

सूचना और प्रसारण मंत्रालय में उप-मंत्री (श्री सुबोध सिंह) : (क) तथा (ख). सूचना एकत्र की जा रही है और बाद में सदन की भेज पर रख दी जाएगी ।

पाकिस्तानी राष्ट्रियों को दी गई सजा

2980. श्री हुकम चन्द कछवाय : क्या गृह मंत्री 9 दिसम्बर, 1970 के प्रस्तावित प्रश्न संख्या 3973 के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) जिन 11,719 और 526 पाकिस्तानियों के विरुद्ध मुकदमें दायर थे उनमें से कितने व्यक्तियों को सजा दी गई ;

(ख) कितने मामलों का अभी तक फैसला नहीं हुआ है ; और

(ग) कितने व्यक्तियों को दोषी पाया गया और उनके विरुद्ध क्या कार्यवाही की गई ?

गृह मंत्रालय में उप-मंत्री (श्री मोहम्मद) : (क) से (ग). सूचना एकत्रित की जा रही है तथा सदन के पटल पर रख दी जाएगी ।

12.00 hrs.

# CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

*Reported unilateral action of the Government of Ceylon in changing the basis for the grant of Ceylon citizenship*

SHRI M. KALYANASUNDARAM (Tiruchirappalli) : Sir, I call the attention of the hon. Minister of External Affairs to the following matter of urgent public importance and request that he may make a statement thereon :

"Reported unilateral action of the Government of Ceylon in changing the basis for the grant of Ceylon citizenship which would adversely affect the interests of persons of Indian origin."

THE DEPUTY MINISTER IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH) : The Government of India have seen reports in the press that the Ceylon House of Representatives has adopted an amendment to the 1967 Indo-Ceylon Agreement (Implementation) Act, linking the pace of grant of Ceylon citizenship with the number of persons repatriated to India, and not merely to their registration in Ceylon as Indian citizens. According to the Indo-Ceylon Agreement of 1964, the grant of Ceylon citizenship and the process of repatriation shall both be phased over a period of 15 years and shall, as far as possible, keep pace with each other in proportion to the relative numbers to be granted citizenship and to be repatriated respectively. The 1967 Indo-Ceylon Agreement (Implementation) Act related the grant of Ceylon citizenship with the grant of Indian citizenship and not with their actual repatriation.

The Prime Minister of Ceylon on the occasion of moving the present amendment, has stated that the Government of Ceylon intend to implement the 1964 Indo-Ceylon Agreement "both in letter and spirit". The present amendment is to the Ceylonese domestic legislation of 1967 and not to the 1964 Indo-Ceylon Agreement. Both Governments have agreed that the Indo-Ceylon Agreement of 1964 shall be implemented fully in letter and in spirit.

SHRI M. KALYANASUNDARAM : The hon. Minister started by saying that the Government have seen only press reports but the information he has given as compared to even the press reports is very incomplete. I want to know whether the Government is aware that a very serious amendment to the Indo-Ceylon agreement Implementation Act of 1967 was moved by no less a person than the Prime Minister of Ceylon herself to the effect that deferment of punishment will be given to the employers if they continue to employ persons who have obtained Indian citizenship ? The punishment will be two to five years rigorous imprisonment. I want to know why our Government missed this important amendment. What is the implication of this amendment ? Is it not to force persons of Indian origin ? I do not know who coined these terms. These persons have been in Ceylon for over 100 years ; for

[Shri M. Kalyanasundaram]

generations they might not know where their roots are; except that they speak Tamil. They contributed their sweat, blood and labour for the development of Ceylon and I do not know how that famous agreement, Shastri-Srimavo agreement of 1964 was reached and on what basis they accepted the division of these so called stateless persons and after that in 1966 the officials of both the Governments met and discussed the details of giving effect to the 1964 agreement. Now unilaterally that Government takes steps to amend their Act and it is a matter of serious concern for us as large number of persons would be forcibly repatriated to India. It is next only to, if not as serious as, the refugee problem arising from the influx from Bangla Desh. In 1964, the number was estimated at 9,75,000. Every day the number will be increasing. Two days ago, I think the Deputy Minister gave an answer that 22,000 persons have registered so far as Indian citizens. Corresponding to this figure, 15,000 persons have been granted Ceylon citizenship. What is to happen to more than 9 lakhs of people who will continue to stay in Ceylon, despised by the Ceylon and disowned by India? What is to happen to them? Did the Government study the implication of this amendment? The Government of Ceylon want to force these people to leave Ceylon and go to India. What will they do?

May I ask the Minister, when you agreed in 1964 to repatriate as many as 5,25,000 Stateless persons,—I think you agreed to it in all seriousness—what is the action taken so far? Nearly seven years have passed to repatriate them, to give them an honourable abode in their former homeland. The Government of India has not done anything, nor did they take up the matter with the Ceylonese Government to see that the problem is approached in a more realistic way. It is a human problem. The number is much more than what is actually put on record. Now, without consulting the Government of India, they unilaterally amend the Act and I want to know what will be the fate of these people. They are mostly from the southern States, particularly from Tamil Nadu. So, we are very much concerned about it.

Having promised at the time of the agreement, the Government of India failed

to treat this as a problem of the Central Government. They did not give sufficient inducement for the Stateless persons in Ceylon to opt for repatriation, and the very few who had come over here are not very happy. When the people who are still in Ceylon come to know this, how will they opt for repatriation to India? This is the problem.

I want a clear answer from the Minister of External Affairs or even if necessary from the Prime Minister as to what is going to happen to these people who constitute more than nine lakhs, and what further steps are the Government going to take with the Government of Ceylon. Of course, we want very cordial and friendly relations with all our neighbouring countries, but for that, this is not the way in which you can purchase friendship. There should be some principle in dealing with such human problems. So, let me have an answer from the Minister to all my questions.

SHRI SURENDRA PAL SINGH : I agree with the hon. Member when he said that this is a very difficult and very complicated problem and it has a human angle. There is no doubt about it. We also share his anxiety and his views that this whole problem has to be dealt with very delicately and very carefully. But the hon. Member, I think, has necessarily painted a very dark and dismal picture in regard to the implementation of the whole scheme.

As regards the amendment of which he has spoken at length, I think the hon. Member must have read it in the newspapers and come to the conclusion that in this amendment we should not see any attempt on the part of the Ceylon Government to either drag their feet in this regard or to back out of the agreement and their commitments. This amendment has been adopted by the House of Representatives merely to bring their own domestic law in line with the 1964 agreement. The House is already aware that in that agreement, the conferment of Ceylon citizenship was linked up with the number of people repatriated to India,—actually repatriated,—and not just registered as Indian citizens in Ceylon. So, there is nothing sinister or invidious on the part of the Ceylonese Government in doing this. They merely brought their

own law in line with the 1964 agreement, to which we have agreed. There is nothing to which we could really take objection.

About the difficulties in the way of the people coming back from Ceylon, we have made elaborate arrangements in consultation with the Tamilnadu Government and there are a number of schemes for rehabilitating them. We will see that all those who come back properly looked after and rehabilitated.

SHRI M. KALYANASUNDARAM :  
 In the statement itself it is said...

MR. SPEAKER : Why don't you believe the minister ? you are relying on the statement too much.

SHRI G. VISWANATHAN (Wandiwash) : We can depend more on the written statement than on the oral reply.

SHRI M. KALYANASUNDARAM :  
 The statement itself states :

"The 1967 Indo-Ceylon Agreement (Implementation) Act related the grant of Ceylon citizenship with the grant of Indian citizenship and not with their actual repatriation."

But now it is related to actual repatriation.

SHRI SURENDRA PAL SINGH : As the House is aware, the 1964 agreement envisaged that a certain number of people will be given Indian citizenship and certain number will be given Ceylon citizenship, the ratio being 7:4. That is, for every seven individuals granted Indian citizenship and repatriated to India, Ceylon will give Ceylonese citizenship to four persons. In the 1967 Act which they enacted later on, they made a slight modification to suit their own requirements. That is, they linked up the question of conferment of Ceylonese citizenship with the number of persons getting registered as Indian citizens in Ceylon. We did not object to it because it did not come into conflict with the old agreement. So far as the latest amendment made by them is concerned, it only brings their own enactment in line with the 1964 agreement. It does not also come into conflict with the 1964 agreement.

SHRI SEZHIYAN (Kumbakonam) : I agree with the Government that we should maintain good neighbourly relations with Ceylon and we do not want to say anything which will create any discord in our friendly relations. Recently when there was insurrection in Ceylon and open defiance of law and order, the Indian Government went all the way to give them whatever help they wanted to meet the situation. That has created a further friendlier atmosphere. I want this problem also to be solved with a friendly and human approach. But I am sorry to say that the Shastri-Sirimovo Pact entered into in 1964 was a departure from the earlier stand taken by Pandit Jawahar Lal Nehru, who never accepted the position of so-called Stateless persons. He maintained that whosoever may be in Ceylon, it was the problem of the Ceylonese Government and we could not take any responsibility for them. But the 1964 Shastri Sirimovo Pact made a departure from that stand. The latest amendment to the 1967 Act makes another departure and makes the conditions stringent for the so-called Stateless people there. The agreement of 1964 envisaged that in 15 years 5.25 lakh people should be repatriated to India and 3 lakh people should be given Ceylonese citizenship.

As the Minister has rightly pointed out, and also mentioned in the written statement the Indo-Ceylon Agreement Implementation Act linked the grant of Ceylonese citizenship with the grant of Indian citizenship and not with actual repatriation. That was the position under the 1967 Act. But the present Amendment seeks to link the grant of Ceylonese citizenship with the actual repatriation of those persons opting to come to India. But for the repatriates coming to India there are some difficulties. Even though many persons have registered themselves to come to India, facilities have not been made on the part of the Ceylonese Government to make their exit to India possible and feasible. According to the available statistics while the Indian High Commission in Ceylon have granted Indian citizenship to 72,000 people up to July 1970 the number of Ceylonese citizenship granted during the same period is only 7,300. If you take the latest figure, while we have granted Indian citizenship to 85,000 people Ceylon has granted citizenship to only 15,000 people. So, this ratio of 7 : 4 has not been observed.

[Shri Sezhiyan]

Then, it was accepted in the agreement of 1964 that the repatriates should be permitted to take with them a minimum of Rs. 4,000 per person and a maximum of Rs. 75,000 per family. This amount is to be given in foreign exchange. But the Ceylon Government is not readily giving to the repatriates the minimum and maximum put in the agreement. Even on a conservative estimate, if 35,000 people have to be repatriated per annum, it will come to Rs. 16 million to 17 million per year. The officials of Ceylon say that they find it difficult to manage such a huge sum. That may be one reason for slowing down the repatriation to India.

Therefore, before accepting the amendment of the Act, which seeks to link the grant of Ceylon citizenship with actual repatriation, the Government of India should see whether facilities have been given to those people who have opted for repatriation and whether the Ceylonese Government are fulfilling the obligations they have undertaken under the 1964 Agreement.

Then, there is an apprehension in the minds of those people who are working in the plantations, who are there for the last three generations, that they will be uprooted and thrown out of their jobs so that they will repatriate to India. If they are repatriated suddenly it will put them in a very difficult situation. So, repatriation has to be done in an orderly and human way.

SHRI SURENDRA PAL SINGH : The hon. Member has asked a number of questions. His main anxiety appears to be that since the amendment has been adopted by the House of Representatives some change has come over which is likely to affect adversely the interests of the people of Indian origin. May I assure him once again that as far as this amendment is concerned it will not make the slightest difference to the agreement? Both India and Ceylon stand by their commitment. As the House knows, over a period of 15 years 5,25,000 people of Indian origin are to come to India and Ceylon will give citizenship to 3 lakhs people. It is true that there is short-fall on both sides. We have not been able to confer Indian citizenship and repatriate as many as we should have done, nor has Ceylon been able to honour her part of the commitment fully, because there have been

a number of difficulties in the way. It is a very difficult scheme to implement because human beings are involved. All these difficulties are now being overcome, procedures are being streamlined and a whole machinery has been set up in order to accelerate the pace of implementation of the agreement to the desired pitch.

As far as the question of providing these people with the necessary facilities is concerned, the House has been kept fully informed in the past that we on our part are providing adequate arrangements to bring these people over here, rehabilitate them and provide all kinds of facilities to them. There is no doubt about that.

So far as the other side is concerned, there should be no apprehension in the minds of the hon. Members that difficulties will be placed in their way by Ceylon itself. The Ceylon Government, specially the present Ceylon Government, is very keen that the scheme should be implemented expeditiously and all those people who have got Indian citizenship should leave Ceylon as early as possible; that is to say, once a person has opted for Indian citizenship then they would like him to go back to India as quickly as possible. There is no difficulty on our side either in taking them back. To that extent we cannot really quarrel with the Ceylonese Government. In regard to facilities for the repatriation of the assets and other things, I can assure the hon. Member that there is complete co-operation from the other side and there is complete understanding between our two governments and nothing is being done which will create difficulties for the people over there.

12.18 hrs.

# RE : VISIT OF MINISTER OF EXTERNAL AFFAIRS TO CERTAIN COUNTRIES

SHRI M. KALYANASUNDARAM (Tiruchirappalli) : Sir, the Minister of External Affairs has returned home after a global tour on a difficult mission. There should be a statement on that.