

to the Indian masses or to the Indian population is totally collapsing because the population is increasing. The illegal immigrants have put pressure on it. They are eating away the vitals of our country. Our humble request to you, Sir, and, through you, to the Government is, to bring a legislation, at least, in the same shape for setting up a commission for identification of illegal immigrants and for deportation of such people from India so that our population could get the benefit of our national exchequer, and our social schemes could reach out to the Indian masses. Thank you very much, Sir.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Shri Tarun Vijay could not present at the time when he was called, if the House permits, we can allow him to introduce the Bill.

SOME HON. MEMBERS: Yes.

SHRI TARUN VIJAY (Uttarakhand): Sir, I have two Bills to introduce.

The Constitution (Amendment) Bill, 2011

(To amend article 15)

SHRI TARUN VIJAY (Uttarakhand): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI TARUN VIJAY: Sir, I introduce the Bill.

The Constitution (Amendment) Bill, 2011

(Amendment of Eighth Schedule)

SHRI TARUN VIJAY (Uttarakhand): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI TARUN VIJAY: Sir, I introduce the Bill.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Now, we will go back to the discussion. We thank Mr. Ahluwalia for the pleasant speech. Now, Shri Rama Chandra Khuntia to speak.

The Illegal Immigrants (Identification and Deportation)

Bill, 2006 — Contd.

SHRI RAMA CHANDRA KHUNTIA (Orissa): Sir, I thank the hon. Member, Shri Manohar Joshi, for bringing this important Bill. This is a very, very important subject, as has been said by hon. Members, Shri Manohar Joshi and Shri S. S. Ahluwaliaji. This Illegal Immigrants (Identification and Deportation) Bill, 2006 is a very important Bill. Now, we have illegal migrants

from Bangladesh to the Eastern part of India, *i.e.* Bengal, Orissa, Assam and North-East. Some of the persons permanently residing, are Nepalis, and others are also coming. In South also, we have some immigrant labourers and illegal migrants. No doubt, this is creating problems for our country. They are increasing the population. They are occupying the space where our Indian workers could have got employment. Sometimes, they are a danger to the security of the country. The militants and others are trying to use them in the voting pattern of a democratic system. By becoming a member, and by also becoming a voter, they are trying to influence the political system in the State and also at the national level. This is definitely a dangerously trend, and it has to be checked. I fully agree with the hon. Member, Shri Manohar Joshi. I do feel that this is a subject to be discussed without having any political motive. There are many things like who has brought the Bill, who has not brought the Bill, why the Bill could not come etc.

The Bangladesh problem has arisen more after the Bangladesh War. Migrants from Nepal and also migrants in South Indian States are not new. It was started much before and is still continuing. Many Governments came to power, but nobody has brought legislation to check the system. As a trade union leader, I have also visited many countries. Yesterday, there was a discussion. It was said that there are 150 million workers in Malaysia. But, the hon. Minister also might not know that there are thousands of workers are in various jails in Malaysia. I had visited the workplace and jail in Abu Dubai and in the Middle East Countries and found hundreds and thousands of illegal migrant labour from Bihar, Orissa, Andhra Pradesh and UP in jails. I don't know when they are going to be released. Sir, neither our Embassy is interested for release of Indian illegal migrant labour nor is interested to look after the welfare of the Indian workers working there. So, my view is, whether it is the Middle East Countries or Malaysia or Hong Kong or Dubai or Europe everywhere they have checks and balances to control illegal migrants. It means, wherever Indian labour is going as illegal migrants, they are arrested, harassed and put in jail. I know, as a trade union leader, lakhs and lakhs of workers are in jails. The Government of India might not know about this. So, I urge that the Government of India should find out, through its Embassies, how many workers are working legally and illegally in various countries, how many of them have been arrested illegally or legally, how many of them are in jails, etc. There is nobody to bring them out on bail. I am apprehensive if at all they are released from jails in their lifetime. Sir, they are put in jail without committing any criminal offence! They are arrested simply because they have entered into those countries without any valid documents.

SHRI S.S. AHLUWALIA: As per the existing Act you cannot put them behind the bars.

SHRI RAMA CHANDRA KHUNTIA: That is okay. I know that in the Middle East countries, there are many people in jails, because false allegations and false criminal activities have been leveled against them. Now, the question is, why cannot our country have law to check immigrant migrant labour or those who are entering into our country illegally. I do fully agree that there should be some legislation and it is high time that the Government should bring official legislation to check illegal entry of illegal migrant labour from other countries. How to do it? Hon. Member, Shri Ahluwalia, has mentioned about U.I.D. system. Some provisions — national commission, State commission, provision for salaries, staff and infrastructure — have been made in the Bill. But the question is, whether the commission alone can identify in the entire country without infrastructure at the level of district, block, taluk or work place. How to do it? Why has it been done? Sir, if you go to Europe or USA, I am giving an example, you will find that any worker working in workplace requires a certification or identification which in India you don't require at all. Sir, we have the Construction Workers Act, 1996. There is a welfare board. This gives you the authority to issue an identification card showing that such-and-such person is a construction worker.

If our country implements it strictly and gives a direction that no worker, who has not been issued an identity card by the Labour Department, would be allowed to work at any place, and the contractors also will not engage any worker who has no identity card, it will have two benefits. One, no illegal migrant person will be able to work. Secondly, Sir, you will be astonished to know that the Construction Workers Welfare Board has twelve hundred crores of rupees in Maharashtra itself; in Delhi, it has more than thousand crores of rupees; in Madhya Pradesh, it has about one thousand five hundred crores of rupees. If you have an estimate of the whole country, the total money collected by the Building Construction Workers Welfare Board is around more than some thousand crores of rupees. But the problem is that the workers are not getting the benefit. In Delhi, the total members enrolment are only forty seven thousand. As per the direction of the Supreme Court, the State Governments, alongwith the Labour Department, are enrolling the members. If you have a survey of the construction workers, you will find that many illegal migrant workers are also working there, whether it is Mumbai or it is Kolkata or it is any other metro city. If there are strict directions that no contractor can engage any worker who does not have a proper identity card, it would, to a great extent, check the problem of illegal migrant labourers. The Government has established a fund for unorganized workers. There was also a committee, known as Arjun Sengupta Committee for agricultural workers. This Committee has recommended that there should be a social security fund. Who are these people? These are poor people, poor workers. They are mingling with the Indian workers. In a country, like, India यह रथ यात्रा तो एक दिन होती है, लेकिन हमारे जो लोग काम करने के लिए जाते हैं, वे 400 मिलियन वर्कर्स हैं। Given such a huge

number, which is spread all over the country, it is very difficult to identify any illegal migrant worker. Even if you have a Commission, the Commission can take cognizance only when somebody makes a complaint, or, if we give a list of illegal workers. There is one Building Construction Workers Welfare Act, 1996. We also have Inter-State Migrant Labour Act, 1979. Why I am mentioning this is because thousands of workers are moving across the length and breadth of the country. Many workers from Orissa are working in Jammu and Kashmir. The people of Jammu and Kashmir do not know whether that worker is from Orissa or Bengal, or, he is from East Bengal, or, he has come from somewhere else. In order to check this, the Inter-State Migrant Labour Act, 1979, should be strictly implemented. If identity cards are issued to each one of them, a record can be maintained. Hon. Members know it that many workers from Orissa are working in Central Africa, South Africa and Sudan. The State Government raised the issue and the Central Government evacuated them back to the country. But we come to know about these workers only when some incident takes place. The Government of India or any State Government has no data. Why I am mentioning this is because unless you identify the migrant labourers, moving to other States, there is no system to identify whether a particular worker is from West Bengal or Orissa. How can you do it?

So, we have to check the process from the beginning. One, the migrant labourers, who are moving inside India, should be identified. They must have identity cards. The construction workers who are working on the site must have identity cards. If each of the agricultural workers and unorganised workers is identified, then only we will be able to get the information about those who come, enter and work illegally. Then, we can identify those who have come illegally. It will take some time. We are in a country where if I say there are 400 million workers, then, the Labour Minister may come and say, 'No; no. There are 450 million workers. The Department of Women and Child Development may say it is 12 million. Some other organisation's sample survey may say it is 20 million. Some other NGOs may say it is 50 million. That means, in our country, I am sorry to inform this House, we have not been able to carry out survey of our workers who are working in different sectors. We don't have the record of migrant labourers who are moving inside the country. We don't have the record of migrant labourers who are going outside. We also don't have the record of workers who are coming inside either legally or illegally. It is a great danger to the internal security of our country also; there is no doubt about it. Unless and until you know who are coming from outside the country, and unless and until you know who are the persons working in one place, definitely, it will create a problem. Whatever the Bill is proposing, or whatever the intention of the Bill is, it is, definitely, good. We fully accept it. So, my submission would be that in addition to the setting up of a Commission, we should have a system by which we should be able

to achieve the target. We should have a system that works. Just having a commission at the national level or a commission at the State level will not be enough. We have a Commission for Child Labour. We have a Commission for Women Labour. We have Women Commissions at the Centre and in all the States. We should have the Child Labour Commission at the Centre. There should be a direction from the Supreme Court on the issue of abolition of child labour. I remember that at the time of Shri Narasimha Rao Honble Prime Minister also, an assurance was given to the international community and the International Labour Organisation that we will be abolishing child labour in all hazardous industries. After that, a child labour project was started from our Budget, without accepting ILO donation. We thought, we would be able to manage ourselves. But, still, we have not been able to abolish child labour completely. My impression is that just having a commission may not be sufficient to identify the immigrant workers or illegal immigrant workers who are working in the country. It may not be possible to do that. It requires the infrastructure support of the State Labour Departments, the Central Labour Department, the blocks, the Tehsils, and the Panchayats. Everybody has to cooperate in this. If they don't do that, we also cannot do that. It requires a time-frame. Why? It is like a census. Unless each of the villages, worksites and States is verified, it is very difficult to identify them. In our State, if you go to Paradeep, or other areas which are on the sea shore, you will find many people who have come from outside and settled there. That problem is also there. You don't know from which place they have come. They might be fishermen, or, they might be doing some other business. Sir, my submission is this. This is a very serious and important problem. The Government should take a serious note of this situation. It is the sense of the House and everybody wants this. After listening to everybody, the Government should take a decision and bring a comprehensive labour legislation to check this thing in our country. If it is not done, in future also our country will face the problem, and the working class also, as a whole, will face the problem because employment opportunities are declining and population/workforce is increasing.

If more and more illegal migrant workers come from outside, that will also add to the problems of the workers in the country. So, what I would like to suggest is: (i) The Inter- State Labour Migrant Act be strictly implemented so as to identify the migrant labourers who leave the State and also where they are working. (ii) The Construction Workers' Welfare Board, which is already there in the States, is not functioning properly in some States. It must function properly and issue the Identity Cards.

Then, for unorganized workers, the social security scheme should be implemented. Identity cards should also be issued. In case of agricultural workers also, the same thing could be done. All of them should be issued identity cards so that their identity

4.00 P.M.

could be established. All this should be done. The Labour Department should make an action plan to establish their identity. They should cooperate with the Government, so that legal workers could be identified and illegal migrant workers could be eliminated. I think that will be the best suggestion to address this issue. With this suggestion, I once again support the idea mooted by hon. Member Shri Manohar Joshi. I suggest that the Government may also consider bringing in a comprehensive legislation to address this issue. Thank you.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Thank you, Mr. Rama Chandra Khuntia. Now, the total time allotted is two hours. We have already spent more than one hour and thirty minutes. There are many more speakers. Kindly try to conclude within your time. Now, Shri Narendra Kumar Kashyap.

श्री नरेन्द्र कुमार कश्यप (उत्तर प्रदेश): महोदय, मैं आपका आभार व्यक्त करता हूँ कि आपने मुझे इस महत्वपूर्ण विधेयक पर बोलने का मौका दिया। मैं आपको बधाई देता हूँ कि आज आप प्रथम बार इस चेयर पर विराजमान हुए हैं। महोदय, अवैध अप्रवासी विधेयक, 2006 कई मायनों में बहुत महत्वपूर्ण नजर आता है और इसलिए नजर आता है, चूंकि हमारा देश आबादी की दृष्टि से वैसे ही बहुत बड़ा देश हो गया है, वर्तमान आबादी करीब 121 करोड़ से भी ज्यादा हो गई है। बढ़ती हुई आबादी की वजह से पहले ही हमारे देश में महंगाई, बेरोजगारी और भुखमरी जैसी बहुत सारी गंभीर समस्याएं आज देश के सामने हैं। ऐसे में अवैध रूप से अप्रवासियों का देश में आना और देश रहना, यह हमारे देश के लिए चिंता का विषय हो सकता है। महोदय, अवैध अप्रवासियों की आबादी चूंकि करोड़ों में आंकी जा रही है, ऐसी परिस्थिति में जहां हमारा देश महंगाई, भुखमरी से पीड़ित है, निरंतर आबादी बढ़ने एक चिंता बनी हुई है, ऐसे में करोड़ों अवैध अप्रवासियों का देश में रहना या आना, यह देश के लिए अच्छा संकेत नहीं है। इसका दुष्प्रभाव आज देश में देखने के लिए भी मिल रहा है। हमारे देश का नौजवान रोजगार से वंचित है, अप्रवासी अवैध रूप से रहने वाला व्यक्ति उसके स्थान पर रोजगार हासिल कर लेता है। हमारे देश का मजदूर मजदूरी से मशकूर है।

विदेश का रहने वाला प्रवासी यहां के लोगों के स्थान पर मजदूरी ले लेता है और तमाम चीजों पर काबिज होने की कोशिश करता है। महोदय, देश का जो वास्तविक निवासी है, उस वास्तविक निवासी के अधिकारों पर अतिक्रमण का दौर आज लगातार बढ़ रहा है, इसलिए मैं इस बिल को बहुत महत्वपूर्ण समझता हूँ। देश के वास्तविक निवासियों की तमाम समस्याओं के निजात के लिए यह बिल लाया गया है। अगर हमारी सरकार अवैध रूप से रहने वाले आप्रवासियों को, संधि के द्वारा अथवा किसी और रास्ते के जरिए, उनके देश में पहुंचाने में सफलता हासिल करती है, तो निसंदेह इस बिल का बहुत बड़ा फायदा हमारे देश को मिल सकता है। कई बार देश के अस्तित्व के लिए भी मुश्किलें पैदा हो जाती हैं। अवैध आप्रवासी लोग न जाने किस समय, किस मूड में, कौन-सी घटना घटित कर दें, इसका पता नहीं होता है। ऐसा अमूमन हुआ भी है, कई बार छोटे ब्लास्ट भी होते हैं, बड़ी घटनाएं भी होती हैं। इस तरह के खतरे भी लगातार हमारे देश में बढ़ रहे हैं। मैं एक बात यहां पर कहना जरूरी समझता हूँ कि हमने इस विधेयक को पढ़ा है और समझने की कोशिश की है। इसकी नीयत अच्छी है,

इसका नज़रिया अच्छा है, लेकिन इस विधेयक को हम किसी जाति, मजहब से जोड़कर प्रस्तुत करेंगे, तो शायद यह आपत्ति की बात हो सकती है। चाहे बंगलादेश का रहने वाला अवैध आप्रवासी हो, चाहे नेपाल से आकर रहने वाला हो, चाहे किसी और देश से आकर अवैध रूप से रहने वाला आप्रवासी हो, उनके बारे में, हमें इस विधेयक के जरिए अपनी भावनाओं को इस तरीके से प्रस्तुत करने की आवश्यकता है, ताकि किसी जाति, धर्म के व्यक्ति की भावनाओं को ठेस न पहुंचे। इस विधेयक के कानून बन जाने के बाद एक ऐसा माहौल हो, एक ऐसी परिस्थिति पैदा हो, ताकि अवैध रूप से रहने वाले आप्रवासी अपने देशों को लौटें और देश का वास्तविक रहने वाला मूल निवासी अपने हकों को हासिल करने में कामयाब हो सके, जिनको पाने का वह हकदार है।

उपसभाध्यक्ष जी, इस बिल को हमारे साथी डा. मनोहर जोशी जी ने प्रस्तुत किया है। यह ठीक है कि यह आज की समस्या नहीं है, यह समस्या सालों से हमारे देश में लगातार बढ़ रही है। आखिर यह समस्या क्यों बढ़ी है, हमारी सरकारें इस समस्या का निदान क्यों नहीं कर पायी हैं, इसकी तह में भी हमें जाना पड़ेगा। आखिर एक बंगलादेशी, एक नेपाली, भूटानी, चीनी या किसी भी कंट्री का व्यक्ति आसानी से हमारे देश में प्रवेश कैसे कर जाता है? क्या हमारे देश में पासपोर्ट सिस्टम ठीक से लागू नहीं होता है, क्या उन पर हमारे यहां enter करने के लिए कोई नियम लागू नहीं होते हैं? वे हमारे देश में आसानी से enter हो जाते हैं, और सालों से यहां बसे हुए हैं, क्या हमारी सरकार उनको चिह्नित नहीं करती, क्या उनके रहने पर विराम नहीं लगाती, क्या उनके दूसरे अधिकारों पर कटौती नहीं करती? आखिर यह समस्या करोड़ों अवैध आप्रवासी के तौर पर हमारे देश में विद्यमान है, इसके लिए कौन जिम्मेदार है? इसके लिए कौन-सी परिस्थितियां जिम्मेदार हैं? ये करोड़ों लोग हमारे देश में कैसे आ गये? ये लोग यहां पर कैसे बस गए? जब तक हम इस गम्भीर विषय पर कोई कानून, नियम, सिस्टम नहीं बनायेंगे तब तक अवैध आप्रवासियों का प्रवेश हमारे देश में शायद रोक पाना संभव नहीं हो सकेगा।

उपसभाध्यक्ष जी, बहुत लम्बी बात न करके, मैं इस बिल का इस आधार पर समर्थन करता हूं कि इस बिल का उपयोग किसी एक विशेष जाति, धर्म और वर्ग के लिए नहीं होगा, बल्कि समान रूप से लागू होगा।

इस देश की सरकार को इस बिल को पास करके यह व्यवस्था देनी चाहिए कि जो करोड़ों अवैध आप्रवासी हमारे देश में निवास कर रहे हैं, उनको किस सन्धि, किस आधार पर, उनके देश वापस लौटाया जाए और आगे यह सिलसिला जारी न रहे, इस पर भी कोई न कोई ठोस कानून बनाने की आवश्यकता है। अगर हमारी देश की सीमाएं ओपन हैं, खुली हैं, सीमाओं पर सिक्युरिटी फोर्सेज लूज हैं, लोगों का देश में आसानी से एन्टर करने का सिस्टम बंद नहीं होता है, तो कानून बनाने का, अधिनियम बनाने का लाभ कई बार देश को नहीं मिल पाता है।

महोदय, आप जानते हैं कि हमारे मुल्क में बहुत से कानून बने हैं, बहुत से नियम बने हैं, लेकिन नियम, कानून बन जाने के बावजूद भी मुश्किलें जहां की तहां खड़ी हुई हैं। इसलिए मैं आपकी रहनुमाई में सरकार के नुमाइंदों से यह गुजारिश करता हूं कि इस बिल को सकारात्मक रूप से सरकारी तौर पर मंजूरी मिले, साथ ही साथ अवैध रूप से रहने वाले आप्रवासियों की संख्या में घटौती हो, अवैध रूप से रहने वाले आप्रवासी अपने देशों को लौटें और देश के वास्तविक मूल निवासियों को वे सब हक और हकूक मिलें, जिनके वे हकदार हैं। अगर सरकार ऐसा प्रयास करती है, तो हमारे देश की जनता के लिए बेहतर कानून और बेहतर कोशिश हो सकती है। आपने मुझे बोलने का समय दिया, मैं आपका बहुत मशकूर हूं और आपका धन्यवाद करता हूं।

SHRI N. K. SINGH (Bihar): Sir, I rise to support the broad thrust of this particular Bill, The Illegal Migration (Identification and Deportation) Bill, 2006, moved by my senior and very distinguished and learned colleague here.

Sir, I have had the privilege of being a member of the United Nations International Commission on issues connected with migration. I had the privilege of, therefore, seeing at close quarters the factors which drive migration in the first place.

Broadly speaking, without getting into too many complications, clearly, all over the world, the basic driving force of international migration is the opportunity for better life quality and the opportunity to seek better governance. I think wherever we go, whether we look at it from a political point of view or whether it is a quest for better governance or a quest and expectation for improving life quality, these were the two principal guiding factors. Also, I think that cross-country experience would suggest that the world is difficult to be compartmentalized as it becomes more and more inter-dependent, and being able to only check, as an enforcement mechanism, illegal migration. And yet, there is a growing need and recognition that what we must foster is what we generally call 'managed migration'. Now, why managed migration? What will managed migration do? That is almost a little more than legal migration because the nomenclature, internationally speaking, of what is the distinction between legal and illegal migration is something which is liable for legal interpretation of various kinds. In fact, if you look at all the major conventions of the United Nations to which India is privileged to be a signatory, the distinction between illegal, quasi-illegal and illegal migration is an increasingly opaque area, but what is recognized is what would serve the world best. What will serve any country the best is to manage migration in a purposeful way which optimizes opportunity with all countries.

Unfortunately, Sir, India is one of the unique countries where you do not have a migration policy. We neither have a migration policy for receiving migrants from outside its borders, nor do we have any credible policy of managing our migration which takes place outside India. If you look at some of the countries in Asia, for instance, Philippines, it has a very large number of outward migration, most of it is legal. But, they have a credible policy of what they call the National Migration Policy. We neither have a national migration policy, nor do we have an international migration policy. And, my distinguished colleague has brought this particular Bill which is designed to focus attention of this important lacuna in the overall economic strategy management. What will, for instance, the managed migration of Indians abroad do? It will certainly improve the social security systems. It will have insurance for large number of Indians who are going abroad, who are left to fend for themselves. It will, by the inculcation of vocational skills, improve the value added in terms of what our migrant workers can do when they go abroad.

Similarly speaking, Sir, we do not have a mechanism to check people who are coming into the country in ways which are other than regular. And, the word 'irregular migration' internationally, by the way, is better accepted than 'illegal migration'. The nomenclature which is used by the United Nations is 'irregular migration' and not 'illegal migration'. They believe, as my distinguished colleague, who moved this Bill, himself recognised, that there are issues of human rights involved and these human rights need to be respected because human rights, in any way, cannot be considered divisible. So what if you do not have a check on irregular migration? What are the consequences? The consequences, in my view, at least, are three important consequences. First and foremost, Sir, if you do not have a mechanism, it will lead to a total disequilibrium between demand and supply because in most countries, which manage long-term and medium-term planning, there is a question of harmonising emerging demands in the economy and the supply side responses to these emerging demands. If you do not have a check on irregular migration, you will upset this equilibrium which is necessary between demand and supply on the requirements of labour skills and labour requirements. That will, Sir, act in a very deleterious way for the economic development of the labour population in the country as far as this concerns India.

Second, clearly, when planners plan for infrastructure, one of the basic factors is improving societal satisfaction and improving life quality. Irregular migration, if committed in an unchecked manner, without any institutional mechanism, will lead to enormous pressure on the social cohesiveness of the society, on infrastructure, on civic amenities, and everything which are the fundamentals of our overall economic strategy and planning.

The third thing, which it will do, is that it will bring us in conflict with numerous international conventions and agreements to which India is a signatory. We are a signatory to the U.N. Convention on Migration. We are a signatory to the International Convention on the whole idea of resettlement of refugees. We are signatory to that, and that has also been ratified. Therefore, I think that if the broad thrust of this particular Bill is one to seek articulation of a Government policy on migration in general, international migration, irregular migration, I think this Bill points to an important lacuna and infirmity in the overall economic strategy which we have. The second point, obviously, is that being a signatory to international conventions, which have suggested and prompted national governments to enact legislation and to enact institutional mechanisms which can deal with irregular migration, it will enable us to fill an important gap in what is our own commitment to international charters. Unfortunately, Sir, we do not have such a response here. But, the problem arises because the Government's approach on this issue is an uncoordinated one.

We do not know whether this is in the realm of the Ministry of Overseas Affairs or the Ministry of Labour. Who is really the repository in Government as one single entity to handle this complex issue? Therefore, the need for having an institutional mechanism to deal with both regular and irregular flows is an important lacunae in our overall economic strategy which needs to be fulfilled. I think, that, therefore, in trying and supporting the broad thrust and proposition of this Bill which is before us, I would urge upon the Treasury Benches to look beyond the narrow confines of this Bill in the present form, but to look to what we can do to subscribe to international treaties to which India is a signatory, to be able to fulfil this important lacunae in our policy and to seek an institutional mechanism which is adequate to address the broader issues of international migration in a holistic way. Such a strategy, Sir, would help us optimize our own labour force; it will help us guarantee better life quality to people who come to this country in search of employment in regular ways and it will help us plan better for the growing dynamics between the demand and supply of labour. Internationally speaking, Sir, this is a problem which has assumed large proportion. We should act before this problem becomes serious; we should act, Sir, before what is happening to large parts of Europe begins to surface itself in India; we should act, Sir, before the example of Spain gets replicated where thousands of such people who have come in irregular ways are creating social incohesion. We should look to what is happening on the borders of Russia over large scale irregular migration which is taking place in East Europe. We should look to the impact, for instance, of what we call Arab Spring taking place in large parts of Europe. I think, this particular Bill is, therefore, a wake up time and a wake up moment for India to act before time runs out. It is, therefore, for these reasons, both national and international, and showing sensitivity and showing adequate response to what is happening to the rest of the world that I support this particular Bill in the spirit and the substance which has prompted the hon. Mover of this Resolution to move that. Thank you.

DR. JANARDHAN WAGHMARE (Maharashtra): Thank you, Sir. I support this Bill. I also compliment Dr. Manohar Joshi for bringing this very important Bill to be discussed in this particular House. Sir, the problem is very sensitive and we have to deal with it very delicately at the same time. There has been illegal immigration for a very long time, specially after partition. This has posed threat to two things — it is a threat to the security and to the economy of our country. So, there is great burden on our economy. People coming from across the border seeking employment are creating certain local problems also. So, this is the problem. It is a problem of national security also. We have not looked at it very seriously. In spite of the fact that the Supreme Court has given a directive, we have not taken it very seriously. So, there is no mechanism today with our Government to check this illegal immigration. That is why there are the problems;

especially of the Bangladeshi illegal immigration in Assam. Sometimes such problems create security problems and it becomes Trojan Horse sometimes.

It is very difficult to identify them. Many people have suggested different ways of identification. But their identification is really very difficult. Fencing our borders is also an enormous task, a huge task. This problem of illegal immigration has to be tackled at the national level. The Central Government should take it very seriously. There should be some mechanism before we bring in the National Commission on Illegal Immigration. There should be a national policy on it.

A concrete suggestion was given by Shri N.K. Singh. We do not have that policy. All other countries have it. Illegal immigration is still a world phenomenon. For example, America is a nation of immigrants. In the beginning, there was illegal immigration. They have checked it. Even today, thousands of Mexicans enter into America. But they have got a law. The people are very vigilant there. We are not vigilant. We are not vigilant even on our borders. That is why this is going to create a problem.

Why don't we take up this problem with our neighbouring countries, especially Bangladesh? There should not be any confusion in the minds of the people and it should not lead to political complexities. Why don't we take it up in SAARC, which is a group of neighbouring countries?

People migrating from Bihar to Mumbai is one thing. They are our own people. They have that right. But people migrating from a neighbouring country into our country is a very serious problem. Unfortunately, we don't take serious problems seriously. We are very easy with that. This will ultimately lead to a problem.

There was a problem in Assam. There was an agitation. Even today the people of Assam are not very happy with the whole situation. They are very unhappy. Now the immigrants, who have migrated illegally in our country, have become voters in our country. This is more dangerous. That is how it will create disequilibrium in this country. This has to be checked.

I support this Bill and I urge upon the Government to look at it very seriously. When we accept this idea of a National Commission, let it come into existence. But this Commission should submit annual report every year on how many people migrated to our country illegally from Bangladesh, Nepal and other countries. That annual report has to be discussed in Parliament. We should discuss it in Parliament, so that the whole nation knows about it. That will bring some checks. This is what I would like to say.

This is a very fine Bill indeed. I support this Bill. We should look at it not just from a political view. We should look at it from a humanitarian angle also. Of course, sometimes this creates

political problems. I think that the only purpose of this Bill is that our country should not feel insecure. It is a very comprehensive Bill. Let us consider this Bill. Thank you.

SHRI BAISHNAB PARIDA (Orissa): Thank you, Sir, for having given me this opportunity to speak on this very important Bill — the Illegal Immigrants (Identification and Deportation) Bill, 2006. This is a very serious issue before the country. We ignored this problem of illegal immigrants for decades. Their number is in lakhs now. It is creating innumerable problems not only for the security of the country but also for the whole economy.

India is having crores of unemployed people, both in urban areas and rural areas. Illegal immigrants from our neighbouring countries have been allowed for years together to enter into our country. It is not only in Mumbai, but also in many other parts in Southern, South-Eastern States, Bihar, UP, Orissa and many other States of our country. Their number is very high. Many of them have managed to become voters of this country. I have seen the vote bank politics. Many of the political leaders allowed them and made them voters. I will give you one example of the POSCO plant agitation. You will be astonished to know that many of the so-called local people, so-called villagers and so-called settlers, who are agitating against the establishment of this mega plant, are from Bangladesh. They don't have any document of land. They do not own any land legally. They are not owners of the land. The land belongs to the Government. The Government has not given them *pattas*. So, that is why, they are not claiming their ownership over the land. But, they are voters. They managed to become voters and enlisted themselves in the voters' list. In many Panchayat or Block level elections, they play a major role in defeating candidates of different political parties. It is so in Assam, in other North-Eastern States and also in Mumbai. These illegal immigrants, persons or labourers, have now become a threat to our security and sometimes, to our democracy. So, I fully support this Bill which our hon. Member of this House and a veteran politician, Dr. Joshi, has brought forward.

Sir, this issue of migrant labour is now an international issue. Not only India is facing this problem, but, as my learned friends have already mentioned, America, South America and many other countries like Germany also are facing it. I have seen many Arab people who settled for decades together there and now, many of them are citizens of Germany. But, they are an internal problem for that country. Specially, when there is an economic crisis, native people of Germany are agitating and there are some social disturbances in that country. So, in India, it may happen in future. Already, we have seen it on many occasions. It will definitely create more problems in future.

So, we cannot prevent, disallow totally migrants from other countries because we are a signatory to the international UN convention. So, we cannot prevent all migrant labourers those who are coming. But they must come through some institution as per laws of the country and the

law must be firm. We must decide who will be allowed to enter into this country as legal migrants. We must decide what advantages and what facilities they will get as our citizens are getting. That must be decided by our Government according to a specific law. That must be done.

Another thing is those who have already entered into our country illegally and living inside the country, if their names are found in the voters' list, they must be scrutinized and they must be driven out from this country. That must be done. Otherwise, we cannot control this problem.

Sir, another thing is about their rights. From humanitarian point of view, as many of our learned Members of the House have mentioned, those who have entered into our country as legal migrant labourers must be treated in accordance with the convention of the U.N. They must be given security. They must be allowed to enjoy specific facilities which are determined by our Central and State Governments.

Now, how to manage this has been specified in this Bill. A Central Commission must be formed. Accordingly State Commissions must be formed to identify and regulate this thing. Sir, it is very good, very essential and timely Bill brought before this House. I think the Members of this House will appreciate and thank our veteran Member having very rich experience specifically on this issue. I support the Bill moved by him whole-heartedly. The House must accept it. I appeal to the hon. Minister that the Government should bring forward a specific Bill and pass it in both Houses of Parliament so that it could become an Act. Thank you.

SHRI V.P. SINGH BADNORE (Rajasthan): Mr. Vice-Chairman, Sir, I stand to support the Illegal Immigrants (Identification and Deportation) Bill, 2006 moved by the hon. Member, Dr. Manohar Joshi and seconded by the hon. Member, Shri S.S. Ahluwalia. There are a lot of things in this Bill, and it is a very serious concern of the nation that has been highlighted by Dr. Manohar Joshi.

We all know India historically, Bangladesh and Pakistan used to be part of India, as one nation. That was about 60 years ago. It is really very difficult for the East Bengal to identify as it used to be before. It had become Bangladesh and West Bengal in India, and to identify one person from the other is very difficult. So, that is the advantage that the Bangladeshis are taking. In language-wise also it is very difficult to recognize that he is from Bangladesh or from India or West Bengal.

They have relations in both the countries. They come in and we have such porous borders and such a huge coastal line that these migrants are taking advantage to get into India. Once they are in India, they have relations. They come in hordes, they establish themselves and then they move to other parts of the country. If they say that they are from Kolkata or they are from some

remote village, it is very difficult to identify them and they spread into the whole nation. Then this problem becomes huge and it becomes very complex issue. If the Government of India is serious in identifying and deporting them, I think, it could have been done. We are going to have this UID. That has also to be seen. This UID, I hope, will not take care of these people and they get the UID and become citizens of this country. That is also to be looked into. Otherwise, they will become citizens of India.

Sir, there was some treaty signed with Bangladesh. They said that, on humanitarian grounds, if somebody at night crosses the border, he should not be shot at. If they are not shot at, it will become very easy for them to cross the border. In any other country, if you go across, you will be shot dead. It is necessary, at least, to shoot, not to kill, so that it will deter them from coming in. Now these are the things that we have to look into. If we have a treaty like that and if we allow them to get in, then they will spread into the country and this problem will get more and more complicated and complex.

Let me also refer to a different thing. In 1971, after the 1971 war, some Sodha Rajputs were driven out of Pakistan and they had come to Barmer and they have been staying there. It is a different issue. They have still not been recognised. They did not get the citizenship. They have not been given the ration cards because all of us know that they were the people driven out of Pakistan. It should be looked into and they should be given the right to stay in this country. That problem is different from this problem of illegal immigrants who come from Bangladesh. We have a long border in Barmer on the Nepal side and on the Bangladesh side and a huge coastal line of 7,000 kilometres or something like that. It is very difficult for us to really stop anybody getting into India. We must have a system in every village that if anybody comes into India, he can be identified. There are thanas; there are police chowkies. They should be able to look into this problem and if a person comes, he should be deported. But what I feel is that the Government is not very serious on this issue. I support this Bill saying that something must be done to curb, identify and deport these illegal immigrants. Thank you.

THE VICE-CHAIRMAN (DR. E. M. SUDARSANA NATCHIAPPAN): Thank you very much, Shri V.P. Singh. Now, the two hour period is going to be over. Kindly make only points. Shri Tarun Vijay.

श्री तरुण विजय (उत्तराखंड): आदरणीय उपसभाध्यक्ष महोदय, मैं डा. मनोहर जोशी द्वारा प्रस्तुत अवैध आप्रवासी (पहचान और विवासन) विधेयक, 2006 का समर्थन करने के लिए खड़ा हुआ हूँ।

महोदय, मैं कुछ समय पहले करीमगंज और सिलचर क्षेत्र में था। वहाँ मैंने देखा कि किस प्रकार से अवैध आप्रवासी पूरी तरह से भारत के क्षेत्र में छाए हुए हैं। इस क्षेत्र में भारत का कोई मोबाइल सिम कार्ड नहीं चलता। मैं

करीमगंज से होकर आने के बाद की बात बता रहा हूं। वहां एअरटेल का सिम नहीं चलता, रिलायंस का नहीं चलता, टाटा का नहीं चलता। वहां बंगलादेश का ग्रामीण सिम कार्ड चलता है। वहां पर भारत के मूल निवासी, जो नदी के इस पार उस क्षेत्र में, उस गांव में रहते हैं, वे रात को अपने मवेशी और जानवर अपनी बैठक में अंदर बांधते हैं, अपने bed room और अपने शयन कक्ष में बांधते हैं और उस पर ताला लगाकर स्वयं आंगन में इसलिए सोते हैं क्योंकि रात को बंगलादेशी घुसपैटिए नदी पार कर के आकर उन के जानवर बंगलादेश की सीमा में ले जाते हैं और उन के ऊपर कोई नियंत्रण नहीं रहता है। महोदय, मैं यह बताना चाहता हूं कि भारत और बंगलादेश की यह पूरी सीमा 4095 किलोमीटर लंबी है। इस में से 2989 किलोमीटर भूमि पर है और लगभग 1016 किलोमीटर नदी की सीमा है। इस में ब्रह्मपुत्र, बड़ाक, उकसान, महानंदा, तीस्ता, जीजीराम, सीमसंग जैसी नदियां हैं जिस कारण बंगलादेश के अवैध घुसपैटियों को उस क्षेत्र में आने में बहुत आसानी होती है। महोदय, Intelligence Bureau की रिपोर्ट के अनुसार इस प्रकार से जो अवैध घुसपैटिए भारत में प्रवेश कर रहे हैं, वे भारत की सुरक्षा के लिए आज सब से बड़ा खतरा बन गए हैं और इस कारण असम, त्रिपुरा, मेघालय, मिजोरम, पश्चिमी बंगाल, झारखंड, बिहार, नागालैंड, दिल्ली और जम्मू काश्मीर में इन अवैध घुसपैटियों के कारण अपराधों की संख्या में बहुत तीव्रता से वृद्धि ही नहीं हुई है बल्कि वे पाकिस्तान की Intelligence Agency, ISI के हस्तक बनकर भी काम कर रहे हैं। अभी हाल ही में जो बंगलादेशी घुसपैटिए पकड़े गए हैं, सरकारी रिपोर्ट के अनुसार, इन के पास ग्रेटर बंगलादेश बनाते के प्लांस मिले हैं। महोदय, मैं इस रिपोर्ट का एक हिस्सा पढ़कर सुनाना चाहता हूं। उस में बताया गया है कि, “After the arrest and subsequent questioning of Gulet Mohamed of the Muslim Voluntary Force with AK-47 and 500 cartridges, Afzal Ali of the Muslim Liberation Tigers of Assam; Rafeeq Ali of Social Reforms Army of Assam, Mohammad Latif of Kargil Pak Muslim Organisation, Mohammad Masood of Adam Sena, Arif Mohamad of Islamic Liberation Army of Assam, Akram Khan of North East Muslim Front, it was understood that Pakistan’s ISI is planning a big conspiracy against India, using these illegal infiltrators who are coming from Bangladesh. As per the ISI plans, 16 BSF Jawans were killed at Doraibadi. Later one another BSF Jawan, Jeewan Kumar, was brutally killed by these Bangladeshi infiltrators.” These sources say, “2,000 kilometres of Bangladesh bordering area in Bihar and West Bengal, 200 kilometres in Assam, 300 kilometres in Meghalaya and 700 kilometres in Tripura are being used for illegal trafficking of coal, woods, fake notes, narcotics and arms.” महोदय, आज बंगलादेशी घुसपैटिए भारत की सुरक्षा के लिए सब से बड़ा खतरा बन गए हैं। इन की एक रिपोर्ट के अनुसार इस समय 80 लाख बंगलादेशी बंगाला में, 55 लाख घुसपैटिए असम में, 4 लाख त्रिपुरा में और 5 लाख बिहार के कटिहार, पूर्णिया और किसनगंज जिलों में हैं। इन में से झारखंड के शाहगंज जिले में भी घुसपैटिए बड़ी संख्या में हैं। महोदय, इस कारण पश्चिम बंगाल की 294 विधान सभा क्षेत्रों में से 53 में इन घुसपैटियों का high concentration हो गया है।

असम में 40 विधान सभा क्षेत्र ऐसे हैं, जहां पर निर्णायक स्तर पर इन बंगलादेशी घुसपैटियों की बहुसंख्या हो गई है। साल 2001 की जनसंख्या के मुताबिक यह एक अनुमान लगाया गया था कि अकेले दिल्ली में ही 13 लाख बंगलादेशी घुसपैटिए रह रहे हैं और यह अगस्त, 2000 की एक रिपोर्ट है टास्क फोर्स ओन बोर्डर

मैनेजमेंट, इसके अनुसार पूरे देश में 1 करोड़ 50 लाख से अधिक बंगलादेशी हैं, इनमें हर महीने 3 लाख बंगलादेशी घुसपैठिए भारत में प्रवेश करते हैं।

महोदय, अरुणाचल प्रदेश के पूर्व इंस्पेक्टर जनरल ऑफ पुलिस श्री आर.के. ओहरी ने इन तमाम बंगलादेशी घुसपैठियों की जो आमद है, उस पर अध्ययन करते हुए उनके सोर्स से लिखा है कि वे एक सोची-समझी डेमोग्राफिक इन्वेजन की नीति के अंतर्गत भारत आ रहे हैं और एक कोरिडोर जो भारत-नेपाल और भारत-बंगला देश सीमा तक है, यहां मुगलिस्तान के बनाने के षडयंत्र में ये बंगलादेशी घुसपैठिए शामिल हैं।

महोदय, पश्चिम बंगाल के तत्कालीन राज्यपाल श्री गोपालकृष्ण गांधी ने 21 जुलाई, 2005 को दिए अपने बयान में कहा — The State is sitting on an infiltration time bomb. As *The Pioneer* reported on 21st July, 2005, Mr. Gandhi had informed President Kalam that unchecked infiltration was creating a demographic crisis with the border districts of Murshidabad and Malda witnessing a steep rise in minority population. The BSF officials say that the magnitude of the threat can be gauged from the fact that over 11 lakh Bangladeshis, who entered the State illegally since 1971, have simply disappeared. As for illegal aliens, the former Home Secretary, Mr. Madhav Godbole, wrote a report that at least 1.5 crore Bangladeshi infiltrators have come to India and settled down.

महोदय, यह सुरक्षा का प्रश्न राजनीतिक दायरों, वैचारिक मतभेदों और पार्टियों के दायरों से ऊपर उठकर सोचा जाना चाहिए। यह भारत पर आक्रमण है, यह भारत माता का आक्रमण है। चूंकि बंगलादेशी घुसपैठिए बहुत बड़ी संख्या में भारत में आ जाते हैं, इसके कारण से भारत के विभिन्न प्रांतों में अपराधों की संख्या में बढ़ोत्तरी हो रही है। ये आईएसआई के हस्तक बनकर इस देश में विभिन्न प्रकार की आतंकवादी गतिविधियों में शामिल हो रहे हैं। यह बात आईबी और गृह मंत्रालय की रिपोर्ट करती है। मैं आपको यह भी बताना चाहता हूँ कि न केवल ऑल असम स्टुडेंट्स यूनियन ने 30 साल पहले इन बंगलादेशी घुसपैठियों के विरुद्ध आंदोलन करते हुए पूरे असम को आंदोलित किया था, अखिल भारतीय विद्यार्थी परिषद ने बिहार में और असम में इसको लेकर आंदोलन किया था, बल्कि अब हम जिसे अराष्ट्रवादी, आतंकवादी संगठन उल्फा कहते हैं, उल्फा के निर्माण के पीछे भी अगर कोई एकमात्र बड़ा कारण रहा है, तो वह एकमात्र कारण यही था कि उल्फा की डिमांड थी कि बंगलादेशी घुसपैठियों को यहां से बाहर निकाला जाए।

महोदय, यह सामूहिकता का प्रश्न है। इसमें सभी दलों को इकट्ठा होकर एक सर्वदलीय संकल्प लेना चाहिए कि जो भी ये अवैध विदेशी घुसपैठिए भारत की सुरक्षा, यहां की सामाजिक एकता और यहां के समन्वय को भंग करने के लिए हम पर यह जनसांख्यिकी आक्रमण कर रहे हैं, एक डेमोग्रेफिक इन्वेजन कर रहे हैं, इसको समाप्त करने के लिए यह कमीशन बनाया जाए और इस कमीशन को दंडात्मक अधिकार दिए जाएं, ताकि यह स्वयं कार्रवाई करने में एक सक्षम बॉडी बन सके। धन्यवाद।

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Now, the Minister to reply.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): Mr. Vice-Chairman, sir, at the outset, let me thank

the hon. Member, Shri Manohar Joshi, for moving this Private Members' Bill, that is, the Illegal Immigrants (Identification and Deportation) Bill, 2006.

I also express my thanks to the hon. Members who have actively participated in the discussions as also for their valuable observations and suggestions.

I have been listening with rapt attention to the views expressed by Dr. Joshi and other illustrious Members. By this Bill the hon. Member seeks to establish a National Commission and State Commissions for identification and deportation of Illegal Immigrants to countries of their origin. Sir, the functions of the Commissions, according to the mover of the Bill are:—

1. To identify illegal immigrants and determine their nationality and to deport them.
2. To prepare and send list of all illegal immigrants in their respective areas to the District Administration .
3. To hear any complaint or appeal against the findings of any State Commission.
4. To recommend to the appropriate Government to take steps to stop all assistance being enjoyed by illegal immigrants, including ration cards, loan facilities, jobs etc. Sir, it is indeed a fact that there are innumerable illegal immigrants in our country. This is a matter of serious concern for all of us. It is also a fact that the presence of illegal immigrants create a variety of problems in the country. These illegal immigrants are mostly coming from our neighbouring countries and figures will show that this influx is mainly from Bangladesh.

Considering the large influx of illegal immigration from Bangladesh through the long porous border and further in view of the geographical proximity, family ties, and ethnic similarity, coupled with better economic opportunities in India, a special procedure has been laid down for identification and deportation of Bangladeshi immigrants.

As regards other countries' nationals, once an illegal immigrant comes to the notice of the State Government, and after due nationality verification is done through the Ministry of External Affairs, and appropriate 'travel documents' are prepared from the respective missions and, thereafter, such persons are deported.

Sir, if we look at the question of illegal immigration, it is not a problem which confronts our country alone. The problem is being faced by a good number of countries the world over. Therefore, illegal immigration is a global phenomenon and even countries like USA and Europe experience the difficulties posed by illegal immigration.

India being the second most populous country in the world, we have our own domestic problems to face. The presence of a large number of illegal immigrants is a major issue both socially and economically. Therefore, we know that we have to deal with the matter in all the seriousness it deserves. While tackling the issue, therefore, we make sure that all State Governments are taken into confidence.

I would like to mention here that we have adequate and appropriate legislation by way of the Foreigners Act, 1946 to deal with illegal immigrants and related issues. The 1946 Act defines 'Foreigners' as persons who are not citizens of India. It gives wide powers to the Union Government to make orders relating to every aspect of illegal immigration and overstay of foreign nationals in India.

The Foreigners Act, 1946 provides for detection, identification and deportation of illegal immigrants and foreigners overstaying in India. The authority for the enforcement of the 1946 Act or any Order thereunder is given to the District Magistrate and Commissioner/ Superintendent of Police. Besides, the Act also stipulates certain obligations on Masters of vessels, pilots of aircrafts, owners of hotels and premises frequented by foreigners, to furnish information about foreign nationals. The effectiveness of the procedures laid down in the Foreigners (Tribunal) Order of 1964 passed under the said Act is also worth mentioning.

I reiterate the fact that illegal immigration is a serious issue which needs to be tackled very effectively. But I must also state that existing Acts, rules and orders made thereunder, especially the Foreigners Act 1946, are adequate to deal with the problem of detection, identification and deportation of illegal immigrants.

The present Private Members' Bill proposes to set up National and State Commissions without providing for ground level mechanism for detection and identification of illegal immigrants. If the exercise is to be carried out through the District police, there will be no change from the existing arrangement. Currently, Sir, the Superintendent of Police of the District has been made responsible for the detection, identification and deportation of such persons. Adding an additional layer of State Commission through Civil Court process will only delay the final identification and, thereafter, the deportation.

Sir, the current system of identification is quasi judicial summary proceeding. Changing this to regular Civil Court proceeding will again delay the identification.

The Bill provides for appeal to the National Commission against the orders of the State Commissions. This will further delay the process of identification and deportation through another layer of proceedings. This will again help illegal immigrants to stay longer in our country. Once the Commission starts functioning like a Civil Court, it is possible that those identified as illegal

immigrants may agitate through further process of legal mechanism before the Hon'ble High Courts or Supreme Court to get the orders of the State or National Commission reviewed or quashed. This will again add to delay in processing of the case which will be advantageous to illegal immigrants. Even after findings of the Commission, 'that the person is an illegal immigrant', he or she cannot be deported until respective Mission issues 'travel document' after due nationality verification.

Sir, the Bill projects a non-recurring expenditure of Rs. 10 crores and an estimated amount of rupees one crore as recurring expenditure. From the experience of the Foreigners Tribunals in the State of Assam, it may be stated that the financial implications may be far more than these projected amounts. Apart from adding a layer of process in identification and thereby causing a delay, the proposed Commissions will not lead to any value addition. Therefore, Sir, these expenses from the Consolidated Fund of India cannot be justified.

Sir, the hon. Supreme Court of India, in its order, dated 12-07-2005, in Writ Petition *No. 131/2000 S. Sonowal vs. Union of India* and another has said that the Foreigners Act, 1946 confers wide ranging powers to deal with foreigners or with respect to any particular foreigner or any prescribed class or description of foreigners for prohibiting, regulating or restricting their or his entry into India or continued presence including arrest, detection and confinement. The Apex Court has noted in this Judgement that the most important provision of Foreigners Act is Section 9 which casts the burden of proof that the person is not a foreigner of a particular class or description, as the case may be, upon such person. The hon. Supreme Court has also observed that the Illegal Migrants (Determination by Tribunals) Act, 1983 proved advantageous for such illegal immigrants as the proceedings initiated against them almost entirely ended in their favour enabling them to have a document having legal sanctity to the effect that they are not illegal immigrants.

Sir, the proposed Bill is also likely to lead to similar kinds of judicial process as was under IMDT Act and delay the process of identification, detection and deportation of illegally staying foreign nationals in the country.

Sir, in view of the above reasons, I oppose the Private Members' Bill and fervently appeal to the learned Member, Dr. Manohar Joshi, to kindly withdraw the Bill.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Now, Dr. Manohar Joshi, you can give your reply.

DR. MANOHAR JOSHI (Maharashtra): Sir, the hon. Minister has given a very exhaustive reply. But, I must say, he should reply only one question of mine. If the

5.00 P.M.

present provisions in the law are sufficient, then, how is the number of illegal immigrants increasing everyday? It clearly proves that your present provisions are not sufficient.

The hon. Minister has also said that there is a proper procedure and that procedure is enough. But, according to me...

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Now, Dr. Manohar Joshi, will you take some more time for your reply or shall we continue next time?

DR. MANOHAR JOSHI: Yes, we can continue. I don't mind. If you want, we can continue.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Okay, we will continue next time. The House

stands adjourned to meet again at 11.00 a.m. on Monday, the 8th August,

The House then adjourned at one minute past five of the clock till eleven of the clock on Monday, the 8th August, 2011.