

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): I shall now put clause 1, as amended, to vote.

The question is:

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

The motion was adopted.

Clause 1, as amended was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

SHRI JAGDISH TYTIER: I move:

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

The question was put and the motion was adopted.

THE SAARC CONVENTION (SUPPRESSION OF TERRORISM) BILL, 1992

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI EDUARDO FALEIRO): Sir, I move:

"That the Bill to give effect to the South Asian Association for Regional Cooperation Convention on Suppression of Terrorism and for matters connected therewith or incidental thereto, be taken into consideration."

The SAARC Regional Convention on Suppression of Terrorism was signed at Kathmandu on 4-11-1987 by the Foreign Ministers/Ministers of External Affairs of the seven member countries of the South Asian Association for Regional Cooperation (SAARC). India ratified the Convention on 2-8-1988 and our Instrument of Ratification was deposited with SAARC Secretariat in Kathmandu on 7-8-1988. The Convention came into force on 22-8-1988 after due ratification by all the member countries of SAARC.

The SAARC Convention is not a complete code by itself and any specific request invoking its provisions is to be implemented, by the State parties, in accordance with the relevant national laws and administrative arrangements, on grounds of reciprocity. Since India has already ratified the Convention, it has become necessary to enact domestic legislation which

would enable the Government of India to fulfil its international obligations under this Convention.

The Convention is aimed at giving effect to the basic principle, well accepted in international law, that no offender committing a terroristic crime should escape punishment. This is known as the principle of 'extradite or prosecute'. The Convention facilitates extradition where appropriate. Furthermore, any Convention country may try an offender regardless of whether the crime was committed within its jurisdiction, provided he is found in that country. Thus, in the case of offences enumerated in the Convention, jurisdiction is exercisable even in the case of foreigners who commit these crimes outside India (but within the SAARC region).

A second important objective of the Convention is the identification of certain serious offences as "terroristic offences" and which, for the purpose of extradition, would not be treated as being of political nature. This was essential to prevent offenders from taking recourse to the plea of political offence available under international law and under national laws of most countries, including India, which when raised could be a ground to refuse extradition. Section 31(a) of the Extradition Act of 1962 provides for the plea of political offence. The important features of the legislation I move now for your consideration are:

- (i) The proposed legislation will provide that the provisions of the SAARC Regional Convention on the Suppression of Terrorism, 1987, shall have the force of law in India, notwithstanding anything to the contrary contained in any other law;
- (ii) The proposed legislation is expected to provide a self-contained legal basis for taking suitable action in respect of any request from any of the Convention countries (SAARC Member States) either for extradition or for prosecution, for offences specified under Articles I & II of the Convention. For this purpose, the

[Shri Eduardo Faleiro]

Schedule to the proposed legislation shall contain the SAARC Regional Convention on Suppression of Terrorism in its entirety;

- (iii) Under the proposed legislation any person committing the offence of hostage-taking as defined thereunder or any other offence specified in Article-I of the Convention as set out in the Schedule, may be tried for the offence under the provisions of relevant law for the time being in force;
- (iv) The proposed legislation also contains a definition of the offence of hostage-taking not being defined anywhere else in the Indian law. A maximum punishment of 10 years of imprisonment and fine for the same is also provided. All other offences noted in Article 1 of the SAARC Convention are otherwise punishable under Indian law.
- (v) The proposed legislation will provide for an offender to be tried in the place where he is found or at such other place as the Central Government may, by general or special order published in the Official Gazette, direct in this behalf.
- (vi) Under the proposed legislation, no prosecution for an offence shall be instituted except with the previous sanction of the Central Government. Sanction granted under it is to be deemed to be a sanction granted under Section 188 of Criminal Procedure Code.
- (vii) The proposed legislation also contains a standard safeguard clause according to which no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of its provisions.

The adoption of the proposed Bill would enable India to provide for effective imple-

mentation of the SAARC Convention on Suppression of Terrorism concluded among the SAARC countries. This is an important Regional Convention and will promote co-operation among the SAARC countries to combat, contain and eradicate terrorism from this region. Thank you.

The question was proposed.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH) : Now it is before the House. I call Dr. Naunihal Singh.

DR. NAUNIHAL SINGH (Uttar Pradesh) : Mr. Vice-Chairman, Sir, definitely I would support this Bill. The intent and purpose of this Bill is praiseworthy as it is the need of the hour. But unfortunately the Bill, as presented, is not very comprehensive.

Hence, I have certain observations and objections. It appears that the Bill is intended to treat the symptoms but not the causes. I would like to ask the hon. Minister whether the expression "whole of India" in clause 1(2) includes the State of Jammu and Kashmir; further, whether Pakistan was one of the signatories to the Convention at Kathmandu on 4th November, 1987.

In clause 4(2) the punishment for hostage-taking to the extent of ten years does not appear to be adequate, commensurate with the offence committed, and the amount of 'fine' has not been indicated.

Under clause 7, seeking the prior permission of the Central Government to prosecute for an offence would cause unnecessary delays. So the State Governments under whose jurisdiction the offences have been committed should be allowed to prosecute the offenders, of course, with the knowledge of the Central Government. The curse of terrorism has grown from local to national level and from national to international level within a very short time. It now affects the security and stability of the region.

However, it was agreed by member-countries on 17th November, 1986 at Bangalore that "Cooperation among SAARC States was vital if terrorism was to be prevented and eliminated from the region."

[The Vice-Chairman (Shrimati Sushma Swaraj) in the Chair]

"Unequivocally condemned all acts, methods and practices of terrorism as criminal and deplored their impact on life and property, socio-economic development, political stability, regional and international peace and cooperation; and recognised the importance of the principles laid down in U.N. Resolution 262 (XXV) which, among others, required each State should refrain from organising, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organised activities within its territory, directed towards the commission of such acts."

"Aware of the danger passed by the spread of terrorism and its harmful effects on peace, cooperation and good neighbourly relations and which would also jeopardise the sovereignty and integrity of States."

Article I(c) prescribes: "An offence within scope of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York on December 4, 1973."

I would like to know from the hon. Minister as to what action has been taken against a member-country, Pakistan, who is engaged in aiding and abetting terrorism in India—and it has been proved to the very hilt. U.K., U.S.A., European Community and some other countries had reached a firm conclusion that Pakistan is abetting and aiding terrorist activities in India. I would also like to know what action has been taken against Pakistan when our diplomats were beaten and tortured in Pakistan. The Government is a prisoner of indecision. What can you expect of it?

This Bill, when passed, will remain on the Statute Book fully decorated, yet dead and ineffective. However, the following

provisions need to be provided in the Bill which are missing:—

1. Religion and terrorism
2. State terrorism
3. Nuclear terrorism
4. Terrorism and international business
5. Deterrence against terrorism
6. Special Anti-Terrorist Force to combat terrorism and its training in the use of modern gadgets and weaponry
7. An Intelligence Organisation
8. A centralised computer system to store data on terrorists and terrorism
9. Banning of all institutions, universities, colleges, organisations and armed forces by law which have religious, racial and regional denominations
10. Communalism and terrorism.

Hence, to provide enough teeth to the Bill it must be amended accordingly.

SHRI MADAN BHATIA (Nominated): Madam Vice-Chairman, I rise to support this Bill. The object of this Bill is to give statutory recognition to SAARC Regional Convention on Suppression of Terrorism. There are three aspects to this Bill. One, of course, is that it defines what hostage-taking is and it makes hostage-taking an offence punishable with imprisonment up to ten years. The other provision makes it possible for trial of various individuals who are accused of having committed offences mentioned in article 1 of the Convention in India. But the most important aspect of this Bill is contained in clause 5 which says that the offences mentioned in article 1 of the Convention shall not be considered as offences of political character for the purpose of Extradition Act, 1962. This is so provided because if a person is accused of an offence covered by article 1 of the Convention and his extradition is sought by a Member-State of the SAARC and that person puts up a defence that the offence of which he is accused is an offence

[Shri Madan Bhatia]

of political character and succeeds in that defence, then his extradition will not be possible. It is for this purpose that this particular clause has been introduced in this Bill so that this defence with regard to the offences mentioned in article 1 of the Convention is not available to an accused when his extradition is sought by a Member-State of the SAARC. Hon. Members may ask the question as to what is an offence of political character. I submit, Madam, that this defence is of a very wide amplitude and it is capable of being grossly misused in the circumstances prevalent in some parts of the SAARC. This expression 'offence of a political character' came up for explanation or definition before the House of Lords in a judgment which is known as *Ex-parte Schtraks*. There Lord Reid in his speech said, "The use of force, or it may be by other means, to compel a sovereign to change his advisers or to compel a Government to change its policy may be just as political in character as the use of force to achieve a revolution." Therefore, if a person says, "I committed this offence because I wanted to compel my Government to change its policy", this will be a good defence because it will be covered by the definition of 'offence of a political character'. So, this definition of 'offence of a political character' is of such a wide amplitude that it can be misused by any person who has been indulging in terroristic activities in a particular Member-State of the SAARC and whose extradition is sought from another country in which he has taken refuge. It is for this purpose that clause 4 has been introduced in this Bill in order to give statutory recognition to article 1 of the Convention. But I shall like to make it very clear, let us not have any illusions so far as this Bill is concerned. This Bill deals only with acts of terrorism committed by individuals. This Bill has nothing to do with a situation in which a member-State of SAARC as a whole starts indulging in acts of terrorism or encouraging terrorism against another member-State of SAARC. That situation with which India today is confronted from Pakistan is not covered by this Bill. I submit that what Pakistan is doing against India is not merely encouragement of terrorism against India, but in fact, what

Pakistan is doing is training of Indian nationals in subversive and murderous activities on her own soil through her own personnel on a systematic basis. It is indulging in arming them with lethal weapons. It is giving them financial aid and logistic support and providing them safe sanctuaries on her own territory. It is hurling such people across the frontiers to India many times by giving them the cover of heavy artillery bombardment. For what purpose? Not only to indulge in killings and acts of terrorism but also to fight the security and armed forces of India and throw India into a state of chaos and instability. This I respectfully submit is not merely encouragement of terrorism. Under the international law all these acts constitute acts of aggression committed by one State against other State. This expression 'aggression' I am deliberately using. I am using this expression on the basis of well-established authorities. The expression 'aggression' came to be defined in the London Convention which probably was held in the 1920s or 1930s. This Convention defined the expression 'aggression' as "Provision of support to armed bands found in its territory which have invaded another territory of another State or refusal, notwithstanding the request of the invaded State, to take in its own territory all the measures in its power to deprive such bands of all assistance or protection." The word 'aggression' has been used in the Charter of the United Nations. There is first article 39 of the Charter of the United Nations which refers to threats peace and acts of aggression. Then there is chapter 7 of the United Nations Charter which deals with the powers of the Security Council and the heading of the chapter says: "Powers of the Security Council to deal with acts of aggression and breach of peace." The expression 'aggression' originally the framers of the Charter decided should be defined specifically in the Charter itself. But ultimately they decided to refrain from defining 'aggression' on the ground that this may lead to rigidity. But in 1968, a special committee was constituted by the General Assembly on the question of defining 'aggression'. For six years, this committee went into the question of deciding as to what will constitute 'aggression'. And this committee

gave its report and gave the definition of aggression in these words. I quote: "Sending armed bands, groups, irregulars or mercenaries which carry out acts of armed force against another State of such gravity as to amount to the acts listed above or its substantial involvement therein." And the acts which were listed included attack on the forces of the other State or use of weapons against the territory of another State. This definition of 'aggression' was adopted unanimously by the General Assembly in 1974 vide its resolution 3314 XXIX. My point, Madam, is that taking this definition of 'aggression' which was adopted unanimously by the General Assembly, the acts in which Pakistan is indulging against India constitute, under the international law, nothing but blatant and naked aggression against India. When we use the expression that Pakistan is indulging in proxy war, this expression has no legal meaning—it may have some political sense—which is neither here nor there. When we say that Pakistan is encouraging State terrorism against India, it makes no sense under the international law. Under the international law, we have to use the proper expression to describe the acts which are being indulged in by Pakistan against India. And they are constituting acts of aggression against India. If any State indulges in an act of aggression against another State, that State under the international law has the right of self-defence. Not only this, Madam, I want to draw the attention of this hon. House to the Convention itself. See the irony of this Convention and the blatant acts which are being committed by Pakistan against India. It says, "...and recognising the importance of the principles laid down in the United Nations Resolution 262 which among others required that each State shall refrain from organising, instigating, assisting or participating in acts of civil strife or terrorist acts in other States or acquiescing in organised activities within its territory directed towards the commission of such acts. Not only Pakistan is committing aggression against India under the international law, but Pakistan is committing blatant violation of this Convention to which Pakistan is a signatory. Pakistan is committing blatant violation of this United Nations Resolution 262 which forms part of this Convention. So what do we

come down to? Madam, I submit that (1) Pakistan is violating the Convention; (2) Pakistan is violating the resolution of the United Nations reproduced in the Convention itself; (3) Pakistan is violating the Charter of the United Nations which says, "No State shall indulge in aggression". (4) Pakistan is committing blatant 'aggression' against India, as defined by the United Nations and the international law. These are the issues which ought to be projected by India in the various world forums in order to make the world aware of what is happening against India from across the frontiers with Pakistan. There is no use in underplaying this particular issue because a time may come when we may be in a position to say that whatever India has done, India has done it under the International Law in exercise of her inalienable right of self-defence. Further, Madam, from another angle also, it is important to project these issues before the world. We are being asked to sign the Nuclear Non-Proliferation Treaty. We know that Pakistan has acquired nuclear capability. Pakistan has made no secret of the fact that it has got nuclear weapons. Some of the Generals of the Pakistan Army have gone on record to say that if there is a show-down with India, the use of nuclear weapons will not be the last option. It will be the first option. There are no means invented by science so far which can discover nuclear weapons hidden in mountain tunnels or in basements. When a country like India is being subjected to aggression by another country which is boasting of nuclear capability, in what way can India be arm-twisted to sign the Nuclear Non-Proliferation Treaty? We have the right to say that unless this aggression is stopped by Pakistan, we shall not be a signatory to the Nuclear Non-Proliferation Treaty.

With these words, I support this Bill. Thank you.

SHRI RAM JETHMALANI (Karnataka): Madam Chairperson, I wholeheartedly support the Statement of Objects and Reasons of this piece of legislation. In fact, I believe, that no sensible person can have any possible objection either to the objectives or to the kind of machinery which is sought to be created. But nevertheless I

[Shri Ram Jethmalani]

oppose this Bill for four distinct reasons and I hope the Minister will take note of criticism and redraft this Bill and present it to this House in a better form.

My first objection is an objection of principle. The definition of "hostage-taking" in Section 4(1) is very, very badly drafted. It says :

"whoever, by force or threat of force or by any other form of intimidation, seizes or detains any person and threatens to kill or injure that person with intent to cause a Convention country to do or obtain from doing any act as the means of avoiding the execution of such threat, commits the offence of hostage-taking."

Now, take a case in which a politician, or as it often happens, the son, daughter or wife of a very responsible higher-up in the Government echelons or a public figure or his close relative is kidnapped and detained. But after kidnap and detention, nothing else is done except to free them in secrecy. No threat is administered to him to kill or to injure that person. It will still be a blatant case of hostage-taking. It will still have the same impact upon the will of the Government concerned. So, this word "and" which has been introduced between these two clauses makes the definition somewhat unworkable in a large number of cases. All that the kidnapper has to do is to keep quiet and keep that person in great convenience but in tremendous secrecy and not allow that person access to anybody.

Now, the second drafting defect is again a question of principle. Madam, all SAARC countries are not democracies. I do not wish to tread on his toes. But the hon. Minister for Foreign Affairs is here. He knows that it is unfortunate that we are not dealing only with the region where democracy is flourishing. There are countries in which the Governments themselves indulge in lawless acts and if the Governments themselves indulge in lawless acts and habitually and persistently violate the human rights of their own citizens, there is no option left sometimes to the citizens except to protest against the actions of those Governments and force them into

reversing their policies. Therefore, we must not now commit ourselves to extraditing all persons who technically commit the offence of hostage-taking. There must be a discretion vested, political discretion vested, in the executive of this country and that is a measure which must be introduced in this Bill. In other words, we must be able to judge each act on its own merit and then permit extradition of a particular person because a person who may be technically at fault within the definition of hostage-taking may, in fact, be advancing the interests of democracy and he may be pleading for the rights of women where women are suppressed and what he does might be in favour of the cause of women and, therefore, you cannot equate all cases of hostage-taking which technically fall within the definition, but outside its spirit. Now, I see no such discretion here.

There are two more points which relate to the drafting of this Bill and I am sure Mr. Faleiro is not responsible for the drafting of this statute and it is the Law Ministry. Now, I have not seen, Madam, in my experience such a bad piece of legislative drafting.

First of all, take clause 3 which says :

"Notwithstanding anything to the contrary contained in any other law, the provisions of Articles I to VIII of the Convention shall have the force of law in India."

I think whoever has drafted this statute is given to lethargy and he does not want to work. He does not want to take the trouble of making the provisions of a political document into our own law. After all, a convention is basically a political document and it does not have the language, the precise language, the clear language, of a domestic State. So, what you have done is that instead of sitting down and taking up the provisions and translating them into an Indian legislation appropriate to the Indian law, he says, "Article I to VIII of the Convention shall have the force of law in India." Now, what stupidity it creates! And, this Convention is reproduced in the Schedule!

I am now only giving an illustration because I do not have much time. Now, take article III, for example. It says that the provisions of all extradition treaties and arrangements applicable between Contracting States are hereby amended as between Contracting States to the extent that they are incompatible with this Convention. Now, what right has the Indian Parliament got to amend the extradition treaties which exist between two States, between two SAARC countries, to which India is not a party? We have the power to amend their treaties and we have the power to amend their laws? This is what it comes to and this is the result of careless drafting. You bodily lifted the whole Convention and put it into your Bill!

Now, if you take articles I to VIII and consider them as part of the Indian law, it will create ridiculous results and these ridiculous results, I am sure, the Law Minister has never considered and, what is more—and this is the worst—this again shows the lethargy and the incompetence of the draftsmen of this statute.

Take, for example, clause 6(2) which says:

"...the Central Government may, by general or special order... direct that the offence under sub-section (1) of section 4 or any other offence specified in article I of the Convention may be inquired into or tried at any place within India."

Now, the words used here are, "any other offence specified in article I of the Convention...". The Government draftsman could have taken out this Convention and put it into the Schedule to the Bill itself and said that these are the offences out of which the Government can select any offence on a particular occasion and direct not only by issuing a notification, but also... etc., etc. But he has taken the easy course of saying, "offences specified in article I of the Convention". But come to article I of the Convention. Article I of the Convention talks not only of some offences, but also of offences within

the scope of the Convention for the Suppression of Unlawful Acts, like the forceful seizure of an aircraft, signed at The Hague on December 16, 1970. Now, this extradition law is going to be enforced by our Magistrates in India. You have no libraries. Law libraries you do not have. It is with great difficulty that you will find a copy of the Montreal Convention signed on September 13, 1971 or the The Hague Convention signed on December 16, 1970 in the Library of the Supreme Court!

5.00 P.M.

Now, how do you expect these Magistrates to work this law? And besides, the law is meant for citizens. The essence of a good law is that a citizen who knows the language in which the law is drafted reads it and understands the law by reading the law. But if the law tells him that he is first to understand article (1) of the SAARC Convention, then when the poor fellow gets that article (1) of the SAARC Convention, that refers him to The Hague Convention of 1970. Where is the citizen to go about hunting for these laws? When our Magistrates, our District Judges, our Sessions Judges and High Court Judges cannot discover these laws, how do you expect a citizen who is supposed to conduct according to the criminal statutes in force to guide himself? How is he to guide himself? I think, this is a very bad, in competent piece of legislation. And it is going to be lawyer's paradise. You are going to suffer tremendous difficulties in the way of execution of this statute and enforcement of this statute. We will support you. But withdraw this. I do not want to use very harsh language, but this is almost a stupid piece of legislation, if you ask me. Please withdraw it. Put it in a good form. Put your house in order. Come back, and this House will unanimously support your measure. Thank you.

THE VICE CHAIRMAN (SHRIMATI SUSHMA SWARAJ) : Shri S. S. Ahluwalia—not present; Shri Sukomal Sen—not present; Shri V. Narayanasamy—not present. Shri Mohinder Singh Lather :

SHRI MOHINDER SINGH LATHER (Haryana) : Madam, it is said that laws are made to be obeyed by gentlemen and not by roustes.

SHRI CHATURANAN MISHRA (Bihar) : Rogues are the law-makers.

SHRI MOHINDER SINGH LATHER : The objective as has been stated by Madan Bhatiaji and Jethmalaniji to be appreciated, and no Member of this House would like to oppose it. But, Madam, it is very doubtful if this Bill is going to be worthwhile in achieving the objects which have been stated therein. With all the defects, as pointed out by learned colleague, it can go back to the Law Ministry. But the main thing about it is to suppress terrorism in the SAARC region. Madam, how to do that ?

Madam, I had been to Kashmir recently with a delegation of Parliament Members, and I saw with my own eyes the arms which have been supplied by Pakistan to the terrorists. And some of those arms were manufactured in Pakistan. They were stamped and the factory marks were there. What is the use of this piece of paper when a Member State is flouting the provisions of the Convention and openly instigating, organising and financing terrorism in our country ? Madam, I think, instead of this Bill, we should try to stress to the other Member States that Pakistan should be thrown out of SAARC. Madam, as I earlier stated...

AN HON. MEMBER : What is the relevance of SAARC now ?

SHRI MOHINDER SINGH LATHER : Yes, what is the function of SAARC where we are also a Member State ? Take the case of Bangladesh. Bangladesh is also a member of SAARC. They are throwing lakhs and lakhs of people into our country. Our Indian citizens are starving. But a country which has participated in the Convention a member of the SAARC, is not at all helping us but is creating more trouble to us by sending lakhs and lakhs of persons across the border. Madam, I do not know where lies the weakness. Why are we so helpless in dealing with terrorism instigated by Pakistan and other

countries ? I put a question to the External Affairs Minister, Shri Bhatia, asked him whether it is in the know of the Government that Pakistan is organising training camps in their own territory, giving training to the terrorists and sending them here with arms, and I asked whether the Government was in the know of it, and the hon. Minister said : "Yes, it is so; it is the truth". I asked : "What are you going to do about it ?" He said : "Except protesting, what can we do ?" Why is this great country so helpless in not being able to suppress terrorism by Pakistan ? Madam, we also met persons who were sent by Pakistan in Kashmir to create trouble. Of course, they say, laws are meant for weak nations. Pakistan is flouting the U.N. Charter, the Convention and everything and we are just looking so helpless. Therefore, my submission to the Government is that they must take very bold steps. Either you throw out Pakistan from SAARC or withdraw yourself unless and until all the other member countries decide to stop the activities of this hostile country. I agree with my learned colleague, Shri Madan Bhatia. It is nothing short of an aggression by Pakistan and these Bills will not help us. That is all I wanted to say. Thank you.

THE VICE CHAIRMAN (SHRIMATI SUSHMA SWARAJ) : Shrimati Satya Bahin, not here. Shri, Chaturanan Mishra.

श्री चतुरानन मिश्र : उपसभाध्यक्ष महोदय, इस विधेयक में जो कुछ भी कमजोरी हो और एक-दो डाफ्टिंग की कमजोरियों के बारे में माननीय सदस्य श्री जेठमलानी जी ने कुछ कहा है उसने सहमत रहते हुए भी मैं इस विचार का हूँ कि इस बिल को जितनी जल्दी हो पास कर देना चाहिए। मुझे मालूम नहीं है, शायद विदेश मंत्री जी बताएंगे कि सार्क के किसी दूसरे देश ने ऐसा कानून अभी तक पास किया है या नहीं किया है, वैसे कन्वेंशन में तो सभी एक मत से जाहिर किए हैं। अगर भारत ऐसा करता है तो इसका बाकी देशों के ऊपर अच्छा प्रभाव पड़ेगा। इसलिए इस काम को करना बड़ा जरूरी है बावजूद इसके कि पाकिस्तान जो कुछ हमारे खिलाफ कर

रहा है वह अत्यंत निन्दनीय है। यह तो हमारे भारत पर है क्योंकि हम सबसे बड़े देश हैं यहाँ, इसलिए हमारे ऊपर निर्भर करता है कि हम इस भूभाग में कैसे वातावरण बनाएँ। मुझे पाकिस्तान के अधोषिप्त युद्ध के खिलाफ तो यहाँ कहने की जरूरत नहीं पड़ेगी, यह तो सभी जानते हैं, सब उसके खिलाफ हैं। लेकिन मैं इस बात को समझता हूँ कि कुछ ऐसी गलतियाँ हमसे भी हुई हैं जिसके चलते आज कुछ बातें और भी उग्र रूप से हाँ रही हैं। मैं इस बात की चर्चा इसलिए करना चाहता हूँ कि दूसरे विश्व युद्ध के बाद मैं जितने देशों का बंटवारा हुआ था—जर्मनी का, वियतनाम का, कोरिया का, सभी एक दूसरे के नजदीक आ रहे हैं, एक देश बन रहा है लेकिन क्योंकि धार्मिक आधार पर भारत और पाकिस्तान का बंटवारा हुआ था इसलिए दिन-प्रतिदिन हालत खराब होती आ रही है और इस भूभाग में अगर भारत और पाकिस्तान आपस में कोई अंडर स्टैंडिंग नहीं करें तो यह सार्क ठप ही रह जाएगा, यह कोई असरदार काम नहीं कर सकेगा। मैं इस बात से सहमत हूँ कि सार्क को एक इकोनोमिक क्षेत्र के रूप में ऐसे डेवलप करना चाहिए जैसे दुनिया में अन्य लोगों ने किया है। कामन मार्केट तो बहुत बड़ी बात हो गई है और अमेरिका ने भी जो कुछ किया है और फिर इधर जापान और एशियन कन्ट्रीज जो कर रहे हैं, इसको देखते हुए हमको वैसे ही सार्क को डेवलप करना है। मैं माननीय सदस्यों से कहूँगा कि दूसरे देश की मुसीबत को अपने फायदे का प्वाइन्ट नहीं बनाना चाहिए। हम लोगों ने भी बनाया था जब बंगला देश पाकिस्तान से टूट रहा था तो हम लोगों ने उसे टूटने में मदद दी थी, आप जरा अपने बारे में सोचिए, और उससे लोगों में अविश्वास पैदा कर दिया है इस भूभाग से। हमने भी श्रीलंका के खिलाफ और इस बात के सबूत हैं कि आपने एल. टी. टी. ई. को ट्रेनिंग दी थी इसी पवित्र भूमि में। आप ख़ाफ़त रच देते हैं और बाद में दूसरों की ऐसी हरकत बुरी लगने लगती है। इसलिए मैं चाहता हूँ कि कम से कम अब वक्त आ गया है, हमारे लिहाज से तो पहले

भी आया था, आप और भी जिम्मेदारी ठग से काम कीजिए और पड़ोसियों में जो दहशत है कि इण्डिया बहुत बड़ा है, हमको दबा डालेगा, उस दहशत को समाप्त कर दीजिए। अगर कुछ तात्कालिक घाटा भी होता हो तो इसको आप सहिए, क्योंकि जब पाकिस्तान के साथ जल बगैरह का विवाद हो रहा था तब नेहरू जी ने या गांधी जी ने फण्ड के मामले में कई रियायतें दी थी उस वक्त में भी। यह शायद माननीय सदस्यों को याद होगा।

यह जो सार्क बना है, इसके लिए सबसे ज्यादा फण्ड इण्डिया देता है। मुझे जहाँ तक स्मरण है, टॉल सच का शायद एक तिहाई भारत देता है और फिर इसी तरह से पाकिस्तान भी लगभग एक चौथाई से कुछ कम देता है। बाकी लोग छोटी-छोटी रकम चकाते हैं। तो यह अच्छी बात है। मैं चाह रहा हूँ कि जो वहाँ मुद्दे तय हुए थे, उसके बारे में तुरन्त कार्रवाई करने की जरूरत है। पहली बात तो मैं यह चाहूँगा कि भारत जिन चीजों के बारे में श्रेष्ठता रखता है, जैसे रिसर्च के बारे में, शिक्षा के बारे में, साइंस की शिक्षा के बारे में, टेक्नोलॉजी के बारे में मेडिकल साइंस के बारे में, इसमें आप पड़ोसी देशों को और भी ज्यादा ट्रेनिंग देने में मदद करें। वह जो स्वीचतान के करते हैं, वह न करें। उनमें ऐसी फीलिंग हो जाए कि वह हमारे लिए सचमुच में बड़े भाई का काम करते हैं। अब वह बड़ा भाई नहीं जो सबको दबाए चलता है, वैसे नहीं। यह भावना आप पैदा कीजिए एजुकेशन और रिसर्च बगैरह के बारे में इण्डिया, पाकिस्तान और बंगला देश का टैरिफ बहुत हाई है। इस पर आपको पेशकदमी लेनी चाहिए, क्योंकि आप दूसरे से डवलप्ड हैं। आपके पास ऐसा सामान है—इंजीनियरिंग उद्योग में आप बड़े हैं, इलेक्ट्रॉनिक्स, बिजली इक्विप-मेंट में आप बड़े हुए हैं, रेलवे लोकोमोटिव बनाने में आप बड़े हुए हैं। हमारे पड़ोसी जो दूसरे देशों से मंगाते हैं, उसमें उनका ट्रांसपोर्ट का खर्चा बहुत ज्यादा पड़ता है, जबकि हम उनको सीधे दे सकते हैं। बंगला देश को हम कपड़ा और भी दे सकते हैं। आप अगर नहीं भी देते हैं तो स्मगलिंग करके आपका

[श्री चतुरानन मिश्र]

कपड़ा नेपाल, बंगला देश और भूटान जाता है, मैं जानता हूँ इस बात का। आपका कपड़ा इतना महंगा है कि मैं एक बार अफगानिस्तान गया था। वहाँ भारतीय मूल के जो व्यापारी लोग थे, उनसे मैंने पूछा कि आप कपड़ा कहाँ से लेते हैं। उन्होंने बताया कि हांगकांग से। हमने कहा कि आप भारत से क्यों नहीं लेते हैं। उन्होंने कहा कि वहाँ बहुत ज्यादा महंगा है। तो आप इतना टैक्स लगाए हुए हैं कि देश के लोग भी सफाई में हैं और बाहर भी आपका माल नहीं बिकता है। वैसे क्वालिटी बहुत ज्यादा खराब नहीं है। मैं इस बात का साक्षी हूँ कि भारत का कपड़ा नेपाल जाता है और वहाँ मंडे इन जापान का करके बँचा जाता है, क्योंकि जापान की शोहरत हो गई है कि वह बड़ा अच्छा कपड़ा बनाता है, वह सब चीज अच्छी बनाता है। आज भारत में गांधी स्क्व के हम लोग हैं। उस वक्त स्वदेश के प्रति प्रेम जग रहा था और अभी जो सरकारें हमारे देश में आ रही हैं, वह विदेश के प्रति प्रेम जग रही हैं। तो उसका नतीजा यही हो रहा है कि यहाँ भी हमारा कुछ नहीं बच रहा है। इसलिए मैं चाहता हूँ कि यूनिस्को भी अगर संभव हो तो आप ऐसा कीजिए वर्ना बोर्डर से जो तस्करी होती है, इसको आप नहीं रोक सकते हैं। जितना फॉर्स रखिए, फॉर्स ही कमिशन लेने लगता है। आप कहाँ से और लाइएगा? वैसे आदमी दुनियाँ में कम हो गया है जो आपको मिलेगा। इसीलिए यूनिस्कोली कीजिए, आपका सामान वहाँ और ज्यादा जा सके और सीधे आपको व्यापार में भी फायदा हो और इससे सम्बन्ध भी अच्छा बन सकेगा। इसलिए इपोर्ट रिस्ट्रिक्शन पर सीरियसली आप विचार करिए। (समय की घंटों) ...

मैं एक-दो बातें कह कर समाप्त करना चाहता हूँ। साथ-साथ एशिया न्यूज एजेंसी जो बनी, तो समाचारों के आदान-प्रदान के बारे में पेशकदमी ली जाए कि उससे ज्यादा से ज्यादा सूचना प्रसारण आदान-प्रदान किया जाए। एशिया और इस रोजन का फूड सिस्कोस्टि रिजर्व का तय हुआ था, उसके बारे में आप पेशकदमी लीजिए। मैं जानता

हूँ कि आप कुछ फूड इंपोर्ट कर रहे हैं। लेकिन यह तो किसी दुर्दिन के लिए के लक्षण है। हमारे पास फूड रहता है और पड़ोसी देशों को जरूरत है तो हम उनको दे सकते हैं। वह सस्ती दर पर दे सकते हैं। अगर फूड इंपोर्ट भी कीजिए तब भी उनको दीजिए, ताकि वह आपके साथ अच्छा सम्बन्ध बनाएँ। इसी तरह से विकास के लिए एक रोजनल फंड की बात थी, जो सार्क की मीटिंग में आई थी। इसलिए मैं अनुरोध करूँगा कि उसको मजबूत करने की दिशा में कुछ किया जाए। मेरे कहने का तात्पर्य यह है कि आल आउट एफर्ट्स किया जाए, जिसमें सम्बन्ध अच्छा हो। जिससे संबंध अच्छे हों, दोनों देशों के बीच में संबंध अच्छे हों। वही आपके टैरिज्म को रोक सकता है एक तो पाकिस्तान वाले आपको न कानून बनाने से, न बहुत ज्यादा भाषण करने से और न हंस-हँसकर बात करने से मौजूदा समस्या का निदान होने वाला है। यह दीर्घकालीन समस्या है लेकिन आपको ऐसी पेशकदमी लेनी चाहिए जिससे आप इसको हल कर सकें। जब भी इसे हल होना है वह शांति और दोस्ती से ही होगा।

माननीय उपसभाध्यक्ष महोदय, अगर आप मध्य यूरोप से शुरू कीजिए और फिर इजराइल वगैरह होते हुए, अरब देश होते हुए, पाकिस्तान, भारत, अफगानिस्तान, श्रीलंका जाइए, ये पुरानी सभ्यता के क्षेत्रों में पता नहीं धार्मिक कट्टरता कहाँ से आ गई है। जो हिंदूओं में कट्टरता नहीं थी, वह भी शुरू कर दिए हैं पांच सौ बरस पुरानी बाइबली मस्जिद लेकर डांवाडोल किए हुए हैं बंबों को पॉलिग्रामेट को और सुप्रीम कोर्ट को। कौन भूत सवार हो गया, मैं नहीं जानता, पुरानी सिविलाइजेशन जो दुनिया की थी उसके अंदर में। यह चिंता की बात है। इसीलिए जो लोग समझदार हैं उनको सारा प्रयास करना चाहिए कि इस दूषित धातुवरण को ठीक करें और आमों का मार्ग प्रशस्त करें जिससे भारत भी बढ़ सके और हमारे पड़ोसी भी बढ़ सकें। धन्यवाद।

SHRI JAGMOHAN (Nominated) :
Madam, I would like to point out that Bill will have no practical utility at all,

whatever be its intentions. You see, this Convention was signed in 1987; it is precisely at the same time that Pakistan intensified its activities for instigating, promoting terrorism in Kashmir, and also in Punjab. We should therefore, understand Pakistan's intention. Let us not indulge in self-deception. It is quite clear what Pakistan is doing.

Well, our Primary job is to make it clear to Pakistan that it must first have a clear conscience. Otherwise, on our Part it would be only a case of—

“दिल बहलाने को गालिब ये ख्याल
बच्छा है”

I can tell you, now straight away not a single case of prosecution will be launched under this Bill when it becomes an Act. This you can take from me. I will just give you a few examples. The Vice-Chancellor of the Kashmir University and his private secretary were killed. There was a clear proof that the killing was done after a telephone instructions were received from Brigadier Imtiaz of I.S.I. According to the case registered by us, Brigadier Imtiaz could be an accused. Do you think that Pakistan would make available Brigadier Imtiaz to us or they would prosecute him? Let us be practical about it. They will never do that. Similarly, you take the case of Shaukat Bakshi. We arrested him. He clearly said that this had been done by Amanullah's promoting. He was one of the accused persons in the case. His Extradition warrant was issued when he was in the United States. He slipped away to Pakistan and that was the end of the matter. So, after this Bill becomes an Act, do you propose to move the Pakistani authorities for handing over Amanullah Khan to us? Do you propose to ask the Pakistani authorities to hand over Brigadier Imtiaz over to us? Or, would you propose to Pakistan authorities that they should themselves prosecute these persons? Would they prosecute them?

Another lacuna is that if someone is doing something wrong within a SAARC country, say Pakistan the accused would

be made to slip away to a non-SAARC country, what will happen? It is just an exercise in futility. Therefore, it should be quite clear that unless there is an honest intention the Act will merely be a piece of legislation on paper, and nothing else will come out of it. Another point is that we have ourselves proved incapable of prosecuting offender here successfully in our own designated courts. Much has been said about ourselves being soft to Pakistan.

I would, therefore, ask a counter-question : Why are we being soft here? When I established a designated court in Jammu, a lot of hue and cry was made here, in this very Parliament it self. And when almost serious cases were worked out at that time, investigated through the CBI, and put before the Jammu designated court, Propaganda noises which wear made on some petty consideration. The cases were taken back to Srinagar and practically dropped. The issue is : even when there was solid evidence, prosecution was not allowed. The fault lies with us and our State. If we are adopting such soft attitude, do you think Pakistan or any other country will take us seriously and take corresponding action in its country?

Now, I will tell you another case. Our own ex-Chief Justice of the Jammu and Kashmir High Court is clearly propagating secession and indulging in a its of sedition. He is committing offence under section 124A of the Indian Penal Code. Portions of affidavits are being distributed in the United States. Neither the State Government nor the Central Government has thought it wise to prosecute him. He filed an affidavit in the court and then it is used as a propaganda piece all over the world. And yet no action has been taken. What is the use of the laws?

So, my suggestion is that, if we are really serious and do not want to waste our time and resources, then we should do something very concrete and positive. Only then this type of legislation would have some meaning. Otherwise it would have no meaning at all. Thank you very much.

SHRI INDER KUMAR GUJRAL (Bihar) : Madam Vice-Chairperson, I rise to support the Bill. I do feel that despite all the limitations, despite all the painful chapters in the relationships amongst the neighbours, this is a step in the right direction.

We do feel that in the post-Cold War era the whole world is changing very fast. It is a fact that in the entire world today, regional cooperation is the relevant agenda for everybody. It is an unfortunate fact that in South Asia we have not moved in that direction as much as we should have. The fault is not ours. There are several things which have come in our way but, all the same, it is encouraging that despite all the limitations, despite all the frustrations, despite all the painful chapters in our history, though we are moving very slowly, we are moving in the right direction.

Five years ago this Convention was signed. If it has not come before us as a Bill, I do not blame the Government for that. These five years were very painful experiences in our Inter-relationships. Several things had happened and those days that are full of agony, those days are full of pain for the entire nation. The resistance and the mindsets that we all suffer from in this region and the way we keep on clinging to the past of not building better relationships amongst the neighbours, in varying degrees is, sort of, manifest in all of us.

We Indians are, possibly because of democracy, slightly ahead in trying to release ourselves from those mindsets, but I do not see such evidence in several other countries.

The difficulty at the moment is that we are trying to work out a relationships, but on what basis? How do we deal with the relationships? We have naturally to look at the relationships in terms of various neighbours, in terms of bilateral relations, and unless we evolve good neighbourly relationship codes in our own style, it will be very difficult to work it out. Let me look back to India-Sri Lanka relations, for instance. I was there recently. We have seen several chapters of this, and India has paid a

very heavy price in the dastardly assassination of Rajiv Gandhi, the former Prime Minister of India. He had taken very positive steps in trying to improve relationships between the two countries. The Rajiv-Jayawardene Accord was a step in that direction.

But the tragedy was that the type of forces that were released, to an extent by us also, ultimately boomeranged, and we paid a heavy price for this. I am saying this not to accuse anybody. I am saying this to urge that let this be the chapter of the past from which we must release ourselves and evolve a code that our respective countries will not permit any activity of any type against the neighbours. The SAARC and all other co-operation organisation only then will be effective. We have seen it often. But, I think, it has been very adequately spelt out in the Simla Agreement itself. The Simla Agreement is often talked about only in one sense, about the Kashmir situation. The Simla Agreement is not only about Kashmir, but it is a charter of good neighbourliness, how one should behave with one's neighbour, regarding propaganda, regarding talks, speeches, other activities.

Similarly, I think, we have to look at the agonies of the Indo-Bangladesh relationship. It also has several chapters, and I do not want to take this opportunity to spell those out. But, I do feel that in the Indo-Bangladesh relationship are moving towards a more positive understanding of each other.

The Indo-Pakistan relationship, unfortunately, continues to be a very agonising chapter. Much of what my friend, Mr. Jagmohan has said, is valid. It is a fact that the type of experiences that we have been going through both in Punjab and Kashmir, has caused us a great deal of not only agony and pain but a type of on-going, weeping wound that we have been seeing. It is a fact that Pakistan's intervention in these two regions is not only blatant but also very manifest. There is enough evidence available to prove the fact that it is there.

I do not agree that we are not doing anything. I have sympathy with my colleague, the Minister. I think, diplomacy is a very difficult task. After all, what is the purpose of diplomacy? To try to avoid war if we possibly can. I think this is the consensus in the Indian political system, that we definitely do not want war we must avoid it. I am one with the Government when it is making all its efforts to see that the situation improves in a way both internally and externally and that we are able to deal with the situation.

In Punjab, for instance, the situation definitely has taken a turn for the positive. How it has happened and why it has happened, this may not be the occasion for me to spell out. But the fact is that ultimately we are seeing the light at the end of the tunnel. Well, this is the situation which, I think, we should try to create in Kashmir as well. I feel that the process which Mr. Chavan has recently initiated, of talking to all parties and also sending a delegation, is a positive one, and I support it because we must understand that a political process is a process and can not be an event. Sometimes we think that we should frog-jump and straightway reach elections. You cannot do it possibly because these difficulties are there. So, I do hope that the process—I wrote to the Home Minister—he is continuing, will ultimately be able to help us out because the most important factor is that we must see and understand the internal dimensions of the problem, why it has happened and why, what we are seeing in Kashmir and Punjab today, we did not see earlier.

Well, sometimes confessions are very difficult and sometimes very painful, but, I think, sometimes it has to be made. Therefore, we must see that whether it is Kashmir or Punjab we are dealing with our own people. We believe in national integration. Integration is always integration of the people and not of the lands alone. Therefore, we should start thinking that Kashmiris are blood of our blood. When we say that Kashmir is an integral part of India, what does it mean? It means that the Kashmiri people and the

people in the rest of India are of the same blood and the same bones. If we see that, it will be easier for us to understand, and sympathise with them. There are several things which should not have been done in the past but have been done and the neighbours have taken advantage of that.

Well, we have to deal with our neighbours also. But, I think, honestly we have to deal with ourselves as well. Recently, Madam, for the last one year or eight, nine months or so efforts have been made at the non-official levels for dialogues with Pakistan. I have also participated in some of them. When I go to Pakistan and when Pakistani friends come here, we do find a large area of commonality of interest and understanding and wish understand each other. The Pakistani people have their difficulties as well. The difficulty is not that the Pakistani people do not want to have good relations with India. It is not that the Pakistani people think that they can gain by intervening in Kashmir and in Punjab. But the type of policy that Pakistan has got creates problems for them as well as for us. Therefore, I think we have to look at it in a broader sense. I do feel that the Minister will kindly have a look at the lacunae which have been pointed out by my friend, Mr. Jethmalani, in the Bill because I am not a legal expert. So I will not comment on those. But I do hope the Minister will ask his legal experts to have a second look at it because it is a helpful suggestion.

Before I sit down, I would only say, let us understand that SAARC is a platform which is in our own interest, must be encouraged SAARC, an institution which ultimately helps all of us. SAARC should be strengthened and also its areas of interest and areas of activities and agreements should be extended. We may be able to get some results out of this new Bill or we may not. But it definitely means that this by itself is a good effort when countries sit together and sign agreements on some issues. Signing an agreement even if it is dishonest, even if it is not implemented, shows the signs of an era and shows the direction in which the world has to move. Madam, with these words, I support the Bill.

श्रीमती सत्या बहिन (उत्तर प्रदेश) : उप-सभाध्यक्ष महोदय, मैं आपके प्रति धन्यवाद प्रकट करती हूँ जो आपने मुझे बोलने का मौका दिया।

महोदय, आज आतंकवाद ने न केवल भारत में बल्कि पूरे विश्व में एक ऐसी समस्या उत्पन्न कर दी है जो सबके लिए चिंताजनक है, केवल भारत के लिए ही नहीं है। भारत पूरी तरह से इससे प्रभावित है। मैं समझती हूँ कि ऐसे समय में जो हमारे सामने है वह एक महती भूमिका निभा सकते हैं। जहाँ तक विकासशील देशों का सवाल है, उनके अंदर एक इच्छा शक्ति है, अपने देश के विकास के लिए, अपने देश की समस्याओं को हल करने के लिए और लोगों तथा जनता का जीवन स्तर उठाने के लिए। लेकिन वहाँ यह जो आतंकवाद है, इससे हमारे देश भारत का, हमारी सरकार की इतनी शक्ति और इतना पैसा इसका मुकाबला करने पर खर्च हो रहा है। इस आतंकवाद से निपटने के लिए एक तो बहुत मस्सकत करनी पड़ रही है और यही नहीं हमारे पड़ोसी देश श्रीलंका की हालत हमसे कोई अच्छी नहीं है। बल्कि मैं तो कहूँगी कि वहाँ की हालत हमारे देश से ज्यादा खराब है। आतंकवाद को बढ़ावा देने में जो दूसरे देश हैं उनको बड़ा भारी हाथ होता है। हमारा देश, हमारे देश की जनता और हमारी सरकार का अनुभव है, हमारे देश के विभिन्न दलों का यह अनुभव है कि पाकिस्तान अपने देश की आंतरिक समस्याओं से निपटने में जब विफल होता है तो वह उस तरफ से जनता का ध्यान बंटाने के लिए भारत का हवा खड़ा करने की कोशिश करता है कि उनका सबसे बड़ा दुश्मन भारत है। इससे हमका खतरा है और दूसरी तरफ भारत में तोड़फोड़ और विघटनकारी प्रवृत्तियों को बढ़ावा देने के लिए अपने यहां प्रशिक्षण केन्द्र खोलें हुए हैं। इन प्रशिक्षण केन्द्रों में वे यहां के निजवानों को गुमराह करके ले जाते हैं और उनको तरह-तरह के लालच दिए जाते हैं और उनका दिमाग का मेकअप ऐसा बनाकर उनकी साधन दिए जाते हैं और उनको यहां तोड़फोड़ करने के लिए भेज दिया जाता है। मैं समझती हूँ कि इस पर

अंकुश तभी लगाया जा सकता है जब कि अंतरराष्ट्रीय क्षेत्र में जो विकासशील देश हैं वे एक दूसरे से सहयोग करें और एक दूसरे के मामलों में हस्तक्षेप न करते हुए सहयोग की भावना से आगे बढ़ें। पाकिस्तान तो भारत का हवा दिखाकर विदेशों से सहायता लेता आ रहा है। जहाँ तो विकासशील देशों का सवाल है, बड़े देश दुनिया में अपने साधनों के बल पर, अपना अहम के बल पर दादागिरी करना चाहते हैं। मैं निसकोच कहना चाहती हूँ कि इन देशों के अंदर यह भावना होती है कि जो दूसरा लोग हैं वे हमारे मोहताज रहें और एक दूसरे से लड़ते रहें। मैं कहना चाहती हूँ कि जिस तरह से सभी देश, जैसा कि मैं कहा एक दूसरे के साथ सहयोग की भावना से मिल बैठकर बातें करें, एक दूसरे के साथ व्यापारिक संबंध बढ़ायें, एक दूसरे की चिंता और दुख दर्द हैं उनकी तरफ देखें उनको हल करने की बात करें और अन्तराष्ट्रीय क्षेत्र में जो ऐसे देश हैं जो पड़ोसी देशों में आतंकवाद को बढ़ावा देते हैं, सार्क देशों को मिल कर के अगर इच्छा शक्ति हो तो ऐसी ताकतों को अलग-थलग किया जा सकता है। यदि उनको अलग-थलग कर दिया जाए तो नैतिक रूप से वह कमजोर हो जाएंगे और आतंकवादी गतिविधियाँ भी बढ़ावा नहीं दे सकेंगे। इस तरह से जहाँ तक भारत का सवाल है, भारत विकासशील देश है और भारत की अपनी एक वह भूमिका है। आज से नहीं श्रीमती इन्दिरा गांधी के समय से, राजीव गांधी के समय से और पीडित जवाहर लाल नेहरू के समय से और आज भी हमारे माननीय नरसिंह राव के नेतृत्व में भारत का अपना एक अलग स्थान है, अपनी प्रतिष्ठा है। दूसरे देश जो विकासशील देश हैं वे भारत की तरफ आशा से देखते हैं। हम अपनी समस्याओं भी लड़ रहे हैं। इस तरह से हमारी डब जिम्मेदारी हो जाती है। एक तरफ हम अपने आंतरिक मामलों में जो हम

समस्याएं हैं, विकास की समस्या है, अतंकवाद की समस्या से लड़ते हैं और दूसरी तरफ हमें प्रतिष्ठा बढ़ाने के लिए दूसरों का विश्वास हासिल करना होता है जो हमारी नीतिक जिम्मेदारी है। हमें पूरा विश्वास है कि सार्क देशों में संगठित हो कर के इस समस्या की ओर हम ध्यान देंगे, ईमानदारी से सहयोग करेंगे और ऐसे देशों को बंदकाब करेंगे, पहले तो उनको समझाएंगे कि इस तरह की बात नहीं होनी चाहिए जहां तक मेरा विश्वास है पाकिस्तान की जनता को अगर सही मायने में परिस्थितियों का ज्ञान कराया जाए तो किसी भी देश के लोग एक दूसरे के साथ झूठा नहीं चाहते हैं। अगर शासकों का अपना कोई राजनीतिक स्वार्थ न हो, चाहे भूटान के समय हो, चाहे अयूब खान का समय हो, चाहे नवाज शरीफ का समय हो तो इस समस्या पर काबू पाया जा सकता है। हमें सब को इकट्ठा कर के अतंकवाद से लड़ने के लिए संकल्प लेना चाहिए। मैं समझती हूँ एक दूसरे के आंतरिक मामलों में हस्तक्षेप नहीं करना चाहिए। व्यापारिक हित भी हैं। जहाँ तक अतंकवाद का सवाल है यह अंतर्राष्ट्रीय जगत में मादक पदार्थों और हथियारों की तस्करी से आरंभ होता है। बंरोजगार नौजवानों को गुमराह करने के लिए इस तरह की योजनाएं बनाई जाती हैं जिससे इस तरह की परिस्थितियां बनें। अगर हमारा किला मजबूत होगा तो दूसरे लोग कितना भी परिश्रम करें, हमारा कुछ भी नहीं बिगाड़ सकते हैं। मेरा कहना यह है कि अंतर्राष्ट्रीय क्षेत्र में हमें एकजुट हो कर ऐसे लोगों को बंदकाब करना चाहिए। अगर हम एकजुट हो कर ईमानदारी से आपस में सहयोग करेंगे तो मैं समझती हूँ कि अतंकवाद पर काबू पाने के लिए यह एक सही दिशा में सही कदम होगा। मैं भारत सरकार से आशा करती हूँ कि हमारे प्रधानमंत्री जी इसमें एक कुशल नेतृत्व दें सकेंगे, अच्छी दिशा दें सकेंगे। भारत के

लोग ही नहीं दुनिया के विकासशील देश भारत की तरफ आलाभकारी निगाह से देख रहे हैं। मैं इस संकल्प के साथ अपनी बात समाप्त करती हूँ कि हम कुशलता के साथ, ईमानदारी के साथ दुनिया को सही दिशा दे सकेंगे। धन्यवाद।

SHRI SUKOMAL SEN (West Bengal) :
Madam, I rise to support this Bill. While extending my support to the Bill, I would like to make certain points for the consideration of the Government.

Madam, terrorism is a big problem with which our country is affected. It is not only our country but many countries of the world are affected by the danger of terrorism. Recently, our country has witnessed a spurt in terrorism in different parts and this spurt in terrorism has its origin in the dissatisfaction of certain sections of the people on different grounds. Unfortunately, terrorism in our country has been prompted by certain other countries which are our neighbours. If terrorists are given shelter by neighbouring countries and are trained and given all help and aid by neighbouring countries, it creates a very big problem. In fact, it creates a real threat to the unity and integrity of the country. In SAARC Convention, all the member-countries are working together. It is good that a Convention has been adopted by these countries. But the intention of the Convention should also be properly fulfilled. Unless all the member-countries are true to the Convention, the problem of terrorism cannot be solved. Merely by having a Convention of this type the problem cannot be solved. If terroristic activities are prompted by neighbouring countries to create trouble in other countries, then such a type of Convention means nothing. On the contrary, it creates further international problems; it creates further tension between the neighbouring countries.

Madam, I could not understand one point and I would be happy if the hon. Minister explains it. This Convention is all right. For India we can try and punish any terrorist committing a crime. But at the same time, if some terrorist is committing crimes in the country and runs away across the border and gets shelter there, then what is the remedy? We don't have extradition treaty with SAARC countries. Unless there is extradition treaty with other countries, how a terrorist committing an act of terrorism in our country and taking shelter in another country, will be looked and how those people will be brought to the country and tried? That is not clear from the provisions of the Convention.

Then, in this Bill there is one point that they will define what the acts of terrorism are, what offences will be treated as an act of terrorism. Now taking hostage is condemned internationally. It is understood. But what other acts will be treated as acts of terrorism? The Government should give a proper thought to it. There are many theories in the country and all over the world that sometimes terrorists are treated as liberators struggling for liberation of a particular community, if not of a country. All those acts should be treated as acts of terrorism. They are appreciated by certain sections who say that these are not acts of terrorism but acts of patriotism and acts of liberation. That is why these points should be properly defined when he comes to the implementation of this Act and when the Convention will be implemented in practice.

Another point I want to mention is that in dealing with terrorism, the State should not act in an arbitrary manner. It should exercise some restraint. Clause 8(i) and (ii) gives liberty to the State to take action. If in good faith or with good intention,

they have done something, then nothing can be done against the State which takes recourse to this Act. Here comes the question of arbitrariness on the part of the State. There are instances where in dealing with the terroristic activities, the security forces acted arbitrarily and the question of human rights arose. This part also should be properly looked into and it should be ensured that arbitrariness in dealing with terrorism is eliminated so that human rights are properly safeguarded.

In the name of suppressing terrorism human rights should not be suppressed. That part should be properly looked into by the Government. This is very important; otherwise, we have faced so many problems whether in Kashmir or in Punjab. This point had been made out. I am not going into details as to how far that is true or not, but this point was made out by various quarters including the International Human Rights Group. They may be motivated, but certain truths are also there. While human rights are being suppressed, this point is to be looked into.

My last point is this. While the intention is good and I support the Bill, at the same time I would like to see that in the next meeting of the SAARC the Government of India takes up the issue that this Convention should be followed with really a good intention and an honest intention. Otherwise, it will be a dual policy—on the one hand giving tribute to the Convention and on the other aiding and abetting the terrorists to create disturbances in the neighbouring State. That will be very harmful.

Thank you.

SHRI S. MADHAVAN (Tamil Nadu): Madam, I welcome the object of the Bill. This will go a long way to convince the people of our neighbours that India is not for terrorism. This Bill also helps to relieve the strained relations with our neighbours. I want to mention that the terrorist activities led to the strained relations with Sri Lanka. Tamil Nadu State is the worst

affected State by the strained relations with Sri Lanka even today. The State has got a grievance against the Central Government that it is not helpful to the State of Tamil Nadu in suppressing the terrorist activities in that State. I welcome specially the provision which says: "Hostage-taking and other offences mentioned in Article 1 of the Convention will not be considered as a political character for extradition purposes under 1962 Extradition Act." This shows that the political decision taken by one country supporting the terrorist activities in other countries leads to strained relations with those countries. I want to know what the political character of the offences is the Government thinks of, under his Act. Because, I understand, the political offences have not been defined under the 1962 Extradition Act. So I suggest that the Government must come forward with what the nature of the political offences is that will not be attracted under the extradition Act. This must be implemented wholeheartedly to get the support of the neighbours. I must mention that so far as Sri Lanka is concerned, the Sri Lankan Government is being nurturing a grievance against the Government of India that it is not helpful to that country in certain aspects of militant activities. So I must tell the Government that after this Bill is passed, the Central Government must come to the help of the Tamil Nadu State to put down the terrorist activities aided by other countries which give a lot of trouble to the Tamil Nadu State Administration.

श्री गोहम्मद खलिलुर रहमान (आन्ध्र प्रदेश) : मैडम, नाइस चेंयरमैन साहिबा, ए. एस. ए. ए. आर. सी. कन्वेंशन (सप्रेसन ऑफ टैरॉरिज्म) बिल, 1992 का अपनी जानिब से और अपनी पार्टी की जानिब से सपोर्ट करता हूँ। जो कि इस बिल में कुछ खामिशां और कुछ कश्मियां जरूर हैं, पर इसके बावजूद भी यह बिल का तकाजा कि इस किसम का बिल पास किया जाए। वजह से कि 1987 ई. में कन्वेंशन पास किया गया और उस पर बा-हो-सियते एक मेम्बर टी के इंडिया ने भी दस्ताखत किये हैं। . . .

और जब दस्ताखत किए हैं तो यह इच्छा की जिम्मेदारी हमारी होती है कि हम इसको हमारे मुल्क में भी नाफिज करें और इसकी ताल्लुक से लॉजस्तेशन करें। अब रहा जैसा कि हमारे मौजिजि मैबर राम चंठमलानी साहब ने कहा है कि उसमें झूफिटिंग में कुछ गलतियां हैं तो मैं आनरेबल मिनिस्टर साहब से यह दरखास्त करूंगा कि उन गलतियों को आप दूर करने की कोशिश करें ताकि यह बिल तमाम गलतियों से پاک बिल बन सके। मैडम, यह सार्क जो तशकील किया गया था इसको जो 7 मैबर अराकीन हैं, उनके सोशियो इकोनोमिक डिवेलपमेंट के लिए बनाया गया था, उनकी पोलिटिकल स्टैबिलिटी के लिए बनाया गया था और रिजगल और इंटरनेशनल पीस वहां पर रहने के लिए बनाया गया था। हम पिछले चंद सालों से देख रहे हैं कि जहां तक इसके तालीमी मैदान, मजबूती बैधान में जो एक्टिविटीज चल रहे हैं इंतहाई काम-याबी के साथ वह सार्क कंट्रोज में बायस में एक-दूसरे के जो भी एक्टिविटीज हैं और उसके ताल्लुक से काश्चाती के साथ काम चल रहा है। तो जाहिर है कि इन मैबर मुमालिक में ला एंड आर्डर के प्रान्त्व को और फिर इंतहाई एक पुरसकून महाल को बगर बनाता है तो जाहिर है कि इसमें टैरॉरिज्म से भी यह तमाम मुमालिक बिल्कुल पाक होना चाहिए और जितने मैबर मुमालिक हैं, यह सब उनका फर्ज है कि वह एक-दूसरे के मुमालिक में इस तरह की एक्टिविटीज न करें। अब हमारे पड़ोसी मुमालिक की जानिब से खास तौर पर पाकिस्तान की जानिब से काश्मीर और पंजाब वगैरह में जो एक्टिविटीज चल रहे हैं और फिर श्रीलंका की जो एल. टी. टी. ई. की जो एक्टिविटीज चल रही हैं वह मैबर मुमालिक की ताल्लुक से मैं हमारे आनरेबल मिनिस्टर साहब से यह कहूंगा कि आईदा जब भी सार्क की मीटिंग होगी आप उसमें इस मसले को उठाइये और कहिए कि सार्क के जो एग्ज एंड आर्गजेंट्स हैं

[श्री मोहम्मद बलाल रहमान]

उसकी पूरी-पूरी तकगोल कर । इस किस्म से अगर आप टैरॉरिज्म को फराग देने की कोशिश करेंगे तो जिस मकसद के लिए साक बनाया गया था उसके अग्राज और मकासिद ही नाकाम हो जायेंगे । इस बात को आप जरूर उठाइये । लिहाजा यह जो बिल है, इन चंद अलफाज के साथ, मैं इस बिल की सपोर्ट करता हूँ ।

महरी محمد خلیل الرحمان "آدم ہر اپویشی"

میدم وائس چیئرمین صاحبہ میں
ایس۔ اے۔ اے۔ اے۔ اے۔ آر۔ سی۔
کنوینشن "سپریشن آف ٹیرورزم"
بل ۱۹۹۲ء کا اپنی جانب سے اور
اپنی پارٹی کی جانب سے فل سپورٹ
کرتا ہوں گوکہ اس بل میں کچھ خامیاں
اور کچھ کمیاں ضرور ہیں مگر اس کے
باوجود بھی یہ وقت کا تقاضا ہے
کہ اس قسم کا بل پاس کیا جائے۔
اس وجہ سے کہ ۱۹۸۷ء میں کنوینشن
پاس کیا گیا اور اس پر بحیثیت ایک
ممبر کنٹری کے اندر آنے بھی دستخط
کئے ہیں۔۔۔۔۔۔۔۔۔۔ اور
جب دستخط کئے ہیں تو یہ اخلاقی ذمہ داری
ہماری ہوتی ہے کہ ہم اس کو ہمارے
ملک میں بھی نافذ کریں اور اس کے
تعلق سے لیجسلیشن کریں۔ اب رہا
جیسا کہ ہمارے معزز ممبر رام جیٹھ ملانی
صاحب نے کہا ہے کہ اس میں ڈرافٹنگ

غلطیاں ہیں تو میں آنرہیل مسٹر
ب سے یہ درخواست کروں گا کہ
ٹیبلوں کو آپ دور کرنے کی کوشش
تاکہ یہ بل تمام غلطیوں سے
صاف بل بن سکے۔ میڈم یہ
جو تشکیل کیا گیا تھا اس کے
رک ممبر اراکین ہیں ان کے حوثیو
لک ڈیولپمنٹ کے لئے بنایا گیا
ان کی پولیٹیکل اسٹیبلٹی کے لئے
یا تھا اور ریکجنل اور انٹرنیشنل
وہاں پر رہنے کے لئے بنایا گیا
ہم پچھلے چند سالوں میں دیکھ
ہیں کہ جہاں تک اس کے تعلیمی
ن، معاشی میدان میں جو
اوٹیز چل رہی ہے انتہائی
بی کے ساتھ یہ سارک کنٹریز
آپس میں جو ایکٹی وٹیز ہیں اور
کے تعلق سے کامیابی کے ساتھ
چل رہا ہے۔ تو ظاہر ہے کہ
ممبر ممالک میں لائینڈ آرڈر کے
کو اور پھر انتہائی ایک پرسکون
ل کو اگر بتانا ہے تو ظاہر ہے کہ
میں ٹیرورزم سے بھی یہ تمام
بالکل پاک ہونے چاہئیں اور
ممبر ممالک ہیں یہ سب ان کا فرض

ہے کہ وہ ایک دوسرے کے ممالک میں اس طرح کی ایکٹیویٹیز نہ کریں۔ اب ہمارے یوروپی ممالک کی جانب سے خاص طور پر پاکستان کی جانب سے کشمیر اور پنجاب وغیرہ میں جو ایکٹیویٹیز چل رہی ہے اور پھر شری لنکا کی جوائیل۔ٹی۔ئی۔ای۔کی جوائیکٹیویٹیز چل رہی ہیں وہ غیر ممالک کے تعلق سے ہیں ہمارے آنر بیل منسٹر صاحب سے یہ کہوں گا کہ آئندہ جب بھی

سارک کی میٹنگ ہوگی آپ اس میں اس مسئلہ کو اٹھائیے اور کہیے کہ سارک کے جوائیس اینڈ آجیکشن ہیں اس کی پوری پوری تکمیل کریں۔ اس قسم سے انگریز آپ تیرورزم کو فروغ دینے کی کوشش کریں گے تو جس مقصد کے لئے سارک بنایا گیا تھا تو اس کے اعراض و مقاصد ہی ناکام ہو جائیں گے۔ اس بات کو آپ ضرور اٹھائیے بلذایہ جو بل ہے ان چند الفاظ کے ساتھ اس بل کی سپورٹ کرتا ہوں۔

श्री कृष्ण लाल शर्मा (हिमाचल प्रदेश) : महोदया, दक्षिण एशिया क्षेत्रीय सहयोग संगठन (आतंकवाद दमन) कन्वेंशन विधेयक, 1992 जो इस समय हमारे सामने विचारार्थ प्रस्तुत किया गया है, अब इससे मुझे नहीं लगता कि हम कोई किसी समस्या का समाधान कर पायेंगे। यद्यपि हमारे कुछ मित्रों ने यह आशाएं व्यक्त की हैं कि यह एक सही दिशा में एक सही कदम है, किन्तु इस विधेयक की ओर अगर हम गहराई से देखें तो इससे भी बड़े और सख्त और ऐसे कठोर लागू हमने अपने देश में बनाए और उसके बावजूद भी हम पंजाब में काश्मीर में और देश के अन्य भागों में आतंकवाद को रोक नहीं पाए। अनुभव यह आया कि जितने भी हमने कानून बनाए वह अपराधों से ही नहीं हुए और इस विधेयक में अगर कोई कमी दिखाई दे रही है तो वह गंभीर है कि यह विधेयक किसी भी प्रकार से प्रभाव प्रस्तुत कर पायेगा या नहीं। अब जैसे हम इसमें कल्पना कर रहे हैं कि कोई व्यक्ति यहां पर कोई अपराध करता है और जो कि इस विधेयक के अंतर्गत आता है और वह यहां के किसी दूसरे हमारे क्षेत्रीय सहयोग संगठन के देश में चला जाता है तो वहां से उनको लाने के लिए हम आपस में संधि करेंगे और उसको भेजना आवश्यक होगा।

क्या यह हमारे देश की समस्या है? हमारे यहां आतंकवाद का अपराध करने के बाद आज भारी संख्या में लोग विदेशों में चले गए हैं और वह वहां बैठकर यहां का आतंकवाद चला रहे हैं, यह समस्या हमारी नहीं है? अगर हम गहराई से देखें इस समय तो ऐसे लोगों के नाम सरकार को बताना चाहिए, नाम लेकर बताना चाहिए, ऐसी कोई सूची प्रवेशित करनी चाहिए कि इस समय कितने ऐसे लोग हैं जो हमारे अपने देश में आतंकवाद के अपराधी हैं और इस समय विदेशों में शरण लिए हुए हैं और उसके लिए सरकार क्या प्रयास कर रही है या नहीं कर रही है? अगर कर रही है तो क्या प्रयास कर रही है और जो विदेशों में शरण लिए हुए हैं, उसमें से यह जो "साक" कंटीज है, इनमें किस देश में वह है? अब यह एक ऐसी चीज है कि हमारे देश में तो आतंकवाद काफी गंभीर रूप धारण कर चुका है और यह विधेयक ऐसा है कि जब कोई बड़े गंभीर रूप की परिस्थिति पैदा हो जाए और तब यह सोचें कि अब तो कोई इलाज की ज्यादा गुंजाइश नहीं है, इस लिए क्या करें कोई नेचुरोपैथी का कोर्स या कोई होमोपैथिक मेडीसिन ले तो क्योंकि बाकी अब मेडीसिस काम नहीं कर पाई है। हमारा अनुभव तो यह कह रहा है कि कंठमांडू में

[श्री कृष्ण लाल शर्मा]

1987 में यह कन्वेंशन एडाप्ट हुआ और 5 सालों में अगर हम अच्छी तरह से अध्ययन करें और देखें तो जिन देशों ने वहाँ बैठकर इस कन्वेंशन को साइन किया, वही देश आतंकवाद को बसाने में लगे हुए हैं और अगर वह बताते हैं तो हम केवल यह सोचते हैं कि कुछ व्यक्ति इसके लिए अपराधी हैं।

अब जैसे हम अगर इस बात को अपने सामने रखें कि काश्मीर के बंदर सीमा को पार कर के हमारे देश में आने के बारे में तीन बार, चार बार योजनाएं बनायी गयीं और उसमें हमारे पड़ोसी देश की सरकार ने उसको नैतिक समर्थन दिया। यहाँ तक कि हमारी पड़ोसी सरकार ने इस बात को स्वीकार किया कि इतने प्रशिक्षण केन्द्र चलाए जा रहे हैं। उन्होंने इस बात को भी स्वीकार किया कि यहाँ पर जो लोग प्रशिक्षण लेकर भारत के किसी हिस्से में काम कर रहे हैं तो वह अपना कर्तव्य निभा रहे हैं और हम उनको नैतिक समर्थन दे रहे हैं।

दूसरी तरफ हम देखें, यह केवल सीमा को पार आतंकवाद को प्रशिक्षण देकर हमारे देश के हिस्से में भेजने की बात नहीं है; हमारे देश में बांग्लादेश से कितने ऐसे विदेशी नागरिक घुसते जा रहे हैं और वहाँ की सरकार क्या कार्यवाही कर रही है? कोई उन पर कानून लागू है कि नहीं? सारे देश में हमने यह परिस्थिति बना दी है कि यहाँ कोई भी कानून नहीं और ऐसे जैसे कि हमारा देश नहीं कोई धर्मशाला है, जो भी आए और जो कुछ करे उसको खुली छूट है। हम बांग्लादेश की सरकार को विदेशी नागरिकों के आने को रोकने के लिए बाध्य नहीं कर पाए हैं। हम पाकिस्तान को इस बात के लिए बाध्य नहीं कर पा रहे हैं कि वह आतंकवाद को खूला समर्थन बंद करे। हमने यहाँ बातलाप किए हैं। हमने छः-छः राउंड बातों की हैं, सेक्रेटरी लेवल पर, प्रधान मंत्री लेवल पर और नवाज शरीफ और उनसे पहले के पाकिस्तान के प्रधान मंत्री हमेशा आश्वासन देते रहते, लेकिन वह यहाँ बातचीत में जो बात कहते हैं, अपने देश में जाकर वह दूसरी बात बोलते हैं। अब मुझे नहीं लगता है कि इस विधेयक के द्वारा हम कोई ऐसे प्रभावी पग उठा पाएंगे जो हमें अपने देश में

आतंकवाद को परिस्थिति को सुधारने में सहायक होगा। महोदया, मैं चाहूंगा कि सरकार और मंत्री महोदय इस बात का स्पष्टीकरण दें अपने उत्तर में कि यह सारी बातें जो हम कह रहे हैं, इसका परिणाम क्या होगा? अगर हम कोई विधेयक लाएं और उसका परिणाम न हो तो वह ज्यादा अपमानजनक होगा। अब जैसे हम विधेयक लाएं, कानून भी बनाया, जैसाकि हम पंजाब और काश्मीर में अनुभव कर रहे हैं, हम कानून बना देते हैं, लेकिन उसका कोई प्रभाव नहीं होता। कोई उसे मानता नहीं है। मेरे मित्र जगमोहन जी ने भी बताया कि यह काश्मीर का नहीं, पंजाब का भी सवाल है। पंजाब में इतने अपराध हुए, इतनी हत्याएं हुईं, लेकिन एक भी व्यक्ति पंजाब में ऐसा नहीं है जिसको हमने कानूनी 6 P.M. तौर पर कोई सजा दी हो।

और यह इतनी बड़ी बात अपने देश में हम नहीं कर सकते। हमारा कोई व्यक्ति दूसरे देश में चला जाएगा तो हम उसको करेंगे।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : शर्मा जी, एक मिनट। मुझे सदन की राय लेनी है कि बिजनैस एडवायजरी कमेटी की रिफॉरमिज के मुताबिक हम लोगों को आज छह बजे तक बैठना था। इस समय स्थिति यह है कि शर्मा जी के बोलने के बाद सिर्फ प्रोफेसर सौरिन भट्टाचार्य दो मिनट के लिए बोलेंगे और मंत्री जी जवाब देंगे उसके बाद मतदान होगा। अगर सदन का मत हो तो हम इस बिल को आज निपटा कर ही उठें।

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu) : We will finish it today.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : ठीक है। शर्मा जी, आप बोलिए।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : उपसभाध्यक्ष जी, मंत्री महोदय से मेरी बिनती यह है कि कंदा भाषण न दें, पांच मिनट लेकर समाप्त करें।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : सभी सदस्यों ने संक्षिप्त बोला है तो मंत्री जी भी छोटा ही बोलेंगे।

श्री गणबोल प्रसाद माथुर : पांच या चार मिनट में खतम कर दें ।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : अब इसी में समय न गवाइए, मंत्री जी तो छोट्टा बोलेंगे ही, माथुर जी । सर्मा जी, बात कण्ठस्थ करे ।

श्री सुषमा स्वराज : ठीक है, अब जो एक निर्देश हुआ है उपसभाध्यक्ष महोदय से, तो मैं यह कहना चाहता था कि हम जो चीज आज तक कर रहे हैं, इसमें क्या कोई इस बात का प्रयोग हम करेंगे इस बात के लिए कि सार्क कण्ट्रीज, सार्क में जो सात देश हैं वे, जब सार्क की बैठक होगी तो उसमें कभी किसी ऐसे देश को अपराधी घोषित करने और उसके खिलाफ अगर इस तरह की कोई शिकायत होती है तो उसके बारे में किसी प्रकार से थोड़ी बहुत चर्चावनी भी दी जाए ? अगर इस तरह की बातें नहीं होंगी तो फिर इस बिल के द्वारा हम अपने आपको बांध रहे हैं और वे अपनी कार्यवाहियां करते जाएंगे । अब तक यहाँ हुआ है कि हम जो कानून बनाते हैं, उसके द्वारा हम अपने आपको ही बांध लेते हैं और दूसरा कोई देश हमारे कानून को मानता ही नहीं । इसलिए मैं मंत्री महोदय से, सरकार से आपके माध्यम से यह कहना चाहता हूँ कि एक तो इस विधेयक के स्वरूप पर थोड़ा सा विचार किया जाए कि क्या इसका कोई प्रभाव भी होगा, इसका कोई परिणाम भी होगा, इसका कोई लाभ भी होगा ? नहीं तो, ऐसा एक कानून बनाना, जिसका कोई लाभ नहीं, मैं समझता हूँ कि इससे तो उसका न बनाना ही ज्यादा अच्छा है । दूसरा यह कि जो बुल्लम-बुल्ला विदेशी नागरिकों को भेजते हैं, मुझे अच्छी तरह याद है बांग्ला देश की प्रधानमंत्री जब यहाँ आई थीं और उनसे यह कहा गया कि बांग्ला देश के नागरिकों को यहाँ मत भेजिए तो उन्होंने बड़े जोर से यह कहा कि वह बांग्ला देश के नागरिक कैसे हैं, वे आर होलैंडिंग राशन कार्ड, वे आर इन द बोर्डर निस्ट, तो वह हमारे नागरिक कैसे हैं ? वे आर एच गूड एज इण्डियन सिटिजन । तो यह जो कमियाँ हैं, जो हमने निर्माण कर ली हैं, इसकी तरफ भी हमें पूरा ध्यान देना चाहिए और आतंकवाद के बारे में

अगर कोई दूसरा पड़ोसी देश बुल्लम-बुल्ला या जैसे हम कहते हैं प्रोवसीवार या इस तरह की बातें होती हैं तो हमारा यह विधेयक हमारे हाथ उसके लिए न बांधे कि हम उन देशों को उसका यथोचित उत्तर देने में असमर्थ हो जाएं । मैं इस बात को समझ सकता हूँ कि अगर नियत साफ हो, सभी ये सारी बातें इस बात को स्वीकार करें कि आतंकवाद के बारे में हम कोई एक-दूसरे का लिहाज नहीं करेंगे और एक-दूसरे की मदद करेंगे आतंकवाद को समाप्त करने में, तब तो बात समझ में आती है नहीं तो एकपक्षीय बात हो जाएगी । मैं समझता हूँ कि सार्क में इस बात का अध्ययन हमारी सरकार को लेना चाहिए कि जो देश कन्वेन्शन साइन करने के बाद भी उसका पालन नहीं करते, उनके बारे में कोई न कोई निर्णय लिया जाएगा, या तो उनको सार्क से निकाला जाएगा या उनको कोई ऐसी चेतावनी दी जाएगी, जिससे कि दुनिया के सामने और सार्क देशों के सामने अपने आपको यह महसूस करे कि उसने कोई अपराध किया है ।

इन्हीं शब्दों के साथ मैं यह चाहता हूँ कि इस बिल को और प्रभावी बनाया जाए, नहीं तो इसका सही उपयोग नहीं होगा । मैं समझता हूँ कि मंत्री महोदय इन सारी बातों का, सारी आशंकाओं का, जो लोगों ने उठाई हैं, यथोचित उत्तर देंगे । मैं अपनी बात यही समाप्त करता हूँ । धन्यवाद ।

PROF. SAURIN BHATTACHARYA (West Bengal) : Madam Vice-Chairman. I thank you for the opportunity given to me. I was being reminded of one thing while listening to the various speeches made here, particularly the tragic and very untenable position of Pakistan within this Organisation-South Asian Association for Regional Cooperation. Civilization is something which is concerned either with pretence or with hypocrisy. We know civilization dawned from the day when Adam and Eve violated the injunction of the Almighty. The process of civilization has been continuing with this pretence or with this hypocrisy. As has been pointed out by Mr. Gujral, it is better that we sit together even knowing fully well that it abounds in falsehood. He has been in diplomacy and he has been

the External Affairs Minister. The present External Affairs Minister also may not be unaware of it completely. It goes without saying that this Bill has been brought before us four years after the ratification of the Convention in 1988, that four years after it was ratified. When we are so much concerned about terrorism, it is a sad commentary on the part of the Government. On our part, we should have been much more prompt in following it up, we did not do that. That fact has to be recognised. Here, a comprehensive definition regarding 'terrorism' has not been given. Terrorism has a long and chequered history in our country. During the days of our independence struggle, revolutionary leaders of a particular hue had resorted to terrorism when it was a hallowed name at that time. Today, terrorism is, in a way, a very misused name. Perhaps in the absence of any other name, terrorism, extremism and things like that are being used. But, I should just say one thing. While generally supporting the measure, even though not much effective, the pious wish has some bearing. I should say that in dealing with terrorism, our approach should be that while we abhor terrorism, we do not abhor terrorists and in fighting terrorists, we act not in an extra-constitutional manner. The State power should not be used in an extra-constitutional or unconstitutional manner in the name of fake encounters.

Thank you.

THE MINISTER OF STATE IN THE
MINISTRY OF EXTERNAL AFFAIRS
(SHRI EDUARDO FALEIRO): Madam
Vice-Chairman, May I at the outset thank
each and every Member who has partici-
pated in this debate for the very valuable
suggestions and insights not merely on the
scope and the ambit of this Bill but also
what the SAARC is and ought to be these

suggestions and insights will undoubtedly
be very useful to the Government when it
meets at the Summit level.

Madam, the House is aware that the
next SAARC Summit is to take place on
12th and 13th of December, 1992 at the
level of the Heads of Government. Before
that, There will be meetings with the Mini-
sters as well as the senior officials. In all
these meetings, the different insights and
contributions made by the Member-coun-
tries will be taken note of as very impor-
tant inputs.

I have very high regard, as everybody
should have, for the juristic talent of Mr.
Ram Jethmalani who is one of the
eminent jurists of this country. When he
says something about the drafting, that
must be noted very seriously. I have gone
through the points made by him with his
legal expertise. There are quite a lot of
legislations which are passed here and ob-
viously, I must admit in all humility, they
can be improved upon. But the people say
that the best is not the enemy of the good,
meaning thereby that it can be improved
upon. It is not because of any loopholes
in the drafting that this legislation is
going to be ineffective at any point of
time. What is important, as has been
pointed out by my honourable friends, is
the political will. Once the political will
is there, we have to see to the extradition
of terrorists, either generally or in a parti-
cular case, and this provides a useful
instruments and this instrument will not be
failing or lacking because of any technical
defects.

Now, we are at a point of time when
the Convention has been ratified by the
seven Member-States of the SAARC.
Yes, it is true that two of them have not
brought forward legislation of the type

that we are bringing forward now. Others have already brought forward and the two are Pakistan and Bangladesh. As far as Bangladesh is concerned, they have amended some of their laws to conform to the Convention and they have assured us that others are being looked into because the amendment is first necessary to bring forward this Bill. There also we have Bangladesh in the same boat trying to implement this Convention.

Madam, I would like to touch upon the fundamental questions and aspects raised by Mr. I. K. Gujral who has, as is well-known to the House, the widest possible experience in foreign affairs. We are with him. Yes, this problem is there and it is a major problem which has affected many countries of our region and many countries of this SAARC region. Yes, this is a good instrument to address itself to this malaise. But then we must look at the disease from a more radical point of view and looking at the disease from a more radical point of view takes us to the point where SAARC as such, where encouraging SAARC as such, where strengthening the SAARC as such will, if not entirely remove this malaise--no instrument can by itself remove this malaise--at least create a climate in which solutions can be found to this problem which is not only our problem, but also the problem of many other countries, many countries of the SAARC itself.

I am happy to inform the House that we are surely moving in this direction. We are committed to the SAARC. As Mr. Gujral and others have mentioned, this is the time not for confrontation, but co-operation globally, this is time for region co-operation and this is the time when we see the European Community coming into existence. Countries that have been on war for hundreds of years or a thousand years are now getting together almost under the

umbrella of something close to one nation and this is the time when countries closer to us, countries of South-East Asia, are moving and moving successfully and they are really the pride of the world considering the sense of direction they are having, the purpose that they have shown, the results that they have shown, particularly in the economic field in which they have shown, by reason of their own efforts, by their own sense of purpose, in a substantial manner, and also by reason of co-operating under the umbrella of the ASEAN, the Association of South-East Asian Nations. This is the spirit that we would like not to end in South Asia, but to go ahead into South-East Asia and, therefore, we are committed to the SAARC. We are moving in the direction of what has been pointed out here by some of the Members, that is, economic co-operation. We have the SAPTA, the South-Asia Preferential Tariff Arrangement and this is the step that has already been agreed upon and it will be taken up at our preparatory meeting leading to the summit in Dacca. That is really a milestone and a breakthrough in the regional economic co-operation which is really the core area. Economic co-operation is really the core area.

Similarly, Members are already aware--and if they are not aware, I must bring it to their notice once again--that in order to facilitate intra-regional travel, special SAARC visa endorsement facility has been made available from March 1992 to the Supreme Court Judges, Members of the National Parliament and heads of national academic institutions and their accompanying spouses and dependent children. The visa exemption when stamped on the respective passports of such persons allows them free travel within the SAARC region. So, that is also to facilitate people-to-people contact. So, these are some of

[Shri Eduardo Faleiro]

the directions in which we are moving. I have mentioned what is more important, that the legal framework is the political will. Once the political will is there, this is a very useful instrument which will help us in combating this menace, which is the menace of terrorism. Thank you, Madam.

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ) : Now, I shall put motion to vote.

The question is :

"That the Bill to give effect to the South Asian Association for Regional Co-operation Convention on Suppression of Terrorism and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ) : We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 8 were added to the Bill.

Clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.

SHRI EDUARDO FALEIRO : Madam, I beg to move :

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ) : Now the House stands adjourned till 11 A.M. tomorrow, the 27th November, 1992.

The House then adjourned at seventeen minutes past six of the clock till eleven of the clock on Friday, the 27 November, 1992.