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Title: Combined discussion on motion for consideration of the Statutory Resolution regarding Disapproval of Citizenship (Amendment) Ordinance, 2015 and Citizenship (Amendment) Bill, 2015 (Statutory Resolution - Negatived and Government Bill- Passed).

HON. DEPUTY SPEAKER: Now, we take up Items 12 and 13. Shri N. K. Premachandran.

SHRI N.K. PREMACHANDRAN (KOLLAM): I beg to move the following resolution:

"That this House disapproves of the Citizenship (Amendment) Ordinance, 2015 (No.1 of 2015) promulgated by the President on 6th January, 2015 "

Sir, first of all, I would like to state that I am in full agreement with the various provisions of the Bill but I strongly oppose the manner in which the Bill is being brought before this august House. Even at the time of introduction of this Bill, I have made these objections. Sir, you may be aware that this is the ninth Ordinance promulgated by the Government. This is the ninth ordinance promulgated by the Government within the seven months. Today also, the hon. Member Mahtab Ji has already stated in the morning that under article 123 of the Constitution, an Ordinance is promulgated only in extra-ordinary circumstance which necessitates to have an immediate intervention or immediate action. As far as the Citizenship Bill of 2014 or Ordinance is concerned, there is no such urgency and there is no such immediate action which is required. What is the reason which is being stated by the hon. Minister in issuing such an ordinance? You may kindly see that the hon. Prime Minister made the announcement during his visit to USA in October, 2014 and to Australia in November, 2014 in regard to the merger of the Overseas Citizens of India Card and the Persons of Indian Origin Card by 7th January, 2015. The matter was of urgent importance and could not wait till the next Session of the Parliament, hence the promulgation of the Citizenship Ordinance.

Sir, my humble question to the hon. Minister is that the Prime Minister has made the announcement in Madison Square, New York, that is in October, 2014 and subsequently, he has made the same announcement in Australia in November, 2014. Suppose the Government is so much interested in honouring the commitments made by the hon. Prime Minister, they could have very well brought the Bill before the House during the Winter Session.

Another constitutional question I would like to raise is that whether a Statement made by the Prime Minister necessitates legislation or not. That is the important question which I would like to seek answer from the hon. Minister. Yes, the Prime Minister has made a Statement in Madison Square as well as in Australia. Is that be considered as an emergent provision so as to promulgate the Ordinance according to article 123 of the Constitution? No, Sir, never. So many assurances and so many things will be made outside the Parliament or inside the Parliament also, that shall never give a constitutional right to promulgate an Ordinance. Here the promulgation of the ordinance is only on the basis of an assurance made by the Prime Minister that before 7th January, 2015, the Overseas Citizen of India Cardholder and Person of Indian Origin will be merged together. That is a statement of the hon. Prime Minister. That cannot be a substantive reason for promulgation of Ordinance.

On 23rd December, 2014, a Bill is introduced i.e. Citizenship (Amendment) Bill, 2014 is introduced before the House. That is the day in which the House adjourned *sine die*. On 6th January, 2015, Ordinance is promulgated. On 26th February, 2014, the Bill was withdrawn.

Mr. Deputy Speaker Sir, you may kindly see the Bill which is introduced in 23rd December, 2014 and the Ordinance promulgated on 6th January, 2015 do not contain the provision or the amendment which is being incorporated in the 2015 Bill.

The main intention of the Bill is to give the status of a citizen or some facilities to the Overseas Indian Citizen (OIC) cardholders, for which that definition is required. Mr. Deputy-Speaker, Sir, the 2014 Bill as also the subsequent Ordinance promulgated on 6th January do not contain a definition of an OIC cardholder. The callous manner in which the Bill is drafted needs to be looked at.

I would like to state another defect in the Bill, at the introduction stage itself I raised this, and that is the amendment has not been explained in the Statement of Objects and Reasons of the 2015 Bill also. What is the amendment? A new definition is incorporated as Section 2(1)(ee). The former definition is substituted by a new definition but the new definition has not been explained in the Statement of Objects and Reasons. That is why I was saying at the time of introduction that it is an imperfect Bill and a disabled Bill. The Statement of Objects and Reasons of the Bill does not state the reasons for making such an amendment. The Bill and the Ordinance do not contain the provisions. My point is that the Parliament is taken for granted and there is no urgency in making such legislation. What does this indicate? The legislative supremacy or the law-making power of the Parliament is taken away by the Executive, by the Government, without stating any reasons as stipulated in the Constitution of India under article 123. That is the strong objection which I would like to make.

I now come to some provisions of the Bill also since we are discussing these two together and even the Agenda Paper says that. Except making some observations and seeking some clarifications, I fully support the Bill. This has been a long pending demand of the Indian diaspora in the world. The aspirations, feelings and sentiments of the Indian diaspora have to be respected. We have to appreciate the wonderful service being rendered by them to the nation building process of our country. We should definitely recognise them and utilise their skills and resources in making India a powerful country in the world. Their aspirations have to be respected. So, I fully support the Bill.

I would like to make a point regarding Non Resident Indians also. Non Resident Indians also contribute a lot to the country. Especially in terms of foreign exchange earnings, tremendous contribution is being made by NRIs. However, it is unfortunate that even the Budget presented day before yesterday does not contain any provisions for the welfare of NRIs in the *pravasi* country. We hold Pravasi Bharatiya Divas every year, we give away awards, etc. But unfortunately the demands for rehabilitation and welfare activities of *pravasis* are not given adequate consideration by the

government. I suggest the Government to take care of that.

Coming to amendment to Section 5, I have a doubt and I would like the hon. Minister to clarify. As per Section 5 of the amendment, an overseas citizen, a person of Indian origin, or an Indian national married to a foreign national, is entitled to register as a citizen of India. As per the existing law, after a continuous stay of 12 months in the country, a 30-day relaxation is given. That is well and good. It means that we are registering an Overseas Citizen of India as a citizen of India. I have a doubt in this regard and I may be wrong. And that is, what is the role of dual citizenship? Overseas Citizenship of India Card Holder means he is having a citizenship of another country, and if he is having 5 years OCI Card and also if he is having a continuous stay of 12 months in our country before making the application, definitely he is entitled to register as a citizen of India. That means he is getting two citizenships. I would like to seek the clarification from the hon. Minister as to what is the dual citizenship and what is the procedure?

Sir, because we are all going abroad and meeting Indian diaspora, I fully agree with the provision which is being made in the section 7(a) of Amendment, that is, merging Person of Indian Origin and OCI Card Holder because there is utter confusion. As far as the Person of Indian Origin is concerned, he is entitled to 15 years of visa. As far as OCI Card Holder is concerned, he is entitled to having lifelong visa. So, it is a very welcome step in clubbing these two together and giving more amenities and facilities to OCI Card Holders.

Finally, I would like to cite certain apprehension regarding amended provision in section 7A(3). I would like to quote; "Notwithstanding anything contained in sub-section 1, the Central Government may, if it is satisfied that special circumstances exist, after recording the circumstances in writing, register a person as an Overseas Citizen of India Card Holder." This is a very important point which I would like to highlight before the hon. Minister as well as the Government. It is an unfettered right being cast upon or being devolved upon the Government to declare any person as an Overseas Citizen of India Card Holder. How can that be? In the Wednesday judgement by the Delhi High Court notices were issued in the case of illegal passport to foreigners and Indians without taking into consideration the genuine reasons and causes. On the basis of false and fabricated reports, so many persons were given passports. Notice has been issued to the Home Ministry, Government of India also. So, this provision is arbitrary. Suppose, if the Government and the officials of the bureaucracy want to give some person OCI Card, only by giving reasons in writing the OCI Card can be issued to any person according to whims and fancies of the Government. This is arbitrary and this is an unfettered right which is conferred upon the Executive or the Government. So, I have moved an amendment. Unfortunately, today I could only move the amendment but it has not come on the file. I would like to urge upon the Government to kindly review the provision of section 7 clause 3 as it is arbitrary and again the principles of natural justice. That is to be reviewed.

Once again I strongly oppose the ordinance route of legislation and fully support the contents of the Bill. With these words I conclude.

HON. DEPUTY SPEAKER: Hon. Minister, do you want to make any speech or reply to it, otherwise you can do it in the end.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJJU): We can reply in the end because you are clubbing the two together.

SHRI MALLIKARJUN KHARGE (GULBARGA): There can be a discussion.

HON. DEPUTY SPEAKER: Both the statutory resolution and the legislation are clubbed together. You moved the resolution, he spoke on that. If the Minister is willing, he can reply now, otherwise he can reply at the end. That is what I want to know.

SHRI MALLIKARJUN KHARGE: He can reply in the end.

HON. DEPUTY SPEAKER: That is all right.

डॉ. संजय जायसवाल (पश्चिम चम्पारण) : उपाध्यक्ष महोदय, मुझे सिटिजेनशिप (अमेंडमेंट) बिल, 2015 पर अपनी बात रखने का जो आपने मौका दिया है, उसके लिए मैं आपका बेहद आभारी हूँ। मैं मनाजीय प्रधान मंत्री जी का भी आभारी हूँ कि प्रधान मंत्री बनने के बाद उन्होंने अपनी पहली अमेरिकी यात्रा में जो वायदा अपवासी भाई-बहनों से किया था कि वे पृवासी भारतीय दिवस से पहले ओ.सी.आई. और पी.आई.ओ. को एक साथ मर्ज कर देंगे, उसके लिए उन्होंने संजीदगी दिखाई है, उसके लिए मैं धन्यवाद देता हूँ प्रेमचन्दन जी बार-बार इसके लिए ऑब्जेक्शन कर रहे थे कि इसके लिए इतनी जल्दी क्यों है? उसके लिए मैं उनका बहुत ही आभारी हूँ। हमारे दल में एक बात जरूर होती है कि इस देश का प्रधान मंत्री कोई बात कहता है और अगर हम उसका पालन नहीं कर सकते, तो यह हमारे लिए अफ़सोस की बात होती है। पर, यह हमारे लिए गर्व की बात है कि हमारे प्रधान मंत्री ने कुछ कहा और उसका पालन हम लोगों ने 7 जनवरी से पहले करके दिखा दिया। प्रेमचन्दन जी को यह बात इसलिए समझ में नहीं आ रही है कि हम लोगों ने पिछली लोक सभा में देखा कि माननीय मनमोहन सिंह जी यहाँ कुछ वक्तव्य देते थे और एक माननीय सांसद, जो उस समय पार्टी के उपाध्यक्ष भी थे, वे अपने पार्टी ऑफिस में जाकर बिल फाड़ दिया करते थे। उनको यह समझ में नहीं आता है कि प्रधानमंत्री की किसी बात का क्या महत्व होता है, लेकिन हम अपने प्रधानमंत्री की बात का महत्व समझते हैं। प्रधानमंत्री का कुछ भी कहा हुआ, हमारे लिए एक ऐसी लकीर है, जिसे काटा नहीं जा सकता है। मैं बहुत अच्छी तरह से इसे समझता हूँ, क्योंकि वहाँ हमेशा से ड्यूटी पाँवर की बात रही है, इसलिए वे यह बात नहीं समझ सकते हैं।

जब इस बिल को दोबारा इंट्रोड्यूस किया गया, तो प्रो0 सौगत राय जी ने इस बिल के इंट्रोडक्शन का विशेष किया था और उन्होंने यह कोट किया था :

"This is a new style which the Government is having that within 15 days of introducing a Bill it brings an Ordinance and then it wants to replace the original Bill. This is bad governance."

अगर किसी बिल में कोई गड़बड़ी है और उसे सुधार लिया जाता है, तो यह बैड गवर्नेंस का क्या एजाम्पल है, यह हम लोगों की समझ से परे है। हमारे प्रधानमंत्री जी ने भी राष्ट्रपति जी के अभिभाषण के धन्यवाद प्रस्ताव पर कहा था, इस बिल के नहीं, दूसरे बिल के सन्दर्भ में, कि अगर आज भी हमें कोई बताए कि इस बिल में क्या सुधार की जरूरत है, तो हम उसे करने को तैयार हैं। अगर बिल को वक्त रहते सुधार लिया गया तो इसके लिए अपोजीशन को हमें धन्यवाद देना चाहिए, न कि इसका विशेष करना चाहिए।

बैड गवर्नेस की जो बात सांसद कहते हैं, उनको यह बात समझ में नहीं आएगी, क्योंकि हम लोग एक ऐसा प्रवेश देख रहे हैं, जहाँ हर हफ्ते या तो कोई सांसद या कोई मंत्री जेल चला जाता है, यहाँ तक कि कोई मुख्यमंत्री के साथ विदेश यात्रा करता है और आने के बाद वही जेल चला जाता है। उसको बचाने के लिए मुख्यमंत्री रोड पर मार्च करती हैं और उसे क्रेवटर सर्टिफिकेट देती हैं कि यह बहुत अच्छा है। इस तरह की चीजों को बैड गवर्नेस कहते हैं, बिल सुधारने को बैड गवर्नेस हरमिज नहीं कहते हैं।

सिटिजनशिप एक्ट में चार मुख्य बातें कही गई हैं। मैं प्रेमचन्दन जी का आभारी हूँ कि उन चारों का उन्होंने सपोर्ट किया है। पहली बात तो यह है कि भारतीय मूल के विदेशी नागरिकों को जो पर्सन ऑफ इंडियन ओरिजिन और ओवरसीज सिटिजन ऑफ इंडिया करके दो भाग दिया जाता था और पर्सन ऑफ इंडियन ओरिजिन को 15 साल के ऊपर के वीजा का सपोर्ट नहीं मिलता था और 6 महीने बाद हर 15 दिन में थाने जाना पड़ता था, इन दोनों को मर्ज करके ओवरसीज सिटिजन ऑफ इंडिया कार्ड होल्डर करके एक कार्ड दिया गया और उनकी पूरे परिवार और बच्चों को जो ओ.सी.आई.सी. कार्ड देने का प्रावधान किया गया है, उसके चलते मैं इन्हें धन्यवाद देता हूँ। इसके चलते वे लोग भी यहाँ पर पूर्णतः खरीद सकते हैं, इन्वेस्टमेंट कर सकते हैं, जो कि एक बहुत अच्छा कदम है।

प्रेमचन्दन जी ऑब्जेक्ट कर रहे थे, लेकिन यह एक अच्छी धारा है कि अगर मुख्य एक्ट की धारा 7(1) में ओवरसीज सिटिजन ऑफ इंडियन कार्ड होल्डर की पत्नी अथवा पति दूसरे मूल का है, तो उसे बार-बार वीजा के लिए अलग से जाना पड़े, यह एक बहुत बड़ी प्रॉब्लम है। अगर ब्यूरोक्रेट विलयेंस नहीं देगा तो क्या पॉलिटिकल पर्सन विलयेंस देंगे या रोड पर चलने वाला आदमी विलयेंस देगा, उसे विलयेंस हमारे यहाँ रें देगी या कोई भी सक्षम ब्यूरोक्रेट ही देगा, इसलिए यह एक अच्छी चीज है। कम से कम आगे उनके विदेशी मूल के पति या पत्नी को दिक्कत नहीं होगी।

तीसरा, मूल अधिनियम की धारा 5 की उपधारा (1) में है कि ओ.सी.आई.सी. का कोई नागरिक भारत का नागरिक बनना चाहता है तो एक साल के बदले उसे तीस दिनों का लिबरल व्यू दिया गया है, लेकिन उसे लिखित कारण के साथ दिया गया है। अगर गवर्नमेंट किसी से संतुष्ट है, कोई दो-चार बार चला गया, उसका कोई इंपोर्टेंट काम है, तो उसके चलते भी उसे इंडियन सिटिजनशिप मिल पाएगी। यह भी एक बहुत अच्छा धारा है।

चौथा, अगर ओ.सी.आई.सी. का कोई आदमी खुद अपना सर्टिफिकेट करता है तो उसकी वाइफ और माइनर बच्चों का भी सर्टिफिकेट हो जाता है। ये चारों धारों अच्छी हैं और मैं इनका समर्थन करता हूँ। हमारे यू.पी.ए. के माननीय साथी ने भी समर्थन किया है, इसके लिए मैं उन्हें धन्यवाद देता हूँ। इससे एक बहुत ही मिलता-जुलता बिल, सिटिजनशिप अमेंडमेंट बिल, 2011 यू.पी.ए. गवर्नमेंट ने भी इंट्रोड्यूस किया था। जैसा कि यू.पी.ए. गवर्नमेंट के समय हर बिल का हज़ू होता था, वैसे ही वह बिल भी पास नहीं हो पाया। उस बिल को स्टैंडिंग कमेटी में भेजा गया था। स्टैंडिंग कमेटी के चेयरमैन हमारे आज के वर्तमान पार्लियामेन्ट्री अफेयर्स मिनिस्टर श्री एम. वैकैर्या नायडू थे। आज जब इस बिल पर डिस्कशन हो रहा है, तो मैं उस स्टैंडिंग कमेटी की रिक्मेंडेशंस को जरूर कोट करना चाहूंगा :

"The Committee is concerned to note that the West Pakistani refugees who came to India could become citizens of the country but without any right to vote to the State Legislative Assembly elections. Their children cannot get admission in certain government educational institutions and they also cannot get any employment in the State Government of Jammu and Kashmir. This is a very unfortunate status. The Committee is given to understand that an assurance had been given by the then Prime Minister to solve the issue – it was an assurance by the then Prime Minister – but nothing has emerged till now."

"The Committee recommends that the Government may take up the matter with the J&K Government and a permanent solution may be found at the earliest."

The Committee also recommends that the issue of Chakma refugees, who migrated from Bangladesh to Tripura, may also be examined and an early solution may be found.

The Committee also desires that the issue of Riang tribals may also be examined. Further discussion may be held with the Governments of Mizoram and Tripura and the problem to be resolved at the earliest."

ये सब स्टैंडिंग कमेटी के रिक्मेंडेशंस थीं और उसके चेयरमैन, आज के हमारे माननीय पार्लियामेन्ट्री अफेयर्स मिनिस्टर थे। हम चाहेंगे कि गवर्नमेंट उनकी बातों पर भी ध्यान दे। इतना ही नहीं वर्ष 2003 में, जब श्री लाल कृष्ण आडवाणी जी सिटिजनशिप अमेंडमेंट बिल, 2003 राज्य सभा में लाये थे, तब विपक्ष के नेता श्री मनमोहन सिंह जी ने जो कहा था, मैं उसे भी कोट करना चाहूंगा। This was said with regard to the Bill on Indian Diaspora and I quote:

"While I am on this subject, Madam, I would like to say something about the treatment of refugees. After 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 (Shri Advani was the Deputy Prime Minister at that

time) 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."

आज जब यह चर्चा हो रही है कि हम अप्रवासी भारतीयों को बहुत विशेष सुविधाएँ दे रहे हैं तो मेरा आपसे यह भी अनुरोध रहेगा कि जम्मू कश्मीर से लेकर नॉर्थ ईस्ट तक के जो भाई परेशान हैं, उनके बारे में भी हमारी सरकार को जरूर सोचना चाहिए और उनके लिए भी एक सिटिजनशिप अमेंडमेंट बिल जरूर आना चाहिए।

इन्हीं शब्दों के साथ मैं सिटिजनशिप बिल, 2015 को फुलली एन्डोर्स करता हूँ, उसका पूर्ण समर्थन करता हूँ। धन्यवाद।

SHRI M.I. SHANAVAS (WAYANAD): Thank you, Deputy Speaker, Sir. First of all, I would like to say that the Citizenship (Amendment) Bill, 2015 is a very necessary Bill but I have got reservations with regard to some of its provisions.

Firstly, I would like to point out the objections raised by my hon. friend, Shri Premachandran with respect to the Ordinance route which was taken by this Government. I do not want to repeat what Shri Premachandran has spoken.

I would also like to say that the merging of POI and OCI schemes is not a new idea. My hon. friend from the BJP has himself said that an idea of this nature was initiated by the UPA Government last time. It was passed in the Rajya Sabha. It was moved by the then hon. Minister, Shri Sushil Kumar Shinde and then by Shri Mullapally Ramachandran when he was the Home Minister. They had tabled the Bill in the Lok Sabha in December last year but it could not be debated.

As has been the practice of the NDA regime, which has come into power nine months back, this Government is always repeating what the Congress has been doing in the past five or ten years. So, I would like to point out to my BJP friends that the move to merge the two cards had been opposed

by various Diaspora, especially the overseas friends of BJP which is called OFBJP.

15.00 hrs

They were apprehensive of the merging of the two cards and they were against this merger.

With respect to the Ordinance, they could have waited. Mr. Premachandran spoke in detail about the Ordinance route. The reasons stated for withdrawal of Citizenship (Amendment) Bill, 2014, were the announcements made by the hon. Prime Minister during his visits to the United States of America in 2014 and Australia in 2014. The Prime Minister makes a speech in the United States and because of his speech, the Government is committed to seek the Ordinance route.

Article 123 of the Constitution enables the President of India to promulgate an Ordinance if neither House of Parliament is in Session and circumstances exist which render it necessary for him to take immediate action. I would like to ask the hon. Minister whether a speech given by the Prime Minister in a foreign country is the sole reason for promulgating an Ordinance. Is it a good custom or is it going to be a good convention?

Dr. B.R. Ambedkar, the Father of the Constitution, had overruled the argument that Ordinance making powers are necessary since an existing law might be deficient and some immediate issue may arise. According to Dr. B.R. Ambedkar, the power to promulgate a law will enable the Executive to deal with that particular situation because it cannot resort to the ordinary process of law. Still, I support various provisions of this Bill because it is a necessity.

A vast majority of Indian Diaspora want these two cards to be amalgamated into one. At present, the Overseas Indian Card holders who travel into India are advised to carry passports containing 'U' visa sticker and Overseas Citizen of India card to avoid problems of immigration at various check points. It means, Mr. Minister, that if your passport with 'U' visa sticker has expired and a fresh passport is used, you need to carry the old one so as to validate the Overseas Citizen of India status. I think this route is very bad. At a time when biometric passports are a necessity in various parts of the world, the Overseas Citizen of India card holders should not be subjected to such an inconvenience. I would suggest the hon. Minister to take steps to use technologies to automate the transfer of Overseas Citizen of India status. This is important since the OCI cardholder is entitled for a life-long visa for hassle-free travel to India and to avoid needless problems at the Immigration Counters at various airports.

Let us now look at specific clauses. Section 7D says:

"The Central Government may, by order, cancel the registration granted under sub-section (1) of section 7A, if it is satisfied that -â€¦"

(b) the Overseas Citizen of India Cardholder has shown disaffection towards the Constitution, as by law established;â€¦"

I do agree with the principle. But who will decide that the person has caused disaffection to the Constitution? Who is the authority to decide it? Another provision in the same Section is the marriage of an overseas citizen of India cardholder who has obtained such a card under clause (d) of sub-Section 7(a) has been dissolved by a competent court of law otherwise. The hon. Minister may kindly look into these two aspects. Dissolution of marriage is a condition where the card can be cancelled, where the registration can be cancelled. Dissolution of marriage and subsequent repudiation of OCA status is an issue that demands redressal by this Government. How the dissolution of marriage is a ground to repudiate a NRI of his privileges? Under which personal law does the marriage comes? Is it a Muslim law? Is it a Christian law? Or, is it a Hindu law? So, the hon. Minister may kindly look into this matter and repudiation of marriage, according to my humble opinion, cannot be a ground for cancelling the registration.

The next point is about the disaffection to the Constitution. We all respect the Constitution. We are the vanguards of the Constitution. We love our Constitution and we pledge by our Constitution. We breathe by our Constitution. I asked this question earlier as to who will decide about this disaffection to the Constitution. Gentlemen of the House, we are looking at a scenario where a policeman or an investigating officer could direct an unsuspecting Non-Resident Indian who is visiting India to be detained and arrested on charges of sedition and attempting to wage war against the nation.

I would like to draw the attention of this august House to the incident where the officials and the clergies of the Vatican, when they wanted to visit India, were not given visa. They wanted to come here not for reasons of any conspiracy against India. They wanted to come here to attend a conference of Catholic Bishops. They were not allowed to enter this country. So, who will decide? The attitude of the Government is the paramount factor in which this aspect of sedition is looked into. Hon. Members may kindly remember the incident of how a Human Right activist like Dr. Binayak Sen was incarcerated by drummed up charges. One should realise what dangerous levels of harm is being intended by bringing in such clauses in the Bill. Dr. Binayak Sen asked the court as to what was sedition. The judge after thinking for a while kept quiet and then said it is '*Rajyadroh*'. It can happen to anybody. So, this clause may be looked into. It is necessary to do so in the interest and sovereignty of India. This clause may be deleted.

I have seen the schedule of the hon. Prime Minister. Our Prime Minister is the most travelling Prime Minister, but thank God he has not visited the Middle East so far. So, he is not much aware of about the aspect of citizenship. There are millions of Indians toiling in the Middle East and they do not have anything. They give 20 billion dollars every year for the economy of this country. They do not have proper livelihood; they do not have proper earnings. So, this aspect may kindly be looked into by the Government. I would ask the Government to take steps for their welfare. The diaspora coming from Western countries, from United States, from Britain and from Canada are all very good but consider the case of the poor workers in the Middle East. Their case also may be taken into consideration not only with respect to citizenship but their future as well. I hope that this Government will take suitable steps.

I would draw the attention of the hon. Minister towards the right to service. The Embassies are not giving good service to the migrants and our citizens. So, right to service may be compulsorily established.

Before concluding my speech, I would like to draw the attention of the hon. Minister and the Cabinet to a few dozens of people of my constituency

who are unfortunately Pakistani citizens. In the 1950s, they had gone to Pakistan for doing some small business like tea shop business, etc. and they have got the Pakistani citizenship. When some war breaks out in Kargil, they will be rounded up in our frontier. These people cannot move around; they cannot walk around. They are rounded up, sent to the boundaries and Pakistani officials arrest them and then they toil in the Pakistan jails.

So, the hon. Minister may kindly take these people into consideration. The grievances of these people who are in their 80s may also be met. In these circumstances, I appreciate the Government's stand to follow the footsteps of the UPA Government to combine the two cards.

PROF. SAUGATA ROY (DUM DUM): Sir, I am on a point of personal explanation. Under Rule 367, I have to offer the following personal explanation. Sir, it is relevant here. Please listen to me.

HON. DEPUTY SPEAKER: Is it related to the subject? You give it in writing and then I will call you afterwards personally.

SHRI P.R. SENTHILNATHAN (SIVAGANGA): Hon. Deputy Speaker Sir, I thank you for this opportunity to speak on this debate on the Citizenship (Amendment) Bill.

Since this Bill is related to our people visiting foreign countries and returning to India, I would like to welcome the return of Father Alexis Prem Kumar of my constituency, Sivanganga. I heartily thank the efforts made by our beloved leader, *Puratchi Thalaivi Amma*, the Prime Minister and the External Affairs Minister also for ensuring his safe return from Afghanistan.

Now, coming to the Bill, let me say a few words. We have two kinds of cards, namely, People of Indian Origin (PIO) cards and Overseas Citizen of India (OCI) cards.

The PIO card holders are eligible to get full Indian citizenship after a stay of one year continuously in India. The PIO card holders were given periodical visas to visit India whereas OCI card holders have lifelong multi-entry visa.

Now, through this amendment Bill, the continuous stay for one year is not required. The PIO card holders can stay with breaks and can total up the stay to 12 months to apply for citizenship.

This Bill also seeks to merge both PIO cards and OCI cards to give a new card renamed as Indian Overseas Card holder (IOC). The continuous stay is exempted for the reason that the increased globalisation requires people to visit abroad due to economic and social needs.

There is always a problem in getting visas or OCI cards for minor children. Even when both the parents or one parent happens to be an Indian citizen living abroad, minor children always have a problem in getting valid travel documents. Now, through Section 7A of this Amendment Bill, grant of OCI registration for minor children will be simplified.

I fail to understand as to why the people of Indian origin from Pakistan, Bangladesh, Sri Lanka, Bhutan, Afghanistan and Nepal are not given the PIO cards, whereas the OCI card was given to foreign nationals eligible to become a citizen of India on our first Republic Day. What will be the travel document required for people from the neighbouring countries when we merge these two cards?

I also want to know whether Aadhar cards will also be linked with this. We need clarification and streamlining of this process.

I can understand the care taken by the Government in the case of people from Pakistan, China and Bangladesh. But I fail to understand why the people of Indian origin especially the Tamils of Sri Lanka are treated as second class citizens. I think our external affairs policy in this regard must be revisited.

We find the Union Government arranging to send back all the Sri Lankan Tamil refugees. Even children who were born in India to such Tamil refugees after 1983 have to go back with their parents now. The Government of Tamil Nadu guided by our leader, Amma wants that these refugees should not be sent back immediately and we must wait till a conducive atmosphere is created there.

I urge upon the Union Government to consider the request made by our Government of Tamil Nadu.

Recently, the Citizenship and Immigration Minister of Canada called on our hon. Chief Minister of Tamil Nadu. The Canadian Minister stated that he had made it a point to visit important States like Tamil Nadu which is already known well for being an investor friendly State.

He appreciated the significant achievement made by the Government of Tamil Nadu in the economic and social sectors under the dynamic leadership of Puratchi Thalaivi Amma. When our Prime Minister visited USA and Australia recently, he promised NRIs and PIOs that their visit to India will not be a problem for them. To fulfil that promise, this Government is bringing this Amendment Bill which was mooted by the previous UPA Government. I hope this is not a hasty move.

Most of our Indians go to foreign countries as technocrats, skilled labours and IT professionals. Most of our Tamil youths go to many parts of the world. All these people must be given the same treatment given to the business community.

I would like to highlight the point that right from the ancient times, people from the region of Sivagangai have always been visiting foreign countries, like Myanmar, Malaysia, Singapore and Sri Lanka apart from other South-East Asian countries. They also must get the same treatment as is being given to the business class because all are equal before law.

With this I conclude. Thank you.

HON. DEPUTY-SPEAKER: Prof. Saugata Roy, your party Member is going to speak now. Let her mention this in her speech.

...(Interruptions)

HON. DEPUTY-SPEAKER: Regarding what? Is this something to do with this subject being discussed?

...(Interruptions)

PROF. SAUGATA ROY : â€¦*

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): I want to make a submission....(Interruptions)

HON. DEPUPTY-SPEAKER: You made your point. Please sit down.

...(Interruptions)

SHRI RAJIV PRATAP RUDY: It is not a question of raising a point. Please listen to me. My only submission here is this. Prof. Saugata Roy was telling something just now. Possible, when Dr. Sanjay Jaiswal was speaking, he was not present in the House. You can check it from the records. All of us were listening to what Dr. Sanjay Jaiswal was speaking.

PROF. SAUGATA ROY: What was he speaking?... (Interruptions)

SHRI RAJIV PRATAP RUDY: You were not present in the House then. ... (Interruptions) Let me speak.

Sir, the hon. Member was raising an issue. He was not even present in the House when Dr. Sanjay Jaiswal was speaking. All of us were hearing the statement being made by Dr. Sanjay Jaiswal. It is all in the proceedings of the House. I do not recall and none of us recall the issue which is being raised by Prof. Saugata Roy. That issue has not at all figured in the conversation. So, my submission is that his statement is absolutely incorrect. He should be present in the House. I believe this can be checked from the records of the House. Dr. Sanjay Jaiswal has not made any reference whatsoever at all to Professor Saugata Roy.â€¦ (Interruptions)

HON. DEPUTY-SPEAKER: Please take your seat. Nothing will go on record.

(Interruptions) â€¦*

HON. DEPUTY-SPEAKER: Prof. Saugata Roy, whenever any hon. Member is speaking, if you are present at that time, you can raise whatever objection you have. If at all you want to raise it because your name is involved, you have to give notice for that.

PROF. SAUGATA ROY: I have given notice.

HON. DEPUTY-SPEAKER: This is not the notice. You have to give the notice before Ten of the Clock in the morning.

PROF. SAUGATA ROY: You tell me whether I have given the notice or not.

HON. DEPUTY-SPEAKER: This is not the notice. The notice has to be given before Ten of the Clock. Then, it will be taken up.

PROF. SAUGATA ROY: I am ready to observe the rules....(Interruptions)

HON. DEPUTY-SPEAKER: Please take your seat. I am giving the ruling. Why are you repeating?

...(Interruptions)

HON. DEPUTY-SPEAKER: If you want to raise anything, you have to give notice before Ten of the Clock. You cannot do like this. You cannot give notice as you like and go on raising the point. This is not a point. Whatever you raised cannot be taken into consideration.

Now, Dr. Ratna De (Nag) to speak.

...(Interruptions)

HON. DEPUTY-SPEAKER: Nothing will go on record. I tell you I gave the ruling. Professor Saugata Roy, you are a senior Member. Please take your seat.

(Interruptions)*

HON. DEPUTY-SPEAKER: He is a senior Member. He knows the rules and procedure. At the time of making the speech, he can raise objections, Point of Order, etc. Afterwards, if he has any objection, he can go through the records and give notice before 10 o' clock. At that time, he can give explanation. That is the procedure. Whatever you have raised now will not go on record.

DR. RATNA DE (NAG) (HOOGHLY): Sir, I would like to thank the Chair for giving me an opportunity to speak on The Citizenship (Amendment) Bill, 2015. The Citizenship Act, which is being amended through the Bill, is important as it provides for acquisition and determination of Indian citizenship.

Before, I go into the details of the Bill, I would like to state here that this Bill was necessitated because the Government promulgated the Citizenship Ordinance on 6th January, 2015, which was aimed at fulfilling the assurance made by Shri Narendra Modi, the hon. Prime Minister in New York to Indian Diaspora when he announced grant of lifetime visa to Persons of Indian Origin (PIOs). The Ordinance was promulgated on 6th January, 2015 as hon. Prime Minister was to inaugurate Pravasi Bharatiya Divas in Gujarat on 9th January, 2015.

The proposed amendment is warranted as certain lacunae came to the fore. In specific, amendment is expected to replace in Section 5 of the Citizenship Act words 'has been residing in India for one year' with 'is ordinarily resident in India for 12 months'. Likewise, 'overseas citizen of India' would be substituted by 'Overseas Citizen of India Cardholder'.

Removing the word 'Origin' from 'Persons of Indian Origin Cardholder' and replacing it with 'Overseas Citizen of India Cardholder' is timely as it attempts to remove something which is not at all required. The objective of the Bill and the amendment Bill brought before this august House is laudable as it removes the aberrations in the Citizenship Act of 1955.

I welcome the merging of two Cards, People of Indian Origin and Overseas Citizens of Indian Cardholder. But I would like to place my objection to the Bill which was brought to the House through Ordinance. I object the Ordinance route adopted by the Government. Thank you, Sir.

PROF. SAUGATA ROY: I raised the Point of Order. क्या आपने पूरा एक्सपंज कर दिया? (Interruptions) I will given notice. ... (Interruptions)

HON. DEPUTY SPEAKER: You said that you have given notice, which cannot be taken up, and whatever you have stated cannot be recorded. That is what I have said.

...(Interruptions)

SHRI BHARTRUHARI MAHTAB (CUTTACK): Sir, I stand here to participate in the Citizenship (Amendment) Bill, 2015, and this happens to be the first Ordinance of 2015 (No.1). The Ordinance route was taken. I had given my objection for taking the Ordinance route. In the morning, while the Coal Mines (Amendment) Bill was being introduced, I had in detail mentioned as to what had transpired in 1950 and 1954 between the then hon. Speaker, Mr. Mavalankar, and the then Prime Minister, Mr. Jawaharlal Nehru. I had quoted the letters written by the first Speaker of Lok Sabha where he had mentioned that this Lok Sabha has to standardize the manner in which Ordinance is to be promulgated.

I have also submitted a Private Member Bill, whenever it would come for discussion, I think, a number of Members of our House will also take part in the discussion. The discussion is regarding abolition of provision of Ordinance from our Constitution. While going through the history of parliamentary democracy, I wanted to find out as to which are those parliamentary democracies which have this Ordinance provision. I would like to be educated by the hon. Minister of Home Affairs. Is it true that Ordinance provision is only in the Constitution of Bangladesh, Pakistan and India? Or is this special provision also prevalent in many other parliamentary democracies? If those countries do not face much trouble of promulgating law without taking recourse to Ordinance, then, why should we carry the baggage of colonial mindset in our Constitution? Since the last many years, since the beginning of our Independence in 1947 or after our Constitution came into being in 1950, why should we carry this baggage that Executive would determine what the law would be, and subsequently, Parliament will just be a rubber stamp to accept? This needs to be discussed.

15.30 hrs (Shri Hukum Singh *in the Chair*)

Sir, On that premise, I would say that the Biju Janata Dal is opposed to this Ordinance route of promulgating the law... (व्यवधान) इसलिए करते हैं क्योंकि वह है। That is why a correction is needed in the Constitution; that is why every State should also be barred from promulgating law through Ordinance. It is demeaning the Parliament of the country; it is demeaning the public mandate of the country. Why should the Executive take on itself of framing the law? It is the elected mandate which should frame the law of the country. It does not happen in any other country as far as I understand but I would like to be educated by our hon. Minister of Home Affairs.

Here, Mr. Premachandran, my good friend, has already mentioned about the urgency of promulgating this Ordinance. I do not agree with him on one count. That is, once the Prime Minister comes out with a Statement wherever, it may be in Madison Square or in Australia, that is the intent of the Government. If that is the intent of the Government, the Government will follow it up either through an Ordinance, which they have done, or through a Bill. But here what has happened? The intent of the Government was pronounced by the Prime Minister in Madison Square, and subsequently in Australia. But that intent of the Government was not carried out, if the Government thought that it is so urgent because this Ordinance came much after the Winter Session was prorogued. The Statement of the Prime Minister was in October, 2014. Subsequently, it was in Australia, much before the Winter Session commenced. This is not such a complicated Bill where you needed much time and deliberation. Earlier, a Bill also was before this House. Already the Standing Committee of Home Affairs had also deliberated on this Bill. So in that respect, I think, taking the intent of the Prime

Minister and the Government in view, a Bill could have come in the Winter Session. It would have been blocked in Rajya Sabha, that is a different matter. But it could have come, and therefore, the Ordinance would have been avoided. But here, the Ordinance route has been taken, and the Bill is before us. Why it took so long to introduce the Bill? That needs explanation.

The second point which I would like to mention here is, there is a wording in amendment of Section 5, clause 2, sub-section 1(a) where it is mentioned - that is part of the Citizenship Act - the clause (f) for the words 'has been residing in India for one year' are substituted with the words, 'is ordinarily resident in India for twelve months'. Here, 'ordinarily resident', I would say, "has a definite meaning'. In this Bill, the period for residing in India is being restricted to one year.

HON. CHAIRPERSON: I am sorry to interrupt you. I think we have to take up another Bill also today and so the time for each speaker will be restricted to five to seven minutes. Kindly cooperate.

SHRI BHARTRUHARI MAHTAB: Dealing with the Bill, further a maximum of 30 days which may be in different breaks should be up to the satisfaction of the Government. This is also being substituted. So what we do here is, 'ordinarily resident' is being confined to one year, this one year is further amended 'to the satisfaction of the Government' and 'satisfaction of the Government' is also coming down to 30 days in different breaks. That means कुछ खास आदमियों के लिए यह हो रहा है। Some specific people are in your consideration. Why is this distinction being made? It may not happen during your Government. But when a law is being implemented, it is a law for all times to come till it is amended. It may be misused subsequently when you are not in power. Here, there is a tremendous amount of discretion which is coming to the hands of the Executive or to the person who will be deciding as to whom to give, whom not to give, whom to give within 30 days, whom to give in different breaks if he goes out and comes back etc.

HON. CHAIRPERSON: Kindly conclude now.

SHRI BHARTRUHARI MAHTAB: This is my apprehension. I would be happy if my apprehension is cleared.

Sir, I have one more issue which is very close to my heart. I think those Members who are sitting on the other side of the House also carry the same feeling. I would like to read out the concerned provision. It says:

"Provided further that no person who is or had been a citizen of Pakistan, Bangladesh or such other countries as the Central Government may, by notification in the Official Gazette, specify shall be eligible for registration as Overseas Citizens of India Card holder."

No person will be eligible if he is a citizen of Pakistan or Bangladesh. This is a denial to those persons who are residents of Pakistan and Bangladesh. Where does this clause emanate from? It emanates from an agreement between the then Prime Minister of India Jawaharlal Nehru and the then Prime Minister of Pakistan Liaquat Ali. When there was tremendous bloodshed in this Sub-Continent and a large number of People were moving from this country to the other side and from the other side to this country, during that time both the Prime Ministers had come to an agreement that we would restrain our population moving from one place to another because they belong to a specific religion. So, that got reflected in the Constitution. The agreement was made in 1948. Subsequently in 1950 it got reflected in the Constitution. I would request the BJP-led Government to take up this issue. Today, not only in some southern part of the country, but even in Rajasthan where from Mr. Meghwal is elected and in Gujarat, a large number of people have been forced to flee Pakistan because they believe in one religion.

They have been persecuted because of their religion....(*Interruptions*)

HON. CHAIRPERSON: Now, I call the next speaker; please conclude.

SHRI BHARTRUHARI MAHTAB: Sir, I would like to understand from this Government as to why they do not delete this provision. A large number of people are staying here, who are earning their livelihood, are protected. This country gives protection to whatever religion is being practised. If they come to us for help, for succour, they are provided shelter. Can we not give them the citizenship? We have diluted the citizenship charter, the citizenship law, to a great extent, by doing this. But those people, because of their religion, are being persecuted in other countries, either in Bangladesh or in Pakistan. Can we not give them citizenship? It is high time this had been deliberated and deleted from the Constitution.

With these words, I conclude.

SHRI JAYADEV GALLA (GUNTUR): Thank you, Sir. I thank the hon. Prime Minister for taking the personal initiative after his assurance at the Madison Square Garden about the merger of the PIO and OCI Cards. The emotional gesture of the Prime Minister towards overseas citizens has created a huge response to get the OCI Cards now in countries all over the world. Through this Bill, he is fulfilling that assurance and I welcome it.

Sir, there are an estimated 25 million NRIs, PIOs and OCIs spread across more than 200 countries. Cumulatively, they contributed about 70 billion dollars in remittances to India just in 2013-14 alone.

I would like to just point out that I myself was an NRI for many years, for the first half of my life though I moved back to India 20 years ago. I understand the alienation of an NRI. I also understand that the love for mother India is always there and will always continue to be there regardless of how many years they may be spending abroad.

Among the NRIs in America, one of the maximum numbers comes from my State, Andhra Pradesh. In my State of Andhra Pradesh, one of the largest numbers comes from my constituency of Guntur. Today, any village, any street you go in any of the urban centres, almost every house will have an NRI living abroad and every one of them will be sending money back to their families and for the betterment of the State and the country. During the

recent crisis of Hudhud and also the drive to raise resources to build our new capital, a lot of money has been contributed by NRIs living all over the world for these purposes. So, the engagement with the Indian diaspora is very beneficial to our country. We have some of the most talented diaspora in the world and we should engage them as much as possible.

The Government's objective should be to have a continuous engagement with this diaspora. We should make them feel that we care for them; we want to make them stakeholders in India's future so that they can contribute whatever they can to the growth story of our country. And, we should not take the steps which alienate them from us. Rather, we should create an atmosphere which attracts them so that they show their inclination towards not only investments but also love for their motherland.

Coming to dual citizenship, I really don't understand why we do not permit dual citizenship which would solve most of the problems. Many countries around the world do provide this. We would not be alone if we decide to do so. Let us leave aside the rhetoric of patriotism, etc. Indians living abroad are no less patriotic than Indians here in our country. So, this argument does not carry any hold. I know that our Constitution does not allow for dual citizenship. But it is a matter of an amendment to change the Constitution.

Indians living in other countries have been demanding for dual citizenship for many years. Even the former Prime Minister, Shri Atal Bihari Vajpayee, in 2003, advocated for dual citizenship to Indians staying abroad. The proposed Overseas Citizenship Card falls well short of their demand of getting dual citizenship with full political, economic, public service and other rights at par with the rights enjoyed by the Indian citizens.

Sir, under the Bill, Indians staying abroad have been debarred under Sections 3, 4, 5, 5A, and 6 and public service under Section 16 of the Representation of the People Act, 1950 to become a voter. When we are giving them almost all the rights and facilities, I personally feel that there is nothing wrong in giving them voting and other rights under the Representation of the People Act and dual citizenship.

There are some countries which are giving voting rights to foreign citizens, if not in the national elections, at least in the local elections. But, here, we are debarring them from obtaining voter card resulting in prohibiting them even to vote in local elections.

Under Section 7A, OCIs have equal rights as NRIs have in the areas of economic, finance and education. But, as per S.O. 542 (E), dated 11th April, 2005, published in the Gazette of India Extraordinary Part-II Section 3(ii), dated 11.4.2005, OCIs cannot acquire agricultural or plantation properties. I fail to understand the justification and rationale behind this. I request the hon. Minister to ponder over this and withdraw this notification.

There is an apprehension among Indian diaspora over the OCI Card. Members of the Indian diaspora and the Global Organisation of People of India Origin have an apprehension that introduction of another card will create a great deal of confusion not only among Indians but also among the Indian immigration authorities such as embassies and missions and ports of entry in India. There is no doubt that the mandatory requirement of registering with Foreign Regional Registration Office or Foreign Registration Office has been done away with.

The Bill also proposes exemption from appearing before the local police station on every visit. But, in spite of these, still there are apprehensions. I request the hon. Minister to allay their fears and send a message that OCI Card will be issued through a simple and easy process.

As per the existing Section 5 of the Principal Act, one year continuous stay in India is mandatory for getting Indian citizenship. Now it is proposed to relax this period to 30 days. ...(*Interruptions*) I am just concluding, Sir. But here, the problem is that it is done at the discretion of the Government of India. You would relax only after satisfying with 'special circumstances'. But the Bill has not mentioned as to what those 'special circumstances' are that the Government has to be satisfied with in order to relax the period of one year. So, this has to be mentioned clearly in the proposed legislation itself or under subordinate legislation. If it is not mentioned under the rules, it again creates confusion and frustration among the Indian diaspora. So, it needs to be clarified at the earliest.

It is another welcome move of the Government in pursuance of the announcement made by the Prime Minister. If one would look at the 2005 Amendment, only up to grandchildren are allowed to register themselves as OCI Cardholders. But now the Government is allowing even great grandchildren which I am sure will cover all those people who were citizens of India as of 1947.

With these observations, I once again support the Bill moved by the hon. Minister and request him to seriously look into the issues raised by me which will not only fulfil the demands of the Indian diaspora but also help in investments and foreign remittances.

Thank you, Sir.

शहरी विकास मंत्री, आवास और शहरी गरीबी उपशमन मंत्री तथा संसदीय कार्य मंत्री (श्री एम. वेंकटरया नायडू) : महोदय, मैं केवल इतना ही याद दिलाना चाह रहा हूँ कि बिजनेस एडवाइजरी कमेटी में इसके लिए एक घंटे का समय तय हुआ था। मुझे इसमें कोई आपत्ति नहीं है कि डिस्कशन लम्बा चले, लेकिन इसके बाद माइंस एंड मिनरल्स बिल के लिए चार घंटे का समय निर्धारित है, आज ही बैठकर उसे विलय करना है। कल दो कानून हैं, परसों दो कानून हैं, जो समय तय हुआ है, उससे दस-पन्द्रह मिनट इधर-उधर हो गया तो कोई प्रब्लम नहीं है। मैं आप सबसे अनुरोध करना चाहता हूँ कि आप सब इसे सपोर्ट कर रहे हैं तो थोड़ा संक्षिप्त में अपनी बात रखें। मेरी आपसे सिर्फ यही रिक्वेस्ट है कि अगर समय कम लेंगे तो अच्छा रहेगा, बाद में देर होगी, शाम को आठ, साढ़े आठ बजे तक भी बैठना पड़ेगा। कृपया, इस बारे में सोचकर सब लोग सहयोग कीजिए। मेरी आपसे सिर्फ इतनी ही प्रार्थना है।

पू. सौमन राय : बी.ए.सी. में इस सिटिजनशिप एक्ट के लिए दो घंटा और और माइंस एंड मिनरल्स के लिए चार घंटे का समय निर्धारित हुआ था।

कई माननीय सदस्य : एक घंटा तय हुआ था।

HON. CHAIRPERSON: You have already spoken. Let him speak.

...(*Interruptions*)

HON. CHAIRPERSON: Let him speak now.

SHRI A.P. JITHENDER REDDY (MAHABUBNAGAR): Hon. Chairperson, Sir, I welcome the contents of the Citizenship (Amendment) Bill, that is, merger of OCI card with PIO card.

I am happy to see that this is the first time quick action has been taken by the Government, and the promise of the Prime Minister has been kept. His promise has been promulgated into an Ordinance and now this Bill has been brought before the House.

Sir, I was there for 25 years abroad as an NRI. Many Ministers used to visit those countries, and we used to be the host for them. They used to enjoy all dinners and parties which we used to give. They used to promise heaven to all the NRIs who are there. We used to give them very good parties. But when we come back to our country with a small problem, they used to see NRIs as 'Not Required Indians'. Now, at least the Government is giving them the citizenship card. They come and try to stay here, and this really belongs to the Indians who are staying in the United States.

I would like to ask about the NRIs who are staying in the Gulf countries. Most of the people who have gone from this country to these Gulf countries are working as labourers. They are from Karimnagar, Mahabubnagar, Nizambagh, Warangal and the other backward areas from Telangana. They are struggling in those countries. They send back each and every rupee that they earn to India. As a true citizen, they see that the foreign currency is sent back here and they feel that a day will come when they will have to return to this country. But, Sir, what we see here is that when we buy properties here, some *mafia* people try to really hold those properties by putting *kabza*. These people come back to India on a long holiday and try to solve their problem. They are not even allowed into any police station. No officer in the Secretariat or no Minister meets them when they go them for any help.

So, my request to the Government of India is that as you have given some facilities to the Indians who are staying in the United States – you are giving them a citizenship card so that they can stay here for 12 months – the NRIs also should be provided with a special card, and with that card these people can really come and approach any officer or any Minister in the Government when they come on a 30-day visit here. आज जाते हैं तो कहते हैं कि वह आफिसर नहीं है, कल जाते हैं तो कहते हैं कि कोई दूसरा आफिसर नहीं है, ऐसा करते-करते तीस दिन की छुट्टी निकल जाती है, He goes away without anything. He is really bothered about his family, about the property which he has purchased and about the hard earned money through sweat which he has sent back to India. So, my request to the Government of India is that NRIs who are staying in the Gulf countries should be given a recognized card, and when they can come and show that card to our officers in the Government, their problems can be immediately attended to.

With these words, I would extend my support to this Bill.

Thank you.

DR. A. SAMPATH (ATTINGAL): Hon. Chairman, Sir, I would like to support many views expressed by my learned friend, Shri A.P. Jithender Reddy just now.

Sir, with your permission, may I know how many types of citizenship that we have in India? Sir, Part II of the Constitution of India says about citizenship, and articles 5, 6, 7, 8, 9, 10 and 11 are regarding citizenship of India. We are discussing about various types of citizenship. Anyway, I agree with the hon. Minister; I also agree with the intention of the Government regarding one matter. The intention, what I understand, is that the Government seeks to merge the Person of India Origin (PIO) and the Overseas Citizenship of India (OCI) together. That would be nice. It is because one set of people will be having life long visas and the other set of people will be having only 15 years visa. Anyway we are merging these two together. Moreover they would not be forced to go to a police station, stand in a queue and converse with the police official. We know, how the policeman thinks that he is the master and he will decide regarding your stay, travel and your future. I am happy that it is being done away with.

But, Sir, there are certain apprehensions, which I would like to bring to the notice of the hon. Minister. I would invite the attention of the hon. Minister to Clause 4, page 2. My friends including Mr. Premachandran, have raised certain issues during the discussion today. Actually, I was also a person, who has moved the amendments. But on Saturday, it was the Budget Day. After the Budget presentation, everybody was busy in pondering over what were the promises showered in the Budget and what were the new taxes proposed. Then, yesterday was the holiday. Today, we are taking up two Bills for discussion. The hon. Minister is also in a hurry. He wants to ensure that after this Bill is over, the next Bill also comes up for discussion.

Sir, I would, now, invite the attention of the hon. Minister to Clause 4, page 2. It says:

"The Central Government may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, register as an Overseas Citizen of India Cardholder"

(a) any person of full age and capacity, --

(i) who is a citizen of another country, but was a citizen of India at the time of, or at any time after the commencement of the Constitution;

or

(ii) who is a citizen of another country, but was eligible to become a citizen of India at the time of the commencement of the Constitution; "

Here, I would like to invite the attention of the hon. Minister to line 26, Clause 4(7A) (1) (a)(iv). It says:

"(iv) who is a child or grand child or a great grand child of such a citizen. "

I want to know from the hon. Minister whether other nations also have such a clause. It is a valid point to know. If other nations in the world do not adhere to this principle, why should we alone adhere to such a principle?

I would, now, go to Clause 4(7A)(d), which is also very important. It says:

"Spouse of foreign origin of a citizen of India or spouse of foreign origin of an Overseas Citizen of India Cardholder registered under Section 7A and whose marriage has been registered and subsisted for a continuous period of not less than two years immediately preceding the presentation of the application under this section."

This means that wife or husband – spouse – may not be able to get the card. But even before getting that card, the child or children may be getting the card. So, this point needs to be clarified from the hon. Minister.

Now, I would touch upon Clause 4(7B)(2). It says:

"An Overseas Citizen of India Cardholder shall not be entitled to the rights conferred on a citizen of India-- "

Sir, here nine points have been enumerated concerning election as President, Vice-President, Judge of the Supreme Court, Judge of the High Court, etc. But apart from this, there are many other positions which these persons can hold. What about a person becoming an office-bearer of a political party? What about a person becoming the President of the Chamber of Commerce? So, all these things need clarification.

Then, Sir, the last line of Clause 4 says:

"(ii) has not been dissolved but, during the subsistence of such marriage, he has solemnized marriage with any other person. "

Sir, here my contention is that the word 'he' should be replaced by the word 'the said Overseas Citizen of India Cardholder.'

Sir, before concluding, it is a matter of our brothers and sisters who are working abroad. It is regarding five million Indian people who are working abroad. This Bill should not be contemplated just because of the people of United States. There is a joke ABCD that we all know and we all share regarding those who are going abroad. It is American Bound Confused Desi, ABCD. It should not be like that. It should be applicable to other persons also, including those who are working in the Gulf countries. Their plight should also be addressed. With these words, I am concluding. Thank you, Sir.

16.00 hrs

SHRIMATI KOTHAPALLI GEETHA (ARAKU): Thank you hon. Chairman, Sir, for giving me this opportunity to debate on the Citizenship (Amendment) Bill, 2015, which was promulgated as a Citizenship Ordinance, 2015 by the President of India on 7th January.

This is a very important Bill for us. All of us are aware and we are a witness to the huge applause received from the NRIs when our hon. Prime Minister had made an announcement of such enactment to be brought in when he addressed the huge gathering in Madison Square, USA and also during his visit to Australia. This Bill provides for the merger of POI and OCI cardholders. Previously, there were certain problems that the POI cardholders had to face. During their extended stay, they were asked to go and apprise the police station for their extended stay. All such hurdles have been removed. The benefits that they used to get, when compared to the OCI, were lesser and hence this Bill provides for the merger of POI and OCI cardholders, which is a welcome move by the Government, and it will enable equal benefits to all the cardholders.

Through this Bill, the period of stay in India for a complete period of one year has been relaxed and they are entitled to travel 30 days outside the country. This definition has been expanded to include minor children of Indian citizens, spouses of Indian citizens, spouses of OCI and POI cardholders and great grand children of Indian origin citizens, which is a very welcome move by the Government because every Indian, though generations pass by, would like to settle in their home country. After commencement of the Indian Constitution, such people, who are away from the country, are welcome back to the country. Hence, the Government has determined to simplify the registration process of the OCI cardholders, which is a very welcome move for the NRIs. The terms are laid down for the cancellation of OCIs, which was never there in the previous Act that was there, and the citizenship of the people, who have obtained the membership through this Act, if they get divorced or get divorced through the court, may be cancelled. So, this also enables the people not to misuse the facility that has been granted to them through this Citizenship Act.

Through this Act, the OCI cardholders will be given a life time Visa which will be convenient to them, and through this, though they will not have the right to vote and contest for elections and they cannot hold any Constitutional posts, the OCI cardholders will be given a lot of convenience. They will be allowed to stay in the country for a longer period of time and spend with their kith and kin. It also gives encouragement to travel often to India and they can extend their period of stay.

I agree with my colleague Shri Jayadev Garu who said that many Indians who are settled abroad door to door would like to invest in their homeland and they will be sending their share of earnings to their family in India. So, this is a welcome move for them. This Act does not provide for the OCI cardholders to acquire agricultural land and plantations but it permits them to make investments in economical, financial and educational fields like

the other NRIs. Thus, this Act also encourages investment from the people of Indian origin around the world to invest in their homeland. This Act is not only an administrative convenience for the Government but also avoids red-tapism by ensuring convenience to millions of Indians who are settled abroad.

HON. CHAIRPERSON: Please conclude now.

SHRIMATI KOTHAPALLI GEETHA : Hence, with these few words, I rise to support this Citizenship (Amendment) Bill, 2015 and wish that this law would make a big leap in providing necessary comfort. I also thank the hon. Prime Minister for his initiative in enacting such laws. It will be of convenience to millions of Indian nationals staying abroad. Thank you so much, Sir.

श्री गजेन्द्र सिंह शेखावत: महोदय, मैं आपको धन्यवाद देता हूँ कि आपने मुझे इस महत्वपूर्ण बिल पर अपनी बात कहने का अवसर प्रदान किया।

दुनिया में ऐसा कोई भी देश नहीं होगा, जहाँ भारत का कोई न कोई व्यक्ति मौजूद न हो। भारत देश के लोग जहाँ-कहीं भी दुनिया में गए हैं, उन्होंने विश्व में जिस किसी भी संस्कृति में जाकर काम किया है, उन्होंने उस संस्कृति के साथ में अपने आपको आत्मसात किया है। उस व्यवस्था के साथ अपने-आप को आत्मसात किया है और वहाँ जाकर केवल अपने-आप को ही सिद्ध नहीं किया है, अपितु इस महान भारत देश का नाम भी सभी जगह रौशन किया है। अनायास ही हमारे देश के जो लोग विश्व भर में निवास करते हैं, उन लोगों ने इस महान संस्कृति के ब्रान्ड एम्बेस्डर के रूप में दुनिया भर में काम किया है।

जिन लोगों के माता-पिता या दादा-परदादा अनेकों वर्ष पहले इस देश को छोड़ कर चले गए थे और व्यावसायिक, व्यापारिक कारणों से या अन्य किन्हीं अन्य कारणों से दुनिया के अन्य देशों में जाकर उन लोगों ने वहाँ की नागरिकता ग्रहण कर ली थी। वयूँकि उनकी सांस्कृतिक आत्मा आज भी भारत के साथ जुड़ी हुई है, इसलिए वे भारत के साथ सम्बन्ध रखना चाहते हैं। इस संस्कृति के साथ अपने सम्बन्ध को अक्षुण्ण बनाये रखना चाहते हैं, इसलिए उस सम्पर्क को जीवित रखने के लिए लगातार इस देश में बार-बार यात्रायें करते हैं और बच्चों को भी इस संस्कृति के साथ सम्बद्ध रखने के लिए, बार-बार इस देश की यात्रा करने का मानस रखते हैं। जिस तरह के हर्डल्स इस देश के लोगों के साथ हैं, भारतवर्ष के लोग जो विदेश में रहते हैं, वे बार-बार यहाँ वीजा लेने के लिए आते थे, जिस तरह से उनको वलीयरेन्जेज लेनी पड़ती थीं, भारत में अधिक समय तक रहना है तो उन्हें थाने में रजिस्ट्रेशन कराना पड़ता था, जिस कारण से उनको जो तकलीफ होती थी उनको दूर करने के लिए हमारी सरकार जो बिल लायी है, मैं उस बिल का समर्थन करता हूँ।

माननीय गृह मंत्री जी यहाँ बैठे हैं, मैं उनके ध्यान में एक विषय लाना चाहता हूँ। देश का जो दुर्भाग्यपूर्ण विभाजन हुआ, जिसकी चर्चा अनेक लोगों ने की है, उस विभाजन के समय हमारे जो हिन्दू भाई पाकिस्तान में रह गए थे, करोड़ों की संख्या में जो हिन्दू पाकिस्तान में थे, बांग्लादेश में थे, जिस तरह का दर्द उन्होंने सहा है और वे लोग लगातार अत्याचार और अनाचार सह रहे हैं, उसके कारण कई लोगों को बलात् धर्म परिवर्तन करना पड़ा। उन लोगों की सम्पत्ति का अतिक्रमण तो बहुत साधारण-सी चीज है। यहाँ उन लोगों की बहु-वेदियों की इज्जत भी सुरक्षित नहीं है, इस दर्द से दुःखी हो कर वे भारत में आते हैं। जो लोग अवैधानिक रूप से भारत में आते हैं, वे न जाने कैसे-कैसे तरीके अपनाकर देश की नागरिकता और देश की नागरिकता से जुड़े हुए सारे दस्तावेज हासिल कर लेते हैं, लेकिन, जो लोग पाकिस्तान से भारत आते हैं, मैं उन गरीब विस्थापितों का दर्द आपके साथ बांटना चाहता हूँ। वे लोग जो अपना सब कुछ छोड़कर पाकिस्तान से भारत में आते हैं। मैं जिस संसदीय क्षेत्र से चुन कर आया हूँ, उसके पड़ोस में ऐसा रेलवे स्टेशन है जो पाकिस्तान से भारत को जोड़ता है। जब हम उन रेलवे स्टेशनों पर आते हैं, यदि भारत का कोई आदमी विदेश से यहाँ आता है, दुनिया के किसी भी एयरपोर्ट पर आता है तो उसको बहुत सारी सुविधायें मिलती हैं, उसके लिए कोई सर्टन नॉर्मस हैं कि वह इतने मूल्य की सम्पत्ति, जो अपने साथ में पहना हुआ गहना आदि लेकर यहाँ आ सकता है, लेकिन जब रेलवे स्टेशन पर वे गरीब दुःखी होकर, अत्याचार और अनाचार को सहकर हिन्दुस्तान में आते हैं तब कस्टम के लोग उनकी महिलाओं का पहना हुआ सोना भी उतरवा देते हैं, उनको भी जवाब देकर लिया जाता है, वे जब हिन्दुस्तान में आते हैं तो उनको सात साल तक हिन्दुस्तान की नागरिकता नहीं प्रदान की जाती है। सात साल तक उनके पास में कोई भी आइडेंटिटी पूफ भी नहीं होता है। सात साल तक वे किसी भी तरह की सम्पत्ति यहाँ अधिग्रहित नहीं कर सकते हैं। वे सात साल तक बिना आइडेंटिटी पूफ के कहीं भी जाकर नौकरी नहीं कर सकते हैं। वे सात साल तक दर-दर की लोकरी खाने को मजबूर रहते हैं।... (व्यवधान)

माननीय सभापति : कृपया अपनी बात को समाप्त करें।

श्री गजेन्द्र सिंह शेखावत : माननीय सभापति महोदय, मैं सिर्फ दो मिनट में अपनी बात समाप्त करना चाहता हूँ। मैं आपके साथ डेढ़-दो लाख लोगों के दर्द को आपके साथ बांट रहा हूँ। वे सात साल तक इस देश में कोई काम नहीं कर सकते हैं। उनकी आजीविका का कोई साधन नहीं है। उनके बच्चों को भीख मांगकर खाना खाने को मजबूर होना पड़ता है। ऐसे में भी सबसे कूल स्थिति उस समय होती है, जब उनके सात साल पूरे होने के बाद, उन्हें नागरिकता के लिए आवेदन करने का समय आता है। पहले उसके लिए मात्र 500 रुपये फीस हुआ करती थी, जो वे बड़ी मुश्किल से इकट्ठा कर पाते थे।

माननीय सभापति महोदय, अब 10,000 रुपये से लेकर 15,000 रुपये तक विभिन्न आयटम्स में फीस लागू कर दी गयी है। मैं सदन का ध्यान इस ओर दिलाना चाहता हूँ, आप जरा कल्पना कीजिए कि ऐसे व्यक्ति जो सात साल तक दर-दर की लोकरी खाने को मजबूर हैं, जिनके पास आजीविका का कोई भी साधन नहीं है, जिनके पास सर्टी, गर्मी और बरसात में अपने बच्चों के साथ सिर छुपाने के लिए छत नहीं है। ऐसे व्यक्तियों को रजिस्ट्रेशन के नाम पर 15,000 रुपये फीस देनी पड़ती है। ... (व्यवधान) वह दस लोगों का परिवार लेकर आता है।... (व्यवधान) जब उससे डेढ़ लाख रुपये फीस मांगी जाती है तो वह उसका जुगाड़ नहीं कर पाता।

यहाँ माननीय गृह मंत्री जी विराजमान हैं। उनके सामने भी अनेक अवसरों पर इस बारे में रिप्रेजेंटेशन दिया गया। जब वे जोधपुर पधारे थे, तब भी दो-ढाई हजार लोगों ने उनके सामने यह बात रखी थी।... (व्यवधान) मैं निवेदन करना चाहता हूँ कि सरकार को इसी बिल के साथ उन लोगों के लिए भी तुरंत प्रावधान करना चाहिए और फीस को कम करने की व्यवस्था करनी चाहिए। उन्हें तुरंत सिटिजनशिप मिलनी चाहिए। अटल जी की सरकार के समय वर्ष 2005 में जिस तरह कलैक्टर्स को पावर दी गई थी, उसी तरह की व्यवस्था इस बार फिर लागू की जाए।

मैं आपका ध्यान आकृष्ट करना चाहता हूँ कि हिन्दुस्तान ही एकमात्र ऐसी जगह है जो दुनिया में कहीं भी रहने वाले हिन्दुओं के लिए नैसर्गिक मदरलैंड है। यदि इस नैसर्गिक मदरलैंड में उसे इस तरह का कष्ट भोगना पड़ता है तो यह उचित नहीं है।

आपने मुझे बोलने का अवसर दिया, इसके लिए बहुत-बहुत धन्यवाद।

श्री राजीव सातव (हिन्गोली) : सभापति जी, आपने मुझे बोलने का मौका दिया, इसके लिए बहुत-बहुत धन्यवाद। पिछले नौ महीने से इस देश में अध्यादेशों का राज चालू है। हम अध्यादेश पर बहस कर रहे हैं। यहाँ आदरणीय गृह मंत्री जी बैठे हुए हैं जो हमारे वरिष्ठ नेता हैं। उन्होंने अध्यादेश के बारे में पिछले सदन में बात रखी कि एक्सट्रा आर्डिनरी सिचुएशन होनी चाहिए, अर्जेंट नैसैसिटी होनी चाहिए और अगर इमर्जीजिएट एक्शन रिवायर्ड है तभी अध्यादेश निकाल सकते हैं। यह सरकार पिछले नौ महीने से काम कर रही है। आप नौ महीने से इस दुःख और दर्द के बारे में बात कर रहे हैं। यह तीसरा सेशन है, आपको तीसरे सेशन में आर्डिनॉस और बिल लाने की जरूरत क्यों पड़ी? आप इसे पहले सेशन में ला सकते थे, दूसरे सेशन में भी ला सकते थे। आदरणीय प्रधान मंत्री जी ने कहा था तो उसके तुरंत बाद विंटर सेशन में भी ला सकते थे, लेकिन नहीं लाए।

अभी संजय जी ने बात रखी, हमारे भाई साहब ने बात रखी। इन सब बातों का अध्ययन स्टैंडिंग कमेटी की रिपोर्ट में हुआ है। हमारे वरिष्ठ नेता, सदन के संसदीय कार्य मंत्री की अध्यक्षता में स्टैंडिंग कमेटी की रिपोर्ट बनी है। आप सबने जो बात रखी, उसके बारे में रिपोर्ट में मैंशन है। हमारा सरकार से आग्रह है कि आप वे बातें लाए, बहुत अच्छा है। लेकिन अभी जो मैंशन हो रहा है, वया उसके बारे में कुछ बात हो रही है। वैकैर्या नायडू जी ने सिटिजनशिप के बारे में यहाँ जो रिपोर्ट दी थी, मिनिस्ट्री और वैकैर्या नायडू जी की अध्यक्षता वाली कमेटी ने कहा था कि सिटिजनस वर्ड नहीं होना चाहिए। वया आज आप वैकैर्या नायडू जी से भी सहमत नहीं हैं? अगर आप रिपोर्ट में देखेंगे तो वैस्ट पाकिस्तानी हिन्दुओं के बारे में कहा गया है कि वैस्ट पाकिस्तानी हिन्दु माइग्रेटेड फ्रॉम पाकिस्तान

को सरकार को जिस तरह की मदद करनी चाहिए, वह नहीं मिली। इस बारे में इस बिल में कोई मॉशन नहीं है; चकमा रिपब्लिकी, जो बंगलादेश से माइग्रेट हुए हैं, हमें अपेक्षा थी कि आप उनके बारे में कोई प्रोजेक्शन इस बिल में लेकर आएं। रियांग द्राइबल्स जो मिजोरम के हैं, वे अपने स्टेट वापिस आए, लेकिन उन्हें अभी तक वोटिंग राइट नहीं मिला है। इतना महत्वपूर्ण मामला है, लेकिन इस बारे में भी बिल में दूर-दूर तक कोई मॉशन नहीं है। राज्य सभा के सदस्य श्री शांता राम नायक गोवर्धन पुरीजी को राइट देने के बारे में बिल लाए थे, उसके बारे में भी इस बिल में न कोई प्रोजेक्शन है और न कोई बात हो रही है। गृह राज्य मंत्री जी का नाता अरुणाचल प्रदेश से है, जिस प्रकार अरुणाचल प्रदेश के स्टैपल वीजा की बात होती है, उस बारे में यह सरकार क्या सोचती है, इस बारे में भी बिल में कुछ नहीं कहा गया है। नार्थ-ईस्ट में बंगलादेशी इमिग्रेंट्स के बारे में भी इस बिल में कोई मॉशन नहीं है।

मैं एक प्वाइंट रैज करना चाहूंगा कि यू.पी.ए. के समय हमारी पार्टी के वरिष्ठ नेता वायलार रवि जी को ओवरसीज़ मिनिस्ट्री की जिम्मेदारी दी गई थी। हमें अपेक्षा थी कि आपकी पार्टी के वरिष्ठ नेता ओवरसीज़ मिनिस्ट्री को हैंड करेंगे। अगर मुरली मनोहर जोशी जी ओवरसीज़ मिनिस्ट्री को देखते तो लोगों को बहुत मदद मिलती। इसलिए ओवरसीज़ मिनिस्ट्री को आपने अंडरग्रेड किया, डाउनग्रेड किया। यह अच्छी बात नहीं है। मेरा आपसे आग्रह है कि ओवरसीज़ मिनिस्ट्री की ओर फिर से ध्यान देने की जरूरत है, जो प्रोसेस आप इसमें यूज करना चाह रहे हैं, उस प्रोसेस के सॉलिडिफिकेशन के बारे में भी आपने कोई चर्चा नहीं की है। यहां पर कहा है कि spouse shall be subjected to prior security clearance from a competent authority in India. यह कितने दिन में देगा, एक महीने में होगा, छह महीने में होगा, साल भर में होगा, इस बारे में भी बिल में कोई विलयर गार्डेंस नहीं है। आपके माध्यम से आग्रह है कि आप रूट्स बनाइए, लेकिन उसे एक निश्चित टाइम फ्रेम दीजिए, पांच दिन में या 10 दिन में उनको न्याय मिलना चाहिए। जो इश्यूज मैंने यहां पर रैज किए हैं, उनके बारे में भी आपको सोचने की जरूरत है। दो-तीन प्वाइंट्स डालकर आप बिल नहीं ला सकते हैं, इससे जुड़ी कई सारी बातों पर भी आपको ध्यान देना चाहिए।

गृह मंत्री (श्री राजनाथ सिंह) : सभापति महोदय, सम्मानीय सदस्यों ने सिटीजनशिप अमेंडमेंट बिल पर चर्चा के दौरान हिस्सा लिया, इस पर कन्वर्जिंग रिमावर्स हमारे सहयोगी श्री किरन रिजिजू द्वारा होगा, लेकिन इस बीच मैं इतना ही इंटरवीन करने के लिए खड़ा हुआ हूँ कि कई सम्मानीय सदस्यों ने विचार करते समय बिल पर यह कहा है कि इसे ऑर्डिनेंस के रूप में लाने की जरूरत क्यों पड़ी। यदि इसे बिल के रूप में लाया गया होता तो संसद के दोनों सदनों में इस पर चर्चा हुई होती। इसके पहले भी मैं बता चुका हूँ कि प्रधानमंत्री जी का एक कमिंटमेंट था, जब वह यू.एस. और आस्ट्रेलिया गए थे, उसके कारण यह किया गया है। ऐसा नहीं है कि प्रधानमंत्री जी ने आर्बिट्ररी इसे कह दिया हो या मनमाने तरीके से बोल दिया हो, बल्कि एक ऐतिहासिक तिथि को ध्यान में रखते हुए यह बात कही गई थी, सम्मानीय सदस्यों को इस बात की जानकारी होगी कि महात्मा गांधी एक ऐतिहासिक महापुरुष थे। तबे समय तक दुनिया के भिन्न-भिन्न देशों में रहते हुए सर्वाधिक समय उन्होंने साउथ अफ्रीका में गुजारा था। 9 जनवरी, 1914 को वे भारत लौटे थे, वे भी एक प्रकार से प्रवासी भारतीय थे। इसके 9 जनवरी, 2015 को 100 साल पूरे हो रहे थे, इसलिए प्रधानमंत्री जी ने घोषणा की थी कि अगला प्रवासी भारतीय दिवस जब भी भारत में होगा, उस अवसर पर जो ओ.सी.आई. और पी.आई.ओ. दोनों को मर्ज करने की मांग है, सभी को ओ.सी.आई. कार्ड होल्डर बनाया जाना चाहिए, यह सुविधा आपको मुकामल तौर पर उपलब्ध करा दी जाएगी। गांधीनगर में प्रवासी भारतीय दिवस 7/8 और 9 जनवरी को हुआ। 9 जनवरी को ही महात्मा गांधी के भारत लौटने के 100 वर्ष पूरे हो रहे थे। 9 जनवरी, 1914 को भारत आने के बाद उन्होंने स्वतंत्रता संग्राम में अग्रणी भूमिका निभाई। जितने भी माननीय सदस्य यहां बैठे हुए हैं, इसे सहज रूप से स्वीकार करेंगे। फ्री डम स्ट्रगल को भारत की राजनीति में एक नया डाइमेंशन देने का यदि किसी ने काम किया था तो वह राष्ट्रपिता महात्मा गांधी ने किया था, इसीलिए उस तिथि का चयन किया गया। एक माननीय सदस्य ने कहा था कि नई सरकार का तीसरा सत्र चल रहा है, पहले में वर्यो नहीं लाए, दूसरे में वर्यो नहीं लाए, पहले सत्र में लाने का सवाल नहीं था, क्योंकि सत्र बहुत छोटा था, इसके साथ बजट भी पेश करना था। दूसरे में वर्यो नहीं लाए। यह दूसरे सत्र में ही दिसम्बर में लाया गया था, लेकिन समयाभाव होने के कारण यह पारित नहीं हो पाया। इस सदन का यह तीसरा सत्र प्रारंभ हुआ है, उसमें यह लाया गया है, ऑर्डिनेंस जारी करने की जरूरत इसीलिए पड़ी। चूंकि यह कहा जा चुका था कि महात्मा गांधी के साउथ अफ्रीका से भारत आने के 100 वर्ष पूरे होने के अवसर पर आपको यह सुविधा उपलब्ध करा दी जाएगी। तब सदन का सत्र नहीं चल रहा था, इसलिए ऑर्डिनेंस जारी करने की आवश्यकता पड़ी, मुझे इतना ही अनुरोध करना था।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJJU): Sir, first of all, I would like to extend my gratitude to all the hon. Members who have participated in this very important Bill of Citizenship (Amendment) Bill, 2015. Without going into the debate on the issues related to the question raised by some of the hon. Members with regard to promulgation of the Ordinance as well the withdrawal of the earlier Bill which hon. Home Minister Rajnath Singh Ji has already clarified, I would like to highlight some of the few important points which are forming part of the provisions of this Amendment Bill and I would not be able to respond to all the queries of all the hon. Members which will take much time. So, I will touch upon some of the basic points so that it can clarify as well as satisfy the apprehensions raised by some of the hon. Members.

First of all, Deputy Speaker Sir, there are various processes for acquisition of Indian Citizenship status. It can be by birth under Section 3 of the Citizenship Act or it can be by descent under Section 4 or by registration under Section 5 or by naturalization under Section 6 of the Citizenship Act, 1955. India does not have the provisions of dual citizenship. But most of the countries, as all the hon. Members are aware, are towards the direction of providing dual citizenship status but India has not gone to that direction yet. It has been mentioned here that the contribution of the Persons of Indian Origins across the globe have made tremendous contribution to the growth of this country. We cannot undermine that.

Today, Indian diaspora is the second largest in the world, next to the Chinese diaspora. The remittance which we receive from this diaspora is the highest and it is 70 billion dollar, as hon. Member Ratna De has mentioned. You can imagine how much it means to the growth and wealth of this nation. Whenever we see the tri-colour flying outside any part of the world, on any of the occasions, whether it is a culture event, sports, whatever, we feel proud. We can admit that we have not been fully justified in giving a proper status to every Person of Indian Origin living across in more than 200 countries. This is a step towards giving and fulfilling the dreams which were set up Atal Bihari Vajpayee in 1999 that we will give all kind of status to the people having Indian Origin and here, I would like to mention that we may not be giving them a complete status of citizenship but it is very close to giving the citizenship status excepting they do not have the right of political, they do not have right to hold any official position and they can acquire properties excepting large areas of plantation and agriculture land which it has a reason which I would not like to dwell in detail here.

Some of the important matters were raised here. One was about the question why we have the discrimination against the Pakistanis and Bangladeshis? Now, this is an issue we are dealing separately. I would like to inform the hon. House that there is a special task force which has been constituted in September itself to deal with a large numbers of migrants especially the minorities who come from Pakistan, Bangladesh. There is no discrimination towards Sri Lanka. One hon. Member has raised that why the Persons of Indian Origin in Sri Lanka were being discriminated upon. There is no discrimination in the Citizenship status. It is with regard to OCI cardholder only.

Regarding the main objective of this Bill, I can divide it into two. The first is related to the acquisition of Citizenship and the second is regarding the Overseas Citizen of India Cardholder. Now, under the Citizenship Act, 1955, there were lacuna which were found out and we have tried to meet all those lacuna and all those short comings whatever were there. But the points which were raised in this House by the hon. Members is something which is not found yet because we are not doing any kind of discrimination in the process of enacting this amendment Act.

Firstly, I would like to mention the process of registration. We have given relaxation in the provision especially after maximum of 30 days which may be in different breaks. This is a very globalized world. Anybody who stays 7 years continuously, and in the last one year, if the person has to travel to another country for any purpose, then he becomes disqualified. We have relaxed that and we have given 30 days of exemption where he can travel abroad and then he can still claim for citizenship status.

There is a process of naturalization. This process also has relaxation for a period of another 12 months again. I would like to inform the hon. House that we are making the provisions so easy that those who are entitled to become citizens of India will become but some hon. Members have raised the question of discretion. The discretion is something we are not inserting new here. This discretion is already there in the provision. In the old PIO also, this discretion was there. When the country feels that a person of extraordinary character can be given status of citizenship waiving all the provisions, it was already there. It is not that the Government will just pick up anybody and grant special citizenship status by-passing all the provisions. This is not the case. So, this provision was already available there. We are just extending it to the merged provisions of the PIO with OCI.

Some of the Sections which were there in which we are inserting new words is Overseas Citizen of India with the words 'Card Holder'. There are various provisions and I am sure hon. Members must have gone through the provisions. So, I would not like to read out the whole provisions. It involves a lot of sections.

One Section I would like to mention is that the merger of PIO with OCI was necessary because there were some of the provisions which were there in PIO were not included in OCI and some of the provisions of OCI were not part of the PIO. That is why we have merged them. Now it is known as Overseas Citizen of India Card Holder.

I would like to point out three differences. The first one was under PIO, it was up to grandchildren. Now we have included great grandchildren. Under PIO, the foreigner spouse was allowed to apply for the OCI Card. Under OCI, it was not eligible earlier. Now, it has been made eligible and the validity for 15 years has been made lifelong.

Beyond that point, I would like to make my speech very short by mentioning just 2-3 important points. There is a process for acquisition of this citizenship as well as right for application for the OCI Card holder and there is a provision for disqualification also. Any foreigner spouse, any foreigner who is married to an Indian who is an OCI Card holder, will cease to be OCI Card Holder if the principal person is disqualified or he voluntarily renounces himself to be OCI Card Holder. There are enabling provisions also.

As I have stated, all the hon. Members have raised various points. We have taken note of all the points very carefully. We are very open-minded to ensure that in implementing the provisions of this Act, there will be no case of harassment, there will be no case of unnecessarily putting to trouble our brothers and sisters of Indian origin who are living across the globe.

With that, I thank all the hon. Members who have broadly supported the provisions in this Amendment Bill without making any obstacles in passing the Bill, besides raising some of the clarifications, which I believe, with the intervention of the Home Minister and myself, I am sure, they must be satisfied. I thank the hon. House for supporting this Bill. Hereby, I seek your leave and ask the House to support in considering and passing this Bill.

16.31 hrs (Hon. Deputy Speaker *in the Chair*)

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SHRI N.K. PREMACHANDRAN (KOLLAM): Thank you very much, Deputy-Speaker, Sir.

The hon. Home Minister has replied. I am not going into the details of the reply. Absolutely there was ample time so that the Bill could be introduced in the House and got passed during the Winter Session.

I am only seeking one clarification from the hon. Minister. That is a constitutional question which I have raised, that too for academic interest. I want to know this from the Government. The new amendment which is brought in is 2 (e) (e). Overseas Citizen of India Cardholder means a person registered as an Overseas Citizen of India Cardholder by the Central Government under section 7 (A). So, 'Overseas Citizen of India Cardholder' is well defined in section 7 (A). Under section 7 (A), an Overseas Citizen of India Cardholder is any person of full age and capacity; but under sub-clause 1 he is a citizen of another country. By virtue of section 5, such an OCI Cardholder can apply for registering as a citizen. My humble question to the hon. Minister is this. Please clarify to the House – because we are making a law – whether dual citizenship is permitted. To my information and knowledge, during the last UPA Government this was elaborately discussed in the Ministry and found that even the Overseas Citizen of India itself is a misnomer.

As per the Constitution of India, if a citizen acquires the citizenship of another foreign country, his citizenship lapses. That is the mandatory provision in Article 9 – person voluntarily acquiring citizenship of a foreign state not to be a citizen. The clarification which I am seeking from the hon. Minister is this. As per section 5, if an Overseas Citizen of India Cardholder is entitled to get citizenship but the Overseas Citizen of India is a citizen of another country, whether dual citizenship is permitted. If that be the case, how will that matter be answered constitutionally? This is the only specific clarification I am seeking from the hon. Minister.

SHRI KIREN RIJJU: The matter raised by the hon. Member is very clear. There is no dual citizenship provision according to our law. Anybody who is an overseas citizen of India cardholder and who wants to acquire Indian citizenship has to first renounce his status of citizenship of that another country. That is why we have inserted this status of 'cardholder' to close to being citizen but not exactly full citizen. So, to acquire citizenship we have rules laid down clearly in the Citizenship Act. For instance, he has to stay for seven years; then, the last 12 years and relaxation of 30 days; and the provision is detailed. I am sure, the hon. Member must be satisfied with that. ...(*Interruptions*)

HON. DEPUTY SPEAKER: Are you withdrawing your Resolution? Or, do you want to put it to vote?

SHRI N.K. PREMACHANDRAN: It could be put to vote. My Resolution in respect of disapproval of the Ordinance route of legislation. ...(*Interruptions*)

HON. DEPUTY SPEAKER: It is not the Ordinance. We are now talking about the Bill.

...(Interruptions)

HON. DEPUTY SPEAKER: The question is:

"That this House disapproves of the Citizenship (Amendment) Ordinance, 2015 (No.1 of 2015) promulgated by the President on 6th January, 2015."

The motion was negatived.

HON. DEPUTY SPEAKER: The Minister may now move that the Bill be taken into consideration.

The question is:

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

The motion was adopted.

HON. DEPUTY SPEAKER: Now, we shall take up clause by clause consideration of the Bill.

The question is:

"That clauses 2 to 7 stand part of the Bill."

The motion was adopted.

Clauses 2 to 7 were added to the Bill.

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

SHRI KIREN RIJJU: I beg to move:

"That the Bill be passed."

HON. DEPUTY SPEAKER:: The question is:

"That the Bill be passed."

The motion was adopted.