

**LOK SABHA**

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**SYNOPSIS OF DEBATES  
(Proceedings other than Questions & Answers)**

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**Tuesday, January 8, 2019 / Pausha 18, 1940 (Saka)**

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**THE TRADE UNIONS (AMENDMENT) BILL, 2019**

**THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI SANTOSH KUMAR GANGWAR)** moved the motion that leave be granted to introduce a Bill to further amend the Trade Unions Act, 1926.

**SHRI N.K. PREMACHANDRAN** *opposing the motion for introduction of the Bill, said* : The sole purpose of the amendment to the Trade Unions Act is to determine a criteria for recognition of a trade union. As per the existing Trade Union Act, registration of a trade union is there but there is no provision for recognition of a trade union. So, I would like to know from the Government as to what is the criteria and norms by which a trade union can be recognized. Moreover, this is absolutely a delegated legislation, which means, the Parliament is empowering the Government to make procedure and rules by which the criteria and norms can be fixed for the recognition of a trade union. Whereas, according

to the rule the delegation of legislative power shall further be accompanied by a memorandum stating that whether it is of normal character or exceptional character. According to me, in this case, the delegation of legislative power is of exceptional character because the Government is being empowered to make a legislation. The Parliament should know as to what should be the criteria or what should be the norms by which a trade union in a particular establishment can be recognized.

**DR. A. SAMPATH:** I would like to oppose this Bill because this is unconstitutional and this is against the spirit of Article 19(1)(c) that is enshrined in Part III of the Constitution of India. This Bill is also against Article 23 and Article 24 which is enshrined in Part IV of the Constitution of India. The provisions of Article 43 and Article 43(a) of the Constitution of India have been violated by introducing this Bill. Here, Rules 72, 172, and 174 have also been violated. This Bill is a draconian Bill and this Bill takes away the prerogative of this august House.

**SHRI M. B. RAJESH:** I oppose the introduction of this Trade Unions (Amendment) Bill on four grounds. Firstly, this Bill has not incorporated the unanimously agreed formulation between Central Trade Unions and the Ministry of Labour and Employment regarding the definition of a Central Trade Union. Secondly, the Government is usurping wide discretionary powers in the matter of

recognition of Central Trade Unions. Thirdly, this Bill has not addressed the issue of mandatory recognition of trade unions by the employers at the enterprise level. Fourthly, this is part of this Government's labour law reforms which is taking away the right of working class to form trade unions. This is against the fundamental rights enshrined in the Constitution of our country. That is why, all the Central Trade Unions in this country are opposing this Bill.

**DR. SHASHI THAROOR:** I rise to oppose the introduction of this Bill which is one more undemocratic act, both for the manner in which this Bill is being introduced as well as the contents of the Bill. My first objection is that the Members of Parliament are supposed to be given copies of the Bill in advance before it is introduced. The Bill has not complied with this requirement. This Government is flagrantly violating the rules, directives and procedures. Secondly, as regards the contents of the Bill, under the guise of providing recognition to trade unions by the Central Government or the State Government, the Bill is giving vast open-ended discretionary powers to the Government to determine which trade union should or should not be recognized. The Bill fails to lay down comprehensive objective standards for this determination. I have a third and final point that the Government has decided to push ahead this Bill in this manner whereas Ten Central Trade Unions have written to the Government opposing this Bill. If the Government's intention is genuine, why is it pushing this Bill in this

fashion when all the stakeholders are opposing it? So, solution to the problem would be actually refer this Bill to the Standing Committee. So, I request the Government to send the Bill to the Standing Committee.

**SHRI SANTOSH KUMAR GANGWAR** *replying said:* As we are aware that Central jurisdiction is an integral part of policy making pertaining to the Ministry of Labour and trade unions are given adequate representation in the autonomous bodies like EPFO, ESIC and in all the tripartite conferences of this ministry including international fora and trade union conferences but as of now there was no legal framework available to provide representation and procedure for inclusion of trade unions. So, a few amendments were needed. That is why the Government has brought this amendment after due consultation. I would like to submit that we will discuss it threadbare as and when it is taken up for consideration.

*The Bill was introduced.*

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**THE DNA TECHNOLOGY (USE AND APPLICATION) REGULATION**

**BILL, 2018**

**THE MINISTER OF SCIENCE AND TECHNOLOGY, MINISTER  
OF EARTH SCIENCES AND MINISTER OF ENVIRONMENT, FOREST**

**AND CLIMATE CHANGE (DR. HARSH VARDHAN)** *moving the motion for consideration of the Bill, said:* I would like to draw the attention of the House to this extremely important Bill. If everyone will listen carefully about its benefits then I am sure that they will pass this Bill unanimously. Today is the fifteenth year of this Bill. I do not think that any Bill in the Parliament has faced such detailed scrutiny on all aspects. I would like to tell the House about few general things about it. DNA finger printing is used in criminal justice delivery system. In the current situation in the country, there are 30-40 experts for DNA profiling and around 15-18 labs. In a year, DNA profiling is done for around 3000 cases which is three to four percent of the total need. Through this Bill, we are trying to ensure that the process of accreditation of all the labs and the standards relating to it are prescribed so that they work in a controlled and regulated way and new labs and DNA data banks are established in the country. This is necessary because every year there is a need to identify more than 40,000 unidentified bodies and reunite around 1,00,000 missing children with their families. Another important feature of this Bill is that a DNA Regulatory Board is to be set up which will advise the Centre and the State Governments on all these issues. At least half a dozen ministries will benefit directly from it. The information to be stored in DNA data banks will not reveal any race, caste and facial features or any other characteristics. Currently, such a law exists in sixty countries of the world. This Bill is very

important for the country and after this Bill is passed, a number of things will be regulated scientifically and properly.

**DR. SHASHI THAROOR** *initiating said:* I have 13 objections and concerns that I wish to share before you and one suggestion at the end. Firstly, the Bill that we have is nearly identical to the Bill drafted by the Law Commission in its 271<sup>st</sup> Report in July, 2017, a month before the Supreme Court delivered its landmark judgement on the Right to Privacy in the Justice Puttaswamy versus Union of India case. Now, nothing has been done at that time to bring this Bill in alignment with the standards laid down in the Puttaswamy case. Therefore, to bring the privacy judgement into effect, we need a robust data protection law. Bringing this Bill without a data protection law is, therefore, pre-mature. Before we analyse the text of this Bill, we need to first understand the various parts of what DNA is. The DNA has two regions – Coding and Non-Coding. The variation in structure between individuals is to be revealed by the Non-Coding Region. Therefore, in order to restrict this Government or any Government going too far and to protect the privacy of the individual, the international standard in DNA profiling is restricted to the Non-Coding Region. However, there is no such limitation in the Government's Bill. The third concern is, the Bill fails to impose a restriction on the exact information to be extracted to create the DNA profile in each of these indices. So, these profiles can be misused for surveillance but also

by private sources for making profits and even for perpetrating crimes. The fourth concern is that the control of our DNA will create a power imbalance between the Government and the people. Government wants to control our DNA and I think that it is a very serious concern for many of us in this country. The fifth concern is, if the Government still insists on passing this Bill in the absence of a special data protection legislation, then clearly, additional privacy safeguards must be incorporated. The Bill fails to provide standards for effective consent. My sixth objection is that the Bill does not make a provision to inform an individual about the details of the collection or usage of his or her DNA. My seventh objection is that this Bill grants no right for the revocation of DNA samples or profiles even by those who volunteered for it. Instead, it permits unlimited retention of DNA of volunteers, including victims, in the Data Bank. The Government should not have the right to keep it forever. My eighth objection is that the members of the DNA Regulatory Board are Heads of Investigative Agencies, DNA Laboratories and DNA Data Banks. In other words, the regulators will be regulating themselves. Instead of having others, outside experts, scholars, forensic experts, Members of Parliament etc., Government has basically given those who are the target of regulation the right to regulate themselves. My ninth objection is that the few safeguards in the Bill are in relation to the DNA collected from the body of the person. If DNA is collected from the scene of the crime, clothing, other objects or

any other source without any safeguards, you know what the dangers are. My tenth objection is that there is no regulation of any kind relating to the storage of a person's DNA samples. In the absence of a prohibition to store or the obligation to destroy, the DNA Laboratories can create their own Data Banks without any Government oversight. My eleventh objection is that the collection of DNA samples can also get mixed up with the collection of the samples of the Investigative Officer. Other countries have anticipated it and solutions can be found. My twelfth objection is relating to the absence of obligation on law enforcement agencies of the country. There are five indices given under the Bill. Unfortunately, the offenders' index, the suspect index or undertrial index can be collected by the law enforcement agencies without the consent of the individual. It seems to me that they need to do something very important to ensure that there is a trusted chain of custody of samples, reliable analysis and proper use of expert evidence in court. Therefore, the criminal justice law or this Bill should be revised to include effective provisions. The Bill, in the cost estimates, grossly underestimates the amount required for enforcement of the Bill. The financial memorandum of the Bill estimates non-recurring expenses at Rs. 20 crore and recurring expenses at Rs.5 crore annually for the establishment of everything. In contrast to that, to set up one DNA databank in the UK, it costs Rs.3000 crore. How can it be Rs.20 crore to set up a bank of a equivalent quality in India? The



fact is that the cost of creating just one of the indices, the suspect or undertrial index for India would cost Rs.1800 crore. So, it must be revised. Finally, the Government has stated that it will take a call on linking DNA profiles with the Aadhar database at the time of framing the rules. I think this should be in the law. This Bill fails to abide by the standards of privacy enunciated by the Supreme Court. So, the Government should re-consider this Bill and refer it to a Standing Committee for further study and deliberation.

**DR. SANJAY JAISWAL:** The DNA technology is not new. Even then we could not understand the importance of this technology for future and we lagged behind. Unfortunately, this Bill was kept pending since 2007 and has been introduced today after a wait of 10-11 years. I also have two objections on this Bill. The Health Ministry has not been associated with this. The Minister of Health must also have a role in it. Secondly, one big misfortune of our country is that everything is left in the hands of Babus. DNA technology is extremely specific and therefore the Chairman to be appointed should at least have sound knowledge of DNA technology. I do not agree completely in respect of data protection. But, whenever it is drafted in future, a clause must be included therein that the person giving the consent who wants his name to be removed should be allowed to do so. If his name is not removed then there should be a redressal forum. This DNA technology is so important that Rs.20 crore for it is really a

paltry sum. A number of countries are doing sample profiling of their citizens and making efforts to keep them away from genetic diseases with the help of various diagnostic tests. This is also being done here in the neuro department of AIIMS but on a very small scale. I would request the hon. Minister to expand it because the medical science of future is fully dependent on DNA.

**SHRI KALYAN BANERJEE:** I think, this Bill should have been brought long back. But, there is no doubt that it is very good for the criminal justice system, the civil system and more so for the people of this country. I have one question. Your object under Section 21 is that no DNA should be taken up without consent. If some investigating agency or any other agency abuses that power, what steps would be taken against that person under this law? In a criminal case, unless consent in writing is given, nothing can be taken and if the investigating agency wants to take it, they have to make an application. But how a civil dispute would be covered? Therefore, immigration authority will be having the excessive power to collect the DNA which is not your object. Then come many other cases. In a case of medical negligence, how will DNA come into that? There is an issue relating to abandoned children and disputed children. Until a child attains 18 years of age, can his DNA be collected? Does it not violate. The Child Protection Rights Act? This Act has many laudable objectives. So many preventive steps have been taken. People will be secure and things will be done properly.

**DR. P.K. BIJU:** The DNA Technology (Use and Application) Regulation Bill, 2018 has been brought in for the first time in our country. This Bill allows to establish a DNA Regulatory Board and also a DNA Data Bank. In regard to the DNA Data Bank, the Bill provides for the establishment of a National DNA Data Bank and for the Regional DNA Data Banks. The National Data Bank will store DNA profiles received from the DNA laboratories and receive DNA data from the regional banks. The Government has allotted only Rs.20 crore for this purpose. How can we meet the expenses for establishing such a huge infrastructure? Second, about the DNA Regulatory Board which this Bill seeks to establish for taking regulatory measures for the entire country. In the Western countries, like the United States of America, Britain and Canada, this has to be used for two purposes. One is for crime purpose and the other is for the civil purpose. So, it has far reaching implication in our society also. So, The Minister may kindly explain how we check the misuse of this law in future in our country. If private entities are allowed to play a role in this field, it will badly affect the privacy of our people. A few months back we noticed that the Aadhaar data of our people got leaked. So, I want to know from the Government as to what steps they have taken to protect the privacy of the people in this Bill. With these words, I request the Government to take measures to protect the privacy of the people and ensure that there is no misuse of this Act in future.

**DR. BOORA NARSAIAH GOUD:** I would like to congratulate the Minister for bringing this long pending Bill. This Bill is very important. Recently, there was a famous case of a senior politician over the fixation of parentage. As you know, the parentage was finally decided with the help of the DNA technology. I would like to raise certain issues. There are two clauses-clauses 21 and 23 in civil matters-which state that no consent is required. There is no clarity in this matter. A civil matter comes when there is a dispute about the parentage and a child is claimed by different people. I think, there must be clarity with regard to the consent in civil matters, whether consent of accused or victim is required, what the procedure is and whether it would require a Magistrate's order. These things need to be clarified. In medical cases also, DNA technology is absolutely necessary to ascertain whether negligence was there. Now, I come to storage of data. There is no clarity on storage of these profiles in the DNA laboratories. With regard to databank, we have clarity on regulatory board, but there is no clarity on clause 31(4) with regard to data storage in a DNA lab. I would request the Minister to clarify this point.

**SHRI KAUSHALENDRA KUMAR:** I would like to thank the hon. Minister for providing a significant thing to the citizens of the country in the form of this Bill. This Bill basically intends to devise a mechanism to establish the identity of criminals, victims, suspects, under trial accused, missing persons and

unidentified dead persons and for the use of DNA technology in other matters. The Government is bringing this Bill to set up data banks at national and regional level and to regulate them. The DNA Regulatory Board will make suggestions as well for the optimum use of DNA technology in the justice delivery system. At the same time, concrete measures are required to be taken to ensure that the protection and privacy of any citizens are not violated. The Government should come forward to remove such apprehensions and to ensure that DNA data is not misused by the police in any circumstances.

**SHRI N.K. PREMACHANDRAN:** I fully agree with the hon. Minister that the DNA technology has the potential for wide application in the judicial delivery system, both in criminal as well as civil cases. But I am having two concerns regarding this Bill. The first one is regarding the right to privacy. It has already been stated in this House that the entire House and the people of this country are demanding for a data protection legislation every day. Even after passing legislation like Aadhaar, etc. in Parliament, we are not able to have a data protection legislation in order to protect the individuals' rights or the right of privacy. As far as the protection of DNA profile is concerned, some legislation is highly required so that the DNA profile collected from various persons is not misused in any way. Since the data protection legislation with stringent provision is absent in this country, how will the Government be able to protect the DNA

profile which is being collected? So, there are ample chances of misuse of DNA profile. The second one is regarding Clause 21 of the Bill which is the most contentious provision in this Bill. As per the Clause 21(1), "No bodily substances shall be taken from a person who is arrested for an offence (other than the specified offences) unless the consent is given in writing for taking of the bodily substances". But it is very easy to have consent of a person who is in police custody. That means the fundamental right, the Right to Privacy is being violated. Moreover, the chances of misuse of DNA profile are there. Mere having a data bank and the regulatory board will not be sufficient to protect the DNA profiles. So, I would like to request the hon. Minister that the concerns which I have expressed in the House may be taken into consideration and having far-reaching ramifications, may kindly be sent to the Parliamentary Standing Committee to have a close scrutiny of all the concerns, anguish and apprehensions which have already been made in this House.

**SHRI PREM DAS RAI:** I thank the hon. Minister for bringing this Bill to regulate the use of DNA and DNA technology. One of the reasons as to why we need this particular Bill is, because of the ease with which today, DNA can be sliced and diced. With the use of artificial intelligence and with very little attended technology, we are able to build the DNA profile of anybody. It is used in criminal as well as in civil cases, in the area of genomics and also in the area of cloning.

Hence, these two particular uses of DNA technology will lead to the issue of privacy. Therefore, a law that looks at privacy needs to go hand in hand with this. Given the facts that these banks and the way in which States are also being brought into the picture. I think that it requires a far more and much more deeper look into this whole issue. However, this particular Bill is to be supported because it is a good start.

**DR. HARSH VARDHAN** *replying said:* I would like to thank from the core of my heart to all the hon. Members who have given invaluable opinions on this Bill. A number of hon. Members have raised the issues of privacy in regard to this Bill. This Bill has taken about 7-8 years to be brought here and all the segments have been taken into consideration to ensure that privacy concerns are fully addressed to. The entire Section 6 has been revisited to rewrite it even with reference to the Aadhaar Act. The potential misuse of DNA samples is not restricted to the biological material, which is collected under the provisions of this DNA Bill alone. Any and every blood sample collected by clinical laboratory has the same potential for misuse. With regard to DNA Profiles, I have to say that the privacy concerns are minimal since the information that is to be stored does not reveal-as I said earlier also- any of the traits of an individual. After a sample has been used for generating a DNA Profile, it is often important to store the DNA sample in case the Profiling has to be repeated for any reason. Such DNA samples

are liable for misuse, and the Bill provides to prescribe safeguards for proper storage and penal provisions to protect against misuse. The Bill has provisions to ensure privacy protection including accuracy, security and confidentiality of the DNA information. There are provisions to ensure that the information relating to DNA profiles, DNA samples and any records thereof forwarded or in custody of the National DNA Data Bank or the Regional DNA Data Bank or a DNA laboratory or any other person or authority are secured and kept confidential and shall be used only for the purposes of facilitating identification of person and not for any other purpose. International standards have been followed only on non-coding DNA details. Effective consent has been covered broadly in the Bill. Details will be under the rules. As far as the members of the DNA Regulatory Board are concerned, it will have experts from the field of forensic, Human Rights Commission and ethics also. The details of cost provided herein is only for the setting up of the Secretariat. Other cost details will actually be for strengthening of infrastructure, which will be taken care of in due course of time from the respected areas. All the details of collection, removal and procedures will be covered. This has no linkage with the Aadhaar Act. A point was raised that its Chairman will be Secretary of the DBT. The Secretary of the DBT is always a scientist and an expert of the field of bio-technology. A provision for appeal has also been made in this Bill. If there is still an any issue which is uncovered, we assure that it will be



taken care of in the rules itself. We studied all the international standards and have also incorporated them in it. This provision is only for heinous crimes. The other countries like US, UK, Argentina and Scotland have similar provisions which allow collection of samples by the order of Police Officer without consent or magistrate order for similar heinous crimes. In the proposed Bill, this provision is only restricted to specified offences which have more than 7 years imprisonment or death penalty. I also assure the Members that the details of storage, collection etc. will be provided in the rules. I am grateful to all the Members who have studied this Bill and have made very good observations about it. I humbly request the august House to pass this Bill as the people of this country have been waiting for it for a very long time.

*The Bill, as amended, was passed.*

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## **THE CITIZENSHIP (AMENDMENT) BILL, 2019**

*(As reported by Joint Committee)*

**THE MINISTER OF HOME AFFAIRS (SHRI RAJNATH SINGH)**

*moving the motion for consideration of the Bill, said:* The Joint Parliamentary Committee has submitted its report and the report has been tabled in the House. The Joint Parliamentary Committee held series of meetings with different

stakeholders in different parts of the country. The Committee has proposed some changes in the Amendment Bill, 2016. This Bill intends to mitigate the critical circumstances faced by six minority communities in our three neighbouring countries. These are such communities who have been forced to seek shelter in India in the wake of religious persecution in their own countries. Such minority communities have been the victim of worst kind of violence in the past years and these people have no option to stay for long in any country but to seek shelter in India. Therefore, our Government had issued necessary orders in the year 2015 and 2016 to protect such communities. With the enactment of this law, such migrants will become eligible to apply for citizenship in India. The Government of India will take a decision on granting them citizenship on the recommendation of the State Governments. The Government proposes to reduce the minimum residency period from 12 years to seven years. In fact, I would like to make it categorically clear that this Bill is not meant for the people of Assam alone but it is also for thousands of migrants who entered into India from our western borders and are residing in Gujarat, Rajasthan, Delhi, Madhya Pradesh and other States. This law will apply to them as well. In fact, burden of Assam is the burden of entire country. The Government of India will take every possible step to tackle this problem. There is a general perception in Assam that Assam Accord has not been implemented properly. Our Government is committed to complete this

process. No Indian citizen will be excluded from the NRC and no discrimination will be meted out to anyone. Those desirous of getting their names incorporated in the NRC will be given full opportunity to do so. Our Government is also fully committed to protect, preserve and promote cultural, social, linguistic identity and heritage of the people of Assam. The Cabinet in its meeting on 2nd January approved a high level committee to devise constitutional, legal and administrative measures in this regard. Its Chairman and members are the learned and respected people who have in depth knowledge of Assam. Some communities in Assam have long been demanding for tribal status. A Committee was constituted on 29th February, 2016 in this regard and the Committee submitted its recommendations on 29th December, 2018. Our Government has accepted these recommendations. Our Government will soon take action to give tribal status to Bodos and Kacharis living in hilly areas and Karbis living in plains. The Ministry of Culture of the Government of India will set up a Language and Cultural Study Centre there. A Bodo museum will also be set up. I would, therefore, request the august House to pass this Bill.

**PROF. SAUGATA ROY** *initiating said:* We have no objection if the Government considers the case of refugees from Afghanistan and Pakistan. There is religious prosecution in those places. We proposed in the Committee and I want to propose again here that make this Bill a secular Bill. Besides Afghanistan,

Pakistan and Bangladesh, the Government may also mention Nepal and Sri Lanka. On the one hand, from the National Register of Citizens, the Government is taking out people from the citizenship of India while on the other hand, this Bill is being introduced to give citizenship. That is why, I still insist, one, withdraw the Bill altogether. Two, if you cannot do that, recommit it to the same Select Committee. If the Government is sympathetic to Bengali Hindus then give them immediate citizenship. Militant outfits in Assam are up in arms against the Bengali Hindus. The State Government has not been able to protect the Bengalis there. On the one hand, the Government is satisfying the Assamese majority. On the other hand, they are trying to please the Hindu Bengalis. This Bill needs to be made secular. In Pakistan, there are the Ahmadiyyas who are also tortured by the majority there. Will India not offer asylum to people who are Muslims but still persecuted in Pakistan? We demand that not one genuine citizenship should be left out. We want the protection of all people especially of the Matuas who are the most depressed community. With these words, I oppose this Bill.

**SHRI RAJENDRA AGRAWAL:** Hon. Member has made certain serious comments on the functioning of the Joint Parliamentary Committee. To bring it on record, I want to say that we had tried our best to bring consensus. Three amendments were accepted unanimously but when consensus could not emerge on certain amendments, we followed the practice of voting.

**\*THE MINISTER OF STATE IN THE MINISTRY OF  
ELECTRONICS AND INFORMATION TECHNOLOGY(SHRI S.S.  
AHLUWALIA):**

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\* Please see Supplement.

**SHRI BHARTRUHARI MAHTAB:** Though this Bill looks innocuous yet it has greater impact. There are fault lines and those fault lines were covered after Independence by respective leaders and by respective Governments. Why should we rake up Bangladesh issue now? Remarkably, after six years of bloody agitation in Assam, the Assam Accord was finalized. In that Accord, an assurance was given, relating to which the present Government made an announcement which is leading to another issue. Panel is to assess reservation in jobs and reservation in the House for Assamese. The situation in Assam is pathetic and has gone to such a level where the Union Government has to form a Panel to determine which are the seats to be reserved for the Assamese. My only suggestion to the hon. Minister and to this Government is to make it indigenous. Pakistan's coming into existence was a severe pain of that time which our founding fathers had to endure. Even today, we have to bear its brunt explicitly or implicitly. We should not indulge in an activity that may create a gap in society. Those who were persecuted in Afghanistan, Pakistan because of their faith, need to be provided citizenship in our country. There should be no hurry to include Bangladesh in this amendment. I would insist that old fault lines must not be opened and we should keep our nation intact.

**SHRI ARVIND SAWANT:** This Bill makes minority community hailing from Afghanistan, Pakistan and Bangladesh viz. Hindu, Sikh, Buddhist, Jain,

Christian who had been compelled to take refuge in India for fear of being persecuted eligible for acquiring Indian citizenship. The objective of the Bill is appreciable. Assam must not be made to bear the burden of any Bangladeshi or anyone else belonging to foreign territories. If feasible, the residents concerned should be deported to the other States. Those who came here until 1971 have been settled down here through an Accord. However, those visiting subsequently should not be allowed to reside there. This Bill would jeopardize the identity of the Assamese. There is an influx of Muslims from Bangladesh. There is a good number of districts in the hilly areas of Assam where Assamese are in minority. The Government of Assam should provide this community with aid and succour. With the passage of this Bill, the Assam Accord would be repealed which is likely to have a severe onslaught on the secular fabric of the Constitution. Of late, NRC has been conducted which produced the data of 40,70,707. Through NRC it has been divulged that so huge a quantum of illegal migrants are there that cannot be facilitated with National Registration. Hindus too constitute a fair share of them. Earlier, NRC had identified as many as 70, 000 people as illegal migrants, however, only 2,400 of them could be deported. My submission is that the Government should embark on a solution taking the views put forward by the Assam Gan Parishad and of course the sons of the soil concept must not evade our attention.

**SHRI MOHAMMAD SALIM:** Citizenship is never determined on the basis of language, religion, caste or sex. The Citizenship originates from the Constitution which is framed on the basis of certain universal values. The Government should not link the country with any religion. Refugee, migrant, illegal migrant and infiltrator belong to separate categories. Politics was played out while connecting all these in a wrong way, the results of which we have seen in Assam. The Government wants that the Hindus in Bangladesh and Pakistan should be welcomed in this country so that Indian Muslims could be told to leave this country. I, therefore, oppose this Bill because citizenship cannot be determined in a secular state on the basis of religion.

**SHRI MULAYAM SINGH YADAV:** We all have gathered here to ensure the development of our county. For this purpose, first of all, we must ensure the availability of water. Secondly, we should accord priority to the farmers. Finally, we will have to ensure employment for our youth. Our country will be prosperous if the Government provides facilities to our farmers, to the youth and the traders. The water, stone and the wood are available in India.

**SHRI BADRUDDIN AJMAL:** The people in Assam view this Bill against their interest. They do not want to see this Bill passed in the way it has been introduced. It is in violation of our Constitution because the Constitution does not discriminate on the basis of religion. There is issue of unemployment in our



country. How the livelihood of those will be managed who already are residents of this country. This Bill is against the spirit of Assam Accord and the Constitution. We, therefore, oppose this Bill.

**SHRI P.K. KUNHALIKUTTY:** The Constitution gives assurance of equal opportunity and status to all citizens, irrespective of their caste, religion, creed, etc. The Constitution guarantees protection of citizens of this country. The same Constitution is being amended to discriminate them. This is also in violation of the accord which had been signed with the Assam Students' Union. So please withdraw this discriminatory Bill.

**SHRIMATI BIJOYA CHAKRAVARTY:** This Bill gives much needed safeguard to Assam. This Bill will give full power to the Assamese people to exercise their rights. From 1951 till 1971, Assam carried the burden of nearly 40 lakh people who came from outside India. Even after the Assam Accord which was signed in 1985, lots of infiltrators entered the State. Neither these people could be detected properly nor we could deport these illegal migrants. The indigenous people of Assam are in a very pathetic condition. They have lost their land rights. Land occupied by local people are now under the grip of the Bangladeshi people. It is because they have a lot of money. I do not know wherefrom they are getting money. After 10 years, I think, it would be difficult to find the indigenous Assamese people if it continues like this. The population of

the illegal migrants grows geometrically. Steep rise in population of the migrant families is the root cause for dwindling Hindu population in the State of Assam. I believe that this Bill will provide safeguard to the Assamese people and also help the already dwindling population of the Assamese people. Even after the Assam Accord was signed there is no decline in infiltration. The provisions of this Bill seek to provide protection to clause 6 of the Assam Accord which is meant to safeguard land, properties, job and also give political reservation to the indigenous people of Assam. This is very much necessary.

**SHRI JAI PRAKASH NARAYAN YADAV:** This Bill is against the Constitution. I oppose this Bill. One cannot build a castle of politics on the base of religion. You are trying to build a castle of politics in the name of religion which is being demolished like a quick sand. It is giving a wrong signal to North-Eastern States that you are not doing justice to them. Don't create division in politics and society of this country. You are awarding citizenship to one and saying other to leave the country. This is dangerous to our culture. This is not bringing 'achhe din' in North-Eastern States.

**SHRI ASADUDDIN OWAISI:** I rise to oppose the Citizenship (Amendment) Bill, 2019. I was hoping that the Government would have spared the Constitution while safeguarding their ideology. It seems that this Bill has been formulated by those who are still supporter of Two-Nation Theory. I would like to

ask whether you do not know the basic difference between Article 14 and 21. But you are adopting the ideology which we call 'dog-vigil politics'. This is not in the interest of the country. It is sure that you are legislating this for your political and narrow purpose. This is against the basic structure of Kesavanand Bharati case and secularism.

**SHRI RAJESH RANJAN:** Whichever Government is constituted in our country that is constituted on the foundation of Constitution. That is completely as per the spirit of our geographical culture, society and humanity. The Bill which you have brought here, if there will be classification on the basis of religion, caste and class, that will not be in the interest of the country. No legislation should be formulated only for politics. This spreads hatred in the country.

**SHRIMATI MEENAKASHI LEKHI:** Unfortunately, for India, since 1947, we have focussed a lot on the Western front, but we have not spoken even a little bit about the Eastern front. The incidents which have been taking place in our country are still taking place even after 1947 till date. After independence in 1947 two more nations have been formed in this country. What is the condition of Hindus there. The estimates shows that the Hindus which were 15 per cent earlier has been reduced upto 0.72 per cent in one country and in the other it has been reduced upto 7 per cent. This is the reason for bringing this legislation. In the year 1901, the population of Muslims in Assam was 12.4 per cent and this has been

increased upto 34.22 per cent in the year 2011. This is a huge increase and this is how democratic dividends are being sought. It is nothing but vote bank politics and appeasement which is going on in the country. There is difference between legal migration, illegal migration and migration due to economic policies. If you follow social media, you will find that how the infiltration is still going on and this is actually harmful to the secular fabric of this country because attempt is to constantly get focus away from western border and ISI and such activities are involved in getting this migration done. This is the reason by which these activities are taking place from eastern border from Assam to Bangladesh. That is why demography is changing there.

**SHRI SUNIL KUMAR SINGH:** I rise to support the Citizenship (Amendment) Bill, 2019. I was a Member of the JPC on this Bill. Is there any political party which can say that it will not remain silent if there is any incident of atrocities on Hindus in any part of the world. In India, minorities means a particular religion. But when this Bill seeks to grant citizenship to the minorities of Afghanistan, Pakistan and Bangladesh, this bothers you. Nehru-Liyakat pact envisaged that the persons who had settled in either country on the basis of religion, they would be protected. Besides, there have been demographic changes in India, Pakistan and Bangladesh. Today, this Bill is an attempt to correct the mistakes which were committed at the time of partition. This Bill seeks to grant

citizenship to the Hindus, Sikhs, Parsis, Jains and Buddhists who face religious persecution in Bangladesh, Pakistan and Afghanistan in order to correct that mistake.

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**SNEHLATA SHRIVASTAVA**  
*Secretary General*

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\*\* Supplement covering rest of the proceedings is being issued separately.

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NOTE: It is the verbatim Debates of the Lok Sabha and not the Synopsis that should be considered authoritative.

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