

SHRI R.K. AMIN (Dhandhuka): Much has been said about this Budget. Most of the important points have also been discussed. My job is now to fill in the gaps in the discussion.

MR. DEPUTY—SPEAKER : He can continue tomorrow. We will now take up the half-an-hour discussion.

18.24 hrs.

#### HALF-AN-HOUR DISCUSSION

##### CLOSURE OF INDIAN BUSINESS IN KENYA

SHRI R.K. AMIN (Dhandhuka) : On a careful perusal of the answers given by the Government on the 25th February in reply to Starred Question No. 65 I find a good number of mistakes committed by the Government. These mistakes are either of the commission type or omission type.

Let me take up first these mistakes in the reply. Replying to parts C and D of the question the Minister says that details about persons likely to be affected by these measures is not available so far. It is surprising that when this question has been agitating the minds of our people for the last four or five years, he says like this. We knew that as soon as Kenya became independent such a thing was going to happen and the process of Africanisation was bound to come very soon and if it came, in its wake the conditions of these people were bound to worsen in several ways. Was it not, then, the duty of the Government to get all the information about their difficulties, about their conditions? Should they try to obtain information and give it to the House? Government could have got that information if they had taken the trouble. Why it is that they failed to do so?

In the paragraph same the Minister says that our High Commission in Kenya is in touch with our nationals and necessary steps to safeguard their interests will be taken as far as possible. These are vague replies. We do not know what the Government mean by 'our nationals'. Does it

mean people of Indian origin or holding Indian passports or all people of Indian origin? Will they tell us what they propose to do to protect their interests? Nothing has been indicated in the reply. They say that the people of Indian origin in East Africa and Kenya are facing certain difficulties. What are those difficulties? These difficulties have not been mentioned by the Government. It is no use telling us that certain difficulties which are there will be removed in a certain way in a certain time then, sir, we are left in the lurch. In the same reply they say that the policy pursued by Kenya is not discriminatory inasmuch as those measures are not taken only against people of Asian origin but against all aliens and non-citizens. I fail to understand the desires of our Government to stamp discriminatory measures as non-discriminatory. Do they know that people of Indian origin who had taken Kenyan citizenship are prohibited from entering certain trade and conducting their business in certain areas declared by the Kenyan Government? I am not talking about persons who had taken some other citizenship. It is just like what South Africa is doing, it is in violation of the human rights convention of the United Nations. I can understand if the Government does not want to speak about it simply because you cannot do anything about it and you are not going to wage a war against them. But what is the point in saying that it is discriminatory when it is discriminatory. It hurts our own people and puts them in jeopardy. The Government of Kenya can say to people of Indian origin : Your own Government say that these are non-discriminatory; how then can you say that these are discriminatory and complain against these? I do not know whether our Government knows that there is discrimination against Kenyan citizens of Indian origin.

In the same reply the Minister says a large majority of them are British passport holders, technically and legally and are under the control of the British Government and so the British Government are not fulfilling their responsibilities properly. Have we nothing to do with them? It is on our advice that they accepted the British passports; we cannot

leave them in the lurch. I should like to know whether the Government has decided to act as the lender of the last resort in respect of these persons who had taken British passport. Can we not hold ourselves ultimately responsible for their plight? Not on humanitarian grounds; that you can do for Czechoslovaks and other people in other countries. But these are our own people; their fathers, mothers and grandfathers were born here. Should we not do for them?

Let me go further and refer to one more point arising from the answer given by the Minister himself. He says that no report has come to us from the members of the Indian delegation. Has he ever tried to ascertain whether on the eve of the departure of the good will missions of the Members of Parliament when they met the Foreign Minister-(*Interruption*) I was there; I was one of the Members—have you asked that you are required to submit a report? No, sir. Having come over here, has the Minister asked the Members to submit a report? No, Sir. Has he even asked the convenor of the Committee to submit a report? No, Sir. Has he even on his own initiative asked us to meet and report? No, Sir. It is the Members who themselves have said that we would like to meet the Minister and convey to him certain difficulties which the Indian nationals are facing there and to impress upon him the steps they should take in this regard. Otherwise, the attitude of the Government was unconcern and indifference. Are they going to maintain the same type of attitude even after hearing the plight of the people in Kenya and East African countries? I would like to know.

Then, this Government, also in replying, tried to evade certain questions. There are one or two such questions which they tried to evade. When it was asked by one of the hon Members, "Why the Government is not trying to ask the Government of Kenya to reciprocate by opening a Consulate over here? No reply has been given. I want to know whether the Government of India has ever tried to ask the Government of Kenya or to persuade the Government of Kenya to open their Consulate over here. Further in the reply, the

Minister said "that in this matter we should not give the impression that the citizens of Kenya are really looking to us for any kind of protection." If we talk of discrimination which is resorted to on the people of Indian origin in Kenya who have accepted Kenyan citizenship, if we talk, he will say as if they are looking to us. Supposing I talk about the poor people and point out their plight, can anybody say that our poor people will come to me and say, "Why do you talk about us? If you talk about us, the does which we have been receiving from the wealthy people will not be given to us." Can they say like that? These are various mistakes which have been committed.

Now, I will come to the questions, important questions which have not been answered and which have not been raised in the discussion on that day. The people of Indian origin could be divided into four parts; Those who are having Kenyan citizenship; those who are having the British passport; those who are having the Indian passport and those without any passport whatsoever. May I know whether the Government is going to take any steps in order to see that the discrimination is not resorted to in the case of the people of Indian origin with Kenyan citizenship? Secondly, regarding the people of Indian origin with British passport: they were asking for dual citizenship because they wanted a facility that the moment they liked they can surrender the United Kingdom passport and again get the Indian citizenship; later on, when they can have an entry into the United Kingdom, they can get back their passport and go to the United Kingdom. That sort of facility asked by these people time and again has been denied by our Government.

To a question such as this whether they have agreed to give that sort of facility to British passport holders, the Government did not answer. Only we have heard some news in the Times of India given by our ex-High Commissioner in Kenya, that is our present High Commissioner in the United Kingdom, Shri Appa Pant—wherein he says that such people could surrender their British passport but if they later felt that they should get back to Britain, their

[Shri R. K. Amin]

passports will be given back to them. It is exactly the concept of dual citizenship which these people were asking, which facility United Kingdom has given them, about this we got the news from Appa Pant but our Government does not tell us anything about it, whether the words spoken by Appa Pant are really the policy of the Government of India. Are you going to stick to these words? If so, in what way are you giving this facility to the people of Indian origin holding British passports?

The second thing is, when they were asked over here, what steps have you taken to see that the difficulties are being removed. the Government says, "We are taking steps". But no steps were taken. Somebody asked whether the Minister will go and discuss the matter. He said we have no intention to send the Minister. It is not from the Minister but from Shri Appa Pant that we heard that in the meeting of non-aligned countries at Dar-es-Salaam this issue will be taken up. Are we going to take up the issue and if so, what would be the terms of reference? What is our stand going to be in this regard?

In regard to the third category of people who are of Indian origin holding Indian passport, when they come to India, they are put to a great deal of harassment. There is no information given to them as to industries in which they can establish themselves. Now, you have built the Kandla port and for the last several years, it is not being developed because of the lack of encouragement from entrepreneurs. It is a free zone area. Most of the people living in East Africa come from that area. Why don't you say to them, "The Kandla port and the surrounding area will be left to you as a free port and free zone area where you may bring your capital, develop your industry and have your trade as in Mombasa and Dar-es-Salaam?" If you do that, they will come bag and baggage, machines, raw material, skill, etc. and establish in that place their own import and export trade and they will see that the area flourishes. But no imagination has been used by our Government to do things, because they have

not applied their mind at all to this problem. Will they do it and act on this suggestion?

Now, in Africa people generally kept their capital in the Bank of England in non-resident accounts. They get 10 to 12 per cent interest on their deposits, which is being added on year by year. Why cannot the Reserve Bank of India give that facility of holding non-resident accounts in India, get that foreign capital from those people, give them 9 or 10 percent interest or whatever is possible and get that foreign exchange for us? At present Government is giving so many incentives for earning foreign exchange through exports, because they consider it a valuable thing. They give import entitlements on which 175 per cent premium is earned. So, it costs you so much to get foreign exchange. Will it not be cheaper if you invite those people to invest their capital in the Reserve Bank, give them a little rate of interest and get your foreign exchange? At the same time, you will be helping them also. Otherwise, like the refugees from East and West Pakistan, they will come here bag and baggage and we will have to face that problem.

They have their capital there, but when they come here, they are not allowed to bring that capital with them. They are allowed to bring only Rs. 50,000. Why don't you form some trust investment Corporation with the understanding of the Governments of the East African countries in which these people can deposit their property when they leave that country? Some 70 or 75 per cent of the value of their property in terms of rupees can be given to them and on a governmental basis, year to year you can settle your accounts and dispose of the property as and when it is necessary and possible. U. K. has given similar facility. Why not India do it?

Your trade and commerce sections and educational centres in those countries are not strong. People require facilities of this type. They would like to send their children here for education. Will you strengthen your Embassies by appointing very high calibre ambassadors who can look after the

interests of these people of Indian origin ?

Will you strengthen your trade, commerce and education departments in the embassies so that more and more facilities are available ?

**SHRI HEM BARUA (Mangaldai) :** Men and women of Indian origin in Kenya are either Indian citizens or British passport-holders. It is said that when China aggressed on us and Pakistan aggressed on us the men and women of Indian origin in Kenya collected funds for that and gave those funds to the Indian government. I would like to be enlightened on whether this is a fact.

Secondly, when Kenya became a Sovereign State the British Prime Minister at that time said that the people of Indian origin in Kenya would have in Britain their friend. If so, may I know whether the Government brought the miseries and misfortunes of the people of Indian origin in Kenya to the British authorities ? If not, do they propose to bring the miseries and misfortunes of the people of Indian Origin in Kenya to the notice of the British authorities during the next Commonwealth Prime Ministers, Conference, which is scheduled to be held in Singapore very soon ?

**श्री रवि राय (पुरी) :** उपाध्यक्ष महोदय, श्रीमन साहब ने कीनिया के सम्बन्ध में जो सवाल यहां पर उठाया है, उस के लिये मैं उन को धन्यवाद देता हूं। पहले भी इस सवाल पर हम लोग इस सदन में बहस कर चुके हैं। कीनिया और भारत का इस समय जो सम्बन्ध है, उस पर सदन में पहले भी आलोचना हो चुकी है, आपको याद होगा जब श्री भगत कीनिया गये थे, कीनिया सरकार की तरफ से कोई भी उनके स्वागत के लिये नहीं आया और जिस तरीके से हम को, सारे देश को अपमानित होना पड़ा, उस पर यहां काफी चर्चा हुई थी। मैं जानना चाहता हूं कि हमारा जो हाई कमिशन वहां पर है, क्या उस ने कभी कोई इनीशियेटिव लिया है, यह जानने के लिये कि किस तरह का पक्षपात, बाणिज्य के क्षेत्र में, पढ़ाई-लिखाई क्षेत्र

में, कीनिया सरकार की तरफ से भारतवासियों के साथ हो रहा है—क्या आपने इस सम्बन्ध में कोई खोज की है, यदि की है तो उस का विवरण बताइये ?

दूसरा प्रश्न—वहां पर इस समय भारतीय लोग दो तरह के नागरिक हैं—एक वे जां कीनिया के नागरिक हैं और दूसरे वे जां ब्रिटिश पासपोर्ट होल्डर हैं। आगामी कामनवेल्थ कान्फ्रेंस में जो सिगापुर में होने वाली है, क्या भारत सरकार के प्रतिनिधि, कीनिया सरकार के प्रतिनिधि और ब्रिटिश सरकार के प्रतिनिधि—तीनों मिल कर इस सवाल का हल निकालने के लिये कोई कदम उठावेंगे ?

तीसरा सवाल—श्री वेदव्रत बरुआ श्रीमती हाल में एक भारतीय प्रतिनिधि मंडल के नेता हो कर कीनिया गये थे, श्री श्रीमन भी उन के साथ गये थे। उन के साथ हमारी बात हुई, उन्होंने मुझे बताया—मैं खुल्लम-खुल्ला कहना चाहता हूं—जो भारतवासी वहां पर व्यापार करते हैं, वे कुछ इतने लालची और स्वार्थी हो गये हैं, जिस की वजह से कीनिया और अफ्रीका के लोगों के मन में उन के प्रति नफरत पैदा हो गई है। वे उन को नफरत की निगाह से देखते हैं—क्या यह सही है ? उपाध्यक्ष महोदय, आप जानते हैं कि भारतवासियों का कीनिया की आर्थिक उन्नति में बहुत बड़ा भाग रहा है, यदि उन के अन्दर वहां के मूल निवासियों के प्रति नफरत का भाव है, जैसा कि हमारे यहां की ऊंची जातियां नीची जातियों के साथ नफरत करती हैं, तो उनके अन्दर भी नफरत का भाव पैदा होना स्वाभाविक है, जिसको वहां के बाशिन्दे और स्वयं कीनियाटा साहब भी कई दफा अपने बयान में व्यक्त कर चुके हैं। यदि आपके पास इस तरह की कोई रिपोर्ट है तो क्या आपने हाई कमिशन को कोई ऐसी हिदायत दी है कि वे उन के साथ मिल कर उन को समझावें कि आपको यहां पर रहना है, इस लिये वहां के बाशिन्दों के साथ, खास कर अफ्रीकन लोगों के साथ भाईचारे का व्यवहार करें ? क्या इस

[श्री रवि राय]

तरह का कोई प्रयत्न आपकी तरफ से किया गया है ?

श्री मोल्लू प्रसाद (बाँसगाँव) : मैं मंत्री महोदय से जानना चाहता हूँ कि राष्ट्रीय सरकार का नारा देने वाली सरकार ने राष्ट्रीयकरण करते समय अफ्रीकीकरण का भी अध्ययन किया था या नहीं ?

विभिन्न पूर्वी अफ्रीकी देशों में व्यापार व सेवाओं के अफ्रीकीकरण के फलस्वरूप कितने एशियाई मूल के लोगों पर बुरा प्रभाव पड़ा :

दिसम्बर 1967 में कितने भारतीय मूल के लोगों को कीनिया छोड़ना पड़ा ?

राष्ट्र मंडल प्रधान मंत्रियों के सम्मेलन में सम्बन्धित प्रतिनिधियों द्वारा व्यक्त किये गये विचारों का ब्योरा क्या है तथा क्या निर्णय किया गया है ?

उक्त सम्मेलन के फलस्वरूप राष्ट्र मंडल सचिवालय द्वारा बनाई गई समिति ने उक्त समस्याओं के समाधान के लिए क्या निष्कर्ष दिया और कार्यान्वित किया गया ?

THE DEPUTY MINISTER IN THE MINISTRY OF EXTERNAL AFFAIRS ( SHRI SURENDRA PAL SINGH ) : Mr. Deputy-Speaker, Sir, this subject of the problem of people of Indian origin in Africa is a hardy perennial. It has been discussed on the floor of the House on a number of occasions and the entire background and how this whole problem cropped up has been explained to the House on a number of occasions. Hon. Members are fully aware of it; so, I will not take up the time of the House in going into the genesis of the whole problem. The Members already know this.

Briefly I would like to say this much that soon after their independence practically all the East African countries, particularly Kenya, adopted a policy of Africanisation; that means, they wanted that

all their trade, services, etc. should go into the hands of their own nationals and should not remain under the control of foreigners. This is a policy with which we can have no quarrel. It is a very good policy and we never spoke against it. Whenever we took up this matter with the governments of East African countries, we merely told them that we had no quarrel with their policy as it is; that their policy was probably in their own national interest and they had a right to pursue it but it should be implemented in a humane manner, that it should be followed in such a manner that it did not cause undue hardship to those people who had been there for generations and had made a very valuable contribution to the development of those countries. On that point they have always given the assurance that as far as possible they would see that no hardship is caused. This is what they have told us.

Now, this is a problem which has two aspects. One is the legal aspect and the other is, what I may say, the moral or the emotional aspect. The Government of India has adopted a policy which does not lean too heavily either on the one or the other. We are trying to steer through a middle course for the simple reason that if we adopt any one of these courses as instruments of our policy, it will either cause difficulty for us in our own country or it will cause difficulty in the African countries. We cannot take a merely legalistic attitude and say that these people are of a different nationality and we have nothing to do with them; we wash our hands off them. If we say that, it will be very unfair on our part and, naturally, we will be condemned by our own people. On the other hand, if we interfere on their behalf with the local governments, they will turn round and say, "You are nosy Parkers; you have no business; why are you interfering in our internal affairs?" Therefore we have to take a balanced attitude towards the whole thing and adopt a middle course whereby we can be helpful to those people and the problem can be solved properly without causing undue hardship to people of Indian origin.

As the hon. Mover of the discussion himself said, people of Indian origin in Kenya, fall under four categories. Firstly, there are those who are Indian citizens whose number is roundabout 4,000. Then, there are people of Indian origin who have taken Kenyan citizenship and their number is about 49,000. The third category is of those who are holding British passports. This is the largest block; their number is roundabout 82,000. The fourth category is of Stateless persons, that is, whose nationality has not yet been decided. Their applications for citizenship are pending and are being considered. No decision has been taken on them by the local government.

In regard to the first category, Indian nationals, I have said it before and I say it again—we do not have to reiterate it that they are the Government of India's own responsibility. They can come back to India whenever they want to. Every kind of protection is being given to them by our High Commission.

With regard to those who have taken local citizenship, the question is whether any kind of discrimination is practised against them either by the local government or by the local people. We have taken up this matter whenever we have received complaints of that type and we have been assured on several occasions that in their policy or in the implementation of their policy there is no element of discrimination against those people who have taken up Kenyan citizenship, irrespective of their race, colour or origin; they are all treated on equal basis. As far as the Government is concerned, this is their policy and it may be implemented honestly and truthfully but in actual practice there may be some discrimination here and there.

This, of course, is bound to be there. We cannot eradicate it overnight. But so far as Government policy is concerned, it is very clear and it is helpful. They do not wish to discriminate between one citizen and another. I will deal with the other category of British nationals later. They are the main source of the problem and trouble.

As regards the Stateless persons who are nearly 8000, they are persons who went to Kenya a very long time ago either as children of their parents' passports or without any documents or their documents had been lost and they never subsequently applied for registration for any kind of nationality. There are others who had migrated from Zanzibar in 1964 when there was a revolution. Many of the people there got frightened and scared, quite naturally so, because they were badly treated and they went to Kenya. They are also considered Stateless people though they were holding British passports. The British government withdraw their passports on the plea that the Revolutionary Council had declared all those people as Zanzibar citizens and not British citizens. They are now actually Zanzibar citizens and they are not willing to go back to Zanzibar. They are staying in Kenya and they have applied for local citizenship and their applications are pending. We have requested the Kenya Government that they should consider their cases sympathetically, and we have been assured that this is being done. The delay is there but the matter is being pursued.

The last category is of persons who are holding British passports, who are of Indian origin but by domicile they are Africans and by nationality, they are British. One point has been made that, at one time, our High Commissioner in Nairobi advised these people to take up the British citizenship. There appears to be a little misunderstanding on this point. The actual position is that these people were advised by the High Commissioner to take up local citizenship and, as at that time Kenya happened to be a British colony, the only citizenship or nationality that could be acquired at that time was the British nationality. We never told them to take British passports. We told them, "It is better for you, if you want to live in Kenya permanently, to take up local citizenship and to identify yourself completely with the aspirations and desires of the local people" and that "you merge yourself with the local people and make Kenya your home and that, you should take up local citizenship."

This was before Kenya became independent. The advice given by the High Commissioner was to take local citizen-

[Shri Surendra Pal Singh]

ship and, at that time, Kenya was a British colony. Now, I agree, that even though they are holding British passports, we cannot say that we cannot do anything for them or we should not help them, whenever they are facing difficulties.

As the honourable House knows, we have done everything possible to help them whenever they are faced with difficulties. As the House knows, in Kenya, they have passed certain laws making it difficult for them to stay in Kenya. Then, there is the Commonwealth Immigration Act which was passed by U.K. in 1968 and that has made difficult for them to go to U. K. All this has made the problem more difficult. We have told the British authorities that it is their moral and legal responsibility to give all facilities to these people and to safeguard their interests. We have told them that if they want to go to U. K., they must have free entry. But U. K. also has taken a view that if they allow these people to come freely without any kind of restrictions and phased programme without any control, it will cause certain social problems in their own country. So, they want these people to go in a phased programme and not in an exodus form in large numbers.

We took up this matter recently, in January, 1970, with them and we told them that the quota which they had fixed of 1500 heads of families per year was inadequate. During the last two years, it is quite right that there has not been a rush on them to admit many people. But I understand, in 1970, the situation will become worse. Quite a large number of people will not be getting their permits renewed and there will be difficulty in carrying on trade. We have requested them that they should come forward and increase the quota. That is one suggestion which we have put to them.

19 hrs.

The second suggestion was that if this was not possible, then at least they should

liberalise the definition of the word 'family' in order to include some near relations of the family like nieces and nephews, etc. so that more people can take advantage of this and go to UK. Both these proposals have been turned down by UK. The third proposal which we put forward in order to help these people was that the unutilised entry vouchers which are given to non-African Commonwealth citizens and which remain unutilised every year, should be diverted to Kenya so that more people can be accommodated and enter UK. Last time when the discussion took place, we were told that they would give their utmost consideration to this suggestion and would try and see if they could accept it. Recently though no communication to that effect has been received by us, I understand that on 12th March Mr. Callaghan made a statement in the House of Commons to the effect that they will not increase the quota nor will they give the unutilised entry vouchers to these people because their intention is to maintain the previous years' immigration level that is at about 36,000 and not to increase the entry vouchers. Their previous level of immigration under the Commonwealth immigration system was round about 36,000. They do not want this number to increase. They do not have the intention to maintain the actual quota of 8500 heads of families per year from the Commonwealth countries. The utilisation is upto the extent of about 50% only. So nearly half the vouchers are left unutilised. Even these are not made available to the Kenyans. Our efforts are continuing and we told them that it is their responsibility and we hope.

श्री रवि राय : फिर भी आप कामनवेल्थ में रह रहे हैं ।

SHRI SURENDRA PAL SINGH: As regards facilities and concessions given to these people who come to India, for permanent settlement we have already informed the House on a number of occasions. There are a number of concessions and facilities that are given to them and no harassment is caused to them when they come to India. They get customs concessions. They get import concessions. All these are there. I need

not take the time of the House in narrating all of them once again. They are very liberal. As far as I know, there are no complaints of harassment or genuine difficulties.

Also with regard to remittances from these countries, there are no real difficulties in their way so long as the remittances are made through proper banking channels. If the money is sent through proper banking channels, there are no difficulties and no restrictions. If the money is brought by them in the form of cash at the time of coming to India, to the extent of Rs. 50,000 they can bring with them and no questions are asked as to the source of the money. For the next 50,000 rupees, the second slab, they have to show some kind of evidence to prove that the money is genuinely theirs and anything above that has to come through proper banking channel. To prove that that is their own property bank certification is required. Then, there are no restrictions.

Then regarding investments, in order to facilitate more investment, I believe that there are one or two schemes under the consideration of the Finance Ministry. I do not know the details yet. They are being worked out in such a way that they can attract more investment in India from these people.

I think I have answered all the major points.

MR. DEPUTY SPEAKER : Now the house stands adjourned till 11 a. m. tomorrow.

19.05 hrs

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, March 17, 1970/ Phalguna 26, 1891 (Saka).*

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