

[18 December, 2003] RAJYA SABHA

THE DEPUTY CHAIRMAN: Hon. Members, you have done a very good job today. Thank you very much. May I have a little bit of your indulgence? Today, I am so happy, the House is so full. There is a legislation, which is important for our NRIs abroad, those Non-Resident Indians who have done a great service to India, the Citizenship (Amendment) Bill, 2003. If you feel, we can pass this legislation. If there is no objection, as I feel, we can pass it without any discussion.

SOME HON. MEMBERS: Yes, Madam.

THE DEPUTY CHAIRMAN: Okay. Then, Mr. L.K. Advani to move the Bill ...*(Interruptions)*...

SHRI SURESH PACHOURI (Madhya Pradesh): Madam, Dr. Manmohan Singh wants to say something about the Citizenship (Amendment) Bill.

THE DEPUTY CHAIRMAN: Let Advaniji move the motion, then, I will allow him.

THE CITIZENSHIP (AMENDMENT) BILL, 2003

THE DEPUTY PRIME MINISTER, IN CHARGE OF THE MINISTRY OF HOME AFFAIRS AND MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI L.K. ADVANI): I move:

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

Madam, I hold that today the world-over, India and Indians are viewed with respect, and one major factor contributing to this situation is the Indian diaspora settled abroad. Wherever they have gone, they have distinguished themselves; they have achieved heights in various walks of life. They have merged themselves in the local nation also. They have contributed to the development of the nation where they have settled, and they continue to have warm ties with India and India's culture. For a long time, there has been this demand that the provision for dual citizenship which obtains in very many other countries should be available in India also, for Indians settled in certain countries where there is the reciprocal arrangement and where there is a demand for that. A Committee

was constituted under Dr. L.M. Singhvi which examined the whole thing. That Committee was also comprised of all political parties, and it made a unanimous recommendation that this should be done. And they made a unanimous recommendation that this should be done. They also suggested that in order to bring the diaspora closer to themselves and to India, a Pravasi Bharatiya Diwas should be organised every year. Early this year, in January, it was organised. It is due again on the 9th and 10th of January next year. It is, therefore, that it was felt that before this Pravasi Bharatiya Diwas is observed a second time, Parliament should implement the recommendation of this committee and that proposal, therefore, was enacted into a Bill and sent to the Standing Committee, headed by Shri Pranab Mukherjee. The Standing Committee has examined that, endorsed the basic provisions but give certain suggestions as amendments, which amendments also have been substantially incorporated in the Bill that I have just now moved. And I hope that it would receive the unanimous support of the House. With these words, I move that the Citizenship (Amendment) Bill, 2003 be taken into consideration. Thank you, Madam.

The question was proposed.

THE DEPUTY CHAIRMAN: Dr. Manmohan Singh, do you want to say something?

THE LEADER OF THE OPPOSITION (DR. MANMOHAN SINGH): Madam, I join the hon. Deputy Prime Minister in paying our tribute to the great sense of creativity of Indian diaspora. They have proved, if any proof was needed, that given suitable opportunities, we Indians are second to none. Their knowledge, their wealth, their experience and expertise is a great national reservoir which can be tapped for the benefit of our country. Therefore, we are fully in support of measures to strengthen the emotional link between our country and members of the Indian diaspora.

Indeed, the first steps in this context were taken when our Government was in office in 1995. If I remember correctly, Dr. Singhvi was then the Indian High Commissioner, and I am very happy that those initial efforts have fructified in the form of a Bill, which confers the right of overseas citizenship on people of Indian origin in specified countries. We are fully in support of this measure.

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While I am on this subject, Madam, I would like to say something, about the treatment of refugees. After the partition of our country, the minorities in countries like Bangladesh, have faced persecution, and it is our moral obligation that if circumstances force people, these unfortunate people, to seek refuge in our country, our approach to granting citizenship to these unfortunate persons should be more liberal. I sincerely hope that the hon. Deputy Prime Minister will bear this in mind in charting out the future course of action with regard to the Citizenship Act.

THE DEPUTY CHAIRMAN: Mr. Advani, the minorities in Pakistan are also suffering. They have to be taken care of too.

SHRI L.K. ADVANI: Madam, I fully endorse that view.

SHRISHANKAR ROY CHOWDHURY(West Bengal): Madam, I wish to speak on this.

THE DEPUTY CHAIRMAN: Nobody is speaking on this. Even Dr. L.M. Singhvi, who was heading this committee, has withdrawn his name.

AN HON. MEMBER: Madam, since he has done so much for the country, he should be allowed to speak.

SHRI SHANKAR ROY CHOWDHURY: Madam, with your indulgence, I would like to convey further what Dr. Manmohan Singh has spoken about refugees. And it is an issue I had taken up with the hon. Deputy Prime Minister. From Bangladesh, we are getting a wide variety of people who are entering into our country illegally, all of them. Some are economic migrants whom you see all over the country, be it Mumbai, Delhi or Calcutta. Some are infiltrators, terrorists. But a large number of them are religious minorities facing persecution, Chakmas, Hindus, Buddhists, many of them. I urge the Government again, through you, Madam — I earnestly urge the Government — minorities fleeing Bangladesh for the fear of persecution should be given citizenship and should be treated in a supportive and kind manner. Thank you very much.

SHRI L.K. ADVANI: Madam, I have taken note of what the Leader of the Opposition and Shri Shankar Roy Chowdhury have said, and I am fully in agreement with the views that they have expressed. Very often, in the past, we have faced this kind of situation when we have

adopted and approach of that kind. There were various kinds of allegations made that 'you are making discrimination between this and that' which we do not propose to do. We always say that a person who has to flee because of religious persecution is a refugee, *bona fide* refugee, and he cannot be regarded on par with the illegal immigrant who may have come for any reason, even for economic reasons. If he is an illegal immigrant, he is an illegal immigrant. So, I take note of what has been said and endorse it. मैं समझता हूँ कि यह एक महत्वपूर्ण प्रावधान हम कर रहे हैं जिसमें भारतवासी और भारतवंशी- दोनों किस प्रकार से सहयोग कर के भारत की उन्नति में योगदान कर सकते हैं और विश्वभर में भारत की प्रतिष्ठा को बढ़ा सकते हैं, इस दृष्टि से यह विधेयक सहायक होगा।

THE DEPUTY CHAIRMAN: I feel that this is a great moment for us to pass this legislation. It is a historic legislation which we are passing though at the fag end, and I thank the House for it. Now, I shall put the Motion moved by Shri L.K. Advani to vote. The question is:

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

The motion was adopted.

THE DEPUTY CHAIRMAN: Now, we shall take up clause-by-clause consideration of the Bill. There are two amendments by the Minister.

Clause 2 — Amendment of Section 2

SHRI L.K. ADVANI: Madam, I move:

1. That at page 2, *for* lines 11-13, the following be *substituted*, namely,—

'(ee) "overseas citizen of India" means a person who — is of Indian origin being a citizen of a specified country, or was a citizen of India immediately before becoming a citizen of a specified country,

and is registered as an overseas citizen of India by the Central Government-under sub-section (1) of Section 7A;";

2. That at page 2, *for* lines 15-16, the following be *substituted*, namely,—

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'(gg) "specified country" means a country specified in the Fourth Schedule:

Provided that the Central Government may, by notification in the official Gazette, amend the said Schedule by way of addition or omission of any entry therein:

Provided further that every notification issued under this clause shall, as soon as may be, after it is made, be laid before each House of Parliament;".

The questions were put and the motions were adopted.

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

Clause 3 was added to the Bill.

Clause 4 — Amendment of Section 4

THE DEPUTY CHAIRMAN: Clause 4. There is one amendment by the Minister.

SHRI L.K. ADVANI: Madam, I move:

3. That at page 3, *for* lines 35-38, the following be *substituted*, namely,—

"(1 A) A minor who is a citizen of India by virtue of this section and is also a citizen of any other country shall cease to be a citizen of India if he does not renounce the citizenship or nationality of another country within six months of attaining full age."

The question was put and the motion was adopted.

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

Clauses 5 and 6 were added to the Bill.

Clause 7 — Insertion of heading and new Sections 7A, 7B, 7C and 7D

THE DEPUTY CHAIRMAN: Clause 7. There are three amendments by the Minister.

SHRI L.K. ADVANI: Madam, I move:

4. That at page 4 lines 46-48 be *deleted*,

5. That at page 5, line 2, the words "on taking the oath of allegiance specified in the Second Schedule" be *deleted*.

6. That at page 6, lines 8-9, for the words "shown himself by any Act -or speech to be disloyal or disaffected", the words "shown disaffection" be *substituted*.

The questions were put and the motions were adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

CLAUSE 9 — Amendment of Section 9

THE DEPUTY CHAIRMAN: Clause 9. There is one amendment by the Minister.

SHRI L.K. ADVANI: Madam, I move:

7. That at page 6, for clause 9, the following be *substituted*, namely,—

"9. In section 9 of the principal Act, in sub-section (2), for the word "person", the words "citizen of India" shall be *substituted*.

The question was put and the motion was adopted.

Clause 9, as amended, was added to the Bill.

Clause 10 and 11 were added to the Bill.

CLAUSE 12 — Insertion of new Section 14A.

THE DEPUTY CHAIRMAN: Clause 12. There are two amendments by the Minister.

SHRI L.K. ADVANI: Madam, I move:

8. That at page 6, for lines 45-46, the following be *substituted*, namely,—

"(2) The Central Government may maintain a National Register of India Citizens and for that purpose establish a National Registration Authority.

- (3) On and from the date of commencement of the Citizenship (Amendment) Act, 2003, the Registrar General, India, appointed under sub-section (1) of section 3 of the Registration of Births and Deaths Act, 1969 shall act as the National Registration Authority and he shall function as the Registrar General of Citizen Registration.

The Central Government may appoint such other officers and staff as may be, required to assist the Registrar General of Citizen Registration in discharging his functions and responsibilities.

The procedure to be followed in compulsory registration of the citizens of India shall be such as may be prescribed."

9. That at page 7, lines 1 -3 be *deleted*.

The questions were put and the motions were adopted.

Clause 12, as amended, was added to the Bill.

THE DEPUTY CHAIRMAN: In Clause 13, there is one amendment by the hon. Minister.

CLAUSE 13 — Insertion of New Section 15A

SHRI L.K. ADVANI: Madam, I move:

10. That at page 7, after line 11, the following be *inserted*, namely,—

"Provided further than an application for a review of an order passed in terms of the provisions of section 14A shall be disposed of in the manner provided for in the procedure as may be laid down under clause(ia) of sub-section(2) of section 18."

The question was put and the motion was adopted.

Clause 13, as amended, was added to the Bill.

Clause 14 was added to the Bill.

THE DEPUTY CHAIRMAN: In Clause 15, there is one amendment by the hon. Minister.

CLAUSE 15 — Amendment of Section 18

SHRI L.K. ADVANI: Madam, I move:

11. That at page 7, for lines 25-29, the following be *substituted*, namely,—

"(ia) the procedure to be followed in compulsory registration of the citizens of India under sub-section (5) of section 14A;"

The question was put and the motion was adopted.

Clause 15, as amended, was added to the Bill.

Clause 16 was added to the Bill.

THE DEPUTY CHAIRMAN: In clause 17, there are three amendments by the hon. Minister.

CLAUSE 17 — Substitution of Second Schedule by a New Schedule

SHRI L.K. ADVANI: Madam, I move:

12. That at page 7, line 39 for the brackets, words and figures "[See section 5(2), 6(2) and 7A(2)]", the brackets, words and figures "[See sections 5(2) and 6(2)]" be *substituted*.

13. That at page 7, line 41, be *deleted*.

14. That at page 8, lines 1-4, be *deleted*.

The questions were put and the motions were adopted.

Clause 17, as amended, was added to the Bill.

Clause 18 was added to the Bill.

THE DEPUTY CHAIRMAN: In clause 19, there is one amendment by the hon. Minister.

CLAUSE 19 — Insertion of New Fourth Schedule

SHRI L.K. ADVANI: Madam, I move:

15. That at page 8, for lines 24-31, the following be *substituted*, - namely,—

"1. Australia

Canada

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Finland
France
Greece
Ireland
Israel
may
Netherlands
New Zealand
Portugal
Republic of Cyprus
Sweden
Switzerland
United Kingdom
United States of America"

The question was put and the motion was adopted.

Clause 19, as amended, was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI L.K. ADVANI: Madam, I move:

"That the Bill, 2003, as amended, be passed."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: The Bill is passed. Thank you very much. We earned today's money. The House is adjourned till eleven of the clock tomorrow.

The House then adjourned at thirty nine minutes past six of the clock till eleven of the clock on Friday, the 19th December, 2003.