

[Shrimati Smriti Zubin Irani]

In view of the above, I urge the Government to intervene in the matter to resolve the issue and ensure that soldiers who made sacrifices for the nation get their rightful and respectful due.

SHRIMATI MAYA SINGH (Madhya Pradesh): Sir, I associate myself with what the hon. Member has mentioned.

SHRI HUSAIN DALWAI (Maharashtra): Sir, I too associate myself with what the hon. Member has mentioned.

SHRI ANANDA BHASKAR RAPOLU (Andhra Pradesh): Sir, I too associate myself with what the hon. Member has mentioned.

SHRI SANTIUSE KUJUR (Assam): Sir, I too associate myself with what the hon. Member has mentioned.

MR. DEPUTY CHAIRMAN: I think, the House agrees with me to continue with the Bill and conclude discussion. It takes only a few more minutes. Shri Rangasayee Ramakrishna now.

The Citizenship (Amendment) Bill, 2011 – *contd.*

SHRI RANGASAYEE RAMAKRISHNA (Karnataka): Sir, bringing this Bill is a retrograde step because during the NDA regime, for the first time, we started the practice of having an annual convention of Non-Resident Indians. Responding to the demands of the Non-Resident Indians, a system of overseas citizenship as well as PIO cards was started during that time. There were two types of cards. One is the Person of Indian Origin Card where the authority to issue the card were the embassies themselves, and in certain cases even the Consul General's Office. The other one, the Overseas Citizenship Card could be issued only after a proper scrutiny in Delhi and this card had a higher fee compared to PIO cards. Now, there are many Indians who have taken this card after waiting for two years, three years and all, after paying higher fees. Now, you suddenly, after all these years, think that they should not be given this designation of Overseas Indian Citizens. I really don't understand what the reason behind this new legislation is.

As it is, there is a growing disenchantment between the NRIs and the Indian Government. For instance, in the matter of overseas remittances from NRIs, there

is a complete disenchantment because the procedures are so tardy; the banks situated outside India can't accept deposits; they have to come to India to open a deposit account; by the time they do it, when the interest rates are fairly attractive to them, the rupee value gets eroded and there are many people who have lost their capital by investing. Now, you add to that woe. The people who have been given Overseas Citizenship Cards are now suddenly deprived; and you want them to be Overseas Cardholders. I really don't know, in such matters, why there should be a flip-flop. What is it? Just now, Shri Balagopal was mentioning about a case of a very talented person who has now been posted to occupy a very high post in India.

But he is not an Indian citizen. Now, such a situation can be avoided. There are many talented people who have gone abroad, who are working there and whose services can be utilized by the country, if only you give a dual citizenship. What is wrong with it? At least, people born in India - you need not extend it to people who were not born in India - and who have spent a substantial part of their life in India, and then, who have migrated outside for whatever reason, why should they be denied a dual citizenship? Atalji started with the concept of giving a dual citizenship. The process has now come to this stage that even to the people who had been given citizenship cards earlier, now you are saying that 'no they will not have these cards, and they will be called overseas cardholders'. I think this is a complete retrograde type of a legislation, and I really don't know why this amendment is necessitated at all. Thank you, Sir.

श्री अविनाश राय खन्ना (पंजाब): महोदय, मैं माननीय होम मिनिस्टर साहब से एक निवेदन करना चाहता हूँ। भारत में ऐसे बहुत से लोग हैं, जो पाकिस्तान से पीड़ित होकर, प्रताड़ित होकर यहां आए हैं। जो सिटिजनशिप लेने के लिए एलिजिबल हैं, वे मिनिस्ट्री के, आपके ऑफिसर्स के, आपके ऑफिसों के धक्के खा रहे हैं, लेकिन आज तक उनको कोई सिटिजनशिप नहीं दी गई है। पाकिस्तान में आज जो हालात हैं, उसके कारण उनका वहां रहना बहुत दूभर हो गया था। इसी आस से वे यहां आए थे कि हम सिटिजनशिप की सारी फॉर्मलिटीज़ पूरी करते हैं और हमें भारतीय नागरिक का अधिकार दे दिया जाएगा।

कई बार बहुत से लोगों को आपने बिना वेरिफाई किए हुए भी नागरिक बना दिया है, शायद उसमें वोट बैंक की कोई राजनीति रही होगी। उसी का इफेक्ट आज असम और वेस्ट बंगाल में साफ देखा जा सकता है। धीरे-धीरे वह चीज़ और भी फैल रही है। कृपया आप इस बात को चेक कीजिए कि जिनका राइट बनता है, उन्हीं को सिटिजनशिप दी जाए और जिनका राइट नहीं बनता है, उनको सिटिजनशिप नहीं दी जाए ताकि सिटिजनशिप का मिसयूज़ न हो।

[श्री अविनाश राय खन्ना]

श्री करीमपुरी जी ने आपके सामने एक बात रखी थी, मैत्रेयन जी ने कल यह बात कही थी कि पाकिस्तान से आए हुए लाखों हिन्दू जम्मू में आकर बस गए, लेकिन आज आजादी के 64 साल बाद भी उनको 'राइट टू वोट' नहीं मिला है। उनके बच्चे किसी भी सेंट्रल स्कीम या स्टेट स्कीम का फायदा नहीं ले पा रहे हैं।

इस देश के दो प्राइम मिनिस्टर और एक डिप्टी प्राइम मिनिस्टर पाकिस्तान से आए हुए लोगों में से ही बने थे, लेकिन जो हिन्दू जम्मू में आए हैं, वे अभी पंच या सरपंच तक भी नहीं बन सकते हैं, क्योंकि उनके पास वोट डालने का अधिकार नहीं है।

मेरा सरकार से निवेदन है कि आप उन लोगों के बारे में सोचिए। वे लोग आपकी तरफ देख रहे हैं। वे सरकार की किसी भी स्कीम का फायदा नहीं उठा पा रहे। 30,000 की संख्या में वे आए थे और आज उनकी संख्या करीब 1,00,000 हो गई है, लेकिन अभी तक भी उनको 'राइट टू वोट' नहीं मिला है। आप उनके बारे में सोचिए।

सर, जो हिन्दू पाकिस्तान से आए हैं, अगर आप उनका एक भी केस उठा कर देख लेंगे तो समझ लेंगे कि वे कितनी मुश्किलों से गुजर रहे हैं। वे न तो जीवित हैं और न ही मरे हुए हैं। सिटिजनशिप की फॉर्मलिटीज़ पूरी करने के लिए वे सर्टिफिकेट्स लगा कर भेजते हैं, तो आपके ऑफिस से एक चिट्ठी चली जाती है कि आपने यह सर्टिफिकेट नहीं लगाया। वे दोबारा फिर से लिख कर भेजते हैं कि हमने पूरी फाइल आपके यहां भेज दी है, फिर वहां से वही ऑब्जेक्शन लग कर आ जाता है और उनकी रिक्वेस्ट वापिस भेज दी जाती है।

सर, मैं आपसे निवेदन करता हूं कि एक इन्सान होने के नाते, एक जिम्मेवार सरकार होने के नाते, एक पॉलिटिकल सिस्टम के हैड होने के नाते आप उन लोगों की तरफ भी ध्यान दीजिए, जो यहां पर आए हुए हैं। उनको सिटिजनशिप दीजिए। **...(समय की घंटी)...**

अफसोस की बात यह है कि जब बांग्लादेशी यहां आते हैं, तो उनको राशन कार्ड भी मिलता है, सिटिजनशिप भी मिलती है, उनके वोट भी बन जाते हैं, वे सारी की सारी फेसिलिटीज अवेल करते हैं और बाद में वे देश के खिलाफ जो-जो काम करते हैं, वे भी आपको मालूम हैं। इसलिए आप कृपया जम्मू में बैठे विस्थापित लोगों की ओर ध्यान दीजिए। क्या आपको पता है कि आज भी अपने लिए क्या लिखते हैं? वे अपने नाम के आगे वेस्ट पाकिस्तानी रिफ्यूजी लिखते हैं। इस तरह जम्मू में बार-बार पाकिस्तानी शब्द का इस्तेमाल हो रहा है। आज भी जब वे बात करते हैं तो अपने लिए कहते हैं कि हम वेस्ट पाकिस्तानी रिफ्यूजी हैं। जब हिन्दुस्तान में सब रिफ्यूजी खत्म हो गए हैं, तो उनके साथ ही इतना अन्याय क्यों हो रहा है? आज भी वे लिखते हैं कि हम वेस्ट पाकिस्तानी रिफ्यूजी हैं। सर, आप इस बात की चिन्ता कीजिए कि उनके बच्चे स्कूल में एडमिशन नहीं ले पाते, उनके बच्चे पढ़ नहीं सकते, वहां उनके ह्यूमन राइट्स का इतना वॉयलेशन है। उनकी एक स्टोरी छपी थी। एक छोटी-सी बच्ची एक टूटे हुए घर के सामने खड़ी है। **...(समय की घंटी)...** उस स्टोरी में लिखा था कि **...(व्यवधान)...**

MR. DEPUTY CHAIRMAN: Yes. Now, please conclude.

श्री अविनाश राय खन्ना : वह कहती है कि मेरे साथ कौन शादी करेगा? ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Please conclude now.

श्री अविनाश राय खन्ना : इन बातों को ध्यान में रखते हुए आप जरूर अपना कोई स्टेटमेंट दें। ...(समय की घंटी)...

MR. DEPUTY CHAIRMAN: Please conclude now.

श्री अविनाश राय खन्ना : सर, मेरे पास अभी एक मिनट का समय बचा है। ...(व्यवधान)... मेरे पास लीगली अभी एक मिनट का समय बचा है। अगर आप कहें तो ...(व्यवधान)... प्लीज।

MR. DEPUTY CHAIRMAN: I only asked you to conclude. ...(Interruptions)... I did not ask you to stop.

श्री अविनाश राय खन्ना : सर, मैं कहना चाहूंगा कि यहां जितने मेम्बर्स हैं, शायद उनके ध्यान में अभी जम्मू-कश्मीर का विषय न हो। मैं आज सदन में अपने सभी साथियों से, सभी मेम्बर साहिबान से विनती करता हूं कि जब भी मौका मिले, उन रिफ्यूजियों की, वेस्ट पाकिस्तानी रिफ्यूजियों की बात जरूर करें, ताकि वे अपने देश के नागरिक बनकर अपने देश के विकास में अपना हिस्सा निभा सकें। बहुत-बहुत धन्यवाद।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): Mr. Deputy Chairman, I thank the hon. Members who have participated in the discussion and made their valuable contribution to this discussion. Seven hon. Members have participated in the discussion and except one hon. Member, everybody has unanimously supported this Bill. Sir, at the outset, I once again thank all of them for having given their valuable suggestions while participating in this discussion. Hon. Member, Shri Thaawar Chand Gehlotji, has made a very valid point about the Citizenship Act of 1955. In my speech, I have made it very clear that the Citizenship Act is of 1955. I confirm this. If there is any error in translation, I am sorry. I am not responsible for that. It is 1955. As mentioned in my speech, the amendment to Citizenship Act was first moved in 2011. So, the proposal is that the Citizenship Amendment Bill, 2011 is the official amendments. Sir, Shri Avinash Rai Khannaji has made some points. I take serious those concerns of the hon. Member that the process of grant of Indian citizenship takes time. I would like to mention that as per the Citizenship Act, an application for citizenship has to be filed with the District Collector, the Deputy Commissioner of the District. After verification of the application, the District Collector sends it

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to the concerned State Government. The State Government then sends it to the Union Government for final decision for the citizenship. Sir, Shri Ramakrishnanaji has made a point about the benefits and privileges that will be enjoyed by the Overseas Indians Cardholders. Definitely, the rights of Indian Overseas Cardholders would be exactly the same as that enjoyed by the overseas citizens of India. We are only changing the name because the term 'overseas Indians' is a misnomer. I will also clarify that persons already holding OCI cards will continue to be valid. Hon. Bandyopadhyayji has raised a very important point. His concern is about Section (d) on cancellation of registration of OCI. I reassure all respected Members that new process will be followed in procedure under Section 07D. I would also like to clarify the provisions of Section 7D are not new. These provisions are the same as already existed in the Act except for replacing the words 'overseas citizens of India' with 'overseas Indian cardholders' and nothing else is new in the Section. Sir, Avtar Singhji has made points. I agree with the concerns of Mr. Avtar Singhji that we need to treat the overseas Indians fairly. The Government is fully supportive of this concern. In fact, we now have the Ministry of Overseas Indian Affairs which is looking after the affairs of overseas Indians in a better manner. My friend, Mr. Balagopal, has made some suggestions. The Indian Constitution debars the dual citizenship. In fact, the Citizenship Act states that once a person takes the citizenship of another country, he loses his Indian citizenship automatically. So, there is no hanky panky about that. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Do you want to become a citizen of another country? ...*(Interruptions)*...

SHRI AVINASH RAI KHANNA: Sir, what about the West Pakistan Refugees?

SHRI MULLAPPALLY RAMACHANDRAN: The West Pakistan Refugees has nothing to do with this Bill. I know that, time and again, this issue has been raised here and in the other House also. But, at the moment, I cannot give you any assurance. ...*(Interruptions)*... I cannot discuss that matter now. ...*(Interruptions)*... I, once again, thank every Member, who has participated in this discussion, and ...*(Interruptions)*... I cannot give you any assurance. ...*(Interruptions)*...

SHRI AVINASH RAI KHANNA: Is there any assurance from the Government?
...(Interruptions)...

SHRI MULLAPPALLY RAMACHANDRAN: No, I cannot look into it, now.
...(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Minister, you can write to him later.
...(Interruptions)...

SHRI MULLAPPALLY RAMACHANDRAN: Yes, I will write to him separately.

MR. DEPUTY CHAIRMAN: Okay. He will write to you, Avinashji.

श्री थावर चन्द गहलोत : सर, इसमें पाकिस्तान से संबंध है। ...(व्यवधान)... सर, मैं आपके माध्यम से माननीय मंत्री जी को बताना चाहता हूँ कि वह बिल की धारा 7(क) का वह भाग देखें, जिसमें यह लिखा है, "परन्तु यह और कि कोई व्यक्ति, जो पाकिस्तान, बंगलादेश या ऐसे अन्य देश का, जिसे केन्द्रीय सरकार, राजपत्र में अधिसूचना द्वारा, विनिर्दिष्ट करे, नागरिक है या रहा था, विदेशी भारतीय कार्डधारक के रूप में रजिस्ट्रीकरण के लिए पात्र नहीं होगा।" माननीय मंत्री जी कह रहे हैं कि इसमें पाकिस्तान से संबंध नहीं है, जबकि इसमें स्पष्ट लिखा है कि पाकिस्तान से इसका संबंध है।...(व्यवधान)...

MR. DEPUTY CHAIRMAN: The Minister will look into it and write to you.

श्री थावर चन्द गहलोत : वे पाकिस्तान से आकर यहां अनधिकृत रूप से बस रहे हैं और यहां की नागरिकता ले लेते हैं...(व्यवधान)... उसी प्रकार बंगलादेश से आ गए और यहां की नागरिकता ले ली, वे यहां पर रह रहे हैं और उनको सब पात्रता मिल रही है। इसके बारे में विचार करने की आवश्यकता है, यह इसमें स्पष्ट लिखा हुआ है। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Okay; okay.

SHRI MULLAPPALLY RAMACHANDRAN: Sir, I will write to the hon. Member separately.

SHRI K.N. BALAGOPAL: Sir, I also want to raise one point.

MR. DEPUTY CHAIRMAN: He is your friend. Why do you want to trouble him. You have said that you are friends.

SHRI K.N. BALAGOPAL: It is regarding the question of overseas citizens and Indian cardholders. Kerala is facing a problem. Those who are in Pakistan want to come back. But they cannot come. There is a problem. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Yeah. The Minister may kindly look into it and take whatever action is possible. ...(*Interruptions*)...

SHRI K.N. BALAGOPAL: It is a big problem. They are from my part of Kerala. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Okay; okay.

The question is:

That the Bill further to amend the Citizenship Act, 1955, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now, we shall take clause-by-clause consideration of the Bill. In clause 2, there are two amendments (Nos. 3 and 4) by the hon. Minister.

Clause 2 – Amendment of Section 2

SHRI MULLAPPALLY RAMACHANDRAN: Sir, I move:

(3) That at page 1, *for* line 7, the following be *substituted*, namely:-

“section 2, -

(i) for clause (ee), the following clause shall be substituted, namely”:-

(4) That at page 1, *after* line 9, the following be *inserted*, namely.-

“(ii) after clause (f), the following clause shall be inserted, namely:-

(ff) “person of Indian Origin” means a person who or either of whose parents was born in undivided India or in such other territories which became part or India after the 15th day of August, 1947;”

The questions were put and the motions were adopted.

Clause 2, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, we shall take up clause 3. There is one amendment (No. 5) by the hon. Minister.

Clause 3 – Amendment of Section 5

SHRI MULLAPPALLY RAMACHANDRAN: Sir, I move:

(5) That at page 2, *for* lines 1 to 5, the following be *substituted*, namely:-

“(c) for Explanations 1 and 2, the following Explanation shall be substituted, namely:-

“Explanation 1- An applicant shall be deemed to be ordinarily resident of India for the purpose of,-

(i) clauses (a), (c), (f) and (g), if he has resided in India throughout the period of twelve months immediately before making an application for registration:

Provided that if the Central Government is satisfied that special circumstances exist, it may after recording the circumstances in writing, relax the period of twelve months specified in clause (i) for a period not exceeding thirty days; and

(ii) clauses (a) and (c), if the applicant has also resided in India during the eight years immediately preceding the said period of twelve months for a period of not less than six years”.

The question was put and the motion was adopted.

Clause 3, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, we shall take up clause 4. There are two amendments (Nos. 6 and 7) by the hon. Minister.

Clause 4 – Substitution of New Sections for Sections 7A, 7B, 7C and 7D

SHRI MULLAPPALLY RAMACHANDRAN: Sir, I move:

(6) That at page 2, lines 23 and 24, *for* the words “who is a citizen of another country where his or her”, the words “or spouse of an overseas Indian cardholder registered under clause (a) or spouse of a person of Indian origin who is a citizen of another country and whose” be *substituted*.

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(7) That at page 3, line 19, *for* the words “every minor child of that person”, the words “the spouse and every minor child of such person” be *substituted*.

The questions were put and the motions were adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, we shall take up clause 1. There is one amendment (No. 2) by the hon. Minister.

Clause 1 – Short Title and Commencement

SHRI MULLAPPALLY RAMACHANDRAN: Sir, I move:

(2) That at page 1, Line 3, *for* the figure “2011”, the figure “2013” be *substituted*.

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, we shall take up the Enacting Formula. There is one amendment (No. 1) by the hon. Minister.

Enacting Formula

SHRI MULLAPPALLY RAMACHANDRAN: Sir, I move:

(1) That at page 1, line 1, *for* the word “Sixty-second”, the word “Sixty-fourth” be *substituted*.

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI MULLAPPALLY RAMACHANDRAN: Sir, I move:

That the Bill, as amended, be passed.

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: The House is adjourned to meet tomorrow, 14th August, at 11.00 A.M.

The House then adjourned at twenty-six minutes past six of the clock till eleven of the clock on Wednesday, the 14th August, 2013.