

Mr. Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

Mr. Speaker: The question is:

"That the Title stand part of the Bill."

The motion was adopted.

The Title was added to the Bill.

Shri A. C. Guha: I beg to move:

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

Mr. Speaker: The question is:

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

The motion was adopted.

FOREIGNERS LAWS (AMENDMENT) BILL

The Minister of Home Affairs (Pandit G. B. Pant): Sir, I move:

"That the Bill further to amend the Foreigners Act, 1946, and the Registration of Foreigners Act, 1939, be taken into consideration."

This is a very simple measure. This Bill was introduced in this House in November last but owing to the pressure of other business, it could not be taken up and it dealt with a matter of some importance, and the situation called for urgent and immediate action. So an Ordinance embodying the provisions of this Bill was issued on the 19th of January. Now, I have the privilege of moving for the consideration of this Bill. The Foreigners Act was passed a long time ago. It dealt with the conditions as they existed before the advent of Independence. It became an anachronism thereafter. We were, however, not able to amend it as we had no citizenship law of our own. Last year, this House passed the Citizenship Act, and this Bill is almost a corollary to that Act. In the olden days, the definition of a 'foreigner' as

a citizen was governed by the conditions as then prevailed, and it was the Imperial aspect of the question which regulated the definition of a foreigner as well as of a citizen of India. Now, we have amended the definition with the result that all persons who are not citizens of India will be brought within the scope of a foreigner under this amending Bill. At the same time, we have taken power to exempt any of the Commonwealth countries from the operation of this Act. There is associated with it also the Foreigners Registration Act and an amendment will be made in that Act too.

A notification has been issued exempting some of the Commonwealth countries from this definition of foreigners, but even there we have the authority to apply the Act to any individual who may belong to any of the exempted countries even.

The need for this Act arose, as I said, because of our having no real definition of an Indian citizen, so long as we were under foreign rule.

Now, everyone who is a citizen of our country enjoys a distinct status, and others who do not share that status are rightly to be regarded as foreigners, but apart from that there are certain difficulties which had to be faced especially by the State Governments within the borders of their respective States. Some of the people who came to India either with passports or via or with permits from Pakistan and the neighbouring States could not be dealt with effectively. Similarly those who had been staying here without any such passports or visas could not be brought under the operation of any law, and we had no power to send them back in a really effective way.

These orders were passed, but they were not executed and we could not proceed against them. So there were many difficulties. We could not issue orders restricting their movement, or ask the State Governments to take such other precautions as we might have considered necessary. Now,

[Pandit G. B. Pant.]

this amending Bill will enable us to deal with all such situations in an effective way. I do not think it is necessary for me to take more time of the House; as I stated at the outset, it is a non-controversial measure....

Shri K. K. Basu (Diamond Harbour): May I know the names of the Commonwealth countries which have been exempted as stated earlier by the hon. Minister?

Pandit G. B. Pant: A notification has been issued, but I will give you the names, if you like. In a way, I may say that Commonwealth countries other than Pakistan and South Africa have been exempted.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Foreigners Act, 1946, and the Registration of Foreigners Act, 1939, be taken into consideration."

Shri K. K. Basu: Mr. Speaker, Sir when the hon. Minister introduced the Bill, he tried to explain it away as a very non-controversial piece of legislation and that it is made on the lines of the Ordinances that have been issued in the month of January. I remember that when we were discussing the Citizenship Act, it was more or less the unanimous opinion of the House that along with the Commonwealth countries, if any special exemption is to be given, certain friendly neighbouring countries like Ceylon, Burma, and Nepal should be put in the same category. Unfortunately, however, in this case, under this proposed legislation, under clause 4, new section 3A (1)(b) "any other individual foreigner or class or description of foreigner" might be put under the accepted category. As I said the Notification is only restricted to Commonwealth countries other than South Africa and Pakistan. We would have very much wished that if such exemption is to be given, it should have been extended to Ceylon, Burma and Nepal which are friendly, neighbouring countries of India. I do not understand why the special exemptions have been given

to most of the countries, because though we are one of the Commonwealth countries.....'

Mr. Speaker: Is not Ceylon a Commonwealth country?

Shri K. K. Basu: Burma and Nepal also. The special exemptions are given in respect of the Commonwealth countries. We do not really know what the reasons are behind these exemptions, because we know that in spite of our being a Member of the Commonwealth, there have been occasions, and particularly in recent times, when our relations have been rather strained. We would rather wish that in view of our expanding international good relations we should put those countries in the accepted categories, whether they belong to the Commonwealth or not, because they are very friendly to us and their behaviour in our international relationship is not inimical to the interests of India. Unfortunately, our Government seems to be under the influence of Commonwealthphobia and therefore, they have made special exemptions in respect of the Commonwealth countries.

One very important point I would like to raise, because the Home Minister said that Pakistan has not been put in the exempted category. Of course, we know fully well that, in recent times, because of certain incidents, our relations with Pakistan are not very much friendly. But, there are difficulties if you take a practical point of view. I can say from personal experience, in our part of the country, there are large numbers of people who originally, or even today, belong to that part of Bengal which has gone to Pakistan and who have been working in many of the institutions, especially, sea transport, river transport, tramways and other essential services in Calcutta. I have known cases where they have been working for years even before the country was divided into India and Pakistan. Possibly at the time of the communal frenzies, some of them

might have gone back to their village homes. They have again come back and are working here. Under the old system, they have been granted visas or some other documents under which they come here. As you will appreciate, they are very poor people who have been working here in the tramways or water transport and other essential services for many years. Now, they are asked to go back to Pakistan and then come back with the necessary documents and try for a job. Apart from the fact that on account of a large exodus of these people from India to Pakistan, essential transport services are likely to be jeopardised and affected, we feel that for these people who have been working here for a number of years, there should be some special rules by which they can be exempted. If they possess certain documents or if they show from the records that they have been working in our sea transport, etc., for a number of years, they should not be asked to go back to Pakistan. I know in recent times there was a good deal of row about it and a large number of persons were asked by the local authorities to go back to Pakistan. It was said that they should not continue in service either in the tramways or other services which they manned in Calcutta. As Pakistan has not been put in the exempted category, possibly because of the recent relationship, as they might try to argue, we feel that a realistic and pragmatic view of things should be taken. In view of the fact that a large number of people who have their village homes in East Pakistan, live most of their time in Calcutta, in the industrial areas, and they have been working there if not for generations, at least for a number of years, some sort of special exemption rules should be provided so that they may not be put to difficulties. The local authorities or the police authorities should not ask them to go back to Pakistan and lose their jobs. The Minister said that this is a simple piece of legislation. But, when they have tried to put the Britishers and others in the exempted categories because, the Min-

ister might argue, many of them come here to work in British business houses, which they own, however much we may dislike, we would urge that these are absolutely poor workmen and some special provision should be devised so that they are not put to any difficulty by being asked to go back to Pakistan leaving their jobs and then come back and try for jobs, thereby depriving them of whatever means of livelihood that they have. I hope the Minister will take into consideration this aspect and make the necessary amendments when the time comes.

Shri Mohiuddin (Hyderabad City): Sir, I fully support the amendment of Foreigners Laws as proposed by the hon. Home Minister. I agree that in the circumstances that now prevail, the exemption that has been given to certain countries by notification is in conformity with the present conditions. Pakistan and South Africa have not been exempted. In the present circumstances, it is desirable that we should take steps to safeguard the national interests of the country and it is in general conformity with national interests that Government have taken these steps. The law as will be passed will be in the general interests of the country, no doubt. But, in actually implementing the law, we have to take into consideration certain human factors. I am sure the hon. Home Minister will issue instructions that these human factors must be taken and should be taken into consideration. I know of certain cases and I have brought certain cases to the notice of the hon. Home Minister. I have found they are very hard cases. Unless the human sympathy is there, it will cause great hardship and misery to some people, especially women. I know of some cases where a person had migrated to Pakistan. He either died there or has divorced his wife. The wife has no relatives in any part of Pakistan. It is but natural that she should come back to India. Under the present law, she can come back to India only if her case is judged, examined and decided in full sympathy.

[Shri Mohiuddin]

with the circumstances that are prevailing. I shall not support any case in which there may be suspicion, there may be a case for doubting the genuineness of the case. But, I am sure that the Home Ministry will fully consider these cases in which the difficulties are genuine and which require sympathetic and human considerations for permission to come and stay either on long period visas or otherwise. Miseries will be caused if the act is enforced strictly according to the word of the law. This misery has to be reduced as much as possible.

With these words, I fully agree with the Bill and I hope the Minister will take these considerations into account and issue necessary instructions for dealing sympathetically with cases which deserve sympathy.

Shri Sadhan Gupta (Calcutta South-East): The Home Minister, in introducing the Bill, has stated that it is a non-controversial Bill. As Shri K. K. Basu has pointed out, we do not quite agree with the non-controversial character of the Bill because it perpetuates the distinction between a foreigner belonging to other countries and a foreigner belonging to Commonwealth countries. To that aspect I should come later, but before that I shall raise a few things about a minor point, namely the treatment of foreigners from Pakistan.

You are aware that the partition of the country, the creation of India and Pakistan, has not only split the country, but split many things. It split families, it split properties. There are many cases where near relations have to live across the border, in two different countries. There are many cases where the properties and the persons are split between the two countries, a substantial part of the property being across the border. We have recognised these cases by providing for special treatment in respect of those properties. For instance, we have recognised the privilege of carrying head-loads

by people living near the border who have cultivation across the border. My apprehensions are that in the case whether of Pakistanis or of Indians who are employed across the border, or who have properties across the border, or who have relations across the border, great hardship might be caused by this blanket exemption of all Commonwealth countries other than Pakistan. I would quite agree that since our relations with Pakistan are not up to the mark, since Pakistan has joined a certain bloc which poses a threat to the security of our country, some powers must be reserved for seeing to it that people are not sent from that country who might endanger the safety of our country, but that should be by way of an exception, and that, as I shall show a little later, does not apply to Pakistan alone, but applies to many other Commonwealth countries. Apart from that, some special formula should be evolved and I think the Home Minister is best able to evolve that formula by which some special treatment should be afforded on a reciprocal basis to Pakistani nationals in our country and to our nationals in Pakistan. For instance, those from Pakistan who come here to visit their relations or to attend on some sick relations might have to stay for long times at a stretch. If they are put under the difficulties which the Foreigners Act involves—for instance, the necessity to register and all the other things which are involved, I do not know whether everything of that kind is involved, but if they are put under any difficulties on the score of the Foreigners Act, it will be a very difficult thing for them, and it will be a great hardship for them in this country. Similarly, if people from Pakistan come across the border to collect their produce or they have to go across the border to undertake their employment in this country or vice versa, that would mean a great hardship if the rigours of the law are applied too strictly. Therefore, some special provision should be evolved by which the security of our country

is guaranteed and yet undue hardship is not caused to people who have genuinely to travel across the border. Please remember that it is not going to be a one-sided affair. If we are going to treat Pakistani nationals in a particular way our nationals there would be treated in the same way. There is a considerable volume of people going across the border, particularly in Bengal, to look after their property in Pakistan. I am very anxious that nothing should be done to them by way of what may be called reprisals by the Pakistan Government, and no opportunity should be given them by reason of the passage of this Bill.

I come now to the most controversial point involving the question of the principle itself. Here the principle followed is that citizens of all Commonwealth countries should not be regarded as foreigners except by way of exception, and citizens of countries other than Commonwealth countries should be regarded as foreigners unless there is exemption. On the floor of the House we have repeatedly tried to impress upon this House as well as upon the people of this country that the distinction between the Commonwealth countries and other countries is not only unwarranted, but is a disgrace on our country, it is a disgrace on our foreign policy. There is no reason whatever why we should treat Commonwealth countries as such on a different level. The Commonwealth tie to which we are unfortunately stuck has not brought any good, has, on the other hand, brought us several ills which I should advert to in a moment. I am also aware of the reasons given for continuing in the Commonwealth, which gradually have proved themselves to be absolutely fallacious. It is said that we have to make contacts and not to break them, we want to strengthen them. I am all for strengthening contacts, but why should we strengthen contacts in a way which insulates us from some other countries and puts us in a special position *vis-a-vis* some other countries. When we have to do it, we

have to do it not on the basis that certain countries are Commonwealth countries, but that certain countries are friendly countries. And friendship cuts across the Commonwealth tie. For example, we have reason to be more friendly with countries like Burma or China than countries like Australia or New Zealand, or, let us say, Britain itself which is the leader of the Commonwealth. If we take the security reason as one of the determining factors, our security is in danger from some of the Commonwealth countries, as well as other countries.

Recently there was a report in the press that a British gentleman, with the recommendation of Lady Mountbatten, undertook a trip in the Naga Hills. He had been recommended by the Prime Minister, it is said. On the authority of the Prime Minister he was allowed to take a trip in the Naga Hills, ostensibly to make botanical studies. It is said in the report also that our military authorities there found that he was not doing what he was expected to be doing. He was not making botanical studies, but he was doing something suspicious, and it was arranged to keep some surveillance on him. He refused, to have any staff which was courteously offered to him on the ground of his personal security and went about his business himself. He was found to be typing things late at night; and suspicions were aroused. Finally, botanical experts were sent to examine him, and it was found that he knew nothing about botany at all. This kind of thing shows that danger can come from the country to which we are most tied in the Commonwealth, namely from Britain herself, and understandably so because there are many interests which Britain has, which are adverse to the interests of our country. Particularly, Britain is not satisfied with the kind of foreign policy we pursue.

Whatever may have been the reason for our getting into the Commonwealth, now it is an anachronism, because our foreign policy and our Commonwealth tie are likely to work-

[Shri Sadhan Gupta]

towards different objectives, and we have found this so in the case of our Goa policy, for example. I am not going to dilate very long upon it, but it is a well-known fact that the firm action taken by the Government of India in regard to the *satyagrahis* in Goa resulted after the British *Charge-d'affairs* from the U.K. High Commission paid a visit to the External Affairs Ministry. That shows that our contact is not quite operating for our profit that it is not a contact which is for our benefit.

If we must have contacts, let us put all countries on an equal footing, whether it be Russia or China or Viet Nam or Burma or Ceylon or Pakistan or any other country; let us develop our contacts, and let us develop our friendly relations with everyone, in the manner which is best suited to us, and which is best to our benefit. And let those contacts go stronger which are most to our interests and let us not keep a contact strong simply because it belongs to a certain group of nations, with which politically we have very little interest in common.

Now, the other thing that has been urged repeatedly by the Prime Minister is that this Commonwealth tie helps us to influence matters of war and peace. Speaking for myself, I have not yet come across any event which would show that our Commonwealth tie has really enabled us to influence matters of war and peace. On the other hand, we have found that our Commonwealth tie has been useless in this respect. In spite of our Commonwealth tie, we could not prevent the aggression in Egypt; in spite of the Commonwealth tie, we could not prevent the slaughter in Kenya; in spite of the Commonwealth tie, we could not stop the war in Malaya. Therefore, it is quite clear that when, at any rate, the bigger Powers in the Commonwealth, particularly Britain insists on having her way, we can do precious little through our Commonwealth tie, and we have been able to do precious little. On the other hand, due to our

Commonwealth tie, our country's security has sometimes been endangered. So, politically, our Commonwealth tie is rather to our disadvantage than to our benefit.

Economically also, we must beware of the Commonwealth tie. I can quite understand that our Commonwealth tie may be putting us in some disadvantage, and in some embarrassment in taking our own way as regards the economic interests which Britain has in our country. Britain has considerable interests here, which should not exist. For example, there are many undertakings which we legitimately might nationalise. There is, for example, the Tramway Co. in Calcutta or the Calcutta Electric Supply Corporation, which are very profitable concerns. We have had one opportunity of nationalising them, but we have, instead of nationalising them, given them a fresh lease. I cannot help thinking that our Commonwealth tie has something to do with it, because, in the normal circumstances, had it not been for anything else like this, I could not see why we should have given an extension of their lease for twenty years, as we have done in both cases, especially when the concerns are very profitable and we have an option of taking them over.

All these things, these political considerations, these economic considerations, and last but not least, considerations of our national dignity abhor the continuance of the Commonwealth tie as such.

I say, again let us develop contacts with all countries including Commonwealth countries, but not on the basis that a particular country is a Commonwealth country but on the basis that it is a friendly foreign country. If we must give exemption to foreigners or treat them differently, let us apply it to all these countries. There is no reason why a citizen of China should be treated differently from a citizen of Britain. For all we know, our relations with China today are much better

and deserve to be much better than our relations with Britain can be expected to be. Therefore, there is no reason why a British citizen should be allowed to roam at random in our country and go anywhere he likes, whereas a Chinese citizen should be compelled to register himself and suffer all the indignities which any other foreigner is supposed to suffer under the Foreigners Act.

Nationally, that is, talking from the point of view of the national sentiment, the Commonwealth tie is only a continuation of our erstwhile subjection. It is only an anachronism today. It sprang up because something of the subjection had to be kept up. But we do not think that it should be kept up today.

Therefore, speaking politically, speaking economically, and above all, speaking from the point of view of the national sentiment, we are strongly opposed to this principle of affording a different protection to the Commonwealth countries and treating Commonwealth countries as such on a different footing from other countries with which we should develop the friendliest of relations.

Shrimati Renu Chakravarty: (Basirhat): I would like to point out that although this looks a very simple Bill, there are certain tendentious qualities attached to some of the clauses, especially with regard to certain sections of our people who have very close relations with Pakistan. It is quite true, and I also feel, that we should guard against such people, whether in Pakistan or elsewhere, as would act against the security of our State.

At the same time, up till now, those of us who live on the borders of India and Pakistan (East Bengal and West Pakistan), and especially in West Bengal, have been going and coming from Pakistan and this going and coming has been treated on a special footing, with the result that we have allowed two or three different categories of people to go to and come from

Pakistan under different types of visas. The reason for this is this. I can illustrate it by an example. For instance, in my constituency, one day I found that I was standing on Pakistan territory, because half the bridge belongs to us, and the other half belongs to Pakistan; I happened to be a little beyond half way on the bridge, and, therefore, I was in Pakistan territory. So, one can understand how very close we are on either side of the border. Both Hindus living in East Bengal and having property in West Bengal and coming over to West Bengal as well as Muslims living in West Bengal, and having property in East Pakistan and going to East Pakistan have to come and go constantly.

That is why I feel that if we have blanket provisions of the Foreigners Act of 1946, especially, section 2 (iii) which I find in an annexure to the Bill, many innocent people will be put to great trouble, if the local authorities so desire. And I can assure the Home Minister that there are cases where local authorities do get influenced by local politics, and take advantage of this local politics to put certain difficulties in the way of people coming and going.

For instance, under section 2(iii) of the Act, I find that a person who comes under the Foreigners Act, that is, at the moment, all those who are Pakistanis will fall under this provision. They will, if necessary, have to undergo any restrictions on their movements. Clause 3(2) (e) says:

"shall comply with such conditions as may be prescribed or specified—

(i) requiring him to reside in a particular place;

(ii) imposing any restrictions on his movements;

(iii) requiring him to furnish such proof of his identity and to report such particulars to such authority in such manner and at such time and place as may be prescribed or specified;

[Shrimati Renu Chakravartty]

(iv) requiring him to allow his photograph and finger impressions to be taken etc."

Then there is one blanket provision:

"otherwise regulating his conduct in any such particular as may be prescribed or specified".

So I was feeling that if these blanket provisions are also allowed to apply in every case, it would result in harm being done to simple peasants and workers who actually are economically inter-linked between the two States, who still exist today on property which is across the border, who come and go; they have got A class visas, B class visas and C class visas—I think C class visa means that they can come and go every day.

So I feel that some clause should also be inserted here whereby these people are not put in the same category as all other foreigners; otherwise, there will be certain cases—I am afraid, many cases—where they will be put to great difficulties. For example, I am told by Shri A. K. Gopalan, that such cases of hardship also exist in Malabar in certain places, where bidi workers, who have migrated from Malabar and have gone to Pakistan, working there for a few annas everyday as bidi workers, come back to Malabar to visit their ailing parents or somebody else, and then after 15 days find that they have to pack up and go, because they cannot get extension, because they, more or less, come under this suspicious class of foreigners.

So I think that these cases, as well as the very important case brought to the notice of the House by Shri K. K. Basu, deserve special consideration. I refer specially to the case of the large numbers of seamen who are working in the port of Calcutta. As you know, the best seamen used to be the people from Chittagong and Noakhali. Even today, the port of Calcutta is very largely manned by Noakhali and Chittagong seamen. They have been work-

ing there for generations. Nothing has been proved to show that they have jeopardised our interests or our security. I feel that sometimes the authorities may use these clauses in order to bring difficulties in their way—I was hearing already what the Tramway company was doing in order to get rid of those who were not wanted but who were actually Pakistani nationals.

So in respect of these three or four categories, I would urge the Minister to assure the House that some special clause or other provision will be inserted whereby these people will be given an easier time, because, as Shri Sadhan Gupta has rightly pointed out, it is not always only Pakistani nationals who will be a source of danger to our security. He cited one example. I think the Chinese Government have also complained to our Government that, according to them, there are certain foreign agents in Kalimpong, who have been working there for years. It may be that they may even fall under this category of getting exemption from the purview of the Foreigners Act by being members of Commonwealth countries.

So I feel that whilst we are making a blanket provision by this amendment that any individual foreigner or any class or description of foreigner may be exempted from the operation of the Act, we can as well allow those people who have interests across the border between Pakistan and ourselves easy transit and exemption from the rigours of the Foreigners Act, as apply to them now. That is why I would like the hon. Minister to clarify these points; otherwise, I am afraid that people living across the border will be put to great hardship.

Pandit G. B. Pant: Sir, I have listened to the speeches made by my hon. friends sitting on the opposite benches. So far as the larger question of the association of India with the Commonwealth is concerned, I do not think that we can dispose of that

matter by dealing with this small and tiny Bill. That raises larger issues. I do not say that no time will ever come when we may have to give thought to that problem; it may be necessary to reconsider and re-examine the position when circumstances require us to do so. But we cannot take a decision with regard to such matters when we have to handle a Bill of this type at the fag end of the life of this Parliament.

The Commonwealth is a voluntary association of sovereign States. No one is bound by any treaty. It is open to any member to withdraw from the Commonwealth at any time a member chooses to do so. There is no compulsion, there is no obligation and we are free to take a decision even unilaterally any time we consider it expedient or desirable to do so. So I do not think it is necessary for me to deal with that question or to advance any arguments for or against it. There is a strong feeling in the country today. But the Commonwealth association has not come in the way of our attitude towards important and vital international issues. We have adopted a free line in the interest of world peace and consistently with our own national interests without being in any way detracted from the right track by our relations with the other countries in the Commonwealth.

The latest example is furnished by the way we treated the Suez question; whether in the U.N. Security Council or outside, throughout we adopted an independent line. But I do not thereby rule out the possibility of our having to give thought to this question sometime or other as to the advantages or disadvantages. When that question comes up for consideration, all those will have to be weighed, and weighed in the balance fully. Above all, we will be guided by a rational examination of the pros and cons and all relevant aspects and factors bearing on this issue. But here we are concerned with a very simple matter.

We enjoy certain reciprocal privileges and amenities in these Common-

wealth countries which have been excluded from the scope of this Act. We should forego those privileges and facilities, before we can deprive the citizens of those countries from similar facilities in our country. I do not know if it would be to our advantage to do so. We have got a large number of citizens in U.K.; I am not sure whether they would like us not to have a provision of this character. Even if we cease to have any relations with the Commonwealth as such, still it may be necessary to have special provisions with regard to countries where our own citizens have been living for generations and where they have been allowed certain facilities, amenities and rights, which other foreigners living in those countries do not share with them. It would be hardly wise on our part to do any act which would be prejudicial to our citizens in other countries without gaining anything in return. So, at present, I think there is no alternative to our having a provision of this character. Wherever there is any invidious discrimination against our citizens, of course, we are free to take necessary action; and the exclusion of Pakistan and South Africa demonstrates that we are ready to do so and even, to some extent, we would forestall any such action on the part of any other country. But, in the existing circumstances, on the basis of reciprocity, we have agreed to enjoy certain privileges in other countries and it is but fair and just, and I would even say it would not be consistent with our honour, to adopt a different attitude towards the citizens of those countries.

As to Pakistan, I may say that they enacted a law of this type in 1952. We have, however, having in view our general attitude in all such questions, refrained from toeing the line. We have allowed things to be handled in a more generous way in our own country. Some appeals have been made on the ground of humanity. I can say that whatever be our law our treatment will always be humanitarian. We stand by the traditions of our country and we have never been

[Pandit G. B. Pant]

harsh or cruel or unjust deliberately. That will continue to be our policy.

As to the law, I think there is still some misunderstanding. We have a provision in the Foreigners Act which enables us to exempt any foreigner even from the operation of that Act. That applies to everyone whether one belongs to Pakistan or to any other country. So, the amendment does not in any way affect that provision of the Act.

Apart from that, we have, although this Ordinance has been in force for 2 months exactly, today being the 19th of March—the Ordinance having been introduced on the 19th January—taken no action to which objection can be taken by anybody in this House. And, I dare say that not a single instance has presumably come to the notice of any hon. Member of this House in which vindictive action has been taken under the cover of the Ordinance which will now be merged in this Act.

Then, again, as hon. Members may be knowing, it is not we who have introduced restrictions in the way of free movement of people from India to Pakistan or Pakistan to India. To start with, there were no restrictions. Then restrictions were imposed with regard to the people living in West Pakistan. We did this more or less in accordance with the wishes of Pakistan. Later on, in 1952 these restrictions of passports and visas were also brought into operation in East Pakistan. Again, it was done at the instance of Pakistan. So, we have not taken any action—if you choose to call it “aggressive”, you may say so. But we have throughout tried to handle all these matters with utmost consideration.

At present this amendment, in fact, does not introduce much that is new with regard to Pakistan. The passport and visa system is already in operation. Passports have to be taken and visas are necessary for people travelling between India and Pakistan. Certain long-term visas, permits etc. are given

to the people to whom reference was made by some of the speakers. There are some Pakistani citizens who cultivate land on our side of the border. They are allowed to come; they take away their produce; and there are also permits with regard to certain matters enabling people to come and go. So we have not interfered with that.

Similarly, there was a reference made to seamen and others who are employed in Calcutta and other places. We have not turned them out; we have not sent them back to Pakistan. They are all there although they are, Pakistani nationals and some of the essential services are under their control. That shows the amount of tolerance that we have shown; that shows the consideration with which we have been dealing with all such matters. I was surprised to find that there is some suspicion in some quarter even now that we may not behave in a very dignified manner. I think that is hardly justified. We were entitled to a word—I would not say of appreciation—but at least to a just appraisal of these matters which are of a delicate character even by Members belonging to a certain party. They have their sympathies with some things; we appreciate their views. But, still, they should not shut their eyes to facts as they are.

Then, this law is a simple one. We had, as I just said, the passport and visa system regulating intercourse between these two countries. A man can come only with a passport and a visa, say, either for a year or for six months or three months. If he overstayed, then, we have no remedy. Similarly, there are people who otherwise are not entitled to stay under the existing arrangements but we cannot take any action against them although the period has expired or other conditions have not been fulfilled or there has been a breach of those conditions. This Bill will enable us to deal with such cases in an effective manner. I do not see how there could possibly be any objection to a measure of this type.

There was some reference to Burma and to Nepal. There is no passport or visa system between Nepal and India. The citizens of Nepal, I think, are free to come to India as they like. They are not registered here. No restrictions are ever imposed in the way of their movements. I wonder what more our friends would like to be done. It is much more than any provision in the Foreigners Act exempting them from the operation of this Act.

As to Burma, hon. Members are aware of the difficulties which our citizens are at present experiencing in Burma. The Government of Burma itself would not like the visa and passport system to be withdrawn. Action can be taken wherever two countries are willing to adopt a different line. If any such occasion arises we would certainly like to do all we can to help our friends in Burma. We treat that country not only as a neighbouring country but as a country with which our associations go back to thousands of years. With them we have not only to be friendly but also to regard them as belonging to the same family as we which they have always been for ages.

13 hrs.

So, we would not like to do anything that would be prejudicial to the dignity or to the national honour of Burma, or which would in any way put the citizens of Burma to any unnecessary inconvenience. But I wonder if the Government of Burma would like any exception to be made that would create complications for them. But if my hon. friends are sure that such reciprocity would be welcomed, we would be prepared to give thought to the matter, so far as the citizens of Burma belonging to India are concerned, because their condition today is not altogether as happy as we would like it to be. I do not at all blame the Government of Burma. We want to be friendly with everybody, and so far as Burma is concerned, as I said, we are one with them, not in one matter, not in two matters, but in our ideals, in our traditions, in those basic prin-

ciples which govern human life and human relations. So, our desire to be friendly with every country is there. Here we have a simple Bill and I do not see how the arguments that have been advanced in any way affect this Bill.

There was some reference made to a personal matter about which I have no knowledge, and I do not see how it is relevant. I do not accept the statement that has been made. As I said, I have no particular knowledge about this matter. But the way the allegations have been made does not seem to me to be quite fair. Anyhow, that is neither here nor there. As far as the other matters are concerned, I have already made some observations.

Mr. Speaker: The question is:

"That the Bill further to amend the Foreigners Act, 1946, and the Registration of Foreigners Act, 1939, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill

Clause 3.—(Amendment of section 3).

Amendment made:

Page 1,—

for clause 3, substitute—

"Amendment of Section 3.—

3. In section 3 of the Foreigners Act,—

(a) in sub-section (2), the brackets, letter and words "(g) shall be arrested and detained or confined," shall be omitted;

(b) in sub-section (3), for the words, brackets and letters "clause (f) or clause (g)", the words, brackets and letter "or clause (f)" shall be substituted."

—[Pandit G. B. Pant]

Mr. Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

[Mr. Speaker.]

Clause 3, as amended, was added to the Bill.

Clause 4.— (Insertion of new section 3A).

Amendment made:

Page 1, line 13,—

omit '(1)'.

—[Pandit G. B. Pant]

Mr. Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

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

Clause 5 to 8 were added to the Bill.

New Clause 9

Pandit G. B. Pant: I beg to move:

"Page 2, line 28,—

add at the end—

"Repeal and saving.—9(1) The Foreigners Laws 1 of 1957 (Amendment) Ordinance, 1957, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done or action was taken."

Mr. Speaker: The question is:

"Page 2, line 29,—

add at the end—

"Repeal and saving.—9(1) The Foreigners Laws 1 of 1957 (Amendment) Ordinance, 1957, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done or action was taken."

The motion was adopted.

Mr. Speaker: The question is:

"That New Clause 9 be added to the Bill."

The motion was adopted.

New Clause 9 was added to the Bill.

Clause 1.— Short title

Amendment made:

Page 1,—

for clause 1, substitute—

"Short title and commencement.—1.(1) This Act may be called the Foreigners Laws (Amendment) Act, 1957.

(2) It shall be deemed to have come into force on the 19th day of January, 1957."

—[Pandit G. B. Pant]

Mr. Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1,—

for "Seventh" substitute "Eighth".

—[Pandit G. B. Pant]

Mr. Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

Pandit G. B. Pant: I beg to move that the Bill, as amended, be passed.

Mr. Speaker: The question is:

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

The motion was adopted.

RE MOTION ON ADDRESS BY THE PRESIDENT

Mr. Speaker: I want to make a small announcement before the House adjourns.

Members are aware that there will be a separate debate on the international situation. As Members will have ample opportunity to raise matters relating to foreign affairs in the course of those discussions, I would suggest that they may not refer to these matters during the discussion on the Motion of Thanks on the President's Address. I would also suggest that no amendments relating to these matters may be tabled by Members in connection with the Motion of Thanks.

Members are also aware that within a few days there will be a discussion on the Budget. Detailed matters relating to economic and financial position will be raised during those discussions. In the circumstances, those details may not be referred to during the course of discussion on the Motion of Thanks.

The discussion may, therefore, be confined to other matters referred to in the President's Address.

I take it that the House agrees with these suggestions.

Mr. Speaker: The work on the agenda is over now. The House will now stand adjourned to meet again at 5 p.m. today for the Budget.

13-14 hrs.

The Lok Sabha then adjourned till five of the clock.

The Lok Sabha re-assembled at Five of the Clock.

[MR. SPEAKER in the Chair.]

GENERAL BUDGET, 1957-58

Mr. Speaker: The Finance Minister.

The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari): Sir, I rise to present the budget of the Central Government for the year 1957-58. In 1952, under similar circumstances, my predecessor presented an interim budget. Its main purpose is to place before Parliament, an account of the finances of the Central Government for the current year and to obtain from the House a vote on account to meet Government's expenditure until the new Parliament considers the budget again.

The White Paper, on the budget which is being circulated separately attempts to give a review of major economic developments during the year. It is, therefore, not necessary for me to cover the whole ground over again.

The year under review has been a year of some strain from the point of view both of internal and of external resources. Domestic prices as well as the balance of payments have been under pressure, mainly as a result of the growing tempo of developmental activity. The decline in agricultural production in 1955-56 and external factors, such as the closure of the Suez Canal have added to the strain on the economy. The White Paper mentions the various measures we have taken in the last few months to bring the situation under control, and I have every hope that these measures will prove effective in due course.