

हो, सेंट्रल गवर्नमेंट की नौकरी हो, कहीं भी कोई आदमी नौकरी के लिए जाएगा। नौकरी मिलेगी या नहीं मिलेगी, यह तो दूर की बात है, लेकिन लोग जान ले रहे हैं और जान दे रहे हैं, इससे हमें परहेज करना चाहिए। भारतीय रेल ही हमारा माध्यम है, यही लाइफ लाइन है। आज जहाजों की जो हालत हो रही है। सारे लोग लौट कर हमारे ट्रेन में आ रहे हैं। क्या हालत होती? इसलिए महोदय, सभी पार्टियों और सदन के सभी माननीय सदस्यों से प्रार्थना है, मैं खासकर भारतीय जनता पार्टी के नेता, जसवन्त बाबू यहां बैठे हैं, से कहना चाहता हूं कि "सामना" में जो छपा है और जिसमें शिवसेना ने स्वीकार किया है और जिससे आपकी सांठ-गांठ है, आपको फैसला लेना चाहिए और इनसे संबंध-विच्छेद करना चाहिए तथा देश की मुख्य धारा में सारे लोग रहे, इसका इंतजाम करना चाहिए। अंत में, मैं आपसे प्रार्थना करता हूं कि रेलवे की जो सप्लीमेंटरी डिमांड्स हैं, इनको पास करके हमें लौटा दीजिए।

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): The question is:

"That the Bill to authorize payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2008-09, for the purposes of Railways, as passed by Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): We shall now take up clause-by-clause consideration of the Bill.

Clause 2, 3 and the Schedule were added to the Bill.

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

श्री लालू प्रसाद: महोदय, मैं प्रस्ताव करता हूं कि विधेयक को लौटाया जाए।

The question was put and the motion was adopted.

CLARIFICATIONS ON THE STATEMENT BY MINISTER

THE LEADER OF THE OPPOSITION (SHRI JASWANT SINGH): Sir, the hon. Minister very kindly shared his thoughts on the situation in Sri Lanka with us yesterday. Sir, the hon. External Affairs Minister is, possibly, the most experienced and distinguished Minister of the Government, and I feel he is also the most overworked Minister, because in addition to his official portfolio, I have no knowledge of how many other jobs he is carrying; which is why I feel somewhat concerned that at this hour of the afternoon for having to subject him to serve the clarifications. But, Sir, he chose to do it this afternoon and, therefore, you permit us because it is a very important subject to my reckoning.

Sir, it is purely a coincidence that the hon. Minister's statement followed yesterday's Question Hour, in which the hon. Home Minister had spent some time confusing us on the question of waters between Sri Lanka and India. That notwithstanding, I read with great attention what the hon. Minister shared with the House as the Government of India's position. Sir, I am really saddened that I have to call it a non-statement; because it does not do justice to the concerns that the House has. I am compelled to say that clearly the impression is that the statement has been forced out of the Government not on account of an external situation, but really on account of a very demanding internal political situation. Sir, this is the aspect of our reacting, handling or addressing the situation of ethnic strife in Sri Lanka, which is actually bedevilled finding of a solution. Sir, the substance of

what the hon. Minister shared with the House was, 'Do not hurt the civilians, attack the LTTE and resolve peacefully as early as you can. Sir, the hon. Minister would forgive me, because, I think, that is the sub-sense of what he said. It is an anodyne: achieve nothing, - inform everybody, annoy all kind of unanimity that the House is being served and fogged off with.

My questions for clarifications are: Would the hon. Minister educate us how militarily it is possible that civilians are not to be targeted and only the LTTE is to be attacked, how else is this conflict to be resolved? Sir, with the knowledge that the Sri Lankan Air Force is being used, how are we to separate the LTTE from the civil Tamil population?

Thirdly, Sir, I am compelled to say that the Government has taken so long to serve us with this virtual non-statement in the conflict, even in its present form has been there since the UPA came into office and certainly with much greater intensity during the last two years. So, why now? Why not earlier? That is why it is verily like a re-run of the 1987 situation like there was, then, an economic blockade. Today also, there is an economic blockade of the one name. There is a war-like situation on land, at sea and in air. Therefore, what has happened is, if this is all that we say, to the 1987 India-Sri Lanka Accord, but has that too now finally been abandoned as the unhappy child of that Accord, the IPKF? Therefore, as a logical query it follows, Sir, has the Congress Party now finally abandoned, either its policy of 'hands off Sri Lanka' or has it abandoned their policy too with 'hands on Sri Lanka'? Sir, my next query is this. The hon. Minister would fully appreciate that the critical lifeline there is the A-9 Highway. Those who are familiar with geography of the territory that I am speaking of, know that the A-9 Highway has been sealed - I don't have access to information and I am simply sharing what I think it was - since around the second week of August of 2006 and it has been kept sealed despite the Government of India's urgings to re-open it. Clearly, therefore, the Government of India's interests upon the region does not any longer influence the Sri Lankan Government. Sir, the A-9 is the only link that the Jaffna Peninsula has and it is home to almost 650,000 Tamil citizens of Sri Lanka. How is the civil population therefore, to be safeguarded, protected, insulated or kept isolated from the conflict and the A-9 itself denies them the wherewithals of daily existence. Sir, I would also like to know about the Bogunia air base. The Indian technicians suffered casualties and the Sri Lankan Government has now begun to replace or I hear it is beginning to replace the radars that we supplied as the Chinese 3-D radar system. I do have another question. I don't know whether I should raise it because it relates really to civil servants but they are all very senior civil servants. I think, it was in the month of June this year that three of our senior most Secretaries accompanied by the National Security Advisor, Defence, External Affairs visited Sri Lanka. It is still not clear as to what they visited Sri Lanka for and when SAARC meeting finally took place I find it disturbing, Sir, that there was a sudden alarm that there is a park wrestle in the Palk Straits and it turned out eventually, really to be a Pakistani dredger that they had bought from China and were moving through the Palk Straits. Sir, I am saddened to have to say, in addition to these conclusions a number of other questions arise, it is a very difficult situation and particularly for the Congress Party it is very difficult because quite understandably their sentiments are very closely involved here. I have had occasions to discuss this with the hon. Minister of External Affairs outside the House and I will not refer to that. Just as I have had an occasion to say with the hon.

Prime Minister, as also the National Security Adviser, with whom I shared my concerns, that they have taken many years this statement to make.

I am very sad even to say this, because the hon. Minister is a Minister of a very distinguished service to the country, that it really does not do justice, either to the Government of India's concerns or to the – situation. Sir, let me share two or three sentences more. There is, very sadly, a loss of prestige in Sri Lanka that the country has suffered. But, along with the loss of prestige, let us also recognise that India's geo strategic interests have also suffered. And, this is one of the key factors that had hitherto driven our policy and strategy in the region. I have no doubt that the hon. Minister knows that at our cost, at India's cost, both the People's Republic of China and Pakistan are attempting to, now, develop strategic projects in Sri Lanka.

[THE DEPUTY CHAIRMAN in the Chair.]

There is a China's project – I do not know whether it is fructified. But, they are certainly moving towards Hambantota Harbor in Sri Lanka which the Chinese want. It is a harbour of great value to us and if it goes into the care and protection of the People's Republic of China, it will be a very adverse development. While this is taking place, Pakistan, characteristically, continues to target the 8 per cent Muslim population in the Eastern part of Sri Lanka. Therefore, I am compelled to ask: what is India's aim in Sri Lanka now and how it is being sub-served? I am sure, the hon. Minister will understand; certainly, not by the kind of statements that we have now been served with, or, the silence for the past 4½ years that preceded. I am sure, the hon. Minister, as also the hon. Minister of Defence, knows that we uttered not a single word when Sri Lanka signed the Close and Cross Servicing Agreement with the USA in March, 2007. The hon. Minister knows well what that Agreement is. That is why this statement disappoints and I repeat from such a distinguished, experienced and senior member of the UPA Government. Thank you.

DR. V. MAITREYAN (Tamil Nadu): Mr. Deputy Chairman, Sir, I am thankful to the hon. Minister for making a *suo motu* statement. On behalf of the AIADMK Party, I have three clarifications to seek.

The first one is, the 1987 Accord pioneered by the former Prime Minister, Shri Rajiv Gandhi, gave a firm commitment about the joint North-Eastern Provincial Council. The Government of Sri Lanka has violated it. Has the present UPA Government given it a go by?

The second clarification is, whether the UPA Government has stopped military aid to Sri Lanka. Recently, the Sri Lankan Air Base was attacked and two engineers were very badly injured. The Sri Lankan President acknowledged that they were from India. But, I think, there has been a total silence from our side on this, I wish to know how they are. What is their medical condition? We would like to be enlightened on that.

The third one is, we are very much concerned about the worsening situation in Sri Lanka, because it spills over to our State and into our country. Ever since the present crisis has escalated, there has been a considerable pro-LTTE activity in the State of Tamil Nadu and the recent events in

Rameswaram are a testimony to that. Is the Central Government aware of it? If so, what action the Centre has taken on those? Has it given any directive to the Government of Tamil Nadu in this regard? Thank you.

SHRI D. RAJA (Tamil Nadu): Mr. Vice-Chairman, Sir, I am very thankful to the Minister of External Affairs for making this statement on Sri Lanka. I also would like to thank the Leader of the Opposition who joined in this debate. When this issue was raised in the Zero Hour yesterday, I clearly said that it is not the concern of the people living in Tamil Nadu alone, it should be the concern of the entire country. That is why, I am very grateful to the Leader of the Opposition for participating in this debate.

Having said this, I would like to say that I went through this statement and I have certain points which should be clarified by the Minister of External Affairs. It is said here, "We encourage the Government of Sri Lanka to continue to nurture the democratic process in the Eastern Province as well." It means that we want the democratic process not only in the North, but also in the East. Does it indicate that the UPA Government is trying to recast its policy towards Sri Lanka? This is the first point.

The second point is this. When we talk of democratic process, I would like to know whether our Government is extending military assistance clandestinely or openly to the Government of Sri Lanka. My previous colleague has also asked one question. Two Indians were attacked. It is a fact. The Government of India kept a steadiest silence on that issue. There is a great apprehension or it is construed that the Government of India is in collaboration with the Sri Lankan Government in extending military assistance. The Government of India, time and again, has conceded that we are giving weapons, but they are all non-offensive weapons. I am not able to demarcate what are offensive weapons and what are non-offensive weapons. When a war is going on in a country, whatever you give will be used for war. So, whether it is non-offensive or offensive, I think, this has to be stopped. Otherwise, the Government should make this point clear. The policy of the Government is to extend military assistance. If that is the policy, the Government should declare it. It cannot go in an undeclared or in a clandestine way.

MR. DEPUTY CHAIRMAN: Mr. Raja, please seek clarifications.

SHRI D. RAJA: Sir, we want that clarification. This is my second point.

The third point is this. The statement says, "It is important for our fishermen to respect the international maritime boundary line." This is the issue of contention, in 1974-76, two agreements were signed. One defined the maritime boundary line in Palk Straits and another one defined the Gulf Mannar. That was time when Katchateevu was ceded to Sri Lanka. When it was ceded, an assurance was given by the Government of India that the traditional rights of Indian fishermen will be protected. The traditional rights included the right to fishing also. The then External Affairs Minister, I think, Mr. Swaran Singh made a statement in Parliament saying that the traditional rights of Indian fishermen would be protected. Now, that is not being protected. In 2006, a reply to a question was given – I mentioned this yesterday also – in which the Government said, access to Katchateevu for Indian fishermen is not understood to cover the right to fishing. That is the issue. Does it mean that the Government of India consider Indian fishermen have no right to go for fishing around Katchateevu area? This has to be clarified by the Government.

Finally, Sir, when the maritime boundary line was defined, Katchateevu was considered as a place of no strategic importance. Now, it has acquired strategic importance. As the Leader of the Opposition has pointed out, Sri Lanka has entered into a kind of logistic support agreement with the United States of America. And, our Government has not uttered a word on that agreement. When the U.S. imperialism is trying to retain its dominance in the Indian Ocean region, it is all the more important for the Government of India to recast its policy towards Sri Lanka. Is there any thinking on this issue? These are some of the issues on which I need clarification from the Government.

SHRI TIRUCHI SIVA (Tamil Nadu): Mr. Deputy Chairman, Sir, the hon. Minister of External Affairs, in his Statement, has said, "We have emphasised to the Sri Lankan Government that the safety and the security of the civilians must be safeguarded at all costs and that food and essential supplies be allowed to reach them unhindered. We have been assured that the safety and well-being of the Tamil community in Sri Lanka will be taken care of." Sir, but the reports do not say so. That being the case, to wipe out the prevailing apprehension that the internally displaced Tamil civilians are dying out of starvation, I would like to know from the Hon. Minister whether the Government will take any steps to ensure rehabilitation measures to those people by utilising the services of international organisations like the Red Cross Society and save the displaced people. Thank you.

SHRI T.K. RANGARAJAN (Tamil Nadu): Sir, from the hon. Minister's Statement, on behalf of the Marxist Communist Party, I need these clarifications:

Will the Government assure that the Tamil civilian population will not be affected hereafter? Will they be safe? Is there any agreement or understanding with the Sri Lankan Government?

Can our fishermen do fishing without any fear from today?

Will our Government take the humanitarian aid to the suffering Tamilians through internationally-monitored Red Cross and reliable NGOs?

SHRI SU. THIRUNAVUKKARASAR (Madhya Pradesh): Mr. Deputy Chairman, Sir, my leader has sought the main clarifications. I would also like to seek one or two clarifications. Has the Government decided not to supply arms and ammunition and continue with the military training for Sri Lankan Government?

Will the Central Government take up these issues with the United Nations to send its Human Rights Commission to visit the disturbed areas where Tamilians are there? On the ground level, I have studied there. Has our Government spoken with the Sri Lankan Government anything about sending back the refugees who are here for the past so many years? Nearly 1,00,000 people are there, in Tamil Nadu. Have you got any assurance to get back Tamilians who are wandering in the jungles now. More than 2,00,000 people have been disturbed and they are wandering in jungles without food and medicines. Has the Sri Lankan Government given any promise to allow the Red Cross Society to come there and supply the food materials and medicines to the people who are affected? Whether they have promised to stop the war?

I want to know whether the Central Government will send a team of MPs to UN to represent this issue there. Then, I want to know whether the Central Government will insist upon the Sri Lankan Government to stop the war and start the peace-negotiating process so that normalcy and peace will be restored there.

I think your Statement has not convinced not only on us, but your statement has also not convinced even your leaders, who are partners, strong partners like DMK. ...*(Time-bell)*... The DMK is still continuing with its human-chain programme tomorrow. It means they are not satisfied with you. Of course, many of their MPs have resigned and ...*(Interruptions)*...

AN HON. MEMBER: Sir, it has nothing to do with clarifications. ...*(Interruptions)*...

SHRI SU. THIRUNAVUKKARASAR: And your Congress leaders have also participated and they have also accepted. ...*(Interruptions)*...

श्री उपसभापति: पाणि जी आप बैठिए! ...*(Interruptions)*...

SHRI SU. THIRUNAVUKKARASAR: I want to know whether they are going to resign. Of course, legally they can sit here because, they have not given the resignation to you. But morally, I do not know how they ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I have not allowed you to speak all this. I have only allowed you to seek clarifications. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*...

SHRI SU. THIRUNAVUKKARASAR: Sir, how they can come and ...*(Interruptions)*... Anyway, save Tamilians in Sri Lanka please. ...*(Interruptions)*...

THE MINISTER OF EXTERNAL AFFAIRS (SHRI PRANAB MUKHERJEE): Mr. Deputy Chairman, Sir, I express my gratitude to the hon. Members who have participated in this discussion seeking clarifications. The Hon. Leader of the Opposition, to my mind, – he described the statement as non-statement – unfortunately, mixed up the entire gamut of the strategic interest with the present concern of the civil Tamilians in Sri Lanka. Sir, these are two different issues.

First of all, it is not that we have made the statement simply because of the House. The House met on 17th. What was the condition of the House? How the Statements could be made or not made is well known. Even yesterday, I could not make the statement in the other House, not because of any other thing, but simply because the Members were not interested. In this House also, another important statement I could not make, and, most humbly, I will request through you, Sir, it is courtesy which is being extended by the Executive to the House by making a statement to keep the House informed about what major developments have taken place in the intervening period. But, unfortunately, a new culture has developed nowadays, that is, the larger interest of the Parliamentary propriety is being completely ignored. I am not going to explain the strategic interest which we have in the Indian Ocean region, in our backyard, it is too well known to the Leader of the Opposition who was also the Defence Minister, the Finance Minister and the External Affairs Minister. And, personally, he has extensive knowledge in these areas. On 18th, the Sri Lankan President talked to the Prime Minister over telephone. Prior to that, I myself issued a statement even before the

Parliament Session began when the situation accentuated there. Two issues are to be made quite clear in this regard. These are different issues. We are primarily concerned with the plight of the civilians. We are primarily concerned with a negotiated settlement and somebody has asked whether we have given up the 1987 Accord. That is the basis on which it was agreed upon that within the framework of the Sri Lankan Constitution and integrity, the legitimate aspirations of the minorities, civilian minorities, all minorities including Tamilians would be protected. And we should encourage them, as the election to the provincial council had taken place; we are telling them that military solution is no solution and that there should be a devolution of powers which has been recommended by the high powered political representative committee appointed by the Sri Lankan President himself; please implement that; the ultimate solution lies there. The Leader of the Opposition has been talking about it for four-and-a-half years. I would like to most respectfully remind him that the Ceasefire was abrogated by the President of Sri Lanka in January this year. Ceasefire prevailed earlier, prior to that, but things started heating up after this.

Questions have been raised about military training provided to the officers in our academy. Our defence academies, our military academies are well-known all over the world. Trainees come in from various parts of the world. We have a very comprehensive relationship with Sri Lanka, which includes the relationship on security. It is therefore, necessary. These are nothing new, but we have repeatedly impressed upon them, and in my whole statement there is one thing constant, that military solution is not the solution and that the ultimate solution lies in having peaceful negotiations where the legitimate aspirations of the minorities, including the Tamil minorities are protected. As for the question on information, we have to get it from them. Some of the international organisations, mainly the International Red Cross, are operating there. The information that we have received is that food convoys accompanied by six to seven UN personnel have been despatched to areas where there are a large number of displaced persons. It is true. As a result of this conflict, more than 200,000 persons have been displaced and we are impressing upon them that it is their responsibility, and we would not like to have a situation where there would be an influx of refugees into Tamil Nadu because of a situation arising over which we have no control. Therefore, please ensure that it doesn't happen, and it is your responsibility to provide food, shelter, and medicine to your displaced persons. It is difficult, but, at the same time, it is well-known to the Leader of the Opposition that even in the midst of war, as per the various conventions, there are certain rules in war that arrangement for a certain amount of protection for the civilian population is made. That is nothing new to the laws of international treaty and war. Therefore, what we are impressing upon them is that they would have to ensure that people are not subjected to sufferings. Their fight is against the terrorists. This is another unfortunate incident which has made the problem more complex. A section of the civilian population is being used as human shield by these terrorist organisations. Therefore, the problem has become complicated but whatever complication there may be, it will have to be ensured that they are not subjected to sufferings. So far as the question of providing aid and other things is concerned, we are ready to provide it. We are constantly in touch with international organisations and if they require aid, we shall provide it. And we are encouraging them that you

deploy International Red Cross Organisation, you ensure that the process of political dialogue begins, and if the process of political dialogue begins it would be possible to resolve the issues. In our country, whenever there are divergences of views, conflicts of interests, we try to resolve it through the dialogue, through debate and through the discussion and that is the only way through which we can resolve these issues. Questions have been raised about some Indian citizens being injured. Yes, we gave them some equipment. Somebody wanted to know what is a non-lethal weapon. If I give a transport, if I give a truck, it is not a lethal weapon. Therefore, there are some distinctions. An aircraft or a cargo aircraft is not a military aircraft or a fighter aircraft. Therefore, we have, as I mentioned in my observations earlier, a very comprehensive relationship with one of our very close neighbours. In our anxiety, we should not forget the strategic importance of that island and it is not only their security, it is closely connected with our security. Keeping that in view, we are engaged with them. The Leader of the Opposition wanted to know what these three senior Civil Servants did. Yes, exactly they discussed. They discussed the cooperation. We told them that we can meet their security requirement provided you do not look around. What type of security arrangements should be made, what type of assistance they will require and what is their security requirement, there should be some common assessment because it is so close to us. Surely, we would not like to have the playground of international players at our backyard. These aspects are to be kept in view while making an assessment of the situation. Now, what has happened after that talk between the Prime Minister and President Rajapaksa? It has been agreed upon that he is sending his Political Advisor, Member of Parliament, Mr. Basil. He is expected to be here by this week-end. There will be some discussions and we will provide whatever assistance they require for the rehabilitation, relief and providing succour to the distressed persons. But the final solution will arrive through the implementation of the recommendations of their high-powered committee, devolution of power, giving autonomy in certain areas in certain respects which they have been recommending in the broad framework of resolving the issue and maintaining the territorial integrity and unity of Sri Lanka. In respect of fishermen, I myself have taken it up; the Prime Minister has taken it up at the margin of our meeting at Colombo. We made it quite clear that there is no justification by Sri Lankan Navy shooting Indian fishermen. If somebody has crossed the international border, you can arrest them and some persons sometimes have been arrested. With Pakistan, it is happening more often. They are also confiscating their boats, and the dispute is that they are not returning their boats. And, their argument is that they do not return the boats because again, fishermen will use the boats to come to their territorial water. That is a different issue. We are taking it up. But, there is no reason why the Sri Lankan Navy will fire upon Indian fishermen. Fishermen are not carrying arms. So, they have agreed to work out a mechanism through which it will be possible to have a practical solution to resolve this issue.

Mr. Raja himself has replied to his own query about right of Indian fishermen on Katchateevu. In 1976, the position was clarified by the same Government, which was in Office in 1974, and that position was, "Yes, there is a right for resting, for drying the nets, but not for fishing", and that is the contention of the Sri Lankan authority. We are discussing with them and one of the objectives of

these visits is that we will try to resolve the issue of Indian fishermen also. We are making certain other arrangements making adequate propaganda and we would like to ensure that they adequately work. Sometimes, it happens. This is an abnormal situation. We cannot deny the facts. I am not taking you back to the memories of 20 years ago, but we are fully aware of what has happened and, therefore, keeping that in view, this is really a very sensitive issue, and let us not politicise it. We try to politicise everything. It does not help us either. Therefore, these are grave issues. People are suffering and we shall have to do whatever we can do. By simply showing temper here and using strong languages, Mr. Deputy Chairman, Sir, I do not feel, that these issues can be resolved. For that, we shall have to patiently work out, talk and negotiate with the parties concerned. Thank you, Sir.

DR. V. MAITREYAN: Sir, he has not mentioned about pro-LTTE activities. He has not mentioned anything about it. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, no more clarifications. ...*(Interruptions)*... Clarifications are over. ...*(Interruptions)*..

RECOMMENDATIONS OF THE BUSINESS ADVISORY COMMITTEE

MR. DEPUTY CHAIRMAN: I have to inform the Members that the Business Advisory Committee in its meeting held on Thursday, the 23rd October, 2008, has allotted time for the Government Legislative Business as follows:-

1. Consideration and passing of the following Bills:

(a) The Limited Liability Partnership Bill, 2008	-	Two hours
(b) The Prevention and Control of Infectious and Contagious Diseases in Animals Bill, 2005	-	Two hours
(c) The Code of Criminal Procedure (Amendment) Bill, 2006	-	Two hours
2. Consideration and passing of the Agricultural and Processed Food Products Export Development Authority (Amendment) Bill, 2008, after it has been passed by Lok Sabha.

	-	Two hours
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3. Consideration and passing of the following Bills as passed by Lok Sabha:

(a) The Airports Economic Regulatory Authority of India Bill, 2007	-	Two hours
(b) The Indian Maritime University Bill, 2007	-	Two hours

The Committee recommended that Private Members' Business (Resolutions) scheduled for Friday, the 24th October, 2008, may be postponed to some other day.

The Committee also recommended that the House may sit up to 6.00 p.m. and beyond, as and when necessary, for transaction of Government Legislative and other Business. ...*(Interruptions)*....