

ESTIMATES COMMITTEE

(1982-83)

(SEVENTH LOK SABHA)

THIRTY-SEVENTH REPORT

MINISTRY OF EXTERNAL AFFAIRS

Action Taken by Government on the recommendations contained in the Twenty Fourth Report of Estimates Committee (Seventh Lok Sabha) on the Ministry of External Affairs—Overseas Indians in West Asia Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part III—South East Asia (Burma, Malaysia, Singapore and Indonesia)

Presented to Lok Sabha on..... 24.3.1983



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI

March, 1983/Phalgun, 1904 (Saka)

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CORRIGENDA

37th Report of Estimates Committee

(1982 -83)

<u>Page No.</u>	<u>Line</u>	<u>For</u>	<u>Read</u>
2	21	was	as
11	19	Indians	Indian
11	20	Foreign	Foreigners
11	23	<u>After</u> 'India'	Insert (.)
15	20	onactment	enactment
21	Last sub para.	delete '(d)'	substitute '(b)'
21	38	<u>delete</u> 'No person shall emigrate for the purpose of em-'	<u>substitute</u> 'The recruiting agent shall give securit either in cash.'

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(1982-83)

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STUDY GROUP ON ACTION TAKEN REPORTS OF
ESTIMATES COMMITTEE

(1982-83)

1. Shri Bansi Lal—*Chairman*
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6. Shri B. V. Desai
7. Shri Krishna Kumar Goyal
8. Smt. Sanyogita Rane
9. Shri Girdhari Lal Vyas

INTRODUCTION

1. the Chairman of the Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Thirty Seventh Report on action taken by Government on the recommendations contained in the Twenty-fourth Report of Estimates Committee (7th Lok Sabha) on the Ministry of External Affairs—Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part III—South East Asia (Burma, Malaysia, Singapore and Indonesia).

2. The Twenty-fourth Report was presented to Lok Sabha on 29 March, 1982. Government furnished their replies indicating action taken on the recommendations contained in that Report by 15 September, 1982. The replies were examined by Study Group on Action Taken Reports of Estimates Committee at their sitting held on February 25, 1983. The draft Report was adopted by the Committee on 1 March, 1983.

3. The Report has been divided into the following Chapters:—

- I. Report
- II. Recommendations which have been accepted by Government.
- III. Recommendations which the Committee do not desire to pursue in view of Government's replies.
- IV. Recommendations in respect of which replies of Government have not been accepted by the Committee.
- V. Recommendations in respect of which final replies of Government are still awaited.

4. An analysis of action taken by Government on the recommendations contained in the Twenty-fourth Report of Estimates Committee is given in Appendix. It would be observed therefrom that out of 22 recommendations made in the Report 21 recommendations i.e. 95 per cent have been accepted by the Government and the Committee do not desire to pursue one recommendation i.e. about 5 per cent in view of Government's replies.

NEW DELHI;
March 2, 1983

Phalguna 11, 1904

BANSI LAL,
Chairman,
Estimates Committee.

CHAPTER I

REPORT

1.1. This Report of the Estimates Committee deals with action taken by Government on the recommendations contained in their 24th Report (7th Lok Sabha) on the Ministry of External Affairs—Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part III—South East Asia (Burma, Malaysia, Indonesia and Singapore) which was presented to Lok Sabha on 29th March, 1982.

1.2. Action taken notes have been received in respect of all the 22 recommendations contained in the Report.

1.3. Action taken notes on the recommendations of the Committee have been categorised as follows:—

- (i) Recommendations/Observations which have been accepted by the Government:—

Sl. Nos. :—1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22.

(Total 21)—Chapter II

- (ii) Recommendations/Observations which the Committee do not desire to pursue in view of Government replies:—

Sl. No.—19

(Total 1)—Chapter III

- (iii) Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee:—

NIL—Chapter IV

- (iv) Recommendations/Observations in respect of which final replies of Government are still awaited:—

NIL—Chapter V

1.4. The Committee will now deal with action taken by Government on some of the recommendations.

Stateless Indians in Singapore

Recommendation Sl. No. 17 (Paragraph 3.13)

1.5. The Estimates Committee had noted that there were about 2600 Indian passport holders in Singapore and about 2000 'stateless' persons of Indian origin. It was open to the stateless persons to opt for either Singapore or Indian or British Citizenship. They had not exercised the option or perhaps they wanted to keep the options open. Such of the stateless person who had not been given Singapore citizenship or who desired to obtain Indian citizenship applied to the Indian Mission for the same. Their cases were referred to State Governments in India and once clearance was given by the State Governments concerned, they were registered with the Indian Mission as citizens of India. In 1981, 227 cases were pending with the State Governments and the Committee were surprised to find that some cases referred to the State Governments for clearance had been pending since 1973. The Committee had desired the Ministry to take up, at a high level, all such cases as were pending with the State Governments for a long time with a view to deciding their disposal expeditiously.

1.6. The Ministry have, in their reply, stated that of all the 227 cases referred to in the Report was pending finalisation, 128 cases had since been approved by the State Governments concerned and letters had been issued by the Mission to all applicants. Formal registration of the applicants was stated to be pending in some cases for want of replies from the applicants. Of the remaining 99 cases still pending finalisation, there were 75 cases in which the State Governments had asked for certain details for which the applicants had been addressed by the Mission and their replies were awaited. The Ministry have added that there were only 24 cases in which action was pending with the State Governments and these were also being pursued by them.

1.7. The Committee note that out of 227 cases observed by the Committee as pending in 1981, 24 cases are still pending with the State Governments. These cases should be pursued with the State Governments by the Ministry at a high level.

The Committee further note that of 128 cases approved by the State Governments concerned, formal registration of the applicants is stated to be pending "in some cases" and that 75 cases are yet to be approved by the State Governments. The Committee are concerned about the stateless persons of Indian origin who have no one to turn to in case of any difficulty in what is to them now a foreign land. The Committee desire that the Ministry should

ensure prompt action to finalise all pending cases and register all those in whose case the grant of citizenship has been approved.

Implementation of Recommendations

1.8. The Committee would like to emphasise that they attach the greatest importance to the implementation of the recommendations accepted by Government. They would, therefore, urge that Government should ensure expeditious implementation of the recommendations accepted by them. In case where it is not possible to implement the recommendations in letter and spirit for any reason, the matter should be reported to the Committee in time with reasons for non-implementation.

CHAPTER II

RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation S. No. 1 (Para Nos. 1.51 to 1.57)

1.51 The migration of Indians to Burma dates back to the end of 19th Century. They went to Burma without any citizenship papers and a majority of them have continued to be without them. After the withdrawal of British rule from Burma in 1948, the Burmese implemented the policy of Burmanisation in all Government services and took a number of other nationalisation measures. However, many Indians continued to stay on in Burma and earned their livelihood. In 1963 Government of Burma launched the wholesale nationalisation programme which resulted in the mass exodus of Indians from Burma. The main problem of Indians in Burma is that even though they have been living in Burma for generations, a large number of them have not been able to acquire the rights of citizenship in spite of their keenness to acquire Burmese citizenship.

1.52 The Burmese Government started the process of national registration in 1958. Due to combination of certain circumstances principally the functioning of registration authorities, the inaccessibility of several regions of Burma and also due to the ignorance of the persons residing in the interior areas, a sizable number of persons have remained without registration on the National Registry. They are 'documentless persons.'

1.53 According to the Ministry there is no precise figure available of the persons of Indian origin in Burma. According to estimates however, the Ministry thinks that there might have been 5-6 lakh persons of Indian origin in 1958. Today their number is estimated to be between 3-4 lakhs. Of them approximately 50 thousand have acquired Burmese citizenship and another 50 thousand are holding foreigners' registration certificates. Approximately 2 lakh persons of Indian origin who do not have document can be called stateless Indians in Burma.

1.54. In the opinion of the Government of India the 'document-less persons' in Burma are ipso facto Burmese citizens in terms of Section 4(2) of the Union Citizenship Act of Burma which is still in force there. But the discretion of Burmese Government which is inherent in any authority in such matters stands in the way of these persons getting citizenship of Burma.

1.55. The Committee are informed that in 1979, the Burmese Government started a fresh drive to invite options from the residents, foreigners as well as stateless persons, whether they would like to acquire Burmese citizenship. The Indian policy in this regard has been that persons who have settled down in another country should, as far as possible, be given citizenship of that country. A large number of persons of Indian origin are stated to have filed their option for Burmese citizenship and their options are being processed by the Burmese authorities.

1.56. The Ministry has informed the Committee that Government of India has been taking up the question of grant of citizenship to persons of Indian origin in Burma with the Burmese Government right from 1948. Even though assurances have been given by Burmese Government from time to time, there have been no tangible results so far. The Ministry has clarified that the Burmese reluctance in this regard is not restricted to only people of Indian origin. It applies to all aliens without discrimination though it is a different matter that Indians have been worst hit.

1.57. The Committee realise that this is quite a complex issue. It has defied solution so far though Government of India has been trying to persuade the Burmese Government even at the highest level to be liberal enough to grant Burmese citizenship to people of Indian origin who have settled in that country. It is a human problem and has to be viewed with compassion. The Committee trust that Government of India will not relent in its efforts to persuade Burmese Government to adopt a more fair and humanitarian attitude towards the Indian community in Burma.

Reply of the Government

As the Ministry has informed the Estimates Committee, the Government of India has been taking up the question of grant of citizenship to persons of Indian origin in Burma with the Burmese Government right from 1948. Burma's Law Commission Chairman presented the "Burmese Citizenship Draft Law" on April 20, 1982. The draft law would uniformly apply to all aliens resident in

Burma including persons of Indian origin. Under the proposed draft law, the majority of persons of Indian origin in Burma would qualify for citizenship which would be distinct from that of the nationals of Burma.

While the proposed draft law is a matter for the Burmese Government to decide, at the same time the Government of India naturally continues to make all possible efforts to safeguard the interests of people of Indian origin in Burma.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation S. No. 2 (Para No. 1.58)

1.62,000 Indian have so far left Burma under the Government of India's repatriation programme. The total number of active cases for repatriation pending with Government of India since 1977 were 1124 as in October, 1981. Secretary, Ministry of External Affairs, had informed the Committee in evidence (January 1982) that after examination of all these cases, the Ministry had come to the conclusion that there were about 150 people who had really no means of sustenance and no job and, therefore, deserved to be repatriated and that the Ministry was making arrangements for their repatriation. In March 1982, the Ministry informed the Committee that on fresh consideration, it had been decided that no repatriation may be carried out during the current financial year (i.e. 1981-82). The Committee feel that in dealing with such cases, beside other consideration which the Government may have, Indians, who belong to split families, should receive special consideration and if they are destitute and eager to rejoin their families in India, preference should be given to them.

Reply of the Government

While the Ministry accepts the recommendation of the Estimates Committee, the decision regarding the timing of repatriation will be taken keeping in view the overall interests of the people of Indian origin in Burma.

(M.E.A. No. S/411/1/82 dated September 15, 1982.)

Recommendation, S. No. 3 (Para No. 1.59)

Reports about restriction imposed by Burmese authorities on movement of Indians from one place to another without prior permission and their non-eligibility for higher or technical education have reached the Committee. It is stated that even for newly

married couples, change of address poses a formidable problem. Secretary, Ministry of External Affairs, informed the Committee that in Burma it was necessary even for Burmese citizens to get permission before changing their residence. For foreigners including Indians procedure is very much complicated. Similar is the position regarding higher education. Burmese authorities do not allow higher education to anybody other than their own citizens and even in respect of their own citizens selections for admissions to higher education are made on the recommendations of Security Council of the local District. Secretary (External Affairs) was not very hopeful about any relief for Indians in Burma in the matter of admission to higher institutions. It has saddened the Committee beyond words. The Committee, nevertheless, hope that the Ministry would continue to move and urge Burmese authorities to show magnanimity to Indian children in the matter of higher education and to act with compassion in genuine cases of hardship in the matter of movement from one place to another.

Reply of the Government

While the Ministry will continue to move and urge the Burmese authorities to show magnanimity to Indian children in the matter of higher education, it needs to be pointed out that in view of the overall inadequacy of facilities for higher technical education, there is not much hope of relaxation of policy of the Government of Burma in the matter of according such facility to foreigners.

As far as cases of hardship in regard to movement from one place to another are concerned, the government will continue to take up the cases of harassment/delay with the Burmese authorities as in the past.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation S. No. 4 (Para No. 1.60)

155 Indians are detained in Burmese jails at present. Of them 105 have been in jails for more than 5 years. In fact, some of them are there for over 10 years. 139 are detained in the jails for offences under the Foreigners Registration Act and for illegal entry into the country. 12 are detained for civil and criminal offences. The Ministry expected (January, 1982) that most of the detainees might be released within 6 months. Indian Embassy, it is stated, pursues cases of Indians with the authorities and tries to get the process of trial expedited. It has also been approaching Burmese authorities at all levels for the release of Indian detainees on humanitarian con-

sideration. The Embassy also maintains contacts with the detainees in jails. The Committee hope that the Government of India would continue to make efforts to secure release of Indian detainees as early as possible. The Committee also expect that Indian Embassy would not neglect any Indian detainee in the jail, help maintain contact between the detainees and their families, and periodically assures them of its concern for their welfare and release. The Indian Embassy should also not hesitate providing legal aid to the detainees wherever needed.

Reply of the Government

This is already being acted upon. As a result of efforts by our Embassy, a large number of Indian detainees have since been released and the present number of Indians in Burma jails is 48. The Mission, through untiring efforts has procured a list of these 48 Indian detainees and pursues their cases vigorously to secure their release on the expiry of their prison term.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation (S. No. 5, Para No. 1.61)

The issue of payment of compensation for nationalised assets of Indian nationals has been hanging fire for several years. Though no precise estimate of the assets and properties nationalised or left behind by Indians is available, the value of overall claims filed by Indians is placed around Kyats 24 crores according to Indian estimate. The Burmese Government has put it Kyats 8 crores of which Kyats 2 crores are sought to be claimed against the liabilities of Indians concerned in the shape of taxes etc. Against the balance of Kyats 6 crores, the Burmese Government made an offer of Kyats 3 crores which the Government of India does not consider to be satisfactory. Government of India has so far failed on its efforts to get reasonable compensation from Burmese Government. The Committee expect that the Ministry would not relent and would continue to press the Burmese authorities till full compensation is paid by them for all the assets nationalised or left behind by Indians regardless of the fact whether the Indians concerned are still in Burma or have come back.

Reply of the Government

The Ministry intend to continue its efforts in regard to the payment of compensation for properties till a satisfactory solution has been found.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation (S. No. 6, Para No. 1.62)

There is acute dearth of reading material so far as Indians in Burma are concerned. Though Government of India has provided some literature for Indians in Burma with the permission of the Burmese authorities, the Ministry has pleaded inability to do much in the matter as under the Burmese regulations, no printed material can be imported into Burma without specific permission from the Burmese Government. This policy of the Government of Burma applies to all foreign material. In this matter too, there is need to make constant efforts to persuade the Burmese authorities to relax restrictions at least in respect of religious, spiritual and non-political literature and text books.

Reply of the Government

While it is absolutely doubtful to expect the Burmese authorities to relax their restrictions in the matter of import of printed material including that of religious, spiritual and non-political nature, it has nevertheless been possible for the Embassy to distribute books and other reading material including newspapers, etc. to the various Indian organisations in Burma within the framework of Burmese regulations.

A fresh consignment of 714 copies each of the Ramacharitmanas and Mahabharata is being made available to the Embassy for distribution amongst the Indian community in Burma.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation (S. No. 9, Para No. 2.33)

It is a matter of regret that a request for the supply of a Hindi typewriter by All Burma India Congress received as far back as 1975 took more than six years to be complied with. If even in such matters the Ministry is not able to act fast Indians faith in its capacity and sincerity to help them will be shaken. The Ministry will do well to impress upon its officers not to let redtapism come in the way of doing such small favours to Indian community abroad.

Reply of the Government

The Committee's observations about avoidable delay have been noted for compliance. One more Hindi typewriter has since been received by the Embassy for presentation to the All Burma Indian Congress, Zeyawadi Branch.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation (S. No. 8, Para Nos. 2.31 to 2.32)

2.31. At the time of independence of Malaysia in 1957 there were over a million or so Indians there. Upto now, approximately 1.3 million people of Indian origin have acquired Malaysian citizenship. At present there are somewhere between 20—40 thousand persons of Indian origin in Malaysia who have not acquired Malaysian citizenship. This is probably due to the fact that they have not made efforts to obtain Malaysian citizenship because even today it is possible for them to take citizenship by naturalisation.

2.32. Stateless Indians in Malaysia are experiencing certain difficulties in coming over to India. They feel that the procedural requirements of obtaining emergency certificates and re-entry visas and police formalities should be made less stringent. The Committee feel that their suggestion to the Indian Government to persuade Malaysian authorities to issue re-entry visas to the stateless persons for at least a period of one year and not six months as at present, merits sympathetic consideration. Within the limitations of official proprieties the Ministry may consider as to what it can do in the matter.

Reply of the Government

Since November 1, 1981 the Malaysian authorities are already issuing re-entry visas for period of one year to all persons with right of permanent residence in Malaysia irrespective of their national status. It has been found that stateless persons of Indian origin wishing to visit India have also been given one year re-entry permits on their Malaysian Certificates of Identity. The Committee's recommendation, therefore, stands fulfilled.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation (S. No. 9, Para No. 2.33)

Similarly the Ministry may also consider favourably their request to grant them emergency certificates to visit India for a period of one year. This would, of course, be contingent on their getting re-entry visas from Malaysian Government for identical period.

Reply of the Government

There are two categories of persons who are classified as "Stateless". The first category comprises of those persons who being

resident in Malaysia on 26-1-1950, failed to register themselves with the Indian Mission and those who arrived in Malaysia in early fifties as minors to join their parents whose nationality was not then defined. These persons are eligible for registration as Indian citizens while resident abroad, and as potential Indian citizens. they are being granted. Two Way Emergency Certificates by our High Commission in Kuala Lumpur for their travel between Malaysia and India. The validity of these Two Way Emergency Certificates is *two years*.

The second category of "Stateless" persons consists of those who at one stage acquired Malaysian citizenship and had subsequently surrendered it or were deprived of it. These persons are not eligible for registration as Indian citizens while resident abroad. They are, however, granted Certificates of Identity (by the Malaysian authorities) for travel out of Malaysia. These Certificates of Identity are valid for one year initially but extendable subsequently.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation (S. No. 10, Para No. 2.34) . .

The Committee do not think it is fair to persons of Indians origin to be treated strictly like foreign while on a temporary visit to India. Police formalities, the Committee are told, have been prescribed by the Ministry of Home Affairs to safeguard national interests. The Ministry of External Affairs has, however, admitted that the formalities are cumbersome. In suggesting streamlining of the police formalities, the Committee do not wish to under-rate the need for safeguarding national interests. But the Committee do feel that the persons of Indian origin should be treated in India with due courtesy and consideration so that they carry pleasant memories of their visit to the land of their ancestors. The Committee would like the Ministry of External Affairs to take up this matter with the Home Ministry for a satisfactory solution.

Reply of the Government

As desired by the Estimates Committee their observations/recommendations were brought to the notice of the Ministry of Home Affairs who, after examining the issues involved, have stated that, under the provisions of Rule 5 read with Rule 6 of the Registration of Foreigners Rules, 1939, the requirement of registration with the Registration Officer is obligatory for all foreigners, including those of India origin, who enter India or who remain in India for a period exceeding 90 days, except for certain specified

categories of foreigners in terms of the Registration of Foreigners (Exemption) Order, 1957. It may further be noted that the Foreigners Act, 1946 and the Registration of Foreigners Act, 1939 define a foreigner as a person who is not a citizen of India. Indian origin, therefore, does not in any way have any qualitative impact on a person's status as a foreigner for the purpose of our Foreigners Law.

It may be further mentioned that most of the persons of Indian origin are domiciled in the Commonwealth countries including Malaysia and Singapore and are as such exempt from registration formalities. While over a million persons of Indian origin have acquired Malaysian citizenship and, therefore as Commonwealth citizens, are exempt from registration formalities during their visit to India of any length, it is only a small number of persons of somewhere between 20—40,000 who happen to be stateless of Indian origin in that country, who have to comply with the requirements of the Registration of Foreigners Act, 1939, when they visit India for a period of over 90 days.

Under the Registration of Foreigners Act, 1939 and the Foreigners Act, 1939 the foreigners including those of Indian origin but excluding those who belong to the exempted categories, have to report to the Registration Officer his address in India eac. The Registration Officer has discretion to dispense with personal attendance for purposes of registration. Also a foreigner proposing to be absent from his registered address for continuous period of two weeks or more shall make a report to the Registration Officer about it and if he stays for a period of more than seven days at any place other than the district where he has his registered address, he shall report his presence to the Registration Officer in the other district. Such reports can be made in writing and personal attendance is not obligatory. These statutory registration formalities are designed to keep some necessary and minimum controls on the movement of non-Indian citizens (foreigners) and are not intended in any way to humiliate or harass them and no elaborate investigation by police is normally necessary while processing such cases.

As the Estimates Committee refers to temporary visit, it may be emphasized that when the 'temporary visit' is for a duration of 90 days or less, the foreigners, whether of Indian origin or not, are totally exempted from registration formalities. It is only when the intended stay exceeds 90 days, that a foreigner of what-

ever origin (unless he belongs to the exempted categories) has to go through registration or police formalities. It may also be added that there are standing instructions that foreigners arriving in India should be treated with all courtesy so that they go back with pleasant memories of their visit to India.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation, (S. No. 11, Para No. 2.35)

Indian passport holders having permanent resident status in Malaysia face a problem in getting Re-entry Permits before going out of Malaysia. Re-entry Permits are not given unless entries in Identity Cards issued to Indians by Malaysian Government tally with those in their passports. Where the entries do not tally, the Malaysian authorities insist on correction in the entries in the Passports noted in the Identity Cards. The problem became somewhat acute in 1980 when as many as 1528 discrepancies were pointed out in the Indians passports. To avoid difficulties and delays, the Indian Mission in Malaysia has informed those concerned that the Passports of Indians may be brought to the Mission for renewal or correction.

The Committee appreciate the steps taken by Indian Mission in this regard and hope that Indian passport holders would not be put to an inconvenience on this account.

Reply of the Government

As noted by the Committee the Indian Mission in Kuala Lumpur has informed those concerned that they may bring their passports to the Mission for renewal and/or correction of any entries therein so as to facilitate their getting the requisite re-entry visas from the Malaysian authorities. No further action therefore appears to be called for on the part of Government in this regard.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation, (S. No. 12, Para No. 2.36)

Another difficulty which Indian visitors to Malaysia face is in the matter of grant of visa or permission to stay in Malaysia which, it is stated, is held up till the very last moment. Even when permission is granted, it is for a very short period. The Committee are glad to learn that at the initiative of Indian Mission the Malaysian authorities have now started giving visa extensions to Indians.

for a longer period. The Committee hope that the Indian Mission would, whenever approached by Indian visitors, render all possible assistance to them to get visas well before the deadline and for a reasonably long period.

Reply of the Government

There has been a liberalization of Malaysian immigration regulations since November, 1981. Any request for extension of visas to all visitors upto three months after the initial 'two week' stay is now normally granted and extensions beyond the three months upto six months are granted on the merits of the case and on deposit of M \$750/-.

(MEA No. S/411/1/82 dated September 15, 1982.)

.. Recommendation (S. No. 13, Para No. 2.37)

"The Committee find that in the case of loss of passport by an Indian, the issue of duplicate passport often takes about a month or so. This much of time is considered necessary by Indian Mission to verify the particulars of the lost passport from the Passport Issuing Authority in India or abroad before issuing a duplicate. This could be a common problem in all countries and could cause a lot of inconvenience to Indian visitors abroad who might lose their passports. The Committee would suggest that Indian Missions abroad should be advised to come to the rescue of genuine and *bona fide* cases by issuing duplicate passports of restricted validity without delay or by such other timely steps as may be considered necessary. The Committee would also suggest to the Ministry to make a selective review of the time taken by Indian Missions abroad in issuing duplicate passports in order to satisfy itself that the time taken is not unreasonable and not more than the minimum."

Reply of the Government

Our Missions abroad already have the discretion to issue *short-term duplicate* passports without prior verification in urgent, genuine cases where loss of passports are reported and where the *bona-fides* of the holder are beyond doubt and adequately established.

2. In respect of other cases, attention of the passport authorities in India have been drawn to the delay in issuing duplicate passports by our Missions abroad because of the delay on the part of former in responding to the various queries pertaining to the issue of

duplicate passports. They have therefore been enjoined to send telex replies promptly to our Missions abroad.

3. Passport Division has also noted for necessary action the Estimates Committee's suggestion to make a selective review of the time taken by Indian Missions abroad in issuing duplicate passports to satisfy itself that the time taken by the Mission is not unreasonable and not more than the minimum.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation, (S. No. 14, Para No. 2.38)

Certain reports alleging harassment of Indian wives of Malaysians have reached the Committee. It was stated that sometimes on some pretext their identity cards were taken away and not returned, Indian women were harassed through the requirement of pregnancy tests and a deposit of 500 dollars for stay of three months with their husbands, and were also arrested for over-stay. The Ministry has stated that it has received no such complaints. According to the information with the Ministry there is no discrimination in the application of Malaysian immigration rules to foreign wives of Malaysian citizens whatever be their citizenship. The position has substantially improved with onactment of new Malaysian Regulations (February, 1980) which would help to alleviate to a great extent the difficulties of foreign women married to Malaysian citizens. The Ministry has stated that there may have been a few individual cases of harassment from local people or local officials. The Ministry has assured that if such cases are brought to its notice, it would look into them. The Committee would like the Ministry to alert the Indian Mission in Malaysia to be more vigilant in regard to the reports of harassment of Indian wives of Malaysians so as to ensure that there is no discrimination against Indian wives *vis-a-vis* other foreigners in Malaysia and that the dignity and honour of Indian wives is not disregarded in any way even at local level.

Reply of the Government

As noted by the Committee there has been substantial improvement in the position of Indian wives married to Malaysian Citizens by the liberalization of Malaysian immigration regulations in respect of foreign wives of Malaysian citizens since Feb., 1980. It has also been represented to the Committee that no cases of undue harassment or ill-treatment of Indian wives of Malaysian citizens have come to the notice of our High Commission in Kuala Lumpur. Nevertheless, the Committee's observations have been brought to

the notice of the High Commission so as to ensure that there is no discrimination against Indian wives vis-a-vis other foreigners in Malaysia and that the dignity & honour to Indian wives is not disregarded in any way even at the local level. The Mission is keeping a close watch.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation (S. No. 15, Para No. 2.39)

2.39. "Indian citizens in Malaysia like other foreign nationals are some times arrested, charged and imprisoned for violation of local laws. Indian Mission, it is stated, render all possible assistance to such detainees. The Committee, however, note with concern that at present information about the arrest of Indians in Malaysia is not automatically passed on by Malaysian authorities to Indian Mission. The Committee would like the Ministry to persuade Malaysian authorities to evolve a system of automatic communication of information in such cases to Indian Mission so that the Mission could contact the Indian detainee without delay and render necessary assistance."

Reply of the Government

The Recommendation of the Estimates Committee was referred to the High Commission of India, Malaysia who have stated that the Malaysian authorities do not report the cases of arrest of Indian citizens automatically. Even the Vienna Convention on Consular Relations stipulates that the competent authorities of receiving State shall, if so requested by the affected national, inform the Consular Officer of the arrest, commitment to prison or custody pending trial or detention of that persons. However, our Mission in Malaysia has been further instructed to persuade the Malaysian Government to evolve a system under which communication in the cases of arrest of Indian nationals is sent to the Indian Mission automatically.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation (S. No. 16, Para No. 2.40)

2.40 The Committee are glad to note that desecration of Hindu temples which took place in Malaysia in 1978-79 is now a thing of the past. There has been no such case after 1979. The Committee are also happy to be told that the Government of Malaysia, views such acts of vandalism with seriousness and has taken adequate action to avoid recurrence of such incidents.

Reply of the Government

No action is called for by the Committee in the above observations.

(MEA No. S/411/1/82, dated September 15, 1982.)

Recommendation (S. No. 17, Para No. 3.13)

There are about 26,000 Indian passport holders in Singapore and about 2,000 'stateless' persons of Indian origin. It was open to the stateless persons to opt for either Singapore or Indian or British citizenship. They did not exercise the option or perhaps they wanted to keep the options open. Such of the stateless persons, who have not been given Singapore citizenship or who desire to obtain Indian citizenship, apply to the Indian Mission for the same. Their cases are referred to State Governments in India and once clearance is given by the State Government concerned, they are registered with the Indian Mission as citizens of India. In 1981, 227 cases were pending with the State Governments and the Ministry expect that the problem of stateless persons would be eliminated within a reasonable time frame. The Committee were astonished to learn that some cases referred to State Governments for clearance have been pending since 1973. The Committee would like the Ministry to take up at a high level all such cases as are pending with the State Governments for a long time with a view to decide their disposal expeditiously.

Reply of the Government

As explained to the Estimates Committee, no cases of registration are pending with the Ministry or the High Commission of India, Singapore. All cases are referred to the State Governments within a maximum period of ten days, depending upon the rush of work. Once clearance is given by the State govt. the persons are registered by the Mission within two weeks.

Of the 227 cases referred to in the Report as pending finalization, 128 cases have since been approved by the State Governments concerned and letters have been issued by the Mission to all applicants. Formal registration of the applicants is, however, pending in some cases for want of replies from the applicants. Of the remaining 99 cases, still pending finalization, there are 75 cases in which the State governments have asked for certain details for which the applicants have been addressed by the Mission, and

their replies are awaited. There are only 24 cases in which action is pending with the State governments, and these are also being pursued.

(MEA No. S/411/1/82 dated September 15, 1982.)

Recommendation (S. No. 18, Para No. 3.14)

3.14. An association of Indians in Singapore has brought to the Committee's notice the problem of harassment which Indians of Singapore face at the hands of customs officials at check points in India particularly at Madras and Nagapattinam. It is alleged that they are "plundered" by customs officials in the guise of imposing duty on goods. The Ministry of External Affairs has accepted that, even though customs staff are under the control of Finance Ministry, the former has a responsibility to ensure that Indians coming to India are not harassed at the customs. With the change of customs procedures, the position is stated to have improved but still it is not entirely satisfactory. The Committee would expect that as promised by Secretary (External Affairs) in evidence they would take up the matter with the Ministry of Finance and streamline the working of customs set-up at Madras and Nagapattinam with a view to avoiding any harassment to Indians or even others coming there from South-East Asia.

Reply of the Government

The recommendations/observations of the Estimates Committee were brought to the notice of the Ministry of Finance who have reiterated the position detailed by them in their d.o. No. 495/31/81-Cus. VI dated July 8, 1981 to the Chief Financial Committee Officer of the Estimates Committee and is reproduced below.

"Please refer to Ministry of External Affairs O.M. No. F(i)234/10(i)/80 dated 31-1-1981 (copy enclosed) forwarding an extract from the Estimates Committee questionnaire, relating to Customs check particularly at Madras and Nagapattinam. Our comments are summed up in the following paragraphs:-

- (1) In order to ensure that passengers arriving at the International airports are cleared through customs expeditiously and with courtesy, several measures have been taken in the recent past. The number of supervisory staff at the airports have been increased to ensure speedy clearance of passengers and to curtail the scope of harassment and corruption. Senior officers have been posted at airports to ensure that passengers are treated

with due courtesy and their baggage is cleared expeditiously. Complaint boxes have been fixed at conspicuous places in the Customs Hall and announcements are made that the passengers can put their complaints in those complaints boxes or see the Assistant Collector of Customs for redressal of their grievances. On the basis of complaints received from the passengers, appropriate action has been taken against a number of officials at international airports.

- (2) It is relevant to mention in this context that the experience of the Customs authorities has been that in many of cases the complaints emanate from passengers who violate the law by bringing goods in excess of the limits prescribed under the Baggage Rules and have thus to pay duty and fine on the excess goods.
- (3) The complaint that the officers assume authority to penalise the passengers by means of levy of heavy taxes on the basis of exercising their powers of discretion is without any basis as the Customs duty is imposed as per the rates of duty fixed under the Indian Customs Tariff. It may be mentioned that apart from the articles of personal use and wear (including a wrist watch upto a value of Rs. 500) without duty, a passenger is allowed to import free of duty articles upto a value of Rs. 1000/-. Over and above the free allowance admissible to a passenger, he can also bring articles of baggage other than the few listed upto the value of Rs. 2000/- on a concessional rate of duty of 155 per cent. It is only when a passenger chooses to bring goods in excess of these limits that he has to pay duty at the rate of 325 per cent. This increased rate of duty is intended to replace the fines and penalties without having to go through time consuming process of adjudication.
- (4) Lately, we have brought about a further improvement in the system of clearance of passengers by introducing a Walk Through Channel with effect from 6.2.1981. Under this arrangement passengers who have nothing to declare can walk through customs with their baggage, the check being confined to the baggage of only a small percentage of passengers selected at random.

- (5) The allegation that smugglers go scot free but the ordinary passengers undergo hardships under Customs officers is utterly false. The Government's various policies for facilitating the clearance of the passengers baggage are directed for the benefit and convenience of the bonafide passengers. Public Relations Officers and Assistant Collectors are posted at the airports round the clock to assist the passengers and to look into their grievances. Suggestion/complaint boxes have been placed at conspicuous places and regular announcements are made in the arrival hall about the facilities and concessions admissible to the passengers. Surveillance is kept on smugglers and suspects and very often than not, they are netted by the Customs Officers.

So far as Government's reaction to the suggestions is concerned, it may be stated that the various measures briefly spelt out are primarily directed for the benefit and convenience of the bonafide passengers. The Government's continuing effort is to bring further improvements to eliminate the difficulties of the travelling public. The procedure and policies are reviewed from time to time with that end in view. Suggestions and complaints are given due consideration."

MEA No. S/411/1/82 dated September, 15, 1982.]

Recommendation (S. No. 20, Para No. 4.13)

The Committee find that there have been complaints about recruiting agents who are alleged to have cheated Indian workers by promising them non-existent jobs in South-East Asian countries and taking them there on visas of some other persons. Though the number of such cases is stated to be not very large, the Committee feel that measures to prevent such happenings should be made fool-proof. If as recommended by the Committee in para 2.62 of their 16th Report on Overseas Indians in West Asia (1980-81) the bona fides of recruiting agencies who are openly and regularly publishing advertisements in the press for making recruitment for foreign employers are checked before they can publish their advertisements in the papers and if a systematic monitoring system is practised by the Ministry to keep a watch on the advertisements to detect unauthorised recruiting agencies, much of the mischief can be nipped in the bud. Similarly, if Protectorate of Emigrants exercise their powers effectively and in a spirit of service to the Indian workers intending to emigrate, the ruse that the recruiting agencies might be playing on these workers could

be detected well before they leave the Indian shores. The Committee also look forward to the Overseas Manpower Corporation which is proposed to be set up by the Government to deal with matters of employment abroad in preventing any fraud being played on the workers. The Committee hope that the Ministry of External Affairs would too play its part through its agencies in India and through its mission abroad to protect the interests of Indian workers.

Reply of the Government

The recommendations/observations of the Estimates Committee were brought to the notice of the Ministry of Labour who are concerned with the emigration of Indian workers for employment overseas and that Ministry has offered the following comments on the Committee's recommendations/observations:—

- “(1) Whenever complaints regarding cheating/exploitation of workers by the Recruiting Agencies on false promises of employment are received by the Government, they are referred to the Police Authorities, Indian Embassies abroad for thorough investigations and appropriate action is taken against the Recruiting Agencies involved on the basis of the reports received from them. However, it is observed that when the complaint is either of a very serious nature or it has been referred to by Government agencies, the Protectors of Emigrants are advised not to allow any emigration through these firms till such time as the problems are solved to the satisfaction of this Ministry.
- (2) A Bill on Emigration, which will provide adequate powers to the Government to check illegal activities of the recruiting agencies is proposed to be introduced in the Parliament during the next session. Once enacted it will help in checking exploitation of workers.
- (3) The Emigration of Indians for work abroad is presently governed by the following guidelines issued by the Supreme Court *vide* their orders dated the 20th March, 1979:-
 - (a) The recruiting agent or the emigrants shall file with the Protector of Emigrants, an authentic copy of the contract of employment with the foreign employer.
 - (d) No person shall emigrate for the purpose of taking em- or in the form of bank guarantee, at the option of the Recruiting Agent, in accordance with the scale laid down

so as to cover the cost of repatriation by air travel from the country of employment to India.

- (c) Emigrants shall register themselves with the Protectors of Emigrants either by themselves or through the Recruiting Agents.
- (d) No person shall emigrate for the purpose of taking employment which involves the doing of work which by the laws of India is prohibited or is regarded as unlawful or which offends against the public policy of India.
- 4. As regards advertisements, the Ministry of Labour are trying to collect all advertisements to monitor the information as regards the bonafides of the recruiting agencies who have inserted the advertisements in the newspapers.
- 5. The Protector of Emigrants have already been instructed to exercise their powers effectively to ensure that workers are not exploited by either recruiting agents or principal employers.
- 6. The question of setting up of Overseas Manpower Corporation at the Central level was considered out it has been decided not to set up the same for the following reasons:
 - (a) Continued growth of overseas emigration was not certain, although some potential is observed.
 - (b) If the objective was to protect the worker, the performance would be better achieved through control over the activities of private recruiting agents.
 - (c) It would be better to strengthen the existing State Government Corporations instead of posing a competing alternative in the shape of a Central Corporation.
 - (d) New Legislation for regulating emigration can make sufficient provisions to control the activities of private operators.
 - (e) Performance of State Overseas Manpower Corporations were not found to be quite satisfactory and this could be taken as an indication that a Central Corporation may not perform better.
 - (f) A Government agency exercising centralised authority may not react as quickly to market conditions as private agencies can."

(MEA No. S/411/1/82 dated September 15, 1982).

Recommendation S. No. 21, (Para No. 4.14)

The Committee are happy to note that policy guidelines has been issued by the Ministry to Consular Officers abroad asking them to set up a community council in each country abroad as a representative apex body of various Indian associations, societies, clubs, etc. functioning in that country in order to coordinate the activities of Indian community as a whole. This is a very welcome step. The Ministry has informed the Committee that representative bodies of Indians at apex level are already there in Burma, Malaysia, Singapore, in Indonesia because of the declining population of Indians it not necessary. The Committee would, however, advise the Ministry that such a good concept as that of a "Community Council" should be translated into action wherever there is a large number of associations of Indians and such an apex body is not there already.

Reply of the Government

The Ministry agrees with the recommendation of the Estimates Committee that there should be an apex body representing all the Indian associations in a particular country. Instructions in this regard already exist and are reproduced below.

"At a post where the Indian community is large and for geographical and social reasons not well integrated, the Consular Officer may find it desirable to set up a Community Council, representative of the various Indian societies, clubs etc. Such an organisation is useful in coordinating the activities of the Indian community as a whole, particularly on special occasions such as the visit of Indian ships or of distinguished Indian visitor. The members of the Council should represent as widely as possible a cross section of Indian community and should include or two ladies."

As desired by the Estimates Committee however, we have again brought the recommendation of the Estimates Committee to the notice of the Missions concerned.

(MEA No. S/411/1/82 dated September 15, 1982)

Recommendation (S. No. 22, Para No. 4.15)

The Committee find that though the Ministry at the headquarters and the missions in foreign capitals deal with the references receive-

ed from Indians abroad in the matter of supply of information or advice in various fields, the mechanism for dealing with these matters does not appear to have been fully systematised. The Ministry has conceded that Indians living abroad have a certain difficulty in reaching the authorities in India for getting their problems resolved or in getting information in regard to State laws and procedures and matters concerning their properties and domestic and personal disputes. The Committee are aware of the limitations of the Ministry and the missions do not expect them to supply information the Missions should be able to supply to Indians in the country of their accreditation as much information on general developments in India and States as possible and where the information required by Overseas Indians is not readily available with the Missions, they should be required to obtain it from the Ministry for onward transmission to the persons concerned. The Ministry, at the headquarters too may not be in a position to reply at its own level to all enquiries received through the Missions. In such cases, it should be the duty of the Ministry to take up the matter with the State Governments or Public or other authorities concerned to get the relevant information or, at least, communicate the names and address of the authorities or organisations concerned to the Indians abroad through their missions or enable them to take up the matter directly with them. The Committee expect the Ministry and the Missions to act to their maximum capacity to bridge the information gap between Indians abroad and the situations and authorities inside the country.

Reply of the Government

There are Information Wings in the Missions for furnishing information regarding general developments in India. Whenever the Missions do not have the latest information on a particular subject they make a reference to the concerned Ministry/Department/Authority in India and supply the latest information to the individual on its receipt from India.

Particular attention is paid to keeping our Missions and Posts abroad informed of developments within the country, especially those which are of particular interest to non-resident Indians, such as investment opportunities in India, regulations affecting banking and taxation of special relevance to them, information about special facilities available for purchases in India against remittances and foreign exchange etc. This information is made available through the despatch of important notifications, as well as brochures and pamphlets couched in simple language which can be easily under-

stood by the laymen Missions have been instructed to distribute such written material widely among Indians resident abroad as also to use them for answering specific enquiries from Indian nationals.

On Foreign Minister's instruction a regular column on "Basic Facts about India" has been started in Indian and Foreign Review. A column entitled "Regional News from India" is also featured in the Review.

At the instance of the Ministry of External Affairs, All India Radio are working on plans to revise the programme contents of broadcasts beamed at countries where there is a large Indian population to incorporate in such programme items of likely interest to Indians resident abroad.

The Ministry has again recently emphasised to all our Missions the need to supply upto date information on general developments in India and states in response to such queries received in the Missions. The Missions have been advised not to give the impression of being casual or indifferent towards those who address them. In cases in which the Missions do not have the necessary information to answer a query immediately, they have been advised to refer such queries to the Ministry.

[MEA No. S/411/1/82 dated September 15, 1982]

CHAPTER III

RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT REPLIES

Recommendations (S. No. 19, Para No. 3.15)

The two suggestions made by a former diplomat regarding customs clearance on board the ship itself in the case of passengers coming to India by sea and the starting point in the case of passengers coming by air merit consideration. The Committee would like the Ministry of External Affairs to discuss both these suggestions with the Ministry of Finance with a view to evolving a suitable and satisfactory arrangement for customs check up for the Indians in South-East Asia on their visit to India.

Reply of the Government

The recommendation of the Estimates Committee was brought to the notice of the Ministry of Finance who have commented as follows:—

“As regards the first suggestion the, vessel M.V. Chidambaram brings about 1000 to 1500 passengers and bulk of these are bunk passengers. They carry heavy baggage, most of which is kept in the ship's hold. Only light baggage is kept with them and also this is in open condition. It is not possible to go into the hold and start examining and clearing the baggage. Even as regards hand-baggage, the passengers carry costly articles and they are brought in open condition and, as such it is likely that they could easily inter-change the items amongst themselves in order to avoid payment of duty etc. The banks are also so crowded and congested that there is not enough space to examine the baggage and keep them segregated and properly sealed. In fact, the experiment was conducted 2 years back of sending Customs Officers to Nagapatnam for clearing the passengers baggage during ship's voyage to Madras, but on practical working, this did not achieve the desired results of speedy clearance and it was accordingly discontinued.

As regards the second suggestion, it would involve posting of a large team of officers at Singapore for pre-clearance of passengers. Even if this is done, since Singapore is a free port, the passengers

may be reporting for clearance a short while before the time of departure and our officers may not have enough time to check the baggage. The passengers also carry costly items of hand-baggage in open condition and the same problems as indicated in the earlier paragraph would also arise here and it would not be possible to seal all of them which apart from being time consuming, is bound to be also cumbersome. The examination and sealing can not also be left to the Officers of Singapore Customs and we have necessarily to post a large complement of our own Officers at Singapore on regular basis. Further more, there are many passengers who come to Madras from Singapore through Sri Lanka. In their case, their initial destination is Sri Lanka and the Customs cannot, therefore, clear their baggage at Singapore itself.

Apart from serious practical difficulties narrated in the earlier paras, such a course of action does not also seem to be in consonance with the provisions of the Customs Act 1962. Section 77 of the Customs Act 1962, provides that the owner of any baggage, shall, for the purpose of clearing it makes a declaration of its contents to the proper Officer. Obviously, such a declaration to be meaningful and actionable has to be made at the time of import. Further, Section 78 of the Customs Act 1962 prescribes that the rate of duty under tariff valuation, if any, applicable to the baggage shall be the rate and valuation in force, on the date on which a declaration is made in respect of such baggage under Section 77. Reading these two Sections together, it would imply that the declaration and examination of the baggage has to be done at the point of time of importation. The suggestion is even otherwise impracticable as it would involve technical difficulties with regard to jurisdictional limitations. The Customs Officer posted at Hongkong is entirely for a different type of work and not for examination of cargo or baggage destined for India."

(MEA No. S/411/1/82 dated September 15, 1982)

CHAPTER IV

**RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF
GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE
COMMITTEE**

NIL

CHAPTER V

RECOMMENDATIONS IN RESPECT OF WHICH FINAL REPLIES ARE STILL AWAITED

NIL

NEW DELHI;
March 2, 1983

Phalguna 11, 1904 (Saka)

BANSI LAL,
Chairman,
Estimates Committee.

APPENDIX

(Vide Introduction)

Analysis of action taken by Government on the 24th Report of the Estimates Committee (7th Lok Sabha)

I.	Total number of Recommendations	22
II.	Recommendations which have been accepted by Government (Nos. 1 to 18 and 20 to 22).	21
	Percentage to total	95%
III.	Recommendations which the Committee do not desire to pursue in view of Government's reply (No. 19)	1
	Percentage to total	5%
IV.	Recommendations in respect of which replies of Government have not been accepted by Committee.	Nil
V.	Recommendations in respect of which final replies of Government are still awaited.	Nil