

प्रक्रिया है। जो खराब हो जाता है उसका नीलाम कर दिया जाता है। यह सतत प्रक्रिया फूड कॉरपोरेशन में चलती रहती है।

**SHRI K. RAMA MOHANARAO:** Mr. Chairman, Sir, I would like to know from the hon. Minister whether the Government have asked the Tariff Commission to make a study on the question of cheap foreign goods being dumped into India. If the answer is 'Yes', I want to know whether the Commission has submitted its report. If so, what are the findings of the Commission and the steps taken by the Government on those recommendations?

**श्री शांता कुमार:** इसकी सूचना मेरे पास अभी नहीं है। मैं लिखकर दे दूंगा।

**SHRI H. K. JAVARE GOWDA:** Mr. Chairman, Sir, after the removal of the Quantitative Restrictions, sub-standard goods are being dumped into the country. It has also been admitted that some goods are being dumped into the country. The Minister has enumerated various steps being taken by the Government to prevent such dumping. I would like to know from the Minister whether he has the details on filing of the cases against those dumping countries or the persons involved in it. Please furnish the details.

**श्री शांता कुमार:** सभापति जी, कार्यवाही हम क्या कर रहे हैं यह तो मैंने पहले बता दिया है। हमने सभी प्रदेश सरकारों को कहा है कि इंस्पेक्शन करें और इसके बारे में जो जानकारी हमारे पास है उसके अनुसार इस साल 15490 इंस्पेक्शन हुए हैं और 1580 प्रासीक्यूशन हुए हैं।

\*342. [The questioner (Dr. Alladi P. Rajkumar) was absent. For answer *vide* page 16 *infra*].

#### **Threat of Taliban Policies to regional stability**

\*343. **SHRI RUMANDLA RAMACHANDRAIAH:** Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the United States has admitted that Taliban policies are a threat to regional stability;

(b) if so, whether both U.S. and Russia are formulating policies to be pursued to check the Taliban common threat which is posing to both U.S. and Russia as well as to the regional stability;

(c) if so, to what extent India, USA and Russia are working out strategies to check the Taliban policies' threat to regional stability; and

(d) to what extent they have been able to achieve the success?

**THE MINISTER OF EXTERNAL AFFAIRS (SHRI JASWANT SINGH):** (a) and (b) Yes, Sir.

(c) India continues to work with the United States, Russia and other like-minded countries to strengthen the international response, including in the United Nations against the Taliban for its policies that support terrorism and threaten regional stability.

(d) The United Nations Security Council Resolutions 1267 and 1333 were adopted in 1999 and 2000, respectively. These have, *inter-alia*, imposed sanctions against the Taliban for supporting terrorism, harbouring Osama Bin Laden and failing to close down terrorist training camps in Afghanistan. On 30 July 2001, UN Security Council adopted Resolution 1363, establishing a monitoring mechanism for the implementation of the provisions of the aforementioned UN Security Council Resolutions.

**रुमान्डला रामचन्द्रय्या:** सभापति महोदय, कुछ पत्रिकाओं में तरह-तरह की न्यूज तालिबान के लोगों के बारे में आ रही है। आज के हिन्दुस्तान टाइम्स में यह आया है कि कल, 15 अगस्त के दिन वे लोग पुलिस वालों की ड्रेस डालकर बार्डर पर आए और वहां उन्होंने 14 लोगों की हत्या की। तीन स्कूलों के नन्हे-मुन्ने बच्चों की हत्या की। हिंदुस्तान के बार्डर पर जम्मू कश्मीर के अंदर तालिबान द्वारा होने वाली हत्याओं को रोकने के लिए भारत सरकार क्या कदम उठा रही है?

**श्री जसवंत सिंह:** सभापति जी, जो माननीय सदस्य ने प्रश्न उठाया है वह अखबार में जो एक खबर छपी है उससे माननीय सदस्य ने तालिबान का रिश्ता जोड़ा है। यह सही है कि तालिबान—अब यह यथार्थ भी है, जानकारी भी है कि अफगानिस्तान में कई टेरोरिस्ट कैम्प चलाते हैं और उन टेरोरिस्ट कैम्प में पाकिस्तान के ट्रेनिंग कैम्प भी हैं जो पहले कुछ पाक आकूपाइड कश्मीर या पाकिस्तान में अन्य दूसरी जगहों में थे। अंतर्राष्ट्रीय दबाव होने के कारण उन्हें अफगानिस्तान शिफ्ट कर दिया गया है, यह भी भारत को जानकारी है। परंतु यह जो एक घटना विशेष है जिसमें माननीय सदस्य ने कहा है कि हमारी पुलिस की वर्दी पहनकर वे आए, यह एक प्रकार की घटना नहीं है। इस प्रकार की घटनाएं हमारी जानकारी में हैं। समुचित कदम उठाए जा रहे हैं, इस घटना के प्रति और अन्य इसी प्रकार की प्रवृत्ति के प्रति।

**रुमान्डला रामचन्द्रय्या:** तालिबान जो विधान अपना रहा है वह सारे देशों के लिए खतरनाक है, मुख्यतः भारत देश के लिए बहुत खतरनाक है। इस विषय को यू एन ओ में भी उठाया गया। कौन-कौन से देशवासियों ने हमारी विचारधारा से सहमत होकर हमें क्या सहायता करने के लिए वचन दिया है, कृपया यह मंत्री जी बताएं।

**श्री जसवंत सिंह:** सभापति जी, जैसा मैंने पहले ही अपने वक्तव्य में स्पष्ट कर दिया है कि एक तो यू एन सिक्वोरिटी काउंसिल के कई रिजोल्यूशंस हैं। ये अपने आप में अंतर्राष्ट्रीय स्तर पर इस समस्या का एक समूचे रूप में किस प्रकार से निदान किया जाए, उसकी प्रतिक्रिया है और इसमें जैसे यू एन सिक्वोरिटी काउंसिल रिजोल्यूशन 1333 या 1363 इत्यादि हैं जिनका मैंने उल्लेख किया है, यह अपने आप में इसी बात का परिचायक है कि आज अंतर्राष्ट्रीय समुदाय में इस विषय को लेकर चिंता है, गहरी चिंता है और एक सामूहिक रूप से काम करने की भी मंशा है जो इन सिक्वोरिटी काउंसिल के रिजोल्यूशंस द्वारा दर्शायी जाती है।

**SHRI RAM JETHMALANI:** Sir, by referring to various Security Council's Resolutions, the answer looks very learned. But nobody tells us what these Resolutions are, and whether they concretely, in practical terms, mean anything. I want to draw the attention of the hon. Minister to a very, very serious lapse on the part of the External Affairs Ministry, that in July 1998, right when our Government came into power, at the Rome Conference, the question of setting up of the International Criminal Court was considered, and Sir, it is a matter of deep regret that our representative—he must be a very foolish representative—abstained from voting, and therefore, because of 21 absetentions, the International Criminal Court has not come into existence. The International Criminal Court is the first concrete step for the purpose of meeting international terrorism, a Court which will have jurisdiction to try all terrorists throughout the world, and the public prosecutor will have the power to issue orders of arrest for all terrorists, and all States will be under an obligation to comply with those warrants and execute them. I have drawn the attention of the hon. Prime Minister as well as the External Affairs Ministry that this foolish decision was required to be reversed. We are now in the year 2001. I want to know whether till today, you have reversed your stand; whether you have considered this problem. It is true that some big countries are opposed to their own nationals being tried by the Internal Tribunals some day. Therefore, countries like America and England also abstained.

But, Sir, while was the Minister of Law and Justice, I got in touch with the American authorities, and Madeline Albright wrote to me, personally, saying, "We have now changed our attitude and we are looking forward to cooperate with India in creating this Court." Sir, I got in touch with the Lord Chancellor of England. He wrote a personal letter to me saying, "England has changed its attitude now and we are looking forward to the creation of this Court." I want to know what the Ministry of External Affairs is doing; whether it has ever applied its mind to the creation of this Court or whether it is persisting in this kind of an irrational, extremely undersirable and anti-national stand against the creation of this court.

**SHRI JASWANT SINGH:** Mr. Chairman, Sir, these are questions concerning the contents of the U.N. Security Council Resolution, 1333, from where the hon. Member, a learned jurist, has very ably steered the question of an International Criminal Court, and, using a variety of adjectives, has conferred upon the Ministry of External Affairs all kinds of distinctions. I will answer it though it does not actually arise from the Security Council resolution. But, considering the outrage of the hon. Member, which I do believe is unfounded, let me address myself first to the question of an International Criminal Court. I have no doubt in my mind that, as a very energetic Minister of Law and Justice, the hon. Member corresponded with all the sundry, on the subject, including Madeline Albright or the Lord Chancellor, and, of course, I did not write to him whatever

they wrote to me; I did not have the benefit of sharing those within him, but I do wish to assure the hon. Member ...*(Interruptions)*... I am sure you also wrote to me about it; I am not unmindful of it. I have attempted to answer, without responding to the outrage!...*(Interruptions)*... have to answer questions.

Sir, the policies of the Government of India are made in India, and if the hon. Member suggests that, simply because the former Secretary of State of the United States of America, who is a friend of mine, Madeline Albright, and also the Lord Chancellor, advocate a particular line, necessarily India must follow that line; no, sir, we can't do that.

Secondly, the hon. Member wants to know whether the Ministry of External Affairs has applied its mind. I do venture to suggest, Sir, that such mind, as the God has given me, has certainly been applied to this subject, amongst all the subjects that the Ministry of external Affairs faces. Why not the International Criminal Court, Sir? The genesis of the whole urge for an International Criminal Court arises, principally—let us appreciate that—from the occurrences that the world has seen in the former Yugoslav Republic. We were not sufficiently persuaded in the Ministry of External Affairs that that ought to be the engine of driving the world towards an International Criminal Court; on that account, and, secondly, also on account of the fact that the philosophy of jurisprudence is different in different parts of the world. Thirdly, the whole approach, for example, what constitutes criminality in one part of the world, say, Europe or the United States of America, might not necessarily constitute criminality in other parts of the world. There are standards, human aspects, which are uniform across the globe, but the particularism of the international criminal court—and this was the final, deciding, factor—does impinge on the sovereign functions of the country, and because we felt that such an impingement on the sovereign functions of the country are not warranted by the establishment of an International Criminal Court, we decided to stay out of that.

Incidentally—no doubt, the hon. Member knows—even the United States and the former Democratic Government of former President Clinton, finally stayed out of it. That is one part of the question, because he structured his outrage about the International Criminal Court on UN Security Council resolutions, 1333 and 1363. The hon. Member is a very learned Member, and he said, "It is all very well to pass these Resolutions in the UN Security Council. But we don't know what happened". That is why I am labouring to explain it. The UN Security Council unanimously adopted Resolution 1267 on 15th October, 1999. It demanded of the Taliban to turn over the terrorist, Osama Bin Laden, without further delay, to authorities in a country where he will be brought to justice and also cease support to terrorism in general. The Resolution required the United Nations member-states to deny permission for taliban-owned, Taliban-leased or Taliban-operated aircraft to land in or take off from their territory.

It also called for the freezing of funds and other financial resources, including funds derived from property owned or controlled, directly or indirectly, by the Taliban. We felt that Resolution 1267 went up to certain point, but not far enough. Therefore came the UN Security Council Resolution 1333, which became Chapter VII Resolution, and, as the hon. Member knows, Chapter VII Resolutions are enforceable not only on the country to which they refer, but on member States or member-countries of the United Nations. This permits the UN Security Council to take enforcement measures. This Resolution requires the Taliban to (a) cease the provision of sanctuary and training for international terrorists and to ensure that the territory under their control is not used for terrorist installations and camps; (b) hand over Osama Bin Laden; and (c) halt all illegal drugs activities and eliminate the illicit cultivation of opium poppy, the proceeds of which finance Taliban terrorist activities. The Resolution further requires all other States to prevent the direct or indirect supply to the Taliban of (a) arms, ammunitions, etc.; (b) withdraw military advisers; (c) close all Taliban offices or missions including offices of Ariana Afghan Airlines; (d) to freeze funds and other financial assets of Osama Bin Laden and individuals and entities associated with him; (e) to deny any aircraft permission to take off from, land in, etc., in areas controlled by the Taliban and prevent the travel of all senior Taliban officials. Now, this has been followed by Resolution 1363, which was passed on 30th July, 2001, and, incidentally, Resolution 1333 was a Resolution which was jointly sponsored by Russia, the United States of America and India, and it was the only Resolution on Taliban which these three countries had jointly sponsored. Resolution 1363 speaks of establishment of a Monitoring Group in New York of five experts, including a Chairman; and a Sanctions Enforcement Support Team under the co-ordination of the Monitoring Group of 15 members to be located in those States bordering the territory of Afghanistan under Taliban control, in full consultations and in close cooperation with the States concerned. This Sanctions Enforcement Support Team will report once in a month to the Monitoring Group. This is part of the enforcement procedure. Then, there are provisions about funding. I have made the reply as comprehensively as I could, both about the International Criminal Court which does not arise out of this question and about the various Security Council Resolutions.

**SHRI RAM JETHMALANI:** For the Minister to tell us that the creation of an International Criminal Court would impinge upon the sovereignty of India, I have not heard anything so absurd.

**SHRI PRANAB MUKHERJEE:** Sir, while responding to a supplementary, the hon. Minister has given a very comprehensive answer in regard to the Security Council's Resolution, especially Resolution 1333 under Chapter VII of the Security Council which can be enforceable. In this connection, he has also referred to the setting up of a Monitoring Committee consisting of not more than 15 countries bordering Afghanistan. In this connection, I would like to know from the hon. Minister, as he

has given a number of illustrations on which action can be taken and especially when the Resolution was sponsored by the USA, Russia, including India, what steps have actually been taken. In other words, I would like to know what sanctions have actually been imposed on Taliban till date. The second thing which I would like to know does not directly relate to this question, but the House wants to express its concern over the wanton destruction of the rich heritage of civilisation, the destruction of Buddha statues. The Government responded by saying that they have told the Government of Afghanistan that if they cannot protect this heritage, the Government of India would like to protect that. I would like to know whether any progress has taken place in response to the suggestions made by the Government of India.

**SHRI JASWANT SINGH:** There are two parts of the question. The hon. Member wanted to know about the objects that are there of pre-Islamic period and other artefacts, civilizational inheritances which really belong to the entire humanity. Of course, this arose principally from the wanton destruction which was an unbelievable act perpetrated not simply on those great statues of Buddha that had through millennia seen many tombs rise in Afghanistan. They predate the advent of Islam in Afghanistan and it was an unbelievable act of wanton, thoughtless destruction. Yes, the Government then said that such artefacts as are there in Afghanistan, should the Taliban authorities be intent upon destroying them, we will look after them for safe keeping. They really belong to the people of Afghanistan. We claimed no ownership over them. We have no intention of claiming such an ownership. I am informed that on account of the pressure that was mounted internationally and the outrage that was expressed internationally in this regard, the objects that were there in the museum in Kabul, were, thereafter, not defaced, destroyed or damaged in any sense. As the hon. Member knows, I cannot vouch that this is one hundred per cent correct. Before such an assurance was given by Taliban to a variety of international observers in this regard, we had heard reports to the effect that some wooden or other items were attempted to be defaced. We have not been able to verify that. This is the most I can say on the subject. On the question of setting up of Monitoring Committee and as regards the other specific steps that have been taken, there is already, as the hon. Member knows, the cessation of Ariana-Afghan Airlines, excepting to one or two destinations. I am given to understand that it continues to operate a weekly flight to the Emirates. I am also given to understand that there is possibly an occasional flight that operates between Kabul and Turkmenistan, which has, probably, shown a certain change in its approach to Taliban. Other than that, the air operations of Ariana-Afghan Airlines have stopped completely; that is to say, outside of Afghanistan, the assets of Taliban, Taliban-supported or Taliban-related, have all been frozen. The closest country—that is, of course, closest, in this regard, to Taliban—continues to be Pakistan. This is our information. And, the U.N. Security Council, the Monitoring Group, everybody knows that Pakistan continues, even today, to supply military hardware, military advisors and all assistance to Taliban, through various

routes, between the North-West Frontier Province and Afghanistan; this is also factually correct. The authorities concerned are fully seized of it. The Monitoring Group is already functional. Personnel have been posted in Afghanistan and in the adjacent countries, including Pakistan. I do believe that from the U.N. Security Council Resolution, 1333, which existed earlier, the Resolution 1362 is far more purposeful now. If I am asked: "Is it entirely satisfactory?" I would say, "No, I don't think so. It is not entirely satisfactory." But we continue to highlight this area, and the nations concerned, which were earlier adopting the policy "between wait and watch and implement forcefully", are now veering away from "wait and watch" to "implement forcefully", and India will continue to pursue in this regard in full vigour.

### WELCOME TO PARLIAMENTARY DELEGATION FROM NIGERIA

MR. CHAIRMAN: Hon. Members, I have an announcement to make.

We have with us, seated in the Special Box, Hon'ble Senator Ibrahim Mantu, Deputy President of the Senate, Hon'ble C. Nwuche, Deputy Speaker of the House of Representatives of the Parliament of the Federal Republic of Nigeria, and other Members of the Nigerian Parliamentary Delegation, currently on a visit to India as our honoured guests.

On behalf of the Members of the House and on my own behalf, I take pleasure in extending a hearty welcome to the delegation and with our distinguished guests an enjoyable and fruitful stay in our country. We hope that during their stay here, they would be able to see and learn more about our Parliamentary system, our country and our people, and also hope that their visit to this country will further strengthen the friendly bonds that exist between India and Nigeria. Through them, we convey our greetings and best wishes to the Parliament and the friendly people of Nigeria.

### ORAL ANSWERS TO QUESTIONS—Contd.

श्री रवि शंकर प्रसाद: सभापति महोदय, तालिबान पूरे विश्व में अंतर्राष्ट्रीय आतंक का पर्याय बन चुका है। मंत्री जी ने इसके संबंध में विभिन्न कार्यवाहियों की चर्चा की। इस पूरे मामले का एक और पक्ष है जिसकी ओर आपने संकेत दिया और वह है पाकिस्तान के द्वारा इसे प्रोत्साहन और प्रश्रय देना। यह प्रशंसा का विषय है कि हम लोगों के प्रयास से अंतर्राष्ट्रीय स्तर पर पाकिस्तान की इस भूमिका की चर्चा हुई है। अमरीका के द्वारा ग्लोबल पैटर्न ऑफ टैरिज्म पर जो रिपोर्ट आई है, उसमें भी इसका जिक्र है। मेरे प्रश्न के तीन भाग हैं, पहला भाग यह है कि इन परिस्थितियों के आलोक में पाकिस्तान इसे प्रोत्साहन और प्रश्रय देना बंद करे, इसके लिए क्या अंतर्राष्ट्रीय स्तर पर कुछ और कार्यवाही करने की आवश्यकता है? इस कार्यवाही के आलोक में क्या अमरीका और रूस के साथ और कोई सघन समन्वय की आवश्यकता है? और इसका

तीसरा पक्ष यह है कि क्या इस कार्रवाई के अन्तर्गत पाकिस्तान को एक आतंकवादी राष्ट्र घोषित करने की संभावना है? यह हमारे तीन सवाल हैं।

श्री असवंत सिंह: सभापति महोदय, जो माननीय सदस्य श्री प्रणब बाबू ने प्रश्न पूछा था उसके उत्तर में जो मैंने जवाब दिया था मैं डिटेल् में सुधार करना चाहता हूँ। मैंने कहा था कि आरियाना एयर लाईंस शायद एक हफ्ते में एक बार अमीरात जहाज भेजता है। वह भी बंद हो गया है। वह नहीं भेजता है, न तुर्कमेनिस्तान को भेजता है। जब कभी जहाज भेजने की जरूरत होती है तो उन्हें स्पेशल फ्लाइट का करार दिया गया है और यूनाइटेड नेशंस की अनुमति पर ही वह स्पेशल फ्लाइट अमीरात हो या तुर्कमेनिस्तान हो, जा पाती है। मेरे लिए यह सफाई देना आवश्यक हो गया चूंकि प्रश्न के उत्तर में जब मैंने कहा कि आरियाना शायद हफ्ते में एक बार जाती है वह ठीक नहीं है और मॉनिटरिंग ग्रुप का चयन हो चुका है। वह अभी तक जमीन पर उनके पहुंचने के बारे में हमें बताया गया है कि कुछ समय लग सकता है।

माननीय सदस्य ने पूछा कि तालिबान की उत्पत्ति अपने आप में पाकिस्तान से हुई? पाकिस्तान जो समर्थन देता आ रहा है, तो अंतर्राष्ट्रीय स्तर पर हम रूस, अमेरिका या अन्य देशों के साथ इस पर और क्या करना चाहते हैं। मैं माननीय सदस्यों को स्पष्ट कर देना चाहूंगा कि हमने अमेरिका को विशेष करके स्पष्ट रूप से कहा था कि अपने आप में जो पाकिस्तान से तालिबान की उत्पत्ति है उसके पीछे सीधा प्रोत्साहन उन दिनों की अमेरिकी सरकार का रहा है। यह एक ऐतिहासिक तथ्य है और इस तथ्य को हम भुला नहीं सकते। हमने उनको स्पष्ट कहा था कि आपके लिए चाहे यह रीजन साढ़े आठ हजार मील दूर हो, इसका सीधा संबंध भारत से जुड़ा है। यह माननीय सदस्यों को मालूम है कि जब रूसी फौजें अफगानिस्तान में आई थीं 1979 के दिनों में और 1980 के प्रारम्भिक वर्षों में मरहूम जनरल जिया साहब के दिनों में तालिबान की उत्पत्ति हुई। उन दिनों में पाकिस्तान की प्रधान मंत्री बेनजीर भुट्टो भी थी और उनके एक होम मिनिस्टर थे-जनरल बब्बर, उन्होंने इसको प्रोत्साहन दिया। प्रमुख रूप से अगर अमेरिका द्वारा करीब 650 मिलियन की सहायता नहीं दी गई होती और तालिबान को किसी किस्म का प्रोत्साहन नहीं दिया होता तो शायद यह परिस्थिति उत्पन्न नहीं होती। अमेरिका अब उसको स्वीकार करता है, पहचान चुका है कि अपने आप में रूस से मुकाबला करने के लिए पाकिस्तान से उत्पत्ति हुई। इसका नुकसान अफगानिस्तान को तो हुआ ही, इसका नुकसान पाकिस्तान को हुआ है और इसका प्रभाव भारत पर भी पड़ता है। because, Mr. Chairman, Sir, we continue to hold that Taliban represents a kind of medievalism. Not just simply medievalism, it represents a kind of medieval malevolence. We do not accept that it is, in any sense, a true expression of the noble faith of Islam because the attempt is to move Afghanistan back from the 21st century to really the 7th century and this malevolent energy will not remain confined to Afghanistan, and it will overspill, and this is an aspect that India has continued to assert in all international fora. I do not wish to claim that it is on this account that there is now recognition, much greater recognition, of the true nature of global threat that Taliban truly represents. The neighbouring countries, for example, whether it is Iran or Tajikistan or Turkmenistan or Uzbekistan or Kyrgyzstan or Russia, or even Pakistan and the Peoples Republic of



China for that matter, are increasingly recognising that this is now a centre that is radiating a very disturbing element all around. Therefore, it is in this broader and larger perspective that the international community-addresses itself to this issue. We have also said that it would be a great error to see this international effort as any kind of approach to the totality of the noble faith of Islam because Taliban, in fact, is bringing a very bad approach internationally to this. It is on account of this that I do believe that there is much greater international recognition of the threat, the menace, that the world community, at large, is faced with.

**SHRI FALI S. NARIMAN:** Sir, the question raised is a very serious one and deserves considerable consideration of this House. The threat of Taliban policies to regional stability, I believe, Sir, has to be met by some organised reaction to it; and that is what, I think, the hon. Member, Mr. Jethmalani, was driving at. Cross-border terrorism is a reality, and it is not merely a shibboleth to be used in connection with Pakistan. Its international ramifications are vast and an attempt to counter them is adopted by the world community by the establishment of an International Criminal Court. I did not find—I must regret to say—any effective reason offered by the hon. Minister as to why we have so far abstained from accepting an International Criminal Court. There must be a reason for everything, for a decision, not a mere statement that the Government of India does not consider it necessary. I think, Sir, the hon. Minister should take this House into confidence as to why, precisely, in August, 2001, we are still resisting the setting up of an international body to counter international terrorism.

**SHRI JASWANT SINGH:** Mr. Chairman, Sir, a very eminent and respected jurist of the country, when he advocates—as indeed, my friend, another very eminent jurist of the country—that we readdress the question of the International Criminal Court—yes; of course, we will readdress the question—I owe it to both the hon. Members who themselves are renowned in the world of jurisprudence that the Ministry of External Affairs had applied a very serious thought to this whole question of International Criminal Court, that there be an international body that addresses the question of international crime. We are of the view, Sir, there it is not yet that kind of global unanimity, for example, as to what constitutes an international crime. There is not, for example, unanimity even on human rights or environment. We felt that this cultural or civilisational differences between different parts of the world, different philosophies of jurisprudence, different judicial systems, have not yet evolved into a situation wherein it can, with certainty, be said that the International Criminal Court will apply itself with total objectivity to what constitutes a crime internationally. However, Sir, it does. We remain in the Ministry of External Affairs of the view, we believe, that the International Criminal Court—not the world Court at the Hague to which we subscribe—but even the world Court has built barriers about encroachment on sovereign rights of nations which was a consequential attempt at Rome, will, without doubt, encroach on the rights and functions of a State. It is not simply a question of

employing the International Criminal Court as a mechanism to bring to book the people who are international terrorists. It is our experience, quite often, that such international bodies get misemployed for purposes that have nothing to do with the original intent of setting up the body.

I must share information with the hon. Member, because whatever question he has put, I have taken it with the utmost seriousness. I am not persuaded that India's subscription to the International Criminal Court will not in addition to encroaching on the sovereign rights and functions of the State of India, also not permit those that have adversarial intent towards India, on the smallest possible pretext, take India to the International Criminal Court. I don't want to cite the example of the Atlantic, which was transgressed. I really wish I could agree with the hon. Member, but I am unable to. However, we will readdress it.

The objective reality, Mr. Chairman, Sir, of the world is that it is what it is and not what it ought to be. If the world were what it ought to be, then, of course, the International Criminal Court would be a wonderful answer.

DR. KARAN SINGH: Then we would not need the Court.

SHRI JASWANT SINGH: I feel, the world is not as it ought to be. I have to deal with the reality of the world as it is. In the reality of the world, as it is, we, in the Ministry of External Affairs, are not able to be persuaded that India's subscription to the International Criminal Court is a step in the right direction. I am ready for a discussion on the subject. I am ready, indeed, to re-examine this whole issue afresh in the Ministry of External Affairs, because two eminent jurists, who are Members of this House, are advocating it. So, certainly, we will readdress the question. We will correspond with both of you. I believe, I did correspond with you. One part of it is that we should address it more purposefully on the question of international terrorists and bring them to book severely. I think, there has been a very significant movement in this regard. I would request the hon. Member to throw his mind back to just five or six years. Is the movement that has taken place in this regard, particularly, in the last three years, about international consciousness, about international terrorists, entirely satisfactory, has done everything that we wanted to? Nothing is entirely satisfactory. We really wish it were. It has not moved forward. But, given the situation, it is a very significant step that has been taken in this regard.

SHRI NILOTPAL BASU: Sir, I am constrained to put this supplementary, arising out of the statement just made by the hon. External Affairs Minister. One of the reasons cited for not joining the International Criminal Court is that it would infringe on the sovereign rights of this nation. In the past, the Government of India decided on the treaty of WTO, which, I believe, had given rise to situations and issues where the sovereign rights of the nation, in terms of legislations, were affected. What is the difference between this and the question with regard to the legislations covering WTO

obligations? The WTO treaty also has led to subsequent legislations in this House itself. How is it that WTO legislations would not affect the nation, but the International Court would? So, this subtle difference of nuance—what he was so eloquently articulating—is beyond me as an analogy to what happened during the WTO. Where do we stand differently if it is explained?

SHRI JASWANT SINGH: Sir, I see no reason why the hon. Member should not raise this query and I understand his ideological persuasions and the stand of his...*(Interruptions)*...

SHRI NILOTPAL BASU: It has nothing to do with that...*(Interruptions)*... This House has legislated on that...*(Interruptions)*... It is a result of that compulsion...*(Interruptions)*... It is unfair...*(Interruptions)*...

श्री बालकवि बैरागी: विदेश मंत्री महोदय, आपको यह वाक्य नहीं कहना चाहिए। ...*(व्यवधान)*

श्रीमती सरला माहेश्वरी: सर, कल ही पन्द्रह अगस्त मनाया है...*(व्यवधान)*

SHRI N.K.P. SALVE: Mr. Minister, you please answer the question. ...*(Interruptions)*...

SHRI SANGH PRIYA GAUTAM: He is answering the question...*(Interruptions)*...

SHRI JASWANT SINGH: I will answer the question...*(Interruptions)*... The analogy that is drawn between the WTO subscription by the country and our hesitation about international criminal court, I am sure the hon. Member would understand that it has two other additional aspects. Firstly, the international criminal court does not have within its purview the question of terrorism. The international criminal court specifically excludes terrorism. ...*(Interruptions)*... It is not wrong ...*(Interruptions)*... We can correspond on this ...*(Interruptions)*... Secondly, the international criminal court specifically excludes the use of nuclear weapons or threat of nuclear weapons. Thirdly, unlike the World Court at the Hague, the international criminal court as conceived and not yet in existence, can be blocked by a NU Security Council Resolution. We found, Sir, whereas the whole atmosphere around the international criminal court appeared to be projected as a great human step being taken for all mankind, it tended to be yet another exertion, effort and attempt by some, originally, principally, to address the question of the consequences of the break-up of the Federal Republic of Yugoslavia and all the rest that followed in the region of Balkans, which I have said obviously historically, is like an indigestible piece in the intestines of Europe. What caused indigestion to Europe as a consequence of that the whole of the world began to subscribe to the international crime court. But we were not persuaded. Amongst other reasons—the UN Security Council blocking the international criminal court, even threat of

nuclear weapons is a criminal act, which is specifically prohibited—this is also the reason. So, these are the reasons amongst other reasons.

**SHRI KAPIL SIBAL:** Sir, I want to ask the hon. Minister in the context of criminal courts already functioning. As you know, there are two courts, one in Urusha and the other in relation to Yugoslavia. The conceptual basis is that these are considered crimes which are being tried as crimes against humanity. Now, I believe that the international community can move forward in that direction and come to a consensus as to what are the crimes against humanity. Once we are able to define them, in whatever form, and we are satisfied with that, there should be no reason why the international community, including India, should not move forward in that direction. That I believe will not impinge on sovereignty because these would be crimes against humanity. What you are talking about are individual criminal courts where there have been agenda—and I agree with you—where certain powers are moving in a particular direction consistent with their ideology. But if we move away from that and define what is a crime against humanity, may be, we will come to a consensus. What does the Minister think about it.

**SHRI JASWANT SINGH:** One can, possibly, not disagree with that. In response to another eminent jurist—he is the third eminent jurist—said that we should move in this direction, I would say, indeed, we should. But I did also say that we have to contend with the reality as it is and not as it ought to be. Of course, the world must internationally recognise crimes against humanity. Have we come to that stage? No. I do not accept, for example, whatever my individual views in this regard. How can we accept that a citizen of one country be abducted or really taken away to be tried in a third country; which is, without taking names, in the context of the Federal Republic of the Yugoslavia...

**SHRI KAPIL SIBAL:** That is what is happening to Milosevic now...

**SHRI JASWANT SINGH:** Which is exactly what is happening to Milosevic...(*Interruptions*)...

**SHRI KAPIL SIBAL:** We should reassess.

**SHRI JASWANT SINGH:** We will. We will reassess, obviously.

**MR. CHAIRMAN:** Question Hour is over.

## **WRITTEN ANSWERS TO STARRED QUESTIONS**

### **Partnership in E-Commerce**

**\*342. DR. ALLADI P. RAJKUMAR:** Will the Minister of INFORMATION TECHNOLOGY be pleased to state:

(a) whether U.K.'s Computer Software and Service Association has invited Indian Software Industry for entering into partnership in E-Commerce.