the NDA Government had retained the sovereign right of barring certain countries from the list of countries for the consideration of dual citizenship. It is strange that we are being blamed for taking the precautionary step".

Sir, if Prof. P.J. Kurian says that take precautionary steps, be careful, terrorism may get a chance and this legislation may pave the way for the entry of terrorists, it is non-communal. If our friends say this, it is communal. It is a wrong mindset. It is not correct. I would like to know from the hon. Minister in what way this legislation is going to help the persons who are living in other countries where the dual citizenship is not allowed. Our hon. former External Affairs Minister posed a question to Mr. Sharma. He conveniently did not answer it. He was mentioning about South Africa and Malaysia. I would like to ask Mr. Sharma whether dual citizenship is allowed in South Africa and Malaysia. During the previous regime it was scrutinised and those countries where dual citizenship is allowed were included in the Fourth Schedule, and we did not include those countries where there was no dual citizenship and there was no use of it also. In future if any country allows dual citizenship, there is a provision in the Act to include it. We need not even come to the Parliament. Just by a notification we can include those countries. Now, we have included the entire world except Pakistan and West Bengal. In many of the countries the dual citizenship is not allowed.

SHRI SHANKAR ROY CHOWDHURY (West Bengal): It is not West Bengal; it is Bangladesh.

SHRI SU. THIRUNAVUKKARASAR: Yes, Bangladesh. I am sorry. I stand corrected. So, Sir, there was no bad intention in selection 16 countries and including them in the Fourth Schedule.

On behalf of the BJP, I welcome the Citizenship (Amendment) Bill. At the same time, I would like to caution the Government to take all precautionary steps in a serious way so that this legislation does not pave the way for terrorist activities and infiltration and terrorist activities do not increase further. With these words, I support this Bill.

SHRI R.K. ANAND (Jharkhand): Mr. Deputy Chairman, Sir, thank you for giving me this opportunity to speak on this Bill which seeks to amend the Citizenship Act of 1955. I have heard my friend, Shri Ajay Maroo from Jharkhand and Shri Nand Kishore Yadav. An argument was made that why shouldn't this Act apply to Bangladesh and also Pakistan. Then another argument was made that why shouldn't the right to voting be given to the people who have been registered under Section 7 A. Every nation has got a right to make a decision as to who will be or will be not be its citizens. Citizenship of a country is a complex matter because of variety of citizenship laws through out the world. As you know, India got Independence in 1947 and between 1947 and 1950 a lot of migration took place between India and Pakistan. A lot of people came from Pakistan to India and a lot of people went from India to Pakistan. The Constitution of India came into force in 1950. Article 5 to article 9 of the Constitution laid down as to who would be the citizens of India at the time of the Constitution of India and who would not be the citizens of India at the time of the Constitution of India. Article 7 of Constitution clearly laid down that any person who has migrated to Pakistan after the 1st March, 1947, will not be deemed to be a citizen of India. The framers of the Constitution laid down article 11 which empowered Parliament to enact the Citizenship Act of 1955. This Act has been incorporated only by virtue of article 11. Since we are dealing with the subject of amending the Citizenship Act, it is necessary to refer to the Act. I must point out that there are various amendments which have been made from time to time. Every time, when this Act was amended, it had a laudable object behind the amendment. In the year 1985, the act was amended in view of the Assam

Accord. Assam has a chequered history of influx of foreigners entering into Assam. In the year 1950, Parliament enacted the Migrant Expulsion from Assam Act, 1950. It had the following objects. Its object was, in the last few months a serious situation has arisen from the immigration of very large number of East Bengal residents into Assam; such large migration is disturbing the economy of the Province, besides giving rise to a serious law and order problem; the Bill seeks to confer necessary powers of the Central Government to deal with the situation. Thereafter, in 1971, a war broke out. Bangladesh was created. A lot of people came from Bangladesh to India which led to the passing of the Illegal Migrants (Determination by Tribunals) Act, 1983. The object of that enactment was very laudable. I would like to quote the objects. The influx of foreigners who illegally migrated into India across the borders of the sensitive eastern and north eastern regions of the country and remained in the country poses a threat to the integrity and security of the said regions. A substantial number of such foreigners who migrated into India after the 25th March, 1971, have by taking advantage of the circumstance of such migration and their ethnic similarities and other connections with the people of India, illegally remained in India without having in their possession lawful authority so to do.'

The clandestine manner in which these persons have been trying to pass off as citizens of India has rendered their detection difficult. After taking into account the need for their speedy detection, the need for protection of genuine citizens of India and the interests of the general public, the President promulgated, on the 15th October, 1983, the illegal Migrants (Determination by Tribunals) Ordinance, 1983, to provide for the establishment of tribunals. This Act was made when Shri Gandhi was the Prime Minister.

There was a lot of agitation, and as a result of student's ensuing negotiations, a Memorandum of Settlement dated 15.8.1985 was entered into between the All Assam Students Union on the one side and the Union of India and State of Assam on the other side, which memorandum was commonly known as "Assam Accord". This Accord was entered into during the period when Shri Rajiv Gandhi was the Prime Minister.

The term of the accord specifically provided that steps would be taken to detect and deport illegal migrants from Assam and it also contained a

clause to the effect that "the Government will also give due consideration of certain difficulties expressed by AASU regarding the implementation of this Act of 1983". The accord further provided that foreigners who have entered into India after 25.3.1971 will continue to be detected, their names to be deleted from the electoral rolls and they should be deported from India. The Assam Accord also provided that the term "detected to be a foreigner" shall mean so detected under the Foreigners Act, 1946. The Assam Accord led to the amendment of the Citizenship act, 1955, in the year 1985, and Section 6-A was inserted. The amendment of the Citizenship Act makes it clear that the question of determination or detection of foreigners is to be governed by the provisions of Central legislation *i.e.* Foreigners Act, 1946. The Illegal Migrants Act, 1983 was further amended in the year 1988 after having detailed discussions with the State of Assam but the agitation continued by the AASU, and their demand was that this Act of 1983 should be repealed. A document was signed by the then Union Home Secretary and Chief Secretary of Assam on 27th January, 1990 regarding preparation of a time frame for the implementation of Assam Accord. It was mentioned that a decision to repeal the said Act would be taken of 28th February, 1991.

Shri I.D Swami, the then Minister of State for Home Affairs in Rajya Sabha on 8.3.2000 stated that the proposal to repeal the said Act is under consideration of the Government but during the course of NDA rule, no decision was taken to repeal the said Act. The concept of Dual nationality means that a person is a citizen of two countries at the same time. Having the citizenship of particular country means that you are recognized officially as a member of that country with certain responsibilities and privileges.

The principal international instrument relevant to dual citizenship is the 1930 Hague Convention. A first point of principle in this Convention is that dual nationality is undesirable. Even though the Hague Convention was drafted at a time when the ideal was generally perceived as being that every person should have one citizenship only, dual citizenship thus has long been recognized in the international law.

There is greater acceptance in the modern, internationalised world that individuals may be citizens of more than one country and satisfactorily meet duties as citizens in relation to each. There is a greater acceptance that having dual citizenship has not done much harm to nations, and that

the benefits of dual citizenship extend beyond the individuals concerned. Dual citizenship and passports make it easier for individuals to move between countries for business, employment, social and cultural purposes. The Pravasi Divas is celebrated on January 9, as it was on this day 90 years ago that the great Pravasi Mahatma Gandhi returned home from South Africa to lead the country in its freedom struggle.

As per the amendment to the Citizenship Act during the rule of NDA, only persons of Indian origin living in 16 countries, principally Western nation, were entitled to dual citizenship causing great heart burning among other, specially those in West Asia. Fulfilling the assurances given, the hon. Prime Minister, Dr. Manmohan Singh while inaugurating the Third Pravasi Bhartiya Divas on 7th January, 2005, acknowledge the knowledge and opportunity-seeking 2.5 million Indians settled abroad, offered dual citizenship to all those who migrated from the country after it became a Republic on 26th January, 1950.

While fulfilling the assurances given in January, 2005, by hon. Prime Minister, the Cabinet permitted amendment to the Allocation of Business Rules- to permit the newly created Ministry of Overseas Indian Affairs to issue notifications under section 7 B (1) of the 1955 Act and issue smart cards to registered Overseas Citizens of India.

The Ministry has been set up to look after the interests of the Indian diaspora. By the present amendment, the procedure for applying for Indian citizenship has been simplified. This Ministry has been set up to look after the interests of Indian Diaspora. By the present amendment, the procedure for applying for Indian citizenship has been simplified. The assurance given was fulfilled by issuance of the Citizenship (Amendment) Ordinance 2005 which was promulgated on 28th June, 2005. The Citizenship Rules, 1956 have been amended to simplify the application forms and the procedures. The earlier application form was for one person and required oath of allegiance to be sworn in before the Indian consular staff and declaration of immovable properties and the list of family members living outside India. The new application form has been made application for four persons wherein the spouse and up to two minor children can apply together. Various requirements which were not to be used in deciding OCI registration have been done away with and the form has been greatly simplified bringing in clarity and transparency. As»

regards the procedure, the things have been made much simpler. Earlier such persons had to apply only in their country of citizenship, whereas now they can also apply in the country where he/she is ordinarily residing. The condition of oath of allegiance has been done away with. For forms within the country only FRRO and MHA have been authorized to receive application for OCI. Indian Missions have been authorized to grant OCI within 15 days to such cases wherein there is no involvement in serious offences like drug trafficking moral turpitude, terrorist activities or anything leading to imprisonment of more than a year.

As regards the benefits notifications have been issued by the Home Ministry for introducing a new type of visa called U visa which is multipurpose, multiple entry life long visa. This will entitle the OCI card holder to visit the country at any time for any length of time and for any purpose. Further such OCI registered persons have been exempted from police reporting for any length of stay in the country.

The present amendment will allow overseas citizens of India to not only get an opportunity to visit roots at any time for any purpose for any length of time, but also to contribute towards the national goal of equitable development by generously contributing to national economy.

I quote the words of hon. Prime Minister, Dr. Manmohan Singh, that "we speak different languages we practice different religions our cuisine is varied and so is our costume yet there is a unifying idea that binds us all together which is the idea of Indianness. The empire of minds of the children of Mother India spread over all continents including the icy reaches of Antarctica on which the sun truly cannot set."

I totally support the Bill, I also urge the House that the Bill be passed.

SHRI FALI S. NARIMAN (Nominated): Sir, I must congratulate my hon. friend, Shri R.K. Anand for a very fine exposition for the purpose of the Ordinance and the Act and the historic purpose as well. I have always come to believe Sir that the expansion of the Citizenship Act to confer dual citizenship on PIOs settled abroad has made India more like the banyan tree, its mother trunk is old and perhaps a bit weather-beaten, but its branches have dropped roots in countries abroad and now these branches are giving back vigour to the mother trunk, which I think is a very good thing because we have Indians not only in 16 countries or

40 countries but in almost every country of the world. I have a few questions for the hon. Minister, few thoughts, which I would like to submit for his consideration.

The first is, Sir, that I did not realise until my good friend, Mr Anand, said that there was a provision in the Rules for the making of an oath. Now, this is one of the problems for which I would request the hon. Minister to understand that one does not know what the Rules contain. When you say 'subject to such conditions and restrictions as may be prescribed', it is really not legislation at all. What are we passing? You can as well say that the person who applies for dual citizenship from America, if he has been four times to Pakistan because his daughter is there, he should not be granted citizenship; that will be covered by subject to such conditions and restrictions. Please understand; we have to pass this Act. And I would request the hon. Minister to take up into confidence and kindly tell us what are those 'conditions and restrictions' which either have been imposed by the previous Government—because this is in line with the old 7A—or what are the 'new conditions and restrictions' because we cannot leave it to some administrative officer, to the Executive, or, without meaning any disrespect, to the Minister, because it is Parliament that has to pass the Citizenship Act. It is too important to be left to the Executive.

It has to be determined by Parliament. Article 11 says. Parliament shall make a law. Of course, a law would include the rule. But, I would humbly request the hon. Minister to please consider this that when you say the Central Government shall, subject to such restrictions as may be prescribed, register an overseas citizen, it may mean that you need not register even the overseas citizen who qualifies otherwise; who is a citizen of another country, but was the citizens at the time of the Constitution of India? I don't understand this. Then where are we? What are we passing? We must know what we are passing. We must know what the conditions are. So kindly be good enough, at least those conditions must be there. This is not an ordinary Act. This is not the Essential Commodities Act that you can say that subject to such rules and conditions, as may be prescribed. This is a matter of citizenship; it is a matter of status. And we are entitled to know what are the conditions and restrictions subject to which you are imposing this legislation.

Secondly, Sir, I would earnestly request that you bring back the oath. There must be an oath of allegiance to the Constitution. I don't know why it is not here. Mr. Anand is right in saying that it has been prescribed by the rule and deleted by the rule. This is the mischief of the rule. You provide it by a rule, a very important provision, that I will bear true oath and allegiance to the Constitution. Why should not the overseas citizens subscribe to that oath? Why has it been deleted? If he wants to be an overseas citizen, please permit him to subscribe to that oath.

Thirdly, Sir, there is one very important thing which has been omitted; 7(A) (3) of the old Act is now printed in your Appendix here but it has been omitted. It says, "No person who is deprived of his Indian citizenship shall be registered as an overseas citizen, except by the order of the Central Government." It is a very healthy provision, that a person who has been deprived of his Indian citizenship can't go abroad, acquire citizenship there and then claim back his Indian citizenship here. Why has 7(A) (3) been dropped? I would earnestly request the hon. Minister to kindly look into this because, I think this is a grave omission.

The other part which I would only stress for your consideration is that I support entirely Prof. Kurian's point, though it is not really germane to this legislation but is very, very important that NRIs, perhaps should be favoured much more than the overseas citizens who have gone and have allegiance abroad and they must get the vote. People in America, people in England, who go overseas they are entitled to vote. They vote with their Embassies. I don't see why citizens of India who go abroad send money to India etc., etc., and who remain Indian citizens should not have the right to vote. Therefore, the amendment that he has suggested in the Representation of the People Act, I fully support, Sir. I would earnestly request the Home Ministry and you, Sir, to kindly take it up. In fact, I think, after all this legislation on overseas citizens the denial of right to vote to Indian citizens who are abroad would, perhaps, be struck down as unconstitutional. It would be said that you must extend it to them.

SHRI JAIRAM RAMESH: They are not denied.

SHRI FALI S. NARIMAN: The right to vote under the Representation People Act. Because he is not a resident. *{Interruptions}*

PROF. P. J. KURIAN: Under the present Act...

SHRI FALIS. NARIMAN: That is what I am saying. Exactly. He should not be denied because of the lacuna pointed out by Prof. Kurian in the Act.

One last thing, Sir, I think, my learned friend mentioned about the Totalization Pact. I never knew of such a pact. We get educated every day, and I, particularly, get more and more educated. I never knew that there was such a treaty. It is a very, very large amount which every year the United States takes away and puts to itself because the person does not contribute for the full period of ten years, the man who is working in America, the woman who is working in America. And, if that be the position, I think, we should join the club. We must join this Totalization Pact because that would be a great benefit to us. Personally I have no knowledge of it, and I am grateful to my learned friend who has suggested it. I would request the hon. Minister to kindly look into it. With these few words and particularly stressing the fact that the expression 'condition and restrictions as may be prescribed', is too wide and too vast for not conferring citizenship. Kindly, either limit it, or, mention what those conditions and restrictions are. There should not be unreasonable restrictions for the people who otherwise have a right.

MR. DEPUTY CHAIRMAN: Time for all political parties is over. There are two hon. Members who would like to speak and they are Mr. Gill and Mr. Narayanasamy. They may take 2-3 minutes each.

DR. M.S.GILL (Punjab): Thank you, Sir, for giving me an opportunity to say something on this Bill. It is a happy occasion because of two things. The first is as opposed to the earlier parts of the year, this Session has started and it is so nice to see very a productive, almost united House for the service of the country and I am delighted to see not just the Opposition, but the Foreign Minister here now and we are trying to do things which should be done in the House. "

The second thing is that is that this Bill itself has to be debated and it is a good thing that it has been addressed by the last Government. Yes, some shortcomings were seen, or further ideas came to the current Government and it has been expanded, I think to the agreement of almost everybody here. I think this is the way things should go forward. It is a very important matter because like China, and no less than China, we have a vast population in every country around the world. You know

there is an old Khushwant Singh joke. I do not know if you all have heard it, but if some have heard it, let me say it again. When Armstrong landed on the moon, there was a Sikh family-father, mother, a couple of children happily walking towards him.

PROF. P. J. KURIAN: This is about Malayalees also.

DR. M. S. GILL : नहीं, नहीं, मलयाली बहुत बाद में आए, You chaps have come much later in going abroad Sikhs are from Shanghai to California from the 18-19th century. Let us not go into that and there are no medals for it. Let me just say what I want to say.

Of course, Armstrong said, "How the hell are you people over here?" They said, "हम जो पार्टिशन पर ही आ गये थे"। This applies to all of them, including my friends from Kerala who are in vast numbers and contributing handsomely. We are proud of what is happening. And they are contributing very positively in all those countries. I have some extensive knowledge from various parts of the world and, therefore, it was a timely thing, a delayed thing, if I may say so. But finally, it happened a couple of years back, a start happened. Today is the culmination and I hope there will be efforts to look at it and further refine it and improve it in every sense to give them what they should get so that they are happy there, they are good citizens there and they contribute to India in every sense, culturally and economically.

In fact, I do want to say that the hon. Minister of State is here from the Home Ministry, because the Government seems to think that it is a Bill piloted by the Home Ministry, since it is citizenship, therefore, the other Ministers do not have to be here. I do not agree with it. I think, the Pravasi Minister should have been here. I think, the Foreign Affairs Minister should have been here. One of the two Because what they are doing today is actually for those two Ministries and they should have lost of contribution. Plenty of good things have been said here, which even Mr. Nariman is educated on. If Mr. Nariman is educated on something, it must be a remarkable comment. But the Minister should have been here to listen to this so that they benefit. Otherwise, the report from the officers of the Home Ministry, in just a summary form will not carry what we say here. This is just a thought.

I have only two things to say on this Bill, to the Pravasis who are over there.

One is that I think it is a correct comment—my colleagues might agree that, yes, we all know that the Chinese abroad have made vast contributions in terms of cash, technology and every other way of China's high growth rate. I have to say that it is any impression that our Pravasi have not quite done that. A voice should out to them that you like to come here, you like to get your great welcome from the Prime Minister downwards. We even stated giving them Pravasi Medals. There is a *quid pro quo*. They should also just think a little more than just sentiments to us. It is a thought. The second one, that ultimately these are the people who are citizens in those countries. Take England, there are five of six MPs sitting there. There are so many of our people who have been made Lords. There is a gentleman whose name is Kang in Punjab, but now he is Lord King in England. I think it is a very good change of name. What I am trying to say is that ultimately you are citizens there. As my friend Mr. R.K Anand was describing, they owe loyalty, duty and service go those countries. I have come from England. I was there when these unfortunate bombings took place. I tried to say to a few people that they should have spoken up. We particularly suffer a great deal continuously from this. The people of England are worried, concerned and perhaps even afraid a little bit how far it is going. Well, our people all who have gone there are essentially as the English reckon us and say to us at every level they meet us, Sir, that they are positive, they are good, they are productive and they are far from causing trouble. They are the opposite. They should have stood up with the white citizens there publicly in statements and I wish they would do it even now because if you are an Englishman and Lord King is an Englishman so is Chabbara, so is everybody else, then they must speak as Englishmen because that is the code of the world and he was describing the dual citizenship from 1930. There are couple of other things, which came, which I want to comment on. Prof. Kurian particularly talked about it. I also do believe that while those who have taken citizenship abroad, they should get what we are giving. But those of our own citizens with Indian Passports who are labouring in the Gulf and elsewhere—particularly in Gulf- or wherever they get an opportunity and send us money because they do not keep money there elsewhere they are contributing vast to the economy of Kerala which would be in jeopardy if they did not get what they are getting. Punjab is getting and others are getting. They need more looking after from all these three Ministries. Eight billion dollars, Mr. Jairam tells me. They

need more looking after, more concern from all these three Ministries. They are not rich like some of the people I can name in England. They are not of that class structure. They need all this concern. He has particularly mentioned two or three things. One, yes, every Indian if he is a vote holder, if he is a passport holder, if he is a citizens, is entitled to vote. If he is abroad there should be facilities made to allow him to cast his vote when we suddenly have an election. The English do it. They just had one. If they are sitting in Delhi they happily vote. Our voter registration system needs to be looked at, changed and reformed. I would not go into any more details. In fact, I have to say sadly that the last Government -a gentle criticism Sinha ji - 5 or 6 years passed, there was really no worthwhile meeting - no meeting, in fact - except Mr. Inderjit Gupta's sub-committee on a very limited matter. They came to me and that matter ended. That was a tiny matter. The election reforms somehow passed that Government by. It is passing this Government also by because year and more has gone. They should look at it. In fact, if we could give an electronic voting - I am proud of it ~ 68 crore Indians have just voted electronically and the British have voted with *parchis*, counting them by hand, I think we should be proud of it. If we can do that, we can certainly modify the voter registration system and overseas voting. The proxy vote to the soldiers - I fought for it for three or four years - ultimately it happened because two million soldiers by the postal system of 1950, as I used to say are effectively disfranchised.

Now, it has been changed, improved. Perhaps, more can be done. The same should be done for any Indian anywhere and if he is a citizen and entitled and this 'ordinarily resident' is a clause from 1950 *babus* which is causing unlimited trouble to everybody, in the politics, in the commission and elsewhere. It is a thought that needs to be looked at. As far as the gulf people are concerned, he said one or two things. They get into problems, unfortunate sometimes; maybe not even their fault, and those Governments are not great democracies. They are in jail, yes, in the Gulf if we are earning 8 billion dollars then we should have a lawyer in each Ministry to go and take care to them. If we are proud to hold the Indian citizenship and passport, India should also be proud and determined that no Indian citizen, like Othello's talk, should suffer unnecessarily anywhere in the world and the Government can spend this little money wherever there are big chunks of these. So I support this.

[28 July, 2005]

RAJYA SABHA

THE DEPUTY CHAIRMAN: Please conclude.

DR. M.S.GILL: Immediately somebody from the Embassy should do everything he can for the people who are in jails. Unfortunately, we keep repeating another idea about those who are in Pakistan from the Armed Forces even from 1971 who are in jail. They have grown old. Repeated cases keep coming up in Punjab. I know the Government keep trying this. Try more; try more because it is the most horrendous suffering to those families when they know that people are alive. Some Pakistan people do not admit it. Perhaps, it would embarrass them to admit that we kept the man for 30 years. But please do something.

THE DEPUTY CHAIRMAN: Dr. Gill, please conclude.

DR. M.S. GILL: Just one second, Sir, I will conclude. You are giving medals to Pravasis. You are giving awards to Pravasis. Well, in my eyes I have washed all those awards. The great Pravasis are not those who are the richest in various countries. I know from Punjabis in England who are great singers, great poets. Similarly, there are others from other places. I am sure when they are lonely, when they are in tragic suffering and sitting there, they are they best poets. Therefore, I have no doubt that Malaysians in the Gulf are writing great poetry Please find out. ^re?r <ft honour ^ ^nft i They are also great Pravasis. I simply have to say this that if we have done this; we need to do much further, watch all the three Ministries. Try and give them everything that they deserve from this country and I have no doubt that they will also give back plenty in return. Thank you.

SHRI V. NARAYANASAMY (Pondicherry): I am thankful to you, Sir for having allowed me to speak me on the Citizenship (Amendment) Bill, 2005.

Sir, a large number of people from our State ~ Pondicherry - are living and working in France and in some of the Colonies. Earlier, Pondicherry was a French Colony. Therefore, we have our links with France. Today you will be surprised to know that a Member of Parliament is elected from Pondicherry and represents the French Parliament and voting takes place in Pondicherry. The people of French nationality, who retire, come and settle here, of course with the permission of the French Government. One of the Members of Parliament represents there because France allows dual citizenship. They give a Permit Visa to them

to come to India, especially if they want to settle in Pondicherry. A lot of people of Indian origin, who are working in France and in other French Colonies, because of French connection, are encountered with a lot of difficulties. The hon. Minister may not be able to answer this point directly because it is concerned with the Ministry of Overseas Indian Affairs and the Ministry of External Affairs. Every time they wanted to come to India, they have to apply for a Permit Visa. If somebody dies either on Saturday or Sunday in his or her native place in Pondicherry and their relatives in France wanted to come to India immediately to attend the funeral, they are not able to get the Permit Visa because both the days are holidays and Embassies are closed. They have been facing a lot of problems because the family members have to wait for them with dead body for days together. Therefore, with this amendment that problem will be solved. We will have a regular Dual Citizenship Card which allows them to come to India any time they want. This is a great opportunity that have been given to the NRIs by the Government of India.

The hon. Members from the other side have been claiming that NDA brought this amendment first. Whenever NDA brought a good legislation, we welcomed that. It was not your great idea. The NRIs from various countries made representations to the Government of India. It was considered by NDA. It was almost decided when Shri Rajiv Gandhi was the Prime Minister and thereafter when Mr. Narasimha Rao was the Prime Minister. Thereafter, you had brought this amendment in a small way. And now we have extended the dual citizenship to other countries as well. When you do good things, we welcome it. But when you do bad things we oppose it. That you have to keep in mind. SHRI YASHWANT SINHA : Why are you issuing this warning? We are sitting quietly. Still you are issuing threats to us?

SHRI V NARAYANASAMY: No, no. I am only saying... (*Interruptions*)... And, Sir, the procedure has also been simplified through this Bill...(*Interruptions*)... Let him make a comment, Sir. Today, they are wounded. Let them make comments.

Sir, there are two or three major issues raised by the hon. Members from the other side. The first one is about internal security. Internal security has to be taken care of. When India is talking to Pakistan in a cordial atmosphere to resolve the issues of terrorism and various other problems confronting us, you could allow Indian people working in other countries when they wanted to come to India. What is the internal security problem that is involved? I do not understand. I did not find any problem of internal security involved in that. But, there is a valid point made by Prof. Kurian. He made his point very forcefully. The voting right has to be given to them. In the USA, they are giving the voting rights. In the UK, they are giving the voting rights. The hon. Prime Minister has made an observation when he was addressing a conference of NRIs in Mumbai. This demand has also been made by the NRIs. He also made it very clear that like USA and UK the Government is thinking on those lines of giving them the voting rights. The Prime Minister made this very categorical statement. Therefore, this fear in the minds of the hon. Members can be allayed. We should tell them that a person of Indian origin, who is working abroad, contributing to the economy of this country and who have got their hearts and minds for India should be given this facility. Some body asked, 'why have you not become a citizen of that country?' A person of Indian origin said, 'you are my adopted mother, but my natural mother is India. Therefore, I have love for my country.' That is what they say. We go abroad and talk to them. When we talk to them they say, 'I would like to come and see my people there. I want to see my soil.' So, this is the kind of love and affection that they have for their motherland. Therefore, nobody can doubt his or her patriotism. They are contributing to our economy.

5.00 P.M.

Sir, various other points have been made. They were about the issue of permit that has been given or even the people of Indian origin living there, their living conditions and the money contributed by them for their social security not being given to them etc., I would say that the money has to be there for ten years. I do not know whether the Home Minister will be able to reply to that point. These are all concerning the Ministry of External Affairs. The Home Minister is confined only to give citizenship.

The other issues have to be replied by the External Affairs Minister and the Minister of Indian Overseas Affairs. Mr. Deputy Chairman, even the other larger issues which have been raised by Mr. Kurian and Mr. Premachandran, the Government of India has to respond to. If the hon. Minister gives us a reply, we will be very happy about that.

After this Bill, the NRIs have got great hopes. When an announcement was made by the hon. Prime Minister to this effect, it was welcomed not only within India, but in other countries also. All other countries, where NRIs are living, have welcomed it. They say that this Government has taken a very positive step. It has started recognising the NRIs. We want more investment. We want 150 million dollars' investment like China, as the other hon! Member has pointed out. China is getting a lot of foreign investment. When the NRCs are giving it to China, why not the NRIs to India. They are not giving it because of the bureaucratic bottlenecks, because of the pre-conditions, because of the regulations. But, now, by this Bill, definitely a lot of investment will come forth. Apart from that, there will be recognition for NRIs .

All the more, the voting rights is very important for them because they will have a feeling that they are Indians. That feeling will come in them. Therefore, I want the hon. Member to consider it. The amendment, which the hon. Members wanted in the Representation of People's Act, has to be brought forward by this Government to clear any doubts and let the NRIs feel that they have got voting rights.

With these words, I conclude, Sir.

SHRI SHANKAR ROY CHOWDHURY: Sir, just one sentence. As I asked, at this stage of proceedings- when all of us are very eager to have this Bill passed, we support the Bill strongly- in view of the very pertinent points raised by my distinguished friend, Shri Fali S. Nariman, is it possible, at this stage, to have the Bill examined by the Standing Committee.

THE DEPUTY CHAIRMAN: We will take up the reply tomorrow. Now, the statement by the Minister of Small Scale Industries and Agro and Rural Industries.