

pulsory and free education including vocational and technical education, reservation for jobs in Government and other establishments and other welfare measures to be undertaken by the Central and State Governments for the blind and physically handicapped girls and women in the country and for matters connected therewith and incidental there.

The question was put and the motion was adopted.

MISS SAROJ KHAPARDE: Madam. I introduce the Bill.

The Vice-Chairman (Shri Triloki Nath Chaturvedi) in the chair

**THE CONSTITUTION (AMENDMENT)
BILL 1992 (TO AMEND ARTICLE 77)
CONTD.**

SHRI VAYALAR RAVI (Kerala): Mr. Vice-Chairman, Sir, this is a very important amendment moved by my friend Mr. Baby. It has far reaching implications. We have to take this Bill in all seriousness: This amendment gains relevance because of the changing political scenario in the country.

Sir, everybody knows that whatever Government is in power, they are the trustees of the nation; they are the trustees of the people. I have no doubt that anybody who is running the Government is patriotic. I have no doubt in my mind that whatever Government is in power, it would protect the interests of the nation. I have no doubt about it.

At the same time, problems crop up now and then. Certain international treaties or agreements which are signed by the country result in a heated debate in the country. The question is raised whether it would be in the interests of the nation or not. Naturally, in this context, the demand has come that all international treaties entered into by the country should be ratified by Parliament after a threadbare discussion into all relevant aspect, without any political barriers, without any ideological barriers,

but only with the national interests in mind.

Our country, today, is gradually falling into a debt trap, I should say. The external debt has gone beyond all proportions. Every Government, when ever it is in difficulty, thinks that it is better to borrow from the World Bank. Sir, the World bank has become an instrument in the hands of the capitalist forces of the world to twist the arms of the developing nations and to dictate terms to them. Sometimes, I feel that the World Bank is even interfering with the sovereignty of the developing nations and dictating to them policies which suit their own interests and not that of the developing nation.

Basically, Sir, we should devise our own economic and other policies, policies which best serve the interests of our country. But the directive comes from abroad; particularly, from the World Bank and the International Monetary fund. These institutions dictate policies which suit their interests, which suit their convenience. We cannot accept such policies. But unfortunately, we go on borrowing. Whenever we borrow from them, they put their own conditions. When we follow their conditions, it creates problems within our country. We find that many State Governments, because of these conditions, could not implement the projects which were sanctioned.

Now, the World Trade Organisation has come into being. This World Trade Organisations is going to be one of the major, important, institutions which would have wide-ranging implications for all the member-countries. Naturally, when we go in for international agreements, when we go in for international treaties, it is necessary that Parliament should be taken into confidence. It is different matter as to what would be the mechanism.

Recently, Sir, we concluded a treaty with Bangladesh on sharing of the Ganga

wafers. It is good. The Government took into confidence the concerned State, i.e. West Bengal. The State Government was taken into confidence. Parliament, of course, debated it. It was accepted by everybody because it was a question of helping a neighbouring country. In this' case also, if necessary, Parliament can ratify it. The question is: what would be the reaction of the concerned people, the concerned State, in this regard?

Likewise, more treaties are going to come. For example, we want to settle the border dispute with China. There is a dispute. There is a difference of opinion. There is a difference of opinion whether the McMohan Line is right or wrong; whether the dispute over Aksai Chin has been settled or not. A lot of problems had cropped up. Of course, no Government was dare enough to enter into a treaty with the neighbouring country, in order to settle the border dispute. The border dispute is very important. On this, perspective may change from party to party. That is why it is necessary that consensus should emerge. Such a consensus can emerge only when the different political parties which are represented in Parliament rise above their party politics; in particular, their ideologies. Only then we can protect our national interests.

This proposal which has come is important in view of the fact that more international treaties would be signed in future; whether in regard to the border dispute or other things. For example, the question came up whether India should sign the CTBT or not. There was a lot of debate whether India should sign it or not. The question was raised whether India would be isolated. This issue came up. Luckily, India did not sign the CTBT.

These kinds of issues would come up in future also. Sir, the sub-continent, the Indian sub-continent, has become a dumping ground, an arms dumping ground, by vested interests. They want to keep the Indian peninsula always tense. Some powerful nations want to keep the

Indian peninsula in a tense atmosphere. Through this process, they want put hurdles in our development activities. When we are more and more in economic crises, we are more and more dependent on the World Bank or IMF or the rich nations. So they want to make us surrender before them for our own development and for our financial needs. So this is a vicious circle. This is a circle which is artificially being created by vested interests, by international monetary organisations and by the capitalist regimes in different parts of the world to subject the developing nations to their dictation. These forces are working in this country and all over the world. When such forces are working on the economic front, globalisation, or whatever you call is, has also become an important factor in international relations. International relations cannot be dictated by a few, and such dictation cannot be accepted by the nation. How can we obstruct such dictation? it can only be by debate, and ratification by Parliament, of such issues.

Another point is: How does the executive react to it? We cannot say we will just pass it and be done with it. There should be a mechanism. I feel there should be a mechanism, not only of the Cabinet, but also of the different parties, and Parliament itself should have a system. Of course, ratification may be there but, even before that, Government cannot sign and get it ratified because there will be a lot of international complications. I suggest, not, of course, by way of amendment, that the Government must evolve a system and that system can be a parliamentary standing institution which includes the leaders of the different political groups and Leaders of the Opposition in Parliament. So there should be some kind of a mechanism where all the representatives and leaders are taken into confidence before coming to an agreement and then the issue can come before Parliament for ratification so that amendments, if necessary, can be made then and there. It is true that some countries, especially among the rich, developed na-

tions have their own rules, regulations and constitutions which say that ratification is necessary. So, this constitutional amendment can be useful and worth while if only all the political parties put everything behind and keep only national interests in the forefront. Then only we can come to a conclusion.

Sir, I fully endorse the views expressed by my friend and colleague, Mr. Baby, especially in the background of the present political situation. Sir, it was from Kerala that we started the coalition politics, which has now reached other parts of India today. It has now come even to Delhi. Kerala takes the lead in everything. In 1952 we started the coalition politics. After the first General Elections, Kerala started coalition with the Congress and Tamil Nadu Congress, 1954—Congress and PSP, 1967—Communists and Independents, 1960—we and other political groups. Thereafter coalition had come into the State. Now the other States have also taken up the idea of Kerala, and even Delhi has taken it up. Unfortunately, in Delhi they are pulling in different directions this time.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Whether you support...

SHRI VAYALAR RAVI: Sir, with the change in the political scenario, it needs the consensus of the nation and, naturally, Parliament is the best forum to debate this issue. I think this proposal has to be taken up with very serious consideration, and as to in which form and in which way the Government can involve itself has to be left to the Minister and the Government.

Sir, I agree with this proposal. Thank you.

SHRI H. HANUMANTHAPPA (Karnataka): Why should the Government wait further? The Government should straightway accept it.

श्रीमती कमला सिन्हा (बिहार): महोदय, मैं इस विधेयक पर बोलने के लिए खड़ी हुई हूँ। इस विधेयक

की विशेष मंशा है। अंतरराष्ट्रीय तौर पर जो भी समझौते होते हैं, इन समझौतों के बाद संसद में इसका रेटिफिकेशन हो। आपने देखा होगा कि अंतरराष्ट्रीय समझौते करा कर, आज से नहीं बहुत दिनों से वे होते आए हैं और एक देश की दूसरे देश के स्वयं जब किसी विषय पर कोई वार्ता होती है और जब हमारी एक राय होती है तो उस पर हम एक समझौता करते हैं। यह हमारे आजाद हिन्दुस्तान में ही नहीं आजादी के पहले भी था और यह एक अंतरराष्ट्रीय परंपरा भी है। दूसरी बात मैं यह कहना चाहती हूँ कि यह क्यों आवश्यक है। जैसे दुनिया में एक संस्था बनी हुई है इंटरनेशनल लेबर ऑर्गेनाइजेशन। दुनिया भर में जब श्रमिक संगठनों के बारे में, श्रमिकों के बारे में कोई चर्चा होती है तो वह ट्रान्सपारेंट बाडी है। आई०एल०ओ० उसमें मालिकों के प्रतिनिधि, श्रमिकों के प्रतिनिधि और प्रत्येक देश के प्रतिनिधि भी रहते हैं। वहाँ जो विषय पारित होता है, जो रिजोल्यूशन पारित होता है जो समझौता होता है, वह समझौता तत्काल लागू नहीं होता है। प्रत्येक देश को अपने देश में आकर वह रेटिफाई करना पड़ता है तब वह लागू होता है और हम विधेयक बनाते हैं। मैं जानती हूँ अंतरराष्ट्रीय तौर पर जो व्यापारिक समझौते हैं, उन व्यापारिक समझौतों को हम यहाँ देश में, संसद में या विधान मंडलों में पारित नहीं कर सकते हैं उस तरह से लेकिन मेरा कहना यह है कि जिस भी विषय पर चर्चा हो, जिस विषय पर भी हमारा समझौता होता हो उस विषय को संसद में पूरी तौर पर रखना चाहिए। उस पर संसद की राय होनी चाहिए, संसद में विचार होना चाहिए और आवश्यक हो तो रेटिफाई भी उसको संसद करे क्योंकि जो भी काम हो किसी भी सरकार द्वारा — आज हमारी सरकार है, कल कांग्रेस की सरकार थी परसों और किसी की सरकार आ जाए, सरकार तो सरकार है, देश तो देश है, प्रशासन प्रशासन है — लेकिन देश की जनता का भी एक अधिकार होता है। तो देश की जनता जो मालिक है इस देश का जो वोटर है उसको यह जानने का अधिकार है कि हमारी ओर से, देश की जनता की ओर से हमारी सरकार कौन से समझौतों पर हस्ताक्षर करने जा रही है।

मैं गैट के समझौते को ले रही हूँ डब्ल्यू०टी०ओ० के समझौते को ले रही हूँ। उरुग्वे राउंड के ऊपर जब चर्चा चली तो उसके अलग अलग मुद्दे अखबारों में आने लगे। कई मुद्दे अखबारों में आए। एक आया पेटेंट एक्ट के बारे में और पेटेंट एक्ट के बारे में आज भी मुझे ऐसा लगता है कि इस देश की आम जनता के मन में एक बहुत ही भ्रामक परिदृश्य बना हुआ है। हम नहीं

जानते कि कौन कौन से विषय पर पेटेंट करने वाला है कौन से विषय पर पेटेंट नहीं होगा और पेटेंट कैसे होगा, क्या होगा। जब संसदों के मन में भी भ्रम है तो आम नागरिकों का क्या होगा यह हम नहीं जानते। मैं गांव में, देहात में जब जाती हूँ तो लोग कहते हैं, सुनते हैं हमारी हल्दी पर पेटेंट कर लिया अमेरिका वालों ने, सुनते हैं हमारे नीम पर पेटेंट हो गया है जर्मनी में। यह कैसे होगा। हमारा नीम है और जर्मनी वाले कैसे-करोगे, अंग्रेज लोग कैसे कर लेंगे, अमेरिकन कैसे कर लेंगे पेटेंट। यह क्या हो रहा है। आप लोग संसद में क्यों बैठे हैं। बात सही है। हमारी छोटी छोटी औषधियाँ हैं। इस देश में इतनी औषधियाँ हैं। हिमालय में हैं, पहाड़ों में हैं जिनका कोई हिसाब नहीं है जिनके ऊपर हमारा आयुर्वेद शास्त्र आधारित है। अब उसका कौन कौन सा हिस्सा पेटेंट हो रहा है हमें पता नहीं है। आम लोगों को पता नहीं है। इस देश के नागरिकों को पता नहीं है कुछ। तो हम यह जानना चाहते हैं कि क्या क्या उसमें है। अब ट्रिप्स है, ट्रिप्स है। ये बातें आती हैं। गैट की पृष्ठभूमि में ट्रिप्स ट्रिप्स ट्रेड रिलेटेड एग्जोमेनट आदि आदि बातें आती हैं। लेकिन उनका डिटेल् हमें नहीं बताया जाता। तो बेबी जो जो विधेयक लाए हैं मुझे लगता है कि बहुत स्पेच समझकर लाए हैं और इस विधेयक के पीछे मंशा यही है कि भारत की जनता, भारत के नागरिकों को पता चले। कोई भी समझौता जिसका इस देश के जनजीवन पर प्रभाव पड़ने वाला है उस समझौते को निश्चित रूप से संसद में लाना चाहिए, संसद की मोहर उस पर लगनी चाहिए। इससे दो फायदे होंगे। एक, समझौता जब हो जाएगा तब संसद की मोहर उस पर लग जाएगी। ठीक है, हमने अपनी सरकार को छूट दी है कि हमारे देश के हित में वह बाहर बात कर सकती है लेकिन जब संसद में भी राजीनामा मिल जाएगा तो फिर पूरा देश पीछे हो जाएगा। जैसे एक छोटा सा उदाहरण मैं लेती हूँ। बात तो बहुत बड़ी है। कंप्रीहेंसिव टेस्ट बैन ट्रीटी—दुनिया के पैमाने पर जो विकासशील देश हैं उनके ऊपर विकसित देश, एटॉमिक एनर्जी वाले, न्यूक्लियर पावर वाले देश लादना चाहते हैं। हमारी सरकार ने हमारे विदेश मंत्रालय ने इसका विरोध किया। और इस संसद को उन्होंने कंप्रीहेंस में लिया। उन्होंने इसकी डिटेल्स बाते संसद में रखीं। पूरी संसद ने उनके पीछे खड़े हो कर कहा कि यह बहुत ही अच्छा काम आप कर रहे हैं। बहुत मौजू काम है, उचित काम है। पूरा देश हमारे सारे डिप्लोमैट्स जो वहां लड़ रहे थे इसके पीछे खड़े थे। यूनाइटेड नेशंस में उनको जब मालूम हुआ कि पूरा देश हमारे पीछे है, सारी भारतीय जनता पीछे है, 80 करोड़ जनता हमारे पीछे है, तो उन का भी मनोबल बढ़ा। इसी तरह से

इन्क्यूबी०ओ० के समय भी अगर होता तो मुझे ऐसा लगता है जब मर केश ट्रीटी का सिग्नेचर हुआ, अगर इसी तरह से पूरे देश को कंप्रीहेंस में लिया गया होता तो निश्चित रूप से देश का समर्थन इस ट्रीटी को मिलता और तरह-तरह की जो गलतफहमियाँ आज हैं वे नहीं होती।

इसलिए बेबी जो ने जो विधेयक लाया है उसकी मूल मंशा बहुत अच्छी है। उसकी मंशा यही है कि जो भी सरकार काम करे उस के पीछे इस देश की जनता का सैक्शन हो और यह आवश्यक ची है।

धन्यवाद।

SHRI JOHN F. FERNANDES (Goa): Sir, we boast that India is the largest working democracy in the world. We also boast especially when we go abroad debating with our counterparts that ours is an ideal Constitution, because it is one of the most modern and flexible constitutions and it is a Constitution adopted from seven most advanced Constitutions of the world, including USA, France, Canada, Germany and the Great Britain, which has an unwritten Constitution.

The fathers of our Constitution had conveniently seen to it that this mechanism, which is being sought to be introduced by the Private Member's Bill, was not there. So, I do not know what their intention was. Since 1990, we have seen hung Assemblies and hung Parliaments. Minority Governments or coalition Governments is the order of the day. We say publically and politically that all the decisions are taken by consensus. I do not know what is the meaning of consensus, because we do not have a national Government. We are having a Government supported by the single largest party from inside or outside like we are having now. I do not know in what way that minority Government can represent the country and act on behalf of the nation internationally.

We have seen the formation of the European Union. We have also seen the signing of the Maastricht Treaty. This particular Treaty was ratified by the the Parliaments of all those European countries. I do not say that we have to be

very powerful as the Senate Committee of America. There not only foreign treaties, but even bureaucrat and judicial appointments are vetted by the Senate Committee and again it has to be ratified by the House of Representatives. What I am saying is that when we make international commitments, we have to be proud that this largest working democracy represents the people. We have seen in the recent past after the liberalisation what a laughing stock we have made of ourselves before the international trading community. Here I am referring to Enron. Whenever a State signs an MOU with a foreign country, it is completely vetted by the federal Government i.e. the Union Government, because that Government is the guarantor. In case that agreement is not fulfilled, the Government of India is bound to be a party to arbitration and all the damages on behalf of that State Government are borne by the federal Government i.e. the Central Government. Last time when our former Prime Minister was in Singapore, he was, for the first time, acting as a salesman internationally, because it is a free market economy. I was just speaking on Enron. Hon. Narasimha Rao Ji was making a statement in Singapore that whatever agreement had been made with this Government, was binding on all future Governments.

3.00 P.M.

At that time the present External Affairs Minister, Shri I.K. Gujral was in the Opposition. He objected to it. He told me that we have not authorised your Prime Minister to commit anything on our behalf. He was right because it was a policy of the Government of the day. Every parliamentarian has a right to say so because we don't give a blanket authority or blanket permission to any Government, be it in majority or in minority, to act on our behalf.

Mr. Vice-Chairman, I would not like to go into the findings of the Standing Committee on Commerce because that Committee was headed by Mr. Gujral.

They had an apprehension regarding the Dunkel proposal. They have given a recommendation. I think the apprehension of my comrade, Mr. Baby from the CPM was the same that we would be invaded by multinationals because our economy is being globalised.

(THE VICE-CHAIRMAN (SHRI MD.

SALIM) in the chair]

Mr. Vice-Chairman, we have seen the WTO. We know the provisions of the GATT. The Government of India never took Parliament into confidence. It is a bad habit with every Government because the Constitution does not compel them to consult the Parliament or any other institution in the country. A Minister or the Prime Minister can go silently and sign any agreement or treaty and then they come to the Parliament. That is for information. When they signed the WTO, there were provisions in it because this would come into force after ten years. The irritant clauses in that agreement can be ratified by the Parliament. So, the Government goes and commits something on our behalf. Then, they come to us. I say it is a totally wrong system, it is a wrong procedure. So, I would say that at least now when we are going to be globalised, when we are trying to interact with other countries economically or politically, it would be appropriate for the Government to come before the Parliament. I hope that this provision would be accepted by the Government and they would bring it if not in this form at least in some other form before this Parliament.

Recently we have signed a treaty on the sharing of Ganga waters. It was reported that certain State Governments did not agree with it. For example, West Bengal. I cannot blame them because there is no provision in the Constitution to say that the Centre should consult the State Governments before signing a treaty. They need not be consulted.

Mr. Vice-Chairman, last year I happened to be at the United Nations as a delegate of the Government.

SHRI M.A. BABY (Kerala): This point is very important. In the Constitution there is a provision that the Union Government has the authority to sign a treaty which affects a State subject, List-II! Even that much power is vested with the Central Government.

SHRI JOHN F. FERNANDES: That is what I am saying.

SHRI M.A. BABY: I am only substantiating it.

SHRI JOHN F. FERNANDES: That is what I have said. I have no difference of opinion on that with you.

Mr. Vice-Chairman, last year I happened to be a Government delegate for the golden jubilee celebrations of the United Nations. I also happened to be a member of the Murari Committee to review the deep-sea fishing policy. We had about 60 Members of Parliament from both the Houses of Parliament in that Committee. That Committee has submitted a report to the Government saying that multinationals should not be allowed within the country for deep-sea fishing. When this report was before the Government, the Government of India had signed another treaty at the United Nations, that is, the Law of the Seas which was totally against the finding of the Committee's report. It was against the principle of that Government because they have said that they would review it and they would stop deep-sea fishing vessels and would cancel the licences. What does the Law of the Sea say? It says that the marine products of the world is an international property. If there is a fish in my back waters and if that fish is not exploited by us, then, the foreign vessel has every right to come over there and do the fishing. So, this is what I am saying. We are totally in contradiction with ourselves.

Mr. Vice-Chairman, I would not go into further details. I think it may irritate my colleagues in the Opposition. We have seen the thirteen-day Government of the BJP. It was merely a caretaker

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Government because they did not go to have the vote of confidence. What did they do before the vote of confidence motion? They endorsed Enron. Were they were in the Opposition, they opposed the Enron. But when they sat in the Government—ply-by-night Government—they even approved some clauses of the Enron. So, whatever they do will be binding on us. There can be any Government, and whatever they do will be binding on us. This can happen. Therefore, it would be appropriate for us if we amend the constitution and bring in this provision. When we say that we are going to follow the same policy, it should mean that the Government of India, our nation, has a firm, strong and continuous foreign policy. Government may come and Government may go, the foreign policy does not change. On the same pattern, if India has to prosper, if India has to join the comity of nations, if India wants to be an Asian tiger, we have to have a consistent and continuous economic policy. That is only possible when you have a policy, which enjoys the support of all the parties, a national policy, and that is only possible when you bring these treaties before Parliament, before going in for signing them. You should bring them before Parliament before going in for signing the international treaties. You take the consent of Parliament first. Then you should go in for ratifying them. In this way, the whole nation will be committed to these treaties. It is not only the Deve Gowda Government, it may also be some other Government. It would be binding on the nation, not on any Government. I fully support the amendment brought in by my colleague, M.A. Babyji, and hope that it will see the light of the day. Mr. Vice-Chairman, Sir, I have stopped bringing the Private Member's Bills. The earlier Bill I brought was the amendment of article 51A, to make voting a fundamental duty, to stop corruption in our political system. Everybody had lauded it. The Press called it Fernandes's formula, and they gave write-up also. The Law Minis-

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ter promised that he was about to bring the Electoral Reforms Bill, and my suggestions would be incorporated in that Bill. That was about six years back. (*Interruption*) I am not referring to my Government or your Government. I am referring to the Government of India. That is what I am saying. This Government is not going to be permanent. It is there for a few months. So, what I am saying is that the Government of India should give an assurance that this amendment would see the light of the day, if not in this form, in some other form. I hope the hon. Minister will give this assurance to this House. Thank you.

SHRI TRILOKI NATH CHATURVEDI (Uttar Pradesh): Mr. Vice-Chairman, Sir, I thank you for giving me this opportunity. I would like to congratulate Shri M.A. Baby for bringing this Bill before this House, which I think reflects the national will. Sir, as has been mentioned by various speakers, this constitutional amendment is necessary so that the international treaties—not the commercial treaties between individuals, firms and so on—are brought under the purview of Parliament and a discussion takes place. This will have two-fold benefits. In the first place, the Government which goes to negotiate or the delegation or the representatives who go to negotiate, that group will be much more informed, in the sense, that they will know as to how the different shades of public opinion in this country view it good or bad. They may agree with some points they may not agree with others. But at least they can take note of them and may become cautious if a caution is needed on any issue.

The second thing, and I think, the second advantage was very well brought out by Shrimati Kamla Sinha, that the Government itself will have the moral sanction, the moral authority of Parliament, and through Parliament, of the entire country to go for negotiations. That was true so far as the CTBT was concerned. It is immaterial that subsequently, we were not in a position to get

a seat in the U.N. Security Council, due to the international pulls and pressures, and the attitude of a certain super power. But here was a principled stand, here was a moral stand, that the country took and those who differed from us would always commend and appreciate that stand. Now this kind of élan, this kind of a thrust, should permeate into our international relations, our international diplomacy. This diplomacy, as I have just mentioned, is not only political but also economic. This Bill will provide a moral strength to the Government. If I may also add, so far as the Government is concerned, sometimes this will act as a moral check or a legal check in case it takes a path which the people of this country consider not in conformity with the nation's interest or in case it takes a path of economic or political waywardness. It would provide some kind of a counterbalancing mechanism with the result things which are done in great haste, things which are done behind the back of the people, can be avoided, and the Government itself will be much more cautious and careful in international relations and in allied international matters. I would like to submit, Mr. Vice-Chairman, that a mention was lightly made about the case of Marrakesh, the case of WTO, the case of Uruguay Rounds in general. We were not taken into confidence seriously at any stage. You and all other hon. Members will recall that on the last day of the session—I don't give the number of such sessions—either in the forenoon when the session was to close this was brought in or at the end of the day a statement was made about the treaty as such. We had not got an honest chance to discuss the implications of Uruguay Round of discussions with candour and frankness. The Government never took us into confidence. Sometime, with a lot of pressure, a small note was just circulated. That created a kind of apprehension and misgiving in the people's mind, even in the villagers' mind. After all, the village people are intelligent. They also read newspapers. They see the media and they are

exposed to the media. They are aware of developments. I consider it is so. That is why this kind of a measure, an educative process for the people of this country, in international affairs is necessary. It is said that the citizens of this country take interest only in domestic matters which touch their purse immediately and so on. But this kind of a Bill, I must say, will be an instrument for wide ranging education of the people who are the political masters in the real sense of the term. I think that is a great advantage. If I remember correctly, this was mentioned by Mr. MA. Baby when he had initiated the discussion on this Bill. I mean a reference to the Standing Committee which was presided over by Mr. I.K. Gujral who happens to be the Minister of External Affairs at the moment. Here is then the most auspicious time for such a Bill. He is presently presiding over the destiny of Ministry of External Affairs. He had been the Minister of Commerce also. He is well conversant with and cognisant of the difficulties and the pitfalls in the fields of both industry and commerce and in foreign relations, so far as international discussions or international treaties are concerned. This is a very important point. I hope the hon. Law Minister, who is present here would deem it fair and proper to take note of the views expressed by Shri I. K. Gujral at that point of time.

Mr. Vice-Chairman, Sir, I would like to mention here that the so-called judicial activism is criticised very often. Then the question of public interest litigation comes in. Mr. Vice-Chairman, Sir, you will remember that sometime back we were discussing the Telecom Policy. The Minister of Communications was supposed to go to Japan. He made a statement of 5 O'clock in the evening. All of us said that it was a matter of policy which had international implications meriting indepth discussion. The Minister himself said that he was going to announce a particular policy in an international forum in Japan. That was a policy statement. At that point of time, some of us went to the

Supreme Court: 'Some of us' includes people who are now sitting on the other side of the House, and the people who are supporting the Government either from inside or from outside and some of us who are sitting in the Opposition. What was the judgement of the Supreme Court? The Judgment said, "It is for the vigilant Parliament or the vigilant Parliamentarians to see and oversee and monitor the policies of the Government. This is not the responsibility of the judiciary." This has been repeated subsequently in some of the judgments and even in some Press editorials. If the Government really takes Parliament into confidence, this kind of interference or intervention on the part of the judiciary would naturally be avoided and there will not be a sense of grouse and grievance on the part of the Parliamentarians and they would not say that there is needless interference and some kind of an imbalance is being created so far as various important institutions of the Constitution are concerned.

The Bill which Shri Baby has brought, somehow or the other, if I may say so, is a testimony of history. We all know—whether we like it or not—that Woodrow Wilson played a very important role and the USA also played a very important role during the First World War. Despite all that he did for the so-called victory of the so-called democratic forces Woodrow Wilson he could not do something which did not have the approval of the people of his country viz., joining league of Nations. It took them almost two decades to educate the U.S. people. The Constitution talks of sovereignty of the people. Treaties have impact on the sovereignty of people. If we have this kind of an international treaty, it will not only have an immediate impact today, it will also have far-reaching consequences in the times to come. It is not that the provision which Shri Baby has suggested is his own brainchild which came to his mind suddenly. He has very closely observed what has happened in this country

earlier and what is happening in this country. That is why it has the background of what has happened here. We want to catch up with the advanced countries. Why not catch up in this particular matter also? Where is the question of accountability to Parliament? Why catch up only with the United States? Why not catch up with Japan, Germany, France, Italy etc. It is not something unique. The argument that is put forward regarding treaties was that we cannot bind the hands and legs of delegates. Everytime we are told that it may be delayed. There is no question of delay. There is a provision in the Constitution which allows for calling Parliament session to discuss urgent matters. A secret and urgent Parliamentary session can be called if the matter is so very urgent. It is also possible for the Government to discuss it with leaders of different political parties. We should have a consensus on foreign policy. I think that kind of argument of possible delay hardly holds any water. Mr. Vice-Chairman, I do not want to go into the treaty about sharing the water of the Ganges. After all, this treaty was signed with the neighbour. But the basic point remains that Parliament should have been earlier taken into confidence. I would like to make two more points. I feel, Mr. Vice-Chairman, Sir, that Parliament can play real participative role through discussion on international agreements. But today, Parliament is becoming more and more irrelevant. The WTO is a new area and it will cast its shadow on the economic system of this country. This is what we have heard from various Minister, when we were discussing the WTO. If that is so, then Parliament will be supremely failing in its duty if it did not discuss such matters. Probably this Bill will be referred to the Standing Committee. These committees are a means to educate ourselves. The other point, I will just mention in passing because some of my friends have already spoken about it. We are taking loans from the World Bank and the IMF. We are entering increasingly into interna-

tional economic relations. We also know who holds the whip. We also know who controls these institutions. Indirect political pressure is put on many countries. Our Foreign Minister acknowledged in the other House that there was pressure from other countries on the stand taken by us on the CTBT. This is the scenario in which we are functioning and we have to be very careful. If the Government wants to command the support of the people as a whole, then it must take this House into confidence not after a thing has been accomplished but earlier. After that there can only be justification and rationalisation of action already taken. There is no rationale left otherwise. If ratification of an international treaty is preceded by a discussion in the Parliament then I think the Government can certainly speak to the nations of the world at a higher moral pedestal with the strength of the people behind it as we have found earlier. Mr. Vice-Chairman, this also, as I said, is an instrument of accountability because the Parliament is not only becoming irrelevant in only one way but in different ways. Sometimes, many hon. Members because of party discipline, against their conscience and against their views, have to speak in favour of a measure. They have no ways and means to express dissent because there is no option they say. The Cabinet Government is becoming the Prime Ministerial Government and so on and so forth. But that is not the point. The real point is that all the members will have the opportunity to discuss it and also express their views frankly in the parliament on international commitment. The Party and the Government will also know better as to what are the feeling and sentiments of the people in their parties. That is why Mr. Vice-Chairman, I think that this is a very well conceived Constitutional amendment which has been proposed. It is a very timely amendment and I think it is a far seeing amendment because it can cope with the developments which are likely to happen in the future. That is why I support this amendment of Mr. M. A. Baby, com-

mend it to the Government for acceptance and I also congratulate Mr. Baby for bringing forth this imaginative Bill. Thank you, Sir.

SHRI ASHOK MITRA (West Bengal): Mr. Vice-Chairman, the ambience today is vastly different from what it was nearly half a century ago when our Constitution was drafted. During the late '40s imperialism and colonialism were very much on the retreat and the general conjecture in the world was such that there was an impression that for the next two centuries or thereabouts imperialism will not be able to rear its head again. Now it is again in that context that our Constitution was written. Our leaders were widely acclaimed as the standard bearers of nationalism. They were confirmed anti-imperialists and the general impression in the country that issues which entail on international affairs were issues which could be left to the Members of the Government for two reasons. Firstly, these issues were not immediately terribly important because we were a free independent nation; we had won our independence by fighting the imperialists and they would not dare to show their face again for centuries on. Secondly, there was this wide-spread impression that these leaders had an impeccable background and they were not going to compromise with the nation's interests. Therefore, leave things, the details of international treaties and in any case, these treaties, affect our external relationship, not internal working of our polity, of our economy; therefore, leave it; leave it to the civil servants to deal with foreign affairs. Let us not bother about it. There is a second issue, that at least in the first three and a half decades since independence, we could afford to take an indulgent view of what kind of treaties were being signed with foreigners. We had at least the guardian angel of a socialist block of countries who offered us help and assistance. They were always with us whenever an international confrontation would come up. We knew

that if we were in difficulties, we would have the support of these very strong group of countries. That support, that angel, has disappeared. We are certainly vulnerable. A superpower has emerged and this superpower is now trying to dominate over the countries of Asia, Africa and Latin America. It already dominates Europe. Now it wants to extend its clutches elsewhere. Much of the manoeuvrings that have taken place over the last 6-7 years are in pursuance of the ambition of this super-power to ensure that the voice of all other peoples is throttled for ever. There must be one voice, one ideology, one set of policies, one set of economics all over the country-uniformity, uniformity as dictated by the American Administration.

There is a very specific history which affects us. There was a certain Government in this country in the late 1980s which, in extreme un wisdom, borrowed money in the international market, right and left-short-term money, long-term money and medium-term money. That Government disappeared. In 1991, a new Government was installed and this new Government was then confronted with the problem of repayment of these loans. We did not have the cash, the liquid cash to pay back. That was the point when the international organisations and the Governments of the USA and such others just pounced on us and we signed on the dotted lines. For example, the treaties that we had signed at Marrakesh are but an exercise signing on the dotted lines. We did not apply our minds because our Government, our Ministers thought that it would be pointless to apply our mind. We are already a vassal State and a vassal State has to sign on the dotted lines and this is the situation which obtained in the 15th, 16th, 17th, 18th and as late as the 19th century. When a battle will be fought, the vanquished nation, the General of the vanquished nation or the king of a vanquished nation will have to sign a treaty, a humiliating treaty. But

what can be done? We have lost the war and we have signed on the dotted lines. What have we done? We did not lose any war in any imperial confrontation! It is because of a Government which was betraying the country's, nation's pledge of independent economic development. We went on an import spree; we went on a spree of external borrowing. What are its consequences? If we take some of the treaties like the Marrakesh treaty, it does not impinge only on the external relations, it impinges on our domestic production, on our domestic distribution, on our domestic pricing policy. An international organisation sitting 6,000 miles away will tell us what we should produce, in what quantity we should produce it, what breed we should use, what technology we should use, what we should produce and what we should not produce, what we can patent and what we cannot patent, what we can process and what we cannot process, etc. Now this external organisation will also tell our farmers what quantity of the crop they raise can be sold to their immediate neighbours and what quantity can be sold in the neighbouring towns. This kind of specific instructions will come because we have signed an external treaty. You have raised a scandal in Singapore when the Government, which made a pledge to at least some Members of Parliament in private, went out and sold the country's interests. They can do so because they are used to taking the Parliament for granted. This is the funniest kind of administrative arrangement that we have evolved for the last 50 years.

You get elected. Then for the next five years you think that you are absolutely safe, you are ensconced in the unreal city of New Delhi—too much of wealth, too much of corruption, too much of immorality—and you think that you can get away with murder and you can get away with signing immoral treaties, treaties which sell away country's interests. A bunch of Ministers,—I am not mincing words; There is no need to since words—a small group of Ministers,

a small group of civil servants form a cabal and they decide this great nation's interest. They go and sign treaties and they come and serve Parliament with *fait accompli*. This is the kind of arrangement that has gone on and on and on and now they have reached a certain stage, I would say, an absolute state of insufferableness. I say this a state of insufferableness because there is one important variation in the total picture.

Fifty years ago, the level of social consciousness was very low. Politics was dominated by a very thin stratum at the top. You can say, the aristocracy in professions—doctors, lawyers, landlords, businessmen—infested the political parties, whether belonging to this side or that side. They were the decision-makers and they could decide. They could sometimes decide even against the interests of the nation—that kind of thing. It will become increasingly difficult from now on because there is a certain awakening of consciousness at different points of the polity. You can say that this constitutes an aspect of cast-consciousness. You can say that these are expressions of consciousness of castes which were down-trodden but which were not finding their voice. You can say that these are expressions of down-trodden communities. And apart from that, there are the interests of the working class, the toiling people, peasants. Now, for example, you have not been able to pass some of the important consequential legislations of the WTO treaty that you have signed. By you, I mean the Government. And that was because there was pressure from below, that people would not like this kind of legislation to be passed. And whatever Government is in power, the Government that signed and the Government which is the successor to the Government that signed, is in a jam. The other day, I used the expression 'over our dead bodies.' People of this country would not like to see certain types of legislations, which are dictated by foreigners, to be passed. I can give a very simple example.

AH of us know that foreign insurance "will be harmful to our cause. We know that even in the United States of America the insurance industry consists of a bunch of corrupt individuals and there are thousands of cases where those who are at the helm of the insurance industry are cheating the people. And yet, our Government says that we have to accept. Why? Because our Government is helpless. Why? Because the Government is now subjected to the dictates of these foreigners. Why? Because we have borrowed heavily from. We assume, if they don't continue to supply us money, this great nation will collapse.

This great nation will not collapse because it has 900 million people who cherish their independence and will fight for their independence. This Government may collapse. This nation will not collapse, the Governments might collapse. And it is out of this fear psychosis that the Governments go and sign unequal treaties.

It is for us, therefore, to change the regimen and ensure that treaties are subject to ratification by Parliament. We must go through a fine toothcomb and see what does this treaty say. As long as this treaty impinges on some aspects of sovereignty of the nation as a whole or some individual segments of the nation, then we, the Parliament, should have the right to intervene.

And the Parliament should exercise that right. There is a further reason as to why the kind of amendment which my esteemed comrade Baby has introduced has a significance and that is the role of the States. We call ourselves a Federal Republic, although there is no explicit reference to the term 'federation' in the Constitution. So, there is no question, the moment you say that we have this division of responsibilities adumbrated in the Sixth Schedule and there is the Union List, the State List and the Concurrent List that obviously assumes that we have a federal Constitution. How come then

the Government of India goes and signs treaties which impinge on items which belong to the State List? This is absurd. You go and sign a treaty on agriculture. What right do you have? Agriculture does not belong to your purview; agriculture belongs to the purview of the State Governments. Now, these are the anomalies, and these anomalies have to be looked into and corrected. You cannot simply do this because for all these fifty years you could not do that because the consciousness of the people and the consciousness of our States' rights was at a low-ebb. But you cannot get away with that kind of superciliousness any more, the people will assert their right; the States will assert their rights, and if by ignoring these rights, by pretending that these rights do no matter, you go and sign a treaty, you will be in difficulty, those who are ruling from New Delhi. You will be in very much of difficulty. What kind of difficulty? One difficulty we have already seen that your legislations will not get passed, then, there will be other kinds of difficulties, difficulties of a much greater seriousness. For example, if you think that you have been dictated a certain pattern of agriculture by WTO or FAO and you want to enforce it, there will be a revolt of your agriculturists—a revolt of agriculture. Or if you say that you want to enforce a treaty which affects the particular interests of an individual State, then there will be a revolt on that part of that State. Now, this is an abstract expression 'revolt', but when you just try to analyse the ground reality, what is this revolt? This revolt will mean a lot of anger; not just anger, it will mean social turmoil; not just social turmoil it will mean civil disturbances and such civil disturbances will cost the Government very heavily, this way or that. So, for the sake of the polity, for the sake of the nation, for the sake of our hope that we will be able to maintain the homogeneity and integrity of the nation, it is important that the amendment which comrade Baby has moved is passed by this Parliament. Thank you,

DR. BIPLAB DASGUPTA (West Bengal): Mr. Vice-Chairman, Sir, I am very much obliged for being given this opportunity to support a very important amendment to the Constitution which Mr. Baby has suggested. Mr. Baby is no longer a baby.

SHRI TRILOKI NATH CHATURVEDI: He has brought forward a very mature baby.

DR. BIPLAB DASGUPTA: Yes. In fact, it is a very, very mature Bill. He is not only our baby, he belongs to the whole House, but, in any case, I congratulate him. ...*(Interruptions)*... But, I am happy that he has thought about this. This had been there in our minds, but we did not articulate it, and Mr. Baby has taken the initiative, has thought about it, has mustered certain opinion on this. I am very glad that it has given me an opportunity to say one or two things on this. Now, I don't want to repeat what most other learned Members have said—they have said a number of things with which I agree. I would just give one or two examples. The GATT issue has been raised again and again in this House. Why has it been raised? Because last year that became the issue. It was a treaty which was being imposed on the Indian people without taking their consent, without consulting them in any way. We have seen how surreptitiously they tried to sneak in the Patents law, this thing and that thing. Mr. Chaturvedi, you would remember. We had to resist them from time to time. We had been raising this question that there are many countries in Europe where such issues are decided by referendum. The entire population decides, the entire population decides whether to join the Maastricht-treaty or not. That is being done in Europe. In Europe, a number of countries have rejected the Maastrich Treaty. In some cases, after rejection, a new draft had been presented through further negotiations. After further negotiations, some of the earlier provisions were amended, and then they

went back to their legislatures and may be, they have supported it sometimes not. So, there is the possibility of a referendum where the whole population which is affected has a view and it can express its view through a referendum. If you find that it is difficult in a country like India to organise a referendum because of the large population, the minimum that can be done is to have the approval of the Indian Parliament. In addition to this, something which Dr. Ashok Mitra has suggested, which is a very important point, to involve the States, can be adopted. Maybe, in some cases, in addition to the approval of the legislature, here as a Central legislature, we should also seek the support of state legislatures.

SHRI TRILOKI NATH CHATURVEDI: It happens in our own legislation in certain cases.

DR. BIPLAB DASGUPTA: Maybe. Two-thirds or some arrangement can be made, when the concurrence of State legislatures also can be sought and obtained.

I will give another example on GATT which is not known to many people. In fact, the World Bank and the IMF were formed in 1945 after the Bretton Woods conference. In that conference there was the idea of an International Trade Organisation by Lord Keynes. A lot of progress was made on this. In fact, it went up to a stage where the Havana Charter was finalised. A Secretary General was also decided upon, the location was decided and everything was decided. Why did it fail? It failed because it was not ratified by the U.S. Congress. It had to be ratified by the U.S. Congress but it was not ratified. All efforts from 1944 to 1953, nine years, came to nothing because it was not approved by the U.S. legislature. Obviously, one could say, "Why other legislatures did not do it? Why other countries did not do it? Is the USA so important in the world trade and not others?" Without the U.S. participation in that there would have

been no meaning. So, the whole idea was dropped. It was revived again when the U.S. gained supremacy of the world. Then they thought that the world was safe for them and they could dominate it. So, they brought the idea of GATT. But the point I am making is this; even in the U.S. they insist that every treaty has to go through the legislature. If it is not approved, it is not signed. Why can't we also have a similar system?

I will explain another experience. When I was in Switzerland for some occasion, one of the things which came to my notice was interesting. One particular Government of a Canton wanted certain tax to be withdrawn. To be able to withdraw they had to put it before the people in the form of a referendum. When it went before the people in the form of a referendum with a proposal to withdraw certain taxes, it was rejected. People said, "We are prepared to pay taxes. You give us good services. We do not want to shy away from taxes. We want good Government, a high quality Government. Take money from us and get the job done." What I am saying is, this is what confirms Mr. Chaturvedi's submission earlier. This is what happens when you are in a participatory Government when people are also responsible for it. It is not that they will simply take what you give. They are a party to the decisions, a party to the discussions. So, when they think about the whole situation, the economics of it, the cost of it, the benefits of it, they come to the conclusion that the Government is wrong: "Actually, there should be more taxes and there should be better services."

So, you can go to that extent that if a referendum is not possible, at least there should be some kind of participation in some form so that people can discuss it and become more identified with it and get some resolve to fight on certain issues. This is the opportunity which can come only through discussions in the legislatures on some Bill, etc. It is an

educative process. During the discussion certain issues come up, certain arguments come up and we get some resolved. So, it becomes a very important thing in our arrangement and even in our thinking. Therefore, we should have something like that as suggested by Mr. Baby. Another argument in favour of it is that a treaty is signed for a long time. Recently we had a treaty with Bangladesh for 30 years. I support this treaty fully. This treaty is for 30 years. It is for a long time and during that period so many things can happen. Why should the Government take the responsibility of binding the country to any treaty without first getting the concurrence of the legislature. In this case I fully support. But, I am talking in terms of principles. When we have such a long-term commitment on the part of the country, it is not for one year or two years or three years. This Government may be there for five years, three years or even for six months. But the nation will go on. We are binding the nation with a treaty for 20 years or 30 years or 40 years. What case has the Government got to bind the future generation which is yet to be born? The treaty may be prejudicial to their interest. It is for the whole nation to decide and the legislature conveys the will of the nation. There should be a proper discussion when such a decision is taken. Mr. Vice-Chairman, I have two or three points to make and then I will conclude. The tendency which is there in the world, in the system as a whole, I find it very worrying. I would like to take this opportunity to bring it to your notice. The first thing is with regard to the erosion of the United Nations system and the strengthening of the Bretton Woods system. You will recall when the Bretton Woods system came into being and the World Bank and the International Monetary Fund were formed, these two organisations were seen as part of the United Nations. ...*(Interruptions)*... When these organisations were formed, they were seen as part of the United Nations family. In fact, if you look at the Charter of this organisation, you will find

that there is a specific provision that the President of the World Bank and the Managing Director of the International Monetary Fund shall submit their reports regularly to the Economic and Social Council of the United Nations. These two institutions were considered as part of the United Nations family. The Economic and Social Council was formed with a specific purpose for carrying out the economic and other developmental activities in the modern world. Today hardly anybody knows about the Economic and Social Council. What to speak of the World Bank and the IMF attending the meetings of this Council, they do not even send their reports to it. The World Bank and the IMF have become so big that they completely ignore the United Nations system. Even the subjects which are not directly concerned with the World Bank and the IMF, they are trying to grab them. For example, the United Nations Environment Programme was set up with an idea of carrying out its environmental activities. But, no money was given to it by the United States and other rich countries. The World Bank was not concerned at all about the environment. Only in the early '90s something was done in this regard. A Global Environment Facility was set up and that too with the World Bank as its leader. The United Nations Environment Programme and the UNDP were only the junior partners of it. The World Bank has taken away the issue of environment from the United Nations.

Similarly, the ILO. We have discussed it the other day. Something which pertains to the ILO, something which is very much within the jurisdiction of the ILO, is being appropriated by the WTO and other organisations. This is in regard to the so-called core labour standards.

Similarly, they want to legislate on trade. They want to legislate on trade and investments. What right have they got to discuss about trade? There is a UN agency; the United Nations Conference on Trade and Development. This agency

was set up specifically for dealing with questions which relate to trade and development. Now, this institution has been bypassed; it has been sidelined.

Similarly, the Food and Agriculture Organisation. This institution has also been sidelined on the question of food security.

The point I am making is this. Today, I see in the world an ascendancy of the Bretton Woods institutions. The World Bank is the leader of the Bretton Woods institutions. The WTO is also the projection of the Bretton Woods institutions.

Sir, the treaties which are being forced on us are not really, genuine, UN system-evolved treaties. These are treaties which conflict with our interests, which only serve the vested interests of the World Bank and the International Monetary Fund which dominate our economy.

All these bodies run on a system which is different from the UN system. In the i.e. every country, has one vote. On the other hand, in the World Bank, the G-7 countries have more than half the voting power. In the International Monetary Fund also, the G-7 countries have more than half the voting power. They have a different system of decision-making; not on the basis of each country having one vote. The voting power in these bodies depends upon the quota. The quota depends upon the money these countries put into these bodies. Therefore, the G-7 and the other rich countries decide on behalf of the World Bank; they decide on behalf of the International Monetary Fund. The rest of the humanity together is kept at a distance.

It was only these rich countries, the G-7 and the other rich countries, along with the World Bank and the International Monetary Fund, which had sponsored the WTO. The directives came from their headquarters. Year after year, they have been dictating the kind of trade package, the world should have. It was this kind of package which was negotiated and, ultimately, signed in Marrakesh. This is what

has been signed in the form of Singapore Declaration also.

In the WTO, there is a slight difference in the pattern of voting. It is still actually the projection of the International Monetary Fund and the World Bank. They form a trinity. The three together form a trinity what I would call 'an unholy trinity'. This unholy trinity is dominating the entire world.

There also, you have this coincidence. This was partly mentioned by Mr. Ashok Mitra. We have one power which is dominating the world today; a super power which is politically and militarily dominant, along with the other rich countries. These rich countries are dominating us, economically, through the International Monetary Fund, through the World Bank; and now, through the WTO. The UN system has been eclipsed. Nobody bothers about the UN today. It is no longer the family of nations. Therefore, Sir, the treaties which come to us for ratification—whether it is the WTO Treaty of Marrakesh or any other treaty—do not represent the world consensus. Either by browbeating or by bullying or by bribing, the G-7 and the other rich countries take the initiative and they get such treaties drafted. Once in a while, when you defy them, as it happened in the case of CTBT, you are immediately punished; punished in terms of not getting the required number of votes for the UN Security Council seat.

Now, this is the kind of situation we are in. In such a situation, we must be 4.00 P.M.

Mr. Khalap, you will have to agree with me that it is a Cabinet dictatorship. It is the Cabinet which decides and you simply vote, saying "Aye" or something like that. You have no other power. A few Ministers in the Cabinet decide things and so, what you have is not a proper, genuine, even parliamentary, democracy, what you have is really a Cabinet dictatorship.

SHRI M.A. BABY: Dictatorship of the Cabinet!

SHRI TRILOKI NATH CHATURVEDI: Very often he has to defend things which we consider indefensible!

DR. BIPLAB DASGUPTA: Yes, he is a good lawyer. He has to do it, he can do it! He can manipulate and he can, sort of, make it look good!

SHRI TRILOKI NATH CHATURVEDI: For that we like him!

DR. BIPLAB DASGUPTA: Yes, he can work on many good briefs, and many bad briefs too! But yesterday he was given a good brief, not a bad brief! *..(Interruptions)..*

SHRI TRILOKI NATH CHATURVEDI: Everybody knows it is very exceptional. *..(interruptions)..*

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): Whatever be the brief, it has now been approved by the Supreme Court. The Supreme Court has stayed it. *..(Interruptions)..*

DR. BIPLAB DASGUPTA: My support to the Government notwithstanding, it is Cabinet dictatorship. So, one way of getting away from the Cabinet dictatorship and to make it a more plural kind of society will be by creating institutions like this which can act as a kind of check on the Government, and this will be a very powerful check which we can have on the Government and its functions.

Sir, without further elaboration, I feel that this is a very, very important Bill which has been brought before us, and I have absolutely no doubt that those who do not like the Bill are not in the House at the moment. Those who are here are supporting the Bill. Those who do not like the Bill, maybe they have voted, not with their hands but with their feet; they are somewhere outside. In any case, I think this is a Bill which needs further consideration and I think the Govern-

(Amendment) Bill, 1992

ment should look into it and, particularly, Mr. Khalap should apply his legal brain to see how it can be improved.

SHRIMATI MARGARET ALVA (Karnataka): I hope Mr. Khalap is not disposing of files!

DR. BIPLAB DASGUPTA: No, no, he cannot.

SHRI RAMAKANT D. KHALAP: I am very carefully listening.

DR. BIPLAB DASGUPTA: He is carefully listening.

SHRIMATI MARGARET ALVA: No, no, he is redrafting the Women's Bill!

DR. BIPLAB DASGUPTA: I see, I see.

SHRIMATI MARGARET ALVA: He did not have time during the session. He did not have the time to go through the Joint Select Committee's report on the Women's Bill. He is now trying to go through that.

SHRI TRILOKI NATH CHATURVEDI: All of us will support him if he brings it.

DR. BIPLAB DASGUPTA: If he wants to bring that Bill, we will stop this discussion and get it passed.

SHRI TRILOKI NATH CHATURVEDI: We will pass it this evening. DR. BIPLAB DASGUPTA: We will all support it...*(Interruptions)*...

SHRI RAMAKANT D. KHALAP: Some prior notice was required even to consider your suggestion. We are now in the midst of a very important discussion in which you are taking part. *{...Interruptions}...*

SHRIMATI MARGARET ALVA: You were so busy reading something, I thought it could only be the Women's Bill!

THE VICE-CHAIRMAN (SHRI MD. SALIM): It could be other matters also.

SHRI RAMAKANT D. KHALAP! For your further information, I was reading the Constitution (Amendment) Bill, 1992 moved by Mr. Baby.

SHRIMATI MARGARET ALVA: I thought it was the Constitution (83rd and 84th Amendments) Bill.

DR. BIPLAB DASGUPTA: Sir, even to link the issue raised by Mrs. Alva, even to defeat the most powerful lobby in our country—which is the Male Chauvinist Front—we need to educate our masses, both men and women, and this is a kind of issue which, if raised with the people and if there is a referendum and the rough discussion from the grassroots level up to the top, that will be one of the ways to educate even the male Members in the BJP, in the Congress...

SHRI TRILOKI NATH CHATURVEDI: Is he not a part of that lobby?

DR. BIPLAB DASGUPTA: No, he is not.

SHRIMATI MARGARET ALVA: I hope so!

DR. BIPLAB DASGUPTA: But the way the GATT people are going, they might bring even a Bill on that too, an international treaty not to give any votes to women. They can do that.

SHRIMATI MARGARET ALVA: And patent it.

DR. BIPLAB DASGUPTA: Yes, that is possible. So I give full support to this Bill.

I hope that the discussion on the Bill will not stop here but will go further, the Government will give serious thought to this and in the next session a Bill would be ready with the Government and would be piloted by the Government and, with the full support of the House the Bill will go through and, therefore, anything which is imposed from the top will be subjected to popular scrutiny.

Thank you very much, Sir.

SHRIMATI MARGARET ALVA:
Mr. Vice-Chairman, Sir, this is one of those few days when, I think, cutting across party lines we stand to support a Bill brought by a Private Member.

We are familiar with the history of this country. Unequal treaties from our past, colonial days which were imposed on us. Because of such treaties, we had lost our independence over the years. Political treaties have been imposed on defeated nations. Political treaties have been imposed on colonies to suit the designs of the political ambitions of their masters at different times. The East India Company itself came to India as a trading house for, so-called, purely commercial activities. We know the concessions given to this Company over the years and the way in which it extended its spheres of influence in this country through various trade and commercial treaties, killed the domestic industry and imposed conditions on us, which made this country one of the poorest nations by the time they left us.

I believe that the age of colonialism and neo-colonialism is not over. Today, through other methods, systems are being developed by which treaty obligations of a commercial kind are being imposed on the developing countries. I do not say that all of them can just be imposed, but in the given functioning in which you have multilateral negotiations, the countries which are unable to fight back or which do not have the capacity to hold out, are compelled to agree to various things because of the circumstances in which such conditions are brought as part of international negotiations and because of international obligations.

Sir, everyone has spoken about the unipolar world which has developed. We are talking about the clout of the IMF and the World Bank. We are talking these days about aid with strings, which has tied many, many developing economies for generations together. Today we are talking about treaties which are going to bind not one generation but

a number of generations, one after the other. In these circumstances, we are asking: what should be the responsibility of our national Government? Whichever the ruling party or the conglomeration of ruling parties there is, it should take into confidence the national Parliament and ensure that there is an understanding, a commitment and a consensus of these issues.

Sir, we had pawned our gold in the past without anybody knowing about it. Today we are talking about opening up, about our natural resources being made available to others and about inviting others to come and exploit it whether it is oil or it is mines and so on. I am talking of the last five years. I am not talking of today or yesterday. The whole policy has been changed. Many of these decisions, whether it is the GATT or the WTO or the patent law or the liberalisation philosophy, are going to have their impact and repercussions for generations to come. I do not know whether a Government which is there at one time, can take decisions which are going to affect the future of this country for a long period of time, without any consultation with national parties, with Parliament or with anybody else.

Sir, I know that there are many who keep telling us repeatedly, "This was started by you, this was done by you," so on and so forth. I do want to say—there was no time when I spoke yesterday—that it is easy to say, "You started it." or "You did not start it." The point is that you were the ones who were sitting here and who opposed everything. You said, "We will not allow this to happen." It was your campaign. You were insisting that what we were doing was wrong. Maybe, that led to the defeat of a particular Government and that brought you to occupy those Benches. Yet, what do you do? You go to Singapore and sign the very agreement against which you had brought Parliament to a stand-still for weeks on end. There is no consultation now. You did not bring it to the House. You did not talk to anybody

You just signed it. You bind Parliament and the country to the very things which you opposed as a national campaign last year.

Why I am bringing this point is not to point out the differences but to point out that the perceptions of national interests, whether you are on this side or you are on that side, have to coincide at some time. We have to decide what is in the interest, not of the party or of the particular Government at a particular time, but of the nation and the future generations should never blame us as responsible for wrong decisions, which were taken at a particular time.

Sir, I will bring one point here which was very important. When I was a backbencher in 1974 and had just come to Parliament, I raised a question in the House, which, took the Government by surprise. The Minister from Goa will know this very well. There was a concordat, which was signed by the Government of Portugal with the Vatican in 1600 or 1700, by which every single appointment of any religious head in the entire diocese of Bombay and Goa was to be done in consultation with Portugal by the Vatican. Sir, Goa was liberated in 1961. I raised it in 1974. This Treaty was supposed to have been inherited by the Government of India after the liberation of Goa and the consultation was going on from 1961 to 1974. When I raised it in the House as a backbencher and asked the Government, the Government did not even know that such a concordat existed. All that was said was that we have inherited the treaty obligations of the Portuguese. Whatever they were, where ever they were, nobody bothered — to study either in the External Affairs Ministry or in the Home Ministry or in any other Ministry. After it was raised, the entire issue was looked into. What I am saying is that an agreement of the Portuguese colonial rule at that time was still in existence and continuing till I protested and said that I as a Catholic object to the Vatican being consulted. As

per the Portuguese agreement, before appointments were made of Indians to various religious offices in Goa and Bombay Portugal was being consulted. Therefore, what I am saying is that treaty obligations once undertaken, very often tend to become a part of an accepted norm and, therefore, can create problems at various times. Unless these are specially brought and studied and scrutinised, nobody bothers. Don't expect your law officers and your bureaucrats to look at these things from a political angle. They look at the letter of the law and say this is legal, this is drafted correctly and whether the word must be 'should' or 'could' or 'would'. That is what the Drafting Department looks at and it does not go beyond that. Therefore, I would say it is very very important for us to be able to scrutinise the treaty obligations, which a Government undertakes, when it is in power. Whether it is for one year or for two years or five years is not the point. Once you do it, you are binding everybody for the future.

Sir, I also want to point out that there are subjects in the Constitution, which are in the Union List and which are in the State List. When it comes to the Union List, yes, maybe, the Union Government and the Parliament have the final say. But, there are issues, which involve more than one State. Sir, I do not want to be misunderstood, because, maybe, I was misquoted the other day or was misunderstood. I am talking about the Farakka issue and the Accord. I am all for the Accord and I congratulate the Government that they have found a solution to a very long-standing problem with a very friendly and very important country in whose liberation struggle we, particularly West Bengal, played a very heroic role. But, what I want to say is that it is not only West Bengal. There are three other States, Bihar and other States, who are affected by the flow of that river. Ganges is not the river of one State. To me the Ganges is a national river. It is a holy river and everybody

teels that they have an involvement. I might be from the South; somebody might be from the West, but the waters of the Ganges are Indian waters.

I believe that before any long-term commitment for 30 years or 40 years or 50 years is made, it is necessary that the national Parliament and the States are involved whether in the NDC or individually with those States. There has to be a consultation. There has to be some kind of involvement and agreement. The other day I was very sorry. (I do not hold a brief for the BJP.) When it was said that the BJP was not consulted on this issue, the reply was, "You don't have MLAs in the West Bengal Assembly." Sir, they are a national party. If it is a national party, whether it is the BJP or the Congress or whoever else it might be, it is as concerned about these treaties and obligations as those who might be in the Assembly today or in Parliament tomorrow. That is not the question. The question is a national discussion and commitment. Therefore, what I am saying is that before any treaty is signed and becomes final, it is very important that there has to be a ratification by the national Parliament. There are provisions that once a treaty is signed, all obligations which have to be legislated upon, have to come to Parliament which means

That is for what you come here to legislate and take approval from Parliament. There are

कि ठीक है, यह ज़मीन हम आपको दे देंगे।

You have signed the agreement, then, you come before Parliament to see

इसको किस तरह से ट्रांसफर करना है, उधर के पापुलेशन को किस तरह से हम मूव आउट करें, उधर की जो नेचुरल वह जो हमारा है उसका तो कंपेंसेशन क्या हो जाएगा।

people who argue that those who are in the Government, whoever they are, are a democratically elected Government and they represent the will of the people of this country and, therefore, they should have the freedom to take these decisions and they should

not be questioned because the party which is running that Government has 20 Members or 40 Members or whether they have supporting Members or non-supporting Members, whatever they are, once they are on those Benches, they have the right to decide. Sir, I differ from this comment that they have 200 Members or 100 Members or 30 Members or 25 Members. I believe we who represent the people of this country, whether on this side or that side must have an opportunity to express our views and to vote on these decisions before they become final. After all we are responsible to the people. It is not only the Prime Minister and his Council of Ministers or the 40 Members or 50 Members who are responsible, but also the Parliament which represents the will, if I may say so, the authority of the people of this country. We know the elections as they go. With 30 per cent votes or maybe with 32 per cent votes a Government can be formed. But, that doesn't represent the overwhelming majority of the people and the will of the people. I am glad that after 50 years of our freedom, Mr. Baby has really done a great service of going through the Articles of the Constitution Bid looking at the situation as it is and has come.

forth with this Private Member's Bill. I give great importance to this Bill because I believe that the time has come when we, as a nation, have to take a decision that whatever has to be done must be done only after whatever commitment is made, is ratified by the Parliament.

It has already been pointed out about the League of Nations and how they suffered because the American Congress refused to ratify this agreement. We have seen this with the ITO. We have seen that some countries refused ratification and things collapsed. Countries like ours which represent one-eighth of world's population must reconsider these treaties. Between China and us, we know what the strength of the population is in this part of the world. We are all developing countries and we are all concerned. Any-

thing can be imposed and we would be forced to toe the line and sign on the dotted line. Therefore, I would say that we have to amend the Constitution. I support it, and I am sure, most Members of my party—though I cannot speak on behalf of the party, it is a Private Members' Bill—will support it if it comes to the actual voting. I am sure, we will all stand by this, because I believe that all of us are as concerned about protecting the interests of the country as the Law Minister himself, as the Prime Minister himself. Therefore, I would also request the Government to look into this. After all, Mr. Baby, his party, and the Left parties, who are supporting it, are all part of your Government, and without them, you cannot sign anything, and even if you sign it, you cannot ratify it unless you take them into confidence. And therefore, it would be good, I think if you take the courage to bring a Bill, at least in the next Session, to amend the Constitution, and if there are clauses, which stand in the way of such a requirement, those should be looked into. We are not rushing you through like you said we rushed you through with the Women's Bill. We are giving you enough time, the whole inter-Session, and I hope you will be there again, in the next Session, to be able to bring this amendment. (Interruptions)

SHRI RAMAKANT D. KHALAP: With your support..

SHRIMATI MARGARET ALVA: That I don't know. Even on your own. But I want you to bring the Bill, and I assure you that we will support the Bill, no matter where we are, that we will be able to get this on to the statute-book, once and for all. After all, wars have been fought to undo the injustice of imposed treaties and earlier treaties on nations because the people had not agreed to what had been imposed on them at an earlier time, and I believe that the interest of the country requires that we take this up as a priority issue, and see to it that nothing more is signed and im-

posed, without Parliament ratifying the agreement. Thank you.

श्रीगवासिंह (बिहार): उपसभाध्यक्ष महोदय, मुझे बहुत खुशी है और सब से पहले मैं माननीय सदस्य बेबी जी को मुबारकबाद देता हूँ जिन्होंने यह बिल सदन के सामने रखा और इस सदन के अलग-अलग विचारधारा रखने वाले सभी राजनीतिक दलों के माननीय सदस्यों ने बहस के दौरान जिन बातों की और जिन कारणों की चर्चा की उस से यह साबित हो गया कि माननीय सदस्यों ने इस बिल के संबंध में विस्तार से और गंभीरतापूर्वक अपनी बातों को रखा है। महोदय, उन के साथ मैं भी इस बिल का समर्थन करता हूँ और संयुक्त मोर्चा की सरकार और हमारे कानून मंत्री जी यहां बैठे हैं, हमें आशा है कि वे इस बिल पर गंभीरतापूर्वक विचार करेंगे और अगले सत्र में इस बिल को सरकारी बिल के रूप में संविधान में अमेंडमेंट के लिए हमारे बीच में रखा जाएगा।

महोदय, इस बिल के संबंध में मैं दो-तीन बातों की चर्चा करना चाहता हूँ। मुझे याद है, सन् 1971 में एक ट्रीटी हुई थी और वह थी भारत सोवियत मैत्री ट्रीटी। उसे पार्लियामेंट के अंदर रखा गया था और पार्लियामेंट ने उस का फुल सपोर्ट किया था, पूरे देश ने सपोर्ट किया था। महोदय, उस ट्रीटी के लिए पार्लियामेंट को कॉन्फ्रेंस में लिया गया था जिसका भविष्य में बड़ा अच्छा असर हुआ। खास तौर से साम्राज्यवादी हुकूमत और हमारे देश के दुश्मनों को यह महसूस हुआ कि इस ट्रीटी के पीछे कोई इंडीविजुअल और कैबिनेट नहीं है बल्कि होल पार्लियामेंट है, पूरा देश है। इसी कारण से उसका बहुत अच्छा असर हुआ था। यह हम सभी जानते हैं। महोदय, आज जितनी तरह की ट्रीटीज हो रही हैं और खास तौर से कुछ साल पहले देश के अंदर जो ट्रीटीज हुई हैं उन के कारण आज हम कई तरह के विवाद और घर्चाओं में पड़ रहे हैं।

महोदय, अभी मैडम आल्वा बोल रही थीं, तो मुझे लग रहा था कि वह शायद हम से पहले से उस विचार की हैं, लेकिन मालूम नहीं बीच में उन की आवाज, जब वह इस साइड में थीं, तो मैंने कभी उन्हें ऐसा नहीं सुना था। मैं तो बहुत खुश हो रहा था। ...और मेरे को लगा कि आप कितनी प्रगतिशील महिला हैं। मैं इसके लिए नहीं समझता था कि इतनी प्रगतिशील महिला होंगी आप। मुझे भरोसा है कि आगे भी आप इसको कन्टीन्यू करेंगी। उन्होंने ईस्ट इंडिया कंपनी की चर्चा की, बिल्कुल ठीक कहा आपने। आज चाहे वह सरकार हो या पहले की सरकार हो, जो टेडेन्सी बन रही है जो दबाव बन

रहा है, कब वह कैबिनेट ट्रीटी हो जाएगी, लोगों को पता नहीं चलेगा। इसलिए आपने जो ईस्ट इंडिया कंपनी की चर्चा की, आज उसी तरह से अमेरिकी साम्राज्यवाद और जो मल्टीनेशनल्स का उदय हो रहा है वह, हमारे देश के चारों तरफ मंडरा रहे हैं। ऐसी स्थिति में इस बिल की आवश्यकता है क्योंकि कोई तो रिमोट कंट्रोल होना चाहिए। रिमोट कंट्रोल अगर नहीं होगा तो आज जिस ढंग से उदारीकरण के दौर में अंतर्राष्ट्रीय जो हम अनदेखा करते जा रहे हैं, ... (व्यवधान)...

श्रीमती कमला सिन्हा (बिहार): डायरेक्ट कंट्रोल होगा, रिमोट कंट्रोल नहीं होगा।

श्री गया सिंह: डायरेक्ट ही होगा। तो वैसी स्थिति में जरूरी है कि पार्लियामेंट के अंदर अगर रेक्टिफिकेशन होगा तो उस तरह की ट्रीटी करने से पहले भी उनके अंदर विश्वास, आत्म-विश्वास पैदा होगा। पार्लियामेंट के अंदर रेक्टिफिकेशन करेंगे तो उनमें अगर कुछ कमजोरियां होंगी, कुछ भूल होगी तो उसको हम दूर कर सकते हैं और तभी यह संभावना है कि मल्टी-नेशनल्स जिस तरह से हमारे देश की घेराबंदी कर रहे हैं, जिस तरह से आज दुनिया के साम्राज्यवादी देश घेराबंदी कर रहे हैं, पर कंट्रोल होगा।

उपाध्यक्ष महोदय, सोवियत यूनियन की सरकार की समाप्ति के बाद हमारे देश को जो बहुत सालों से उनका समर्थन मिल रहा था उसमें कमी आई है, इसलिए और भी यह जरूरी हो गया है, खासतौर से उदारीकरण के बाद। आज मैं उन बातों में नहीं जाना चाहता क्योंकि यहां आज एक अच्छी चर्चा हुई है और आम तौर पर सब लोग इस बिल के साथ हैं। मुझे भरोसा है कि आप लोग सिर्फ ऊपर से साथ नहीं हैं बल्कि अंदर से भी साथ हैं। मैं समझता हूँ कि संयुक्त मोर्चे की सरकार अगर इस बिल को अगले सेशन में लाई तो मैडम ने जितने जोर से बात की है, उनकी पार्टी के लोग यहां एक दो ही हैं, लेकिन मुझे भरोसा है कि वह सभी लोग भी उसका समर्थन करेंगे। हमारे चतुर्वेदी जी ने जितने जोर से समर्थन किया है, मुझे उन पर भरोसा है और उनकी पार्टी पर भी कुछ बातों में भरोसा है कि इसमें उनका समर्थन पूरा मिलेगा। मुझे पूरी आशा है सब लोगों से, इसलिए मैं इस पर ज्यादा चर्चा नहीं करना चाहता। इसमें तो लगाना कि सारे लोग आगे हैं, हम लोग पीछे हैं। बेबी जी ने इसे शुरू किया और सभी लोग इसमें साथ दे रहे हैं।

उपसभाध्यक्ष महोदय, मैं यह जरूर कहना चाहता हूँ कि जिस तरह का दबाव दुनिया का हम लोगों पर पड़

रहा है, चाहे सरकार किसी की हो, बी०जे०पी० की सरकार हो या कांग्रेस की सरकार हो या अभी संयुक्त मोर्चे सरकार हो, देश रहेगा, लोकतंत्र रहेगा, जनतंत्र रहेगा तभी पार्लियामेंट भी रहेगा, तभी हम लोग भी रहेंगे, इसलिए पार्टी से ऊपर उठकर, अपने मतभेदों को अलग रखकर इस समय जो हमारे अंदर एकता बनी है, इस एकता को हम समझते हैं कि अगले सेशन में हम बरकरार रखेंगे और हम मल्टीनेशनल्स के सामने, दुनिया के सामने यह संदेश ले जाएंगे कि हमारे अंदर एकता है। हमको ऐसा भरोसा है।

महोदय, 1971 के युद्ध की जीत की चर्चा की गई। उस समय ट्रीटी की सरहना वाजपेयी जी से लेकर सब लोगों ने की थी। उस समय हमारे देश और पाकिस्तान का जो युद्ध हुआ था और जब अमेरिका ने कहा कि हम बेड़ा ला रहे हैं तो उसी ट्रीटी का बल था कि सोवियत वालों ने कहा कि हमारा यह बेड़ा जा रहा है। मझे याद है कि दिल्ली में उस समय जनसंघ थी, उसने पोस्टर निकाला था उस बेड़े का, उसकी प्रशंसा में। उस ट्रीटी का सब लोगों ने समर्थन किया था, हम सबने समर्थन किया था देश के लिए, राष्ट्र के लिए।

महोदय, वह जो बिल हमारे कॉमरेड साथी माननीय सदस्य एम०ए० बेबी जी यहां लाए हैं, इस पर जितना भी आभ्युक्ति दिया जाए वह कम है। मूल बात यह है कि इस सरकार को, जो हमारे समर्थन से है और हम लोग भी सरकार के अंदर हैं, को इतना जबरदस्त समर्थन मिल रहा है इस बिल को लाने के लिए कि आज जो बाहर से समर्थन करने वाले हैं उन्होंने नए नए पाइंट दिए हैं, उन्होंने 1974 से अपनी सरकार की कमजोरियों को भी खोकर किया कि उस समय उनको इतना मौका नहीं मिला कि वह बिल ला सकें। आप तो बहुत पावरफुल मंत्री थीं, इस हाऊस के अंदर हर चीजों में आप हस्तक्षेप करती थीं, लेकिन देर से ही सही, उनके अंदर हिम्मत तो हुई आज कॉमरेड बेबी के इस बिल के बाद। आज इस बिल के बाद और बी०जे०पी० की ओर से कल कितने जोर से इस हाऊस में हम कितना झगड़ा कर रहे थे और आज लग रहा है कि सारी पार्टी के लोग एक हो गए हैं, यह इस बिल का महत्व है, क्योंकि हमें भरोसा है कि हमारे सामने देश, राष्ट्र का हित और अपनी राष्ट्रीयता की जो भावना है वह सब में है, बहुत मजबूत है। हम पुनः ईस्ट इंडिया कंपनी को आने नहीं देंगे। हम इस देश में वैसी ट्रीटी करके वैसे लोगों को घुसने नहीं देंगे। कन्या कुमारी से लेकर कश्मीर तक सब एक हैं। इसलिए इस बिल का उसी रूप में महत्व है और इसी आधार पर हम इस बिल, का समर्थन करते हैं। मैं पुनः आपको

मुबारकबाद करता हूँ और अपने कानून मंत्री जी से कहूंगा। उन्होंने कहा कि कैबिनेट में टूटी आती है। तो इतना मोटा-मोटा पोथा रहता है वह आधा घंटा पहले मंत्री को मालूम हुआ, आइडिया है, आधा घंटे में उतना कहाँ से पढ़ पाएंगे।

श्री त्रिलोकी नाथ चतुर्वेदी: इन्होंने इंटरनेशनल लॉ पास किया हुआ है।

श्री गया सिंह: मालूम नहीं मुझे।

श्रीमती मारग्रेट आल्वा: इस्थू जितना कंट्रोवर्सल है उतना कम टाईम मिलता है वह पढ़ने के लिए... (व्यवधान)...

श्री गया सिंह: इसलिए मुझे भरोसा है कि यह बिल लाकर उस तरह की कोई गलती नहीं होगी और पूरा पार्लियामेंट, पूरा मुल्क उनके साथ रहेगा, अगर यह बिल खटीफाई करने का अधिकार पार्लियामेंट को मिल जाय। इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

श्री त्रिलोकी नाथ चतुर्वेदी: गया सिंह जी ने कानून मंत्री को अंतरदृष्टि और नैतिक सहस्र दोनों दे दिया है।

SHRI V. P. DURAISAMY (Tamil Nadu): Sir, on behalf of the DMK party, I rise to speak on the Constitution (Amendment) Bill, 1992 moved by Shri M.A. Baby. We must thank him for having moved this Bill. Even after 50 years of independence, all political parties, during elections, speak about States' autonomy and the federal structure of democracy. We used to raise our voice many times in support of States' autonomy. We are always the supporters of States' autonomy. It is our bounden duty to support this historical Bill moved by Shri M. A. Baby. The Bill moved by Shri M. A. Baby is in accordance with the federal spirit of the Constitution. He has only sought to add a small paragraph after article 77(1) in order to have some restrictions on the Central Government.

[The Vice-Chairman (Shri Triloki Nath Chaturvedi) in the Chair]

Sir, during the Congress regime we witnessed so much pressure from outside as well as inside. In 1974, when the DMK party was in power, we had protested against having any agreement with Sri Lanka in regard to Kachchativu Island.

But the Government of India has entered into an agreement with Sri Lanka. After 25 days of the agreement, papers were placed before Parliament. The Government was trying to substantiate its stand. The stand of the Government on GATT and CTBT was never revealed before Parliament and the implications of the agreement were also not revealed before the public. India is a sovereign country. India should not bow before any country under any circumstances. The agreement regarding the Kachchativu island was signed by the previous Government without consulting the State Government. The views of the State Government were not taken into consideration. Hence, the agreement was unconstitutional, unethical and unpatriotic. Because of this agreement, the people of Tamil Nadu are suffering. Everyday we come across news of Tamil Nadu fishermen getting killed by the Sri Lankan navy. The Government of India should consult State Governments before entering into international agreements. A special clause to this effect should be provided in the Constitution. Only then can we say that ours is a federal structure. I must congratulate the United Front Government for placing the CTBT before Parliament for discussion. It has considered all the suggestions made by hon. Members and has thus, reached out to the people of India. We must congratulate the Government of India for this. The Centre should consult State Governments before entering into any agreement. A special clause to this effect must be included in the Constitution. The DMK party wholeheartedly supports this Bill. Thank, you.

श्री सोमपाल (उत्तर प्रदेश): उपसभाध्यक्ष महोदय, मैं अपने माननीय साथी श्री एम.ए. बेबी को धन्यवाद और बधाई देना चाहता हूँ कि इतने महत्वपूर्ण विषय की ओर इस संसद का, राष्ट्र का और सरकार का ध्यान आकर्षित करने का प्रयास उन्होंने किया है। यह बहुत पहले हो जाना चाहिए था। आश्चर्य इस बात का है कि हमारे इतने प्रबुद्ध और इतने विद्वान संविधान निर्माताओं ने इस बात को संविधान में स्थान क्यों नहीं दिया? इतने महत्वपूर्ण निर्णय जो अंतर्राष्ट्रीय स्तर पर किए जाते हैं और

जिन्हें राष्ट्र की नियति बना दिया जाता है, वह संसद के अंकुश से बाहर रखे गए, यह बात निश्चित रूप से दुःखद आश्चर्य वाली है। पहले अंतर्राष्ट्रीय संधियां देशों के बीच युद्ध या युद्ध समाप्त करने, शांति बनाए रखने, सीमाओं के हेरफेर और एक दूसरे के साथ मिलकर परस्पर हितों की रक्षा करने तक सीमित रहती थीं परन्तु अब अंतर्राष्ट्रीय व्यापार से संबंधित मुद्दे व्यापक रूप से इन संधियों के विषय हो चले हैं। विशेषकर तब से, जब से विश्व व्यापार संगठन अस्तित्व में आया। 1986 में जिसे अंतर्राष्ट्रीय व्यापार संधि के उद्देश्य चक्र की संज्ञा दी जाती है। यह बातचीत चलते-चलते जिसे जनरल ऐग्रीमेंट ऑन ट्रेड ऐंड टैरिफ कहा गया और अंत में डब्ल्यू.टी.ओ. के नाम से, अंतर्राष्ट्रीय व्यापार संगठन के नाम से स्थापित हुआ, उसके बीच जो विषय उभरकर आए हैं, उसमें न केवल सामग्री और सामान असम्बाव के व्यापार की बात आयी है।

बौद्धिक संपदा, पेटेंट कपी राइट और दूसरे महत्वपूर्ण विषय भी इनके विषय हो गये हैं। लोकतांत्रिक प्रणाली में किसी एक व्यक्ति या व्यक्तियों के समूह को चाहे सत्ता के अधिकारी भी हों उन्हें इस बात का निर्बाध अधिकार प्राप्त नहीं होना चाहिये कि वे पूरे राष्ट्र के हितों को प्रभावित करने वाली इस प्रकार की संधियों का समापन करके उन्हें राष्ट्र की नियति बना दें।

मुझे 1965 के युद्ध की याद है। उस समय भारतीय सेना ने कुछ ऐसी लाभकारी स्थितियां युद्ध के दौरान प्राप्त की थी जिनके कारण हम पाकिस्तान के ऊपर दबाव डाल सकते थे और उसे इस बात के लिए विवश कर सकते थे कि वह कश्मीर जैसे दुर्गह मुद्दे पर हमारी बात मानने को तैयार हो। परन्तु स्वर्गीय लाल बहादुर शास्त्री रूस गये और वह कहानी कहानी रह जाये, ये तथ्य कभी राष्ट्र के सामने आये कि नहीं, यह जानकारी नहीं है। किन दबावों के तहत उन्होंने यह समझौता कर लिया कि पाकिस्तान की सीमा के अंदर जहाँ-जहाँ हमारी सेना अग्रसर हुई थी, उनकी भूमि के कुछ हिस्से हमने अपने कब्जे में किये थे कश्मीर से लेकर सिंध तक, एक व्यक्ति ने किन दबावों के कारण उन सारी लाभकर स्थितियों को छोड़ना शुरू कर दिया और राष्ट्र के हित का इतना बड़ा समझौता कर बैठे। यदि संसद के अंकुश की बात उसमें रही होती तो संभवतः वह इतनी आसानी से नहीं हो सकता था। यही बात 1971 के युद्ध में आई। 93 हजार सैनिक और वहां के सेनापति, जनरल हमने बंदी बनाये और श्रीमती इंदिरा गांधी ने शिमला में बैठकर उन 93 हजार बंदियों को छोड़ने का निर्णय कर लिया और पाकिस्तान की इस बात को स्वीकार कर लिया कि

कश्मीर के मामले को द्विपक्षीय वार्ता के द्वारा हल करने का प्रयास करते रहेंगे। वह प्रयास अब तक चल रहा है और उसकी अब तक कोई परिणति नहीं हो पाई है। य. संसद का अंकुश होता तो यह संभव नहीं था। उस समय हम ऐसी स्थिति में थे यदि चाहते तो पाकिस्तान के घुटने टिकवा कर उसको इस बात को मानने के लिए मजबूर करते कि वह कश्मीर की बात के ऊपर उसी समय फैसला करे। यह व्यवस्था हमारे संविधान में होती तो किसी एक व्यक्ति को सस्ती लोकप्रियता प्राप्त करने या किसी दबाव के अंदर आने या किसी अन्य स्वार्थ के कारण वे कुछ भी हो सकते हैं, वे इस प्रकार राष्ट्र के हित का समझौता नहीं कर पाते। ये दोनों उदाहरण इस बात की ओर इंगित करते हैं, इस बात के महत्व को प्रकट करते हैं कि माननीय बेबी जी ने कहा कि इस प्रकार की अंतर्राष्ट्रीय संधियों का संसद के द्वारा पुष्टिकरण संविधान में निहित होना चाहिये।

उस समय जो लोग राष्ट्र के प्रतिनिधियों की वार्ताओं में, निगोसिएशन्स में जाते हैं उनके पास बचक भी नहीं रहता। उन्हें उसी समय निर्णय करना होता है। यदि उनको यह कहने का अवसर हो कि हमें संसद के पास जाना पड़ेगा, राष्ट्र को विश्वास में लेना पड़ेगा, संसद को विश्वास में लेना पड़ेगा, उसके सामने सारे तथ्य खुलकर प्रकट करने पड़ेंगे तो कम से कम उस समय निर्णय की स्थिति पहुंचने पर उनके पास कोई बचत रह सकती है, कोई सेविंग फ्रीजर रह सकती है। इस बात के लिए इस दृष्टि से भी बहुत महत्वपूर्ण और पूछे हुए सम्झौते इस बात की पुष्टि करते हैं कि ऐसी व्यवस्था का होना आवश्यक है।

अब विशेषकर जब अंतर्राष्ट्रीय स्तर पर व्यापार और आर्थिक हितों की बातें इन संधियों और समझौतों के माध्यम से पुष्टि करने की चली हैं तब तो इसका महत्व और भी बढ़ गया है। विकासशील गरीब देशों के संदर्भ में तो यह महत्व और भी अधिक महत्वपूर्ण है। हमारी जैव सम्पदा की लूट की बात लीजिये, वह सर्वाधिक है और सारे विश्व में इसकी जानकारी है। मैं 1994 में सितम्बर में मुझे तिथि याद नहीं है टाइम्स आफ इंडिया में एक वक्तव्य निकला था किसी अमेरिकी और कनेडियन व्यापारियों का। उनकी एक मल्टी नेशनल कम्पनी, बहुराष्ट्रीय कम्पनी औषधियों का व्यापार करती है और उनको निर्मित भी करती है। उस व्यापारी ने यह कहा था कि पिछले दस वर्षों में भारत सहित कई देश लगभग 166 बिलियन डॉलर की जैव सम्पदा की चोरी करके ये विकसित देश लेते हैं।

तो इस प्रकार के हानिकारक समझौतों के ऊपर पर्दा डालने का काम कर सकते हैं। मैं एक घटना इस संबंध में सदन के ध्यान में लाना चाहता हूँ। 1931 में अमेरिका के राष्ट्रपति रूजवेल्ट ने अपने सारे राजनयिकों को यह आदेश दिया था कि जब वे किसी भी देश में जाएं और खासकर ऊष्णकटिबंधीय देशों में, ट्रापीकल देशों में जाएं तो वहां उनकी जैव सम्पदा को अपने डिप्लोमेटिक बैग से भेजें। इनकी बहुत बड़ी लूट हो रही है और कंप्यूटर और दूसरी आधुनिक प्रणालियों के माध्यम से उनके रासायनिक और औषधीय गुणों की जांच करने के बाद वे पेटेंट के लिए आवेदन कर रहे हैं और अपने राष्ट्र में अपनी न्यायपालिका और अपनी रजिस्ट्रेशन प्रणाली के माध्यम से उनके ऊपर अपना एकाधिकार प्राप्त करके हमारे दीर्घकालीन हितों को हानि पहुंचाने का काम कर रहे हैं। हमारी अपनी आयुर्वेदिक और योग की इतनी उज्ज्वल परम्परा रही है और यह दुनिया के एक बड़ी अमूल्य धरोहर हमारे पास है। महोदय, मैं पिछले 7, 8 और 9 दिसम्बर को हमारे माननीय पर्यावरण मंत्री कैप्टन जय नारायण प्रसाद निषाद के साथ त्रिवेन्द्रम गया था। उस समय मुझे ट्रापलकल वाटेनीकल गार्डन रिसर्च इंस्टीट्यूट, टी०बी०जी०आर०आई० को देखने का अवसर मिला। इस संस्थान ने बहुत महत्वपूर्ण कार्य किया है। नीलगिरी पर्वत और साइलेंट वेली जहां पहले बांध बनाने की योजना थी- ईश्वर की कृपा हुई कि किसी प्रकार से सरकार के मन में वह बात आ गई और वह योजना समाप्त कर दी गई। नहीं तो बड़ा अहित राष्ट्र का हो जाता और उसकी पूर्ति होने वाली नहीं थी। नीलगिरी पर्वतों में अत्यन्त महत्वपूर्ण औषधीय गुणों वाली सारी वनस्पतियों को इकट्ठा करके उनकी तमाम सारी किस्मों की सूची बनाकर उनके रासायनिक और द्रव गुणों का सूचीकरण करके वह संस्थान बहुत महत्वपूर्ण काम कर रहा है। यदि सरकार उसको वांछित समर्थन दे तो आने वाले वर्षों में मिलियन नहीं, बिलियन डॉलर के बराबर इन द्रवों, इन पदार्थों को निर्यात करके विदेशी मुद्रा कमाई जा सकती है। परन्तु ये सारी चोरियां विकसित देशों ने की हैं। पिछले वर्ष केरल में, माननीय बेबी जी भी वहां से आते हैं, एक अमेरिकी व्यापारी ट्रकोपास प्लांट की खोज करते हुए गिरफ्तार हुआ था जिसमें कैसर जैसे भयावह रोग की ठीक करने के गुण पाए जाते हैं। इसका जो कैमिकल विश्लेषण है वह टी०बी०जी०आर०आई० संस्था ने किया है। मैं कहना यह चाहता हूँ कि अंतरराष्ट्रीय संधियों के माध्यम से अब ये व्यापारी बौद्धिक सम्पदा के व्यापार की बात कह रहे हैं। इनके ऊपर भी विकसित देश एकाधिकार जमाने का

प्रयास कर रहे हैं। अतः इस प्रकार की संधियों का निर्णय करने से पहले सरकार को संसद का और राष्ट्र के नागरिकों का विश्वास प्राप्त करना चाहिए और इसकी व्यवस्था संविधान में की जाने की बहुत आवश्यकता है। पहले तो पूँजीपतियों को यह अधिकार था कि वे अपनी पूँजी के बल पर, अपने पैसों के बल पर अपने देश के गरीब लोगों का, श्रमिकों का वहां के व्यापारी शोषण करते थे, पर जब से यह विश्व व्यापार की बात आई है, जब से व्यापार की सार्वभौमिकीकरण की बात आई है, जब से उदारकरण की बात आई है, बहुराष्ट्रीय कंपनियों की निर्वाधरूप से अन्य देशों में आने की बात आई है तब से यह इतना खतरनाक खेल हो गया है कि वह न केवल अपने देश के गरीबों का शोषण करेंगे बल्कि हमारे जो विकसित देश कहे जाने वाले देश हैं, थर्ड वर्ल्ड कंट्री जिनको कहा जाता है, इन देशों के गरीब लोगों का शोषण करने की उनको खुली हूट मिल गई है। गरीब देशों के गरीबों का एक दुर्भाग्य यह है कि वे संगठित नहीं हैं। व्यापारी तो संगठित रहते हैं, उनके पास साधन रहते हैं और उन साधनों के आधार पर वे अच्छे से अच्छे कानूनी विशेषज्ञों की सलाह ले सकते हैं, अंतरराष्ट्रीय स्तर पर मुकदमों को लड़ सकते हैं। अगर हमारे हितों की रक्षा के विरुद्ध इन देशों ने कार्य किया तो हमारे गरीब देश के पास और न हमारे देश के गरीब लोगों के पास इतने साधन हैं वह स्टाम्प ड्यूटी देकर अंतरराष्ट्रीय स्तर पर उसके विरुद्ध मुकदमा लड़ सकें। तो इस परिप्रेक्ष्य में, इस परिवेश में, इस संदर्भ में इसका महत्व और भी बढ़ जाता है।

अपने यहां आप देखिए। कृषि और ग्रामीण क्षेत्रों के लोगों की दुर्दशा का एक मुख्य कारण यह रहा है कि यह सारा समुदाय असंगठित रहा है। असंगठित होने के कारण जो मूल्य प्रणाली की प्राइस मेकेनिज्म है उसमें टर्म्स आफ ट्रेड हमेशा इस असंगठित के विरोध में रहे हैं। पिछले दो सौ वर्षों के आंकड़े आप देखें तो प्रत्येक दस वर्ष में ग्रामीण और कृषि क्षेत्र के प्रत्येक व्यक्ति की आय या उसकी जो क्रय शक्ति है वह दूसरों के मुकाबले में 1/2 हुई जाती है। यह अन्याय उनके साथ सदियों से चलता रहा है। अभी भी चल रहा है। 1970-71 से लेकर 1984 के बीच के काल का एक अध्ययन किया था यहां इंस्टीट्यूट आफ इकॉनॉमिक ग्रोथ ने, जो दिल्ली में है। डा० स्वामी और डा० गुलाटी का एक पेपर है। बहुत महत्वपूर्ण वह अनुसंधान है। उसमें यह कहा गया है कि इस सूक्ष्म मूल्य प्रणाली के अन्यायपूर्ण तरीके के कारण 58 हजार करोड़ रुपया ग्रामीण और कृषि क्षेत्रों से कृषि इतर क्षेत्रों से औद्योगिक और व्यापारिक क्षेत्रों को ट्रांसफर

कर दिया गया है। तो यही बात अंतर्राष्ट्रीय स्तर पर भी होने जा रही है। पहले तो सरकार या सरकार में बैठे हुए लोग व्यापारियों से चेरी छिपे मिलते थे, कुछ संकोच रहता था। आजकल तो राष्ट्राध्यक्ष और राज्याध्यक्ष व्यापारियों के जत्थे अपने साथ लेकर जाते हैं और उस संकोच के दौरान भी कितने-कितने अन्यायपूर्ण काम वे व्यापारी करवा बैठते थे सरकार में बैठे लोगों से उसकी कल्पना अब सबके सामने खुल रही है। मंत्री से लेकर प्रधान मंत्री तक उनको कचहरियों और जेलों का मुंह देखना पड़ रहा है और अब जब उन व्यापारियों को सारे आम राष्ट्राध्यक्ष और राज्याध्यक्ष अपने हवाई जहाज में बैठाकर और अपने सरकारी निवास में ले जाकर बात करते हैं तो उनकी दुरभिसंधि के कारण आम आदमी का हित, कहां तक उसके प्रति समझौता किया जा सकता है इस खतरे के प्रति इस राष्ट्र को और इस संसद को आगाह होना चाहिए। तो माननीय बेबी जी ने जो बात कही है मैं उसका समर्थन करना चाहता हूँ और यह व्यवस्था निश्चित रूप से यहां होनी चाहिए।

अंतर्राष्ट्रीय व्यापार की दृष्टि से मान्यवर हमारी एक सामर्थ्य शेष है जिसको कैम्पैटिव एडवांटेज कहते हैं। हिन्दी में मुझे उसका ठीक शब्द नहीं मिला। वह यह है कि हमारा उत्पाद श्रम आधारित है और श्रम हमारे यहां सस्ता है और जो श्रम बहुत उत्पाद है उनको अंतर्राष्ट्रीय व्यापार में, अंतर्राष्ट्रीय क्षेत्रों में निर्यात करके हम कुछ विदेशी मुद्रा कमा सकते हैं तथा आधुनिक प्रौद्योगिकी और दूसरे लाभ जो अंतर्राष्ट्रीय स्तर पर उपलब्ध है उनका लाभ उठा सकते हैं। परंतु अब विश्व व्यापार संगठन ने और खास तौर से ये जो अमीर देश हैं इन्होंने श्रम मानकों, लेबर स्टैंडर्ड्स की बात उठानी शुरू कर दी है। अभी अभी उस दिन संसद में बहुत शोर मचा। सिंगापुर या कहीं यह चर्चा रही और अंतर्राष्ट्रीय व्यापार संगठन के अधिकार क्षेत्र में आने वाले श्रम मानकों के विषय को व्यापार का विषय बनाने की कोशिश चल रही है। यदि उन्हें इतनी सहानुभूति हमारी गरीब लोगों से है तो जहां पूंजी के निर्वाध आवागमन की बात चल रही है, मुक्त व्यापार की बात कही जा रही है अंतर्राष्ट्रीय स्तर पर सीमा-करों को घटाने और समाप्त करने की बात कही जा रही है तो श्रम जैसी मानवीय वस्तु के मुक्त संचालन की बात वे क्यों नहीं करते। यह बात 1994 के साक्षात्कार में मैंने कही थी और हिन्दुस्तान टाइम्स ने जो 6 कोटस आफ द इयर थे उसमें मेरा यह कोट किया था। यदि अमेरिका इतना चिंतित है हमारे गरीब श्रमिकों की दशा के प्रति तो वह क्यों नहीं 5-10-15 लाख श्रमिकों को वहां अग्रात कर लेता उनके कार्य दे देता और उन्हीं के

स्तर का मजदूर पर क्या नहीं राजगार दे देता जो उनके यहां उपलब्ध है। यह निश्चित रूप से अपने निहित स्वार्थों की पूर्ति के लिए और इन विकासशील देशों के शोषण के लिए जो कि थोड़ा बहुत उनके पास यह एडवांटेजियस पोजीशन लेबर ओरियेंटेड, लेबर इंटेन्सिव प्रोडक्शन के बारे में बची हुई है, इसको समाप्त करने की कुदृष्टि से प्रयास किया जा रहा है और यह वे देश कर रहे हैं जिन्होंने सदियों से रंगभेद अपनाया और काले लोगों पर पार्श्विक अत्याचार किए। उनके श्रम से उनके खून से सींचकर अपनी अर्थव्यवस्था और अपनी समृद्धि के अम्बार जुटाए। आज हमें वे नैतिकता और मानवीयता और श्रम के मानकों को सिखाना चाहते हैं और एक छोटी मोटी चीज जो हमारे पास बची है कि श्रम के ऊपर आधारित उत्पादों को हम अपने अंतर्राष्ट्रीय व्यापार में अपनी समृद्धि के काम ले सकें, उस सुविधा को भी वे हमारे लिए समाप्त करना चाहते हैं और उसके लिए ही वे दुहाई दे रहे हैं।

मान्यवर, कृषि के जो उत्पाद हैं वे भी अधिकतर श्रम पर आधारित हैं। दस्तकारी की चीज़ें हैं, हथकरघा की चीज़ें हैं और ये आंकड़े प्रमाणित करते हैं कि हमारे अंतर्राष्ट्रीय व्यापार में, हमारे निर्यात में इन वस्तुओं का महत्वपूर्ण स्थान है। यदि हम उनके अंतर्राष्ट्रीय श्रम मानकों की बात मान लेंगे तो हमारी यह एडवांटेज, हमारी यह सामर्थ्य सदा के लिए समाप्त हो जाएगी। इसलिए इस प्रकार की कोई भी संधि यदि की जाए तो उसको संसद में प्रस्तुत किए बिना, राष्ट्र के नागरिकों को उसके अवगत कराए बिना किसी सरकार को इस प्रकार का अधिकार नहीं होना चाहिए अन्यथा इस संसद में बैठा हुआ प्रत्येक प्रबुद्ध सांसद इस बात को जानता है कि पूंजी में कितनी शक्ति है। किस प्रकार वह सत्ताधारी पक्ष को और सत्ता में बैठे हुए लोगों को प्रभावित कर सकते हैं और वह प्रभाव अब अंतर्राष्ट्रीय स्तर पर गरीब देशों के लोगों को शोषित करने के काम में आए, इसके लिए आवश्यक है कि इस पुष्टिकरण की व्यवस्था हमारे संविधान में हो और इसी बात को दृष्टिगत रखते हुए वाणिज्य मंत्रालय से सम्बद्ध स्थायी समिति ने माननीय गुजराल साहब के नेतृत्व में ये तीन संसुतियां की थीं कि एक तो इस प्रकार की अंतर्राष्ट्रीय संधि और वार्तालाप के दौरान जो विकासशील देशों के हितों के विरुद्ध बात हो उसको लोगों के सामने रख कर और अपने हितों के लिए उचित बातें जो हैं उन्हीं के बारे में हम इस प्रकार के समझौते करें अन्यथा नहीं करें। दूसरी बात उन्होंने यह कही थी कि जिन्होंने विकासशील देश हैं, जो गार्ड कंट्रीज हैं, उन सब को एक मंच पर इकट्ठा करके और अपने हितों की

रक्षा करने के लिए उनको एकमत होने का प्रयास करें और भारत उसमें नेतृत्व ले और तीसरा यह कि हमारे देश में, वहां से जाने वाली बौद्धिक संपदा और दूसरी जैव संपदा इस प्रकार की चीजों की लूट के प्रति आगाह करने का काम और उससे सम्बद्ध कानून आदि बनाने का काम करें और कोई ऐसा समझौता न करें जिससे हमारा शोषण आगे वे लोग कर पाएं।

इस संदर्भ में, मान्यवर, मैं यह भी कहना चाहूंगा कि छोटे-छोटे बहाने ढूंढ कर अमरीका जैसा देश जब से यह यूनी पोलर वर्ल्ड जिसे कहा जाता है, जिसमें एक देश का आधिपत्य हो गया है पूरे विश्व में अब रुस नहीं बचा है, अब कम्युनिस्ट ब्लाक नहीं बचा है, पहले तो राजनीतिक और सामरिक दृष्टि से उनका आधिपत्य था, अब तो आर्थिक मामलों में भी और दूसरे मामलों में भी, यहां तक कि हम क्या कानून बनाएं इसमें भी हमारा दिशा-निर्देश अमरीका करने वाला है। हम पेटेंट कानून क्या रखेंगे, हम ब्रांड पेटेंटस वह जो उसका क्या ट्रेड-मार्क है, उसके बारे में जो कानून बनायेंगे वह क्या होगा, श्रम कानून का क्या होगा...(व्यवधान)

एक माननीय सदस्य: ट्रेड मार्क।

श्री सोमपाल: ट्रेड मार्क्स, ट्रिप्स, ट्रिप्स पता नहीं कितने नाम उन्होंने इसके कोयन किए हैं इन सब में न केवल अन्तर्राष्ट्रीय कानून एक जैसा हो बल्कि हमारे कानून भी उनकी इच्छा के अनुरूप बनें, यह वह डिक्टेट करने वाले हैं। यह डिक्टेसन हमें देने वाले हैं। अमरीका तो अब छोटे-छोटे बहाने ढूंढ कर इराक के ऊपर जिस तरह से दबाव बनाया कोई बहाना करके उनके ऊपर बॉम्बार्डमेंट करेंगे, उनके पास कोई इलेक्ट्रॉनिक सामरिक सामग्री इस प्रकार की है कि दूर बैठे वह हमें तबाह कर सकते हैं। इस प्रकार दबाव डाल कर हमारा शोषण करने की जो प्रयोजना बन रही है उससे हमें आगाह रहना चाहिए और मैं संसद् के सभी पक्षों से अनुरोध करूंगा कि पुराने समय की और मध्य युगीन के राजाओं द्वारा शासित देशों के शासकों द्वारा अपनी अस्मिता, अपनी प्रतिष्ठा के लिए जो संधियां कर ली जाती थीं और राष्ट्र के नागरिकों के हितों की उपेक्षा की जाती थी, उसके अब तिलिक्काली देनी चाहिए। लोकतांत्रिक प्रणाली में इस प्रकार के सिर-फिरे इस प्रकार के अहम्पक शासकों को अपने स्वार्थ की दृष्टि से, अपने मन की अभिसृचि की दृष्टि से, राष्ट्र के हित के साथ सम्झौता करने का अधिकार नहीं होना चाहिए। लोकतंत्र में तो सत्ताधियों के व्यक्तिगत निर्णयों को राष्ट्र के नागरिकों की विवशतापूर्ण नियति न बनाए देने का संकल्प किया जाना चाहिए।

इसलिए मैं इसका समर्थन करता हूं और सदन की सभी पक्षों और सभी दलों से आग्रह करता हूं कि वेबी जी ने जो प्रस्ताव किया है कि यह संवैधानिक व्यवस्था हो इस प्रकार की अन्तर्राष्ट्रीय संधियों के पुष्टिकरण की, उसके समर्थन दें और सरकार के प्रतिनिधि हमारे मित्र जो विधि मंत्री श्रीरमकान्त खलप जी, जो विधि और अन्तर्राष्ट्रीय विधि, दोनों के विद्वान हैं, उनसे भी आग्रह करूंगा कि वह इस बात का संज्ञान लें और सरकार को इस बात के लिए प्रवृत्त करें कि अगले सत्र में इस प्रकार की संवैधानिक व्यवस्था के लिए विधेयक लाया जाए।

बहुत-बहुत धन्यवाद।

5.00 P.M.

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी): श्री एम०ए० वेबी का यह बिल अगले सत्र में जारी रहेगा।

श्री हेच० हनुमन्तप्पा: (कर्नाटक): अगर मंत्री जी एक्सेट कर लें तो अभी खत्म कर सकते हैं?

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी): अभी तो इस पर डा० दत्त को बोलना है।

Now we have to move to the Government business as listed.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI S.R. BOMMAD): I have to make a statement. (Interruptions)

THE VICE-CHAIRMAN (SHRI TRILOKINATH CHATRUVEDI): I now call Dr. Gopalrao Patil.

THE SUGAR EXPORT PROMOTION (REPEAL) BILL, 1990—Contd.

DR. GOPALRAO VITHALRAO PATIL: Hon. Vice-Chairman, Sir, I was referring to the prices of sugar and how the farmers are exploited. As I had mentioned, there are various prices in India. There are 22 prices of sugar in 22 States. Not only that, in one single sugar factory, there are 3—4 prices. There is a levy price, there is a free sale price, there is a price fixed by the factory. If a factory is run for 150 days, then the excise duty is waived and the factories which are producing sugar for the first time, if they follow the Sampat Committee norms, are waived of the levy sugar and thus they